

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-420**

5 AN ORDINANCE REZONING APPROXIMATELY 5.00± ACRES  
6 LOCATED IN COUNCIL DISTRICT 12 AT 0 U.S. 301  
7 HIGHWAY SOUTH, BETWEEN INTERSTATE 10 EXPRESSWAY  
8 AND FIFTONE ROAD (R.E. NO. 000982-3000  
9 (PORTION)), OWNED BY DUDLEY BOYS II, LLC, AS  
10 DESCRIBED HEREIN, FROM AGRICULTURE (AGR)  
11 DISTRICT TO COMMERCIAL COMMUNITY/GENERAL-1 (CCG-  
12 1) DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
13 ZONING CODE, PURSUANT TO FUTURE LAND USE MAP  
14 SERIES SMALL-SCALE AMENDMENT APPLICATION NUMBER  
15 L-5835-23C; PROVIDING A DISCLAIMER THAT THE  
16 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED  
17 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
18 PROVIDING AN EFFECTIVE DATE.  
19

20 **WHEREAS**, the City of Jacksonville adopted a Small-Scale  
21 Amendment to the *2045 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-5835-23C; and

25 **WHEREAS**, in order to ensure consistency of zoning district with  
26 the *2045 Comprehensive Plan* and the adopted companion Small-Scale  
27 Amendment L-5835-23C, an application to rezone and reclassify from  
28 Agriculture (AGR) District to Commercial Community/General-1 (CCG-1)  
29 District was filed by Fred Atwill on behalf of the owner of  
30 approximately 5.00± acres of certain real property in Council District  
31 12, as more particularly described in Section 1; and

1           **WHEREAS**, the Planning and Development Department, in order to  
2 ensure consistency of this zoning district with the *2045 Comprehensive*  
3 *Plan*, has considered the rezoning and has rendered an advisory  
4 opinion; and

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

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

10           **WHEREAS**, the City Council, after due notice, held a public  
11 hearing, and taking into consideration the above recommendations as  
12 well as all oral and written comments received during the public  
13 hearings, the Council finds that such rezoning is consistent with the  
14 *2045 Comprehensive Plan* adopted under the comprehensive planning  
15 ordinance for future development of the City of Jacksonville; now,  
16 therefore

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

18           **Section 1.           Subject Property Location and Description.** The  
19 approximately 5.00± acres are located in Council District 12 at 0  
20 U.S. 301 Highway South, between Interstate 10 Expressway and Fiftone  
21 Road (R.E. No. 000982-3000 (portion), as more particularly described  
22 in **Exhibit 1**, dated May 16, 2023, and graphically depicted in **Exhibit**  
23 **2**, both of which are attached hereto and incorporated herein by this  
24 reference (the "Subject Property").

25           **Section 2.           Owner and Applicant Description.** The Subject  
26 Property is owned by Dudley Boys II, LLC. The applicant is Fred  
27 Atwill, 9001 Forest Acres Lane, Jacksonville, Florida 32234; (904)  
28 610-8975.

29           **Section 3.           Property Rezoned.** The Subject Property,  
30 pursuant to adopted companion Small-Scale Amendment Application L-  
31 5835-23C, is hereby rezoned and reclassified from Agriculture (AGR)

1 District to Commercial Community/General-1 (CCG-1) District.

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

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

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

26 Form Approved:

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      /s/ Shannon K. Eller

29 Office of General Counsel

30 Legislation Prepared By: Jacquelyn Williams

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