

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2019-750-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) AND COMMUNITY/GENERAL  
10 COMMERCIAL (CGC) IN THE URBAN AREA (UA) TO  
11 COMMUNITY/GENERAL COMMERCIAL (CGC) IN THE URBAN  
12 PRIORITY AREA (UPA) ON APPROXIMATELY 2.87± ACRES  
13 LOCATED IN COUNCIL DISTRICT 5 AT 2137 HENDRICKS  
14 AVENUE AND 2139 THACKER AVENUE, BETWEEN ALFORD  
15 PLACE AND MITCHELL AVENUE, OWNED BY THE SOUTH  
16 JACKSONVILLE PRESBYTERIAN CHURCH, INC., AS MORE  
17 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO  
18 APPLICATION NUMBER L-5395-19C; ADOPTING A SITE  
19 SPECIFIC POLICY/TEXT AMENDMENT DIRECTLY RELATED  
20 TO THIS SMALL-SCALE AMENDMENT; PROVIDING A  
21 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN  
22 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
23 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
24 DATE.  
25

26 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
27 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an  
28 application for a proposed Small-Scale Amendment to the Future Land  
29 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the  
30 Future Land Use designation from Residential-Professional-

1 Institutional (RPI) and Community/General Commercial (CGC) in the  
2 Urban Area (UA) to Community/General Commercial (CGC) in the Urban  
3 Priority Area (UPA) on 2.87± acres of certain real property in  
4 Council District 5, was filed by Zach Miller, Esq., on behalf of  
5 the owner, The South Jacksonville Presbyterian Church, Inc.; and

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

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

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

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

30 **WHEREAS**, in the exercise of its authority, the City Council  
31 has determined it necessary and desirable to adopt this proposed

1 amendment to the *2030 Comprehensive Plan* to preserve and enhance  
2 present advantages, encourage the most appropriate use of land,  
3 water, and resources consistent with the public interest, overcome  
4 present deficiencies, and deal effectively with future problems  
5 which may result from the use and development of land within the  
6 City of Jacksonville; now, therefore

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

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

13 **Section 2. Subject Property Location and Description.**  
14 The approximately 2.87± acres (R.E. Nos. 081704-0000 and 081712-  
15 0000) are located in Council District 5 at 2137 Hendricks Avenue  
16 and 2139 Thacker Avenue, between Alford Place and Mitchell Avenue,  
17 as more particularly described in **Exhibit 1**, dated July 23, 2019,  
18 and graphically depicted in **Revised Exhibit 2**, dated February 19,  
19 2020, both **attached hereto** and incorporated herein by this  
20 reference (Subject Property).

21 **Section 3. Owner and Applicant Description.** The subject  
22 property is owned by The South Jacksonville Presbyterian Church,  
23 Inc. The applicant is Zach Miller, Esq., 501 Riverside Avenue,  
24 Suite 901, Jacksonville, Florida 32202; (904) 396-5731.

25 **Section 4. Adoption of Small-Scale Land Use Amendment;**  
26 **Revision to Development Area Map(s) (Urban Area/Urban Priority Area**  
27 **Boundaries).** The City Council hereby adopts a proposed Small-Scale  
28 revision to the Future Land Use Map series of the *2030*  
29 *Comprehensive Plan* by changing the Future Land Use Map designation  
30 from Residential-Professional-Institutional (RPI) and  
31 Community/General Commercial (CGC) in the Urban Area (UA) to

1 Community/General Commercial (CGC) in the Urban Priority Area  
2 (UPA), pursuant to Application Number L-5395-19C. Upon the  
3 effective date of this plan amendment, Future Land Use Element Map  
4 L-21, Transportation Element Map T-4 and Capital Improvements  
5 Element Map CI-1 of the Comprehensive Plan shall be revised to  
6 incorporate the Subject Property into the Urban Priority Area  
7 boundaries.

8 **Section 5. Adoption of Site Specific Policy/Text**  
9 **Amendment.** The City Council hereby adopts the following new site  
10 specific policy/text amendment related directly to, and adopted  
11 simultaneously with, the Small-Scale Land Use Map Amendment  
12 approved herein for the Subject Property:

13 **FUTURE LAND USE ELEMENT**

14 \* \* \*

15 **4.4.16**

16 Pursuant to the authority granted by Sec. 163.3187(1)(b),  
17 *Florida Statutes*, Ordinance 2019-750-E adopting a small-scale land  
18 use map amendment is approved, subject to the following site  
19 specific conditions:

20 To implement Policies 1.1.2, 3.1.21, and 3.4.3, of the 2030  
21 Comprehensive Plan Future Land Use Element, the following  
22 limitations shall apply to this small-scale land use map amendment:

23 (a) Multi-family residential uses shall be limited to 133  
24 units.

25 (b) Non-residential floor area shall be limited to 96,000  
26 square feet (garage, all floors) and 25,000 +/- square feet  
27 (existing church, all floors).

28 (c) To ensure compatibility with adjacent uses and to protect  
29 neighborhood scale and character through transition zones, bulk,  
30 massing, and height restrictions, new building height shall be  
31 limited to the calculated weighted average, not to exceed 35 feet,

1 across the length of the development from Alford Place to Mitchell  
2 Avenue as follows: A sum of the height to the predominant roof line  
3 (ridge or parapet wall) of that portion of a building multiplied by  
4 the length of that portion of a building divided by the overall  
5 length of permissible building within the minimum setback.

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

15 **Section 7. Effective date of this Plan Amendment.**

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

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

25 **Section 8. Disclaimer.** The amendment granted herein shall  
26 not be construed as an exemption from any other applicable local,  
27 state, or federal laws, regulations, requirements, permits or  
28 approvals. All other applicable local, state or federal permits or  
29 approvals shall be obtained before commencement of the development  
30 or use and issuance of this amendment is based upon  
31 acknowledgement, representation and confirmation made by the

1 applicant(s), owner(s), developer(s) and/or any authorized agent(s)  
2 or designee(s) that the subject business, development and/or use  
3 will be operated in strict compliance with all laws. Issuance of  
4 this amendment does **not** approve, promote or condone any practice or  
5 act that is prohibited or restricted by any federal, state or local  
6 laws.

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

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11 Form Approved:

12  
13 /s/ Shannon K. Eller

14 Office of General Counsel

15 Legislation Prepared By: Susan Kelly

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