

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-720**

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 LOW
9 DENSITY RESIDENTIAL (LDR) ON APPROXIMATELY 28.19±
10 ACRES LOCATED IN COUNCIL DISTRICT 12 AT 0 AND
11 8962 MAGILL ROAD NORTH AND 8956 MAGILL ROAD,
12 BETWEEN MAGILL ROAD NORTH, MAGILL ROAD, JONES
13 ROAD AND PRITCHARD ROAD (R.E. NO(S). 003366-0050,
14 003366-0150, 003366-0210 AND 003366-0220), OWNED
15 BY SHARON SIMMS BISHOP, SHEILA SIMMS KENNEDY,
16 TAMBRA KENNEDY SHURLEY AND DONNA KAY SIMMS
17 RODRIGUEZ AND RALPH A. RODRIGUEZ, AS MORE
18 PARTICULARLY DESCRIBED HEREIN, PURSUANT TO
19 APPLICATION NUMBER L-5954-24C; PROVIDING A
20 DISCLAIMER THAT THE AMENDMENT GRANTED HEREIN
21 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY
22 OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE
23 DATE.
24

25 **WHEREAS**, pursuant to the provisions of Section 650.402(b),
26 *Ordinance Code*, and Section 163.3187(1), *Florida Statutes*, an
27 application for a proposed Small-Scale Amendment to the Future Land
28 Use Map series (FLUMs) of the *2045 Comprehensive Plan* to change the
29 Future Land Use designation from Agriculture (AGR) to Low Density
30 Residential (LDR) on 28.19± acres of certain real property in Council
31 District 12 was filed by Curtis Hart, on behalf of the owners, Sharon

1 Simms Bishop, Sheila Simms Kennedy, Tambra Kennedy Shurley and Donna
2 Kay Simms Rodriguez and Ralph A. Rodriguez; and

3 **WHEREAS,** the Planning and Development Department reviewed the
4 proposed revision and application and has prepared a written report
5 and rendered an advisory recommendation to the City Council with
6 respect to the proposed amendment; and

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

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

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

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

1 Jacksonville; now therefore

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

3 **Section 1. Purpose and Intent.** This Ordinance is adopted
4 to carry out the purpose and intent of, and exercise the authority
5 set out in, the Community Planning Act, Sections 163.3161 through
6 163.3248, *Florida Statutes*, and Chapter 166, *Florida Statutes*, as
7 amended.

8 **Section 2. Subject Property Location and Description.** The
9 approximately 28.19± acres are located in Council District 12 at 0
10 and 8962 Magill Road North and 8956 Magill Road, between Magill Road
11 North, Magill Road, Jones Road and Pritchard Road (R.E. No(s). 003366-
12 0050, 003366-0150, 003366-0210 AND 003366-0220), as more particularly
13 described in **Exhibit 1**, dated July 1, 2024, and graphically depicted
14 in **Exhibit 2**, both attached hereto and incorporated herein by this
15 reference (the "Subject Property").

16 **Section 3. Owner and Applicant Description.** The Subject
17 Property is owned by Sharon Simms Bishop, Sheila Simms Kennedy, Tandra
18 Kennedy Shurley and Donna Kay Simms Rodriguez and Ralph A. Rodriguez.
19 The applicant is Curtis Hart, 8051 Tara Lane, Jacksonville, Florida,
20 32216; (904) 993-5008.

21 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
22 City Council hereby adopts a proposed Small-Scale revision to the
23 Future Land Use Map series of the *2045 Comprehensive Plan* by changing
24 the Future Land Use Map designation of the Subject Property from
25 Agriculture (AGR) to Low Density Residential (LDR), pursuant to
26 Application Number L-5954-24C.

27 **Section 5. Applicability, Effect and Legal Status.** The
28 applicability and effect of the *2045 Comprehensive Plan*, as herein
29 amended, shall be as provided in the Community Planning Act, Sections
30 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All
31 development undertaken by, and all actions taken in regard to

1 development orders by governmental agencies in regard to land which
2 is subject to the *2045 Comprehensive Plan*, as herein amended, shall
3 be consistent therewith as of the effective date of this amendment
4 to the plan.

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

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

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

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

27 **Section 8. Effective Date.** This Ordinance shall become
28 effective upon signature by the Mayor or upon becoming effective
29 without the Mayor's signature.

1 Form Approved:

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3 Dylan Reingold

4 Office of General Counsel

5 Legislation Prepared By: Sam Roberts

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