

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-679**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-22-06 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 7 AT 430 WEST 8TH STREET, BETWEEN BOULEVARD
8 STREET AND WEST 8TH STREET (R.E. NO. 071535-
9 0010), AS DESCRIBED HEREIN, OWNED BY ECM-BG2-
10 JACKSONVILLE, FL-7-UT, LLC, REQUESTING TO REDUCE
11 THE MINIMUM SETBACK FROM 10 FEET TO 0 FEET IN
12 ZONING DISTRICT COMMERCIAL COMMUNITY/GENERAL-
13 SPRINGFIELD (CCG-S), AS DEFINED AND CLASSIFIED
14 UNDER THE ZONING CODE; PROVIDING FOR NOTICE;
15 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED
16 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
17 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
18 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 Raymond Scott Pollitt of R.S.R. Enterprises of Volusia
23 County, Inc., doing business as Aluminum Plus, on behalf of the owner
24 of property located in Council District 7 at 430 West 8th Street,
25 between Boulevard Street and West 8th Street (R.E. No. 071535-0010)
26 (the "Subject Property"), requesting to reduce the minimum setback
27 from 10 feet to 0 feet in Zoning District Commercial
28 Community/General-Springfield (CCG-S); and

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

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

5 **WHEREAS**, taking into consideration the above recommendations and
6 all other evidence entered into the record and testimony taken at the
7 public hearings, the Council has considered the criteria for sign
8 waivers pursuant to Sec. 656.113(c), *Ordinance Code*, and finds that
9 the request is in harmony with the spirit and intent of the Zoning
10 Code and should be approved; now, therefore

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

12 **Section 1. Sign Waiver Approved.** The Council has considered
13 the sign waiver criteria pursuant to Sec. 656.133(c), *Ordinance Code*,
14 the recommendation of the Land Use and Zoning Committee, and has
15 reviewed the Staff Report of the Planning and Development Department
16 concerning sign waiver Application SW-22-06 and finds that the waiver
17 is in harmony with the spirit and intent of the Zoning Code,
18 considering the following criteria, as applicable:

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

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

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

31 (4) The proposed waiver will not have a detrimental effect on

1 vehicular or pedestrian traffic or parking conditions, or result in
2 the creation of objectionable or excessive light, glare, shadows, or
3 other effects, taking into account existing uses and zoning in the
4 vicinity;

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

9 (6) The Subject Property exhibits specific physical
10 limitations or characteristics which are unique to the site and which
11 would make imposition of the strict letter of the regulation unduly
12 burdensome;

13 (7) The request is not based exclusively upon a desire to
14 reduce the costs associated with compliance and is the minimum
15 necessary to 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 owner's acquisition of the Subject Property,
20 and 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-22-06, is hereby approved.

27 **Section 2. Owner, Property and Sign Description.** The
28 Subject Property is owned by ECM-BG2-Jacksonville, FL-7-UT, LLC and
29 is legally described in **Exhibit 1**, attached hereto, dated June 21,
30 2022, and graphically depicted in **Exhibit 2**, attached hereto. A
31 graphic depiction of the sign is attached hereto as **Exhibit 3**. The

1 applicant is Raymond Scott Pollitt of R.S.R. Enterprises of Volusia
2 County, Inc., doing business as Aluminum Plus, 750 East International
3 Speedway Boulevard, Deland, Florida 32724; (386) 734-2864.

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 Sec. 656.140(c), *Ordinance Code*.

9 **Section 4. Disclaimer.** The sign waiver granted herein
10 shall not be construed as an exemption from any other applicable
11 local, 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
15 acknowledgement, representation and confirmation made by the
16 applicant(s), owner(s), developer(s) and/or any authorized agent(s)
17 or designee(s) that the subject business, development and/or use will
18 be operated in strict compliance with all laws. Issuance of this sign
19 waiver does not approve, promote or condone any practice or act that
20 is prohibited 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 the commencement of the use or action herein
26 approved within one (1) year of the effective date of this Ordinance
27 shall render this waiver invalid and all rights arising therefrom
28 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

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