

1 Introduced 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.  
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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 **Exhibit 1, attached hereto**, dated February  
3 28, 2019, and graphically depicted in **Exhibit 2, attached hereto**.  
4 A graphic depiction of the sign distances is **attached hereto** as  
5 **Exhibit 3**. The agent is Richard T. Hayes, 3602 Parkway Boulevard,  
6 Suite 1, Leesburg, Florida 34748; (352) 787-3882.

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

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

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

1 therefrom shall terminate.

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3 Form Approved:

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5           /s/ Shannon K. Eller          

6 Office of General Counsel

7 Legislation Prepared By: Arimus Wells

8 GC-#1279556-v1-SW-19-02