

ORDINANCE 2014-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, REVISING CHAPTER 1 SECTION 1.07.00, CHAPTER 5 SECTIONS 5.01.03 AND 5.01.11, CHAPTER 7 SECTION 7.01.04, CHAPTER 9 SECTION 9.01.04, AND CHAPTER 11 SECTION 11.05.01; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code 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, Staff has maintained a log of inconsistencies and/or inadequacies encountered during implementation of the Code and proposed changes to correct identified issues; and

WHEREAS, the City's planning staff have reviewed the proposed changes for consistency with the City's Comprehensive Plan and Land Development Code and finds the request sufficiently compliant to be approved at this time; and

WHEREAS, the proposed amendments will specifically modify the following chapters and sections of the Land Development Code including Chapter 1 Section 1.07.00, Chapter 5 Sections 5.01.03 and 5.01.11, Chapter 7 Section 7.01.04, Chapter 9 Section 9.01.04, and Chapter 11 Section 11.05.01; and

WHEREAS, the Planning Advisory Board has reviewed the suggested amendments in a public session on April 9, 2014 and has issued a recommendation of approval subject to identified modifications proposed at the meeting; and

WHEREAS, notice of public hearing on such amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 26, 2014.

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

SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, attached hereto as Exhibit "A".

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

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

ADOPTED this 3rd day of June, 2014.

CITY OF FERNANDINA BEACH

EDWARD E. BONER
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

ORDINANCE 2014-15
EXHIBIT "A"

Chapter 1

Section 1.07.00 Definitions

Clinic, Medical or Dental shall mean an establishment where patients, who may be kept overnight, are admitted for examination and ongoing treatment by one (1) person or a group of persons practicing any form of healing or health services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropractists, naturopaths, optometrists; dentists or any such profession, the practice of which is lawful in the State of Florida and may include surgical centers or outpatient facilities.

Office, business or professional shall mean *an* office for such operations as real estate agencies, advertising agencies (not sign manufacturing), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau, abstract and title insurance companies, management consultants, stockbroker, and the like; or an office for the use of a person or persons generally classified as professionals such as architects, engineers, attorneys, accountants, lawyers, dentists, physicians' offices (not including surgical centers or outpatient facilities and whose patients are not kept overnight), veterinarians (not including overnight boarding of animals on the premises), psychiatrists, psychologists, and the like.

Chapter 5

5.01.03 All Accessory Structures

- A. There shall be a permitted principal structure in full compliance with all development standards and requirements of this LDC prior to issuance of a permit for an accessory structure. This provision shall not be construed to prohibit the establishment of an accessory structure simultaneously with the establishment of a permitted principal structure.
- B. Permissible accessory uses by zoning district are identified in Table 2.03.03.
- C. There shall be no more than one (1) detached accessory dwelling and not more than a total of two (2) other detached accessory buildings on a lot.
- D. An accessory structure shall not be located within or partially within any public right-of-way.
- E. Accessory structures shall be shown on any site plan with full supporting documents as required by this LDC.
- F. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff requirements.
- G. Accessory structures shall not be located in any required buffer, landscape area, or stormwater management area.
- H. A detached accessory building in a residential zoning district shall be set back from the side lot line a minimum of three (3) feet, except within the C-3 zoning district whereby the building standards set forth in Section 4.02.03(E) shall apply.
- I. A detached accessory building shall not be closer than three (3) feet to the rear lot line except within the C-3 zoning district whereby the building standards set forth in Section 4.02.03(E) shall apply.
- J. A detached accessory building shall not exceed twenty-five (25) feet in height or exceed a maximum building footprint of 625ft².
- K. Connection of an accessory structure to a principal structure may be permissible if the connection is non-conditioned, unenclosed, and meets all principal structure setback requirements. A half wall, knee wall, or railings may be permitted as part of the connection.

5.01.11 Swimming Pools and Pool Enclosures

- A. All pools shall provide fencing or enclosures in compliance with the requirements of the Florida Building Code.
- B. A screen enclosure may be installed instead of, or in addition to, a fence or wall, provided that the screen enclosure meets all the following requirements:
 - 1. A pool screen enclosure shall be set back from the side lot line a minimum of three (3) feet;
 - 2. A pool screen enclosure shall not be closer than three (3) feet to the rear lot line and shall not be required to comply with the setback from a rear lot line as set forth in Section 4.02.03(E); and
 - 3. A pool screen enclosure shall not exceed twenty-five (25) feet or the height of the principal structure, whichever is lower.

Chapter 7

7.01.04 Parking Standards and Parking Lot Design

- A. Parking space requirements
 - 1. Minimum off-street vehicular parking spaces shall be provided at the time of the construction of the principal building or at the time of the conversion of a building having a previously existing use to a more intensive use of the same property.
 - 2. The minimum number of parking spaces shall conform to the standards in Table 7.01.04(A).
 - 3. Due to the nature and character of the central business district, the provision of off-street parking will not be required, except for lodging accommodations and bed and breakfast inns. For these uses, the off-street parking requirements shall be satisfied within 1,000 feet of the property involved and as otherwise required under this chapter.
 - 4. Calculation of required parking
 - a. Where floor area determines the amount of off-street parking required, the floor area of a building shall be the sum of the gross horizontal areas of every floor of the building, using exterior wall dimensions.
 - b. For places of public assembly, the number of seats shall be the maximum occupancy load established for the building by the Fire Marshal.
 - 5. Requirements for off-street parking for uses not specifically mentioned in this chapter shall be the same as required for the use most similar to the one sought.
 - 6. Any development adjacent to a public beach access shall be prohibited from interfering in any manner with the public use of the beach access, including but not limited to blocking the parking, removing parking, or interfering with the normal flow of traffic within the beach access area.
 - 7. Off-street parking may not exceed 10% of the required parking amount on any site.
 - 8. Up to two (2) on-site internal non-illuminated signs per business may be allowed to designate specific on-site parking areas. Signs are exempt from permitting requirements and are limited to four (4) square feet and no tall than eight (8) feet.

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B. Parking Flexibility – This section recognizes that minimum parking requirements, in certain circumstances, may result in excess provision of parking. Excess parking supply results in the inefficient use of land at the expense of additional landscaped areas, civic space, enhanced site design or building area and the reduction in subsequent tax revenue and employment opportunities. Therefore, off-street parking requirements may be met through additional and alternative measures provided in this subsection. These measures shall be requested during site plan review.

- 1. Shared Parking Provisions

- a. Shared parking may be applied when land uses have different parking demand patterns and can use the same parking spaces/areas throughout the day or night. Shared parking may also be applied when an existing development can demonstrate excess parking. Factors evaluated to establish shared parking arrangements shall include operating hours, seasonal/weekly/daily peaks in parking demand, the site's orientation, location of access driveways, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, and availability of parking spaces.
- b. Shared parking is subject to an agreement that addresses the following:
 1. The agreement is valid only as long as the conditions described in the application for the shared parking exist, the City must be a party identified in the agreement requiring a signature from the City Manager, and the agreement must be in a form acceptable to the City Attorney recorded with the Nassau County Clerk of Courts.
 2. A copy of the recorded agreement shall be submitted to the City Attorney and City Manager within ten (10) days of its recording.
2. Off-Site Parking – Up to 50% of the overall required parking may be met in off-site parking areas through a shared parking agreement. The off-site parking area must be located within 600 feet walking distance of the structures' nearest public entrance. A pedestrian connection providing a safe, well lighted walking environment shall be required. No more than two (2) off-site non-illuminated signs per business shall be allowed in order to designate or direct use of off-site parking spaces. Signs are exempt from permitting requirements and are limited to four (4) square feet and no taller than eight (8) feet.

Chapter 9

9.01.04 Removal and Vacancies

- A. When a position on a board or commission becomes vacant before the end of the term, an alternate member shall fill the vacancy.
- B. When no alternate member is available to fill a vacancy, the City Commission shall appoint a member to fill the vacancy for the duration of the term.
- C. When the unexpired term is two (2) months or less, the City Commission may appoint a new member to fill the unexpired term and the following full term.
- D. A member who moves outside the City or no longer meets eligibility requirements for membership shall be removed immediately.
- E. Any member who has three (3) unexcused absences at the board's regular meetings in one (1) calendar year shall be subject to removal. An excused absence shall be granted if the board member notifies City Staff at least 24 hours in advance of the regularly scheduled board meeting or the board member is absent due to illness, family or work-related emergency, mandated court appearance, or observance of a religious holiday.

Chapter 11

11.05.01 Compliance with Local Development Orders and Development Permits

- A. All construction of buildings, structures, and systems shall comply with the construction or installation permit and the procedures and requirements of the Florida Building Code.
- B. Construction of facilities and improvements described in a local development order shall be performed in strict compliance with the approved local development order and any development permits (other than permits issued pursuant to the Florida Building Code).
- C. Any deviation from the local development order and subsequent development permits shall require additional review of the change to the plans by the City and shall receive approval prior to commencement of work. (See Section 11.06.00 regarding amendments to approved local development orders.)

- D. Upon completion of improvements, the applicant shall provide record drawings sealed by an engineer, licensed in the State, certifying that the actual construction conforms to the approved site plan(s), subdivision plats, or improvements plans.
- E. All improvements required by this LDC shall be designed, installed, and paid for by the developer. Such improvements may include, but are not limited to, transportation facilities, potable water facilities, sewer facilities, stormwater and drainage facilities, and recreation facilities. Improvements shall be guaranteed as set forth in Section 11.05.02.
- F. All improvements as approved through either a Local Development Order or an official building permit shall be inspected by the City. The applicant shall notify the City of commencement and completion of the following, for purposes of scheduling and conducting inspections:
 - 1. Clearing and grubbing;
 - 2. All utilities prior to backfilling;
 - 3. All concrete structures when steel is in place, prior to pouring;
 - 4. Stabilized sub-grade;
 - 5. Curb and concrete work;
 - 6. Roadway or parking lot base;
 - 7. Wearing surface during application; and
 - 8. The water and hydrant system.
- G. In cases of construction of facilities dedicated to the public, the owner shall be responsible for maintenance for a period of two (2) years following completion of the construction and approval of the construction by the City. Upon completion of the maintenance period, the owner shall advise the City in writing requesting final inspection for perpetual maintenance by the City. Final acceptance shall not be given until all necessary repairs have been completed and an engineer, licensed in the State, provides a final certificate of completion to the City.
- H. Acceptance of a final plat shall be deemed acceptance by the City of the public improvements and public areas dedicated to the City. The final plat shall not be accepted by the City Commission until all required performance and maintenance guarantees as set forth herein have been posted by the Developer. The acceptance of dedications for public purpose shall be permanently affixed to the face of the final plat (See Section 11.01.05.)
- I. Upon completion of construction of the improvements, the applicant shall provide the following:
 - 1. A letter stipulating that the construction of the improvements has been completed and requesting final inspection and approval;
 - 2. The testing reports and certificates of compliance from material suppliers;
 - 3. As-built construction plans; and
 - 4. Certification from a professional engineer, licensed in the State, that the improvements have been constructed in conformity with the approved construction plans and specifications.
- J. Upon receipt and review of the items listed in Section 11.05.01(I) above, and after satisfactory final inspection, a certificate of completion shall be issued by the City Manager.
- K. Grading, fill, or tree removal permits may not be issued prior to the issuance of a Local Development Order or building permit, whichever occurs first.