

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

4 **ORDINANCE 2022-613**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-22-22, LOCATED IN
7 COUNCIL DISTRICT 5 AT 8695 SANCHEZ ROAD, BETWEEN
8 BAYMEADOWS ROAD AND OLDE PINE LANE (R.E. NO.
9 148139-0000), AS DESCRIBED HEREIN, OWNED BY
10 MARIE SUZETTE LOPEZ, REQUESTING TO REDUCE THE
11 MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 72 FEET
12 TO 47 FEET IN ZONING DISTRICT RESIDENTIAL LOW
13 DENSITY-90 (RLD-90), AS DEFINED AND CLASSIFIED
14 UNDER THE ZONING CODE; PROVIDING FOR
15 DISTRIBUTION; PROVIDING A DISCLAIMER THAT THE
16 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS
17 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
18 PROVIDING AN EFFECTIVE DATE.
19

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 Marie Suzette Lopez, the owner of property located in Council
23 District 5 at 8695 Sanchez Road, between Baymeadows Road and Olde
24 Pine Lane (R.E. No. 148139-0000) (the "Subject Property"), requesting
25 to reduce the minimum road frontage from 72 feet to 47 feet in Zoning
26 District Residential Low Density-90 (RLD-90); and

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

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

3 **WHEREAS**, taking into consideration the above recommendations and
4 all other evidence entered into the record and testimony taken at the
5 public hearings, the Council finds that: (1) there are practical or
6 economic difficulties in carrying out the strict letter of the
7 regulation; (2) the request is not based exclusively upon the desire
8 to reduce the cost of developing the site or to circumvent the
9 requirements of Chapter 654 (Code of Subdivision Regulations); (3)
10 the proposed waiver will not substantially diminish property values
11 in, nor alter the essential character of, the area surrounding the
12 site and will not substantially interfere with or injure the rights
13 of others whose property would be affected by the waiver; (4) there
14 is a valid and effective easement for adequate vehicular access
15 connected to a public street which is maintained by the City or an
16 approved private street; and (5) the proposed waiver will not be
17 detrimental to the public health, safety or welfare, result in
18 additional expense, the creation of nuisances or conflict with any
19 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 hearing
24 concerning application for waiver of road frontage WRF-22-22. Based
25 upon the competent, substantial evidence contained in the record, the
26 Council hereby determines that the requested waiver of road frontage
27 meets the criteria for granting a waiver contained in Chapter 656,
28 *Ordinance Code*. Therefore, Application WRF-22-22 is hereby **approved**.

29 **Section 2. Owner and Description.** The Subject Property is
30 owned by Marie Suzette Lopez, and is legally described in **Exhibit 1**,
31 dated June 10, 2022, and graphically depicted in **Exhibit 2**, both of

1 which are attached hereto. A graphic depiction of the easement is
2 attached hereto as **Exhibit 3**. The applicant is Marie Suzette Lopez,
3 8695 Sanchez Road, Jacksonville, Florida 32217; (904) 874-1983.

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

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

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

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

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

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

1 Form Approved:

2

3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Kaysie Cox

6 GC-#1510882-v1-2022-613_(WRF-22-22).docx