

1 Introduced by Council Member Morgan and substituted by the
2 Neighborhoods, Community Services, Public Health and Safety
3 Committee:
4
5

6 **ORDINANCE 2019-879**

7 AN ORDINANCE AMENDING CHAPTER 656 (ZONING
8 CODE), *ORDINANCE CODE*; PART 3 (SCHEDULE OF
9 DISTRICT REGULATIONS), SUBPART S (RENEW
10 ARLINGTON ZONING OVERLAY), SECTIONS 656.399.56
11 (BOUNDARIES OF ZONING OVERLAY AREA), 656.399.57
12 (APPLICABILITY), 656.399.59 (DEFINITIONS),
13 SECTION 656.399.61 (ADMINISTRATIVE
14 DEVIATIONS); CREATING NEW SECTIONS 656.399.63
15 (RENEW ARLINGTON DESIGN REVIEW ("RADR") TEAM)
16 AND 656.399.64 (RA/CRA ZONING OVERLAY
17 ADMINISTRATIVE DEVIATIONS), TO CREATE A
18 CONSOLIDATED REVIEW PROCESS WITHIN THE
19 PLANNING AND DEVELOPMENT DEPARTMENT FOR
20 PROPERTIES WITHIN THE RA/CRA ZONING OVERLAY
21 AREA THAT WERE OUT OF CONFORMANCE WITH THE
22 OVERLAY GUIDELINES FOR FENCES,
23 LANDSCAPING/LANDSCAPE BUFFERS AND SIGNAGE ON
24 JULY 1, 2019, AND ARE NOW REQUIRED TO CONFORM
25 BY A DATE CERTAIN; PROVIDING A DIRECTIVE TO
26 THE MUNICIPAL CODE CORPORATION TO INSERT A
27 DATE CERTAIN; PROVIDING AN EFFECTIVE DATE.
28

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

30 **Section 1. Chapter 656 (Zoning Code), PART 3. (SCHEDULE**
31 **OF DISTRICT REGULATIONS), SUBPART S. (RENEW ARLINGTON ZONING**

1 **OVERLAY), Ordinance Code, Amended.** Chapter 656 (ZONING CODE), PART
2 3. (SCHEDULE OF DISTRICT REGULATIONS), Subpart S (Renew Arlington
3 Zoning Overlay), *Ordinance Code*, is hereby amended to read as
4 follows:

5 **CHAPTER 656. ZONING CODE.**

6 * * *

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

8 * * *

9 **SUBPART S. RENEW ARLINGTON ZONING OVERLAY**

10 * * *

11 **Sec. 656.399.56. - Boundaries of ~~zoning overlay area~~ Zoning**
12 **Overlay Area.**

13 * * *

14 **Sec. 656.399.57. - Applicability.**

15 A. Unless otherwise stated in this Subpart, when the
16 regulations of this Zoning Overlay impose a different restriction
17 upon the use of buildings or land, or upon the height of buildings,
18 or require other conditions than are imposed or required by other
19 ordinances, other than those ordinances approving Planned Unit
20 Development (PUD) adopted prior to this Subpart, the provisions of
21 this Subpart shall control. Additionally, the parking requirements
22 of this Zoning Overlay shall supersede any conflicting parking
23 requirements set forth in Part 6 of the Zoning Code. It is intended
24 that this Subpart shall be applied to support the RA/CRA
25 designation and characteristics of the Redevelopment/Zoning Overlay
26 Area and to guide development and redevelopment to support the
27 goals and objectives contained in the Comprehensive Plan and the
28 RA/CRA Redevelopment Plan.

29 * * *

30 F. Unless otherwise specified in this Subpart, non-conforming
31 High Intensity Uses, as described in subsection 656.399.60, that

1 are located within any Character Area shall bring their existing
2 non-conforming development characteristics such as, but not
3 necessarily limited to, site layout; building form and finish
4 materials; building location; parking; lighting; walkways; and
5 screening for non-residential and multi-family uses into compliance
6 upon either: ~~reoccupation of the structure when such use ceases for~~
7 ~~more than six months; or upon a Major Renovation, as that term is~~
8 ~~defined in this Subpart.~~

9 1. Reoccupation of the structure when such use ceases for
10 more than six months; or

11 2. A Major Renovation, as that term is defined in this
12 Subpart.

13 G. Unless otherwise specified in this Subpart, all non-
14 conforming uses other than High Intensity Uses that are located in
15 any Character Area, shall bring their existing non-conforming
16 development characteristics such as, but not necessarily limited
17 to, parking; lighting; walkways; and screening for non-residential
18 and multi-family uses, into compliance upon either:

19 1. Reoccupation of the structure when such use ceases for
20 more than six months; or

21 2. A Major Renovation, as that term is defined in this
22 Subpart.

23 H. Mandatory Compliance elements and deadline. ~~For purposes~~
24 ~~of the Term for mandatory compliance with these regulations for~~
25 ~~signage, screening and landscape buffers in all Character Areas,~~
26 ~~the Term shall begin on January 1, 2020 and end on December 31,~~
27 ~~2024.~~ Three elements of site improvements (Fencing,
28 Landscaping/Landscape Buffers, and Signage) make up the "Mandatory
29 Compliance elements." These elements are required to conform to
30 this Zoning Overlay by the later of December 31, 2024, or five
31 years plus 90 days after a grant program to help mitigate the cost

1 of compliance is approved by the RA/CRA Board. This Mandatory
2 Compliance is required regardless of whether the thresholds listed
3 in subsection F or G above have been met, and is required for all
4 Character Areas.

5 * * *

6 **Sec. 656.399.59. - Definitions. The definitions contained in Part**
7 **16 of the Zoning Code shall apply unless otherwise defined in this**
8 **Subpart.**

9 ~~A. The definitions contained in Part 16 of the Zoning Code~~
10 ~~shall apply unless otherwise defined in this Subpart.~~

11 ~~1. Brewpub means a microbrewery operating in conjunction with~~
12 ~~a restaurant.~~

13 ~~2. Building Scale means the relationship between the mass of~~
14 ~~a building and its surroundings, including the width of the~~
15 ~~street, open space, and mass of surrounding buildings.~~

16 ~~3. Major Renovation means a total cumulative expansion,~~
17 ~~repair, or renovation of existing development, not including~~
18 ~~improvements made in order to comply with this Subpart, that~~
19 ~~is greater than or equal to 50 percent of the assessed value~~
20 ~~of the lot improvements at the start of any three-year period,~~
21 ~~according to the Property Appraiser within any three-year~~
22 ~~period, or the total square footage of a structure is expanded~~
23 ~~by 50 percent or greater, as well as any cumulative square~~
24 ~~footage expansions totaling 50 percent.~~

25 Mandatory Compliance deadline means the later of December 31,
26 2024, or five years plus 90 days after a grant program to help
27 mitigate the cost of compliance is approved by the RA/CRA
28 Board.

29 Mandatory Compliance elements means the three design standard
30 elements of Fences, Landscaping/Landscape Buffers and Signage,
31 as regulated in all Character areas, that property owners are

1 required to bring into compliance with the Zoning Overlay by
2 the Mandatory Compliance deadline.

3 ~~4.~~ *Mass* means the three-dimensional bulk of a structure
4 determined by the height, width, and depth.

5 ~~5.~~ *Microbrewery* means an establishment or facility in which
6 beer is produced for on-premises consumption (taproom) where
7 production does not exceed 10,000 barrels per year and where
8 off-site sales to a state licensed wholesaler do not exceed 75
9 percent of production. Microbreweries may sell their product
10 to the public via a wholesaler or retailer or directly to the
11 consumer through carry-outs or taproom.

12 ~~6.~~ *Pedestrian Scale* means the relationship between a person
13 and their surroundings, including the width of the street and
14 the height, mass, and design of surrounding buildings.

15 ~~7.~~ *Public Space* means public squares, greens, plazas and
16 neighborhood parks, pocket parks, riverwalks, and pedestrian
17 spaces.

18 RA/CRA Mandatory Compliance Grant means a grant,
19 administered by the Office of Economic Development ("OED"),
20 available to property owners with sites that were not in
21 conformance as of July 1, 2019 with any of the three Mandatory
22 Compliance elements. The grant is designed to aid those
23 property owners in complying with the requirements of the
24 Zoning Overlay. The Grant guidelines and application forms
25 are available on the OED website.

26 RA/CRA Designer means a landscape architect, architect,
27 engineer, or other designer whose services OED will provide,
28 at no cost to the property owner, to assist the property owner
29 with design services to formulate a schematic site plan ("site
30 plan") in order redesign the site to obtain conformance with
31 the Zoning Overlay, to the extent practicable. The property

1 owner may choose to utilize the RA/CRA Designer or may use
2 their own appropriate design professional. However, in order
3 to utilize the consolidated review process of the Renew
4 Arlington Design Review team, the site plan must be reviewed
5 and approved by the RA/CRA Designer prior to submittal to the
6 RADR team.

7 Renew Arlington Design Review team ("RADR") means the
8 Planning and Development Department staff charged with
9 providing a consolidated review of site plans addressing the
10 Mandatory Compliance elements for the permitting process
11 pursuant to Sec. 656.399.63, and for recommendations regarding
12 Administrative Deviations pursuant to Sec. 656.399.64.

13 * * *

14 **Sec. 656.399.61. - ~~Administrative deviations~~ Reserved.**

15 ~~Administrative Deviations will be allowed for requests for relief~~
16 ~~from the strict application of this Subpart under the following~~
17 ~~conditions:~~

18 ~~A. No Administrative Deviation will be allowed for a~~
19 ~~reduction in Lot Area for High Intensity Uses; and~~

20 ~~B. An Administrative Deviation may be given for parking~~
21 ~~reductions only if the requirements of the Landscape Code~~
22 ~~(Part 12 of the Zoning Code) are fully met.~~

23 * * *

24 **Section 2. Creating a new Section 656.399.63 (RENEW**
25 **ARLINGTON DESIGN REVIEW ("RADR") TEAM and 656.399.64 (RA/CRA ZONING**
26 **OVERLAY ADMINISTRATIVE DEVIATIONS), Ordinance Code.** A new Section
27 656.399.63 (Renew Arlington Design Review ("RADR") Team, Chapter
28 656 (ZONING CODE), Part 3 (Schedule of District Regulations),
29 Subpart S (Renew Arlington Zoning Overlay) Ordinance Code and
30 656.399.64 (RA/CRA Zoning Overlay Administrative Deviations),
31 Chapter 656 (ZONING CODE), Part 3 (Schedule of District

1 Regulations), Subpart S (Renew Arlington Zoning Overlay) Ordinance
2 Code, is hereby created to read as follows:

3 **Sec. 656.399.63. - Renew Arlington Design Review ("RADR") Team.**

4 A. *Purpose.* Because the sites within the Renew Arlington Zoning
5 Overlay boundaries are generally smaller in size and present a
6 unique challenge to meet the Mandatory Compliance element
7 requirements of the Zoning Overlay due to the history of road
8 widening and in some instances a change of use in the area from
9 single family residential to office, retail and service
10 establishments, a select group of Planning and Development
11 Department staff professionals have been chosen to review
12 proposed site designs for property owners faced with meeting
13 the standards of the Mandatory Compliance elements, without
14 triggering the need for a complete civil plan ("10-set") review
15 by the Department.

16 Property owners with sites that were not in conformance as of
17 July 1, 2019 with any of the three Mandatory Compliance
18 elements may apply for a RA/CRA Mandatory Compliance Grant and
19 may avail themselves of the RA/CRA Designer. The property
20 owner may choose to utilize the RA/CRA Designer or may use
21 their own appropriate design professional. However, in order
22 to utilize the RADR team process, the site plan must be
23 reviewed and approved by the RA/CRA Designer prior to submittal
24 to the RADR team. The RADR team will provide a consolidated
25 review of the site design regarding the Mandatory Compliance
26 elements within the context of the Zoning Overlay.

27 B. *Members.* The Director of Planning and Development shall
28 appoint the persons holding the following positions to the RADR
29 team:

- 30 1. City Landscape Architect;
- 31 2. Planning Services Manager;

1 3. Chief of Current Planning, or their designee;

2 4. Senior Traffic Technician; and

3 5. Others as appointed by the Director as deemed necessary.

4 C. *Duties and Authority.* The RADR team may only be used by
5 property owners that are faced with meeting the standards of
6 the Mandatory Compliance elements within the Mandatory
7 Compliance deadline. However, if requested, the RADR team, at
8 their discretion, may review and comment on other elements of
9 the Zoning Overlay standards as part of the review of the
10 Mandatory Compliance elements of a parcel.

11 1. Site Plan approval. Preliminary review of the schematic
12 site plan by the RADR team is the first step. At this
13 point, the RADR team will determine whether the design:
14 (a) will require an Administrative Deviation; (b) will
15 require conventional civil plan ("10-set") review by the
16 Department due to the complexity of the design; or (c) may
17 progress to construction drawings prepared by a
18 professional for final review by the RADR team for a site
19 development permit. The RADR team may approve site plans
20 for permitting taking into consideration all requirements
21 of the Zoning Overlay including the removal and/or
22 relocation of impervious surfaces, a revision to traffic
23 circulation and number of parking spaces, while still
24 maintaining clear site triangles and general functionality
25 of the site.

26 2. Administrative Deviation staff report. If one or more
27 Administrative Deviations are required for final site plan
28 approval, the RADR team is responsible for providing a
29 staff recommendation to the Zoning Administrator
30 considering each of the RA/CRA Zoning Overlay Deviation
31 Criteria as listed in Sec. 656.399.64 as related to the

1 Mandatory Compliance element(s) at issue. If
2 Administrative Deviation(s) are required, those must be
3 sought prior to a final approval of the site plan. At
4 their discretion, if the design requires an Administrative
5 Deviation for an element or elements in addition to the
6 Mandatory Compliance elements, the RADR team may include
7 that element or elements in their staff report to the
8 Zoning Administrator.

9 3. Further review. If the design of the site is particularly
10 complex, it may become necessary for the submittal to
11 proceed through the conventional Development Services
12 Division process.

13 D. *Applicant Eligibility.* Only owners of properties which contain
14 the Mandatory Compliance elements of a Fence, Landscaping/
15 Landscape Buffer, or a Sign existing as of July 1, 2019 that is
16 not in compliance with the Zoning Overlay, or which property
17 lacks a compliant Fence, Landscaping/Landscape Buffer, or Sign
18 on July 1, 2019, are entitled to utilize the RADR team. The
19 site plan presented to the RADR team must have been prepared by
20 or approved by the RA/CRA Designer prior to submittal to the
21 RADR team.

22 E. *Development Procedure and Process for permit to bring the*
23 *Mandatory Compliance elements of Fencing, Landscaping/Landscape*
24 *Buffer and Signage into compliance.* All applicants shall
25 provide the following information to the RADR team:

26 1. A City Development Number ("CDN") may be required in order to
27 submit plans for preliminary review, but will be required for
28 submittal of plans for final review. The City Development
29 Number Request Form, available in the Concurrency and Mobility
30 Management System Handbook, must indicate in the
31 "Development/Project Name" field that this project is within

1 the Renew Arlington Zoning Overlay. The Form should be
2 submitted to the Development Services Division Concurrency and
3 Mobility Management Systems Office.

4 2. A vicinity plan and digital photographs showing the project in
5 relation to the surrounding blocks and streets (include all
6 properties within a minimum of 300 feet of project property
7 boundary lines);

8 3. A boundary survey of existing property showing all buildings,
9 protected trees, and impervious areas on the subject site as
10 well as the buildings, driveways and other impervious surfaces
11 within 100 linear feet from all property lines, including the
12 right-of-way line.

13 4. If impervious areas are to be added, relocated, or rebuilt
14 which would likely effect current drainage patterns, the
15 applicant must also provide a topographical survey and site
16 design drawings prepared by an appropriate registered
17 professional which shall include, as a minimum, storm drainage
18 systems consistent with the City's Land Development Procedures
19 Manual, City of Jacksonville ordinances, and the St. Johns
20 River Water Management District requirements. The RADR team
21 has the discretion to request additional information relative
22 to the design.

23 5. The applicant shall provide a schematic site plan ("site
24 plan") drawn to nominal scale such as 1"=10' or 1"=20' by a
25 landscape architect, architect, engineer or other qualified
26 person. The site plan must either be prepared by or reviewed
27 by the RA/CRA Designer prior to submittal to the RADR team.

28 F. RADR preliminary review for Site Development permit.

29 1. The RADR team shall review site plans at least monthly, if any
30 have been submitted.

31 2. The RADR team shall determine if the site plan is in

1 compliance with the Mandatory Compliance elements as they
2 apply to that particular site and the Zoning Overlay.

3 a. If the site plan is in compliance with the Zoning
4 Overlay, the property is eligible for a Site Development
5 permit relative to those elements. At this point, the
6 property owner could proceed with construction documents
7 prepared by a licensed professional for final review by
8 the RADR team and issuance of the Site Development
9 permit.

10 b. If the site plan is not in compliance with the Zoning
11 Overlay and an Administrative Deviation is required, the
12 RADR team shall prepare and forward a staff report with a
13 recommendation regarding the Administrative Deviation to
14 the Zoning Administrator regarding the Mandatory
15 Compliance elements. At their option, the RADR team may
16 also include elements additional to the Mandatory
17 Compliance elements in the report for consideration by
18 the Zoning Administrator.

19 c. The staff report shall consider each of the RA/CRA Zoning
20 Overlay Administrative Deviation Criteria for each
21 Deviation sought.

22 d. The Zoning Administrator shall follow the procedures for
23 public input pursuant to Part 1 of the Zoning Code
24 (Chapter 656, Ordinance Code).

25 3. RADR final review for Site Development permit. If the
26 Administrative Deviation(s) is approved, at this point the
27 property owner could proceed with construction documents
28 prepared by a licensed professional for final review by the
29 RADR team and issuance of the site Development permit. If the
30 Administrative Deviation is denied, the property owner may
31 appeal pursuant to this Subpart, or significantly redesign the

1 site plan for resubmittal.

2 **Section 656.399.64. - RA/CRA Zoning Overlay Administrative**
3 **Deviations.**

4 *A. Administrative Deviation requests heard by Zoning Administrator.*

5 Pursuant to Sec. 656.101, *Ordinance Code*, an Administrative
6 Deviation may be granted by the Zoning Administrator, after due
7 notice and hearing, for a relaxation of certain Zoning Code
8 requirements. Notwithstanding items for which deviations may be
9 allowed in other areas of Jacksonville, within the Renew
10 Arlington Zoning Overlay, the Zoning Administrator may allow
11 deviations for the following:

- 12 1. Reduce minimum lot area, unless the property is a High
13 Intensity Use as described in this Zoning Overlay;
- 14 2. Reduce required yards;
- 15 3. Reduce the minimum number of required off-street parking
16 spaces, so long as the landscaping requirements of this Zoning
17 Overlay are fully met;
- 18 4. Reduce the minimum landscaping requirements;
- 19 5. Increase the maximum lot coverage;
- 20 6. Adjust required driveway aisle widths, parking stall
21 dimensions, and allow tandem parking;
- 22 7. Consider on-street parking to meet parking requirements;
- 23 8. Increase the allowable maximum height of structures, including
24 fences, but not signs;
- 25 9. Increase the maximum number of off-street parking spaces so
26 long as the landscaping is not also reduced, and either a
27 professional study indicating that more spaces are warranted
28 is performed and approved by the Department, or the request is
29 consistent with the current edition of the ITE parking
30 Generation Manual; and
- 31 10. Decrease lot width so long as at least 80 percent of the

1 existing context development pattern is similar.

2 B. *Review.* In order to approve a Deviation, the Zoning
3 Administrator must find in the affirmative for each of the RA/CRA
4 Zoning Overlay Deviation Criteria below and report on the balance
5 between the interest of the public, the property owner, and the
6 community.

7 C. *RA/CRA Zoning Overlay Deviation Criteria.*

8 1. There are unique site characteristics such as parcel
9 shape, location, existing utility easements, etc. that
10 prevent development consistent with the Zoning Overlay
11 Regulations.

12 2. The effect of the proposed Deviation is consistent
13 with and furthers the objectives, policies, design and
14 intentions of the Zoning Overlay;

15 3. The proposed Deviation will not diminish property
16 values in the area surrounding the site and will not
17 interfere with or injure the rights of adjacent
18 properties but would accomplish an additional public
19 benefit;

20 4. The request is not a self-imposed hardship; and

21 5. The proposed Deviation will not be detrimental to the
22 public health, safety or welfare, result in additional
23 public expense or the creation of nuisances.

24 D. *Appeals of Zoning Administrator's Decision on Administrative*
25 *Deviation.* Appeals from the decision of the Zoning Administrator
26 on a property within the RA/CRA Zoning Overlay Area shall not be
27 to the Planning Commission, but rather to the City Council.

28 1. *Standing.* The Applicant or any other adversely affected
29 person may appeal a final written decision of the Zoning
30 Administrator.

31 2. *Notice.* Notice of Appeal shall be provided to the Legislative

1 Services Division within 14 days of the effective date of the
2 written decision, and shall be accompanied by a filing fee as
3 found in www.coj.net/fees, together with a notification fee
4 for each required notification. The Notice of Appeal shall be
5 in a form created by the Planning and Development staff in
6 consultation with the Office of General Counsel.

7 3. *Standard of Review.* The Council's review of the appeal shall
8 be limited to a consideration of whether:

9 a. The applicable design criteria contained in the Zoning
10 Overlay were properly applied by the Zoning
11 Administrator;

12 b. The decision was supported by competent, substantial
13 evidence; and

14 c. Procedural due process was afforded.

15 4. *Procedural Matters.* The appellate procedure in Sec. 656.142,
16 Ordinance Code, shall be followed. The Council shall have the
17 authority to:

18 a. Adjourn, continue, or grant extensions of time for
19 compliance with these rules, whether or not requested by
20 a party, provided no requirement of law is violated;

21 b. Keep a record of all persons requesting notice of the
22 decision in each case;

23 c. Grant withdrawal requests by the appellant;

24 d. Enter into settlement agreements regarding the matter
25 appealed, so long as there is no financial impact to the
26 City; and

27 e. Individually view the property which is the subject of
28 the appeal.

29 5. *Decision.* The Council may affirm or reverse each written
30 decision, or it may remand the matter back to the Zoning
31 Administrator with specific instructions for further action. The

1 Council's decision shall be reduced to writing and shall become
2 effective upon filing the decision with Legislative Services.

3 E. *Appeal of City Council decision to the Courts.* The decision of
4 the City Council constitutes the final agency action of the City
5 of Jacksonville relative to the request. These decisions may be
6 challenged by any person with standing as authorized by state
7 law.

8 F. *Return of fees and notice cost.* If the Administrative Deviation
9 is approved upon appeal to either the City Council or Court, the
10 property owner is entitled to the return of the City filing fee
11 and notice costs for the appeal from the agency or division
12 collecting the fees.

13 **Section 3. Directive to the Municipal Code Corporation.**

14 The Municipal Code Corporation ("Municode") is directed to insert a
15 date certain, which shall be supplied by the Office of General
16 Counsel, for the term "the later of December 31, 2024, or five
17 years plus 90 days after a grant program to help mitigate the cost
18 of compliance is approved by the RA/CRA Board" in the several
19 locations it appears in this Code revision.

20 **Section 4. Effective Date.** This ordinance shall become

21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

23
24 Form Approved:

25 /s/ Kealey A. West

26 Office of General Counsel

27 Legislation Prepared By: Susan C. Grandin