

1 The Land Use and Zoning Committee offers the following Substitute to
2 File No. 2023-536:

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4 Introduced by the Land Use and Zoning Committee:

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7 **ORDINANCE 2023-536**

8 AN ORDINANCE REZONING APPROXIMATELY 5.40± ACRES
9 LOCATED IN COUNCIL DISTRICT 8 AT 0 DUNN AVENUE
10 AND 10939 BISCAYNE BOULEVARD, BETWEEN MAR VIC
11 LANE AND YELFORD CIRCLE (R.E. NOS. 044155-0200
12 AND 044176-0050), OWNED BY DUNN AVENUE HOLDINGS,
13 LLC, AS DESCRIBED HEREIN, FROM RESIDENTIAL MEDIUM
14 DENSITY-C (RMD-C) DISTRICT AND RESIDENTIAL LOW
15 DENSITY-100A (RLD-100A) DISTRICT TO PLANNED UNIT
16 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
17 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
18 MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN
19 THE BISCAYNE LOFTY APARTMENTS PUD, PURSUANT TO
20 FUTURE LAND USE MAP SERIES SMALL-SCALE AMENDMENT
21 APPLICATION NUMBER L-5831-23C; PROVIDING A
22 DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL
23 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
24 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

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26 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
27 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
28 portions of the Future Land Use Map series (FLUMs) in order to ensure
29 the accuracy and internal consistency of the plan, pursuant to
30 companion application L-5831-23C; and

31 **WHEREAS**, in order to ensure consistency of zoning district with

1 the *2045 Comprehensive Plan* and the adopted companion Small-Scale
2 Amendment L-5831-23C, an application to rezone and reclassify from
3 Residential Medium Density-C (RMD-C) District and Residential Low
4 Density-100A (RLD-100A) District to Planned Unit Development (PUD)
5 District was filed by Wyman Duggan, Esq. on behalf of the owner of
6 approximately 5.40± acres of certain real property in Council District
7 8, as more particularly described in Section 1; and

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

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

14 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
15 notice, held a public hearing and made its recommendation to the
16 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 5.40± acres are located in Council District 8 at 0 Dunn
4 Avenue and 10939 Biscayne Boulevard, between Mar Vic Lane and Yelford
5 Circle (R.E. Nos. 044155-0200 and 044176-0050), as more particularly
6 described in **Exhibit 1**, dated October 24, 2023, and graphically
7 depicted in **Exhibit 2**, both of which are attached hereto and
8 incorporated herein by this reference (the "Subject Property").

9 **Section 2. Owner and Applicant Description.** The Subject
10 Property is owned by Dunn Avenue Holdings, LLC. The applicant is
11 Wyman Duggan, Esq., 1301 Riverplace Boulevard, Suite 1500,
12 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 5831-23C, is hereby rezoned and reclassified from Residential Medium
16 Density-C (RMD-C) District and Residential Low Density-100A (RLD-
17 100A) District to Planned Unit Development (PUD) District. This new
18 PUD District shall generally permit multi-family residential uses,
19 and is described, shown and subject to the following documents,
20 attached hereto:

21 **Exhibit 1** - Legal Description dated October 24, 2023.

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

23 **Exhibit 3** - Written Description dated November 9, 2023.

24 **Exhibit 4** - Site Plan dated October 17, 2023.

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

1 Chapter 163, *Florida Statutes*.

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

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

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19 Form Approved:

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21 /s/ Mary E. Staffopoulos

22 Office of General Counsel

23 Legislation Prepared By: Connor Corrigan

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