

# **REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**JUNE 16, 2016**

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 2016-367**

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), SUBPART F (PLANNED UNIT DEVELOPMENT), SECTIONS 656.340 (PLANNED UNIT DEVELOPMENT-PUD) AND 656.341 (PROCEDURES), ORDINANCE CODE, AND SUBPART M (SAN MARCO OVERLAY ZONE), SECTIONS 656.399.4, 656.399.6, AND 656.399.7 TO CLARIFY THAT ANY PROPOSED OR AMENDED EXISTING PLANNED UNIT DEVELOPMENT WITHIN THE SAN MARCO OVERLAY ZONE IS PROHIBITED FROM WAIVING OR ALTERING ANY STANDARD OR REQUIREMENT SET OUT IN THE SAN MARCO OVERLAY ZONE; AUTHORIZATION FOR OFFICE OF GENERAL COUNSEL TO INSERT EFFECTIVE DATE; PROVIDING AN EFFECTIVE DATE.

### **I. GENERAL INFORMATION**

The bill amends Chapter 656 (Zoning Code), Part 3 (Schedule of District Regulations), Subpart F (Planned Unit Development) and Subpart M (San Marco Overlay Zone) to clarify that any proposed or amended Planned Unit Development (PUD) within the San Marco Overlay Zone is prohibited from waiving or altering any standard or requirement set out in the San Marco Overlay Zone.

### **II. EVALUATION**

#### **A. The need and justification for the change.**

The San Marco Overlay Zone was established to protect the economic vitality, character, aesthetic appeal, historical integrity and overall charm of the Zone by providing for zoning restrictions, standards and processes supplemental to the general terms of the Zoning Code and applicable only to properties within the Zone. Further, the clear terms and conditions of Subpart M apply to govern and control all construction, development or alteration activities undertaken or performed hereafter on lots and land lying within the boundaries of the Zone. This bill clarifies that a PUD cannot be used to circumvent the spirit and intent of Subpart M. The bill also amends Section 656.341 to outline the specific content to be provided in all PUD written descriptions (not just PUDs in overlays).

**B. Summary of Bill.**

This bill prohibits the use of the PUD zoning district to circumvent standards and requirements set forth within the San Marco Overlay Zone as previously described.

**C. Consistency with the Comprehensive Plan.**

Ordinance 2016-367 is consistent with the 2030 Comprehensive Plan in that it promotes the following goals, objectives and policies:

Future Land Use Element (FLUE) Policy 1.1.4 The Land Development Regulations shall include locational criteria and standards for all zoning or subdivision site plan requests for densities or intensities of use for each future land use category including appropriate criteria related to development areas, street classification, availability of public facilities and services, land use compatibility, development and redevelopment potential, site design factors, ownership patterns, environmental impacts, relevant adopted plans and studies, and principal and secondary uses as described in the Plan Category Descriptions of the Operative Provisions. In order to ensure the development of a variety of neighborhoods and living environments, the Land Development Regulations shall include several zoning districts with different minimum lot size and density of development requirements in each residential land use category.

FLUE Objective 2.2 Through the use of neighborhood plans and studies, the City shall continue to maintain and implement an urban revitalization strategy for the City's blighted areas, and those areas threatened by blight, which will address maintenance, improvement, or replacement of existing structures, permit the transition of run-down or grossly under-utilized commercial properties to alternate uses, and support the re-emergence of diverse urban neighborhoods.

FLUE Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

FLUE Policy 3.1.20 The City shall recognize and maintain neighborhoods through the development and implementation of district plans and /or neighborhood plans, which identify the needs of the City's neighborhoods and the opportunities to improve and maintain those neighborhoods in light of continued growth and development pressures with in and surrounding them.

The San Marco Overlay Zone was created in response to increased development pressure which frequently digressed from the Zone's historical design, massing and platted building restriction lines as well as the general zoning requirements. This bill furthers FLUE Policy 1.1.4, FLUE Goal 3, and FLUE Policy 3.1.20 by prohibiting the use of a PUD to circumvent

the spirit and intent of the Zone. This bill also furthers FLUE Objective 2.2 in strengthening the San Marco Overlay Zone by eliminating a method of circumventing the purposefully created rules and regulations within the Zone.

### **III. RECOMMENDATIONS**

Based upon examination of the proposed ordinance with respect to the goals, objectives and policies of the 2030 Comprehensive Plan, and the intent of the Zoning Code, the Planning and Development Department finds that Ordinance 2016-367 is consistent with the Comprehensive Plan and furthers the spirit and intent of the Zoning Code. Therefore, it is the recommendation of the Planning and Development Department that Ordinance 2016-367 be **APPROVED**.

1 Introduced by Council Member Boyer:  
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4 **ORDINANCE 2016-367**

5 AN ORDINANCE AMENDING CHAPTER 656 (ZONING  
6 CODE), PART 3 (SCHEDULE OF DISTRICT  
7 REGULATIONS), SUBPART F (PLANNED UNIT  
8 DEVELOPMENT), SECTIONS 656.340 (PLANNED UNIT  
9 DEVELOPMENT-PUD) AND 656.341 (PROCEDURES),  
10 *ORDINANCE CODE*, AND SUBPART M (SAN MARCO  
11 OVERLAY ZONE), SECTIONS 656.399.4, 656.399.6,  
12 AND 656.399.7 TO CLARIFY THAT ANY PROPOSED OR  
13 AMENDED EXISTING PLANNED UNIT DEVELOPMENT  
14 WITHIN THE SAN MARCO OVERLAY ZONE IS  
15 PROHIBITED FROM WAIVING OR ALTERING ANY  
16 STANDARD OR REQUIREMENT SET OUT IN THE SAN  
17 MARCO OVERLAY ZONE; AUTHORIZATION FOR OFFICE  
18 OF GENERAL COUNSEL TO INSERT EFFECTIVE DATE;  
19 PROVIDING AN EFFECTIVE DATE.  
20

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

22 **Section 1. Amending Section 656.340 (Planned Unit**  
23 **Development-PUD), Ordinance Code.** Section 656.340 (Planned Unit  
24 Development-PUD), Chapter 602 (Zoning Code), *Ordinance Code*, is  
25 hereby amended to read as follows:

26 **CHAPTER 656. ZONING CODE.**

27 \* \* \*

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

29 \* \* \*

30 **SUBPART F. PLANNED UNIT DEVELOPMENT**

31 \* \* \*

1           **Sec. 656.340. - Planned Unit Development—PUD.**

2   It is the intent and purpose of this district that Planned Unit  
3   Developments, both large scale, which consists of five acres or  
4   more, and small scale, which consists of less than five acres, be  
5   utilized to create living environments that are responsive to the  
6   needs of their inhabitants; to provide flexibility in planning,  
7   design and development; to encourage innovative approaches to the  
8   design of community environments; to encourage the fulfillment of  
9   housing needs appropriate to various lifestyles and income levels;  
10  to encourage the integration of different housing types within a  
11  development; provide an opportunity for new approaches to  
12  ownership; to provide for an efficient use of land; to provide an  
13  environment compatible with surrounding land use; to adapt the  
14  zoning process to changes in construction and development  
15  technology; to encourage the preservation of the natural site  
16  features; to provide community environments that are so designed  
17  and located as to be an integral part of the total ecosystem; to  
18  encourage the design of communities and structures adapted to the  
19  local climate; thereby promoting the public health, safety, morals,  
20  order, comfort, convenience, appearance, prosperity, and general  
21  welfare of the City of Jacksonville. It is further intended that  
22  the Planned Unit Development district may be utilized to implement  
23  the Comprehensive Plan. ~~It is not the intent to utilize the Planned~~  
24 ~~Unit Development district solely to diminish the usual application~~  
25 ~~of the provisions of the Zoning Code.~~

26       It is not the intent to utilize the Planned Unit Development  
27 district solely to diminish the usual application of the provisions  
28 of the Zoning Code. Further, a Planned Unit Development, or  
29 amendment thereto of existing and future Planned Unit Developments,  
30 shall not be allowed to authorize uses, reductions of parking,  
31 reductions in buffers or landscaping, enlargement of signs,

1 aggregation or subdivision of lots, or the relaxation of any  
2 requirement, standard, criteria, regulation, or the purpose and  
3 intent of any zoning overlay if those uses or standards are  
4 restricted from being modified through a PUD in the overlay.

5 **Sec. 656.341. - Procedures.**

6 \* \* \*

7 (c) *Required exhibits for an application for rezoning to planned*  
8 *unit development.*

9 \* \* \*

10 (2) An application for rezoning to the Planned Unit  
11 Development district shall in addition to the aforementioned, be  
12 accompanied by the following, in sufficient copies as deemed  
13 necessary by the Planning and Development Department for referrals  
14 and recommendations:

15 \* \* \*

16 (ii) A written description of the intended plan of  
17 development shall be submitted to the Department clearly describing  
18 all of the following: permitted uses and structures, permitted  
19 accessory uses and structures, permissible uses by exception,  
20 minimum lot requirements (width/area), maximum lot coverage by all  
21 buildings and structures, minimum and/or maximum yard requirements,  
22 maximum height of structures and any limitations on permitted  
23 and/or permissible uses by exceptions. The written description of  
24 the intended plan of development shall also include a description  
25 of where the proposed Planned Unit Development differs from the  
26 usual application of the provisions of the Zoning Code. The written  
27 description of the intended plan of development shall also include  
28 the name of the project and the names of the professional project  
29 planners(s), architect(s), engineer(s), developer(s) and  
30 quantitative data as follows: size in acres of the total  
31 development, total number of dwelling units and/or nonresidential

1 ~~floor area or both; total amount of recreation and/or open space;~~  
2 ~~amount of public and/or private rights of way, and the proposed~~  
3 ~~land coverage of all buildings and structures. In addition, the~~  
4 ~~written description of the intended plan of development shall~~  
5 ~~include a schedule indicating the approximate date(s) when~~  
6 ~~construction of the phases within the proposed Planned Unit~~  
7 ~~Development are to be initiated and completed. The written~~  
8 ~~description of the intended plan of development shall also provide~~  
9 ~~a written statement of the intent for the continued operation and~~  
10 ~~maintenance of these areas and functions described herein and~~  
11 ~~facilities which are not to be provided, operated or maintained by~~  
12 ~~the City.~~

13 (A) Permitted uses and structures, permitted accessory  
14 uses and structures, permissible uses by exception,  
15 minimum lot requirements (width/area), maximum lot  
16 coverage by all buildings and structures, minimum  
17 and/or maximum yard requirements, maximum height of  
18 structures and any limitations on permitted and/or  
19 permissible uses by exceptions.

20 (B) A description of specifically how the proposed  
21 Planned Unit Development differs from the usual  
22 application of the provisions of the Zoning Code,  
23 including but not limited to any departures from the  
24 requirements of the following Parts: Supplementary  
25 Regulations; Off-Street Parking Regulations;  
26 Nonconforming Lots, Uses and Structures; Alcoholic  
27 Beverages; Excavations, Lakes and Borrow Pits;  
28 Regulations related to Airports and Lands Adjacent  
29 Thereto; Adult Entertainment and Service Facilities;  
30 Landscape and Tree Protection Regulations, and Sign  
31 Regulations.





1 applying zoning requirements and/or building parameters. This  
2 Section shall not apply to limit the aggregation of lots for  
3 single-family development where such lots were lots of record and  
4 under common legal or equitable ownership within the Zone prior to  
5 March 9, 2004, and within the Subzone prior to June 30, 2003.  
6 Further, after the effective date of this Subpart, the subdivision  
7 of an existing lot lying wholly within the Zone into two (2) or  
8 more lots is prohibited except where lots of record previously  
9 subdivided as according to the historical plats listed in Figure B  
10 are restored and reinstated to the closest degree possible by such  
11 subdivision. No PUD rezoning shall be allowed in the San Marco  
12 Overlay Zone that permits the development of more than one  
13 residence on any platted lot created by the historical plats as  
14 shown on Figure B.

15 **Sec. 656.399.7. - Overlay development standards.**

16 The design, siting and building standards, criteria and limitations  
17 set forth expressly in this Subpart M with reference to lots with  
18 building restriction lines, specific locations, specific  
19 development types and/or specific types of structures or equipment,  
20 shall supersede and prevail over any other inconsistent provisions  
21 of the Zoning Code including any PUD adopted subsequent to the  
22 effective date of this ordinance. For PUD's adopted prior and  
23 subsequent to the effective date of this ordinance any request for  
24 administrative deviation, variance, rezoning, PUD administrative  
25 modification, PUD minor modification, or PUD major modification  
26 shall be limited by these Overlay development standards as well as  
27 Section 656.399.6, Ordinance Code. ~~otherwise,~~ For standards not  
28 expressly set forth in this Overlay, the standards relative to an  
29 underlying zoning district and other applicable, general provisions  
30 of the Zoning Code shall govern.

31 \* \* \*

1           **Section 2.           Authorization for Office of General Counsel to**  
2 **insert effective date during codification.**   The Council hereby  
3 authorizes the Office of General Counsel to insert the actual  
4 effective date of this ordinance wherever the phrase "effective  
5 date of this ordinance" is used in Section 656.399.7, *Ordinance*  
6 *Code*.

7           **Section 3.           Effective Date.**   This ordinance shall become  
8 effective upon signature by the Mayor or upon becoming effective  
9 without the Mayor's signature.

10  
11 Form Approved:

12  
13           /s/ Susan C. Grandin          

14 Office of General Counsel

15 Legislation Prepared By: Susan C. Grandin

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**CITY COUNCIL RESEARCH DIVISION  
LEGISLATIVE SUMMARY**



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**Bill Type and Number:** Ordinance 2016-0367

**Introducer/Sponsor(s):** Council Member Boyer

**Date of Introduction:** May 24, 2016

**Committee(s) of Reference:** LUZ

**Date of Analysis:** May 23, 2016

**Type of Action:** Amending *Ordinance Code*

**Bill Summary:** This bill amends Chapter 656 (Zoning Code), Part 3 (Schedule of District Regulations), Subpart F (Planned Unit Development), Section 656.340 (Planned Unit Development-PUD), Section 656.341 (Procedures), *Ordinance Code*, and Subpart M (San Marco Overlay Zone), Sections 656.399.4, 656.399.6, and 656.399.7 to clarify that any proposed or amended existing Planned Unit Development (PUD) within the San Marco Overlay Zone is prohibited from waiving or altering any standard or requirement set out in the San Marco Overlay Zone.

**Background Information:** The amendment prevents misinterpretation of the San Marco Overlay Zone; outlines the specific content which shall be included in the written description of the intended plan of development; and includes additional language to address lot aggregation, subdivisions and development standards.

**Policy Impact Area:** Planning & Development Department, Planning Commission, *Ordinance Code*

**Fiscal Impact:** None

**Analyst:** Mitchell