

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-641**

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 COMMUNITY/GENERAL
9 COMMERCIAL (CGC) TO MEDIUM DENSITY RESIDENTIAL
10 (MDR) ON APPROXIMATELY 43.69± ACRES LOCATED IN
11 COUNCIL DISTRICT 5 AT 0 PHILIPS HIGHWAY, BETWEEN
12 LENOIR AVENUE AND BOWDENDALE AVENUE, OWNED BY
13 U.S. RUBY CORP, AS MORE PARTICULARLY DESCRIBED
14 HEREIN, PURSUANT TO APPLICATION NUMBER L-5512-
15 21C; PROVIDING A DISCLAIMER THAT THE AMENDMENT
16 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
17 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 Community/General Commercial (CGC)
25 to Medium Density Residential (MDR) on 43.69± acres of certain real
26 property in Council District 5, was filed by Curtis L. Hart, on behalf
27 of the owner, U.S. Ruby Corp; 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 43.69± acres (R.E. No. 152602-0100) are located in
4 Council District 5, at 0 Philips Highway, between Lenoir Avenue and
5 Bowdendale Avenue, as more particularly described in **Exhibit 1**, dated
6 August 16, 2021, and graphically depicted in **Exhibit 2**, both **attached**
7 **hereto** and incorporated herein by this reference (the "Subject
8 Property").

9 **Section 3. Owner and Applicant Description.** The Subject
10 Property is owned by U.S. Ruby Corp. The applicant is Curtis L.
11 Hart, 8051 Tara Lane, Jacksonville, Florida 32216; (904) 993-5008.

12 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
13 City Council hereby adopts a proposed Small-Scale revision to the
14 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
15 the Future Land Use Map designation from Community/General Commercial
16 (CGC) to Medium Density Residential (MDR), pursuant to Application
17 Number L-5512-21C.

18 **Section 5. Applicability, Effect and Legal Status.** The
19 applicability and effect of the *2030 Comprehensive Plan*, as herein
20 amended, shall be as provided in the Community Planning Act, Sections
21 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
22 development undertaken by, and all actions taken in regard to
23 development orders by governmental agencies in regard to land which
24 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
25 be consistent therewith as of the effective date of this amendment
26 to the plan.

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

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

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

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

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

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22 Form Approved:

23
24 /s/ Mary E. Staffopoulos

25 Office of General Counsel

26 Legislation Prepared By: Krista Fogarty

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