

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

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 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 MCAULIFFE,  
16 AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT  
17 TO APPLICATION NUMBER L-5471-20C; PROVIDING A  
18 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN  
19 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
20 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
21 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 9.92±  
29 acres of certain real property in Council District 2, was filed by  
30 Paul M. Harden, Esq., on behalf of the owner, Matthew M. McAuliffe,  
31 Personal Representative of the Estate of Dixie McAuliffe; and

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

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

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

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

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

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

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

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

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

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

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

1 be consistent therewith as of the effective date of this amendment  
2 to the plan.

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

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

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

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

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

1 Form Approved:

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3  /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Edward Lukacovic

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