

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2022-255-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM  
6 ROAD FRONTAGE APPLICATION WRF-22-09, LOCATED IN  
7 COUNCIL DISTRICT 4 AT 0 HILLTOP BOULEVARD AND  
8 1680 HILLTOP BOULEVARD, BETWEEN BEACON POINT  
9 DRIVE AND ARNOLD ROAD (R.E. NOS. 123072-0900 AND  
10 123072-0930), AS DESCRIBED HEREIN, OWNED BY  
11 HARRY A. HOWARD, ROBIN L. HOWARD, AND BRUCE W.  
12 SIMON, SR., REQUESTING TO REDUCE THE MINIMUM  
13 ROAD FRONTAGE REQUIREMENTS FROM 96 FEET TO 0  
14 FEET FOR TWO LOTS IN ZONING DISTRICT RESIDENTIAL  
15 LOW DENSITY-60 (RLD-60), AS DEFINED AND  
16 CLASSIFIED UNDER THE ZONING CODE; WAIVER SUBJECT  
17 TO CONDITION; PROVIDING FOR DISTRIBUTION;  
18 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED  
19 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION  
20 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN  
21 EFFECTIVE DATE.  
22

23 **WHEREAS**, an application for a waiver of minimum road frontage,  
24 **On File** with the City Council Legislative Services Division, was  
25 filed by Harry A. Howard, Robin L. Howard and Bruce W. Simon, Sr.,  
26 the owners of property located in Council District 4 at 0 Hilltop  
27 Boulevard and 1680 Hilltop Boulevard, between Beacon Point Drive and  
28 Arnold Road (R.E. Nos. 123072-0900 and 123072-0930) (the "Subject  
29 Property"), requesting to reduce the minimum road frontage from 96  
30 feet to 0 feet for two lots in Zoning District Residential Low  
31 Density-60 (RLD-60); and

1           **WHEREAS**, the Planning and Development Department has considered  
2 the application and all attachments thereto and has rendered an  
3 advisory recommendation; and

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

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

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

26           **Section 1. Adoption of Findings and Conclusions.** The  
27 Council has reviewed the record of proceedings and the Staff Report  
28 of the Planning and Development Department and held a public hearing  
29 concerning application for waiver of road frontage WRF-22-09. Based  
30 upon the competent, substantial evidence contained in the record, the  
31 Council hereby determines that the requested waiver of road frontage

1 meets the criteria for granting a waiver contained in Chapter 656,  
2 *Ordinance Code*. Therefore, Application WRF-22-09 is hereby **approved**.

3       **Section 2. Waiver Approved Subject to Condition.** This  
4 waiver is approved subject to the following condition:

5       (1) The applicant shall remove the crepe myrtle tree located  
6 within the access easement depicted on **Exhibit 3** on the portion of  
7 the Subject Property located at 1680 Hilltop Boulevard (R.E. No.  
8 123072-0930) prior to development of the portion of the Subject  
9 Property located at 0 Hilltop Boulevard (R.E. No. 123072-0900).

10       **Section 3. Owner and Description.** The Subject Property is  
11 owned by Harry A. Howard, Robin L. Howard, and Bruce W. Simon, Sr.,  
12 and is legally described in **Exhibit 1**, dated January 11, 2022, and  
13 graphically depicted in **Exhibit 2**, both of which are **attached hereto**.  
14 A graphic depiction of the easement is **attached hereto** as **Exhibit 3**.  
15 The applicants are Harry A. Howard and Robin L. Howard, 1680 Hilltop  
16 Boulevard, Jacksonville, Florida 32246, (352) 238-9851; and Bruce W.  
17 Simon, Sr., 1674 Hilltop Boulevard, Jacksonville, Florida 32246,  
18 (254) 289-8929.

19       **Section 4. Distribution by Legislative Services.**  
20 Legislative Services is hereby directed to mail a copy of this  
21 legislation, as enacted, to the applicants and any other parties to  
22 this matter who testified before the Land Use and Zoning Committee  
23 or otherwise filed a qualifying written statement as defined in  
24 Section 656.140(c), *Ordinance Code*.

25       **Section 5. Disclaimer.** The waiver of road frontage granted  
26 herein shall **not** be construed as an exemption from any other  
27 applicable local, state, or federal laws, regulations, requirements,  
28 permits or approvals. All other applicable local, state or federal  
29 permits or approvals shall be obtained before commencement of the  
30 development or use and issuance of this waiver of road frontage is  
31 based upon acknowledgement, representation and confirmation made by

1 the applicant(s), owner(s), developer(s) and/or any authorized  
2 agent(s) or designee(s) that the subject business, development and/or  
3 use will be operated in strict compliance with all laws. Issuance of  
4 this waiver of road frontage does **not** approve, promote or condone any  
5 practice or act that is prohibited or restricted by any federal,  
6 state or local laws.

7 **Section 6. Effective Date.** The enactment of this Ordinance  
8 shall be deemed to constitute a quasi-judicial action of the City  
9 Council and shall become effective upon signature by the Council  
10 President and Council Secretary. Failure to exercise the waiver, if  
11 herein granted, by the commencement of the use or action herein  
12 approved within one (1) year of the effective date of this legislation  
13 shall render this waiver invalid and all rights arising therefrom  
14 shall terminate.

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16 Form Approved:

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18           /s/ Mary E. Staffopoulos          

19 Office of General Counsel

20 Legislation Prepared By: Bruce Lewis

21 GC-#1500578-v1-2022-255-E