

1 Introduced by Council Member Gaffney:
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4 **ORDINANCE 2020-87-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 NEIGHBORHOOD COMMERCIAL
9 (NC) TO LOW DENSITY RESIDENTIAL (LDR) ON
10 APPROXIMATELY 1.53± ACRES LOCATED IN COUNCIL
11 DISTRICT 7 AT 0 LEM TURNER ROAD AND 12803 LEM
12 TURNER ROAD, BETWEEN HEMLOCK STREET AND SUNPORT
13 INDUSTRIAL PARKWAY, OWNED BY PERCY OAKS
14 PARTNERS, LLC, AS MORE PARTICULARLY DESCRIBED
15 HEREIN, PURSUANT TO APPLICATION NUMBER L-5429-
16 20C; 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 650.402(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 Neighborhood Commercial (NC) to
26 Low Density Residential (LDR) on 1.53± acres of certain real
27 property in Council District 7, was filed by the City of
28 Jacksonville, on behalf of the owner, Percy Oaks Partners, LLC; and

29 **WHEREAS**, the Planning and Development Department reviewed the
30 proposed revision and application and has prepared a written report

1 and rendered an advisory recommendation to the City Council with
2 respect to the proposed amendment; and

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

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

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

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

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

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

6 **Section 2. Subject Property Location and Description.**
7 The approximately 1.53± acres (R.E. Nos. 019455-0050 and 019456-
8 0000 (portion)) are located in Council District 7 at 0 Lem Turner
9 Road and 12803 Lem Turner Road, between Hemlock Street and Sunport
10 Industrial Parkway, as more particularly described in **Exhibit 1**,
11 dated November 5, 2019, and graphically depicted in **Exhibit 2**, both
12 **attached hereto** and incorporated herein by this reference (Subject
13 Property).

14 **Section 3. Owner and Applicant Description.** The Subject
15 Property is owned by Percy Oaks Partners, LLC. The applicant is the
16 City of Jacksonville, 214 North Hogan Street, Suite 300,
17 Jacksonville, Florida 32202; (904) 255-7800.

18 **Section 4. Adoption of Small-Scale Land Use Amendment.**
19 The City Council hereby adopts a proposed Small-Scale revision to
20 the Future Land Use Map series of the *2030 Comprehensive Plan* by
21 changing the Future Land Use Map designation from Neighborhood
22 Commercial (NC) to Low Density Residential (LDR), pursuant to
23 Application Number L-5429-20C.

24 **Section 5. Applicability, Effect and Legal Status.** The
25 applicability and effect of the *2030 Comprehensive Plan*, as herein
26 amended, shall be as provided in the Community Planning Act,
27 Sections 163.3161 through 163.3248, *Florida Statutes*, and this
28 Ordinance. All development undertaken by, and all actions taken in
29 regard to development orders by governmental agencies in regard to
30 land which is subject to the *2030 Comprehensive Plan*, as herein
31 amended, shall be consistent therewith as of the effective date of

1 this amendment to the plan.

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

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

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

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

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

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2 Form Approved:

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4 /s/ Shannon K. Eller

5 Office of General Counsel

6 Legislation Prepared By: Edward Lukacovic

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