

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

4 **ORDINANCE 2019-3**

5 AN ORDINANCE REZONING APPROXIMATELY 6.16± ACRES
6 LOCATED IN COUNCIL DISTRICT 2, AT 0 DUNN CREEK
7 ROAD, BETWEEN NEW BERLIN ROAD AND ARENDS ROAD
8 (R.E. NO. 106509-0010), OWNED BY OCEANWAY
9 PROPERTY DEVELOPMENT, LLC, AS DESCRIBED HEREIN,
10 FROM RESIDENTIAL LOW DENSITY-100A (RLD-100A)
11 DISTRICT TO COMMERCIAL NEIGHBORHOOD (CN)
12 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
13 ZONING CODE, PURSUANT TO FUTURE LAND USE MAP
14 SERIES (FLUMS) SMALL-SCALE AMENDMENT APPLICATION
15 NUMBER L-5321-18C; PROVIDING A DISCLAIMER THAT
16 THE REZONING GRANTED HEREIN SHALL NOT BE
17 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
19

20 **WHEREAS**, the City of Jacksonville adopted a Small-Scale Amendment
21 to the *2030 Comprehensive Plan* for the purpose of revising portions of
22 the Future Land Use Map series (FLUMs) in order to ensure the accuracy
23 and internal consistency of the plan, pursuant to application L-5321-
24 18C and companion land use Ordinance 2019-2; and

25 **WHEREAS**, in order to ensure consistency of zoning district with
26 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
27 Amendment L-5321-18C, an application to rezone and reclassify from
28 Residential Low Density-100A (RLD-100A) District to Commercial
29 Neighborhood (CN) District was filed by Courtney P. Gaver, Esq., on
30 behalf of Oceanway Property Development, LLC, the owner of
31 approximately 6.16± acres of certain real property in Council District

1 2, as more particularly described in Section 1; and

2 **WHEREAS**, the Planning and Development Department, in order to
3 ensure consistency of this zoning district with the *2030 Comprehensive*
4 *Plan*, has considered the rezoning and has rendered an advisory opinion;
5 and

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

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

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

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

19 **Section 1. Subject Property Location and Description.** The
20 approximately 6.16± acres (R. E. No. 106509-0010) is located in Council
21 District 2, at 0 Dunn Creek Road, between New Berlin Road and Arends
22 Road, as more particularly described in **Exhibit 1**, dated October 25,
23 2018, and graphically depicted in **Exhibit 2**, both of which are **attached**
24 **hereto** and incorporated herein by this reference (Subject Property).

25 **Section 2. Owner and Applicant Description.** The Subject
26 Property is owned by Oceanway Property Development, LLC. The applicant
27 is Courtney P. Gaver, Esq., Rogers Towers, P.A., 100 Whetstone Place,
28 Suite 200, St. Augustine, Florida 32086; (904) 473-1388.

29 **Section 3. Property Rezoned.** The Subject Property, pursuant
30 to adopted companion Small-Scale Amendment Application L-5321-18C, is
31 hereby rezoned and reclassified from Residential Low Density-100A (RLD-

1 100A) District to Commercial Neighborhood (CN) District.

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

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

22 **Section 6. Effective Date.** The enactment of this ordinance
23 shall be deemed to constitute a quasi-judicial action of the City
24 Council and shall become effective upon signature by the Council
25 President and the Council Secretary.

26
27 Form Approved:

28 _____
 /s/ Shannon K. Eller

29 Office of General Counsel

30 Legislation Prepared By: Samuel Walker

31 GC-#1254118-v1-T-2067_SS_COMP_REZ