

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-702-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) TO BUSINESS PARK (BP) ON APPROXIMATELY
10 2.56± ACRES LOCATED IN COUNCIL DISTRICT 8 AT 14255
11 DUVAL ROAD, BETWEEN HIGATE ROAD AND DUVAL PLACE
12 WEST (R.E. NO. 019365-0000), OWNED BY MDH JAX,
13 INC., AS MORE PARTICULARLY DESCRIBED HEREIN,
14 PURSUANT TO APPLICATION NUMBER L-5855-23C;
15 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED
16 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
17 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
18 EFFECTIVE DATE.

19
20 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
21 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
22 application for a proposed Small-Scale Amendment to the Future Land
23 Use Map series (FLUMs) of the *2045 Comprehensive Plan* to change the
24 Future Land Use designation from Low Density Residential (LDR) to
25 Business Park (BP) on 2.56± acres of certain real property in Council
26 District 8 was filed by Fred Atwill on behalf of the owner, MDH Jax,
27 Inc.; and

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

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

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

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

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

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

28 **Section 1. Purpose and Intent.** This Ordinance is adopted
29 to carry out the purpose and intent of, and exercise the authority
30 set out in, the Community Planning Act, Sections 163.3161 through
31 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as

1 amended.

2 **Section 2. Subject Property Location and Description.** The
3 approximately 2.56± acres are located in Council District 8 at 14255
4 Duval Road, between Higate Road and Duval Place West (R.E. No. 019365-
5 0000), as more particularly described in **Exhibit 1**, dated July 17,
6 2023, and graphically depicted in **Exhibit 2**, both attached hereto and
7 incorporated herein by this reference (the "Subject Property").

8 **Section 3. Owner and Applicant Description.** The Subject
9 Property is owned by MDH Jax, Inc. The applicant is Fred Atwill,
10 9001 Forest Acres Lane, Jacksonville, Florida 32234; (904) 610-8975.

11 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
12 City Council hereby adopts a proposed Small-Scale revision to the
13 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
14 the Future Land Use Map designation of the Subject Property from Low
15 Density Residential (LDR) to Business Park (BP), pursuant to
16 Application Number L-5855-23C.

17 **Section 5. Applicability, Effect and Legal Status.** The
18 applicability and effect of the *2045 Comprehensive Plan*, as herein
19 amended, shall be as provided in the Community Planning Act, Sections
20 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
21 development undertaken by, and all actions taken in regard to
22 development orders by governmental agencies in regard to land which
23 is subject to the *2045 Comprehensive Plan*, as herein amended, shall
24 be consistent therewith as of the effective date of this amendment
25 to the plan.

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

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

31 (b) If challenged within thirty (30) days after adoption, the

1 plan amendment shall not become effective until the state land
2 planning agency or the Administration Commission, respectively, issue
3 a final order determining the adopted Small-Scale Amendment to be in
4 compliance.

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

17 **Section 8. Effective Date.** This Ordinance shall become
18 effective upon signature by the Mayor or upon becoming effective
19 without the Mayor's signature.

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21 Form Approved:

22
23 /s/ Mary E. Staffopoulos

24 Office of General Counsel

25 Legislation Prepared By: Eric Hinton

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