



AGENDA
PLANNING ADVISORY BOARD
SUBCOMMITTEE- TREE/LANDSCAPE EXEMPTION

TUESDAY, FEBRUARY 23, 2016
2:00 P.M.

CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM
2. NEW BUSINESS
 - 2.1. REVIEW INDUSTRIAL ZONED PROPERTIES AND PERMISSIBLE USES
 - 2.2. REVIEW PREVIOUSLY PROPOSED STAFF LANGUAGE PROVIDED TO THE CITY COMMISSION FOR REVIEW

Documents: [Summary Ordinance 2015-36 LDC Text Amendments_Tree and Landscape Updates.pdf](#)
 - 2.3. BRAINSTORM SOLUTIONS
3. COMMENTS BY THE PUBLIC
4. ADJOURNMENT

NEXT MEETING DATE IS TO BE DETERMINED AT THIS MEETING.

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact (904) 310-3115 or through the Florida Relay Services at 711 at least 24 hours in advance to request such accommodations.

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135. If any person decides to appeal any decision made by the Planning Advisory Board with respect to any matter considered at such meeting s/he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Ordinance: 2015-36**
Landscape and Tree Protection Updates: Chapter 1, Section 1.07.00, Chapter
4, Section 4.05.00, Chapter 11, Section 11.08.04

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Ordinance 2015-36 at Second Reading.**

SYNOPSIS: The City has maintained a tree ordinance since at least 1891 and passed its most recent version in 2006. The Code addresses both landscaping and tree requirements, which are treated separately. During the summer of 2014, City staff convened a working group comprised of a local arborist, an appointed Planning Advisory Board member, a local tree service company, members of the Amelia Tree Conservancy, a neighborhood Home Owners Association board representative, and the City's Greenway Manager to review the current landscape and tree protection ordinance. The effort was initiated by staff as part of its 2014 efforts to implement the Comprehensive Plan goals into its Land Development Code and to address issues identified over the past eight (8) years in working with the Ordinance.

The 2030 Comprehensive Plan directs changes revolving around the use of drought tolerant and native landscaping, low impact development strategies, improving ground and surface water quality, and enhanced buffer requirements. The working group, along with staff, found that the existing Code is working fairly well and is achieving the community's desired goals for the retention of a healthy native canopy throughout the City. Therefore, the proposed revisions to the code are not vastly different from the current landscape and tree protection ordinance: the overall function of the Ordinance has not changed. Strategies to obtain enhanced landscape design and to provide clearer direction for protection of the City's native, healthy trees have been included in the proposed revisions. For more details on the review process, please visit www.fbfl.us/treeupdates.

Revisions were originally presented to the Planning Advisory Board (PAB) for review in October, 2014. The Board directed staff to consider the impact of the proposed amendments on non-residential properties. Staff consulted with a local architect and engineer to determine such impacts and found that the 2014 proposed revisions would create a hardship for commercially zoned vacant properties. Therefore, staff proposes that the existing requirements remain in place and drafted a program to encourage retention of the healthiest and largest trees on site.

The proposed revisions were provided to the PAB at its May, 2015, meeting and consideration was tabled until the Board's September meeting. At the September PAB meeting, the Board felt that additional public comments should be obtained and delayed issuing a decision until its Regular Meeting held on October 14, 2015. At the October 14, 2015, meeting, the PAB issued a recommendation of approval, subject to an additional amendment regarding Section 4.05.02(D)(5) that was not addressed during the review process. Section 4.05.02(D)(5), which exempts the mill sites from compliance with landscape requirements and tree protection standards, was recommended to be stricken from the ordinance.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



On December 15, 2015, the City Commission considered the Ordinance at its First Reading. Prior to the meeting, industrial property owners, including representatives of the mills, requested that the Commission consider alternative language instead of striking the exemption. The City Commission tabled action on the item until January 19, 2016, to provide staff with adequate time to fully analyze the requested language.

Staff does not feel comfortable with providing an overall exemption from landscaping requirements for the I-1, I-A, and I-W zoning districts, as proposed by the affected property owners, given the wide range of uses that are permissible within those zoning categories.

Staff recommends approval of all other sections of the proposed code. If the Commission wishes to continue discussion regarding Section 4.05.02(D)(5), then staff recommends that the Commission take action on all remaining sections of the Ordinance at this time and create a separate ordinance to modify LDC Section 4.05.02 (D)(5).

The City Commission may consider the options described below regarding 4.05.02(D)(5) and/or remand to the PAB for further discussion and evaluation:

- **Option 1: Strike LDC Section 4.05.02(D)(5)** in its entirety, as recommended by the PAB. This option would require any industrial property, including the mills, to seek variances when conformance with minimum landscape requirements or tree protection could not be achieved. Variances are based on a demonstration of hardship outlined in Chapter 10 of the Land Development Code.
- **Option 2: Exempt existing industrial operations from landscaping and tree requirements except for portions of their property within 75' of non-complementary land uses.** The biggest difference between the mills/industrial property owners proposed language and this revision is that the exemption is limited to only existing developed properties with ongoing industrial operations as of the anticipated effective date of the ordinance (February 16, 2016).

The suggested language for this option is as follows:

4.05.02(D)(5). Due to the inherent incompatibility of the tree and landscape ordinance with existing industrial development and to preserve existing operations and development rights of existing industrial operations, developed properties in the I-1, I-A and I-W zoning districts that support ongoing industrial operations as of February 16, 2016 are partially exempt from the requirements of Section 4.05.00. Specifically, new construction, renovation, alteration or remodeling occurring more than 75 feet from the property line of an adjoining non-complementary land use is exempted from the requirements of Section 4.05.00. This exemption no longer applies when a property or parcel is redeveloped in its entirety or when a change of use occurs. Where new construction, renovation, alteration or remodeling occurs within 75 feet of the property line of an adjoining non-complementary land use, Section 4.05.00 shall apply only to the portion of the site within 75 feet of the adjoining non-complementary land use. Undeveloped properties within the I-1, I-A, and I-W zoning without ongoing industrial operations are subject to all landscaping and all tree protection requirements as contained within Section 4.05.00.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



- **Option 3: Exempt existing industrial operations from landscaping requirements, but not tree requirements; however, allow for 100% of trees to be mitigated through a fee in lieu payment.** This option would require compliance with the City's tree protection ordinance for all industrial properties, but allows them to pay for mitigation credits when it is not possible to meet mitigation requirements through on-site retention of trees. With exception of 75 feet from a non-complementary land use, Option 3 exempts developed properties within the I-1, I-A, and I-W zoning districts where an on-going industrial operation exists as of February 16, 2016, from compliance with non-residential landscaping, parking lot landscaping, freestanding sign landscaping, mechanical equipment screening plantings, landscaping for retention and detention ponds, street trees, and buffer requirements.

The suggested language for this option is as follows:

4.05.02(D)(5). Due to the inherent incompatibility of the landscape ordinance with existing industrial development and to preserve existing operations and development rights of existing industrial operations, developed properties in the I-1, I-A and I-W zoning districts that support ongoing industrial operations as of February 16, 2016 are partially exempt from the landscape requirements of Sections 4.05.06 - 4.05.12. Specifically, new construction, renovation, alteration or remodeling occurring more than 75 feet from the property line of an adjoining non-complementary land use is exempted from the landscape requirements of Sections 4.05.06 - 4.05.12. This exemption no longer applies when a property or parcel is redeveloped in its entirety or when a change of use occurs. Where new construction, renovation, alteration or remodeling occurs within 75 feet of the property line of an adjoining non-complementary land use, Sections 4.05.06 - 4.05.12 shall apply only to the portion of the site within 75 feet of the adjoining non-complementary land use. Undeveloped properties within the I-1, I-A, and I-W zoning without ongoing industrial operations are subject to all landscaping and all tree protection requirements as contained within Section 4.05.00.

AND

4.05.09(E)(4). / NEW 4.05.14 (D)(4).

4. An applicant shall be permitted to pay a fee to the City Tree Replacement Fund for up to fifty (50) percent of the cumulative DBH of protected trees removed, less the credits accumulated from preservation of trees on the site. Developed properties with the I-1, I-A, or I-W zoning classifications that support ongoing industrial operations as of February 16, 2016, may be permitted to pay up to one hundred (100) percent of the cumulative DBH of protected trees removed, less the credits accumulated from preservation of trees on the site. The fee will be set by resolution of the City Commission and will be based on the average cost for the City to replace the tree with the same species, excluding invasive species, the fiscal year in which the permit is issued.

FISCAL IMPACT: The proposed amendments increase the City's financial responsibility for Heritage Tree evaluation costs from fifty percent to 100% of reasonable costs for periodic evaluation by an ISA Certified Arborist to ensure health and wellness of the tree. Each such evaluation is approximately \$500 (currently four trees in the City are so designated as Heritage Trees).

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



2015 STRATEGIC PRIORITIES: Waterfront Funding (Priority 1) Fire Department (Priority 1)
 8th Street (Priority 1) Department Goals (Priority 1)
 Trolley System (Priority 2) Beach Renourishment (Priority 2)
 4 Year Terms (Priority 2) 8th Street Entrance (Priority 2)
 Waterfront Park- Lot B (Priority 3)

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission accept the First Reading of proposed Ordinance 2015-36, including the language described as Option 2 regarding the applicability to existing industrial operations in the I-1, I-A, and I-W zoning districts.

DEPARTMENT DIRECTOR	Submitted by: Adrienne Burke, CDD Director	Date: 1/27/16
CONTROLLER	Approved as to Budget Compliance	Date:
CITY ATTORNEY	Approved as to Form and Legality	Date:
CITY MANAGER	Approved Agenda Item for 02/16/2016 <i>DLM</i>	Date: 1/27/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled
