

1 Introduced by the Land Use and Zoning Committee:

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3
4 **ORDINANCE 2025-582**

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 LIGHT INDUSTRIAL (LI) ON APPROXIMATELY
10 0.78± OF AN ACRE LOCATED IN COUNCIL DISTRICT 9 AT
11 2828 12TH STREET WEST AND 0 WICKWIRE STREET,
12 BETWEEN ST. CLAIRE STREET AND HURON STREET (A
13 PORTION OF R.E. NO(S). 048485-0000 AND R.E.
14 NO(S). 048489-0050 AND 048489-0100), OWNED BY
15 SOUTHEAST FREIGHT, INC., AS MORE PARTICULARLY
16 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
17 L-5919-24C; 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 Light Industrial (LI) on 0.78± of an acre of certain real property
28 in Council District 9 was filed by Michael Herzberg, on behalf of the
29 owner, Southeast Freight, Inc.; and

30 **WHEREAS**, the Planning and Development Department reviewed the
31 proposed revision and application and has prepared a written report

1 and rendered an advisory recommendation to the City Council with
2 respect to the proposed amendment; and

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

8 **WHEREAS,** the Land Use and Zoning (LUZ) Committee of the City
9 Council held a public hearing on this proposed amendment to the *2045*
10 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,
11 considered all written and oral comments received during the public
12 hearing, and has made its recommendation to the City Council; and

13 **WHEREAS,** the City Council held a public hearing on this
14 proposed amendment, with public notice having been provided, pursuant
15 to Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4,
16 *Ordinance Code*, and considered all oral and written comments received
17 during public hearings, including the data and analysis portions of
18 this proposed amendment to the *2045 Comprehensive Plan* and the
19 recommendations of the Planning and Development Department, the
20 Planning Commission and the LUZ Committee; and

21 **WHEREAS,** in the exercise of its authority, the City Council
22 has determined it necessary and desirable to adopt this proposed
23 amendment to the *2045 Comprehensive Plan* to preserve and enhance
24 present advantages, encourage the most appropriate use of land, water,
25 and resources consistent with the public interest, overcome present
26 deficiencies, and deal effectively with future problems which may
27 result from the use and development of land within the City of
28 Jacksonville; now therefore

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

30 **Section 1. Purpose and Intent.** This Ordinance is adopted
31 to carry out the purpose and intent of, and exercise the authority

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

4 **Section 2. Subject Property Location and Description.** The
5 approximately 0.78± of an acre is located in Council District 9 at
6 2828 12th Street West and 0 Wickwire Street, between St. Claire Street
7 and Huron Street (a portion of R.E. No(s). 048485-0000 and R.E. No(s).
8 048489-0050 and 048489-0100), as more particularly described in
9 **Exhibit 1**, dated September 5, 2024, and graphically depicted in
10 **Exhibit 2**, both attached hereto and incorporated herein by this
11 reference (the "Subject Property").

12 **Section 3. Owner and Applicant Description.** The Subject
13 Property is owned by Southeast Freight, Inc. The applicant is Michael
14 Herzberg, 12483 Aladdin Road, Jacksonville, Florida, 32223; (904)
15 731-8806.

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 *2045 Comprehensive Plan* by changing
19 the Future Land Use Map designation of the Subject Property from Low
20 Density Residential (LDR) to Light Industrial (LI), pursuant to
21 Application Number L-5919-24C.

22 **Section 5. Applicability, Effect and Legal Status.** The
23 applicability and effect of the *2045 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
28 is subject to the *2045 Comprehensive Plan*, as herein amended, shall
29 be consistent therewith as of the effective date of this amendment
30 to the 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
3 date of this plan amendment shall be thirty-one (31) days after
4 adoption.

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

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

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

25
26 Form Approved:

27
28 /s/ Dylan Reingold

29 Office of General Counsel

30 Legislation Prepared By: Sophie Fogg

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