Introduced and substituted by the Land Use and Zoning Committee:

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ORDINANCE 2020-575

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

WHEREAS, Emilio Montilla Investments, Inc., the owner of 19 20 approximately 0.22± of an acre, located in Council District 7 at 0 21 Pearl Street, between 18th Street West and 19th Street West (R.E. No. 22 044390-0000), as more particularly described in **Exhibit 1**, dated 23 August 28, 2020, and graphically depicted in Exhibit 2, both of which 24 are **attached hereto** (Subject Property), has applied for a rezoning 25 and reclassification of that property from Commercial Neighborhood 26 (CN) District to Planned Unit Development (PUD) District, as described 27 in Section 1 below; and

28 WHEREAS, the Planning Commission has considered the application 29 and has rendered an advisory opinion; and

30 WHEREAS, the Land Use and Zoning Committee, after due notice and 31 public hearing, has made its recommendation to the Council; and

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

WHEREAS, the Council finds the proposed rezoning does not 5 adversely affect the orderly development of the City as embodied in 6 7 the Zoning Code; will not adversely affect the health and safety of residents in the area; will not be detrimental to the natural 8 9 environment or to the use or development of the adjacent properties 10 in the general neighborhood; and will accomplish the objectives and meet the standards of Section 656.340 (Planned Unit Development) of 11 the Zoning Code; now, therefore 12

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

14 Section 1. Property Rezoned. The Subject Property is 15 hereby rezoned and reclassified from Commercial Neighborhood (CN) 16 District to Planned Unit Development (PUD) District. This new PUD 17 district shall generally permit commercial uses, and is described, 18 shown and subject to the following documents, attached hereto: 19 Exhibit 1 - Legal Description dated August 28, 2020.

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

21 Exhibit 3 - Written Description dated June 10, 2021.

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

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23 Section 2. Owner and Description. The Subject Property 24 is owned by Emilio Montilla Investments, Inc., and is described in 25 Exhibit 1, attached hereto. The applicant is Roy L. Mosley, 111 East 26 16th Street, Jacksonville, Florida 32206; (786) 663-6595.

27 Section 3. Disclaimer. The rezoning granted herein 28 shall <u>not</u> be construed as an exemption from any other applicable 29 local, state, or federal laws, regulations, requirements, permits or 30 approvals. All other applicable local, state or federal permits or 31 approvals shall be obtained before commencement of the development

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or use and issuance of this rezoning is based upon acknowledgement, representation and confirmation made by the applicant(s), owner(s), developer(s) and/or any authorized agent(s) or designee(s) that the subject business, development and/or use will be operated in strict compliance with all laws. Issuance of this rezoning does <u>not</u> approve, promote or condone any practice or act that is prohibited or restricted by any federal, state or local laws.

8 Section 4. Effective Date. The enactment of this 9 Ordinance shall be deemed to constitute a quasi-judicial action of 10 the City Council and shall become effective upon signature by the 11 Council President and the Council Secretary.

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13 Form Approved:

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15 /s/ Shannon K. Eller

16 Office of General Counsel

17 Legislation Prepared By: Bruce Lewis

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