

1 Introduced and twice amended by the Land Use and Zoning Committee:  
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3

4 **ORDINANCE 2024-348-E**

5 AN ORDINANCE REZONING APPROXIMATELY 8.3± ACRES,  
6 LOCATED IN COUNCIL DISTRICT 7 AT 2303 N. MARKET  
7 STREET, 2301 AND 2245 MAIN STREET, 2305 HUBBARD  
8 STREET, 2335 MARKET STREET, 0 AND 2401 HUBBARD  
9 STREET, 2402 MARKET STREET, 0 N. MARKET STREET,  
10 2336 LIBERTY STREET, 0 E. 14<sup>TH</sup> STREET, 0 E. 15<sup>TH</sup>  
11 STREET AND 2315 HUBBARD STREET BETWEEN MAIN  
12 STREET AND LIBERTY STREET AND SOUTH OF E. 15<sup>TH</sup>  
13 STREET (R.E. NOS. 044910-0000, 044911-0000,  
14 044912-0000, 044914-0000, 044922-0005, 044931-  
15 0000, 044932-0000, 044935-0000, 044936-0000,  
16 044938-0005, 044941-0010, 044941-0060, 044942-  
17 0000 AND 055295-0000), OWNED BY FOC JP PROP 1A,  
18 LLC, FOC JP PROP 2, LLC, FOC JP PROP 3, LLC, FOC  
19 JP PROP 4, LLC, FOC JP PROP 5, LLC, FOC JP PROP  
20 6, LLC, FOC JP PROP 7, LLC AND FOC JP PROP 8,  
21 LLC, FROM PLANNED UNIT DEVELOPMENT (PUD)  
22 DISTRICT AND INDUSTRIAL LIGHT (IL) DISTRICT TO  
23 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT, AS  
24 DEFINED AND CLASSIFIED UNDER THE ZONING CODE, TO  
25 PERMIT TOWNHOMES AND COMMERCIAL AND MULTI-FAMILY  
26 RESIDENTIAL USES, INCLUDING THE SALE AND SERVICE  
27 OF ALL ALCOHOLIC BEVERAGES, INCLUDING LIQUOR,  
28 BEER AND WINE, FOR ON-PREMISES CONSUMPTION AND  
29 OFF-PREMISES CONSUMPTION ON PROPERTY LOCATED  
30 LESS THAN 1,500 FEET FROM A CHURCH WITHOUT THE  
31 REQUIREMENT TO OBTAIN A WAIVER OF MINIMUM

1 DISTANCE FOR A LIQUOR LICENSE LOCATION PURSUANT  
2 TO SECTION 656.805, *ORDINANCE CODE*, AS DESCRIBED  
3 IN THE PHOENIX ART DISTRICT PUD, PURSUANT TO  
4 FUTURE LAND USE MAP SERIES (FLUMS) SMALL-SCALE  
5 AMENDMENT APPLICATION NUMBER L-5906-24C; PUD  
6 SUBJECT TO CONDITION; FINDING THAT THERE IS  
7 COMPETENT, SUBSTANTIAL EVIDENCE IN THE RECORD TO  
8 SUPPORT THE NEED FOR RELIEF FROM THE REQUIREMENT  
9 FOR A WAIVER OF MINIMUM DISTANCE FOR LIQUOR  
10 LICENSE LOCATION; PROVIDING A DISCLAIMER THAT  
11 THE REZONING GRANTED HEREIN SHALL NOT BE  
12 CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
13 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.  
14

15 **WHEREAS**, the City of Jacksonville adopted a Small-Scale  
16 Amendment to the *2045 Comprehensive Plan* for the purpose of revising  
17 portions of the Future Land Use Map series (FLUMs) in order to ensure  
18 the accuracy and internal consistency of the plan, pursuant to  
19 companion application L-5906-24C; and

20 **WHEREAS**, in order to ensure consistency of zoning district  
21 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale  
22 Amendment L-5906-24C, an application to rezone and reclassify from  
23 Planned Unit Development (PUD) District and Industrial Light (IL)  
24 District to Planned Unit Development (PUD) District was filed by M.  
25 Hayden. Phillips, Esq., on behalf of the owner of approximately 8.3±  
26 acres of certain real property in Council District 7, as more  
27 particularly described in Section 1; and

28 **WHEREAS**, the Planning and Development Department, in order to  
29 ensure consistency of this zoning district with the *2045 Comprehensive*  
30 *Plan*, has considered the rezoning and has rendered an advisory  
31 opinion; and

1           **WHEREAS**, the Planning Commission has considered the  
2 application and has rendered an advisory opinion; and

3           **WHEREAS**, the Land Use and Zoning Committee, after due notice  
4 and public hearing, has made its recommendation to the Council; and

5           **WHEREAS**, the City Council, after due notice, held a public  
6 hearing, and taking into consideration the above recommendations as  
7 well as all oral and written comments received during the public  
8 hearings, the Council finds that such rezoning is consistent with the  
9 *2045 Comprehensive Plan* adopted under the comprehensive planning  
10 ordinance for future development of the City of Jacksonville; and

11           **WHEREAS**, the Council finds that the proposed PUD does not  
12 affect adversely the orderly development of the City as embodied in  
13 the *Zoning Code*; will not affect adversely the health and safety of  
14 residents in the area; will not be detrimental to the natural  
15 environment or to the use or development of the adjacent properties  
16 in the general neighborhood; and the proposed PUD will accomplish the  
17 objectives and meet the standards of Section 656.340 (Planned Unit  
18 Development) of the *Zoning Code* of the City of Jacksonville; now  
19 therefore

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

21           **Section 1. Subject Property Location and Description.** The  
22 approximately 8.3± acres are located in Council District 7 at 2303  
23 N. Market Street, 2301 and 2245 Main Street, 2305 Hubbard Street,  
24 2335 Market Street, 0 and 2401 Hubbard Street, 2402 Market Street, 0  
25 N. Market Street, 2336 Liberty Street, 0 E. 14<sup>TH</sup> Street, 0 E. 15<sup>TH</sup>  
26 Street and 2315 Hubbard Street, between Main Street and Liberty Street  
27 and south of E. 15<sup>TH</sup> Street (R.E. Nos. 044910-0000, 044911-0000,  
28 044912-0000, 044914-0000, 044922-0005, 044931-0000, 044932-0000,  
29 044935-0000, 044936-0000, 044938-0005, 044941-0010, 044941-0060,  
30 044942-0000 and 055295-0000), as more particularly described in  
31 **Exhibit 1**, dated January 1, 2024, and graphically depicted in **Exhibit**

1 **2**, both of which are attached hereto and incorporated herein by this  
2 reference (the "Subject Property").

3 **Section 2. Owner and Applicant Description.** The Subject  
4 Property is owned by FOC JP PROP 1A, LLC, FOC JP PROP 2, LLC, FOC JP  
5 PROP 3, LLC, FOC JP PROP 4, LLC, FOC JP PROP 5, LLC, FOC JP PROP 6,  
6 LLC, FOC JP PROP 7, LLC and FOC JP PROP 8, LLC. The applicant is M.  
7 Hayden Phillips, Esq., Rogers Towers, P.A., 1301 Riverplace Blvd.,  
8 Suite 1500, Jacksonville, FL, 32207; (904) 346-5535.

9 **Section 3. Property Rezoned.** The Subject Property,  
10 pursuant to adopted companion Small-Scale Amendment Application  
11 L-5906-24C, is hereby rezoned and reclassified from Planned Unit  
12 Development (PUD) District and Industrial Light (IL) District to  
13 Planned Unit Development (PUD) District. This new PUD district shall  
14 generally permit townhomes and commercial and multi-family  
15 residential uses and is described, shown and subject to the following  
16 documents, attached hereto:

17 **Exhibit 1** - Legal Description dated January 1, 2024.

18 **Exhibit 2** - Subject Property per P&DD.

19 **Exhibit 3** - Written Description dated January 10, 2024.

20 **Exhibit 4** - Site Plan dated December 22, 2023.

21 **Section 4. Rezoning Approved Subject to Condition.** This  
22 rezoning is approved subject to the following condition. Such  
23 condition controls over the Written Description and the Site Plan and  
24 may only be amended through a rezoning:

25 (1) The PUD shall consist of an integrated system of pedestrian  
26 walkways, sidewalks and paths. This system shall also incorporate the  
27 Emerald Trail, which is envisioned to be located along the southern  
28 edge of the PUD. The applicant will work with the City, Groundwork  
29 Jacksonville, Inc. and the Jacksonville Transportation Authority  
30 (JTA) upon a mutually agreeable trail location and design. The owners  
31 of the Subject Property, or their successors or assigns, shall grant

1 all necessary easements to the City, Groundwork Jacksonville, Inc.  
2 and JTA as necessary to build and maintain the Emerald Trail.

3       **Section 5. Findings Regarding Deviation from Waiver of**  
4 **Minimum Distance for Liquor License Location.** Pursuant to Section  
5 656.341(c)(2)(ii)(B), *Ordinance Code*, when a PUD Written Description  
6 includes a request for a deviation or waiver from various Zoning Code  
7 requirements, including waivers of liquor distances from churches and  
8 schools, the Council is required to determine that the requested  
9 deviation or waiver is necessary. The Council hereby finds that there  
10 is competent and substantial evidence in the record to support the  
11 need for relief from the requirement for a waiver of minimum distance  
12 for liquor license location as requested in **Exhibit 3** for the reasons  
13 articulated by the Land Use and Zoning Committee.

14       **Section 6. Contingency.** This rezoning shall not become  
15 effective until thirty-one (31) days after adoption of the companion  
16 Small-Scale Amendment; and further provided that if the companion  
17 Small-Scale Amendment is challenged by the state land planning agency,  
18 this rezoning shall not become effective until the state land planning  
19 agency or the Administration Commission issues a final order  
20 determining the companion Small-Scale Amendment is in compliance with  
21 Chapter 163, *Florida Statutes*.

22       **Section 7. Disclaimer.** The rezoning granted herein  
23 shall **not** be construed as an exemption from any other applicable  
24 local, state, or federal laws, regulations, requirements, permits or  
25 approvals. All other applicable local, state or federal permits or  
26 approvals shall be obtained before commencement of the development  
27 or use and issuance of this rezoning is based upon acknowledgement,  
28 representation and confirmation made by the applicant(s), owner(s),  
29 developer(s) and/or any authorized agent(s) or designee(s) that the  
30 subject business, development and/or use will be operated in strict  
31 compliance with all laws. Issuance of this rezoning does **not** approve,

1 promote or condone any practice or act that is prohibited or  
2 restricted by any federal, state or local laws.

3           **Section 8.           Effective Date.** The enactment of this Ordinance  
4 shall be deemed to constitute a quasi-judicial action of the City  
5 Council and shall become effective upon signature by the Council  
6 President and the Council Secretary.

7

8 Form Approved:

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10                     /s/ Mary E. Staffopoulos          

11 Office of General Counsel

12 Legislation Prepared By: Bruce Lewis

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