

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-276-E**

5 AN ORDINANCE ADOPTING A LARGE-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-II (AGR-II),
9 AGRICULTURE-III (AGR-III), AGRICULTURE-IV (AGR-
10 IV), RURAL RESIDENTIAL (RR) AND LIGHT INDUSTRIAL
11 (LI) TO AGRICULTURE-IV (AGR-IV), RURAL
12 RESIDENTIAL (RR), COMMUNITY/GENERAL COMMERCIAL
13 (CGC) AND CONSERVATION (CSV) ON APPROXIMATELY
14 2167.51± ACRES IN COUNCIL DISTRICT 12, GENERALLY
15 LOCATED NORTH AND SOUTH OF NORMANDY BOULEVARD,
16 AND OFF OF MCCLELLAND ROAD, AND OFF OF SOLOMON
17 ROAD, AND OWNED BY DIAMOND TIMBER INVESTMENTS,
18 LLC, TIMBER FOREST TRAIL INVESTMENTS, LLC,
19 LONGLEAF TIMBER COMPANY, INC., VCP-REAL ESTATE
20 INVESTMENTS, LTD., AND NORMANDY MITIGATION, LLC,
21 ET AL., AS MORE PARTICULARLY DESCRIBED HEREIN,
22 PURSUANT TO APPLICATION NUMBER L-5441-20A;
23 ADOPTING A SIGN POSTING PLAN PURSUANT TO SECTION
24 650.407(C)(3), *ORDINANCE CODE*, PROVIDING A
25 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
26 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
27 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
28 DATE.

29
30 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
31 *Ordinance Code*, an application for a proposed Large-Scale Amendment

1 to the Future Land Use Map series (FLUMs) of the *2030 Comprehensive*
2 *Plan* to change the Future Land Use designation from Agriculture-II
3 (AGR-II), Agriculture-III (AGR-III), Agriculture-IV (AGR-IV), Rural
4 Residential (RR) and Light Industrial (LI) to Agriculture-IV (AGR-
5 IV), Rural Residential (RR), Community/General Commercial (CGC) and
6 Conservation (CSV), has been filed by Steve Diebenow, Esq., on behalf
7 of the owners of certain real property located in Council District
8 12, as more particularly described in Section 2; and

9 **WHEREAS**, the City, by the adoption of Ordinance 2020-279-E,
10 approved this Large-Scale Amendment to the *2030 Comprehensive Plan*
11 for transmittal to the Department of Economic Opportunity (DEO), as
12 the State Land Planning Agency, and other required state agencies,
13 for review and comment, and the adoption deadline set by Section
14 163.3184(3), *Florida Statutes*, has been extended, with required
15 notice to DEO, other required state agencies, and any affected person
16 who provided comments on this Large-Scale Amendment; and

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

20 **WHEREAS**, the Planning and Development Department reviewed the
21 proposed revision and application, considered all comments received,
22 prepared a written report, and rendered an advisory recommendation
23 to the Council with respect to this proposed amendment; and

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

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

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

5 **WHEREAS**, the City Council further considered all oral and
6 written comments received during public hearings, including the data
7 and analysis portions of this proposed amendment to the *2030*
8 *Comprehensive Plan*, the recommendations of the Planning and
9 Development Department, the LPA, the LUZ Committee and the comments,
10 if any, of the DEO and the other state reviewing agencies; and

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

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

20 **Section 1. Purpose and Intent.** This Ordinance is adopted
21 to carry out the purpose and intent of, and exercise the authority
22 set out in, the Community Planning Act, Sections 163.3161 through
23 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
24 amended.

25 **Section 2. Subject Property Location and Description.** The
26 approximately 2167.51± acres are in Council District 12, generally
27 located north and south of Normandy Boulevard, and off of McClelland
28 Road, and off of Solomon Road, as more particularly described in
29 **Exhibit 1**, dated March 19, 2021, and graphically depicted in **Exhibit**
30 **2**, both of which are **attached hereto** and incorporated herein by this
31 reference (Subject Property).

1 **Section 3. Owner and Applicant Description.** The Subject
2 Property is owned by Diamond Timber Investments, LLC, Timber Forest
3 Trail Investments, LLC, Longleaf Timber Company, Inc., VCP-Real
4 Estate Investments, Ltd., and Normandy Mitigation, LLC, et al., as
5 further described in the application on file in the Planning and
6 Development Department. The applicant is Steve Diebenow, Esq., One
7 Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904)
8 301-1269.

9 **Section 4. Adoption of Large-Scale Land Use Amendment.** The
10 City Council hereby adopts a proposed Large-Scale revision to the
11 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
12 the Future Land Use Map designation from Agriculture-II (AGR-II),
13 Agriculture-III (AGR-III), Agriculture-IV (AGR-IV), Rural Residential
14 (RR) and Light Industrial (LI) to Agriculture-IV (AGR-IV), Rural
15 Residential (RR), Community/General Commercial (CGC) and Conservation
16 (CSV), pursuant to Application Number L-5441-20A.

17 **Section 5. Adopting Sign Posting Plan Pursuant to Section**
18 **650.407(c)(3), Ordinance Code.** Pursuant to Section 650.407(c)(3),
19 *Ordinance Code*, the City Council hereby adopts the Sign Posting Plan
20 **attached hereto** as **Exhibit 3**, and finds that the mailed letters and
21 notices, and the Sign Posting Plan, have provided notice to all
22 affected property owners in compliance with all state and local laws
23 and regulations.

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

1 to the plan.

2 **Section 7. Effective Date of this Plan Amendment.** Unless
3 this plan amendment is timely challenged under the procedures set
4 forth in Section 163.3184(3), *Florida Statutes*, this plan amendment
5 shall be effective thirty-one days after DEO notifies the City of
6 Jacksonville that the plan amendment or plan amendment package is
7 complete. If this plan amendment is timely challenged under Section
8 163.3184(3), *Florida Statutes*, this plan amendment shall become
9 effective when the DEO or the Administration Commission enters a
10 final order determining the adopted amendment to be in compliance.
11 If this plan amendment is found not to be in compliance under the
12 standards and procedures set forth in Chapter 163, Part II, *Florida*
13 *Statutes*, then this plan amendment shall become effective only by
14 further action by the City Council. No development orders,
15 development permits, or land uses dependent on this amendment may be
16 issued or commence before it has become effective.

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

29 **Section 9. Effective Date.** This Ordinance shall become
30 effective upon signature by the Mayor or upon becoming effective
31 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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