

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2022-712-W**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION  
6 SW-22-07 FOR A SIGN LOCATED IN COUNCIL DISTRICT  
7 12 AT 1050 U.S. HIGHWAY 301 SOUTH, BETWEEN  
8 INTERSTATE-10 AND DEEP CREEK ROAD (R.E. NO.  
9 000959-0100), AS DESCRIBED HEREIN, OWNED BY  
10 PILOT TRAVEL CENTERS LLC, AS SUCCESSOR BY MERGER  
11 TO SSA DELAWARE LLC, REQUESTING TO REDUCE THE  
12 MINIMUM SETBACK OF A SIGN FROM 10 FEET TO 5 FEET  
13 IN ZONING DISTRICT COMMERCIAL  
14 COMMUNITY/GENERAL-2 (CCG-2), AS DEFINED AND  
15 CLASSIFIED UNDER THE ZONING CODE; PROVIDING FOR  
16 NOTICE; PROVIDING A DISCLAIMER THAT THE WAIVER  
17 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
18 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
19 PROVIDING AN EFFECTIVE DATE.  
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21 **WHEREAS**, an application for a waiver of requirements for signs,  
22 **On File** with the City Council Legislative Services Division, was  
23 filed by Stephen Kemp of Kemp Signs & Service Inc., on behalf of the  
24 owner of property located in Council District 12 at 1050 U.S. Highway  
25 301 South, between Interstate-10 and Deep Creek Road (R.E. No. 000959-  
26 0100) (the "Subject Property"), requesting to reduce the minimum  
27 setback of a sign from 10 feet to 5 feet in Zoning District Commercial  
28 Community/General-2 (CCG-2); and

29 **WHEREAS**, the Planning and Development Department has considered  
30 the application and all attachments thereto and has rendered an  
31 advisory recommendation (the "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 testimonial  
3 and documentary evidence presented at the public hearing, has made  
4 its recommendation to the Council; and

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

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

12           **Section 1.           Sign Waiver Approved.** The Council has considered  
13 the sign waiver criteria pursuant to Sec. 656.133(c), *Ordinance Code*,  
14 the recommendation of the Land Use and Zoning Committee, and has  
15 reviewed the Staff Report of the Planning and Development Department  
16 concerning sign waiver Application SW-22-07 and finds that the waiver  
17 is in harmony with the spirit and intent of the Zoning Code,  
18 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 general  
21 character of the area considering population, density, scale and  
22 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 nonconforming  
25 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 affected  
30 by the same;

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

1 vehicular or pedestrian traffic or parking conditions, or result in  
2 the 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 which  
11 would make imposition of the strict letter of the regulation unduly  
12 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 existed  
17 for a considerable length of time without receiving a citation,  
18 whether the violation that exists is a result of construction that  
19 occurred prior to the owner's acquisition of the Subject Property,  
20 and not as a direct result of the actions of the current owner;

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

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

26 Therefore, Sign Waiver Application SW-22-07, is hereby approved.

27 **Section 2. Owner, Property and Sign Description.** The  
28 Subject Property is owned by Pilot Travel Centers LLC, as successor  
29 by merger to SSA Delaware LLC, and is legally described in **Exhibit**  
30 **1**, attached hereto, dated July 19, 2022, and graphically depicted in  
31 **Exhibit 2**, attached hereto. A graphic depiction of the sign is

1 attached hereto as **Exhibit 3**. The applicant is Steven Kemp of Kemp  
2 Signs & Service Inc., 1740 Hill Avenue, West Palm Beach, Florida  
3 33407; (561) 840-6382.

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

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

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