

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-642**

5 AN ORDINANCE REZONING APPROXIMATELY 43.69± ACRES
6 LOCATED IN COUNCIL DISTRICT 5 AT 0 PHILIPS
7 HIGHWAY, BETWEEN LENOIR AVENUE AND BOWDENDALE
8 AVENUE (R.E. NO. 152602-0100), OWNED BY U.S. RUBY
9 CORP, AS DESCRIBED HEREIN, FROM COMMERCIAL
10 COMMUNITY/GENERAL-1 (CCG-1) DISTRICT TO
11 RESIDENTIAL MEDIUM DENSITY-D (RMD-D) DISTRICT,
12 AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE,
13 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
14 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-5512-
15 21C; PROVIDING A DISCLAIMER THAT THE REZONING
16 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
17 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
18 PROVIDING AN EFFECTIVE DATE.
19

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 companion application L-5512-21C; 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-5512-21C, an application to rezone and reclassify from
28 Commercial Community/General-1 (CCG-1) District to Residential Medium
29 Density-D (RMD-D) District was filed by Curtis L. Hart, on behalf of
30 the owner of approximately 43.69± acres of certain real property in
31 Council District 5, as more particularly described in Section 1; and

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

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

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

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

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

18 **Section 1. Subject Property Location and Description.** The
19 approximately 43.69± acres (R.E. No. 152602-0100) is located in
20 Council District 5 at 0 Philips Highway, between Lenoir Avenue and
21 Bowdendale Avenue, as more particularly described in **Exhibit 1**, dated
22 August 16, 2021, and graphically depicted in **Exhibit 2**, both of which
23 are **attached hereto** and incorporated herein by this reference (the
24 "Subject Property").

25 **Section 2. Owner and Applicant Description.** The Subject
26 Property is owned by U.S. Ruby Corp. The applicant is Curtis L.
27 Hart, 8051 Tara Lane, Jacksonville, Florida 32216; (904) 993-5008.

28 **Section 3. Property Rezoned.** The Subject Property,
29 pursuant to adopted companion Small-Scale Amendment Application L-
30 5512-21C, is hereby rezoned and reclassified from Commercial
31 Community/General-1 (CCG-1) District to Residential Medium Density-D

1 (RMD-D) District.

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

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

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

26 Form Approved:

27
28 /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Erin Abney

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