

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-434-E**

5 AN ORDINANCE REZONING APPROXIMATELY 15.41±
6 ACRES, LOCATED IN COUNCIL DISTRICT 12 AT 7893
7 HOGAN SETTLEMENT ROAD, BETWEEN HOGAN SETTLEMENT
8 ROAD AND HOGAN COVE DRIVE (R.E. NO. 007618-
9 0000), OWNED BY CONNIE L. MICHENER, AS DESCRIBED
10 HEREIN, FROM RESIDENTIAL LOW DENSITY-60 (RLD-
11 60) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)
12 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
13 ZONING CODE, TO PERMIT MULTI-FAMILY RESIDENTIAL
14 USES, AS DESCRIBED IN THE HOGAN SETTLEMENT PUD,
15 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
16 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-
17 5708-22C; PUD SUBJECT TO CONDITIONS; PROVIDING
18 A DISCLAIMER THAT THE REZONING GRANTED HEREIN
19 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
20 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
21 DATE.
22

23 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
24 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
25 portions of the Future Land Use Map series (FLUMs) in order to ensure
26 the accuracy and internal consistency of the plan, pursuant to the
27 companion land use ordinance for application L-5708-22C; and

28 **WHEREAS,** in order to ensure consistency of zoning district with
29 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
30 Amendment L-5708-22C, an application to rezone and reclassify from
31 Residential Low Density-60 (RLD-60) District to Planned Unit

1 Development (PUD) District was filed by T.R. Hainline, Esq., on behalf
2 of the owner of approximately 15.41± acres of certain real property
3 in Council District 12, as more particularly described in Section 1;
4 and

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

9 **WHEREAS**, the Planning Commission has considered the application
10 and has rendered an advisory opinion; and

11 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
12 notice and public hearing, has made its recommendation to the Council;
13 and

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

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

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

30 **Section 1. Subject Property Location and Description.** The
31 approximately 15.41± acres are located in Council District 12 at 7893

1 Hogan Settlement Road, between Hogan Settlement Road and Hogan Cove
2 Drive (R.E. No. 007618-0000), as more particularly described in
3 **Exhibit 1**, dated April 14, 2022, and graphically depicted in **Exhibit**
4 **2**, both of which are attached hereto and incorporated herein by this
5 reference (the "Subject Property").

6 **Section 2. Owner and Applicant Description.** The Subject
7 Property is owned by Connie L. Michener. The applicant is T.R.
8 Hainline, Esq., 1301 Riverplace Boulevard, Suite 1500, Jacksonville,
9 Florida 32207; (904) 346-5531.

10 **Section 3. Property Rezoned.** The Subject Property,
11 pursuant to adopted companion Small-Scale Amendment L-5708-22C, is
12 hereby rezoned and reclassified from Residential Low Density-60 (RLD-
13 60) District to Planned Unit Development (PUD) District. This new
14 PUD district shall generally permit multi-family residential uses,
15 and is described, shown and subject to the following documents,
16 attached hereto:

17 **Exhibit 1** - Legal Description dated April 14, 2022.

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

19 **Exhibit 3** - Written Description dated May 12, 2022.

20 **Exhibit 4** - Site Plan dated April 7, 2022.

21 **Section 4. Rezoning Approved Subject to Conditions.** This
22 rezoning is approved subject to the following conditions. Such
23 conditions control over the Written Description and the Site Plan and
24 may only be amended through a rezoning:

25 (1) A traffic study shall be provided at Civil Site Plan Review
26 unless the Chief of the Traffic Engineering Division determines
27 otherwise. Prior to commencement of the traffic study, if applicable,
28 the traffic professional shall conduct a methodology meeting to
29 determine the limits of the study. The methodology meeting shall
30 include the Chief of the Traffic Engineering Division, the Chief of
31 the Transportation Division and the traffic reviewer from Development

1 Services.

2 (2) The developer shall install a six-foot high, black aluminum
3 (faux "wrought iron" style) fence inside and generally along the
4 north boundary of the proposed PUD Subject Property (between the
5 proposed retention pond and the creek).

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

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

27 **Section 7. Effective Date.** The enactment of this Ordinance
28 shall be deemed to constitute a quasi-judicial action of the City
29 Council and shall become effective upon signature by the Council
30 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: Bruce Lewis

6 GC-#1522421-v1-2022-434-E