

1 Introduced, substituted and amended by the Land Use and Zoning
2 Committee:

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4
5 **ORDINANCE 2019-878-E**

6 AN ORDINANCE REZONING APPROXIMATELY 6.90±
7 ACRES, LOCATED IN COUNCIL DISTRICT 7 AT 0
8 BISCAYNE BOULEVARD AND 0 DUNN AVENUE, BETWEEN
9 MAR VIC LANE AND RUTGERS ROAD (R.E. NOS.
10 044180-0010 AND 044215-0010), AS DESCRIBED
11 HEREIN, OWNED BY THE CHARLES DAVIS BURNER
12 TRUST, ET AL., AND THE CARL E. STOUDEMIRE, JR.
13 TRUST, ET AL., FROM RESIDENTIAL MEDIUM
14 DENSITY-A (RMD-A), RESIDENTIAL MEDIUM DENSITY-
15 C (RMD-C) AND COMMERCIAL COMMUNITY/GENERAL-1
16 (CCG-1) DISTRICTS TO PLANNED UNIT DEVELOPMENT
17 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED
18 UNDER THE ZONING CODE, TO PERMIT MULTIFAMILY
19 RESIDENTIAL USES, AS DESCRIBED IN THE BISCAYNE
20 VILLAS PUD; PUD SUBJECT TO CONDITION;
21 PROVIDING A DISCLAIMER THAT THE REZONING
22 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
23 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
24 PROVIDING AN EFFECTIVE DATE.

25
26 **WHEREAS**, the Charles Davis Burner Trust, et al., and the Carl
27 E. Stoudemire, Jr. Trust, et al., the owners of approximately 6.90±
28 acres, located in Council District 7 at 0 Biscayne Boulevard and 0
29 Dunn Avenue, between Mar Vic Lane and Rutgers Road (R.E. Nos.
30 044180-0010 and 044215-0010), as more particularly described in

1 **Exhibit 1**, dated March 10, 2020, and graphically depicted in
2 **Exhibit 2**, both of which are **attached hereto** (Subject Property),
3 have applied for a rezoning and reclassification of that property
4 from Residential Medium Density-A (RMD-A), Residential Medium
5 Density-C (RMD-C) and Commercial Community/General-1 (CCG-1)
6 Districts to Planned Unit Development (PUD) District, as described
7 in Section 1 below; and

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

10 **WHEREAS**, the Land Use and Zoning Committee, after due notice
11 and public hearing, has made its recommendation to the Council; and

12 **WHEREAS**, the Council finds that such rezoning is: (1)
13 consistent with the *2030 Comprehensive Plan*; (2) furthers the
14 goals, objectives and policies of the *2030 Comprehensive Plan*; and
15 (3) is not in conflict with any portion of the City's land use
16 regulations; and

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

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

26 **Section 1. Property Rezoned.** The Subject Property is
27 hereby rezoned and reclassified from Residential Medium Density-A
28 (RMD-A), Residential Medium Density-C (RMD-C) and Commercial
29 Community/General-1 (CCG-1) Districts to Planned Unit Development
30 (PUD) District. This new PUD district shall generally permit
31 multifamily residential uses, and is described, shown and subject

1 to the following documents, **attached hereto**:

2 **Exhibit 1** - Legal Description dated March 10, 2020.

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

4 **Exhibit 3** - Written Description dated February 25, 2020.

5 **Exhibit 4** - Site Plan dated January 29, 2020.

6 **Section 2. Rezoning Approved Subject to Condition.** This
7 rezoning is approved subject to the following condition. Such
8 condition controls over the Written Description and the Site Plan
9 and may only be amended through a rezoning.

10 (1) The development shall be limited to a maximum of 44
11 multi-family dwelling units.

12 **Section 3. Owner and Description.** The Subject Property
13 is owned by the Charles Davis Burner Trust, et al., and the Carl E.
14 Stoudemire, Jr. Trust, et al., and is described in **Exhibit 1,**
15 **attached hereto.** The agent is Wyman R. Duggan, Esq., 1301
16 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207;
17 (904) 398-3911.

18 **Section 4. Disclaimer.** The rezoning granted herein
19 shall **not** be construed as an exemption from any other applicable
20 local, state, or federal laws, regulations, requirements, permits
21 or approvals. All other applicable local, state or federal permits
22 or approvals shall be obtained before commencement of the
23 development or use and issuance of this rezoning is based upon
24 acknowledgement, representation and confirmation made by the
25 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
26 or designee(s) that the subject business, development and/or use
27 will be operated in strict compliance with all laws. Issuance of
28 this rezoning does **not** approve, promote or condone any practice or
29 act that is prohibited or restricted by any federal, state or local
30 laws.

31 **Section 5. Effective Date.** The enactment of this

