

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-369-E**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION  
6 SW-23-06 FOR A SIGN LOCATED IN COUNCIL DISTRICT  
7 14 AT 2063 OAK STREET, BETWEEN GOODWIN STREET  
8 AND OAK STREET (R.E. NO. 090689-0000), AS  
9 DESCRIBED HEREIN, OWNED BY OHTULK, LLC,  
10 REQUESTING TO REDUCE THE MINIMUM SETBACK FROM 25  
11 FEET TO 2 FEET AND 10 FEET TO 2 FEET IN ZONING  
12 DISTRICT COMMERCIAL, RESIDENTIAL AND OFFICE  
13 (CRO), AS DEFINED AND CLASSIFIED UNDER THE  
14 ZONING CODE; PROVIDING FOR NOTICE; PROVIDING A  
15 DISCLAIMER THAT THE WAIVER GRANTED HEREIN SHALL  
16 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
17 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.  
18

19 **WHEREAS**, an application for a waiver of requirements for signs,  
20 **On File** with the City Council Legislative Services Division, was  
21 filed by Ohtulk, LLC, the owner of property located in Council  
22 District 14 at 2063 Oak Street, between Goodwin Street and Oak Street  
23 (R.E. No. 090689-0000) (the "Subject Property"), requesting to reduce  
24 the minimum setback from 25 feet to 2 feet and 10 feet to 2 feet in  
25 Zoning District Commercial, Residential and Office (CRO); and

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

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

1 its recommendation to the Council; and

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

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

9       **Section 1. Sign Waiver Approved.** The Council has considered  
10 the sign waiver criteria pursuant to Section 656.133(c), *Ordinance*  
11 *Code*, the recommendation of the Land Use and Zoning Committee, and  
12 has reviewed the Staff Report of the Planning and Development  
13 Department concerning sign waiver Application SW-23-06 and finds that  
14 the waiver is in harmony with the spirit and intent of the Zoning  
15 Code, considering the following criteria, as applicable:

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

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

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

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

1 vicinity;

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

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

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

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

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

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

23 Therefore, Sign Waiver Application SW-23-06, is hereby approved.

24 **Section 2. Owner, Property and Sign Description.** The  
25 Subject Property is owned by Ohtulk, LLC, and is legally described  
26 in **Exhibit 1**, attached hereto, dated April 12, 2023, and graphically  
27 depicted in **Exhibit 2**, attached hereto. A graphic depiction of the  
28 sign is attached hereto as **Exhibit 3**. The applicant is John Allmand,  
29 2063 Oak Street, Jacksonville, Florida 32204; (904) 537-3992.

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 Section 656.140(c), *Ordinance Code*.

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

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

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25 Form Approved:

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27           /s/ Shannon K. Eller          

28 Office of General Counsel

29 Legislation Prepared By: Bruce Lewis

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