

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2022-635**

5 AN ORDINANCE REZONING APPROXIMATELY 5.94± ACRES  
6 LOCATED IN COUNCIL DISTRICT 12 AT 0 FOURAKER ROAD  
7 AND 1364 FOURAKER ROAD, BETWEEN LENOX AVENUE AND  
8 FOURAKER FOREST ROAD (R.E. NOS. 008629-0050,  
9 008629-0150, 008633-0000 AND 008664-0150), OWNED  
10 BY DOYLE D. CARTER AND PATRICIA A. CARTER, AS  
11 DESCRIBED HEREIN, FROM PLANNED UNIT DEVELOPMENT  
12 (PUD) DISTRICT (2009-107-E) TO RESIDENTIAL LOW  
13 DENSITY-60 (RLD-60) DISTRICT, AS DEFINED AND  
14 CLASSIFIED UNDER THE ZONING CODE, PURSUANT TO  
15 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE  
16 AMENDMENT APPLICATION NUMBER L-5730-22C;  
17 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED  
18 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION  
19 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN  
20 EFFECTIVE DATE.  
21

22 **WHEREAS,** the City of Jacksonville adopted a Small-Scale  
23 Amendment to the *2030 Comprehensive Plan* for the purpose of revising  
24 portions of the Future Land Use Map series (FLUMs) in order to ensure  
25 the accuracy and internal consistency of the plan, pursuant to  
26 companion application L-5730-22C; and

27 **WHEREAS,** in order to ensure consistency of zoning district with  
28 the *2030 Comprehensive Plan* and the adopted companion Small-Scale  
29 Amendment L-5730-22C, an application to rezone and reclassify from  
30 Planned Unit Development (PUD) District (2009-107-E) to Residential  
31 Low Density-60 (RLD-60) District was filed by Evin Herzberg on behalf

1 of the owners of approximately 5.94± acres of certain real property  
2 in Council District 12, as more particularly described in Section 1;  
3 and

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

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

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

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

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

21 **Section 1. Subject Property Location and Description.** The  
22 approximately 5.94± acres are located in Council District 12 at 0  
23 Fouraker Road and 1364 Fouraker Road, between Lenox Avenue and  
24 Fouraker Forest Road (R.E. Nos. 008629-0050, 008629-0150, 008633-0000  
25 and 008664-0150), as more particularly described in **Exhibit 1**, dated  
26 April 7, 2022, and graphically depicted in **Exhibit 2**, both of which  
27 are attached hereto and incorporated herein by this reference (the  
28 "Subject Property").

29 **Section 2. Owner and Applicant Description.** The Subject  
30 Property is owned by Doyle D. Carter and Patricia A. Carter. The  
31 applicant is Evin Herzberg, 12483 Aladdin Road, Jacksonville, Florida

1 32223; (904) 625-7431.

2           **Section 3. Property Rezoned.**           The Subject Property,  
3 pursuant to adopted companion Small-Scale Amendment Application L-  
4 5730-22C, is hereby rezoned and reclassified from Planned Unit  
5 Development (PUD) District (2009-107-E) to Residential Low Density-  
6 60 (RLD-60) District.

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

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

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

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1 Form Approved:

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3           /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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