

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-89-E**

5 AN ORDINANCE REZONING APPROXIMATELY 0.37± OF AN
6 ACRE, LOCATED IN COUNCIL DISTRICT 14 AT 2939
7 MANITOU AVENUE, BETWEEN ORTEGA BOULEVARD AND
8 BALTIC CIRCLE (R.E. NO. 101602-0000), AS
9 DESCRIBED HEREIN, OWNED BY TIMOTHY R. BRUNELLE
10 AND JULIE L. BRUNELLE, FROM COMMERCIAL
11 NEIGHBORHOOD (CN) DISTRICT, TO PLANNED UNIT
12 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
14 MULTI-FAMILY RESIDENTIAL USE, AS DESCRIBED IN
15 THE COURTYARD HOMES PUD, PURSUANT TO FUTURE
16 LAND USE MAP SERIES (FLUMS) SMALL-SCALE
17 AMENDMENT APPLICATION NUMBER L-5423-19C;
18 PROVIDING A DISCLAIMER THAT THE REZONING
19 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
20 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
21 PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
24 Amendment to the *2030 Comprehensive Plan* for the purpose of
25 revising portions of the Future Land Use Map series (FLUMs) in
26 order to ensure the accuracy and internal consistency of the plan,
27 pursuant to application L-5423-19C and companion land use Ordinance
28 2020-87; and

29 **WHEREAS**, in order to ensure consistency of zoning district
30 with the *2030 Comprehensive Plan* and the adopted companion Small-
31 Scale Amendment L-5423-19C, an application to rezone and reclassify

1 from Commercial Neighborhood (CN) District to Planned Unit
2 Development (PUD) District, was filed by Jeremy Hill, on behalf
3 Timothy R. Brunelle and Julie L. Brunelle, the owners of
4 approximately 0.37± of an acre of certain real property in Council
5 District 14, as more 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*
8 *Comprehensive Plan*, has considered the rezoning and has rendered an
9 advisory 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 Council, after due notice, held a public hearing,
16 and taking into consideration the above recommendations as well as
17 all oral and written comments received during the public hearings,
18 the Council finds that such rezoning is consistent with the *2030*
19 *Comprehensive Plan* adopted under the comprehensive planning
20 ordinance for future development of the City of Jacksonville; and

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

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

31 **Section 1. Subject Property Location and Description.** The

1 approximately 0.37± of an acre (R.E. No. 101602-0000) is located in
2 Council District 14 at 2939 Manitou Avenue, between Ortega
3 Boulevard and Baltic Circle, as more particularly described in
4 **Exhibit 1**, dated December 4, 2019, **attached hereto** and incorporated
5 herein by this reference (Subject Property).

6 **Section 2. Owner and Applicant Description.** The Subject
7 Property is owned by Timothy R. Brunelle and Julie L. Brunelle, and
8 is legally described in **Exhibit 1, attached hereto**. The agent is
9 Jeremy Hill, 751 Oak Street, Suite 110, Jacksonville, Florida
10 32204; (904) 962-0992.

11 **Section 3. Property Rezoned.** The Subject Property,
12 pursuant to adopted companion Small-Scale Amendment L-5423-19C, is
13 hereby rezoned and reclassified from Commercial Neighborhood (CN)
14 District to Planned Unit Development (PUD) District. This new PUD
15 district shall generally permit multi-family residential uses, and
16 is described, shown and subject to the following **attached**
17 documents:

18 **Exhibit 1** - Legal Description dated December 4, 2019.

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

20 **Exhibit 3** - Written Description dated December 3, 2019.

21 **Exhibit 4** - Site Plan dated November 13, 2019.

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

31 **Section 5. Disclaimer.** The rezoning granted herein

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

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

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18 Form Approved:

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20 /s/ Shannon K. Eller

21 Office of General Counsel

22 Legislation Prepared By: Bruce Lewis

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