

1 The Land Use and Zoning Committee offers the following substitute to
2 File No. 2020-575:

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4 Introduced by the Land Use and Zoning Committee:

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7 **ORDINANCE 2020-575**

8 AN ORDINANCE REZONING APPROXIMATELY 0.22± OF AN
9 ACRE, LOCATED IN COUNCIL DISTRICT 7 AT 0 PEARL
10 STREET NORTH, BETWEEN 18TH STREET WEST AND 19TH
11 STREET WEST (R.E. NO. 044390-0000), AS DESCRIBED
12 HEREIN, OWNED BY EMILIO MONTILLA INVESTMENTS,
13 INC., FROM COMMERCIAL NEIGHBORHOOD (CN) DISTRICT
14 TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS
15 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO
16 PERMIT COMMERCIAL USES, AS DESCRIBED IN THE
17 PEARL STREET PUD; PROVIDING A DISCLAIMER THAT
18 THE REZONING GRANTED HEREIN SHALL NOT BE
19 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
20 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

21
22 **WHEREAS**, Emilio Montilla Investments, Inc., the owner of
23 approximately 0.22± of an acre, located in Council District 7 at 0
24 Pearl Street, between 18th Street West and 19th Street West (R.E. No.
25 044390-0000), as more particularly described in **Exhibit 1**, dated
26 August 28, 2020, and graphically depicted in **Exhibit 2**, both of which
27 are **attached hereto** (Subject Property), has applied for a rezoning
28 and reclassification of that property from Commercial Neighborhood
29 (CN) District to Planned Unit Development (PUD) District, as described
30 in Section 1 below; and

31 **WHEREAS**, the Planning Commission has considered the application

1 and has rendered an advisory opinion; and

2 **WHEREAS**, the Land Use and Zoning Committee, after due notice and
3 public hearing, has made its recommendation to the Council; and

4 **WHEREAS**, the Council finds that such rezoning is: (1) consistent
5 with the *2030 Comprehensive Plan*; (2) furthers the goals, objectives
6 and policies of the *2030 Comprehensive Plan*; and (3) is not in
7 conflict with any portion of the City's land use regulations; and

8 **WHEREAS**, the Council finds the proposed rezoning does not
9 adversely affect the orderly development of the City as embodied in
10 the Zoning Code; will not adversely affect the health and safety of
11 residents in the area; will not be detrimental to the natural
12 environment or to the use or development of the adjacent properties
13 in the general neighborhood; and will accomplish the objectives and
14 meet the standards of Section 656.340 (Planned Unit Development) of
15 the Zoning Code; now, therefore

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

17 **Section 1. Property Rezoned.** The Subject Property is
18 hereby rezoned and reclassified from Commercial Neighborhood (CN)
19 District to Planned Unit Development (PUD) District. This new PUD
20 district shall generally permit commercial uses, and is described,
21 shown and subject to the following documents, **attached hereto**:

22 **Exhibit 1** - Legal Description dated August 28, 2020.

23 **Exhibit 2** - Subject Property Map (prepared by P&DD).

24 **Exhibit 3** - Written Description dated June 10, 2021.

25 **Exhibit 4** - Site Plan dated June 10, 2021.

26 **Section 2. Owner and Description.** The Subject Property
27 is owned by Emilio Montilla Investments, Inc., and is described in
28 **Exhibit 1, attached hereto**. The applicant is Roy L. Mosley, 111 East
29 16th Street, Jacksonville, Florida 32206; (786) 663-6595.

30 **Section 3. Disclaimer.** The rezoning granted herein
31 shall not be construed as an exemption from any other applicable

1 local, state, or federal laws, regulations, requirements, permits or
2 approvals. All other applicable local, state or federal permits or
3 approvals shall be obtained before commencement of the development
4 or use and issuance of this rezoning is based upon acknowledgement,
5 representation and confirmation made by the applicant(s), owner(s),
6 developer(s) and/or any authorized agent(s) or designee(s) that the
7 subject business, development and/or use will be operated in strict
8 compliance with all laws. Issuance of this rezoning does **not** approve,
9 promote or condone any practice or act that is prohibited or
10 restricted by any federal, state or local laws.

11 **Section 4. Effective Date.** The enactment of this
12 Ordinance shall be deemed to constitute a quasi-judicial action of
13 the City Council and shall become effective upon signature by the
14 Council President and the Council Secretary.

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16 Form Approved:

17
18 /s/ Shannon K. Eller

19 Office of General Counsel

20 Legislation Prepared By: Bruce Lewis

21 GC-#1439607-v1-2020-575_LUZ_Sub