

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-241**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-24-01 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 5 AT 6133 SAN JOSE BOULEVARD, BETWEEN FURMAN
8 ROAD AND CAMELLIA OAKS LANE (R.E. NO.
9 149786-0100), AS DESCRIBED HEREIN, OWNED BY
10 LAKEWOOD CHURCH OF JACKSONVILLE, INC.,
11 REQUESTING TO: (1) REDUCE THE MINIMUM SETBACK
12 FROM TEN FEET TO NINE FEET, (2) INCREASE THE
13 NUMBER OF SIGNS FROM ONE TO TWO, AND (3) ALLOW
14 FOR INTERNAL ILLUMINATION OF SIGNS, IN ZONING
15 DISTRICTS COMMERCIAL, RESIDENTIAL AND OFFICE
16 (CRO) AND RESIDENTIAL LOW DENISTY-60 (RLD-60),
17 AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
18 PROVIDING FOR NOTICE; PROVIDING A DISCLAIMER
19 THAT THE WAIVER GRANTED HEREIN SHALL NOT BE
20 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
21 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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23 **WHEREAS,** an application for a waiver of requirements for signs,
24 **On File** with the City Council Legislative Services Division, was
25 filed by Brandon Walker of Walker Signs, Inc., on behalf of the owner
26 of property located in Council District 5 at 6133 San Jose Boulevard,
27 between Furman Road and Camellia Oaks Lane (R.E. No. 149786-0100)
28 (the "Subject Property"), requesting to: (1) reduce the minimum
29 setback from ten feet to nine feet, (2) increase the number of signs
30 from one to two, and (3) allow for internal illumination of signs,
31 in Zoning Districts Commercial, Residential and Office (CRO) and

1 Residential Low Density-60 (RLD-60); and

2 **WHEREAS**, the Planning and Development Department has
3 considered the application and all attachments thereto and has
4 rendered an advisory recommendation (the "Staff Report"); and

5 **WHEREAS**, the Land Use and Zoning Committee, after due notice
6 held a public hearing and having duly considered both the testimonial
7 and documentary evidence presented at the public hearing, has made
8 its recommendation to the Council; and

9 **WHEREAS**, taking into consideration the above recommendations
10 and all other evidence entered into the record and testimony taken
11 at the public hearings, the Council has considered the criteria for
12 sign waivers pursuant to Section 656.113(c), *Ordinance Code*, and
13 finds that the request is in harmony with the spirit and intent of
14 the Zoning Code and should be approved; now therefore

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

16 **Section 1. Sign Waiver Approved.** The Council has
17 considered the sign waiver criteria pursuant to Section 656.133(c),
18 *Ordinance Code*, the recommendation of the Land Use and Zoning
19 Committee, and has reviewed the Staff Report of the Planning and
20 Development Department concerning sign waiver Application SW-24-01
21 and finds that the waiver is in harmony with the spirit and intent
22 of the Zoning Code, considering the following criteria, as applicable:

23 (1) The effect of the sign waiver is compatible with the
24 existing contiguous signage or zoning and consistent with the general
25 character of the area considering population, density, scale and
26 orientation of the structures in the area;

27 (2) The result will not detract from the specific intent of
28 the Zoning Code by promoting the continued existence of nonconforming
29 signs that exist in the vicinity;

30 (3) The effect of the proposed waiver will not diminish
31 property values in, or negatively alter the aesthetic character of

1 the area surrounding the site, and will not substantially interfere
2 with or injure the rights of others whose property would be affected
3 by the same;

4 (4) The proposed waiver will not have a detrimental effect on
5 vehicular or pedestrian traffic or parking conditions, or result in
6 the creation of objectionable or excessive light, glare, shadows, or
7 other effects, taking into account existing uses and zoning in the
8 vicinity;

9 (5) The proposed waiver will not be detrimental to the public
10 health, safety or welfare, and will not result in additional public
11 expense, creation of nuisances, or cause conflict with any other
12 applicable law;

13 (6) The Subject Property exhibits specific physical
14 limitations or characteristics which are unique to the site and which
15 would make imposition of the strict letter of the regulation unduly
16 burdensome;

17 (7) The request is not based exclusively upon a desire to
18 reduce the costs associated with compliance and is the minimum
19 necessary to obtain a reasonable communication of one's message;

20 (8) If the request is the result of a violation that has existed
21 for a considerable length of time without receiving a citation,
22 whether the violation that exists is a result of construction that
23 occurred prior to the owner's acquisition of the Subject Property,
24 and not as a direct result of the actions of the current owner;

25 (9) The request accomplishes a compelling public interest, such
26 as, for example, furthering the preservation of natural resources by
27 saving a tree or trees; and

28 (10) Strict compliance with the regulation will create a
29 substantial financial burden when considering cost of compliance.

30 Therefore, Sign Waiver Application SW-24-01, is hereby approved.

31 **Section 2. Owner, Property and Sign Description.** The

1 Subject Property is owned by Lakewood Church of Jacksonville, Inc.,
2 and is legally described in **Exhibit 1**, attached hereto, dated June
3 30, 2021, and graphically depicted in **Exhibit 2**, attached hereto. A
4 graphic depiction of the sign is attached hereto as **Exhibit 3**. The
5 applicant is Brandon Walker, Walker Signs, Inc., 3099 Apalachicola
6 Boulevard, Suite 3, Middleburg, Florida 32068; (904) 885-6517.

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

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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