

1 Introduced by Council Member Diamond:  
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4 **ORDINANCE 2026-**

5 AN ORDINANCE AMENDING SECTIONS  
6 656.101(DEFINITIONS) and 656.109(ADMINISTRATION  
7 AND ENFORCEMENT; INTERPRETATION OF ZONING CODE;  
8 ADMINISTRATIVE DEVIATIONS) PART 1, CHAPTER 656  
9 (ZONING CODE), *ORDINANCE CODE*; AMENDING SECTION  
10 656.720 (NONCONFORMING USE ADMINISTRATIVE  
11 DEVIATION), PART 7 (NONCONFORMING LOTS, USES AND  
12 STRUCTURES), CHAPTER 656 (ZONING CODE),  
13 *ORDINANCE CODE*; PROVIDING FOR CODIFICATION  
14 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.  
15

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

17 **Section 1. Amending Section 656.101 (Definitions), Part 1,**  
18 **Chapter 656 (Zoning Code), *Ordinance Code*.** Section 656.101  
19 (Definitions), Part 1 (Schedule of District Regulations), Chapter 656  
20 (Zoning Code), *Ordinance Code*, is hereby amended to read as follows:  
21

22 **CHAPTER 656 - ZONING CODE**

23 \* \* \*

24 **PART 1. - Definitions**

25 \* \* \*

26 **For purposes of Part 1, certain terms and words are defined as follows:**

27 (a) *Administrative deviation* means a relaxation of the  
28 following Zoning Code requirements: minimum lot area, required  
29 yards, increase the maximum number of parking spaces allowed so  
30 long as the landscaping is not also reduced and a professional  
31 study is performed and approved by the Department, minimum

1 number of required off-street parking spaces, minimum  
2 landscaping requirements, maximum lot coverage and maximum  
3 height of structures, including fences, that the ~~Zoning~~  
4 ~~Administrator~~ Department is authorized to grant pursuant to the  
5 procedures set forth in Section 656.109(e) through (j).  
6 Requests to modify lot requirements so as to increase the  
7 permitted density of multiple-family dwellings are specifically  
8 prohibited. However, for a maximum of two dwellings or two  
9 contiguous lots, an application may be made to decrease the lot  
10 width, pursuant to criteria in Sec. 656.109.

11 \* \* \*

12 (m) *Zoning Administrator* means the Zoning Administrator,  
13 Planning and Development Department. The Zoning Administrator  
14 has the authority to ~~grant administrative deviations and~~ issue  
15 written zoning verifications, to accept applications for  
16 rezonings, variances, exceptions, waivers and administrative  
17 deviations, and such other duties as are set forth in the Zoning  
18 Code or may be delegated by the Director from time to time.

19 \* \* \*

20 **Sec. 656.109. - Administration and enforcement; interpretation of**  
21 **Zoning Code; administrative deviations.**

22 \* \* \*

23 (c) Applications for rezonings and administrative deviations  
24 shall be made to the Department as provided herein. Applications  
25 for zoning exceptions, variances and waivers shall be made as  
26 provided in subpart D. Requests for administrative deviations  
27 for properties located within the Downtown Overlay Zone, as  
28 defined in Section 656.361.2 shall be processed as a deviation  
29 from standards pursuant to Section 656.361.22.

30 ~~The Zoning Administrator, or if absent, as designated by~~  
31 ~~the~~ Department, is authorized to administratively grant

1 administrative deviations in areas outside of the Downtown  
2 Overlay Zone as defined in Section 55.105, to do the following:

- 3 (1) Reduce minimum lot area and required yards,
- 4 (2) Reduce the minimum number of required off-street  
5 parking spaces,
- 6 (3) Reduce the minimum landscaping requirements,
- 7 (4) Increase the maximum lot coverage,
- 8 (5) Adjust areas of situational compatibility buffer  
9 requirements, set forth in Section 656.399.19,
- 10 (6) Adjust required driveway aisle widths,
- 11 (7) Increase the allowable maximum height of structures,  
12 including fences,
- 13 (8) Increase the maximum number of off-street parking  
14 spaces so long as the landscaping is not also reduced and a  
15 professional study indicating that more spaces are  
16 warranted is performed and approved by the Department, and
- 17 (9) Decrease lot width so long as at least 80 percent of  
18 the existing context development pattern is similar.

19 (e) Applications for an administrative deviation shall be in  
20 writing on the forms prescribed by the Department, and filed with  
21 the Department together with the required number of copies and  
22 all required attachments. Upon receipt of the application, the  
23 ~~Zoning Administrator~~ the Department shall determine whether the  
24 application is complete within five working days. If it is  
25 determined that the application is not complete, written notice  
26 shall be provided to the applicant specifying the deficiencies.  
27 The ~~Zoning Administrator~~ Department shall take no further  
28 action on the application until the deficiencies are remedied.  
29 When the application is determined to be complete, all fees must  
30 be paid. Once an application is deemed complete, a summary of the  
31 administrative deviation requested shall be mailed to all

1 property owners within three (300) hundred feet of the property  
2 subject to the application. The notice shall provide directions  
3 on where a copy of the full application can be obtained and where  
4 comments and objections can be sent.

5 (f) The Department shall render a written decision on the  
6 application within thirty (30) days of receipt of a complete  
7 application based upon the criteria set forth herein. Failure to  
8 render a decision within this timeframe shall mean that the  
9 application is granted. The Zoning Administrator shall schedule  
10 the application for a hearing within 30 days after the completed  
11 application has been filed. Upon establishment of a hearing  
12 date, notice of hearing shall be given pursuant to the written  
13 notice and posting of sign requirements of Section 656.137(a)  
14 and (c). No published advertisement shall be required.

15 (g) ~~To the maximum extent practicable, the hearings shall be~~  
16 ~~informal. All hearings shall be recorded on tape by the~~  
17 ~~Department. All hearings shall be conducted by the Zoning~~  
18 ~~Administrator. Written reports containing findings and a~~  
19 ~~recommendation shall be prepared by the Department staff and~~  
20 ~~transmitted to the Zoning Administrator at least five days in~~  
21 ~~advance of the hearing.~~

22 (h) (g) In order to authorize an administrative deviation, the  
23 Zoning Administrator Department shall first determine whether  
24 the need for the proposed deviation arises out of the physical  
25 surroundings, shape, topographic condition or other physical or  
26 environmental conditions that are limited to the specific  
27 property involved. If so, the Zoning Administrator Department  
28 shall make the required findings based on the granting of the  
29 administrative deviation for that property alone. If, however,  
30 the condition is common to numerous sites, so that requests for  
31 similar deviations are likely to be received, the Zoning

1 ~~Administrator~~ Department shall make the required findings based  
2 on the cumulative effect of granting the deviation to all who may  
3 apply. The ~~Zoning Administrator~~ Department shall not grant an  
4 administrative deviation unless he or she makes a positive  
5 finding, based on substantial competent evidence presented in  
6 the application, on ~~each~~ any one of the following criteria:

7 (1) There are practical or economic difficulties in  
8 carrying out the strict letter of the regulation;

9 (2) The request is not based exclusively upon a desire  
10 to reduce the cost of developing the site, but would  
11 accomplish some result that is in the public interest, such  
12 as, for example, furthering the preservation of natural  
13 resources by saving a tree or trees.

14 (3) The proposed deviation will not substantially  
15 diminish property values in, nor alter the essential  
16 character of, the area surrounding the site and will not  
17 substantially interfere with or injure the rights of others  
18 whose property would be affected by the deviation;

19 (4) The proposed deviation will not be detrimental to  
20 the public health, safety or welfare, result in additional  
21 public expense, the creation of nuisances, or conflict with  
22 any other applicable law;

23 (5) The proposed deviation has been recommended by a  
24 City landscape architect, if the deviation is to reduce  
25 required landscaping; and

26 (6) The effect of the proposed deviation is in harmony  
27 with the spirit and intent of the Zoning Code.

28 If the deviation is proposed to correct an existing  
29 violation, the ~~Zoning Administrator~~ Department shall also  
30 consider the following factors:

31 (i) Whether the violation was created by the

1 applicant with intent to violate the provisions  
2 of this Zoning Code;

3 (ii) The length of time the violation has existed  
4 without receiving a citation; and

5 (iii) Whether the violation occurred as a result of  
6 construction which occurred prior to the  
7 acquisition of the property by the applicant.

8 If the proposed deviation is for a parcel located in the  
9 Riverside/Avondale Zoning Overlay district, the ~~Zoning~~  
10 ~~Administrator~~ Department must also make a positive finding that  
11 the request has 1) received a certificate of appropriateness, if  
12 required by Chapter 307 (Historic Preservation and Protection),  
13 2) is necessary due to a requirement of Chapter 307 (Historic  
14 Preservation and Protection), if applicable, 3) required by  
15 federal or State law, if applicable, or 4) necessary to preserve  
16 and protect an exceptional specimen tree, protected tree or  
17 wetlands, if applicable. However, ~~the Zoning Administrator~~  
18 ~~Department~~ may authorize an Administrative Deviation prior to  
19 issuance of a Certificate of Appropriateness, even if a  
20 Certificate of Appropriateness is required, if, for good cause  
21 described in writing and filed in the Administrative Deviation  
22 application file and the Certificate of Appropriateness  
23 application file, it is determined by the Director that the  
24 Administrative Deviation application may be heard prior to the  
25 issuance of a Certificate of Appropriateness.

26  
27 ~~(i)(h) After the hearing, the Zoning Administrator shall~~  
28 ~~prepare a written order approving or denying the application for~~  
29 ~~an administrative deviation, which order shall include: a~~  
30 ~~summary of the evidence presented, findings of fact, conclusions~~  
31 ~~of law, a finding of compliance or a finding on all points of~~

1 ~~noncompliance with the Comprehensive Plan and the reasons for~~  
2 ~~the decision, including conditions, if any.~~ The written order  
3 approving or denying the application shall be executed by the  
4 ~~Zoning Administrator~~ and the Director within ~~21 days of the~~  
5 hearing thirty (30) days of receipt of a completed application.  
6 A copy shall be transmitted to all persons who live within three  
7 hundred feet of the property subject to the application ~~appeared~~  
8 ~~before the Zoning Administrator~~ or filed a written response to  
9 the application. The written order granting or denying the  
10 administrative deviation, executed by both the Zoning  
11 Administrator and the Director, shall be effective 15 days after  
12 the execution thereof, unless appealed pursuant to the  
13 provisions of Section 656.109(j) below.

14 ~~(j)(i)~~ Any adversely affected person may appeal a written  
15 order granting or denying an administrative deviation to the  
16 Commission by filing a Notice of Appeal together with the  
17 required fee as specified in Section 656.147, with the  
18 Department within 14 days of the execution of the written order.  
19 The Director shall set the matter for hearing within 21 days of  
20 the Notice of Appeal and shall notify the appellant and all  
21 persons who received notice ~~appeared before the Zoning~~  
22 ~~Administrator~~ or filed a written response to the application.

23 ~~(k)(j)~~ The Commission's review of the appeal shall be de novo  
24 ~~limited to a consideration of whether the administrative~~  
25 ~~deviation criteria were properly considered and applied by the~~  
26 ~~Zoning Administrator to the facts presented.~~

27 ~~(l)(k)~~ If the Commission determines the criteria were  
28 properly applied by the Department Zoning Administrator, the  
29 Department shall issue a letter within five days from the date of  
30 the Commission's determination confirming the decision. A copy  
31 of the letter shall be transmitted to all persons who were

1 notified of the appeal, and shall be deemed to be the final  
2 decision of the City concerning the administrative deviation  
3 unless said decision is appealed to the City Council per the  
4 provisions in Section 656.140-656.149.

5 ~~(m)(l)~~ If the Commission determines the criteria were not  
6 properly applied, the Commission may grant the appeal which  
7 shall constitute approval of the administrative deviation shall  
8 ~~remand the matter back to the Zoning Administrator for further~~  
9 ~~review. The Commission may suggest additional findings or give~~  
10 ~~directions to the Zoning Administrator in order to assist the~~  
11 ~~Zoning Administrator in effectively reconsidering the matter.~~  
12 ~~Within ten days of the Commission's remand, the Zoning~~  
13 ~~Administrator shall issue a written decision. A copy of the~~  
14 ~~written decision of the Commission subsequent to the remand~~  
15 ~~shall be transmitted to all persons who were notified of the~~  
16 ~~appeal. The written Commission's decision subsequent to the~~  
17 ~~remand shall be deemed to be the final decision of the City~~  
18 unless said decision is appealed to the City Council per the  
19 provisions in Section 656.140-656.149.

20 \* \* \*

21 **Section 2. Amending Section 656.720 (Nonconforming Use**  
22 **Administrative Deviation), Part 7 (Nonconforming Lots, Uses and**  
23 **Structures), Chapter 656 (Zoning Code), Ordinance Code.** Section  
24 656.720 (Nonconforming Use Administrative Deviation), Part 7  
25 (Nonconforming Lots, Uses and Structures), Chapter 656 (Zoning Code),  
26 *Ordinance Code*, is hereby amended to read as follows:

27 **CHAPTER 656 - ZONING CODE**

28 \* \* \*

29 **PART 7. - NONCONFORMING LOTS, USES AND STRUCTURES**

30 \* \* \*

31 **Sec. 656.720. - Nonconforming Use Administrative Deviation.**

1 (a) The ~~Department Zoning Administrator, or if absent, as~~  
2 ~~designated by the Director,~~ is authorized to grant nonconforming  
3 use administrative deviations in areas outside of the Downtown  
4 Overlay Zone as defined in Section 55.105, pursuant to this  
5 Section, notwithstanding any other provision of this Chapter.  
6 The procedures for administrative deviations in Part 1 of this  
7 Chapter shall apply to nonconforming use administrative  
8 deviations pursuant to this Section, except as modified by this  
9 Section.

10 (b) The property and use shall meet the following application  
11 requirements:

12 (1) The property shall be less than one acre.

13 (2) Development on the property shall not exceed the  
14 impervious surface limits in this Chapter for the Zoning  
15 District with similar uses. An applicant may propose  
16 modifications to the property in the application to meet  
17 this requirement.

18 (3) The property shall have been used for the  
19 nonconforming use at some point prior to April 25, 1991.

20 (4) The nonconforming use requested shall be the same  
21 nonconforming use that existed at some point prior to April  
22 25, 1991.

23 (5) The nonconforming use shall not be an industrial use  
24 or any use for the sale or service of alcoholic beverages,  
25 including liquor, beer or wine.

26 (6) The nonconforming use shall be an authorized use in  
27 the property's current future land use category pursuant to  
28 the comprehensive plan.

29 (c) In order to authorize a nonconforming use administrative  
30 deviation, the ~~Zoning Administrator~~ Department shall first  
31 determine whether the application meets the application

1 requirements in subsection (b). The ~~Zoning Administrator~~  
2 Department shall not grant a nonconforming use administrative  
3 deviation unless the ~~Zoning Administrator~~ Department makes a  
4 positive finding, based on the substantial competent evidence,  
5 on each of the following criteria. The ~~Zoning Administrator~~  
6 Department may impose conditions or restrictions to mitigate  
7 impacts of the nonconforming use.

8 (1) The request is not based exclusively upon a desire  
9 to reduce the cost of developing the site, but would  
10 accomplish some result that is in the public interest, such  
11 as, for example, providing services that are not readily  
12 available (food desert, medical services, social  
13 services), or serving a cultural, historic, or artistic  
14 purpose in the neighborhood.

15 (2) The nonconforming use will not substantially  
16 diminish property values in, nor alter the essential  
17 character of, the area surrounding the site and will not  
18 substantially interfere with or injure the rights of others  
19 whose property would be affected by the deviation.

20 (3) The nonconforming use will not be detrimental to the  
21 public health, safety or welfare, result in additional  
22 public expense, the creation of nuisances, or conflict with  
23 any other applicable law.

24 (4) The nonconforming use can be made personal to the  
25 applicant (non-transferable).

26 \* \* \*

27 **Section 3. Codification Instructions.** The Codifier and the  
28 Office of General Counsel are authorized to make all chapter and  
29 division "tables of contents" consistent with the changes set forth  
30 herein. Such editorial changes and any other necessary to make the  
31 *Ordinance Code* consistent with the intent of this legislation are

1 approved and directed herein, and changes to the *Ordinance Code* shall  
2 be made forthwith and when inconsistencies are discovered.

3       **Section 4.       Effective Date.** This Ordinance shall become  
4 effective upon signature by the Mayor or upon becoming effective  
5 without the Mayor's signature.

6  
7 Form Approved:

8  
9           /s/ Terrence Harvey          

10 Office of General Counsel

11 Legislation Prepared By: Terrence L. Harvey

12 input.docx