

1 Introduced by Council Member Freeman and Co-Sponsored by Council
2 Members Gaffney, Jr., Clark-Murray, Pittman, Carlucci, Newby and
3 DeFoor:

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6 **ORDINANCE 2023-315-E**

7 AN ORDINANCE AMENDING SECTION 30.204
8 (FUNCTIONS), PART 2 (PLANNING COMMISSION),
9 CHAPTER 30 (PLANNING AND DEVELOPMENT
10 DEPARTMENT), *ORDINANCE CODE*, AND SECTIONS
11 656.131 (ZONING EXCEPTIONS) AND 656.137 (NOTICE
12 OF PUBLIC HEARING AND PUBLIC MEETINGS FOR
13 REZONINGS), SUBPART D (ZONING EXCEPTIONS,
14 VARIANCES AND WAIVERS, AMENDMENTS TO FINAL
15 ORDER, APPEALS OF WRITTEN INTERPRETATIONS OF THE
16 DIRECTOR AND APPEALS OF FINAL ORDERS OF THE
17 COMMISSION), PART 1 (GENERAL PROVISIONS),
18 CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*, TO
19 DESIGNATE THE CITY COUNCIL AS THE QUASI-JUDICIAL
20 BODY THAT APPROVES, APPROVES WITH CONDITIONS, OR
21 DENIES ZONING EXCEPTIONS FOR ALCOHOL RELATED
22 USES; PROVIDING CODIFICATION INSTRUCTIONS;
23 PROVIDING AN EFFECTIVE DATE.

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

26 **Section 1. Amending Section 30.204 (Functions), Part 2**
27 **(Planning Commission), Chapter 30 (Planning and Development**
28 **Department), *Ordinance Code*.** Section 30.204 (Functions), Part 2
29 (Planning Commission), Chapter 30 (Planning and Development
30 Department), *Ordinance Code*, is hereby amended to read as follows:

31 **CHAPTER 30 - PLANNING AND DEVELOPMENT DEPARTMENT**

1 * * *

2 **PART 2. - PLANNING COMMISSION**

3 * * *

4 **Sec. 30.204. - Functions.**

5 The Commission shall:

- 6 (a) Review proposed land use changes, text changes to the
7 Comprehensive Plan, requests for exceptions (except alcohol-
8 related exceptions which shall be heard by the City Council),
9 variances, waivers to the Zoning Code, and rezonings (except
10 those pertaining to properties located within the Downtown
11 Overlay Zone, as defined in Section 656.361.2), appeals from
12 written orders granting or denying an administrative deviation
13 and written interpretations of the Zoning Code and final orders
14 of the Cell Tower Review Committee and other matters related to
15 land use and area planning which are referred to the Department
16 or to the Commission pursuant to law. For rezonings within the
17 Downtown Overlay that have a companion Future Land Use Map
18 amendment, both the Commission and the Downtown Development
19 Review Board shall review and make recommendations to the City
20 Council and the DIA, as the case may be.

21 * * *

22 **Section 2. Amending Section 656.131 (Zoning exceptions) and**
23 **Section 656.137 (Notice of Public Hearing and public meetings for**
24 **rezonings), Subpart D (Zoning Exceptions, Variances and Waivers,**
25 **Amendments to Final Order, Appeals of Written Interpretations of the**
26 **Director and Appeals of Final Orders of the Commission), Part 1**
27 **(General Provisions), Chapter 656 (Zoning Code), Ordinance Code.**
28 Section 656.131 (Zoning exceptions) and Section 656.137 (Notice of
29 Public Hearing and public meetings for rezonings), Subpart D (Zoning
30 Exceptions, Variances and Waivers, Amendments to Final Order, Appeals
31 of Written Interpretations of the Director and Appeals of Final Orders

1 of the Commission), Part 1 (General Provisions), Chapter 656 (Zoning
2 Code), *Ordinance Code*, are hereby amended to read as follows:

3 **Chapter 656 - ZONING CODE**

4 **PART 1. - GENERAL PROVISIONS**

5 * * *

6 **SUBPART D. - ZONING EXCEPTIONS, VARIANCES AND WAIVERS,**
7 **AMENDMENTS TO FINAL ORDER, APPEALS OF WRITTEN INTERPRETATIONS**
8 **OF THE DIRECTOR AND APPEALS OF FINAL ORDERS OF THE COMMISSION**

9 **Sec. 656.131. - Zoning exceptions.**

10 (a) A proposal for a zoning exception may be initiated only upon an
11 application for zoning exception filed with the Department by
12 the owner or his authorized agent. An application for a zoning
13 exception under the Zoning Code shall be in writing and in the
14 form prescribed by the Department~~Commission~~. Information
15 required on the application may include, for example, the name
16 and address of the owner and the agent, the property address and
17 location, and a legal description and real estate assessment
18 number(s). Other information may include the current zoning of
19 the property, the exception being sought, a list of owners of
20 property within 350 feet, identification of any previous zoning
21 applications for the property during the preceding five years
22 and statements indicating how the standards and criteria for
23 exceptions which are set forth herein will be met. 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 exception. The site
27 plan must show the following:

- 28 (i) Property dimensions;
29 (ii) Buildings and dimensions;
30 (iii) Parking spaces and dimensions, including handicapped and
31 car pool spaces;

- (iv) Loading and unloading area, if applicable, with turn around and dimensions;
- (v) Landscaped areas and dimensions;
- (vi) Ingress and egress (driveways, alleys and easements);
- (vii) Adjacent streets and right-of-way;
- (viii) North arrow and graphic scale;
- (ix) Signage (if any);
- (x) Buildings setbacks and buffer (including dimensions);
- (xi) Adjacent current property uses;
- (xii) Adjacent zoning districts;
- (xiii) Total land area; and
- (xiv) Total building coverage area.

Additional items may be required, to the extent applicable, as required by any site review guidelines which may be promulgated by the Department from time to time. The site plan, as approved, shall be binding upon the exception, if granted. Upon receipt of the application, the Zoning Administrator shall determine whether the application is complete within five (5) working days. If it is determined that the application is not complete, written notice shall be provided to the applicant specifying the deficiencies. The Zoning Administrator shall take no further action on the application until the deficiencies are remedied. When the application is determined to be complete, all fees must be paid as specified in Section 656.147.

* * *

(e) For purposes of this section, for alcohol-related zoning exceptions, all references to "Commission" shall mean the City Council. Alcohol-related zoning exception applications shall be considered by the City Council which shall apply the criteria set forth in Section 656.131(c) and the definition of exception. The Department shall be responsible for making an advisory recommendation with respect to each application for an alcohol-

1 related zoning exception. Public hearings for alcohol-related
2 zoning exceptions shall be noticed in the same manner as required
3 for rezonings set forth in Section 656.137.

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5 **Sec. 656.137. - Notice of Public Hearing and public meetings for**
6 **rezonings.**

7 * * *

8 (g) For purposes of this section, for alcohol-related zoning
9 exceptions, all preceding references to "Commission" shall mean
10 the City Council.

11 **Section 3. Codification Instructions.** The Codifier and the
12 Office of General Counsel are authorized to make all chapter and
13 division "table of contents" consistent with the changes set forth
14 herein. Such editorial changes and any other necessary to make the
15 *Ordinance Code* consistent with the intent of this legislation are
16 approved and directed herein, and the changes to the *Ordinance Code*
17 shall be made forthwith and when inconsistencies are discovered.

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

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22 Form Approved:

23
24 /s/ Mary E. Staffopoulos

25 Office of General Counsel

26 Legislation Prepared By: Mary E. Staffopoulos

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