

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-197-E**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2045
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM LOW DENSITY RESIDENTIAL
9 (LDR) TO COMMUNITY/GENERAL COMMERCIAL (CGC) ON
10 APPROXIMATELY 0.21± ACRES LOCATED IN COUNCIL
11 DISTRICT 7 AT 0 1ST AVENUE, BETWEEN JOEL LEE ROAD
12 AND PARKWAY BOULEVARD (R.E. NO. 107887-0010
13 (PORTION)), OWNED BY ESQUIRE TRUSTEE SERVICE,
14 LLC, AS TRUSTEE OF THE FIRST AND MAIN LAND TRUST
15 DATED MAY 18, 2021, AS MORE PARTICULARLY
16 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
17 L-5731-22C; PROVIDING A DISCLAIMER THAT THE
18 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED
19 AS 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
25 Use Map series (FLUMs) of the *2045 Comprehensive Plan* to change the
26 Future Land Use designation from Low Density Residential (LDR) to
27 Community/General Commercial (CGC) on 0.21± acres of certain real
28 property in Council District 7 was filed by Evin Herzberg on behalf
29 of the owner, Esquire Trustee Service, LLC, as Trustee of the First
30 and Main Land Trust dated May 18, 2021; and

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

1 proposed revision and application and has prepared a written report
2 and rendered an advisory recommendation to the City Council with
3 respect to 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
8 recommendation 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 *2045*
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
16 Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*
17 *Code*, and considered all oral and written comments received during
18 public hearings, including the data and analysis portions of this
19 proposed amendment to the *2045 Comprehensive Plan* and the
20 recommendations of the Planning and Development Department, the
21 Planning Commission and the 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 *2045 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

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

5 **Section 2. Subject Property Location and Description.** The
6 approximately 0.21± acres are located in Council District 7 at 0 1st
7 Avenue, between Joel Lee Road and Parkway Boulevard (R.E. No. 107887-
8 0010 (portion)), as more particularly described in **Exhibit 1**, dated
9 January 27, 2023, and graphically depicted in **Exhibit 2**, both attached
10 hereto and incorporated herein by this reference (the "Subject
11 Property").

12 **Section 3. Owner and Applicant Description.** The Subject
13 Property is owned by Esquire Trustee Service, LLC, as Trustee of the
14 First and Main Land Trust dated May 18, 2021. The applicant is Evin
15 Herzberg, 12483 Aladdin Road, Jacksonville, Florida 32223; (904) 625-
16 7431.

17 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
18 City Council hereby adopts a proposed Small-Scale revision to the
19 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
20 the Future Land Use Map designation of the Subject Property from Low
21 Density Residential (LDR) to Community/General Commercial (CGC),
22 pursuant to Application Number L-5731-22C.

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

Section 6. Effective Date of this Plan Amendment.

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

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

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

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

Form Approved:

_____/s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Ed Lukacovic