

## **REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee, and City Council its comments and recommendations on:

### **ORDINANCE 2018-74**

**AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), PART 1 (GENERAL PROVISIONS), SUBPART D (ZONING EXCEPTIONS, VARIANCES AND WAIVERS, AMENDMENTS TO FINAL ORDER, APPEALS OF WRITTEN INTERPRETATIONS OF THE DIRECTOR AND APPEALS OF FINAL ORDERS OF THE COMMISSION), TO PROVIDE REFERENCE OF COUNCIL APPROVAL FOR CERTAIN EXCEPTIONS ALLOWING FOR ALCOHOLIC BEVERAGES; AMENDING PART 3 (SCHEDULE OF DISTRICT REGULATIONS), CHAPTER 656 (ZONING CODE), ORDINANCE CODE, TO CREATE SEPARATE CATEGORIES FOR USES ALLOWED BY EXCEPTION FOR ON-PREMISES CONSUMPTION AND OFF-PREMISES CONSUMPTION SO THAT EXCEPTIONS FOR OFF-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES ARE HEARD BY THE CITY COUNCIL AND TO REQUIRE A FACILITY FOR SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION BE A PERMISSIBLE USE BY EXCEPTION IN CCG-2 ZONING DISTRICT AND TO REQUIRE SUCH APPLICATION BE HEARD BY CITY COUNCIL; PROVIDING AN EFFECTIVE DATE**

#### **I. GENERAL INFORMATION**

This bill amends the Zoning Code so that all new liquor stores will require a zoning exception and that all such exception applications will be heard by the City Council rather than the Planning Commission.

#### **II. EVALUATION**

- A. *The need and justification for the change* The Zoning Code currently permits liquor stores by right in the Commercial Community General-2 (CCG-2) zoning district and by grant of a zoning exception in the Commercial Community General-1 (CCG-1), Industrial Business Park (IBP), Industrial Light (IL), Industrial Heavy (IH), Industrial Water (IW), Agriculture (AGR), Public Buildings and Facilities-2 (PBF-2), Public Buildings and Facilities-3 (PBF-3), and Recreation and Open Space (ROS) zoning districts.

Zoning exceptions for liquor stores are currently heard by the Planning Commission and do not go to City Council unless the decision of the Planning Commission is appealed. This bill will make all zoning exceptions for new liquor stores go before the City Council for consideration. This bill was filed after several city councilmembers found new liquor stores opening up by right without an opportunity for public input.

- B. *The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.*

This bill is consistent with the spirit and intent of both the Comprehensive Plan and the Zoning Code in that it is the intent of the legislation to protect and preserve the public health, safety and welfare of the people of the City of Jacksonville by instituting and enforcing rules regarding the off-premises sales of alcoholic beverages.

C. Consistency with the Comprehensive Plan.

The Comprehensive Plan is silent with regard to this topic.

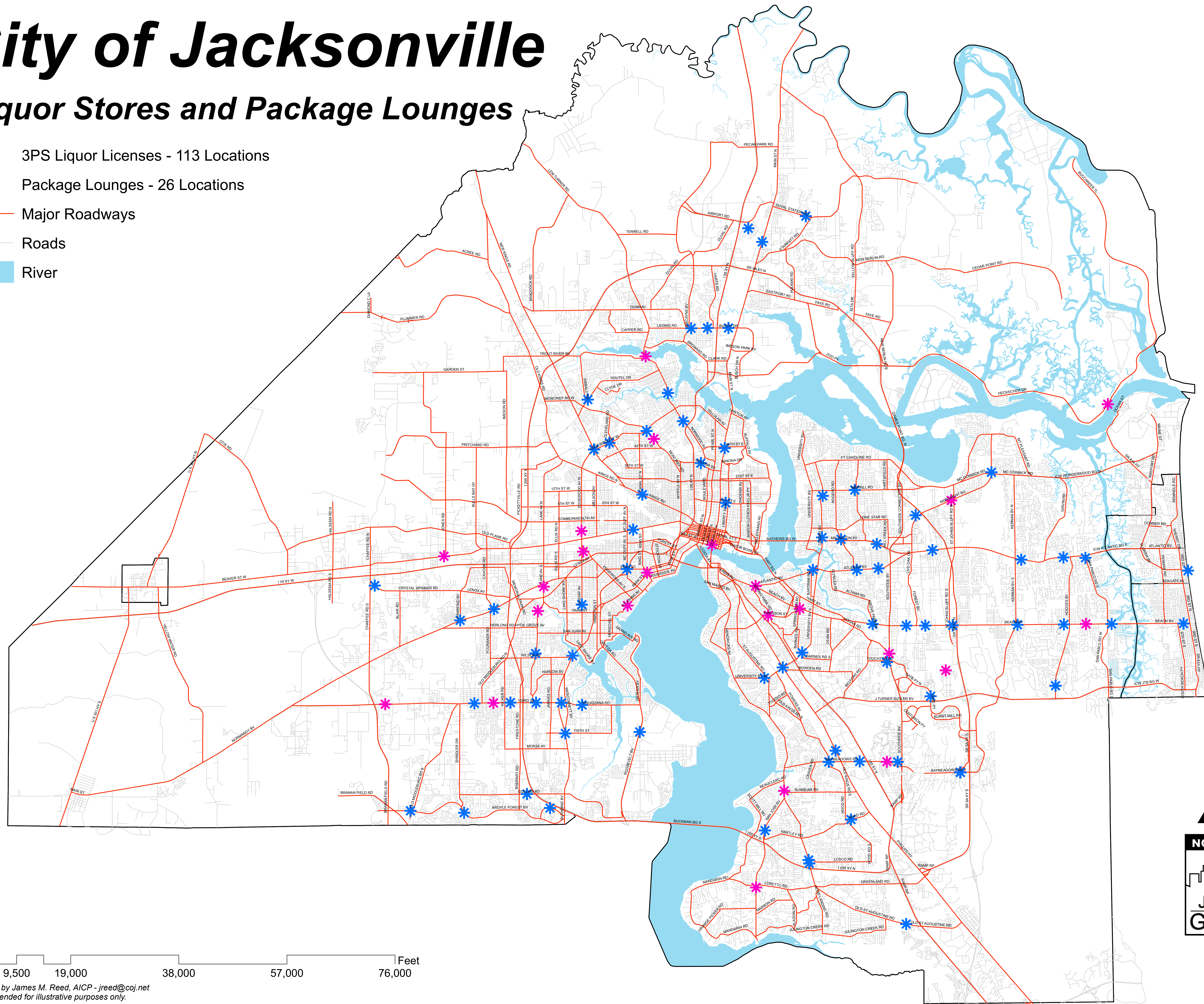
### III. RECOMMENDATIONS

Should **Ordinance 2018-74** be approved, the Planning and Development Department finds that the change does not conflict with any provision of the Zoning Code or Comprehensive Plan.

# City of Jacksonville

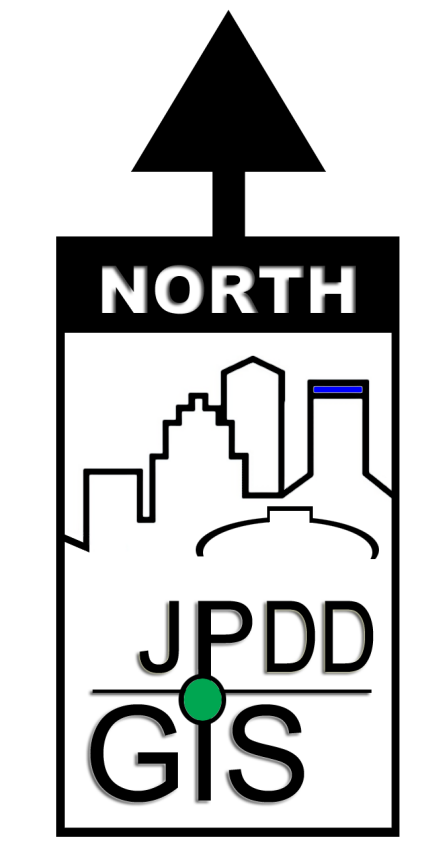
## Liquor Stores and Package Lounges

-  3PS Liquor Licenses - 113 Locations
-  Package Lounges - 26 Locations
-  Major Roadways
-  Roads
-  River



0 9,500 19,000 38,000 57,000 76,000 Feet

Developed by James M. Reed, AICP - jreed@coj.net  
Content intended for illustrative purposes only.  
June 2017



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#### II. EVALUATION

- A. *The need and justification for the change* The Zoning Code currently permits liquor stores by right in the Commercial Community General-2 (CCG-2) zoning district and by grant of a zoning exception in the Commercial Community General-1 (CCG-1), Industrial Business Park (IBP), Industrial Light (IL), Industrial Heavy (IH), Industrial Water (IW), Agriculture (AGR), Public Buildings and Facilities-2 (PBF-2), Public Buildings and Facilities-3 (PBF-3), and Recreation and Open Space (ROS) zoning districts.

Zoning exceptions for liquor stores are currently heard by the Planning Commission and do not go to City Council unless the decision of the Planning Commission is appealed. This bill will make all zoning exceptions for new liquor stores go before the City Council for consideration. This bill was filed after several city councilmembers found new liquor stores opening up by right without an opportunity for public input.

- B. *The relationship of the proposed amendment to the Comprehensive Plan and the work of the Department with appropriate consideration as to whether the proposed amendment will further the purposes of the Zoning Code and Comprehensive Plan.*

This bill is consistent with the spirit and intent of both the Comprehensive Plan and the Zoning Code in that it is the intent of the legislation to protect and preserve the public health, safety and welfare of the people of the City of Jacksonville by instituting and enforcing rules regarding the off-premises sales of alcoholic beverages.

C. Consistency with the Comprehensive Plan.

The Comprehensive Plan is silent with regard to this topic.

### III. RECOMMENDATIONS

Should **Ordinance 2018-74** be approved, the Planning and Development Department finds that the change does not conflict with any provision of the Zoning Code or Comprehensive Plan.

1 Introduced by Council Members K. Brown and R. Brown and Co-  
2 Sponsored by Council Member Newby:

3  
4 **ORDINANCE 2018-74**

5 AN ORDINANCE AMENDING CHAPTER 656 (ZONING  
6 CODE), PART 1 (GENERAL PROVISIONS), SUBPART D  
7 (ZONING EXCEPTIONS, VARIANCES AND WAIVERS,  
8 AMENDMENTS TO FINAL ORDER, APPEALS OF WRITTEN  
9 INTERPRETATIONS OF THE DIRECTOR AND APPEALS OF  
10 FINAL ORDERS OF THE COMMISSION), TO PROVIDE  
11 REFERENCE OF COUNCIL APPROVAL FOR CERTAIN  
12 EXCEPTIONS ALLOWING FOR ALCOHOLIC BEVERAGES;  
13 AMENDING PART 3 (SCHEDULE OF DISTRICT  
14 REGULATIONS), CHAPTER 656 (ZONING CODE),  
15 *ORDINANCE CODE*, TO CREATE SEPARATE CATEGORIES  
16 FOR USES ALLOWED BY EXCEPTION FOR ON-PREMISES  
17 CONSUMPTION AND OFF-PREMISES CONSUMPTION SO  
18 THAT EXCEPTIONS FOR OFF-PREMISES CONSUMPTION  
19 OF ALCOHOLIC BEVERAGES ARE HEARD BY THE CITY  
20 COUNCIL AND TO REQUIRE A FACILITY FOR SALE OF  
21 ALCOHOLIC BEVERAGES FOR OFF-PREMISES  
22 CONSUMPTION BE A PERMISSIBLE USE BY EXCEPTION  
23 IN CCG-2 ZONING DISTRICT AND TO REQUIRE SUCH  
24 APPLICATION BE HEARD BY CITY COUNCIL;  
25 PROVIDING AN EFFECTIVE DATE

26  
27 **BE IT ORDAINED** by the Council of the City of Jacksonville:

28 **Section 1. Amending Part 1 (General Provisions), Chapter 656**  
29 **(Zoning Code), Ordinance Code.** Chapter 656 (Zoning Code), Part 1  
30 (General Provision), *Ordinance Code*, is hereby amended to read as  
31 follows:

1 CHAPTER 656. ZONING CODE

2 PART 1. GENERAL PROVISIONS

3 \* \* \*

4 SUBPART D. ZONING EXCEPTIONS, VARIANCES AND WAIVERS, AMENDMENTS,  
5 AMENDMENTS TO FINAL ORDER, APPEALS OF WRITTEN INTERPRETATIONS OF  
6 THE DIRECTOR AND APPEALS OF FINAL ORDERS OF THE COMMISSION

7 \* \* \*

8 Sec. 656.133. - Waivers for minimum distance requirements for  
9 liquor license locations; minimum street frontage requirements;  
10 signs; Downtown properties.

11 (a) *Waivers for minimum distance requirements for liquor license*  
12 *locations; waiver criteria.* Applications for minimum distance  
13 requirements for liquor license locations shall be considered  
14 by the Commission, or the City Council as applicable, in  
15 accordance with the notice and public hearing requirements for  
16 zoning exceptions set forth in Section 656.131. Applications  
17 for waivers shall be in writing on the form prescribed by the  
18 Commission, or the City Council as applicable, and filed with  
19 the Department together with the required number of copies and  
20 all required attachments. Upon receipt of the application, the  
21 Zoning Administrator shall determine whether the application  
22 is complete within five working days. If it is determined that  
23 the application is not complete, written notice shall be  
24 provided to the applicant specifying the deficiencies. The  
25 Zoning Administrator shall take no further action on the  
26 application until the deficiencies are remedied. When the  
27 application is determined to be complete, all fees must be  
28 paid as specified in Section 656.147.

29 The waiver for minimum distance requirements from a church or  
30 school for a liquor license location may be granted if there  
31 exist one or more circumstances which negate the necessity for

1 compliance with the distance requirements, including, but not  
2 limited to the following:

- 3 (1) The commercial activity associated with the alcoholic  
4 beverage use is of a lesser intensity than the commercial  
5 activity associated with the alcoholic beverage use which  
6 previously existed; e.g., there has been a reduction in  
7 the number of seats or square footage or the type of  
8 license;
- 9 (2) The alcoholic beverage use is designed to be an integral  
10 part of a mixed planned unit development;
- 11 (3) The alcoholic beverage use is located within a shopping  
12 center with an aggregate gross leasable area of 50,000  
13 square feet or more, inclusive of all outparcels and  
14 meets the definition of a "bona fide restaurant", as  
15 defined in Section 656.805(c);
- 16 (4) The alcoholic beverage use is not directly visible along  
17 the line of measurement defined in Section 656.806 and is  
18 physically separated from the church or school, thereby  
19 negating the distance requirement as a result of the  
20 extra travel time; or
- 21 (5) There are other existing liquor license locations of a  
22 similar nature in the immediate vicinity of the proposed  
23 location; provided, however, that no waiver shall be  
24 granted pursuant to this criterion if the proposed liquor  
25 license location is closer to the church or school than  
26 other existing locations.

27 \* \* \*

28 **Sec. 656.138. - Concurrent applications.**

29 Applications on the same property, except for those properties  
30 located in the Downtown Overlay Zone, which include one or more  
31 combinations for zoning exception(s) and/or variance(s) and/or



1 administrative deviation(s) and/or waiver(s) for minimum distance  
2 requirements for liquor license locations and no rezoning of land  
3 may be processed and approved or disapproved in a concurrent manner  
4 by the Planning Commission, except for those which require City  
5 Council approval. For administrative deviations heard by the  
6 Planning Commission, pursuant to this section, the Planning  
7 Commission shall apply the criteria set forth in section 656.109,  
8 *Ordinance Code.* Appeals of Planning Commission decisions on  
9 administrative deviations, pursuant to this section, shall be  
10 processed consistent with sections 656.140, 656.141, 656.142,  
11 656.143, 655.144 and 656.145, *Ordinance Code.* Applications on the  
12 same property, except for those properties located in the Downtown  
13 Overlay Zone, which include a rezoning, waiver for the minimum  
14 street frontage requirement and/or sign waiver and one or more of  
15 the following: zoning exception(s) and/or variance(s) and/or  
16 administrative deviation(s) and/or waiver(s) for minimum distance  
17 requirements for liquor license locations may be processed and  
18 approved or disapproved in a concurrent manner by the City Council.  
19 For zoning exception(s), variance(s), administrative deviation(s)  
20 and/or waiver(s) for minimum distance requirements for liquor  
21 license locations heard by the City Council, pursuant to this  
22 section, the City Council shall apply the criteria set forth in  
23 sections 656.131, 656.132, 656.109, and 656.133, *Ordinance Code,*  
24 respectively. City Council decisions on zoning exception(s),  
25 variance(s), administrative deviation(s) and/or waiver(s) for  
26 minimum distance requirements for liquor license locations,  
27 pursuant to this section shall be deemed the final action of the  
28 City.

29 \* \* \*

30 Section 2. Amending Part 3 (Schedule of District  
31 Regulations), Chapter 656 (Zoning Code), *Ordinance Code.* Part 3

1 (Schedule of District Regulations), Chapter 656 (Zoning Code),  
2 Ordinance Code, is hereby amended to read as follows:

3 CHAPTER 656. ZONING CODE

4 \* \* \*

5 PART 3. SCHEDULE OF DISTRICT REGULATIONS

6 \* \* \*

7 SUBPART C. COMMERCIAL USE CATEGORIES AND ZONING DISTRICTS

8 \* \* \*

9 Sec. 656.313. - Community/General Commercial Category

10 \* \* \*

11 A. *Primary zoning districts.* The primary zoning districts shall  
12 include the following:

13 \* \* \*

14  
15 IV. *Commercial Community/General-1 (CCG-1) District.*

16 \* \* \*

17 (c) *Permissible uses by exception.*

18 \* \* \*

19 (1) An establishment or facility which includes the retail  
20 sale and service of all alcoholic beverages including  
21 liquor, beer or wine for on-premises consumption ~~or off-~~  
22 ~~premises consumption or both.~~

23 (2) An establishment or facility which includes the retail  
24 sale and service of all alcoholic beverages including  
25 liquor, beer or wine for off-premises consumption or both  
26 on-premises and off-premises consumption. An application  
27 for exception made pursuant to this provision for off-  
28 premises consumption shall only be heard by City Council.

29 ~~(2)~~(3) Permanent or restricted outside sale and service,  
30 meeting the performance standards and development  
31 criteria set forth in Part 4.



1 \* \* \*

2 ~~(27) An establishment or facility which includes the retail~~  
3 ~~sale of all alcoholic beverages including liquor, beer or~~  
4 ~~wine for off premises consumption.~~

5 ~~(28)~~(27) The processing of Low-THC Cannabis for medicinal use  
6 by a State authorized Processing Facility, pursuant to  
7 F.S. §381.496, Ch. 64-4, F.A.C, and meeting the performance  
8 standards and development criteria set forth in Part 4.

9 ~~(29)~~(28) The dispensing of Low-THC Cannabis for medicinal use  
10 by a State authorized Processing Facility, pursuant to  
11 F.S. §381.496, Ch. 64-4, F.A.C, and meeting the performance  
12 standards and development criteria set forth in Part 4.

13 \* \* \*

14 (c) *Permissible uses by exception.*

15 \* \* \*

16 (13) An establishment or facility which includes the retail  
17 sale of all alcoholic beverages, not in conjunction  
18 with a restaurant, including liquor, beer or wine for  
19 on-premises consumption.

20 (14) Manual car wash.

21 (15) Indoor gun ranges meeting the performance standards  
22 and development criteria set forth in Part 4.

23 (16) An establishment or facility which includes the retail  
24 sale of all alcoholic beverages including liquor, beer  
25 or wine for off-premises consumption. An application  
26 for exception made pursuant to this provision for off-  
27 premises consumption shall only be heard by City  
28 Council.

29 \* \* \*

30 **SUBPART D. COMMERCIAL USE CATEGORIES AND ZONING DISTRICTS**

31 \* \* \*

1           Sec. 656.321 - Business Park Category.

2                           \* \* \*

3 A. *Primary zoning districts.* The primary zoning districts shall  
4 include the following:

5                           \* \* \*

6 I. *Industrial Business Park (IBP) District.*

7                           \* \* \*

8 (c) *Permissible uses by exception.*

9                           \* \* \*

10           (5) Retail sales of all types of merchandise, service  
11 establishments including restaurants, and the retail sale  
12 and service of alcoholic beverages ~~for either~~ on-premises  
13 ~~or off-premises~~ consumption or both. The aforementioned  
14 shall not exceed 50 percent of the building of which it is  
15 a part.

16           (6) Retail sales of all types of merchandise, service  
17 establishments including restaurants, and the retail sale  
18 and service of alcoholic beverages for off-premises  
19 consumption or both off-premises and on-premises  
20 consumption. The aforementioned shall not exceed 50  
21 percent of the building of which it is a part. An  
22 application for exception made pursuant to this provision  
23 for off-premises consumption shall only be heard by City  
24 Council.

25           ~~(6)~~(7) Animal hospitals, veterinary clinics, animal boarding  
26 places, dog parks.

27           ~~(7)~~(8) Outside storage subject to the performance standards  
28 and development criteria set forth in Part 4.

29           ~~(8)~~(9) Fitness centers.

30                           \* \* \*

31           Sec. 656.322 - Light Industrial Category.

1 \* \* \*

2 A. *Primary zoning districts.* The primary zoning districts shall  
3 include the following:

4 \* \* \*

5 II. *Industrial Light (IL) District.*

6 \* \* \*

7 (c) *Permissible uses by exception.*

8 \* \* \*

9 (5) Retail sales and service of all alcoholic beverages for  
10 ~~either off-premises consumption or on-premises consumption~~  
11 ~~or both.~~

12 (6) Retail sales and service of all alcoholic beverages for  
13 off-premises consumption or both off-premises and on-  
14 premises consumption. An application for exception made  
15 pursuant to this provision for off-premises consumption  
16 shall only be heard by City Council.

17 ~~(6)~~(7) Retail sales including outside display.

18 ~~(7)~~(8) Yard waste composting facility including the mulching  
19 process, meeting the performance standards and development  
20 criteria set forth in Part 4.

21 ~~(8)~~(9) Indoor facilities operated by a licensed pari-mutuel  
22 permitholder, adult arcade amusement centers operated by a  
23 licensed permitholder, or game promotions or sweepstakes  
24 utilizing electronic equipment, meeting the performance  
25 standards and development criteria set forth in Part 4,  
26 drawings by chance conducted in connection with the sale  
27 of a consumer product or service utilizing electronic  
28 equipment, meeting the performance standards and  
29 development criteria set forth in Part 4, and similar  
30 uses.

31 ~~(9)~~(10) Manual car wash.



1 \* \* \*

2 **Sec. 656.324 - Water Dependent-Water Related Category.**

3 \* \* \*

4 A. *Primary zoning districts.* The primary zoning districts shall  
5 include the following:

6 \* \* \*

7 I. *Industrial Water (IW) District.*

8 \* \* \*

9 (c) *The following uses are permitted by right within an*  
10 *Industrial Sanctuary or otherwise permissible by exception.*

11 \* \* \*

12 (1) A commercial or industrial use that can be demonstrated  
13 to be directly related to port activities, including  
14 retail sale and service of alcoholic beverages for either  
15 on-premises consumption ~~or off-premises consumption, or~~  
16 both, ~~not otherwise provided for.~~

17 (2) A commercial or industrial use that can be demonstrated  
18 to be directly related to port activities, including  
19 retail sale and service of alcoholic beverages for off-  
20 premises consumption, or both off-premises and on-  
21 premises consumption, not otherwise provided for. An  
22 application for exception made pursuant to this provision  
23 for off-premises consumption shall only be heard by City  
24 Council.

25 ~~(2)~~(3) Outdoor storage of scrap or processed scrap generated  
26 through scrap processing.

27 ~~(3)~~(4) Utility plants.

28 ~~(4)~~(5) Water-related recreation facilities.

29 ~~(5)~~(6) Commercial Marinas.



1 ~~(6)~~(7) Churches, including a rectory and similar uses, meeting  
2 the performance standards and development criteria set  
3 forth in Part 4.

4 ~~(7)~~(8) Essential services, including water, sewer, gas,  
5 telephone, radio and electric, meeting the performance  
6 standards and development criteria set forth in Part 4.

7 \* \* \*

8 **SUBPART E. MISCELLANEOUS CATEGORIES AND ZONING DISTRICTS**

9 \* \* \*

10 **Sec. 656.331 - Agriculture.**

11 \* \* \*

12 A. *Primary zoning districts.* The primary zoning districts shall  
13 include the following:

14 \* \* \*

15 I. *Agriculture (AGR) District.*

16 \* \* \*

17 (c) *Permissible uses by exception.*

18 \* \* \*

19 (15) Sale and service of alcoholic beverages for on-premises  
20 ~~or off-premises~~ consumption in conjunction with a  
21 permitted or permissible use.

22 (16) Sale and service of alcoholic beverages for off-premises  
23 consumption in conjunction with a permitted or  
24 permissible use. An application for exception made  
25 pursuant to this provision for off-premises consumption  
26 shall only be heard by City Council.

27 ~~(16)~~ (17) Sawmills.

28 ~~(17)~~ (18) Bait and tackle shops, commercial hunting or fishing  
29 camps.

1 ~~(18)~~ (19) Yard waste composting facility including the  
2 mulching process, meeting the performance standards and  
3 development criteria set forth in Part 4.

4 ~~(19)~~ (20) School buses meeting the performance standards and  
5 development criteria set forth in Part 4.

6 ~~(20)~~ (21) Retail outlets for live plants, fresh fruits and  
7 vegetables grown on premises, feed, fertilizer and other  
8 farm supplies. Retail outlets for live plants, fresh  
9 fruits and vegetables shall not be on lots or parcels  
10 having road frontage of less than 200 feet.

11 ~~(21)~~ (22) Day care centers meeting the performance standards  
12 and development criteria set forth in Part 4.

13 \* \* \*

14 **Sec. 656.332 - Public Buildings and Facilities Category.**

15 \* \* \*

16 A. *Primary zoning districts.* The primary zoning districts shall  
17 include the following:

18 \* \* \*

19 II. *Public Building and Facilities-2 (PBF-2) District.*

20 \* \* \*

21 (c) *Permissible uses by exception.*

22 \* \* \*

23 (5) Sale and service of alcoholic beverages for on-premises  
24 ~~or off premises~~ consumption in conjunction with a  
25 permitted of permissible use by exception.

26 (6) Sale and service of alcoholic beverages for off-  
27 premises consumption in conjunction with a permitted of  
28 permissible use by exception. An application for  
29 exception made pursuant to this provision for off-  
30 premises consumption shall only be heard by City Council.



1 effective upon signature by the Mayor or upon becoming effective  
2 without the Mayor's signature.

3 Form Approved:

4

5 /s/ Paige Hobbs Johnston

6 Office of General Counsel

7 Legislation Prepared By: Paige H. Johnston

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