

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2020-162**

5 AN ORDINANCE ADOPTING A LARGE-SCALE AMENDMENT  
6 TO THE FUTURE LAND USE MAP SERIES OF THE 2030  
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND  
8 USE DESIGNATION FROM AGRICULTURE-I (AGR-I),  
9 AGRICULTURE-II (AGR-II), AGRICULTURE-III (AGR-  
10 III) AND AGRICULTURE-IV (AGR-IV) TO LOW DENSITY  
11 RESIDENTIAL (LDR) ON APPROXIMATELY 2795.50±  
12 ACRES IN COUNCIL DISTRICT 11 AT 0 PHILIPS  
13 HIGHWAY, 14931 PHILIPS HIGHWAY, 0 SLOCUMB  
14 AVENUE, AND 0 GRAND STREET, BETWEEN PHILIPS  
15 HIGHWAY AND J. TURNER BUTLER BOULEVARD, OWNED  
16 BY ESTUARY, LLC, INCLUDING PROPOSED SITE  
17 SPECIFIC POLICY 4.4.11 IN THE FUTURE LAND USE  
18 ELEMENT, AS MORE PARTICULARLY DESCRIBED HEREIN,  
19 PURSUANT TO APPLICATION NUMBER L-5325-18A;  
20 PROVIDING A DISCLAIMER THAT THE AMENDMENT  
21 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
22 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
23 PROVIDING AN EFFECTIVE DATE.

24  
25 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
26 *Ordinance Code*, an application for a proposed Large-Scale Amendment  
27 to the Future Land Use Map series (FLUMs) of the 2030 *Comprehensive*  
28 *Plan* to change the Future Land Use designation from Agriculture-I  
29 (AGR-I), Agriculture-II (AGR-II), Agriculture-III (AGR-III), and  
30 Agriculture-IV (AGR-IV) to Low Density Residential (LDR), with Site  
31 Specific Policy 4.4.11 in the Future Land Use Element, has been

1 filed by Paul M. Harden, Esq., on behalf of Estuary, LLC, the  
2 owners of certain real property located in Council District 11, as  
3 more particularly described in Section 2; and

4 **WHEREAS**, the City, by the adoption of Ordinance 2019-424-E,  
5 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*  
6 for transmittal to the Department of Economic Opportunity ("DEO"),  
7 as the State Land Planning Agency, and other required state  
8 agencies, for review and comment; and

9 **WHEREAS**, by various letters and e-mails, the DEO and other  
10 state reviewing agencies transmitted their comments, if any,  
11 regarding this proposed amendment; and

12 **WHEREAS**, the Planning and Development Department reviewed the  
13 proposed revision and application, considered all comments  
14 received, prepared a written report, and rendered an advisory  
15 recommendation to the Council with respect to this proposed  
16 amendment; and

17 **WHEREAS**, the Planning Commission, acting as the Local Planning  
18 Agency (LPA), held a public hearing on this proposed amendment,  
19 with due public notice having been provided, and having reviewed  
20 and considered all comments during the public hearing, made its  
21 recommendation to the City Council; and

22 **WHEREAS**, pursuant to Section 650.408, *Ordinance Code*, the Land  
23 Use and Zoning (LUZ) Committee held a public hearing on this  
24 proposed amendment, and made its recommendation to the City  
25 Council; and

26 **WHEREAS**, pursuant to Section 163.3184(3), *Florida Statutes*,  
27 and Chapter 650, Part 4, *Ordinance Code*, the City Council held a  
28 public hearing with public notice having been provided on this  
29 proposed amendment to the *2030 Comprehensive Plan*; and

30 **WHEREAS**, the City Council further considered all oral and  
31 written comments received during public hearings, including the

1 data and analysis portions of this proposed amendment to the 2030  
2 *Comprehensive Plan*, the recommendations of the Planning and  
3 Development Department, the LPA, the LUZ Committee and the  
4 comments, if any, of the DEO and the other state reviewing  
5 agencies; and

6 **WHEREAS**, in the exercise of its authority, the City Council  
7 has determined it necessary and desirable to adopt this proposed  
8 amendment to the *2030 Comprehensive Plan* to preserve and enhance  
9 present advantages, encourage the most appropriate use of land,  
10 water, and resources consistent with the public interest, overcome  
11 present deficiencies, and deal effectively with future problems  
12 which may result from the use and development of land within the  
13 City of Jacksonville; now, therefore

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

15 **Section 1. Purpose and Intent.** This Ordinance is adopted  
16 to carry out the purpose and intent of, and exercise the authority  
17 set out in, the Community Planning Act, Sections 163.3161 through  
18 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as  
19 amended.

20 **Section 2. Subject Property Location and Description.** The  
21 approximately 2795.50± acres are in Council District 11 at 0  
22 Philips Highway, 14931 Philips Highway, 0 Slocumb Avenue, and 0  
23 Grand Street, between Philips Highway and J. Turner Butler  
24 Boulevard, as more particularly described in **Exhibit 1**, dated  
25 November 1, 2018, and graphically depicted in **Exhibit 2**, both of  
26 which are **attached hereto** and incorporated herein by this reference  
27 (Subject Property).

28 **Section 3. Owner and Applicant Description.** The Subject  
29 Property is owned by Estuary, LLC. The applicant is Paul M.  
30 Harden, Esq. 501 Riverside Avenue, Suite 901, Jacksonville, Florida  
31 32202; (904) 396-5731.

1           **Section 4.           Adoption of Large-Scale Land Use Amendment.**

2 The City Council hereby adopts a proposed Large-Scale revision to  
3 the Future Land Use Map series of the *2030 Comprehensive Plan* by  
4 changing the Future Land Use Map designation from Agriculture-I  
5 (AGR-I), Agriculture-II (AGR-II), Agriculture-III (AGR-III), and  
6 Agriculture-IV (AGR-IV) to Low Density Residential (LDR), pursuant  
7 to Application Number L-5325-18A.

8           **Section 5.           Site Specific Policy.** The City Council hereby

9 adopts Future Land Use Element (FLUE) Policy 4.4.11, dated February  
10 24, 2020, and **attached hereto** as **Exhibit 3**.

11           **Section 6.           Applicability, Effect and Legal Status.** The

12 applicability and effect of the *2030 Comprehensive Plan*, as herein  
13 amended, shall be as provided in the Community Planning Act,  
14 Section 163.3161 through 163.3248, *Florida Statutes*, and this  
15 ordinance. All development undertaken by, and all actions taken in  
16 regard to development orders by governmental agencies in regard to  
17 land which is subject to the *2030 Comprehensive Plan*, as herein  
18 amended, shall be consistent therewith as of the effective date of  
19 this amendment to the plan.

20           **Section 7.           Effective Date of this Plan Amendment.** Unless

21 this plan amendment is timely challenged under the procedures set  
22 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment  
23 shall be effective thirty-one days after DEO notifies the City of  
24 Jacksonville that the plan amendment or plan amendment package is  
25 complete. If this plan amendment is timely challenged under  
26 Section 163.3184(3), *Florida Statutes*, this plan amendment shall  
27 become effective when the DEO or the Administration Commission  
28 enters a final order determining the adopted amendment to be in  
29 compliance. If this plan amendment is found not to be in  
30 compliance under the standards and procedures set forth in Chapter  
31 163, Part II, *Florida Statutes*, then this plan amendment shall

1 become effective only by further action by the City Council. No  
2 development orders, development permits, or land uses dependent on  
3 this amendment may be issued or commence before it has become  
4 effective.

5 **Section 8. 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  
11 acknowledgement, representation and confirmation made by the  
12 applicant(s), owner(s), developer(s) and/or any authorized agent(s)  
13 or designee(s) that the subject business, development and/or use  
14 will be operated in strict compliance with all laws. Issuance of  
15 this amendment does **not** approve, promote or condone any practice or  
16 act that is prohibited or restricted by any federal, state or local  
17 laws.

18 **Section 9. Effective Date.** This Ordinance shall become  
19 effective upon signature by the Mayor or upon becoming effective  
20 without the Mayor's signature.

21  
22 Form Approved:

23  
24 /s/ Shannon K. Eller

25 Office of General Counsel

26 Legislation Prepared By: Kristen Reed

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