

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-200-E**

5 AN ORDINANCE REZONING APPROXIMATELY 4.16± ACRES
6 LOCATED IN COUNCIL DISTRICT 7 AT 0 NEW KINGS
7 ROAD, BETWEEN DUNN AVENUE AND WOODLEY ROAD (R.E.
8 NO. 003814-0100), OWNED BY BRIAN LEWIS, AS
9 DESCRIBED HEREIN, FROM RESIDENTIAL RURAL-ACRE
10 (RR-ACRE) DISTRICT TO PLANNED UNIT DEVELOPMENT
11 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
12 THE ZONING CODE, TO PERMIT LIGHT INDUSTRIAL USES,
13 AS DESCRIBED IN THE DINSMORE BUSINESS PARK PUD,
14 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
15 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-5793-
16 23C; PUB SUBJECT TO CONDITION; PROVIDING A
17 DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL
18 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
19 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
20

21 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
22 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
23 portions of the Future Land Use Map series (FLUMs) in order to ensure
24 the accuracy and internal consistency of the plan, pursuant to
25 companion application L-5793-23C; and

26 **WHEREAS**, in order to ensure consistency of zoning district with
27 the *2045 Comprehensive Plan* and the adopted companion Small-Scale
28 Amendment L-5793-23C, an application to rezone and reclassify from
29 Residential Rural-Acre (RR-Acre) District to Planned Unit Development
30 (PUD) District was filed by Evin Herzberg on behalf of the owner of
31 approximately 4.16± acres of certain real property in Council District

1 7, as more particularly described in Section 1; and

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

6 **WHEREAS**, the Planning Commission has considered the application
7 and has rendered an advisory opinion; and

8 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
9 notice and public hearing, has made its recommendation to the Council;
10 and

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

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

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

27 **Section 1. Subject Property Location and Description.** The
28 approximately 4.16± acres are located in Council District 7 at 0 New
29 Kings Road, between Dunn Avenue and Woodley Road (R.E. No. 003814-
30 0100), as more particularly described in **Exhibit 1**, dated January 25,
31 2023, and graphically depicted in **Exhibit 2**, both of which are

1 attached hereto and incorporated herein by this reference (the
2 "Subject Property").

3 **Section 2. Owner and Applicant Description.** The Subject
4 Property is owned by Brian Lewis. The applicant is Evin Herzberg,
5 12483 Aladdin Road, Jacksonville, Florida 32223; (904) 625-7431.

6 **Section 3. Property Rezoned.** The Subject Property,
7 pursuant to adopted companion Small-Scale Amendment Application L-
8 5793-23C, is hereby rezoned and reclassified from Residential Rural-
9 Acre (RR-Acre) District to Planned Unit Development (PUD) District.
10 This new PUD district shall generally permit light industrial uses
11 and is described, shown and subject to the following documents,
12 attached hereto:

13 **Exhibit 1** - Legal Description dated January 25, 2023.

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

15 **Exhibit 3** - Written Description dated November 1, 2022.

16 **Exhibit 4** - Site Plan dated January 20, 2023.

17 **Section 4. Rezoning Approved Subject to Condition.** This
18 rezoning is approved subject to the following condition. Such
19 condition controls over the Written Description and the Site Plan and
20 may only be amended through a rezoning:

21 (1) All sag lenses, drop lenses and convex lenses shall be
22 prohibited. Illumination levels at all property lines shall not
23 exceed one-half (0.5) foot candles ("f.c.") when the building or
24 parking areas are located adjacent to residential areas, and shall
25 not exceed one (1.0) f.c. when abutting other non-residential
26 properties. All lighting lamp sources within parking and pedestrian
27 areas shall be metal halide, compact fluorescent or LED. The maximum
28 light pole height in all parking areas should not exceed 15 feet. An
29 exterior lighting design plan, including a photometrics plan, pole
30 and fixtures schedules, shall be submitted at the time of Verification
31 of Substantial Compliance for review and approval by the Planning and

1 Development Department.

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

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

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Erin Abney

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