

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-577**

5 AN ORDINANCE REZONING APPROXIMATELY 19.71± ACRES
6 LOCATED IN COUNCIL DISTRICT 7 AT 0 MAIN STREET
7 NORTH AND 0 PALM LAKE DRIVE, BETWEEN NOAH ROAD
8 AND EASTPORT ROAD, OWNED BY NORTHSIDE TREES, LLC,
9 AS DESCRIBED HEREIN, FROM INDUSTRIAL LIGHT (IL)
10 DISTRICT AND COMMERCIAL COMMUNITY/GENERAL-2
11 (CCG-2) DISTRICT TO PLANNED UNIT DEVELOPMENT
12 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
13 THE ZONING CODE, TO PERMIT SINGLE-FAMILY AND
14 MULTI-FAMILY RESIDENTIAL USES, AS DESCRIBED IN
15 THE POINTE GRAND PUD, PURSUANT TO FUTURE LAND USE
16 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
17 APPLICATION NUMBER L-5573-21C; PROVIDING A
18 DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL
19 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
20 APPLICABLE LAWS; 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 the
26 companion land use application L-5573-21C; 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-5573-21C, an application to rezone and reclassify from
30 Industrial Light (IL) District and Commercial Community/General-2
31 (CCG-2) District to Planned Unit Development (PUD) District was filed

1 by Steve Diebenow, Esq., on behalf of the owner of approximately
2 19.71± acres of certain real property in Council District 7, as more
3 particularly described 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 19.71± acres are located in Council District 7, at 0
31 Main Street North and 0 Palm Lake Drive, between Noah Road and

1 Eastport Road, as more particularly described in **Exhibit 1**, dated May
2 28, 2021, and graphically depicted in **Exhibit 2**, both of which are
3 **attached hereto** and incorporated herein by this reference (the
4 "Subject Property").

5 **Section 2. Owner and Applicant Description.** The Subject
6 Property is owned by Northside Trees, LLC. The applicant is Steve
7 Diebenow, Esq., One Independent Drive, Suite 1200, Jacksonville,
8 Florida 32202; (904) 301-1269.

9 **Section 3. Property Rezoned.** The Subject Property,
10 pursuant to adopted companion Small-Scale Amendment L-5573-21C, is
11 hereby rezoned and reclassified from Industrial Light (IL) District
12 and Commercial Community/General-2 (CCG-2) District to Planned Unit
13 Development (PUD) District. This new PUD district shall generally
14 permit single-family and multi-family residential uses, and is
15 described, shown and subject to the following documents, **attached**
16 **hereto:**

17 **Exhibit 1** - Legal Description dated May 28, 2021.

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

19 **Exhibit 3** - Written Description dated August 6, 2021.

20 **Exhibit 4** - Site Plan dated May 17, 2021.

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

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

1 local, 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/ Mary E. Staffopoulos

19 Office of General Counsel

20 Legislation Prepared By: Ed Lukacovic

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