

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2021-700-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM  
6 ROAD FRONTAGE APPLICATION WRF-21-14, LOCATED IN  
7 COUNCIL DISTRICT 6 AT 0 CLEARWATER LANE, BETWEEN  
8 LORETTO ROAD AND CLEARWATER LANE (R.E. NOS.  
9 158913-0300 AND 158913-0100) AS DESCRIBED  
10 HEREIN, OWNED BY ANGELA DANIELLE COLE AND DEVON  
11 COLE, REQUESTING TO REDUCE THE MINIMUM ROAD  
12 FRONTAGE REQUIREMENTS FROM 80 FEET TO 0 FEET IN  
13 ZONING DISTRICT RESIDENTIAL RURAL-ACRE (RR-  
14 ACRE), AS DEFINED AND CLASSIFIED UNDER THE  
15 ZONING CODE; WAIVER SUBJECT TO CONDITION;  
16 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED  
17 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION  
18 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN  
19 EFFECTIVE DATE.  
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21 **WHEREAS**, an application for a waiver of minimum road frontage,  
22 **On File** with the City Council Office of Legislative Services, was  
23 filed by Angela Danielle Cole and Devon Cole, the owners of property  
24 located in Council District 6 at 0 Clearwater Lane, between Loretto  
25 Road and Clearwater Lane (R.E. Nos. 158913-0300 and 158913-0100) (the  
26 "Subject Property"), requesting to reduce the minimum road frontage  
27 from 80 feet to 0 feet in Zoning District Residential Rural-Acre (RR-  
28 ACRE); and

29 **WHEREAS**, the Planning and Development Department has considered  
30 the application and all attachments thereto and has rendered an

1 advisory recommendation; and

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

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

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

24       **Section 1. Adoption of Findings and Conclusions.** The  
25 Council has reviewed the record of proceedings and the Staff Report  
26 of the Planning and Development Department and held a public hearing  
27 concerning application for waiver of road frontage WRF-21-14. Based  
28 upon the competent, substantial evidence contained in the record, the  
29 Council hereby determines that the requested waiver of road frontage  
30 meets the criteria for granting a waiver contained in Chapter 656,  
31 *Ordinance Code*. Therefore, Application WRF-21-14 is hereby **approved**.

1           **Section 2.           Waiver Approved Subject to Condition.**           This

2 Waiver is approved subject to the following condition.

3           (1) The owners or owners' successor shall be required to obtain  
4 an inspection of the existing bridge located on or adjacent to the  
5 Subject Property for the purpose of determining whether it is  
6 structurally sound and sufficient to support the types and amount of  
7 vehicular traffic that would traverse the bridge for access to and  
8 development of the Subject Property. Said inspection shall be  
9 conducted by a structural engineer licensed in the State of Florida  
10 and a copy of the final inspection report provided to the City's  
11 Planning & Development Department. In the event the inspection  
12 determines the existing bridge cannot safely support the additional  
13 vehicular traffic associated with access to and development of the  
14 Subject Property, the owners or owners' successor shall be required  
15 to construct a new bridge or, in the alternative, to install a box  
16 culvert on owners' property that is certified by an appropriate  
17 engineer, licensed in the State of Florida, to be sufficient to  
18 support the types and amount of vehicular traffic accessing the  
19 Subject Property. The owners or owners' successor shall have the  
20 option to forgo the requirement for an inspection of the existing  
21 bridge should they decide to construct a new bridge or box culvert  
22 as outlined above. The provisions of this condition shall be met  
23 prior to the City's issuance of any permits for development of the  
24 Subject Property with the exception of any permits required for  
25 construction of a new bridge or box culvert as provided herein, or  
26 any permits required for construction of a single family residence  
27 on the southern portion of the Subject Property with direct access  
28 to Clearwater Lane.

29           **Section 3.           Owner and Description.** The Subject Property is  
30 owned by Angela Danielle Cole and Devon Cole, and is legally described  
31 in **Exhibit 1**, dated June 30, 2021, and graphically depicted in **Exhibit**

1 **2, attached hereto.** A graphic depiction of the easement is **attached**  
2 **hereto** as **Exhibit 3.** The applicant is Devon J. Cole, 5650 Crest  
3 Creek Drive, Jacksonville, Florida 32258; (904) 860-7171.

4 **Section 4. Distribution by Legislative Services.** The Office  
5 of Legislative Services is hereby directed to mail a copy of this  
6 legislation, as enacted, to the applicant and any other parties to  
7 this matter who testified before the Land Use and Zoning Committee  
8 or otherwise filed a qualifying written statement as defined in  
9 Section 656.140(c), *Ordinance Code.*

10 **Section 5. Disclaimer.** The waiver of road frontage granted  
11 herein shall **not** be construed as an exemption from any other  
12 applicable local, state, or federal laws, regulations, requirements,  
13 permits or approvals. All other applicable local, state or federal  
14 permits or approvals shall be obtained before commencement of the  
15 development or use and issuance of this waiver of road frontage is  
16 based upon acknowledgement, representation and confirmation made by  
17 the applicant(s), owner(s), developer(s) and/or any authorized  
18 agent(s) or designee(s) that the subject business, development and/or  
19 use will be operated in strict compliance with all laws. Issuance of  
20 this waiver of road frontage does **not** approve, promote or condone any  
21 practice or act that is prohibited or restricted by any federal,  
22 state or local laws.

23 **Section 6. Effective Date.** The enactment of this Ordinance  
24 shall be deemed to constitute a quasi-judicial action of the City  
25 Council and shall become effective upon signature by the Council  
26 President and Council Secretary. Failure to exercise the waiver, if  
27 herein granted, by the commencement of the use or action herein  
28 approved within one year of the effective date of this legislation  
29 shall render this waiver invalid and all rights arising therefrom  
30 shall terminate.

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Form Approved:

          /s/ Mary E. Staffopoulos          

Office of General Counsel

Legislation Prepared By: Bruce Lewis

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