

SUBPART H. DOWNTOWN OVERLAY ZONE AND DOWNTOWN DISTRICT USE AND FORM REGULATIONS¹

Sec. 656.361.1. Purpose and Intent.

It is the purpose and intent of this Subpart H to create and establish a Downtown Overlay Zone, which will promote and encourage the revitalization and growth of Downtown as a desirable high density mixed-use area by maximizing the use of all available resources, ensuring a high degree of compatibility between new and existing uses, promoting mixed use developments, promoting access and focus on the St. Johns River and its tributaries, streamlining the review and approval process for projects, providing flexibility in both the uses allowed, as well as the physical design of, projects, and ensuring quality development that is in keeping with the traditional Downtown urban fabric. The land included within the Downtown Overlay Zone shall be subject to the Downtown District Use and Form Regulations contained in this Subpart H.

The Downtown Overlay Zone and the Downtown District Use and Form Regulations work in concert with the Downtown Investment Authority's Business Investment and Development Plan (BID Plan). The Downtown Overlay Zone is coextensive with the jurisdiction of the Downtown Investment Authority (DIA), as described in Sec. 55.105, Ordinance Code. Within the existing Downtown Overlay Zone, the Downtown Districts are hereby amended pursuant to Ordinance 2019-196-E, and are set out in this Subpart H. In order to accomplish the general purpose of promoting residential and mixed use development in the Downtown area, it is necessary to have a Downtown Overlay Zone which gives special consideration to certain uses and the utilization of form regulations and their associated Downtown design guidelines because of the unique characteristics of Downtown. The Downtown District Use and Form Regulations shall supersede the other provisions of this Chapter 656, except as otherwise specifically provided herein. The majority of the land within the Downtown Overlay Zone is designated Central Commercial Business District (CCBD) as referenced in Section 656.314, but described in this Subpart H. The Overlay District provides additional flexibility and regulations as described in this Subpart H.

Some land within the Overlay Zone is zoned Planned Unit Development (PUD) and shall retain their own regulations and performance standards; however, these parcels shall be required to comply with the processes and regulations set forth in this Subpart H, except to the extent of any express conflict with the specific terms of the applicable PUD.

The Downtown District Use and Form Regulations are divided into sections describing use (Use Regulations) and form (Form Regulations). The Use Regulations within this Overlay are further divided into the uses permitted in all Overlay Districts, and specific bonus uses that are permitted in a specific District, or permissible in that District through the zoning exception process. The list of uses permitted throughout the Downtown Overlay Zone are also the uses permitted in the CCBD zoning district. By allowing additional bonus uses permitted by right, and additional uses permissible by exception that are District specific, the City retains the ability to shape the character

¹Editor's note(s)—Ord. 2019-196-E, § 6, amended the Code by repealing former Subpart H, §§ 656.361.1—656.361.26, and adding a new Subpart H. Former Subpart H pertained to the Downtown Overlay Zone and Downtown District Regulations, and derived from Ord. 2003-627-E; Ord. 2005-227-E; Ord. 2007-174-E; Ord. 2007-564-E; Ord. 2007-588-E; Ord. 2007-956-E; Ord. 2009-325-E; Ord. 2009-401-E; Ord. 2010-449-E; Ord. 2010-901-E; Ord. 2011-643-E; Ord. 2012-234-E; Ord. 2012-364-E; Ord. 2014-560-E; Ord. 2017-399-E; Ord. 2017-665-E; and Ord. 2018-769-E.

of different Districts within the large and diverse area that comprises Downtown. DDRB is authorized to approve, approve with conditions, or deny an exception application.

The Form Regulations within this Downtown Overlay Zone describe the requirements for the form of the structures and development on both the private and the public land Downtown. Each section begins with "Purpose and Intent" to inform the designer of the overall vision. The Form Regulations set out what is required of a structure or site; however, alternatives are provided to allow flexibility and lessen the need for deviations from the Form Regulations. A deviation from any Form Regulations may be sought, but some Form Regulations require the satisfaction of additional criteria beyond those generally applicable to all deviations. Unless otherwise specified in this Subpart H, DDRB is authorized to approve, approve with conditions, or deny a deviation application.

The previously adopted Downtown Design Guidelines (Guidelines) are hereby superseded and amended pursuant to Ordinance 2019-196-E to the extent the same conflict with any provisions in this Subpart H, including incorporated graphics and illustrations. It is contemplated that the Guidelines shall be updated, in their entirety, by the Downtown Investment Authority (DIA) by July 1, 2020, to conform to Ordinance 2019-196-E. The Guidelines illustrate, refine and explain the Form Regulations through the use of graphics and examples. Although not codified within Chapter 656, the Guidelines are nonetheless intended to be followed by the designer because they are clarifications of the Form Regulations. The Guidelines shall be made readily available through the DIA, the City's Legislative Services Division, and on the City's website. To the extent not inconsistent herewith, the Guidelines may be amended by the DIA, with the assistance of the DDRB, without further Council action.

Together, the Form Regulations and the Design Guidelines are reflective of a form-based, design-oriented approach to reviewing and approving Downtown development projects.

The previously adopted Riverfront Park Design Criteria, dated July 2000, are hereby replaced in their entirety with the Riverwalk Park Design Criteria, dated February 2019 and available on the City's website and on file with the Legislative Services Division accompanying Ordinance 2019-196-E. The Riverwalk Park Design Criteria shall govern the development of the Riverwalk adjacent to the bulkhead or shoreline and over water along the riverfront of both the north and south banks of the River along the entire river frontage Downtown. The Riverwalk Park Design Criteria provide the design intent and specifications for the development of the Riverwalks and shall be made readily available through the DIA, the Legislative Services Division, and on the City's website.

The previously adopted Downtown Streetscape Design Guidelines prepared for the Jacksonville Economic Development Corporation (JEDC) shall be updated by the DIA by July 1, 2020, to conform to Ordinance 2019-196-E. These are guidelines intended to guide all development within the right-of-way, whether implemented by a governmental entity or a private developer. The current Downtown Streetscape Design Guidelines shall be followed to the extent not inconsistent with Ordinance 2019-196-E, until superseded by an update approved by the DIA.

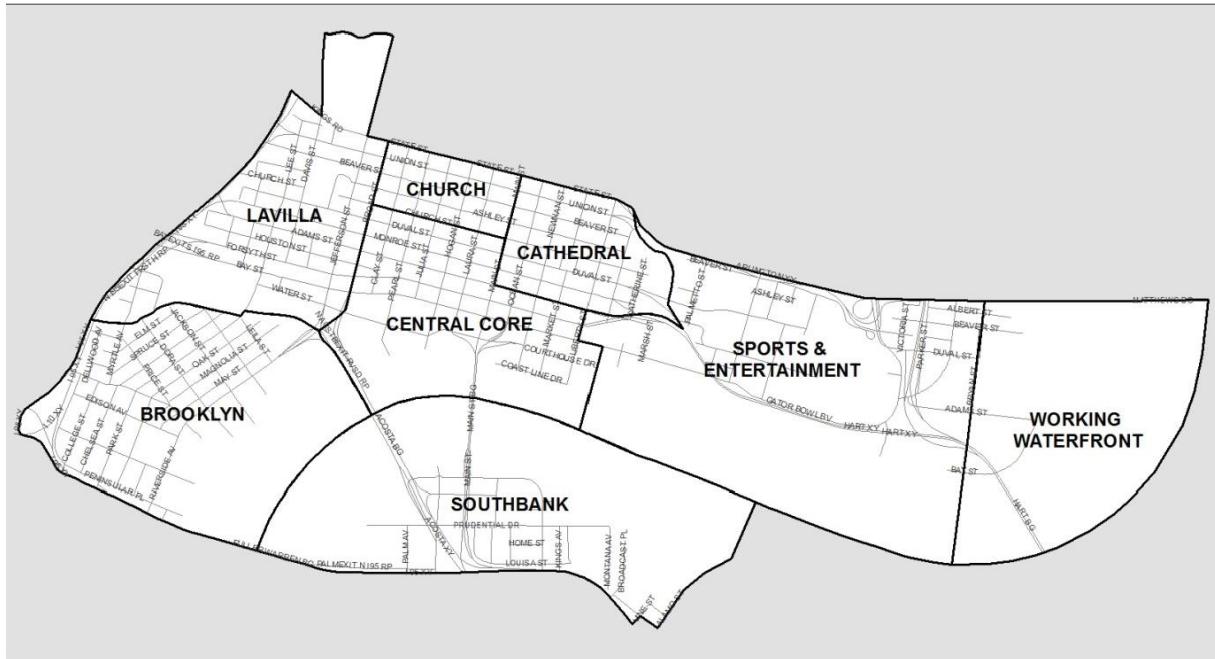
Previously granted Deviations and waivers remain in force and effect without converting to a non-conforming status. Development proposals that have received Conceptual Approval from DDRB prior to June 1, 2019 shall be allowed to proceed through Final Approval and construction, even if in conflict with these regulations, if consistent with the previously granted Conceptual Approval and the regulations in effect at the time of Conceptual Approval. If a Deviation would have been required under the regulations in effect at the time of Conceptual Approval but has not yet been granted, the Deviation request shall proceed under these requirements.

(Ord. 2019-196-E, § 6)

Sec. 656.361.2. Downtown Overlay Zone Map and Boundaries.

The boundaries of the Downtown Overlay Zone and its Overlay Districts (Overlay Districts or Districts) are shown on the Downtown Overlay Zone Map below.

Downtown Overlay Zone Map - 2019



DOWNTOWN OVERLAY DISTRICTS



More specifically, the Downtown Overlay Zone boundaries are coextensive with the jurisdictional boundaries of the Downtown Investment Authority, which is described in Sec. 55.105, Ordinance Code, and includes all land within the following boundaries:

Begin at the intersection of a northwesterly prolongation of the northerly right-of-way line of State Street with the westerly boundary of Interstate - 95; thence run southerly along said westerly boundary of Interstate - 95 to an intersection with a northwesterly prolongation of the Fuller Warren Bridge over the St. Johns River and the northerly right-of-way line of that portion of Interstate 95 leading westerly from said Fuller Warren Bridge; thence southeasterly and easterly along said northerly right-of-way line of said Interstate 95 and said Fuller Warren Bridge to an intersection with the southeasterly right-of-way line of Vine Street; thence northeasterly along said southeasterly right-of-way line of Vine Street to an intersection with the northeasterly line of that certain alley running southeasterly through block 17, as shown on reed fourth subdivision of South Jacksonville, as recorded in Plat Book 1, Page 46 of the former public records of said County; thence southeasterly along said northeasterly alley line to an intersection with the northwesterly right-of-way line of Alamo Street; thence northeasterly along said northwesterly right-of-way line of Alamo Street to an intersection with the center line of the St. Johns River; thence easterly, northeasterly and northerly along the center line of the St. Johns River to an intersection with the northerly right-of-way of Matthews Bridge and Arlington Expressway; thence westerly along last said northerly right-of-way of said Matthews Bridge and Arlington Expressway to an intersection with the northerly right-of-way of State Street; thence westerly along last said northerly right-of-way line of State Street to an intersection with the westerly right-of-way line of Jefferson Street; thence northerly along last said westerly right-of-way line of Jefferson Street to an intersection with the easterly prolongation of the northerly boundary of the lands described and recorded in Official Records 7755, Page 2375 of said Current Public Records; thence northwesterly along last said line to an intersection with the easterly right-of-way line of Davis Street; thence southerly along last said

easterly right-of-way line of Davis Street to an intersection with aforesaid northerly right-of-way line of State Street; thence westerly along last said northerly right-of-way line of said State Street to the point of beginning.

The Downtown Overlay Zone Map represents the Zoning Overlay for the boundaries herein described. The Zoning Atlas shall depict the Downtown Overlay Zone as described above, on the applicable Zoning Atlas map. The boundaries of each Downtown District are described as follows:

Brooklyn District: Beginning at the centerline of McCoy's Creek and the westerly line of Interstate 95; thence run southerly along the westerly line of Interstate 95 to the northerly line of the westerly approach to the Fuller Warren Bridge; thence southeasterly and easterly along the northerly line of the westerly approach to the centerline of the Fuller Warren Bridge; thence easterly along the centerline of the Fuller Warren Bridge to the centerline of the St. Johns River; thence northeasterly and northerly along the centerline of the St. Johns River to the centerline of the Acosta Bridge; thence northwesterly and westerly along the centerline of the Acosta Bridge to the centerline of the Florida East Coast Railroad; thence westerly and northwesterly along the centerline of the Florida East Coast Railroad to the centerline of Park Street; thence westerly along the centerline of Park Street to the centerline of McCoy's Creek; thence northwesterly and westerly along the centerline of McCoy's Creek to the point of beginning.

LaVilla District: Beginning at the centerline of Broad Street and the centerline of State Street; thence northerly along said centerline line of Broad Street 1,726.25 feet to a point as defined in the legal description prepared by Sunshine State Surveyors, Inc., dated September 24, 1990 on the Blodgett Homes site housing the State Regional Service Center; thence westerly along said line as referenced in the above survey to the centerline of Davis Street; thence southerly along said centerline of Davis Street to the centerline of Kings Road; thence westerly along said centerline of Kings Road to the northerly line of Interstate 95; thence southerly along the westerly right-of-way line of Interstate 95 to the centerline of McCoy's Creek; thence southerly along the centerline of McCoy's Creek to the centerline of Park Street; thence northwesterly and westerly along the centerline of Park Street to the centerline of the Florida East Coast Railroad; thence southeasterly and easterly along the centerline of the Florida East Coast Railroad to the centerline of the Acosta Bridge and the centerline of Broad Street; thence northerly along the centerline of Broad Street to the point of beginning.

NorthCore District: Beginning at the centerline of Broad Street and the centerline of State Street; thence easterly along the centerline of State Street to the centerline of Main Street; thence southerly along the centerline of Main Street to the centerline of Church Street; thence easterly along the centerline of Church Street to the centerline of Broad Street; thence northerly along the centerline of Broad Street to the point of beginning.

Cathedral District: Beginning at the centerline of Main Street and the centerline of State Street; thence run easterly along the centerline of State Street to the centerline of Hogan's Creek; thence southerly along the centerline of Hogan's Creek to the centerline of Adams Street; thence westerly along the centerline of Adam's Street to the centerline of Main Street; thence northerly along the centerline of Main Street to the point of beginning.

Central Core District: Beginning at the centerline of the St. Johns River and the centerline of the Acosta Bridge; thence run westerly along the centerline of the Acosta Bridge to the centerline of Broad Street; thence run northerly along the centerline of Broad Street to the centerline of Church Street; thence easterly along the centerline of Church Street to the centerline of Main Street; thence southerly along the centerline of Main Street to the centerline of Adams Street; thence easterly along the centerline of Adams Street to the centerline of Liberty Street; thence southerly along the centerline of Liberty Street to the centerline of Bay Street; thence easterly along the centerline of Bay Street for a distance of approximately 425 feet to the centerline of Washington Street as shown on the Official Map of Jacksonville dated March 5, 1877; thence proceeding southerly along the centerline of Washington Street as shown on the Official Map of Jacksonville dated March 5, 1877 to the St. Johns River; thence southerly along the prolongation of said centerline to the

centerline of the St. Johns River; thence westerly along the centerline of the St. Johns River to the point of beginning.

Sports and Entertainment District: Beginning at the centerline of Liberty Street at the centerline of Adams Street; thence run southerly along the centerline of Liberty Street to the centerline of Bay Street; thence easterly along the centerline of Bay Street for a distance of approximately 425 feet to the centerline of Washington Street as shown on the Official Map of Jacksonville dated March 5, 1877; thence proceeding southerly along the centerline of Washington Street to the St. Johns River; thence southerly along the along the prolongation of said centerline as shown on the Official Map of Jacksonville dated March 5, 1877 to the centerline of the St. Johns River; thence easterly along the centerline of the St. Johns River for a distance of approximately 6,800 feet to an imaginary line drawn by the prolongation of the centerline of Bryan Street southerly into the St. Johns River; thence northerly along that imaginary line drawn to the centerline of Bay Street; thence northerly along the centerline of Bryan Street to the center line of the Arlington Expressway; thence proceed westerly along the centerline of the Arlington Expressway to the centerline Hogan's Creek; thence southerly along the centerline of Hogan's Creek to the centerline of Adams Street; thence westerly along the centerline of Adam's Street to the point of beginning.

Working Waterfront District: Beginning at the centerline of the St. Johns River and the centerline of the Matthews Bridge; thence proceed westerly along the centerline of the Matthews Bridge to the centerline of Bryan Street; thence proceed southerly along the centerline of Bryan Street to the centerline of Bay Street; thence southerly of a prolongation thereof to an intersection with the centerline of the St. Johns River; thence northeasterly and northerly along the centerline of the St. Johns River to the point of beginning.

Southbank District: Begin at the point of the center line of the St. Johns River on the centerline of the Fuller Warren Bridge; thence easterly along said centerline to a point of intersection with the southwesterly edge of the southbound roadway of South Main Street; thence northeasterly along a line drawn straight from the last described point to the northwesterly corner of Lot 18, Block 1, Bostwick's Subdivision of Block 46 in South Jacksonville, as shown on plat recorded in Plat Book 3, Page 68 of the current public records of said County, said northwest corner being located in the northeasterly right-of-way line of the northbound approach to said South Main Street from said Interstate 95; thence southeasterly and easterly along said northeasterly right-of-way line and northerly right-of-way line of Interstate 95 to an intersection with the southeasterly right-of-way line of Vine Street; thence northeasterly along said southeasterly right-of-way line of Vine Street to the northeasterly line of that certain alley running southeasterly through Block 17, Reeds Fourth Subdivision of South Jacksonville, as shown on plat recorded in Plat Book 1, Page 46 of the former public records of said County; thence southeasterly along said northeasterly alley line to an intersection with the centerline of Alamo Street; thence northeasterly along said centerline of Alamo Street to its intersection with the northerly right-of-way line of Utah Avenue; thence easterly along said northerly right-of-way line to its intersection with the northerly prolongation of the centerline of Barbara Avenue; thence continue northerly along the prolongation of the centerline of Barbara Avenue, a distance of 390 feet, more or less, to the center of a drainage canal; thence continue northeasterly along the centerline of said drainage canal to a point where said canal empties into a shallow bay; thence continue northerly along the waters of said bay to a point on the centerline of the St. Johns River; thence westerly and southerly along said center line of the St. Johns River to the point of beginning.

(Ord. 2019-196-E, § 6; Ord. 2022-383-E, § 1)

Sec. 656.361.3. Definitions.

The definitions contained in Part 16 of the Zoning Code shall apply. Those terms which are specific to this Subpart H are defined as follows:

Accessory Parking Lot means a surface parking facility that provides a majority of available parking for a specific use or uses, such as for the exclusive use of customers, users or employees of a particular business or location. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking lot need not be under the same ownership as the specific use or uses to which it is accessory. If not under the same ownership, evidence of a long-term lease must be provided supporting the claim the lot is an accessory parking lot to the specific use or uses.

Area, Amenity means the space between the curb and the clear pedestrian area which area is intended to accommodate public facilities (such as light poles, signal devices, transformers, and other above ground utilities), landscaping, and street furnishings. This area is generally a minimum of four feet in width as measured from the back of curb toward the pedestrian clear area where right-of-way width permits.

Area, Frontage means the area adjacent to building frontages which serves as a transition area through which pedestrians do not generally pass as it is directly adjacent to building features. It is adjacent to the pedestrian clear area. The Frontage Area may include sidewalk cafés, outdoor display and similar uses.

Area, Pedestrian Clear means the clear area typically in the middle of the sidewalk that primarily accommodates pedestrian circulation which in all instances must be a minimum of five feet in width but is generally a minimum of eight feet in width in Downtown.

ASE (Automated Skyway Express) means the elevated mass transit system existing in the Downtown area as managed by the Jacksonville Transportation Authority.

BID Plan means the Downtown Investment Authority's Business Investment and Development Plan, which is an update of the two existing Community Redevelopment Area Plans for Downtown (Northbank and Southbank) along with the Business Investment Plan.

Commercial Surface Parking Lot means a parking facility that provides parking, in whole or the majority part, as a commercial enterprise, for four or more motor vehicles for a fee on a first-come-first-served basis, or by hourly or monthly contract. Such a parking lot is not primarily associated with any other use or uses, such as for the exclusive use of customers, users or employees of a particular business or location. The term does not include a commercial parking garage which is a building primarily used for the provision of parking for a fee. If a parking lot has a mix of dedicated spaces for a particular use or uses and general, first-come-first-served spaces, if such general spaces represent a majority of the available parking spaces, it shall be considered a Commercial Surface Parking Lot.

Creekfront Easement means that 25-foot wide public access easement running parallel and along each side of McCoy's Creek and Hogan's Creek as described in subsection 656.361.2.I (Creek Views and Creekfront Design).

DDRB means the Downtown Development Review Board established by Section 656.361.9.

DIA means the Downtown Investment Authority established in Chapter 55 (Economic Development), Part III (Downtown Investment Authority), Ordinance Code.

Differentiated Building Mass means a design strategy that attempts to break up the visual appearance of buildings or structures by use of offsets and other methods to articulate the horizontal and vertical planes of buildings in order to mitigate the effect of large looming buildings or structures.

Downtown District Regulations means the codified Use Regulations found in Section 656.361.5, and the Form Regulations found in Section 656.361.6, Ordinance Code.

Frontage means the part of a building, structure, lot or element that is adjacent to and generally parallel to a street right-of-way, the Riverwalk, or public access easement along a creek.

Ground-Floor means the at-grade, first floor of a building or structure.

Major Renovation means an expansion or renovation of existing development equal to 50 percent of the assessed value of the lot improvements according to the Property Appraiser or an expansion of the total square footage of a structure by 50 percent or more, including cumulative expansions totaling 50 percent.

On-Site Parking means a surface or structured parking facility which is used for the sole purpose of parking motorized vehicles located on the same property as the principle use for which the parking is utilized.

Pedestrian Entrance means a primary point of pedestrian access to the interior of a building or structure.

Pedestrian Skywalk means an elevated walkway connecting two structures and located above existing grade.

Pedestrian Zone. See "Zone, Pedestrian."

Private Realm means the buildings and areas within private property that are privately owned, designed and maintained. The Private Realm also includes Urban Open Space located on private property fully open to the public and integrated into the adjacent Public Realm and semi-private areas that may be required to be accessible on a limited basis as part of the Public Realm as Urban Open Spaces, but such areas are designed, constructed and maintained as part of the Private Realm.

Public Realm means the area beyond the edge of private areas that includes the Pedestrian Zone and the Vehicular Zone within the public right-of-way.

Streetscape means the visual character of a street as determined by various elements such as structures, landscaping, open space, natural vegetation and view.

Structured parking means parking for vehicles in a structure, and includes ground level parking covered by a building, but does not include a shade structure.

Urban Open Space means an area within the Private Realm that is immediately adjacent to the Public Realm and integrated therewith. Unlike what is generally or conventionally considered "open space" within the suburban context, Urban Open Space is not just landscaping or seating or the absence of a building or structure, but rather is an area built for human activity and engagement and is comprised of public art, interactive equipment such as swings, exercise equipment, information kiosks, etc. as the anchor of that space. Urban Open Space also includes semi-private areas that may be fenced or gated but activities within are visible from the Public Realm, accessible directly from the Public Realm, and open to the public during business and service hours. It does not lose its character as Urban Open Space if dedicated to the public or conveyed to the City.

View and Access Corridor means a linear view toward, and perpendicular to, either the St. Johns River, McCoy's Creek or Hogan's Creek, down either a public right-of-way or access easement within a block.

View Shed means the area that is visible from a specific location, such as a building, and includes all surrounding points that are in line-of-sight with that location and excludes points that are beyond the horizon or obstructed by other buildings.

Water's Edge Restaurant means any freestanding restaurant which seeks a zoning exception pursuant to Section 656.131, Ordinance Code, for all or any portion of the structure to be located within the established 50-foot setback from the river's edge (Zone A).

Zone, Pedestrian means the combination of the Frontage Area, the Pedestrian Clear Area, and the Amenity Area that make up the space between the edge of curb or roadbed and the building frontage, or if no building, then the Build-To Line, which may be identified by a frontage wall. This area is commonly referred to as the sidewalk.

Zone, Vehicular means the roadbed, including on-street parking and the curb, if any.

(Ord. 2019-196-E, § 6; Ord. 2022-383-E, § 1)

Sec. 656.361.4. General Standards.

All development and redevelopment in the Downtown Overlay Zone including, but not limited to, all Public Works and JTA projects and streetscape projects, partnerships with the City that require funding, and all projects that require permits of any type for the development or redevelopment of a site, building, structure, or right-of-way shall be subject to the Use Regulations, the Form Regulations, the Design Guidelines, the Riverwalk Park Design Criteria, and the following general standards:

- A. The use shall be consistent with the BID Plan which includes the Community Redevelopment Plans and with the Central Business District Future Land Use Category as described in the Future Land Use Element of the City's adopted Comprehensive Plan.
- B. The form shall be in keeping with the general purpose and intent of the Downtown Overlay Zone, and Downtown Districts, including the Downtown Design Guidelines, or any amendments thereto, and the Riverwalk Park Design Criteria.
- C. The use, building or structure will not negatively impact or injure the value of adjacent properties by noise, lights, traffic or other factors or otherwise detract from the immediate environment.
- D. All applications and plans submitted shall be considered within the context of the BID Plan, the Downtown District Regulations, the Downtown Design Guidelines, and the Riverwalk Park Design Criteria to assure a consistency and compatibility among proposed and existing development, with respect to parking requirements, access, setbacks, building height, mass and transparency, etc.
- E. All applications and plans submitted shall be consistent with the City's adopted Mobility Plan and Public Facility Level of Service Standards identified in the Capital Improvements Element of the Comprehensive Plan. The requirements associated with the above are implemented separately with DIA through the approval of a redevelopment agreement and associated allocation of development rights which includes mitigation of impacts (transportation, utilities, police and fire protection, and similar impacts) by the applicant resulting from the development. Approval of the application and plans can occur during the above review, or before the above review, at the discretion of the applicant, subject to compliance with the above requirements before building permit applications are filed with the Building Official.
- F. All permitted activities (sale, service and display, preparation and storage) within the Downtown Overlay Zone shall be conducted within a completely enclosed building, unless specifically provided otherwise. Any person or entity seeking to hold an outdoor commercial or recreational activity shall first obtain a permit from the City's Special Events Division, pursuant to Part 1 of Chapter 191, Ordinance Code.

(Ord. 2019-196-E, § 6; Ord. 2020-695-E, § 3)

Sec. 656.361.5. Use Regulations.

Sec. 656.361.5.1. Uses Permitted Generally—Applicable to all Overlay Districts Zoned CCBD.

The use provisions in the various Overlay Districts are exclusive and a use not included under permitted or permissible uses shall be prohibited in the District. The following uses are permitted throughout Downtown (in all Overlay Districts) for parcels zoned CCBD:

- A. Retail and wholesale sales of food, pharmacies, wearing apparel, toys, sundries and notions, books and stationery and newsstands, leather goods and luggage, jewelry stores, watch repairs and art, camera and photographic supplies (including camera repair), sporting goods, hobby shops, and pet shops (but

not including animal kennels), musical instruments, florist or gift shops, delicatessens, bakeries (including outdoor display of any of the foregoing merchandise during the normal business hours of the adjacent business), home furnishings and appliances (including repair incidental to sale) in completely enclosed buildings, office merchandise in completely enclosed buildings, hardware, new automobile parts (including rebuilt parts but not installation, repair or rebuilding of parts) in completely enclosed buildings, tire sales only if sales and display are entirely within an enclosed building.

- B. Service establishments such as barber or beauty shops, shoe repair shops, interior decorators, spas and skin care salons, tailors or dressmakers, radio and television broadcasting offices and studios (but not antenna or transmitting facilities), funeral homes (but not crematories), blueprinting, job printing, newspapers, radio and television repair shops, travel agencies, employment offices (but not day labor pools) and similar uses.
- C. Other Service establishments including laundry or dry cleaning pick up or drop off establishments with no cleaning to occur on premises and veterinarians but not animal boarding kennels, carpenter or cabinet shops and similar uses.
- D. Restaurants, including restaurants with the retail sale and service of all alcoholic beverages, for on-premises consumption, but not drive-in or drive-thru facilities. The minimum distance limitations in Part 8 (Alcoholic Beverages) of this Chapter 656 shall not apply to this use.
- E. Banks, loan companies, mortgage brokers, stockbrokers and similar financial institutions.
- F. All types of professional and business offices, union halls and similar uses (excluding day labor pools).
- G. Schools, colleges, universities, business, trade or vocational schools.
- H. Art galleries, museums, community centers, dance, art or music studios, and similar uses.
- I. Hotels and motels, bed and breakfasts.
- J. Floral, fruit, vegetable, poultry or fish markets.
- K. In all Overlay Districts, with the exception of the NorthCore District, entertainment establishments or facilities, including nightclubs, billiard parlors, dance halls, and private clubs, etc. with or without the retail sale and service of all alcoholic beverages for either on-premises or off-premises consumption, or both, (but not adult entertainment or dancing entertainment establishments) and with no minimum distance limitations outlined in Part 8 (Alcoholic Beverages) of this Chapter 656.
- L. Automobile parking garages.
- M. Multiple-family dwellings as standalone uses or as part of a mixed-use building, and dormitories when in conjunction with a college or university.
- N. Housing for the elderly, Assisted Living Facilities (ALF) and nursing homes.
- O. Day care or adult care centers meeting the performance standards and development criteria set forth in Part 4.
- P. Churches, places of worship, and other places of assembly including a rectory and similar uses, providing that minimum distance limitations outlined in Part 8 (Alcoholic Beverages) of this Chapter 656 do not apply.
- Q. Medical or dental clinics.
- R. Medical or dental laboratories when incorporated within a medical or dental clinic.
- S. Marinas.

- T. Public utilities such as lift stations, pump stations, wells, electric substations and chilled water plants (but not a hazardous waste transfer station).
- U. An establishment or facility in which beer, wine, or other alcoholic beverages, as those terms are defined in Chapter 561 through Chapter 565, Florida Statutes, are produced for on-site consumption and off-site sales that meet the following criteria: (1) Beer production not to exceed 10,000 barrels (310,000 gallons), and off-site sales to a State licensed wholesaler not to exceed 75 percent of production; (2) An on-site retail sales and service area shall comprise at least ten percent of the gross square foot area of the facility; and (3) The on-site retail sales and service area shall be accessible from the main public entrance, identified for access by the public. Part 8 (Alcoholic Beverages) of this Chapter 656 shall not apply to this use.
- V. Within the Private Realm (not within the right-of-way), permanent or restricted outside sale and service of food and beverages, including beer, wine and alcohol, meeting the performance standards and development criteria set forth in Part 4 of this Chapter 656. Within the Public Realm, outside sale and service of food and beverages, including beer, wine and alcohol, meeting the requirements of Part 8 (Downtown Sidewalk Cafes) of Chapter 250. Part 8 (Alcoholic Beverages) of this Chapter 656 shall not apply to this use. Within the NorthCore District, permanent or restricted outside sales of beer, wine and alcohol, both in the Private and Public Realms, must be in conjunction with a restaurant with outside sale and service of food.
- W. Retail sales of new or used automobiles and trucks (providing that all activities, including vehicle storage and showrooms, are within an enclosed building), Rental of automotive vehicles with no surface lot storage except in conjunction with a hotel.
- X. In All Overlay Districts: Commercial recreational or entertainment facilities in completely enclosed buildings such as theaters, art studios, fitness centers, etc. but not adult entertainment or service or adult arcades, indoor shooting galleries or gaming establishments.
- Y. Hospitals.
- Z. Temporary parking for:
 - 1. No longer than two years entirely for governmental uses on the site of the government use;
 - 2. No longer than four years on a site that is used primarily for government use or to satisfy the parking needs for National Football League games or other special events hosted at the Stadium and/or Daily's Place, which may include subordinate private use when not required for governmental uses or event parking;
 - 3. Special Event parking approved in advance by the Office of Special Events, for special events such as sporting events, concerts, theatrical performances, boat shows, car sales, or other City and DIA authorized special events that last no longer than three days in duration; or
 - 4. Construction Staging lots approved by DDRB that last no longer than the schedule of construction for the buildings/structures or two years, whichever is less, and which are properly maintained for the duration of the authorized period.
- AA. Homeless centers and rescue missions that exist as of March 1, 2019; provided, however that: by July 1, 2024, all of these existing facilities must have all activities, including waiting or queuing lines, in a completely enclosed structure; and, these existing facilities may not be expanded in scope or footprint unless such structural expansion is directly related to enclosing space for the activities, waiting or queuing lines.
- BB. Parks.

CC. Distribution of artisan or craft merchandise, other than beer, wine or alcohol, when in conjunction with a retail or restaurant use with an on-site point of sale, where distribution and storage is equal to or less than 50 percent of the total business/building area, or 10,000 square feet, whichever is less.

(Ord. 2019-196-E, § 6; Ord. 2022-383-E, § 1; Ord. 2024-478-E, § 1)

Sec. 656.361.5.2. Uses Regulated by District.

A. *Brooklyn District.*

1. *Bonus uses.*

(a) Warehousing, storage or distributorship businesses when in conjunction with an on-site point of sale, and where the total operation does not require more than 10,000 square feet or where the warehousing, storage or distribution business is equal to or less than 75 percent of the total building area, whichever is less.

(b) Detached Single-Family Homes.

2. *Uses permissible by exception.*

(a) Drive-in or drive through facilities for any permitted use (including, but not limited to, restaurants, dry cleaners, and banks) are permissible only by exception, provided:

- i. The service window or device and all queuing lines are located entirely within an enclosed structure such as a parking garage; or
- ii. When in conjunction with an existing, multi-use building the service window or device is contiguous to and accessed from an improved vehicle use area (e.g. parking lot) other than a Commercial Surface Parking Lot, existing as of 2014, and all queuing lines are located within such approved vehicle use area.

(b) Personal property storage establishments meeting the criteria contained in Section 656.361.5.4.

(c) Commercial Surface Parking Lot meeting the exception criteria contained in Section 656.361.5.3.

(d) Filling or Fueling Stations with fewer than eight fueling stations.

(e) Service garage for minor repairs provided there is no outdoor storage of vehicles and vehicle service bays do not face the public right-of-way.

(f) Auto laundry.

(g) Thrift stores (retail outlets for the sale of used goods).

(h) Wholesaling or distributorship businesses in conjunction with on-site retail sales where the total operation requires more than 10,000 square feet of floor space or where the warehousing, storage or distribution business is greater than 75 percent of the total building area; in all instances warehousing, storage or distribution business must be in conjunction with an on-site point of sale and cannot exceed 25,000 square feet in area.

(i) Manufacturing of medical, dental or optical products in conjunction with a retail point of sale or a clinic; or as a standalone facility not to exceed 10,000 square feet.

(j) Day Labor pool provided all activities, including waiting or queuing, are completely located within an enclosed facility.

(k) Water's Edge Restaurants, meeting the exception criteria found in Section 656.131, Ordinance Code, and the development standards found in 656.361.5.4.(B).

B. *LaVilla District.*

1. *Bonus uses.*

- (a) Warehousing, storage or distributorship businesses when in conjunction with an on-site point of sale, and where the total operation does not require more than 10,000 square feet or where the warehousing, storage or distribution business is equal to or less than 75 percent of the total building area, whichever is less.

- (b) Detached Single-Family Homes.

2. *Uses permissible by exception.*

- (a) Drive-in or drive through facilities for any permitted use (including, but not limited to, restaurants, dry cleaners, and banks) are permissible only by exception and provided the service window or device and all queuing lines are located entirely within an enclosed structure such as a parking garage.

- (b) Service garage for minor repairs provided there is no outdoor storage of vehicles and vehicle service bays do not face the public right-of-way.

- (c) Personal property storage establishments meeting the criteria contained in Section 656.361.5.4.

- (d) Commercial Surface Parking Lot meeting the exception criteria contained in Section 656.361.5.3.

- (e) Filling or Fueling Stations with fewer than eight fueling stations.

- (f) Auto laundry.

- (g) Thrift stores (retail outlets for the sale of used goods).

- (h) Wholesaling or distributorship businesses in conjunction with on-site retail sales where the total operation requires more than 10,000 square feet of floor space or where the warehousing, storage or distribution business is greater than 75 percent of the total building area; in all instances warehousing, storage or distribution business must be in conjunction with an on-site point of sale and cannot exceed 25,000 square feet in area.

- (i) Manufacturing of medical, dental or optical products in conjunction with a retail point of sale or a clinic; or as a standalone facility not to exceed 10,000 square feet.

- (j) Day Labor pool provided all activities, including waiting or queuing, are completely located within an enclosed facility.

- (k) Multi-story mixed use facility including not more than 16 filling or fueling stations, and a minimum 5,000 square feet of restaurant space as well as at least one other permitted use such as office or retail.

C. *NorthCore District.*

1. *Bonus uses.*

- (a) Detached Single-Family Homes.

- (b) Warehousing storage or distributorship businesses when in conjunction with an on-site point of sale, and where the total operation does not require more than 10,000 square feet or where the warehousing, storage or distribution business is equal to or less than 75 percent of the total building area, whichever is less.

2. *Uses permissible by exception.*

- (a) Drive-in or drive through facilities for any permitted use (including, but not limited to, restaurants, dry cleaners, and banks) are permissible only by exception, provided:
 - i. The service window or device and all queuing lines are located entirely within an enclosed structure such as a parking garage; or
 - ii. When in conjunction with an existing, multi-use building the service window or device is contiguous to and accessed from an improved vehicle use area (e.g. parking lot) other than a Commercial Surface Parking Lot, existing as of 2014, and all queuing lines are located within such approved vehicle use area.
- (b) Personal property storage establishments meeting the criteria contained in Section 656.361.5.4.
- (c) Commercial Surface Parking Lot meeting the exception criteria contained in Section 656.361.5.3.
- (d) Auto laundry.
- (e) Thrift stores (retail outlets for the sale of used goods).
- (f) Day Labor pool provided all activities, including waiting or queuing, are completely located within an enclosed facility.

D. *Cathedral District.*

- 1. *Bonus uses.*
 - (a) Detached Single-Family homes.
- 2. *Uses permissible by exception.*
 - (a) Drive-in or drive through facilities for any permitted use (including, but not limited to, restaurants, dry cleaners, and banks) are permissible only by exception and provided the service window or device and all queuing lines are located entirely within an enclosed structure such as a parking garage.
 - (b) Commercial Surface Parking Lot meeting the exception criteria contained in Section 656.361.5.3.
 - (c) Auto laundry.
 - (d) Thrift stores (retail outlets for the sale of used goods).
 - (e) Day Labor pool provided all activities, including waiting or queuing, are completely located within an enclosed facility.

E. *Central Core District.*

- 1. *Bonus uses:* None.
- 2. *Uses permissible by exception.*
 - (a) Drive-in or drive through facilities for any permitted use (including, but not limited to, restaurants, dry cleaners, and banks) are permissible only by exception, provided:
 - i. The service window or device and all queuing lines are located entirely within an enclosed structure such as a parking garage; or
 - ii. When in conjunction with an existing, multi-use building the service window or device is contiguous to and accessed from an improved vehicle use area (e.g. parking lot) other than a Commercial Surface Parking Lot, existing as of 2014, and all queuing lines are located within such approved vehicle use area.
 - (b) Auto laundry.

- (c) Thrift stores (retail outlets for the sale of used goods).
- (d) Day Labor pool provided all activities, including waiting or queuing, are completely located within an enclosed facility.
- (e) Private clubs.
- (f) Water's Edge Restaurants, meeting the exception criteria found in Section 656.131, Ordinance Code, and the development standards found in 656.361.5.4.(B).

F. *Sports and Entertainment District.*

- 1. *Bonus uses.*
 - (a) Commercial recreational or entertainment facilities in completely enclosed buildings or outdoors such as billiard parlors, bowling alleys, swimming pools, skating rinks, dance halls, carnivals or circuses, theaters (including open-air theaters), indoor shooting galleries, archery or blade throwing ranges, pony rides, athletic complexes, arenas, auditoriums, convention centers, go-cart tracks, driving ranges and similar uses, but not adult entertainment or service or adult arcades.
 - (b) Manufacturing uses in existence on March 1, 2019.
 - (c) Private Clubs.
- 2. *Uses permissible by exception.*
 - (a) Drive-in or drive through facilities for any permitted use (including, but not limited to, restaurants, dry cleaners, and banks) are permissible only by exception, provided:
 - i. The service window or device and all queuing lines are located entirely within an enclosed structure such as a parking garage; or
 - ii. When in conjunction with an existing, multi-use building the service window or device is contiguous to and accessed from an improved vehicle use area (e.g. parking lot) other than a Commercial Surface Parking Lot, existing as of 2014, and all queuing lines are located within such approved vehicle use area.
 - (b) Auto laundry.
 - (c) Thrift stores (retail outlets for the sale of used goods).
 - (d) Water's Edge Restaurants, meeting the exception criteria found in Section 656.131, Ordinance Code, and the development standards found in 656.361.5.4.(B).

G. *Working Waterfront District.*

- 1. *Bonus uses:* All uses permitted within the IW Zoning District.
- 2. *Uses permissible by exception.*
 - (a) Drive-in or drive through facilities for any permitted use (including, but not limited to, restaurants, dry cleaners, and banks) are permissible only by exception, provided:
 - i. The service window or device and all queuing lines are located entirely within an enclosed structure such as a parking garage; or
 - ii. When in conjunction with an existing, multi-use building the service window or device is contiguous to and accessed from an improved vehicle use area (e.g. parking lot) other than a Commercial Surface Parking Lot, existing as of 2014, and all queuing lines are located within such approved vehicle use area.

- (b) Day Labor pool provided all activities, including waiting or queuing, are completely located within an enclosed facility.
- (c) Service garage for minor repairs provided there is no outdoor storage of vehicles and vehicle service bays do not face the public right-of-way.
- (d) Bulk storage yard.
- (e) Bulk processing, including flammable liquids.
- (f) Water's Edge Restaurants, meeting the exception criteria found in Section 656.131, Ordinance Code, and the development standards found in 656.361.5.4.(B).

H. *Southbank District.*

- 1. *Bonus uses:* None.
- 2. *Uses permissible by exception.*
 - (a) Drive-in or drive through facilities for any permitted use (including, but not limited to, restaurants, dry cleaners, and banks) are permissible only by exception and provided the service window or device and all queuing lines are located entirely within an enclosed structure such as a parking garage.
 - (b) Filling or Fueling Stations with fewer than eight fueling stations.
 - (c) Commercial Surface Parking Lot meeting the exception criteria contained in Section 656.361.5.3.
 - (d) Auto laundry.
 - (e) Thrift stores (retail outlets for the sale of used goods).
 - (f) Service garage for minor repairs provided there is no outdoor storage of vehicles and vehicle service bays do not face the public right-of-way.
 - (g) Manufacturing of medical, dental or optical products in conjunction with a retail point of sale or a clinic; or as a standalone facility not to exceed 10,000 square feet.
 - (h) Private clubs.
 - (i) Water's Edge Restaurants, meeting the exception criteria found in Section 656.131, Ordinance Code, and the development standards found in 656.361.5.4.(B).

(Ord. 2019-196-E, § 6; Ord. 2022-383-E, § 1; Ord. 2025-74-E, § 1)

Sec. 656.361.5.3. Commercial Surface Parking Lot Exception Criteria.

All Commercial Surface Parking Lots were to come into compliance with the screening and landscaping standards of the former Sections 656.361.16 and 656.361.17 by 2014, thus any existing Commercial Surface Parking Lot that is not in compliance with those regulations is subject to immediate Code Enforcement action. Commercial Surface Parking Lots shall meet the following criteria.

In addition to the general requirements for obtaining a zoning exception, the Downtown Development Review Board must find that a parking deficiency exists in the area the commercial surface parking lot is proposed, that there is a bona fide need from adjacent property owners and users, that an additional supply of parking is necessary, and that the demand cannot be met by existing parking facilities. In addition to the zoning exception criteria listed under Section 656.131(i)–(xiv), to demonstrate a bona fide need, the applicant shall also include the following information as part of the application a parking needs study that provides the following minimum information:

- A. Identify all parking facilities within 700 feet of proposed Commercial Surface Parking Lot, including connections to services that provide access to parking facilities outside of 700 feet;
- B. Identify occupancy rates of identified parking facilities;
- C. Establish the deficiency of parking supply of identified parking facilities;
- D. Identify new users of the proposed commercial surface parking lot;
- E. Identify the number of new users of the proposed commercial surface parking lot;
- F. Identify the end trip of the new users of the proposed commercial surface parking lot;
- G. Identify rate structure for commercial surface parking lot users;
- H. Identify percentage of daily versus monthly users;
- I. Identify parking agreements with users and percentage of public versus private users; and
- J. Any additional information DDRB staff may request to assist in evaluating the necessity of the proposed commercial surface parking lot.

(Ord. 2019-196-E, § 6)

Sec. 656.361.5.4. Development Standards for Uses Regulated by District.

The following additional development standards shall apply to uses permitted and permissible in Downtown:

- A. *Personal property storage.* It is the intent that self-storage facilities are part of a mixed-use building with ground floor activation.
 - 1. All storage shall be located within the building, and outside storage of any type, including the outside storage of moving vans, trailers, vehicles and boats, shall not be permitted.
 - 2. For ground floor building facades that front public streets, at least 50 percent of street frontages shall be devoted as functional space for at least one primary use unrelated to, and not an accessory to, the self-storage facility. For the purposes of meeting this requirement, functional space does not include vehicle use areas, open space, or other non-activation activities, but does include uses such as professional and medical offices, commercial retail sales and services, eating and drinking establishments, and art galleries.
 - 3. No more than 25 percent of the ground floor building facade fronting a public street may be wrapped with the rental and management office associated with the self-storage facility.
 - 4. Direct access to the individual self-storage units located in the building shall not be provided from the exterior of the building. Access to the individual self-storage storage units shall be provided by internal hallways.
 - 5. The minimum height of a building containing a self-storage facility shall be three stories.
 - 6. The maximum height of a building containing a self-storage facility shall be the maximum height permitted in the Downtown Overlay District in which it is located.
 - 7. Building facades visible from the public right-of-way must have the appearance of an office, retail or residential building through the use of doors, windows, awnings, and other appropriate building elements.

Personal property storage facilities are prohibited along any waterway.

B. *Water's Edge Restaurants.* Water's Edge Restaurants, including those that utilize the open-air dining over sovereign submerged lands option provided by Rule 18-21.004, Florida Administrative Code, are exempt from the 50-foot setback requirement so long as the exception criteria in Section 656.131 and all of the following criteria are met:

1. The width of the building, or width of a structure blocking the view to the waterfront is not greater than 75 feet;
2. The restaurant must be open to the general public with no qualifying requirements, such as club membership, stock ownership, or equity interest;
3. The restaurant is prohibited from blocking a View and Access Corridor;
4. Only one exempt restaurant is allowed between any two View and Access Corridors;
5. The height of the building and structure, as measured from the finished floor elevation, is no greater than 20 feet in height, or up to 35 feet in height to accommodate rooftop restaurant, bars, or other activities; and
6. A Riverwalk Easement of equal required width is provided by the applicant as close as practicable to the waterfront.

(Ord. 2019-196-E, § 6; Ord. 2022-383-E, § 1)

Sec. 656.361.6. Form Regulations.

Sec. 656.361.6.1. General.

A. *Regulations.* These Form Regulations define the design objectives for the elements that determine the image of Downtown, and refine the concepts of the BID Plan, translating it into an operational document that eliminates the guesswork developers and their architects face for development in Downtown Jacksonville.

The intent is to provide for flexibility and creativity in the form or design of individual sites and structures while also defining the space for a vibrant experience within the public realm, and maintaining views of the river from properties and public rights-of-way well back from the river so that the visual connection to the river is enjoyed throughout downtown. Flexibility in the requirements has been built into this Section in order to eliminate the need for Deviations.

The Form Regulations are grouped into two sections: the Private Realm, which applies to buildings and areas within private property; and the Public Realm, the area beyond the edge of Private Realm, that includes the pedestrian zone and vehicular zone.

B. *Guidelines.* The Downtown Design Guidelines, as superseded by these Regulations, and as time to time amended by the Downtown Investment Authority consistent herewith, provide a further explanation of the Regulations offering a variety of schematic figure design options to meet the requirements of the Downtown Overlay Zone Regulations. These Guidelines may be amended by the DIA without City Council approval if the amendment is consistent with the BID Plan and this Subpart, but shall be amended to be consistent with these Regulations by July 1, 2020. All development, including new construction and renovation or rehabilitation of existing buildings and structures, should be consistent with the Guidelines as well as complying with the Regulations contained in this Part unless specifically exempted. The Guidelines may be accessed through the City's Legislative Services Division, the DIA website, or the City's website.

C. *Riverwalk Park Design Criteria.* All development along the river, both public and private, shall be consistent with the Riverwalk Park Design Criteria dated February 2019 as adopted pursuant to Ordinance 2019-196-E and available on the City website and from Legislative Services as on file with Ordinance 2019-196-E. The

Riverwalk Park Design Criteria shall govern the development of the Riverwalk adjacent to the bulkhead and over water along the riverfront of both the north and south banks of the River along the entire river frontage Downtown. The Riverwalk Park Design Criteria provide the design intent and specifications for the development of the Riverwalk. These documents may be accessed through the City's Legislative Services Division, the DIA website, or the City's website.

D. *Application to Historic Buildings.* With respect to any locally designated historic landmark, or any contributing structure in the Downtown national historic district, or any federally designated landmark, the following regulations shall not apply to the extent they would require any modification of the historic facade that would otherwise be preserved or restored. If modifications to a historic structure are proposed such that it would no longer be deemed a contributing structure or eligible for local designation, then the modifications to the facade shall conform to the requirements below.

(Ord. 2019-196-E, § 6)

Sec. 656.361.6.2. Private Realm Regulations.

New development and redevelopment of existing structures should contribute to the creation of a coherent, well-defined and active public realm that supports pedestrian activity and social interaction, and to the creation of a well-organized and functional private realm that supports the needs of tenant businesses and residents. New development and redevelopment also should contribute to a visually and functionally integrated pattern of development that reads as a consistent and attractive whole. Thus, the general building forms and functions and how they are organized on the site and in relation to surrounding development have as much to do with the area's character and function as a building's aesthetic characteristics.

A. *Build-to lines/Lot Frontage.*

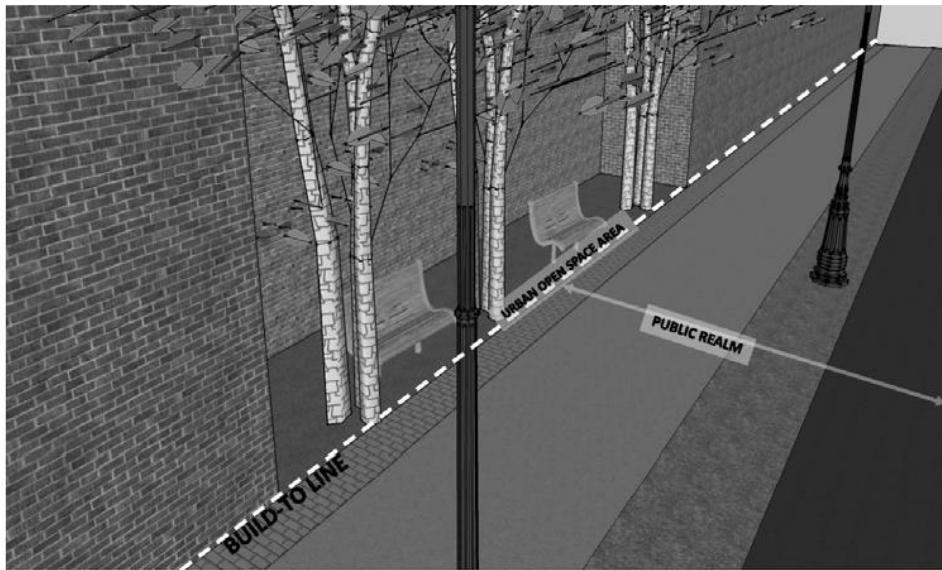
1. *Purpose and Intent:* Establishment and support of the civic life of the street are important elements in the creation of a dynamic pedestrian-oriented downtown. Siting buildings at or near the right-of-way line, or the Private Realm edge, gives spatial definition to the Public Realm that is critical to supporting pedestrian activity. Residential uses on the street level shall be spatially separated from the Public Realm sidewalk for privacy. Any setback permitted from the Build-To Line shall accommodate site specific Urban Open Spaces or semi-private Urban Open Spaces to maintain the urban character and streetscape edge and the integration and engagement of the public pedestrian corridors with the proposed public or semi-private Urban Open Space.
2. *Build-To Requirements for all new buildings:*
 - (a) All new buildings and structures, whether residential or non-residential, shall directly address the public street, Riverwalk, Creekfront Easements, and View and Access Corridors (rather than having buildings oriented to parking lots).
 - (b) Buildings shall be pulled forward to the interior edge of the Pedestrian Zone and shall provide continuous frontage along public sidewalks to maintain the urban character and streetscape edge, except where:
 - (1) The building is set back to accommodate optional Urban Open Space or vehicular drop-off as allowed below, and such frontage is pedestrian-oriented with pedestrian-scaled elements that work to activate the street along adjacent sidewalks; or
 - (2) The building is set back to accommodate an expansion of the Pedestrian Zone which may be for a wider than required Pedestrian Clear Area, Amenity Area or Frontage Area; or

- (3) The buildings are separated for a pedestrian path or vehicular alley, breaking the continuous frontage.
- (c) Public Realm Pedestrian Zone (sidewalk) minimum widths are addressed in detail in subsection 656.361.6.3.B:
 - (1) The Pedestrian Clear Area shall be the highest priority within the Pedestrian Zone and generally a minimum of eight feet in width but in no event less than five feet in width in areas of constrained right-of-way;
 - (2) The Amenity Area shall be a minimum of four feet in width, except as provided in subsection 656.361.6.3.B.4 in constrained areas;
 - (3) The Frontage Area shall be a minimum of two feet in width.
- (d) If the existing sidewalk is less than the minimum required Pedestrian Clear Area, or if there is no sidewalk, and there is not adequate right-of-way between the edge of curb and the right-of-way line to expand the sidewalk to meet the required width, then the developer shall provide an additional building setback in order to provide the space required for the Pedestrian Clear Area.
- (e) If there is no existing sidewalk, one shall be constructed which complies with the width requirements for the Pedestrian Zone.
- (f) Buildings located adjacent to both open space amenities (e.g., plazas, parks, the Riverwalk, Creekfront Easements, and View and Access Corridors to the waterfront) and public streets shall be designed with a dual orientation so that they provide a public face or architecturally appropriate facade to both the primary street frontage and to the public or semi-public urban open space, Creekfront Easements, or View and Access Corridors.
- (g) On corner parcels, building design shall be used to define and activate the intersection as an important node.
- (h) The height and placement requirements within the Riverfront Zones supersede these Build-To requirements in the case of a conflict.
- (i) A set back from the Build-To Line to accommodate a vehicular drop off will be allowed only if all of the following are met:
 - (1) No parking or cab standing is allowed; and
 - (2) The vehicular use area (stabilized surface upon which vehicles move or park) shall be separated from the right-of-way by an Urban Open Space area at least 25 feet in depth.
- (j) No portion of a vehicular use area may be deemed an Urban Open Space.
- (k) For non-residential use at street level, other than a parking garage, the front plane of the building or structure shall be located as follows:
 - (1) On the right-of-way line, unless:
 - (i) Additional setback is required to provide the required width for Pedestrian Zones pursuant to the Public Realm Regulations contained in subsection 656.361.6.3, in which case the Build-To line is the new setback line; or
 - (ii) On a setback line off the right-of-way provided that the intervening space, utilized by the public but maintained as Private Realm, is

developed as Urban Open Space that expressly activates and addresses the public realm (see the Urban Open Space criteria in subsection 656.361.6.3.D), and is to accommodate either: site specific public urban open spaces such as plazas, courtyards, vistas, entryways, or the like; or semi-private spaces such as a sidewalk café or retail uses, which are open to the public during business hours.

(I) If the development spans the entire length of the block, then Urban Open Space shall be provided either at a corner, or as an indentation from the Build-To Line along a minimum of ten percent of the frontage. The Urban Open Space shall not be merely landscaping, but useable as Public Realm or Semi-private Urban Open Space. See Illustration 6.2.A, below.

Illustration 6.2.A Build-To Line



(m) For residential units at street level on the street frontage: In order to provide ample visual separation between the residential unit and the public realm, the first floor shall be either:

- (1) Raised a minimum of three feet above the sidewalk; but no greater than six feet, or one foot above the minimum flood elevation; whichever is greater; or
- (2) Set back from the required Pedestrian Zone interior edge the lesser of the setback required to align with the front plane of other residential structures on the street or set back a distance of between five feet and 15 feet, exclusive of stairs that are used to access the dwelling unit. The setback area shall be developed as Urban Open Space or otherwise enhanced to improve the aesthetic appearance from or engagement with the Pedestrian Zone. An example of pedestrian engagement close to the Pedestrian Zone might be an open front porch.
- (3) Access to ground-floor residential units shall be directly from the street to promote active residential street frontage. Stoops, front porches, porticos, and/or forecourts shall be incorporated to buffer residential uses and provide pedestrian interest.

(n) Parking garages on the street level shall meet the criteria of subsection 656.361.6.2.K (Off Street Parking) and subsection 656.361.6.2.B (Private Realm Urban Open Space).

3. *Build-To Requirements for existing buildings.* The Build-To Line shall not apply in the event of Major Renovation of an existing building, and the existing facade setback may be maintained. However, the following shall apply:

- If there is existing and conforming surface On-Site Parking, the parking lot shall be reconstructed to meet the requirements of Section 656.361.6.2.K (Off Street Parking) and subsection 656.361.6.2.L (Screening and Landscaping of Surface Parking, Trash Storage, and Loading Areas); and
- The area between the existing building or conforming On-Site Parking and required interior edge of the Pedestrian Zone, if any, shall meet the Urban Open Space requirements of subsection 656.361.6.2.B below.

4. *Deviations from the Build-To Line.* Deviations from the Build-To requirements may be allowed by the DDRB only if the decision is based on competent substantial evidence that deviating from the requirement meets all of the General Deviation Criteria contained in subsection 656.361.8.B, and in addition meets all of the criteria listed for the Deviation requested below:

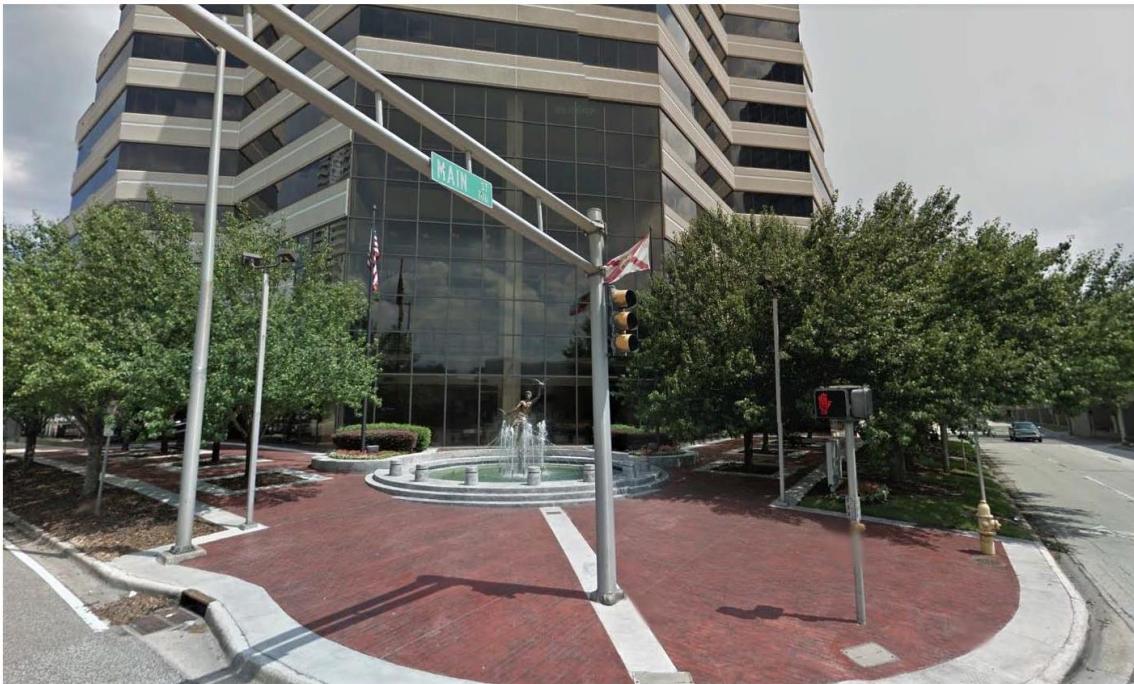
- A Deviation from the Build-To line to modify the requirement of visual separation between the private dwelling unit space and the Public Realm may be allowed only if the applicant can demonstrate that compliance is not feasible on the site due to site specific conditions not generally found within Downtown.
- A Deviation from the Build-To line to permit a building frontage line farther away from the street than the Build-To Line may be allowed only if all of the following are met:
 - The streetscape edge shall be maintained by architectural features (arcades and walls), site furnishings (e.g., flagpoles, light standards) or landscape elements (e.g., palms) which provide continuity between the proposed building and the building line of adjoining structures.
 - Walls and other features utilized to create a frontage line at the Build-To Line shall not block the view into or out of the semi-private areas.
 - A building shall not be set back with only landscape strips along the entire facade facing a street. Instead, Urban Open Spaces shall be consolidated to an area of the building site that creates a mix of hard surfaces and landscaping without the entire building being set back from the street.
 - A building shall not be set back to allow on-site parking along the street frontage, even if the streetscape edge contains the architectural features mentioned above.
- A Deviation from the Build-To line to move the building frontage line closer to the street than the Build-To Line may be allowed only if each of the following are met:
 - The applicant can demonstrate that compliance is not feasible on the site due to site specific conditions not generally found within Downtown;
 - The Pedestrian Zone may in no event be reduced to less than five feet and the combined Pedestrian and Amenity Zones to not less than eight feet; and
 - The Pedestrian and Amenity Zones are consistent with the adjacent developed properties.

(d) A Deviation from continuous frontage or Urban Open Space along the Build To line may be allowed only if the applicant can demonstrate that compliance is not feasible on the site due to site specific conditions not generally found within Downtown.

B. *Urban Open Space: Open to the Public or Semi-Private.*

1. *Purpose and Intent:* Urban Open Spaces are effectively extensions of the Pedestrian Zone and are to be utilized for public congregation, rest, relaxation, and recreation or enjoyment adjacent to and integrated into the Public Realm corridor and serve to activate the sidewalks and engage pedestrians. Urban Open Spaces shall generally be open to the public or may be Semi-Private such as an outdoor seating restaurant open during business hours of the restaurant. Unless dedicated and conveyed to the City, and the City accepts maintenance thereof, all Urban Open Space shall be maintained by the owner thereof.
2. *Requirements for all Urban Open Space—Open to the public or semi-private:*
 - (a) Shall be accessible and visible from the adjoining Pedestrian Zone.
 - (b) Entryways and steps to these urban open spaces shall be kept wide and welcoming in character.
 - (c) Shall be handicap accessible.
 - (d) No portion of a vehicular use area or the Vehicular Zone may be deemed an Urban Open Space.
3. *Urban Open Space open to the public:* Urban Open Space open to the public shall be designed for public congregation and recreation such as: plazas, courtyards, entry ways, or the like, and shall be designed to integrate, but not interrupt, the streetscape edge at the Build-To Line. See the following Illustrations.





- (a) The following amenities are examples of appropriate Urban Open Space features: ornamental fountains, waterfalls, sculptures, trellises, arbors, seating facilities, landscape features, shade structures, street trees, etc.
- (b) Design features of these Urban Open Spaces shall serve to enhance the visual and functional quality of the adjoining corridor and be compatible with public facilities such as in the Amenity Area of the Pedestrian Zone.
- (c) The Urban Open Space required in order to have a vehicular drop off shall provide landscaping, shade and seating, or other amenities to activate the use of the sidewalk, rather than just landscaping to enhance the structure beyond. This must be an extension of the Pedestrian Zone.

4. *Semi-private Urban Open Space Requirements:*

- (a) Semi-private Urban Open Spaces such as a sidewalk café or retail use, which is open to the public during business hours shall be open to the public as patrons a minimum of four hours per day.
- (b) Walls or screening utilized in this area shall not block the view into or out of the semi-private areas, but a physical separation is allowed.

5. *Deviations by the DDRB:* Where Urban Open Space is provided as an *option* in lieu of meeting other requirements, no Deviation from the requirements of Urban Open Space contained in 656.361.6.2.B.2 are allowed unless it can be shown that the Urban Open Space intent of 656.361.6.1.B.1 has otherwise been satisfied. Where Urban Open Space is *required* by these Regulations, such as in subsection 656.361.6.2.A (Build-to lines/Lot Frontage) regarding a development that spans the entire block length, or the setback of street level residential uses, Deviations may be allowed by the DDRB, and the decision must be based on competent substantial evidence that the request meets the General Deviation Criteria contained in subsection 656.361.8.B, and in addition that:

- (a) If no required Urban Open Space is provided, then visual interest and engagement such as living walls, windows containing displays, or art walls shall be provided.

C. *Building Massing and Form.*

- 1. *Purpose and Intent:* It is important that future buildings are designed so that their scale and massing does not overwhelm the Public Realm and make it unattractive or inhospitable. The modulation of a block and the massing of buildings significantly impacts how the size of a building is perceived by a person at street level. New buildings and additions should reinforce the historic pattern with indentations and upper-level step-backs oriented to the many existing low to mid-rise buildings. The following regulations seek to ensure integration of new buildings into the existing character of the area, while allowing for more intense development and taller buildings. Buildings that frame and define the street and express a fine-grain character contribute to the quality of the Public Realm and the pedestrian experience. Well-articulated and detailed street walls are important to the fabric of the City and help to establish a human-scale urban experience. The design of different elements of a building is critical: tower designs create the skyline image of a city; the mid-portions of buildings provide visual interest to pedestrians and serve as attractive backgrounds for public open spaces; and the ground floor designs activate the street and enrich the pedestrian environment.
- 2. *Requirements:*
 - (a) Enhance the skyline. The upper portion of a tall building shall be designed to promote the visual interest and variety in the downtown skyline. Existing landmarks shall be respected while responding to the skyline's present and planned profile.
 - (b) Create a transition in bulk and scale.
 - (1) The massing of a new building shall be composed to create a transition to the height, bulk, and scale of nearby existing developed properties. This Section is not intended to limit permitted height, or restrict new development potential, especially when nearby previously developed properties are vacant or abandoned, or significantly underdeveloped, but to include architectural transitions to the existing development.
 - (2) Height limits are established and upper level setbacks from parcel boundaries for tall buildings are encouraged to create large-scale transitions in height, bulk, and scale. More refined transitions in bulk and scale shall also be considered.
 - (3) Buildings on District edges shall be developed in a manner that creates a step, or transition, in perceived height, bulk, and scale between the development potential of the adjacent District, unless there is an intervening elevated roadway or bridge structure.
 - (c) Block modulation.
 - (1) Full block building developments shall be broken up into distinct volumes that are in proportion to one another, while preserving the integrity of the building's design, and create transitions in bulk and scale.
 - (2) Repetitive elements or monolithic treatments that create a half- or full-block massing or appearance shall be avoided. Large scale building facades where the total building length is greater than 250 feet fronting a street, shall include a substantial facade modulation or a building mass separation.
 - (3) Building design shall use a variety of color, material and texture in order to express variety, avoid monotony and distinguish different building volumes.

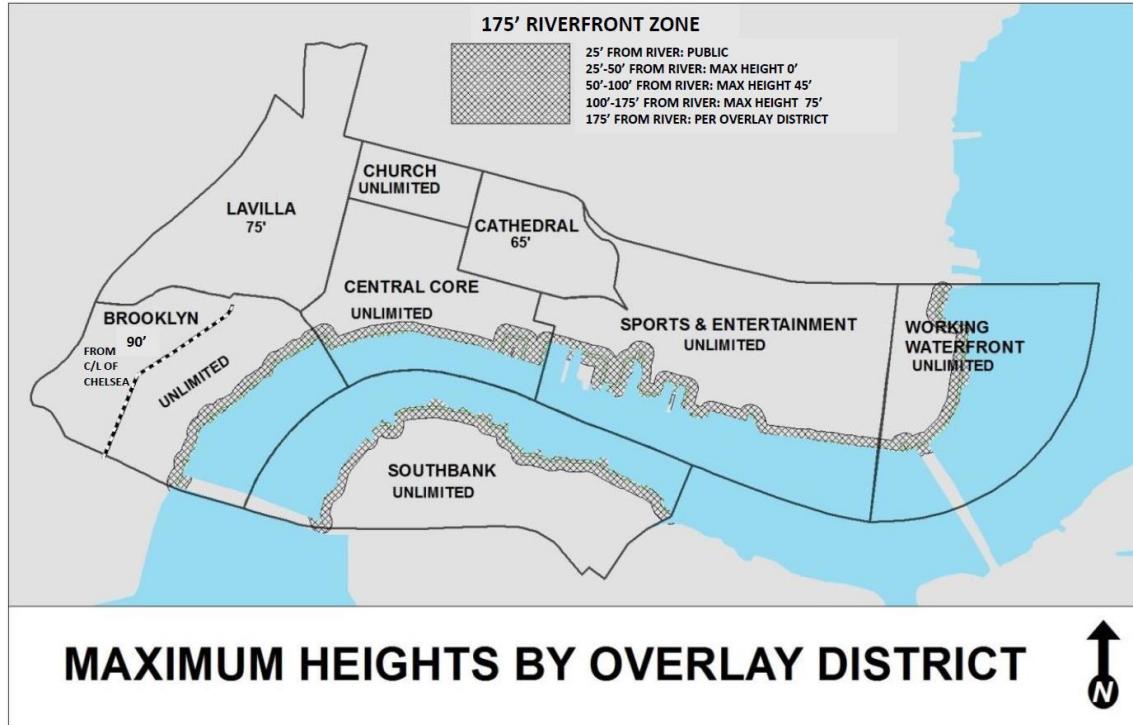
3. *Deviations allowed by DDRB:*

(a) Deviations to the skyline, transition, building modulation and massing requirements may be authorized if and in addition to the general Deviation criteria, DDRB finds that the proposed architecture of the building is unique, innovative and will positively impact the downtown image as well as immediately adjacent buildings and development sites.

D. *Height of Buildings and Structures.*

1. *Purpose and intent:* It is the intent of this subsection to provide the greatest flexibility in creativity and design of individual projects while still respecting the surrounding character of existing patterns of development.
2. *Requirements:* The height of buildings and structures is unlimited within the Overlay Zone with the following exceptions:
 - Brooklyn District - 90-foot height limit from the centerline of Chelsea St. to Interstate 10, as shown on Map 6.2.D, below;
 - LaVilla District - 75-foot height limit;
 - Cathedral District - 65-foot height limit;
 - Waterfront Design and River Views - See subsection 656.361.6.2.H.

Map 6.2.D



3. *Measurement of structure height.* The height of a structure shall be measured from natural grade, or historically modified grade as it exists on March 1, 2019. In the case of a sloped lot

within a Riverfront Zone as discussed in this Section, the height of a structure shall be measured from said grade at the lowest portion of the lot within the applicable Riverfront Zone.

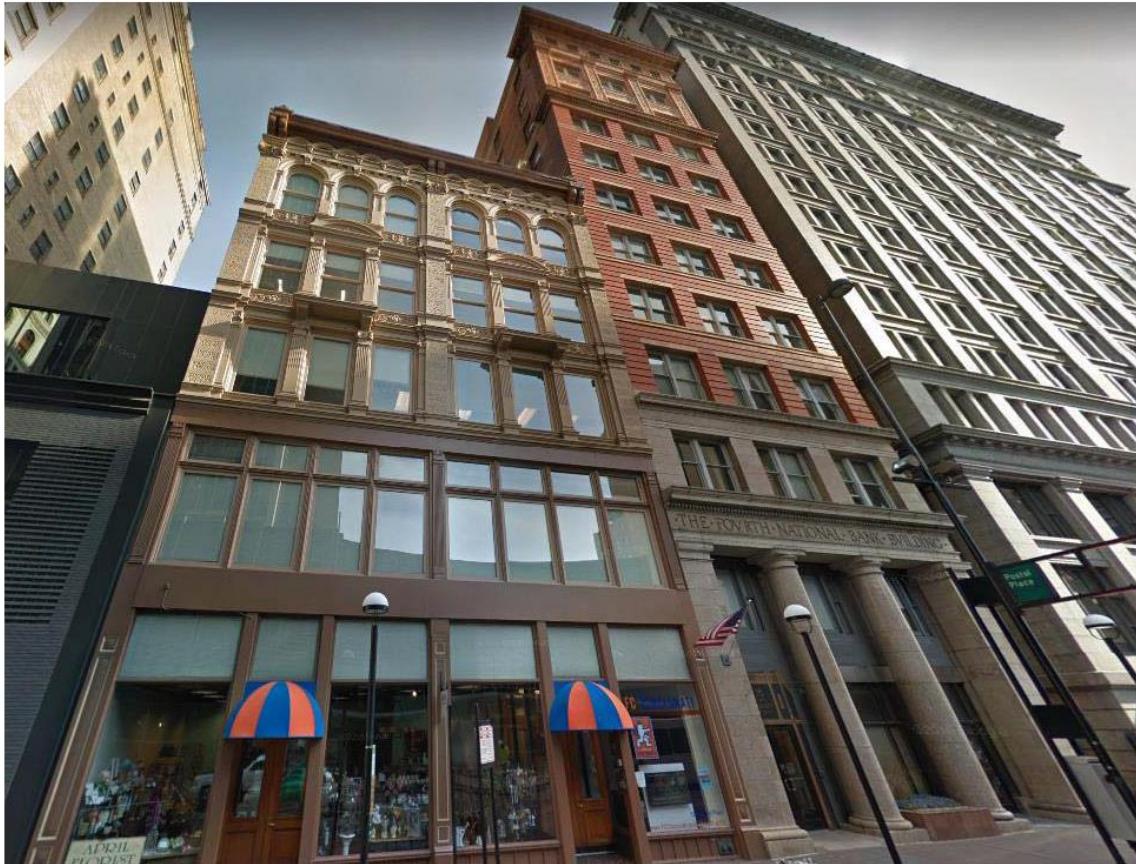
4. *Deviations allowed by the DDRB:* Deviations to the height limitations in the Brooklyn, LaVilla and Cathedral Districts, other than in the Riverfront Zone, may be allowed by the DDRB if the decision is based on competent substantial evidence that the request meets the General Deviation Criteria contained in subsection 656.361.8.B, and in addition that:
 - (a) The Deviation will not adversely impact the uniform District character (i.e. site is on District boundary); and
 - (b) The Deviation does not allow development that adversely diminishes the prominence of historically designated buildings in the District; and
 - (c) The Deviation will buffer the remainder of the District from elevated roadway or undesirable use or provide a transition to a higher use across the District boundary or the Deviation is requested to permit development of a transit oriented development in the LaVilla District consistent with the LaVilla master plan.

E. *Facade Differentiation.*

1. *Purpose and Intent:* Building facades are the "walls" that give definition to the public realm, and contribute significantly to the character of an area. The doors, windows, and detailing that animate these facades both activate the streetscape and establish a pleasing sense of order and proportion. It is important that they be neither too dull nor too busy, and that they present a perceptible unity without sacrificing variety. Facade differentiation is essential in order to create architectural interest at the street level, enhance the urban character, and involve the pedestrian on the street with the adjacent building. See Illustration 6.2.E, below. Street level is defined as the space from the sidewalk up 30 feet.
2. *Requirements:*
 - (a) To provide pedestrian scale and interest, building facades of new structures, or reconstruction of existing facades that face public streets, sidewalks, Urban Open Space areas and other pedestrian areas, shall incorporate differentiated building walls, open and inviting facades, human/pedestrian scale, and variety of detail and form by addressing variation in wall planes, horizontal and vertical articulation, glazing, materials, finishes, and colors.
 - (b) Articulation and detailing shall include features such as building entrances, display windows, awnings, canopies, balconies, bays, horizontal banding, sills, fenestration, alcoves, awnings, light fixtures, and other design features that add human scale and visual interest to the facades.
 - (c) Articulation of building volumes, changes in rooflines and fenestration patterns, introduction of vertical architectural features such as columns and pilasters, the use of decorative detailing and architectural elements, and changes in building materials and color shall be used to vary facades and define distinct modules of the buildings.
 - (d) Facades at the lower levels of the building that face public streets and urban open space areas shall be architecturally subdivided and should include some form of modulation or articulation at appropriate intervals in order to promote visual interest and a comfortable pedestrian scale that is reminiscent of traditional pedestrian-oriented shopping and residential districts.
 - (e) Continuous massing at street level that is not articulated with architectural feature expression, shadow relief, projections, setbacks and recesses is prohibited.

- (f) Buildings should incorporate a variety of vertical and horizontal modulations to develop distinct architectural volumes, break up monotonous volumes and create a fine-grain character.
- (g) Solid portions of walls shall contain enhanced materials, deep reveals and scoring, or other textures.

Illustration 6.2.E Facade Differentiation



- 3. *Deviations allowed by the DDRB:* Deviations may be allowed by the DDRB if the decision is based on competent substantial evidence that the request meets the General Deviation Criteria contained in subsection 656.361.8.B, and in addition that:
 - (a) The Public Realm is fully developed and adequately addressed by Urban Open Space; and
 - (b) Pedestrian scale and visual interest at the street level is maintained without facade differentiation by other specific features and enhancements to the pedestrian experience.

F. Building Entrances.

- 1. *Purpose and Intent:* Development should be designed to improve the pedestrian's experience of downtown Jacksonville by respecting existing development patterns, providing frequent pedestrian entries along the street and the waterfronts, providing cover, and signaling the

entrance through architectural features rather than relying solely on signage. See Illustration 6.2.F, below.

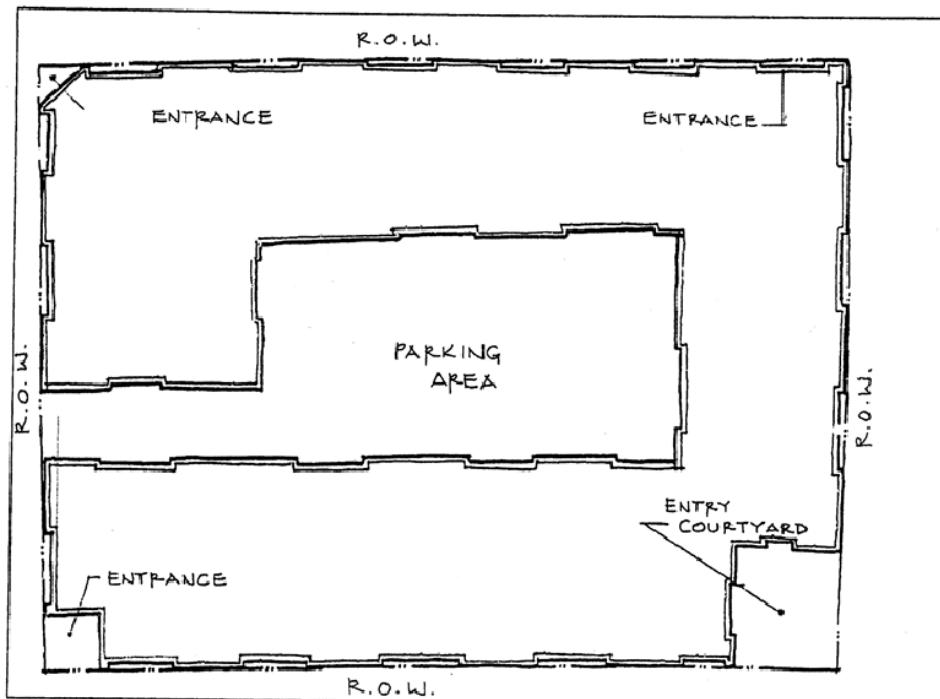
Illustration 6.2.F Building Entrances



2. Requirements:

- (a) Pedestrian entrances to buildings shall be well defined and accentuated through the use of facade articulation, architectural detail, and use of materials. Strategies for this include:
 - (1) Creating a recessed entry bay;
 - (2) Incorporating the entrance into a taller vertical mass (e.g., a small tower) that is differentiated from the rest of the building;
 - (3) Sheltering the entrance with a canopy, awning, or overhang;
 - (4) Employing architectural features such as columns, pilasters, clerestory windows and sidelights, decorative tiles and light fixtures; and
 - (5) Enhancing the ground surface at the entry with decorative paving.
- (b) There shall be at least one pedestrian entrance door on each building elevation facing a street or a waterway, but an entrance is not required on each View and Access Corridor, as shown in Figure 6.2.F below, unless:

Figure 6.2.F Pedestrian Entrances



- (1) The building fronts on more than two streets in which case Pedestrian Entrances shall only be required on two frontages, and an Urban Open Space shall be included on the building facade(s) lacking an entrance; or
- (2) A public entrance on more than one street facade is a demonstrated safety concern as determined by staff of DDRB. If this is determined to be the case, then an Urban Open Space shall be included on the building facade(s) lacking an entrance; or
- (3) in the case of a site with three or more frontages, a building shall locate its service area and loading facilities on one of the least prominent frontages and shall not be required to provide an entrance or urban open space on that facade, but will comply with the screening requirements herein.

- (c) The Pedestrian Entrance(s), which are by definition the main or primary entrances to a building, shall face the street or a waterway and not a parking lot.
- (d) The Pedestrian Entrance(s) to a hotel or residential use, and to an office use in the Brooklyn and Southbank Districts, may be set back from the Build To Line, as required by the Build To Line Section, to provide for a motor court drop-off area.
- (e) If interior-block parking exists, there may be secondary entrances from the parking lot, or mid-block pedestrian passages from the parking lot to the street.
- (f) An entrance shall be provided for each retail or restaurant establishment street frontage exceeding 50 feet. Where such frontages exceed 150 feet, one entrance shall be provided for each 150 feet of frontage or portion thereof.

- (g) Pedestrian ramps within the public right-of-way are prohibited, except where necessary for required disabled access to existing buildings when no alternative is available.
- (h) Features for shade and protection from the rain are required over entrances to buildings. The lowest point of these features shall be no less than 8 feet from the sidewalk measured vertically. See subsection 656.361.6.3.C regarding requirements for protecting pedestrians from the elements.
- (i) The building lobby in an office, hotel or other commercial building shall be designed as a clearly defined and demarcated standout architectural feature of the building.
- (j) Entries to stores and ground-floor commercial uses shall be visually distinct from the rest of the store facade, with creative use of scale, materials, glazing, projecting or recessed forms, architectural details, color and/or awnings. These entries shall have direct at-grade access from the sidewalk or from an Urban Open Space adjacent to and accessible from the sidewalk.
- (k) The use of awnings, canopies, and over-hangs shall be encouraged in order to highlight entrances and give definition to the facade, and to provide shelter and shade over building entrances and display windows. Awnings shall:
 - (1) Be in scale with the building and designed to be complementary to the overall design of the building;
 - (2) Avoid covering transom windows and other architectural elements;
 - (3) Be of durable materials that can stand up to the weather;
 - (4) Not interfere with the tree canopy or signage; and
 - (5) Provide an eight-foot minimum clearance above the finished sidewalk. See Pedestrian Protection from the Elements subsection below.

3. *Deviations allowed by the DDRB:* Deviations from the following requirements may be allowed by the DDRB only if the decision is based on competent substantial evidence that deviating from the requirement meets all of the General Deviation Criteria contained in subsection 656.361.8.B, and in addition meets all of the criteria listed for each requirement below:

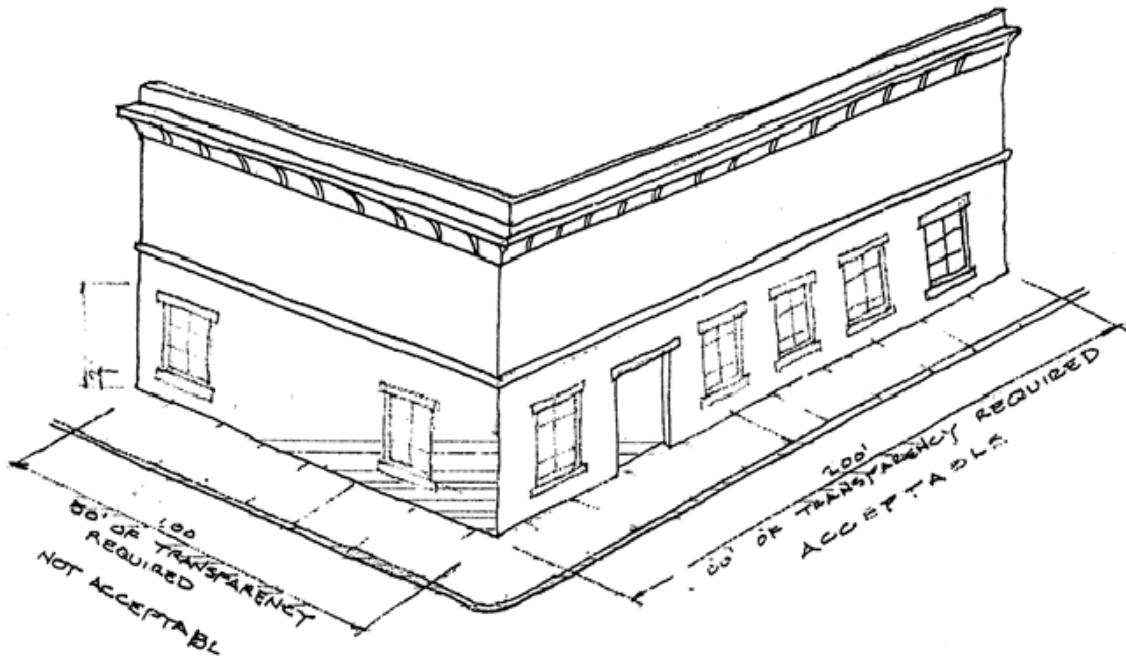
- (a) A Deviation from the requirement to have architecturally well-defined entrances, may be allowed only if each of the following are met:
 - (1) The overall architecture of the building would be adversely impacted by a well-defined entrance; and
 - (2) Other streetscape or Urban Open Space features are incorporated to clearly signal the entrance.
- (b) A Deviation from the requirement that the main entrance must face the street or a waterway may be allowed only if one of the following is met:
 - (1) The development is entirely residential or office in the Brooklyn or Southbank Districts, and a courtyard entrance is provided; or
 - (2) The development is second story over enclosed surface parking, an interior entrance elevator from the parking provides access, and the exterior of the parking lot is wrapped a minimum of 50 percent of the facade length with retail or other active uses with street or waterway frontage entrances.

(c) A Deviation from the requirement that a Pedestrian Entrance be provided on each street or waterway frontage, other than as permitted above, may be allowed if the applicant can demonstrate that compliance is not feasible on the site due to site specific conditions not generally found within Downtown.

G. *Transparency.*

1. *Purpose and Intent:* The urban environment will be enhanced by minimizing the area of blank wall space on the ground-floor level. The purpose of the transparency requirement is to encourage continuity of retail and pedestrian consumer service uses and to provide a pleasant, rich, and diverse experience for pedestrians by visually connecting activities occurring within a structure to adjacent sidewalk and Riverwalk areas, prohibiting fortress-like facades at the street level and avoiding a monotonous environment. All buildings and structures with street or waterway frontage shall meet, as shown in Figure 6.2.G, below, the following requirements.

Figure 6.2.G Transparency



2. *Requirements:*

- (a) At least 50 percent of each new or re-constructed building facade, between the height of two feet and ten feet above the sidewalk or Riverwalk grade shall be transparent.
- (b) Uses which can be seen from the sidewalk inside the building within the required transparency area shall be habitable space, or space able to be occupied, and shall not be devoted to parking areas, truck loading areas, vehicular access ways, or storage.

- (c) The required transparency area shall not apply to those portions of building frontage with ground floor residential units located fronting the sidewalk.
- (d) The required transparency area shall not apply to buildings of historic significance, or churches, synagogues or other buildings of religious worship existing as of March 1, 2019.
- (e) Large expanses of solid walls are prohibited and shall not exceed 20 feet in width.
- (f) Reflective or mirror glass, heavily tinted bronze, black or gray glass is prohibited at the street or Riverwalk level.
- (g) Glass materials at street or Riverwalk level shall exhibit visible light transmittance of a minimum of 60 percent.
- (h) Projecting balconies facing public streets shall be an average of no less than 40 percent open or transparent (perforated mesh, 40 percent translucent glass, or open rail) above a height of 18 inches, measured from the balcony walking surface.

3. *Deviations allowed by the DDRB:* Deviations may be allowed by the DDRB if the decision is based on competent substantial evidence that the request meets the General Deviation Criteria contained in subsection 656.361.8.B, and in addition that:

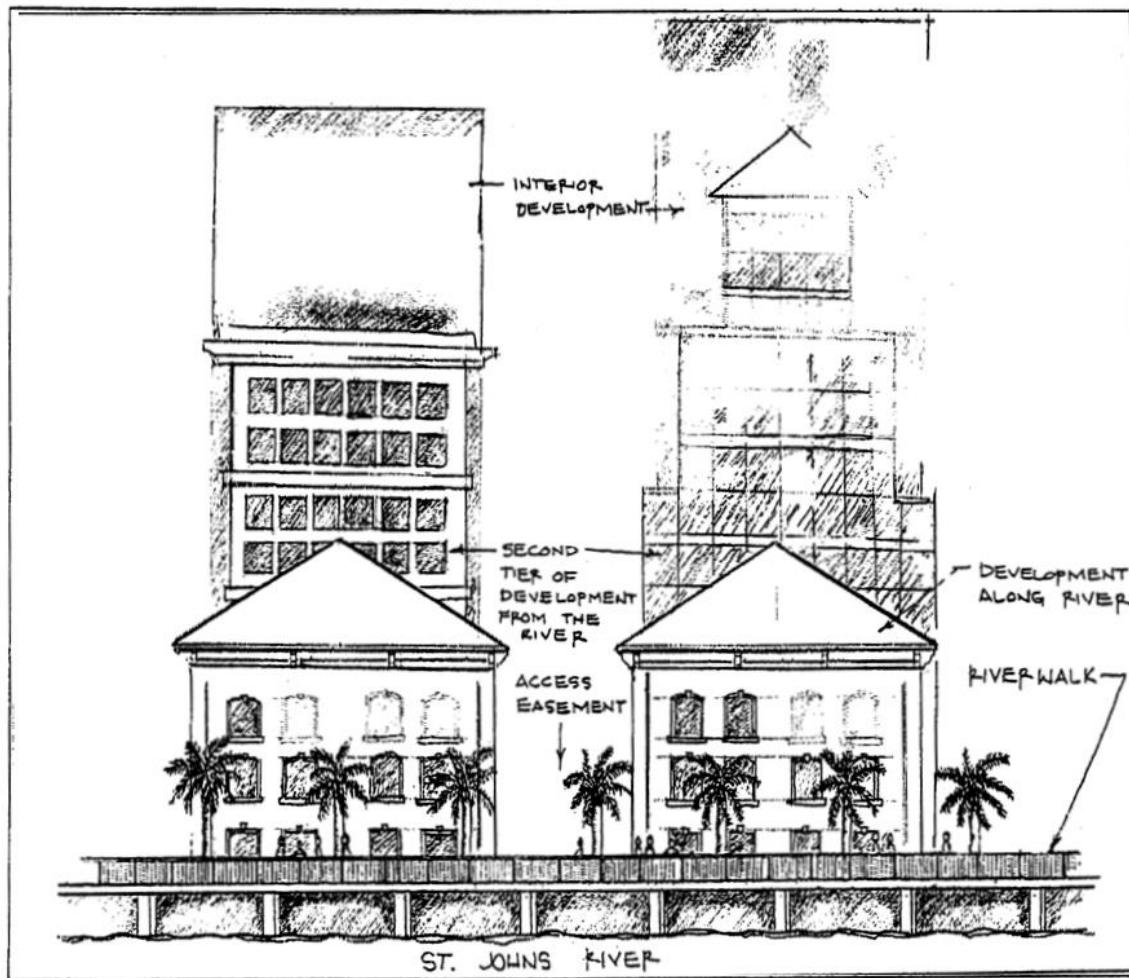
- (a) As to a Deviation from the 50 percent ground floor transparency requirement and/or the requirement that no solid wall shall exceed 20 feet in width between two feet and ten feet in height may be allowed only if all of the following are met:
 - (1) The use of the ground floor space is unique and not commonly found throughout Downtown (such as a museum, convention center, hospital or arena); and
 - (2) The use must be protected from light, or visibility into the space would create bona fide security concerns; and
 - (3) The design of the exterior facade incorporates living walls, murals or other facade treatments that would engage the pedestrian in the space where transparency would be required.
- (b) As to a Deviation from the requirement that the transparent area must be occupied space may be allowed only if all of the following are met:
 - (1) The use of ground floor space for parking, loading, or storage has been approved by Deviation; and
 - (2) The design of the exterior facade incorporates living walls, murals or other facade treatments that would engage the pedestrian in the space where transparency would be required.

H. *Waterfront Design and River Views: setbacks, height and access corridors.*

1. *Purpose and Intent:* It is the intent of this subsection to encourage and protect enticing views of the river from as many places in downtown as possible by providing View and Access Corridors at the street level, to maximize overall value by providing both enhanced public spaces at the riverfront and by facilitating river and creek views from as many buildings as possible, as well as managing building forms and massing to be respectful of the context of the surrounding buildings and of the pedestrian environment by stepping buildings up from the river and defining height zones as delineated hereunder to allow views around, over and through the architecture, and, to respect the scale of the context in which development occurs. Additionally, it is the intent to

encourage activation of the waterfronts by treating them similarly to street fronts, particularly in terms of transparency and building entrances.

Illustration 6.2.H River Views and Height of Buildings



The purpose of the Riverfront Zones, depicted in Table 6.2.H below, is to protect pedestrian scale along the waterfront and provide for spacing horizontally through corridors to promote the views of and access to the river. Because the land generally slopes down to the river, attention must be paid to the views to the river from a higher elevation as one's vantage point recedes from the river.

The purpose of the Waterfront Design regulations is to: 1) protect and promote the City's downtown waterfront as a community resource, 2) provide for an orderly development or redevelopment of the waterfront, 3) foster high quality design of the riverfront development, 4) ensure increased public access to and along the water's edge, and 5) create a pedestrian-oriented environment along the waterfront. The following requirements shall apply to all property located along the St. Johns River waterfront.

2. *Requirements for River View and Access Corridors:* View and Access Corridors (which provide both view and physical public access and are generally perpendicular to the waterfront) and rights-of-way shall be maintained by adherence to the following:

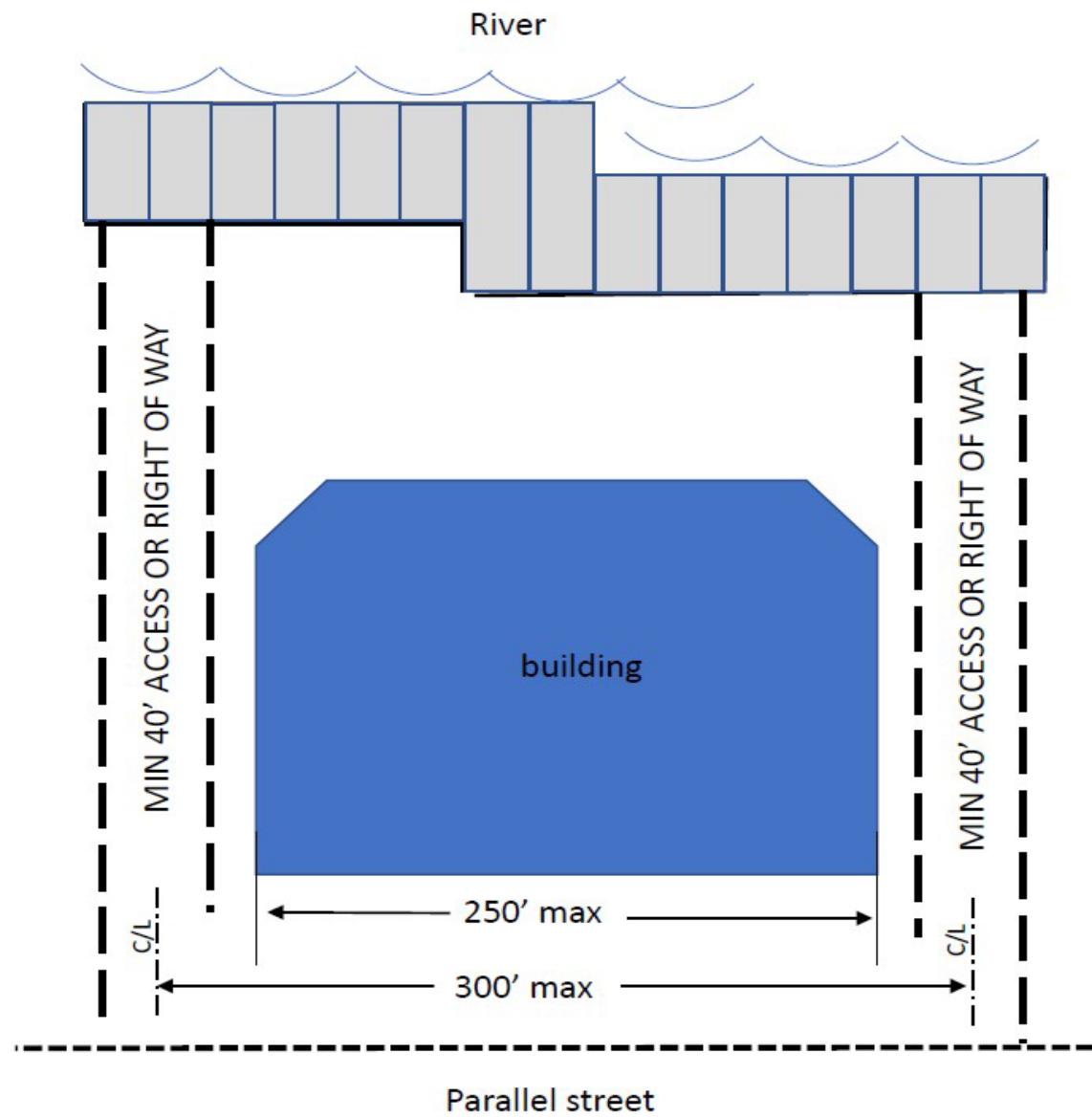
(a) No existing public right-of-way, opened or unopened, or View and Access Corridor as required by this Section, which leads to or toward the riverfront may be closed, abandoned, vacated, or visually blocked from street level up to a height of 35 feet as measured at the river side of the first street that is generally parallel to the river, unless an alternate public View and Access Corridor meeting the requirements below is provided. Any alternate View and Access Corridor shall:

- (1) Be of equal width parallel to the water and length perpendicular to the water as the right-of-way or View and Access Corridor to be closed or blocked; and
- (2) Be located such that the distance between View and Access Corridors after the contemplated closure is no more than 300 feet from the centerline of one to another except as provided in (4) below; and
- (3) Connect to the first street that is generally parallel to the river; and
- (4) Where feasible, align with a longer existing perpendicular View and Access Corridor landward of the first street that is generally parallel to the river. In order to achieve this alignment, a distance of up to 350 feet between rights-of-way and View and Access Corridors would be allowed administratively without the need for Deviation provided the Corridor width is also proportionately increased beyond the 40-foot minimum.

(b) Where the distances between the centerlines of generally perpendicular rights-of-way or View and Access Corridors running between the first street generally parallel to the river and the river exceeds 300 feet one or more additional 40-foot wide (minimum) and 35-foot in height (minimum) easement(s) for View and Access Corridor(s) to the river shall be provided, generally perpendicular to the river and perpendicular to the first street parallel to the river, to the extent possible, such that the distance between the inside edges of the View and Access Corridor easements or rights-of-way shall not exceed 250 feet. By way of explanation, a building may be designed for River View Zones B and C, and in the unlimited height area, to a maximum of 250 feet in length generally parallel to the river, but more importantly, parallel to the first street that generally parallels the river in order to provide a meaningful view to the river from that first street. If an existing View and Access Corridor is not located every 300 feet (centerline to centerline), then the View and Access Corridor to be provided shall be aligned with a longer existing perpendicular View and Access Corridor landward of the first street that is generally parallel to the river, if feasible. In order to achieve this alignment, a distance of up to 350 feet between Corridors would be allowed administratively without the need for Deviation provided the corridor width is also proportionately increased beyond the 40-foot minimum.

(c) The View and Access Corridor shall be a landscaped easement, open to the public as a walkway. The View and Access Corridor shall be designed to allow, and specifically invite public physical and visual access to the river. See Illustration 6.2.H-2, below.

Illustration 6.2.H-2 River View Corridors



- (d) A building shall be oriented such that its primary axis is perpendicular to the river and designed so as to minimize impediments to water views from principal public view points at ground level and from higher portions of nearby buildings.
- (e) If a site is redeveloped that previously closed a public right-of-way to the river, that right-of-way shall be reopened or a View and Access Corridor shall be provided over the former right-of-way if the closed portion in question aligns with an existing open and developed right-of-way, across the first street parallel to the river and by reopening the closed portion a longer View Corridor to the river would be achieved than by providing the View Corridor required in 656.361.6.2.H.2(b), above or 656.361.6.2.H (g) below. This provision shall not require the re-opening or prevent the closure of any right-of-way meeting the requirements for superior alternate corridors described in 656.361.6.2.H.2 (a). The intent

of these Regulations is to maintain a consistent visual connection with the river, and the historic pattern of street ends at the river provide this connection.

(f) A View and Access Corridor can be blocked above 35 feet from grade within Zones B and C and within the unlimited height area, but only if it is open and clear up to 35 feet in height as first measured at the river side of the first street that is generally parallel with the river and continuing that clear area level to the river. The View and Access Corridor shall be a minimum of 40 feet in width, beginning at the river and continuing up to and connecting with the first street that generally parallels the river, so that those traveling at ground level along that street can see the river.

(g) In the event the distance between View and Access Corridors is increased beyond 300 feet as described above in order to allow alignment with a longer perpendicular Corridor or right-of-way, and the width of the View and Access Corridor itself is proportionately increased, the maximum allowable building width adjacent to the View and access Corridor shall also be proportionately increased above the 250-foot maximum. By way of illustration, if a 50-foot wide View and Access Corridor exists at a distance of 350 feet from the next adjacent Corridor, and by adding 25 feet in width to that Corridor it would then align with a longer Corridor perpendicular to the river, the distance to the interior edge of the Corridor could be increased to 325 feet and the building width on the adjacent parcel increased to 275 feet.

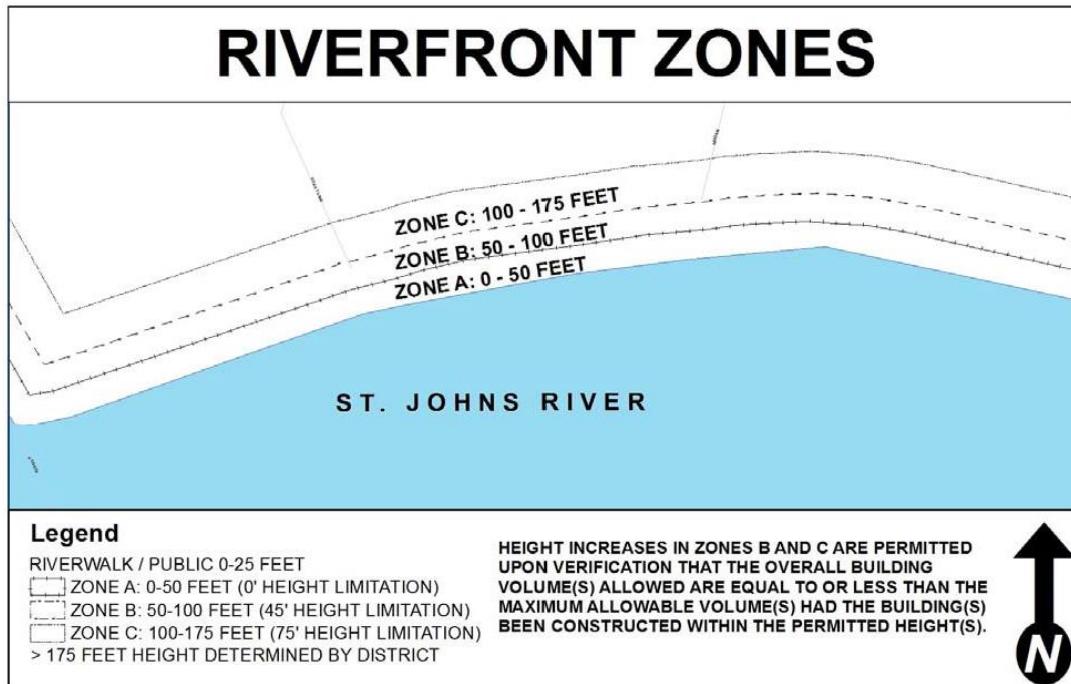
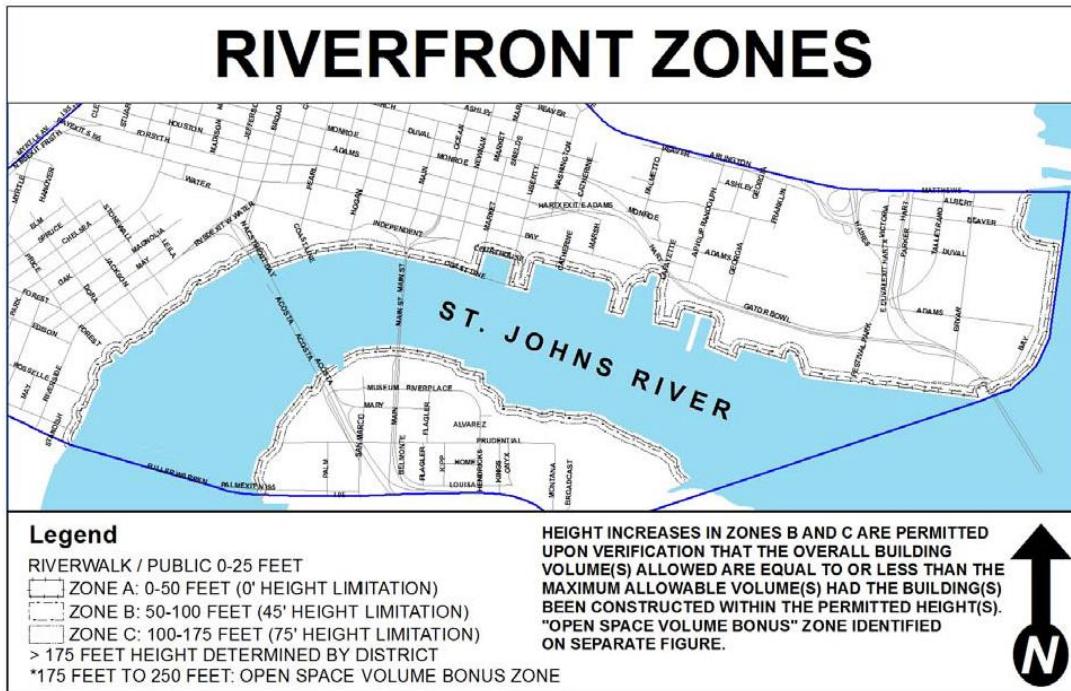
3. *Setback from River parallel to the Waterfront.* Public access along the riverfront, as well as preservation of river views and pedestrian scale parallel to the waterfront shall be maintained by adherence to the following:

(a) Consistent with the adopted Community Redevelopment Area Plans for Downtown Northbank and Southbank, a 50-foot minimum setback from the St. Johns River's water edge shall be enforced, except for projects granted a Water's Edge Restaurant exception. This setback may be achieved by providing an average building or vertical structure setback of 50 feet from the bulkhead or mean high water line, with a minimum setback of 40 feet in all locations. No building element or vertical structure that reduces the setback to less than 50 feet may extend more than 50 feet in length parallel to the waterfront, and other portions of the same building shall be setback beyond 50 feet in order to achieve the average setback of 50 feet across the entire building frontage. This waterfront setback is Zone A, from the water's edge measured from the waterside face of the bulkhead or the rip-rap revetment at the Mean High Water Line ("MHWL") extending landward of the river, as established at the time of request for a building permit and DDRB review, as shown in Table 6.2.H and Map 6.2.H below.

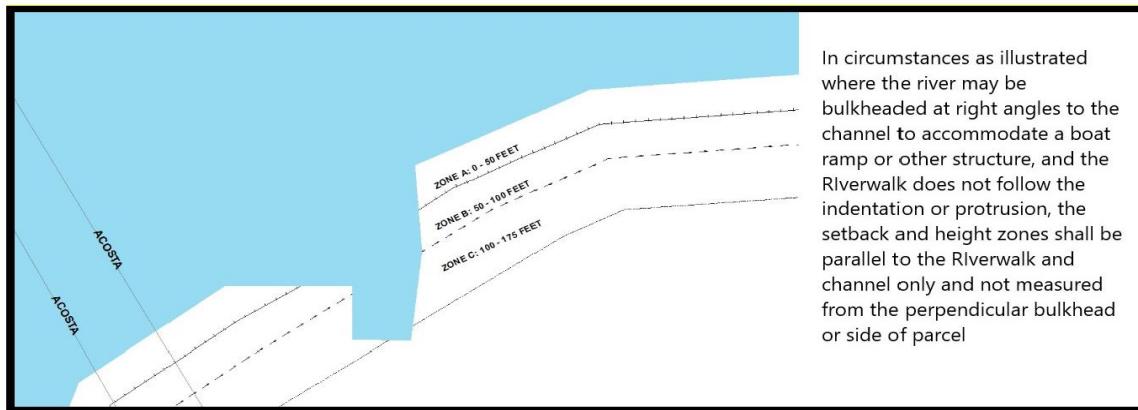
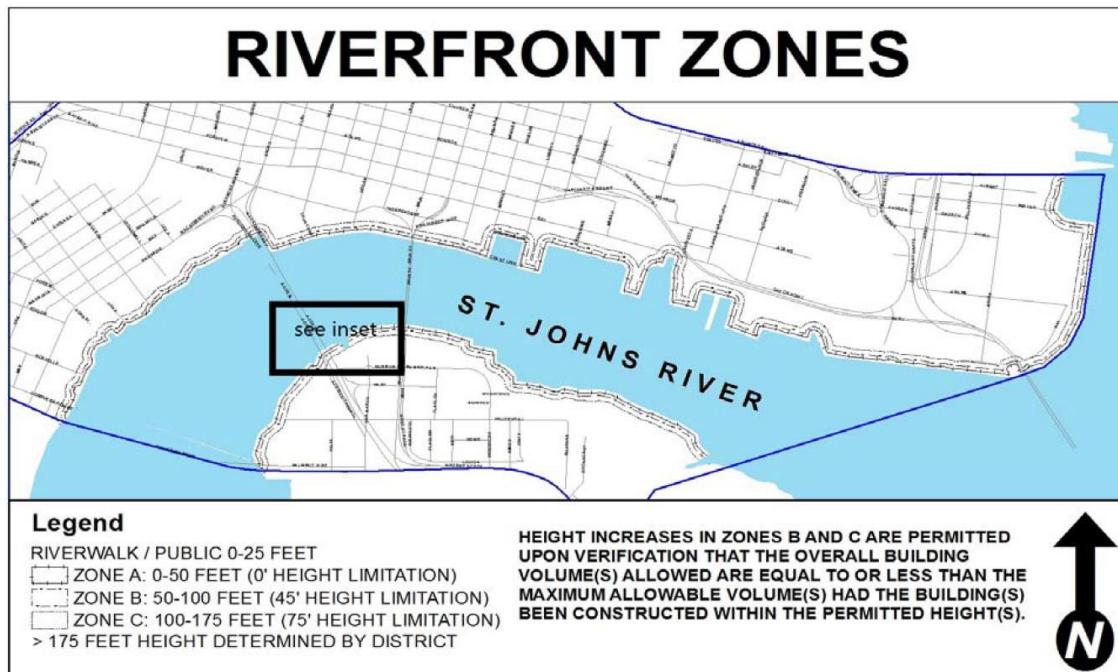
Table 6.2.H Riverfront Zones

Riverfront Zones	Maximum Ht.
Zone A - 0 to 50' from bulkhead or MHWL*	Ht. = 0
Zone B - 50' to 100' from bulkhead or MHWL**	Ht. = 45'
Zone C - 100' to 175' from bulkhead or MHWL**	Ht. = 75'
Over 175' from bulkhead or MHWL	Ht. = unlimited
* a structure may encroach within Zone A up to 10' so long as the average of a 50' setback is maintained, and so long as the encroachment is no greater than a 50' width as described above. Further, a private accessory use in the landward portion of Zone A may be allowed up to a height of four feet.	
**A structure may seek a verification of equal volume to increase height in Zones B	

or C as provided below or may seek a Deviation as to height in any Zone other than Zone A.



Map 6.2.H Riverfront Zones Maps



- (b) The Public Realm must be activated and open to the public within the 25 feet closest to the bulkhead or mean high water line. Only public amenities such as street lights, gazebos, shade structures, etc. and signage and interactive or storytelling features, all consistent with the Riverfront Park Design Guidelines, shall be allowed within the 25 feet of Zone A closest to the water.
- (c) In the event the adjacent Riverwalk is already in existence and was constructed over water pursuant to a submerged lands lease, and
 - (1) The proposed upland development will provide a continuous connection to the existing Riverwalk by expanding the Riverwalk inward to and beyond the face of the bulkhead or mean high water line; and

(2) The upland owner has granted to the City unrestricted permission to repair, maintain and enhance the existing Riverwalk in its present location, then Zone A shall be measured from the outside face of the existing Riverwalk inward toward the upland.

(d) Riverwalk. Within Zone A, a minimum 25 foot wide perpetual easement or dedication of property, running the length of the setback shall be granted to the City for the Riverwalk, adjacent to the bulkhead or mean high water line of the river, whichever is farther upland, for the purpose of construction of a public Riverwalk along the riverfront to be part of a continuous Riverwalk system. Such conveyance shall occur prior to issuance of a building permit for the proposed building or structure. Construction of the Riverwalk shall comply with the provisions of this subsection and the design standards set forth in the Riverwalk Park Design Criteria dated February 2019, as may be amended from time to time, which standards are hereby adopted and on file in the Legislative Services Division, the City Engineer's Office, and the DIA. In the event the adjacent Riverwalk is already in existence and was constructed over water pursuant to a submerged lands lease, such easement or dedication shall be satisfied by either an upland easement entitling the City to obtain a submerged lands lease or a binding agreement consenting to application for and the grant of a submerged land lease to the City for construction, repair, maintenance, replacement and enhancement of the existing Riverwalk.

(e) In Zone A, outside of the 25-foot band closest to the water, Zone A may be activated with non-permanent structures and furnishings such as tables, chairs and umbrellas that are completely open and accessible to the Riverwalk for use with cafes, bars and the like located outside of Zone A; Urban Open Space amenities such as fountains and public recreational amenities of a height no greater than 18 feet (entirely open to the public without charge); and private accessory uses not to exceed four feet in height, and fully visible from the Riverwalk such as swimming pools, patios, putting greens and other horizontal private outdoor recreational amenities in which case a transparent fence may be allowed no closer to the water than 26 feet from the bulkhead or MHWL separating the private uses from the Riverwalk easement.

4. *Height Zones parallel to the Waterfront.* Preservation of river views and pedestrian scale parallel to the waterfront shall be maintained. A Water's Edge Restaurant granted a zoning exception shall not be required to be calculated in the volume bonus. Adherence to the following criteria shall constitute a "safe harbor" that the intent of the Regulation has been achieved without the need for a Deviation:

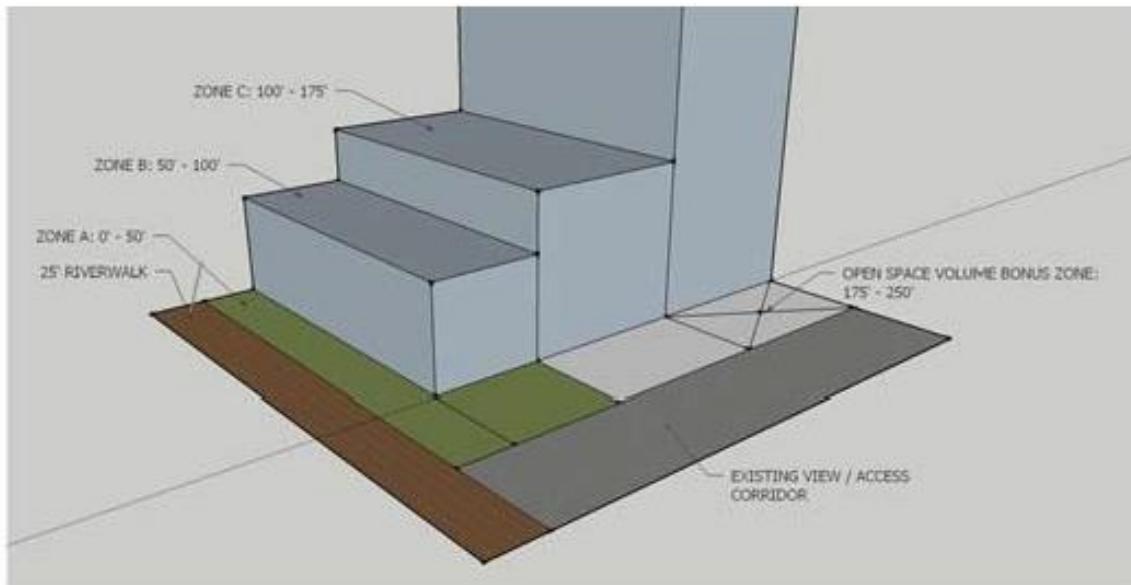
(a) In Zones B and C, the height of a structure, including all permanent structures and appurtenances such as roofs over rooftop bars, mechanical equipment, elevator housing, etc., shall generally be limited as provided in Table 6.2.H above, but may be increased if the goal of protecting pedestrian scale along the waterfront is achieved through alternate designs of equal or lower volume thus increasing the open space adjacent to Zone A and providing relief from a continuous development wall plane parallel to the river. The maximum buildable volume within Zone B on a given parcel (45 feet in height x 50 feet in depth x the parcel frontage width generally not to exceed 250 feet) could be used entirely within Zone B or partially or wholly transferred to Zone C, and could be used in any configuration of height and width. Likewise, the buildable volume in Zone C could also be used in any configuration of height and width or transferred wholly or in part to Zone B. By way of example, a height increase would be appropriate where the allowable building width parallel to the river (after taking into account the required view and access easements from interior roadways contained in Section 656.361.6.H.2.) is decreased and the volume of taller building within the applicable zone is equal to or less than the

permitted volume within the zone had the height requirement been met. The intent is to allow flexibility for height increases in Zones B and C where public views and access are increased beyond the minimum and to encourage narrower waterfront building frontages with corresponding open space in exchange for increased height thus maintaining the goals of preserving the open feel of the adjacent Zone A and the views from and value of interior properties.

(b) Furthermore, consistent with the goal of encouraging narrower buildings and greater open space adjacent to View and Access Corridors, an additional volume bonus, as depicted in Illustration 6.2.H, below, shall be available for open space in the first 75 feet of the unlimited height zone parallel and adjacent to Zone C as follows:

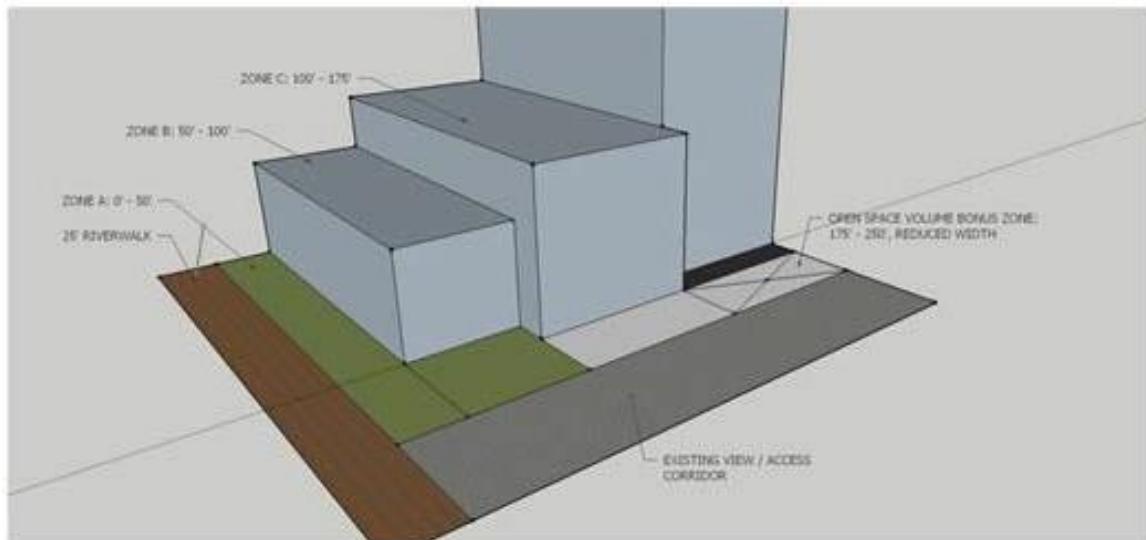
To be eligible for volume bonus credit:

- (1) The full height unobstructed open space must be immediately adjacent to the View and Access Corridor(s); and
- (2) The open space must be a continuation and extension of open space provided in Zones A and B effectively providing a wider view to the river continuously from the riverfront to a distance of 175 feet to 250 feet off the river, (unobstructed by any building protrusion at ground level or above grade); and
- (3) The volume bonus shall only be available for height increase in Zone C.
- (4) The volume bonus shall be calculated as the width of the qualified open space that is the distance between (i) the exterior edge of the building at its widest point between the waterfront and 250 feet off the river and (ii) the adjacent View and Access Corridor (including any expansion of the corridor adjacent to the waterfront zones), multiplied by the depth of the additional open space not to exceed 75 feet (distance between 175 feet and 250 feet off the river that is to remain unobstructed) times 150 (the height that would create a continuous plane from the river through Zones B and C to a distance of 250 feet). The resulting volume may be used to increase height in Zone C.



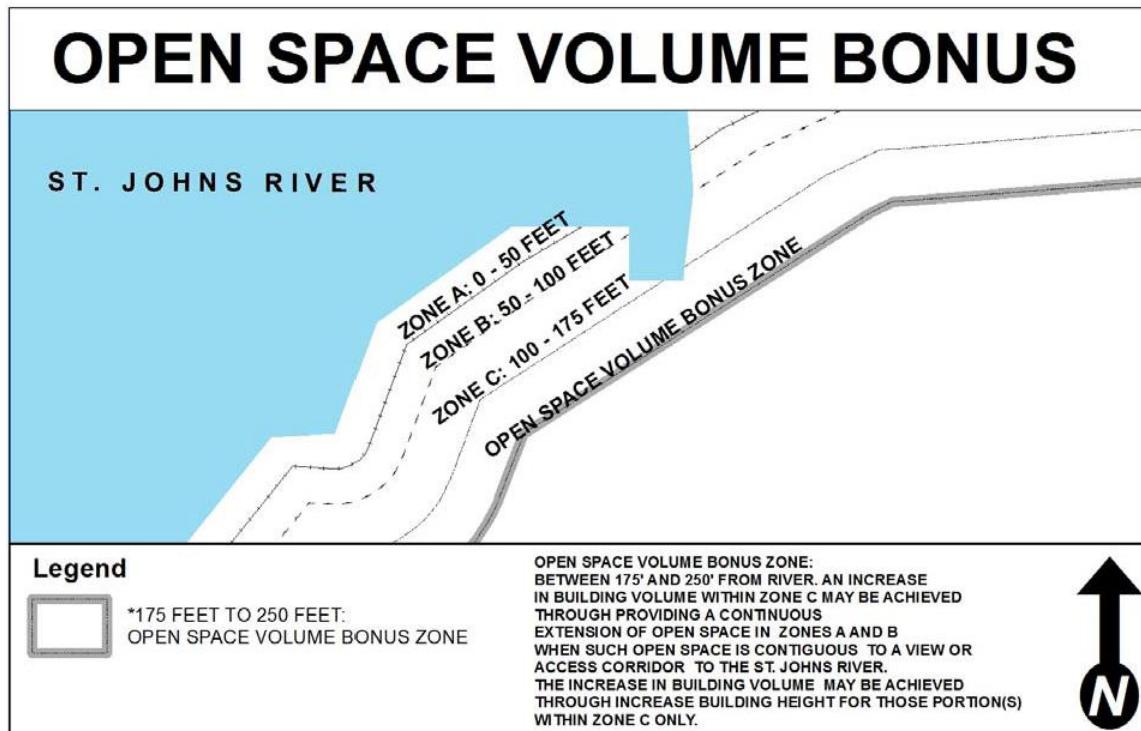
The above illustrates the Open Space Volume Bonus Zone with a constant building plane between the St. Johns River and 250'. In this instance, the bonus volume applied in Zone C is calculated at: $75' \times 75' \times 150' = 843,750$ cubic feet.

Illustration 6.2.H



The above illustrates the Open Space Volume Bonus Zone where the building edge in Zone C is closer to the view/access corridor than the adjacent building edges within 250' of the St. Johns River. In this instance, the bonus volume applied in Zone C is calculated at: $45' \times 75' \times 150' = 506,250$ cubic feet.

Map 6.2.H (including Volume Bonus)



(c) The approval of a height increase in Zones B and/or C while maintaining the maximum volume, including any open space volume bonus, shall be administrative based upon a verification that the overall volume allowed by the maximum width and maximum height along the river pursuant to Table 6.2.H is equal to or greater than the volume proposed. Height may be transferred between Zones B and C as well as within a Zone but may not be transferred to Zone A.

5. *Deviations:* Except as specifically authorized in this subsection, no Deviation from 656.361.6.2.H. shall be allowed. The ability to deviate from River View Corridors, from Zone A setback or permitted uses, from Zone B and C height limitations where the volume within the Zone is increased without a volume trade as described above, and/or Riverwalk is specifically vested in the City Council.

Deviations may be allowed by the City Council, following consideration and issuance of a recommendation regarding same by DDRB, if the decision is based on competent substantial evidence that the request meets all of the General Deviation Criteria contained in subsection 656.361.8.B, and in addition meets all of the criteria listed below.

(a) Regarding a Deviation for Zone A Encroachment, the request meets all of the following additional criteria:

- (1) There is no feasible alternative for development of the site; and
- (2) The development provides substitute public benefits through other Urban Open Space or activated semi-private facilities, (such as restaurants, bars, museums or other similar venues open to the public and located on the frontage of the building), or publicly accessible boat slips or water taxi stops,

additional public access points beyond those required, wider view or access corridors, or the like.

- (b) Regarding a Deviation from the requirement to provide view and/or access corridors at the specified intervals,
 - (1) The development provides substitute public benefits through other Urban Open Space or activated semi-private facilities, (such as restaurants, bars, museums or other similar venues open to the public and located on the frontage of the building), or publicly accessible boat slips or water taxi stops, additional public access points beyond those required, wider view or access corridors, or the like; and
 - (2) There are unique characteristics of the site that warrant the Deviation such as alternative major access points. Examples of these would include public parks just beyond the 300-foot boundary, an accessible creekfront bisecting site, or bridge structures or overpasses that would make a View Easement in the required location unnecessary, unusable or undesirable.
- (c) Regarding a Deviation for greater height in Zone B or C where collective volume within the Zones is increased:
 - (1) The view and access corridors are increased above the minimum required to provide superior public access to and along the waterfront. By way of example, a height increase could be appropriate where the allowable building width parallel to the river (after taking into account the required view and access easements from interior roadways contained in Section 656.361.6.2.H.2.) is reduced resulting in a narrower waterfront building frontage with corresponding open space increased thus maintaining the goals of preserving the open feel of the adjacent Zone A and the views from and value of interior properties; and
 - (2) The development provides substitute public benefits through other Urban Open Space or activated semi-private facilities (such as restaurants, bars, museums or other similar venues open to the public and located on the frontage of the building), or publicly accessible boat slips or water taxi stops; and
 - (3) The building or structure shall not have a significant adverse effect upon light, air, solar and visual access of properties surrounding the proposed site or of the river; and
 - (4) Sufficient articulation of the building or structure has occurred to respect the scale of adjacent buildings and structures; and
 - (5) The increased height of the building or structure is necessary for the successful function of the building or structure; and
 - (6) There are unique characteristics of the site that require the Deviation such as overpass structures, bridges, or utility easements that prevent development in some portion of Zone B or C or that require the proposed building to be elevated in order to achieve an equivalent view of the river.
- (d) Deviation for greater height of a free-standing waterfront restaurant than provided in Section 656.361.6.2.H.(4)(d), which shall meet at least the General Deviation Criteria.

I. *Creek Views and Creekfront Design.*

1. *Purpose and intent.* It is the intent of this Section to encourage enticing views of the creeks from as many places within the vicinity of the creeks as possible, as well as to encourage building forms and massing that is respectful of the context of their surroundings and the pedestrian environment by stepping buildings up from the creeks and defining height zones as delineated hereunder to break up building form to allow views through the architecture, particularly down public rights-of-way, to discourage large undifferentiated building masses and encourage building breaks, respect the scale of the context in which development occurs, including transition between development segments or areas, and encourage a variety of roof forms. The Creekfront Zone is defined as an area 40 feet in width parallel to the top of bank or bulkhead of the creek and includes the setback and easement areas described below.
2. *Requirements.*
 - (a) A minimum 25-foot wide public use easement (Creekfront Easement) shall be provided along and parallel to each side of McCoy's and Hogan's Creeks to facilitate development of the McCoy's and Hogan's Creek Linear Parks and multiuse trail system. Such easement shall be measured from the bulkhead or top of bank as it exists as of March 1, 2019 or the top of bank of the creek as relocated pursuant to the McCoy's Creek Capital Improvement project, whichever requires less of the adjacent developable lot. Developers of properties along McCoy's and Hogan's Creeks shall negotiate with the City to dedicate an easement or transfer fee title adequate in length and width to the City for a pedestrian walkway, bike path and associated landscaped areas to be funded and maintained by the City.
 - (b) View and Access Corridors perpendicular to the creeks shall be preserved and created consistent with requirements for View and Access Corridors to the river contained in subsection 656.361.6.2.H above.
 - (c) An average 40-foot, minimum 30-foot setback, from the creeks shall be maintained to provide views and pedestrian scale parallel to the creek frontage. Such setback shall be measured from the bulkhead or top of bank as it exists as of March 1, 2019, or from the property line of the adjacent lot, whichever is greater. No primary structures or parking facilities may be located within the setback, however non-permanent structures such as tables, chairs and umbrellas, that are completely open and accessible to the creekfront easement for use with cafes, bars and the like located outside the setback; pop-up tents and portable kiosks for retail or similar uses that are accessible to the public and not maintained in place overnight; Urban Open Space amenities such as fountains and public recreational amenities; private outdoor recreational amenities that are fully visible from the easement; and semi-private uses meeting the Urban Open Space requirements, all may be allowed within the setback outside the easement area above, provided they do not exceed 18 feet in height.
3. *Deviations:* The ability to deviate from these Requirements is specifically vested in the City Council. Deviations for setback encroachment may be allowed by the City Council, following consideration and issuance of a recommendation regarding same by DDRB, if the decision is based on competent substantial evidence that the request meets the General Deviation Criteria contained in subsection 656.361.8.B, and in addition meets all of the criteria listed below:
 - (a) Regarding a Deviation for setback encroachment:
 - (1) The development provides substitute public benefits through other Urban Open Space or activated semi-private facilities, additional public access points beyond those required, wider view or access corridors, or the like; and

- (2) The location and height of building or structure do not have a significant adverse effect upon light, air, solar and visual access to the creek or the linear park to be constructed within the creekside easement; and
- (3) The reduced setback of the structure or improvement from the creek is necessary for the successful function of the building or structure.

- (b) Regarding a Deviation from the requirement to provide view and/or access corridors at the specified intervals:
 - (1) The development provides substitute public benefits through other Urban Open Space or activated semi-private facilities, additional public access points beyond those required, wider view or access corridors, or the like; and
 - (2) There are unique characteristics of the site that warrant the Deviation such as alternative major access (view and physical access) points or major vertical infrastructure that prevents or impedes view and access. Examples of these would include public parks just beyond the 300 foot boundary that provide alternate view and access, or bridge structures or overpasses or other impediments would make an access easement in the required location unusable or undesirable.

J. *Rooftops.*

- 1. *Purpose and Intent.* Rooftops serve a number of functions. Traditionally, they have housed mechanical equipment, elevator overruns and stair towers. Progressively, they have been integrated into sustainability strategies for buildings, utilizing green roofs and solar equipment. Roofs are now more often used for active uses as well, such as rooftop bars and restaurants, recreation space or gardening.

The roof serves a utilitarian function but can also be seen as a tremendous amenity. It serves as the "fifth facade" when seen from taller adjacent buildings and becomes part of the cityscape. Use of the rooftop for activities, for sustainability, and as a positive contributor to the cityscape are all strongly encouraged. Since they "cap" the building, they have the potential to create an image on the City skyline.

The creation of accessible terraces and urban open space on rooftops is encouraged, particularly to take advantage of views of surrounding features such as the St. Johns River, McCoy's Creek, and Hogan's Creek. The incorporation of "green" roofs into building design to manage stormwater runoff and reduce energy consumption is also strongly encouraged. Permanent roof structures such as mechanical equipment, elevator overruns, stair towers, and permanent roofs over bars or other areas will not count toward the height calculation except within the Riverfront Zones B and C, as shown on Table 6.2.H and Map 6.2.H. In these Riverfront Zones, the height will count toward the volume calculation.

2. *Requirements.*

- (a) All roofs shall be considered a "fifth elevation" and should strive to be visually appealing from taller and nearby buildings.
- (b) All mechanical equipment, appurtenances, and access areas shall be intentionally grouped and screened architecturally within fully covered enclosures consistent with the overall composition of the building. This requirement shall not apply to residential buildings where individual equipment for each unit is located on the roof, in which case the equipment shall be screened from street view and shall not exceed five feet in height unless completely enclosed.

- (c) For all commercial buildings, mechanical enclosures shall have a screened or louvered top to improve views from above and to provide required air circulation.
- (d) Independent mechanical screens shall be set back a minimum of ten feet from the building facade.
- (e) Large roof areas (measuring more than 10,000 square feet) are encouraged to exhibit patterns of roofing colors and materials. Roof gardens and eco-roofs can be employed to achieve these patterns.
- (f) Rooftop equipment enclosures shall be designed in such a manner that they not only hide rooftop equipment, but they are integrated into the design of the overall building.
- (g) Open railings, planters, clerestories, skylights, play equipment, parapets, and firewalls may extend up to ten feet above the maximum height limit with unlimited roof coverage.
- (h) Solar collectors may extend up to seven feet above the maximum height limit with unlimited roof coverage.
- (i) The following rooftop features may extend up to 15 feet above the building roof, as long as the combined coverage of all features listed in this subsection does not exceed 20 percent of the roof area, or 25 percent if the total includes stair or elevator penthouses or screened mechanical equipment:
 - (1) Solar collectors;
 - (2) Stair and elevator penthouses;
 - (3) Mechanical equipment; and
 - (4) Play equipment and open-mesh fencing, as long as the fencing is at least 15 feet from the roof edge.
- (j) The following rooftop features may extend up to a height of 50 feet above the building roof:
 - (1) Radio and television receiving equipment; and
 - (2) belfries or spires, together with that portion of the roof that supports them;
- (k) All green roofs shall be designed to permit routine maintenance and irrigation, as necessary.
- (l) All vertical rooftop forms, surfaces, and elements shall use high-quality cladding materials the same as, or similar to, the typical surfaces of the walls below.
- (m) Permanent construction canopies and roofs for rooftop bars and restaurants, recreation facilities, and cabanas shall be considered a part of the total building height.
- (n) Non-permanent shade canopies and umbrellas may extend up to 15 feet above the roof.
- (o) Rooftop swimming pools, decking, patios, and fitness equipment shall be allowed with unlimited coverage.
- (p) There shall be no maximum surface coverage for mechanical equipment on residential building rooftops provided such equipment is less than five feet in height.

3. *Deviations allowed by the DDRB.* Deviations from the following requirements may be allowed by the DDRB only if the decision is based on competent substantial evidence that deviating from the requirement meets all of the General Deviation Criteria contained in subsection 656.361.8.B and in addition meets all of the criteria listed for each requirement below:

- (a) As to a Deviation from the requirements for grouping and screening mechanical equipment:
 - (1) Due to unique circumstances of the site and the building design, the rooftop regulation cannot be met; and
 - (2) Occupants of nearby existing buildings will not be able to see the unscreened equipment from upper story windows or rooftop occupied spaces;
- (b) As to a request for additional height above the rooftop, the Deviation shall be evaluated on the basis of:
 - (1) The public benefits provided;
 - (2) Consistency with the City's land use policies;
 - (3) The feature will be compatible with and will not adversely affect the downtown skyline;
 - (4) The feature will not have a significant adverse effect upon light, air, solar and visual access of properties within a 300-foot radius of the subject property boundary lines;
 - (5) The feature, supporting structure and structure below will be compatible in design elements such as bulk, profile, color, and materials.
 - (6) The feature will not adversely affect the function of existing transmission or receiving equipment within a five-mile radius.
 - (7) The increased size is necessary for the successful function of the feature; and
 - (8) Due to unique circumstances of the site and the building design, the rooftop Regulation cannot be met.

K. *Off-Street Parking.*

- 1. *Purpose and intent:* The impact of parking and service areas, both structured (parking garages) and surface lots, in downtown shall be minimized by:
 - (a) Requiring activation of the ground level of parking structures;
 - (b) Discouraging new surface parking of greater than six spaces visible from the right-of-way, except On-Site surface parking for residential uses;
 - (c) Requiring the screening and landscaping of existing Accessory and On-site surface lots, pursuant to subsection 656.361.6.2.L, by July 1, 2024;
 - (d) Locating surface parking lots and garages away from sidewalks and pedestrian connections and within projects or off service alleys;
 - (e) Locating loading and service docks away from sidewalks and pedestrian connections;
 - (f) Ensuring that design of parking lots minimally affect the pedestrian environment;
 - (g) Providing active uses such as shops and restaurants on the ground floor of garages to engage pedestrians;
 - (h) Requiring landscaping and architectural treatments to soften the appearance of surface parking lots and parking garages;
 - (i) Promoting development of structured parking, particularly within the Central Core District;

- (j) Discouraging surface parking lots in all Districts except the Central Core District where they are prohibited;
- (k) Discouraging the demolition of existing buildings or structures to create surface parking lots; and
- (l) Limiting the number of surface parking spaces allowed based upon Use.

2. *Requirements for Number of Spaces:*

- (a) Minimum parking spaces required for any use Downtown: none.
- (b) Maximum surface parking spaces allowed:
 - (1) Residential: equal to the minimum requirements stated in Part 6 of this Chapter 656, (ten percent less if located within 700 feet of a transit station entrance);
 - (2) Hotel: equal to the minimum requirements stated in Part 6 of this Chapter 656;
 - (3) All other uses may have the following maximum number of spaces:
 - (i) 50 percent of what would be required by Part 6 of the Zoning Code for the use.
 - (ii) Within 700 feet of transit station entrance, reduce maximum by ten percent of required above.
- (c) Maximum number of structured parking spaces: unlimited.
- (d) Within the Riverfront and Creekfront Zones, the following additional parking standards shall apply:
 - (1) Within 100 feet from the waterfront of the St. Johns River or 50 feet of a Downtown creek, surface parking other than handicap is prohibited, unless it is under a bridge or elevated roadway and is completely screened from the waterfront.
 - (2) Drop off areas are not considered "parking."
 - (3) Any new surface parking or parking structure is encouraged to make ten percent of the spaces at grade or on the ground floor open to the public at all times; where such public parking is available, signage shall be incorporated to indicate public parking with the big blue "P."
 - (4) Parking spaces in any parking garage shall not front the waterway. There must be an intervening non-parking use (such as residential, hotel, office, etc.)

- (2) The required minimum 50 percent activation may be achieved in the aggregate but shall not represent less than 25 percent of each street frontage.
- (3) Notwithstanding the foregoing, property along the Emerald Trail or within the FAB-REP boundary must provide 100 percent non-parking active use or Urban Open Space along all such street frontages less garage entrances.
- (4) To the greatest extent practicable, owners will strive to make 50 percent of spaces open to the public during non-business hours, of the associated business.
- (5) The entire vertical height of an exposed facade of a parking structure, including parking structures integrated within a larger building, shall be clad in a material architecturally compatible with the other occupied floors of the building and/or compatible with the material used to cover the exterior of the abutting building. Such material shall effectively and attractively obscure the view to the interior of all parking decks. Plants may be used to augment the screen.
- (6) Parking structures shall be designed such that sloping circulation bays are not expressed in the exterior treatment of the parking structure on any street frontage.
- (7) The design of the parking structure shall insure that parked cars are not visible from the street level, except as may be unavoidable at entrances and exits.
- (8) Parking structure vehicular ingress and egress shall be located on secondary streets unless there is only one frontage or traffic conditions prohibit.
- (9) Where the parking structure has one street frontage, this frontage shall be considered the primary street.
- (10) Where a parking structure has two or more street frontages, one is primary and the remaining are secondary.
- (11) Prior to final site plan approval of the parking structure by DDRB, the Traffic Engineer shall provide written comment to DDRB staff as to the acceptability of proposed ingress and egress for the parking structure and potential impacts on traffic.

(b) New surface, or expansion of existing surface parking:

- (1) Prohibited in the Central Core and Southbank Districts;
- (2) In Districts other than the Central Core, new or expansion surface parking of more than six spaces for non-residential uses, whether Accessory or On-Site, is prohibited unless interior to the parcel and wrapped by building on the street frontage;
- (3) For residential use parcels, On-Site or Accessory structured parking shall meet the Requirements of 656.361.6.2.G (Transparency) and for surface parking, shall meet the Requirements of 656.361.6.2.L (Screening and Landscaping of Surface Parking, and Trash, Storage and Loading Areas);
- (4) In the Sports and Entertainment and Working Waterfront Districts, new or expansion of surface parking of more than six spaces for non-residential uses, whether Accessory or On-Site, is allowed so long as it is interior to the parcel and wrapped by building on the street frontage, or as otherwise approved by grant of a Zoning Exception.

(c) Existing surface parking - (public or private):

- (1) All "Accessory" and "On-site" surface parking shall come into compliance with subsection 656.361.6.2.L, (Screening and Landscaping of Surface Parking, Trash, Storage, and Loading Areas) requirements on or before July 1, 2024.
 - (i) Within 90 days of the adoption hereof Notice shall be provided by the Downtown Investment Authority to the owners of record of the existing surface lots impacted by this Section.
 - (ii) Within 90 days of the adoption hereof, the Downtown Investment Authority, with the assistance of DDRB, shall update and depict graphically the applicable Screening and Landscaping requirements.
 - (iii) Within six months from the date of adoption hereof, the Downtown Investment Authority shall develop a policy and consider the creation of a Parking Screening Grant for cases of economic hardship and to incentivize early compliance with this requirement for Accessory and On-site surface parking.
- (2) All existing Commercial Surface Parking Lots were required to be in compliance with the previous regulations of 656.361.16 and 656.351.17 by the year 2014, thus, to the extent that they are not in compliance, are subject to immediate Code Enforcement action.

(d) Temporary Surface Parking Lots as described in Sec. 656.361.5.1 (Uses Permitted Generally; applicable to all Overlay Districts zoned CCBD) for Use Z shall not be subject to the screening and landscaping requirements below in 656.361.6.2.L.

4. *Deviations allowed by the DDRB:* In compliance with the Comprehensive Plan, no Deviation is allowed to authorize new surface parking in the Central Core or to increase spaces above the maximum allowed in any District within Downtown. No Deviation is allowed from the Screening and Landscaping of Surface Parking, Trash, Storage, and Loading Areas requirements applicable to new surface parking lots in Districts where such parking is allowed. Deviations from the requirements of this subsection K (Off-Street Parking) may be allowed by the DDRB only if the decision is based on competent substantial evidence that deviating from the requirement meets all of subsection 656.361.8.B (General Deviation Criteria), and in addition meets all of the criteria listed for each Deviation below:

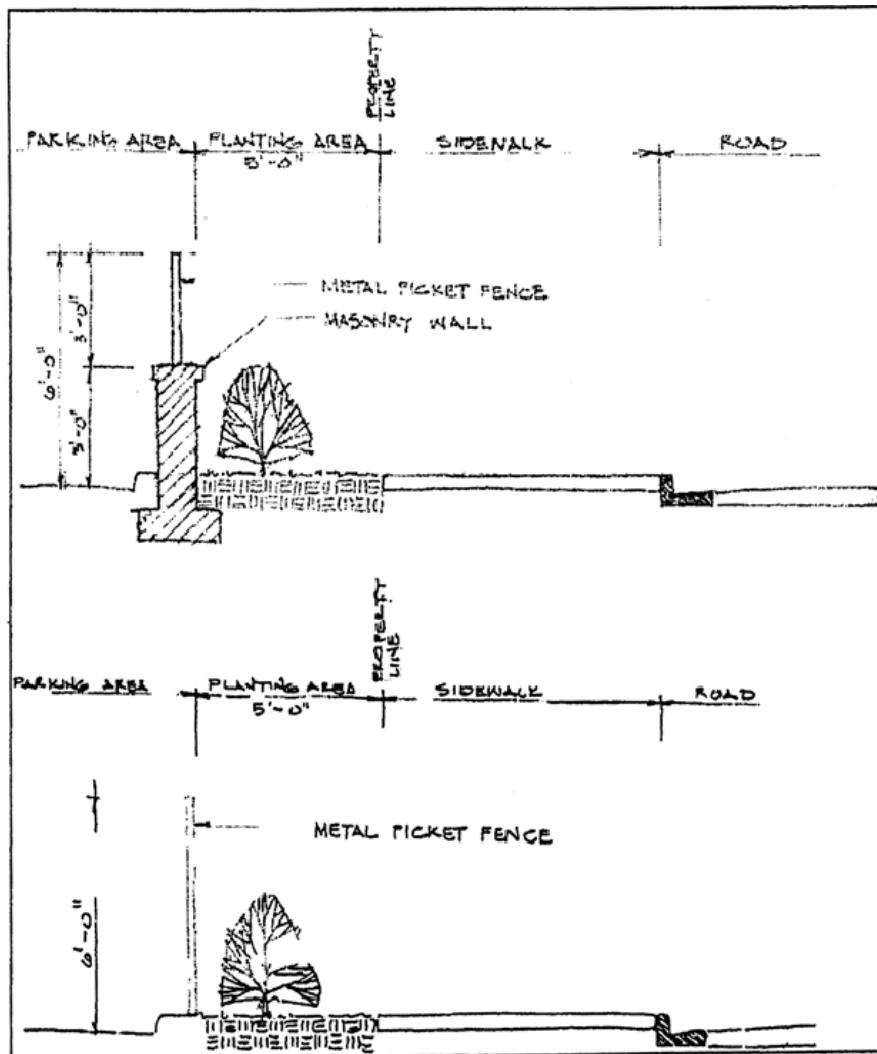
- (a) As to a Deviation from the requirement to provide Urban Open Space or non-parking active use on the street frontage:
 - (1) Due to unique circumstances of the site and the building design, this requirement(s) cannot be practicably met through any of the alternatives to activate the frontage provided herein; and
 - (2) Some other alternative street level activation of the garage frontage is proposed which is found to have a public benefit and is sufficient to screen the parking areas as well as engage the pedestrian.
- (b) As to a Deviation from the restrictions on new On-Site surface parking (in Districts other than the Central Core where no Deviation is allowed):
 - (1) The applicant can demonstrate that construction of a parking garage on site or wrapping the surface parking with a building is not feasible on the site due to site specific conditions not generally found within Downtown; and

- (2) There is a demonstrated shortage of available parking within a one-quarter mile radius of the site;
- (c) As to a Deviation from the restrictions on new Accessory surface parking (in Districts other than the Central Core where no Deviation is allowed):
 - (1) The applicant can demonstrate that the permitted six spaces is inadequate for its needs and construction of a parking garage or location not visible from the right-of-way is not feasible; and
 - (2) There is a demonstrated shortage of available parking within a one-quarter mile radius of the site;

L. *Screening and Landscaping of Surface Parking, Trash, Storage, and Loading Areas.*

- 1. *Purpose and Intent:* These requirements are applicable to all new Accessory or On-Site parking lots, and new and existing Commercial Surface Parking lots. Existing Commercial Surface Parking Lots were required to be in compliance with the previous regulations of 656.361.16 and 656.351.17 by the year 2014, and shall continue to be subject to the requirements for screening and landscaping below without any phase in period. Thus, to the extent that they are not in compliance, are subject to immediate Code Enforcement action.
- 2. *Requirements:*
 - (a) Screening for trash, storage, loading, outdoor equipment, for new and existing Accessory and On-site surface lots, and for new and existing Commercial Surface Parking Lots. Existing Accessory and On-site surface lots shall meet these standards by July 1, 2024. Existing Commercial Surface Parking Lots shall be subject to immediate Code Enforcement action. Surface parking lots of a size greater than 299 spaces are exempt from this screening fence/wall and hedge requirement. Parking lots containing 299 spaces or less shall be screened along each right-of-way line, as shown in Figure 6.2.L, below, as follows:

Figure 6.2.L



- (1) A three-foot maximum height masonry wall, finished with stucco if smooth concrete block, with a five-foot (minimum) landscape strip with shrubs three feet in height at the time of planting and spaced appropriately for the species so that a complete hedge will be obtained within two years between the wall and the property line. Wrought iron metal picket style fencing shall be placed on top of the masonry wall no taller than three feet in height with the total fence height not exceeding six feet; or
- (2) Six-foot transparent wrought iron style metal fence with three-foot high shrubs, spaced at 2½ feet on center, planted in a five-foot (minimum) landscape strip between the fence and the property line; or
- (3) A 15-foot wide landscape area where vehicles, trash receptacles, equipment, etc. are sufficiently screened to an 85 percent opacity within two years of planting, through a combination of trees and shrubs.

- (b) Chain link fences are prohibited Downtown, unless used for temporary construction fencing only and the fence is covered entirely with a DDRB approved windscreens and the applicant agrees to comply with the DDRB guidelines concerning wind screen fences. All construction site fencing will meet the requirements of the DDRB wind screen regulations in all districts and will be installed on all construction sites within DIA's jurisdiction.
- (c) Landscaping for surface parking. Within the boundaries of Downtown, the requirements of Chapter 656, Part 12 are hereby waived to the extent of any conflict and superseded by the following. Surface parking areas visible from the street or waterfront shall be landscaped according to the following requirements:
 - (1) *Zero to 50 spaces:* Perimeter landscaping adjacent to the right-of-way shall be provided as follows:
 - (i) A landscaped area of not less than ten square feet for each linear foot of parking lot street frontage, including driveways shall be provided. The depth of the landscape area may vary, however, at least 50 percent shall be a minimum of a five-foot wide strip. The remaining area shall be provided within 30 feet of the right-of-way;
 - (ii) Not less than one tree on each side of a driveway accessing the parking lot shall be provided, but in no case less than one tree for each 50 linear feet of parking lot frontage, or fraction thereof, on the right-of-way;
 - (iii) At least 50 percent of the trees planted or preserved shall be medium or large trees, as categorized in the Jacksonville Tree Commission's Approved Tree Planting List, that will provide shade for cars and pedestrians ("Shade Trees"); and
 - (2) *51 to 299 spaces:* In addition to the requirements above for Zero to 50 space surface parking lots, the following shall be provided:
 - (i) Each row of parking shall be terminated by a curbed landscape island ("Terminal Island") with inside dimensions of not less than eight feet wide, excluding the curb, and 17 feet long for standard sized parking spaces, and 15 feet long for compact spaces;
 - (ii) If a double row of parking spaces is planned, two Terminal Islands shall be provided; and
 - (iii) Each Terminal Island shall contain at least one tree (two trees for a terminal island of a double row); and
 - (3) *300 or more spaces:*
 - (i) Subject to Subpart C (Landscaping Requirements) of Part 12 (Landscape and Tree Protection Regulations) within this Chapter 656, with the additional requirement to meet the General Criteria for Trees and Required Tree to Soil Volume Ratio stated below; and
 - (ii) No Deviations are allowed for the requirement to provide the trees and the landscape strip along the street frontage.
- (d) General Criteria for Trees:
 - (1) Tree species shall be chosen from the Jacksonville Tree Commission's Approved Tree Planting List.

- (2) Single trunk trees shall have a minimum four-inch caliper at the time of planting. The height may vary depending on the species of tree;
 - (3) Multi-trunked trees shall have a minimum of three trunks and an overall height of 12 feet at the time of planting; and
 - (4) Palms shall have a minimum 16 feet of clear trunk at the time of planting.
- (e) Required Tree to Soil Volume Ratio. Soil volume refers to the cubic feet of soil required for adequate root growth of a tree, generally based upon a three-foot depth. A healthy root system is one of the most critical factors enabling trees to withstand hurricane-force winds. In non-urban settings, the soil volume may be much larger due to the space available, and the lack of underground utilities and other obstructions. In an urban setting, the volumes are necessarily lessened due to the limited amount of space. The following are the minimums necessary for successful tree growth, along with other techniques such as utilization of structural soil, suspended sidewalks, root paths, and planting strips:
 - (1) Small trees: 300 cubic feet;
 - (2) Medium trees: 1,200 cubic feet; and
 - (3) Large trees: 1,800 cubic feet.
 - (4) A 25 percent reduction is allowed in the volumes when the soil is shared between trees.
- (f) When the capacity of any existing Accessory Parking Lot is increased for any reason, the entire lot must be brought into compliance with all the requirements in this Subpart H pertaining to same prior to the site being utilized as Accessory parking. All Accessory Parking Lots must come into compliance with these regulations on or before July 1, 2024.

3. *Deviations allowed.* No Deviation is allowed except as enumerated below. All Deviations must be based on competent substantial evidence that the request meets the General Deviation Criteria contained in subsection 656.361.8.B, and any criteria below.

- (a) No Deviation is allowed from the Screening and Landscaping of Surface Parking, Trash, Storage, and Loading Areas requirements applicable to new surface parking lots in Districts where such parking is allowed;
- (b) Deviations may be allowed by the DDRB for existing lots containing over 50 spaces for the perimeter fencing requirement if it can be shown that there is a substantial public benefit; and
- (c) Deviations for existing and new surface parking lots may be allowed by the DDRB for the planting area requirements if a suitable permeable material is provided for the irrigation of the plant material.

M. *Demolition and Vacant Lot Regulations.*

1. *Purpose and Intent:* The demolition of structures not only causes a disruption in fabric of the built environment, but can also cause blight and a public nuisance. The following regulations seek to ensure that the demolition of structures is only done when necessary, and once done is replaced by a level site as aesthetically pleasing as possible until future development is accomplished on the site.
2. *Requirements:*
 - (a) Prior to January 1, 2014, all undeveloped lots were to have met minimum standards including: removal of rubbish and debris; leveling the site by the removal of brick or

concrete foundations, etc. and changes in grade; replacement of landscaping removed; and sodding as required by Part 4 of Chapter 320. If a vacant lot has not been brought into compliance with this requirement, it is subject to immediate Code Enforcement action.

(b) If a lot has a building, structure or use to be demolished, the lot shall also meet the minimum standards as identified below:

- (1) Demolition of any building or structure downtown shall be consistent with Chapter 320, Ordinance Code.
- (2) In addition to the above, prior to the issuance of a demolition permit for a building or structure that is either listed on the National Register of Historic Places, is a contributing structure within Downtown's historic district, or that is designated as a landmark, the following must occur:
 - (i) the applicant shall provide a plan for redevelopment of the property;
 - (ii) DDRB must determine that the redevelopment plan is in compliance with the BID and CRA Plan; and
 - (iii) DDRB must give Conceptual and Final Approval of the redevelopment project.
- (3) Upon the approval by DDRB of the above, and the Building Inspection Division of the demolition, issuance of a City demolition permit, completion of the authorized demolition, and removal of the materials, debris and rubbish from the site, the site shall be restored in accordance with this Section.
- (4) All vacant properties shall be graded to a uniform level, free of irregular surface changes. All concrete slabs, brick foundations, etc. that would prohibit the proper growth of required landscaping, shall be removed from the site. Changes in grade between the subject property and adjacent properties shall be minimized.
- (5) Any landscaping that is removed shall be replaced pursuant to subsection 656.361.6.2.L and as approved by DDRB.
- (6) The vacant lot shall have sod or grass planted on the entire vacant lot pursuant to Part 4, Chapter 320, Ordinance Code, except those areas planted with trees and shrubs, and as approved by DDRB.
- (7) If the vacant lot is used for the storage of materials, equipment, etc., but not cars, the vacant lot shall meet the perimeter landscape requirements of subsection 656.361.6.2.L for lots of a size from zero to 50 spaces.
- (8) All vacant lots brought into conformance with this Section shall be maintained pursuant to Part 5, Chapter 518, Ordinance Code.
- (9) The vacant lot shall not be used to park cars, unless it is approved as a Temporary Parking Lot by the DDRB. Such Temporary Parking Lot shall be catalogued and administered by the DDRB as to the time limits and other factors regarding its temporary nature.

3. *Deviations allowed by the DDRB.* All Deviations must be based on competent substantial evidence that the request meets the General Deviation Criteria contained in subsection 656.361.8.B.

(a) Deviations may be allowed by the DDRB for demolition of structures if it can be shown that there are approved plans for construction redeveloping the site within 1 year.

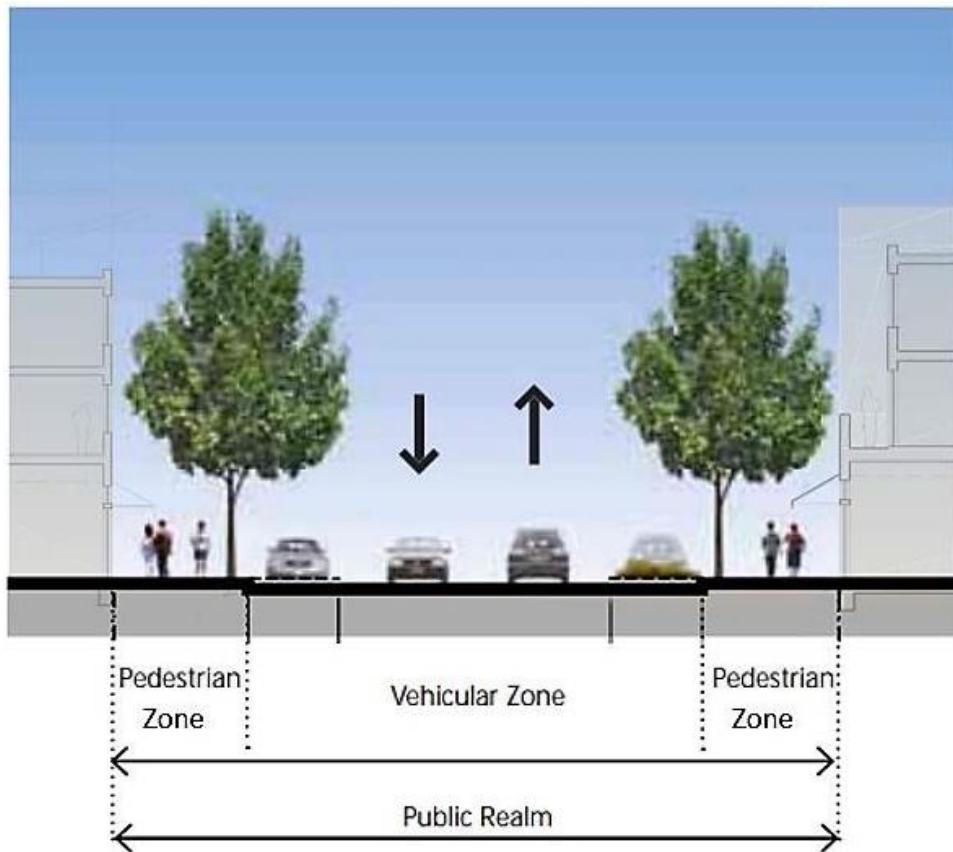
(Ord. 2019-196-E, § 6; Ord. 2022-383-E, § 1)

Sec. 656.361.6.3. Public Realm Regulations.

The beauty and livability of a city depends greatly on the design of its streets. The character and quality of the space between the curb and the face of a building substantially impacts the way people walking in the city feel about it. Creating comfort for the pedestrian is an important way to generate positive economic activity on the street. Public sidewalks should provide a direct and continuous pedestrian network that connects blocks and buildings to each other with a clear, unobstructed pedestrian travelway that is designed to accommodate the needs of a broad range of users, including the elderly, those with disabilities, and young children. Sidewalks should be richly appointed with improvements and facilities that enhance the pedestrian experience but should avoid clutter and congestion.

A. *Functional Zones and Areas.* The Public Realm includes the Pedestrian Zone and the Vehicular Zone, as illustrated in Figure 6.3.A, below.

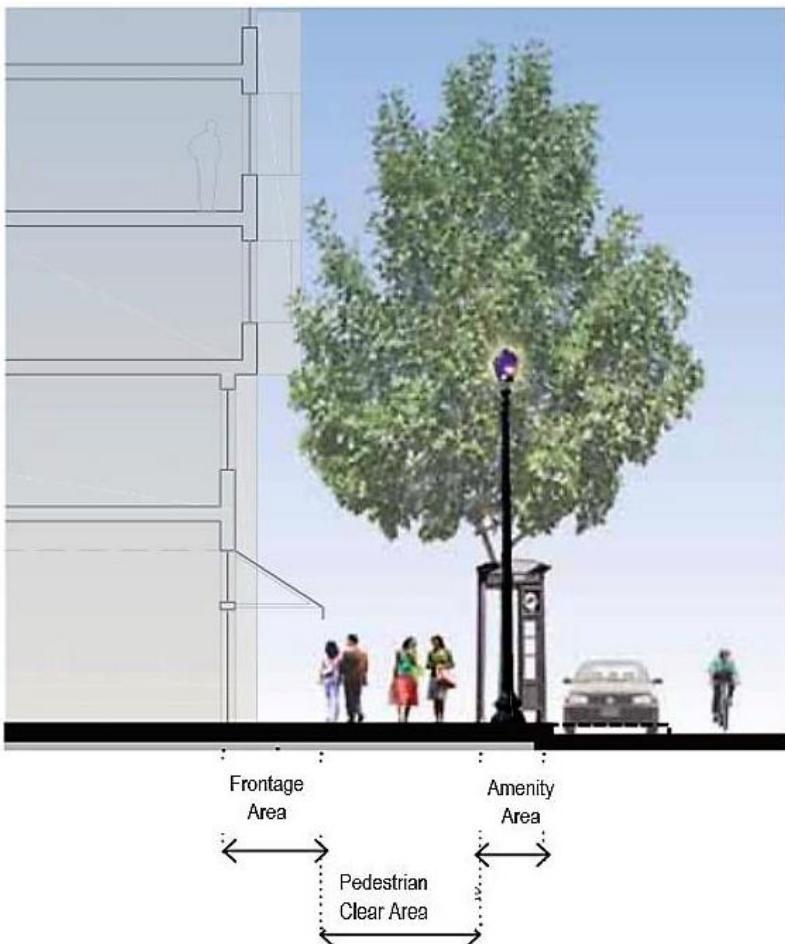
Figure 6.3.A Public Realm



The Pedestrian Zone Requirements are intended to promote a more walkable downtown by improving pedestrian comfort, safety and convenience. The Pedestrian Zone is further divided into three functional areas. The Pedestrian Clear Area is the middle of the pedestrian zone and primarily accommodates pedestrian circulation. The Amenity Area generally is adjacent to the street and

accommodates public facilities such as street trees, ground cover, permeable paving to protect trees from compaction but also allow water to penetrate to the roots, street furniture, trash cans, kiosks, lights, utility poles, and parking meters, signs, and other obstructions to pedestrian travel. These areas are typically distinguished by a change in materials, from hard materials to greenery, though in areas of high pedestrian traffic the amenity area may include less planting and more paving. The Frontage Area is adjacent to building frontages and serves as a transition area where pedestrians do not generally pass as it is directly adjacent to building features. The Pedestrian Zone functional areas are illustrated in Figure 6.3.A-2, below.

Illustration 6.3.A-2



B. Pedestrian Zone (Sidewalk).

- Purpose and Intent.** The Pedestrian Zone serves several functions - circulation facility, social space, and amenity area - and must accommodate numerous features and facilities to support these functions. The widths of the Pedestrian Zone areas should vary in response to context, but Pedestrian Zone width should be distributed amongst the three areas according to the following priorities: pedestrian (highest), amenity (middle), frontage (lowest, except when activated as a sidewalk cafe).

2. *Requirements for the Pedestrian Clear Area.*

- (a) The Pedestrian Clear Area shall be a minimum of five feet in width in all areas regardless of right-of-way width. Where adequate right-of-way exists beyond the edge of the Vehicular Zone, the Pedestrian Clear Area shall be expanded to at least eight feet (six feet adjacent to permitted sidewalk cafes) prior to expanding the adjacent Amenity Area beyond the four-foot minimum or expanding the Frontage Area. When the right-of-way allows for a greater Pedestrian Zone width, the additional width may be allocated to Amenity Area, Frontage Area or Pedestrian Clear area as desired.
- (b) The Pedestrian Clear Area shall maintain a minimum vertical height clearance of eight feet, clear of overhanging tree limbs, protruding fixtures such as awnings, or other horizontal obstruction.
- (c) Transitions in width of the pedestrian clear areas shall be signaled by a transitional element.
- (d) Paving. Paving shall be installed in the streetscape. The type of paving, design and paving materials shall comply with the standards as set forth in the Downtown Jacksonville Streetscape Standards. Paving may be pervious in certain areas in order to accommodate street trees, as approved by a City Landscape Architect or Arborist.

3. *Requirements for the Frontage Area.*

- (a) The Frontage Area shall be a minimum of two feet in width in order to accommodate standpipes, building protrusions and ledges, etc. as well as merchandise displays, planters, art, and portable signage (e.g., menu stand). This zone may expand as desired to accommodate permitted sidewalk café and other similar uses, but only after a minimum six-foot Pedestrian Clear area has been achieved in the case of permitted sidewalk cafes, or eight-foot Pedestrian Clear area has been achieved for any other use within the Frontage Area, and a minimum four-foot Amenity Area has been provided.
- (b) Sidewalk cafes (See Chapter 250, Part 8 (Downtown Sidewalk Cafes), Ordinance Code) are encouraged and shall generally be located in the Frontage Area. However, in certain situations, sidewalk cafes and other commercial activities may be allowed to occupy the Amenity Area rather than the Frontage Area or where extra wide sidewalks occur, in both the Frontage and Amenity Areas.
- (c) Sidewalk cafes that have more formal dining facilities (i.e., offer waiter service to their tables) or more than a single row of tables shall provide a decorative element, such as a railing, rope divider, etc., that delineates the café from the Pedestrian Clear Area.

4. *Requirements for the Amenity Area.*

- (a) The Amenity Area shall generally have a depth, as measured from the back of curb, of four feet minimum. Once the eight-foot Pedestrian Clear Area width has been accommodated, and a minimum Frontage Area has been provided, the Amenity Area may be expanded as desired, to accommodate additional trees, shade trees, street furniture and the like. Amenity Area width shall conform to adjacent properties or transitions in width from adjacent Amenity Areas shall be signaled by a transitional element.
- (b) In locations where right-of-way is constrained, in order to prioritize the Pedestrian Clear Area, the requirements for the Amenity Area may be reduced, undulating, or satisfied by bump-outs between on-street parking spaces provided that all required streetlights, traffic signage, trees, street furniture and other amenities are accommodated within such modified Amenity Area(s) and do not interfere with the Pedestrian Clear Area. Also,

pervious paving may be allowed in both the Amenity area and the Pedestrian Clear Area to accommodate tree growth and health.

- (c) Vertical fixtures, furnishings, and similar elements within the Amenity Area shall be setback at least two feet from the face of the curb to avoid conflict with on-street parking in areas where on-street parking is allowed. Rights-of-way maintained by the Florida Department of Transportation shall be governed by the standards set by that agency.
- (d) Trash receptacles shall be located in the Amenity Area and generally placed near intersections (but beyond 20 feet from the nose of the intersection), near major building entrances, and adjacent to outdoor seating areas.
- (e) Each receptacle shall prevent wind and rain from entering the container, and have the option of being anchored to the pavement.
- (f) Newspaper racks, if any, shall be consolidated.
- (g) Streetlights. The type, number, and spacing of streetlights shall comply with the standards set forth in the Downtown Jacksonville Streetscape Standards and as approved by the City Engineer.
- (h) Street Furniture. Street furniture shall be installed in the Amenity Area where appropriate. The type, number and spacing of street furniture shall comply with the standards as set forth in the Downtown Jacksonville Streetscape Standards.
- (i) General Criteria for Trees. Trees shall be planted in the streetscape. The type of tree, number of trees, and spacing of trees shall comply with the following standards. To the extent that the Downtown Streetscape Design Guidelines are not inconsistent with these standards, the Guidelines shall be followed.
 - (1) Trees and palms shall be chosen from the Jacksonville Tree Commission's Approved Tree Planting List;
 - (2) Single trunk trees shall have a minimum four-inch caliper at the time of planting. The height may vary depending on the species of tree;
 - (3) Multi-trunked trees shall have a minimum of three trunks and an overall height of 12 feet at the time of planting;
 - (4) Palms shall have a minimum of 16 feet of clear trunk;
- (j) Required Tree to Soil Volume Ratio. Soil volume refers to the cubic feet of soil required for adequate root growth of a tree, generally based upon a three-foot depth. A healthy root system is one of the most critical factors enabling trees to withstand hurricane-force winds. In non-urban settings, the soil volume may be much larger due to the space available, and the lack of underground utilities and other obstructions. In an urban setting, the volumes are necessarily lessened due to the limited amount of space. The following are the minimums necessary for successful tree growth, along with other techniques such as utilization of structural soil, suspended sidewalks, root paths, and planting strips:
 - (1) Small trees: 300 cubic feet;
 - (2) Medium trees: 1200 cubic feet; and
 - (3) Large trees: 1800 cubic feet.
 - (4) A 25 percent reduction is allowed in the volumes when the soil is shared between trees. See the following link for more information:
<http://hort.ufl.edu/woody/documents/EP309.pdf>.

- (k) *Irrigation.* Automatic Irrigation systems shall be installed underground to service all trees and other landscape material, and the irrigation system shall be maintained in operable condition at all times. The type and size of irrigation system shall comply with City's Land Development Regulations. An alternative to automatic irrigation may be used upon approval by a City Landscape Architect or Arborist of another method of providing water and nutrients to the tree and other plant material.
- (l) *Inspection.* Inspection of trees planted pursuant to this subsection shall occur six months after planting to ensure all trees are in healthy condition. Trees found to be in a declining condition shall be replaced within 30 days of notice thereof. If replacement is necessary, there shall be a re-inspection six months after replacement and the provisions of this subsection shall apply to the re-inspection.

5. *Transit Shelter Requirements.* Transit shelters shall be installed where appropriate and located within the Amenity Area. The type and design, number, spacing and location of transit shelters shall be approved by the DDRB pursuant to subsection 656.361.7 (Application and Procedure) and comply with the standards set forth in the Downtown Jacksonville Streetscape Standards to the extent that they are not inconsistent with the standards in this ordinance, and as approved by the City's Engineer, if required. The transit shelter design type shall be chosen from at least three options provided by JTA, whose design shall be in keeping with the historic character of the downtown streetscape furniture and street lights, or as approved by the JTA. Such approval by the City's Engineer, if required, shall occur before final approval of the transit shelter by the DDRB. Any changes to the transit shelter after the DDRB approval by JTA and/or the City's Engineer shall be communicated to the DDRB, and approval granted by the DDRB prior to the City's Engineer approving such changes. The following criteria shall apply:

- (a) The permitted transit shelter site, excluding overhangs, shall be no larger than 16 feet long by ten feet high by five feet wide, and no larger than 80 square feet in size.
- (b) The overhang shall have a minimum clearance of eight feet and be set back from the back of curb a minimum of two feet.
- (c) When a shelter is located on the street side of a sidewalk, there shall be a minimum four-foot clearance for pedestrian traffic between the front of the shelter and the nearest back of curb.
- (d) Transit shelters must be at least six feet from any driveway.
- (e) Transit shelters shall only number one per side of street per block, except the bus rapid transit stations as shown on JTA's Jacksonville BRT Phase I map, a copy which is on file with the DIA. The DDRB may approve an exception to allow more than one transit shelter per side of the street per block when it is requested by the transportation authority due to high transit ridership, safety concerns and/or it is in the best interest of the riders.
- (f) Transit shelters must be a minimum of ten feet from an intersection or crosswalk.
- (g) Transit shelters must be a minimum of six feet from any building entrance or exit.
- (h) Transit shelters may not obstruct any view of traffic or roadway signage.
- (i) Transit shelters may be illuminated with lighting that is interior to the structure and shall not interfere with the ability of vehicular users of the road to read traffic signs or see traffic signals.
- (j) Transit shelters shall include, at a minimum, one trash can per shelter and the trash can shall not obstruct the minimum clearance as established in subsection (c) of this Section.

- (k) Transit shelters and associated pull-outs that disrupt more than 50 percent of any one side of the street, per block, shall meet the Downtown Streetscape Design Standards for the side of the street, per block, that is disrupted.
- (l) Existing transit shelters shall not be required to meet these standards until replaced with a new transit shelter, which shall meet the requirements of this subsection.
- (m) Any signage associated with transit shelters and associated areas shall be subject to Chapter 656, Part 13, Subpart B.
- (n) In the event that any portion of this Section, including any exception contained herein, is declared invalid, unenforceable, unconstitutional or void, or is permanently enjoined, or if the existence of any provision of this Section would result in any other portion of this Chapter or Chapter 326 or Article 23 of the Charter being held to be invalid, unenforceable, unconstitutional or void, and the court does not sever such invalid portion of this Section, then the invalid portion of this Section is repealed and invalid and thereafter no signs of the type included within the exemption shall be erected without compliance with the remainder of this Chapter and this Ordinance Code. It is the specific intent that the invalidity of any portion of this Section shall not affect any other section, subsection, paragraph, subparagraph, sentence, phrase, clause or word of this Chapter, Chapter 326, Article 23 of the Charter, or this Ordinance Code.
- (o) *Streetscape maintenance agreement.* At the time of issuance of a certificate of occupancy, all property owners constructing streetscapes shall be required to execute a maintenance agreement or other similar agreement, in a form acceptable to the City, in which the property owner agrees to (a) maintain and repair all elements of the streetscape when needed, unless the City determines it will maintain and repair the streetscape improvements, and (b) comply with the provisions of Part 5 of Chapter 518.

6. *Deviations.* Deviations from the following requirements may be allowed by the DDRB only if the decision is based on competent substantial evidence that deviating from the requirement meets all of the General Deviation Criteria contained in subsection 656.361.8.B, and in addition meets all of the criteria listed for each requirement below:

- (a) A Deviation from the width requirements of the Areas will only be allowed only if such use and facilities enhance the overall quality of the Public Realm and do not impede pedestrian traffic or conflict with access to on-street parking.

C. *Pedestrian Protection from the Elements.*

1. *Purpose and intent:* In the urban environment and our climate, it is essential to provide pedestrians with protection from sun and rain. Building designs should incorporate features that provide pedestrian shelter from the elements to the greatest extent possible. Protection may come in the form of structures such as overhangs, canopies and awnings, or from shade trees on-site or in the Streetscape.

Illustration 6.3.C Awnings



Awnings highlight building entrances and contribute to pedestrian comfort.

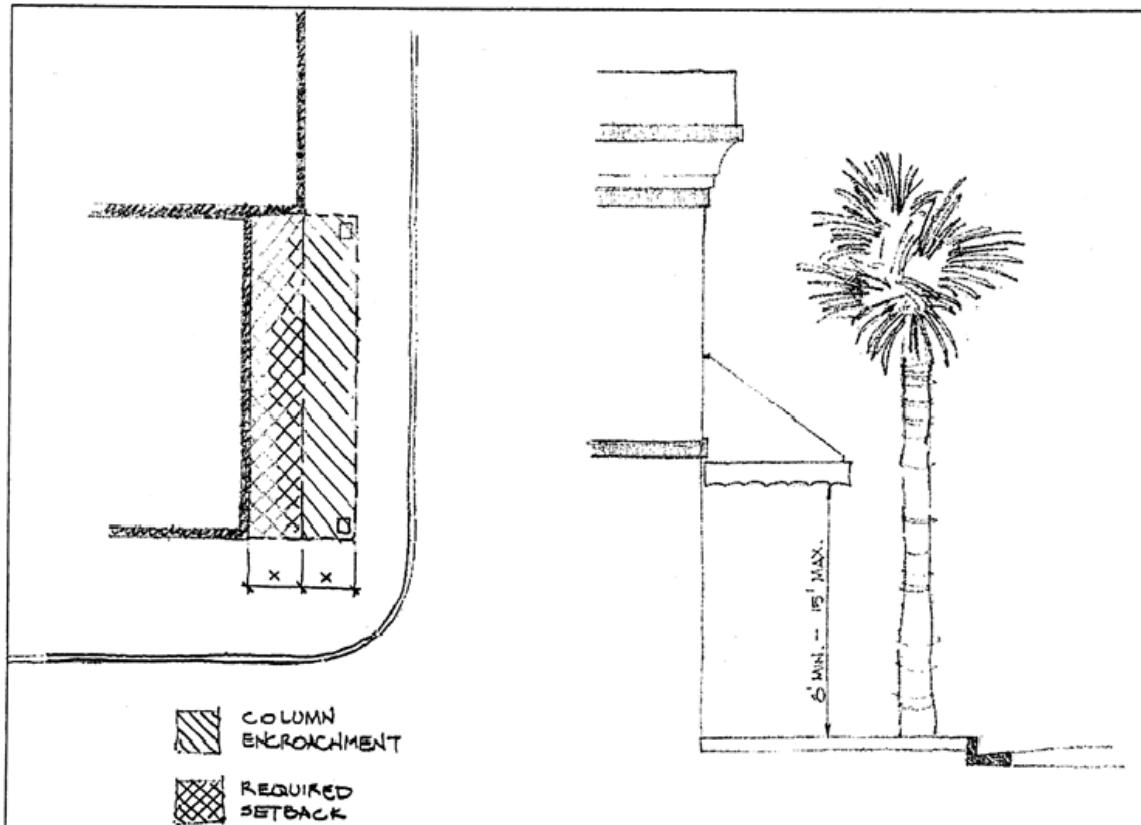
2. *Requirements for shade.*

- (a) There shall be shade provided for at least 40 percent of the Public Realm Pedestrian Zone associated with each new development, such percentage coverage to be measured from the right-of-way line to two feet interior of the face of the curb. Existing street trees may be used in this calculation.
- (b) If shade trees are provided, they must meet the definition, pervious surface requirement, and pruning restrictions as contained in Chapter 656 (Zoning Code) Part 12 (Landscape Code), and must reach the percentage shade coverage requirement within 5 years.
- (c) If Crape Myrtles are used, hat-racking is prohibited.
- (d) In the absence of existing street trees that provide shade in the public right-of-way, the adjacent development shall:
 - (1) Incorporate building projections into the right-of-way, roof overhangs, awnings and similar protections from rain, located between eight and 20 feet above grade to provide a minimum 40 percent shade along the frontage; or
 - (2) The development shall install trees within the right-of-way to produce 40 percent shade within five years of the issuance of the Certificate of Occupancy. The developer shall consult with the City Arborist for the appropriate tree species for the location and provide the appropriate planting area and soil amendments and structure; or
 - (3) A combination of (1) and (2), above.

3. *Requirements for Protection from the elements.*

- (a) Protection from the elements, which may include trees or structural features shall be incorporated in new development and in any major renovation of an existing building that alters the exterior of existing building.
- (b) Awnings, arcades, recessed entry doors, or other structural elements that provide shade from the sun and protection from the rain shall be provided over all doors.
- (c) In order to accomplish protection from the elements, portions of a building or structure such as: awnings, balconies, structural elements, overhangs and cantilevered shelters, may be allowed to extend over or into the public right-of-way to within two feet of the curb, subject to the approval of the Director of the Public Works Department, as shown in Figure 6.3.C, below, and subject to compliance with the following:

Figure 6.3.C



- (1) The minimum vertical clearance between the established grade of the public right-of-way and the underside of the encroaching structure is at least eight feet.
- (2) Supporting columns will be permitted within the Pedestrian Zone when the grade level floor of the structure is set back a distance equal to or greater than the Pedestrian Zone area lost to the supporting columns, as shown in Figure 6.3.C above. This requirement shall not apply in the case of an existing building

where an addition or alteration may result in the necessity to locate supporting columns within the Pedestrian Zone.

- (3) A Pedestrian Zone consistent with the Public Realm regulations is provided.
- (4) Structures built over the public right-of-way shall not interfere with any element of the streetscape including, but not limited to, lighting, landscaping, and pedestrian circulation.
- (5) The structure extension has been reviewed, with due consideration to public right-of-way width, above ground and underground utilities (including the need for overhead crane access to underground transformers), pedestrian views or visibility, and adjacent structures.

(d) Buildings or structures may provide awnings, arcades or other structural elements that provide shade from the sun and protection from rain, etc., over windows and other transparent elements, subject to the requirements of this Section.

4. *Deviations allowed by the DDRB:* Deviations may be allowed by the DDRB if the decision is based on competent substantial evidence that the request meets the General Deviation Criteria contained in subsection 656.361.8.B, and in addition that:

- (a) Regarding Shade: If it can be shown that due to the height and orientation of the building that shade will be provided on the sidewalk between noon and 6:00 p.m. without the addition of trees or other shade features;
- (b) Regarding Protection from the rain: Entrance porticos, awnings or similar features are architecturally incompatible, and an alternate compatible accommodation is proposed.

D. *Vehicular Zone.*

1. Pedestrian skywalks (over street connections) between buildings are prohibited unless they connect two properties under the same ownership and use and are essential to such use. Examples of essential uses would be public health uses such as hospitals or public services such as mass transit stations. Any proposed skywalk shall be shown on schematic site plans for evaluation. The DDRB shall consider the total impact of the skywalk and its appropriateness to the site and surrounding area including, but not limited to, its effect on shadowing, lighting, transparency, view corridors, and other features of public or private property. DDRB review and approval of the preliminary schematic site plans is required under Section 656.361.9, Ordinance Code, prior to applying for additional approval. After all other required approvals are obtained, the final schematic plans shall be submitted to DDRB for review and approval prior to construction.

E. *Grid Pattern.*

1. *Purpose and Intent:* The layout of downtown shall maintain the traditional block patterns with a grid of streets, develop currently unopened streets thus minimizing the creation of long distances between vehicular and pedestrian access points, and by requiring new large development proposals to respect the existing downtown street pattern. All buildings, structures and roadway construction shall meet the following criteria:
2. *Requirements:*
 - (a) All new construction of buildings and structures and rehabilitation of existing buildings and structures shall respect the existing downtown street pattern.

- (b) No closures of right-of-way will be allowed, unless it can be shown to the satisfaction of the DDRB and ultimately the City Council, that the public benefits significantly outweigh the negative impacts on the downtown traffic network.
- (c) No existing public right-of-way, opened or unopened, which leads to or toward the riverfront as shown on the Riverfront Zones Map, as shown in Figure 6.2.H, may be closed, vacated, or visually blocked unless a superior alternate public access and/or view corridor is provided. "Superior" in this circumstance would be providing a view corridor that is longer or wider than the right-of-way being closed.

3. *Deviations allowed:* The ability to close or vacate a right-of-way or deviate from this Regulation is specifically vested in the City Council.

- (a) No existing public right-of-way, opened or unopened, which leads to or toward the riverfront as shown on the Riverfront Zones Map, as shown in Figure 6.2.H, may be closed, vacated, or visually blocked unless a superior alternate public access and/or view corridor is provided. "Superior" in this circumstance would be providing a view corridor that is longer or wider than the right-of-way being closed.
- (b) Closures of other Downtown streets and Deviations may be allowed by the Council if the decision is based on competent substantial evidence that the request meets the General Deviation Criteria contained in subsection 656.361.8.B, and in addition that the public benefits significantly outweigh the negative impacts on the downtown vehicular and pedestrian mobility network. In order to determine that the public benefits of the closure(s) significantly outweigh the negative impacts, a positive finding, based on substantial competent evidence, must be made on each of the following criteria as consistent with the BID Plan:
 - (1) The proposed closure(s) will not be detrimental to the public health, safety and welfare;
 - (2) Pedestrian access is provided and maintained through the proposed development;
 - (3) The altered vehicular or pedestrian circulation pattern will provide a more user-friendly transportation route, for both vehicles and pedestrians, and improved corridors by enhanced streetscape improvements; and
 - (4) If the closure is to vehicular traffic only and a pedestrian promenade or multi-use path remains, the proposed building(s) and structure(s) will face the right-of-way with pedestrian access from those rights-of-way available to the general public.

(Ord. 2019-196-E, § 6)

Sec. 656.361.7. Application and Procedure.

Sec. 656.361.7.1. Application and Review Procedure to DDRB and Council; Appeals.

A. *Application.* All development proposed within downtown shall be reviewed by the DDRB staff for consistency with the Use Regulations, the Form Regulations, the Downtown Design Guidelines, and the Riverwalk Park Design Criteria (if applicable).

All developers are required to meet with DDRB staff and staff of such other City agencies or departments as DDRB staff may determine to be necessary to discuss conceptual designs and other elements of a proposed project for staff review and feedback prior to an application for DDRB review being deemed complete. After the pre-application meeting with staff to discuss the proposed project the applicant may request DDRB staff to agenda the proposed project for Conceptual Approval at the next available DDRB meeting, subject to submittal of required items pursuant to subsection B, below, and completion of such other City reviews as warranted by staff. DDRB staff shall prepare a report to be presented to DDRB recommending approval, approval with condition or denial, which shall incorporate and take into account any comments submitted from any other reviewing City staff.

B. *Required Submissions for Conceptual Approval.* The developer shall submit an application containing the following information (Submittals shall be 11 inches by 17 inches in size) to the DDRB staff:

1. An application for the project (obtained online from the DDRB website);
2. A vicinity plan and digital photographs showing the project in relation to the surrounding blocks and streets (include all properties within 300 feet of project property boundary lines);
3. A site plan, including vehicular access, parking, landscaping, existing streetscape, Pedestrian Zone and building footprint (minimum scale: 1' = 50'0");
4. Building massing, showing all sides, and showing the building concept in context with the surrounding buildings, street widths, and streetscape;
5. A presentation on a USB compatible storage device in PowerPoint or similar format acceptable to DDRB staff that includes all items above, and other information necessary to fully describe the project, or as requested by DDRB staff.

C. *Required Submissions for Final Approval.* In addition to the items listed in (1) through (5) above, the following items must be submitted with the application for final approval:

1. A floor plan;
2. Building elevations (all sides) (minimum scale: 1/16" = 1'0", except if such scale is not practical due to magnitude of the project, a scale agreed to by the DDRB staff may be acceptable);
3. Site and building section, including sidewalk (minimum scale: 1/16" = 1'0", except if such scale is not practical due to magnitude of the project, a scale agreed to by the DDRB staff may be acceptable);
4. A table outlining the square footage amount and percent of each type of use for each building or structure, including the number of parking spaces to be provided for each use; and
5. A perspective drawing of the building;
6. A landscape plan;
7. A signage plan;
8. A streetscape plan including a breakdown of the Pedestrian Zone detailing the Pedestrian Clear Area, the Frontage Area and the Amenity Area;
9. A lighting plan;
10. Samples of exterior finishes (the samples shall be mounted on a presentation board or other format acceptable to DDRB staff and presented to DDRB); and
11. A presentation on a USB compatible storage device in PowerPoint or similar format acceptable to DDRB staff that includes all items (1)–(7), above, and other information necessary to fully describe the project, or as requested by DDRB staff (which may also include a traffic impact analysis).

All items shall be in color, fully rendered, and shall incorporate conditions imposed by the DDRB at conceptual approval, if any, including any requested design Deviations pursuant to Section 656.361.8 (Deviations). Submittals shall be 11 inches by 17 inches in size. (Minimum scale for items 1, 2, and 3 above shall be 1/16" = 1'0" and (6) through (9) above shall be 1" = 30', except if such scale is not practical due to magnitude of the project, a scale agreed to by the DDRB staff at conceptual review may be acceptable). For phased projects, presentation boards may be per phase. On larger projects staff shall also request presentation boards be provided of the building rendering and site plan that are 36 inches by 44 inches in size, or such other size as is acceptable to DDRB staff;

D. *Classification of Projects.* Upon receipt of the application and required information, DDRB staff will classify the proposed developments as follows:

1. *Staff Review Only.*
 - (a) Landscaping sufficiency regarding number, species, size, and placement of trees; soil to tree ratio; and alternatives for irrigation;
 - (b) Streetscape elements that comply with the Pedestrian Zone requirements applicable to unconstrained rights-of-way;
 - (c) Minor structural changes to exterior facades or structures;
 - (d) Signs that comply with Subpart B of Chapter 656, Part 13 - Downtown Sign Overlay Zone;
 - (e) Projects that consist only of landscaping, hardscaping, street furnishings, and/or vehicle use area components, and do not require any Deviation;
 - (f) Other classifications delegated to DDRB staff by DDRB; and
 - (g) Minor changes to applications previously approved by the DDRB.
2. *DDRB Review.*
 - (a) New construction;
 - (b) Major structural changes to exterior facade of existing structures;
 - (c) Signs that require a special sign exception pursuant to Section 656.1333(j) and comprehensive sign plans required by Section 656.1333(b)(2), which shall require only Final Approval by DDRB;
 - (d) Streetscape elements in constrained rights-of-ways where the generally required minimum Amenity Area, Pedestrian Clear Area, or Frontage Area is reduced in width, shared with the Vehicular Zone or encroaches on private property;
 - (e) Staff review classifications deemed appropriate by DDRB staff for review by the DDRB;
 - (f) Significant changes to applications previously approved by the DDRB, which shall require only Final Approval by DDRB; and
 - (g) DDRB shall have an opportunity to review and provide comments and recommendations for Capital Improvement Projects that are undertaken by, or on behalf of, the City, independent agencies, or the DIA that have a total cost greater than \$100,000, a useful life of more than ten years, and that do not require a Deviation or Special Exception. Such projects include, but are not limited to, streetscape projects, road narrowing or lane elimination projects, public buildings, and park or public space projects and do not include projects that are of a purely maintenance or utility infrastructure nature or that are otherwise listed herein as requiring staff review only.

E. *Staff Review.* Projects classified as "Staff Review Only" will be reviewed by DDRB staff and approved, approved with conditions, or denied within ten working days of submittal of a complete application. Staff will notify the applicant of an incomplete application within five days of receipt of the application.

F. *Procedures to be followed by the DDRB.*

1. Projects classified as "DDRB Review Required" will be considered by the DDRB at a scheduled meeting within 30 working days of submittal of a completed application at a scheduled monthly DDRB meeting. The applicant may present the project at the meeting.
2. The DDRB will review projects using a two-step process, except as otherwise provided in this Section. The first step is a Conceptual Approval, whereby the applicant's project will be reviewed and conceptually approved, conceptually approved with conditions or denied based upon the District Regulations, the Downtown Design Guidelines, and the Riverwalk Park Design Criteria, if applicable. The second step is a Final Approval, whereby the applicant brings the project back to DDRB within one year to be reviewed and approved, approved with conditions, or denied based upon the Regulations and applicable Guidelines. Prior to consideration by the DDRB for Final Approval, it is the intent of this Section that the application and project will have received such reviews and approvals as DDRB staff deems necessary so that the DDRB is presented at Final Approval with as complete a project as possible, considering all design, architectural, engineering, traffic, utilities, fire and life safety, environmental, historic, landscape and streetscape and any other site and project development issues which may be associated with completion of the proposed project.
3. For multi-phase projects consisting of construction or renovation of two or more separate buildings or structures, DDRB review shall be conducted as follows:
 - (a) The two-step process outlined in subparagraph (2), above, shall first be applied to conceptual and final approval of the overall development site and consider compliance of the overall site plan with the requirements contained in this Subpart H relating to view corridors, setbacks, heights, street closures, river views and encroachment. Furthermore, the DDRB shall also consider streetscape plans and landscaping plans, if such are available; and
 - (b) Following final approval of the overall site plan, the applicant shall then present the development or redevelopment plans for each building or structure contained in the multi-phase project for individual consideration by the DDRB using the two-step process contained in subparagraph (2), above. The DDRB shall also consider all aspects of the project requiring DDRB review and approval pursuant to this Subpart and not considered in the initial site plan approval process described in subpart (a), above.

The intent of this Section is to authorize the DDRB to consider those projects wherein an applicant proposes an overall site development consisting of multiple building development or redevelopment by first considering the overall site layout and cumulative impact of the entire project on surrounding properties and later considering design-type matters associated with the project's individual buildings.

4. The decision of the DDRB shall be reduced to writing within ten business days, and is effective upon execution by the Chair and the DDRB staff that prepared the written decision.
5. If a project is denied, the Chief Building Official shall not take any further action concerning the application.
6. Upon approval of a project with or without conditions by the DDRB, building permits shall be issued for development, subject to compliance with all applicable Building Code requirements, including any required conditions imposed by the DDRB. DDRB approvals shall be valid for one year from the date of approval, but may be extended upon written request to DDRB staff for just cause, but in no event shall an extension be granted for more than one additional year beyond the original approval date. DDRB approvals may be granted for longer periods of time, if the applicant is subject to a Redevelopment Agreement that incorporates:
 - (a) A performance schedule of completion for the project;

- (b) An allocation of development rights that is consistent with the Central Business District Future Land Use Category as described in the Future Land Use Element of the City's adopted Comprehensive Plan, the BID Plan, and the Public Facility Level of Service Standards identified in the Capital Improvements Element of the Comprehensive Plan; and
- (c) Applicant participation in the Mobility Plan prioritized projects for Downtown that are approved by DIA and City Council.

7. Any locally or federally designated landmark, building, structure, site, or structure or site within a locally or federally designated historic district within the Downtown Overlay Zone subject to review under Chapter 307 shall be governed by the provisions of Chapter 307, and the provisions of this Section shall apply to the extent they do not conflict with Chapter 307. These structures are exempt from DDRB Conceptual Review but are required to receive Final Approval by the DDRB after issuance of any required Certificates of Appropriateness.
8. No Certificate of Occupancy shall be issued by the Building Official until all requirements approved by the DDRB have been completed. The DDRB will review completed projects and will forward a letter to the Building Official indicating whether or not the project has met all of DDRB approved requirements within ten working days of completion of the project. The developer of the project will be required to notify DDRB staff of the completion of the project. Any changes to the approved plan shall be provided to the DDRB or its staff for review and further consideration. No modifications to DDRB approved projects and associated approved building plans shall be submitted to the Building Official for modification until such revised plans have been reviewed and approved by DDRB.

G. *Appeals of Overlay Regulation decisions.*

1. *Appeal of DDRB decision to DIA.*
 - (a) *Standing.* Except for DDRB decisions pertaining to zoning exceptions, zoning variances or zoning waivers, as outlined in Subpart D of Part 1 of the Zoning Code which are appealable only to the City Council pursuant to Section 656.148, any adversely affected person as defined in Section 656.1601, Ordinance Code, may appeal a final decision of the DDRB to the DIA.
 - (b) *Notice.* Notice of Appeal shall be provided to the DIA Executive Director, at the DIA office within 14 days of the effective date of the written decision. The Notice of Appeal shall be in a form created by the DIA in consultation with the Office of General Counsel. Timing and form of briefs and other papers shall be set out in the Notice of Appeal form.
 - (c) *Standard of Review.* The DIA's review of the appeal shall be a *de novo* review, without giving deference or weight to the decision of DDRB. DIA shall have the benefit of the record below and may include the same in its review as well as applicable law and additional testimony and evidence. The record shall include all evidence and testimony presented to the DDRB. The DIA may affirm, reverse or modify each written decision or it may remand the matter back to the DDRB with specific instructions for further action, by adopting a written order.
 - (d) *Procedural Matters.* The DIA shall have the authority to:
 - (1) Accept briefs and other papers to be filed on behalf of any party, provided all papers are submitted at or prior to the DIA hearing;
 - (2) Hear oral argument on behalf of any party;
 - (3) Adjourn, continue, or grant extensions of time for compliance with these rules, whether or not requested by a party, provided no requirement of law is violated;
 - (4) Dispose of procedural requests or similar matters including motions to amend and motions to consolidate;

- (5) Keep a record of all persons requesting notice of the decision in each case;
- (6) Grant withdrawal requests by the appellant; and
- (7) Enter into settlement agreements regarding the matter appealed, so long as there is no financial impact to the City.
- (8) Individually view the property which is the subject of the appeal.
- (9) Adopt appellate procedures similar to the procedures outlined in Sections 656.141 and 656.142, Ordinance Code.

(e) *Decision.* The DIA's decision shall be reduced to writing and shall become effective upon execution by the Chair and the DIA staff person that prepared the written decision.

2. *Appeal of DIA decision to City Council.*

- (a) *Standing.* Any adversely affected person may appeal a decision of the DIA to the City Council.
- (b) *Notice.* Notice of Appeal shall be provided to the Legislative Services Division within 14 days of the effective date of the DIA's written decision. The Notice of Appeal of DIA Decision shall be in a form created by the DIA in consultation with the Office of General Counsel. Timing and form of briefs and other papers shall be set out in the Notice of Appeal form. The Office of General Counsel shall prepare and file a Resolution on the appeal.
- (c) *Standard of Review.* The Council's review of the appeal shall be limited to a consideration of whether:
 - (1) the applicable design criteria contained in the Design Guidelines, the District Regulations and the Riverwalk Park Design Criteria (if applicable) were properly applied by the DDRB and the DIA;
 - (2) the decision was supported by competent, substantial evidence; and
 - (3) procedural due process was afforded.

The City Council shall have the authority to adopt the Procedural Matters listed above in subsection 656.361.7.G.1. in its determination.

(d) *Decision.* If the Council determines the criteria were properly applied, competent substantial evidence supported the decision, and procedural due process was afforded, it shall adopt a resolution to that effect. If the Council determines that the criteria were not properly applied, or the decision was not based upon competent substantial evidence, or procedural due process was not afforded, the Council shall enact a resolution remanding the matter back to the DIA or the DDRB for further consideration. The Council may suggest additional findings or give directions to the DIA or DDRB to assist it in effectively reconsidering the matter. Within ten working days of the Council's remand to the DIA or DDRB, the DIA or DDRB shall consider the matter and within five working days issue a written decision to the applicant and the appellant, with a copy to the Building Official, which shall be deemed to be the final decision of the City.

3. *Appeal of City Council decision to the Courts.* Due to the quasi-judicial and *de novo* nature of the review performed by the City Council, the review upon appeal should be limited to whether due process was afforded, and whether the City applied the correct law, or as otherwise stated, departed from the essential requirements of law.

(Ord. 2019-196-E, § 6; Ord. 2020-695-E, § 3; Ord. 2024-39-E, § 2)

Sec. 656.361.8. Deviations.

A. General Considerations.

1. The Form Regulations identify which body has authority to approve a Deviation from each Section thereof. The DDRB has the authority to grant Deviations for all Form Regulations in subsection 656.361.6.2 except as specified in subsection 656.361.6.2.H (Waterfront Design and River Views: setbacks, height and access corridors) and subsection 656.361.6.2.I (Creek Views and Creekfront Design), which require a final decision by the City Council for specified Deviations. Except as otherwise provided in this Section, any request for a Deviation, whether the final Deviation decision rests with the City Council or the DDRB, shall be heard by the DDRB initially in a Workshop format. Participation by an applicant in a Workshop requires that the designer(s) of the project present the need for the Deviation along with potential alternative design solutions.
2. The following requests for Deviation are exempt from the Workshop requirement, unless the project fronts the St. Johns River, Hogans Creek, or McCoy's Creek:
 - (a) Existing buildings, when the requested Deviation would not expand or intensify the non-conformity;
 - (b) Building entrance criteria for new construction; and
 - (c) Rooftop criteria for new construction.
3. The Zoning Administrator shall not have the authority to grant Administrative Deviations in the Overlay Zone.
4. Certain Form Regulations must be met in their entirety in order for an economic incentive of any kind to be granted to a development. Although Deviations may be granted for design so that the project may be constructed, this does not amount to "meeting" the Regulation in order to establish eligibility for the economic incentive. Approval of an economic incentive by the DIA for a project shall not be taken into consideration by the DDRB in their deliberations regarding the project's consistency with the Use or Form Regulations.
5. Approval by the DIA of an economic incentive assumes that the project will meet the Regulations as written, without a Deviation. See subsections 656.361.6.2.H and 656.361.6.2.I.
6. Deviations shall be approved by a 2/3 vote of the membership of the initial jurisdictional body, as well as any appellate procedure. Waiving this requirement shall be stated in the title of the resolution or ordinance pertaining to the Deviation, and shall adhere to the Council Rules regarding the waiver of an ordinance.
7. All Deviations must be based upon the General Deviation Criteria, in addition to any specific criteria contained in the Section pertinent to that Regulation. All of the General Deviation Criteria must be met, and an explanation of each must be provided by the developer/applicant. A separate positive determination must be made for each criterion by the reviewing body, based upon competent, substantial evidence, in order to grant the Deviation.

B. General Deviation Criteria.

1. The effect of the proposed Deviation is consistent with and furthers the objectives, policies, design and intentions of the BID Plan;
2. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish a substantial public benefit;

3. The proposed Deviation will not diminish property values in the area surrounding the site and will not interfere with or injure the rights of adjacent properties;
4. The request is not a self-imposed hardship;
5. The proposed reduction or Deviation will not be detrimental to the public health, safety or welfare, result in additional public expense or the creation of nuisances; and
6. Either there are unique site characteristics such as parcel shape, location, existing utility easements, etc. that prevent development consistent with these Regulations, OR strict compliance with these Regulations will cause undue economic hardship to the developer/applicant. Proof of undue economic hardship must include the following:
 - (a) Schematic design showing compliance with the Regulations;
 - (b) Schematic design proposed for the Deviation;
 - (c) Explanation of how the proposed design attempts to meet the Regulation, and how the cost to do so is prohibitive;
 - (d) An estimate, prepared by a credible professional in either the cost of construction or the loss of income:
 - (1) Cost of Construction: provided by a licensed contractor, appraiser, or credible professional experienced in the type of construction proposed, comparing the cost of construction to comply with the Regulations with the cost of the design proposed; or
 - (2) An estimate, prepared by a licensed appraiser or other credible professional, of the loss of income based upon compliance with the Regulations; and
 - (e) Complying with the Regulation must cost 50 percent or more than the cost to implement the proposed design.

(Ord. 2019-196-E, § 6; Ord. 2024-39-E, § 3)

Sec. 656.361.9. Downtown Development Review Board.

There is hereby established within the DIA, a Downtown Development Review Board (DDRB) to assist the DIA in its duties. The DDRB staff is housed within the DIA, thus "DDRB staff" and "DIA staff" may be used interchangeably. See also Section 55.110, Ordinance Code.

- A. *Membership.* The DDRB shall consist of 20 members, nine voting members and 11 ex officio members, who shall be appointed by the Mayor and confirmed by the City Council to serve staggered terms of two years. Members of the DDRB shall continue in office for the terms of their respective office or until their qualified successors have been appointed or confirmed. No member appointed to the committee for three consecutive full terms shall be eligible for appointment to the next succeeding term. At each regularly scheduled July meeting, the DDRB members shall elect a chairperson to serve as such for that annual term. In addition, there shall be 11 ex officio members who shall serve in connection with matters which require their technical or professional expertise. The DDRB shall consist of the following:
 1. *Voting members.* Voting members shall serve for a term of two years commencing on July 1. The architects, landscape architect and contractor, developer or realtor terms as listed in subsection 656.361.9(1)(a)–(c) shall commence in even years; and the downtown property owners' terms and the urban planners' terms as listed in subsection 656.361.9(1)(d) and (e) shall commence in odd years. Nothing herein shall effect partial terms or unexpired terms. Notwithstanding the above, these positions shall serve as follows:

- (a) Two architects, for an initial term of one year and thereafter for a two year term;
- (b) One landscape architect, for an initial term of one year and thereafter for a two year term;
- (c) One contractor, developer or realtor who does work within the downtown area, for an initial term of one year and thereafter for a term of two years;
- (d) Three downtown property owners or owners of or full time employees at a business or professional office as defined in Part 16 of this Chapter 656, located within the downtown area, for an initial term of two years; and
- (e) Two urban planners, for an initial term of two years;

2. *Ex officio nonvoting members:*

- (a) Building Official, or designee;
- (b) Traffic Engineer, or designee;
- (c) Director, DIA, or designee;
- (d) Director, Planning and Development Department, or designee;
- (e) The City Council President, or designee;
- (f) Chairman, Downtown Vision, Inc., or designee;
- (g) Director of the Jacksonville Transportation Authority, or designee;
- (h) Chairman, Jacksonville Waterways Commission, or designee;
- (i) Chairman, Jacksonville Historic Preservation Commission, or designee;
- (j) Chairman, First Coast Transportation Planning Organization, or designee, and
- (k) Chairman, Duval County School Board, or designee.
- (l) Each ex officio member shall become a member of the DDRB immediately upon assuming their office or position listed above and shall remain a member for as long as they continue to hold that office or position or until they designate in writing another individual.

B. *Organization and Proceedings.*

1. The DDRB shall adopt rules and procedures necessary for the conduct of its affairs. Five voting members shall constitute a quorum. With a quorum, the majority vote of those members present shall be necessary to take any action.
2. No member shall serve more than three consecutive full terms. A vacancy shall be filled in the same manner as the original appointment. All members shall serve without compensation.
3. Members shall continue in office for the term of their respective office, or until they are reappointed and confirmed, or until their qualified successors have been appointed and confirmed.
4. If any appointed member fails to attend three consecutive meetings without cause and prior approval of the chairman or for any other reason of just cause, that member shall be subject to removal by the Mayor.
5. Any member may resign from the DDRB by tendering a resignation in writing to the Office of the Mayor with a copy to the Chair of the DDRB and the DIA Director.

C. *Powers and Duties.* DIA shall have the responsibility and authority to approve any amendments to the Downtown Design Guidelines, recommend and review proposed changes to the Downtown District

Regulations, interpret the BID Plan, approve development and redevelopment projects within the Downtown Overlay Zone, and succeed to all of the powers of the former Downtown Development Authority.

In order to assist the DIA in carrying out this responsibility, the DDRB shall have the following powers and duties:

1. To review and make decisions with respect to all applications for development and redevelopment regarding use and form within the Downtown Overlay Zone to:
 - (a) To ensure consistency and compatibility of all proposed development and redevelopment with the BID Plan;
 - (b) To ensure consistency with the Central Business District Future Land Use Category as described in the Future Land Use Element of the City's adopted Comprehensive Plan and Public Facility Level of Service Standards identified in the Capital Improvements Element of the Comprehensive Plan; and
 - (c) To consider the design related issues of each application to ensure compliance with these Downtown District Regulations, the Downtown Design Guidelines, The Riverwalk Park Design Criteria, the Downtown Streetscape Design Guidelines, and all related approved design guidelines and standards, subject always to the ultimate authority of the DIA to interpret the BID Plan, the Downtown Overlay Zone, and Downtown Design Guidelines;
2. To periodically review and make recommendations as necessary to the DIA with respect to these Downtown District Regulations, the Downtown Design Guidelines, the Downtown Streetscape Design Guidelines, and the Riverwalk Park Design Criteria and related development standards and guidelines, including proposed amendments or revisions thereto. Any amendments to the Downtown Design Guidelines shall be recommended by the DDRB for adoption by the DIA. Any proposed amendments to the Downtown District Regulations, the Downtown Streetscape Design Guidelines, and the Riverwalk Park Design Criteria shall be recommended by the DDRB for recommendation to the DIA, who in turn may recommend to the City Council for adoption; and
3. To review and make decisions regarding requests for zoning exceptions, zoning variances, and other zoning requests, and to review and make recommendations regarding rezonings, including companion Future Land Use Map amendments, pertaining to properties located within the Downtown Overlay Zone that would otherwise be heard by the Planning Commission. However, the Planning Commission remains the Local Planning Agency for matters related to the Comprehensive Plan, including but not limited to Future Land Use Map and text amendments. For rezonings within the Downtown Overlay that have a companion Future Land Use Map amendment, both the Planning Commission and DDRB shall review and make recommendations to the City Council and the DIA, as the case may be; and
4. To hear appeals from decisions of the DDRB staff; and
5. To approve requests for Deviations from the Design Guidelines and the District Regulations, other than the Waterfront Design and Riverviews: setbacks, height and access corridors (subsection 656.361.6.2.H), and Creek Views and Creekfront Design (subsection 656.361.6.2.I) and Grid Pattern (subsection 656.361.6.2.E). With respect to Deviation requests from these subsections, the DDRB shall hear and make an advisory recommendation to City Council regarding such Deviation requests.

(Ord. 2019-196-E, § 6; Ord. 2020-695-E, § 3; Ord. 2022-383-E, § 1)

Secs. 656.361.10—656.361.26. Reserved.