

Introduced by the Land Use and Zoning Committee:

**ORDINANCE 2023-789**

AN ORDINANCE REZONING APPROXIMATELY 1.19± ACRES  
LOCATED IN COUNCIL DISTRICT 7 AT 1839 MAIN STREET  
NORTH, BETWEEN MAIN STREET NORTH AND 8TH STREET  
EAST (R.E. NO. 071815-0005), AS DESCRIBED HEREIN,  
OWNED BY UP-SIDE MANAGEMENT COMPANY, A/K/A UP-  
SIDE MANAGEMENT CONSTRUCTION COMPANY, FROM  
COMMERCIAL COMMUNITY/GENERAL-SPRINGFIELD (CCG-S)  
DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD)  
DISTRICT, AS DEFINED AND CLASSIFIED UNDER THE  
ZONING CODE, TO PERMIT COMMERCIAL USES, INCLUDING  
THE SALE AND SERVICE OF ALL ALCOHOLIC BEVERAGES,  
INCLUDING LIQUOR, BEER AND WINE, FOR ON-PREMISES  
AND OFF-PREMISES CONSUMPTION ON PROPERTY LOCATED  
LESS THAN 1,500 FEET FROM SEVERAL CHURCHES AND  
SCHOOLS WITHOUT THE REQUIREMENT TO OBTAIN A  
WAIVER OF MINIMUM DISTANCE FOR A LIQUOR LICENSE  
LOCATION PURSUANT TO SECTION 656.805, *ORDINANCE  
CODE*, AS DESCRIBED IN THE 1839 MAIN STREET NORTH  
PUD; FINDING THAT THERE IS COMPETENT, SUBSTANTIAL  
EVIDENCE IN THE RECORD TO SUPPORT THE NEED FOR  
RELIEF FROM THE REQUIREMENT FOR A WAIVER OF  
MINIMUM DISTANCE FOR LIQUOR LICENSE LOCATION;  
PROVIDING A DISCLAIMER THAT THE REZONING GRANTED  
HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION  
FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN  
EFFECTIVE DATE.

1       **WHEREAS**, Up-Side Management Company, a/k/a Up-Side Management  
2 Construction Company, the owner of approximately 1.19± acres located  
3 in Council District 7 at 1839 Main Street North, between Main Street  
4 North and 8th Street East (R.E. No. 071815-0005), as more particularly  
5 described in **Exhibit 1**, dated July 6, 2023, and graphically depicted  
6 in **Exhibit 2**, both of which are attached hereto (the "Subject  
7 Property"), has applied for a rezoning and reclassification of the  
8 Subject Property from Commercial Community/General-Springfield (CCG-  
9 S) District to Planned Unit Development (PUD) District, as described  
10 in Section 1 below; and

11       **WHEREAS**, the Planning Commission, acting as the local planning  
12 agency, has reviewed the application and made an advisory  
13 recommendation to the Council; and

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

16       **WHEREAS**, the Council finds that such rezoning is: (1) consistent  
17 with the *2045 Comprehensive Plan*; (2) furthers the goals, objectives  
18 and policies of the *2045 Comprehensive Plan*; and (3) is not in  
19 conflict with any portion of the City's land use regulations; and

20       **WHEREAS**, the Council finds the proposed rezoning does not  
21 adversely affect the orderly development of the City as embodied in  
22 the Zoning Code; will not adversely affect the health and safety of  
23 residents in the area; will not be detrimental to the natural  
24 environment or to the use or development of the adjacent properties  
25 in the general neighborhood; and will accomplish the objectives and  
26 meet the standards of Section 656.340 (Planned Unit Development) of  
27 the Zoning Code; now, therefore

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

29       **Section 1.       Property Rezoned.**       The Subject Property is  
30 hereby rezoned and reclassified from Commercial Community/General-  
31 Springfield (CCG-S) District to Planned Unit Development (PUD)

District. This new PUD district shall generally permit commercial uses, including the sale and service of all alcoholic beverages, including liquor, beer and wine, for on-premises and off-premises consumption on property located less than 1,500 feet from several churches and schools without the requirement to obtain a waiver of minimum distance from liquor license location pursuant to Section 656.805, *Ordinance Code*, and is described, shown and subject to the following documents, attached hereto:

**Exhibit 1** - Legal Description dated July 6, 2023.

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

**Exhibit 3** - Written Description dated October 25, 2023.

**Exhibit 4** - Site Plan dated May 10, 2023.

**Section 2. Owner and Description.** The Subject Property is owned by Up-Side Management Company, a/k/a Up-Side Management Construction Company, and is legally described in **Exhibit 1**, attached hereto. The applicant is Cyndy Trimmer, Esq., One Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904) 807-0185.

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

**Section 4. Disclaimer.** The rezoning granted herein shall not be construed as an exemption from any other applicable local, state, or federal laws, regulations, requirements, permits or

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

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

14  
15 Form Approved:

16  
17           /s/ Mary E. Staffopoulos          

18 Office of General Counsel

19 Legislation Prepared By: Caroline Fulton

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