

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-640**

5 AN ORDINANCE APPROVING ADMINISTRATIVE
6 DEVIATION APPLICATION AD-19-52, LOCATED IN
7 COUNCIL DISTRICT 6 AT 4323 PATHWOOD WAY,
8 BETWEEN LOSCO ROAD AND PATHWOOD WAY (R.E. NO.
9 156421-5034) AS DESCRIBED HEREIN, OWNED BY
10 ARTEGIANO CONTRACTING, LLC, REQUESTING TO
11 REDUCE THE REQUIRED MINIMUM LOT AREA FROM
12 4,000 SQUARE FEET TO 3,840 SQUARE FEET, AND
13 REQUESTING TO REDUCE THE REQUIRED MINIMUM LOT
14 WIDTH FROM 40 FEET TO 30 FEET, IN ZONING
15 DISTRICT RESIDENTIAL MEDIUM DENSITY-C (RMD-C),
16 AS DEFINED AND CLASSIFIED UNDER THE ZONING
17 CODE; CERTIFICATION REQUIRED FOR SATISFACTION
18 OF CONDITION(S); PROVIDING AN EFFECTIVE DATE.
19

20 **WHEREAS**, an application for an administrative deviation, **On**
21 **File** with the City Council Legislative Services Division, was filed
22 by Artegiانو Contracting, LLC, the owner of property located in
23 Council District 6 at 4323 Pathwood Way, between Losco Road and
24 Pathwood Way (R.E. No. 156421-5034) (Subject Property), requesting
25 to reduce the required minimum lot area from 4,000 square feet to
26 3,840 square feet, and requesting to reduce the required minimum
27 lot width from 40 feet to 30 feet, in Zoning District RMD-C
28 (Residential Medium Density-C); 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
3 testimonial and documentary evidence presented at the public
4 hearing, has made its recommendation to the Council; now, therefore

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

6 **Section 1. Adoption of Findings and Conclusions.** The
7 Council has considered the recommendation of the Land Use and
8 Zoning Committee and reviewed the Staff Report of the Planning and
9 Development Department concerning administrative deviation
10 Application AD-19-52. Based upon the competent, substantial
11 evidence contained in the record, the Council hereby determines
12 that the requested administrative deviation meets each of the
13 following criteria required to grant the request pursuant to
14 Section 656.109(h), *Ordinance Code*:

15 (1) There are practical or economic difficulties in carrying
16 out the strict letter of the regulation;

17 (2) The request is not based exclusively upon a desire to
18 reduce the cost of developing the site, but would accomplish some
19 result that is in the public interest, such as, for example,
20 furthering the preservation of natural resources by saving a tree
21 or trees;

22 (3) The proposed deviation will not substantially diminish
23 property values in, nor alter the essential character of, the area
24 surrounding the site and will not substantially interfere with or
25 injure the rights of others whose property would be affected by the
26 deviation;

27 (4) The proposed deviation will not be detrimental to the
28 public health, safety or welfare, result in additional public
29 expense, the creation of nuisances, or conflict with any other
30 applicable law;

31 (5) The proposed deviation has been recommended by a City

1 landscape architect, if the deviation is to reduce required
2 landscaping; and

3 (6) The effect of the proposed deviation is in harmony with
4 the spirit and intent of the Zoning Code.

5 Therefore, administrative deviation Application AD-19-52 is
6 hereby **approved**.

7 **Section 2. Certification.** Should a condition be placed
8 upon the approval of this administrative deviation, then prior to
9 requesting a final building inspection or occupying the facility in
10 any manner, the lead horizontal and lead vertical design
11 professionals shall submit to the Planning and Development
12 Department separate certification letters confirming that all
13 horizontal and vertical components of the development have been
14 substantially completed, and all conditions to the development
15 order have been satisfied. This condition shall apply to both
16 phased and non-phased developments.

17 **Section 3. Owner and Description.** The Subject Property is
18 owned by Artegiano Contracting, LLC, and is described in the **Legal**
19 **Description** dated August 27, 2019, and graphically depicted in the
20 **Subject Property Map**, both **On File** with the City Council
21 Legislative Services Division.

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

28 **Section 5. Effective Date.** The enactment of this
29 Ordinance shall be deemed to constitute a quasi-judicial action of
30 the City Council and shall become effective upon signature by the
31 Council President and Council Secretary. Failure to exercise the

1 administrative deviation, if herein granted, by the commencement of
2 the use or action herein approved within one year of the effective
3 date of this legislation shall render this administrative deviation
4 invalid and all rights arising therefrom shall terminate.

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6 Form Approved:

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8 /s/ Shannon K. Eller

9 Office of General Counsel

10 Legislation Prepared By: Arimus Wells

11 GC-#1303331-v1-Rez_-_AD-19-52