

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

4 **ORDINANCE 2021-419**

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  
8 USE DESIGNATION FROM RURAL RESIDENTIAL (RR) TO  
9 LIGHT INDUSTRIAL (LI) ON APPROXIMATELY 2.26±  
10 ACRES LOCATED IN COUNCIL DISTRICT 12 AT 13074  
11 NORMANDY BOULEVARD, BETWEEN POW-MIA MEMORIAL  
12 PARKWAY AND ALCOY ROAD, OWNED BY JOHN BARBONE, AS  
13 MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO  
14 APPLICATION NUMBER L-5566-21C; PROVIDING A  
15 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN  
16 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
17 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
18 DATE.

19  
20 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
21 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an  
22 application for a proposed Small-Scale Amendment to the Future Land  
23 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the  
24 Future Land Use designation from Rural Residential (RR) to Light  
25 Industrial (LI) on 2.26± acres of certain real property in Council  
26 District 12, was filed by Fred Atwill, on behalf of the owner, John  
27 Barbone; and

28 **WHEREAS**, the Planning and Development Department reviewed the  
29 proposed revision and application and has prepared a written report  
30 and rendered an advisory recommendation to the City Council with  
31 respect to the proposed amendment; and

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

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

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

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

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

28           **Section 1. Purpose and Intent.** This Ordinance is adopted  
29 to carry out the purpose and intent of, and exercise the authority  
30 set out in, the Community Planning Act, Sections 163.3161 through  
31 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as

1 amended.

2           **Section 2.           Subject Property Location and Description.** The  
3 approximately 2.26± acres (R.E. No. 002207-0100) are located in  
4 Council District 12, at 13074 Normandy Boulevard, between POW-MIA  
5 Memorial Parkway and Alcoy Road, as more particularly described in  
6 **Exhibit 1**, dated May 28, 2021, and graphically depicted in **Exhibit**  
7 **2**, both **attached hereto** and incorporated herein by this reference  
8 (Subject Property).

9           **Section 3.           Owner and Applicant Description.** The Subject  
10 Property is owned by John Barbone. The applicant is Fred Atwill,  
11 9001 Forest Acres Lane, Jacksonville, Florida 32234; (904) 610-8975.

12           **Section 4.           Adoption of Small-Scale Land Use Amendment.** The  
13 City Council hereby adopts a proposed Small-Scale revision to the  
14 Future Land Use Map series of the *2030 Comprehensive Plan* by changing  
15 the Future Land Use Map designation from Rural Residential (RR) to  
16 Light Industrial (LI), pursuant to Application Number L-5566-21C.

17           **Section 5.           Applicability, Effect and Legal Status.** The  
18 applicability and effect of the *2030 Comprehensive Plan*, as herein  
19 amended, shall be as provided in the Community Planning Act, Sections  
20 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All  
21 development undertaken by, and all actions taken in regard to  
22 development orders by governmental agencies in regard to land which  
23 is subject to the *2030 Comprehensive Plan*, as herein amended, shall  
24 be consistent therewith as of the effective date of this amendment  
25 to the plan.

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

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

31           (b) If challenged within thirty (30) days after adoption, the

1 plan amendment shall not become effective until the state land  
2 planning agency or the Administration Commission, respectively,  
3 issues a final order determining the adopted Small-Scale Amendment  
4 to be in compliance.

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

17           **Section 8. Effective Date.** This Ordinance shall become  
18 effective upon signature by the Mayor or upon becoming effective  
19 without the Mayor's signature.  
20

21 Form Approved:

22           /s/ Jason Teal          

23 Office of General Counsel

24 Legislation Prepared By: Krista Fogarty

25 GC-#1443148-v1-L-5566\_SS\_LU.docx