

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-59**

5 AN ORDINANCE REZONING APPROXIMATELY 1.00± ACRE
6 LOCATED IN COUNCIL DISTRICT 2 AT 2604 NEW BERLIN
7 ROAD, BETWEEN DUNN CREEK ROAD AND SAPP ROAD (R.E.
8 NO. 106924-0010), OWNED BY LONN W. BIASTRE AND
9 REBECCA L. BIASTRE, AS DESCRIBED HEREIN, FROM
10 RESIDENTIAL LOW DENSITY-100A (RLD-100A) DISTRICT
11 TO COMMERCIAL OFFICE (CO) DISTRICT, AS DEFINED
12 AND CLASSIFIED UNDER THE ZONING CODE, PURSUANT
13 TO FUTURE LAND USE MAP SERIES SMALL-SCALE
14 AMENDMENT APPLICATION NUMBER L-5898-23C;
15 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
16 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
17 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
18 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-5898-23C; and

25 **WHEREAS**, in order to ensure consistency of zoning district
26 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale
27 Amendment L-5898-23C, an application to rezone and reclassify from
28 Residential Low Density-100A (RLD-100A) District to Commercial Office
29 (CO) District was filed by Josh Cockrell, on behalf of the owners of
30 approximately 1.00± acres of certain real property in Council District
31 2, 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
6 application 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 1.00± acre is located in Council District 2 at 2604 New
20 Berlin Road, between Dunn Creek Road and Sapp Road (R.E. No.
21 106924-0010), as more particularly described in **Exhibit 1**, dated
22 December 11, 2023, and graphically depicted in **Exhibit 2**, both of
23 which are attached hereto and incorporated herein by this reference
24 (the "Subject Property").

25 **Section 2. Owner and Applicant Description.** The Subject
26 Property is owned by Lonn W. Biastre and Rebecca L. Biastre. The
27 applicant is Josh Cockrell, P.O. Box 28327, Jacksonville, Florida
28 32226; (904) 720-4260.

29 **Section 3. Property Rezoned.** The Subject Property,
30 pursuant to adopted companion Small-Scale Amendment Application
31 L-5898-23C, is hereby rezoned and reclassified from Residential Low

1 Density-100A (RLD-100A) District to Commercial Office (CO) 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:

27
28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Stephen Nutt

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