

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-313**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 REQUIRED ROAD FRONTAGE APPLICATION WRF-24-07,
7 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 10 AT
8 0 BENEDICT ROAD, BETWEEN PARIS AVENUE AND
9 SPELMAN ROAD (R.E. NO. 086181-0005), AS
10 DESCRIBED HEREIN, OWNED BY HABITAT FOR HUMANITY
11 OF JACKSONVILLE, INC., REQUESTING TO REDUCE THE
12 MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 48 FEET
13 TO 40 FEET IN ZONING DISTRICT RESIDENTIAL LOW
14 DENSITY-60 (RLD-60), 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.
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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 Scott Dittmer on behalf of Habitat for Humanity of
24 Jacksonville, Inc., the owner of property located in Council District
25 10 at 0 Benedict Road, between Paris Avenue and Spelman Road (R.E.
26 No. 086181-0005) (the "Subject Property"), requesting to reduce the
27 minimum road frontage from 48 feet to 40 feet in Zoning District
28 Residential Low Density-60 (RLD-60); and

29 **WHEREAS,** the Planning and Development Department has
30 considered the application and all attachments thereto and has
31 rendered an 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
6 and all other evidence entered into the record and testimony taken
7 at the public hearings, the Council finds that: (1) there are
8 practical or economic difficulties in carrying out the strict letter
9 of the regulation; (2) the request is not based exclusively upon the
10 desire 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 Minimum Required Road Frontage
27 WRF-24-07. Based upon the competent, substantial evidence contained
28 in the record, the Council hereby determines that the requested waiver
29 of road frontage meets the criteria for granting a waiver contained
30 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-24-07 is
31 hereby approved.

1 **Section 2. Owner and Description.** The Subject Property is
2 owned by Habitat for Humanity of Jacksonville, Inc., and is legally
3 described in **Exhibit 1**, dated July 3, 2023, and graphically depicted
4 in **Exhibit 2**, both of which are attached hereto. The applicant is
5 Scott Dittmer, 2404 Hubbard Street, Jacksonville, Florida 32206;
6 (904) 208-6631.

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.

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4 Form Approved:

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6 /s/ Mary E. Staffopoulos

7 Office of General Counsel

8 Legislation Prepared By: Jacquelyn Williams

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