

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2021-194**

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 DRIVE
9 (R.E. NOS. 169455-0020 AND 169500-0000), OWNED
10 BY CLEARVIEW PARK, LLC, AS DESCRIBED HEREIN, FROM
11 RESIDENTIAL MEDIUM DENSITY-A (RMD-A) DISTRICT TO
12 COMMERCIAL COMMUNITY/GENERAL-2 (CCG-2) DISTRICT,
13 AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE,
14 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)
15 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-5524-
16 21C; PROVIDING A DISCLAIMER THAT THE REZONING
17 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
18 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
19 PROVIDING AN EFFECTIVE DATE.
20

21 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
22 Amendment to the *2030 Comprehensive Plan* for the purpose of revising
23 portions of the Future Land Use Map series (FLUMs) in order to ensure
24 the accuracy and internal consistency of the plan, pursuant to
25 application L-5524-21C and companion land use Ordinance 2021-193; and

26 **WHEREAS**, in order to ensure consistency of zoning district with
27 the *2030 Comprehensive Plan* and the adopted companion Small-Scale
28 Amendment L-5524-21C, an application to rezone and reclassify from
29 Residential Medium Density-A (RMD-A) District to Commercial
30 Community/General-2 (CCG-2) District was filed by Curtis L. Hart, on
31 behalf of the owner of approximately 0.77± of an acre of certain real

1 property in Council District 13, as more particularly described in
2 Section 1; and

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

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

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

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

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

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

28 **Section 2. Owner and Applicant Description.** The Subject
29 Property is owned by Clearview Park, LLC. The applicant is Curtis L.
30 Hart, 8051 Tara Lane, Jacksonville, Florida 32216; (904) 993-5008.

31 **Section 3. Property Rezoned.** The Subject Property,

1 pursuant to adopted companion Small-Scale Amendment Application L-
2 5524-21C, is hereby rezoned and reclassified from Residential Medium
3 Density-A (RMD-A) District to Commercial Community/General-2 (CCG-2)
4 District.

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

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

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

1 Form Approved:

2

3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

6 GC-#1419597-v1-z-3408_SS_COMP_REZ.docx