



AGENDA  
PLANNING ADVISORY BOARD  
REGULAR MEETING  
WEDNESDAY, JUNE 8, 2016  
**5:00 P.M.**  
CITY HALL COMMISSION CHAMBERS  
204 ASH STREET  
FERNANDINA BEACH, FL 32034

**1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**

**2. APPROVAL OF MEETING MINUTES**

**2.1. REVIEW AND APPROVE MAY 11, 2016 REGULAR MEETING MINUTES**

**Documents:** [2016 05-11 PAB RM Minutes Draft.pdf](#)

**3. OLD BUSINESS**

**3.1. 2016-09: CONSERVATION AND COASTAL MANAGEMENT ELEMENT UPDATES**

Referred back to the PAB for review of a change regarding Environmentally Sensitive Lands as contained and highlighted on Page 17 of the attached document.

The intent of this change is to provide clarity with respect to the Comprehensive Plan direction provided in policy 5.03.13. Additional language is proposed to read as follows:

*"In accordance with Comprehensive Plan Policy 5.03.13, it is the City's intention that hazardous materials or waste shall not be stored within the floodplain. Existing and permissible Commercial and Industrial uses which utilize or create such materials as a part of normal operations shall store them outside of the floodplain or store them within storage facilities designed in accordance with floodplain construction standards as established by the National Flood Insurance Program (NFIP) and Federal Emergency Management Agency (FEMA)."*

All other changes were previously reviewed by the Planning Advisory Board at their regular meeting held on April 13, 2016.

**Documents:** [Ordinance 2016-09 LDC Text Amendments\\_Conservation and Coastal Management Element Updates\\_Prep for PAB 060816\\_1.pdf](#)

**4. NEW BUSINESS**

**5. BOARD BUSINESS**

**5.1. DISCUSS PORT MASTER PLAN AND COMPREHENSIVE PLAN INCONSISTENCIES FOR OHPA REVIEW**

Ocean Highway and Port Authority (OHPA) has requested that the PAB provide a specific list of inconsistencies between its Master Plan and the City's Comprehensive Plan. The purpose of this discussion is to prepare items, as requested, prior to scheduling a joint meeting with the City and OHPA.

**5.2. REVIEW DOCUMENTS AND UPDATES PROPOSED BY THE TREE AND**

## **LANDSCAPE SUBCOMMITTEE FOR HEAVY INDUSTRY**

To provide an update and advance review of documents prior to bringing amendments back before the PAB, as anticipated in July. The Airport Advisory Committee (AAC) will take a look at the amendments at their next regular meeting. Associated mapping to depict the new zoning district Heavy Industrial/ I-2 and the revision to the airport property itself is still being drafted.

**Documents:** [CHAPTER 2\\_Proposed Updates\\_PABSUBCOMRECC.pdf](#), [PAB SUB COM RECC\\_041916.pdf](#), [Sam Lane Changes to Chapter 2\\_AAC REVIEW NEEDED.PDF](#)

### **5.3. DISCUSS RESORT RENTALS**

This item was requested for discussion at the PAB regular meeting on May 11, 2016. Staff will provide requested analysis at the meeting.

### **6. STAFF REPORT**

### **7. COMMENTS BY THE PUBLIC**

### **8. ADJOURNMENT**

**THE NEXT REGULAR MEETING IS SCHEDULED FOR  
WEDNESDAY, JULY 13, 2016 AT 5:00 PM.**

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact (904) 310-3115 or through the Florida Relay Services at 711 at least 24 hours in advance to request such accommodations.

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.

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**1. Call to Order** - The meeting was called to order at 5:05 pm.

**2. Roll Call/Determination of Quorum**

**Board Members Present**

Judith Lane, Chair  
Charles Rogers  
David Beal  
Eric Lawrence (alternate)

Mark Bennett, Vice-Chair  
Chris Occhuizzo  
Jon Lasserre (was detained)  
Jamie Morrill (alternate)

**Board Members Absent**

Chip Ross

**Others Present**

Kelly Gibson, City Planner  
Tammi Bach, City Attorney  
Sylvie McCann, Recording Secretary

Member Morrill and Member Lawrence were seated as regular voting members for this meeting due to the absence of Member Lasserre and Member Ross.

**2.1 Review and Approve April 13, 2016 Regular Meeting Minutes** – The Minutes were deferred until the next meeting.

**3. New Business**

**3.1. 2016-08: LAND USE AND ZONING CHANGE REQUEST FOR 2100 S. FLETCHER AVENUE FROM MDR/R-2 TO HDR/R-3** – Ms. Gibson reported the applicant is the property owner at 2100 South Fletcher who was requesting to change to high density residential R-3 zoning. She provided a history on resort rentals in the City (weekly rentals) as outlined in the staff report, which are only allowed on R-3 zoned properties. She also pointed out there are properties that are “grandfathered” that are not in R-3 zoned locations that have maintained a valid resort rental dwelling with permit and management license. She stated the applicant was requesting this change to pursue the use as a resort rental, and briefly explained this was the applicant’s only venue to obtain the status and operate as a resort rental. She pointed out the surrounding uses around this property including within the block there are two “grandfathered” resort rental properties (2159 and 2158 South Fletcher). She referred to the Comprehensive Plan and reminded the board that land uses strive to protect the integrity and stability of established residential areas from encroachment of incompatible development. She stated looking at the requested amendment and given the nature of the remaining block the request can be viewed as a logical extension of a new zoning district. She pointed out across the road at Sadler there are commercial properties that are right against R-3 zoned properties. She stated in this case there is not a point of distinction like what exists on the other side of Sadler Road. She explained because of the established nature of the land use and zoning she issued a recommendation of denial of the applicant’s request; however given the fact that there are commercial properties immediately surrounding it and fronting 1<sup>st</sup> Avenue it would make sense if this entire block on both sides wanted to pursue R-3 zoning rather than taking a piecemeal approach rezoning one lot at a time.

Member Lasserre arrived at this time.

There was a brief discussion about the properties that are “grandfathered” to do resort rental and a comment was made that a few properties that are doing it illegally. Ms. Gibson pointed out the City goes after where they have found illegal rentals to make sure they understand the regulations. Member Bennett inquired why the City was unable to modify how this particular regulation is applied beyond the current laws. Ms. Gibson replied in doing so that would violate the Florida Statutes, which say the City cannot restrict vacation rentals in any form. Member Bennett noted that doing away with the current regulation would allow resort rentals in all residential zoning. There was some discussion about this, and it was noted this was not spot zoning because it is a transitional zoning category between commercial and R-2.

Member Bennett inquired if going to R-3 increases density. Ms. Gibson replied it increases density for that particular piece of property. Chair Lane noted the applicant mentioned the house next to him, and inquired if that was “grandfathered” in. Ms. Gibson replied it was “grandfathered” for a period of time, and that lapsed in 2013. City Attorney Bach clarified with being “grandfathered” they have to keep up that permit and it cannot lapse more than 180 days otherwise they would lose the grandfathering. Member Beal questioned how many units could be put on that site. It was noted the property was 50 feet wide by 988 feet long, and potentially they could put a duplex on the property.

Chair Lane briefly commented about civility and requested there be no clapping, etc.

Mr. Charles Burns, 2100 South Fletcher Avenue, explained in 2000 the City passed the Resort Rental Ordinance, which didn't have any automatic update or sunset built in. He commented over 16 years things change. He stated in 2011 to encourage tourism the State passed the Statute that Ms. Gibson talked about. He noted years ago there was talk about changing the Resort Rental Ordinance, but the neighborhoods were threatened and the City Commission didn't move forward. He pointed out on the map that his property was the first house south of the Sadler development area and showed on the map the Amelia Beach Club, which is a venue for parties/weddings on the weekends. He briefly commented about changes in the area including the second floor for Sliders and the open deck area for the Hammerhead. He stated there is clearly a market for weekly rentals in this community, and the City Commission just turned down the opportunity to create more hotel locations. He explained we want tourists and we have to put them somewhere. He commented he thought about the idea of changing the whole block, but he was not designing a town from scratch so he decided to ask for this one piece. He stated there is no plan to build anything else, because he just wants a weekly rental certificate. He referred the question about spot zoning and expressed his opinion that this was the tiered zoning that we should have from Commercial to R-3 to R-2.

Member Lawrence questioned if Mr. Burns was selling the property. Mr. Burns explained his family has owned the property since 1972 and last year they put the property on the market. He stated everyone that calls about the property asks if they can do weekly rentals. Member Lawrence inquired if Mr. Burns has found the value of the property has been diminished by not being to provide short-term rental. Mr. Burns stated it hasn't sold so he would just be speculating. There was some discussion about this.

The public hearing was opened at this time.

Mr. Chuck Hall, 315 Calhoun Street, referred to the Coastal Construction Control Line (CCCL) and inquired if that line is near this property. He commented building a new building might be totally mute if that line runs across that property. Ms. Gibson clarified just because the line runs through it doesn't mean you cannot build on it. She stated you would have to go through the Department of Environmental

Protection (DEP) for permitting of any structures seaward of the CCCL. She presented an aerial showing where the CCCL falls for this property.

Mr. Steve Simmons, 1822 Highland Drive, stated he was in favor of this zoning and that he was the owner of the property across the street at 2105 South Fletcher. He noted the City has always been conscious of abutting residential property with commercial, and planning staff tries to properly down step zoning into residential areas. He briefly related an example from the past to illustrate how the City was concerned about spot zoning. He commented we have to look where we are with Mr. Burns' property, and this would be a good move to down step the zoning from commercial into a higher density residential. He pointed out he saw that his office had been moved to R-2 and the single-family behind his office was now Commercial, but he hasn't found out how his property was switched back to residential as an active user of Commercial. He expressed his opinion there was some housekeeping that could be done in that area around A Street south of Sadler Road, which would buffer the Commercial from the Residential and be more user friendly.

Mr. Lynn Williams, 1899 South Fletcher, expressed his support of the proposed zoning change. He commented his house was the last R-3 going north from Sadler Road and it goes to R-1 north of his house. He pointed out it wasn't a major change being talked about, and it was a logical step down. He concurred with Mr. Burns that the neighborhood has changed, and expressed his opinion that it would be better to allow short-term rentals to take off the commercial push. He suggested the board support this change.

Chair Lane explained her concern was like that of staff that one property was not going to make much of a buffer. She also questioned where it would stop. Mr. Burns replied he talked to the neighbor two houses down (year round resident) and he was fine with it. He pointed out on the west side of the street it was all rentals. Chair Lane inquired how long it would take to hand this to the rest of the homeowners in that block. Ms. Gibson explained it would take writing letters to the individual property owners to get feedback about their willingness to go to a new zoning and land use category, but it does need to be directed by the City Commission to pursue that effort.

The public hearing was closed at this time. Member Beal inquired how many properties in that area are homesteaded. He stated he thought R-3 was a good transitional use just as it is on the north side of Sadler the way it steps down. There was a review of the properties that were homesteaded in the area. The board had some discussion about this case. A concern was raised about opening a door and whether it would be easier for other properties to do this. Another suggestion was for the City to revisit the resort rental aspect rather than changing the zoning. **A motion was made by Member Morrill, seconded by Member Occhuizzo, to recommend denial of PAB 2016-08 to the City Commission requesting the Future Land Use Map assignment of High Density Residential and Zoning Change to R-3 from Minimum Density Residential Land Use and R-2 Zoning as described; and that PAB 2016-08 as presented is not sufficiently compliant with the applicable Florida Statutes, Comprehensive Plan, and Land Development Code.** After a clarification of the motion on the floor, **vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Occhuizzo:	Aye
Member Rogers:	Nay
Member Beal:	Nay
Member Lasserre:	Nay
Member Morrill:	Aye
Member Bennett:	Aye

**Chair Lane:**

**Aye**

**Motion carried.**

Chair Lane suggested to staff since that area is beginning to change just like other areas of the City that if this was to be pursued to look at the rest of the block rather than one single property. Member Bennett suggested looking at all of Fletcher, because there are a number of people renting weekly that do not have permits. Ms. Gibson commented with that the board was suggesting looking at certain areas, segments, or all of South Fletcher because the City cannot modify the regulations otherwise. She stated South Fletcher could be looked at as a whole going to R-3 or picking and choosing. Member Lawrence suggested the City look at the Resort Rental Ordinance, and briefly related how when he lost the ability to do resort rental on his property he felt that it took value from his property. He expressed his opinion the City should do away with the Resort Rental Ordinance. Chair Lane commented that would put the City up in arms again. There was further discussion about this and it was brought up that this was something that should be studied and that the City should look for mindful development.

Ms. Gibson questioned if the City wanted to remove the restrictions of where you could have resort rental and open it up to all residential zoning would the City be able to regulate and require permits for it. City Attorney Bach replied no. Chair Lane pointed out not all of Fernandina Beach is a resort community, and commented the last time people came out who didn't want rentals in their particular neighborhoods. Ms. Gibson stated a Homeowners Association (HOA) can restrict resort rentals from occurring within it's covenants and restrictions. Chair Lane explained there are some areas that are not under a HOA, and those people were really angry. There was further discussion about the current regulations and that the City has some rentals grandfathered in, and if the City were to do away with it the City would be preempted by State law from enacting any new regulations. It was explained that it would be regulated by the Department of Business and Professional Regulations.

Mr. Steve Simmons, 1822 Highland Drive, questioned if Member Lawrence was suggesting doing away with the Ordinance or the resort rentals. Member Lawrence clarified that he thought it was an unjust way of impacting property values by allowing people that were grandfathered in to have this capacity, and others that may not be eligible to rezone to R-3 are impacted. He stated he didn't have a problem with short-term rentals, but the problem was that it was not evenly distributed. Mr. Simmons briefly explained the City had to put a Resort Rental Ordinance on the books in order to be able to properly regulate resort rental not only for the neighborhoods, but for people that were coming down for vacation. He pointed out there are two different agencies that regulate what goes on with the rental property. He expressed his opinion that the City needed to continue to regulate based on the Ordinance the City has. He provided further comments to the board about losing families that visit the island to vacation.

**3.2. 2016-13: COMPREHENSIVE PLAN AND LDC TEXT AMENDMENTS TO MODIFY DEFINITION OF NET DENSITY** - Ms. Gibson pointed out the application materials and the staff report were available on the website. She explained this was for property at Lime and 14<sup>th</sup> Street where someone was seeking to purchase the property from a bank in order to assemble land for commercial and residential uses. She stated their requested change was to modify the City's Comprehensive Plan and Land Development Code (LDC) definitions of net density to allow the net buildable land area to include wetlands and wetland transitional areas. She pointed out these areas are currently excluded from the calculations of net buildable land area, and therefore impacts how density is allocated to an individual piece of property. She explained this change would not be specific to an individual piece of property, but rather impacts how wetlands and wetland transitional areas are calculated for all properties containing

these features throughout the City. She commented the applicant's request was to have greater flexibility in design in order to preserve more wetlands on the property they are seeking to purchase. She reminded the board in March 2015 staff proposed a change to modify the definition of net density to strike wetlands and wetland transitional areas from the definition of net buildable land area. She explained providing that to be allowed as calculated as part of net density was to provide a balance for private property rights to utilize those land areas associated with the property in order to comply with the City's restrictions on impacting wetlands. She stated staff still felt this was a valid approach towards providing that balance. She referred to the Comprehensive Plan policy 5.08.07 and commented to her that is the strongest area where the applicant's request is consistent with the current Comprehensive Plan. She stated the LDC establishes a prohibition that no fill shall be placed in wetlands and that wetlands shall not be altered. She pointed out it further requires that a 25 foot buffer be provided around all wetland areas. She reminded the board that last month the PAB considered changes within Chapter 3 of the LDC and there is a reference in the environmentally sensitive land area portion of the new established objective 3.02 that contains the net land area definition and precludes wetlands and wetland transitional areas from being included within it. She stated the requested action upholds the City's preservation and protection requirements of wetlands. She commented modifying this allows it to be consistent with how you treat commercially zoned pieces of property that contain wetlands. She referred to the staff report and pointed out the properties that include wetlands. She explained the current definition of net density precludes any properties within the floodplains from being included as part the net buildable land area. She presented other properties west of First Avenue and provided further clarification that density would be calculated under the current definition excluding the portion that is wetland, which is determined by a survey done by a certified biologist. She also presented an area between Hickory Street and Dade Street to illustrate that even with the proposed change you cannot get that net buildable land area, because there is a floodplain issue. She explained she did an analysis of properties within the City that this regulation would be impacting, and this would not be opening it up to a large number of properties. She pointed out the City doesn't have a tremendous number of properties that are unplatted today residentially zoned and contain wetlands. There was some discussion about the information presented and it was noted that the vacant land area was about 3% of the City and the rest was County.

Ms. Gibson explained that staff was recommending approval of the request.

Member Occhuzzo inquired if this was presented to St. Johns Water Management District and they ruled that mitigation could apply. He noted this property was part City part County. City Attorney Bach replied yes and explained the property owner has a St. Johns Water Management District (SJRWMD) permit to fill the wetlands. Member Occhuzzo stated that Mr. Richardson met with him regarding this. He expressed his concern that this would affect other areas, because wetlands are not plentiful and they need to be preserved. He commented the plan presented to him seemed to preserve as much as could be preserved and avoid the problem of SJWMD mitigation. There was some discussion about the process this property went through with the Special Magistrate and it was noted the City Commission rejected the recommendation and said no filling of the wetland. The SJWMD permit was issued based on acreage and the portion in the City falls under the City's regulations. City Attorney Bach noted the plan was to put the improvements on the uplands if there is a density change to the Comprehensive Plan, and then a tiny bit of wetlands filled. She pointed out the County side was not addressed with regard to the City's regulations. She stated the expert testified that this was a level 6 out of 10 quality wetland (10 is the best quality).

Member Bennett questioned staff about maintaining development potential on the uplands portion of the property for approximately 55 dwelling units, and the conclusion was the requested action would not

increase the site's overall density. He questioned this because with the change they could do 224 units. Ms. Gibson explained the way that the Future Land Use Map (FLUM) depicts it does not depict a decrease in density tied to those potential wetland areas. She stated the map itself still shows the residential zoning (low density residential, medium density residential, high density residential, mixed use, central business district). She commented someone looking at that map layer it would appear that density exists for the parcel as a whole, but when you turn on the wetland layer that has been eliminated at that point. She pointed out this mapping capability is available digitally and is part of the mapping series that is on file with the State as part of the Comprehensive Plan. She explained that density was already allocated to those properties and restricted through the City's policies in terms of wetlands. She referred to the increase and clarified that staff was only analyzing the pieces of property that are in the City's limits under the current zoning. She pointed out the applicant would like to develop both in the City and in the County so together they would be developing the site, which would overall give you a higher number of units. She stated they would like to develop that property in a high density residential manner, but the property in the City is zoned R-2 (Medium Density Residential). She explained moving forward they would also like to have a FLUM amendment and zoning change to R-3 in order to get that total number of units. She commented as part of a water and sewer agreement for the project site they would have to come into the City.

Chair Lane inquired if this would have filled wetlands on the County side with a very high density, but not on the City side and then it's annexed after development. Ms. Gibson explained in order to move forward with development they need a water and sewer agreement. She stated that property is already contiguous to the City boundaries, so it would be an annexation and the assignment of land use and zoning would occur at that time. She pointed out that has to be developed as a full project site altogether not piecemeal. There was further discussion about this case and it was noted that the County's zoning on the property was Commercial. The board also had some discussion about the idea of having a development agreement.

Mr. Spurgeon Richardson, 18 Harrison Creek Road, representing the applicant, explained this is a unique property with 60% in the City and 40% in the County. He provided further details about this property as outlined in his PowerPoint presentation including plans for development of the property. He pointed out they weren't here to develop wetlands, but they were trying to figure out how to define this process. The presentation also included slides depicting the subject property that was medium density residential in the City (8 units per acre) and in the County was commercial. Mr. Richardson then showed the zoning maps for both the City and the County. He reviewed highlights of the order and the recommendation that it goes to SJRWMD. He stated the request was consistent with the Comprehensive Plan and approval would allow for protection of wetlands. He pointed out denial would be the first step of them moving forward in a direction that would not be in the best interest of the City. He explained they were trying to be good stewards of the land and of the City to create a win-win. It was noted that the commercial side of the development was approximately 2 acres (30,000 square foot building with different bays). There was some discussion about the information shown for this proposed amendment.

Mr. Richardson briefly explained one of the plans would allow them to do retention for the site so a pond would not have to be put in. Member Occhuzzo noted there was a choice A and a choice B (top plan and bottom plan). He questioned if the bottom plan was not as preferable because it would create more wetland damage. Mr. Richardson explained they have a district permit to do this, but they haven't done the engineering plans yet. He stated they didn't want to design something and then have to redesign it again. He expressed the opinion that they were zoned and permitted. He pointed out they are ready to move forward, but they need additional density and the piece in the County isn't zoned multi-family. He

commented they also want to be good stewards of the land and create a better solution that would work. Member Occhuzzo read a letter into the record from Mr. Ross expressing his opinion that the Comprehensive Plan should not be changed to accommodate a certain project, but should represent a fundamental change that will promote the health, welfare, and safety of our City. The letter also stated it appeared the Comprehensive Plan was being changed to accommodate a certain project, and that the proposed change diminishes wetland protection by increasing the intensity of adjacent activity. The board had further discussion about the proposed amendment with the applicant. It was noted Mr. Richardson asked Manzie & Drake to do a tree survey.

The public hearing was opened at this time.

Mr. Clinch Kavanaugh, 102 North 6<sup>th</sup> Street, commented for many years he has been highly critical and warned the City about the wetland Ordinance. He explained he believed it was unconstitutional, and pointed out there is a need to have a rational density ordinance to get this straightened out. He referred to Florida Statute Section 374.414(C)(1)(c) and stated they have a permit from St. Johns who has jurisdiction over this pursuant to Florida law so they could do plan B. He pointed out Mr. Richardson has a better idea and has worked with staff. He reminded the board the Comprehensive Plan says we want to preserve wetlands, and suggested the board work with Mr. Richardson with this unique piece of property that is in multiple jurisdictions. He provided further comments in support of this request that would preserve and enhance these wetlands.

Mr. Steve Simmons, 1822 Highland Drive, noted the concern on this property is the wetlands. He commented that history and research will show that this is a manmade wetland. He referred to the aerial and explained the mosquito control ditch was not put in as an effort to drain this property, but rather it went through the property as an open ditch. He commented it has very little opportunity to run and drain and function as it was designed. He pointed out he was involved with the property for the First Baptist Church, and in his files there was documentation to the County expressing concern of the entrapment of drainage coming into those properties behind the church that were not draining properly under 8<sup>th</sup> Street to the west. He provided further comments about the entrapment of water in this area, which has caused the wetland. He stated this area is the result of the development on 8<sup>th</sup> Street and 14<sup>th</sup> Street, and that the mosquito control ditch has never properly functioned as it should. He commented if Mr. Richardson can maintain and manage the wetlands as well as get in control of the mosquito control ditch to make it properly function it would be plus for the City. He pointed out it would bring in some of the housing the City needs, and expressed his opinion it would be a plus for the City and the wetlands. He provided further comments in support of this request.

Mr. Bob Howat, former PAB member, commented listening to this he thought the board was being mugged, because he thought the applicant was doing a job.

Ms. Margaret Kirkland, 1377 Plantation Point Drive, speaking for the Amelia Tree Conservancy, noted the project was permitted by SJRWMD and questioned if this was true. She commented she was told the City denied the results from the Special Magistrate and that the City was not obligated to do anything. City Attorney Bach replied the City does not agree that Statute preempts the City's wetlands regulations, and they would still have to come to the City to get the building permits. She stated like the bank told the City back then they have a lot of money invested in this property, and it was worth their while to see what a court says about that Statute. Ms. Kirkland inquired if this isn't resolved by the board and the City Commission would this go back to court. City Attorney Bach replied that is what the property owner's representative is telling us. Ms. Kirkland noted there has been a lot of discussion about utilizing the

property, and the underlying assumption is that every piece of property must be utilized or developed in some way. She stated this property is functioning as a wetland and it is serving the natural environment. She explained it is not necessary to go in and manipulate every piece of property on the island. She expressed her concern about the statement this won't affect many other properties. She stated the Amelia Tree Conservancy is concerned about changing the Comprehensive Plan in order to deal with one case. She commented more density around wetlands is going to result in damage to the wetlands. She provided further comments against the proposed amendments, and that the Amelia Tree Conservancy was 100% behind the City in terms of protecting wetlands.

Ms. Julie Ferreira, 501 Date Street, pointed out this wasn't about the plan for this piece of property. She stated the board was deciding the future of Fernandina's wetlands and marshland. She explained the Board of Adjustment (BOA) turned this project down and six months ago the City Commission turned it down. She commented that home rule does rule and the City doesn't have to defer to SJRWMD. She explained the plan is a pretty picture, but it is meaningless because there is absolutely no guarantee that the plan is going to be built. She provided further comments about the request and reminded the board they are making a decision on future City policy. She stated she would like to see the impact of what was in the County that will eventually be annexed, because that is what this decision is affecting. She referred to the requested increase in density and commented her understanding was the density bonuses were created for the waterfront and weren't meant to be applied across the City. Ms. Gibson explained there was not a density bonus program established for this property. She stated the applicants were seeking when they come in for annexation to go to high density residential land use at 10 units an acre. Ms. Ferreira noted this could be viewed as a conservation approach to development, but she questioned what would happen to all the other properties that would be impacted in the future. She urged the board to vote no on this request.

Ms. Ann Occhuzzo, 1585 Canopy Drive, reminded the board to not forget what they are voting on is not a plan to develop a piece of property, but rather a vote to change the Comprehensive Plan. She expressed her opinion that going forward property that is being annexed into the City would be under a different ruling, and it would not be good for the City.

Mr. Lynn Williams, 1899 South Fletcher, member of the BOA, briefly commented about this property that went to the BOA and then the City Commission went against the mediator's ruling. He stated this has gone from a small thing at the BOA where they denied one project, but now it has been broadened so if it goes ahead it would change the wetland Ordinance for the entire City. He explained when the BOA denied the variance it wasn't on a judgement of the Comprehensive Plan, but rather the local development codes. He pointed out the bank was adamant they would get their loan money back, and this was the result of that. He provided additional comments against the proposed amendments.

Ms. Connie Gulespie briefly explained she was looking to buy property here. She commented she had looked at properties in the Arbors, and was interested in the 17 acres behind it that she was told was wetlands and would stay wetlands. She stated when she researched it the County site says vacant residential instead of wasteland. She questioned if the land was in the County could the wetlands be filled in. She pointed out this area backs up to the City and if they build up that area it would flood the area. She commented if you change the whole Comprehensive Plan then there is more acreage involved than just this area.

The public hearing was closed at this time. Member Lawrence was seated as a voting member for this item due to Member Beal recusing himself from the vote. It was noted the proposed amendments change

the definitions of net density in both the Land Development Code (LDC) and the Comprehensive Plan. **A motion was made by Member Bennett, seconded by Member Rogers, to recommend denial of PAB 2016-13 to the City Commission requesting an amendment to the Comprehensive Plan and Land Development Code (LDC) to modify the definition of net density by striking wetlands and wetland transitional areas from being excluded as part of the net buildable land area as described; and that PAB 2016-13 as presented is not sufficiently compliant with applicable Comprehensive Plan and LDC to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

<b>Member Occhuizzo:</b>	<b>Aye</b>
<b>Member Rogers:</b>	<b>Aye</b>
<b>Member Lasserre:</b>	<b>Nay</b>
<b>Member Lawrence:</b>	<b>Nay</b>
<b>Member Morrill:</b>	<b>Nay</b>
<b>Member Bennett:</b>	<b>Aye</b>
<b>Chair Lane:</b>	<b>Aye</b>

**Motion carried.**

It was noted this would move forward to the City Commission for first reading on June 21, 2016.

**4. Board Business**

**Subcommittees** – Ms. Gibson referred to the tree and landscape committee and commented this committee was stalled due to her being overwhelmed. She stated they wanted to provide the Airport Advisory Commission (AAC) an opportunity to take a look at some of the revisions. She explained the AAC needed an opportunity to take a look at the revised changes to the land use and zoning table specific to an airport industrial zoning category that would only apply to the Airport operational area. She commented after that the board could see that back in July to resolve those questions. She explained it would come in the form of zoning changes as well as changes to the LDC. Chair Lane inquired if Mr. Andrew Holesko had a chance to look at that. Ms. Gibson replied she hadn't forwarded it to him yet, but it would be done before sending it to the AAC.

Ms. Gibson reported there would be a Special Meeting on May 24<sup>th</sup> at 5:00 pm for 8<sup>th</sup> Street, and explained a lot of properties in the general area were posted. She also explained she followed up on the Port's response to the request for a meeting, and they would like a specific list of inconsistencies within the Comprehensive Plan that their Port Master Plan is not consistent with prior to meeting with the PAB. She clarified the list would be for the Port Master Plan as well as the document the Port provided to the City, which were the revised Comprehensive Plan amendments. City Attorney Bach inquired when the PAB wanted to work on this as a board. It was noted that it could be done at the June meeting, since there were no cases at this time. There was a brief discussion about this, and it was suggested to make sure the board's response to the Port was in writing.

City Attorney Bach pointed out the Ocean Highway and Port Authority (OHPA) Chair was now Mr. Danny Fullwood. She reported Mr. Davis, Port's attorney, was offended about how it was characterized by Mr. Ross that the Port had violated the law and didn't have proper public notice prior to the hearings. She expressed her opinion Mr. Ross didn't do anything illegal.

Ms. Gibson reported that Ms. Ann Thomas provided her documents that were revised and had been previously provided to the Port. She stated she would put that information on a CD for the board members, because it was a very large document.

Chair Lane briefly commented that some of the PAB members voted against the zoning change to agree with staff that it should be a block rather than an individual. She requested that this be reflected on the summary when it goes before the City Commission. There was some discussion about this noting some members agreed with the idea of R-3 along the oceanfront and R-2 from South Fletcher to First Avenue.

Member Bennett inquired if an overlay district could be put over Fletcher to say that properties on both side of Fletcher would be allowed to have rentals. City Attorney Bach replied no. It was noted that resort rentals were only allowed in R-3 zoning category. There was further discussion about this and the idea of rezoning particular properties to be R-3. It was noted the PAB wanted to have a discussion about resort rentals looking towards the future. Staff was requested to bring back how many resort rental permits there were in the City.

5. **Staff Report** – There were no additional staff comments at this time.
6. **Comments by the public** – There were no comments from the public at this time.
7. **Adjournment** - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:27 pm.

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**Secretary**

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**Judith Lane, Chair**

**ORDINANCE 2016-09  
EXHIBIT "A"**

**LDC SECTION 1.07.00 – ACRONYMS AND DEFINITIONS**

**Replace water-dependent and water-related are currently defined in LDC and add water-enhanced uses:**

**Water-dependent Uses** – Activities which must be carried out in or adjacent to water areas because the use requires access to the water body for: waterborne transportation, recreation-access, electrical generating facilities, or water supply. These include, but are not limited to, commercial marinas, boat ramps/docks, electrical generation plants, and fishing piers.

**Water-enhanced Uses** – Activities that benefit economically from being located on or near the water, but that are neither dependent on direct access to water nor provides goods or services directly related to water-dependent uses. Water-enhanced uses are specifically excluded from definitions of both water-dependent and water-related uses.

**Water-related Uses** – Activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses. These include, but are not limited to, commercial resorts, campgrounds, fish camps, seafood processing operations, dive shops, and bait and tackle stores.

**Replace existing definition of ESL with:**

**Environmentally Sensitive Lands** Any land area and/or water resources that may be determined to contain naturally occurring and relatively unaltered flora, fauna, or geologic conditions. Environmentally sensitive lands may include historical and archaeological resources, wetlands, wetland transition areas, estuarine shoreline areas; 100 year floodplains, open space, dune systems, wildlife habitat and aquifer recharge areas.

**Add related to 3.01.04 Soil Erosion and Sedimentation Control:**

**Soil erosion** shall mean any removal and/or loss of soil by the action of water, gravity, or wind. Erosion includes both the detachment and transport of soil particles.

**Sedimentation** shall mean the settling out of the soil particles which are transported by water or wind. Sedimentation occurs when the velocity of water or wind in which soil particles are suspended is slowed to a sufficient degree and for a sufficient period of time to allow the particles to settle out of suspension or when the degree of slope is lessened to achieve the same result.

**Erodible slope** shall mean all slopes with inclines in excess of four percent unless modified by the administrative official based on consideration of specific soil conditions.

**Large flat surface area (unpaved)** shall mean an area which is flat or whose slope is less than four percent and which consists of more than 1,000 square feet of exposed soil.

## **Add related to 3.06.01 Outdoor Lighting- Sea Turtles:**

**Artificial Light** means the light emanating from any human-made device.

**Beach** means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation.

**Cumulatively** means illumination by numerous artificial light sources that as a group illuminate any portion of the beach.

**Directly** means illumination as the result of an artificial light source and visible to an observer located beyond the most seaward dune.

**Directly visible** means the point source of an artificial light (e.g. bulb, lamp, or glowing element) are visible to an observer standing on the beach.

**Dune** means any mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation and is subject to fluctuations in configuration and location.

**Egress Lighting** means emergency lighting used in commercial buildings as a safety precaution to power outages that allows individuals to safely navigate their way out of the building.

**Fully Shielded** means that a light fixture is constructed in such a manner that the point source of light of the fixture is not directly visible from the beach.

**Full cut-off** means a lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the point source, or indirectly by reflection or refraction from any part of the point source, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer.

**Glare** means unwanted source luminance or brightness visible to the eye of an observer located on the beach, regardless of the observer's distance from the light source or whether the light source measurably illuminates any area of the beach.

**Illuminance** means the amount of light projected from a source that reaches a surface from any distance, lighting fixture array, or direction.

**Illuminate** means that more than zero footcandles of artificial light can be measured.

**Indirectly** means illumination as a result of an artificial light source when the artificial light source is not visible by an observer located beyond the most seaward dune, but the lumen output is reaching the beach.

**Indirectly visible** means visible as a result of the reflection of the point source of an artificial light (e.g. bulb, lamp, or glowing element) on structures, buildings, or landscaping visible to an observer standing on the beach.

**Light Trespass** means light spilling out of the area purposefully illuminated.

**Long Wavelength** means a luminaire emitting light wavelength of 580 nanometers or greater.

**Luminance** means the physical measure of the stimulus, which produces the sensation of brightness.

**Point Source** means the bulb, lamp, or glowing elements of a fixture from which light is emitted.

**Sea Turtle** means any turtle, including all life stages from egg to adult, of these species: Green (*Chelonia mydas*), Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Hawksbill (*Eretmochelys imbricata*), and Kemp's Ridley (*Lepidochelys kempi*).

**Nesting Season** means the period from May 1 through October 31 of each year for all areas within the City of Fernandina Beach.

**Nighttime means** the locally effective time period between sunset and sunrise.

**Outdoor Area** means any portion of a property that could have an artificial light source not attached to a permanent structure, and is not primarily lighting a parking area or roadway.

**Tinted Glass** means any glass treated to achieve an industry-approved, inside-to-outside light transmittance value. Such transmittance is limited to the visible spectrum (400-700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

**2.03.02 Table of Land Uses**

**Table 2.03.02. Table of Land Uses**

(Striking C-3 to from allowing Marinas – there are no C-3 properties on the water.)

	<b>Zoning Districts</b>								
	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-A</b>	<b>I-W</b>	<b>W-1</b>	<b>PI-1</b>	<b>CON</b>	<b>REC</b>
<b>P – Permissible</b>									
<b>S – Permissible Subject to Supplemental Standards</b>									
<b>Blank-Prohibited</b>									
<b>Land Uses:</b>									
Marina		<del>S</del>			S	S	S		

# CHAPTER 3

# 3

## ENVIRONMENTAL + RESOURCE PROTECT

3.00.00	GENERALLY	
3.00.01	Purpose and Intent	
3.00.02	Applicability	
3.01.00	<del>FLOODPLAIN MANAGEMENT</del> Incorporated into Municipal Code	
3.01.01	<del>Generally</del>	
3.01.02	<del>Basis for Establishing the Areas of Special Flood Hazard</del>	
3.01.03	<del>Requirements for All Areas of Special Flood Hazard</del>	
3.01.04	<del>Requirements for Areas Where 100 Year Flood Elevation Levels Have Been Determined</del>	
3.01.05	<del>Requirements for Streams and Other Flood Prone Areas</del>	
3.0201.00	<del>COASTAL RESOURCE ENVIRONMENTAL LANDS PROTECTION</del>	
3.0201.01	<del>Requirements Regarding Aquatic Preserve Protection</del>	
3.0201.02	<del>Requirements Regarding Coastal Areas and Shorelines</del>	
3.02.03	<del>Requirements Regarding Habitat Protection Moved to 3.06.00</del>	
3.01.03	<u>Waterfront Planning</u>	
3.01.04	<u>Soil Erosion and Sedimentation Control</u>	
3.02.00	<u>ENVIRONMENTALLY SENSITIVE LANDS</u>	
3.02.01	<u>Purpose</u>	
3.02.02	<u>General Provisions</u>	
3.02.03	<u>Identification of Environmentally Sensitive Lands</u>	
3.02.04	<u>Special Requirements for Environmentally Sensitive Lands</u>	
3.02.05	<u>Land Uses within Environmentally Sensitive Lands</u>	
3.03.00	<u>WETLAND PROTECTION</u>	
3.03.01	<u>Applicability</u>	
3.03.02	<u>Agency Coordination Required</u>	
3.03.03	<u>Development Within Wetlands</u>	
3.03.04	<u>Design Requirements</u>	
3.04.00	<u>WATER QUALITY + WELLFIELD PROTECTION</u>	
3.04.01	<u>Purpose and Intent</u>	
3.04.02	<u>Wellfield Protection Area</u>	
3.05.00	<del>7.03.00</del> <u>REQUIREMENTS REGARDING DRAINAGE AND STORMWATER MANAGEMENT</u>	
3.05.01	<u>Generally</u> Moved from Chapter 7	
3.05.02	<u>Applicability and Exemptions</u>	
3.05.03	<u>Standards for Stormwater Management</u>	
3.0506.00	<del>OUTDOOR LIGHTING</del> <u>WILDLIFE PLANNING</u>	
3.0506.01	<u>Outdoor Lighting</u>	
3.0506.02	<del>3.02.03</del> <u>Habitat Protection of Federally or State Listed Species</u>	

### **3.00.00 GENERALLY**

#### **3.00.01 Purpose and Intent**

The purpose of this chapter is to safeguard the public health, safety, and welfare by ensuring the long-term protection and preservation of ~~environmentally sensitive~~ natural resource systems. Application of the provisions of this chapter shall result in development that reduces the potential for adverse impacts on the ~~hydrologic~~ functions of wetlands, natural systems, habitats, water quality, shorelines, marine life, and coastal resources.

#### **3.00.02 Applicability**

All new development and redevelopment shall be designed to ensure protection of areas ~~designated such as dunes, floodplains, environmentally sensitive lands or habitat, wetlands, or and wellfields.~~ No permit for development shall be issued by the City that is not in full compliance with the provisions of this chapter ~~and the technical manuals listed in 1.06.00 (C).~~

### **3.01.00 FLOODPLAIN MANAGEMENT *Incorporated into Municipal Code Section 22-151 thru 22-166***

#### **3.01.01 — Generally**

~~The purpose of this section is to provide for adequate minimum standards and procedures for the construction of new residential and nonresidential structures, and for structures that are substantially improved, so that those structures can be eligible for insurance under the federal flood insurance program and so that the construction of those structures will be in conformity with recognized construction techniques designed to offer flood protection.~~

~~The degree of flood protection required in this chapter is considered reasonable for regulatory purposes and is based on scientific studies. Larger floods may occur. This chapter shall not be deemed to imply that areas inside or outside designated flood hazard districts will be entirely free from flooding or flood damages, and shall not create liability on the part of the City, or any officer or employee thereof, for any flood damages that result from good faith reliance on this chapter or any administrative decision lawfully made thereunder.~~

~~All references to property value or appraised property value shall mean only the appraised value established by the Nassau County Property Appraiser.~~

#### **3.01.02 Basis for Establishing the Areas of Special Flood Hazard**

~~The Flood Insurance Rate Map (FIRM) for the City, as may be amended, Community Panel Number 120172 0001 through 120172 0009; having the effective date of May 18, 1992, is incorporated into and made part of this LDC by reference.~~

#### **3.01.03 — Requirements for All Areas of Special Flood Hazard**

~~In all areas of special flood hazard, the following provisions are required:~~

~~New construction or substantial improvements shall be securely anchored to prevent flotation, collapse, or lateral movement of the structure;~~

~~Manufactured homes shall be securely anchored to prevent flotation, collapse, or lateral movement in accordance with specifications of the National Flood Insurance Program regulations;~~

~~New construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;~~

~~New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;~~

~~Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding;~~

~~New and replacement water supply systems shall be designed to eliminate infiltration of floodwaters into the systems;~~

~~New and replacement sanitary sewage systems shall be designed to eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;~~

~~On-site waste disposal systems shall be located and constructed to avoid impairment to, or contamination from, them during flooding in accordance with rules or conditions established by the Florida DEP; and~~

~~—Any alteration, repair, reconstruction, or improvement to a structure shall meet the requirements of new construction as contained in this section.~~

~~All buildings and structures shall be located landward of the mean high water line.~~

### **~~3.01.04 — Requirements for Areas Where 100-Year Flood Elevation Levels Have Been Determined~~**

~~4 In all areas of special flood hazard, where the flood elevation levels have been determined, the following provisions are required.~~

~~A. Within areas designated as Zone A1-A30:~~

~~New construction of residential structures or substantial improvements (greater than thirty (30) percent of property value) of existing residential structures shall have the lowest floor of that structure, including basement, elevated to no lower than one (1) foot above the base flood elevation in areas where the base flood elevation has been determined and is numbered on the flood insurance rate map, or no lower than one (1) foot above the base flood elevation as determined by a Florida registered professional engineer in areas where the base flood elevation is undetermined or unnumbered on said maps. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.~~

~~New construction of nonresidential structures or substantial improvements (greater than thirty percent (30%) of the appraised value of the property) made to existing nonresidential structures shall have the lowest floor, including basement, elevated, no lower than one (1) foot above the base flood elevation in areas where the base flood elevation has been determined and is numbered on the flood hazard boundary map, or no lower than one (1) foot above the base flood elevation as determined by a Florida registered professional engineer in areas where the base flood elevation is undetermined or unnumbered on said maps. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided, or, together with attendant utility and sanitary facilities, shall be designed by a Florida registered professional engineer so that the area below the base flood level the~~

~~structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

~~Where floodproofing is utilized for a particular structure, a Florida registered professional engineer shall certify that the floodproofing methods are reasonably adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood.~~

~~All appliance and utility installations shall be located above the minimum flood elevation and are prohibited below the first floor.~~

~~Within areas designated as Zone AO:~~

~~1. New construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated above the highest adjacent grade or above the depth number specified on the City's FIRM, or at least two (2) feet if no depth number is specified.~~

~~2. New construction and substantial improvements of nonresidential structures shall:~~

- ~~a. Have the lowest floor, including the basement, elevated above the highest finished grade on each adjacent lot or above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified); or~~
- ~~b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the level specified in (2)(a) above, so that any space below that level is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

~~New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.~~

~~1. Designs for complying with this requirement shall be certified by a Florida registered professional engineer and shall meet the following minimum criteria:~~

- ~~a. A minimum of two (2) openings shall be provided having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding;~~
- ~~b. The bottom of all openings shall be no higher than one (1) foot above grade; and~~
- ~~c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.~~

~~2. All proposed encroachments into the 100-year floodplain shall be permitted only through the City plans review process. Any permitted encroachment shall be offset with 1:1 ration of compensating storage volume to ensure that flood stages do not increase. Commercial or industrial developments may provide adequate floodproofing in lieu of elevating the finished floor pending that the flood proofing design alternatives meet all state and city codes and specifications,~~

~~adhere to best professional practices, and are certified by an engineer and/or architect (as appropriate) registered in the State of Florida. Compensating storage for all floodwater displaced by development is to be accomplished between the normal high water of surface waterbodies (or seasonal high water table in groundwater applications) of the special flood hazard area and the 100-year flood elevation.~~

- ~~3. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.~~
- ~~4. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (i.e., garage doors) or limited storage of maintenance equipment used in connection with the premises (i.e., standard exterior doors) or entry to the living area (i.e., stairways or elevators).~~
- ~~5. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.~~

### **~~3.01.05 — Requirements for Streams and other Floodprone Areas~~**

~~Within areas of special flood hazard, where small streams exist but where no base flood data or floodways have been provided, or landlocked areas susceptible to flooding, the following provisions apply:~~

- ~~A. No encroachments, including fill material or structures, shall be located within the floodprone area unless a Florida registered professional engineer certifies that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.~~
- ~~B. The base flood elevation shall be determined for the project area by means of an appropriate hydrologic/hydraulic analysis by a Florida registered professional engineer as part of the certification process.~~
- ~~C. The City may require the landowner to submit a letter of map revision (LOMR) to FEMA if the stream information is determined to be inadequate for construction permitting purposes.~~

### **3.0201.00 COASTAL RESOURCE ENVIRONMENTAL LANDS PROTECTION**

#### **3.0201.01 Requirements Regarding Aquatic Preserve Protection**

- A. All new development and redevelopment within the boundaries of the Fort Clinch State Park Aquatic Preserve or abutting the boundaries of the Fort Clinch State Park shall be required to conform to the provisions of the Nassau River-St. Johns River Marshes and Fort Clinch State Park Aquatic Preserves Management Plan.
- B. All new development, redevelopment, construction, dredging, or filling requires all applicable permits from State, federal, and regional agencies with jurisdiction over the Fort Clinch State Park Aquatic Preserve.

#### **3.201.02 3.01.02 Requirements Regarding Coastal Areas and Shorelines**

A. There is hereby established a Coastal Upland Protection Zone (CUPZ) which is an area extending 1,000 feet landward from the Coastal Construction Control Line (CCCL).

~~B. Except as expressly provided in this chapter, no development activity shall be undertaken in a coastal upland protection zone.~~

~~1. Permitted activities within coastal upland protection zone are as follows:~~

~~a. Single family or two family structures on a platted lot of record;~~

~~b. 1. All uses permitted by the underlying zoning classification and which have obtained all necessary and valid permits from State, federal, and local government agencies having permitting jurisdiction within the CUPZ are allowable within the CUPZ;~~

**The following are struck as redundant. If allowed uses are permitted, that is sufficient for what is allowed.**

~~e. Conservation of soil, water, vegetation, fish, shellfish, and wildlife;~~

~~d. Outdoor recreational activities, including bird watching, hiking, boating, fishing, trapping, horseback riding, and swimming;~~

~~e. Commercial shell fishing and trapping;~~

~~f. Educational and scientific research;~~

~~g. Wilderness areas and wildlife preservation and refuges;~~

~~h. Minor maintenance or emergency repair to existing structures or improved areas; and~~

~~i. Properly designed and permitted walkovers.~~

**The following is covered under (1) above which addresses permitted activities.**

~~2. Prohibited activities within the CUPZ are as follows:~~

~~a. Any activities involving structures, grading, filling, dredging, vegetation removal, and flora and fauna which have not obtained all necessary and valid permits from State, federal, and local government agencies having permitting jurisdiction within the CUPZ;~~

3. Development shall not adversely affect contours and topography within the CUPZ. Adversely affect is herein defined as any activity which:

a. Causes a measurable interference with the natural functioning of the dune structure;

b. Results in removal or destruction of native vegetation which will either destabilize a significant dune or cause a significant deleterious impact to the dune system due to increased erosion by wind or water;

c. Results in removal or disturbance of existing sandy soils of the dune system to such a degree that a significant deleterious impact to the dune system would result from either reducing the existing ability of the system to resist erosion during a storm or lowering existing levels of storm protection to upland properties and structures;

d. Disturbs topography or vegetation such that the system becomes unstable, or suffers catastrophic failure; or

e. Causes a significant impact to endangered species, species of special concern, or threatened species, or their habitats.

All development activity seaward of the coastal construction control line (CCCL) shall comply with all requirements of Section 3.02.02 (B) above and only where a Florida DEP permit has been issued for the specific activity.

**3.02.03 — Requirements Regarding Habitat Protection moved to 3.06.00**

A. ~~A professionally prepared biological survey to document the presence of endangered, threatened, or species of special concern shall be submitted with applications for development when the development is:~~

- ~~1. In excess of five (5) acres on previously undisturbed properties; or~~
- ~~2. Located on environmentally sensitive lands.~~

~~Environmentally sensitive lands for which a survey is required include:~~

- ~~3. All land identified as “Conservation” on the FLUM and on the adopted zoning map; and~~
- ~~4. All undisturbed properties within 150 feet of Fort Clinch State Park Aquatic Preserve and all navigable tributaries.~~

~~Biological surveys shall:~~

- ~~5. Follow the standards and criteria adopted by the Florida Fish and Wildlife Conservation Commission; or~~
- ~~6. Include a preliminary report consisting of pedestrian surveys of 200-foot transects through a minimum of twenty-five percent (25%) of each habitat on site. Within twenty one (21) days of the preliminary report, the City Manager shall (1) render a finding of whether a second, more intensive survey is needed, based on the information provided by the Florida Fish and Wildlife Conservation Commission, and (2) shall describe the parameters it will follow for such an intensive survey, if required.~~

~~If the field biological inventory indicates the presence of endangered, threatened, or species of special concern:~~

- ~~7. The survey shall be forwarded to the Florida Fish and Wildlife Conservation Commission; and~~
- ~~8. The applicant shall follow the recommendations of the Florida Fish and Wildlife Conservation Commission for mitigating loss of habitat; or~~
- ~~9. A habitat plan shall be prepared by a qualified ecologist, biologist, or other related professional and shall include, at a minimum, the following:~~
  - ~~i. An analysis of the likelihood of the species surviving on the proposed development site as a viable population, assuming that the proposed development would not occur and taking into account the quality and quantity of habitat needed to maintain members of the species;~~
  - ~~ii. An analysis of existing viable habitat on adjacent property for the species;~~
  - ~~iii. The land needs of the species that may be met on the development site; and~~
  - ~~iv. Measures that shall be taken to protect the habitat of the species on the property, if the species would likely remain a viable population, in the absence of the proposed project.~~

~~Prohibited activities:~~

- ~~10. No threatened species of wildlife or freshwater fish or their nests, eggs, young, homes, or dens, shall be taken, transported, stored, served, bought, sold, or possessed in any manner or quantity at any time, except as specifically permitted by the provisions of State law.~~
- ~~11. No person shall kill, wound, pursue, molest, harm, harass, capture, or possess any threatened species or parts thereof or their nests, eggs, young, homes, or dens, except as authorized by specific permit, issued by the Florida DEP, the Florida~~

~~Fish and Wildlife Conservation Commission, and any other applicable State or federal agency.~~

~~Development proposed adjacent to Outstanding Florida Waters, aquatic preserves, wildlife sanctuaries, wildlife refuges, state preserves, forests, parks, gardens, and wildlife management areas shall be environmentally compatible in order to conserve wildlife populations and habitat.~~

### **3.01.03 Waterfront Planning**

- A. Purpose and Intent: Protection of shorelines and waterfront lands ensures adequate and appropriate locations for water-dependent, water-related and water-enhanced uses.
  
- B. The following priority list shall be used in reviewing applications for shoreline uses, so as to provide increased priority for water-dependent uses. Uses listed first shall generally be given the highest priority of all uses that may be proposed along the shoreline, with other, uses listed in the order of declining priority. Uses listed under (6) shall be given the least preference for location along the shoreline.
  - 1. Water-dependent uses such as fish, and shellfish production;
  - 2. Water-dependent recreation and commercial uses such as ports, marina-type uses, and navigation, particularly those that provide public access;
  - 3. Water-related uses such as certain utilities and commercial;
  - 4. Water-enhanced uses such as certain recreational and commercial uses;
  - 5. Non-water dependent or related activities such as residential uses; and
  - 6. Non-water dependent and non-water enhanced uses which result in an irretrievable commitment of coastal resources, or in a proposed alteration to the FLUM series that would prohibit or remove the permitted use of water-dependent, water-related or water-enhanced uses.
  
- C. The City shall guide and direct the location of all future water-dependent and water-related uses according to the following criteria:
  - 1. Directing marinas to preferred locations, such as those adjacent to existing channels and passes, and in areas where little dredging and maintenance would be required;
  - 2. Directing the development of dry dock facilities to locations that are upland of marina sites;
  - 3. Requiring sewage pump-out facilities at all marinas and adequate fuel spill containment facilities measures at those facilities which sell petroleum products;
  - 4. Protecting shoreline and waterfront areas in order to provide locations for marine/estuarine related uses, such as commercial and recreational fishing, boating, and other water-dependent uses and activities;
  - 5. Prohibiting the construction of causeways within estuaries and requiring bridges with pilings instead, and
  - 6. Ensuring minimal environmental resource impacts or disruption
  
- D. Marina development standards are found in Chapter 6: Supplemental Standards.
- E. Special water dependent activities.
  - 1. Examples. Special water-dependent activities include, but are not limited to, the following uses:

- a. Construction of docks or marinas.
- b. Installation of new riprap or similar structures that protect the shoreline from erosion (not including seawalls, bulkheads, or the like).
- c. Installation of buoys, aids to navigation, and signs.
- d. Installation of subaqueous transmission and distribution lines for water, wastewater, electricity, communication cables, oil or gas.
- e. Restoration or repair of foot bridges and vehicular bridges.

2. Minimization of impacts. The water dependent activity shall be designed, constructed, maintained and undertaken in a way that minimizes the adverse impacts on the beneficial functions of the adjacent areas.

3. Design standards.

a. The development shall be designed to:

- 1. Allow the movement of aquatic life requiring shallow water;
- 2. Maintain existing flood channel capacity;
- 3. Ensure stable shoreline embankments; and
- 4. Avoid impact to wildlife habitat.

b. Residential, multifamily and commercial development.

- 1. Construction of docks shall be compliant with the standards of all permitting authorities. Docks shall be constructed within the limits of the principal structure side yard setback lines, the terminal platform shall not exceed 50 percent of the shoreline and comply with the standards required by the appropriate permitting authority.
- 2. Installation of new riprap or similar structures that protect the shoreline from erosion (not including seawalls, bulkheads, or the like) along the shoreline and to stabilize vegetation shall be compliant with the standards of all permitting authorities. The structures shall comply with standards regarding wetlands found in Section 3.02.00 and shall be placed in a manner which will preserve existing trees and shrubs.
- 3. Multifamily developments or condominiums shall be limited to one dock, unless approved and developed as a marina under supplemental standards found in Chapter 6.
- 4. Outdoor lighting shall comply with standards for piers in 3.06.01.

4. Development standards for special water dependent uses on environmentally sensitive lands. In addition to the standards listed in Section 3.01.03(F) and 3.05.04, the following standards apply to special uses allowed in the protected environmentally sensitive lands:

- a. Where permissible, access roads, parking lots, and similar structures shall be located on upland sites.
- b. Any permitted impacts to the site shall be restored consistent with permitting agency approvals

### **3.01.04 Soil Erosion and Sedimentation Control**

#### **A. Applicability.**

1. In order to prevent both soil erosion and sedimentation, a soil erosion and sedimentation control plan shall be required as a part of an application for site plan review whenever a development will involve any clearing, grading, or other form of land disturbance by the movement of earth.

2. Soil erosion and sediment control strategies must be utilized during residential, multifamily and commercial new construction projects and substantial renovation/rehabilitation/addition projects.

**B. Erosion control measures.** All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be implemented, following Florida DEP Best Management Practices for Erosion and Sediment Control. The following protection shall be provided for all disturbed areas: minimize velocities of water runoff, maximize protection of disturbed areas from stormwater runoff, and retain sedimentation within the development site as early as possible following disturbances. A list of major problem areas for erosion and sedimentation control follows. For each one, the purpose(s) of requiring control is described. Soil erosion and sedimentation control measures for all such areas shall be provided with a view toward achieving the specific purpose listed below for which a control plan is required.

1. Erodible slopes. Prevent detachment and transportation of soil particles from slope.

2. Streams, stream beds, stream banks, bodies of water, lake shorelines. Prevent detachment and transportation of soil particles.

3. Drainageways. Prevent detachment and transportation of soil particles (which would otherwise deposit in streams, bodies of water, or wetlands); promote deposit or sediment loads (traversing these areas) before these reach bodies of water.

4. Land adjacent to streams, ponds, lakes, and wetlands. Prevent detachment and transportation of soil particles. The applicant shall not adversely impact aquatic vegetation within the sensitive transition zone separating wetlands and uplands.

5. Enclosed drainage structure. Prevent sedimentation in structure, erosion at outfall of system, and deposit of sediment loads within system or beyond it.

6. Large flat surface areas (unpaved). Prevent detachment of soil particles and their off-site transportation.

7. Impervious surfaces. Prevent the detachment and transportation of soil (in response to an increase in the rate and/or volume of runoff of the site or its concentration caused by impervious surfaces).

8. Borrow and stockpile areas. Divert runoff from face of slopes which are exposed in the excavation process; convey runoff in stabilized channels to stable disposal points; leave borrow areas and stockpiles in stable condition and plant native groundcover to assist such stabilization.

9. Adjacent properties. Prevent their erosion and/or being deposited with sediment.

**C. Landscape, Buffer and Tree Requirements** as outlined in Chapter 4 shall be applicable to all clearing and grading activities and shall include specifications for management principles guiding the removal or placement of vegetation and landscaping design. All development activities must be implemented in conjunction with precautionary measures, where necessary, to avert destruction or damage to native vegetation.

### 3.02.00 ENVIRONMENTALLY SENSITIVE LANDS

#### 3.02.01 Purpose

The purpose of this section is to protect land and water areas of the City that contain naturally occurring and relatively unaltered flora, fauna, or geologic conditions. Beneficial functions of these lands include:

- a. Maintaining water and storage capacity of watersheds.
- b. Maintaining recharge capacity of groundwater aquifers.
- c. Preserving fish and wildlife habitat, unique vegetation, and sites needed for education, scientific research and recreation.
- d. Protecting aesthetic and property values.
- e. Preventing and minimizing erosion.
- f. Minimizing flood and storm losses.
- g. Protecting shorelines.
- h. Preventing pollution.

#### 3.02.02 General Provisions

- A. In addition to meeting the requirements for environmentally sensitive lands included within this section, development plans shall comply with applicable federal, state and water management district regulations relating to environmentally sensitive lands.
- B. The Conservation and Coastal Management Element of the City's Comprehensive Plan as amended from time to time shall be used as a reference source to guide decisions regarding future development.

#### 3.02.03 Identification of Environmentally Sensitive Lands

- A. Environmentally sensitive lands are:
  1. Lands included within Conservation Zoning and Future Land Use categories as designated on the most recent City zoning and land use maps.
  2. Properties within wetlands protection zones or wetlands transition areas.
  3. Habitat of federally or state-listed species.
  4. All undisturbed properties within 150 feet of Fort Clinch State Park Aquatic Preserve, Fort Clinch State Park, and all navigable tributaries.
  5. As identified during development review process through wetland delineation requirements, biological surveys, etc.

#### 3.02.04 Special Requirements for Environmentally Sensitive Lands

- A. Lands within the wetlands protection zones and habitat of federally or state-listed species shall also follow requirements as outlined in Sections 3.03.00 and 3.06.00 of this chapter.

- B. “Net buildable land area” for purposes of calculating density does not include environmentally sensitive areas including wetlands, transitional wetlands, floodplains and waters of the state.
- C. Development proposals shall support the conservation and protection of environmentally sensitive lands and minimize the impacts on terrestrial, wetland and marine ecological communities and associated wildlife habitat.
- D. Applications for development approval shall use innovative approaches to protect sensitive resources, such as clustering, conservation easements, and maximization of open space to protect identified environmentally sensitive lands.
- E. Protective measures to prevent adverse effects on environmentally sensitive lands shall be required. Protective measures include:
  - 1. Maintaining natural drainage patterns.
  - 2. Limiting removal of vegetation to minimum necessary to carry out development activity.
  - 3. Replanting areas denuded by human activity.
  - 4. Siltation, soil erosion and sedimentation control during construction through methods and techniques such as storage of removal of materials, equipment and debris; erosion control measures; measures to ensure revegetation and/or stabilization of disturbed areas; measures to protect existing natural vegetation and habitat and methods to prevent pollution of wetlands and groundwater. Specific requirements for siltation, soil erosion and sedimentation control are found in Section 3.01.04 of this chapter.
  - 5. Minimizing the amount of fill used in the development activity.
  - 6. Disposing of dredged spoil at specific locations that cause minimal environmental damage.
  - 7. Prohibiting construction of channels or ditches.
  - 8. Prohibiting dredging and filling of wetlands consistent with Section 3.03.00 of this chapter.
  - 9. Retaining habitat connections with adjacent parcels in order to serve as wildlife corridors.
  - 10. Using deed restrictions, easements, and/or other legal mechanisms to protect environmentally sensitive lands and maintain the development in compliance with the protective measures.
- F. Dedicating conservation easements for natural pedestrian or bicycle pathways between new developments and surrounding development, especially where there is a connection between commercial and activity centers, recreation centers and schools.
- G. Archaeological and historic sites on environmentally sensitive lands are protected. Removal, alteration or destruction of archaeological or historic sites shall be addressed under state and local regulations. Any person discovering an archaeological or historic site shall immediately notify the Community Development Department.

### 3.02.05 Land Uses within Environmentally Sensitive Lands

#### A. Exempted Uses within Environmentally Sensitive Lands

1. The following uses and activities are presumed to have no adverse effect on environmentally sensitive lands and are permitted consistent with existing regulations regarding wetlands, habitat protection of federally or state listed species or floodplain management:
  - a. Land uses as allowed in Chapter 2 of the City's Land Development Code for applicable zoning.
  - b. Scenic, historic, wildlife, or scientific preserves.
  - c. Minor maintenance or emergency repair to existing structures or improved areas.
  - d. Timber catwalks, docks and trail bridges that are less than or equal to four feet wide, provided that no filling, flooding, dredging, draining, ditching, tilling or excavating is necessary for installation of pilings.
  - e. Recreational fishing, picnicking, and hiking.
  - f. Constructing fences where no fill activity is required and where navigational access will not be impaired, nor will access to water, vegetation, or corridors be impaired for wildlife by construction of the fence.
  - g. Wetlands stormwater discharge facility or treatment in accordance with state permits and all other applicable state and federal regulations.
  - h. Maintaining existing channels in existence at the time of adoption of this chapter at the minimum depth and width necessary to achieve their intended purposes, and designing them to prevent slumping and erosion and all revegetation of banks.
2. In accordance with Comprehensive Plan Policy 5.03.13, it is the City's intention that hazardous materials or waste shall not be stored within the floodplain. Existing and permissible Commercial and Industrial uses which utilize or create such materials as a part of normal operations shall store them outside of the floodplain or store them within storage facilities designed in accordance with floodplain construction standards as established by the National Flood Insurance Program (NFIP) and Federal Emergency Management Agency (FEMA).

#### B. Prohibited Uses within Environmentally Sensitive Lands

1. Activities that require the storage, use, or transportation of restricted substances, agricultural chemicals, hazardous toxic waste, medical waste, and petroleum products;
2. Commercial animal facilities, including veterinarian clinics;
3. Mines;
4. Industrial land uses;
5. Wastewater treatment plants;

6. Commercial activities that involve the use of hazardous chemicals such as, but not limited to, dry cleaning operations, auto repair and servicing, pool supply, gas stations, junkyards, and machine shops;
7. Injection wells, irrigation wells, and domestic and commercial wells more than six (6) inches in diameter;
8. Stormwater facilities, including the use of drainage wells or sinkholes for stormwater disposal; and
9. Human or animal cemeteries.

### **3.03.00 WETLAND PROTECTION**

#### **3.03.01 Applicability**

The requirements of this section shall apply to all of the areas under the jurisdiction of the Florida DEP, the USACOE, and the SJRWMD, as well as those lands identified as “Conservation” on the FLUM and on the adopted zoning map.

#### **3.03.02 Agency Coordination Required**

All new development and redevelopment adjacent to jurisdictional wetlands shall be required to include coordination with the agencies with regulatory jurisdiction over wetlands, including the County, representatives of the Florida DEP, the USACOE, and the SJRWMD, for assistance and verification in identifying and delineating wetlands.

#### **3.03.03 Development Within Wetlands**

Except as expressly provided in this section, no development activity shall be permitted in a wetlands area, as ~~described~~ defined in Section 3.03.01.

- A. Wetlands shall be preserved in their natural state. No fill shall be placed in a wetland, and the wetland shall not be altered.
- B. Buffering requirements for development adjacent to wetlands or natural water bodies:
  1. All new development and redevelopment adjacent to jurisdictional wetlands or surface water bodies shall be required to provide a buffer zone of native vegetation at least twenty-five (25) feet wide around wetlands and fifty (50) feet from natural water bodies to prevent erosion, retard runoff, and provide areas for habitat. All new construction that is a water-dependent or water-related use within the CRA and I-W zoning is exempt from ~~Section 3.01.03(J)~~ as well as the required buffers established by this section; and
  2. This setback shall be required for any development, except docks or piers which have received a permit from the Florida DEP, SJRWMD, or the USACOE and are compliant with standards found in Section 3.01.03.

Permitted activities within areas designated by the City, FDEP, SJRWMD, or the USACOE as wetlands protection zones or wetlands transition areas:

3. Potentially allowable uses adjacent to wetlands protection zones or wetlands transition areas are those principal and accessory uses included in the Conservation land use category on the FLUM provided that installation does not involve grading, fill, dredging, or draining, and provided that such structures are constructed on pilings so as to permit the unobstructed flow of water and light and preserve the natural contour of the wetlands. All pilings shall be driven into place; no jetting of pilings shall be allowed.; Moved from (5) below.

4. ~~Development is limited to buildings that are supportive of and accessory to the Conservation land use category, such as interpretative centers, rest rooms, or covered picnic pavilions; *This is redundant as (1) above states that any use allowable in Conservation land use is permitted.*~~
5. Developing an area that no longer conforms to the determination of the SJRWMD as wetlands, except former wetlands that have been filled or altered in violation of any rule, regulation, statute, or this LDC. The developer shall demonstrate that the water regime has been permanently altered, either legally or naturally, in a manner so as to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetlands structure and function. Adequate proof shall include statements from federal or State agencies having jurisdiction as well as technical evidence from registered hydraulics engineers or other certified experts;
6. Development of a wetlands stormwater discharge facility or treatment wetlands in accordance with State permits received under currently relevant sections of the F.A.C.; and
7. ~~Boardwalks, piers, boathouses, boat shelters, fences, duck blinds, wildlife management shelters, footbridges, observation decks and shelters, and other similar water related structures, provided that installation does not involve grading, fill, dredging, or draining, and provided that such structures are constructed on pilings so as to permit the unobstructed flow of water and light and preserve the natural contour of the wetlands. All pilings shall be driven into place; no jetting of pilings shall be allowed. *This is redundant as (1) above states what is allowable under Conservation land use. The remainder of this section was moved into (1).*~~

#### **3.03.04 Design Requirements**

- A. All new development and redevelopment adjacent to jurisdictional wetlands, wetland protection zones and wetland transition areas shall be designed, constructed, maintained, and undertaken in a way that minimizes the adverse impacts on the functions of the affected environmentally sensitive zone.
- B. In addition to any standards required by federal, state, or local agencies and any other section within this LDC, the following standards shall apply to uses found to be permissible in or adjacent to wetlands:
  1. The use shall allow the movement of aquatic life requiring shallow water;
  2. Existing flood channel capacity shall be maintained;
  3. Stable shoreline embankments shall be ensured on unstable shorelines where water depths are inadequate, to eliminate the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding, and other river, lake, and channel maintenance activities;
  4. Uses in areas where there is inadequate water mixing and flushing shall be eliminated or stringently limited as provided in Section 3.03.00;
  5. Uses shall be prevented in areas which have been identified as hazardous due to high winds or flooding;
  6. Access roads, parking lots, and similar structures shall be limited to locations on properly zoned uplands;
  7. Any wetlands shown on the site plan to remain undisturbed that become damaged during construction shall be completely restored. Complete restoration means that the restored area shall function equivalently to the wetland prior to damage;

8. Accessory uses shall be limited to those which are water-dependent; and
9. Fill shall not be placed in waters or wetlands to create usable land space.

### **3.04.00 WATER QUALITY + WELLFIELD PROTECTION**

#### **3.04.01 Purpose and Intent**

The purpose and intent of this section is to safeguard the public health, safety, and welfare by ensuring the protection of the principal source of water from potential contamination and to control development in and adjacent to designated wellheads and surrounding wellfield areas to protect water supplies from potential contamination.

#### **3.04.02 Wellfield Protection Area**

- C. A wellfield protection area is hereby established to include all land within a 500-foot radius from a public potable water wellhead.
- D. The following uses shall be prohibited within the wellfield protection area:
  - 1. All regulated industries by the Florida DEP as defined in Rule 62-521, *F.A.C.*;
  - 2. Activities that require the storage, use, or transportation of restricted substances, agricultural chemicals, hazardous toxic waste, medical waste, and petroleum products;
  - 3. Commercial animal facilities, including veterinarian clinics;
  - 4. Mines;
  - 5. Industrial land uses;
  - 6. Wastewater treatment plants;
  - 7. Commercial activities that involve the use of hazardous chemicals such as, but not limited to, dry cleaning operations, auto repair and servicing, pool supply, gas stations, junkyards, and machine shops;
  - 8. Injection wells, irrigation wells, and domestic and commercial wells less than six (6) inches in diameter;
  - 9. Stormwater facilities, including the use of drainage wells or sinkholes for stormwater disposal; and
  - 10. Human or animal cemeteries.

**3.05.00 ~~7.03.00~~ REQUIREMENTS REGARDING DRAINAGE AND  
STORMWATER MANAGEMENT (moved from chapter 7)**

**7.03.01 3.05.01 Generally**

- A. The purpose of the stormwater management requirements set forth in this section is to minimize the detrimental effects of stormwater runoff and to provide for mitigation of stormwater impacts from new development and redevelopment.
- B. The regulations in this section are intended to:
  - 1. Provide maximum water quality and habitat benefits;
  - 2. Provide retention/detention of stormwater runoff to maintain surface water quality, ensure percolation, and reduce contamination to drainage canals, surface water, and groundwater;
  - 3. Prevent any development activity that would endanger lives and harm property, water quality, or environmental systems;
  - 4. Preserve natural lakes, creeks, other water courses, and natural drainage features;
  - 5. Encourage the use of stormwater management systems for urban landscape irrigation; and
  - 6. Prevent creation of flood hazards due to new development.

The requirements of this LDC do not supersede those of other State, federal, or regional agencies. ~~All applications for development shall include proof of a permit or exemption from SJRWMD.~~ **Per state legislation, we can no longer require this.**

**7.03.02 3.05.02 Applicability and Exemptions**

- A. All proposed development, except as specifically described in this section, shall comply with the standards and criteria set forth in Section ~~7.03.00~~ 3.05.00.
- B. No drainage system, whether natural or manmade, shall be altered, designed, constructed, abandoned, restricted, or removed without prior written approval of the City and all appropriate State and federal agencies.
- C. The following activities may alter or disrupt existing stormwater runoff patterns, and unless specifically exempted under Section ~~7.03.02(D)~~ 3.05.02(D) below, shall be authorized only through issuance of a stormwater management permit prior to initiation of development:
  - 7. Clearing and/or drainage of land prior to construction of a project;
  - 8. Altering the shoreline or bank or any surface water body; or
  - 9. Altering any ditches, dikes, terraces, berms, swales, or other water management facilities.
- D. The following development activities are exempt from the requirements of this section:
  - 1. Single-family dwellings and associated accessory structures, provided they are within a subdivision having a valid stormwater management permit and properly operating stormwater management systems designed and sealed by an engineer;
  - 2. ~~Maintenance, alteration, or improvement of an existing structure where it has been determined by the City that such maintenance, alteration, or improvement will not change the peak discharge rate, volume, or pollution load of stormwater runoff from the site on which that structure is located;~~ Additions, accessory structures, and single family homes under 625 square feet; and
  - 3. ~~Activities that are not considered development; and~~ **(Struck for vagueness)**

4. 3. Emergencies requiring immediate action to prevent material harm or danger to persons, when obtaining a permit is impractical and would cause undue hardship in protection of property from fire, violent storms, hurricanes, or other hazards. A report of the emergency shall be made to the City Manager as soon as practicable.

**7.03.03 3.05.03 Standards for Stormwater Management**

- A. All development shall comply with the specifications, standards of design, and detailed technical requirements provided in the manuals adopted by reference in Chapter 1.
- B. No subdivision shall be platted, nor shall construction commence for any single-family, multi-family, commercial, industrial, or institutional project, until the drainage design for such project has been approved by the City, and proof of permit from the SJRWMD, the USACOE, if applicable, and the Amelia Island Mosquito Control District, has been provided to the City.
- C. The drainage design plans for the project shall be prepared, signed, and sealed by a Florida registered professional engineer.
- D. All drainage facilities and easements shall be documented to ensure the City that capacity and right-of-way are adequate from the source, through the development, to the receiving body of water, without adversely affecting upstream or downstream properties. Any improvements or increase in capacity of those facilities required to keep the project in compliance with all applicable regulations shall be made at the expense of the applicant.
- E. All subdivisions and multi-family, commercial, industrial, and institutional projects shall provide for retention of stormwater within the boundaries of the project.

**Striking the following because these requirements are regulated by SJRWMD, not the City:**

**1. Design basis**

- a. ~~For projects within areas designated for zero discharge, storage shall accommodate a ten (10) year, twenty four (24) hour storm event.~~
- b. ~~For all other areas, retention shall accommodate the greater of the first one-half (1/2) inch of stormwater within the boundaries of the project, or the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not.~~
- c. ~~The project shall also provide detention for all stormwater flows.~~
- d. ~~Detention shall prevent peak flows after development from exceeding the peak flow prior to development.~~
- e. ~~Retention or detention areas for multi family, commercial, industrial, and institutional projects shall not be located in public road rights of way or within single family zoning districts.~~

**2. All floor slab elevations shall be constructed at least one (1) foot higher than the 100 year flood level.**

- a. ~~Unless the drainage master plan dictates higher levels, in areas where the floodplain has been established under the requirements of the FEMA or the National Flood Insurance Program, the level shall comply with such requirements.~~
- b. ~~In all other areas, floor slab levels shall be constructed to the elevations specified in the engineer of record's approved drainage plan.~~
- c. ~~If no drainage plan exists, or if the plan predates this chapter, the floor level shall be at least eighteen (18) inches above the roadway unless otherwise approved by the City.~~

3. ~~Where a development includes a retention basin in the drainage system, the basin shall be located in such a manner as to minimize damage when the design storm is exceeded.~~
  - a. ~~A minimum of twenty (20) feet of drainage right of way shall be set aside to allow for ingress and egress, and a continuous maintenance berm shall be provided around the perimeter of the retention basin.~~
- F. ~~Rainfall and runoff criteria for all subdivisions and multi-family, commercial, industrial, and institutional projects:~~
  1. ~~The system or project shall be designed for design floods resulting from rainstorms of the following expected frequencies or greater:~~
    - a. ~~Ten (10) year, twenty four (24) hour intervals for all drainage except floodways, street inlets, and cross drains.~~
    - b. ~~Floodway and receiving body of water flood conditions as shown for 100 years' duration storm in the FEMA flood insurance study, latest edition.~~
    - c. ~~Five (5) year, twenty (20) minute intervals for street inlets and cross drains.~~
  2. ~~Ultimate land usage shall be assumed for selection of proper runoff coefficients within the basins involved. Weighted runoff coefficients shall be applied where different coefficients apply within the areas comprising the basin.~~
- G. ~~F.~~ Drainage map for all subdivisions and multi-family, commercial, industrial, and institutional projects:
  1. The project engineer shall include in the construction plans a master drainage map showing all existing and proposed features. The map shall be prepared on a scale not to exceed one (1) inch equals 200 feet. As a minimum, it shall include:
    - a. The limits of the drainage basin or sub-basin;
    - b. Topography of the project;
    - c. Topography between the project and the receiving body of water, or the receiving City-, County- or State-owned drainage facility;
    - a. Topography of adjacent property;
    - b. Existing points of entry of water from adjacent property;
    - c. Points of discharge of water from the project;
    - d. Limits of fill required to construct facilities and to prevent minimum flooding of future dwelling units, except that no filling for construction will be permitted in the 100-year floodplain;
    - e. Finished floor slab elevations and minimum elevation of the bottom of floor framing for each structure to accommodate the 100-year flood elevation;
    - f. Location of National Flood Insurance Program rate map flood zones; and
    - g. Soil profiles, using the USDA soil classification method, to be performed on sufficient areas throughout the project to provide adequate information on the overall suitability of the proposed drainage plan.
  2. With respect to Sections ~~7.03.03~~ 3.05.03(GF)(1)(a),(c), and (d), if a project fronts on an approved public or private road and the applicant can demonstrate to the satisfaction of the City that no drainage will be discharged from the project onto any adjacent property, these items may be waived. No waiver of any kind will relieve the applicant of responsibility or liability from damage caused by increased runoff from his project.
- H. All single-family home projects that are not part of a subdivision with a designed stormwater system shall provide for retention of stormwater within the boundaries of the project.

1. Projects that are located outside of a subdivision, but in an area with an available engineered stormwater system shall ensure that stormwater is properly routed to the stormwater structures.
  2. Design options for single-family home new construction and additions over 625 square feet:
    - a. Provide engineered solution as completed by an engineer, and/or
    - b. Utilize low impact development (LID) techniques such as rainwater harvesting, roof downspout disconnection, rain gardens, green roofs, trenches and chambers, bioretention, vegetated filter strips, permeable pavement, enhanced grass swales, dry swales, and perforated pipe systems.
- I. Drainage during construction
1. All off-site drainage entering the property prior to the commencement of construction shall be maintained through the construction period.
  2. Approved silt barriers in compliance with Section 3.01.05 shall be placed to prevent silt, erosion, or other pollutants from leaving the site. If off-site siltation occurs, it shall be halted immediately, or all work shall cease until the silting is stopped.
- J. Maintenance of drainage facilities after construction
1. All private drainage facilities within an approved subdivision, multi-family, commercial, industrial, or institutional project shall be continuously and properly maintained by a required homeowners' association, the developer, or another entity approved by the City in an enforceable development order and designated in the construction permit application.
  2. Drainage facilities for private single-family residential properties shall be continuously and property maintained by the property owner. Such maintenance shall continue for the life of the property as developed under this section even upon transfer of ownership.
- K. Where feasible, stormwater management systems shall be designed to provide landscape irrigation for the development.

### **3.06.0. ~~OUTDOOR LIGHTING~~ WILDLIFE PLANNING**

#### **3.05.02 3.06.01 Outdoor Lighting in ~~Beach Areas~~ Striking current language and replacing with language based on a model ordinance created by the University of Florida:**

##### **A. ~~Generally~~**

- ~~1. It is the policy of the City to minimize the use of artificial light to illuminate the beaches. No artificial public or private light source shall directly illuminate areas seaward of the primary dune (called "beach areas") where it may deter adult female sea turtles from nesting or disorient hatchlings.~~
- ~~2. The following activities involving direct illumination of portions of the beach shall be prohibited on the beach at nighttime during the nesting season (May 1 to October 31 of each year) for the protection of nesting females, nests, and hatchling marine turtles:~~
  - ~~i. The operation of all motorized vehicles, except emergency and law enforcement vehicles or those permitted on the beach for marine turtle conservation or research; and~~
  - ~~ii. The building of campfires or bonfires.~~

##### **B. ~~A. The following standards shall be applicable to all new construction, reconstruction, or development activities:~~**

##### **1. ~~Controlled use, design, and positioning of lights:~~**

- ~~i. The use of lighting for decorative and accent purposes, such as that emanating from spotlights or floodlights, is prohibited.~~
- ~~ii. The use of lights for safety and security purposes shall be limited to the minimum number required to achieve their functional role. The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible is required.~~
- ~~iii. Fixture lights shall be designed and positioned so that they do not cause direct or indirect illumination of areas seaward of the primary dune.~~
- ~~iv. Wall mounted fixtures, landscape lighting, and other sources of lighting shall be designed and positioned so that such light does not directly illuminate areas seaward of the primary dune, nor is directly visible from the beach.~~
- ~~v. All lights on balconies shall be shielded from the beach.~~
- ~~vi. Lighting in parking lots within line of sight of the beach shall be positioned and shielded so that only deflected light may be visible from the ground level of the beach.~~
- ~~vii. The use of red, yellow, or orange lights is permitted where security or safety is a concern, shielding is impracticable, or visibility from the beach cannot be prevented.~~
- ~~viii. Exterior artificial light fixtures within direct line of sight of the beach shall include completely shielded downlight only fixtures or recessed fixtures having low wattage (i.e. fifty (50) watts or less) "bug" type bulbs and nonreflective interior surfaces. Other fixtures that have appropriate shields,~~

~~louvers, or cut off features may also be used if they are in compliance with Section 3.05.02(A)(1)(a), (b), and (c) above;~~

- ~~ix. Exterior artificial light fixtures within direct line of sight of the beach shall be mounted as low in elevation as possible through use of low mounted wall fixtures, low bollards, and ground level fixtures.~~
- ~~x. Only low intensity lighting shall be used in parking areas within line of sight of the beach. Such lighting shall be set on a base which raises the source of light no higher than forty eight (48) inches off the ground and shall be positioned or shielded so that the light is cast downward, the source of light or any reflective surface of the light fixture is not visible from the beach, and the light does not directly or indirectly illuminate the beach.~~
- ~~xi. Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach.~~
- ~~xii. Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground level barriers. Ground level barriers shall not interfere with marine turtle nesting or hatchling emergence, or cause short or long term damage to the beach/dune system.~~
- ~~xiii. Tinted glass or film shall be installed on all windows and glass doors of single or multi story structures within line of sight of the beach. Use of appropriately shielded low pressure sodium vapor lamps and fixtures shall be preferred for high intensity lighting applications, such as lighting parking areas and roadways, providing security, and similar applications.~~
- ~~n. Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section.~~

~~3 2. Lighting for pedestrian traffic~~

~~4 a. Beach access points, dune crossovers, beach walkways, piers or any other structure on or seaward of the primary dune designed for pedestrian traffic shall use the minimum amount of light necessary to ensure safety.~~

~~b. Pedestrian lighting shall be of low wattage and recessed or shielded so that only deflected light may be directly visible from the beach.~~

~~5 3. Prior to the issuance of a certificate of occupancy, compliance with the beachfront lighting standards as set out in this section shall be demonstrated as follows:~~

~~a. Upon completion of the construction activities, a registered Florida architect or Florida registered professional engineer shall conduct a site inspection, which includes a night survey with all the beachfront lighting turned on.~~

~~b. The inspector shall provide a written report of the inspection findings, identifying the date and time of the initial inspection, the extent of compliance with this section, all areas of potential and~~

~~—observed noncompliance with this section, any action taken to  
—remedy observed noncompliance, if applicable, and the dates and  
—times of remedial inspections, if applicable.~~

~~e. The inspector shall sign and seal the inspection report, which shall  
—include a certification that the beachfront lighting has been  
—constructed in substantial accordance with the terms of this section,  
—the beachfront lighting does not illuminate areas seaward of the  
—primary dune at the time of night inspection, and the beachfront  
—light sources are positioned so that only deflected light may be  
—visible from the beach at the time of the night inspection.~~

3 All public or private buildings and other improvements existing prior to July 18, 2000 shall comply with the following standards:

~~1. Existing artificial light sources that are essential for safety or security shall be repositioned, modified, or replaced with modern alternatives so that only deflected light may be visible at ground level from the beach, and light does not directly illuminate areas seaward of the primary dune.~~

~~Existing artificial light fixtures shall be repositioned, modified, or removed so that:~~

~~xiv. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;~~

~~xv. Areas seaward of the frontal dune are not directly or indirectly illuminated; and~~

~~xvi. Areas seaward of the frontal dune are not cumulatively illuminated.~~

~~The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:~~

~~a. Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;~~

~~b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;~~

~~c. Replace traditional light bulbs with yellow “bug” type bulbs not exceeding fifty (50) watts;~~

~~d. Replace nondirectional fixtures with directional fixtures that point down and away from the beach;~~

~~e. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;~~

~~f. Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;~~

~~g. Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage low pressure sodium vapor lighting possible for the specific application;~~

- ~~h. Plant or improve vegetation buffers between the light source and the beach to screen light from the beach; and~~
- ~~i. Construct a ground level barrier to shield light sources from the beach. Ground level barriers shall not interfere with marine turtle nesting or hatchling emergence, or cause short or long term damage to the beach/dune system.~~

~~The following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line of sight of the beach:~~

- ~~j. Apply window tint or film that meets the standards for tinted glass;~~
- ~~k. Rearrange lamps and other moveable fixtures away from windows;~~
- ~~l. Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; or~~
- ~~m. Turn off unnecessary lights.~~

~~Light sources within line of sight of the beach that cannot be repositioned, modified, or replaced, for whatever reason, shall be turned off from sunset each night until sunrise each morning during the nesting season.~~

### 3.06.00 (NEW) WILDLIFE PLANNING

A. The purpose of this Section is to protect nesting sea turtles on the beaches in the City of Fernandina Beach by ensuring that their nesting habitat is not degraded by artificial light. The objective of the ordinance is to ensure artificial light does not interfere with sea turtle nesting and hatching events through the design and implementation of “sea turtle friendly” lighting systems that properly exclude the beach from their range. In order to further the objective of full implementation, this Section also includes provisions designed to educate residents and beach users in the City of Fernandina Beach on the benefits of sea turtle friendly lighting and provides for inspections to ensure compliance with the acceptable lighting standards.

#### B. SEA TURTLE LIGHTING ZONE

The Sea Turtle Friendly Zone is hereby established within the City of Fernandina Beach. The Sea Turtle Friendly Zone shall include all properties within City of Fernandina Beach that may directly, indirectly, or cumulatively illuminate the beach with artificial light at any time, and regardless of whether those properties are immediately located on the beachfront or not immediately located on the beachfront.

#### C. LIGHTING PROVISIONS

##### 1. Standards Applicable to All Lighting in the Sea Turtle Friendly Zone

All lighting in the Sea Turtle Friendly Zone shall be designed so that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the beach.

##### 2. Exterior Lighting Affixed to Structures

- a. All lighting affixed to the exterior of permanent structures shall be long wavelength and fully shielded.
- b. All non-egress lighting affixed to the exterior of permanent structures shall not directly, indirectly, or cumulatively illuminate the beach.
- c. Lighting at egress points shall be limited to the minimum number of fixtures and footcandles necessary to meet federal, state, and local safety requirements.
- d. Lighting affixed to the exterior of permanent structures shall consist of either:
  1. Wall or ceiling down-light fixtures, equipped with a well-recessed light source and interior dark-colored, non-reflective baffles or louvers, mounted at a maximum height, measured from the bottom of fixture, of eight feet above the adjacent floor or deck, or
  2. Louvered wall fixtures, equipped with downward-directed louvers that completely hide the light source, with the bottom of fixture mounted 12 inches or less above the adjacent floor or deck, or
  3. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach.
- e. Balcony lights on the seaward and shore-perpendicular sides of permanent structures shall be turned off at all times during nighttime in sea turtle nesting season.
- f. Interior locations including but not limited to stairwells, elevators, parking garages, or courtyards that allow light to escape through windows or other openings shall not directly, indirectly, or cumulatively illuminate the beach.
- g. All windows and glass doors on the seaward and shore-perpendicular sides of any structures shall be designed for a light transmittance value of 15% or less through the use of tinted glass, window film, or screens.

- h. Emergency lights shall be on a separate circuit and activated only during power outtages or other situations where emergency lighting is necessary for public safety.

### 3. Outdoor Areas

- a. All lighting of outdoor areas shall be long wavelength and fully shielded.
- b. Outdoor lighting that projects light upward shall be prohibited.
- c. Lighting of outdoor areas shall consist of either:
  - 1. Ground-level downward-directed fixtures, equipped with interior dark-colored, non-reflective baffles or louvers, mounted either with a wall mount on walls or piles facing away from the beach, or
  - 2. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach.
- d. Lighted signs shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not directly, indirectly, or cumulatively illuminate the beach.
- e. Pond lights and fountain lights shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not directly, indirectly, or cumulatively illuminate the beach.
- f. Fire pits shall be located landward of the most seaward dune and shielded with an opaque structure or partition, and shall not directly, indirectly, or cumulatively illuminate the beach.

### 4. Parking Areas And Roadways

- a. All lighting of parking areas and roadways shall be long wavelength, fully shielded, and full cut-off.
- b. Parking area and roadway lighting shall be shielded from the beach via vegetation, natural features, or artificial structure rising from the ground which prevent artificial light sources, including but not limited to vehiclular headlights, from directly, indirectly, or cumulatively illuminating the beach.
- c. Lighting of roadways shall produce no more than 1.0 footcandles (on average) of light in any location.
- d. Lighting of parking areas and roadways shall consist of either:
  - 1. Ground-level downward-directed fixtures, equipped with interior dark-colored, non-reflective baffles or louvers, mounted either with a wall mount on walls or piles facing away from the beach, or
  - 2. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach, or
  - 3. Embedded roadway lighting systems, or
- e. Pole-mounted lights, if required, shall adhere to the following restrictions and shall only be used in parking areas and roadways when mounting the lights at lower elevations cannot practicably comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety. If required, pole-mounted lights shall be:
  - 1. Located on the landward sides of buildings in locations that will not directly, indirectly, or cumulatively illuminate the beach,
  - 2. Mounted no higher than 12 feet above the ground on arterial roadways or 20 feet above the ground if required on Department of Transportation right-of-ways, and
  - 3. Full cut-off, downward-directed onto non-reflective surfaces.

- f. Equipment yards, storage yards, and temporary security lights shall also adhere to the lighting restrictions contained in this Section.

#### 5. Pool Areas

- a. Lighting of pool decks, pool facilities, swimming pools, and spas shall be long wavelength and fully shielded.
- b. Above-water lighting of pool decks, pool facilities, swimming pools, and spas shall be turned off at nighttime during sea turtle nesting season when closed. The use of an automatic timer is acceptable.
- c. Above-water lighting of pool decks, pool facilities, swimming pools, and spas shall otherwise adhere to the applicable requirements for acceptable light fixtures contained in Section 3.06.01(C)(1-2).
- d. Underwater lighting of pools or spa light shall:
  - 1. Be downward-directed,
  - 2. Not directly, indirectly, or cumulatively illuminate the beach, and
  - 3. Produce no more than 0.5 footcandles of light above the water surface.

#### 6. Pier Structures

- a. Lighting of pier structures projecting over the beach or over water shall be:
  - 1. Long wavelength and fully shielded, and
  - 2. Mounted as low to the deck as possible to prevent light pollution or spillage beyond the walking surface, and
  - 3. Shall consist of either:
    - a) Recessed railing down-light fixtures, equipped with downward-directed louvers and interior dark-colored, non-reflective baffles, or
    - b) Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the point source of light, and externally shielded on the side facing the beach, or
    - c) Embedded lighting systems.

#### 7. Dune Crossovers And Beach Access Points

Lighting of dune crossovers and beach access points shall be prohibited.

#### 8. Temporary Lighting

- a. Temporary lighting includes but is not limited to special events, construction and motor vehicles.
- b. The operation of all motorized vehicles, except emergency, law enforcement or government vehicles or those permitted on the beach for sea turtle conservation or other research and conservation, shall be prohibited on the beach at nighttime during sea turtle nesting season. All authorized motor vehicles shall follow best practices for driving on the beach as outlined by the Florida FWC.
- c. All temporary lighting shall be:
  - 1. Long wavelength and fully shielded,
  - 2. Turned off during nighttime in sea turtle nesting season, or if temporary lighting is deemed necessary during sea turtle nesting season it shall be allowed from 6:00am to 11:00pm, must be restricted to the minimal amount necessary, and shall incorporate all the standards of this Section,
  - 3. Mounted less than eight feet above the adjacent floor or deck, measured from the bottom of fixture, and

4. Restricted to the minimal number of footcandles necessary to conform to the applicable construction safety regulations.

#### D. Compliance and enforcement procedures

##### 1. Notice of Violation

- a. Upon finding any violation of this Article, City Code Enforcement shall deliver a written notice of the violation of this Ordinance to the property owner and direct said owner to promptly remove or cure such lighting arrangement not in compliance with this Section.
- b. The time allowed for making the repairs shall be stated in the notice and should the responsible party neglect or refuse to remove or cure the unacceptable lighting arrangement within the specified time stated in the notice, the party so offending shall commit a violation of this Article and be punished as provided in Section 3.06.01(D)(2).

##### 2. Penalties

- a. Any person who takes any action or omission in violation of any provision of this Section and fails to cure such violation after proper notice is provided, shall be subject to a fine of up to \$250 per day per violation for initial violations, and \$500 per day per violation for repeat violations. All penalties incurred as a result of violation of this Section shall continue to accrue until such violations are cured.
- b. The City of Fernandina Beach shall have the right to encumber such property in violation of this Section with a lien for an amount equal to the total amount of fines owed at the time of compliance.

##### 3. Sea Turtle Friendly Fund

- a. A *Sea Turtle Friendly Fund* is hereby established within the City of Fernandina Beach.
- b. All funds collected as a result of the issuance of fines under Section 3.06.01(D)(2) shall be deposited in the *Sea Turtle Friendly Fund*. The funds in this account shall be used for:
  1. Grants to property owners for the installation of light systems that comply with this Ordinance and reduce the amount of artificial beach lighting,
  2. Educational materials to inform the general public on the threats of artificial lighting to sea turtles, including but not limited to signs, door knockers, pamphlets, stickers, public service announcements, and other awareness campaigns, and
  3. Other reasonable efforts to protect the sea turtle population within the City of Fernandina Beach including but not limited to research and conservation projects.
- c. The City of Fernandina Beach may contribute funding from other sources into the *Sea Turtle Friendly Fund* for uses consistent with the purposes set forth above.

**3.06.02 Requirements Regarding Habitat Protection of Federally or State Listed Species** Changes to this section recommended by FWC in recognition that terminology regarding threatened species has changed to “federally or state listed species” and that US Fish and Wildlife should be included. They did not have any further comments.

- A. A professionally prepared biological survey to document the presence of endangered, threatened, or species of special concern shall be submitted with applications for development when the development is:
  - 1. In excess of ~~five (5)~~ two (2) acres on previously undisturbed properties; or  
Located on environmentally sensitive lands.
- B. Environmentally sensitive lands for which a survey is required regardless of acreage are those found in 3.02.03(A):
  - 2. ~~All land identified as “Conservation” on the FLUM and on the adopted zoning map; and~~
  - 3. ~~All undisturbed properties within 150 feet of Fort Clinch State Park Aquatic Preserve and all navigable tributaries.~~
- C. Biological surveys shall:
  - 1. Follow the standards and criteria adopted by the Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service; or
  - 2. Include a preliminary report consisting of pedestrian surveys of 200-foot transects through a minimum of twenty-five percent (25%) of each habitat on site. Within twenty-one (21) days of the preliminary report, the City Manager shall (1) render a finding of whether a second, more intensive survey is needed, based on the information provided by the Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service , and (2) shall describe the parameters it will follow for such an intensive survey, if required.

If the field biological inventory indicates the presence of federally or state listed species endangered, threatened, or species of special concern:

- A. The survey shall be forwarded to the Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service; and
- B. The applicant shall follow the recommendations of the Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service for mitigating loss of habitat; or
- C. A habitat plan shall be prepared by a qualified ecologist, biologist, or other related professional and shall include, at a minimum, the following:
  - 1. An analysis of the likelihood of the species surviving on the proposed development site as a viable population, assuming that the proposed development would not occur and taking into account the quality and quantity of habitat needed to maintain members of the species;
  - 2. An analysis of existing viable habitat on adjacent property for the species;
  - 3. The land needs of the species that may be met on the development site; and
  - 4. Measures that shall be taken to protect the habitat of the species on the property, if the species would likely remain a viable population, in the absence of the proposed project.

Prohibited activities:

- A. No protected ~~threatened~~ species of wildlife or freshwater fish or their nests, eggs, young, homes, or dens, shall be taken, transported, stored, served,

bought, sold, or possessed in any manner or quantity at any time, except as specifically permitted by the provisions of State law.

- B. No person shall kill, wound, pursue, molest, harm, harass, capture, or possess any protected ~~threatened~~ species or parts thereof or their nests, eggs, young, homes, or dens, except as authorized by specific permit, issued by the Florida DEP, the Florida Fish and Wildlife Conservation Commission, and any other applicable State or Federal agency.
- C. Development proposed adjacent to Outstanding Florida Waters, aquatic preserves, wildlife sanctuaries, wildlife refuges, state preserves, forests, parks, gardens, and wildlife management areas shall be environmentally compatible in order to conserve wildlife populations and habitat.

### 6.02.19 Marinas

- A. Marinas are allowable in the C-3, PI-1, W-1 and I-W zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section.
- ~~B. Marinas shall be located adjacent to existing channels and passes, where no maintenance dredging will be required.~~
- C. A marina shall provide parking for boat trailers and/or vehicle-trailer combinations. Fifty (50) percent of the required off-street parking vehicles may be replaced with parking for vehicle-trailer combinations. In addition to the required parking set forth in Section 7.01.04, parking may be provided for boat trailers.
- D. Stacked dry storage shall only be permissible within an enclosed building.
- E. Facilities for engine repair shall be within an enclosed building.
- F. All proposed activities adjacent to or within the Nassau River/St. Johns River Marshes and Fort Clinch State Park Aquatic Preserves shall obtain and comply with all required permits and approvals as required of the Nassau River/St. Johns River Marshes and Fort Clinch State Park Aquatic Preserves Management Plan.
- G. Marinas shall not be located in or adjacent to any FDEP designated manatee sanctuaries, known areas of essential manatee habitat, or manatee foraging areas.
- H. Marinas shall be required to provide sewage pump-out facilities approved by the FDEP, and shall be required to connect to any approved central wastewater treatment facility available within 2,640 feet of the marina property.
- I. Marinas shall be required to utilize FDEP approved fuel spill containment facilities where petroleum products are sold, stored, or utilized.
- J. Placement of pilings, docks, ramps, and other structures shall avoid wetlands and grass beds.
- K. Construction materials and processes shall minimize environmental impacts and shall be the best technology available.
- L. All marinas are encouraged to utilize dry storage, instead of wet docking, to the fullest extent possible, in order to limit impacts to water circulation patterns within estuaries and other waterways.
- M. All drainage, wastewater, and wash-down facilities shall be designed and maintained in strict conformance with this LDC and any additional requirements of the FDEP, the SJRWMD, the USACOE, or other State or federal agency with jurisdictional powers over marinas.
- ~~N. No dock, pier, or other structure shall be allowed to obstruct or alter natural water flow or restrict navigation.~~
- O. Seawalls and other shoreline modifications shall be set at or landward of the mean high water line, except as otherwise provided by law.
- P. Activities involving dredging and filling shall be required to obtain any applicable permits from federal and State agencies with jurisdiction, including the FDEP, the USACOE, and the SJRWMD, as well as any permits required by the City or County.
- Q. Parking, dry storage and non-water-dependent facilities must be built on existing uplands.
- R. Marinas must prepare disaster preparedness plans and provide copies to the City Manager, Fire Department and Planning Department.
- S. Marina siting or expansion shall not have an impact on ongoing commercial shrimping or fishing activities.
- T. Marinas shall seek Clean Marina designation from FDEP.

#### **11.01.04 Requirements for All Site Plans**

In addition to the information required in Section 11.01.03, all applications for site plan approval shall contain the following information:

1. The names, address, telephone number, facsimile number, and email address of the person preparing the plan.
2. The date of preparation and date(s) of any modifications, a north arrow, and a written and graphic scale.
3. The legal description of the property, consistent with the required survey.
4. A vicinity map showing the location of the property.
5. The location of streams, bodies of water, natural features, roads, rights-of-way, street intersections, and paved areas within the boundaries of the property.
6. The location of streams, bodies of water, dunes and dune systems, and other natural features within 250 feet of the boundaries of the property.
7. The location of the mean high water line, if such line is within the boundaries of the property.
8. A topographic survey, soils report, grading plan, and an erosion control plan.
9. A general floodplain map indicating areas subject to inundation and high groundwater levels up to a 100-year flood classification.
10. A statement indicating the distances to schools and public safety facilities intended to serve the proposed development.
11. The name, plat book, and page number of any recorded subdivision comprising all or part of the site.
12. The location and use of any existing and proposed principal or accessory buildings and structures, showing proposed setbacks, building heights, and other dimensional requirements of the zoning district in which the property is located.
13. Elevations of all proposed structures.
14. The access points, driveway design, on-site parking, including required parking lot landscaping, internal circulation, sidewalks, and bicycle facilities.
15. The location of existing and proposed utilities, utility services, and easements.
16. A tree survey showing protected trees, proposed replacement trees, if required, and landscaping and buffering. (See Section 4.05.00.)
17. A soil erosion and sediment control plan compliant with Section 3.01.04.
18. For a PUD site plan, a detailed, written list and explanation of how the proposed PUD differs from any provision of this LDC applicable to the underlying zoning district.
19. For site plans and PUD site plans where development is proposed in phases, the plans shall include phase lines and the following supporting information:
  - a. Timeline for the development; and
  - b. Benchmarks for monitoring the progress of construction of each phase regarding land clearing, soil stabilization and erosion control, installation of infrastructure, and installation of landscaping.
20. A summary block containing:
  - a. Land use category from the Future Land Use Map in the comprehensive plan;
  - b. Zoning district;
  - c. Total acreage;
  - d. Total square footage for non-residential uses;

- e. Total density and number of units, proposed and permissible, for residential uses;
- f. Impervious surface ratio calculation, proposed and permissible;
- g. Floor area ratio calculation, proposed and permissible;
- h. Total number of parking spaces, required and provided; and
- i. Number of trees required to be protected, number of trees remaining on the site, and number of trees to be planted.

Additional plans, documents, or reports that are necessary to support the application shall be submitted. Such plans, documents, or reports may include, but are not limited to, concurrency analysis, traffic analysis reports, parking studies, stormwater management plans, or environmental impact studies

**2.00.01 Official Zoning Map**

- A. Zoning districts are hereby established for all land and water areas included within the boundaries of each district as shown on the “Zoning Map, Fernandina Beach, Florida.”
- B. The Zoning Map and all notations, references, and other information shown on the Zoning Map are as much a part of this LDC as if the information set forth thereon were fully described and set out in this LDC.
- C. Table 2.00.02(C) shows the relationship between zoning districts and the land use categories on the Future Land Use Map (FLUM). An “X” indicates that the zoning district is permissible within the indicated category on the FLUM.

**Table 2.00.02(C). Relationship between Zoning Districts and Future Land Use Map Categories**

<b>Zoning Districts:</b>	<b>R-E</b>	<b>R1-G</b>	<b>R-1</b>	<b>RLM</b>	<b>R-2</b>	<b>R-3</b>	<b>OT-1</b>	<b>OT-2</b>	<b>MU-1</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	<b>I-A</b>	<b>I-W</b>	<b>W-1</b>	<b>PI-1</b>	<b>REC</b>	<b>CON</b>
FLUM Land Use Categories:																				
Low Density Residential	X	X	X																	
Medium Density Residential			X	X	X															
High Density Residential						X	X	X												
Office and Residential Mixed Use								X	X											
General Commercial										X	X									
Central Business District												X								
Industrial													X	<del>X</del>	X					
Industrial Waterfront																X				
Waterfront Mixed Use																	X			
Recreation																			X	
Conservation																				X
Public and Institutional																		X		

## 2.01.00 ESTABLISHMENT AND PURPOSE OF ZONING DISTRICTS

This section describes the purpose of each zoning district. Specific uses permissible within each zoning district are identified in Tables 2.03.02 and 2.03.03. Uses are permissible subject to compliance with standards for the zoning district, applicable overlay districts, and specific uses. Standards are set forth in Chapters 4, 5, 6, and 8.

### 2.01.13 Light Industrial (I-1)

~~The I-1 District is intended for the development of warehousing, fabrication, storage, and commercial services. The Industrial District recognizes existing development with locations that have access to major highways. The designation of land for the I-1 District shall be based on compatibility with surrounding land uses, considering environmental sensitivity, intensity of use, hours of operation, heat, glare, fumes, noise, and visual impacts.~~

The I-1 District is intended for the development of light industrial manufacturing, processing, or storage, research facilities, commercial activities, including lodging accommodations, and community facilities or government buildings, such as, animal services, emergency services or administrative offices, recreational facilities, such as golf courses, or other activities compatible with light industrial operations which are in close proximity to transportation facilities. The district is not intended to accommodate heavy industrial operations or to accommodate commercial that would restrict the principal light industrial operations. Residential development, with exception of a caretakers unit, is not permissible within the zoning district. The designation of land for the I-1 District shall be based on compatibility with surrounding land uses, considering environmental sensitivity, intensity of use, hours of operation, heat, glare, fumes, noise, and visual impacts.

### 2.01.14 Industrial Airport (I-A)

~~The Industrial Airport District is intended for the development of airport regulated property surrounding the airport. The Industrial Airport District recognizes the need for consistency with permissible uses on airport property as regulated by the Federal Aviation Administration (FAA) and for consistency with height limitations to prevent interference with the safe and efficient operations of the airport. The district disallows use which would impact aircraft operational capabilities, electronic or procedural requirements and/or create an airport hazard as determined by the FAA. Uses within the district are subject to height limitations as imposed by the FAA. — the desire for development of more intensive commercial uses in proximity to the airport and golf courses including lodging accommodations.~~

### 2.01.15 Waterfront Industrial (I-W)

*NO CHANGES PROPOSED*

### 2.01.16 Heavy Industrial (I-2)

The I-2 District is intended for the development of warehousing, fabrication, storage, and commercial services which are likely to produce adverse physical and environmental impacts such as noise, land, air, and water pollution and transportation conflicts. The Heavy Industrial District recognizes existing heavy manufacturing development with locations that have access to major highways. Residential development, with exception of a caretakers unit, is not permissible within the zoning district. The designation of land for the I-2 District shall be based on compatibility with surrounding land uses, considering environmental sensitivity, intensity of use, hours of operation, heat, glare, fumes, noise, and visual impacts.

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2.03.02 Table of Land Uses

Table 2.03.02. Table of Land Uses

P – Permissible S – Permissible Subject to Supplemental Standards Blank-Prohibited	Zoning Districts																				
	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC	
<b>Land Uses:</b>																					
Adult Entertainment													S								
Airports and Heliports													P		P						
Animal Hospital or Veterinary Clinic											P		P		P						
Asphalt or Concrete Plant													S		S						
Automobile Sales, New and Used											P		P		P						
Automobile Repair, Garage, Body Shop											P		P		P						
Automotive Rental Agencies											P		P		P	P	P				
Bakery Plant													P		P						
Bed and Breakfast Inns						S		S	S			S									
Book and Stationery Stores								P	P	P	P	P	P		P		P				
Bottling Plants													P		P						
Bulk Storage Yards – Solids													P								
Bulk Storage Yards- Liquid													P								
Bus Terminals and Taxi Stations											P		P		P						
Business Colleges; Commercial, Trade, Vocational, and Arts Schools											P	P	P		P				P		
Business Services such as Copying, Mailing, or Printing										S	P	S	P		P						
Cemeteries	S	S	S	S	S	S	S	S	S											P	
Clubs, Public or Private; Community and Recreation Centers			S	S	S	S			S	P	P	P	P		P		P	P			
Commercial Fishing Facilities																P	P				
Construction, Sales, and/or Maintenance of Boats and Ships; Marine Supply													P		P	P	P				

Zoning Districts

<b>P – Permissible</b>																					
<b>S – Permissible Subject to Supplemental Standards</b>	<b>R-E</b>	<b>R1-G</b>	<b>R-1</b>	<b>RLM</b>	<b>R-2</b>	<b>R-3</b>	<b>OT-1</b>	<b>OT-2</b>	<b>MU-1</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	<b>I-A</b>	<b>I-W</b>	<b>W-1</b>	<b>PI-1</b>	<b>CON</b>	<b>REC</b>	
<b>Blank-Prohibited</b>																					
Craft Distillery, Small-Scale Brewery or Winery									S	S	S	S	P	P	P						
Day Care Center									S	S	P	P							P		
Dog Dining- Outdoors Only								S	S	S	S	S	S	S	S	S	S				
Distribution, Packing, and Shipping													P	P	P	P	P				
Drug Store or Pharmacy									P	P	P	S	P	P	P		P				
Essential Public Services, such as Transmission Lines and Lift Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P
Financial Institutions, Banks, and Credit Unions								P	P		P	P	P	P	P						
Freight and Moving Establishments													P	P	P						
Funeral Home and Mortuary									P		P		P	P	P						
Gasoline Station, with or without a Convenience Store										P	P		P	P	P	P					
Golf Course		P											P	P	P				P	P	
Grocery Store								P	P		P	P	P	P	P		P				
Group Homes	S	S	S	S	S	S			S			S									
Government and Civic Buildings, including Library and Museum									P			P							P		
Health Clubs and Gyms											P	P	P	P	P						
Hospital																			S		
Junk and Salvage Yards																					
Laundry and Dry Cleaning, On-Site, including Self-Service Laundry											P		P	P	P						
Laundry and Dry Cleaning, Pick-Up Only								P	P	P	P										
Light Indoor Manufacturing Uses, including Packaging and Fabricating													P	P	P						
Liquor Store, Lounge, and Bar (without drive-through window)									S	S	P	S	P	P	P		P				



Zoning Districts

	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC
<b>P – Permissible</b>																				
<b>S – Permissible Subject to Supplemental Standards</b>																				
<b>Blank-Prohibited</b>																				
Towers																				
Recreation, Outdoor Amusements, such as Miniature Golf or Fishing Piers, Excluding Amusement Parks and Drive-in Theaters											S	S				S	S	S		S
Recreation, Indoor Facilities, such as Billiard Parlors, Bowling Alleys, Game Rooms, and Skating Rinks											S	S	S	I-2	S			S		S
Railroad Facilities													P	P		P	P			
Religious Facilities	S		S	S	S	S	S	S	S	P	P	P								
Research and Development Facilities													P	P	P	P				
Residential Uses:																				
Single-Family	P		P	P	P	P	P	P	P			P								P Note 2
Two- and Three-Family					P	P			P			P								
Four- or More Family						P						P								
Group Residential (see Note 3)						S			S			S								
Resort Rental			Note 1		Note 1	P														
Restaurant, With or Without Drive-Through Window									P	P	P	P	P	P	P	P	P			
Retail Stores								P	P	P	P	P	P	P	P		P			
Schools, Elementary, Junior, or Senior High	S	S	S	S	S	S			S										P	
Scooter and Moped Rentals										S	P	S								
Seasonal Sales *Note 4									P	P	P	P	P	P	P	P	P			
Small Equipment or Appliance Repair Shops											P	P	P	P	P					
Specialty Food Stores, such as Bakeries or Ethnic Grocers									P	P	P	P	P	P	P			P		
Specialty and Gift Shops such as Art,									P	P	P	P	P	P	P			P		

Zoning Districts

	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC
<b>P – Permissible</b>																				
<b>S – Permissible Subject to Supplemental Standards</b>																				
<b>Blank-Prohibited</b>																				
Antique, or Jewelry Shops, Books, or Stationers																				
Terminals for Freight or Passengers, By Ship													P	P		P	P			
Theaters, Movie or Performing Arts									P		P	P	P	P	P		P			
Trades and Repair Services such as Electrical, Heating, and Air, Mechanical, Painting, and Plumbing											S		P	P	P					
Utility Facilities, such as Electric Substations, Water and Wastewater Treatment Plants												P	P	P	P	P	P	P		
Warehouse, not Including Mini-Storage													P	P	P	P				
Welding or Sheet Metal Works													P	P	P					
Wholesale Establishments													P	P	P					

Notes:

1. Resort rentals in R-1 or R-2 zoning districts that existed prior to the effective date of Ordinance 2000-28 (October 3, 2000) may continue a legal non-conforming status as long as the resort rental permit has not expired for a period of greater than 180 days.
2. Properties that have obtained the WMU Future Land Use category are subject to the permitted uses in the W-1 column. Residential units are permitted above non-residential uses. Stand alone residential uses are prohibited.
3. Group Residential uses in existence prior to the adoption of Ordinance 2007-22 may continue a legal non-conforming status as long as a Group Residential Permit is applied for and maintained in accordance with the terms of the Ordinance. Existing uses shall not be subject to the Supplemental Standards in Section 6.02.24.
4. Seasonal Sales are subject to the provisions of LDC Section 5.02.02 and a temporary use permit is required according to the procedures set forth in Chapter 11.

2.03.03 Table of Accessory Uses

(See Section 5.01.01 for standards pertaining to accessory uses.)

Table 2.03.03 lists permissible accessory uses in each zoning district. The letter "P" indicates that the identified use is permissible as an accessory use, but not as a principal use. Principal uses are identified in Table 2.03.02.

Table 2.03.03. Table of Accessory Uses

P – Permissible Accessory Use  S – Permissible Subject to Supplemental Standards  Blank – Prohibited	Zoning Districts																			
	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC
<b>Accessory Land Uses:</b>																				
Home Occupation	P	P	P	P	P	P	P	P	P											
Accessory Dwelling – Detached Building	P	P	P	P	P	P	P	P	P											
Agricultural Support Buildings	P																			
Cremation Facility *Note 2									S		S		S	I-S	S					
Detached Garage or Carport	P	P	P	P	P	P	P	P	P											
Docks and Other Waterfront Structures	P	P	P	P	P	P	P	P	P				P	I-P		P	P	P	P	P
Dumpsters						P			P	P	P	P	P	I-P	P	P	P	P		P
Fences	P	P	P	P	P	P	P	P	P	P	P	P	P	I-P	P	P	P	P	P	P
Outside Storage – Agricultural Equipment and Materials	P												P	I-P	P	P				
Outside Storage – Equipment, Machinery, and Materials											P		P	Note 1	I-P	P	P	P		
Satellite Dish Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	I-P	P	P	P	P		
Storage Buildings, Sheds, Utility Buildings, and Greenhouses	P	P	P	P	P	P	P	P	P	P	P	P	P	I-P	P	P	P	P	P	P
Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P			P				P	P

Notes: 1. ~~As to the Rayonier and Smurfit Stone properties,~~ P-permitted yard storage within the Heavy Industrial (I-2) zoning category shall include process by-products and new or used process parts for use in or sale of by the mill-industries".  
 2. Cremation Facilities shall be subject to the supplemental standards provided in Section 6.02.26.

4.05.02

**Applicability**

D. The following situations are exempt from the requirements of Section 4.05.00.

- 5. **Heavy Industrial (I-2) zoning district is exempt from the requirements of Section 4.05.00, provided that the new construction, renovation, alteration or remodeling occurs more than 75 feet from an adjoining non-complementary land use. Within the exemption area, LDC Section 4.05.00 applies only within the project's extent occurring in the 75 foot area. The exemption exists with the intent that Heavy Industrial (I-2) zoned properties would seek to minimize an overall impact on the existing tree canopy.**

**Table 4.05.12 (B). Types and Plant Requirements for Buffers**

Buffer Type	Minimum Width (ft.)	Required Plants per 100 Linear Feet of Property Line
A	10	Two (2) understory trees
B	15	Four (4) understory trees
C	15	Two (2) shade trees Four (4) understory trees Continuous unbroken hedge, planted in a double-staggered row to form a solid visual screen within one (1) year of planting
D	20	Four (4) shade trees Four (4) understory trees <del>A solid masonry wall at least four (4) feet high with a</del> <b>A</b> continuous unbroken hedge, planted in a double-staggered row to form a solid visual screen within one (1) year of planting, <del>planted on the outside of the wall on the side of least intensity.</del> <b>Retention of native trees and vegetation which meet this requirement shall be considered as part of the buffer.</b>

- A. A buffer shall be required between zoning districts according to the standards set forth in Table 4.05.12 (C). The existence of a road along a property boundary shall not be construed as meeting any part of the buffer requirement, nor as relieving the applicant from providing the required buffer.



Zoning Districts

	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	H-1	H-2	I-A	I-W	W-1	PL-1	CON	REC
<b>P – Permissible</b>																				
<b>S – Permissible Subject to Supplemental Standards</b>																				
<b>Blank-Prohibited</b>																				
Craft Distillery, Small-Scale Brewery or Winery									S	S	S	S	P	<del>P</del>	<del>X</del>	P				
Day Care Center									S	S	S	S			<del>X</del>	S	S	P		
Dog Dining- Outdoors Only									S	S	S	S	P	<del>S</del>	<del>X</del>	S	S			
Distribution, Packing, and Shipping									S	S	S	S	P	<del>P</del>	<del>X</del>	P	P			
Drug Store or Pharmacy									P	P	P	S	P	<del>P</del>	<del>X</del>	P	P			
Essential Public Services, such as Transmission Lines and Lift Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	<del>P</del>	<del>X</del>	P	P	P	P	P
Financial Institutions, Banks, and Credit Unions									P	P	P	P	P	<del>P</del>	<del>X</del>	ATM?				
Freight and Moving Establishments													P	<del>P</del>	<del>X</del>					
Funeral Home and Mortuary									P	P	P	P	P	<del>P</del>	<del>X</del>					
Gasoline Station, with or without a Convenience Store										P	P	P	P	<del>P</del>	<del>X</del>	P	FUEL	FAC		
Golf Course		P											P	<del>P</del>	<del>X</del>			P		P
Grocery Store									P	P	P	P	P	<del>P</del>	<del>X</del>		P			
Group Homes	S	S	S	S	S	S			S			S								
Government and Civic Buildings, including Library and Museum									P	P	P	P			<del>P</del>				P	
Health Clubs and Gyms													P	<del>P</del>	<del>X</del>					
Hospital													P	<del>P</del>	<del>X</del>				S	
Junk and Salvage Yards																				
Laundry and Dry Cleaning, On-Site, including Self-Service Laundry										P	P	P	P	<del>P</del>	<del>X</del>					
Laundry and Dry Cleaning, Pick-Up Only									P	P	P	P	P	<del>P</del>	<del>X</del>					
Light Indoor Manufacturing Uses, including Packaging and Fabricating													P	<del>P</del>	<del>X</del>					
Liquor Store, Lounge, and Bar (without drive-through window)									S	S	S	S	P	<del>P</del>	<del>X</del>				P	

Zoning Districts

	RF	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PL-1	CON	REC
<b>P – Permissible</b>																				
<b>S – Permissible Subject to Supplemental Standards</b>																				
<b>Blank-Prohibited</b>																				
Lodging Accommodations										S	P	P	S		<del>X</del>					
Lumber and Building Supply											S		P		<del>X</del>	P				
Manufacturing and/or Assembly- Heavy															<del>X</del>					
Manufacturing and/or Assembly- Light															<del>X</del>					
Manufacturing and/or Assembly- Water Related															<del>X</del>	P				
Manufacturing and/or Assembly- Artisan								P	P	P	P	P	P		<del>X</del>	P				
Marina															<del>X</del>					
Marine recreation, such as kayak or boat rentals, sailing schools, etc.												S			<del>X</del>	S	S	S		
Marine research and educational facilities															<del>X</del>	P	P			
Medical and Dental Clinics										P	P		P		<del>X</del>					
Mini-storage or Self-storage Facility											S		P		<del>X</del>					
Music, Dancing, Photography, or Art Studios								P	P	P	P	P	P		<del>X</del>		P	P		
Outside Sales										S	S		S		<del>X</del>		S			
Parking Lots and Parking Garages											P	P	P		<del>X</del>	P	P	P		
Parks, Public		P													<del>X</del>					
Parks, Private or with Stadium Style Lighting															<del>X</del>	S				
Personal Services, such as beauty/barber shops, tattoo parlor, massage or acupuncture therapy										P	P	P	P		<del>X</del>		P			
Picnic Areas, Trails, and Nature Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S		<del>X</del>	S	S	S	S	S
Piers, Docks, and Wharves															<del>X</del>	P	P			
Professional Offices								P	P	P	P	P	P		<del>X</del>					
Public Recreation Buildings		P	P	P	P	P									<del>X</del>					
Radio, Television, and Telecommunication													S		<del>X</del>	S	S	S	S	S

Zoning Districts

	R-F	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PL-1	CON	REC
<b>P – Permissible</b>																				
<b>S – Permissible Subject to Supplemental Standards</b>																				
<b>Blank-Prohibited</b>																				
<b>Towers</b>																				
Recreation, Outdoor Amusements, such as Miniature Golf or Fishing Piers, Excluding Amusement Parks and Drive-in Theaters											S	S				S	S			S
Recreation, Indoor Facilities, such as Billiard Parlors, Bowling Alleys, Game Rooms, and Skating Rinks											S	S	S	<del>S</del>	<del>S</del>			S		S
Railroad Facilities													P			P	P			
Religious Facilities	S		S	S	S	S	S	S	S	P	P	P								
Research and Development Facilities													P							
Residential Uses:													P							
Single-Family	P		P	P	P	P	P	P	P											
Two- and Three-Family																				
Four- or More Family																				
Group Residential (see Note 3)																				
Resort Rental																				
Restaurant, With or Without Drive-Through Window																				
Retail Stores																				
Schools, Elementary, Junior, or Senior High	S	S	S	S	S	S			S											
Scooter and Moped Rentals																				
Seasonal Sales *Note 4																				
Small Equipment or Appliance Repair Shops																				
Specialty Food Stores, such as Bakeries or Ethnic Grocers																				
Specialty and Gift Shops such as Art,																				

ANNOUNCING  
ADDITION ONLY

Note 1

Note 1

Note 2

Zoning Districts

	R-F	R1-G	R-1	R1M	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-2	I-A	L-W	W-1	PL-1	CON	REC
<b>P – Permissible</b>																				
<b>S – Permissible Subject to Supplemental Standards</b>																				
<b>Blank-Prohibited</b>																				
Antique, or Jewelry Shops, Books, or Stationers																				
Terminals for Freight or Passengers, By Ship <del>Air</del> <b>NEW USE</b>																				
Theaters, Movie or Performing Arts																				
Trades and Repair Services such as Electrical, Heating, and Air, Mechanical, Painting, and Plumbing																				
Utility Facilities, such as Electric Substations, Water and Wastewater Treatment Plants																				
Warehouse, not including Mini-Storage																				
Welding or Sheet Metal Works																				
Wholesale Establishments																				

Notes:

1. Resort rentals in R-1 or R-2 zoning districts that existed prior to the effective date of Ordinance 2000-28 (October 3, 2000) may continue a legal non-conforming status as long as the resort rental permit has not expired for a period of greater than 180 days.
2. Properties that have obtained the WMU Future Land Use category are subject to the permitted uses in the W-1 column. Residential units are permitted above non-residential uses. Stand alone residential uses are prohibited.
3. Group Residential uses in existence prior to the adoption of Ordinance 2007-22 may continue a legal non-conforming status as long as a Group Residential Permit is applied for and maintained in accordance with the terms of the Ordinance. Existing uses shall not be subject to the Supplemental Standards in Section 6.02.24.
4. Seasonal Sales are subject to the provisions of LDC Section 5.02.02 and a temporary use permit is required according to the procedures set forth in Chapter 11.