

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2023-788**

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

21 **WHEREAS,** the City of Jacksonville adopted a Small-Scale
22 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
23 portions of the Future Land Use Map series (FLUMs) in order to ensure
24 the accuracy and internal consistency of the plan, pursuant to
25 companion application L-5874-23C; and

26 **WHEREAS,** in order to ensure consistency of zoning district with
27 the *2045 Comprehensive Plan* and the adopted companion Small-Scale
28 Amendment L-5874-23C, an application to rezone and reclassify from
29 Agriculture (AGR) District to Residential Rural-Acre (RR-Acre)
30 District was filed by Richard Wright on behalf of the owners of
31 approximately 2.12± acres of certain real property in Council District

12, as more particularly described in Section 1; and

WHEREAS, the Planning and Development Department, in order to ensure consistency of this zoning district with the *2045 Comprehensive Plan*, has considered the rezoning and has rendered an advisory opinion; and

WHEREAS, the Planning Commission has considered the application and has rendered an advisory opinion; and

WHEREAS, the Land Use and Zoning (LUZ) Committee, after due notice, held a public hearing and made its recommendation to the Council; and

WHEREAS, the City Council, after due notice, held a public hearing, and taking into consideration the above recommendations as well as all oral and written comments received during the public hearings, the Council finds that such rezoning is consistent with the *2045 Comprehensive Plan* adopted under the comprehensive planning ordinance for future development of the City of Jacksonville; now, therefore

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

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

Section 2. Owner and Applicant Description. The Subject Property is owned by Earl Pearson, Jr., Dorothy Karen Thompson, Richard Chester Wright, Charles Michael Capps and Lee Jay Capps. The applicant is Richard Wright, 7680 Cranbrooke Road, Jacksonville, Florida 32219; (904) 509-2931.

Section 3. Property Rezoned. The Subject Property,

1 pursuant to adopted companion Small-Scale Amendment Application L-
2 5874-23C, is hereby rezoned and reclassified from Agriculture (AGR)
3 District to Residential Rural-Acre (RR-Acre) District.

4 **Section 4. Contingency.** This rezoning shall not become
5 effective until thirty-one (31) days after adoption of the companion
6 Small-Scale Amendment; and further provided that if the companion
7 Small-Scale Amendment is challenged by the state land planning agency,
8 this rezoning shall not become effective until the state land planning
9 agency or the Administration Commission issues a final order
10 determining the companion Small-Scale Amendment is in compliance with
11 Chapter 163, *Florida Statutes*.

12 **Section 5. Disclaimer.** The rezoning granted herein
13 shall not be construed as an exemption from any other applicable
14 local, state, or federal laws, regulations, requirements, permits or
15 approvals. All other applicable local, state or federal permits or
16 approvals shall be obtained before commencement of the development
17 or use and issuance of this rezoning is based upon acknowledgement,
18 representation and confirmation made by the applicant(s), owner(s),
19 developer(s) and/or any authorized agent(s) or designee(s) that the
20 subject business, development and/or use will be operated in strict
21 compliance with all laws. Issuance of this rezoning does not approve,
22 promote or condone any practice or act that is prohibited or
23 restricted by any federal, state or local laws.

24 **Section 6. Effective Date.** The enactment of this Ordinance
25 shall be deemed to constitute a quasi-judicial action of the City
26 Council and shall become effective upon signature by the Council
27 President and the Council Secretary.

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Kaysie Cox

6 GC-#1597144-v1-2023-788_(Z-5159).docx