

1 Introduced by the Land Use and Zoning Committee and amended on the
2 Floor of Council:

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4
5 **ORDINANCE 2024-274**

6 AN ORDINANCE REZONING APPROXIMATELY 4.48± ACRES,
7 LOCATED IN COUNCIL DISTRICT 7 AT 851 NORTH
8 MARKET STREET, BETWEEN MARKET STREET NORTH AND
9 LIBERTY STREET NORTH (R.E. NO. 074384-0100
10 (PORTION)), AS DESCRIBED HEREIN, OWNED BY THE
11 CITY OF JACKSONVILLE, FLORIDA, A BODY POLITIC
12 AND CORPORATE, FROM PUBLIC BUILDINGS AND
13 FACILITIES-1 (PBF-1) DISTRICT TO PLANNED UNIT
14 DEVELOPMENT (PUD) DISTRICT, AS DEFINED AND
15 CLASSIFIED UNDER THE ZONING CODE, TO PERMIT
16 COMMERCIAL AND MULTI-FAMILY RESIDENTIAL USES,
17 INCLUDING THE SALE AND SERVICE OF ALL ALCOHOLIC
18 BEVERAGES, INCLUDING LIQUOR, BEER AND WINE, FOR
19 ON-PREMISES AND OFF-PREMISES CONSUMPTION ON
20 PROPERTY LOCATED LESS THAN 1,500 FEET FROM
21 SEVERAL CHURCHES AND SCHOOLS WITHOUT THE
22 REQUIREMENT TO OBTAIN A WAIVER OF MINIMUM
23 DISTANCE FOR A LIQUOR LICENSE LOCATION PURSUANT
24 TO SECTION 656.805, *ORDINANCE CODE*, AS DESCRIBED
25 IN THE MADE AT THE ARMORY PUD, PURSUANT TO FUTURE
26 LAND USE MAP SERIES (FLUMS) SMALL-SCALE
27 AMENDMENT APPLICATION NUMBER L-5860-23C;
28 FINDING THAT THERE IS COMPETENT, SUBSTANTIAL
29 EVIDENCE IN THE RECORD TO SUPPORT THE NEED FOR
30 RELIEF FROM THE REQUIREMENT FOR A WAIVER OF
31 MINIMUM DISTANCE FOR LIQUOR LICENSE LOCATION;

1 PROVIDING A DISCLAIMER THAT THE REZONING GRANTED
2 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
3 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
4 EFFECTIVE DATE.
5

6 **WHEREAS**, the City of Jacksonville adopted a Small-Scale
7 Amendment to the *2045 Comprehensive Plan* for the purpose of revising
8 portions of the Future Land Use Map series (FLUMs) in order to ensure
9 the accuracy and internal consistency of the plan, pursuant to
10 companion application L-5860-23C; and

11 **WHEREAS**, in order to ensure consistency of zoning district
12 with the *2045 Comprehensive Plan* and the adopted companion Small-Scale
13 Amendment L-5860-23C, an application to rezone and reclassify from
14 Public Buildings and Facilities-1 (PBF-1) District to Planned Unit
15 Development (PUD) District was filed by T.R. Hainline, Esq., on behalf
16 of the owner of approximately 4.48± acres of certain real property
17 in Council District 7, as more particularly described in Section 1;
18 and

19 **WHEREAS**, the Planning and Development Department, in order to
20 ensure consistency of this zoning district with the *2045 Comprehensive*
21 *Plan*, has considered the rezoning and has rendered an advisory
22 opinion; and

23 **WHEREAS**, the Planning Commission has considered the
24 application and has rendered an advisory opinion; and

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

27 **WHEREAS**, the City Council, after due notice, held a public
28 hearing, and taking into consideration the above recommendations as
29 well as all oral and written comments received during the public
30 hearings, the Council finds that such rezoning is consistent with the
31 *2045 Comprehensive Plan* adopted under the comprehensive planning

1 ordinance for future development of the City of Jacksonville; and

2 **WHEREAS**, the Council finds that the proposed PUD does not
3 affect adversely the orderly development of the City as embodied in
4 the *Zoning Code*; will not affect adversely the health and safety of
5 residents in the area; will not be detrimental to the natural
6 environment or to the use or development of the adjacent properties
7 in the general neighborhood; and the proposed PUD will accomplish the
8 objectives and meet the standards of Section 656.340 (Planned Unit
9 Development) of the *Zoning Code* of the City of Jacksonville; now
10 therefore

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

12 **Section 1. Subject Property Location and Description.** The
13 approximately 4.48± acres are located in Council District 7 at 851
14 North Market Street, between Market Street North and Liberty Street
15 North (R.E. No. 074384-0100 (portion)), as more particularly
16 described in **Exhibit 1**, dated December 21, 2023, and graphically
17 depicted in **Exhibit 2**, both of which are attached hereto and
18 incorporated herein by this reference (the "Subject Property").

19 **Section 2. Owner and Applicant Description.** The Subject
20 Property is owned by the City of Jacksonville, Florida, a body politic
21 and corporate. The applicant is T.R. Hainline, Esq., 1301 Riverplace
22 Boulevard, Suite 1500, Jacksonville, Florida 32207; (904) 346-5531.

23 **Section 3. Property Rezoned.** The Subject Property,
24 pursuant to adopted companion Small-Scale Amendment Application
25 L-5860-23C, is hereby rezoned and reclassified from Public Buildings
26 and Facilities-1 (PBF-1) District to Planned Unit Development (PUD)
27 District. This new PUD district shall generally permit commercial
28 and multi-family residential uses, including the sale and service of
29 all alcoholic beverages, including liquor, beer and wine, for
30 on-premises and off-premises consumption on property located less
31 than 1,500 feet from several churches and schools without the

1 requirement to obtain a waiver of minimum distance from liquor license
2 location pursuant to Section 656.805, *Ordinance Code*, and is
3 described, shown and subject to the following documents, attached
4 hereto:

5 **Exhibit 1** - Legal Description dated December 21, 2023.

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

7 **Exhibit 3** - Written Description dated March 25, 2024.

8 **Exhibit 4** - Site Plan dated December 21, 2023.

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

20 **Section 5. Contingency.** This rezoning shall not become
21 effective until thirty-one (31) days after adoption of the companion
22 Small-Scale Amendment; and further provided that if the companion
23 Small-Scale Amendment is challenged by the state land planning agency,
24 this rezoning shall not become effective until the state land planning
25 agency or the Administration Commission issues a final order
26 determining the companion Small-Scale Amendment is in compliance with
27 Chapter 163, *Florida Statutes*.

28 **Section 6. Disclaimer.** The rezoning granted herein
29 shall **not** be construed as an exemption from any other applicable
30 local, state, or federal laws, regulations, requirements, permits or
31 approvals. All other applicable local, state or federal permits or

1 approvals shall be obtained before commencement of the development
2 or use and issuance of this rezoning is based upon acknowledgement,
3 representation and confirmation made by the applicant(s), owner(s),
4 developer(s) and/or any authorized agent(s) or designee(s) that the
5 subject business, development and/or use will be operated in strict
6 compliance with all laws. Issuance of this rezoning does **not** approve,
7 promote or condone any practice or act that is prohibited or
8 restricted by any federal, state or local laws.

9 **Section 7. Effective Date.** The enactment of this Ordinance
10 shall be deemed to constitute a quasi-judicial action of the City
11 Council and shall become effective upon signature by the Council
12 President and the Council Secretary.

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14 Form Approved:

15
16 /s/ Mary E. Staffopoulos

17 Office of General Counsel

18 Legislation Prepared By: Kaysie Cox

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