

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2019-368-E**

5 AN ORDINANCE REZONING APPROXIMATELY 58.86±  
6 ACRES, LOCATED IN COUNCIL DISTRICT 2 AT 0  
7 CEDAR POINT ROAD, 4499 CEDAR POINT ROAD, 4509  
8 CEDAR POINT ROAD, AND 4666 CEDAR POINT ROAD,  
9 BETWEEN GATE ROAD AND BONEY ROAD (R.E. NOS.  
10 159827-0050, 159829-0010 (PORTION), 159854-  
11 0020 AND 159854-0200), AS DESCRIBED HEREIN,  
12 OWNED BY JACOB J. SHACTER, ET AL., SUSTAINABLE  
13 JAX, LLC, AND VERNON A. BRINSON, ET AL., FROM  
14 RESIDENTIAL RURAL-ACRE (RR-ACRE) DISTRICT AND  
15 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT  
16 (ORDINANCE 2017-44-E) TO PLANNED UNIT  
17 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND  
18 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT  
19 SINGLE FAMILY RESIDENTIAL USES, AS DESCRIBED  
20 IN THE BRADLEY POND UNITS 1 & 2 PUD; PUD  
21 SUBJECT TO CONDITIONS; PROVIDING A DISCLAIMER  
22 THAT THE REZONING GRANTED HEREIN SHALL NOT BE  
23 CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
24 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.  
25

26 **WHEREAS**, Jacob J. Shacter, et al., Sustainable Jax, LLC, and  
27 Vernon A. Brinson, et al., the owners of approximately 58.86±  
28 acres, located in Council District 2 at 0 Cedar Point Road, 4499  
29 Cedar Point Road, 4509 Cedar Point Road, and 4666 Cedar Point Road,  
30 between Gate Road and Boney Road (R.E. Nos. 159827-0050, 159829-  
31 0010 (portion), 159854-0020 and 159854-0200), as more particularly

1 described in **Exhibit 1**, dated May 9, 2019, and graphically depicted  
2 in **Exhibit 2**, both of which are **attached hereto** and incorporated  
3 herein by this reference (Subject Property), have applied for a  
4 rezoning and reclassification of that property from Residential  
5 Rural-Acre (RR-Acre) District and Planned Unit Development (PUD)  
6 District (Ordinance 2017-44-E) to Planned Unit Development (PUD)  
7 District, as described in Section 1 below; and

8 **WHEREAS**, the Planning Commission has considered the  
9 application and has rendered an advisory opinion; and

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

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

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

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

26 **Section 1. Property Rezoned.** The Subject Property is  
27 hereby rezoned and reclassified from Residential Rural-Acre (RR-  
28 Acre) District and Planned Unit Development (PUD) District  
29 (Ordinance 2017-44-E) to Planned Unit Development (PUD) District.  
30 This new PUD district shall generally permit single family  
31 residential uses, and is described, shown and subject to the

1 following attached documents:

2 **Exhibit 1** - Legal Description dated May 9, 2019.

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

4 **Revised Exhibit 3** - Revised Written Description dated August 13,  
5 2019.

6 **Revised Exhibit 4** - Revised Site Plan dated August 12, 2019.

7 **Section 2. Rezoning Approved Subject to Conditions.** This  
8 rezoning is approved subject to the following conditions. Such  
9 conditions control over the Written Description and Site Plan and  
10 may only be amended through a rezoning.

11 (1) This PUD is subject to the Transportation Planning  
12 Division memorandum dated June 5, 2019, or as otherwise approved by  
13 the Chief of the Transportation Planning Division.

14 (2) This PUD is subject to the following conditions regarding  
15 a Kayak/Canoe Launch:

16 1. The developer shall provide public vehicular access to  
17 Clapboard Creek through a perpetual, non-exclusive public access  
18 easement, dedication as part of the plat, or Deed of Dedication  
19 ("Kayak/Canoe Vehicular Access Easement") in favor of the City, in  
20 a form approved by the Office of General Counsel, over the local  
21 roads as contemplated in the development, from Cedar Point Road to  
22 the small island in the southern portion of the Unit 2 property.  
23 The small island is depicted as "Island" on the Revised Site Plan  
24 dated August 12, 2019, **attached hereto as Revised Exhibit 4**  
25 ("Revised Site Plan").

26 2. As a condition of issuance of the first Single Family  
27 Residential New Building permit for the development, the conveyance  
28 documentation for the Kayak/Canoe Vehicular Access Easement shall  
29 be provided to the City for acceptance. This easement may make  
30 provision for an initial temporary kayak parking area ("Temporary  
31 Parking"), as indicated on the Revised Site Plan, as well as the

1 permanent kayak Parking Area (located at the near southern extent  
2 of the uplands in Unit 2), but shall include the entire length of  
3 the easement from Cedar Point Road to the Kayak/Canoe Launch Site.  
4 The Easement shall include language that if the developer is unable  
5 to construct the Access, then the City, or other governmental  
6 agency, may do so.

7 3. As a condition of the issuance of the 41st Single Family  
8 Residential New Building permit for the development, the  
9 Kayak/Canoe Vehicular Access shall be constructed, and approved by  
10 the City, from Cedar Point Road to, as an initial stage, the  
11 northern portion of Unit 2, at the point where "Temporary Parking"  
12 is depicted on the Revised Site Plan. The portion of this access  
13 and parking area located within Unit 2 may be paved, or may be  
14 unpaved and graded so long as it is traversable by a non-four-  
15 wheel-drive car. From this initial temporary kayak parking area,  
16 which shall contain parking for 10 vehicles, the Trail, including  
17 the pedestrian bridge/boardwalk, shall be constructed to the  
18 shoreline Kayak/Canoe launching area (the "Kayak/Canoe Launch").

19 4. The temporary Kayak/Canoe Vehicular Access and the  
20 Kayak/Canoe Launch Site shall be cleared of underbrush and  
21 maintained in a manner to allow passive recreation use, as approved  
22 by the Parks, Recreation and Community Services Department ("Parks  
23 Dept.").

24 5. The Kayak/Canoe Vehicular Access shall at all times make  
25 provision for the conveyance of drainage flow from the north,  
26 across or under the Access so that the drainage is not impeded by  
27 the Access, particularly between Unit 2 Lots 14 and 15, and Lots 33  
28 and 34. A statement on the plat, in the recorded HOA documents,  
29 and a deed restriction for Lots 14, 15, 33 and 34 of Unit 2 shall  
30 prohibit the filling, grading, planting or constructing structures  
31 in that area.

1           6. As a condition of issuance of the 41st Single Family  
2 Residential New Building Permit, Directional Signs, in the form and  
3 locations approved by the Parks Dept. shall be provided on Cedar  
4 Point Road, and the designated shoreline launch Site, alerting the  
5 public of the Kayak/Canoe Launch Site.

6           7. The developer or the Homeowner's association ("HOA")  
7 shall maintain: the Kayak/Canoe Vehicular Access and Parking Area  
8 (both temporary and permanent); the drainage under the Vehicular  
9 Access; the Kayak/Canoe Launch Site, including any necessary  
10 repairs/replacement of the pedestrian bridge across the wetlands,  
11 as needed; and the Multi-Use Trail. A statement shall be included  
12 in the HOA documents alerting purchasers in this development of  
13 these requirements.

14           8. As a condition of acceptance of Unit 2, the paved  
15 Kayak/Canoe Parking Area, and the paved Kayak/Canoe Vehicular  
16 Access to it, shall be constructed through Unit 2 to the  
17 Kayak/Canoe Parking Area, as indicated on the Revised Site Plan.  
18 The parking lot shall be to ADA standards.

19           (3) This PUD is subject to the following conditions regarding  
20 a Multi-Use Trail:

21           1. In lieu of providing the sidewalk as required in  
22 Ordinance 2017-44-E (Bradley Pond PUD I), the developer shall  
23 provide public access to the Kayak/Canoe Launch Site through a  
24 perpetual non-exclusive public access easement ("Multi-Use Trail  
25 Easement") that will contain a 10 foot wide paved Multi-Use Trail  
26 ("the Trail") as indicated on the Revised Site Plan, providing the  
27 connection from the sidewalk to be constructed by the City along  
28 Cedar Point Road to the Kayak/Canoe Launch Site, for the purposes  
29 of pedestrian and non-motorized bicycle use. The easement shall be  
30 in favor of the City, in a form approved by the Office of General  
31 Counsel. The developer shall construct and maintain the Trail,

1 however, if the developer fails to do so, the City may do so with  
2 the cost charged to the developer or HOA, as the case may be.  
3 Rather than providing the exact location of the Trail through a  
4 survey, the developer may provide a blanket easement over the HOA  
5 Tract 1 in Unit 1, and the HOA Tract in Unit 2, so long as the  
6 location of the Trail is consistent with that shown on the Revised  
7 Site Plan.

8 2. As a condition of issuance of the 41st Single Family  
9 Residential New Building Permit in Unit 1, the developer shall  
10 design and construct, and the City shall review for acceptance, the  
11 10 foot wide paved Trail provided through Unit 1 and as a paved  
12 Trail and pedestrian bridge/boardwalk through Unit 2, down to and  
13 including the Kayak/Canoe Launch Site, in conformance with  
14 specifications provided by the Parks Dept.

15 3. The Trail shall be designed and constructed such that  
16 private vehicles cannot access the Trail, and shall be to ADA  
17 standards.

18 4. The Trail shall not be lighted, and shall have operating  
19 hours posted as from dawn to dusk.

20 (4) This PUD is subject to the following conditions regarding  
21 access to the Subject Property and access to the Lots:

22 1. Vehicular access to the Property shall be by way of Cedar  
23 Point Road, substantially as shown on the Revised Site Plan. The  
24 final location of the access point on Cedar Point Road is subject  
25 to the review and approval of the Planning and Development  
26 Department.

27 2. There shall be no vehicular access to Gate Road.

28 3. All Lots in Phase I of Parcel C (the TND Lots) shall be  
29 developed as shown on the Revised Site Plan with an alley providing  
30 vehicular access and utilities to the Lots. Any garage located on  
31 these Lots shall be located in the rear of the lot to allow

1 vehicular access from the alley, with no garage door facing the  
2 right-of-way.

3 4. The alleys for the Parcel C Lots, and the roads abutting  
4 the frontage of Parcel C Lots, shall be constructed in conformance  
5 with the TND Roadway Typical Section as shown in Appendix 3 of the  
6 Land Development Procedures Manual, and in the Series 500 Paving  
7 drawings of the City Standard Details (April 2009) document.

8 5. Alleys and roads in Parcel C shall contain the utilities  
9 in order to allow street trees to line the streets.

10 6. Phase 2 of the Parcel C Lots (Lots 82-102), currently  
11 drawn as TND Lots on the Revised Site Plan, may be developed in  
12 the suburban model that is present in Parcels A and B, with a  
13 minimum width of 60 feet, or may be developed as TND Lots, but not  
14 a mixture of both.

15 7. All Lots not developed as TND Lots, shall have a minimum  
16 of 25 feet from the sidewalk, if any, to the face of the garage  
17 door. Along areas where no sidewalk is planned, there shall be a  
18 minimum of 20 feet from the right-of-way line to the face of the  
19 garage.

20 (5) This PUD is subject to the following conditions regarding  
21 internal circulation:

22 1. Cul-de-sacs with islands shall be designed such that SU-  
23 30 design vehicles can negotiate them.

24 2. The roundabout shall be designed to FHWA Single Lane  
25 Roundabout Standards.

26 3. Sidewalks, a minimum of 5 feet in width, shall be  
27 provided on both sides of all streets except: in Unit 2 a single 6  
28 foot wide sidewalk will be provided fronting Lots 22-37, rather  
29 than providing a 5 foot sidewalk on both sides of the street; and  
30 in Unit 1, the sidewalk may be eliminated as shown on the Revised  
31 Site Plan on the northernmost cul-de-sac in Unit 1, if required for

1 the proper turning radius in the cul-de-sac.

2 (6) This PUD is subject to the following conditions regarding  
3 buffers:

4 1. The 20 foot natural buffer as required by Sec. 656.1222,  
5 *Ordinance Code*, along Cedar Point Road and Gate Road shall be  
6 platted as a separate Tract and owned by the HOA. It shall contain  
7 an 85% opaque screen, fence, or wall, located along the Lot-side of  
8 the buffer, with trees and landscaping provided on the street-side  
9 of the buffer.

10 2. As a condition of Civil Plan Review and Approval of Unit  
11 1, the developer shall provide the City with a perpetual, non-  
12 exclusive easement for the purpose of pedestrian and non-motorized  
13 bicycle use, to construct an 8 foot wide sidewalk within the 20  
14 foot Landscape Buffer Tract as shown on the Revised Site Plan along  
15 Cedar Point Road. The easement shall be in a form approved by the  
16 Office of General Counsel.

17 3. Pursuant to Sec. 656.1222, *Ordinance Code*, and in order  
18 to determine the amount and location of all trees of 3" d.b.h. or  
19 greater, the developer shall provide the City with a tree survey of  
20 trees 3" d.b.h. or greater along Cedar Point Road and Gate Road.

21 4. The tree survey along Cedar Point Road will be utilized  
22 by the City so that the sidewalk, which will be designed and  
23 constructed by the City, will meander in order to save existing  
24 trees while providing a safe distance from the roadbed of Cedar  
25 Point Road.

26 5. Within the 20 foot Buffer Tracts along Cedar Point Road  
27 and Gate Road, pursuant to Sec. 656.1222, *Ordinance Code*, if trees  
28 3" or great d.b.h. are removed from the Tracts, they must be  
29 replaced with at least 3" caliper trees (equating to the amount of  
30 inches total removed) in each Tract. If the preserved trees do not  
31 equate to one tree per 40 linear feet along the perimeter adjacent

1 to the rights-of-way, then trees of at least 4" caliper shall be  
2 provided.

3 6. As noted on the Revised Site Plan in Unit 2, a separate  
4 20 foot deep HOA Tract shall be provided on the north property line  
5 adjacent to property owned by others. The Tract shall contain the  
6 preserved natural vegetation, and a fence on the Lot-side of the  
7 Tract. The fence shall not be required within the jurisdictional  
8 wetlands if conditions are such that construction of a fence is  
9 unreasonable.

10 7. Where property (Real Estate # 159827-0000) currently  
11 owned by the Burkes is adjacent to the development, an 8 foot high  
12 fence, as shown on the Revised Site Plan, shall be provided. Where  
13 the fence is located on the property line at the development's Park  
14 area, clumping bamboo shall be provided on the Park side of the  
15 fence between the fence and the Multi-Use Trail.

16 (7) This PUD is subject to the following conditions regarding  
17 miscellaneous issues:

18 1. No subdivision identity sign may exceed a height of 6  
19 feet.

20 2. The open ditch that runs in a north/south direction  
21 currently located on the Burke's property that is close to the east  
22 property line in the northern portion of Unit 2, shall be moved by  
23 the developer westward, off the Burke's property and wholly onto  
24 the Unit 2 property, prior to the issuance of the first Single  
25 Family Residential New Building Permit.

26 3. A separate platted Tract, to be owned by the HOA, shall  
27 be created in Unit 2 between Lots 14 and 15, and Lots 33 and 34 in  
28 order to allow the drainage to occur from the north offsite, south  
29 toward the wetlands adjacent to Clapboard Creek. A statement on  
30 the plat, in the recorded HOA documents, and a deed restriction for  
31 Lots 14, 15, 33 and 34 of Unit 2 shall indicate the prohibition of

1 filling, grading, planting or constructing structures in that area.

2 4. Only one story homes shall be allowed to be constructed  
3 in Unit 1 on Lots 1-10, 25-29, 36, 37, and 40, as those Lots are  
4 located on the Revised Site Plan.

5 5. Only one story homes shall be allowed to be constructed  
6 in Unit 2, Lots 33-37, as those Lots are located on the Revised  
7 Site Plan.

8 6. The lot mix for Unit 2, totaling 37 lots, shall be as  
9 follows: 18 lots at 60' wide (Lots 1-3, 16-30); 3 lots at 64'-69'  
10 wide (Lots 4, 31, 32); and 12 lots at 70' wide (Lots 5-13, 35-37).  
11 Lots 14, 15, 33, and 34 shall be as substantially shown on the  
12 Revised Site Plan.

13 7. Street trees shall be provided between the sidewalk and  
14 the roadway in Parcel C at a minimum, and shall count toward the  
15 required trees on the Lot, or as mitigation trees.

16 **Section 3. Owner and Description.** The Subject Property  
17 is owned by Jacob J. Shacter, et al., Sustainable Jax, LLC, and  
18 Vernon A. Brinson, et al., and is legally described in **Exhibit 1,**  
19 **attached hereto.** The agent is Lara D. Hipps, 1650 Margaret Street  
20 #323, Jacksonville, Florida 32204; (904) 781-2654.

21 **Section 4. Disclaimer.** The rezoning granted herein  
22 shall not be construed as an exemption from any other applicable  
23 local, state, or federal laws, regulations, requirements, permits  
24 or approvals. All other applicable local, state or federal permits  
25 or approvals shall be obtained before commencement of the  
26 development or use and issuance of this rezoning is based upon  
27 acknowledgement, representation and confirmation made by the  
28 applicant(s), owner(s), developer(s) and/or any authorized agent(s)  
29 or designee(s) that the subject business, development and/or use  
30 will be operated in strict compliance with all laws. Issuance of  
31 this rezoning does not approve, promote or condone any practice or

