

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-3**

5 AN ORDINANCE ADOPTING A LARGE-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2030
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND USE
8 DESIGNATION FROM MULTI-USE (MU) TO LIGHT INDUSTRIAL
9 (LI) ON APPROXIMATELY 5.0± ACRES IN COUNCIL
10 DISTRICT 7 AT 0 NEW KINGS ROAD, BETWEEN DINSMORE
11 TOWER ROAD AND WOODLEY ROAD, OWNED BY DIEGO R.
12 BERMUDEZ, INCLUDING AN AMENDED SITE SPECIFIC POLICY
13 4.3.11 IN THE FUTURE LAND USE ELEMENT, AS MORE
14 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
15 APPLICATION NUMBER L-5463-20A; PROVIDING A
16 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN SHALL
17 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

19
20 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
21 *Ordinance Code*, an application for a proposed Large-Scale Amendment
22 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
23 *Plan* to change the Future Land Use designation from Multi-Use (MU)
24 to Light Industrial (LI), including an amended Site Specific Policy
25 4.3.11 in the Future Land Use Element, has been filed by Lara D.
26 Higgs, on behalf of Diego R. Bermudez, the owner of certain real
27 property located in Council District 7, as more particularly described
28 in Section 2; and

29 **WHEREAS**, the City, by the adoption of Ordinance 2020-512-E,
30 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
31 for transmittal to the Department of Economic Opportunity ("DEO"),

1 as the State Land Planning Agency, and other required state agencies,
2 for review and comment; and

3 **WHEREAS**, by various letters and e-mails, the DEO and other state
4 reviewing agencies transmitted their comments, if any, regarding this
5 proposed amendment; and

6 **WHEREAS**, the Planning and Development Department reviewed the
7 proposed revision and application, considered all comments received,
8 prepared a written report, and rendered an advisory recommendation
9 to the Council with respect to this proposed amendment; and

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

15 **WHEREAS**, pursuant to Section 650.408, *Ordinance Code*, the Land
16 Use and Zoning (LUZ) Committee held a public hearing on this proposed
17 amendment, and made its recommendation to the City Council; and

18 **WHEREAS**, pursuant to Section 163.3184(3), *Florida Statutes*, and
19 Chapter 650, Part 4, *Ordinance Code*, the City Council held a public
20 hearing with public notice having been provided on this proposed
21 amendment to the *2030 Comprehensive Plan*; and

22 **WHEREAS**, the City Council further considered all oral and
23 written comments received during public hearings, including the data
24 and analysis portions of this proposed amendment to the *2030*
25 *Comprehensive Plan*, the recommendations of the Planning and
26 Development Department, the LPA, the LUZ Committee and the comments,
27 if any, of the DEO and the other state reviewing agencies; and

28 **WHEREAS**, in the exercise of its authority, the City Council has
29 determined it necessary and desirable to adopt this proposed amendment
30 to the *2030 Comprehensive Plan* to preserve and enhance present
31 advantages, encourage the most appropriate use of land, water, and

1 resources consistent with the public interest, overcome present
2 deficiencies, and deal effectively with future problems which may
3 result from the use and development of land within the City of
4 Jacksonville; now, therefore

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

6 **Section 1. Purpose and Intent.** This Ordinance is adopted
7 to carry out the purpose and intent of, and exercise the authority
8 set out in, the Community Planning Act, Sections 163.3161 through
9 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
10 amended.

11 **Section 2. Subject Property Location and Description.** The
12 approximately 5.0± acres (R.E. No. 002484-3100) are in Council
13 District 7 at 0 New Kings Road, between Dinsmore Tower Road and
14 Woodley Road, as more particularly described in **Exhibit 1**, dated
15 October 26, 2020, and graphically depicted in **Exhibit 2**, both of
16 which are **attached hereto** and incorporated herein by this reference
17 (Subject Property).

18 **Section 3. Owner and Applicant Description.** The Subject
19 Property is owned by Diego R. Bermudez. The applicant is Lara D.
20 Hipps, 1650 Margaret Street, #323, Jacksonville, Florida 32204; (904)
21 781-2654.

22 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
23 City Council hereby adopts a proposed Large-Scale revision to the
24 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
25 the Future Land Use Map designation from Multi-Use (MU) to Light
26 Industrial (LI), pursuant to Application Number L-5463-20A.

27 **Section 5. Site Specific Policy.** The City Council hereby
28 adopts the amendment to Future Land Use Element (FLUE) Policy 4.3.11,
29 dated December 2, 2020, and **attached hereto** as **Exhibit 3**.

30 **Section 6. Applicability, Effect and Legal Status.** The
31 applicability and effect of the *2030 Comprehensive Plan*, as herein

1 amended, shall be as provided in the Community Planning Act, Section
2 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
3 development undertaken by, and all actions taken in regard to
4 development orders by governmental agencies in regard to land which
5 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
6 be consistent therewith as of the effective date of this amendment
7 to the plan.

8 **Section 7. Effective Date of this Plan Amendment.** Unless
9 this plan amendment is timely challenged under the procedures set
10 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
11 shall be effective thirty-one days after DEO notifies the City of
12 Jacksonville that the plan amendment or plan amendment package is
13 complete. If this plan amendment is timely challenged under Section
14 163.3184(3), *Florida Statutes*, this plan amendment shall become
15 effective when the DEO or the Administration Commission enters a
16 final order determining the adopted amendment to be in compliance.
17 If this plan amendment is found not to be in compliance under the
18 standards and procedures set forth in Chapter 163, Part II, *Florida*
19 *Statutes*, then this plan amendment shall become effective only by
20 further action by the City Council. No development orders,
21 development permits, or land uses dependent on this amendment may be
22 issued or commence before it has become effective.

23 **Section 8. Disclaimer.** The amendment granted herein shall
24 **not** be construed as an exemption from any other applicable local,
25 state, or federal laws, regulations, requirements, permits or
26 approvals. All other applicable local, state or federal permits or
27 approvals shall be obtained before commencement of the development
28 or use and issuance of this amendment is based upon acknowledgement,
29 representation and confirmation made by the applicant(s), owner(s),
30 developer(s) and/or any authorized agent(s) or designee(s) that the
31 subject business, development and/or use will be operated in strict

1 compliance with all laws. Issuance of this amendment does **not** approve,
2 promote or condone any practice or act that is prohibited or
3 restricted by any federal, state or local laws.

4 **Section 9. Effective Date.** This Ordinance shall become
5 effective upon signature by the Mayor or upon becoming effective
6 without the Mayor's signature.

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8 Form Approved:

9
10 /s/ Shannon K. Eller

11 Office of General Counsel

12 Legislation Prepared By: Kristen Reed

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