

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-897-E**

5 AN ORDINANCE REZONING APPROXIMATELY 7.73± ACRES
6 LOCATED IN COUNCIL DISTRICT 12 AT 1209 HAMMOND
7 BOULEVARD AND 1291 HAMMOND BOULEVARD, BETWEEN
8 HAMMOND BOULEVARD AND ADELENA LANE (R.E. NOS.
9 008754-0000 AND 008757-0000), OWNED BY CHARLES
10 C. GAY JR AND PAMELA W. GAY, AS DESCRIBED
11 HEREIN, FROM PLANNED UNIT DEVELOPMENT (PUD)
12 DISTRICT (2019-38-E) TO PLANNED UNIT DEVELOPMENT
13 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
14 THE ZONING CODE, TO PERMIT UP TO 64 TOWNHOMES,
15 AS DESCRIBED IN THE HAMMOND BOULEVARD PUD,
16 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
17 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-5765-
18 22C; PUD SUBJECT TO CONDITIONS; PROVIDING A
19 DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL
20 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
21 APPLICABLE LAWS; 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
27 companion application L-5765-22C; 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-5765-22C, an application to rezone and reclassify from
31 Planned Unit Development (PUD) District (2019-38-E) to Planned Unit

1 Development (PUD) District was filed by Steve Diebenow, Esq., on
2 behalf of the owners of approximately 7.73± acres of certain real
3 property in Council District 12, as more particularly described in
4 Section 1; and

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

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

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

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

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

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

30 **Section 1. Subject Property Location and Description.** The
31 approximately 7.73± acres are located in Council District 12 at 1209

1 Hammond Boulevard and 1291 Hammond Boulevard, between Hammond
2 Boulevard and Adelena Lane (R.E. Nos. 008754-0000 and 008757-0000),
3 as more particularly described in **Exhibit 1**, dated September 26,
4 2022, and graphically depicted in **Exhibit 2**, both of which are
5 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 Charles C. Gay, Jr. and Pamela W. Gay. The
9 applicant is Steve Diebenow, Esq., One Independent Drive, Suite
10 1200, Jacksonville, Florida 32202; (904) 301-1269.

11 **Section 3. Property Rezoned.** The Subject Property,
12 pursuant to adopted companion Small-Scale Amendment Application L-
13 5765-22C, is hereby rezoned and reclassified from Planned Unit
14 Development (PUD) District (2019-38-E) to Planned Unit Development
15 (PUD) District. This new PUD district shall generally permit up to a
16 maximum of 64 townhomes, and is described, shown and subject to the
17 following documents, attached hereto:

18 **Exhibit 1** - Legal Description dated September 26, 2022.

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

20 **Revised Exhibit 3** - Revised Written Description dated January 17,
21 2023.

22 **Exhibit 4** - Site Plan dated September 26, 2022.

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

27 (1) If the street will be dedicated to the City of
28 Jacksonville, the proposed road shall terminate in a city standard
29 cul-de-sac as required by Chapter 654, *Ordinance Code*, unless
30 otherwise approved by the Planning and Development Department.

31 (2) If the street will be dedicated to the City of

1 Jacksonville, no parking shall be created or constructed in the city
2 right-of-way, unless otherwise approved by the Planning and
3 Development Department.

4 (3) A seven foot tall white PVC fence shall be installed along
5 the north, south and west boundaries of the Subject Property.

6 **Section 5. Contingency.** This rezoning shall not become
7 effective until thirty-one (31) days after adoption of the companion
8 Small-Scale Amendment; and further provided that if the companion
9 Small-Scale Amendment is challenged by the state land planning agency,
10 this rezoning shall not become effective until the state land planning
11 agency or the Administration Commission issues a final order
12 determining the companion Small-Scale Amendment is in compliance with
13 Chapter 163, *Florida Statutes*.

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

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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