

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-345**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-21-02 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 5 AT 7061 OLD KINGS ROAD SOUTH, BETWEEN GALICIA
8 ROAD AND TOLEDO ROAD, AS DESCRIBED HEREIN, OWNED
9 BY 7061 S OLD KINGS ROAD, LLC, REQUESTING TO
10 INCREASE THE SIZE OF A SIGN FROM 24 SQUARE FEET
11 TO 30 SQUARE FEET, AND TO REDUCE THE MINIMUM
12 SETBACK FROM 20 FEET TO 10 FEET, IN ZONING
13 DISTRICT RESIDENTIAL MEDIUM DENSITY-D (RMD-D),
14 AS DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
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 Safa Mansouri, on behalf of the owner of property located
23 in Council District 5 at 7061 Old Kings Road South, between Galicia
24 Road and Toledo Road (Subject Property), requesting to increase the
25 size of a sign from 24 square feet to 30 square feet, and to reduce
26 the minimum setback from 20 feet to 10 feet, in Zoning District
27 Residential Medium Density-D (RMD-D); and

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

31 **WHEREAS**, the Land Use and Zoning Committee, after due notice,

1 held a public hearing, and having duly considered both the testimonial
2 and documentary evidence presented at the public hearing, has made
3 its recommendation to the Council; and

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

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

11 **Section 1. Sign Waiver Approved.** The Council has
12 considered the sign waiver criteria pursuant to Sec. 656.133(c),
13 *Ordinance Code*, the recommendation of the Land Use and Zoning
14 Committee, and has reviewed the Staff Report of the Planning and
15 Development Department concerning sign waiver Application SW-21-02
16 and finds that the waiver is in harmony with the spirit and intent
17 of the Zoning Code, considering the following criteria, as applicable:

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

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

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

30 (4) The waiver will not have a detrimental effect on vehicular
31 or pedestrian traffic or parking conditions, or result in the creation

1 of objectionable or excessive light, glare, shadows, or other effects,
2 taking into account existing uses and zoning in the vicinity;

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

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

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

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

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

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

23 Therefore, sign waiver Application SW-21-02 is hereby **approved**.

24 **Section 2. Owner, Property and Sign Description.** The
25 Subject Property is owned by 7061 S Old Kings Road, LLC, and is
26 legally described in **Exhibit 1, attached hereto**, dated April 27,
27 2021, and graphically depicted in **Exhibit 2, attached hereto**. A
28 graphic depiction of the sign is in the application **On File** with the
29 City Council Legislative Services Division. The applicant is Safa
30 Mansouri, 2804 St. Johns Bluff Road, Jacksonville, Florida 32246;
31 (904) 237-0884.

