

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2024-786**

5 AN ORDINANCE REZONING APPROXIMATELY 1.37± ACRES  
6 LOCATED IN COUNCIL DISTRICT 4 AT 0 BEACH  
7 BOULEVARD, BETWEEN PALM LANE AND GROVE PARK  
8 BOULEVARD (R.E. NO(S). 136291-0000 AND 136380-  
9 0000), AS DESCRIBED HEREIN, OWNED BY MODWELLING,  
10 LLC, FROM RESIDENTIAL LOW DENSITY-90 (RLD-90)  
11 DISTRICT AND COMMERCIAL COMMUNITY/GENERAL-  
12 1 (CCG-1) DISTRICT TO PLANNED UNIT DEVELOPMENT  
13 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER  
14 THE ZONING CODE, TO PERMIT MULTIFAMILY DWELLING  
15 UNITS AS DESCRIBED IN THE POTTSBURG CREEK  
16 APARTMENTS PUD, PURSUANT TO FUTURE LAND USE MAP  
17 SERIES (FLUMS) SMALL-SCALE AMENDMENT APPLICATION  
18 NUMBER L-5959-24C; PROVIDING A DISCLAIMER THAT  
19 THE REZONING GRANTED HEREIN SHALL NOT BE  
20 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 the  
27 companion land use application L-5959-23C; and

28 **WHEREAS,** in order to ensure consistency of zoning district  
29 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale  
30 Amendment L-5959-24C, an application to rezone and reclassify from  
31 Residential Low Density-90 (RLD-90) District and Commercial

1 Community/General-1 (CCG-1) District to Planned Unit Development  
2 (PUD) District was filed by Anes Dracic, on behalf of Modwelling,  
3 LLC, owner of approximately 1.37± acres of certain real property in  
4 Council District 4, as more particularly described in Section 1 below;  
5 and

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

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

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

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

21 **WHEREAS,** based on the staff report of the Planning and  
22 Development Department and other competent and substantial evidence  
23 received at the public hearings, the Council finds that the proposed  
24 PUD does not affect adversely the orderly development of the City as  
25 embodied in the *Zoning Code*; will not affect adversely the health and  
26 safety of residents in the area; will not be detrimental to the  
27 natural environment or to the use or development of the adjacent  
28 properties in the general neighborhood; and the proposed PUD will  
29 accomplish the objectives and meet the standards of Section 656.340  
30 (Planned Unit Development) of the *Zoning Code* of the City of  
31 Jacksonville; now therefore

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

2           **Section 1.           Subject Property Location and Description.** The  
3 approximately 1.37± acres are located in Council District 4 at 0 Beach  
4 Boulevard, between Palm Lane and Grove Park Boulevard (R.E. No(s).  
5 136291-0000 and 136380-0000), as more particularly described in  
6 **Exhibit 1**, dated May 22, 2024, and graphically depicted in **Exhibit**  
7 **2**, both of which are attached hereto and incorporated herein by this  
8 reference (the "Subject Property").

9           **Section 2.           Owner and Applicant Description.** The Subject  
10 Property is owned by Modwelling, LLC. The applicant is Anes Dracic,  
11 4800 Beach Boulevard, Suite 1, Jacksonville, Florida, 32207; (904)  
12 607-2987.

13           **Section 3.           Property Rezoned.** The Subject Property,  
14 pursuant to adopted companion Small-Scale Amendment L-5959-24C, is  
15 hereby rezoned and reclassified from Residential Low Density-90 (RLD-  
16 90) District and Commercial Community/General-1 (CCG-1) District to  
17 Planned Unit Development (PUD) District. This new PUD district shall  
18 generally permit multifamily dwelling units, and is described, shown  
19 and subject to the following documents, attached hereto:

20           **Exhibit 1** - Legal Description dated May 22, 2024.

21           **Exhibit 2** - Subject Property Map (prepared by P&DD).

22           **Exhibit 3** - Written Description dated August 1, 2024.

23           **Exhibit 4** - Site Plan dated May 16, 2024.

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

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

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

17  
18 Form Approved:

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20           /s/ Dylan Reingold          

21 Office of General Counsel

22 Legislation Prepared By: Jackie Williams

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