

1 Introduced and amended by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2018-668-E**

5 AN ORDINANCE REZONING APPROXIMATELY 44.44±
6 ACRES, LOCATED IN COUNCIL DISTRICT 2 AT 2059
7 NEW BERLIN ROAD AND 2107 NEW BERLIN ROAD,
8 BETWEEN DUNN CREEK ROAD AND WAGES WAY (R.E.
9 NOS. 106888-0000 AND PORTION OF 106889-0120),
10 AS DESCRIBED HEREIN, OWNED BY NEW BERLIN 832,
11 INC., GARY T. GILDER AND DOROTHY GILDER, FROM
12 RESIDENTIAL RURAL-ACRE (RR-ACRE) DISTRICT AND
13 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT
14 (ORDINANCE 2001-952-E), TO PLANNED UNIT
15 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
16 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
17 SINGLE FAMILY RESIDENTIAL USES, AS DESCRIBED
18 IN THE LOGAN POINT PLANTATION PUD; PUD SUBJECT
19 TO CONDITIONS; PROVIDING A DISCLAIMER THAT THE
20 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
21 AS AN EXEMPTION FROM ANY OTHER APPLICABLE
22 LAWS; PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS**, New Berlin 832, Inc., Gary T. Gilder and Dorothy
25 Gilder, the owners of approximately 44.44± acres, located in
26 Council District 2 at 2059 New Berlin Road and 2107 New Berlin
27 Road, between Dunn Creek Road and Wages Way (R.E. Nos. 106888-0000
28 and portion of 106889-0120), as more particularly described in
29 **Exhibit 1**, dated July 20, 2018, and generally depicted in **Exhibit**
30 **2**, both of which are **attached hereto** and incorporated herein by

1 this reference (Subject Property), have applied for a rezoning and
2 reclassification of that property from Residential Rural-Acre (RR-
3 Acre) District and Planned Unit Development (PUD) District
4 (Ordinance 2001-952-E), to Planned Unit Development (PUD) District,
5 as described in Section 1 below; and

6 **WHEREAS**, the Planning Commission has considered the
7 application and has rendered an advisory opinion; and

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

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

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

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

24 **Section 1. Property Rezoned.** The Subject Property is
25 hereby rezoned and reclassified from Residential Rural-Acre (RR-
26 Acre) District and Planned Unit Development (PUD) District
27 (Ordinance 2001-952-E), to Planned Unit Development (PUD) District.
28 This new PUD district shall generally permit single family
29 residential uses, and is described, shown and subject to the
30 following attached documents:

31 **Exhibit 1** - Legal Description dated July 20, 2018.

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

2 **Revised Exhibit 3** - Revised Written Description dated June 12,
3 2019.

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

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

9 (1) The Homeowners' Declaration of Covenants, Conditions and
10 Restrictions shall restrict houses on lots 1-2, 4, 6, 8, 10, 12,
11 14, 16, 18, 20, 22, 24, and 26 through 37 to one story in height.

12 (2) There shall be a twenty (20) foot wide undisturbed natural
13 buffer along lots 1-2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26-
14 37, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 87-89.

15 (3) On the developer's side of the buffer, an eight (8) foot
16 high, 85% opaque fence shall be constructed along lots/parcels 1-2,
17 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26-37, 3, 5, 7, 9, 11, 13,
18 15, 17, 19, 21, 23, 25, and 87-89 as well as along the northern
19 property line of Parcel R.E. No. 106889-0020, and along the right-
20 of-way along the eastern property line where applicable, depending
21 upon wetlands and stand of existing trees.

22 (4) The existing trees in the buffer, as referenced above in
23 condition (2), shall be supplemented with one shade tree every
24 twenty-five (25) feet between existing trees.

25 (5) Prior to the first final inspection within any phase of
26 development, the owner or their agent shall submit to the Planning
27 and Development Department for its review and approval either: (a)
28 an affidavit documenting that all conditions to the development
29 order have been satisfied, or (b) a detailed agreement for the
30 completion of all conditions to the development order.

31 **Section 3. Owner and Description.** The Subject Property

1 is owned by New Berlin 832, Inc., Gary T. Gilder and Dorothy
2 Gilder, and is legally described in **Exhibit 1, attached hereto.**
3 The agent is Dan C. Boswell, 4014 Ranie Road, Jacksonville, Florida
4 32218; (904) 476-7993.

5 **Section 4. Disclaimer.** The rezoning granted herein
6 shall not be construed as an exemption from any other applicable
7 local, state, or federal laws, regulations, requirements, permits
8 or approvals. All other applicable local, state or federal permits
9 or approvals shall be obtained before commencement of the
10 development or use and issuance of this rezoning is based upon
11 acknowledgement, representation and confirmation made by the
12 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
13 or designee(s) that the subject business, development and/or use
14 will be operated in strict compliance with all laws. Issuance of
15 this rezoning does not approve, promote or condone any practice or
16 act that is prohibited or restricted by any federal, state or local
17 laws.

18 **Section 5. Effective Date.** The adoption of this
19 Ordinance shall be deemed to constitute a quasi-judicial action of
20 the City Council and shall become effective upon signature by the
21 Council President and the Council Secretary.

22
23 Form Approved:

24
25 /s/ Shannon K. Eller

26 Office of General Counsel

27 Legislation Prepared By: Arimus Wells

28 GC-#1289882-v1-2018-668-E