

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-580**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-21-07 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 2 AT 9820 HUTCHINSON PARK DRIVE, BETWEEN
8 HUTCHINSON PARK DRIVE, LANTERN STREET AND
9 MONUMENT ROAD (R.E. NO. 120798-0580) AS
10 DESCRIBED HEREIN, OWNED BY ST. VINCENT'S HEALTH
11 SYSTEM, INC., REQUESTING TO REDUCE THE MINIMUM
12 SETBACK FROM 10 FEET TO 2 FEET, IN ZONING
13 DISTRICT PLANNED UNIT DEVELOPMENT (PUD) (2003-
14 1376-E), AS DEFINED AND CLASSIFIED UNDER THE
15 ZONING CODE; PROVIDING A DISCLAIMER THAT THE
16 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED AS
17 AN EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
18 PROVIDING AN EFFECTIVE DATE.
19

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 Tracey Diehl, Expedite The Diehl, LLC, on behalf of the
23 owner of property located in Council District 2 at 9820 Hutchinson
24 Park Drive, between Hutchinson Park Drive, Lantern Street and Monument
25 Road (the "Subject Property"), requesting to reduce the minimum
26 setback from 10 feet to 2 feet, in Zoning District Planned Unit
27 Development (PUD) (2003-1376-E); 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.** The Council has considered the sign waiver
12 criteria pursuant to Sec. 656.133(c), *Ordinance Code*, the
13 recommendation of the Land Use and Zoning Committee, and has reviewed
14 the Staff Report of the Planning and Development Department concerning
15 sign waiver Application SW-21-07 and finds that the waiver is in
16 harmony with the spirit and intent of the Zoning Code, considering
17 the following criteria, as applicable:

18 (1) The effect of the sign waiver is compatible with the existing
19 contiguous signage or zoning and consistent with the general character
20 of the area considering population, density, scale, and orientation
21 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-21-07 is hereby **approved**.

24 **Section 2. Owner, Property and Sign Description.** The
25 Subject Property is owned by St. Vincent's Health System, Inc., and
26 is legally described in **Exhibit 1, attached hereto**, dated January 12,
27 2017, and graphically depicted in **Exhibit 2, attached hereto**. A
28 graphic depiction of the sign is **attached hereto** as **Exhibit 3**. The
29 applicant is Tracey Diehl, Expedite The Diehl, LLC, 6487 Hilliard
30 Drive, Canal Winchester, Ohio 43110; (614) 828-8215.

31 **Section 3. Notice.** Legislative Services is hereby directed

1 to mail a copy of this legislation, as enacted, to the applicant and
2 any other parties to this matter who testified before the Land Use
3 and Zoning Committee or otherwise filed a qualifying written statement
4 as defined in Section 656.140(c), *Ordinance Code*.

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

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

24 Form Approved:

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26 /s/ Mary E. Staffopoulos

27 Office of General Counsel

28 Legislation Prepared By: Bruce Lewis

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