



## Legislation Details (With Text)

<b>File #:</b>	17-751	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Request	<b>Status:</b>		Passed	
<b>File created:</b>	9/14/2017	<b>In control:</b>		City Commission	
<b>On agenda:</b>	9/26/2017	<b>Final action:</b>		9/26/2017	
<b>Title:</b>	A WAIVER REQUEST TO LDR SECTION 4.6.7(H)(10)(a)(3), TEMPORARY NON-COMMERCIAL SIGNS, TO ALLOW SIGNAGE TO BE PLACED ON THE SCREENING FENCE ON THE NORTHWEST CORNER OF ATLANTIC AVENUE AND NW 8TH AVENUE, AT 805 W. ATLANTIC AVENUE. (QUASI-JUDICIAL HEARING)				
<b>Sponsors:</b>	Planning & Zoning Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Waiver Justification Statement, 2. The Set - Proposed Signs at 805 W. Atlantic, 3. The Set Signage Presentation - 805 W. Atlantic, 4. 805 W. Atlantic Ave Board Order (The Set Sign Waiver)				

Date	Ver.	Action By	Action	Result
9/26/2017	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Timothy R. Stillings, Planning, Zoning & Building Director  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** September 26, 2017

A WAIVER REQUEST TO LDR SECTION 4.6.7(H)(10)(a)(3), TEMPORARY NON-COMMERCIAL SIGNS, TO ALLOW SIGNAGE TO BE PLACED ON THE SCREENING FENCE ON THE NORTHWEST CORNER OF ATLANTIC AVENUE AND NW 8TH AVENUE, AT 805 W. ATLANTIC AVENUE. (QUASI-JUDICIAL HEARING)

### **Recommended Action:**

Motion to Approve the waiver request to LDR Section 4.6.7(H)(10)(a)(3), Temporary Non-Commercial Signs, to allow signage to be placed on the screening fence on the corner of Atlantic and NW 8th Avenue, at 805 W. Atlantic Avenue.

### **Background:**

The proposal is three signs; (1) at the corner of Atlantic Avenue and NW 8<sup>th</sup> Avenue which is proposed at 95' x 6' for a total of 570 sq. ft.; (2) facing Atlantic Avenue at 46' x 6' for a total of 276 sq. ft.; and (3) facing NW 8<sup>th</sup> Avenue at 36' x 6' for a total of 216 sq. ft. The proposed signs will span the length of the fence on three sides visible from the public right-of-way as illustrated in the plans included with this item. The signs are made out of mesh material with grommets to attach to the fence and is anticipated to remain for a minimum of six months and or up to three years during the site remediation.

The applicant has provided a justification letter which is included with this item.

**Waiver Analysis:**

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and,
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

The granting of this waiver will not adversely affect the neighboring area, diminish the provision of public facilities and is not creating an unsafe situation. The waiver is similar to one granted for temporary signage on construction fencing in 2015 located at MacFarlane Drive, Andrews Avenue and N. Ocean Blvd. Subsequently, a positive finding with respect to LDR Section 2.4.7(B)(5) can be made.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

The waiver is required for the proposed signage to be installed.