

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-326**

5 AN ORDINANCE REZONING APPROXIMATELY 39.31±
6 ACRES, LOCATED IN COUNCIL DISTRICT 12 AT 0
7 BRANDY BRANCH ROAD, BETWEEN U.S. HIGHWAY 301
8 SOUTH AND THE DUVAL/NASSAU COUNTY BOUNDARY LINE
9 (R.E. NO. 000890-0100 (PORTION)), AS DESCRIBED
10 HEREIN, OWNED BY JMC DUVAL COUNTY PROPERTIES,
11 LLC, FROM PLANNED UNIT DEVELOPMENT (PUD)
12 DISTRICT (2007-361-E) TO PLANNED UNIT
13 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
14 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
15 RECREATIONAL VEHICLE PARK USES, SINGLE-FAMILY
16 RESIDENTIAL USES, AND AGRICULTURE USES, AS
17 DESCRIBED IN THE BALDWIN RV PARK PUD, PURSUANT
18 TO FUTURE LAND USE MAP SERIES (FLUMS) SMALL-
19 SCALE AMENDMENT APPLICATION NUMBER L-5797-23C;
20 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
21 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
22 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
23 EFFECTIVE DATE.
24

25 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
26 Amendment to the *2045 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 application L-5797-23C; and

30 **WHEREAS,** in order to ensure consistency of zoning district with
31 the *2045 Comprehensive Plan* and the adopted companion Small-Scale

1 Amendment L-5797-23C, an application to rezone and reclassify from
2 Planned Unit Development (PUD) District (2007-361-E) to Planned Unit
3 Development (PUD) District was filed by Paul Harden, Esq. on behalf
4 of the owner of approximately 39.31± acres of certain real property
5 in Council District 12, 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 *2045 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 Committee, after due notice and
14 public hearing, has made its recommendation to the Council; and

15 **WHEREAS**, the City Council, after due notice, held a public
16 hearing, and taking into consideration the above recommendations as
17 well as all oral and written comments received during the public
18 hearings, the Council finds that such rezoning is consistent with the
19 *2045 Comprehensive Plan* adopted under the comprehensive planning
20 ordinance for future development of the City of Jacksonville; and

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

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

31 **Section 1. Subject Property Location and Description.** The

1 approximately 39.31± acres are located in Council District 12 at 0
2 Brandy Branch Road, between U.S. Highway 301 South and the
3 Duval/Nassau County boundary line (R.E. No. 000890-0100 (portion)),
4 as more particularly described in **Exhibit 1**, dated January 11, 2023,
5 and graphically depicted in **Exhibit 2**, both of which are attached
6 hereto and incorporated herein by this reference (the "Subject
7 Property").

8 **Section 2. Owner and Applicant Description.** The Subject
9 Property is owned by JMC Duval County Properties, LLC. The applicant
10 is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite 901,
11 Jacksonville, Florida 32207; (904) 396-5731.

12 **Section 3. Property Rezoned.** The Subject Property,
13 pursuant to adopted companion Small-Scale Amendment Application L-
14 5797-23C, is hereby rezoned and reclassified from Planned Unit
15 Development (PUD) District (2007-361-E) to Planned Unit Development
16 (PUD) District. This new PUD district shall generally permit
17 recreational vehicle park uses, single-family residential uses, and
18 agriculture uses, and is described, shown and subject to the following
19 documents, attached hereto:

20 **Exhibit 1** - Legal Description dated January 11, 2023.

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

22 **Exhibit 3** - Written Description dated April 21, 2023.

23 **Exhibit 4** - Site Plan dated November 10, 2022.

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

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

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

Form Approved:

/s/ Shannon Eller

Office of General Counsel

Legislation Prepared By: Kaysie Cox

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