

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2020-753-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM  
6 ROAD FRONTAGE APPLICATION WRF-20-29, LOCATED  
7 IN COUNCIL DISTRICT 9 AT 1310 PRIOLEOU STREET,  
8 BETWEEN 3<sup>RD</sup> STREET WEST AND 4<sup>TH</sup> STREET WEST  
9 (R.E. NO. 050919-0000) AS DESCRIBED HEREIN,  
10 OWNED BY HABITAT FOR HUMANITY OF JACKSONVILLE,  
11 INC., REQUESTING TO REDUCE THE MINIMUM ROAD  
12 FRONTAGE REQUIREMENTS FROM 40 FEET TO 30 FEET  
13 IN ZONING DISTRICT RESIDENTIAL MEDIUM DENSITY-  
14 A (RMD-A), AS DEFINED AND CLASSIFIED UNDER THE  
15 ZONING CODE; PROVIDING A DISCLAIMER THAT THE  
16 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED  
17 AS AN EXEMPTION FROM ANY OTHER APPLICABLE  
18 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 Habitat for Humanity of Jacksonville, Inc., the owner of  
23 property located in Council District 9 at 1310 Prioleou Street,  
24 between 3<sup>rd</sup> Street West and 4<sup>th</sup> Street West (R.E. No. 050919-0000)  
25 (Subject Property), requesting to reduce the minimum road frontage  
26 from 40 feet to 30 feet in Zoning District Residential Medium  
27 Density-A (RMD-A); and

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

31 **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 29. 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-20-29 is  
30 hereby **approved**.

31 **Section 2. Owner and Description.** The Subject Property is

1 owned by Habitat for Humanity of Jacksonville, Inc., and is legally  
2 described in **Exhibit 1**, dated October 29, 2020, and graphically  
3 depicted in **Exhibit 2, attached hereto**. The applicant is Scott  
4 Dittmer, 2404 Hubbard Street, Jacksonville, Florida 32206; (904)  
5 208-6664.

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

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

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

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

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

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

1 therefrom shall terminate.

2 Form Approved:

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4           /s/ Shannon K. Eller          

5 Office of General Counsel

6 Legislation Prepared By: Connor Corrigan

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