

Introduced by the Land Use and Zoning Committee:

ORDINANCE 2025-84-E

AN ORDINANCE REZONING APPROXIMATELY 1.77± ACRES,
LOCATED IN COUNCIL DISTRICT 2 AT 0 ATLANTIC
BOULEVARD N., BETWEEN ABESS ROAD EXTENSION AND
MARKETPLACE DRIVE (PORTION OF R.E. NO(S).
167445-0215), AS DESCRIBED HEREIN, OWNED BY
PROPERTY MANAGEMENT SUPPORT, INC. AS TRUSTEE OF
ATLANTIC NORTH LAND TRUST, FROM PLANNED UNIT
DEVELOPMENT (PUD) DISTRICT (2018-701-E) TO
PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
PERMIT OUTDOOR STORAGE OF NEW VEHICLES FOR SALE,
AS DESCRIBED IN THE KERNAN WEST AUTO PARK PUD,
PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
SMALL-SCALE AMENDMENT APPLICATION NUMBER L-
5997-24C; PROVIDING A DISCLAIMER THAT THE
REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville adopted a Small-Scale
Amendment to the *2045 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
companion application L-5997-24C; and

WHEREAS, in order to ensure consistency of zoning district
with the *2045 Comprehensive Plan* and the adopted companion Small-Scale
Amendment L-5997-24C, an application to rezone and reclassify from

1 Planned Unit Development (PUD) District (2018-701-E) to Planned Unit
2 Development (PUD) District was filed by Michael Herzberg, on behalf
3 of the owners of approximately 1.77± acres of certain real property
4 in Council District 2, as more particularly described in Section 1;
5 and

6 **WHEREAS,** the Planning and Development Department, in order to
7 ensure consistency of this zoning district with the *2045 Comprehensive*
8 *Plan*, has considered the rezoning and has rendered an advisory
9 opinion; and

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

12 **WHEREAS,** the Land Use and Zoning Committee, after due notice
13 and public hearing, has made its recommendation to the 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 *2045 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
21 affect adversely the orderly development of the City as embodied in
22 the *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 1.77± acres are located in Council District 2 at 0

1 Atlantic Boulevard N., between Abess Road Extension and Marketplace
2 Drive (portion of R.E. No(s). 167445-0215), as more particularly
3 described in **Exhibit 1**, dated November 1, 2024, and graphically
4 depicted in **Exhibit 2**, both of which are attached hereto and
5 incorporated herein by this reference (the "Subject Property").

6 **Section 2. Owner and Applicant Description.** The Subject
7 Property is owned by Property Management Support, Inc. as Trustee of
8 Atlantic North Land Trust. The applicant is Michael Herzberg, 12483
9 Aladdin Road, Jacksonville, Florida, 32223; (904) 731-8806.

10 **Section 3. Property Rezoned.** The Subject Property,
11 pursuant to adopted companion Small-Scale Amendment Application
12 L-5997-24C, is hereby rezoned and reclassified from Planned Unit
13 Development (PUD) District (2018-701-E) to Planned Unit Development
14 (PUD) District. This new PUD district shall generally permit outdoor
15 storage of new vehicles for sale, and is described, shown and subject
16 to the following documents, attached hereto:

17 **Exhibit 1** - Legal Description dated November 1, 2024.

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

19 **Exhibit 3** - Written Description dated October 12, 2024.

20 **Exhibit 4** - Site Plan dated September 26, 2024.

21 **Section 4. Contingency.** This rezoning shall not become
22 effective until thirty-one (31) days after adoption of the companion
23 Small-Scale Amendment; and further provided that if the companion
24 Small-Scale Amendment is challenged by the state land planning agency,
25 this rezoning shall not become effective until the state land planning
26 agency or the Administration Commission issues a final order
27 determining the companion Small-Scale Amendment is in compliance with
28 Chapter 163, *Florida Statutes*.

29 **Section 5. Disclaimer.** The rezoning granted herein
30 shall **not** be construed as an exemption from any other applicable
31 local, state, or federal laws, regulations, requirements, permits or

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

10 **Section 6. Effective Date.** The enactment of this Ordinance
11 shall be deemed to constitute a quasi-judicial action of the City
12 Council and shall become effective upon signature by the Council
13 President and the Council Secretary.

14
15 Form Approved:

16
17 /s/ Dylan Reingold

18 Office of General Counsel

19 Legislation Prepared By: Andrew Hetzel

20 GC-#1669575-v1-2025-84_(Z-5941).docx