

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-173**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-21-01 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 9 AT 5327 TIMUQUANA ROAD, BETWEEN CATOMA STREET
8 AND ORTEGA FARMS BOULEVARD AS DESCRIBED HEREIN,
9 OWNED BY MISSION SPRINGS JV OWNER 2019, LLC,
10 REQUESTING INTERNAL ILLUMINATION, IN ZONING
11 DISTRICT RESIDENTIAL MEDIUM DENSITY-D (RMD-D),
12 AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
13 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED
14 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
15 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
16 EFFECTIVE DATE.
17

18 **WHEREAS**, an application for a waiver of requirements for signs,
19 **On File** with the City Council Legislative Services Division, was
20 filed by Taylor Sign & Design, Inc., on behalf of the owner of
21 property located in Council District 9 at 5327 Timuquana Road, between
22 Catoma Street and Ortega Farms Boulevard (Subject Property),
23 requesting internal illumination, in Zoning District Residential
24 Medium Density-D (RMD-D); and

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

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

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

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

8 **Section 1.** The Council has considered the sign waiver
9 criteria pursuant to Sec. 656.133(c), *Ordinance Code*, the
10 recommendation of the Land Use and Zoning Committee, and has reviewed
11 the Staff Report of the Planning and Development Department concerning
12 sign waiver Application SW-21-01 and finds that the waiver is in
13 harmony with the spirit and intent of the Zoning Code, considering
14 the following criteria, as applicable:

15 (1) The effect of the sign waiver is compatible with the existing
16 contiguous signage or zoning and consistent with the general character
17 of the area considering population, density, scale, and orientation
18 of the structures in the area;

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

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

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

31 (5) The proposed waiver will not be detrimental to the public

1 health, safety or welfare, and will not result in additional public
2 expense, creation of nuisances, or cause conflict with any other
3 applicable law;

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

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

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

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

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

20 Therefore, sign waiver Application SW-21-01 is hereby **approved**.

21 **Section 2. Owner, Property and Sign Description.** The
22 Subject Property is owned by Mission Springs JV Owner 2019, LLC, and
23 is legally described in **Exhibit 1, attached hereto**, dated March 2,
24 2021, and graphically depicted in **Exhibit 2, attached hereto**. A
25 graphic depiction of the sign is **attached hereto** as **Exhibit 3**. The
26 applicant is Taylor Sign & Design, Inc., 4162 St. Augustine Road,
27 Jacksonville, Florida 32207; (904) 396-4652.

28 **Section 3. Notice.** Legislative Services is hereby directed
29 to mail a copy of this legislation, as enacted, to the applicant and
30 any other parties to this matter who testified before the Land Use
31 and Zoning Committee or otherwise filed a qualifying written statement

