

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2024-396**

5 AN ORDINANCE REZONING APPROXIMATELY 43.80± ACRES  
6 LOCATED IN COUNCIL DISTRICT 13 AT 13911 ATLANTIC  
7 BOULEVARD (R.E. NO. 167140-0100), AS DESCRIBED  
8 HEREIN, OWNED BY JACKSONVILLE INTRACOASTAL LLC,  
9 FROM PLANNED UNIT DEVELOPMENT (PUD) DISTRICT  
10 (2007-356-E) TO PLANNED UNIT DEVELOPMENT (PUD)  
11 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
12 ZONING CODE, TO PERMIT MIXED USE, MULTI-FAMILY,  
13 COMMERCIAL/OFFICE AND MARINA USES, INCLUDING THE  
14 SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES,  
15 INCLUDING LIQUOR, BEER AND WINE, FOR ON-PREMISES  
16 CONSUMPTION AND OFF-PREMISES CONSUMPTION ON  
17 PROPERTY LOCATED LESS THAN 1,500 FEET FROM A  
18 CHURCH WITHOUT THE REQUIREMENT TO OBTAIN A WAIVER  
19 OF MINIMUM DISTANCE FOR A LIQUOR LICENSE LOCATION  
20 PURSUANT TO SECTION 656.805, *ORDINANCE CODE*, AS  
21 DESCRIBED IN THE HARBOUR MIXED-USE PUD, PURSUANT  
22 TO FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE  
23 AMENDMENT APPLICATION NUMBER L-5810-23A;  
24 REZONING SUBJECT TO CONDIITIONS; FINDING THAT  
25 THERE IS COMPETENT, SUBSTANTIAL EVIDENCE IN THE  
26 RECORD TO SUPPORT THE NEED FOR RELIEF FROM THE  
27 REQUIREMENT FOR A WAIVER OF MINIMUM DISTANCE FOR  
28 LIQUOR LICENSE LOCATION; REZONING SHALL NOT  
29 CONSTITUTE APPROVAL OF COST-SHARING AGREEMENT;  
30 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED  
31 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION

1 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN  
2 EFFECTIVE DATE.

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4 **WHEREAS**, the City of Jacksonville adopted a Small-Scale  
5 Amendment to the *2045 Comprehensive Plan* for the purpose of revising  
6 portions of the Future Land Use Map series (FLUMs) in order to ensure  
7 the accuracy and internal consistency of the plan, pursuant to the  
8 companion land use application L-5810-23A; and

9 **WHEREAS**, in order to ensure consistency of zoning district  
10 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale  
11 Amendment L-5810-23A, an application to rezone and reclassify from  
12 Planned Unit Development (PUD) District (2007-356-E) to Planned Unit  
13 Development (PUD) District was filed by Cyndy Trimmer, Esq., on behalf  
14 of Jacksonville Intracoastal LLC, owner of approximately 43.80± acres  
15 of certain real property in Council District 13, as more particularly  
16 described in Section 1 below; and

17 **WHEREAS**, the Planning and Development Department, in order to  
18 ensure consistency of this zoning district with the *2045 Comprehensive*  
19 *Plan*, has considered the rezoning and has rendered an advisory  
20 opinion; and

21 **WHEREAS**, the Planning Commission has considered the  
22 application and has rendered an advisory opinion; and

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

26 **WHEREAS**, the City Council, after due notice, held a public  
27 hearing, and taking into consideration the above recommendations as  
28 well as all oral and written comments received during the public  
29 hearings, the Council finds that such rezoning is consistent with the  
30 *2045 Comprehensive Plan* adopted under the comprehensive planning  
31 ordinance for future development of the City of Jacksonville; and

1           **WHEREAS**, based on the staff report of the Planning and  
2 Development Department and other competent and substantial evidence  
3 received at the public hearings, the Council finds that the proposed  
4 PUD does not affect adversely the orderly development of the City as  
5 embodied in the *Zoning Code*; will not affect adversely the health and  
6 safety of residents in the area; will not be detrimental to the  
7 natural environment or to the use or development of the adjacent  
8 properties in the general neighborhood; and the proposed PUD will  
9 accomplish the objectives and meet the standards of Section 656.340  
10 (Planned Unit Development) of the *Zoning Code* of the City of  
11 Jacksonville; now therefore

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

13           **Section 1.           Subject Property Location and Description.** The  
14 approximately 43.80± acres are located in Council District 13 at 13911  
15 Atlantic Boulevard (R.E. No. 167140-0100), as more particularly  
16 described in **Exhibit 1**, dated March 1, 2023, and graphically depicted  
17 in **Exhibit 2**, both of which are **attached hereto** and incorporated  
18 herein by this reference (the "Subject Property").

19           **Section 2.           Owner and Applicant Description.** The Subject  
20 Property is owned by Jacksonville Intracoastal LLC. The applicant is  
21 Cyndy Trimmer, Esq., 1 Independent Drive, Suite 1200, Jacksonville,  
22 Florida, 32202; (904) 807-0185.

23           **Section 3.           Property Rezoned.** The Subject Property,  
24 pursuant to adopted companion Small-Scale Amendment L-5810-23A, is  
25 hereby rezoned and reclassified from Planned Unit Development (PUD)  
26 District (2007-356-E) to Planned Unit Development (PUD) District.  
27 This new PUD district shall generally permit mixed use, multi-family,  
28 commercial/office and marina uses, and is described, shown and subject  
29 to the following documents, **attached hereto**:

30 **Exhibit 1** - Legal Description dated March 1, 2023.

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

1 **Exhibit 3** - Written Description dated May 21, 2024.

2 **Exhibit 4** - Site Plan dated June 23, 2023.

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

7 (1) Developer shall notify the Parks, Recreation and Community  
8 Services Department and the Office of General Counsel in writing of  
9 its intention to proceed with the project at least nine (9) months  
10 prior to the anticipated notice of commencement to begin construction.  
11 The Developer agrees to negotiate in good faith with the City to  
12 enter into a cost-sharing agreement, the terms for which are set  
13 forth in **Exhibit 5**, for the construction and maintenance of a public  
14 boat ramp with no less than two (2) bays as well as a minimum of  
15 thirty (30) trailer parking spaces as conceptually depicted on **Exhibit**  
16 **6**.

17 (2) Provided that a cost-sharing agreement is executed not  
18 later than the filing of a notice of commencement to begin  
19 construction on the property, Developer will construct the public  
20 boat ramp and trailer parking spaces, which shall be completed prior  
21 to issuance of any certificate of occupancy for the property.

22 (3) Developer shall grant a nonexclusive easement to the boat  
23 ramp, associated trailer parking, and ingress/egress thereto prior  
24 to commencement of construction on the boat ramp, subject to the  
25 review and approval by the Planning and Development Department and  
26 the Parks, Recreation, and Community Services Department.

27 (4) Residential development shall not exceed 560 dwelling  
28 units.

29 (5) Nonresidential commercial use (not including marina wet  
30 and dry slips) shall not exceed 106,000 square feet.

31 (6) The total number of marina slips (wet and dry) will not

1 exceed 650. The minimum number of marina slips that shall be made  
2 available to the general public on a first-come first-serve basis  
3 shall be 100. The marina, when constructed, shall comply with the  
4 requirements of the current Florida Clean Marina Program, as  
5 designated by state law.

6 (7) All residential and commercial uses (other than boat  
7 channels, basins, docks, slips, and ramps) shall be confined to the  
8 areas of the existing disturbed site and spoil site, but in any event  
9 only above the mean high water line. All residential development  
10 shall be clustered outside the published 2013 Coastal High Hazard  
11 Area and comply with applicable Coastal High Hazard regulations.

12 (8) All residential uses shall be located above the elevation  
13 of the category 1 storm surge line as established by the Sea, Lake  
14 and Overland Surges from Hurricane (SLOSH) computerized storm surge  
15 model, which on the Property is approximately 3.914 feet (NAVD-88)  
16 (formerly 5.0 feet (NGVD-29)). Historically there are approximately  
17 23.88 acres above 5.0 feet in elevation on the Property which are  
18 deemed to not be located within the published 2013 Coastal High Hazard  
19 Area as defined under Florida Statutes.

20 (9) Prior to issuance of a certificate of occupancy for the  
21 residential development on the Subject Property, Developer shall  
22 provide a conservation easement in favor of the City of Jacksonville  
23 over 3 acres of land depicted in the sketch and legal description  
24 prepared by Survey and Mapping, LLC, dated May 13, 2022, filed with  
25 the Planning and Development Department.

26 (10) Developer shall comply with all requirements of City of  
27 Jacksonville Ordinance Code Chapter 655 - Concurrency and Mobility  
28 Management System.

29 **Section 5. Findings Regarding Deviation from Waiver of**  
30 **Minimum Distance for Liquor License Location.** Pursuant to Section  
31 656.341(c)(2)(ii)(B), *Ordinance Code*, when a PUD Written Description

1 includes a request for a deviation or waiver from various Zoning Code  
2 requirements, including waivers of liquor distances from churches and  
3 schools, the Council is required to determine that the requested  
4 deviation or waiver is necessary. The Council hereby finds that there  
5 is competent and substantial evidence in the record to support the  
6 need for relief from the requirement for a waiver of minimum distance  
7 for liquor license location as requested in **Exhibit 3** for the reasons  
8 articulated by the Land Use and Zoning Committee.

9       **Section 6. Rezoning Shall Not Constitute Approval of Cost-**  
10 **Sharing Agreement.** This rezoning shall not constitute approval of  
11 the cost-sharing agreement referenced herein. Approval of such cost-  
12 sharing agreement shall require separate action by the City.

13       **Section 7. Contingency.** This rezoning shall not become  
14 effective until thirty-one (31) days after adoption of the companion  
15 Small-Scale Amendment; and further provided that if the companion  
16 Small-Scale Amendment is challenged by the state land planning agency,  
17 this rezoning shall not become effective until the state land planning  
18 agency or the Administration Commission issues a final order  
19 determining the companion Small-Scale Amendment is in compliance with  
20 Chapter 163, *Florida Statutes*.

21       **Section 8. Disclaimer.** The rezoning granted herein shall  
22 not be construed as an exemption from any other applicable local,  
23 state, or federal laws, regulations, requirements, permits or  
24 approvals. All other applicable local, state or federal permits or  
25 approvals shall be obtained before commencement of the development  
26 or use, and issuance of this rezoning is based upon acknowledgement,  
27 representation and confirmation made by the applicant(s), owner(s),  
28 developer(s) and/or any authorized agent(s) or designee(s) that the  
29 subject business, development and/or use will be operated in strict  
30 compliance with all laws. Issuance of this rezoning does not approve,  
31 promote or condone any practice or act that is prohibited or

1 restricted by any federal, state or local laws.

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

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7 Form Approved:

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9           /s/ Dylan Reingold          

10 Office of General Counsel

11 Legislation Prepared By: Bruce Lewis

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