

Amended 10/24/06
Enacted 10/24/06



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Introduced and amended by Land Use and Zoning
Committee:

ORDINANCE 2006-499-E

AN ORDINANCE REZONING APPROXIMATELY 227.63 ACRES
OF LAND LOCATED IN COUNCIL DISTRICT 8 AT 9766
GARDEN STREET BETWEEN JONES ROAD AND DIAMOND C.
LANE AND OWNED BY ESTATE OF NORVELLE G. ALLEN AND
ESTATE OF GLADYS G. ALLEN, AS MORE PARTICULARLY
DESCRIBED HEREIN, FROM AGRICULTURE (AGR) DISTRICT
TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
PERMIT SINGLE-FAMILY RESIDENTIAL USES, AS
DESCRIBED IN THE APPLICATION FOR THE TARRAGON
PUD, PURSUANT TO ADOPTED FUTURE LAND USE MAP
SERIES (FLUMS) SEMI-ANNUAL LAND USE AMENDMENT
APPLICATION NUMBER 2005D-024; PROVIDING AN
EFFECTIVE DATE.

WHEREAS, the City of Jacksonville adopted a semi-annual land use
amendment to the *2010 Comprehensive Plan* for the purpose of revising
portions of the Future Land Use Map series (FLUMs) in order to ensure
the accuracy and internal consistency of the plan, pursuant to
Ordinance 2006-498; and

WHEREAS, in order to ensure consistency of zoning district(s)
with the *2010 Comprehensive Plan* and the companion adopted semi-annual
land use amendment 2005D-024, an application to rezone and reclassify
from Agriculture (AGR) District to Planned Unit Development (PUD)

1 District was filed by T. R. Hainline, Jr. / Paige Hobbs Johnston,
2 Esquire on behalf of Estate of Norville G. Allen and Estate of Gladys
3 G. Allen, owners of certain real property in Council District 8, as
4 more particularly described in Section 1 and referenced therein as the
5 "Subject Property"; and

6 WHEREAS, the Planning and Development Department, in order to
7 ensure consistency of this rezoning with the *2010 Comprehensive Plan*
8 and the companion semi-annual land use amendment application number
9 2005D-024, has considered the rezoning and has rendered an advisory
10 opinion; and

11 WHEREAS, the Planning Commission has considered the application
12 and has rendered an advisory opinion; and

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

15 WHEREAS, the City Council after due notice, held a public
16 hearing; and

17 WHEREAS, taking into consideration all oral and written comments
18 received during public hearings and the above recommendations, the
19 Council finds that such rezoning is consistent with the *2010*
20 *Comprehensive Plan* adopted under the comprehensive planning ordinance
21 for future development of the City of Jacksonville; and

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

30 BE IT ORDAINED by the Council of the City of Jacksonville:

1 **Section 1. Subject Property Location and Description.** The
2 approximately 227.63 acres of land (Real Estate numbers 002894-0000 and
3 002894-0010) are located in Council District 8 at 9766 Garden Street
4 between Jones Road and Diamond C. Lane, as more particularly described
5 in Exhibit 1 and graphically depicted in Exhibit 2, both attached
6 hereto and incorporated herein by this reference.

7 **Section 2. Owner and Applicant Description.** The Subject
8 Property is owned by Estate of Norvelle G. Allen and Estate of Gladys
9 G. Allen. The applicant listed in the application is T. R. Hainline,
10 Jr. / Paige Hobbs Johnston, Esquire with an address of 1301 Riverplace
11 Boulevard, Suite 1500, Jacksonville, Florida 32207 and a telephone
12 number of (904) 346-5531.

13 **Section 3. Property Rezoned.** The Subject Property, pursuant
14 to adopted companion semi-annual land use amendment 2005D-024, is
15 rezoned and reclassified from Agriculture (AGR) District to Planned
16 Unit Development (PUD) District, subject to the written description
17 dated October 11, 2006 and the site plan dated October 10, 2006 for
18 Tarragon PUD, both attached hereto as Revised Exhibit 3. The PUD
19 District for the Subject Property shall generally permit single-family
20 residential uses, as more specifically shown and described in the
21 written description and site plan.

22 **Section 4. Rezoning Approved Subject to Conditions.** This
23 rezoning is approved subject to the following conditions:

24 (a) Development shall proceed in accordance with the Traffic
25 Engineering Division Memorandum dated May 22, 2006 and the
26 Transportation Planning Division Memorandum dated May 2, 2006, or as
27 otherwise approved by the Traffic Engineering Division and the Planning
28 and Development Department.

29 (b) Future access points shall be maintained at a width of at
30 least sixty (60) feet, as shown on the site plan.

1 (c) The developed commercial area shall not exceed eight (8)
2 acres, subject to amendment of the site through a Future Land Use Map
3 Amendment.

4 (d) One (1) acre of recreational area shall be required per one
5 hundred (100) lots.

6 (e) The developer shall pay into an escrow account, established
7 by the Duval County School Board, a per-unit portion (prior to
8 obtaining each building permit) of \$140,000.00, based upon the maximum
9 number of units permitted in the PUD; provided, however, that the
10 developer shall pay the total \$140,000.00, plus accrued interest as
11 defined herein, within five years of the effective date of this
12 ordinance. Any unpaid portion of the \$140,000.00 as of October 31,
13 2007, shall be increased by an inflation factor of 6%, and thereafter,
14 increased by an inflation factor of 6% on October 31 of each subsequent
15 year. The developer may choose to pay the total \$140,000.00 prior to
16 obtaining any building permits, with no penalty.

17 **Section 5. Consistency With Companion Land Use Amendment**
18 **Adoption.** The Council hereby finds the Tarragon PUD to be consistent
19 with the requirements of the State Comprehensive Plan, the Northeast
20 Florida Regional Council Strategic Regional Policy Plan, and Rule
21 Chapter 9J-5, Florida Administrative Code. Further, the Council finds
22 this rezoning to be consistent with the Jacksonville 2010 Comprehensive
23 Plan, as amended by Ordinance 2006-498, and that this PUD is consistent
24 with the land use category criteria.

25 **Section 6. Contingency.** This ordinance shall not become
26 effective unless and until the Department of Community Affairs issues a
27 Notice of Intent finding the correlating amendment to the *2010*
28 *Comprehensive Plan* in compliance with Chapter 163, Part II, Florida
29 Statutes.

30 **Section 7. Effective Date.** The adoption of this ordinance

1 shall be deemed to constitute a quasi-judicial action of the City
2 Council and shall become effective upon signature by the Council
3 President and Council Secretary.

4
5 Form Approved:

6
7 /s/ Shannon K. Eller

8 Office of General Counsel

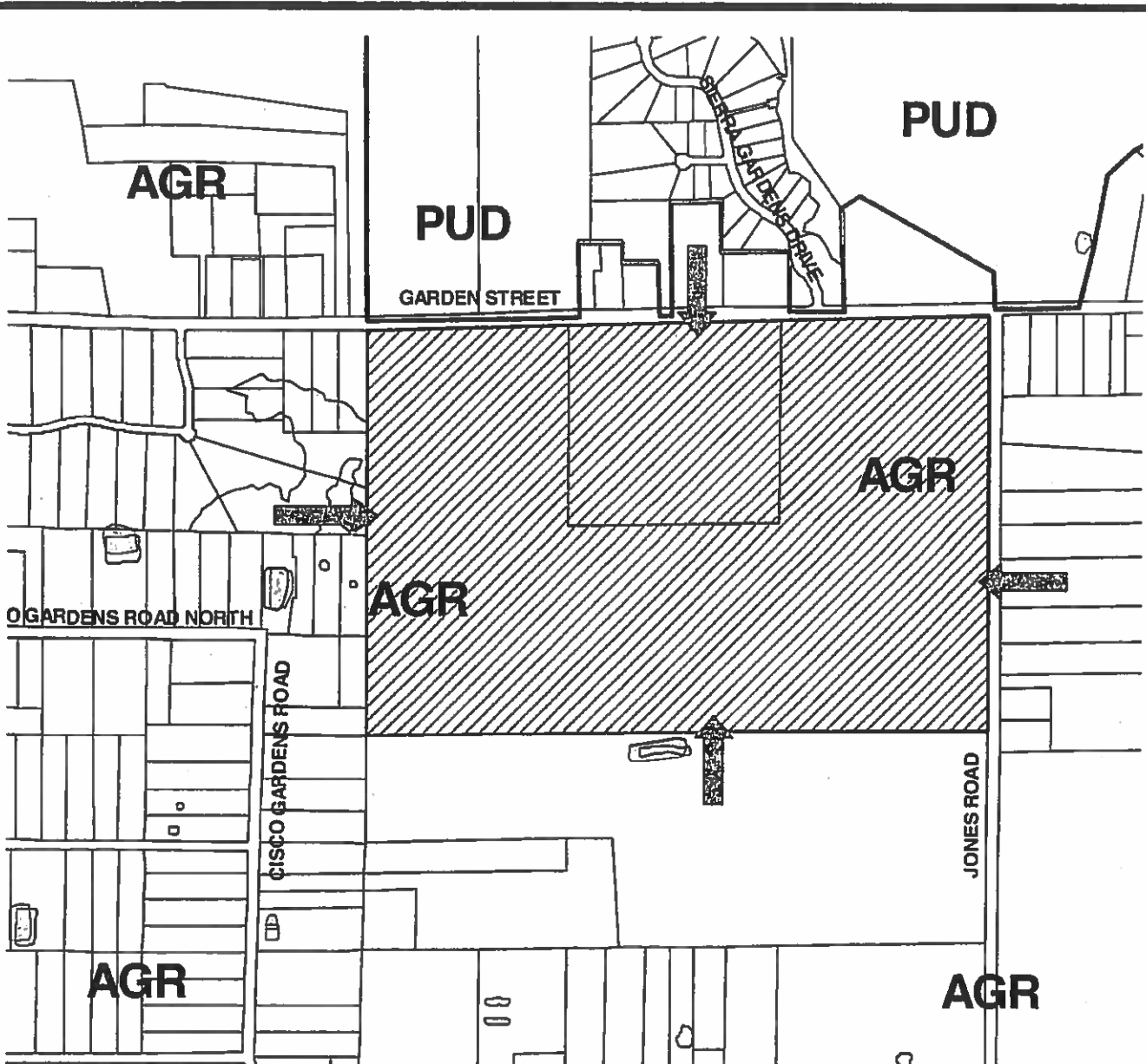
9 Legislation Prepared By: Robert K. Riley

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ORDINANCE 2006-499

Legal Description

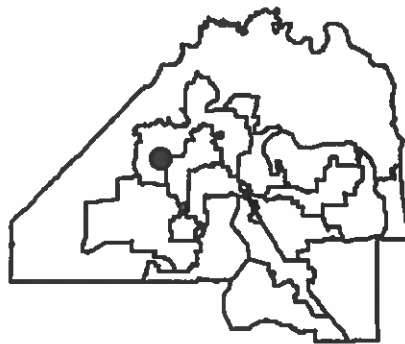
GOVERNMENT LOTS 2, 3, 4, 5, 6, AND 7, SECTION 20, TOWNSHIP 1 SOUTH, RANGE 25 EAST, DUVAL COUNTY, FLORIDA, EXCEPTING ANY PORTION LYING WITHIN THE RIGHT OF WAY OF GARDEN STREET AND JONES ROAD.



REQUEST SOUGHT:

FROM: AGR

TO: PUD



000 Feet



COUNCIL DISTRICT:

8

ORDINANCE R-2006-0499

Exhibit 2
Page 1 of 1

Amended Written Description

Tarragon PUD
October 11, 2006

I. PLANNED UNIT DEVELOPMENT PROJECT DESCRIPTION

The following constitutes the written description for the intended plan of development for the Tarragon PUD. The Tarragon PUD shall allow for mixed uses in conformance with the available primary and secondary uses of the LDR land use designation, as set forth in the Future Land Use Element of the Comprehensive Plan. The PUD is located at the southwest quadrant of the intersection of two collector roads, Jones Road and Garden Street. The site is currently designated LDR on the Future Land Use Maps of the City of Jacksonville, pursuant to Future Land Use Map Application 2005D-024-5-8-058. This site is proposed to be a mixture of uses, including residential use not to exceed the limits of the LDR classification and Commercial Neighborhood as allowable as a secondary use in the LDR category at the intersection of two collector roads (Garden Street and Jones Road).

II. PLANNED UNIT DEVELOPMENT LAND USE RESTRICTIONS AND DESIGN GUIDELINES

Attached hereto is a conceptual site plan indicating the general design of development for the site. A revised site plan will be submitted prior to Verification of Substantial Compliance for review and approval by the Planning and Development Department. The site will be developed into distinct parcels which shall have separate use restrictions and development standards. The PUD, however, shall comply in all respects with the standards for the LDR zoning category, including secondary uses thereunder.

A. Permitted Uses, Restrictions and Development Standards – Single-Family

1. **Permitted Uses.** The Single-Family Neighborhood parcel shall be generally located as shown on the conceptual site plan. The PUD shall be limited to 343 single family units.

2. **Minimum Lot and Building Requirements.** The following criteria shall apply to the single-family residential uses:

Minimum lot width	60 feet
Minimum lot area	6,000 square feet
Maximum lot coverage	45 percent
Minimum yard requirements	front – 20 feet side – 5 feet rear – 10 feet

Maximum building height 35 feet

3. **Parking Requirements.** Parking and loading requirements of the City of Jacksonville, as set forth in the current Zoning Code for the RLD-G Zoning District, shall apply.

4. **Access, Internal and External Road Activities.** Access, internal and external road activities and other traffic approvals shall be subject to the City of Jacksonville through the subdivision permitting and site review permitting processes. The final design of the access locations, internal and external road activities and traffic matters shall be subject to the review and approval of the Planning Department at the time of site plan approval. All residential areas shall provide at least two (2) future street connections, where physically possible, to adjacent land. All future phases shall be required to connect to road stubs.

5. **Recreation.** Adequate recreation for the neighborhood shall be provided. The final recreation facility location and type shall be subject to the review of the Planning and Development Department, at the time of site plan approval.

6. **Signage.** The number, location, height and size of signage on the property shall be in accordance with the Sign Ordinance of the City of Jacksonville for the current RLD-D Zoning District.

B. Permitted Uses and Restrictions – Commercial Neighborhood

1. **Permitted Uses.** The Commercial Neighborhood use shall be permitted at the general location on the conceptual site plan. The following uses shall be permitted within the Commercial Neighborhood use:

- (a) Retail outlets for sale of food and drugs, wearing apparel, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry (including watch repair) art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops (but not animal boarding kennels), musical instruments, florist or shops, delicatessens, bakeries (but not wholesale bakeries), home furnishings and appliances (including repair incidental to sales), office equipment or furniture, antiques, hardware, new automobile parts (including rebuilt parts not installation, repair or rebuilding of parts) and accessories and similar uses.
- (b) Service establishments such as barber or beauty shops, shoe repair shops, restaurants, interior decorators, reducing salons or gymnasiums, self-service laundries or dry cleaners, tailors or dressmakers, laundries or dry cleaning pickup stations, dry cleaning and laundry package plants in completely enclosed buildings using nonflammable liquids such as perchloroethylene and with no odor, fumes or steam detectable to normal senses from off the premises, radio and television broadcasting offices and studios, communication antennas, communication towers, funeral homes, marinas, blueprinting, job printing (but not newspaper), radio and television repair shops, travel agencies, employment offices, home equipment rental and similar uses.
- (c) Banks (including drive-thru tellers), loan companies, mortgage brokers, stockbrokers and similar financial institutions.
- (d) All types of professional and business offices, newspaper offices (but not printing), employment offices, union halls, buildings trades contractors (not requiring outside storage or the use of a vehicle in excess of one-ton capacity or equipment, machinery, ditching machines, tractors, bulldozers or other heavy construction equipment) and similar uses.
- (e) Hotels and motels.
- (f) Commercial indoor recreational or entertainment facilities such as bowling alleys, swimming pools, indoor skating rinks, theaters (including motion picture theaters but not open-air theaters), and similar uses (but not dance halls).
- (g) Art galleries, museums, community centers, dance, art or music studios, vocational, trade or business schools and similar uses.
- (h) Day care centers or care centers meeting the performance standards and development criteria set forth in Part 4.
- (i) Off-street commercial parking lots meeting the performance standards and criteria set forth in Part 4.

- (j) An establishment or facility which includes the retail sale and service of beer or wine for off-premises consumption or for on-premises conjunction with the service of food which is ordered from a menu and prepared or served for pay for consumption on-premises.
- (k) Retail plant nurseries (including outside display but not landscape contractors requiring heavy equipment or vehicles in excess of one-ton capacity).
- (l) Express or parcel delivery offices, telephone exchanges, motor bus or other transportation terminals but not freight or truck terminals) and similar uses.
- (m) Veterinarians subject to the performance standards and development criteria set forth in Part 4.
- (n) Personal property storage establishments meeting the performance development criteria set forth in Part 4.
- (o) Retail outlets for the sale of used wearing apparel, toys, books, luggage, jewelry, cameras, sporting goods, home furnishings and appliances, furniture and similar uses.
- (p) Essential services, including water, sewer, gas, telephone, radio, television and electric, meeting the performance standards and development criteria set forth in Part 4.
- (q) Churches, including a rectory or similar use.
- (r) Outside retail sales of holiday items, subject to the performance standards and development criteria set forth in Part 4.
- (s) An establishment or facility which includes the retail sale and service of all alcoholic beverages including liquor, beer or wine for on-premises consumption or off-premises consumption or both, including permanent or restricted outside sale and service, meeting the performance standards and development criteria set forth in Part 4.
- (t) Service stations, service garages for minor repairs and car washer.
- (u) Restaurants with the outside sale and service of food meeting the performance standards and development criteria set forth in Part 4.

2. **Minimum Lot and Building Requirements.** The village center shall be subject to the minimum lot requirements, lot coverage, yard requirements and height restrictions of the CN zoning category.

3. **Parking Requirements.** Parking and loading requirements of the City of Jacksonville, as set forth in the current Zoning Code for the CN Zoning District, shall apply.

4. **Access, Internal and External Road Activities.** Access, internal and external road activities and other traffic approvals shall be subject to the City of Jacksonville through the subdivision permitting and site review permitting processes. The final design of the access locations, internal and external road activities and traffic matters shall be subject to the review and approval of the Planning Department at the time of site plan approval.

5. **Signage.** The number, location, height and size of signage on the property shall be in accordance with the Sign Ordinance of the City of Jacksonville for the current CCG-1 Zoning District.

6. **Orientation Review.** At the time of Verification of Substantial Compliance, the Village Center site shall be submitted to the Planning and Development Department for building orientation review.

7. The CN site shall be limited to 8 acres subject to expansion upon a FLUM amendment.

III. PUD DEVELOPMENT STANDARDS APPLICABLE TO ALL PARCELS

A. Essential Services

Essential services including water, sewer, gas, telephone, radio and electric as needed to serve the PUD development shall be allowed on the site.

B. Retention

Retention shall meet the requirements of the City of Jacksonville and all other state or local agencies with jurisdiction including the St. Johns River Water Management District. The site plan depicts the general location of the stormwater detention, however relocation of such stormwater detention shall be permitted upon final site design provided the stormwater detention area meets the standards and requirements of the City of Jacksonville and the St. Johns River Water Management District.

C. Landscaping

Landscaping on the site shall be in accordance with the requirements of the current City of Jacksonville Landscape and Tree Protection Ordinances. Notwithstanding the provisions of Part 12 of the Jacksonville Zoning Code, the location of project landscaping may vary from the strict requirements of such Part and be relocated to alternative placement to provide for improved site design and function. Nothing herein shall be construed to allow a reduction in the amount of required landscaping. Notwithstanding the foregoing, the landscape plan shall be subject to the review of the City of Jacksonville Planning and Development Department.

D. Utilities/Public Utilities

The property shall be served for potable water and sewer facilities in a manner as designed and according to the Jacksonville Electric Authority standards, as such to not encourage urban sprawl. At the time of Verification of Substantial Compliance, the applicant shall specify the location and uses of public facilities for review and approval by the Planning and Development Department.

E. Concurrency

The Owner or Developer shall obtain a final CCAS and/or Development Agreement to assure required transportation and other capacity for the site in accordance with the Ordinance Code. Development of the site shall be subject to the concurrency requirements of the City of Jacksonville.

F. Silviculture Use

The property owner reserves the right to continue silviculture operations on any portion of the property which remains undeveloped until such time as the entire property is developed.

G. Wetlands

Jurisdictional lands on the site shall be located and identified. Those lands shall be developed in accordance with local, state and federal regulations.

H. Sidewalks

A pedestrian circulation system shall be provided at the time of site review. The pedestrian circulation system shall be subject to the review and approval of the Planning and Development Department, and shall comply with the 2010 Comprehensive Plan. The system may contain paths to accommodate multiple uses.

I. **Buffers**

The development shall comply with the provisions of §656.1216 and §656.1222(b) as applicable, however, modification to the buffer requirements may be provided with the approval of the Planning and Development Department to better meet the goals of the Comprehensive Plan and the multi-use nature of the PUD.

J. **Access**

Access to the site from Garden Street and Jones Road shall be subject to approval by the City Traffic Engineer.

IV. JUSTIFICATION FOR PLANNED UNIT DEVELOPMENT

The proposed use allows for development of lands in a location at the intersection of two collector roads. The site is developed so as to not encourage urban sprawl, but to allow for interconnectivity and mixed uses. *The project is in harmony with the general purpose and intent of the Zoning Code and the City's Comprehensive Plan.* The project allows for gradation in uses, but interconnectivity between the mixed uses. The project allows for creative uses at an existing node in a rapid developing area of Jacksonville.

