

1 Introduced by Council Member Dennis:
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4 **ORDINANCE 2019-867**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT
6 TO THE FUTURE LAND USE MAP SERIES OF THE 2030
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL
9 (MDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) WITH
10 SITE SPECIFIC FLUE POLICY 4.4.13 ON
11 APPROXIMATELY 9.99± ACRES LOCATED IN COUNCIL
12 DISTRICT 9 AT 5469 110TH STREET, BETWEEN
13 SEABOARD AVENUE AND CATOMA STREET, OWNED BY
14 ORTEGA PLACE, LLC, AS MORE PARTICULARLY
15 DESCRIBED HEREIN, PURSUANT TO APPLICATION
16 NUMBER L-5415-19C AND A COMPANION SETTLEMENT
17 AGREEMENT; ADOPTING A SITE SPECIFIC POLICY/TEXT
18 AMENDMENT DIRECTLY RELATED TO THIS MAP
19 AMENDMENT; PROVIDING A DISCLAIMER THAT THE
20 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED
21 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
22 PROVIDING AN EFFECTIVE DATE.
23

24 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
25 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
26 application for a proposed Small-Scale Amendment to the Future Land
27 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the
28 Future Land Use designation from Medium Density Residential (MDR)
29 to Medium Density Residential (MDR) with Site Specific FLUE Policy
30 4.4.13 on 9.99± acres of certain real property in Council District
31 9, was filed by the City of Jacksonville, on behalf of the owner,

1 Ortega Place, LLC, pursuant to the Settlement Agreement approved by
2 companion Ordinance 2019-866; and

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

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

12 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City
13 Council held a public hearing on this proposed amendment to the
14 *2030 Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance*
15 *Code*, considered all written and oral comments received during the
16 public hearing, and has made its recommendation to the City
17 Council; and

18 **WHEREAS**, the City Council held a public hearing on this
19 proposed amendment, with public notice having been provided,
20 pursuant to Section 163.3187, *Florida Statutes* and Chapter 650,
21 Part 4, *Ordinance Code*, and considered all oral and written
22 comments received during public hearings, including the data and
23 analysis portions of this proposed amendment to the *2030*
24 *Comprehensive Plan* and the recommendations of the Planning and
25 Development Department, the Planning Commission and the LUZ
26 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 *2030 Comprehensive Plan* to preserve and enhance
30 present advantages, encourage the most appropriate use of land,
31 water, and resources consistent with the public interest, overcome

1 present deficiencies, and deal effectively with future problems
2 which may result from the use and development of land within the
3 City of 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.**
11 The approximately 9.99± acres (R.E. No. 103162-0000) are located in
12 Council District 9 at 5469 110th Street, between Seaboard Avenue and
13 Catoma Street, as more particularly described in **Exhibit 1**, dated
14 November 14, 2019, and graphically depicted in **Exhibit 2**, both
15 **attached hereto** and incorporated herein by this reference (Subject
16 Property).

17 **Section 3. Owner and Applicant Description.** The subject
18 property is owned by Ortega Place, LLC. The applicant is the City
19 of Jacksonville, 214 North Hogan Street, Suite 300, Jacksonville,
20 Florida 32202; (904) 255-7800.

21 **Section 4. Adoption of Small-Scale Land Use Amendment.**
22 The City Council hereby adopts a proposed Small-Scale revision to
23 the Future Land Use Map series of the *2030 Comprehensive Plan* by
24 changing the Future Land Use Map designation from Medium Density
25 Residential (MDR) to Medium Density Residential (MDR) with Site
26 Specific FLUE Policy 4.4.13, pursuant to Application Number L-5415-
27 19C and the Settlement Agreement approved by companion Ordinance
28 2019-866.

29 **Section 5. Site Specific Policy/Text Amendment.** The
30 following site specific policy/text amendment shall be applicable
31 to the Subject Property:

1 **Future Land Use Element (FLUE), Policy 4.4.13**

2 Pursuant to the authority granted by Sec. 163.3187(1)(c),
3 *Florida Statutes*, Ordinance 2019-867 for a Small-Scale Amendment is
4 approved subject to the following site specific conditions:

5 1. Pursuant to the Settlement Agreement between the City of
6 Jacksonville and Ortega Place, LLC, dated _____, the total
7 coverage by all buildings and structures within the Subdivision
8 shall not exceed twenty percent of the total area of the
9 Subdivision (the "20% Coverage Restriction"). By way of example
10 and not limitation, if the total area of the Subdivision is 9.999
11 acres, the total coverage by all buildings and structures within
12 the Subdivision shall not exceed 87,111.288 square feet of land
13 area (9.999 x 43,560 x 0.2).

14 2. Development shall be exempt from the APZ 2/II density
15 limitations established within the Future Land Use Element, and the
16 directly related implementing land development regulations.

17 **Section 6. Applicability, Effect and Legal Status.** The
18 applicability and effect of the *2030 Comprehensive Plan*, as herein
19 amended, shall be as provided in the Community Planning Act,
20 Sections 163.3161 through 163.3248, *Florida Statutes*, and this
21 Ordinance. All development undertaken by, and all actions taken in
22 regard to development orders by governmental agencies in regard to
23 land which is subject to the *2030 Comprehensive Plan*, as herein
24 amended, shall be consistent therewith as of the effective date of
25 this amendment to the plan.

26 **Section 7. 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,
3 issues a final order determining the adopted Small-Scale Amendment
4 to be in compliance.

5 (c) Notwithstanding the above, this plan amendment will not
6 be effective until the Settlement Agreement approved by Ordinance
7 2019-XXX is executed by all parties.

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

21 **Section 9. Effective Date.** This Ordinance shall become
22 effective upon signature by the Mayor or upon becoming effective
23 without the Mayor's signature.

24
25 Form Approved:

26
27 /s/ Shannon K. Eller

28 Office of General Counsel

29 Legislation Prepared By: Kristen Reed

30 GC-#1322719-v1-2019-867_L-5415_SS_LU