

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-360**

5 AN ORDINANCE REZONING APPROXIMATELY 37.86± ACRES  
6 LOCATED IN COUNCIL DISTRICT 12 AT 0 NOROAD, 10050  
7 NOROAD, 10061 NOROAD, 10144 NOROAD, 0 103RD  
8 STREET AND 0 CONNIE JEAN ROAD, BETWEEN 103RD  
9 STREET AND NOROAD (R.E. NOS. 012955-0010, 012956-  
10 0000, 012960-0000, 012961-0100, 012970-0100,  
11 012971-0100 AND 012974-0055), OWNED BY NOROAD  
12 DEVELOPMENT, LLC, MELVIN R. BARBOUR AND VICKY  
13 BARBOUR, AS DESCRIBED HEREIN, FROM RESIDENTIAL  
14 RURAL-ACRE (RR-ACRE) DISTRICT, RESIDENTIAL  
15 MEDIUM DENSITY-A (RMD-A) DISTRICT, COMMERCIAL  
16 COMMUNITY/GENERAL-2 (CCG-2) DISTRICT AND  
17 COMMERCIAL NEIGHBORHOOD (CN) DISTRICT TO  
18 RECREATION AND OPEN SPACE (ROS) DISTRICT, AS  
19 DEFINED AND CLASSIFIED UNDER THE ZONING CODE,  
20 PURSUANT TO FUTURE LAND USE MAP SERIES SMALL-  
21 SCALE AMENDMENT APPLICATION NUMBER L-5807-23C;  
22 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED  
23 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION  
24 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN  
25 EFFECTIVE DATE.  
26

27 **WHEREAS,** the City of Jacksonville adopted a Small-Scale  
28 Amendment to the *2045 Comprehensive Plan* for the purpose of revising  
29 portions of the Future Land Use Map series (FLUMs) in order to ensure  
30 the accuracy and internal consistency of the plan, pursuant to  
31 companion application L-5807-23C; and

1           **WHEREAS**, in order to ensure consistency of zoning district with  
2 the *2045 Comprehensive Plan* and the adopted companion Small-Scale  
3 Amendment L-5807-23C, an application to rezone and reclassify from  
4 Residential Rural-Acre (RR-Acre) District, Residential Medium  
5 Density-A (RMD-A) District, Commercial Community/General-2 (CCG-2)  
6 District and Commercial Neighborhood (CN) District to Recreation and  
7 Open Space (ROS) District was filed by Michael Herzberg on behalf of  
8 the owners of approximately 37.86± acres of certain real property in  
9 Council District 12, as more particularly described in Section 1; and

10           **WHEREAS**, the Planning and Development Department, in order to  
11 ensure consistency of this zoning district with the *2045 Comprehensive*  
12 *Plan*, has considered the rezoning and has rendered an advisory  
13 opinion; and

14           **WHEREAS**, the Planning Commission has considered the application  
15 and has rendered an advisory opinion; and

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

19           **WHEREAS**, the City Council, after due notice, held a public  
20 hearing, and taking into consideration the above recommendations as  
21 well as all oral and written comments received during the public  
22 hearings, the Council finds that such rezoning is consistent with the  
23 *2045 Comprehensive Plan* adopted under the comprehensive planning  
24 ordinance for future development 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 37.86± acres are located in Council District 12 at 0  
29 Noroad, 10050 Noroad, 10061 Noroad, 10144 Noroad, 0 103<sup>rd</sup> Street and  
30 0 Connie Jean Road, between 103<sup>rd</sup> Street and Noroad (R.E. Nos. 012955-  
31 0010, 012956-0000, 012960-0000, 012961-0100, 012970-0100, 012971-0100

1 and 012974-0055), as more particularly described in **Exhibit 1**, dated  
2 May 10, 2023, and graphically depicted in **Exhibit 2**, both of which  
3 are attached hereto and incorporated herein by this reference (the  
4 "Subject Property").

5 **Section 2. Owner and Applicant Description.** The Subject  
6 Property is owned by Noroad Development, LLC, Melvin R. Barbour and  
7 Vicky Barbour. The applicant is Michael Herzberg, 12483 Aladdin  
8 Road, Jacksonville, Florida 32223; (904) 731-8806.

9 **Section 3. Property Rezoned.** The Subject Property,  
10 pursuant to adopted companion Small-Scale Amendment Application L-  
11 5807-23C, is hereby rezoned and reclassified from Residential Rural-  
12 Acre (RR-Acre) District, Residential Medium Density-A (RMD-A)  
13 District, Commercial Community/General-2 (CCG-2) District and  
14 Commercial Neighborhood (CN) District to Recreation and Open Space  
15 (ROS) District.

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

24 **Section 5. Disclaimer.** The rezoning granted herein  
25 shall **not** be construed as an exemption from any other applicable  
26 local, state, or federal laws, regulations, requirements, permits or  
27 approvals. All other applicable local, state or federal permits or  
28 approvals shall be obtained before commencement of the development  
29 or use and issuance of this rezoning is based upon acknowledgement,  
30 representation and confirmation made by the applicant(s), owner(s),  
31 developer(s) and/or any authorized agent(s) or designee(s) that the

1 subject business, development and/or use will be operated in strict  
2 compliance with all laws. Issuance of this rezoning does **not** approve,  
3 promote or condone any practice or act that is prohibited or  
4 restricted by any federal, state or local laws.

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

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10 Form Approved:

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12           /s/ Shannon K. Eller          

13 Legislation Prepared By: Caroline Fulton

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