

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2023-42-E**

5 AN ORDINANCE REZONING APPROXIMATELY 2.79± ACRES
6 LOCATED IN COUNCIL DISTRICT 8 AT 10220 NEW KINGS
7 ROAD, BETWEEN BARTH ROAD AND PITTS ROAD (R.E. NO.
8 002742-0010 (PORTION)), OWNED BY HEATH'S DIESEL
9 SERVICE, INC., AS DESCRIBED HEREIN, FROM
10 RESIDENTIAL RURAL-ACRE (RR-ACRE) DISTRICT TO
11 COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2) DISTRICT,
12 AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE,
13 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
14 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-5782-
15 22C; PROVIDING A DISCLAIMER THAT THE REZONING
16 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
17 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
18 PROVIDING AN EFFECTIVE DATE.
19

20 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
21 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
22 portions of the Future Land Use Map series (FLUMs) in order to ensure
23 the accuracy and internal consistency of the plan, pursuant to
24 companion application L-5782-22C; and

25 **WHEREAS**, in order to ensure consistency of zoning district with
26 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
27 Amendment L-5782-22C, an application to rezone and reclassify from
28 Residential Rural-Acre (RR-Acre) District to Commercial
29 Community/General-2 (CCG-2) District was filed by Heathe J. Ferguson,
30 on behalf of the owner of approximately 2.79± acres of certain real
31 property in Council District 8, as more particularly described in

1 Section 1; and

2 **WHEREAS**, the Planning and Development Department, in order to
3 ensure consistency of this zoning district with the *2030 Comprehensive*
4 *Plan*, has considered the rezoning and has rendered an advisory
5 opinion; and

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

8 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due
9 notice, held a public hearing and made its recommendation to the
10 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 *2030 Comprehensive Plan* adopted under the comprehensive planning
16 ordinance for future development of the City of Jacksonville; now,
17 therefore

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

19 **Section 1. Subject Property Location and Description.** The
20 approximately 2.79± acres are located in Council District 8 at 10220
21 New Kings Road, between Barth Road and Pitts Road (R.E. No. 002742-
22 0010 (portion)) as more particularly described in **Exhibit 1**, dated
23 November 16, 2022, and graphically depicted in **Exhibit 2**, both of
24 which are attached hereto and incorporated herein by this reference
25 (the "Subject Property").

26 **Section 2. Owner and Applicant Description.** The Subject
27 Property is owned by Heath's Diesel Service, Inc. The applicant is
28 Heathe J. Ferguson, 10220 New Kings Road, Jacksonville, Florida 32219;
29 (904) 638-6682.

30 **Section 3. Property Rezoned.** The Subject Property,
31 pursuant to adopted companion Small-Scale Amendment Application L-

1 5782-22C, is hereby rezoned and reclassified from Residential Rural-
2 Acre (RR-Acre) District to Commercial Community/General-2 (CCG-2)
3 District.

4 **Section 4. 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 5. 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 6. 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.

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

6 GC-#1544169-v1A-2023-42_(Z-4642).docx