

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

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:

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16           /s/ Mary E. Staffopoulos          

17 Office of General Counsel

18 Legislation Prepared By: Bruce Lewis

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