

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2024-242**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-24-02 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 10 AT 7725 LEM TURNER ROAD AND 0 WAINWRIGHT
8 COURT, BETWEEN EDGEWOOD AVENUE WEST AND OAKHURST
9 AVENUE (R.E. NOS. 023685-0000 AND 024225-0000),
10 AS DESCRIBED HEREIN, OWNED BY BURGER KING
11 COMPANY LLC, REQUESTING TO REDUCE THE MINIMUM
12 SETBACK FROM TEN FEET TO TWO FEET IN ZONING
13 DISTRICT COMMERCIAL COMMUNITY/GENERAL-2
14 (CCG-2), AS DEFINED AND CLASSIFIED UNDER THE
15 ZONING CODE; PROVIDING FOR NOTICE; PROVIDING A
16 DISCLAIMER THAT THE WAIVER GRANTED HEREIN SHALL
17 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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20 **WHEREAS,** an application for a waiver of requirements for signs,
21 **On File** with the City Council Legislative Services Division, was
22 filed by John J. Stoeckel, P.E., on behalf of the owner of property
23 located in Council District 10 at 7725 Lem Turner Road and 0
24 Wainwright Court, between Edgewood Avenue West and Oakhurst Avenue
25 (R.E. Nos. 023685-0000 and 024225-0000) (the "Subject Property"),
26 requesting to reduce the minimum setback from ten feet to two feet
27 in Zoning District Commercial Community/General-2 (CCG-2); and

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

31 **WHEREAS,** the Land Use and Zoning Committee, after due notice

1 held a public hearing and having duly considered both the testimonial
2 and documentary evidence presented at the public hearing, has made
3 its recommendation to the Council; and

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

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

11 **Section 1. Sign Waiver Approved.** The Council has
12 considered the sign waiver criteria pursuant to Section 656.133(c),
13 *Ordinance Code*, the recommendation of the Land Use and Zoning
14 Committee, and has reviewed the Staff Report of the Planning and
15 Development Department concerning sign waiver Application SW-24-02
16 and finds that the waiver is in harmony with the spirit and intent
17 of the Zoning Code, considering the following criteria, as applicable:

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

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

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

30 (4) The proposed waiver will not have a detrimental effect on
31 vehicular or pedestrian traffic or parking conditions, or result in

1 the creation of objectionable or excessive light, glare, shadows, or
2 other effects, taking into account existing uses and zoning in the
3 vicinity;

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

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

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

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

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

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

25 Therefore, Sign Waiver Application SW-24-02, is hereby approved.

26 **Section 2. Owner, Property and Sign Description.** The
27 Subject Property is owned by Burger King Company LLC, and is legally
28 described in **Exhibit 1**, attached hereto, dated September 29, 2023,
29 and graphically depicted in **Exhibit 2**, attached hereto. A depiction
30 of the sign is attached hereto as **Exhibit 3**. The applicant is John
31 J. Stoeckel, P.E., MJ Stokes Consulting, LLC, 9872 Montague Street,

1 Tampa, Florida 33626; (607) 725-3269.

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

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

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

Form Approved:

/s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Caroline Fulton

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