

1 Introduced and amended by the Land Use and Zoning Committee:

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3
4 **ORDINANCE 2023-201-E**

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 LOW DENSITY RESIDENTIAL
9 (LDR) AND COMMUNITY/GENERAL COMMERCIAL (CGC) TO
10 MEDIUM DENSITY RESIDENTIAL (MDR) AND CONSERVATION
11 (CSV) ON APPROXIMATELY 12.21± ACRES LOCATED IN
12 COUNCIL DISTRICT 8 AT 0 BROWARD ROAD AND 0 CLARK
13 ROAD, BETWEEN BELLESHORE CIRCLE AND INTERSTATE
14 CENTER DRIVE (R.E. NOS. 020691-0020, 020696-0010,
15 AND 022163-0000), OWNED BY KELLY E. LAWHON AND
16 EGRET CREEK DEVELOPMENT, LLC, AS MORE
17 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
18 APPLICATION NUMBER L-5783-22C; PROVIDING A
19 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
20 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
21 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
22 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 *2045 Comprehensive Plan* to change the
28 Future Land Use designation from Low Density Residential (LDR) and
29 Community/General Commercial (CGC) to Medium Density Residential
30 (MDR) and Conservation (CSV) on 12.21± acres of certain real property
31 in Council District 8 was filed by Curtis Hart on behalf of owners,

1 Kelly E. Lawhon and Egret Creek Development, LLC; 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 *2045*
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 *2045 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 *2045 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 12.21± acres are located in Council District 8 at 0
9 Broward Road and 0 Clark Road, between Belleshore Circle and
10 Interstate Center Drive (R.E. Nos. 020691-0020, 020696-0010, and
11 022163-0000), as more particularly described in **Exhibit 1**, dated
12 November 14, 2022, and graphically depicted in **Exhibit 2**, both
13 attached hereto and incorporated herein by this reference (the
14 "Subject Property").

15 **Section 3. Owner and Applicant Description.** The Subject
16 Property is owned by Kelly E. Lawhon and Egret Creek Development,
17 LLC. The applicant is Curtis Hart, 8051 Tara Lane, Jacksonville,
18 Florida 32216; (904) 993-5008.

19 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
20 City Council hereby adopts a proposed Small-Scale revision to the
21 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
22 the Future Land Use Map designation of the Subject Property from Low
23 Density Residential (LDR) and Community/General Commercial (CGC) to
24 Medium Density Residential (MDR) and Conservation (CSV), pursuant to
25 Application Number L-5783-22C.

26 **Section 5. Applicability, Effect and Legal Status.** The
27 applicability and effect of the *2045 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 *2045 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: Eric Hinton

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