

1 Introduced by the Land Use and Zoning Committee:

2
3 **ORDINANCE 2022-4-E**

4 AN ORDINANCE REZONING APPROXIMATELY 71.47± ACRES
5 LOCATED IN COUNCIL DISTRICT 8 AT 6319 GARDEN
6 STREET, BETWEEN GARDEN STREET AND IMESON ROAD
7 (R.E. NO. 002982-0000 (PORTION)), OWNED BY THE
8 TRUST CREATED UNDER PARAGRAPH FOURTH OF THE LAST
9 WILL AND TESTAMENT OF JOSEPH E. JOYNER DATED
10 DECEMBER 12, 1990, AS DESCRIBED HEREIN, FROM
11 AGRICULTURE (AGR) DISTRICT TO PLANNED UNIT
12 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
14 SINGLE FAMILY RESIDENTIAL USES, AS DESCRIBED IN
15 THE HAWKES MEADOW PUD, PURSUANT TO FUTURE LAND
16 USE MAP SERIES (FLUMS) LARGE-SCALE AMENDMENT
17 APPLICATION NUMBER L-5546-21A; 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 Large-Scale
24 Amendment to the *2030 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 the
27 companion land use application L-5546-21A; and

28 **WHEREAS**, in order to ensure consistency of zoning district with
29 the *2030 Comprehensive Plan* and the adopted companion Large-Scale
30 Amendment L-5546-21A, an application to rezone and reclassify from
31 Agriculture (AGR) District to Planned Unit Development (PUD) District

1 was filed by Thomas O. Ingram, Esq., on behalf of Billy Shane Thomas,
2 Trustee of the Trust Created Under Paragraph Fourth of the Last Will
3 and Testament of Joseph E. Joyner dated December 12, 1990, owner of
4 approximately 71.47± acres of certain real property in Council
5 District 8, as more particularly described in Section 1; and

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

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

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

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

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

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

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

1 approximately 71.47± acres are located in Council District 8, at 6319
2 Garden Street, between Garden Street and Imeson Road (R.E. No. 002982-
3 0000 (portion)), as more particularly described in **Exhibit 1**, dated
4 June 23, 2021, and graphically depicted in **Exhibit 2**, both of which
5 are **attached hereto** and incorporated herein by this reference (the
6 "Subject Property").

7 **Section 2. Owner and Applicant Description.** The Subject
8 Property is owned by the Trust Created Under Paragraph Fourth of the
9 Last Will and Testament of Joseph E. Joyner dated December 12, 1990.
10 The applicant is Thomas O. Ingram, Esq., 233 East Bay Street, Suite
11 1113, Jacksonville, Florida 32202; (904) 612-9179.

12 **Section 3. Property Rezoned.** The Subject Property,
13 pursuant to adopted companion Large-Scale Amendment L-5546-21A, is
14 hereby rezoned and reclassified from Agriculture (AGR) District to
15 Planned Unit Development (PUD) District. This new PUD district shall
16 generally permit single family residential uses, and is described,
17 shown and subject to the following documents, **attached hereto**:

18 **Exhibit 1** - Legal Description dated June 23, 2021.

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

20 **Exhibit 3** - Written Description dated November 29, 2021.

21 **Exhibit 4** - Site Plan dated September 1, 2021.

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

31 **Section 5. Disclaimer.** The rezoning granted herein

1 shall not be construed as an exemption from any other applicable
2 local, state, or federal laws, regulations, requirements, permits or
3 approvals. All other applicable local, state or federal permits or
4 approvals shall be obtained before commencement of the development
5 or use, and issuance of this rezoning is based upon acknowledgement,
6 representation and confirmation made by the applicant(s), owner(s),
7 developer(s) and/or any authorized agent(s) or designee(s) that the
8 subject business, development and/or use will be operated in strict
9 compliance with all laws. Issuance of this rezoning does not approve,
10 promote or condone any practice or act that is prohibited or
11 restricted by any federal, state or local laws.

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

16
17 Form Approved:

18
19 /s/ Mary E. Staffopoulos

20 Office of General Counsel

21 Legislation Prepared By: Erin Abney

22 GC-#1471612-v2-2022-4_(Z-3777-PUD)