

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2024-148-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 AGRICULTURE (AGR) IN THE
9 RURAL DEVELOPMENT AREA TO RESIDENTIAL-
10 PROFESSIONAL-INSTITUTIONAL (RPI) IN THE SUBURBAN
11 DEVELOPMENT AREA ON APPROXIMATELY 21.14± ACRES
12 LOCATED IN COUNCIL DISTRICT 3 AT O J TURNER BUTLER
13 BOULEVARD AND 3702 SANS PAREIL STREET, BETWEEN
14 SAN PABLO ROAD SOUTH AND KERNAN BOULEVARD SOUTH
15 (R.E. NOS. 167771-0000 (PORTION) AND 167771-4000
16 (PORTION)), OWNED BY KERNAN R. HODGES REVOCABLE
17 TRUST DATED JANUARY 23, 1981 (C/O JOHN R. CATHEY,
18 TRUSTEE), AS MORE PARTICULARLY DESCRIBED HEREIN,
19 INCLUDING A REVISION TO THE DEVELOPMENT AREAS
20 MAP, PURSUANT TO APPLICATION NUMBER L-5900-23C;
21 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED
22 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
23 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
24 EFFECTIVE DATE.
25

26 **WHEREAS,** pursuant to the provisions of Section 650.402(b),
27 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
28 application for a proposed Small-Scale Amendment to the Future Land
29 Use Map series (FLUMs) of the *2045 Comprehensive Plan* to change the
30 Future Land Use designation from Agriculture (AGR) in the Rural
31 Development Area to Residential-Professional-Institutional (RPI) in

1 the Suburban Development Area on 21.14± acres of certain real property
2 in Council District 3 was filed by Paul Harden, Esq. on behalf of the
3 owner, Kernan R. Hodges Revocable Trust dated January 23, 1981 (c/o
4 John R. Cathey, Trustee); and

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

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

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

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

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

1 deficiencies, and deal effectively with future problems which may
2 result from the use and development of land within the City of
3 Jacksonville; now therefore

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

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

10 **Section 2. Subject Property Location and Description.** The
11 approximately 21.14± acres are located in Council District 3 at 0 J
12 Turner Butler Boulevard and 3702 Sans Pareil Street, between San
13 Pablo Road South and Kernan Boulevard South (R.E. Nos. 167771-0000
14 (portion) and 167771-4000 (portion), as more particularly described
15 in **Exhibit 1**, dated December 5, 2023, and graphically depicted in
16 **Exhibit 2**, both attached hereto and incorporated herein by this
17 reference (the "Subject Property").

18 **Section 3. Owner and Applicant Description.** The Subject
19 Property is owned by Kernan R. Hodges Revocable Trust dated January
20 23, 1981 (c/o John R. Cathey, Trustee). The applicant is Paul Harden,
21 Esq., 1431 Riverplace Boulevard, Suite 901, Jacksonville, Florida
22 32207; (904) 396-5731.

23 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
24 City Council hereby adopts a proposed Small-Scale revision to the
25 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
26 the Future Land Use Map designation of the Subject Property from
27 Agriculture (AGR) in the Rural Development Area to Residential-
28 Professional-Institutional (RPI) in the Suburban Development Area,
29 pursuant to Application Number L-5900-23C.

30 **Section 5. Development Areas Map.** The approval herein
31 includes a proposed revision to the Development Areas Map adopted as

1 Map 6 of the Future Land Use Map Series of the *2045 Comprehensive*
2 *Plan* as depicted in **Exhibit 3**, attached hereto and incorporated herein
3 by this reference.

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

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

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

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

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

1 compliance with all laws. Issuance of this amendment does **not** approve,
2 promote or condone any practice or act that is prohibited or
3 restricted by any federal, state or local laws.

4 **Section 9. Effective Date.** This Ordinance shall become
5 effective upon signature by the Mayor or upon becoming effective
6 without the Mayor's signature.

7
8 Form Approved:

9
10 /s/ Mary E. Staffopoulos

11 Office of General Counsel

12 Legislation Prepared By: Marcus Salley

13 GC-#1614020-v1-2024-148_(L-5900-23C) .docx