

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2021-421-W**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO  
6 THE FUTURE LAND USE MAP SERIES OF THE 2030  
7 *COMPREHENSIVE PLAN* IN RESPONSE TO A REQUEST FOR  
8 REASONABLE ACCOMMODATION FOR DISABLED PERSONS BY  
9 CHANGING THE FUTURE LAND USE DESIGNATION FROM LOW  
10 DENSITY RESIDENTIAL (LDR) TO LIGHT INDUSTRIAL  
11 (LI) ON APPROXIMATELY 0.23± ACRES LOCATED IN  
12 COUNCIL DISTRICT 2 AT 946 JORICK COURT WEST,  
13 BETWEEN JORICK COURT EAST AND MILLARD COURT EAST,  
14 OWNED BY DONALD E. SWETT, AS MORE PARTICULARLY  
15 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER  
16 L-5571-21C; PROVIDING A DISCLAIMER THAT THE  
17 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED  
18 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
19 PROVIDING AN EFFECTIVE DATE.  
20

21 **WHEREAS**, pursuant to the provisions of Sections 650.402(b) and  
22 656.112, *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*,  
23 an application for a proposed Small-Scale Amendment to the Future  
24 Land Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change  
25 the Future Land Use designation from Low Density Residential (LDR)  
26 to Light Industrial (LI) on 0.23± acres of certain real property in  
27 Council District 2, was filed by Donald E. Swett, on behalf of the  
28 owner, Donald E. Swett; and

29 **WHEREAS**, the Planning and Development Department reviewed the  
30 proposed revision and application and has prepared a written report  
31 and rendered an advisory recommendation to the City Council with

1 respect to the proposed amendment; and

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

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

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

20 **WHEREAS**, based on a review of the evidence submitted at the  
21 public hearings and consideration of the criteria in Section  
22 656.112(e), *Ordinance Code*, the City Council has determined that the  
23 existing land use designation on the property inhibits the applicant's  
24 legal use and enjoyment of the dwelling; and

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

1 Jacksonville; now, therefore

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

3 **Section 1. Purpose and Intent.** This Ordinance is adopted  
4 to carry out the purpose and intent of, and exercise the authority  
5 set out in, the Community Planning Act, Sections 163.3161 through  
6 163.3248, *Florida Statutes*, Chapter 166, *Florida Statutes* and Section  
7 656.112, *Ordinance Code*, as amended.

8 **Section 2. Subject Property Location and Description.** The  
9 approximately 0.23± acres (R.E. No. 161951-0000) are located in  
10 Council District 2, at 946 Jorick Court West, between Jorick Court  
11 East and Millard Court East, as more particularly described in **Exhibit**  
12 **1**, dated June 3, 2021, and graphically depicted in **Exhibit 2**, both  
13 **attached hereto** and incorporated herein by this reference (Subject  
14 Property).

15 **Section 3. Owner and Applicant Description.** The Subject  
16 Property is owned by Donald E. Swett. The applicant is Donald E.  
17 Swett, 946 Jorick Court West, Jacksonville, Florida 32225; (904) 200-  
18 6362.

19 **Section 4. Adoption of Small-Scale Land Use Amendment.** The  
20 City Council hereby adopts a proposed Small-Scale revision to the  
21 Future Land Use Map series of the *2030 Comprehensive Plan* by changing  
22 the Future Land Use Map designation from Low Density Residential  
23 (LDR) to Light Industrial (LI), pursuant to Application Number L-  
24 5571-21C.

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

1 be consistent therewith as of the effective date of this amendment  
2 to the plan.

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

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

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

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

25 **Section 8. Reasonable Accommodation.** This amendment is  
26 based upon a request for a reasonable accommodation made by the  
27 applicant pursuant to Section 656.112, *Ordinance Code*. Because this  
28 amendment is made to accommodate a disability that is personal to the  
29 applicant, it shall not serve as precedent or any other basis to  
30 enable or justify any Future Land Use Map amendment applications made  
31 for any property located in proximity to the Subject Property.

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

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6 Form Approved:

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8                     /s/ Jason Teal          

9 Office of General Counsel

10 Legislation Prepared By:   Connie Quinto

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