

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2024-456**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 REQUIRED ROAD FRONTAGE APPLICATION WRF-24-14,
7 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 5 AT 0
8 HOOD ROAD (R.E. NO. 149189-0040), AS DESCRIBED
9 HEREIN, OWNED BY NAZMI GJONI, REQUESTING TO
10 REDUCE THE MINIMUM ROAD FRONTAGE REQUIREMENTS
11 FROM 80 FEET TO 0 FEET IN ZONING DISTRICT
12 RESIDENTIAL RURAL-ACRE (RR-ACRE), AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE; PROVIDING FOR
14 DISTRIBUTION; PROVIDING A DISCLAIMER THAT THE
15 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS
16 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
17 PROVIDING AN EFFECTIVE DATE.
18

19 **WHEREAS**, an application for a waiver of minimum road frontage,
20 **On File** with the City Council Legislative Services Division, was
21 filed by Nazmi Gjoni, the owner of property located in Council
22 District 5 at 0 Hood Road (R.E. No. 149189-0040) (the "Subject
23 Property"), requesting to reduce the minimum road frontage from 80
24 feet to 0 feet in Zoning District Residential Rural-Acre (RR-Acre);
25 and

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

29 **WHEREAS**, the Land Use and Zoning Committee, after due notice
30 held a public hearing and having duly considered both the testimonial
31 and documentary evidence presented at the public hearing, has made

1 its recommendation to the Council; and

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

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

20 **Section 1. Adoption of Findings and Conclusions.** The
21 Council has reviewed the record of proceedings and the Staff Report
22 of the Planning and Development Department and held a public hearing
23 concerning Application for Waiver of Minimum Required Road Frontage
24 WRF-24-13. Based upon the competent, substantial evidence contained
25 in the record, the Council hereby determines that the requested waiver
26 of road frontage meets the criteria for granting a waiver contained
27 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-24-14 is
28 hereby approved.

29 **Section 2. Owner and Description.** The Subject Property is
30 owned by Nazmi Gjoni, and is legally described in **Exhibit 1**, dated
31 May 22, 2024, and graphically depicted in **Exhibit 2**, both of which

1 are attached hereto. A graphic depiction of the easement providing
2 access to the Subject Property is attached hereto as **Exhibit 3**.

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

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

9 **Section 4. Disclaimer.** The waiver of road frontage granted

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

22 **Section 5. Effective Date.** The enactment of this Ordinance

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

1 Form Approved:

2

3 /s/ Dylan Reingold

4 Office of General Counsel

5 Legislation Prepared By: Jackie Williams

6 GC-#1630810-v1-2024-456_(WRF-24-14).docx