

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-146**

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 WATER DEPENDENT-WATER
9 RELATED (WD-WR) TO HEAVY INDUSTRIAL (HI) ON
10 APPROXIMATELY 18.51± ACRES LOCATED IN COUNCIL
11 DISTRICT 2 AT 0 ZOO PARKWAY, BETWEEN ZOO PARKWAY
12 AND CSX RAILWAY (R.E. NO. 111061-0300), OWNED BY
13 WILLIAM M. BOSTWICK, WILLIAM C. BOSTWICK, CHARLES
14 W. BOSTWICK, AND BANK OF AMERICA, N.A., AS
15 TRUSTEES OF THE CHARLES W. BOSTWICK TRUST CREATED
16 UNDER THE LAST WILL AND TESTAMENT OF NELL L. COWAN
17 BOSTWICK, DECEASED, DATED JANUARY 22, 1964, AND
18 THE CODICILS THERETO, (THE "CHARLES W. BOSTWICK
19 TRUST"), AND BY WILLIAM C. BOSTWICK, CHARLES W.
20 BOSTWICK, AND BANK OF AMERICA, N.A., AS TRUSTEES
21 OF THE WILLIAM C. BOSTWICK TRUST CREATED UNDER
22 THE LAST WILL AND TESTAMENT OF NELL L. COWAN
23 BOSTWICK, DECEASED, DATED JANUARY 22, 1964, AND
24 THE CODICILS THERETO, (THE "WILLIAM C. BOSTWICK
25 TRUST"), AS MORE PARTICULARLY DESCRIBED HEREIN,
26 PURSUANT TO APPLICATION NUMBER L-5648-21C;
27 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED
28 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
29 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
30 EFFECTIVE DATE.
31

1 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
2 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
3 application for a proposed Small-Scale Amendment to the Future Land
4 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
5 Future Land Use designation from Water Dependent-Water Related (WD-
6 WR) to Heavy Industrial (HI) on approximately 18.51± acres of certain
7 real property in Council District 2 was filed by Paul Harden, Esq.,
8 on behalf of the owners, the Charles W. Bostwick Trust and the William
9 C. Bostwick Trust; and

10 **WHEREAS**, the Planning and Development Department reviewed the
11 proposed revision and application and has prepared a written report
12 and rendered an advisory recommendation to the City Council with
13 respect to the proposed amendment; and

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

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

24 **WHEREAS**, the City Council held a public hearing on this proposed
25 amendment, with public notice having been provided, pursuant to
26 Section 163.3187, *Florida Statutes* and Chapter 650, Part 4, *Ordinance*
27 *Code*, and considered all oral and written comments received during
28 public hearings, including the data and analysis portions of this
29 proposed amendment to the *2030 Comprehensive Plan* and the
30 recommendations of the Planning and Development Department, the
31 Planning Commission and the LUZ Committee; and

1 **WHEREAS**, in the exercise of its authority, the City Council has
2 determined it necessary and desirable to adopt this proposed amendment
3 to the *2030 Comprehensive Plan* to preserve and enhance present
4 advantages, encourage the most appropriate use of land, water, and
5 resources consistent with the public interest, overcome present
6 deficiencies, and deal effectively with future problems which may
7 result from the use and development of land within the City of
8 Jacksonville; now, therefore

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

10 **Section 1. Purpose and Intent.** This Ordinance is adopted
11 to carry out the purpose and intent of, and exercise the authority
12 set out in, the Community Planning Act, Sections 163.3161 through
13 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
14 amended.

15 **Section 2. Subject Property Location and Description.** The
16 approximately 18.51± acres are located in Council District 2 at 0 Zoo
17 Parkway, between Zoo Parkway and CSX Railway (R.E. No. 111061-0300),
18 as more particularly described in **Exhibit 1**, dated December 16, 2021,
19 and graphically depicted in **Exhibit 2**, both **attached hereto** and
20 incorporated herein by this reference (the "Subject Property").

21 **Section 3. Owner and Applicant Description.** The Subject
22 Property is owned by William M. Bostwick, William C. Bostwick, Charles
23 W. Bostwick, and Bank of America, N.A., as Trustees of the Charles
24 W. Bostwick Trust created under the Last Will and Testament of Nell
25 L. Cowan Bostwick, deceased, dated January 22, 1964, and the Codicils
26 thereto, and by William C. Bostwick, Charles W. Bostwick, and Bank
27 of America, N.A., as Trustees of the William C. Bostwick Trust created
28 under the Last Will and Testament of Nell L. Cowan Bostwick, deceased,
29 dated January 22, 1964, and the Codicils thereto. The applicant is
30 Paul Harden, Esq., 1431 Riverplace Boulevard, Suite 901,
31 Jacksonville, Florida 32207; (904) 396-5731.

1 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
2 City Council hereby adopts a proposed Small-Scale revision to the
3 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
4 the Future Land Use Map designation from Water Dependent-Water Related
5 (WD-WR) to Heavy Industrial (HI), pursuant to Application Number L-
6 5648-21C.

7 **Section 5. Applicability, Effect and Legal Status.** The
8 applicability and effect of the *2030 Comprehensive Plan*, as herein
9 amended, shall be as provided in the Community Planning Act, Sections
10 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
11 development undertaken by, and all actions taken in regard to
12 development orders by governmental agencies in regard to land which
13 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
14 be consistent therewith as of the effective date of this amendment
15 to the plan.

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

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

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

26 **Section 7. Disclaimer.** The amendment granted herein shall
27 **not** be construed as an exemption from any other applicable local,
28 state, or federal laws, regulations, requirements, permits or
29 approvals. All other applicable local, state or federal permits or
30 approvals shall be obtained before commencement of the development
31 or use, and issuance of this amendment is based upon acknowledgement,

1 representation and confirmation made by the applicant(s), owner(s),
2 developer(s) and/or any authorized agent(s) or designee(s) that the
3 subject business, development and/or use will be operated in strict
4 compliance with all laws. Issuance of this amendment does **not** approve,
5 promote or condone any practice or act that is prohibited or
6 restricted by any federal, state or local laws.

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

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11 Form Approved:

12
13 /s/ Mary E. Staffopoulos

14 Office of General Counsel

15 Legislation Prepared By: Eric Hinton

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