

1 Introduced by the Land Use and Zoning Committee:  
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3

4 **ORDINANCE 2023-5**

5 AN ORDINANCE REZONING APPROXIMATELY 11.49± ACRES  
6 LOCATED IN COUNCIL DISTRICT 6 AT 4046 LIVINGSTON  
7 ROAD, 4048 LIVINGSTON ROAD, 4112 LIVINGSTON ROAD,  
8 0 HARDY DRIVE AND 4094 HARDY DRIVE, BETWEEN OLD  
9 SAINT AUGUSTINE ROAD AND PINE ACRES ROAD (R.E.  
10 NOS. 155760-0000, 155768-0000, 155768-0010,  
11 156305-0010 AND 156307-0000), OWNED BY MANDARIN  
12 CHRISTIAN CHURCH (OF JACKSONVILLE, FLORIDA),  
13 INC., AS DESCRIBED HEREIN, FROM RESIDENTIAL LOW  
14 DENSITY-60 (RLD-60) DISTRICT TO PLANNED UNIT  
15 DEVELOPMENT (PUD) DISTRICT AS DEFINED AND  
16 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT UP  
17 TO 100 TOWNHOMES WITH ASSOCIATED RECREATIONAL  
18 USES, AS DESCRIBED IN THE LIVINGSTON ROAD PUD,  
19 PURSUANT TO FUTURE LAND USE MAP SERIES (FLUMS)  
20 SMALL-SCALE AMENDMENT APPLICATION NUMBER L-5777-  
21 22C; PROVIDING A DISCLAIMER THAT THE REZONING  
22 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
23 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
24 PROVIDING AN EFFECTIVE DATE.  
25

26 **WHEREAS**, the City of Jacksonville adopted a Small-Scale  
27 Amendment to the *2030 Comprehensive Plan* for the purpose of revising  
28 portions of the Future Land Use Map series (FLUMs) in order to ensure  
29 the accuracy and internal consistency of the plan, pursuant to  
30 companion application L-5777-22C; and

31 **WHEREAS**, in order to ensure consistency of zoning district with

1 the *2030 Comprehensive Plan* and the adopted companion Small-Scale  
2 Amendment L-5777-22C, an application to rezone and reclassify from  
3 Residential Low Density-60 (RLD-60) District to Planned Unit  
4 Development (PUD) District was filed by William Michaelis, Esq., on  
5 behalf of the owner of approximately 11.49± acres of certain real  
6 property in Council District 6, as more particularly described in  
7 Section 1; and

8 **WHEREAS**, the Planning and Development Department, in order to  
9 ensure consistency of this zoning district with the *2030 Comprehensive*  
10 *Plan*, has considered the rezoning and has rendered an advisory  
11 opinion; and

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

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

17 **WHEREAS**, the City Council, after due notice, held a public  
18 hearing, and taking into consideration the above recommendations as  
19 well as all oral and written comments received during the public  
20 hearings, the Council finds that such rezoning is consistent with the  
21 *2030 Comprehensive Plan* adopted under the comprehensive planning  
22 ordinance for future development of the City of Jacksonville; and

23 **WHEREAS**, the Council finds that the proposed PUD does not affect  
24 adversely the orderly development of the City as embodied in the  
25 *Zoning Code*; will not affect adversely the health and safety of  
26 residents in the area; will not be detrimental to the natural  
27 environment or to the use or development of the adjacent properties  
28 in the general neighborhood; and the proposed PUD will accomplish the  
29 objectives and meet the standards of Section 656.340 (Planned Unit  
30 Development) of the *Zoning Code* of the City of Jacksonville; now,  
31 therefore

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

2           **Section 1.           Subject Property Location and Description.** The  
3 approximately 11.49± acres are located in Council District 6 at 4046  
4 Livingston Road, 4048 Livingston Road, 4112 Livingston Road, 0 Hardy  
5 Drive and 4094 Hardy Drive, between Old Saint Augustine Road and Pine  
6 Acres Road (R.E. Nos. 155760-0000, 155768-0000, 155768-0010, 156305-  
7 0010 and 156307-0000), as more particularly described in **Exhibit 1**,  
8 dated October 31, 2022, and graphically depicted in **Exhibit 2**, both  
9 of which are attached hereto and incorporated herein by this reference  
10 (the "Subject Property").

11           **Section 2.           Owner and Applicant Description.** The Subject  
12 Property is owned by Mandarin Christian Church (of Jacksonville,  
13 Florida), Inc. The applicant is William Michaelis, Esq., 1301  
14 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207; (904)  
15 346-5914.

16           **Section 3.           Property Rezoned.** The Subject Property,  
17 pursuant to adopted companion Small-Scale Amendment Application L-  
18 5777-22C, is hereby rezoned and reclassified from Residential Low  
19 Density-60 (RLD-60) District to Planned Unit Development (PUD)  
20 District. This new PUD district shall generally permit up to a  
21 maximum of 100 townhomes with associated recreational uses, and is  
22 described, shown and subject to the following documents, attached  
23 hereto:

24 **Exhibit 1** - Legal Description dated October 31, 2022.

25 **Exhibit 2** - Subject Property Map (prepared by P&DD).

26 **Exhibit 3** - Written Description dated November 21, 2022.

27 **Exhibit 4** - Site Plan dated November 19, 2022.

28           **Section 4.           Contingency.** This rezoning shall not become  
29 effective until thirty-one (31) days after adoption of the companion  
30 Small-Scale Amendment; and further provided that if the companion  
31 Small-Scale Amendment is challenged by the state land planning agency,

1 this rezoning shall not become effective until the state land planning  
2 agency or the Administration Commission issues a final order  
3 determining the companion Small-Scale Amendment is in compliance with  
4 Chapter 163, *Florida Statutes*.

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

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

21  
22 Form Approved:

23  
24           /s/ Mary E. Staffopoulos          

25 Office of General Counsel

26 Legislation Prepared By: Bruce Lewis

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