

1 Introduced and substituted by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-536**

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

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

28 **WHEREAS,** in order to ensure consistency of zoning district with  
29 the *2045 Comprehensive Plan* and the adopted companion Small-Scale  
30 Amendment L-5831-23C, an application to rezone and reclassify from  
31 Residential Medium Density-C (RMD-C) District and Residential Low

1 Density-100A (RLD-100A) District to Planned Unit Development (PUD)  
2 District was filed by Wyman Duggan, Esq. on behalf of the owner of  
3 approximately 5.40± acres of certain real property in Council District  
4 8, as more particularly described in Section 1; and

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

9 **WHEREAS**, the Planning Commission has considered the application  
10 and has rendered an advisory opinion; and

11 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due  
12 notice, held a public hearing and made its recommendation to the  
13 Council; and

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

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

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

30 **Section 1. Subject Property Location and Description.** The  
31 approximately 5.40± acres are located in Council District 8 at 0 Dunn

1 Avenue and 10939 Biscayne Boulevard, between Mar Vic Lane and Yelford  
2 Circle (R.E. Nos. 044155-0200 and 044176-0050), as more particularly  
3 described in **Exhibit 1**, dated October 24, 2023, and graphically  
4 depicted in **Exhibit 2**, both of which are attached hereto and  
5 incorporated herein by this reference (the "Subject Property").

6 **Section 2. Owner and Applicant Description.** The Subject  
7 Property is owned by Dunn Avenue Holdings, LLC. The applicant is  
8 Wyman Duggan, Esq., 1301 Riverplace Boulevard, Suite 1500,  
9 Jacksonville, Florida 32207; (904) 398-3911.

10 **Section 3. Property Rezoned.** The Subject Property,  
11 pursuant to adopted companion Small-Scale Amendment Application L-  
12 5831-23C, is hereby rezoned and reclassified from Residential Medium  
13 Density-C (RMD-C) District and Residential Low Density-100A (RLD-  
14 100A) District to Planned Unit Development (PUD) District. This new  
15 PUD District shall generally permit multi-family residential uses,  
16 and is described, shown and subject to the following documents,  
17 attached hereto:

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

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

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

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

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

30 **Section 5. Disclaimer.** The rezoning granted herein  
31 shall **not** be construed as an exemption from any other applicable

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

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

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16 Form Approved:

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18           /s/ Mary E. Staffopoulos          

19 Office of General Counsel

20 Legislation Prepared By: Connor Corrigan

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