Introduced and amended by the Land Use and Zoning Committee:

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## ORDINANCE 2021-14-E

AN ORDINANCE REZONING APPROXIMATELY 0.69± OF AN ACRE, LOCATED IN COUNCIL DISTRICT 7 AT 124 WEST 4<sup>TH</sup> STREET AND 134 WEST 4<sup>TH</sup> STREET, BETWEEN SILVER STREET AND LAURA STREET (R.E. NOS. 070864-0000 AND 070865-0000) AS DESCRIBED HEREIN, OWNED BY PIERIA, INC., FROM RESIDENTIAL MEDIUM DENSITY-SPRINGFIELD (RMD-S) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO PERMIT SINGLE FAMILY AND MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN THE WEST 4TH APARTMENTS PUD; PUD SUBJECT TO CONDITION; 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, Pieria, Inc., the owner of approximately 0.69± of an acre, located in Council District 7 at 124 West 4th Street and 134 West 4th Street, between Silver Street and Laura Street (R.E. Nos. 070864-0000 and 070865-0000), as more particularly described in Exhibit 1, dated March 13, 2020, and graphically depicted in Exhibit 2, both of which are attached hereto (Subject Property), has applied for a rezoning and reclassification of that property from Residential Medium Density-Springfield (RMD-S) District to Planned Unit Development (PUD) District, as described in Section 1 below; and

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

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WHEREAS, the Land Use and Zoning Committee, after due notice and public hearing, has made its recommendation to the Council; and

WHEREAS, the Council finds that such rezoning is: (1) consistent with the 2030 Comprehensive Plan; (2) furthers the goals, objectives and policies of the 2030 Comprehensive Plan; and (3) is not in conflict with any portion of the City's land use regulations; and

WHEREAS, the Council finds the proposed rezoning does not adversely affect the orderly development of the City as embodied in the Zoning Code; will not adversely affect the health and safety of residents in the area; will not be detrimental to the natural environment or to the use or development of the adjacent properties in the general neighborhood; and will accomplish the objectives and meet the standards of Section 656.340 (Planned Unit Development) of the Zoning Code; now, therefore

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

Section 1. Property Rezoned. The Subject Property is hereby rezoned and reclassified from Residential Medium Density-Springfield (RMD-S) District to Planned Unit Development (PUD) District. This new PUD district shall generally permit single family and multi-family residential uses, and is described, shown and subject to the following documents, attached hereto:

- Exhibit 1 Legal Description dated March 13, 2020.
- Exhibit 2 Subject Property per P&DD.
- Exhibit 3 Written Description dated November 23, 2020.
- Exhibit 4 Site Plan dated November 17, 2020.
- Section 2. Rezoning Approved Subject to Condition. This rezoning is approved subject to the following condition. Such condition controls over the Written Description and the Site Plan and may only be amended through a rezoning.
- (1) The Subject Property owner(s) shall be responsible for the installation of the paved alley and the subsequent maintenance of the

alley, where it abuts the Subject Properties.

Section 3. Owner and Description. The Subject Property is owned by Pieria, Inc., and is legally described in Exhibit 1, attached hereto. The applicant is Cyndy Trimmer, Esq., One Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904) 807-0185.

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

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

24 Form Approved:

26 /s/ Shannon K. Eller

Office of General Counsel

Legislation Prepared By: Connie Quinto

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