

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

4 **ORDINANCE 2022-761-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM  
6 ROAD FRONTAGE APPLICATION WRF-22-25, FOR  
7 PROPERTY LOCATED IN COUNCIL DISTRICT 2 AT 15584  
8 FLOUNDER ROAD, BETWEEN SAWPIT ROAD AND  
9 SHELLCRACKER ROAD (R.E. NO. 159682-0040), AS  
10 DESCRIBED HEREIN, OWNED BY JOSHUA M. KOVACS AND  
11 CHELSEA N. KOVACS, REQUESTING TO REDUCE THE  
12 MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 160 FEET  
13 TO 138 FEET IN ZONING DISTRICT RESIDENTIAL  
14 RURAL-ACRE (RR-ACRE), AS DEFINED AND CLASSIFIED  
15 UNDER THE ZONING CODE; PROVIDING FOR  
16 DISTRIBUTION; PROVIDING A DISCLAIMER THAT THE  
17 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS  
18 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
19 PROVIDING AN EFFECTIVE DATE.  
20

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 Joshua M. Kovacs and Chelsea N. Kovacs, the owners of  
24 property located in Council District 2 at 15584 Flounder Road, between  
25 Sawpit Road and Shellcracker Road (R.E. No. 159682-0040) (the "Subject  
26 Property"), requesting to reduce the minimum road frontage from 160  
27 feet to 138 feet in Zoning District Residential Rural-Acre (RR-Acre);  
28 and

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

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

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

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

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

31           **Section 2. Owner and Description.** The Subject Property is

1 owned by Joshua M. Kovacs and Chelsea N. Kovacs and is legally  
2 described in **Exhibit 1**, dated June 30, 2021, and graphically depicted  
3 in **Exhibit 2**, both of which are attached hereto. The applicants are  
4 Joshua M. Kovacs and Chelsea N. Kovacs, 15584 Flounder Road,  
5 Jacksonville, Florida 32226; (904) 426-7467.

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

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

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

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

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

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

