



**CITY OF JACKSONVILLE BEACH
FLORIDA**

11 North Third Street
Jacksonville Beach, Florida

Agenda

Planning Commission

Monday, October 24, 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: September 12, 2016; September 26, 2016; October 10, 2016

4. Correspondence: None

5. Old Business:

(A) **PC#28-16** 1198 Beach Boulevard

Conditional Use Application for outdoor seating for 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.

6. New Business:

(A) **PC#34-16** 200 N. First Street.

Conditional Use Application for modification to approved outdoor seating for a restaurant and drinking establishment located in the *Central Business District: CBD* zoning district pursuant to Section 34-345(d)(7) of the Jacksonville Beach Land Development Code.

(B) **PC#35-16**

Land Development Code Text Amendment to provide definitions for, and to amend Section 34-343 of the Land Development Code to add "Cannabis Dispensing Business" to the list of permitted uses in the *Commercial, general: C-2* zoning district.

7. Planning Department Report: The November 14, 2016 meeting has one (1) 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.

MEMORANDUM



TO: Planning Commission Members
FROM: Heather Ireland, Senior Planner
DATE: October 17, 2016
RE: October 24, 2016 Planning Commission Meeting

The following information is provided for your consideration regarding three agenda items for the upcoming October 24, 2016 Planning Commission meeting.

OLD 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 applicant owns vacant commercial property at 1198 Beach Boulevard. The site is a 30,000 square foot outparcel in the northeast corner of Beach Plaza shopping center, at the corner of 12th Street South. The property owner plans to develop the site into a 12,375 square foot commercial center. 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. If approved, a parking variance would be required for the additional parking requirement generated by the approved outdoor seating, because additional on-site parking cannot be accommodated.

NEW BUSINESS:

PC#34-16 Conditional Use Application

Owner: Jax Beach LLC
10739 Deerwood Park Blvd, Suite 200A
Jacksonville, FL 32256

Applicant: Jax Beach Hospitality Group
200 First Street North
Jacksonville Beach, FL 32250

Location: 200 N 1st Street

Request: **Conditional Use Approval** for modification of approved outdoor seating at a restaurant and drinking establishment located in the *Central Business District: CBD* zoning district pursuant to Section 34-345(d)(7) of the Jacksonville Beach Land Development Code.

Comments: The subject property is located in the Central Business District on the northwest corner of 1st Street North and 1st Avenue North. The subject property is the former location of *Freebird Live*, and is the future location of *Surfer the Bar*. The applicant received conditional use approval for transfer of ownership of an existing drinking establishment with outdoor seating in 2015 under PC#24-15. At that time the only existing outdoor seating area was on the second floor balcony along the east and south sides of the building.

The applicants are proposing to reconfigure their approved outdoor seating by adding additional outdoor seating on the north side of the building at ground level while also decreasing the balcony space used for outdoor seating. The proposed patio would be fenced and would be accessible through the first floor dining area and from 1st Street North. Due to the reconfiguration of the collective outdoor seating areas, the applicant was advised by staff that conditional use approval would be required for the new reconfigured space. The proposed second floor outdoor space is now 414 square feet. Based on the total size of the enclosed restaurant space, pursuant to Section 34-407 of the Land Development Code, the total allowable outdoor space is 1,153 square feet. This provides the additional availability of 739 square feet for the proposed first floor outdoor seating.

Adjacent property uses include the Latham Plaza public park and City parking lot across 1st Avenue to the south, a small hotel to the immediate west, restaurants across 1st Street to the east, and a retail store and a small City parking lot to the north across the alley. The reconfiguration of the proposed outdoor seating areas to provide outside first floor patio space is consistent with other downtown businesses and should not negatively impact adjacent properties.

PC#35-16 Land Development Code Text Amendment

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

Request: **Land Development Code Text Amendment Application** to provide definitions for, and to amend Section 34-343 of the Land Development Code to add “Cannabis Dispensing Business” to the list of permitted uses in the *Commercial, general: C-2* zoning district.

Comments: On November 8, 2016 Florida voters will consider Amendment 2, entitled “Use of Marijuana for Debilitating Medical Conditions”. This amendment, if approved, would allow the medical use of marijuana for individuals with debilitating medical conditions as determined by a licensed Florida physician. This amendment also includes authorization for the cultivation, processing, distribution, and sale of marijuana products by licensed businesses, to qualifying patients with physician certification.

Due to the historical prohibition of marijuana in the State of Florida, the City does not have any land development regulations governing the use of real property for the purposes identified by Amendment 2. In response to the potential passage of Amendment 2, this text amendment is being proposed to provide a definition for *cannabis dispensing business* and to make such businesses a permitted use in the *Commercial, general: C-2* zoning district. The *C-2* zoning district is generally oriented along either side of Beach Boulevard, west of 3rd Street, and is intended to apply to areas appropriate for general commercial use to meet the retail and service needs of residents.

Other retail establishments permitted in *C-2* include: building materials, hardware and garden supplies; general merchandise; food; new and used motor vehicle dealers; auto and home supply stores; gasoline service stations; boat, recreational vehicle and motorcycle dealers; apparel and accessories; home furniture, furnishing and equipment stores; drugs; used merchandise; miscellaneous shopping goods; fuel dealers; florists; tobacco and newsstands; optical goods; and miscellaneous retail goods.

In the event that Amendment 2 passes on November 8, 2016, with the proposed text amendment in place the City would be prepared to accommodate this newly State of Florida approved business in its general commercial zoning district which currently permits a wide range of other retail uses, including pharmacies.

Minutes of Planning Commission Meeting
held on Monday, September 12, 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)
Bill Callan
David Dahl
Georgette Dumont

Alternates

Britton Sanders (*absent*)
Margo Moehring (*absent*)

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

Approval of Minutes

It was moved by Ms. Dumont, seconded by Mr. DeLoach, and passed unanimously, to approve the following minutes as presented:

- Planning Commission meeting held on July 11, 2016

Correspondence

Ms. Ireland stated that they received an elevation for Green Room that was left on their seats.

New Business

(A) **PC #27-16** 228 North 3rd Street

Conditional Use Application for outdoor seating located at an existing approved drinking establishment and microbrewery located in a *Commercial, limited: C-1* zoning district pursuant to Section 32-324(d)(20) of the Jacksonville Beach Land Development Code.
(*Green Room*)

Staff Report:

Ms. Ireland read into the record the following:

The applicant owns and operates *Green Room* microbrewery located at 228 North 3rd Street. They are currently in the process of making improvements to the property. These improvements include additional storage, a grain silo, additional parking, and outdoor seating. The applicant was informed by staff that conditional use approval would be required for the proposed outdoor seating.

The applicant received conditional use approval via PC#1-11 in 2011 for a microbrewery and drinking establishment. The proposed outdoor seating will be located on the east side of the subject property in the parking lot, and will replace an area currently containing bicycle racks. The proposed outdoor seating area will be 390 square feet, which is well within the Section 34-407 outdoor seating size allowance for the existing indoor space. The applicant is aware that the outdoor seating area would have to be enclosed by a minimum 42-inch high wall or fence if alcohol will be consumed, and that outdoor sounds or music are not currently permitted. The new parking proposed to the west of the building provides adequate parking for the outdoor seating and building addition.

Adjacent uses include an auto parts store and repair shop to the north, commercial offices and retail to the south, commercial to the east across 3rd Street, and a mixed use building to the immediate west. The proposed outdoor seating should not negatively impact adjacent properties.

Applicant:

The applicant, Mark Stillman, 1828 Tanglewood Road, stated that the issue was covered in the staff report.

In response to Mr. Dahl, Mr. Stillman described the parking plan for the project. He added that no commercial vehicles will be allowed back in the alleyway.

Ms. Dumont stated that she had no problem negotiating the parking area when she went on the site visit. She added that they added a lot more parking with the bike racks being moved, stating that there is a net gain of five spaces.

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. Judy Humphrey, 1800 The Greens Way, Unit 1806, stated that this addition to the *Green Room* is an enhancement to the City. She stated that this is a good establishment and this is a place where outdoor seating would be a benefit.

Mr. Anthony Martinage, 319 1st Avenue North, had a question about the ingress and egress, stating that some of the area was owned by the condominium. He questioned whether a large car could navigate in that area.

Discussion:

Mr. Sutton asked Ms. Ireland to address the issue of egress at the condominium. Ms. Ireland stated that the parking spaces and driveway meet the standards on-site. Mr. Sutton agreed that is an issue for enforcement and not the Planning Commission.

Ms. Dumont asked if the fence was coming down, and asked if they could put a no parking sign on the gate.

Mr. DeLoach stated that the vote tonight is that the applicant meets all the standards in the Code.

Motion: Mr. DeLoach made a motion to approve the application. The motion was seconded by Ms. Dumont.

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

Planning & Development Director's Report

Ms. Ireland stated that there will be a meeting on September 26th. She added that Margo Moehring will be a new alternate at the meeting. She added that they are working toward having items put on PowerPoint so the audience could visualize the applications. Ms. Dumont stated that they would like to see all items put online so people could see what was on the agenda.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:16 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

Chairman

Date: _____

Minutes of Planning Commission Meeting
held Monday, September 26, 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)
Bill Callan
David Dahl
Georgette Dumont

Alternates
Britton Sanders
Margo Moehring

Also present were Heather Ireland, Senior Planner, Bill Mann, Planning Director, and Recording Secretary Amber Lehman.

Approval of Minutes

It was moved by Mr. DeLoach, seconded by Ms. Dumont, and passed unanimously, to approve the following minutes as presented:

- Planning Commission meeting held on July 25, 2016

Correspondence

There was none.

Ms. Ireland introduced Margo Moehring as the new Planning Commission Alternate.

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 32-343(d)(14) of the Jacksonville Beach Land Development Code.

Staff Report:

Ms. Ireland read into the record the following:

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.

Applicant:

The applicant was not present for presentation.

Public Hearing:

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

Mr. James Sorrell, 1410 Pinewood Road, stated that he was in favor of proper and responsible development in the City. He objected because he did not think that it met the Land Development Code for parking requirements. He stated that they did not produce any evidence that the State did not intend to use the parking property at some time in the future. He added that they should be required to get a letter from FDOT indicating that FDOT had any plans to use the easement used for spaces. He stated that even if they applied the shopping center rate for parking they are short of parking spaces, adding that restaurants are a high-volume parking type use.

Discussion:

Ms. Ireland stated that they do have a variance for parking. With the addition of the outdoor seating they will have to request another parking variance. Ms. Ireland added that it is considered a shopping center for parking space requirements. She added that they wanted to apply for this in advance to allow them to plan for it in the construction phase.

Mr. Dahl asked about clarification to the parking requirements. Ms. Ireland said that it is multiple tenants in the shopping center so that parking requirement applies.

Mr. DeLoach stated that the vagueness of the project worried him. He stated that they didn't know the types of uses and the actual mix, and he would feel more comfortable when they had more information. Mr. Dahl agreed with Mr. DeLoach.

Ms. Dumont stated that they should defer this application so the applicant could attend. Ms. Ireland added that it was speculative and they didn't know the actual mix of land uses. Mr. DeLoach asked if they knew if there was an agreement signed with the land owner; thinking that the plaza would go up for sale and it was questionable whether the new owner would grant the same rights. Mr. DeLoach added that he really wasn't concerned with the roof seating.

Mr. Sutton noted that the next meeting for this item would be October 24.

Motion: Ms. Dumont made a motion to defer this item to the October 24 meeting. The motion to defer was seconded by Mr. DeLoach.

Roll call vote: Ayes – Callan, Dahl, DeLoach, Dumont, and Sutton.
The motion to defer was approved unanimously.

(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 district.

Staff Report:

Ms. Ireland read in to the record the following:

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 square feet) 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.

Applicant:

The applicant is the City of Jacksonville Beach Planning Department.

Mr. Dahl stated that he could not find the site reference in the report. Ms. Ireland stated that it is in the noise ordinance. Ms. Ireland stated that it may have been changed from the copy that was used to develop the staff report. Chief Dooley explained the pertinent sections of the Code that were proposed for modification. Ms. Ireland stated that it should say Section 18(b)4. Chief Dooley stated that he was here tonight to explain the changes.

Chief Dooley stated that some of the sections in Chapter 18 have been moved and this is what the Council will be looking at on October 3. He stated that the City was looking at the amplified noise ordinance. He added that in 2008 the Council stated that no new outdoor noise permits would be issued; noting that there are 16 permits out there that address outside amplified music. He stated that there is a pilot program that will expire at the end of 2018 that is intended to balance out the inequity between the 16 that have the permits and those that would like low volume amplified music. He stated that the new ordinance addresses low volume amplified sound and read the new language. Chief Dooley added that this has been done in Raleigh but not in Florida. The measurement will be if two people can carry on a normal conversation off-site within 36 inches.

Mr. DeLoach asked how complaints would work. Chief Dooley explained how enforcement would work. Mr. DeLoach questioned whether this was feasible. Ms. Dumont asked about why the 16 would continue to be grandfathered in. Chief Dooley stated that is the request of the Council. Ms. Dumont questioned whether the condition that residents would be protected from amplified sound would continue. Mr. DeLoach asked why they would want to make the residents do that.

Mr. Dahl stated that this went to the issue of compatible use, and explained the metrics that went into calculating noise. Mr. Dahl noted that he provided for the record ten questions about this issue. He questioned whether they had the knowledge to rule on this tonight. Ms. Ireland stated that Section 18 is not in the Land Development Code so would not come before the Board. She noted that the Land Development Code changes address the sound piece so that it stays consistent with the Police Department's Sound Ordinance. Mr. Dahl asked how they can make a decision on this tonight when they don't know what the full picture is. Ms. Ireland stated that the Council, adding that they would hear the Land Development Code changes directly after the Noise Ordinance.

Ms. Dumont stated that they were asking for this premature. Mr. DeLoach stated that they did not need to make a recommendation at this meeting, adding that there should be a workshop on this before a vote is taken. Ms. Dumont stated that they would be sending this back to the Planning Department until there was sufficient information for them to make a decision. Chief Dooley stated that he would contact the City Manager and recommend put it on as a workshop item.

Ms. Dumont asked about outdoor bars. Ms. Ireland stated it would be an already approved bar. Ms. Dumont asked about the change to the allowable service area to 25%. Ms. Ireland stated that it was to simplify it. Mr. Dahl asked if there was an advantage to larger restaurants. Mr. Sutton agreed that it did but not to an alarming rate.

Mr. DeLoach asked where the ratios came from. Ms. Ireland stated that she was not certain, but changing it was to make it more simplified. Mr. Callan asked how they got the 200 square feet for outdoor seating space. Ms. Ireland stated that it allowed for smaller spaces not to have to go through the process, and explained how they came up with 200 square feet. In response to Mr. Sutton, Ms. Ireland stated that they would still have to meet the wall requirement if they served alcohol.

Mr. DeLoach stated they he would like the entire thing carried over and not just sections.

Motion: Ms. Dumont made a motion to defer this item and send it back to the Planning Commission for more information as well as the completed ordinance. The motion to defer the item was seconded by Mr. DeLoach.

Discussion on Motion:

Chief Dooley stated that there were other parts of the Ordinance that he would like to address.

Roll call vote: Ayes – Callan, Dahl, DeLoach, Dumont, and Sutton.
The motion to defer was approved unanimously.

Further Discussion:

Chief Dooley explained other parts of the proposed ordinance. Discussion followed on how the ordinance changes what is adopted today. Mr. Sutton asked if the 16 that were grandfathered would still be allowed to produce amplified music. Chief Dooley responded that they would. Mr. DeLoach stated that those that were closing the loophole were not a problem, it is the one's that open other issues that are of concern. Mr. DeLoach asked if they were looking at other cities. Chief Dooley responded that for low volume music other cities were looking at Jacksonville Beach.

Mr. Dahl asked about costs. Chief Dooley responded that the costs should not be high. He added that this gives you a low volume standard; the decibel level will stay in place.

Mr. DeLoach questioned the wisdom of putting this responsibility on the Police Department. Chief Dooley responded that the businesses were aware of the proposal.

Planning & Development Director's Report

Ms. Ireland reported that there will be a meeting on October 10th. She added that as it stands now the ordinance for the sound code would go to City Council on October 3rd.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 8:16 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

Chairman

Date: _____

Minutes of Planning Commission Meeting
held Monday, October 10, 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 *(absent)*
David Dahl
Georgette Dumont

Alternates

Britton Sanders *(absent)*
Margo Moehring

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

Approval of Minutes

None

Correspondence

None

New Business

(A) PC #30-16 – 1436 Beach Boulevard

Conditional Use Application for outdoor seating at an existing restaurant (*Angie's Subs*) located in a *Commercial, general: C-2* zoning district pursuant to Section 32-343(d)(14) of the Jacksonville Beach Land Development Code.

Staff Report:

The applicant owns property located at 1436 Beach Boulevard. The property is located on the south side of Beach Boulevard and east of 15th Street South. The subject property has been in operation as a restaurant since 1987. In 2009, the restaurant expanded into the tenant space to the entire single-story commercial building. The applicant now wishes to provide outdoor seating for its restaurant customers.

Outdoor seating at this location is subject to the current size limitations provided for in Section 34-407 of the City's Land Development Code. The applicant is proposing to replace three existing parking spaces on the north side of the building with approximately 570 square feet of outdoor dining area, which is well within the size limitations of Section 34-407. Currently, no outdoor amplification of sound or music is permitted and a 42-inch high wall or fence is required if alcohol is to be consumed in the outdoor seating area. The applicant also wishes to allow dogs in the outdoor dining area, which does not require Planning Commission approval, but which will require a Dogs in Outdoor Dining Area Permit from the City Clerk's Office.

Adjacent properties include a commercial shopping center to the west across 15th Street, residential condominiums to the south, and City owned cemeteries to the east and to the north across Beach Boulevard. The addition of outdoor seating in this location should not negatively impact adjacent properties and is consistent with other dining establishments in the vicinity.

Applicant:

The applicant, Edward Malin, 1436 Beach Blvd., stated that he will plan to serve beer and wine at the restaurant. Mr. Sutton asked about impacts to the sidewalk. Mr. Malin stated that they will have the same outdoor seating as Mojo's. He noted that they will lose four spaces with the outdoor seating.

Ms. Dumont asked if the back area would be enclosed. Mr. Malin stated that the fence was three-sided and he did not plan to fence that area, but would if it was a requirement. Ms. Ireland added that they will coordinate with the Fire Marshal to address access issues. Mr. Sutton stated that he believed that technically because alcohol was being served that he may need to fence it.

Public Hearing:

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

No one was present to address the application.

Discussion:

Ms. Dumont thanked Mr. Malin for his efforts to serve the personnel who were dealing with the hurricane impacts.

Motion: Ms. Dumont made a motion to approve the application. The motion to approve was seconded by Mr. Dahl.

Roll call vote: Ayes – Dahl, Dumont, Sutton, and Moehring.
The motion to approve was approved unanimously.

(B) PC #31-16 – 160 7th Avenue North

Conditional Use Application for the transfer of an existing approved multiple family dwelling unit development located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

Staff Report:

The subject property is located on the south side of 7th Avenue north, west of 2nd Street North. The 16-unit apartment building known as *Ocean View* apartments was built in 1995 with Conditional Use approval for multiple-family in a *Commercial, limited: C-1* zoning district under PC#20-94. The subject property also has approved variances for minimum setbacks, lot coverage, and required parking. Pursuant to Section 34-233, conditional uses are not transferable, therefore the applicant wishing to purchase the property is requesting conditional use approval in his LLC's name.

Adjacent property uses include multiple-family to the north and west, and mixed-use commercial/residential planned for the vacant property to the east and south with approved RD rezoning. Transfer of the approved conditional use for the apartment building into a new owner's name should not negatively impact adjacent properties.

Applicant:

The applicant, Mark Kornhauser, 13738 Chatsworth Ave., Jacksonville, introduced himself and stated that he had nothing to add to the staff report.

Public Hearing:

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

No one was present to address the application.

Motion: Mr. Dahl made a motion to approve the application. The motion to approve was seconded by Ms. Dumont.

Roll call vote: Ayes – Dumont, Moehring, Sutton, and Dahl.
The motion to approve was approved unanimously.

(C) PC #32-16 – 320 5th Avenue South

Conditional Use Application for a new two-family dwelling unit, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

Staff Report:

The subject property is a vacant lot located on the south side of 5th Avenue South between 3rd and 4th Streets and is located in a *Commercial, limited: C-1* zoning district. The applicant is requesting conditional use approval to construct a new two-family dwelling unit on the vacant parcel. If approved, any development would be subject to the *Residential, multiple-family: RM-1* zoning standards. The parcel size meets the requirements for a two-family dwelling unit per *RM-1* zoning standards.

Adjacent properties include a single-family home and multiple-family uses to the west, commercial to the east and south, and commercial and multiple-family to the north. A new two-family dwelling should not negatively impact adjacent properties and is consistent with the character of other newly developed two-family dwelling units to the west.

Applicant:

The agent for the applicant, John Denneen, 1254 Neck Road, Ponte Vedra Beach, stated there was nothing he wished to add to the staff report.

Public Hearing:

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

No one was present to address the application.

Motion: Ms. Dumont made a motion to approve the application. The motion to approve was seconded by Ms. Moehring.

Roll call vote: Ayes – Sutton, Moehring, Dahl, and Dumont.
The motion to approve was approved unanimously.

(D) PC #33-16 – 135 17th Avenue South

Conditional Use Application for a new single-family dwelling unit, 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:

The subject property is located on the north side of 17th Avenue north, just east of 2nd street on the corner. The existing structure, built in 1938, currently exists as a single-family dwelling unit. The applicants wish to redevelop the property as a new single-family dwelling unit for their primary residence. Conditional use approval is required for single-family in a multiple-family zoning district, and would be transferable.

Adjacent property includes single and multiple-family to the south, single and multiple-family to the east, townhouses directly to the north, and single and multiple-family to the west. Considering that the existing use of the subject property is single-family, as are adjacent property uses, the continuation of a single family use should not negatively impact adjacent properties and is consistent with the character of the neighborhood.

Applicant:

The applicant was not present. Mr. Lee Buck, 136 17th Avenue North, stated that this was a unique street in this part of the City. He added that seven out of eight houses in this neighborhood are single-family units, with the other being a duplex. He stated that even though this was zoned multifamily this is a single-family area.

Public Hearing:

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

No one was present to address the application.

Motion: Ms. Dumont made a motion to approve the application. The motion to approve was seconded by Mr. Dahl.

Roll call vote: Ayes – Dahl, Moehring, Sutton, and Dumont.
The motion to approve was approved unanimously.

Planning & Development Director's Report

Ms. Ireland thanked all for coming in this busy time. She added that there will be a meeting on October 24. She stated that they will address the siting of medical marijuana dispensaries at that meeting.

Adjournment

There being no further business coming before the Commission, Mr. Sutton adjourned the meeting at 7:21 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

Chairman

Date: _____



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

PROJECT DATA (1198 Beach Blvd)

Street address of property and/or Real Estate Number: R-177502-0050 AUG 30 2016

Legal Description of property (attach copy of deed): Attached **PLANNING & DEVELOPMENT**

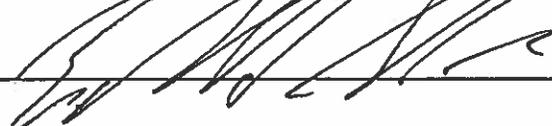
Current Zoning Classification: JC-2 (Commercial) Future Land Use Map Designation: Commercial

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: (34-34 3d, 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

1 prepared by and for the use of
Michael S. Price, Esq.
Michael S. Price, P.A.
1905 Atlantic Boulevard
Jacksonville, FL 32207

EASEMENT
(Reciprocal Between Adjoining Owners)

1. IDENTIFICATION OF PARCEL A OWNER

Parcel A Owner's name and address is:

Ashman BP, L.L.C.
c/o Edward Ashurian
1356 Beach Boulevard
Jacksonville Beach, FL 32250

2. IDENTIFICATION OF PARCEL B OWNER

Parcel B Owner's name and address is:

Hasteh, LLC
c/o Edward Ashurian
1356 Beach Boulevard
Jacksonville Beach, FL 32250

3. SUCCESSORS AND ASSIGNS

The rights and duties of this Easement run with the titles to the lands described herein and shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties named in this Easement.

4. DESCRIPTION OF PARCEL A

Real Property owned by Parcel A Owner is described on Exhibit A attached hereto and made a part hereof. This Real Property is herein referred to as "Parcel A".

5. DESCRIPTION OF PARCEL B

Real Property owned by Parcel B Owner is described on Exhibit B attached hereto and made a part hereof. This Real Property is herein referred to as "Parcel B".

RECEIVED

AUG 30 2016

PLANNING & DEVELOPMENT

6. CONSIDERATION

Good and valuable consideration paid by each of us to the other, the receipt and sufficiency of which is acknowledged, plus the mutual promises and agreements set forth herein.

7. CONVEYANCE OF EASEMENT

For the consideration described in Paragraph 6:

A. Parcel A Owner hereby conveys to Parcel B Owner, for the use and benefit of Parcel B, a non-exclusive, perpetual easement (right to use of land) on the Parcel A Property from the date of recording this Easement in the public records of the county in which the lands described herein are located ; and

B. Parcel B Owner hereby conveys to Parcel A Owner, for the use and benefit of Parcel A, a non-exclusive, perpetual easement (right to use of land) on the Parcel B Property from the date of recording this Easement in the public records of the county in which the lands described herein are located.

C. The rights granted may be used by the customers, tenants, servants, visitors, and licensees of the respective owners of each benefited parcel, as well as lawful authorities, and postal and delivery services.

8. TYPE OF EASEMENT

A. Each easement conveyed herein shall be for the following:

- i. parking in spaces designated for parking;
- ii. ingress and egress on, over and across the Parcel A Property and the Parcel B Property; and,
- iii. constructing, laying, installing, operating, maintaining, locating, relocating, repairing, replacing, improving, removing and inspecting water transmission and distribution facilities and all appurtenances and equipment associated therewith, sewerage transmission and collection facilities and all appurtenances and equipment associated therewith, drainage facilities and all appurtenances and equipment associated therewith, and electrical transmission facilities and all appurtenances and equipment associated therewith.

B. Each easement conveyed herein, together with any and all conditions set forth herein, shall be construed as covenants running with and appurtenant to the land.

C. At the time of execution of this Easement, buildings are being or will be constructed on Parcel B Property. Parcel A Owner hereby grants a license and permission only during the construction phase of Parcel B Property for Parcel B Owner to maintain a

RECEIVED

AUG 30 2016

PLANNING & DEVELOPMENT

locked storage facility (from 10/1/15 to 10/1/16)
construction items only. The storage facility must remain secured and locked at all times and at no time is the Parcel A Owner responsible for any loss, theft or damage to the storage facility or any its items, no matter how maintained. The storage facility and its items are to be removed from Parcel A Property at the completion of construction of the Parcel B Property.

9. PROHIBITIONS AND CONDITIONS

Notwithstanding the foregoing, in no event may the easements be used for overnight parking or repair of vehicles or for any use not specifically allowed as described in paragraph 8 hereinabove.

10. MAINTENANCE

A. Parcel A Property and Parcel B Property shall be maintained by the respective owner thereof. However, if such owner fails to maintain such owner's real property which is subjected to easement (a "Defaulting Owner") and if the owner of the Real Property which is benefited by such easement (the "Non-defaulting Owner") gives written notice by certified mail, return receipt requested, setting forth the reasonable maintenance that needs to be performed and if the Defaulting Owner fails to perform such reasonable maintenance within thirty (30) days following mailing of such notice, then the Non-defaulting Owner shall have the right to perform the maintenance and to charge the Defaulting Owner for the expenses so incurred.

B. Any notice to the Defaulting Owner shall be by certified mail, return receipt requested, and shall be addressed to the address as shown by the Property Appraiser for the County where such owner's Real Property is located.

C. Any damage caused to either Parcel A Property or Parcel B Property as a result of this Easement and temporary storage shed shall be repaired promptly by the owner of the property whose use of the Easement or license created the damage.

11. ATTORNEY'S FEES AND COSTS

In connection with any litigation arising out of this Agreement, the prevailing party shall be entitled to recover all costs incurred, including reasonable attorney's fees.

THIS EASEMENT MAY NOT BE MODIFIED OR AMENDED WITHOUT THE WRITTEN AGREEMENT OF BOTH PARTIES.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement.

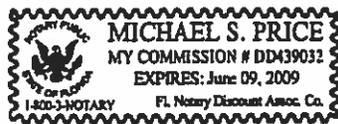
Verlina Mobley
Witness: Verlina Mobley
Michael Price
Witness: Michael Price

ASHMAN BP, L.L.C.,
a Florida limited liability company
By: Ashman US90, L.L.C.
a Florida limited liability company
its Managing Member

By: [Signature] [SEAL]
Name: Edward Ashurian
Title: sole Member, Manager

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 11th day of July, 2006, by Edward Ashurian, as sole Member, Manager of Ashman US90, a Florida limited liability company, as Managing Member of Ashman BP, LLC, who is personally known to me or produced FL. driver license as identification.



Michael S. Price
Notary Public, State of _____
Name: _____
My Commission Expires: _____
My Commission Number is: _____

Verlina Mobley
Witness: Verlina Mobley
Michael Price
Witness: Michael Price

HASTEH, LLC,
a Florida limited liability company
By: [Signature]
Edward Ashurian
its Managing Member

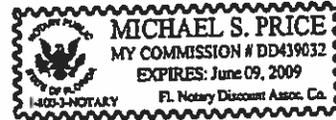
RECEIVED

AUG 30 2016

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 11th day of July, 2006, by Edward Ashurian, as Member, Manager of Hasteh, LLC, a Florida limited liability company, who is personally known to me or produced FL. driver license as identification.

Michael S. Price
Notary Public, State of _____
Name: _____
My Commission Expires: _____
My Commission Number is: _____



RECEIVED

AUG 30 2016

PLANNING & DEVELOPMENT



CONDITIONAL USE APPLICATION

PC No. 34-16

AS/400# 100177

HEARING DATE 10/24/16

RECEIVED

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.

SEP 23 2016

APPLICANT INFORMATION

Land Owner's Name: Jax Beach LLC
Mailing Address: 10739 Deerwood Park Blvd
Suite 200A, Jacksonville, FL 32256

Telephone: _____
Fax: PLANNING & DEVELOPME
E-Mail: _____

Applicant Name: Jax Beach Hospitality Group
Mailing Address: 200 First Street North
Jacksonville Beach, FL, 32250

Telephone: 904-534-5310
Fax: _____
E-Mail: ABTOWERY @ GMAIL.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.

PROJECT DATA

RE 174020-0002

Street address of property and/or Real Estate Number: 200 First Street North
Jacksonville Beach, FL 32250 + Lot 8
Legal Description of property (attach copy of deed): E 15A Lot 7, Block 22 PBN

Current Zoning Classification: CBD

Future Land Use Map Designation: 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.

LOC SEC 34-345 (0)(7)

Code section(s) applicable to the requested conditional use: patio seating / dining

Describe the proposed conditional use and the reason for the request: _____

Applicant Signature: [Signature]

Date: 9/21/16

DMP&H
DRIVER·MCAFEE
PEEK&HAWTHORNE

One Independent Drive
Suite 1200
Jacksonville, Florida 32202

P (904) 301.1269
F (904) 301.1279
www.dmphlaw.com

September 22, 2016

Mr. William C. Mann, AICP
Director
11 North 3rd Street
Jacksonville Beach, FL 32250

RECEIVED
PC#34-16
SEP 23 2016

RE: 200 1st Street North, Jacksonville Beach, FL 32250

PLANNING & DEVELOPMENT

Mr. Mann,

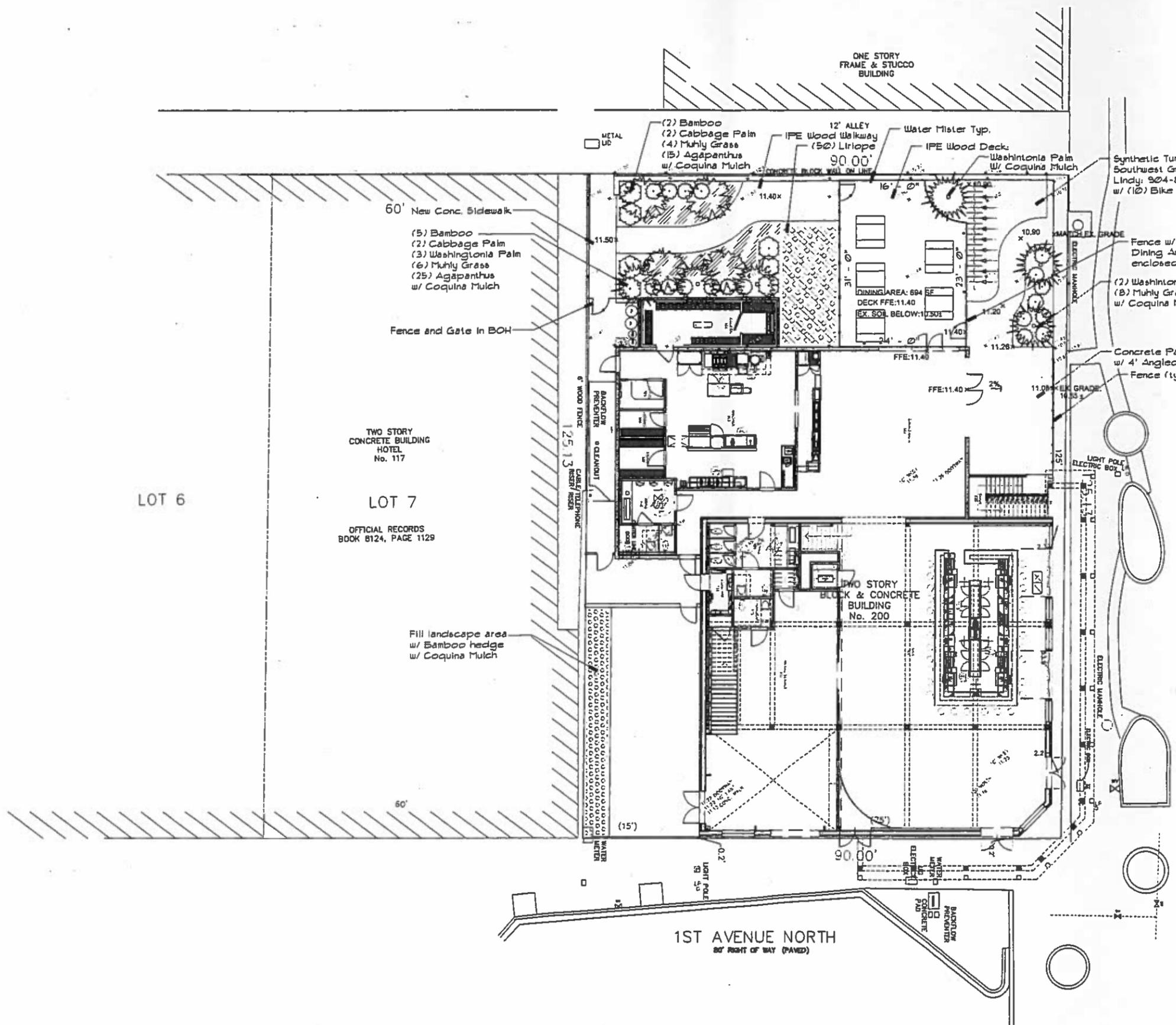
As the Executive Vice President and Registered Agent for Jax Beach, LLC, I grant permission for Jax Beach Hospitality Group, LLC to use the attached patio space at the above captioned property for the purpose of outdoor seating and drinking. The area is approximately 1,262 square feet. A site plan of the property is attached for your convenience.

Please call me if you have any questions at (904) 301-1269.

Thank you,


Matt McAfee
Executive Vice President
Jax Beach, LLC

October 12, 2016 09:18:04 EST
 C:\WORKS\LAURETTA\PROJECTS\LOCAL\TEMP\ADPUB\09_10727\VP\ATO CONCEPT - 2016-10-10.DWG



SURFER THE BAR
SURFER THE BAR RESTAURANT SPACE

1ST FLOOR CONDITIONED SPACE	
31ST FLOOR SERVICE (UTILITY) SPACE:	2,539 SQ. FT.
1ST FLOOR DRINKING SPACE:	2,770 SQ. FT.
TOTAL 1ST FLOOR CONDITIONED:	5,309 SQ. FT.
2ND FLOOR CONDITIONED SPACE	
1ST FLOOR SERVICE (UTILITY) SPACE:	1,087 SQ. FT.
1ST FLOOR DRINKING SPACE:	2,134 SQ. FT.
2ND FLOOR TOTAL CONDITIONED:	3,221 SQ. FT.
1st FLOOR:	5,309 SQ. FT.
2nd FLOOR:	3,221 SQ. FT.
TOTAL CONDITIONED :	8,530 SQ. FT.

Outdoor Dining Allowable By Code:
 20% > 3000 SF + 10% Remaining SF
 600 SF + 553 SF = 1,153 SF Allowable

Outdoor Dining Provided:

1ST FLOOR:	694 SQ. FT.
2ND FLOOR:	414 SQ. FT.
TOTAL EXTERIOR SPACE:	1,108 SQ. FT.

RECEIVED
 PC#34-16
 OCT 12 2016
 PLANNING & DEVELOPMENT



GGI, LLC dba GENESIS 9822 TAPESTRY PARK CIRCLE, SUITE 201 JACKSONVILLE, FLORIDA 32246 (904) 730-9368 (904) 730-7145 FAX FL CA 00000001 FL LB 0000016 FL LC 20000202	
PREPARED BY JOSEPH P. LOPEZ, P.E. License Number: 059125	PREPARED FOR SURFER THE BAR
SHEET TITLE SITE PLAN / GRADING PLAN LANDSCAPE PLAN	PROJECT NUMBER HS-1
REVISIONS NO. DATE DESCRIPTION CHECKED BY: JPL DRAWN BY: JPL SCALE: 1" = 10' DESIGNED BY: JPL PROJECT NUMBER: 8646-001 DATE: 10/11/2016	



REZONING/TEXT AMENDMENT APPLICATION

PC No. 35-16

AS/400# 16-100184

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 Department Telephone: (904) 247-6231

Mailing Address: 11 N. 3rd Street - City Hall Fax: (904) 247-6107

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: N/A 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: 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. 34-343

	<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: [Signature] Date: 10/10/16

 **DRAFT**

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

ORDINANCE NO. 2016-80XX

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 ARTICLE VII. ZONING DISTRICTS, DIVISION 2, SECTION 34-343. COMMERCIAL, GENERAL: C-2, PARAGRAPH (b) *PERMITTED USES* TO ADD “CANNABIS DISPENSING BUSINESS” AS SUBPARAGRAPH (31); TO ADD THE DEFINITION FOR “CANNABIS DISPENSING BUSINESS” AND “CANNABIS” TO ARTICLE IV, LAND DEVELOPMENT CODE OF THE CITY OF JACKSONVILLE BEACH; AND, TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES:

WHEREAS, on November 8, 2016, Florida voters will consider an amendment to the Florida Constitution (“Amendment 2”) entitled “Use of Marijuana for Debilitating Medical Conditions”; and

WHEREAS, if approved by Florida voters, Amendment 2 would legalize the use of medically certified marijuana in the State of Florida and authorize the cultivation, processing, distribution, and sale of marijuana and related activities, by licensed “Medical Marijuana Treatment Centers”; and

WHEREAS, on March 25, 2016, the Florida Legislature Amended numerous provisions of Section 381.986, Florida Statutes and provided additional regulation of the Department of Health with regard to medical cannabis; and

WHEREAS, Chapter 64-4 “Compassionate Use” of the Florida Administrative Code has been enacted to regulate the Department of Health with regard to the requirements for dispensing organizations, including procedures for application, review, approval, inspection, and authorization of dispensing organizations, and the Department of Health has commenced its application and review process; and

WHEREAS, various state and national entities have begun addressing the direct and secondary impacts relating to the legalization of marijuana, including the American Planning Association, Denver Fire Department, Rocky Mountain High Intensity Drug Trafficking Area, U.S. Department of Justice, Florida cities and counties, Florida for Care Blue Ribbon Commission, and the

Florida League of Cities-Florida Association of Counties-Florida Police Chiefs Association-Florida Sheriffs Association Medical Marijuana Workgroup; and

WHEREAS, due to the historical prohibition of marijuana, the City of Jacksonville Beach does not currently have any land development regulations governing the use of real property for the purposes of cultivating, processing, distributing, or selling marijuana or related activities, and such uses are not permissible within the City; and

WHEREAS, if approved, Amendment 2 would legalize the medical use of marijuana and or cannabis throughout the State of Florida for individuals with debilitating medical conditions as determined by a licensed Florida physician and authorize the registration and regulation of centers that cultivate, process, distribute, and sell marijuana products for medical purposes; and

WHEREAS, it is not the purpose or intent of this Ordinance to restrict or deny access to cannabis products as permitted by Florida law, but instead to enact reasonable restrictions intended to protect the public health, safety, and welfare.

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

SECTION 1. That Division 2, Section 34-343. Commercial, general: C-2, Paragraph (b) *Permitted Uses* of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida, is amended by adding new subparagraph, Subparagraph (31), which shall read as follows:

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

(b) *Permitted uses*

(31) Cannabis dispensing business

SECTION 2. That Section 34-41. General, of Article IV. Definitions of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida, is amended by adding new definitions, which shall read as follows:

Sec. 34-41 General

Cannabis means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

Cannabis dispensing business means an establishment for the retail sales of cannabis or derivative products at a retail business that is licensed to dispense cannabis pursuant to applicable state laws and that is engaged in the retail sale of cannabis and derivative products, but shall not include making deliveries of cannabis or derivative products to the residence or business of an authorized individual, or to a health care facility, as permitted

 **DRAFT**

by other relevant ordinances and state law.

SECTION 3. That all ordinances or parts of ordinances in conflict with this ordinance are repealed, to the extent that they may conflict with this ordinance, .

SECTION 4. That this ordinance shall take effect upon its adoption by the City Council.

AUTHENTICATED THIS _____th DAY OF _____, A.D., 2016.

William C. Latham, Mayor

Laurie Scott, City Clerk