

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-265-E**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-23-04 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 14 AT 6099 YOUNGERMAN CIRCLE, BETWEEN YOUNGERMAN
8 CIRCLE AND INTERSTATE-295 WEST (R.E. NO. 100705-
9 0300), AS DESCRIBED HEREIN, OWNED BY SUNSTAR
10 ORANGEPARK, INC., REQUESTING TO INCREASE THE
11 MAXIMUM HEIGHT OF A SIGN FROM 50 FEET TO 65 FEET
12 AND TO REDUCE THE MINIMUM SETBACK FROM 10 FEET
13 TO 0 FEET, IN ZONING DISTRICT PLANNED UNIT
14 DEVELOPMENT (PUD) (2007-224-E), AS DEFINED AND
15 CLASSIFIED UNDER THE ZONING CODE; PROVIDING FOR
16 NOTICE; PROVIDING A DISCLAIMER THAT THE WAIVER
17 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
18 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
19 PROVIDING AN EFFECTIVE DATE.
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21 **WHEREAS**, an application for a waiver of requirements for signs,
22 **On File** with the City Council Legislative Services Division, was
23 filed by Bradley Ginzig, General Sign Service Corporation, on behalf
24 of the owner of property located in Council District 14 at 6099
25 Youngerman Circle, between Youngerman Circle and Interstate-295 West
26 (R.E. No. 100705-0300) (the "Subject Property"), requesting to
27 increase the maximum height of a sign from 50 feet to 65 feet and to
28 reduce the minimum setback from 10 feet to 0 feet in Zoning District
29 Planned Unit Development (PUD) (2007-224-E); and

30 **WHEREAS**, the Planning and Development Department has considered
31 the application and all attachments thereto and has rendered an

1 advisory recommendation (the "Staff Report"); and

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

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

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

13 **Section 1. Sign Waiver Approved.** The Council has considered
14 the sign waiver criteria pursuant to Section 656.133(c), *Ordinance*
15 *Code*, the recommendation of the Land Use and Zoning Committee, and
16 has reviewed the Staff Report of the Planning and Development
17 Department concerning sign waiver Application SW-23-04 and finds that
18 the waiver is in harmony with the spirit and intent of the Zoning
19 Code, considering the following criteria, as applicable:

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

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

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

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

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

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

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

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

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

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

27 Therefore, Sign Waiver Application SW-23-04, is hereby approved.

28 **Section 2. Owner, Property and Sign Description.** The
29 Subject Property is owned by Sunstar Orangepark, Inc. and is legally
30 described in **Exhibit 1**, attached hereto, dated January 11, 2023, and
31 graphically depicted in **Exhibit 2**, attached hereto. A graphic

1 depiction of the sign is attached hereto as **Exhibit 3**. The applicant
2 is Bradley Ginzig, General Sign Service Corporation, 1940 Spearing
3 Street, Jacksonville, Florida 32206; (904) 355-5630.

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

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

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Connor Corrigan

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