

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-282**

5 AN ORDINANCE ADOPTING A LARGE-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 LOW DENSITY RESIDENTIAL
9 (LDR) TO RESIDENTIAL-PROFESSIONAL-INSTITUTIONAL
10 (RPI) ON APPROXIMATELY 13.79± ACRES LOCATED IN
11 COUNCIL DISTRICT 7 AT 0 DUVAL ROAD AND 14241 DUVAL
12 ROAD, BETWEEN DUVAL ROAD AND INTERSTATE 95, OWNED
13 BY BROWARD DUVAL, LLC, ET AL., AND THE
14 HIGGINBOTHAM LAND TRUST, ET AL., AS MORE
15 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
16 APPLICATION NUMBER L-5393-19A; 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*, an application for a proposed Large-Scale Amendment
24 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
25 *Plan* to change the Future Land Use designation from Low Density
26 Residential (LDR) to Residential-Professional-Institutional (RPI),
27 has been filed by Alexander Harden, on behalf of Broward Duval, LLC,
28 et al., and the Higginbotham Land Trust, et al., the owners of certain
29 real property located in Council District 7, as more particularly
30 described in Section 2; and

31 **WHEREAS**, the City, by the adoption of Ordinance 2019-715-E,

1 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
2 for transmittal to the Department of Economic Opportunity ("DEO"),
3 as the State Land Planning Agency, and other required state agencies,
4 for review and comment; and

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

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

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

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

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

30 **WHEREAS**, in the exercise of its authority, the City Council has

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

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

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

14 **Section 2. Subject Property Location and Description.** The
15 approximately 13.79± acres are located in Council District 7 at 0
16 Duval Road and 14241 Duval Road, between Duval Road and Interstate
17 95 (R.E. Nos. 019373-0020 and 019659-0000), as more particularly
18 described in **Exhibit 1**, dated January 17, 2020, and graphically
19 depicted in **Exhibit 2**, both of which are **attached hereto** and
20 incorporated herein by this reference (Subject Property).

21 **Section 3. Owner and Applicant Description.** The Subject
22 Property is owned by Broward Duval, LLC, et al., and the Higginbotham
23 Land Trust, et al. The applicant is Alexander Harden, 501 Riverside
24 Avenue, Suite 901, Jacksonville, Florida 32202; (904) 396-5731.

25 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
26 City Council hereby adopts a proposed Large-Scale revision to the
27 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
28 the Future Land Use Map designation from Low Density Residential
29 (LDR) to Residential-Professional-Institutional (RPI), pursuant to
30 Application Number L-5393-19A.

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, Section
4 163.3161 through 163.3248, *Florida Statutes*, and this ordinance. All
5 development undertaken by, and all actions taken in regard to
6 development orders by governmental agencies in regard to land which
7 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
8 be consistent therewith as of the effective date of this amendment
9 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 Section
16 163.3184(3), *Florida Statutes*, this plan amendment shall become
17 effective when the DEO or the Administration Commission enters a
18 final order determining the adopted amendment to be in compliance.
19 If this plan amendment is found not to be in compliance under the
20 standards and procedures set forth in Chapter 163, Part II, *Florida*
21 *Statutes*, then this plan amendment shall become effective only by
22 further action by the City Council. No development orders,
23 development permits, or land uses dependent on this amendment may be
24 issued or commence before it has become effective.

25 **Section 7. 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 acknowledgement,

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

7 **Section 8. 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: Kristen Reed

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