

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-632**

5 AN ORDINANCE REZONING APPROXIMATELY 0.87± OF AN
6 ACRE, LOCATED IN COUNCIL DISTRICT 7 AT 265 44TH
7 STREET EAST, 281 44TH STREET EAST, 285 44TH STREET
8 EAST AND 296 45TH STREET EAST, BETWEEN LIBERTY
9 STREET AND SEBALD LANE (R.E. NOS. 031465-0000,
10 031467-0000, 031468-0000 AND 031511-0000), AS
11 DESCRIBED HEREIN, OWNED BY UNITY MISSIONARY
12 BAPTIST CHURCH OF JACKSONVILLE FLORIDA, INC.,
13 FROM RESIDENTIAL LOW DENSITY-60 (RLD-60) DISTRICT
14 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
15 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
16 PERMIT INSTITUTIONAL USES, AS DESCRIBED IN THE
17 UNITY MISSIONARY BAPTIST CHURCH COMMUNITY
18 RESIDENTIAL HOME PUD, PURSUANT TO FUTURE LAND USE
19 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
20 APPLICATION NUMBER L-5377-19C; PROVIDING A
21 DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL
22 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
23 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
24

25 **WHEREAS**, the City of Jacksonville adopted a Small-Scale Amendment
26 to the *2030 Comprehensive Plan* for the purpose of revising portions of
27 the Future Land Use Map series (FLUMs) in order to ensure the accuracy
28 and internal consistency of the plan, pursuant to application L-5377-
29 19C and companion land use Ordinance 2019-631; and

30 **WHEREAS**, in order to ensure consistency of zoning district with
31 the *2030 Comprehensive Plan* and the adopted companion Small-Scale

1 Amendment L-5377-19C, an application to rezone and reclassify from
2 Residential Low Density-60 (RLD-60) District to Planned Unit
3 Development (PUD) District, was filed by Steve Diebenow, Esq., on
4 behalf of Unity Missionary Baptist Church of Jacksonville Florida,
5 Inc., the owner of approximately 0.87± of an acre of certain real
6 property in Council District 7, as more particularly described in
7 Section 1; and

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

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

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

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

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

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

1 **Section 1. Subject Property Location and Description.** The
2 approximately 0.87± of an acre (R.E. Nos. 031465-0000, 031467-0000,
3 031468-0000 and 031511-0000) is located in Council District 7 at 265
4 44th Street East, 281 44th Street East, 285 44th Street East and 296 45th
5 Street East, between Liberty Street and Sebald Lane, as more
6 particularly described in the **Legal Description** dated April 3, 2019,
7 and **On File** with the City Council Legislative Services Division
8 (Subject Property).

9 **Section 2. Owner and Applicant Description.** The Subject
10 Property is owned by Unity Missionary Baptist Church of Jacksonville
11 Florida, Inc. and is described in the **Legal Description On File**. The
12 agent is Steve Diebenow, Esq., One Independent Drive, Suite 1200,
13 Jacksonville, Florida 32202; (904) 301-1269.

14 **Section 3. Property Rezoned.** The Subject Property, pursuant
15 to adopted companion Small-Scale Amendment L-5377-19C, is hereby
16 rezoned and reclassified from Residential Low Density-60 (RLD-60)
17 District to Planned Unit Development (PUD) District. This new PUD
18 district shall generally permit institutional uses, and is described,
19 shown and subject to the following documents:

20 **On File** - Legal Description dated April 3, 2019.

21 **On File** - Subject Property per P&DD.

22 **On File** - Written Description dated July 8, 2019.

23 **On File** - Site Plan dated July 14, 2019.

24 **Section 4. Contingency.** This rezoning shall not become
25 effective until 31 days after adoption of the companion Small-Scale
26 Amendment unless challenged by the state land planning agency; and
27 further provided that if the companion Small-Scale Amendment is
28 challenged by the state land planning agency, this rezoning shall not
29 become effective until the state land planning agency or the
30 Administration Commission issues a final order determining the
31 companion Small-Scale Amendment is in compliance with Chapter 163,

1 *Florida Statutes.*

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

14 **Section 6. Effective Date.** The enactment of this Ordinance
15 shall be deemed to constitute a quasi-judicial action of the City
16 Council and shall become effective upon signature by the Council
17 President and the Council Secretary.

18
19 Form Approved:

20
21 /s/ Shannon K. Eller

22 Office of General Counsel

23 Legislation Prepared By: Erin Abney

24 GC-#1301751-v1-L-2322_SS_COMP_PUD