

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

4 **ORDINANCE 2024-408**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2045
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM RURAL RESIDENTIAL (RR) TO
9 MEDIUM DENSITY RESIDENTIAL (MDR) ON APPROXIMATELY
10 4.88± ACRES LOCATED IN COUNCIL DISTRICT 8 AT 3653
11 NEWCOMB ROAD (R.E. NO(S). 019487-0000), OWNED BY
12 NEWCOMB TERRACE, LLC, AS MORE PARTICULARLY
13 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
14 L-5933-24C; PROVIDING A DISCLAIMER THAT THE
15 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED
16 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
17 PROVIDING AN EFFECTIVE DATE.
18

19 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
20 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
21 application for a proposed Small-Scale Amendment to the Future Land
22 Use Map series (FLUMs) of the *2045 Comprehensive Plan* to change the
23 Future Land Use designation from Low Density Residential (LDR) to
24 Light Industrial (LI) on 4.88± acres of certain real property in
25 Council District 8 was filed by Zach Miller, Esq. on behalf of the
26 owner, Newcomb Terrace, LLC; and

27 **WHEREAS**, the Planning and Development Department reviewed the
28 proposed revision and application and has prepared a written report
29 and rendered an advisory recommendation to the City Council with
30 respect to the proposed amendment; and

31 **WHEREAS**, the Planning Commission, acting as the Local Planning

1 Agency (LPA), held a public hearing on this proposed amendment, with
2 due public notice having been provided, reviewed and considered
3 comments received during the public hearing and made its
4 recommendation to the City Council; and

5 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City
6 Council held a public hearing on this proposed amendment to the *2045*
7 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,
8 considered all written and oral comments received during the public
9 hearing, and has made its recommendation to the City Council; and

10 **WHEREAS**, the City Council held a public hearing on this
11 proposed amendment, with public notice having been provided, pursuant
12 to Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4,
13 *Ordinance Code*, and considered all oral and written comments received
14 during public hearings, including the data and analysis portions of
15 this proposed amendment to the *2045 Comprehensive Plan* and the
16 recommendations of the Planning and Development Department, the
17 Planning Commission and the LUZ Committee; and

18 **WHEREAS**, in the exercise of its authority, the City Council
19 has determined it necessary and desirable to adopt this proposed
20 amendment to the *2045 Comprehensive Plan* to preserve and enhance
21 present advantages, encourage the most appropriate use of land, water,
22 and resources consistent with the public interest, overcome present
23 deficiencies, and deal effectively with future problems which may
24 result from the use and development of land within the City of
25 Jacksonville; now therefore

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

27 **Section 1. Purpose and Intent.** This Ordinance is adopted
28 to carry out the purpose and intent of, and exercise the authority
29 set out in, the Community Planning Act, Sections 163.3161 through
30 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
31 amended.

1 **Section 2. Subject Property Location and Description.** The
2 approximately 4.88± acres are located in Council District 8 at 3653
3 Newcomb Road, (R.E. No(s). 019487-0000), as more particularly
4 described in **Exhibit 1**, dated March 28, 2024, and graphically depicted
5 in **Exhibit 2**, both attached hereto and incorporated herein by this
6 reference (the "Subject Property").

7 **Section 3. Owner and Applicant Description.** The Subject
8 Property is owned by Newcomb Terrace, LLC. The applicant is Zach
9 Miller, Esq., 3203 Old Barn Court, Ponte Vedra Beach, Florida, 32082;
10 (904) 651-8958.

11 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
12 City Council hereby adopts a proposed Small-Scale revision to the
13 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
14 the Future Land Use Map designation of the Subject Property from
15 Neighborhood Commercial (NC) to Residential-Professional-
16 Institutional (RPI), pursuant to Application Number L-5933-24C.

17 **Section 5. Applicability, Effect and Legal Status.** The
18 applicability and effect of the *2045 Comprehensive Plan*, as herein
19 amended, shall be as provided in the Community Planning Act, Sections
20 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
21 development undertaken by, and all actions taken in regard to
22 development orders by governmental agencies in regard to land which
23 is subject to the *2045 Comprehensive Plan*, as herein amended, shall
24 be consistent therewith as of the effective date of this amendment
25 to the plan.

26 **Section 6. Effective Date of this Plan Amendment.**

27 (a) If the amendment meets the criteria of Section 163.3187,
28 *Florida Statutes*, as amended, and is not challenged, the effective
29 date of this plan amendment shall be thirty-one (31) days after
30 adoption.

31 (b) If challenged within thirty (30) days after adoption, the

1 plan amendment shall not become effective until the state land
2 planning agency or the Administration Commission, respectively, issue
3 a final order determining the adopted Small-Scale Amendment to be in
4 compliance.

5 **Section 7. Disclaimer.** The amendment granted herein shall
6 **not** be construed as an exemption from any other applicable local,
7 state, or federal laws, regulations, requirements, permits or
8 approvals. All other applicable local, state or federal permits or
9 approvals shall be obtained before commencement of the development
10 or use, and issuance of this amendment is based upon acknowledgement,
11 representation and confirmation made by the applicant(s), owner(s),
12 developer(s) and/or any authorized agent(s) or designee(s) that the
13 subject business, development and/or use will be operated in strict
14 compliance with all laws. Issuance of this amendment does **not** approve,
15 promote or condone any practice or act that is prohibited or
16 restricted by any federal, state or local laws.

17 **Section 8. Effective Date.** This Ordinance shall become
18 effective upon signature by the Mayor or upon becoming effective
19 without the Mayor's signature.

20
21 Form Approved:

22
23 /s/ Dylan Reingold

24 Office of General Counsel

25 Legislation Prepared By: Krista Fogarty

26 GC-#1627796-v1-2024-408_(L-5933-24C).docx