

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-164-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), AND AGRICULTURE-III
10 (AGR-III) TO LOW DENSITY RESIDENTIAL (LDR) ON
11 APPROXIMATELY 2512.23± ACRES IN COUNCIL DISTRICT
12 11, EAST OF I-295 AND SOUTH OF J. TURNER BUTLER
13 BOULEVARD, OWNED BY ESTUARY, LLC, INCLUDING
14 SITE SPECIFIC POLICY 4.4.12 IN THE FUTURE LAND
15 USE ELEMENT, AS MORE PARTICULARLY DESCRIBED
16 HEREIN, PURSUANT TO APPLICATION NUMBER L-5349-
17 18A; PROVIDING A DISCLAIMER THAT THE AMENDMENT
18 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
19 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
23 *Ordinance Code*, an application for a proposed Large-Scale Amendment
24 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
25 *Plan* to change the Future Land Use designation from Agriculture-I
26 (AGR-I), Agriculture-II (AGR-II) and Agriculture-III (AGR-III) to
27 Low Density Residential (LDR), with Site Specific Policy 4.4.12 in
28 the Future Land Use Element, has been filed by Paul M. Harden,
29 Esq., on behalf of Estuary, LLC, the owners of certain real
30 property located in Council District 11, as more particularly

1 described in Section 2; and

2 **WHEREAS**, the City, by the adoption of Ordinance 2019-425-E,
3 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
4 for transmittal to the Department of Economic Opportunity ("DEO"),
5 as the State Land Planning Agency, and other required state
6 agencies, for review and comment; and

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

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

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

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

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

28 **WHEREAS**, the City Council further considered all oral and
29 written comments received during public hearings, including the
30 data and analysis portions of this proposed amendment to the *2030*
31 *Comprehensive Plan*, the recommendations of the Planning and

1 Development Department, the LPA, the LUZ Committee and the
2 comments, if any, of the DEO and the other state reviewing
3 agencies; and

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

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

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

18 **Section 2. Subject Property Location and Description.** The
19 approximately 2512.23± acres are in Council District 11, east of I-
20 295 and south of J. Turner Butler Boulevard, as more particularly
21 described in **Exhibit 1**, dated December 23, 2019, and graphically
22 depicted in **Exhibit 2**, both of which are **attached hereto** and
23 incorporated herein by this reference (Subject Property).

24 **Section 3. Owner and Applicant Description.** The Subject
25 Property is owned by Estuary, LLC. The applicant is Paul M.
26 Harden, Esq., 501 Riverside Avenue, Suite 901, Jacksonville,
27 Florida 32202; (904) 396-5731.

28 **Section 4. Adoption of Large-Scale Land Use Amendment.**
29 The City Council hereby adopts a proposed Large-Scale revision to
30 the Future Land Use Map series of the *2030 Comprehensive Plan* by
31 changing the Future Land Use Map designation from Agriculture-I

1 (AGR-I), Agriculture-II (AGR-II) and Agriculture-III (AGR-III) to
2 Low Density Residential (LDR), pursuant to Application Number L-
3 5349-18A.

4 **Section 5. Site Specific Policy.** The City Council hereby
5 adopts Future Land Use Element (FLUE) Policy 4.4.12, dated February
6 24, 2020, and **attached hereto** as **Exhibit 3**.

7 **Section 6. Applicability, Effect and Legal Status.** The
8 applicability and effect of the *2030 Comprehensive Plan*, as herein
9 amended, shall be as provided in the Community Planning Act,
10 Section 163.3161 through 163.3248, *Florida Statutes*, and this
11 ordinance. All development undertaken by, and all actions taken in
12 regard to development orders by governmental agencies in regard to
13 land which is subject to the *2030 Comprehensive Plan*, as herein
14 amended, shall be consistent therewith as of the effective date of
15 this amendment to the plan.

16 **Section 7. Effective Date of this Plan Amendment.** Unless
17 this plan amendment is timely challenged under the procedures set
18 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
19 shall be effective thirty-one days after DEO notifies the City of
20 Jacksonville that the plan amendment or plan amendment package is
21 complete. If this plan amendment is timely challenged under
22 Section 163.3184(3), *Florida Statutes*, this plan amendment shall
23 become effective when the DEO or the Administration Commission
24 enters a final order determining the adopted amendment to be in
25 compliance. If this plan amendment is found not to be in
26 compliance under the standards and procedures set forth in Chapter
27 163, Part II, *Florida Statutes*, then this plan amendment shall
28 become effective only by further action by the City Council. No
29 development orders, development permits, or land uses dependent on
30 this amendment may be issued or commence before it has become
31 effective.

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

14 **Section 9. Effective Date.** This Ordinance shall become
15 effective upon signature by the Mayor or upon becoming effective
16 without the Mayor's signature.

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18 Form Approved:

19
20 /s/ Shannon K. Eller

21 Office of General Counsel

22 Legislation Prepared By: Krista Fogarty

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