

1 Introduced by the Land Use and Zoning Committee:  
2  
3

4 **ORDINANCE 2023-713**

5 AN ORDINANCE APPROVING WAIVER OF MINIMUM  
6 REQUIRED ROAD FRONTAGE APPLICATION WRF-23-19,  
7 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 2 AT  
8 12751 SHIMS ROAD, BETWEEN SCARWIN LANE AND SAPP  
9 ROAD (R.E. NO. 106929-0110), AS DESCRIBED  
10 HEREIN, OWNED BY KERRY WILLIAM PENN, REQUESTING  
11 TO REDUCE THE MINIMUM ROAD FRONTAGE REQUIREMENTS  
12 FROM 80 FEET TO ZERO FEET IN ZONING DISTRICT  
13 RESIDENTIAL RURAL-ACRE (RR-ACRE), AS DEFINED AND  
14 CLASSIFIED UNDER THE ZONING CODE; PROVIDING FOR  
15 DISTRIBUTION; PROVIDING A DISCLAIMER THAT THE  
16 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS  
17 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
18 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 the owner of property located in Council District 2 at 12751  
23 Shims Road, between Scarwin Lane and Sapp Road (R.E. No. 106929-0110)  
24 (the "Subject Property"), requesting to reduce the minimum road  
25 frontage from 80 feet to zero feet in Zoning District Residential  
26 Rural-Acre (RR-Acre); 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 and  
4 all other evidence entered into the record and testimony taken at the  
5 public hearings, the Council finds that: (1) there are practical or  
6 economic difficulties in carrying out the strict letter of the  
7 regulation; (2) the request is not based exclusively upon the desire  
8 to reduce the cost of developing the site or to circumvent the  
9 requirements of Chapter 654 (Code of Subdivision Regulations); (3)  
10 the proposed waiver will not substantially diminish property values  
11 in, nor alter the essential character of, the area surrounding the  
12 site and will not substantially interfere with or injure the rights  
13 of others whose property would be affected by the waiver; (4) there  
14 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 Minimum Required Road Frontage  
25 WRF-23-19. Based upon the competent, substantial evidence contained  
26 in 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-23-19 is  
29 hereby approved.

30       **Section 2. Owner and Description.** The Subject Property is  
31 owned by Kerry William Penn and is legally described in **Exhibit 1**,

1 dated August 24, 2023, and graphically depicted in **Exhibit 2**, both  
2 of which are attached hereto. A graphic depiction of the easement  
3 is attached hereto as **Exhibit 3**. The applicant is Kerry William  
4 Penn, 12751 Shims Road, Jacksonville, Florida 32226; (904) 704-9684.

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

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

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

24 **Section 5. Effective Date.** The enactment of this Ordinance  
25 shall be deemed to constitute a quasi-judicial action of the City  
26 Council and shall become effective upon signature by the Council  
27 President and Council Secretary. Failure to exercise the waiver, if  
28 herein granted, by the commencement of the use or action herein  
29 approved within one (1) year of the effective date of this legislation  
30 shall render this waiver invalid and all rights arising therefrom  
31 shall terminate.

1

2 Form Approved:

3

4           /s/  Mary E. Staffopoulos          

5 Office of General Counsel

6 Legislation Prepared By:  Kaysie Cox

7 GC-#1591901-v1-2023-713\_(WRF-23-19).docx