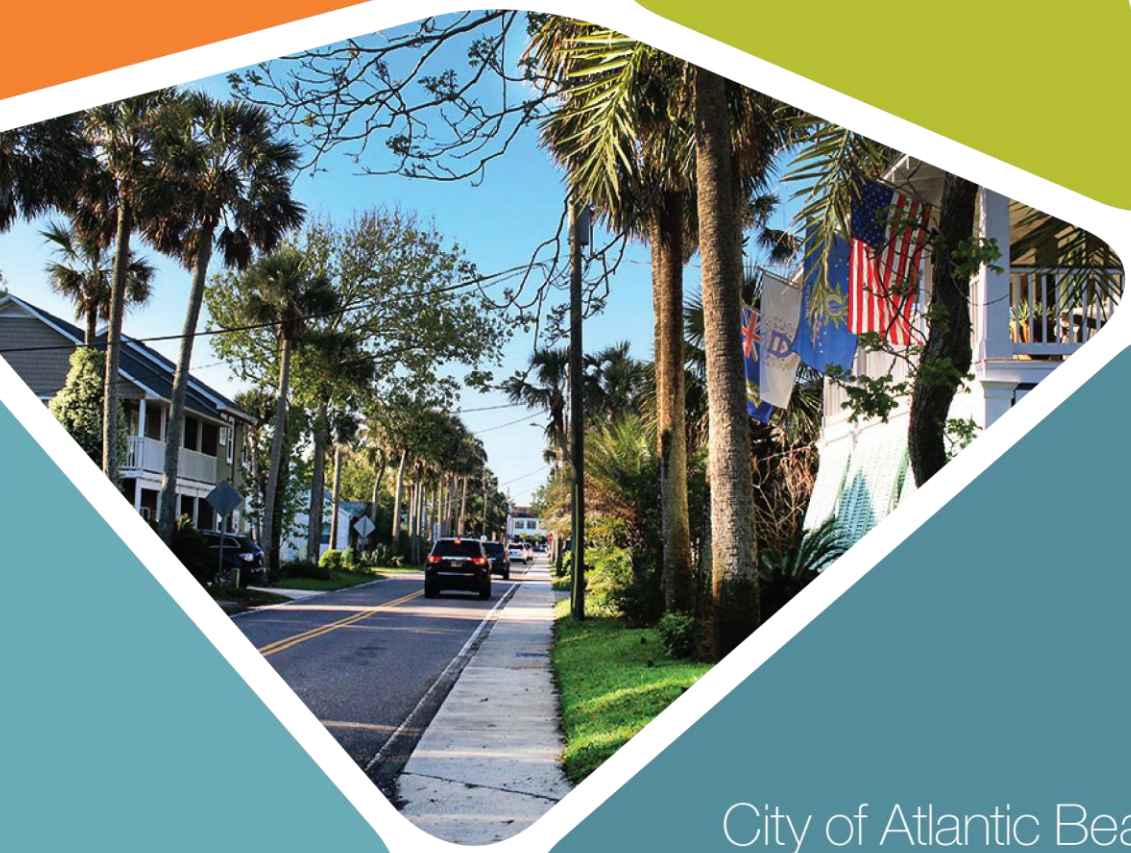

City of Atlantic Beach

Land Development Regulations Update

Kimley»Horn

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ARTICLE I. - IN GENERAL

Sec. 24-1. - Adoption and authority.

This chapter, together with all future amendments hereto, is adopted under the terms granted by the Charter. The City Commission does hereby exercise the power to classify land within the jurisdiction of the City of Atlantic Beach into zoning districts; to review, approve or deny requests to change zoning district classifications; requests for uses-by-exception; requests for variances and waivers to certain provisions of these regulations; to hear appeals on any decisions; to review and approve or deny plats for the subdivision of land and to make comprehensive plan amendments.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-2. - Purpose and intent.

The purpose of this chapter, the zoning districts and regulations set forth herein is to provide for orderly growth; to encourage the most appropriate use of land; to protect the natural environment; to protect and conserve the value of property; to prevent the overcrowding of land; to promote, protect and improve the health, safety, comfort, good order, appearance, convenience, and general welfare of the public; and to help accomplish the goals and objectives of the comprehensive plan. Further:

(a) In interpreting and applying the provisions of this chapter, these provisions shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the community.

(b) It is not intended by this chapter to interfere with or abrogate or annul any easements or other private agreements between parties. Where any provision of this chapter imposes restrictions that are different from those imposed by any other provision of this chapter, or any other ordinance, rule or regulation, or other provision of law, whichever provisions are the more restrictive or impose higher standards shall control.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-3. - Jurisdiction.

The provisions of this chapter shall apply to all lands, buildings, structures and to the uses within the jurisdiction of the City of Atlantic Beach. No land, building or structure shall be used, moved, added to or enlarged, altered or maintained except in conformance with the provisions of this chapter and in conformance with the comprehensive plan.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-4. - Amendments.

To provide for the public health, safety and general welfare of the City of Atlantic Beach, the City Commission may, from time to time, amend the provisions of this chapter. Public hearings on all proposed amendments shall be held by the City Commission or the Community Development Board in the manner as prescribed by Florida law and as set forth within section 24-51 of this chapter.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-5. - Legal status and consistency with the comprehensive plan.

Pursuant to F.S § 163.3194(1), as may be amended, all development undertaken, and all actions taken regarding development, shall be consistent with the adopted comprehensive plan. Further, all land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, and in the event of inconsistency between the requirements of any zoning or land development regulations, the provisions of the comprehensive plan shall prevail. The City Commission shall have the authority to amend the adopted comprehensive plan in accordance with the process established within F.S. § 163.3184.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Secs. 24-6—24-15. - Reserved.

ARTICLE II. - LANGUAGE AND DEFINITIONS

Sec. 24-16. - Construction of language.

The following rules of construction shall apply to the text of this chapter:

(a) The particular or specific shall control the general.

(b) In case of any difference in the meaning or implication between the text of this chapter and any caption or illustrative table, the text shall control.

(c) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

(d) "Building" or "structure" includes any part thereof, and these terms may be used interchangeably.

(e) The phrase "used for" includes "arranged for," "designed for," "maintained for" or "occupied for."

(f) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:

(1) "And" indicates that all the connected items, conditions, provisions or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

(g) The word "includes" shall not limit a term to the specified examples but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(h) In the event that the provisions, as set forth within this chapter, conflict with those of any other federal law, Florida Statute, local ordinance, resolution or regulation, including the comprehensive plan for the City of Atlantic Beach, or any other applicable law, the more stringent standard, limitation or requirement shall govern to the extent of the conflict, and further provided that such other requirement is not in conflict with the adopted comprehensive plan.

(i) Any reference to Florida Statutes, the Florida Administrative Code, the Florida Building Code, and any other federal, state or local ordinance, resolution or regulation shall mean

as in effect at the time such is applied, including all amendments made effective after the initial effective date of these land development regulations.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-17. - Definitions.

For purposes of this chapter, the following terms shall have the meanings as set forth within this section. Where applicable and appropriate to the context, definitions as set forth within the Florida Building Code, within Florida Statutes, or as established by state or federal agencies of government as these may be amended, shall be used in conjunction with these terms and the requirements of this chapter. Terms used in this chapter, but not defined within this section shall have their common meaning.

Note: The definitions set forth within this section and, unless expressly defined otherwise in this Code of Ordiances, in other chapters of the city's Code of ordiances, are also instructive as to how these land development regulations are implemented as related to the use and limitations of lands within the city.

Abandon shall mean to discontinue a use for more than a specified period of time.

Abandoned vehicle shall mean any junked, discarded, or inoperable motor vehicle, including any boat, motorcycle, trailer and the like, with a mechanical or structural condition that precludes its ability for street travel or its intended use, or one that is dismantled, discarded, wrecked, demolished or not bearing current license tags. No such vehicle shall be parked or stored openly in any zoning district unless expressly permitted within that zoning district.

Abutting property shall mean any property that is immediately adjacent to or contiguous to the subject property, or that is located immediately across any road or public right-of-way from the subject property.

Access, point of, shall mean a paved driveway or other opening intended to provide vehicle or pedestrian access to or from a public or private right-of-way or from public or private premises including off-street parking areas.

Access point shall mean a driveway or other opening for vehicles to enter from or exit to a right-of-way. An access point may include multiple ingress and egress lanes and a divider median provided that all features utilize the same apron.

Accessory use, building, or structure shall mean a use, building, or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure. Accessory structures include, but are not limited to the following: sheds, unattached garages, swimming pools, docks, gazebos, satellite dishes, screen enclosures, rooftop solar panels, and garage apartments.

Acre, gross, means 43,560 square feet.

Acre, net, means gross land area, less existing or proposed public and private points of access, roads or streets, roadways, and rights-of-way.

Addition shall mean an extension or increase in floor area or height of a building or structure.

Adjacent shall mean next to or adjoining something else.

Adjoining in the context of land shall mean a lot or parcel of land, when the lot or parcel share all or part of a common lot line. Adjoining in the context of structures shall mean two or more structures sharing all or part of a common wall.

Administrative Variance shall mean a minor variance that may be granted by the Community Development Director in accordance with subsection 24-64(d).

Administrator shall mean the City of Atlantic Beach City Manager, or an administrative official of the City of Atlantic Beach government designated by the city manager to administer and enforce the provisions of this chapter.

Adult care facility shall mean a facility licensed and operated in accordance with state and other standards as may be applicable, providing general supervisory care for five or more adults.

Adversely affected person, as used within this chapter, shall mean a person who is suffering or will suffer an adverse effect to an interest protected or furthered by these land development regulations or the City of Atlantic Beach Comprehensive Plan. The alleged adverse effect may be shared in common with other members of the community but must exceed in degree the general interest in community good shared by all persons in the community.

Alley shall mean a right-of-way providing a secondary means of access and service to abutting property.

Alteration shall mean any change in the arrangement of a building; any work affecting the structural parts of a building; or any change in electrical, plumbing, heating or air conditioning systems.

Animal hospital. See "Veterinary clinic" or "Hospital."

Apartment house. See "Dwelling, multifamily."

Applicant shall mean the title owner of record, or his authorized representative, of lands that are the subject of a request for a change in zoning classification, a use-by-exception, a variance, an appeal, a waiver, a plat, an administrative variance, or any development permit.

Application of fertilizer means the actual physical deposit of fertilizer to turf or landscape plants, whether solid or liquid product is used.

Applicator means any person who applies fertilizer on turf and/or landscape plants in the City of Atlantic Beach.

Appraised value shall mean the value to an improvement or property as determined by a certified appraiser. To determine the appraised value, the certified appraisal shall have been performed within the previous twelve (12) months.

Arbor shall mean a landscape element designed solely to support vines, branches or landscape elements, and which does not contain any type of solid roof.

Assessed value shall mean the value to an improvement of property as determined by the Duval County Property Appraiser in the manner provided by Florida law.

Automatic irrigation system shall mean an artificial watering system with a programmable controller or timing mechanism designed to automatically transport and deliver water to plants.

Automotive service, minor shall mean any facility that performs the limited, minor or routine servicing of motor vehicles or parts, but shall not include major automotive repair, and which contains no more than two (2) work bays.

Automotive repair, major shall mean any facility that performs any type of automotive service or repair including but not limited torebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Bar or *lounge* shall mean any place devoted primarily to the selling or dispensing and drinking of alcoholic beverages.

Base flood elevation (BFE) shall mean the elevation shown on the FEMA flood insurance rate map for zones AE, AH, A1—A30, AR, AR/A, AR/AE, AR/A1—A30, AR/AO, V1—V30, and VE that indicates the water surface elevation resulting for a flood that has a one-percent chance of equaling or exceeding that level in any given year.

Best management practice (BMP) shall mean the methods that have been determined to be the most effective, practical and sound means to achieve an objective related to water supply, stormwater, vegetative, conservation or environmental resource management.

Block includes tier or group and shall mean a group of lots existing with well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.

Boarding house, rooming house, lodging house or *dormitory* shall mean a building or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more unrelated persons and where no cooking equipmentor dining facilities are provided in individual rooms.

Bond shall mean any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in any amount and form satisfactory to the City Commission. All bonds shall be approved by the City Commission wherever a bond is required by this chapter.

(1) *Maintenance bond:* Upon issuance of the certificate of occupancy, or when required improvements are installed prior to recording the plat, surety may be required to be posted in the amount of one hundred (100) percent of the original engineer's estimate of the cost of improvements. The condition of this obligation is such that the city will be protected against any defects resulting from faulty materials or workmanship of the aforesaid improvements for a period of one (1) year from the date of any project's certificate of occupancy or completion.

(2) *Performance bond:* When required improvements are installed after recording the plat, surety may be required to be posted in the amount of one hundred and twenty-five (125) percent of the engineer's estimate of costs.

Buffer shall mean the required treatment of areas between different classifications of uses or incompatible uses. Buffers may incorporate the combinations of landscaping, open space or fences.

Buffering. See "Screening."

Buildable area shall mean that portion of a parcel which may be constructed upon in accordance with the provisions of this chapter and any other restrictions of City Code, applicable state or federal regulations or a recorded subdivision plat. Unless otherwise provided for within any such restriction, buildable area shall exclude building setbacks, utility and drainage easements, stormwater facilities, wetlands and lands seaward of the coastal construction control line.

Building shall mean a structure designed or built for support, enclosure, shelter or protection of persons, animals or property of any kind. Building shall include any structure constructed or used for a residence, business, industry or other private or public purpose, including buildings that are accessory to such uses, provided such buildings are in compliance with the Florida Building Code. “Building” or “structure” includes parts thereof and these terms may used interchangeably.

Building permit shall mean any permit, which authorizes the commencement of construction or development in accordance with the construction plans or site plans approved by the city under the provisions of this chapter and other applicable federal, state and local regulations.

Building, principal shall mean a building within which is conducted the principal use of the lot or property upon which the building is situated.

Building setback shall mean the minimum required horizontal distance, where structures over thrity (30) inches are prohibitied unless otherwise specified in this chapter, between the front, rear or side property lines of any lot and the nearest exterior front, rear or side wall of any building. When two (2) or more lots under single or unified ownership are developed as a single development parcel, the exterior lot lines of the combined parcel(s) shall be used to determine required building setbacks. Building setback and building restriction line may have the same meaning and may be used interchangeably where such lines are recorded on a final subdivision plat.

Building restriction line (BRL) shall mean the line(s) extending across the front, sides and/or rear of a lot or the property, as depicted on a platted lot of record. Buildings shall be contained within building restriction lines. Building restriction lines, which may require a greater building setback than the minimum yard requirement of the applicable zoning district, and which have been recorded upon a final subdivision plat approved and accepted by the city, shall be enforceable by the city.

Capital improvement shall mean physical assets constructed or purchased to provide, improve, or replace a public facility or public infrastructure. The cost of a capital improvement is generally nonrecurring and may require multiyear budgeting and financing. For these land development regulations, physical assets which have been identified as existing or projected needs in the Capital Improvement Element in the City's Comprehensive Plan shall be considered capital improvements.

Car wash shall mean a facility used principally for the cleaning, washing, polishing or waxing of motor vehicles, but shall not include any type of repair or servicing of motor vehicles or the dispensing of automotive fuels.

Cemetery shall mean land used or intended to be used for the burial of animal or human remains and dedicated for cemetery purposes and may include mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of occupancy or *certificate of completion* shall mean that certificate issued by the City of Atlantic Beach subsequent to final inspection by the building official verifying that all improvements have been completed in conformance with the requirements of this chapter, any final subdivision plat, and the approved construction plans and the Florida Building Code.

Certified survey shall mean a survey, sketch plan, map or other exhibit containing a written statement regarding its accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision said survey was prepared. Certified survey is inclusive of all types of surveys as may be required by these land development regulations.

Change of use shall mean discontinuance of an existing use and the substitution of a different use as classified by these land development regulations. In the case of question regarding use, such use shall be determined based upon the Standard Industrial Classification (SIC) Code Manual issued by the United States Office of Management and Budget.

Child care means the care, protection, and supervision of a child, for a period of less than twenty-four (24) hours per day, on a regular basis, which supplements parental care, enrichment,

and health supervision for the child, in accordance with his individual needs, and for which a payment, fee, or grant is made for such care.

Child care facility shall include child care centers, day nurseries, kindergartens, and any child care arrangement, but not within an occupied residence, which provides child care for more than five (5) children unrelated to the operator, and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. Child care facilities shall be licensed and operated in accordance with all applicable requirements of the Florida Department of Children and Families and section 24-152 of this chapter. This definition shall not include family day care home.

Church shall mean a building used for nonprofit purposes by a recognized or established religion as its place of worship.

City shall mean the City of Atlantic Beach.

Clinic shall mean an establishment where patients, who are not kept overnight, are admitted for examination and treatment by one (1) person or a group of persons practicing any form of healing or health services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists; dentists or any such profession, the practice of which is lawful in the State of Florida.

Club shall mean a privately-owned establishment owned and operated by a corporation or association of persons for social or recreational purposes and typically requires a membership.

Coastal construction control line (CCCL) shall mean the line as determined by the Florida Department of Environmental Protection (FDEP) and regulated under authority of the Beach and Shore Preservation Act, Chapter 161, Florida Statutes, which is administered by the FDEP.

Code shall mean the Municipal Code of Ordinances for the City of Atlantic Beach, Florida.

Code enforcement officer, official or *inspector* means any designated employee or agent of the City of Atlantic Beach whose duty it is to enforce codes and ordinances enacted by the City of Atlantic Beach.

Commercial Corridor means the lands extending a depth of one hundred (100) feet outward from the outer boundaries of the rights-of-way along Mayport Road and Atlantic Boulevard, including any parcels which are partially within said one hundred (100) feet.

Commercial fertilizer applicator , except as provided in F.S. § 482.1562(9), means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

Communication antenna means an antenna designed to transmit or receive communications as authorized by the Federal Communications Commission (FCC).

Communication tower means a tower which supports communication equipment (such as Radio, TV or Telecommunications for either transmission or receiving). The term "communication tower" shall not include amateur radio operators' equipment, including citizen's band (CB), VHF and UHF Aircraft/Marine, and other similar operators. Design examples of communication towers are described as follows: (i) self-supporting lattice; (ii) guyed; and (iii) monopole.

Community center shall mean a facility available for public use, which may be used for recreation activities, meetings and social gatherings, and also for government, cultural, civic or similar type activities.

Compatibility shall mean a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Comprehensive plan shall mean the local government comprehensive plan, which is adopted by the City Commission pursuant to the Community Planning Act and Land Development Regulation Act, pursuant to Chapter 163, Florida Statutes, and which serves as the legal guideline for the future development of the city. Pursuant to F.S. §163.3194(1)(b), in the case of any inconsistency between the provisions of this chapter and the comprehensive plan, the comprehensive plan shall prevail.

Construction plans shall mean the construction and engineering drawings, specifications, tests and data necessary to show plans for construction of the proposed improvements to land and shall be in sufficient detail to permit evaluation of the proposals and to determine compliance with the Florida Building Code and City's Code of Ordiances.

Convenience store shall mean an establishment of no less than 2,000 square feet and no more than five thousand (5,000) square feet of conditioned space used for the retail sale of consumable goods and may include sit-down restaurant areas.

Corner lot. See "Lot, corner."

Covenants shall mean various forms of agreements and deed restrictions recorded in the public records that restrict the use of property.

Cul-de-sac shall mean a street terminated at the end in a vehicular turnaround.

Density shall mean an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre.The number of residential dwelling units permitted per acre of land, or portion thereof, exclusive of rights-of-way, canals and drainage ditches, lakes, rivers, jurisdictional wetlands and lands seaward of the coastal construction control line.

Developer shall mean any person, including a governmental agency, undertaking any development as defined in this section.

Development and *redevelopment* shall be defined according to F.S. §380.04, as follows:

(a) Development means the carrying out of any building or mining operation or the making of any material change in the use or appearance of any structure or land and the dividing of land into three or more parcels.

(b) The following activities or uses shall be taken for the purposes of this chapter to involve development, as defined in this section:

(1) A reconstruction, alteration of the size or material change in the external appearance of a structure on land.

(2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land.

(3) Alteration of a shore or bank of a seacoast, river, stream, lake, pond or canal, including any coastal construction, as defined in F.S. § 161.021.

(4) Commencement of drilling (except to obtain soil samples), mining or excavation on a parcel of land.

(5) Demolition of a structure.

(6) Clearing of Land as an adjunct of construction.

(7) Deposit of refuse, solid or liquid waste or fill on a parcel of land.

(c) The following operations or uses shall not be taken for the purposes of this chapter to involve development as defined in this section:

(1) Work by highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

(2) Work by a utility and/or other person engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing or construction on established rights-of-way, any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners.

(3) Work for maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(4) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

(5) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

(6) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

(7) A change in the ownership or form of ownership of any parcel or structure.

(8) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land or other rights in land.

Development order shall mean any order granting, denying, or granting with conditions an application for a development permit.

Development parcel, or *development site (see also definition for single development parcel)* shall mean the contiguous or adjacent lands, lots or parcels for which a unified development project is proposed. In the case where more than one (1) parcel, platted lot or lot of record has been combined and developed as a single development parcel, such lots shall not later be developed as single lots (see Section 24-84), unless all requirements for development as single lots shall be met including, but not limited to, lot area, lot width, impervious surface area limitations, and provision of all required yards for all structures.

Development permit shall include any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the city having the effect of permitting the development of land.

District shall mean zoning district classifications as established by the official zoning map and as set forth within division 5 of this chapter.

Division shall mean the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

Drainage, where appropriate, shall include, but not be limited to, swales, ditches, storm sewers, seepage basins, culverts, side drains, retention or detention basins, cross drains and canals.

Dual rear wheel vehicle shall mean a motor truck, trailer, semitrailer or tractor/trailer combination with a load capacity in excess of two (2) tons, used for commercial/private use and used as a means of transporting persons or property over the public street of the city and propelled by power other than muscular power which have more than or are designed to have more than four (4) weight-bearing wheels, except that a dual rear wheel pick-up truck not used for commercial purposes or recreation vehicle shall not be deemed to constitute a dual rear wheel vehicle. A public service vehicle used for emergencies shall not be deemed to constitute a dual rear wheel vehicle.

Duplex. See "Dwelling, two-family."

Dwelling unit shall mean a single unit providing complete independent living facilities for one (1) family as defined herein, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, multifamily shall mean a residential building designed for or occupied exclusively by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, single-family shall mean a building containing one (1) dwelling unit, and not attached to any other dwelling unit by any means and occupied by one (1) family only.

Dwelling, two-family (duplex) shall mean a residential building containing two (2) dwelling units designed for or occupied by two (2) families, with the number of families in residence not exceeding one (1) family per dwelling unit.

Easement shall mean a grant from a property owner for public or private utilities, drainage, sanitation, or other specified uses having limitations, the fee simple title to which shall remain in the name of the property owner.

Eaves and *cornices* shall mean typical projections, overhangs or extensions from the roof structure of a building.

Electric charging station shall mean a parking space or portion of a property containing a device used to transmit electricity to the batteries of motor vehicles.

Elevation certificate shall mean a survey of the elevation of the lowest finished floor and adjacent ground in the local floodplain datum as required by Federal Emergency Management Agency (FEMA). Elevation certificates shall be prepared and certified by a land surveyor, engineer, or architect who is authorized by the state or local law to certify elevation information.

Emitter shall mean the sprinkler head or other device that discharges water from an irrigation system.

Engineer means a professional engineer registered to practice engineering by the state who is in good standing with the state board of engineer examiners.

Enlargement or expansion shall mean an increase in size of any devepment that requires a development permit.

Environmental assessment shall mean a study and a written report prepared in accordance with the State of Florida's approved methodology for wetlands determination in accordance with

Section 373.421, F.S. and Section 62-340.300, FAC for verification and identification of environmental and habitat characteristics.

Environmentally sensitive areas shall include lands, waters or areas within the City of Atlantic Beach which meet any of the following criteria:

(a) Wetlands determined to be jurisdictional, and which are regulated by the Florida Department of Environmental Protection (FDEP) or the St. Johns River Water Management District (SJRWMD);

(b) Estuaries or estuarine systems;

(c) Outstanding Florida Waters as designated by the State of Florida and natural water bodies;

(d) Areas designated pursuant to the Federal Coastal Barrier Resource Act (PL97-348), and those beach and dune areas seaward of the coastal construction control line;

(e) Areas designated as conservation on the future land use map;

(f) Essential habitat to listed species as determined by approved methodologies of the Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, the U.S. Fish & Wildlife Service, and the FDEP.

Family shall mean one (1) or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants and minor children under the age of eighteen (18). Persons living and cooking together in a domestic relationship and as an integrated single housekeeping unit, though not related by blood, adoption or marriage, shall be deemed to constitute a family, provided that such alternative definition of family shall not exceed two (2) persons over the age of eighteen (18). The term "family" shall not be construed to mean fraternities, sororities, clubs, convents or monasteries, or other types of institutional living arrangements.

Family day care home shall mean an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, that is operated and properly licensed in accordance with the laws and regulations of the State of Florida. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in child care, shall be included in the overall capacity of the licensed home. Pursuant to F.S. § 166.0445, the operation of a residence as a family day care home registered and licensed with the Department of Children and Family Services or other licensing agency shall constitute a permitted residential use and shall not require approval of a use-by-exception. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

(a) A maximum of four (4) children from birth to twelve (12) months of age.

(b) A maximum of three (3) children from birth to twelve (12) months of age, and other children, for a maximum total of six (6) children.

(c) A maximum of six (6) preschool children if all are older than twelve (12) months of age.

(d) A maximum of ten 10 children if no more than five (5) are preschool age and, of those five (5), no more than two (2) are under twelve (12) months of age.

Faulty well means any well completed into the Floridan Aquifer or Hawthorne GROUP which does not meet the requirements as specified in this section 24-267.

Fence shall mean any horizontal improvement constructed of wood, vinyl, lattice, masonry, fence wire, metal or similar materials for the purpose of enclosing, screening or separating land. Open frames, open trellises, or similar open landscape fixtures, designed solely to support landscaping and plant materials shall not be construed as a fence, but shall comply with applicable regulations for such features as set forth within section 24-157 of this chapter.

Fertilize, *fertilizing*, or *fertilization* means the act of applying fertilizer to turf, specialized turf, or landscape plants.

Fertilizer means any substance or mixture of substances that contains one (1) or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.

Finished floor elevation (FFE) shall mean the surface elevation of the lowest finished floor of a building. Minimum required finished floor elevation is established by the FEMA insurance rate map (FIRM) and expressed as the minimum elevation of the top of the first floor of a building. Minimum FFE within the City of Atlantic Beach is eight and one-half (8.5) feet above mean sea level (see also subsection 24-82(k)).

Floodprone areas shall mean areas inundated during a 100-year flood event or areas identified by the National Flood Insurance Program as an A Zone on flood insurance rate maps or flood hazard boundary maps.

Florida-friendly landscaping means quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and are drought tolerant. The principles of such landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components include practices such as landscape planning and design, soil analysis, the appropriate use of solid waste compost, minimizing the use of irrigation, and proper maintenance.

Floor area shall mean the sum of the horizontal areas of all floors of a building or buildings, measured from exterior faces of exterior walls or from the center line of walls separating two (2) attached buildings.

Floor area ratio shall mean the ratio of a building's total floor area (gross floor area) to the size of the lot or parcel upon which it is built.

Floridan Aquifer System means the thick carbonate sequence which includes all or part of the Paleocene to early Miocene Series and functions regionally as a water-yielding hydraulic unit. Where overlaid by either the intermediate aquifer system or the intermediate confining unit, the Floridan contains water under confined conditions. Where overlaid directly by the surficial aquifer system, the Floridan may or may not contain water under confined conditions, depending on the extent of low permeability materials in the surficial aquifer system. Where the carbonate rocks crop out, the Floridan generally contains water under unconfined conditions near the top of the aquifer system, but, because of vertical variations in permeability, deeper zones may contain water under confined conditions. The Floridan Aquifer is the deepest part of the active groundwater flow system. The top of the aquifer system generally coincides with the absence of significant thicknesses of clastics from the section and with the top of the vertically persistent permeable carbonate section. For the most part, the top of the aquifer system coincides with the top of the Suwannee Limestone, where present, or the top of the Ocala Group. Where these are missing, the Avon Park Limestone or permeable carbonate beds of the Hawthorn Formation form the top of the aquifer system. The base of the aquifer system coincides with the appearance of

the regionally persistent sequence of anhydride beds that lie near the top of the Cedar Keys Limestone.

Foster home shall mean any establishment or private residence that provides 24-hour care for more than three (3) children unrelated to the operator and which receives a payment, fee or grant for any of the children receiving care, and whether or not operated for profit which is licensed and operated in accordance with state and any other applicable regulating agencies.

Freeboard is a factor of safety expressed in feet above the base flood elevation (BFE).

Fuel pump shall mean fixed equipment that dispenses flammable or combustible liquids or gases used as fuel in motor vehicles, typically designed as a single unit capable of dispensing fuel to two (2) motor vehicles at the same time.

Future land use, as used in this chapter, shall mean the future land use as designated by the adopted comprehensive plan future land use map, as may be amended.

Garage apartment shall mean a dwelling unit for not more than one (1) family, which is combined in the same structure with a private garage, allowed only as set forth within section 24-89.

Garage, apartment building shall mean a building, designed and intended to be used for the housing of vehicles, belonging to the occupants of an apartment building on the same property.

Garage, private shall mean a detached residential accessory structure or a portion of the principal building used as a work or hobby space, for recreation or leisure activities, or for the storage of motor vehicles and personal property belonging to the occupants of the principal building. A carport shall be considered as a private garage.

Garage, public shall mean a building or portion thereof, other than a private garage, designed or used for the parking, storage and hiring of motor vehicles.

Garage sale shall mean a temporary event for the sale of personal property in, at or upon any residentially zoned property, or upon any commercially zoned property independent of any business licensed under this Code to conduct retail sales upon such property. Garage sales shall include, but not be limited to, the advertising of the holding of any such sale, or the offering to make any such sale, whether made under any other name such as yard sale, front yard sale, back yard sale, home sale, patio sale, rummage sale.

Gas station shall mean establishments used for the retail sale of gasoline, diesel, propane, hydrogen or other fuels intended for use in motor vehicles.

Goal as used in the city's comnprehensive plan shall mean the long-term end toward which programs or activities are ultimate directed.

Governing body shall mean the City Commission of the City of Atlantic Beach.

Government use shall mean the use of lands owned by the federal, state or local government for a purpose, which is related to governmental functions. Any lawful activity is permitted without restriction. Any lands used by a government, which are converted to private ownership, shall comply with the requirements of the particular zoning district classification and the comprehensive plan.

Grade, calculated average shall mean the average elevation of a site calculated prior to: development; redevelopment; or any future topographic alteration of a site.

Grade, established shall mean the elevation of a site after any duly authorized and approved fill, excavation or topographic alterations have been completed.

Grade, preconstruction shall mean the elevation of a site prior to development, redevelopment, or any topographic alterations.

Ground cover means a low-growing herbaceous or woody plant other than turf, not over two (2) feet high, intended to cover the ground. *Group care home* shall mean any properly licensed dwelling, building or other place, whether operated for profit or not, where adult (age eighteen (18) or older) or elder care for a period exceeding twenty-four (24) hours is provided and involves one (1) or more personal services for persons not related to the owner or administrator by law, blood, marriage or adoption, and not in foster care, but who require such services. The personal services, in addition to housing and food services may include, but not be limited to, personal assistance with bathing, dressing, housekeeping, adult supervision, emotional security, and other related services but not including medical services other than distribution of prescribed medicines.

Guaranteed analysis means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

Guest house or *guest quarters* shall mean a building or portion therein used only for intermittent and temporary occupancy by a nonpaying guest or family member of the occupant of the primary residence.

Hawthorne Group well means any well that penetrates a portion of the Hawthorne Formation, with a screened or open hole segment terminating within the Hawthorne Formation.

Height shall mean the vertical distance from the applicable beginning point of measurement to the highest point of a building's roof structure or parapet, and any attachement thereto, exclusive of chimneys.

Hedge means a landscape barrier consisting of a continuous, dense planting of shrubs. *High volume irrigation* shall mean an irrigation system that does not limit the delivery of water directly to the root zone and which has a minimum flow rate per emitter of thirty (30) gallons per hour (gph) or one-half (.5) gallons per minute (gpm) or greater.

High water use hydrozones contain plants that require supplemental watering on a regular basis throughout the year including turf and lawn grasses.

Home occupation shall mean any use conducted entirely within a dwelling and carried on by an occupant thereof, which use is clearly incidental and secondary to the principal use of the dwelling for residential purposes and does not change the residential character thereof. Home occupations shall be allowed only in accordance with the requirements of section 24-159.

Hospital shall mean any institution or clinic, which maintains and operates facilities registered, licensed and operated as a hostiptal in accordance with the State of Florida regulations, for overnight care and treatment of two (2) or more unrelated persons as patients suffering mental or physical ailments, but not including any dispensary or first-aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent or convalescent home or similar institutional use.

Hotel, motel, resort rental, or bed and breakfast shall mean a building, or portion of a building, containing individual guest rooms or guest accommodations for which rental fees are charged for daily, weekly, or monthly lodging, propertly licensed and operated in accordance with State of Florida regulations. This definition shall not include private homes leased for periods exceeding ninety (90) days.

Hydrozone shall mean an irrigation watering zone in which plant materials with similar water needs are grouped together.

Hydrozone plan shall mean a graphical depiction of the low, moderate and high water use irrigation zones on a lot or parcel and a general reference to the types of plants intended to be placed in each zone.

Impervious surface shall mean those surfaces that prevent the entry of water into the soil. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, patio areas, driveways, parking lots, and other surfaces made of concrete, asphalt, brick, plastic, or any surfacing material with a base or lining of an impervious material. Wood decking elevated two (2) or more inches above the ground shall not be considered impervious provided that the ground surface beneath the decking is not impervious. Pervious areas beneath roof or balcony overhangs that are subject to inundation by stormwater and which allow the percolation of that stormwater shall not be considered impervious areas. The water surface area of swimming pools shall be calculated as fifty (50) percent impervious surface.

Improvements shall include, but not be limited to, structures, buildings, fence, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, lift stations, storm sewers or drains, signs, street lights, landscaping, monuments, or any other improvement to land.

Institutional applicator means any person, other than a private, non-commercial or a commercial applicator (unless such definitions also apply under the circumstances), that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

Institutional use shall mean a use intended for social services, non-profits, or a quasi-public institutions. Design standards for each institutional use may vary and should be considered on a case-by-case basis.

Intensity shall mean an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on, or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services.

Intertidal zone (or littoral zone) is the area along a shore that lies between the high and low tide marks, bridging the gap between land and water. At high tide, the intertidal zone is submerged beneath the water, and at low tide it is exposed to air.

Irrigation zone shall mean the grouping together of any type of watering emitter and irrigation equipment operated simultaneously by the control of a timer and a single valve.

Irrigation system means a permanent, artificial watering system designed to transport and distribute water to plants and includes required back flow prevention devices.

Isolated wetland shall mean a wetland area defined as isolated wetlands by the State of Florida.

Junk yard. See "Salvage yard."

Junked vehicle shall mean any abandoned, discarded, or inoperable motor vehicle, including any boat, motorcycle, trailer and the like, with a mechanical or structural condition that precludes its ability for street travel or its intended use, or one that is dismantled, discarded, wrecked, demolished or not bearing current license tags.

Kennel, pet shall mean facilities for the keeping of any pet or pets, regardless of number, for sale or for breeding, boarding or treatment purposes. This shall not include veterinary clinics, animal grooming parlors or pet shops.

Kitchen shall mean an area of a building permanently equipped for food storage, preparation, or cooking.

Kitchenette shall mean an area within a building containing limited kitchen facilities such as a bar sink, microwave oven, refrigerator/freezer not exceeding ten (10) cubic feet.

Land shall mean the earth, water and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as part of the land.

Land development regulations shall mean this chapter and any other ordinances enacted by the city for the regulation of any aspect of land use and development and includes zoning, rezoning, subdivision, building, construction, or sign regulations or other regulations controlling the use and development of land.

Land use shall mean any the development that has occurred, any development that is proposed by an applicant, or the use that is permitted or permissible pursuant to the adopted comprehensive plan or element or portion thereof, or land development regulations, as the context may indicate.

Landscape plant shall mean any native or exotic tree, shrub, or groundcover (excluding turf).

Landscaped area shall mean the vegetated area of a lot or parcel including planted and natural areas.

Landscaping shall mean any combination of living plants, native or installed, including grass, ground covers, shrubs, vines, hedges, or trees. Landscaping may also include landscape elements such as rocks, pebbles, sand, mulch, walls, or fences, trellises, arbors, pergolas or fountains provided no such landscape element has a solid roof.

Laundromat, self-service shall mean a business that provides noncommercial clothes washing and drying or ironing machines to be used by customers on the premises.

Level of service shall mean an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.

Live-aboard vessel shall mean:

(1) Any vessel used solely as a residence and not for navigation; or

(2) Any vessel represented as a place of business, a professional or other commercial enterprise; or

(3) Any vessel for which a declaration of domicile as a legal residence has been filedwith the clerk of the circuit court of Duval County, Florida in accordance with F.S. §222.17.

A commercial fishing boat is expressly excluded from the term live-aboard vessel, and this definition shall not be construed to include watercraft or cruising vessels that are engaged in recreational activities or navigation and traveling along the intracoastal waterway from anchoring temporarily or overnight.

Live entertainment includes, but is not limited to, singers, pianists, musicians, musical groups, bands, vocal or instrumental dancers, theatrical shows, magicians, performers, comedians and all fashions, forms and media of entertainment carried on and conducted in the presence of and

for the entertainment and amusement of others and as distinguished from records, tapes, pictures and other forms of reproduced or transmitted entertainment. Live entertainment, as used within these land development regulations, shall not include adult entertainment establishments as defined by F.S. § 847.001(2).

Living area, minimum, Shall mean conditioned space within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes.

Loading space shall mean a space within the main building or on the same property, providing for the standing, loading or unloading of trucks or other motor vehicles, constructed consistent with the requirements of this chapter.

Local planning agency shall mean the Community Development Board for the City of Atlantic Beach which shall have the powers and duties set forth by the Community Planning Act, Chapter 163, Florida Statutes, this chapter and Chapter 14.

Lot shall mean a tract or parcel of land and shall also mean the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified.

Lot area shall mean the area formed by the horizontal plane within the lot lines.

Lot, corner shall mean a lot abutting two (2) or more streets, or at a street intersection or at a street corner having an interior angle not greater than one hundred thirty-five (135) degrees. Unless conflicting with the prevailing developoment pattern of the adjacent lots, the exterior lot line of the narrowest side of the lot adjoining the street shall be considered the front of the lot, the exterior lot line of the longest side of the lot abutting the street shall be considered as a side of the lot,and shall have a minimum required side yard of ten (10) feet. The opposite side yard and the rear yard shall conform to the minimum yard requirements of the zoning district in which the property is located.

Lot, interior shall mean a lot other than a corner lot with only one frontage on a street.

Lot depth shall mean the distance measured from the middle point of the front lot line to the middle point of the opposite rear lot line.

Lot line shall mean the legal boundary of a lot as established by a certified land survey.

Lot of record shall mean:

(a) A lot that is part of a documented subdivision, the map of which has been recorded in the office of the clerk of the circuit court; or

(b) A lot or parcel of land described by metes and bounds, the description of which has been recorded in the office of the clerk of the circuit court, consistent with and in compliance with land development regulations in effect at the time of said recording.

Lot width shall mean the mean horizontal distance between the side lot lines, measured at right angles to its depth.

Low intensity retail shall mean those businesses that provide goods for the closely surrounding neighborhood including, but not limited to, the sale of wearing apparel, toys, sundries and notions, books and stationery, luggage, and jewelry.

Low intensity service establishments shall mean those businesses that serve the needs of the closely surrounding neighborhood including, but not limited to, beauty and barber shops, shoe repair, dress makers, and laundry pick-up.

Low maintenance zone means a landscape area a minimum of ten (10) feet wide adjacent to water courses which is planted and managed to minimize the need for fertilization, watering, mowing, etc.

Low volume or micro irrigation shall mean an irrigation system designed to limit the delivery of water within the root zone. Examples include drip, micro, trickle and soaker systems.

Marina shall mean an establishment with a waterfront location for storing water craft and pleasure boats on land, in buildings, in slips or on boat lifts, and includes accessory facilities for purposes such as refueling, minor repair and launching.

Master development plan or master plan shall mean a planning document that integrates plans, orders, agreements, designs, and studies to guide development as herein defined and may include, as appropriate, authorized land uses, authorized amounts of horizontal and vertical development, and public facilities, including local and regional water storage for water quality and water supply.

Mean high water shall mean the average height of the high waters over a 19-year period. For shorter periods of observations, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value, as defined in F.S. § 177.27.

Mean high water line shall mean the intersection of the tidal plane of mean high water with the shore, as defined in F.S. § 177.27 and is generally recognized as the boundary between state sovereignty lands and uplands subject to private ownership.

Mean sea level (MSL) shall mean the average height of the sea for all stages of the tide, which is a national standard reference datum for elevations.

Medical marijuana treatment center means a facility licensed by the Florida Department of Health that can cultivate, process, transport or dispense marijuana or marijuana related products in accordance with F.S. § 381.986, as amended.

Medical marijuana treatment center dispensing facility means a facility licensed and operated for the purpose of dispensing medical marijuana, in accordance with F.S. § 381.986, and all other applicable local and state rules, regulations and statutes.

Medical product manufacturing shall mean facilities that manufacture prosthetic appliances, dentures, eyeglasses, hearing aids and similar medical products.

Mini-warehouses or personal storage facilities shall include all those businesses, which are utilized for the sole purpose of storage of tangible personal property other than motor vehicles. No business activity shall be conducted within mini-warehouses or personal storage facilities.

Mixed use shall mean a development or redevelopment project containing a mix of compatible uses intended to support diversity in housing, walkable communities, the need for less automobile travel and a more efficient use of land. Uses within a particular mixed-use project shall be consistent with the land use designations as set forth within the comprehensive plan and the requirements of this chapter.

Mobile home shall mean a structure, transportable in one (1) or more sections, which is eight (8) feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities including plumbing, heating, air conditioning, and electrical systems.

Mobile Food Vending Units means a public food service establishment that is either self-propelled or otherwise movable from place to place which is properly licensed and operated in accordance with state regulations. A mobile food vending unit must have, as part of the unit, a

three-compartment sink for washing, rinsing and sanitizing equiptment and utensils; a separate hand wash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP-gas, or portable power generation unit; a potable water holding tank; and a means for liquid waste containment and disposal.

Mulch means organic materials customarily used in landscape design to retard erosion and retain moisture.

Natural event means an unusual, extraordinary, sudden, unavoidalbe or unexpected manifestation of the forces of nature beyond the control of any person which may include, but not be limited to, hurricanes, windstorms, floods, storms, fire, riots, sabatoge, acts of war (declared or undeclared), acts of terrorism, failure of energy sources and other catastrophes. An event shall not be considered a natural event if it results from the intentional or deliberate act of the owner.

Natural resource based recreation shall mean activities, such as kayaking, canoeing, rowing, biking, hiking, bird-watching, fishing and similar activities that allow interaction with nature in a manner that does not damage, disrupt or interfere with the natural setting of the resource.

Newspaper of general circulation shall mean a newspaper which meets the requirements of Chapter 50, Florida Statutues, and published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates but does not include a newspaper intended primarily for members of a particular professional or occupational group, or newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Legal nonconformity shall mean any building, use, or structure, lot or site development, or part thereof, which existed lawfully, by variance or otherwise, prior to the date these land development regulations, or any amendment thereto, became effective and now fail to conform to one or more of the provisions of these regulations, but may be continued subject to the provisions and limitations of Sec. 24-85.

Legal nonconforming lot of record shall mean a lot of record containing less than the minimum site area, site dimensions or other site requirements of the applicable zoning district, or which is not otherwise in compliance with the provisions of other currently effective land development regulations, but which was in compliance with all applicable regulations and at the time such lot was legally recorded and documented in the public records of Duval County, Florida prior to the effective date of such land development regulations (see "Lot" and "lot of record").

Legal nonconforming structure shall mean a structure or building or portion thereof, which does not conform with the land development regulations applicable to the zoning district in which the structure is located, but which was legally established prior to the effective date of such land development regulations.

Legal nonconforming use shall mean the use of a structure or building or portion thereof, or land or portion thereof, which does not conform with the land development regulations but which was legally established prior to the effective date of such land development regulations.

Objective as used in the City's Comprehensive Plan means a specific, measurable, intermediate end that is achievable and marks progress toward a goal.

Occupied includes designed, built, altered, converted to or intended to be used or occupied.

Office use shall mean customary administrative functions associated with a business and uses involving professional services conducted within the business that do not involve on-premises production, manufacture, storage or retail sale of products.

Open space shall mean an area open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, landscaping elements, stormwater retention facilities, swimming pools, tennis courts, or similar open air recreational facilities. Streets, structures and screened or impervious roofed structures shall not be allowed in required open space.

Outdoor area shall mean an area not enclosed in a building and which is intended or used as an accessory area to a public food service establishment which provides food and/or drink to patrons for consumption in the area.

Pain Management Clinic shall mean any publicly or privately owned facility that advertises in any medium for any type of pain-management service or where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain, pursuant to State Statutes.

Parcel or parcel of land shall mean any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit. It may be described by metes and bounds or by recorded plat. The terms "lot," "parcel," "land," "site," "development parcel" may be used interchangeably within this Code as appropriate to the context.

Parking, accessible shall mean parking spaces designed in compliance with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design ("2010 Standards"), as may be amended.

Parking lot shall mean a surface area or structure used exclusively for the temporary parking of motor vehicles, whether or not a fee is charged (see section 24-162).

Parking space, off-street shall mean a space consisting of an area adequate for parking motor vehicles with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room but located totally outside of any public or private right-of-way, street or alley right-of-way. Width, depth and arrangement of parking spaces shall conform to the requirements of section 24-161.

Patron shall mean any guest or customer of a public food service establishment.

Perimeter landscape means a continuous area of land which is required to be installed along the perimeter of a lot in which landscaping is used to provide a transition between uses and reduce adverse environmental, aesthetic, and other negative impacts between uses.

Permitted use shall mean the uses and activities that are allowed within a particular zoning district as described within this chapter. In the case of question regarding a typical or similar use, such use shall be determined based upon the Standard Industrial Classification (SIC) Code Manual issued by the United States Office of Management and Budget.

Person means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

Pharmacy means a retail store licensed and regulated under F.S. ch. 465, where prescription and other medicines and related products are dispensed and sold, but where the retail sale of other non-medical and miscellaneous products may also be sold.

Planning agency shall mean the Community Development Board, or any other agency designated by the City Commission, to serve those functions as the city's local planning agency, pursuant to Chapter 163, Florida Statutes as well as other functions as directed by the City Commission.

Plat, final subdivision means the plat to be recorded in accordance with engineering plans, specifications and calculations; certification of improvements, as-built drawings, or performance guarantee; and other required certifications, bonds, agreements, approvals, and materials for a development or a phase of a development or the entire parcel of land proposed for development as required pursuant to article IV of this chapter.

Plat, re-plat, amended plat, or *revised plat* shall mean a map or delineated representation of the division or re-division of lands, being a complete and exact representation of the subdivision and including other information in compliance with the requirements of all applicable sections of this chapter, the comprehensive plan, applicable local ordinances, and Part I, Chapter 177, Florida Statutes.

Policy in the context of the City's Comprehensive Plan shall mean the way in which programs and activities are conducted to achieve an identified goal.

Principal building shall mean a building within which is conducted the main or principal use of the lot or property upon which the building is situated.

Principal use shall mean the primary use of land, as distinguished from an accessory use.

Privacy structures shall mean vertical improvements such as trellises, screens, partitions or walls, that are intended for the purpose of creating privacy for a rear yard, as opposed to a fence which encloses or separates land.

Private well means a shallow aquifer, Hawthorne, or Floridan well that is not a public potable water well.

Professional surveyor and mapper shall mean a surveyor and mapper registered under Chapter 472, Florida Statutes, who is in good standing with the Board of Professional Surveyors and Mappers.

Projection means architectural features such as but not limited to a bay window, dormer windows, balcony, or sundeck subject to the provisions set forth in this chapter.

Prohibited application period means the time period during which a flood watch or warning, or a tropical storm watch or warning, or a hurricane watch or warning is in effect for any portion of Atlantic Beach, issued by the National Weather Service, or if heavy rainfall is likely.

Property line shall mean the exterior lot lines of a single parcel or a group of lots when two (2) or more lots are considered together for the purposes of development.

Public facilities shall mean major capital improvements, including without limitation transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities.

Public food service establishment and *food service establishment* shall mean any building, restaurant, vehicle, place, or structure, or any room, division, or area in or adjacent to a building, vehicle, place or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

Public notice shall mean notice required by F.S. § 166.041. The public notice procedures required in this chapter are established as minimum public notice procedures for the City of Atlantic Beach.

Public *open space* shall mean open space, land or water areas, available for public use, not restricted to members or residents.

Public potable water well means any water well completed into the Floridan Aquifer, which supplies potable water to a community water system or to a nontransient, noncommunity water system, as those terms are defined in Rule 62-521.200, Florida Administrative Code.

Public water supply utility or "utility" means the owner of a public potable water well or wellfield.

Recreational vehicle (RV) shall include the following types of vehicles:

(a) *Travel trailer* shall mean a vehicular, portable structure built on a chassis and towed; designed to be used as a temporary dwelling for travel, recreation and vacation uses; permanently identified as a travel trailer by the manufacturer of the trailer; and when factory equipped for the road, having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet.

(b) *Pickup coach* shall mean a structure designed to be mounted on a truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreation and vacation uses.

(c) *Camping trailer* shall mean a collapsible, temporary Dwelling covered with a water-repellent fabric, mounted on wheels and designed for travel, recreation and vacation uses.

(d) *Auto camper* shall mean a lightweight, collapsible unit that fits on top of an automobile and into the trunk with the cover removed, and is designed for travel, recreation and vacation uses.

(e) *Vans* or similar enclosed vehicles specially equipped for camping.

Residential Treatment Facilities (RTF) are community-based residences for individuals exhibiting symptoms of mental illness who are in need of a structured living environment. Residents are limited to those 18 years of age or over. These facilities were designed to provide long-term residential care with an overlay or coordination of mental health services. A state license covers five levels of care that range from having nurses on staff for 24 hours a day to independent apartment residences that receive only weekly staff contact.

Restaurant shall mean any structure where food is prepared or served for consumption on or off the premises or within an enclosed business or building.

Retail establishments shall mean those businesses that provide goods for the surrounding community including, but not limited to, the sale of lumber, hardware, building materials, photo supplies, sporting goods, hobby supplies, pet supplies, home furnishings, and office equipment as well as low intensity retail establishments.

Right-of-way shall mean land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies whether established by prescription, easement, dedication, gift, purchase, eminent domain or other lawful means.

Risk of contamination means the existence of a faulty Floridan or Hawthorne well located within a wellhead protection area, a source of contamination, and/or a gradient in the shallow

aquifer towards the faulty Floridan or Hawthorne well, creating a threat to a public potable water well due to cross contamination between aquifers or source waters.

Salvage yard shall mean a place where discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled. Salvage yards shall include automobile wrecking, house wrecking and structural steel materials and equipment yards, but shall not include places for the purchase or storage of used furniture and household equipment, used cars in operable condition, or used or salvaged materials from manufacturing operations or for any type of automotive repair.

Saturated soil means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this chapter, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

Screening shall mean improvements that conceal the existence of something by obstructing the view of it.

Seat shall mean, for the purpose of determining the number of required off-street parking spaces, the number of chairs. In the case of benches or pews, each linear twenty-four (24) inches of seating shall count as one (1) seat. For areas without fixed seating such as standing areas, dance floors or bars, each seven (7) square feet of floor space shall constitute a required seat.

Service establishments shall mean those businesees that serve the routine and daily needs of the community in which it is located including, but not limited to, low intensity service establishments, barber or beauty shops, shoe repair shops, laundry or dry cleaners, funeral homes,electronics repair shops, lawn care service, pest control companies, and similar service uses but not including manufacturing, warehousing, storage, or high intensity commercial services of a regional nature.

Setback shall mean the required distance between the lot line and the building or structure. Unless otherwise provided for within this chapter, setbacks shall be measured from the property line to the exterior vertical wall of a building or structure as opposed to the foundation. See also definition for building setback.

Shopping center shall mean a group of retail and other commercial establishments that is planned, developed, owned and managed as an single property, typically with on-site parking provided

Short-term rentals shall mean any residential rental or lease the term of which is less than ninety (90) days. Short-term rentals shall similarly be considered to be commercial uses as are hotel, motel, motor lodge, resort rental, bed and breakfast or tourist courtuses.

Shrub means a self-supporting woody perennial plant characterized by multiple stems and branches continuous from the base naturally growing to a mature height between two (2) and twelve (12) feet.

Sight triangle shall mean the area within the limits described by the two (2) intersecting center lines of a street and a line drawn between them from points on each center line that are a prescribed number of feet from the intersection of the center lines.

Sign shall mean any identification, description, illustration, or device illuminated or nonilluminated, which is visible from any outdoor place, open to the public and which directs attention to a product, service, place, activity, person, institution, or business thereof, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard, designed to advertise, identify, or convey information, with the exception of customary window displays, official public notices and court markers required by federal, state or local regulations; also excepting, newspapers, leaflets and books intended for individual distribution to

members of the public, attire that is being worn, badges, and similar personal gear. Sign shall also include all outdoor advertising displays as described within Section 3108.1.1, Florida Building Code, and all signs shall conform to the requirements of Section 3108 of the Florida Building Code.

Single development parcel shall mean a unified development constructed or reconstructed on contiguous lands. Multiple adjacent platted lots shall be considered a single development parcel when: a) removing any of the parcels would create a nonconformity, b) typical elements of a single development are shared across a lot line such as access points, accessory structures, or architectural projections c) any permitted structure is located across a lot line (with the exception of fences). Removal of elements from a single development parcel shall not revert any lot back to an individual buildable lot unless minimum lot standards can be met.

Site development plan shall mean a plan of development including surveys, maps, drawings, notations and other information as may be required depicting the specific location and design of improvements proposed to be installed or constructed in accordance with the requirements of this chapter.

Slow release, *controlled release*, *timed release*, *slowly available*, or *water insoluble nitrogen* means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

Special Planned Area shall mean a zoning district classification that provides for the development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development. A special planned area shall also include a commitment for the provision, maintenance, and operation of all areas, improvements, facilities, and necessary services for the common use of all occupants or patrons thereof.

Special flood hazard areas (SFHA) as delineated on the Federal Emergency Management Agency (FEMA) flood insurance rate map (FIRM) shall mean the area that will be inundated by a flood event having a one-percent chance of being equaled or exceeded in any given year. SFHAs are labeled as zone A, zone AO, zone AH, zones A1—A30, zone AE, zone A99, Zone AR, zone AR/AE, zone AR/AO, zone AR/A1—A30, zone AR/A, zone V, zone VE, and zones V1—V30.

Stormwater Management System shall mean the system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site or area.

Stormwater runoff means the portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

Story shall mean that portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and ceiling above.

Street shall mean any public or private access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place, or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers.

Street classifications shall mean the classification of streets into the following three categories:

Arterial highway system: The group of roads constituting the highest degree of mobility and largest proportion of total travel.

Collector road system: The group of roads providing a mix of mobility and land access functions, typically within a given county or urban area, linking major land uses to each other or to the arterial highway system. The collector road system is composed of rural major collector roads, rural minor collector roads, and urban collectors (differentiation between major and minor classes is not made in urban areas).

Local street system: The group of roads having land access as their primary purpose, typically within a portion of a county or urban area. Although providing the largest proportion of road miles, this system contributes little to total highway travel due to short trip lengths and low volumes.

Street, private shall mean a street that is privately owned and maintained, and where a properly recorded private easement has been approved by the city.

Street, public shall mean a street legally dedicated to public use and officially accepted by the city.

Street right-of-way line shall mean the dividing line between a lot or parcel of land and the contiguous street.

Structural alteration shall mean any change in the supporting members of a structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure shall mean anything constructed, installed, or portable, and which is over thirty (30) inches in height or requires a building permit, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently. “Structure” also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, signs. “Building” or “structure” includes parts thereof and these terms may used interchangeably.

Subdivision shall mean the division of land into three (3) or more lots tracts, tiers, blocks, sites, units, or any other division of land; and may include establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Substantial damage shall mean damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.

Surety device means an agreement with the city for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

Surface water means water on the surface of the ground whether or not flowing through definite channels, including the following:

(1) Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline;

(2) Any natural or artificial stream, river, creek, channel, ditch, canal, conduit culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed or banks; or

(3) Any wetland.

Surveyor, land, means a land surveyor registered under Chapter 472, Florida Statutes who is in good standing with the Florida State Board of Engineer Examiners and Land Surveyors. *Temporary and portable buildings and structures* means any building or structure constructed or erected to not require permanent location on the ground.

The City of Atlantic Beach Approved Best Management Practices Training Program means a training program approved per F.S § 403.9338, or any more stringent requirements set forth in this chapter that includes the most current version of the Florida Department of Environmental Protection's "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008," as revised, and approved by the City of Atlantic Beach Public Works Director.

Theater shall mean an establishment offering dramatic presentations or showing movies to the general public.

Threatened or *endangered species* shall mean species so listed by the Florida Fish and Wildlife Conservation Commission, Florida Department of Agriculture and Consumer Services, and [the] U.S. Fish and Wildlife Service.

Tower site means a parcel on which a communication tower and related accessory structures are located, which may be smaller than the minimum size required in the zoning district.

Townhouse shall mean a residential dwelling unit constructed in a group of two (2) or more attached units with ownership lines separating each dwelling unit through a common wall(s) and where ownership of each dwelling unit is held in fee-simple title for property as defined by a metes and bounds or other valid fee-simple title legal description.

Trailer, boat, horse, or *utility* shall mean a conveyance drawn by other motive power and used for transporting a boat, animal, equipment or general goods. See also "Recreational vehicle."

Transitional Living Facility is a residential facility that assists persons with spinal cord injuries and persons with head injuries to achieve a higher level of independent functioning in daily living skills.

Transportation Network Company or “TNC” means an entity operating in this state pursuant F.S § 627.748 to using a digital network to connect a rider to a TNC driver, who provides prearranged rides. A TNC is not deemed to own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract, and is not a taxicab association or for-hire vehicle owner.

Travel trailer park or *court* shall mean a park or court, licensed and approved by the State of Florida, and established to carry on the business of parking travel trailers and other recreational vehicles.

Turf, sod, or *lawn* means a piece of grass-covered soil held together by the roots of the grass.

Upland buffer shall mean areas of uplands adjacent to a delineated jurisdictional wetland boundary restricted from development.

Urban landscape means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants.

Use means the purpose for which land or water or a structure thereon is designed, arranged, or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water in the various zoning districts is governed by these land development regulations and the Comprehensive Plan.

Use of land means use of land, water surface, and land under water to the extent covered by these land development regulations and the Comprehensive Plan, and over which the City Commission has jurisdiction.

Use-by-exception shall mean a departure from the general permitted uses set forth for the various zoning districts, which if limited in number such that these uses do not dominate an area, and when subject to appropriate conditions, may be acceptable uses in the particular area. A use-by-exception may be granted only in accordance with the express provisions of section 24-62 of this chapter.

Utilities means, but is not necessarily limited to, water systems, electrical power, energy, natural gas, sanitary sewer systems, stormwater management systems, and telephone, internet or television cable systems; or portions, elements, or components thereof.

Valuation or value means, as applied to a building, the estimated cost to construct or replace the building in kind.

Variance. A variance shall mean relief granted from certain terms of this chapter. The relief granted shall be only to the extent as expressly allowed by this chapter and may be either an allowable exemption from certain provision(s) or a relaxation of the strict, literal interpretation of certain provision(s). Any relief granted shall be in accordance with the provisions as set forth in section 24-65 of this chapter, and such relief may be subject to conditions as set forth by the City of Atlantic Beach.

Vehicular use area (VUA) means those areas of a site to be used for off-street parking, employee parking, service drives, loading spaces and access drives within property located in the commercial and industrial zoning districts.

Vested development shall mean a proposed development project or an existing structure or use, which in accordance with applicable Florida law or the specific terms of this chapter, is exempt from certain requirements of these land development regulations and/or the comprehensive plan.

Veterinary clinic shall mean any building or portion thereof designed or used for the veterinary care, surgical procedures or treatment of animals, but shall not include the boarding of well animals.

Waiver shall mean a limited deviation from a specific provision(s) of this chapter or other land development regulations contained within City Code which may be approved by the City Commission pursuant to Section 24-66. A waiver shall not modify any requirement or term customarily considered as a variance.

Watercraft shall mean every type of boat or vessel or craft intended to be used or capable of being used or operated, for any purpose, on waters within the City of Atlantic Beach.

Wellfield means more than one (1) public potable water well owned by a public water supply utility in close proximity to each other.

Wellhead protection area means an area consisting of a 500-foot radial setback distance around a public potable water well or wellfield where the most stringent measures are provided to protect the ground water sources for a potable water well and includes the surface and subsurface area surrounding the well.

Wellhead protection area map means a map showing the location of the boundary of each of the wellhead protection areas in the city.

Wetland Buffer means a designated area contiguous or adjacent to a wetland that is required for the continued maintenance, function, and ecological stability of the wetland.

Wetlands shall mean those areas as defined by state law that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soils. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. The delineation of actual wetland boundaries and the jurisdictional authority of such areas may be made by professionally accepted methodology consistent with the type of wetlands being delineated but shall be consistent with any unified statewide methodology for the delineation of wetlands.

Xeriscape means water conserving landscape design utilizing native or drought tolerant vegetation and water efficient irrigation systems.

Yard means a required area on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery, landscape elements and uncovered steps, decks, balconies or porches not exceeding thirty (30) inches in height, or as otherwise provided for within this chapter.

Yard, front means the required yard extending across the full width of the lot, extending from the front lot line to the front building setback line as established by the zoning district designation.

Yard, rear means a required yard extending across the full width of the lot, extending between the rear lot line and the rear building setback line as established by the zoning district designation.

Yard, side means a required yard extending between a side lot line and the side building setback line as established by the zoning district designation.

Zoning map shall mean the official record of the City of Atlantic Beach depicting the zoning district classifications on property within the municipal limits of the City of Atlantic Beach.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-18. - Acronyms.

ADA	Americans with Disabilities Act
ADAAG	Accessibility Guidelines for Buildings and Facilities
BFE	Base Flood Elevation
BMP	Best Management Practice
BRL	Building Restriction Line

CBD	Commercial Business District
CCCL	Coastal Construction Control Line
CG	Commercial General
CL	Commercial Limited
CON	Conservation Zoning
CPO	Commercial, Professional Office
DCFS	Department of Children and Family Services
Duplex	Dwelling, Two Family
EIFS	Exterior Insulation and Finish Systems
FAC	Florida Administrative Code
FAR	Floor Area Ratio
FDEP	Florida Department of Environmental Protection
FDOT	Florida Department of Transportation
FEMA	Federal Emergency Management Agency
FFE	Finished Floor Elevation
FIRM	Flood Insurance Rate Map
GIS	Geographic Information Systems
GPH	Gallons per Hour
GPM	Gallons per Minute
IFAS	Institute of Food and Agricultural Sciences
ISR	Impervious Surface Ratio
LIW	Light Industrial Warehouse
MSL	Mean Sea Level
NGVD	National Geodetic Vertical Datum of 1929
NAVD	North American Vertical Datum of 1988
NPDES	National Pollutant Discharge Elimination Systems
OSB	Oriented Strand Board
PCPs	Permanent Control Points
PRM	Permanent Reference Monument
PUD	Planned Unit Development
RG	Residential, General, Two-Family
RG-M	Residential, General, Multi-Family
RS-1	Residential, Single-Family
RS-2	Residential, Single-Family
RS-L	Residential, Single Family, Large Lots
R-SM	Residential, Selva Marina
RV	Recreational Vehicle
SFHA	Special Flood Hazard Areas
SIC	Standard Industrial Classification
SJRWMD	St Johns River Water Management District
SP	Special Purpose
SPA	Special Planned Area
TMP	Traditional Marketplace
VUA	Vehicular Use Area

Secs. 24-19—24-30. - Reserved.

ARTICLE III. - ZONING REGULATIONS

DIVISION 1. - IN GENERAL

Sec. 24-31. - Scope.

The provisions of this chapter shall be administered in accordance with the rules set forth within this article and the detailed regulations governing each zoning district. Administrative procedures and the responsibilities of the City Commission, the community development director, and the Community Development Board are set forth herein. Procedures for the filing of applications, for amendments to this chapter, the appeal of decisions on any matter covered within this chapter and the land development regulations are also included herein.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Secs. 24-32—24-45. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 24-46. - City Commission.

It shall be the responsibility of the City Commission to perform the following duties and responsibilities in accordance with this chapter:

(a) To enforce this chapter in accordance with, and consistent with, the adopted comprehensive plan for the City of Atlantic Beach.

(b) To make amendments to the comprehensive plan, this chapter, the zoning map by a simple majority vote of the City Commission after holding required public hearings, and after considering a written recommendation from the Community Development Board performing its functions as the local planning agency.

(c) To approve or deny requests for subdivisions, plats and changes to plats and other previously approved special conditions of use or development in accordance with the requirements of this chapter after holding required public hearings and after considering a written recommendation from the Community Development Board where required by this chapter.

(d) To authorize limited waivers, on a case-by-case basis, from a specific provision(s) of the land development regulations as set forth within this chapter and as may be contained within other chapters of City Code.

(e) To establish fees related to the administrative costs of carrying out the requirements of this chapter.

(f) To appoint a community development director to administer the provisions of this chapter, who shall be the city manager or his designee.

(g) To hear and decide appeals where it is alleged there is an error in any order, requirement or administrative decision made by the community development director in the enforcement of this chapter or other provision of the Code of Ordinances regulating the use and development of land.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-47. - Community Development Board.

The Community Development Board shall be appointed by the City Commission. The organization and procedures under which this board operates, its arrangement of meetings, adoption of rules and its method of hearing and acting upon variances, uses-by-exception or other related matters shall be in conformity with the provisions as set forth within this chapter and chapter 14 of the City Code. It shall be the responsibility of the Community Development Board:

(a) To approve or deny use-by-exceptions and variances in accordance with the provisions of this chapter.

(b) To hear and make recommendations to the City Commission related to changes in zoning district classifications, and amendments to the comprehensive plan.

(c) Rulings and decisions of the Community Development Board shall Constitute rendition of such decisions and rulings and, unless a later dated written order is issued, the date of the meeting at which the decision or ruling was made shall be the effective date of such ruling or decision, subject to any timely filed appeals.

(d) The Community Development Board shall also serve as the Local Planning Agency for the City of Atlantic Beach and shall provide those functions as set forth in Chapter 163, Florida Statutes, as may be amended.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-48. - Community development director.

The community development director shall have the following authorities and responsibilities:

(a) To administer and implement this chapter and accomplish actions required by this chapter, including proper notices as specified in this chapter or as otherwise required and the receiving and processing of appeals.

(b) To provide written instructions to applicants related to the required process for requests as required under this chapter and to assist applicants in understanding the provisions of this chapter.

(c) To receive and initiate the processing of all zoning and land use related applications.

(d) To maintain all records relating to this chapter and its administration, as may be set forth in this chapter or otherwise be necessary.

(e) To recommend to the Community Development Board and the City Commission, amendments to this chapter, the zoning map, and the comprehensive plan, with a written statement outlining the need for such changes.

(f) To conduct necessary field inspections required to advise the Community Development Board and the City Commission related to zoning and land use matters.

(g) To review site development plans, applications for certain building permits, including site and lot plans, to determine whether the proposed construction, alterations, repair or enlargement of a structure is in compliance with the provisions of this chapter and the comprehensive plan. The building official's signature, stating approval, shall be required on all development plans before a building permit shall be issued.

(h) To grant administrative variances to dimensions or development design standards as set forth in this chapter, excluding changes to lot area, impervious surface area, height and

parking, provided the requested variance is not more than five (5) percent from the standard or requirement requested to be waived.

(i) To post signs and provide for proper published notice of zoning requests in accordance with section 24-51 and to forward appropriate agenda information to be considered at the regular scheduled meetings of the Community Development Board to members at least seven (5) days prior to the meeting date.

(j) To recommend for hire such persons as necessary to assist in the fulfillment of the requirements of the office and delegate to these employees the duties and responsibilities assigned to the community development director as may be necessary to carry out properly, the functions of the office.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-49. - Appeals.

Appeals of administrative decisions made by the community development director and appeals of final decisions of the Community Development Board may be made by adversely affected person(s) in accordance with the following provisions. Appeals shall be heard at a public hearing within a reasonable period of time with proper public notice, as well as due notice to the interested parties as set forth in Section 24-51 hereof. At the hearing, any party may appear in person, by agent or by attorney.

(a) *Appeals of administrative decisions of the community development director.* Appeals of a decision of the community development director may be made to the City Commission by any adversely affected person(s), or any officer, board or department of the city affected by a decision of the community development director made under the authority of this chapter.

Such appeal shall be filed in writing with the city clerk within thirty (30) days after rendition of the final order, requirement, ruling, decision or determination being appealed.

The community development director shall, upon notification of the filing of the appeal, transmit to the City Commission, all the documents, plans, or other materials constituting the record upon which the action being appealed was derived. A duly noticed public hearing, which shall be de novo, will be held by the City Commission at a date and time set by the City Manager or their designee, shall be scheduled within ten (10) business days from the date the appeal is filed.

(b) *Appeals of decisions of the Community Development Board.* Appeals of a decision of the Community Development Board may be made to the City Commission by any adversely affected person(s), any officer, board or department of the city affected by any decision of the Community Development Board made under the authority of this chapter. Such appeal shall be filed in writing with the city clerk within thirty (30) days after rendition of the final order, requirement, decision or determination being appealed. The appellant shall present to the City Commission a petition, duly verified, setting forth that the decision being appealed is in conflict with or in violation of this chapter, in whole or in part, and specifying the grounds of the conflict or violation. A duly notice public hearing, which shall be de novo, will be held by they City Commission at a date and time set by the City Manager or their designee, shall be scheduled within ten (10) business days from the date the appeal is filed.

(c) *Stay of work.* An appeal to the City Commission shall stay all work on the subject premises and all proceedings in furtherance of the action appealed, unless the Administrator shall certify to the City Commission that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by order, which may be granted by the City Commission after application to the officer from whom the appeal is taken and on due cause shown.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-50. - Vested rights.

(a) *Determination of vested rights.* The determination of vested rights shall be based upon factual evidence provided to the City of Atlantic Beach. Each vesting determination shall be based on an individual case-by-case basis. Applications for a determination of vested rights shall be submitted to the community development director, who shall issue a written order in response to each application consistent with Florida law and this section. The applicant shall have the burden of proof to demonstrate the entitlement to vested rights pursuant to the requirements of Florida law and shall provide all information as may be required. All development subject to an approved vested rights determination shall be consistent with the terms of the development approval upon which the vesting determination was based.

(b) *Expiration of vested rights.*

(1) Statutory vested rights determinations which have been recognized by the city, shall not have a specific expiration date unless specified in other ordinances, development permits or statutory limitations. Such vested rights may expire as otherwise allowed or required by applicable law.

(2) Common law vested rights determinations, which have been recognized by the city, shall remain valid for a period of up to five (5) years from the date the determination is made unless otherwise specified by the written order vesting determination, provided that the city may cancel and negate such vested rights prior to the expiration of said time period if it is demonstrated that the request for a vested rights determination was based on substantially inaccurate information provided by the applicant, or that the revocation of said vested rights is clearly established to be essential for the health, safety and welfare of the public.

(3) Requests to extend the time period of a vested rights determination shall be made to the City Commission and shall be granted only upon showing of good cause.

(c) *Appeals of vested determinations.* An appeal of a vested determination may be made in accordance with the prcesses of Section 242-49(a).

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-51. - Notice of public hearings.

(a) Except as provided in subsection (c) herein, the following procedures shall apply to ordinances that amend the text of the adopted comprehensive plan.

(1) *Public hearings.* The Community Development Board shall hold one (1) advertised public hearing and the City Commission shall hold two (2) advertised public hearings on proposed ordinances that amend the text of the adopted comprehensive plan.

The first public hearing at City Commission shall be held at the transmittal stage, prior to the transmittal of the proposed amendment to the state planning agency pursuant to F.S. § 163.3184. The second public hearing at City Commission shall be held at the adoption stage, within one hundred eighty (180) calendar days of receipt of any comments from the state planning agency, unless such time frame is extended pursuant to F.S. § 163.3184. Should the second public hearing at City Commission not be timely held, the amendment application shall be deemed withdrawn pursuant to F.S. § 163.3184. All public hearings shall be held on a weekday after 5:00 p.m.

(2) *Notice.* All notices regarding ordinances that amend the text of the adopted comprehensive plan, shall comply with the requirements of F.S. § 163.3184, and § 166.041, Florida Statutes, unless otherwise specified herein.

a. *Published notice.* At least ten (10) calendar days prior to each public hearing, the city manager or their designee shall have published an advertisement giving notice of the public hearing in accordance with Chapter 166, Florida Statutes.

The required advertisement shall be one-quarter (¼) page in a standard size or a tabloid size newspaper, and the headline in advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The notice shall be published in a newspaper of general circulation in the city. The notice shall state the date, time, place of the meeting, and the place or places within the city where the proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Advertisements for ordinances that amend the text of the adopted comprehensive plan shall be in substantially the following form:

NOTICE OF COMPREHENSIVE PLAN TEXT CHANGE

The City of Atlantic Beach proposes to adopt the following ordinance (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

b. *Mailed notice.* At least fourteen (14) calendar days prior to the first public hearing, notice shall be sent by U.S. mail to each real property owner whose land is subject to the proposed text change and also to owners whose land is within three hundred (300) feet of the subject parcel(s) and whose address is known by reference to the latest ad valorem tax records. The notice shall state the date(s), time(s), place(s) of the public hearing(s) and the place or places within the city where the application may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard regarding the application. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the city clerk.

(b) Except as provided in subsection (c) herein, the following procedures shall apply to ordinances that amend the future land use map series of the adopted comprehensive plan.

(1) *Public hearings.* The Community Development Board shall hold one (1) advertised public hearing and the City Commission shall hold two (2) advertised public hearings on proposed ordinances that amend the future land use map series of the adopted comprehensive plan.

The first public hearing at City Commission shall be held at the transmittal stage, prior to the transmittal of the proposed amendment to the state planning agency pursuant to F.S § 163.3184. The second public hearing at City Commission shall be held at the adoption stage, within one hundred eighty (180) calendar days of receipt of any comments from the state planning agency pursuant to F.S § 163.3184. All public hearings shall be held on a weekday after 5:00 p.m.

(2) *Notice.* All notices regarding ordinances that amend the future land use map series of the adopted comprehensive plan, shall be as required by F.S § 163.3184 and § 166.041 unless otherwise specified herein.

a. *Published notice.* At least ten (10) calendar days prior to each public hearing, the city manager or their designee shall have published an advertisement giving notice of the public hearing.

The required advertisement shall be one-quarter (¼) page in a standard size or a tabloid size newspaper, and the headline in advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The notice shall be published in a newspaper of general circulation in the city. The notice shall state the date, time, place of the meeting, and the place or places within the city where the proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Advertisements for ordinances that amend the future land use map series of the adopted comprehensive plan shall be in substantially the following form:

NOTICE OF FUTURE LAND USE MAP CHANGE

The City of Atlantic Beach proposes to adopt the following ordinance (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

The advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area. In addition to being published in the newspaper, the maps must be part of the online notice required pursuant to F.S. § 50.0211.

b. *Mailed notice.* At least fourteen (14) calendar days prior to the first public hearing, notice shall be sent by U.S. mail to each real property owner whose land is within three hundred (300) feet of the subject parcel(s) and whose address is known by reference to the latest ad valorem tax records. The notice shall state the date(s), time(s), place(s) of the public hearing(s) and the place or places within the city where the application may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard regarding the application. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the city clerk.

The following procedures shall apply to ordinances for small-scale comprehensive plan amendments that amend the future land use map series and related text amendments.

For site specific future land use map amendments involving the use of ten (10) acres or less and text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment, the following public hearing and notice requirements shall apply:

(1) *Public hearings.* The Community Development Board shall hold one (1) advertised public hearing and the City Commission shall hold two (2) advertised public hearings the latter of which shall be the adoption hearing as required by F.S. § 163.3187 and § 163.041. All public hearings shall be held on a weekday after 5:00 p.m.

(2) Notice. All notices regarding ordinances for small-scale comprehensive plan amendments that amend the future land use map series and related text amendments, shall be provided by the city manager or their designee as required by F.S. § 163.3187 and § 166.041, unless otherwise specified herein.

a. *Published notice.* At least ten (10) calendar days prior to each public hearing, an advertisement giving notice of the public hearing shall be published.

The required advertisement shall be one-quarter (¼) page in a standard size or a tabloid size newspaper, and the headline in advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The notice shall be published in a newspaper of general circulation in the city. The notice shall state the date, time, place of the meeting, and the place or places within the city where the proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Advertisements for ordinances for small-scale comprehensive plan amendments that amend the future land use map series and related text amendments shall be in substantially the following form:

NOTICE OF SMALL SCALE COMPREHENSIVE PLAN AMENDMENT

The City of Atlantic Beach proposes to adopt the following ordinance (title of ordinance).

A public hearing on the ordinance shall be held on (date and time) at (meeting place).

The advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area. In addition to being published in the newspaper, the maps must be part of the online notice required pursuant to F.S. § 50.0211.

b. *Mailed notice.* At least fourteen (14) calendar days prior to the first public hearing, notice shall be sent by U.S. mail to each real property owner whose land is within three hundred (300) feet of the subject parcel(s) and whose address is known by reference to the latest ad valorem tax records. The notice shall state the date(s), time(s), place(s) of the public hearing(s) and the place or places within the city where the application may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting(s) and be heard regarding the application. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the city clerk.

c. *Posted notice.* At least fourteen (14) calendar days prior to the first public hearing, a sign identifying the request, including date(s), time(s) and place(s) of the public hearing(s), shall be posted on the subject parcel. Such sign shall be erected in full view of the public street on each street side of the land subject to the application. Where the property subject to the request does not have frontage on a public street, a sign shall be erected at the nearest public right-of-way with an attached notation indicating the general direction and distance to the land subject to the application. Sign(s) shall be removed after a decision is rendered on the application. The failure of any such posted notice sign to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, nor shall it be grounds to challenge the validity of any decision made by the Community Development Board or the City Commission.

The following procedures shall apply to ordinances that change the text of the Land Development Regulations, other than those that revise the actual list of permitted, conditional or prohibited uses within a zoning category.

(1) *Public hearings.* The Community Development Board shall hold one (1) advertised public hearing and the City Commission shall hold two (2) advertised public hearings on proposed ordinances that change the text of the land development regulations, other than those that revise the actual list of permitted, conditional or prohibited uses within a zoning category. All public hearings shall be held on a weekday after 5:00 p.m.

(2) *Notice.* All notices regarding ordinances that change the text of the land development regulations, other than those that revise the actual list of permitted, conditional or prohibited uses within a zoning category, shall be in accordance with F.S. § 166.041, unless otherwise specified herein.

a. *Published notice.* At least ten (10) calendar days prior to each public hearing, the city manager or their designee shall have published an advertisement giving notice of the public hearing.

The required advertisement shall be one-quarter (¼) page in a standard size or a tabloid size newspaper, and the headline in advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The notice shall be published in a newspaper of general circulation in the city. The notice shall state the date, time, place of the meeting, and the place or places within the city where the proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Advertisements for ordinances that change the text of the land development regulations, other than those that revise the actual list of permitted, conditional or prohibited uses within a zoning category shall be in substantially the following form:

NOTICE OF LAND DEVELOPMENT REGULATIONS TEXT CHANGE

The City of Atlantic Beach proposes to adopt the following ordinance (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

b. *Mailed notice.* At least fourteen (14) calendar days prior to the first public hearing, notice shall be sent by U.S. mail to each real property owner whose land is subject to the proposed text change and also to owners whose land is within three hundred (300) feet of the subject parcel(s) and whose address is known by reference to the latest ad valorem tax records. The notice shall state the date(s), time(s), place(s) of the public hearing(s) and the place or places within the city where the application may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard regarding the application. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the city clerk.

(e) The following procedures shall apply to ordinances initiated by an applicant other than the city to change the actual official zoning map designation of a parcel or parcels.

(1) *Public hearings.* The Community Development Board shall hold one (1) advertised public hearing and the City Commission shall hold two (2) advertised public hearings on proposed ordinances initiated by an applicant other than the city to change the actual official zoning map designation of a parcel or parcels. All public hearings shall be held on a weekday after 5:00 p.m.

(2) *Notice.* All notices regarding ordinances initiated by an applicant other than the city to change the actual official zoning map designation of a parcel or parcels, shall be provided by the city manager or their designee in accordance with F.S. § 166.041, unless otherwise specified herein.

a. *Published notice.* At least ten (10) calendar days prior to each public hearing, an advertisement giving notice of the public hearing shall be provided.

The required advertisement shall be one-quarter (¼) page in a standard size or a tabloid size newspaper, and the headline in advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and

classified advertisements appear. The notice shall be published in a newspaper of general circulation in the city. The notice shall state the date, time, place of the meeting, and the place or places within the city where the proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Advertisements for ordinances initiated by an applicant other than the city to change the actual official zoning map designation of a parcel or parcels shall be in substantially the following form:

NOTICE OF ZONING MAP CHANGE

The City of Atlantic Beach proposes to adopt the following ordinance (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

The advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area. In addition to being published in the newspaper, the maps must be part of the online notice required pursuant to F.S. § 50.0211.

b. *Mailed notice.* At least fourteen (14) calendar days prior to the first public hearing, notice shall be sent by U.S. mail to each real property owner whose land is within three hundred (300) feet of the subject parcel(s) and whose address is known by reference to the latest ad valorem tax records. The notice shall state the date(s), time(s), place(s) of the public hearing(s) and the place or places within the city where the application may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard regarding the application. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the city clerk.

c. *Posted notice.* At least fourteen (14) calendar days prior to each public hearing, a sign identifying the request, including date(s), time(s) and place(s) of the public hearing(s), shall be posted on the subject parcel. Such sign shall be erected in full view of the public street on each street side of the land subject to the application. Where the property subject to the request does not have frontage on a public street, a sign shall be erected at the nearest public right-of-way with an attached notation indicating the general direction and distance to the land subject to the application. Sign(s) shall be removed after a decision is rendered on the application. The failure of any such posted notice sign to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, nor shall it be grounds to challenge the validity of any decision made by the Community Development Board or the City Commission.

(f) The following procedures shall apply to ordinances that change the text of the land development regulations to revise the actual list of permitted, conditional or prohibited uses within a zoning category.

(1) *Public hearings.* The Community Development Board shall hold one (1) advertised public hearing and the City Commission shall hold two (2) advertised public hearings on proposed ordinances that change the text of the land development regulations to revise the list of permitted, conditional or prohibited uses within a zoning category.

All public hearings shall be held on a weekday after 5:00 p.m. The second public hearing before the City Commission shall be held at least ten (10) calendar days after the first public hearing.

(2) *Notice.* All notices regarding ordinances that change the text of the land development regulations to revise the list of permitted, conditional, or prohibited uses within a zoning category, shall be in accordance with F.S. § 166.041, unless otherwise specified herein.

a. *Published notice.* At least ten (10) calendar days prior to each public hearing, the city manager or their designee shall have published an advertisement giving notice of the public hearing.

The required advertisement shall be one-quarter (¼) page, except that in no case shall it be less than two (2) columns wide by ten (10) inches long, in a standard size or a tabloid size newspaper, and the headline in advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the city and of general interest and readership in the city, not one (1) of limited subject matter, pursuant to Chapter 50, Florida Statutes The notice shall state the date, time, place of the public hearing; the title of the proposed ordinance and the place or places within the city where the proposed ordinance may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard regarding the proposed ordinance.

Advertisements for ordinances that change the text of the land development regulations to revise the actual list of permitted, conditional, or prohibited uses within a zoning category shall be in substantially the following form:

NOTICE OF LAND DEVELOPMENT REGULATIONS TEXT CHANGE

The City of Atlantic Beach proposes to adopt the following ordinance (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

b. *Mailed notice.* At least fourteen (14) calendar days prior to the first public hearing, notice shall be sent by U.S. mail to each real property owner whose land is subject to the proposed text change and also to owners whose land is within three hundred (300) feet of the subject parcel(s) and whose address is known by reference to the latest ad valorem tax records. The notice shall state the date(s), time(s), place(s) of the public hearing(s) and the place or places within the city where the application may be

inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard regarding the application. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the city clerk.

(g) The following procedures shall apply to ordinances initiated by the city that change the actual zoning map designation for a parcel or parcels of land involving ten (10) contiguous acres or more.

(1) *Public hearings.* The Community Development Board shall hold one (1) advertised public hearing and the City Commission shall hold two (2) advertised public hearings on proposed ordinances that change the actual zoning map designation for a parcel or parcels of land involving ten (10) contiguous acres or more.

All public hearings shall be held on a weekday after 5:00 p.m. The second public hearing before the City Commission shall be held at least ten (10) calendar days after the first public hearing.

(2) *Notice.* All notices regarding ordinances initiated by the city that change the actual zoning map designation for a parcel or parcels of land involving ten (10) contiguous acres or more, shall be provided by the city manager or their designee in accordance with F.S. § 166.041, unless otherwise specified herein.

a. *Published notice.* At least ten (10) calendar days prior to each public hearing, an advertisement giving notice of the public hearing shall be published.

The required advertisement shall be one-quarter (¼) page, except in no case shall it be less than two (2) columns wide by ten (10) inches long, in a standard size or a tabloid size newspaper, and the headline in advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the city and of general interest and readership in the city, not one of limited subject matter, pursuant to Chapter 50, Florida Statutes. The notice shall state the date, time, place of the public hearing; the title of the proposed ordinance and the place or places within the city where the proposed ordinance may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard regarding the proposed ordinance.

Advertisements for ordinances initiated by the city that change the actual zoning map designation for a parcel or parcels of land involving ten (10) contiguous acres or more shall be in substantially the following form:

NOTICE OF ZONING MAP CHANGE

The City of Atlantic Beach proposes to adopt the following ordinance (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

The advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area. In addition to being published in the newspaper, the maps must be part of the online notice required pursuant to F.S. § 50.0211.

b. *Mailed notice.* Each real property owner whose land the city will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records shall be notified by mail. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one (1) or more public hearings on such ordinance. Such notice shall be given at least thirty (30) calendar days prior to the date set for the first public hearing, and a copy of the notice shall be kept available for public inspection during the regular business hours of the office of the city clerk.

(h) The following procedures shall apply to ordinances initiated by the city that change the actual zoning map designation for a parcel or parcels of land involving less than ten (10) contiguous acres.

(1) *Public hearings.* The Community Development Board shall hold one (1) advertised public hearing and the City Commission shall hold two (2) advertised public hearings on proposed ordinances initiated by the city that change the actual zoning map designation for a parcel or parcels of land involving less than ten (10) contiguous acres. All public hearings shall be held on a weekday after 5:00 p.m.

(2) *Notice.* All notices regarding ordinances initiated by the city that change the actual zoning map designation for a parcel or parcels of land involving less than ten (10) contiguous acres, shall be provided by the city manager or their designee in accordance with F.S. § 166.041, unless otherwise specified.

a. *Published notice.* At least ten (10) calendar days prior to each public hearing, an advertisement giving notice of the public hearing shall be published.

The required advertisement shall be one-quarter (¼) page in a standard size or a tabloid size newspaper, and the headline in advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The notice shall be published in a newspaper of general circulation in the city. The notice shall state the date, time, place of the meeting, and the place or places within the city where the proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

Advertisements for ordinances initiated by the city that change the actual zoning map designation for a parcel or parcels of land involving less than ten (10) contiguous acres shall be in substantially the following form:

NOTICE OF ZONING MAP CHANGE

The City of Atlantic Beach proposes to adopt the following ordinance (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

The advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area. In addition to being published in the newspaper, the maps must be part of the online notice required pursuant to F.S. § 50.0211.

b. *Mailed notice.* Each real property owner whose land the city will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records shall be notified by mail. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one (1) or more public hearings on such ordinance. Such notice shall be given at least thirty (30) calendar days prior to the date set for the first public hearing, and a copy of the notice shall be kept available for public inspection during the regular business hours of the office of the city clerk.

(i) The following procedures shall apply to applications for variances and uses-by-exceptions.

(1) *Public hearings.* The Community Development Board shall hold one (1) advertised public hearing on applications for variances and uses-by-exceptions. The public hearing shall be held on a weekday after 5:00 p.m.

(2) *Notice.* Notice of all public hearings for applications for variances and uses-by-exception shall be provided by the city manager or their designee in accordance with the following provisions:

a. *Published notice.* At least ten (10) calendar days prior to the public hearing, an advertisement giving notice of the public hearing shall be published. The advertisement shall be placed in a newspaper of general paid circulation in the city and of general interest and readership in the city, not one of limited subject matter, pursuant to Chapter 50, Florida Statutes. The notice shall state the date, time, place of the public hearing and the place or places within the city where the application may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard regarding the application.

b. *Mailed notice.* At least fourteen (14) calendar days prior to the public hearing, notice shall be sent by U.S. mail to each real property owner whose land is within three hundred (300) feet of the subject parcel(s) and whose address is known by reference to the latest ad valorem tax records. The notice shall state the date, time, place of the public hearing and the place or places within the city where the application may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard regarding the application. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the city clerk.

c. *Posted notice.* At least fourteen (14) calendar days prior to the public hearing, a sign identifying the request, including date, time and place of the public hearing, shall be posted on the subject parcel. Such sign shall be erected in full view of the public street on each street side of the land subject to the application.

Where the property subject to the request does not have frontage on a public street, a sign shall be erected at the nearest public right-of-way with an attached notation indicating the general direction and distance to the land subject to the application. Sign(s) shall be removed after a decision is rendered on the application. The failure of any such posted notice sign to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, nor shall it be grounds to challenge the validity of any decision made by the Community Development Board.

(j) Applications for waivers.

(1) *Public hearings.* The City Commission shall hold one (1) advertised public hearing on applications for waivers. The public hearing shall be held on a weekday after 5:00 p.m.

(2) *Notice.* Notice of all public hearings for applications for waivers shall be provided by the city manager or their designee in accordance with the following provisions:

a. *Published notice.* At least ten (10) calendar days prior to the public hearing, an advertisement giving notice of the public hearing shall be published. The advertisement shall be placed in a newspaper of general paid circulation in the city and of general interest and readership in the city, not one of limited subject matter, pursuant to Chapter 50, Florida Statutes. The notice shall state the date, time, place of the public hearing and the place or places within the city where the application may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard regarding the application.

b. *Mailed notice.* At least fourteen (14) calendar days prior to the public hearing, notice shall be sent by U.S. mail to each real property owner whose land is within three hundred (300) feet of the subject parcel(s) and whose address is known by reference to the latest ad valorem tax records. The notice shall state the date, time, place of the public hearing and the place or places within the city where the application may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard regarding the application. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the city clerk.

c. *Posted notice.* At least fourteen (14) calendar days prior to the public hearing, a sign identifying the request, including date, time and place of the public hearing, shall be posted on the subject parcel. Such sign shall be erected in full view of the public street on each street side of the land subject to the application. Where the property subject to the request does not have frontage on a public street, a sign shall be erected at the nearest public right-of-way with an attached notation indicating the general direction and distance to the land subject to the application. Sign(s) shall be removed after a decision is rendered on the application. The failure of any such posted notice sign to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, nor shall it be grounds to challenge the validity of any decision made by the City Commission.

(k) Appeals. The following procedures shall apply to timely filed appeals from decisions made by the community development director or from the community development board.

(1) *Public hearing.* The City Commission shall hold one (1) advertised public hearing on timely filed appeals from decisions made by the community development director or from the community development board. The hearing shall be de novo.. All public hearings shall be held on a weekday after 5:00 p.m.

(2) *Notice.* Notice of all public hearings for appeals shall be provided by the city manager or their designee in accordance with the following provisions:

a. *Published notice.* At least ten (10) calendar days prior to the public hearing, an advertisement giving notice of the public hearing shall be published. The advertisement shall be placed in a newspaper of general paid circulation in the city and of general interest and readership in the city, not one of limited subject matter, pursuant to Chapter 50, Florida Statutes. The notice shall state the date, time, place of the public hearing and the place or places within the city where the appeal documents may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard regarding the appeal.

b. *Posted notice.* At least fourteen (14) calendar days prior to the public hearing, a sign identifying the appeal, including date(s), time(s) and place(s) of the public hearing, shall be posted on the subject parcel. Such sign shall be erected in full view of the public street on each street side of the land subject to the application. Where the property subject to the appeal does not have frontage on a public street, a sign shall be erected at the nearest public right-of-way with an attached notation indicating the general direction and distance to the land subject to the appeal. Sign(s) shall be removed after a decision is rendered on the appeal. The failure of any such posted notice sign to remain in place after the notice has been posted shall not be deemed a failure to comply with this requirement, nor shall it be grounds to challenge the validity of any decision made by the City Commission.

(l) Contest. If no adversely affected party contests the issue of proper notice within thirty (30) calendar days of the City Commission or the Community Development Board rendering its decision, then notice shall be deemed to be in compliance with this section.

(Ord. No. 90-18-231, § 1(Exh. A), 4-9-18)

Secs. 24-52—24-59. - Reserved.

DIVISION 3. - APPLICATION PROCEDURES

Sec. 24-60. - Amendment and repeal.

(a) The City Commission may from time to time amend, supplement or repeal these land development regulations, the zoning district classifications and boundaries, and the restrictions as set forth within this chapter.

(b) Proposed changes and amendments may be recommended by the City Commission, the Community Development Board, a property owner for his own land, or by petition of the owners of fifty-one (51) percent or more of the area involved in a proposed district boundary change, or the community development director.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-61. – Process chart.

The following chart indiacates which entity has approval authourity for various development permit orders.

APPROVAL AUTHORITY

	Staff	Community Development Board	City Commission
Zoning change		X	X
Use-by-exception		X	
Administrative variance	X		
Variance		X	
Waiver			X

Figure 1 Approval Authority

Sec. 24-62. - Change in zoning district classification.

The following steps shall be followed to request a change in zoning district and zoning map classification.

(a) All applications shall be filed with the community development director on the proper form and shall only be accepted when filed by the owner of the property or their authorized agent.

(b) The application submitted shall include the following information:

(1) The legal description, including the lot and block numbers, of the property to be rezoned;

(2) The names and addresses of all owners of the subject property;

(3) Existing and proposed zoning district classification of the property;

(4) A statement of the petitioner's interest in the property to be rezoned, including a copy of the last recorded warranty deed; and

a. If joint and several ownership, a written consent to the rezoning petition by all owners of record; or

b. If an authorized agent, a notarized notice of agent authorization signed by all owners of record; or

c. If a corporation or other business entity, the name of the officer or person responsible for the application and written proof that said representative has the delegated authority to represent the corporation or other business entity, or in lieu thereof, written proof that the person is, in fact, an officer of the corporation; or

d. A statement of special reasons and need for and for justification to support the rezoning as requested;

e. Payment of the official filing fee as set by the City Commission;

f. The signature of each owner of the lands sought to be rezoned.

(c) After the community development director has received the a complete application, the request shall be placed on the agenda of the next meeting of the Community Development Board, provided that the request is received at least thirty (30) days prior to the meeting. The Community Development Board shall review each request for rezoning, and conduct a public hearing after due public notice in accordance with Section 24-51. The community development director shall make a written recommendation to the City Commission. The written report and recommendation shall:

(1) Show that the Community Development Board has studied and considered the need and justification for the change.

(2) Indicate the relationship of the proposed rezoning to the comprehensive plan and future land use map and for the city and provide a finding that the requested change in zoning is consistent with the future land use map and comprehensive plan.

(3) Submit such findings and a recommendation in support of or opposition to the requested rezoning to the City Commission not more than sixty (60) days from the date of public hearing before the Community Development Board.

(d) The City Commission shall review the recommendations made by the Community Development Board and hold two public hearings, with notice as set forth within section 24-51, to consider the request.

(e) Following the public hearings, the City Commission, by ordinance, may change the zoning district classification of said property, or it may deny the petition. In the case of denial, the City Commission shall thereafter take no further action on another application for substantially the same proposal, on the same property, until after three hundred sixty-five (365) days from the date of the denial.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-63. - Use-by-exception.

The following steps shall be required to request a use-by-exception. A use-by-exception may be approved only for those uses and activities, which are expressly identified as a possible use-by-exception within a particular zoning district:

(a) All applications shall be filed with the community development director on the proper form and said application shall only be accepted when filed by the owner of the property or his authorized agent.

(b) The application shall include the following information:

(1) The legal description of the property where the –use-by-exception is to be located.

(2) A survey.

(3) A site plan.

(4) The names and addresses of all owners of the subject property.

(5) A description of the use-by-exception desired, which shall specifically and particularly describe the type, character and extent of the proposed use-by-exception.

(6) The reason for and justification to support the application for the use-by-exception.

(7) The signature of the owner, or the signature of the owner's authorized agent, and written authorization by the owner for the agent to act on the behalf of the property owner.

(8) Payment of the official filing fee as set by the City Commission.

(c) After the community development director has received a complete application, the request shall be placed on the agenda of the next available meeting of the Community Development Board. The Community Development Board shall review each request for a use-by-exception and conduct a public hearing after due public notice in accordance with Section 24-51.

(d) The review of any application for a use-by-exception shall consider each of the following:

(1) Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

(2) Off-street parking and loading spaces, where required, with particular attention to the items in subsection (1) above.

(3) The potential for any adverse impacts to adjoining properties and properties generally in the area resulting from excessive noise, glare and lighting, odor, traffic and similar characteristics of the use-by-exception being requested.

(4) Refuse and service areas, with particular reference to items subsections (1) and (2) above.

(5) Utilities, with reference to locations, availability and compatibility.

(6) Screening and buffering, with reference to type, dimensions and character.

(7) Signs, if any, and proposed exterior lighting, with reference to glare, traffic safety, economic effects and compatibility and harmony with properties in the district (see "Signs and advertising," chapter 17).

(8) Required yards, impervious surface ratios and other open space regulations.

(9) General compatibility with adjacent properties and other property in the surrounding Zoning District as well as consistency with applicable provisions of the comprehensive plan.

(10) For those properties within the commercial corridors, consistency with the intent of section 24-171, commercial corridor development standards.

(11) Number of similar businesses that exist in the area with consideration that such uses are intended to be an exception and not to excessively proliferate in one (1) area of the city.

(e) The Community Development Board shall take into consideration all relevant public comments, written or made at thehearing, staff report, testimony and competent and substantial evidence, and shall deny, approve, or approve with conditions, the application for use-by-exception. The final order of the Community Development Board shall state specific reasons and findings of fact, upon which the decision to approve or deny has been based.

(f) The Community Development Board may, as a condition to the granting of any use-by-exception, impose such conditions, restrictions or limitations in the use of the premises, or upon the use thereof as requested in the application, as the Community Development Board may deem appropriate and in the best interests of the city, taking into consideration matters of health, safety and welfare of the citizens, protection of property values and other considerations material to good land use and planning principles and concepts.

(g) Any use-by-exception granted by the Community Development Board shall permit only the specific use or uses described in the application as may be limited or restricted by the terms and provisions of the final order of approval. Any expansion or extension of the use of such premises, beyond the scope of the terms of the approved use-by-exception, shall be unlawful and in violation of this chapter and shall render the use-by-exception subject to suspension or revocation by the Community Development Board.

(h) The Community Development Board may suspend or revoke a use-by-exception permit following notice and hearing pursuant to Sec. 24-51(i) where the Community Development Board determines that the use has become a public or private nuisance because of an improper, unauthorized or other unlawful use of the property.

(i) Any use-by-exception decision by the Community Development Board may be appealed to the City Commission pursuant to Sec. 24-49 of this Code.

(j) Should the City Commission deny the exception, the Community Development Board shall take no further action on another application for substantially the same use on the same property for three hundred sixty-five (365) days from the date of said denial.

(k) The nonconforming use of neighboring lands, structures or buildings in the same zoning district, or the permitted use of lands, structures or buildings in other zoning districts shall not be considered as justification for the approval of a use-by-exception.

(l) Unless expressly approved otherwise by the Community Development Board or upon appeal, by the City Commission, the use-by-exception shall be granted to the applicant only and shall not run with the title to the property.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-64. – Administrative variances.

Administrative variances (minor variances) may be requested and granted by the Community Development Director only one (1) time for any particular requirement on a single property within a five (5) year time period and shall be granted only with written justification as set forth within subsection 24-65(d) or as demonstrated to preserve a regulated tree. Where such variances are requested for side setbacks on both sides of a parcel, the cumulative to be waived shall not exceed five (5) percent of the required setback for a single side. For example, where the required side setback is a combined fifteen (15) feet, the maximum permitted to be waived on a single side or cumulatively on both sides is nine (9) inches. Similarly, for 20-foot front and rear

setbacks, the maximum permitted to be waived on either the front or rear or in combination is twelve (12) inches.

Administrative variances may also be authorized where an inadvertent surveying error has resulted in placement of a building not more than four (4) inches outside of a required building setback line. In such cases, a letter of explanation shall be provided by the surveyor, which shall remain part of the building permit file.

Sec. 24-65. - Variances.

The Community Development Board is authorized to grant relief from the strict application of certain land development regulations where, due to an exceptional situation, adherence to the land development regulations results in "exceptional practical difficulties or undue hardship" upon a property owner. Examples of land development standards for which a variance may be authorized include but are not limited to:

- Parking standards
- Drive aisle width
- Setbacks
- Landscaping
- Fence height
- Impervious surface

However, variance are not authorized to reduce minimum lot area, minimum lot width or lot depth, nor increase maximum height of building as established for the various zoning districts. Further, a variance shall not modify the permitted uses or any use terms of a property.

In most cases, exceptional practical difficulties or undue hardship results from physical characteristics that make the property unique or difficult to use. The applicant has the burden of proof. The Community Development Board must determine that granting the request would not cause substantial detriment to the public good and would not be inconsistent with the general intent and purpose of the land development regulations.

A variance may be sought in accordance with this section. Applications for a variance may be obtained from the community development department.

(a) *Application.* A request for a variance shall be submitted on an application form as provided by the city and shall contain each of the following:

(1) A legal description of the property for which the variance is requested.

(2) A reasonable statement describing the reasons and justification for the variance.

(3) A survey or lot diagram indicating setbacks, existing and proposed construction, as well as other significant features existing on the lot.

(4) The signature of the owner, or the signature of the owner's authorized agent. Written and notorized authorization by the owner for the agent to act on the behalf of the property owner shall be provided with the application.

(b) *Public hearing.* Upon receipt of a complete and proper application, the community development director shall within a reasonable period of time schedule the application for a public hearing before the Community Development Board following required public notice as set forth in Section 24-51. At the public hearing, the applicant may appear in person and/or may be represented by an authorized agent.

(1) Applications for a variance shall be considered on a case-by-case basis and shall be approved only upon findings of fact that the application is consistent with the definition of a variance and consistent with the provisions of this section.

(2) The Community Development Board shall not grant a variance, which would allow a use that is not a permitted use, or a permitted use-by-exception in the applicable zoning district. In the case of an application for a use-by-exception that is considered concurrently with an application for a variance, approval of the variance shall be contingent upon approval of the use-by-exception by the Community Development Board. In the event, that the use-by-exception is denied by the Community Development Board, any approved variance shall be rendered null and void.

(3) The Community Development Board shall not approve any variance that would allow a use that is prohibited by the terms of this chapter or by the comprehensive plan.

(4) The nonconforming use of adjacent or neighboring lands, structures or buildings shall not be considered as justification for the approval of a variance.

(5) Variances shall not be granted solely for the personal comfort or convenience, for relief from financial circumstances, or for relief from situation created by the property owner.

(c) *Grounds for approval of a variance.* The Community Development Board shall find that one or more of the following factors exist to support an application for a variance:

(1) Exceptional topographic conditions of or near the property.

(2) Surrounding conditions or circumstances impacting the property disparately from nearby properties.

(3) Exceptional circumstances preventing the reasonable use of the property as compared to other properties in the area.

(4) Onerous effect of regulations enacted after platting or after development of the property or after construction of improvements upon the property.

(5) Irregular shape of the property warranting special consideration.

(6) Substandard size of a lot of record warranting a variance to provide for the reasonable use of the property.

In the event the Community Development Board finds that none of the above exist, then the Community Development Board shall deny the variance.

(d) *Approval of a variance.* To approve an application for a variance, the Community Development Board shall find that the request is in accordance with the preceding terms and provisions of this section and that the granting of the variance will be in harmony with the purpose and intent of this chapter. In granting a variance, the Community Development Board may prescribe appropriate conditions in conformance with and to maintain consistency with City Code. Violation of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter, and shall be subject to established code enforcement procedures.

(e) *Approval of lesser variances.* The Community Development Board shall have the authority to approve a lesser variance than requested if a lesser variance shall be more appropriately in accord with the terms and provisions of this section and with the purpose and intent of this chapter.

(f) *Nearby nonconformity.* Nonconforming characteristics of nearby lands, structures or buildings shall not be grounds for approval of a variance.

(g) *Waiting period for re-submittal.* If an application for a variance is denied by the Community Development Board, no further action on another application for substantially the same request on the same property shall be accepted for three hundred sixty-five (365) days from the date of denial.

(h) *Time period to implement variance.* Unless otherwise stipulated by the Community Development Board, the work to be performed pursuant to a variance shall begin within twelve (12) months from the date of approval of the variance. The community development director, upon finding of good cause, may authorize a one-time extension not to exceed an additional twelve (12) months, beyond which time the variance shall become null and void.

(i) *Transferability.* A variance, which involves the development of land, shall be transferable and shall run with the title to the property unless otherwise stipulated by the Community Development Board.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-66. - Waiver.

(a) *General.* Except for those waivers authorized by sec. 24-191, where the City Commission finds that undue hardship due to unreasonable practical difficulties may result from strict compliance with this chapter, the City Commission may approve a waiver.

(b) *Conditions of waiver.* An applicant seeking a waiver shall submit to the City Commission a written request for the waiver stating the reasons for the waiver and the facts, which support the waiver. The City Commission shall not approve a waiver unless:

(1) That compliance with such provision(s) would be unreasonable.

(2) That compliance with such provision(s) are in conflict with the public interest; or

(3) That compliance with such provision(s) are a practical impossibility.

(c) A waiver shall not modify any requirement or term customarily considered as a variance.

(d) A waiver shall be considered only in cases where alternative administrative procedures are not set forth within the City Code of Ordinances.

(e) A waiver from the land development regulations may be approved only upon showing of good cause, and upon evidence that an alternative to a specific provision(s) of this chapter shall be provided, which conforms to the general intent and spirit of these land development regulations. In considering any request for a waiver from these land development regulations, the city commission may require conditions as appropriate to ensure that the intent of these land development regulations is enforced.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-67. - Development, construction and storage within zoning districts.

(a) *Temporary construction trailers or structures.*

(1) Subject to the following provisions, any person may obtain a building permit for the construction and/or use of a temporary trailer or structure to be used only as a construction shed and tool house for contractors and construction workers on the site

and limited to the time period of construction. This temporary trailer or structure shall not be placed or erected on the property prior to the issuance of a building permit for the applicable construction and shall be immediately removed upon completion of the construction project or in the absence of a valid, unexpired building permit.

(2) It shall be a violation of this section for any person to use the construction trailer or structure for sales purposes without first applying to and receiving written permission from the building official.

(3) Construction trailers and structures shall not be used for the purpose of living quarters, and the trailers or structures shall have upon the unit, or attached thereto, an identification sign designating the owner or company and the words "construction office" in full view.

(b) *Temporary storage structures and uses.* Enclosed portable structures intended only for temporary storage may be used subject to the following provisions:

(1) Within all residential zoning districts, enclosed portable structures intended only for the temporary storage of personal household belongings of occupants of the property may be placed on the property for a period not to exceed four (4) days or ninety-six (96) hours. Registration with the Community Development Director shall be required for each such use of any temporary storage structures.

(2) In the event of damage to a residential dwelling by fire, storm, flood, or other such property loss, this period of time may be extended to ten (10) days upon request to and written approval of the city manager.

(3) Within all nonresidential zoning districts, enclosed portable structures intended only for storage, may be used for temporary storage of items related to the business located on the property, for a period not to exceed thirty (30) days. Such structures shall not be located within required front yards and shall not be used to store any chemical, hazardous, flammable or combustible materials.

(c) *All structures.* All temporary and portable storage structures, construction trailers and similar structures, shall be constructed, altered, repaired, enlarged, placed, moved or demolished in accordance with applicable provisions of the Florida Building Code as well as all applicable federal, state and local regulations applying to the use and development of land. The issuance of building permits, where required, verifying such compliance shall be administered by the building official.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-68. - Stormwater, drainage, storage and treatment requirements.

(a) *Topography and grading.* All lots and development sites shall be constructed and graded in such a manner so that the stormwater drains to the adjacent street, an existing natural element used to convey stormwater (see Definitions: Stormwater management system), or a city drainage structure after meeting onsite storage requirements, as set forth within this section. The city shall be provided with a pre-construction topographical survey prior to the issuance of a development permit and a post-construction topographical survey prior to the issuance of a certificate of occupancy. Elevations in all topographic surveys will be referenced to NAVD 1988. Said surveys shall be signed and sealed by a licensed Florida surveyor.

Except as required to meet coastal construction codes as set forth within a valid permit from the Florida Department of Environmental Protection; or as required to meet applicable flood zone or

stormwater regulations as set forth herein, the elevation or topography of a development or redevelopment site shall not be altered.

(b) *Onsite storage.* Except as provided herein, an applicant shall be required to provide onsite storage of stormwater for all development and redevelopment projects, and for any addition or modification that increases the impervious surface area on a developed lot by more than two hundred fifty (250) square feet. Any modification or replacement of driveway and sidewalk areas only on a developed lot shall not require onsite storage improvements provided the modification or replacement does not alter the footprint of the existing driveway or sidewalk area. Applicants shall provide documentations and calculations to demonstrate compliance with submittal of applications for construction. Development projects previously permitted by the St. Johns River Water Management District (SJRWMD), which have an in-compliance existing retention or detention system that collects and controls stormwater as of February 25, 2019 are exempt from further onsite storage requirements; provided, however, a copy of the Engineer's Certification of As-Built Construction to the SJRWMD must be submitted to the city before issuing building permits for individual lot construction may be issued. When onsite storage is required for any new development or redevelopment, or any addition or modification, an as-built survey, signed and sealed by a licensed Florida surveyor, documenting proper construction and required volume of the storage system, must be submitted to and approved by the director of public works prior to permit closeout or issuance of a certificate of occupancy. For an under-ground system, a notarized letter from the general contractor, along with as-built plans and construction photographs, will be sufficient to document proper construction. In addition, a declaration of restrictive covenant, in recordable form and approved by the city, identifying and describing the required on-site storage improvements to be maintained, shall be executed and recorded in the public records of Duval County, Florida, by the owner of the subject parcel and shall be binding on successors and assigns, prior to permit closeout or issuance of a certificate of occupancy.

Volume calculations for any projects that require onsite storage shall be based on the following calculation:

V=CAR/12, where

V = volume of storage in cubic feet,

A = total impervious area,

R = 25-year and 24-hour rainfall depth (9.3 inches) over the lot area, and

C = runoff coefficient, which is 0.92 which is the difference between impervious area (C=1.0) and undeveloped conditions (C=0.08).

This volume must be stored at least one (1) foot above the wet season water table and below the overflow point to offsite (in many cases this may be the adjacent road elevation). As an option, and as approved by the director of public works, an applicant may implement, at the applicant's cost, offsite storage and necessary conveyance to control existing flood stages offsite, provided documentation showing appropriate authorization for the off-site use and meeting the requests of this section is submitted and approved by the city.

(c) *Floodplain storage.* There shall be no net loss of storage for areas in a Special Flood Hazard Area (100-year floodplain), where a base flood elevation has been defined by the Federal Emergency Management Agency (FEMA) on flood insurance rate maps (FIRMs). Site grading shall create storage onsite to mitigate for filling of volume onsite. This storage is in

addition to the storage required for the increase in impervious surface area. The applicant shall provide signed and sealed engineering plans and calculations documenting that this "no net loss" requirement is met.

(d) *Stormwater treatment.* For all new development or redevelopment of existing properties, excluding single- and two-family uses, where construction meets limits for requiring building code upgrades, stormwater treatment shall be provided for a volume equivalent to either retention or detention with filtration, of the runoff from the first one (1) inch of rainfall; or as an option, for facilities with a drainage area of less than one hundred (100) acres, the first one-half (½) inch of runoff pursuant to Chapter 62-330, Florida Administrative Code (FAC). No discharge from any stormwater facility shall cause or contribute to a violation of water quality standards as provided in Section 62.302 of the FAC. This treatment volume can be included as part of the onsite storage requirement in item d(2) [subsection (b)] of this section.

(e) *NPDES requirements.* All construction activities shall be in conformance with the city's National Pollutant Discharge Elimination Systems (NPDES) permit, in addition to the requirements of the St. Johns River Water Management District and the Florida Department of Environmental Protection. NPDES requirements include use of best management practices (BMPs) prior to discharge into natural or artificial drainage systems. All construction projects of one (1) acre or more require a stand-alone NPDES permit. Site clearing, demolition and construction on any size site may not commence until site inspection and approval of the proper installation of a required best management practices erosion and sediment control plan is completed.

(f) *Enforcement.* Subsequent to approval of a property owner's final grading, including onsite and/or floodplain storage and stormwater treatment and closeout of the applicable permit or issuance of certificates of occupancy, the improvements shall be maintained by the property owner. In order to ensure compliance with the provisions of this section and the requirements to maintain onsite stormwater improvements over time, the City is authorized to conduct inspections of property, upon reasonable notice and at reasonable times, for the purpose of inspecting said property and/or onsite storage improvements for compliance with this section and with any applicable conditions of previously issued permits. Failure to maintain the improvements will require restoration upon notification by the director of public works, within a stipulated time frame. If restoration is not timely completed, the city shall have the right to complete the restoration, and the city's actual cost incurred, together with a charge of one hundred (100) percent of said costs to cover the city's administrative expenses, shall be charged to the then owner of the property.

(g) *Variances to impervious surface area limits.* Variances to impervious surface limits shall be subject to the provisions in Section 24-64. Impervious surface requirements shall not be eligible for relief via waivers from the City commission.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-69. - Development review and issuance of development permits.

(a) *Purpose.* The purpose of this section shall be to establish procedures for the submittal, review and approval of construction plans, and the issuance of development permits.

(b) *Procedures.* Plans prepared according to the requirements set forth within this section shall be submitted to the building department for distribution, review and comment from appropriate departments of the city. Plans may be denied if they do not meet the intent or the requirements of this section and this chapter andthe Florida Building Code.

(c) *Site development plan required.* A site development plan, drawn at a clear and legible scale, shall be required for all development and redevelpment, other than interior renovations and fences, in accordance with the following provisions:

(1) Single-family, two-family (duplex) or two-unti townhouse and exterior structural alterations or additions thereto, including swimming pools and accessory structures. A certified survey and site development plan accompanied by the required application form and review fee as established by the City Commission shall be submitted to the building department. Each of the following items shall be addressed:

a. All driveways and parking.

b. All existing and proposed structures.

c. Setbacks, any platted building restriction lines and height of buildings.

d. Any jurisdictional wetlands or coastal construction control line, water bodies, any required buffers or significant environmental features.

e. A pre-construction topographical survey.

f. A summary table showing proposed impervious surface area, including all structures, walkways, driveways, parking and equipment pads and any other surface defined as impervious in section 24-17, and conceptual stormwater requirements in accordance with section 24-68.

g. Other information as may be appropriate for the purposes of preliminary review.

(2) Multi-family, commercial and industrial uses and exterior structural alterations or additions thereto. A certified survey and preliminary site development plan accompanied by the required application form and review fee as established by the City Commission shall be submitted the building department. The site development plan shall depict the entire tract proposed for development and shall be drawn at a scale sufficient to depict all required information in a clear and legible manner. Each of the following items shall be provided as appropriate to the project and as further set forth within the application for a particular form of development permit as provided by the building official:

a. Project boundary with bearings and distances.

b. Legal description, including property size.

c. Location of all structures, temporary and permanent, including setbacks, building height, number of stories and square footage (identify any existing structures and uses).

d. Project layout, including roadways, any easements, parking areas, driveway connections, sidewalks, vehicular and pedestrian circulation.

e. Existing driveways and roadways within three hundred (300) feet of project boundary.

f. Existing and proposed right-of-way improvements.

g. Conceptual stormwater management plan addressing drainage patterns, retention/detention areas, provisions for utilities, including a pre-construction topographical survey, pursuant to subsection 24-68..

h. Environmental features, including any jurisdictional wetlands, CCCL, natural water bodies, open space, buffers and vegetation preservation areas. For projects not

meeting the thresholds requiring an environmental resource permit from the St. John's River Water Management District, provide conceptual plans showing how project intends to meet the stormwater retention and treatment requirements of sections 24-68).

i. General notes shall include: total project area; impervious surface area; building square footage separated by type of use(s) if applicable; parking calculations; project phasing; zoning district classification and any conditions or restrictions.

j. Other information as may be appropriate for the purposes of preliminary review.

(d) *Review and approval of development permit applications.* An application for a development permit shall include a development plan (consisting of the items described in Section 24-69 (c) above) and all required information including construction plans that demonstrate compliance with all applicable federal, state, and local land development regualtions and permitted requirements. Completed applications shall be submitted to thte building department for distribution and reviewed by the appropriate city departments. Upon approval of construction plans and development plans by reviewing departments and payment of required fees, development permits may be issued, and construction plans shall be released for construction.

(e) In the case that an applicant fails to make a good faith effort to timely response to requests for additional information after any application for a development permit is submitted, plans shall remain valid for a period of six (6) months, after the date of latest comments by the city, after which time new plans and a new review fee shall be required.

(f) *Expiration of approved of construction plans.* Approved construction plans shall be claimed within ninety (90) days of notice of approval or completed comments, or said plans shall be considered to have expired. Upon expiration, a new submittal and review with applicable fees shall be required. Development review comments shall expire six (6) months from the date that comments are provided to the applicant.

(g) *Expiration of development permits.* Development permits shall expire on the six-month anniversary of the date such permits were issued unless development has commenced and continued in good faith. Commencement shall mean the issuance of a valid building permit and the development permit shall remain active along with the building permit. Failure to maintain an active building permit will cause the development permit to expire.

(h) *Retention of expired plans.* Any construction plans and supporting documents which have expired shall be discarded following effort to notify the applicant by the building department. It shall not be the responsibility of the city to store or retain expired construction plans.

(i) *Changes to approved plans.* Applicants must submit to the city any and all proposed changes to approved plans including, but not limited to, changes required by other regulatory agencies such as the St. John's River Water Management District, Florida Department of Environmental Protection or Florida Department of Transportation. Failure to provided changes to the city for review may result in a stop work order being issued if construction deviates from the approved plans on file with the city.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-70. - Land clearing and alteration of site grade or topography.

No lands shall be cleared, grubbed, filled, excavated or topographically altered by any means, and no vegetation on any parcel or lot disturbed, prior to issuance of all required approvals and development permits authorizing such clearing or alteration. Except as required to meet coastal

construction codes as set forth within a valid permit from the Florida Department of Environmental Protection; or as required to meet applicable flood zone or stormwater regulations pursuant to valid permits, the grade, elevation or topography of any parcel, development or redevelopment site shall not be altered.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-71. – Fees.

The schedule of fees is posted on the following City of Atlantic Beach webpage: www.coab.us or in the City's Clerk's office at City Hall. The fees are subject to review and revision by the City Commission.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10; Ord. No. 95-10-102, § 2, 1-10-11; Ord. No. 90-12-215, § 1, 11-13-12)

Secs. 24-72—24-79. - Reserved.

DIVISION 4. - GENERAL PROVISIONS AND EXCEPTIONS

Sec. 24-80. - Rules for determining boundaries.

Where uncertainty exists with respect to the boundaries of any of the zoning districts, as shown on the official zoning map, the following rules shall apply:

(a) Unless otherwise indicated, the zoning district boundaries are indicated as approximately following lot lines; center lines of streets, highways or alleys; shorelines of streams, reservoirs or other bodies of water; or civil boundaries; and they shall be construed to follow such lines.

(b) Where zoning district boundaries are approximately parallel to the center-lines of streets, highways or railroads; streams, reservoirs or other bodies of water, or the lines extended, the zoning district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, the dimensions shall be determined by the scale shown on the zoning map.

(c) Where a zoning district boundary line as appearing on the zoning map divides a lot, which is in single ownership, the zoning district classification of the larger portion may be extended to the remainder of the property subject to consistency with the comprehensive plan.

(d) Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it has reverted shall apply to the vacated or abandoned road, street or alley.

(e) In the case where the exact location of a boundary cannot be determined by the foregoing methods, the community development director in coordination with other City staff shall determine the location of the boundary.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-81. - General restrictions upon land, buildings and structures.

(a) *Use.* No building or structure shall be placed or erected, and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose or in any manner other

than in conformance with the provisions of this City's Code of Ordiances, this chapter and as allowed in the zoning district in which such land, building, structure or premises are located. Further, no land shall be used or developed except in compliance with the comprehensive plan.

(b) *Number of buildings allowed on a single-family or two-family (duplex) lot.* The total number of buildings on any lot zoned for single-family or two-family (duplex) use shall not exceed three (3) including the principal use structure, detached garages and any other detached building.

(c) *Percentage of lot occupancy.* No building or structure shall be erected, and no existing building or structure shall be moved, altered, enlarged or rebuilt, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with provisions of this chapter, including without limitations, the building site requirements, and the area, parking and required yard regulations established by this chapter for the zoning district in which such building or structure is located.

(d) *Density.* No structure or property shall be developed or used so as to exceed density allowed under the terms of the comprehensive plan and the limitations for the zoning district in which such structure is located.

(e) *Open space use limitation.* No yard or other required open space on a lot shall be considered as providing a required yard or open space for any other structure on an adjacent lot.

(f) *Required lot and occupancy.* For residential uses located within single family and two-family zoning districts (RS-1, RS-2, RS-L, R-SM, and RG), structures shall be located on a lot of record, and there shall be no more than one (1) principal use structure on a single lot, unless otherwise provided by the provisions of this chapter.

(g) *Duplicates or externally similar dwellings.* Construction of single-family or two-family dwellings that are duplicates of another single-family or two-family dwellings within a distance of five hundred (500) feet shall be prohibited. This provision shall apply to external features only and shall not apply to two-family dwellings, townhouses or condominiums when constructed as part of single development project with a unified design theme. In determining compliance with this provision, a minimum of four (4) of the following characteristics shall be substantially different:

(1) Roof design and roof color.

(2) Exterior finish materials, excluding paint color.

(3) Window sizes and shape.

(4) Main entry door style and location.

(5) Number of stories.

(6) Attached/detached garage.

(7) Front or side entrance garage (if attached).

(h) *Temporary residence.* No trailer, basement, tent, shack, garage, camper, bus or other accessory building or vehicle shall be used as a residence, temporarily or permanently, nor shall any such residence of temporary character be permitted in any zoning district.

(i) *Minimum living area (conditioned space) for residential dwelling units.*

(1) *One (1) story single family dwellings:* One thousand (1,000) square feet of enclosed living area.

(2) *Two (2) or more story single family dwellings:* Six hundred fifty (650) square feet of living area on the ground floor and not less than a total of one thousand (1,000) square feet of enclosed living area.

(3) *Two-family dwelling (duplex):* Each unit shall have nine hundred (900) square feet of living area.

(4) *Multi-family dwelling units:*

a. Efficiency with bedroom area combined with other living areas, four hundred eighty (480) square feet of living area.

b. One (1) bedroom with individual bedroom area permanently partitioned from other living areas, five hundred seventy-five (575) square feet of living area.

c. Two (2) bedrooms with each individual bedroom area permanently partitioned from the living areas, seven hundred (700) square feet of living area.

d. Three (3) bedrooms with each individual bedroom area permanently partitioned from other living areas, eight hundred forty (840) square feet of living area.

e. Four (4) bedrooms with each individual bedroom area permanently partitioned from other living areas, nine hundred ninety (990) square feet of living area.

f. Over four (4) bedrooms, add one hundred fifty (150) square feet of living area per additional bedroom.

(j) *Flood protection.* All lots and building sites shall be developed such that habitable space is constructed at a minimum finished floor elevation of eight and one-half (8.5) feet NAVD above mean sea level. Flood protection provisions shall be approved by the Administrator to ensure that grade changes will not alter the natural drainage or adversely affect other areas downstream through added runoff or adverse impacts to water quality.

(k) *Short-term rentals prohibited.* Private homes including, but not limited to, single-family homes, town-homes, duplexes, multi-family dwellings including condominiums and the like, shall not be rented or leased for a term or period of less than ninety (90) days. No person(s) shall offer or advertise a private home for rent or lease for a term or period of less than ninety (90) days.

(l) *Calculated Average Grade.* The calculated average grade shall be determined by the mathematical average of elevation points dispersed at approximately ten-foot equidistant intervals across the buildable area of a parcel.

For sites where natural topography has been previously altered or where existing structures remain, this same method shall be used excluding areas where existing structures remain.

Where required, the certified Calculated Average Grade Survey shall be submitted with Construction Plans, and the Calculated Average Grade shall be depicted on all exterior elevation sheets of the Construction Plans. See definition of Certified Survey for requirements.

Note: Alteration of topography for the sole purpose of achieving greater height of building is prohibited. See also definition for "Established grade."

(m) Height of building shall mean the vertical distance from the applicable beginning point of measurement to the highest point of a building's roof structure or parapet, and any attachments thereto, exclusive of chimneys. The method used to determine the maximum height of a building shall be as follows:

(a) Parcels within designated special flood hazard areas as delineated on the Federal Emergency Management Agency (FEMA) flood insurance rate map (FIRM) shall use the required minimum finish floor elevation as the beginning point of measurement except for parcels described in subsection c below.

(b) Parcels that are not located within a designated flood hazard zones and which have topographic variation of two (2) feet or less as demonstrated by a certified topographical survey shall use the highest preconstruction grade at the proposed building perimeter as the beginning point of measurement. Alternatively, applicants may use the calculated average grade method if preferred.

(c) Regardless of flood zone designation, parcels with topographic variation of more than two (2) feet as demonstrated by a certified survey of topography, and all ocean front parcels, shall provide a certified survey of the calculated average grade, and the calculated average grade shall be used as the beginning point of measurement, excepting those parcels where the only topographical variation is a city-maintained drainage easement in which case the method described in preceding subsection (b) shall be used.

(d) Single-story construction where height of building is clearly below the maximum permitted height shall not be required to provide a certified survey of the calculated average grade, but shall provide the height of building as measured from the preconstruction grade on the elevation sheets of construction plans.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-82. - Required yards and permitted projections into required yards.

(a) *Required yards.* Unless otherwise specified in this chapter, every part of a required yard shall be open and unobstructed from the established grade to the sky, except for structures that do not exceed thirty (30) inches in height.

(b) *Structural projections.* Architectural features such as eaves and cornices, and cantilevered bay windows, open balconies and porches may project a distance not to exceed forty-eight (48) inches into required front and rear yards. Such balconies and porches may be covered, but shall not be enclosed in any manner, except that balconies and porches within rear yards may be enclosed with screening only. Eaves and cornices, cantilevered bay windows, chimneys, and architectural elements intended to create design relief along the side wall plane may project into required side yards, but not beyond twenty-four (24) inches.

(c) *Mechanical equipment.* Within or when adjacent to a residential zoning district, equipment such as heating and air conditioning units, pumps, compressors, or similar equipment that makes excessive noise, shall not be located closer than five (5) feet from any lot line.It is the intent of this provision to require placement of such equipment in a location that does not unreasonably disturb neighbors. This requirement shall not apply to such equipment lawfully installed prior to the effective date of these land development regulations.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-83. - Double frontage (through) lots and oceanfront lots

(a) *Double frontage lots.* Unless the prevailing front yard pattern on adjoining lots indicates otherwise or as set forth below, on double frontage lots the required front yard shall be provided on each street.

(b) *Special treatment of ocean-front lots.* For lots having frontage on the Atlantic Ocean, the front yard shall be the yard which faces the Atlantic Ocean, and the required front yard shall be measured from the lot line parallel to or nearest the ocean.

(c) *Special treatment of Ocean Boulevard lots with double frontage (through lots).* For double frontage (through) lots extending between Beach Avenue and Ocean Boulevard, the required front yard shall be the yard which faces Ocean Boulevard.

(d) *Special treatment of through lots with commercial or industrial zoning. For double frontage lots with commercial or industrial zoning and with residentially zoned property across an intervening street, the required front yard shall be provided on each street.* Properties fronting Atlantic Boulevard west of Mayport Road shall be exempt from this requirement due to the Mayport flyover ramp. (Ord. No. 90-10-212, § 2(Exh. A), 3-8-10; Ord. No. 90-14-222, § 1, 4-14-14; Ord. No. 90-15-223, § 1, 1-26-15; Ord. No. 95-15-111, § 1, 11-9-15)

Sec. 24-84. – *Lots of record and nonconforming lots of record.*

(a) *Multiple lots and parcels treated as a single development parcel.* In the case where more than one (1) parcel, platted lot or lot of record has been merged or combined and developed as a single development parcel, such lots shall not later be developed as single lots, unless all requirements for development as single lots shall be met including, but not limited to, lot area, lot width, impervious surface area limitations, and provision of all required yards for all structures. See figure 1.

(b) *Nonconforming lots of record.*

(1) Where a residentially-zoned lot or parcel of land does not conform with the requirements of the zoning district in which it is located, but was a legally established and documented lot of record prior to the adoption of this Code or previous codes and applicable City of Atlantic Beach ordinances, such lot or parcel of land may be used for single-family dwellings or residential dwellings consistent with the applicable zoning district regulations and density as designated in the Comprehensive Plan and this Code, provided the proposed development complies with the minimum yard requirements for the applicable residential zoning district.

(2) In any zoning district, on a legally established and documented nonconforming lot of record, a structure may be expanded or enlarged provided such expansion or enlargement complies with other provisions of this chapter, including without limitation, yard requirements.

(3) No lot or parcel in any zoning district shall be divided to create a lot with area or width less than the requirements of this chapter and the comprehensive plan.

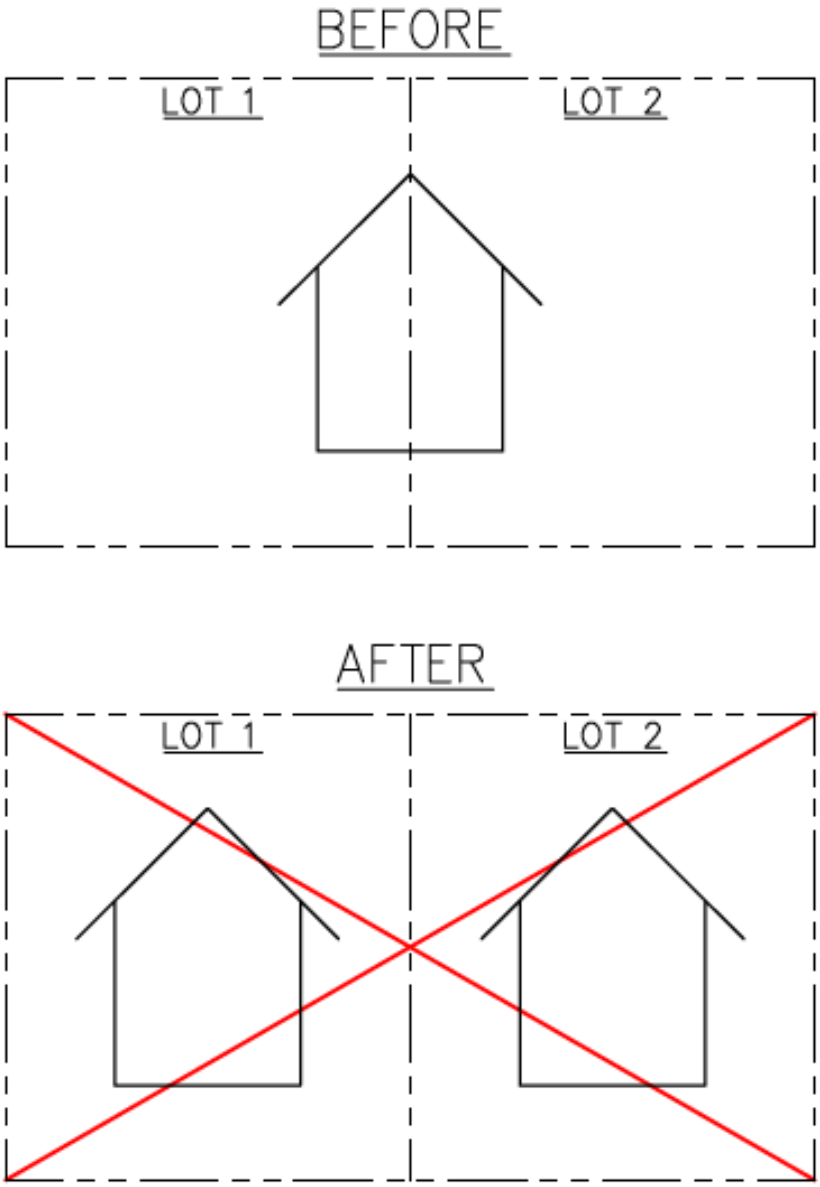

Figure 2 Merger of Nonconforming Lots of Record

Sec. 24-85. - Nonconforming structures and uses.

(a) *Intent.* Within the established zoning districts, there exist structures, and uses of land that were lawful prior to the adoption or amendment of these land development regulations. Such uses and structures would be prohibited, restricted or regulated through the provisions of this chapter or the adopted comprehensive plan. It is the intent of this section to recognize the legal rights entitled to property owners of existing nonconforming uses and structures, and to permit such nonconformities to continue in accordance with such rights, but not to otherwise encourage their continued survival. Furthermore, the presence of any nonconforming characteristic shall not be considered as justification for the granting of variances, and any nonconforming structure or use, which is made conforming, shall not be permitted to revert to any nonconforming structure or use.

(b) *Nonconforming structures.*

(1) No nonconforming structure shall be expanded or enlarged unless such expansion or enlargement complies with the terms of this section and other applicable provisions of this chapter, including without limitation, building setbacks See Figure 2 (Enlarging Non-Conforming Issues) below.

(2) Any nonconforming structure, or portion thereof, that is declared unsafe by the City building official, may be restored to a safe condition. Building permits shall be required.

(3) A nonconforming structure may be maintained, and repairs and alterations may be made subject to the provisions of this section.

(4) No additions, expansions, or accessory structures may be constructed which would expand a nonconforming use of land.

(5) Any existing nonconforming structure that is encroaching into public right-of-way shall not be rebuilt, enlarged, or structurally altered unless such encroachment is removed.

(6) The voluntary demolition by the owner of any nonconforming structure or portion thereof shall constitute evidence of willful abandonment of such nonconformity (ies) and shall not be reconstructed and all construction thereafter shall comply with the terms of this chapter.

(7) Notwithstanding the foregoing provisions, legal nonconforming residential structures which incur substantial damage by a natural event may be reconstructed within the previously existing footprint and height as lawfully permitted prior to the occurence of the natural event, provided that such reconstruction is started within one (1) year from such natural event and completed within three (3) years.

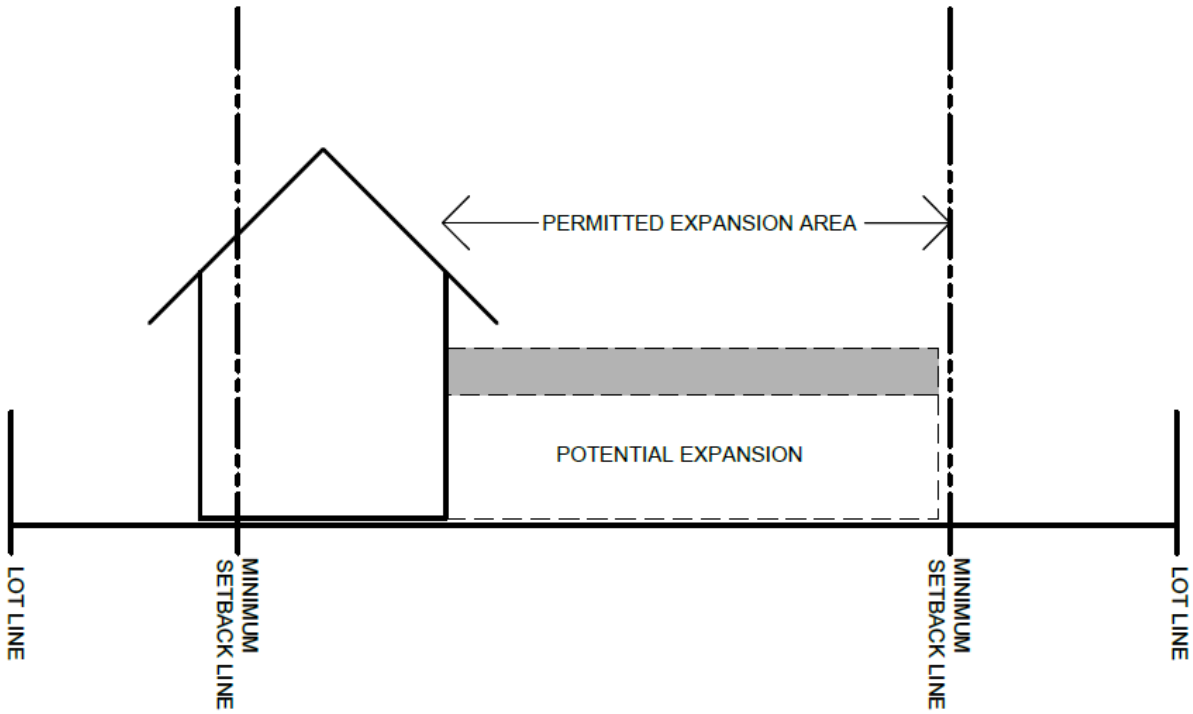

Figure 2 Enlarging Nonconforming Structures

(c) *Nonconforming uses.*

(1) *Continuation of nonconforming uses.* Uses of land which were lawfully created at the time such uses were established, but which would not be permitted by the restrictions imposed by these land development regulations or by restrictions imposed by the comprehensive plan, may be continued so long as they remain otherwise lawful and in compliance with the provisions of this section.

(2) *Relocation or expansion of nonconforming uses.* A nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel on which such nonconforming use is located, nor shall a nonconforming use be expanded or enlarged.

(3) *Discontinuance of nonconforming uses.* In the event that a nonconforming use of land is discontinued or abandoned for a period of six (6) months or longer, any subsequent use of such land shall conform to the applicable zoning district regulations as set forth within this chapter as well as applicable provisions of the comprehensive plan.

(4) *Natural Event.* Site improvements or structures located on properties containing a legal nonconforming use which incur substantial damage by a natural event may be reconstructed and the nonconforming use may be resumed as lawfully permitted prior to the occurence of the natural event, provided that such reconstruction is started within one (1) year from such natural event and completed within three (3) years.

(5) *Voluntary demolition.* The voluntary demolition by the owner of any structure containing a nonconforming use shall constitute evidence of willful abandonment of such use and may not be resumed.

Sec. 24-86. - Special treatment of lawfully existing two-family dwellings or townhouses affected by future amendments to the official zoning map or the land development regulations.

(a) *Changes to the official zoning map.* In the case where a change in zoning district classification is made to the official zoning map, such that a two-family (duplex) dwelling, townhouse, and related accessory uses are no longer authorized, any lawfully existing two-family (duplex) dwelling or townhouse, and any related accessory use, which has been constructed pursuant to properly issued building permits, shall be deemed a vested development, and any two-family (duplex) dwelling or townhouse, and any related accessory use shall be considered a lawful permitted use within the lot containing the vested development. Furthermore, an existing two-family (duplex) dwelling or townhouse and any related accessory use shall, for that particular use and structure(s), not be considered as a nonconforming use or structure such that it may be fully replaceable in its existing footprint. Any construction that exceeds the existing footprint shall be in compliance with all applicable provisions of this chapter including minimum yard requirements.

(b) *Amendments to the land development regulations.* Any lawfully existing two-family (duplex) dwelling or townhouse, and any related accessory use, which has been constructed pursuant to properly issued building permits prior to the initial effective date of these land development regulations, shall be deemed a vested development, and any two-family (duplex) dwelling or townhouse, and any related accessory use shall be considered a lawful permitted use within the lot containing the vested development. Furthermore, an existing two-family (duplex) dwelling or townhouse, and related accessory use shall, for that particular use and structure(s), not be considered as a nonconforming use or structure such that it may be fully replaceable in its existing footprint. Any construction that exceeds the existing footprint shall be in compliance with all applicable provisions of this chapter including minimum yard requirements.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-88. - Design and construction standards for two or more townhouse units.

(a) Development of two or more townhouse units shall be allowed only where lot area is in compliance with the density limitations as set forth within the comprehensive plan and consistent with the applicable zoning district unless otherwise determined to be a vested development in accordance with the terms of this chapter. Within areas designated by the comprehensive plan for high density residential development, a minimum lot area of two thousand one hundred seventy-five (2,175) square feet shall be required for each dwelling unit. For areas designated as medium density, a minimum lot area of three thousand one hundred (3,100) square feet for each dwelling unit shall be required, and within areas designated by the comprehensive plan as low density, a minimum lot area of seven thousand two hundred fifty (7,250) square feet for each dwelling unit shall be required.

Dwelling units separated by an open and uncovered breezeway, elevated open walkway, or similar type connection, shall not be considered as two-family dwellings or townhouses, and shall be required to meet regulations applicable to single-family dwellings. Dwelling units attached by any type of solid, continuous or connected roof, however, shall be considered as townhouses and shall be permitted only within those zoning districts where townhouses are permitted and in accordance with applicable density limitations.

(b) Development of townhouses, or conversion to townhouses, shall be allowed only in compliance with Florida Building Codes related to adequate firewall separation. Further, development of townhouses, or conversion to townhouses, shall be allowed only in compliance with the applicable residential density as established by the comprehensive plan, and in accordance with section 24-87 and article IV of this chapter as well as applicable provisions of Part I, Chapter 177, Florida Statutes.

(i) Adjoining townhouse dwelling units shall be constructed of substantially the same architectural style and colors.

(ii) Adjoining townhouse dwellings unit shall be constructed at substantially the same time or in a continuous sequence unless an existing structure is being renovated within the same building footprint.

(iii) Adjoining townhouse dweilling units may construct addtions which are not visible from the public right-of-way independent of their adjoining unit.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-89. - Garage apartments (as allowed in combination with private garages).

In any residential zoning district, where a lot has a width of fifty (50) feet or more and extends from street to street (or street to ocean-front in the case of ocean-front lots), a single garage apartment in combination with a private garage may be constructed on lots (see section 24-83) subject to the following provisions:

(a) The structure containing the private garage and the garage apartment shall not exceed twenty-five (25) feet in height.

(b) The total floor area of the structure containing the private garage and the garage apartment shall not exceed seventy-five (75) percent of the heated and cooled area of the principal dwelling.

(c) There shall be not less than twenty (20) feet between the principal dwelling and the structure containing the private garage and the garage apartment.

(d) The use restrictions that apply to the principal dwelling shall also apply to the structure containing the private garage and the garage apartment.

(e) The minimum yard requirements for the structure shall be ten (10) feet from rear property lines and twenty (20) feet from front property lines.

(f) The minimum side yard requirements for the structure shall be a combined fifteen (15) feet, with a minimum of five (5) feet on either side, from side property lines for private garages and the garage apartments.

(g) A garage apartment shall not be leased or rented for less than ninety (90) consecutive days.

(h) Any existing structure containing a private garage and garage apartment that is encroaching into the public right-of-way shall not be rebuilt, enlarged, remodeled or structurally altered unless such encroachment is removed from the right-of-way. A private garage and garage apartment, which does not encroach into the street right-of-way, may be rebuilt, remodeled or structurally altered within the existing footprint, or in compliance with applicable minimum yard requirements, provided that the maximum height of building shall not be exceeded and subject to applicable permitting requirements.

(i) Only one (1) garage apartment shall be allowed on a residential lot, subject to the provisions of this section 24-89.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Secs. 24-90—24-100. - Reserved.

DIVISION 5. - ESTABLISHMENT OF DISTRICTS

Sec. 24-101. - Intent and purpose.

The City of Atlantic Beach shall be divided by these land development regulations into zoning districts, as listed and described below. These divisions and the requirements set forth herein shall have the purpose of implementing the goals, objectives and policies of the comprehensive plan. The following is established in this division:

(a) The intent of each zoning district.

(b) General requirements for each zoning district, including:

(1) Permitted uses.

(2) Uses-by-exception.

(3) Minimum lot size.

(4) Minimum yard requirements.

(5) Building restrictions.

(6) Impervious surface.

CITY OF ATLANTIC BEACH
RESIDENTIAL LOT & STRUCTURE REQUIREMENTS DRAFT
(Sec. 24-105 through 24-1089)

	LOT REQUIREMENTS			STRUCTURE REQUIREMENTS				
Zoning District	Lot Width (ft.)	Lot Area (sqft)	Lot Depth (ft)	Max Lot Coverage	Front (ft)	Side(s) (ft)	Rear (ft)	Max Height (ft)
RS-L	100	10,000	100	~~50~~ 45%	20	7.5	20	35
RS-1	75	7,500	100	~~50~~ 45%	20	7.5	20	35
RS-2	75	7500	100	~~50~~ 45%	20	15' combined 5' min on either side	20	35
RG	75	7,500	100	~~50~~ 45%	20	15' combined 5' min on either side	20	35
Single Family		7,500						
Two Family Duplex/TH								
Low Denisty		14,500						
Medium Density		6,200						
High Density		5,000						
RG-M	75		100	~~50~~ 45%	20		20	35
Single Family	75	7,500				15' combined 5' min on either side		
Two Family						7.5' each side		
Low Denisty		14,500						
Medium Density		6,200						
High Density		5,000						
Multi-Family		7,500				15' each side		
RS-M	90	9,000	100	45%				35
Lots fronting on Selva Grande Drive					25	10	20	
Lots fronting on Tierra Verde Drive					25	10	20	
Lots fronting on Sea Oats Drive and south of 19th Street					30 on Sea Oats Drive; 25 on Sauriba Drive; 25 on 19th Street*	15	30	
Lots fronting on Seminole Road and south of 19th Street*					25	15	30	
* Platted building restriction line								

Figure 3 Residential Lot & Structure Requirement Table

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-102. - Zoning districts established.

(a) *Intent.* The use provisions in the various zoning districts are exclusive and a use not included under permitted or uses by exception shall be prohibited in the district.

(b) The municipal area of the City of Atlantic Beach is hereby divided into the following zoning districts:

Zoning District Classification	Abbreviation	
Conservation	CON	
Residential, Single-family-Large Lot	RS-L	
Residential, Single-family	RS-1	
Residential, Single-family	RS-2	
Residential General, Two-family	RG	
Residential General, Multi-family	RG-M	
Residential Selva Marina	R-SM	
Commercial Professional and Office	CPO	
Commercial Limited	CL	
Commercial General	CG	
Light Industrial and Warehousing	LIW	
Special Purpose	SP	
Central Business District	CBD	
Traditional Marketplace	TM	
Special Planned Area District	SPA	Per specific SPA or PUD ordinance

* shall have 70% maximum impervious surface area limit

** only applies to Selva Marina Country Club

(c) All development of land and parcels within the residential zoning districts shall comply with the residential density limitations as set forth within the adopted comprehensive plan for the City of Atlantic Beach, as may be amended.

CITY OF ATLANTIC BEACH

CHAPTER 24 ZONING CODE PERMITTED USE MATRIX DRAFT

	CBD	TM	CPO	CL	CG	LIW	Mayport	RG-M	RG	RS-2	RS-1	R-SM	RS-L	SP	CON
Residential Uses															
Single-family residential	P*	P*	P	P	P			P	P	P	P	P	P		
Duplex residential	E*	P*			P*			P*	P*						
Townhouse residential	E*	P*			P*			P*	P*						
Multi-family residential	E*	P*			P*			P*							
Family day care and group homes								E	E						
Commercial Uses															
Automobile Sales					E	E									
Automotive Services (minor)					P*	P*	P*								
Automotive Services (major)						E									
Banks and Financial Institutions (without drive-through)	P	P	E	P	P		P								
Banks and Financial Institutions (with drive-through)				E	P		E								
Car Washes					P										
Civic Centers (i.e. art galleries, libraries, cultural centers)	P	P		P	P		P								
Child Care Center			P*	P*	P*		P*	E*	E*						
Church			E*	E*	P*		P*	E*	E*	E*	E*	E*	E*		
Community Center			E*	E*	P*		P*	E*	E*						
Contractors					E*	P	P*								
Convenience Stores (without fuel sales)				P	P										
Electric Charging Station					P		E								
Mobile Vending Units	E	E	E	E	E		E								
Gas Stations					P*		E*								
Gyms, spas, health clubs			E	E	P		P								
Hotels, motels, resorts, tourist courts, short term rentals	E	P			P		P								
Hospitals			E		E		E								
Live entertainment	E	P*			E*		P*								
Medical clinics			E	E	P										
Mixed use projects		P	P	P	P		P								
Offices (professional, business, and medical)	P	P	P	P	P		P								
On-premise consumption of beer and wine	P*	P*		P*	P*		P*								
On-premise consumption of alcohol (other than beer and wir	E	E		E	E		E*								
Outdoor storage						P*	P*								
Pharmacies and Medical Marijuana Dispensaries		P*			P*		P*								
Produce and fresh market with outdoor sale and display					E*										
Restaurants (without drive-through)	P	P		P	P		P*								
Restaurants (with drive-through)					E		E								

Retail Sales		P			P	E	P								
Schools								E	E	E	E	E	E		
Schools for the fine or performing arts or martial arts			E	E	P		P								
Service Establishments (limited)	P	P	E	P	P		P								
Service Establishments		P		E	P		P								
Theaters (not to exceed two screens)		P			P										
Veterinary Clinic, Pet kennel, animal boarding facilities		E			E		E								
Industrial Uses															
Communications Tower (Radio, TV, Telecommunications)						E									
Concrete Batching Plants						E									
Manufacturing (light)					E	P	P*								
Manufacturing						E	P*								
Packaging or fabricating						P									
Processing (excluding animal processing and slaughterhouses)						E									
Storage establishments (limited)						P									
Storage establishments (hazardous)						E									
Surfboard Production					E	E	P*								
Vocational, Trade Schools						P									
Warehouses						P									
Wholesale (limited)					E	P	P*								
Wholesale						P									

P= Permitted Use
E= Use-By-Exception
* Additional restictions may apply

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-103. - Conservation district (CON).

(a) *Intent.* The conservation district is composed mostly of open land, water, marsh and wetland areas, consisting primarily of the public River Branch, Dutton Island and Tideviews Preserves. It is intended that the natural and open character of these areas be retained and that adverse impacts to these environmentally sensitive areas, which may result from development, be minimized. To achieve this intent, uses allowed within the conservation districts shall be limited to certain conservation, recreation, very low intensity uses that are not in conflict with the intent of this district, the comprehensive plan or any other applicable federal, state and local policies and permitting requirements.

(b) *Permitted uses.* Uses permitted within the conservation district shall be limited to the following:

(1) Cemetery limited to those lands owned by the existing cemetery as of the January 1, 2002 initial effective date of these land development regulations.

(2) Nature preserves, public natural resource-based parks, and passive recreational uses and facilities as needed to support such uses.

(3) Kayak, canoe rentals, and vendors limited to providing equipment or supplies as needed to use these natural resources subject to approval by the City Commission.

(4) Government uses, buildings and facilities.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-104. - Residential, single-family—Large lot district (RS-L).

(a) *Intent.* The RS-L zoning district is intended for development of low density single-family residential uses in areas where traditional established lot sizes are larger than those typically located throughout the City of Atlantic Beach.

(b) *Permitted uses.* The uses permitted within the RS-L zoning district shall be:

(1) Single-family dwellings.

(2) Accessory uses (see section 24-151).

(3) Government uses, buildings and facilities.

(c) *Uses-by-exception.* Within the RS-L zoning district, the following uses-by-exception may be permitted.

(1) Churches, subject to the provisions of section 24-153.

(2) Public and private recreational facilities not of a commercial nature and of a neighborhood scale intended to serve the surrounding residential neighborhood.

(3) Schools.

(d) *Minimum lot size.* Existing legally established lots of record may exist, which do not meet the following lot width, depth or area requirements. These lots may be developed subject to all applicable land development regulations; however, all lots created after the February 27, 2006 effective date of Ordinance 90-06-189, shall comply with these minimum lot size requirements in order to obtain building permits authorizing development.

The minimum size for lots within the RS-L zoning district shall be:

(1) Minimum lot or site area: Ten thousand (10,000) square feet.

(2) Minimum lot width: One hundred (100) feet.

(3) Minimum lot depth: One hundred (100) feet.

(e) *Minimum yard requirements.* The minimum yard requirements in the RS-L zoning district shall be:

(1) Front yard: Twenty (20) feet.

(2) Rear yard: Twenty (20) feet.

(3) Side yard: Seven and one-half (7.5) feet.

(f) *Building restrictions.* Additional building restrictions within the RS-L zoning district shall be:

(1) Maximum impervious surface: Forty-five (45) percent; provided, however, where lawfully existing structures and improvements on a parcel exceed this applicable percentage, redevelopment of such parcels or additions/modifications to such structures and improvements shall not exceed the pre-existing impervious surface percentage, provided the requirements of section 24-66 are met.

(2) Maximum building height: Thirty-five (35) feet.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-105. - Residential, single-family district (RS-1).

(a) *Intent.* The RS-1 zoning district is intended for development of low density single-family residential areas.

(b) *Permitted uses.* The uses permitted within the RS-1 zoning district shall be:

(1) Single-family dwellings.

(2) Accessory uses (see section 24-151).

(3) Government uses, buildings and facilities.

(c) *Uses-by-exception.* Within the RS-1 zoning district, the following uses-by-exception may be permitted.

(1) Churches, subject to the provisions of section 24-153.

(2) Public and private recreational facilities not of a commercial nature and of a neighborhood scale intended to serve the surrounding residential neighborhood.

(3) Schools.

(d) *Minimum lot area.* Existing legally established lots of record may exist, which do not meet the following requirements. These lots may be developed subject to all applicable land development regulations; however, all lots created after January 1, 2002 must comply with these minimum lot size requirements in order to obtain building permits authorizing development.

The minimum size for lots within the RS-1 zoning district, shall be:

(1) Lot or site area: Seven thousand five hundred (7,500) square feet.

(2) Lot width: Seventy-five (75) feet.

(3) Lot depth: One hundred (100) feet.

(e) *Minimum yard requirements.* The minimum yard requirements in the RS-1 zoning district shall be:

(1) Front yard: Twenty (20) feet.

(2) Rear yard: Twenty (20) feet.

(3) Side yard: Seven and one-half (7.5) feet.

(f) *Building restrictions.* Building restrictions within the RS-1 zoning district shall be:

(1) Maximum impervious surface: Forty-five (45) percent;provided, however, where lawfully existing structures and improvements on a parcel exceed this applicable percentage, redevelopment of such parcels or additions/modifications to such structures and improvements shall not exceed the pre-existing impervious surface percentage, provided the requirements or section 24-66 are met

(2) Maximum building height: Thirty-five (35) feet.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-106. - Residential, single-family district (RS-2).

(a) *Intent.* The RS-2 zoning district is intended to apply to predominately developed areas of single-family dwellings with platted lots that are smaller than those in the RS-1 zoning district.

(b) *Permitted uses.* The uses permitted within the RS-2 zoning district shall be:

(1) Single-family dwellings.

(2) Accessory uses (see section 24-151).

(3) Government uses, buildings and facilities.

(c) *Uses-by-exception.* Within the RS-2 zoning district, the following uses-by-exception may be permitted:

(1) Churches, subject to the provisions of section 24-153.

(2) Public and private recreational facilities not of a commercial nature and of a neighborhood scale intended to serve the surrounding residential neighborhood.

(3) Schools.

(d) *Minimum lot area.* Existing legally established lots of record may exist, which do not meet the following requirements. These lots may be developed subject to all applicable land development regulations; however, all lots created after January 1, 2002 must comply with these minimum lot size requirements in order to obtain building permits authorizing development. The minimum size for lots within the RS-2 zoning district, shall be:

(1) Lot or site area: Seven thousand five hundred (7,500) square feet.

(2) Lot width: Seventy-five (75) feet.

(3) Lot depth: One hundred (100) feet.

(e) *Minimum yard requirements.* The minimum yard requirements within the RS-2 zoning district shall be:

(1) Front yard: Twenty (20) feet.

(2) Rear yard: Twenty (20) feet.

(3) Side yard: Combined fifteen (15) total feet and five (5) minimum feet on either side.

(f) *Building restrictions.* Building restrictions within the RS-2 zoning district shall be:

(1) Maximum impervious surface: Forty-five (45) percent; provided, however, where lawfully existing structures and improvements on a parcel exceed this applicable percentage, redevelopment of such parcels or additions/modifications to such structures and improvements shall not exceed the pre-existing impervious surface percentage, provided the requirements of section 24-66 are met.

(2) Maximum building height: Thirty-five (35) feet.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-107. - Residential, two-family district (RG).

(a) *Intent.* The RG zoning district is intended for development of low and medium density single-family and two-family residential uses.

(b) *Permitted uses.* The uses permitted within the RG zoning district shall be:

(1) Single-family dwellings.

(2) Two-family (duplex) dwellings, subject to density limitations.

(3) Accessory uses as set forth in section 24-151.

(4) Two-unit townhouses, subject to density limitations, compliance with article IV, subdivision regulations and section 24-88.

(5) Government uses, buildings and facilities.

(6) Family day care homes and group care homes.

(c) *Uses-by-exception.* The following uses may be approved as a use-by-exception within the RG zoning district.

(1) Child care facilities.
(2) Churches.

(3) Public and private recreational facilities not of a commercial nature and of a neighborhood scale intended to serve the surrounding residential neighborhood.

(4) Schools and community centers.

(d) *Minimum lot area.* Existing legally established lots of record may exist, which do not meet the below requirements. These lots may be developed subject to all applicable land development regulations and density limitations; however, all lots created after January 1, 2002 must comply with the following minimum requirements in order to obtain building permits authorizing development. The minimum size for lots within the RG zoning districtshall be as set forth herein.

(1) Minimum lot area in the RG zoning district: Seven thousand five hundred (7,500) square feet .

(2) Minimum lot width in the RG zoning district: Seventy-five (75) feet.

(3) Minimum lot depth in the RG zoning district: One hundred (100) feet.

(4) Notwithstanding subsections 1, 2 and 3, the final lot sizes for proposed new townhouse development may be less per unit, subject to density, compliance with article IV, subdivision regulations and section 24-88, provided the parent tract meets the requirements of subsections 1, 2 and 3.

(e) *Minimum yard requirements.* The minimum yard requirements within the RG zoning district shall be:

(1) Front yard: Twenty (20) feet.

(2) Rear yard: Twenty (20) feet.

(3) Side yard: Combined fifteen (15) total feet and five (5) minimum feet on either side.

(f) *Building restrictions.* The building restrictions for the RG zoning district shall be:

(1) Maximum impervious surface: Forty-five (45) percent; provided, however, where lawfully existing structures and improvements on a parcel exceed this applicable percentage, redevelopment of such parcels or additions/modifications to such structures and improvements shall not exceed the pre-existing impervious surface percentage, provided the requirements of section 24-66 are met.

(2) Maximum building height: Thirty-five (35) feet.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-108. - Residential, multi-family district (RG-M).

(a) *Intent.* The RG-M zoning district is intended for development of medium to high-density multi-family residential areas.

(b) *Permitted uses.* The uses permitted within the RG-M zoning district shall be:

(1) Single-family dwellings.

(2) Two-family (duplex) dwellings subject to density limitations.

(3) Townhouses, subject to density limitations, compliance with article IV, subdivision regulations and section 24-88.

(4) Multi-family dwellings, subject to density limitations.

(5) Accessory uses as set forth in section 24-151.

(6) Government buildings and facilities.

(7) Family day care homes and group care homes.

(c) *Uses-by-exception.* The following uses may be approved as a use-by-exception within the RG-M zoning district:

(1) Churches.

(2) Public and private recreation facilities not of a commercial nature and of a neighborhood scale intended to serve the surrounding residential neighborhood.

(3) Child care facilities.

(4) Schools and community centers.

(d) *Minimum lot area.* Existing legally established lots of record may exist, which do not meet the following requirements. These lots may be developed subject to all applicable land development regulations and density limitations; however, all lots created after January 1, 2002, must comply with these minimum lot size requirements in order to obtain building permits authorizing development. The minimum size for lots within the RG-M zoning districtshall be as set forth herein.

(1) Minimum lot or site area: Seven thousand five hundred (7,500) square feet.

(2) Minimum lot width in the RG-M zoning district: Seventy-five (75) feet.

(3) Minimum lot depth in the RG-M zoning district: One hundred (100) feet.

(4) Notwithstanding subsections 1, 2 and 3, the final lot sizes for proposed new townhouse development may be less per unit, subject to density, compliance with article IV, subdivision regulations and section 24-88, provided the parent tract meets the requirements of subsections 1, 2 and 3.

(e) *Minimum yard requirements.* The minimum yard requirements in the RG-M zoning are:

(1) Front yard: Twenty (20) feet.

(2) Rear yard: Twenty (20) feet.

(3) Side yard:

a. Single-family dwellings: Combined fifteen (15) total feet and five (5) minimum feet on either side.

b. Two-family (duplex) dwellings and townhouse: Seven and one-half (7.5) each side.

c. Multi-family dwellings: Fifteen (15) feet each side.

(f) *Building restrictions.* The building restrictions for the RG-M zoning district shall be as follows:

(1) Maximum impervious surface: Forty-five (45) percent; provided, however, where lawfully existing structures and improvements on a parcel exceed this applicable percentage, redevelopment of such parcels or additions/modifications to such structures and improvements shall not exceed the pre-existing impervious surface percentage, provided the requirements of section 24-66 are met.

(2) Maximum building height: Thirty-five (35) feet.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-109. - Residential, Selva Marina District (R-SM).

(a) *Intent.* The R-SM zoning district is intended for development of single-family residential areas that were originally developed as Selva Marina and Selva Tierra Planned Unit Developments (PUDs) during the 1970s and 1980s. All development of land and parcels within the R-SM zoning district shall comply with the residential density limitations as set forth within the adopted comprehensive plan for the City of Atlantic Beach, as may be amended. The R-SM district is unique because it replaces 11 separate PUDs with varying design requirements. Standard R-SM zoning district design requirements shall apply to each lot unless otherwise specified.

(b) *Permitted uses.* The uses permitted within the R-SM zoning district shall be:

(1) Single-family dwellings.
(2) Accessory uses subject to the provisions of section 24-151.

(d) *Accessory structures.* Accessory structures subject to the provisions of section 24-151 except:

(1) Detached garages, guest house or guest quarters, sheds, gazebos, pergolas, and other similar detached structures shall comply with the following:
a. Maximum height: Fifteen (15) feet;
b. Maximum size: One hundred and fifty (150) square feet; and
c. Setbacks: Five (5) feet from any rear or side property line.

(2) Screen enclosures, defined as those structures with screen walls and roofs, shall comply with the following:

a. Maximum height: Fifteen (15) feet; and
b. Setbacks: Five (5) feet from any rear or side property line.

(e) *Uses-by-exception.* Within the R-SM zoning district, the following uses-by-exception may be permitted:

(1) Home occupations, subject to the provisions of section 24-159.

(f) *Minimum lot area.* Legally established lots of record may exist, which do not meet the requirements of this Section. These lots may be developed subject to all applicable land development regulations; however, all lots created after January 14 2019, must comply with the following minimum lot size requirements in order to obtain building permits authorizing development.

The minimum size for lots within the R-SM zoning district, which are created after effective date of adoption], shall be:

(1) Lot area: Nine thousand (9,000) square feet.

(2) Lot width: Ninety (90) feet.

(3) Lot depth: One hundred (100) feet.

(g) *Minimum yard requirements.* The R-SM zoning district has minimum standard yard requirements and alternative requirements for lots with frontage on Selva Grande Drive, Tierra Verde Drive, Sea Oats Drive, Seminole Road, Saturiba Drive, and 19th Street except for accessory structures as provided in paragraph C above. The minimum yard requirements in the R-SM zoning district are shown in Figure 3 below and shall be:

(1) Standard Front yard: Twenty (20) feet except as follows:
a. Lots fronting on Selva Grande Drive: Twenty five (25) feet.
b. Lots fronting on Tierra Verde Drive: Twenty five (25) feet.
c. Lots fronting on Sea Oats Drive and south of 19th Street:
i. Platted building restriction line of thirty (30) feet along Sea Oats Drive.
ii. Platted building restriction line of twenty five (25) feet along Saturiba Drive.
iii. Platted building restriction line of twenty five (25) feet along 19th Street.

d. Lots fronting Seminole Road and south of 19th Street:
    i. Platted building restriction line of twenty five (25) feet along Seminole Road.
    ii. Platted building restriction line of twenty five (25) feet along Saturiba Drive.
    iii. Platted building restriction line of twenty five (25) feet along 19th Street.

(2) Standard Rear yard: Twenty (20) feet except as follows:

a. Lots fronting Sea Oats Drive and south of 19th Street: Thirty (30) feet.
b. Lots fronting Seminole Road and south of 19th Street: Thirty (30) feet.

(3) Standard Side yard: Ten (10) feet except as follows:

a. Lots fronting Sea Oats Drive and south of 19th Street: Fifteen (15) feet.
b. Lots fronting Seminole Road and south of 19th Street: Fifteen (15) feet.

(4) If any ambiguity or inconsistencies for R-SM setbacks arise, Figure 1 below shall control.

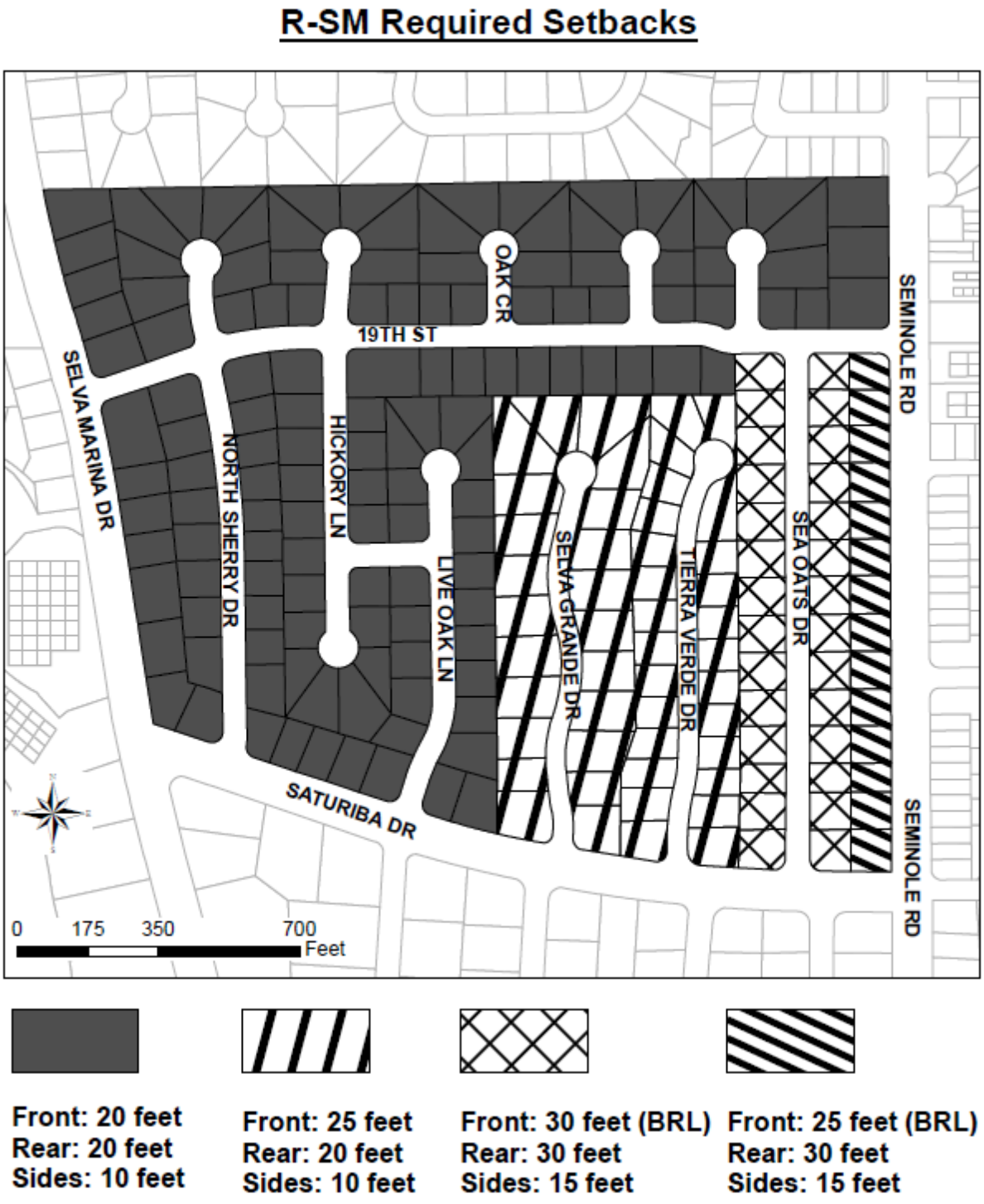

Figure 4 R-SM Required Setbacks

(h) *Building restrictions.* The following building restrictions shall apply within the R-SM zoning district:

(1) Maximum impervious surface: Forty Five (45) percent;provided, however, where lawfully existing structures and improvements on a parcel exceed this applicable percentage, redevelopment of such parcels or additions/modifications to such structures and improvements shall not exceed the pre-existing impervious surface percentage, provided the requirements of section 24-66 are met.
(2) Maximum building height: Thirty-five (35) feet.

(i) *Minimum living area:* Minimum living areas for the R-SM zoning district shall be:

(1) One story: Fourteen hundred and fifty (1,450) square feet.
(2) Two story: Sixteen hundred (1,600) square feet.

(j) *Fences, walls, and similar structures*: Fences, walls, and similar structures in the R-SM zoning district shall be subject to the provisions of section 24-157 except they:

(1) Shall not be permitted closer to the front lot line than the main residence.
(2) Shall not be permitted closer to any side lot line that abuts a street than the main residence.
(3) Shall not be constructed of chain link or similar materials.

(k) *Effect on Existing Structures and Lots*: Any structure or lot in existence and in compliance with all applicable City Code requirements in effect prior to the adoption of this Section, or lawfully under construction on January 14, 2019, that would become non-conforming by virtue of the adoption of this Section shall be regulated pursuant to Section 24-85, provided that 24-85(b)(6) shall not be applicable to reconstruction within the R-SM zoning district. If the City has issued any development permit authorizing uses and or structures prior to the public notice of this Section on October 19, 2018, compliance with the provisions of the City's ordinances, including this chapter without limitation, in effect at the time of approval shall apply to such development permit.

Sec. 24-110. - Commercial, professional office district (CPO).

(a) *Intent.* The CPO zoning district is intended for small, neighborhood scale professional offices with residential design characteristics that make such uses compatible with nearby residential uses.

(b) *Permitted uses.* The uses permitted within the CPO zoning district shall be:

(1) Medical and dental offices (but not clinic or hospital), chiropractor offices, licensed massage therapist offices.

(2) Professional offices, such as accountant, architect, attorney, engineer, land surveyor, optometrist and similar uses.

(3) Business offices such as real estate broker, insurance agent, stockbroker and similar uses.

(4) Single-family dwelling units.

(5) Child care facilities, in accordance with section 24-152.

(6) Mixed use projects combining the above permitted uses and those approved as a use-by-exception pursuant to subsection (d) below.

(c) *Limitations.* All uses within the CPO zoning district shall be subject to the following standards:

(1) No outside retail sales, display or storage of merchandise or business activities shall be permitted.

(2) No vehicles other than typical passenger automobiles, and no trucks exceeding three-quarter-ton capacity, shall be parked on a daily or regular basis within CPO zoning districts.

(3) No manufacture, repair, mechanical, service or similar work shall be permitted, and no machinery shall be used other than normal office equipment such as typewriters, calculators, computers, bookkeeping machines shall be used in association with any use located within the CPO zoning districts.

(d) *Uses-by-exception.* Within the CPO zoning district, the following uses may be approved as a use-by-exception.

(1) Limited retail sales in conjunction with a permitted professional service being rendered at the time.

(2) Church or community center.

(3) Medical or dental clinic, medical or dental laboratory; manufacture of prosthetic appliances, dentures, eyeglasses, hearing aids and similar products.

(4) Low intensity service establishments such as barber or beauty shops, shoe repair, tailor or dress makers.

(5) Banks and financial institutions without drive-through facilities.

(6) Government buildings and facilities.

(7) Spas, gyms, health clubs

(8) Schools for the fine or performing arts or martial arts.

(9) Off-street parking lots. Parking lots shall conform to provisions of section 24-162.

(e) *Minimum lot or site requirements.* The size for lots within the CPO zoning district shall be:

(1) Lot or site area: Seven thousand five hundred (7,500) square feet.

(2) Lot width: Seventy-five (75) feet.

(3) Lot depth: One hundred (100) feet.

(f) *Minimum yard requirements.* The minimum yard requirements within the CPO zoning districts shall be:

(1) Front: Twenty (20) feet.

(2) Rear: Twenty (20) feet.

(3) Side: Ten (10) feet.

(g) *Building restrictions.* The building restrictions within the CPO zoning districts are:

(1) Maximum impervious surface: Seventy (70) percent. Where existing impervious surface area exceeds seventy (70) percent on previously developed sites, new development shall not exceed the pre-construction impervious surface area and required landscaping shall be provided in accordance with division 8 of this chapter. Stormwater management requirements shall apply to infill development and to redevelopment projects involving exterior site changes.

(2) Maximum building height: Thirty-five (35) feet.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-111. - Commercial limited district (CL).

(a) *Intent.* The CL zoning district is intended for low intensity business and commercial uses, which are suitable within close proximity to residential uses, and which are intended primarily to serve the immediately surrounding neighborhood. Subject to review as a use-by-exception, and dependent upon compatibility with existing surrounding residential uses, certain more intense commercial uses may also be appropriate.

(b) *Permitted uses.* The uses permitted within the CL zoning districts shall be as follows:

(1) Low intensity service establishments such as barber or beauty shops, shoe repair, laundry or dry-cleaning pick-up, tailors or dressmakers.

(2) Low intensity retail sales of items such as wearing apparel, toys, sundries and notions, books and stationery, luggage and jewelry and similar uses; but not sale of lumber, hardware or building materials or similar products.

(3) Art galleries, libraries, museums and cultural centers.

(4) Medical and dental offices, but not clinics or hospitals.

(5) Professional offices such as accountants, architects, attorneys, engineers, optometrists and similar uses.

(56) Business offices such as real estate broker, insurance agents, manufacturing agents and similar uses.

(7) Banks and financial institutions without drive-through facilities.

(8) Convenience food stores subject to the requirements of Chapter 13 without fuel sales.

(9) Restaurants without drive-through facilities.

.

(10) Government uses, buildings and facilities.

(11) Child care facilities in accordance with section 24-152.

(12) Residential use not to exceed the medium density category as established by the comprehensive plan.

(13) Mixed use projects combining the above permitted uses and those approved as a use-by-exception pursuant to subsection (c) below.

(c) *Uses-by-exception.* Within the CL zoning district, the following uses may be approved as a use-by-exception.

(1) Medical or dental clinics.

(2) Churches and community centers.

(3) Banks and financial institutions with drive-through facilities.

(4) Printing shops

(5) Spas, gyms, health clubs

(6) Schools for the fine or performing arts or martial arts.

(7) Off-street parking lots. Parking lots shall conform to provisions of section 24-162.

(d) *Minimum lot size.* The minimum size for lots within the CL zoning district shall be:

(1) Lot or site area: Five thousand (5,000) square feet.

(2) Lot width: Fifty (50) feet.

(3) Lot depth: One hundred (100) feet.

(e) *Minimum yard requirements.* The minimum yard requirements for the CL zoning district shall be:

(1) Front yard: Twenty (20) feet.

(2) Rear yard: Twenty (20) feet.

(3) Side yard: Ten (10) feet.

(f) *Building restrictions.* The building restrictions within the CL zoning districts shall be:

(1) Maximum impervious surface: Seventy (70) percent. Where existing impervious surface area exceeds seventy (70) percent on previously developed sites, new development shall not exceed the pre-construction impervious surface area, and required landscaping shall be provided in accordance with division 8 of this chapter. Stormwater management requirements shall apply to infill development and to redevelopment projects involving exterior site changes.

(2) Maximum building height: Thirty-five (35) feet.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10; Ord. No. 90-18-233 § 1b, 6-11-18; Ord. No. 90-18-234, § 1b, 6-11-18)

Sec. 24-112. - Commercial general district (CG).

(a) *Intent.* Within the City of Atlantic Beach, the CG zoning district is intended for uses which provide general retail sales and services for the City of Atlantic Beach and the closely surrounding neighborhoods. New development and new uses within this district should be designed so that increased traffic through adjacent residential neighborhoods is avoided whenever possible..

(b) *Permitted uses.* It is not possible to list all potential permitted or prohibited general commercial uses within this section, but typical uses permitted within the CG zoning district shall include neighborhood serving uses, which shall mean low intensity commercial uses intended to serve the daily needs of residents of the surrounding neighborhoods.

Where a proposed use is not specifically listed in this section, the permissibility of the use will be determined based upon its similarity to listed uses and the compatibility and potential for adverse impacts to existing nearby uses. The uses permitted in the CG zoning district shall include the following subject to the limitations as set forth within the following subsection (d). Unless otherwise and specifically provided for herein, all business activities, products for sale and services must be located within an enclosed building properly licensed for such use.

Permitted uses shall also not include adult entertainment establishments, indoor or outdoor firing ranges, indoor or outdoor flea markets, vendors on public rights-of-way, amusement or game centers, pawn shops, bingo halls, game arcades, gaming, video poker establishments, computer game centers, or games played on individual

machines or computers, including any type of card, token or coin-operated video or simulated games or similar activities or machines which are played for any type of compensation or reward.

(1) Retail sales of food and nonprescription drugs, clothing, toys, books and stationery, luggage, jewelry, art, florists, photographic supplies, sporting goods, hobby shops and pet shops (not animal kennel or veterinarian), bakery (but not wholesale bakery), home furnishings and appliances, office equipment and furniture, hardware, lumber and building materials, auto, boat and marine related parts, and similar retail uses.

(2) Service establishments such as barber or beauty shop, shoe repair, restaurants with indoor or outdoor seating areas but without drive-through facilities, health clubs and gyms, laundry or dry cleaner, funeral home, printing, radio and television and electronics repair, lawn care service, pest control companies, surf board repair in association with surf shops, but not the production of surfboards, and similar service uses.

(3) Banks with or without drive-through facilities, loan companies, mortgage brokers, stockbrokers, and similar financial service institutions.

(4) Child care facilities in accordance with section 24-152.

(5) Business and professional offices.

(6) Retail plant nursery, landscape and garden supplies. Live plants and nursery stock may be located outside of the adjacent building licensed for such business, provided no obstruction to walkways, parking and internal driving aisles is created.

(7) Retail sale of beer and wine only for off-premises consumption.

(8) On-premises consumption of beer and wine only in conjunction with a full-service restaurant, which is a food service use where unpackaged ready-to-consume food is prepared onsite and served to the customer while seated at tables or counters located in a seating area within or immediately adjacent to the building.

(9) Minor automotive service .

(10) Theaters, but not a multi-screen (exceeding two (2) screens) or regional cineplex.

(11) Hotel, motel, motor lodge, resort rental and short-term rentals as defined within section 24-17.

(12) Institutional and government uses, buildings and facilities.

(13) Churches in accordance with section 24-153.

(14) Residential use, consistent with the comprehensive plan, which permits residential uses not exceeding the applicable density set forth in the comprehensive plan when in conjunction with, or adjacent to commercial development and redevelopment, provided that such residential development shall not be permitted within the coastal high hazard area. Policy A.1.11.1(b).

(15) The CG District shall permit those uses listed as permitted uses and uses-by-exception in the commercial limited (CL) and commercial, professional and office (CPO) zoning districts except off-street parking lots.

(16) Mixed use projects combining the above uses and those approved as a use-by-exception pursuant to subsection (c) below.

(17) Pharmacies and medical marijuana treatment center dispensing facilities subject to the requirements of section 24-169.

(18) Gas stations, subject to the requirements of section 24-165.

(19) Convenience stores subject to the requirements of chapter 13, article 4 as applicable.

(20) Electric charging stations.

(21) Car washes.

(c) *Uses-by-exception.* Within the CG zoning district, the following uses may be approved as a use-by-exception where such proposed uses are found to be consistent with the uses permitted in the CG zoning districts with respect to intensity of use, traffic impacts and compatibility with existing commercial uses and any nearby residential uses:

(1) Pet kennel and facilities for the boarding of animals.

(2) Veterinary clinic.

(3) On-premises consumption of alcoholic beverages in accordance with chapter 3 of this Code.

(4) Restaurants with drive-through service where the site contains lanes dedicated solely to drive-through business (this shall not be construed to prohibit restaurants with carry-out service, which are a permitted use).

(5) Limited wholesale operations, not involving industrial products or processes or the manufacturing of products of any kind.

(6) Contractors, not requiring outside storage, provided that no manufacture, construction, heavy assembly involving hoists or lifts, or equipment that makes excessive noise or fumes shall be permitted. Not more than one (1) contractor related vehicle shall be parked outdoors on a continuous basis.

(7) Produce and fresh markets with outdoor sale and display of garden produce only.

(8) Cabinet shops, woodworking shops and surfboard production.

(9) Hospitals.

(10) Sale of new and used automobiles, motorcycles and boats, and automotive leasing establishments, but not temporary car, truck, boat or motorcycle shows or displays.

(11) Live entertainment in conjunction with a permitted use or approved use-by-exception, not including adult entertainment establishments as defined by F.S § 847.001(2),.

(12) Off-street parking lots. Parking lots shall conform to provisions of section 24-162.

(13) Tattoo or body artists or studios.

(14) Billiard and pool halls.

(d) *Limitations on certain uses.* Permitted uses within the CG zoning district shall not include large-scale retail establishments, which for the purposes of this chapter shall be defined by their size and as follows:

Large-scale retail establishments shall include those businesses, whether in a stand-alone building or in a multi-tenant building, which occupy a floor area exceeding sixty thousand (60,000) square feet including any interior courtyards, all areas under roof and also any other display, sales or storage areas partially or fully enclosed by any means

including walls, tarps, gates or fencing. Large-scale retail establishments are commonly referred to as "big-box" retailers, discount department stores, super-centers, warehouse clubs or by similar terms. Such establishments may offer a similar type of products such as electronics or appliances or office products, but more typically offer a wide variety of general merchandise and departments, which may include home improvement, house-wares and home furnishings, sporting goods, apparel, pharmacy, health and beauty products, automotive parts and services and may also include grocery items. This definition shall not be construed to limit the overall size of shopping centers as these are defined within section 24-17, but shall apply to any building where businesses with separate local business tax receipts may share the same interior space of a building which is not separated into individual units by structural fire rated walls or that do not contain separate and distinct exterior entrances.

(e) *Minimum lot size.* The minimum size for lots within the commercial general zoning district shall be:

(1) Lot or site area: Five thousand (5,000) square feet.

(2) Lot width: Fifty (50) feet.

(3) Lot depth: One hundred (100) feet.

(f) *Minimum yard requirements.* The minimum yard requirements within the commercial general zoning district shall be:

(1) Front yard: Twenty (20) feet, except that the front yard may be reduced to ten (10) feet where required off-street parking is located at the rear or side of the building site, and the primary business entrance is designed to face the street.

(2) Rear yard: Ten (10) feet.

(3) Side yard: Ten (10) feet where adjacent to existing residential use. Otherwise, a combined fifteen (15) total feet with a five (5) feet minimum on either side.

(g) *General restrictions.* The followingrestrictions shall apply to all development in the commercial general zoning district:

(1) Maximum impervious surface: Seventy (70) percent. Where existing impervious surface area exceeds seventy (70) percent on previously developed sites, new development shall not exceed the pre-construction impervious surface area, and required landscaping shall be provided in accordance with division 8 of this chapter. Stormwater management requirements shall apply to infill development and to redevelopment projects involving exterior site changes.

(2) Maximum building height: Thirty-five (35) feet.

(3) *Parking.* Off-street parking shall be provided in accordance with section 24-161 of this chapter. Where existing uses which do not provide the required number of off-street parking spaces as set forth within subsection 24-161(g) are replaced with similar uses (such as a restaurant replacing a restaurant), with no expansion in size or increase in number of seats, additional parking shall not be required. Any increase in floor area or expansion in building size, including without limitation, the addition of seats, shall require provision of additional parking for such increase or expansion.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10; Ord. No. 90-18-233, § 1c, 6-11-18; Ord. No. 90-18-234, § 1c, 6-11-19)

Sec. 24-113. - Light industrial and warehousing districts (LIW).

(a) *Intent.* The light industrial and warehousing zoning district is intended for light manufacturing, storage and warehousing, processing or fabrication of non-objectionable products, not involving the use of materials, processes or machinery likely to cause undesirable effects upon nearby or adjacent residential or commercial activities. Heavy industrial uses generally identified as industry groups 32-37 by the Standard Industrial Classification (SIC) Code Manual issued by the United States Office of Management and Budget shall not be permitted within the LIW district.

(b) *Permitted uses.* The uses permitted within the light industrial and warehousing zoning district shall be:

(1) Wholesaling, warehousing, mini-warehouses and personal self-storage, storage or distribution establishments and similar uses within completely enclosed buildings.

(2) Light manufacturing, packaging or fabricating, without noxious or nuisance odors or hazardous operations, within completely enclosed buildings.

(3) Contractor's yards with outdoor storage. Required front yards yard shall not be used for storage, and a six-foot visual barrier shall be installed around such storage areas so as to conceal view from adjacent properties and streets.

(4) Heating and air conditioning, plumbing and electrical contractors, wholesale bakeries and similar uses.

(5) Vocational, technical or trade schools (except truck or tractor driving schools) and similar uses.

(6) Government buildings, uses and facilities.

(7) Minor automotive, boat or trailer service.

(8) Surfboard repair.

(9) Mixed use projects combining the above uses and those approved as a use-by-exception pursuant to subsection (c) below.

(c) *Uses-by-exception.* Within the light industrial and warehousing zoning district, the following uses may be approved as a use-by-exception.

(1) Bulk storage of flammable liquids or gases subject to provisions of county and state fire codes.

(2) Communication tower (radio, TV and telecommunications).

(3) Concrete batching plants.

(4) Establishments for sale of new and used automobiles, motorcycles, trucks and tractors, boats, automobile parts and accessories (except salvage yards), machinery and equipment, farm equipment, lumber and building supplies, mobile homes, monuments and similar sales establishments.

(5) Establishments for major automotive repair and towing service.

(6) Permanent storage of automobiles, motorcycles, trucks and tractors, boats, machinery and equipment, farm equipment and similar uses within completely enclosed buildings.

(7) Welding shops, metal fabrication and sheet metal works.

(8) Manufacture and production of boats and surfboards.

(9) Pain management clinic.

(10) Processing (excluding animal processing and slaughterhouses).

(11) Wholesale food processing.

(12) Off-street parking lots. Parking lots shall conform to provisions of section 24-162.

(13) Cabinet shops, woodworking shops

(d) *Minimum lot size.* The minimum size for lots within the LIW district shall be:

(1) Lot or site area: Five thousand (5,000) square feet.

(2) Lot width: Fifty (50) feet.

(3) Lot depth: One hundred (100) feet.

(e) *Minimum yard requirements.* The minimum yard requirements for the LIW zoning districts shall be as follows:

(1) Front yard: Twenty (20) feet.

(2) Rear yard: Ten (10) feet.

(3) Side yard: Ten (10) feet.

(f) *General restrictions.* The following restrictions shall apply to all development in the LIW zoning district:

(1) Maximum impervious surface: Seventy (70) percent. The maximum impervious surface shall not apply to redevelopment of previously developed sites where existing development exceeds seventy (70) percent, but in no case shall redevelopment increase impervious surface area beyond that existing.

(2) Required landscaping shall be provided in accordance with division 8 of this chapter.

(3) Stormwater management requirements shall apply to development and to redevelopment projects involving exterior site changes.

(4) Maximum building height: Thirty-five (35) feet.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-114. - Special purpose district (SP).

(a) *Intent.* The special purpose district is intended for a limited single use that does not fit within the conventional zoning districts. Applications to rezone land to special purpose district may be made in accordance with section 24-62. The use proposed for any special purpose district shall be consistent with the comprehensive plan, and the use and any limitations applicable to such use shall be stated within the ordinance establishing the special purpose district.

(b) *Permitted uses.* Government uses and public facilities and any other permitted uses shall be limited to those established by the City Commission within the ordinance creating a special purpose district, and upon a finding of consistency with the comprehensive plan.

(c) The existing salvage yard, which is restricted to storage and salvage operations of automobiles, trucks, motorcycles, mobile homes, other vehicles, boats, septic tanks and

metal scrap is recognized as a lawfully permitted nonconforming use within the SP district. The site area for this existing salvage yard shall not exceed that covered by the blocks or portions thereof limited in location to the following lots of record identified as Section H, to wit: all of Blocks 111, 112, 113, 117, 118, 119, 140, 141, and 142, Plat Book 18, Page 34.

In the case that any lot or parcel within the blocks referenced herein shall cease to be used for a salvage yard as described herein, then and in that case, that particular lot or parcel shall not again be used except in conformance with the requirements of this section, and any autos, boats, parts, or similar remaining materials shall be removed at the owner's expense within six (6) months after receiving written notice from the City of Atlantic Beach and the City may initiate a rezoning application from SP to another district.

(d) *Uses-by-exception.* None.

(e) *Minimum lot or site requirements.* Minimum required lot area shall be determined based upon the characteristics of the use proposed.

(f) *Minimum yard requirements.* Structures shall be a minimum distance of five (5) feet from any property line.

(g) *Building restrictions.* The building restrictions applicable to any use permitted within a special purpose district shall be established within the ordinance creating such special purpose district.

(h) *Special requirements.* Development within a special purpose district shall be subject to the following provisions:

(1) Accessory uses shall be determined based upon the specific use permitted within the special purpose district.

(2) Where a specific permitted use within a special purpose district is ceased for a period of six (6) months or abandoned, the zoning district designation shall remain special purpose (SP), except in the case where the terms of an SP district require reversion to a previous zoning district designation. In all other cases, no future use shall be permitted except in conformance with the requirements of this section and until the ordinance establishing the special purpose district is amended.

(3) Where a specific permitted use within a special purpose district is ceased for a period of six (6) months, or abandoned, all structures, equipment, stored materials and any refuse shall be fully removed, at the property owner's expense, within six (6) months of receiving written notice from the City of Atlantic Beach in accordance with such order for removal or in accordance with the terms of the ordinance establishing the special purpose district.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-115. - Central business district (CBD).

(a) *Intent.* The central business district is intended for low intensity, neighborhood scale commercial and retail and food service uses, and professional offices, which are suitable within the constraints of the existing development patterns of the district and which contribute to the commercial, civic and cultural vitality of the City of Atlantic Beach Town Center area. The central business district contains an established development pattern with a predominance of older structures built prior to the current requirements for area, setbacks, parking and other site related elements, and this character should be retained.

Figure 5 Central Business District Map

(b) *Permitted uses.* The uses permitted in the central business district shall be:

(1) Low intensity service establishments such as barber or beauty shops, shoe repair, laundromat, (but not dry cleaners), tailors or dressmakers.

(2) Low intensity retail sales of items such as wearing apparel, toys, sundries and notions, books, stationery, luggage, jewelry, or similar uses.

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(3) Medical and dental offices, but not clinics or hospitals.

(4) Professional offices such as accountants, architects, attorneys, engineers, and similar uses.

(5) Business offices such as real estate broker, insurance agents, and similar uses.

(6) Banks and financial institutions without drive-through facilities.

(7) Restaurants, café, coffee shops without drive-up or drive-through service.

(8) Art galleries, libraries, museums, cultural centers.

(9) Government use, buildings and facilities.

(10) Uses authorized pursuant to a right-of-way revocable license agreement.

(11) A single family dwelling unit within the same building occupied by a permitted use.

(12) Mixed use projects combining the above uses and those approved as a use-by-exception pursuant to subsection (c) below.

(c) *Uses-by-exception.* Within the central business district, the following uses may be approved as a use-by-exception.

(1) Residential, where such residential use is within the same building of a mixed use project subject to density requirements of the comprehensive plan.

(2) Live entertainment in conjunction with a permitted use or approved use-by-exception, not including adult entertainment establishments as defined by F.S § 847.001(2) and also not including outdoor entertainment such as putt-putt golf and driving ranges, skatepark, firing ranges, amusement centers and video game arcades and any type of token or coin-operated video or arcade games, tattoo or body artists or studios, movie theaters, billiard and pool halls.

(3) Off-street parking lots. Parking lots shall conform to provisions of section 24-162.

(d) *Lot size and yard requirements.*

(1) Subject to meeting required impervious surface area limits, stormwater requirements, access and parking standards, landscaping and buffering, there are only defined maximum front yard requirements within the central business district.

(2) Yard requirements. The yard requirements within the central business district shall be:

(a) Front: 15 feet (maximum)

(b) Rear: 0 feet (minimum)

(c) Side: 0 feet (minimum)

(e) *General restrictions.* The following restrictions shall apply to all development within the central business district:

(1) Maximum impervious surface: Seventy (70) percent, provided where existing development exceeds seventy (70) percent, redevelopment shall not increase impervious surface area beyond that existing.

(2) Required landscaping shall be provided in accordance with division 8 of this chapter.

(3) Stormwater management requirements shall apply to development and to redevelopment projects involving exterior site changes.

(4) Maximum building height: Thirty-five (35) feet.

(f) *Right-of-way revocable license agreements and uses restrictions.* Outside seating for restaurants, coffee shops and sidewalk cafes may be operated by the management of adjacent permitted food service establishments, subject to the following provisions:

(1) Outside seating within public rights-of-way may be permitted under a renewable revocable license agreement approved by the City Commission. As a condition of the license agreement, the owner of such establishment shall agree in writing to maintain that portion of the right-of-way where the outside seating is located. The owner/lessee/lessor of the business establishment and the property owner shall agree

in writing to hold the City of Atlantic Beach harmless for any personal injury or property damage resulting from the existence or operation of, and the condition and maintenance of the right-of-way upon which any outside seating is located, and shall furnish evidence of general liability insurance in the amount of one million dollars ($1,000,000.00) per person and two million dollars ($2,000,000.00) per occurrence with the City of Atlantic Beach as additional named insured.

(2) Outside seating shall not be permitted on the sidewalk closer than five (5) feet from the curb line of the street or from any fire hydrants located in the right-of-way.

(3) Outside seating areas shall be defined by an enclosure of at least three (3) feet in height measured from the ground or sidewalk level. Enclosures shall be designed in compliance with ADA accessibility guidelines and shall provide safe pedestrian access to the public right-of-way and designated parking spaces. Such enclosure may consist of screens, planters, fencing or other similar materials.

(4) No heating or cooking of food or open flames shall be allowed in such outside seating areas.

(5) Seats provided in such outside seating areas shall be included in the required parking calculations.

(6) Amplified music shall not be permitted in outside seating areas. Lighting to serve outside seating areas shall be white in color and shall not spill over to adjacent properties.

(7) The City Commission shall determine and establish by resolution the charges, terms and termination procedures for right-of-way leases.

(8) The City Commission may permit nonfood service uses in right-of-way license agreements provided such uses are either listed as permitted or permissible by use-by-exception and further provided such uses are special event related and not continuous.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-116. – Traditional Marketplace district (TM).

(a) Intent. The traditional marketplace district is intended for mixed residential and neighborhood retail development. The traditional marketplace district was established to allow redevelopment along commercial corridors with a development pattern more consistent with development that was common prior to the 1950's. This development style is characterized by having minimum setbacks, parking areas in the rear or side yards, and access through rear alleyways. Typically, this style of development also has a mixture of uses with commercial on the first floors and upper stories residential. Today, this style of development is often referred to as new urbanism and is characterized as being walkable and pedestrian friendly.

(b) Permitted uses. The uses permitted in the traditional marketplace district shall be:

(1) Service establishments such as barber or beauty shops, shoe repair, laundromat, (but not dry cleaners), tailors or dressmakers; retail sales of items such as wearing apparel, toys, sundries and notions, books, stationery, luggage, jewelry, or similar uses.

(3) Medical and dental offices, but not clinics or hospitals.

(4) Professional offices such as accountants, architects, attorneys, engineers, and similar uses.

(5) Business offices such as real estate broker, insurance agents, and similar uses.

(6) Banks and financial institutions without drive-through facilities.

(7) Restaurants, café, coffee shops without drive-up or drive-through service.

(8) Art galleries, libraries, museums, cultural centers.

(9) Municipal, government buildings and facilities.

(10) Uses within the rights-of-way pursuant to the revocable license agreement.

(11) A single dwelling unit within a building occupied by a permitted retail use on the ground floor or a public amenity as described in 24-115 (d) every forty-five (45) feet.

(12) Multifamily dwelling units within a building occupied by a permitted retail use on the ground floor or a public amenity as described in 24-115 (d) every forty-five (45) feet.

(13) Spas, gyms, health clubs and schools for the fine or performing arts or martial arts.

(14) Retail outlets for the sale of food, art, florists, photographic supplies, sporting goods, hobby shops and pet shops (not animal kennel or veterinarian), bakery (but not wholesale bakery), home furnishings and appliances, office equipment and furniture, hardware, lumber and building materials, auto, boat and marine related parts, and similar retail uses.

(15) Retail sale of beer and wine only for off-premises consumption.

(16) On-premises consumption of beer and wine only in conjunction with a full service restaurant, which is a food service use where unpackaged ready-to-consume food is prepared onsite and served to the customer while seated at tables or counters located in a seating area within or immediately adjacent to the building.

(17) Theaters, but not a multi-screen (exceeding two (2) screens) or regional complex.

(18) Live entertainment indoors and non-amplified.

(19) Craftsman and artisan studios including metal welding and fabrication shops not to exceed 2,500 sq. ft.

(20) Mixed use projects combining the above uses and those approved as a use-by-exception pursuant to subsection (c) below.

(c) Uses-by-exception. Within the traditional marketplace district, the following uses may be approved as a use-by-exception.

(1) Businesses offering amplified live entertainment both indoor and outdoor. This does not include adult entertainment establishments as defined by F.S § 847.001(2) and also does not include outdoor entertainment such as putt-putt golf and driving ranges, skatepark, firing ranges, amusement centers and video game arcades and any type of token or coin-operated video or arcade games. (2) On-premise consumption of alcoholic beverages in accordance with chapter 3 of the Code.

(3) Hotel, motel, motor lodge, resort rental or tourist court and short-term rentals as defined within section 24-17 (4) Veterinary clinics, pet grooming, and pet kennel and facilities for the boarding of animals.

(d) Lot size and yard requirements. Subject to meeting required impervious surface area limits, stormwater requirements, access and parking standards, landscaping and buffering, there are no required setbacks within the traditional marketplace district. However, buildings shall build no more than five (5) feet from a side or front lot line unless the development provides an amenity which activates the street and is accessible to the public. Buildings may be setback farther than five (5) feet from a side yard or front yard setback in order to accommodate one or more of the following amenities:

(1) Outdoor seating for a restaurant, retail, or similar use accessible to the public;
(2) Shelter or canopy between the building and the property line accessible to the public;
(3) Public art such as a sculpture accessible to the public; and
(4) Greenspace, pocket park, parklet or square accessible to the public.

(e) General restrictions. The for the following restrictions shall apply to development and redevelopment the traditional marketplace district:

(1) Maximum impervious surface: Seventy (70) percent, provided where existing development exceeds seventy (70) percent, redevelopment shall not increase impervious surface area beyond that existing.

(2) Required landscaping shall be provided in accordance with division 8 of this chapter

(3) Stormwater management requirements shall apply to infill development and to redevelopment projects involving substantial exterior site changes.

(4) Maximum building height: Thirty-five (35) feet.

(f) Right-of-way lease restrictions. Outside seating for restaurants, coffee shops and sidewalk cafes may be operated by the management of adjacent permitted food service establishments, subject to the following provisions:

(1) Outside seating within public rights-of-way may be permitted under a renewable revocable license agreement approved by the city commission. As a condition of the license agreement, the owner of such establishment shall agree in writing to maintain that portion of the right-of-way where the outside seating is located. The owner/leasee/leasor of the business establishment and the property owner shall agree in writing to hold the City of Atlantic Beach harmless for any personal injury or property damage resulting from the existence or operation of, and the condition and maintenance of the right-of-way upon which any outside seating is located, and shall furnish evidence of general liability insurance in the amount of one million dollars ($1,000,000.00) per person and two million dollars ($2,000,000.00) per occurrence with the City of Atlantic Beach as additional named insured.

(2) Outside seating shall not be permitted on the sidewalk closer than five (5) feet from the curb line of the street or from any fire hydrants located in the right-of-way.

(3) Outside seating areas shall be defined by an enclosure of at least three (3) feet in height measured from the ground or sidewalk level. Enclosures shall be designed in compliance with ADA accessibility guidelines and shall provide safe pedestrian access to the public right-of-way and designated parking spaces. Such enclosure may consist of screens, planters, fencing or other similar materials.

(4) Lighting to serve outside seating areas shall shall not spill over to adjacent properties.

(5) The city commission shall determine and establish by resolution the charges, terms and termination procedures for right-of-way leases.

(6) The city commission may permit nonfood service uses in right-of-way revocable license agreements provided such uses are either permitted an approved use-by-exception process and further provided such uses are special event related and not continuous.

DIVISION 6. - SPECIAL PLANNED AREA DISTRICT (SPA)

Sec. 24-117. - Purpose and intent.

The purpose of the special planned area district is to create a mechanism to establish a plan of development or redevelopment for a site where the property owner and the community's interests cannot be best served by the provisions of the conventional zoning districts, and where assurances and commitments are necessary to protect the interests of both the property owner and the public, and also the unique qualities of the City of Atlantic Beach which are expressed throughout this chapter and the comprehensive plan.

The intent of this section is to provide an appropriate zoning district classification for new development and redevelopment where specific development standards and conditions will be established within the enacting ordinance. The quality of design and site planning are the primary objectives of the SPA district.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-118. - Special planned area district required.

The special plan area process may be used at a property owner's discretion, and may also be required by the city where a proposed development or redevelopment project has unique characteristics, special environmental or physical features such that a site development plan is needed as part of the review and approval process.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-119. - Permitted uses and site requirements.

(a) *Permitted uses.* Any use or mix of uses, which are a permitted use or a permitted use-by-exception, subject to that use being an allowable use within the future land use category as designated by the comprehensive plan, may be proposed within a special planned area district.

(b) *Site requirements.* Special planned area districts shall not have a minimum size requirement, but shall otherwise be subject to all applicable requirements of this chapter.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-120. - Process for rezoning to special planned area district.

(a) The procedure for rezoning to special planned area shall be the same as set forth within section 24-62 of this chapter.

(b) Ownership and commitment information required. An application for rezoning to special planned area shall proceed in general as for other applications for rezoning and, in addition to the information required for such applications, the following shall also be required:

(1) Evidence of unified control and a written commitment to proceed with the proposed development in accordance with the ordinance creating the special planned area

(2) Provision of a written agreement for completion of the development according to plans and schedule approved by the ordinance, and for the continuing operation and maintenance of all privately-owned areas, functions and facilities, which will not be operated or maintained by the city.

(3) Commitment to bind all successors and assigns in title to any conditions included within the ordinance creating the special planned area which shall also include by reference the application for rezoning and the approved plan of development, and which shall be recorded with the Clerk of the Courts of Duval County.

(4) Statements providing commitments for the continued maintenance and ownership of all shared and common areas, any private streets, all stormwater management structures and facilities, infrastructure and any other improvements.

(c) *Materials to accompany application.* An application for rezoning to special planned area shall include the materials listed in Section 24-62 and the following:

(1) Traffic, environmental or other technical studies and reports as may be required in order to make the findings and determinations called for in the evaluation of the particular application. Any such information shall be provided at the applicant's expense and shall be prepared by professionals who are qualified, licensed or certified to prepare such information using standard accepted methodologies.

(2) Written narrative describing the intended plan of development.

(3) A proposed site development plan drawn at an appropriate scale depicting the following:

a. The general location, grouping, and height of all uses, structures and facilities.

b. In the case of residential development, the number of dwelling units proposed, their general location, proposed building setbacks, separation between structures and number of stories.

c. The general location of vehicular and pedestrian circulation systems including driveways, sidewalks, parking areas, and streets to be dedicated.

d. Open space and all active and passive recreational uses, with estimates of acreage to be dedicated to the city and that to be retained in common ownership. Active and passive recreation shall be sufficient to serve the needs of residents within the proposed development.

e. A boundary survey and a topographic map at an appropriate scale showing contour lines, including all existing buildings, water bodies, wetland areas and ratio of wetlands to uplands, significant environmental features and existing vegetative communities.

f. Any archaeological or historic resources, as identified by the State Division of Historical Resources Master Site File.

g. Site data including total number of acres in the project and acreage to be developed with each proposed use. (Total number of dwelling units separated by type and total nonresidential acreage and square footage of nonresidential structures.

(4) Proposed schedules of development, including the following:

a. Areas to be developed and the phasing schedule for each development area. Individual phases may overlap, but no single phase shall exceed a period of five (5) years.

b. Terms providing a definition for commencement and a definition of completion.

c. The construction of streets, utilities and other improvements necessary to serve the proposed development.

d. The dedication of land to public use, if applicable.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-121. - Development standards and criteria.

The special planned area district should not be construed as a mechanism to diminish the requirements set forth elsewhere within this chapter or other chapters of the City Code. Waivers to existing development standards may be approved by the City Commission as part of a Special Planned Area rezoning ordinance upon demonstration that an alternative standard will provide a better development outcome with respect to the quality of design and development form. Unless otherwise approved as part of the master site development plan, all applicable requirements of the land development regulations shall apply.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-122. - Master site development plan required.

A master site development plan shall be attached as an exhibit to the ordinance or adopted by reference within the ordinance enacting any special planned area district and shall include the following:

(1) Those items set forth within section 24-118.

(2) A schedule of development, and if a phased schedule is proposed, phases of not more than five (5) years each.

(3) All features and special development provisions and conditions capable of being depicted on a map or otherwise provided in notations on the plan or within text attachments.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-123. - Platting.

Where lands within a special planned area district will be platted, the platting and recordation procedures and requirements as set forth within article IV of this chapter shall apply.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-124. - Modifications to previously approved special planned area districts or master site development plans or planned unit developments (PUD).

(a) Changes to the terms or conditions of a special planned area district, or to an existing planned unit development approved prior to the enactment of the special planned area district, that are specifically set forth within the ordinance enacting the PUD or SPA district shall require an ordinance revision using the standard process to rezone land.

(b) Except as provided in subsection (b) below, changes to master site development plans shall require approval by ordinance of the City Commission upon finding that the proposed changes remain consistent with the approved special planned area district.

(c) Minor deviations to a master site development plan or final development plan may be approved by the Administrator following review by the building, public works, public utilities and community development departments, upon finding that the requested changes are consistent with the following:

(1) No change in use;

(2) No increase in building height, density or intensity of use;

(3) No decrease in area set aside for buffers or open space;

(4) No changes to access point or driveways.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-125. - Expiration of time limits provided in ordinance.

If development actions set forth within the ordinance creating a special planned area district are not timely taken as prescribed within the ordinance, the right to proceed with the development authorized pursuant to a Special Planned Area ordinance shall expire, and no further development action shall be permitted under same unless an extension has been granted by the City Commission.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-126. - Effect on previously approved planned unit developments (PUDs).

PUDs created prior to the effective date of the ordinance enacting the special planned area district provisions shall remain so designated on the zoning map and shall remain subject to all specific terms and conditions as set forth within the particular PUD ordinance. Any proposed change to a previously enacted PUD shall be made in accordance with the procedures as set forth within this division.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Secs. 24-127—24-150. – Reserved

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DIVISION 7. - SUPPLEMENTARY REGULATIONS

Sec. 24-151. - Accessory uses and structures.

(a) *Authorization.* Accessory uses and structures are permitted within any zoning district, as set forth within this section, where the accessory uses or structures are clearly ancillary, in connection with, and incidental to the principal use allowed within the particular zoning district. Any permanently located accessory structure, which exceed thirty (30) inches in height, also including without limitation, those which may not require a building permit, are subject to all land development regulations unless otherwise provided for within this chapter. Temporary structures, such as portable tents, canopies, awnings or other nonpermanent structures shall be limited to special occasion use only, and for a period of not more than ninety-six (96) hours, i.e., four (4) days.

(b) *Accessory uses and structures by zoning district.*

(1) Within all residential zoning districts.

a. Antenna structures for television and radio, but not microwave relay or commercial transmission structures, television and radio antennae of the customary size and design shall not count as accessory structures for the purposes of determining the number of such structures, provided that only one (1) such structure is permitted per residence.

b. Children's playhouse and/or juvenile play equipment.

c. Guest house or guest quarters, provided that such are used only for intermittent and temporary occupancy by a nonpaying guest or family member of the occupant of the primary residence. A guest house or guest quarters shall not be rented for any period of time and shall not contain a kitchen, but may contain a kitchenette as defined herein. Further, a guest house or guest quarters shall not be used as, or converted to a dwelling unit. A detached guest house or guest quarters shall not exceed the number of buildings allowed on a lot as set forth within subsection 24-81(b).

d. Detached private garages, carports, guest houses or guest quarters, shall not to exceed six hundred (600) square feet of lot area and fifteen (15) feet in height, Only one (1) detached private garage, carport, guest house or guest quarters shall be allowed on any single residential lot and shall be a minimum distance of five (5) feet from rear and side lot lines. Such detached structures exceeding six hundred (600) square feet of lot area shall comply with applicable setbacks as established for the principal building.

e. Notwithstanding subsection (d) above, detached private garages, not to exceed six hundred (600) square feet of lot area may be constructed to a height of twenty-five (25) feet provided that such structures shall comply with applicable side yard requirements and shall be a minimum distance of ten (10) feet from the rear lot line.

f. Detached garage apartments which are permitted only on double frontage (through) lots subject to the provisions of 24-89.

g. Gazebos, pergolas, covered decksand similar structures, not to exceed one hundred fifty (150) square feet and twelve (12) feet in height and a minimum distance of five (5) feet from the rear and side lot lines.

h. Private swimming pools in accordance with section 24-164.

i. Home occupation per Section 24-159.

j. Private ball courts and other similar private recreational uses.

k. Skatepark, skating, bicycle or similar ramps, for use on private property only, placed or constructed in fixed locations and made of wood, block, concrete or similar materials, provided that these are not located within required front yards or the street side yards on a corner lot. Due to excessive noise, which may result from the use of such ramps, time of use shall be limited to the hours between 9:00 a.m. and 10:00 p.m. Such ramps shall be maintained in a safe and good condition and shall be disassembled and removed from the property if allowed to deteriorate to an unsafe or unsightly appearance.

l. Storage and tool sheds, not to exceed one hundred fifty (150) square feet and twelve (12) feet in height. Only one (1) detached storage or tool shed shall be allowed on any single residential lot, and such structures shall be a minimum distance of five (5) feet from the rear and side lot lines.

m. Screened enclosures and pool cages with screened roofs or similar nonstructural roofs such as awnings and the like, located a minimum of five (5) feet from any side or rear lot line.

n. Uncoverd decks and patios (with or without railings).

o. Outdoor shower enclosures and open exterior stairs, shall not be located within three (3) feet of side and rear lot lines.

(2) In any zoning district, except as to private swimming pools, and unless specifically provided otherwise in this Chapter.

a. All accessory uses and structures shall comply with the use limitations applicable to the zoning district in which they are located. Space within an accessory structure shall not be leased or used for any use, activity or purpose other than those typically incidental to the use of the principal building.

b. No accessory structure shall be used as a residence, temporarily or permanently, except in accordance with section 24-89, and no accessory structure shall be used for any commercial or business purpose unless approved as a home occupation in accordance with the provisions of section 24-159 of this chapter.

c. Unless otherwise specified within this section, all accessory structures shall comply with the land development regulations applicable to the zoning district in which they are located.

d. Unless otherwise specified within this section, accessory uses and structures shall not be located within required front yards and shall not be closer than five (5) feet from any lot line.

e. Accessory structures shall not be more than fifteen (15) feet in height, except in accordance with section 24-89 or preceding subsection (b)(1).

f. No accessory building or structure other than screen enclosures with a screen roof or uncovered decks or patios shall be located closer than five (5) feet to any other building or structure on the same lot. Any accessory building or structure located closer than five (5) feet to a principal structure shall be considered attached, and shall comply in all respects with the lot, yard and scale limitations applicable to the zoning district in which they are located.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10; Ord. No. 90-12-214, § 1(Exh. A), 3-26-12)

Sec. 24-152. - Child care.

Child care facilities, including day nurseries and kindergartens, and child care provided in private homes, whether operated as a permitted use or permitted as a use-by-exception, shall be licensed and operated in accordance with all applicable requirements of the Florida Department of Children and Family Services and any other applicable state requirements, all applicable city codes, and shall further be subject to the following provisions:

(a) Minimum Lot area shall not be less than five thousand (5,000) square feet.

(b) Outdoor play areas shall be fully fenced with a minimum four-foot high latching fence, and the size of play area shall meet the state regulations for square feet of play area per child. Within all residential zoning districts, play areas and all play equipment, structures and children's toys shall not be located, maintained or stored within required front or side yard setback areas.

(c) Where approval of a use-by-exception is required to operate a child care facility, the maximum number of children shall be stated in the application, and in no case shall the maximum permitted number of children be exceeded at any time. The application shall include a site plan showing the location of the building to be used or constructed on the lot, fenced play areas, off-street parking, loading and unloading facilities as required by section 24-161, and traffic circulation, including any drop-off areas.

(d) Child care provided within private homes, not requiring approval of a use-by-exception, shall be limited to care of not more than five (5) children, unrelated to the operator, within a single time period, and shall be licensed and operated only in accordance with all applicable licensing requirements of the Florida Department of Children and Family Services (DCFS) and the requirements of this chapter. The application for occupational license to provide child care within a private home shall be accompanied by a copy of the current license certificate from the DCFS and a survey or site plan demonstrating compliance with all requirements of this section. The city reserves the right to request of the DCFS an inspection pursuant to F.S. § 402.311 prior to issuance of a local occupational license. Child care in private homes shall be further subject to the following requirements.

a. No business signs shall be placed upon the lot where child care is provided within private homes.

b. Play areas and all play equipment, structures and children's toys shall not be located, maintained or stored within required front or side yard setback areas.

c. Off-street parking, as required by section 24-161, shall be provided, including provision[s] for off-street drop-off and pick-up. Parking and traffic generated by any child care provided within private home facilities shall have no adverse impacts to the volume or circulation of residential traffic.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-153. - Churches.

The minimum development criteria for churches in any zoning district where churches are permitted shall include the following:

(a) Adequate site area to accommodate all structures and required onsite parking and circulation areas for motor vehicles, in accordance with the parking requirements of this chapter.

(b) Location on a collector or arterial street with adequate frontage to accommodate ingress-egress driveways in proportion to expected peak attendance levels in order not to disrupt roadway traffic.

(c) Maintenance of the required clear sight triangle.

(d) Minimum yard requirements and building restrictions as required within the zoning district in which the facility is located.

(e) Buffering as required by section 24-167 of this chapter in the form of hedge materials and/or fence or wall, as appropriate, along lot lines adjacent to any residential uses.

(f) A single dwelling unit for may be permitted and may be attached to, located within, or on the same premises as the church. For dwelling units that are detached from the church building, the minimum yard requirements and building restrictions of the applicable zoning district shall apply.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-154. - Outdoor display, sale and storage of furniture, household items, merchandise and business activities outside of enclosed buildings.

(a) Except as provided in subsection (b) below, , the outside display of products, or outside sale of furniture, clothing, dry goods, hardware or other similar merchandise, equipment and materials, shall be prohibited within all nonresidential zoning districts, with the following exceptions:

(1) Landscaping and garden supplies, nursery stock in containers, patio furniture and ornamental articles for use in lawn, garden or patio areas, displayed for sale on private property only and subject to provision of any required buffering and screening.

(2) Locations authorized for permanent automotive sales, except that no storage or display of tires, auto parts, tools, service or repair work is permitted outdoors, and no streamers, banners, pennants, balloons, flashing lights or similar items are permitted in any location.

(3) Temporary outdoor markets limited only to farm and garden produce, arts and crafts, and seasonal items such as Christmas trees and pumpkins, and mobile food vending units, may be permitted on private property subject to approval by the Administrator verifying adequate parking, safe site access, and establishing the duration and time of such activities. Other conditions for approval, as appropriate, may be required.

(b) Within the commercial general (CG) zoning district only, outside display of merchandise shall be permitted only in accordance with the following conditions:

(1) Display areas must be fully located on private property, shall not be located in any drive aisle, parking or landscaping areas and shall not in any manner interfere with use of a sidewalk, walkway or entrance to a business with a minimum three-foot wide clear area maintained for walkways in front of any such display. All items and any display rack or table must be brought inside at the close of each business day.

(2) Outside display racks or tables are limited to a maximum size of three (3) feet in height, two (2) feet in depth and five (5) feet in width, and only one (1) outside display rack shall be permitted per business or per lot, as applicable. Display racks or tables must be professionally constructed or manufactured and of a type customarily used for such purposes. Temporary tables constructed of plywood, blocks or other similar materials shall not be used.

(3) Only merchandise that is sold inside the adjoining business, which holds the valid business license as the owner or lease holder to operate such business, shall be displayed outside.

(4) No temporary signs, lights, banners, balloons, posters and the like shall be permitted on such displays, except that pricing information attached to individual items for sale is permissible, and such displays shall be maintained in a neat, orderly and uncluttered manner.

(5) Failure to consistently observe all above conditions shall result in an order from the city to remove all such merchandise and revocation of rights for such future outside displays may follow.

(c) Unless expressly permitted by this section or elsewhere within these land development regulations, all business-related products, services and activities shall be conducted within an enclosed building, subject to compliance with applicable licensing requirements.

(d) Temporary shows for the outdoor display and sale of automobiles, trucks, motorcycles, boats, RVs and the like, flea markets, swap meets, regardless of the name used to describe these, shall be prohibited in all zoning districts.

(e) Any signage used for any outside merchandise or activity shall be in accordance with the sign regulations.

(f) This section shall not be construed to prohibit outdoor restaurant seating on private property where permitted by the property owner and in compliance with other applicable regulations including without limitation required parking, and any required licensing from the division of alcoholic beverages.

(g) Within all residential zoning districts, and also including any property containing a residential use, household items, furniture and those items customarily intended for indoor use shall not be displayed, maintained or permanently stored outdoors, or in any location on the lot where such items are visible from adjacent properties. Discarded or unused household items shall be stored or properly disposed of to avoid mold, rodent and insect infestations which may result in health risks and which also create unsightly appearances that negatively affect neighborhoods. Such violations shall be corrected immediately upon written order from the city.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-155. - Establishments offering live entertainment.

If at any time the City Commission shall determine, following a public hearing noticed and governed in accordance with Section 24-51, that the live entertainment, for which a use-by-exception has been issued, constitutes a nuisance, is not in the best interests of the public, is contrary to the general welfare or has an adverse effect upon the public health, safety, comfort, good order, appearance or value of property in the immediate or surrounding vicinity, then the Community Development Board may, upon such determination, revoke, cancel or suspend such use-by-exception and related business license. Any person or party applying for and receiving a use-by-exception for live entertainment is hereby placed on notice that the use-by-exception may be canceled, revoked or suspended at any time pursuant to the provisions of this section. Every use-by-exception hereafter granted for live entertainment shall contain a recitation upon the face thereof that the same is subject to revocation, cancellation or suspension for the reasons stated in this section.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-156. - Exceptions to height limitations.

Upon specific application, the City Commission may grant waivers to the maximum height of buildings as set forth within this chapter only within nonresidential zoning districts and only in accordance with the following:

(a) In no case shall approval be granted for any height of building within the city exceeding thirty-five (35) feet, except in accordance with section 59 of the City Charter.

(b) Requests to exceed the maximum height for certain elements of a building may be considered and approved only within nonresidential land use categories and for nonresidential development. Further, any such nonresidential increase to the maximum height of building shall be limited only to exterior architectural design elements, exterior decks or porches, and shall exclude signage, storage space or habitable space as

defined by the Florida Building Code and shall be approved only upon demonstration that the proposed height is compatible with existing surrounding development.

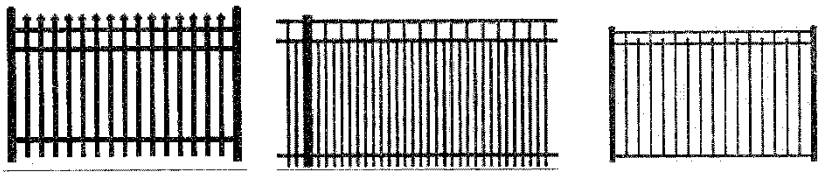
(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-157. - Fences, walls and similar structures.

(a) *Permit required.* Issuance of a permit is required for any new or replacement fence or wall, and all new or replacement fences and walls shall comply with the following provisions. Nonconforming fences shall not be replaced with nonconforming fences. The term fence and wall may be used interchangeably within this chapter, and shall mean as specifically defined within section 24-17. Fences must be constructed out of materials that are customarily used for fences.

(b) *Height and location.*

(1) Within required front yards, the maximum height of any fence shall be four (4) feet, except that open ornamental aluminum, iron or vinyl or wood fences, similar to the below examples, with vertical rails no more than two (2) inches in width and spacing of at least four (4) inches may be constructed to a maximum height of five (5) feet except in cases as described in following subsection ii. Within required side or rear yards, the maximum height of any fence shall be six (6) feet.



(2) The height of fences shall be measured from the established grade at the fence location to the horizontal top rail of the fence. The use of dirt, sand, rocks, timbers, or similar materials to elevate the height of a fence on a mound or above the established grade is prohibited.

(3) The maximum height of retaining walls on any Lot is four (4) feet. A minimum of forty (40) feet shall separate retaining walls designed to add cumulative height or increase site elevation. Signed and sealed construction and engineering plans for retaining walls over thirty-six (36) inches in height shall be required.

(4) For non-oceanfront lots with uneven topography along a side lot line, the minimum necessary rake of the fence, which is the ability for a fence to adjust to a slope, shall be allowed for the purpose of maintaining a consistent horizontal line along the side and rear of the lot, provided that the height closest to the front of the lot does not exceed six (6) feet.

(c) *Corner lots.* Fences, walls, similar structures and landscaping on corner lots may create obstacles to clear vehicular, bicycle and pedestrian sight visibility resulting in a public safety hazard. Notwithstanding the following provisions, clear sight visibility for fences, walls, landscaping or any structure proposed along the street side of any corner lot shall be verified by the designated public safety official prior to issuance of the permit required to construct, place or replace any such feature. Sight triangles as defined within section 24-17 shall remain free of visual obstruction.

(1) For corner lots located on rights-of-way that are fifty (50) feet or less in width, no fence, wall or landscaping exceeding four (4) feet in height, shall be allowed within ten (10) feet of any lot line which abuts a street.

(2) For corner lots located on rights-of-way that are wider than fifty (50) feet, fences may be constructed within the side yard adjacent to the street at a maximum height of six (6) feet provided that the fence is on the private property and shall not be located closer than fifteen (15) feet from the edge of the street pavement or closer than five (5) feet to any sidewalk or bike path.

(3) Similarly, hedges and landscaping on corner lots shall be maintained at a height that does not interfere with clear vehicular, pedestrian or bicycle sight visibility or use of the public sidewalk or bike path.

(d) *Privacy structures.* Privacy structures as defined in Sec 24-17, may be constructed of any type of material and shall be limited to maximum length of twelve (12) feet and a height of eight (8) feet above the established grade of the lot where such structure is placed, provided that no such structure on a rooftop deck exceeds the maximum permitted height of building. Except for oceanfront lots, where the ocean side is the designated front yard, any such structure shall not be located within the required front yard of a lot and shall be subject to the applicable required side and rearyard setbacks.

(e) *Maintenance of fences.* Fences that have been allowed to deteriorate to an excessive degree have a negative impact on property values and the quality of neighborhoods. Fences that are in a state of neglect, damage or disrepair, shall be repaired, replaced or removed.

Unacceptable fences are identified as those containing any of the following characteristics that can be easily observed from the street or by a neighboring property:

(1) Components of the fence are broken, bent, visibly rusted or corroded.

(2) Portions of the fence are no longer connected to support posts and rails.

(3) Any components are rotten, broken or missing.

(4) Weeds are overtaking the fence.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-158. - Dog-friendly restaurants.

(a) *Purpose and intent.* The Dixie Cup Clary Local Control Act, F.S. § 509.233, grants the city the authority to provide exemptions from certain portions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor areas of their respective establishments while providing for regulation and enforcement required to promote, protect, and maintain the health, safety and welfare of the public. By authority of F.S. § 509.233(2), there is hereby created in the City of Atlantic Beach, Florida such a local exemption procedure, known as the City of Atlantic Beach Dog-Friendly Restaurants.

(b) *Applicability.* No dog shall be allowed in a public food service establishment unless authorized by state law and the public food service establishment has received and maintains an unexpired permit pursuant to this section allowing dogs in designated outdoor dining areas of the establishment.

(c) *Permit requirements.* No public food service establishment within the city shall have or allow any dog on its premises unless the food service establishment possesses a valid permit issued in accordance with this section, or unless otherwise permitted pursuant to Florida Statutes.

(1) *Permit application.* An applicant for a dog-friendly restaurant permit shall submit the established fees along with the application form created and provided by the city to the designated administrative department. The application shall contain all required narrative and graphical information necessary to determine compliance with the provisions of this section and deemed reasonably necessary for the enforcement of the provisions of this section, but shall require, at a minimum, the following information:

a. The name, location, and mailing address of the food service establishment.

b. The appropriate and current Division-issued license number for the public food service establishment on all application materials.

c. The name, mailing address, and telephone contact information for the owner of the public food service establishment.

d. The name, mailing address and telephone contact information for the manager of the public food service establishment.

e. The name, mailing address, and telephone contact information for the permit applicant.

f. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including the following:

1. Dimensions of the designated area;

2. A depiction of the number and placement of tables, chairs, and restaurant equipment, if any;

3. The entryways and exits to the designated outdoor area;

4. The boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs;

5. Any fences or other barriers; and

6. Surrounding property lines and public rights-of-way, including sidewalks and common pathways.

The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

g. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

h. The property owner's authorization shall also be required if the applicant is not the property owner.

(2) *Fees.* The City Commission shall establish reasonable fees to cover the cost of processing an initial application and issuing the permit, including a portion for initial permit compliance inspection and program monitoring. Separate fees shall be established for verified complaint-based and permit reinstatement compliance inspections. Such fees are available on the City's website at www.coab.us or in the City Clerk's office at City Hall.

(3) *Permit application review and approval.* Permit applications submitted under this Section shall be reviewed and approved by the administrator in accordance with the following:

a. The permit application shall be submitted at least thirty (30) days prior to the date anticipated by the food service establishment for inception of the program in the designated outdoor area.

b. The applicant shall be required to prominently display notice within the food service establishment that application has been made for a dog-friendly restaurant permit. The notice shall indicate the portion of the seating area for which permitting is requested and the anticipated start date of service. The notice shall be displayed commencing the date application is made and continue until such date the permit is issued or the application is withdrawn or abandoned.

c. No permit shall be issued for any outdoor seating area which has not been properly authorized by the city or which does not meet all applicable criteria of the city's land development regulations and regulations of the division.

d. For permits authorizing dogs within the outdoor areas of a food service establishment located on any right-of-way or other property of the city or any other governmental entity, the administrator shall require the applicant to produce evidence of the following:

1. A valid right-of-way, sidewalk, or other permit, license, or lease showing the food service establishment has the right to occupy and use the area; and

2. A properly executed insurance endorsement providing commercial general liability insurance coverage in an amount of no less than five hundred thousand dollars ($500,000.00) per occurrence and one million dollars ($1,000,000.00) aggregate. The policy shall not have any exclusion for animals or animal bites. All insurance shall be from companies duly authorized to do business in the State of Florida. All liability policies shall be endorsed to provide that the city or any other appropriate governmental entity is an additional insured as to the operation of the outdoor dining area on such government property.

e. After the administrator determines the application for a permit to be complete and in compliance with this section, the administrator shall cause inspection of outdoor areas of the food service establishment designated in the application for compliance with the provisions of this section. A food service establishment found not in compliance upon such inspection shall have a reasonable time in which to correct any deficiencies found. Upon correction of such deficiencies, the public food service establishment shall request re-inspection and pay a re-inspection fee.

f. A food service establishment making application for or issued a permit under this Section shall provide access to the premises of the food service establishment upon request of the Administrator of the city or the division for periodic inspections and monitoring for compliance. Neither advance notice nor written request shall be required for such inspections.

g. An application shall be deemed abandoned if it remains incomplete in the determination of the administrator for a period of ninety (90) days after notice to the applicant of the deficiencies in the application or if inspection of the food service establishment revealed deficiencies in compliance with this Section and the applicant has not requested reinspection within such period.

h. A permit issued pursuant to this section shall not be transferrable to a subsequent owner upon the sale or transfer of a public food serviced establishment, but shall expire automatically upon the sale, lease, or other transfer of an interest in the food service establishment, and service under such expired permit shall cease. The subsequent owner, lessee, or other person acquiring an interest in the food service establishment shall be required to reapply for a permit pursuant to this section if such person desires to continue to accommodate patrons' dogs according to the provisions of this program.

(4) *Permit expiration.* Each permit issued under this section shall expire on September 30 next following issuance, regardless of when issued.

(5) *Permit renewal.* Each September, the administrator shall review the compliance records for each public food service establishment with a current dog-friendly restaurant permit and send out renewal notices to those establishments not having substantial and/or habitual violations during the past year. Upon receipt of a complete renewal application and appropriate fees, and successful permit inspection, the Administrator shall issue a renewal permit with an effective date of October 1 of that year.

The administrator shall issue a consultation notice to those food service establishments having substantial and/or habitual violations during the past year. At consultation, the administrator and the applicant shall discuss severity and frequency of violations documented during the past year, and the Administrator shall determine whether or not the applicant may apply for a probationary renewal permit. Any food service establishment issued consultation notices for two (2) consecutive years shall be prohibited from applying for a dog-friendly restaurant permit.

(6) *Permit revocation.* A permit issued under this section may be revoked by the administrator subject to the following conditions.

a. A permit issued under this section may be revoked by the administrator if, after notice and reasonable time in which the grounds for revocation may be corrected, the food service establishment fails to comply with any condition of approval, fails to comply with the approved diagram, fails to maintain any required state or local license or permit, fails to pay when due any permit, renewal, inspection, or re-inspection fees, is found to be in violation of any provision of this section, this chapter, this Code, or regulations of the division, or there exists any other threats to the health, safety, or welfare of the public. The administrator may suspend the permit and the food service establishment shall cease service under the permit pending correction of the grounds for revocation. If the grounds for revocation are a failure to maintain any required state or local license or permit, revocation may take effect immediately upon giving notice of revocation to the food service establishment owner or manager. A suspension or revocation by the administrator shall be appealable as provided in the general appeal provision of this chapter, but shall remain in effect during the course of such appeal.

b. If a permit issued to a food service establishment under this section is revoked, no new permit may be approved or issued for such food service establishment until the expiration of one hundred eighty (180) days following the date of such revocation, at which time the applicant may request a consultation with the administrator to discuss issuance of a renewal permit.

(d) *Use-specific standards.* In addition to the general development standards and those specific to the applicable zoning district, any public food service establishment that receives a permit

to allow dogs within a designated outdoor dining area pursuant to this section shall require observation and compliance with the following use-specific standards.

(1) The public food service establishment and designated outdoor area shall comply with all permit conditions and the approved diagram.

(2) Permits shall be conspicuously displayed in the designated outdoor area.

(3) Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

(4) A kit with appropriate materials and supplies for cleaning and sanitizing an area soiled by dog waste shall be maintained in the designated outdoor area. Dog waste shall not be carried in or through indoor portions of the public food service establishment.

(5) Ingress and egress to the designated outdoor area shall not require entrance into or passage through any indoor area or nondesignated outdoor areas of the public food service establishment.

(6) No dogs shall be allowed in the designated outdoor areas of the food service establishment if a violation of any of the requirements of this Section exists.

(7) All dogs shall wear a current license tag or rabies tag and the patron shall have a current license certificate or rabies certificate immediately available upon request.

(e) *Required signs.* Any public food service establishment that receives a permit to allow dogs within a designated outdoor dining area pursuant to this Section shall provide signage in accordance these standards and content.

(1) *Sign standards.* Signs must comply with the following:

a. Lettering must be no less than a thirty-six (36) point font.

b. Lettering must be in a contrasting color to the sign background so as to be visible and readable.

(2) *Employee-directed content signs.* Signs with the following rules must be prominently posted in an employee area.

a. Employees shall wash their hands promptly after touching, petting, or otherwise handling any dog, and shall wash their hands before entering other parts of the public food service establishment from the designated outdoor area.

b. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or while handling tableware.

c. Employees shall not permit any dog to be in, or to travel through, indoor or nondesignated outdoor areas of the public food service establishment.

d. Employees shall not allow any dog to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.

e. Employees shall not allow any part of a dog to be on chairs, tables or other furnishings. Dogs must remain on the floor/ground level and shall not be permitted in the lap of the patron.

f. Employees shall clean and sanitize all table and chair surfaces with an approved product between seating of patrons.

g. Spilled food and/or drink must be removed from the floor or ground as soon as possible, but in no event less frequently than between seating of patrons at the nearest table.

h. Accidents involving dog waste must be immediately cleaned and sanitized with an approved product.

(3) *Patron-directed content.* Signs with the following rules must be prominently posted at the entrance to the designated outdoor area allowing dogs.

a. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.

b. Patrons shall not leave their dogs unattended for any period of time.

c. Patrons 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.

d. Patrons shall not allow any part of a dog to be on chairs, tables or other furnishings. Dogs must remain on the floor/ground level and shall not be permitted in the lap of the patron.

e. Accidents involving dog waste must be immediately cleaned and sanitized with an approved product.

f. Patrons are advised to wash their hands with waterless hand sanitizer before eating.

(f) *Complaints and reporting requirements.* In accordance with F.S. § 509.233, the administrator shall provide the division with the following in a timely manner.

(1) The administrator shall establish a procedure for accepting, documenting and responding to complaints related to the program in a timely manner.

(2) The administrator shall in a timely manner provide the division with a copy of all approved applications and permits issued.

(3) The administrator shall promptly provide the division with copy of all complaints and responses to such complaints.

(4) All applications, permits, and other materials submitted to the division shall contain the division-issued license number for the public food service establishment.

(Ord. No. 95-10-102, § 1, 1-10-11)

Sec. 24-159. - Home occupations.

(a) *Intent.* Certain home occupations may be approved by the Community Development Director upon receipt of an application in compliance with this section,to address the desire of people to conduct limited small-scale home occupations within a personal residence. A home occupation shall not change the residential character or exterior appearance of a property, shall not increase traffic in residential neighborhoods or involve on-premises contact with customers or clientele and shall not create any adverse impacts to the surrounding residential neighborhood.

(b) The following provisions regulations shall also apply to all activities approved as home occupations:

(1) The address of the home occupation shall not be advertised as a business location.

(2) No one other than immediate family members residing on the premises shall be involved in the home occupation. There shall be a limit of one (1) business license per person, and no more than two (2) licenses per household. Home occupations shall not be transferable from one (1) location to any other location.

(3) All business activities conducted on the licensed premises shall be conducted entirely within the dwelling. There shall be no outside storage or outside use of equipment or materials and not more than one (1) vehicle, trailer or the like, which is associated with the business activity, shall be parked on the licensed premises.

(4) No more than one (1) room of the dwelling shall be used to conduct the home occupation, provided the area of that room does not exceed twenty-five (25) percent of the total living area of the dwelling.

(5) No external sign or evidence that the dwelling is being used for any purpose other than a residence shall be allowed.

(6) There shall be no unusual pedestrian or vehicular traffic, noise, vibration, glare, fumes, odors or electrical interference as a result of the home occupation. Evidence of such shall result in revocation of the home occupation approval.

(7) The Community Development Director may attach additional provisions and conditions, as appropriate, to the approval of any home occupation.

(c) The following are typical activities that may be acceptable as home occupations: Recognized professional services with characteristics that exceed the definition of a home occupation, such as accountant, attorney, bookkeeper, insurance agent, consultant, real estate agent, secretarial services, architect; and artist, auctioneer, seamstress or tailor, music instructor, photographer, piano tuner, telephone answering service, hobby and crafts not involving equipment, and licensed massage therapist with no treatment of clients on premises.

(d) The following occupations and activities shall be prohibited as home occupations:

(1) Escort, modeling or introduction services.

(2) Masseuse or massage therapy with treatment on premises.

(3) Welding or any type of metal fabrication.

(4) Repair, maintenance or detailing or sale of automobiles, boats, motorcycles, trailers or vehicles of any kind.

(5) Cabinet or furniture making.

(6) Upholstery or canvas work.

(7) Building, or manufacture or repair of boats, surfboards and the like.

(8) Fortune tellers, psychics and similar activities.

(9) Beauty shops or barbers.

(10) Tattoo or body artists.

(11) Antique or gift shops.

(12) Tow truck service.

(13) Boarding of animals.

(14) Any other activity as determined by the Community Development Director to be inappropriate as a home occupation.

(e) All other business activities, not specifically approved as a home occupations, shall be restricted to the appropriate nonresidential zoning districts.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-160. - Dumpsters, garbage containers and refuse collection areas and above-ground tanks.

(a) Within residential zoning districts, trash receptacles, garbage, recycling and similar containers shall be shielded from view except during time periods typically associated with refuse collection. Any structure, which serves the purpose to contain or shield such containers, shall not be located within rights-of-way and shall not create interference with clear vehicular or pedestrian travel or sight distance.

(b) Within commercial, industrial and multi-family zoning districts, dumpsters, trash receptacles, above-ground tanks and similar structures and containers shall be screened from view by fencing or landscaping, or shall be located so that these are not visible from adjacent properties or streets. Above-ground tanks used to store hazardous, chemical or explosive materials may remain unscreened upon determination by the director of public safety that a threat to security and public safety may result from screening such tank(s) from view.

Screening shall consist of either: densely planted trees and shrubs at least four (4) feet in height at the time of installation and of an evergreen variety that shall form a year round visual barrier and shall reach a minimum height of six (6) feet at maturity; or an opaque wood, masonry, brick or similarly constructed fence, wall or barrier. Where a fence, wall or similar type barrier is used, construction materials, finish and colors shall be of uniform appearance. All screening shall be maintained in good condition. Where appropriate, a landscaped berm may be used in place of a fence, wall or trees.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-161. - Off-street parking and loading.

(a) *Purpose and intent.* Off-street vehicular parking spaces required by this section shall be provided at the time of the construction or expansion of any building for the uses listed in this section. Parking areas shall be arranged for convenient access and the safety of pedestrians and vehicles; shall provide barriers when located at the perimeter of a lot to prevent encroachment on to adjacent properties; and when lighted, lights shall be directed away from adjacent properties. Parking areas and driveways shall not obstruct stormwater facilities, drainage swales or clear vehicular sight distance. Excess surface parking is discouraged, and in no case shall the number of extra surface parking spaces exceed ten (10) spaces or ten (10) percent, whichever is greater. Parking calculations demonstrating provision of required parking shall be provided with all building permit applications submitted for review. Required parking shall be maintained for the duration of the use it serves.

(b) *General requirements and limitations for parking areas.*

(1) Adequate drainage shall be provided, and parking areas shall be maintained in a dustproof condition kept free of litter and debris.

(2) All parking areas shall be paved unless an alternative surface is approved by the director of public works. Any such alternative surface shall be maintained as installed and shall be converted to a paved surface if a failure to maintain results in adverse drainage or aesthetic impacts.

(3) All parking areas shall meet the landscape requirements set forth is section 24-177.

(4) Parking for residential uses shall be located within paved or stabilized driveways, private garages or carports or such areas intended for the day-to-day parking of vehicles. Vehicles shall not be routinely parked within grassed or landscaped areas of a residential lot or on grassed or landscaped portions of public rights-of-way adjacent to the lot.

(4) There shall be no sales, service or business activity of any kind within any parking area.

(5) Mechanical or other automotive repair work on any motor vehicle shall not be performed out-of-doors within any residential zoning district, except for minor maintenance or emergency repair lasting less than eight (8) hours and performed on a vehicle owned by the occupant of the residential property.

(6) Applications to vary from the requirements of this section shall follow the procedures set forth in subsections 24-64(a) and (b). The Community Development Board may approve such application only upon finding that the intent of this section as set forth in preceding subsection (a) is met.

(c) *Plans required.* A composite site plan depicting the arrangement and dimensions of required parking and loading spaces, access aisles and driveways in relationship to the buildings or uses to be served shall be included on all plans submitted for review.

(d) *Measurement.* Where floor area determines the amount of off-street parking and loading required, the floor area of a building shall be the sum of the horizontal area of every floor of the building. In places of public assembly in which occupants utilize benches, pews or similar seating, each twenty-four (24) lineal inches of such seating, or seven (7) square feet of floor area where no seating is provided, shall be considered one (1) seat. When computations result in requirement of a fractional space, a fraction equal to or more than one-half (½) shall require a full space.

(e) *Uses not specifically mentioned.* Requirements for off-street parking and loading for uses not specifically mentioned in this section shall be the same as required for the use most similar to the one (1) sought, it being the intent of this section to require all uses to provide adequate off-street parking and loading.

(f) *Location of required off-street parking spaces.*

(1) Parking spaces for residential uses shall be located on the same property with principal building(s) to be served.

(2) Parking spaces for uses other than residential uses shall be provided on the same lot or not more than four hundred (400) feet away, provided that such required off-street parking shall in no case be separated from the use it serves by arterial streets or major collector streets, or other similar barriers to safe access between parking and the use, and shall require a shared parking agreement in accordance with this section.

(3) Off-street parking for all uses other than single and two-family residential shall be designed and constructed such that vehicles will not back into public rights-of-way classified as arterial or collector. Parking spaces shall not extend across rights-of-way including any public or private sidewalk or other pedestrian thoroughfare.

(4) Off-street parking spaces for any use shall not be located where, in the determination of the director of public safety, an obstruction to safe and clear vehicular sight distance would be created when vehicles are parked in such spaces.

(g) *Parking reductions. Allowable parking reductions in parking space requirements. This section provides procedures and criteria for the reduction of the off-street parking requirements of this chapter, except for residential and lodging uses.*

1) *Tree protection.* Required vehicle parking may be reduced by a maximum of ten (10) percent when necessary to preserve Legacy Trees, as defined in Chapter 23. Required vehicle parking may be reduced by a maximum of five (5) percent when necessary to preserve regulated trees, as defined in Chapter 23. These reductions cannot be combined.

2) *Shared parking.* A shared parking agreement subject to review an approval by Administrator and city attorney shall be required where offsite parking is used to meet parking requirements and shall be recorded with the Clerk of Courts between cooperating property owners as a deed restriction on both properties and shall not be modified without the consent of the administrator and city attorney. When shared parking is implemented the uses sharing parking must demonstrate different peak-hour parking needs.

3) *Motorcycle parking.* For every two (2) motorcycle parking spaces provided, the required vehicle parking may be reduced by one (1) space, up to five (5) percent of required parking. Each motorcycle parking space must have dimensions of at least four and one-half (4 ½) feet by eight (8) feet per space.

4) *Bicycle parking.* For each additional four (4) bicycle parking spaces provided, the provision of vehicular parking spaces required by this code may be reduced by one (1) space, up to a maximum of twenty (20) percent of the total number of vehicular parking spaces required.

5) *Transportation Network Company.* Developments within the Central Business District (CBD) and Traditional Marketplace (TM) District which provide preferred parking spaces or drop-off zones (e.g., covered, shaded, or near building entrance) for TNCs may reduce their parking requirement by two (2) vehicle spaces for every one (1) space which is marked and reserved for TNCs at a preferred location, up to a maximum of ten (10) percent of the total number of vehicular parking spaces required or four (4) vehicle parking spaces, whichever is less. Drop-off zones shall be located so as to minimize impediments to traffic flow.

6) *On-street parking.* Developments within the Central Business District (CBD) and Traditional Marketplace (TM) District shall receive credit for on-street parking. This reduction shall be limited to the number of parking spaces provided along the street frontage directly adjacent to the site.

(h) *Design requirements.*

(1) Parking space dimensions shall be a minimum of nine (9) feet by eighteen (18) feet, except that smaller dimensions may be provided for single-family residential lots, provided that adequate onsite parking is provided to accommodate two (2) vehicles.

(2) Accessible parking spaces shall comply with the accessibility guidelines for buildings and facilities (ADAAG), and shall have a minimum width of twelve (12) feet.

(3) Within parking lots, the minimum width for a one-way drive aisle shall be twelve (12) feet, and the minimum width for a two-way drive aisle shall be twenty-two (22) feet.

(4) Parking lots containing more than five (5) rows of parking in any configuration shall provide a row identification system to assist patrons with the location of vehicles, and internal circulation shall be designed to minimize potential for conflicts between vehicles and pedestrians.

(i) *Parking space requirements.* Where existing uses, which do not provide the required number of off-street parking spaces as set forth within this paragraph are replaced with similar uses (such as a restaurant replacing a restaurant), with no expansion in size or increase in number of seats, additional parking shall not be required. Any increase in floor area or expansion in building size, including the addition of seats shall require provision of additional parking for such increase or expansion.

CITY OF ATLANTIC BEACH	
OFF-STREET PARKING REQUIREMENT	
(Sec. 24-161)	
USE	MINIMUM PARKING REQUIRED
RESIDENTIAL USES	
Multi-family Residential uses within commercial zoning districts	
Studio/one-bedroom	One (1) space per unit
Two-bedroom	One and one-half (1 ½) space per unit
Three-bedroom or more	Two (2) spaces per unit
Rooming and boardinghouses	One (1) space for each guest bedroom
All other residential uses	Two (2) spaces per dwelling unit
COMMERCIAL/OFFICE USES	
Auditoriums, theaters or other places of assembly	One (1) space for every four (4) seats or seating places
Bowling alleys	Four (4) spaces for each alley
Hotels and motels	One (1) space for each sleeping unit plus spaces required for accessory uses such as restaurants, lounges, etc., plus one (1) employee space per each twenty (20) sleeping units or portion thereof
Medical office or dental clinic	One (1) space for each two hundred (200) square feet of gross floor area
Marinas	One (1) space per boat slip plus spaces required parking for accessory uses such as office
Restaurants, bars, nightclubs	One (1) space for each four (4) seats. Any outdoor seating where service occurs shall be included

Shopping centers	One (1) space for each three hundred (300) square feet of gross floor area
Financial Institutions	One (1) space for each three hundred (300) square feet
Truck / Trailer Rental	One (1) space for each two hundred (200) square feet, five (5) spaces minimum
Minor automotive service, major automotive repair	Two (2) spaces for each Service Bay (Service Bay is not a parking spot)
Retail, office, or service uses not otherwise specified	One (1) space for each four hundred (400) square feet of gross floor area
INDUSTRIAL USES	
Light Assembly and Fabrication, Manufacturing - Heavy, Printing, Engravings and related Reproductive Services	One (1) space for each five hundred (500) square feet.
Mini-Warehouse	Three (3) spaces, plus one (1) for each one hundred (100) units
Outside Storage	(1) space for each two thousand (2,000) square feet of designated site area
Warehouse / Storage (Inside)	One (1) space for each one thousand (1000) square feet
INSTITUTIONAL AND COMMUNITY SERVICE USES	
Assisted living, senior care and similar housing for the elderly where residents do not routinely drive or maintain vehicles on the property	One (1) space for each four (4) occupant accommodations
Churches, temples or places of worship	One (1) space for each four (4) seats or seating places
Clubs or lodges	One (1) space for each four (4) seats or seating places or one (1) space for each two hundred (200) square feet of gross floor area, whichever is greater
Hospitals, clinics and similar institutional uses	One and one-half (1½) spaces for each hospital bed
Libraries and museums	One (1) space for each five hundred (500) square feet of gross floor area
Mortuaries, funeral homes	One (1) space for each four (4) seats or seating spaces in chapel plus one (1) space for each three (3) employees
Schools and educational uses	a. Elementary and middle high schools: Two (2) spaces for each classroom, office and kitchen
	b. Senior high schools: Six (6) spaces for each classroom plus one (1) space for each staff member

Vocational, trade and business schools	One (1) space for each three hundred (300) square feet of gross floor area
Child care facilities	One (1) space for each four hundred (400) square feet of gross floor area, plus one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten (10) students cared for (excluding child care in a residence). An additional lane shall also be required to allow pass by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas
Spa, Gym, Health Club and School for the Fine or Performing Arts or Martial Arts	One (1) space for each three (3) seats or one (1) space for each one hundred (100) square feet, whichever is greater
Community Center, Government Uses, Building, or Facility	One (1) space for each three hundred (300) square feet
Emergency Ambulance Service	One (1) space for each three hundred (300) square feet and one (1) space for each seven hundred and fifty (750) square feet of site area
* Please refer to *Section 24-161 (f)(4)* for parking reductions	
CITY OF ATLANTIC BEACH	
OFF-STREET PARKING REQUIREMENTS (Continued)	
(Sec. 24-161)	
USE	MINIMUM PARKING REQUIRED
UTILITIES AND COMMUNICATION	
Communications Tower (Radio, TV, Telecommunications)	One (1) space
Electrical Substation	One (1) space
* Please refer to Section 24-161 (f)(4) for parking reductions	

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(j) *Off-street loading spaces.* Off-street loading and delivery spaces shall be provided that are adequate to serve the use such that interference with routine parking, pedestrian activity and daily business operations is avoided. Where possible, loading and delivery areas should be located at the rear of a site and shall not be required to back into a public right-of-way. These off street loading spaces shall be not less than ten feet wide, 25 feet long, provide vertical clearance of 15 feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to 55 feet if full-length tractor-trailers must be accommodated.

(k) *Additional requirements for multi-family residential uses.* New multi-family residential development shall provide adequate area designated for parking of routine service vehicles such as used by repair, contractor and lawn service companies. For new multi-family development located east of Seminole Road, three (3) spaces per dwelling unit shall be required in order to accommodate increased parking needs resulting from beach-going visitors.

(l) *Bicycle parking.* All new development including any redevelopment or expansion that requires any change or reconfiguration of parking areas, except for single- and two-family residential uses, shall provide bicycle parking facilities on the same site, in accordance with the following:

(1) Bicycle parking facilities shall be separated from vehicular parking areas by the use of a fence, curb or other such barrier so to protect parked bicycles from damage by cars.

(2) Bicycle parking facilities shall provide the ability to lock or secure bicycles in a stable position without damage to wheels, frames or components.

(3) Bicycle parking shall be located in areas of high visibility that are well-lighted.

(4) Bicycle parking shall be located no more than 50 feet from the doors and entryways typically used by residents or customers for access to a building, not to include doors intended to be used solely as delivery doors or emergency exits.

(5) Bicycle parking shall be provided at a rate of one (1) bicycle parking space for every ten (10) required vehicle parking spaces plus two (2) additional bicycle parking spaces. When computations result in requirement of a fractional space, a fraction equal to or more than one-half (½) shall require a full space.

(6) All required bicycle parking for multi-family uses shall be located under or within a covered structure or structures.

(m) *Illumination values for parking areas.* Illumination values at the property line of a new commercial or industrial development or redevelopment shall not be more than 0.2 fc at any point when a project is located next to any residential use or residentially zoned property. The illumination values at the property line of a project adjacent to any other use shall not be more than 1.0 fc. Compliance with these criteria shall not be required between two (2) adjacent nonresidential properties of like zoning or use classification provided that the properties are under the same ownership or have common parking areas or driveways.

At canopied areas, such as those found at drive-through facilities, gas stations, convenience centers, and car-washes, lighting under the canopy, awning, porte cochere, or similar structure shall be either recessed or cut-off fixtures.

The city may require a lighting plan in order to determine compliance with this section.

(n) *Valet parking.* Valet parking does not require individual striping and may take into account the tandem or mass storage of vehicles. Non-residential developments may utilize valet parking subject to the following:

1) Submission and approval of a site plan that includes the layout and dimensions of the parking spaces and drive aisles showing sufficient parking and maneuverability for a variety of passenger automobiles, motor vehicles, and light trucks

2) The dimensions of valet parking spaces may be reduced to seven and one half (7.5) feet stall width by eighteen (18) feet stall length

3) Valet parking spaces shall be provided on-site, unless included in a shared parking agreement approved by the city

4) An on-site drop off area that does not block public right-of-way for vehicles using the valet parking service shall be provided

5) If the valet parking plan includes parking spaces that are required to meet the applicable minimum parking requirements, the valet parking service must be provided for those parking spaces during all operating hours of the use

6) The valet parking service shall not utilize public parking spaces

7) Changes to a parking lot or facility with valet parking that are changed to be self-parking shall require a revised site plan and shall meet the minimum parking requirements of this Section.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10; Ord. No. 95-15-111, § 1, 11-9-15)

Sec. 24-162. - Parking lots.

Off-street parking lots may be a permissible use-by-exception in all nonresidential zoning districts and shall comply with the following:

(a) A wall, fencing, shrubbery or as otherwise required by the Community Development Board shall be erected along edges or portions of such parking.

(b) No source of illumination for the parking area shall be directly visible from the property line of a residentialy zoned property.

(c) There shall be no sales, service or business activity of any kind in any parking area.

(d) Parking spaces along sidewalks shall use curb stops to limit the encroachment of the parked vehicle into the pedestrian walkway.

(e) If a shared parking agreement is required pursuant to section 24-161, then it will be subject to review and approval by the Community Development Director, City Attorney and Community Development Board.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-163. - Storage and parking of commercial vehicles and recreational vehicles and equipment and repair of vehicles in residential zoning districts.

(a) The storage and parking of commercial vehicles greater than twelve thousand five hundred (12,500) pounds gross vehicle weight and dual rear wheel vehicles shall be prohibited in all residential zoning districts.

(b) Commercial vehicles of less than twelve thousand five hundred (12,500) pounds gross vehicle weight, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential zoning district, except in accordance with the following requirements:

(1) No more than one (1) commercial vehicle of less than twelve thousand five hundred (12,500) pounds shall be permitted on any residential lot, and such commercial vehicle shall be parked a minimum of twenty (20) feet from the front lot line. Such commercial vehicle shall be used in association with the occupation of the resident.

(2) In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products or other hazardous materials be permitted to be parked or stored either temporarily or permanently in any residential zoning district.

(3) Commercial construction equipment or trailers containing construction equipment shall not be parked or stored on any residential lot except in conjunction with properly permitted, ongoing construction occurring on that lot.

(c) Recreational vehicles, boats, and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential zoning district, except in accordance with the following requirements:

(1) Not more than one (1) recreational vehicle, boat or boat trailer, or other type of trailer shall be stored or parked on any residential lot which is five thousand (5,000) square feet in lot area or less. Minimum lot area of ten thousand (10,000) square feet is required for storage or parking of any second recreational vehicle, boat or boat trailer, or other type of trailer. In no case may more than a total of two such vehicles and trailers be parked on any residential lot.

(2) Recreational vehicles, boats or boat trailers, or other type of trailer shall not be parked or stored closer than fifteen (15) feet from the front lot line and shall be parked in a manner that is generally perpendicular to the front property line such that length is not aligned in a manner that extends across the front of the lot, it being the intent that recreational vehicles, boats and trailers that are parked forward of the residence should not excessively dominate the front of the lot.

(3) Recreational vehicles shall not be inhabited or occupied, either temporarily or permanently, while parked or stored in any area except in a trailer park designated for such use as authorized within this chapter.

(4) Recreational vehicles parked or stored on any residential lot for a period exceeding twenty-four (24) hours shall be owned by the occupant of said lot.

(c) Mechanical or other automotive repair work on any motor vehicle shall not be performed out-of-doors within any residential zoning district, except for minor maintenance or emergency repair lasting less than eight (8) hours and performed on a vehicle owned by the occupant of the residential property.

(d) No materials, supplies, appliances or equipment used or designed for use in commercial or industrial operations shall be stored in residential zoning districts, nor shall any home appliances or interior home furnishings be stored outdoors in any residential zoning district.

(e) The provisions of this section shall not apply to the storage or parking, on a temporary basis, of vehicles, materials, equipment or appliances to be used for or in connection with the construction of a building on the property, which has been approved in accordance with the terms of this chapter or to commercial or recreational vehicles, boats or trailers parked within completely enclosed buildings.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-164. - Swimming pools, hot tubs, spas and ornamental pools.

Swimming pools, hot tubs, spas and and ornamental pools shall be located, designed, operated, and maintained so as to minimize interference with any adjoining residential properties, and shall be subject to the following provisions:

(a) *Lights:* Lights used to illuminate any swimming pool, hot tub, spa or ornamental pool shall be arranged so as not to directly illuminate adjoining properties.

(b) *Setbacks:* The following setbacks shall be maintained for any swimming pool, hot tub, spa or ornamental pool:

(1) For swimming pools, hot tubs, spas, the front setback shall be the same as required for a residence located on the parcel where the such is to be constructed, provided, that in no case shall the pool to be located closer to a front lot line than the principal building is located; except that a pool may be located in either yard on a double frontage (through) lot along the Atlantic Ocean and provided that no pool on such lots is located closer than five (5) feet from any lot line.

(2) For ornamental pools, the front setback shall be a minimum of five (5) feet.

(3) Minimum required side and rear yard setbacks shall be five (5) feet from any lot line.

(c) *Fences:* All swimming pools and any ornamental pool with a depth greater than two (2) feet shall be enclosed by a fence, wall or equivalent barrier at least four (4) feet in height and designed in compliance with all applicable state and local regulations.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-165. - Gas stations.

Notwithstanding other provisions of the City's Code of Ordinances, the following provisions shall apply to the location, design, construction, operation and maintenance of gas stations and the property upon which they are located. In cases of conflict, the following provisions shall be applicable:

(a) *Lot dimensions.* A lot containing a gas station shall be of adequate width and depth to meet all setback requirements, but in no case shall a corner lot have less than two (2) street frontages of at least one hundred fifty (150) feet each and an area of at least twenty-two thousand five hundred (22,500) square feet, and an interior lot shall have a street frontage of at least one hundred (100) feet and a minimum area of fifteen thousand (15,000) square feet.

(b) *Access to site.* Vehicular entrances or exits for gas stations shall:

(1) Not be provided with more than two (2) curb cuts for the first one hundred (100) feet of street frontage or fraction thereof;

(2) Contain an access width along the curb line of the Street of not more than forty (40) feet as measured parallel to the street at its narrowest point, and not be located closer than one hundred (100) feet from a street intersection along any arterial or collector street and/or closer than fifty (50) feet from a street intersection on a local street or closer than ten (10) feet from adjoining property;

(3) Not have any two (2) driveways or curb cuts any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.

(c) *Location of fuel pumps and structures.* No principal or accessory building shall be located within fifteen (15) feet of the lot line of any property that is residentially zoned. No fuel pump shall be located within twenty (20) feet of any street right-of-way line nor within two hundred fifty (250) feet of the lot line of any property that is residentially zoned.

(d) *Lighting.* All lights and lighting, including lighting related signage, on a property with a gas station shall be so designed and arranged so that no source of light shall be directly visible from any residential zoning district; this provision shall not be construed to prohibit interior lighted signs. Illumination values at a property line abutting a residentially zoned

property shall not be more than 0.2 fc. The illumination values at all other property lines shall not be more than 1.0 fc. All lighting elements must be consistent in their design throughout the development, be shielded with an opaque material, have cutoff luminaires with less than a ninety-degree (90) angle (down lighting), and may be no more than twenty (20) feet in height. Measurements of light readings shall be taken along any subject property line with a light meter facing the center of the property at six-foot intervals.

(e) *Number of fuel pumps.* The maximum number of fuel pumps permitted within a single development shall be four (4).

(f) *Frontage on commercial arterials.* Gas stations shall be located on properties with frontage on Atlantic Boulevard or Mayport Road.

(g) *Enhanced landscaping.* In conjunction with the requirements of article III, division 8 of this chapter, no less than one (1) shade tree shall be located within twenty-five (25) feet of each property line, for every twenty-five (25) linear feet, or fraction thereof. In addition, one (1) understory tree shall be located within twenty-five (25) feet of each property line, for every fifteen (15) linear feet, or fraction thereof. Trees may be clustered, but shall be no more than fifty (50) feet apart. A variance of up to a maximum twenty-five (25) percent of the enhanced landscaping may be applied for if an applicant can demonstrate valid site constraints due to a property's natural features or conflicts with other design requirements such as parking, drainage, or utilities. Any required trees not planted as a result of an approved variance shall require in lieu of payment as described in chapter 23 of the city's Code of Ordinances, into the tree conservation trust fund.

(h) *Variances.* Applications to vary from the requirements of this section shall follow the procedures set forth in subsections 24-64.

(i) *Hours of operation.* The hours of operation shall be restricted to between 5:00 a.m. and 12:00 a.m. on a twenty-four-hour cycle.

(j) *Signage.* Any signage on the exterior of the building is strictly prohibited that uses motion pictures, video screens, lasers, light projections, sounds, blinking, flashing, fluttering, inflatable objects, banners, flags, streamers, balloons, or items of similar nature to grab attention. All externally oriented signs on a subject property related to branding and consumable products shall count towards the total signage allowance for the property. Any unpermitted signage, regardless of size and location, for consumable products shall be considered a violation of this section.

(k) *Outdoor sales of consumable goods.* Outdoor sales of consumable goods such as ice, newspapers, propane, videos, vending machines or products of similar nature shall be screened from the view of any public right-of-way and any property zoned residential.

(l) *Buffer distance between gas stations.* Gas stations seeking operation within the city's municipal boundaries after June 11, 2018 shall not be permitted within one quarter (1/4) mile of another gas station. This buffer distance calculation shall be applied to gas stations located both inside and outside the municipal boundaries of the city.

(m) Car washes and auto service repair (minor or major) shall not be considered principal or accessory uses in conjunction with a gas station.

(n) *Effect on existing gas stations.* As of June 11, 2018, any gas station in existence and operating in compliance with all applicable city Code requirements in effect prior to the adoption of Ordinance 90-18-233, or lawfully under construction, that would become non-conforming by virtue of the adoption of Ordinance 90-18-233, will be considered

conforming with regards to use, hours, location, design, construction, operation, maintenance, design guidelines and other applicable provisions of the city's Code of Ordinances if the facility remains in operation. Such existing gas stations shall be required to comply with all applicable city Code of Ordinance provisions in effect prior to the adoption of oOdinance 90-18-233. If any valid application has been received by the city for a permit, site development plan, license, variance, or other approval or compliance determination which is required by the city relative to the development of a gas station prior to the adoption of Ordinance 90-18-233, compliance with the provisions of the city's Code of Ordinances, including without limitation, this chapter 24, in effect at the time such receipt shall be required.

(o) *Discontinuance and abandonment of use.* As of June 11, 2018, any gas station that has discontinued operation or has been abandoned for a period of six (6) months shall not be re-established unless it complies with the requirements of this addition, one (1) understory tree shall be located within twenty-five (25) feet of each property line, for every fifteen (15) linear feet, or fraction thereof. Trees may be clustered, but shall be no more than fifty (50) feet apart. A variance of up to a maximum twenty-five (25) percent of the enhanced landscaping may be applied for if an applicant can demonstrate valid site constraints due to a property's natural features or conflicts with other design requirements such as parking, drainage, or utilities. Any required trees not planted as a result of an approved variance shall require in lieu of payment as described in chapter 23 of the city's Code of Ordinances, into the tree conservation trust fund.

(p) *Reconstruction.* Reconstruction of an existing gas station that is deemed conforming under subsection (n) above is permitted at any time and for any reason, including casualty loss, voluntary demolition and rebuilding, or implementation of a façade renovation, site renovation or modernization, provided that after such reconstruction the gas station must comply with the use, hours, location, design, construction, operation , maintenance, design guidelines and other applicable city Code requirements in effect prior to the adoption of Ordinance 90-18-233.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10; Ord. No. 90-18-233, § 1d, 6-11-18)

Sec. 24-166. - Signs.

Signs shall be governed as set forth within chapter 17 of this Code, signs and advertising structures.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-167. - Required buffers between residential and nonresidential uses.

When new development, or a change of use is proposed in any nonresidential zoning district that adjoins a lot in residential use, either to the side or to the rear, buffers as described below shall be provided.

(a) Where nonresidential development is proposed adjacent to residential development, there shall be a solid masonry wall, or a wood fence, shrubbery or landscaping as approved by the Administrator, along required rear and required side yards. Such buffer shall be a minimum of five (5) feet in height at the time of installation, except that within

required front yards, such buffer shall be four (4) feet in height. Required buffers shall be constructed and maintained along the entire length of the adjoining lot lines.

(b) Where landscaping is used as the required buffer, such landscaping shall provide one hundred (100) percent opacity within twelve (12) months of installation.

(c) Where a wall or fence is used, such wall or fence shall be constructed on the nonresidential property line, and height of the wall or fence shall be measured from the established grade of the nonresidential property, whether filled or not. Buffer walls and fences as required by this section may be constructed to a maximum height of eight (8) feet, subject to approval of the Administrator upon demonstration that such height is required to provide adequate buffering between uses. However, in no case shall a wall or fence exceed eight (8) feet in height as measured from the lowest side.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-168. - Land clearing, tree removal or damage to existing trees and vegetation.

The removal or damage of a tree(s) and vegetation shall be governed by chapter 23.. No lands shall be cleared or grubbed, and no vegetation on any parcel or lot shall be disturbed, prior to issuance of all required approvals and development permits authorizing such activity. Prior to the commencement of any such activities, erosion and sediment control best management practices shall be installed, inspected and approved by a public works director or their designee.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-169 – Pharmacies and medical marijuana treatment center dispensing facilities

(a) Pharmacies and medical marijuana treatment center dispensing facilities shall not be located within five hundred (500) feet of the real property comprising each of the following:

(1) Another pharmacy or another medical marijuana treatment center dispensing facility located within the city limits;

(2) Public or private elementary, middle or secondary schools, including but not limited to those outside the city limits; and

(3) Religious institutions, including but not limited to those outside the city limits.

(b) Pharmacies and medical marijuana treatment center dispensing facilities shall be located on a parcel with frontage on either Atlantic Boulevard or Mayport Road.

(c) Doors and entryways of medical marijuana treatment center dispensing facilities and pharmacies typically used by customers for access to a building, not to include doors intended to be used solely as delivery doors or emergency exits, shall be located at least one hundred (100) feet from a residentially zoned property line as demonstrated by a survey provided upon request by the city.

(d) Medical marijuana treatment center dispensing facilities shall operate in compliance with § 381.986, Florida Statutes as amended, and any applicable regulations promulgated by the State of Florida.

(e) Pharmacies shall operate in compliance with Chapter 465, Florida Statutes as amended, and any applicable regulations promulgated by the state.

(Ord. No. 90-18-234, § 2, 6-11-18)

Sec.24-170. - Reserved.

Sec. 24-171. - Commercial corridor development standards.

(a) *Intent.* The following additional standards and requirements shall apply to those lands within all commercial zoning districts that are located along arterial street corridors within the City of Atlantic Beach. The intent of these additional requirements is to: Enhance the aesthetic and physical appearance of these gateways into the city; enhance and retain property values; promote appropriate redevelopment of blighted areas; and to create an environment that is visually appealing and safe for pedestrians, bicycles and vehicular traffic. New development in theCBD and TM zoning districts may be exempted from the landscaping provisions of this section by the Community Development Director.

(b) *Delineation of commercial corridors.* Commercial corridors are defined in Section 24-17. They are graphically depicted on the following map:

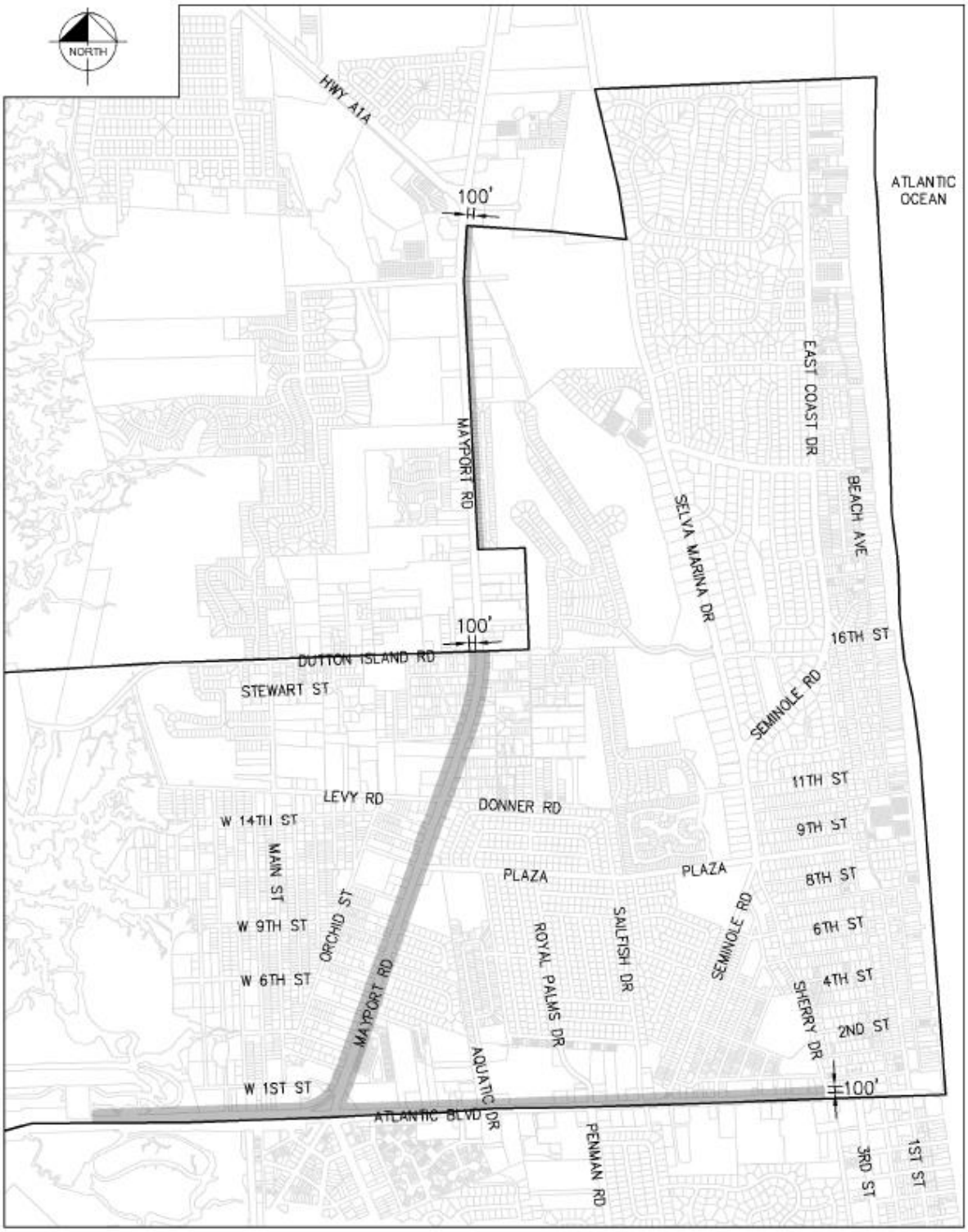

Figure 6 Commercial Corridor Map

(c) *Building form and finish materials.* The following general provisions shall apply to all development in the commercial corridors.

(1) Roofs, which give the appearance of a flat roof from any street side of the building, are prohibited. Roofs may be gabled, hipped, mansard or otherwise designed so as to avoid the appearance of a flat roof from the adjoining street.

(2) Open bay doors and other similar large doors providing access to work areas and storage areas shall not open towards or face the commercial corridors.

(3) The exterior finish of new buildings, and also exterior finish alterations and additions to the front and any street side, or any side visible from adjoining residential properties, of existing buildings shall be of brick, wood, stucco, decorative masonry, exterior insulation and finish systems (EIFS), architectural or split-faced type block, or other finish materials with similar appearance and texture. Metal clad, corrugated metal, plywood or oriented strand board (OSB), and exposed plain concrete block shall not be permitted as exterior finish materials of a building.

(4) Blank exterior walls facing the commercial corridors, which are unrelieved by doors, windows and architectural detail, shall not be permitted.

(5) Burglar bars, steel gates, metal awnings and steel-roll down curtains are prohibited on the exterior and interior of a structure when visible from any public street. Existing structures which already have burglar bars, steel gates, metal awnings and steel-roll down curtains shall be brought into compliance with these provisions within a reasonable time after any change of ownership of the property, which shall not be more than ninety (90) days.

(d) *Signs.* Signs shall be regulated as set forth within chapter 17 of this Code, except that externally illuminated monument signs are encouraged.

(e) *Lighting.* Exterior lighting shall be the minimum necessary to provide security and safety. Direct lighting sources shall be shielded or recessed so that excessive light does not illuminate adjacent properties or the sky.

(f) *Fences.* The use of chain link, barbed wire, razor or concertina wire, and similar type fencing shall be prohibited in any required front yard and in any required yard adjoining a street.

(g) *Landscaping and required buffers.* The requirements of Article III, division 8 of this chapter shall apply, except that the following additional requirements shall also apply to new development and to redevelopment that is subject to the requirements of Article III, division 8. Required buffers and landscape materials shall be depicted on all plans submitted for review.

(1) A ten-foot wide buffer shall be required along the entire parcel frontage of the commercial corridors, except for driveways. This buffer shall consist of trees as required by division 8 and shall also contain a continuous curvilinear row of evergreen shrubs not less than two (2) feet in height at installation. Buffers shall be kept free of debris and litter and shall be maintained in a healthy condition.

(2) Along the front of the principal building, a six-foot wide area shall be maintained between the building and the parking area or any walkway. This area shall be use for landscaping.

(3) Sod or ground cover shall be installed and maintained in a healthy condition. Only organic mulch shall be used, and the excessive use of mulch is discouraged.

(4) Because of the harsh environment of the commercial corridors, the use of landscape materials that are drought and heat resistant is strongly encouraged. Unhealthy or dead landscape materials, including sod and ground covers shall be replaced within thirty (30) days of written notification from the city to the property owner.

(5) Stormwater retention or detention facilities may be placed within required buffers, provided that required landscape materials are provided.

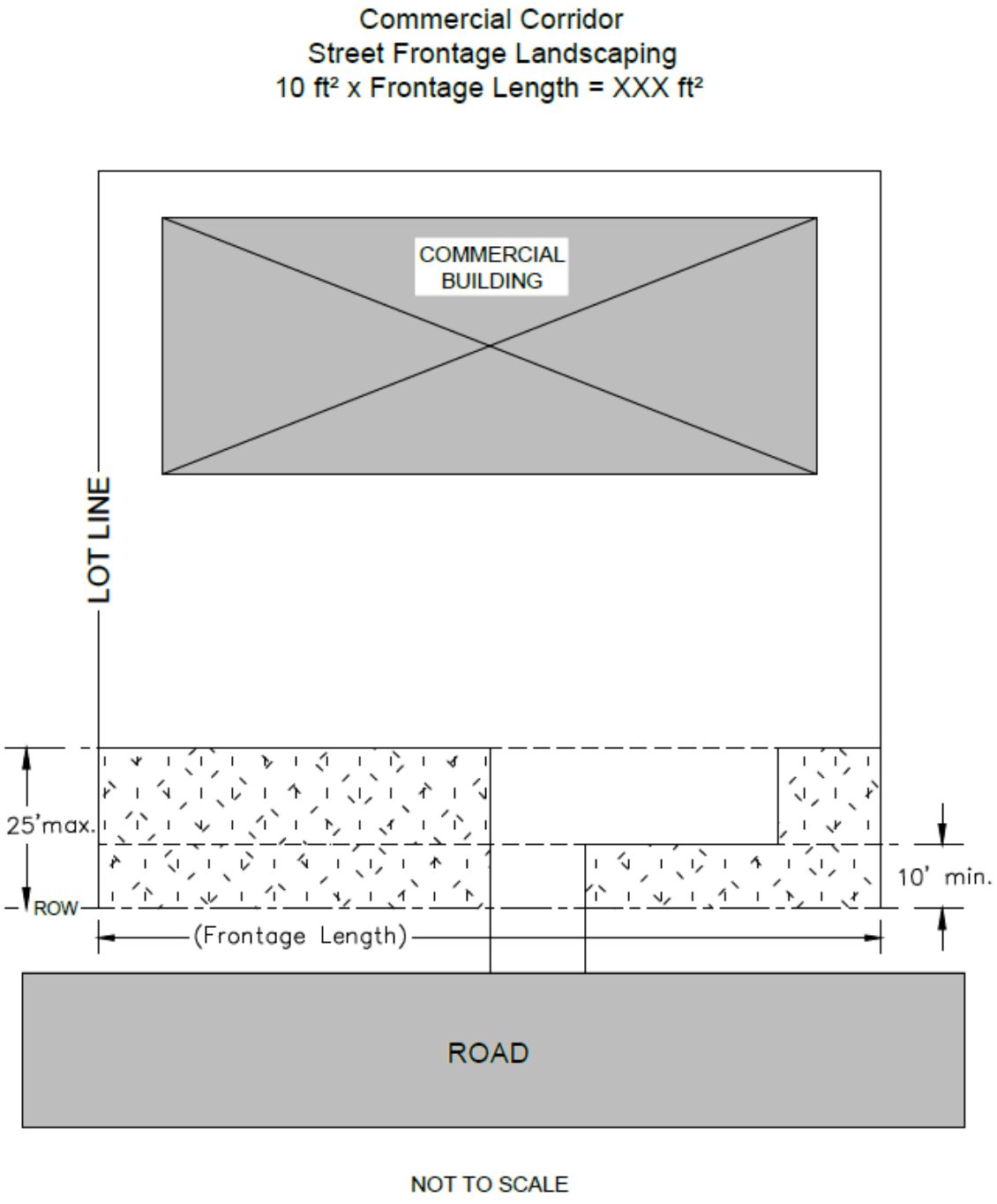

Figure 7 Commercial Corridor Street Frontage Landscaping

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-172. - Residential development standards.

(a) *Purpose and intent.*

The diversity of residential types is recognized as an asset to this community's unique character. The purpose of these regulations is also to regulate the future use and development of land in a manner that minimizes incompatible relationships within neighborhoods that may result from new development, which because of excessive height, mass or bulk may result in new development that excessively dominates established development patterns within neighborhoods or excessively restricts light, air, breezes or privacy on adjacent properties.

The further intent of these regulations is to appropriately limit height and bulk and mass of residential structures in accordance with the expressed intent of the citizens of Atlantic Beach, and also to support and implement the recitals of Ordinance 90-06-195 and as more specifically enumerated below:

(1) To ensure that buildings are compatible in mass and scale with those of buildings seen traditionally within the residential neighborhoods of Atlantic Beach.

(2) To maintain the traditional scale of buildings as seen along the street.

(3) To minimize negative visual impacts of larger new or remodeled buildings upon adjacent properties.

(4) To promote access to light and air from adjacent properties.

(5) To preserve and enhance the existing mature tree canopy, particularly within front yards.

(b) *Applicability.* The development standards and provisions set forth within this section shall apply to development of single-family and two-family dwellings within that area of the city depicted on Figure XXX and generally referred to as Old Atlantic Beach, which for the purposes of this section shall be bounded by:

Ahern Street and Sturdivant Avenue, between the beach and Seminole Road on the south;

Seminole Road, extending north to 11th Street on the west;

11th Street extending east to East Coast Drive, and also including Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 and 32 within Block 14 located on the north side of 11th Street and west of East Coast Drive; and

East Coast Drive extending north to its terminus, then along Seminole Road to 16th Street, and 16th street extending east to the beach, with the beach being the eastern boundary of this area.

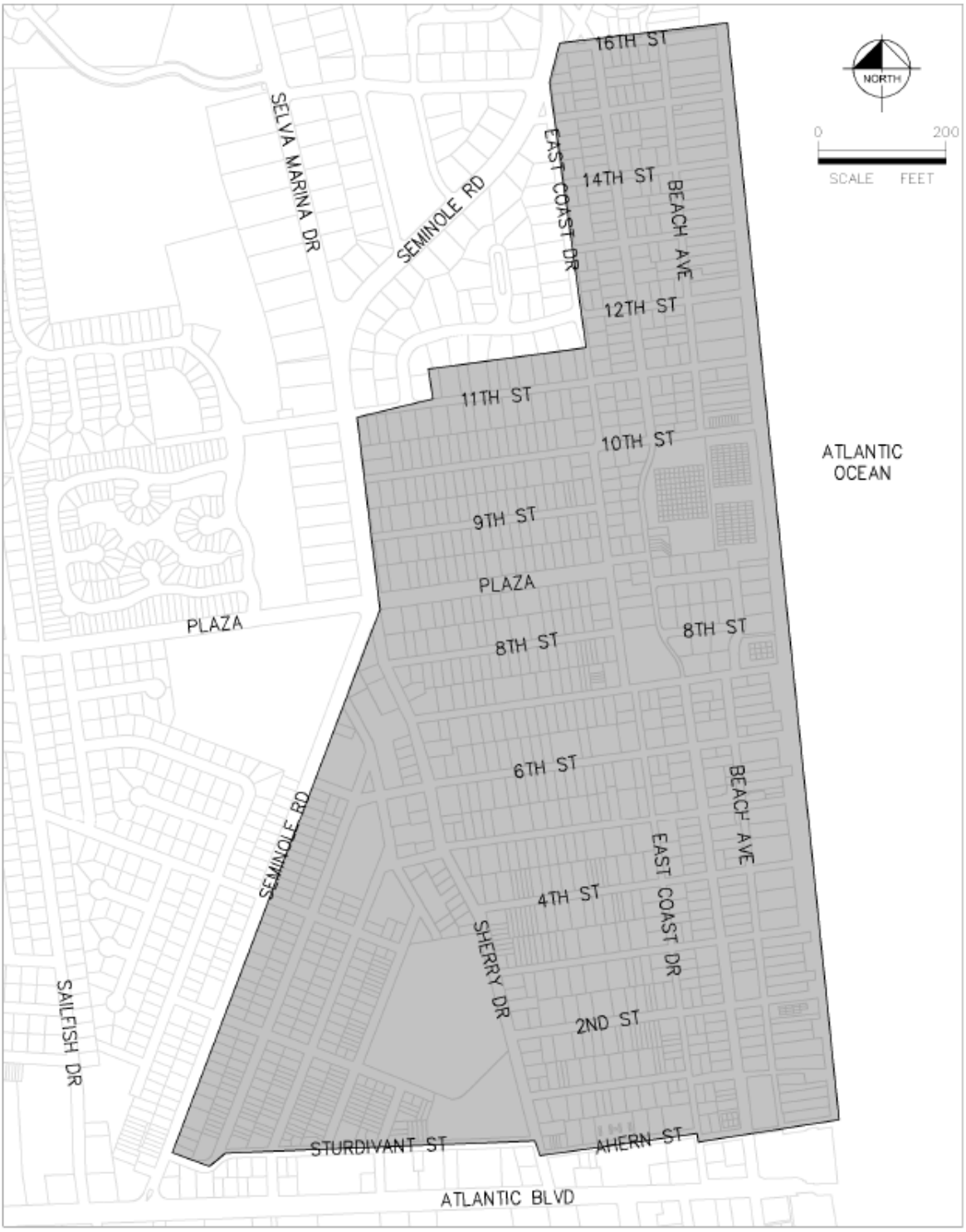

Figure 8 Old Atlantic Beach

Development, as used within this section, shall also include complete redevelopment of lots and certain renovations and additions to single-family and two-family dwellings as set forth herein.

(c) *Additional residential development standards.* The following standards and requirements shall apply to that area defined in preceding subsection (b):

(1) *Side wall planes.* To avoid stark, exterior side walls from facing the sides of adjacent residences, on two-story and three-story residences, the following standards shall apply to: new two-story and three-story single-family and two-family dwellings; to renovations involving structural alterations or additions to the sides of existing single-family and two-family dwellings; and where a second or third-story is added to an existing single-family and two-family dwelling.

a. Second and third-story exterior side walls, which exceed thirty-five (35) feet in length, shall provide horizontal offsets of at least four (4) feet, or architectural details, design elements or other features, which serve to break-up the appearance of the side wall, such that adjacent properties are not faced on the side by blank two-story or three-story walls void of any architectural design other than siding material or windows.

b. Such design features may also include balconies, bay windows and other types of projecting windows or architectural details provided that these. Projections shall not extend more than twenty-four (24) inches into the required side yard, and that a minimum separation of ten (10) feet is maintained between such extensions into the required side yard and any other existing adjacent residential buildings.

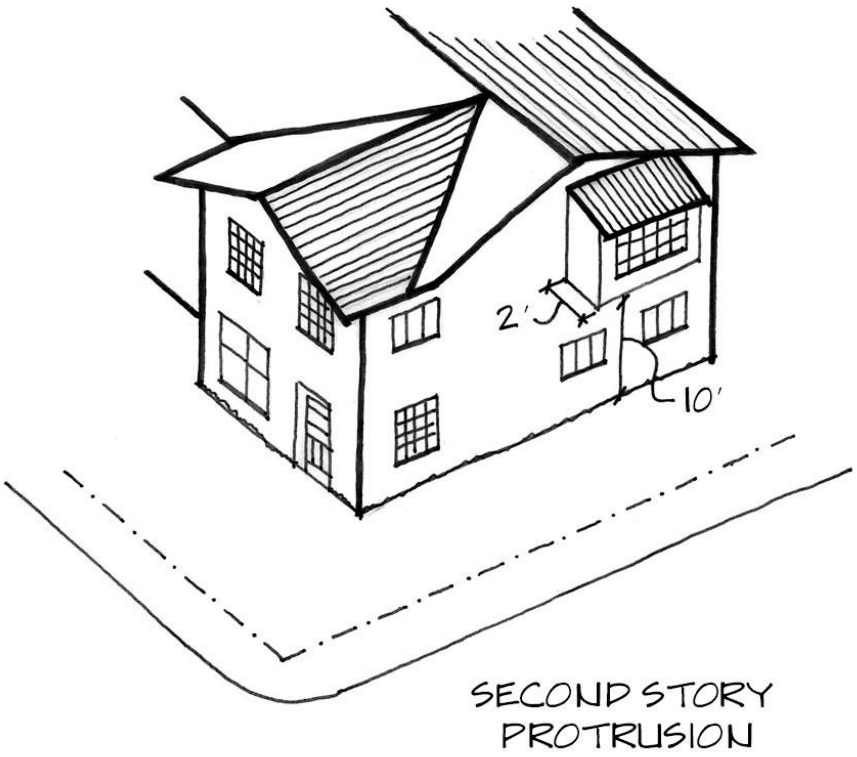

Figure 9 Second Story Projection

(2) *Height to wall plate.* The maximum height to the top horizontal framing member of a wall from the first-floor finished floor elevation shall not exceed twenty-two (22) feet.

(3) *Third floor footprint.* The interior area of any third-floor area shall not exceed fifty (50) percent of the size of the second floor interior footprint.

(4) *Shade trees.* In order to sustain the existing tree canopy and to provide shade along the residential streets and sidewalks, one (1) shade tree shall be provided within the required front yard and an additional shade tree shall be required on the lot in a location at the property owner's discretion in accordance with the following provisions: a. The trees required in this section may be used to satisfy all or a portion of the requirements of Section 23-30(1). All other requirements of Chapter 23 shall be applicable.

a. Such required trees shall be installed prior to issuance of a certificate of occupancy or prior to final inspections, as applicable.

b. Required shade trees shall have a minimum size of four-inch caliper at the time of installation. A list of recommended tree species is available from the city.

c. Credit shall be provided for the following, and an additional front yard shade tree shall not be required:

1. Where healthy canopy trees exist in the required front yard, which are listed on the recommended tree list and are at least four-inch caliper; or
2. Where an oak tree exists in the required front yard, which is at least six (6) feet tall; or
3. Where a healthy street tree exists in the adjacent right-of-way, which is listed on the city's recommended tree list and is at least four-inch caliper.
4. Similarly, credit shall be given for the second required shade tree where such tree, as described above, exists elsewhere on the lot.

(f) Where installation of a front yard shade tree is required, such tree shall not be planted within rights-of-way or over underground utilities.

(d) *Special treatment of lawfully existing single-family and two-family dwellings, which would otherwise be made nonconforming by enactment of this section, establishing these residential development standards.* Any lawfully existing single-family or two-family dwelling, which has been constructed pursuant to properly issued building permits prior to the effective date of these residential development standards, adopted on September 11, 2006 by Ordinance Number 90-06-195, shall be deemed a vested development, and any such single-family or two-family dwelling shall be considered a lawful permitted structure within the lot or parcel containing the vested development, and shall not be considered as a nonconforming structure with respect to the regulations contained within this section.

(1) It is the intent of this section to clarify when these residential development standards shall apply in the case of reconstruction or redevelopment following:

a. A natural event such as a hurricane, wind, flood or fire; or
b. Redevelopment initiated by a property owner or authorized agent for a property owner.

(2) The following provisions shall apply only to those improvements, which would otherwise be nonconforming as a result of the requirements of this section.

a. *Structures damaged or destroyed by natural events or by any means not resulting from the actions of the property owner.* Any lawfully existing single-family or two-family dwelling, which has been constructed pursuant to properly issued building permits prior to the effective date of these residential development standards, adopted on September 11, 2006 by Ordinance Number 90-06-195, shall be deemed a vested development, and any such single-family or two-family dwelling shall be considered a lawful permitted structure within the lot or parcel containing the vested development. Furthermore, any such existing single-family or two-family dwelling, shall not be considered as a nonconforming structure with respect to the regulations contained in this Section. Any such single family or two-family dwelling may be fully replaceable in its footprint and of the same size and architectural design existing prior to the natural event or other means not resulting from the actions of the property owner, subject to all applicable building codes and other land development regulations controlling development and redevelopment of such lots or parcels. Any construction that exceeds said footprint size or architectural design shall be in compliance with all applicable provisions of this chapter including minimum yard requirements.

b. *Structures damaged, destroyed or demolished or expanded, by any means resulting from the actions of the property owner or authorized agent for a property owner.*

Said vested single-family or two-family dwellings, which are rebuilt or renovated, or expanded by more than twenty-five (25) percent in floor area, shall be subject to applicable provisions of these residential development standards for that portion of the structure that is rebuilt, renovated or expanded.

(3) The provisions of section 24-85 shall otherwise apply to non-vested nonconforming lots, uses and structures.

(e) *Requests to vary from the provisions of the residential development standards.* Recognizing that there may be alternative means by which to achieve the purpose and intent of this section, an applicant may request a variance to provisions of this section in accordance with the procedures as set forth within section 24-64 of this chapter, except that the following shall be considered as grounds to approve such requests. (Subsections (c) and (d) of section 24-64 shall not be applicable to such requests.)

Requests to vary from the provisions of the Residential Development Standards may be granted, at the discretion of the Community Development Board, upon finding that:

a. The proposed development will not result in excessive height, mass or bulk that will excessively dominate the established development pattern within the neighborhood or excessively restricts light, air, breezes or privacy on adjacent properties.

b. The proposed development will be compatible and consistent with the diversity of architectural styles and building forms found in Old Atlantic Beach.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-173. - Neighborhood preservation and property maintenance standards.

(a) *Purpose and intent.*

The City of Atlantic Beach is composed predominantly of older residential subdivisions and neighborhood scale commercial businesses serving these neighborhoods. It is in the public interest of the city to foster diverse and stable neighborhoods and to implement strategies in support of related objectives and policies as expressed within the city's adopted comprehensive plan. The purpose and intent of these regulations is to provide minimum standards for the acceptable conditions of properties and structures within the city and to assist in the implementation of the International Property Maintenance Code, which is adopted as article VIII within chapter 6 of this Municipal Code of Ordinances.

(b) *Appropriate maintenance and upkeep.* All areas of a lot and structures that are visible from a street or a neighboring property shall be maintained in an acceptable manner, which shall be defined by the following characteristics:

(1) Lots are maintained free of litter, trash, debris, discarded belongings, automotive parts and old tires, construction materials, and broken and abandoned items.

(2) Dead shrubbery or landscaping is removed from lots, and where a resident is unable to maintain a lawn or landscaping, dirt or sand areas are contained in some manner so as to prevent dirt or sand from blowing or washing on to adjacent properties, the street or the city's stormwater system.

(3) Broken or missing glass in windows or doors is replaced with glass, and where windows or doors are visible from the street, these are not covered with wood, fiberglass, metal, cardboard, newspaper or other similar materials, except for a temporary time period as

needed to make proper repairs or to protect windows from wind-borne debris during a storm.

(4) Trim work, eaves, soffits, gutters, shutters, and decorative features are not broken and are securely attached as intended.

(5) Household items of any type that are customarily intended to be used and maintained within the interior of a residence are not stored or discarded in any location on a lot that is visible from a street. Similarly, within the rear or side yards of a lot, such items are not stored in a manner or amount such that an unsightly nuisance to neighboring properties or an environment that attracts rodents, insects, or other animals and pests is created.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-174. - Boats and watercraft.

These provisions shall apply to all waters over which the city has jurisdictional authority and shall not be construed to apply to waters under the sovereign control of the State of Florida, except as similarly addressed in state law.

(a) *Intent.* The purpose and intent of this section is stated as follows:

(1) To protect water quality and environmentally sensitive areas within and adjacent to the City of Atlantic Beach;

(2) To protect vegetative communities, wildlife habitats and the natural functions of fisheries, wetlands and estuarine marshes;

(3) To protect the rights of the public to use waterways for navigation and recreation including the temporary or overnight anchoring of boats; and

(4) To prohibit the permanent mooring and storage of privately owned watercraft within tributaries and deepwater channels adjoining the intracoastal waterway in that such activity has the potential to create obstacles to safe navigation and to interfere with rights of navigation and recreational use and also to create hazards to persons and property where such watercraft may not be attended or secured during storm or hurricane events.

(b) *Unlawful to discharge.* It shall be unlawful to discharge, or allow to be discharged, from any watercraft or dock any sewage, refuse, garbage, fuel or other contaminants or any waste material into waters within the City of Atlantic Beach.

(c) *Damage to or destruction of environmentally sensitive areas.* It shall be unlawful for any person to operate, dock, moor or anchor any watercraft in a manner that causes damage or adverse impacts to any marine or water resource, wildlife habitat or other environmentally sensitive areas as defined within this chapter and as set forth within the conservation and coastal management element of the comprehensive plan.

(d) *Public docks and anchoring and mooring restrictions.*

(1) Within the waters of Tideviews Preserve and Dutton Island Preserve docking or anchoring shall be restricted to nonmotorized boats and watercraft or to those equipped only with electric trolling motors.

(2) Within the waters of the River Branch Preserve, no watercraft or floating structure shall be permanently anchored or moored, or tethered to the shore in any manner, it being the express intent of the city that these natural resources of the city be held in the public trust and not used for permanent mooring or storage of privately owned

watercraft. Nontrailered watercraft that are observed and documented to be within the waters of the River Branch Preserve for periods of longer than one (1) week, or for which the registered owner can provide no proof of where the watercraft is elsewhere kept, shall be presumed to be permanently kept in the preserve and shall be in violation of this Code and subject to established code enforcement action or other remedies available under applicable law.

(3) No permanent mooring device shall be placed within any waters east of the right-of-way of the intracoastal waterway as delineated by the United States Army Corps of Engineers or within any of it connected creeks or tributaries.

(e) *Live-aboard vessels prohibited.* Live-aboard vessels shall be prohibited within all waters under the jurisdictional authority of the City of Atlantic Beach.

(f) *Private property rights.* These provisions shall not be construed or enforced to diminish any lawfully established riparian rights or rights of navigation, access or view entitled to private property owners.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-175. – Mayport business overlay district.

(a) *Purpose and intent.* The purpose and intent of the Mayport business overlay district is to encourage economic development by providing for a mix of uses in the commercial and light industrial zone properties located within the Mayport business overlay district.

(b) *Applicability.*

(1) The Mayport business overlay district provisions set forth within this section shall apply to all use, development and redevelopment of certain commercial limited (“CL”), commercial general (“CG”) and light industrial and warehouse (“LIW”) zoned properties located within the boundaries of the Mayport business overlay district, and more particularly shown on Figure 12 and described as follows:

Atlantic Boulevard between Mayport Road and the southerly extension of Main Street on the south;

Main Street, including the southerly extension to Atlantic Boulevard and North Main Street on the West;

Dutton Island Road West between North Main Street and Mayport Road on the north; and

Mayport Road between Atlantic Boulevard and Dutton Island Road West on the east, including those properties with frontage on Mayport Road on the east side of Mayport Road and north of North Forrestal Circle.

(2) In the event lots or parcels are designated TM within the Mayport business overlay district, the TM provisions setforth in section 24-116 shall apply to all use, development, and redevelopment of such lots and parcels.

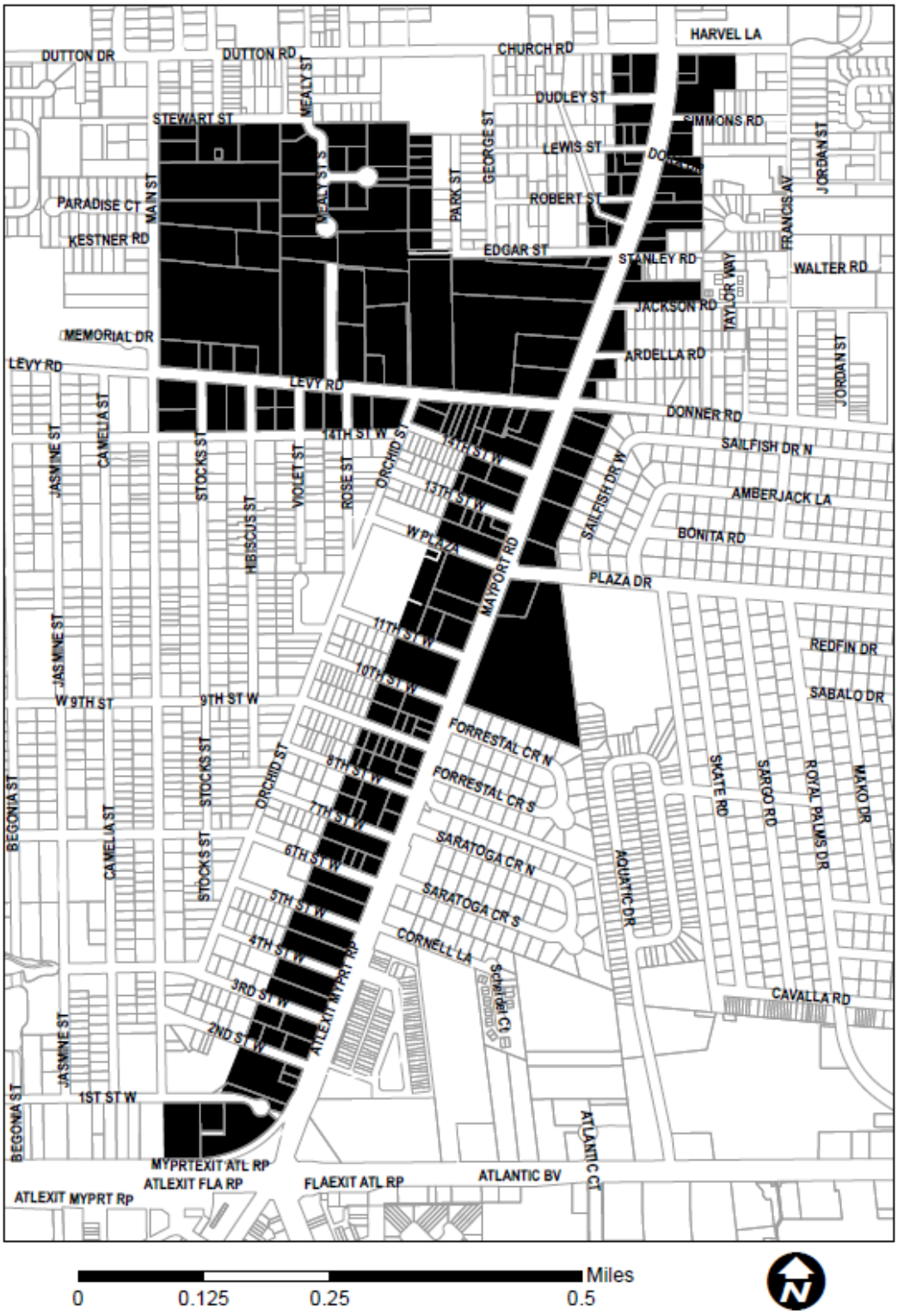

Figure 10 Mayport Business Overlay District

(c) *Permitted uses.* The permitted uses on properties zoned CL, CG, and LIW which are included within the Mayport business overlay district shall include those uses enumerated in the property's respective zoning district or districts, as well as any of the following uses:

(1) Service establishments where a service is provided on-site, such as restaurants, banks or financial institutions, barbers or beauty shops, tailors or dress makers, gyms, printers, fine arts schools, on-site repairmen, minor automotive repair, and child care facilities.

(2) Retail sales of foods, clothing, jewelry, toys, books, flowers, art, home furnishings, home appliances, automotive parts, plants, beer and wine only for off-premises consumption.

(3) Professional and business offices such as doctors, attorneys, architects, and real estate brokers.

(4) On-premises consumption of beer and wine in conjunction with a restaurant, where at least fifty-one (51) percent of sales are from food and non-alcoholic beverages.

(5) Other than breweries or distilleries, wholesale operations in conjunction with on-premises retail sales, where at least fifty-one (51) percent of sales are from on-premises retail sales.

(6) Craftsmen and artist operations in conjunction with on-premises retail and service establishments, such as furniture repair with woodworking, artists' studios with retail sales, surfboard repair with surfboard production, metal welding with decorative iron works and tap room with brewery or distillery, provided the gross enclosed square footage does not exceed two thousand five hundred (2,500_ and that all such operations take place within enclosed buildings.

(7) Contractors where work is performed off-site, such as plumbing, electrical, heating and air conditioning, lawn care, and pest control.

(8) Hotels, motels, resorts, and short-term rentals as defined in section 24-17.

(9) Non-amplified live entertainment performed within an enclosed building, not including adult entertainment establishments as defined by F.S. § 847.001(2).

(10) Civic centers such as libraries, museums, and cultural centers.

(11) Religious institutions in accordance with section 24-153.

(12) Mixed use projects combining the uses above, and/or those permitted by right by the zoning district as applicable

In the event of a conflict between the uses authorized by a respective zoning district and in this subsection, the least restrictive regulation shall be applicable.

(d) *Uses-by-exception. The use-by-exception uses on properties zoned CL, CG, and LIW which are included within the Mayport business overlay district shall include those uses enumerated as uses-by-exception in the property's respective zoning district or districts, as well as any of the following uses:*

(1) Veterinary clinics, pet grooming, pet day cares, and pet kennels including those for the overnight boarding of animals.

(2) Hospitals.

(3) On-premises consumption of alcoholic beverages, other than restaurants with on-premises consumption and tap rooms as described in section 24-175(c)(4) and (6) respectively.

(4) Retail sale of gasoline, diesel, propane, hydrogen, electricity for battery charging or other fuels intended for use in motors.

(5) Sale of new and used automobiles, motorcycles, boats, and street legal electric vehicles, and automotive leasing establishments.

(6) Drive-through facilities including those in association with restaurants, banks, retail establishments, pharmacies and ice vending machines.

(7) Mixed use projects combining the uses above, as approved, and/or those in subsection (c) above as well as those permitted by right or use-by-exception by the zoning district as applicable.

(8) Craftsmen and artist operations in conjunction with on-premises retail and service establishments, such as furniture repair with woodworking, artists' studios with retail sales, surfboard repair with surfboard production, metal welding with decorative iron works and tap room with brewery or distillery, provided that all such operations take place within enclosed buildings, if the gross enclosed square footage exceeds two thousand five hundred (2,500).

In the event of a conflict between the uses authorized by a respective zoning district and in this subsection, the least restrictive regulation shall be applicable.

(e) *Commercial vehicle regulations.* Commercial vehicles parked on CL, CG, or LIW properties with a local business tax receipt and which are included within the Mayport business overlay district are permitted, provided that they are parked within the confines of a property on a stabilized surface such as asphalt, concrete, or pavers and are properly registered. Commercial vehicles shall include all cars, trucks, vans, trailers and other vehicles authorized to operate on public streets.

(f) *Outside storage regulations.* The following provisions regarding fencing and landscaping shall be applicable to the use, development, and redevelopment of CL, CG, or LIW zoned properties which are included within the Mayport business overlay district, in addition to other fencing and landscaping regulations contained within the city's Code of Ordinances; provided, however, that, in the event of a conflict between the express provisions below and any other fencing or landscaping regulations, the express provisions below shall apply.

For property with a local business tax receipt where outside storage of equipment, trailers, materials, products not intended for immediate sale as permitted elsewhere in the Code, or other similar items occurs in side and rear yards (only other than properly registered, as applicable, commercial vehicles in accordance with subsection (e) above):

All such outside storage shall be screened from view with fencing and landscaping so that no significant portion is visible from the street or adjoining properties in accordance with the following provisions.

(1) Fencing shall be made of wood, vinyl, or masonry, except that exposed plain concrete block shall not be permitted

(2) Fencing shall be at least eighty-five (85) percent opaque.

(3) Fencing height and location shall be as follows:

a.Six (6) feet tall in any side yard adjoining a street and located at least ten (10) feet from the property line.

b.Six (6) feet tall in side yards not adjoining a street and rear yards, except where permitted to be taller by this chapter, and located on the property line.

(4) Landscaping with proper irrigation shall be required in the area between property lines and fencing in side yards which adjoin a street on corner lots as follows:

a. A continuous line of shrubs no taller than three (3) feet, provided clear sightlines exist at intersections and driveways in accordance with chapter 19; and

b. At least one (1) tree found in the City of Atlantic Beach recommended tree list in chapter 23 of the Code of Ordinances for every twenty-five (25) linear feet of street frontage excluding driveways. The trees may be clustered, but shall be no more than fifty (50) feet apart. Fifty (50) percent of all trees shall be shade trees. Palms may be substituted for the required trees at a ratio of two (2) palms for each required tree or four (4) palms for each required shade tree.

(5) All fencing and landscaping improvements on corner lots shall meet the sight-line provisions contained in chapter 19, as may be amended, of the city's Code of Ordinances.

(g) *Effect of other Code provisions.* Except as expressly modified by the provisions of this section, all other provisions of sections 24-110, 24-111 and 24-112, as may be amended, of the city's Code of Ordinances, as well as other applicable provisions in the city's Code of Ordinances, shall remain valid and in full force and effect as to the use, development and redevelopment of all CL, CG, and LIW zoned properties within the Mayport business overlay district.

(Ord. No. 90-17-228, § 2, 10-9-17)

DIVISION 8. - LANDSCAPING

Sec. 24-176. - Applicability, requirements, buffer design standards, maintenance, protection, visibility, and exceptions.

INTENT:
It is the intent of these regulations to promote the health, safety and welfare of the current and future residents of the City of Atlantic Beach by establishing minimum standards for the conservation of water, the protection of natural plant communities, the installation and continued maintenance of landscaping, and the protection of trees within the City of Atlantic Beach.

(a) *Applicability.* The provisions of this section shall apply to all new nonresidential development and multi-family development, including property in government use. The provisions of this section shall also apply when the total cost of alteration, expansion or renovation of existing such development is equal to or exceeds twenty-five (25) percent of the current assessed value of the parcel improvements, or when the total square footage of a structure is expanded by more than twenty-five (25) percent within a two year time frame as well as when any cumulative expansions total more than twenty-five (25) percent within a two year time frame. Construction costs shall be determined in accordance with the building evaluation data sheet as established by the International Code Council.

Additional landscaping and buffer standards, as set forth in section 24-171, are required for those lands within the commercial corridors.

(b) *Landscape plan required.*

(1) Prior to the issuance of any development permit for nonresidential development and multi-family development, a landscape plan shall be approved by the community development director. A landscape plan shall be submitted with site plan applications as required by all other provisions in this chapter. The landscape plan shall be prepared by either the owner or a licensed, registered Landscape Architect, bearing his seal, or shall be otherwise prepared by persons authorized to prepare landscape plans or drawings pursuant to Chapter 481, Part II, Florida Statutes (landscape architecture).

(2) The required landscape plan shall be drawn to scale, including dimensions and distances, and shall:

a. Delineate the vehicular use areas, access aisles, driveways, and similar features;

b. Indicate the location of sprinklers or water outlets and back flow prevention devices;

c. Designate by name and location the plant material to be installed or preserved in accordance with the requirements of this part. The use of xeriscape landscape materials and methods is strongly encouraged;

d. Identify and describe the location and characteristics of all other landscape materials to be used;

e. Show all landscape features, including areas of vegetation required to be preserved by law, in context with the location and outline of existing and proposed buildings and other improvements upon the site, if any;

f. Include a tabulation clearly displaying the relevant statistical information necessary for the director to evaluate compliance with the provisions of this part. This includes gross acreage, square footage of preservation areas, number of trees to be planted or preserved, square footage of paved areas, and such other information as the director may require; and

g. Indicate all overhead and underground utilities located on the property and in the right-of-way adjacent to the property to which the landscape plan applies. This shall include overhead and underground electric service lines to all proposed buildings.

h. A tree protection plan, in accordance with Chapter 23, Protection of trees and native vegetation.

(c) *Vehicular use area interior landscaping requirements.*

(1) Vehicular use areas in all non-residential and multi-family zoning districts except CBD and TM. Ten (10) percent of vehicular use areas (VUAs) used for off-street parking, employee parking, gas stations, service drives, and access drives shall be landscaped.

(2) Vehicular use areas in zoning districts CBD and TM. of vehicular use areas (VUAs) used for off-street parking, employee parking, gas stations, service drives shall be landscaped zero (0) percent.

(3) *Specialized vehicular use areas closed to the public.* Five (5) percent of VUAs used for storage areas for new, used or rental vehicles and boats; motor vehicle service facilities;

motor freight terminals; and other transportation, warehousing and truck operations not generally open to the public shall be landscaped.

(4) *Criteria for distribution.* Landscape areas shall be distributed throughout the VUA in such a manner as to provide visual relief from broad expanses of pavement and at strategic points to channel and define vehicular and pedestrian circulation. Landscape areas shall contain the following:

a. At least twenty-five (25) percent of the landscape areas shall be covered with shrubs; the remainder in shrubs, groundcover, mulch or grass. Shrubs shall be spaced on three-foot spacing.

b. Not less than one (1) tree for every four thousand (4,000) square feet of the VUA.

(5) Each row of parking spaces shall be terminated by a landscape island with inside dimensions of not less than five (5) feet wide and seventeen (17) feet long, or thirty-five (35) feet long if a double row of parking. Each terminal island shall contain one (1) tree. Each side of the terminal island adjacent to a travel lane shall have a continuous six-inch high curb of concrete or other appropriate permanent material. The use of depressed rain gardens or bioswales in parking lot landscaping is strongly encouraged. Curb stops, rather than continuous curb, may be used to allow runoff to flow to the landscaped area.

(d) *Perimeter landscaping requirements.*

(1) *Street frontage landscaping.* All VUA that are not entirely screened by an intervening building from any abutting dedicated public street or approved private street, to the extent such areas are not so screened, shall contain the following:

a. *Landscape area.*

i. A landscape area of seven (7) feet in width shall abut the street right-of-way except for driveways.

ii. Non-residential developments within the CBD and TM zoning districts shall provide a minimum five (5) foot-wide-strip of landscape area along the VUA street frontage. This landscape area shall be provided along the street right-of-way except for driveways.

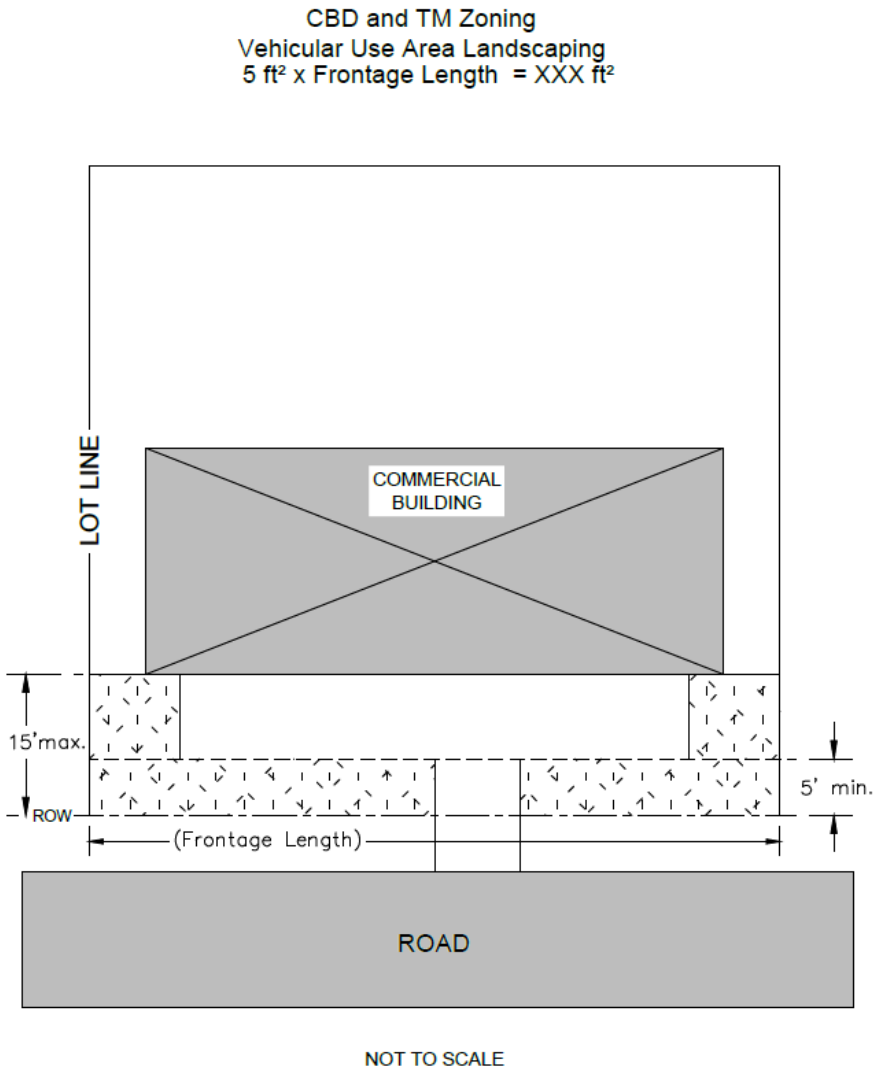

Figure 11 CBD and TM Zoning Vehicular Use Area Landscaping

b. A durable opaque landscape screen along at least seventy-five (75) percent of the street frontage, excluding driveways. Shrubs, walls, fences, earth mounds and preserved existing under-story vegetation, or combination thereof, may be used so long as the screen is no less than three (3) feet high measured from the property line grade. Walls or fences shall be no more than four (4) feet in height and of wood or masonry at least eighty-five (85) percent opaque. Earth mounds shall not exceed a slope of three (3) to one (1). No less than twenty-five (25) percent of street side frontage of walls or fences shall be landscaped with shrubs or vines.

c. No less than one (1) tree, located within twenty-five (25) feet of the street right-of-way, for each twenty-five (25) linear feet, or fraction thereof, of VUA street frontage. The trees may be clustered but shall be no more than fifty (50) feet apart. If an overhead power line abuts the street frontage, then the required trees reaching a

mature height greater than twenty-five (25) feet shall be located at least fifteen (15) [feet] away from the power line.

d. The remainder of the landscape area shall be landscaped with trees, shrubs, ground covers, grass, or mulch.

e. Landscape areas required by this section shall not be used to satisfy the interior landscape requirements; however, the gross area of the perimeter landscaping which exceeds the minimum requirements may be used to satisfy the interior landscape requirements.

f. If a utility right-of-way separates the VUA from the public street or approved private street, the perimeter landscaping requirements of this section shall still apply.

(2) *Perimeter landscaping adjacent to lot lines.* All vehicular use areas that are not entirely screened by an intervening building from an abutting property, to the extent such areas are not screened, shall contain the following:

a. A continuous landscape area at least five (5) feet wide between the VUAs and the abutting property, landscaped with shrubs, ground covers, preserved existing vegetation, mulch and grass.

b. No less than one (1) tree, located within twenty-five (25) feet of the outside edge of the VUA, for every fifty (50) linear feet, or fraction thereof, of the distance the VUA abuts the adjacent property. Trees may be clustered but shall be no more than seventy-five (75) feet apart.

c. A buffer between incompatible land uses as required by section 24-167 (e), if applicable.

d. If an alley separates the VUA from the abutting property, the perimeter landscaping requirements shall still apply.

(e) *Driveways to streets.* The maximum width of any driveway not containing a landscaped island through the perimeter landscape area shall be thirty-six (36) feet. The maximum width of any driveway containing a landscaped island through the perimeter landscape area shall be forty-eight (48) feet and the driveway shall contain a landscaped island which measures not less than eight (8) feet in width (from back of curb to back of curb), surrounded by a six-inch continuous raised curb, or other alternative approved by the director. In no event shall more than fifty (50) percent of any street frontage be paved, nor shall the provisions of this section be applied to reduce the permitted driveway width to less than twenty-four (24) feet.

(f) *Driveways to adjoining lots.* Driveways may be permitted by the community development director to adjoining lots of compatible use.

(g) If a joint driveway easement is provided between adjacent property, then the required perimeter landscaping for each property shall be provided between the drive and any other vehicular use areas.

(h) *Buffers required between incompatible or different use classifications.*

(1) Where incompatible or different Use classifications are adjacent, without an intervening street, a buffer strip shall be required between such uses. Such buffer strip shall be at least ten (10) feet in width the entire length of all such common lot lines and shall be required in the following circumstances:

a. Multiple-family development when adjacent to lands zoned for single-family dwelling.

b. Office use or zoning districts, when adjacent to single-family or multiple-family dwellings, mobile home parks or subdivisions or lands zoned for single-family or multiple-family dwellings, mobile home parks or subdivisions.

c. Mobile home park use or zoning districts, when adjacent to single-family dwellings, multiple-family dwellings and office uses, or lands zoned for single-family dwellings, multiple-family dwellings or offices.

d. Commercial and institutional uses or zoning districts, when adjacent to single-family dwellings, multi-family dwellings or mobile home parks or mobile home subdivision uses or lands zoned for single-family dwellings, multi-family dwellings or mobile home parks or mobile home subdivisions.

e. Industrial uses or zoning districts, when adjacent to any nonindustrial uses or zoning districts other than agricultural land uses or zoning districts.

(2) Required buffers shall at a minimum contain the following landscape materials:

a. *Trees.* The total tree count required within the buffer strip shall be one (1) tree for each twenty-five (25) linear feet of required buffer strip, or majority portion thereof.

b. *Ground cover.* Grass or other ground cover shall be planted on all areas of the buffer strip.

c. *Visual screen.* A visual screen running the entire length of common boundaries shall be installed within the buffer strip, except at permitted access ways. The visual screen may be a wood or masonry wall, landscaping, earth mounds or combination thereof. Earth mounds shall not exceed a slope of three (3) to one (1). If a visual screen which satisfies all applicable standards exists on adjacent property abutting the property line or exists between the proposed development on the site and the common property line, then it may be used to satisfy the visual screen requirements.

d. *Prevailing requirement.* Whenever parcels are subject to both the perimeter landscaping requirements and buffer strip requirements of the article, the latter requirements shall prevail.

e. *Hardship.* If the community development director determines that the construction of a landscape buffer area required by this section shall create an unreasonable hardship, the director may approve a buffer area with a width no less than five (5) feet, provided such buffer area meets the visual screening requirements of this section.

(3) The required buffer strip shall not contain principal or accessory uses and structures, vehicular use areas, dumpster pads, signs, equipment, or storage.

(4) If any conflict exists between the provisions of 24-167 and this subsection, the more restrictive shall apply.

(i) *Landscape design standards.*

(1) Trees required for vehicular use area landscaping may be used to fulfill the tree requirements of this section.

(2) Standards for landscape materials.

a. A minimum of fify (50) percent of all required trees shall be shade trees

b. Plants and trees shall meet the criteria of chapter 23, subsection 23-17(e)(2)a.

c. Fifty (50) percent of the trees may be nonshade trees or trees with a mature canopy of fifteen (15) feet

d. Trees shall not be planted closer than two (2) feet from any pavement edge or right-of-way line, as measured from center of trunk. Shade trees shall not be planted closer than four (4) feet from any pavement edge or right-of-way line, as measured from center of trunk.

e. Palms may be substituted for the required trees at the ratio of two (2) palms for each required tree or four (4) palms for each required shade tree. .

f. Criteria for shrubs, vines and ground covers. Hedges and shrubs used to form an opaque screen shall be no less than a three-gallon container [of] grown material or equivalent balled and burlap material.

g. Lawns. Lawn grass may be sodded, plugged, sprigged or seeded, except that solid sod shall be used on grass areas within street rights-of-way disturbed by construction, in swales, on slopes of four (4) to one (1) or greater, and on other areas subject to erosion. When permanent seed is sown during its dormant season, an annual winter grass shall also be sown for immediate effect and protection until permanent coverage is achieved.

h. Mulch. A minimum two-inch layer of organic mulch, such as wood bark, dead leaves and pine straw, shall be applied and maintained in all tree, shrub, and ground cover planting areas and bare preserved natural areas.

i. General cleanup. At the completion of work, construction trash and debris shall be removed and disturbed areas shall be fine-graded and landscaped with shrubs, ground cover, grass or two (2) inches of mulch.

(j) *Maintenance and protection of landscaping.*

(1) *Maintenance.* The property owner shall be responsible for the maintenance of all landscaped areas, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, free of refuse, debris and weeds. Failure to maintain required landscape areas or to replace within thirty (30) days all required landscaping which is dead, irreparably damaged, or fails to meet the standards of this section, shall be deemed a violation of these land development regulations and subject to code enforcement procedures.

(2) *Irrigation.* Landscaped areas shall be provided with an automatic irrigation system. Irrigation systems shall include moisture or rain sensors.

(3) *Tree pruning.* Required trees shall be allowed to develop into their natural habit of growth. Trees may be pruned to maintain health and vigor by removal of dead, weak, damaged or crowded limbs, diseased and insect-infested limbs, and branches which rub other branches.

(k) *Intersection visibility.* Where an access way intersects with another access way within a vehicular use area, or where an access way is located within a vehicular use area, or where an access way intersects with a street right-of-way, cross visibility within the sight triangle, as defined in this chapter shall be unobstructed at a level between two (2) and eight (8) feet, above elevation of adjacent pavement.

(l) *Special Adminstrative Remedies.* GRAPHIC REPRESENTATION

INTENT

(a) For lots with a depth of one hundred fifty (150) feet or less, or an area of fifteen thousand (15,000) square feet or less, the following requirements shall apply:

1. an automatic fifty (50) percent reduction in landscape yard depth requirements for screening, perimeter landscaping depth requirements, and interior landscaping areas; and

2. a twenty-five (25) percent reduction in all planting requirements except for the required evergreen plantings for screening.

(b) In situations other than section (a) above, where compliance with the landscape requirements would require: the demolition of an existing building; a loss of more than 10% of the gross required off-street parking for an existing development; or of a loss greater than 15% of the lot area for development, the following administrative remedies may be applied by the Community Development Director:

1. Reduce the required minimum landscaped area widths up to 50%.

2. Reduce the tree planting requirements by up to 25%.

3. If the Community Development Director considers a reduction pursuant to this subsection (b), then the Community Development Director's first priority shall be to require trees along the street frontage And the second priority shall be to require trees within portions of the vehicle use area that are highly visible from any street.

In all cases, a buffer shall always be provided if it is required by division 8. If the landscape area is less than five (5) feet in width, a minimum six (6) foot tall wood or composite fence or masonry wall shall be required.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10; Ord. No. 95-15-111, § 1, 11-9-15)

Sec. 24-177. – Florida-Friendly Landscaping and Landscape Irrigation

The Florida Legislature finds that the use of Florida-friendly landscaping and other water conservation and pollution prevention measures intended to conserve or protect the state's water resources serve a compelling public interest and that the participation of homeowners' associations and local governments is essential to the state's efforts in water conservation and water quality protection and restoration, and that Florida-friendly landscaping designs offer significant potential for water conservation benefits. It is the intent of the Florida Legislature to improve landscape irrigation water use efficiency by ensuring that landscape irrigation systems meet or exceed minimum design criteria by requiring local governments to implement regulations to that end.

(Ord. No. 90-10-213, § 1(Exh. A), 10-25-10)

Sec. 24-178. - General provisions.

Definitions are included in the Definitions Section and are to be used in addition to and in conjunction with those contained in sections 24-17 and 24-176 of this chapter and also chapter 23, Protection of Trees and Native Vegetation, of [the] City Code.

(a) *Applicability.* Where an automatic irrigation system is required by this Code or installed at the option of the property owner, the provisions of this section shall apply to the following. (the term lot(s) and parcel(s) may be used interchangeably.)

(1) Previously undeveloped lots and the common landscaped areas of new subdivisions; or

(2) Where new irrigation systems are installed on previously developed lots; or

(3) When more than fifty (50) percent of the irrigation system on a lot is replaced. Fifty (50) percent shall be construed to mean more than half the length of lateral irrigation lines or more than half of the emitters.

Except as set forth above, these provisions shall not be construed to require changes to permitted or properly installed existing irrigation systems or to landscaping existing as of October 25, 2010. These provisions shall also not apply to bonafide agricultural, greenhouse or nursery activities or to golf courses or athletic fields.

(b) *Appropriate plant selection, location and arrangement.*

(1) *Plant selection.* Plants used for Florida-friendly lawns and landscaping should be based upon the plant's compatibility with existing conditions of the site including soil type, moisture and light conditions and size at maturity. Consideration should be given to drought and freeze tolerance plants, and where site conditions are suitable, preference in trees should be given to native vegetation and hardwoods that create shade. Appropriate plants are described within the Florida-friendly Plant List published by the University of Florida, Extension Institute of Food and Agricultural Sciences (IFAS) or as may be found in other qualified sources of horticultural information.

(2) *Location and arrangement.* A key component to saving water and promoting plant health is to group plants in hydrozones according to their water needs. Factors such as soil, climate, sunlight and salt tolerance should also guide the grouping and selection of plants. Low, moderate and high water use hydrozones are described by the following characteristics:

a. Low water use hydrozones contain plants that rarely require supplemental watering and that are drought tolerant during extreme dry periods such as native shrubs and vegetation, established trees and ground covers and wooded areas.

b. Moderate water use hydrozones contain plants that once established require irrigation every two to three weeks in the absence of rainfall or when they show visible stress such as wilted foliage or pale color. These are typically perennials, seasonal plants and flower beds.

c. High water use hydrozones contain plants that require supplemental watering on a regular basis throughout the year. These areas include turf and lawn grasses and are typically characterized as high visibility focal points of a landscaping design where high volume irrigation is used.

(3) *Turf and lawn grasses.* Irrigated grass and turf areas shall be considered as high water use hydrozones, and shall be located so that they can be watered using separate irrigation zones. These areas should be consolidated to locations where the functional need calls for lawn and where site conditions are conducive to the health and maintenance of grasses rather than considered as just a fill-in area. For example, despite all efforts, lawn grasses will rarely grow to be healthy and lush under the heavy shade of a dense tree canopy which is emblematic of Atlantic Beach, while ferns, certain ground covers and low-growing native plants flourish with little attention.

(4) *Irrigation system design.* Automatic irrigation systems shall be designed to meet the requirements of Appendix F of the Florida Plumbing Code, as adopted by chapter 6, article IV of City Code and also the requirements of section 22-39 of City Code. The following shall also be incorporated into the automatic irrigation system design:

a. High water use hydrozones shall be located on a separate irrigation zone.

b. High volume irrigation is limited to sixty (60) percent of the total landscaped area of the lot. For lawns and turf areas that exceed sixty (60) percent of the total landscaped area of the lot, low volume irrigation may be used as needed.

c. At least one (1) moisture sensor shall be located in each irrigation zone.

d. Emitters shall be sized and spaced to avoid excessive overspray on to impervious surfaces.

(c) *Hydrozone plans.* Where an automatic irrigation system is installed and an irrigation system permit is required, a hydrozone plan shall be submitted in accordance with the following. Hydrozone plans can be prepared by a properly licensed and qualified contractor or by the property owner.

(1) For new single-family or two-family dwellings, or for previously developed lots installing a new or modified irrigation system per preceding paragraph (a)(3), the hydrozone plan may be depicted on a survey or on a site plan prepared by the owner or the owner's agent indicating area(s) to be irrigated, location and specifications of particular low, moderate and high water use areas on the plan with the percentage of the landscaped area using high volume irrigation indicated.

Recognizing that homeowners often install their own irrigation systems, a survey accurate hydrozone plan shall not be required in such cases, but the hydrozone plan should generally depict all hydrozones, as described in preceding paragraph (b)(2). At a minimum, high water use areas using high volume irrigation must be on a separate irrigation zone.

(2) All other development, except as described by the preceding paragraph, shall provide a landscape plan as required by section 24-177. Hydrozone details may be shown on the landscape plan or on a separate sheet drawn at the same scale as the landscape plan. In addition to the landscape plan requirements of section 24-177, the hydrozone plan shall delineate landscape areas, major landscape features, and plant selections and low, medium and high water Hydrozones consistent with preceding paragraph (b).

(3) Prior to receiving final landscape plan approval, final inspection or certificate of occupancy as may be applicable, written verification must be provided by a properly licensed qualified contractor, or the property owner, verifying that all irrigated areas are consistent with this section.

(Ord. No. 90-10-213, § 1(Exh. A), 10-25-10)

Sec. 24-179. - Florida-friendly use of fertilizer on urban landscapes.

(a) *Findings.* As a result of impairment to the City of Atlantic Beach's surface waters caused by excessive nutrients, or, as a result of increasing levels of nitrogen in the surface water within the boundaries of the City of Atlantic Beach, the governing body of the City of Atlantic Beach has determined that the use of fertilizers on lands within the City of Atlantic Beach creates a risk to contributing to adverse effects on surface and/or ground water. Accordingly, the City Commission of the City of Atlantic Beach finds that management measures contained in the most recent edition of the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries, 2008," may be required by this section.

(b) *Purpose and intent.* This section regulates the proper use of fertilizers by any applicator; requires proper training of commercial and institutional fertilizer applicators; establishes

training and licensing requirements; establishes a prohibited application period; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. The section requires the use of best management practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the City of Atlantic Beach's natural and constructed stormwater conveyances, rivers, creeks, ponds, and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of the City of Atlantic Beach residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

(c) *Applicability.* This section shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the area of the City of Atlantic Beach, unless such applicator is specifically exempted by the terms of this section from the regulatory provisions of this section. This section does not restrict any homeowner or residents from applying fertilizers on their landscape as they deem necessary, but they are strongly recommended to follow the guidelines included herein. This section shall be prospective only, and shall not impair any existing contracts.

(d) *Timing of fertilizer application.* No applicator shall apply fertilizers containing nitrogen and/or phosphorus to turf and/or landscape plants during the prohibited application period, or to saturated soils.

(e) *Fertilizer free zones.* Fertilizer shall not be applied within ten (10) feet of any pond, stream, watercourse, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, FAC) or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge, is used, in which case a minimum of three (3) feet shall be maintained. If more stringent City of Atlantic Beach Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. Newly planted turf and/or landscape plants may be fertilized in this zone only for a sixty-day period beginning thirty (30) days after planting if needed to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

(f) *Low maintenance zones.* A voluntary ten-foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent City of Atlantic Beach Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone.

(g) *Fertilizer content and application rates.*

(1) Fertilizers applied to turf within the City of Atlantic Beach shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), FAC, Labeling Requirements for Urban Turf Fertilizers.

(2) Fertilizer containing nitrogen or phosphorus shall not be applied before seeding or sodding a site and shall not be applied for the first thirty (30) days after seeding or

sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the stormwater pollution prevention plan for that site.

(3) Nitrogen or phosphorus fertilizer shall not be applied to turf or landscape plants except as provided in [subsection] (1) above for turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs, unless a soil or tissue deficiency has been verified by an approved test.

(h) *Application practices.*

(1) Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all streets, driveways and other impervious surfaces, fertilizer-free zones and water bodies, including wetlands.

(2) Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.

(3) Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

(4) Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site or returned to the original or other appropriate container.

(5) In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

(i) *Management of grass clippings and vegetative matter.* In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally deposited shall be immediately removed to the maximum extent practicable.

(j) *Exemptions.* The provisions set forth above in this section shall not apply to:

(1) Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14;

(2) Other properties not subject to or covered under the Florida Right to Farm Act that have pastures used for grazing livestock; and

(3) Any lands used for bona fide scientific research, including, but not limited to, research on the effects of fertilizer use on urban stormwater, water quality, agronomics, or horticulture.

(k) *Training.*

(1) All commercial and institutional applicators of fertilizer within the City of Atlantic Beach, shall abide by and successfully complete the six-hour training program in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" offered by the Florida Department of Environmental Protection through the University of Florida Extension "Florida-Friendly Landscapes" program, or an approved equivalent.

(2) Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers.

(l) *Licensing of commercial applicators.*

(1) Prior to 1 January 2014, all commercial applicators of fertilizer within the city limits of Atlantic Beach, shall abide by and successfully complete training and continuing education requirements in the "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries," offered by the Florida Department of Environmental Protection through the University of Florida IFAS "Florida-Friendly Landscapes" program, or an approved equivalent program, prior to obtaining a City of Atlantic Beach Local Business Tax Certificate for any category of occupation which may apply any fertilizer to turf and/or landscape plants. Commercial fertilizer applicators shall provide proof of completion of the program to the City of Atlantic Beach City Clerk's office within one hundred eighty (180) days of the effective date of this section.

(2) After 31 December, 2013, all commercial applicators of fertilizer within the incorporated area of the City of Atlantic Beach, shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per 5E-14.117(18) F.A.C.

(3) All businesses applying fertilizer to turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one (1) employee has a "Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries" training certificate prior to the business owner obtaining a local business tax certificate. Owners for any category of occupation which may apply any fertilizer to turf and/or landscape plants shall provide proof of completion of the program to the City of Atlantic Beach Public Works Director.

(Ord. No. 90-13-220, § 1, 1-13-14)

Editor's note— Section 24-182 was added at the editor's discretion in order to maintain the format of the Code.

Secs. 24-180—24-185. - Reserved.

ARTICLE IV. - SUBDIVISION AND SITE IMPROVEMENT REGULATIONS

DIVISION 1. - GENERALLY

Sec. 24-186. - Purpose and intent.

As of the March 8, 2010, effective date of this amendment to the land development regulations all areas of the city suitable for development have been previously platted. As such, the primary purpose of this article is to provide procedures for changes to previously recorded subdivisions (replats) and conditions for the division of existing lots, and to establish development standards and requirements for new development or redevelopment within the city. The provisions set forth within this article shall be construed as the design and development standards for all new development and redevelopment within the city.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-187. - Subdivision and subdivision improvements defined.

(a) *Subdivision defined.* For the purposes of this article, subdivision shall mean the division of land into three (3) or more lots or parcels, which may include establishment of new streets and alleys, stormwater facilities, infrastructure including, but not limited to, water, sewer, and utilities. The term subdivision shall also include changes to previously recorded plats, replats and the division of previously recorded subdivisions when three (3) or more lots or parcels are created, and when appropriate to the context, subdivision also relates to the process developing land.

(b) *Improvements defined.* For the purposes of this article, subdivision improvements may include, but shall not be limited to street pavements, curbs and gutters, sidewalks, driveways, alley pavements, walkway pavements, water mains, sanitary sewers, lift stations, storm sewers or drains, street names signs, street lights, landscaping, permanent reference monuments (PRMs), permanent control points (PCPs), monuments, or any other improvement as may be required by the City Commission or these land development regulations.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-188. - Requirements for approval and recording of a final subdivision plat or a replat.

(a) No building permits shall be issued for any land that has been divided, or any lot that has been created, except in compliance with the requirements of division 2 of this article and the requirements of Chapter 177, Part I, Florida Statutes. Approval of a final subdivision plat or a replat shall be required when any of the following conditions result from the division of land:

(1) The division of any land will create three (3) or more contiguous lots or parcels.

(2) The division of land, or the change to a previously recorded plat, platted lot or lot of record, will alter a lot or tract boundary line, will alter an access point, other than a private driveway, change a street as shown on a recorded plat, or change any area dedicated for shared public use, recreation, open space, buffering, easement or designated preservation area.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-189. - Exemptions from the requirement for approval and recording of a final subdivision plat or replat.

(a) Building permits may be issued following divisions of land without the need for approval of a final subdivision plat or a replat only in accordance with each the following provisions:

(1) The division results in no more than two (2) contiguous lots or parcels.

(2) The resultant new lots, comply with the minimum lot area, width and depth, and access requirements of the applicable zoning district, the comprehensive plan and all other applicable requirements of these land development regulations.

(3) The division and the resultant new lots shall not create any nonconforming structures or any other nonconforming characteristic.

(4) Approval by the Administrator of a certified survey depicting the proposed new lots verifying compliance with the above requirements. Such certified survey shall be submitted to the city and approved prior to recording of a deed for transfer of ownership of lands and shall be recorded as an addendum to the deed. It shall be the responsibility of the property owner(s) to provide evidence of the approved certified survey along with any application for building permits.

(b) *Townhouses and residential dwellings held in fee-simple ownership.* Two-unit townhouses and two-family dwellings, when divided in ownership, shall not constitute a division of lands requiring approval of a final subdivision plat or a replat, provided that such dwellings are otherwise in compliance with these land development regulations and the comprehensive plan.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-190. – Waiver for subdivisions.

(a) *General.* Where the city commission finds that undue hardship due to unreasonable practical difficulties may result from strict compliance with this article for subdivisions only, the city commission may approve a waiver to the requirements of this article if the waiver serves the public interest.

(b) *Conditions of waiver for subdivisions.* An applicant seeking a waiver shall submit to the city commission a written request for the waiver stating the reasons for the waiver and the facts, which support the waiver. The city commission shall not approve a waiver unless it determines as follows:

(1) The particular physical conditions, shape or topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the article is carried out.

(2) The granting of the waiver will not be injurious to the other adjacent property.

(3) The conditions, upon which a request for waiver are based, are peculiar to the property for which the waiver is sought, are not generally applicable to other property and do not result from actions of the applicant.

(4) The waiver is consistent with the intent and purpose of this chapter, the comprehensive plan and the requirements of this article. If the city commission approves a waiver, the city commission may attach such conditions to the waiver as will ensure that the waiver will comply with the intent and purpose of this article.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-191. - Vacation of previously recorded subdivision plats.

An applicant may apply for the vacation of a recorded plat, or a portion of a plat by written application to which a copy of the plat shall be attached requesting the same to be vacated. Vacation of plats shall require approval by resolution of the City Commission, and such vacation shall be approved only in accordance with F.S. § 177.101.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Secs. 24-192—24-200. - Reserved.

DIVISION 2. - APPLICATION PROCEDURE

Sec. 24-201. - General requirements.

(a) *Unlawful division of land.* It shall be unlawful for any person to submit a plat, replat, or certified survey as required by section 24-189, for the subdivision of land to the clerk of the Circuit Court of Duval County for the purpose of recording said plat in the Official Records of Duval County until the plat or replat has been approved in accordance with the provisions of this article.

In the event that an unapproved final subdivision plat, replat, certified survey as required by section 24-189, or any division of land, is recorded, no building permit or other type of permit authorizing any development shall be issued until such division is approved in accordance with the requirements of this article.

(b) *Applicability.* The procedures of this division 2 apply to new plats, replats or any change to a previously recorded subdivision plat.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-202. - Review and approval procedure.

The requirements of each of the following reviews shall be met prior to the recording or recording of a final subdivision or an amended plat and prior to the issuance of any building permit within lands encompassed by the plat.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-203. - Review of proposed plat or changes to a previously recorded plat.

(a) A proposed plat shall be drawn at a clear and legible scale and shall be prepared in accordance with the requirements of F.S. § 177.091, and shall further demonstrate compliance with this article and applicable requirements of these land development regulations. The following information shall be depicted upon proposed new plats and as required by the city for changes to previously recorded plats in accordance with the type of change requested:

(1) The final plat must be:

(a) An original drawing made with black permanent drawing ink; or

(b) A nonadhered scaled print on a stable base film made by photographic processes from a film scribing tested for residual hypo testing solution to assure permanency.

(c) Marginal lines, standard certificates and approval forms shall be printed on the plat with permanent black drawing ink. A print or photographic copy of the original drawing must be submitted with the original drawing.

(2) The size of each sheet of a proposed shall be determined by the Community Development Director and shall be drawn with a marginal line or printed when permitted by local ordinance, completely around each sheet and placed so as to leave at least a 1/2-inch margin on each of three sides and a 3-inch margin on the left side of the plat for binding purposes.

(3) When more than one sheet must be used to accurately portray the lands subdivided, an index or key map must be included and each sheet must show the particular number

of that sheet and the total number of sheets included, as well as clearly labeled matchlines to show where other sheets match or adjoin.

(4) In all cases, the letter size and scale used shall be of sufficient size to show all detail. The scale shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided.

(5) The name of the plat shall be shown in bold legible letters, as stated in F.S. § 177.051. The name of the subdivision shall be shown on each sheet included. The name of the professional surveyor and mapper or legal entity, along with the street and mailing address, must be shown on each sheet included.

(6) A prominent "north arrow" shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend, and, in all cases, the bearings used shall be referenced to some well-established and monumented line.

(7) Permanent reference monuments must be placed at each corner or change in direction on the boundary of the lands being platted and may not be more than 1,400 feet apart. Where such corners are in an inaccessible place, "P.R.M.s" shall be set on a nearby offset within the boundary of the plat and such offset shall be so noted on the plat. Where corners are found to coincide with a previously set "P.R.M.," the Florida registration number of the professional surveyor and mapper in responsible charge or the certificate of authorization number of the legal entity on the previously set "P.R.M." shall be shown on the new plat or, if unnumbered, shall so state. Permanent reference monuments shall be set before the recording of the plat. The "P.R.M.s" shall be shown on the plat by an appropriate symbol or designation.

(8) Permanent control points shall be set on the centerline of the right-of-way at the intersection and terminus of all streets, at each change of direction, and no more than 1,000 feet apart. Such "P.C.P.s" shall be shown on the plat by an appropriate symbol or designation. In instances where no subdivision improvements must be constructed in accordance with the City approval of a plat or replat, "P.C.P.s" may be set prior to the recording of the plat and must be set within 1 year of the date the plat was recorded. In subdivision improvements must be constructed and a bond or surety insuring the construction of said improvements, is required, "P.C.P.s" must be set prior to the expiration of the bond or other surety. If the professional surveyor and mapper or legal entity of record is no longer in practice or is not available due to relocation, or when the contractual relationship between the subdivider and professional surveyor and mapper or legal entity has been terminated, the subdivider shall contract with a professional surveyor and mapper or legal entity in good standing to place the "P.C.P.s" within the time allotted.

(9) Monuments shall be set at all lot corners, points of intersection, and changes of direction of lines within the subdivision which do not require a "P.R.M." or a "P.C.P."; however, a monument need not be set if a monument already exists at such corner, point, or change of direction or when a monument cannot be set due to a physical obstruction. If no subdivision improvements are required, monuments may be set prior to the recording of the plat and must be set at the lot corners before the transfer of any lot. If subdivision improvements are required, and the city requires a bond or other surety, monuments shall be set prior to the expiration of the bond or other surety. If the professional surveyor and mapper or legal entity of record is no longer in practice or is not available due to relocation,

or when the contractual relationship between the subdivider and professional surveyor and mapper or legal entity has been terminated, the subdivider shall contract with a professional surveyor and mapper or legal entity in good standing who shall be allowed to place the monuments within the time allotted.

(10) The section, township, and range shall appear immediately under the name of the plat on each sheet included, along with the name of the city, town, village, county, and state in which the land being platted is situated.

(11) Each plat shall show a description of the lands subdivided, and the description shall be the same in the title certification. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined.

(12) The dedications and approvals required by F.S. § 177.071 and 177.081 and any other dedication required by the city must be shown.

(13) The circuit court clerk's certificate and the professional surveyor and mapper's seal and statement required by F.S. § 177.061 shall be shown.

(14) All section lines and quarter section lines occurring within the subdivision shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, all information called for, such as the point of commencement, course bearings and distances, and the point of beginning, shall be indicated. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses.

(15) Location, width, and names of all streets, waterways, or other rights-of-way shall be shown, as applicable.

(16) Location and width of proposed easements and existing easements identified in the title opinion or certification required by F.S. § 177.041(2) shall be shown on the plat or in the notes or legend, and their intended use shall be clearly stated. Where easements are not coincident with property lines, they must be labeled with bearings and distances and tied to the principal lot, tract, or right-of-way.

(17) All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated. If the subdivision platted is a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a replat shall be stated as a subtitle under the name of the plat on each sheet included. The subtitle must state the name of the subdivision being replatted and the appropriate recording reference.

(18) All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.

(19) Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat. When any lot or portion of

the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as “more or less,” if variable. Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the 39.37/12=3.28083333333 equation for conversion from a U.S. foot to meters.

(20) Curvilinear lot lines shall show the radii, arc distances, and central angles. Radial lines will be so designated. Direction of nonradial lines shall be indicated.

(21) Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of arc.
(22) The centerlines of all streets shall be shown as follows: noncurved lines: distances together with either angles, bearings, or azimuths; curved lines: arc distances, central angles, and radii, together with chord and chord bearing or azimuths.

(23) Park and recreation parcels as applicable shall be so designated.

(24) All interior excepted parcels as described in the description of the lands being subdivided shall be clearly indicated and labeled “Not a part of this plat.”

(25) The purpose of all areas dedicated must be clearly indicated or stated on the plat.

(26) When it is not possible to show line or curve data information on the map, a tabular form may be used. The tabular data must appear on the sheet to which it applies.

(27) The plat shall include in a prominent place the following statements: “NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.”

(28) All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event a cable television company damages the facilities of a public utility, it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.

(29) A legend of all symbols and abbreviations shall be shown.

(30) An opinion of title , demonstrating ownership in the name of the applicant, indicating all encumberacnes on the lands to be encompassed by the plat or replat, and a copy of all recorded documents referenced in the opinion of title.

(b) *Preliminary engineering drawings.* Five (5) copies of preliminary engineering drawings shall be submitted for distribution and review by appropriate city departments. Preliminary engineering drawings shall depict the general location of the following:

(1) Water system lines and support facilities.

(2) Sewer system lines, any lift stations and support facilities.

(3) Stormwater and drainage facilities, Easements and other such features.

(4) Any bulkheads.

(5) Street profiles.

(6) Sidewalks, bicycle paths and pedestrian paths.

(7) Excavation and fill areas including any impacted wetlands.

(c) *Review process.* Upon receipt of a complete and proper application for the proposed plat, copies shall be distributed to appropriate departments for review and comment. Review comments shall be provided to the applicant in writing within fifteen (15) business days of receipt of the complete and proper application. Upon completion of review by city departments and verification that the proposed plat is in general compliance with applicable land development regulations and Chapter 177, F.S., the proposed plat shall be placed on the agenda of the next available meeting of the Community Development Board for consideration and recommendation subject to the hearing and notification requirements in 24-51 subsection (i). The community development director shall provide to the Community Development Board all relevant information concerning the proposed plat including any outstanding comments from all reviewing departments, officials or agencies. The Community Development Board shall make a recommendation to the City Commission to approve the application, deny the application, or approve the application subject to specified changes based upon the requirements of these land development regulations, the comprehensive plan and other conditions which may be unique to the land encompassed by the proposed plat.

(d) *Time limit.* The recommendation of the Community Development Board shall remain valid for twelve (12) months. If the applicant has failed to obtain subdivision plat approval within twelve (12) months, re-application in accordance with the provisions of this article shall be required.

(e) It shall be unlawful to construct any improvement without approval of a final subdivision plat or replat and issuance of a valid building permit authorizing development.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-204. - Proposed final plat review and approval.

(a) *Purpose and intent.* The purpose of the proposed final subdivision plat review is to ensure that the proposed final subdivision plat meets all requirements of Chapter 177, Part I, Florida Statutes, all requirements of these land development regulations and other applicable regulations prior to approval by the City Commission and prior to recording.

(b) *Information required for review.*

(1) *Final subdivision plat review.* Copies of the proposed final plat in the number as requested on the application form shall be submitted to the city and shall be prepared in accordance with the design standards and requirements established in these land

development regulations and Part I, and Chapter 177, Florida Statutes, as may be amended.

(2) The final subdivision plat shall be prepared by a registered land surveyor in accordance with the requirements of F.S. § 177.091 and shall be clearly and legibly drawn in black permanent drawing ink. The final subdivision plat shall be drawn on eighteen (18) by twenty-six (26) inch mylar or as required for recording in the official records of Duval County. The final subdivision plat may be on several sheets, and each sheet shall contain an index delineating that portion of the subdivision shown on that sheet in relation to the entire subdivision. The final subdivision plat shall be at the same scale and in the same format as the proposed plat. The final subdivision plat shall contain sufficient data to readily determine and accurately locate on the ground the location, bearing and length of every right-of-way line, lot line, easement boundary line and black line, including the radii, arcs and central angles of all curves. The following shall also be included:

a. Boundary survey and title certification as required by F.S. § 177.041.

b. Name of new subdivisions and replats. As required by F.S. § 177.051, every new final subdivision plat, and any section, unit or phase therein, as well as any replat of a previously recorded final subdivision plat, shall be given a name by which the subdivision shall be legally known.

c. Every final subdivision plat shall be prepared, signed and sealed by a registered land surveyor as required by F.S. § 177.061.

d. Dedication of improvements. All public improvements or property designated for public purpose on any final subdivision plat including, but not limited to, all streets, alleys, easements, rights-of-way, parks, recreation amenities, open space, buffers and protected areas shall be expressly dedicated on the face of the final subdivision plat. In addition, the final subdivision plat shall contain a statement of dedication to the city, other appropriate government units or public utilities for all water lines, sewer lines, pumping stations, electrical power lines, fiber optic, digital or cable television lines, gas lines and any other public utility service lines and appurtenances located within the tract prior to recording.

e. Any special conditions, including building restriction lines that may exceed the zoning district minimum yard requirements or other unique requirements shall be noted on the final plat.

f. If required, assurance for the performance of construction, completion, maintenance and warranty of all improvements shall be submitted as set forth within division 4 of this article.

(3) *Approval or denial by City Commission.* Upon receipt of all required information, the community development director shall, within thirty (30) days, schedule the final subdivision plat for public hearing before the City Commission, pursuant to the hearing and notice provisions in section 24-51(j). The community development director shall forward all relevant information to the City Commission for its consideration. The City Commission, after considering all comments shall approve, deny or approve subject to specified conditions, the final plat for recording, based upon compliance with the required certifications and security requirements and with the other requirements and provisions of this article and other applicable policies, ordinances, laws and regulations. If substantial changes to lot, block or street layout or lot sizes occur at any time after the consideration by the Community Development Board, another review by that board shall

be conducted prior to submittal of the final subdivision plat to the City Commission for final action.

(4) *Signing, recording, and acceptance.* Upon approval by the City Commission, said plat shall be signed by the mayor and recorded under the applicable provisions of Chapter 177, Florida Statutes. Acceptance of the final plat shall be deemed provisional acceptance by the city of public improvements and other public areas dedicated to the city. Final acceptance of all public improvements shall occur upon the submission to the City Commission of a valid certificate of completion as provided for in section 24-235 of this chapter. The acceptance of dedications for public purpose shall be affixed to the face of the plat. Four (4) copies of the recorded final subdivision plat shall be provided to the city.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Secs. 24-205—24-220. - Reserved.

DIVISION 3. - REQUIRED IMPROVEMENTS

Sec. 24-221. - Generally.

All new development and redevelopment, including areas of previously approved subdivisions platted but not developed, shall contain improvements designed and constructed according to the requirements and specifications of this article, the comprehensive plan, and applicable policies, regulations and ordinances of the city and laws of the State of Florida.

Where development contains or impacts previously existing streets used to access the development or impacts stormwater and utility facilities that do not meet the requirements of current development standards, the applicant shall be required to improve such substandard facilities contained within or used by the development or redevelopment project to current standards, unless specifically exempted herein. It is the intent of the city that new development shall make improvements to substandard facilities to the extent that the development impacts such facilities.

The following services and facilities shall be required improvements:

(a) Streets designed and constructed according to the standards and requirements of this article and this chapter.

(b) Sidewalks designed and constructed according to the standards and requirements of this article.

(c) Approved street signs with block or address range numbers as provided for in chapter 6 of this Code, markers, traffic signs and signals to control and circulate traffic within the subdivision in accordance with the Florida Uniform Manual of Traffic Control Devices, as published by the Florida Department of Transportation.

(d) Drainage and stormwater management facilities designed and constructed according to the standards and requirements of this article and this chapter.

(e) A sanitary sewer system or an approved individual sewage disposal system in the absence of access to a central sewer system, based on the requirements of the State of Florida regulating the sanitary facilities for subdivisions, the provisions of this article or other applicable policies, laws, ordinances and regulations. (See section 24-260.)

(f) A centralized water system, unless an individual water supply system is permitted, based upon the required standards of the State of Florida, the provisions of this article and other applicable policies, laws, ordinances and regulations.

(g) Parks and recreation dedication, as specified in section 24-257 of this article.

(h) Electric, telephone, gas and other utilities shall be constructed underground and shall be designed so as to minimize obstruction of pedestrian and vehicular traffic circulation.

(i) Such other improvements as deemed necessary to comply with the requirements of this article and to protect the public health, safety and welfare because of topography or other conditions unique to the land.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Secs. 24-222—24-230. - Reserved.

DIVISION 4. - ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

Sec. 24-231. - Commencement of construction.

Construction of the required improvements within a subdivision may begin upon issuance of a building permit. Further, such construction may commence only after recording of the final subdivision plat, and only after any required performance bonds or other assurances are secured.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-232. - Performance security.

(a) The final subdivision plat shall be certified by the developer and countersigned by the Administrator verifying that the developer has complied with one (1) of the following alternatives:

(1) *Cash deposit.* The developer shall deposit with the city or place in an account subject to the control of the city, cash in the full amount of the total sum of engineering and construction costs for the installation and completion of the required improvements. The developer shall be entitled to secure draws from such deposits or account as installation progresses at stages of construction established by the Administrator, but not more frequently than monthly. A draw from the cash deposit or account shall be made only within thirty (30) days after the developer's engineer has certified to the city that the cost of improvements installed equals or exceeds the amount of the draw requested plus any previous draws made and the Administrator has inspected the improvement and authorized the draw. The City Commission shall have the right to reduce the amount of any requested draw to an amount justified based upon the Administrator’s inspection of the improvements and shall also have the right to refuse to approve any requested draw so long as the developer fails to be in compliance with any of the terms and conditions of the plat or plans and specifications for the improvements. The developer shall be entitled to receive any interest earned on the deposit or account. The city, after sixty (60) days' written notice to the developer, shall have the right to use the cash deposit or account for the completion of the improvements in the event of default by the developer or failure of the developer to complete the improvements within the time required by the resolution approving the final subdivision plat and after any extensions granted have expired.

(2) *Personal bond with letter of credit.* The developer shall furnish to the city his personal bond secured by an unconditional and irrevocable letter of credit in an amount equal to the total of engineering and construction costs for the installation and completion of the required improvements, which letter of credit shall be issued by a state or United States banking institution to the city. The letter of credit shall be in the form approved by the city attorney. During the process of construction, the City Commission may reduce the dollar amount of the personal bond and letter of credit on the basis of work satisfactorily completed and passed inspections by the city. The city, after sixty-day written notice to the developer, shall have the right to use any funds resulting from drafts on the letter of credit for the completion of the improvements in the event of default by the developer or failure of the developer to complete such improvements within the time required by the resolution approving the final subdivision plat or after any extensions granted have expired.

(3) *Surety bond.* The developer shall furnish to the city a surety bond in the form and by a surety approved by the city attorney guaranteeing that within the time required by the resolution approving the final subdivision plat, all work required shall be completed in full accordance with the final subdivision plat and all conditions attached thereto, copies of which shall be attached to and constitute a part of the bond agreement. The bond shall be in an amount equal to one hundred (100) percent of the sum of engineering and construction costs. During the process of construction, the Administrator may reduce the dollar amount of the bond on the basis of work satisfactorily completed and passed inspections by the city. The city, after sixty (60) days' written notice to the developer, shall have the right to bring action or suit on the surety bond for the completion of the improvements in the event of default by the developer or failure of the developer to complete such improvements within the time required by the resolution approving the final subdivision plat and after any extensions granted have expired.

(4) Any other form of security must be approved in writing by the city manager in consultation with the city attorney.

(b) A developer may extend, renew or substitute collateral described in subsections (1), (2), or (3) above, one (1) or more times; provided, that no extension or renewal thereof, or substitute thereof, shall have a maturity or expiration date later than the established time for completion of improvements. The time for completion of improvements shall be as specified within the resolution approving the plat, or such later time as may be approved by the City Commission; provided, that if the collateral securing the completion of improvements has a maturity or expiration date shorter than the time for completion, the time for completion shall be deemed to expire upon failure of the developer to extend, renew or provide substitute collateral for such collateral at least ten (10) days before the maturity or expiration date, unless a later time is approved by the City Commission.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-233. - Maintenance security.

Where the city is requested to accept maintenance of any public improvement within the subdivision, a maintenance bond in the amount of one hundred (100) percent of the construction cost of the improvements shall be filed with the city. Such bond shall provide that the city shall be indemnified if the developer does not replace or repair any public improvements, which are defective in materials or workmanship or which were not constructed in compliance with the approved construction plans. The terms of the maintenance bond shall expire one (1) year after acceptance for maintenance by the city unless the city serves written notice to the developer that

the improvements are defective in material or workmanship or were not constructed in compliance with the approved construction plans within the one (1) year.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-234. - Inspections.

(a) As improvements are being constructed within the subdivision, the building official and authorized staff or consulting engineer shall have the right to inspect improvements. The building official or authorized representative shall be specifically notified of the commencement and completion of all of the following:

(1) Clearing and grubbing.

(2) All utilities prior to backfilling.

(3) All concrete structures when steel is in place prior to pouring.

(4) Stabilized sub-grade.

(5) Curb and concrete work.

(6) Roadway base.

(7) Wearing surface during application.

(b) The failure to notify the building official of the commencement and completion of the construction may be good cause for the refusal to issue a certificate of completion.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-235. - Issuance of certificate of completion.

(a) Upon completion of construction of all required improvements, the developer shall provide the building official the following:

(1) A letter stipulating that the construction of the improvements has been completed and requesting final inspection and approval.

(2) The testing reports and certificates of compliance from material suppliers specified in this article.

(3) Three (3) sets of as-built construction plans and electronic as-built drawings in AutoCAD 2000 (or newer) or comparable format.

(4) Certification from a registered engineer, with his seal affixed, that the improvements have been constructed in conformity with the approved construction plans.

(b) Upon receipt and review of the above items, and after satisfactory final inspection, a certificate of completion shall be issued by the building official.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Secs. 24-236—24-250. - Reserved.

DIVISION 5. - DESIGN AND CONSTRUCTION STANDARDS FOR ALL DEVELOPMENT AND REDEVELOPMENT

Sec. 24-251. - General requirements.

All required improvements shall be designed by a Florida registered professional engineer. Construction plans shall be prepared in accordance with applicable local, state and federal standards. Construction plans shall be approved by the city prior to construction of improvements, and issuance of a building permit shall constitute approval to commence development. The requirements within this division shall apply to all improvements and all development, as set forth herein, including improvements within subdivisions, planned unit developments, special planned areas, approved site plans, and any other development projects, including individual lots and parcels, where applicable. Construction plans shall address each of the following requirements and shall provide sufficient information to demonstrate compliance with all applicable requirements of these land development regulations, the Florida Building Code and any other applicable state or federal regulations.

(a) *Conformity to city policies.* The division and development of land subject to these regulations shall be in conformance with the goals, objectives and policies of the comprehensive plan as well as all other applicable local, state and federal requirements regulating the division and development of land.

(b) *Use of natural features.* The arrangement of lots and blocks and the street system shall make the most advantageous use of topography, shall preserve mature trees, other natural features and environmentally sensitive areas, wherever possible.

(c) *Soil and flood hazards.* Development shall not be approved unless all land intended for use as building sites can be safely and reasonably used for building purposes without danger from flood or other inundation, or from adverse soil or foundation conditions, or from any other menace to health, safety or public welfare. In particular, lands that are within the 100-year flood-prone areas, as designated by the Federal Emergency Management Agency, Federal Insurance Administration, shall not be subdivided and/or developed until proper provisions are made for protective flood control measures and stormwater management facilities necessary for flood-free access to the sites. All lots and building sites shall be developed such that habitable space is constructed at a minimum finished floor elevation of eight and one-half (8.5) feet above mean sea level or with two and one-half (2.5) feet freeboard, whichever is greater.

Flood protection provisions shall be approved by the Administrator to assure that fill or grade level changes will not alter the natural drainage or adversely affect other areas downstream through added runoff or adverse impacts to water quality.

(d) *General construction methods.* All design and construction methods shall conform to the requirements of these land development regulations and all design and construction standards referenced therein including, but not limited to: Florida Department of Transportation Drainage Design Manual, Standard Specifications for Road and Bridge Construction, Manual of Uniform Minimum Standards for Design, Construction and Maintenance of Streets and Highways.

(e) Paving and drainage engineering plans shall demonstrate compliance with the stormwater management provisions of section 24-66 of these land development regulations depicting all necessary elevations, treatment of intersections, design grade of pavement, the width of right-of-way, width and type of pavement. Topographic information depicting existing and proposed ditches, swales, major drainage channels and other drainage facilities and systems shall also be provided.

(1) Typical sections showing details of proposed pavement, sidewalk, wearing surfaces, curbs, swales, canals, shoulders, slopes, drainage structures and other items of major construction.

(2) Profile sheets of all Streets and underground structures to be constructed, together with elevations shown for existing streets and utilities.

(3) A written design recommendation for asphalt and base course designs prepared by a Florida licensed geotechnical engineer based on field testing of existing soils. Said design recommendation shall be submitted prior to the commencement of any street construction or any construction of stormwater management facilities.

(4) Provision for erosion control. Siltation curtains, or other such erosion control barriers will be required to prevent erosion and displacement of soil or sand, and shall be shown on paving and drainage engineering plans, and shall be inspected and certified by a qualified erosion and sediment control inspector prior to the commencement of any land clearing or development.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-252. - Streets.

(a) *Concept and principles.* The character, width, grade and location of all streets and bridges shall conform to the standards of this division and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by the streets.

(b) *Arrangement of streets.* The arrangement of new streets within a subdivision or new development project shall:

(1) Be interconnected with the existing street system wherever practical to provide for vehicular connections between neighborhoods.

(2) New local streets shall be designed in a manner, which discourages use by through traffic.

(c) *Access to paved streets required.* Every lot, development parcel or new subdivision shall have access to a paved street dedicated to public use, which has been accepted and maintained by the city. It shall be the responsibility of the developer to design, construct and pave streets in accordance with the requirements of this division 5 of this article. A certificate of completion shall be issued prior to acceptance of any public street by the city.

(1) Any subdivision of land, which creates more than ten (10) residential lots shall provide two (2) separate access points, unless other provisions, such as permanent easements, are made for emergency ingress, and provided that such entrances will not adversely affect the street system.

(2) New subdivisions, which utilize private security gates or other types of restricted access, shall provide a universal emergency access system at each entrance.

(d) Private streets providing access to individual lots shall be constructed and maintained in accordance with division 5 of this article. Provision for the continued private maintenance of any private street shall be provided to the city prior to issuance of any building permit.

(e) Where the impact of new development can be demonstrated to reduce any transportation related level of service standard as established by the adopted comprehensive plan, additional right-of-way and roadway improvements may be required by the city to maintain

adequate roadway capacity, public safety or to ensure adequate access, circulation and parking.

(f) *Reserve strips prohibited.* Reserve strips prohibiting future access to public streets shall be prohibited except where irrevocable control of such reserve strips is placed with the city.

(g) *Intersections of right angles.* Streets shall be designed to intersect as nearly as possible at right angles, and no new street shall intersect any other street at less than a sixty (60) degree angle. Offset intersections, which may be created by new streets, shall be prohibited except where removal or damage to any private protected tree or public protected tree may be avoided by such offset intersection.

(h) *Property lines rounded at intersections.* Property lines at street intersections shall be rounded with a radius of twenty (20) feet or a greater radius where required by the city. The city may permit comparable cutoffs or chords in place of rounded corners.

(i)

Minimum right-of-way and paving widths. Minimum street right-of-way and paving widths shall be as follows, unless otherwise indicated or required by law: STREET TYPE	RIGHT-OF-WAY	PAVING WIDTH
Minor Collector Street	60 feet	24 feet
Local Street: Without curb and gutter	60 feet	20 feet
Local Street: With curb and gutter	50 feet	24 feet
Cul-de-sacs and loop streets not exceeding 1500 feet in length: Without curb and gutter	60 feet*	20 feet*
With curb and gutter	50 feet*	20 feet*
Alley: Commercial Alley: Residential	30 feet 20 feet	12 feet 10 feet

*Required for linear portion of cul-de-sacs and loop streets.
See following subsection (j) for dimension of turn-arounds.

(j) *Dead-end streets.* Dead-end streets, designed to be so permanently, shall be prohibited except when designed as cul-de-sacs. These streets are limited to one thousand (1,000) feet in length; however, the city may approve cul-de-sacs of greater lengths, where due to topographic conditions, design consideration, or number of lots to be located on the same, a greater length may be deemed necessary. A circular turnaround shall be provided at the terminus of the cul-de-sac. The circular area shall contain right-of-way with a diameter of not less than seventy-five (75) feet as measured from adjoining property lines. The diameter of the paved area shall be not less than sixty (60) feet as measure from edge of curb. The city may authorize a "T" type design of proper size for vehicular turnaround as required by the director of public works. Temporary turnarounds shall be provided at the end of streets, which are to be extended in the later stages or phases of the development.

(k) *Street names and house numbers.* The assignment of addresses shall be determined by the building official.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-253. - Driveways.

(a) Driveways and accessways shall be constructed in accordance with the requirements of section 19-7 of this Code, and as set forth within this section.

(1) Residential driveways shall not create more than fifty (50) percent impervious area within the public right-of-way, and shall be limited to the following widths.

(2) Maximum driveway width at the property line and through the right-of-way shall be twenty-two (22) feet, subject to not exceeding fifty (50) percent impervious area in the right-of-way.

(3) Maximum driveway aisle width through the right-of-way for circular drives shall be twelve (12) feet subject to subject to not exceeding fifty (50) percent impervious area in the right-of-way.

(4) Maximum driveway width at the property line and through the right-of-way for two-family dwellings on a 50-foot wide lot shall be a combined width for both driveways of twenty-four (24) feet.

(b) *Shared driveways.* The use of shared private driveways shall be permitted subject to provision of a shared access easement or other legally binding agreement between all parties using such access. A copy of the recorded easement or agreement shall be provided to the city prior to issuance of a building permit.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-254. - Easements.

(a) *Utilities.* Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary, and shall be at least fifteen (15) feet wide and shall extend from street to street. All stormwater and utility easements shall be permanent easements, irrevocable and without reservation, unless any changes are approved by the city.

(b) *Drainage and watercourses.* Where a development is traversed by a watercourse, canal, drainage way, nonnavigable channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse, and such further width as will be adequate for the purpose of access for maintenance, and to provide for the unrestricted flow of the intended volume of water.

(c) *Other drainage easements.* Other easements may be required for drainage purposes of such size and location as may be determined by the Administrator.

(d) *Pedestrian and service easements.* Where necessary for safety and convenience, pedestrian and service easements or rights-of-way may be required.

(e) *No city expense.* Easements required by these land development regulations within proposed developments shall be provided at no expense to the city.

(f) *The abandonment or vacation of beach access easements shall be prohibited.*

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-255. - Blocks.

(a) *General.* The lengths, widths and shapes of blocks shall be determined with due regard to:

(1) Provision of adequate building sites suitable to the special needs of the use contemplated.

(2) Zoning district requirements as to lot sizes and dimensions.

(3) Needs for convenient access, circulation, control and safety of street and pedestrian traffic and fire protection.

(b) *Block lengths.* Block lengths shall not exceed twelve hundred (1,200) feet between intersecting streets, except that the City Commission may approve blocks of greater length.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-256. - Lots.

(a) *General.* Lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the development and for the type of development and use proposed. Lot arrangement and design shall be such that all lots shall provide satisfactory and desirable building sites. Minimum sizes for lots shall be as set forth within the applicable zoning district requirements. Unless expressly provided for within this chapter, no residential lot created after the initial effective date of these land development regulations shall have a width of less than seventy-five (75) feet at the building restriction line, nor shall it contain less than seven thousand five hundred (7,500) square feet unless approved as part of a planned unit development, special planned area or as part of the development of townhouses.

(b) *Dimensions.* Lot dimensions shall conform to the requirements of article III of this chapter, and the depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development proposed.

(c) *Residential corner lots.* Corner lots for residential use shall have extra width, greater than a corresponding interior lot, to accommodate the required building setbacks from any orientation to both streets.

(d) *Street access.* All lots shall be provided with satisfactory and permanent access to a paved public street. No new lot shall be created which prohibits established access or reasonable access to an abutting property.

(e) *Double frontage (through) lots.* Creation of new residential lots having double street frontage shall be avoided.

(f) *Building restriction lines.* The developer shall establish building restriction lines in accordance with approved final subdivision plat, and such building restriction lines shall be shown on the recorded plat.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-257. - Provision for required recreation.

New subdivisions containing ten (10) or more acres shall be required to provide a minimum of one (1) acre dedicated for recreation purposes. A requirement of one (1) acre per each ten (10) acres, or fractional portion thereof, shall be required for new subdivisions exceeding ten (10) acres in size. A minimum of fifty (50) percent of lands required for recreation shall contain active recreation facilities such as ball-fields or multi-purpose fields, tennis courts, skatepark facilities, swimming pools and the like.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-258. - Clearing and grading of rights-of-way.

The developer shall be required to clear all rights-of-way and to make all grades, including all grades for streets, alleys and drainage, consistent to grades of the approved construction plans. All debris shall be removed from rights-of-way. In the interest of the preservation of existing protected trees, or environmentally sensitive areas, or other natural features, the city may vary from this section where aesthetic and environmental conditions shall be enhanced. No rights-of-way shall be cleared prior to approval of construction plans, and issuance of a site clearing and tree removal or relocation permit as required by chapter 23 of the Code of Ordinances. Installation of required erosion and sediment control BMPs must be completed and inspected prior to beginning clearing operations.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-259. - Centralized sewer and water services.

(a) New subdivisions shall be required to provide centralized water and sanitary sewer systems.

(b) The use of private wells and septic tanks shall be in accordance with the requirements of Chapter 64E-6,FAC. New septic tanks shall further be subject to the provisions of the following section 24-261.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-260. - Installation of septic tanks, private wastewater, and onsite sewage treatment and disposal systems.

(a) New lots or parcels, which are created pursuant to the exemptions from the requirement for approval and recording of a final subdivision plat or replat as set forth within section 24-189, shall contain a minimum lot area of one (1) acre, exclusive of wetlands, in order to use private wastewater systems and septic tanks, or any type of onsite sewage treatment and disposal systems, except that any lot within one hundred (100) feet of any central sewer line shall be required to connect to central services as required by chapter 22, article III of this Code of Ordinances without respect to size of the lot or parcel.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-261. - Reserved.

ARTICLE V. - ENVIRONMENTAL AND NATURAL RESOURCE REGULATIONS

DIVISION 1. - WELLHEAD PROTECTION

Sec. 24-262. - Purpose and intent.

The intent of these regulations is to protect and safeguard the health, safety and welfare of the residents of the City of Atlantic Beach by establishing wellhead protection measures that safeguard the Floridan Aquifer from intrusion of any contaminants that may jeopardize present and future public water supply wells in the City of Atlantic Beach. It is also the intent of the City of Atlantic Beach to augment policies adopted in the comprehensive plan that address the protection of public potable water wells.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-263. - Establishing and mapping wellhead protection areas.

There is hereby established a wellhead protection area around each public potable water well and/or wellfield. Wellhead protection areas shall be mapped for the edification of the public and to assist the city in safeguarding the ground water resource. Any new public potable water wells shall have the wellhead protection areas added to the wellhead protection map within thirty (30) days of completion of construction of a new well.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-264. - Investigations and monitoring.

(a) A map shall be developed and kept up-to-date, using the city's GIS system, to show the location of any known private wells within the wellhead protection area that are drilled into the Hawthorne or Floridan Aquifer. The mapping shall include a review of available federal, state and local environmental databases including, but not limited to, databases pertaining to Brownfields Redevelopment Programs, Florida Department of Environmental Protection Site Investigation Section Contaminated Sites List, lists of commercial hazardous waste transporters' facilities, hazardous waste notifications, solid waste facilities, storage tank and petroleum contamination/cleanup records, U.S. Environmental Protection Agency Comprehensive Environmental Response, Compensation and Liability Act and Resource Conservation and Recovery Act remedial action sites. Any sites deemed to be potential contamination risks by the city may be investigated by city staff or their consultants. In conducting the investigation, the city shall, at a minimum, consider the condition of such sites; the status of the site within any applicable U.S. Environmental Protection Agency and/or Florida Department of Environmental Protection regulatory program; and, any existing or planned remediation activities and site management plans.

(b) Using the city's and St. Johns River Water Management District's (SJRWMD) water well database, the city shall map private well locations within the wellhead protection areas and shall assess the depth, use, and condition of each identified private well from available records. The city shall identify wells known or likely to penetrate the Hawthorne Group and/or Floridan Aquifer within each wellhead protection area. Thereafter, the city shall have authority to conduct an investigation of each well into the Hawthorne Group and Floridan Aquifer to determine the condition of the well and its potential as a contaminant pathway into the Floridan Aquifer. The investigation may include a request for records of the well construction, regulatory reports, maintenance logs or other documents and data records available from the owner or from regulatory agencies.

(c) The city shall have the right to assess to the best of its ability whether any wells are located within, or downgradient in the shallow aquifer gradient from a contaminated site within a wellhead protection area. The city shall determine the condition of the well to prevent the migration of contaminants from non-Floridan aquifers to the Floridan Aquifer based on the applicable regulatory standards of design and installation, and proper maintenance practices including but not limited to the following:

(1) Proper grout seal outside of the casing;

(2) Presence of an approved and certified backflow prevention device if required;

(3) Proper sanitary seal on wellhead;

(4) Concrete pad around wellhead;

(5) Surface water drainage;

(6) Well casing integrity; and

(7) Properly maintained pumping and distribution systems.

(d) It shall be the responsibility of the city to determine that a public potable water well is at risk of contamination. Once this determination has been made, the city may identify the specific contaminants of concern, and report to the St. Johns River Water Management District (SJRWMD) and Florida Department of Environmental Protection (FDEP).

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-265. - Prohibitions in wellhead protection areas.

Within a 500-foot radius around an existing public potable water well, those actions and uses established by the Florida Department of Environmental Protection in Rule 62-521.400, FAC, which is adopted by reference, shall be prohibited. Additionally, no existing private wells shall be deepened and no new wells shall be constructed within designated wellhead protection areas that penetrate a portion of the Hawthorne Group or the Floridan Aquifer without first obtaining a well construction permit from the City of Jacksonville as provided in environmental protection board Rule 8 and including a review of areas on known contamination at or near the proposed or existing well location. A City of Atlantic Beach well permit from the building department must also be received prior to construction. All new wells within such areas must be fully grouted. Abandonment of existing wells shall be in accordance with applicable SJRWMD requirements and a copy of the plugging and abandonment report shall be submitted to the city.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-266. - Requirements within wellhead protection areas.

The following requirements apply to all wells which penetrate the Floridan Aquifer ("Floridan Aquifer Wells"), including private wells, within the boundary of a wellhead protection area.

(a) All Floridan wells may be inspected by the City or their consultants at any time after the effective date of this ordinance. The City shall prioritize re-inspections for wells that, in its opinion, pose the greatest threat to the Floridan Aquifer.

(b) Floridan Aquifer wells that do not have positive piezometric pressure shall have a backflow prevention device in compliance with local plumbing code and Department of Environmental Protection rules.

(c) Within one year after March 8, 2010, all private Floridan Aquifer wells within a wellhead protection area shall be configured with a sanitary seal on the wellhead and a concrete pad around the outside of the well casing to prevent leakage of surface water into the well. Each well shall be finished with a concrete pad a minimum of five (5) feet by five (5) feet and at least three (3) inches thick. The pad shall be finished above ground surface to allow surface water to drain away from the wellhead. The surrounding ground surface should be sloped away from the wellhead, if possible, to further prevent surface water from collecting at the wellhead.

(d) Floridan Aquifer wells shall be drilled, maintained and repaired according to the standards of Chapters 62-524 and 40C-3, FAC.

(e) The city shall notify the owner of any well that is not found to be in compliance with the requirements of this section of the violation. Any private well not properly constructed or

maintained to reasonably prevent contamination from any other aquifer to the Floridan Aquifer shall be abandoned, repaired or replaced. The cost of abandonment, repair or replacement shall be the responsibility of the well owner and/or the owner of the property on which the well is located. All private faulty wells found to be out of compliance shall have ninety (90) days to either perform those repairs necessary to bring the private well into compliance with this section or to properly abandon the well pursuant to the appropriate standards and procedures. Copies of inspection reports from the St. Johns River Water Management District confirming that the well has been properly abandoned, repaired or replaced shall be submitted to the city. If the work is not inspected by the St. Johns River Water Management District, the city or their consultant shall inspect the well to confirm that it has been properly abandoned, repaired or replaced at the cost of the owner, and the abandonment, repair or replacement shall be entered into a database of well-related information maintained by the city. Failure to properly repair or abandon a private faulty well, pursuant to the requirements of this section, shall be referred to the special magistrate for code enforcement.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-267. - Notice of release or spill of contaminants in wellhead protection areas.

The city shall send written requests to local hazardous release/spill responders to immediately notify the Admistrator of any and all spills or releases in the water service area. City staff shall determine if an incident has occurred within a wellhead protection area. City staff shall notify the state warning point, Department of Environmental Protection, or other regulatory agencies as required by law, depending on the nature and amount of the spill.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-268. - Authority and responsibilities of the city.

The city shall have the following powers and duties:

(a) Administer and enforce the provisions of these wellhead protection regulations.

(b) Render all possible assistance and technical advice to private well owners, except that the city shall not design or construct private facilities.

(c) Perform such other administrative duties as may be necessary.

(d) The city shall have the right to inspect privately-owned facilities.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-269. - Reserved.

DIVISION 2. - PROTECTION OF WETLAND, MARSH AND WATERWAY RESOURCES

Sec. 24-270. - Purpose and intent.

The purpose and intent of this division is to provide regulations that contribute to the protection of the vast coastal marsh, estuarine and wetland system associated with the Atlantic Intracoastal Waterway and its tributaries in conjunction with the state and federal regulatory agencies having jurisdictional authority over such resources. It is the express intent of the city that no net loss of jurisdictional wetlands occur through any development action within the city. Any impacted wetlands on a development site shall be replaced elsewhere on the same site or

elsewhere within the City of Atlantic Beach where replacement onsite is not possible to achieve reasonable use of the property.

Where jurisdictional wetlands have been damaged or degraded over time through previous development, storm events, improper drainage runoff or other adverse activities, but where wetland vegetation and habitat still are predominant in quantity on a proposed development site, all plans submitted for review or permitting shall demonstrate a plan for mitigation, restoration, replacement, enhancement or recovery of jurisdictional wetlands in the amount to be displaced by the proposed development.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-271. - Environmental assessment and protection of wetlands and environmentally sensitive areas.

(a) *Environmental assessment required.* The wetlands and the environmentally sensitive areas maps (Map A-2 and A-4) as contained within the city's comprehensive plan identify areas that are presumed to have wetlands or significant environmental features. City staff may also require an environmental assessment if a wetland or environmentally sensitive area is suspected on a site that is not shown on the wetlands or environmentally sensitive areas maps. Where a development permit is sought in such areas, an environmental assessment of the site and the potential for impacts to the presumed resource shall be provided by the applicant seeking such permit. The environmental assessment shall include a delineation of onsite wetlands and native upland habitat, as well as an identification of any protected animal species or habitat found on the site. The city may accept an assessment prepared by a licensed environmental professional and may also require the applicant to obtain a formal wetland determination by the St. Johns River Water Management District.

(b) Where the environmental assessment determines that natural jurisdictional wetlands remaining on the site have been damaged or degraded over time through previous development, storm events, improper drainage runoff or other adverse activities, but where wetland vegetation and habitat are predominant in quantity on a proposed development site, all plans submitted for review or permitting shall demonstrate a plan for restoration, enhancement, mitigation or recovery of remaining jurisdictional wetlands. Restated, it is the express intent of the city that no net loss of jurisdictional wetlands occurs through any development action within the city.

(c) *Buffers required from wetlands.* The following upland buffers shall be required, except for lands adjacent to isolated wetlands. Upland buffers shall be measured from the state's jurisdictional wetland boundary line. Such buffers protect wetlands from the impacts of adjacent land use. Wetlands serve essential ecological functions such as reducing downstream stormwater flow, recharging ground water, improving water quality and providing wildlife habitat. Buffers help wetlands function by filtering storm runoff from surrounding development, trapping sediment, absorbing nutrients, and attenuating high flows. Buffers also provide high quality wildlife habitat areas and physically separate wetlands and estuaries from developed areas in order to lessen noise, light and chemical pollution and other associated disturbances by humans. Upland buffers shall remain substantially in their undisturbed and natural state.

(1) For development occurring after the March 8, 2010, effective date of these amended land development regulations, a natural vegetative buffer a minimum of fifty (50) feet in width shall be required and maintained between developed areas and jurisdictional

wetlands adjacent to tributaries, streams, or other water bodies connected to the intracoastal waterway regardless of any other regulatory agency requirement of a lesser distance. Such portions of these tributaries, streams, or other water bodies subject to this buffer requirement shall be established by the presence of a mean high water line for the applicable tributary, stream or other water body.

(2) For development occurring after March 8, 2010, a natural vegetative buffer, which is a minimum width of twenty-five (25) feet, shall be maintained between development and all other jurisdictional wetlands not described in the preceding paragraph. In cases where the minimum twenty-five-foot buffer is demonstrated to be unreasonable or impractical, an averaged twenty-five-foot undisturbed buffer with a minimum no less than fifteen (15) feet may be provided.

(d) *Exceptions to the upland buffer requirements.*

(1) Man-made canals and stormwater facilities are not considered wetlands, although in some cases, man-made navigable canals connected to waters of the state are protected under these provisions or by regulations of state or federal agencies. For the purposes of this article, man-made canals and ponds clearly excavated in uplands are not considered wetlands and are exempt from the wetland buffer regulations.

(2) Determinations of vested rights which may supersede the requirement for the fifty-foot or twenty-five foot upland buffer as applicable shall be made on a case-by-case basis in accordance with the land development regulations and applicable Florida law.

(3) Single-family lots of record platted prior to January 1, 2002, shall be exempt from the fifty-foot wetland buffer requirement, but shall be subject to the twenty-five-foot upland buffer requirement as described in preceding subsection (c)(2).

(4) Variances from the requirement to provide and maintain an upland buffer may be requested in accordance with subsection 24-65 of this chapter, and where such variance is approved, a berm or swale to retain and filter stormwater runoff from the lot shall be required.

(5) Lots or portions of lots where a lawfully constructed bulkhead, retaining wall, revetment, or the placement of rip-rap was in existence prior to March 8, 2010 shall be exempt from these buffer requirements.

(e) *Maintenance and permitted activities within upland buffers.* To protect water quality and wetland functions, it is crucial to limit contamination, disturbance and clearing within upland buffer areas. It is the intent of the city that required upland buffers shall be maintained in a substantially natural and undisturbed state. With the exception of facilities to provide public access for the recreational use of natural resources, any disturbance or clearing of required upland buffers shall be in accordance with the following provisions. Native vegetation removed or destroyed within the upland buffer is a violation of this code, and the property owner shall be responsible for the restoration of the upland buffer upon order of the special magistrate.

(1) The following activities are expressly prohibited in any required upland buffer:

a. Filling, dredging or soil compaction by heavy machinery;

b. Dumping of any kind including brush, tree and yard waste, weeds, lawn clippings, animal or fish waste, litter and refuse of any type;

c. Removal of healthy native trees;

d. Clearing of any living native vegetation within the intertidal zone, which typically includes marsh grasses and submerged aquatic vegetation;

e. Installation of sod, irrigation, non-native vegetation of any type or any type of plant materials typically requiring the use of lawn pesticides and fertilizers or chemicals of any kind.

(2) The following activities are permitted within a required upland buffer subject to obtaining a buffer alteration permit from the city:

a. Removal of invasive vegetation following documented verification by the Administrator.

b. Clearing of understory vegetation as defined by chapter 23 of the city's Municipal Code of Ordinances, provided any such clearing shall be approved by the city and if required, the appropriate state or federal agency prior to any form of clearing, alteration or disturbance of the required upland buffer.

c. Minimum clearing of upland and wetland vegetation necessary to construct a properly permitted dock or other improvement to provide lawfully entitled access to navigable waters in accordance with a validly issued and unexpired permit from the City of Atlantic Beach, the Florida Department of Environmental Protection, the St. Johns River Water Management District, and other entity having jurisdiction.

d. Activities for the owner or occupant's enjoyment including typical backyard outdoor furniture, gazebos and screen structures not exceeding one hundred (100) square feet in size without electrical or plumbing service, but not swimming pools, hotubs, ornamental pools, spas, or pool houses, and provided that all other conditions of this division are met.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-272. - Reserved.

ARTICLE VI. - CONCURRENCY MANAGEMENT SYSTEM

DIVISION 1. - CONCURRENCY MANAGEMENT SYSTEM

Sec. 24-273. - Purpose and intent.

(a) The purpose of a concurrency management system is to provide the necessary regulatory mechanism for evaluating development orders to ensure that the level of service standards, as set forth within the adopted comprehensive plan of the City of Atlantic Beach, as may be amended, are maintained. The system consists of three (3) primary components: 1) an inventory of existing public facilities for which concurrency is to be determined, 2) a concurrency assessment of each application for a final development order, and 3) a schedule of improvements needed to correct any existing public facility deficiencies.

(b) The intent of this system as expressed by the Florida Legislature is to: Ensure that issuance of a development order is conditioned upon the availability of public facilities and services necessary to serve new development. However, development orders may be conditioned such that needed public facility improvements will be in place concurrent with the impacts of the proposed development.

(c) The terms development order and development permit, including any building permit, zoning permit, subdivision approval, rezoning, special exception, variance, or other official action of the local government having the effect of permitting the development of land, may be used interchangeably within these land development regulations and shall have the meaning as set forth in section 24-17 of this chapter and within Florida Statutes.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-274. - Administrative responsibility.

(a) The city manager, or the city manager's designee, shall be responsible for the three (3) primary tasks required to implement the concurrency management system. These three (3) tasks are:

(1) Maintaining an inventory of existing public facilities and capacities or deficiencies;

(2) Providing advisory concurrency assessments and recommending conditions of approval to the City Commission for those applications for development orders which require City Commission approval; and

(3) Reporting the status of all public facilities covered under this system to the City Commission during the annual budget process and to the Florida Department of Economic Opportunity, as may be required.

(b) The city manager, or the city manager's designee, shall also collect and make available to the public information on those facilities listed in the capital improvements element of the comprehensive plan. This information shall be updated yearly and shall be available during the annual budget preparation process.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-275. - Applicability.

Prior to the approval and issuance of a development order, all applications shall be reviewed for concurrency consistent with the provisions and requirements of this concurrency management system. Development orders may be issued only upon a finding by the city that the public facilities addressed under the concurrency management system will be available concurrent with the impacts of the development in accordance with state statutes and rules relating to concurrency.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-276. - Projects not requiring a concurrency certificate.

(a) Development orders, including building permits issued for single-family and two-family residential development upon existing lots of record, and those issued solely for alteration, remodeling, reconstruction, or restoration of residential units provided that such permits do not authorize an increase in the number of dwelling units; and for nonresidential uses, those permits that do not authorize an increase in the square feet of the development shall be deemed no impact projects and shall not require a concurrency certificate. It shall be the applicant's responsibility to demonstrate and certify this provision in accordance with concurrency review procedures.

(b) Applications for development orders for projects, which are deemed to have no impact upon public facilities and services as defined in the preceding paragraph or projects which have acquired statutory or common law vested rights, shall not require a concurrency certificate. It

shall be the applicant's responsibility to demonstrate and certify consistency with this provision in accordance with concurrency review procedures.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-277. - Application and review and approval requirements.

(a) The city shall provide administrative procedures to implement the concurrency management system. The provisions and requirements of the concurrency management system shall apply only to those facilities listed in the capital improvements element of the comprehensive plan.

(b) All applicants for development orders shall be required to provide information as deemed necessary by the city so that the impacts of the proposed development may be accurately assessed.

(c) Once a concurrency certificate is issued, any change in land area, use, intensity, density or timing and phasing of the approved project, which results in increased impacts to public facilities and services shall require modification to the concurrency certificate in accordance with established procedures.

(d) Where a determination of available concurrency is made, a concurrency certificate shall be valid for one year following issuance and set forth the terms and conditions of the approval. In the case that a concurrency certificate is revoked, denied or expires, the capacity reserved for that project is released for use.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-278. - Timing and completion of required public facility improvements.

In order to ensure that all public facilities included within this concurrency management system are available concurrent with the impacts of development, concurrency shall be determined during the review and approval process as applicable for the proposed development and prior to the issuance of a final development order. All final development orders shall specify any needed improvements and a schedule for their implementation consistent with the requirements of this article. Thus, while some required improvements may not have to be completed until a certificate of occupancy is applied for, the requirements for the certificate of occupancy, or functional equivalent, shall have previously been established as a binding condition of approval of the original final development order. If a development proposal cannot meet the test for concurrency, then it may not proceed under any circumstances, and no development orders may be issued. Likewise, if a development fails to meet a condition of approval once it has commenced, then no additional development orders, permits, or certificates of occupancy shall be issued.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)

Sec. 24-279. - Capacity and level of service inventory.

The city manager, or the city manager's designee, shall collect and make available to the public as may be requested, information on capital facilities as identified within the capital improvements element of the adopted comprehensive plan. The information shall be available during the annual budget preparation process. The provisions and requirements of the concurrency management system shall apply only to those facilities as listed within the

comprehensive plan. The following data shall be maintained and shall be used for the purpose of concurrency assessment of the impacts of new development:

(a) *Sanitary sewer.*

(1) The design capacity of the wastewater treatment facilities.

(2) The existing level of service measured by the average number of gallons per day per unit based on the average flows experienced at the treatment plant and the total number of equivalent residential units within the service area.

(3) The adopted level of service standard for average daily flow per equivalent residential unit.

(4) The existing deficiencies of the system.

(5) The capacities reserved for approved but unbuilt development within the service area of the system.

(6) The projected capacities or deficiencies due to approved but unbuilt development within the city or the service area of the system.

(7) The improvements to be made to the facility in the current fiscal year by the city and the impact of such improvements on the existing capacities or deficiencies.

(8) The improvements to be made to the facility in the current fiscal year by any approved developments pursuant to previous development orders and the impact of such improvements on the existing capacities or deficiencies.

(b) *Potable water.*

(1) The design capacity of the city's potable water supply.

(2) The existing level of service measured by the average daily flow in gallons per unit based on the total number of equivalent residential units within the service area.

(3) The adopted level of service standards for the potable water system.

(4) The existing capacities or deficiencies of the system.

(5) The capacities reserved for approved but unbuilt development within the city and the service areas.

(6) The improvements to be made to the facility in the current fiscal year by an approved development pursuant to previously issued development orders and the impact of such improvements on the existing capacities or deficiencies.

(7) The improvements to be made to the facility in the current fiscal year by the city and the impact of such improvements on the existing capacities or deficiencies.

(c) *Solid waste disposal.*

(1) The design capacity of solid waste disposal facilities located in the city.

(2) The existing level of service measured by the amount of solid waste collected and requiring disposal on a per capita basis.

(3) The adopted level of service standard for solid waste.

(4) The capacities required for approved but unbuilt development.

(5) The projected restraining capacities or deficiencies due to approved but unbuilt development.

(6) The improvements to be made to the system in the current fiscal year by any approved developments pursuant to previous development orders and the impact of such improvements on the existing capacities or deficiencies.

(d) *Stormwater and drainage.*

(1) The existing level of service measured by storm events as determined by the city. The adopted level of service standards for stormwater and drainage.

(2) The improvements to be made to the system in the current fiscal year by any approved developments pursuant to previous development orders and the impact of such improvements on the existing capacities or deficiencies.

(3) The improvements to be made to the system in the current fiscal year by the city and the impact of such improvements on the existing capacities or deficiencies.

(4) The improvements scheduled by the city as part of the continuing implementation of the city's master stormwater plan, as may be updated.

(e) *Recreation and open space.*

(1) The existing supply of recreation and open space lands and the adequacy of recreational facilities as outlined in the recreation and open space element of the comprehensive plan.

(2) The existing level of service measured by the total acreage and facilities available per the appropriate number of residents of the city based on a current inventory of acreage and facilities in the city, or serving the city and the population of the city.

(3) The adopted level of service standards for park and open space lands and the acreage and individual recreation facilities as outlined in the recreation and open space element of the comprehensive plan.

(4) The existing capacities or deficiencies of the recreational facilities system with consideration given to changing demographics and changing recreational trends.

(Ord. No. 90-10-212, § 2(Exh. A), 3-8-10)