

Introduced by the Land Use and Zoning Committee:

**ORDINANCE 2024-244**

AN ORDINANCE APPROVING SIGN WAIVER APPLICATION SW-24-03 FOR A SIGN LOCATED IN COUNCIL DISTRICT 14 AT 7320 103<sup>RD</sup> STREET, BETWEEN REDSTONE DRIVE AND FIRESTONE ROAD (R.E. NO. 014518-0000), AS DESCRIBED HEREIN, OWNED BY BURGER KING COMPANY LLC, REQUESTING TO REDUCE THE MINIMUM SETBACK FROM TEN FEET TO FIVE FEET IN ZONING DISTRICT COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1), AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE; PROVIDING FOR NOTICE; PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.

**WHEREAS,** an application for a waiver of requirements for signs, **On File** with the City Council Legislative Services Division, was filed by John J. Stoeckel, P.E., on behalf of the owner of property located in Council District 14 at 7320 103<sup>rd</sup> Street, between Redstone Drive and Firestone Road (R.E. No. 014518-0000) (the "Subject Property"), requesting to reduce the minimum setback from ten feet to five feet in Zoning District Commercial Community/General-1 (CCG-1); and

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

**WHEREAS,** the Land Use and Zoning Committee, after due notice held a public hearing and having duly considered both the testimonial

1 and documentary evidence presented at the public hearing, has made  
2 its recommendation to the Council; and

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

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

10 **Section 1. Sign Waiver Approved.** The Council has  
11 considered the sign waiver criteria pursuant to Section 656.133(c),  
12 *Ordinance Code*, the recommendation of the Land Use and Zoning  
13 Committee, and has reviewed the Staff Report of the Planning and  
14 Development Department concerning sign waiver Application SW-24-03  
15 and finds that the waiver is in harmony with the spirit and intent  
16 of the Zoning Code, considering the following criteria, as applicable:

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

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

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

29 (4) The proposed waiver will not have a detrimental effect on  
30 vehicular or pedestrian traffic or parking conditions, or result in  
31 the creation of objectionable or excessive light, glare, shadows, or

1 other effects, taking into account existing uses and zoning in the  
2 vicinity;

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

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

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

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

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

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

24 Therefore, Sign Waiver Application SW-24-03, is hereby approved.

25 **Section 2. Owner, Property and Sign Description.** The  
26 Subject Property is owned by Burger King Company LLC, and is legally  
27 described in **Exhibit 1**, attached hereto, dated September 29, 2023,  
28 and graphically depicted in **Exhibit 2**, attached hereto. A depiction  
29 of the sign is attached hereto as **Exhibit 3**. The applicant is John  
30 J. Stoeckel, P.E., MJ Stokes Consulting, LLC, 9872 Montague Street,  
31 Tampa, Florida 33626; (607) 725-3269.

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

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

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

26 Form Approved:

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28       \_\_\_\_\_/s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Caroline Fulton

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