

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

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 2018-855

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), PART 3 (SCHEDULE OF DISTRICT REGULATIONS), SUBPART F (PLANNED UNIT DEVELOPMENT), SECTION 656.341 (PROCEDURES), ORDINANCE CODE, TO AMEND EXISTING REQUIREMENTS FOR APPLICATIONS FOR PLANNED UNIT DEVELOPMENT TO PROVIDE ADDITIONAL INFORMATION WITHIN THE PUD APPLICATION, INCLUDING WAIVERS OR DEVIATIONS REQUESTED IN THE APPLICATION, AND ADDING ADDITIONAL CRITERIA FOR MINOR MODIFICATIONS TO A PUD; PROVIDING AN EFFECTIVE DATE.

I. GENERAL INFORMATION

The bill amends the Zoning Code in Subpart F – Planned Unit Development – to add a requirement that PUD written descriptions must contain full explanations of any proposed deviation or waiver of Zoning Code requirement, zoning overlay, subdivision regulation, design standard or other requirement in a separate enumerated section. Failure to disclose any requested deviation or waiver in a PUD application shall mean that the normal Zoning Code provisions, subdivision regulations, design standards, etc. shall apply. The bill also adds language requiring a written statement by a PUD developer or land owner identifying what legal entity shall be obligated to maintain common areas, landscaping, parking, or other shared uses within the PUD. The entity to be legally responsible for the maintenance must be established prior to the completion of any phase of development or issuance of a Certificate of Occupancy and prior to any requested modification of the PUD.

The bill provides that minor modifications to PUDs approved by the Planning Commission may not change the approved permitted uses and may not authorize movement or relocation of specific uses on or along the perimeter of the site. Any changes to the traffic or pedestrian circulation pattern resulting from a proposed minor modification must maintain the external compatibility requirements of Sec. 656.341(d). If the locations of entrances or driveways were the subject of staff recommendations or were modified by submission of a revised site plan or revised written description at the time of adoption of the PUD or of a major modification, then no change in such locations may be made by minor modification.

The bill requires that minor modifications maintain a compatible relationship between land uses within the PUD and with the adjoining land uses through the use of buffers, fencing or landscaping. External compatibility requirements of Sec. 656.341(d) must be maintained. If the location, width, height, material or other characteristics of buffers, fencing, screening or setbacks were the subject of staff recommendations or were modified by submission of a revised site plan or revised written description at the time of adoption of the PUD or of a major modification, then no change in such characteristics may be made by minor modification. The bill requires that compatible relationships between land uses within and adjoining the PUD must be maintained through the use of lot sizes and height along the perimeter boundaries of the PUD. If the lot sizes or height of any perimeter boundary buffers were the subject of staff recommendations or were modified by submission of a revised site plan or revised written description at the time of adoption of the PUD or of a major modification, then no change in such buffers may be made by minor modification.

II. EVALUATION

A. The need and justification for the change

Background Information: The bill derives from several noticed council member meetings to discuss the reason for the large number of PUD rezonings in Jacksonville and the processes by which PUDs are modified and their conditions enforced. The resulting bill adds additional requirements for specificity in the explanation of deviations or waivers of normal Zoning Code requirements being requested in PUD ordinances so that the Council can readily identify the deviations being requested from standard practice. It adds a requirement for identification and creation of a legal entity obligated to maintain common areas within the PUD to fix responsibility for that requirement, which is particularly important when PUDs are subdivided and sold off in pieces or when they are developed in phases over a long period. One of the reasons identified for the frequent use of PUD zoning is the ability to impose conditions, particularly with regard to buffers, screening, landscaping, compatibility with adjoining uses, and location of entrances and driveways. The bill adds several requirements with regard to these features and specifically prohibits the Planning Commission from granting changes via minor modification to features or conditions that were specifically adopted by City Council, typically because of negotiations among the PUD developer, adjoining property owners, neighborhood associations and City Council members.

B. Consistency with the Comprehensive Plan.

The Comprehensive Plan is silent with regard to this issue.

III. RECOMMENDATION

The Planning and Development Department recommends that **Ordinance 2018-855** be approved.

1 Council Member Boyer, Crescimbeni and Gulliford offer the following
2 substitute to File No. 2018-855:

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4 Introduced by Council Members Boyer, Crescimbeni and Gulliford:

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7 **ORDINANCE 2018-855**

8 AN ORDINANCE AMENDING CHAPTER 656 (ZONING
9 CODE), PART 3 (SCHEDULE OF DISTRICT
10 REGULATIONS), SUBPART F (PLANNED UNIT
11 DEVELOPMENT), SECTION 656.341 (PROCEDURES),
12 *ORDINANCE CODE*, TO AMEND EXISTING REQUIREMENTS
13 FOR APPLICATIONS FOR PLANNED UNIT DEVELOPMENT
14 TO PROVIDE ADDITIONAL INFORMATION WITHIN THE
15 PUD APPLICATION, INCLUDING WAIVERS OR
16 DEVIATIONS REQUESTED IN THE APPLICATION, AND
17 ADDING ADDITIONAL CRITERIA FOR MINOR
18 MODIFICATIONS TO A PUD; PROVIDING AN EFFECTIVE
19 DATE.
20

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

22 **Section 1. Amending Section 656.341 (Procedures),**
23 ***Ordinance Code*.** Section 656.341 (Procedures), Chapter 656 (Zoning
24 Code), *Ordinance Code*, is hereby amended to read as follows:

25 **CHAPTER 656. ZONING CODE.**

26 * * *

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

28 * * *

29 **SUBPART F. PLANNED UNIT DEVELOPMENT**

30 * * *

31 **Sec. 656.341. - Procedures.**

1 * * *

2 (c) *Required exhibits for an application for rezoning to planned*
3 *unit development.*

4 * * *

5 (2) An application for rezoning to the Planned Unit
6 Development district shall in addition to the
7 aforementioned, be accompanied by the following, in
8 sufficient copies as deemed necessary by the Planning and
9 Development Department for referrals and recommendations:

10 * * *

11 (ii) A written description of the intended plan of
12 development shall be submitted to the Department clearly describing
13 all of the following:

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

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

1 Regulations. Any deviation or waiver of Zoning Code
2 requirements proposed in an application, including
3 any applicable zoning overlay, and any subdivision
4 regulations, design standards or other requirements
5 shall be identified in a separate enumerated section
6 of the written description with an explanation
7 given as to why each deviation or waiver is
8 necessary. Failure of the applicant to disclose any
9 deviations or waivers requested in this manner shall
10 mean that the normal applicable Zoning Code
11 provisions, zoning overlay, subdivision regulations,
12 design standards or other requirements shall apply.

13 (C) The name of the project and the names of the
14 professional project planners(s), architect(s),
15 engineer(s), developer(s) and quantitative data as
16 follows: size in acres of the total development;
17 total number of dwelling units and/or nonresidential
18 floor area or both; total amount of recreation
19 and/or open space; amount of public and/or private
20 rights-of-way, and the proposed land coverage of all
21 buildings and structures.

22 (D) A schedule indicating the approximate date(s) when
23 construction of the phases within the proposed
24 Planned Unit Development are to be initiated and
25 completed.

26 (E) A written statement of the intent for the continued
27 operation and maintenance of those areas and
28 functions described herein and facilities which are
29 not to be provided, operated or maintained by the
30 City. This information shall include a statement
31 made by the developer or land owner identifying what

1 characteristics of any use.

2 (ii) Driveways and/or streets do not significantly alter
3 the general distribution of traffic or modify the public or private
4 rights therein. Any changes to the traffic or pedestrian
5 circulation pattern resulting from the proposed changes in the
6 application for minor modification to the Planned Unit Development
7 must maintain the external compatibility requirements of Section
8 656.341(d). If the locations of entrances or driveways to the
9 Planned Unit Development were the subject of staff recommendations,
10 or were modified by submission of a revised site plan or revised
11 written description at the time of adoption of the Planned Unit
12 Development or any major modification thereof, no change in such
13 locations shall be allowed by minor modification.

14 (iii) There is no change to any condition(s) set forth by
15 the City Council in the ordinance which approved the Planned Unit
16 Development district.

17 (iv) That a compatible relationship between land uses
18 within the Planned Unit Development and with land uses adjoining
19 the Planned Unit Development district are maintained with the
20 proposed changes in the application for minor modification to the
21 Planned Unit Development, through the use of buffers, fencing and
22 other landscaping requirements. External compatibility requirements
23 of Section 656.341(d) must be maintained. If the location, width,
24 height, material or other similar characteristics of any perimeter
25 boundary buffers, fencing, screening or setbacks were the subject
26 of staff recommendations, or were modified by submission of a
27 revised site plan or revised written description at the time of
28 adoption of the Planned Unit Development or any major modification
29 thereof, no change in such locations shall be allowed by minor
30 modification.

31 (v) That a compatible relationship between land uses

1 within the Planned Unit Development and with land uses adjoining
2 the Planned Unit Development district are maintained with the
3 proposed changes in the application for minor modification to the
4 Planned Unit Development, through the use of lot sizes and height
5 of structures along the perimeter boundaries of the Planned United
6 Development. External compatibility requirements of Section
7 656.341(d) must be maintained. If the lot sizes or height of any
8 perimeter boundary buffers were the subject of staff
9 recommendations, or were modified by submission of a revised site
10 plan or revised written description at the time of adoption of the
11 Planned Unit Development or any major modification thereof, no
12 change in such locations shall be allowed by minor modification.

13 The Planning Commission is authorized to promulgate the rules
14 and procedures necessary to implement a minor modification.
15 Additionally, the Director shall transmit a copy of any request for
16 Minor Modification to any District Council Member within five days
17 of receipt, for the District Council Member's review and comment.
18 The District Council Member may provide written comments to the
19 Planning and Development Department regarding the applicability of
20 the Minor Modification criteria contained herein within the time
21 frame established for the Department's review of the request for
22 Minor Modification.

23 * * *

24 **Section 2. Effective Date.** This ordinance shall become
25 effective upon signature by the Mayor or upon becoming effective
26 without the Mayor's signature.

27
28 Form Approved:

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30 _____
31 Office of General Counsel

1 Legislation Prepared By: Paige H. Johnston

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