

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2020-516**

5 AN ORDINANCE APPROVING SIGN WAIVER APPLICATION
6 SW-20-05 FOR A SIGN LOCATED IN COUNCIL
7 DISTRICT 12 AT 10343 NORMANDY BOULEVARD,
8 BETWEEN BLAIR ROAD AND OLD GAINESVILLE ROAD
9 (R.E. NO. 009009-0010 (PORTION)) AS DESCRIBED
10 HEREIN, OWNED BY PROMISE LAND BAPTIST CHURCH,
11 INC., REQUESTING TO INCREASE THE MAXIMUM
12 HEIGHT OF A SIGN FROM 12 FEET TO 12 FEET 2
13 INCHES, INCREASE THE NUMBER OF SIGNS FROM 1 TO
14 2, ALLOW FOR INTERNAL ILLUMINATION/CHANGING
15 MESSAGE DEVICE, AND ALLOW A PYLON SIGN INSTEAD
16 OF A MONUMENT SIGN, IN ZONING DISTRICT
17 RESIDENTIAL RURAL-ACRE (RR-ACRE), AS DEFINED
18 AND CLASSIFIED UNDER THE ZONING CODE;
19 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED
20 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
21 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
22 EFFECTIVE DATE.
23

24 **WHEREAS**, an application for a waiver of requirements for
25 signs, **On File** with the City Council Legislative Services Division,
26 was filed by Promise Land Baptist Church, Inc., the owner of
27 property located in Council District 12 at 10343 Normandy
28 Boulevard, between Blair Road and Old Gainesville Road (R.E. No.
29 009009-0010 (portion)) (Subject Property), requesting to increase
30 the maximum height of a sign from 12 feet to 12 feet 2 inches,
31 increase the number of signs from 1 to 2, allow for internal

1 illumination/changing message device, and allow a pylon sign
2 instead of a monument sign, in Zoning District Residential Rural-
3 Acre (RR-Acre); and

4 **WHEREAS,** the Planning and Development Department has
5 considered the application and all the attachments thereto and has
6 rendered an advisory recommendation (Staff Report); and

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

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

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

18 **Section 1.** The Council has considered the sign waiver
19 criteria pursuant to Sec. 656.133(c), *Ordinance Code*, the
20 recommendation of the Land Use and Zoning Committee, and has
21 reviewed the Staff Report of the Planning and Development
22 Department concerning sign waiver Application SW-20-05 and finds
23 that the waiver is in harmony with the spirit and intent of the
24 Zoning Code, considering the following criteria, as applicable:

25 (1) The effect of the sign waiver is compatible with the
26 existing contiguous signage or zoning and consistent with the
27 general character of the area considering population, density,
28 scale, and orientation of the structures in the area;

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

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

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

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

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

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

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

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

31 (10) Strict compliance with the regulation will create a

1 substantial financial burden when considering cost of compliance.

2 Therefore, sign waiver Application SW-20-05 is hereby
3 **approved.**

4 **Section 2. Owner, Property and Sign Description.** The
5 Subject Property is owned by Promise Land Baptist Church, Inc., and
6 is legally described in **Exhibit 1, attached hereto**, dated July 9,
7 2020, and graphically depicted in **Exhibit 2, attached hereto**. A
8 graphic depiction of the sign is **attached hereto** as **Exhibit 3**. The
9 agent is Ronnie Williams, 4456 Lakeside Drive, Jacksonville,
10 Florida 32210; (904) 237-8806.

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

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

29 **Section 5. Effective Date.** The enactment of this
30 Ordinance shall be deemed to constitute a quasi-judicial action of
31 the City Council and shall become effective upon signature by the

1 Council President and Council Secretary. Failure to exercise the
2 waiver, if herein granted, by commencement of the use or action
3 herein approved within one year of the effective date of this
4 Ordinance shall render this waiver invalid and all rights arising
5 therefrom shall terminate.

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7 Form Approved:

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9 /s/ Shannon K. Eller

10 Office of General Counsel

11 Legislation Prepared By: Bruce Lewis

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