

1 Introduced and amended by the Land Use and Zoning Committee:  
2  
3

4 **ORDINANCE 2022-893-E**

5 AN ORDINANCE REZONING APPROXIMATELY 14.98± ACRES  
6 LOCATED IN COUNCIL DISTRICT 12 AT 5175 JUSTAMERE  
7 ROAD, BETWEEN 103RD STREET AND MAGNOLIA HILLS  
8 DRIVE (R.E. NO. 012966-0100), OWNED BY RICARDO  
9 RAMON AND RACHAEL D. RAMON, AS DESCRIBED HEREIN,  
10 FROM COMMERCIAL OFFICE (CO) DISTRICT,  
11 RESIDENTIAL LOW DENSITY-100B (RLD-100B) DISTRICT  
12 AND PLANNED UNIT DEVELOPMENT (PUD) DISTRICT  
13 (1987-871-E) TO PLANNED UNIT DEVELOPMENT (PUD)  
14 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
15 ZONING CODE, TO PERMIT UP TO 209 TOWNHOMES, AS  
16 DESCRIBED IN THE JUSTAMERE PUD, PURSUANT TO  
17 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE  
18 AMENDMENT APPLICATION NUMBER L-5756-22C; PUD  
19 SUBJECT TO CONDITIONS; PROVIDING A DISCLAIMER  
20 THAT THE REZONING GRANTED HEREIN SHALL NOT BE  
21 CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
22 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.  
23

24 **WHEREAS,** the City of Jacksonville adopted a Small-Scale  
25 Amendment to the *2030 Comprehensive Plan* for the purpose of revising  
26 portions of the Future Land Use Map series (FLUMs) in order to ensure  
27 the accuracy and internal consistency of the plan, pursuant to  
28 companion application L-5756-22C; and

29 **WHEREAS,** in order to ensure consistency of zoning district with  
30 the *2030 Comprehensive Plan* and the adopted companion Small-Scale  
31 Amendment L-5756-22C, an application to rezone and reclassify from

1 Commercial Office (CO) District, Residential Low Density-100B (RLD-  
2 100B) District and Planned Unit Development (PUD) District (1987-871-  
3 E) to Planned Unit Development (PUD) District was filed by William  
4 Michaelis, Esq., on behalf of the owners of approximately 14.98± acres  
5 of certain real property in Council District 12, as more particularly  
6 described in Section 1; and

7 **WHEREAS**, the Planning and Development Department, in order to  
8 ensure consistency of this zoning district with the *2030 Comprehensive*  
9 *Plan*, has considered the rezoning and has rendered an advisory  
10 opinion; and

11 **WHEREAS**, the Planning Commission has considered the application  
12 and has rendered an advisory opinion; and

13 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due  
14 notice, held a public hearing and made its recommendation to the  
15 Council; and

16 **WHEREAS**, the City Council, after due notice, held a public  
17 hearing, and taking into consideration the above recommendations as  
18 well as all oral and written comments received during the public  
19 hearings, the Council finds that such rezoning is consistent with the  
20 *2030 Comprehensive Plan* adopted under the comprehensive planning  
21 ordinance for future development of the City of Jacksonville; and

22 **WHEREAS**, the Council finds that the proposed PUD does not affect  
23 adversely the orderly development of the City as embodied in the  
24 *Zoning Code*; will not affect adversely the health and safety of  
25 residents in the area; will not be detrimental to the natural  
26 environment or to the use or development of the adjacent properties  
27 in the general neighborhood; and the proposed PUD will accomplish the  
28 objectives and meet the standards of Section 656.340 (Planned Unit  
29 Development) of the *Zoning Code* of the City of Jacksonville; now,  
30 therefore

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

1           **Section 1.           Subject Property Location and Description.** The  
2 approximately 14.98± acres are located in Council District 12 at 5175  
3 Justamere Road, between 103<sup>rd</sup> Street and Magnolia Hills Drive (R.E.  
4 No. 012966-0100), as more particularly described in **Exhibit 1**, dated  
5 September 13, 2022, and graphically depicted in **Exhibit 2**, both of  
6 which are attached hereto and incorporated herein by this reference  
7 (the "Subject Property").

8           **Section 2.           Owner and Applicant Description.** The Subject  
9 Property is owned by Ricardo Ramon and Rachael D. Ramon. The  
10 applicant is William Michaelis, Esq., 1301 Riverplace Boulevard,  
11 Suite 1500, Jacksonville, Florida 32207; (904) 346-5914.

12           **Section 3.           Property Rezoned.** The Subject Property,  
13 pursuant to adopted companion Small-Scale Amendment Application L-  
14 5756-22C, is hereby rezoned and reclassified from Commercial Office  
15 (CO) District, Residential Low Density-100B (RLD-100B) District and  
16 Planned Unit Development (PUD) District (1987-871-E) to Planned Unit  
17 Development (PUD) District. This new PUD district shall generally  
18 permit up to a maximum of 209 townhomes, and is described, shown and  
19 subject to the following documents, attached hereto:

20 **Exhibit 1**- Legal Description dated September 13, 2022.

21 **Exhibit 2** - Subject Property Map.

22 **Exhibit 3** - Written Description dated November 14, 2022.

23 **Exhibit 4** - Site Plan dated November 11, 2022.

24           **Section 4.           Rezoning Approved Subject to Conditions.** This  
25 rezoning is approved subject to the following conditions. Such  
26 conditions control over the Written Description and the Site Plan and  
27 may only be amended through a rezoning:

28           (1) No parking shall be created or constructed in the City  
29 right-of-way, unless otherwise approved by the Planning and  
30 Development Department.

31           (2) Streets dedicated to the City of Jacksonville shall

1 terminate in a city standard cul-de-sac as required by Chapter 654,  
2 *Ordinance Code*, unless otherwise approved by the Planning and  
3 Development Department.

4       **Section 5. Contingency.** This rezoning shall not become  
5 effective until thirty-one (31) days after adoption of the companion  
6 Small-Scale Amendment; and further provided that if the companion  
7 Small-Scale Amendment is challenged by the state land planning agency,  
8 this rezoning shall not become effective until the state land planning  
9 agency or the Administration Commission issues a final order  
10 determining the companion Small-Scale Amendment is in compliance with  
11 Chapter 163, *Florida Statutes*.

12       **Section 6. Disclaimer.** The rezoning granted herein  
13 shall not be construed as an exemption from any other applicable  
14 local, state, or federal laws, regulations, requirements, permits or  
15 approvals. All other applicable local, state or federal permits or  
16 approvals shall be obtained before commencement of the development  
17 or use and issuance of this rezoning is based upon acknowledgement,  
18 representation and confirmation made by the applicant(s), owner(s),  
19 developer(s) and/or any authorized agent(s) or designee(s) that the  
20 subject business, development and/or use will be operated in strict  
21 compliance with all laws. Issuance of this rezoning does not approve,  
22 promote or condone any practice or act that is prohibited or  
23 restricted by any federal, state or local laws.

24       **Section 7. Effective Date.** The enactment of this Ordinance  
25 shall be deemed to constitute a quasi-judicial action of the City  
26 Council and shall become effective upon signature by the Council  
27 President and the Council Secretary.

1 Form Approved:

2

3           /s/ Mary E. Staffopoulos          

4 Office of General Counsel

5 Legislation Prepared By: Erin Abney

6 GC-#1548472-v1-2022-893-E.docx