

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2020-576-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM  
6 ROAD FRONTAGE APPLICATION WRF-20-21, LOCATED IN  
7 COUNCIL DISTRICT 6 AT 0 HARDY DRIVE, BETWEEN  
8 LIVINGSTON ROAD AND WINDRIDGE COURT (R.E. NO.  
9 155767-0020) AS DESCRIBED HEREIN, OWNED BY  
10 JAVIER CASTRO AND MARINES CASTRO, REQUESTING TO  
11 REDUCE THE MINIMUM ROAD FRONTAGE REQUIREMENTS  
12 FROM 48 FEET TO 0 FEET IN ZONING DISTRICT  
13 RESIDENTIAL LOW DENSITY-60 (RLD-60), AS DEFINED  
14 AND 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.  
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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 Javier Castro and Marines Castro, the owners of property  
23 located in Council District 6 at 0 Hardy Drive, between Livingston  
24 Road and Windridge Court (R.E. No. 155767-0020) (Subject Property),  
25 requesting to reduce the minimum road frontage from 48 feet to 0  
26 feet in Zoning District Residential Low Density-60 (RLD-60); and

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

1 and documentary evidence presented at the public hearing, has made  
2 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 letter  
7 of the regulation; (2) the request is not based exclusively upon the  
8 desire to reduce the cost of developing the site or to circumvent  
9 the requirements of Chapter 654 (Code of Subdivision Regulations);  
10 (3) the proposed waiver will not substantially diminish property  
11 values in, nor alter the essential character of, the area surrounding  
12 the site and will not substantially interfere with or injure the  
13 rights of others whose property would be affected by the waiver; (4)  
14 there is a valid and effective easement for adequate vehicular access  
15 connected to a public street which is maintained by the City or an  
16 approved private street; and (5) the proposed waiver will not be  
17 detrimental to the public health, safety or welfare, result in  
18 additional expense, the creation of nuisances or conflict with any  
19 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 hearing  
24 concerning application for waiver of road frontage WRF-20-21. Based  
25 upon the competent, substantial evidence contained in the record,  
26 the Council hereby determines that the requested waiver of road  
27 frontage meets the criteria for granting a waiver contained in  
28 Chapter 656, *Ordinance Code*. Therefore, Application WRF-20-21 is  
29 hereby **approved**, subject to the following condition:

30 (1) The applicant shall provide a visible address for the  
31 Subject Property along Hardy Drive.

1           **Section 2.           Owner and Description.** The Subject Property is  
2 owned by Javier Castro and Marines Castro, and is legally described  
3 in **Exhibit 1**, dated September 2, 2020, and graphically depicted in  
4 **Exhibit 2, attached hereto.** A graphic depiction of the easement is  
5 **attached hereto** as **Exhibit 3.** The applicant is Javier Castro, 13504  
6 Citicards Way, Apartment 1202, Jacksonville, Florida 32258; (904)  
7 566-0366.

8           **Section 3.           Distribution       by       Legislative       Services.**  
9 Legislative Services is hereby directed to mail a copy of this  
10 legislation, as enacted, to the applicant and any other parties to  
11 this matter who testified before the Land Use and Zoning Committee  
12 or otherwise filed a qualifying written statement as defined in  
13 Section 656.140(c), *Ordinance Code.*

14           **Section 4.           Disclaimer.** The waiver of road frontage granted  
15 herein shall **not** be construed as an exemption from any other  
16 applicable local, state, or federal laws, regulations, requirements,  
17 permits or approvals. All other applicable local, state or federal  
18 permits or approvals shall be obtained before commencement of the  
19 development or use and issuance of this waiver of road frontage is  
20 based upon acknowledgement, representation and confirmation made by  
21 the applicant(s), owner(s), developer(s) and/or any authorized  
22 agent(s) or designee(s) that the subject business, development  
23 and/or use will be operated in strict compliance with all laws.  
24 Issuance of this waiver of road frontage does **not** approve, promote  
25 or condone any practice or act that is prohibited or restricted by  
26 any federal, state or local laws.

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

1 herein approved within one year of the effective date of this  
2 legislation shall render this waiver invalid and all rights arising  
3 therefrom shall terminate.

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5 Form Approved:

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7           /s/ Shannon K. Eller          

8 Office of General Counsel

9 Legislation Prepared By: Arimus Wells

10 GC-#1403222-v1-2020-576-E