

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-667-E**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-23-07 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 8 AT 1566 DUNN AVENUE, BETWEEN DUNN AVENUE AND
8 LEONID ROAD (R.E. NO. 044211-0025), AS DESCRIBED
9 HEREIN, OWNED BY WILLIAM A. WATSON, JR., TRUSTEE
10 OF THE REVOCABLE LIVING TRUST OF WILLIAM A.
11 WATSON, JR. DATED OCTOBER 3, 1979, REQUESTING TO
12 REDUCE THE MINIMUM SETBACK BETWEEN SIGNS FROM
13 200 FEET TO 160 FEET AND TO REDUCE THE MINIMUM
14 SETBACK FROM THE RIGHT-OF-WAY FROM TEN FEET TO
15 TWO FEET, IN ZONING DISTRICT COMMERCIAL
16 COMMUNITY/GENERAL-1 (CCG-1), AS DEFINED AND
17 CLASSIFIED UNDER THE ZONING CODE; PROVIDING FOR
18 NOTICE; PROVIDING A DISCLAIMER THAT THE WAIVER
19 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
20 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
21 PROVIDING AN EFFECTIVE DATE.
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23 **WHEREAS**, an application for a waiver of requirements for signs,
24 **On File** with the City Council Legislative Services Division, was
25 filed by Michael Herzberg on behalf of the owner of property located
26 in Council District 8 at 1566 Dunn Avenue, between Dunn Avenue and
27 Leonid Road (R.E. No. 044211-0025) (the "Subject Property"),
28 requesting to reduce the minimum setback between signs from 200 feet
29 to 160 feet and reduce the minimum setback from the right-of-way from
30 ten feet to two feet in Zoning District Commercial Community/General-
31 1 (CCG-1); and

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

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

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

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

15 **Section 1. Sign Waiver Approved.** The Council has considered
16 the sign waiver criteria pursuant to Section 656.133(c), *Ordinance*
17 *Code*, the recommendation of the Land Use and Zoning Committee, and
18 has reviewed the Staff Report of the Planning and Development
19 Department concerning sign waiver Application SW-23-07 and finds that
20 the waiver is in harmony with the spirit and intent of the Zoning
21 Code, considering the following criteria, as applicable:

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

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

29 (3) The effect of the proposed waiver will not diminish
30 property values in, or negatively alter the aesthetic character of
31 the area surrounding the site, and will not substantially interfere

1 with or injure the rights of others whose property would be affected
2 by the same;

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

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

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

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

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

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

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

29 Therefore, Sign Waiver Application SW-23-07, is hereby approved.

30 **Section 2. Owner, Property and Sign Description.** The
31 Subject Property is owned by William A. Watson, Jr., Trustee of the

1 Revocable Living Trust of William A. Watson, Jr. dated October 3,
2 1979, and is legally described in **Exhibit 1**, attached hereto, dated
3 June 30, 2021, and graphically depicted in **Exhibit 2**, attached hereto.
4 A graphic depiction of the sign is attached hereto as **Exhibit 3**. The
5 applicant is Michael Herzberg, 12483 Aladdin Road, Jacksonville,
6 Florida 32223; (904) 673-6336.

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

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

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

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2 Form Approved:

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4 /s/ Mary E. Staffopoulos

5 Office of General Counsel

6 Legislation Prepared By: Bruce Lewis

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