

Introduced and amended by the Land Use and Zoning Committee:

**ORDINANCE 2022-821-E**

AN ORDINANCE REZONING APPROXIMATELY 48.82± ACRES, LOCATED IN COUNCIL DISTRICT 2 AT 6131 CEDAR POINT ROAD, BETWEEN NUNGEZER ROAD AND PUMPKIN HILL ROAD (R.E. NO. 159855-0500), OWNED BY JEFFREY ANDRING AND CATHERINE ANDRING, AS DESCRIBED HEREIN, FROM AGRICULTURE (AGR) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO PERMIT SINGLE-FAMILY RESIDENTIAL USES, AS DESCRIBED IN THE TERRAPIN CREEK SUBDIVISION PUD, PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT APPLICATION NUMBER L-5752-22C; PUD SUBJECT TO CONDITIONS; PROVIDING A DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

**WHEREAS,** the City of Jacksonville adopted a Small-Scale Amendment to the *2030 Comprehensive Plan* for the purpose of revising portions of the Future Land Use Map series (FLUMs) in order to ensure the accuracy and internal consistency of the plan, pursuant to the companion land use ordinance for application L-5752-22C; and

**WHEREAS,** in order to ensure consistency of zoning district with the *2030 Comprehensive Plan* and the adopted companion Small-Scale Amendment L-5752-22C, an application to rezone and reclassify from Agriculture (AGR) District to Planned Unit Development (PUD) District

1 was filed by Paul Harden, Esq., on behalf of the owners of  
2 approximately 48.82± acres of certain real property in Council  
3 District 2, 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 48.82± acres are located in Council District 2 at 6131  
31 Cedar Point Road, between Nungezer Road and Pumpkin Hill Road (R.E.

No. 159855-0500), as more particularly described in **Exhibit 1**, dated July 6, 2022, and graphically depicted in **Exhibit 2**, both of which are attached hereto and incorporated herein by this reference (the "Subject Property").

**Section 2. Owner and Applicant Description.** The Subject Property is owned by Jeffrey Andring and Catherine Andring. The applicant is Paul Harden, Esq., 1431 Riverplace Boulevard, Suite 901, Jacksonville, Florida 32207; (904) 396-5731.

**Section 3. Property Rezoned.** The Subject Property, pursuant to adopted companion Small-Scale Amendment L-5752-22C, is hereby rezoned and reclassified from Agriculture (AGR) District to Planned Unit Development (PUD) District. This new PUD district shall generally permit single-family residential uses and is described, shown and subject to the following documents, attached hereto:

**Exhibit 1** - Legal Description dated July 6, 2022.

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

**Exhibit 3** - Written Description dated September 16, 2022.

**Exhibit 4** - Site Plan dated September 16, 2022.

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

(1) A traffic study shall be provided at Civil Site Plan Review unless the Chief of the Traffic Engineering Division determines one will not be required. Prior to the commencement of the traffic study, if required, the traffic professional shall conduct a methodology meeting to determine the limits of the study. The methodology meeting shall include the Chief of the Traffic Engineering Division, the Chief of the Transportation Division and the traffic reviewer from Development Services.

(2) The proposed street typical cross section shall match that

1 found in City Standards Details for City of Jacksonville, Plate P-  
2 127, unless otherwise approved by the Planning and Development  
3 Department.

4 (3) Parcel "B" shall only have one (1) access onto Cedar Point  
5 Road as reflected on the Site Plan, unless otherwise approved by the  
6 Planning and Development Department.

7 (4) Parcel "B" shall have sidewalks as required by Section  
8 654.133, *Ordinance Code*.

9 (5) The following shall be recorded on the Plat for the  
10 development and in any Homeowner's Association covenants:

11 "The Pumpkin Hill Creek State Preserve (PHCSP) is  
12 owned by the Trustees of the Internal Improvement Trust  
13 Fund (*i.e.*, State of Florida) and the St. Johns River Water  
14 Management District (SJRWMD) and is managed by the Florida  
15 Department of Environmental Protection. Part of the  
16 management of these publicly owned forest sites may include  
17 using the forest management tool of prescribed burning for  
18 resource enhancement and to reduce the potential impacts  
19 of wildfires. Prescribed burning will create smoke, which  
20 may temporarily impact the neighborhood and surrounding  
21 areas. However, such efforts are necessary to the  
22 management of these forests for wildfire, resource  
23 protection and recreational uses. All homeowners are  
24 strongly encouraged to review and implement "Firewise"  
25 management and design techniques, to the extent that these  
26 are consistent with water conservation and Florida-  
27 Friendly Landscaping requirements in the Jacksonville  
28 Zoning Code. In particular, landscaping should be  
29 maintained to prevent the accumulation of flammable brush,  
30 dead leaves or landscaping near homes where such homes are  
31 adjacent to forest areas. Please consult the Florida

1 Forest Service's and Florida Division of Emergency  
2 Management's latest guidance on home and landscaping  
3 maintenance near forest areas.".

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

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

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

Form Approved:

/s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Bruce Lewis

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