

1 Introduced and amended by the Land Use and Zoning Committee and
2 amended on the Floor of Council:

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ORDINANCE 2021-370-E

AN ORDINANCE REZONING APPROXIMATELY 12.07±
ACRES LOCATED IN COUNCIL DISTRICT 5 AT 0 DUCK
ISLAND ROAD, 0 FREEMAN ROAD, AND 2179 EMERSON
STREET, BETWEEN ST. AUGUSTINE ROAD AND PHILIPS
HIGHWAY, OWNED BY THE SOUTHSIDE CHURCH OF GOD
IN CHRIST, INC., AS DESCRIBED HEREIN, FROM
COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2)
DISTRICT, RESIDENTIAL MEDIUM DENSITY-A (RMD-A)
DISTRICT, AND PLANNED UNIT DEVELOPMENT (PUD)
DISTRICT (2009-753-E) TO PLANNED UNIT
DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
MULTI-FAMILY RESIDENTIAL AND CHURCH USES, AS
DESCRIBED IN THE VILLAGE AT SOUTHSIDE PUD,
PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
SMALL-SCALE AMENDMENT APPLICATION NUMBER L-
5554-21C; PUD SUBJECT TO CONDITIONS; 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, the City of Jacksonville adopted a Small-Scale
Amendment to the *2030 Comprehensive Plan* for the purpose of
revising portions of the Future Land Use Map series (FLUMs) in
order to ensure the accuracy and internal consistency of the plan,

1 pursuant to the companion land use application L-5554-21C; and

2 **WHEREAS**, in order to ensure consistency of zoning district
3 with the *2030 Comprehensive Plan* and the adopted companion Small-
4 Scale Amendment L-5554-21C, an application to rezone and reclassify
5 from Commercial Community/General-2 (CCG-2) District, Residential
6 Medium Density-A (RMD-A) District and Planned Unit Development
7 (PUD) District (2009-753-E) to Planned Unit Development (PUD)
8 District was filed by Fret Atwill, on behalf of the owner of
9 approximately 12.07± acres of certain real property in Council
10 District 5, as more particularly described in Section 1; and

11 **WHEREAS**, the Planning and Development Department, in order to
12 ensure consistency of this zoning district with the *2030*
13 *Comprehensive Plan*, has considered the rezoning and has rendered an
14 advisory opinion; and

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

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

20 **WHEREAS**, the City Council, after due notice, held a public
21 hearing, and taking into consideration the above recommendations as
22 well as all oral and written comments received during the public
23 hearings, the Council finds that such rezoning is consistent with
24 the *2030 Comprehensive Plan* adopted under the comprehensive
25 planning ordinance for future development of the City of
26 Jacksonville; and

27 **WHEREAS**, the Council finds that the proposed PUD does not
28 affect adversely the orderly development of the City as embodied in
29 the *Zoning Code*; will not affect adversely the health and safety of
30 residents in the area; will not be detrimental to the natural
31 environment or to the use or development of the adjacent properties

1 in the general neighborhood; and the proposed PUD will accomplish
2 the objectives and meet the standards of Section 656.340 (Planned
3 Unit Development) of the *Zoning Code* of the City of Jacksonville;
4 now, therefore

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

6 **Section 1. Subject Property Location and Description.** The
7 approximately 12.07± acres are located in Council District 5, at 0
8 Duck Island Road, 0 Freeman Road, and 2179 Emerson Street, between
9 St. Augustine Road and Philips Highway, as more particularly
10 described in **Exhibit 1**, dated June 2, 2021, and graphically
11 depicted in **Exhibit 2**, both of which are **attached hereto** and
12 incorporated herein by this reference (Subject Property).

13 **Section 2. Owner and Applicant Description.** The Subject
14 Property is owned by The Southside Church of God in Christ, Inc.
15 The applicant is Fred Atwill, 9601 Forest Acres Lane, Jacksonville,
16 Florida 32234; (904) 610-8975.

17 **Section 3. Property Rezoned.** The Subject Property,
18 pursuant to adopted companion Small-Scale Amendment L-5554-21C, is
19 hereby rezoned and reclassified from Commercial Community/General-2
20 (CCG-2) District, Residential Medium Density-A (RMD-A) District and
21 Planned Unit Development (PUD) District (2009-753-E) to Planned
22 Unit Development (PUD) District. This new PUD district shall
23 generally permit multi-family residential and church uses, and is
24 described, shown and subject to the following documents, **attached**
25 **hereto:**

26 **Exhibit 1** - Legal Description dated June 2, 2021.

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

28 **Exhibit 3** - Written Description dated May 25, 2021.

29 **Exhibit 4** - Site Plan dated May 5, 2021.

30 **Section 4. Rezoning Approved Subject to Conditions.** This
31 rezoning is approved subject to the following conditions. Such

1 conditions control over the Written Description and the Site Plan
2 and may only be amended through a rezoning.

3 (1) Access through Drew Street shall be prohibited.

4 (2) Access through Duck Island Road to Freeman Road shall be
5 prohibited.

6 **Section 5. Contingency.** This rezoning shall not become
7 effective until 31 days after adoption of the companion Small-Scale
8 Amendment unless challenged by the state land planning agency; and
9 further provided that if the companion Small-Scale Amendment is
10 challenged by the state land planning agency, this rezoning shall
11 not become effective until the state land planning agency or the
12 Administration Commission issues a final order determining the
13 companion Small-Scale Amendment is in compliance with Chapter 163,
14 *Florida Statutes*.

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

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

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Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Connor Corrigan

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