

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-360-E**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-22-01 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 7 AT 14200 DUVAL ROAD, BETWEEN DUVAL ROAD AND
8 WEST DUVAL PLACE (R.E. NOS. 019366-0000, 019659-
9 0000 AND 019373-0020), AS DESCRIBED HEREIN,
10 OWNED BY DUVAL MF PARTNERS, LLC, REQUESTING TO
11 ALLOW FOR INTERNAL ILLUMINATION OF THE SIGN IN
12 ZONING DISTRICTS COMMERCIAL, RESIDENTIAL AND
13 OFFICE (CRO) AND RESIDENTIAL LOW DENSITY-60
14 (RLD-60), AS DEFINED AND CLASSIFIED UNDER THE
15 ZONING CODE; PROVIDING FOR NOTICE; PROVIDING A
16 DISCLAIMER THAT THE WAIVER GRANTED HEREIN SHALL
17 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
18 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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20 **WHEREAS**, an application for a waiver of requirements for signs,
21 **Revised On File** with the City Council Legislative Services Division,
22 was filed by Addie Mentry on behalf of the owner of property located
23 in Council District 7 at 14200 Duval Road, between Duval Road and
24 West Duval Place (R.E. Nos. 019366-0000, 019659-0000 and 019373-0020)
25 (the "Subject Property"), requesting to allow for internal
26 illumination of the sign in Zoning Districts Commercial, Residential
27 and Office (CRO) and Residential Low Density-60 (RLD-60); and

28 **WHEREAS**, the Planning and Development Department has considered
29 the application and all attachments thereto and has rendered an
30 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-22-01 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-22-01, is hereby **approved**.

27 **Section 2. Owner, Property and Sign Description.** The
28 Subject Property is owned by Duval MF Partners, LLC and is legally
29 described in **Exhibit 1**, attached hereto, dated June 30, 2021, and
30 graphically depicted in **Revised Exhibit 2**, attached hereto. A graphic
31 depiction of the sign is attached hereto as **Exhibit 3**. The applicant

1 is Addie Mentry, Creative Sign Designs, 12801 Commodity Place, Tampa,
2 Florida 33626; (813) 749-8549.

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

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

20 **Section 5. Effective Date.** The enactment of this Ordinance
21 shall be deemed to constitute a quasi-judicial action of the City
22 Council and shall become effective upon signature by the Council
23 President and Council Secretary. Failure to exercise the waiver, if
24 herein granted, by the commencement of the use or action herein
25 approved within one (1) year of the effective date of this Ordinance
26 shall render this waiver invalid and all rights arising therefrom
27 shall terminate.

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2 Form Approved:

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4 /s/ Mary E. Staffopoulos

5 Office of General Counsel

6 Legislation Prepared By: Bruce Lewis

7 GC-#1506439-v1-2022-360-E