

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-811**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-21-21, LOCATED IN
7 COUNCIL DISTRICT 3 AT 0 BROUGHAM AVENUE, BETWEEN
8 CHELTENHAM ROAD AND GERONA DRIVE NORTH (R.E. NO.
9 166858-0000), AS DESCRIBED HEREIN, OWNED BY
10 JAQUELINA E. MARCHESE, REQUESTING TO REDUCE THE
11 MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 48 FEET
12 TO 0 FEET IN ZONING DISTRICT RESIDENTIAL LOW
13 DENSITY-60 (RLD-60), AS DEFINED AND CLASSIFIED
14 UNDER THE ZONING CODE; PROVIDING A DISCLAIMER
15 THAT THE WAIVER GRANTED HEREIN SHALL NOT BE
16 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
17 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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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 Jaquelina E. Marchese, the owner of property located in
22 Council District 3 at 0 Brougham Avenue, between Cheltenham Road and
23 Gerona Drive North (R.E. No. 166858-0000) (the "Subject Property"),
24 requesting to reduce the minimum road frontage from 48 feet to 0 feet
25 in Zoning District Residential Low Density-60 (RLD-60); and

26 **WHEREAS**, the Planning and Development Department has considered
27 the application and all attachments thereto and has rendered an
28 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 and
3 all other evidence entered into the record and testimony taken at the
4 public hearings, the Council finds that: (1) there are practical or
5 economic difficulties in carrying out the strict letter of the
6 regulation; (2) the request is not based exclusively upon the desire
7 to reduce the cost of developing the site or to circumvent the
8 requirements of Chapter 654 (Code of Subdivision Regulations),
9 *Ordinance Code*; (3) the proposed waiver will not substantially
10 diminish property values in, nor alter the essential character of,
11 the area surrounding the site and will not substantially interfere
12 with or injure the rights of others whose property would be affected
13 by the waiver; (4) there is a valid and effective easement for
14 adequate vehicular access connected to a public street which is
15 maintained by the City or an approved private street; and (5) the
16 proposed waiver will not be detrimental to the public health, safety
17 or welfare, result in additional expense, the creation of nuisances
18 or conflict with any 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 road frontage WRF-21-21. Based
24 upon the competent, substantial evidence contained in the record, the
25 Council hereby determines that the requested waiver of road frontage
26 meets the criteria for granting a waiver contained in Chapter 656,
27 *Ordinance Code*. Therefore, Application WRF-21-21 is hereby **approved**.

28 **Section 2. Owner and Description.** The Subject Property is
29 owned by Jaquelina E. Marchese, and is legally described in **Exhibit**
30 **1**, dated October 4, 2021, and graphically depicted in **Exhibit 2**, both
31 **attached hereto**. The applicant is Jaquelina E. Marchese, 2961

1 Brougham Avenue, Jacksonville, Florida 32246; (904) 424-7801.

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

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

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

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

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

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Erin Abney

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