

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2022-677**

5 AN ORDINANCE APPROVING THE APPLICATION FOR  
6 WAIVER OF ARCHITECTURAL AND AESTHETIC  
7 REQUIREMENTS WAAR-22-01, FOR PROPERTY LOCATED IN  
8 COUNCIL DISTRICT 9 AT 4817 KINGSBURY STREET,  
9 BETWEEN KINGSBURY STREET AND ATTLEBORO STREET  
10 (R.E. NO. 062553-0000), AS DESCRIBED HEREIN,  
11 OWNED BY BCEL 5A, LLC, REQUESTING TO WAIVE THE  
12 ARCHITECTURAL AND AESTHETIC REQUIREMENT OF  
13 SECTION 656.432, *ORDINANCE CODE*, REGARDING SITE  
14 ORIENTATION OF A SINGLE-FAMILY DWELLING TO ALLOW  
15 PERPENDICULAR ORIENTATION, IN ZONING DISTRICT  
16 RESIDENTIAL LOW DENSITY-60 (RLD-60), AS DEFINED  
17 AND CLASSIFIED UNDER THE ZONING CODE; PROVIDING  
18 FOR DISTRIBUTION; PROVIDING A DISCLAIMER THAT  
19 THE WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED  
20 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
21 PROVIDING AN EFFECTIVE DATE.  
22

23 **WHEREAS**, an Application for Waiver of Architectural and  
24 Aesthetic Requirements, **On File** with the City Council Legislative  
25 Services Division, was filed by Hunter Faulkner on behalf of the  
26 owner of property located in Council District 9 at 4817 Kingsbury  
27 Street, between Kingsbury Street and Attleboro Street (R.E. No.  
28 062553-0000) (the "Subject Property"), requesting to waive the  
29 architectural and aesthetic requirement of Section 656.432, *Ordinance*  
30 *Code*, regarding site orientation of a single-family dwelling to allow  
31 perpendicular orientation in Zoning District Residential Low Density-

1 60 (RLD-60); and

2 **WHEREAS**, the Planning and Development Department has considered  
3 the application and all attachments thereto and has rendered an  
4 advisory recommendation; and

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

9 **WHEREAS**, taking into consideration the above recommendations and  
10 all other evidence entered into the record and testimony taken at the  
11 public hearings, the Council finds that: (1) there are practical or  
12 economic difficulties in carrying out the strict letter of the  
13 regulation; (2) the request is not based exclusively upon the desire  
14 to reduce the cost of constructing or siting the single-family  
15 dwelling; (3) the proposed waiver will not substantially diminish  
16 property values in, nor alter the essential character of, the area  
17 surrounding the single-family dwelling and will not substantially  
18 interfere with or injure the rights of others whose property would  
19 be affected by the waiver; and (4) the proposed waiver will not be  
20 detrimental to the public health, safety or welfare, result in  
21 additional expense, the creation of nuisances or conflict with any  
22 other applicable law; now, therefore

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

24 **Section 1. Adoption of Findings and Conclusions.** The

25 Council has reviewed the record of proceedings and the Staff Report  
26 of the Planning and Development Department and held a public hearing  
27 concerning application for waiver of architectural and aesthetic  
28 requirements WAAR-22-01. Based upon the competent, substantial  
29 evidence contained in the record, the Council hereby determines that  
30 the requested waiver of architectural and aesthetic requirements  
31 meets the criteria for granting a waiver contained in Chapter 656,

1 Ordinance Code. Therefore, Application WAAR-22-01 is hereby approved.

2       **Section 2.       Owner and Description.** The Subject Property is  
3 owned by BCEL 5A, LLC and is legally described in **Exhibit 1**, dated  
4 January 10, 2017, and graphically depicted in **Exhibit 2**, both of  
5 which are attached hereto. The applicant is Hunter Faulkner, 1  
6 Independent Drive, Suite 1400, Jacksonville, Florida 32202; (904)  
7 389-0050.

8       **Section 3.       Distribution by Legislative Services.**  
9 Legislative Services is hereby directed to mail a copy of this  
10 legislation, as enacted, to the applicant and any other parties to  
11 this matter who testified before the Land Use and Zoning Committee  
12 or otherwise filed a qualifying written statement as defined in  
13 Section 656.140(c), *Ordinance Code*.

14       **Section 4.       Disclaimer.** The waiver of architectural and  
15 aesthetic requirements granted herein shall **not** be construed as an  
16 exemption from any other applicable local, state, or federal laws,  
17 regulations, requirements, permits or approvals. All other  
18 applicable local, state or federal permits or approvals shall be  
19 obtained before commencement of the development or use and issuance  
20 of this waiver of architectural and aesthetic requirements is based  
21 upon acknowledgement, representation and confirmation made by the  
22 applicant(s), owner(s), developer(s) and/or any authorized agent(s)  
23 or designee(s) that the subject business, development and/or use will  
24 be operated in strict compliance with all laws. Issuance of this  
25 waiver of architectural and aesthetic requirements does **not** approve,  
26 promote or condone any practice or act that is prohibited or  
27 restricted by any federal, state or local laws.

28       **Section 5.       Effective Date.** The enactment of this Ordinance  
29 shall be deemed to constitute a quasi-judicial action of the City  
30 Council and shall become effective upon signature by the Council  
31 President and Council Secretary. Failure to exercise the waiver, if

