

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

4 **ORDINANCE 2023-716**

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; and

5 **WHEREAS**, on August 16, 2023, the DIA Board approved a
6 Resolution approving this amendment to Chapter 55 of the Ordinance
7 Code to clarify and definitively memorialize the intent of prior
8 legislative actions related to the DIA and its roles as both the sole
9 community redevelopment agency for Downtown and the public economic
10 development agency, a copy of which is attached hereto as **Exhibit 1**
11 and incorporated herein by this reference; now therefore

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

13 **Section 1. Amending Section 55.105 (Boundaries of**
14 **Jacksonville Downtown Area), Part 1 (Downtown Investment Authority),**
15 **Chapter 55 (Downtown Investment Authority), Ordinance Code.** Section
16 55.105 (Boundaries of Jacksonville Downtown Area), Part 1 (Downtown
17 Investment Authority), Chapter 55 (Downtown Investment Authority),
18 *Ordinance Code*, is hereby amended to read as follows:

19 **Chapter 55 - DOWNTOWN INVESTMENT AUTHORITY**

20 **PART 1. - DOWNTOWN INVESTMENT AUTHORITY**

21 * * *

22 **Sec. 55.105. - Boundaries of Jacksonville Downtown Area.**

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

1 ~~Zone Map and Boundaries), Ordinance Code.~~

2
3 **Sec. 55.106. - Definitions.**

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

6 * * *

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

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

1 public transportation, public utilities, recreational
2 and community facilities, and other public
3 improvements.

4 * * *

5 (h) *Council* means the City Council for the consolidated City of
6 Jacksonville.

7 (i) *CRA Projects and CRA Programs* means those projects and
8 programs located within the boundaries of the Jacksonville
9 Downtown Area, as described in Section 55.105 (Boundaries of
10 Jacksonville Downtown Area), Ordinance Code, administered by
11 the DIA in their capacity as the sole community redevelopment
12 agency for Downtown, which projects and programs further the
13 approved CRA Plan, utilize funding, if any, approved in the
14 applicable CRA budget, and which shall conform to the
15 requirements of F.S. Ch. 163, Pt III.

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

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

26 (k) *Downtown* means the lands described in Section 55.105,
27 Ordinance Code.~~Chapter 656 (Zoning Code), Part 3 (Schedule of~~
28 ~~District Regulations), Subpart H (Downtown Overlay Zone and~~
29 ~~Downtown District Regulations), Section 656.361.2 (Downtown~~
30 ~~Overlay Zone Map and Boundaries), Ordinance Code.~~

31 (l) *Downtown Design Guidelines* means the Design Guidelines as

1 defined in Chapter 656 (Zoning Code), Part 3 (Schedule of
2 District Regulations), Subpart H (Downtown Overlay Zone and
3 Downtown District Regulations), Sections 656.361.1 (Purpose
4 and Intent) and 656.361.6.1.B (Guidelines), Ordinance Code,
5 which may be amended from time to time by the DIA with the
6 guidance of the DDRB.

7 (m) *Downtown Projects and Programs* means projects and programs
8 located within the boundaries of the Jacksonville Downtown
9 Area, as described in Section 55.105 (Boundaries of
10 Jacksonville Downtown Area), Ordinance Code, administered by
11 the DIA in their capacity as the public economic development
12 agency which projects and programs further the goals
13 identified in the BID Plan and utilize funding, if any,
14 approved in the Downtown Economic Development Fund budget or
15 DIA annual budget.

16 ~~(l)~~ (n) *Obligee* shall include any bondholder, agents, or trustees
17 for any bondholders, or lessor demising to the Authority
18 property used in connection with a redevelopment project, or
19 any assignee or assignees of such lessor's interest or any
20 part thereof, and the Federal Government when it is a party
21 to any contract with the City.

22 ~~(m) *Reserved.*~~

23 ~~(n)~~ (o) *Person* means any individual, firm, partnership,
24 corporation, company, association, joint stock association,
25 or body politic, and shall include any trustee, receiver,
26 assignee, or other person acting in a similar representative
27 capacity.

28 ~~(o)~~ (p) *Program* shall mean any loan, grant, ~~and~~
29 ~~incentive~~ *incentives*, activity or initiative established by
30 the DIA in accordance with the BID Plan in their capacity as
31 either the community redevelopment agency or the public

1 economic development agency for Downtown and funded by City
2 Council appropriation.

3 ~~(p)~~(q) *Project* means any development, improvement, property,
4 utility, development or redevelopment facility, road,
5 sidewalk, enterprise, service, or convenience, including,
6 without limitation, buildings, parking structures, public
7 transportation facilities, ~~and~~ services, and parks, now
8 existing or hereafter undertaken or established, that under
9 the provisions of this Act the Authority or any person or
10 public body on behalf of the Authority is authorized to
11 construct, acquire, undertake, or furnish for its own use or
12 for the use of any other person, firm, or corporation owning,
13 leasing, or otherwise using the same, for any profit or
14 nonprofit purpose or activity, and shall include, without
15 limitation, such repairs, replacements, additions,
16 extensions, and betterments of and to any project as may be
17 deemed necessary or desirable by the Board to place or to
18 maintain such project in proper condition for the safe,
19 efficient, and economic operation thereof.

20 ~~(q)~~(r) *Public body* means the federal government, the State of
21 Florida or any county, municipality, board, commission,
22 agency, authority, special district, department, or any other
23 subdivision or public body of the State of Florida or the
24 United States of America or any agency, authority or
25 instrumentality, corporation, or otherwise of the United
26 States of America (collectively, the "Federal Government").

27 ~~(r)~~(s) *Public facility* means any street, park, parking lot,
28 playground, right-of-way, structure, waterway, bridge, lake,
29 pond, canal, utility lines or pipes, and building, including
30 access routes to any of the foregoing, designed and dedicated
31 to use by the public generally, or used by any public agency

1 with or without charge, whether or not the same is revenue
2 producing. Public facilities shall also include publicly
3 owned restaurants, food halls, pedestrian malls, publicly
4 ~~owned~~ historical buildings or monuments, and cultural,
5 educational, and recreational facilities ~~but shall not~~
6 ~~include City parks or parking facilities.~~

7 ~~(s)~~(t) *Real property* shall include lands, including improvements
8 and fixtures thereon, and property of any nature appurtenant
9 thereto, or used in connection therewith, and every estate,
10 interest, right, and use, legal or equitable, therein
11 including terms for years and liens by way of judgment,
12 mortgage, or otherwise.

13 ~~(t)~~(u) *Trust Fund* means the Southside CRA Trust Fund or the
14 Northbank Downtown CRA Trust Fund established in Section
15 111.640, Ordinance Code.

16 * * *

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

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

20 * * *

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

24 Marketing Activities:

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

28 (ii) Market redevelopment activities, opportunities and
29 incentives, as well as conduct stakeholder outreach
30 initiatives on CRA Projects and Programs, when acting
31 in their capacity as the community redevelopment agency.

1 (4) ~~Interpret the BID Plan and approve development and~~
2 ~~redevelopment projects within Downtown, with the support~~
3 ~~of the Downtown Development Review Board in its role as~~
4 ~~established in Chapter 656 (Zoning Code), Part 3 (Schedule~~
5 ~~of District Regulations), Subpart H (Downtown Overlay Zone~~
6 ~~and Downtown District Regulations).~~ When acting in their
7 capacity as either the community redevelopment agency or
8 the public economic development agency for Downtown,
9 interpret the BID Plan and, consistent with the goals, plan
10 umbrellas and identified Projects and Programs as
11 contemplated by the BID Plan, create new Projects and
12 Programs as contemplated by the BID Plan, all subject to
13 City Council appropriation of funds therefor and conforming
14 to the permissible use of tax increment funds as to CRA
15 Projects and Programs.

16 * * *

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

1 ~~the expiration date of the applicable Trust Fund, as~~
2 ~~successor in interest to the DIA.~~

3 a. When acting in their capacity as either the community
4 redevelopment agency or the public economic development
5 agency for Downtown: implement the BID Plan; approve
6 development and redevelopment projects within Downtown;
7 negotiate and grant final approval of Downtown
8 development and redevelopment agreements; and grant
9 agreements, license agreements, and lease agreements,
10 including retail, commercial and ground lease
11 agreements, subject to the DIA's budget for the
12 applicable CRA or the Downtown Economic Development Fund
13 ("Fund"), as defined in Section 55.112, Ordinance Code,
14 and the restrictions thereof, without further action of
15 Council, in furtherance of the BID Plan.

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

29 (9) a. When acting in their capacity as the public economic
30 development agency for Downtown, negotiate ~~Negotiate~~
31 economic incentive packages for Downtown, just as OED

1 does ~~for areas outside of Downtown,~~ and monitor
2 compliance of the same pursuant to the City's approved
3 Public Investment Policy, as may be amended from time
4 to time, ~~regarding Programs 1 through 26 contained in~~
5 ~~the BID Strategy document, with the assistance of the~~
6 ~~Economic Development Officer,~~ Such packages may be
7 approved by the DIA Board, without further Council
8 approval, ~~unless otherwise required in the BID Strategy,~~
9 ~~and~~ provided that sufficient funds exist and are
10 currently appropriated within the Fund ~~appropriate Trust~~
11 ~~Fund or the DIA's approved budget,~~ or the incentive
12 program is self-funding (i.e., a REV Grant). The updated
13 Public Investment Policy dated October 25, 2022 ~~June 28,~~
14 ~~2016~~ was made operational by Ordinance 2022-726-E, ~~2016-~~
15 ~~382-E,~~ and as amended from time to time, is hereby
16 incorporated into the BID Plan by reference.

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

30 * * *

- 31 e. In the event that Council seeks to approve an incentive

1 package or Redevelopment Agreement (or their functional
2 equivalents) following a DIA recommendation of denial,
3 or Council seeks to award a funding amount greater than
4 that authorized by the DIA, such actions shall require
5 approval of two-thirds of the membership of the Council.
6 Any waiver by ordinance of this section shall require
7 approval of two-thirds of the membership of the Council.

8 * * *

9 (18) When acting in their capacity as the community
10 redevelopment agency, lendLend, grant, or contribute funds
11 to the City, and enter into agreements with such City
12 agencies or departments regarding the use of such funds.

13 (19) When acting in their capacity as the community
14 redevelopment agency, enterEnter into agreements with a
15 Public Body with respect to action to be taken in the
16 exercise of any of the powers granted to the DIA or in
17 furtherance of the objectives of the DIA.

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

26 (21) When acting in their capacity as the community
27 redevelopment agency, administerAdminister and manage the
28 downtown tax increment finances ("TIF") for the Southside
29 CRA via the Southside CRA Trust Fund, and Northbank
30 Downtown CRA via the Northbank Downtown CRA Trust Fund.
31 Said Trust Funds are established in Section 111.640,

1 Ordinance Code. The Northbank Downtown CRA Trust Fund shall
2 maintain two separate accounting records, one for the
3 Downtown East CRA and one for the Northside West CRA, for
4 the purpose of segregating funds required to satisfy
5 outstanding obligations, if any, that were remaining at
6 the time of the merger of the Downtown East CRA and the
7 Northside West CRA pursuant to Ordinance 2000-1078-E
8 and Section 500.114, Ordinance Code.

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

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

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

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

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

7 * * *

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

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

29 (a) Downtown Economic Development Fund. The Downtown Economic
30 Development Fund ("Fund") shall consist of all donations and
31 contributions of money, including gifts and grants received

1 by the City, for use in furthering the goals of the DIA, as
2 well as funds as may be appropriated from time to time by
3 Council.

4 (i) All sums placed into the Fund, which shall include all
5 interest and investment pool earnings earned or accrued
6 thereon, shall be accounted for in a separate account and
7 shall not lapse at the close of any fiscal year but instead
8 shall carry over to the next fiscal year.

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

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

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

27 **Section 3. Effective Date.** This Ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.
30
31

1 Form Approved:

2

3 /s/ Carla A. Lopera

4 Office of General Counsel

5 Legislation Prepared By: Carla A. Lopera

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