

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-807-E**

5 AN ORDINANCE REZONING APPROXIMATELY 92.54± ACRES
6 LOCATED IN COUNCIL DISTRICT 11 AT 0 OLD ST.
7 AUGUSTINE ROAD, BETWEEN INTERSTATE-95 AND
8 PHILIPS HIGHWAY (R.E. NOS. 158765-0050 AND
9 168081-0000), OWNED BY THE ESTATE OF PHILIP B.
10 GENOVAR, AS DESCRIBED HEREIN, FROM INDUSTRIAL
11 BUSINESS PARK (IBP) DISTRICT TO PLANNED UNIT
12 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
14 TOWNHOMES, AS DESCRIBED IN THE OLD ST. AUGUSTINE
15 ROAD PUD, PURSUANT TO FUTURE LAND USE MAP SERIES
16 (FLUMS) SMALL-SCALE AMENDMENT APPLICATION
17 NUMBER L-5628-21C; PUD SUBJECT TO CONDITIONS;
18 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
19 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
20 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
21 EFFECTIVE DATE.
22

23 **WHEREAS**, the City of Jacksonville adopted a Small-Scale Amendment
24 to the *2030 Comprehensive Plan* for the purpose of revising portions
25 of the Future Land Use Map series (FLUMS) in order to ensure the
26 accuracy and internal consistency of the plan, pursuant to the
27 companion land use application L-5628-21C; 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-5628-21C, an application to rezone and reclassify from

1 Industrial Business Park (IBP) District to Planned Unit Development
2 (PUD) District was filed by Paul M. Harden, Esq., on behalf of the
3 owner of approximately 92.54± acres of certain real property in Council
4 District 11, as more 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
31 approximately 92.54± acres are located in Council District 11, at 0

1 Old St. Augustine Road, between Interstate-95 and Philips Highway, as
2 more particularly described in **Exhibit 1**, dated June 28, 2021, and
3 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
4 and incorporated herein by this reference (the "Subject Property").

5 **Section 2. Owner and Applicant Description.** The Subject
6 Property is owned by the Estate of Philip B. Genovar. The applicant
7 is Paul M. Harden, Esq., 1431 Riverplace Boulevard, Suite 901,
8 Jacksonville, Florida 32207; (904) 396-5731.

9 **Section 3. Property Rezoned.** The Subject Property, pursuant
10 to adopted companion Small-Scale Amendment L-5628-21C, is hereby
11 rezoned and reclassified from Industrial Business Park (IBP) to
12 Planned Unit Development (PUD) District. This new PUD district shall
13 generally permit townhomes, and is described, shown and subject to
14 the following documents, **attached hereto**:

15 **Exhibit 1** - Legal Description dated June 28, 2021.

16 **Exhibit 2** - Subject Property Map (prepared by P&DD).

17 **Exhibit 3** - Written Description dated June 28, 2021.

18 **Exhibit 4** - Site Plan dated June 2, 2021.

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

23 (1) The minimum lot width for the units shall meet the standard
24 fifteen (15) feet and twenty-five (25) feet for end unit minimums of
25 Section 656.414 of the Zoning Code.

26 (2) A traffic study shall be submitted at Civil Site Plan
27 Review, subject to the review and approval by the City's Traffic
28 Engineer.

29 **Section 5. Contingency.** This rezoning shall not become
30 effective until 31 days after adoption of the companion Small-Scale
31 Amendment unless challenged by the state land planning agency; and

1 further provided that if the companion Small-Scale Amendment is
2 challenged by the state land planning agency, this rezoning shall not
3 become effective until the state land planning agency or the
4 Administration Commission issues a final order determining the
5 companion Small-Scale Amendment is in compliance with Chapter 163,
6 *Florida Statutes*.

7 **Section 6. Disclaimer.** The rezoning granted herein
8 shall not be construed as an exemption from any other applicable
9 local, state, or federal laws, regulations, requirements, permits or
10 approvals. All other applicable local, state or federal permits or
11 approvals shall be obtained before commencement of the development or
12 use, and issuance of this rezoning is based upon acknowledgement,
13 representation and confirmation made by the applicant(s), owner(s),
14 developer(s) and/or any authorized agent(s) or designee(s) that the
15 subject business, development and/or use will be operated in strict
16 compliance with all laws. Issuance of this rezoning does not approve,
17 promote or condone any practice or act that is prohibited or restricted
18 by any federal, state or local laws.

19 **Section 7. Effective Date.** The enactment of this Ordinance
20 shall be deemed to constitute a quasi-judicial action of the City
21 Council and shall become effective upon signature by the Council
22 President and the Council Secretary.

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24 Form Approved:

25
26 /s/ Mary E. Staffopoulos

27 Office of General Counsel

28 Legislation Prepared By: Connor Corrigan

29 GC-#1475378-v2-2021-807-E