

1 Introduced and substituted by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-233**

5 AN ORDINANCE REZONING APPROXIMATELY 21.44±
6 ACRES, LOCATED IN COUNCIL DISTRICT 10 AT 0 MORSE
7 AVENUE, BETWEEN RICKER ROAD AND RAMPART ROAD
8 (R.E. NOS. 015805-9500, 015806-0100 (PORTION),
9 AND 015807-0000), AS DESCRIBED HEREIN, OWNED BY
10 THE MARTHA H. BURKHALTER TRUST, FROM RESIDENTIAL
11 RURAL-ACRE (RR-ACRE) DISTRICT TO PLANNED UNIT
12 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
14 TOWNHOME RESIDENTIAL USES, AS DESCRIBED IN THE
15 ASHERS LANDING PUD; PROVIDING A DISCLAIMER THAT
16 THE REZONING GRANTED HEREIN SHALL NOT BE
17 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
19

20 **WHEREAS**, the Martha H. Burkhalter Trust, the owner of
21 approximately 21.44± acres, located in Council District 10 at 0 Morse
22 Avenue, between Ricker Road and Rampart Road (R.E. Nos. 015805-9500,
23 015806-0100 (portion) and 015807-0000), as more particularly
24 described in **Exhibit 1**, dated May 4, 2021, and graphically depicted
25 in **Exhibit 2**, both of which are **attached hereto** (Subject Property),
26 has applied for a rezoning and reclassification of that property from
27 Residential Rural-Acre (RR-Acre) District to Planned Unit Development
28 (PUD) District, as described in Section 1 below; and

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

31 **WHEREAS**, the Land Use and Zoning Committee, after due notice and

1 public hearing, has made its recommendation to the Council; and

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

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

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

15 **Section 1. Property Rezoned.** The Subject Property is
16 hereby rezoned and reclassified from Residential Rural-Acre (RR-Acre)
17 District to Planned Unit Development (PUD) District. This new PUD
18 district shall generally permit townhome residential uses, and is
19 described, shown and subject to the following documents, **attached**
20 **hereto:**

21 **Exhibit 1** - Legal Description dated May 4, 2021.

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

23 **Exhibit 3** - Written Description dated April 26, 2021.

24 **Exhibit 4** - Site Plan dated April 26, 2021.

25 **Section 2. Owner and Description.** The Subject Property
26 is owned by the Martha H. Burkhalter Trust, and is described in
27 **Exhibit 1, attached hereto.** The agent is T.R. Hainline, Esq., 1301
28 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207; (904)
29 346-5531.

30 **Section 3. Disclaimer.** The rezoning granted herein
31 shall **not** be construed as an exemption from any other applicable

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

11 **Section 4. Effective Date.** The enactment of this
12 Ordinance shall be deemed to constitute a quasi-judicial action of
13 the City Council and shall become effective upon signature by the
14 Council President and the Council Secretary.

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16 Form Approved:

17
18 /s/ Shannon K. Eller

19 Office of General Counsel

20 Legislation Prepared By: Bruce Lewis

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