

ORDINANCE 2015-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, REVISING CHAPTER 4 SECTIONS 4.01.01, 4.02.01 (J), 4.02.03(3), 4.02.03 (A), 4.02.03 (E), AND 4.04.04 (H); 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 4 Sections 4.01.01, 4.02.01(J), 4.02.03 (3), 4.02.03 (A), 4.02.03 (E), 4.04.04 (H); and

WHEREAS, the Planning Advisory Board has reviewed the suggested amendments in a public session on October 8, 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 September 24, 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 17<sup>th</sup> day of February, 2015.

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 2015-01  
EXHIBIT “A”

4.01.00 DENSITY AND HOUSING STANDARDS

4.01.01 Density and Housing Types

Table 4.01.01. Density and Housing Types in Base Zoning Districts.

Zoning District	Maximum Gross Density (dwelling units per acre)	Permissible Housing Types
RE	1.0	Single-family detached
R1-G	4.0	Single-family detached
R-1	4.0	Single-family detached
RLM	6.0	Single-family detached
R-2	8.0	Single-family detached Duplex structures Triplex structures Townhouses
R-3	10.0	Single-family detached Duplex structures Triplex structures Townhouses Multi-family structures with 4 or more units
OT-1	10.0	Single-family detached
OT-2	10.0	Single-family detached
MU-1	8.0	Single-family detached Duplex structures Triplex structures Townhouses Mixed use
C-1	Prohibited	
C-2	Prohibited	
C-3	8.0	Single-family detached Multi-family structures or mixed use
I-1	Not permitted as a principal use <sup>1</sup>	
I-A	Not permitted as a principal use <sup>1</sup>	
I-W	Not permitted as a principal use <sup>1</sup>	
W-1	2.0 with bonus potential to 4.0	Single-family within mixed use
PI-1	Not permitted as a principal use <sup>1</sup>	
CON	Not permitted as a principal use <sup>1</sup>	
REC	Prohibited	

<sup>1</sup>An accessory dwelling unit is permissible for caretakers or security personnel. See Section 5.01.04.

Table 4.02.01(J). Design Standards for Lots

Zoning District	Minimum Lot Width (ft.)	Maximum Impervious Surface Ratio for Lots (%)	Maximum Floor Area Ratio for Lots (%) (Note 1)
RE	100	75	50
R1-G	75	75	50
R-1	50 or 75 Note 2	75	50
RLM	50	75	50
R-2	50 Note 4	75	50
R-3	50	75	50
OT-1	46.5	Note 7	50

<b>Zoning District</b>	<b>Minimum Lot Width (ft.)</b>	<b>Maximum Impervious Surface Ratio for Lots (%)</b>	<b>Maximum Floor Area Ratio for Lots (%)</b> (Note 1)
OT-2	46.5	Note 7	50
MU-1	50	75	50
C-1	50	75	50 Note 6
C-2	50	75	50
C-3	25	75 Note 3	200
I-1	75	75	50
I-A	75	75	50
I-W	75	75	75
W-1	25	75	75
PI-1	50	75 Note 5	50
CON	NA	5	NA
REC	NA	75	NA

- Notes:
1. For RE, R-1, R-2, R-3, OT-1, and OT-2, the FAR standard applies to any permissible commercial uses.
  2. The minimum lot width for lots platted prior to the effective date of this LDC is fifty (50) feet. The minimum lot width for lots platted on or after the effective date of this LDC is seventy-five (75) feet.
  3. The maximum impervious surface ratio within the “Central Business District” land use, as depicted on the Future Land Use Map, may be 1.00 where the application is for redevelopment of a lot that is developed with 100% impervious surface. Where the application is for new development of a vacant lot, the maximum impervious surface on the lot may be 100% where stormwater facilities are available and have sufficient capacity to accept the runoff from the lot.
  4. Development is permissible on lots which were platted before the effective date of this LDC and have a minimum width of twenty-five (25) feet.
  5. Proposed development on lots within the “Recreation” land use, as depicted on the Future Land Use Map shall not exceed 0.25 impervious surface ratio.
  6. Lots located within 800 feet of the Mean High Water Mark of the Atlantic Ocean shall be permitted a maximum FAR of 1.50, as long as the FAR for all General Commercial lots in the City, combined, does not exceed an overall FAR of 0.50.
  7. Refer to ~~Section 4.02.07 of this Chapter~~ **Chapter 8 Section 8.01.01.02** for maximum lot coverage.

**4.02.03 Standards for Buildings and Building Placement**

**A. Encroachment**

1. A yard created by the setbacks set forth in this section shall not be considered a yard for any other building.
2. Every part of a required yard shall be open and unobstructed from its lowest point to the sky, except as set forth in Section 4.02.03(A) (3), (4), (5) and (6) below.
3. Front entry steps may encroach into a minimum front yard up to forty-two (42) inches.
4. The following building features may project into a minimum yard up to twenty-four (24) inches: sills, belt courses, cornices, buttresses, ornamental features, chimneys, and eaves.
5. The following building features may project into a minimum rear yard up to forty-two (42) inches: open or enclosed fire escapes, outside stairwell, and balconies.
6. Wooden decks and porches with a finished floor level of 12” or less from natural grade **or non-covered open air balconies** are permissible encroachments into required yard spaces, subject to the following:
  - a. A five (5) foot minimum setback is required for all side and rear yards.
  - b. For front yards, wooden decks **and non-covered open air balconies** shall comply with the front yard setbacks specified for each zoning district.
  - c. For installation of a wooden deck on varying topography, the floor level may be allowed to reach a maximum of 24” from natural grade to accommodate stairs and topographical impracticalities.

7. Mechanical equipment may be located within the side or rear yard setback, but not closer than five (5) feet to side or rear yard lot lines.
  8. Specific requirements for fences and signs are outlined in Sections 5.01 and 5.03.
- B. On double-frontage lots, the designated front yard shall be determined by the City.

- C. Standards for building height:
1. Building height shall be measured from the approved finished grade, to the highest point on the structure.
  2. Calculation of maximum height shall not include appurtenances or attachments such as chimneys, elevator shafts, antennas, decorative architectural features, steeples, air conditioning equipment enclosures, cupolas, weather vanes, and other similar minor building features. All ornamental features which are exempt from the maximum height shall not be habitable.
  3. The following structures shall not be subject to height limits: telecommunications towers, flagpoles, and City-owned water towers.
- D. Buildings shall comply with the standards in Table 4.02.03(E) set forth below:

**Table 4.02.03(E). Standards for Building Heights and Setbacks**

Zoning District	Maximum Building Height (ft.) <sup>1</sup>	Minimum Setback			
		Front (ft.)	Side <sup>2</sup>	Rear (ft.)	Corner Lot (side abutting street) (ft.) <sup>3</sup>
RE	35	25	10% of lot width	25	15
R1-G	35	25	10% of lot width	25, 50 feet for fairway lots	15
R-1	35	25	10% of lot width	25	15
RLM	35	25	10% of lot width	25	15
R-2	35	25	10% of lot width	20	15
R-3	45	25	10% of lot width	20	15
OT-1	35	See specific standards in Section 4.02.07.			
OT-2	35	See specific standards in Section 4.02.07.			
MU-1	35	25 None	10 feet None <sup>4</sup>	10	10
C-1	45	25 None	None <sup>4</sup>	10	10
C-2	45	None	None	None	None
C-3	45	None	None	None	None
I-1	45 <sup>5</sup>	None	None	None	None
I-A	45	None	None	None	None
I-W	35	None	None	None	None
W-1	See specific standards in Section 4.03.03.				
PI-1	45	25	10	10	10
CON	25	None	None	None	None
REC	25	None	None	None	None

1. A building on any lot within 800 feet of the mean high water line of the Atlantic Ocean shall not exceed thirty-five (35) feet in height.
2. Each side yard setback shall be increased by one-half (½) foot for each one (1) foot, or fraction thereof, of building heights above twenty-five (25) feet.
3. Buildings shall not encroach into the required clear visibility triangle at intersections, as set forth in Section 7.01.08.
4. Where access is provided from an alley or public street to the rear of the principal building, no side yard setback is required. Where such access is not available, one (1) side yard shall be a minimum of ten (10) feet. Any other side yard shall have a minimum side yard setback of zero (0) feet.
5. Rayonier and Smurfit Stone are exempt from the height regulation for Mill operations.

#### 4.04.04 Requirements for Infrastructure

The following basic utilities shall be provided to each lot within a subdivision:

- A. A source of electric power.
- B. A telephone service cable.
- C. Central potable water. Each lot shall have and maintain central water service meeting City standards and provided at the developer's or property owner's expense. If central potable water is not available, the property owner shall install water lines in compliance with City standards.
- D. Central sanitary sewer. Each lot shall have and maintain central sanitary sewer service meeting City standards and provided at the developer's or property owner's expense. If central sanitary sewer is not available, the property owner shall install sewer lines in compliance with City standards.
- E. Lines for delivery of reclaimed water to each lot, in compliance with City standards.
- F. Fire hydrants or fire protection shall be provided as required by the National Fire Prevention Code. Fire hydrant systems shall be installed and made usable prior to any combustibles being brought onto the construction site.
- G. Streets and sidewalks designed and constructed for public use according to the standards and requirements of Chapter 7. Street signs, markers, and traffic signs and signals to control and circulate traffic within the street pattern shall comply with the *Florida Uniform Manual of Traffic Control Devices*, published by the FDOT.
- H. Street and common area lighting meeting City standards and provided at the developer's or property owner's expense. Decorative lighting is preferred. Lighting required for safety shall be located to avoid obstruction between the light fixtures and the area to be illuminated.
  - a. All street lights installed shall be in accordance with the Illuminating Engineer Society of North America recommended values based on the pavement classification.