

Staff Report on
Proposed Amendment to
Section 650.105, Ordinance Code

ORDINANCE 2019-427

As indicated in EXHIBIT 1 for Ordinance 2019-427, an amendment to Sec. 650.105, Comprehensive Planning for Future Development, Definitions, is proposed to remove the calendar year acreage limitation for Small Scale Comprehensive Plan Amendments. The change is necessary to provide consistency with the Florida Statutes.

Sec. 163.3187, Florida Statutes (F.S.), includes a 120 acre limitation for all small scale comprehensive plan amendments adopted by a local government in one calendar year. House Bill (HB) 6017 removes the acreage limitations that apply to small scale comprehensive plan amendments in Sec. 163.3187, F.S. HB 6017 was approved with no amendments and ordered enrolled on May 3, 2019. The act should be signed by the Governor and will take effect July 1, 2019.

The subject amendment removes the small scale comprehensive plan acreage limitation from Sec 650.105, Ordinance Code, and is consistent with the changes made to Sec. 163.3187, F.S. as described above.

The amendment to remove the acreage limitation from Sec. 650.105, Ordinance Code, allows continual processing of small scale comprehensive plan amendments upon the effective date of HB 6017 on July 1, 2019.

The Planning and Development Department recommends **APPROVAL** of the ordinance code change to Sec. 650.105 as identified in **Ordinance 2019-427**.

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2019-427**

5 AN ORDINANCE REGARDING SMALL SCALE COMPREHENSIVE
6 PLAN AMENDMENTS; AMENDING CHAPTER 650
7 (COMPREHENSIVE PLANNING FOR FUTURE DEVELOPMENT),
8 *ORDINANCE CODE*; AMENDING PART 1 (GENERAL
9 PROVISIONS), SECTION 650.105 (DEFINITIONS), TO
10 REMOVE THE ANNUAL MAXIMUM ACREAGE FOR SMALL
11 SCALE COMPREHENSIVE PLAN AMENDMENTS; PROVIDING
12 FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
13

14 **WHEREAS**, the 2019 Florida Legislature amended Section
15 163.3187(1)(b), *Florida Statutes*, to strike the maximum acreage
16 limitations for Small Scale Comprehensive Plan Amendments, effective
17 July, 1, 2019; now, therefore

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

19 **Section 1. Amending Chapter 650 (COMPREHENSIVE PLANNING FOR**
20 **FUTURE DEVELOPMENT), PART 1 (GENERAL PROVISIONS), Section 650.105**
21 **(Definitions), Ordinance Code.** Chapter 650 (COMPREHENSIVE PLANNING
22 FOR FUTURE DEVELOPMENT), PART 1 (GENERAL PROVISIONS), Section 650.105
23 (Definitions), *Ordinance Code*, is hereby amended to read as follows:

24 **Chapter 650 - COMPREHENSIVE PLANNING FOR FUTURE DEVELOPMENT**

25 **PART 1. - GENERAL PROVISIONS**

26 * * *

27 **Sec. 650.105. - Definitions.**

28 In this Chapter, unless the context otherwise requires:

29 * * *

30 (s) *Small Scale Comprehensive Plan Amendment* means any
31 amendment to the FLUMs that involves a use of ten acres or fewer,

1 ~~when the cumulative annual effect of the acreage for all Small Scale~~
2 ~~Comprehensive Plan Amendments does not exceed 120 acres in a calendar~~
3 ~~year~~ and any text changes to the Comprehensive Plan that relate
4 directly to, and are adopted simultaneously with, a proposed Small
5 Scale Comprehensive Plan Amendment.

6 * * *

7 **Section 2. Severability.** The provisions of this Ordinance
8 are intended to be severable and if any provision is declared finally
9 invalid or unenforceable by a court of competent jurisdiction, such
10 provision shall be severed and the remainder shall continue in full
11 force and effect, with the Ordinance being deemed amended to the
12 least degree legally permissible.

13 **Section 3. Effective Date.** This Ordinance shall become
14 effective upon signature by the Mayor or upon becoming effective
15 without the Mayor's signature.

16
17 Form Approved:

18
19 /s/ Shannon K. Eller

20 Office of General Counsel

21 Legislation prepared by: Shannon K. Eller

22 GC-#1280718-v1-Amended_Chapter_650_Part_1