

# MALLARD CREEK PUD

January 14, 2021

## I. SUMMARY DESCRIPTION OF THE PROPERTY

- A. RE #: a portion 148521-4015
- B. Current Land Use Designation: NC
- C. Proposed Land Use Designation: NC & MDR
- D. Current Zoning District: PUD (2014-537-E)
- E. Proposed Zoning District: PUD

## II. SUMMARY AND PURPOSE OF THE PUD/COMPREHENSIVE PLAN CONSISTENCY

D.R. Horton, Inc. - Jacksonville (the “Applicant”) proposes to rezone approximately 12.05 acres of property located on the east side of Baymeadows Circle West, between Baymeadows Circle West and Baymeadows Circle East, from Planned Unit Development (the “Original PUD”) to Planned Unit Development (this “PUD”). The property is more particularly described by the legal description attached hereto as **Exhibit “1”** (the “Property”). As described below, the PUD zoning district is being sought to provide for a small townhome development. The PUD allows for the development of the proposed use in a manner that is internally consistent, compatible with external uses, and provides for innovative site planning concepts that will create an aesthetically pleasing environment. The PUD shall be developed in accordance with this Written Description and the Conceptual Site Plan dated April 9, 2020, which is attached as **Exhibit 4** to this Ordinance (the “Site Plan”).

The existing property is currently vacant. The Property is currently designated as Neighborhood Commercial (“NC”) on the Future Land Use Map (FLUM) of the 2030 Comprehensive Plan and is within the Urban Development Area. A companion small scale FLUM amendment has been filed to change a portion of the property from NC to Medium Density Residential (MDR). The PUD shall be developed consistent with the applicable NC and MDR – Urban Area land use categories of the 2030 Comprehensive Plan.

## III. SITE SPECIFICS

Surrounding land use designations, zoning districts, and existing uses are as follows:

	<u>Land Use Category</u>	<u>Zoning</u>	<u>Use</u>
South	RPI	CRO, PUD	Stormwater Pond; Office; Vacant
East	MDR	RMD-D	Stormwater Pond; Apartments; Condominiums
North	MDR	PUD	Stormwater Pond; Single Family Homes
West	NC, RPI, CGC	CCG-1, PUD	Baymeadows Circle West; Apartments; Office; Church

#### **IV. PUD DEVELOPMENT CRITERIA**

##### **A. Parcels - Permitted Uses**

This section of the Written Description addresses items required in Section 656.341(c)(2)(ii) of the Zoning Code: Permitted Uses and Structures, Permitted Accessory Uses and Structures, Minimum Lot Requirements (width/density/area), Maximum Lot Coverage by all Buildings and Structures, Minimum and/or Maximum Yard Requirements, and Maximum Height of Structures.

Within Parcel A, Residential Uses and Preservation Uses.

Within Parcel B, Preservation Uses.

##### **B. Residential Uses:**

That portion of the Property designated as Parcel A permits the following Residential Uses.

###### 1. *Permitted Uses and Structures.*

a. Townhomes, rowhouses or condominiums, rental or fee simple, not to exceed sixteen (16).

b. Temporary construction trailers and offices, leasing/sales/management offices, models and similar uses.

c. Amenity/recreation areas.

d. Home occupations meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code.

e. Mail centers/kiosks.

f. Maintenance offices/areas, maintenance equipment storage building/area, security office and similar use.

g. Essential services, including water, sewer, gas, telephone, radio, television and electric meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code.

###### 2. *Permitted Uses by Exception: None.*

3. *Multi-family Uses:* Minimum lot width, Maximum lot coverage by all buildings, Minimum yard requirements, and Maximum height of structures for multi-family uses: For the purposes of these requirements, "lot" refers to the parent property within which the proposed buildings are located and "yard" refers to distance from the parent property boundary.

a. Minimum lot width: None.

- b. Minimum lot area: None.
- c. Maximum lot coverage by all buildings: Seventy (70) percent.
- d. Minimum yard requirements. The minimum yard requirements for all structures are:
  - (i) Front: Twenty (20) feet.
  - (ii) Side: Ten (10) feet.
  - (iii) Rear: Twenty (20) feet.
- e. Maximum height of structure: Forty-five (45) feet, provided that the height limitations herein contained do not apply to spires, steeples, crosses, belfries, cupulas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

4. Fee Simple Uses: Minimum lot width, Maximum lot coverage by all buildings, Minimum yard requirements, and Maximum height of structures for fee simple uses:

- a. Minimum lot width: Eighteen (18) feet.
- b. Minimum lot area: 1,980 square feet.
- c. Maximum lot coverage by all buildings: Seventy (70) percent.
- d. Minimum yard requirements. The minimum yard requirements for all structures are:
  - (i) Front: Twenty (20) feet.
  - (ii) Side: Zero (0) feet; Ten (10) feet for end units.
  - (iii) Rear: Twenty (20) feet.
- e. Maximum height of structures: Forty-five (45) feet, provided that the height limitations herein contained do not apply to spires, steeples, crosses, belfries, cupulas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

**C. Preservation Uses:**

- 1. Permitted Uses and Structures:
  - a. Conservation, open space, greenspace, and passive open space uses, including recreational paths, benches, picnic tables, informational displays, kiosks, viewing areas, observation decks, and associated community/recreational structures.
  - b. Stormwater, surface water management and flood control improvements, as permitted by the applicable regulatory agencies.

c. Essential services, including water, sewer, gas, telephone, radio, television and electric meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code.

2. *Permitted Uses by Exception:* None.

3. *Minimum lot width, Maximum lot coverage by all buildings, Minimum yard requirements, and Maximum height of structures for uses:* For the purposes of these requirements, “lot” refers to the parent property within which the proposed buildings are located and “yard” refers to distance from the parent property boundary.

a. Minimum lot width: None.

b. Minimum lot area: None.

c. Maximum lot coverage by all buildings: None.

d. Minimum yard requirements. None.

e. Maximum height of structures: None.

**D. Accessory Uses and Structures in Parcels A & B:**

Accessory uses and structures, including those set forth in Section 656.403 of the Zoning Code, are permitted if those uses and structures are of the nature customarily incidental and clearly subordinate to a permitted principle use or structure and these uses and structures are located on the same lot (or contiguous lot in the same ownership) as the principle use. Accessory uses shall not involve operations or structures not in keeping with character of the principle use and shall be subject to the following:

1. Accessory uses shall not be located in required front or side yards except as follows:

a. Air conditioning compressors or other equipment designed to serve the main structure may be located in a required yard and may be located not less than two (2) feet from the exterior property line and zero (0) feet from internal lot lines where the side setback is also zero (0).

2. Accessory uses and structures related to residential uses within the PUD shall include noncommercial greenhouses and plant nurseries, tool houses and garden sheds, garden work centers, children’s play areas and play equipment, private barbecue pits and swimming pools, facilities for security guards and caretakers and similar uses or structures which are of a nature not likely to attract visitors in larger number than would normally be expected with regard to a residential use. Any structure under a common roof and meeting all required yards is a principal structure. The maximum height of an accessory structure shall not exceed fifteen (15) feet in all residential developments.

3. Patios and porches related to residential uses within the PUD, including outdoor dining, terraces, courtyards, or similar exterior structures, shall be permitted for each unit and may be located within the Minimum Setback from the Property Boundary, but shall not be located within five (5) feet of any right-of-way. Screened patios/porches with a structural roof shall be setback at least five (5) feet of any right-of-way.

4. Land clearing and processing of land clearing debris shall be accessory uses in all zoning districts; provided, however, land clearing debris may be processed only in conformity with applicable fire codes and other chapters of the City code to the extent those chapters are applicable.

## V. OVERALL DEVELOPMENT STANDARDS AND CRITERIA

### A. Access/Traffic Circulation

Access will be provided as shown on the PUD Conceptual Site Plan via Baymeadows Circle West. The locations and design of the access points, turn/deceleration lanes, and internal driveways as shown on the Site Plan may vary prior to development; provided, however, that the final design of the access point(s), potential connections, and internal drives shall be subject to the review and approval of the Planning and Development Department.

### B. Recreation/Open Space

While active recreation is not required for a project of this size pursuant to Policy 2.2.5 of the Recreation and Open Space Element of the 2030 Comprehensive Plan, Developer may, at its sole discretion, construct active and/or passive recreation on the Property.

### C. Landscaping/Landscaped Buffers

1. *Landscaping:* Landscaping and tree protection shall be provided in accordance with the City of Jacksonville Zoning Code, with the following additional and superseding provisions. Landscape standards shall be applied within the PUD without regard to property ownership boundaries which may exist.

2. *Baymeadows Circle West Boundary:* A minimum twenty (20) foot landscaped buffer shall be provided along the Baymeadows Circle West boundary of the Property meeting the requirements of Section 656.1216(b) of the Zoning Code. Notwithstanding the foregoing, to the extent that existing vegetation within said buffer area complies with the opacity and tree count provisions of Section 656.1216(b), said existing vegetation may remain as a part of said buffer and in lieu of additional plantings.

### D. Signage

#### 1. *Identity Monument Signs.*

Up to two (2) double-sided or four (4) single-sided identity monument signs are permitted at the entrances. The signs may be externally illuminated. The signs may not exceed fifteen (15) feet in height and twenty four (24) square feet (each side) in area.

2. *Directional Signs.*

Directional signs for vehicles (handicapped, deliveries, no parking, directional, etc.) are permitted and shall be designed as a unified package. Directional signs indicating common areas and buildings, etc. are permitted. The design of these signs should reflect the character of the use and may include the project logo and name. For predominately vehicle directional signage, such signs shall be a maximum of four (4) square feet in area per sign face. For pedestrian directional signage, such signs shall be a maximum of twenty (20) square feet per side and a maximum of twelve (12) feet in height. All Vehicular Control Signs shall meet the requirements of the Manual on Uniform Traffic Control Devices with decorative post(s) and finials.

3. *Real Estate and Construction Signs.*

Real estate and construction signs of a maximum of forty-eight (48) square feet in area and twelve (12) feet in height are permitted.

**E. Architectural Guidelines.**

Buildings, structures, and signage shall be architecturally compatible.

**F. Modifications**

Amendment to this approved PUD district may be accomplished through an administrative modification, minor modification, or by filing an application for rezoning as authorized by Section 656.341 of the Zoning Code.

**G. Parking and Loading Requirements**

Parking will be provided in accordance with Part 6 of the City's Zoning Code, as it may be amended.

**H. Lighting**

Lighting shall be designed and installed so as to prevent glare or excessive light on adjacent property.

**I. Stormwater Retention**

Stormwater facilities will be constructed in accordance with applicable regulations.

**J. Utilities**

The Property is served by JEA.

**VI. PRE-APPLICATION CONFERENCE**

A pre-application conference was held regarding this application on September 18, 2020.

**VII. JUSTIFICATION FOR THE PUD REZONING**

This PUD allows for an infill residential project combined with extensive preservation that would not otherwise be permitted in a conventional zoning district. The proposed residential uses will provide for the addition of more diverse housing products to this area.

**A. PUD/Difference from Usual Application of Zoning Code (Ordinance 2014-537-E)**

The PUD differs from the usual application of the Zoning Code in the following respects: it binds the Applicant and successors to this Written Description and the Site Plan; it provides for site-specific access requirements; it requires an increased buffer along the eastern boundary of the Property; it contains preservation provisions which would otherwise not be required; and, it provides for site-specific signage requirements. Differentiations from the Zoning Code that are capable of being specifically set forth are outlined in the table below.

Element	Ordinance 2014-537-E	Proposed PUD	Reasoning
<b>Uses</b>	<ol style="list-style-type: none"> <li>1. Commercial retail sales and service establishments</li> <li>2. Banks without drive-thru tellers, credit unions, and similar uses</li> <li>3. Professional and business offices, including medical and dental or chiropractic offices, but not clinics or hospitals</li> <li>4. Libraries, art galleries, museums, dance, art, photography or music studios and theaters for stage performances, but not motion picture theaters</li> <li>5. Vocational, trade or business schools and similar uses</li> <li>6. Day care centers or care centers meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code</li> <li>7. Adult congregate living facility, but not group care homes or residential treatment facilities</li> <li>8. Express or parcel delivery offices and similar uses, but not freight terminals</li> <li>9. Veterinarians and animal boarding that do not require outside housing or boarding of animals, subject to the performance standards and development criteria set forth in Part 4 of the Zoning Code</li> <li>10. Essential services, including water, sewer, gas, telephone, radio, television, and electric, meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code</li> <li>11. Retail outlets for the sale of used wearing apparel, not to exceed 2,500 rentable square feet</li> <li>12. Multi-family residential</li> <li>13. Single-family residential</li> <li>14. Restaurants with the outside sale and</li> </ol>	<p>Residential Uses:</p> <ol style="list-style-type: none"> <li>a. Townhomes, rowhouses or condominiums, rental or fee simple, not to exceed sixteen (16).</li> <li>b. Temporary construction trailers and offices, leasing/sales/management offices, models and similar uses.</li> <li>c. Amenity/recreation areas.</li> <li>d. Home occupations meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code.</li> <li>e. Mail centers/kiosks.</li> <li>f. Maintenance offices/areas, maintenance equipment storage building/area, security office and similar use.</li> <li>g. Essential services, including water, sewer, gas, telephone, radio, television and electric meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code.</li> </ol> <p>Preservation Uses:</p> <ol style="list-style-type: none"> <li>a. Conservation, open space, greenspace, and passive open space uses, including recreational paths, benches, picnic tables, informational displays, kiosks, viewing areas, observation decks, and associated community/recreational structures.</li> <li>b. Stormwater, surface water management and flood control improvements, as permitted by the applicable regulatory agencies.</li> <li>c. Essential services, including water, sewer, gas, telephone, radio, television and electric meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code.</li> </ol>	<p>To permit residential uses, to prohibit development on portions of the property, and to delete the commercial uses.</p>

	<p>service of food, meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code</p> <p>15. Restaurants may include retail sale and service of all alcoholic beverages for on-premises consumption</p> <p>16. Churches, including a rectory or similar use meeting the performance standards and development criteria set forth in Part 4 of the Zoning Code</p>		
<p><b>Accessory Uses and Structures</b></p>	<p>None</p>	<p>Accessory uses and structures, including those set forth in Section 656.403 of the Zoning Code, are permitted if those uses and structures are of the nature customarily incidental and clearly subordinate to a permitted principle use or structure and these uses and structures are located on the same lot (or contiguous lot in the same ownership) as the principle use. Accessory uses shall not involve operations or structures not in keeping with character of the principle use and shall be subject to the following:</p> <p>1. Accessory uses shall not be located in required front or side yards except as follows:</p> <p>a. Air conditioning compressors or other equipment designed to serve the main structure may be located in a required yard and may be located not less than two (2) feet from the exterior property line and zero (0) feet from internal lot lines where the side setback is also zero (0).</p> <p>2. Accessory uses and structures related to residential uses within the PUD shall include noncommercial greenhouses and plant nurseries, tool houses and garden sheds, garden work centers, children's play areas and play equipment, private barbecue pits and swimming pools, facilities for security guards and caretakers and similar uses or structures which are of a nature not likely to attract visitors in larger number than would normally be expected with regard to a residential use. Any structure under a common roof and meeting all required yards is a principal structure. The maximum height of an accessory structure shall not exceed fifteen (15) feet in all residential developments.</p> <p>3. Patios and porches related to residential uses within the PUD, including outdoor dining, terraces, courtyards, or similar exterior structures, shall be permitted for each unit and may be located within the Minimum Setback from the Property Boundary, but shall not be located within five (5) feet of any right-of-way. Screened patios/porches with a structural roof shall be setback at least five (5) feet from any side or</p>	<p>To permit accessory uses and structures typically permitted with residential uses.</p>



		rear yard.	
		<p>4. Land clearing and processing of land clearing debris shall be accessory uses in all zoning districts; provided, however, land clearing debris may be processed only in conformity with applicable fire codes and other chapters of the City code to the extent those chapters are applicable.</p>	
<b>Lot Requirements</b>	<p>Commercial Lot Requirements:  Minimum lot area, minimum lot width, maximum lot coverage, minimum front yard and minimum side yard: None  Minimum rear yard: 10 feet  Maximum height of structures: 45 feet</p> <p>Residential Lot Requirements:  Minimum lot area: 4,000 sq ft  Minimum lot width: 40 feet  Maximum lot coverage: 50%  Minimum front yard: 20 feet  Minimum side yard: 3 feet  Minimum rear yard: 5 feet  Maximum height of structures: 45 feet</p>	<p>Multi-family Uses: Minimum lot width, Maximum lot coverage by all buildings, Minimum yard requirements, and Maximum height of structures for multi-family uses: For the purposes of these requirements, "lot" refers to the parent property within which the proposed buildings are located and "yard" refers to distance from the parent property boundary.</p> <p>a. Minimum lot width: None.</p> <p>b. Minimum lot area: None.</p> <p>c. Maximum lot coverage by all buildings: Seventy (70) percent.</p> <p>d. Minimum yard requirements. The minimum yard requirements for all structures are:</p> <p>(i) Front: Twenty (20) feet.</p> <p>(ii) Side: Ten (10) feet.</p> <p>(iii) Rear: Twenty (20) feet.</p> <p>e. Maximum height of structure: Forty-five (45) feet, provided that the height limitations herein contained do not apply to spires, steeples, crosses, belfries, cupulas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.</p> <p>Fee Simple Uses: Minimum lot width, Maximum lot coverage by all buildings, Minimum yard requirements, and Maximum height of structures for fee simple uses:</p> <p>a. Minimum lot width: Eighteen (18) feet.</p> <p>b. Minimum lot area: 1,980 square feet.</p> <p>c. Maximum lot coverage by all buildings: Seventy (70) percent.</p> <p>d. Minimum yard requirements. The minimum yard requirements for all structures are:</p>	To revise the lot requirements to reflect the proposed uses.

		<p>(i) Front: Twenty (20) feet.</p> <p>(ii) Side: Zero (0) feet; Ten (10) feet for end units.</p> <p>(iii) Rear: Twenty (20) feet.</p> <p>e. Maximum height of structures: Forty-five (45) feet, provided that the height limitations herein contained do not apply to spires, steeples, crosses, belfries, cupulas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.</p> <p>For preservation:</p> <p>3. Minimum lot width, Maximum lot coverage by all buildings, Minimum yard requirements, and Maximum height of structures for uses: None.</p>	
<b>Recreation/ Open Space</b>	Passive open space where shown on site plan.	While active recreation is not required for a project of this size pursuant to Policy 2.2.5 of the Recreation and Open Space Element of the 2030 Comprehensive Plan, Developer may, at its sole discretion, construct active and/or passive recreation on the Property.	The revised provision provides the developer and/or future HOA with the ability to construct active and/or passive recreation on the Property in the future.
<b>Buffers</b>	The Property shall be developed in accordance with Part 12 Landscape Regulations of the Zoning Code.	<p>1. Landscaping: Landscaping and tree protection shall be provided in accordance with the City of Jacksonville Zoning Code, with the following additional and superseding provisions. Landscape standards shall be applied within the PUD without regard to property ownership boundaries which may exist.</p> <p>2. Baymeadows Circle West Boundary: A minimum twenty (20) foot landscaped buffer shall be provided along the Baymeadows Circle West boundary of the Property meeting the requirements of Section 656.1216(b) of the Zoning Code. Notwithstanding the foregoing, to the extent that existing vegetation within said buffer area complies with the opacity and tree count provisions of Section 656.1216(b), said existing vegetation may remain as a part of said buffer and in lieu of additional plantings.</p>	The proposed PUD provides additional buffering along Baymeadows Circle West.
<b>Signage</b>	<p>At each entrance one (1) double faced or two (2) single faced signs not to exceed one hundred twenty (120) square feet in area and twelve (12) feet in height and not closer than 100 feet.</p> <p>Wall signs not to exceed ten percent (10%) of the square footage of the occupancy frontage of the building abutting a public right-of-way are permitted.</p> <p>One (1) under-the-canopy sign per occupancy, not exceeding a maximum of</p>		To revise the signage requirements to better reflect a residential use versus a commercial use.

	<p>twenty-four (24) square feet in area per sign, is permitted provided that any square footage used for an under-the-canopy sign shall be subtracted from the maximum allowable square footage for wall signs on the building in question.</p> <p>Directional signs shall not exceed four (4) square feet.</p>		
<b>Architectural Guidelines</b>	None	Buildings, structures, and signage shall be architecturally compatible.	To provide for internal compatibility.

**VIII. NAMES OF DEVELOPMENT TEAM**

Owner/Developer: D.R. Horton, Inc. - Jacksonville

Engineer: Dunn & Associates, Inc.

**IX. LAND USE TABLE**

A Land Use Table is attached hereto as **Exhibit “F.”** Acreages in Exhibit F are approximate.

**X. PUD REVIEW CRITERIA**

**A. Consistency with the Comprehensive Plan:** As described above, the uses proposed herein are consistent with the NC and MDR Urban Area land use categories.

**B. Consistency with the Concurrency Management System:** The PUD will comply with the Concurrency and Mobility Management System regulations.

**C. Allocation of Residential Land Use:** The PUD is consistent with land use allocations under the 2030 Comprehensive Plan.

**D. Internal Compatibility:** The PUD provides for integrated design and compatible uses within the PUD.

**E. External Compatibility/Intensity of Development:** The PUD proposes uses and provides design mechanisms which are compatible with surrounding uses.

**F. Maintenance of Common Areas and Infrastructure:** All common areas and infrastructure will be maintained by the owner, a maintenance company and/or an owners’ association.

**G. Usable Open spaces, Plazas, Recreation Areas:** The PUD provides ample open spaces and recreational opportunities.

**H. Impact on Wetlands:** Any development impacting wetlands will be permitted pursuant to local, state, and federal permitting requirements.

I. **Listed Species Regulations:** The Property is less than fifty (50) acres in size, so a listed species survey is not required.

J. **Parking Including Loading and Unloading Areas:** Parking will be provided in accordance with Part 6 of the City's Zoning Code, as it may be amended.

K. **Sidewalks, Trails, and Bikeways:** A five (5) foot wide sidewalk will be constructed along Baymeadows Circle West.