



**7.00.00 GENERALLY**

This chapter sets forth the requirements regarding the provision of public facilities and requirements to ensure that public facilities are available when needed to provide service to development.

**7.01.00 TRANSPORTATION AND PARKING FACILITIES**

**7.01.01 Access and Driveway Design Requirements**

**Table 7.01.01(A). Maximum number of access points per lot.**

Functional Classification of Frontage Street	Maximum Number of Access Points
Arterial	1 per 500 feet of frontage
Collector, City responsibility	1 per 200 feet of frontage
Local	1 per 100 feet of frontage

The following standards apply to all driveways or access points from a lot or parcel onto a public street:

- A. The maximum number of access points for a lot is set forth in Table 7.01.01(A).
- B. Platted lots of record on the effective date of this LDC which have fewer frontages than required in Table 7.01.01(A) are allowed one (1) access point.
- C. No point of access are allowed within 100 feet of the intersection of the centerlines of any public street, except for single-family dwellings located on local streets intersecting with a local street, where the minimum separation is fifty (50) feet.
- D. Access ways or driveways for corner lots must be located on the street with the lower functional classification.
- E. Driveways must comply with the following standards:
  - a. Residential driveways must be a minimum of ten (10) feet in width and a maximum of twenty (20) feet in width, exclusive of flare connection to the right-of-way. Flare connections cannot exceed three (3) feet in width on each side. Circular driveways may be permissible not to exceed 10 feet in total width for each section.
  - b. Non-residential driveways must be twenty-five (25) feet in width; when two (2) or more uses share a driveway, the width may be increased to thirty-five (35) feet. When a landscaped median is provided, the total width cannot exceed fifty (50) feet.
  - c. The minimum inside turning radius is fifteen (15) feet. No part of the turning radius can extend over the property line.
- F. Concrete must be 3,500 PSI with fiber and six (6) inches in depth in all rights-of-way or architectural pavers (including brick, stone and other paver materials) furnished and installed according to the American Society for Testing and Materials (ASTM) standards and as approved by the City's Streets Facilities Department. Driveway connections located within Old Town will be designed to conform to the standard of the adjoining right-of-way with use of alternative materials.
  - a. If in the event the City of Fernandina Beach or authorized utility company must make repairs in the City right-of-way which requires removal or results in damage to architectural paver driveways, the property owner is solely responsible for the repair and replacement of said pavers at their own expense.
- G. The alley and driveway easements are to the property line of structures served and are not required inside the property line.

- a. For residential subdivisions on any local roadway, a secondary access may be provided through an easement for emergency vehicles.
- b. For residential subdivisions on a cul-de-sac;
- c. The maximum number of lots shall be limited to twenty (20); and
- d. The maximum length of the cul-de-sac shall be limited to 800 feet.
- H. No curbs shall be cut or altered, and no points of access or openings for vehicles onto a public street shall be established, without a permit issued by the City.
- I. All driveways shall be designed and constructed to comply with all drainage standards of the City and shall be improved with a permanent paving material.
- J. Approval from FDOT or the County is required for any accessway or driveway onto a road under their jurisdiction. Driveway connections are required to meet the standards and requirements for compliance under guidance of FDOT or the County.

**7.01.02 Streets and Rights-of-Way**

- A. Table 7.01.02(A) provides the minimum right-of-way widths for streets within the City. Where the minimum right-of-way width is not available for all streets abutting a parcel proposed for development, the applicant shall dedicate sufficient land to meet the right-of-way requirement. Dedication shall be based on one-half (1/2) of the right-of-way requirement.

**Table 7.01.02(A). Minimum right-of-way widths.**

<b>Functional Classification</b>	<b>Minimum Right-of-way (ft.)</b>
Minor Arterial	100
Collector, City responsibility	60
Local Streets shown on 1857 City plat	60
Centre Street	80
Local Streets in Old Town	46
Local Streets, all other	60
Alley	30

- B. Right-of-way provisions
  - 1. Additional right-of-way may be required by the City:
    - a. In areas where drainage needs dictate swale cross sections larger than those that can be accommodated within the designated rights-of-way; or
    - b. To promote public safety and convenience and ensure adequate access, circulation, and parking in high density residential, commercial, or industrial areas. Where a development abuts or contains an existing street of inadequate right-of-way width, additional right-of-way in conformance with the standards set out in this subsection shall be required.
  - 2. City Roadway Standards are adopted by reference and made part hereof. Standards have been developed to guide the development of all new roadway construction. These standards apply to existing unimproved rights of way and newly created streets. Development cost are at the expense of the applicant. Deviations from these standards must be approved by the City Commission.

3. If pavement within a roadway is divided to allow for preservation of a tree within the right-of-way, the applicant shall demonstrate that adequate width remains for utilities and drainage between the shoulder and the right-of-way line.
  4. Acceleration, deceleration, and turn lanes may be required when an entrance to a development is on an arterial or collector road.
- C. Street number signs must be installed consistent with the design standards specified in the Florida Building Code or Fire Prevention Code, whichever is stricter.
1. Numerals shall be attached to the front of the structure or shall be on both sides of the post supporting a mailbox at the street side of the property, shall be at least three (3) inches high, and shall be either of reflective material or in such color as to provide maximum contrast to the background.
  2. Structures that are set back more than sixty (60) feet from the right-of-way or structures that are blocked from visual sight from the right-of-way by high or heavy vegetation, walls, or other structures shall display street numbers at the street entrance on a double-faced sign, which shall not be more than three (3) feet high and shall not be more than one (1) square foot in area.
- D. Small Wireless Facility
1. Definitions

The following definitions apply exclusively to communication facilities located within a Public ROW and are applicable in connection with all subsections contained in 7.01.00. The following words, terms and phrases, when used in this subsection below will have the meanings ascribed to them in this subsection. Words not otherwise defined in this section will be given the meaning set forth in LDC Section 1.07.00, and if not defined therein, as defined in the Communications Act of 1934, 47 USC 151 et seq., as amended by the Telecommunications Act of 1996 (collectively, the "Communications Act"), and, if not defined therein, as defined by Section 337.401, Fla. Stat. or another applicable state statute; and, if not defined therein, be construed to mean the common and ordinary meaning.

*Abandoned.* Any wireless communication facility not in continued use for a period of one hundred eighty (180) consecutive days.

*Ancillary structure.* Equipment, devices and structures associated with a wireless communication facility in the right of way, including but not limited to: concrete slabs on grade, guy anchors, generators or other power sources, feed lines, mounting hardware, pedestals, and transmission cable supports; however, specifically excluding equipment cabinets, towers, alternative structures and antenna elements.

*Antenna.* Communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless communication services.

*Antenna array.* A group of antennas and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or common mounting support structure for a unified purpose of transmitting or receiving electromagnetic waves for a single wireless services provider, or if combined antennas, for the combined providers.

*Antenna element.* Any antenna or antenna array.

*Applicable codes.* Such codes must include this Code of Ordinances; uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons and includes the National Electric Safety code and the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.

*Applicant.* A person who submits an application and is a wireless provider.

*Application.* A request that is submitted by an applicant to the City for a permit to collocate small wireless facilities or to place a new utility pole used to support a small wireless facility.

*Authority.* A county or municipality having jurisdiction of the rights-of-way of any public road. The term does not include the Department of Transportation. Rights-of-way under jurisdiction and control of the department are excluded from this subsection.

*Collocation.* To install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public ROW.

*Combined antenna.* An antenna or an antenna array designed and utilized to provide wireless communications services for more than one wireless provider, or a single wireless provider utilizing more than one frequency band or spectrum, for the same or similar type of services.

*Communications Services.* A cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.

*Communications Service Facilities.* A structure or structures used to provide communication services. The term shall include wireless facilities.

*Communications Services Facility Provider.* An entity who provides communications services. The term shall include wireless infrastructure providers and wireless service providers.

*Concealed.* A pole, antenna element or ancillary structure, or equipment box that is not readily identifiable as such, and is camouflaged and designed to be aesthetically compatible with the area so as to reduce or mitigate the facility's potential adverse visual impacts on the surrounding areas. Concealed poles are designed to conceal the equipment internally.

*Equipment cabinet.* Any structure, including: cabinets, shelters, pedestals, and other similar structures that are used exclusively or in combination with

ancillary facilities, to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

*FAA.* The Federal Aviation Administration.

*FCC.* The Federal Communications Commission.

*FDOT.* The Florida Department of Transportation.

*In public ROW or in the public ROW* shall mean in, on, over, under or across the public ROW.

*Law* means any local, state or federal legislative, judicial or administrative order, certificate, decision, statute, constitution, ordinance, resolution, regulation, rule, tariff, guideline or other requirement, as amended, now in effect or subsequently enacted or issued, including, but not limited to, the Communications Act of 1934, 47 USC 151 et seq., as amended by the Telecommunications Act of 1996. PL 104-104 § 101 (a), 110 Stat. 70, and all orders, rules, tariffs, guidelines, and regulations issued by the Federal Communications Commission or the governing state authority pursuant thereto.

*Micro wireless facility.* A small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.

*Pass-through provider.* Any person who, upon registering with the City, places or maintains a wireless communications facility in the public ROW and that does not remit communications service taxes as imposed by the City pursuant to F.S. Chapter 202 and F.S. § 337.401.

*Place or maintain or placement or maintenance or placing or maintaining.* To erect, construct, install, maintain, place, repair, extend, expand, remove, occupy, locate or relocate. A communications services facility provider or pass-through provider that owns or exercises physical control over wireless communications facilities in public ROW, such as the physical control to maintain and repair, is "placing or maintaining" the facilities. A party providing service only through resale or only through use of a third party's unbundled network elements is not "placing or maintaining" the communications facilities through which such service is provided. The transmission and receipt of radio frequency signals through the airspace of the public ROW is not placing or maintaining facilities in the public ROW.

*Pole or utility pole.* A pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless an authority grants a waiver for such pole.

*Pole height.* The vertical distance measured from the grade line to the highest point of the pole, including any antenna, lighting, lightning protection or other equipment affixed thereto.

PSC means the Florida Public Service Commission.

*Public safety communications equipment.* All communications equipment utilized by a public entity for the purpose of ensuring the safety of the public.

*Registrant or facility owner* mean a communications services facility provider or pass-through provider, or other person which seeks to use the public ROW and has registered with the City in accordance with the provisions of this article.

*Registration and register* mean the process described in this article whereby a communications services facility provider or a pass-through provider provides certain information to the City and the City accepts such information as legally sufficient to be registered.

*Replacement.* The removal of an existing structure for purposes of erecting a new structure of nearly equal dimensions usually for the purposes of improvement structural integrity.

*Rights of Way (ROW).* Improved ROW owned, leased, or operated by the City, including any public street or alley that is not part of the FDOT highway system. and includes the surface, the air space over the surface and the area below the surface to the extent the government holds a property interest therein.

*Small wireless facility.* A wireless facility that meets the following qualifications:

- a. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and
- b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

*Structure.* Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.

*Transmission.* The development of a radio signal from an antenna device for the purpose of communications or communication of data.

*Utility Pole.* A pole or similar structure that is used in whole or in part to provide communication services or for electrical distribution, lighting, traffic control, signage, or a similar function. The term does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless an authority grants a waiver for such pole.

*Wireless facility.* Equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:

- a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
- b. Wireline backhaul facilities; or
- c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

*Wireless infrastructure provider.* A person or entity who has been certificated under F.S. Chapter 364 to provide telecommunications service or under F.S. Chapter 610 to provide cable or video services in this state, or that person's affiliate, and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless services provider.

*Wireless provider.* A wireless infrastructure provider or a wireless services provider.

*Wireless services.* Any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities, including but not limited to commercial mobile service, private mobile service, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

*Wireless services provider.* A person who provides wireless services.

*Wireless support structure.* A freestanding structure, such as a monopole or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole, pedestal, or other support structure for ground-based equipment not mounted on a utility pole and less than 5 feet in height.

## 2. Exemptions.

The following wireless facilities are exempt from the development standards of this Ordinance and subject only to the completion of a Wireless Facility Application



- and issuance of a building permit for applicable codes; notwithstanding any other provisions:
- a. Routine maintenance of small wireless facilities, the performance of service restoration work on existing facilities, or repair work, including, but not limited to, emergency repairs of existing facilities or extensions for such facilities for providing communications services to customers;
  - b. Replacement of small wireless facilities with small wireless facilities that are the same size or smaller and characteristically the same including but not limited to color and style as the original site.
  - c. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles within a ROW in compliance with applicable codes by or for a communications services provider authorized to occupy the ROW and who is remitting taxes under F.S. Chapter 202. The Applicant must provide an initial letter from or on behalf of such provider, which is effective upon filing, attesting that the micro wireless facility dimensions comply with the limits of the definition.
  - d. New collocations, replacement utility poles or placement of new utility poles in FDOT ROW without receiving a delegation from FDOT for such location(s).
3. Provisions for all wireless facilities inside ROW
- a. Each Applicant must register with the City prior to installing any infrastructure within City ROW. Registration does not establish a right to place or maintain, or priority for the placement or maintenance of, a communications facility in City ROW. The registration must include the following:
    - I. Name.
    - II. Address.
    - III. Telephone number of contact person for the registrant.
    - IV. Number of the registrant's current certificate of authorization issued by the Florida Public Service Commission, the FCC, or the Department of State.
    - V. A statement of whether the registrant is a pass-through provider.
    - VI. The registrant's federal employer identification number.
    - VII. Proof of insurance or self-insuring status adequate to defend and cover claims.
    - VIII. Registrants must update the registration information within 90 days after any changes in information.
    - IX. Registrations must be renewed every 5 years.
  - b. Registrants for small cell facilities (excluding microcells) must pay a \$100 land use permit fee to cover actual costs of the regulatory activity.
  - c. Abandonment (Discontinued Use).
    - I. The owner of a wireless facility must notify the City when an approved facility is decommissioned and no longer in use.
    - II. Wireless facility towers, utility poles, antennas, and the equipment compound must be removed, at the tower or base station at the owners' expense, within 180 days of cessation of use, unless the abandonment is associated with a replacement as provided in the "Replacement" section of this Ordinance, in which case the removal must occur within ninety (90) days of cessation of use.
    - III. A tower, utility pole or base station owner wishing to extend the time for removal or reactivation must submit an application stating the reason for such extension. The City may extend the time for removal or reactivation

up to sixty (60) additional days upon a showing of good and unique cause. If the tower, utility pole or antenna is not removed within this time, the City may give notice that it will contract for removal within thirty (30) days following written notice to the tower, utility pole or base station owner. Thereafter, the City may cause removal of the tower, utility pole or antenna with costs being borne by the tower, utility pole or base station owner.

- IV. Upon removal of the wireless facility tower or utility pole, antenna, and equipment compound, the development area must be returned to its natural state and topography and vegetated consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal, excluding the foundation, which does not have to be removed.
- d. Interference with Public Safety Communications. In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and /or guidelines of the FCC, each wireless provider must agree in a written statement to the following:
    - I. Compliance with "Good Engineering Practices" as defined by the FCC in its rules and regulations.
    - II. Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
    - III. In the case of an application for collocated wireless facility, the applicant, together with the wireless provider, must use their best efforts to provide a composite analysis of all users of the site to ensure that the applicant's proposed facilities will not cause radio frequency interference with the City's public safety communications equipment and will implement appropriate technical measures, as described in antenna element replacements, to ensure prevention of such interference.
    - IV. Whenever the City has encountered radio frequency interference with its public safety communications equipment, and has reasonable cause to believe that such interference has been or is being caused by one or more wireless facility antenna arrays, the following steps must be taken:
      - A. The City will provide written notification to all wireless service providers operating in the City of possible interference with the public safety communications equipment, and upon receipt of such notifications, the wireless providers must use their best efforts to cooperate and coordinate with the City and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Enhanced Best Practices Guide," released by the FCC in Appendix D of FCC 04-168 (released August 6, 2004), including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time in any successor regulations.
      - B. If any wireless provider fails to cooperate with the City in complying with the owner's obligations under this section or if there is a

- determination of radio frequency interference with the City's public safety communications equipment, the wireless provider who failed to cooperate and/or the wireless provider which caused the interference will be responsible for reimbursing the City for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the City to determine the source of the interference. For the purposes of this subsection, failure to cooperate must include failure to initiate any response or action as described in the "Enhanced Best Practices Guide" within twenty-four (24) hours of City's notification.
- e. Signage. All wireless facilities must be clearly identified with the following information:
    - I. Name plate signage must be provided in an easily visible location to include: FCC Antenna Registration System (ASR) registration number (if applicable); site owner's name, site identification number and/or name, phone number of contact to reach in event of an emergency or equipment malfunction, any additional security and safety signs.
    - II. If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall must display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
    - III. No outdoor advertising signage is permitted at the wireless facility.
  - f. Structural integrity: The entire tower or base station and all appurtenances must be designed pursuant to the design requirements of ASCE 7, including wind speed design requirements, and tower loading/wind design requirements of Electronic Industries Association/Telecommunications Industry Association (EIA/TIA) 222-H, Series II, including any subsequent modification to those specifications.
  - g. Grading must be minimized and limited only to the area necessary for the new tower and equipment.
  - h. A signed statement from the wireless facility owner or owner's agent stating that the radio frequency emissions comply with FCC standards for such emissions as set forth in 47 CFR 1.1307, 1.310, 2.091 or 2.093, as applicable (Report and Order, ET Docket 93-62 (Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation), 11 FCC Rcd 15123 (1996); Second Memorandum Opinion and Order and Notice of Proposed Rule Making, ET Docket 93-62 (WT Docket 97-192), 12 FCC Rcd 13494 (1997). In addition, any collocation, modification, or upgrade application must contain an analytical report that confirms that following installation, the composite facility will remain in compliance with FCC standards as stated in OET-65.
4. General Development Standards for new small wireless facilities in City ROW
    - a. All work in the City' right-of-way under this section must comply with the 2017 edition of the FDOT Utility Accommodation Manual.
    - b. The City may require a ROW permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane. Only small wireless facilities will be permitted inside a City ROW. No other type of wireless facilities will be permitted.

- c. As a result of citizen participation during the Wireless Facility Master Planning Process the City prefers the siting of new small wireless facilities to be located outside the ROW. If the small wireless facility must be placed in the ROW, the City would like the Applicant to consider the citizenry's preferred options in the following ranking order:
  - i. New concealed antenna on an existing utility pole;
  - ii. Non-concealed antenna on an existing utility pole;
  - iii. Replacement of an existing concealed utility pole with a concealed utility pole;
  - iv. Replacement of an existing non-concealed utility pole with a concealed utility pole;
  - v. Replacement of an existing non-concealed utility pole with a non-concealed utility pole;
  - vi. A new concealed utility pole;
  - vii. A new non concealed utility pole.
- d. Applicant must provide a site plan of the proposed small wireless facility showing all proposed and existing at-grade and aerial facilities located within 50 feet of the proposed location.
- e. In an area where the City has required all public utility lines in the ROW to be placed underground, the Applicant must comply with written, objective, reasonable, and nondiscriminatory undergrounding requirements of the City that prohibit new utility poles used to support small wireless facilities if:
  - I. The City, at least 90 days prior to the submission of an application, has required all public utility lines to be placed underground;
  - II. Structures that the City allows to remain above ground are reasonably available to wireless providers for the collocation of small wireless facilities and may be replaced by a wireless provider to accommodate the collocation of small wireless facilities, and;
  - III. A wireless provider may install a new utility pole in the designated area in the ROW that otherwise complies with this subsection and it is not reasonably able to provide wireless service by collocating on a remaining utility pole or other structure in the ROW.
  - IV. These requirements may be waived by the City upon a showing the design standards are not reasonably compatible for the particular location for a small wireless facility or utility pole or are technically infeasible or that the design standards impose an excessive expense. The waiver will be granted or denied within 45 days after the date of the request.
- f. For small wireless facilities installed prior to the City adopting requirements that public utility lines be placed underground, the City will:
  - I. Allow a wireless provider to maintain the small wireless facilities in place subject to any applicable pole attachment agreement with the pole owner; or
  - II. Allow the wireless provider to replace the associated pole within 50 feet of the prior location in accordance with paragraph f.1-10.
- g. Ground mounted equipment will be reviewed on a case-by-case basis and may be required to be spaced up to 15 feet from the associated support structure in areas where pedestrian, vehicular or aesthetic concerns are determined by the City.
- h. A small wireless facility must meet reasonable location context, color, camouflage, and concealment requirements.

- i. Applicants must include an attestation that the small wireless facilities will be activated for use by a wireless services provider to provide service no later than nine (9) months after the date the application is approved.
    - j. Applicants are subject to any local historic preservation zoning regulations and design criteria.
    - k. Nothing in this subsection authorizes a person to:
      - I. Collocate or attach wireless facilities, including any antenna, micro wireless facility, or small wireless facility, on a privately-owned utility pole, a utility pole owned by an electric cooperative or a municipal electric utility, a privately owned wireless support structure, or other private property without the consent of the property owner.
      - II. Collocate small wireless facilities or micro wireless facilities on a City utility pole or erect a wireless support structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association.
5. Provisions for New Small Wireless Facility on Existing Utility Poles Inside City ROW.
  - a. Small wireless facilities will be no larger in size than specified in the definition for these facilities.
  - b. Height will be limited to 10 feet above the utility pole or structure upon which the small wireless facility is to be collocated.
  - c. No portion of a small wireless facility will obstruct pedestrians or vehicular or bicycle access, obstruct sight lines or visibility for traffic, traffic signage or signals, or interfere with access by persons with disabilities.
  - d. Within 14 days after the date of filing the application, the City may request that the proposed location of a small wireless facility be moved to another location in the ROW and placed on an alternative City utility pole or support structure or placed on a new utility pole, including any objective design standards and reasonable spacing requirements for ground-based equipment subject to the process described in subsection g. 1-7.
  - e. The City may reserve space on a City utility pole for future public safety uses. However, a reservation of space may not preclude collocation of a small wireless facility. If replacement of the City utility pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to the make-ready provisions of F.S. Sec. 337.401(7) and the replaced pole must accommodate the future public safety use.
6. Provisions for the Placement of a New Utility Pole or Replacement of Existing Utility Pole for Installation of Small Wireless Facility inside City ROW Small wireless facilities must be no larger in size than specified in the definition for these facilities.
  - a. Installation of a new utility pole is subject to the City's Roadway Standards.
  - b. Within 14 days after the date of filing the application, the City may request that the proposed location of a small wireless facility be moved to another location in the ROW and placed on an alternative City utility pole or support structure or placed on a new utility pole, including any objective design standards and reasonable spacing requirements for ground-based equipment subject to the process described in subsection g.1-7.

- c. Height of a replacement pole can be up to 10 feet taller than the existing utility pole but must not exceed 50 feet in height. The City may allow a greater height on a case-by-case basis.
  - d. Height for a new utility pole will be limited to the tallest existing utility pole as of July 1, 2018, located in the same ROW, other than a utility pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the proposed wireless facility must be limited to a height of 50 feet. The City may allow a greater height on a case-by-case basis.
  - e. A replacement utility pole must be a substantially similar design, material, and color of the utility pole being removed including any lighting element.
  - f. A new utility pole used to support a small wireless facility to meet reasonable location context. color. and material of the predominant utility pole type at the proposed location of the new utility pole.
  - g. The City may waive designed standard described in 5 and 6 above upon a showing the design standards are not reasonably compatible for the particular location for a small wireless facility or utility pole or are technically infeasible or that the design standards impose an excessive expense. The waiver will be granted or denied within 45 days after the date of the request.
  - h. A photo rendering must be provided of the proposed new or replacement utility pole that depicts aesthetic features including, but not limited to, the use of colors and concealment with a before and after installation exhibit.
  - i. Ground-mounted equipment must be concealed through the use of (a) design wrapping, for the purpose of blending into the surrounding environment or (b) fencing or landscaping, consistent with the requirements of the Land Development Code, must be installed around the entire area of ground-mounted equipment. If fencing is utilized, additional landscaping may be required around the perimeter of the fence or wall and around any or all anchors or supports if deemed necessary to buffer adjacent properties. The City may require landscaping in excess of the requirements of the City code in order to enhance compatibility with adjacent residential and nonresidential land uses. Landscaping must be installed on the outside of the perimeter fence or wall. The City will determine which method of concealment is more appropriate for each set of ground-mounted equipment.
7. Approval Process for Small Wireless Facilities inside City ROWs.
- a. Completed and accepted registration from the Applicant.
  - b. A ROW permit is required for small wireless facilities within the City ROW for work that involves excavation, affects traffic patterns or obstructs vehicular traffic within or along the City's ROW as provided in and subject to the City's Roadway Standards.
  - c. A completed application and approved Land Use Permit.
  - d. An applicant seeking to collocate small wireless facilities may file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities. The City may separately address small wireless facility collocations for which incomplete information has been received or which are denied.
  - e. Generally, the review timeline for an application is 60 days except as provided in g.v below. Additionally, the City and Applicant may mutually agree to extend the 60-day application review period.

- f. Within 14 days after receiving an application, the City will determine and notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the City will specifically identify the missing information. An application is deemed complete if the City fails to provide notification to the applicant within 14 days.
- g. If within 14 days after receiving an application, the City requests an alternative location of the proposed collocation, replacement utility pole or new utility pole as described in paragraphs 5.d and 6.b then the following process applies:
  - i. The City will make a determination if the proposed application is complete or incomplete. If the application is deemed incomplete, the City will specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant by electronic mail on the day the City denies the application within the 14-day time period.
  - ii. The request by the City to the applicant for an alternative location will be included in the deemed incomplete notification in writing and provided by electronic mail to the Applicant within 14 days as described in paragraph 7.f above.
  - iii. For 30 days or other negotiated time period between the City and the Applicant after the date of the request, the City and the Applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment.
  - iv. At the conclusion of the 30 days or negotiation time period, if the alternative location is accepted by the Applicant, the Applicant must notify the City of such acceptance and the application will be deemed granted for any new location for which there is agreement and all other locations in the application.
  - v. If an agreement is not reached, the Applicant must notify the City of such nonagreement and the City must grant or deny the original application within 90 days after the date the application was filed.
- h. If within 14 days after receiving an application the City does not request an alternative location of the proposed collocation, replacement utility pole or new utility pole then the following process applies:
  - i. The City will make a determination if the proposed application is complete or incomplete. If the application is deemed incomplete, then the City will provide, in writing, the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the Applicant by electronic mail on the day the City denies the application within the 14-day time period.
  - ii. The Applicant may cure the deficiencies identified by the City and resubmit the application within 30 days after notice of the denial is sent to the applicant. Any subsequent review will be limited to the deficiencies cited.
  - iii. The City will approve or deny the revised application within 30 days after receipt. The review of a revised application is limited to the deficiencies cited in the denial. If the revised application is not approved or denied within the 30 days after receipt, then the application is deemed approved.

- iv. A complete application is deemed approved if the City fails to approve or deny the application within 60 days after receipt of the application.
- v. If the City and Applicant mutually agree to extend the 60-day application review period, the City must grant or deny the application at the end of the extended period.
- vi. If the City denies an application, the review will be complete, and a written decision will be issued within 45 days after a written request for review is made. A denial will identify the specific code provisions on which the denial is based. If the administrative review is not complete with 45 days, the City waives any claim regarding failure to exhaust administrative remedies in any judicial review of the denials of an application.
- vii. An approved application permit will remain in effect for 1 year unless extended by the City.
- viii. The City may deny an application on the basis that it does not meet any of requirements below:
  - A. Materially interferes with the safe operation of traffic control equipment.
  - B. Materially interferes with sightlines or clear zones for transportation, pedestrians, or public safety purposes.
  - C. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
  - D. Materially fails to comply with the 2017 edition of the FOOT Utility Accommodation Manual.
  - E. Fails to comply with applicable codes.
  - F. Fails to comply with objective design standards authorized in paragraphs 5.d and 6.b.

## 8. Appeals

- a. Any person aggrieved by a violation of this section may bring a civil action in a United State District Court or in any other court of competent jurisdiction.
- b. The court may:
  - I. Grant temporary or permanent injunctions on terms as it may deem reasonable to prevent or restrain violations of this section; and
  - II. Direct the recovery of full costs, including awarding reasonable attorney fees, to the party who prevails.

## 9. Certificate of Insurance

At all times during the use or occupancy of the public rights-of-way, including any time during placement or maintenance of communications facilities, the Permittee must obtain, pay all premiums for, and maintain satisfactory to the City, insurance coverage insuring the Permittee and naming the City, its officers, boards, council, council members, agents and employees as additional insureds: workers' compensation and employer liability insurance to meet all requirements of Florida law and commercial general liability insurance with respect to the construction, operation and maintenance of the communications facilities, and the conduct of registrant's business in the City, in the minimum amounts of:

- a. \$1,000,000.00 in any one accident for bodily injury, personal injury or death, property damage;



- b. \$500,000.00 for personal injury to any one person;
- c. \$250,000.00 for property damage in any one accident;
- d. Business automobile liability insurance valid in the State of Florida which policy limit must be in an amount not less than \$1,000,000.00 combined single limit, including bodily injury and property damage covering owned, leased, hired and non-owner vehicles.
- e. Workers' Compensation valid in the State of Florida which policy limit must be in an amount not less than the statutory limit for Workers' Compensation.
- f. Employer's liability insurance valid in the State of Florida which policy limit must be in an amount not less than \$1,000,000.00 each accident for employer's liability.
- g. All insurance providers used must be admitted and duly authorized to do business in the State of Florida and must have been assigned by A. M. Best Company a minimum Financial Strength Rating of "A" and a minimum Financial Size Category of "IX" {i.e., a size of \$250,000,000.00 to \$500,000,000.00 based on capital, surplus, and conditional reserve funds). Insurance policies and certificates issued by non-admitted insurance companies are not acceptable. All liability policies must name the City, its council members, officers, boards, agents and employees as additional insureds with respect to any covered liability arising out of the placement or maintenance of communications facilities in the public rights-of-way or other activities under this Chapter. Each communications services provider must furnish annually to the City certificates showing proof of all required insurance coverage. All liability coverage must be in occurrence form and in accordance with the limits specified. Claims made policies are not acceptable. No insurance policy must be canceled, nor must the occurrence or aggregate limits set forth herein be reduced, until the City has received at least 30 days' advance written notice by registered, certified or regular mail of any cancellation, intent not to renew or reduction in policy coverage. Each communications services provider must be responsible for notifying the City of such cancellation, intent not to renew or reduction in coverage. All certificate(s) of insurance, including all endorsements and riders, evidencing insurance coverage must be submitted to the City within 30 days after the date of registration with the City in order for a communications services provider to obtain a permit required for construction in the public rights-of-way. Each communications services provider must, in the event of any such notice described above, obtain, pay all premiums for, and file with the City, written evidence of the issuance of replacement policies within 30 days following receipt by the City or the communications services provider of such notice.
- h. Nothing contained in this Chapter will limit a communications service provider's liability to the City to the limits of insurance certified or carried.
- i. A communications services provider may satisfy the insurance requirements of this Chapter by providing documentation of self-insurance that, in the sole discretion of the City Manager, demonstrates incontrovertibly the adequacy to defend and cover claims of any nature that might arise from the placement and maintenance of facilities in the public ROW. The communications services provider must be authorized as a self-insurer by the Department of Insurance under the laws of the State of Florida.

**7.01.03 Sidewalks and Bicycle Facilities**

- A. For the safety of pedestrians, all development shall provide sidewalks, except as otherwise provided in Section 7.01.03(B) as follows:

**Table 7.01.03(A). Sidewalk Requirements**

Functional Classification	Sidewalk Placement
Arterial	Both sides
Collector, City responsibility	Both sides
Local Streets	One side

- B. For development in the RE district, sidewalks are not required along local streets.
- C. When sidewalks have already been installed or approved on contiguous properties, new sidewalks will be provided consistent in location and width with the existing sidewalk pattern.
- D. The required sidewalks shall comply with current standard specifications for City sidewalks and with all ADA requirements. Sidewalks shall be constructed to meet the following requirements:
1. Sidewalks shall be sixty (60) inches wide, six (6) inches thick, 3,500 pounds per square inch concrete, with an expansion joint installed at a minimum of every twelve (12) feet and an expansion joint at the property line.
  2. If a bicycle path is adjacent to the sidewalk, the combined width of the sidewalk plus the bicycle path shall be no less than eighty-four (84) inches wide. All sidewalks and bicycle paths shall be elevated a minimum of one (1) inch, with a slope adequate for drainage.
  3. At driveway and street intersections, sidewalks and bicycle paths shall be sloped down to the grade of the street or driveway.
  4. All sidewalks and bicycle paths shall be immediately adjacent to the edge of the right-of-way unless otherwise approved by the City.
- E. Bicycle parking shall be provided at multi-family developments on two (2) or more acres, parks and recreation facilities, and commercial establishments according to the following standards:
1. The number of bicycle spaces required is as follows:

**Table 7.01.03(E). Required bicycle spaces for specified uses.**

Type of Use	Minimum Number of Bicycle Spaces
Parks and recreation facilities	1 space per 10 required vehicle parking spaces
Commercial uses	1 space per 25 required vehicle parking spaces
Multi-family development	1 space per 20 required vehicle parking spaces

2. Bicycle parking spaces may be provided as either bicycle racks or other storage facilities, provided that the following standards are met:
  - a. Facilities shall be designed to allow each bicycle to be secured against theft;
  - b. Facilities shall be installed to resist removal;
  - c. Facilities shall be installed to resist damage by rust, corrosion, or vandalism;
  - d. Facilities shall accommodate a range of bicycle shapes and sizes and allow easy locking without interfering with adjacent bicycles; and
  - e. Facilities shall be located not to interfere with pedestrian or vehicular movement.

**7.01.04 Parking Standards and Parking Lot Design**

**A. Parking space requirements**

1. Minimum off-street vehicular parking spaces shall be provided at the time of the construction of the principal building or at the time of the conversion of a building having a previously existing use to a more intensive use of the same property.
2. The minimum number of parking spaces shall conform to the standards in Table 7.01.04(A).
3. Due to the nature and character of properties within the central business district (C-3) and the Amelia River Waterfront Community Redevelopment Area waterfront lots containing industrial waterfront (I-W) or waterfront mixed use (W-1), the provision of off-street parking will not be required, except for triplex and multi-family dwelling units, lodging accommodations and bed and breakfast inns. For Triplex and Multi-family dwellings, off-street parking shall meet the Supplemental Standards in Section 6.02.32. Single Family and Duplex dwelling units shall meet the standards of the underlying zoning districts. For lodging accommodations and bed and breakfast inns the off-street parking requirements shall be satisfied within 1,000 feet of the property involved and as otherwise required under this chapter and any applicable Supplemental Standards.
4. Calculation of required parking
  - a. Where floor area determines the amount of off-street parking required, the floor area of a building shall be the sum of the gross horizontal areas of every floor of the building, using exterior wall dimensions.
  - b. For places of public assembly, the number of seats shall be the maximum occupancy load established for the building by the Fire Marshal.
5. Requirements for off-street parking for uses not specifically mentioned in this chapter shall be the same as required for the use most similar to the one sought.
6. Any development adjacent to a public beach access shall be prohibited from interfering in any manner with the public use of the beach access, including but not limited to blocking the parking, removing parking, or interfering with the normal flow of traffic within the beach access area.
7. Off-street parking may not exceed 10% of the required parking amount on any site.
8. Up to two (2) on-site internal non-illuminated signs per business may be allowed to designate specific on-site parking areas. Signs are exempt from permitting requirements and are limited to four (4) square feet and no tall than eight (8) feet.

**Table 7.01.04(A). Parking Space Requirements**

Type of Use or Activity	Minimum Number of Spaces
Assembly places (religious facilities, funeral homes, schools, theaters, auditoriums, arenas, civic centers, and facilities with an auditorium, sanctuary, or gathering place, whether fixed seats or open area)	1 space per 4 seats
Business and commercial activities, including retail sales, and business activities not otherwise specified	1 space per 300 ft <sup>2</sup> of gross floor area
Clubs and lodges (including fraternities, sororities, and	1 space per 4 seats in the largest

other social or civic membership organizations)	assembly area
Day-care and child-care centers	1.5 spaces per employee on the largest shift
Drive-in establishments	1 space per 60 ft <sup>2</sup> of gross floor area
Duplex dwellings	2 per unit <sup>2</sup>
Gasoline service stations	1 space per 350 ft <sup>2</sup> of floor area, plus 3 spaces per repair bay
Hospitals, nursing homes, rest homes, convalescent homes, assisted care facilities, other similar facilities, and other medical facilities providing overnight accommodations	0.25 spaces per 1 bed plus, 1 space for each 2 employees on the largest shift
Lodging accommodations, without restaurants or lounges	1 space per sleeping room
Lodging accommodations, with restaurants or lounges	1 space per sleeping room, plus 50% of the parking required by this section for the restaurant or lounge
Libraries and museums	1 space for each 500 ft <sup>2</sup> of gross floor area
Manufacturing, warehousing and industrial uses	1 space for each 2 employees on the largest shift, plus 1 space for each company vehicle operating from the premises
Marinas	0.5 space for each boat berth, plus 1 space per each 2 employees on the largest shift <sup>1</sup>
Medical offices and clinics	1 space per 250 ft <sup>2</sup> of gross floor area
Mortuary and funeral homes	1 space for each 4 seats in the chapel, plus 1 space for each 3 employees
Multi-family dwellings	2 spaces per dwelling unit <sup>3</sup>
Offices (general, professional, or government)	1 space per 300 ft <sup>2</sup> of gross floor area
Public parks and recreation facilities	1 space per 1,000 ft <sup>2</sup> feet of active use area
Restaurants, eating, drinking, or entertainment establishments (without drive-in facilities)	1 space per 50 ft <sup>2</sup> of the customer services area or 1 space per 250 ft <sup>2</sup> of the gross floor area for those establishments without customer service areas (such as take-out windows only)
Schools and educational uses; Elementary, middle, and junior high schools	2 spaces for each classroom, office, and kitchen
Schools and educational uses; High schools	6 spaces for each classroom, plus 1 space for each staff member
Schools and educational uses; Vocational, trade, and business schools	1 space per 300 ft <sup>2</sup> of gross floor area
Single-family dwellings	2 per unit <sup>2</sup>
Triplex dwellings	2 per unit <sup>3</sup>

<sup>1</sup>If a marina features a boat-launching ramp; at least fifty percent (50%) of the required parking spaces shall be designed to accommodate both a vehicle and boat trailer.

<sup>2</sup> Consistent with LDC policy 8.01.02(D)(4), Dwellings units within the CRA must provide two (2) spaces per dwelling unit on-site but are permitted the following exceptions: all units 1,000 sq. ft or under are only

required to provide one (1) space per dwelling unit on-site and all units 1,001-1,250 sq. ft are only required to provide one and one-half (1.5) spaces per dwelling unit on-site.

<sup>3</sup>Triplex and Multi-family dwelling units located in the Central Business District/ C-3 zoning and not within the CRA are required to provide parking as consistent with the supplemental standards directed in LDC Section 6.02.32.

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

1. Shared Parking Provisions

a. Shared parking may be applied when land uses have different parking demand patterns and can use the same parking spaces/areas throughout the day or night. Shared parking may also be applied when an existing development can demonstrate excess parking. Factors evaluated to establish shared parking arrangements shall include operating hours, seasonal/weekly/daily peaks in parking demand, the site's orientation, location of access driveways, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, and availability of parking spaces.

b. Shared parking is subject to an agreement that addresses the following:

1. The agreement is valid only as long as the conditions described in the application for the shared parking exist, the City must be a party identified in the agreement requiring a signature from the City Manager, and the agreement must be in a form acceptable to the City Attorney recorded with the Nassau County Clerk of Courts.

2. A copy of the recorded agreement shall be submitted to the City Attorney and City Manager within ten (10) days of its recording.

2. Off-Site Parking – Up to 50% of the overall required parking may be met in off-site parking areas through a shared parking agreement. The off-site parking area must be located within 600 feet walking distance of the structures' nearest public entrance. A pedestrian connection providing a safe, well lighted walking environment shall be required. No more than two (2) off-site non-illuminated signs per business shall be allowed in order to designate or direct use of off-site parking spaces. Signs are exempt from permitting requirements and are limited to four (4) square feet and no taller than eight (8) feet.

3. Existing Sites – If the parking deficit on an existing site is within 20% of the required additional parking generated by proposed alterations or expansions in use then, those spaces may be provided in unimproved parking areas.

4. Valet Parking – On-site or off-site valet parking is permitted. All off-site locations shall require a recorded parking agreement, meeting the requirements for shared parking arrangements. Motor vehicles may be stacked for valet operations.

5. The City may require, or an applicant may request, the elimination of up to 20% of the required parking spaces in order to preserve specimen trees. The site plan shall show the location of all required parking and the spaces eliminated to preserve the trees.

6. On-Street Parking – The City Manager may grant a parking waiver for use of on-street parking spaces immediately adjacent to the site of a commercial use, not to exceed 10% of the required parking spaces when the following conditions exist:
  - a. On-street parking is permitted on both sides of the right-of-way;
  - b. Sufficient improved right-of-way width is evidenced and maintained;
  - c. A linear length of at least 25 feet along the right-of-way for each alternative space;
  - d. On-street spaces shall not be located closer than 30 feet from an intersection or 15 feet from a driveway;
  - e. The maximum utilization of other off-street parking alternatives for the commercial site shall be implemented prior to the granting of a parking waiver.

C. Parking lot design requirements

1. All parking areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles. All new non-residential development parking lots shall be located in the side or rear of buildings. All non-residential redevelopment shall incorporate strategies for masking parking areas and creating a more pedestrian-oriented environment whereby the majority of required parking is screened through landscaping or other design strategies.
2. Parking Material: All new and redeveloping properties shall incorporate the use of pervious parking materials for a minimum of 75% of the required parking. Pervious parking materials that require regular maintenance through activities such as, vacuum sweeping, must demonstrate their ability to perform regular maintenance of the site. Pavement systems must be maintained in a smooth, well-graded, and drained condition. Parking materials may consist of standard paving, pavers and alternate paving systems. Use of grass or alternate lawn surface as parking material may be considered for up to one-third (1/3) of the required off-street parking facilities. All accessible spaces must comply with all requirements set by ADA.
3. All parking areas shall be adequately drained and maintained in a dust-proof condition. All non-residential developments parking lots shall incorporate the use of Low Impact Development (LID) facilities such as use of pervious paving materials or pervious pavers, open section drainage, vegetative swales, and bio retention basins that exhibit unique design characteristics. The design of the parking lot shall be incorporated into the development's stormwater management plan.
4. Parking areas shall be designed with consideration given to future shared parking arrangements. All non-residential site development shall be designed to allow for vehicular cross accesses to adjacent non-residential properties. Where there are existing stub-outs on adjoining properties, the site under review shall complete the connection. The cross access must be designed to the same standards as internal circulation within the parking and circulation area.
5. If the parking area is artificially lighted:
  - a. All lighting shall be designed, arranged, and constructed such that no source of such lighting is visible from any adjoining or nearby property used or zoned for residential purposes.
  - b. All lighting shall be designed, arranged, and constructed to shield public roadways and all other adjacent properties from direct illumination.
  - c. For all areas adjacent to beach areas, the lighting shall be designed, arranged, and constructed consistent with Section 3.05.02 of the LDC regarding outdoor lighting in beach areas.
6. Individual spaces and internal aisles shall be designed according to the standards below;

- a. Parking space dimensions shall be a minimum of nine (9) feet by eighteen (18) feet.
  - b. The number, design, and location of accessible parking spaces shall comply with the ADA standards for accessible design.
  - c. The minimum width for a one-way internal aisle shall be twelve (12) feet, and the minimum width for a two-way internal aisle shall be twenty-two (22) feet.
7. When drop-off areas are provided, the drop-off area shall be fully separated from driveways and parking areas. The separate drop-off area shall allow a person to enter or exit a vehicle directly to a sidewalk abutting the entrance to an establishment.
8. The atmosphere of parking lots for all non-residential developments is intended to be park like and shall comply with all landscaping provisions for parking areas contained in LDC Section 4.05.06. All parking areas shall be designed with landscaping and buffering which serve to reduce heat-island effect.
- D. Pedestrian circulation
1. Large retail development projects shall provide parking areas that enhance pedestrian safety, efficiency, and connectivity with a clear definition between vehicular areas and pedestrian walkways.
  2. Pedestrian and vehicular circulation systems are required to be adequately separated for pedestrian safety. Pedestrian connectivity between building entrances and parking areas shall be clearly indicated through the use of landscaped areas; walkways made of materials such as scored concrete, pavers, or bricks; or paint striping.
  3. Internal pedestrian walkways, located between two (2) rows of parking spaces and not in the vehicular aisles, shall be provided at focal points of pedestrian activity, such as store entrances. Additionally, such walkways shall be at least five (5) feet wide and shall include landscaping adjacent to the walkways.
  4. New and redeveloping non-residential properties shall, where feasible, be required to provide or enhance pedestrian connectivity to adjacent residential neighborhoods.
  5. New and redeveloping non-residential properties shall, where feasible, be required to establish pedestrian connections to the transportation network including but, not limited to, sidewalks, bike lanes or trails, or transit systems.

#### **7.01.05 Specific Parking Restrictions for Commercial Vehicles, Recreational Vehicles, Boats, and Trailers**

- A. Prohibitions  
Any commercial motor vehicle which has a gross vehicle weight of 8,000 pounds or more shall not be parked in any residential, commercial, wetland protection, or recreational district or area, except as otherwise provided in Section 7.01.05(B).
- B. Exceptions  
The prohibition in Section 7.01.05(A) shall not apply to parking of such vehicles in the specified districts or areas:
1. For the time required for normal loading and unloading of such vehicles; or
  2. For the time required to perform the legally permitted service provided by such vehicles.
- C. Mobile homes, travel trailers, travel campers, recreational vehicles, and similar vehicles regularly or periodically utilized for dwelling purposes shall not be parked overnight in any zoning district except in an area specifically designated by this LDC for that purpose. Mobile homes, travel trailers, travel campers, recreational vehicles, and similar vehicles, when unoccupied, may be parked or stored in a completely enclosed building, a carport attached to a principal building, or in a side or rear yard.
- D. Boats, boat trailers, utility trailers, and similar vehicles shall not be parked overnight in any zoning district except in an area specifically designated by this LDC for that

purpose. Such vehicles, when unoccupied, may be parked or stored in a completely enclosed building, a carport attached to a principal building, or in a side or rear yard.

**7.01.06 Loading Space Standards and Design**

- A. Off-street loading spaces shall be provided as follows:
  - 1. Commercial centers, commercial uses, hotels, hospitals, and institutional uses with less than 10,000 square feet of gross floor area shall provide one (1) off-street loading space.
  - 2. Commercial centers, commercial uses, hotels, hospitals, and institutional uses with 10,000 square feet or more of gross floor area shall provide one (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 20,000 square feet, or fraction thereof.
  - 3. Industrial uses shall provide one (1) space for each 10,000 square feet of gross floor area.
  - 4. Offices shall provide one (1) space for each 20,000 square feet of gross floor area.
- B. Off-street loading spaces shall meet the following design requirements:
  - 1. Loading spaces shall not block streets, alleys, or sidewalks. Loading spaces shall not impair the movement of vehicles or pedestrians on streets, alleys, or sidewalks.
  - 2. Every loading space shall meet the following minimum dimensions:
 

Length	30 feet
Width	12 feet
Height	14 feet

**7.01.07 Drive-Through Facilities and Stacking Lanes**

- A. All uses and facilities providing drive-up or drive-through service shall provide stacking lanes in compliance with the standards of this section.
- B. Restaurants with drive-up or drive-through facilities shall provide a minimum stacking space to accommodate eight (8) vehicles. A by-pass lane shall be required.
- C. Banks and financial institutions shall provide stacking spaces according to Table 7.01.07(C). A by-pass lane shall be provided.

**Table 7.01.07(C). Stacking Lane Requirements for Banks and Financial Institutions.**

Number of Drive-Through Lanes	Total Number of Vehicles to be Accommodated
1	8
2	12
3	18
Each additional lane	2 additional vehicles accommodated

- D. A solid wall or fence shall be provided along a property line abutting lots or parcels zoned for residential purposes in order to block lights from vehicles in the stacking lanes or drive-through facility.
- E. Stacking lanes shall not be located within a designated delivery area or area designated for loading spaces.

**7.01.08 Visibility at Intersections**



- A. In order to provide a clear view of intersecting rights-of-way and/or private driveways, there must be a triangular area of clear visibility formed by the two (2) intersecting rights-of-way, driveways, or combination thereof.
- B. The horizontal dimensions of sight areas are defined as consistent with the most recent edition of the Florida Department of Transportation (FDOT) Design Manual for clear sight triangles and as determined by the type of traffic control and design speed of the roadways.
- C. The vertical dimensions of sight areas are defined as that vertical space between the heights of eighteen (18) inches and ten (10) feet in elevation above the nearest edge of the street pavement of a paved street or above the nearest edge of the riding surface of an unpaved street.
- D. Within the clear visibility triangle area, no fence, wall, sign, structure, slope or embankment, parked vehicle, hedge, foliage or other planting, and other object or structure may be placed, erected, or maintained which will obstruct visibility.
- E. All landscaping must comply with the most current edition of the FDOT Roadway and Traffic Design Standard, regarding visibility triangles. Tree trunks, palms, and supporting columns or posts are permitted within the clear area, provided that their location does not itself create a traffic hazard and the area is free of limbs and foliage. Landscaping, except grass or ground cover, cannot be located closer than three (3) feet from the edge of any driveway pavement.
- F. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.
- G. Streetlights and street name signposts are also permitted, provided that illuminating fixtures or nameplates are not within the prescribed clear space.

## 7.02.00 REQUIREMENTS REGARDING POTABLE WATER, SANITARY SEWER, AND OTHER UTILITIES

### 7.02.01 Requirements for All Utilities

- A. All utilities required by this LDC shall meet or exceed the minimum standards contained in the City of Fernandina Beach Utility Department “Engineering and Construction Requirements” Standards Volume 2 or the most recent edition.
- B. Each development shall contain improvements designed and constructed according to the requirements and specifications of this chapter and applicable policies, rules, regulations, and ordinances of the City and the laws of the State. The following services and facilities are required improvements:
  - 1. Streets designed and constructed for public use according to the standards and requirements of this chapter;
  - 2. Sidewalks designed and constructed for public use according to the standards and requirements of this chapter;
  - 3. Approved street signs, markers, traffic signs, and signals to control and circulate traffic within the street pattern within the subdivision in accordance with the Uniform Manual of Traffic Control Devices, published by USDOT;
  - 4. Drainage and stormwater management facilities designed and constructed according to the standards and requirements of this chapter;
  - 5. A sanitary sewerage system based on the standards and requirements contained in the City of Fernandina Beach City of Fernandina Beach Utility Department “Engineering and Construction Requirements” Standards Volume 2 or the most recent edition, except as provided in Section 7.02.02(B) or (C);

6. A potable water system based on the standards and requirements contained in the City of Fernandina Beach Utility Department "Engineering and Construction Requirements" Standards Volume 2 or the most recent edition.
  7. Parks and recreation dedication, as specified in Section 4.04.04(L);
  8. Electricity, telephone, cable, gas, and other utilities;
  9. A fire hydrant system in accordance with Section 7.02.02(D); and
  10. Such other improvements as are deemed necessary to comply with the requirements of this chapter and to protect the public health, safety, and welfare because of topography or other conditions of the tract.
- C. When water, sewer, electrical power, telephone, or cable television facilities are installed and intended to be owned, operated, or maintained by a public utility or any entity other than the property owner or developer, the ownership of such utility or facility shall be transferred to the service provider.
- D. All lines for electricity, telephone, cable television, streetlights, and gas distribution (exclusive of transformers or enclosures containing electrical equipment, including, but not limited to, switches, meters, or capacitors) shall be placed underground within easements or dedicated public rights-of-way.

#### **7.02.02 Standards for Installation of Potable Water and Sanitary Sewer Facilities**

- A. All development within the City shall be required to connect to a public water system.
- B. All infill development shall be required to connect to a public sewer system when the City's sanitary sewer system is within a 1,000 feet radius of the property line of the development.
- C. Where the City sanitary sewer system is not within a 1,000 feet radius of the property, private systems may be accepted provided they meet all City, County, and State requirements, including Section 7.02.03.
- D. Fire hydrant systems shall be installed and made usable prior to any combustibles being brought onto the construction site, and shall meet the minimum requirements established by the fire chief for residential development:
  1. Whenever possible, all water systems shall be looped. Water mains shall not be less than six (6) inches in diameter when used in a looped system. Water mains, when used in a dead-end system, shall not be less than eight (8) inches in diameter. A hydraulic flow analysis by a Florida registered professional engineer, which shall include pressure drop at maximum flow of all hydrants connected to the radial (not less than twenty (20) PSI), shall be furnished. Fire hydrants shall be placed no more than 500 feet apart.
  2. Each hydrant shall have one (1) 4.5-inch outlet and two (2) 2.5-inch outlets, and all outlets shall have National Standard Threads (NST). All hydrants shall be installed with 4.5-inch outlets facing the street and shall be placed such that the center of the 4.5-inch outlet is no less than eighteen (18) inches above the finished grade and no more than thirty-six (36) inches above the finished grade. Specifications for hydrants shall meet or exceed the minimum standards contained in the Florida Fire Prevention Code.

#### **7.02.03 Standards Regarding Septic Tanks**

- A. On-site wastewater treatment systems shall be limited to lots currently using septic tanks, except as provided in Section 7.02.02(C).
  1. No septic tank other than those approved and permitted by the State Department of Health § 381.0065, F.S., shall be used in the City.
  2. Septic tanks in use at the time of adoption of the LDC may remain in service until

local sanitary sewer service is made available to the residents, consistent with County Health Department requirements.

- B. All new development shall be required to connect to the central sewer system, except as provided in Section 7.02.02(C).

**7.02.04 Standards Regarding Reclaimed Water Facilities  
(RESERVED)**

**7.03.00 REQUIREMENTS REGARDING DRAINAGE AND STORMWATER MANAGEMENT**

**7.03.01 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.
- C. 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.

**7.03.02 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.
- 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) below, shall be authorized only through issuance of a stormwater management permit prior to initiation of development:
  - 1. Clearing and/or drainage of land prior to construction of a project;
  - 2. Altering the shoreline or bank or any surface water body; or
  - 3. 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;
3. Activities that are not considered development; and
  4. 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 Standards for Stormwater Management**

- A. All development must comply with the specifications, standards of design, and detailed technical requirements provided in the manuals adopted by reference in Chapter 1.
- B. No subdivision must be platted, nor must 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 must be prepared, signed, and sealed by a Florida registered professional engineer.
- D. All drainage facilities and easements must 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 must be made at the expense of the applicant.
- E. Stormwater Management systems must be designed in accordance with LDC Section 3.05.03.

### **7.04.00 REQUIREMENTS REGARDING CONCURRENCY**

#### **7.04.01 Generally**

The provisions of this section ensure that public facilities and services needed to support proposed developments are available concurrent with the impacts and consistent with the adopted level of service standards. A concurrency certificate shall be required prior to the issuance of any local development order or development permit.

#### **7.04.02 Applicability**

- A. Unless specifically exempted below, the terms and provisions of this section apply to all lands and to all development within the City.
- B. The following proposed development is exempt from a determination of concurrency, except that the developer shall submit a concurrency certificate application as provided for in this section:
  1. Developments that possess a valid, unexpired building permit at the time of adoption of this LDC.
  2. An amendment to a local development order that does not result in increased impacts as stated in the concurrency certificate.
  3. Local development orders and permits that may be needed for:
    - a. Accessory structures as defined in Chapter 5.
    - b. Additions or changes to approved existing residential structures that will not result in an increase in dwelling units.

- c. Changes in use that do not result in greater impervious surface on the lot or trip generation rates for the new use as compared to the existing use.

#### **7.04.03 Facilities Subject to Concurrency**

- A. The following facilities and services are subject to concurrency requirements: potable water, sanitary sewer, drainage, parks and recreation, solid waste, and roadways.
- B. The level of service standards for facilities subject to concurrency are set forth in the Comprehensive Plan.

#### **7.04.04 Requirements for Determinations of Concurrency**

- A. A concurrency determination shall be made as follows;
  - 1. As part of the application and review process for a site plan for development subject to supplemental standards, a preliminary subdivision plat, or a PUD site plan;
  - 2. At the time of application for a building permit when the proposed building has not been the subject of a concurrency determination; or
  - 3. At the time of the issuance of a local development order.
- B. A concurrency determination shall be valid for one (1) year, unless otherwise specified, and renewable for one (1) year.
- C. A determination that concurrency standards are satisfied is a requirement for the issuance of a local development order or building permit. (See Chapter 11 for requirements and procedures regarding local development orders.) If an application meets concurrency requirements, a specific finding shall be included in the approval.
- D. The burden of proof to demonstrate compliance rests with the applicant. The concurrency determination shall compare the impacts of the proposed development on each public facility or service identified in Section 7.04.03(A) with the available capacity for each facility or service at the adopted level of service standard.
  - 1. Capacity availability shall be based upon the total capacity of the facility at the adopted level of service standard, minus the capacity required to meet the needs of existing development, and minus the capacity reserved for developments with valid, unexpired building permits or local development orders.
  - 2. Capacity availability shall be verified with documentation from service providers which indicates that capacity is available and that capacity shall be reserved for the proposed development when a local development order or building permit is issued.
  - 3. A concurrency determination that is based upon facilities that are under construction or guaranteed in an enforceable development agreement shall be accompanied by documentation from the service provider that the facility or service will be available as described in the conditions of the local development order or building permit.
  - 4. Where a proposed development cannot meet the concurrency requirements, the project may be approved in stages or phases. A local development order or building permit shall be issued only for the stage or phase that meets the concurrency requirements as set forth herein.

#### **7.04.05 Requirements for Transportation Concurrency**

- A. For all proposed developments that will generate more than 400 average daily trips, the applicant shall apply for a traffic concurrency determination from the Northeast Florida Regional Council.

- B. For concurrency determinations regarding transportation facilities, the local development order or building permit shall only be issued if the necessary facilities and services are in place and available or under construction at the time the development order is issued; or
- C. The development order or building permit may be issued subject to a condition that the necessary facilities will be in place prior to issuance of a certificate of occupancy and that the certificate of occupancy will not be issued unless the necessary facilities are in place; or
- D. The development order or building permit may be issued when the necessary facilities are specifically identified and guaranteed in an enforceable development agreement, which includes the following conditions:
  - 1. Commencement of actual construction of the facilities within three (3) years following issuance of the certificate of occupancy; or
  - 2. Provision of facilities and services within three (3) years following issuance of the certificate of occupancy.
- E. In order for an application to be eligible for conditional approval subject to the requirements of Section 7.04.05(B) above, the facilities shall be included in the adopted Five (5) Year Capital Improvements Element of the Comprehensive Plan.
- F. For the purpose of issuing a local development order or building permit, a proposed development may be deemed to have a de minimis impact and may not be subject to the concurrency requirements, only if all of the following conditions are met:
  - 1. The transportation impact of the proposed development alone does not exceed one-tenth (0.1) percent of the maximum service volume at the adopted level of service standard for the peak hour of the affected transportation facility; and
  - 2. The cumulative total transportation impact from all de minimis exemptions does not exceed three (3) percent of the maximum service volume at the adopted level of service standard of the affected transportation facility if the facility does not meet the minimum level of service standard.

**7.04.06 Requirements for Concurrency for Sanitary Sewer, Solid Waste, Drainage, and Potable Water**

- A. For concurrency determinations regarding sanitary sewer, solid waste, drainage, and potable water facilities, the development order or building permit shall only be issued subject to the condition that at the time of issuance of a certificate of occupancy the facilities and services necessary to meet and maintain the adopted level of services are in place and available for the proposed development; or
- B. The necessary sanitary sewer, solid waste, drainage, and potable water facilities are guaranteed in an enforceable development agreement pursuant to 163.3220, *F.S.* or Chapter 380, *F.S.*, such that the facilities and services will be in place and available at the time of issuance of a certificate of occupancy.

**7.04.07 Requirements for Concurrency for Parks and Recreation**

- A. For concurrency determinations regarding parks and recreation, the local development order or building permit shall only be issued if the facilities and services necessary to meet and maintain the adopted level of service are in place and or under construction at the time a local development order is issued; or
- B. The necessary facilities are scheduled to be under construction within one (1) year following issuance of the certificate of occupancy is issued; or

- C. The local development order or building permit may be issued when the necessary facilities are specifically identified and guaranteed in an enforceable development agreement, which includes the following conditions:
  - 1. Commencement of actual construction of the facilities within one (1) year following issuance of the local development order or building permit; or
  - 2. Provision of facilities and services within one (1) year following issuance of the local development order or building permit.