

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-631**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2030
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND USE
8 DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO
9 PUBLIC BUILDINGS AND FACILITIES (PBF) ON
10 APPROXIMATELY 0.87± OF AN ACRE LOCATED IN COUNCIL
11 DISTRICT 7 AT 265 44TH STREET EAST, 281 44TH STREET
12 EAST, 285 44TH STREET EAST AND 296 45TH STREET
13 EAST, BETWEEN LIBERTY STREET AND SEBALD LANE,
14 OWNED BY UNITY MISSIONARY BAPTIST CHURCH OF
15 JACKSONVILLE FLORIDA, INC., AS MORE PARTICULARLY
16 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
17 L-5377-19C; PROVIDING A DISCLAIMER THAT THE
18 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED AS
19 AN 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*, and Section 163.3187(1), *Florida Statutes*, an
24 application for a proposed Small-Scale Amendment to the Future Land Use
25 Map series (FLUMs) of the *2030 Comprehensive Plan* to change the Future
26 Land Use designation from Low Density Residential (LDR) to Public
27 Buildings and Facilities (PBF) on 0.87± of an acre of certain real
28 property in Council District 7, was filed by Steve Diebenow, Esq., on
29 behalf of the owner, Unity Missionary Baptist Church of Jacksonville
30 Florida, Inc.; and

31 **WHEREAS**, the Planning and Development Department reviewed the

1 proposed revision and application and has prepared a written report and
2 rendered an advisory recommendation to the City Council with respect to
3 the proposed amendment; and

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

9 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City
10 Council held a public hearing on this proposed amendment to the *2030*
11 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,
12 considered all written and oral comments received during the public
13 hearing, and has made its recommendation to the City Council; and

14 **WHEREAS**, the City Council held a public hearing on this proposed
15 amendment, with public notice having been provided, pursuant to Section
16 163.3187, *Florida Statutes* and Chapter 650, Part 4, *Ordinance Code*, and
17 considered all oral and written comments received during public
18 hearings, including the data and analysis portions of this proposed
19 amendment to the *2030 Comprehensive Plan* and the recommendations of the
20 Planning and Development Department, the Planning Commission and the
21 LUZ Committee; and

22 **WHEREAS**, in the exercise of its authority, the City Council has
23 determined it necessary and desirable to adopt this proposed amendment
24 to the *2030 Comprehensive Plan* to preserve and enhance present
25 advantages, encourage the most appropriate use of land, water, and
26 resources consistent with the public interest, overcome present
27 deficiencies, and deal effectively with future problems which may
28 result from the use and development of land within the City of
29 Jacksonville; now, therefore

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

31 **Section 1. Purpose and Intent.** This Ordinance is adopted to

1 carry out the purpose and intent of, and exercise the authority set out
2 in, the Community Planning Act, Sections 163.3161 through 163.3248,
3 *Florida Statutes*, and Chapter 166, *Florida Statutes*, as amended.

4 **Section 2. Subject Property Location and Description.** The
5 approximately 0.87± of an acre (R.E. Nos. 031465-0000, 031467-0000,
6 031468-0000 and 031511-0000) is located in Council District 7 at 265
7 44th Street East, 281 44th Street East, 285 44th Street East and 296 45th
8 Street East, between Liberty Street and Sebald Lane, as more
9 particularly described in the **Legal Description** dated April 3, 2019,
10 and graphically depicted in the **Subject Property Map** both **On File** with
11 the City Council Legislative Services Division (Subject Property).

12 **Section 3. Owner and Applicant Description.** The subject
13 property is owned by Unity Missionary Baptist Church of Jacksonville
14 Florida, Inc. The applicant is Steve Diebenow, Esq., One Independent
15 Drive, Suite 1200, Jacksonville, Florida 32202; (904) 301-1269.

16 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
17 City Council hereby adopts a proposed Small-Scale revision to the
18 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
19 the Future Land Use Map designation from Low Density Residential (LDR)
20 to Public Buildings and Facilities (PBF), pursuant to Application
21 Number L-5377-19C.

22 **Section 5. Applicability, Effect and Legal Status.** The
23 applicability and effect of the *2030 Comprehensive Plan*, as herein
24 amended, shall be as provided in the Community Planning Act, Sections
25 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
26 development undertaken by, and all actions taken in regard to
27 development orders by governmental agencies in regard to land which is
28 subject to the *2030 Comprehensive Plan*, as herein amended, shall be
29 consistent therewith as of the effective date of this amendment to the
30 plan.

31 **Section 6. Effective date of this Plan Amendment.**

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

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

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

21 **Section 8. 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/ Shannon K. Eller

28 Office of General Counsel

29 Legislation Prepared By: Edward Lukacovic

30 GC-#1301746-v1-L-5377_SS_LU