

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-591**

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) TO PUBLIC BUILDINGS AND FACILITIES (PBF) ON  
10 APPROXIMATELY 1.10± ACRES LOCATED IN COUNCIL  
11 DISTRICT 6 AT 0 OLD SAINT AUGUSTINE ROAD, BETWEEN  
12 LAKE GARDENS DRIVE AND WHITMORE ROAD (R.E. NO.  
13 158290-0020), OWNED BY AMERICAN LEGION MANDARIN  
14 "FALLEN HEROES" POST 372 INC., AS MORE  
15 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO  
16 APPLICATION NUMBER L-5836-23C; PROVIDING A  
17 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN  
18 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
19 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
20 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 *2045 Comprehensive Plan* to change the  
26 Future Land Use designation from Low Density Residential (LDR) to  
27 Public Buildings and Facilities (PBF) on 1.10± acres of certain real  
28 property in Council District 6 was filed by Wyman Duggan, Esq. on  
29 behalf of the owner; and

30 **WHEREAS**, the Planning and Development Department reviewed the  
31 proposed revision and application and has prepared a written report

1 and rendered an advisory recommendation to the City Council with  
2 respect to the proposed amendment; and

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

8 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City  
9 Council held a public hearing on this proposed amendment to the *2045*  
10 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,  
11 considered all written and oral comments received during the public  
12 hearing, and has made its recommendation to the City Council; and

13 **WHEREAS**, the City Council held a public hearing on this proposed  
14 amendment, with public notice having been provided, pursuant to  
15 Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*  
16 *Code*, and considered all oral and written comments received during  
17 public hearings, including the data and analysis portions of this  
18 proposed amendment to the *2045 Comprehensive Plan* and the  
19 recommendations of the Planning and Development Department, the  
20 Planning Commission and the LUZ Committee; and

21 **WHEREAS**, in the exercise of its authority, the City Council has  
22 determined it necessary and desirable to adopt this proposed amendment  
23 to the *2045 Comprehensive Plan* to preserve and enhance present  
24 advantages, encourage the most appropriate use of land, water, and  
25 resources consistent with the public interest, overcome present  
26 deficiencies, and deal effectively with future problems which may  
27 result from the use and development of land within the City of  
28 Jacksonville; now, therefore

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

30 **Section 1. Purpose and Intent.** This Ordinance is adopted  
31 to carry out the purpose and intent of, and exercise the authority

1 set out in, the Community Planning Act, Sections 163.3161 through  
2 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as  
3 amended.

4 **Section 2. Subject Property Location and Description.** The  
5 approximately 1.10± acres are located in Council District 6 at 0 Old  
6 Saint Augustine Road, between Lake Gardens Drive and Whitmore Road  
7 (R.E. No. 158290-0020), as more particularly described in **Exhibit 1**,  
8 dated July 19, 2023, and graphically depicted in **Exhibit 2**, both  
9 attached hereto and incorporated herein by this reference (the  
10 "Subject Property").

11 **Section 3. Owner and Applicant Description.** The Subject  
12 Property is owned by American Legion Mandarin "Fallen Heroes" Post  
13 372 Inc. The applicant is Wyman Duggan, Esq., 1301 Riverplace  
14 Boulevard, Suite 1500, Jacksonville, Florida 32207; (904) 398-3911.

15 **Section 4. Adoption of Small-Scale Land Use Amendment.** The  
16 City Council hereby adopts a proposed Small-Scale revision to the  
17 Future Land Use Map series of the *2045 Comprehensive Plan* by changing  
18 the Future Land Use Map designation of the Subject Property from Low  
19 Density Residential (LDR) to Public Buildings and Facilities (PBF),  
20 pursuant to Application Number L-5836-23C.

21 **Section 5. Applicability, Effect and Legal Status.** The  
22 applicability and effect of the *2045 Comprehensive Plan*, as herein  
23 amended, shall be as provided in the Community Planning Act, Sections  
24 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All  
25 development undertaken by, and all actions taken in regard to  
26 development orders by governmental agencies in regard to land which  
27 is subject to the *2045 Comprehensive Plan*, as herein amended, shall  
28 be consistent therewith as of the effective date of this amendment  
29 to the plan.

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

31 (a) If the amendment meets the criteria of Section 163.3187,

1 *Florida Statutes*, as amended, and is not challenged, the effective  
2 date of this plan amendment shall be thirty-one (31) days after  
3 adoption.

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

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

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

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25 Form Approved:

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27           /s/ Mary E. Staffopoulos          

28 Office of General Counsel

29 Legislation Prepared By: Marcus Salley

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