

1 Introduced by the Land Use and Zoning Committee:  
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3

4 **ORDINANCE 2020-49**

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 LOW DENSITY RESIDENTIAL  
9 (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON  
10 APPROXIMATELY 7.50± ACRES LOCATED IN COUNCIL  
11 DISTRICT 9 AT 0 SEABOARD AVENUE AND 5929  
12 SEABOARD AVENUE, BETWEEN 110<sup>TH</sup> STREET AND BRYNER  
13 DRIVE, OWNED BY TROY W. ALBERS AND ELANA  
14 SCHRADER, AS MORE PARTICULARLY DESCRIBED  
15 HEREIN, PURSUANT TO APPLICATION NUMBER L-5412-  
16 19C; PROVIDING A DISCLAIMER THAT THE AMENDMENT  
17 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
18 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
19 PROVIDING AN EFFECTIVE DATE.  
20

21 **WHEREAS**, pursuant to the provisions of Section 657.502(b),  
22 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an  
23 application for a proposed Small-Scale Amendment to the Future Land  
24 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the  
25 Future Land Use designation from Low Density Residential (LDR) to  
26 Medium Density Residential (MDR) on 7.50± acres of certain real  
27 property in Council District 9, was filed by Wyman R. Duggan, Esq.,  
28 on behalf of the owners, Troy W. Albers and Elana Schrader; and

29 **WHEREAS**, the Planning and Development Department reviewed the  
30 proposed revision and application and has prepared a written report  
31 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 7.50± acres (R.E. Nos. 103180-0000 and 103183-  
7 0000) are located in Council District 9 at 0 Seaboard Avenue and  
8 5929 Seaboard Avenue, between 110<sup>th</sup> Street and Bryner Drive, as more  
9 particularly described in **Exhibit 1**, dated November 25, 2019, and  
10 graphically depicted in **Exhibit 2**, both **attached hereto** and  
11 incorporated herein by this reference (Subject Property).

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

13 Property is owned by Troy W. Albers and Elana Schrader. The  
14 applicant is Wyman R. Duggan, Esq., 1301 Riverplace Boulevard,  
15 Suite 1500, Jacksonville, Florida 32207; (904) 398-3911.

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 Low Density  
20 Residential (LDR) to Medium Density Residential (MDR), pursuant to  
21 Application Number L-5412-19C.

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:

28 /s/ Shannon K. Eller

29 Office of General Counsel

30 Legislation Prepared By: Susan Kelly

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