

Introduced by the Council President at the request of the DIA and amended by the Neighborhoods, Community Services, Public Health and Safety Committee:

**ORDINANCE 2024-39-E**

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.

1       **WHEREAS**, as part of Mayor Deegan's Economic Development  
2 Transition Committee, opportunities for permitting and development  
3 review efficiencies were prioritized; and

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

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

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

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

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

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

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

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

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

2. *DDRB Review.*

(a) New construction;

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

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

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

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

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

(g) DDRB shall have an opportunity to review and provide comments and recommendations for Capital Improvement Projects that are undertaken by, or on behalf of, the City, independent agencies, or the DIA that have a total cost greater than \$100,000, a useful life of more than ten years, and that do not require a Deviation or Special Exception. Such projects include, but are not limited to, streetscape projects, road narrowing or lane

elimination projects, public buildings, and park or public space projects and do not include projects that are of a purely maintenance or utility infrastructure nature or that are otherwise listed herein as requiring staff review only.

E. *Staff Review.*

Projects classified as "Staff Review Only" will be reviewed by DDRB staff and approved, approved with conditions, or denied within ten working days of submittal of a complete application. Staff will notify the applicant of an incomplete application within five days of receipt of the application.

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

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

2. The DDRB will review projects using a two-step process, except as otherwise provided in this section. The first step is a Conceptual Approval, whereby the applicant's project will be reviewed and conceptually approved, conceptually approved with conditions or denied based upon the District Regulations, the Downtown Design Guidelines, and the Riverwalk Park Design Criteria, if applicable. The second step is a Final Approval, whereby the applicant brings the project back to DDRB within one year~~six months~~ to be reviewed and approved, approved with conditions, or denied based upon the Regulations and applicable Guidelines. Prior to consideration by the DDRB for Final Approval, it is the intent of this Section that the

1 application and project will have received such reviews  
2 and approvals as DDRB staff deems necessary so that the  
3 DDRB is presented at Final Approval with as complete a  
4 project as possible, considering all design,  
5 architectural, engineering, traffic, utilities, fire and  
6 life safety, environmental, historic, landscape and  
7 streetscape and any other site and project development  
8 issues which may be associated with completion of the  
9 proposed project.

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

13 (a) The two-step process outlined in subparagraph (2),  
14 above, shall first be applied to conceptual and final  
15 approval of the overall development site and consider  
16 compliance of the overall site plan with the  
17 requirements contained in this Subpart H relating to  
18 view corridors, setbacks, heights, street closures,  
19 river views and encroachment. Furthermore, the DDRB  
20 shall also consider streetscape plans and landscaping  
21 plans, if such are available; and

22 (b) Following final approval of the overall site plan,  
23 the applicant shall then present the development or  
24 redevelopment plans for each building or structure  
25 contained in the multi-phase project for individual  
26 consideration by the DDRB ~~using~~following the two-step  
27 process contained in subparagraph (2), above. The DDRB  
28 shall also consider all aspects of the project requiring  
29 DDRB review and approval pursuant to this Subpart and  
30 not considered in the initial site plan approval process  
31 described in subpart (a), above.

1 The intent of this Section is to authorize the DDRB to  
2 consider those projects wherein an applicant proposes an  
3 overall site development consisting of multiple building  
4 development or redevelopment by first considering the  
5 overall site layout and cumulative impact of the entire  
6 project on surrounding properties and later considering  
7 design-type matters associated with the project's  
8 individual buildings.

9 \* \* \*

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

23 \* \* \*

24 **Section 3. Amending Section 656.361.8 (Deviations),**  
25 **Subpart H (Downtown Overlay Zone and Downtown District Use and Form**  
26 **Regulations), Part 3 (Schedule of District Regulations), Chapter 656**  
27 **(Zoning Code), Ordinance Code.** Section 656.361.8 (Deviations),  
28 Subpart H (Downtown Overlay Zone and Downtown District Use and Form  
29 Regulations), Part 3 (Schedule of District Regulations), Chapter 656  
30 (Zoning Code), *Ordinance Code*, is hereby amended to read as follows:  
31

## CHAPTER 656 - ZONING CODE

\* \* \*

## PART 3. - SCHEDULE OF DISTRICT REGULATIONS

\* \* \*

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

\* \* \*

## Sec. 656.361.8. - Deviations.

A. *General Considerations.*

1. The Form Regulations identify which body has authority to approve a Deviation from each section thereof. The DDRB has the authority to grant Deviations for all Form Regulations in subsection 656.361.6.2 except as specified in subsection 656.361.6.2.H (Waterfront Design and River Views: setbacks, height and access corridors) and subsection 656.361.6.2.I (Creek Views and Creekfront Design), which require a final decision by the City Council for specified Deviations. Except as otherwise provided in this Section, Any request for a Deviation, whether the final Deviation decision rests with the City Council or the DDRB, shall be heard by the DDRB initially in a Workshop format. Participation by an applicant in a Workshop requires that the designer(s) of the project present the need for the Deviation along with potential alternative design solutions.

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

(a) Existing buildings, when the requested Deviation would not expand or intensify the non-conformity;

(b) Building entrance criteria for new construction; and



1        (c) Rooftop criteria for new construction.

2        ~~2.3.~~ The Zoning Administrator shall not have the authority  
3        to grant Administrative Deviations in the Overlay Zone.

4        ~~3.4.~~ Certain Form Regulations must be met in their entirety  
5        in order for an economic incentive of any kind to be granted  
6        to a development. Although Deviations may be granted for  
7        design so that the project may be constructed, this does  
8        not amount to "meeting" the Regulation in order to  
9        establish eligibility for the economic incentive. Approval  
10       of an economic incentive by the DIA for a project shall  
11       not be taken into consideration by the DDRB in their  
12       deliberations regarding the project's consistency with the  
13       Use or Form Regulations.

14       ~~4.5.~~ Approval by the DIA of an economic incentive assumes  
15       that the project will meet the Regulations as written,  
16       without a Deviation. See subsections 656.361.6.2.H  
17       and 656.361.6.2.I.

18       ~~5.6.~~ Deviations shall be approved by a 2/3 vote of the  
19       membership of the initial jurisdictional body, as well as  
20       any appellate procedure. Waiving this requirement shall be  
21       stated in the title of the resolution or ordinance  
22       pertaining to the Deviation, and shall adhere to the  
23       Council Rules regarding the waiver of an ordinance.

24       ~~6.7.~~ All Deviations must be based upon the General  
25       Deviation Criteria, in addition to any specific criteria  
26       contained in the Section pertinent to that Regulation. All  
27       of the General Deviation Criteria must be met, and an  
28       explanation of each must be provided by the  
29       developer/applicant. A separate positive determination  
30       must be made for each criterion by the reviewing body,  
31       based upon competent, substantial evidence, in order to

grant the Deviation.

\* \* \*

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

**CHAPTER 656 - ZONING CODE**

\* \* \*

**PART 13. - SIGN REGULATIONS**

\* \* \*

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

\* \* \*

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

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

\* \* \*

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

Form Approved:

/s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Carla A. Lopera