

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

3  
4  
5 **ORDINANCE 2019-03-E**

6 AN ORDINANCE REZONING APPROXIMATELY 6.16± ACRES,  
7 LOCATED IN COUNCIL DISTRICT 2 AT 0 DUNN CREEK  
8 ROAD, BETWEEN NEW BERLIN ROAD AND ARENDS ROAD  
9 (R.E. NO. 106509-0010), AS DESCRIBED HEREIN,  
10 OWNED BY OCEANWAY PROPERTY DEVELOPMENT, LLC, FROM  
11 RESIDENTIAL LOW DENSITY-100A (RLD-100A) DISTRICT  
12 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS  
13 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO  
14 PERMIT COMMERCIAL USES, AS DESCRIBED IN THE DUNN  
15 CREEK ROAD PUD, PURSUANT TO FUTURE LAND USE MAP  
16 SERIES (FLUMS) SMALL-SCALE AMENDMENT APPLICATION  
17 NUMBER L-5321-18C; PUD SUBJECT TO CONDITION;  
18 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED  
19 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION  
20 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN  
21 EFFECTIVE DATE.

22  
23 **WHEREAS**, the City of Jacksonville adopted a Small-Scale Amendment  
24 to the *2030 Comprehensive Plan* for the purpose of revising portions of  
25 the Future Land Use Map series (FLUMs) in order to ensure the accuracy  
26 and internal consistency of the plan, pursuant to application L-5321-  
27 18C and companion land use Ordinance 2019-02; and

28 **WHEREAS**, in order to ensure consistency of the zoning district  
29 with the *2030 Comprehensive Plan* and the adopted companion Small-Scale  
30 Amendment L-5321-18C, an application to rezone and reclassify from  
31 Residential Low Density-100A (RLD-100A) District to Planned Unit

1 Development (PUD) District, was filed by Emily Pierce, Esq., on behalf  
2 of Oceanway Property Development, LLC, the owner of approximately 6.16±  
3 acres of certain real property in Council District 2, as more  
4 particularly described in Section 1; and

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

9 **WHEREAS**, the Planning Commission has considered the application  
10 and has rendered an advisory opinion; and

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

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

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

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

29 **Section 1. Subject Property Location and Description.** The  
30 approximately 6.16± acres (R.E. No. 106509-0010) is located in Council  
31 District 2 at 0 Dunn Creek Road, between New Berlin Road and Arends

1 Road, as more particularly described in **Exhibit 1**, dated October 25,  
2 2018, **attached hereto** and incorporated herein by this reference  
3 (Subject Property).

4 **Section 2. Owner and Applicant Description.** The Subject  
5 Property is owned by Oceanway Property Development, LLC, and is legally  
6 described in **Exhibit 1, attached hereto.** The agent is Emily Pierce,  
7 Esq., 1301 Riverplace Boulevard, Suite 1500, Jacksonville, Florida  
8 32207; (904) 346-5787.

9 **Section 3. Property Rezoned.** The Subject Property, pursuant  
10 to adopted companion Small-Scale Amendment L-5321-18C, is hereby  
11 rezoned and reclassified from Residential Low Density-100A (RLD-100A)  
12 District to Planned Unit Development (PUD) District. This new PUD  
13 district shall generally permit commercial uses, and is described,  
14 shown and subject to the following **attached** documents:

15 **Exhibit 1** - Legal Description dated October 25, 2018.

16 **Exhibit 2** - Subject Property per P&DD.

17 **Exhibit 3** - Written Description dated May 6, 2019.

18 **Exhibit 4** - Site Plan dated March 12, 2019.

19 **Section 4. Rezoning Approved Subject to Condition.** This  
20 rezoning is approved subject to the following condition. Such  
21 condition shall control over the Written Description and Site Plan and  
22 may only be amended through a rezoning.

23 (1) The developer, or its successors, shall provide vehicular  
24 interconnectivity between the proposed development and the property  
25 (R.E. No. 106509-0100) immediately south of the subject PUD. The  
26 location shall be determined by the Planning and Development Department  
27 at the time of verification of substantial compliance.

28 **Section 5. Contingency.** This rezoning shall not become  
29 effective until 31 days after adoption of the companion Small-Scale  
30 Amendment unless challenged by the state land planning agency; and  
31 further provided that if the companion Small-Scale Amendment is

1 challenged by the state land planning agency, this rezoning shall not  
2 become effective until the state land planning agency or the  
3 Administration Commission issues a final order determining the  
4 companion Small-Scale Amendment is in compliance with Chapter 163,  
5 *Florida Statutes*.

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

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

22  
23 Form Approved:

24  
25           /s/ Shannon K. Eller          

26 Office of General Counsel

27 Legislation Prepared By: Bruce Lewis

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