

## ORDINANCE 2021-04

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) SECTION 7.01.01 TO ALLOW FOR THE USE OF PAVERS AND CIRCULAR DRIVEWAYS WITHIN THE PUBLIC RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach applied for a LDC text amendment to modify Section 7.01.01 to allow for the use of pavers and circular driveways within the public right-of-way; and

WHEREAS, the City Commission adopted a unified LDC on September 5, 2006, which became effective October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development; and

WHEREAS, the Planning Advisory Board (PAB), acting as the City's Local Planning Agency, considered this text amendment application at its August 12, 2020 meeting, and issued a recommendation of approval;

WHEREAS, notice of public hearing on such Land Development Code amendment was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on July 22, 2020.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT. The City Commission finds that the amendment attached hereto as Exhibit "A," amending LDC Section 7.01.01 Access and Driveway Design Requirements.

SECTION 2. SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall become effective immediately upon enactment.

ENACTED this 16<sup>th</sup> day of March, 2021.

CITY OF FERNANDINA BEACH

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MICHAEL A. LEDNOVICH  
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



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CAROLINE BEST  
City Clerk

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TAMMI E. BACH  
City Attorney

**ORDINANCE 2021-04**  
**EXHIBIT “A”**

**LDC Section Reference: 7.01.01 Driveway**

**Rationale:** Codifying the use of architectural pavers within City right of way and clarifying the use of alternative materials in Old Town.

**Existing Language with Revisions:**

**7.00.00 GENERALLY**

This chapter sets forth the requirements regarding the provision of public facilities and requirements to ensure that public facilities are available when needed to provide service to development.

**7.01.00 TRANSPORTATION AND PARKING FACILITIES**

**7.01.01 Access and Driveway Design Requirements**

The following standards shall apply to all driveways or access points from a lot or parcel onto a public street:

- A. The maximum number of access points for a lot is set forth in Table 7.01.01(A).
- B. Platted lots of record on the effective date of this LDC which have fewer frontages than required in Table 7.01.01(A) shall be allowed one (1) access point.
- C. No point of access shall be allowed within 100 feet of the intersection of the centerlines of any public street, except for single-family dwellings located on local streets intersecting with a local street, where the minimum separation shall be fifty (50) feet.
- D. Access ways or driveways for corner lots shall be located on the street with the lower functional classification.
- E. Driveways shall comply with the following standards:
  - a. Residential driveways shall be a minimum of ~~twelve (12)~~ ten (10) feet in width and a maximum of twenty (20) feet in width. Circular driveways may be permissible not to exceed 10 feet in total width for each section.
  - b. Non-residential driveways shall be twenty-five (25) feet in width; when two (2) or more uses share a driveway, the width may be increased to thirty-five (35) feet. When a landscaped median is provided, the total width shall not exceed fifty (50) feet.
  - c. The minimum inside turning radius shall be fifteen (15) feet. No part of the turning radius shall extend over the property line.
- F. Concrete ~~shall~~ must be 3,500 PSI with fiber and six (6) inches in depth in all rights-of-way or architectural pavers (including brick, stone and other paver materials) furnished and installed according to the American Society for Testing and Materials (ASTM) standards and as approved by the City’s Streets Facilities Department. Driveway connections located within Old Town will be designed to conform to the standard of the adjoining right-of-way with use of alternative materials.
  - a. If in the event the City of Fernandina Beach or authorized utility company must make repairs in the City right-of-way which requires removal or results in damage to architectural paver driveways, the property owner is solely responsible for the repair and replacement of said pavers at their own expense.

- G. The alley and driveway easements are to the property line of structures served and are not required inside the property line.
- a. For residential subdivisions on any local roadway, a secondary access may be provided through an easement for emergency vehicles.
  - b. For residential subdivisions on a cul-de-sac;
  - c. The maximum number of lots shall be limited to twenty (20); and
  - d. The maximum length of the cul-de-sac shall be limited to 800 feet.
- H. No curbs shall be cut or altered, and no points of access or openings for vehicles onto a public street shall be established, without a permit issued by the City.
- I. All driveways shall be designed and constructed to comply with all drainage standards of the City and shall be improved with a permanent paving material.
- J. Approval from FDOT or the County is required for any accessway or driveway onto a road under their jurisdiction. Driveway connections are required to meet the standards and requirements for compliance under guidance of FDOT or the County.