

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-684-E**

5 AN ORDINANCE REZONING APPROXIMATELY 3.69±
6 ACRES, LOCATED IN COUNCIL DISTRICT 10 AT 0
7 CAHOON ROAD NORTH, BETWEEN OKLAHOMA STREET AND
8 OLD PLANK ROAD (R.E. NO. 005478-0010), AS
9 DESCRIBED HEREIN, OWNED BY MICHAEL MOODY, FROM
10 RESIDENTIAL LOW DENSITY-60 (RLD-60) DISTRICT
11 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
12 DEFINED AND CLASSIFIED UNDER THE ZONING CODE,
13 TO PERMIT COMMERCIAL USES, AS DESCRIBED IN THE
14 CAHOON ROAD PUD, PURSUANT TO FUTURE LAND USE
15 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
16 APPLICATION NUMBER L-5360-19C; PUD SUBJECT TO
17 CONDITION; 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 City of Jacksonville adopted a Small-Scale
23 Amendment to the *2030 Comprehensive Plan* for the purpose of
24 revising portions of the Future Land Use Map series (FLUMs) in
25 order to ensure the accuracy and internal consistency of the plan,
26 pursuant to application L-5360-19C and companion land use Ordinance
27 2019-683; and

28 **WHEREAS,** in order to ensure consistency of zoning district
29 with the *2030 Comprehensive Plan* and the adopted companion Small-
30 Scale Amendment L-5360-19C, an application to rezone and reclassify

1 from Residential Low Density-60 (RLD-60) District to Planned Unit
2 Development (PUD) District, was filed by Lara Hipps, on behalf of
3 Michael Moody, the owner of approximately 3.69± acres of certain
4 real property in Council District 10, as more particularly
5 described in Section 1; and

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

10 **WHEREAS**, the Planning Commission has considered the
11 application and has rendered an advisory opinion; and

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

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

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

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

31 **Section 1. Subject Property Location and Description.** The

1 approximately 3.69± acres (R.E. No. 005478-0010) are located in
2 Council District 10 at 0 Cahoon Road North, between Oklahoma Street
3 and Old Plank Road, as more particularly described in **Exhibit 1**,
4 dated July 23, 2019, **attached hereto** and incorporated herein by
5 this reference (Subject Property).

6 **Section 2. Owner and Applicant Description.** The Subject
7 Property is owned by Michael Moody and is legally described in
8 **Exhibit 1, attached hereto.** The agent is Lara Hipps, 1650 Margaret
9 Street #323, Jacksonville, Florida 32204; (904) 781-2654.

10 **Section 3. Property Rezoned.** The Subject Property,
11 pursuant to adopted companion Small-Scale Amendment L-5360-19C, is
12 hereby rezoned and reclassified from Residential Low Density-60
13 (RLD-60) District to Planned Unit Development (PUD) District. This
14 new PUD district shall generally permit commercial uses, and is
15 described, shown and subject to the following documents, **attached**
16 **hereto:**

17 **Exhibit 1** - Legal Description dated July 23, 2019.

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

19 **Revised Exhibit 3** - Revised Written Description dated October 22,
20 2019.

21 **Revised Exhibit 4** - Revised Site Plan dated October 23, 2019.

22 **Section 4. Rezoning Approved Subject to Condition.** This
23 rezoning is approved subject to the following condition. Such
24 condition controls over the Written Description and the Site Plan
25 and may only be amended through a rezoning.

26 (1) Permitted uses (6) "Hospital, nursing homes, assisted
27 living facilities, group care homes, housing for the elderly or
28 orphans and similar uses", and (7) "Light manufacturing, processing
29 (including food processing but not slaughterhouse), packaging or
30 fabricating" shall be permissible by exception. Furthermore, use
31 (7) must be consistent with the CGC Land use category to be

1 approved.

2 **Section 5. Contingency.** This rezoning shall not become
3 effective until 31 days after adoption of the companion Small-Scale
4 Amendment unless challenged by the state land planning agency; and
5 further provided that if the companion Small-Scale Amendment is
6 challenged by the state land planning agency, this rezoning shall
7 not become effective until the state land planning agency or the
8 Administration Commission issues a final order determining the
9 companion Small-Scale Amendment is in compliance with Chapter 163,
10 *Florida Statutes*.

11 **Section 6. Disclaimer.** The rezoning granted herein
12 shall not be construed as an exemption from any other applicable
13 local, state, or federal laws, regulations, requirements, permits
14 or approvals. All other applicable local, state or federal permits
15 or approvals shall be obtained before commencement of the
16 development or use and issuance of this rezoning is based upon
17 acknowledgement, representation and confirmation made by the
18 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
19 or designee(s) that the subject business, development and/or use
20 will be operated in strict compliance with all laws. Issuance of
21 this rezoning does not approve, promote or condone any practice or
22 act that is prohibited or restricted by any federal, state or local
23 laws.

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

28 Form Approved:

29 /s/ Shannon K. Eller

30 Office of General Counsel

31 Legislation Prepared By: Connor Corrigan

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