

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-130**

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 TO LIGHT INDUSTRIAL (LI) ON APPROXIMATELY 36.35±
10 ACRES LOCATED IN COUNCIL DISTRICT 2 AT 0 NEW
11 BERLIN ROAD, BETWEEN RINGNECK DRIVE AND ISLAND
12 DRIVE, OWNED BY JACKSONVILLE SISTERS, LLC, AND
13 ST. JOHNS RIVER PARTNERS, LLC, AS MORE
14 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
15 APPLICATION NUMBER L-5386-19A; PROVIDING A
16 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
17 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
18 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
19 DATE.
20

21 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
22 *Ordinance Code*, an application for a proposed Large-Scale Amendment
23 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
24 *Plan* to change the Future Land Use designation from Agriculture III
25 (AGR-III) to Light Industrial (LI), has been filed by Curtis Hart,
26 on behalf of Jacksonville Sisters, LLC, and St. Johns River
27 Partners, LLC, the owners of certain real property located in
28 Council District 2, as more particularly described in Section 2;
29 and

30 **WHEREAS**, the City, by the adoption of Ordinance 2019-713-E,
31 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*

1 for transmittal to the Department of Economic Opportunity ("DEO"),
2 as the State Land Planning Agency, and other required state
3 agencies, for review and comment; and

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

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

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

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

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

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

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

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

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

15 **Section 2. Subject Property Location and Description.** The
16 approximately 36.35± acres are located in Council District 2 at 0
17 New Berlin Road, between Ringneck Drive and Island Drive (R.E. Nos.
18 108433-0000 and 108433-0200), as more particularly described in
19 **Exhibit 1**, dated June 17, 2019, and graphically depicted in **Exhibit**
20 **2**, both of which are **attached hereto** and incorporated herein by
21 this reference (Subject Property).

22 **Section 3. Owner and Applicant Description.** The Subject
23 Property is owned by Jacksonville Sisters, LLC, and St. Johns River
24 Partners, LLC. The applicant is Curtis Hart, 8051 Tara Lane,
25 Jacksonville, Florida 32216; (904) 993-5008.

26 **Section 4. Adoption of Large-Scale Land Use Amendment.**
27 The City Council hereby adopts a proposed Large-Scale revision to
28 the Future Land Use Map series of the *2030 Comprehensive Plan* by
29 changing the Future Land Use Map designation from Agriculture III
30 (AGR-III) to Light Industrial (LI), pursuant to Application Number
31 L-5386-19A.

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

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

26 **Section 7. Disclaimer.** The amendment granted herein shall
27 **not** be construed as an exemption from any other applicable local,
28 state, or federal laws, regulations, requirements, permits or
29 approvals. All other applicable local, state or federal permits or
30 approvals shall be obtained before commencement of the development
31 or use and issuance of this amendment is based upon

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

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

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12 Form Approved:

13
14 /s/ Shannon K. Eller

15 Office of General Counsel

16 Legislation Prepared By: Christopher Schoenig

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