



Downtown Investment Authority

MEMORANDUM

TO: City Council Members

FROM: Lori Boyer, CEO *Lori Boyer*
Downtown Investment Authority

SUBJECT: 2023-716 - CH 55 Code Amendments

DATE: November 2, 2023

The Downtown Investment Authority ("DIA") has filed legislation to amend Chapter 55 of the Ordinance Code. The legislation was prepared at the urging of OGC to eliminate ambiguity that could lead to violations of state law and ambiguity regarding the Downtown Economic Development Fund.

Specifically, the legislation clarifies the distinct powers and duties of DIA acting as the CRA consistent with statutory limitations, and the role of DIA as the Downtown Economic Development Agency and as a City Department which may include activities and programs not permissible for a CRA.

The legislation also clarifies the authorized uses and attributes of the Downtown Economic Development Fund. The Code currently outlines the circumstances under which the CRA can transfer funds during the year, however all funds in the Downtown Economic Development Fund are appropriated by City Council for specific uses and cannot be transferred except through MBRC or further Council action. This distinction is now clear as is the DIA's right to expend the funds for the budgeted uses.

Finally, the bill requires a 2/3 majority vote of the City Council to approve an incentive in excess of that recommended by the DIA Board, or to approve an incentive recommended for denial by the DIA Board. The supermajority amendment is consistent with the DIA's role as the Downtown economic development and redevelopment agency, its adherence to a Council adopted plan, the extensive professional staff evaluation afforded to applications, and the decision and dedication of volunteer Board members holding relevant professional expertise.

Please don't hesitate to contact me on my cell at (904) 738-908 if you have any questions or I can be of further assistance. We appreciate your continued support.

Attachments:

Exhibit 1: DIA Resolution 2023-08-12

RESOLUTION 2023-08-12

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY REQUESTING THAT CITY COUNCIL AMEND CHAPTER 55, JACKSONVILLE CODE OF ORDINANCES, IN A MANNER SUBSTANTIALLY SIMILAR TO THE ATTACHED EXHIBIT 'A'; AUTHORIZING ITS CHIEF EXECUTIVE OFFICER TO CONTINUE TO WORK WITH THE OFFICE OF GENERAL COUNCIL IN REFINEMENT OF THE ATTACHED EXHIBIT 'A', PROVIDING, HOWEVER, THAT CITY COUNCIL IS PROVIDED LEGISLATIVE CHANGES SUBSTANTIALLY SIMILAR TO THE ATTACHED EXHIBIT 'A'; RECOMMENDING THAT CITY COUNCIL AMEND CHAPTER 55, JACKSONVILLE CODE OF ORDINANCES, TO INCLUDE A PROVISION REQUIRING A TWO-THIRDS (2/3) VOTE BY CITY COUNCIL TO APPROVE INCENTIVES OR REDEVELOPMENT AGREEMENTS WHEN SUCH HAVE BEEN RECOMMENDED FOR DENIAL BY THE DOWNTOWN INVESTMENT AUTHORITY OR EXCEED THE INCENTIVES RECOMMENDED BY THE DIA BOARD; AUTHORIZING ITS CHIEF EXECUTIVE OFFICER TO TAKE ALL NECESSARY ACTION TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION, INCLUDING THE FILING OF LEGISLATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, via its adoption of Ordinance 2012-0364, the City Council amended the Ordinance Code and City Charter to create the Downtown Investment Authority ("DIA"); and

WHEREAS, Ordinance 2012-0364 created a new Chapter 55, Part 3, to establish the DIA and, in part, to provide a single, comprehensive organizational structure and comprehensive method for Downtown redevelopment; and

WHEREAS, Chapter 55, establishes the DIA as the sole development and community redevelopment agency for Downtown; and

WHEREAS, via Ordinance 2022-372 City Council adopted an update of the Business Investment and Development Plan ("BID Plan"); and

WHEREAS, an intent of creating the DIA was to authorize the DIA, in its capacities as the Community Redevelopment Agency and the Public Economic Development Agency, the powers to create, implement and otherwise undertake projects and programs within the BID Plan that are consistent with its Redevelopment Goals and Strategic Objectives; and

WHEREAS, in its powers to create, implement and otherwise undertake project and programs, it was anticipated that DIA could fund these projects and programs without further approvals by City Council, provided that funds were previously appropriated to the Downtown Economic Development Fund or the appropriate Community Redevelopment Area for the program in question; and

WHEREAS, on the advice of the Office of General Counsel, DIA seeks to clarify and otherwise definitively memorialize within the Ordinance Code the abovementioned intent of prior legislative actions, and

WHEREAS, it was further the intent of DIA's creation that the adopted plan would guide incentive awards and that DIA staff would serve as professional advisors to City Council on such matters with the capacity to evaluate pro forma projections, financial gaps, market conditions, etc.

NOW THEREFORE, BE IT RESOLVED by the Downtown Investment Authority:

Section 1. The DIA finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. The DIA Board hereby requests of City Council to amend Chapter 55, Jacksonville Code of Ordinances, substantially similar to Exhibit 'A'.

Section 3. The DIA recommends that City Council amend Chapter 55, Jacksonville Code of Ordinances, or other section of the Ordinance Code as may be determined by the Office of General Council, to require a two-thirds vote of approval by the City Council for legislation effectuating an incentive package, Redevelopment Agreement, or functional equivalents when such are brought forward with a recommendation of denial by the DIA or when the incentive request exceeds that recommended for approval by the DIA Board.

Section 4. The DIA Board authorizes its Chief Executive Officer to continue to work with the Office of General Council to refine, if necessary, those amendments contemplated within Exhibit 'A', providing, however, that any amendments brought forward to or by City Council are substantially similar to Exhibit 'A'.

Section 5. This Resolution shall become effective on the date it is signed by the Chair of the DIA Board.

WITNESS:

DOWNTOWN INVESTMENT AUTHORITY



Kim Citrano, Chair



Date

VOTE: In Favor: 8 Opposed: 0 Abstained: _____

1 Introduced by the Council President at the request of the DIA:
2
3

4 **ORDINANCE 2023-**

5 AN ORDINANCE AMENDING SECTIONS 55.105
6 (BOUNDARIES OF JACKSONVILLE DOWNTOWN AREA),
7 55.106 (DEFINITIONS), AND 55.112 (PROJECT AND
8 PROGRAM FUNDING), PART 1 (DOWNTOWN INVESTMENT
9 AUTHORITY), CHAPTER 55 (DOWNTOWN INVESTMENT
10 AUTHORITY), *ORDINANCE CODE*, TO REVISE AND ADD
11 CERTAIN DEFINITIONS, CLARIFY PROJECT AND PROGRAM
12 FUNDING, ADD LANGUAGE IDENTIFYING THE DOWNTOWN
13 INVESTMENT AUTHORITY AS THE DESIGNATED
14 SUPERVISING AND ADMINISTRATIVE BODY OVER THE
15 DOWNTOWN ECONOMIC DEVELOPMENT FUND, AND AMEND
16 THE SECTION TITLE; PROVIDING FOR CODIFICATION
17 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.
18

19 **WHEREAS**, Ordinance 2000-1079-E, established the Downtown
20 Economic Development Fund (the "Fund") to receive funds appropriated
21 from City Council to be utilized for Downtown redevelopment projects;
22 and

23 **WHEREAS**, although the Fund was never codified in the Ordinance
24 Code, it has continually been in existence and utilized by the
25 Downtown Investment Authority (the "DIA") and its predecessor
26 agencies for various projects over the years; and

27 **WHEREAS**, pursuant to Section 55.104, *Ordinance Code*, the DIA
28 acts as the sole development and community redevelopment agency for
29 Downtown, as defined by Section 55.105, *Ordinance Code*, for the City
30 of Jacksonville pursuant to Chapter 163, Part III, *Florida Statutes*,
31 as amended; and

1 WHEREAS, pursuant to Section 55.104, Ordinance Code, the DIA
2 acts as the public economic development agency as defined in Section
3 288.075, Florida Statutes, assigned to promote the general business
4 interests within the boundaries of the Downtown area; now therefore

5 BE IT ORDAINED by the Council of the City of Jacksonville:

6 Section 1. Amending Section 55.105 (Boundaries of
7 Jacksonville Downtown Area), Part 1 (Downtown Investment Authority),
8 Chapter 55 (Downtown Investment Authority), Ordinance Code. Section
9 55.105 (Boundaries of Jacksonville Downtown Area), Part 1 (Downtown
10 Investment Authority), Chapter 55 (Downtown Investment Authority),
11 Ordinance Code, is hereby amended to read as follows:

12 Chapter 55 - DOWNTOWN INVESTMENT AUTHORITY

13 PART 1. - DOWNTOWN INVESTMENT AUTHORITY

14 * * *

15 Sec. 55.105. - Boundaries of Jacksonville Downtown Area.

16 For purposes of this Chapter, the Jacksonville downtown area,
17 shall consist of the Southside Community Redevelopment Area,
18 approved by Ordinances 80-1346-703, 80 1347-704, and 2000-1078-E,
19 and the Downtown Northbank Community Redevelopment Area approved by
20 Resolution 81-424-194, Ordinance 81-562-240, and 2000-1078-E, as
21 codified in Sections 500.115(b) and (c), Ordinance Code. ~~all of~~
22 ~~which is described in Chapter 656 (Zoning Code), Part 3 (Schedule~~
23 ~~of District Regulations), Subpart H (Downtown Overlay Zone and~~
24 ~~Downtown District Regulations), Section 656.361.2 (Downtown Overlay~~
25 ~~Zone Map and Boundaries), Ordinance Code.~~

26
27 Sec. 55.106. - Definitions.

28 The following terms shall have the meaning ascribed to them in
29 this Chapter unless the context shall clearly require otherwise:

30 * * *

31 (d) Business Investment and Development Plan or BID Plan means

1 the plan approved by Council pursuant to Ordinance ~~2014-560-~~
2 ~~E-2022-372-E~~, and as updated from time to time, which plan
3 includes: (i) specific and measurable goals, objectives, and
4 performance for the successful development of Downtown; (ii)
5 specific Projects and Programs for revitalization of Downtown
6 and the authority to create new additional Projects and
7 Programs in furtherance of the BID Plan goals; (iii) ~~and which~~
8 ~~includes~~ long-range plans designed to halt or prevent
9 deterioration of ~~downtown~~ Downtown property values; and (iv)
10 ~~and which includes~~ a community redevelopment plan for the
11 Southside Community Redevelopment Area and the Downtown
12 Northbank Community Redevelopment Area that:

- 13 (1) Meets the requirements of F.S. Ch. 163, Pt. III;
- 14 (2) Conforms to the comprehensive plan for the City;
- 15 (3) Meets the requirements of Chapter 55, Part 1, Ordinance
16 Code; and
- 17 (4) Is sufficiently complete to indicate the land
18 acquisition, demolition, and removal of structures,
19 investment, development, redevelopment, improvements,
20 and re-habilitation proposed to be carried out in the
21 Downtown; zoning and planning changes, if any; land
22 uses; maximum densities; building requirements; and
23 the plan's relationship to definite local objectives
24 respecting appropriate land uses, improved traffic,
25 public transportation, public utilities, recreational
26 and community facilities, and other public
27 improvements.

28 * * *

29 (h) *Council* means the City Council for the consolidated City of
30 Jacksonville.

31 (i) *CRA Projects and CRA Programs* means those projects and

1 programs located within the boundaries of the Jacksonville
2 Downtown Area, as described in Section 55.105 (Boundaries of
3 Jacksonville Downtown Area), Ordinance Code, administered by
4 the DIA in their capacity as the sole community redevelopment
5 agency for Downtown, which projects and programs further the
6 approved CRA Plan, utilize funding, if any, approved in the
7 applicable CRA budget, and which shall conform to the
8 requirements of F.S. Ch. 163, Pt III.

9 (j) ~~(i)~~ DDRB means the Downtown Development Review Board
10 established pursuant to Chapter 656, Part 3, Subpart H.

11 ~~(j) Downtown Design Guidelines means the Design Guidelines as~~
12 ~~defined in Chapter 656 (Zoning Code), Part 3 (Schedule of~~
13 ~~District Regulations), Subpart H (Downtown Overlay Zone and~~
14 ~~Downtown District Regulations), Sections 656.361.1 (Purpose~~
15 ~~and Intent) and 656.361.6.1.B (Guidelines), Ordinance Code,~~
16 ~~which may be amended from time to time by the DIA with the~~
17 ~~guidance of the DDRB, but which are required to be amended to~~
18 ~~conform to Ordinance 2019-196 E by July 1, 2020.~~

19 (k) Downtown means the lands described in Section 55.105,
20 Ordinance Code.~~Chapter 656 (Zoning Code), Part 3 (Schedule of~~
21 ~~District Regulations), Subpart H (Downtown Overlay Zone and~~
22 ~~Downtown District Regulations), Section 656.361.2 (Downtown~~
23 ~~Overlay Zone Map and Boundaries), Ordinance Code.~~

24 (l) Downtown Design Guidelines means the Design Guidelines as
25 defined in Chapter 656 (Zoning Code), Part 3 (Schedule of
26 District Regulations), Subpart H (Downtown Overlay Zone and
27 Downtown District Regulations), Sections 656.361.1 (Purpose
28 and Intent) and 656.361.6.1.B (Guidelines), Ordinance Code,
29 which may be amended from time to time by the DIA with the
30 guidance of the DDRB.

31 (m) Downtown Projects and Programs means projects and programs

1 located within the boundaries of the Jacksonville Downtown
2 Area, as described in Section 55.105 (Boundaries of
3 Jacksonville Downtown Area), Ordinance Code, administered by
4 the DIA in their capacity as the public economic development
5 agency which projects and programs further the goals
6 identified in the BID Plan and utilize funding, if any,
7 approved in the Downtown Economic Development Fund budget or
8 DIA annual budget.

9 ~~(l)~~ (n) Obligee shall include any bondholder, agents, or trustees
10 for any bondholders, or lessor demising to the Authority
11 property used in connection with a redevelopment project, or
12 any assignee or assignees of such lessor's interest or any
13 part thereof, and the Federal Government when it is a party
14 to any contract with the City.

15 ~~(m)~~ Reserved.

16 ~~(n)~~ (o) Person means any individual, firm, partnership,
17 corporation, company, association, joint stock association,
18 or body politic, and shall include any trustee, receiver,
19 assignee, or other person acting in a similar representative
20 capacity.

21 ~~(o)~~ (p) Program shall mean any loan, grant, ~~and~~
22 incentiveincentives, activity or initiative established by
23 the DIA in accordance with the BID Plan in their capacity as
24 either the community redevelopment agency or the public
25 economic development agency for Downtown and funded by City
26 Council appropriation.

27 ~~(p)~~ (q) Project means any development, improvement, property,
28 utility, development or redevelopment facility, road,
29 sidewalk, enterprise, service, or convenience, including,
30 without limitation, buildings, parking structures, public
31 transportation facilities, and services, and parks, now

1 existing or hereafter undertaken or established, that under
2 the provisions of this Act the Authority or any person or
3 public body on behalf of the Authority is authorized to
4 construct, acquire, undertake, or furnish for its own use or
5 for the use of any other person, firm, or corporation owning,
6 leasing, or otherwise using the same, for any profit or
7 nonprofit purpose or activity, and shall include, without
8 limitation, such repairs, replacements, additions,
9 extensions, and betterments of and to any project as may be
10 deemed necessary or desirable by the Board to place or to
11 maintain such project in proper condition for the safe,
12 efficient, and economic operation thereof.

13 ~~(q)~~ (r) *Public body* means the federal government, the State of
14 Florida or any county, municipality, board, commission,
15 agency, authority, special district, department, or any other
16 subdivision or public body of the State of Florida or the
17 United States of America or any agency, authority or
18 instrumentality, corporation, or otherwise of the United
19 States of America (collectively, the "Federal Government").

20 ~~(r)~~ (s) *Public facility* means any street, park, parking lot,
21 playground, right-of-way, structure, waterway, bridge, lake,
22 pond, canal, utility lines or pipes, and building, including
23 access routes to any of the foregoing, designed and dedicated
24 to use by the public generally, or used by any public agency
25 with or without charge, whether or not the same is revenue
26 producing. Public facilities shall also include publicly
27 owned restaurants, food halls, pedestrian malls, publicly
28 ~~owned~~ historical buildings or monuments, and cultural,
29 educational, and recreational facilities ~~but shall not~~
30 ~~include City parks or parking facilities.~~

31 ~~(s)~~ (t) *Real property* shall include lands, including improvements

1 and fixtures thereon, and property of any nature appurtenant
2 thereto, or used in connection therewith, and every estate,
3 interest, right, and use, legal or equitable, therein
4 including terms for years and liens by way of judgment,
5 mortgage, or otherwise.

6 ~~(t)~~(u) *Trust Fund* means the Southside CRA Trust Fund or the
7 Northbank Downtown CRA Trust Fund established in Section
8 111.640, Ordinance Code.

9 * * *

10 **Sec. 55.108. - Powers and Duties.**

11 (a) The Board shall have the following powers and duties, subject
12 to appropriated funds, within Downtown:

13 * * *

14 (3) ~~Develop a marketing plan for downtown, subject to review~~
15 ~~by the Recreation and Community Development Committee,~~
16 ~~pursuant to Council Rule 2.214.~~

17 Marketing Activities:

18 (i) Develop and implement a marketing plan for Downtown,
19 when acting in their capacity as the public economic
20 development agency for Downtown; and

21 (ii) Market redevelopment activities, opportunities and
22 incentives, as well as conduct stakeholder outreach
23 initiatives on CRA Projects and Programs, when acting
24 in their capacity as the community redevelopment agency.

25 (4) ~~Interpret the BID Plan and approve development and~~
26 ~~redevelopment projects within Downtown, with the support~~
27 ~~of the Downtown Development Review Board in its role as~~
28 ~~established in Chapter 656 (Zoning Code), Part 3 (Schedule~~
29 ~~of District Regulations), Subpart H (Downtown Overlay Zone~~
30 ~~and Downtown District Regulations).~~ When acting in their
31 capacity as either the community redevelopment agency or

1 the public economic development agency for Downtown,
2 interpret the BID Plan and, consistent with the goals, plan
3 umbrellas and identified Projects and Programs as
4 contemplated by the BID Plan, create new Projects and
5 Programs as contemplated by the BID Plan, all subject to
6 City Council appropriation of funds therefor and conforming
7 to the permissible use of tax increment funds as to CRA
8 Projects and Programs.

9 * * *

- 10 (8) ~~Implement the BID Plan, and negotiate and grant final~~
11 ~~approval of downtown development and redevelopment~~
12 ~~agreements, grant agreements, license agreements, and~~
13 ~~lease agreements, including retail, commercial and ground~~
14 ~~lease agreements, subject to the Authority's budget without~~
15 ~~further action of Council, in furtherance of the BID Plan.~~
16 ~~The Board may approve Recapture Enhanced Value ("REV")~~
17 ~~Grants of up to 75 percent authorized in accordance with~~
18 ~~the BID Strategy criteria with the 2045 tax year as the~~
19 ~~final year of eligibility, payable in 2046, without Council~~
20 ~~approval, and the Mayor, or his designee, is authorized to~~
21 ~~enter into the applicable development or redevelopment~~
22 ~~agreements with the DIA and third party recipients for the~~
23 ~~purposes of acknowledging the City's payment obligations~~
24 ~~under a REV Grant when the term of which extends beyond~~
25 ~~the expiration date of the applicable Trust Fund, as~~
26 ~~successor in interest to the DIA.~~

27 a. When acting in their capacity as either the community
28 redevelopment agency or the public economic development
29 agency for Downtown: implement the BID Plan; approve
30 development and redevelopment projects within Downtown;
31 negotiate and grant final approval of Downtown

1 development and redevelopment agreements; and grant
2 agreements, license agreements, and lease agreements,
3 including retail, commercial and ground lease
4 agreements, subject to the DIA's budget for the
5 applicable CRA or the Downtown Economic Development Fund
6 ("Fund"), as defined in Section 55.112, Ordinance Code,
7 and the restrictions thereof, without further action of
8 Council, in furtherance of the BID Plan.

9 b. When acting in their capacity as the community
10 redevelopment agency, the Board may approve Recapture
11 Enhanced Value ("REV") Grants of up to 75 percent
12 authorized in accordance with the BID strategy criteria
13 with the 2045 tax year as the final year of eligibility,
14 payable in 2046, without Council approval. The Mayor
15 or his or her designee, is authorized to enter into the
16 applicable development or redevelopment agreements with
17 the DIA and third party recipients for the purposes of
18 acknowledging the City's payment obligations under a REV
19 Grant when the term of which extends beyond the
20 expiration date of the applicable trust fund, as
21 successor in interest to the DIA.

22 (9) a. When acting in their capacity as the public economic
23 development agency for Downtown, negotiate ~~Negotiate~~
24 economic incentive packages for Downtown, just as OED
25 does for areas outside of Downtown, and monitor
26 compliance of the same pursuant to the City's approved
27 Public Investment Policy, as may be amended from time
28 to time, regarding Programs 1 through 26 contained in
29 the BID Strategy document, with the assistance of the
30 Economic Development Officer. ~~Such packages may be~~
31 approved by the DIA Board, without further Council

1 approval, ~~unless otherwise required in the BID Strategy,~~
2 ~~and provided that~~ sufficient funds exist and are
3 currently appropriated within the ~~Fund appropriate Trust~~
4 ~~Fund or the DIA's approved budget,~~ or the incentive
5 program is self-funding (i.e., a REV Grant). The updated
6 Public Investment Policy dated October 25, 2022 ~~June 28,~~
7 ~~2016~~ was made operational by Ordinance 2022-726-E, ~~2016~~
8 ~~382-E,~~ and as amended from time to time, is hereby
9 incorporated into the BID Plan by reference.

- 10 b. When acting in their capacity as either the community
11 redevelopment agency or the public economic development
12 agency for Downtown, negotiate ~~Negotiate~~ new DIA economic
13 incentive packages as described in the BID Strategy for
14 Projects and Programs contained within the BID Plan
15 without the approval of the City Council, unless
16 otherwise required in the BID Strategy, ~~and only if~~
17 provided that sufficient funds exist within the
18 appropriate CRA Trust Fund, (for CRA Projects and CRA
19 Programs), the Fund (for both Downtown Projects and
20 Programs and CRA Projects and CRA Programs), the DIA's
21 approved budget, or by separate City Council
22 appropriation.

23 * * *

- 24 (14) Approve and execute all contracts and other documents,
25 adopt all proceedings, and perform all acts determined by
26 the Board to be necessary or desirable to carry out the
27 purposes of this Chapter, unless expressly subject to the
28 approval of the City Council. The Board may authorize the
29 CEO to execute contracts and other documents on behalf of
30 the Board. The DIA shall forward executed final copies of
31 all agreements and exhibits electronically to the Office

of General Counsel for additional retention.

* * *

(17) ~~(18)~~ When acting in their capacity as the community redevelopment agency, lend~~Lend~~, grant, or contribute funds to the City, and enter into agreements with such City agencies or departments regarding the use of such funds.

(18) ~~(19)~~ When acting in their capacity as the community redevelopment agency, enter~~Enter~~ into agreements with a Public Body with respect to action to be taken in the exercise of any of the powers granted to the DIA or in furtherance of the objectives of the DIA.

(19) ~~(20)~~ When acting in their capacity as the community redevelopment agency, acquire~~Acquire~~ and dispose of City owned Downtown property acquired for or intended to be used for community redevelopment purposes in accordance with Chapter 122 (Public Property), Part 4 (Real Property), Subpart C (Community Redevelopment Real Property Dispositions), Ordinance Code ~~(Community Redevelopment Real Property Dispositions)~~.

(20) ~~(21)~~ When acting in their capacity as the community redevelopment agency, administer~~Administer~~ and manage the downtown tax increment finances ("TIF") for the Southside CRA via the Southside CRA Trust Fund, and Northbank Downtown CRA via the Northbank Downtown CRA Trust Fund. Said Trust Funds are established in Section 111.640, Ordinance Code. The Northbank Downtown CRA Trust Fund shall maintain two separate accounting records, one for the Downtown East CRA and one for the Northside West CRA, for the purpose of segregating funds required to satisfy outstanding obligations, if any, that were remaining at the time of the merger of the Downtown East CRA and the

Northside West CRA pursuant to Ordinance 2000-1078-E and Section 500.114, Ordinance Code.

(21) ~~(22)~~ When acting in their capacity as either the community redevelopment agency or the public economic development agency for Downtown, receive~~Receive~~, dispose of, and bond all authorized revenue. The power to authorize the issuance of bonds shall require Council approval.

(22) ~~(23)~~ When acting in their capacity as either the community redevelopment agency or the public economic development agency for Downtown, plan~~Plan~~ and propose Projects and Public facilities within Downtown.

(23) ~~(24)~~ When acting in their capacity as the community redevelopment agency, establish~~Establish~~, operate, lease, and license within Downtown such Public facilities which in the Board's opinion would be feasible and desirable in the implementation of any plan conceived and executed by the Board.

(24) ~~(25)~~ When acting in their capacity as either the community redevelopment agency or the public economic agency for Downtown, incur~~Incur~~ all or part of the expense of any Project or Public facility made by the city, state, or Federal Government, or any agency thereof, in exercising powers granted to the Authority, subject to the borrowing limitations set forth in Section 55.108(a)(2), Ordinance Code.

(25) ~~(26)~~ When acting in their capacity as both the community redevelopment agency and the public economic development agency for Downtown, report~~Report~~ to the City Council annually on progress regarding benchmarks contained within the BID Plan. Such report shall be provided on or before submission of a budget request.

* * *

Sec. 55.112. - Project and Program Funding; the Downtown Economic Development Fund.

The ~~Authority~~ DIA Board, acting in their capacity as the community redevelopment agency, may fund ~~Downtown Projects~~, CRA Projects, ~~and~~ CRA Programs, and professional services included in the community redevelopment plan portion of the BID Plan from the applicable CRA Trust Fund. ~~Additionally, Downtown Projects~~, CRA Projects, ~~and~~ CRA Programs and Downtown Projects and Programs may be funded by the DIA, acting in their capacity as the public economic development agency for Downtown, from the previously approved Downtown Economic Development Fund budgeted activities, the Authority's approved annual budget or by separate City Council appropriation ordinance. With each request for approval of a Project or Program that requires future funding from the City's General Fund/General Services District (GF/GSD), the DIA shall include a summary of those Projects or Programs approved previously that also require funding from the City's GF/GSD. The summary shall provide each project's anticipated funding timeline and the amount by fiscal year, including the subject request presented for approval. This DIA funding summary and timeline shall be included as part of the legislative file along with the proposed development agreement of each such request.

(a) Downtown Economic Development Fund. The Downtown Economic Development Fund ("Fund") shall consist of all donations and contributions of money, including gifts and grants received by the City, for use in furthering the goals of the DIA, as well as funds as may be appropriated from time to time by Council.

(i) All sums placed into the Fund, which shall include all interest and investment pool earnings earned or accrued thereon, shall be accounted for in a separate account and

1 shall not lapse at the close of any fiscal year but instead
2 shall carry over to the next fiscal year.

3 (ii) The DIA shall supervise and administer the Fund for
4 purposes established in the BID Plan, as amended from time
5 to time, for Projects and Programs located within the DIA
6 boundary area. The DIA shall review, approve and
7 administer the Fund consistent with the Council-
8 appropriated budget and no additional approval shall be
9 required from the Council for expenditure of funds in
10 accordance with the Council appropriated budget.

11 (b) Contract Authority. Contracts for development and
12 redevelopment in Downtown shall be executed by the Mayor,
13 unless otherwise approved by this Part.

14 **Section 2. Codification Instructions.** The Codifier and the
15 Office of General Counsel are authorized to make all chapter and
16 division "tables of contents" consistent with the changes set forth
17 herein. Such editorial changes and any others necessary to make the
18 Ordinance Code consistent with the intent of this legislation are
19 approved and directed herein, and changes to the Ordinance Code shall
20 be made forthwith and when inconsistencies are discovered.

21 **Section 3. Effective Date.** This Ordinance shall become
22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

24
25 Form Approved:

26
27 _____
28 Office of General Counsel

29 Legislation Prepared By: Carla A. Lopera

30 GC-#1558017-v9B-DIA_-_Amending_Ord_Sec_52_112.docx



DOWNTOWN INVESTMENT AUTHORITY

117 West Duval Street #310, Jacksonville, Florida 32202

(904) 255-5302 | <https://dia.coj.net/>

Ordinance 2023-863

Establishing a Specialty Center on Jacksonville's Downtown Riverwalk

January 11, 2024

The DIA is requesting City Council approval of Ordinance 2023-863 to enable the creation of a "Specialty Center" for the Southbank and Northbank Riverwalks. It would allow, under certain conditions and controls, patrons of adjacent food and beverage establishments to consume their alcoholic beverage on the Riverwalks only, not including adjacent parks unless allowed by a Park permit. This legislation is inspired, partly, by the success of the Tampa Riverwalk's Specialty Center as well as the success of Downtown Vision's "Sip and Stroll" events.

Any food and beverage establishment located within the Riverwalk Specialty Center and licensed by the state for the sale of alcoholic beverages, pursuant to Florida Statutes, may participate. Patrons of those establishments, after purchase of a beverage in an approved cup, would then be free to stroll the entire Downtown Riverwalk with their beverage within designated hours.

The boundaries of the Specialty Center are the Riverwalk and immediately adjacent parcels from the Fuller Warren Bridge to the Western edge of Metropolitan Park on the Northbank and from the Fuller Warren Bridge to the Eastern edge of the River's Edge Development parcel(s) on the Southbank. The Open Container Area is on the Riverwalk itself. Open containers remain prohibited when not in an authorized container/cup. There is one Riverwalk Connector allowing patrons of the Hyatt to access the Riverwalk Open Container Area across Coastline Drive, which is the only location that requires crossing a public Right of Way.

The proposed amendment reduces the designated hours to 11:00 am to 10:00 pm Sunday through Thursday and 11:00 am to 12:00 am midnight Friday and Saturday.

Please don't hesitate to contact me on my cell at (904) 738-9084 if you have any questions or I can be of further assistance. We appreciate your continued support.

Attachments:

Exhibit 1: DIA Resolution 2023-10-06

Proposed Amendment

RESOLUTION 2023-10-06

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY ACTING AS THE DOWNTOWN ECONOMIC DEVELOPMENT AGENCY REQUESTING THAT CITY COUNCIL AMEND CHAPTER 154 SUBSTANTIALLY SIMILAR TO THOSE AMENDMENTS CONTAINED IN EXHIBIT 1 TO THIS RESOLUTION FOR THE PURPOSE OF CREATING A *JACKSONVILLE RIVERWALK SPECIALTY CENTER* WITHIN DOWNTOWN; AUTHORIZING ITS CHIEF EXECUTIVE OFFICER TO TAKE ALL NECESSARY ACTION TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION, INCLUDING THE FILING OF LEGISLATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, via its adoption of Ordinance 2012-0364, the City Council amended the Ordinance Code and City Charter to create the Downtown Investment Authority (“DIA”); and

WHEREAS, via Ordinance 2022-0372-E, the City Council adopted an updated Business Investment and Development Plan (“BID Plan”) for Downtown, inclusive of updated Community Redevelopment Area (“CRA”) Plans for Downtown Consisting of the Southside Community Redevelopment Area and the Combined Northbank Downtown Community Redevelopment Area, the goals and strategies of which govern both the Community Redevelopment Agency and DIA acting as the Downtown Economic Development Agency; and

WHEREAS, pursuant to Florida Statute 561.20 (2) (b) the legislature defined “Specialty Center” adjacent to navigable water bodies to authorize special liquor license provisions applicable thereto; and

WHEREAS, the DIA acting as the Downtown Economic Development Agency desires to create a *Jacksonville Riverwalk Specialty Center*, generally described as the Northbank and Southside Riverwalks together with adjoining public and privately held parcels and their respective development, for the purposes of permitting, subject to the restrictions and provisions within Exhibit 1, open-container alcohol consumption along the Riverwalk (defined in Exhibit 1 as the *Riverwalk Open Container Area*); and

WHEREAS, the DIA acting as the Downtown Economic Development Agency finds that the creation of a *Jacksonville Riverwalk Specialty Center*, furthers BID Plan; and

WHEREAS, the creation of *Jacksonville Riverwalk Specialty Center* has support from both Buildup Downtown and Downtown Vision; and

WHEREAS, other Cities, such as the City of Tampa, have successfully implemented *Specialty Centers* along their Riverwalks,

NOW THEREFORE, BE IT RESOLVED by the Downtown Investment Authority:

Section 1. The DIA acting as the Downtown Economic Development Agency finds that the recitals set forth above are true and correct and are incorporated herein by this reference.

Section 2. The DIA acting as the Downtown Economic Development Agency hereby requests of City Council to amend Chapter 154, Jacksonville Code of Ordinances, substantially similar to Exhibit 1.

Section 3. The DIA acting as the Downtown Economic Development Agency finds that the creation of a *Jacksonville Riverwalk Specialty Center* furthers the BID Plan with specific mention of the below Goals and Strategic Objectives applicable to DIA acting as the Downtown Economic Development Agency:

Redevelopment Goal No. 4: Increase the vibrancy of Downtown for residents and visitors through arts, culture, history, sports, theater, events, parks, and attractions.

Strategic Objective: Market and promote Downtown programming and visitor attractions.

Strategic Objective: Support the expansion, renovation, and improvement of existing, and creation of new, diverse civic attractions, cultural venues, theaters, and parks that provide a mix of activities and attract a broad range of demographics.

Strategic Objective: Increase number of daily visits to Downtown.

Redevelopment Goals No. 7: Capitalize on the aesthetic beauty of the St. John's River, value its health and respect its natural force, and maximize interactive and recreational opportunities for residents and visitors to create waterfront experiences unique to Downtown Jacksonville.

Section 4. The DIA authorizes its Chief Executive Officer to continue to work with the Office of General Council to refine those amendments contemplated within Exhibit 1, providing, however, that any amendments brought forward to or by City Council are substantially similar to Exhibit 1.

Section 5. The DIA authorizes its Chief Executive Officer to take all necessary action to effectuate the purposes of this Resolution, including the filing of legislation.

Section 6. This Resolution shall become effective on the date it is signed by the Chair of the DIA Board.

[SIGNATURES ON FOLLOWING PAGE]

WITNESS:

DOWNTOWN INVESTMENT AUTHORITY


_____

Jim Citrano, Chair

10/18/23

Date

VOTE: In Favor: 8 Opposed: 0 Abstained: 0

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Introduced by the Council President at the request of the DIA:

ORDINANCE 2023-

AN ORDINANCE AMENDING SECTION 154.101 (DEFINITIONS), PART 1 (IN GENERAL), CHAPTER 154 (ALCOHOLIC BEVERAGES), *ORDINANCE CODE*, TO ADD CERTAIN DEFINITIONS; CREATING A NEW SECTION 154.115 (JACKSONVILLE RIVERWALK SPECIALTY CENTER), PART 1 (IN GENERAL), CHAPTER 154 (ALCOHOLIC BEVERAGES), *ORDINANCE CODE*, TO CREATE AND ESTABLISH THE JACKSONVILLE RIVERWALK SPECIALTY CENTER DOWNTOWN; PROVIDING FOR CODIFICATION INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Jacksonville's Northbank Riverwalk extends approximately two miles along the north side of the St. Johns River, encompassing Corkscrew Park and Riverfront Plaza, offering Downtown visitors fantastic river and wildlife views as they leisurely amble along its paved pathway; and

WHEREAS, Jacksonville's Southbank Riverwalk lies directly across the St. Johns River from the Northbank Riverwalk, this similar concrete boardwalk extends approximately one and one quarter miles along the south side of the St. Johns River, includes Friendship Fountain, and offers beautiful views of the downtown skyline, riverboats, birds, and dolphins; and

WHEREAS, the Northbank and Southbank Riverwalks are connected by pedestrian paths along both sides of the John T. Alsop Jr. Bridge, also known as the Main Street Bridge; and

WHEREAS, establishing a specialty center along the Northbank

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and Southbank Riverwalks will allow patrons the opportunity to purchase alcoholic drinks at designated locations along the Riverwalks and enjoy imbibing their beverages as they stroll along the St. Johns River, taking in all the beauty that Jacksonville has to offer; and

WHEREAS, Florida Statutes defines a "specialty center" as a defined geographic area with a development of at least 50,000 square feet of leasable area containing restaurants, entertainment facilities and specialty shops, located adjacent to a navigable water body; and

WHEREAS, Section 561.20(2)(b), *Florida Statutes*, allows the sale of alcoholic beverages by vendors within a specialty center, for consumption by patrons located within the defined geographic area of the specialty center open container area; and

WHEREAS, the creation of the Jacksonville Riverwalk Specialty Center will attract patrons and increase economic activity to the Downtown area, which will bestow benefit upon both visitors and residents; now therefore

BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Amending Section 154.101 (Definitions), Part 1 (In General), Chapter 154 (Alcoholic Beverages), Ordinance Code. Section 154.101 (Definitions), Part 1 (In General), Chapter 154 (Alcoholic Beverages), *Ordinance Code*, is hereby amended to read as follows:

Chapter 154 - ALCOHOLIC BEVERAGES

Part 1. - IN GENERAL

* * *

Sec. 154.101. - Definitions.

Whenever used in this Chapter, the following definitions pertaining to alcoholic beverages shall apply:

(a) *Alcoholic beverages* means and includes distilled spirits and

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all beverages containing one-half of one percent or more of alcohol by volume.

(b) Approved Container means a plastic cup that bears the Jacksonville Riverwalk Logo, is no larger than 16 ounces and is approved by the city for sale and use in the Jacksonville Riverwalk Specialty Center.

~~(b)~~ (c) Fourteen percent alcoholic beverages means and includes all beverages containing more than 14 percent of alcohol by volume. The determination of the percentage of alcohol by volume shall be made as provided in F.S. § 561.01.

~~(c)~~ (d) Intoxicating beverages means and includes only those alcoholic beverages containing more than 4.007 percent of alcohol by volume.

(e) Licensed premises means the area licensed by the state for the sale of alcoholic beverages, pursuant to Florida Statutes, as amended.

(f) Licensee means a legal or business entity, person, or persons that hold a license issued by the Florida Division of Alcohol and Tobacco for the sale of alcoholic beverages.

(g) Open container means any container of alcoholic beverage which is immediately capable of being consumed from or the seal of which has been broken.

(h) Jacksonville Riverwalk Open Container Area means the location on the Riverwalk, including Riverwalk Connectors, as shown in Figure 1 of Section 154.115 below, where possession and consumption of alcoholic beverages are permitted between the hours of 11:00 a.m. and 1:00 a.m. in conformance with this part.

(i) Jacksonville Riverwalk Specialty Center means the area shown in Figure 1 of Section 154.115 below, that includes licensed premises on or near the Jacksonville Riverwalk where one may

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exit the licensed premises with open containers onto the
Riverwalk Open Container Area.

Section 2. Creating Section 154.115 (Jacksonville Riverwalk Specialty Center), Part 1 (In General), Chapter 154 (Alcoholic Beverages), Ordinance Code. Section 154.115 (Jacksonville Riverwalk Specialty Center), Part 1 (In General), Chapter 154 (Alcoholic Beverages), *Ordinance Code*, is hereby created to read as follows:

Chapter 154 - ALCOHOLIC BEVERAGES

Part 1. - IN GENERAL

* * *

Sec. 154.115. - Jacksonville Riverwalk Specialty Center.

(a) *Creation of Jacksonville Riverwalk Specialty Center.*

Pursuant to F.S. § 561.20(2)(b), the city does hereby create and establish a specialty center along the Northbank and Southbank Riverwalks adjacent to the St. Johns River Downtown with the areas and boundaries as set forth and designated in Figure 1 below, to be called the Jacksonville Riverwalk Specialty Center.

(b) *Possession of open containers of alcohol within the Jacksonville Riverwalk Open Container Area.*

(1) A person who legally obtains an alcoholic beverage from a licensed premises within the Jacksonville Riverwalk Specialty Center may possess and/or consume the alcoholic beverage within the Jacksonville Riverwalk Open Container Area so long as the alcoholic beverage is in an Approved Container.

(2) A person may only enter a licensed premises with an alcoholic beverage if the alcoholic beverage is in an Approved Container and only into that portion of the licensed premises that extends into the Jacksonville

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Riverwalk Open Container Area.

(3) No person may possess more than two (2) open containers of alcoholic beverage in an Approved Container while in the Jacksonville Riverwalk open Container Area.

(c) *Open container in public parks not allowed.* Except by valid permit or license, no person shall possess or consume in any public park within the Jacksonville Riverwalk Specialty Center any open container of alcoholic beverage. However, if a special event permit which allows alcoholic beverages has been issued by the city for a park within the Jacksonville Riverwalk Specialty Center, then that park may be included within the Jacksonville Riverwalk Open Container Area for the duration of the special event, provided such is requested by the special event permit holder and approved as part of the special event permit. During the time of such special event, alcohol may be consumed in the Jacksonville Riverwalk Open Container Area in a container other than the approved container, provided the person has a wristband issued by the holder of the special event permit.

(d) *Open containers of alcoholic beverages purchased outside the Jacksonville Riverwalk Specialty Center not allowed in the Jacksonville Riverwalk Specialty Center.* Except as provided in this section, possession of any open container containing an alcoholic beverage within the Jacksonville Riverwalk Specialty Center shall be unlawful and punishable in accordance with the appropriate laws.

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Figure 1: Jacksonville Riverwalk Open Container Area

Section 3. Codification Instructions. The Codifier and the Office of General Counsel are authorized to make all chapter and division "tables of contents" consistent with the changes set forth herein. Such editorial changes and any others necessary to make the Ordinance Code consistent with the intent of this legislation are approved and directed herein, and changes to the Ordinance Code shall be made forthwith and when inconsistencies are discovered.

Section 4. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

Office of General Counsel

Legislation Prepared By: Carla A. Lopera

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NCSPHS Amendment

The Neighborhoods, Community Services, Public Health and Safety Committee offer the following amendment to file 2023-863:

- (1) On page 4, line 3, strike “11:00 a.m. and 1:00 a.m.” and insert “11:00 a.m. and 10:00 p.m. Sunday through Thursday and 11:00 a.m. and midnight Friday and Saturday to conform with the current nightly closing time of the Riverwalk unless otherwise posted by the Director of the Parks Department.”

Form Approved:

Office of General Counsel

Legislation Prepared By: