

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-471**

5 AN ORDINANCE ADOPTING A LARGE-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 AGRICULTURE-III (AGR-III),
9 AGRICULTURE-IV (AGR-IV) AND MULTI-USE (MU) TO
10 LOW DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY
11 280.55± ACRES IN COUNCIL DISTRICT 7, OFF OF
12 BRADDOCK ROAD, EAST OF NEW KINGS ROAD, AND WEST
13 OF LEM TURNER ROAD, OWNED BY THE W.R. BRADDOCK
14 ESTATE ET AL., INCLUDING AN AMENDED SITE
15 SPECIFIC POLICY 4.3.18 IN THE FUTURE LAND USE
16 ELEMENT, AS MORE PARTICULARLY DESCRIBED HEREIN,
17 PURSUANT TO APPLICATION NUMBER L-5414-19A;
18 PROVIDING A DISCLAIMER THAT THE AMENDMENT
19 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
20 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
21 PROVIDING AN EFFECTIVE DATE.
22

23 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
24 *Ordinance Code*, an application for a proposed Large-Scale Amendment
25 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
26 *Plan* to change the Future Land Use designation from Agriculture-III
27 (AGR-III), Agriculture-IV (AGR-IV) and Multi-Use (MU) to Low
28 Density Residential (LDR), including an amended Site Specific
29 Policy 4.3.18 in the Future Land Use Element, has been filed by
30 Curtis L. Hart, on behalf of the W.R. Braddock Estate, et al., the
31 owners of certain real property located in Council District 7, as

1 more particularly described in Section 2; and

2 **WHEREAS**, the City, by the adoption of Ordinance 2020-01-E,
3 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
4 for transmittal to the Department of Economic Opportunity ("DEO"),
5 as the State Land Planning Agency, and other required state
6 agencies, for review and comment; and

7 **WHEREAS**, by various letters and e-mails, the DEO and other
8 state reviewing agencies transmitted their comments, if any,
9 regarding this proposed amendment; and

10 **WHEREAS**, the Planning and Development Department reviewed the
11 proposed revision and application, considered all comments
12 received, prepared a written report, and rendered an advisory
13 recommendation to the Council with respect to this proposed
14 amendment; and

15 **WHEREAS**, the Planning Commission, acting as the Local Planning
16 Agency (LPA), held a public hearing on this proposed amendment,
17 with due public notice having been provided, and having reviewed
18 and considered all comments during the public hearing, made its
19 recommendation to the City Council; and

20 **WHEREAS**, pursuant to Section 650.408, *Ordinance Code*, the Land
21 Use and Zoning (LUZ) Committee held a public hearing on this
22 proposed amendment, and made its recommendation to the City
23 Council; and

24 **WHEREAS**, pursuant to Section 163.3184(3), *Florida Statutes*,
25 and Chapter 650, Part 4, *Ordinance Code*, the City Council held a
26 public hearing with public notice having been provided on this
27 proposed amendment to the *2030 Comprehensive Plan*; and

28 **WHEREAS**, the City Council further considered all oral and
29 written comments received during public hearings, including the
30 data and analysis portions of this proposed amendment to the *2030*
31 *Comprehensive Plan*, the recommendations of the Planning and

1 Development Department, the LPA, the LUZ Committee and the
2 comments, if any, of the DEO and the other state reviewing
3 agencies; and

4 **WHEREAS**, in the exercise of its authority, the City Council
5 has determined it necessary and desirable to adopt this proposed
6 amendment to the *2030 Comprehensive Plan* to preserve and enhance
7 present advantages, encourage the most appropriate use of land,
8 water, and resources consistent with the public interest, overcome
9 present deficiencies, and deal effectively with future problems
10 which may result from the use and development of land within the
11 City of Jacksonville; now, therefore

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

13 **Section 1. Purpose and Intent.** This Ordinance is adopted
14 to carry out the purpose and intent of, and exercise the authority
15 set out in, the Community Planning Act, Sections 163.3161 through
16 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
17 amended.

18 **Section 2. Subject Property Location and Description.** The
19 approximately 280.55± acres are in Council District 7, off of
20 Braddock Road, east of New Kings Road, and west of Lem Turner Road,
21 as more particularly described in **Exhibit 1**, dated July 14, 2020,
22 and graphically depicted in **Exhibit 2**, both of which are **attached**
23 **hereto** and incorporated herein by this reference (Subject
24 Property).

25 **Section 3. Owner and Applicant Description.** The Subject
26 Property is owned by the W.R. Braddock Estate, et al. The
27 applicant is Curtis L. Hart, 8051 Tara Lane, Jacksonville, Florida
28 32216; (904) 993-5008.

29 **Section 4. Adoption of Large-Scale Land Use Amendment.**
30 The City Council hereby adopts a proposed Large-Scale revision to
31 the Future Land Use Map series of the *2030 Comprehensive Plan* by

1 changing the Future Land Use Map designation from Agriculture-III
2 (AGR-III), Agriculture-IV (AGR-IV) and Multi-Use (MU) to Low
3 Density Residential (LDR), pursuant to Application Number L-5414-
4 19A.

5 **Section 5. Site Specific Policy.** The City Council hereby
6 adopts the amendment to Future Land Use Element (FLUE) Policy
7 4.3.18, dated July 29, 2020, and **attached hereto** as **Exhibit 3**.

8 **Section 6. Applicability, Effect and Legal Status.** The
9 applicability and effect of the *2030 Comprehensive Plan*, as herein
10 amended, shall be as provided in the Community Planning Act,
11 Section 163.3161 through 163.3248, *Florida Statutes*, and this
12 Ordinance. All development undertaken by, and all actions taken in
13 regard to development orders by governmental agencies in regard to
14 land which is subject to the *2030 Comprehensive Plan*, as herein
15 amended, shall be consistent therewith as of the effective date of
16 this amendment to the plan.

17 **Section 7. Effective Date of this Plan Amendment.** Unless
18 this plan amendment is timely challenged under the procedures set
19 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
20 shall be effective thirty-one days after DEO notifies the City of
21 Jacksonville that the plan amendment or plan amendment package is
22 complete. If this plan amendment is timely challenged under
23 Section 163.3184(3), *Florida Statutes*, this plan amendment shall
24 become effective when the DEO or the Administration Commission
25 enters a final order determining the adopted amendment to be in
26 compliance. If this plan amendment is found not to be in
27 compliance under the standards and procedures set forth in Chapter
28 163, Part II, *Florida Statutes*, then this plan amendment shall
29 become effective only by further action by the City Council. No
30 development orders, development permits, or land uses dependent on
31 this amendment may be issued or commence before it has become

1 effective.

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

15 **Section 9. Effective Date.** This Ordinance shall become
16 effective upon signature by the Mayor or upon becoming effective
17 without the Mayor's signature.

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19 Form Approved:

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21 _____
 /s/ Shannon K. Eller

22 Office of General Counsel

23 Legislation Prepared By: Susan Kelly

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