

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2021-173-E**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-21-01 FOR A SIGN LOCATED IN COUNCIL
7 DISTRICT 9 AT 5327 TIMUQUANA ROAD, BETWEEN
8 CATOMA STREET AND ORTEGA FARMS BOULEVARD AS
9 DESCRIBED HEREIN, OWNED BY MISSION SPRINGS JV
10 OWNER 2019, LLC, REQUESTING INTERNAL
11 ILLUMINATION, IN ZONING DISTRICT RESIDENTIAL
12 MEDIUM DENSITY-D (RMD-D), AS DEFINED AND
13 CLASSIFIED UNDER THE ZONING CODE; PROVIDING A
14 DISCLAIMER THAT THE WAIVER GRANTED HEREIN
15 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM
16 ANY OTHER APPLICABLE LAWS; PROVIDING AN
17 EFFECTIVE DATE.
18

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

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

29 **WHEREAS**, the Land Use and Zoning Committee, after due notice,
30 held a public hearing, and having duly considered both the
31 testimonial and documentary evidence presented at the public

1 hearing, has made its recommendation to the Council; and

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

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

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

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

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

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

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

1 vicinity;

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

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

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

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

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

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

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

26 **Section 2. Owner, Property and Sign Description.** The
27 Subject Property is owned by Mission Springs JV Owner 2019, LLC,
28 and is legally described in **Exhibit 1, attached hereto**, dated March
29 2, 2021, and graphically depicted in **Exhibit 2, attached hereto**. A
30 graphic depiction of the sign is **attached hereto** as **Exhibit 3**. The
31 applicant is Taylor Sign & Design, Inc., 4162 St. Augustine Road,

1 Office of General Counsel
2 Legislation Prepared By: Bruce Lewis
3 GC-#1419243-v1-SW-21-01.docx