

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-67-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 LOW DENSITY RESIDENTIAL
9 (LDR) SUBJECT TO FUTURE LAND USE ELEMENT (FLUE)
10 SITE SPECIFIC POLICIES 4.4.11 AND 4.4.12 TO
11 MULTI-USE (MU) SUBJECT TO FLUE SITE SPECIFIC
12 POLICY 4.3.22 ON APPROXIMATELY 6,174.21± ACRES
13 LOCATED IN COUNCIL DISTRICT 11 AT 0 J. TURNER
14 BUTLER BOULEVARD, 0 SOUTH HAMPTON RIDGE
15 BOULEVARD, 0 PHILIPS HIGHWAY, 11458 APEX TRAIL
16 AND 0 GRAND STREET, BETWEEN INTERSTATE-295 AND
17 THE ST. JOHNS COUNTY LINE (R.E. NOS. 167748-0000,
18 167762-0010, 167900-0020, 167900-0030, 167900-
19 0040, 167900-0050, 167900-0060, 167900-0070,
20 167900-0080, 167900-0090 AND 167900-0100), OWNED
21 BY BIG CREEK TIMBER, LLC, AS MORE PARTICULARLY
22 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
23 L-5673-22A; STRIKING AND ADDING FLUE SITE
24 SPECIFIC POLICIES; PROVIDING A DISCLAIMER THAT
25 THE AMENDMENT GRANTED HEREIN SHALL NOT BE
26 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
27 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

28
29 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
30 *Ordinance Code*, Application Number L-5673-22A requesting a revision
31 to the Future Land Use Map series of the 2030 *Comprehensive Plan* to

1 change the future land use designation from Low Density Residential
2 (LDR) subject to FLUE Site Specific Policies 4.4.11 and 4.4.12 to
3 Multi-Use (MU) subject to FLUE Site Specific Policy 4.3.22 has been
4 filed by Paul Harden, Esq., on behalf of the owner of certain real
5 property located in Council District 11, as more particularly
6 described in Section 2; and

7 **WHEREAS**, the City, by the adoption of Ordinance 2022-337-E,
8 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
9 for transmittal to the Florida Department of Economic Opportunity
10 (DEO), as the State Land Planning Agency, and other required state
11 agencies, for review and comment; and

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

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

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

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

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

31 **WHEREAS**, the City Council further considered all oral and

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

6 **WHEREAS**, in the exercise of its authority, the City Council has
7 determined it necessary and desirable to adopt this proposed amendment
8 to the *2030 Comprehensive Plan* to preserve and enhance present
9 advantages, encourage the most appropriate use of land, water, and
10 resources consistent with the public interest, overcome present
11 deficiencies, and deal effectively with future problems which may
12 result from the use and development of land within the City of
13 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 6,174.21± acres are located in Council District 11 at
22 0 J. Turner Butler Boulevard, 0 South Hampton Ridge Boulevard, 0
23 Philips Highway, 11458 Apex Trail and 0 Grand Street, between
24 Interstate-295 and the St. Johns County line (R.E. Nos. 167748-0000,
25 167762-0010, 167900-0020, 167900-0030, 167900-0040, 167900-0050,
26 167900-0060, 167900-0070, 167900-0080, 167900-0090 and 167900-0100),
27 as more particularly described in **Exhibit 1**, dated February 14, 2022,
28 and graphically depicted in **Exhibit 2**, both of which are attached
29 hereto and incorporated herein by this reference (the "Subject
30 Property").

31 **Section 3. Owner and Applicant Description.** The Subject

1 Property is owned by Big Creek Timber, LLC. The applicant is Paul
2 Harden, Esq., 1431 Riverplace Boulevard, Suite 901, Jacksonville,
3 Florida 32207; (904) 396-5731.

4 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
5 City Council hereby adopts a proposed Large-Scale revision to the
6 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
7 the Future Land Use designation of the Subject Property from Low
8 Density Residential (LDR) subject to FLUE Site Specific Policies
9 4.4.11 and 4.4.12 to Multi-Use (MU) subject to new FLUE Site Specific
10 Policy 4.3.22, pursuant to Application Number L-5673-22A.

11 **Section 5. Site Specific Policies.** The City Council hereby
12 strikes (repeals) FLUE Site Specific Policies 4.4.11 and 4.4.12, as
13 reflected in **Exhibit 3**, dated September 1, 2022, attached hereto, and
14 adopts FLUE Site Specific Policy 4.3.22, dated September 1, 2022, and
15 attached hereto as **Exhibit 4**.

16 **Section 6. Applicability, Effect and Legal Status.** The
17 applicability and effect of the *2030 Comprehensive Plan*, as herein
18 amended, shall be as provided in the Community Planning Act, Sections
19 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
20 development undertaken by, and all actions taken in regard to
21 development orders by governmental agencies in regard to land which
22 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
23 be consistent therewith as of the effective date of this amendment
24 to the plan.

25 **Section 7. Effective Date of this Plan Amendment.** Unless
26 this plan amendment is timely challenged under the procedures set
27 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
28 shall be effective thirty-one (31) days after DEO notifies the City
29 that the plan amendment or plan amendment package is complete. If
30 this plan amendment is timely challenged under Section 163.3184(3),
31 *Florida Statutes*, this plan amendment shall become effective when the

1 DEO or the Administration Commission enters a final order determining
2 the adopted amendment to be in compliance. If this plan amendment
3 is found not to be in compliance under the standards and procedures
4 set forth in Chapter 163, Part II, *Florida Statutes*, then this plan
5 amendment shall become effective only by further action by the City
6 Council. No development orders, development permits, or land uses
7 dependent on this amendment may be issued or commence before it has
8 become effective.

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

21 **Section 9. Effective Date.** This Ordinance shall become
22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

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25 Form Approved:

26
27 /s/ Mary E. Staffopoulos

28 Office of General Counsel

29 Legislation Prepared By: Kristen Reed

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