

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-787-E**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO  
6 THE FUTURE LAND USE MAP SERIES OF THE 2045  
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND  
8 USE DESIGNATION FROM AGRICULTURE (AGR) TO RURAL  
9 RESIDENTIAL (RR) ON APPROXIMATELY 2.12± ACRES  
10 LOCATED IN COUNCIL DISTRICT 12 AT 8231 MESSER  
11 ROAD, BETWEEN JOHNSON TERRACE AND GARDEN STREET  
12 (R.E. NO. 002851-0010), OWNED BY EARL PEARSON,  
13 JR., DOROTHY KAREN THOMPSON, RICHARD CHESTER  
14 WRIGHT, CHARLES MICHAEL CAPPS AND LEE JAY CAPPS,  
15 AS MORE PARTICULARLY DESCRIBED HEREIN, PURSUANT  
16 TO APPLICATION NUMBER L-5874-23C; PROVIDING A  
17 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN  
18 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY  
19 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE  
20 DATE.  
21

22 **WHEREAS**, pursuant to the provisions of Section 650.402(b),  
23 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an  
24 application for a proposed Small-Scale Amendment to the Future Land  
25 Use Map series (FLUMs) of the *2045 Comprehensive Plan* to change the  
26 Future Land Use designation from Agriculture (AGR) to Rural  
27 Residential (RR) on 2.12± acres of certain real property in Council  
28 District 12 was filed by Richard Wright on behalf of the owners, Earl  
29 Pearson, Jr., Dorothy Karen Thompson, Richard Chester Wright, Charles  
30 Michael Capps and Lee Jay Capps; and

31 **WHEREAS**, the Planning and Development Department reviewed the

1 proposed revision and application and has prepared a written report  
2 and rendered an advisory recommendation to the City Council with  
3 respect to the proposed amendment; and

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

9 **WHEREAS**, the Land Use and Zoning (LUZ) Committee of the City  
10 Council held a public hearing on this proposed amendment to the *2045*  
11 *Comprehensive Plan*, pursuant to Chapter 650, Part 4, *Ordinance Code*,  
12 considered all written and oral comments received during the public  
13 hearing, and has made its recommendation to the City Council; and

14 **WHEREAS**, the City Council held a public hearing on this proposed  
15 amendment, with public notice having been provided, pursuant to  
16 Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*  
17 *Code*, and considered all oral and written comments received during  
18 public hearings, including the data and analysis portions of this  
19 proposed amendment to the *2045 Comprehensive Plan* and the  
20 recommendations of the Planning and Development Department, the  
21 Planning Commission and the LUZ Committee; and

22 **WHEREAS**, in the exercise of its authority, the City Council has  
23 determined it necessary and desirable to adopt this proposed amendment  
24 to the *2045 Comprehensive Plan* to preserve and enhance present  
25 advantages, encourage the most appropriate use of land, water, and  
26 resources consistent with the public interest, overcome present  
27 deficiencies, and deal effectively with future problems which may  
28 result from the use and development of land within the City of  
29 Jacksonville; now, therefore

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

31 **Section 1. Purpose and Intent.** This Ordinance is adopted

1 to carry out the purpose and intent of, and exercise the authority  
2 set out in, the Community Planning Act, Sections 163.3161 through  
3 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as  
4 amended.

5       **Section 2.       Subject Property Location and Description.** The  
6 approximately 2.12± acres are located in Council District 12 at 8231  
7 Messer Road, between Johnson Terrace and Garden Street (R.E. No.  
8 002851-0010), as more particularly described in **Exhibit 1**, dated  
9 August 21, 2023, and graphically depicted in **Exhibit 2**, both attached  
10 hereto and incorporated herein by this reference (the "Subject  
11 Property").

12       **Section 3.       Owner and Applicant Description.** The Subject  
13 Property is owned by Earl Pearson, Jr., Dorothy Karen Thompson,  
14 Richard Chester Wright, Charles Michael Capps and Lee Jay Capps. The  
15 applicant is Richard Wright, 7680 Cranbrooke Road, Jacksonville,  
16 Florida 32219; (904) 509-2931.

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 *2045 Comprehensive Plan* by changing  
20 the Future Land Use Map designation of the Subject Property from  
21 Agriculture (AGR) to Rural Residential (RR), pursuant to Application  
22 Number L-5874-23C.

23       **Section 5.       Applicability, Effect and Legal Status.** The  
24 applicability and effect of the *2045 Comprehensive Plan*, as herein  
25 amended, shall be as provided in the Community Planning Act, Sections  
26 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All  
27 development undertaken by, and all actions taken in regard to  
28 development orders by governmental agencies in regard to land which  
29 is subject to the *2045 Comprehensive Plan*, as herein amended, shall  
30 be consistent therewith as of the effective date of this amendment  
31 to the plan.

1           **Section 6.           Effective Date of this Plan Amendment.**

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

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

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

23           **Section 8.           Effective Date.** This Ordinance shall become  
24 effective upon signature by the Mayor or upon becoming effective  
25 without the Mayor's signature.

26 Form Approved:

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28 \_\_\_\_\_ /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Eric Hinton

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