

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-825**

5 AN ORDINANCE REZONING APPROXIMATELY 7.38± ACRES
6 LOCATED IN COUNCIL DISTRICT 12 AT 5446 OLD
7 MIDDLEBURG ROAD SOUTH, 5438 OLD MIDDLEBURG ROAD
8 SOUTH, 5440 OLD MIDDLEBURG ROAD SOUTH, AND 8944
9 103RD STREET, SOUTH OF 103RD STREET AND WEST OF
10 OLD MIDDLEBURG ROAD SOUTH (R.E. NO(S). 015221-
11 0010, 015224-0010, 015225-0010, AND 015225-
12 0200), OWNED BY KELLY M. JAMES AND GLORIA JAMES
13 AND DAWN MOTES AND KELLY M. JAMES AS CO-PERSONAL
14 REPRESENTATIVES OF THE ESTATE OF REGINA JOAN
15 DARLING JAMES, AS DESCRIBED HEREIN, FROM
16 RESIDENTIAL RURAL-ACRE (RR-ACRE) DISTRICT AND
17 COMMERCIAL OFFICE (CO) DISTRICT TO RESIDENTIAL
18 MEDIUM DENSITY-D (RMD-D) DISTRICT, AS DEFINED AND
19 CLASSIFIED UNDER THE ZONING CODE, PURSUANT TO
20 FUTURE LAND USE MAP SERIES SMALL-SCALE AMENDMENT
21 APPLICATION NUMBER L-5979-24C; PROVIDING A
22 DISCLAIMER THAT THE REZONING GRANTED HEREIN SHALL
23 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
24 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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26 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
27 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
28 portions of the Future Land Use Map series (FLUMs) in order to ensure
29 the accuracy and internal consistency of the plan, pursuant to
30 companion application L-5979-24C; and

31 **WHEREAS**, in order to ensure consistency of zoning district

1 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale
2 Amendment L-5979-24C, an application to rezone and reclassify from
3 Residential Rural-Acre (RR-Acre) District and Commercial Office (CO)
4 District to Residential Medium Density-D (RMD-D) District was filed
5 by Gregory Matovina, on behalf of the owner of approximately 7.38±
6 acres of certain real property in Council District 12, as more
7 particularly described in Section 1; 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; now
23 therefore

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

25 **Section 1. Subject Property Location and Description.** The
26 approximately 7.38± acres are located in Council District 12 at 5446
27 Old Middleburg Road South, 5438 Old Middleburg Road South, 5440 Old
28 Middleburg Road South, and 8944 103rd Street, south of 103rd Street
29 and west of Old Middleburg Road South (R.E. No(s). 015221-0010,
30 015224-0010, 015225-0010, and 015225-0200), as more particularly
31 described in **Exhibit 1**, dated September 25, 2024, and graphically

1 depicted in **Exhibit 2**, both of which are attached hereto and
2 incorporated herein by this reference (the "Subject Property").

3 **Section 2. Owner and Applicant Description.** The Subject
4 Property is owned by Kelly M. James and Gloria James and Dawn Motes
5 and Kelly M. James as co-personal representatives of the Estate of
6 Regina Joan Darling James. The applicant is Gregory Matovina, 12443
7 San Jose Boulevard, Suite 504, Jacksonville, Florida, 32223; (904)
8 993-2857.

9 **Section 3. Property Rezoned.** The Subject Property,
10 pursuant to adopted companion Small-Scale Amendment Application
11 L-5979-24C, is hereby rezoned and reclassified from Residential
12 Rural-Acre (RR-Acre) District and Commercial Office (CO) District to
13 Residential Medium Density-D (RMD-D) District.

14 **Section 4. Contingency.** This rezoning shall not become
15 effective until thirty-one (31) days after adoption of the companion
16 Small-Scale Amendment; and further provided that if the companion
17 Small-Scale Amendment is challenged by the state land planning agency,
18 this rezoning shall not become effective until the state land planning
19 agency or the Administration Commission issues a final order
20 determining the companion Small-Scale Amendment is in compliance with
21 Chapter 163, *Florida Statutes*.

22 **Section 5. Disclaimer.** The rezoning granted herein
23 shall not be construed as an exemption from any other applicable
24 local, 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), owner(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 6. 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 the Council Secretary.

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8 Form Approved:

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10 /s/ Dylan Reingold

11 Office of General Counsel

12 Legislation Prepared By: Kaysie Cox

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