

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2019-603-E**

5 AN ORDINANCE REZONING APPROXIMATELY 1.48± ACRES  
6 LOCATED IN COUNCIL DISTRICT 2 AT 7 BIRD ROAD,  
7 BETWEEN MAIN STREET NORTH AND BIRD ROAD  
8 (PORTION OF R.E. NO. 108348-0000), OWNED BY  
9 DUNN JAX, LLC, AS DESCRIBED HEREIN, FROM  
10 RESIDENTIAL LOW DENSITY-120 (RLD-120) DISTRICT  
11 TO COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1)  
12 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
13 ZONING CODE, PURSUANT TO FUTURE LAND USE MAP  
14 SERIES (FLUMS) SMALL-SCALE AMENDMENT  
15 APPLICATION NUMBER L-5378-19C; PROVIDING A  
16 DISCLAIMER THAT THE REZONING GRANTED HEREIN  
17 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
18 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
19 DATE.  
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21 **WHEREAS**, the City of Jacksonville adopted a Small-Scale  
22 Amendment to the *2030 Comprehensive Plan* for the purpose of  
23 revising portions of the Future Land Use Map series (FLUMs) in  
24 order to ensure the accuracy and internal consistency of the plan,  
25 pursuant to application L-5378-19C and companion land use Ordinance  
26 2019-602; and

27 **WHEREAS**, in order to ensure consistency of zoning district  
28 with the *2030 Comprehensive Plan* and the adopted companion Small-  
29 Scale Amendment L-5378-19C, an application to rezone and reclassify  
30 from Residential Low Density-120 (RLD-120) District to Commercial

1 Community/General-1 (CCG-1) District was filed by Steve Diebenow,  
2 Esq., on behalf of Dunn Jax, LLC, the owner of approximately 1.48±  
3 acres of certain real property in Council District 2, as more  
4 particularly described in Section 1; and

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

9 **WHEREAS**, the Planning Commission has considered the  
10 application and has rendered an advisory opinion; and

11 **WHEREAS**, the Land Use and Zoning (LUZ) Committee, after due  
12 notice, held a public hearing and made its recommendation to the  
13 Council; and

14 **WHEREAS**, the City Council, after due notice, held a public  
15 hearing, and taking into consideration the above recommendations as  
16 well as all oral and written comments received during the public  
17 hearings, the Council finds that such rezoning is consistent with  
18 the 2030 *Comprehensive Plan* adopted under the comprehensive  
19 planning ordinance for future development of the City of  
20 Jacksonville; now, therefore

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

22 **Section 1. Subject Property Location and Description.** The  
23 approximately 1.48± acres (portion of R.E. No. 108348-0000) is  
24 located in Council District 2 at 7 Bird Road, between Main Street  
25 North and Bird Road, as more particularly described in **Exhibit 1**,  
26 dated April 15, 2019, and graphically depicted in **Revised Exhibit**  
27 **2**, both of which are **attached hereto** and incorporated herein by  
28 this reference (Subject Property).

29 **Section 2. Owner and Applicant Description.** The Subject  
30 Property is owned by Dunn Jax, LLC. The applicant is Steve  
31 Diebenow, Esq., One Independent Drive, Suite 1200, Jacksonville,

1 Florida 32202; (904) 301-1269.

2       **Section 3. Property Rezoned.**       The Subject Property,  
3 pursuant to adopted companion Small-Scale Amendment Application L-  
4 5378-19C, is hereby rezoned and reclassified from Residential Low  
5 Density-120 (RLD-120) District to Commercial Community/General-1  
6 (CCG-1) District.

7       **Section 4. Contingency.**       This rezoning shall not become  
8 effective until 31 days after adoption of the companion Small-Scale  
9 Amendment; and further provided that if the companion Small-Scale  
10 Amendment is challenged by the state land planning agency, this  
11 rezoning shall not become effective until the state land planning  
12 agency or the Administration Commission issues a final order  
13 determining the companion Small-Scale Amendment is in compliance  
14 with Chapter 163, *Florida Statutes*.

15       **Section 5. Disclaimer.**       The rezoning granted herein  
16 shall not be construed as an exemption from any other applicable  
17 local, state, or federal laws, regulations, requirements, permits  
18 or approvals. All other applicable local, state or federal permits  
19 or approvals shall be obtained before commencement of the  
20 development or use and issuance of this rezoning is based upon  
21 acknowledgement, representation and confirmation made by the  
22 applicant(s), owner(s), developer(s) and/or any authorized agent(s)  
23 or designee(s) that the subject business, development and/or use  
24 will be operated in strict compliance with all laws. Issuance of  
25 this rezoning does not approve, promote or condone any practice or  
26 act that is prohibited or restricted by any federal, state or local  
27 laws.

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

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Form Approved:

          /s/ Shannon K. Eller          

Office of General Counsel

Legislation Prepared By: Erin Abney

GC-#1313351-v1-2019-603-E