

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-553**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-20-19, LOCATED
7 IN COUNCIL DISTRICT 14 AT 4596 PRUNTY AVENUE,
8 BETWEEN LAMBOLL AVENUE AND HAMILTON STREET
9 (R.E. NO. 065399-0000) AS DESCRIBED HEREIN,
10 OWNED BY FRANK ERWIN, REQUESTING TO REDUCE THE
11 MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 48
12 FEET TO 8.73 FEET IN ZONING DISTRICT
13 RESIDENTIAL LOW DENSITY-60 (RLD-60), AS
14 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
15 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED
16 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
17 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
18 EFFECTIVE DATE.

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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 Frank Erwin, the owner of property located in Council
23 District 14 at 4596 Prunty Avenue, between Lamboll Avenue and
24 Hamilton Street (R.E. No. 065399-0000) (Subject Property),
25 requesting to reduce the minimum road frontage from 48 feet to 8.73
26 feet in Zoning District Residential Low Density-60 (RLD-60); 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
31 held a public hearing and having duly considered both the

1 testimonial and documentary evidence presented at the public
2 hearing, has made its recommendation to the Council; and

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

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

21 **Section 1. Adoption of Findings and Conclusions.** The
22 Council has reviewed the record of proceedings and the Staff Report
23 of the Planning and Development Department and held a public
24 hearing concerning application for waiver of road frontage WRF-20-
25 19. Based upon the competent, substantial evidence contained in
26 the record, the Council hereby determines that the requested waiver
27 of road frontage meets the criteria for granting a waiver contained
28 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-20-19 is
29 hereby **approved**.

30 **Section 2. Owner and Description.** The Subject Property is
31 owned by Frank Erwin, and is legally described in **Exhibit 1**, dated

1 August 21, 2020, and graphically depicted in **Exhibit 2, attached**
2 **hereto.** The agent is Frank Erwin, 4228 Rosewood Avenue,
3 Jacksonville, Florida 32207; (843) 372-2977.

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

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

10 **Section 4. Disclaimer.** The waiver of road frontage

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

23 **Section 5. Effective Date.** The enactment of this

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

1 Form Approved:

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3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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