

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-346**

5 AN ORDINANCE REZONING APPROXIMATELY 3.39± ACRES,
6 LOCATED IN COUNCIL DISTRICT 5 AT 9790 SOUTH
7 HISTORIC KINGS ROAD, BETWEEN LOURCEY ROAD AND
8 SUNBEAM ROAD (R.E. NO. 149111-0030), AS
9 DESCRIBED HEREIN, OWNED BY HANDFUL OF CLAMS
10 INC., FROM PLANNED UNIT DEVELOPMENT (PUD)
11 DISTRICT (2006-1184-E) TO PLANNED UNIT
12 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
14 COMMERCIAL AND OFFICE USES, AS DESCRIBED IN THE
15 HISTORIC KINGS ROAD PUD, PURSUANT TO FUTURE LAND
16 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
17 APPLICATION NUMBER L-5879-23C; PROVIDING A
18 DISCLAIMER THAT THE REZONING GRANTED HEREIN
19 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
20 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
21 DATE.
22

23 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
24 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
25 portions of the Future Land Use Map series (FLUMs) in order to ensure
26 the accuracy and internal consistency of the plan, pursuant to
27 companion application L-5879-23C; and

28 **WHEREAS,** in order to ensure consistency of zoning district
29 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale
30 Amendment L-5879-23C, an application to rezone and reclassify from
31 Planned Unit Development (PUD) District (2006-1184-E) to Planned Unit

1 Development (PUD) District was filed by Chris Hagan on behalf of the
2 owner of approximately 3.39± acres of certain real property in Council
3 District 5, as more 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 *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 Committee, after due notice
11 and public hearing, has made its recommendation to the Council; and

12 **WHEREAS,** the City Council, after due notice, held a public
13 hearing, and taking into consideration the above recommendations as
14 well as all oral and written comments received during the public
15 hearings, the Council finds that such rezoning is consistent with the
16 *2045 Comprehensive Plan* adopted under the comprehensive planning
17 ordinance for future development of the City of Jacksonville; and

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

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

28 **Section 1. Subject Property Location and Description.** The
29 approximately 3.39± acres are located in Council District 5 at 9790
30 South Historic Kings Road, between Lourcey Road and Sunbeam Road
31 (R.E. No. 149111-0030), as more particularly described in **Exhibit 1,**

1 dated April 25, 2024, and graphically depicted in **Exhibit 2**, both of
2 which are attached hereto and incorporated herein by this reference
3 (the "Subject Property").

4 **Section 2. Owner and Applicant Description.** The Subject
5 Property is owned by Handful of Clams Inc. The applicant is Chris
6 Hagan, 208 North Laura Street, Suite 710, Jacksonville, Florida 32202;
7 (904) 425-8765.

8 **Section 3. Property Rezoned.** The Subject Property,
9 pursuant to adopted companion Small-Scale Amendment Application
10 L-5879-23C, is hereby rezoned and reclassified from Planned Unit
11 Development (PUD) District (2006-1184-E) to Planned Unit Development
12 (PUD) District. This new PUD district shall generally permit
13 commercial and office uses, and is described, shown and subject to
14 the following documents, attached hereto:

15 **Exhibit 1** - Legal Description dated April 25, 2024.

16 **Exhibit 2** - Subject Property per P&DD.

17 **Exhibit 3** - Written Description dated January 4, 2024.

18 **Exhibit 4** - Site Plan dated November 18, 2022.

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

27 **Section 5. Disclaimer.** The rezoning granted herein
28 shall not be construed as an exemption from any other applicable
29 local, state, or federal laws, regulations, requirements, permits or
30 approvals. All other applicable local, state or federal permits or
31 approvals shall be obtained before commencement of the development

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

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

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13 Form Approved:

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15 /s/ Mary E. Staffopoulos

16 Office of General Counsel

17 Legislation Prepared By: Kaysie Cox

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