

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-162-E**

5 AN ORDINANCE ADOPTING A LARGE-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-I (AGR-I),
9 AGRICULTURE-II (AGR-II), AGRICULTURE-III (AGR-
10 III) AND AGRICULTURE-IV (AGR-IV) TO LOW DENSITY
11 RESIDENTIAL (LDR) ON APPROXIMATELY 2795.50±
12 ACRES IN COUNCIL DISTRICT 11 AT 0 PHILIPS
13 HIGHWAY, 14931 PHILIPS HIGHWAY, 0 SLOCUMB
14 AVENUE, AND 0 GRAND STREET, BETWEEN PHILIPS
15 HIGHWAY AND J. TURNER BUTLER BOULEVARD, OWNED
16 BY ESTUARY, LLC, INCLUDING PROPOSED SITE
17 SPECIFIC POLICY 4.4.11 IN THE FUTURE LAND USE
18 ELEMENT, AS MORE PARTICULARLY DESCRIBED HEREIN,
19 PURSUANT TO APPLICATION NUMBER L-5325-18A;
20 PROVIDING A DISCLAIMER THAT THE AMENDMENT
21 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
22 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
23 PROVIDING AN EFFECTIVE DATE.
24

25 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
26 *Ordinance Code*, an application for a proposed Large-Scale Amendment
27 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
28 *Plan* to change the Future Land Use designation from Agriculture-I
29 (AGR-I), Agriculture-II (AGR-II), Agriculture-III (AGR-III), and
30 Agriculture-IV (AGR-IV) to Low Density Residential (LDR), with Site

1 Specific Policy 4.4.11 in the Future Land Use Element, has been
2 filed by Paul M. Harden, Esq., on behalf of Estuary, LLC, the
3 owners of certain real property located in Council District 11, as
4 more particularly described in Section 2; and

5 **WHEREAS**, the City, by the adoption of Ordinance 2019-424-E,
6 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
7 for transmittal to the Department of Economic Opportunity ("DEO"),
8 as the State Land Planning Agency, and other required state
9 agencies, for review and comment; and

10 **WHEREAS**, by various letters and e-mails, the DEO and other
11 state reviewing agencies transmitted their comments, if any,
12 regarding this proposed amendment; and

13 **WHEREAS**, the Planning and Development Department reviewed the
14 proposed revision and application, considered all comments
15 received, prepared a written report, and rendered an advisory
16 recommendation to the Council with respect to this proposed
17 amendment; and

18 **WHEREAS**, the Planning Commission, acting as the Local Planning
19 Agency (LPA), held a public hearing on this proposed amendment,
20 with due public notice having been provided, and having reviewed
21 and considered all comments during the public hearing, made its
22 recommendation to the City Council; and

23 **WHEREAS**, pursuant to Section 650.408, *Ordinance Code*, the Land
24 Use and Zoning (LUZ) Committee held a public hearing on this
25 proposed amendment, and made its recommendation to the City
26 Council; and

27 **WHEREAS**, pursuant to Section 163.3184(3), *Florida Statutes*,
28 and Chapter 650, Part 4, *Ordinance Code*, the City Council held a
29 public hearing with public notice having been provided on this
30 proposed amendment to the *2030 Comprehensive Plan*; and

31 **WHEREAS**, the City Council further considered all oral and

1 written comments received during public hearings, including the
2 data and analysis portions of this proposed amendment to the *2030*
3 *Comprehensive Plan*, the recommendations of the Planning and
4 Development Department, the LPA, the LUZ Committee and the
5 comments, if any, of the DEO and the other state reviewing
6 agencies; and

7 **WHEREAS**, in the exercise of its authority, the City Council
8 has determined it necessary and desirable to adopt this proposed
9 amendment to the *2030 Comprehensive Plan* to preserve and enhance
10 present advantages, encourage the most appropriate use of land,
11 water, and resources consistent with the public interest, overcome
12 present deficiencies, and deal effectively with future problems
13 which may result from the use and development of land within the
14 City of Jacksonville; now, therefore

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

16 **Section 1. Purpose and Intent.** This Ordinance is adopted
17 to carry out the purpose and intent of, and exercise the authority
18 set out in, the Community Planning Act, Sections 163.3161 through
19 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
20 amended.

21 **Section 2. Subject Property Location and Description.** The
22 approximately 2795.50± acres are in Council District 11 at 0
23 Philips Highway, 14931 Philips Highway, 0 Slocumb Avenue, and 0
24 Grand Street, between Philips Highway and J. Turner Butler
25 Boulevard, as more particularly described in **Exhibit 1**, dated
26 November 1, 2018, and graphically depicted in **Exhibit 2**, both of
27 which are **attached hereto** and incorporated herein by this reference
28 (Subject Property).

29 **Section 3. Owner and Applicant Description.** The Subject
30 Property is owned by Estuary, LLC. The applicant is Paul M.
31 Harden, Esq. 501 Riverside Avenue, Suite 901, Jacksonville, Florida

1 32202; (904) 396-5731.

2 **Section 4. Adoption of Large-Scale Land Use Amendment.**

3 The City Council hereby adopts a proposed Large-Scale revision to
4 the Future Land Use Map series of the *2030 Comprehensive Plan* by
5 changing the Future Land Use Map designation from Agriculture-I
6 (AGR-I), Agriculture-II (AGR-II), Agriculture-III (AGR-III), and
7 Agriculture-IV (AGR-IV) to Low Density Residential (LDR), pursuant
8 to Application Number L-5325-18A.

9 **Section 5. Site Specific Policy.** The City Council hereby

10 adopts Future Land Use Element (FLUE) Policy 4.4.11, dated February
11 24, 2020, and **attached hereto as Exhibit 3.**

12 **Section 6. Applicability, Effect and Legal Status.** The

13 applicability and effect of the *2030 Comprehensive Plan*, as herein
14 amended, shall be as provided in the Community Planning Act,
15 Section 163.3161 through 163.3248, *Florida Statutes*, and this
16 ordinance. All development undertaken by, and all actions taken in
17 regard to development orders by governmental agencies in regard to
18 land which is subject to the *2030 Comprehensive Plan*, as herein
19 amended, shall be consistent therewith as of the effective date of
20 this amendment to the plan.

21 **Section 7. Effective Date of this Plan Amendment.** Unless

22 this plan amendment is timely challenged under the procedures set
23 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
24 shall be effective thirty-one days after DEO notifies the City of
25 Jacksonville that the plan amendment or plan amendment package is
26 complete. If this plan amendment is timely challenged under
27 Section 163.3184(3), *Florida Statutes*, this plan amendment shall
28 become effective when the DEO or the Administration Commission
29 enters a final order determining the adopted amendment to be in
30 compliance. If this plan amendment is found not to be in
31 compliance under the standards and procedures set forth in Chapter

1 163, Part II, *Florida Statutes*, then this plan amendment shall
2 become effective only by further action by the City Council. No
3 development orders, development permits, or land uses dependent on
4 this amendment may be issued or commence before it has become
5 effective.

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

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

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23 Form Approved:

24
25 /s/ Shannon K. Eller

26 Office of General Counsel

27 Legislation Prepared By: Kristen Reed

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