

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

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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