

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-692-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-20-26, LOCATED
7 IN COUNCIL DISTRICT 7 AT 15675 TISON ROAD,
8 BETWEEN PECAN PARK ROAD AND BUTCH BAINE DRIVE
9 (R.E. NO. 019566-0005) AS DESCRIBED HEREIN,
10 OWNED BY STEVEN W. GEORGE, SR. AND DIANA
11 GEORGE, REQUESTING TO REDUCE THE MINIMUM ROAD
12 FRONTAGE REQUIREMENTS FROM 35 FEET TO 0 FEET
13 IN ZONING DISTRICT AGRICULTURE (AGR), AS
14 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
15 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED
16 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
17 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
18 EFFECTIVE DATE.

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20 **WHEREAS**, an application for a waiver of minimum road frontage,
21 **On File** with the City Council Legislative Services Division, was
22 filed by Lawrence J. Bernard, Esq., on behalf of the owners of
23 property located in Council District 7 at 15675 Tison Road, between
24 Pecan Park Road and Butch Baine Drive (R.E. No. 019566-0005)
25 (Subject Property), requesting to reduce the minimum road frontage
26 from 35 feet to 0 feet in Zoning District Agriculture (AGR); and

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

30 **WHEREAS**, the Land Use and Zoning Committee, after due notice
31 held a public hearing and having duly considered both the

1 testimonial and documentary evidence presented at the public
2 hearing, has made its recommendation to the Council; and

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

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

21 **Section 1. Adoption of Findings and Conclusions.** The
22 Council has reviewed the record of proceedings and the Staff Report
23 of the Planning and Development Department and held a public
24 hearing concerning application for waiver of road frontage WRF-20-
25 26. Based upon the competent, substantial evidence contained in
26 the record, the Council hereby determines that the requested waiver
27 of road frontage meets the criteria for granting a waiver contained
28 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-20-26 is
29 hereby **approved**.

30 **Section 2. Owner and Description.** The Subject Property is
31 owned by Steven W. George, Sr. and Diana George, and is legally

1 described in **Exhibit 1**, dated October 26, 2020, and graphically
2 depicted in **Exhibit 2, attached hereto**. A graphic depiction of the
3 easement is **attached hereto** as **Exhibit 3**. The applicant is Lawrence
4 J. Bernard, Esq., 480 Busch Drive, Jacksonville, Florida 32218;
5 (904) 751-6980.

6 **Section 3. Distribution by Legislative Services.**

7 Legislative Services is hereby directed to mail a copy of this
8 legislation, as enacted, to the applicant and any other parties to
9 this matter who testified before the Land Use and Zoning Committee
10 or otherwise filed a qualifying written statement as defined in
11 Section 656.140(c), *Ordinance Code*.

12 **Section 4. Disclaimer.** The waiver of road frontage

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

25 **Section 5. Effective Date.** The enactment of this

26 Ordinance shall be deemed to constitute a quasi-judicial action of
27 the City Council and shall become effective upon signature by the
28 Council President and Council Secretary. Failure to exercise the
29 waiver, if herein granted, by the commencement of the use or action
30 herein approved within one year of the effective date of this
31 legislation shall render this waiver invalid and all rights arising

1 therefrom shall terminate.

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3 Form Approved:

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5 /s/ Shannon K. Eller

6 Office of General Counsel

7 Legislation Prepared By: Bruce Lewis

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