

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-745-E**

5 AN ORDINANCE REZONING APPROXIMATELY 10.92± ACRES
6 LOCATED IN COUNCIL DISTRICT 7 AT 0 BUFFALO
7 AVENUE, BETWEEN 55TH STREET EAST AND 50TH STREET
8 EAST (R.E. NO. 111121-0000), OWNED BY BUFFALO
9 LAND & TIMBER, LLC, AS DESCRIBED HEREIN, FROM
10 INDUSTRIAL LIGHT (IL) DISTRICT TO PLANNED UNIT
11 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
12 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
13 INDUSTRIAL USES, AS DESCRIBED IN THE SUNSHINE
14 ORGANICS & COMPOST PUD, PURSUANT TO FUTURE LAND
15 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
16 APPLICATION NUMBER L-5495-20C; PUD SUBJECT TO
17 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
18 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
19 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
23 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
24 portions of the Future Land Use Map series (FLUMs) in order to ensure
25 the accuracy and internal consistency of the plan, pursuant to
26 application L-5495-20C and companion land use Ordinance 2020-744; and

27 **WHEREAS**, in order to ensure consistency of zoning district with
28 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
29 Amendment L-5495-20C, an application to rezone and reclassify from
30 Industrial Light (IL) District to Planned Unit Development (PUD)
31 District was filed by Patrick W. Krechowski, on behalf of Buffalo

1 Land & Timber, LLC, the owner of approximately 10.92± acres of certain
2 real property in Council District 7, as more particularly described
3 in Section 1; and

4 **WHEREAS**, the Planning and Development Department, in order to
5 ensure consistency of this zoning district with the *2030 Comprehensive*
6 *Plan*, has considered the rezoning and has rendered an advisory
7 opinion; and

8 **WHEREAS**, the Planning Commission has considered the application
9 and has rendered an advisory opinion; and

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

13 **WHEREAS**, the City Council, after due notice, held a public
14 hearing, and taking into consideration the above recommendations as
15 well as all oral and written comments received during the public
16 hearings, the Council finds that such rezoning is consistent with the
17 *2030 Comprehensive Plan* adopted under the comprehensive planning
18 ordinance for future development of the City of Jacksonville; and

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

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

29 **Section 1. Subject Property Location and Description.** The
30 approximately 10.92± acres (R.E. No. 111121-0000) is located in
31 Council District 7, at 0 Buffalo Avenue, between 55th Street East and

1 50th Street East, as more particularly described in **Exhibit 1**, dated
2 November 23, 2020, and graphically depicted in **Exhibit 2**, both of
3 which are **attached hereto** and incorporated herein by this reference
4 (Subject Property).

5 **Section 2. Owner and Applicant Description.** The Subject
6 Property is owned by Buffalo Land & Timber, LLC. The applicant is
7 Patrick W. Krechowski, Esq., One Independent Drive, Suite 1800,
8 Jacksonville, Florida 32202; (904) 348-6877.

9 **Section 3. Property Rezoned.** The Subject Property,
10 pursuant to adopted companion Small-Scale Amendment L-5495-20C, is
11 hereby rezoned and reclassified from Industrial Light (IL) District
12 to Planned Unit Development (PUD) District. This new PUD district
13 shall generally permit industrial uses, and is described, shown and
14 subject to the following documents, **attached hereto**:

15 **Exhibit 1** - Legal Description dated November 23, 2020.

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

17 **Revised Exhibit 3** - Revised Written Description dated April 30, 2021.

18 **Exhibit 4** - Site Plan dated October 2020.

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) Truck delivery of tree and source separated, pre-consumer
24 food waste/organic waste is permitted; post-consumer food waste such
25 as meat, fish, poultry, dairy, or manure is not permitted.

26 (2) Mulching of tree waste/debris, limited to the operational
27 hours of 7:00 a.m. to 4:00 p.m., for a week of grinding (5 business
28 days) every two months is permitted.

29 (3) Dumping, mixing and outdoor containment of mulch and source
30 separated food waste, with containment "stacks" not to exceed twenty
31 (20) feet in height is permitted.

1 (4) Dust resulting from normal operations shall be controlled
2 by on-site water tanks.

3 (5) Odors shall be controlled by immediately covering the
4 food/organic waste with tree/wood mulch, as well as by turning the
5 compost piles weekly.

6 (6) No Heavy Industrial uses shall be permitted within the
7 northern 90 feet of the property to serve as a buffer between the
8 permitted uses in the PUD and the existing residential uses.

9 **Section 5. Contingency.** This rezoning shall not become
10 effective until 31 days after adoption of the companion Small-Scale
11 Amendment unless challenged by the state land planning agency; and
12 further provided that if the companion Small-Scale Amendment is
13 challenged by the state land planning agency, this rezoning shall not
14 become effective until the state land planning agency or the
15 Administration Commission issues a final order determining the
16 companion Small-Scale Amendment is in compliance with Chapter 163,
17 *Florida Statutes*.

18 **Section 6. Disclaimer.** The rezoning granted herein
19 shall not be construed as an exemption from any other applicable
20 local, state, or federal laws, regulations, requirements, permits or
21 approvals. All other applicable local, state or federal permits or
22 approvals shall be obtained before commencement of the development
23 or use and issuance of this rezoning is based upon acknowledgement,
24 representation and confirmation made by the applicant(s), owner(s),
25 developer(s) and/or any authorized agent(s) or designee(s) that the
26 subject business, development and/or use will be operated in strict
27 compliance with all laws. Issuance of this rezoning does not approve,
28 promote or condone any practice or act that is prohibited or
29 restricted by any federal, state or local laws.

30 **Section 7. Effective Date.** The enactment of this Ordinance
31 shall be deemed to constitute a quasi-judicial action of the City

1 Council and shall become effective upon signature by the Council
2 President and the Council Secretary.

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4 Form Approved:

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6 /s/ Shannon K. Eller

7 Office of General Counsel

8 Legislation Prepared By: Connie Quinto

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