

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2024-521-E**

5 AN ORDINANCE REZONING APPROXIMATELY 1.56± ACRES  
6 LOCATED IN COUNCIL DISTRICT 9 AT 0, 957, 961 AND  
7 971 MCDUFF AVENUE NORTH BETWEEN LOWELL AVENUE AND  
8 COMMONWEALTH AVENUE (R.E. NO(S). 056005-0000,  
9 056006-0000, 056007-0000, 056008-0000, 056009-  
10 0000 AND 056010-0000), AS DESCRIBED HEREIN, OWNED  
11 BY KEVIN THIGPEN AND WILLIAM TAYLOR, FROM  
12 RESIDENTIAL LOW DENSITY-60 (RLD-60) DISTRICT AND  
13 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) DISTRICT  
14 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS  
15 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO  
16 PERMIT COMMERCIAL USES, AS DESCRIBED IN THE  
17 TAYLOR/MCDUFF/COMMONWEALTH PUD, PURSUANT TO  
18 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE  
19 AMENDMENT APPLICATION NUMBER L-5881-23C;  
20 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED  
21 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION  
22 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN  
23 EFFECTIVE DATE.  
24

25 **WHEREAS**, the City of Jacksonville adopted a Small-Scale  
26 Amendment to the *2045 Comprehensive Plan* for the purpose of revising  
27 portions of the Future Land Use Map series (FLUMs) in order to ensure  
28 the accuracy and internal consistency of the plan, pursuant to the  
29 companion land use application L-5881-23C; and

30 **WHEREAS**, in order to ensure consistency of zoning district  
31 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale

1 Amendment L-5881-23C, an application to rezone and reclassify from  
2 Residential Low Density-60 (RLD-60) District and Commercial  
3 Community/General-1 (CCG-1) District to Planned Unit Development  
4 (PUD) District was filed by Curtis Hart, on behalf of Kevin Thigpen  
5 and William Taylor, owners of approximately 1.56± acres of certain  
6 real property in Council District 9, as more particularly described  
7 in Section 1 below; and

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

12 **WHEREAS,** the Planning Commission has considered the  
13 application and has rendered an advisory opinion; and

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

17 **WHEREAS,** the City Council, after due notice, held a public  
18 hearing, and taking into consideration the above recommendations as  
19 well as all oral and written comments received during the public  
20 hearings, the Council finds that such rezoning is consistent with the  
21 *2045 Comprehensive Plan* adopted under the comprehensive planning  
22 ordinance for future development of the City of Jacksonville; and

23 **WHEREAS,** based on the staff report of the Planning and  
24 Development Department and other competent and substantial evidence  
25 received at the public hearings, the Council finds that the proposed  
26 PUD does not affect adversely the orderly development of the City as  
27 embodied in the *Zoning Code*; will not affect adversely the health and  
28 safety of residents in the area; will not be detrimental to the  
29 natural environment or to the use or development of the adjacent  
30 properties in the general neighborhood; and the proposed PUD will  
31 accomplish the objectives and meet the standards of Section 656.340

1 (Planned Unit Development) of the *Zoning Code* of the City of  
2 Jacksonville; now therefore

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

4 **Section 1. Subject Property Location and Description.** The  
5 approximately 1.56± acres are located in Council District 9 at 0,  
6 957, 961 and 971 McDuff Avenue North between Lowell Avenue and  
7 Commonwealth Avenue (R.E. No(s). 056005-0000, 056006-0000, 056007-  
8 0000, 056008-0000, 056009-0000 and 056010-0000), as more particularly  
9 described in **Exhibit 1**, dated May 1, 2024, and graphically depicted  
10 in **Exhibit 2**, both of which are attached hereto and incorporated  
11 herein by this reference (the "Subject Property").

12 **Section 2. Owner and Applicant Description.** The Subject  
13 Property is owned by Kevin Thigpen and William Taylor. The applicant  
14 is Curtis Hart, 8051 Tara Lane, Jacksonville, Florida, 32216; (904)  
15 993-5008.

16 **Section 3. Property Rezoned.** The Subject Property,  
17 pursuant to adopted companion Small-Scale Amendment L-5881-23C, is  
18 hereby rezoned and reclassified from Residential Low Density-60 (RLD-  
19 60) District and Commercial Community/General-1 (CCG-1) District to  
20 Planned Unit Development (PUD) District. This new PUD district shall  
21 generally permit commercial uses, and is described, shown and subject  
22 to the following documents, attached hereto:

23 **Exhibit 1** - Legal Description dated May 1, 2024.

24 **Exhibit 2** - Subject Property Map (prepared by P&DD).

25 **Revised Exhibit 3** - Written Description dated September 24,  
26 2024.

27 **Exhibit 4** - Site Plan dated February 15, 2024.

28 **Section 7. Contingency.** This rezoning shall not become  
29 effective until thirty-one (31) days after adoption of the companion  
30 Small-Scale Amendment; and further provided that if the companion  
31 Small-Scale Amendment is challenged by the state land planning agency,

1 this rezoning shall not become effective until the state land planning  
2 agency or the Administration Commission issues a final order  
3 determining the companion Small-Scale Amendment is in compliance with  
4 Chapter 163, *Florida Statutes*.

5 **Section 8. Disclaimer.** The rezoning granted herein shall  
6 not be construed as an exemption from any other applicable local,  
7 state, or federal laws, regulations, requirements, permits or  
8 approvals. All other applicable local, state or federal permits or  
9 approvals shall be obtained before commencement of the development  
10 or use, and issuance of this rezoning is based upon acknowledgement,  
11 representation and confirmation made by the applicant(s), owner(s),  
12 developer(s) and/or any authorized agent(s) or designee(s) that the  
13 subject business, development and/or use will be operated in strict  
14 compliance with all laws. Issuance of this rezoning does not approve,  
15 promote or condone any practice or act that is prohibited or  
16 restricted by any federal, state or local laws.

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

21  
22 Form Approved:

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24           /s/ Dylan Reingold          

25 Office of General Counsel

26 Legislation Prepared By: Kaysie Cox

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