

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

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4
5 **ORDINANCE 2023-536-E**

6 AN ORDINANCE REZONING APPROXIMATELY 5.40± ACRES
7 LOCATED IN COUNCIL DISTRICT 8 AT 0 DUNN AVENUE
8 AND 10939 BISCAYNE BOULEVARD, BETWEEN MAR VIC
9 LANE AND YELFORD CIRCLE (R.E. NOS. 044155-0200
10 AND 044176-0050), OWNED BY DUNN AVENUE HOLDINGS,
11 LLC, AS DESCRIBED HEREIN, FROM RESIDENTIAL MEDIUM
12 DENSITY-C (RMD-C) DISTRICT AND RESIDENTIAL LOW
13 DENSITY-100A (RLD-100A) DISTRICT TO PLANNED UNIT
14 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
15 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
16 MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN
17 THE BISCAYNE LOFTY APARTMENTS PUD, PURSUANT TO
18 FUTURE LAND USE MAP SERIES SMALL-SCALE AMENDMENT
19 APPLICATION NUMBER L-5831-23C; PUD SUBJECT TO
20 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
21 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
22 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
23 PROVIDING AN EFFECTIVE DATE.

24
25 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
26 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
27 portions of the Future Land Use Map series (FLUMs) in order to ensure
28 the accuracy and internal consistency of the plan, pursuant to
29 companion application L-5831-23C; and

30 **WHEREAS**, in order to ensure consistency of zoning district
31 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale

1 Amendment L-5831-23C, an application to rezone and reclassify from
2 Residential Medium Density-C (RMD-C) District and Residential Low
3 Density-100A (RLD-100A) District to Planned Unit Development (PUD)
4 District was filed by Wyman Duggan, Esq. on behalf of the owner of
5 approximately 5.40± acres of certain real property in Council District
6 8, as more particularly described in Section 1; and

7 **WHEREAS**, the Planning and Development Department, in order to
8 ensure consistency of this zoning district with the *2045 Comprehensive*
9 *Plan*, has considered the rezoning and has rendered an advisory
10 opinion; and

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

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

16 **WHEREAS**, the City Council, after due notice, held a public
17 hearing, and taking into consideration the above recommendations as
18 well as all oral and written comments received during the public
19 hearings, the Council finds that such rezoning is consistent with the
20 *2045 Comprehensive Plan* adopted under the comprehensive planning
21 ordinance for future development of the City of Jacksonville; and

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

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

1 **Section 1. Subject Property Location and Description.** The
2 approximately 5.40± acres are located in Council District 8 at 0 Dunn
3 Avenue and 10939 Biscayne Boulevard, between Mar Vic Lane and Yelford
4 Circle (R.E. Nos. 044155-0200 and 044176-0050), as more particularly
5 described in **Exhibit 1**, dated October 24, 2023, and graphically
6 depicted in **Exhibit 2**, both of which are attached hereto and
7 incorporated herein by this reference (the "Subject Property").

8 **Section 2. Owner and Applicant Description.** The Subject
9 Property is owned by Dunn Avenue Holdings, LLC. The applicant is
10 Wyman Duggan, Esq., 1301 Riverplace Boulevard, Suite 1500,
11 Jacksonville, Florida 32207; (904) 398-3911.

12 **Section 3. Property Rezoned.** The Subject Property,
13 pursuant to adopted companion Small-Scale Amendment Application
14 L-5831-23C, is hereby rezoned and reclassified from Residential
15 Medium Density-C (RMD-C) District and Residential Low Density-100A
16 (RLD-100A) District to Planned Unit Development (PUD) District. This
17 new PUD District shall generally permit multi-family residential
18 uses, and is described, shown and subject to the following documents,
19 attached hereto:

20 **Exhibit 1** - Legal Description dated October 24, 2023.

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

22 **Revised Exhibit 3** - Revised Written Description dated December 18,
23 2023.

24 **Revised Exhibit 4** - Revised Site Plan dated January 24, 2024.

25 **Section 4. Rezoning Approved Subject to Conditions.** This
26 rezoning is approved subject to the following conditions. Such
27 conditions control over the Written Description and the Site Plan and
28 may only be amended through a rezoning:

29 (1) Any and all development within the PUD shall be required
30 to submit for verification of substantial compliance.

31 (2) At such time as the City has permitted plans and

1 appropriated and authorized funding for the construction of a
2 roundabout at the project's connection to Biscayne Boulevard, the
3 owner or its successor will convey, at no cost to the City, a ten
4 (10) foot wide strip of its property adjacent to the Biscayne
5 Boulevard right of-way if needed for the design and construction of
6 the roundabout.

7 **Section 5. Contingency.** This rezoning shall not become
8 effective until thirty-one (31) days after adoption of the companion
9 Small-Scale Amendment; and further provided that if the companion
10 Small-Scale Amendment is challenged by the state land planning agency,
11 this rezoning shall not become effective until the state land planning
12 agency or the Administration Commission issues a final order
13 determining the companion Small-Scale Amendment is in compliance with
14 Chapter 163, *Florida Statutes*.

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

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

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1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Connor Corrigan

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