

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-752**

5 AN ORDINANCE REZONING APPROXIMATELY 44.44±
6 ACRES, LOCATED IN COUNCIL DISTRICT 2 AT 0 NEW
7 BERLIN ROAD AND 2059 NEW BERLIN ROAD, BETWEEN
8 STARRATT ROAD AND DUNN CREEK ROAD (R.E. NOS.
9 106888-0000 AND 106889-0102) AS DESCRIBED
10 HEREIN, OWNED BY KB HOME JACKSONVILLE, LLC, FROM
11 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT (2018-
12 668-E) TO PLANNED UNIT DEVELOPMENT (PUD)
13 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
14 ZONING CODE, TO PERMIT SINGLE FAMILY RESIDENTIAL
15 USES, AS DESCRIBED IN THE HUDSON GROVE PUD;
16 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
17 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
18 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
19 EFFECTIVE DATE.
20

21 **WHEREAS**, KB Home Jacksonville, LLC, the owner of approximately
22 44.44± acres, located in Council District 2 at 0 New Berlin Road and
23 2059 New Berlin Road, between Starratt Road and Dunn Creek Road (R.E.
24 Nos. 106888-0000 and 106889-0102), as more particularly described in
25 **Exhibit 1**, dated September 29, 2020, and graphically depicted in
26 **Exhibit 2**, both of which are **attached hereto** (Subject Property), has
27 applied for a rezoning and reclassification of that property from
28 Planned Unit Development (PUD) District (2018-668-E) to Planned Unit
29 Development (PUD) District, as described in Section 1 below; and

30 **WHEREAS**, the Planning Commission has considered the application
31 and has rendered an advisory opinion; and

1 **WHEREAS**, the Land Use and Zoning Committee, after due notice and
2 public hearing, has made its recommendation to the Council; and

3 **WHEREAS**, the Council finds that such rezoning is: (1) consistent
4 with the *2030 Comprehensive Plan*; (2) furthers the goals, objectives
5 and policies of the *2030 Comprehensive Plan*; and (3) is not in
6 conflict with any portion of the City's land use regulations; and

7 **WHEREAS**, the Council finds the proposed rezoning does not
8 adversely affect the orderly development of the City as embodied in
9 the Zoning Code; will not adversely affect the health and safety of
10 residents in the area; will not be detrimental to the natural
11 environment or to the use or development of the adjacent properties
12 in the general neighborhood; and will accomplish the objectives and
13 meet the standards of Section 656.340 (Planned Unit Development) of
14 the Zoning Code; now, therefore

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

16 **Section 1. Property Rezoned.** The Subject Property is
17 hereby rezoned and reclassified from Planned Unit Development (PUD)
18 District (2018-668-E) to Planned Unit Development (PUD) District.
19 This new PUD district shall generally permit single family residential
20 uses, and is described, shown and subject to the following documents,
21 **attached hereto:**

22 **Exhibit 1** - Legal Description dated September 29, 2020.

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

24 **Exhibit 3** - Written Description dated October 19, 2020.

25 **Exhibit 4** - Site Plan dated October 19, 2020.

26 **Section 2. Owner and Description.** The Subject Property
27 is owned by KB Home Jacksonville, LLC, and is legally described in
28 **Exhibit 1, attached hereto.** The agent is Thomas O. Ingram, Esq., 233
29 East Bay Street, Suite 1113, Jacksonville, Florida 32202; (904) 612-
30 9179.

31 **Section 3. Disclaimer.** The rezoning granted herein

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

12 **Section 4. Effective Date.** The enactment of this Ordinance
13 shall be deemed to constitute a quasi-judicial action of the City
14 Council and shall become effective upon signature by the Council
15 President and the Council Secretary.

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17 Form Approved:

18
19 /s/ Shannon K. Eller

20 Office of General Counsel

21 Legislation Prepared By: Connie Quinto

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