

## LAND USE AND ZONING COMMITTEE AMENDMENT

The Land Use and Zoning Committee offers the following amendment to File No. 2025-5:

- (1) On **page 1, line 5**, after "ORDINANCE" insert "DENYING A REQUEST FOR";
- (2) On **page 1, lines 15-18**, strike "PROVIDING A DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;";
- (3) On **page 2, line 2**, strike "and" and insert "now therefore";
- (4) On **page 2, lines 3-15**, strike all lines in their entirety;
- (5) On **page 2, lines 17-22**, strike "Property Rezoned. The Subject Property is hereby rezoned and reclassified from Residential Low Density-90 (RLD-90) District to Planned Unit Development (PUD) District. This new PUD district shall generally permit a maximum of 69 townhomes, and is described, shown and subject to the following documents, attached hereto:" and insert "Property Rezoning Denied.

The City Council denies the rezoning of the Subject Property from Residential Low Density-90 (RLD-90) District to Planned Unit Development (PUD) District, which would have generally permitted a maximum of 69 townhomes, as set forth in the following documents submitted by the applicant, attached hereto:";

- (6) On **page 2, line 26½, insert** "Pursuant to section 656.341(d), *Ordinance Code*, there are several criteria to be considered specifically when evaluating an application for rezoning to the Planned Unit Development district. One of those criteria is external compatibility. Pursuant to section 656.341(d)(5), *Ordinance Code*, all land uses within a proposed Planned Unit Development should be compatible with existing and planned uses of properties surrounding the proposed Planned Unit Development and not have any avoidable or undue adverse impact on existing or planned surrounding uses. The evaluation of external compatibility of a proposed Planned Unit Development is based on several enumerated factors, including "[t]he type, number and location of surrounding external uses" and "existing zoning on surrounding lands." Additionally, pursuant to section 656.125(c), *Ordinance Code*, uses permitted under a proposed rezoning must be consistent or compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area or will deviate from an established or developing logical and orderly development pattern.

The Planning Department report indicates that the Subject Property is located on the northside of Fort Caroline Road. Except for the adjacent church, the current uses surrounding the Subject Property are all single-family subdivisions. The Planning Department report shows that the Subject Property is surrounded on

the west, north and east by the RLD-90 zoning district. South of the property is Fort Caroline Road. And the site plan depicted on an aerial submitted by the applicant at the public hearing shows the Subject Property is surrounded on three sides by single family homes on large lots.

The facts set forth above are further bolstered by the extensive public comment provided during the public hearing. As an example, a representative of Colony Cove spoke at the public hearing and explained that Colony Cove has 190 single family homes and described the area surrounding the Subject Property, north of Fort Caroline Road, as single family brick homes. And another speaker from Scarlet Oaks, described her community as 52 single family brick homes on half acre lots. The testimony is consistent with the information in the Planning Department report that indicates that the Subject Property is surrounded by a single family residential communities.

The proposed use of the Subject Property is 69 townhomes. This proposed use of 69 townhomes is not consistent or compatible with the existing and proposed land uses, single-family homes, and zoning, RLD-90 of adjacent and nearby properties on the northside of Fort Caroline Road and thus deviates from an established or developing logical and orderly development pattern.”;

- (7) On **page 3, lines 1-12, strike** all lines in their entirety;
- (8) Renumber the remaining section accordingly;

- (9) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

/s/ Dylan Reingold

Office of General Counsel

Legislation Prepared By: Dylan Reingold

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