

**CITY COMMISSION AGENDA ITEM**  
*City of Fernandina Beach*



**SUBJECT:** **Ordinance 2016-09**  
LDC Text Amendments - Conservation & Coastal Management Element

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**ITEM TYPE:** ☒ Ordinance ☐ Resolution ☐ Other  
☐ Proclamation ☐ Presentation

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**REQUESTED ACTION:** **Approve Ordinance 2016-09 at First Reading.**

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**SYNOPSIS:** City Planning staff set a 2016 goal of implementing the policy direction from the Conservation and Coastal Management Element of the Comprehensive Plan and to remove the floodplain management sections contained within Chapter 3 of the Land Development Code (LDC). The City has maintained floodplain management standards in the Municipal Code since 2010 through Sections 55-122 through 55-161. This package of amendments impacts multiple chapters of the LDC and reorganizes Chapter 3. Notable changes within this series of LDC amendments include updated definitions, adding requirements for soil erosion and sedimentation control, updated outdoor lighting standards for sea turtles, removing marinas from C-3 zoning, modifying marina standards, relocating stormwater management standards from Chapter 7 to Chapter 3 and adding specific requirements to address drainage for infill development, specifically addressing waterfront planning initiatives, and adding definitions and requirements for Environmentally Sensitive Lands (ESL).

The Planning Advisory Board reviewed the changes at its regular meeting on April 13, 2016 and issued a recommendation of approval.

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**FISCAL IMPACT:** None

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**2016/2017 CITY COMMISSION GOALS:** (As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

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**CITY ATTORNEY COMMENTS:** No additional comments.

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**CITY MANAGER RECOMMENDATION(S):** I recommend that the City Commission approve the First Reading of Ordinance 2016-09. *de j*

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<b>DEPARTMENT DIRECTOR</b>	Submitted by: Marshall McCrary <i>MM</i> CDD Director	Date: 4/29/16
<b>CONTROLLER</b>	Approved as to Budget Compliance	Date:
<b>CITY ATTORNEY</b>	Approved as to Form and Legality <i>TEB</i>	Date: <i>5/4/16</i>
<b>CITY MANAGER</b>	Approved Agenda Item for 5/17/16 <i>de j</i>	Date: 5/3/16

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**COMMISSION ACTION:**

<input type="checkbox"/> Approved As Recommended	<input type="checkbox"/> Disapproved
<input type="checkbox"/> Approved With Modification	<input type="checkbox"/> Postponed to Time Certain
<input type="checkbox"/> Other	<input type="checkbox"/> Tabled

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ORDINANCE 2016-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 1 SECTION 1.00.07 ACRONYMS AND DEFINITIONS, CHAPTER 2 SECTION 2.03.02 TABLE OF LAND USES, CHAPTER 3 ALL SECTIONS, CHAPTER 6 SECTION 6.02.19, CHAPTER 7, SECTION 7.03.00, CHAPTER 11, SECTION 11.01.04, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

WHEREAS, the Planning Department set a 2016 goal of implementing policies found in the Conservation and Coastal Management Element of the Comprehensive Plan; and

WHEREAS, since 2010, Floodplain Management has been incorporated into Municipal Code Sections 22-151 through 22-166 and its requirements are enforced by the City's Floodplain Manager/ Building Official; and

WHEREAS, the Planning Advisory Board has reviewed the suggested amendments in an advertised public meeting held on April 13, 2016 and has issued a recommendation of approval; and

WHEREAS, notice of public hearing on such amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 30, 2016.

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

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

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

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

ADOPTED this 21<sup>st</sup> day of June, 2016.

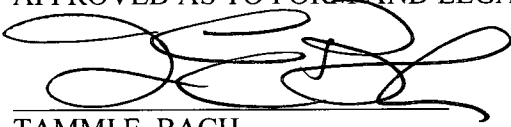
CITY OF FERNANDINA BEACH

\_\_\_\_\_  
JOHN A. MILLER  
Mayor - Commissioner

ATTEST:

\_\_\_\_\_  
CAROLINE BEST  
City Clerk

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
TAMMI E. BACH  
City Attorney

**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 kemp*i).

**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.)

	Zoning Districts								
	C-2	C-3	I-1	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>									
<b>Land Uses:</b>									
Marina		<del>S</del>			S	S	S		

# CHAPTER 3

# 3

## ENVIRONMENTAL + RESOURCE PROTECTION

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



### **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.

#### 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

5 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. E. 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 properly 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 vehicular 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



**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

Jon Lasserre

Chip Ross

David Beal

Jamie Morrill (alternate)

Mark Bennett, Vice-Chair

Charles Rogers

Chris Occhuzzo

Eric Lawrence (alternate)

**Others Present**

Kelly Gibson, City Planner

Tammi Bach, City Attorney

Sylvie McCann, Recording Secretary

**2.1 Review and Approve March 9, 2016 Regular Meeting Minutes – A motion was made by Member Bennett, seconded by Member Ross, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

**3. New Business**

**3.1. PAB 2016-10, 2016-11, 2016-12: Vacation of Right-Of-Way, Land Use and Zoning Change Request - NASSAU TERMINALS, LLC (PAB CASE 2016-10 AND 2016-11), requesting Future Land Use Map and Zoning Map changes from Industrial Waterfront/ I-W to Office and Residential Mixed Use/ MU-1 for properties located on Escambia street and N. 3<sup>rd</sup> Street, totaling 0.58 acres of land**

This item was withdrawn permanently including the zoning request at the request of the applicant.

**3.2. PAB 2016-09: LDC Changes to Implement Conservation and Coastal Management Element** - Requesting a Land Development Code (LDC) Text Amendment to update Chapters 1-3, 6, and 11 based on comprehensive plan direction in the conservation and coastal management element.

Ms. Gibson commented the board received this document about three weeks ago following the board's last meeting. She explained these changes take into account the direction of the Conservation and Coastal Management Element of the Comprehensive Plan. She stated it strikes flood plain management, which has been adopted as part of the City's municipal code. She pointed out this includes statements about water quality as well as specific requirements for storm water management and drainage. She explained there were changes to Chapter 2 to strike Marina from C-3, because it was not possible for a C-3 property to exist on the water. She recapped other changes included adding definitions; changes to Chapter 6 supplemental standards; and changes to Chapter 11.

Member Bennett referred to page 1 Environmentally Sensitive Lands and questioned if the City may have some Environmentally Sensitive Lands that may have already been altered and may not be naturally occurring. He commented Egans Creek is a prime example. Chair Lane suggested adding a sentence to clarify naturally occurring and referred to the example of Egans Creek Greenway. There was some discussion about this section and that naturally occurring means without manmade forces. It was noted that wetlands has a separate definition.

Member Ross inquired if water related use has to be on the same property as a water dependent use or can they be miles apart. Ms. Gibson noted the question was whether you are able to receive an exemption from buffering requirements for wetlands (Section 3.03.03). She stated the water related use exists where you are looking to impact a wetland area then yes it has to be on the same property by the nature of that impact.

Chair Lane inquired if dive ship was accurate or was it supposed to be dive shop. Ms. Gibson commented it could say both, and noted it should probably say dive shop.

Member Ross questioned the City's definition of campground. Ms. Gibson replied a place for RVs and tents. Member Ross inquired what a fish camp is. Ms. Gibson stated a place where you spend time fishing during the day, and you have a place to come back to sleep at night. City Attorney Bach mentioned that not every single term is defined in the code, and at times staff has to make an interpretation. There was some discussion about this and it was suggest that staff take note of terms that might be uncommon. The board then reviewed page 2 related to outdoor lighting. There was a review of Chapter 3 and it was noted that the floodplain management was incorporated into the municipal code.

The board had questions related to 3.201.02, and Ms. Gibson explained the Coastal Upland Protection Zone (CUPZ) was defined as an area extending 1,000 feet landward from the Coastal Construction Control Line (CCCL). She stated the CCCL is defined by DEP and that is the area where they take additional jurisdiction and have permitting requirements for all those properties building seaward of the CCCL. She pointed out in addition to the CCCL the City was extending protection for an area 1,000 feet landward of the CCCL and placing additional requirements as shown in subsection 2. She explained the intent was to have development consistent with the zoning requirements and those that don't adversely affect the contours and topography of the CUPZ. There was some discussion to clarify this further, and the board had some discussion about the wording "significantly deleterious". It was explained there was minimal grade and fill activity for any properties located within a 1,000 of the CCCL.

Members of the board suggested striking the word "significantly". Ms. Gibson commented she believed it was in there as a way for City staff to measure impact. She stated in this area the vast majority are single-family homes. City Attorney Bach pointed out deleterious means harm or damage, and taking out the word significant is not going to change how staff looks at applications. There was an extensive discussion about this language, and it was suggested to remove the word "deleterious". *A motion was made by Member Ross, seconded by Member Occhuizzo, to remove the word "deleterious". Vote upon passage of the motion was taken by ayes and nays and was as follows:*

<i>Member Occhuizzo:</i>	<i>Aye</i>
<i>Member Rogers:</i>	<i>Nay</i>
<i>Member Beal:</i>	<i>Nay</i>
<i>Member Lasserre:</i>	<i>Nay</i>
<i>Member Ross:</i>	<i>Aye</i>
<i>Member Bennett:</i>	<i>Nay</i>
<i>Chair Lane:</i>	<i>Aye</i>

*Motion failed.*

There was a review of the two waterfront planning pages. Ms. Gibson clarified the intent was to ensure adequate and appropriate locations for water dependent, water related, and water enhanced uses. She explained when reviewing any application for shoreline uses there is increased priority for water

dependent uses. She explained this was implementing the policy that says provide a priority list for reviewing applications of shoreline uses. She commented it was almost like a preference instead of a priority. She stated the State was saying to provide for water dependent uses first. After a brief discussion about this, Member Bennett referred to the design standards item 3(B)(1) and read "construction of docks shall be compliant with the standards of all permitting authorities....." He questioned if it was 50% of the lot. Ms. Gibson stated you cannot take your entire property and put dock along the entire thing. It was noted this was more related to Front Street rather than Egans Creek, and it was so that a person could not build in front of the neighbor's lot. There was some discussion about whether this regulation would be preempted by the State's regulations. It was suggested to clarify 3(B)(1) with the terminal platform shall not exceed 50% of the shoreline.

Member Bennett related an example of a house that almost took the entire width of the property with a dock, and commented this was not just for saltwater. City Attorney Bach inquired if the City regulates on a retention pond or a lake if someone covered the shoreline with their terminal platform. Ms. Gibson stated the building of the dock would have to come through the City. It was noted the City didn't have anything that it had to be a certain size. Ms. Gibson questioned if the board was comfortable with the language "the terminal platform shall not exceed 50% of the shoreline." She stated it also has to be constructed within the principal structure's side yard setbacks. After a brief discussion, Member Ross questioned the difference between a seawall, riprap, or similar structures that protect the shoreline from erosion. It was noted this was to prevent someone from dumping things on their shoreline, because it was a violation of the code. Ms. Gibson explained in terms of erosion management you want to encourage living shoreline strategies instead of bulkheads and seawalls, which was how the Comprehensive Plan reads. There was some discussion about these things being excluded because they are prohibited. It was noted there are bulkheads along Front Street as well as along Egans Creek.

Ms. Gibson read from Comprehensive Plan Policy 502.11 and it was noted the intent was to encourage the removal of existing seawalls where the opportunities arise and restoration would be accomplished by replacing existing deteriorating seawalls with sloped shorelines, vegetative riprap or other living shoreline techniques. There was a brief discussion about this.

Member Bennett referred to multi-family developments or condominiums shall be limited to one dock, and commented he has seen many projects that have numerous docks such as a townhouse project. He stated he didn't understand why just one dock. Ms. Gibson explained it could be a single dock with multiple slips. City Attorney Bach pointed out this would not apply to single-family or to duplex. Member Bennett inquired about a townhouse development with five or ten units then why couldn't they put in five docks. City Attorney Bach explained people in the community do not want these continuous walls, because they want to look at the water. There was some discussion about this and it was noted when four townhouses are connected it becomes multi-family. There was further review of the document related to access roads, parking lots, and similar structures being located on upland sites.

Member Ross inquired what Chapter 4 was. Ms. Gibson replied site design requirements, which contains the landscape and tree ordinance. She pointed out this was the first time the City had any erosion control within the code. Member Lasserre referred to 3.02.03 and commented 3 and 4 could be very broadly interpreted. He explained the concern was there are Environmentally Sensitive Lands, which are considered more special than wetlands so they have a higher level of protection. He expressed his concern with 3 habitat of federally or state-listed species and whether it meant the entire lot. Ms. Gibson stated it would identify it as a sensitive land that needs to be mitigated where you have the species existing, and comply with the requirements tied to that property. There was some discussion about the

section on Environmentally Sensitive Lands, and it was suggested that 3.02.03(A)(3) should say protected species.

Chair Lane pointed out wildlife have trails that they take in between areas, and inquired if that was taken into account. Ms. Gibson replied they only document and survey what exists on the site. Another question was raised about 3.02.03(A)(3) and it was noted there is protected, endangered, threatened, etc. City Attorney Bach read that protected species are considered either threatened or endangered. Ms. Gibson explained Ms. Adrienne Burke had worked on this, and she thought Ms. Burke would have put protected, threatened, or endangered if she intended it to be that. She stated she would like to move through this to see what also applies to understand why Ms. Burke wouldn't have put one of those other terms. Chair Lane noted there is an ecological balance that Fort Clinch has to maintain as a State park and if wildlife wanders out and back in that has to be accounted for (3.02.04(E)(9)). Member Lasserre referred to 3.02.05 land uses within Environmentally Sensitive Lands and noted under this someone has to follow the remainder of the code and the mitigation procedures. There was some discussion about creating a map layer to aide in delineating Environmentally Sensitive Lands as specified in 3.02.03.

Member Beal questioned the prohibited use of veterinarian clinics. Chair Lane noted there is a possibility of contamination of native species by various diseases carried by domesticated animals. It was noted Environmentally Sensitive Lands should be capitalized in most instances in the document. There was further discussion about Environmentally Sensitive Lands, and it was suggested that 3.02.05(B)(7) should read more than six inches rather than less than. The board reviewed the section on wetland protection, and it was noted the wetland transition area was a definition already in the Land Development Code.

Ms. Gibson explained that wetland transition areas are commonly protected through the use of buffer requirements. She read the definition into the record. It was noted a wetland like we have downtown with a 25 foot setback the City is not going to be able to improve the road even though it was nothing but weeds, grass, and mud. Ms. Gibson replied correct without the benefit of a variance.

The board reviewed 3.05.03(H) and it was noted this was to capture the effects the City was having from infill development of properties and the negative impacts on adjoining sites. There was a review of 3.06.01 Outdoor Lighting and an inquiry was made whether you can have a fire on the beach at night. Ms. Gibson replied you have to get a permit, because you cannot have a fire on the beach unless you have a permit. City Attorney Bach pointed out you can't have a fire in your backyard unless it is in a barbeque grill. She stated if you have a fire pit at your home you have to have it permitted. For a permit for a fire on the beach you contact the Fire Marshal. There was a review and some discussion about the language in the Outdoor Lighting section. It was pointed out this section of the code is one of the most proactively enforced with surveys done weekly during turtle season and others that actively cite violations. There was some discussion about the education efforts related to outdoor lighting, and then the board reviewed section 3.06.02 Habitat Protection of Federally or State Listed Species. **A motion was made by Member Ross, seconded by Member Occhuizzo, to move this forward to the City Commission. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

#### **4. Board Business**

**4.1. Update on PAB Subcommittees Progress** – Ms. Gibson reported for 8<sup>th</sup> Street they received back the comments and feedback from FDOT on the requested amendments. She stated they did all the transportation and analysis that they would require of the City. She commented if she submits that as part of the small area plan and amends the small area plan to reflect that information the City can move

forward with the 8<sup>th</sup> Street amendments. She explained hopefully she could bring this to the board in May to move it to the City Commission in June.

Member Ross inquired if the Port thing was removed from the May meeting. Ms. Gibson commented it was likely there would be a May meeting with the two boards together before the PAB actually formally considers it.

Chair Lane reported that hopefully there was only one more tree/landscape subcommittee on April 19<sup>th</sup>. She stated they finished with the Airport part (I-A). She explained they were narrowing down the buffer area at WestRock and how to handle that in the language without naming them.

**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.

Member Bennett reminded everyone that Shrimp Festival was in two weeks.

**7. Adjournment** - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 7:22 pm.

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**Secretary**

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**Judith Lane, Chair**



# City of Fernandina Beach

BUILDING DEPARTMENT

## MEMORANDUM

TO: All Permit Applicants

FROM: Tony Perez-Guerra, FBO, FPM

DATE: September 27, 2015

SUBJECT: GRADING AND SLAB ELEVATION FOR IN-FILL LOTS

We are having drainage concerns with small in-fill lots where fill is brought in and the distance from the structure (any part) to the property lines is less than twenty five (25 feet).

Therefore, effective for all permits submitted on or after October 1, 2015, the following requirements will be mandatory for permitting new homes on any in-fill lots, where the distance from any part of the proposed structure to the property line is less than twenty five (25) feet.

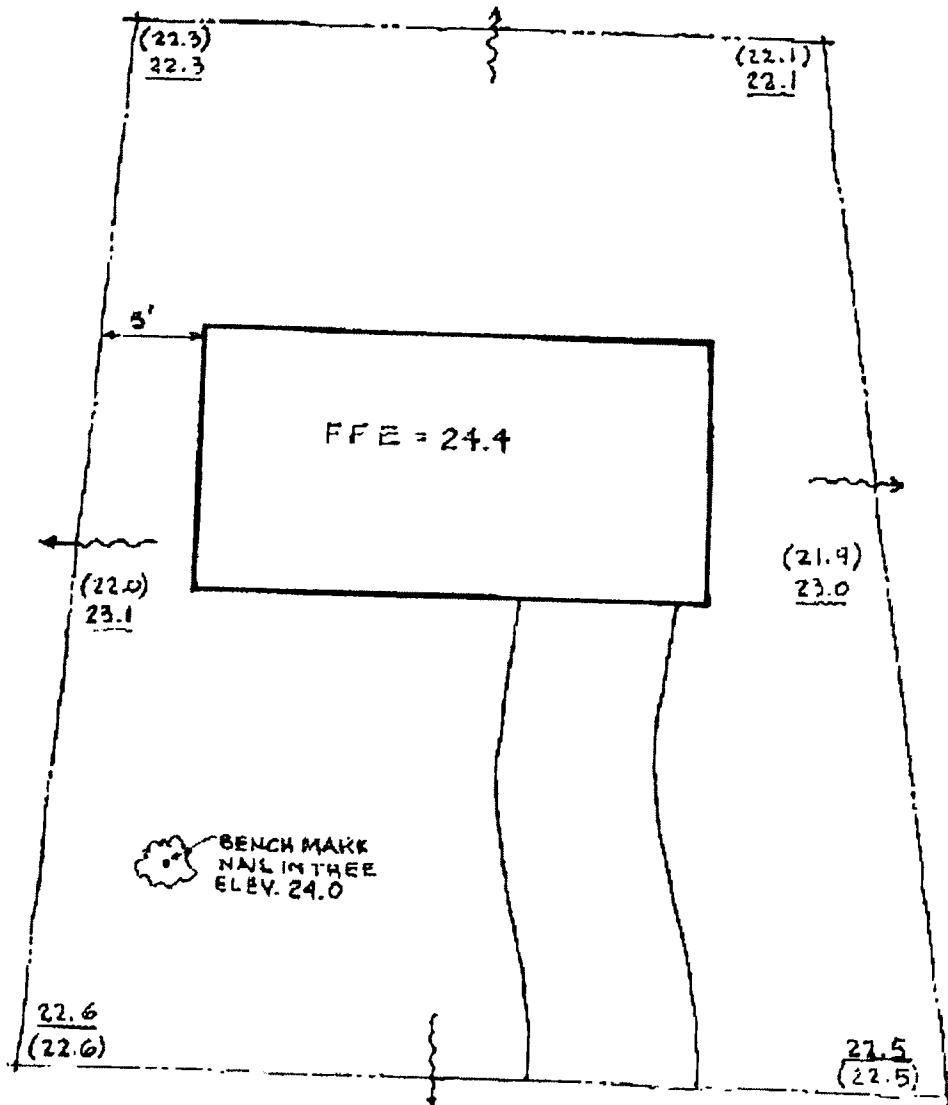
1. The site plan must show the pre/post development drainage conditions. This shall include the existing and final elevations (by registered surveyor) at all corners of the lot and midpoints, proposed slab elevation, and benchmark. A drainage arrow shall be shown on all sides of the lot which indicates the existing direction of surface flow, either toward the neighboring street or toward the lot of construction (see attached example).
2. If the distance from any part of one side of the foundation of the home to property line is less than twenty (25) feet or the proposed finish floor elevation is more than two (2) feet above existing natural grade:
  - a. A stem wall foundation must be used (no fill on exterior of walls) or
  - b. An engineered drainage plan provided showing all surface water being contained on the lot and approved by the Planning Department.
3. If finish floor elevation is less than two feet above existing natural grade, a site drainage plan per lot conditions shall be submitted with application package showing proposed water flow on lot.
4. A Form Board Certification form (see attached) must be available for the inspector at the slab inspection. Compaction results for fill in place or compaction log for multiple lifts may also be required.

Remember, if the lot is located in a Special Flood Hazard area a complete FEMA Flood Elevation Certificate must be provided by a registered surveyor.

Please keep in mind no matter how close the building is to the property line, water coming to your property must be handled by your property. You cannot add fill and push the water to the neighboring property.

The Building Department is available for questions Monday through Friday, from 8:00am-5:00pm, at 904-310-3135.

(21.9) EXISTING ELEVATION  
23.0 PROPOSED ELEVATION  
~~~~~> EXISTING DIRECTION OF FLOW



**SAMPLE OF EXISTING  
CONDITIONS**