

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-478**

5 AN ORDINANCE REZONING APPROXIMATELY 40.71±
6 ACRES, LOCATED IN COUNCIL DISTRICT 7 AT 0 PECAN
7 PARK ROAD AND 815 PECAN PARK ROAD, BETWEEN
8 INTERSTATE-95 AND TISON ROAD (R.E. NOS. 108115-
9 0100 AND 108118-0000), OWNED BY THE ESTATE OF
10 SHIRLEY W. BYRD, 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 BYRD PROPERTY PUD, PURSUANT TO FUTURE LAND
16 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
17 APPLICATION NUMBER L-5709-22C; 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 *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 ordinance for application L-5709-22C; 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-5709-22C, an application to rezone and reclassify from
31 Agriculture (AGR) District to Planned Unit Development (PUD) District

1 was filed by Paul Harden, Esq., on behalf of the owner of
2 approximately 40.71± acres of certain real property in Council
3 District 7, 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 *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 and public hearing, has made its recommendation to the Council;
12 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 40.71± acres are located in Council District 7 at 0
31 Pecan Park Road and 815 Pecan Park Road, between Interstate-95 and

1 Tison Road (R.E. Nos. 108115-0100 and 108118-0000), as more
2 particularly described in **Exhibit 1**, dated April 7, 2022, and
3 graphically depicted in **Exhibit 2**, both of which are attached hereto
4 and incorporated herein by this reference (the "Subject Property").

5 **Section 2. Owner and Applicant Description.** The Subject
6 Property is owned by the Estate of Shirley W. Byrd. The applicant
7 is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite 901,
8 Jacksonville, Florida 32207; (904) 396-5731.

9 **Section 3. Property Rezoned.** The Subject Property,
10 pursuant to adopted companion Small-Scale Amendment L-5709-22C, is
11 hereby rezoned and reclassified from Agriculture (AGR) District to
12 Planned Unit Development (PUD) District. This new PUD district shall
13 generally permit single-family residential uses, and is described,
14 shown and subject to the following documents, attached hereto:

15 **Exhibit 1** - Legal Description dated April 7, 2022.

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

17 **Exhibit 3** - Written Description dated April 14, 2022.

18 **Exhibit 4** - Site Plan dated November 15, 2021.

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 unless challenged by the state land planning
22 agency; and further provided that if the companion Small-Scale
23 Amendment is challenged by the state land planning agency, this
24 rezoning shall not become effective until the state land planning
25 agency or the Administration Commission issues a final order
26 determining the companion Small-Scale Amendment is in compliance with
27 Chapter 163, *Florida Statutes*.

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

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

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

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14 Form Approved:

15
16 /s/ Mary E. Staffopoulos

17 Office of General Counsel

18 Legislation Prepared By: Bruce Lewis

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