

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

4 **ORDINANCE 2023-392**

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 LIGHT INDUSTRIAL (LI) AND
9 MEDIUM DENSITY RESIDENTIAL (MDR) TO
10 COMMUNITY/GENERAL COMMERCIAL (CGC) ON
11 APPROXIMATELY 8.09± ACRES LOCATED IN COUNCIL
12 DISTRICT 7 AT 0 MARKET STREET NORTH, 2303 MARKET
13 STREET NORTH, 2335 MARKET STREET NORTH, 2402
14 MARKET STREET NORTH, 0 HUBBARD STREET, 2305
15 HUBBARD STREET, 2401 HUBBARD STREET, 2245 MAIN
16 STREET NORTH, 2301 MAIN STREET NORTH, 0 14TH
17 STREET EAST, 0 15TH STREET EAST AND 2336 LIBERTY
18 STREET NORTH, BETWEEN MAIN STREET NORTH AND
19 LIBERTY STREET NORTH (R.E. NOS. 044910-0000,
20 044911-0000, 044912-0000, 044914-0000, 044922-
21 0005, 044931-0000, 044932-0000, 044936-0000,
22 044938-0005, 044941-0010, 044941-0060, 044942-
23 0000 AND 055295-0000), OWNED BY FOC JP PROP 1A,
24 LLC, FOC JP PROP 2, LLC, FOC JP PROP 3, LLC, FOC
25 JP PROP 4, LLC, FOC JP PROP 5, LLC, FOC JP PROP
26 6, LLC AND FOC JP PROP 7, LLC, AS MORE
27 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
28 APPLICATION NUMBER L-5826-23C; PROVIDING A
29 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
30 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
31 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE

1 DATE.

2
3 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
4 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
5 application for a proposed Small-Scale Amendment to the Future Land
6 Use Map series (FLUMs) of the *2045 Comprehensive Plan* to change the
7 Future Land Use designation from Medium Density Residential (MDR) and
8 Light Industrial (LI) to Community/General Commercial (CGC) on 8.09±
9 acres of certain real property in Council District 7 was filed by
10 Emily Pierce, Esq. on behalf of the owners; and

11 **WHEREAS**, the Planning and Development Department reviewed the
12 proposed revision and application and has prepared a written report
13 and rendered an advisory recommendation to the City Council with
14 respect to the proposed amendment; and

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

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

25 **WHEREAS**, the City Council held a public hearing on this proposed
26 amendment, with public notice having been provided, pursuant to
27 Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*
28 *Code*, and considered all oral and written comments received during
29 public hearings, including the data and analysis portions of this
30 proposed amendment to the *2045 Comprehensive Plan* and the
31 recommendations of the Planning and Development Department, the

1 Planning Commission and the LUZ Committee; and

2 **WHEREAS**, in the exercise of its authority, the City Council has
3 determined it necessary and desirable to adopt this proposed amendment
4 to the *2045 Comprehensive Plan* to preserve and enhance present
5 advantages, encourage the most appropriate use of land, water, and
6 resources consistent with the public interest, overcome present
7 deficiencies, and deal effectively with future problems which may
8 result from the use and development of land within the City of
9 Jacksonville; now, therefore

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

11 **Section 1. Purpose and Intent.** This Ordinance is adopted
12 to carry out the purpose and intent of, and exercise the authority
13 set out in, the Community Planning Act, Sections 163.3161 through
14 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
15 amended.

16 **Section 2. Subject Property Location and Description.** The
17 approximately 8.09± acres are located in Council District 7 at 0
18 Market Street North, 2303 Market Street North, 2335 Market Street
19 North, 2402 Market Street North, 0 Hubbard Street, 2305 Hubbard
20 Street, 2401 Hubbard Street, 2245 Main Street North, 2301 Main Street
21 North, 0 14th Street East, 0 15th Street East and 2336 Liberty Street
22 North, between Main Street North and Liberty Street North (R.E. Nos.
23 044910-0000, 044911-0000, 044912-0000, 044914-0000, 044922-0005,
24 044931-0000, 044932-0000, 044936-0000, 044938-0005, 044941-0010,
25 044941-0060, 044942-0000 and 055295-0000), as more particularly
26 described in **Exhibit 1**, dated April 21, 2023, and graphically depicted
27 in **Exhibit 2**, both attached hereto and incorporated herein by this
28 reference (the "Subject Property").

29 **Section 3. Owner and Applicant Description.** The Subject
30 Property is owned by FOC JP PROP 1A, LLC, FOC JP PROP 2, LLC, FOC JP
31 PROP 3, LLC, FOC JP PROP 4, LLC, FOC JP PROP 5, LLC, FOC JP PROP 6,

1 LLC and FOC JP PROP 7, LLC. The applicant is Emily Pierce, Esq.,
2 1301 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207;
3 (904) 398-3911.

4 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
5 City Council hereby adopts a proposed Small-Scale revision to the
6 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
7 the Future Land Use Map designation of the Subject Property from
8 Medium Density Residential (MDR) and Light Industrial (LI) to
9 Community/General Commercial (CGC), pursuant to Application Number
10 L-5826-23C.

11 **Section 5. Applicability, Effect and Legal Status.** The
12 applicability and effect of the *2045 Comprehensive Plan*, as herein
13 amended, shall be as provided in the Community Planning Act, Sections
14 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
15 development undertaken by, and all actions taken in regard to
16 development orders by governmental agencies in regard to land which
17 is subject to the *2045 Comprehensive Plan*, as herein amended, shall
18 be consistent therewith as of the effective date of this amendment
19 to the plan.

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

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

25 (b) If challenged within thirty (30) days after adoption, the
26 plan amendment shall not become effective until the state land
27 planning agency or the Administration Commission, respectively, issue
28 a final order determining the adopted Small-Scale Amendment to be in
29 compliance.

30 **Section 7. Disclaimer.** The amendment granted herein shall
31 **not** be construed as an exemption from any other applicable local,

1 state, or federal laws, regulations, requirements, permits or
2 approvals. All other applicable local, state or federal permits or
3 approvals shall be obtained before commencement of the development
4 or use, and issuance of this amendment is based upon acknowledgement,
5 representation and confirmation made by the applicant(s), owner(s),
6 developer(s) and/or any authorized agent(s) or designee(s) that the
7 subject business, development and/or use will be operated in strict
8 compliance with all laws. Issuance of this amendment does **not**
9 approve, promote or condone any practice or act that is prohibited
10 or restricted by any federal, state or local laws.

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

14
15 Form Approved:

16
17 /s/ Shannon K. Eller

18 Office of General Counsel

19 Legislation Prepared By: Krista Fogarty

20 GC-#1572425-v2-2023-392 (L-5826-23C).docx