



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, June 10, 2019

7:00 PM

Council Chambers

MEMORANDUM TO:

Members of the Planning Commission
City of Jacksonville Beach, Florida

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the Planning Commission.

1. **Call to Order**
2. **Roll Call:** Greg Sutton (Chair), Dave Dahl (Vice-Chair), Britton Sanders, Margo Moehring
Alternates: Jon Walker, Bill Spann
3. **Approval of Minutes:** March 11, 2019, April 8, 2019 and April 22, 2019
4. **Correspondence:** Email for PC#15-19
5. **New Business:**

(A) **PC#14-19**

Land Development Code Text Amendment Application requesting to amend Land Development Code section 34-343(d) to add "Craft Distillery" to the list of Conditional Uses in the *Commercial, general: C-2* zoning district (Applicant – *Angie's*).

(B) **PC#15-19 102 North 6th Avenue, Suites 10-11**

Conditional Use Application for a proposed Medical Marijuana Treatment Center Dispensary, located in the *Central Business District: CBD* zoning district, pursuant to section 34-345 (d)(11) of the Jacksonville Beach Land Development Code, for property located at 102 North 6th Avenue, Units 10-11 (Applicant – *Trulieve*)

(C) **PC#16-19 11 North 3rd Street**

Land Development Code Text Amendment Application requesting to amend Chapter 34. Land Development Code to define and regulate short-term vacation rentals, where permitted.

(D) **PC#19-19**

Land Development Code Text Amendment Application requesting to amend Section 34-408 of the Land Development Code to modify the proximity requirements for Medical Marijuana Treatment Center Dispensing Facilities for consistency with Florida Statute 381.986.

6. Planning Department Report:

(A) The next meeting is scheduled for Monday, June 24, 2019 with three cases.

NOTICE

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, extension 10, no later than one business day before the meeting.

MEMORANDUM



TO: Planning Commission Members
FROM: Heather Ireland, Senior Planner
DATE: June 3, 2019
RE: June 10, 2019 - Planning Commission Staff Report

The following information is provided for your consideration regarding the following agenda items for the upcoming **Monday, June 10, 2019** Planning Commission meeting.

NEW BUSINESS:

PC#14-19 Land Development Code Text Amendment Application

Applicant: Edward Malin
Shetter Ave., LLC
13 Roscoe Blvd North
Ponte Vedra Beach, FL 32082

Request: **Land Development Code Text Amendment Approval** requesting to amend Land Development Code Section 34-343(d) to add "Craft Distillery" to the list of Conditional Uses in the *Commercial, general: C-2* zoning district.

Comments: The applicant is the owner of Angie's Subs which is located at 1436 Beach Boulevard on the southeast corner of Beach Boulevard and 15th Street South. The applicant plans to redevelop the property with a reimagined Angie's Subs and a barbeque restaurant and partner with a local craft distillery (*Jacksonucky*). *Jacksonucky* currently exists as a small approved craft distillery on Shetter Avenue, but desires to expand its operations and improve its visibility by partnering with, and relocating to, the *Angie's* property as part of the applicant's proposed redevelopment project.

Currently, restaurants are permitted uses in *C-2* zoning, but craft distilleries are not. Craft distilleries are a listed conditional use in *Industrial: I-1* zoning districts, as described in the applicant's application. In order for the redevelopment project to be permitted, the applicant is applying to add craft distilleries to the list of conditional uses in the *C-2* zoning district. Craft distilleries are similar to microbreweries, which are a listed conditional use in *C-2* zoning.

"Craft distillery" is defined by Florida Statute as a licensed distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on premises. As a conditional use, a craft distillery in *C-2* zoning would require approval by the Planning Commission on a case by case basis.

PC#15-19

Conditional Use Application

Owner: 1036 Beach Blvd., Inc.
2440 Mayport Road #7
Jacksonville, FL 32233

Applicant: Trulieve
3494 Martin Hurst Road
Tallahassee, FL 32312

Location: 102 North 6th Avenue, Suites 10-11

Request: **Conditional Use Approval** for a proposed Medical Marijuana Treatment Center Dispensary, located in the *Central Business District: CBD* zoning district, pursuant to section 34-345 (d)(11) of the Jacksonville Beach Land Development Code. (Applicant – *Trulieve*)

Comments: The subject property is located on the south side of 6th Avenue North between 1st and 2nd Streets and is a commercial shopping center with a variety of commercial tenants. The tenant spaces were most recently occupied by a magazine publishing office. The applicant was advised by staff that, pursuant to Ordinance No. 2018-8104, conditional use approval is required for medical marijuana dispensaries in the *Central Business District: CBD* zoning district.

Adjacent uses include vacant commercial property to the north across 6th Avenue, restaurants and bars to the west across 2nd Street, a historic hotel to the east across 1st street, offices, multiple-family residential, and a bar to the south, and various commercial uses in the balance of the shopping center.

Dispensing facilities are subject to limited hours of operation from 7:00 am to 9:00 pm, and may not be located with 500 feet of another dispensing facility, or school. There are no other dispensing facilities in Jacksonville Beach within 500 feet of this location, and no elementary, middle, or secondary schools exist within 500 feet. The proposed use should not negatively impact adjacent properties.

Applicant: Planning and Development Department
11 North 3rd Street
Jacksonville Beach, FL 32250

Request: **Land Development Code Text Amendment Application** requesting to amend Chapter 34. Land Development Code to define and regulate short-term vacation rentals, where permitted.

Comments: Following the receipt of complaints regarding occupant conduct and parking problems at a short-term rental (STR) property in the city in the Spring of 2018, and also upon learning that there were a large number of STRs throughout the city, the City Manager asked staff to look into ways that the City could address some of the problems with certain types of STRs. This includes primarily those located in single-family, two-family, and townhouse dwelling properties, and especially for properties located in established lower density residential neighborhoods.

In 2011 Florida House Bill 883 pre-empted local regulations on the restriction and prohibitions on vacation rentals based solely on their classification, use, or occupancy. At that time the city had no regulations addressing what are now referred to as short-term rentals. In 2014, Senate Bill 356 rescinded portions of the 2011 preemption, but provided that local governments could still not prohibit or regulate the frequency or duration of STRs. What local governments could still regulate at that time, and can currently regulate, include registration and licensing, public safety, noise, trash accumulation, parking and occupancy levels.

The City Attorney, with assistance from Planning, Police, and Fire Department staff has compiled a proposed set of STR regulations for consideration and approval by the Planning Commission and City Council. If approved, these regulations will become a new section, Section 34-411 – Short Term Vacation Rentals, of Article VIII. Supplemental Standards of the Land Development Code.

Applicant: Planning and Development Department
11 North 3rd Street
Jacksonville Beach, FL 32250

Request: **Land Development Code Text Amendment Application** requesting to amend Section 34-408 of the Land Development Code to modify the proximity requirements for Medical Marijuana Treatment Center Dispensing Facilities for consistency with Florida Statute 381.986.

Comments: In February of 2018, City Council approved Ordinance 2018-8104 that permitted medical marijuana dispensing facilities within the City, and established regulations under a new Section 34-408 of the Land Development Code. The State of Florida requires that if a municipality permits dispensing facilities, they cannot regulate them more stringently than pharmacies. Section 34-408(a)(1) established proximity requirements for dispensaries to be 500 feet from another dispensary and 500 feet from any school.

In order to maintain consistency and compliance with the latest version of Florida Statute 381.986(11)(c), the City is requesting to amend Section 34-408 of the Land Development Code to remove the proximity requirement that dispensaries be at least 500 feet from one another, as this requirement is not also applied to pharmacies, and is not required by Florida Statute.

When Section 34-408 was drafted, it was not intended to be more strict than Florida State Statute required, and pursuant to Florida Statute 381.986, dispensing facilities only have to be 500 feet away from any public or private school. As proposed, dispensing facilities are still permitted by right in *C-2* zoning districts, and those located in *C-1* or *CBD* zoning districts will still be required to request conditional use approval for specific locations, and hours of operation will remain limited to 7:00 am to 9:00 pm, pursuant to Florida Statute 381.986(8).

**Minutes of Planning Commission Meeting
Held Monday, March 11, 2019, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order at 7:00 P.M. by Chairman Greg Sutton.

Roll Call

Chairman: Greg Sutton
Vice-Chairman: David Dahl
Board Members: Margo Moehring Britton Sanders
Alternates: Jon Scott Walker Bill Spann

Also present was Senior Planner Heather Ireland.

Approval of Minutes

The following minutes were unanimously approved:

- February 25, 2019

Correspondence None

Old Business None

New Business

- (A) **PC#3-17** 417 & 421 11th Street South
- Owner/** BCEL 4 LLC
Applicant: 7563 Phillips Highway Suite 109
Jacksonville, FL 32256
- Agent:** Curtis Hart
8051 Tara Lane
Jacksonville, FL 32216

Concept Plan for Plat Approval for a proposed four-unit townhouse development located in a *Residential, multi-family: RM-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into the record:

The Planning Commission originally considered and denied this application on February 27, 2017. The property owners appealed that decision to the Circuit Court. After extended litigation, the application has been returned to the Planning Commission for public hearing and consideration.

The agenda packet provided includes the original application, including the staff report, items distributed at the first public hearing, minutes of February 27, 2017 hearing, and the approved Findings of Fact.

Section 34-503 of the Land Development Code requires the Planning Commission to hold a public hearing and consider the application staff report, and public testimony. The Planning Commission shall then approve, approve with conditions, or deny the concept plan for plat based on the following standards:

Section 34-503(6).

- a. *Consistency with comprehensive plan.* It shall be consistent with the goals, objectives, and policies of the comprehensive plan.
- b. *Compatible with surrounding land uses.* It shall be compatible with surrounding land uses.
- c. *Design and layout.* It shall be adequately designed so that the general layout of the proposed development will be compatible with surrounding land uses and not be at such variance with other development so as to cause a substantial depreciation in property values.

The City Attorney's office will provide guidance for you on the procedures for this hearing.

City Attorney:

Denise May with the City Attorney's office summarized for the record [*copy on file*]:

This application [for Concept Plan for Plat] was first heard on February 27, 2017. The Planning Commission denied the application upon the motion of Ms. Dumont and second by Mr. Sutton based upon standards 6A and 6B of the criteria stating incompatibility with the surrounding neighborhood and inconsistency with the Comprehensive Plan. Denial of the application was confirmed in writing and sent to the applicant [certified mail February 28, 2017].

On March 29, 2017, the property owners, BCEL 4, LLC and BCEL 5, LLC, filed a petition under Florida Statutes 70.51 Land Use and Environmental Dispute Resolution Act seeking the appointment of a Special Magistrate for resolution. The applicant and City held mediation under the Act July 7, 2017, and a hearing was scheduled for August 30, 2017.

On August 23, 2017, prior to the hearing under the Act, the applicant filed this petition for Writ of Certiorari and [in the alternative], for Writ of Mandamus in State court. This officially ended our Florida statute 70.51 Dispute Resolution [proceedings].

On March 19, 2018, the Circuit Court granted the property owners the petition for Writ of Mandamus and the Writ of Certiorari. The Circuit Court ordered approval of the application for "Concept Plan Plat" by the Planning Commission. In addition to granting the requested Writ of Certiorari, the Court found that the City departed from the essential requirements of law and that there was no competent substantial evidence to support denial.

On March 26, 2018, the City appealed this decision to the 1st District Court of Appeals on the basis that the lower court could not grant both the Writ of Mandamus (or to direct this Planning Commission to approve), and the Writ of Certiorari and that the lower court failed to apply the correct law [in granting the Writ of Certiorari].

On December 18, 2018, the 1st DCA issued its order reversing the lower court's in its [grant of the] Writ of Mandamus in overturning that decision which directed this Commission to approve but upheld the grant of Writ of Certiorari. [The City sought a rehearing and clarification of the order which was denied February 1, 2019].

As mentioned, the Circuit Court found that the Commission departed from the essential requirements of law in refusing to see that it's compliance and being consistent with the Comprehensive Plan. It also found that there was no competent substantial evidence to support the denial of the Concept Plan for Plat at the February 2017 hearing. Therefore, the Commission tonight may not rely upon the same evidence the Court has already ruled as not competent and substantial [determined to be insufficient as a matter of law].

This application for Concept Plan for Plat is back before the Planning Commission for a public hearing after the order of February 2017 was quashed.

You may hear new evidence from the applicant and the public.

The applicant will then have an opportunity to rebut any evidence presented by the public.

The Commission must then apply the criteria as set forth in Section 34-503(6)(a-c). Specifically, whether it [the Concept Plan] is:

1. Consistent with the Comprehensive Plan.
2. Compatible with surrounding land uses.
3. Design & Layout are not at such variance as to cause substantial depreciation in property values.

This Commission must then approve, approve with conditions, or deny the Concept Plan for Plat based on this criteria.

Any decision must be supported by competent, substantial evidence showing the applicant failed to meet those objective criteria and it may not be the evidence which you heard at the first hearing.

Attorney:

Mark Scruby of Rogers Towers, P.A., 1301 Riverplace Boulevard, Suite 1500, Jacksonville, was present to represent the applicant. He proceeded with the timeline of this case since its start in February 2017, reiterating some of the points discussed by Ms. May and Ms. Ireland. Throughout his presentation, he added the denial of the application occurred by a vote of 3-2 and further explained the objectives behind the Writ of Certiorari that was requested. He explained it is the remedy applied for when a quasi-judicial decision is made by the Planning Commission. Unlike the process of filing for complaint, this process includes the collecting of records and filing for a petition, which states why the applicant believes an error has occurred. It is not a trial, as only what is presented becomes reviewed, and there is no introduction of new evidence.

Mr. Scruby stated the court would assess the case based on the fairness of the original decision made, if essential requirements of the law were followed and if the evidence was competent substantial. He added the court did not find substantial evidence against the applicant and quashed the decision as if it never happened. It comes back to the Planning Commission. He questioned whether another public hearing was deemed necessary and concluded, after negotiations with Ms. May through a series of emails [*on file*], the applicant is back before the Board.

He added the current land use where the property is situated is Medium Density Residential (MDR). It runs from north to south, between 1st Avenue South and 12th Avenue South, and from east to west, between 4th Street South to portions of 10th and 11th Streets. According to Section 34-

339 of the Land Development Code, MDR authorizes up to 20 units per acre; RM-1 zoning laws are also consistent with the proposed plan. The area embraced by this zoning extends several blocks east and north of the property specific to this application. Based on the 10,000 square foot total land area in this application, at least 17 units are allowed for construction, and the applicants are asking for four. Mr. Scruby then restated the three standards in section 34-503(6) the Planning Commission must base its decisions on. He also added the Circuit Court quashed the Planning Commission's denial of the application on February 27, 2017, because it did not find the reasons for denial to be sufficient, and the First District Court of Appeals declined to set that determination aside.

He referenced the last public hearing, where discussion ensued regarding the types of people that would reside in the properties and the number of vehicles they might have, and told the Commission to disregard those reasons, as they are not part of the three standards; he also provided evidence to show the proposal is compliant with the three criteria in discussion:

1. By virtue of the MDR land use designation, the concept plat is consistent with the Comprehensive Plan.
2. By virtue of the RM-1 zoning, along with several adjacent lots of the property, the concept plat is compatible with surrounding land uses. He added there are six multi-family residential buildings owned by the Jacksonville Housing Authority that are located in the block to the immediate east of the property, four more to the block east of that, and proceeded with a list of nearby properties that resemble the ones in this proposal.
3. The criteria the design & layout are not at such variance as to cause substantial depreciation in property values was uncontested at the February 27, 2017 meeting and therefore satisfies the standards.

According to zoning laws, the applicant has the ability to build an apartment complex but has requested the concept plan for plat approval to build townhomes. Additionally, five months after the February 27, 2017 hearing, on June 12, 2017, another similar concept plat application (PC #27-17) was heard and approved by the Planning Commission.

Public Hearing:

The following spoke in opposition to the application:

- Kay Odom, 402 11th Street South, Jacksonville Beach, spoke about her concerns on parking and safety but understands those are not part of the three standards the Commission must base its decision on. Ms. Odom stated she believes it doesn't fit the area.

The following was opposed to the application, but preferred not to speak:

- Blake Zeigler, 414 11th Street South, Jacksonville Beach

Mr. Sutton closed the public meeting.

Discussion:

Mr. Sanders asked Ms. Ireland to explain to the public how the applicant has the ability to construct an apartment complex. Ms. Ireland stated the property is zoned Multi-Family so it can be built into an apartment complex or condominium-style housing.

Ms. Moehring stated a comprehensive look must be taken to examine residential densities, and landowners cannot be subjected to the public perception of the character of neighborhoods.

Motion: It was moved by Ms. Moehring and seconded by Mr. Sanders, to approve the Concept Plan for Plat Application.

Mr. Walker questioned the issue of parking, to which Ms. May advised to disregard as it is not part of the three standards the Commission must base its vote on. Mr. Dahl commented, regarding the third criteria, there is no metric of measurement that can determine the future of the values of the surrounding properties. Mr. Sanders added due to the lack of substantial evidence from the public, and due to the property's compliance with the three criteria, he would second the motion.

Roll call vote: Ayes – David Dahl, Margo Moehring, Britton Sanders, Jon Scott Walker, and Greg Sutton.

The application was approved unanimously.

Planning & Development Director's Report

Ms. Ireland noted the next meeting is scheduled for Monday, April 8, 2019.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:40 P.M.

Submitted by: Sama Kaseer
Administrative Assistant

Approval:

Chairman

Date

**Minutes of Planning Commission Meeting
Held Monday, April 8, 2019, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order at 7:05 PM by Vice-Chairman David Dahl.

Roll Call

Chairman: Greg Sutton (*absent*)
Vice-Chairman: David Dahl
Board Members: Margo Moehring Britton Sanders (*absent*)
Alternates: Jon Scott Walker Bill Spann

Also present was Senior Planner Heather Ireland.

Approval of Minutes None

Correspondence None

Old Business None

New Business

It was moved by Mr. Dahl, and approved unanimously, to make PC#3-19 the last item on the agenda.

(A) **PC#4-19** 2309 Beach Boulevard (former *Big Dawgs Pierside* restaurant)

Owner: Rose and Ken, Inc.
2315 Beach Boulevard, #301
Jacksonville Beach, FL 32250

Applicant: Marina Sports Grill, Inc.
10175 Fortune Pkwy, Suite 705
Jacksonville, FL 32256

Agent: Alex C. Marr
10175 Fortune Pkwy, Suite 705
Jacksonville, FL 32256

Conditional Use Approval for transfer of existing approved outdoor restaurant seating for a new restaurant, located in a *Planned Unit Development: PUD* zoning district, pursuant to Section 34-343(d)(14) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into record:

The subject property is located at 2309 Beach Boulevard within the *Beach Marine* complex. The most recent use of the applicant's space was for *Big Dawgs Pierside* restaurant that had outdoor

seating approval via PC#17-17. Staff informed the applicant that to be able to use the existing outdoor seating for a new restaurant; he would have to receive conditional use approval, as conditional use approvals are not transferable. In the past, this site has operated as both a nightclub and different restaurants.

The PUD application narrative provides that for this restaurant space, the area of unenclosed, outdoor customer service area shall not exceed 50% of the total indoor area of the adjacent restaurant and bar. The total indoor restaurant space of this location is 12,600 square feet, and the proposed (existing) outdoor seating area is approximately 3,478 square feet, which is well below the 50% allowance.

Additional conditions listed within the *PUD* project narrative for outdoor restaurants and bars include: 1) sound and outdoor music may be allowable within outdoor restaurants and bars, subject to City Codes; 2) hours of operation for restaurants are from 6:00 am to 1:00 am, 7 days a week; and 3) domestic animals are allowed within outdoor restaurant and bar seating areas.

Given the existing and proposed mixed-use nature of the subject property and the former restaurant uses of the subject space, the applicant's request is not out of character with surrounding uses. The outdoor seating area would be subject to the standards provided in the property's *PUD* project narrative adopted by Ordinance No. 2016-8072, and except as superseded by those regulations, by the standards in LDC Section 34-407.

Agent:

Alex C. Marr commented he is looking forward to coming to the Jacksonville Beach area and opening his third restaurant, with the other two located at Tinseltown in Jacksonville and International Drive in Florida. He is planning on remodeling the site.

Public Hearing:

No one came before the commission to speak about this case.
Mr. Dahl closed the public meeting.

Discussion:

There was no further discussion regarding this case.

Motion: It was moved by Mr. Walker and seconded by Mr. Spann, to approve the Conditional Use Application.

Roll call vote: Ayes –Margo Moehring, Jon Scott Walker, Bill Spann, and David Dahl.

The application was approved unanimously.

(B) **PC#5-19** 1029 North 3rd Street
Owner: PV Commercial Management
317 Roscoe Blvd N.
Ponte Vedra Beach, FL 32082

Applicant: Pelican's Snoballs, Jax Beach
112 Osprey Cove Lane
Ponte Vedra Beach, FL 32082

Conditional Use Approval for outdoor restaurant seating for a new restaurant, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(20) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into record:

The subject property is located on the southeast corner of North 3rd Street and 10th Avenue North. The space was previously the location of a pawn shop, and prior to that existed as several retail establishments. The applicant is opening up a shaved ice restaurant with a walk-up window and wants to provide a small area of outdoor seating to its customers in the front of the restaurant. The applicant was advised by staff that conditional use approval for the outdoor seating was required.

Adjacent uses include a dry cleaner to the north on the same property, a retail store and multi-family residential to the north across 10th Avenue, multi-family residential to the east, offices to the south, and restaurants with outdoor seating to the west across 3rd Street North. The proposed outdoor seating is consistent with the surrounding commercial uses, does not directly face any residential properties, and should not negatively impact adjacent properties.

Agent:

Jeremy Resnick, 112 Osprey Cove Lane, Ponte Vedra Beach, stated Pelican's Snoballs is a family-friendly franchise selling New Orleans shaved ice. He has 180 locations nationwide, and this would be his first in Jacksonville Beach. He is requesting to put outdoor tables and chairs for outside seating, which would occupy approximately 150 square feet of the property and would not require usage of parking or the exiting space.

Ms. Moehring questioned Mr. Resnick about the hours of operation. In response, Mr. Resnick stated he is planning on opening at 12:00 PM and closing at 9:00 PM, which may be extended to 10:00 PM for specific holidays and big events, like the July 4th weekend. Ms. Moehring praised the owner for the renovations he has installed to beautify the property. Mr. Walker asked about the number of tables and seats that would be placed outside, and the owner responded there would be approximately three to four tables, and each would have three to four chairs. These tables would be 36 to 48 inches.

Public Hearing:

No one came before the commission to speak about this case.
Mr. Dahl closed the public meeting.

Discussion:

There was no further discussion regarding this case.

Motion: It was moved by Mr. Spann and seconded by Ms. Moehring, to approve the Conditional Use Application.

Roll call vote: Ayes –Margo Moehring, Jon Scott Walker, Bill Spann, and David Dahl.

The application was approved unanimously.

(C) PC#3-19 Land Development Code Text Amendment Application

Applicant: Baptist Medical Center of the Beaches, Inc.
3563 Phillips Highway Building F, Suite 608
Jacksonville, FL 32207

Agent: Paul Harden, Esq.
501 Riverside Avenue, Suite 901
Jacksonville, FL 32202

Land Development Code Text Amendment Approval to provide standards for off-site signage for emergency services only, such as police stations, fire stations, paramedic facilities, and hospitals.

Staff Report:

Ms. Ireland read the following into record:

Baptist Medical Center of the Beaches has submitted a Land Development Code (LDC) Text Amendment application to amend the City's LDC's sign regulations to provide standards for off-site signage for emergency services only, to include police, fire, paramedic and hospital facilities. Currently, off-site signs are considered billboards and are prohibited city-wide. The purpose of the proposed amendment is primarily to allow *Beaches Baptist* to place and maintain existing wayfinding signage on major roadways to help guide hospital patients and visitors and also to make legal the hospital's existing off-site signs. According to the applicant's narrative submitted with the application, patients have expressed the hospital is difficult to find, and the hospital desires to provide direction and wayfinding signs to aid patients and visitors in locating the facility.

Currently, the only existing off-site signs for the hospital are ones that pre-existed the current sign regulations. These existing off-site signs are "grandfathered" until they are removed, destroyed, or abandoned. As nonconforming signs however, they cannot be modified in any way. Under the applicant's proposed text amendment, "emergency services wayfinding signage" would be made allowable off-site directional signage. The applicant proposes Emergency Services Wayfinding Signage to be permitted in all zoning districts except *Redevelopment: RD districts*.

A new code section, "Section 34-458 – Emergency Services Wayfinding Signage", is proposed to be added to *Division 4. Sign Standards*. The purpose of this new section is to provide detailed standards for the types of emergency services signs permitted, the size of signs permitted, the content of signs, and other details.

The new proposed Section 34-458 would permit the following [*shown on the PowerPoint presentation*]:

- Off-site wayfinding signage that contains directions and distances to emergency services;
- Off-site pole mounted signs with a maximum height of 24 feet and signage area of 54 square feet;
- Off-site monument signs with a maximum height of 16 feet and signage area of 120 square feet;
- Internal or external illumination of signs, except that illuminated signage shall not be located within 50 feet of the property line of a single-family residence;
- Off-site signs located within 50 feet of roadways which serve as a collector, arterial, or highway, or which feature more than 10,000 daily trips; and
- Off-site signs may be located on either private property or public rights-of-way with appropriate City approvals.

Pole mounted signs are no longer permitted in the City generally, so existing pole mounted signs can only be replaced with conforming monument-style signs. Pursuant to the LDC, the maximum height of monument signs is 16 feet. The applicant's proposed pole sign height of 24 feet would exceed the existing sign height standards for commercial signs.

Existing off-site directional signs for the hospital consisting of the standard blue "H" and a directional arrow are located on 9th Street South facing both north and south bound lanes [*Ms. Ireland referred to documentation provided by Zack Miller, 501 Riverside Avenue, Suite 901, Jacksonville, which contains visuals and dimensional information of the proposed signs – on file*]. These signs are approximately 8-9 feet tall and 6 square feet each. Other "H" signs are located at South Beach Parkway and Butler Boulevard (northbound), and Beach Boulevard at 9th Street facing both east and westbound lanes. Two larger pole mounted signs exist at 13th Avenue South and 3rd Street (northwest corner), and Beach Boulevard and 9th Street (southwest corner), both with approved right-of-way permits. These existing pole signs are each 15 feet tall and approximately 48 square feet in area.

The proposed amendment would allow both pole-mounted emergency wayfinding and monument style wayfinding signs to be located within 50 feet of a roadway that is a collector, arterial or highway, or which have more than 10,000 daily trips. Figure TE-5 from the Transportation Element of the City's 2030 Comprehensive Plan [*attached in the agenda packet*] identifies all of the arterial and collector roadways in the City of Jacksonville Beach. The applicant did not provide a proposed number of, or proposed locations of, potential wayfinding signage, nor was an example of what the proposed signs would look like provided.

While the City has enacted sign regulations to promote the use of monument signs for commercial advertising, the request for pole-mounted emergency wayfinding signage in right-of-way locations is preferable from a safety and visibility standpoint near street intersections. The staff does not feel that it would be appropriate to allow monument style emergency signage in any right-of-way

locations for this same reason. Permits for signs located in rights-of-ways would be issued by the Public Works Department, and permits for signs on private property would be issued by the Planning and Development Department.

Agent:

Paul Harden, Esq., 501 Riverside Avenue, Jacksonville, stated *Baptist Medical Center of the Beaches, Inc.* is not an entity attempting to advertise for itself, but it is rather a destination for the different types of emergencies people often endure. He emphasized there is no intention to “pollute” or “denigrate” the area. While recognizing the suitable replacement of the signs may require the prohibited monument-styled signage, Mr. Harden stated he is willing to limit this kind to private properties. He also added, in response to concerns regarding signage height, they would be restricted to areas that feature more than 10,000 daily trips, high traffic areas, and are not meant to compete with other businesses’ signs, as they would be monitored by the City’s Public Works department before their installment. This application derived from complaints about difficulties faced when searching for the emergency department. He spoke of the handout provided by Mr. Miller as a reference for height and overall size dimensions.

Ms. Moehring asked about the frequency of the signs. Mr. Harden responded it is an undetermined matter, but he is willing to negotiate distance regulations if necessary, as signs should be helpful but not proliferating. Mr. Walker acknowledged there is indeed difficulty finding the hospital and commented while observing the designs in the handout; it seems the top right of the signs is advertising. Mr. Harden responded while “advertising” may be the correct description, the signs are meant for wayfaring. Mr. Spann questioned the placement of “Wolfson’s Children’s Hospital” logo on some of the signs in the handout, to which Mr. Harden responded it is provided as a sample sign from the designer. Mr. Dahl stated working with staff at Public Works and Planning & Development would address any issues.

Public Hearing:

The following spoke in support of the application:

- Joe Mitrick (President of Baptist Medical Center– Beaches), 1350 13th Avenue South, Jacksonville Beach, stated the want for signage improvement stemmed from comments from visitors while the hospital was in the process of renovating. He added about 85% of the patients arrive by car.
- Zack Miller, 501 Riverside Avenue, Suite 901, Jacksonville, stated this is the first step of many, as negotiations with City staff and the Florida Department of Transportation are to follow for final approval. He later shared personal experiences about directional hardships when trying to locate the hospital’s emergency department.
- Jesse Dreicer, 3985 Cattail Pond Circle West, Jacksonville, also shared personal experiences that support the approval of the application.
- Tom Rackley, 917 1st Street South, Unit 401, Jacksonville Beach, also shared personal experiences that support the approval of the application.
- Brian Mickley, 148 Natures Isle Drive, Ponte Vedra Beach, represented the volunteers of the medical center and affirmed the hardships finding the emergency room.
- Bill Mann, Director of Planning and Development, stated he is adamant about the issue of not placing monument signs on any rights-of-ways and is uncomfortable about opening a road with a heavy traffic count because he is not yet knowledgeable of the areas encompassing 10,000 daily trips. He spoke of visibility issues resulting from tall monument

signs and commented regardless; the signs would be inspected extensively by the City's Public Works and Planning and Development departments; the Police Department and Fire Department would also have a say during the Public Works Department's reviewal process. Discussion ensued about types of the signs, traffic counts, and the follow-up process(es).

Mr. Harden commented he would be providing further details and calculations pertaining to traffic counts.

Mr. Dahl closed the public meeting.

Discussion:

Mr. Walker asked about data representing those negatively impacted by the lack of directional signage to the hospital and was told there is no data collected.

Motion: It was moved by Mr. Walker and seconded by Mr. Spann, to approve the Conditional Use Application.

Roll call vote: Ayes –Margo Moehring, Jon Scott Walker, Bill Spann, and David Dahl.

The application was approved unanimously.

Planning & Development Director's Report

Ms. Ireland noted the next meeting is scheduled for Monday, April 22, 2019.

Adjournment

There being no further business coming before the Commission, Mr. Dahl adjourned the meeting at 7:50 P.M.

Submitted by: Sama Kaseer
Administrative Assistant

Approval:

Chairman

Date

**Minutes of Planning Commission Meeting
Held Monday, April 22, 2019, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order at 7:05 PM by Chairman Greg Sutton.

Roll Call

Chairman: Greg Sutton
Vice-Chairman: David Dahl
Board Members: Margo Moehring Britton Sanders
Alternates: Jon Scott Walker Bill Spann

Also present was Senior Planner Heather Ireland.

Approval of Minutes None

Correspondence None

Old Business None

New Business

(A) **PC#6-19** 117 South 7th Avenue
Owner/ Pamela Fellabaum
Applicant: 117 7th Avenue South
Jacksonville Beach, FL 32250

Conditional Use Approval for an existing single-family dwelling located in a *Residential, multiple-family*: RM-2 zoning district, pursuant to Section 34-340(d)(12) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into record:

The subject property is located on the north side of 7th Avenue South between 1st and 2nd Streets South and has existed as a single-family dwelling since the structure was built in 1909. The applicant/owner wished to make substantial improvements to the property and was advised by staff that conditional use approval would be required, as the current house pre-dates the current Land Development Code as a legal nonconforming use.

Adjacent uses include multiple-family to the north, west, and east, and single- and multiple-family to the south across 7th Avenue South. The continued use and improvement of an existing single-family dwelling is consistent with the mixed residential character of the area and should not negatively impact adjacent properties.

Applicant: Pamela Fellabaum, 117 7th Avenue South, Jacksonville Beach, approached the Commission to answer questions. Ms. Moehring asked where the applicant is planning on expanding on the parcel, and Ms. Fellabaum answered there are no firm plans yet, but a garage addition in back is a possibility. The old home was purchased in 1991 and is currently 1,100 square feet.

Public Hearing:

The following residents spoke in favor of the Conditional Use Application:

- Patrick J Cantin, 2815 Corinthian Avenue, Jacksonville, FL 32210
- Thomas Heusinger, 112 7th Avenue South, Jacksonville Beach

Mr. Sutton closed the public meeting.

Discussion:

There was no further discussion regarding this case.

Motion: It was moved by Mr. Sanders and seconded by Mr. Spann, to approve the Conditional Use Application.

Roll call vote: Ayes –David Dahl, Margo Moehring, Britton Sanders, Jon Scott Walker, and Greg Sutton.

The application was approved unanimously.

(B) **PC#7-19** 1237 Penman Road (former location of *Homestead* restaurant)

Owner: JBCT Sunrise, LLC
100 Fairway Park Blvd. Suite 1200
Ponte Vedra Beach, FL 32082

Applicant: Beer: 30, Inc.
1271 King Street
Jacksonville, FL 32204

Conditional Use Approval for a proposed beer and wine drinking establishment and package store located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(3) and (4) of the Jacksonville Beach Land Development Code. (Applicant – *Keg and Coin* Arcade)

Staff Report:

Ms. Ireland read the following into record:

The subject property is located on the east side of Penman Road, south of 13th Avenue North, and exists as the Penman Square commercial center with several commercial tenants. The applicant, *Beer: 30, Inc.*, currently owns a coin-operated arcade in Jacksonville that includes classic games along, beer and wine service, and package beer sales. The applicant would like to open a second location of its business, *Keg and Coin*, in Jacksonville Beach in the tenant space on the subject property that was formerly occupied by the *Homestead* restaurant.

Pursuant to Section 34-342(b)(16), the arcade is permitted in C-1 zoning. However, a drinking establishment and package sales are both listed conditional uses in C-1 districts. The applicant was advised by staff that since they may only have limited food service and do not plan at this time to become a full-service restaurant, that conditional use approval would be required to serve beer and wine, and for the package sale of beer. There are no bars or other drinking establishments within 500 feet, and there are no schools or churches within 500 feet.

Adjacent uses include a Beaches Energy Services facility to the west across Penman Road, commercial tenants in the balance of the shopping center, commercial uses to the north across 13th Avenue North, and a single-family residential neighborhood directly to the south and east. The proposed use of coin-operated arcade with beer and wine service should not negatively impact adjacent properties as long as reasonable efforts are made to mitigate potential noise from the inside of the establishment.

Agent: Ronnie Penna, 837 6th Avenue North, Jacksonville Beach, commented this establishment would resemble *Keg and Coin* Arcade in the Riverside area. It would contain '80s and '90s classic arcade machines, have a family atmosphere and serve and sell local craft beer. Liquor would not be sold. The average age of visitors in the Riverside location ranges from 28 to 35. They are highly rated on social media platforms and local magazines. The average ticket is approximately \$10.00.

Mr. Penna explained there is no intention to target the Jacksonville Beach bar crowds. The goal of the establishment is to create a nostalgic effect on customers. This location's hours are set to resemble Riverside's and would be open every day from 11:00 am to 2:00 am. The owners found there is no need for on-site security, as the 18-month-old establishment in Riverside attracts older ages, and there is already police presence in the area. Music would be played only on the inside and should not affect the surrounding neighbors.

Concerns have been raised regarding the access area to the rear of the property and adjacent to businesses. Mr. Penna commented there are no plans to use the rear area, except for dumpster and storage usage. There is multi-residence housing behind the property in Riverside, and there were never any noise complaints. Trash disposal would occur during the day to not cause any disturbance.

Public Hearing:

The following residents spoke in opposition to the Conditional Use Application:

- Russell May, 31 San Pablo Circle South, Jacksonville Beach, provided handouts [*on file*] to the Commission containing images of the property's area. He addressed concerns regarding the hours of operation, potential noise, and the lack of a barrier between the establishment and the adjacent residential area in the back.
- April Howard, 29 San Pablo Circle South, Jacksonville Beach, addressed concerns regarding the clientele, possible noise, hours of operation, and how this would impact a ballet studio located nearby. She is also worried about how deliveries would arrive, as they almost always have a direct impact on adjacent residential properties.
- Susan Solomon, the owner of the business directly adjacent to the proposed establishment, stated she was neither for or against the application, but expressed parking, noise, and security concerns.

Mr. Penna addressed some of the neighbor's issues by comparing this business with the already-

operating Riverside business. They both have residential neighborhoods directly behind them, and there have not been any complaints at the Riverside property. They plan to clean up the property every day. He stated the type of activities available to customers would most likely prevent the overconsumption of alcohol and read some comments from reviewers on social media complimenting the “family” and “nostalgic” atmospheres the business presents to its customers. The Riverside business also has a ballet studio located nearby, and there have been no issues. Packages can be delivered in the front of the property and there is no intention to park cars behind the building. Employees are not allowed to drink while working.

Mr. Sutton closed the public meeting.

Discussion:

Mr. Spann questioned the applicant about the late hours of operation. Mr. Penna stated the business’s success is heavily dependent on these hours; the latest time alcohol can be served is 1:30 am. Mr. Sanders also agreed about timing issues and explained the year-long trial the Commission gives to businesses with desired late hours of operation. Businesses would first be permitted to operate until 10:00 pm or 11:00 pm and can apply again for extended hours if no complaints have been reported. Mr. Penna reiterated the necessity of these late hours, as 20% of the business income is generated during that time. Discussion ensued regarding timing complications, parking, and alternative approaches the Commission may take.

Mr. Sutton commented this business should have no impact on the ballet studio, as they have different hours of operations, and added he also has an issue with the perspective hours of operation. Mr. Sanders agreed.

Motion: It was moved by Mr. Sanders and seconded by Ms. Moehring, to approve the Conditional Use Application, with the condition of an 11:00 P.M. time restriction and approval expires in one year.

Roll call vote: Ayes –Margo Moehring, Britton Sanders, Jon Scott Walker, and Greg Sutton
Nays– David Dahl

The application was approved by a vote of 4-1

(C) **PC#8-19** **353 6th Avenue South**
Owner: Shine Holistic Wellness
 353 6th Avenue South
 Jacksonville Beach, FL 32250

Applicant: Carla Morello
 353 6th Avenue South
 Jacksonville Beach, FL 32250

Conditional Use Approval for a proposed educational service (massage therapy academy) located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(12) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read the following into record:

The subject property is located on the north side of 6th Avenue South between 3rd and 4th Streets South. The original use of the existing structure on the property, built in 1986, was a child day care center. Since the closure of the day care center, the property has been the location of a variety and mix of commercial uses including massage, yoga instruction, and therapy.

The owner/applicant now wishes to open a massage therapy academy in a small portion of her building and was advised by staff that, since this use falls under "educational service," conditional use approval would be required. According to the applicant, classes would have no more than eight to ten students, and classes would be in the evening. Existing uses at the building including massage, yoga instruction, and acupuncture would continue in the balance of the building.

Adjacent uses include office directly to the west and residential to the west across 4th Street, public and private parking to the south across 6th Avenue South, an A/C contractor to the east, and commercial and one nonconforming single-family residential structure to the north behind the subject property. The addition of a massage therapy academy is consistent with, and would complement, the miscellaneous medical and personal service uses that currently occupy the property and is consistent with the mixed commercial use nature of the area.

Agent: Carla Morello, 811 1st Street South, Jacksonville Beach, and Theresa Matthews, 5751 Hesston Road, Jacksonville, clarified the hours of the school would be during the evening and not daytime (corrected in the Staff Report). The school would be open from 5:00 pm to 10:00 pm. The classroom would encompass eight to ten students, but there would be clinic days where clientele can receive massages from the students, and hence, more people would be present. During these particular days, it is not likely the students would all be present at once.

Public Hearing:

No one came before the Commission to speak regarding the application.
Mr. Sutton closed the public meeting.

Discussion:

There was no further discussion regarding this application.

Motion: It was moved by Mr. Sanders and seconded by Mr. Spann, to approve the Conditional Use Application.

Roll call vote: Ayes – David Dahl, Margo Moehring, Britton Sanders, Jon Scott Walker, and Greg Sutton.

The application was approved unanimously.

Planning & Development Director's Report

Ms. Ireland noted the next meeting is scheduled for Monday, May 13, 2019. Ms. Ireland stated Denise May with the City Attorney's office would be providing members with procedural training possibly in early Summer.

Planning Commission Meeting
Monday, April 22, 2019

Adjournment

There being no further business coming before the Commission, Mr. Dahl adjourned the meeting at 7:50 P.M.

Submitted by: Sama Kaseer
Administrative Assistant

Approval:

Chairman

Date



REZONING/TEXT AMENDMENT APPLICATION

PC No. 14-19
AS/400# 6/10/19

#19-100064

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance.

APPLICANT INFORMATION

Land Owner's Name: SHETTER AVE. LLC
Mailing Address: 13 ROSCOE BLVD NORTH, PONTE VEDRA BEACH
FLORIDA, 32082

Telephone: (904) 993-3474
Fax: _____
E-Mail: angiessubs@gmail.com

Applicant Name: EDWARD MALIN
Mailing Address: 13 ROSCOE BLVD NORTH, PONTE VEDRA BEACH
FLORIDA 32082

Telephone: (904) 993-3474
Fax: _____
E-Mail: angiessubs@gmail.com

NOTE: Written authorization from the land owner is required if the applicant is not the owner.

Agent Name: _____
Mailing Address: _____

Telephone: _____
Fax: _____
E-Mail: _____

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Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

REZONING DATA

Street address of property and/or Real Estate Number: 1436 BEACH BLVD, JAX BCH, FL 32250 (1400)

Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): SEE ATTACHED

Current Zoning Classification: Commercial (C-2) Future Land Use Map Designation: Commercial (C-2)

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: CH. 34 ART. VII SEC. 34-343(d)

REQUESTED INFORMATION

	Attached?	
	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;		
2. An 8½" x 11" vicinity map identifying the property proposed for amendment;		
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;		
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.		
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.	✓	

Applicant Signature: _____

Date: 5/1/19



ESPENSHIP, SCHLAX & ALBEE, LLC

200 EAST FORSYTH STREET
JACKSONVILLE, FLORIDA 32202
www.esalawgroup.com
Office 904.674.0717 Fax 904.674.0737

**Jennifer Katz Espenship
Sean A. Espenship**

**Julie Agent Schlax
Stephen F. Albee**

May 1, 2019

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City of Jacksonville Beach
City Hall, First Floor
11 North Third Street
Jacksonville Beach, FL 32250

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PLANNING & DEVELOPMENT

Re: Angie's Subs & The Jacksontucky Distillery Code Text Amendment

Dear Sirs,

Please see the attached proposed text amendment to the existing Code Sec. 34-343(d)(18). My clients seek to add "craft distilleries" (as such term is defined in Florida Statute §565.03) as a conditional use under Commercial General (C-2). Ed Malin, the owner of Angie's Subs, seeks to redevelop the current site that will include:

1. Jacksontucky Distillery, Inc. ("The Jacksontucky");
2. Angie's Subs; and
3. The Smokehouse Barbeque Restaurant.

The Jacksontucky previously sought a text amendment of the Land Development Code ("LDC"). On May 9, 2016, the Planning Commission approved The Jacksontucky's text amendment to Section 34-346(d) to add "Craft Distillery" as a conditional use in Industrial Zoned districts. On May 16 and June 6, 2016 (the second reading), the City Council unanimously approved the amendment. On July 11, 2016, the Planning Commission also unanimously approved The Jacksontucky's conditional use application at its current location: 1100 Shetter Avenue.

After nearly three years of operations, The Jacksontucky seeks to expand. It will move from its current location on Shetter Avenue and develop a modern three-story distillery (along with a new Angie's and barbeque restaurant). The aim is to create a tourist destination. A full-functioning distillery will be built with a gift shop, tasting room, an underground barrel aging room along with distillery tours. Currently, microbreweries are permitted as a conditional use under Sec. 34-343(d)(17).

Attached is a rendering of the new distillery, the barbeque restaurant, and Angie's. The Jacksontucky will be the first of its kind here at the beaches. It is the intention of the business owners to provide an experience akin to the distilleries in Scotland and Kentucky. And much like the St. Augustine Distillery, The Jacksontucky will be a tourist draw.

Without a doubt, the St. Augustine Distillery has made a positive impact in its community. Along those lines, The Jacksontucky, the new Angie's and barbeque restaurant will not simply be another automotive repair shop, or gas station, or convenience store. They will be *unique* one-of-a-kind businesses that bring a refreshing change as people cross the bridge and enter Jax Beach. It will also highlight the best of our beach community that prides itself on promoting eclectic businesses (such as Angie's) combined with being an exceptional family community.

Finally, the business owners are life-long beach residents that care and value our beach community. With each having grown up here, and their children following in their footsteps, they desire a pro-business environment with the same small-town feel and sense of community that was ingrained in both at an early age. They believe the redeveloped Angie's property will satisfy everything that this community represents, being home-grown *small* businesses and not some conglomerate bar or restaurant chain that litters our landscape across the ditch, but similar to what this community has experienced with its microbreweries (Green Room, Engine 15, Southern Swells), its restaurants (Angie's, V-Pizza, Metro Diner, Taco Lu, Maple Street), and its bars (Lynch's, the Ritz, and the Brix), to name a few.

Thank you for your attention to this matter.

Sincerely,



Sean A. Espenship, Esq.

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LEGAL DESCRIPTION

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A part of the CASTRO Y. FERRER GRANT, Section 38, Township 2 South, Range 29, East, Jacksonville Beach, Duval County, Florida and being more particularly described as follows: Begin at the intersection of the Easterly right of way line of 15th Street (a 50 foot right of way as now established) with the Southerly right of way line of Hogan Beach Boulevard (A variable width right of way as now established); thence North 89 degrees 08 minutes 00 seconds East 210.00 feet; thence South 00 degrees 52 minutes 00 seconds East 180.00 feet; thence South 89 degrees 08 minutes 00 seconds West, 210.00 feet; thence North 00 degrees 50 minutes 59 seconds West, 180.00 feet to the point of beginning.

Parcel Identification Number: 177389-0000

Sec. 34-343. - Commercial general: C-2.

- (a) *Purpose.* The commercial general (C-2) zoning district is intended to implement the commercial land use district in the comprehensive plan. It is intended to apply to areas appropriate for general commercial use that will meet the retail and service needs of Jacksonville Beach residents. Areas that are designated for the C-2 zoning district should be immediately accessible to the city's major road network.
- (b) *Permitted uses.* The following uses, not to exceed fifty thousand (50,000) square feet in gross floor area for single or multiple use buildings or developments, are permitted as of right in the C-2 zoning district. Buildings or developments containing single or multiple uses listed herein and which exceed fifty thousand (50,000) square feet in gross floor area shall only be approved pursuant to section 34-348 planned unit development: PUD district standards and procedures.
- (1) Veterinary services and kennels, provided animals are housed in enclosed, soundproof buildings.
 - (2) Newspaper printing and publishing and commercial printing.
 - (3) Bakery products manufacturing, in conjunction with the retail sale of the bakery products on the same site.
 - (4) Jewelry and leather products manufacturing, in conjunction with the retail sale of the manufactured products on the same site.
 - (5) Sign and specialty advertising manufacturing.
 - (6) Marinas.
 - (7) Travel agencies.
 - (8) Business offices for communications and utility services (no storage of vehicles, material or equipment).
 - (9) Motor vehicle supplies and parts, wholesale.
 - (10) Retail trade establishments as follows: Building materials, hardware and garden supplies; general merchandise; food; motor vehicle dealers, new and/or used; auto and home supply stores; gasoline service stations; and boat, recreational vehicle and motorcycle dealers; apparel and accessories; home furniture, furnishing and equipment stores; non-prescription drugs; used merchandise; miscellaneous shopping goods; fuel dealers; florists; tobacco and newsstands; optical goods; and miscellaneous retail goods.
 - (11) Restaurants.
 - (12) Financial institutions, insurance, or real estate offices.
 - (13) Hotels, motels, rooming, or boarding houses.
 - (14) Personal service establishments as follows: Laundry, cleaning and garment services; photography studios; beauty and barber shops; shoe repair shops and shoe-shine parlors; funeral services; and miscellaneous personal services.
 - (15) Business service establishments as follows: Advertising; business and consumer credit reporting and collections; mailing reproduction, commercial art and photography and stenographic services; building services; medical and other equipment rental and leasing; personnel supply; computer programming, data processing and other computer services; and miscellaneous business services.
 - (16) Automotive rental and leasing, and carwashes.
 - (17) Electrical repair shops, and watch, clock, and jewelry repair shops.
 - (18) Motion picture theaters, except drive-in, and video tape rental.

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- (19) Amusement and recreation services: Dance studios and schools; bowling centers; physical fitness facilities; coin operated amusement devices; and membership sports and recreation clubs.
 - (20) Business and professional offices as follows: Building contractors and subcontractors (no storage of vehicles, material or equipment); landscape architects; doctors, dentists, home health care services, and miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services.
 - (21) Medical and dental laboratories.
 - (22) Individual and family social services.
 - (23) Child day care services.
 - (24) Adult day care services.
 - (25) Museums and art galleries.
 - (26) Membership organizations, including religious organizations.
 - (27) Government use.
 - (28) Type I home occupations.
 - (29) Miscellaneous repair shops and related services as follows: Camera, luggage, sewing machine, musical instrument, and precision instrument repair, piano and organ tuning and repair, locksmith, picture framing, and china and pottery decorating and firing to individual order.
 - (30) Mobile food vendors in accordance with the provisions of section 12-33 Mobile Food Vending of Chapter 12 Food and Food Products of this Code of Ordinances.
 - (31) Pharmacy.
 - (32) Medical marijuana treatment center dispensing facilities.
- (c) *Accessory uses.* The following uses are permitted as accessory uses in the C-2 zoning district.
- (1) Any use customarily accessory to the permitted and conditional uses in the C-2 zoning district.
- (d) *Conditional uses.* The following uses are permitted as conditional uses in the C-2 zoning district, subject to the standards and procedures established in section 34-221 et seq.
- (1) Bar, lounge, nightclub, tavern or other drinking place.
 - (2) Package liquor store.
 - (3) Camps and recreational vehicle parks.
 - (4) Automotive and boat repair shops.
 - (5) Drive in motion picture theaters.
 - (6) Hospitals; and nursing and personal care facilities.
 - (7) Essential public services.
 - (8) Educational services.
 - (9) Golf courses.
 - (10) Cemeteries.
 - (11) Multiple family dwellings, subject to section 34-339 residential, multiple family: RM-1.
 - (12) Mobile home parks.
 - (13) Commercial recreational facilities such as shooting galleries, outdoor skating rinks, amusement parks, go kart tracks, miniature golf courses and similar outdoor uses.

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- (14) Outdoor restaurants or bars.
- (15) Type II home occupations.
- (16) Miscellaneous repair shops and related services as follows: **PLANNING & DEVELOPMENT** Taxidermist, lawnmower repair, and window and blind fabrication and repair.
- (17) Microbreweries.
- (18) Craft Distilleries**
- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the C-2 zoning district.
- (1) *Minimum lot area:* None
- (2) *Minimum lot width:* None.
- (3) *Minimum yards:*
- a. *Front yard:* Ten (10) feet.
- b. *Side yard:* None, except where adjacent to streets. If adjacent to a street, ten (10) feet. For a corner lot, the side yard on the corner shall be ten (10) feet.
- c. *Rear yard:* None.
- (4) *Floor area:* None.
- (5) *Maximum lot coverage:* Eighty-five (85) percent.
- (6) *Height:* Thirty-five (35) feet.
- (f) *Off-street parking and loading.* The off-street parking and loading standards for the C-2 zoning district are found in Article VIII, Division 1.
- (g) *Supplemental standards.* The supplemental standards for the C-2 zoning district are found in Article VIII, Division 2.
- (h) *Landscape standards.* The landscape standards for the C-2 zoning district are found in Article VIII, Division 3.
- (i) *Sign standards.* The sign standards for the C-2 zoning district are found in Article VIII, Division 4.
- (j) *Environmental standards.* The environmental standards for the C-2 zoning district are found in Article VIII, Division 5.
- (k) *Prohibited use.* The business of outdoor advertising.

(Ord. No. 7500, § 7.2(H), 8-19-91; Ord. No. 99-7774, § 5, 10-18-99; Ord. No. 2001-7810, § 1, 7-16-01; Ord. No. 2003-7860, §§ 5, 6, 10-6-03; Ord. No. 2003-7861, § 2, 10-6-03; Ord. No. 2004-7868, § 1, 2-2-04; Ord. No. 2014-8042, § 3, 2-3-14; Ord. No. 2015-8065, § 11, 12-7-15; Ord. No. 2018-8104, § 4, 2-19-18.)



CONDITIONAL USE APPLICATION

PC No. 15-19
AS/400# 19-100069
HEARING DATE 6/10/19

This form is intended for submittal, along with the required attachments, with all requests for approval of a conditional use in a particular zoning classification as listed in Article 7, Zoning Districts of the City of Jacksonville Beach Land Development Code. An application for approval of a conditional use will be evaluated for sufficiency by the Planning and Development Director within five (5) days of receipt. If the application is found to be complete, it will be scheduled for review, public hearing and a decision by the Jacksonville Beach Planning Commission at their earliest meeting following appropriate public notice of the request. All applications for approval of a conditional use shall be accompanied by a nonrefundable fee of \$500.00.

APPLICANT INFORMATION

Land Owner's Name: 1036 Beach Blvd., Inc.
Mailing Address: 2440 Mayport Rd #7 Jacksonville, FL 32233

Telephone: (904) 241-1151
Fax: (904) 241-0678
E-Mail: ehionides@petrajax.com

Applicant Name: Trulieve
Mailing Address: 3494 Martin Hurst Road Tallahassee, Florida, 32312

Telephone: 407-300-3281
Fax: _____
E-Mail: daniel.sparks@trulieve.com

NOTE: Written authorization from the property owner is required if the applicant is not the owner.

Agent Name: _____
Mailing Address: _____

Telephone: _____
Fax: _____
E-Mail: _____

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Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

PLANNING & DEVELOPMENT

PROJECT DATA

Street address of property and/or Real Estate Number: 102 6th Ave N Suites 10-11 RE:173940-0000

Legal Description of property (attach copy of deed): 15-50 33-2S-29E FLAGLER TRACT LOTS 41 TO 45

Current Zoning Classification: JCBD

Future Land Use Map Designation: Commercial - CBD

An 8 1/2 x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.

Code section(s) applicable to the requested conditional use: 34-345 (d) (11)

Describe the proposed conditional use and the reason for the request: Medical Marijuana Dispensary

Applicant Signature: Daniel Sparks

Date: 5/3/19

Section 34-231 STANDARDS APPLICABLE TO ALL CONDITIONAL USES

When considering an application for development permit for a conditional use, the planning commission shall consider whether and the extent to which:

- (a) The conditional use is consistent with the goals, objectives and policies of the comprehensive plan, including standards for building and structural intensities and densities, and intensities of use;
- (b) The conditional use is consistent with the character of the immediate vicinity of the land proposed for development, and designed so that it is consistent with the harmonious development of the zoning district in which it is proposed;
- (c) The design of the proposed conditional use minimizes adverse effects, including visual impact, of the proposed use on adjacent properties, and provides adequate screening and buffering;
- (d) The proposed conditional use will have an adverse effect on the permitted uses of the zoning district where it is located;
- (e) The proposed conditional use will have an adverse effect on the value of adjacent property;
- (f) There are adequate public facilities and services pursuant to Article X, Adequate Public Facility Standards;
- (g) The proposed conditional use will require signs or exterior lighting, which will cause glare or adversely impact area traffic safety;
- (h) There is adequate ingress and egress to the proposed conditional use, and it is designed so as to minimize traffic congestion on the city's roads;
- (i) The proposed conditional use is consistent with the requirements of the LDC;
- (j) The applicant has the financial and technical capacity to complete the conditional use as proposed, and has made adequate legal provision to guarantee the provision of open space and other improvements associated with the proposed conditional use;
- (k) The proposed conditional use complies with all additional standards imposed on it by the particular provision of the comprehensive plan authorizing such use and all other applicable requirement of the LDC.

RECEIVED
PC#15-19
MAY - 8 2019

Letter of Authorization

PLANNING & DEVELOPMENT

To whom it may concern:

This letter authorizes Trulieve, Inc. to act as agent to sign and notarize permit applications as agent for owner/owner, secure variances required by the local government body, and apply for conditional use approval with the City of Jacksonville Beach. This authorization is for the following lessee/tenant:

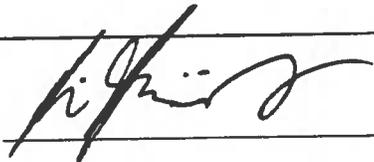
Tenant: Trulieve, Inc.

Address: 102 6th Avenue North Suite#:10 and 11

Zip Code: 32250 Zoning: JCBD Real Estate#: 173940-0000

Owner/Agent Name: 1036 Beach Blvd, Inc. - Chris Hionides, President

Owner Address & Phone #: 2440 Mayport Rd Suite 7 Jacksonville, FL 32233

Signed:  Date: 5/3/19

State of Florida, County of Duval

The foregoing instrument was acknowledged before me this 3 day of May, 2019
by Chris Hionides herein by himself/herself and affirms all statements
and declarations herein are true and accurate and who is [] personally known to me or [] produced
identification.

Signed: 
(Notary stamp or seal required)



PC#15-19

Prepared by, record and return to:
Baron L. Bartlett, Esq.
Bartlett & Deal, P.A.
135 Professional Drive, Suite 101
Ponte Vedra Beach FL 32082

RE Parcel No. 168890-0000-4
Buyer's FEI no. 59-3512866

103826

Doc# 2004078384
Book: 11677
Pages: 1862 - 1864
Filed & Recorded
03/09/2004 09:47:04 AM
JIM FULLER
CLERK CIRCUIT COURT
DUVAL COUNTY
RECORDING . \$ 13.00
TRUST FUND \$ 2.00
DEED DOC STAMP \$ 9,888.00

WARRANTY DEED

THIS WARRANTY DEED made this 4th day of March, 2004, by **GOODWILL INDUSTRIES OF NORTH FLORIDA, INC.**, a Florida non-profit corporation hereinafter called Grantor, and whose address is 4527 Lenox Avenue, Jacksonville FL 32205 to **1036 BEACH BLVD., INC.**, a Florida corporation, hereinafter called Grantee and whose address is P.O. Box 330108, Atlantic Beach FL 32233-0108

(Wherever used herein the term "Grantor" and "Grantee" shall include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate, lying and being in **DUVAL** County, Florida, viz:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

The real property described in this instrument is not the constitutional homestead nor the primary physical residence of the Grantor.

SUBJECT TO taxes accruing subsequent to December 31, 2003.

SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

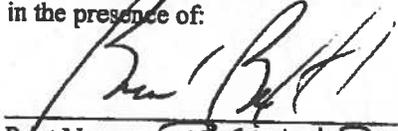
AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

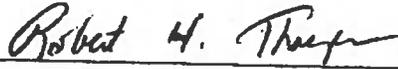
③
150.
9800.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first abovewritten.

Signed, sealed and delivered
in the presence of:

GOODWILL INDUSTRIES OF NORTH FLORIDA,
INC., a Florida non-profit corporation

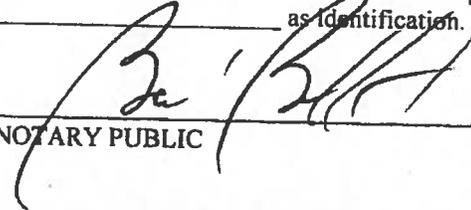

Print Name BARON L. BARTLETT

By: 
Robert H. Thayer, President


Print Name LAWRENCE R. PATTERSON

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this ✓ day of March, 2004, by Robert H. Thayer, as President of Goodwill Industries of North Florida, Inc., a Florida non-profit corporation, on behalf of the corporation [] who is personally known to me or [] who has produced _____ as identification.


NOTARY PUBLIC

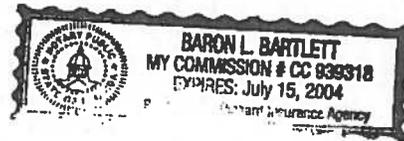


EXHIBIT A

Lots 1 and 2, Block 62, PABLO BEACH NORTH, according to the plat thereof as recorded in Plat Book 3, page 28, of the current public records of Duval County, Florida;

And

Lots 41, 42, 43, 44 and 45, FLAGLER TRACT, according to plat thereof as recorded in Plat Book 15, page 50, of the current public records of Duval County, Florida.

Stacy M. Tinker

From: Bryan Hartong <hartongb@gmail.com>
Sent: Monday, May 27, 2019 4:10 PM
To: Planning Division
Subject: PC #15-19

To whom it may concern,

I am writing in regards the proposed Medical Marijuana Treatment Center Dispensary located at 106 6th Avenue N. We are opposed to this location being used for this purpose. This is too close to homes and families with children. This business plaza currently experiences a high number of incidences from loitering, fights and alcohol related occurrences. There are also a lot of drug deals going down in that parking lot. We witness all this from our balcony on a nightly bases. I do not see how this business could do anything but add to these issues.

The planning commission seems to be focused on trying to bring in restaurants and businesses that will improve our downtown and lower the amount of crime. There is no reason to allow this type of business at this location if there is even a minimal risk. Do we know what will happened if (when) recreational marijuana is legalized in Florida and these facilities exist? Will they be allowed to sell for recreational use, or would it be difficult to stop if they already have a presence?

This is not the location for this type of business at Jax Beach. The Planning Commission would be taking a step backwards and not doing what is in the best interest of the families that live here.

Sincerely,

Bryan R. Hartong
712 2nd Street N. Jax Beach
330-936-7303



REZONING/TEXT AMENDMENT APPLICATION

PC No. 16-19

6/10/19

AS/400# 19-100084

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance.

APPLICANT INFORMATION

Land Owner's Name: N/A

Mailing Address: _____

Applicant Name: Planning and Development Dept

Mailing Address: 11 N. 3rd Street

Jacksonville Beach, FL 32250

Telephone: _____

Fax: _____

E-Mail: _____

Telephone: (904) 247-6231

Fax: (904) 247-6108

E-Mail: planning@jaxbchfl.net

NOTE: Written authorization from the land owner is required if the applicant is not the owner.

Agent Name: N/A

Mailing Address: _____

Telephone: _____

Fax: _____

E-Mail: _____

Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

REZONING DATA

Street address of property and/or Real Estate Number: N/A

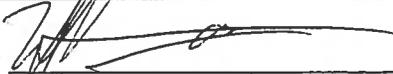
Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): N/A

Current Zoning Classification: N/A Future Land Use Map Designation: N/A

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Chap. 34, Art. VIII, Div. 2 -Supplemental Std.s

	<u>REQUESTED INFORMATION</u>		<u>Attached?</u>	
	Yes	No	Yes	No
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;				✓
2. An 8½" x 11" vicinity map identifying the property proposed for amendment;				✓
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;				✓
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.				✓
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.	✓			

Applicant Signature: 

Date: 5-17-19

Introduced by: _____
1st Reading: _____
2nd Reading: _____

ORDINANCE NO. 2019-8118

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE VIII. SITE DEVELOPMENT STANDARDS, DIVISION 2. SUPPLEMENTAL STANDARDS, CREATING A NEW SECTION 34-411 SHORT TERM VACATION RENTALS, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES; PROVIDING DEFINITIONS FOR "SHORT TERM VACATION RENTAL," "TRANSIENT OCCUPANCY," AND "TRANSIENT PUBLIC LODGING ESTABLISHMENT" TO CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE IV. DEFINITIONS; AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE VII. ZONING DISTRICTS, DIVISION 2. ZONING DISTRICTS, SECTION 34-336. RESIDENTIAL, SINGLE-FAMILY: RS-1, SECTION 34-337. RESIDENTIAL SINGLE-FAMILY: RS-2, SECTION 34-338. RESIDENTIAL, SINGLE-FAMILY: RS-3, SECTION 34-339. RESIDENTIAL MULTIPLE-FAMILY: RM-1, SECTION 34-340. RESIDENTIAL, MULTIPLE-FAMILY: RM-2, SECTION 34-341. COMMERCIAL PROFESSIONAL OFFICE: CPO, SECTION 34-342. COMMERCIAL LIMITED: C-1, SECTION 34-343. COMMERCIAL GENERAL: C-2, SECTION 34-345. CENTRAL BUSINESS DISTRICT: CBD; PROVIDING THAT SHORT TERM VACATION RENTALS ARE A PERMITTED USE; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE:

WHEREAS, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and

WHEREAS, prior to 2011 Florida's cities and counties regulated local land use issues and decisions under the Home Rule authority granted them by the Florida Constitution; and

WHEREAS, in 2011 the Florida Legislature enacted House Bill 883 (Chapter 2011-119, Laws of Florida) which preempted the local regulation, restriction or prohibition of vacation rentals based solely on their classification, use or occupancy; and

WHEREAS, the preemption to the state provided little oversight of vacation rentals such as staffing for mandatory or randomized inspections of vacation rentals and applied relaxed standards for vacation rentals when compared to hotels, motels, and bed and breakfast establishments; and

WHEREAS, the preemption prohibited local governments from enacting new regulations necessary to address any negative impacts caused by short-term vacation rentals; and

WHEREAS, Chapter 720 Florida Statutes provides for the formation and operation of homeowners' associations, independent of government authority; and

WHEREAS, such homeowners' associations may or may not exist in all single- and two-family residential neighborhoods; and

WHEREAS, such homeowners' associations typically employ property managers and employees or contracted vendors to monitor maintenance, upkeep, security and/or operation of the property on a frequent basis; and

WHEREAS, homeowners' associations are governed by covenants, restrictions and bylaws of the governing associations; and

WHEREAS, such homeowners' associations which allow short term vacation rentals are not regulated locally at this time, but may be in the future if deemed necessary in the interest of the public health, safety, and welfare; and

WHEREAS, in 2014 the Florida Legislature enacted Senate Bill 356 (Chapter 2014-71, Laws of Florida) which rescinded portions of the previous preemption but provided that local governments may not prohibit or regulate the frequency or duration of short term vacation rentals; and

WHEREAS, Chapter 2014-71, Laws of Florida returned some local control back to communities to mitigate the effects of short term vacation rentals to make them safer, more compatible with existing neighborhood uses, and accountable for proper operation; and

WHEREAS, short term vacation rentals cannot be prohibited and are therefore a permitted use in all zoning districts; and

WHEREAS, single-family, two-family, and townhouse neighborhoods and their required infrastructure are generally designed to accommodate typical residential homes; and

WHEREAS, local governments apply design standards tailored for residential neighborhoods for their roads, driveways, emergency services planning, public shelters, emergency evacuation plans, solid waste collection, utilities, buffers, other infrastructure impacts along with the corresponding fair and proportionate impact/connection fees; and

WHEREAS, permanent single-family, two-family, and townhouse residents inherently understand and know their physical surroundings, to include any safety gaps and potential risks to life and safety due to daily familiarity; and

WHEREAS, due to the transient nature of the occupancy short term rental vacation occupants are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, residence exit routes, pool and home safety features and similar life safety measures as would readily be provided to guests in traditional lodging establishments; and

WHEREAS, short term vacation rental owners may live outside the jurisdiction and not experience the quality of life problems and negative impacts associated with larger, unregulated short term vacation rental units on the surrounding residential neighborhood; and

WHEREAS, short term vacation rentals located in residential neighborhoods without regulation or standards for mitigation can create disproportional impacts related to their size, excessive occupancy, and lack of proper facilities; and

WHEREAS, short term vacation rentals are more likely to be created in single-family, two-family, or townhouses built prior to current building codes that require minimum life safety improvements, such as smoke detectors, carbon monoxide detectors, pool alarms, pool safety drains, and other such life safety equipment; and

WHEREAS, some short term vacation rental owners will not make such investments to upgrade the life safety equipment and requirements without local requirements, inspections, and enforcement programs; and

WHEREAS, short term vacation rentals located within established neighborhoods disturb the quiet enjoyment of the neighborhood, lower property values, and burden the design layout of typical residential neighborhoods; and

WHEREAS, short term vacation rentals located within established single-family, two-family, and townhouse neighborhoods create negative compatibility impacts, including but not limited to, excessive noise, on-street parking, accumulation of trash, and diminished public safety; and

WHEREAS, traditional lodging establishments (hotels, motels, and bed & breakfast inns) are restricted to commercial and other non-residential zoning districts where the intensity of use is separated from the quiet residential uses; and

WHEREAS, traditional lodging establishments must meet stricter development standards, undergo annual or bi-annual inspections, and meet more stringent operational and business requirements; and

WHEREAS, traditionally lodging establishments typically must make roadway improvements and/or pay higher transportation, water, sewer, and other impact fees to offset the infrastructure demands created by their use; and

WHEREAS, multi-unit condominium buildings which allow short term vacation rental units are subject to Florida Statutes Chapter 718 and typically to covenants, restrictions, and bylaws thereof; and

WHEREAS, multi-unit condominium buildings are typically constructed to more stringent building code, fire code, and other life safety code standards including sprinkler systems, interconnected fire alarm systems, fire alarm panels, emergency lighting, exit signs, fire extinguishers, and fire wall separation between occupancies; and

WHEREAS, multi-unit condominium buildings are routinely inspected for fire and life safety code compliance including fire sprinkler systems, interconnected fire alarm systems, fire alarm panels, fire pumps, emergency lighting, exit signs, backflow prevention, elevator operation, and communications; and

WHEREAS, many multi-unit condominium buildings have on-site property managers and employees or contracted vendors to provide maintenance, upkeep, security and/or operation of the property on a frequent basis; and

WHEREAS, multi-unit condominium buildings which allow short term vacation rentals are not regulated locally at this time, but may be in the future if deemed necessary in the interest of the public health, safety, and welfare; and

WHEREAS, whenever one (1) or more property owner permanently resides at the short term vacation rental located within the same structure the number of renters is minimized and the owner is present to directly manage the property; and

WHEREAS, an on-site owner permanently residing in a short term vacation rental is likely to manage the short term vacation rental more restrictively because there is a direct, vested interest in its use and maintenance; and

WHEREAS, owner-occupied short term vacation rentals are not regulated locally at this time, but may be in the future if deemed necessary in the interest of the public health, safety, and welfare; and

WHEREAS, permanent residents within residential neighborhoods often establish long-term friendships, social norms, and a sense of community which often leads to mutual respect among property owners; and

WHEREAS, a permanent residence is typically the largest investment a family will make in their lifetime, with the homestead held sacred in popular culture as the heart and center of the family unit; and

WHEREAS, permanent residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without intrusion by an excessive number of transient occupants; and

WHEREAS, the City of Jacksonville Beach promotes tourism, including appreciation and enjoyment of its pristine beaches, fishing pier, boardwalk, historic sites, and entertainment options; and

WHEREAS, many local governments in the State of Florida, and across the nation, have instituted standards to minimize the negative impacts of short term vacation rentals on the permanent residents; and

WHEREAS, the City of Jacksonville Beach has experienced a significant increase in the construction of new, oversized structures and the repurposing of existing residential homes for the primary purpose of serving as mini-hotels for short term vacation rentals for up to as many as seventeen (17) individuals; and

WHEREAS, although family size per residence varies, the most recent data from the 2010 U.S. Census indicates the City of Jacksonville Beach average family size is 2.74 persons; and

WHEREAS, the 2010 U.S. Census data further indicates the average household size in the City of Jacksonville Beach is 2.11 persons; and

WHEREAS, the operation of short term vacation rentals in established neighborhoods in the City of Jacksonville Beach creates a large disparity in short term vacation rental impacts with more than six (6)

times the average occupancy of established owner-occupied residences making the higher occupancy of the short term vacation rental homes incompatible with established neighborhood; and

WHEREAS, utility usage by short term vacation rentals may exceed the usage levels anticipated at the time of initial permitting as a single-family, two-family, or townhouse residence, creating a disparity between the impact and connection fees paid and the system impacts caused by their increased demand; and

WHEREAS, the State of Florida through its existing regulatory framework provides for licensing, maintenance, and inspection of hotels and motels; however no similar regulatory framework exists for short term vacation rentals; and

WHEREAS, current vacation rental industry practice is to set maximum limits upon the number of transient occupants within a short term vacation rental unit, but lack provisions for verification and enforcement; and

WHEREAS, current vacation rental industry practice is to charge a flat rental fee for the term of the lease, regardless of transient occupancy count, which incentivizes lessees of oversized structures used as short term vacation rentals to increase the transient occupant count to spread out the cost burden for the rental term among as many payers as possible; and

WHEREAS, the City of Jacksonville Beach desires to encourage short term vacation rentals that are safe, compatible with the character of the neighborhood, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and

WHEREAS, the City of Jacksonville Beach seeks to balance respect for private property rights and incompatibility concerns between the investors in short term vacation rentals and the families investment in permanent single-family, two-family, or townhouse residences in established residential neighborhoods through the use of reasonable rules, regulations, and development standards; and

WHEREAS, these regulations are deemed necessary to preserve property values and to protect the health, safety, and general welfare of permanent residents, property owners, investors, transient occupants, and visitors alike; and

WHEREAS, these regulations are being promulgated to supplement, but not replace, any existing federal or state law, regulation, or other controls within established residential neighborhoods served by a homeowners' association; and

WHEREAS, the City of Jacksonville Beach seeks to regulate commercial use of single-family, two-family, and townhouse subject to initial inspection requirements, ongoing compliance with these regulations, issuance of and annual renewal of local business tax receipt for short term rental use; and

WHEREAS, these regulations do not regulate duration or frequency of vacation rentals, but are intended to address the frequent change of transient occupants housed within single-family, two-family, and townhouse dwellings within established residential neighborhoods; and

WHEREAS, the application of minimum life safety requirements to short term vacation rentals, along with other minimum standards, ensures that transient occupants are provided the same minimum level of protection as is required by current statutes, regulations, and codes for single-family, two-family, and townhouse dwellings as utilized for hotels, motels, and dormitories; and

WHEREAS, a maximum occupancy of sixteen (16) persons within any short term vacation rental in any zoning district is appropriate because any occupancy of greater than sixteen (16) persons falls within a commercial classification of hotel or dormitory for the purposes of the National Fire Protection Association (NFPA) 101 Life Safety Code; and

WHEREAS, for purposes of compliance with the National Fire Protection Association (NFPA) 101 Life Safety Code, occupancies of sixteen (16) or fewer persons may be provided in single-family, two-family, or townhouse short term vacation rentals without consideration as a hotel or dormitory and provisions of related life safety requirements; and

WHEREAS, the minimum residential safety standards, as adopted by the Florida Legislature as the Residential Swimming Pool Safety Act include provision of swimming pool, spa, and hot tub barriers or alarms so as to reduce the likelihood of child and elder drowning; and

WHEREAS, sleeping rooms as so designated within short term vacation rentals shall be considered the equivalent of bedrooms within single-family, two-family, and townhouse residential homes, with the same requirements as are currently provided within local, state, and federal regulations, as applicable; and

WHEREAS, because of the high occupancy and transient nature of occupants within many short term vacation rentals, fire safety becomes important; and

WHEREAS, where interconnected, hard-wired smoke and carbon monoxide alarm systems are not in place, then at a minimum, these systems will be installed to provide for sufficient warning for evacuation so as to minimize loss of life within an occupied short term vacation rental unit; and

WHEREAS, Section 509.215(6), Florida Statutes, requires that specialized smoke detectors for the deaf and hearing impaired are required to be available in all public lodging establishments upon the request of guests; and

WHEREAS, where a fire sprinkler system is not in place, then at a minimum, the placement of a multi-purpose dry chemical fire extinguisher on each floor of a short term vacation rental will provide a basic level of fire protection based on the class of fire and fire loading anticipated to be encountered in an occupied short term vacation rental until; and

WHEREAS, in the event of an emergency, the presence of posted building exit routes can reduce the risk to transient occupants who are unfamiliar with the short term vacation rental unit; and

WHEREAS, site specific short term vacation rental standards, such as, minimum parking standards, solid waste handling and containment, and the establishment of quiet hours, serve to maintain the decorum that exists among owners in established residential neighborhoods and are better assured by having these same standards conveyed to transient occupants through the duration of their rental; and

WHEREAS, short term vacation rentals operate as commercial enterprises, subject to additional regulatory requirements beyond those normally required of single-family, two-family, and townhouse residences, including business licensing by the State of Florida Department of Business and Professional Regulation's Division of Hotels and Restaurants, obtaining county and local business tax receipts, and collecting and remitting various sales taxes to state and local government; and

WHEREAS, a short term vacation rental is a commercial lodging activity; and

WHEREAS, some short term vacation rentals are being used exclusively as rentals by investors and/or home owners; and

WHEREAS, the establishment of minimum business practices, such as the provision of both lease-specific and property-specific information to lessees, and the designation of a local short term vacation rental responsible party, ensures that the private property rights of the short term vacation rental owner are balanced with the needs of the City of Jacksonville Beach to protect visitors and tourists and to preserve the general welfare through its limited regulatory power; and

WHEREAS, the City of Jacksonville Beach, through its existing regulatory framework, will issue certificates to short term vacation rentals conforming to those standards, which will in turn provide a level playing field amongst all providers of short term vacation rental units; and

WHEREAS, it is the intent of the City of Jacksonville Beach to provide for the establishment of an enforcement mechanism for those short term vacation rentals which do not adhere to the standards on an initial or continuing basis, with the overall goal of the short term vacation rental program being compliance with established standards and not punitive in scope; and

WHEREAS, the City of Jacksonville Beach Planning Commission held a duly noticed public hearing on May 6, 2019 and recommended approval of this ordinance; and

WHEREAS, the City Council of the City of Jacksonville Beach held a duly noticed public hearing on May 20, 2019 and approved this ordinance on first reading; and

WHEREAS, the City Council of the City of Jacksonville Beach finds the proposed amendment will serve to protect the health and safety of residents, adjacent residential uses, and the general neighborhood.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. Recitals. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

SECTION 2. Amendment of City Code. That Chapter 34, Article IV. Definitions is hereby amended to add definitions, in proper alphabetical order, new definitions for *Short Term Vacation Rental*, *Transient Occupancy*, and *Transient Public Lodging Establishment* as follows¹:

Section 34-41. General

Short term vacation rental means any individually or collectively owned single-family, two-family, or townhouse dwelling unit that is also a transient public lodging establishment but that is not a timeshare project.

¹ (~~strikethrough~~ text indicates deletions, underline text indicates additions).

Transient occupancy means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

Transient public lodging establishment means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests, as defined in Florida Statutes 509.013(4)(a), as may be amended.

SECTION 3. That Chapter 34, Article VIII, Division 2 of the City of Jacksonville Beach Code of Ordinances and Land Development Code is hereby amended by adding new Section 34-411 to read as follows:

Section 34-411 – Short Term Vacation Rentals.

- (a) Applicability. This section shall apply to short term vacation rentals as defined in section 34-41.
- (b) Short term vacation rental minimum requirements. Short term vacation rentals shall be permitted in all zoning districts where residential use is permitted provided they are in compliance with this section. No person shall rent or lease all or any portion of a dwelling unit as a short term vacation rental as defined in section 34-41 without initially and on a continuing basis:
- (1) Obtaining a short term vacation rental certificate from the City of Jacksonville Beach pursuant to this section;
 - (2) Obtaining a county business tax receipt from the Consolidated City of Jacksonville pursuant to its ordinances, as may be amended;
 - (3) Obtaining a local business tax receipt from the City of Jacksonville Beach pursuant to Chapter 15 of the Code of Ordinances, as may be amended;
 - (4) Obtaining a Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes;
 - (5) Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
 - (6) As demonstrated through an affidavit, maintaining initial and ongoing compliance with Short Term Vacation Rental Standards contained herein, as well as any local, state, and federal laws, regulations, and standards to include,

but not limited to, Chapter 509, Florida Statutes, and Florida Administrative Code Chapters 61C and 69A, as may be amended.

(c) Short Term Vacation Rental Standards. The following Standards shall govern the use of any short term vacation rental as a permitted use:

(1) Minimum Life Safety Requirements:

a. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes, as may be amended.

b. Sleeping Rooms. All sleeping rooms shall meet the single-family, and two-family dwelling minimum requirements of the Florida Building Code, as may be amended.

c. Smoke and Carbon Monoxide (CO) detection and notification system. If an interconnected and hard-wired smoke and carbon monoxide (CO) detection and notification system is not in place within the short term vacation rental unit, then an interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm system shall be required to be installed and maintained on a continuing basis consistent with the requirements of Section 509.215, Florida Statutes, as may be amended, and Carbon Monoxide (CO), of the Florida Building Code – Residential, as may be amended.

d. Specialized smoke detectors for the deaf and hearing impaired shall be available upon request by guests as required by Section 509.215(6), Florida Statutes, as may be amended.

e. Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected, and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

f. Automatic sprinkler system. Any transient public lodging establishment which is of three stories or more shall be equipped with an automatic sprinkler system in compliance with Section 461.1, Florida Building Code.

(2) Maximum Occupancy. Maximum occupancy will be limited to four (3) persons per air-conditioned full bathroom or one (1) per one hundred fifty (150) square

feet, whichever is less, except that under no condition shall maximum occupancy exceed sixteen (16) occupants per short term vacation rental unit.

- (3) Parking Standards. Based on the maximum short term transient occupancy permitted, minimum off-street parking shall be provided as one (1) space per three (3) transient occupants based on total maximum occupancy. Garage spaces shall count if the space is open and available and the transient occupants are given vehicular access to the garage. On-street or grass parking shall not be permitted.
- (4) Solid Waste handling and containment. Based on the maximum transient occupancy permitted, one (1) trash storage container shall be provided for every four (4) transient occupants or fraction thereof. Appropriate screening and storage requirements for trash storage containers shall apply per any development approval or local neighborhood standard, whichever is more restrictive. For purposes of this section, a trash storage container shall be a commercially available thirty-five (35) gallon or greater capacity container with a lid that securely fastens to the container so as to prevent spills and animal access. The container shall be placed at curbside on the day of solid waste pickup and removed from curbside no later than sunrise the following day.
- (5) Minimum short term vacation rental lease agreement wording. The short term vacation rental lease agreement shall contain the minimum information as provided for in subsection 34-411(h).
- (6) Minimum short term vacation rental information required postings. The short term vacation rental shall be provided with posted material as required pursuant to subsection 34-411(i).
- (7) Minimum short term vacation rental lessee information. The short term vacation rental lessee shall be provided with posted material as required pursuant to subsection 34-411(h).
- (8) Designation of a short term vacation rental responsible party capable of meeting the duties required pursuant to subsection 34-411(g) shall be required.
- (9) Advertising. Any advertising of the short term vacation rental unit shall conform to information included in the Short Term Vacation Rental Certificate and property's approval, particularly as it pertains to maximum occupancy.
- (10) Other standards. Any other standards contained within the City of Jacksonville Beach Land Development Code to include, but not limited to, noise limits, setbacks, stormwater, and similar provision shall be applicable.

(d) Short Term Vacation Rental Certificate. To verify compliance with these Short Term Vacation Rental Standards, any property owner who wishes to use his or her dwelling

unit as a short term vacation rental must first apply for and receive a Short Term Vacation Rental Certificate from the City of Jacksonville Beach. The following requirements further apply:

- (1) The Short Term Vacation Rental Certificate shall be renewed annually for as long as the unit is used as a short term vacation rental.
 - (2) Each dwelling unit used as a short term vacation rental requires a separate Short Term Vacation Rental Certificate.
 - (3) An annual Certificate fee shall be paid for each dwelling unit certified as a short term vacation rental in an amount to be determined by Resolution of the City Council of the City of Jacksonville Beach.
 - (4) Certificate fees shall be implemented to cover the costs of administration of the Short Term Vacation Rental Certificate and Inspection program.
 - (5) Failure to comply with any of the requirements of this section shall be grounds for revocation or suspension of the Certificate in accordance with the requirements contained herein.
- (e) Application for a Short Term Vacation Rental Certificate. Each property owner seeking initial issuance, renewal, transfer, or modification of a Short Term Vacation Rental Certificate shall submit a City of Jacksonville Beach Short Term Vacation Rental Application in a form specified by the City, along with an application fee in an amount to be determined by Resolution of the City Council of the City of Jacksonville Beach.
- (1) A complete application for initial or modification of a Short Term Vacation Rental Certificate shall demonstrate compliance with the Short Term Vacation Rental Standards above through the following submittals:
 - a. A completed application and all applicable fees.
 - b. An exterior site sketch of the short term vacation rental dwelling unit(s) demonstrating compliance with the Short Term Vacation Rental Standards contained herein. The sketch shall be drawn to scale and show all structures, pools, fencing, and uses including areas provided for off-street parking and solid waste collection. For purposes of the sketch, off-street parking spaces shall be delineated so as to enable a fixed count of the number of spaces provided. No parking shall be permitted within a public right-of-way or private roadway.
 - c. An interior building sketch by floor shall be provided showing floor layout and demonstrating compliance with the Short Term Vacation Rental Standards contained herein. The sketch shall be drawn to scale,

showing all bedrooms, sleeping areas, exits, smoke/carbon monoxide detectors, and fire extinguishers, etc.

d. Copies of the required short term rental postings shall be provided.

e. A blank sample of the required short term vacation rental lease agreement and lessee information demonstrating compliance with all required lease terms shall be provided.

f. Any other required information necessary to demonstrate compliance with the Short Term Vacation Rental Standards contained herein or as may be amended.

(2) Certificate renewals or transfers. The application for renewal or transfer of a Short Term Vacation Rental Certificate shall demonstrate compliance with the following:

a. If no changes have occurred since the issuance of the most recent Short Term Vacation Rental Certificate, no additional submittals are required to accompany the renewal or transfer of a Short Term Vacation Rental Certificate Application except as required by subsection 34-411(e)(2)b below.

b. If minor changes not involving the specific modifications described in subsection 34-411(e)(3) have occurred since the issuance of the most recent Short Term Vacation Rental Certificate, additional submittals specific to the minor changes shall be required to accompany the application as necessary to demonstrate compliance with the Short Term Vacation Rental Standards.

c. A Short Term Vacation Rental Certificate holder must apply annually for a renewal of the Certificate by October 1 of each year.

(3) Modification of Short Term Vacation Rental Certificate. An application for modification of a Short Term Vacation Rental Certificate is necessary where any of the following apply:

a. The gross square footage of the Short Term Vacation Rental unit has increased; or

b. The number of sleeping areas or bedrooms is proposed to increase; or

c. The occupancy is otherwise proposed to increase.

-If an inspection of a modification to a Short Term Vacation Rental Certificate is required, the modification in usage or occupancy may not occur until after successful inspection; however, pending such successful inspection the current Certificate shall remain valid.

(f) Initial and routine compliance inspections of Short Term Vacation Rentals.

(1) An inspection of the Short Term Vacation Rental unit for compliance with this section is required prior to issuance of an initial Short Term Vacation Rental Certificate.

a. The local fire official or designee shall be allowed entry and perform all inspections as permitted or required under this section or by Section 10-3.04 and Section 10-3.05, City of Jacksonville Beach Code of Ordinances.

b. If violations are found, all violations must be corrected and the Short Term Vacation Rental unit must be re-inspected prior to issuance of the initial Short Term Vacation Rental Certificate.

c. An exception to the correction of violations as required in this subsection is made for any Short Term Vacation Rental seeking vested rights pursuant to subsection 34-411(m) to the extent that a vesting determination specifically provides such exemption.

(2) Once issued, a Short Term Vacation Rental unit must be properly maintained in accordance with the Short Term Vacation Rental Standards as defined in the section and may be re-inspected annually or, in the event of a transfer or modification, may be re-inspected at the time of transfer or modification application. Re-inspection of a Short Term Vacation Rental unit shall occur at a minimum every three (3) years.

a. For an inspection, all violations must be corrected and re-inspected within thirty (30) calendar days.

b. Failure to correct inspection deficiencies in the timeframe provided shall result in the suspension of the Short Term Vacation Rental Certificate until such time as the violation(s) is/are corrected and re-inspected.

(3) The inspections shall be made by appointment with the Short Term Vacation Rental responsible party.

a. If the inspector(s) has made an appointment with the responsible party to complete an inspection and the responsible party fails to admit the inspector(s) at the scheduled time, the owner shall be charged a "no

show” fee in an amount to be determined by Resolution of the City Council of the City of Jacksonville Beach to cover the inspection expense incurred.

(4) If the inspector(s) is denied admittance by the Short Term Vacation Rental responsible party or if the Short Term Vacation Rental unit is not passed in at least three (3) attempts to complete an initial or subsequent inspection, the inspector(s) shall provide notice of failure of inspection to the owner address as listed on the most recent Short Term Vacation Rental Certificate or the application for Short Term Vacation Rental Certificate.

a. For an initial inspection, the notice of failure of inspection results in the Certificate not being issued; the Short Term Vacation Rental is not permitted to operate without a valid Certificate.

b. For a subsequent inspection, the notice of failure of inspection is considered a violation pursuant to subsection 34-411(f)(2) above and is subject to enforcement as provided herein.

(g) Short Term Vacation Rental Responsible Party.

(1) The purpose of the responsible party is to respond to routine inspections, non-routine complaints, and any other more immediate problems related to the Short Term Vacation Rental of the property.

(2) The property owner may serve in this capacity or shall otherwise designate a Short Term Vacation Rental responsible party to act on their behalf.

(3) Any person eighteen (18) years of age or older may be designated by the owner provided they can perform the duties listed in subsection 34-411(g)(4) below.

(4) The duties of the Short Term Vacation Rental responsible party, whether the property owner or agent, are as follows:

a. Be available by landline or mobile telephone at the listed phone number twenty-four (24) hours a day, seven (7) days a week and capable of handling any issues arising from the Short Term Vacation Rental use;

b. If necessary, be willing and able to come to the Short Term Vacation Rental unit within two (2) hours following notification from an occupant, the owner, or an official of the City of Jacksonville Beach to address issues related to the Short Term Vacation Rental.

c. Be authorized to receive service of any legal notice on behalf of the owner for violations of this section;

d. Be able to produce copies of the executed rental or lease agreement for current transient occupants, as needed by local authorities; and

e. Otherwise monitor the Short Term Vacation Rental unit at least once weekly to assure continued compliance with the requirements of this section.

(5) A property owner may change his or her designation of a Short Term Vacation Rental responsible party temporarily or permanently. However, there shall be only one (1) Short Term Vacation Rental responsible party for each Short Term Vacation Rental at any given time. To change the designated responsible party, the property owner shall notify the City of Jacksonville Beach in writing on a form provided by the City for that purpose before any change in the designated responsible party.

(h) Short Term Vacation Rental Lease Agreement minimum provisions. The rental or lease agreement must contain the following minimum information:

(1) Maximum occupancy of the Short Term Vacation Rental unit as permitted on the Short Term Vacation Rental Certificate;

(2) The names and ages of all persons who will be occupying the unit;

(3) The license tag numbers for all vehicles that the occupant(s) will be parking at the unit, with the total number of vehicles not to exceed the number of off-street parking spaces available as designated on the Short Term Vacation Rental Certificate; and

(4) A statement that all transient occupants must evacuate from the Short Term Vacation Rental upon posting of any evacuation order issued by local, state, or federal authorities.

(5) An executed copy of each lease agreement shall be maintained by the designated responsible party and made available for review by City fire, police, building or code enforcement officials upon request.

(i) Required Short Term Vacation Rental Postings:

(1) On the back of or next to the main entrance door or on the refrigerator there shall be provided as a single page document the following information:

a. The name, address, and phone number of the Short Term Vacation Rental responsible party;

b. The maximum occupancy of the unit;

- c. Notice that quiet hours are to be reserved between 10:00 p.m. and 7:00 a.m. daily or in compliance with any and all City regulations;
- d. The maximum number of vehicles that can be parked at the unit, along with a sketch of the location of the off-street parking spaces;
- e. The days of solid waste pick-up and recycling;
- f. Notice of sea turtle nesting season restrictions and sea turtle lighting usage as applicable;
- g. The emergency numbers for local police and fire; and
- h. The location of the nearest hospital.

- (2) If the Short Term Vacation Rental is composed of three (3) or more occupied floors, on the third floor above ground level and higher floors there shall be posted, next to the interior door of each bedroom or sleeping area a legible copy of the building evacuation map.

(j) Offenses and Violations.

- (1) Non-compliance with any provision of this section or its subsections shall constitute a violation of the City of Jacksonville Beach Code of Ordinances.
- (2) Separate Violations. Each day a violation exists shall constitute a separate and distinct violation, except that occupancy violations shall be governed by subsection 34-411(1)(3).

(k) Remedies/enforcement. Violations of this section shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is vital that short term vacation rental responsible party is responsive and responsible in the management of the property for compliance with this section. Code enforcement activities will be in accordance with Florida Statutes Chapter 162 and the City of Jacksonville Beach Code of Ordinances.

- (1) Warnings. Warnings shall be issued for first time violations and a reasonable time to correct the violation will be given. Such warnings may include notice to other agencies for follow up by such agencies, such as the Department of Business and Professional Regulation, the Department of Revenue, the Duval County Tax Collector, and the Duval County Property Appraiser, as applicable. Non-compliance with a correction compliance period shall result in the issuance of notice of violation.

- (2) Fines. Fines per violation shall be set by Resolution of the City Council of the City of Jacksonville Beach for first (1st), second (2nd), third (3rd) and further repeat violations.
 - (3) Enforcement Proceedings. Prosecution of code violations shall utilize Part 1 of Florida Statutes Chapter 162. The City Code Enforcement Special Magistrate shall be authorized to hold hearings, assess fines, and order other relief as provided in City of Jacksonville Beach Code of Ordinances, Chapter 2, Article VI.
 - (4) Additional Remedies. Nothing contained herein shall prevent the City of Jacksonville Beach from seeking all other available remedies which may include, but is not limited to, suspension or revocation of a Short Term Vacation Rental Certificate, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.
- (1) Suspension of Short Term Vacation Rental Certificate. In addition to any fines and other remedies described herein or provided for by law, the City may suspend a Short Term Vacation Rental Certificate for multiple violations of the maximum occupancy limits in any continuous thirty-six (36) month period, in accordance with the following:
- (1) Suspension timeframes.
 - a. Upon a fourth (4th) violation of the maximum occupancy limits the Short Term Vacation Rental Certificate shall be suspended for a period of seven (7) calendar days.
 - b. Upon a fifth (5th) violation of the maximum occupancy limits the Short Term Vacation Rental Certificate shall be suspended for a period of thirty (30) calendar days.
 - c. For each additional violation of the maximum occupancy limits the Short Term Vacation Rental Certificate shall be suspended for an additional thirty (30) calendar days up to a maximum period of twelve (12) months. For example the sixth (6th) violation shall be for sixty (60) calendar days; the seventh (7th) violation shall be for ninety (90) calendar days, etc.
 - (2) Suspension restrictions. A short term vacation rental may not provide transient occupancy during any period of suspension of a Short Term Vacation Rental Certificate.
 - a. The suspension shall begin immediately following notice, commencing either:

1. At the end of the current vacation rental lease period; or
2. Within thirty (30) calendar days, whichever date commences earlier, or as otherwise determined by the Code Enforcement Special Magistrate.

b. Operation during any period of suspension shall be deemed a repeat violation pursuant to subsection 34-411(k)(2) and shall be subject to daily fines up to five hundred dollars (\$500) or to the maximum amount as otherwise provided in Florida Statutes for repeat violations for each day that the short term vacation rental operates during a period of violation.

- (3) Number of violations. For purposes of this section only, violations shall be considered per the rental period or per every seven (7) days, whichever is less, and for only those violations in which a code enforcement notice of violation was issued. Violations could potentially occur multiple times over the same rental period.

(m) Vesting. Existing, legally-established short term vacation rentals as defined in 34-411(a) as of January 1, 2019 may become vested in the ways described below, provided they are otherwise in compliance with all other requirements contained herein.

To qualify for vesting, an existing short term vacation rental shall have until July 1, 2019 to make full and complete application for a Short Term Vacation Rental Certificate and until October 1, 2019 to receive a Short Term Vacation Rental Certificate in compliance with this Section of the Code of Ordinances of the City of Jacksonville Beach.

- (1) Rental agreement vesting. It is recognized that there may exist rental or lease agreement(s) for short term vacation rentals upon the effective date of this ordinance which may not be in compliance with the terms of this Section. Rental agreements entered into prior to the effective date of this ordinance for the twelve (12) month period following shall be considered vested. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the Short Term Vacation Rental Certificate application process and providing copies of such rental or lease agreement(s).
- (2) Temporary vesting of certain safety requirements. Some existing short term vacation rentals may not meet the minimum life safety requirements as required in subsection 34-411(c)(1). Correcting these measures may take some time to secure a licensed contractor, obtain the necessary permits, and complete the work. All short term vacation rentals shall have six (6) months from the effective date of this ordinance to comply with the physical changes required. No special vesting process or fee shall be required to obtain this vesting benefit

other than demonstrating eligibility through the Short Term Vacation Rental Certificate application process.

(3) All vesting determinations and appeals.

a. All vesting determinations shall be made administratively by the Planning and Development Director.

b. An applicant may appeal an administrative determination by filing a petition with the City Manager within ten (10) business days of such determination.

c. The City Manager shall address the appeal within thirty (30) calendar days of receipt of a petition and consider only the Short Term Vacation Rental Application, the documents provided in support of vesting, the written petition of the applicant, and determination of staff.

d. The City Manager shall reverse the decision of the Planning and Development Director only if there is substantial competent evidence to support reversal.

e. The decision of the City Manager shall constitute final administrative action.

(4) A vested use shall not transfer to a subsequent owner. A vested use is not transferrable to another short term vacation rental.

(5) If a vested use ceases for a period of six (6) months, then the vesting shall be considered to have lapsed and the short term vacation rental will be subject to all Short Term Vacation Rental Requirements as if a new application.

SECTION 4. Amending Section 34-336. – Residential, single-family: RS-1, subsection

(b) *Permitted uses* to read as follows:

...

(3) Short term vacation rentals.

...

SECTION 5. Amending Section 34-337. – Residential, single-family: RS-2, subsection

(b) *Permitted uses* to read as follows:

...

(3) Short term vacation rentals.

...

SECTION 6. Amending Section 34-338. – Residential, single-family: RS-3, subsection

(b) *Permitted uses* to read as follows:

...

(5) Short term vacation rentals.

...

SECTION 7. Amending Section 34-339. – Residential, multiple-family: RM-1, subsection (b) *Permitted uses* to read as follows:

...

(7) Short term vacation rentals.

...

SECTION 8. Amending Section 34-340. – Residential, multiple-family: RM-2, subsection (b) *Permitted uses* to read as follows:

...

(7) Short term vacation rentals.

...

SECTION 9. Amending Section 34-341. – Commercial professional office: CPO, subsection (b) *Permitted uses* to read as follows:

...

(10) Short term vacation rentals.

...

SECTION 10. Amending Section 34-342. – Commercial limited: C-1, subsection (b) *Permitted uses* to read as follows:

...

(27) Short term vacation rentals.

...

SECTION 11. Amending Section 34-343. – Commercial general: C-2, subsection (b) *Permitted uses* to read as follows:

...

(33) Short term vacation rentals.

...

SECTION 12. Amending Section 34-345. – Central business district: CBD, subsection (b) *Permitted uses* to read as follows:

...

(26) Short term vacation rentals.

...

SECTION 13. SEVERABILITY. It is hereby declared to be the intention of the City Council for the City of Jacksonville Beach that the sections, paragraphs, sentences, clauses, and phrases of this Code are severable. If any phrase, clause, sentence, paragraph or section of this Code shall be declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code.

SECTION 14. CONFLICTING ORDINANCES. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent of conflict or inconsistency herewith.

SECTION 15. EFFECTIVE DATE. This ordinance shall take effect upon its adoption in accordance with applicable law.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2019.

William C. Latham, Mayor

Laurie Scott, City Clerk



REZONING/TEXT AMENDMENT APPLICATION

PC No. PC#19-19
AS/400# 19-100092

This form is intended for use by persons applying for a change in the text of the Land Development Code or the boundaries of a specific property or group of properties under the person or persons control. A rezoning or change to the text of the LDC is not intended to relieve a particular hardship, nor to confer special privileges or rights on any person, but to make necessary adjustments in light of changed conditions. No rezoning or text amendment to the LDC may be approved except in conformance with the Jacksonville Beach 2010 Comprehensive Plan Elements. An application for a rezoning or text amendment to the LDC shall include the information and attachments listed below, unless the requirement for any particular item is waived by the Planning and Development Director. All applications shall include a \$1,000.00 filing fee, as required by City Ordinance.

APPLICANT INFORMATION

Land Owner's Name: N/A Telephone: _____
Mailing Address: _____ Fax: _____
_____ E-Mail: _____

Applicant Name: Planning and Development Dept. Telephone: (904) 247-6231
Mailing Address: 11 North 3rd Street Fax: _____
Jacksonville Beach, FL 32250 E-Mail: planning@jaxbchfl.net

NOTE: Written authorization from the land owner is required if the applicant is not the owner.

Agent Name: _____ Telephone: _____
Mailing Address: _____ Fax: _____
_____ E-Mail: _____

Please provide the name, address and telephone number for any other land use, environmental, engineering, architectural, economic, or other professional consultants assisting with the application on a separate sheet of paper.

REZONING DATA

Street address of property and/or Real Estate Number: _____
Legal Description (attach copies of any instruments references, such as but not limited to deeds, plats, easements, covenants, and restrictions): _____
Current Zoning Classification: _____ Future Land Use Map Designation: _____

TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: _____ **34-408**

<u>REQUESTED INFORMATION</u>	<u>Attached?</u>	
	<u>Yes</u>	<u>No</u>
1. A copy of the relevant Duval County Property Assessment Map, showing the exact location of the land proposed for the amendment, with the boundaries clearly marked;		✓
2. An 8½" x 11" vicinity map identifying the property proposed for amendment;		✓
3. An aerial photograph, less than twelve (12) months old, of the land proposed for amendment, with the boundaries clearly marked;		✓
4. For a rezoning, include a narrative description of the proposed amendment to the Zoning Map designation and an explanation of why it complies with the standards governing a rezoning the LDC.		✓
5. For an LDC text amendment, include the current text of the Section(s) proposed to be changed and the full text of the proposed amendment. The proposed text amendment submittal must include a cover letter containing a narrative statement explaining the amendment, why it is needed and how it will comply with the goals, objectives, and policies in the Jacksonville Beach 2010 Comprehensive Plan Elements.	✓	

Applicant Signature: _____ Date: 5/24/19

Introduced by: _____
1st Reading: _____
2nd Reading: _____

ORDINANCE NO. XXXX-XXXX

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING ARTICLE VIII. SUPPLEMENTAL STANDARDS, DIVISION 2, SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES, AMENDING THE PROXIMITY REQUIREMENTS TO COMPLY WITH 381.986, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE:

WHEREAS, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; Chapters 163 & 166, Florida Statutes; and Section 381.986, Florida Statutes; and

WHEREAS, the Florida Legislature has preempted the regulation of cultivation, processing, and delivery of marijuana by medical marijuana treatment centers; and

WHEREAS, Section 381.986(11) further provides that “[a] county or municipality that does not ban dispensing facilities under this subparagraph may not place specific limits, by ordinance, on the number of dispensing facilities that may locate within that county or municipality,” and that “[e]xcept as provided in paragraph (c), a county or municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies licensed under chapter 465”; and

WHEREAS, the City wishes to comply with the requirements of Florida Statutes 381.986 and regulate medical marijuana treatment center dispensing facilities no more stringently than pharmacies; and

WHEREAS, the City finds that this Ordinance is in the interests of the public health, safety, and welfare.

WHEREAS, the Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance prohibiting the operation of Medical Marijuana Treatment Center Dispensing Facilities and has presented its recommendation to the City Council; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. Recitals. The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance and adopted as legislative findings.

SECTION 2. Amendment of City Code. That Section 34-408, Division 2, of Article VIII of the City of Jacksonville Beach Code or Ordinances or Land Development Code is hereby amended, and shall read as follows¹:

Section 34-408 – Medical Marijuana Treatment Center Dispensing Facilities and Pharmacies.

(a) Medical marijuana treatment center dispensing facilities.

(1) Proximity. A medical marijuana treatment center dispensing facility may not be located within five hundred (500) feet of the real property that comprises ~~another medical marijuana treatment center dispensing facility,~~ or a public or private elementary school, middle school, or secondary school, pursuant to Florida Statutes § 381.986(11)(c).

(2) Hours of operation. A medical marijuana treatment center dispensing facility may not operate between the hours of 9:00 p.m. and 7:00 a.m., as set forth in Florida Statute § 381.986(8)(f)(4).

(b) Pharmacies.

(1) Hours of operation. A pharmacy may not operate between the hours of 9:00 p.m. and 7:00 a.m.

(2) [Exemption.] A pharmacy operating legally before the date of adoption is exempt from complying from the above restriction related to hours of operation.

SECTION 3. If any provision of this Ordinance or any particular application of this Ordinance shall be held invalid by any Court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases shall remain in effect.

SECTION 4. All other ordinances, parts of ordinances, or resolutions in conflict with this Ordinance are, to the extent the same may be in conflict, repealed.

SECTION 5. Codification of this Ordinance in the Code of Ordinances of the City of Jacksonville Beach is hereby authorized and directed.

SECTION 6. This ordinance shall take effect upon its adoption by the City Council.

¹ (~~strike through~~ text indicates deletions, underline text indicates additions).

AUTHENTICATED THIS ____ DAY OF _____, A.D., 2019.

William C. Latham, Mayor

Laurie Scott, City Clerk

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