

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2020-97**

5 AN ORDINANCE REZONING APPROXIMATELY 0.58± OF AN  
6 ACRE, LOCATED IN COUNCIL DISTRICT 5 AT 4621  
7 EMERSON STREET, BETWEEN THE EMERSON EXPRESSWAY  
8 AND EMERSON STREET (R.E. NO. 135936-0010), AS  
9 DESCRIBED HEREIN, OWNED BY JOSE MARCEL-NETO  
10 D/B/A NEW VIEW GRANITE JAX, LLC, FROM  
11 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1)  
12 DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)  
13 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
14 ZONING CODE, TO PERMIT COMMERCIAL USES, AS  
15 DESCRIBED IN THE NEW VIEW GRANITE PUD;  
16 PROVIDING A DISCLAIMER THAT THE REZONING  
17 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
18 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
19 PROVIDING AN EFFECTIVE DATE.  
20

21 **WHEREAS**, Jose Marcel-Neto d/b/a New View Granite Jax, LLC,  
22 the owner of approximately 0.58± of an acre, located in Council  
23 District 5 at 4621 Emerson Street, between the Emerson Expressway  
24 and Emerson Street (R.E. No. 135936-0010), as more particularly  
25 described in **Exhibit 1**, dated December 18, 2019, and graphically  
26 depicted in **Exhibit 2**, both of which are **attached hereto** (Subject  
27 Property), has applied for a rezoning and reclassification of that  
28 property from Commercial Community/General-1 (CCG-1) District to  
29 Planned Unit Development (PUD) District, as described in Section 1  
30 below; and

31 **WHEREAS**, the Planning Commission has considered the

1 application and has rendered an advisory opinion; and

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

4 **WHEREAS**, the Council finds that such rezoning is: (1)  
5 consistent with the *2030 Comprehensive Plan*; (2) furthers the  
6 goals, objectives and policies of the *2030 Comprehensive Plan*; and  
7 (3) is not in conflict with any portion of the City's land use  
8 regulations; and

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

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

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

24 **Exhibit 1** - Legal Description dated December 18, 2019.

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

26 **Exhibit 3** - Written Description dated July 23, 2019.

27 **Exhibit 4** - Site Plan dated July 22, 2019.

28 **Section 2. Owner and Description.** The Subject Property  
29 is owned by Jose Marcel-Neto d/b/a New View Granite Jax, LLC, and  
30 is legally described in **Exhibit 1, attached hereto**. The agent is  
31 Roberta Gibbs, 10365 South Hood Road, #206, Jacksonville, Florida

1 32257; (904) 425-6711.

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

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

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20 Form Approved:

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22           /s/ Shannon K. Eller          

23 Office of General Counsel

24 Legislation Prepared By: Erin Abney

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