

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-546**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM  
6 REQUIRED ROAD FRONTAGE APPLICATION WRF-23-12,  
7 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 2 AT  
8 10702 ALTA DRIVE, BETWEEN MASTERS ROAD AND PORT  
9 INDUSTRIAL DRIVE (R.E. NO. 109086-0000), AS  
10 DESCRIBED HEREIN, OWNED BY JOSEPH HOLTON,  
11 VIKTORIA BUDNIK, DONALD HEATH WILLIAMS AND  
12 MARGARITA WILLIAMS, REQUESTING TO REDUCE THE  
13 MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 160 FEET  
14 TO 35 FEET FOR TWO LOTS IN ZONING DISTRICT  
15 RESIDENTIAL LOW DENSITY-100A (RLD-100A), AS  
16 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;  
17 PROVIDING FOR DISTRIBUTION; PROVIDING A  
18 DISCLAIMER THAT THE WAIVER GRANTED HEREIN SHALL  
19 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
20 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.  
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22 **WHEREAS**, an application for a waiver of minimum road frontage,  
23 **On File** with the City Council Legislative Services Division, was  
24 filed by Mike Herzberg on behalf of the owners of property located  
25 in Council District 2 at 10702 Alta Drive, between Masters Road and  
26 Port Industrial Drive (R.E. No. 109086-0000) (the "Subject  
27 Property"), requesting to reduce the minimum road frontage from 160  
28 feet to 35 feet for two lots in Zoning District Residential Low  
29 Density-100A (RLD-100A); and

30 **WHEREAS**, the Planning and Development Department has considered  
31 the application and all attachments thereto and has rendered an

1 advisory recommendation; and

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

6       **WHEREAS**, taking into consideration the above recommendations and  
7 all other evidence entered into the record and testimony taken at the  
8 public hearings, the Council finds that: (1) there are practical or  
9 economic difficulties in carrying out the strict letter of the  
10 regulation; (2) the request is not based exclusively upon the desire  
11 to reduce the cost of developing the site or to circumvent the  
12 requirements of Chapter 654 (Code of Subdivision Regulations); (3)  
13 the proposed waiver will not substantially diminish property values  
14 in, nor alter the essential character of, the area surrounding the  
15 site and will not substantially interfere with or injure the rights  
16 of others whose property would be affected by the waiver; (4) there  
17 is a valid and effective easement for adequate vehicular access  
18 connected to a public street which is maintained by the City or an  
19 approved private street; and (5) 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 Minimum Required Road Frontage  
28 WRF-23-12. Based upon the competent, substantial evidence contained  
29 in the record, the Council hereby determines that the requested waiver  
30 of road frontage meets the criteria for granting a waiver contained  
31 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-23-12 is

1 hereby approved.

2           **Section 2.           Owner and Description.** The Subject Property is  
3 owned by Joseph Holton, Viktorya Budnik, Donald Heath Williams and  
4 Margarita Williams and is legally described in **Exhibit 1**, dated August  
5 4, 2023, and graphically depicted in **Exhibit 2**, both of which are  
6 attached hereto. A graphic depiction of the easement is attached  
7 hereto as **Exhibit 3**. The applicant is Mike Herzberg, 12483 Aladdin  
8 Road, Jacksonville, Florida 32223; (904) 673-6336.

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

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

