

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-652-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 MEDIUM DENSITY RESIDENTIAL
9 (MDR) TO COMMUNITY/GENERAL COMMERCIAL (CGC) ON
10 APPROXIMATELY 3.61± ACRES LOCATED IN COUNCIL
11 DISTRICT 7 AT 0 ALBERT STREET, 0 GEORGIA STREET,
12 0 GRANT STREET, 1150 GRANT STREET, 0 SPRATT
13 STREET AND 0 VAN BUREN STREET, BETWEEN GRANT
14 STREET AND ALBERT STREET, AS MORE PARTICULARLY
15 DESCRIBED HEREIN, OWNED BY THE CITY OF
16 JACKSONVILLE, PURSUANT TO APPLICATION NUMBER L-
17 5846-23C; PROVIDING A DISCLAIMER THAT THE
18 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED
19 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE 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 Medium Density Residential (MDR) to
27 Community/General Commercial (CGC) on 3.61± acres of certain real
28 property in Council District 7 was filed by Steve Diebenow, 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 3.61± acres are located in Council District 7 at 0
6 Albert Street, 0 Georgia Street, 0 Grant Street, 1150 Grant Street,
7 0 Spratt Street and 0 Van Buren Street, between Grant Street and
8 Albert Street (R.E. Nos. 130649-0000, 130650-0000, 130651-0000,
9 130724-0000, 130725-0000, 130726-0000, 130728-0000, 130729-0000,
10 130730-0000, 130730-0010, 130731-0000, 130732-0000, 130733-0000,
11 130734-0000, 130736-0000, 130737-0000 and 130738-0000), as more
12 particularly described in **Exhibit 1**, dated July 10, 2023, 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 the City of Jacksonville. The applicant is
17 Steve Diebenow, Esq., One Independent Drive, Suite 1200,
18 Jacksonville, Florida 32202; (904) 301-1269.

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
23 Medium Density Residential (MDR) to Community/General Commercial
24 (CGC), pursuant to Application Number L-5846-23C.

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

1 be consistent therewith as of the effective date of this amendment
2 to the plan.

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

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

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

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

25 **Section 8. Effective Date.** This Ordinance shall become
26 effective upon signature by the Mayor or upon becoming effective
27 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: Helena Parola

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