

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-133**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-23-01 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 5 AT 6140 SAN JOSE BOULEVARD, BETWEEN CADDELL
8 DRIVE AND TIFFIN LANE (R.E. NO. 100451-0010), AS
9 DESCRIBED HEREIN, OWNED BY SAN JOSE BAPTIST
10 CHURCH, INC., REQUESTING TO INCREASE THE NUMBER
11 OF SIGNS FROM ONE TO TWO, TO ALLOW OR CHANGE
12 ILLUMINATION FROM EXTERNAL TO INTERNAL, AND TO
13 REDUCE THE MINIMUM SETBACK FROM TEN FEET TO FIVE
14 FEET, IN ZONING DISTRICT COMMERCIAL, RESIDENTIAL
15 AND OFFICE (CRO), AS DEFINED AND CLASSIFIED
16 UNDER THE ZONING CODE; PROVIDING FOR NOTICE;
17 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED
18 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
19 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
20 EFFECTIVE DATE.
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22 **WHEREAS**, an application for a waiver of requirements for signs,
23 **On File** with the City Council Legislative Services Division, was
24 filed by Brandon Walker, Walker Signs, Inc., on behalf of the owner
25 of property located in Council District 5 at 6140 San Jose Boulevard,
26 between Caddell Drive and Tiffin Lane (R.E. No. 100451-0010) (the
27 "Subject Property"), requesting to increase the number of signs from
28 one to two, to allow or change illumination from external to internal,
29 and to reduce the minimum setback from ten feet to five feet in Zoning
30 District Commercial, Residential and Office (CRO); and

31 **WHEREAS**, the Planning and Development Department has considered

1 the application and all attachments thereto and has rendered an
2 advisory recommendation (the "Staff Report"); and

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

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

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

14 **Section 1. Sign Waiver Approved.** The Council has considered
15 the sign waiver criteria pursuant to Sec. 656.133(c), *Ordinance Code*,
16 the recommendation of the Land Use and Zoning Committee, and has
17 reviewed the Staff Report of the Planning and Development Department
18 concerning sign waiver Application SW-23-01 and finds that the waiver
19 is in harmony with the spirit and intent of the Zoning Code,
20 considering the following criteria, as applicable:

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

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

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

1 by the same;

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

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

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

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

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

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

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

28 Therefore, Sign Waiver Application SW-23-01, is hereby approved.

29 **Section 2. Owner, Property and Sign Description.** The
30 Subject Property is owned by San Jose Baptist Church, Inc. and is
31 legally described in **Exhibit 1**, attached hereto, dated January 3,

1 2022, and graphically depicted in **Exhibit 2**, attached hereto. A
2 graphic depiction of the sign is attached hereto as **Exhibit 3**. The
3 applicant is Brandon Walker, Walker Signs, Inc., 3099 Apalachicola
4 Boulevard, Suite 3, Middleburg, Florida 32068; (904) 885-6517.

5 **Section 3. Notice.** Legislative Services is hereby directed
6 to 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 statement
9 as defined in Sec. 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 or
13 approvals. All other applicable local, state or federal permits or
14 approvals shall be obtained before commencement of the development
15 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 will
19 be operated in strict compliance with all laws. Issuance of this sign
20 waiver does not approve, promote or condone any practice or act that
21 is prohibited or restricted by any federal, state or local laws.

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Jacquelyn Williams

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