

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-108**

5 AN ORDINANCE REZONING APPROXIMATELY 0.16± OF AN
6 ACRE LOCATED IN COUNCIL DISTRICT 5 AT 2230
7 WESTMONT STREET, BETWEEN PHILIPS HIGHWAY AND
8 INTERSTATE 95 (R.E. NO. 130398-0000), OWNED BY
9 2989 PHILIPS HIGHWAY, LLC, AS DESCRIBED HEREIN,
10 FROM RESIDENTIAL MEDIUM DENSITY-D (RMD-D)
11 DISTRICT TO COMMERCIAL COMMUNITY/GENERAL-2 (CCG-
12 2) DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE
13 ZONING CODE, PURSUANT TO FUTURE LAND USE MAP
14 SERIES (FLUMS) SMALL-SCALE AMENDMENT APPLICATION
15 NUMBER L-5510-20C; 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.
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20 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
21 Amendment to the *2030 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 application L-5510-20C and companion land use Ordinance 2021-107; and

25 **WHEREAS**, in order to ensure consistency of zoning district with
26 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
27 Amendment L-5510-20C, an application to rezone and reclassify from
28 Residential Medium Density-D (RMD-D) District to Commercial
29 Community/General-2 (CCG-2) District was filed by Paul M. Harden,
30 Esq., on behalf of the owner of approximately 0.16± of an acre of
31 certain real property in Council District 5, as more particularly

1 described in Section 1; and

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

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

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

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

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

19 **Section 1. Subject Property Location and Description.** The
20 approximately 0.16± of an acre (R.E. No. 130398-0000) is located in
21 Council District 5 at 2230 Westmont Street, between Philips Highway
22 and Interstate 95, as more particularly described in **Exhibit 1**, dated
23 December 9, 2020, and graphically depicted in **Exhibit 2**, both of
24 which are **attached hereto** and incorporated herein by this reference
25 (Subject Property).

26 **Section 2. Owner and Applicant Description.** The Subject
27 Property is owned by 2989 Philips Highway, LLC. The applicant is Paul
28 M. Harden, Esq., 501 Riverside Avenue, Suite 901, Jacksonville,
29 Florida 32202; (904) 396-5731.

30 **Section 3. Property Rezoned.** The Subject Property,
31 pursuant to adopted companion Small-Scale Amendment Application L-

1 5510-20C, is hereby rezoned and reclassified from Residential Medium
2 Density-D (RMD-D) District to Commercial Community/General-2 (CCG-2)
3 District.

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

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

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

1 Form Approved:

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3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Connor Corrigan

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