# REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

# <u>APPLICATION FOR SIGN WAIVER SW-23-02 (ORDINANCE 2023-0131)</u>

### **APRIL 18, 2023**

Location: 3500 Zoo Parkway

Real Estate Number: 108828-0310

Waiver Sought: Reduce sign setback from 10 feet to 0 feet

Current Zoning District: Industrial Water (IW)

Current Land Use Category: Water Dependent/Water Related (WD/WR)

Planning District: North, District 6

Applicant /Owner: Kelsey Cox, PE

Jacksonville Port Authority

2831 Talleyrand Ave

Jacksonville Florida 32226

Staff Recommendation: APPROVE

### GENERAL INFORMATION

Application for Sign Waiver Ordinance 2023-0131 (SW-23-02) seeks to permit a reduction in the required minimum setback from the property line abutting Zoo Parkway for an existing pylon sign from 10 feet to 0 feet. The 0.9 acre property is located at the corner of Zoo Parkway and August Drive. A restaurant was originally constructed in 1986 and is now vacant. JaxPort intends to construct a new (10 ft. x 12 ft.) sign identifying the cruise ship terminal.

### **NOTICE TO OWNER / AGENT**

Section 656.1310, Ordinance Code, sets forth procedures and criteria for evaluating waivers of the Part 13 sign regulations. Section 656.1310 of the Ordinance Code defines a sign as "a painting, structure or device which is placed, erected, or constructed or maintained on or in the ground, or on or outside of an enclosed building or other object or structure or affixed or painted on or inside an exterior window of a building for the purpose of displaying information, advertisement or attraction of the attention of persons, including posters, pictures, pictorial or reading matter and a letter, word, model, device or representation used in the nature of an advertisement, announcement, attraction or direction".

### STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.1310(a)(i) through (x), Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the Planning Commission shall grant a waiver only if substantial competent evidence exists to support a positive finding based on each of the following criteria as applicable:

(i) Will the effect of the sign waiver be compatible with the existing contiguous signage or zoning and consistent with the general character of the area considering population, density, scale, and orientation of the structures in the area?

Yes. The effect of the sign waiver will be compatible with the existing contiguous zoning and general character of the area. There are few signs along this section of Zoo Parkway. The existing signs are generally low in height. The request for a setback reduction would not create signage out of character for the general area.

(ii) Would the result detract from the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs that exist in the vicinity?

No. The intent of the zoning ordinance is to have signage that does not interfere with visibility, but promotes signage that is consistent with that found in the surrounding area. The owner is removing the existing sign and replacing it with a more aesthetically pleasing design. Given the location of the sign in relationship to the established developed pattern of the area, Staff has determined that the requested reduction in setback distance does not detract from the specific intent of the zoning ordinance as it relates to compatibility.

(iii) Could the effect of the proposed waiver diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, and could such waiver substantially interfere with or injure the rights of others whose property would be affected by the same?

No. The effect of the proposed sign waiver is unlikely to diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, in that the signs are already existing.

(iv) Would the waiver have a detrimental effect on vehicular traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows or other effects, taking into account existing uses and zoning in the vicinity?

No. The waiver is unlikely to have a detrimental effect on vehicular traffic or parking conditions as it has been existing for several years with no issues. Zoo Parkway is a divided roadway. The proposed sign location will not create a visual impairment to vehicles entering or exiting the road. It is also unlikely to create objectionable light, glare or other effects to what already exists in the area.

(v) Is the proposed waiver detrimental to the public health, safety or welfare, or could such waiver result in additional public expense, creation of nuisances, or cause conflict with any other applicable law?

No. The proposed waiver is unlikely to be detrimental to the public health, safety, or welfare.

(vi) Does the subject property exhibit specific physical limitations or characteristics, which could be unique to the site and which would make imposition of the strict letter of the regulation unduly burdensome?

Yes. The subject property does exhibit specific physical limitations that limit the setback of the sign location from the road. The sign is located near the eastern corner of the property along Zoo Parkway and the property is covered almost 100% in concrete or building structures and does not provide enough room for the property to meet the minimum 10 feet. Additionally, due to the expansion of Zoo Parkway and the taking of property by the city for the Right-of-Way has severally limited the properties ability to move the sign in order to meet the minimum requirements.

(vii) Is the request based exclusively upon a desire to reduce the costs associated with compliance and is the request the minimum necessary to obtain a reasonable communication of one's message?

No. The request is not based on a desire to reduce the costs associated with compliance.

(viii) Is the request the result of violation that has existed for a considerable length of time without receiving a citation and if so, is the violation that exists a result of construction that occurred prior to the applicants acquiring the property, not being a direct result of the actions of the current owner?

No. The request is not the result of any cited violations. A sign identifying the cruise terminal has been on the property for several years.

(ix) Does the request accomplish a compelling public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees?

Yes. The request will further the public interest as it recognizes the original sign location as well as assures that the safety and interests of the public and the property owner are protected. Granting the waiver allows the owner to continue using the sign in its original location and applicant will not make any changes to the sign.

(x) Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?

Yes. While the goal of the Zoning Code is not to promote the continued existence of nonconforming signs, maintaining a sign in the specified location significantly outweigh

the benefits of complying with the strict letter. A substantial burden would be imposed in order to relocate the sign within the required setbacks.

### **SUPPLEMENTARY INFORMATION**

The applicant provided documentation and photo proof to the Planning and Development Department on **April 10, 2023** that the Notice of Public Hearing signs **were** posted.

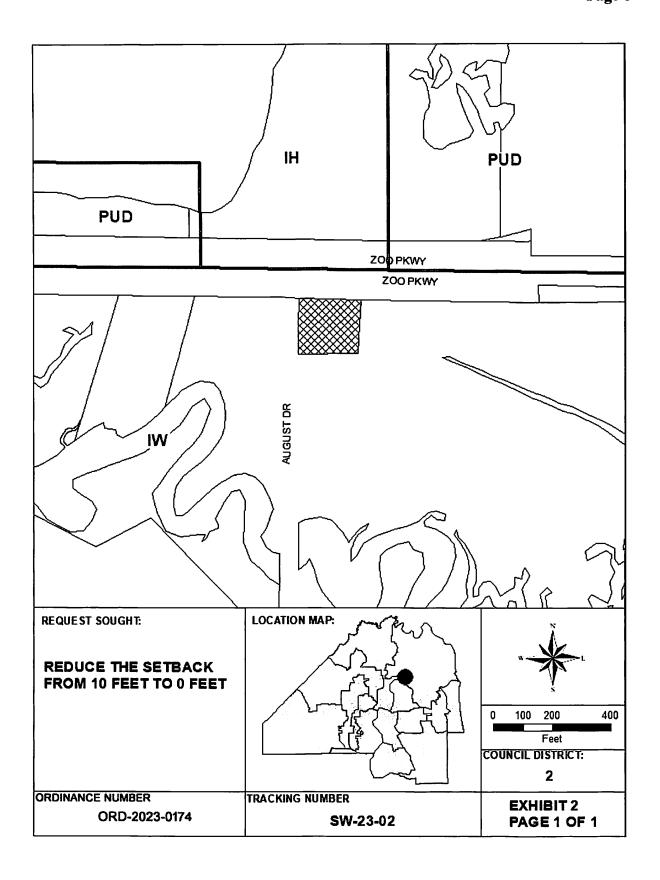


## **RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver SW-23-02 (Ordinance 2023-0131) be APPROVED.



Aerial view of subject property



	Date Submitted: 12/29/22
Date Filed: 2/0/23	Date Filed: 2/10/23

Application Number:	3	_	0	2_
Public Hearing:				

# **Application for Sign Waiver**

City of Jacksonville, Florida **Planning and Development Department** 

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865

Development Department at (504) 255 7005.				
For Official Use Only				
Current Zoning District:   W	Current Land Use Category: WD/WR			
Council District: 2	Planning District: 6			
Previous Zoning Applications Filed (provide applications)	cion numbers): none found			
Applicable Section of Ordinance Code: 656.1				
Notice of Violation(s): none found				
Neighborhood Associations: Heckscher DR Community Chub.				
Overlay: none				
LUZ Public Hearing Date:	City Council Public Hearing Date:			
Number of Signs to Post: 2 Amount of Fe	Zoning Asst. Initials: OR			
PROPERTY INFORMATION				
1. Complete Property Address:	2. Real Estate Number:			
· · · · ·				
3500 Zoo Parkway, Jacksonville, FL 32226				
3. Land Area (Acres):	4. Date Lot was Recorded:			
+- 0.92 Acres	July 30, 2021			
5. Property Located Between Streets:	6. Utility Services Provider:			
August Dr.	City Water / City Sewer			
New Berlin Rd	Well / Septic			

7. Waiver Sought:				
Increase maximum height of sign from to feet (maximum request 20% or 5 ft. in				
height, whichever is less). *Note – Per Section 656.1310, no waiver shall be granted which would permit a				
sign in excess of 40 feet in height in any zoning district.				
Increase maximum size of sign from sq. ft. to sq. ft. (maximum request 25% or				
10 sq. ft., whichever is less)				
Increase number of signs from to (not to exceed maximum square feet allowed)				
Allow for illumination or change from external to internal lighting				
Reduce minimum setback from $\frac{10}{10}$ feet to $\frac{0}{10}$ feet (less than 1 ft. may be granted				
administratively)				
8. In whose name will the Waiver be granted? Jacksonville Port Authority				
9. Is transferability requested? If approved, the waiver is transferred with the property.				
Yes				
No 🔽				
OWNER'S INFORMATION (please attach separa	te sheet if more than one owner)			
10. Name:	11. E-mail:			
Jacksonville Port Authority	kelsey.cox@jaxport.com			
12. Address (including city, state, zip):	13. Preferred Telephone:			
2831 Talleyrand Ave	904-357-3082			
Jacksonville, FL 32206	904-524-7442			
APPLICANT'S INFORMATION (if different from	nwner)			
14. Name:	15. E-mail:			
Kelsey Cox	kelsey.cox@jaxport.com			
16. Address (including city, state, zip):	17. Preferred Telephone:			
2831 Talleyrand Ave Jacksonville, FL 32226	904-357-3082			

#### **CRITERIA**

Section 656.1310, Ordinance Code, sets forth procedures and criteria for evaluating waivers of the Part 13 sign regulations. Section 656.1302 of the Ordinance Code defines a sign as "a painting, structure, projected image or device which is placed, erected, constructed or maintained on or in the ground or water, or on or outside of an enclosed building, boat, ship, vessel or other object or structure or affixed or painted on or inside an exterior window of a building for the purpose of display, information, advertisement or attraction of the attention of persons, including posters, pictures, pictorial or reading matter and a letter, word, model, device or representation used in the nature of an advertisement, announcement, attraction or direction."

Section 656.133(c)1 through 10, Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the City Council shall grant a waiver only if substantial competent evidence exists to support a positive finding based on each of the following criteria as applicable:

- Will the effect of the sign waiver be compatible with the existing contiguous signage or zoning and consistent with the general character of the area considering population, density, scale, and orientation of the structures in the area?
- 2. Would the result detract from the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs that exist in the vicinity?
- 3. Could the effect of the proposed waiver diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, and could such waiver substantially interfere with or injure the rights of others whose property would be affected by the same?
- 4. Would the waiver have a detrimental effect on vehicular traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows or other effects, taking into account existing uses and zoning in the vicinity?
- 5. Is the proposed waiver detrimental to the public health, safety or welfare, or could such waiver result in additional public expense, creation of nuisances, or cause conflict with any other applicable law?
- 6. Does the subject property exhibit specific physical limitations or characteristics, which would be unique to the site and which would make imposition of the strict letter of the regulation unduly burdensome?
- 7. Is the request based exclusively upon a desire to reduce the costs associated with compliance and is the request the minimum necessary to obtain a reasonable communication of one's message?
- 8. Is the request the result of a violation that has existed for a considerable length of time without receiving a citation and if so, is the violation that exists a result of construction that occurred prior to the applicant's acquiring the property, not being a direct result of the actions of the current owner?
- 9. Does the request accomplish a compelling public interest such as, for example, furthering the preservation of natural resources by saving a tree or trees?
- 10. Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?

18. Given the above definition of a "sign" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the waiver is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the request and to meet the criteria set forth may result in a denial. The main purpose of the proposed signage is to advertise the Cruise Ship services provided by the Jacksonville Port Authority ("JAXPORT") and its Cruise industry partners. The COJ setback rule will significantly reduce the visibility of the sign, which will also make it less effective with the intended purpose. JAXPORT is proposing to install the new sign inside of JAXPORT's property, right behind the property line, and out of public ROW. JAXPORT submitted and obtained a permit from the Florida Department of Transportation ("FDOT"), which is the agency that owns and maintain the road/street that the signage will face (FDOT Permit # 2020-L-294-00004). The other adjacent street is August Drive owned by JAXPORT. The sign will be consistent with the general character of the area, which is commercial and industrial. The sign will not promote any continued existence of nonconforming signs in the vicinity. The sign will not affect any other property, and will not diminish property values nor negatively impact the aesthetic character of the surrounding areas. The sign will not have a detrimental effect in traffic, public health, safety, and will not create any additional public expenses. JAXPORT has an executed agreement with FDOT to maintain the area as part of the permit mentioned previously issued by FDOT. The sign waiver request is for a new sign and it is not based on an existing violation. No natural resources will be affected by the proposed sign.

ļ_	ATTACHMENTS
1	The following attachments must accompany each copy of the application.
	<b>✓</b> Survey
	Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
	Property Ownership Affidavit (Exhibit A)
	Agent Authorization if application is made by any person other than the property owner (Exhibit B)
	Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
	Proof of property ownership – may be print-out of property appraiser record card if individual
	owner, <a href="http://apps.coi.net/pao_propertySearch/Basic/Search.aspx">http://apps.coi.net/pao_propertySearch/Basic/Search.aspx</a> , or print-out of entry from the
	Florida Department of State Division of Corporations if a corporate owner,
	http://search.sunbiz.org/Inquiry/CorporationSearch/ByName.
	Photographs of sign structure showing nonconforming nature and physical impediments to (SIGN PICTURES NOT AVAILABLE AS SIGN HAS NOT BEEN INSTALLED).  compliance.
	If waiver is based on economic hardship, applicant must submit the following:
	- Two (2) estimates from licensed contractors stating the cost of bringing the sign structure into
	compliance; and
	- Any other information the applicant wished to have considered in connection to the waiver
	request.
L	

FILING FEES  *Applications filed to correct existing zoning violations are subject to a double fee.			
Base Fee	Public Notices	<u>Advertisement</u>	
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent	
Non-residential Districts: \$1,173.00			

**NOTE:** City Council may, as a condition of the waiver, specify a time period within which the sign structure shall be required to conform to the requirements of the City's sign regulations.

### **AUTHORIZATION**

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the City Council. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

<u>I hereby certify that I have read and understand</u> the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

Owner(s)	Applicant or Agent (if different than owner)
Print name: Jacksonville Port Authority	Print name:
Signature:	_ Signature:
Owner(s)	*An agent authorization letter is required if the application is made by any person other than the property owner.
Print name: Kelsey Cox Signature:	-

#### **SUBMITTAL**

This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.

### **Submit applications to:**

Planning and Development Department, Zoning Section 214 North Hogan Street, 2<sup>nd</sup> Floor Jacksonville, Florida 32202 (904) 255-8300

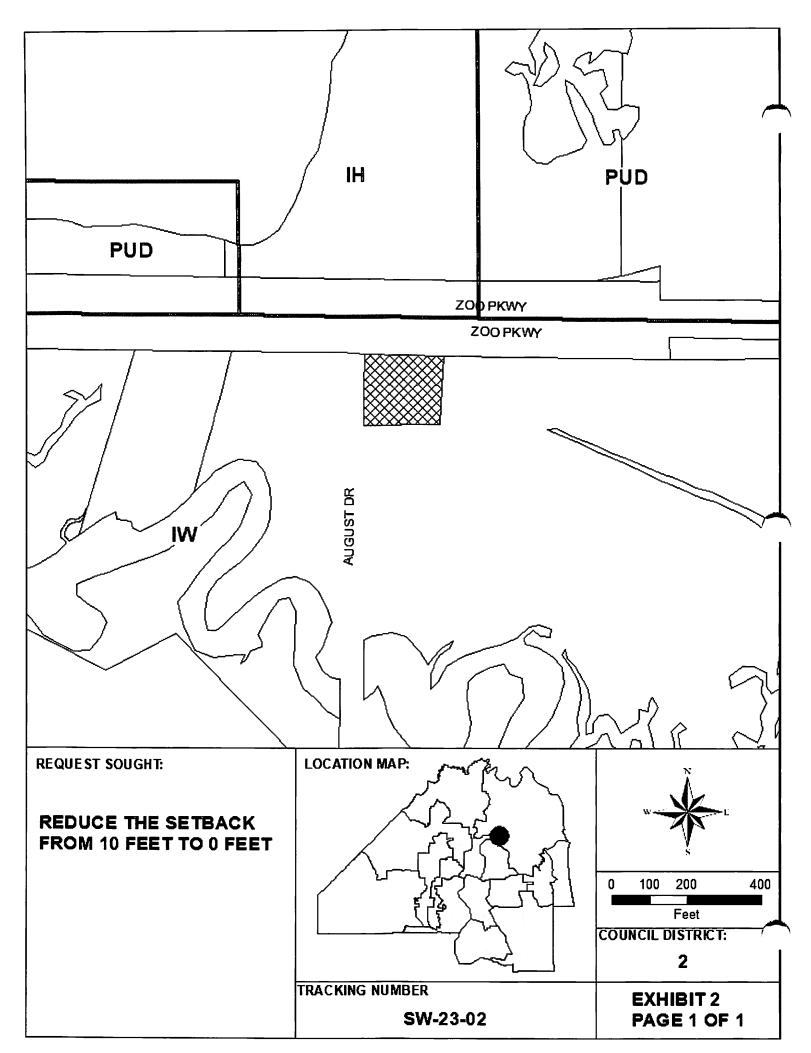
Page 6 of 6

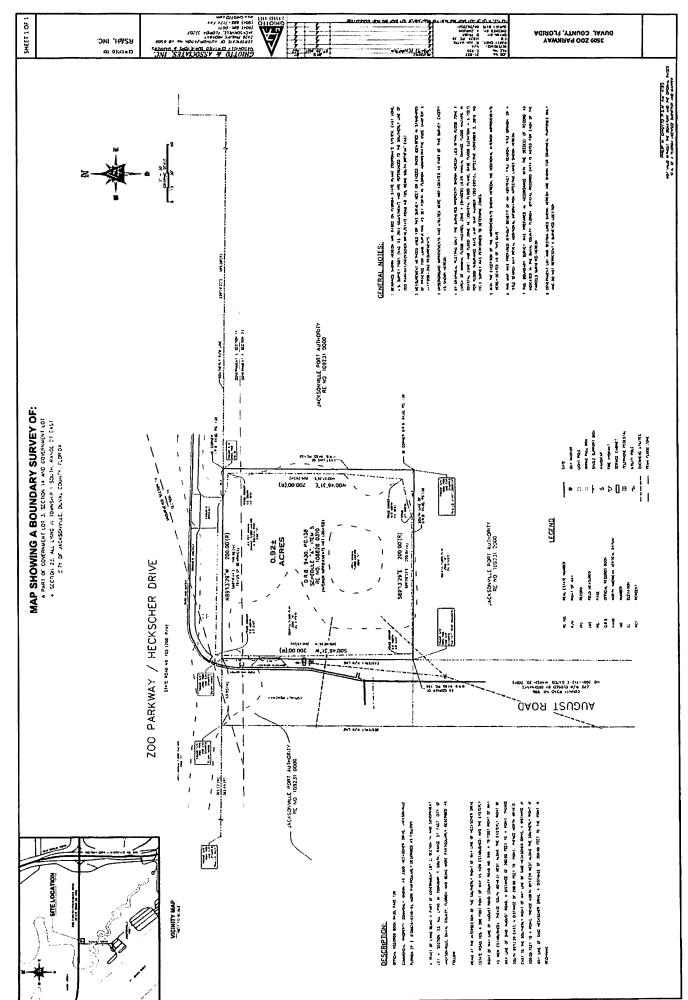
# Legal Description Exhibit 1 June 30, 2021

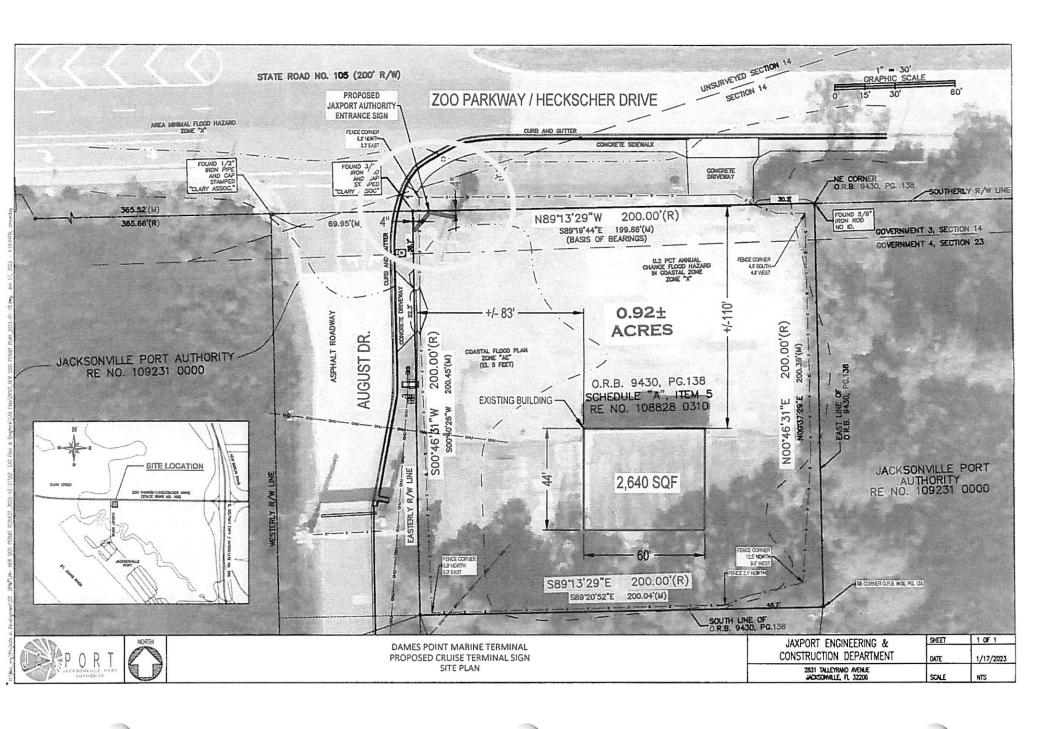
A tract of land being a part of Government Lot 3, Section 14 and Government Lot 4, Section 23, all lying in Township 1 South, Range 27 East, City of Jacksonville, Duval County, Florida, and being more particularly described as follows: Begin at the intersection of the Southerly right of way line of Heckscher Drive (State Road 105, a 200 foot right of way as now established) and the Easterly right of way line of August Road (County Road No. 996, a 70 foot right of way as now established); thence South O degrees 46 minutes 31 seconds West along the Easterly right of way of said August Road, a distance of 200.00 feet to a point; thence South 89 degrees 13 minutes 29 seconds East, a distance of 200.00 feet to a point; thence North O degrees 46 minutes 31 seconds East to the Southerly right of way line of said Heckscher Drive, a distance of 200.00 feet to a point; thence North 89 degrees 13 minutes 29 seconds West along the Southerly right of way line of said Hecksch+ rive, a distance of 200.00 feet to the point of beginning.

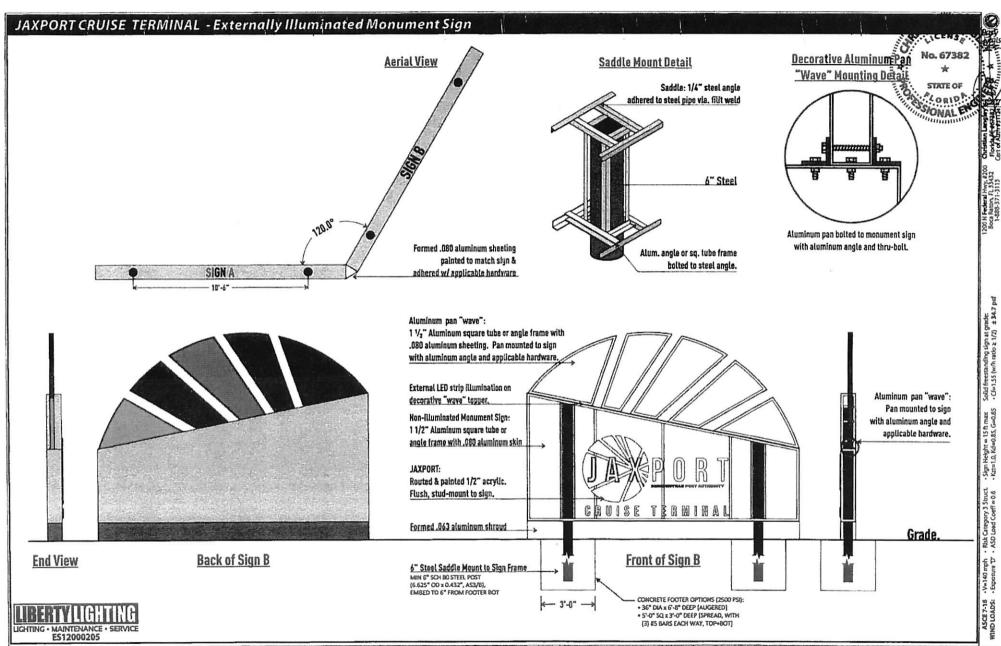
MORE COMMONLY KNOWN AS:3500 Zoo Parkway, Jacksonville, FL 32226

23-1S-27E .91 PT GOVT LOT 4 SEC 23, PT GOVT LOT 3 SEC 14 RECD O/R 19855-1421









General - Leips is a seminary with the suprisonment of the Pin Ming Code 7th Ming Code