

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-827**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 REQUIRED ROAD FRONTAGE APPLICATION WRF-23-25,
7 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 7 AT 0
8 FAIR STREET, BETWEEN BEVERLY AVENUE AND
9 IRVINGTON AVENUE (R.E. NO. 069335-0020), AS
10 DESCRIBED HEREIN, OWNED BY 1746 FAIR, LLC,
11 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE
12 REQUIREMENTS FROM 48 FEET TO 31 FEET AND FOUR
13 INCHES FOR TWO PROPOSED LOTS IN ZONING DISTRICT
14 RESIDENTIAL LOW DENSITY-60 (RLD-60), AS DEFINED
15 AND CLASSIFIED UNDER THE ZONING CODE; PROVIDING
16 FOR DISTRIBUTION; PROVIDING A DISCLAIMER THAT
17 THE WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED
18 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
19 PROVIDING AN EFFECTIVE DATE.
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21 **WHEREAS**, an application for a waiver of minimum road frontage,
22 **On File** with the City Council Legislative Services Division, was
23 filed by John Allmand on behalf of the owner of property located in
24 Council District 7 at 0 Fair Street, between Beverly Avenue and
25 Irvington Avenue (R.E. No. 069335-0020) (the "Subject Property"),
26 requesting to reduce the minimum road frontage from 48 feet to 31
27 feet and four inches for two proposed lots in Zoning District
28 Residential Low Density-60 (RLD-60); and

29 **WHEREAS**, the Planning and Development Department has considered
30 the application and all attachments thereto and has rendered an
31 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 and
6 all other evidence entered into the record and testimony taken at the
7 public hearings, the Council finds that: (1) there are practical or
8 economic difficulties in carrying out the strict letter of the
9 regulation; (2) the request is not based exclusively upon the desire
10 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-23-25. 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-23-25 is
31 hereby approved.

1 **Section 2. Owner and Description.** The Subject Property is
2 owned by 1746 Fair, LLC and is legally described in **Exhibit 1**, dated
3 October 18, 2023, and graphically depicted in **Exhibit 2**, both of
4 which are attached hereto. The applicant is John Allmand, 3750 Oak
5 Street, Jacksonville, Florida 32205; (904) 537-3992.

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

25 **Section 5. Effective Date.** The enactment of this Ordinance
26 shall be deemed to constitute a quasi-judicial action of the City
27 Council and shall become effective upon signature by the Council
28 President and Council Secretary. Failure to exercise the waiver, if
29 herein granted, by the commencement of the use or action herein
30 approved within one (1) year of the effective date of this legislation
31 shall render this waiver invalid and all rights arising therefrom

1 shall terminate.

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3 Form Approved:

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5 /s/ Mary E. Staffopoulos

6 Office of General Counsel

7 Legislation Prepared By: Stephen Nutt

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