

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-5-E**

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 80 TOWNHOMES WITH ASSOCIATED RECREATIONAL  
18 USES, AS DESCRIBED IN THE LIVINGSTON ROAD PUD;  
19 PUD SUBJECT TO CONDITION; PROVIDING A DISCLAIMER  
20 THAT THE REZONING GRANTED HEREIN SHALL NOT BE  
21 CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
22 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.  
23

24 **WHEREAS**, in order to ensure consistency of zoning district with  
25 the *2045 Comprehensive Plan*, an application to rezone and reclassify  
26 from Residential Low Density-60 (RLD-60) District to Planned Unit  
27 Development (PUD) District was filed by William Michaelis, Esq., on  
28 behalf of the owner of approximately 11.49± acres of certain real  
29 property in Council District 6, as more particularly described in  
30 Section 1; and

31 **WHEREAS**, the Planning and Development Department, in order to

1 ensure consistency of this zoning district with the *2045 Comprehensive*  
2 *Plan*, has considered the rezoning and has rendered an advisory  
3 opinion; and

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

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

9 **WHEREAS**, the City Council, after due notice, held a public  
10 hearing, and taking into consideration the above recommendations as  
11 well as all oral and written comments received during the public  
12 hearings, the Council finds that such rezoning is consistent with the  
13 *2045 Comprehensive Plan* adopted under the comprehensive planning  
14 ordinance for future development of the City of Jacksonville; and

15 **WHEREAS**, the Council finds that the proposed PUD does not affect  
16 adversely the orderly development of the City as embodied in the  
17 *Zoning Code*; will not affect adversely the health and safety of  
18 residents in the area; will not be detrimental to the natural  
19 environment or to the use or development of the adjacent properties  
20 in the general neighborhood; and the proposed PUD will accomplish the  
21 objectives and meet the standards of Section 656.340 (Planned Unit  
22 Development) of the *Zoning Code* of the City of Jacksonville; now,  
23 therefore

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

25 **Section 1. Subject Property Location and Description.** The  
26 approximately 11.49± acres are located in Council District 6 at 4046  
27 Livingston Road, 4048 Livingston Road, 4112 Livingston Road, 0 Hardy  
28 Drive and 4094 Hardy Drive, between Old Saint Augustine Road and Pine  
29 Acres Road (R.E. Nos. 155760-0000, 155768-0000, 155768-0010, 156305-  
30 0010 and 156307-0000), as more particularly described in **Exhibit 1**,  
31 dated October 31, 2022, and graphically depicted in **Exhibit 2**, both

1 of which are attached hereto and incorporated herein by this reference  
2 (the "Subject Property").

3 **Section 2. Owner and Applicant Description.** The Subject  
4 Property is owned by Mandarin Christian Church (of Jacksonville,  
5 Florida), Inc. The applicant is William Michaelis, Esq., 1301  
6 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207; (904)  
7 346-5914.

8 **Section 3. Property Rezoned.** The Subject Property is  
9 hereby rezoned and reclassified from Residential Low Density-60 (RLD-  
10 60) District to Planned Unit Development (PUD) District. This new  
11 PUD district shall generally permit up to a maximum of 80 townhomes  
12 with associated recreational uses, and is described, shown and subject  
13 to the following documents, attached hereto:

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

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

16 **Revised Exhibit 3** - Revised Written Description dated May 5, 2023.

17 **Revised Exhibit 4** - Revised Site Plan dated May 4, 2023.

18 **Section 4. Rezoning Approved Subject to Condition.** This  
19 rezoning is approved subject to the following condition. Such  
20 condition controls over the Written Description and the Site Plan and  
21 may only be amended through a rezoning:

22 (1) The Developer shall be responsible for furnishing and  
23 installing traffic safety or traffic calming improvements along the  
24 curved portion of Livingston Road adjacent to the property, subject  
25 to review and approval of the Planning and Development Department and  
26 the City Traffic Engineer.

27 **Section 5. Disclaimer.** The rezoning granted herein  
28 shall **not** be construed as an exemption from any other applicable  
29 local, state, or federal laws, regulations, requirements, permits or  
30 approvals. All other applicable local, state or federal permits or  
31 approvals shall be obtained before commencement of the development

1 or use and issuance of this rezoning is based upon acknowledgement,  
2 representation and confirmation made by the applicant(s), owner(s),  
3 developer(s) and/or any authorized agent(s) or designee(s) that the  
4 subject business, development and/or use will be operated in strict  
5 compliance with all laws. Issuance of this rezoning does **not** approve,  
6 promote or condone any practice or act that is prohibited or  
7 restricted by any federal, state or local laws.

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

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13 Form Approved:

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15           /s/ Mary E. Staffopoulos          

16 Office of General Counsel

17 Legislation Prepared By: Bruce Lewis

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