

1 The Land Use and Zoning Committee offers the following first substitute
2 to File No. 2019-03:

3
4 Introduced by the Land Use and Zoning Committee:

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7 **ORDINANCE 2019-03**

8 AN ORDINANCE REZONING APPROXIMATELY 6.16± ACRES,
9 LOCATED IN COUNCIL DISTRICT 2 AT 0 DUNN CREEK
10 ROAD, BETWEEN NEW BERLIN ROAD AND ARENDS ROAD
11 (R.E. NO. 106509-0010), AS DESCRIBED HEREIN,
12 OWNED BY OCEANWAY PROPERTY DEVELOPMENT, LLC, FROM
13 RESIDENTIAL LOW DENSITY-100A (RLD-100A) DISTRICT
14 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
15 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
16 PERMIT COMMERCIAL USES, AS DESCRIBED IN THE DUNN
17 CREEK ROAD PUD, PURSUANT TO FUTURE LAND USE MAP
18 SERIES (FLUMS) SMALL-SCALE AMENDMENT APPLICATION
19 NUMBER L-5321-18C; PROVIDING A DISCLAIMER THAT
20 THE REZONING GRANTED HEREIN SHALL NOT BE
21 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
22 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

23
24 **WHEREAS**, the City of Jacksonville adopted a Small-Scale Amendment
25 to the *2030 Comprehensive Plan* for the purpose of revising portions of
26 the Future Land Use Map series (FLUMs) in order to ensure the accuracy
27 and internal consistency of the plan, pursuant to application L-5321-
28 18C and companion land use Ordinance 2019-02; and

29 **WHEREAS**, in order to ensure consistency of the zoning district
30 with the *2030 Comprehensive Plan* and the adopted companion Small-Scale
31 Amendment L-5321-18C, an application to rezone and reclassify from

1 Residential Low Density-100A (RLD-100A) District to Planned Unit
2 Development (PUD) District, was filed by Emily Pierce, Esq., on behalf
3 of Oceanway Property Development, LLC, the owner of approximately 6.16±
4 acres of certain real property in Council District 2, as more
5 particularly described in Section 1; and

6 **WHEREAS**, the Planning and Development Department, in order to
7 ensure consistency of this zoning district with the *2030 Comprehensive*
8 *Plan*, has considered the rezoning and has rendered an advisory opinion;
9 and

10 **WHEREAS**, the Planning Commission has considered the application
11 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 Council, after due notice, held a public hearing,
16 and taking into consideration the above recommendations as well as all
17 oral and written comments received during the public hearings, the
18 Council finds that such rezoning is consistent with the *2030*
19 *Comprehensive Plan*, adopted for future development of the City of
20 Jacksonville; and

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

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

30 **Section 1. Subject Property Location and Description.** The
31 approximately 6.16± acres (R.E. No. 106509-0010) is located in Council

1 District 2 at 0 Dunn Creek Road, between New Berlin Road and Arends
2 Road, as more particularly described in **Exhibit 1**, dated October 25,
3 2018, **attached hereto** and incorporated herein by this reference
4 (Subject Property).

5 **Section 2. Owner and Applicant Description.** The Subject
6 Property is owned by Oceanway Property Development, LLC, and is legally
7 described in **Exhibit 1, attached hereto**. The agent is Emily Pierce,
8 Esq., 1301 Riverplace Boulevard, Suite 1500, Jacksonville, Florida
9 32207; (904) 346-5787.

10 **Section 3. Property Rezoned.** The Subject Property, pursuant
11 to adopted companion Small-Scale Amendment L-5321-18C, is hereby
12 rezoned and reclassified from Residential Low Density-100A (RLD-100A)
13 District to Planned Unit Development (PUD) District. This new PUD
14 district shall generally permit commercial uses, and is described,
15 shown and subject to the following **attached** documents:

16 **Exhibit 1** - Legal Description dated October 25, 2018.

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

18 **Exhibit 3** - Written Description dated May 6, 2019.

19 **Exhibit 4** - Site Plan dated March 12, 2019.

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

29 **Section 5. Disclaimer.** The rezoning granted herein shall
30 not be construed as an exemption from any other applicable local,
31 state, or federal laws, regulations, requirements, permits or

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

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

14
15 Form Approved:

16
17 /s/ Shannon K. Eller

18 Office of General Counsel

19 Legislation Prepared By: Bruce Lewis

20 GC-#1279745-v1-2019-03_SS_LUZ_Sub