

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-104-E**

5 AN ORDINANCE REZONING APPROXIMATELY 12.05± ACRES
6 LOCATED IN COUNCIL DISTRICT 11 AT 7981 BAYMEADOWS
7 CIRCLE WEST, BETWEEN BAYMEADOWS CIRCLE EAST AND
8 BAYMEADOWS CIRCLE WEST (R.E. NO. 148521-4015
9 (PORTION)), OWNED BY D.R. HORTON, INC. -
10 JACKSONVILLE, AS DESCRIBED HEREIN, FROM PLANNED
11 UNIT DEVELOPMENT (PUD) DISTRICT (2014-537-E) TO
12 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
13 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
14 PERMIT MULTI-FAMILY RESIDENTIAL USES, AS
15 DESCRIBED IN THE MALLARD CREEK PUD, PURSUANT TO
16 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
17 AMENDMENT APPLICATION NUMBER L-5508-20C; PUD
18 SUBJECT TO CONDITIONS; PROVIDING A DISCLAIMER
19 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
20 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
21 APPLICABLE LAWS; 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 revising
25 portions of the Future Land Use Map series (FLUMs) in order to ensure
26 the accuracy and internal consistency of the plan, pursuant to
27 application L-5508-20C and companion land use Ordinance 2021-103; and

28 **WHEREAS**, in order to ensure consistency of zoning district with
29 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
30 Amendment L-5508-20C, an application to rezone and reclassify from
31 Planned Unit Development (PUD) District (2014-537-E) to Planned Unit

1 Development (PUD) District was filed by T.R. Hainline, Esq., on behalf
2 of D.R. Horton, Inc. - Jacksonville, the owner of approximately 12.05±
3 acres of certain real property in Council District 11, as more
4 particularly described in Section 1; and

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

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

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

14 **WHEREAS**, the City Council, after due notice, held a public
15 hearing, and taking into consideration the above recommendations as
16 well as all oral and written comments received during the public
17 hearings, the Council finds that such rezoning is consistent with the
18 *2030 Comprehensive Plan* adopted under the comprehensive planning
19 ordinance for future development of the City of Jacksonville; and

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

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

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

1 approximately 12.05± acres (R.E. No. 148521-4015 (portion)) are
2 located in Council District 11, at 7981 Baymeadows Circle West,
3 between Baymeadows Circle East and Baymeadows Circle West, as more
4 particularly described in **Exhibit 1**, dated December 4, 2020, and
5 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
6 and incorporated herein by this reference (Subject Property).

7 **Section 2. Owner and Applicant Description.** The Subject
8 Property is owned by D.R. Horton, Inc. - Jacksonville. The applicant
9 is T.R. Hainline, Esq., 1301 Riverplace Boulevard, Suite 1500,
10 Jacksonville, Florida 32207; (904) 346-5531.

11 **Section 3. Property Rezoned.** The Subject Property,
12 pursuant to adopted companion Small-Scale Amendment L-5508-20C, is
13 hereby rezoned and reclassified from Planned Unit Development (PUD)
14 District (2014-537-E) to Planned Unit Development (PUD) District.
15 This new PUD district shall generally permit multi-family residential
16 uses, and is described, shown and subject to the following documents,
17 **attached hereto:**

18 **Exhibit 1** - Legal Description dated December 4, 2020.

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

20 **Exhibit 3** - Written Description dated January 14, 2021.

21 **Exhibit 4** - Site Plan dated April 9, 2020.

22 **Section 4. Rezoning Approved Subject to Conditions.** This
23 rezoning is approved subject to the following conditions. Such
24 conditions control over the Written Description and the Site Plan and
25 may only be amended through a rezoning.

26 (1) Prior to the ninety percent (90%) completion of the
27 Baypointe Townhomes on Legacy Trail, the owner shall improve (mill
28 and re-surface) Baymeadows Circle East from its starting point of
29 approximately Paseo Drive South, at the starting point for which the
30 owner ended new pavement which was installed at the entrance of

1 Baymeadows Circle East from Baymeadows Road, to approximately its
2 intersection at Legacy Trail.

3 (2) As described in the Written Description, it is the intent
4 of the owner to preserve the upland island area within Parcel B as
5 shown on the Site Plan (the "Island Parcel") for Preservation
6 uses. Additionally, the owner intends to preserve an area (not within
7 this PUD) located on the north side of a pond between Las Palmas Way
8 and Baymeadows Circle West (generally located within a parcel
9 identified as Property Appraiser's R.E.# 148521-4015) (the "Pond
10 Parcel"). If a Dependent Special Taxing District or other public or
11 private entity funded by homeowners is established and will accept
12 ownership and maintenance of the Island Parcel and Pond Parcel by
13 January 31, 2022 (or by a later date, as agreed to by the owner in
14 writing), the owner shall convey fee title ownership of the Island
15 Parcel and Pond Parcel to such entity.

16 **Section 5. Contingency.** This rezoning shall not become
17 effective until 31 days after adoption of the companion Small-Scale
18 Amendment unless challenged by the state land planning agency; and
19 further provided that if the companion Small-Scale Amendment is
20 challenged by the state land planning agency, this rezoning shall not
21 become effective until the state land planning agency or the
22 Administration Commission issues a final order determining the
23 companion Small-Scale Amendment is in compliance with Chapter 163,
24 *Florida Statutes*.

25 **Section 6. Disclaimer.** The rezoning granted herein
26 shall not be construed as an exemption from any other applicable
27 local, state, or federal laws, regulations, requirements, permits or
28 approvals. All other applicable local, state or federal permits or
29 approvals shall be obtained before commencement of the development
30 or 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
6 restricted by any federal, state or local laws.

7 **Section 7. 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.

11
12 Form Approved:

13
14 /s/ Kealey A. West

15 Office of General Counsel

16 Legislation Prepared By: Bruce Lewis

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