

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-126-E**

5 AN ORDINANCE REZONING APPROXIMATELY 7.89± ACRES  
6 LOCATED IN COUNCIL DISTRICT 12 AT 0 HERLONG ROAD,  
7 BETWEEN OLD MIDDLEBURG ROAD NORTH AND HERLONG  
8 ROAD (R.E. NO. 010401-0000), AS DESCRIBED HEREIN,  
9 OWNED BY HAI HO AND HENRY JAY GILBERT, FROM  
10 RESIDENTIAL MEDIUM DENSITY-A (RMD-A) DISTRICT TO  
11 RESIDENTIAL MEDIUM DENSITY-D (RMD-D) DISTRICT,  
12 AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE;  
13 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED  
14 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION  
15 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN  
16 EFFECTIVE DATE.  
17

18 **WHEREAS**, Hai Ho and Henry Jay Gilbert, the owners of  
19 approximately 7.89± acres located in Council District 12 at 0 Herlong  
20 Road, between Old Middleburg Road North and Herlong Road (R.E. No.  
21 010401-0000), as more particularly described in **Exhibit 1**, dated  
22 December 2, 2022, and graphically depicted in **Exhibit 2**, both of  
23 which are attached hereto (the "Subject Property"), have applied for  
24 a rezoning and reclassification of the Subject Property from  
25 Residential Medium Density-A (RMD-A) District to Residential Medium  
26 Density-D (RMD-D) District; and

27 **WHEREAS**, the Planning and Development Department has considered  
28 the application and has rendered an advisory recommendation; 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 (LUZ) Committee, after due  
2 notice, held a public hearing and made its recommendation to the  
3 Council; and

4           **WHEREAS**, taking into consideration the above recommendations and  
5 all other evidence entered into the record and testimony taken at the  
6 public hearings, the Council finds that such rezoning: (1) is  
7 consistent with the *2030 Comprehensive Plan*; (2) furthers the goals,  
8 objectives and policies of the *2030 Comprehensive Plan*; and (3) is  
9 not in conflict with any portion of the City's land use regulations;  
10 now, therefore

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

12           **Section 1.           Property Rezoned.**     The Subject Property is  
13 hereby rezoned and reclassified from Residential Medium Density-A  
14 (RMD-A) District to Residential Medium Density-D (RMD-D) District,  
15 as defined and classified under the Zoning Code, City of Jacksonville,  
16 Florida.

17           **Section 2.           Owner and Description.**   The Subject Property is  
18 owned by Hai Ho and Henry Jay Gilbert and is described in **Exhibit 1**,  
19 attached hereto.     The applicant is Steve Diebenow, Esq., One  
20 Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904)  
21 301-1269.

22           **Section 3.           Disclaimer.**   The rezoning granted herein shall  
23 **not** be construed as an exemption from any other applicable local,  
24 state, or federal laws, regulations, requirements, permits or  
25 approvals.   All other applicable local, state or federal permits or  
26 approvals shall be obtained before commencement of the development  
27 or use and issuance of this rezoning is based upon acknowledgement,  
28 representation and confirmation made by the applicant(s), owners(s),  
29 developer(s) and/or any authorized agent(s) or designee(s) that the  
30 subject business, development and/or use will be operated in strict  
31 compliance with all laws. Issuance of this rezoning does **not** approve,

1 promote or condone any practice or act that is prohibited or  
2 restricted by any federal, state or local laws.

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

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8 Form Approved:

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10                     /s/ Mary E. Staffopoulos          

11 Office of General Counsel

12 Legislation Prepared By: Bruce Lewis

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