

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-552**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-19-06 FOR A SIGN LOCATED IN COUNCIL
7 DISTRICT 5 AT 7500 POWERS AVENUE, BETWEEN OLD
8 KINGS ROAD SOUTH AND TOLEDO ROAD (R.E. NO.
9 147998-0030) AS DESCRIBED HEREIN, OWNED BY GMC
10 PINEBROOK, LLC, REQUESTING TO REDUCE THE
11 MINIMUM SETBACK FROM 20 FEET TO 5 FEET IN
12 ZONING DISTRICT RESIDENTIAL MEDIUM DENSITY-D
13 (RMD-D), AS DEFINED AND CLASSIFIED UNDER THE
14 ZONING CODE; PROVIDING A DISCLAIMER THAT THE
15 WAIVER GRANTED HEREIN SHALL NOT BE CONSTRUED
16 AS AN EXEMPTION FROM ANY OTHER APPLICABLE
17 LAWS; PROVIDING AN 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 GMC Pinebrook, LLC, the owner of property located in
22 Council District 5 at 7500 Powers Avenue, between Old Kings Road
23 South and Toledo Road (R.E. No. 147998-0030) (Subject Property),
24 requesting to reduce the minimum setback from 20 feet to 5 feet in
25 Zoning District Residential Medium Density-D (RMD-D); 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-19-06 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-19-06 is hereby
25 **approved.**

26 **Section 2. Owner, Property and Sign Description.** The
27 Subject Property is owned by GMC Pinebrook, LLC, and is legally
28 described in **Exhibit 1, attached hereto**, dated July 16, 2019, and
29 graphically depicted in **Exhibit 2, attached hereto**. A graphic
30 depiction of the sign is **attached hereto** as **Exhibit 3**. The agent
31 is Ryan Richardson, Harbinger Sign, 5300 Shad Road, Jacksonville,

1 Florida 32257; (904) 638-2017.

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: Connie Patterson

6 GC-#1296013-v1-Rez_-_SW-19-06