

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-3-E**

5 AN ORDINANCE ADOPTING A LARGE-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2030
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM AGRICULTURE-III (AGR-III) TO
9 LOW DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY
10 71.47± ACRES IN COUNCIL DISTRICT 8 AT 6319 GARDEN
11 STREET, BETWEEN GARDEN STREET AND IMESON ROAD
12 (R.E. NO. 002982-0000 (PORTION)), OWNED BY THE
13 TRUST CREATED UNDER PARAGRAPH FOURTH OF THE LAST
14 WILL AND TESTAMENT OF JOSEPH E. JOYNER DATED
15 DECEMBER 12, 1990, AS MORE PARTICULARLY DESCRIBED
16 HEREIN, PURSUANT TO APPLICATION NUMBER L-5546-
17 21A; PROVIDING A DISCLAIMER THAT THE AMENDMENT
18 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
19 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
23 *Ordinance Code*, an application for a proposed Large-Scale Amendment
24 to the Future Land Use Map series (FLUMs) of the 2030 *Comprehensive*
25 *Plan* to change the Future Land Use designation from Agriculture-III
26 (AGR-III) to Low Density Residential (LDR) has been filed by Thomas
27 O. Ingram, Esq., on behalf of Billy Shane Thomas, Trustee of the
28 Trust Created Under Paragraph Fourth of the Last Will and Testament
29 of Joseph E. Joyner dated December 12, 1990, owner of certain real
30 property located in Council District 8, as more particularly described
31 in Section 2; and

1 **WHEREAS**, the City, by the adoption of Ordinance 2021-571-E,
2 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
3 for transmittal to the Department of Economic Opportunity (DEO), as
4 the State Land Planning Agency, and other required state agencies,
5 for review and comment; and

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

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

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

18 **WHEREAS**, pursuant to Section 650.406, *Ordinance Code*, the Land
19 Use and Zoning (LUZ) Committee held a public hearing on this proposed
20 amendment, and made its recommendation to the City Council; and

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

25 **WHEREAS**, the City Council further considered all oral and
26 written comments received during public hearings, including the data
27 and analysis portions of this proposed amendment to the *2030*
28 *Comprehensive Plan*, the recommendations of the Planning and
29 Development Department, the LPA, the LUZ Committee and the comments,
30 if any, of the DEO and the other state reviewing agencies; and

31 **WHEREAS**, in the exercise of its authority, the City Council has

1 determined it necessary and desirable to adopt this proposed amendment
2 to the *2030 Comprehensive Plan* to preserve and enhance present
3 advantages, encourage the most appropriate use of land, water, and
4 resources consistent with the public interest, overcome present
5 deficiencies, and deal effectively with future problems which may
6 result from the use and development of land within the City of
7 Jacksonville; now, therefore

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

9 **Section 1. Purpose and Intent.** This Ordinance is adopted
10 to carry out the purpose and intent of, and exercise the authority
11 set out in, the Community Planning Act, Sections 163.3161 through
12 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
13 amended.

14 **Section 2. Subject Property Location and Description.** The
15 approximately 71.47± acres are located in Council District 8 at 6319
16 Garden Street, between Garden Street and Imeson Road (R.E. No. 002982-
17 0000 (portion)), as more particularly described in **Exhibit 1**, dated
18 June 23, 2021, and graphically depicted in **Exhibit 2**, both of which
19 are **attached hereto** and incorporated herein by this reference (the
20 "Subject Property").

21 **Section 3. Owner and Applicant Description.** The Subject
22 Property is owned by the Trust Created Under Paragraph Fourth of the
23 Last Will and Testament of Joseph E. Joyner dated December 12, 1990.
24 The applicant is Thomas O. Ingram, Esq., 233 East Bay Street, Suite
25 1113, Jacksonville, Florida 32202; (904) 612-9179.

26 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
27 City Council hereby adopts a proposed Large-Scale revision to the
28 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
29 the Future Land Use Map designation from Agriculture-III (AGR-III)
30 to Low Density Residential (LDR), pursuant to Application Number L-
31 5546-21A.

1 **Section 5. Applicability, Effect and Legal Status.** The
2 applicability and effect of the *2030 Comprehensive Plan*, as herein
3 amended, shall be as provided in the Community Planning Act, Sections
4 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
5 development undertaken by, and all actions taken in regard to
6 development orders by governmental agencies in regard to land which
7 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
8 be consistent therewith as of the effective date of this amendment
9 to the plan.

10 **Section 6. Effective Date of this Plan Amendment.** Unless
11 this plan amendment is timely challenged under the procedures set
12 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
13 shall be effective thirty-one (31) days after DEO notifies the City
14 that the plan amendment or plan amendment package is complete. If
15 this plan amendment is timely challenged under Section 163.3184(3),
16 *Florida Statutes*, this plan amendment shall become effective when the
17 DEO or the Administration Commission enters a final order determining
18 the adopted amendment to be in compliance. If this plan amendment
19 is found not to be in compliance under the standards and procedures
20 set forth in Chapter 163, Part II, *Florida Statutes*, then this plan
21 amendment shall become effective only by further action by the City
22 Council. No development orders, development permits, or land uses
23 dependent on this amendment may be issued or commence before it has
24 become effective.

25 **Section 7. Disclaimer.** The amendment granted herein shall
26 **not** be construed as an exemption from any other applicable local,
27 state, or federal laws, regulations, requirements, permits or
28 approvals. All other applicable local, state or federal permits or
29 approvals shall be obtained before commencement of the development
30 or use and issuance of this amendment is based upon acknowledgement,
31 representation and confirmation made by the applicant(s), owner(s),

1 developer(s) and/or any authorized agent(s) or designee(s) that the
2 subject business, development and/or use will be operated in strict
3 compliance with all laws. Issuance of this amendment does **not** approve,
4 promote or condone any practice or act that is prohibited or
5 restricted by any federal, state or local laws.

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

9

10 Form Approved:

11

12 _____/s/ Mary E. Staffopoulos_____

13 Office of General Counsel

14 Legislation Prepared By: Helena Parola

15 GC-#1471610-v2-2022-3_(L-5546-21A)