

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2025-243**

5 AN ORDINANCE REZONING APPROXIMATELY 5.34± ACRES
6 LOCATED IN COUNCIL DISTRICT 10 AT 0 OWEN AVENUE,
7 BETWEEN THE END OF OWEN AVENUE AND WINTON DRIVE
8 (R.E. NO(S). 027729-0000), AS DESCRIBED HEREIN,
9 OWNED BY CHRISTIANA FOREST SJ, LLC, FROM
10 RESIDENTIAL LOW DENSITY-60 (RLD-60) DISTRICT TO
11 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
12 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
13 PERMIT A MAXIMUM OF 96 APARTMENTS, AS DESCRIBED
14 IN THE MCMILLAN APARTMENTS PUD, PURSUANT TO
15 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
16 AMENDMENT APPLICATION NUMBER L-6019-25C;
17 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
18 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
19 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
20 EFFECTIVE DATE.
21

22 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
23 Amendment to the *2045 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 the
26 companion land use application L-6019-25C; and

27 **WHEREAS,** in order to ensure consistency of zoning district
28 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale
29 Amendment L-6019-25C, an application to rezone and reclassify from
30 Residential Low Density-60 (RLD-60) District to Planned Unit
31 Development (PUD) District was filed by Michael Herzberg, on behalf

1 of Christiana Forest SJ, LLC, owner of approximately 5.34± acres of
2 certain real property in Council District 10, as more particularly
3 described in Section 1 below; and

4 **WHEREAS,** the Planning and Development Department, in order to
5 ensure consistency of this zoning district with the *2045 Comprehensive*
6 *Plan*, has considered the rezoning and has rendered an advisory
7 opinion; and

8 **WHEREAS,** the Planning Commission has considered the
9 application 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 *2045 Comprehensive Plan* adopted under the comprehensive planning
18 ordinance for future development of the City of Jacksonville; and

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

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

31 **Section 1. Subject Property Location and Description.** The

1 approximately 5.34± acres are located in Council District 10 at 0
2 Owen Avenue, between the end of Owen Avenue and Winton Drive (R.E.
3 No(s). 027729-0000), as more particularly described in **Exhibit 1**,
4 dated October 28, 2024, and graphically depicted in **Exhibit 2**, both
5 of which are attached hereto and incorporated herein by this reference
6 (the "Subject Property").

7 **Section 2. Owner and Applicant Description.** The Subject
8 Property is owned by Christiana Forest SJ, LLC. The applicant is
9 Michael Herzberg, 12483 Aladdin Road, Jacksonville, Florida, 32223;
10 (904) 731-8806.

11 **Section 3. Property Rezoned.** The Subject Property,
12 pursuant to adopted companion Small-Scale Amendment L-6019-25C, is
13 hereby rezoned and reclassified from Residential Low Density-60 (RLD-
14 60) District to Planned Unit Development (PUD) District. This new
15 PUD district shall generally permit a maximum of 96 apartments, and
16 is described, shown and subject to the following documents, attached
17 hereto:

18 **Exhibit 1** - Legal Description dated October 28, 2024.

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

20 **Exhibit 3** - Written Description dated March 18, 2025.

21 **Exhibit 4** - Site Plan dated March 18, 2025.

22 **Section 4. Contingency.** This rezoning shall not become
23 effective until thirty-one (31) days after adoption of the companion
24 Small-Scale Amendment; and further provided that if the companion
25 Small-Scale Amendment is challenged by the state land planning agency,
26 this rezoning shall not become effective until the state land planning
27 agency or the Administration Commission issues a final order
28 determining the companion Small-Scale Amendment is in compliance with
29 Chapter 163, *Florida Statutes*.

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

1 state, or federal laws, regulations, requirements, permits or
2 approvals. All other applicable local, state or federal permits or
3 approvals shall be obtained before commencement of the development
4 or use, and issuance of this rezoning is based upon acknowledgement,
5 representation and confirmation made by the applicant(s), owner(s),
6 developer(s) and/or any authorized agent(s) or designee(s) that the
7 subject business, development and/or use will be operated in strict
8 compliance with all laws. Issuance of this rezoning does not approve,
9 promote or condone any practice or act that is prohibited or
10 restricted by any federal, state or local laws.

11 **Section 6. Effective Date.** The enactment of this Ordinance
12 shall be deemed to constitute a quasi-judicial action of the City
13 Council and shall become effective upon signature by the Council
14 President and the Council Secretary.

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16 Form Approved:

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18 /s/ Dylan Reingold

19 Office of General Counsel

20 Legislation Prepared By: Kaysie Cox

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