

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-48-E**

5 AN ORDINANCE REZONING APPROXIMATELY 0.40± OF AN
6 ACRE LOCATED IN COUNCIL DISTRICT 9 AT 3018
7 LENOX AVENUE, BETWEEN MCDUFF AVENUE SOUTH AND
8 SHEARER AVENUE (R.E. NO. 063333-0000
9 (PORTION)), OWNED BY ORANGE BLOSSOM TRAIL
10 ORLANDO, LLC, AS DESCRIBED HEREIN, FROM
11 RESIDENTIAL LOW DENSITY-60 (RLD-60) DISTRICT TO
12 COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2)
13 DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
14 ZONING CODE, PURSUANT TO FUTURE LAND USE MAP
15 SERIES (FLUMS) SMALL-SCALE AMENDMENT
16 APPLICATION NUMBER L-5422-19C; PROVIDING A
17 DISCLAIMER THAT THE REZONING GRANTED HEREIN
18 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
19 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
20 DATE.
21

22 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
23 Amendment to the *2030 Comprehensive Plan* for the purpose of
24 revising portions of the Future Land Use Map series (FLUMs) in
25 order to ensure the accuracy and internal consistency of the plan,
26 pursuant to application L-5422-19C and companion land use Ordinance
27 2020-47; and

28 **WHEREAS**, in order to ensure consistency of zoning district
29 with the *2030 Comprehensive Plan* and the adopted companion Small-
30 Scale Amendment L-5422-19C, an application to rezone and reclassify

1 from Residential Low Density-60 (RLD-60) District to Commercial
2 Community/General-2 (CCG-2) District was filed by Steve Diebenow,
3 Esq., on behalf of the owner of approximately 0.40± of an acre of
4 certain real property in Council District 9, as more particularly
5 described in Section 1; and

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

10 **WHEREAS**, the Planning Commission has considered the
11 application and has rendered an advisory opinion; and

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

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

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

23 **Section 1. Subject Property Location and Description.** The
24 approximately 0.40± of an acre (R.E. No. 063333-0000 (portion)) is
25 located in Council District 9, at 3018 Lenox Avenue, between McDuff
26 Avenue South and Shearer Avenue, as more particularly described in
27 **Exhibit 1**, dated December 1, 2019, and graphically depicted in
28 **Exhibit 2**, both of which are **attached hereto** and incorporated
29 herein by this reference (Subject Property).

30 **Section 2. Owner and Applicant Description.** The Subject
31 Property is owned by Orange Blossom Trail Orlando, LLC. The

1 applicant is Steve Diebenow, Esq., One Independent Drive, Suite
2 1200, Jacksonville, Florida 32202; (904) 301-1269.

3 **Section 3. Property Rezoned.** The Subject Property,
4 pursuant to adopted companion Small-Scale Amendment Application L-
5 5422-19C, is hereby rezoned and reclassified from Residential Low
6 Density-60 (RLD-60) District to Commercial Community/General-2
7 (CCG-2) District.

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

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

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

1 Council President and the Council Secretary.

2 Form Approved:

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4 /s/ Shannon K. Eller

5 Office of General Counsel

6 Legislation Prepared By: Arimus Wells

7 GC-#1334717-v1-z-2684_SS_COMP_REZ