

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2020-88-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 COMMUNITY/GENERAL  
9 COMMERCIAL (CGC) TO RESIDENTIAL-PROFESSIONAL-  
10 INSTITUTIONAL (RPI) ON APPROXIMATELY 0.37± OF AN  
11 ACRE LOCATED IN COUNCIL DISTRICT 14 AT 2939  
12 MANITOU AVENUE, BETWEEN ORTEGA BOULEVARD AND  
13 BALTIC CIRCLE, OWNED BY TIMOTHY R. BRUNELLE AND  
14 JULIE L. BRUNELLE, AS MORE PARTICULARLY  
15 DESCRIBED HEREIN, PURSUANT TO APPLICATION  
16 NUMBER L-5423-19C; PROVIDING A DISCLAIMER THAT  
17 THE AMENDMENT GRANTED HEREIN SHALL NOT BE  
18 CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
19 APPLICABLE LAWS; PROVIDING AN EFFECTIVE 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 Community/General Commercial (CGC)  
26 to Residential-Professional-Institutional (RPI) on 0.37± of an acre  
27 of certain real property in Council District 14, was filed by  
28 Jeremy Hill, on behalf of the owners, Timothy R. Brunelle and Julie  
29 L. Brunelle; and

30 **WHEREAS**, the Planning and Development Department reviewed the

1 proposed revision and application and has prepared a written report  
2 and rendered an advisory recommendation to the City Council with  
3 respect to the proposed amendment; and

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

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

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

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

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

2           **Section 1.           Purpose and Intent.** This Ordinance is adopted  
3 to carry out the purpose and intent of, and exercise the authority  
4 set out in, the Community Planning Act, Sections 163.3161 through  
5 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as  
6 amended.

7           **Section 2.           Subject Property Location and Description.**  
8 The approximately 0.37± of an acre (R.E. No. 101602-0000) is  
9 located in Council District 14 at 2939 Manitou Avenue, between  
10 Ortega Boulevard and Baltic Circle, as more particularly described  
11 in **Exhibit 1**, dated December 4, 2019, and graphically depicted in  
12 **Exhibit 2**, both **attached hereto** and incorporated herein by this  
13 reference (Subject Property).

14           **Section 3.           Owner and Applicant Description.** The Subject  
15 Property is owned by Timothy R. Brunelle and Julie L. Brunelle. The  
16 applicant is Jeremy Hill, 751 Oak Street, Suite 110, Jacksonville,  
17 Florida 32204; (904) 962-0992.

18           **Section 4.           Adoption of Small-Scale Land Use Amendment.**  
19 The City Council hereby adopts a proposed Small-Scale revision to  
20 the Future Land Use Map series of the *2030 Comprehensive Plan* by  
21 changing the Future Land Use Map designation from Community/General  
22 Commercial (CGC) to Residential-Professional-Institutional (RPI),  
23 pursuant to Application Number L-5423-19C.

24           **Section 5.           Applicability, Effect and Legal Status.** The  
25 applicability and effect of the *2030 Comprehensive Plan*, as herein  
26 amended, shall be as provided in the Community Planning Act,  
27 Sections 163.3161 through 163.3248, *Florida Statutes*, and this  
28 Ordinance. All development undertaken by, and all actions taken in  
29 regard to development orders by governmental agencies in regard to  
30 land which is subject to the *2030 Comprehensive Plan*, as herein  
31 amended, shall be consistent therewith as of the effective date of

1 this amendment to the plan.

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

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

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

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

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

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2 Form Approved:

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4 /s/ Shannon K. Eller

5 Office of General Counsel

6 Legislation Prepared By: Edward Lukacovic

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