

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

4 **ORDINANCE 2023-592-E**

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; PUD SUBJECT TO
22 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
23 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
24 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
25 PROVIDING AN EFFECTIVE 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. Rezoning Approved Subject to Conditions.** This
27 rezoning is approved subject to the following conditions. Such
28 conditions control over the Written Description and the Site Plan and
29 may only be amended through a rezoning:

30 (1) Parking on the public rights-of-way is prohibited.

31 (2) There shall be no outside music after 8:00 p.m.

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; and further provided that if the companion
 4 Small-Scale Amendment is challenged by the state land planning agency,
 5 this rezoning shall not become effective until the state land planning
 6 agency or the Administration Commission issues a final order
 7 determining the companion Small-Scale Amendment is in compliance with
 8 Chapter 163, *Florida Statutes*.

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

21 **Section 7. Effective Date.** The enactment of this Ordinance
 22 shall be deemed to constitute a quasi-judicial action of the City
 23 Council and shall become effective upon signature by the Council
 24 President and the Council Secretary.

25
 26 Form Approved:

27
 28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Bruce Lewis