

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-538**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-21-04 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 11 AT 9801 OLD BAYMEADOWS ROAD, BETWEEN
8 SOUTHSIDE BOULEVARD AND PASEO DRIVE AS DESCRIBED
9 HEREIN, OWNED BY TRC BAYMEADOWS, LLC, REQUESTING
10 TO INCREASE THE MAXIMUM SIZE OF SIGNS ON THE
11 SUBJECT PROPERTY FROM 24 SQUARE FEET TO 30
12 SQUARE FEET, TO INCREASE NUMBER THE OF SIGNS
13 FROM 1 TO 3, TO ALLOW OR CHANGE ILLUMINATION
14 FROM EXTERNAL TO INTERNAL, AND TO REDUCE THE
15 MINIMUM SETBACK FROM 10 FEET TO 0 FEET, IN ZONING
16 DISTRICT RESIDENTIAL MEDIUM DENSITY-D (RMD-D),
17 AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
18 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED
19 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
20 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
21 EFFECTIVE DATE.
22

23 **WHEREAS**, an application for a waiver of requirements for signs,
24 **On File** with the City Council Legislative Services Division, was
25 filed by Heritage Signs, Chuck Knight, on behalf of the owner of
26 property located in Council District 11 at 9801 Old Baymeadows Road,
27 between Southside Boulevard and Paseo Drive (the "Subject Property"),
28 requesting to increase the maximum allowable size of signs on the
29 Subject Property from 24 square feet to 30 square feet, to increase
30 number of signs from 1 to 3, to allow or change illumination from
31 external to internal, and to reduce the minimum setback from 10 feet

1 to 0 feet, in Zoning District Residential Medium Density-D (RMD-D);
2 and

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

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

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

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

17 **Section 1.** The Council has considered the sign waiver
18 criteria pursuant to Sec. 656.133(c), *Ordinance Code*, the
19 recommendation of the Land Use and Zoning Committee, and has reviewed
20 the Staff Report of the Planning and Development Department concerning
21 sign waiver Application SW-21-04 and finds that the waiver is in
22 harmony with the spirit and intent of the Zoning Code, considering
23 the following criteria, as applicable:

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

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

31 (3) The effect of the proposed waiver will not diminish property

1 values in, or negatively alter the aesthetic character of the area
2 surrounding the site, and will not substantially interfere with or
3 injure the rights of others whose property would be affected by the
4 same;

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

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

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

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

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

29 Therefore, sign waiver Application SW-21-04 is hereby **approved**.

30 **Section 2. Owner, Property and Sign Description.** The
31 Subject Property is owned by TRC Baymeadows, LLC, and is legally

1 described in **Exhibit 1, attached hereto**, dated June 18, 2019, and
2 graphically depicted in **Exhibit 2, attached hereto**. A graphic
3 depiction of the signs is **attached hereto** as **Exhibit 3**. The applicant
4 is Heritage Signs, Chuck Knight, PO Box 236, Green Cove Springs,
5 Florida 32043; (904) 529-7446.

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

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

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

1 Form Approved:

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3 /s/ Jason Teal

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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