

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2019-2-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 NEIGHBORHOOD COMMERCIAL (NC) ON APPROXIMATELY  
10 6.16± ACRES LOCATED IN COUNCIL DISTRICT 2 AT 0  
11 DUNN CREEK ROAD, BETWEEN NEW BERLIN ROAD AND  
12 ARENDS ROAD, OWNED BY OCEANWAY PROPERTY  
13 DEVELOPMENT, LLC, AS MORE PARTICULARLY DESCRIBED  
14 HEREIN, PURSUANT TO APPLICATION NUMBER L-5321-18C;  
15 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED  
16 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM  
17 ANY OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
18 DATE.  
19

20 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
21 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an  
22 application for a proposed Small-Scale Amendment to the Future Land Use  
23 Map series (FLUMs) of the *2030 Comprehensive Plan* to change the Future  
24 Land Use designation from Low Density Residential (LDR) to Neighborhood  
25 Commercial (NC) on 6.16± acres of certain real property in Council  
26 District 2, was filed by Courtney P. Gaver, Esq., on behalf of the  
27 owner, Oceanway Property Development, LLC; and

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

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

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

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

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

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

28           **Section 1. Purpose and Intent.** This ordinance is adopted to  
29 carry out the purpose and intent of, and exercise the authority set out  
30 in, the Community Planning Act, Sections 163.3161 through 163.3248,  
31 *Florida Statutes*, and Chapter 166, *Florida Statutes*, as amended.

1           **Section 2.           Subject Property Location and Description.**   The  
2 approximately 6.16± acres (R.E. No. 106509-0010) is located in Council  
3 District 2 at 0 Dunn Creek Road, between New Berlin Road and Arends  
4 Road, as more particularly described in **Exhibit 1**, dated October 25,  
5 2018, and graphically depicted in **Exhibit 2**, both **attached hereto** and  
6 incorporated herein by this reference (Subject Property).

7           **Section 3.           Owner and Applicant Description.**   The subject  
8 property is owned by Oceanway Property Development, LLC. The applicant  
9 is Courtney P. Gaver, Esq., Rogers Towers, P.A., 100 Whetstone Place,  
10 Suite 200, St. Augustine, Florida 32086; (904) 473-1388.

11           **Section 4.           Adoption of Small-Scale Land Use Amendment.**   The  
12 City Council hereby adopts a proposed Small-Scale revision to the  
13 Future Land Use Map series of the *2030 Comprehensive Plan* by changing  
14 the Future Land Use Map designation from Low Density Residential (LDR)  
15 to Neighborhood Commercial (NC), pursuant to Application Number L-5321-  
16 18C.

17           **Section 5.           Applicability, Effect and Legal Status.**   The  
18 applicability and effect of the *2030 Comprehensive Plan*, as herein  
19 amended, shall be as provided in the Community Planning Act, Sections  
20 163.3161 through 163.3248, *Florida Statutes*, and this ordinance. All  
21 development undertaken by, and all actions taken in regard to  
22 development orders by governmental agencies in regard to land which is  
23 subject to the *2030 Comprehensive Plan*, as herein amended, shall be  
24 consistent therewith as of the effective date of this amendment to the  
25 plan.

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

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

30           (b) If challenged within thirty (30) days after adoption, the  
31 plan amendment shall not become effective until the state land planning

1 agency or the Administration Commission, respectively, issues a final  
2 order determining the adopted Small-Scale Amendment to be in  
3 compliance.

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

16       **Section 8. Effective Date.** This ordinance shall become  
17 effective upon signature by the Mayor or upon becoming effective  
18 without the Mayor's signature.

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20 Form Approved:

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22           /s/ Shannon K. Eller          

23 Office of General Counsel

24 Legislation Prepared By: Krista Fogarty

25 GC-#1254104-v1-L-5321\_SS\_LU