

Introduced and amended by the Land Use and Zoning Committee:

**ORDINANCE 2023-789-E**

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.

**WHEREAS,** Up-Side Management Company, a/k/a Up-Side Management Construction Company, the owner of 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 more particularly described in **Exhibit 1**, dated July 6, 2023, and graphically depicted in **Exhibit 2**, both of which are attached hereto (the "Subject Property"), has applied for a rezoning and reclassification of the Subject Property from Commercial Community/General-Springfield (CCG-S) District to Planned Unit Development (PUD) District, as described in Section 1 below; and

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

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

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

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

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

1           **Section 1.           Property Rezoned.**       The Subject Property is  
2 hereby rezoned and reclassified from Commercial Community/General-  
3 Springfield (CCG-S) District to Planned Unit Development (PUD)  
4 District. This new PUD district shall generally permit commercial  
5 uses, including the sale and service of all alcoholic beverages,  
6 including liquor, beer and wine, for on-premises and off-premises  
7 consumption on property located less than 1,500 feet from several  
8 churches and schools without the requirement to obtain a waiver of  
9 minimum distance from liquor license location pursuant to Section  
10 656.805, *Ordinance Code*, and is described, shown and subject to the  
11 following documents, attached hereto:

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

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

14 **Revised Exhibit 3** - Revised Written Description dated December 1,  
15 2023.

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

17           **Section 2.           Owner and Description.**       The Subject Property  
18 is owned by Up-Side Management Company, a/k/a Up-Side Management  
19 Construction Company, and is legally described in **Exhibit 1**,  
20 attached hereto. The applicant is Cyndy Trimmer, Esq., One  
21 Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904)  
22 807-0185.

23           **Section 3.           Findings Regarding Deviation from Waiver of**  
24 **Minimum Distance for Liquor License Location.**       Pursuant to Section  
25 656.341(c)(2)(ii)(B), *Ordinance Code*, when a PUD Written  
26 Description includes a request for a deviation or waiver from  
27 various Zoning Code requirements, including waivers of liquor  
28 distances from churches and schools, the Council is required to  
29 determine that the requested deviation or waiver is necessary. The  
30 Council hereby finds that there is competent and substantial  
31 evidence in the record to support the need for relief from the

1 requirement for a waiver of minimum distance for liquor license  
2 location as requested in **Revised Exhibit 3** for the reasons  
3 articulated by the Land Use and Zoning Committee.

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

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

21  
22 Form Approved:

23  
24           /s/ Mary E. Staffopoulos          

25 Office of General Counsel

26 Legislation Prepared By: Caroline Fulton

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