

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2021-415**

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 RESIDENTIAL-PROFESSIONAL-  
9 INSTITUTIONAL (RPI) TO MEDIUM DENSITY RESIDENTIAL  
10 (MDR) ON APPROXIMATELY 6.38± ACRES LOCATED IN  
11 COUNCIL DISTRICT 3 AT 0 SAN PABLO ROAD SOUTH,  
12 BETWEEN SAM YEPEZ ROAD AND W M DAVIS PARKWAY,  
13 OWNED BY ESTUARY, LLC, AS MORE PARTICULARLY  
14 DESCRIBED HEREIN, PURSUANT TO APPLICATION NUMBER  
15 L-5563-21C; PROVIDING A DISCLAIMER THAT THE  
16 AMENDMENT GRANTED HEREIN SHALL NOT BE CONSTRUED  
17 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
18 PROVIDING AN EFFECTIVE DATE.  
19

20 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
21 Ordinance Code, and Section 163.3187(1), Florida Statutes, an  
22 application for a proposed Small-Scale Amendment to the Future Land  
23 Use Map series (FLUMs) of the 2030 Comprehensive Plan to change the  
24 Future Land Use designation from Residential-Professional-  
25 Institutional (RPI) to Medium Density Residential (MDR) on 6.38± acres  
26 of certain real property in Council District 3, was filed by Paul M.  
27 Harden, Esq., on behalf of the owner, Estuary, LLC; and

28 **WHEREAS**, the Planning and Development Department reviewed the  
29 proposed revision and application and has prepared a written report  
30 and rendered an advisory recommendation to the City Council with  
31 respect to the proposed amendment; and

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

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

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

19           **WHEREAS**, in the exercise of its authority, the City Council has  
20 determined it necessary and desirable to adopt this proposed amendment  
21 to the *2030 Comprehensive Plan* to preserve and enhance present  
22 advantages, encourage the most appropriate use of land, water, and  
23 resources consistent with the public interest, overcome present  
24 deficiencies, and deal effectively with future problems which may  
25 result from the use and development of land within the City of  
26 Jacksonville; now, therefore

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

28           **Section 1. Purpose and Intent.** This Ordinance is adopted  
29 to carry out the purpose and intent of, and exercise the authority  
30 set out in, the Community Planning Act, Sections 163.3161 through  
31 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as

1 amended.

2           **Section 2.           Subject Property Location and Description.** The  
3 approximately 6.38± acres (R.E. No. 167452-0510 (portion)) are  
4 located in Council District 3, at 0 San Pablo Road South, between Sam  
5 Yepez Road and W M Davis Parkway, as more particularly described in  
6 **Exhibit 1**, dated June 15, 2021, and graphically depicted in **Exhibit**  
7 **2**, both **attached hereto** and incorporated herein by this reference  
8 (the "Subject Property").

9           **Section 3.           Owner and Applicant Description.** The Subject  
10 Property is owned by Estuary, LLC. The applicant is Paul M. Harden,  
11 Esq., 1431 Riverplace Boulevard, Suite 901, Jacksonville, Florida  
12 32207; (904) 396-5731.

13           **Section 4.           Adoption of Small-Scale Land Use Amendment.** The  
14 City Council hereby adopts a proposed Small-Scale revision to the  
15 Future Land Use Map series of the *2030 Comprehensive Plan* by changing  
16 the Future Land Use Map designation from Residential-Professional-  
17 Institutional (RPI) to Medium Density Residential (MDR), pursuant to  
18 Application Number L-5563-21C.

19           **Section 5.           Site Specific Policy.** The City Council hereby  
20 transmits FLUE Policy 4.4.22 dated July 12, 2021, and **attached hereto**  
21 as **Exhibit 3**.

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

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

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

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

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

22 **Section 9. Effective Date.** This Ordinance shall become  
23 effective upon signature by the Mayor or upon becoming effective  
24 without the Mayor's signature.

25  
26 Form Approved:

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28 \_\_\_\_\_  
29 Office of General Counsel

30 Legislation Prepared By: Krista Fogarty