

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

4 **ORDINANCE 2023-712-E**

5 AN ORDINANCE APPROVING WAIVER OF MINIMUM
6 REQUIRED ROAD FRONTAGE APPLICATION WRF-23-18,
7 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 8 AT 0
8 DINSMORE DAIRY ROAD, BETWEEN DUNN AVENUE AND
9 BRADDOCK ROAD (R.E. NO. 003796-1800), AS
10 DESCRIBED HEREIN, OWNED BY RUSSELL L. RATHFON
11 AND THERESA A. RATHFON, REQUESTING TO REDUCE THE
12 MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 80 FEET
13 TO ZERO FEET IN ZONING DISTRICT RESIDENTIAL
14 RURAL-ACRE (RR-ACRE), AS DEFINED AND CLASSIFIED
15 UNDER THE ZONING CODE; PROVIDING FOR
16 DISTRIBUTION; PROVIDING A DISCLAIMER THAT THE
17 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS
18 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
19 PROVIDING AN EFFECTIVE DATE.
20

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 Callie Adcock on behalf of the owners of property located
24 in Council District 8 at 0 Dinsmore Dairy Road, between Dunn Avenue
25 and Braddock Road (R.E. No. 003796-1800) (the "Subject Property"),
26 requesting to reduce the minimum road frontage from 80 feet to zero
27 feet in Zoning District Residential Rural-Acre (RR-Acre); and

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

31 **WHEREAS**, the Land Use and Zoning Committee, after due notice

1 held a public hearing and having duly considered both the testimonial
2 and documentary evidence presented at the public hearing, has made
3 its recommendation to the Council; and

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

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

22 **Section 1. Adoption of Findings and Conclusions.** The
23 Council has reviewed the record of proceedings and the Staff Report
24 of the Planning and Development Department and held a public hearing
25 concerning Application for Waiver of Minimum Required Road Frontage
26 WRF-23-18. Based upon the competent, substantial evidence contained
27 in the record, the Council hereby determines that the requested waiver
28 of road frontage meets the criteria for granting a waiver contained
29 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-23-18 is
30 hereby approved.

31 **Section 2. Owner and Description.** The Subject Property is

1 owned by Russell L. Rathfon and Theresa A. Rathfon and is legally
2 described in **Exhibit 1**, dated June 30, 2021, and graphically depicted
3 in **Exhibit 2**, both of which are attached hereto. A graphic depiction
4 of the easement is attached hereto as **Exhibit 3**. The applicant is
5 Callie Adcock, 11298 Dinsmore Dairy Road, Jacksonville, Florida
6 32218; (903) 931-2223.

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

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

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

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

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

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

1 shall render this waiver invalid and all rights arising therefrom
2 shall terminate.

3

4 Form Approved:

5

6 /s/ Mary E. Staffopoulos

7 Office of General Counsel

8 Legislation Prepared By: Bruce Lewis

9 GC-#1591622-v2-2023-712_(WRF-23-18).docx