

1 Introduced by the Land Use and Zoning Committee and amended on the
2 Floor by Council:

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5 **ORDINANCE 2024-540-E**

6 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
7 REQUIRED ROAD FRONTAGE APPLICATION WRF-24-16,
8 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 3 AT 0
9 GERONA DRIVE N. BETWEEN WESTHAM ROAD AND
10 BROUGHAM AVENUE (R.E. NO. 166872-0020), AS
11 DESCRIBED HEREIN, OWNED BY CASPIAN GROUP, INC.,
12 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE
13 REQUIREMENTS FROM 48 FEET TO 0 FEET IN ZONING
14 DISTRICT RESIDENTIAL LOW DENSITY-60 (RLD-60), AS
15 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
16 WAIVER SUBJECT TO CONDITIONS; PROVIDING FOR
17 DISTRIBUTION; PROVIDING A DISCLAIMER THAT THE
18 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS
19 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.

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22 **WHEREAS**, an application for a waiver of minimum road frontage,
23 **On File** with the City Council Legislative Services Division, was
24 filed by Caspian Group, Inc., the owner of property located in Council
25 District 3 at 0 Gerona Drive N. between Westham Road and Brougham
26 Avenue (R.E. No. 166872-0020) (the "Subject Property"), requesting
27 to reduce the minimum road frontage from 48 feet to 0 feet in Zoning
28 District Residential Low Density-60 (RLD-60); and

29 **WHEREAS**, the Planning and Development Department has
30 considered the application and all attachments thereto and has
31 rendered an advisory recommendation; and

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

5 **WHEREAS,** taking into consideration the above recommendations
6 and all other evidence entered into the record and testimony taken
7 at the public hearings, the Council finds that: (1) there are
8 practical or economic difficulties in carrying out the strict letter
9 of the regulation; (2) the request is not based exclusively upon the
10 desire to reduce the cost of developing the site or to circumvent the
11 requirements of Chapter 654 (Code of Subdivision Regulations); (3)
12 the proposed waiver will not substantially diminish property values
13 in, nor alter the essential character of, the area surrounding the
14 site and will not substantially interfere with or injure the rights
15 of others whose property would be affected by the waiver; (4) there
16 is a valid and effective easement for adequate vehicular access
17 connected to a public street which is maintained by the City or an
18 approved private street; and (5) the proposed waiver will not be
19 detrimental to the public health, safety or welfare, result in
20 additional expense, the creation of nuisances or conflict with any
21 other applicable law; now therefore

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

23 **Section 1. Adoption of Findings and Conclusions.** The
24 Council has reviewed the record of proceedings and the Staff Report
25 of the Planning and Development Department and held a public hearing
26 concerning Application for Waiver of Minimum Required Road Frontage
27 WRF-24-16. Based upon the competent, substantial evidence contained
28 in the record, the Council hereby determines that the requested waiver
29 of road frontage meets the criteria for granting a waiver contained
30 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-24-16 is
31 hereby approved.

1 **Section 2. Waiver Approved Subject to Conditions.** This waiver
2 is approved subject to the following conditions:

3 (1) The property owner shall maintain a ten-foot undisturbed
4 buffer along the north and west property lines of the Subject
5 Property.

6 (2) The property owner shall restore that portion of Gerona
7 Drive North west of the intersection of Brougham Avenue to its current
8 condition upon completion of the construction on the Subject Property.

9 **Section 3. Owner and Description.** The Subject Property is
10 owned by Caspian Group, Inc., and is legally described in **Exhibit 1**,
11 dated October 24, 2023, and graphically depicted in **Exhibit 2**, both
12 of which are attached hereto. The applicant is Billy Gause, 654 SE
13 Fort Island Trail, Crystal River, FL 34429, (904) 368-6969.

14 **Section 4. Distribution by Legislative Services.**
15 Legislative Services is hereby directed to mail a copy of this
16 legislation, as enacted, to the applicant and any other parties to
17 this matter who testified before the Land Use and Zoning Committee
18 or otherwise filed a qualifying written statement as defined in
19 Section 656.140(c), *Ordinance Code*.

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

1 state or local laws.

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

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11 Form Approved:

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13 /s/ Dylan Reingold

14 Office of General Counsel

15 Legislation Prepared By: Bruce Lewis

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