

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2019-753-E**

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 AGRICULTURE-III (AGR-III)  
9 TO AGRICULTURE-IV (AGR-IV) ON APPROXIMATELY  
10 3.14± ACRES LOCATED IN COUNCIL DISTRICT 12 AT 0  
11 BEAVER STREET WEST, BETWEEN BEARD ROAD AND  
12 BRANDY BRANCH ROAD, OWNED BY DENNIS ELIASSEN  
13 AND TERESA ELIASSEN, AS MORE PARTICULARLY  
14 DESCRIBED HEREIN, PURSUANT TO APPLICATION  
15 NUMBER L-5400-19C; PROVIDING A DISCLAIMER THAT  
16 THE AMENDMENT GRANTED HEREIN SHALL NOT BE  
17 CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
18 APPLICABLE LAWS; 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 *2030 Comprehensive Plan* to change the  
24 Future Land Use designation from Agriculture-III (AGR-III) to  
25 Agriculture-IV (AGR-IV) on 3.14± acres of certain real property in  
26 Council District 12, was filed by Lara Hipps, on behalf of the  
27 owners, Dennis Eliassen and Teresa Eliassen; 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

1 respect to the proposed amendment; and

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

7       **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City  
8 Council held a public hearing on this proposed amendment to the  
9 *2030 Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance*  
10 *Code*, considered all written and oral comments received during the  
11 public hearing, and has made its recommendation to the City  
12 Council; and

13       **WHEREAS**, the City Council held a public hearing on this  
14 proposed amendment, with public notice having been provided,  
15 pursuant to Section 163.3187, *Florida Statutes* and Chapter 650,  
16 Part 4, *Ordinance Code*, and considered all oral and written  
17 comments received during public hearings, including the data and  
18 analysis portions of this proposed amendment to the *2030*  
19 *Comprehensive Plan* and the recommendations of the Planning and  
20 Development Department, the Planning Commission and the LUZ  
21 Committee; and

22       **WHEREAS**, in the exercise of its authority, the City Council  
23 has determined it necessary and desirable to adopt this proposed  
24 amendment to the *2030 Comprehensive Plan* to preserve and enhance  
25 present advantages, encourage the most appropriate use of land,  
26 water, and resources consistent with the public interest, overcome  
27 present deficiencies, and deal effectively with future problems  
28 which may result from the use and development of land within the  
29 City of Jacksonville; now, therefore

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

31       **Section 1. Purpose and Intent.** This Ordinance is adopted

1 to carry out the purpose and intent of, and exercise the authority  
2 set out in, the Community Planning Act, Sections 163.3161 through  
3 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as  
4 amended.

5 **Section 2. Subject Property Location and Description.**

6 The approximately 3.14± acres (R.E. No. 000932-0030 (portion)) is  
7 located in Council District 12 at 0 Beaver Street West, between  
8 Beard Road and Brandy Branch Road, as more particularly described  
9 in **Exhibit 1**, dated September 18, 2019, and graphically depicted in  
10 **Exhibit 2**, both **attached hereto** and incorporated herein by this  
11 reference (Subject Property).

12 **Section 3. Owner and Applicant Description.** The subject

13 property is owned by Dennis Eliassen and Teresa Eliassen. The  
14 applicant is Lara Higgs, 1650 Margaret Street, #323, Jacksonville,  
15 Florida 32204; (904) 781-2654.

16 **Section 4. Adoption of Small-Scale Land Use Amendment.**

17 The City Council hereby adopts a proposed Small-Scale revision to  
18 the Future Land Use Map series of the *2030 Comprehensive Plan* by  
19 changing the Future Land Use Map designation from Agriculture-III  
20 (AGR-III) to Agriculture-IV (AGR-IV), pursuant to Application  
21 Number L-5400-19C.

22 **Section 5. Applicability, Effect and Legal Status.** The

23 applicability and effect of the *2030 Comprehensive Plan*, as herein  
24 amended, shall be as provided in the Community Planning Act,  
25 Sections 163.3161 through 163.3248, *Florida Statutes*, and this  
26 Ordinance. All development undertaken by, and all actions taken in  
27 regard to development orders by governmental agencies in regard to  
28 land which is subject to the *2030 Comprehensive Plan*, as herein  
29 amended, shall be consistent therewith as of the effective date of  
30 this amendment to the plan.

31 **Section 6. Effective date of this Plan Amendment.**

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

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

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

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

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27 Form Approved:

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29           /s/ Shannon K. Eller          

30 Office of General Counsel

31 Legislation Prepared By: Krista Fogarty

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