

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-43-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-20-01, LOCATED
7 IN COUNCIL DISTRICT 7 AT 13963 NEW KINGS ROAD,
8 BETWEEN ROY BOOTH ROAD AND WOODLEY ROAD (R.E.
9 NO. 002483-0550) AS DESCRIBED HEREIN, OWNED BY
10 STEVEN R. HEREFORD AND THERESA M. HEREFORD,
11 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE
12 REQUIREMENTS FROM 140 FEET TO 0 FEET IN ZONING
13 DISTRICT AGRICULTURE (AGR), AS DEFINED AND
14 CLASSIFIED UNDER THE ZONING CODE; WAIVER
15 SUBJECT TO CONDITION; PROVIDING A DISCLAIMER
16 THAT THE WAIVER GRANTED HEREIN SHALL NOT BE
17 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
19

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 Steven R. Hereford and Theresa M. Hereford, the owners of
23 property located in Council District 7 at 13963 New Kings Road,
24 between Roy Booth Road and Woodley Road (R.E. No. 002483-0550)
25 (Subject Property), requesting to reduce the minimum road frontage
26 from 140 feet to 0 feet in Zoning District Agriculture (AGR); and

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

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

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

4 **WHEREAS**, taking into consideration the above recommendations
5 and all other evidence entered into the record and testimony taken
6 at the public hearings, the Council finds that: (1) there are
7 practical or economic difficulties in carrying out the strict
8 letter of the regulation; (2) the request is not based exclusively
9 upon the desire to reduce the cost of developing the site or to
10 circumvent the requirements of Chapter 654 (Code of Subdivision
11 Regulations); (3) the proposed waiver will not substantially
12 diminish property values in, nor alter the essential character of,
13 the area surrounding the site and will not substantially interfere
14 with or injure the rights of others whose property would be
15 affected by the waiver; (4) there is a valid and effective easement
16 for adequate vehicular access connected to a public street which is
17 maintained by the City or an approved private street; and (5) the
18 proposed waiver will not be detrimental to the public health,
19 safety or welfare, result in additional expense, the creation of
20 nuisances or conflict with any 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
25 hearing concerning application for waiver of road frontage WRF-20-
26 01. Based upon the competent, substantial evidence contained in
27 the record, the Council hereby determines that the requested waiver
28 of road frontage meets the criteria for granting a waiver contained
29 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-20-01 is
30 hereby **approved, subject to condition.**

31 **Section 2. Waiver Approved Subject to Condition.** This

1 waiver is approved subject to the following condition. Such
2 condition may only be amended by the City Council.

3 (1) The applicant shall provide a street name for the shared
4 access from New Kings Road and shall pay for the installation of
5 the street name sign prior to issuance of a building permit.

6 **Section 3. Owner and Description.** The Subject Property is
7 owned by Steven R. Hereford and Theresa M. Hereford, and is legally
8 described in the **Exhibit 1** dated November 19, 2019, and graphically
9 depicted in **Exhibit 2, attached hereto**. A graphic depiction of the
10 easement is **attached hereto** as **Exhibit 3**. The agents are Steven R.
11 Hereford and Theresa M. Hereford, 1804 Starratt Road, Jacksonville,
12 Florida 32226; (904) 651-3351.

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

19 **Section 5. Disclaimer.** The waiver of road frontage
20 granted herein shall **not** be construed as an exemption from any
21 other applicable local, state, or federal laws, regulations,
22 requirements, permits or approvals. All other applicable local,
23 state or federal permits or approvals shall be obtained before
24 commencement of the development or use and issuance of this waiver
25 of road frontage is based upon acknowledgement, representation and
26 confirmation made by the applicant(s), owner(s), developer(s)
27 and/or any authorized agent(s) or designee(s) that the subject
28 business, development and/or use will be operated in strict
29 compliance with all laws. Issuance of this waiver of road frontage
30 does **not** approve, promote or condone any practice or act that is
31 prohibited or restricted by any federal, state or local laws.

1 **Section 6. Effective Date.** The enactment of this
2 Ordinance shall be deemed to constitute a quasi-judicial action of
3 the City Council and shall become effective upon signature by the
4 Council President and Council Secretary. Failure to exercise the
5 waiver, if herein granted, by the commencement of the use or action
6 herein approved within one year of the effective date of this
7 legislation shall render this waiver invalid and all rights arising
8 therefrom shall terminate.

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10 Form Approved:

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12 /s/ Shannon K. Eller

13 Office of General Counsel

14 Legislation Prepared By: Bruce Lewis

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