

1 Introduced and substituted by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-313**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-22-16, LOCATED IN
7 COUNCIL DISTRICT 2 AT 0 FORT GEORGE ROAD,
8 BETWEEN FORT GEORGE ROAD AND HECKSCHER DRIVE
9 (R.E. NO. 168206-0020), AS DESCRIBED HEREIN,
10 OWNED BY DONALD C. HOLMES AND KAREN C. HOLMES,
11 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE
12 REQUIREMENTS FROM 80 FEET TO 0 FEET IN ZONING
13 DISTRICTS RESIDENTIAL LOW DENSITY-100A (RLD-
14 100A), RESIDENTIAL RURAL-ACRE (RR-ACRE) AND
15 CONSERVATION (CSV), AS DEFINED AND CLASSIFIED
16 UNDER THE ZONING CODE; PROVIDING FOR
17 DISTRIBUTION; PROVIDING A DISCLAIMER THAT THE
18 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS
19 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.
21

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 Vitina Pellot and Elaina Chmura on behalf of the owners of
25 property located in Council District 2 at 0 Fort George Road, between
26 Fort George Road and Heckscher Drive (R.E. No. 168206-0020) (the
27 "Subject Property"), requesting to reduce the minimum road frontage
28 from 80 feet to 0 feet in Zoning Districts Residential Low Density-
29 100A (RLD-100A), Residential Rural-Acre (RR-Acre) and Conservation
30 (CSV); and

31 **WHEREAS**, the Planning and Development Department has considered

1 the application and all attachments thereto and has rendered an
2 advisory recommendation; and

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

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

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

25 **Section 1. Adoption of Findings and Conclusions.** The
26 Council has reviewed the record of proceedings and the Staff Report
27 of the Planning and Development Department and held a public hearing
28 concerning application for waiver of road frontage WRF-22-16. Based
29 upon the competent, substantial evidence contained in the record, the
30 Council hereby determines that the requested waiver of road frontage
31 meets the criteria for granting a waiver contained in Chapter 656,

1 Ordinance Code. Therefore, Application WRF-22-16 is hereby **approved**.

2 **Section 2. Owner and Description.** The Subject Property is
3 owned by Donald C. Holmes and Karen C. Holmes and is legally described
4 in **Exhibit 1** dated January 23, 2022, and graphically depicted in
5 **Exhibit 2**, both of which are attached hereto. A depiction of the
6 easement providing access to the Subject Property is attached hereto
7 as **Exhibit 3**. The applicants are Vitina Pellot and Elaina Chmura,
8 14701 Philips Highway, Jacksonville, Florida 32256; (904) 441-0850.

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

