

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-493-E**

5 AN ORDINANCE REZONING APPROXIMATELY 16.99±
6 ACRES, LOCATED IN COUNCIL DISTRICT 2 AT 0 NEW
7 BERLIN ROAD, BETWEEN AIRPORT CENTER DRIVE AND
8 LORD NELSON BOULEVARD (PORTION OF R.E. NO.
9 106939-0000), AS DESCRIBED HEREIN, OWNED BY
10 THE JACKSONVILLE TRANSPORTATION AUTHORITY,
11 FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT
12 (2002-665-E) TO PLANNED UNIT DEVELOPMENT (PUD)
13 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
14 ZONING CODE, TO PERMIT COMMERCIAL AND MULTI-
15 FAMILY RESIDENTIAL USES, AS DESCRIBED IN THE
16 CAPITOL PARK EAST PUD; PUD SUBJECT TO
17 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
18 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
19 AS AN EXEMPTION FROM ANY OTHER APPLICABLE
20 LAWS; PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS**, the Jacksonville Transportation Authority, the owner
23 of approximately 16.99± acres, located in Council District 2 at 0
24 New Berlin Road, between Airport Center Drive and Lord Nelson
25 Boulevard (portion of R.E. No. 106939-0000), as more particularly
26 described in **Exhibit 1**, dated June 11, 2019, and graphically
27 depicted in **Exhibit 2**, both of which are **attached hereto** and
28 incorporated herein by this reference (Subject Property), has
29 applied for a rezoning and reclassification of that property from
30 Planned Unit Development (PUD) District (2002-665-E) to Planned

1 Unit Development (PUD) District, as described in Section 1 below;
2 and

3 **WHEREAS,** the Planning Commission has considered the
4 application and has rendered an advisory opinion; and

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

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

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

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

21 **Section 1. Property Rezoned.** The Subject Property is
22 hereby rezoned and reclassified from Planned Unit Development (PUD)
23 District (2002-665-E) to Planned Unit Development (PUD) District.
24 This new PUD district shall generally permit commercial and multi-
25 family residential uses, and is described, shown and subject to the
26 following attached documents:

27 **Exhibit 1** - Legal Description dated June 11, 2019.

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

29 **Revised Exhibit 3** - Revised Written Description dated October 30,
30 2019.

31 **Revised Exhibit 4** - Revised Site Plan dated October 30, 2019.

Section 2. Rezoning Approved Subject to Conditions. This

rezoning is approved subject to the following conditions. Such conditions control over the Written Description and the Site Plan and may only be amended through a rezoning.

(1) Townhome development shall not exceed 130 units.

(2) The covenants, conditions and restrictions governing the townhome development shall include the following provisions enforceable by the owners' association:

(a) Initial sales of townhomes for rent shall not exceed 10% at any one time.

(b) Parking of vehicles across any portion of a sidewalk within the townhome development is prohibited.

(3) Due to concerns about noise and potential nuisance lighting, no basketball courts shall be installed within the recreation portions of the townhome development.

(4) If the roads in the townhome development are private, the owners' association shall be responsible for maintaining the same, and purchasers of units from the developer must sign a written acknowledgment thereof.

(5) Along the north and east boundaries of the townhome development, the following buffers, fencing and setback shall be required:

(a) A 10 foot natural buffer extending inward from the property line.

(b) An 8 foot fence on the interior boundary of the natural buffer.

(c) A minimum 10 foot rear yard setback between the natural buffer and buildings.

(6) Adjacent to existing residential single family uses, within the interior boundary of the natural buffer, a minimum of one 3" caliper shade tree shall be planted every 25 linear feet,

1 except where such tree would require the removal of an existing
2 shade tree of 3" caliper or greater.

3 (a) Trees planted on individual platted lots shall be
4 owned and maintained by each property owner. However, the owners
5 of the individual lots shall not be permitted to remove trees
6 required by Part 12 of the Zoning Code, and this prohibition shall
7 be included in the covenants, conditions and restrictions.

8 (b) Trees planted in areas deemed to be common area
9 space shall be owned and maintained by the owners' association.

10 (7) Along the roadway bordering the southern boundary of the
11 North Parcel (the Southern Boundary), the following buffering is
12 required:

13 (a) Within Buffer Sections "C-C" and "D-D" as delineated
14 on the Revised Site Plan dated October 30, 2019, fencing and
15 landscaping shall be installed in accordance with the figure shown
16 on "Site Plan Attachment 1."

17 (b) Within those portions of the Southern Boundary that
18 exclude the foregoing Buffer Sections "C-C" and "D-D", trees shall
19 be planted as specified in Sec. 656.1222, Ordinance Code, but no
20 fencing is required.

21 **Section 3. Owner and Description.** The Subject Property
22 is owned by the Jacksonville Transportation Authority, and is
23 legally described in **Exhibit 1, attached hereto**. The agent is Mark
24 H. Scruby, Esq., 1301 Riverplace Boulevard, Suite 1500,
25 Jacksonville, Florida 32207; (904) 346-5537.

26 **Section 4. Disclaimer.** The rezoning granted herein
27 shall **not** be construed as an exemption from any other applicable
28 local, state, or federal laws, regulations, requirements, permits
29 or approvals. All other applicable local, state or federal permits
30 or approvals shall be obtained before commencement of the
31 development or use and issuance of this rezoning is based upon

1 acknowledgement, representation and confirmation made by the
2 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
3 or designee(s) that the subject business, development and/or use
4 will be operated in strict compliance with all laws. Issuance of
5 this rezoning does **not** approve, promote or condone any practice or
6 act that is prohibited or restricted by any federal, state or local
7 laws.

8 **Section 5. Effective Date.** The enactment of this
9 Ordinance shall be deemed to constitute a quasi-judicial action of
10 the City Council and shall become effective upon signature by the
11 Council President and the Council Secretary.

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13 Form Approved:

14
15 /s/ Shannon K. Eller

16 Office of General Counsel

17 Legislation Prepared By: Bruce Lewis

18 GC-#1319682-v1-2019-493-E