

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-875-E**

5 AN ORDINANCE REZONING APPROXIMATELY 1.02± ACRES
6 LOCATED IN COUNCIL DISTRICT 14 AT 1845 CHERRY
7 STREET, 1861 CHERRY STREET, AND 2762 VERNON
8 TERRACE, BETWEEN THE ST. JOHNS RIVER AND ST.
9 JOHNS AVENUE (R.E. NOS. 078437-0000, 078443-
10 0000 AND 077847-0000), OWNED BY J.P.E.
11 PROPERTIES, LLC AND CHERRY STREET, LLP, AS
12 DESCRIBED HEREIN, FROM RESIDENTIAL LOW DENSITY-
13 60 (RLD-60) AND RESIDENTIAL MEDIUM DENSITY-B
14 (RMD-B) DISTRICTS TO PLANNED UNIT DEVELOPMENT
15 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
16 THE ZONING CODE, TO PERMIT MULTI-FAMILY
17 RESIDENTIAL USES, AS DESCRIBED IN THE RIVIERA
18 PARKWAY APARTMENTS PUD, PURSUANT TO FUTURE LAND
19 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
20 APPLICATION NUMBER L-5403-19C; PUD SUBJECT TO
21 CONDITION; PROVIDING A DISCLAIMER THAT THE
22 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
23 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
24 PROVIDING AN EFFECTIVE DATE.
25

26 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
27 Amendment to the *2030 Comprehensive Plan* for the purpose of
28 revising portions of the Future Land Use Map series (FLUMs) in
29 order to ensure the accuracy and internal consistency of the plan,
30 pursuant to application L-5403-19C and companion land use Ordinance
31 2019-874; and

1 **WHEREAS**, in order to ensure consistency of zoning district
2 with the *2030 Comprehensive Plan* and the adopted companion Small-
3 Scale Amendment L-5403-19C, an application to rezone and reclassify
4 from Residential Low Density-60 (RLD-60) and Residential Medium
5 Density-B (RMD-B) Districts to Planned Unit Development (PUD)
6 District was filed by T.R. Hainline, Esq., on behalf of the owner
7 of approximately 1.02± acres of certain real property in Council
8 District 14, as more particularly described in Section 1; and

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

13 **WHEREAS**, the Planning Commission has considered the
14 application and has rendered an advisory opinion; and

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

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

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

1 Unit Development) of the *Zoning Code* of the City of Jacksonville;
2 now, therefore

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

4 **Section 1. Subject Property Location and Description.** The
5 approximately 1.02± acres (R.E. Nos. 078437-0000, 078443-0000 and
6 077847-0000) are located in Council District 14, at 1845 Cherry
7 Street, 1861 Cherry Street, and 2762 Vernon Terrace, between the
8 St. Johns River and St. Johns Avenue, as more particularly
9 described in **Exhibit 1**, dated November 12, 2019, and graphically
10 depicted in **Exhibit 2**, both of which are **attached hereto** and
11 incorporated herein by this reference (Subject Property).

12 **Section 2. Owner and Applicant Description.** The subject
13 property is owned by J.P.E. Properties, LLC and Cherry Street, LLP.
14 The applicant is T.R. Hainline, Esq., 1301 Riverplace Boulevard,
15 Suite 1500, Jacksonville, Florida 32207; (904) 346-5531.

16 **Section 3. Property Rezoned.** The Subject Property,
17 pursuant to adopted companion Small-Scale Amendment L-5403-19C, is
18 hereby rezoned and reclassified from Residential Low Density-60
19 (RLD-60) and Residential Medium Density-B (RMD-B) Districts to
20 Planned Unit Development (PUD) District. This new PUD district
21 shall generally permit multi-family residential uses, and is
22 described, shown and subject to the following documents, **attached**
23 **hereto:**

24 **Exhibit 1** - Legal Description dated November 12, 2019.

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

26 **Revised Exhibit 3** - Revised Written Description dated January 31,
27 2020.

28 **Exhibit 4** - Site Plan dated November 14, 2019.

29 **Section 4. Rezoning Approved Subject to Condition.** This
30 rezoning is approved subject to the following condition. Such
31 condition controls over the Written Description and the Site Plan

1 and may only be amended through a rezoning.

2 (1) A PUD rezoning, including City Council review, shall be
3 required for the following:

4 (a) Any increase over 6 units for Parcel B (2762 Vernon
5 Terrace) and, cumulatively, any increase over 9 units on the
6 combined Parcels C (1861 Cherry Street) and D (1845 Cherry Street);
7 and

8 (b) For (i) any proposed increase in maximum lot coverage
9 (50%) on any parcel, (ii) any proposed increase in maximum height
10 (35 ft.), or (iii) any proposed reduction in the existing number of
11 parking spaces (unless the number of units for the applicable
12 Parcel(s) is reduced pro rata); and

13 (c) On or adjacent to Parcels C and D, any new vehicular
14 or pedestrian connection of an existing access easement or right-
15 of-way access from Cherry Street to Parcel A (Riviera Parkway
16 Apartments); provided, however, that the existing pedestrian
17 connection between Parcels C and D from Cherry Street to Parcel A
18 is permitted.

19 **Section 5. Contingency.** This rezoning shall not become
20 effective until 31 days after adoption of the companion Small-Scale
21 Amendment unless challenged by the state land planning agency; and
22 further provided that if the companion Small-Scale Amendment is
23 challenged by the state land planning agency, this rezoning shall
24 not become effective until the state land planning agency or the
25 Administration Commission issues a final order determining the
26 companion Small-Scale Amendment is in compliance with Chapter 163,
27 *Florida Statutes*.

28 **Section 6. Disclaimer.** The rezoning granted herein
29 shall not be construed as an exemption from any other applicable
30 local, state, or federal laws, regulations, requirements, permits
31 or approvals. All other applicable local, state or federal permits

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

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

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15 Form Approved:

16
17 /s/ Shannon K. Eller

18 Office of General Counsel

19 Legislation Prepared By: Connor Corrigan

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