

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2023-364-E**

5 AN ORDINANCE REZONING APPROXIMATELY 1.09± ACRES
6 LOCATED IN COUNCIL DISTRICT 14 AT 2270 BLANDING
7 BOULEVARD, BETWEEN SUNDERLAND ROAD AND
8 BIRKENHEAD ROAD (R.E. NO. 095009-0000), OWNED BY
9 FANS AND STOVES ANTIQUES MALL, INC., AS DESCRIBED
10 HEREIN, FROM COMMERCIAL, RESIDENTIAL AND OFFICE
11 (CRO) DISTRICT TO COMMERCIAL COMMUNITY/GENERAL-
12 1 (CCG-1) DISTRICT, AS DEFINED AND CLASSIFIED
13 UNDER THE ZONING CODE, PURSUANT TO FUTURE LAND
14 USE MAP SERIES SMALL-SCALE AMENDMENT APPLICATION
15 NUMBER L-5817-23C; PROVIDING A DISCLAIMER THAT
16 THE REZONING GRANTED HEREIN SHALL NOT BE
17 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; 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-5817-23C; 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-5817-23C, an application to rezone and reclassify from
28 Commercial, Residential and Office (CRO) District to Commercial
29 Community/General-1 (CCG-1) District was filed by the owner of
30 approximately 1.09± acres of certain real property in Council District
31 14, 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 1.09± acres are located in Council District 14 at 2270
20 Blanding Boulevard, between Sunderland Road and Birkenhead Road (R.E.
21 No. 095009-0000), as more particularly described in **Exhibit 1**, dated
22 April 13, 2023, and graphically depicted in **Exhibit 2**, both of which
23 are attached hereto and incorporated herein by this reference (the
24 "Subject Property").

25 **Section 2. Owner and Applicant Description.** The Subject
26 Property is owned by Fans and Stoves Antiques Mall, Inc. The
27 applicant is Ruben Escajeda, Jr., 2825 Oak Street, Jacksonville,
28 Florida 32205; (904) 534-9519.

29 **Section 3. Property Rezoned.** The Subject Property,
30 pursuant to adopted companion Small-Scale Amendment Application L-
31 5817-23C, is hereby rezoned and reclassified from Commercial,

1 Residential and Office (CRO) District to Commercial
2 Community/General-1 (CCG-1) District.

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

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

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

1 Form Approved:

2

3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Kaysie Cox

6 GC-#1568383-v2-2023-364_(Z-4865).docx