

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-559-E**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-22-04 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 5 AT 1538 HENDRICKS AVENUE, BETWEEN LASALLE
8 STREET AND CEDAR STREET (R.E. NO. 080525-0000),
9 AS DESCRIBED HEREIN, OWNED BY 1538 HENDRICKS
10 AVENUE, LLC, REQUESTING TO REDUCE THE MINIMUM
11 SETBACK FROM 10 FEET TO 1 FOOT IN ZONING DISTRICT
12 COMMERCIAL COMMUNITY/GENERAL-1 (CCG-1), AS
13 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
14 WAIVER SUBJECT TO CONDITION; PROVIDING FOR
15 NOTICE; PROVIDING A DISCLAIMER THAT THE WAIVER
16 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
17 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
18 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 Taylor Sign & Design, Inc. on behalf of the owner of property
23 located in Council District 5 at 1538 Hendricks Avenue, between
24 Lasalle Street and Cedar Street (R.E. No. 080525-0000) (the "Subject
25 Property"), requesting to reduce the minimum setback from 10 feet to
26 1 foot in Zoning District Commercial Community/General-1 (CCG-1); and

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

30 **WHEREAS**, the Land Use and Zoning Committee, after due notice
31 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 and
4 all other evidence entered into the record and testimony taken at the
5 public hearings, the Council has considered the criteria for sign
6 waivers pursuant to Sec. 656.113(c), *Ordinance Code*, and finds that
7 the request is in harmony with the spirit and intent of the Zoning
8 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 considered
11 the sign waiver criteria pursuant to Sec. 656.133(c), *Ordinance Code*,
12 the recommendation of the Land Use and Zoning Committee, and has
13 reviewed the Staff Report of the Planning and Development Department
14 concerning sign waiver Application SW-22-04 and finds that the waiver
15 is in harmony with the spirit and intent of the Zoning Code,
16 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-22-04, is hereby approved.

25 **Section 2. Waiver Approved Subject to Condition.** This
26 Waiver is approved subject to the following condition:

27 (1) The monument sign shall be located no closer than 24 inches
28 from the edge of the existing Hendricks Avenue right-of-way.

29 **Section 3. Owner, Property and Sign Description.** The
30 Subject Property is owned by 1538 Hendricks Avenue, LLC and is legally
31 described in **Exhibit 1**, attached hereto, dated June 13, 2022, and

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

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

10 **Section 5. Disclaimer.** The sign waiver granted herein
11 shall **not** be construed as an exemption from any other applicable
12 local, state, or federal laws, regulations, requirements, permits or
13 approvals. All other applicable local, state or federal permits or
14 approvals shall be obtained before commencement of the development
15 or use, and issuance of this sign waiver is based upon
16 acknowledgement, representation and confirmation made by the
17 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
18 or designee(s) that the subject business, development and/or use will
19 be operated in strict compliance with all laws. Issuance of this sign
20 waiver does **not** approve, promote or condone any practice or act that
21 is prohibited or restricted by any federal, state or local laws.

22 **Section 6. Effective Date.** The enactment of this Ordinance
23 shall be deemed to constitute a quasi-judicial action of the City
24 Council and shall become effective upon signature by the Council
25 President and Council Secretary. Failure to exercise the waiver, if
26 herein granted, by the commencement of the use or action herein
27 approved within one (1) year of the effective date of this Ordinance
28 shall render this waiver invalid and all rights arising therefrom
29 shall terminate.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

6 GC-#1525555-v1-2022-559-E