

ORDINANCE 2023-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) TO SUPPORT COMMERCIAL DEVELOPMENT AND REDEVELOPMENT OPPORTUNITIES, AND TO ALLOW REASONABLE REINVESTMENT IN EXISTING COMMERCIAL PROPERTIES BY ADDING DEFINITIONS IN SECTION 1.07.00 (ACRONYMS AND DEFINITIONS) FOR ADAPTIVE REUSE, DEVELOPMENT AND DEVELOPMENT ACTIVITY, INFILL DEVELOPMENT, REDEVELOPMENT, AND GREENFIELD DEVELOPMENT; AND AMENDING SECTION 6.04.01 STANDARDS FOR LARGE SCALE COMMERCIAL DEVELOPMENT SPECIFICALLY CHANGING POLICIES FOR MAXIMUM GROSS FLOOR AREA, CREATING ALLOWANCE FOR EXPANSION OF NON-CONFORMING STRUCTURES, PARKING MATERIALS, LOADING DOCKS; AND AMENDING SECTION 7.01.04(C)(2) PARKING LOT DESIGN REQUIREMENTS, PARKING MATERIALS; AND AMENDING SECTION 7.01.06 LOADING SPACE STANDARDS AND DESIGN AND ADDING CRITERIA FOR REDEVELOPMENT PROJECTS; AND MODIFYING SECTION 10.01.02 TO ALLOW REASONABLE EXPANSION OF NON-CONFORMING COMMERCIAL DEVELOPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach has applied for an LDC text amendment to modify multiple Land Development Code Sections to support commercial development and redevelopment opportunities, and to allow for reasonable reinvestment in existing commercial properties, and

WHEREAS, the City Commission adopted a unified Land Development Code (LDC) on September 5, 2006, which became effective on 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 held public hearings on March 08, 2023 and April 12, 2023, to discuss and consider public comment on the requested LDC Text Amendments;

WHEREAS, the Planning Advisory Board (PAB), acting as the City's Local Planning Agency, considered the application at its Regular Meeting on Wednesday, April 12, 2023, and issued a recommendation of approval for the requested amendments; and

WHEREAS, notice of public hearing on such Land Development Code amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 29, 2023.

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 amendments attached hereto as Exhibit A, amending multiple LDC Sections to support commercial development

and redevelopment opportunities and to allow for reasonable reinvestment in existing commercial properties.

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 1st day of August, 2023.

CITY OF FERNANDINA BEACH

BRADLEY M. BEAN
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

Date of First Reading Advertisement (PAB): April 12, 2023

Date of First Reading and Public Hearing: May 16, 2023

Date of transmittal proposed amendments to State Land Planning Agency: June 7, 2023

Date of Compliance Report Received from State Land Planning Agency: June 27, 2023

Date of Second Reading Advertisement: July 19, 2023

Date of Second Reading and Public Hearing: August 1, 2023

Date of transmittal adopted amendments to State Land Planning Agency: Completed after 2nd Reading

ORDINANCE 2023-25
EXHIBIT “A”

CHANGES TO CHAPTER 1

1.07.00 DEFINITIONS

Adaptive Reuse means the renovation and reuse of pre-existing structures for new purposes.

Development and Development Activity has the meaning in 380.04, F.S.

Infill Development means development of vacant parcels or unused lands within previously built areas.

Redevelopment means demolition of an existing structure(s) followed by construction of new structure(s).

Greenfield Development: development on vacant, undeveloped parcels.

CHANGES TO CHAPTER 6

6.04.00 COMMERCIAL DEVELOPMENT

6.04.01 Standards for Large Scale Commercial Development

Large scale commercial development is commercial development with 20,000 or more square feet of gross floor area in all buildings on the site. The design standards set forth below apply to large scale commercial development.

A. Commercial development includes a single, freestanding building or a group of buildings. Commercial development ~~shall~~ **must** have a unified design and a management plan to ensure continual compliance with an approved site plan.

B. Commercial buildings may be occupied by one (1) or more **business** tenants ~~or owners~~.

C. Commercial buildings ~~shall~~ **must** be designed to ensure adaptability for reuse. The building design ~~shall~~ **must** include specific elements for adaptation for multi-tenant reuse. Such elements may include compartmentalized construction, including plumbing, electrical service, heating, ventilation, and air conditions. The building design ~~shall~~ **must** also allow for interior subdivision into separate tenancies.

D. Development may be proposed on a single parcel, or two (2) or more parcels. Where a single development is proposed that includes two (2) or more parcels, the development ~~shall~~ **must** be under unified control and management. Proof of unified control and management ~~shall~~ **must** be provided to the City.

E. Greenfield development: The maximum gross floor area for **a single business in any new commercial building is not permitted to exceed 55,000 square feet** ~~and all buildings within commercial development shall not exceed 80,000 square feet.~~, except for lodging accommodations in the C-1, C-2 and I-A zoning districts. Lodging Accommodations in the C-1, C-2, and I-A zoning districts ~~shall~~ **must** not exceed 150,000 square feet.

F. **Nonconforming Commercial Properties:** ~~A single business tenant or owner in an existing nonconforming commercial property is permitted to expand the structure at no greater than 15% of the existing structure's footprint.~~ (from 1st Reading) REPLACE WITH "If a single business in a nonconforming commercial property exceeds the 55,000 square feet allowance, they can expand their existing structure once, up to 15% of the current gross floor area. This expansion applies to properties undergoing redevelopment, including demolition and rebuilding. Any future redevelopment of the same structure is restricted to the previous one-time expansion, regardless of whether the expansion used the full 15% limit. These limitations ensure controlled development and prevent multiple expansions without constraint."

(re-formatting of each subsection to follow G-R)

G.F. The standards for buffers in Section 4.05.0512 ~~shall~~ **must** apply on the perimeter of the development parcel. Buffers ~~shall are not be~~ required between uses on the interior of the development parcel. This does not relieve the applicant from meeting all landscaping requirements that may apply to the total site or parking areas within the site.

H.G. Where two (2) or more buildings are proposed within the development site, such buildings ~~shall~~ **must** be connected by sidewalks or pedestrian pathways. Pedestrian facilities ~~shall~~ **must** meet the following standards:

1. Decorative pavers, bricks, scored concrete, or paving patterns ~~shall~~ **must** be used to identify pedestrian areas.
2. At least one (1) internal continuous sidewalk ~~shall~~ **must** be provided from an adjacent public street to the primary entrance ~~shall~~ **must** the commercial development.
3. Sidewalks or walkways shall connect focal points of pedestrian activity, such as street crossings, building entrances, plazas, or courtyards.
4. Landscaping ~~shall~~ **must** be located adjacent to pedestrian areas to provide separation.
5. All internal pedestrian walkways shall be physically separated from parking lot aisles, driveways, and other vehicular areas.

H. Each building on a commercial development site ~~shall~~ **must** have clearly defined, highly visible customer entrances, featuring no less than two (2) of the following features:

1. Arcades;
2. Arches;
3. Canopies or porticos;
4. Cupolas;
5. Overhangs;
6. Recesses or projections;

7. Architectural details, such as tile work or molding, which is integrated into the building structure and design; or
 8. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- I. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, ~~shall~~ **must** be screened from view from public rights-of-way through one (1) of the following methods:
1. Where equipment is at ground level, screening may be provided through landscaping sufficient to block the view from public rights-of-way; or
 2. Where brick, wood, or masonry materials are used to screen the equipment or devices, the materials ~~shall~~ **must** be the same as the predominant exterior building materials for the principal building on the site.
- J. Street level retail uses with sidewalk frontage ~~shall~~ **must** provide an entrance to the building from the sidewalk in addition to any other access that may be provided to the building.
- K. The following accessory uses and structures ~~shall~~ **must** be integrated into the overall design of the site to ensure that visual and other impacts of these uses are fully contained or enclosed and out of view from adjacent properties and public streets. These uses and structures ~~shall~~ **must** be designed to blend with the principal building through the use of color, building materials, and architectural features, to ensure that no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal material of the building and landscape:
1. Loading docks;
 2. Truck parking;
 3. Outdoor storage;
 4. Outdoor shopping cart storage areas;
 5. Utility meters;
 6. HVAC equipment;
 7. Dumpsters (See Section 5.01.07); and
 8. Other similar service facilities and functions.
- L. Building design requirements:
1. Facades that are 100 or more feet in length ~~shall~~ **must** provide wall projections or recesses a minimum of three (3) feet in depth and a minimum of twenty (20) contiguous feet long within each 100 feet of facade length.
 2. Arcades, display windows, entry areas, or awnings ~~shall~~ **must** be provided along at least sixty (60) percent of the façade.
 3. A repeating pattern of color, texture, or materials is required.
 4. Brick, wood, or masonry materials shall be used.
 5. The roofline ~~shall~~ **must** have a change in height every 100 feet of building length.
 6. Parapets, mansard roofs, gable roofs, hip roofs, or dormers ~~shall~~ **must** be used to conceal flat roofs and roof top equipment from public view.

M. All exterior lighting ~~shall~~ **must** be shielded and directed such that there is no direct illumination of adjacent properties.

N. Gasoline canopies and automotive service facilities that are accessory to the principal building shall be compatible with the design of the principal building:

1. Materials, colors, building designs, architectural features, and roof design ~~shall~~ **must** conform with and compliment the predominant materials, colors, and design of the principal building.

2. Lighting ~~shall~~ **must** be flush mount, flat lens fixtures for all under canopy fueling areas.

O. Parking ~~shall~~ **must** not exceed 110 percent of the parking standard set forth in Section 7.01.04. ~~At least twenty (20) percent of the required parking shall be provided in pervious pavement, grass, gravel, turf block, or similar material.~~

P. At least twenty (20) percent of areas dedicated to parking and drive aisles must incorporate alternate paving materials such as: decorative pavers, bricks, scored concrete, or paving patterns.

QP. Loading docks ~~shall~~ **must** be screened from view from adjacent properties and from the public right-of-way. Loading docks **for all new development shall must** be setback a minimum of 100 feet from any lots zoned for residential use. **Loading docks for redevelopment or adaptive reuse projects are permitted to be setback a minimum of 40 feet from any lots zoned for residential use.**

CHANGES TO CHAPTER 7

7.01.00 TRANSPORTATION AND PARKING FACILITIES

7.01.04 Parking Standards and Lot Design

C. Parking lot design requirements

* * * * *

~~2. Parking Material: All new and redeveloping properties shall incorporate the use of pervious parking materials for a minimum of 75% of the required parking. Pervious parking materials that require regular maintenance through activities such as, vacuum sweeping, must demonstrate their ability to perform regular maintenance of the site. Pavement systems must be maintained in a smooth, well-graded, and drained condition. Parking materials may consist of standard paving, pavers and alternate paving systems. Use of grass or alternate lawn surface as parking material may be considered for up to one-third (1/3) of the required off-street parking facilities. All accessible spaces must comply with all requirements set by ADA. (Rewritten as follows)~~

2. Parking Material: At least twenty (20) percent of new parking areas and drive aisles must incorporate alternate paving materials such as: decorative pavers, bricks, scored concrete, or paving patterns. Use of grass or alternate lawn surface as parking material may be considered for up to one-third (1/3) of the required off-street parking facilities.

All accessible spaces must be designed and maintained to comply with all requirements set by ADA. Large-scale commercial development must conform to the standards set forth in section 6.04.01