

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2019-639**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM  
6 ROAD FRONTAGE APPLICATION WRF-19-20, LOCATED  
7 IN COUNCIL DISTRICT 6 AT 4323 PATHWOOD WAY,  
8 BETWEEN LOSCO ROAD AND PATHWOOD WAY (R.E. NO.  
9 156421-5034) AS DESCRIBED HEREIN, OWNED BY  
10 ARTEGIANO CONTRACTING, LLC, REQUESTING TO  
11 REDUCE THE MINIMUM ROAD FRONTAGE REQUIREMENTS  
12 FROM 40 FEET TO 30 FEET IN ZONING DISTRICT  
13 RESIDENTIAL MEDIUM DENSITY-C (RMD-C), AS  
14 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;  
15 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED  
16 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION  
17 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN  
18 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 Artegiانو Contracting, LLC, the owner of property located  
23 in Council District 6 at 4323 Pathwood Way, between Losco Road and  
24 Pathwood Way (R.E. No. 156421-5034) (Subject Property), requesting  
25 to reduce the minimum road frontage from 40 feet to 30 feet in  
26 Zoning District Residential Medium Density-C (RMD-C); and

27 **WHEREAS**, the Planning and Development Department has  
28 considered the application and all attachments thereto and has  
29 rendered an advisory recommendation; and

30 **WHEREAS**, the Land Use and Zoning Committee, after due notice  
31 held a public hearing and having duly considered both the

1 testimonial and documentary evidence presented at the public  
2 hearing, has made its recommendation to the Council; and

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

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

21       **Section 1. Adoption of Findings and Conclusions.** The  
22 Council has reviewed the record of proceedings and the Staff Report  
23 of the Planning and Development Department and held a public  
24 hearing concerning application for waiver of road frontage WRF-19-  
25 20. Based upon the competent, substantial evidence contained in  
26 the record, the Council hereby determines that the requested waiver  
27 of road frontage meets the criteria for granting a waiver contained  
28 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-19-20 is  
29 hereby **approved**.

30       **Section 2. Owner and Description.** The Subject Property is  
31 owned by Artegiano Contracting, LLC, and is legally described in

1 the **Legal Description** dated August 27, 2019, and graphically  
2 depicted in the **Subject Property Map**, both **On File**. The agent is  
3 Artegiano Contracting, LLC, 6209 Bartram Village Drive,  
4 Jacksonville, Florida 32258; (904) 382-3028.

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:

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3           /s/ Shannon K. Eller          

4 Office of General Counsel

5 Legislation Prepared By: Arimus Wells

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