

1 Introduced by the Land Use and Zoning Committee:  
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3

4 **ORDINANCE 2019-683**

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 LOW DENSITY RESIDENTIAL  
9 (LDR) TO COMMUNITY/GENERAL COMMERCIAL (CGC) ON  
10 APPROXIMATELY 3.69± ACRES LOCATED IN COUNCIL  
11 DISTRICT 10 AT 0 CAHOON ROAD NORTH, BETWEEN  
12 OKLAHOMA STREET AND OLD PLANK ROAD, OWNED BY  
13 MICHAEL MOODY, AS MORE PARTICULARLY DESCRIBED  
14 HEREIN, PURSUANT TO APPLICATION NUMBER L-5360-  
15 19C; PROVIDING A DISCLAIMER THAT THE AMENDMENT  
16 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
17 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
18 PROVIDING AN EFFECTIVE DATE.

19  
20 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
21 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an  
22 application for a proposed Small-Scale Amendment to the Future Land  
23 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the  
24 Future Land Use designation from Low Density Residential (LDR) to  
25 Community/General Commercial (CGC) on 3.69± acres of certain real  
26 property in Council District 10, was filed by Lara Hipps, on behalf  
27 of the owner, Michael Moody; and

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

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

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

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

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

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

30           **Section 1. Purpose and Intent.** This Ordinance is adopted  
31 to carry out the purpose and intent of, and exercise the authority

1 set out in, the Community Planning Act, Sections 163.3161 through  
2 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as  
3 amended.

4 **Section 2. Subject Property Location and Description.**

5 The approximately 3.69± acres (R.E. No. 005478-0010) are located in  
6 Council District 10 at 0 Cahoon Road North, between Oklahoma Street  
7 and Old Plank Road, as more particularly described in **Exhibit 1**,  
8 dated July 23, 2019, and graphically depicted in **Exhibit 2**, both  
9 **attached hereto** and incorporated herein by this reference (Subject  
10 Property).

11 **Section 3. Owner and Applicant Description.** The subject

12 property is owned by Michael Moody. The applicant is Lara Hipps,  
13 1650 Margaret Street #323, Jacksonville, Florida 32204; (904) 781-  
14 2654.

15 **Section 4. Adoption of Small-Scale Land Use Amendment.**

16 The City Council hereby adopts a proposed Small-Scale revision to  
17 the Future Land Use Map series of the *2030 Comprehensive Plan* by  
18 changing the Future Land Use Map designation from Low Density  
19 Residential (LDR) to Community/General Commercial (CGC), pursuant  
20 to Application Number L-5360-19C.

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,  
24 Sections 163.3161 through 163.3248, *Florida Statutes*, and this  
25 Ordinance. All development undertaken by, and all actions taken in  
26 regard to development orders by governmental agencies in regard to  
27 land which is subject to the *2030 Comprehensive Plan*, as herein  
28 amended, shall be consistent therewith as of the effective date of  
29 this amendment 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,  
7 issues a final order determining the adopted Small-Scale Amendment  
8 to be in 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  
15 acknowledgement, representation and confirmation made by the  
16 applicant(s), owner(s), developer(s) and/or any authorized agent(s)  
17 or designee(s) that the subject business, development and/or use  
18 will be operated in strict compliance with all laws. Issuance of  
19 this amendment does **not** approve, promote or condone any practice or  
20 act that is prohibited or restricted by any federal, state or local  
21 laws.

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

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26 Form Approved:

27  
28 /s/ Shannon K. Eller

29 Office of General Counsel

30 Legislation Prepared By: Christopher Schoenig

31 GC-#1304966-v1-L-5360\_SS\_LU