

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-631-E**

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 USE
8 DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO
9 PUBLIC BUILDINGS AND FACILITIES (PBF) ON
10 APPROXIMATELY 0.87± OF AN ACRE LOCATED IN COUNCIL
11 DISTRICT 7 AT 265 44TH STREET EAST, 281 44TH STREET
12 EAST, 285 44TH STREET EAST AND 296 45TH STREET
13 EAST, BETWEEN LIBERTY STREET AND SEBALD LANE,
14 OWNED BY UNITY MISSIONARY BAPTIST CHURCH OF
15 JACKSONVILLE FLORIDA, INC., AS MORE PARTICULARLY
16 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
17 L-5377-19C; PROVIDING A DISCLAIMER THAT THE
18 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED AS
19 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 Use
25 Map series (FLUMs) of the *2030 Comprehensive Plan* to change the Future
26 Land Use designation from Low Density Residential (LDR) to Public
27 Buildings and Facilities (PBF) on 0.87± of an acre of certain real
28 property in Council District 7, was filed by Steve Diebenow, Esq., on
29 behalf of the owner, Unity Missionary Baptist Church of Jacksonville
30 Florida, Inc.; and

1 **WHEREAS**, the Planning and Development Department reviewed the
2 proposed revision and application and has prepared a written report and
3 rendered an advisory recommendation to the City Council with respect to
4 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 recommendation
9 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 Section
17 163.3187, *Florida Statutes* and Chapter 650, Part 4, *Ordinance Code*, and
18 considered all oral and written comments received during public
19 hearings, including the data and analysis portions of this proposed
20 amendment to the *2030 Comprehensive Plan* and the recommendations of the
21 Planning and Development Department, the Planning Commission and the
22 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 to
2 carry out the purpose and intent of, and exercise the authority set out
3 in, the Community Planning Act, Sections 163.3161 through 163.3248,
4 *Florida Statutes*, and Chapter 166, *Florida Statutes*, as amended.

5 **Section 2. Subject Property Location and Description.** The
6 approximately 0.87± of an acre (R.E. Nos. 031465-0000, 031467-0000,
7 031468-0000 and 031511-0000) is located in Council District 7 at 265
8 44th Street East, 281 44th Street East, 285 44th Street East and 296 45th
9 Street East, between Liberty Street and Sebald Lane, as more
10 particularly described in the **Legal Description** dated April 3, 2019,
11 and graphically depicted in the **Subject Property Map** both **On File** with
12 the City Council Legislative Services Division (Subject Property).

13 **Section 3. Owner and Applicant Description.** The subject
14 property is owned by Unity Missionary Baptist Church of Jacksonville
15 Florida, Inc. The applicant is Steve Diebenow, Esq., One Independent
16 Drive, Suite 1200, Jacksonville, Florida 32202; (904) 301-1269.

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 *2030 Comprehensive Plan* by changing
20 the Future Land Use Map designation from Low Density Residential (LDR)
21 to Public Buildings and Facilities (PBF), pursuant to Application
22 Number L-5377-19C.

23 **Section 5. Applicability, Effect and Legal Status.** The
24 applicability and effect of the *2030 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 is
29 subject to the *2030 Comprehensive Plan*, as herein amended, shall be
30 consistent therewith as of the effective date of this amendment to the
31 plan.

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

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

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

10 **Section 7. Disclaimer.** The amendment granted herein shall **not**

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

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26 Form Approved:

27
28 /s/ Shannon K. Eller

29 Office of General Counsel

30 Legislation Prepared By: Edward Lukacovic

31 GC-#1301746-v1-L-5377_SS_LU