

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-42**

5 AN ORDINANCE REZONING APPROXIMATELY 2.79± ACRES  
6 LOCATED IN COUNCIL DISTRICT 8 AT 10220 NEW KINGS  
7 ROAD, BETWEEN BARTH ROAD AND PITTS ROAD (R.E. NO.  
8 002742-0010 (PORTION)), OWNED BY HEATH'S DIESEL  
9 SERVICE, INC., AS DESCRIBED HEREIN, FROM  
10 RESIDENTIAL RURAL-ACRE (RR-ACRE) DISTRICT TO  
11 COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2) DISTRICT,  
12 AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE,  
13 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)  
14 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-5782-  
15 22C; PROVIDING A DISCLAIMER THAT THE REZONING  
16 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
17 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
18 PROVIDING AN EFFECTIVE DATE.  
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20 **WHEREAS**, the City of Jacksonville adopted a Small-Scale  
21 Amendment to the *2030 Comprehensive Plan* for the purpose of revising  
22 portions of the Future Land Use Map series (FLUMS) in order to ensure  
23 the accuracy and internal consistency of the plan, pursuant to  
24 companion application L-5782-22C; and

25 **WHEREAS**, in order to ensure consistency of zoning district with  
26 the *2030 Comprehensive Plan* and the adopted companion Small-Scale  
27 Amendment L-5782-22C, an application to rezone and reclassify from  
28 Residential Rural-Acre (RR-Acre) District to Commercial  
29 Community/General-2 (CCG-2) District was filed by Heathe J. Ferguson,  
30 on behalf of the owner of approximately 2.79± acres of certain real  
31 property in Council District 8, as more particularly described in

1 Section 1; and

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

6 **WHEREAS**, the Planning Commission has considered the application  
7 and has rendered an advisory opinion; and

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

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

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

19 **Section 1. Subject Property Location and Description.** The  
20 approximately 2.79± acres are located in Council District 8 at 10220  
21 New Kings Road, between Barth Road and Pitts Road (R.E. No. 002742-  
22 0010 (portion)) as more particularly described in **Exhibit 1**, dated  
23 November 16, 2022, and graphically depicted in **Exhibit 2**, both of  
24 which are attached hereto and incorporated herein by this reference  
25 (the "Subject Property").

26 **Section 2. Owner and Applicant Description.** The Subject  
27 Property is owned by Heath's Diesel Service, Inc. The applicant is  
28 Heathe J. Ferguson, 10220 New Kings Road, Jacksonville, Florida 32219;  
29 (904) 638-6682.

30 **Section 3. Property Rezoned.** The Subject Property,  
31 pursuant to adopted companion Small-Scale Amendment Application L-

1 5782-22C, is hereby rezoned and reclassified from Residential Rural-  
2 Acre (RR-Acre) District to Commercial Community/General-2 (CCG-2)  
3 District.

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

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

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

1 Form Approved:

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3           /s/ Mary E. Staffopoulos          

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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