

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-14**

5 AN ORDINANCE REZONING APPROXIMATELY 7.16± ACRES,
6 LOCATED IN COUNCIL DISTRICT 2 AT 3254 NEW BERLIN
7 ROAD, BETWEEN MOOSE ROAD AND YELLOW BLUFF ROAD
8 (R.E. NO. 106541-0000), OWNED BY JANETTE BARNES,
9 AS TRUSTEE OF THE JANETTE BARNES REVOCABLE
10 TRUST, DATED SEPTEMBER 11, 2020, AS DESCRIBED
11 HEREIN, FROM RESIDENTIAL RURAL-ACRE (RR-ACRE)
12 DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
13 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
14 ZONING CODE, TO PERMIT MULTI-FAMILY RESIDENTIAL
15 USES, AS DESCRIBED IN THE NEW BERLIN PUD;
16 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
17 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
18 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
19 EFFECTIVE DATE.
20

21 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
22 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
23 portions of the Future Land Use Map series (FLUMs) in order to ensure
24 the accuracy and internal consistency of the plan, pursuant to the
25 companion land use ordinance for application L-5635-21C; and

26 **WHEREAS**, in order to ensure consistency of zoning district with
27 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
28 Amendment L-5635-21C, an application to rezone and reclassify from
29 Residential Rural-Acre (RR-Acre) District to Planned Unit Development
30 (PUD) District was filed by Paul Harden, Esq., on behalf of the owner
31 of approximately 7.16± acres of certain real property in Council

1 District 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
5 opinion; 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 and public hearing, has made its recommendation to the Council;
10 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; and

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

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

27 **Section 1. Subject Property Location and Description.** The
28 approximately 7.16± acres are located in Council District 2 at 3254
29 New Berlin Road, between Moose Road and Yellow Bluff Road (R.E. No.
30 106541-0000), as more particularly described in **Exhibit 1**, dated
31 November 9, 2021, and graphically depicted in **Exhibit 2**, both of

1 which are **attached hereto** and incorporated herein by this reference
2 (the "Subject Property")

3 **Section 2. Owner and Applicant Description.** The Subject
4 Property is owned by Janette Barnes, as Trustee of the Janette Barnes
5 Revocable Trust, dated September 11, 2020. The applicant is Paul
6 Harden, Esq., 1431 Riverplace Boulevard, Suite 901, Jacksonville,
7 Florida 32207; (904)396-5731.

8 **Section 3. Property Rezoned.** The Subject Property,
9 pursuant to adopted companion Small-Scale Amendment L-5635-21C, is
10 hereby rezoned and reclassified from Residential Rural-Acre (RR-Acre)
11 District to Planned Unit Development (PUD) District. This new PUD
12 district shall generally permit multi-family residential uses, and
13 is described, shown and subject to the following documents, **attached**
14 **hereto:**

15 **Exhibit 1** - Legal Description dated November 9, 2021.

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

17 **Exhibit 3** - Written Description dated November 3, 2021.

18 **Exhibit 4** - Site Plan dated November 3, 2021.

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

28 **Section 5. Disclaimer.** The rezoning granted herein
29 shall **not** be construed as an exemption from any other applicable
30 local, state, or federal laws, regulations, requirements, permits or
31 approvals. All other applicable local, state or federal permits or

1 approvals shall be obtained before commencement of the development
2 or use and issuance of this rezoning is based upon acknowledgement,
3 representation and confirmation made by the applicant(s), owner(s),
4 developer(s) and/or any authorized agent(s) or designee(s) that the
5 subject business, development and/or use will be operated in strict
6 compliance with all laws. Issuance of this rezoning does **not** approve,
7 promote or condone any practice or act that is prohibited or
8 restricted by any federal, state or local laws.

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

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14 Form Approved:

15
16 /s/ Mary E. Staffopoulos

17 Office of General Counsel

18 Legislation Prepared By: Connor Corrigan

19 GC-#1472582-v2-2022-14_(Z-3890-PUD)