

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

3
4
5 **ORDINANCE 2021-233-E**

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

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

1 **WHEREAS**, the Planning Commission has considered the application
2 and has rendered an advisory opinion; and

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

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

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

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

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

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

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

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

27 **Revised Exhibit 4** - Revised Site Plan dated July 30, 2021.

28 **Section 2. Rezoning Approved Subject to Conditions.** This
29 rezoning is approved subject to the following conditions. Such

1 conditions control over the Written Description and the Site Plan and
2 may only be amended through a rezoning.

3 (1) The maximum number of residential units permitted on the
4 Subject Property shall be 132.

5 (2) The covenants and restrictions for the homeowner's
6 association (HOA) shall provide that the HOA will maintain (funded
7 through HOA dues/assessments) all common areas within the Subject
8 Property, as well as the lawns and landscaping on each lot, excepting
9 enclosed fenced areas in the rear of any lot, and all exterior fencing
10 on the Subject Property.

11 (3) The buffer area between the two access points to the proposed
12 development on the Subject Property, as shown on the Site Plan
13 attached hereto as **Revised Exhibit 4**, shall remain a "Natural Buffer"
14 area, as defined in Section 656.1222, *Ordinance Code*, with a minimum
15 depth of fifty (50) feet; provided, however, walking trails and
16 similar low impact amenities may be provided within this area. The
17 foregoing buffer shall be maintained by the HOA (funded through HOA
18 dues/assessments), and the covenants and restrictions for the HOA
19 shall reflect the same.

20 **Section 3. Disclaimer.** The rezoning granted herein
21 shall not be construed as an exemption from any other applicable
22 local, state, or federal laws, regulations, requirements, permits or
23 approvals. All other applicable local, state or federal permits or
24 approvals shall be obtained before commencement of the development
25 or use and issuance of this rezoning is based upon acknowledgement,
26 representation and confirmation made by the applicant(s), owner(s),
27 developer(s) and/or any authorized agent(s) or designee(s) that the
28 subject business, development and/or use will be operated in strict
29 compliance with all laws. Issuance of this rezoning does not approve,
30 promote or condone any practice or act that is prohibited or

1 restricted by any federal, state or local laws.

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

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7 Form Approved:

8
9 /s/ Mary Staffopoulos

10 Office of General Counsel

11 Legislation Prepared By: Bruce Lewis

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