

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-41**

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 LOW DENSITY RESIDENTIAL
9 (LDR) TO COMMUNITY/GENERAL COMMERCIAL (CGC) ON
10 APPROXIMATELY 2.79± ACRES LOCATED IN COUNCIL
11 DISTRICT 8 AT 10220 NEW KINGS ROAD, BETWEEN BARTH
12 ROAD AND PITTS ROAD (R.E. NO. 002742-0010
13 (PORTION)), OWNED BY HEATH'S DIESEL SERVICE,
14 INC., AS MORE PARTICULARLY DESCRIBED HEREIN,
15 PURSUANT TO APPLICATION NUMBER L-5782-22C;
16 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED
17 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
18 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
19 EFFECTIVE DATE.
20

21 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
22 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
23 application for a proposed Small-Scale Amendment to the Future Land
24 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
25 Future Land Use designation from Low Density Residential (LDR) to
26 Community/General Commercial (CGC) on 2.79± acres of certain real
27 property in Council District 8 was filed by Heathe J. Ferguson, on
28 behalf of the owner, Heath's Diesel Service, Inc.; and

29 **WHEREAS**, the Planning and Development Department reviewed the
30 proposed revision and application and has prepared a written report
31 and rendered an advisory recommendation to the City Council with

1 respect to the proposed amendment; and

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

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

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

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

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

29 **Section 1. Purpose and Intent.** This Ordinance is adopted
30 to carry out the purpose and intent of, and exercise the authority
31 set out in, the Community Planning Act, Sections 163.3161 through

1 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
2 amended.

3 **Section 2. Subject Property Location and Description.** The
4 approximately 2.79± acres are located in Council District 8 at 10220
5 New Kings Road, between Barth Road and Pitts Road (R.E. No. 002742-
6 0010 (portion)), as more particularly described in **Exhibit 1**, dated
7 November 16, 2022, and graphically depicted in **Exhibit 2**, both
8 attached hereto and incorporated herein by this reference (the
9 "Subject Property").

10 **Section 3. Owner and Applicant Description.** The Subject
11 Property is owned by Heath's Diesel Service, Inc. The applicant is
12 Heathe J. Ferguson, 10220 New Kings Road, Jacksonville, Florida 32219;
13 (904) 638-6682.

14 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
15 City Council hereby adopts a proposed Small-Scale revision to the
16 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
17 the Future Land Use Map designation of the Subject Property from Low
18 Density Residential (LDR) to Community/General Commercial (CGC),
19 pursuant to Application Number L-5782-22C.

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

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

30 (a) If the amendment meets the criteria of Section 163.3187,
31 *Florida Statutes*, as amended, and is not challenged, the effective

1 date of this plan amendment shall be thirty-one (31) days after
2 adoption.

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

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

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

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24 Form Approved:

25
26 /s/ Mary E. Staffopoulos

27 Office of General Counsel

28 Legislation Prepared By: Ed Lukacovic

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