

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-684**

5 AN ORDINANCE REZONING APPROXIMATELY 3.69±
6 ACRES, LOCATED IN COUNCIL DISTRICT 10 AT 0
7 CAHOON ROAD NORTH, BETWEEN OKLAHOMA STREET AND
8 OLD PLANK ROAD (R.E. NO. 005478-0010), AS
9 DESCRIBED HEREIN, OWNED BY MICHAEL MOODY, FROM
10 RESIDENTIAL LOW DENSITY-60 (RLD-60) DISTRICT
11 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
12 DEFINED AND CLASSIFIED UNDER THE ZONING CODE,
13 TO PERMIT COMMERCIAL USES, AS DESCRIBED IN THE
14 CAHOON ROAD PUD, PURSUANT TO FUTURE LAND USE
15 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
16 APPLICATION NUMBER L-5360-19C; 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 City of Jacksonville adopted a Small-Scale
23 Amendment to the *2030 Comprehensive Plan* for the purpose of
24 revising portions of the Future Land Use Map series (FLUMs) in
25 order to ensure the accuracy and internal consistency of the plan,
26 pursuant to application L-5360-19C and companion land use Ordinance
27 2019-683; and

28 **WHEREAS**, in order to ensure consistency of zoning district
29 with the *2030 Comprehensive Plan* and the adopted companion Small-
30 Scale Amendment L-5360-19C, an application to rezone and reclassify
31 from Residential Low Density-60 (RLD-60) District to Planned Unit

1 Development (PUD) District, was filed by Lara Hipps, on behalf of
2 Michael Moody, the owner of approximately 3.69± acres of certain
3 real property in Council District 10, as more particularly
4 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
7 *Comprehensive Plan*, has considered the rezoning and has rendered an
8 advisory opinion; and

9 **WHEREAS**, the Planning Commission has considered the
10 application 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
16 all oral and written comments received during the public hearings,
17 the Council finds that such rezoning is consistent with the 2030
18 *Comprehensive Plan* adopted under the comprehensive planning
19 ordinance for future development of the City of Jacksonville; and

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

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

30 **Section 1. Subject Property Location and Description.** The
31 approximately 3.69± acres (R.E. No. 005478-0010) are located in

1 Council District 10 at 0 Cahoon Road North, between Oklahoma Street
2 and Old Plank Road, as more particularly described in **Exhibit 1**,
3 dated July 23, 2019, **attached hereto** and incorporated herein by
4 this reference (Subject Property).

5 **Section 2. Owner and Applicant Description.** The Subject
6 Property is owned by Michael Moody and is legally described in
7 **Exhibit 1, attached hereto.** The agent is Lara Hipps, 1650 Margaret
8 Street #323, Jacksonville, Florida 32204; (904) 781-2654.

9 **Section 3. Property Rezoned.** The Subject Property,
10 pursuant to adopted companion Small-Scale Amendment L-5360-19C, is
11 hereby rezoned and reclassified from Residential Low Density-60
12 (RLD-60) District to Planned Unit Development (PUD) District. This
13 new PUD district shall generally permit commercial uses, and is
14 described, shown and subject to the following documents, **attached**
15 **hereto:**

16 **Exhibit 1** - Legal Description dated July 23, 2019.

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

18 **Exhibit 3** - Written Description dated August 27, 2019.

19 **Exhibit 4** - Site Plan dated February 9, 2019.

20 **Section 4. Contingency.** This rezoning shall not become
21 effective until 31 days after adoption of the companion Small-Scale
22 Amendment unless challenged by the state land planning agency; and
23 further provided that if the companion Small-Scale Amendment is
24 challenged by the state land planning agency, this rezoning shall
25 not become effective until the state land planning agency or the
26 Administration Commission issues a final order determining the
27 companion Small-Scale Amendment is in compliance with Chapter 163,
28 *Florida Statutes*.

29 **Section 5. Disclaimer.** The rezoning granted herein
30 shall not be construed as an exemption from any other applicable
31 local, state, or federal laws, regulations, requirements, permits

1 or approvals. All other applicable local, state or federal permits
2 or approvals shall be obtained before commencement of the
3 development or use and issuance of this rezoning is based upon
4 acknowledgement, representation and confirmation made by the
5 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
6 or designee(s) that the subject business, development and/or use
7 will be operated in strict compliance with all laws. Issuance of
8 this rezoning does not approve, promote or condone any practice or
9 act that is prohibited or restricted by any federal, state or local
10 laws.

11 **Section 6. Effective Date.** The enactment of this
12 Ordinance shall be deemed to constitute a quasi-judicial action of
13 the City Council and shall become effective upon signature by the
14 Council President and the Council Secretary.

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16 Form Approved:

17
18 /s/ Shannon K. Eller

19 Office of General Counsel

20 Legislation Prepared By: Connor Corrigan

21 GC-#1304972-v1-z-2229_SS_COMP_PUD