

1 Introduced and amended by the Land Use and Zoning Committee:
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3

4 **ORDINANCE 2023-393-E**

5 AN ORDINANCE REZONING APPROXIMATELY 8.09± ACRES,
6 LOCATED IN COUNCIL DISTRICT 7 AT 0 MARKET STREET
7 NORTH, 2303 MARKET STREET NORTH, 2335 MARKET
8 STREET NORTH, 2402 MARKET STREET NORTH, 0
9 HUBBARD STREET, 2305 HUBBARD STREET, 2401
10 HUBBARD STREET, 2245 MAIN STREET NORTH, 2301
11 MAIN STREET NORTH, 0 14TH STREET EAST, 0 15TH
12 STREET EAST AND 2336 LIBERTY STREET NORTH,
13 BETWEEN MAIN STREET NORTH AND LIBERTY STREET
14 NORTH (R.E. NOS. 044910-0000, 044911-0000,
15 044912-0000, 044914-0000, 044922-0005, 044931-
16 0000, 044932-0000, 044936-0000, 044938-0005,
17 044941-0010, 044941-0060, 044942-0000 AND
18 055295-0000), AS DESCRIBED HEREIN, OWNED BY FOC
19 JP PROP 1A, LLC, FOC JP PROP 2, LLC, FOC JP PROP
20 3, LLC, FOC JP PROP 4, LLC, FOC JP PROP 5, LLC,
21 FOC JP PROP 6, LLC AND FOC JP PROP 7, LLC, FROM
22 INDUSTRIAL BUSINESS PARK (IBP) DISTRICT,
23 INDUSTRIAL LIGHT (IL) DISTRICT, RESIDENTIAL
24 MEDIUM DENSITY-B (RMD-B) DISTRICT AND PLANNED
25 UNIT DEVELOPMENT (PUD) DISTRICT (2019-551-E) TO
26 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
27 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
28 PERMIT COMMERCIAL, MULTI-FAMILY RESIDENTIAL,
29 LIGHT INDUSTRIAL, AND INDOOR/OUTDOOR
30 RECREATIONAL USES, AS DESCRIBED IN THE PHOENIX
31 ARTS + INNOVATION DISTRICT PUD, PURSUANT TO

1 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE
2 AMENDMENT APPLICATION NUMBER L-5826-23C; PUD
3 SUBJECT TO CONDITION; PROVIDING A DISCLAIMER
4 THAT THE REZONING GRANTED HEREIN SHALL NOT BE
5 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
6 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

7
8 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
9 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
10 portions of the Future Land Use Map series (FLUMS) in order to ensure
11 the accuracy and internal consistency of the plan, pursuant to
12 companion application L-5826-23C; and

13 **WHEREAS**, in order to ensure consistency of zoning district with
14 the *2045 Comprehensive Plan* and the adopted companion Small-Scale
15 Amendment L-5826-23C, an application to rezone and reclassify from
16 Industrial Business Park (IBP) District, Industrial Light (IL)
17 District, Residential Medium Density-B (RMD-B) District and Planned
18 Unit Development (PUD) District (2019-551-E) to Planned Unit
19 Development (PUD) District was filed by Emily Pierce, Esq. on behalf
20 of the owners of approximately 8.09± acres of certain real property
21 in Council District 7, as more particularly described in Section 1;
22 and

23 **WHEREAS**, the Planning and Development Department, in order to
24 ensure consistency of this zoning district with the *2045 Comprehensive*
25 *Plan*, has considered the rezoning and has rendered an advisory
26 opinion; and

27 **WHEREAS**, the Planning Commission has considered the application
28 and has rendered an advisory opinion; and

29 **WHEREAS**, the Land Use and Zoning Committee, after due notice and
30 public hearing, has made its recommendation to the Council; and

31 **WHEREAS**, the City Council, after due notice, held a public

1 hearing, and taking into consideration the above recommendations as
2 well as all oral and written comments received during the public
3 hearings, the Council finds that such rezoning is consistent with the
4 *2045 Comprehensive Plan* adopted under the comprehensive planning
5 ordinance for future development of the City of Jacksonville; and

6 **WHEREAS**, the Council finds that the proposed PUD does not affect
7 adversely the orderly development of the City as embodied in the
8 *Zoning Code*; will not affect adversely the health and safety of
9 residents in the area; will not be detrimental to the natural
10 environment or to the use or development of the adjacent properties
11 in the general neighborhood; and the proposed PUD will accomplish the
12 objectives and meet the standards of Section 656.340 (Planned Unit
13 Development) of the *Zoning Code* of the City of Jacksonville; now,
14 therefore

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

16 **Section 1. Subject Property Location and Description.** The
17 approximately 8.09± acres are located in Council District 7 at 0
18 Market Street North, 2303 Market Street North, 2335 Market Street
19 North, 2402 Market Street North, 0 Hubbard Street, 2305 Hubbard
20 Street, 2401 Hubbard Street, 2245 Main Street North, 2301 Main Street
21 North, 0 14th Street East, 0 15th Street East and 2336 Liberty Street
22 North, between Main Street North and Liberty Street North (R.E. Nos.
23 044910-0000, 044911-0000, 044912-0000, 044914-0000, 044922-0005,
24 044931-0000, 044932-0000, 044936-0000, 044938-0005, 044941-0010,
25 044941-0060, 044942-0000 and 055295-0000), as more particularly
26 described in **Exhibit 1**, dated April 21, 2023, and graphically depicted
27 in **Exhibit 2**, both of which are attached hereto and incorporated
28 herein by this reference (the "Subject Property").

29 **Section 2. Owner and Applicant Description.** The Subject
30 Property is owned by FOC JP PROP 1A, LLC, FOC JP PROP 2, LLC, FOC JP
31 PROP 3, LLC, FOC JP PROP 4, LLC, FOC JP PROP 5, LLC, FOC JP PROP 6,

1 LLC and FOC JP PROP 7, LLC. The applicant is Emily Pierce, Esq.,
2 1301 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207;
3 (904) 398-3911.

4 **Section 3. Property Rezoned.** The Subject Property,
5 pursuant to adopted companion Small-Scale Amendment Application L-
6 5826-23C, is hereby rezoned and reclassified from Industrial Business
7 Park (IBP) District, Industrial Light (IL) District, Residential
8 Medium Density-B (RMD-B) District and Planned Unit Development (PUD)
9 District (2019-551-E) to Planned Unit Development (PUD) District.
10 This new PUD district shall generally permit commercial, multi-family
11 residential, light industrial and indoor/outdoor recreational uses,
12 and is described, shown and subject to the following documents,
13 attached hereto:

14 **Exhibit 1** - Legal Description dated April 21, 2023.

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

16 **Revised Exhibit 3** - Revised Written Description dated July 13, 2023.

17 **Exhibit 4** - Site Plan dated February 9, 2023.

18 **Section 4. Rezoning Approved Subject to Condition.** This
19 rezoning is approved subject to the following condition. Such
20 condition controls over the Written Description and the Site Plan and
21 may only be amended through a rezoning:

22 (1) The PUD shall consist of an integrated system of pedestrian
23 walkways, sidewalks and paths. This system shall also incorporate
24 the Emerald Trail, which is envisioned to be located along the
25 southern edge of the PUD. The applicant will work with the City,
26 Groundwork Jacksonville, Inc. and Jacksonville Transportation
27 Authority ("JTA") upon a mutually-agreeable trail location and
28 design. The owners of the Subject Property, or their successors or
29 assigns, shall grant all necessary easements to the City, Groundwork
30 Jacksonville, Inc. and JTA as necessary to build and maintain the
31 Emerald Trail.

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

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

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

25
 26 Form Approved:

27
 28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Kaysie Cox