

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-715-E**

5 AN ORDINANCE APPROVING APPLICATION FOR ZONING
6 EXCEPTION E-22-58 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 6 AT 0 MANDARIN ROAD, 12107
8 MANDARIN ROAD AND 0 MAGNOLIA ESTATES ROAD,
9 BETWEEN LORETTO ROAD AND MAGNOLIA ESTATES ROAD
10 (R.E. NOS. 105653-0000, 105745-0025 AND
11 105746-0000) AS DESCRIBED HEREIN, OWNED BY
12 MANDARIN CEMETERY, INCORPORATED, REQUESTING
13 EXPANSION OF A CEMETERY ONTO PARCEL R.E. NO.
14 105653-0000, IN ZONING DISTRICT RESIDENTIAL
15 LOW DENSITY-120 (RLD-120), AS DEFINED AND
16 CLASSIFIED UNDER THE ZONING CODE; ADOPTING
17 RECOMMENDED FINDINGS AND CONCLUSIONS OF THE
18 LAND USE AND ZONING COMMITTEE; PROVIDING FOR
19 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.
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21 **WHEREAS**, an application for a zoning exception, **On File** with
22 the City Council Legislative Services Division, was filed by Bruce
23 Humphrey, Esq., on behalf of the owner of property located in
24 Council District 6 at 0 Mandarin Road, 12107 Mandarin Road and 0
25 Magnolia Estates Road, between Loretto Road and Magnolia Estates
26 Road (R.E. Nos. 105653-0000, 105745-0025 and 105746-0000) (the
27 "Subject Property"), requesting expansion of a cemetery onto parcel
28 R.E. No. 105653-0000, in Zoning District Residential Low Density-
29 120 (RLD-120); and

30 **WHEREAS**, the Planning and Development Department has
31 considered the application and all attachments thereto and has

1 rendered an advisory recommendation; and

2 **WHEREAS**, the Land Use and Zoning Committee, after due notice,
3 held a public hearing and having duly considered both the
4 testimonial and documentary evidence presented at the public
5 hearing, has made its recommendation to the Council; now, therefore

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

7 **Section 1. Adoption of Findings and Conclusions.** The

8 Council has considered the recommendation of the Land Use and
9 Zoning Committee and reviewed the Staff Report of the Planning and
10 Development Department concerning application for zoning exception
11 E-22-58, which requests expansion of a cemetery onto parcel R.E.
12 No. 105653-0000. Based upon the competent, substantial evidence
13 contained in the record, the Council hereby determines that the
14 requested zoning exception meets each of the following criteria
15 required to grant the request pursuant to Section 656.131(c),
16 *Ordinance Code*, as specifically identified in the Staff Report of
17 the Planning and Development Department:

18 (1) Will be consistent with the Comprehensive Plan, including
19 any subsequent plan adopted by the Council pursuant thereto;

20 (2) Will be compatible with the existing contiguous uses or
21 zoning and compatible with the general character of the area,
22 considering population density, design, scale and orientation of
23 structures to the area, property values, and existing similar uses
24 or zoning;

25 (3) Will not have an environmental impact inconsistent with
26 the health, safety and welfare of the community;

27 (4) Will not have a detrimental effect on vehicular or
28 pedestrian traffic, or parking conditions, and will not result in
29 the generation or creation of traffic inconsistent with the health,
30 safety and welfare of the community;

31 (5) Will not have a detrimental effect on the future

1 development of contiguous properties or the general area, according
2 to the Comprehensive Plan, including any subsequent amendment to
3 the plan adopted by the Council;

4 (6) Will not result in the creation of objectionable or
5 excessive noise, lights, vibrations, fumes, odors, dust or physical
6 activities, taking into account existing uses or zoning in the
7 vicinity;

8 (7) Will not overburden existing public services and
9 facilities;

10 (8) Will be sufficiently accessible to permit entry onto the
11 property by fire, police, rescue and other services; and

12 (9) Will be consistent with the definition of a zoning
13 exception, and will meet the standards and criteria of the zoning
14 classification in which such use is proposed to be located, and all
15 other requirements for such particular use set forth elsewhere in
16 the Zoning Code, or otherwise adopted by the Planning Commission or
17 Council.

18 Therefore, zoning exception application E-22-58 is hereby
19 approved.

20 **Section 2. Owner and Description.** The Subject Property
21 is owned by Mandarin Cemetery, Incorporated, and is described in
22 **Exhibit 1**, dated July 29, 2021, and graphically depicted in **Exhibit**
23 **2**, both attached hereto. The applicant is Bruce Humphrey, Esq.,
24 824 A1A North, Suite 305, Ponte Vedra, Florida 32082; (904) 396-
25 6625.

26 **Section 3. Distribution by Legislative Services.**
27 Legislative Services is hereby directed to mail a copy of this
28 legislation, as enacted, to the applicant and any other parties to
29 this matter who testified before the Land Use and Zoning Committee
30 or otherwise filed a qualifying written statement as defined in
31 Section 656.140(c), *Ordinance Code*.

1 **Section 4. Effective Date.** The enactment of this
2 Ordinance shall be deemed to constitute a quasi-judicial action of
3 the City Council and shall become effective upon signature by the
4 Council President and Council Secretary. Failure to exercise the
5 zoning exception, if herein granted, by the commencement of the use
6 or action herein approved within one (1) year of the effective date
7 of this legislation shall render this zoning exception invalid and
8 all rights arising therefrom shall terminate.

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10 Form Approved:

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12 /s/ Mary E. Staffopoulos

13 Office of General Counsel

14 Legislation Prepared By: Erin Abney

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