

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-459**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-19-04 FOR A SIGN LOCATED IN COUNCIL
7 DISTRICT 8 AT 6920 NORTH PEARL STREET, BETWEEN
8 60TH STREET WEST AND PERRY STREET (R.E. NO.
9 035129-0010) AS DESCRIBED HEREIN, OWNED BY
10 TRINITY DELIVERANCE CHRISTIAN CHURCH, INC.,
11 REQUESTING TO INCREASE THE MAXIMUM SIZE OF A
12 SIGN FROM 24 SQUARE FEET TO 32 SQUARE FEET,
13 AND TO REDUCE THE MINIMUM SETBACK FROM 10 FEET
14 TO 1 FOOT IN ZONING DISTRICT RESIDENTIAL LOW
15 DENSITY-60 (RLD-60), AS DEFINED AND CLASSIFIED
16 UNDER THE ZONING CODE; PROVIDING A DISCLAIMER
17 THAT THE WAIVER GRANTED HEREIN SHALL NOT BE
18 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
19 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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21 **WHEREAS**, an application for a waiver of requirements for
22 signs, **On File** with the City Council Legislative Services Division,
23 was filed by Trinity Deliverance Christian Church, Inc., the owner
24 of property located in Council District 8 at 6920 North Pearl
25 Street, between 60th Street West and Perry Street (R.E. No. 035129-
26 0010) (Subject Property), requesting to increase the maximum size
27 of a sign from 24 square feet to 32 square feet, and to reduce the
28 minimum setback from 10 feet to 1 foot in Zoning District
29 Residential Low Density-60 (RLD-60); and

30 **WHEREAS**, the Planning and Development Department has
31 considered the application and all the attachments thereto and has

1 rendered an advisory recommendation (Staff Report); and

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

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

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

13 **Section 1.** The Council has considered the sign waiver
14 criteria pursuant to Sec. 656.133(c), *Ordinance Code*, the
15 recommendation of the Land Use and Zoning Committee, and has
16 reviewed the Staff Report of the Planning and Development
17 Department concerning sign waiver Application SW-19-04 and finds
18 that the waiver is in harmony with the spirit and intent of the
19 Zoning Code, considering the following criteria, as applicable:

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

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

27 (3) The effect of the proposed waiver will not diminish
28 property values in, or negatively alter the aesthetic character of
29 the area surrounding the site, and will not substantially interfere
30 with or injure the rights of others whose property would be
31 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-19-04 is hereby
29 **approved.**

30 **Section 2. Owner, Property and Sign Description.** The
31 Subject Property is owned by Trinity Deliverance Christian Church,

1 Inc., and is legally described in **Exhibit 1, attached hereto**, dated
2 June 6, 2019, and graphically depicted in **Exhibit 2, attached**
3 **hereto**. A graphic depiction of the sign is **attached hereto** as
4 **Exhibit 3**. The agent is Jamie Fore, 1220 Sunray Court,
5 Jacksonville, Florida 32218; (904) 434-7428.

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.

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-#1288159-v1-SW-19-04