

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-280**

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 LIGHT INDUSTRIAL (LI) TO
9 RECREATION AND OPEN SPACE (ROS) ON APPROXIMATELY
10 16.11± ACRES LOCATED IN COUNCIL DISTRICT 12 AT 0
11 BEAVER STREET WEST, BETWEEN ZEPHYR DAIRY DRIVE
12 AND OTIS ROAD, OWNED BY R AND J OF DUVAL, LLC, AS
13 MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
14 APPLICATION NUMBER L-5367-19A; PROVIDING A
15 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
16 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
17 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
18 DATE.

19
20 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
21 *Ordinance Code*, an application for a proposed Large-Scale Amendment
22 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
23 *Plan* to change the Future Land Use designation from Light Industrial
24 (LI) to Recreation and Open Space (ROS), has been filed by Curtis L.
25 Hart, on behalf of R and J of Duval, LLC, the owner of certain real
26 property located in Council District 12, as more particularly
27 described in Section 2; and

28 **WHEREAS**, the City, by the adoption of Ordinance 2019-680-E,
29 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
30 for transmittal to the Department of Economic Opportunity ("DEO"),
31 as the State Land Planning Agency, and other required state agencies,

1 for review and comment; and

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

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

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

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

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

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

27 **WHEREAS**, in the exercise of its authority, the City Council has
28 determined it necessary and desirable to adopt this proposed amendment
29 to the *2030 Comprehensive Plan* to preserve and enhance present
30 advantages, encourage the most appropriate use of land, water, and

1 resources consistent with the public interest, overcome present
2 deficiencies, and deal effectively with future problems which may
3 result from the use and development of land within the City of
4 Jacksonville; now, therefore

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

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

11 **Section 2. Subject Property Location and Description.** The
12 approximately 16.11± acres are located in Council District 12 at 0
13 Beaver Street West, between Zephyr Dairy Drive and Otis Road (R.E.
14 No. 001675-0500), as more particularly described in **Exhibit 1**, dated
15 September 6, 2019, and graphically depicted in **Exhibit 2**, both of
16 which are **attached hereto** and incorporated herein by this reference
17 (Subject Property).

18 **Section 3. Owner and Applicant Description.** The Subject
19 Property is owned by R and J of Duval, LLC. The applicant is Curtis
20 L. Hart, 8051 Tara Lane, Jacksonville, Florida 32216; (904) 993-5008.

21 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
22 City Council hereby adopts a proposed Large-Scale revision to the
23 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
24 the Future Land Use Map designation from Light Industrial (LI) to
25 Recreation and Open Space (ROS), pursuant to Application Number L-
26 5367-19A.

27 **Section 5. Applicability, Effect and Legal Status.** The
28 applicability and effect of the *2030 Comprehensive Plan*, as herein
29 amended, shall be as provided in the Community Planning Act, Section
30 163.3161 through 163.3248, *Florida Statutes*, and this ordinance. All

1 development undertaken by, and all actions taken in regard to
2 development orders by governmental agencies in regard to land which
3 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
4 be consistent therewith as of the effective date of this amendment
5 to the plan.

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

21 **Section 7. Disclaimer.** The amendment granted herein shall
22 not be construed as an exemption from any other applicable local,
23 state, or federal laws, regulations, requirements, permits or
24 approvals. All other applicable local, state or federal permits or
25 approvals shall be obtained before commencement of the development
26 or use and issuance of this amendment is based upon acknowledgement,
27 representation and confirmation made by the applicant(s), owner(s),
28 developer(s) and/or any authorized agent(s) or designee(s) that the
29 subject business, development and/or use will be operated in strict
30 compliance with all laws. Issuance of this amendment does not approve,

