

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-194-E**

5 AN ORDINANCE REZONING APPROXIMATELY 0.77± OF AN
6 ACRE LOCATED IN COUNCIL DISTRICT 13 AT 707
7 CLEARVIEW LANE AND 741 BRAZEALE LANE, BETWEEN
8 DUTTON ISLAND ROAD WEST AND FAIRWAY VILLAS
9 DRIVE (R.E. NOS. 169455-0020 AND 169500-
10 0000), OWNED BY CLEARVIEW PARK, LLC, AS
11 DESCRIBED HEREIN, FROM RESIDENTIAL MEDIUM
12 DENSITY-A (RMD-A) DISTRICT TO COMMERCIAL
13 COMMUNITY/GENERAL-2 (CCG-2) DISTRICT, AS
14 DEFINED AND CLASSIFIED UNDER THE ZONING CODE,
15 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
16 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-
17 5524-21C; PROVIDING A DISCLAIMER THAT THE
18 REZONING GRANTED HEREIN SHALL NOT BE CONSTRUED
19 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.
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22 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
23 Amendment to the *2030 Comprehensive Plan* for the purpose of
24 revising portions of the Future Land Use Map series (FLUMs) in
25 order to ensure the accuracy and internal consistency of the plan,
26 pursuant to application L-5524-21C and companion land use Ordinance
27 2021-193; and

28 **WHEREAS**, in order to ensure consistency of zoning district
29 with the *2030 Comprehensive Plan* and the adopted companion Small-
30 Scale Amendment L-5524-21C, an application to rezone and reclassify
31 from Residential Medium Density-A (RMD-A) District to Commercial

1 Community/General-2 (CCG-2) District was filed by Curtis L. Hart,
2 on behalf of the owner of approximately 0.77± of an acre of certain
3 real property in Council District 13, as more particularly
4 described in Section 1; and

5 **WHEREAS**, the Planning and Development Department, in order to
6 ensure consistency of this zoning district with the 2030
7 *Comprehensive Plan*, has considered the rezoning and has rendered an
8 advisory opinion; and

9 **WHEREAS**, the Planning Commission has considered the
10 application and has rendered an advisory opinion; and

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

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

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

22 **Section 1. Subject Property Location and Description.** The
23 approximately 0.77± of an acre (R.E. Nos. 169455-0020 and 169500-
24 0000) are located in Council District 13 at 707 Clearview Lane and
25 741 Brazeale Lane, between Dutton Island Road West and Fairway
26 Villas Drive, as more particularly described in **Exhibit 1**, dated
27 March 23, 2021, and graphically depicted in **Exhibit 2**, both of
28 which are **attached hereto** and incorporated herein by this reference
29 (Subject Property).

30 **Section 2. Owner and Applicant Description.** The Subject
31 Property is owned by Clearview Park, LLC. The applicant is Curtis

1 L. Hart, 8051 Tara Lane, Jacksonville, Florida 32216; (904) 993-
2 5008.

3 **Section 3. Property Rezoned.** The Subject Property,
4 pursuant to adopted companion Small-Scale Amendment Application L-
5 5524-21C, is hereby rezoned and reclassified from Residential
6 Medium Density-A (RMD-A) District to Commercial Community/General-2
7 (CCG-2) District.

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

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

29 **Section 6. Effective Date.** The enactment of this
30 Ordinance shall be deemed to constitute a quasi-judicial action of
31 the City Council and shall become effective upon signature by the

1 Council President and the Council Secretary.

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5 Form Approved:

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7 /s/ Shannon K. Eller

8 Office of General Counsel

9 Legislation Prepared By: Bruce Lewis

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