

Introduced by the Land Use and Zoning Committee:

ORDINANCE 2024-150

AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE 2045 COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM AGRICULTURE (AGR) IN THE RURAL DEVELOPMENT AREA TO LOW DENSITY RESIDENTIAL (LDR) IN THE SUBURBAN DEVELOPMENT AREA ON APPROXIMATELY 33.45± ACRES LOCATED IN COUNCIL DISTRICTS 3 AND 11 AT 3702 SANS PAREIL STREET, BETWEEN SAN PABLO ROAD SOUTH AND KERNAN BOULEVARD SOUTH (R.E. NO. 167771-4000 (PORTION)), OWNED BY KERNAN R. HODGES REVOCABLE TRUST DATED JANUARY 23, 1981 (C/O JOHN R. CATHEY, TRUSTEE), AS MORE PARTICULARLY DESCRIBED HEREIN, INCLUDING A REVISION TO THE DEVELOPMENT AREAS MAP, PURSUANT TO APPLICATION NUMBER L-5901-23C; PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Section 650.402(b), Ordinance Code, and Section 163.3187(1), Florida Statutes, an application for a proposed Small-Scale Amendment to the Future Land Use Map series (FLUMs) of the 2045 Comprehensive Plan to change the Future Land Use designation from Agriculture (AGR) in the Rural Development Area to Low Density Residential (LDR) in the Suburban Development Area on 33.45± acres of certain real property in Council

1 Districts 3 and 11 was filed by Paul Harden, Esq. on behalf of the
2 owner, Kernan R. Hodges Revocable Trust dated January 23, 1981 (c/o
3 John R. Cathey, Trustee); and

4 **WHEREAS,** the Planning and Development Department reviewed the
5 proposed revision and application and has prepared a written report
6 and rendered an advisory recommendation to the City Council with
7 respect to the proposed amendment; and

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

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

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

26 **WHEREAS,** in the exercise of its authority, the City Council
27 has determined it necessary and desirable to adopt this proposed
28 amendment to the *2045 Comprehensive Plan* to preserve and enhance
29 present advantages, encourage the most appropriate use of land, water,
30 and resources consistent with the public interest, overcome present
31 deficiencies, and deal effectively with future problems which may

1 result from the use and development of land within the City of
2 Jacksonville; now therefore

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

4 **Section 1. Purpose and Intent.** This Ordinance is adopted
5 to carry out the purpose and intent of, and exercise the authority
6 set out in, the Community Planning Act, Sections 163.3161 through
7 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
8 amended.

9 **Section 2. Subject Property Location and Description.** The
10 approximately 33.45± acres are located in Council Districts 3 and 11
11 at 3702 Sans Pareil Street, between San Pablo Road South and Kernan
12 Boulevard South (R.E. No. 167771-4000 (portion), as more particularly
13 described in **Exhibit 1**, dated December 5, 2023, and graphically
14 depicted in **Exhibit 2**, both attached hereto and incorporated herein
15 by this reference (the "Subject Property").

16 **Section 3. Owner and Applicant Description.** The Subject
17 Property is owned by Kernan R. Hodges Revocable Trust dated January
18 23, 1981 (c/o John R. Cathey, Trustee). The applicant is Paul Harden,
19 Esq., 1431 Riverplace Boulevard, Suite 901, Jacksonville, Florida
20 32207; (904) 396-5731.

21 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
22 City Council hereby adopts a proposed Small-Scale revision to the
23 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
24 the Future Land Use Map designation of the Subject Property from
25 Agriculture (AGR) in the Rural Development Area to Low Density
26 Residential (LDR) in the Suburban Development Area, pursuant to
27 Application Number L-5901-23C.

28 **Section 5. Development Areas Map.** The approval herein
29 includes a proposed revision to the Development Areas Map adopted as
30 Map 6 of the Future Land Use Map Series of the *2045 Comprehensive*
31 *Plan* as depicted in **Exhibit 3**, attached hereto and incorporated herein

1 by this reference.

2 **Section 6. Applicability, Effect and Legal Status.** The
3 applicability and effect of the *2045 Comprehensive Plan*, as herein
4 amended, shall be as provided in the Community Planning Act, Sections
5 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
6 development undertaken by, and all actions taken in regard to
7 development orders by governmental agencies in regard to land which
8 is subject to the *2045 Comprehensive Plan*, as herein amended, shall
9 be consistent therewith as of the effective date of this amendment
10 to the plan.

11 **Section 7. Effective Date of this Plan Amendment.**

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

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

21 **Section 8. Disclaimer.** The amendment granted herein shall
22 not be construed as an exemption from any other applicable local,
23 state, or federal laws, regulations, requirements, permits or
24 approvals. All other applicable local, state or federal permits or
25 approvals shall be obtained before commencement of the development
26 or use, and issuance of this amendment is based upon acknowledgement,
27 representation and confirmation made by the applicant(s), owner(s),
28 developer(s) and/or any authorized agent(s) or designee(s) that the
29 subject business, development and/or use will be operated in strict
30 compliance with all laws. Issuance of this amendment does not approve,
31 promote or condone any practice or act that is prohibited or

restricted by any federal, state or local laws.

Section 9. 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: Sam Roberts

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