

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-145**

5 AN ORDINANCE REZONING APPROXIMATELY 5.29± ACRES,
6 LOCATED IN COUNCIL DISTRICT 3 AT 12636 IVYLENA
7 ROAD AND 12640 IVYLENA ROAD, BETWEEN GIRVIN ROAD
8 AND SOUTHERN ROSE DRIVE (R.E. NOS. 162213-0000
9 AND 162213-0010), AS DESCRIBED HEREIN, OWNED BY
10 CORTEZ POINTE INC., FROM RESIDENTIAL-RURAL ACRE
11 (RR-ACRE) DISTRICT TO PLANNED UNIT DEVELOPMENT
12 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
13 THE ZONING CODE, TO PERMIT UP TO 65 TOWNHOMES,
14 AS DESCRIBED IN THE AVELINE TRAIL PUD, PURSUANT
15 TO FUTURE LAND USE MAP SERIES (FLUMS) SMALL-
16 SCALE AMENDMENT APPLICATION NUMBER L-5876-23C;
17 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
18 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
19 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
20 EFFECTIVE DATE.
21

22 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
23 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
24 portions of the Future Land Use Map series (FLUMs) in order to ensure
25 the accuracy and internal consistency of the plan, pursuant to
26 companion application L-5876-23C; and

27 **WHEREAS,** in order to ensure consistency of zoning district with
28 the *2045 Comprehensive Plan* and the adopted companion Small-Scale
29 Amendment L-5876-23C, an application to rezone and reclassify from
30 Residential-Rural Acre (RR-Acre) District to Planned Unit Development
31 (PUD) District was filed by Josh Cockrell on behalf of the owner of

1 approximately 5.29± acres of certain real property in Council District
2 3, as more particularly described in Section 1; and

3 **WHEREAS**, the Planning and Development Department, in order to
4 ensure consistency of this zoning district with the *2045 Comprehensive*
5 *Plan*, has considered the rezoning and has rendered an advisory
6 opinion; and

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

9 **WHEREAS**, the Land Use and Zoning Committee, after due notice and
10 public hearing, has made its recommendation to the Council; 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 *2045 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 5.29± acres are located in Council District 3 at 12636
29 Ivylena Road and 12640 Ivylena Road, between Girvin Road and Southern
30 Rose Drive (R.E. Nos. 162213-0000 and 162213-0010), as more
31 particularly described in **Exhibit 1**, dated January 4, 2024, 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 Cortez Pointe Inc. The applicant is Josh Cockrell, P.O. Box 28327, Jacksonville, Florida 32226; (904) 759-6424.

Section 3. Property Rezoned. The Subject Property, pursuant to adopted companion Small-Scale Amendment Application L-5876-23C, is hereby rezoned and reclassified from Residential-Rural Acre (RR-Acre) District to Planned Unit Development (PUD) District. This new PUD district shall generally permit up to a maximum of 65 townhomes, and is described, shown and subject to the following documents, attached hereto:

Exhibit 1 - Legal Description dated January 4, 2024.

Exhibit 2 - Subject Property per P&DD.

Exhibit 3 - Written Description dated January 24, 2024.

Exhibit 4 - Site Plan dated January 23, 2024.

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

Section 5. Disclaimer. The rezoning granted herein shall not be construed as an exemption from any other applicable local, state, or federal laws, regulations, requirements, permits or approvals. All other applicable local, state or federal permits or approvals shall be obtained before commencement of the development 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: Bruce Lewis

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