

1 Introduced by the Land Use and Zoning Committee:  
2  
3

4 **ORDINANCE 2021-107-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 MEDIUM DENSITY RESIDENTIAL  
9 (MDR) TO COMMUNITY/GENERAL COMMERCIAL (CGC) ON  
10 APPROXIMATELY 0.16± OF AN ACRE LOCATED IN  
11 COUNCIL DISTRICT 5 AT 2230 WESTMONT STREET,  
12 BETWEEN PHILIPS HIGHWAY AND INTERSTATE 95,  
13 OWNED BY 2989 PHILIPS HIGHWAY, LLC, AS MORE  
14 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO  
15 APPLICATION NUMBER L-5510-20C; PROVIDING A  
16 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN  
17 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
18 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
19 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 Medium Density Residential (MDR)  
26 to Community/General Commercial (CGC) on 0.16± of an acre of  
27 certain real property in Council District 5 was filed by Paul M.  
28 Harden, Esq., on behalf of the owner, 2989 Philips Highway, LLC;  
29 and

30 **WHEREAS**, the Planning and Development Department reviewed the  
31 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 0.16± of an acre (R.E. No. 130398-0000) is  
8 located in Council District 5 at 2230 Westmont Street, between  
9 Philips Highway, and Interstate 95, as more particularly described  
10 in **Exhibit 1**, dated December 9, 2020, and graphically depicted in  
11 **Exhibit 2**, both **attached hereto** and incorporated herein by this  
12 reference (Subject Property).

13           **Section 3.           Owner and Applicant Description.** The Subject  
14 Property is owned by 2989 Philips Highway, LLC. The applicant is  
15 Paul M. Harden, Esq., 501 Riverside Avenue, Suite 901,  
16 Jacksonville, Florida 32202; (904) 396-5731.

17           **Section 4.           Adoption of Small-Scale Land Use Amendment.**  
18 The City Council hereby adopts a proposed Small-Scale revision to  
19 the Future Land Use Map series of the *2030 Comprehensive Plan* by  
20 changing the Future Land Use Map designation from Medium Density  
21 Residential (MDR) to Community/General Commercial (CGC), pursuant  
22 to Application Number L-5510-20C.

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

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

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

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

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

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

27  
28 Form Approved:

29  
30           /s/ Shannon K. Eller          

31 Office of General Counsel

1 Legislation Prepared By: Krista Fogarty

2 GC-#1414078-v1-L-5510\_SS\_LU.docx