

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-601**

5 AN ORDINANCE REZONING APPROXIMATELY 10.79± ACRES
6 LOCATED IN COUNCIL DISTRICT 2 AT 0 MAIN STREET
7 NORTH AND 16105 MAIN STREET NORTH, BETWEEN YELLOW
8 BLUFF ROAD AND PECAN PARK ROAD (R.E. NOS. 108107-
9 0010 AND 108147-0000), OWNED BY MATTHEW M.
10 MCAULIFFE, PERSONAL REPRESENTATIVE OF THE ESTATE
11 OF DIXIE MCAULIFFE, AS DESCRIBED HEREIN, FROM
12 RESIDENTIAL RURAL-ACRE (RR-ACRE) AND COMMERCIAL
13 COMMUNITY/GENERAL-2 (CCG-2) DISTRICTS TO PLANNED
14 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
15 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
16 SINGLE FAMILY RESIDENTIAL USES, AS DESCRIBED IN
17 THE 16105 MAIN STREET PUD, PURSUANT TO FUTURE
18 LAND USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
19 APPLICATION NUMBER L-5471-20C; PROVIDING A
20 DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL
21 NOT BE 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 application L-5471-20C and companion land use Ordinance 2020-600; 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-5471-20C, an application to rezone and reclassify from

1 Residential Rural-Acre (RR-Acre) and Commercial Community/General-2
2 (CCG-2) Districts to Planned Unit Development (PUD) District was
3 filed by Paul M. Harden, Esq., on behalf of the owner of approximately
4 10.79± acres of certain real property in Council District 2, as more
5 particularly described in Section 1; and

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

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

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

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

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

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

31 **Section 1. Subject Property Location and Description.** The

1 approximately 10.79± acres (R.E. Nos. 108107-0010 and 108147-0000)
2 are located in Council District 2, at 0 Main Street North and 16105
3 Main Street North, between Yellow Bluff Road and Pecan Park Road, as
4 more particularly described in **Exhibit 1**, dated August 20, 2020, and
5 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
6 and incorporated herein by this reference (Subject Property).

7 **Section 2. Owner and Applicant Description.** The Subject
8 Property is owned by Matthew M. McAuliffe, Personal Representative
9 of the Estate of Dixie McAuliffe. The applicant is Paul M. Harden,
10 Esq., 501 Riverside Avenue, Suite 901, Jacksonville, Florida 32202;
11 (904) 396-5731.

12 **Section 3. Property Rezoned.** The Subject Property,
13 pursuant to adopted companion Small-Scale Amendment L-5471-20C, is
14 hereby rezoned and reclassified from Residential Rural-Acre (RR-Acre)
15 and Commercial Community/General-2 (CCG-2) Districts to Planned Unit
16 Development (PUD) District. This new PUD district shall generally
17 permit single family residential uses, and is described, shown and
18 subject to the following documents, **attached hereto:**

19 **Exhibit 1** - Legal Description dated August 20, 2020.

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

21 **Exhibit 3** - Written Description dated September 14, 2020.

22 **Exhibit 4** - Site Plan dated September 14, 2020.

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

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

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

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18 Form Approved:

19
20 /s/ Shannon K. Eller

21 Office of General Counsel

22 Legislation Prepared By: Arimus Wells

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