

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

4 **ORDINANCE 2023-592**

5 AN ORDINANCE REZONING APPROXIMATELY 1.10± ACRES,  
6 LOCATED IN COUNCIL DISTRICT 6 AT 0 OLD SAINT  
7 AUGUSTINE ROAD, BETWEEN LAKE GARDENS DRIVE AND  
8 WHITMORE ROAD (R.E. NO. 158290-0020), AS  
9 DESCRIBED HEREIN, OWNED BY AMERICAN LEGION  
10 MANDARIN "FALLEN HEROES" POST 372 INC., FROM  
11 RESIDENTIAL LOW DENSITY-60 (RLD-60) DISTRICT TO  
12 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS  
13 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO  
14 PERMIT DEVELOPMENT OF AN AMERICAN LEGION POST  
15 PRIVATE CLUB AND RELATED AMENITIES, WITH SALES  
16 AND SERVICE OF ALL ALCOHOLIC BEVERAGES,  
17 INCLUDING LIQUOR, BEER AND WINE, FOR ON-PREMISES  
18 CONSUMPTION, AS DESCRIBED IN THE AMERICAN LEGION  
19 MANDARIN POST 372 PUD, PURSUANT TO FUTURE LAND  
20 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT  
21 APPLICATION NUMBER L-5836-23C; PROVIDING A  
22 DISCLAIMER THAT THE REZONING GRANTED HEREIN  
23 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
24 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
25 DATE.

26  
27 **WHEREAS,** the City of Jacksonville adopted a Small-Scale  
28 Amendment to the *2045 Comprehensive Plan* for the purpose of revising  
29 portions of the Future Land Use Map series (FLUMs) in order to ensure  
30 the accuracy and internal consistency of the plan, pursuant to  
31 companion application L-5836-23C; and

1           **WHEREAS**, in order to ensure consistency of zoning district with  
2 the *2045 Comprehensive Plan* and the adopted companion Small-Scale  
3 Amendment L-5836-23C, an application to rezone and reclassify from  
4 Residential Low Density-60 (RLD-60) District to Planned Unit  
5 Development (PUD) District was filed by Wyman Duggan, Esq. on behalf  
6 of the owner of approximately 1.10± acres of certain real property  
7 in Council District 6, as more particularly described in Section 1;  
8 and

9           **WHEREAS**, the Planning and Development Department, in order to  
10 ensure consistency of this zoning district with the *2045 Comprehensive*  
11 *Plan*, has considered the rezoning and has rendered an advisory  
12 opinion; and

13           **WHEREAS**, the Planning Commission has considered the application  
14 and has rendered an advisory opinion; and

15           **WHEREAS**, the Land Use and Zoning Committee, after due notice and  
16 public hearing, has made its recommendation to the Council; and

17           **WHEREAS**, the City Council, after due notice, held a public  
18 hearing, and taking into consideration the above recommendations as  
19 well as all oral and written comments received during the public  
20 hearings, the Council finds that such rezoning is consistent with the  
21 *2045 Comprehensive Plan* adopted under the comprehensive planning  
22 ordinance for future development of the City of Jacksonville; and

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

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

2           **Section 1.           Subject Property Location and Description.** The  
3 approximately 1.10± acres are located in Council District 6 at 0 Old  
4 Saint Augustine Road, between Lake Gardens Drive and Whitmore Road  
5 (R.E. No. 158290-0020), as more particularly described in **Exhibit 1**,  
6 dated July 19, 2023, and graphically depicted in **Exhibit 2**, both of  
7 which are attached hereto and incorporated herein by this reference  
8 (the "Subject Property").

9           **Section 2.           Owner and Applicant Description.** The Subject  
10 Property is owned by American Legion Mandarin "Fallen Heroes" Post  
11 372 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 5836-23C, 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 development  
18 of an American Legion Post private club and related amenities, with  
19 sales and service of all alcoholic beverages, including liquor, beer  
20 and wine, for on-premises consumption, and is described, shown and  
21 subject to the following documents, attached hereto:

22 **Exhibit 1** - Legal Description dated July 19, 2023.

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

24 **Exhibit 3** - Written Description dated July 19, 2023.

25 **Exhibit 4** - Site Plan dated July 19, 2023.

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

1 determining the companion Small-Scale Amendment is in compliance with  
2 Chapter 163, *Florida Statutes*.

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

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

19  
20 Form Approved:

21  
22 \_\_\_\_\_  
      /s/ Mary E. Staffopoulos

23 Office of General Counsel

24 Legislation Prepared By: Bruce Lewis

25 GC-#1585733-v2-2023-592\_(Z-4978).docx