

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

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4
5 **ORDINANCE 2021-740-E**

6 AN ORDINANCE REZONING APPROXIMATELY 4.91± ACRES
7 LOCATED IN COUNCIL DISTRICT 9 AT 5902 SEABOARD
8 AVENUE, BETWEEN 110TH STREET AND TALTON LANE
9 (R.E. NO. 103147-0000), OWNED BY EVANGELISTIC
10 MISSIONARY MOVEMENT, INC. (NOW KNOWN AS
11 MOVIMIENTO MISIONERO EVANGELISTICO LUZ A LAS
12 NACIONES INC.), AS DESCRIBED HEREIN, FROM
13 RESIDENTIAL LOW DENSITY-60 (RLD-60) DISTRICT TO
14 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
15 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
16 PERMIT MULTI-FAMILY RESIDENTIAL USES, AS
17 DESCRIBED IN THE SEABOARD VILLAS PUD, PURSUANT
18 TO FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
19 AMENDMENT APPLICATION NUMBER L-5608-21C; PUD
20 SUBJECT TO CONDITION; PROVIDING A DISCLAIMER THAT
21 THE REZONING GRANTED HEREIN SHALL NOT BE
22 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
26 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
27 portions of the Future Land Use Map series (FLUMs) in order to ensure
28 the accuracy and internal consistency of the plan, pursuant to
29 companion land use ordinance for application L-5608-21C; 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-5608-21C, 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 Wyman Duggan, Esq., on behalf
4 of the owner of approximately 4.91± acres of certain real property
5 in Council District 9, as more particularly described in Section 1;
6 and

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

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

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

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

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

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

1 **Section 1. Subject Property Location and Description.** The
2 approximately 4.91± acres are located in Council District 9 at 5902
3 Seaboard Avenue, between 110th Street and Talton Lane (R.E. No. 103147-
4 0000), as more particularly described in **Exhibit 1**, dated August 26,
5 2021, and graphically depicted in **Exhibit 2**, both of which are
6 **attached hereto** and incorporated herein by this reference (the
7 "Subject Property").

8 **Section 2. Owner and Applicant Description.** The Subject
9 Property is owned by Evangelistic Missionary Movement, Inc. (now
10 known as Movimiento Misionero Evangelistico Luz a las Naciones
11 Inc.). The applicant is Wyman Duggan, Esq., 1301 Riverplace
12 Boulevard, Suite 1500, Jacksonville, Florida 32207; (904) 398-3911.

13 **Section 3. Property Rezoned.** The Subject Property,
14 pursuant to adopted companion Small-Scale Amendment Application L-
15 5608-21C, is hereby rezoned and reclassified from Residential Low
16 Density-60 (RLD-60) District to Planned Unit Development (PUD)
17 District. This new PUD district shall generally permit multi-family
18 residential uses, and is described, shown and subject to the following
19 documents, **attached hereto**:

20 **Exhibit 1** - Legal Description dated August 26, 2021.

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

22 **Exhibit 3** - Written Description dated January 15, 2022.

23 **Exhibit 4** - Site Plan dated January 17, 2022.

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

28 (1) The centerline of the proposed driveway shall align with
29 the centerline of the driveway across Seaboard Avenue to prevent left
30 turn conflicts, or as otherwise approved by the Planning and
31 Development Department.

1 **Section 5. Contingency.** This rezoning shall not become
2 effective until thirty-one (31) days after adoption of the companion
3 Small-Scale Amendment unless challenged by the state land planning
4 agency;; 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 6. Disclaimer.** The rezoning granted herein
11 shall not be construed as an exemption from any other applicable
12 local, 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
15 or 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
21 restricted by any federal, state or local laws.

22 **Section 7. 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.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Arimus Wells

6 GC-#1495849-v1-2021-740-E