

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2025-313-E**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-25-02 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 5 AT 2320 ATLANTIC BOULEVARD, BETWEEN MERRILL
8 AVENUE AND FLESHER AVENUE (R.E. NO(S). 130105-
9 0000), AS DESCRIBED HEREIN, OWNED BY MAYFAIR
10 ENTERPRISES, LLC, REQUESTING TO REDUCE THE
11 MINIMUM SETBACK FROM TEN FEET TO TWO AND A HALF
12 FEET IN ZONING DISTRICT COMMERCIAL
13 COMMUNITY/GENERAL-2 (CCG-2), AS DEFINED AND
14 CLASSIFIED UNDER THE ZONING CODE; PROVIDING FOR
15 NOTICE; PROVIDING A DISCLAIMER THAT THE WAIVER
16 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
17 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
18 PROVIDING AN EFFECTIVE DATE.
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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 Michael Herzberg, on behalf of the owner of property located
23 in Council District 5 at 2320 Atlantic Boulevard, between Merrill
24 Avenue and Flesher Avenue (R.E. No(s). 130105-0000) (the "Subject
25 Property"), requesting to reduce the minimum setback from ten feet
26 to two and a half feet in Zoning District Commercial
27 Community/General-2 (CCG-2); and

28 **WHEREAS,** the Planning and Development Department has
29 considered the application and all attachments thereto and has
30 rendered an advisory recommendation (the "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
5 and all other evidence entered into the record and testimony taken
6 at the public hearings, the Council has considered the criteria for
7 sign waivers pursuant to Section 656.113(c), *Ordinance Code*, and
8 finds that the request is in harmony with the spirit and intent of
9 the Zoning Code and should be approved; now therefore

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

11 **Section 1. Sign Waiver Approved.** The Council has
12 considered the sign waiver criteria pursuant to Section 656.133(c),
13 *Ordinance Code*, the recommendation of the Land Use and Zoning
14 Committee, and has reviewed the Staff Report of the Planning and
15 Development Department concerning sign waiver Application SW-25-02
16 and finds that the waiver is in harmony with the spirit and intent
17 of the Zoning Code, considering the following criteria, as applicable:

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

22 (2) The result will not detract from the specific intent of
23 the 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
26 property values in, or negatively alter the aesthetic character of
27 the area surrounding the site, and will not substantially interfere
28 with or injure the rights of others whose property would be affected
29 by the same;

30 (4) The proposed waiver will not have a detrimental effect on
31 vehicular or pedestrian traffic or parking conditions, or result in

1 the creation of objectionable or excessive light, glare, shadows, or
2 other effects, taking into account existing uses and zoning in the
3 vicinity;

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

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

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

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

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

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

25 Therefore, Sign Waiver Application SW-25-02, is hereby approved.

26 **Section 2. Owner, Property and Sign Description.** The
27 Subject Property is owned by Mayfair Enterprises, LLC, and is legally
28 described in **Exhibit 1**, attached hereto, dated April 17, 2025, and
29 graphically depicted in **Exhibit 2**, attached hereto. The applicant is
30 Michael Herzberg, 12483 Aladdin Road, Jacksonville, Florida 32223;
31 (904) 673-6336.

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

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

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

Form Approved:

/s/ Dylan Reingold

Office of General Counsel

Legislation Prepared By: Payton Jamieson

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