

1 Introduced by Council Member Schellenberg:
2

3 **ORDINANCE 2017-229**

4 AN ORDINANCE AMENDING SECTION 656.1302
5 (DEFINITIONS), PART 13 (SIGN REGULATIONS),
6 CHAPTER 656 (ZONING CODE), *ORDINANCE CODE*, TO
7 CREATE A NEW SUBSECTION 656.1302(GG) TO ADD A
8 DEFINITION FOR TEMPORARY CITY OF JACKSONVILLE
9 PARKS RECREATIONAL SIGNS; CREATING A NEW
10 SECTION 656.1311 (TEMPORARY CITY OF
11 JACKSONVILLE PARKS RECREATIONAL SIGNS), PART
12 13 (SIGN REGULATIONS), SUBPART A (GENERAL
13 PROVISIONS), CHAPTER 656 (ZONING CODE),
14 *ORDINANCE CODE*, TO CREATE A PUBLIC PURPOSE
15 RECOGNITION FOR TEMPORARY RECREATIONAL SIGNS
16 ADVERTISING SPORTS REGISTRATION FOR CLUBS
17 PROGRAMMING CITY OF JACKSONVILLE PARKS;
18 PROVIDING AN EFFECTIVE DATE.

19
20 **WHEREAS**, over the past 40 years, Americans have expressed a
21 dynamic and accelerated interest in outdoor recreation; and

22 **WHEREAS**, recognizing the strong public need for parks and
23 other recreational activities and public purpose areas, the
24 Congress, enacted the Recreation and Public Purposes Act in 1954
25 (43 USC 869 et seq.)("the Act"); and

26 **WHEREAS**, the Act authorizes the lease of public lands for
27 recreational or public purposes to qualified not for profit
28 organizations; and

29 **WHEREAS**, active systems of parks and recreational programing
30 provide quality of life and are characteristics of communities
31 where business desire to relocate; and

1 **WHEREAS**, parks and recreational programs and services
2 contribute to the health of children, youth, adults and seniors;
3 and

4 **WHEREAS**, according to the studies by the Center for Disease
5 Control and Prevention, creating and improving and promoting places
6 to be physically active can improve individual and community health
7 and result in 25% increase in residents who exercise at least 3
8 times a week; and

9 **WHEREAS**, Jacksonville boasts of over 400 parks both active and
10 passive; and

11 **WHEREAS**, the City of Jacksonville engages with over 46 not for
12 profits to actively program the parks through sporting
13 associations; and

14 **WHEREAS**, absent the not-for-profit partnerships, the parks
15 would be utilized on a less frequent basis or alternative the cost
16 to the City to maintain and coordinate the expansive programming
17 provided by the not-for-profits would increase drastically; and

18 **WHEREAS**, in order to make prospective sports participants
19 aware of available opportunities, temporary signs two weeks prior
20 to the season may be allowed, subject to conditions and
21 limitations;

22 **WHEREAS**, the Council finds and determines that the addition of
23 Section 656.1311, allowing Temporary City of Jacksonville
24 Recreational Signs, is necessary and appropriate, that it is based
25 upon careful consideration of the unique function served by not-
26 for-profit organizations using the parks, and that the relaxed
27 location standards are necessary as a result of the public purpose
28 of providing recreational programming through organized sports in
29 city parks; and

30 **WHEREAS**, the Council finds and determines that Temporary City
31 of Jacksonville Parks Recreational Signs serve an important

1 function by providing additional information to the public as to
2 the organized sports and recreational opportunities in the parks,
3 and the Council further finds and determines that their placement
4 of such sign types can be controlled and regulated so as to not
5 proliferate unnecessarily; and

6 **WHEREAS**, the Council finds and determines and recognizes the
7 important public purposes that are served by allowing Temporary
8 City of Jacksonville Parks Recreational Signs and by balancing the
9 community's continuing interests in aesthetics and traffic safety
10 at the same time with conditions and limitations on the placement
11 of the Temporary City of Jacksonville Parks Recreational Signs; and

12 **WHEREAS**, in view of the findings and determinations contained
13 herein, the Council finds and determines that Temporary City of
14 Jacksonville Parks Recreational Signs should be allowed on-site and
15 only within the non-paved portion of the City of Jacksonville park
16 property and park property right of way, subject to conditions and
17 limitations; and

18 **WHEREAS**, the Council finds and determines that Temporary City
19 of Jacksonville Parks Recreational Signs meet the conditions and
20 limitations as expressly set forth in the new Section 656.1311,
21 including duration, location, spacing, size, height, and permit
22 requirements; and

23 **WHEREAS**, the Council finds and determines that signs that do
24 not comply with the City's regulations and/or are found within the
25 City of Jacksonville's right of way other than during the 14 day
26 preceding the season opening should be deemed abandoned, and code
27 enforcement officials shall be authorized to remove and dispose of
28 the same without notice or compensation to the owner, and that such
29 illegal signs be treated as litter under Chapter 741, Zero
30 Tolerance for Litter, subject to the fines and other provisions set
31 forth therein through amendments contained within this ordinance;

1 and

2 **WHEREAS**, the Council finds and determines that the Temporary
3 City of Jacksonville Parks Recreational Sign amendment is necessary
4 and continues to provide a balance between the aesthetic and public
5 interests of encouraging programming parks through organized sports
6 in the community, and the functions served by this ordinance, and
7 that it is the intent of the Council that the categorization and
8 treatment of this particular sign-type survive any strict scrutiny
9 analysis under the First Amendment for the reasons outlined herein;
10 now therefore

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

12 **Section 1. Adoption of recitals as findings.**

13 The Council has reviewed the recitals in the whereas clauses
14 set forth herein and adopts the recitals as findings and in
15 consideration of the Council's intent in this legislation.

16 **Section 2. Definitional Subsection 656.1302(gg) Created.**

17 Chapter 656 (Zoning Code), Part 13 (Sign Regulations), Section
18 656.1302 (Definitions), is amended to create a new subsection
19 656.1302(gg), providing definitions for Temporary City of
20 Jacksonville Parks Recreational Signs to read as follows:

21 **CHAPTER 656. ZONING CODE.**

22 * * *

23 **PART 13. SIGN REGULATIONS**

24 * * *

25 **Sec. 656.1302. Definitions.**

26 * * *

27 (gg) Temporary City of Jacksonville Parks Recreational Sign
28 means a sign, that (1) functions to provide information on
29 Park programming by the City of Jacksonville through clubs
30 currently licensed to provide park programming though a
31 License Agreement between the City of Jacksonville and the

1 Club and (2) complies with each and all of the conditions
2 and limitations provided in Section 656.1311.

3 * * *

4 **Section 3. Creating Section 656.1311 (Temporary City of**
5 **Jacksonville Parks Recreational Signs), Ordinance Code.** Section
6 656.1311 (Temporary City of Jacksonville Parks Recreational Signs),
7 Part 13 (Sign Regulations), Subpart A (General Provisions),
8 *Ordinance Code*, Chapter 656 (Zoning Code), *Ordinance Code*, is
9 hereby created to read as follows:

10 **CHAPTER 656. ZONING CODE.**

11 * * *

12 **PART 13. SIGN REGULATIONS**

13 * * *

14 **SUBPART A. GENERAL PROVISIONS**

15 * * *

16 **Sec. 656.1311. Temporary City of Jacksonville Parks**
17 **Recreational Signs.**

18 Notwithstanding any other provision of this Chapter or the
19 Ordinance Code to the contrary, Temporary City of Jacksonville
20 Parks Recreational Signs are hereby authorized for a durational
21 limitation prior to the start of a season under the following
22 conditions and subject to the following limitations:

- 23 a) *Authorized locations.* A Temporary City of Jacksonville Parks
24 Recreational Sign allowed by this section is limited to the
25 Park property on which the Club has a valid License Agreement
26 with the City of Jacksonville to perform park programming.
- 27 b) *Club.* Club means a not-for-profit 501(c)(3) association which
28 has entered into a license agreement with the City of
29 Jacksonville, Parks Recreation and Community Services
30 Department for use of the city facilities as defined in the
31 License Agreement.

1 c) *Definition.* A Temporary City of Jacksonville Parks
2 Recreational Sign means a temporary non-illuminated sign that
3 functions to provide registration information for programs
4 located at City of Jacksonville Parks and that meets the
5 durational limitation, location, spacing, size, height and
6 permitting criteria set forth herein.

7 d) *Display of Permit Number and Date of Issuance.* Each Temporary
8 City of Jacksonville Parks Recreational Sign that is permitted
9 hereunder shall display on the sign the permit number and the
10 date the permit was issued.

11 e) *Durational Period.* The placement of any Temporary City of
12 Jacksonville Parks Recreational Sign allowed by this section
13 is limited to the 14 calendar day period prior to the
14 beginning of the Club Season opening, as specified in the
15 applicable License Agreement.

16 f) *Height.* A Temporary City of Jacksonville Parks Recreational
17 Sign allowed by this section shall not exceed three feet in
18 height measured from the ground level.

19 g) *License Agreement.* License Agreement means an agreement
20 between the City of Jacksonville and the Club by which the
21 Club is authorized to use the City facilities during the
22 Season.

23 h) *Permit.* A person or entity seeking to utilize a Temporary City
24 of Jacksonville Parks Recreational Sign allowed by this
25 section shall apply with the Building Inspection Division of
26 the Planning and Development Department, or its successor for,
27 and pay a \$30 fee for, and receive a permit, using the
28 procedures set forth in Section 320.402(d), Ordinance Code,
29 and forms approved by the Building Inspection Division, prior
30 to the placement of any such sign. Each permit shall be for up
31 to as many as five separate Temporary City of Jacksonville

1 Parks Recreational Signs, for a period of one year. No more
2 than 10 signs per Club shall be allowed during the durational
3 period.

4 i) *Prohibited locations.* A Temporary City of Jacksonville Parks
5 Recreational Sign otherwise allowed by this section is
6 prohibited from the following locations:

7 (1) The public right-of-way;

8 (2) A location within 10 feet of a driveway intersection, or
9 within 25 feet of a roadway intersection;

10 (3) Within a sign overlay zone or designated scenic corridor;
11 or

12 (4) A location that obstructs a public sidewalk; and

13 j) *Season.* Season means a period of time commencing and
14 terminating on the respective dates set forth in the License
15 Agreement for the Club.

16 k) *Size.* A Temporary City of Jacksonville Parks Recreational Sign
17 allowed by this section shall not exceed four square feet in
18 area per face.

19 l) *Spacing.* A Temporary City of Jacksonville Parks Recreational
20 Sign allowed by this section shall be spaced at least 100 feet
21 from any other Temporary City of Jacksonville Parks
22 Recreational Sign on the same side of the road.

23 **Section 4. Effective Date.** This ordinance shall become
24 effective upon signature by the Mayor or upon becoming effective
25 without the Mayor's signature.

26 Form Approved:

27
28 */s/ Margaret M. Sidman*

29 Office of General Counsel

30 Legislation Prepared By: Margaret M. Sidman

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