

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

4 **ORDINANCE 2023-423-E**

5 AN ORDINANCE REZONING APPROXIMATELY 0.25± ACRES
6 LOCATED IN COUNCIL DISTRICT 1 AT 0 ROGERO ROAD
7 AND 1461 ROGERO ROAD, BETWEEN BRANDEMERE ROAD
8 NORTH AND BRANDEMERE ROAD SOUTH (R.E. NOS.
9 141632-0000 AND 141633-0010), AS DESCRIBED
10 HEREIN, OWNED BY HARPER & ASSOCIATES REAL ESTATE,
11 LLC, FROM COMMERCIAL OFFICE (CO) DISTRICT AND
12 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT (2007-
13 994-E) TO PLANNED UNIT DEVELOPMENT (PUD)
14 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
15 ZONING CODE, TO PERMIT COMMERCIAL USES, AS
16 DESCRIBED IN THE JC'S PUD; PUD SUBJECT TO
17 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
18 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
19 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS**, Harper & Associates Real Estate, LLC, the owner of
23 approximately 0.25± acres located in Council District 1 at 0 Rogero
24 Road and 1461 Rogero Road, between Brandemere Road North and
25 Brandemere Road South (R.E. Nos. 141632-0000 and 141633-0010), as
26 more particularly described in **Exhibit 1**, dated December 5, 2022, and
27 graphically depicted in **Exhibit 2**, both of which are attached hereto
28 (the "Subject Property"), has applied for a rezoning and
29 reclassification of the Subject Property from Commercial Office (CO)
30 District and Planned Unit Development (PUD) District (2007-994-E) to
31 Planned Unit Development (PUD) District, as described in Section 1

1 below; and

2 **WHEREAS**, the Planning Commission, acting as the local planning
3 agency, has reviewed the application and made an advisory
4 recommendation to the Council; and

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

7 **WHEREAS**, the Council finds that such rezoning is: (1) consistent
8 with the *2045 Comprehensive Plan*; (2) furthers the goals, objectives
9 and policies of the *2045 Comprehensive Plan*; and (3) is not in
10 conflict with any portion of the City's land use regulations; and

11 **WHEREAS**, the Council finds the proposed rezoning does not
12 adversely affect the orderly development of the City as embodied in
13 the Zoning Code; will not adversely affect the health and safety of
14 residents in the area; will not be detrimental to the natural
15 environment or to the use or development of the adjacent properties
16 in the general neighborhood; and will accomplish the objectives and
17 meet the standards of Section 656.340 (Planned Unit Development) of
18 the Zoning Code; now, therefore

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

20 **Section 1. Property Rezoned.** The Subject Property is
21 hereby rezoned and reclassified from Commercial Office (CO) District
22 and Planned Unit Development (PUD) District (2007-994-E) to Planned
23 Unit Development (PUD) District. This new PUD district shall
24 generally permit commercial uses, and is described, shown and subject
25 to the following documents, attached hereto:

26 **Exhibit 1** - Legal Description dated December 5, 2022.

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

28 **Exhibit 3** - Written Description dated April 10, 2023.

29 **Exhibit 4** - Site Plan dated April 13, 2023.

30 **Section 2. Rezoning Approved Subject to Conditions.** This
31 rezoning is approved subject to the following conditions. Such

1 conditions control over the Written Description and the Site Plan and
2 may only be amended through a rezoning:

3 (1) All day care/care centers shall have one and one-half (1½)
4 parking spaces for each employee plus adequate provision for loading
5 and unloading of persons pursuant to Section 656.604(c)(3) of the
6 Zoning Code. All day care/care centers shall provide an adequate
7 off-street parking area for the stacking of vehicles and required
8 parking.

9 (2) The site identification sign shall be monument style, shall
10 not exceed ten feet in height, and shall otherwise be subject to the
11 requirements of the Commercial Office Zoning District.

12 (3) The development shall comply with Part 12 (Landscape and
13 Tree Protection Regulations) of the Zoning Code and shall adhere to
14 the landscape standards of the Rogero Road Town Center Initiative,
15 or as otherwise noted by the Written Description and Site Plan and
16 approved by the Planning and Development Department.

17 (4) The hours of operation for all businesses shall be from
18 7:00 a.m. to 7:00 p.m. on Monday through Friday, and from 8:00 a.m.
19 to 6:00 p.m. on Saturday and Sunday.

20 (5) Cosmetology uses are limited to five stations.

21 (6) The building color scheme shall consist of an unpainted
22 coquina exterior complemented with a dark-colored shingle roof with
23 matching painted wooden trim.

24 (7) A 100% opaque visual screen shall be provided and
25 maintained for any dumpster located on the Subject Property.

26 (8) The existing structure shall be exempt from setback
27 standards.

28 (9) The monument sign currently located on the Subject Property
29 is permitted to continue in association with the initial uses
30 permitted and developed under the PUD. Any subsequent uses shall be
31 restricted to wall signage only, consistent with Part 13 of the Zoning

Code and the Greater Arlington Neighborhood Action Plan.

Section 3. Owner and Description. The Subject Property is owned by Harper & Associates Real Estate, LLC and is legally described in **Exhibit 1**, attached hereto. The applicant is Delmas Harper, 1461 Rogero Road, Jacksonville, Florida 32211; (904) 619-9488.

Section 4. 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), owners(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 5. 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 Council Secretary.

Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Connor Corrigan

GC-#1588171-v1-2023-423-E.docx