

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

4 **ORDINANCE 2019-642**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM  
6 ROAD FRONTAGE APPLICATION WRF-19-22, LOCATED  
7 IN COUNCIL DISTRICT 12 AT 914 OTIS ROAD,  
8 BETWEEN OLD PLANK ROAD AND JOAN DALE ROAD  
9 (R.E. NO. 001628-0010) AS DESCRIBED HEREIN,  
10 OWNED BY ROBERT E. WILLIAMS, REQUESTING TO  
11 REDUCE THE MINIMUM ROAD FRONTAGE REQUIREMENTS  
12 FROM 35 FEET TO 0 FEET IN ZONING DISTRICT  
13 AGRICULTURE (AGR), 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.  
18

19 **WHEREAS**, an application for a waiver of minimum road frontage,  
20 **Application On File** with the City Council Legislative Services  
21 Division, was filed by Robert E. Williams, the owner of property  
22 located in Council District 12 at 914 Otis Road, between Old Plank  
23 Road and Joan Dale Road (R.E. No. 001628-0010) (Subject Property),  
24 requesting to reduce the minimum road frontage from 35 feet to 0  
25 feet in Zoning District Agriculture (AGR); and

26 **WHEREAS**, the Planning and Development Department has  
27 considered the application and all attachments thereto and has  
28 rendered an 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  
31 testimonial and documentary evidence presented at the public

1 hearing, has made its recommendation to the Council; and

2       **WHEREAS**, taking into consideration the above recommendations  
3 and all other evidence entered into the record and testimony taken  
4 at the public hearings, the Council finds that: (1) there are  
5 practical or economic difficulties in carrying out the strict  
6 letter of the regulation; (2) the request is not based exclusively  
7 upon the desire to reduce the cost of developing the site or to  
8 circumvent the requirements of Chapter 654 (Code of Subdivision  
9 Regulations); (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  
13 affected by the waiver; (4) there is a valid and effective easement  
14 for 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,  
17 safety or welfare, result in additional expense, the creation of  
18 nuisances 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  
23 hearing concerning application for waiver of road frontage WRF-19-  
24 22. Based upon the competent, substantial evidence contained in  
25 the record, the Council hereby determines that the requested waiver  
26 of road frontage meets the criteria for granting a waiver contained  
27 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-19-22 is  
28 hereby **approved**.

29       **Section 2. Owner and Description.** The Subject Property is  
30 owned by Robert E. Williams, and is legally described in the **Legal**  
31 **Description**, dated August 27, 2019, graphically depicted in the

1 **Subject Property Map**, and includes an easement providing access as  
2 shown on the **Easement Map**, all **On File**. The agent is Robert E.  
3 Williams, 2323 St. Johns Avenue, Jacksonville, Florida 32204; (904)  
4 384-4805.

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

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

11 **Section 4. Disclaimer.** The waiver of road frontage

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

24 **Section 5. Effective Date.** The enactment of this

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

1 Form Approved:

2

3           /s/ Shannon K. Eller          

4 Office of General Counsel

5 Legislation Prepared By: Connor Corrigan

6 GC-#1303329-v1-Rez\_-\_WRF-19-22