

As amended

RESOLUTION NO. 2090-2021

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA SUPPORTING ECONOMIC RECOVERY FOR RESTAURANTS; REQUESTING SUSPENSION OF ENFORCEMENT OF THE ZONING CODE FOR CERTAIN OUTSIDE RESTAURANT AREAS; REQUESTING EMERGENCY PASSAGE UPON INTRODUCTION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 1, 2020, Governor DeSantis issued Executive Order 20-51, directing the Florida Department of Health to issue a Public Health Emergency as a result of COVID-19; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52 declaring a State of Emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 13, 2020, Mayor Lenny Curry of Jacksonville, Florida declared a State of Emergency for the City of Jacksonville / Duval County as a result of COVID-19; and

WHEREAS, on March 13, 2020, Mayor William C. Latham of Jacksonville Beach, Florida, declared a State of Emergency as a result of COVID-19; and

WHEREAS, starting March 13, 2020, various local and state orders temporarily closed, restricted occupancy, or otherwise suspended on-premises activities of restaurants, bars, and retail establishments to protect the people of the State of Florida and the City of Jacksonville Beach from the dangers of COVID-19; and

WHEREAS, on September 25, 2020, Governor DeSantis issued an executive order, initiating Phase 3 of the reopening plan, removing all remaining restrictions on businesses as a result of COVID-19, allowing restaurants to be open at full capacity; and

WHEREAS, the City of Jacksonville Beach extended state of emergency declaration ended on June 24, 2021; and

WHEREAS, the Center for Disease Control (CDC) guidance recommends the continued wearing of masks for certain populations in indoor public places, and continued social distancing practices; and

WHEREAS, the City of Jacksonville Beach is committed to supporting local small business and restaurants, and their employees, as they pursue creative business practices that safely serve consumers during this continued period of social distancing and other preventative measures against COVID-19; and

WHEREAS, suspending enforcement of Chapter 34 of the City of Jacksonville Beach Ordinance Code (Land Development Code) for certain uses related to outdoor restaurants will help local businesses recover from the economic losses suffered during this emergency, while providing more flexibility for social distancing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF JACKSONVILLE BEACH AS FOLLOWS:

SECTION 1. Suspending Enforcement. The City Council of Jacksonville Beach hereby requests suspension of enforcement of the Land Development Code for the following use only, subject to the limitations stated herein and limitations in any future local and state orders:

- (a) Outdoor sale and service of food and outdoor restaurant seating areas for licensed restaurants, subject to the following limitations:
 - (1) The outdoor restaurant area shall be contiguous to the licensed restaurant and located on private property.
 - (2) The outdoor restaurant area shall not serve alcoholic beverages outside of previously approved areas for service and sale of alcoholic beverages as approved under required State licenses.
 - (3) The outdoor restaurant area shall not adversely impact the use of a sidewalk or public right of way.
 - (4) The outdoor restaurant area shall not block egress to ADA parking or other ADA access to businesses.
 - (5) The outdoor restaurant area may not be in violation of required fire and life safety codes.
 - (6) The outdoor restaurant seating area shall be no greater in size than twenty-five percent (25%) of the total enclosed area of the restaurant.
 - (7) The outdoor restaurant area, if located in a parking area, shall be surrounded by a temporary barrier at least three feet high, provided that there are at least two entrance/exit ways no more than four feet wide. No more than two (2) parking spaces shall be used for outdoor seating area.
 - (8) No amplified music or other sounds in violation of Chapter 18 – Noise. of the City’s Code of Ordinances are permitted.

SECTION 2. Enforcement to Protect the Public’s Health, Safety and Welfare. The City Council hereby requests continued enforcement of the Land Development Code for the above uses if the suspension requested in Section 1 would harm the public’s health, safety or welfare.

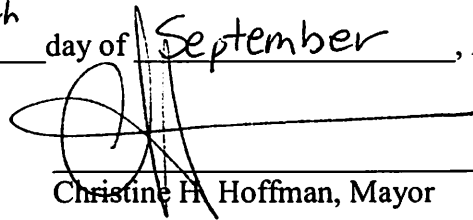
SECTION 3. No Private Property Rights Established. No private property rights are established for the above uses due to any suspension of enforcement of the Land Development Code during the suspension period. All property owners, tenants, and operators shall continue to comply with all other applicable laws, rules, or regulations not addressed in this Resolution.

SECTION 4. Requesting Emergency Passage Upon Introduction. Emergency passage upon introduction of this legislation is requested. The nature of the emergency is such that the duration of the need for preventative measures related to COVID-19 are unknown, and as such, may continue to impact restaurants for some time.

SECTION 5. This Resolution shall become inactive twelve (12) months after its effective date.

SECTION 6. This resolution shall take effect upon its passage and signature as required by law.

AUTHENTICATED this 8th day of September, A.D. 2021.



Christine H. Hoffman, Mayor



Sheri Gosselin, City Clerk