

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

4 **ORDINANCE 2019-793-E**

5 AN ORDINANCE REZONING APPROXIMATELY 0.58± OF AN
6 ACRE LOCATED IN COUNCIL DISTRICT 5 AT 3621 ST.
7 AUGUSTINE ROAD, BETWEEN SHERIDAN LANE AND
8 STUBBS LANE (R.E. NO. 126048-1000 (PORTION)),
9 OWNED BY PEERLESS BULLFROG, LLC, AS DESCRIBED
10 HEREIN, FROM RESIDENTIAL MEDIUM DENSITY-A (RMD-
11 A) DISTRICT TO COMMERCIAL COMMUNITY/GENERAL-2
12 (CCG-2) DISTRICT, AS DEFINED AND CLASSIFIED
13 UNDER THE ZONING CODE, PURSUANT TO FUTURE LAND
14 USE MAP SERIES (FLUMS) SMALL-SCALE AMENDMENT
15 APPLICATION NUMBER L-5402-19C; PROVIDING A
16 DISCLAIMER THAT THE REZONING GRANTED HEREIN
17 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
18 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
19 DATE.
20

21 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
22 Amendment to the *2030 Comprehensive Plan* for the purpose of
23 revising portions of the Future Land Use Map series (FLUMs) in
24 order to ensure the accuracy and internal consistency of the plan,
25 pursuant to application L-5402-19C and companion land use Ordinance
26 2019-792; and

27 **WHEREAS**, in order to ensure consistency of zoning district
28 with the *2030 Comprehensive Plan* and the adopted companion Small-
29 Scale Amendment L-5402-19C, an application to rezone and reclassify
30 from Residential Medium Density-A (RMD-A) District to Commercial
31 Community/General-2 (CCG-2) District was filed by T.R. Hainline,

1 Esq., on behalf of Peerless Bullfrog, LLC, of approximately 0.58±
2 of an acre of certain real property in Council District 5, as more
3 particularly described in Section 1; and

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

8 **WHEREAS**, the Planning Commission has considered the
9 application and has rendered an advisory opinion; and

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

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

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

21 **Section 1. Subject Property Location and Description.** The
22 approximately 0.58± of an acre (R.E. No. 126048-1000 (portion)) is
23 located in Council District 5, at 3621 St. Augustine Road, between
24 Sheridan Lane and Stubbs Lane, as more particularly described in
25 **Exhibit 1**, dated October 10, 2019, and graphically depicted in
26 **Exhibit 2**, both of which are **attached hereto** and incorporated
27 herein by this reference (Subject Property).

28 **Section 2. Owner and Applicant Description.** The Subject
29 Property is owned by Peerless Bullfrog, LLC. The applicant is T.R.
30 Hainline, Esq., 1301 Riverplace Boulevard, #1500, Jacksonville,
31 Florida 32207; (904) 346-5531.

1 **Section 3. Property Rezoned.** The Subject Property,
2 pursuant to adopted companion Small-Scale Amendment Application L-
3 5402-19C, is hereby rezoned and reclassified from Residential
4 Medium Density-A (RMD-A) District to Commercial Community/General-2
5 (CCG-2) District.

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

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

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

1 Form Approved:

2

3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Arimus Wells

6 GC-#1314059-v1-z-2549_SS_COMP_REZ