

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

4 **ORDINANCE 2023-4**

5 AN ORDINANCE ADOPTING A SMALL-SCALE AMENDMENT TO
6 THE FUTURE LAND USE MAP SERIES OF THE 2030
7 *COMPREHENSIVE PLAN* BY CHANGING THE FUTURE LAND
8 USE DESIGNATION FROM LOW DENSITY RESIDENTIAL
9 (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR) ON
10 APPROXIMATELY 11.49± ACRES LOCATED IN COUNCIL
11 DISTRICT 6 AT 4046 LIVINGSTON ROAD, 4048
12 LIVINGSTON ROAD, 4112 LIVINGSTON ROAD, 0 HARDY
13 DRIVE AND 4094 HARDY DRIVE, BETWEEN OLD SAINT
14 AUGUSTINE ROAD AND PINE ACRES ROAD (R.E. NOS.
15 155760-0000, 155768-0000, 155768-0010, 156305-
16 0010 AND 156307-0000), OWNED BY MANDARIN
17 CHRISTIAN CHURCH (OF JACKSONVILLE, FLORIDA),
18 INC., AS MORE PARTICULARLY DESCRIBED HEREIN,
19 PURSUANT TO APPLICATION NUMBER L-5777-22C;
20 PROVIDING A DISCLAIMER THAT THE AMENDMENT GRANTED
21 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
22 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
23 EFFECTIVE 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 *2030 Comprehensive Plan* to change the
29 Future Land Use designation from Low Density Residential (LDR) to
30 Medium Density Residential (MDR) on 11.49± acres of certain real
31 property in Council District 6 was filed by William Michaelis, Esq.,

1 on behalf of the owner, Mandarin Christian Church (of Jacksonville,
2 Florida), Inc.; 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 *2030*
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 proposed
18 amendment, with public notice having been provided, pursuant to
19 Section 163.3187, *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*
20 *Code*, and considered all oral and written comments received during
21 public hearings, including the data and analysis portions of this
22 proposed amendment to the *2030 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 has
26 determined it necessary and desirable to adopt this proposed amendment
27 to the *2030 Comprehensive Plan* to preserve and enhance present
28 advantages, encourage the most appropriate use of land, water, and
29 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 11.49± acres are located in Council District 6 at 4046
10 Livingston Road, 4048 Livingston Road, 4112 Livingston Road, 0 Hardy
11 Drive and 4094 Hardy Drive, between Old Saint Augustine Road and Pine
12 Acres Road (R.E. Nos. 155760-0000, 155768-0000, 155768-0010, 156305-
13 0010 and 156307-0000), as more particularly described in **Exhibit 1**,
14 dated October 31, 2022, and graphically depicted in **Exhibit 2**, both
15 attached hereto and incorporated herein by this reference (the
16 "Subject Property").

17 **Section 3. Owner and Applicant Description.** The Subject
18 Property is owned by Mandarin Christian Church (of Jacksonville,
19 Florida), Inc. The applicant is William Michaelis, Esq., 1301
20 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207; (904)
21 346-5914.

22 **Section 4. Adoption of Small-Scale Land Use Amendment.** The
23 City Council hereby adopts a proposed Small-Scale revision to the
24 Future Land Use Map series of the *2030 Comprehensive Plan* by changing
25 the Future Land Use Map designation of the Subject Property from Low
26 Density Residential (LDR) to Medium Density Residential (MDR),
27 pursuant to Application Number L-5777-22C.

28 **Section 5. Applicability, Effect and Legal Status.** The
29 applicability and effect of the *2030 Comprehensive Plan*, as herein
30 amended, shall be as provided in the Community Planning Act, Sections
31 163.3161 through 163.3248, *Florida Statutes*, and this Ordinance. All

1 development undertaken by, and all actions taken in regard to
2 development orders by governmental agencies in regard to land which
3 is subject to the *2030 Comprehensive Plan*, as herein amended, shall
4 be consistent therewith as of the effective date of this amendment
5 to the plan.

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

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

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

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

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

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Abigail Trout

6 GC-#1540837-v2-2023-4_(L-5777-22C).docx