

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-902**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-22-28, FOR
7 PROPERTY LOCATED IN COUNCIL DISTRICT 8 AT 351
8 OTIS ROAD, BETWEEN DOLLAR LANE AND SELLERS LANE
9 (R.E. NO. 001712-0020), AS DESCRIBED HEREIN,
10 OWNED BY A & K FLORIDA ENTERPRISES, LLC,
11 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE
12 REQUIREMENTS FROM 80 FEET TO 40 FEET FOR TWO
13 LOTS 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.
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21 **WHEREAS**, an application for a waiver of minimum road frontage,
22 **On File** with the City Council Legislative Services Division, was
23 filed by Alberta Hipps on behalf of the owner of property located in
24 Council District 8 at 351 Otis Road, between Dollar Lane and Sellers
25 Lane (R.E. No. 001712-0020) (the "Subject Property"), requesting to
26 reduce the minimum road frontage from 80 feet to 40 feet for two lots
27 in Zoning District Residential Rural-Acre (RR-Acre); and

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

31 **WHEREAS**, the Land Use and Zoning Committee, after due notice,

1 held a public hearing and having duly considered both the testimonial
2 and documentary evidence presented at the public hearing, has made
3 its recommendation to the Council; and

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

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

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

30 **Section 2. Owner and Description.** The Subject Property is
31 owned by A & K Florida Enterprises, LLC and is legally described in

1 **Exhibit 1**, dated September 21, 2022, and graphically depicted in
2 **Exhibit 2**, both of which are attached hereto. The applicant is
3 Alberta Hipps, 1650 Margaret Street, #323, Jacksonville, Florida
4 32204; (904) 781-2654.

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 granted

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

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

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Folks Huxford

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