# CITY OF JACKSONVILLE BEACH
# FLORIDA

11 North Third Street
Jacksonville Beach, Florida

## Agenda

## Planning Commission

**Monday, September 26, 2016** | **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), Terry Deloach (Vice Chair), Bill Callan, Dave Dahl, Georgette Dumont
   Alternates: Britton Sanders, Margo Moehring

3. **Approval of Minutes**: July 25, 2016

4. **Correspondence**: None

5. **Old Business**: None

6. **New Business**:

   (A) **PC#28-16** 1198 Beach Boulevard
   **Conditional Use Application** for outdoor seating at a new commercial shopping center located in a *Commercial, general: C-2* zoning district pursuant to Section 34-343(d)(14) of the Jacksonville Beach Land Development Code.

   (B) **PC#29-16**
   **Land Development Code Text Amendment** to amend Sections 34-340, 34-341, 34-342, 34-343, 34-344, 34-345, and 34-346 and Section 34-407, to modify the limitations and conditions for outdoor restaurants and bars in certain zoning districts.

7. **Planning Department Report**: The October 10, 2016 meeting has 4 agenda items.

**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.*

**Minutes of Planning Commission Meeting**
**held Monday, July 25 2016, 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 Chairman Greg Sutton.

## Roll Call

Greg Sutton (Chairperson)
Terry DeLoach (Vice Chairperson) (*absent)*
Bill Callan
David Dahl
Georgette Dumont

Alternates
Britton Sanders

Also present were Heather Ireland, Senior Planner and Recording Secretary Amber Lehman.

## Approval of Minutes

There were none.

## Correspondence

Ms. Ireland stated that there was no correspondence.

## New Business

**(A) PC #26-16- 2457 South 3rd Street** *(Costa Verde Plaza)*

**Conditional Use Approval** for a proposed drinking establishment (*BlueJay Listening Room)* located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(3) of the Jacksonville Beach Land Development Code.

**Staff Report:**

The applicant is proposing to lease commercial space located at 2457 S. 3rd Street for her business the *BlueJay Listening Room*. The subject location is in the Costa Verde Plaza Shopping Center, located in a *Commercial, limited: C-1* zoning district. The applicant's business, as described in the conditional use application, is a live acoustic music venue. The applicant wishes to sell beer and wine only during evening music listening events and was informed by staff that conditional use approval for a drinking establishment would be required in order to be able to sell beer and wine at her business.

Based on conversations with the applicant, the listening room would generally operate between two and four nights a week, and operating hours would be generally from 6 pm to 11 pm. Beer and wine would be sold only during scheduled ticketed live music events. The commercial space the applicant plans to lease is 2,000 square feet and is located on the 2nd floor of the shopping center.

Adjacent uses include commercial to the west across 3rd Street South, a gas station and single family residential to the south, and multiple-family condominiums to the east and north. There is also a retention pond directly to the north. Adjacent uses in the balance of the shopping center include a restaurant on the first floor, retail, personal and business services, and miscellaneous medical. Given the type of music described by the applicant, and her proposed hours of operation, the proposed use at this location should not negatively impact neighboring properties.

**Applicant:**

The applicant, Cara Burkey, 1210 Palm Circle, stated that this was proposed in a different location than was heard in March. She offered to submit for the record her five- page statement, and provided that as the overview for the proposed use. She stated that the City needed more art, music, etc. Ms. Burkey noted that this concept was common around the Country. She added that tickets were pre-sold, and the drink choice would be more limited than a bar.

Ms. Dumont asked about parking, noting that this area has problem issues. Ms. Ireland noted that the Plaza meets their parking requirements regardless of use because it is a mixed-use shopping plaza. Ms. Burkey added that she will not be renting it out.

**Public Hearing:**

Mr. Sutton opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Ms. Kimberly Ennis, 1701 The Greens Way, # 521, stated that she owns a boutique in this plaza and was in favor of the proposal, noting that parking should not be a problem.

Mr. Kurtis Loftus, 1948 Horn Street, expressed his support for the proposal, stating that this type of use does not presently exist in Jacksonville Beach.

Ms. Meredith Woodard, 1507 2nd Street South, stated her support for the proposal.

Mr. Wayne Chattaway, 2415 Costa Verde Blvd., stated that this is a good addition to the area. He stated this would make the area look better, and parking should not be a problem.

Ms. Rosita Marquez, 111 Oceans Edge, stated her opposition to the proposal because of noise and parking.

Ms. Burkey stated that she respected the concerns but had no interest in opening a bar that would create these types of noise and parking issues.

Ms. Dumont stated that they could restrain operating hours in any motion made. Ms. Dumont asked Ms. Burkey to confirm that the windows and doors would remain closed.

Mr. Dahl asked if she would mind a conditional approval for a year or so. Ms. Burkey stated she would not be opposed to that.

**Discussion:**

Ms. Dumont stated that there was nothing they could do about the parking because the building has met the parking requirements.

**Motion:** It was moved by Ms. Dumont and seconded by Mr. Dahl, to approve the application with the hours of operation from 5:00 p.m. to 11 p.m. and in one year the applicant would have to come back before the Planning Commission.

**Roll call vote:** Ayes – Callan, Dahl, Dumont, Sutton and Sanders.
The motion was approved unanimously.

**Planning & Development Director's Report**

Ms. Ireland advised the board that there will be no Planning Commission meetings in the month of August.

**Adjournment**

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:26 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

_____
Chairman

Date: _____

# *MEMORANDUM*

TO: Planning Commission Members

FROM: Heather Ireland, Senior Planner

DATE: September 19, 2016

RE: September 26, 2016 Planning Commission Meeting

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The following information is provided for your consideration regarding two agenda items for the upcoming September 26, 2016 Planning Commission meeting.

**NEW BUSINESS:**

**PC#28-16** **Conditional Use Application**

Owner: Hasteh, LLC
6426 Bowden Road, Suite 201
Jacksonville, FL 32216

Applicant/ Agent: Richard Withers
6426 Bowden Road, Suite 201-A
Jacksonville, FL 32216

Location: 1198 Beach Boulevard

Request: **Conditional Use Approval** for outdoor seating at a new commercial shopping center located in a *Commercial, general: C-2* zoning district pursuant to Section 34-343(d)(14) of the Jacksonville Beach Land Development Code.

Comments: The property owner has vacant commercial property located at 1198 Beach Boulevard. The site is a 30,000 square foot outparcel in the northeast corner of Beach Plaza, just west of 12th Street South. The property owner plans to develop the site with a 12,375 square foot commercial project. The proposed commercial building will contain multiple tenants, including prospective restaurants. The owner would like to provide the availability of outdoor seating space for his prospective tenants, specifically on the rooftop of the building.

Pursuant to Section 34-407 of the Land Development Code, the area of outdoor seating shall not exceed 20% of the first 3,000 square feet of total enclosed area, plus 10% of the enclosed area over 3,000 square feet. Based on the proposed size of the enclosed commercial building, the maximum amount of outdoor seating that could be permitted, if all tenants are restaurants, is 1,538 square feet. Each separate future restaurant tenant, pending conditional use approval, would then receive their proportionate share of the total allowable outside seating, based on the code allowances at the time of their application.

The applicant has been made aware that all restaurant tenants that want outdoor seating would have to apply for conditional use approval in their name for their allowable space, as conditional use approvals are not transferable. The applicant is applying now so he can plan for the potential outdoor space during the development plan process. He is considering placing the outdoor seating on the roof of the proposed building. The applicant is aware that all outdoor seating areas are required to be enclosed by a 42-inch high wall or fence if alcoholic beverages will be

consumed and/or if the outdoor areas are on an upper level, and also that there is currently no amplification of sound or music allowed in outdoor seating areas. He is also aware that each conditional use outdoor seating area that is included as a licensed alcoholic beverage premises for an establishment must be maintained as distinctly separate from any other such approved seating area on the same property.

Adjacent uses to the north, south, east and west are all commercial. The proposed outdoor seating should not negatively impact adjacent properties.

**PC#29-16** **Land Development Code Text Amendment**

Applicant Planning and Development Department
11 N. 3rd Street
Jacksonville Beach, FL 32250

Request: **Land Development Code Text Amendment** to amend Sections 34-340, 34-341, 34-342, 34-343, 34-344, 34-345, and 34-346 and Section 34-407, to modify the limitations and conditions for outdoor restaurants and bars in certain zoning districts.

Comments: The Land Development Code currently permits restaurants, outdoor restaurants, bars, and outdoor bars, as either permitted or conditional uses in commercial zoning districts and in *Residential multiple family: RM-2*. In developing the Downtown Action Plan to implement various approved Vision Plan objectives, staff has proposed to revise certain regulations relative to outdoor restaurants and bars by:

(1) making the allowable area calculations simpler and more consistent, and

(2) by allowing restaurants and bars to have small (under 200 s.f. ) outdoor areas by right, and without additional required parking.

The proposed changes in the attached ordinance would allow approved restaurants and bars to have up to 200 square feet of outdoor seating areas without having to receive conditional use approval, and without having to provide for additional parking. Any outdoor restaurants and/or bar areas greater than 200 square feet would continue to require conditional use approval as well as require additional parking to be provided. Changes to the current regulations are provide in the ~~strike-through deletion~~/underlined addition format. These changes would apply to the following zoning districts: *RM-2, CPO, C-1, C-2, CS, CBD,* and *I-1*.

The proposed changes also include revisions to Section 34-407, Outdoor Restaurants and Bars. Section 34-407, Paragraph (b), as proposed, would now allow for outdoor customer service areas of restaurants or bars to not exceed 25% of the total enclosed area of the restaurant or bar. Currently the code allows for 20% of the first 3,000 square feet, and 10% of the enclosed space over 3,000 square feet. Parking for outdoor seating will only be required for outdoor areas over 200 square feet, and then at the same ratio as for the enclosed area of the restaurant or bar or shopping center tenant space, as applicable.

The final proposed change to the LDC is to update Paragraph 34-407(e) that addresses sound within an approve outdoor seating area. Currently, outdoor amplified sound or music is not permitted. Paragraph (e) is proposed to be updated to eliminate the prohibition of amplified and other sounds, and to reflect the new outdoor sound permit regulations submitted by the Police Department for adoption by the City Council. A new Paragraph (f) has also been proposed, moving the regulations concerning animals in outdoor restaurants and bars from Paragraph (e), and adding language referencing the Dogs in Outdoor Dining Area permit process, administered

by the City Clerk's office.

The proposed changes contemplated by the Police Department to Section 18 of the City Code of Ordinances will allow for outdoor amplified and acoustic sound through a valid permit issued by the City Clerk's office. Section 18(b)4 of the City Code of Ordinances provides standards applicable to outdoor amplified and acoustic sounds. The changes proposed to Section 34-407(f) of the Land Development Code in the attached ordinance reflect and reference the proposed changes to Section 18 of the City's noise ordinance.

# CONDITIONAL USE APPLICATION

PC NO. 28-16
AS/400# 16-100158
HEARING DATE 9/26/16

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 $250.00.

## APPLICANT INFORMATION

Land Owner's Name: Hasteh, LLC
Mailing Address: 6426 Bowden Road, Suite 201, Jacksonville, Florida 32216
Telephone: (904) 242-9000
Fax: (904) 242-0009
E-Mail: lisa.anderson@ashcoinc.net

Applicant Name: Richard Withers, Attorney for Owner
Mailing Address: 6426 Bowden Road, Suite 201-A Jacksonville, Florida 32216
Telephone: (904) 423-0829
Fax:
E-Mail: richard.withers@msn.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:

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.

RECEIVED
AUG 30 2016
PLANNING & DEVELOPMENT

## PROJECT DATA

Street address of property and/or Real Estate Number: (1198 Beach Blvd) R-177502-0050

Legal Description of property (attach copy of deed): Attached

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

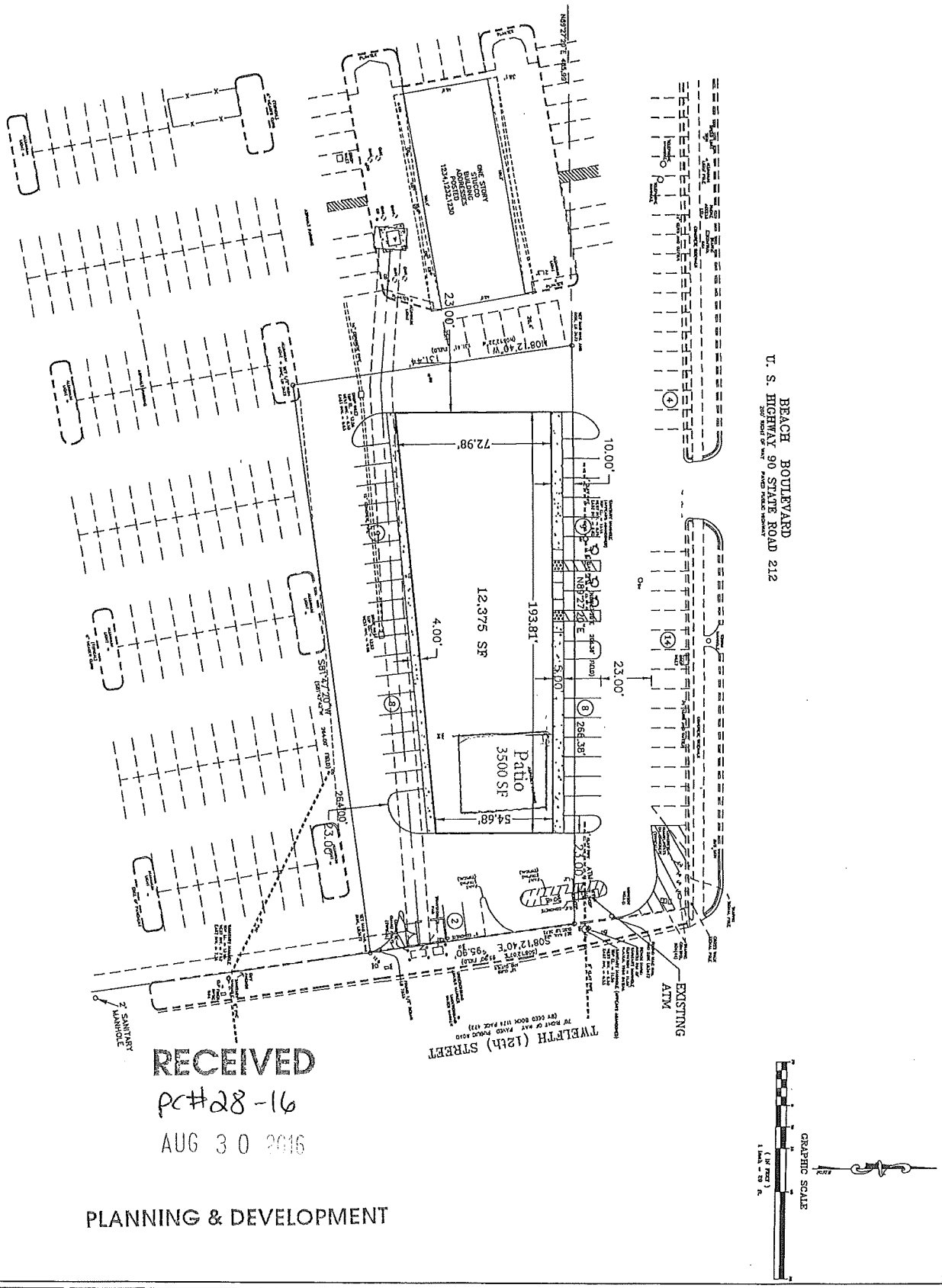
*An 8 ½ x 11-inch vicinity map must be attached showing the location of the proposed conditional use. If the proposed conditional use meets the criteria set forth in Section 34-226 (i), a sketch site plan for the development will be required to be submitted with this application.*

Code section(s) applicable to the requested conditional use: (34-343.d.14) 34-221, 34-222, 34-223,

Describe the proposed conditional use and the reason for the request:
The Owner requests permission to utilize a space of approximately 3500 square feet on the rooftop of its building at 1198 Beach Boulevard, Jacksonville Beach (Beach Plaza Outparcel) for restaurant or bar tenants with subdued lighting and appropriate noise restrictions.

Applicant Signature:
Date: 8/29/16

ALL REPORTS, PLANS, SPECIFICATIONS, COMPUTER FILES, FIELD DATA, NOTES AND OTHER DOCUMENTATION PREPARED BY CIVIL SERVICES INCORPORATED, (CSI) AS INSTRUMENTS OF SERVICE SHALL REMAIN THE PROPERTY OF CSI SHALL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS, INCLUDING THE COPYRIGHT THEREIN.

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PC#28-16
AUG 30 2016

PLANNING & DEVELOPMENT

C-5

CONCEPTUAL PLAN
BEACH PLAZA OUT PARCEL
SW CORNER OF BEACH BLVD & 12TH ST
Jacksonville Beach, Florida

| | |
|---|---|
| Project No. | 1611-0701 |
| Date | AUGUST, 2016 |
| Designed by: | REF |
| Drawn by: | RDM |
| Checked by: | REF |

| No. | Date | Revisions |
|---|---|---|
| | | |

CSI CIVIL SERVICES, INC.
CONSULTING ENGINEERS
2394 ST. JOHNS BLUFF ROAD, S.
JACKSONVILLE, FLORIDA 32246
PHONE: (904) 641-1834
FAX: (904) 646-0057

Michael S. Price, Esq.
Attorney at Law
Michael S. Price, P.A.
1905 Atlantic Boulevard
Jacksonville, FL 32207
904-396-4445
File Number: 06-041a

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pc#28-16
AUG 30 2016
PLANNING & DEVELOPMENT

Parcel Identification No. 177502-0000

[Space Above This Line For Recording Data]

# Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

**This Indenture** made this **11th** day of **July, 2006** between **Edward Ashurian and Roya Ashurian, husband and wife** whose post office address is **3982 Alhambra Drive West, Jacksonville, FL 32207** of the County of **Duval**, State of **Florida**, grantor*, and **Hasteh, LLC, a Florida limited liability company** whose post office address is **3982 Alhambra Drive West, Jacksonville, FL 32207** of the County of **Duval**, State of **Florida**, grantee*,

**Witnesseth** that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Duval County, Florida**, to-wit:

**See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.**

**Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.**

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Jayme Reynolds

Witness Name: Michael Price

Witness Name: Jayme Reynolds

Witness Name: Michael Price

Edward Ashurian (Seal)

Roya Ashurian (Seal)

DoubleTime®

# JAXGIS Property Information

PC#28-16

| RE # | Name | Address | Transaction Price | Acres | Book-Page | Map Panel | Legal Descriptions | Flood Zone | AshSite | JEDC Zone | Evacuation Zone | CPAC | Noise Zone | APZ | Civ HH Zone | Mi HH Zone | Civ School Reg | Mi School Reg | Lighting Reg | Civ Notice Zone | Mi Notice Zone |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 177502 0050 | HASTEH LLC | 0<br>BEACH BLVD<br>JACKSONVILLE BEACH<br>32250 | 100 | 0.69 | 13386/1010 | 9433 | 38-2S-29E .69<br>B DE CASTRO Y FERRER GRANT<br>PT RECD O/R 13386-1010 | NOT IN FLOOD ZONE | Not in AshSite Zone | Not in Enterprise Zone | ZONE B | N/A / Planning Dist: | NA | NA | NA | NA | NA | NA | NA | NA | NA |

# REZONING/TEXT AMENDMENT APPLICATION

PC No. 29-16

AS/400# 16-100160

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 tot eh 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:
Telephone:
Fax:
E-Mail:

Applicant Name: Planning and Development Department
Mailing Address: 11 N. 3rd Street - City Hall
Jacksonville Beach, FL 32250
Telephone: (904) 247-6231
Fax: (904) 247-6107
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: _____ Future Land Use Map Designation: _____

## TEXT AMENDMENT DATA

Current Chapter, Article, Section, Paragraph Number: Sec. 34-340, 341, 342, 343, 344, 345, 346, and 34-407

| REQUESTED INFORMATION | Attached? Yes | Attached? 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" x11" 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: 9/9/16

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

**ORDINANCE NO. 2016-8083**

**AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING DIVISION 2. ZONING DISTRICTS, PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, OFF-STREET PARKING AND LOADING STANDARDS, SUPPLEMENTAL STANDARDS, LANDSCAPING STANDARDS, SIGN STANDARDS, AND ENVIRONMENTAL STANDARDS, SECTIONS 34-340, 34-341, 34-342, 34-343, 34-344, 34-345, AND 34-346 OF ARTICLE VII. ZONING DISTRICTS, AND BY AMENDING DIVISION 2. SUPPLEMENTAL STANDARDS, SECTION 34-407 *OUTDOOR RESTAURANTS AND BARS* OF ARTICLE VIII. SITE DEVELOPMENT STANDARDS TO MODIFY THE LIMITATIONS AND CONDITIONS FOR OUTDOOR RESTAURANTS AND BARS; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES:**

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

**SECTION 1.** That Division 2, Section 34-340, Paragraph (d), Items (21) and (24) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended, and as amended shall henceforth read as follows:

**Section 34-340. Residential, multiple-family: RM-2.**

(d) *Conditional uses.*

(21) Restaurants, <u>and associated outdoor restaurants less than or equal to 200 square feet in area</u>, excluding drive-ins.

(24) Outdoor restaurants <u>greater than 200 s.f. in area, associated with a restaurant</u>.

**SECTION 2.** That Division 2, Section 34-341, Paragraph (d), Items (1) and (18) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended, and as amended, shall henceforth read as follows:

**Section 34-341. Commercial professional office: CPO.**

(d) *Conditional uses.*

(1) Restaurants, ~~except~~ and associated outdoor restaurants less than or equal to 200 square feet in area, excluding drive-ins.

(18) Outdoor restaurants greater than 200 s.f. in area, associated with a restaurant.

**SECTION 3.** That Division 2, Section 34-342, Paragraph (b), Item (7) and Paragraph (d), Items (3) and (20) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended, and as amended, shall henceforth read as follows:

**Section 34-342. Commercial limited: C-1.**

(b) *Permitted uses.*

(7) Restaurants, and associated outdoor restaurants less than or equal to 200 square feet in area~~. Except~~, excluding drive-ins.

(d) *Conditional uses.*

(3) Bar, lounge, nightclub, tavern or other drinking place, and associated outdoor bars less than or equal to 200 square feet in area.

(20) Outdoor restaurants or bars greater than 200 s.f. in area, associated with a restaurant or drinking establishment.

**SECTION 4.** That Division 2, Section 34-343, Paragraph (b), Item (11) and Paragraph (d), Items (1) and (14) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended, and as amended, shall henceforth read as follows:

**Section 34-343. Commercial general: C-2.**

(b) *Permitted uses.*

(11) Restaurants, and associated outdoor restaurants less than or equal to 200 square feet in area.

(d) *Conditional uses.*

(1) Bar, lounge, nightclub, tavern or other drinking place, and associated outdoor bars less than or equal to 200 square feet in area.

(14) Outdoor restaurants or bars greater than 200 s.f. in area, associated with a restaurant or drinking establishment.

**SECTION 5.** That Division 2, Section 34-344, Paragraph (d), Items (4) and (5) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby amended, and as amended, and shall henceforth read as follows:

**Section 34-344. Commercial service: CS**

(d) *Conditional uses.*

(4) Restaurants, and associated outdoor restaurants less than or equal to 200 square feet in area, ~~except~~ excluding drive-ins.

(5) Outdoor restaurants greater than 200 s.f. in area, associated with a restaurant.

**SECTION 6.** That Division 2, Section 34-345, Paragraph (b), Item (4) and Paragraph (d), Items (2) and (7) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby, is and shall henceforth read as follows:

**Section 34-345. Central business district: CBD.**

(b) *Permitted uses.*

(4) Retail trade establishments as follows: Building materials, hardware and garden supplies; general merchandise stores; apparel and accessory stores; home furniture, furnishing and equipment stores; restaurants, and associated outdoor restaurants less than or equal to 200 square feet in area; drug stores; florists; tobacco stands and newsstands; optical goods stores; and miscellaneous retail goods.

(d) *Conditional uses.*

(2) Bar, lounge, nightclub, tavern or other drinking place, and associated outdoor bars less than or equal to 200 square feet in area.

(7) Outdoor restaurants or bars greater than 200 s.f. in area, associated with a restaurant or drinking establishment.

**SECTION 7.** That Division 2, Section 34-346, Paragraph (d), Items (5) and (10) of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida are hereby, is and shall henceforth read as follows:

**Section 34-346. Industrial district: I-1.**

(d) *Conditional uses.*

(5) Restaurants and outdoor restaurants less than or equal to 200 square feet in area, ~~except~~ excluding drive-ins.

(10) Outdoor restaurants greater than 200 s.f. in area.

**SECTION 8.** That Division 2, Section 34-407 of Article VIII. Site Development Standards of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida, is hereby amended and shall henceforth read as follows:

## DIVISION 2.
## SUPPLEMENTAL STANDARDS

**Sec. 34-407. Outdoor Restaurants and Bars**

In addition to the standards applicable to all conditional uses, as stated in Sec. 34-231, and in addition to the regulations of the zoning district in which the restaurant or bar is located, outdoor restaurants and bars which are permitted or allowed in any zoning district shall be subject to the following limitations and conditions:

(a) The unenclosed portion of the restaurant or bar shall be accessory to or under the same ownership or control as the restaurant or bar which is operated within a totally and permanently enclosed building located on the same lot.

(b) The area of unenclosed, outdoor customer service area of a restaurant or bar shall not exceed ~~twenty (20%)~~ twenty-five percent (25%) of the ~~first 3,000 square feet of~~ total enclosed area of the restaurant or bar~~, plus ten (10%) percent of the enclosed area over 3,000 square feet in area~~.

(c)~~Required~~ ~~p~~Parking ~~spaces~~ shall be ~~provided~~ required for the ~~total~~ ~~customer service~~ any outdoor restaurant or bar areas outside of the building in excess of 200 square feet at the same ratio as required for the enclosed area of the restaurant or bar.

(d) The outdoor customer service area shall not be used to compute the minimum seating or customer service area required to qualify for a special restaurant (SRX) alcoholic beverage license. For any establishment selling alcoholic beverages for on-site consumption, the outdoor service area shall be enclosed by a minimum 42" high wall or fence. The wall or fence shall be constructed of wood, metal (except chain link), plastic, or other similar material. No rope of any kind shall be permitted.

(e) There shall be no use, operation, or playing of any musical instrument, loudspeaker, sound amplifier, or other machine for the production or reproduction of sound within an approved outdoor restaurant or bar seating area~~.~~, except as allowed pursuant to Chapter 18, Section 18-7(b) *Outdoor Amplified and Acoustic Sound permits.* ~~No animals except seeing-eye dogs shall be permitted within an approved outdoor restaurant or bar seating area.~~

(f) No animals except service dogs shall be generally permitted within an approved outdoor restaurant or bar seating area. However, pursuant to Ordinance No. 2010-7995, other dogs may be allowed in an outdoor restaurant area upon approval of a Dogs in Outdoor Dining Area permit application.

(~~f~~g) The Planning Commission is authorized to establish hours of operation for outdoor restaurant and bar seating areas as a means to ensure their compatibility with surrounding land uses.

(~~g~~h) If an approved outdoor restaurant or bar area violates any of the standards set forth in this section, or any other conditions placed on their approval by the Planning Commission, the violation shall be referred to the Code Enforcement Board Special Magistrate for a hearing. Upon finding that such a violation exists, the Special Magistrate may apply penalties as provided by law, including revocation of the conditional use approval for that outdoor seating area. Whenever the approval for a conditional use outdoor bar or restaurant seating area is revoked for a particular establishment, a conditional use application for outdoor bar or restaurant seating shall not be considered for any portion of that establishment for a period of two (2) years after

the date of revocation.

**SECTION 9.** That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

**SECTION 10.** That this ordinance shall take effect upon its adoption by the City Council.

**AUTHENTICATED THIS __ DAY OF_____, A.D., 2016.**

_____
William C. Latham, Mayor

_____
Laurie Scott, City Clerk