

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

January 7, 2021

The Honorable Tommy Hazouri, President
The Honorable Michael Boylan, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2020-704**

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairperson Boylan and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

Planning Commission Recommendation: **Approve**

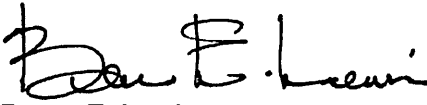
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 6-0

Joshua Garrison, Chair	Aye
Dawn Motes, Vice Chair	Absent
David Hacker, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Ian Brown	Aye
Alex Moldovan	Absent
Jason Porter	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
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Jacksonville, FL 32202
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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 2020-704

AN ORDINANCE AMENDING CHAPTER 656 (ZONING CODE), ORDINANCE CODE, PART 11 (ADULT ENTERTAINMENT AND SERVICE FACILITIES) TO AMEND SECTION 656.1108 (RESERVED) TO ESTABLISH FACILITY STANDARDS FOR ADULT BOOKSTORES, ADULT MOTION PICTURE THEATERS AND ESTABLISHMENTS CONTAINING ADULT MOTION PICTURE BOOTHS; PROVIDING FOR AN EFFECTIVE DATE.

I. GENERAL INFORMATION

This bill amends the Zoning Code to establish facility standards for adult bookstores, adult motion picture theaters and establishments containing adult motion picture booths.

II. EVALUATION

A. The need and justification for the change

The Zoning Code establishes locational requirements for adult entertainment facilities, but does not establish performance standards and development criteria. This bill adds standards and criteria to Part 11 of the Zoning Code as this is the part of the Zoning Code regulating adult entertainment facilities.

B. Consistency with the Comprehensive Plan.

The only reference to adult entertainment in the Comprehensive Plan is that adult entertainment is only allowed by right in the CCG-2 zoning district. Adding performance standards and criteria does not conflict with the Comprehensive Plan.

III. RECOMMENDATION

The Planning and Development Department recommends that **Ordinance 2020-704** be **APPROVED**.

1 Introduced by Councilmember Cumber:
2
3

4 **ORDINANCE 2020-704**

5 AN ORDINANCE AMENDING CHAPTER 656 (ZONING
6 CODE), ORDINANCE CODE, PART 11 (ADULT
7 ENTERTAINMENT AND SERVICE FACILITIES) TO AMEND
8 SECTION 656.1108 (RESERVED) TO ESTABLISH
9 FACILITY STANDARDS FOR ADULT BOOKSTORES, ADULT
10 MOTION PICTURE THEATERS AND ESTABLISHMENTS
11 CONTAINING ADULT MOTION PICTURE BOOTHS;
12 PROVIDING FOR AN EFFECTIVE DATE.
13

14 **Section 1. Amending Chapter 656 (Zoning Code), Part 11**
15 **(Adult Entertainment and Service Facilities), Section 656.1108**
16 **(Reserved), Ordinance Code.** Chapter 656 (Zoning Code), Part 11
17 (Adult Entertainment and Service Facilities), Section 656.1108
18 (Reserved), *Ordinance Code*, is hereby amended to read as follows:

19 **CHAPTER 656. ZONING CODE.**

20 * * *

21 **PART 11. ADULT ENTERTAINMENT AND SERVICE FACILITIES.**

22 * * *

23 **Sec. 656.1108 - ~~Reserved.~~ Physical requirements for adult**
24 **bookstores, adult motion picture theaters and facilities containing**
25 **any adult motion picture booths.**

26 In addition to any other requirements contained in the Code,
27 unless otherwise exempted, each adult bookstore, adult motion
28 picture theater and any facility containing any adult motion
29 picture booths, as such terms are defined in Chapter 150, Ordinance
30 Code, shall meet each of the requirements of this Section.

31 (a) The premises shall conform to the requirements of the

1 Building Code, except to the extent that a requirement in the
2 Building Code conflicts with a special requirement contained in
3 this Part, then the Building Code provisions shall control but only
4 to the extent of the conflict.

5 (b) The premises shall conform to the requirements of the
6 Fire Protection Code, except to the extent that a requirement in
7 the Fire Protection Code conflicts with a special requirement
8 contained in this Part, then the Fire Protection Code shall control
9 but only to the extent of the conflict.

10 (c) In erecting, installing, maintaining, altering or
11 operating any sign permitted by this Chapter, the premises shall
12 conform to the applicable requirements of Chapters 326 and 656.

13 (d) The premises shall have each and every glass area that
14 faces a public thoroughfare or through which casual passersby can
15 see the material or activity inside the premises, covered over by
16 black paint or other opaque covering; provided, that this
17 requirement shall not apply if the uncovered glass area exposes to
18 public view only a lobby or anteroom containing no adult material.

19 (e) The premises shall conform to the requirements of F.S.
20 Ch. 381 and the rules and regulations of the State Department of
21 Health made pursuant thereto, and for this purpose shall be deemed
22 to be a place serving the public for the purpose of sanitary
23 facilities; provided, that when more than one license is issued for
24 a single location, they shall collectively be considered as one
25 premises for the purposes of sanitary facilities if customers may
26 circulate freely throughout the entire area of the premises.

27 (f) In all cases wherein the occupant capacity, as determined
28 by the Chief, Fire Prevention, is at least 50 persons, exclusive of
29 attendants and assistants, the premises shall have electric,
30 battery-operated, emergency lights using reliable-type storage
31 batteries provided with suitable maintenance in properly charged

1 condition; provided, that dry batteries shall not be used; and
2 further provided, that electric storage batteries shall be approved
3 by the Chief, Fire Prevention for their intended use and shall
4 comply with the National Electrical Code (NFPA-70); and further
5 provided, that the provisions of this subsection shall not apply to
6 adult motion picture theaters which are open-air theaters designed
7 to permit viewing by patrons seated in automobiles.

8 (g) Except for adult motion picture theaters which are open-
9 air theaters designed to permit viewing by patrons seated in
10 automobiles, all premises shall have an entrance room or lobby,
11 i.e., the room which is entered from the outside, and sanitary
12 facilities as set forth in subsection (e) of this Section. The
13 entrance room or lobby may be as large or as small as the licensee
14 chooses.

15 (h) All other rooms in premises must either:

16 (1) Be not less than 1,000 square feet in area; or

17 (2) Be clearly marked in letters not less than two
18 inches in height, "No Customers or Patrons Allowed."

19 (i) Except for sanitary facilities, no doorway or entranceway
20 within any premises shall be locked at any time a customer is
21 anywhere within the premises or at any time the premises are open
22 to the public unless customers or patrons are prohibited at all
23 times from going into the rooms or areas behind such doorways or
24 entranceways and provided such doors are marked as set forth in
25 paragraph (h) (2) of this Section.

26 (j) At least one doorway into or out of the premises shall be
27 unlocked at any time a customer is anywhere within premises or at
28 any time the premises are open to the public.

29 (k) Except for an adult motion picture theater, all rooms
30 open to the public in the premises shall be lighted such that the
31 light intensity at every point 30 inches above the floor is not

1 less than one-half footcandle.

2 (l) The Sheriff shall have access to all rooms at all times
3 any premises are open to the public. Premises are irrebuttably
4 presumed to be open at any time a customer is on the premises. This
5 access shall be for inspection purposes only.

6 (m) No room other than a sanitary facility or room marked as
7 set forth in subsection (h)(2) of this Section shall have any
8 dividers or partitions or any other thing in excess of three feet
9 in height which blocks the view of any portion of the room.

10 (n) Private rooms are prohibited within the premises.

11 (o) Enclosed adult motion picture booths are prohibited
12 within the premises.

13 (p) Adult entertainment, as defined within the definition of
14 adult entertainment establishment in Chapter 150, Ordinance Code,
15 is prohibited within the premises.

16 (q) Nude entertainment, as defined in Chapter 150, Ordinance
17 Code, is prohibited within the premises.

18 (r) No room within the premises shall have its doorway or
19 threshold blocked or obscured by doors, curtains, drapes or any
20 other obstruction unless the room is (1) a sanitary facility, (2)
21 the room is an adult motion picture theater in which movies are
22 projected onto a screen, or (3) a room marked as set forth in
23 paragraph (h)(2), hereinabove.

24 **Section 2. Effective Date.** This ordinance shall become
25 effective upon signature by the Mayor or upon becoming effective
26 without the Mayor's signature.

27 Form Approved:

28 /s/ Susan C. Grandin

29 Office of General Counsel

30 Legislation prepared by: Jason R. Teal

31 GC-#1397787-v1