

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-600-E**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT
6 TO THE FUTURE LAND USE MAP SERIES OF THE 2030
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM COMMUNITY/GENERAL
9 COMMERCIAL (CGC) AND RURAL RESIDENTIAL (RR) TO
10 LOW DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY
11 9.92± ACRES LOCATED IN COUNCIL DISTRICT 2 AT 0
12 MAIN STREET NORTH AND 16105 MAIN STREET NORTH,
13 BETWEEN YELLOW BLUFF ROAD AND PECAN PARK ROAD,
14 OWNED BY MATTHEW M. MCAULIFFE, PERSONAL
15 REPRESENTATIVE OF THE ESTATE OF DIXIE
16 MCAULIFFE, AS MORE PARTICULARLY DESCRIBED
17 HEREIN, PURSUANT TO APPLICATION NUMBER L-5471-
18 20C; PROVIDING A DISCLAIMER THAT THE AMENDMENT
19 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
20 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
21 PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
24 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
25 application for a proposed Small-Scale Amendment to the Future Land
26 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
27 Future Land Use designation from Community/General Commercial (CGC)
28 and Rural Residential (RR) to Low Density Residential (LDR) on
29 9.92± acres of certain real property in Council District 2, was
30 filed by Paul M. Harden, Esq., on behalf of the owner, Matthew M.
31 McAuliffe, Personal Representative of the Estate of Dixie

1 McAuliffe; and

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

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

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

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

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

1 City of Jacksonville; now, therefore

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

3 **Section 1. Purpose and Intent.** This Ordinance is adopted
4 to carry out the purpose and intent of, and exercise the authority
5 set out in, the Community Planning Act, Sections 163.3161 through
6 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
7 amended.

8 **Section 2. Subject Property Location and Description.**
9 The approximately 9.92± acres (R.E. Nos. 108107-0010 (portion) and
10 108147-0000 (portion)) are located in Council District 2 at 0 Main
11 Street North and 16105 Main Street North, between Yellow Bluff Road
12 and Pecan Park Road, as more particularly described in **Exhibit 1**,
13 dated August 20, 2020, and graphically depicted in **Exhibit 2**, both
14 **attached hereto** and incorporated herein by this reference (Subject
15 Property).

16 **Section 3. Owner and Applicant Description.** The Subject
17 Property is owned by Matthew M. McAuliffe, Personal Representative
18 of the Estate of Dixie McAuliffe. The applicant is Paul M. Harden,
19 Esq., 501 Riverside Avenue, Suite 901, Jacksonville, Florida 32202;
20 (904) 396-5731.

21 **Section 4. Adoption of Small-Scale Land Use Amendment.**
22 The City Council hereby adopts a proposed Small-Scale revision to
23 the Future Land Use Map series of the *2030 Comprehensive Plan* by
24 changing the Future Land Use Map designation from Community/General
25 Commercial (CGC) and Rural Residential (RR) to Low Density
26 Residential (LDR), pursuant to Application Number L-5471-20C.

27 **Section 5. Applicability, Effect and Legal Status.** The
28 applicability and effect of the *2030 Comprehensive Plan*, as herein
29 amended, shall be as provided in the Community Planning Act,
30 Sections 163.3161 through 163.3248, *Florida Statutes*, and this
31 Ordinance. All development undertaken by, and all actions taken in
32 regard to development orders by governmental agencies in regard to

1 land which is subject to the *2030 Comprehensive Plan*, as herein
2 amended, shall be consistent therewith as of the effective date of
3 this amendment to the plan.

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

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

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

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

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

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Form Approved:

/s/ Shannon K. Eller

Office of General Counsel

Legislation Prepared By: Edward Lukacovic

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