

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

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4
5 **ORDINANCE 2021-638-E**

6 AN ORDINANCE REZONING APPROXIMATELY 15.01± ACRES
7 LOCATED IN COUNCIL DISTRICT 3 AT 13301 BEACH
8 BOULEVARD, BETWEEN KERNAN BOULEVARD AND HODGES
9 BOULEVARD, OWNED BY EASTSIDE COMMUNITY CHURCH
10 INCORPORATED, AS DESCRIBED HEREIN, FROM PLANNED
11 UNIT DEVELOPMENT (PUD) DISTRICT (2002-791-E) TO
12 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
13 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
14 PERMIT MULTI-FAMILY RESIDENTIAL AND CHURCH USES,
15 AS DESCRIBED IN THE EAST SIDE COMMUNITY CHURCH
16 PUD, PURSUANT TO FUTURE LAND USE MAP SERIES
17 (FLUMS) SMALL-SCALE AMENDMENT APPLICATION NUMBER
18 L-5590-21C; PROVIDING A DISCLAIMER THAT THE
19 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
20 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
21 PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS,** the City of Jacksonville adopted a Small-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-5590-21C; and

28 **WHEREAS,** in order to ensure consistency of zoning district with
29 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
30 Amendment L-5590-21C, an application to rezone and reclassify from

1 Planned Unit Development (PUD) District (2002-791-E) to Planned Unit
2 Development (PUD) District was filed by Paul M. Harden, Esq., on
3 behalf of the owner of approximately 15.01± acres of certain real
4 property in Council District 3, as more particularly described in
5 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 15.01± acres are located in Council District 3, at 13301
2 Beach Boulevard, between Kernan Boulevard and Hodges Boulevard, as
3 more particularly described in **Exhibit 1**, dated July 1, 2021, and
4 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
5 and incorporated herein by this reference (the "Subject Property").

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

10 **Section 3. Property Rezoned.** The Subject Property,
11 pursuant to adopted companion Small-Scale Amendment L-5590-21C, is
12 hereby rezoned and reclassified from Planned Unit Development (PUD)
13 District (2002-791-E) to Planned Unit Development (PUD) District.
14 This new PUD district shall generally permit multi-family residential
15 and church uses, and is described, shown and subject to the following
16 documents, **attached hereto**:

17 **Exhibit 1** - Legal Description dated July 1, 2021.

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

19 **Revised Exhibit 3** - Revised Written Description dated March 1, 2022.

20 **Second Revised Exhibit 4** - Second Revised Site Plan dated February
21 7, 2022.

22 **Section 4. Contingency.** This rezoning shall not become
23 effective until 31 days after adoption of the companion Small-Scale
24 Amendment unless challenged by the state land planning agency; and
25 further provided that if the companion Small-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 Small-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.

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17 Form Approved:

18
19 /s/ Mary E. Staffopoulos

20 Office of General Counsel

21 Legislation Prepared By: Erin Abney

22 GC-#1486989-v2-2021-638-E_