

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2025-726**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-25-05 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 9 AT 1233 LANE AVENUE SOUTH, BETWEEN NORMANDY
8 BOULEVARD AND LENOX AVENUE (R.E. NO(S). 011709-
9 0000), AS DESCRIBED HEREIN, OWNED BY BATEH
10 JUBRAN 1233 SOUTH LANE AVENUE, LLC, REQUESTING
11 1) TO REDUCE THE MINIMUM SETBACK FOR TWO SIGNS
12 FROM TEN FEET TO ONE FOOT, AND 2) TO REDUCE THE
13 MINIMUM DISTANCE BETWEEN TWO SIGNS FROM 200 FEET
14 TO 79 FEET IN ZONING DISTRICT COMMERCIAL
15 COMMUNITY/GENERAL-1 (CCG-1), AS DEFINED AND
16 CLASSIFIED UNDER THE ZONING CODE; PROVIDING FOR
17 NOTICE; PROVIDING A DISCLAIMER THAT THE WAIVER
18 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
19 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
20 PROVIDING AN EFFECTIVE DATE.
21

22 **WHEREAS**, an application for a waiver of requirements for signs,
23 **On File** with the City Council Legislative Services Division, was
24 filed by Michael Herzberg, on behalf of the owner of property located
25 in Council District 9 at 1233 Lane Avenue South, between Normandy
26 Boulevard and Lenox Avenue (R.E. No(s). 011709-0000) (the "Subject
27 Property"), requesting 1) to reduce the minimum setback for two signs
28 from ten feet to One foot, and 2) to reduce the minimum distance
29 between two signs from 200 feet to 79 feet in Zoning District
30 Commercial Community/General-1 (CCG-1); and

31 **WHEREAS**, the Planning and Development Department has

1 considered the application and all attachments thereto and has
2 rendered an advisory recommendation (the "Staff Report"); and

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

7 **WHEREAS,** taking into consideration the above recommendations
8 and all other evidence entered into the record and testimony taken
9 at the public hearings, the Council has considered the criteria for
10 sign waivers pursuant to Section 656.113(c), *Ordinance Code*, and
11 finds that the request is in harmony with the spirit and intent of
12 the Zoning Code and should be approved; now therefore

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

14 **Section 1. Sign Waiver Approved.** The Council has
15 considered the sign waiver criteria pursuant to Section 656.133(c),
16 *Ordinance Code*, the recommendation of the Land Use and Zoning
17 Committee, and has reviewed the Staff Report of the Planning and
18 Development Department concerning sign waiver Application SW-25-05
19 and finds that the waiver is in harmony with the spirit and intent
20 of the Zoning Code, considering the following criteria, as applicable:

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

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

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

1 by the same;

2 (4) The proposed waiver will not have a detrimental effect on
3 vehicular or pedestrian traffic or parking conditions, or result in
4 the creation of objectionable or excessive light, glare, shadows, or
5 other effects, taking into account existing uses and zoning in the
6 vicinity;

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

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

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

18 (8) If the request is the result of a violation that has existed
19 for a considerable length of time without receiving a citation,
20 whether the violation that exists is a result of construction that
21 occurred prior to the owner's acquisition of the Subject Property,
22 and not as a direct result of the actions of the current owner;

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

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

28 Therefore, Sign Waiver Application SW-25-05, is hereby approved.

29 **Section 2. Owner, Property and Sign Description.** The
30 Subject Property is owned by Bateh Jubran 1233 South Lane Avenue,
31 LLC, and is legally described in **Exhibit 1**, attached hereto, dated

1 June 6, 2025, and graphically depicted in **Exhibit 2**, attached hereto.
2 The applicant is Michael Herzberg, 12483 Aladdin Road, Jacksonville,
3 Florida, 32223; (904) 731-8806.

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

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

21 **Section 5. Effective Date.** The enactment of this Ordinance
22 shall be deemed to constitute a quasi-judicial action of the City
23 Council and shall become effective upon signature by the Council
24 President and Council Secretary. Failure to exercise the waiver, if
25 herein granted, by the commencement of the use or action herein
26 approved within one (1) year of the effective date of this Ordinance
27 shall render this waiver invalid and all rights arising therefrom
28 shall terminate.

Form Approved:

/s/ Dylan Reingold

Office of General Counsel

Legislation Prepared By: Connor Corrigan

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