

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

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:

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 28           /s/ Mary E. Staffopoulos          

29 Office of General Counsel

30 Legislation Prepared By: Erin Abney

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