

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2019-685-E**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION  
6 SW-19-08 FOR A SIGN LOCATED IN COUNCIL  
7 DISTRICT 5 AT 5707 UNIVERSITY BOULEVARD WEST,  
8 BETWEEN UNIVERSITY BOULEVARD WEST AND BARNES  
9 ROAD SOUTH (R.E. NO. 152621-0020) AS DESCRIBED  
10 HEREIN, OWNED BY ZEAVY, LLC, REQUESTING TO  
11 REDUCE THE MINIMUM SETBACK FROM 10 FEET TO 2  
12 FEET IN ZONING DISTRICT COMMERCIAL  
13 COMMUNITY/GENERAL-1 (CCG-1), AS DEFINED AND  
14 CLASSIFIED UNDER THE ZONING CODE; PROVIDING A  
15 DISCLAIMER THAT THE WAIVER GRANTED HEREIN  
16 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM  
17 ANY OTHER APPLICABLE LAWS; PROVIDING AN  
18 EFFECTIVE DATE.  
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20 **WHEREAS**, an application for a waiver of requirements for  
21 signs, **On File** with the City Council Legislative Services Division,  
22 was filed by Zeavy, LLC, the owner of property located in Council  
23 District 5 at 5707 University Boulevard West, between University  
24 Boulevard West and Barnes Road South (R.E. No. 152621-0020)  
25 (Subject Property), requesting to reduce the minimum setback from  
26 10 feet to 2 feet in Zoning District Commercial Community/General-1  
27 (CCG-1); and

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

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

5           **WHEREAS**, taking into consideration the above recommendations  
6 and all other evidence entered into the record and testimony taken  
7 at the public hearings, the Council has considered the criteria for  
8 sign waivers pursuant to Sec. 656.133(c), *Ordinance Code*, and finds  
9 that the request is in harmony with the spirit and intent of the  
10 Zoning Code and should be approved; now, therefore

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

12           **Section 1.**       The Council has considered the sign waiver  
13 criteria pursuant to Sec. 656.133(c), *Ordinance Code*, the  
14 recommendation of the Land Use and Zoning Committee, and has  
15 reviewed the Staff Report of the Planning and Development  
16 Department concerning sign waiver Application SW-19-08 and finds  
17 that the waiver is in harmony with the spirit and intent of the  
18 Zoning Code, considering the following criteria, as applicable:

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

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

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

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

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

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

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

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

23 (9) The request accomplishes a compelling public interest,  
24 such as, for example, furthering the preservation of natural  
25 resources by 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-19-08 is hereby  
29 **approved.**

30 **Section 2. Owner, Property and Sign Description.** The  
31 Subject Property is owned by Zeavy, LLC, and is legally described

1 in **Exhibit 1, attached hereto**, dated September 10, 2019, and  
2 graphically depicted in **Exhibit 2, attached hereto**. A graphic  
3 depiction of the sign is **attached hereto** as **Exhibit 3**. The agent  
4 is Jennifer Vargas, 482 South Keller Road, Orlando, Florida 32810;  
5 (407) 806-4282.

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

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

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

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Form Approved:

/s/ Shannon K. Eller

Office of General Counsel

Legislation Prepared By: Erin Abney

GC-#1305107-v1-SW-19-08