

1 Introduced and amended by the Land Use and Zoning Committee:  
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3

4 **ORDINANCE 2024-721-E**

5 AN ORDINANCE REZONING APPROXIMATELY 28.19± ACRES  
6 LOCATED IN COUNCIL DISTRICT 12 AT 0 AND 8962  
7 MAGILL ROAD NORTH AND 8956 MAGILL ROAD, BETWEEN  
8 MAGILL ROAD NORTH, MAGILL ROAD, JONES ROAD AND  
9 PRITCHARD ROAD (R.E. NO(S). 003366-0050, 003366-  
10 0150, 003366-0210 AND 003366-0220), AS DESCRIBED  
11 HEREIN, OWNED BY SHARON SIMMS BISHOP, SHEILA  
12 SIMMS KENNEDY, TAMBRA KENNEDY SHURLEY AND DONNA  
13 KAY SIMMS RODRIGUEZ AND RALPH A. RODRIGUEZ, FROM  
14 AGRICULTURE (AGR) DISTRICT TO PLANNED UNIT  
15 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND  
16 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT  
17 SINGLE-FAMILY RESIDENTIAL DWELLINGS, AS  
18 DESCRIBED IN THE JONES-MAGILL PUD, PURSUANT TO  
19 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE  
20 AMENDMENT APPLICATION NUMBER L-5954-24C; PUD  
21 SUBJECT TO CONDITIONS; PROVIDING A DISCLAIMER  
22 THAT THE REZONING GRANTED HEREIN SHALL NOT BE  
23 CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
24 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

25  
26 **WHEREAS**, the City of Jacksonville adopted a Small-Scale  
27 Amendment to the *2045 Comprehensive Plan* for the purpose of revising  
28 portions of the Future Land Use Map series (FLUMs) in order to ensure  
29 the accuracy and internal consistency of the plan, pursuant to the  
30 companion land use application L-5954-24C; and

31 **WHEREAS**, in order to ensure consistency of zoning district

1 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale  
2 Amendment L-5954-24C, an application to rezone and reclassify from  
3 Agriculture (AGR) to Planned Unit Development (PUD) District was  
4 filed by Curtis Hart, on behalf of the owners, Sharon Simms Bishop,  
5 Sheila Simms Kennedy, Tambra Kennedy Shurley and Donna Kay Simms  
6 Rodriguez and Ralph A. Rodriguez, owners of approximately 28.19± acres  
7 of certain real property in Council District 12, as more particularly  
8 described in Section 1 below; and

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

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

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

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

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

1 accomplish the objectives and meet the standards of Section 656.340  
2 (Planned Unit Development) of the *Zoning Code* of the City of  
3 Jacksonville; now therefore

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

5 **Section 1. Subject Property Location and Description.** The  
6 approximately 28.19± acres are located in Council District 12 at 0  
7 and 8962 Magill Road North and 8956 Magill Road, between Magill Road  
8 North, Magill Road, Jones Road and Pritchard Road (R.E. No(s). 003366-  
9 0050, 003366-0150, 003366-0210 AND 003366-0220), as more particularly  
10 described in **Exhibit 1**, dated July 1, 2024, and graphically depicted  
11 in **Exhibit 2**, both of which are attached hereto and incorporated  
12 herein by this reference (the "Subject Property").

13 **Section 2. Owner and Applicant Description.** The Subject  
14 Property is owned by Sharon Simms Bishop, Sheila Simms Kennedy, Tandra  
15 Kennedy Shurley and Donna Kay Simms Rodriguez and Ralph A. Rodriguez.  
16 The applicant is Curtis Hart, 8051 Tara Lane, Jacksonville, Florida,  
17 32216; (904) 993-5008.

18 **Section 3. Property Rezoned.** The Subject Property,  
19 pursuant to adopted companion Small-Scale Amendment L-5954-24C, is  
20 hereby rezoned and reclassified from Agriculture (AGR) District to  
21 Planned Unit Development (PUD) District. This new PUD district shall  
22 generally permit single-family residential dwellings, and is  
23 described, shown and subject to the following documents, attached  
24 hereto:

25 **Exhibit 1** - Legal Description dated July 1, 2024.

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

27 **Exhibit 3** - Written Description dated August 26, 2024.

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

29 **Section 4. PUD Rezoning Approved Subject to Conditions.**  
30 This PUD rezoning is approved subject to the following conditions.  
31 Such conditions control over the Written Description and the Site

1 Plan and may only be amended through a rezoning:

2 (1) A traffic study shall be provided at Civil Site Plan  
3 Review. The traffic study shall meet the requirements of the Land  
4 Development Procedures Manual Section 1.1.11 (January 2024).

5 (2) The parking requirements herein must be met cumulatively  
6 throughout the PUD. There shall be no parking created in the City of  
7 Jacksonville right of way.

8 (3) The typical street cross section for a right of way  
9 proposed to be dedicated to the City of Jacksonville shall match that  
10 found in the Land Development Procedures Manual Volume 3: Standard  
11 Details, Plate P-127.

12 (4) There shall be a six-foot-high standard white vinyl  
13 perimeter privacy fence.

14 (5) There shall be two rows of shrubs to form a double hedge  
15 row located along the roadway side of the fence. Plant material shall  
16 be a minimum 3-gallon container, spaced 3 feet on center.

17 (6) There shall be one tree every 50 feet of perimeter road  
18 frontage. These trees shall be magnolia, holly or similar species  
19 with canopy full to the ground and minimum 8 feet high when planted.

20 (7) The total number of units shall not exceed 124 lots.

21 **Section 5. 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 6. Disclaimer.** The rezoning granted herein shall  
30 not be construed as an exemption from any other applicable local,  
31 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 7. 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.

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15 Form Approved:

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17           /s/ Dylan Reingold          

18 Office of General Counsel

19 Legislation Prepared By: Connor Corrigan

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