

1 Introduced and amended by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2020-755**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-20-07 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 5 AT 1620 NALDO AVENUE, BETWEEN LASALLE STREET
8 AND LONDON AVENUE (R.E. NO. 080460-0000) AS
9 DESCRIBED HEREIN, OWNED BY THE SAN MARCO UNITED
10 METHODIST CHURCH, INC. (F/K/A ELIZABETH SWAIM
11 MEMORIAL METHODIST CHURCH, INC.), REQUESTING TO
12 INCREASE THE MAXIMUM SIZE OF A SIGN FROM 24
13 SQUARE FEET TO 29 SQUARE FEET, AND INCREASE THE
14 MAXIMUM HEIGHT OF A SIGN FROM 8 FEET TO 10 FEET,
15 IN ZONING DISTRICT RESIDENTIAL MEDIUM DENSITY-D
16 (RMD-D), AS DEFINED AND CLASSIFIED UNDER THE
17 ZONING CODE; PROVIDING A DISCLAIMER THAT THE
18 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS
19 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS**, an application for a waiver of requirements for signs,
23 **Revised On File** with the City Council Legislative Services Division,
24 was filed by Taylor Sign & Design, Inc., on behalf of the owner of
25 property located in Council District 5 at 1620 Naldo Avenue, between
26 LaSalle Street and Landon Avenue (R.E. No. 080460-0000) (Subject
27 Property), requesting to increase the maximum size of a sign from 24
28 square feet to 29 square feet, and increase the maximum height of a
29 sign from 8 feet to 10 feet, in Zoning District Residential Medium
30 Density-D (RMD-D); and

31 **WHEREAS**, the Planning and Development Department has considered

1 the application and all the attachments thereto and has rendered an
2 advisory recommendation (Staff Report); and

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

7 **WHEREAS**, taking into consideration the above recommendations and
8 all other evidence entered into the record and testimony taken at the
9 public hearings, the Council has considered the criteria for sign
10 waivers pursuant to Sec. 656.133(c), *Ordinance Code*, and finds that
11 the request is in harmony with the spirit and intent of the Zoning
12 Code and should be approved; now, therefore

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

14 **Section 1.** The Council has considered the sign waiver
15 criteria pursuant to Sec. 656.133(c), *Ordinance Code*, the
16 recommendation of the Land Use and Zoning Committee, and has reviewed
17 the Staff Report of the Planning and Development Department concerning
18 sign waiver Application SW-20-07 and finds that the waiver is in
19 harmony with the spirit and intent of the Zoning Code, considering
20 the following criteria, as applicable:

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

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

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

1 same;

2 (4) The waiver will not have a detrimental effect on vehicular
3 or pedestrian traffic or parking conditions, or result in the creation
4 of objectionable or excessive light, glare, shadows, or other effects,
5 taking into account existing uses and zoning in the 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 limitations
11 or characteristics which are unique to the site and which would make
12 imposition of the strict letter of the regulation unduly burdensome;

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

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

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

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

26 Therefore, sign waiver Application SW-20-07 is hereby **approved**.

27 **Section 2. Owner, Property and Sign Description.** The
28 Subject Property is owned by the San Marco United Methodist Church,
29 Inc. (f/k/a Elizabeth Swaim Memorial Methodist Church, Inc.), and is
30 legally described in **Exhibit 1, attached hereto**, dated November 20,
31 2020, and graphically depicted in **Revised Exhibit 2, attached hereto**.

1 A graphic depiction of the sign is **attached hereto** as **Revised Exhibit**
2 **3.** The applicant is Taylor Sign & Design, Inc., 4162 St. Augustine
3 Road, Jacksonville, Florida 32207; (904) 396-4652.

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 shall
10 **not** be construed as an exemption from any other applicable local,
11 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 acknowledgement,
15 representation and confirmation made by the applicant(s), owner(s),
16 developer(s) and/or any authorized agent(s) or designee(s) that the
17 subject business, development and/or use will be operated in strict
18 compliance with all laws. Issuance of this sign waiver does **not**
19 approve, promote or condone any practice or act that is prohibited
20 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 commencement of the use or action herein approved
26 within one year of the effective date of this Ordinance shall render
27 this waiver invalid and all rights arising therefrom shall terminate.

1 Form Approved:

2

3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Arimus Wells

6 GC-#1415346-v1-2020-755_Amd_&_Reref.docx