

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

4 **ORDINANCE 2023-39-E**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO
6 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 LOW DENSITY RESIDENTIAL (LDR)
10 ON APPROXIMATELY 0.20± ACRES LOCATED IN COUNCIL
11 DISTRICT 9 AT 0 ROYAL AVENUE, BETWEEN RAMONA
12 BOULEVARD AND LENOX AVENUE (R.E. NO. 079316-
13 0000), OWNED BY CANOBIE LAKE TD LAND TRUST UTD
14 1/1/18, DANIEL POWELL, AS TRUSTEE, AS MORE
15 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
16 APPLICATION NUMBER L-5774-22C; 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*, and Section 163.3187(1), *Florida Statutes*, an
24 application for a proposed Small-Scale Amendment to the Future Land
25 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
26 Future Land Use designation from Community/General Commercial (CGC)
27 to Low Density Residential (LDR) on 0.20± acres of certain real
28 property in Council District 9 was filed by Zach Miller, Esq., on
29 behalf of the owner, Canobie Lake TD Land Trust UTD 1/1/18, Daniel
30 Powell, as Trustee; and

31 **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, with
6 due public notice having been provided, reviewed and considered
7 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 *2030*
11 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,
12 considered all written and oral comments received during the public
13 hearing, and has made its recommendation to the City Council; and

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

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

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

31 **Section 1. Purpose and Intent.** This Ordinance is adopted

1 to carry out the purpose and intent of, and exercise the authority
2 set out in, the Community Planning Act, Sections 163.3161 through
3 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
4 amended.

5 **Section 2. Subject Property Location and Description.** The
6 approximately 0.20± acres are located in Council District 9 at 0 Royal
7 Avenue, between Ramona Boulevard and Lenox Avenue (R.E. No. 079316-
8 0000), as more particularly described in **Exhibit 1**, dated October 24,
9 2022, and graphically depicted in **Exhibit 2**, both attached hereto and
10 incorporated herein by this reference (the "Subject Property").

11 **Section 3. Owner and Applicant Description.** The Subject
12 Property is owned by Canobie Lake TD Land Trust UTD 1/1/18, Daniel
13 Powell, as Trustee. The applicant is Zach Miller, Esq., 3203 Old
14 Barn Court, Ponte Vedra Beach, Florida 32082; (904) 651-8958.

15 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
16 City Council hereby adopts a proposed Small-Scale revision to the
17 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
18 the Future Land Use Map designation of the Subject Property from
19 Community/General Commercial (CGC) to Low Density Residential (LDR),
20 pursuant to Application Number L-5774-22C.

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

30 **Section 6. Effective Date of this Plan Amendment.**

31 (a) If the amendment meets the criteria of Section 163.3187,

1 *Florida Statutes*, as amended, and is not challenged, the effective
2 date of this plan amendment shall be thirty-one (31) days after
3 adoption.

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

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

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

24
25 Form Approved:

26
27 /s/ Mary E. Staffopoulos

28 Office of General Counsel

29 Legislation Prepared By: Marcus Salley

30 GC-#1544162-v1A-2023-39_(L-5774-22C).docx