

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

JUNE 18, 2015

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendations on:

ORDINANCE 2015-378

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*, PART I (GENERAL PROVISIONS), SUBPART C (PROCEDURES FOR REZONING AND AMENDMENTS TO THE ZONING CODE), SECTION 656.124 (NOTICE OF PUBLIC HEARING BY COUNCIL COMMITTEE), AND SUBPART D (ZONING EXCEPTIONS, VARIANCES AND WAIVERS, AMENDMENTS TO FINAL ORDER, APPEALS OF WRITTEN INTERPRETATIONS OF THE DIRECTOR AND APPEALS OF FINAL ORDERS OF THE COMMISSION) SECTION 656.137 (NOTICE OF PUBLIC HEARINGS) TO AMEND TITLES AND TO REQUIRE NOTICE TO BE MAILED 14 DAYS IN ADVANCE OF THE PLANNING COMMISSION MEETING AT WHICH AN APPLICATION FOR REZONING WILL BE HEARD; AMENDING RULES OF THE COUNCIL OF THE CITY OF JACKSONVILLE, CHAPTER 3 (LEGISLATION), PART 6 (PUBLIC HEARINGS), RULE 3.601 (PUBLIC HEARINGS: COUNCIL), *COUNCIL RULES*, REGARDING NOTICE OF REZONING; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The bill amends various sections of Chapter 656 Zoning Code and Chapter 3 Rules of the City Council, regarding noticing requirements by requiring notices be sent 14 days in advance of the Planning Commission meeting date and not the LUZ committee meeting date.

II. EVALUATION

A. The need and justification for the change.

The revision to the Ordinance Code is necessary since the City Council moved the date of the Planning Commission meeting seven days earlier. Section 656.124 says the notices are to be mailed out 14 days in advance of the public hearing held by the appropriate committee of the Council, which is the Land Use & Zoning (LUZ) committee. Notices will now be sent 14

days in advance of the Planning Commission meeting, thereby giving citizens earlier notice of rezonings, exceptions, variances and waivers.

B. Background

This bill amends Chapter 656 Zoning Code and Chapter 3 Rules of the Council of the City of Jacksonville with respect to the noticing requirements for the rezoning of land. The City Council moved the Planning Commission meeting 7 days earlier. The amendment is required to give citizens the minimum 14 days' notice.

C. Consistency with the Comprehensive Plan.

The 2030 Comprehensive Plan is silent to the requirements for notification for zoning changes, however, the Department feels is consistent with the Comprehensive Plan.

III. RECOMMENDATIONS

The Planning and Development Department recommends that Ordinance 2015-378 be **APPROVED.**

1 Introduced by Council Member Crescimbeni:
2
3

4 **ORDINANCE 2015- 378**

5 AN ORDINANCE AMENDING CHAPTER 656 (ZONING
6 CODE), *ORDINANCE CODE*, PART I (GENERAL
7 PROVISIONS), SUBPART C (PROCEDURES FOR
8 REZONING AND AMENDMENTS TO THE ZONING CODE),
9 SECTION 656.124 (NOTICE OF PUBLIC HEARING BY
10 COUNCIL COMMITTEE), AND SUBPART D (ZONING
11 EXCEPTIONS, VARIANCES AND WAIVERS, AMENDMENTS
12 TO FINAL ORDER, APPEALS OF WRITTEN
13 INTERPRETATIONS OF THE DIRECTOR AND APPEALS OF
14 FINAL ORDERS OF THE COMMISSION) SECTION
15 656.137 (NOTICE OF PUBLIC HEARINGS) TO AMEND
16 TITLES AND TO REQUIRE NOTICE TO BE MAILED 14
17 DAYS IN ADVANCE OF THE PLANNING COMMISSION
18 MEETING AT WHICH AN APPLICATION FOR REZONING
19 WILL BE HEARD; AMENDING RULES OF THE COUNCIL
20 OF THE CITY OF JACKSONVILLE, CHAPTER 3
21 (LEGISLATION), PART 6 (PUBLIC HEARINGS), RULE
22 3.601 (PUBLIC HEARINGS: COUNCIL), *COUNCIL*
23 *RULES*, REGARDING NOTICE OF REZONING; PROVIDING
24 AN EFFECTIVE DATE.
25

26 **WHEREAS**, the procedures for rezoning property include the
27 application being heard at Planning Commission in a public meeting
28 format; and

29 **WHEREAS**, the requirement to notice affected property owners
30 and Neighborhood Organizations within 350 feet of the property
31 being rezoned currently only addresses notice being mailed 14 days

1 in advance of the public hearing of the City Council committee of
2 reference; and

3 **WHEREAS**, valuable input could be gained from information
4 provided by the public after the application is presented at the
5 public meeting held by the Planning Commission; and

6 **WHEREAS**, Planning Commission meetings are held on the first
7 and third Thursday of the month; and

8 **WHEREAS**, applications on which the Planning Commission is to
9 provide an advisory recommendation to the Council and committee of
10 reference are heard 11 to 12 days prior to the committee of
11 reference; and

12 **WHEREAS**, in order to provide the public an opportunity to take
13 part in the initial stages of the public process on an application,
14 the Planning and Development Department has made it their practice,
15 although it has not been required by the Zoning Code or the Rules
16 of the Council, to send out notices to property owners and
17 Neighborhood Organizations within 350 feet of the subject of the
18 rezoning application 14 days in advance of the Planning Commission
19 meeting; and

20 **WHEREAS**, the Council finds that it is in the best interest of
21 the public to be informed in the first stage of the public process
22 regarding a rezoning of land; and

23 **WHEREAS**, the Council hereby directs that the Zoning Code and
24 the Rules of the Council be amended to codify the requirement of
25 mailing notice to all persons and organizations specified in
26 Section 656.124, *Ordinance Code* to be fourteen (14) days in advance
27 of the Planning Commission public meeting on an application for
28 rezoning; now therefore

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

30 **Section 1. Amending the title and body of Section**
31 **656.124, *Ordinance Code* as follows:**

1 CHAPTER 656. ZONING CODE

2 * * *

3 PART I (GENERAL PROVISIONS)

4 * * *

5 SUBPART C (PROCEDURES FOR REZONING AND AMENDMENTS TO THE
6 ZONING CODE)

7 * * *

8 Section 656.124. Notice of public hearing by council
9 committee and public meeting of Planning Commission.

10 (a) Notice of a time and place of a public meeting which is
11 required to be held by the Planning Commission and of a
12 the public hearings which isare required to be held by
13 the appropriate committee of the Council and the full
14 Council with respect to the rezoning of land shall be
15 prepared by the Department to include the information
16 listed below and shall be copied and mailed by the
17 Department at least 14 days in advance of the Planning
18 Commission meeting at which the application for rezoning
19 will be heard, to all owners of real property within 350
20 feet of the boundaries of the land upon which rezoning is
21 requested and to all neighborhood organizations qualified
22 to receive notice under subsection (f); . . .

23 * * *

24 SUBPART D (ZONING EXCEPTIONS, VARIANCES AND WAIVERS, AMENDMENTS TO
25 FINAL ORDER, APPEALS OF WRITTEN INTERPRETATIONS OF THE DIRECTOR AND
26 APPEALS OF FINAL ORDERS OF THE COMMISSION)

27 * * *

28 Section 656.137. Notice of Public Hearing and public meetings for
29 rezonings.

30 (a) One notice of the time and place of all public hearings
31 which are required to be held by this Chapter with respect

1 to zoning exceptions, variance or waivers, and all public
2 meetings for rezonings, shall be mailed at least 14 days in
3 advance of the first scheduled hearing by United States
4 mail to all owners of real property within 350 feet of the
5 boundaries of the land upon which an exception, variance,
6 ~~or~~ waiver, or rezoning is requested and to all neighborhood
7 organizations qualified to receive notice under Section
8 656.124(f). In regard to a waiver for distance limitations
9 from locations of liquor licenses, all churches and schools
10 within 1,500 feet identified pursuant to Section 656.804
11 shall also be notified of such waiver request by certified
12 mail, return receipt requested. For the purpose of notice
13 requirements to adjoining owners, the names and addresses
14 of the owners shall be deemed to be those on the current
15 tax records in the Office of the Property Appraiser. For
16 the purpose of notice requirements to registered
17 neighborhood organizations, the registration list compiled
18 by the Zoning Administrator pursuant to Section 656.124(f)
19 shall be utilized. There shall be no additional charge to
20 the applicant for the notices to be delivered to the CPACs
21 and neighborhood organizations. Notice received pursuant to
22 this subsection (a) shall confer "affected party status"
23 automatically upon the recipient of such notice, but the
24 failure of an owner or registered neighborhood organization
25 under Section 656.124(f) required by this Section to be
26 notified by mail to receive the notice shall not invalidate
27 or otherwise have any effect upon a public hearing or
28 action taken by the Commission on an application for zoning
29 exception or variance.

30 (b) One notice of all public hearings for each exception,
31 variance or waiver, and of the public meeting held by the

1 Planning Commission for rezonings, shall be published once
2 in a newspaper of general circulation not less than 14 days
3 in advance of the date of the first scheduled hearing. The
4 published notice shall be in a form prescribed by the
5 Commission and placed by the applicant at his expense. The
6 applicant shall file proof of publication with the
7 Commission prior to the public hearing or meeting.

8 (c) The applicant for a zoning exception, variance, ~~or~~ waiver,
9 or rezoning shall post signs at intervals of not more than
10 200 feet along all street sides of property upon which the
11 request is made in the form required by the
12 ~~Commission~~ Department within five working days after the
13 filing for a zoning exception, variance or waiver, or
14 pursuant to Sec. 656.124 for a rezoning. The sign shall be
15 posted in full view of the public on each street side of
16 the land involved in a manner consistent with Section
17 656.124(c) and shall be maintained by the applicant until a
18 final determination has been made on the zoning exception,
19 variance, ~~or~~ waiver, or rezoning. The sign shall be removed
20 by the applicant within ten days after final action by the
21 Commission or Council, as the case may be.

22 (d) If the Department finds that the posting of signs in (c)
23 above has not been done or has been done improperly, the
24 Department shall notify the Commission, which may delay the
25 hearing on the zoning applications until the signs are
26 posted in accordance with the requirements of (c) above.

27 (e) The notices regarding zoning exceptions, variances or
28 waivers required pursuant to subsection (a) hereinabove
29 should contain a clear and concise statement concerning
30 appeal rights to the Council, including an explanation of
31 the requirement that an adversely affected person who does

1 not appear in person before the Commission must provide a
2 "qualifying written statement" to the Commission in order
3 to preserve any right they may have to file an appeal, and
4 also including the definition of "adversely affected
5 person" and "qualifying written statement." The notices
6 regarding rezonings shall be as required by Section
7 656.124, Ordinance Code.

8 **Section 2. Amending the Rules of The Council of The City of**
9 **Jacksonville, Chapter 3 (Legislation), Part 6 (Public Hearings),**
10 **Rule 3.601 (Public Hearings: Council) as follows:**

11 **RULES OF THE COUNCIL OF THE CITY OF JACKSONVILLE**

12 * * *

13 **CHAPTER 3 (LEGISLATION)**

14 * * *

15 **PART 6 (PUBLIC HEARINGS)**

16 * * *

17 **RULE 3.601 PUBLIC HEARINGS: COUNCIL**

18 (a) Council Public Hearing Defined. A Council public hearing
19 is a meeting of the Council, or a specified portion thereof, at
20 which the privilege of the floor is granted to the general public
21 and members thereof may address the Council on the subject for
22 which the public hearing is called. A public hearing is designed to
23 elicit comments and observations from the general public and to
24 afford the members of the general public an opportunity to speak
25 directly to the full Council. Comments shall be limited to three
26 minutes and no person shall be allowed to give or transfer his/her
27 time to speak to another person.

28 (b) When Held. Although the Council has need of the comments
29 and observations of the members of the general public, the business
30 of the Council requires that public hearings by the full Council be
31 held to the minimum number. Consequently, except for public

1 hearings required by law, a public hearing by the full Council will
2 be scheduled only by order of the President, the Rules Committee or
3 two-thirds of the Council Members present at any meeting. With
4 respect to the order of public hearings on the agenda:

5 (1) Public hearings required by §166.041, Florida
6 Statutes, shall be held as follows:

7 (i) Public hearings required by Section
8 166.041(3)(d)1 (adoption of ordinance or resolution),
9 Florida Statutes, shall be held during the meeting
10 following the meeting at which the ordinances involved
11 are read for the first time.

12 (ii) Public hearings required by Section
13 166.041(3)(c)1 (zoning-parcel), Florida Statutes, shall
14 be held during the first meeting of the Council that is
15 at least thirty days after the date that the notice of
16 proposed rezoning ~~and public hearing~~ was mailed to the
17 real property owner involved, and one public hearing
18 under this section shall be scheduled for each ordinance
19 involved.

20 **Section 3. 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
26 /s/ Susan C. Grandin

27 Office of General Counsel

28 Legislation Prepared By: Susan C. Grandin

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