

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

3
4
5 **ORDINANCE 2024-274-E**

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; PUD
28 SUBJECT TO CONDITION; FINDING THAT THERE IS
29 COMPETENT, SUBSTANTIAL EVIDENCE IN THE RECORD TO
30 SUPPORT THE NEED FOR RELIEF FROM THE REQUIREMENT
31 FOR A WAIVER OF MINIMUM DISTANCE FOR LIQUOR

1 LICENSE LOCATION; PROVIDING A DISCLAIMER THAT
2 THE REZONING GRANTED HEREIN SHALL NOT BE
3 CONSTRUED AS AN EXEMPTION FROM ANY OTHER
4 APPLICABLE LAWS; PROVIDING AN 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, pursuant to
24 adopted companion Small-Scale Amendment Application L-5860-23C, is
25 hereby rezoned and reclassified from Public Buildings and Facilities-
26 1 (PBF-1) District to Planned Unit Development (PUD) District. This
27 new PUD district shall generally permit commercial and multi-family
28 residential uses, including the sale and service of all alcoholic
29 beverages, including liquor, beer and wine, for on-premises and off-
30 premises consumption on property located less than 1,500 feet from
31 several churches and schools without the requirement to obtain a

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

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

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

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

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

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

12 (1) A traffic study meeting the requirements of Section 1.1.11
13 of the Land Development Procedures Manual (January 2024) shall be
14 provided at Civil Site Plan Review.

15 **Section 5. Findings Regarding Deviation from Waiver of**
16 **Minimum Distance for Liquor License Location.** Pursuant to Section
17 656.341(c)(2)(ii)(B), *Ordinance Code*, when a PUD Written Description
18 includes a request for a deviation or waiver from various Zoning Code
19 requirements, including waivers of liquor distances from churches and
20 schools, the Council is required to determine that the requested
21 deviation or waiver is necessary. The Council hereby finds that there
22 is competent and substantial evidence in the record to support the
23 need for relief from the requirement for a waiver of minimum distance
24 for liquor license location as requested in **Exhibit 3** for the reasons
25 articulated by the Land Use and Zoning Committee.

26 **Section 6. Contingency.** This rezoning shall not become
27 effective until thirty-one (31) days after adoption of the companion
28 Small-Scale Amendment; and further provided that if the companion
29 Small-Scale Amendment is challenged by the state land planning agency,
30 this rezoning shall not become effective until the state land planning
31 agency or the Administration Commission issues a final order

1 determining the companion Small-Scale Amendment is in compliance with
2 Chapter 163, *Florida Statutes*.

3 **Section 7. Disclaimer.** The rezoning granted herein
4 shall **not** be construed as an exemption from any other applicable
5 local, state, or federal laws, regulations, requirements, permits or
6 approvals. All other applicable local, state or federal permits or
7 approvals shall be obtained before commencement of the development
8 or use and issuance of this rezoning is based upon acknowledgement,
9 representation and confirmation made by the applicant(s), owner(s),
10 developer(s) and/or any authorized agent(s) or designee(s) that the
11 subject business, development and/or use will be operated in strict
12 compliance with all laws. Issuance of this rezoning does **not** approve,
13 promote or condone any practice or act that is prohibited or
14 restricted by any federal, state or local laws.

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

19
20 Form Approved:

21
22 /s/ Mary E. Staffopoulos

23 Office of General Counsel

24 Legislation Prepared By: Kaysie Cox

25 GC-#1635103-v1-2024-274-E.docx