

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-521**

5 AN ORDINANCE REZONING APPROXIMATELY 1.56± ACRES
6 LOCATED IN COUNCIL DISTRICT 9 AT 0, 957, 961 AND
7 971 MCDUFF AVENUE NORTH BETWEEN LOWELL AVENUE AND
8 COMMONWEALTH AVENUE (R.E. NO(S). 056005-0000,
9 056006-0000, 056007-0000, 056008-0000, 056009-
10 0000 AND 056010-0000), AS DESCRIBED HEREIN, OWNED
11 BY KEVIN THIGPEN AND WILLIAM TAYLOR, FROM
12 RESIDENTIAL LOW DENSITY-60 (RLD-60) DISTRICT AND
13 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) DISTRICT
14 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
15 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
16 PERMIT COMMERCIAL USES, AS DESCRIBED IN THE
17 TAYLOR/MCDUFF/COMMONWEALTH PUD, PURSUANT TO
18 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
19 AMENDMENT APPLICATION NUMBER L-5881-23C;
20 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
21 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
22 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
23 EFFECTIVE DATE.
24

25 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
26 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
27 portions of the Future Land Use Map series (FLUMs) in order to ensure
28 the accuracy and internal consistency of the plan, pursuant to the
29 companion land use application L-5881-23C; and

30 **WHEREAS,** in order to ensure consistency of zoning district
31 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale

1 Amendment L-5881-23C, an application to rezone and reclassify from
2 Residential Low Density-60 (RLD-60) District and Commercial
3 Community/General-1 (CCG-1) District to Planned Unit Development
4 (PUD) District was filed by Curtis Hart, on behalf of Kevin Thigpen
5 and William Taylor, owners of approximately 1.56± acres of certain
6 real property in Council District 9, as more particularly described
7 in Section 1 below; and

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

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

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

17 **WHEREAS,** the City Council, after due notice, held a public
18 hearing, and taking into consideration the above recommendations as
19 well as all oral and written comments received during the public
20 hearings, the Council finds that such rezoning is consistent with the
21 *2045 Comprehensive Plan* adopted under the comprehensive planning
22 ordinance for future development of the City of Jacksonville; and

23 **WHEREAS,** based on the staff report of the Planning and
24 Development Department and other competent and substantial evidence
25 received at the public hearings, the Council finds that the proposed
26 PUD does not affect adversely the orderly development of the City as
27 embodied in the *Zoning Code*; will not affect adversely the health and
28 safety of residents in the area; will not be detrimental to the
29 natural environment or to the use or development of the adjacent
30 properties in the general neighborhood; and the proposed PUD will
31 accomplish the objectives and meet the standards of Section 656.340

(Planned Unit Development) of the Zoning Code of the City of Jacksonville; now therefore

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

Section 1. Subject Property Location and Description. The approximately 1.56± acres are located in Council District 9 at 0, 957, 961 and 971 McDuff Avenue North between Lowell Avenue and Commonwealth Avenue (R.E. No(s). 056005-0000, 056006-0000, 056007-0000, 056008-0000, 056009-0000 and 056010-0000), as more particularly described in **Exhibit 1**, dated May 1, 2024, and graphically depicted in **Exhibit 2**, both of which are attached hereto and incorporated herein by this reference (the "Subject Property").

Section 2. Owner and Applicant Description. The Subject Property is owned by Kevin Thigpen and William Taylor. The applicant is Curtis Hart, 8051 Tara Lane, Jacksonville, Florida, 32216; (904) 993-5008.

Section 3. Property Rezoned. The Subject Property, pursuant to adopted companion Small-Scale Amendment L-5881-23C, is hereby rezoned and reclassified from Residential Low Density-60 (RLD-60) District and Commercial Community/General-1 (CCG-1) District to Planned Unit Development (PUD) District. This new PUD district shall generally permit commercial uses, and is described, shown and subject to the following documents, attached hereto:

Exhibit 1 - Legal Description dated May 1, 2024.

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

Exhibit 3 - Written Description dated May 20, 2024.

Exhibit 4 - Site Plan dated February 15, 2024.

Section 7. Contingency. This rezoning shall not become effective until thirty-one (31) days after adoption of the companion Small-Scale Amendment; and further provided that if the companion Small-Scale Amendment is challenged by the state land planning agency, this rezoning shall not become effective until the state land planning

1 agency or the Administration Commission issues a final order
2 determining the companion Small-Scale Amendment is in compliance with
3 Chapter 163, *Florida Statutes*.

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

16 **Section 9. Effective Date.** The enactment of this Ordinance
17 shall be deemed to constitute a quasi-judicial action of the City
18 Council and shall become effective upon signature by the Council
19 President and the Council Secretary.

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21 Form Approved:

22
23 /s/ Dylan Reingold

24 Office of General Counsel

25 Legislation Prepared By: Kaysie Cox

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