

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

4 **ORDINANCE 2021-432-E**

5 AN ORDINANCE REZONING APPROXIMATELY 15.07± ACRES  
6 LOCATED IN COUNCIL DISTRICT 3 AT 0 BEACH  
7 BOULEVARD, BETWEEN SAN PABLO ROAD SOUTH AND  
8 HODGES BOULEVARD, OWNED BY ELDA FL INVESTMENTS,  
9 LLC, AS DESCRIBED HEREIN, FROM COMMERCIAL  
10 COMMUNITY/GENERAL-1 (CCG-1) DISTRICT TO PLANNED  
11 UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND  
12 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT  
13 MULTI-FAMILY RESIDENTIAL, AS DESCRIBED IN BEACH  
14 BOULEVARD (REGAL) PUD, PURSUANT TO FUTURE LAND  
15 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT  
16 APPLICATION NUMBER L-5595-21C; PUD SUBJECT TO  
17 CONDITION; 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 the  
26 companion land use application L-5595-21C; 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-5595-21C, an application to rezone and reclassify from  
30 Commercial Community/General-1 (CCG-1) District to Planned Unit

1 Development (PUD) District was filed by Paul Harden, Esq., on behalf  
2 of the owner of approximately 15.07± acres of certain real property  
3 in Council District 3, as more particularly described in Section 1;  
4 and

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

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

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

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

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

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

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

1 approximately 15.07± acres are located in Council District 3, at 0  
2 Beach Boulevard, between San Pablo Road South and Hodges Boulevard,  
3 as more particularly described in **Exhibit 1**, dated June 22, 2021, and  
4 graphically depicted in **Exhibit 2**, both of which are **attached hereto**  
5 and incorporated herein by this reference (Subject Property).

6 **Section 2. Owner and Applicant Description.** The Subject  
7 Property is owned by Elda FL Investments, LLC. The applicant is Paul  
8 Harden, Esq., 1431 Riverplace Boulevard, Suite 901, Jacksonville,  
9 Florida 32207; (904) 396-5731.

10 **Section 3. Property Rezoned.** The Subject Property,  
11 pursuant to adopted companion Small-Scale Amendment L-5595-21C, is  
12 hereby rezoned and reclassified from Commercial Community/General-1  
13 (CCG-1) District to Planned Unit Development (PUD) District. This  
14 new PUD district shall generally permit multi-family residential, and  
15 is described, shown and subject to the following documents, **attached**  
16 **hereto:**

17 **Exhibit 1** - Legal Description dated June 22, 2021.

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

19 **Exhibit 3** - Written Description dated July 1, 2021.

20 **Exhibit 4** - Site Plan dated July 1, 2021.

21 **Section 4. Rezoning Approved Subject to Condition.** This  
22 rezoning is approved subject to the following condition. Such  
23 condition controls over the Written Description and the Site Plan  
24 and may only be amended through a rezoning.

25 (1) Pursuant to Policy 4.1.5 of the Transportation Element of  
26 the 2030 Comprehensive Plan, the applicant or its successor must  
27 provide for the convenient and safe access by, and securing of,  
28 bicycles on site.

29 **Section 5. Contingency.** This rezoning shall not become  
30 effective until 31 days after adoption of the companion Small-Scale

1 Amendment unless challenged by the state land planning agency; and  
2 further provided that if the companion Small-Scale Amendment is  
3 challenged by the state land planning agency, this rezoning shall not  
4 become effective until the state land planning agency or the  
5 Administration Commission issues a final order determining the  
6 companion Small-Scale Amendment is in compliance with Chapter 163,  
7 *Florida Statutes*.

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

20       **Section 7. Effective Date.** The enactment of this Ordinance  
21 shall be deemed to constitute a quasi-judicial action of the City  
22 Council and shall become effective upon signature by the Council  
23 President and the Council Secretary.

24  
25 Form Approved:

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27           /s/ Mary E. Staffopoulos          

28 Office of General Counsel

29 Legislation Prepared By: Krista Fogarty