



CHAPTER 6

SUPPLEMENTAL STANDARDS AND SPECIAL SITUATIONS

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6.00.00 GENERALLY

- A. This chapter sets forth standards for special situations, including standards for telecommunications facilities, commerce parks, and large scale commercial development, as well as specific uses that are only permissible subject to supplemental standards.
- B. Where there is a conflict between a standard applicable to the zoning district in which the use is located or an applicable overlay district and the supplemental standards set forth below, the more restrictive standard shall apply.

6.01.00 WIRELESS TELECOMMUNICATIONS FACILITIES NOT LOCATED IN CITY RIGHTS OF WAY.

It is the intent of the City to allow telecommunications towers or antennas in compliance with state and federal regulations. It is further the intent of the City to protect the public health, safety, and welfare through regulating the placement and design of permissible telecommunications towers and antennas. The City has adopted a Wireless Master Plan (MP) to provide long-term planning for an efficient and capable wireless telecommunications network throughout the city that promotes collocation and optimal new tower and base station locations to meet the current and future wireless telecommunications needs of the City's residents, businesses, industry and visitors. The MP minimizes negative visual impacts to preserve the character and viewsheds of the City and its natural surroundings. Together the MP and Ordinance promote responsible wireless network planning.

6.01.01 Purpose and Intent. The regulations and requirements of this section are intended to:

- A. Promote the health, safety and general welfare of the citizens by regulating the siting of wireless facilities;
- B. Accommodate the growth and demand for wireless communication services;
- C. Provide for the appropriate location and development of wireless facilities within the City;
- D. Recognize that the provision of wireless services may be an essential service within such land use categories as may be provided for under the Comprehensive Plan, subject to the limitations set forth in this ordinance;
- E. Minimize adverse visual effects of wireless facilities through careful design, siting, landscape screening and innovative camouflaging techniques;
- F. Encourage the location and collection of antennas on existing structures thereby minimizing new visual impacts and reducing the need for additional antenna support structures; and
- G. Further the balance between the need to provide for certainty to the communications industry in the placement of wireless facilities and the need to provide certainty to the residents and citizens of Nassau City that the aesthetic integrity of the City will be protected from the proliferation of unnecessary antenna support structures.
- H. Accommodate and facilitate the growing need and demand for wireless services while adopting and administering reasonable rules and regulations not inconsistent with state and federal law, including Section 337.401, *Fla. Stat.*, as it may be amended, the provisions of the Federal Telecommunications Act of 1996 and other federal and state law(s).

- I. Protect the character of the City while meeting the needs of its citizens to enjoy the benefits of wireless facilities.
- J. Prevent interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, and other public ways and places.
- K. Protect against environmental damage, including damage to trees. Minimize the placement, frequency, and density of new wireless facilities in ROW for public safety purposes, including vehicular and non-vehicular access and circulation, sight lines, as well as aesthetics. Therefore, the City strongly encourages the siting of new wireless facilities on existing base stations and towers or on new base stations and towers outside the ROW wherever possible.
- L. Preserve the unique character of City neighborhoods by promoting use of City property for new wireless facility placement and managing design and location through contractual lease provisions in addition to regulatory authority.
- M. Utilize underground utilities wherever possible to maintain viewshed throughout the City.

6.01.02 Definitions For Communication Facilities NOT located in a City ROW

The following definitions apply **EXCLUSIVELY** to communication facilities **NOT** located within a City ROW and are applicable in connection with all subsections of this Section 6.01.00. The following words, terms and phrases, when used in the subsections below shall have the meanings ascribed to them in this subsection (6.01.02), except where the context clearly indicates a different meaning. Words not otherwise defined in this subsection shall be given the meaning as defined in Section 7.01.02(D), and if not defined therein, shall be given the meaning 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 365.172, *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.

Amateur radio tower. Any tower used for amateur radio transmissions consistent with the Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio towers.

Antenna structure registration (ASR) number. The registration number as required or listed by the FAA and FCC.

Applicable codes. Uniform building, fire, electrical, plumbing, or mechanical codes adopted by the International Code Council (ICC) or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, or local codes or ordinances adopted to implement this subsection. The term includes objective design standards adopted by ordinance or that may require reasonable spacing requirements concerning the location of ground-mounted equipment. The term includes objective design standards adopted by ordinance that may require a wireless facility to meet reasonable location context, color and concealment requirements; however, such design standards may be waived by the City upon a showing that the design standards are not reasonably compatible for the particular location of a wireless facility or that the design standards

impose an excessive expense. A waiver shall be considered by the Board of Adjustment within 60 days from the date of application.

Application. A request submitted by an applicant to the City for a permit to install a new wireless facility or collocate a wireless facility.

Base station. A structure or equipment at a fixed location that enables Commission-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in this subsection or any equipment associated with a tower.

- A. Equipment associated with wireless communications services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; and
- B. Radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-wireless networks); and
- C. Any structure other than a tower that, at the time the application is filed under this section, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, or under another City regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
- D. The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section that does not support or house any equipment described in these definitions.

Breakpoint technology. The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Broadcast facility. A communications facility licensed by the Federal Communications Commission Media Bureau to transmit information on the AM, FM or Television spectrum to the public.

Cellular on wheels (COW). A temporary wireless facility, typically located on a trailer that can be erected/extended to provide short term, high volume communications services to a specific location.

Collocate or collocation. To install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a tower, base station, wireless support structure or utility pole. The term does not include the installation of an initial wireless facility on a tower, base station, utility pole or wireless support structure.

Concealed. A tower, base station, ancillary structure, or equipment compound that is not readily identifiable as a wireless facility and that is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site or in the neighborhood or area. There are two types of concealed facilities, a base station (defined above), or a concealed tower.

Concealed tower. A tower which looks like something else that is common in the geographic region such light standard or flagpole with a flag that is proportional in size to the height and girth of existing structures in the area.

Distributed antenna system (DAS). A DAS system consists of: (1) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception; (2) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and (3) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas, DAS systems can be either outdoor or indoor.

Distributed antenna system (DAS) hub. Ancillary equipment usually contained in a shelter or other enclosure which does not have any wireless transmission or receive equipment contained therein but is utilized in the deployment and operation of wireless DAS receive/transmit infrastructure that is located elsewhere.

Development area. The area occupied by a communications facility including areas inside or under an antenna-support structure's framework, equipment cabinets, ancillary structures, and/or access ways.

Dual purpose facility. A structure that is built or an existing structure that is modified to serve two primary purposes one of which is a wireless facility. Examples include but are not limited to decorative light poles, banner poles, church steeples, clock towers and public art.

Discontinued. Any tower without any mounted transmitting and /or receiving antennas in continued use for a period of 180 consecutive days.

Eligible facilities request. A request for a modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

Eligible support structure. Any tower or base station as defined in this section, provided that is existing at the time the relevant application is filed under this section.

Equipment compound. The area surrounding the ground-based wireless facility including the areas inside or under a tower's framework and ancillary structures such as equipment necessary to operate the antenna on the structure that is above the base flood elevation including cabinets, shelters, pedestals, and other similar structures.

Equipment cabinet. Any structure above the base flood elevation including cabinets, pedestals, and other similar structures and used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

Equipment shelter. A self-contained building, made of permanent materials such as steel or concrete, which contains all electronic ancillary equipment and normally including a generator.

Existing. A constructed tower or base station is existing for purposes of this section if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

Feed lines. Cables or fiber optic lines used as the interconnecting media between the transmission/receiving base station and the antenna.

Federal Aviation Administration (FAA). The division of Department of Transportation of the United States government that inspects and rates civilian aircraft and pilots, enforces the rules and air safety, and installs and maintains air-navigation and air traffic-control facilities.

Federal Communications Commission (FCC). An independent United States government regulatory agency that oversees all interstate and international communication and maintains standards and consistency among ever-growing types of media and methods of communication while protecting the interests of both consumers and businesses.

Lattice tower. A non-concealed self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

Macrocell. A wireless communications facility that exceeds the defined standards of a small wireless facility.

Monopole tower. A non-concealed style of freestanding tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

Neutral host antenna. An antenna or an antenna array designed and utilized to provide services for more than one (1) wireless provider, or a single wireless provider utilizing more than one (1) frequency band or spectrum, for the same or similar type of services.

Node. A single location as part of a larger antenna array which can consist of one or multiple antennas, such as part of a DAS network antenna array.

Non-concealed. A wireless communication tower or base station that is readily identifiable as such type of equipment and structure.

Over the air reception devices (OTARD). Devices which are limited to either a "dish" antenna one meter (39.37 inches) or less in diameter designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, or an antenna that is one meter or less in diameter and is designed to receive video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals other than via satellite or an antenna that is designed to receive local television broadcast signals.

Public safety communications equipment. All communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the City and operating within the frequency range of 145 MHz through 155 MHz, 445 MHz through 475 MHz and 700 MHz through 1,000 MHz and any future spectrum allocations at the direction of the FCC.

Radio frequency emissions. Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment.

Radio frequency interference (RFI). Any electromagnetic radiation or other communications signal that causes reception or transmission interference with another electromagnetic radiation or communications signal.

Radio frequency propagation analysis. Computer modeling to show the level of signal saturation in a given geographical area.

Replacement. A modification of an existing tower to increase the height, or to improve its integrity, by replacing or removing one (1) or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with this section or improve aesthetics or functionality of the overall wireless network.

Satellite earth station. A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Search ring. An area designated by a wireless infrastructure provider or wireless services provider for a new base station or tower, produced in accordance with accepted principles of wireless engineering. The area identifies where a base station or tower must be located in order to meet service objectives of the wireless service provider using the base station or tower.

Site. For towers other than towers in the public ROW, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures (base stations), further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Stanchion. A vertical support structure generally utilized to support exterior lighting elements.

Streamlined processing. Expedited review process for collocations required by the federal government (Congress and/or the FCC) for wireless communication facilities.

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.

Substantial change pursuant to 47 USC §1455. Means a modification or collocation to an eligible support structure if it meets any of the following criteria:

- A. For towers other than towers in the public ROW, it increases the height of the tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for all other eligible support structures (including towers within a ROW and base stations), it increases the height of the structure by more than ten percent (10%) or ten (10) feet, whichever is greater; or
- B. Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the 47 USC §1455; or
- C. For towers other than towers in the public ROW, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet of the width of the tower structure at the elevation of the appurtenance, whichever is greater; for other eligible support structures (including towers within a ROW and base stations) it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet; or
- D. For any eligible support structure (tower or base station), it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or for towers in the public ROW and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure; or
- E. It entails any excavation or deployment outside the current site; or
- F. It would defeat the concealment elements of the eligible support structure; or
- G. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provide however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in A-F above.

Substantial Change pursuant to F.S. Section 365.172(13). Means a modification or collocation to a tower or base station where:

- A. The collocation does not increase the height of the existing structure to which the antennas are to be attached, measured to the highest point of any part of the structure or any existing antenna attached to the structure;
- B. The collocation does not increase the ground space area, otherwise known as the compound, if any, approved in the site plan for equipment enclosures and ancillary facilities;
- C. The collocation consists of antenna, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with any applicable structural or aesthetic design requirements and any requirements for location on the structure, but not prohibitions, or

- D. restrictions on the placement of additional collocations on the existing structure or procedural requirements, other than those authorized by the City's land development regulations in effect at the time of the collocation application; and
- E. The collocation consists of antenna, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable restrictions or conditions, if any, that do not conflict with sub-paragraph (3) and were applied to the initial antenna placed on the structure and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the structure supporting the antenna.

Temporary wireless facility. A temporary tower or other structure typically located on a trailer that provides interim short-term communications when permanent WF equipment is unavailable or offline. A Temporary wireless facility meets an immediate demand for service in the event of emergencies and/or public events where the permanent wireless network is unavailable or insufficient to satisfy demand.

Toll. The time for review and processing an application is effectively stopped pending the resolution of some condition(s).

Tower. Any structure build for the sole or primary purpose of supporting any "FCC licensed: {Can this be a defined term?) It is already defined or authorized antennas and their associated facilities. including structures that are constructed for wireless communications services including. but not limited to. private. broadcast. and public safety services. as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. and the associated site. The tower can be concealed or non-concealed.

Tower base. The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations. the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

Tower height. The vertical distance measured from the grade line to the highest point of the tower, including any antenna, lighting or other equipment affixed thereto.

Transmission equipment. Equipment that facilitates transmission of any Commission-licensed or authorized wireless communication service including, but not limited to, radio transceivers, coaxial or fiber-optic cable. and regular and backup power supply. The term includes equipment associated with wireless communications services including but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Variance. A modification of the terms of this Section where a literal enforcement of this Section would result in an unnecessary site-specific hardship and shall be reviewed and may be granted by the Board of Adjustment.

Wireless facility (WF). 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 shall not include:

- A. The structure or improvements on, under, within or adjacent to the structure on which the equipment is collocated; or
- 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.

6.01.03 Exemptions.

The following wireless facilities are exempt from the development standards of this Section 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. A government-owned communications facility, upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the City designee; except that such facility must comply with all federal and state requirements. No communications facility shall be exempt from the provisions of this division beyond the duration of the state of emergency.
- B. A government-owned communications facility erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide communications for public health and safety.
- C. A temporary wireless facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the City and approved by the City; except that such facility must comply with all federal and state requirements. The WF may be exempt from the provisions of this division up to sixty (60) calendar days after the duration of the state of emergency.
- D. Over the air reception devices ("OTARD") as that term is defined by the Federal Communications Commission, including satellite earth stations that are one (1) meter (39.37 inches) or less in diameter in all residential zoning districts and two (2) meters or less in all other zoning districts. OTARD devices are exempt provided that same do NOT require the construction of a tower or other structure, which height exceeds 12 feet above the residential structure of the consumer who desires to receive fixed wireless services, satellite transmissions, or over the air reception of television signals.
- E. Routine maintenance of small wireless facilities.
- F. Replacement of small wireless facilities with small wireless facilities that are the same size or smaller.
- G. An Amateur Radio Tower that is used exclusively for non-commercial purposes that is less than 65 feet in height.

6.01.04 Applicability for All Non-Exempt WF.

- A. Towers and base stations existing prior to the enactment of this Section or permitted prior to the enactment of this Section shall be allowed to continue to operate provided they met the requirements set forth by the City at the time of final inspection; not including any towers that are currently in violation of this Section and any pre-existing Tower Ordinance of the City.
- B. This Section its subparts and the related terms in Tables 6.01.00(1) and 6.01.00(2) shall apply to the development activities of communications service, wireless

infrastructure and wireless services providers for equipment including the installation, construction, or modification of all macrocell, small wireless and micro wireless facilities and related ancillary equipment on concealed and non-concealed existing and new wireless communication facilities on public and private land and in the City's and other ROW (except small wireless facilities located in a City ROW, which are regulated pursuant to Section 7.01.02 below, and micro wireless facilities which are attached to a wire between two utility poles within a ROW, which are exempt from regulation) including but not limited to:

1. Non-commercial. amateur radio station antennas and towers greater than 65 feet in height.
2. Temporary wireless facility a/k/a Cell on Wheels (COW).
3. Existing towers and base stations.
4. Collocation on existing towers and base stations.
5. Expansion of existing towers and base stations.
6. Replacement towers and base stations.
7. Proposed new towers and base stations.
8. Broadcast towers and antenna.

6.01.05 Building Code Requirements. Permits and Fees.












- A. Building Code Requirements. All wireless facility infrastructure(s) shall be constructed and maintained in conformance with all applicable code requirements.
- B. Permits and Fees Required. All wireless facility infrastructure(s) shall be subject to completion of a wireless facility application. the development standards described on the WF application and in this Section and all legally permissible permit and review fees.
 1. The City uses fees set by the City Commission (which shall not be considered a license. franchise or privilege tax) payable to City of Fernandina Beach to cover the necessary processing cost of all wireless facility applications.
 2. The City reserves the right to conduct a supplemental third-party review on all wireless facility applications subject to the same timeframe for initial reviews and approvals for any Permit subject to the following. Based on the results of the supplemental technical review. the approving authority may require changes to the applicant's application or submittals.
 3. The supplemental technical review may address any or all of the following:
 - a. The accuracy and completeness of the application and any accompanying documentation.
 - b. The applicability of analysis techniques and methodologies.
 - c. The validity of conclusions reached.
 - d. Whether the proposed communications facility complies with the applicable approval criteria set forth in these codes.
 - e. Other engineering or technical items deemed by the City to be relevant to determining whether a proposed communications facility complies with the provisions of these codes and not within the knowledge of City staff.

6.01.06 WF Siting Preferences, Zoning Matrix, Review Types and Approvals Required.

- A. Siting Preference. As a result of citizen participation during the Wireless Facility Master Planning Process the siting of new wireless facilities of any type shall be in accordance with the siting preferences in the WF Use Table 6.01.00(1) below. The

- most preferred option is listed first as number one (1) and the least preferred option last as number five. Where a lower-ranked alternative is proposed, the applicant must demonstrate through relevant information why the higher ranked options are not technically feasible, practical, or justified given the location of the proposed facilities. The applicant must provide this information in its application for the application to be considered complete.
- B. **Zoning Matrix. Applications and Review Matrix for Approvals.** No new wireless facility shall be constructed in the City unless all the applicable approvals listed in the table below are secured.
 - C. **Types of Reviews/Approvals Required.** No new wireless facility shall be constructed in the City unless all of the applicable approvals listed in the Table below are secured.

Table 6.01.06(A): Wireless Facility Sitting Preferences

Wireless facility Type	Macrocell Tower Examples	Macrocell Base Station Example	Small Wireless Facility Tower Examples	Small Wireless Facility Base Station Examples	Standards
1. Collocation on existing tower or base station, located on: a. City owned land b. Other publicly owned land c. Private property*			No examples at this time of the new infrastructure		Outside ROW; 6.01.00(H), (P) and additionally (Q) for small wireless facilities
2. New concealed base station, located on: a. City owned land b. Other publicly owned land c. Private property*	Not Applicable		Not Applicable		Outside ROW; 6.01.00(H), (S) and additionally (Q) for small wireless facilities
3. New non-concealed base station, located on: a. City owned land b. Other publicly owned land c. Private property*	Not Applicable		Not Applicable		Outside ROW; 6.01.00(H) and (G)
4. New concealed dual purpose tower or utility pole or replacement of a non-concealed tower or utility pole with a new concealed dual purpose tower or utility pole a. On City owned land b. On other publicly owned land c. On private property* d. In public ROW		Not Applicable		Not Applicable	Inside ROW; 7.01.02(d), (e) and (f) Outside ROW; 6.01.00(H) and (U) and in (R) if in a single-family residential zoning district
5. New non-concealed replacement monopole with another non-concealed monopole tower or utility pole, located on: a. City owned land b. Other publicly owned land c. Private property* d. In public ROW		Not Applicable		Not Applicable	Inside ROW; 6.7.01.02(d), (e) and (f) Outside ROW; 6.01.00(H) and (S) and (U)

*The sub preferences for private property shall be:

1. Non-residential Districts
2. Multi-family residential districts (where permitted),
3. Single-family residential districts (where permitted) shall only be on lots not used for single family homes. Examples include, but are not limited to parks, open space, schools, religious institutions, and public safety facilities.

6.01.07 Provisions for All Wireless Facilities.

- A. Abandonment (Discontinued Use).**
- 1. The owner of a wireless facility must notify the City when an approved facility is decommissioned and no longer in use.**
 - 2. Wireless facility towers, antennas, and the equipment compound shall be removed, at the tower or base station 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 shall occur within ninety (90) days of cessation of use.**
 - 3. A tower or base station owner wishing to extend the time for removal or reactivation shall 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 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 or base station owner. Thereafter, the City may cause removal of the tower with costs being borne by the tower or base station owner.**
 - 4. Upon removal of the wireless facility tower, antenna, and equipment compound, the development area shall 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.**
- B. 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 shall agree in a written statement (as part of the application process) to the following:
- 1. Compliance with "Good Engineering Practices" as defined by the FCC in its rules and regulations.**
 - 2. 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).**
 - 3. 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.**
 - 4. 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 shall 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 shall 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 shall 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 shall 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.
- C. **Signage.** All wireless facilities shall be clearly identified with the following information:
 1. Name plate signage shall be provided in an easily visible location to include: FCC 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.
 2. 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 shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
 3. No outdoor advertising signage is permitted at the wireless facility.
- D. **Lighting.** Lighting on wireless facility towers and base stations shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following:
 1. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute {i.e., the longest duration between flashes} allowable by the FAA. Dual lighting standards are required with strobe during daytime and red flashing lights at night unless prohibited by the FAA.
 2. Lights shall be filtered or oriented so as not to project directly onto surrounding property or ROW, consistent with FAA requirements.
- E. **Structural Integrity:** The entire tower or base station and all appurtenances shall 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-G, Series II or Series III (as applicable), including any subsequent modification to those specifications.
 1. Grading shall be minimized and limited only to the area necessary for the new tower and equipment.
 2. 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 1.1 307, 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 Red 15123 (1996); Second Memorandum Opinion and Order and Notice of Proposed Rule Making, ET Docket 93-62 (WT Docket 97- 192), 1 2 FCC Red 13494 (1997). In addition, any collocation, modification or upgrade application shall contain an analytical report that confirms that following installation, the composite facility will remain in compliance with FCC standards as stated in OET-65.

3. All communications towers and antennas shall be maintained in good condition and in accordance with all standards in this section. No additions, changes or modifications shall be made except in conformity with the standards of Section 6.06.00.
4. At all times, each wireless facility not located in a City right of way shall be insured for liability in the amount of not less than \$5,000,000.00.

F. 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 shall 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:

1. \$1,000,000.00 in any one accident for bodily injury, personal injury or death, property damage;
2. \$500,000.00 for personal injury to any one person;
3. \$250,000.00 for property damage in any one accident;
4. Business automobile liability insurance valid in the State of Florida which policy limit shall 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.
5. Workers' Compensation valid in the State of Florida which policy limit shall be in an amount not less than the statutory limit for Workers' Compensation.
6. Employer's liability insurance valid in the State of Florida which policy limit shall be in an amount not less than \$1,000,000.00 each accident for employer's liability.
7. All insurance providers used shall be admitted and duly authorized to do business in the State of Florida and shall 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 shall 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 shall 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 shall be canceled, nor shall 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 shall 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 shall 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 shall, 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.

8. Nothing contained in this Chapter shall limit a communications service provider's liability to the City to the limits of insurance certified or carried.
 9. 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.
- G. Towers shall be located and designed to ensure minimal aesthetic impact. Aesthetic impact shall take into consideration, but not be limited to, the amount of the tower structure that can be viewed from surrounding residential zoning districts, designated scenic roadways, and historic districted in eligible or to be listed in the Nation Register of Historic Places. Consideration shall also include the distance to any residential zoning district, any design factors that mitigate negative aesthetic impact, landscaping or intervening visual buffers, existing character of surrounding area, or other visual options proposed by the applicant.
- H. Towers shall be located and designed to ensure compatibility. Compatibility determinations shall take into consideration the degree to which the tower structure is designed and located to be compatible with the nature and character of the other land uses and /or with the environment of the surrounding neighborhood.

6.01.08 Additional Provisions for all Wireless Facilities Outside City ROW

- A. Parking. One parking space is required for each tower development area located outside of the ROW. The space shall be provided within the leased area, or equipment compound or the development area as defined on the site plan.
- B. Buffers and landscaping shall be per City Land Development Code Chapter 4.

6.01.09 Additional Provisions for Non-Exempt Temporary Wireless Facilities and Cellular on Wheels.

- A. Development Standards.
 1. Proof of notification of installation or construction from the FAA, if applicable.

2. Height shall be less than 120'.
 3. It does not involve any excavation (or excavation where prior disturbance exceeds proposed excavation by at least 2 feet).
 4. Description of proposed location, including type of temporary structure, type of electrical service to be utilized, description of temporary necessity requiring Temporary WF.
 5. Duration of proposed cellular on wheel facility shall not exceed 14 calendar days.
- B. Approval Process. Administrative approval by the City will be considered through the application of a temporary use permit.

6.01.10 Additional Provisions for Collocation on any Existing Tower or Base Station

- A. Development Standards. For collocation on any tower or base stations (concealed or non-concealed) outside the City ROW, additions or modifications may not exceed the definition of substantial change under federal or state definitions set forth above.
- B. Application review timeframes.
1. A collocation application entitled to expedited streamlined processing pursuant to Section 6409 of the Middle-Class Tax Relief and Job Creation Act of 2012 (47 USC §1455(a)) shall be deemed complete unless the City provides written notice to the applicant that the submission is incomplete (a "notice of incompleteness") within 30 calendar days of application submission (or within some other mutually agreed upon timeframe). Notice of incompleteness will be in writing and will identify specifically the deficiencies in the application which, if cured, would make the application complete. Upon notice of incompleteness, the timeline for a decision will be tolled until the applicant re-submits to correct such deficiency. The City will, within ten (10) calendar days of re-submission, notify the applicant of continuing deficiencies or the application will be deemed complete. The timeline for a decision will be likewise tolled during the additional re-submission deficiency period until the second resubmission.
 2. Other collocation applications entitled to expedited streamlined process review pursuant to F.S. 365.172(13) will be deemed complete unless the City provides a written notice of incompleteness to the applicant within 20 business days of submission (or within some other mutually agreed upon timeframe). Notice of incompleteness will identify specifically the deficiencies in the application which, if cured, would make the application complete. Upon notice of incompleteness, the timeline for a decision will be tolled until the applicant re-submits to correct such deficiency. The City will, within twenty (20) business days of re-submission, notify the applicant of continuing deficiencies or the application will be deemed complete. The timeline for a decision will be likewise tolled during the additional re-submission deficiency period until the second resubmission.
- C. Approval Process. Administrative approval by the City will be considered through the application of a building permit.

6.01.11 Additional Provisions for New Small Wireless Facilities Outside City ROWs.

A. Development Standards:

1. Concealed and Non-concealed New Base Stations.

- a. Small wireless facilities shall be no larger in size than specified in the definition for these facilities in Section 7.01.02.
- b. Concealed new base station antenna and concealed wireless equipment associated with the facility is preferred over new non-concealed base stations.
- c. The top of the attached wireless facility antenna shall not be more than ten (10) feet above the existing or proposed building or structure.
- d. Concealed WF antennas, feed lines and ground related equipment shelters/cabinets shall be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed so that they blend with the existing structural design, color, and texture.
- e. A photo rendering shall be provided of the WF that depicts aesthetic features including, but not limited to, the use of colors, concealment, screening, and buffering, with a before and after installation exhibit.
- f. When a new base station is located on a nonconforming building or structure, the existing permitted nonconforming setback shall prevail.
- g. To the extent possible, base stations should be located outside of the floodplain. Where it is not possible, placement shall comply with Fernandina Beach's floodplain management ordinance and Land Development Code regarding floodplain and wetlands.
- h. Base Stations cannot be located within wetlands, wetland transitional areas, or wetland buffers.

2. New Concealed Dual-Purpose Tower

- a. Small wireless facilities will be no larger in size than specified in the definition for these facilities in Section 7.01.02.
- b. Concealment design is required to minimize the visual impact of wireless communication facilities. For this reason, all new towers must be a concealed dual-purpose wireless facility.
- c. All new small wireless towers must be designed with considerations of height, scale, color, texture and architectural design of the buildings where the new facility is proposed. All cables, conduits, electronics and wires must be enclosed within the structure. A photo rendering must be provided of the proposed antenna that depicts a before and after installation exhibit.
- d. Neutral host antenna, smart poles and prefabricated multi-tenant dual-purpose type facilities are preferred. Applicants may seek a waiver of this requirement if they can demonstrate that there is no commercially available single antenna system, smart pole or multi-tenant dual purpose tower that can accommodate multiple wireless service providers.
- e. Height: The total height including antenna must not exceed thirty-five (35) feet.
- f. Wireless equipment (other than the antenna) associated with the facility to be located in accordance with the descending order of preference:
 - i. Concealed on the ground away from the tower;
 - ii. Concealed at the base of the tower;
 - iii. Non-concealed on the tower;

- iv. Non-concealed on the ground next to the tower or away from tower to be determined on a case-by-case basis depending on sidewalk and ROW width.

B. Approval Process.

1. The City's staff designee will review and provide comment on any deficiencies in wireless facility applications in writing within thirty (30) days of submission or within some other mutually agreed upon time frame. The comment notice will identify the deficiencies in the WF application, which, if cured, would make the application complete. The WF application will be deemed complete on resubmission if the resubmitted materials cure the original deficiencies indicated by the City.
2. If the City does not approve or deny the application following resubmission then the application will be deemed approved within ninety (90) business days from the time the application is deemed complete or a mutually agreed upon time frame between the City and the applicant.
3. The City may deny an application on the basis that it does not meet any of requirements below:
 - a. The City's applicable codes;
 - b. Local code provisions or regulations that concern public safety, reasonable and nondiscriminatory concealment requirements;
 - c. Historic preservation requirements.
4. If the City denies an application, then the City will:
 - a. Document the basis for a denial, including the specific code provisions on which the denial was based;
 - b. Send the documentation to the applicant on or before the day the City denies an application. The applicant may cure the deficiencies identified by the City and resubmit the application within thirty (30) days of the denial without paying an additional application fee. The City will approve or deny the revised application within thirty (30) days of the date on which the application was resubmitted. Any subsequent review shall be limited to the deficiencies cited in the prior denial.

6.01.12 Additional Provisions for New Macrocell Base Station Facilities

A. Development Standards.

1. Concealed new base stations are preferred over new non-concealed base stations per the siting preference matrix in Table 6.01.06(A).
2. The top of the attached wireless facility antenna must not be more than ten (10) feet above the existing or proposed building or structure.
3. Concealed WF antennas, feed lines and ground related equipment shelters/cabinets must be designed to architecturally match the façade, roof, wall, and/or structure on which they are affixed so that they blend with the existing structural design, color, and texture.
4. A photo rendering must be provided of the WF that depicts aesthetic features including, but not limited to, the use of colors, concealment, screening and buffering, with a before and after installation exhibit.
5. When a new wireless facility base station is located on a nonconforming building or structure, the existing permitted nonconforming setback will prevail.

B. Application Review Timelines.

1. City planning staff designee will review and provide comment on any deficiencies in new base station WF applications in writing which shall be postmarked to the applicant within twenty (20) business days of submission or within some other mutually agreed upon time frame. The notice shall identify the deficiencies in the wireless facility application, which if cured, would make the application complete. The WF will be deemed complete on resubmission if the resubmitted materials cure the original deficiencies indicated by City.
2. If the City does not respond in writing to the applicant of an eligible facility collocation request within the specified timeframe, the application shall be deemed complete.
3. The City will issue a written decision approving or denying an application request within ninety (90) business days of such application being deemed complete.
4. Approval Process. Administrative approval by the City.

6.01.13 Additional Provisions for Outdoor Distributed Antenna System Hub

A. Development Standards.

1. Setbacks for outdoor distributed antenna system hub shelters/buildings must meet the setback standards of the underlying zoning district.
2. Equipment shelters/building must be architecturally compatible with the general character of the neighborhood and historic character, if applicable.
3. Equipment shelters/buildings/cabinets must be screened with materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure. The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.

B. Application Review Timelines.

1. The City will review and provide comment on any deficiencies in new outdoor DAS hub applications in writing which will be postmarked to the applicant within twenty (20) business days of submission or within some other mutually agreed upon time frame. The notice will identify the deficiencies in the wireless facility application, which if cured, would make the application complete. The WF will be deemed complete on resubmission if the resubmitted materials cure the original deficiencies indicated by City.
2. If the City does not respond in writing to the applicant of an eligible facility collocation request within the specified timeframe, the application will be deemed complete.
3. The City will issue a written decision approving or denying an application request within ninety (90) business days of such application being deemed complete.

C. Approval Process. Administrative approval by the City

6.01.14 Additional Provisions for New Concealed Dual-purpose Towers and New Nonconcealed Replacement Monopoles.

A. Macroce/1 Facility Development Standards

1. Visibility Concealed

- a. New concealed wireless facility towers must be designed to match adjacent structures and landscapes with specific design considerations such as

- architectural designs, height, scale, color, and texture with existing structures and landscapes on the property.
- b. New antenna mounts must be concealed and match the concealed WF tower.
 - c. In residential zoning districts, new concealed wireless facility towers will only be permitted on lots whose principal use is not single-family residential, such as schools, churches, synagogues, fire stations, parks, and other public property.
2. **Visibility Non-concealed - Replacement monopoles only will be allowed in the City.**
 3. **Replacement - any replacement tower must achieve either the same level of visibility or less than the tower that it is replacing. A replacement for a concealed wireless facility must be concealed. A replacement of a non-concealed tower must be either concealed or a monopole type tower.**
 4. **Height.**
 - a. Where permitted new concealed towers in non-single-family districts shall be limited to 120'.
 5. **Setbacks. New towers will be subject to the setbacks described below:**
 - a. A concealed wireless facility may be constructed using breakpoint design technology (see 'Definitions'), in which case the minimum setback distance will be equal to 110 percent (110%) of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of Florida of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100-foottall monopole with a breakpoint at eighty (80) feet, the minimum setback distance would be twenty-two (22) feet (110 percent of twenty (20) feet, the distance from the top of the monopole to the breakpoint) in addition to the minimum side or rear yard setback requirements for that zoning district.
 - b. For a concealed wireless facility tower not constructed using breakpoint design technology, the minimum setback distance will be equal to the height of the proposed WF.
 - c. Replacement monopole towers will be subject to the minimum setback distance imposed upon the tower being replaced.
 6. **Equipment cabinets and Equipment Shelters. Electronic equipment must be contained in either (a) equipment cabinets or (b) equipment shelters. Equipment cabinets must not be visible from pedestrian and ROW views. Equipment cabinets may be provided within the principal building on the lot, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.**
 7. **Fencing. All equipment compounds must be enclosed with an opaque fence or masonry wall in residential zoning districts and in any zoning district when the equipment compound adjoins a public ROW. Alternative equivalent screening may be approved through the site plan approval process.**
 8. **Equipment Compound. The fenced-in compounds must not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards will be allowed in a tower equipment compound. The compound must not be used as habitable space.**

9. **Balloon Test.**
 - a. New concealed and non-concealed wireless facility towers must be configured and located in a manner that will minimize adverse effects including visual impacts on the landscape and adjacent properties.
 - b. A balloon test will be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height and concealment solution of the WF. The applicant must arrange to raise a colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower, and within twenty-five (25) horizontal feet of the center of the proposed tower. The applicant must meet the following for the balloon test:
 - c. Applicant must inform the City and abutting property owners in writing of the date and times, including alternative date and times, of the test at least fourteen (14) days in advance.
 - d. A 3' by 5' sign with lettering no less than 3 inches high stating the purpose of the balloon test must be placed at closest major intersection of proposed site.
 - e. The date, time, and location, including alternative date, time and location, of the balloon test must be advertised in a locally distributed paper by the applicant at least seven (7) but no more than fourteen (14) days in advance of the test date.
 - f. The balloon must be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant must record the weather, including wind speed during the balloon test.
 - g. Re-advertisement will not be required if inclement weather occurs.
10. WFs must be engineered and constructed for collocation as follows: 2 tenants between 80 and 100 feet, for 3 tenants between 101 and 120 feet in height, and for 4 tenants above 120 feet in height.
11. Grading must be minimized and limited only to the area necessary for the new WF and equipment compound.
12. All landscaping will be subject to Chapter 4 of the Land Development Code.

6.01.15 Additional Submittal Requirements for Applications

A. Development Standards.

1. Simulated photographic evidence of the proposed tower and antenna appearance from any and all residential areas within 1,500 feet and vantage points approved by the City including the facility types the applicant has considered and the impact on adjacent properties including:
 - a. Overall height.
 - b. Configuration.
 - c. Physical location.
 - d. Mass and scale.
 - e. Materials and color.
 - f. Illumination.
 - g. Architectural design.
2. Applicant must provide a written statement of proposed facility compliance with all applicable FCC rules and regulations.
3. A map of the same search ring submitted and used by the applicant's site locator with a statement confirming the same.

4. A map indicating applicant's existing RF signal propagation. a map indicating applicant's proposed new radio frequency (RF) signal propagation. and a map indicating the proposed facility's coverage area. which provides sufficient justification for the requested support structure height.
 5. A map indicating applicant's existing RF signal propagation and a map indicating applications proposed new RF signal propagation.
 6. A statement from the applicant providing information regarding justification for the proposed new WF facility.
 7. An affidavit by a radio frequency engineer demonstrating compliance with the Permitted Use List (Table 6.01.06(A)) of this Section and providing the qualifications of affiant. If a lower ranking alternative is proposed the affidavit must address why higher ranked options are not technically feasible, practical, and/or justified given the location of the proposed communications facility.
 8. Statement as to the potential visual and aesthetic impacts of the proposed tower and equipment on all adjacent residential zoning districts.
 9. Written statement by a registered professional engineer licensed by the State of Florida specifying the design structural failure modes of the proposed facility. if applicable.
 10. A radio frequency propagation plot indicating the coverage of existing antenna sites. coverage prediction. and design radius, together with a certification from the applicant's radio frequency engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, collocation, or new tower and reasons why such alternative structures are unacceptable.
 11. All other documentation. evidence. or materials necessary to demonstrate compliance with the applicable approval criteria set forth in this Ordinance.
 12. Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace", if applicable.
 13. Proof of compliance with National Environmental Policy Act and National Historic Preservation Act.
- B. Application Review Timelines:**
1. City planning staff designee will review and provide comment on any deficiencies in new conditional use permit applications in writing which will be postmarked to the applicant within twenty (20) business days of submission or within some other mutually agreed upon time frame.
 2. The City will issue a written decision approving or denying a conditional use permit application request within ninety (90) business days of such application being deemed complete.
- C. Approval Process:** A new conditional use permit application for a new macrocell facility in this section will be reviewed and a decision rendered by the Board of Adjustment within ninety (90) business days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions, so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide wireless communication services. or within such other mutually agreed upon time.

6.01.16 Additional provisions for Broadcast towers outside the City ROWs (subject to definitions in Sec. 6.01.00(C)).

A. Development Standards.

1. **Broadcast Tower Determination of Need.** No new broadcast towers will be permitted unless the applicant demonstrates that no existing broadcast tower can accommodate the applicant's proposed use.
 2. **The zoning lot on which a broadcast facility is located must have a minimum gross land area of one hundred fifty thousand (150,000) square feet.**
 3. **Height.** Height for broadcast towers will be evaluated on a case-by-case basis; the determination of height contained in the applicant's FCC Form 351/352 construction permit or application for construction permit and an FAA determination of no hazard (FAA Form 7460 /2) will be considered prima facie evidence of the tower height required for such broadcast facilities.
 4. **Setbacks.** New broadcast towers and anchors must be setback a minimum of five hundred (500) feet from any single-family dwelling unit on same zone lot; and a minimum of 1 foot for every 1 foot of tower height from all adjacent lots of record.
 5. **Equipment Cabinets.** Except for AM broadcast towers. cabinets must not be visible from pedestrian views.
 6. **All landscaping will be subject to Chapter 4 of the Land Development Code.**
 7. **Fencing.** All broadcast facility towers, AM antenna(s) towers, and guy anchors must each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.
 8. **Equipment Compound.** The fenced in compounds must not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards will be allowed in a tower equipment compound. The compound must not be used as habitable space.
- B. Application Review Timelines.**
1. **City planning staff designee will review and provide comment on any deficiencies in new broadcast tower applications in writing which will be postmarked to the applicant within thirty (30) calendar days of submission or within some other mutually agreed upon time frame.**
 2. **The City will issue a written decision approving or denying an application request within one hundred fifty (150) calendar days of such application being deemed complete.**
- C. Approval Process.** A new broadcast tower application will be reviewed, and a decision rendered by the Board of Adjustment as applicable within one hundred and fifty (150) days of receipt of the application. subject to any applicable tolling for application deficiencies and resubmissions. so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide AM/FM/TV Broadcast services, or within such other mutually agreed upon time.

6.01.17 Appeals

- A. Appeals from Administrative Review Process Denials.** Appeals from the Administrative Review Process will be heard by the Board of Adjustment and subject to provisions in Chapter 11 of the City Land Development Code.
- B. Appeals from Board of Adjustment.** Appeals of BOA decisions will go directly to circuit court.

6.01.18 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of Section 6.01.00 of this Land Development Code

6.02.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES

6.02.01 Generally

Specific uses permissible in each zoning district are identified in Table 2.03.02. Uses permissible subject to supplemental standards are identified by the letter "S." These uses are permissible only in compliance with the standards applicable to the zoning district and any applicable overlay district, as set forth in Chapter 4, and the additional standards set forth in Section 6.02.00.

6.02.02 Adult Entertainment Establishments

- A. Adult entertainment businesses are allowable in the I-1 zoning district, subject to the standards set for the district and the supplemental standards set forth in this section.
- B. The separation requirements set forth herein shall apply to the named uses whether located within or outside of City boundaries. Measurement shall be from the closest property line of the adult entertainment business to the nearest point of the parcel on which the named use is located.
- C. No adult entertainment business shall be located within 750 feet of the following existing uses and establishments:
 - 1. Any other adult entertainment business;
 - 2. A residential use;
 - 3. A lot zoned for residential use;
 - 4. A lot with a land use designation of residential on the Future Land Use Map in the Comprehensive Plan;
 - 5. A religious use or facility;
 - 6. An educational institution; or
 - 7. A park or recreation facility.
- D. No adult entertainment business shall be located within 200 feet of a commercial establishment that sells or dispenses alcohol for consumption on the premises.
- E. An existing adult entertainment business shall not be permitted to expand its operation or enlarge the establishment when such expansion or enlargement results in a location that does not comply with Sections 6.02.02(C) and (D).
- F. Advertisements, displays, or other promotional materials visible to the public from the exterior of adult entertainment business shall be considered signs subject to the regulations set forth in Section 5.03.00.
- G. All building openings, entries, windows, doors, or other apertures for adult bookstores, adult motion picture theaters, and adult mini-motion picture theaters shall be located, covered, or screened in such a manner as to prevent a view into the interior from any public area; however, such openings shall not be painted out, blacked out, or otherwise obscured in a garish manner.
- H. The entire interior of an adult bookstore, or an adult mini-motion picture theater which has separate projection or viewing booths or areas, shall have a minimum illumination of at least two (2) watts per square foot of floor area while open, and every portion of the interior shall be readily visible at all times to the clerk or other supervisory personnel from the counter or other regular station.
- I. If separate booths, rooms, cubicles, or other similar areas are provided for use by clients of the adult entertainment business, such areas shall not have doors or other solid

enclosures, but shall only have a thin, opaque cloth curtain which may be opened from the exterior at all times and which does not extend any closer than three (3) feet to the surface of the floor.

6.02.03 Asphalt or Concrete Plants

- A. Asphalt or concrete plants are allowable in the I-1 and I-A zoning district, subject to the standards of the zoning district and the standards of this section.
- B. The site design standards for an asphalt or concrete plant are as set forth in Table 6.02.03(B).

Table 6.02.03(B). Standards for Asphalt or Concrete Plants

Development Feature	Standard
Minimum setback <ul style="list-style-type: none"> ▪ From property zoned or used for commercial, office, or industrial purposes ▪ From property zoned or used for residential, conservation, recreation, or public purposes 	100 feet 200 feet
Fence required <ul style="list-style-type: none"> ▪ Type ▪ Minimum height ▪ Maximum height ▪ Orientation 	Masonry or other solid fence, other than wood 6 feet 8 feet Finished side outward
Buffer requirements	Double the number of plants required in the buffer as set forth in Section 4.05.00
Access requirements	Arterial or collector street
Noise, smoke, and odor abatement	Sufficient to ensure compatibility with residential, conservation, recreation, or public properties within 500 feet

6.02.04 Auto Motorized Vehicle Sales, New or Used

- A. A motorized vehicle agency is a permissible use in the MU-8 zoning category as subject to the following supplemental standards.
 1. Motorized vehicle agencies must be located within a totally enclosed building.
 2. Exterior lighting may be used only to illuminate a building and its grounds for safety purposes. Lighting is not to be used as a form of advertising. Lighting must be directed and shielded to avoid direct illumination of a lot zoned or used for residential purposes.
 3. Except fronting S. 8th Street, no motorized vehicle will be displayed or stored outdoors.
 4. Motorized vehicle preparation, mechanical or automobile body or other support services may be offered onsite and are permissible when located in a completely enclosed building.

6.02.05 Automobile Repair, Garage, or Body Shop

- A. An Automobile Repair, Garage or Body Shop is a permissible in the MU-8 zoning category as subject to the following supplemental standards.
 1. All services performed by an automobile repair establishment, including repair, painting, and body work activities, shall be performed within a completely enclosed building which may contain overhead doors.
 2. No inoperative vehicles or used vehicle parts shall be stored outside of a fully enclosed building.
 - a. Inoperative vehicles may be parked for a period of no greater than 30 days.

3. Outdoor storage of materials and equipment shall be prohibited.
4. No merchandise shall be stored or displayed outside a building except those on moveable display racks that must be stored inside after hours of operation.
5. Vehicle service bays shall be oriented away from 8th street.

6.02.06 Bed and Breakfast Inns

- A. A bed and breakfast inn is allowable in R-3, OT-2, MU-1, MU-8, and C-3 zoning districts, subject to the standards of the zoning district and the supplemental standards set forth below.
- B. The owner of the bed and breakfast inn shall reside in the inn. However, where an individual owns two (2) or more such facilities, owner-occupancy shall be required in one (1) inn.
- C. Density shall not exceed the permissible residential density as set forth in Table 4.01.01. Each two (2) bedrooms or lodging rooms shall be the equivalent of one (1) residential dwelling unit. Where the equivalent number of residential dwellings contains a fraction, the number shall be rounded up to the next whole number. All bedrooms shall be counted in the determination of density, whether occupied by the owner, the owner's family in residence in the bed and breakfast inn, or guests.
- D. A private bath shall be provided for each guest room.
- E. The building in which the bed and breakfast inn is located shall be substantially similar in design, appearance, and character to residential dwellings located within a 200-foot radius. Distance shall be measured from all property lines of the lot on which the bed and breakfast inn is located.
- F. A bed and breakfast inn located within the Historic District shall comply with the standards for the Historic District Overlay.
- G. Parking shall meet the following standards:
 1. One (1) space per bedroom shall be provided off-street; and
 2. All required parking spaces shall be located to the side or rear of the principal structure.
- H. One (1) sign identifying the bed and breakfast inn is permissible, subject to the following standards:
 1. The maximum sign area shall not exceed eight (8) square feet;
 2. The sign shall have color, design, and materials consistent with the color, design, and materials of the bed and breakfast inn;
 3. The sign shall not be illuminated; and
 4. The sign shall be only a monument sign or a building mounted sign.

6.02.07 Business Services

- A. Business Services such as printing, copying, and mailing are allowable in the C-2, I-1 and I-A zoning districts, subject to the standards of the zoning district.
- B. Business Services such as printing, copying, and mailing are allowable in the C-1 and C-3, and MU-8 zoning districts, subject to the following standard:
 1. Lithography is prohibited.

6.02.08 Cemeteries

- A. New cemeteries are allowable in the PI-1 zoning district, subject to the site design standards of the district.
- B. Cemeteries are allowable as an accessory use to a religious facility, subject to the site design standards of the zoning district in which the facility is located and the specific supplemental standards in this section.

C. Site design requirements are set forth in Table 6.02.08(C)

Table 6.02.08(C). Standards for Cemeteries

Development Feature	Standard
Minimum land area <ul style="list-style-type: none"> ▪ When located on the same site as a religious facility ▪ Freestanding 	½ acre 1 acre
Minimum setback for burial plots and columbaria	30 feet from any property line
Maximum height for columbaria	8 feet
Minimum setbacks for structures, storage, materials, equipment, or interment lots <ul style="list-style-type: none"> ▪ When located on the same site as a religious facility 	Same setback as principal structure 20 feet
Minimum buffer requirements <ul style="list-style-type: none"> ▪ When located on the same site as a religious facility ▪ Freestanding 	No additional buffer As set forth in Section 4.05.05(B), but not less than a buffer "B"

D. Location requirements

1. A cemetery shall not be located in a wetland, 100-year floodplain, floodway, or flood hazard area.
2. All new cemeteries shall be located at least 150 feet from a potable water well or 500 feet from a public potable water wellhead.
3. Adequate off-street waiting space shall be provided for funeral processions such that no vehicle stands or waits in a public right-of-way.

6.02.09 Clubs, Lodges, Community Centers, and Public Recreation Buildings

- A. Clubs, lodges, community centers, and public recreation buildings are allowable in the C-1, C-2, C-3, MU-8, I-1, I-A, PI-1 and W-1 zoning districts, subject to the standards of the zoning district.
- B. Clubs, lodges, community centers, and public recreation buildings are allowable in the R-1, RLM, R-2, R-3, and MU-1 zoning districts subject to the standards of the zoning district and the supplemental standards set forth below.
- C. Site design standards for clubs, lodges, community centers, and public recreation buildings are set forth in Table 6.02.09(C).

Table 6.02.09(C). Standards for Clubs, Lodges, Community Centers, and Public Recreation Buildings in R-1, RLM, R-2, R-3, and MU-1

Development Feature	Standard
Lot size <ul style="list-style-type: none"> ▪ Minimum area ▪ Maximum area 	10,000 square feet 40,000 square feet
Access	Arterial or collector street
Parking requirements <ul style="list-style-type: none"> ▪ Location ▪ On-street parking 	Side or rear of the principal structure Shall not count toward meeting parking requirements
Outdoor recreation facilities associated with the club, lodge, community center, or public recreation building <ul style="list-style-type: none"> ▪ Buffer requirements ▪ Outside lighting ▪ Loudspeakers or paging 	Double the buffer otherwise required Prohibited Prohibited

Development Feature	Standard
systems	

6.02.10 Craft Distillery or Small-scale Wineries and Breweries

- A. A Craft Distillery or Small-scale Wineries or Breweries are allowable in the MU-1, C-1, C-2 and C-3 zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section.
- A. Except otherwise provided for in Chapter 565 of the Florida Statutes, a Craft Distillery must comply with the current statute as stated: A craft distillery may only ship, arrange to ship, or deliver any of its distilled spirits to consumers within the state in a face-to-face transaction at the distillery property. However, a craft distiller licensed under this section may ship, arrange to ship, or deliver such spirits to manufacturers of distilled spirits, wholesale distributors of distilled spirits, state or federal bonded warehouses, and exporters.
- B. The site design standards for a Craft Distillery, Small-Scale Winery, or Small-Scale Brewery are set forth in Table 6.02.10(B).

Table 6.02.10(B). Standards for Craft Distillery, Small-Scale Wineries or Breweries in MU-1, C-1, C-2, and C-3 Zoning Districts

Development Feature	Standard
Access	Access from a collector or arterial street is required and an appropriate and adequate access for distributor’s vehicles must be contained on premise or on a premise under control of the business.
Buffer	As set forth in Section 4.05.05, but not less than buffer “B” from any residentially zoned or used property
Exterior lighting	Directed and shielded to avoid direct illumination of a lot zoned or used for residential uses
Parking lots	Designed to avoid glare from vehicle lights onto property that is zoned or used for residential uses
Distribution Activity	<ul style="list-style-type: none"> • Distribution is limited per Florida Statute 565.03(c) • Distribution is limited to reasonable business hours

6.02.11 Cremation Facilities

- A. Cremation facilities for human remains are allowed as an accessory use to a Funeral Home in districts where Funeral Homes are permitted.
- B. The cremation facility and funeral home shall be in compliance with all state and local licensing requirements and shall comply with all state and federal regulations including but not limited to air quality standards, testing and reporting (Reference FAC 62-210.310(5)(c) and 62-296.401(5)).
- C. Cremation facilities shall comply with yard requirements for the principal structure. Additionally, buffers of no less than type ‘C’ as set forth in 4.05.05(B) shall be provided where a cremation facility is visible from a residential use or zoning district.
- D. Cremation services shall only be operated under that same ownership and in conjunction with the Funeral Home business to which it is an accessory use.

6.02.12 Day Care Centers

- A. Day care centers are allowable in the C-2, C-3 and PI-1 zoning districts, subject to the standards of the zoning district.

- B. Day care centers are allowable in the MU-1 and C-1 zoning districts subject to the standards of the zoning district and the supplemental standards set forth below.
- C. Playgrounds shall be provided in a size and type required by State standards. The following additional standards shall apply:
 - 1. The playground shall be located in the rear yard. Where site characteristics prevent location of a playground in the rear yard, and adequate space is available in the side yard, a playground may be located in the side yard. Location of a playground in the front yard is prohibited.
 - 2. The playground shall be fully fenced. The fence shall meet the standards set forth in Section 5.01.10.
 - 3. The playground shall be located not closer than twenty-five (25) feet to any adjacent property zoned for residential use.
- D. The site design standards for day care centers are set forth in Table 6.02.10(D).

Table 6.02.12(D). Standards for Day Care Centers in MU-1 and C-1

Development Feature	Standard
Minimum lot area	21,780 square feet
Buffer requirements	As set forth in Section 4.05.05, but not less than a buffer "B"
Parking requirements	
▪ Location	Side or rear of the principal structure
▪ On-street parking	Shall not count toward meeting parking requirements
Access requirements	Separate off-street drop off area required

6.02.13 Dining with Dogs – Outdoors Only

- A. Dining with dogs in outdoor spaces is authorized pursuant to Florida Statute §509.233 and is allowable in outdoor spaces of public food service establishments in the OT-2, MU-1, C-1, C-2, C-3, MU-8, I-1, I-A, I-W, and W-1 zoning districts, subject to the standards of the zoning district. Public food service establishments and patron are defined by Florida Statute §509.013.
- B. In order to protect the health, safety, and general welfare of the public, a public food service establishment is prohibited from having any dog on its premises unless it possesses a valid permit issued in accordance with this section. Service animals are excluded from the permitting requirement.
- C. The permit application shall have an associated application fee of Forty Dollars (\$40.00) as may be amended from time to time by the City’s fee schedule.
- D. Applications for a permit under this section shall be made to the Community Development Department on a form provided for such purpose. The application shall include the following information, in addition to any other information deemed reasonably necessary by the Community Development Department in order to implement and enforce the provisions of this section:
 - 1. The name, location, and mailing address of the public food service establishment.
 - 2. The name, mailing address, and telephone contact information of the permit applicant.
 - 3. A diagram and description of the outdoor area to be designated as available to patrons’ dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exists to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons’ dogs; any fences or other barriers; surrounding property lines and public right-of-way, including sidewalks and common pathways; and such other information

- reasonably required by the Community Development Department. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.
4. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.
 5. Permission from the property owner if the public food service establishment is a tenant.
 6. A copy of the public food service establishment's commercial general liability insurance.
- E. The following requirements for dog dining at public food service establishments as defined by the state are:
1. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs. Employees shall be prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
 2. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
 3. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
 4. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
 5. Dogs shall not be allowed on chairs, tables or other furnishings.
 6. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
 7. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.
 8. A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the Community Development Department.
 9. A sign or signs reminding patrons of the applicable rules shall be posted on premises in a manner and place as determined by the Community Development Department.
 10. A sign or signs shall be posted in a manner and place as determined by the Community Development Department that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.
 11. Dogs shall not be permitted to travel through the indoor or non-designated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor area of the food establishment.
 12. Additional policies as may be deemed necessary by the Community Development Department in order to protect the health, safety, and general welfare of the public.
- F. A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

- G. The applicant must submit a right-of-way permit application in addition to the dog dining permit application if the outdoor area designated for dogs includes City right-of-way.
- H. The Community Development Department shall provide the Department of Business and Professional Regulation a copy of all approved applications and permits issued, as well as notice of any complaints received and subsequent response by the City.
- I. All applications, permits, and other related materials must contain the Department of Business and Professional Regulation issued license number for each public food service establishment.
- J. Signage required under this section is exempt from sign permitting requirements and may not be illuminated, limited to eight (8) feet tall, and may not exceed four (4) square feet.

6.02.14 Drug Store or Pharmacy

- A. Drug stores and pharmacies are allowable in the C-1, C-2, I-1, I-A, MU-1 and W-1 zoning districts, subject to the standards of the zoning district.
- B. Drug stores and pharmacies are allowable in the C-3 zoning district subject to the standards of the zoning district and the supplemental standards set forth below.
- C. The maximum gross floor area for the ground floor is 5,000 square feet, except where the drug store or pharmacy is proposed to occupy an existing structure.
There shall be no drive-through windows associated with the establishment.

6.02.15 Gasoline Stations

- A. A gasoline station is a permissible use in the MU-8 zoning category as subject to the following supplemental standards.
 - 1. Gasoline pumps and pump islands shall not be located so that any part of a vehicle being served will extend into any public right-of-way or private drive used for access or egress.
 - 2. Gasoline pumps and pump islands shall not be built within 20 feet of a property line.
 - 3. Landscape strip of at least 2 feet shall be required beside the 6 foot pedestrian access easement.
 - 4. Storage tanks shall be located below grade.
 - 5. Outdoor lighting shall be directed and shielded to avoid direct illumination of any street or any lot zoned or used for residential uses.
 - 6. No inoperative vehicles or used vehicle parts shall be stored outside of a fully enclosed building.
 - I. Inoperative vehicles may be parked for a period of no greater than 30 days.
 - 7. Outdoor storage of materials and equipment shall be prohibited.
 - 8. No merchandise shall be stored or displayed outside a building except those on moveable display racks that must be stored inside after hours of operation.

6.02.16 Group Homes

- A. Group homes are allowable in the following zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section: RE, R-1, R1-G, RLM, R-2, R-3, MU-1, MU-8, and C-3.
- B. Group homes shall obtain an occupational license. All group homes shall comply with applicable local, State, or federal, physical plant and fire safety standards, and shall furnish proof of appropriate County, State, or federal licensure, as applicable, before issuance of a City occupational license.

- C. Group homes shall be used only for the purpose of providing assistance or specialized care and may not be used for administrative or related office-type activities other than in support of the facility.
- D. No counseling or other client service for non-residents is permissible.
- E. A group home shall adhere to the following requirements as provided by Policy 3.05.06 of the City's Comprehensive Plan:
 - 1. Group homes of six (6) or fewer residents licensed as community residential homes by the Department of Children and Family Services (DCFS) shall be deemed a single-family unit, and shall be allowed in single-family or multi-family zoning districts, provided that such homes shall not be located within a radius of 1,000 feet of another existing duly licensed group home of six (6) or fewer residents.
 - 2. Group homes duly licensed by the DCFS as community residential care facilities which have from seven (7) to fourteen (14) unrelated residents operating as the functional equivalent of a family, including supportive staff as referenced in section 419.001, F. S., shall be allowed in multi-family residential districts, unless the City finds that the proposed group home siting as proposed:
 - a. Does not otherwise conform to existing zoning regulations applicable to other multi-family uses in the City;
 - b. Does not meet applicable licensing criteria established and determined by the DCFS, including requirements that the group home be located to assure the safe care and supervision of all clients in the home; or
 - c. Would result in an excessive concentration of community residential homes. A group home that is located within a radius of 1,200 feet of another existing community residential home in a multi-family zone shall be an over-concentration of such homes that substantially alters that nature and character of the area. A group home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area.
 - 3. All distance requirements cited in this subsection shall be measured from the nearest point of the existing group home or area of single-family zoning to the nearest point of the proposed group home.
 - 4. All sites for group homes shall contain requisite infrastructure including: potable water, adequate surface water management, an approved system of wastewater disposal, and an adequate system for solid waste collection and disposal. The sites shall also be free of safety hazards and all structures shall comply with the City's ordinances and applicable State laws, including applicable State licensing and program requirements.
- F. Group homes shall provide a buffer "A," as set forth in Section 4.05.05.
- G. On-site management shall be provided twenty-four (24) hours per day, seven (7) days per week.

6.02.17 Group Residential

- A. Group Residential facilities are allowable in the following zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section: R-3, MU-1, MU-8, and C-3.
- B. Group Residential facilities shall be used only for the purpose of providing housing to its residents and shall not be used to provide any personal care services or supervision to its residents.
- C. Group Residential facilities shall be used only for the purpose of providing housing to its residents and shall not be used to provide any personal care services of supervision to its residents.

- D. Group Residential facilities shall provide a buffer “A,” as set forth in Section 4.05.05.
- E. Group Residential facilities shall have a maximum occupancy restriction based on the findings of Fire Marshal's inspection.
- F. Group Residential facilities shall provide one (1) off-street parking space for each two (2) occupants, based on maximum occupancy.

6.02.18 Hospitals

- A. Hospitals are allowable in the PI-1 zoning district, subject to the standards of the zoning district and the supplemental standards set forth in this section.
- B. The site design standards for hospitals are set forth in Table 6.02.18(B).

Table 6.02.18(B). Standards for Hospitals

Development Feature	Standard
Lots Minimum area Minimum street frontage	5 acres 100 feet
Height	Maximum 60 feet
Setback	At least 500 feet from the property line of residentially zoned lots
Access	Collector or arterial street
Buffer	As set forth in Section 4.05.05, but not less than buffer “C”
Exterior lighting	Directed and shielded to avoid direct illumination of a lot zoned or used for residential uses
Parking lots	Designed to avoid glare from vehicle lights onto property that is zoned or used for residential uses
Signage	Off-site signage is permissible

- C. Up to two (2) off-site signs are permissible, subject to the dimensional standards for free-standing signage. Such signage shall be limited to locations on arterial or collector streets at intersections which provide direct access to the hospital site. Signs may be located within the public right-of-way or on non-residentially zoned property with authorization from the property owner.

6.02.19 Liquor Stores, Lounges, and Bars

- A. Liquor stores, lounges, and bars are allowable in the MU-1, C-1, and C-3 zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section.
- B. The site design standards for liquor stores, lounges, and bars are set forth in Table 6.02.19(B).

Table 6.02.19(B). Standards for Liquor Stores, Lounges, and Bars in MU-1, C-1, and C-3 Zoning Districts

Development Feature	Standard
Access	Collector or arterial street
Buffer	As set forth in Section 4.05.05, but not less than buffer “B”
Exterior lighting	Directed and shielded to avoid direct illumination of a lot zoned or used for residential uses
Parking lots	Designed to avoid glare from vehicle lights onto property that is zoned or used for residential uses

6.02.20 Lodging Accommodations

- A. Lodging accommodations are allowable in the C-2 and C-3 zoning districts, subject to the standards of the zoning district.
- B. Lodging accommodations are allowable in the C-1 and I-A zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section.
- C. All exterior lighting shall be directed and shielded to avoid direct illumination of a lot zoned or used for residential, public, recreation, or conservation purposes.
- D. Parking lots shall be designed to avoid glare from vehicle lights onto property that is zoned or used for residential, public, or conservation purposes as vehicles enter the parking lot and individual parking spaces.

6.02.21 Lumber and Building Supply

- A. Lumber and building supply establishments are allowable in the I-1 and I-W zoning districts, subject to the standards of the zoning district.
- B. Lumber and building supply establishments are allowable in the C-2 and I-A zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section.
- C. Outdoor storage of materials and supplies is permissible, subject to the following standards:
 - 1. Storage areas shall be fully enclosed;
 - 2. Storage areas shall not be used for retail sales; and
 - 3. Storage areas within fifty (50) feet of property zoned or used for residential purposes shall provide a masonry or solid non-wooden fence not less than six (6) feet and not more than eight (8) feet in height. The decorative, or finished, side of the fence shall face outward.
- D. A minimum buffer "D" shall be provided, as set forth in Section 4.05.05.
- E. The primary access to the lumber and building supply establishment shall be from an arterial street. Where the property has frontage on two (2) streets, one (1) secondary access may be allowed on a collector street. Access on any local street is prohibited.
- F. All outside areas used for display, storage, or sale shall contain a dust-free surface.
- G. All exterior lighting shall be directed or shielded to avoid illumination of adjacent properties.
- H. Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be located to ensure that they cannot be heard on adjacent properties.
- I. Required parking shall not be used for storage, seasonal sales, promotional sales, or other retail or wholesale activities. Required parking shall be used for parking purposes only.
- J. Stored materials shall not be used for signage.

6.02.22 Marinas

- A. Marinas are allowable in the 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.
- 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. Seawalls and other shoreline modifications shall be set at or landward of the mean high water line, except as otherwise provided by law.
- O. 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.
- P. Parking, dry storage and non-water-dependent facilities must be built on existing uplands.
- Q. Marinas must prepare disaster preparedness plans and provide copies to the City Manager, Fire Department and Planning Department.
- R. Marina siting or expansion shall not have an impact on ongoing commercial shrimping or fishing activities.
- S. Marinas shall seek Clean Marina designation from FDEP.

6.02.23 Mini-storage or Self-storage Facilities

- A. Mini-storage or self-storage facilities are allowable in the C-2, MU-8, I-1 and I-A zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section.
- B. The following activities or uses are prohibited on the grounds or within the buildings of mini-storage or self-storage facilities:
 - 1. Wholesale sales;
 - 2. Retail sales, including garage sales, or other commercial activities;
 - 3. Manufacturing, fabrication, processing, or other industrial activity;
 - 4. Service or repair of vehicles, engines, electronic equipment, or similar activities;
 - 5. Rehearsal or practice of musical instruments; and
 - 6. Residential use.
- C. Notwithstanding the limitations described in Section 6.02.17(B) above, the following activities may be conducted:
 - 1. Rental of storage bays;

2. Truck rental business, limited to a maximum of twenty-five (25) percent of the gross site area;
 3. Sales of boxes or goods related directly to the operation of a self-service storage facility; and
 4. Sales by the owner or manager of the facility of abandoned items for reclamation of rental costs.
- D. Except as specifically provided in Section 6.02.20(G), all property stored on the site shall be entirely within enclosed buildings.
- E. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.
- F. The mini-storage or self-storage facility buildings shall comply with the standards set forth in Table 6.02.23(F).

Table 6.02.23(F). Standards for Self-storage or Mini-storage Facilities

Development Feature	Standard
Building separation (2 or more buildings on the site)	12 feet
Overhead access doors	Shall not be visible from residentially zoned property, commercially zoned property, or the public right-of-way
Storage bays Minimum size Maximum size	4 feet by 4 feet (16 s.f.) 20 feet by 80 feet (1,600 s.f.)
Exterior façade	Fully consistent with color, materials, and design of buildings in the surrounding area Metal exterior walls are prohibited
Roof design	Type of roof, roof line, and roofing materials shall be fully consistent with buildings in the surrounding area
Fence required	Minimum of 6 feet Maximum of 8 feet

- G. Outdoor storage may be permissible on the same lot as the mini-storage or self-storage facility buildings. Outdoor storage shall comply with the standards in Table 6.02.20(G).

Table 6.02.23(G). Standards for Outdoor Storage with Mini-storage Facilities

Development Feature	Standard
Types of goods to be stored	Limited to boats on trailers and recreational vehicles Dry stacking of boats when covered to provide screening from view Abandoned, wrecked, or junked vehicles are prohibited
Maximum area devoted to outdoor storage	25 percent of buildable area of the site
Screening	Fully screened from view from adjacent residentially zoned districts, from adjacent office areas, and from public right-of-way Screening may be a solid fence, solid wall, other similar structure, or landscaping
Fencing Minimum height Maximum height Type	6 feet 8 feet Decorative wall or fence required, with brick, stone, masonry, wood, or similar material
Security	Gate, equipped with alarm and keyless opening required

- H. Traffic circulation standards are set forth in Table 6.02.23(H).

Table 6.02.23(H). Traffic Circulation Standards for Mini-storage Facilities

Travel Aisles	Standard
Serving individual storage units One-way	1 10-foot wide lane for parking and loading and 1 12-foot wide travel lane
Two-way	1 10-foot wide lane for parking and loading and 2 10-foot wide travel lanes
Other travel aisles	12 feet wide

6.02.24 Mobile Food Vending “Food Truck” Parks

A. Mobile Food Vending “Food Truck” Parks are permissible, outside of the Downtown Historic District, in zoning districts MU-1, MU-8, C-1, C-2, C-3, I-1, I-2, I-A, I-W, OT-2 and W-1 as subject to the following supplemental standards.

1. Food trucks must comply with all provision of applicable Florida Statutes and the Florida Administrative Code. (Reference: FS 509.102 and Chapter 5K-4, F.A.C.)
2. Food trucks located within a Food Truck Park must be connected to the electric utility service and may only operate with a generator in the case of an emergency.
3. Food trucks must be connected to City water and sewer service with the appropriately sized grease interceptor unless they are self-sufficient and exempt as provided by FS 509.221.
4. Restroom facilities must be provided on site or within 600 walking feet. Where shared restroom facilities are utilized, 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 and recorded with the Nassau County Clerk of Courts.
5. Minimum off-street parking requirements are 2 spaces per food truck pad.
6. Accessory activity areas must clearly designate all areas that will be used as accessory activity areas. The operation of such areas must comply with all applicable regulations, such as noise regulations.

6.02.25 Outside Sales Facilities

- A. An outside sales facility is allowable in the C-1, C-2, MU-8, W-1, I-1, and I-A zoning districts, subject to the site design standards of the district, and the supplemental standards of this section.
- B. Outside sales may include the sale of vegetables, fruit, produce, eggs, or other agricultural products, and arts and crafts objects or supplies, and prepared, processed, or baked goods, jams, jellies, coffee drinks, cakes, cookies, kettle corn, and the alike. Agricultural products shall not include poultry or livestock. Outside sales facilities as regulated herein does not include other vendors regulated by the City Code.
- C. Outside sales facilities may include temporary shelters, such as canopies, tents, or other similar temporary structures.
 1. All such canopies, tents, or other structures shall comply with the Florida Building Code.
 2. Tents shall be located at least five (5) feet from any curb, sidewalk, crosswalk, or fire hydrant.
 3. Tents shall be positioned so as to keep entrances, exits, and emergency exits clear at all times.
 4. Temporary structures shall be maintained in a safe and good condition and shall be disassembled and removed from the property if the structure deteriorates to an

unsafe and/or unsightly appearance. Failure to comply will result in Code Enforcement action.

5. The property owner shall, at all times, be responsible for the maintenance of any temporary structure and its surrounding grounds. The property, including any temporary structure, must be maintained so as to present a healthy, neat, clean and orderly appearance free of unsightly weeds, rubbish or debris.
- D. Tables, chairs, displays, display stands, and other similar equipment shall be located at least five (5) feet from any curb, sidewalk, crosswalk, fire hydrant, entrance, or emergency exit and shall maintain a neat and clean appearance at all times.
- E. Permanent signs for an Outside Sales Facility shall comply with all requirements set forth in section 5.03.10.
- F. Outside sales facilities shall comply with the standards set forth in Table 6.02.21(F).

Table 6.02.25(F). Standards for Outside Sales Facilities

Development Feature	Standard
Parking	One parking space for every 200 square feet of sales area shall be provided Parking spaces shall be separate from the sales area Parking shall be provided out of the right-of-way Parking areas shall be paved, gravel, or other dust-free surface Accessible parking shall be provided according to ADA requirements
Outside storage of boxes, crates, pallets	Fully screened from visibility from the right-of-way
Exterior lighting	Directed and shielded to avoid direct illumination of a lot zoned or used for residential uses
Sanitary facilities	All outside sales facilities shall provide sanitary facilities consistent with State law

6.02.26 Parks and Picnic Areas

- A. Public parks are allowable in the R1-G, W-1, I-W, PI-1 and REC zoning districts subject to the standards of the zoning district.
- B. Private parks are allowable in the IW, PI-1, MU-8, and REC zoning districts subject to the standards of the zoning district and the supplemental standards set forth in this section.
- C. Picnic areas, trails and nature areas are permissible in all zoning districts, subject to the standards of the zoning district and the standards of this section.
- D. The standards for private parks and picnic areas are set forth in Table 6.02.26(D).

Table 6.02.26(D). Standards for Private Parks and Picnic Areas

Development Feature	Standard
Parking lots	Designed to avoid glare from vehicle lights onto property that is zoned or used for residential uses
Exterior lighting	Directed and shielded to avoid direct illumination of a lot zoned or used for residential uses
Hours of operation	Limited to daylight hours
Sanitary facilities	Required setback Minimum of 50 feet from any property line
Buffer	As set forth in Section 4.05.05, but not less than buffer "B"
Outside storage	Fully enclosed with a solid fence or wall

6.02.27 Recreation, Indoor Facilities

- A. Indoor amusements are allowable in the C-2, C-3, MU-8, I-1, I-A, and PI-1 zoning districts subject to the standards of the zoning district and the supplemental standards set forth in this section.
- B. Design standards for indoor amusement establishments are set forth in Table 6.02.27(B).

Table 6.02.27(B). Standards for Indoor Facilities

Development Feature	Standard
Setback	Minimum of 200 feet from any property zoned for residential use
Access	Arterial or collector street
Outside storage	Prohibited
Exterior lighting	Directed and shielded to avoid direct illumination of a lot zoned or used for residential uses
Buffer	As set forth in Section 4.05.05, but not less than a buffer "C"

6.02.28 Recreation, Outdoor Amusements

- A. Outdoor amusements are allowable in the C-2, C-3, W-1, I-W, PI-1, and REC zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section.
- B. Outdoor amusements may include miniature golf, archery ranges, pony rides, climbing walls, batting cages, and similar activities.
- C. Snack shops, ice cream shops, or food stands may be permissible in association with outdoor amusements.
- D. Outdoor amusements may be freestanding, or two (2) or more amusements may be combined in a unified development site.
- E. The site design standards for outdoor amusements are shown in Table 6.02.28(E):

Table 6.02.28(E). Standards for Outdoor Amusements

Development Feature	Standard
Minimum land area	2 acres
Minimum setback for buildings Abutting residential zoning districts Abutting nonresidential zoning districts	200 feet 100 feet
Minimum setback for parking lots and access drives, when abutting residential zoning districts	200 feet
Access requirements	Arterial street
Minimum buffer	2 times the buffer specified in Section 4.05.05, plus a solid fence or wall
Lighting	Directed and shielded to avoid direct illumination of a lot zoned or used for residential uses
Loudspeakers or paging systems	Designed, installed, and used such that they are not heard at the property line of adjacent properties
Outside storage and loading areas	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 200 feet from any residentially zoned property
Refuse and solid waste containers	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 100 feet from all property lines
Sanitation facilities, temporary or permanent	Screened from view from adjacent properties and from the public right-of-way Setback a minimum of 100 feet from all property lines

6.02.29 Religious Uses and Facilities

- A. Religious uses and facilities are allowable in the RE, R-1, RLM, R-2, R-3, OT-1, OT-2, and MU-1 zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section.

- B. The primary use for a site developed for religious uses is worship. Worship is a form of religious practice with its creed and ritual.
- C. Uses and activities other than worship shall be considered accessory uses and shall be clearly ancillary to the primary use. Such uses and activities shall be limited to religious instruction (such as "Sunday School," Bible school, or similar instruction or study typically associated with the religion); offices to support the religious facility; child or adult day care, subject to the standards of Section 6.02.25(F); private academic school, subject to the standards of Section 6.02.25(G); fellowship hall, with or without a kitchen, subject to the standards of Section 6.02.25(H), (which may be known as a community center, activity hall, or life center); cemeteries regulated as set forth in Section 6.02.06; and individual meeting spaces.
- D. All accessory uses are subject to the following requirements:
 - 1. The accessory use shall be owned and operated only by the owner of the primary use.
 - 2. The facility housing the accessory use shall meet all local, State, or federal standards.
 - 3. The owner of the primary use shall obtain any licenses required to conduct the accessory use. Any approval of the accessory use shall be contingent upon receipt of all licenses.
 - 4. Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be located to ensure that they cannot be heard on adjacent properties.
 - 5. All outdoor activities shall occur no earlier than 8:00 a.m. and no later than 10:00 p.m.
 - 6. All exterior lighting shall be directed or shielded to avoid illumination of adjacent properties.
 - 7. Outdoor play or activity areas shall be no closer than fifty (50) feet from property zoned for residential use, as measured to the nearest residential property line.
- E. The following activities shall be prohibited in association with religious uses: retreat centers; overnight lodging facilities or other temporary sleeping quarters; and any use not specifically identified as a permissible accessory use. Notwithstanding the prohibition of overnight lodging, one (1) residential dwelling unit may be provided as a parsonage, subject to the standards of Section 6.02.25(I).
- F. Child day care, adult day care, preschool, or child nursery uses are permissible accessory uses subject to the following standards:
 - 1. The total floor area allocated to the child day care, adult day care, preschool, or nursery uses shall not exceed ten (10) percent of the total gross floor area on the site. The calculation of total floor area allocated to the uses shall be cumulative and shall include all child day care, adult day care, preschool, nursery facilities, and related mechanical and support facilities.
 - 2. An off-street drop-off area for persons served by the facility shall be provided.
- G. Private academic schools are permissible accessory uses subject to the following standards:
 - 1. The total floor area allocated to the school shall not exceed twenty (20) percent of the total gross floor area on the site. The calculation of total floor area allocated to the school shall include all components of the school: classrooms, school library, school offices, teacher work areas, and the like, including related mechanical and support facilities.
 - 2. An off-street drop-off area for persons served by the facility shall be provided.

- H. A fellowship hall is a permissible accessory use, provided that the total floor area allocated to the fellowship hall, including related mechanical and support facilities, shall not exceed twenty (20) percent of the total floor area on the site.
- I. One (1) residential dwelling unit is permissible to serve as a parsonage, subject to the following standards:
 - 1. The minimum lot area for the dwelling unit (“parsonage lot”) shall be 7,500 square feet. The parsonage lot shall be used exclusively for the dwelling unit, and shall not include any primary or other accessory use permissible on the site. The parsonage lot shall not be used for any support activity to the primary or accessory uses, such as outdoor play areas, storage, or parking, other than as specifically provided in Section 7.01.04.
 - 2. The maximum lot coverage for the parsonage lot shall be thirty-five (35) percent.
 - 3. Two (2) parking spaces shall be provided within the parsonage lot. The maximum building height on the parsonage lot shall be thirty-five (35) feet.
 - 4. The parsonage lot may contain children’s outdoor play equipment, in a size and quantity typical of a single-family residential use.
 - 5. The parsonage lot may contain a residential swimming pool, fully enclosed, and attached to the dwelling.
- J. A specific parking plan shall be provided. This plan shall identify the primary use and each accessory use proposed on the site. The parking plan shall indicate the hours of operation and peak times of use (parking demand) for the primary use and each accessory use on the site. The parking standards for the primary use and each accessory use shall be identified based upon Section 7.01.04. The parking plan may include reduced or shared parking. If reduced or shared parking is proposed, the parking plan and supporting data shall clearly indicate that differing peak use and associated parking requirements shall not result in a parking deficiency on the site. The parking plan shall indicate areas designated for overflow parking during times of extraordinary use (such as festival or holiday periods).
- K. For religious uses that exceed 10,000 square feet in total floor area, excluding the parsonage, if any, the minimum setback from any residential property line that is otherwise required shall increase five (5) feet for each 2,000 square feet, or portion thereof, over 10,000 square feet.

6.02.30 Schools

- A. Public or private academic schools are allowable in the following zoning districts, subject to the standards of the zoning district, and the supplemental standards of this section: RE, R-1, R1-G, RLM, R-2, R-3, and MU-1.
- B. The site design standards for public and private academic schools are set forth in Table 6.02.30(C).

Table 6.02.30(C). Standards for Public and Private Academic Schools in RE, R-1, R1-G, RLM, R-2, R-3, and MU-1

Development Feature	Standard
Minimum site area	3 acres, or as otherwise required by law
Minimum lot width	200 feet
Access requirements	Arterial
Outdoor recreation areas	Setback a minimum of 75 feet from any property zoned or used for residential purposes Fully enclosed by a solid decorative fence, a minimum of four (4) feet in height
Outdoor lighting	Directed and shielded to avoid direct illumination of a lot

	zoned or used for residential uses
Drop-off and pick-up areas	Designed and located away from residential areas Separated from parking areas

6.02.31 Scooter and Moped Rentals

- A. Scooter and Moped Rentals is allowable in the C-2 zoning district subject to the standards of the zoning district.
- B. Scooter and Moped Rental are allowable in the C-1 and C-3 zoning districts subject to the standards of the zoning district and the supplemental standards set forth in this section.
- C. Allowable rentals may include scooters, mopeds and other motor driven vehicles provided they meet the following criteria:
 - 1. Must retain the factory equipped drive train.
 - 2. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and must comply with current applicable state and/or federal motor vehicle safety and emission standards.
 - 3. The maximum manufacturer rate of speed of the vehicle shall not exceed a speed of 35 mph on level ground.
- D. Scooter and Moped rentals shall not be permissible as a stand-alone use and must be secondary to a principal commercial use allowable in the zoning district.
- E. Outdoor display is limited to 2 vehicles at any one time and the display area shall not consume any required parking for the principal use nor, occupy any required buffer yards.

6.02.32 Trades and Repair Services

- A. Establishments for trades and repair services are permissible in the C-1, C-2, and MU-8 zoning district, subject to the standards for the district and the supplemental standards set forth in this section.
- B. Design standards for trades and repair services are set forth in Table 6.02.32(C).

Table 6.02.32(C). Standards for Trades and Repair Services in C-1, C-2, and MU-8

Development Feature	Standard
Commercial vehicles associated with the trades or repair service establishment	Overnight parking shall be located in the rear yard only C-1 zoned properties are limited to no more than 5 overnight parked service vehicles and may not store heavy equipment such as forklifts, bobcats, tractors, or any class 4 – 8 sized vehicles on the premises.
Buffer	As set forth in Section 4.05.05, but not less than a buffer “C”
Lighting	Directed and shielded to avoid direct illumination of a lot zoned or used for residential uses
Loudspeakers or paging systems	Designed, installed, and used such that they are not heard at the property line of adjacent properties
Outside storage and loading areas	Screened from view from adjacent properties and from the public right-of-way Located in the rear yard only

Development Feature	Standard
	Outside storage of equipment, machinery, or parts is disallowed in the C-1 zoning district.
Refuse and solid waste containers	<p>Screened from view from adjacent properties and from the public right-of-way</p> <p>C-1 zoned properties are limited to either residential roll out carts or a single container equaling no greater than 3 cubic yards.</p>
Delivery Services	Routine delivery of materials, equipment or parts from trucks sized larger than a class 3 are disallowed in C-1 zoned properties.

6.02.33 Triplex and Multifamily Uses

- A. Triplex and Multi-Family Dwellings are allowable in the C-3 and MU-8 zoning districts subject to the standards of the C-3 and MU-8 zoning districts and additional standards defined herein.
- B. Triplex and Multi-Family Dwellings located within the Historic District or the CRA shall comply with the standards of those District Overlays.
- C. Off-street parking shall be provided as follows and located to the side, rear, center, or under of the principal structure(s):
 - 1. Two (2) spaces per dwelling unit over 1,250 sq. ft.
 - 2. One and one half (1.5) spaces for dwelling units 1001 -1250 sq. ft.
 - 3. One (1) space per dwelling unit 1,000 sq. ft. or under.
- D. Off Street Parking Required: Off-street parking requirements are subject to the following additional standards:
 - 1. For adaptive reuse and new construction of Triplex or Multi-family dwellings off-street parking may be met in off-site parking areas.
 - 2. The off-site parking area must be located within 600 feet walking distance of the structures' nearest dwelling entrance. A pedestrian connection providing a safe, well lighted walking environment shall be required.
 - 3. No more than two (2) off-site non-illuminated signs 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.
 - 4. Off-site parking must be located on property under the same ownership as the principal property [or the association of common owners], or if not under the same ownership, the off-site property for parking must be encumbered by an agreement to which the City must be a party, supplying the off-site parking for so long as it is satisfying the parking requirement of the principal use. The agreement must require the signature of the City Manager, and it may not be terminated or amended except in writing, meeting these same requirements, to which the City must be a party and the City Manager must be a signatory. Any agreement must be in a form acceptable to the City Attorney and recorded with the Nassau County Clerk of Courts. A copy of the recorded agreement shall be submitted to the City Attorney and City Manager within ten (10) days of its recording.
 - 5. Fee In Lieu: Triplex or Multi-Family dwellings in the Central Business District, exclusive of the Amelia River Waterfront Community Redevelopment Area, may satisfy the requirements of off-street parking in the manner established in

subsection (D) 1-4. Alternatively, it may satisfy the requirement in whole or in part by paying a fee in lieu of providing the required parking.

a. The fee shall be set annually by the City commission and shall be based on the average cost of acquiring land for and constructing a parking space in a parking structure in the City plus the present value of the cost of maintaining the space for so long as it is satisfying the parking requirement of the principal use. The fee shall be a one-time payment, to be placed in a trust fund for downtown parking improvements which serve the Central Business District, not in the Amelia River Waterfront CRA.

6. Where possible, parking lots shall be designed to utilize existing curb cuts.

- E. Exterior lighting: All exterior lighting on the development site shall be directed and shielded to avoid direct illumination of a lot zoned or used for residential purposes.
- F. Street Lights: Street and common area lighting meeting City standards and provided at the developer's or property owner's expense. Decorative lighting is preferred. Lighting required for safety shall be located to avoid obstruction between the light fixtures and the area to be illuminated. All street lights installed shall be in accordance with the Illuminating Engineer Society of North America recommended values based on the pavement classification.
- G. Dumpsters or other Sanitary Facilities: All triplex and multi-family residential development must provide sanitary facilities that are either fully incorporated inside the multi-family structure or, if located outside, screened from the public rights-of-way and adjacent residentially used or zoned properties as consistent with LDC Section 5.01.07 requirements.
- H. Buffers: Triplex and multi-family development shall comply with buffer requirements set forth in LDC Section 4.05.12.
- I. Accessory Uses: Accessory uses are permissible in compliance with LDC Section 2.03.03 and subject to development standards in LDC Section 5.01.00.
- J. Signage: All permanent signage must comply with standards set forth in LDC Section 5.03.00 for the C-3 and MU-8 zoning districts and may be further regulated by design requirements set by the historic district overlay LDC Section 8.01.03.
- K. Architectural Articulation for New Construction in the C-3 and MU-8 zoning districts: A building's exterior walls shall be articulated using material, architectural elements, arrangement of openings, design of horizontal and vertical planes, and changes in height to provide substantial massing variations. Long, monotonous roof planes and uninterrupted expanses of blank wall are not allowed along street frontages. Articulated roof forms and wall opening shall be used to add visual interest and contribute to a pedestrian scale.
1. Where solid walls are required by building code, the wall shall be articulated and divided into distinct modules, through the use of projections and recesses (i.e. setbacks, reveals, belt courses, awnings, arcades, porches, etc.) within the building envelope or projecting from upper floors.
 2. Commercial buildings and buildings with ground floor commercial uses shall have a ceiling height minimum of twelve (12) feet for the ground floor.
 3. Entryways. Doorways, windows, storefronts, and other openings in the facades of buildings shall be placed and proportioned to reflect pedestrian scale and movement and to encourage visual interest at the street level. The use of functional and decorative elements, including weather protection features (i.e. colonnades, arcades, canopies, etc.), signage, and architectural detailing, shall be used to create human scale on a building's principal façade. Elements shall be integral to the architecture of the building, designed so as not to appear to be "tacked on" to the building façade.

6.03.00 COMMERCE PARKS

6.03.01 Generally

- A. A commerce park may also be called an industrial park or business park. The standards provided in this section for commerce parks are intended to ensure that such parks are unified in design, compatible with the surrounding neighborhood, consistent with the scale and character of the City, and avoid interference with airport operations.
- B. Commerce parks are allowable within the airport overlay district and the I-A zoning district.

6.03.02 Permissible and Prohibited Uses within Commerce Parks

- A. The following uses are permissible within a commerce park:
 - 1. Wholesale or warehouse establishments, including distribution centers;
 - 2. Aircraft hangars and related aviation uses and activities;
 - 3. Research facilities, including experimental laboratories, and industrial engineering and analysis facilities;
 - 4. Printing, publishing, lithographic, and similar facilities;
 - 5. Light manufacturing, such as processing, packaging, and light assembly of products from previously manufactured materials;
 - 6. Business service establishments, such as linen supply, freight movers, communication services, and business machine services; and
 - 7. Accessory services to support the commerce park, such as express shipping, telephone exchange, branch bank or automated teller machines, and employee cafeteria or dining hall.
- B. The following uses are prohibited within a commerce park:
 - 1. Heavy industrial activities, such as metal fabrication, dry cleaning, and furniture stripping and refinishing;
 - 2. Activities which use, store, process, or produce hazardous wastes; and
 - 3. Industrial, office, or business uses which interfere in the operation of the Fernandina Beach Municipal Airport.

6.03.03 Design Standards

- A. A commerce park shall have a uniform site design plan supported by covenants, conditions, and restrictions to ensure a uniform identity through the use of landscaping, architectural character of buildings, signage, parking lot design and layout, lot layout, and other design elements.
- B. Building designs shall conform to a unified format. At a minimum, the covenants, codes, and restrictions shall create a unified design format specifying the types of building materials and color, roof type and pitch, exterior lighting, building massing, and window and entryway treatment which shall apply to each occupant within the commerce park. The unified architectural format may also contain common design elements, such as placement, massing, proportion, scale, color, shape, texture, or style of building materials, which lend a unified appearance to the buildings within the park.
- C. Site design and building design shall in all respects be consistent with safe airport operations. Building and structure heights, exterior lighting, and requirements regarding electronic or magnetic interference shall all be consistent with the requirements of the airport overlay district and operating requirements for the Fernandina Beach Municipal Airport, as set forth in the Airport Master Plan.
- D. Lot design and building placement shall conform to the following standards:
 - 1. The minimum area for a commerce park is ten (10) acres.

2. Setbacks shall meet the standards set forth in Table 6.03.03(D).

Table 6.03.03(D). Setbacks and Yard Standards for Commerce Parks

Yard	From Internal Streets (ft.)	From Public Streets (ft.)
Front	50	75
Rear	25	25
Side, interior	25	25
Side, street	50	75

- E. Not more than twenty-five (25) percent of the required front yard shall be used for parking.
- F. One side yard may be used for driveways or required parking.
- G. Rear yards shall be used for parking to the maximum extent feasible in order to create a campus-like appearance throughout the commerce park.
- H. Internal pedestrian circulation shall be provided with sidewalks and crosswalks, connecting individual uses with supporting services.
- I. Internal streets shall conform to City design standards for streets.
- J. Parking may be provided in central lots or in parking structures. Parking structures shall be consistent with the unified design and the building materials and colors of adjacent principal buildings. If parking is to be allowed on the roof, a solid wall, designed to appear as a logical extension of the structure facade, at least five (5) feet in height shall be used to screen the roof-top parking. Roof top parking shall be designed to ensure that vehicle lights do not interfere with airport operations.

6.03.04 Performance Standards

- A. All uses in commerce parks shall comply with the performance standards set forth in this section regulating the emission or existence of dangerous, detrimental, and objectionable elements.
- B. Measurement shall be at the point of emission.
- C. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against the hazards of fire and explosion, including adequate firefighting and suppression equipment.
- D. There shall be no radiation emitted from radioactive materials or by-products exceeding a dangerous level of radioactive emission at any point. Radiation limitations shall not exceed quantities established as safe by the United States Bureau of Standards.
- E. For the purpose of these regulations, electromagnetic interference shall be defined as disturbances of an electromagnetic nature which are generated by the use of electrical equipment, other than planned and intentional sources of electromagnetic energy, which would interfere with the proper operation of electromagnetic radiation for such purposes as communication, broadcasting, heating, navigation, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the current regulations of the FCC regarding such sources of electromagnetic radiation.
- F. There shall be no emission of visible smoke, dust, dirt, fly ash, or any particulate matter from any pipes, vents, or other openings, or from any other source, into the air. All fuel shall be either smokeless in nature or shall be used so as to prevent any emission of visible smoke, fly ash, or cinders into the air.

- G. There shall be no emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature which can cause any damage or irritation to health, animals, vegetation, or to any form of property.
- H. There shall be no discharge at any point of liquid or solid wastes into any public sewage disposal system which will overload such system or create detrimental effects in the flow and treatment of public sewage. There shall be no discharge of any industrial wastes into any private sewage disposal system, stream, or into the ground. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.
- I. There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at the points of measurement. Any process which may involve the creation or emission of any such odors shall be provided with both a primary and a secondary safeguard system so that control may be maintained in the event of failure of the primary safeguard system.
- J. There shall be no direct or sky-reflected glare, whether from floodlights, high temperature processing, combustion, welding, or otherwise, to be visible at the specified points of measurement.

6.04.00 COMMERCIAL DEVELOPMENT

6.04.01 Standards for Large Scale Commercial Development

Large scale commercial development is commercial development with 20,000 or more square feet of gross floor area in all buildings on the site. The design standards set forth below apply to large scale commercial development.

- A. Commercial development includes a single, freestanding building or a group of buildings. Commercial development shall have a unified design and a management plan to ensure continual compliance with an approved site plan.
- B. Commercial buildings may be occupied by one (1) or more tenants.
- C. Commercial buildings shall be designed to ensure adaptability for reuse. The building design shall include specific elements for adaptation for multi-tenant reuse. Such elements may include compartmentalized construction, including plumbing, electrical service, heating, ventilation, and air conditions. The building design shall also allow for interior subdivision into separate tenancies.
- D. Development may be proposed on a single parcel, or two (2) or more parcels. Where a single development is proposed that includes two (2) or more parcels, the development shall be under unified control and management. Proof of unified control and management shall be provided to the City.
- E. The maximum gross floor area for all buildings within a commercial development shall not exceed 80,000 square feet, except for lodging accommodations in the C-1, C-2 and I-A zoning districts. Lodging Accommodations in the C-1, C-2, and I-A zoning districts shall not exceed 150,000 square feet.
- F. The standards for buffers in Section 4.05.05 shall apply on the perimeter of the development parcel. Buffers shall not be required between uses on the interior of the development parcel. This does not relieve the applicant from meeting all landscaping requirements that may apply to the total site or parking areas within the site.
- G. Where two (2) or more buildings are proposed within the development site, such buildings shall be connected by sidewalks or pedestrian pathways. Pedestrian facilities shall meet the following standards:
 - 1. Decorative pavers, bricks, scored concrete, or paving patterns shall be used to identify pedestrian areas.

2. At least one (1) internal continuous sidewalk shall be provided from an adjacent public street to the primary entrance in the commercial development.
 3. Sidewalks or walkways shall connect focal points of pedestrian activity, such as street crossings, building entrances, plazas, or courtyards.
 4. Landscaping shall be located adjacent to pedestrian areas to provide separation.
 5. All internal pedestrian walkways shall be physically separated from parking lot aisles, driveways, and other vehicular areas.
- H. Each building on a commercial development site shall have clearly defined, highly visible customer entrances, featuring no less than two (2) of the following features:
1. Arcades;
 2. Arches;
 3. Canopies or porticos;
 4. Cupolas;
 5. Overhangs;
 6. Recesses or projections;
 7. Architectural details, such as tile work or molding, which is integrated into the building structure and design; or
 8. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- I. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened from view from public rights-of-way through one (1) of the following methods:
1. Where equipment is at ground level, screening may be provided through landscaping sufficient to block the view from public rights-of-way; or
 2. Where brick, wood, or masonry materials are used to screen the equipment or devices, the materials shall be the same as the predominant exterior building materials for the principal building on the site.
- J. Street level retail uses with sidewalk frontage shall provide an entrance to the building from the sidewalk in addition to any other access that may be provided to the building.
- K. The following accessory uses and structures shall be integrated into the overall design of the site to ensure that visual and other impacts of these uses are fully contained or enclosed and out of view from adjacent properties and public streets. These uses and structures shall be designed to blend with the principal building through the use of color, building materials, and architectural features, to ensure that no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal material of the building and landscape:
1. Loading docks;
 2. Truck parking;
 3. Outdoor storage;
 4. Outdoor shopping cart storage areas;
 5. Utility meters;
 6. HVAC equipment;
 7. Dumpsters (See Section 5.01.07); and
 8. Other similar service facilities and functions.
- L. Building design requirements:
1. Facades that are 100 or more feet in length shall provide wall projections or recesses a minimum of three (3) feet in depth and a minimum of twenty (20) contiguous feet long within each 100 feet of facade length.
 2. Arcades, display windows, entry areas, or awnings shall be provided along at least sixty (60) percent of the façade.

3. A repeating pattern of color, texture, or materials is required.
 4. Brick, wood, or masonry materials shall be used.
 5. The roofline shall have a change in height every 100 feet of building length.
 6. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and roof top equipment from public view.
- M. All exterior lighting shall be shielded and directed such that there is no direct illumination of adjacent properties.
- N. Gasoline canopies and automotive service facilities that are accessory to the principal building shall be compatible with the design of the principal building:
1. Materials, colors, building designs, architectural features, and roof design shall conform with and compliment the predominant materials, colors, and design of the principal building.
 2. Lighting shall be flush mount, flat lens fixtures for all under canopy fueling areas.
- O. Parking shall not exceed 110 percent of the parking standard set forth in Section 7.01.04. At least twenty (20) percent of the required parking shall be provided in pervious pavement, grass, gravel, turf block, or similar material.
- P. Loading docks shall be screened from view from adjacent properties and from the public right-of-way. Loading docks shall be setback a minimum of 100 feet from any lots zoned for residential use.
- Q. Outside storage and displays shall be screened from view from adjacent properties, from the public right-of-way, and from pedestrian walkways. Outside storage shall be setback a minimum of 100 feet from any lots zoned for residential use.

6.04.02 Standards for Vacant Commercial Buildings

- A. A reuse and renewal plan shall be provided for commercial buildings which become vacant as a result of relocation of the business to another building. The reuse and renewal plan for the existing building shall be submitted with the application for approval of the new commercial building to house the same business. The reuse and renewal plan shall include proposed reuse consistent with the zoning district and the provisions of this LDC. During any period of vacancy following relocation of the business and prior to reuse, the vacant building shall meet the standards for vacant buildings set forth in Section 6.04.02(B) below.
- B. Vacant commercial buildings shall meet the following standards:
1. All exterior surfaces shall be maintained in good repair. Wood surfaces shall be protected from decay by painting or protective covering and treatment. Surfaces with peeling, flaking, or chipped paint shall be repaired and repainted. Siding and masonry joints shall be maintained weather resistant and watertight.
 2. Exterior walls shall be maintained free from holes, rotting materials, and graffiti.
 3. Roofs of buildings shall be maintained in a structurally sound, safe, and weather tight condition.
 4. Window glass shall be in place and maintained in a safe and weather tight condition.
- C. The grounds shall be maintained and free of trash, stored materials, inoperative or unlicensed vehicles, and equipment, as required by the City Code of Ordinances.
- D. Accessory structures, such as fences, walls, outside lighting, signs, accessory buildings, or other physical improvements shall be maintained in safe condition and free of graffiti.
- E. No outdoor sales shall be permissible on the site.