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CITY OF JACKSONVILLE
LAND USE AND ZONING
COMMITTEE

Proceedings held on Tuesday, October 6, 2009, commencing at 5:08 p.m., City Hall, Council Chambers, 1st Floor, Jacksonville, Florida, before Diane M. Tropia, a Notary Public in and for the State of Florida at Large.

PRESENT:

- RAY HOLT, Chair.
- WARREN JONES, Vice Chair.
- REGINALD BROWN, Committee Member.
- DANIEL DAVIS, Committee Member.
- JOHNNY GAFFNEY, Committee Member.
- STEPHEN JOOST, Committee Member.
- DON REDMAN, Committee Member.

ALSO PRESENT:

- GLORIOUS JOHNSON, City Council Member.
- JOHN CRESCIMBENI, City Council Member.
- BILL BISHOP, City Council Member.
- JOHN CROFTS, Deputy Director, Planning Dept.
- SEAN KELLY, Chief, Current Planning.
- KEN AVERY, Planning and Development Dept.
- FOLKS HUXFORD, Zoning Administrator.
- SHANNON ELLER, Office of General Counsel.
- MERRIANE LAHMEUR, Legislative Assistant.
- JESSICA STEPHENS, Legislative Assistant.

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1 maybe what happened over at Planning Commission.

2 MR. CROFTS: Mr. Chairman, I'd like to
3 yield the floor to Mr. Kelly, who has invested a
4 great deal of time on this particular project.
5 And representing the Planning and Development
6 Department, he'll go into the staff's position
7 on this bill.

8 THE CHAIRMAN: Thank you.

9 MR. KELLY: Thank you.

10 Through the Chair to the members of the
11 committee, 2009-401 seeks to allow for the --
12 transit shelter advertising within the public
13 right-of-way. This has really been a kind of
14 polarizing issue with clear lines on both sides,
15 and the Department would like to kind of go over
16 how we arrived at our policy decision in support
17 of this change to the zoning code.

18 Specifically, there's three reasons that we
19 looked at this. One was consistency with
20 existing statutes. That includes the state
21 statute as well as our comprehensive plan.

22 Additionally, we evaluated this bill based
23 on the siting and design criteria for improving
24 the aesthetics to ensure compatibility with
25 adjacent zoning districts, as well as for

1 transit shelters in the downtown.

2 And third, we drew a correlation in how we
3 tied this legislation into the overall public
4 benefit.

5 I want to go into each of these a little
6 bit.

7 Specifically, the Florida Statutes,
8 Section 337.408, this states that transit
9 shelters, including advertising displayed on
10 benches or transit shelters, may be installed
11 within the right-of-way limits of any municipal
12 county or state road, provided that such benches
13 or transit shelters are for the comfort or
14 convenience of the general public or at designed
15 stops on official bus routes.

16 Additionally, goal 6 of our comprehensive
17 plan goes on to state that it is the intent to
18 promote the economic viability of transit. It
19 states that the economic efficiency of the
20 transit system shall be maximized while
21 providing for basic transportation needs of the
22 transit-dependent.

23 In order to promote the economic health of
24 Jacksonville, the transit system should operate
25 at a high level of efficiency and effectiveness,

1 provide a reasonable level of service to its
2 patrons, and to maximize opportunities for
3 private sector investments in the development of
4 transit facilities and utilize all available
5 means of fund [sic].

6 Furthermore, a more specific objective in
7 the comp plan further states that the
8 transportation authority shall utilize, to the
9 extent allowed by law, existing and federal,
10 state and local funding mechanisms established
11 to support transit systems in the city.

12 There's been a lot of talk about whether or
13 not this is going to result in the overturning
14 of the City charter. The charter is very
15 specific. Article 23, Section 23.02, actually
16 defined what an off-site commercial billboard
17 is.

18 And in this bill -- in the charter, it
19 specifically states that any sign that
20 advertises or identifies a commercial use or
21 product that is not sold or produced on the
22 property on which the sign is located and which
23 is more than 25 square feet in size defines a
24 commercial off-site billboard. All the transit
25 shelter advertising signage is less than

1 25 square feet.

2 So, to summarize, the state statute allows
3 for the transit shelter advertising in the
4 right-of-way. The comprehensive plan requires
5 that the City look at all available funding
6 mechanisms to improve transit services for the
7 transit-dependent. The City charter defines
8 off-site commercial billboards and specifically
9 excludes signs that are less than 25 feet from
10 the definition.

11 Additionally, since the adoption of the
12 charter, there's been similar legislation with
13 sign overlays, specifically downtown, in
14 ordinance 2005-1380 that dealt with the existing
15 severability clause that's provided for in this
16 bill.

17 That severability clause has existed and
18 has not been challenged for four years. It
19 allowed for the off-site signage within the
20 sporting venues and the arenas and the ball
21 parks.

22 So, from a legal standpoint, the Department
23 is comfortable. We've relied on the Office of
24 General Counsel and their opinion. So we feel
25 very satisfied with that and with the laws and

1 with the policies that we have, that this is --
2 this is a good thing.

3 The second issue specifically we looked at
4 this was siting and design criteria, and so we
5 looked at this and we initiated a review that
6 basically provided a locational criteria for the
7 transit shelters that's based on the surrounding
8 land use and zoning as to where a transit
9 shelter with internally-illuminated advertising
10 could be permitted by right, where it is
11 permissible, provided that it would comply with
12 specific performance standards, specifically a
13 200-foot setback from a single-family use, and
14 the fact that it would have to be identified on
15 the JTA bus corridor route map, and also where
16 it would be allowed only through the grant of a
17 sign waiver.

18 Sign waivers typically come through this
19 body for approval, so -- requiring an individual
20 public hearing to allow a transit shelter with
21 advertising in those situations should they
22 arise.

23 Additionally, the legislation very
24 specifically amended the downtown zoning overlay
25 with regards to the streetscape standards,

1 again, for providing specific siting and design
2 criteria located for the transit shelters in the
3 downtown, and also provided a review for the
4 transit shelter locations and designs of those
5 transit shelters within the historic districts.

6 I believe there's a substitute that will be
7 before you, and I can speak to that, but that
8 can come later. I think Councilman Corrigan
9 would want to be here.

10 The third thing, public benefit, tying it
11 all back together. **This transit shelter**
12 **advertising legislation will result in the**
13 **creation of 50 new transit shelters being**
14 **constructed per year, a total of 750 shelters in**
15 **15 years, including all maintenance.** This
16 equates to approximately \$14 million or
17 \$1 million per year for the transit-dependent
18 citizens of Jacksonville at no cost to the
19 taxpayer. Transit shelter construction with
20 advertising is proposed on the designated bus
21 routes and select corridors.

22 And, additionally, the legislation provides
23 for a reporting requirement for JTA to come back
24 to the City Council every year to demonstrate
25 that the transit shelters that are being

1 constructed with the advertising are being
2 constructed based on actual ridership demand and
3 special needs of the riders in those areas,
4 so --

5 The Department, you know, recognizes both
6 sides of this issue. And, clearly, based on the
7 existing comprehensive plan and the laws that we
8 have in place, we are very supportive of this
9 legislation.

10 Thank you.

11 THE CHAIRMAN: Thank you, Mr. Kelly.

12 MR. CRESCIMBENI: (Inaudible.)

13 THE CHAIRMAN: I'm sorry?

14 MR. CRESCIMBENI: (Inaudible.)

15 THE CHAIRMAN: Sure, go ahead.

16 We have a question from Mr. Crescimbeni.

17 MR. CRESCIMBENI: Mr. Chairman, through the
18 Chair to Mr. Kelly.

19 Mr. Kelly, the 50 shelters per year, 750
20 total, what page is that on?

21 MR. KELLY: The number was given to me from
22 JTA based on the anticipated number of shelters
23 per year that could be built and maintained by
24 the commercial --

25 MR. CRESCIMBENI: So that's not in the

1 ordinance?

2 MR. KELLY: No, it isn't.

3 MR. CRESCIMBENI: Could it be less than
4 that?

5 MR. KELLY: Of course it could, yes.

6 MR. CRESCIMBENI: Thank you, sir.

7 THE CHAIRMAN: Mr. Gaffney, do you have a
8 question for Mr. Kelly?

9 DR. GAFFNEY: Yes. One quick question
10 here.

11 Now, is this something we -- the Corrigan
12 bill, with the historical areas, is this
13 something that we're going to take up right now,
14 or is this something later? Because I wanted to
15 also have Springfield added to exclude it.

16 MR. KELLY: It is my understanding that
17 there's a substitute that's going to be --
18 that's on the floor for this committee that
19 basically would exempt out the Riverside
20 Avondale zoning overlay.

21 And in your packages at your desk, I handed
22 out a letter from the Historic Preservation
23 Commission, from the Springfield SPAR group that
24 would also like to be --

25 DR. GAFFNEY: Yeah, I want them added.