

Introduced by Council Member Carlucci and Co-Sponsored by Council Member Peluso and substituted and amended by the Neighborhoods, Community Services, Public Health and Safety Committee:

**ORDINANCE 2024-373-E**

AN ORDINANCE CREATING A NEW SECTION 656.130.1 (AMENDMENTS TO THE ZONING CODE FOR ZONING OVERLAYS), SUBPART C (PROCEDURES FOR REZONING AND AMENDMENTS TO THE ZONING CODE), PART 1 (GENERAL PROVISIONS), CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*, TO ESTABLISH A PROCESS FOR CREATION OF NEW ZONING OVERLAYS, TO REQUIRE AN AFFIRMATIVE VOTE OF A MAJORITY OF THE FULL COUNCIL PLUS ONE ADDITIONAL MEMBER TO CREATE A NEW ZONING OVERLAY, AND TO PROVIDE THAT A WAIVER OF THIS VOTE REQUIREMENT SHALL REQUIRE AN AFFIRMATIVE VOTE OF A MAJORITY OF THE FULL COUNCIL PLUS ONE ADDITIONAL MEMBER; AMENDING SECTION 656.341 (PROCEDURES), SUBPART F (PLANNED UNIT DEVELOPMENT), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*, TO ADD A NEW SUBPARAGRAPH (F) TO PROHIBIT PLANNED UNIT DEVELOPMENT ZONING APPLICATIONS WHICH ALLOW DEVIATIONS FROM ZONING OVERLAYS UNLESS APPROVED BY AN AFFIRMATIVE VOTE OF A MAJORITY OF THE FULL COUNCIL PLUS ONE ADDITIONAL MEMBER, AND TO PROVIDE THAT A WAIVER OF THIS VOTE REQUIREMENT SHALL REQUIRE AN AFFIRMATIVE VOTE OF A MAJORITY OF THE FULL COUNCIL PLUS ONE ADDITIONAL MEMBER; PROVIDING CODIFICATION INSTRUCTIONS; PROVIDING AN

EFFECTIVE DATE.

**WHEREAS,** the purpose and intent of a zoning overlay is to create a special zoning district, placed over the existing zoning scheme, to apply area-specific standards or conditions due to the unique development patterns, unique needs or to protect features or aspects of the geographic area over which the overlay applies; and

**WHEREAS,** zoning overlays are adopted by the Council based on studies and evaluations of the proposed overlay area and involve community input into the future development needs of their area; and

**WHEREAS,** those studies and evaluations are adopted into a zoning overlay to provide custom regulations laid over the underlying zoning laws, fine tuning regulations to preserve the unique character, economic viability, historic fabric and environmentally sensitive resources of some of Jacksonville's most significant areas; and

**WHEREAS,** the Council has adopted eleven (11) zoning overlays to protect and preserve Downtown, Springfield, Mayport Road and Mayport Village Working Waterfront District, San Marco, Mandarin Road, Riverside/Avondale, Industrial Sanctuary Areas, Black Hammock Island, KingSoutel Crossing Area, Renew Arlington Area and the Cedar Point and Sawpit Road Area; and

**WHEREAS,** developers may use Planned Unit Development (PUD) rezoning applications as a way to circumvent an adopted zoning overlay in these areas in order to authorize uses, development schemes or regulatory waivers and relaxations, which erodes and degrades the integrity of the carefully crafted zoning overlay plan which the Council desires to address by requiring approval by an affirmative vote of the full Council plus one additional member to allow deviations from zoning overlays; and

**WHEREAS,** the Council also desires to establish a process for the establishment of new zoning overlays; now therefore

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

Section 1. Creating Section 656.130.1 (Amendments to the Zoning Code for Zoning Overlays), Subpart C (Procedures for Rezoning and Amendments to the Zoning Code), Part 1 (General Provisions), Chapter 656 (Zoning Code), Ordinance Code. Section 656.130.1 (Amendments to the Zoning Code for Zoning Overlays), Subpart C (Procedures for Rezoning and Amendments to the Zoning Code), Part 1 (General Provisions), Chapter 656 (Zoning Code), Ordinance Code, is hereby created to read as follows:

CHAPTER 656 - ZONING CODE

PART 1. - GENERAL PROVISIONS

\* \* \*

SUBPART C. - PROCEDURES FOR REZONING AND AMENDMENTS TO THE ZONING CODE

\* \* \*

Sec. 656.130.1 - Amendments to the Zoning Code for Zoning Overlays.

(a) It is the intent of the City of Jacksonville to permit the creation of new zoning overlays in accordance with the following circumstances:

(1) In general, when there is a special and substantial public interest in the protection of the character of an area, which could be, but is not limited to environmental or historical features, or the protection of principal views of, from, or through the areas; or

(2) In other cases where the special and substantial public interest requires modification of otherwise applicable zoning regulations, or repeal and replacement of such regulations, for the accomplishment of the special public purposes for which the zoning overlay is established.

(b) Zoning overlays will be developed through a community-led

planning process that heavily engages the stakeholders (property owners, tenants, City staff, including the Office of General Counsel, the Planning and Development Department, the applicable District Council Member or Members, and others as appropriate), in the development of a proposed overlay document. Evidence of the community engagement, including but not limited to, meeting notices, sign in sheets, community meeting minutes and communications, shall be provided, along with any proposed draft overlay document and any desired accompanying maps and graphics, to the applicable District Council Member or Members and Planning and Development Department.

(c) Any new zoning overlay shall require an affirmative vote of a majority of the full City Council plus one additional member. A waiver of this Section shall also require an affirmative vote of a majority of the full City Council plus one additional member.

**Section 2. Amending Section 656.341 (Procedures), Part 3 (Schedule of District Regulations), Subpart F (Planned Unit Development), Chapter 656 (Zoning Code), Ordinance Code.** Section 656.341 (Procedures), Part 3 (Schedule of District Regulations), Subpart F (Planned Unit Development), Chapter 656 (Zoning Code), *Ordinance Code*, is hereby amended to read as follows:

**CHAPTER 656 - ZONING CODE**

**\* \* \***

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

**\* \* \***

**SUBPART F. - PLANNED UNIT DEVELOPMENT**

**\* \* \***

**Sec. 656.341. - Procedures.**

**\* \* \***

1 (e) *Enactment of the ordinance for a planned unit development.*

2 Following the public hearings, as required for all  
3 applications for rezoning, the City Council may enact an  
4 ordinance, which clearly identifies and/or lists all data,  
5 exhibits, information, site plan(s), etc. being approved as  
6 part of the Planned Unit Development district, establishing a  
7 Planned Unit Development district including any conditions  
8 related thereto, based upon findings that the Planned Unit  
9 Development district will accomplish the objectives and meet  
10 the standards of the district and is consistent with the  
11 Comprehensive Plan. Any monetary contributions shall be  
12 conditions listed in the ordinance and the conditions shall  
13 contain a minimum dollar amount for such contribution, the  
14 timing of the payment, the Department responsible for  
15 accepting the payment, and the Department who will be assigned  
16 the payment, including the appropriate revenue account number  
17 for the payment. Anynonmonetary contributions, including but  
18 not limited to recreation facilities, shall be conditions  
19 listed in the ordinance and the conditions shall contain a  
20 minimum value of such nonmonetary contribution.

21 Development within a Planned Unit Development district shall  
22 proceed substantially in accordance with the site plan(s), written  
23 description of the intended plan of development and any conditions  
24 set forth by the City Council in the ordinance which approves the  
25 Planned Unit Development district.

26 (f) No Planned Unit Development shall be approved to allow a  
27 deviation from any use, design element or any other  
28 requirement placed on a property by an applicable zoning  
29 overlay. A waiver of this prohibition shall require an  
30 affirmative vote of a majority of the full City Council plus  
31 one additional member. A waiver of this Section shall also

require an affirmative vote of a majority of the full City Council plus one additional member of the City Council.

~~(g)(f)~~ *Modifications to a Planned Unit Development district.* An amendment to an approved Planned Unit Development district may be accomplished through either an Administrative Modification, Minor Modification, or by filing an application for rezoning, meeting criteria as herein described.

\* \* \*

~~(h)(g)~~ *Verification of substantial compliance with the Planned Unit Development district.*

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**Section 3. Codification Instructions.** The Codifier and the Office of General Counsel are authorized to make all chapter and division "tables of contents" consistent with the changes set forth herein. Such editorial changes and any other necessary to make the *Ordinance Code* consistent with the intent of this legislation are approved and directed herein, and changes to the *Ordinance Code* shall be made forthwith and when inconsistencies are discovered.

**Section 4. 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: Jason R. Teal