

1 Introduced and amended by the Land Use and Zoning Committee:
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3

4 **ORDINANCE 2022-190-E**

5 AN ORDINANCE REZONING APPROXIMATELY 0.15± ACRES
6 LOCATED IN COUNCIL DISTRICT 7 AT 1478 FLORIDA
7 AVENUE, BETWEEN FLORIDA AVENUE AND 5TH STREET
8 EAST (R.E. NO. 114609-0000), OWNED BY LIFT JAX
9 1478 FLORIDA, LLC, AS DESCRIBED HEREIN, FROM
10 RESIDENTIAL MEDIUM DENSITY-A (RMD-A) DISTRICT TO
11 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
12 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
13 PERMIT COMMERCIAL USES, AS DESCRIBED IN THE 1478
14 FLORIDA AVENUE PUD, PURSUANT TO FUTURE LAND USE
15 MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
16 APPLICATION NUMBER L-5630-21C; PUD SUBJECT TO
17 CONDITIONS; PROVIDING A DISCLAIMER THAT THE
18 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
19 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
23 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
24 portions of the Future Land Use Map series (FLUMs) in order to ensure
25 the accuracy and internal consistency of the plan, pursuant to the
26 companion land use application L-5630-21C; and

27 **WHEREAS**, in order to ensure consistency of zoning district with
28 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
29 Amendment L-5630-21C, an application to rezone and reclassify from
30 Residential Medium Density-A (RMD-A) District to Planned Unit
31 Development (PUD) District was filed by Cyndy Trimmer, Esq., on behalf

1 of the owner of approximately 0.15± acres of certain real property
2 in Council District 7, as more particularly described in Section 1;
3 and

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

8 **WHEREAS**, the Planning Commission has considered the application
9 and has rendered an advisory opinion; and

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

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

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

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

29 **Section 1. Subject Property Location and Description.** The
30 approximately 0.15± acres are located in Council District 7 at 1478
31 Florida Avenue, between Florida Avenue and 5th Street East, as more

1 particularly described in **Exhibit 1**, dated November 18, 2021, and
2 graphically depicted in **Exhibit 2**, both of which are **attached hereto**
3 and incorporated herein by this reference (the "Subject Property").

4 **Section 2. Owner and Applicant Description.** The Subject
5 Property is owned by Lift Jax 1478 Florida, LLC. The applicant is
6 Cyndy Trimmer, Esq., 1 Independent Drive, Suite 1200, Jacksonville,
7 Florida 32202; (904) 807-0185.

8 **Section 3. Property Rezoned.** The Subject Property,
9 pursuant to adopted companion Small-Scale Amendment L-5630-21C, is
10 hereby rezoned and reclassified from Residential Medium Density-A
11 (RMD-A) District to Planned Unit Development (PUD) District. This
12 new PUD district shall generally permit commercial uses, and is
13 described, shown and subject to the following documents, **attached**
14 **hereto:**

15 **Exhibit 1** - Legal Description dated November 18, 2021.

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

17 **Exhibit 3** - Written Description dated February 17, 2022.

18 **Revised Exhibit 4** - Revised Site Plan dated April 21, 2022.

19 **Section 4. Rezoning Approved Subject to Conditions.** This
20 rezoning is approved subject to the following conditions. Such
21 conditions control over the Written Description and the Site Plan and
22 may only be amended through a rezoning:

23 (1) Visibility to the stop sign on 5th Street East must be
24 maintained at all times.

25 (2) The backup distance for 60-degree parking shall be 16 feet.

26 (3) The curve in the parking area shall be designed so that a
27 standard design passenger vehicle with a 24-foot turning radius can
28 negotiate the curve.

29 **Section 5. Contingency.** This rezoning shall not become
30 effective until thirty-one (31) days after adoption of the companion
31 Small-Scale Amendment unless challenged by the state land planning

1 agency; and further provided that if the companion Small-Scale
2 Amendment is challenged by the state land planning agency, this
3 rezoning shall not become effective until the state land planning
4 agency or the Administration Commission issues a final order
5 determining the companion Small-Scale Amendment is in compliance with
6 Chapter 163, *Florida Statutes*.

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

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

23
24 Form Approved:

25
26 /s/ Mary E. Staffopoulos

27 Office of General Counsel

28 Legislation Prepared By: Erin Abney

29 GC-#1498147-v1-2022-190-E