

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

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

23 **WHEREAS**, an application for a waiver of requirements for signs,
24 **On File** with the City Council Legislative Services Division, was
25 filed by Promise Land Baptist Church, Inc., the owner of property
26 located in Council District 12 at 10343 Normandy Boulevard, between
27 Blair Road and Old Gainesville Road (R.E. No. 009009-0010 (portion))
28 (Subject Property), requesting to increase the maximum height of a
29 sign from 12 feet to 15 feet, increase the number of signs from 1 to
30 2, allow for internal illumination/changing message device, and allow
31 a pylon sign instead of a monument sign, in Zoning District

1 Residential Rural-Acre (RR-Acre); and

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

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

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

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

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

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

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

30 (3) The effect of the proposed waiver will not diminish property
31 values in, or negatively alter the aesthetic character of the area

1 surrounding the site, and will not substantially interfere with or
2 injure the rights of others whose property would be affected by the
3 same;

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

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

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

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

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

23 (9) The request accomplishes a compelling public interest, such
24 as, for example, furthering the preservation of natural resources by
25 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-20-05 is hereby **approved**.

29 **Section 2. Owner, Property and Sign Description.** The
30 Subject Property is owned by Promise Land Baptist Church, Inc., and
31 is legally described in **Exhibit 1, attached hereto**, dated July 9,

1 2020, and graphically depicted in **Exhibit 2, attached hereto**. A
2 graphic depiction of the sign is **attached hereto** as **Revised Exhibit**
3 **3**. The agent is Ronnie Williams, 4456 Lakeside Drive, Jacksonville,
4 Florida 32210; (904) 237-8806.

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

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

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

1 Form Approved:

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3 /s/ Shannon K. Eller

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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