

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-275-W**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-21-06, LOCATED
7 IN COUNCIL DISTRICT 12 AT 2235 OXBOW ROAD,
8 BETWEEN OXBOW ROAD AND MONTEAU DRIVE (R.E. NO.
9 009140-0000) AS DESCRIBED HEREIN, OWNED BY
10 TRUST NO. 2235OR, REQUESTING TO REDUCE THE
11 MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 144
12 FEET TO 119 FEET FOR THREE SINGLE FAMILY HOMES
13 ON ONE LOT IN ZONING DISTRICT RESIDENTIAL LOW
14 DENSITY-60 (RLD-60), AS DEFINED AND CLASSIFIED
15 UNDER THE ZONING CODE; PROVIDING A DISCLAIMER
16 THAT THE WAIVER GRANTED HEREIN SHALL NOT BE
17 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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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 Trust No. 2235OR, the owners of property located in
23 Council District 12 at 2235 Oxbow Road, between Oxbow Road and
24 Monteau Drive (R.E. No. 009140-0000) (Subject Property), requesting
25 to reduce the minimum road frontage from 144 feet to 119 feet for
26 three single family homes on one lot in Zoning District Residential
27 Low Density-60 (RLD-60); and

28 **WHEREAS**, the Planning and Development Department has
29 considered the application and all attachments thereto and has
30 rendered an 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
2 testimonial and documentary evidence presented at the public
3 hearing, has made its recommendation to the Council; and

4 **WHEREAS**, taking into consideration the above recommendations
5 and all other evidence entered into the record and testimony taken
6 at the public hearings, the Council finds that: (1) there are
7 practical or economic difficulties in carrying out the strict
8 letter of the regulation; (2) the request is not based exclusively
9 upon the desire to reduce the cost of developing the site or to
10 circumvent the requirements of Chapter 654 (Code of Subdivision
11 Regulations); (3) the proposed waiver will not substantially
12 diminish property values in, nor alter the essential character of,
13 the area surrounding the site and will not substantially interfere
14 with or injure the rights of others whose property would be
15 affected by the waiver; (4) there is a valid and effective easement
16 for adequate vehicular access connected to a public street which is
17 maintained by the City or an approved private street; and (5) the
18 proposed waiver will not be detrimental to the public health,
19 safety or welfare, result in additional expense, the creation of
20 nuisances or conflict with any 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
25 hearing concerning application for waiver of road frontage WRF-21-
26 06. Based upon the competent, substantial evidence contained in
27 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-21-06 is
30 hereby **approved**.

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

1 owned by Trust No. 2235OR, and is legally described in **Exhibit 1**,
2 dated April 21, 2021, and graphically depicted in **Exhibit 2**, both
3 **attached hereto**. The applicant is Scott Sailer, 3736 Southern
4 Hills Drive, Florida 32225; (904) 521-4077.

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.

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Form Approved:

 /s/ Shannon K. Eller

Office of General Counsel

Legislation Prepared By: Conner Corrigan

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