

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2021-539**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-21-06 FOR A SIGN LOCATED IN COUNCIL DISTRICT
7 4 AT 6349 BEACH BOULEVARD, BETWEEN RYAR ROAD AND
8 HICKMAN ROAD AS DESCRIBED HEREIN, OWNED BY ZEUS
9 & ZEUS TRUST 0517, REQUESTING TO REDUCE THE
10 MINIMUM SETBACK FROM 10 FEET TO 0 FEET, IN ZONING
11 DISTRICT COMMERCIAL COMMUNITY/GENERAL-2 (CCG-
12 2), AS DEFINED AND CLASSIFIED UNDER THE ZONING
13 CODE; PROVIDING A DISCLAIMER THAT THE WAIVER
14 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
15 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
16 PROVIDING AN EFFECTIVE DATE.
17

18 **WHEREAS**, an application for a waiver of requirements for signs,
19 **On File** with the City Council Legislative Services Division, was
20 filed by Ken Bringle, on behalf of the owner of property located in
21 Council District 4 at 6349 Beach Boulevard, between Ryar Road and
22 Hickman Road (the "Subject Property"), requesting to reduce the
23 minimum setback from 10 feet to 0 feet, in Zoning District Commercial
24 Community/General-2 (CCG-2); and

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

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

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

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

8 **Section 1.** The Council has considered the sign waiver
9 criteria pursuant to Sec. 656.133(c), *Ordinance Code*, the
10 recommendation of the Land Use and Zoning Committee, and has reviewed
11 the Staff Report of the Planning and Development Department concerning
12 sign waiver Application SW-21-06 and finds that the waiver is in
13 harmony with the spirit and intent of the Zoning Code, considering
14 the following criteria, as applicable:

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

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

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

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

31 (5) The proposed waiver will not be detrimental to the public

1 health, safety or welfare, and will not result in additional public
2 expense, creation of nuisances, or cause conflict with any other
3 applicable law;

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

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

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

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

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

20 Therefore, sign waiver Application SW-21-06 is hereby **approved**.

21 **Section 2. Owner, Property and Sign Description.** The
22 Subject Property is owned by Zeus & Zeus Trust 0517, and is legally
23 described in **Exhibit 1, attached hereto**, dated September 17, 2020,
24 and graphically depicted in **Exhibit 2, attached hereto**. A graphic
25 depiction of the sign is **attached hereto** as **Exhibit 3**. The applicant
26 is Ken Bringle, 263 Edgewood Avenue South, Jacksonville, Florida
27 32254; (904) 425-3363.

28 **Section 3. Notice.** Legislative Services is hereby directed
29 to mail a copy of this legislation, as enacted, to the applicant and
30 any other parties to this matter who testified before the Land Use
31 and Zoning Committee or otherwise filed a qualifying written statement

1 as defined in Section 656.140(c), *Ordinance Code*.

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

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

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22 Form Approved:

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24 /s/ Mary E. Staffopoulos

25 Office of General Counsel

26 Legislation Prepared By: Bruce Lewis

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