

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2020-137-E**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION  
6 SW-20-02 FOR A SIGN LOCATED IN COUNCIL  
7 DISTRICT 6 AT 12311 SAN JOSE BOULEVARD,  
8 BETWEEN MARBON ROAD AND MARBON ESTATES LANE  
9 EAST (R.E. NO. 158180-0000) AS DESCRIBED  
10 HEREIN, OWNED BY DR. VICKIE A. PRINCE,  
11 REQUESTING TO INCREASE THE MAXIMUM SIZE OF A  
12 SIGN FROM 32 SQUARE FEET TO 40 SQUARE FEET IN  
13 ZONING DISTRICT COMMERCIAL OFFICE (CO), 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 requirements for  
21 signs, **On File** with the City Council Legislative Services Division,  
22 was filed by Dr. Vickie A. Prince, the owner of property located in  
23 Council District 6 at 12311 San Jose Boulevard, between Marbon Road  
24 and Marbon Estates Lane East (R.E. No. 158180-0000) (Subject  
25 Property), requesting to increase the maximum size of a sign from  
26 32 square feet to 40 square feet in Zoning District Commercial  
27 Office (CO); and

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

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

5           **WHEREAS**, taking into consideration the above recommendations  
6 and all other evidence entered into the record and testimony taken  
7 at the public hearings, the Council has considered the criteria for  
8 sign waivers pursuant to Sec. 656.133(c), *Ordinance Code*, and finds  
9 that the request is in harmony with the spirit and intent of the  
10 Zoning Code and should be approved; now, therefore

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

12           **Section 1.**       The Council has considered the sign waiver  
13 criteria pursuant to Sec. 656.133(c), *Ordinance Code*, the  
14 recommendation of the Land Use and Zoning Committee, and has  
15 reviewed the Staff Report of the Planning and Development  
16 Department concerning sign waiver Application SW-20-02 and finds  
17 that the waiver is in harmony with the spirit and intent of the  
18 Zoning Code, considering the following criteria, as applicable:

19           (1) The effect of the sign waiver is compatible with the  
20 existing contiguous signage or zoning and consistent with the  
21 general character of the area considering population, density,  
22 scale, and orientation of the structures in the area;

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

26           (3) The effect of the proposed waiver will not diminish  
27 property values in, or negatively alter the aesthetic character of  
28 the area surrounding the site, and will not substantially interfere  
29 with or injure the rights of others whose property would be  
30 affected by the same;

31           (4) The waiver will not have a detrimental effect on vehicular

1 or pedestrian traffic or parking conditions, or result in the  
2 creation of objectionable or excessive light, glare, shadows, or  
3 other effects, taking into account existing uses and zoning in the  
4 vicinity;

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

9 (6) The Subject Property exhibits specific physical  
10 limitations or characteristics which are unique to the site and  
11 which would make imposition of the strict letter of the regulation  
12 unduly burdensome;

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

16 (8) If the request is the result of a violation that has  
17 existed for a considerable length of time without receiving a  
18 citation, whether the violation that exists is a result of  
19 construction that occurred prior to the applicant's acquisition of  
20 the property, and not as a direct result of the actions of the  
21 current owner;

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

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

27 Therefore, sign waiver Application SW-20-02 is hereby  
28 **approved.**

29 **Section 2. Owner, Property and Sign Description.** The  
30 Subject Property is owned by Dr. Vickie A. Prince, and is legally  
31 described in **Exhibit 1, attached hereto**, dated February 12, 2020,

1 and graphically depicted in **Exhibit 2, attached hereto**. A graphic  
2 depiction of the sign is **attached hereto** as **Exhibit 3**. The agent  
3 is Matthew Chmura, 3202 River Road, Green Cove Springs, Florida  
4 32259; (904) 392-9841.

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

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

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Form Approved:

/s/ Shannon K. Eller

Office of General Counsel

Legislation Prepared By: Bruce Lewis

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