

1 Introduced by the Land Use and Zoning Committee and amended on the
2 Floor of Council:

3
4
5 **ORDINANCE 2024-145-E**

6 AN ORDINANCE REZONING APPROXIMATELY 5.29± ACRES,
7 LOCATED IN COUNCIL DISTRICT 3 AT 12636 IVYLENA
8 ROAD AND 12640 IVYLENA ROAD, BETWEEN GIRVIN ROAD
9 AND SOUTHERN ROSE DRIVE (R.E. NOS. 162213-0000
10 AND 162213-0010), AS DESCRIBED HEREIN, OWNED BY
11 CORTEZ POINTE INC., FROM RESIDENTIAL-RURAL ACRE
12 (RR-ACRE) DISTRICT TO PLANNED UNIT DEVELOPMENT
13 (PUD) DISTRICT, AS DEFINED AND CLASSIFIED UNDER
14 THE ZONING CODE, TO PERMIT UP TO 64 TOWNHOMES,
15 AS DESCRIBED IN THE AVELINE TRAIL PUD, PURSUANT
16 TO FUTURE LAND USE MAP SERIES (FLUMS)
17 SMALL-SCALE AMENDMENT APPLICATION NUMBER
18 L-5876-23C; PUD SUBJECT TO CONDITIONS; PROVIDING
19 A DISCLAIMER THAT THE REZONING GRANTED HEREIN
20 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
21 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
22 DATE.

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

29 **WHEREAS,** in order to ensure consistency of zoning district
30 with the *2045 Comprehensive Plan* and the adopted companion Small-
31 Scale Amendment L-5876-23C, an application to rezone and reclassify

1 from Residential-Rural Acre (RR-Acre) District to Planned Unit
2 Development (PUD) District was filed by Josh Cockrell on behalf of
3 the owner of approximately 5.29± acres of certain real property in
4 Council District 3, as more particularly described in Section 1; and

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

9 **WHEREAS,** the Planning Commission has considered the
10 application and has rendered an advisory opinion; and

11 **WHEREAS,** the Land Use and Zoning Committee, after due notice
12 and public hearing, has made its recommendation to the Council; 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 *2045 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
20 affect adversely the orderly development of the City as embodied in
21 the *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 5.29± acres are located in Council District 3 at 12636
31 Ivylena Road and 12640 Ivylena Road, between Girvin Road and Southern

1 Rose Drive (R.E. Nos. 162213-0000 and 162213-0010), as more
2 particularly described in **Exhibit 1**, dated January 4, 2024, and
3 graphically depicted in **Exhibit 2**, both of which are attached hereto
4 and incorporated herein by this reference (the "Subject Property").

5 **Section 2. Owner and Applicant Description.** The Subject
6 Property is owned by Cortez Pointe Inc. The applicant is Josh
7 Cockrell, P.O. Box 28327, Jacksonville, Florida 32226; (904)
8 759-6424.

9 **Section 3. Property Rezoned.** The Subject Property,
10 pursuant to adopted companion Small-Scale Amendment Application
11 L-5876-23C, is hereby rezoned and reclassified from Residential-Rural
12 Acre (RR-Acre) District to Planned Unit Development (PUD) District.
13 This new PUD district shall generally permit up to a maximum of 64
14 townhomes, and is described, shown and subject to the following
15 documents, attached hereto:

16 **Exhibit 1** - Legal Description dated January 4, 2024.

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

18 **Revised Exhibit 3** - Revised Written Description dated April 2, 2024.

19 **Revised Exhibit 4** - Revised Site Plan dated April 2, 2024.

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

24 (1) In addition to complying with the other provisions of Part
25 12 Landscaping Regulations of the Zoning Code, the developer shall
26 provide a 15-foot-wide undisturbed natural buffer that also retains
27 the existing trees along the eastern and southern boundaries of the
28 Subject Property and a 30-foot-wide undisturbed natural buffer that
29 also retains the existing trees along the western boundary of the
30 Subject Property.

31 (2) Second floor balconies are prohibited within the

1 development.

2 (3) The developer shall install an 8-foot-tall fence along the
3 western and southern boundaries of the Subject Property.

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; and further provided that if the companion
7 Small-Scale Amendment is challenged by the state land planning agency,
8 this rezoning shall not become effective until the state land planning
9 agency or the Administration Commission issues a final order
10 determining the companion Small-Scale Amendment is in compliance with
11 Chapter 163, *Florida Statutes*.

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

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

Form Approved:

/s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Bruce Lewis

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