

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-131**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-22-08 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 7 AT 169 ZOO PARKWAY, BETWEEN ZOO PARKWAY AND
8 PARKER AVENUE (R.E. NO. 108799-0000), AS
9 DESCRIBED HEREIN, OWNED BY SAN MARCO INVESTMENTS
10 OF JACKSONVILLE, INC., REQUESTING TO REDUCE THE
11 MINIMUM SETBACK FROM TEN FEET TO ZERO FEET IN
12 ZONING DISTRICT COMMERCIAL COMMUNITY/GENERAL-2
13 (CCG-2), AS DEFINED AND CLASSIFIED UNDER THE
14 ZONING CODE; PROVIDING FOR NOTICE; PROVIDING A
15 DISCLAIMER THAT THE WAIVER GRANTED HEREIN SHALL
16 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
17 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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19 **WHEREAS**, an application for a waiver of requirements for signs,
20 **On File** with the City Council Legislative Services Division, was
21 filed by Colleen Collins, Petroleum Group LLC (d/b/a Petroimage), on
22 behalf of the owner of property located in Council District 7 at 169
23 Zoo Parkway, between Zoo Parkway and Parker Avenue (R.E. No. 108799-
24 0000) (the "Subject Property"), requesting to reduce the minimum
25 setback from ten feet to zero feet in Zoning District Commercial
26 Community/General-2 (CCG-2); and

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

30 **WHEREAS**, the Land Use and Zoning Committee, after due notice
31 held a public hearing and having duly considered both the testimonial

1 and documentary evidence presented at the public hearing, has made
2 its recommendation to the Council; and

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

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

10 **Section 1. Sign Waiver Approved.** The Council has considered
11 the sign waiver criteria pursuant to Sec. 656.133(c), *Ordinance Code*,
12 the recommendation of the Land Use and Zoning Committee, and has
13 reviewed the Staff Report of the Planning and Development Department
14 concerning sign waiver Application SW-22-08 and finds that the waiver
15 is in harmony with the spirit and intent of the Zoning Code,
16 considering the following criteria, as applicable:

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

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

24 (3) The effect of the proposed waiver will not diminish
25 property values in, or negatively alter the aesthetic character of
26 the area surrounding the site, and will not substantially interfere
27 with or injure the rights of others whose property would be affected
28 by the same;

29 (4) The proposed waiver will not have a detrimental effect on
30 vehicular or pedestrian traffic or parking conditions, or result in
31 the creation of objectionable or excessive light, glare, shadows, or

1 other effects, taking into account existing uses and zoning in the
2 vicinity;

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

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

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

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

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

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

24 Therefore, Sign Waiver Application SW-22-08, is hereby approved.

25 **Section 2. Owner, Property and Sign Description.** The
26 Subject Property is owned by San Marco Investments of Jacksonville,
27 Inc. and is legally described in **Exhibit 1**, attached hereto, dated
28 December 8, 2022, and graphically depicted in **Exhibit 2**, attached
29 hereto. A graphic depiction of the sign is attached hereto as **Exhibit**
30 **3**. The applicant is Colleen Collins, Petroleum Group LLC (d/b/a
31 Petroimage), 6432 SE 115th Lane, Belleview, Florida 34420; (352) 304-

1 5500.

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

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

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Erin Abney

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