

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-200**

5 AN ORDINANCE REZONING APPROXIMATELY 4.16± ACRES
6 LOCATED IN COUNCIL DISTRICT 7 AT 0 NEW KINGS
7 ROAD, BETWEEN DUNN AVENUE AND WOODLEY ROAD (R.E.
8 NO. 003814-0100), OWNED BY BRIAN LEWIS, AS
9 DESCRIBED HEREIN, FROM RESIDENTIAL RURAL-ACRE
10 (RR-ACRE) DISTRICT TO PLANNED UNIT DEVELOPMENT
11 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
12 THE ZONING CODE, TO PERMIT LIGHT INDUSTRIAL USES,
13 AS DESCRIBED IN THE DINSMORE BUSINESS PARK PUD,
14 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
15 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-5793-
16 23C; PROVIDING A DISCLAIMER THAT THE REZONING
17 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
18 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
19 PROVIDING AN EFFECTIVE DATE.
20

21 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
22 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
23 portions of the Future Land Use Map series (FLUMs) in order to ensure
24 the accuracy and internal consistency of the plan, pursuant to
25 companion application L-5793-23C; and

26 **WHEREAS**, in order to ensure consistency of zoning district with
27 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
28 Amendment L-5793-23C, an application to rezone and reclassify from
29 Residential Rural-Acre (RR-Acre) District to Planned Unit Development
30 (PUD) District was filed by Evin Herzberg on behalf of the owner of
31 approximately 4.16± acres of certain real property in Council District

1 7, as more particularly described in Section 1; and

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

6 **WHEREAS**, the Planning Commission has considered the application
7 and has rendered an advisory opinion; and

8 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
9 notice and public hearing, has made its recommendation to the Council;
10 and

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

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

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

27 **Section 1. Subject Property Location and Description.** The
28 approximately 4.16± acres are located in Council District 7 at 0 New
29 Kings Road, between Dunn Avenue and Woodley Road (R.E. No. 003814-
30 0100), as more particularly described in **Exhibit 1**, dated January 25,
31 2023, and graphically depicted in **Exhibit 2**, both of which are

1 attached hereto and incorporated herein by this reference (the
2 "Subject Property").

3 **Section 2. Owner and Applicant Description.** The Subject
4 Property is owned by Brian Lewis. The applicant is Evin Herzberg,
5 12483 Aladdin Road, Jacksonville, Florida 32223; (904) 625-7431.

6 **Section 3. Property Rezoned.** The Subject Property,
7 pursuant to adopted companion Small-Scale Amendment Application L-
8 5793-23C, is hereby rezoned and reclassified from Residential Rural-
9 Acre (RR-Acre) District to Planned Unit Development (PUD) District.
10 This new PUD district shall generally permit light industrial uses
11 and is described, shown and subject to the following documents,
12 attached hereto:

13 **Exhibit 1** - Legal Description dated January 25, 2023.

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

15 **Exhibit 3** - Written Description dated November 1, 2022.

16 **Exhibit 4** - Site Plan dated January 20, 2023.

17 **Section 4. Contingency.** This rezoning shall not become
18 effective until thirty-one (31) days after adoption of the companion
19 Small-Scale Amendment unless challenged by the state land planning
20 agency; and further provided that if the companion Small-Scale
21 Amendment is challenged by the state land planning agency, this
22 rezoning shall not become effective until the state land planning
23 agency or the Administration Commission issues a final order
24 determining the companion Small-Scale Amendment is in compliance with
25 Chapter 163, *Florida Statutes*.

26 **Section 5. Disclaimer.** The rezoning granted herein
27 shall **not** be construed as an exemption from any other applicable
28 local, state, or federal laws, regulations, requirements, permits or
29 approvals. All other applicable local, state or federal permits or
30 approvals shall be obtained before commencement of the development
31 or use and issuance of this rezoning is based upon acknowledgement,

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

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

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12 Form Approved:

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14 /s/ Mary E. Staffopoulos

15 Office of General Counsel

16 Legislation Prepared By: Erin Abney

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