

1 Introduced and substituted by the Land Use and Zoning Committee:
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3

4 **ORDINANCE 2019-03**

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

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

26 **WHEREAS**, in order to ensure consistency of the zoning district
27 with the *2030 Comprehensive Plan* and the adopted companion Small-Scale
28 Amendment L-5321-18C, an application to rezone and reclassify from
29 Residential Low Density-100A (RLD-100A) District to Planned Unit
30 Development (PUD) District, was filed by Emily Pierce, Esq., on behalf
31 of Oceanway Property Development, LLC, the owner of approximately 6.16±

1 acres of certain real property in Council District 2, as more
2 particularly described in Section 1; and

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

7 **WHEREAS**, the Planning Commission has considered the application
8 and has rendered an advisory opinion; and

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

12 **WHEREAS**, the Council, after due notice, held a public hearing,
13 and taking into consideration the above recommendations as well as all
14 oral and written comments received during the public hearings, the
15 Council finds that such rezoning is consistent with the *2030*
16 *Comprehensive Plan*, adopted for future development of the City of
17 Jacksonville; and

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

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

27 **Section 1. Subject Property Location and Description.** The
28 approximately 6.16± acres (R.E. No. 106509-0010) is located in Council
29 District 2 at 0 Dunn Creek Road, between New Berlin Road and Arends
30 Road, as more particularly described in **Exhibit 1**, dated October 25,
31 2018, **attached hereto** and incorporated herein by this reference

1 (Subject Property).

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

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

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

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

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

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

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

26 **Section 5. Disclaimer.** The rezoning granted herein shall
27 not be construed as an exemption from any other applicable local,
28 state, or federal laws, regulations, requirements, permits or
29 approvals. All other applicable local, state or federal permits or
30 approvals shall be obtained before commencement of the development or
31 use and issuance of this rezoning is based upon acknowledgement,

1 representation and confirmation made by the applicant(s), owner(s),
2 developer(s) and/or any authorized agent(s) or designee(s) that the
3 subject business, development and/or use will be operated in strict
4 compliance with all laws. Issuance of this rezoning does not approve,
5 promote or condone any practice or act that is prohibited or restricted
6 by any federal, state or local laws.

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

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12 Form Approved:

13
14 /s/ Shannon K. Eller

15 Office of General Counsel

16 Legislation Prepared By: Bruce Lewis

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