



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Council Briefing Notice

City Council

Monday, September 13, 2021

5:30 PM

Via Video Conference

City Manager Mike Staffopoulos will conduct a Council Briefing to update the City Council about ongoing items in the City. The Briefing will include, but not be limited to, the following topics:

- A. Construction Fencing Requirements
- B. Downtown CRA Expansion
- C. Outdoor Restaurant Areas
- D. Future Briefing Topics
- E. Committee Assignment Report

This City of Jacksonville Beach City Council briefing will be conducted using video technology. The options for viewing and/or listening to the briefing are listed below. The public is not invited to speak or present on any matter or topic at the briefing.

Council Members in attendance may include:

Mayor: Christine Hoffman

Council Members: Georgette Dumont
Fernando Meza

Sandy Golding
Cory Nichols

Dan Janson
Chet Stokes

Please note: Council members in attendance at this meeting may vary according to their schedules.

INSTRUCTIONS FOR VIEWING AND/OR LISTENING

The following options are available to view and/or listen to the City Council Briefing:

1. **Hearing or speech impaired access.** Contact the agency using the Florida Relay Service at 1-800-955-8771 (TDD) or 1-800-955-8770 (voice).
2. **View and listen to a video of the briefing online.** Access the briefing by visiting the [City of Jacksonville Beach YouTube Channel](#).

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this briefing should contact the City Clerk's Office at (904) 247-6299, or by sending an email to CityClerk@jaxbchfl.net, no later than one day before the briefing.



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CITY COUNCIL BRIEFING TOPIC	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Heather Ireland, Director of Planning and Development Department
DATE:	September 13, 2021
SUBJECT:	Construction Fencing Requirements

BACKGROUND

At the June 28, 2021 regular Community Redevelopment Agency (CRA) meeting, some board members expressed a desire to consider amendments to Section 34-406 of the Land Development Code (LDC). Specifically, the CRA expressed interest in amending this section of the LDC to include requirements and regulations for construction fencing in the downtown area.

Section 34-406 of the LDC currently does not address or regulate construction fencing anywhere in the City. CRA Member Paetau provided staff with a link to a construction fencing ordinance regulation comparison table with examples from other municipalities around the country (created by the City of Miami Beach). Construction fencing is used to secure sites, and regulations can include things like materials, height, colors, emergency contingencies, permitting, and required project information.

Staff is seeking direction from City Council on interest in moving forward with potential changes to the LDC to require and regulate temporary construction fencing.

FINANCIAL IMPACT

There is no financial impact to the City by amending Section 34-406 of the Land Development Code. Developers may be financially impacted, depending on standards created by the City.

COUNCIL DIRECTION REQUESTED

1. Does City Council consider the development of construction fencing standards a priority for the City and/or CRA?
2. If so, does City Council desire to require and regulate construction fencing: only in the Central Business District; the entire Downtown CRA District; both CRA Districts; or the entire City?

ATTACHMENTS

1. Land Development Code Section 34-406 Fences
2. Exhibit 1 Construction Fence Ordinance Regulations From Other Cities - Comparison Table

Sec. 34-406. Fences.

- (a) *Material; use of barbed wire.* Fences shall be constructed of wood, masonry, chain link wire or other aesthetically desirable materials approved by the planning and development director. Barbed wire shall not be permitted in residential zoning districts. When permitted, barbed wire shall be located at the top of the fence, being not less than six (6) feet in height. If installed so that the barbed wire inclines outward, no portion may encroach into an adjacent property.
- (b) *Height restrictions.*
 - (1) Except as provided for in this division or as modified by the other provisions of the LDC, all fences in and around the front yard of any lot shall not exceed four (4) feet. A fence in the rear yard of any oceanfront lot in an RS-1 zoning district shall not exceed three and one-half (3½) feet in height.
 - (2) An eight-foot, nonopaque chainlink fence may be erected along the property line of any recreational facility owned or leased by a school, church, or unit of government.
 - (3) Chainlink fences for public or private tennis courts shall not be required to comply with height regulations. Windscreens may be installed provided that visibility at intersections of public rights-of-way is not impaired. Fences for private tennis courts shall be constructed within the required setbacks for accessory uses in the particular zoning district in which the fence is located.
 - (4) A fence located in a side or rear yard, except rear yards of oceanfront lots in the RS-1 zoning district, may be constructed at a height not to exceed eight (8) feet provided that the following requirements are met:
 - a. All fences installed pursuant to this subsection shall be constructed of wood, masonry, or other aesthetically pleasing material. In no case shall fences constructed of chainlink wire fabric be permitted to exceed six (6) feet in height.
 - b. Any portion of said fence in excess of six (6) feet in height shall be constructed in a manner which provides openings to allow the free flow of air through that portion of the fence. The openings shall be evenly distributed with the pertinent portion of the fence and shall equal not less than twenty-five (25) percent of the aggregate surface area of the portion of the fence which exceeds six (6) feet in height.
 - (5) *Security fences.*
 - a. An eight-foot high security fence may be installed in the front, side and rear yard of any government use or essential public service facility in any zone, provided that a clear sight distance as required by sections 34-395 and 34-425(h) is maintained. Any barbed wire shall be located at the top of the fence. If installed so that the barbed wire inclines outward, no portion may encroach into an adjacent property.
 - b. A six-foot high non-opaque chainlink fence may be installed for security purposes in the front yard of any lot which is not located in a developed area. As a condition to receipt of a permit, any fence constructed in accordance with the provisions of this paragraph shall be removed after the block or tract is seventy-five (75) percent developed.
- (c) *Impairment of visibility at intersections prohibited.* Clear sight distance shall be maintained at the intersections of streets, alleys, and curbcuts in accordance with section 34-425(h).
- (d) *Enclosure of swimming pool.* All swimming pools shall be enclosed by a fence of not less than four (4) feet in height equipped with a gate which shall have a self-closing and self-locking device for keeping the gate securely closed at all times when not in actual use. The fence and gate shall not be required if entry to the pool by any person other than those residing or renting sleeping quarters on the property containing the

pool is prevented by a wall, buildings, structures, or any other substitute devices so long as the degree of protection is not less than the protection afforded by the fence, gate, and latch described herein.

- (e) *Enclosure of pits and excavation.* All borrow pits and similar excavations shall be completely enclosed with a fence not less than six (6) feet in height and constructed so as to prevent entry by the general public.
- (f) *Approval by the planning and development department required.* All fences are to be approved by the planning and development director.
- (g) *Fences to be maintained and repaired.* All fences shall be maintained in a good state of repair and structurally sound condition, including but not limited to, painting and repainting; replacement of missing, decayed, corroded, or damaged component parts, and keeping in plumbing. Failure to so maintain and repair said fence may result in the fence being declared a nuisance and abated in accordance with the provisions of Chapter 19 of the Jacksonville Beach Code.

(Ord. No. 7500, § 8.2(P), 8-19-91; Ord. No. 2002-7827, § 1, 3-4-02)

EXHIBIT 1**CONSTRUCTION FENCE ORDINANCE REGULATIONS FROM OTHER CITIES - COMPARISON TABLE**

	Construction Fencing Regulations - In General	Continued
NYC	Fences are built solid for their entire length out of wood or other suitable materials. However, the Department may approve chain link fences as below: For stalled, abandoned or discontinued work sites, after certification of removal of all construction equipment and materials (BC 3303.13).	Materials. Fence installation may be of solid material such as wood, corrugated metal, or other suitably rigid and strong materials. Chain link materials, where allowed, must be made of new materials or materials in good condition, galvanized steel mesh and posts, and the installed fence and gates covered with opaque sturdy cloth. Height. A fence shall be at least 8 feet high. Structural Supports. Posts (including concrete encasement of posts), frames, braces, and rods erected at design intervals to resist the effects of wind and secure the entire length of fence. Gates. Gates are installed only where required for access to the site. The street facing portion of the solid fence may have openings with gates of the same solid materials as the fence and installed as sliding or in-swinging gates. Viewing Panels. These are 12 inch by 12 inch openings in the solid fence that allow a site to be viewed from outside of the fence, and there shall be a minimum of one or one for every 25 feet of frontage. Viewing panels are installed between three and six feet above ground level and are blocked by transparent plexi-glass or other non-frangible material. Color. All solid fence installations shall be painted hunter green. Signs and Project Information Panel. A project information panel constructed of durable, weatherproof, flame retardant material such as vinyl, plastic, or aluminum, is required at 4 feet above grade on each fence perimeter fronting a public thoroughfare.
Aventura	No Code per Barry Glading Sec. 14-100. - Securing of construction sites; other requirements. (no fence regs)	
Hallandale	Sec. 32-771 Construction Fencing (a) Unless otherwise approved by the city manager, all development sites must be secured from unauthorized access by a six- or eight-foot chain link fence with a firmly affixed windscreen of 50 percent porosity.	(c) Prior to beginning grading, demolition, or construction activity, at least one weatherproof sign measuring 12 inches by 18 inches must be posted on each street frontage of the project site at a location acceptable to the building inspector, showing working hours, and the name and emergency contact phone number of the contractor. (d) A "No Trespassing" sign shall be mounted on the fence in conspicuous locations around the site until construction is completed and approved.
Miami Beach	Sec.106-98 Construction Management Plan (No fence detail info)	
Miami Gardens	Sec. 16-62 Construction Site Security (b) The site shall be secured with a six-foot screened fence to be installed according to the Florida Building Code.	
Miami Lakes	Sec. 13-1509 Fences, walls and gates 5) Temporary construction fences. A construction fence, to secure a construction site, on a site in a residential or nonresidential zoning district may be approved by the Administrative Official in any required setback or yard in conjunction with a temporary certificate of use. Said fence approval shall be valid for a maximum of 180 days in connection with a valid building permit. However, a construction fence approval may be extended by the Administrative Official for a second 180-day period provided that the building permit application has not expired.	
North Miami	Sec. 5-36 Construction site maintenance(b) Construction fencing. Construction sites shall provide temporary fencing with screening to secure the site during the construction process to mitigate the effects of vagrant activity and dust and debris upon the surrounding community.	

Oakland Park	Sec. 24-164(4) Temporary construction fencing plan required. a. Allowed materials: chain link with vinyl coating, vinyl fence mesh or plywood. b. Height: six (6) feet above grade (When, in the estimation of the development review committee, circumstances dictate, height may be increased up to ten (10) feet.) c. The plan must clearly indicate location and type of fencing and locations of all gates. d. Fencing is allowed only on the property which is subject of the permit. f. On properties abutting roads designated as arterials or collectors on the Broward County Trafficways Plan, vinyl slats are required for chain link fences. Plywood fencing may only be used on properties abutting trafficways.	g. Fences must be kept in good repair at all times. h. Murals or other public art are encouraged to be placed on plywood or vinyl mesh fences (subject to city commission approval). i. All fencing must be removed prior to issuance of any final certificate of occupancy.
Sunny Isles	Sec. 265-63.3 Construction Fencing A. Temporary construction fencing. No person or entity shall install or construct a temporary construction fence in this City without first obtaining a permit from the City's Building Department. Each fence constructed or maintained shall be constructed and anchored in accordance with the Florida Building Code.B. Permitted fences. (1) Except on the east side of Collins Avenue, the following temporary construction fences are permitted in all the zoning districts: (f) Frame plywood panel. (g) Chain-link fences with canvas (or similar material) are permitted if the property owner or agent has obtained a demolition permit from the Building Department. The chain-link fence shall be permitted to be utilized as a demolition fence for a period of no longer than two months or until expiration of the demolition permit, whichever occurs first. However, such demolition fence shall not be removed until the installation of a permitted construction fence, as defined in this section. The permitted construction fence shall be installed immediately upon removal of the temporary demolition fence. At no time shall the parcel remain without a protective barrier. Any person or entity found to be in violation of this subsection shall be subject to a fine of \$500.00 per day. (2) A temporary construction fence (as defined herein) shall be installed on the front, side, and rear property lines. (3) On the east side of Collins Avenue, no other material shall be used to construct a temporary construction fence on the front property line, except for the following: (c) Frame plywood painted panel.(4) However, chain-link fences with canvas (or similar material) backing or meshing may be permitted on the side and rear property line, provided they are neatly designed and maintained as approved by the Building and Zoning Departments.	F. Expiration of permit. A temporary construction fence permit issued under this chapter shall expire upon the issuance of a certificate of occupancy. The temporary fence shall remain on the property until the completion of construction, provided that it shall be removed in accordance with the terms of the Florida Building Code. G. Murals and graphics. Graphics and murals on temporary construction fencing are prohibited unless approved by the City Commission at site plan review pursuant to § 265-18 of the LDR. The City Commission, in its discretion, may permit graphics and painted murals on temporary construction fences for aesthetic enhancement of the fence and advertisement of the project to be constructed at site plan review. A minor change as defined by the Land Development Regulations (LDRs) may be approved administratively by the City Manager without notice to the Commission. J. Temporary construction signs. Construction, erection, and maintenance of temporary construction signs shall be governed by § 265-57.C of the Land Development Regulations.
Bal Harbor	Article VII Construction Site Operations Sec. 6-201 Property Maintenance Standards (no fence regs)	

Bay Harbor Islands	Sec.5-5(f) Temporary construction fence. A temporary construction fence screening the construction site shall be erected and maintained in good order at all times. The temporary construction fence shall be erected and completely in place as a requirement for the issuance of a building permit and prior to the beginning of construction activities. The temporary construction fence shall be six feet chain link fence with a screening material attached to visually screen and minimize impact to neighboring properties which may be affected by construction site dust and debris. A fence permit is required to be issued for the temporary construction fence, and the fence installed, inspected, and the fence permit must be closed-out by the building department prior to the issuance of a building permit. (1) A temporary construction fence will be required for all new construction and substantial renovations.	Sec.5-5(l)(l) Netting. All structures exceeding 30 feet in height shall provide a dust/debris netting barrier erected in such a way to completely surround the structure. Structures being erected on waterfront lots and exceeding 20 feet in height shall provide a dust/debris netting barrier on the portion of the structure facing the water. The type of netting material shall be identified in the construction staging plan and is subject to town approval.
Boca Raton	Sec.28-1356(n) In all zoning districts, a 6-foot temporary construction fence may be placed on and along all plot lines of the property while under construction with an active building permit, subject to the sight obstruction limitations listed in subsection (b) above.	
Coral Gables	Sec.105-30 f. Construction fencing with visual/dust barriers or visual displays for public information. A construction fence shall be covered with a visual/dust barrier or, at the request of the applicant, with visual displays for public information.	

Dania Beach	Sec 8-7 Fencing requirements for commercial properties under construction Where commercial properties under construction are required to provide security fencing pursuant to the City Code or the Florida Building Code, the following requirements shall be met, in addition to all requirements of the Florida Building Code: (1) All construction site fencing shall be maintained in a satisfactory manner by the permittee or landowner during the entire period of the construction to ensure adequate performance, to prevent nuisance conditions, and to maintain the public health, safety and welfare; and and (3) When the construction site has required construction fencing which is adjacent to any public right-of-way, the fence adjacent to the right-of-way shall have a visual and dust barrier or screening of canvas or mesh fence covering. Such barrier or screen shall include: a. Project renderings and other information which shall cover at least seventy-five (75) percent of the entire length of the fence along the right-of-way of an arterial roadway or state roadway and at least twenty-five (25) percent along local roadways, except as provided below, but shall not extend above the top of the required fence; b. The canvas or mesh fence panel covering shall provide identification of the name and intended use of the project, project rendering, project website address, and owner or agent, the telephone number for the owner or agent, and the name and an emergency contact telephone number of the general contractor. Optional information may include the names of the developer, architect, engineer, lending institution and general contractor; c. No part of the fence covering may contain advertising or sales information; d. Screen graphics can be permitted and installed after a permit application for site construction has been submitted, but must be installed no later than issuance of the permit for site construction; e. All screening shall be maintained in good condition and shall be maintained in a taut condition throughout the allotted permit time. The barrier or screening must be kept secure from any wind damage, free of rips, tears and discoloration; f. The city logo may be included in the barrier or screening graphics as approved by the city commission. (4) All wind barrier or screening and fence covering materials shall be removed upon the issuance of a hurricane warning applicable to the city. A barrier or screening materials shall be reinstalled not more than ten (10) days after the hurricane threat has ended. (5) The fence and required	
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Doral	Sec. 5-26(b) Temporary construction barrier required. The provisions of this article shall apply to residential and nonresidential developments. All new construction sites shall be required to secure the property by placing a temporary barrier around perimeter of the subject property and shall implement those security measures reasonably necessary to control access to the site, and to deter vandalism, theft, and other crime by implementing the following provisions: (2) Design requirements. Temporary construction barriers that are visible from the right-of-way may be constructed with opaque screening and subject to the following design requirements: a. If a chainlink fence is used it must incorporate a fabric vinyl mesh creating an opacity of a minimum of 80 percent. b. Barrier shall be between six to 12 feet in height. d. Construction barriers shall be built and maintained in place in accordance with the building code for the entire duration of the construction activity or until the fence is approved to be removed by the city manager or a designee. e. Sites that contain multiple buildings shall maintain the construction fence around the portion of the site and buildings under construction as determined by the city manager or a designee. (c) Permits required. Prior to the installation of the construction barrier, the applicable building permits must be issued by the building department. In addition, a dimensioned site plan identifying the location of the fence must be submitted.	
Ft. Lauderdale	Sec. 47-19.5 Fences, walls and hedges J. Temporary fences. 1. A temporary construction fence may be permitted in conjunction with construction on a site in accordance with requirements determined by the department. Such fence shall not be placed on the development site prior to final site plan approval or prior to issuance of the first building permit, whichever occurs first; and must be removed within two (2) weeks after issuance of a certificate of occupancy (CO) or termination of site plan approval, whichever occurs first.	



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CITY COUNCIL BRIEFING TOPIC	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Heather Ireland, Director of Planning and Development Department
DATE:	September 13, 2021
SUBJECT:	Downtown CRA Expansion

BACKGROUND

At a City Council Briefing on July 29, 2021, Council members discussed priority objectives of the Community Redevelopment Agency (CRA). During the discussion, Mayor Hoffman asked the Council for their opinions regarding potentially expanding the footprint of the Downtown CRA District across 3rd Street to include some additional historic buildings. The discussion continued regarding the specific requirements to expand the district and what specific areas to include. The Council requested the topic be brought back to a briefing for further discussion.

Any amendment to the boundary of a CRA district will require authorization/approval from the county government, in this case the City of Jacksonville/Duval County. Additionally, a "Finding of Necessity" is required, which is an evaluation of the area to be considered for CRA designation. The area must meet criteria contained in state statutes for designation of slum and blight in order to be eligible for CRA designation.

FINANCIAL IMPACT

Any new area to be included in the Downtown CRA District would be included in the Tax Increment Financing (TIF) District. CRA funds could then be used to remove blighted conditions.

COUNCIL DIRECTION REQUESTED

1. Does City Council consider it a priority to engage staff and consultants in preparing a "Finding of Necessity" to identify the existence of blighted conditions to justify an expansion of the Downtown CRA District boundaries?
2. What area/blocks would City Council want to consider adding to the district?

ATTACHMENTS

1. Florida Statutes 163.340 Blighted Area

Florida Statutes 163.340

(8) "Blighted area" means an area in which there are a substantial number of deteriorated or deteriorating structures; in which conditions, as indicated by government-maintained statistics or other studies, endanger life or property or are leading to economic distress; and in which two or more of the following factors are present:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
- (d) Unsanitary or unsafe conditions.
- (e) Deterioration of site or other improvements.
- (f) Inadequate and outdated building density patterns.
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality.
- (h) Tax or special assessment delinquency exceeding the fair value of the land.
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality.
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality.
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.
- (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.
- (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.
- (o) A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.

However, the term "blighted area" also means any area in which at least one of the factors identified in paragraphs (a) through (o) is present and all taxing authorities subject to s. 163.387(2)(a) agree, either by interlocal agreement with the agency or by resolution, that the area is blighted. Such agreement or resolution must be limited to a determination that the area is blighted. For purposes of qualifying for the tax credits authorized in chapter 220, "blighted area" means an area as defined in this subsection.



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CITY COUNCIL BRIEFING TOPIC	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Heather Ireland, Director of Planning and Development Department
DATE:	September 13, 2021
SUBJECT:	Outdoor Restaurant Areas

BACKGROUND

At the August 9, 2021 briefing, City Council indicated support for amendments to Section 34-407 of the Land Development Code (LDC) in regard to outdoor restaurants and bars, specifically as it pertains to the ratio of allowable outdoor restaurant seating, and the seating calculations for restaurants to qualify for a special restaurant (SRX) alcoholic beverage license (4COP).

The outcome of the discussion on August 9, 2021 with City Council is summarized as follows:

- Support for amendments to Section 34-407 of the LDC to increase the ratio for allowable outdoor seating areas at restaurants Citywide at a minimum of a 50% ratio.
- Support for amendments to Section 34-407 of the LDC to allow outdoor restaurant seating areas Citywide to count towards the 150 seats required to qualify for a 4COP (SRX) alcoholic beverage license. It was discussed that establishments with a 4COP (SRX) and outdoor restaurant seating areas would potentially not be eligible for extended hours of operation permits in an effort to avoid the creation of additional RINOs (restaurants in name only). Additionally, 4COP (SRX) establishment's outdoor restaurant areas would remain subject to Section 4-2.(e)(1)b.4 which requires 4COP (SRX) establishments to keep all tables and chairs upright and in place during all hours of operation as per the diagram submitted to the city during the permitting process.
- Consider amendments to Section 34-407 of the LDC to increase the ratio for allowable outdoor bar areas, but at a future date.
- Consider amendments proposed in Ordinance 2017-8093 that would allow outdoor restaurant areas approximately 200 sq. ft. in size that do not serve alcohol to be permitted without having to receive conditional use approval and without having to provide for additional parking.
- Support for review and consideration of amending any definitions related to restaurants and outdoor restaurant areas to ensure clarity and consistency with other parts of the City's Code of Ordinances.

City Council also expressed some concerns about potential unintended consequences of the proposed changes discussed. These concerns are summarized below and staff's responses are provided:

Would increasing the allowable outdoor seating area ratio and allowing outdoor seating to be counted towards the required 150 seats to qualify for a 4COP (SRX) special alcoholic beverage



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license have the unintended consequence of creating more RINO establishments?

- Staff does not have the ability to determine how many existing establishments any proposed changes could impact in regard to additional establishments qualifying for a 4COP (SRX). However, staff has taken City Council's recommendation regarding the ability to apply for extended hours of operations permits, and maintaining compliance with Section 4 of the City's Code of Ordinances as described above.

Would increasing the total size of restaurants have an impact on parking?

- Many existing restaurants may not have any on-site location to expand outdoor seating areas except for existing parking areas. Since outdoor seating areas currently require parking at the same ratio as the indoor restaurant area, many existing establishments may simply not be able to expand due to unavailable space to expand, limited available parking, or the inability to get a parking variance. Staff would have concerns with an overall decrease in the parking requirement for restaurants in light of identified parking issues throughout the city where restaurants and bars are currently located.

Would increasing allowable outdoor seating areas create noise and compatibility concerns with adjacent properties?

- Staff can address this concern by proposing amendments to require vegetative buffers around outdoor restaurant seating areas when immediately adjacent to residential uses.

Would amending the existing code create any loopholes?

- Staff has considered the proposed changes being discussed and do not anticipate that any loopholes would be created.

Staff has prepared some proposed suggestions for amendments to pertinent Sections of the LDC for City Council consideration. A summary of the proposed amendments to consider is provided below:

1. Amend the definition of *outdoor restaurant* to add language that mirrors Section 18. Noise that says "... and has, in place, tables and chairs set up to accommodate patrons for seating during all hours of operation".
2. Allow outdoor restaurant areas, under 150 to 300 square feet at establishments where alcohol is not served, as a permitted use in certain commercial zoning districts where restaurants are permitted.
3. Remove the parking requirement for outdoor restaurant areas under 150 - 300 square feet.
4. Amend the outdoor restaurant area allowable ratio from 25% of the indoor restaurant



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space to between 50% and 100% of the indoor restaurant seating area.

5. Allow outdoor restaurant seating areas to be used to compute the minimum seating or customer service area required to qualify for a 4COP (SRX) special restaurant alcoholic beverage license.
6. Require a hard and/or vegetative buffer around outdoor restaurant and bar areas that are immediately adjacent to existing residential uses.

FINANCIAL IMPACT

There is no financial impact for amending Section 34-407 of the Land Development Code.

COUNCIL DIRECTION REQUESTED

1. Direct Staff to proceed with an application to amend Section 34-407 of the Land Development Code.

ATTACHMENTS