

Introduced by the Land Use and Zoning Committee:

ORDINANCE 2024-675-E

AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE 2045 COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM LIGHT INDUSTRIAL (LI) TO LOW DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY 14.17± ACRES LOCATED IN COUNCIL DISTRICT 12 AT 0 GARDEN STREET, AT THE NORTHEAST CORNER OF GARDEN STREET AND IMESON ROAD (R.E. NO(S). 003999-0500 AND 003999-0600), OWNED BY DAWN D. MOTES AND KELLY MIKE JAMES AS CO-PERSONAL REPRESENTATIVES OF THE ESTATE OF REGINA JOAN DARLING JAMES, AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER L-5965-24C; PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Section 650.402(b), Ordinance Code, and Section 163.3187(1), Florida Statutes, an application for a proposed Small-Scale Amendment to the Future Land Use Map series (FLUMs) of the 2045 Comprehensive Plan to change the Future Land Use designation from Light Industrial (LI) to Low Density Residential (LDR) on 14.17± acres of certain real property in Council District 12 was filed by Curtis Hart on behalf of the owners, Dawn D. Motes and Kelly Mike James as co-personal representatives of the Estate of Regina Joan Darling James; and

1 **WHEREAS,** the Planning and Development Department reviewed the
2 proposed revision and application and has prepared a written report
3 and rendered an advisory recommendation to the City Council with
4 respect to the proposed amendment; and

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

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

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

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

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

1 **Section 1. Purpose and Intent.** This Ordinance is adopted
2 to carry out the purpose and intent of, and exercise the authority
3 set out in, the Community Planning Act, Sections 163.3161 through
4 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
5 amended.

6 **Section 2. Subject Property Location and Description.** The
7 approximately 14.17± acres are located in Council District 12 at 0
8 Garden Street, at the northeast corner of Garden Street and Imeson
9 Road (R.E. No(s). 003999-0500 and 003999-0600), as more particularly
10 described in **Exhibit 1**, dated July 1, 2024, and graphically depicted
11 in **Exhibit 2**, both attached hereto and incorporated herein by this
12 reference (the "Subject Property").

13 **Section 3. Owner and Applicant Description.** The Subject
14 Property is owned by Dawn D. Motes and Kelly Mike James as co-personal
15 representatives of the Estate of Regina Joan Darling James. The
16 applicant is Curtis Hart, 8051 Tara Lane, Jacksonville, Florida,
17 32216; (904) 993-5008.

18 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
19 City Council hereby adopts a proposed Small-Scale revision to the
20 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
21 the Future Land Use Map designation of the Subject Property from
22 Light Industrial (LI) to Low Density Residential (LDR), pursuant to
23 Application Number L-5965-24C.

24 **Section 5. Applicability, Effect and Legal Status.** The
25 applicability and effect of the *2045 Comprehensive Plan*, as herein
26 amended, shall be as provided in the Community Planning Act, Sections
27 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
28 development undertaken by, and all actions taken in regard to
29 development orders by governmental agencies in regard to land which
30 is subject to the *2045 Comprehensive Plan*, as herein amended, shall
31 be consistent therewith as of the effective date of this amendment

1 to the plan.

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

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

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

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

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

27 Form Approved:

28 _____/s/ Dylan Reingold

29 Office of General Counsel

30 Legislation Prepared By: Krista Fogarty

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