

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-318**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-19-02 FOR SIGNS LOCATED IN COUNCIL DISTRICT
7 4 AT 3625 UNIVERSITY BOULEVARD SOUTH, BETWEEN
8 SAMUEL WELLS DRIVE AND HARVIN ROAD (R.E. NO.
9 136288-0000) AS DESCRIBED HEREIN, OWNED BY
10 MEMORIAL HEALTHCARE GROUP, INC., REQUESTING TO
11 REDUCE THE MINIMUM DISTANCE BETWEEN SIGNS FROM
12 200 FEET TO 69 FEET FROM LOCATION 1 SIGN, AND
13 FROM 200 FEET TO 138 FEET FROM LOCATION 3
14 SIGN, IN ZONING DISTRICT PUBLIC BUILDINGS AND
15 FACILITIES-2 (PBF-2), AS DEFINED AND
16 CLASSIFIED UNDER THE ZONING CODE; PROVIDING A
17 DISCLAIMER THAT THE WAIVER GRANTED HEREIN
18 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM
19 ANY OTHER APPLICABLE LAWS; PROVIDING AN
20 EFFECTIVE DATE.
21

22 **WHEREAS**, an application for a waiver of requirements for
23 signs, **On File** with the City Council Legislative Services Division,
24 was filed by Memorial Healthcare Group, Inc., the owner of property
25 located in Council District 4 at 3625 University Boulevard South,
26 between Samuel Wells Drive and Harvin Road (R.E. No. 136288-0000)
27 (Subject Property), requesting to reduce the minimum distance
28 between signs from 200 feet to 69 feet from location 1 sign, and
29 from 200 feet to 138 feet from location 3 sign, in Zoning District
30 Public Buildings and Facilities-2 (PBF-2); and

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

1 considered the application and all the attachments thereto and has
2 rendered an advisory recommendation (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
5 testimonial and documentary evidence presented at the public
6 hearing, has made 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 Sec. 656.133(c), *Ordinance Code*, and finds
11 that the request is in harmony with the spirit and intent of the
12 Zoning Code and should be approved; now, therefore

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

14 **Section 1.** The Council has considered the sign waiver
15 criteria pursuant to Sec. 656.133(c), *Ordinance Code*, the
16 recommendation of the Land Use and Zoning Committee, and has
17 reviewed the Staff Report of the Planning and Development
18 Department concerning sign waiver Application SW-19-02 and finds
19 that the waiver is in harmony with the spirit and intent of the
20 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
23 general character of the area considering population, density,
24 scale, and 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
27 nonconforming 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

1 affected by the same;

2 (4) The waiver will not have a detrimental effect on vehicular
3 or pedestrian traffic or parking conditions, or result in the
4 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
13 which would make imposition of the strict letter of the regulation
14 unduly 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
19 existed for a considerable length of time without receiving a
20 citation, whether the violation that exists is a result of
21 construction that occurred prior to the applicant's acquisition of
22 the property, and not as a direct result of the actions of the
23 current owner;

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

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

29 Therefore, sign waiver Application SW-19-02 is hereby
30 **approved.**

31 **Section 2. Owner, Property and Sign Description.** The

1 Subject Property is owned by Memorial Healthcare Group, Inc., and
2 is legally described in **Revised Exhibit 1, attached hereto**, dated
3 June 18, 2019, and graphically depicted in **Revised Exhibit 2,**
4 **attached hereto**. A graphic depiction of the sign distances is
5 **attached hereto** as **Exhibit 3**. The agent is Richard T. Hayes, 3602
6 Parkway Boulevard, Suite 1, Leesburg, Florida 34748; (352) 787-
7 3882.

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

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

26 **Section 5. 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. Failure to exercise the
30 waiver, if herein granted, by commencement of the use or action
31 herein approved within one year of the effective date of this

1 Ordinance shall render this waiver invalid and all rights arising
2 therefrom shall terminate.

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4 Form Approved:

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6 /s/ Shannon K. Eller

7 Office of General Counsel

8 Legislation Prepared By: Arimus Wells

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