

1 Introduced and amended by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2022-86-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-21-28, LOCATED IN
7 COUNCIL DISTRICT 2 AT 0 GROVER ROAD, BETWEEN
8 STARRATT ROAD AND CEDAR POINT ROAD (R.E. NO.
9 106377-0015), AS DESCRIBED HEREIN, OWNED BY
10 BENJAMIN CROXTON, MARY CROXTON AND REBECCA
11 LOUISE DUFALT, REQUESTING TO REDUCE THE MINIMUM
12 ROAD FRONTAGE REQUIREMENTS FROM 80 FEET TO 0
13 FEET IN ZONING DISTRICT RESIDENTIAL RURAL-ACRE
14 (RR-ACRE), AS DEFINED AND CLASSIFIED UNDER THE
15 ZONING CODE; PROVIDING FOR DISTRIBUTION;
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.
20

21 **WHEREAS**, an application for a waiver of minimum road frontage,
22 **Revised On File** with the City Council Legislative Services Division,
23 was filed by Benjamin Croxton, Mary Croxton and Rebecca Louise
24 Dufault, the owners of property located in Council District 2 at 0
25 Grover Road, between Starratt Road and Cedar Point Road (R.E. No.
26 106377-0015) (the "Subject Property"), requesting to reduce the
27 minimum road frontage from 80 feet to 0 feet in Zoning District
28 Residential Rural-Acre (RR-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-21-28. 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-21-28 is hereby **approved**.

1 **Section 2. Owner and Description.** The Subject Property is
2 owned by Benjamin Croxton, Mary Croxton and Rebecca Louise Dufault,
3 and is legally described in **Exhibit 1**, dated June 30, 2021, and
4 graphically depicted in **Exhibit 2**, both of which are **attached hereto**.
5 The applicant is Heather M. Hagan, 45639 Musslewhite Road, Callahan,
6 Florida 32011; (904) 545-0392.

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.

3

4 Form Approved:

5

6 /s/ Mary E. Staffopoulos

7 Office of General Counsel

8 Legislation Prepared By: Kaysie Cox

9 GC-#1489971-v1-2022-86-E