

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-369-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 LIGHT INDUSTRIAL (LI) AND
9 COMMUNITY/GENERAL COMMERCIAL (CGC) TO MEDIUM
10 DENSITY RESIDENTIAL (MDR) AND COMMUNITY/GENERAL
11 COMMERCIAL (CGC) ON APPROXIMATELY 8.45± ACRES
12 LOCATED IN COUNCIL DISTRICT 5 AT 2179 EMERSON
13 STREET, BETWEEN ST. AUGUSTINE ROAD AND PHILIPS
14 HIGHWAY, OWNED BY THE SOUTHSIDE CHURCH OF GOD IN
15 CHRIST, INC., AS MORE PARTICULARLY DESCRIBED
16 HEREIN, PURSUANT TO APPLICATION NUMBER L-5554-
17 21C; PROVIDING A DISCLAIMER THAT THE AMENDMENT
18 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
19 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE 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 Light Industrial (LI) and
27 Community/General Commercial (CGC) to Medium Density Residential
28 (MDR) and Community/General Commercial (CGC) on 8.45± acres of certain
29 real property in Council District 5, was filed by Fred Atwill, on
30 behalf of the owner, The Southside Church of God in Christ, Inc.; 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 8.45± acres (R.E. No. 126635-0000 (portion)) are
7 located in Council District 5, at 2179 Emerson Street, between St.
8 Augustine Road and Philips Highway, as more particularly described
9 in **Exhibit 1**, dated June 2, 2021, and graphically depicted in **Exhibit**
10 **2**, both **attached hereto** and incorporated herein by this reference
11 (Subject Property).

12 **Section 3. Owner and Applicant Description.** The Subject
13 Property is owned by The Southside Church of God in Christ, Inc. The
14 applicant is Fred Atwill, 9601 Forest Acres Lane, Jacksonville,
15 Florida 32234; (904) 610-8975.

16 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
17 City Council hereby adopts a proposed Small-Scale revision to the
18 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
19 the Future Land Use Map designation from Light Industrial (LI) and
20 Community/General Commercial (CGC) to Medium Density Residential
21 (MDR) and Community/General Commercial (CGC), pursuant to Application
22 Number L-5554-21C.

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

1 **Section 6. Effective date of this Plan Amendment.**

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

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

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

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

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27 Form Approved:

28 _____
 /s/ Shannon K. Eller

29 Office of General Counsel

30 Legislation Prepared By: Kristen Reed

31 GC-#1438601-v1-2021-369_Original_Bill