

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-714-E**

5 AN ORDINANCE APPROVING WAIVER OF MINIMUM  
6 REQUIRED ROAD FRONTAGE APPLICATION WRF-23-20,  
7 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 4 AT 0  
8 SPRING FOREST AVENUE, BETWEEN CREETOWN DRIVE AND  
9 SPRING FOREST CIRCLE (R.E. NO. 138675-0210), AS  
10 DESCRIBED HEREIN, OWNED BY JAMES B. OSBORNE AND  
11 MARY G. OSBORNE, REQUESTING TO REDUCE THE  
12 MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 48 FEET  
13 TO ZERO FEET IN ZONING DISTRICT RESIDENTIAL LOW  
14 DENSITY-60 (RLD-60), 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.  
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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 the owners of property located in Council District 4 at 0  
24 Spring Forest Avenue, between Creetown Drive and Spring Forest Circle  
25 (R.E. No. 138675-0210) (the "Subject Property"), requesting to reduce  
26 the minimum road frontage from 48 feet to zero feet in Zoning District  
27 Residential Low Density-60 (RLD-60); 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-23-20. 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-23-20 is  
30 hereby approved.

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

1 owned by James B. Osborne and Mary G. Osborne and is legally described  
2 in **Exhibit 1**, dated August 24, 2023, and graphically depicted in  
3 **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 Michael Atkins, 1805 Bartram Circle West, Jacksonville, Florida  
6 32207; (904) 651-4485.

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.

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4 Form Approved:

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6           /s/  Mary E. Staffopoulos          

7 Office of General Counsel

8 Legislation Prepared By:  Connor Corrigan

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