

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

July 21, 2022

The Honorable Terrance Freeman, President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2022-400**

Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairperson Carrico and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

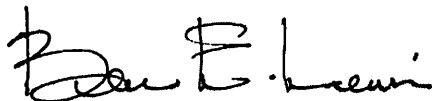
Planning Commission Recommendation: **Deny**

Planning Commission Commentary: There were no speakers in opposition. The Commissioners felt this would add significantly impact the cost of an application to a homeowner, however a large developer would not have the same impact.

Planning Commission Vote:	6-0
David Hacker, Chair	Aye
Alex Moldovan, Vice Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Absent
Daniel Blanchard	Absent
Jordan Elsbury	Aye
Joshua Garrison	Aye
Jason Porter	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendations on:

ORDINANCE 2022-400

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), ORDINANCE CODE, TO INCREASE NOTICE TO AFFECTED PROPERTY OWNERS FROM 350 FEET TO 500 FEET; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The bill amends Chapter 656 (Zoning Code), Ordinance Code, to increase the Notice to Affected Property Owners distance from 350 feet to 500 feet in numerous locations in the Zoning Code.

II. EVALUATION

A. The need and justification for the change

This bill increases the public notice distance from 350 feet to 500 feet. This will result in more public notices being sent out by the Planning and Development Department. The financial impact will vary based on the additional number of property owners receiving a public notice. The current fee is \$7.00 for each public notice.

B. The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.

The Comprehensive Plan is silent with regards to public notices for zoning applications.

III. RECOMMENDATION

The Planning and Development Department recommends that **Ordinance 2020-400** be **approved**.

1 Introduced by Council Member Gaffney:
2
3

4 **ORDINANCE 2022-400**

5 AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE),
6 *ORDINANCE CODE*, TO INCREASE NOTICE TO AFFECTED
7 PROPERTY OWNERS FROM 350 FEET TO 500 FEET;
8 PROVIDING AN EFFECTIVE DATE.

9
10 **BE IT ORDAINED** by the Council of the City of Jacksonville:

11 **Section 1. Amending Chapter 656 (Zoning Code), Ordinance**
12 **Code.** Chapter 656 (Zoning Code), *Ordinance Code*, is amended to read
13 as follows:

14 **CHAPTER 656**

15 **ZONING CODE**

16 * * *

17 **PART 1. GENERAL PROVISIONS**

18 * * *

19 **SUBPART C. PROCEDURES FOR REZONING AND AMENDMENTS TO THE ZONING**
20 **CODE**

21 * * *

22 **Sec. 656.124. - Notice of public hearing by council committee**
23 **and public meeting of Planning Commission.**

24 (a) Notice of a time and place of a public meeting which is required
25 to be held by the Planning Commission and of the public hearings
26 which are required to be held by the appropriate committee of
27 the Council and the full Council with respect to the rezoning
28 of land shall be prepared by the Department to include the
29 information listed below and shall be copied and mailed by the
30 Department at least 14 days in advance of the Planning Commission
31 meeting at which the application for rezoning will be heard, to

1 all owners of real property within ~~350~~500 feet of the boundaries
2 of the land upon which rezoning is requested and to all
3 neighborhood organizations qualified to receive notice under
4 subsection (f); provided, however, that where the applicant is
5 the owner of land not included in the application and the
6 unincluded land is a part of or adjoins the parcel upon which
7 the request is made, the Zoning Administrator may, in his
8 discretion, require that mailed notice be given to such owners
9 as the Zoning Administrator may determine to be appropriate. For
10 the purpose of notice requirements to adjoining owners, the
11 names and addresses of the owners shall be deemed to be those
12 on the current tax records in the office of the Property
13 Appraiser; provided, however, that where such notice is
14 determined by the Zoning Administrator to be insufficient to
15 ensure actual notice to a majority of adjoining owners, he may
16 require mailed notice to be given to the actual owners, as
17 indicated by a current title search of the public records. For
18 the purpose of notice requirements to registered neighborhood
19 organizations, the registration list compiled by the Zoning
20 Administrator pursuant to subsection (f) hereinbelow shall be
21 utilized. Notice received pursuant to this subsection (a) shall
22 confer "affected party status," as defined in Council Rule
23 6.302, automatically upon the receipt of such notice. Mailed
24 notices received by adjacent owners and qualified registered
25 neighborhood organizations as specified hereinabove should
26 contain the following information:

27 * * *

28 (f) To receive a public hearing notice for proposed rezonings set
29 forth in subsection (a) above, a neighborhood organization must
30 be listed in the most current Directory of Neighborhood
31 Organizations, together with any addenda thereto, promulgated

1 by the Mayor, as the same may exist from time to time, and must
2 serve a neighborhood whose boundaries have been mapped on the
3 Neighborhood Organization Notice Map and one or more of those
4 boundaries is within ~~350~~500 feet from the land which is the
5 subject of the application or the land is located within the
6 boundaries of a mapped neighborhood. Any interested neighborhood
7 organization must register with the City, stating the desire to
8 receive notices under this Section, and provide the following
9 required information to insure such notification is effective:
10 (1) the name and address of the officer or other individual
11 designated to receive the notice on behalf of the organization;
12 (2) a letter signed by the chief officer or a resolution to
13 indicate the authority of such individual, if not a corporate
14 officer, to receive the notice; and (3) a clear description of
15 the boundaries of the service area of the neighborhood
16 organization. Boundaries are assumed to be correct unless
17 challenged by an adversely affected person or an error is
18 discovered during the mapping process.

19 * * *

- 20 (i) If the subject property is on the border of a neighborhood
21 organization's service area, as shown on the neighborhood map,
22 notice shall be given to neighborhood organizations serving all
23 sides of such border within ~~350~~500 feet of the subject property.
24 If a neighborhood organization is not listed in the most recently
25 published Directory of Neighborhood Organizations, it may
26 qualify to receive notices, subject to providing the information
27 required in subsection (f), upon certification from the Mayor's
28 Office or from the Mayor's neighborhood liaison officer that
29 such neighborhood organization has been added to an addendum to
30 the Directory and the neighborhood organization has registered
31 with the City as required herein.

1 * * *

2 (k) For purposes of subsections (a), (c) and (d) of this section,
3 for properties located within the Downtown Overlay Zone, as
4 defined in Section 656.361.2, all references to "Zoning
5 Administrator" shall mean a designated staff member of the
6 Downtown Investment Authority, and all references to "Planning
7 Commission" shall mean the Downtown Development Review Board.
8 Furthermore, the requirement contained in subsection (a) of this
9 section concerning mailed notification to owners of real
10 property within ~~350~~500 feet of the boundaries of the land upon
11 which the rezoning is requested shall not apply unless such
12 notice is determined by Downtown Investment Authority staff to
13 be appropriate, however, the applicant shall submit an
14 electronic version of the published notice to DIA staff for
15 placement on the City's website.

16 * * *

17 **Sec. 656.130. - Special notice to neighborhood organizations,**
18 **CPACs, umbrella neighborhood organizations and civic organizations;**
19 **neighborhood organization participation in public hearings.**

20 * * *

21 (c) Notice of a time and place of a public hearing which is required
22 to be held by the Council, the appropriate committee of the
23 Council, the Planning Commission or the Downtown Development
24 Review Board, as the case may be, with respect to any type of
25 land use action specified above shall be provided at least 14
26 days in advance to any registered neighborhood organizations
27 which serve a neighborhood area located within ~~350~~500 feet of
28 the land which is the subject of the application, the Citizens
29 Planning Advisory Committees ("CPACs") in the affected area and
30 any "umbrella" neighborhood organizations or civic organizations
31 if those organizations have filed a written request with the

1 City for notification concerning one or more of those types of
2 applications within a specific defined geographic area. Notice
3 received pursuant to this Section 656.130(c) shall not confer
4 "affected party status" upon the recipient of such notice,
5 although any of these organizations, except CPACs, may file a
6 request for a determination of affected party status under
7 Council Rule 6.302 for those matters which are pending before
8 the Council. The failure of a neighborhood organization, CPAC
9 or other organization required to be notified under this Section
10 shall not invalidate or otherwise have any effect upon a public
11 hearing or action taken by the committee or the Council on the
12 application for rezoning.

13 * * *

14 **SUBPART D. ZONING EXCEPTIONS, VARIANCES AND WAIVERS, AMENDMENTS TO**
15 **FINAL ORDER, APPEALS OF WRITTEN INTERPRETATIONS OF THE DIRECTOR AND**
16 **APPEALS OF FINAL ORDERS OF THE COMMISSION**

17 **Sec. 656.131. - Zoning exceptions.**

18 (a) A proposal for a zoning exception may be initiated only upon an
19 application for zoning exception filed with the Department by
20 the owner or his authorized agent. An application for a zoning
21 exception under the Zoning Code shall be in writing and in the
22 form prescribed by the Commission. Information required on the
23 application may include, for example, the name and address of
24 the owner and the agent, the property address and location, and
25 a legal description and real estate assessment number(s). Other
26 information may include the current zoning of the property, the
27 exception being sought, a list of owners of property within
28 350500 feet, identification of any previous zoning applications
29 for the property during the preceding five years and statements
30 indicating how the standards and criteria for exceptions which
31 are set forth herein will be met. An application shall be

1 accompanied by a site plan drawn to an appropriate scale showing
2 the property as it is intended to be developed or modified
3 pursuant to the application for exception. The site plan must
4 show the following:

5 * * *

6 **Sec. 656.132. - Zoning variances.**

- 7 (a) A proposal for a zoning variance may be initiated only upon an
8 application for zoning variance filed with the Department by the
9 owner or his authorized agent. An application for a zoning
10 variance under the Zoning Code shall be in writing and in the
11 form prescribed by the Commission. Information required on the
12 application may include, for example, the name and address of
13 the owner and the agent, the property address and location, a
14 legal description, real estate assessment number(s), and a list
15 of the property owners within ~~350~~500 feet. Other information may
16 include the current zoning of the property, identification of
17 any previous zoning application for this property sought within
18 the preceding five years, the variance being sought, the
19 conditions which are peculiar to the property which are not
20 typical of the zoning district, facts indicating unnecessary and
21 undue hardship on the real property, and facts indicating that
22 the variance would not be detrimental to the public welfare or
23 nullify the intent of the zoning regulations. An application
24 shall be accompanied by a site plan drawn to an appropriate
25 scale showing the property as it is intended to be developed or
26 modified pursuant to the application for variance. The site plan
27 must show the items required under Section 656.131(a).
28 Additional items may be required, to the extent applicable, as
29 required by any site review guidelines which may be promulgated
30 by the Department from time to time. The site plan, as approved,
31 shall be binding upon the variance, if granted. Upon receipt of

1 the application, the Zoning Administrator shall determine
2 whether the application is complete within five working days.
3 If it is determined that the application is not complete, written
4 notice shall be provided to the applicant specifying the
5 deficiencies. The Zoning Administrator shall take no further
6 action on the application until the deficiencies are remedied.
7 When the application is determined to be complete, all fees must
8 be paid as specified in Section 656.147.

9 * * *

10 **Sec. 656.137. - Notice of Public Hearing and public meetings for**
11 **rezonings.**

12 (a) One notice of the time and place of all public hearings which
13 are required to be held by this Chapter with respect to zoning
14 exceptions, variance or waivers, and all public meetings for
15 rezonings, shall be mailed at least 14 days in advance of the
16 first scheduled hearing by United States mail to all owners of
17 real property within ~~350~~500 feet of the boundaries of the land
18 upon which an exception, variance, waiver, or rezoning is
19 requested and to all neighborhood organizations qualified to
20 receive notice under Section 656.124(f). In regard to a waiver
21 for distance limitations from locations of liquor licenses, all
22 churches and schools within 1,500 feet identified pursuant to
23 Section 656.804 shall also be notified of such waiver request
24 by certified mail, return receipt requested. For the purpose of
25 notice requirements to adjoining owners, the names and addresses
26 of the owners shall be deemed to be those on the current tax
27 records in the Office of the Property Appraiser. For the purpose
28 of notice requirements to registered neighborhood organizations,
29 the registration list compiled by the Zoning Administrator
30 pursuant to Section 656.124(f) shall be utilized. There shall
31 be no additional charge to the applicant for the notices to be

1 delivered to the CPACs and neighborhood organizations. Notice
2 received pursuant to this subsection (a) shall confer "affected
3 party status" automatically upon the recipient of such notice,
4 but the failure of an owner or registered neighborhood
5 organization under Section 656.124(f) required by this Section
6 to be notified by mail to receive the notice shall not invalidate
7 or otherwise have any effect upon a public hearing or action
8 taken by the Commission on an application for zoning exception
9 or variance.

10 * * *

11 (f) For purposes of this section, for properties located within the
12 Downtown Overlay Zone, as defined in Section 656.361.2, all
13 references to "Commission" shall mean the Downtown Development
14 Review Board. Furthermore, the requirement contained in
15 subsection (a) of this section concerning mailed notification
16 to owners of real property within ~~350~~500 feet of the boundaries
17 of the land upon which the rezoning is requested shall not apply
18 unless such notice is determined by Downtown Investment
19 Authority staff to be appropriate, however, the applicant shall
20 submit an electronic version of the published notice to DIA
21 staff for placement on the City's website.

22 * * *

23 **PART 3. SCHEDULE OF DISTRICT REGULATIONS**

24 * * *

25 **SUBPART F. PLANNED UNIT DEVELOPMENT**

26 * * *

27 **Sec. 656.341. - Procedures.**

28 * * *

29 (f) *Modifications to a Planned Unit Development district.* An
30 amendment to an approved Planned Unit Development district may
31 be accomplished through either an Administrative Modification,

1 Minor Modification, or by filing an application for rezoning,
2 meeting criteria as herein described.

3 * * *

4 (2) *Minor modifications.* In order to facilitate minor
5 modifications to an approved Planned Unit Development
6 district, the Planning Commission may authorize minor
7 modifications which comply with the following criteria:

8 * * *

9 Notice of the time and place of the public hearing which
10 is required to be held by this Section with respect to each
11 minor modification shall be posted at least 14 days in
12 advance of the scheduled public hearing by United States
13 mail to all owners of real property within ~~350~~500 of the
14 boundaries of the land upon which a minor modification is
15 requested; provided, that where such notice is determined
16 by the Director to be insufficient to ensure actual notice
17 to a majority of adjoining owners, he may require mailed
18 notice to be given to such owners as the Director may
19 determine to be appropriate. For the purpose of notice
20 requirements to adjoining owners, the names and addresses
21 of the owners shall be deemed to be those on the current
22 tax records in the Office of the Property Appraiser. The
23 failure of an owner required by this Section to be notified
24 by mail to receive the notice shall not invalidate or
25 otherwise have any effect upon a public hearing or action
26 taken by the Commission on an application for minor
27 modification, and the applicant for a minor modification
28 shall post signs at intervals of not more than 200 feet
29 along all street sides of property upon which the request
30 is made in the form required by the Commission within three
31 working days after the filing for a minor modification.

1 The sign shall be posted in full view of the public on each
2 street side of the land involved in a manner consistent
3 with Section 656.124(c) and shall be maintained by the
4 applicant until a final determination has been made on the
5 minor modification. The sign shall be removed by the
6 applicant within ten working days after final action by
7 the Commission. Appeals from decisions of the Commission
8 shall be pursuant to Section 656, Part 1, Subpart D,
9 Ordinance Code.

10
11 For purposes of this subsection, for minor modifications
12 for properties located within the Downtown Overlay Zone,
13 as defined in Section 656.361.2, all references to
14 "Planning Commission" or "Planning and Development
15 Department" shall mean the Downtown Development Review
16 Board. Furthermore, the requirement contained in this
17 subsection concerning mailed notification to owners of real
18 property within ~~350~~500 feet of the boundaries of the land
19 upon which the minor modification is requested shall not
20 apply unless such notice is determined by Downtown
21 Investment Authority staff to be appropriate, however, the
22 applicant shall submit an electronic version of the
23 published notice to DIA staff for placement on the City's
24 website.

25 * * *

26 **SUBPART J. RESIDENTIAL ENCLAVE OVERLAY ZONES**

27 * * *

28 **Sec. 656.375. - Designation procedures.**

29 The following procedures shall apply with respect to the selection
30 and designation of a residential enclave:

31 (a) *Planning and Development Department.* The Planning and

1 Development Department shall be responsible for recommending or
2 nominating eligible residential enclaves to the Council. The
3 Department shall make its recommendation to Council on each
4 proposed designation in a report to be called Residential
5 Enclave Nomination Report.

6 The report shall include the following:

7 * * *

8 (5) A zoning map showing the existing zoning of the residential
9 enclave area and all lands within ~~350~~500 feet of the area;

10 * * *

11 (9) A list of the names and addresses of all owners and the
12 real estate assessment file numbers of the properties
13 within the boundaries of the proposed residential enclave,
14 and a second similar list for all properties outside but
15 within ~~350~~500 feet of the residential enclave area; and

16 * * *

17 (b) *Public meeting.* Prior to, or upon completion of, the Residential
18 Enclave Nomination Report, the Planning and Development
19 Department shall hold one or more public meetings(s) in a
20 location which is within or convenient to the proposed
21 residential enclave. The purpose of the meeting is to allow
22 property owners and residents of the enclave area and
23 surrounding properties to discuss the merits of the enclave
24 proposal with Department staff. The staff shall also explain the
25 approval procedure for designation of the residential enclave
26 and the proposed overlay zoning for the residential enclave
27 area.

28 Notice of the time and place of the public meeting which is
29 required to be held in or near the residential enclave area
30 shall be posted by the Planning and Development Department as
31 least 14 days in advance of the meeting, by United States mail,

1 to the owners of all properties located within the enclave area
2 and outside but within ~~350~~500 feet of the boundaries of the
3 enclave area. For the purpose of notice requirements to the
4 owners, the names and addresses of owners shall be deemed to be
5 those on the current tax records in the Office of the Property
6 Appraiser. The failure of any owner required by this Section to
7 be notified by mail to receive the notice shall not invalidate
8 or otherwise have any effect upon the public meeting or on the
9 nomination of the residential enclave area to the City Council.
10 All notices required by this Section shall state clearly the
11 boundaries of the proposed residential enclave area and the
12 purpose of the proposed designation.

13 * * *

14 (d) *City Council action.* Copies of the Residential Enclave
15 Nomination Report and the recommendation of the Jacksonville
16 Historic Preservation Commission shall be forwarded by the
17 Planning and Development Department to the City Council and the
18 Office of General Counsel for approval by ordinance of the
19 proposed residential enclave area designation. The Office of
20 General Counsel shall prepare an ordinance for approval of the
21 proposed designation of the residential enclave area including
22 proposed zoning district regulations for the residential enclave
23 overlay zone. A public hearing shall be held by the Council to
24 consider the proposed designation, in the same manner as for a
25 rezoning, pursuant to the notice requirements provided in
26 Subpart C, Part 3, Chapter 656. In addition, the following
27 supplemental notice requirements shall also apply:

28 (1) Notices shall be sent to all owners of real property within
29 the residential enclave area as well as to those property
30 owners outside but within ~~350~~500 feet of the residential
31 enclave area.

1 * * *

2 **PART 4. SUPPLEMENTARY REGULATIONS**

3 * * *

4 **SUBPART C. ARCHITECTURAL AND AESTHETIC REGULATIONS FOR SINGLE-**
5 **FAMILY DWELLINGS**

6 * * *

7 **Sec. 656.431. - Definitions.**

8 As used herein, the following terms and words are defined as
9 follows:

10 * * *

11 (d) *Immediate neighborhood* means the five closest residential
12 dwellings with property lines within ~~350~~500 feet of the
13 property subject to review.

14 * * *

15 **Sec. 656.435. - Criteria for determining similarity in exterior**
16 **appearance.**

17 All proposed single-family dwellings reviewed hereunder shall
18 be compared with three out of the five residential dwellings in the
19 immediate neighborhood, as defined in Section 656.431(d) above. For
20 the purposes of this Section, if the immediate neighborhood consists
21 of less than five residential dwellings, the proposed single-family
22 dwelling shall be compared to one less than the total number of
23 residential dwellings within ~~350~~500 feet of the property line of the
24 subject property. In order to be determined similar to and compatible
25 in exterior appearance to other existing single-family dwellings, the
26 proposed dwelling must:

27 * * *

28 **Section 2. Effective Date.** This ordinance shall become
29 effective upon signature by the Mayor or upon becoming effective
30 without the Mayor's signature.

1
3
4
5
6

Form Approved:

 /s/ Paige H. Johnston

Office of General Counsel

Legislation Prepared By: Paige H. Johnston

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