

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-710-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-22-23, FOR
7 PROPERTY LOCATED IN COUNCIL DISTRICT 10 AT 7946
8 DEKLE AVENUE, BETWEEN NEW KINGS ROAD AND MATTOX
9 AVENUE (R.E. NO. 021814-0000), AS DESCRIBED
10 HEREIN, OWNED BY BCEL 10C LLC, REQUESTING TO
11 REDUCE THE MINIMUM ROAD FRONTAGE REQUIREMENTS
12 FROM 48 FEET TO 40 FEET IN ZONING DISTRICT
13 RESIDENTIAL LOW DENSITY-60 (RLD-60), AS DEFINED
14 AND CLASSIFIED UNDER THE ZONING CODE; PROVIDING
15 FOR DISTRIBUTION; PROVIDING A DISCLAIMER THAT
16 THE WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED
17 AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
18 PROVIDING AN 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 Zach Miller, Esq., on behalf of the owner of property located
23 in Council District 10 at 7946 Dekle Avenue, between New Kings Road
24 and Mattox Avenue (R.E. No. 021814-0000) (the "Subject Property"),
25 requesting to reduce the minimum road frontage from 48 feet to 40
26 feet in Zoning District Residential Low Density-60 (RLD-60); and

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

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

3 **WHEREAS**, taking into consideration the above recommendations and
4 all other evidence entered into the record and testimony taken at the
5 public hearings, the Council finds that: (1) there are practical or
6 economic difficulties in carrying out the strict letter of the
7 regulation; (2) the request is not based exclusively upon the desire
8 to reduce the cost of developing the site or to circumvent the
9 requirements of Chapter 654 (Code of Subdivision Regulations); (3)
10 the proposed waiver will not substantially diminish property values
11 in, nor alter the essential character of, the area surrounding the
12 site and will not substantially interfere with or injure the rights
13 of others whose property would be affected by the waiver; (4) there
14 is a valid and effective easement for adequate vehicular access
15 connected to a public street which is maintained by the City or an
16 approved private street; and (5) the proposed waiver will not be
17 detrimental to the public health, safety or welfare, result in
18 additional expense, the creation of nuisances or conflict with any
19 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 hearing
24 concerning application for waiver of road frontage WRF-22-23. Based
25 upon the competent, substantial evidence contained in the record, the
26 Council hereby determines that the requested waiver of road frontage
27 meets the criteria for granting a waiver contained in Chapter 656,
28 *Ordinance Code*. Therefore, Application WRF-22-23 is hereby approved.

29 **Section 2. Owner and Description.** The Subject Property is
30 owned by BCEL 10C LLC and is legally described in **Exhibit 1**, dated
31 August 1, 2022, and graphically depicted in **Exhibit 2**, both of which

1 are attached hereto. The applicant is Zach Miller, Esq., 3203 Old
2 Barn Court, Ponte Vedra Beach, Florida 32082; (904) 651-8958.

3 **Section 3. Distribution by Legislative Services.**

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

9 **Section 4. Disclaimer.** The waiver of road frontage granted

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

22 **Section 5. Effective Date.** The enactment of this Ordinance

23 shall be deemed to constitute a quasi-judicial action of the City
24 Council and shall become effective upon signature by the Council
25 President and Council Secretary. Failure to exercise the waiver, if
26 herein granted, by the commencement of the use or action herein
27 approved within one (1) year of the effective date of this legislation
28 shall render this waiver invalid and all rights arising therefrom
29 shall terminate.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Connor Corrigan

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