

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-834**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-24-08 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 5 AT 1833 ATLANTIC BOULEVARD, BETWEEN PERRY
8 PLACE AND FARRAGUT PLACE (R.E. NO(S). 081602-
9 0000), AS DESCRIBED HEREIN, OWNED BY JND
10 HOLDINGS, LLC, REQUESTING TO REDUCE THE MINIMUM
11 SETBACK FROM TEN FEET TO ONE FOOT IN ZONING
12 DISTRICT COMMERCIAL RESIDENTIAL AND OFFICE
13 (CRO), AS DEFINED AND CLASSIFIED UNDER THE
14 ZONING CODE; PROVIDING FOR NOTICE; PROVIDING AN
15 EFFECTIVE DATE.
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17 **WHEREAS,** an application for a waiver of requirements for signs,
18 **On File** with the City Council Legislative Services Division, was
19 filed by Ken Adams on behalf of the owner of property located in
20 Council District 5 at 1833 Atlantic Boulevard, between Perry Place
21 and Farragut Place (R.E. No(s). 081602-0000) (the "Subject
22 Property"), requesting to reduce the minimum setback from ten feet
23 to one foot in Zoning District Commercial Residential and Office
24 (CRO); and

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

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

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

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

8 **Section 1. Sign Waiver Approved.** The Council has
9 considered the sign waiver criteria pursuant to Sec. 656.133(c),
10 *Ordinance Code*, the recommendation of the Land Use and Zoning
11 Committee, and has reviewed the Staff Report of the Planning and
12 Development Department concerning Sign Waiver Application SW-24-08
13 and finds that the waiver is in harmony with the spirit and intent
14 of the Zoning Code, considering the following criteria, as applicable:

15 (1) The effect of the sign waiver is compatible with the
16 existing contiguous signage or zoning and consistent with the general
17 character of the area considering population, density, scale and
18 orientation of the structures in the area;

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

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

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

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

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

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

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

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

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

22 Therefore, Sign Waiver Application SW-24-08, is hereby approved.

23 **Section 2. Owner, Property and Sign Description.** The
24 Subject Property is owned by JND Holdings, LLC, and is legally
25 described in **Exhibit 1**, attached hereto, dated September 25, 2024,
26 and graphically depicted in **Exhibit 2**, attached hereto. A graphic
27 depiction of the sign is attached hereto as **Exhibit 3**. The applicant
28 is Ken Adams, 13500 Sutton Park Drive South, Suite 101, Jacksonville,
29 Florida 32224; (904) 813-0874.

30 **Section 3. Notice.** Legislative Services is hereby directed
31 to mail a copy of this legislation, as enacted, to the applicant and

1 any other parties to this matter who testified before the Land Use
2 and Zoning Committee or otherwise filed a qualifying written statement
3 as defined in Sec. 656.140(c), *Ordinance Code*.

4 **Section 4. Effective Date.** The enactment of this Ordinance
5 shall be deemed to constitute a quasi-judicial action of the City
6 Council and shall become effective upon signature by the Council
7 President and Council Secretary. Failure to exercise the waiver, if
8 herein granted, by the commencement of the use or action herein
9 approved within one (1) year of the effective date of this Ordinance
10 shall render this waiver invalid and all rights arising therefrom
11 shall terminate.

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14 Form Approved:

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16 /s/ Dylan Reingold

17 Office of General Counsel

18 Legislation Prepared By: Stephen Nagbe

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