

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2019-840**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION  
6 SW-19-10 FOR A SIGN LOCATED IN COUNCIL  
7 DISTRICT 14 AT 1001 PARK STREET, BETWEEN POST  
8 STREET AND PARK STREET (R.E. NO. 090347-0000)  
9 AS DESCRIBED HEREIN, OWNED BY PARK & POST,  
10 LLC, REQUESTING TO ALLOW FOR ILLUMINATION WITH  
11 EXPOSED NEON IN ZONING DISTRICT COMMERCIAL  
12 COMMUNITY/GENERAL-1 (CCG-1), AS DEFINED AND  
13 CLASSIFIED UNDER THE ZONING CODE; PROVIDING A  
14 DISCLAIMER THAT THE WAIVER GRANTED HEREIN  
15 SHALL NOT BE CONSTRUED AS AN EXEMPTION FROM  
16 ANY OTHER APPLICABLE LAWS; PROVIDING AN  
17 EFFECTIVE DATE.  
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19 **WHEREAS**, an application for a waiver of requirements for  
20 signs, **On File** with the City Council Legislative Services Division,  
21 was filed by Park & Post, LLC, the owner of property located in  
22 Council District 14 at 1001 Park Street, between Park Street and  
23 Post Street (R.E. No. 090347-0000) (Subject Property), requesting  
24 to allow for illumination with exposed neon in Zoning District  
25 Commercial Community/General-1 (CCG-1); and

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

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

1 hearing, has made its recommendation to the Council; and

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

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

9       **Section 1.**       The Council has considered the sign waiver  
10 criteria pursuant to Sec. 656.133(c), *Ordinance Code*, the  
11 recommendation of the Land Use and Zoning Committee, and has  
12 reviewed the Staff Report of the Planning and Development  
13 Department concerning sign waiver Application SW-19-10 and finds  
14 that the waiver is in harmony with the spirit and intent of the  
15 Zoning Code, considering the following criteria, as applicable:

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

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

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

28       (4) The waiver will not have a detrimental effect on vehicular  
29 or pedestrian traffic or parking conditions, or result in the  
30 creation of objectionable or excessive light, glare, shadows, or  
31 other effects, taking into account existing uses and zoning in the

1 vicinity;

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

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

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

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

19 (9) The request accomplishes a compelling public interest,  
20 such as, for example, furthering the preservation of natural  
21 resources by 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-19-10 is hereby  
25 **approved.**

26 **Section 2. Owner, Property and Sign Description.** The  
27 Subject Property is owned by Park & Post, LLC, and is legally  
28 described in **Exhibit 1, attached hereto**, dated October 24, 2019,  
29 and graphically depicted in **Exhibit 2, attached hereto**. A graphic  
30 depiction of the sign is **attached hereto** as **Exhibit 3**. The agent  
31 is Ric Roberts, 8116 Brenton Circle, Ft. Myers, Florida 33912;

1 (239) 826-4785.

2 **Section 3.** Legislative Services is hereby directed to  
3 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  
6 statement as defined in Section 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  
10 or approvals. All other applicable local, state or federal permits  
11 or approvals shall be obtained before commencement of the  
12 development 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  
16 will be operated in strict compliance with all laws. Issuance of  
17 this sign waiver does not approve, promote or condone any practice  
18 or act that is prohibited or restricted by any federal, state or  
19 local laws.

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

1 Form Approved:

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3           /s/ Shannon K. Eller          

4 Office of General Counsel

5 Legislation Prepared By: Arimus Wells

6 GC-#1321637-v2-SW-19-10