

1 Introduced by the Land Use and Zoning Committee:

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3
4 **ORDINANCE 2024-92**

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 LIGHT INDUSTRIAL (LI) ON APPROXIMATELY
10 1.38± ACRES LOCATED IN COUNCIL DISTRICT 8 AT 0
11 OWENS ROAD, BETWEEN INTERNATIONAL AIRPORT
12 BOULEVARD AND URN ROAD (R.E. NO. 019317-0005),
13 OWNED BY SERGEY KOVALEV, AS MORE PARTICULARLY
14 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER
15 L-5845-23C; PROVIDING A DISCLAIMER THAT THE
16 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED
17 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
18 PROVIDING AN 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 Light Industrial (LI) on 1.38± acres of certain real property in
26 Council District 8 was filed by Lyudmyla Kolyesnik, Esq. on behalf
27 of the owner, Sergey Kovalev; 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
12 proposed amendment, with public notice having been provided, pursuant
13 to Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4,
14 *Ordinance Code*, and considered all oral and written comments received
15 during public hearings, including the data and analysis portions of
16 this 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
20 has determined it necessary and desirable to adopt this proposed
21 amendment to the 2045 *Comprehensive Plan* to preserve and enhance
22 present advantages, encourage the most appropriate use of land, water,
23 and 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 1.38± acres are located in Council District 8 at 0 Owens
4 Road, between International Airport Boulevard and Urn Road (R.E. No.
5 019317-0005), as more particularly described in **Exhibit 1**, dated July
6 18, 2023, and graphically depicted in **Exhibit 2**, both attached hereto
7 and incorporated herein by this reference (the "Subject Property").

8 **Section 3. Owner and Applicant Description.** The Subject
9 Property is owned by Sergey Kovalev. The applicant is Lyudmyla
10 Kolyesnik, Esq., 1548 Lancaster Terrace, Jacksonville, Florida 32204;
11 (904) 355-0355.

12 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
13 City Council hereby adopts a proposed Small-Scale revision to the
14 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
15 the Future Land Use Map designation of the Subject Property from Low
16 Density Residential (LDR) to Light Industrial (LI), pursuant to
17 Application Number L-5845-23C.

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

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

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

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

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

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

Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Krista Fogarty

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