

1 Introduced by Council Member Gaffney:
2
3

4 **ORDINANCE 2020-729**

5 AN ORDINANCE REGARDING THE PLANNING COMMISSION
6 RECOMMENDATIONS TO THE LAND USE AND ZONING
7 COMMITTEE AND THE COUNCIL; AMENDING CHAPTER 30
8 (PLANNING AND DEVELOPMENT DEPARTMENT), PART 2
9 (PLANNING COMMISSION), SECTION 30.203 (CONDUCT
10 OF BUSINESS), *ORDINANCE CODE*, REGARDING MINIMUM
11 NUMBER OF VOTES AT THE PLANNING COMMISSION FOR
12 RECOMMENDATIONS; AMENDING CHAPTER 650
13 (COMPREHENSIVE PLANNING FOR FUTURE
14 DEVELOPMENT), PART 4 (AMENDMENTS TO THE
15 COMPREHENSIVE PLAN), SECTION 650.405 (PLANNING
16 COMMISSION ADVISORY RECOMMENDATION AND PUBLIC
17 HEARING), *ORDINANCE CODE*, REGARDING THE TIMING
18 OF THE PLANNING COMMISSION RECOMMENDATION;
19 AMENDING CHAPTER 656 (ZONING CODE), PART 1
20 (GENERAL PROVISIONS), SECTION 656.129 (ADVISORY
21 RECOMMENDATION ON AMENDMENT TO THE ZONING CODE
22 OR REZONING OF LAND), *ORDINANCE CODE*, REGARDING
23 THE TIMING OF THE PLANNING COMMISSION
24 RECOMMENDATION; PROVIDING AN EFFECTIVE DATE.
25

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

27 **Section 1. Amending Section 30.203 (Conduct of Business),**
28 **Part 2 (Planning Commission), Chapter 30 (Planning and Development**
29 **Department), *Ordinance Code*.** Section 30.203 (Conduct of Business)
30 is hereby amended to read as follows:

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

1 * * *

2 **PART 2. - PLANNING COMMISSION**

3 * * *

4 **Sec. 30.203. - Conduct of business.**

5 The Commission shall meet at least twice each month as set forth
6 herein (but it may waive one meeting each month by a majority vote
7 of the members), and special meetings shall be called in accordance
8 with its rules. The Commission shall hold regular meetings on the
9 first and third Thursdays of each month commencing at such time and
10 place as fixed by its bylaws, except for the first Thursday in July
11 and the third Thursday in December, so that such Commission meetings
12 are held on the Thursday that falls during the weeks that Council's
13 Standing Committees meet; and except that when a regular meeting day
14 shall fall on a legal holiday observed by the City, or on an election
15 day, the regular meeting of the Commission shall be held on a day and
16 at a time and place as fixed by its rules. Notwithstanding any
17 provision in these rules to the contrary, if a regular meeting day
18 shall fall on a date that coincides with the observances of a
19 religious holiday, such regular meeting may be rescheduled at the
20 direction of the Commission Chairperson. A quorum shall consist of
21 five members or duly appointed alternates. The concurrence of a
22 majority of the Commission members (five) shall be required before
23 any report or recommendation is made on any matter considered by the
24 Commission, or to act upon and make a final determination regarding
25 a request for an exception, a variance, a waiver, approval of cellular
26 antenna reviews or minor modifications, or an appeal from the decision
27 of the Building Official; provided, however, after one deferral, a
28 report or recommendation to the Council, or a committee thereof,
29 shall only require the concurrence of a majority of quorum (three).
30 If, by reason of absence or disqualification of a member, a quorum
31 is not reached, the Chairperson of the Commission shall designate as

1 many of the duly appointed alternates to serve as members on the
2 Commission for an individual meeting or until a vacancy is filled,
3 as may be needed to provide a quorum. When designated pursuant to the
4 provisions of this section, a duly appointed alternate shall be
5 entitled to participate in all proceedings and discussions of the
6 Commission to the same and full extent as provided by law for members,
7 including specifically the right to cast a vote as a voting member
8 during the proceedings, except for votes concerning the election of
9 officers of the Commission, and shall have all the powers and duties
10 as otherwise provided by law. Any duly appointed alternate may
11 participate in any proceeding or discussion of the Commission but
12 shall not be entitled to vote as a member of the Commission nor be
13 reimbursed pursuant to Part 7, Chapter 106 unless designated as a
14 voting alternate member by the Chairperson pursuant to this section.
15 A vacancy shall not impair the ability of the remaining members to
16 execute all the duties and perform all the functions of the
17 Commission. The Commission shall have the power to adopt, amend and
18 repeal rules for its internal organization and the conduct of its
19 business.

20 **Section 2. Amending Section 650.405 (Planning Commission**
21 **Advisory Recommendation and Public Hearing), Part 4 (Amendments to**
22 **the Comprehensive Plan), Chapter 650 (Comprehensive Planning for**
23 **Future Development), Ordinance Code.** Section 650.405 (Planning
24 Commission Advisory Recommendation and Public Hearing) is hereby
25 amended to read as follows:

26 **Chapter 650 - COMPREHENSIVE PLANNING FOR FUTURE DEVELOPMENT**

27 * * *

28 **PART 4. - AMENDMENTS TO THE COMPREHENSIVE PLAN**

29 * * *

30 **Sec. 650.405. - Planning Commission advisory recommendation and**
31 **public hearing.**

1 (a) *Planning Commission advisory recommendation.* The
2 Commission shall be responsible for making an advisory recommendation
3 to the Council with respect to each application to amend the
4 comprehensive plan. The recommendation shall be made to the Council
5 and shall become a part of the official legislative record of the
6 application and the committee(s) of reference shall not report the
7 application to the Council until the recommendation has been received,
8 except as provided in this subsection. Unless a longer time is
9 mutually agreed upon by the Council, the Commission and the Department
10 in the particular case, or the Commission does not submit a
11 recommendation to the appropriate committee of Council due to a delay
12 described in (b) (6) below, the Commission and the Department shall
13 submit their respective reports and recommendations to the Council
14 in not more than 63 days from the date an application to amend the
15 comprehensive plan is introduced into City Council. If the Commission
16 or the Department fails to submit its report and recommendation to
17 the Council within the above prescribed time, such failure shall be
18 deemed to be a procedural recommendation for denial of the application
19 to amend the comprehensive plan and the Council may proceed to act
20 on the application to amend the comprehensive plan. In such case, the
21 appropriate committee of Council shall serve as the Local Planning
22 Agency. The reports and recommendations of the Commission and the
23 Department shall be advisory only and shall not be construed to be
24 binding upon the Council.

25 (b) *Planning Commission public hearing.* The Planning
26 Commission, acting as the Local Planning Agency, shall hold at least
27 one public hearing, advertised pursuant to Section 650.407 below, on
28 the proposed comprehensive plan amendment, pursuant to the following
29 procedures:

30 * * *

31 (6) If the applicant has not submitted the pictures of

1 the posted or reposted signs, if necessary, and the accompanying
2 notarized affidavit required per Section 650.407(c)(3), the
3 Department shall notify the Planning Commission, which shall delay
4 the hearing. The Planning Commission shall not approve or deny any
5 comprehensive plan amendment unless the applicant has submitted the
6 pictures of the posted or reposted signs, if necessary, and the
7 accompanying notarized affidavit in accordance with the requirements
8 set forth in Section 650.407(c)(3). If the Commission does not submit
9 a recommendation to the appropriate committee of Council due to a
10 delay caused by the applicant's failure to post and document the
11 posting of signs, the appropriate committee of Council shall delay
12 the hearing on the application to amend the comprehensive plan until
13 the applicant has submitted the pictures of the posted or reposted
14 signs, if necessary, and the accompanying notarized affidavit and the
15 Planning Commission has submitted a recommendation.

16 **Section 3. Amending Section 656.129 (Advisory**
17 **Recommendation on Amendment to Zoning Code or Rezoning of Land), Part**
18 **1 (General Provisions), Chapter 656 (Zoning Code), Ordinance Code.**

19 Section 656.129 (Advisory Recommendation on Amendment to Zoning Code
20 or Rezoning of Land) is hereby amended to read as follows:

21 **Chapter 656 - ZONING CODE**

22 **PART 1. - GENERAL PROVISIONS**

23 * * *

24 **Sec. 656.129. - Advisory recommendation on amendment to Zoning**
25 **Code or rezoning of land.**

26 * * *

27 (c) Time for Recommendation.

28 (1) Unless a longer time is mutually agreed upon by the
29 Council, the Commission and the Department in the particular case,
30 or the Commission does not submit a recommendation to the appropriate
31 committee of Council due to a delay described in (b) above, the

1 Commission and the Department shall submit their respective reports
2 and recommendations to the Council in not more than 63 days from the
3 date a proposed amendment to the Zoning Code is introduced into City
4 Council.

5 (2) If the Commission or the Department fails to submit
6 its report and recommendation to the Council within the above
7 prescribed time, such failure shall be deemed to be a procedural
8 recommendation for denial of the amendment to the Zoning Code or of
9 the proposal to rezone land and the Council may proceed to act on the
10 amendment to the Zoning Code or proposal to rezone land. The reports
11 and recommendations of the Commission and the Department shall be
12 advisory only and shall not be construed to be binding upon the
13 Council. If the Commission does not submit a recommendation to the
14 appropriate committee of Council due to a delay caused by the
15 applicant's failure to post and document the posting of signs, the
16 appropriate committee of Council shall delay the hearing on the zoning
17 application until the applicant has submitted the pictures of the
18 posted or reposted signs, if necessary, and the accompanying notarized
19 affidavit and the Planning Commission has submitted a recommendation.

20 * * *

21 **Section 4. Effective Date.** This Ordinance shall become
22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

24
25 Form Approved:

26
27 /s/ Shannon K. Eller

28 Office of General Counsel

29 Legislation Prepared By: Shannon K. Eller

30 GC-#1402485-v1-PC_Review