

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

**ORDINANCE 2024-39**

AN ORDINANCE CONCERNING THE DOWNTOWN OVERLAY ZONE AND THE DOWNTOWN SIGN OVERLAY ZONE; INCORPORATION OF RECITALS; AMENDING SECTION 656.361.7.1 (APPLICATION AND REVIEW PROCEDURE TO DDRB AND COUNCIL; APPEALS), SUBPART H (DOWNTOWN OVERLAY ZONE AND DOWNTOWN DISTRICT USE AND FORM REGULATIONS), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*, TO REVISE THE PROJECT TYPES SUBJECT TO STAFF REVIEW AND TO DDRB REVIEW, AND TO CLARIFY AND REVISE THE REVIEW PROCESS AND PROCEDURES FOR SPECIFIED PROJECTS; AMENDING SECTION 656.361.8 (DEVIATIONS), SUBPART H (DOWNTOWN OVERLAY ZONE AND DOWNTOWN DISTRICT USE AND FORM REGULATIONS), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*, TO ELIMINATE THE WORKSHOP REQUIREMENT FOR SELECT DEVIATIONS; AMENDING SECTION 656.1335 (DESIGN REVIEW), SUBPART B (DOWNTOWN SIGN OVERLAY ZONE), PART 13 (SIGN REGULATIONS), CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*, TO ALLOW STAFF REVIEW OF CERTAIN SIGN APPLICATIONS; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, as part of Mayor Deegan's Economic Development Transition Committee, opportunities for permitting and development

1 review efficiencies were prioritized; and

2       **WHEREAS**, in reporting to the Economic Development Transition  
3 Committee, the Downtown Investment Authority ("DIA") and the Downtown  
4 Development Review Board ("DDRB") staff identified several  
5 opportunities for development review efficiencies as they relate to  
6 Downtown Development; and

7       **WHEREAS**, the DDRB has reviewed and is in support of the  
8 identified recommendations for Ordinance Code amendments; and

9       **WHEREAS**, the DIA requests that City Council amend the Ordinance  
10 Code as provided herein; and

11       **WHEREAS**, the purpose and intent of this Ordinance is to update  
12 the Downtown Overlay to implement permitting and development review  
13 efficiencies, consistent with Objective 2.3 of the *2045 Comprehensive*  
14 *Plan* Future Land Use Element to revise the list of project types that  
15 are subject only to administrative review, revise the development  
16 review process for specified projects and eliminate the workshop  
17 requirement for select deviations; and

18       **WHEREAS**, on October 18, 2023, the DIA Board approved Resolution  
19 2023-10-07, approving this amendment to Chapter 656 of the *Ordinance*  
20 *Code*, to clarify and streamline various review processes of the DDRB,  
21 a copy of which is attached hereto as **Exhibit 1**; now therefore

22       **BE IT ORDAINED**, by the Council of the City of Jacksonville:

23       **Section 1. Incorporation of Recitals.** The above recitals  
24 are incorporated herein and made a part hereof by this reference.

25       **Section 2. Amending Section 656.361.7.1 (Application and**  
26 **Review Procedure to DDRB and Council; Appeals), Subpart H (Downtown**  
27 **Overlay Zone and Downtown District Use and Form Regulations), Part 3**  
28 **(Schedule of District Regulations), Chapter 656 (Zoning Code),**  
29 **Ordinance Code.** Section 656.361.7.1 (Application and Review  
30 Procedure to DDRB and Council; Appeals), Subpart H (Downtown Overlay  
31 Zone and Downtown District Use and Form Regulations), Part 3 (Schedule

of District Regulations), Chapter 656 (Zoning Code), *Ordinance Code*,  
is hereby amended to read as follows:

**CHAPTER 656 - ZONING CODE**

**\* \* \***

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

**\* \* \***

**SUBPART H. - DOWNTOWN OVERLAY ZONE AND DOWNTOWN DISTRICT USE  
AND FORM REGULATIONS**

**\* \* \***

**Sec. 656.361.7.1. - Application and Review Procedure to DDRB and  
Council; Appeals.**

**\* \* \***

D. *Classification of Projects.* Upon receipt of the  
application and required information, DDRB staff will  
classify the proposed developments as follows:

1. *Staff Review Only.*

(a) Landscaping sufficiency regarding number, species,  
size, and placement of trees; soil to tree ratio; and  
alternatives for irrigation;

(b) Streetscape elements that comply with the Pedestrian  
Zone requirements applicable to unconstrained rights-  
of-way;

(c) Minor structural changes to exterior facades or  
structures;

(d) Signs that comply with Subpart B of Chapter 656,  
Part 13 - Downtown Sign Overlay Zone;

(e) Projects that consist only of landscaping,  
hardscaping, street furnishings, and/or vehicle use area  
components, and do not require any Deviation;

~~(d)~~ (f) Other classifications delegated to DDRB staff by  
DDRB; and

1           ~~(e)~~(g) Minor changes to applications previously  
2           approved by the DDRB.

3           2. *DDRB Review.*

4           (a) New construction;

5           (b) Major structural changes to exterior facade of  
6           existing structures;

7           (c) Signs, that require a special sign exception  
8           pursuant to Section 656.1333(j)~~656.1335~~ and  
9           comprehensive sign plans required by Section  
10          656.1333(b)(2)~~656.1337~~, which shall require only Final  
11          Approval by DDRB;

12          (d) Streetscape elements in constrained rights-of-ways  
13          where the generally required minimum Amenity Area,  
14          Pedestrian Clear Area, or Frontage Area is reduced in  
15          width, shared with the Vehicular Zone or encroaches on  
16          private property;

17          (e) Staff review classifications deemed appropriate by  
18          DDRB staff for review by the DDRB;~~and~~

19          (f) Significant changes to applications previously  
20          approved by the DDRB, which shall require only Final  
21          Approval by DDRB; and-

22          (g) Capital projects including, but not limited to,  
23          streetscape projects, road narrowing or lane elimination  
24          projects, and park projects, which shall require only a  
25          design review by DDRB, not approval, provided that any  
26          buildings proposed meet the requirements of Section  
27          656.361.6.2 without the need for Deviation.

28          E. *Staff Review.*

29          Projects classified as "Staff Review Only" will be reviewed  
30          by DDRB staff and approved, approved with conditions, or  
31          denied within ten working days of submittal of a complete

1 application. Staff will notify the applicant of an  
2 incomplete application within five days of receipt of the  
3 application.

4 F. *Procedures to be followed by the DDRB.*

5 1. Projects classified as "DDRB Review Required" will be  
6 considered by the DDRB at a scheduled meeting within 30  
7 working days of submittal of a completed application at a  
8 scheduled monthly DDRB meeting. The applicant may present  
9 the project at the meeting.

10 2. The DDRB will review projects using a two-step process,  
11 except as otherwise provided in this section. The first  
12 step is a Conceptual Approval, whereby the applicant's  
13 project will be reviewed and conceptually approved,  
14 conceptually approved with conditions or denied based upon  
15 the District Regulations, the Downtown Design Guidelines,  
16 and the Riverwalk Park Design Criteria, if applicable. The  
17 second step is a Final Approval, whereby the applicant  
18 brings the project back to DDRB within one year~~six months~~  
19 to be reviewed and approved, approved with conditions, or  
20 denied based upon the Regulations and applicable  
21 Guidelines. Prior to consideration by the DDRB for Final  
22 Approval, it is the intent of this Section that the  
23 application and project will have received such reviews  
24 and approvals as DDRB staff deems necessary so that the  
25 DDRB is presented at Final Approval with as complete a  
26 project as possible, considering all design,  
27 architectural, engineering, traffic, utilities, fire and  
28 life safety, environmental, historic, landscape and  
29 streetscape and any other site and project development  
30 issues which may be associated with completion of the  
31 proposed project.

1 3. For multi-phase projects consisting of construction or  
2 renovation of two or more separate buildings or structures,  
3 DDRB review shall be conducted as follows:

4 (a) The two-step process outlined in subparagraph (2),  
5 above, shall first be applied to conceptual and final  
6 approval of the overall development site and consider  
7 compliance of the overall site plan with the  
8 requirements contained in this Subpart H relating to  
9 view corridors, setbacks, heights, street closures,  
10 river views and encroachment. Furthermore, the DDRB  
11 shall also consider streetscape plans and landscaping  
12 plans, if such are available; and

13 (b) Following final approval of the overall site plan,  
14 the applicant shall then present the development or  
15 redevelopment plans for each building or structure  
16 contained in the multi-phase project for individual  
17 consideration by the DDRB ~~using~~following the two-step  
18 process contained in subparagraph (2), above. The DDRB  
19 shall also consider all aspects of the project requiring  
20 DDRB review and approval pursuant to this Subpart and  
21 not considered in the initial site plan approval process  
22 described in subpart (a), above.

23 The intent of this Section is to authorize the DDRB to  
24 consider those projects wherein an applicant proposes an  
25 overall site development consisting of multiple building  
26 development or redevelopment by first considering the  
27 overall site layout and cumulative impact of the entire  
28 project on surrounding properties and later considering  
29 design-type matters associated with the project's  
30 individual buildings.

31 \* \* \*

1 7. Any locally or federally designated landmark, building,  
2 structure, site, or structure or site within a locally or  
3 federally designated historic district within the Downtown  
4 Overlay Zone subject to review under Chapter 307 shall be  
5 governed by the provisions of Chapter 307, and the  
6 provisions of this Section shall apply to the extent they  
7 do not conflict with Chapter 307. These structures are  
8 exempt from DDRB Conceptual Review but are required to  
9 receive Final Approval by the DDRB after issuance of any  
10 required Certificates of Appropriateness. ~~After conceptual~~  
11 ~~approval by DDRB, but prior to final approval consideration~~  
12 ~~by the DDRB, an applicant shall obtain necessary~~  
13 ~~Certificates of Appropriateness for the project.~~

14 \* \* \*

15 **Section 3. Amending Section 656.361.8 (Deviations),**  
16 **Subpart H (Downtown Overlay Zone and Downtown District Use and Form**  
17 **Regulations), Part 3 (Schedule of District Regulations), Chapter 656**  
18 **(Zoning Code), Ordinance Code.** Section 656.361.8 (Deviations),  
19 Subpart H (Downtown Overlay Zone and Downtown District Use and Form  
20 Regulations), Part 3 (Schedule of District Regulations), Chapter 656  
21 (Zoning Code), *Ordinance Code*, is hereby amended to read as follows:

22 **CHAPTER 656 - ZONING CODE**

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

24 **SUBPART H. - DOWNTOWN OVERLAY ZONE AND DOWNTOWN DISTRICT USE AND**  
25 **FORM REGULATIONS**

26 \* \* \*

27 **Sec. 656.361.8. - Deviations.**

28 A. *General Considerations.*

29 1. The Form Regulations identify which body has authority  
30 to approve a Deviation from each section thereof. The DDRB  
31 has the authority to grant Deviations for all Form

1 Regulations in subsection 656.361.6.2 except as specified  
2 in subsection 656.361.6.2.H (Waterfront Design and River  
3 Views: setbacks, height and access corridors) and  
4 subsection 656.361.6.2.I (Creek Views and Creekfront  
5 Design), which require a final decision by the City Council  
6 for specified Deviations. Except as otherwise provided in  
7 this Section, Any request for a Deviation, whether the  
8 final Deviation decision rests with the City Council or  
9 the DDRB, shall be heard by the DDRB initially in a Workshop  
10 format. Participation by an applicant in a Workshop  
11 requires that the designer(s) of the project present the  
12 need for the Deviation along with potential alternative  
13 design solutions.

14 2. The following requests for Deviation are exempt from  
15 the Workshop requirement, unless the project fronts the  
16 St. Johns River, Hogans Creek, or McCoy's Creek:

- 17 (a) Existing buildings, when the requested Deviation  
18 would not expand or intensify the non-conformity;  
19 (b) Building entrance criteria for new construction; and  
20 (c) Rooftop criteria for new construction.

21 ~~2.3.~~ The Zoning Administrator shall not have the authority  
22 to grant Administrative Deviations in the Overlay Zone.

23 ~~3.4.~~ Certain Form Regulations must be met in their entirety  
24 in order for an economic incentive of any kind to be granted  
25 to a development. Although Deviations may be granted for  
26 design so that the project may be constructed, this does  
27 not amount to "meeting" the Regulation in order to  
28 establish eligibility for the economic incentive. Approval  
29 of an economic incentive by the DIA for a project shall  
30 not be taken into consideration by the DDRB in their  
31 deliberations regarding the project's consistency with the



1           Use or Form Regulations.

2           ~~4.5.~~ Approval by the DIA of an economic incentive assumes  
3           that the project will meet the Regulations as written,  
4           without a Deviation. See subsections 656.361.6.2.H  
5           and 656.361.6.2.I.

6           ~~5.6.~~ Deviations shall be approved by a 2/3 vote of the  
7           membership of the initial jurisdictional body, as well as  
8           any appellate procedure. Waiving this requirement shall be  
9           stated in the title of the resolution or ordinance  
10          pertaining to the Deviation, and shall adhere to the  
11          Council Rules regarding the waiver of an ordinance.

12          ~~6.7.~~ All Deviations must be based upon the General  
13          Deviation Criteria, in addition to any specific criteria  
14          contained in the Section pertinent to that Regulation. All  
15          of the General Deviation Criteria must be met, and an  
16          explanation of each must be provided by the  
17          developer/applicant. A separate positive determination  
18          must be made for each criterion by the reviewing body,  
19          based upon competent, substantial evidence, in order to  
20          grant the Deviation.

21                           \* \* \*

22           **Section 4.           Amending Section 656.1335 (Design Review),**  
23           **Subpart B (Downtown Sign Overlay Zone), Part 13 (Sign Regulations),**  
24           **Chapter 656 (Zoning Code), Ordinance Code.** Section 656.1335 (Design  
25           Review), Subpart B (Downtown Sign Overlay Zone), Part 13 (Sign  
26           Regulations), Chapter 656 (Zoning Code), *Ordinance Code*, is hereby  
27           amended to read as follows:

28                           **CHAPTER 656 - ZONING CODE**

29                           \* \* \*

30                           **PART 13. - SIGN REGULATIONS**

31                           \* \* \*

1                   **SUBPART B. - DOWNTOWN SIGN OVERLAY ZONE**

2                                   \* \* \*

3   **Sec. 656.1335. - Design review.**

4       Applications for sign permits for any parcel submitted within  
5   the Downtown Sign Overlay Area shall be submitted to the DDRB staff,  
6   who will determine if the application can be reviewed and approved  
7   by staff pursuant to Sec. 656.361.7.1(D) or if it will be forwarded  
8   to be reviewed by the DDRB for a recommendation of approval or denial  
9   based on the following criteria:

10                               \* \* \*

11       **Section 5.       Effective Date.**   This Ordinance shall become  
12   effective upon signature by the Mayor or upon becoming effective  
13   without the Mayor's signature.

14  
15   Form Approved:

16  
17             /s/ Carla A. Lopera          

18   Office of General Counsel

19   Legislation Prepared By: Carla A. Lopera

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