

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-632-E**

5 AN ORDINANCE REZONING APPROXIMATELY 0.87± OF AN
6 ACRE, LOCATED IN COUNCIL DISTRICT 7 AT 265 44TH
7 STREET EAST, 281 44TH STREET EAST, 285 44TH
8 STREET EAST AND 296 45TH STREET EAST, BETWEEN
9 LIBERTY STREET AND SEBALD LANE (R.E. NOS.
10 031465-0000, 031467-0000, 031468-0000 AND
11 031511-0000), AS DESCRIBED HEREIN, OWNED BY
12 UNITY MISSIONARY BAPTIST CHURCH OF
13 JACKSONVILLE FLORIDA, INC., FROM RESIDENTIAL
14 LOW DENSITY-60 (RLD-60) DISTRICT TO PLANNED
15 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED
16 AND CLASSIFIED UNDER THE ZONING CODE, TO
17 PERMIT INSTITUTIONAL USES, AS DESCRIBED IN THE
18 UNITY MISSIONARY BAPTIST CHURCH COMMUNITY
19 RESIDENTIAL HOME PUD, PURSUANT TO FUTURE LAND
20 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
21 APPLICATION NUMBER L-5377-19C; PROVIDING A
22 DISCLAIMER THAT THE REZONING GRANTED HEREIN
23 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM
24 ANY OTHER APPLICABLE LAWS; PROVIDING AN
25 EFFECTIVE DATE.
26

27 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
28 Amendment to the 2030 *Comprehensive Plan* for the purpose of
29 revising portions of the Future Land Use Map series (FLUMs) in
30 order to ensure the accuracy and internal consistency of the plan,

1 pursuant to application L-5377-19C and companion land use Ordinance
2 2019-631; and

3 **WHEREAS**, in order to ensure consistency of zoning district
4 with the *2030 Comprehensive Plan* and the adopted companion Small-
5 Scale Amendment L-5377-19C, an application to rezone and reclassify
6 from Residential Low Density-60 (RLD-60) District to Planned Unit
7 Development (PUD) District, was filed by Steve Diebenow, Esq., on
8 behalf of Unity Missionary Baptist Church of Jacksonville Florida,
9 Inc., the owner of approximately 0.87± of an acre of certain real
10 property in Council District 7, as more particularly described in
11 Section 1; and

12 **WHEREAS**, the Planning and Development Department, in order to
13 ensure consistency of this zoning district with the *2030*
14 *Comprehensive Plan*, has considered the rezoning and has rendered an
15 advisory opinion; and

16 **WHEREAS**, the Planning Commission has considered the
17 application and has rendered an advisory opinion; and

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

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

27 **WHEREAS**, the Council finds that the proposed PUD does not
28 affect adversely the orderly development of the City as embodied in
29 the *Zoning Code*; will not affect adversely the health and safety of
30 residents in the area; will not be detrimental to the natural
31 environment or to the use or development of the adjacent properties

1 in the general neighborhood; and the proposed PUD will accomplish
2 the objectives and meet the standards of Section 656.340 (Planned
3 Unit Development) of the *Zoning Code* of the City of Jacksonville;
4 now, therefore

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

6 **Section 1. Subject Property Location and Description.** The
7 approximately 0.87± of an acre (R.E. Nos. 031465-0000, 031467-0000,
8 031468-0000 and 031511-0000) is located in Council District 7 at
9 265 44th Street East, 281 44th Street East, 285 44th Street East and
10 296 45th Street East, between Liberty Street and Sebald Lane, as
11 more particularly described in the **Legal Description** dated April 3,
12 2019, and **On File** with the City Council Legislative Services
13 Division (Subject Property).

14 **Section 2. Owner and Applicant Description.** The Subject
15 Property is owned by Unity Missionary Baptist Church of
16 Jacksonville Florida, Inc. and is described in the **Legal**
17 **Description On File.** The agent is Steve Diebenow, Esq., One
18 Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904)
19 301-1269.

20 **Section 3. Property Rezoned.** The Subject Property,
21 pursuant to adopted companion Small-Scale Amendment L-5377-19C, is
22 hereby rezoned and reclassified from Residential Low Density-60
23 (RLD-60) District to Planned Unit Development (PUD) District. This
24 new PUD district shall generally permit institutional uses, and is
25 described, shown and subject to the following documents:

26 **On File** - Legal Description dated April 3, 2019.

27 **On File** - Subject Property per P&DD.

28 **Revised On File** - Revised Written Description dated September 18,
29 2019.

30 **Revised On File** - Revised Site Plan dated September 26, 2019.

31 **Section 4. Contingency.** This rezoning shall not become

1 effective until 31 days after adoption of the companion Small-Scale
2 Amendment unless challenged by the state land planning agency; and
3 further provided that if the companion Small-Scale Amendment is
4 challenged by the state land planning agency, this rezoning shall
5 not become effective until the state land planning agency or the
6 Administration Commission issues a final order determining the
7 companion Small-Scale Amendment is in compliance with Chapter 163,
8 *Florida Statutes*.

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

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

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27 Form Approved:

28
29 /s/ Shannon K. Eller

30 Office of General Counsel

31 Legislation Prepared By: Erin Abney

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