

1 Introduced by Council Members Becton, Diamond, Salem, Bowman,
2 Wilson, Freeman and DeFoor & Co-Sponsored by Council Members
3 Ferraro, Morgan, Cumber, Hazouri, Priestly Jackson, Gaffney,
4 Carlucci, Pittman, Newby, White and Boylan, and amended on the
5 Floor by Council:
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8 **RESOLUTION 2020-254-A**

9 A RESOLUTION SUPPORTING ECONOMIC RECOVERY FOR
10 RESTAURANTS, BARS AND RETAIL ESTABLISHMENTS;
11 REQUESTING SUSPENSION OF ENFORCEMENT OF THE
12 ZONING CODE FOR CERTAIN OUTSIDE USES AND SALES
13 OF ALCOHOL FOR OFF PREMISES CONSUMPTION;
14 REQUESTING EMERGENCY PASSAGE UPON
15 INTRODUCTION; PROVIDING AN EFFECTIVE DATE.
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17 **WHEREAS**, on March 1, 2020, Governor DeSantis issued Executive
18 Order 20-51 directing the Florida Department of Health to issue a
19 Public Health Emergency as a result of COVID-19; and

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

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

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

1 **WHEREAS**, on March 20, 2020, Governor DeSantis issued Executive
2 Order 20-71 allowing vendors licensed to sell alcoholic beverages
3 for consumption on premises to sell alcoholic beverages in sealed
4 containers for consumption off premises, and suspending Florida
5 Statutes prohibiting a specially licensed food service
6 establishment from selling package sales of alcohol for delivery,
7 take-out or consumption off premises, through the expiration of the
8 state of emergency declared in Executive Order 20-52, including any
9 extensions, subject to certain conditions contained therein; and

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

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

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

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

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

28 (1) The outside area shall be contiguous to the retail
29 location.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **Section 3. No Private Property Rights Established.** No

1 private property rights are established for the above uses due to
2 any suspension of enforcement of the Zoning Code during the local
3 or state emergencies. All property owners, tenants and operators
4 shall continue to comply with any other applicable laws, rules or
5 regulations not addressed in this Resolution.

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

13 **Section 5. Effective Date.** This Resolution shall become
14 effective upon signature of the Council President and the Council
15 Secretary.

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17 Form Approved:

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19 /s/ Shannon K. Eller

20 Office of General Counsel

21 Legislation Prepared By: Shannon K. Eller

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