

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

4 **ORDINANCE 2019-498-E**

5 AN ORDINANCE REZONING APPROXIMATELY 16.85±
6 ACRES, LOCATED IN COUNCIL DISTRICT 11 AT 0
7 KERNAN BOULEVARD SOUTH, BETWEEN BEACH
8 BOULEVARD AND KERNAN BOULEVARD SOUTH (R.E. NO.
9 167065-0220), AS DESCRIBED HEREIN, OWNED BY
10 THE TRIANGLE LAND TRUST, FROM PLANNED UNIT
11 DEVELOPMENT (PUD) DISTRICT (2005-288-E) TO
12 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
13 DEFINED AND CLASSIFIED UNDER THE ZONING CODE,
14 TO PERMIT A BORROW PIT AND POND, AS DESCRIBED
15 IN THE SOUTHWEST BEACH AND KERNAN BORROW PIT
16 PUD; PUD SUBJECT TO CONDITIONS; PROVIDING A
17 DISCLAIMER THAT THE REZONING GRANTED HEREIN
18 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM
19 ANY OTHER APPLICABLE LAWS; PROVIDING AN
20 EFFECTIVE DATE.
21

22 **WHEREAS**, the Triangle Land Trust, the owner of approximately
23 16.85± acres, located in Council District 11 at 0 Kernan Boulevard
24 South, between Beach Boulevard and Kernan Boulevard South (R.E. No.
25 167065-0220), as more particularly described in **Exhibit 1**, dated
26 June 13, 2019, and graphically depicted in **Exhibit 2**, both of which
27 are **attached hereto** and incorporated herein by this reference
28 (Subject Property), has applied for a rezoning and reclassification
29 of that property from Planned Unit Development (PUD) (2005-288-E)
30 District to Planned Unit Development (PUD) District, as described
31 in Section 1 below; and

1 **WHEREAS**, the Planning Commission has considered the
2 application and has rendered an advisory opinion; and

3 **WHEREAS**, the Land Use and Zoning Committee, after due notice
4 and public hearing, has made its recommendation to the Council; and

5 **WHEREAS**, the Council finds that such rezoning is: (1)
6 consistent with the *2030 Comprehensive Plan*; (2) furthers the
7 goals, objectives and policies of the *2030 Comprehensive Plan*; and
8 (3) is not in conflict with any portion of the City's land use
9 regulations; and

10 **WHEREAS**, the Council finds the proposed rezoning does not
11 adversely affect the orderly development of the City as embodied in
12 the Zoning Code; will not adversely affect the health and safety of
13 residents in the area; will not be detrimental to the natural
14 environment or to the use or development of the adjacent properties
15 in the general neighborhood; and will accomplish the objectives and
16 meet the standards of Section 656.340 (Planned Unit Development) of
17 the Zoning Code; now, therefore

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

19 **Section 1. Property Rezoned.** The Subject Property is
20 hereby rezoned and reclassified from Planned Unit Development (PUD)
21 District (2005-288-E) to Planned Unit Development (PUD) District.
22 This new PUD district shall generally permit a borrow pit and pond,
23 and is described, shown and subject to the following attached
24 documents:

25 **Exhibit 1** - Legal Description dated June 13, 2019.

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

27 **Exhibit 3** - Written Description dated June 12, 2019.

28 **Exhibit 4** - Site Plan dated June 13, 2019.

29 **Section 2. Rezoning Approved Subject to Conditions.** This
30 rezoning is approved subject to the following conditions. Such
31 conditions shall control over the Written Description and the Site

1 Plan and may only be amended through a rezoning.

2 (1) Excavation shall be conducted between 7:00 a.m. and 6:00
3 p.m. on Monday through Friday, and between 7:00 a.m. and 12:00 p.m.
4 on Saturday. No excavation shall be conducted on Sunday.

5 (2) Excavation operations shall permanently cease no later
6 than two (2) years from the effective date of this rezoning.

7 (3) The borrow pit shall be excavated in a manner consistent
8 with the provisions set forth in Section 656.905(b) of the Zoning
9 Code.

10 (4) Prior to excavation, the owner or lessee of land
11 containing the borrow pit shall construct and maintain substantial
12 fences with locking gates not less than six feet in height at all
13 points of access to the excavations with durable warning signs
14 posted thereon not more than 200 feet apart bearing the words
15 DANGER and NO TRESPASSING in letters not less than six inches in
16 height, which shall be maintained by the owner or lessee so as to
17 be clearly legible.

18 (5) The owner shall submit plans at the time of Verification
19 of Substantial Compliance to the Planning & Development Department
20 for review and approval which show:

21 (a) An uncomplementary landscape buffer meeting Section
22 656.1216 (b)&(c) of the Zoning Code, installed and maintained where
23 the borrow pit abuts the south, east and west property lines.

24 (b) The minimum distance from land under different
25 ownership or a public right-of-way and the borrow pit top of the
26 bank shall be 25 feet, or the depth of the excavation, whichever is
27 greater.

28 (c) A tree mitigation plan meeting Sections 656.1206 and
29 656.1207 of the Zoning Code.

30 (d) A detailed site plan demonstrating that the proposed
31 borrow pit will not be constructed within the boundaries of the MDR

1 Functional Land Use Category or Category II Wetlands.

2 (6) Upon completion of the excavation, the Subject Property
3 owner/developer shall restore the vegetative buffer along Kernan
4 Boulevard at any point where clearing permits unobscured visibility
5 into the site. The restoration of such areas may include fencing
6 of entry points, fencing along the right-of-way, or a combination
7 of vegetative materials and screening, as approved by the Planning
8 and Development Department.

9 (7) Prior to the first final inspection within any phase of
10 development, the owner or their agent shall submit to the Planning
11 and Development Department for its review and approval either: (a)
12 an affidavit documenting that all conditions to the development
13 order have been satisfied, or (b) a detailed agreement for the
14 completion of all conditions to the development order.

15 **Section 3. Owner and Description.** The Subject Property
16 is owned by the Triangle Land Trust, and is legally described in
17 **Exhibit 1, attached hereto.** The agent is Eric Sloan, 1 Sleiman
18 Parkway, Suite 100, Jacksonville, Florida 32216; (904) 731-4875.

19 **Section 4. Disclaimer.** The rezoning granted herein
20 shall not be construed as an exemption from any other applicable
21 local, state, or federal laws, regulations, requirements, permits
22 or approvals. All other applicable local, state or federal permits
23 or approvals shall be obtained before commencement of the
24 development or use and issuance of this rezoning is based upon
25 acknowledgement, representation and confirmation made by the
26 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
27 or designee(s) that the subject business, development and/or use
28 will be operated in strict compliance with all laws. Issuance of
29 this rezoning does not approve, promote or condone any practice or
30 act that is prohibited or restricted by any federal, state or local
31 laws.

1 **Section 5. Effective Date.** The enactment of this
2 Ordinance shall be deemed to constitute a quasi-judicial action of
3 the City Council and shall become effective upon signature by the
4 Council President and the Council Secretary.

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6 Form Approved:

7
8 /s/ Shannon K. Eller

9 Office of General Counsel

10 Legislation Prepared By: Arimus Wells

11 GC-#1304222-v1-2019-498-E