

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2020-755-E**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION  
6 SW-20-07 FOR A SIGN LOCATED IN COUNCIL  
7 DISTRICT 5 AT 1620 NALDO AVENUE, BETWEEN  
8 LASALLE STREET AND LANDON AVENUE (R.E. NO.  
9 080460-0000) AS DESCRIBED HEREIN, OWNED BY THE  
10 SAN MARCO UNITED METHODIST CHURCH, INC. (F/K/A  
11 ELIZABETH SWAIM MEMORIAL METHODIST CHURCH,  
12 INC.), REQUESTING TO INCREASE THE MAXIMUM SIZE  
13 OF A SIGN FROM 24 SQUARE FEET TO 29 SQUARE  
14 FEET, AND INCREASE THE MAXIMUM HEIGHT OF A  
15 SIGN FROM 8 FEET TO 10 FEET, IN ZONING  
16 DISTRICT RESIDENTIAL MEDIUM DENSITY-D (RMD-D),  
17 AS DEFINED AND CLASSIFIED UNDER THE ZONING  
18 CODE; PROVIDING A DISCLAIMER THAT THE WAIVER  
19 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
20 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
21 PROVIDING AN EFFECTIVE DATE.  
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23 **WHEREAS**, an application for a waiver of requirements for  
24 signs, **Revised On File** with the City Council Legislative Services  
25 Division, was filed by Taylor Sign & Design, Inc., on behalf of the  
26 owner of property located in Council District 5 at 1620 Naldo  
27 Avenue, between LaSalle Street and Landon Avenue (R.E. No. 080460-  
28 0000) (Subject Property), requesting to increase the maximum size  
29 of a sign from 24 square feet to 29 square feet, and increase the  
30 maximum height of a sign from 8 feet to 10 feet, in Zoning District

1 Residential Medium Density-D (RMD-D); and

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

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

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

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

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

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

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

30       (3) The effect of the proposed waiver will not diminish  
31 property values in, or negatively alter the aesthetic character of

1 the area surrounding the site, and will not substantially interfere  
2 with or injure the rights of others whose property would be  
3 affected by the same;

4 (4) The waiver will not have a detrimental effect on vehicular  
5 or pedestrian traffic or parking conditions, or result in the  
6 creation of objectionable or excessive light, glare, shadows, or  
7 other effects, taking into account existing uses and zoning in the  
8 vicinity;

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

13 (6) The Subject Property exhibits specific physical  
14 limitations or characteristics which are unique to the site and  
15 which would make imposition of the strict letter of the regulation  
16 unduly burdensome;

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

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

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

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

31 Therefore, sign waiver Application SW-20-07 is hereby

1 approved.

2           **Section 2.           Owner, Property and Sign Description.**       The  
3 Subject Property is owned by the San Marco United Methodist Church,  
4 Inc. (f/k/a Elizabeth Swaim Memorial Methodist Church, Inc.), and  
5 is legally described in **Exhibit 1, attached hereto**, dated November  
6 20, 2020, and graphically depicted in **Revised Exhibit 2, attached**  
7 **hereto**. A graphic depiction of the sign is **attached hereto** as  
8 **Revised Exhibit 3**. The applicant is Taylor Sign & Design, Inc.,  
9 4162 St. Augustine Road, Jacksonville, Florida 32207; (904) 396-  
10 4652.

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

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

29           **Section 5.           Effective Date.** The enactment of this  
30 Ordinance shall be deemed to constitute a quasi-judicial action of  
31 the City Council and shall become effective upon signature by the

1 Council President and Council Secretary. Failure to exercise the  
2 waiver, if herein granted, by commencement of the use or action  
3 herein approved within one year of the effective date of this  
4 Ordinance shall render this waiver invalid and all rights arising  
5 therefrom shall terminate.  
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10 Form Approved:

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12           /s/ Shannon K. Eller          

13 Office of General Counsel

14 Legislation Prepared By: Arimus Wells

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