

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-469**

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 LOW DENSITY RESIDENTIAL
9 (LDR) TO BUSINESS PARK (BP) ON APPROXIMATELY
10 21.61± ACRES IN COUNCIL DISTRICT 14, ON THE WEST
11 SIDE OR ROOSEVELT BOULEVARD, NORTH OF FENNEL
12 ROAD, AND SOUTH OF YORKTOWN AVENUE, OWNED BY
13 SOUTHBELT PARK, LTD., AS MORE PARTICULARLY
14 DESCRIBED HEREIN, PURSUANT TO APPLICATION
15 NUMBER L-5404-19A; 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*, an application for a proposed Large-Scale Amendment
22 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
23 *Plan* to change the Future Land Use designation from Low Density
24 Residential (LDR) to Business Park (BP), has been filed by Steve
25 Diebenow, Esq., on behalf of Southbelt Park, Ltd., the owner of
26 certain real property located in Council District 14, as more
27 particularly described in Section 2; and

28 **WHEREAS**, the City, by the adoption of Ordinance 2019-871-E,
29 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
30 for transmittal to the Department of Economic Opportunity ("DEO"),
31 as the State Land Planning Agency, and other required state

1 agencies, for review and comment; and

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

5 **WHEREAS**, the Planning and Development Department reviewed the
6 proposed revision and application, considered all comments
7 received, prepared a written report, and rendered an advisory
8 recommendation to the Council with respect to this proposed
9 amendment; and

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

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

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

23 **WHEREAS**, the City Council further considered all oral and
24 written comments received during public hearings, including the
25 data and analysis portions of this proposed amendment to the *2030*
26 *Comprehensive Plan*, the recommendations of the Planning and
27 Development Department, the LPA, the LUZ Committee and the
28 comments, if any, of the DEO and the other state reviewing
29 agencies; and

30 **WHEREAS**, in the exercise of its authority, the City Council
31 has determined it necessary and desirable to adopt this proposed

1 amendment to the *2030 Comprehensive Plan* to preserve and enhance
2 present advantages, encourage the most appropriate use of land,
3 water, and resources consistent with the public interest, overcome
4 present deficiencies, and deal effectively with future problems
5 which may result from the use and development of land within the
6 City of Jacksonville; now, therefore

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

8 **Section 1. Purpose and Intent.** This Ordinance is adopted
9 to carry out the purpose and intent of, and exercise the authority
10 set out in, the Community Planning Act, Sections 163.3161 through
11 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
12 amended.

13 **Section 2. Subject Property Location and Description.** The
14 approximately 21.61± acres are in Council District 14, on the west
15 side of Roosevelt Boulevard, north of Fennel Road, and south of
16 Yorktown Avenue, as more particularly described in **Exhibit 1**, dated
17 July 1, 2020, and graphically depicted in **Exhibit 2**, both of which
18 are **attached hereto** and incorporated herein by this reference
19 (Subject Property).

20 **Section 3. Owner and Applicant Description.** The Subject
21 Property is owned by Southbelt Park, Ltd. The applicant is Steve
22 Diebenow, Esq., One Independent Drive, Suite 1200, Jacksonville,
23 Florida 32202; (904) 301-1269.

24 **Section 4. Adoption of Large-Scale Land Use Amendment.**
25 The City Council hereby adopts a proposed Large-Scale revision to
26 the Future Land Use Map series of the *2030 Comprehensive Plan* by
27 changing the Future Land Use Map designation from Low Density
28 Residential (LDR) to Business Park (BP), pursuant to Application
29 Number L-5404-19A.

30 **Section 5. Applicability, Effect and Legal Status.** The
31 applicability and effect of the *2030 Comprehensive Plan*, as herein

1 amended, shall be as provided in the Community Planning Act,
2 Section 163.3161 through 163.3248, *Florida Statutes*, and this
3 Ordinance. All development undertaken by, and all actions taken in
4 regard to development orders by governmental agencies in regard to
5 land which is subject to the *2030 Comprehensive Plan*, as herein
6 amended, shall be consistent therewith as of the effective date of
7 this amendment to the plan.

8 **Section 6. Effective Date of this Plan Amendment.** Unless
9 this plan amendment is timely challenged under the procedures set
10 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
11 shall be effective thirty-one days after DEO notifies the City of
12 Jacksonville that the plan amendment or plan amendment package is
13 complete. If this plan amendment is timely challenged under
14 Section 163.3184(3), *Florida Statutes*, this plan amendment shall
15 become effective when the DEO or the Administration Commission
16 enters a final order determining the adopted amendment to be in
17 compliance. If this plan amendment is found not to be in
18 compliance under the standards and procedures set forth in Chapter
19 163, Part II, *Florida Statutes*, then this plan amendment shall
20 become effective only by further action by the City Council. No
21 development orders, development permits, or land uses dependent on
22 this amendment may be issued or commence before it has become
23 effective.

24 **Section 7. Disclaimer.** The amendment granted herein shall
25 **not** be construed as an exemption from any other applicable local,
26 state, or federal laws, regulations, requirements, permits or
27 approvals. All other applicable local, state or federal permits or
28 approvals shall be obtained before commencement of the development
29 or use and issuance of this amendment is based upon
30 acknowledgement, representation and confirmation made by the
31 applicant(s), owner(s), developer(s) and/or any authorized agent(s)

1 or designee(s) that the subject business, development and/or use
2 will be operated in strict compliance with all laws. Issuance of
3 this amendment does **not** approve, promote or condone any practice or
4 act that is prohibited or restricted by any federal, state or local
5 laws.

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

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10 Form Approved:

11
12 /s/ Shannon K. Eller

13 Office of General Counsel

14 Legislation Prepared By: Susan Kelly

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