

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2021-303**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO  
6 THE FUTURE LAND USE MAP SERIES OF THE 2030  
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND  
8 USE DESIGNATION FROM AGRICULTURE-IV (AGR-IV) AND  
9 NEIGHBORHOOD COMMERCIAL (NC) TO MULTI-USE (MU),  
10 SUBJECT TO SITE SPECIFIC FLUE POLICY 4.3.2 ON  
11 APPROXIMATELY 9.42± ACRES LOCATED IN COUNCIL  
12 DISTRICT 11 AT 5237 RACETRACK ROAD, 5255  
13 RACETRACK ROAD AND 0 RACETRACK ROAD, BETWEEN  
14 INTERSTATE 95 AND RACETRACK ROAD, OWNED BY  
15 CAROLYN KEEN, ET AL., AS MORE PARTICULARLY  
16 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER  
17 L-5548-21C; AMENDING THE DEVELOPMENT BOUNDARIES  
18 MAP; PROVIDING A DISCLAIMER THAT THE AMENDMENT  
19 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
20 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
21 PROVIDING AN EFFECTIVE DATE.  
22

23 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
24 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an  
25 application for a proposed Small-Scale Amendment to the Future Land  
26 Use Map series (FLUMs) of the *2030 Comprehensive Plan* to change the  
27 Future Land Use designation from Agriculture-IV (AGR-IV) and  
28 Neighborhood Commercial (NC) to Multi-Use, subject to Site Specific  
29 FLUE Policy 4.3.2 on 9.42± acres of certain real property in Council  
30 District 11 was filed by Emily Pierce, Esq., on behalf of the owners,  
31 Carolyn Keen, et al.; and

1           **WHEREAS**, the Planning and Development Department reviewed the  
2 proposed revision and application and has prepared a written report  
3 and rendered an advisory recommendation to the City Council with  
4 respect to the proposed amendment; and

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

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

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

23           **WHEREAS**, in the exercise of its authority, the City Council has  
24 determined it necessary and desirable to adopt this proposed amendment  
25 to the *2030 Comprehensive Plan* to preserve and enhance present  
26 advantages, encourage the most appropriate use of land, water, and  
27 resources consistent with the public interest, overcome present  
28 deficiencies, and deal effectively with future problems which may  
29 result from the use and development of land within the City of  
30 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.** The  
7 approximately 9.42± acres are located in Council District 11 at 5237  
8 Racetrack Road, 5355 Racetrack Road and 0 Racetrack Road, between  
9 Interstate 95 and Racetrack Road, as more particularly described in  
10 **Exhibit 1**, dated April 20, 2021, and graphically depicted in **Exhibit**  
11 **2**, both **attached hereto** and incorporated herein by this reference  
12 (Subject Property).

13           **Section 3.           Owner and Applicant Description.** The Subject  
14 Property is owned by Carolyn Keen, et al. The applicant is Emily  
15 Pierce, Esq., 1301 Riverplace Boulevard, Suite 1500, Jacksonville,  
16 Florida 32207; (904) 398-3911.

17           **Section 4.           Adoption of Small-Scale Land Use Amendment.** The  
18 City Council hereby adopts a proposed Small-Scale revision to the  
19 Future Land Use Map series of the *2030 Comprehensive Plan* by changing  
20 the Future Land Use Map designation from Agriculture-IV (AGR-IV) and  
21 Neighborhood Commercial (NC) to Multi-Use, subject to Site Specific  
22 FLUE Policy 4.3.2, pursuant to Application Number L-5548-21C.

23           **Section 5.           Development Boundaries Map.** The City Council  
24 hereby amends the Development Boundaries Map, as depicted on **Exhibit**  
25 **3**, **attached hereto**.

26           **Section 6.           Applicability, Effect and Legal Status.** The  
27 applicability and effect of the *2030 Comprehensive Plan*, as herein  
28 amended, shall be as provided in the Community Planning Act, Sections  
29 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All  
30 development undertaken by, and all actions taken in regard to  
31 development orders by governmental agencies in regard to land which

1 is subject to the *2030 Comprehensive Plan*, as herein amended, shall  
2 be consistent therewith as of the effective date of this amendment  
3 to the plan.

4           **Section 7.           Effective date of this Plan Amendment.**

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

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

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

26           **Section 9.           Effective Date.** This Ordinance shall become  
27 effective upon signature by the Mayor or upon becoming effective  
28 without the Mayor's signature.

1 Form Approved:

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3       /s/ Shannon K. Eller      

4 Office of General Counsel

5 Legislation Prepared By: Kristen Reed

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