

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-608-E**

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 3.14± ACRES LOCATED IN COUNCIL
11 DISTRICT 2 AT 3029 NEW BERLIN ROAD, BETWEEN NEW
12 BERLIN ROAD AND YELLOW BLUFF ROAD, OWNED BY
13 TIMOTHY H. JOY AND LAURIE A. JOY, AS MORE
14 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
15 APPLICATION NUMBER L-5473-20C; 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.
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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 3.14± acres of certain real
27 property in Council District 2, was filed by the owners, Timothy H.
28 Joy and Laurie A. Joy; and

29 **WHEREAS**, the Planning and Development Department reviewed the
30 proposed revision and application and has prepared a written report
31 and rendered an advisory recommendation to the City Council with

1 respect to the proposed amendment; and

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

7 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City
8 Council held a public hearing on this proposed amendment to the
9 *2030 Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance*
10 *Code*, considered all written and oral comments received during the
11 public hearing, and has made its recommendation to the City
12 Council; and

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

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

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

31 **Section 1. Purpose and Intent.** This Ordinance is adopted

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

5 **Section 2. Subject Property Location and Description.**

6 The approximately 3.14± acres (R.E. No. 106926-0200) are located in
7 Council District 2 at 3029 New Berlin Road, between New Berlin Road
8 and Yellow Bluff Road, as more particularly described in **Exhibit 1**,
9 dated September 15, 2020, and graphically depicted in **Exhibit 2**,
10 both **attached hereto** and incorporated herein by this reference
11 (Subject Property).

12 **Section 3. Owner and Applicant Description.** The Subject

13 Property is owned by Timothy H. Joy and Laurie A. Joy. The
14 applicant is Timothy H. Joy, P.O. Box 350337, Jacksonville, Florida
15 32235; (904) 537-3207.

16 **Section 4. Adoption of Small-Scale Land Use Amendment.**

17 The City Council hereby adopts a proposed Small-Scale revision to
18 the Future Land Use Map series of the *2030 Comprehensive Plan* by
19 changing the Future Land Use Map designation from Low Density
20 Residential (LDR) to Community General Commercial (CGC), pursuant
21 to Application Number L-5473-20C.

22 **Section 5. Applicability, Effect and Legal Status.** The

23 applicability and effect of the *2030 Comprehensive Plan*, as herein
24 amended, shall be as provided in the Community Planning Act,
25 Sections 163.3161 through 163.3248, *Florida Statutes*, and this
26 Ordinance. All development undertaken by, and all actions taken in
27 regard to development orders by governmental agencies in regard to
28 land which is subject to the *2030 Comprehensive Plan*, as herein
29 amended, shall be consistent therewith as of the effective date of
30 this amendment 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,
8 issues a final order determining the adopted Small-Scale Amendment
9 to be in 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
16 acknowledgement, representation and confirmation made by the
17 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
18 or designee(s) that the subject business, development and/or use
19 will be operated in strict compliance with all laws. Issuance of
20 this amendment does **not** approve, promote or condone any practice or
21 act that is prohibited or restricted by any federal, state or local
22 laws.

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

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27 Form Approved:

28
29 /s/ Shannon K. Eller

30 Office of General Counsel

31 Legislation Prepared By: Jody McDaniel

