

1 Introduced by the Land Use and Zoning Committee:

2
3
4 **ORDINANCE 2020-573-E**

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 NEIGHBORHOOD COMMERCIAL
9 (NC) AND RESIDENTIAL-PROFESSIONAL-INSTITUTIONAL
10 (RPI) TO RESIDENTIAL-PROFESSIONAL-INSTITUTIONAL
11 (RPI) AND CONSERVATION (CSV) ON APPROXIMATELY
12 6.80± ACRES LOCATED IN COUNCIL DISTRICT 4 AT 0
13 PARENTAL HOME ROAD, BETWEEN BOWDEN ROAD AND
14 PARENTAL HOME ROAD, OWNED BY 223 S. 9TH AVE.,
15 INC., AS MORE PARTICULARLY DESCRIBED HEREIN,
16 PURSUANT TO APPLICATION NUMBER L-5465-20C;
17 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 Neighborhood Commercial (NC) and
27 Residential-Professional-Institutional (RPI) to Residential-
28 Professional-Institutional (RPI) and Conservation (CSV) on 6.80±
29 acres of certain real property in Council District 4, was filed by
30 Gregory E. Matovina, on behalf of the owner, 223 S. 9th Ave., Inc.;

31 and

1 **WHEREAS**, the Planning and Development Department reviewed the
2 proposed revision and application and has prepared a written report
3 and rendered an advisory recommendation to the City Council with
4 respect to the proposed amendment; and

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

10 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City
11 Council held a public hearing on this proposed amendment to the
12 *2030 Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance*
13 *Code*, considered all written and oral comments received during the
14 public hearing, and has made its recommendation to the City
15 Council; and

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

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

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

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

7 **Section 2. Subject Property Location and Description.**
8 The approximately 6.80± acres (R.E. No. 152570-0200 (portion)) are
9 located in Council District 4 at 0 Parental Home Road, between
10 Bowden Road and Parental Home Road, as more particularly described
11 in **Exhibit 1**, dated July 30, 2020, and graphically depicted in
12 **Exhibit 2**, both **attached hereto** and incorporated herein by this
13 reference (Subject Property).

14 **Section 3. Owner and Applicant Description.** The Subject
15 Property is owned by 223 S. 9th Ave., Inc. The applicant is Gregory
16 E. Matovina, 12443 San Jose Boulevard, Suite 504, Jacksonville,
17 Florida 32223; (904) 292-0778.

18 **Section 4. Adoption of Small-Scale Land Use Amendment.**
19 The City Council hereby adopts a proposed Small-Scale revision to
20 the Future Land Use Map series of the *2030 Comprehensive Plan* by
21 changing the Future Land Use Map designation from Neighborhood
22 Commercial (NC) and Residential-Professional-Institutional (RPI) to
23 Residential-Professional-Institutional (RPI) and Conservation
24 (CSV), pursuant to Application Number L-5465-20C.

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

1 this amendment to the plan.

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

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

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

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

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

1 Form Approved:

2

3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Susan Kelly

6 GC-#1388950-v1-L-5465_SS_LU.docx