

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2020-752-E**

5 AN ORDINANCE REZONING APPROXIMATELY 44.44±  
6 ACRES, LOCATED IN COUNCIL DISTRICT 2 AT 0 NEW  
7 BERLIN ROAD AND 2059 NEW BERLIN ROAD, BETWEEN  
8 STARRATT ROAD AND DUNN CREEK ROAD (R.E. NOS.  
9 106888-0000 AND 106889-0102) AS DESCRIBED  
10 HEREIN, OWNED BY KB HOME JACKSONVILLE, LLC, FROM  
11 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT (2018-  
12 668-E) TO PLANNED UNIT DEVELOPMENT (PUD)  
13 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
14 ZONING CODE, TO PERMIT SINGLE FAMILY RESIDENTIAL  
15 USES, AS DESCRIBED IN THE HUDSON GROVE PUD; PUD  
16 SUBJECT TO CONDITIONS; PROVIDING A DISCLAIMER  
17 THAT 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**, KB Home Jacksonville, LLC, the owner of approximately  
22 44.44± acres, located in Council District 2 at 0 New Berlin Road and  
23 2059 New Berlin Road, between Starratt Road and Dunn Creek Road (R.E.  
24 Nos. 106888-0000 and 106889-0102), as more particularly described in  
25 **Exhibit 1**, dated September 29, 2020, and graphically depicted in  
26 **Exhibit 2**, both of which are **attached hereto** (Subject Property), has  
27 applied for a rezoning and reclassification of that property from  
28 Planned Unit Development (PUD) District (2018-668-E) to Planned Unit  
29 Development (PUD) District, as described in Section 1 below; and

30 **WHEREAS**, the Planning Commission has considered the application  
31 and has rendered an advisory opinion; and

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

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

7           **WHEREAS**, the Council finds the proposed rezoning does not  
8 adversely affect the orderly development of the City as embodied in  
9 the Zoning Code; will not adversely affect the health and safety of  
10 residents in the area; will not be detrimental to the natural  
11 environment or to the use or development of the adjacent properties  
12 in the general neighborhood; and will accomplish the objectives and  
13 meet the standards of Section 656.340 (Planned Unit Development) of  
14 the Zoning Code; now, therefore

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

16           **Section 1.           Property Rezoned.**       The Subject Property is  
17 hereby rezoned and reclassified from Planned Unit Development (PUD)  
18 District (2018-668-E) to Planned Unit Development (PUD) District.  
19 This new PUD district shall generally permit single family residential  
20 uses, and is described, shown and subject to the following documents,  
21 **attached hereto:**

22           **Exhibit 1** - Legal Description dated September 29, 2020.

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

24           **Revised Exhibit 3** - Revised Written Description dated February 17,  
25 2021.

26           **Exhibit 4** - Site Plan dated October 19, 2020.

27           **Section 2.           Rezoning Approved Subject to Conditions.** This  
28 rezoning is approved subject to the following conditions. Such  
29 conditions control over the Written Description and the Site Plan and  
30 may only be amended through a rezoning.

31           (1) The Homeowners' Declaration of Covenants, Conditions and

1 Restrictions shall restrict houses on lots 1-22 and 83-95 to one  
2 story in height.

3 (2) There shall be a twenty (20) foot wide vegetated buffer  
4 along lots 1-22, 43, 44, and 83-95, and along the right-of-way along  
5 the eastern property line. Stormwater collection conveyances  
6 constructed in this buffer shall be underground and generally consist  
7 of pipes, associated inlets and connection points. Use of a ditch-  
8 based stormwater collection system in lieu of underground stormwater  
9 pipes within this buffer area is prohibited. The purpose of the  
10 stormwater collection conveyances constructed in the twenty-foot  
11 buffer is to provide drainage for stormwater runoff from adjacent,  
12 offsite properties.

13 (3) On the developer's side of the buffer, an eight (8) foot  
14 high, 85% opaque fence shall be constructed along lots/parcels 10-  
15 22, 43, 44, and 83-95, as well as along the northern property line  
16 of Parcel R.E. No. 106889-0020, and along the right-of-way along the  
17 eastern property line.

18 (4) On the southerly boundary of the Subject Property between  
19 New Berlin Road and the easterly edge of Parcel R.E. No. 106889-0103  
20 where it abuts the Subject Property, an eight (8) foot high, 85%  
21 opaque fence shall be constructed.

22 (5) The buffer, as referenced in condition (2) above, shall be  
23 planted with one shade tree every twenty-five (25) feet, except that  
24 where Live Oaks are planted, spacing may be increased to forty (40)  
25 feet between Live Oaks. The term "shade tree" shall be applied in  
26 the manner set forth in Part 12 of the Jacksonville Zoning Code,  
27 except that Pine trees and Sycamore trees shall not count toward the  
28 required shade trees.

29 **Section 3. Owner and Description.** The Subject Property  
30 is owned by KB Home Jacksonville, LLC, and is legally described in  
31 **Exhibit 1, attached hereto.** The agent is Thomas O. Ingram, Esq., 233

