

ORDINANCE 2017-09

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 31, REQUIRED OFF-STREET PARKING AND OFF-STREET LOADING, ADDING A NEW SECTION 31.14, SUPPLEMENTAL PARKING REQUIREMENTS FOR THE UNINCORPORATED AREAS OF AMELIA ISLAND; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Nassau County adopted the Natural Resources Protection Ordinance, 2008-01, which included Article 37.02 of the Land Development Code; and

WHEREAS, Nassau County adopted revisions to Section 37.02 LDC primarily focused on tree protection and preservation in 2013 via Ordinance 2013-06; and

WHEREAS, Understanding the importance of analyzing the applicable effectiveness of Ordinance 2013-06, the Planning and Zoning Board finds that additional changes need to be made to Land Development Code; and

WHEREAS, The Planning and Zoning Board further recognizes that effective tree protection requires the coordination of other design standards such as landscaping, utility infrastructure placement, stormwater management and vehicular parking and thus amendments to other portions of the Land Development Code are necessary; and

WHEREAS, The Planning and Zoning Board created a working group with a directive to conduct fact finding to present information to the Nassau County Planning and Zoning Board; and

WHEREAS, The working group presented the Planning Zoning Board with the results of the fact finding endeavors at a public workshop on November 15, 2016, December 06, 2016, January 17, 2017 and February 7, 2017; and

WHEREAS, The Nassau County Comprehensive Plan, Policy CS.02.01, states that the "County shall maintain or expand regulations in the Land Development Code (LDC) that provide for tree protection standards on Amelia Island."; and

WHEREAS, Staff has recommended certain amendments to Article 31(Required Off-street Parking and Off-street Loading) of the Land Development Code to the Planning and Zoning Board; and

WHEREAS, the Planning and Zoning Board conducted a public hearing on this Ordinance on March 7, 2017 and voted to recommend approval and legal notice of this Ordinance has been provided in accordance with Sec. 125.66, F.S.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION 1. FINDINGS

This Ordinance is consistent with the Nassau County Comprehensive Plan, in particular Policy CS.02.01

SECTION 2. AMENDMENT

Section 31.14 – Supplemental Parking Requirements for the Unincorporated Areas of Amelia Island

1. For non-residential and mixed-use projects, a reduction of up to 20% in the total number of required parking stalls may be approved administratively, at the discretion of the Development Review Committee, for the purpose of preserving protected trees, increasing open-space for tree planting and preserving swaths of native landscape. In addition, consistent with Section 37.05.F.4 LDC, the maximum number of consecutive parking stalls may be adjusted to provide for the preservation of protected trees. The purpose of this provision is to increase tree preservation and open space as differentiated from a means to merely increase building square footage.
2. For the purpose of preserving a Heritage Tree or a swath of protected trees and the correlating under-story/ground cover, an applicant of a non-residential or mixed-use project may provide up to 50% of the required parking at an offsite location provided; 1) the applicant demonstrates that safe well-lit pedestrian facilities are in place or will be constructed as part of the development program to provide connectivity between the primary use/project and the offsite parking location; 2) the alternative location is not more than 600 walking feet from the primary use/project; 3) the Development Review Committee reviews an offsite parking location at a noticed DRC meeting; 4) Offsite parking is subject to all other aspects of County regulations including but not limited to landscaping, tree protection and availability of the use (parking lot) by zoning classification. They DRC may allow in excess of 50% of parking at an offsite location in special and unique situations. The purpose of this provision is to increase preservation of natural areas and Heritage Trees as differentiated from a means of increasing building square footage.
3. For the purposes of tree preservation, as differentiated from a means of increasing building square footage, the Development Review Committee may consider a shared parking agreement between two non-residential projects or mixed-use projects provided the projects/uses are complimentary (have peak hours of operation at different times of day). To be considered, a shared parking agreement must be presented to the DRC at a noticed meeting and adequately demonstrate the shared facility is supporting two complimentary uses.
4. Shared Parking Provisions:
 - a. Shared parking may be applied when land uses have different parking demand patterns and can use the same parking spaces/areas throughout the day or night. Shared parking may also be applied when an existing development can demonstrate excess parking. Factors evaluated to establish shared parking arrangements shall include operating hours, seasonal/weekly/daily peaks in parking demand, the site's orientation, location of access driveways, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, and availability of parking spaces.
 - b. Shared parking is subject to an executed shared parking agreement. A draft of the agreement shall be submitted to the DRC with the request for shared parking. The County Attorney's office shall review for form and content. Upon execution, the agreement shall be recorded in the public records of Nassau County and a certified copy provided to the Nassau County Department of Planning and Economic Opportunity. The agreement must address the following:
 - i. The agreement is valid only as long as the conditions described in the request for shared parking exist.
 - ii. The amount of parking in consideration and to whom the parking is designated
 - iii. An exhibit depicting the shared parking in relation to the project site
 - iv. The County is not bound to honor the shared parking agreement if the conditions described in the request are determined to have

changed or result in a health safety issue as determined by the Public Works Director.

- c. Up to 50% of the overall required parking may be met in offsite parking areas through a shared parking agreement. The offsite parking area must be located within 600 feet walking distance of the structure it serves. The applicant must demonstrate a safe pedestrian connection is in place or will be constructed as part of the development program to provide connectivity. The pedestrian connection shall be well lighted. No more than two non-illuminated signs shall be allowed in order to designate or direct use of offsite parking spaces. Signs are limited to four square feet and no taller than 48 inches.
5. Alternative parking surfaces are permitted subject to approval by the Director of Public Works.
6. The number of parking spaces provided shall not exceed 110% of the minimum parking required.
7. Parking areas shall be designed with consideration given to future shared parking arrangements. All non-residential site development shall be designed to allow for vehicular cross accesses to adjacent non-residential properties. Where there are stub-outs on adjoining properties, the site under review shall complete the connection. Where a vacant lot/tract of land with a commercial, Industrial or Mixed/Multi-use FLUM designation is adjacent to the site under review, the cross access stub-out shall be constructed to the property boundary with the initial site development or appropriate phase of the project as determined by the Development Review Committee.
8. The County, through its Public Works Director, shall encourage and consider favorably the utilization Low Impact Development(LID) principles. The County shall encourage the use of alternative surfaces for internal vehicle use areas which lower the percent of impervious surface area, reduce the dependency on the use of retention ponds for storm water management and limit if not eliminate changes to the natural grade outside the construction zone.

SECTION 3. CODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall be included and incorporated into the Land Development Code (LDC) of Nassau County, Florida. The codifier may re-letter or renumber sections to conform to the uniform numbering and style of the LDC.

SECTION 4. SEVERABILITY

It is the intent of the Board of County Commissioners of Nassau County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

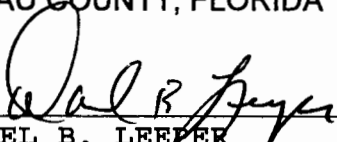
SECTION 5. EFFECTIVE DATE

This ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

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ADOPTED THIS 27th DAY OF March, 2016 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



DANIEL B. LEEPER
Its: Chairman

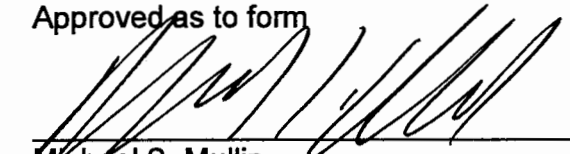
ATTEST as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES
03.28.17

Approved as to form



Michael S. Mullin,
County Attorney