

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-535**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2045
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM LOW DENSITY RESIDENTIAL
9 (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON
10 APPROXIMATELY 0.97± ACRES LOCATED IN COUNCIL
11 DISTRICT 8 AT 10939 BISCAYNE BOULEVARD, BETWEEN
12 MAR VIC LANE AND YELFORD CIRCLE (R.E. NO. 044176-
13 0050), OWNED BY DUNN AVENUE HOLDINGS, LLC, AS
14 MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
15 APPLICATION NUMBER L-5831-23C; 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*, and Section 163.3187(1), *Florida Statutes*, an
23 application for a proposed Small-Scale Amendment to the Future Land
24 Use Map series (FLUMs) of the *2045 Comprehensive Plan* to change the
25 Future Land Use designation from Low Density Residential (LDR) to
26 Medium Density Residential (MDR) on 0.97± acres of certain real
27 property in Council District 8 was filed by Wyman Duggan, Esq. on
28 behalf of the owner, Dunn Avenue Holdings, LLC; and

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

1 respect to the proposed amendment; and

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

7 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City
8 Council held a public hearing on this proposed amendment to the *2045*
9 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,
10 considered all written and oral comments received during the public
11 hearing, and has made its recommendation to the City Council; and

12 **WHEREAS**, the City Council held a public hearing on this proposed
13 amendment, with public notice having been provided, pursuant to
14 Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*
15 *Code*, and considered all oral and written comments received during
16 public hearings, including the data and analysis portions of this
17 proposed amendment to the *2045 Comprehensive Plan* and the
18 recommendations of the Planning and Development Department, the
19 Planning Commission and the LUZ Committee; and

20 **WHEREAS**, in the exercise of its authority, the City Council has
21 determined it necessary and desirable to adopt this proposed amendment
22 to the *2045 Comprehensive Plan* to preserve and enhance present
23 advantages, encourage the most appropriate use of land, water, and
24 resources consistent with the public interest, overcome present
25 deficiencies, and deal effectively with future problems which may
26 result from the use and development of land within the City of
27 Jacksonville; now, therefore

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

29 **Section 1. Purpose and Intent.** This Ordinance is adopted
30 to carry out the purpose and intent of, and exercise the authority
31 set out in, the Community Planning Act, Sections 163.3161 through

1 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
2 amended.

3 **Section 2. Subject Property Location and Description.** The
4 approximately 0.97± acres are located in Council District 8 at 10939
5 Biscayne Boulevard, between Mar Vic Lane and Yelford Circle (R.E. No.
6 044176-0050), as more particularly described in **Exhibit 1**, dated May
7 25, 2023, and graphically depicted in **Exhibit 2**, both attached hereto
8 and incorporated herein by this reference (the "Subject Property").

9 **Section 3. Owner and Applicant Description.** The Subject
10 Property is owned by Dunn Avenue Holdings, LLC. The applicant is
11 Wyman Duggan, Esq., 1301 Riverplace Boulevard, Suite 1500,
12 Jacksonville, Florida 32207; (904) 398-3911.

13 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
14 City Council hereby adopts a proposed Small-Scale revision to the
15 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
16 the Future Land Use Map designation of the Subject Property from Low
17 Density Residential (LDR) to Medium Density Residential (MDR),
18 pursuant to Application Number L-5831-23C.

19 **Section 5. Applicability, Effect and Legal Status.** The
20 applicability and effect of the *2045 Comprehensive Plan*, as herein
21 amended, shall be as provided in the Community Planning Act, Sections
22 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
23 development undertaken by, and all actions taken in regard to
24 development orders by governmental agencies in regard to land which
25 is subject to the *2045 Comprehensive Plan*, as herein amended, shall
26 be consistent therewith as of the effective date of this amendment
27 to the plan.

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

29 (a) If the amendment meets the criteria of Section 163.3187,
30 *Florida Statutes*, as amended, and is not challenged, the effective
31 date of this plan amendment shall be thirty-one (31) days after

1 adoption.

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

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

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

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23 Form Approved:

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25 /s/ Mary E. Staffopoulos

26 Office of General Counsel

27 Legislation Prepared By: Krista Fogarty

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