

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-841-E**

5 AN ORDINANCE DENYING SIGN WAIVER APPLICATION
6 SW-19-09 FOR A SIGN LOCATED IN COUNCIL
7 DISTRICT 11 AT 7524 SOUTHSIDE BOULEVARD,
8 BETWEEN BAYMEADOWS ROAD AND DEERWOOD PARK
9 BOULEVARD (R.E. NO. 147982-0300) AS DESCRIBED
10 HEREIN, OWNED BY ATLANTIC MULTI FAMILY 7 -
11 APPLE, LLC, REQUESTING TO ALLOW FOR
12 ILLUMINATION IN ZONING DISTRICT RESIDENTIAL
13 MEDIUM DENSITY-C (RMD-C), AS DEFINED AND
14 CLASSIFIED UNDER THE ZONING CODE; PROVIDING AN
15 EFFECTIVE DATE.
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17 **WHEREAS**, an application for a waiver of requirements for
18 signs, **On File** with the City Council Legislative Services Division,
19 was filed by Atlantic Multi Family 7 - Apple, LLC, the owner of
20 property located in Council District 11 at 7524 Southside
21 Boulevard, between Baymeadows Road and Deerwood Park Boulevard
22 (R.E. No. 147982-0300) (Subject Property), requesting to allow for
23 illumination in Zoning District Residential Medium Density-C (RMD-
24 C); and

25 **WHEREAS**, the Planning and Development Department has
26 considered the application and all the attachments thereto and has
27 rendered an advisory recommendation (Staff Report); and

28 **WHEREAS**, the Land Use and Zoning Committee, after due notice,
29 held a public hearing, and having duly considered both the
30 testimonial and documentary evidence presented at the public
31 hearing, has made its recommendation to the Council; and

1 **WHEREAS**, taking into consideration the above recommendations
2 and all other evidence entered into the record and testimony taken
3 at the public hearings, the Council has considered the criteria for
4 sign waivers pursuant to Sec. 656.133(c), *Ordinance Code*; now,
5 therefore

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

7 **Section 1.** The Council has considered the sign waiver
8 criteria pursuant to Sec. 656.133(c), *Ordinance Code*, the
9 recommendation of the Land Use and Zoning Committee, and has
10 reviewed the Staff Report of the Planning and Development
11 Department concerning sign waiver Application SW-19-09 and finds
12 that the waiver is not in harmony with the spirit and intent of the
13 Zoning Code and specifically finds as follows:

14 (1) The effect of the sign waiver is not compatible with the
15 existing contiguous signage or zoning and not consistent with the
16 general character of the area considering population, density,
17 scale, and orientation of the structures in the area;

18 (2) The result will detract from the specific intent of the
19 Zoning Code by promoting the continued existence of nonconforming
20 signs that exist in the vicinity;

21 (3) The effect of the proposed waiver will diminish property
22 values in, or negatively alter the aesthetic character of the area
23 surrounding the site, and will substantially interfere with or
24 injure the rights of others whose property would be affected by the
25 same;

26 (4) The waiver will have a detrimental effect on vehicular or
27 pedestrian traffic or parking conditions, or result in the creation
28 of objectionable or excessive light, glare, shadows, or other
29 effects, taking into account existing uses and zoning in the
30 vicinity;

31 (5) The proposed waiver will be detrimental to the public

1 health, safety or welfare, and will result in additional public
2 expense, creation of nuisances, or cause conflict with other
3 applicable law;

4 (6) The Subject Property does not exhibit specific physical
5 limitations or characteristics which are unique to the site and
6 which would make imposition of the strict letter of the regulation
7 unduly burdensome;

8 (7) The request does not accomplish a compelling public
9 interest, such as, for example, furthering the preservation of
10 natural resources by saving a tree or trees; and

11 (8) Strict compliance with the regulation will not create a
12 substantial financial burden when considering cost of compliance.

13 Therefore, sign waiver Application SW-19-09 is hereby **denied**.

14 **Section 2. Owner, Property and Sign Description.** The
15 Subject Property is owned by Atlantic Multi Family - 7 Apple, LLC,
16 and is legally described in **Exhibit 1, attached hereto**, dated
17 October 28, 2019, and graphically depicted in **Exhibit 2, attached**
18 **hereto**. A graphic depiction of the sign is **attached hereto** as
19 **Exhibit 3**. The agent is Audrianna Seitz, 12445 62nd Street North
20 #305, Largo, Florida 33773; (727) 644-8915.

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

26 **Section 4. Effective Date.** The enactment of this
27 Ordinance shall be deemed to constitute a quasi-judicial action of
28 the City Council and shall become effective upon signature by the
29 Council President and Council Secretary.

1 Form Approved:

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3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Connie Quinto

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