

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-890**

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 RURAL RESIDENTIAL (RR) TO
9 MEDIUM DENSITY RESIDENTIAL (MDR) ON APPROXIMATELY
10 17.85± ACRES LOCATED IN COUNCIL DISTRICT 8 AT 0
11 WESTERN AVENUE, 12804 LEM TURNER ROAD AND 12810
12 LEM TURNER ROAD, BETWEEN WESTERN AVENUE AND LEM
13 TURNER ROAD (R.E. NOS. 019495-9100, 019507-0000,
14 019516-0000, 019517-0000 AND 019531-0000), OWNED
15 BY HOUSTON'S H & W MEATS, INC., MARLA A. HANSEN,
16 ROBERT E. HANSEN, JOHN R. HANSEN AND AMY E.
17 HANSEN, AS MORE PARTICULARLY DESCRIBED HEREIN,
18 PURSUANT TO APPLICATION NUMBER L-5736-22C;
19 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED
20 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
21 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
22 EFFECTIVE DATE.
23

24 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
25 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
26 application for a proposed Small-Scale Amendment to the Future Land
27 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
28 Future Land Use designation from Rural Residential (RR) to Medium
29 Density Residential (MDR) on 17.85± acres of certain real property
30 in Council District 8 was filed by Brian Small on behalf of the
31 owners, Houston's H & W Meats, Inc., Marla A. Hansen, Robert E.

1 Hansen, John R. Hansen and Amy E. Hansen; and

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

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

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

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

24 **WHEREAS**, in the exercise of its authority, the City Council has
25 determined it necessary and desirable to adopt this proposed amendment
26 to the *2030 Comprehensive Plan* to preserve and enhance present
27 advantages, encourage the most appropriate use of land, water, and
28 resources consistent with the public interest, overcome present
29 deficiencies, and deal effectively with future problems which may
30 result from the use and development of land within the City of
31 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.** The
8 approximately 17.85± acres are located in Council District 8 at 0
9 Western Avenue, 12804 Lem Turner Road and 12810 Lem Turner Road,
10 between Western Avenue and Lem Turner Road (R.E. Nos. 019495-9100,
11 019507-0000, 019516-0000, 019517-0000 and 019531-0000), as more
12 particularly described in **Exhibit 1**, dated July 6, 2022, and
13 graphically depicted in **Exhibit 2**, both attached hereto and
14 incorporated herein by this reference (the "Subject Property").

15 **Section 3. Owner and Applicant Description.** The Subject
16 Property is owned by Houston's H & W Meats, Inc., Marla A. Hansen,
17 Robert E. Hansen, John R. Hansen and Amy E. Hansen. The applicant is
18 Brian Small, 3948 3rd Street South, Suite 116, Jacksonville, Florida
19 32250; (843) 384-9333.

20 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
21 City Council hereby adopts a proposed Small-Scale revision to the
22 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
23 the Future Land Use Map designation of the Subject Property from
24 Rural Residential (RR) to Medium Density Residential (MDR), pursuant
25 to Application Number L-5736-22C.

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

1 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
2 be consistent therewith as of the effective date of this amendment
3 to the plan.

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

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

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

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

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Ed Lukacovic

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