

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT
APPLICATION FOR SIGN WAIVER ORDINANCE 2024-318/SW-24-06

JUNE 6, 2024

Location: 2121 Park Street

Real Estate Number: 090904-0000

Waiver Sought: Reduce minimum setback from 10 feet to 1 foot.

Current Zoning District: Residential Medium Density-B (RMD-B)
Commercial Residential Office (CRO)

Current Land Use Category: Medium Density Residential (MDR)
Residential Professional Institutional (RPI)

Planning District: 3-Southeast

Council District: 7-District

Applicant/Agent: Chuck Knight
Heritage Signs
PO Box 236
Green Cove Springs, FL 32043

Owner: Baker Colyer Threlkel Prop
2121 Park Street
Jacksonville, Florida 32204

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2024-318 (SW-24-06)** seeks to reduce the minimum setback from 10 feet to 1 foot for the replacement of an existing sign. The subject property is located within the Riverside Historic District and Overlay and has existed within its current location prior to the current zoning code setback regulations. The applicant is seeking to change the sign face of the existing sign which is resulting in the need for a waiver for setback reduction due to being only 1 foot from the property line along Park Street.

The Historic Preservation Section approved a Certificate of Appropriateness (COA-23-30032) and finds it consistent with the Riverside Avondale Design Guidelines.

NOTICE TO OWNER / AGENT

Section 656.1310, Ordinance Code, sets forth procedures and criteria for evaluating waivers of the Part 13 sign regulations. Section 656.1310 of the Ordinance Code defines a sign as “*a painting, structure or device which is placed, erected, or constructed or maintained on or in the ground, or on or outside of an enclosed building or other object or structure or affixed or painted on or inside an exterior window of a building for the purpose of displaying information, advertisement or attraction of the attention of persons, including posters, pictures, pictorial or reading matter and a letter, word, model, device or representation used in the nature of an advertisement, announcement, attraction or direction*”.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.1310(a)(i) through (x), Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the Planning Commission shall grant a waiver only if substantial competent evidence exists to support a positive finding based on each of the following criteria as applicable:

- (i) *Will the effect of the sign waiver be compatible with the existing contiguous signage or zoning and consistent with the general character of the area considering population, density, scale, and orientation of the structures in the area?*

Yes. The desired waivers will be compatible with the existing contiguous signage or zoning and consistent with the general character of the area. Many of the properties within the Riverside Historic District were developed with much smaller front yard setbacks leaving very minimal room for signage placement within a visible range from the roadway. The proposed setback reflects the same setback of the existing sign that has been in place for decades.

- (ii) *Would the result detract from the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs that exist in the vicinity?*

No. The result of the sign waiver will not detract from the specific intent of the zoning ordinance, in that the new sign is unable to conform to required setbacks due to the driving aisle and parking lot.

- (iii) *Could the effect of the proposed waiver diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, and could such waiver substantially interfere with or injure the rights of others whose property would be affected by the same?*

No. The effect of the proposed sign waiver is unlikely to diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, in that the proposed sign will still be setback from the road and separated by a sidewalk in the City ROW.

- (iv) *Would the waiver have a detrimental effect on vehicular traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows or other effects,*

taking into account existing uses and zoning in the vicinity?

No. The waiver will not have a detrimental effect on vehicular traffic or parking conditions. The reduced setback will allow the sign to be seen by motorists and will fit the character of the area.

- (v) *Is the proposed waiver detrimental to the public health, safety or welfare, or could such waiver result in additional public expense, creation of nuisances, or cause conflict with any other applicable law?*

No. The proposed waiver for setback is unlikely to be detrimental to the public health, safety, or welfare in that the existing sign is located at the same spot and the request is to replace that sign at the same location without disrupting existing sidewalks or parking conditions on site.

- (vi) *Does the subject property exhibit specific physical limitations or characteristics, which could be unique to the site and which would make imposition of the strict letter of the regulation unduly burdensome?*

Yes. The subject property does exhibit specific physical limitations that limit the possible setback of the sign location from the property line.

- (vii) *Is the request based exclusively upon a desire to reduce the costs associated with compliance and is the request the minimum necessary to obtain a reasonable communication of one's message?*

No. Staff finds no evidence that the request is based on a desire to reduce the costs associated with compliance.

- (viii) *Is the request the result of violation that has existed for a considerable length of time without receiving a citation and if so, is the violation that exists a result of construction that occurred prior to the applicants acquiring the property, not being a direct result of the actions of the current owner?*

No. The request is not the result of any cited violation.

- (ix) *Does the request accomplish a compelling public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees?*

Yes. The sign has existed in its current location with no traffic issues or visibility issues since its construction decades ago. Removal of the sign for relocation would result in a decrease in parking spaces, which is much needed for the area.

- (x) *Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?*

No. Strict compliance with the sign regulations would not create a substantial financial burden.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on May 28, 2024 by the Planning and Development Department, the Notice of Public Hearing signs **were not** posted.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver Ordinance **2024-318 / SW-24-06** be **APPROVED**.



Aerial View



View of Subject Property and Existing Sign

Source: GoogleMaps



Neighboring Parcel Signage

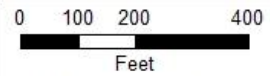
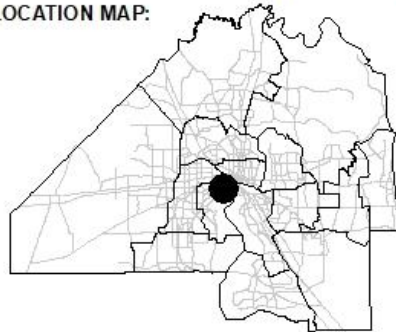
Source: GoogleMaps



REQUEST SOUGHT:

**REDUCE MINIMUM
SETBACK FROM 10 FEET
TO 1 FEET**

LOCATION MAP:



COUNCIL DISTRICT:

7

TRACKING NUMBER

SW-24-06

**EXHIBIT 2
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