

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-47**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT
6 TO THE FUTURE LAND USE MAP SERIES OF THE 2030
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 0.40± OF AN ACRE LOCATED IN
11 COUNCIL DISTRICT 9 AT 3018 LENOX AVENUE,
12 BETWEEN MCDUFF AVENUE SOUTH AND SHEARER AVENUE,
13 OWNED BY ORANGE BLOSSOM TRAIL ORLANDO, LLC, AS
14 MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
15 APPLICATION NUMBER L-5422-19C; PROVIDING A
16 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
17 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
18 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
19 DATE.
20

21 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
22 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
23 application for a proposed Small-Scale Amendment to the Future Land
24 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
25 Future Land Use designation from Low Density Residential (LDR) to
26 Community/General Commercial (CGC) on 0.40± of an acre of certain
27 real property in Council District 9, was filed by Steve Diebenow,
28 Esq., on behalf of the owner, Orange Blossom Trail Orlando, LLC;
29 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,
5 with due public notice having been provided, reviewed and
6 considered 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
10 *2030 Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance*
11 *Code*, considered all written and oral comments received during the
12 public hearing, and has made its recommendation to the City
13 Council; and

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

23 **WHEREAS**, in the exercise of its authority, the City Council
24 has determined it necessary and desirable to adopt this proposed
25 amendment to the *2030 Comprehensive Plan* to preserve and enhance
26 present advantages, encourage the most appropriate use of land,
27 water, and resources consistent with the public interest, overcome
28 present deficiencies, and deal effectively with future problems
29 which may result from the use and development of land within the
30 City of 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.**
7 The approximately 0.40± of an acre (R.E. No. 063333-0000 (portion))
8 is located in Council District 9 at 3018 Lenox Avenue, between
9 McDuff Avenue South and Shearer Avenue, as more particularly
10 described in **Exhibit 1**, dated December 1, 2019, and graphically
11 depicted in **Exhibit 2**, both **attached hereto** and incorporated herein
12 by this reference (Subject Property).

13 **Section 3. Owner and Applicant Description.** The Subject
14 Property is owned by Orange Blossom Trail Orlando, LLC. The
15 applicant is Steve Diebenow, Esq., One Independent Drive, Suite
16 1200, Jacksonville, Florida 32202; (904) 301-1269.

17 **Section 4. Adoption of Small-Scale Land Use Amendment.**
18 The City Council hereby adopts a proposed Small-Scale revision to
19 the Future Land Use Map series of the *2030 Comprehensive Plan* by
20 changing the Future Land Use Map designation from Low Density
21 Residential (LDR) to Community/General Commercial (CGC), pursuant
22 to Application Number L-5422-19C.

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,
26 Sections 163.3161 through 163.3248, *Florida Statutes*, and this
27 Ordinance. All development undertaken by, and all actions taken in
28 regard to development orders by governmental agencies in regard to
29 land which is subject to the *2030 Comprehensive Plan*, as herein
30 amended, shall be consistent therewith as of the effective date of
31 this amendment to the 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
4 date of this plan amendment shall be thirty-one (31) days after
5 adoption.

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

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

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

27 Form Approved:

28 /s/ Shannon K. Eller

29 Office of General Counsel

30 Legislation Prepared By: Krista Fogarty