

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-359**

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 COMMUNITY/GENERAL
9 COMMERCIAL (CGC), MEDIUM DENSITY RESIDENTIAL
10 (MDR) AND LOW DENSITY RESIDENTIAL (LDR) TO
11 RECREATION AND OPEN SPACE (ROS) ON APPROXIMATELY
12 37.86± ACRES LOCATED IN COUNCIL DISTRICT 12 AT 0
13 NOROAD, 10050 NOROAD, 10061 NOROAD, 10144 NOROAD,
14 0 103RD STREET AND 0 CONNIE JEAN ROAD, BETWEEN
15 103RD STREET AND NOROAD (R.E. NOS. 012955-0010,
16 012956-0000, 012960-0000, 012961-0100, 012970-
17 0100, 012971-0100 AND 012974-0055), OWNED BY
18 NOROAD DEVELOPMENT, LLC, MELVIN R. BARBOUR AND
19 VICKY BARBOUR, AS MORE PARTICULARLY DESCRIBED
20 HEREIN, PURSUANT TO APPLICATION NUMBER L-5807-
21 23C; PROVIDING A DISCLAIMER THAT THE AMENDMENT
22 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
23 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
24 PROVIDING AN EFFECTIVE DATE.
25

26 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
27 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
28 application for a proposed Small-Scale Amendment to the Future Land
29 Use Map series (FLUMs) of the *2045 Comprehensive Plan* to change the
30 Future Land Use designation from Community/General Commercial (CGC),
31 Medium Density Residential (MDR) and Low Density Residential (LDR)

1 to Recreation and Open Space (ROS) on 37.86± acres of certain real
2 property in Council District 12 was filed by Michael Herzberg on
3 behalf of the owners, Noroad Development, LLC, Melvin R. Barbour and
4 Vicky Barbour; and

5 **WHEREAS**, the Planning and Development Department reviewed the
6 proposed revision and application and has prepared a written report
7 and rendered an advisory recommendation to the City Council with
8 respect to the 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, reviewed and considered
12 comments received during the public hearing and made its
13 recommendation to the City Council; and

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

19 **WHEREAS**, the City Council held a public hearing on this proposed
20 amendment, with public notice having been provided, pursuant to
21 Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*
22 *Code*, and considered all oral and written comments received during
23 public hearings, including the data and analysis portions of this
24 proposed amendment to the *2045 Comprehensive Plan* and the
25 recommendations of the Planning and Development Department, the
26 Planning Commission and the LUZ Committee; 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 *2045 Comprehensive Plan* to preserve and enhance present
30 advantages, encourage the most appropriate use of land, water, and
31 resources consistent with the public interest, overcome present

1 deficiencies, and deal effectively with future problems which may
2 result from the use and development of land within the City of
3 Jacksonville; now, therefore

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

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

10 **Section 2. Subject Property Location and Description.** The
11 approximately 37.86± acres are located in Council District 12 at 0
12 Noroad, 10050 Noroad, 10061 Noroad, 10144 Noroad, 0 103rd Street and
13 0 Connie Jean Road, between 103rd Street and Noroad (R.E. Nos. 012955-
14 0010, 012956-0000, 012960-0000, 012961-0100, 012970-0100, 012971-0100
15 and 012974-0055), as more particularly described in **Exhibit 1**, dated
16 May 10, 2023, and graphically depicted in **Exhibit 2**, both attached
17 hereto and incorporated herein by this reference (the "Subject
18 Property").

19 **Section 3. Owner and Applicant Description.** The Subject
20 Property is owned by Noroad Development, LLC, Melvin R. Barbour and
21 Vicky Barbour. The applicant is Michael Herzberg, 12483 Aladdin
22 Road, Jacksonville, Florida 32223; (904) 731-8806.

23 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
24 City Council hereby adopts a proposed Small-Scale revision to the
25 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
26 the Future Land Use Map designation of the Subject Property from
27 Community/General Commercial (CGC), Medium Density Residential (MDR)
28 and Low Density Residential (LDR) to Recreation and Open Space (ROS),
29 pursuant to Application Number L-5807-23C.

30 **Section 5. Applicability, Effect and Legal Status.** The
31 applicability and effect of the *2045 Comprehensive Plan*, as herein

1 amended, shall be as provided in the Community Planning Act, Sections
2 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
3 development undertaken by, and all actions taken in regard to
4 development orders by governmental agencies in regard to land which
5 is subject to the *2045 Comprehensive Plan*, as herein amended, shall
6 be consistent therewith as of the effective date of this amendment
7 to the plan.

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

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

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

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

30 **Section 8. Effective Date.** This Ordinance shall become
31 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature.

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3 Form Approved:

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5 /s/ Shannon K. Eller

6 Office of General Counsel

7 Legislation Prepared By: Helena Parola

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