

Introduced by: Council Member Cory Nichols
1st Reading: October 4, 2021
2nd Reading: October 18, 2021

ORDINANCE NO. 2021-8167

AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE NO. 7411, AS AMENDED, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CITY OF JACKSONVILLE BEACH LAND DEVELOPMENT CODE.

WHEREAS, the City Council of the City of Jacksonville Beach, Florida, heretofore enacted and established a Land Development Code and Zoning Atlas for said City; and

WHEREAS, Regency Center, LP, is the property owner ("Property Owner") of the Planned Unit Development zoning referred to as the South Beach Regional Shopping Center established on April 24, 1989, pursuant to Ordinance No. 7411, as amended by Ordinance No. 7436, Ordinance No. 95-7635, Ordinance No. 2006-7928, Ordinance No. 2009-7972, Ordinance 2013-8033 and Ordinance 2016-8077 (PUD) has submitted an application to further amend the PUD; and

WHEREAS, the Property Owner of the South Beach Regional Shopping Center property desires that the PUD zoning allow the specific uses of outdoor restaurant areas, and the outside storage and display of merchandise in the shopping center; and

WHEREAS, the inclusion of such permitted uses requires an amendment to the PUD zoning which governs the South Beach Regional Shopping Center; and

WHEREAS, the City Council has considered the application, all relevant support materials, the staff report, the conditions as amended, the recommendation of the Planning Commission, and public testimony given at the public hearings and had determined the amendments to the PUD to be appropriate and in the best interest and public welfare of the City of Jacksonville Beach.

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

SECTION 1. The City of Jacksonville Beach has complied with all requirements and procedures of Florida law in processing this ordinance. The above recitals are hereby adopted.

SECTION 2. The City Council has considered the adoption of this ordinance based on one or more of the factors listed in Section 34-211(c) of the City of Jacksonville

Beach Land Development Code and hereby finds that this amendment will not result in an adverse change in the community in which it is located.

SECTION 3. That Section 1, Paragraph A, of Ordinance No. 7411, as amended by Ordinance No. 7436, as amended by Ordinance No. 2009-7972, and as amended by Ordinance No. 2013-8033, is hereby deleted in its entirety and replaced with the following:

A. The preliminary development plan labeled "South Beach Regional, Jacksonville Beach, Florida, for the Sofran Company" prepared by Vermey Architects and dated March 21, 1988, as amended and revised November 28, 1988; amended by Site Plan Sheet FL-513u, dated September 8, 2006; amended by the Site Geometry Plan sheet prepared by Skiles, Davis & Baker, P.A., dated April 17, 2009; amended by the plan titled "Overall Site Plan, Sheet C-1," prepared by Envision Design and Engineering, dated August 9, 2013; and as further amended by Exhibit I prepared by GreenburgFarrow, dated May 24, 2021, attached hereto and made a part hereof, is hereby adopted and made a part of this supplement to the Comprehensive Zoning Regulations.

SECTION 4. That Section 1, Paragraph B, of Ordinance No. 7411, as amended by Ordinance No. 7436, amended by Ordinance 95-7635, amended by Ordinance No. 2006-7928, and amended by Ordinance No. 2009-7972, is hereby deleted in its entirety and replaced with the following:

B. The project narrative statement submitted by the Sofran Company and dated January 12, 1989, including the "Approved Land Uses by Parcel – Sofran Commercial Planned Unit Development," printed April 17, 1989, as amended by Ordinance No. 7436, amended by Ordinance 95-7635, amended by Ordinance No. 2006-7928, and amended by Ordinance No. 2009-7972, is further amended to add to the list of approved uses for the South Beach Regional Shopping Center, to include those uses as identified in the project narrative, dated June 24, 2021, and as identified on Exhibit I attached hereto, prepared by GreenburgFarrow and dated May 24, 2021.

SECTION 5. That Section 1, Paragraph E, as added to Ordinance No. 7411, through the adoption of Ordinance No. 2006-7928, and as amended by Ordinance No. 2016-8077, is hereby further amended to add a new condition "20," as follows:

20. Outdoor retail display and sales areas of merchandise and outdoor restaurant areas (*outside of the K-Mart Parcel*) shall be allowed adjacent to the buildings as shown on Exhibit I, attached hereto prepared by GreenburgFarrow and dated May 24, 2021; however, clear ingress and egress shall be required to be maintained to the buildings, and clear sidewalk access shall be maintained to the shopping center at all times. All areas used for outdoor retail display and sales areas and outdoor restaurant areas shall be fire sprinklered, as required by the Office of the Fire Marshal.

- a. Outdoor restaurant areas shall be permitted as shown on Exhibit I, attached hereto, prepared by GreenburgFarrow and dated May 24, 2021, and shall not require a Conditional Use approval. All outdoor restaurant areas shall adhere to the requirements as described in Section 34-407 of the City of Jacksonville Beach Land Development Code except those portions amended by this ordinance as they pertain to a seating allocation of 50% of the indoor restaurant area, or the allocation set by Section 34-407 of the City of Jacksonville Beach Land Development Code, whichever is greater.
- b. All outdoor restaurant areas shall adhere to the general requirements as described in Section 34-425(h) of the City of Jacksonville Beach Land Development Code with regards to visibility at sight triangles at intersections for internal drive lanes and parking isles.
- c. Outdoor restaurant areas adjacent to the northern drive aisle leading in and out to Jacksonville Drive shall provide protective concrete barriers along the entire exterior perimeter, excluding those sides that are adjacent to the business, but otherwise encompassing or surrounding any area where there can be vehicle conflict. Barriers shall have an ASTM-C40 rating and shall be placed no further than 66 inches apart. Creative forms of barriers may be considered under Crime Prevention through Environmental Design (CPTED) best practices. Final designs of barriers to be determined through the standard design review process incorporating the above guidance.
- d. Outdoor restaurant areas may have outside speakers; however, shall be limited to Low Volume Outdoor Amplified and Acoustic sound, as defined in Section 18-7 of the City of Jacksonville Beach Code of Ordinances. Pursuant to Section 18-7(b)(1), a Low Volume Outdoor Amplified and Acoustic Sound Permit is required for licensed establishments. Outdoor restaurant areas adjacent to Jacksonville Drive shall have speakers only oriented to the south.
- e. Outdoor restaurant services shall cease operation at 10:00 p.m., Sunday through Thursday, and 11:00 p.m., Friday and Saturday.
- f. Outside display of merchandise shall be permitted at all retail sales locations, as shown on Exhibit I, attached hereto prepared by GreenburgFarrow and dated May 24, 2021; however, clear sidewalk access shall be maintained to the balance of the shopping center spaces at all times and a clear ADA compliant path shall be maintained at all times along any sidewalk or walkway. There shall be no overnight displays or merchandise left on sidewalks except on Parcel 4.

SECTION 6. All ordinances or parts of ordinances in conflict herewith be, and the same are, to the extent the same may in conflict, hereby repealed.

SECTION 7. This ordinance shall take effect upon its adoption and recordation with the Clerk of Circuit Court, Duval County, Florida.

AUTHENTICATED THIS 18th day of October, 2021.



Christine H. Hoffman, MAYOR



Sheri Gosselin, CITY CLERK



