

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

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  
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-5510-20C; 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.  
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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-5510-20C and companion land use Ordinance  
26 2021-107; 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-5510-20C, an application to rezone and reclassify  
30 from Residential Medium Density-D (RMD-D) District to Commercial  
31 Community/General-2 (CCG-2) District was filed by Paul M. Harden,

1 Esq., on behalf of the owner of approximately 0.16± of an acre of  
2 certain real property in Council District 5, as more particularly  
3 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 0.16± of an acre (R.E. No. 130398-0000) is located in  
23 Council District 5 at 2230 Westmont Street, between Philips Highway  
24 and Interstate 95, as more particularly described in **Exhibit 1**,  
25 dated December 9, 2020, and graphically depicted in **Exhibit 2**, both  
26 of which are **attached hereto** and incorporated herein by this  
27 reference (Subject Property).

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

1           **Section 3.       Property Rezoned.**       The Subject Property,  
2 pursuant to adopted companion Small-Scale Amendment Application L-  
3 5510-20C, is hereby rezoned and reclassified from Residential  
4 Medium Density-D (RMD-D) 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.

