

1 Introduced by the Land Use and Zoning Committee:

4 **ORDINANCE 2020-332-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 RESIDENTIAL-PROFESSIONAL-  
9 INSTITUTIONAL (RPI) TO NEIGHBORHOOD COMMERCIAL  
10 (NC) ON APPROXIMATELY 1.26± ACRES LOCATED IN  
11 COUNCIL DISTRICT 14 AT 1541 RIVERSIDE AVENUE,  
12 1551 RIVERSIDE AVENUE, 1715 MEMORIAL PARK  
13 DRIVE, 1721 MEMORIAL PARK DRIVE AND 1729  
14 MEMORIAL PARK DRIVE, BETWEEN MEMORIAL PARK  
15 DRIVE AND LANCASTER STREET, OWNED BY SCHIAVONE  
16 ENTERPRISES, INC., SCHIAVONE PROPERTIES, INC.,  
17 SCHIAVONE ASSOCIATES, INC., AND SCHIAVONE  
18 REALTY, INC., AS MORE PARTICULARLY DESCRIBED  
19 HEREIN, PURSUANT TO APPLICATION NUMBER L-5428-  
20 20C; PROVIDING A DISCLAIMER THAT THE AMENDMENT  
21 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
22 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
23 PROVIDING AN EFFECTIVE DATE.

24  
25 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
26 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an  
27 application for a proposed Small-Scale Amendment to the Future Land  
28 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the  
29 Future Land Use designation from Residential-Professional-  
30 Institutional (RPI) to Neighborhood Commercial (NC) on 1.26± acres  
31 of certain real property in Council District 14, was filed by Paul

1 M. Harden, Esq., on behalf of the owners, Schiavone Enterprises,  
2 Inc., Schiavone Properties, Inc., Schiavone Associates, Inc., and  
3 Schiavone Realty, Inc.; and

4 **WHEREAS**, the Planning and Development Department reviewed the  
5 proposed revision and application and has prepared a written report  
6 and rendered an advisory recommendation to the City Council with  
7 respect to the proposed amendment; and

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

13 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City  
14 Council held a public hearing on this proposed amendment to the  
15 *2030 Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance*  
16 *Code*, considered all written and oral comments received during the  
17 public hearing, and has made its recommendation to the City  
18 Council; and

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

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

1 water, and resources consistent with the public interest, overcome  
2 present deficiencies, and deal effectively with future problems  
3 which may result from the use and development of land within the  
4 City of 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.**  
12 The approximately 1.26± acres (R.E. Nos. 090180-0000, 090181-0000,  
13 090182-0000, 090183-0000 and 090188-0000) are located in Council  
14 District 14 at 1541 Riverside Avenue, 1551 Riverside Avenue, 1715  
15 Memorial Park Drive, 1721 Memorial Park Drive and 1729 Memorial  
16 Park Drive, between Memorial Park Drive and Lancaster Street, as  
17 more particularly described in **Exhibit 1**, dated January 6, 2020,  
18 and graphically depicted in **Exhibit 2**, both **attached hereto** and  
19 incorporated herein by this reference (Subject Property).

20 **Section 3. Owner and Applicant Description.** The Subject  
21 Property is owned by Schiavone Enterprises, Inc., Schiavone  
22 Properties, Inc., Schiavone Associates, Inc., and Schiavone Realty,  
23 Inc. The applicant is Paul M. Harden, Esq. 501 Riverside Avenue,  
24 Suite 901, Jacksonville, Florida 32202; (904) 396-5731.

25 **Section 4. Adoption of Small-Scale Land Use Amendment.**  
26 The City Council hereby adopts a proposed Small-Scale revision to  
27 the Future Land Use Map series of the *2030 Comprehensive Plan* by  
28 changing the Future Land Use Map designation from Residential-  
29 Professional-Institutional (RPI) to Neighborhood Commercial (NC),  
30 pursuant to Application Number L-5428-20C.

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

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

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

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

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

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

1           **Section 8.           Effective Date.**   This Ordinance shall become  
2 effective upon signature by the Mayor or upon becoming effective  
3 without the Mayor's signature.

4  
5  
6 Form Approved:

7  
8             /s/ Shannon K. Eller      

9 Office of General Counsel

10 Legislation Prepared By: Susan Kelly

11 GC-#1368994-v1-L-5428\_SS\_LU