

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2020-544-E**

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 LOW DENSITY RESIDENTIAL
9 (LDR) AND MEDIUM DENSITY RESIDENTIAL (MDR) TO
10 RESIDENTIAL-PROFESSIONAL-INSTITUTIONAL (RPI) ON
11 APPROXIMATELY 189.05± ACRES IN COUNCIL DISTRICT
12 3 AT 0 W.M. DAVIS PARKWAY AND 0 SAN PABLO ROAD,
13 BETWEEN BEACH BOULEVARD AND J. TURNER BUTLER
14 BOULEVARD, OWNED BY ESTUARY, LLC, AS MORE
15 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
16 APPLICATION NUMBER L-5380-19A; PROVIDING A
17 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
18 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
19 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
20 DATE.
21

22 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
23 *Ordinance Code*, an application for a proposed Large-Scale Amendment
24 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
25 *Plan* to change the Future Land Use designation from Low Density
26 Residential (LDR) and Medium Density Residential (MDR) to
27 Residential-Professional-Institutional (RPI), has been filed by
28 Paul M. Harden, Esq., on behalf of Estuary, LLC, the owner of
29 certain real property located in Council District 3, as more
30 particularly described in Section 2; and

31 **WHEREAS**, the City, by the adoption of Ordinance 2019-630-E,

1 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
2 for transmittal to the Department of Economic Opportunity (DEO), as
3 the State Land Planning Agency, and other required state agencies,
4 for review and comment; and

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

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

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

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

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

26 **WHEREAS**, the City Council further considered all oral and
27 written comments received during public hearings, including the
28 data and analysis portions of this proposed amendment to the *2030*
29 *Comprehensive Plan*, the recommendations of the Planning and
30 Development Department, the LPA, the LUZ Committee and the
31 comments, if any, of the DEO and the other state reviewing

1 agencies; and

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

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

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

16 **Section 2. Subject Property Location and Description.** The
17 approximately 189.05± acres (R.E. Nos. 167452-6010 (portion) and
18 167736-0020) are in Council District 3 at 0 W.M. Davis Parkway and
19 0 San Pablo Road, between Beach Boulevard and J. Turner Butler
20 Boulevard, as more particularly described in **Exhibit 1**, dated June
21 10, 2019, and graphically depicted in **Exhibit 2**, both of which are
22 **attached hereto** and incorporated herein by this reference (Subject
23 Property).

24 **Section 3. Owner and Applicant Description.** The Subject
25 Property is owned by Estuary, LLC. The applicant is Paul M.
26 Harden, Esq., 501 Riverside Avenue, Suite 901, Jacksonville,
27 Florida 32202; (904) 396-5731.

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

1 Residential (LDR) and Medium Density Residential (MDR) to
2 Residential-Professional-Institutional (RPI), pursuant to
3 Application Number L-5380-19A.

4 **Section 5. Applicability, Effect and Legal Status.** The
5 applicability and effect of the *2030 Comprehensive Plan*, as herein
6 amended, shall be as provided in the Community Planning Act,
7 Section 163.3161 through 163.3248, *Florida Statutes*, and this
8 Ordinance. All development undertaken by, and all actions taken in
9 regard to development orders by governmental agencies in regard to
10 land which is subject to the *2030 Comprehensive Plan*, as herein
11 amended, shall be consistent therewith as of the effective date of
12 this amendment to the plan.

13 **Section 6. Effective Date of this Plan Amendment.** Unless
14 this plan amendment is timely challenged under the procedures set
15 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
16 shall be effective thirty-one days after DEO notifies the City of
17 Jacksonville that the plan amendment or plan amendment package is
18 complete. If this plan amendment is timely challenged under
19 Section 163.3184(3), *Florida Statutes*, this plan amendment shall
20 become effective when the DEO or the Administration Commission
21 enters a final order determining the adopted amendment to be in
22 compliance. If this plan amendment is found not to be in
23 compliance under the standards and procedures set forth in Chapter
24 163, Part II, *Florida Statutes*, then this plan amendment shall
25 become effective only by further action by the City Council. No
26 development orders, development permits, or land uses dependent on
27 this amendment may be issued or commence before it has become
28 effective.

29 **Section 7. Disclaimer.** The amendment granted herein shall
30 **not** be construed as an exemption from any other applicable local,
31 state, or federal laws, regulations, requirements, permits or

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

11 **Section 8. Effective Date.** This Ordinance shall become
12 effective upon signature by the Mayor or upon becoming effective
13 without the Mayor's signature.

14
15 Form Approved:

16
17 /s/ Shannon K. Eller

18 Office of General Counsel

19 Legislation Prepared By: Jody McDaniel

20 GC-#1385394-v1-L-5380_LS_LU_ADP.docx