

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2024-864**

5 AN ORDINANCE REZONING APPROXIMATELY 0.9± ACRES  
6 LOCATED IN COUNCIL DISTRICT 8 AT 3046 CAPPER  
7 ROAD, BETWEEN MAIDSTONE COVE DRIVE AND LEM TURNER  
8 ROAD (R.E. NO(S). 020394-0000), AS DESCRIBED  
9 HEREIN, OWNED BY SPA SMILEY TRUCKING, INC., FROM  
10 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1) DISTRICT  
11 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS  
12 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO  
13 PERMIT OUTDOOR STORAGE AND PARKING, LIGHT  
14 MANUFACTURING AND OFFICE AND COMMERCIAL USES, AS  
15 DESCRIBED IN THE CAPPER RD PUD; PROVIDING A  
16 DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL  
17 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.  
19

20 **WHEREAS,** SPA Smiley Trucking, Inc., the owner of approximately  
21 0.09± acres located in Council District 8 at 3046 Capper Road, between  
22 Maidstone Cove Drive and Lem Turner Road (R.E. No(s). 020394-0000),  
23 as more particularly described in **Exhibit 1**, dated September 6, 2024,  
24 and graphically depicted in **Exhibit 2**, both of which are attached  
25 hereto (the "Subject Property"), has applied for a rezoning and  
26 reclassification of the Subject Property from Commercial  
27 Community/General-1 (CCG-1) District to Planned Unit Development  
28 (PUD) District, as described in Section 1 below; and

29 **WHEREAS,** the Planning Commission, acting as the local planning  
30 agency, has reviewed the application and made an advisory  
31 recommendation to the Council; and

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

3           **WHEREAS**, the Council finds that such rezoning is: (1)  
4 consistent with the *2045 Comprehensive Plan*; (2) furthers the goals,  
5 objectives and policies of the *2045 Comprehensive Plan*; and (3) is  
6 not in conflict with any portion of the City's land use regulations;  
7 and

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

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

17           **Section 1. Property Rezoned.** The Subject Property is  
18 hereby rezoned and reclassified from Commercial Community/General-1  
19 (CCG-1) District to Planned Unit Development (PUD) District. This new  
20 PUD district shall generally permit outdoor storage and parking,  
21 light manufacturing and office and commercial uses, and is described,  
22 shown and subject to the following documents, attached hereto:

23 **Exhibit 1** - Legal Description dated September 6, 2024.

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

25 **Exhibit 3** - Written Description dated October 14, 2024.

26 **Exhibit 4** - Site Plan dated September 6, 2024.

27           **Section 2. Owner and Description.** The Subject Property is  
28 owned by SPA Smiley Trucking, Inc., and is legally described in  
29 **Exhibit 1**, attached hereto. The applicant is Michael Herzberg, 12483  
30 Aladdin Road, Jacksonville, Florida, 32223; (904) 731-8806.

31           **Section 3. Disclaimer.** The rezoning granted herein shall

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

12 **Section 4. Effective Date.** The enactment of this Ordinance  
13 shall be deemed to constitute a quasi-judicial action of the City  
14 Council and shall become effective upon signature by the Council  
15 President and Council Secretary.

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17 Form Approved:

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19           /s/ Dylan Reingold          

20 Office of General Counsel

21 Legislation Prepared By: Bruce Lewis

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