

1 Introduced by Council Members Becton, Diamond, Salem, Bowman,  
2 Wilson, Freeman, and DeFoor and Co-Sponsored by Council Members  
3 Ferraro, Morgan, Cumber, Hazouri, Priestly Jackson, R. Gaffney,  
4 Carlucci, Pittman, Newby, White and Boylan:  
5

6 **RESOLUTION 2020-254**

7 A RESOLUTION SUPPORTING ECONOMIC RECOVERY FOR  
8 RESTAURANTS, BARS AND RETAIL ESTABLISHMENTS;  
9 REQUESTING SUSPENSION OF ENFORCEMENT OF THE  
10 ZONING CODE FOR CERTAIN OUTSIDE USES AND SALES  
11 OF ALCOHOL FOR OFF PREMISES CONSUMPTION;  
12 REQUESTING ONE CYCLE EMERGENCY PASSAGE;  
13 PROVIDING AN EFFECTIVE DATE.  
14

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

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

21 **WHEREAS**, on March 13, 2020, Mayor Lenny Curry declared a state  
22 of emergency for the City of Jacksonville as a result of COVID-19;  
23 and

24 **WHEREAS**, since March 13, 2020, various local and state orders  
25 have closed, restricted occupancy, or otherwise suspended on-  
26 premises activities of restaurants, bars and retail establishments  
27 to protect the people of the State of Florida and the City of  
28 Jacksonville from the dangers of COVID-19; and

29 **WHEREAS**, on March 20, 2020, Governor DeSantis issued Executive  
30 Order 20-71 allowing vendors licensed to sell alcoholic beverages  
31 for consumption on premises to sell alcoholic beverages in sealed

1 containers for consumption off premises, and suspending Florida  
2 Statutes prohibiting a specially licensed food service  
3 establishment from selling package sales of alcohol for delivery,  
4 take-out or consumption off premises, through the expiration of the  
5 state of emergency declared in Executive Order 20-52, including any  
6 extensions, subject to certain conditions contained therein; and

7 **WHEREAS**, the City of Jacksonville is committed to supporting  
8 restaurants, bars and retailers, and their employees, as they  
9 pursue creative business practices that safely serve consumers  
10 during this temporary period of social distancing; and

11 **WHEREAS**, suspending enforcement of Chapter 656 of the City of  
12 Jacksonville Ordinance Code (Zoning Code) for certain uses related  
13 to restaurants, bars and retail establishments will help local  
14 businesses recover from the economic losses suffered during this  
15 emergency, while providing more flexibility for social distancing;  
16 now, therefore

17 **BE IT RESOLVED** by the Council of the City of Jacksonville:

18 **Section 1. Suspending Enforcement.** The City Council  
19 hereby requests suspension of enforcement of the Zoning Code during  
20 the local or state emergencies, whichever is longer, for the  
21 following uses, subject to the limitations stated herein and  
22 limitations in any local or state order:

23 (a) Outside retail display and sales of all merchandise,  
24 subject to the following limitations:

25 (1) The outside area shall be contiguous to the retail  
26 location.

27 (2) The outside area shall not adversely impact the use  
28 of a sidewalk or right of way.

29 (3) No amplified music or other sounds are permitted.

30 (b) Outside sale and service of food and outside seating for  
31 licensed restaurants, subject to the following limitations:

1 (1) The outside area shall be contiguous to the licensed  
2 restaurant.

3 (2) The outside area shall not adversely impact the use  
4 of a sidewalk or right of way.

5 (3) No amplified music or other sounds are permitted.

6 (c) Outside sale and service of alcohol (beer, wine or  
7 liquor), subject to the following limitations:

8 (1) The outside area shall be contiguous to an existing  
9 licensed facility or establishment.

10 (2) The outside area shall not adversely impact the use  
11 of a sidewalk or right of way.

12 (3) The outside area shall be no greater than the inside  
13 area licensed for sale and service of alcohol.

14 (4) The outside area shall be surrounded by a temporary  
15 barrier at least three and a half feet high; provided, that the  
16 temporary barrier may be broken by up to two entranceways no more  
17 than four feet wide each.

18 (5) No amplified music or other sounds are permitted.

19 (d) Sale of all alcohol (beer, wine or liquor) by a licensed  
20 facility or establishment for off premises consumption (also known  
21 as "package sales").

22 **Section 2. Enforcement to Protect the Public's Health,**  
23 **Safety and Welfare.** The City Council hereby requests continued  
24 enforcement of the Zoning Code during the local or state  
25 emergencies, whichever is longer, for the above uses if the  
26 suspension requested in Section 1 would harm the public's health,  
27 safety or welfare.

28 **Section 3. No Private Property Rights Established.** No  
29 private property rights are established for the above uses due to  
30 any suspension of enforcement of the Zoning Code during the local  
31 or state emergencies. All property owners, tenants and operators

1 shall continue to comply with any other applicable laws, rules or  
2 regulations not addressed in this Resolution.

3           **Section 4. Requesting One Cycle Emergency Passage**  
4 **Pursuant to Council Rule 4.901 Emergency.** One cycle emergency  
5 passage of this legislation is requested. The nature of the  
6 emergency is that the durations of the local and state emergencies  
7 related to COVID-19 are unknown and as such, limitations on  
8 occupancy and other operations in restaurants, bars and retail  
9 establishments may continue for some time.

10           **Section 5. Effective Date.** This Resolution shall become  
11 effective upon signature of the Council President and the Council  
12 Secretary.

13  
14 Form Approved:

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16           /s/ Shannon K. Eller          

17 Office of General Counsel

18 Legislation Prepared By: Shannon K. Eller

19 GC-#1363939-v1-Outdoor\_Enforcement