AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
APRIL 13, 2016
5:00 P.M.
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. **CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**

2. **APPROVAL OF MEETING MINUTES**

   2.1. **REVIEW AND APPROVE MARCH 9, 2016 MEETING MINUTES**

   Documents: 2016 03-09 PAB RM Minutes Draft.pdf

3. **NEW BUSINESS**

   3.1. **PAB 2016-10, 2016-11, 2016-12: VACATION OF RIGHT-OF-WAY, LAND USE AND ZONING CHANGE REQUEST**

   NASSAU TERMINALS, LLC (PAB CASE 2016-10 AND 2016-11), REQUESTING FUTURE LAND USE MAP AND ZONING MAP CHANGES FROM INDUSTRIAL WATERFRONT/ I-W TO OFFICE AND RESIDENTIAL MIXED USE/ MU-1 FOR PROPERTIES LOCATED ON ESCAMBIA STREET AND N. 3RD STREET, TOTALING 0.58 ACRES OF LAND

   Documents: PAB 2016-10-12.pdf

   3.2. **PAB 2016-09: LDC CHANGES TO IMPLEMENT CONSERVATION AND COASTAL MANAGEMENT ELEMENT**

   REQUESTING A LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENT TO UPDATE CHAPTERS 1-3, 6, AND 11 BASED ON COMPREHENSIVE PLAN DIRECTION IN THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT.

   Documents: PAB 2016-09.pdf

4. **BOARD BUSINESS**

   4.1. **UPDATE ON PAB SUBCOMMITTEES PROGRESS**

5. **STAFF REPORT**

6. **COMMENTS BY THE PUBLIC**

7. **ADJOURNMENT**

THE NEXT REGULAR PAB MEETING IS SCHEDULED FOR
WEDNESDAY, MAY 11, 2016 AT 5:00 PM

WEDNESDAY, MAY 11, 2016 AT 5:00 PM.

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.

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1. Call to Order - The meeting was called to order at 5:00 pm.

2. Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair
Jon Lasserre
Chip Ross
David Beal
Jamie Morrill (alternate)
Mark Bennett, Vice-Chair
Charles Rogers
Chris Occhuizzo
Eric Lawrence (alternate)

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Chair Lane briefly spoke to civility during the meeting, and announced that item 3.2 FLUM and Zoning Change for South 3rd Street was postponed until July 2016.

2.1 Review and Approve February 10, 2016 Regular Meeting Minutes – A motion was made by Member Ross, seconded by Member Lasserre, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

3. New Business

3.1. PAB 2016-06: LDC Text Amendments Lot Combination 4.02.02 - Ms. Gibson explained this applicant driven text amendment to the Land Development Code (LDC) for Section 4.02.02, which restricts lot combinations in excess of 100 feet for properties located on Ocean Avenue, North Fletcher, and South Fletcher Avenue. She stated the lot combination restriction only applies to properties within the City on those streets. She explained the request was to remove the restriction by providing an exemption for properties located within the City's defined job opportunity areas (as defined in Chapter 12 Objective 12.5 of the Comprehensive Plan). She pointed out this request was introduced to the Planning Advisory Board (PAB) in the past as a staff initiated application in order to find consistency with the Comprehensive Plan in 2014. She stated the PAB issued a recommendation of approval at that time, but it did not pass first reading at the City Commission level. She recommended approval of the proposed revision to allow for properties within this area to develop at their highest use and obtain high quality, high value redevelopment and infill development of valuable beachfront properties. She pointed out the request was consistent with the economic development objective, but also objective 1.04 that discusses redevelopment opportunities as destination activity areas at Main Beach, Seaside Beach, and along the Sadler Road corridor and South 8th Street.

Member Ross inquired about the reasoning behind the City Commission denying the request. Ms. Gibson replied the concern was they didn't want to see commercial development go beyond 100 feet, and they wanted to see greater breaks in development. Chair Lane pointed out there was also a comment to keep things low so people could see the ocean. Member Bennett noted they didn't want large projects, because when you have combined lots you can build bigger projects. City Attorney Bach explained it was also about view corridors for the water. She pointed out where on South Fletcher there were three lots owned by one individual that was interested in building a hotel. She commented when this came forward the City Commission didn't want to see a hotel there. There was a brief discussion about this.

Mr. Lowell Hall, 93056 Rainbow Acres Road, 2121 South Fletcher Avenue (business address), commented he thought the first reading at the City Commission passed 4-1, but the second reading failed. He stated what happened was this hotel issue got wrapped around it. He explained there was no issue for combining lots on the west side of Fletcher, and the opposition was entirely directed at the hotel. He pointed out commercial property on the oceanfront regardless of its size has zero side yard setbacks. He commented because of the topography of that particular location and the high dune if you had a view corridor you couldn't see the ocean anyway. He pointed out his property has functioned as a single property on the two parcels, but it makes it impossible to try to develop something there when you have the restrictions and codes that apply to both pieces of property. He explained that was covered in his letter of justification.

Member Ross requested clarification of the volatile issue of lot combining on the oceanfront. Mr. Hall replied it allows more commercial development on the oceanfront, which some people are opposed to. He stated they would rather see no development on those properties. He commented if we continue to thwart development it won't stop development. He expressed his opinion it would cause a less desirable development than if you did combine the properties.

Mr. George Sheffield, 28 South 7th Street, explained he had no plans for total redevelopment of their property (Hammerhead, Beach Store). He commented the board passed this the first time around, and he thought the board did that because the board felt as the economic development plan and the Comprehensive Plan states there are job opportunities on the beach. He pointed out if the City was ever going to realize those job opportunities from economic development we have to open up corridors for that to happen. He explained the commercial opportunities on the beach are so limited. Member Morrill inquired what would be done to the property that would create economic development and jobs that doesn't already exist. Mr. Sheffield stated there are vacant lots out there, because there wasn't any opportunity out there. He commented if you allow for the combining of lots perhaps there would be a hotel or whatever is allowed in the C-1 commercial district. He explained building on a 100 foot lot for commercial you are very limited due to onsite parking issues. Ms. Gibson clarified there were no residential allowances tied to any of these properties that are in the job opportunity area today. Member Ross pointed out there are four skinny lots by Main Beach and there is not much you can do with them individually, but if you combine those four lots you have something you can work with. Chair Lane commented up and down South Fletcher you will see single small buildings that have been for sale for a long time, because they really can't do anything with them.

Member Occhuizzo inquired if a gas station could go there. Ms. Gibson replied yes and stated there are two of them within these properties now. She pointed out they are both in excess of 100 feet in width. She commented the majority of the properties developed within these areas total out in an area that exceeds 100 feet. Mr. Hall inquired if anyone was aware of the genesis of the restrictions on lot combining. He stated it goes back to the first condos that were built on the oceanfront across from the Surf. He explained the developers bought a series of small residential lots and then built the big condos. He pointed out the lot combining restriction was really for residential lots, and back in those days the commercial guys didn't think anything about it. There was a brief discussion about this and it was pointed out Hammerhead sits on a 59 foot lot, which sits next to a 110 foot lot.

Mr. David Caples, 1617 Atlantic Avenue, pointed out he has been here more than 30 years in the lodging business. He presented some aerial photographs to give a perspective of what has gone on in the past, and what could happen in the future. He referred to the Elizabeth Pointe Lodge and showed lots to the north where it has not been developed at all. He commented there is an opportunity to provide the kind of

facilities and experiences that guests are interested in having. Chair Lane referred to the stand of trees shown and questioned if they were considering bringing those down. Mr. John Cotner replied those aren't the parcels in question. Mr. Caples pointed out there is a sloping area there, and there is a lot of tree growth. There was a brief discussion to clarify which properties were being considered for this change with regard to lot combination and which properties were already able to combine.

Mr. John Cotner, 1627 Atlantic Avenue, explained when you look at the FLUM the City only has two small nodes of potentially commercial development on the oceanfront (Sadler to South Fletcher and Atlantic and South Fletcher). He pointed out there are only a couple of parcels of R-3. He noted there was a concern they would take these properties and turn them into condominiums, but you can't do that. He explained most of the property up and down South Fletcher on both sides of the street are R-1 and R-2, which you could build a single-family or a duplex. He stated you cannot put three units or more on those properties without a rezoning. He commented under the current regulations someone cannot come in to combine those lots for rezoning purposes. He pointed out the FLUM says how you can use those properties, and expressed his opinion that it was discriminatory that only Ocean, North Fletcher, and South Fletcher have had this burden that they cannot combine. He commented to take a 100 foot parcel for a commercial venture you can't do much of anything with the parking requirements, the environmental requirements, etc. He stated as a result the City has vacant parcels, and it's not the highest and best use of the land. He explained there isn't the opportunity to come before the Board of Adjustment for projects of merit to make application to better utilize these properties. He pointed out Mr. Caples asked what could happen on the intersection if the property owners took a comprehensive and cooperative approach. He stated mixed use was a desirable approach because it cuts down on traffic, and it still satisfies the business need but you can do short-term or long-term residential rentals. He expressed his opinion that it requires combining lots to do anything of a practical nature. He pointed out right now under the current code you can build right up to each other (zero wall property line to property line), but you can't functionally use them as a whole. He questioned why have this regulation if we are not providing a view corridor per the current zoning. He explained with combining lots you can have a continuity of landscape and streetscape. He stated there are so many advantages with taking a comprehensive approach versus a piecemeal approach. He encouraged the board to reconsider the past actions.

The public hearing was closed at this time. **A motion was made by Member Ross, seconded by Member Lasserre, to recommend approval of PAB 2016-06 to the City Commission requesting an amendment to LDC 4.02.02 as described; and that PAB 2016-06 as presented is sufficiently compliant with the applicable Comprehensive Plan and Land Development Code to be approved at this time.** Member Ross commented he looked at these properties and the way they are set up they are undevelopable. He noted it is in the economic development zone and it is zoned commercial. He stated with that they should be able to combine the property. Chair Lane noted there were four members that voted on this the last time. Member Bennett pointed out Mr. Hall cannot do anything that is allowed under the code because of this one item. Member Morrill suggested to not overstate the economic development and job opportunities. He commented it sounds from the description that food and beverage, hotels, and things like the Hammerhead are service entry level jobs. Chair Lane pointed out the board was voting on those particular properties on Ocean and Fletcher. There was some discussion about this and it was noted that all of these properties were already zoned commercial. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

3.2. PAB 2016-07: FLUM and Zoning Change S. 3rd Street (Postponed until July 2016) - ***The applicant requested that this item be postponed until the July 13, 2016 regular meeting.***

4. Board Business

4.1. Update on PAB Subcommittees Progress – ***This was heard after comments from the public.***

5. Staff Report – ***This was heard after comments from the public.***

6. Comments by the public – Mr. David Gates, 320 South 4th Street, explained he was told these meetings were the first and third Tuesday of every month. City Attorney Bach clarified the City Commission meetings are the first and third Tuesday. Chair Lane explained the request comes before the Planning Advisory Board (PAB) first and then it goes to the City Commission. She stated the PAB is always the second Wednesday of the month.

8th Street - Ms. Gibson referred to 8th Street and reported that staff expects to hear back from the Florida Department of Transportation (FDOT) on March 17th. She stated they are going to provide some revisions to the proposed language for the land use amendment. She explained they are going to use the density that has been requested to complete some modeling and they are going to do a vacant land analysis.

Tree/Landscape – Ms. Gibson explained the Tree & Landscape Exemption Subcommittee met today and it has been determined to proceed with adding a new industrial zoning category for heavy industry that would apply to just the mill properties. She stated the rest of the I-1 zoned properties would stay I-1 and they would be expanded to allow for lodging accommodations. She commented the Industrial Airport zoning would get applied to only Airport property, and the property currently zoned Industrial Airport (I-A) would be I-1. Chair Lane expressed appreciation for board members that have provided input.

Member Morrill referred to 8th Street and commented there is a land grant attached to the development of Borregaard that is federally funded and it requires the City of Fernandina be the applicant. He stated the proposal in that $3 million dollar grant is to extend the railroad spur and to increase the road access on the Rayonier property. He explained he thought there was also an accommodation for the increased truck traffic, and the City has an opportunity to develop a plan to help address that issue. He pointed out the 8th Street group has talked about making some architectural and structural changes to the roadway because of the truck traffic. He briefly commented he thought the City missed an opportunity. City Attorney Bach stated the transportation fund grant from FDOT does have to benefit the City. She explained if the City was applying for this grant and there is a road built or a rail spur that road has to be a public road. She commented the application was a way the City could show its support, and pointed out Borregaard hasn't decided whether they are coming here yet (decision in May). She explained the grant has to be a public road and direct benefit and be a City facility. Ms. Gibson pointed out tomorrow she would finish the wish list the City was requested to prepare and present to FDOT.

Port Element - City Attorney Bach reported that the Port was going to update their Port element and present something to the PAB next month.

Hazardous Materials/Waste - Member Ross commented hazardous materials and hazardous waste are not defined in the Comprehensive Plan or the Land Development Code. He questioned how those are defined. Ms. Gibson explained the City can rely on a Federal or State resource definition for those. City Attorney Bach stated those materials are regulated by State and Federal law.

Crosswalk - Member Beal reported after five years the City received FDOT approval of the crosswalk for September. He commented this would not have happened without Vice-Mayor Lentz and Mayor Miller helping to move this forward. He extended his thanks for their help.

Front Street cleanup – Ms. Gibson announced there would be a Front Street cleanup on Saturday, March 19th at 11:00 am.

7. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 6:01 pm.

_____ _____

Secretary **Judith Lane, Chair**

STAFF REPORT
PAB (VAX, LU, CZ) 2016-10, 2016-11, 2016-12
Planning Advisory Board Hearing
April 13, 2016

APPLICATION FOR VACATION OF ROW (2016-10), FUTURE LAND USE MAP AMENDMENT (2016-11), ZONING CHANGE (2016-12)

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	NASSAU TERMINALS,LLC				
AGENT:	Harrison Poole				
REQUESTED ACTION:	Vacation of ROW for a portion of N. 3rd Street, Small Scale Future Land Use Map Amendment and Zoning Change				
LOCATION:	501 N. 3rd Street - Escambia and N. 3rd Street				
CURRENT LAND USE + ZONING:	Industrial Waterfront/ IW				
PROPOSED LAND USE + ZONING:	Mixed Use/ MU-1				
EXISTING USES ON SITE:	Old Port House – Current Admin Offices for Port Staff and Parking Lot				
PROPERTY SIZE:	0.30 Acres and 0.28 Acres				
ADJACENT PROPERTIES:	Direction	Existing Use(s)	Year Built	Zoning	FLUM
	North	Port	1990's	IW	Industrial Waterfront
	South	Vacant/Single Family Homes	1900	MU-1/ R-2	Mixed Use/ Medium Density Residential
	East	Port Property- Wetlands/ Vacant Residential	N/A	IW/ R-2	Industrial Waterfront (Wetlands)/ Medium Density Residential
	West	Port	1990's	IW	Industrial Waterfront

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The subject properties of this request are presently owned by Nassau Terminals, LLC. It is the owners' intent to sell the properties to Keith and Paula Bernkrant, husband and wife. Mr. and Mrs. Bernkrant are current property owners within the City and reside at a property located on the adjacent block. Their purchase of the property is contingent upon the requested actions to abandon a portion of N. 3rd Street ROW and to rezone the properties to Mixed Use/ MU-1. Their intent, as discussed in their letter of justification, is to convert the existing port house back to residential use and allow for residential development or at "least one (1) residential unit" on the triangle property between N. 3rd Street and N. 4th Street.

The properties are currently used for offices and associated parking as part of Port administration. The requested land use and zoning change to Mixed Use/ MU-1 would still allow for the existing uses of the property to continue as a conforming use. The Port House property located at 501 N. 3rd Street is located within the Downtown Historic District. The adjacent triangle property is not within the historic district.

The triangle vacant property is identified in Ordinance 777 dated December 15, 1987. Section 3, number 3 of the ordinance refers to "Parcel 1" which includes only the vacant triangle piece of property subject in this application. The section requires that a 20 foot heavily vegetated buffer facing Escambia be established and maintained. The developed property containing the Port offices was excluded from the ordinance, but is referenced as "Parcel 7" in the original application filed with the requested zoning change in 1987 to obtain the Industrial Waterfront designation. At the present time, a heavily vegetated buffer does not exist and the property has largely unobstructed views to the Port.

CONSISTENCY WITH THE COMPREHENSIVE PLAN (PLAN):

VACTION OF ROW (2016-10):
Policies 2.04.04 and 2.04.05 are directly applicable to the applicant's request for ROW abandonment.

The City maintains that it is not in the best interest to abandon public right-of-way (ROW) in order to preserve and protect future development of the multi-modal transportation network. Beyond network connectivity, public ROW may serve as an integral component of a trail system by providing overlook point, bike or vehicular parking, or serving as a trailhead. Further, the N. 3rd Street ROW allows for open views to the North and permits the public to enjoy a unique vista of the adjoining Port's operations from a safe distance.

The City's Comprehensive Plan is clear in its direction through policy 2.04.05 that in requesting abandonment of public ROW the applicant must demonstrate that the ROW is no longer required for public use and could not reasonably be used for some public function or open space. It further requires the applicant to demonstrate that the vacation is in the public interest or that it serves to protect an environmental, historical, or cultural feature of the City. Although the ROW adjoins a historic structure, the continued public maintenance of N. 3rd Street ROW has not and would not pose a risk to the future of the site.

FUTURE LAND USE MAP AMENDMENT (2016-11 AND 2016-12):
Policies 1.02.02-1.02.04, 1.02.06, 1.02.08, 1.02.12, 1.07.07, and 4.01.01 are directly applicable to decision making for future land use map changes.

The subject properties are within an area of existing urban development, no leapfrog development is occurring. The City encourages infill development in its already urbanized areas that provide housing near job centers, preserve open space, capitalize on existing community assets such as parks, and removes the crime associated with vacant, underutilized or abandoned properties. The developed property contains a 1900 built historic structure and the adjoining property serves as surface parking for port offices.

In requesting a Mixed Use (MU) designation, the Comp Plan directs compatibility with adjoining districts. Properties located to the south of the subject lots are assigned either Mixed Use or Medium Density Residential land uses which carry the same maximum number of dwelling units per acre (8 du/acre). The MU designation serves as a transitional district between industrial or intense commercial development and neighboring residential uses. Properties within the district may contain stand-alone commercial or residential uses or a combination of both.

The City has five public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, and Solid Waste. The current Industrial Waterfront designation allows for industrial development of up to 0.75 Floor Area Ratio (FAR). The proposed change to Mixed Use introduces residential density of up to eight (8) dwelling units per acre and allows for commercial development of up to 1.0 FAR. The estimated maximum potential density for both properties combined totals seven (7) potential dwelling units. The applicant indicates in their request letter that they do not intend to redevelop the Old Port House property and wish to restore the

structure. Any exterior modifications of the existing structure will require design review by the Historic District Council. The applicants' prospective buyers are looking to build residential units on the triangle property. The triangle property is capable of supporting a maximum density of four (4) dwelling units. Permissible housing types are addressed in Land Development Code Section 4.01.01 and do include single-family detached, duplex, triplex, or townhome structures.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day (in the last 12 months the maximum day was 7.5 million gallons (June 2015)). At the adopted level of service and the maximum density allowed by the proposed Comprehensive Plan amendments, the residential units would only consume 2,450 gallons of water per day (7 units x 350 gallons per ERC per day). The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. Commercial facilities are calculated by an Equivalent Residential Connection (ERC) standard, which is calculated by the utilities director.

As for solid waste and drainage, the City currently has a contract with Advanced Disposal to dispose of solid waste, therefore the impact is irrelevant. Drainage impacts from any proposed additions will be reviewed by the City's Technical Review Committee. The City requires storm water drainage to be retained on-site.

Development of residential dwelling units will increase potential traffic from the current office use of the property. Staff estimates that approximately 1.5 p.m. peak hour trips are generated by the existing office[1] use assuming that 3 employees currently occupy the space while 3.17 p.m. peak hour trips are estimated for a single family residence[2] and a townhouse[3] under the maximum development scenario for the subject properties and assuming retention of the existing historic structure. The net increase is potentially 1.67 p.m. peak hour trips. Adequate capacity exists to accommodate this potential increase.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The LDC does not address abandonment of ROW and defers to policies contained within the Comprehensive Plan.

The requested zoning is MU-1, a mixed use district defined in Section 2.01.09. It is intended for the development of a combination of residential, office, and limited neighborhood commercial services. The mixed use category serves as a transitional district between the industrial development to the north and west and the residential development to the south and east. The ranges of uses permissible within MU-1 are complementary to surrounding properties. Uses permissible within the Mixed Use category are lower intensity uses capable of coexisting with residential use either within the same structure, on the same site, and within the adjoining residential area.

[1] ITE Code 715 (Single Tenant Office Space) average PM peak hour trips = 0.50/ employee (assumed 3 employees) = 1.50

[2] ITE Code 210 (Detached Single Family Residential) average PM peak hour trips = 1.01 (1 detached SF home- historic structure)

[3] ITE Code 231 (Low Rise Residential Condo/Townhouse) average PM peak hour trips = 0.54 (maximum of 4 units possible)

CONCLUSION:

The applicant has not demonstrated that the requested vacation of ROW for N. 3rd Street meets the criteria defined in Comprehensive Plan policy 2.04.05. The ROW provides a terminating vista overlooking both port activities and the adjoining river, a view corridor that should remain unobstructed from development. It is possible that this area could serve some additional public function at some point in the future. Therefore, Staff is unable to recommend approval of the applicants request for N. 3rd Street ROW abandonment.

Staff endorses the land use and zoning change request to Mixed Use/MU-1. The requested change removes potential industrial waterfront development opportunities and allows for residential dwellings which could be in combination with neighborhood commercial activities. The Mixed Use land use and zoning category requested is compatible with the surrounding area and consistent with the requirements for land use decision making in the Comprehensive Plan.

MOTION(S) TO CONSIDER

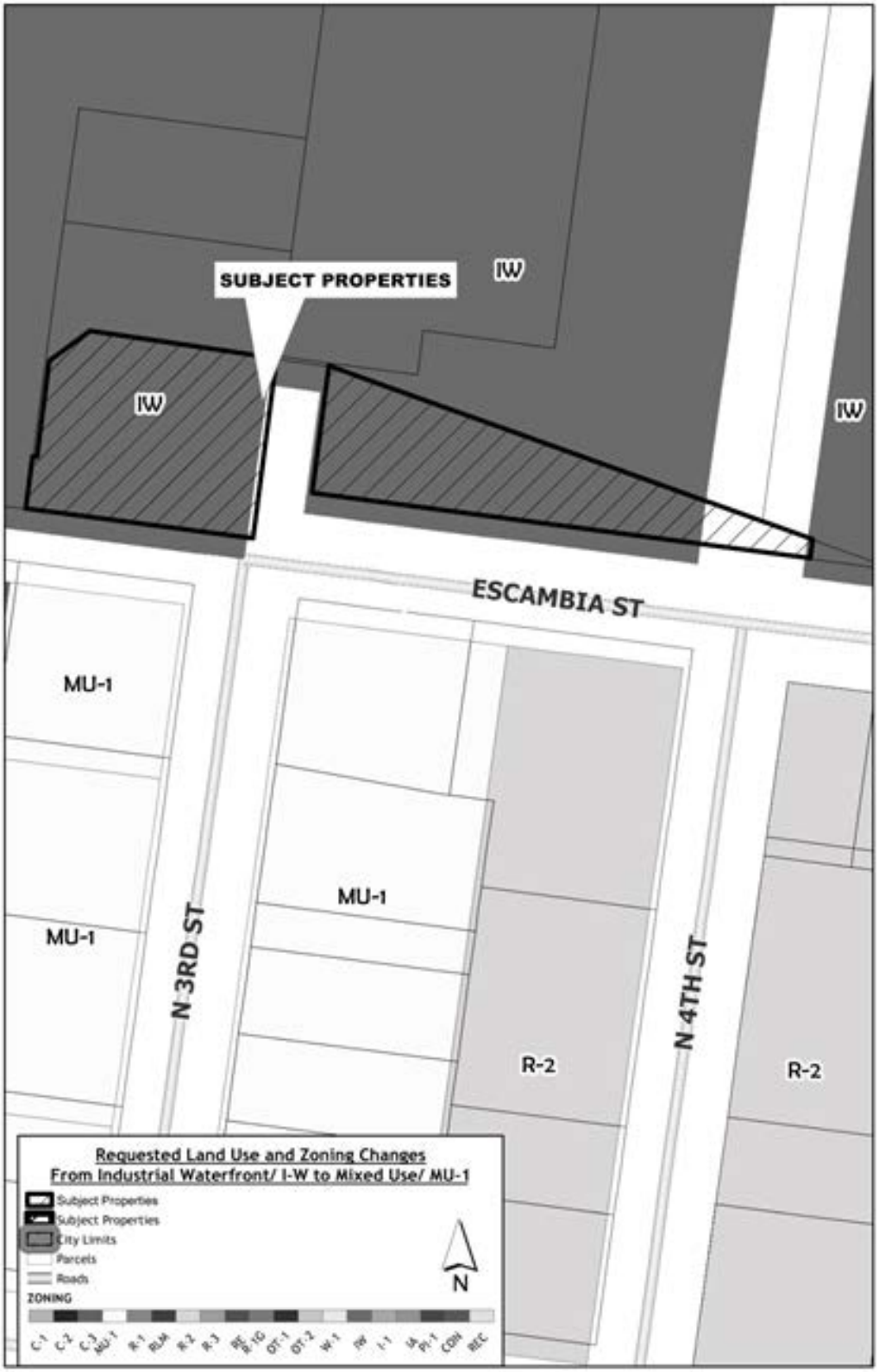
ROW Abandonment:
I move to recommend **(approval or denial)** of PAB case number 2016-10 to the City Commission requesting a vacation of ROW for N. 3rd Street, that PAB case numbers 2016-10 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Land Use and Zoning:
I move to recommend **(approval or denial)** of PAB case numbers 2016-11, and 2016-12 to the City Commission requesting a small scale future land use map amendment from Industrial Waterfront to Mixed Use and a zoning change from I-W (Industrial Waterfront) to MU-1 (Mixed Use), as described and that PAB case numbers 2016-11, and 2016-12 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson, AICP
Senior Planner

EXHIBIT A


SUBJECT PROPERTIES
IW
IW
IW
ESCAMBIA ST
MU-1
MU-1
MU-1
N 3RD ST
N 4TH ST
R-2
R-2
Requested Land Use and Zoning Changes
From Industrial Waterfront/ I-W to Mixed Use/ MU-1
Subject Properties
Subject Properties
City Limits
Parcels
Roads
ZONING
N

OFFICE USE ONLY

REC'D: 3/16/16 BY: 8

PAYMENT: $ 2550 TYPE: Ck 3314

APPLICATION #: 2016 - 0000427

CASE #: 2016 - 11

BOARD MEETING DATE: April 13, 2016

MAR 2016

PLANNING ADVISORY BOARD APPLICATION

- [x] ZONING MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- [x] LAND USE MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- [ ] LDC TEXT AMENDMENT ($850)
- [ ] COMP PLAN AMENDMENT ($850)
- [ ] SUBDIVISION PLAT – PRELIM ($750)
- [ ] SUBDIVISION PLAT – FINAL ($850)
- [x] VACATION OF R.O.W. ($850)
- [ ] VOLUNTARY ANNEXATION ($1050)

APPLICANT INFORMATION

Owner Name: Nassau Terminals, LLC, a Deleware Limited Liability Company

Mailing Address: 1001 Lousisana Street, Suite 1000, Houston, TX 77002

Telephone: _____ Fax: _____

Email: _____

Agent Name: Harrison W. Poole, Esquire

Mailing Address: 303 Centre Street, Suite 200, Fernandina Beach, FL 32034

Telephone: 904-261-0642 Fax: 904-261-0745

Email: harrisonpoole@pooleandpoolelaw.com

PROPERTY INFORMATION

Street Address: 501 North 3rd Street

Parcel Identification Number(s): 00-00-31-1800-0057-0272 and 00-00-31-1800-0056-0011

Lot Number: _____ Block Number: _____ Subdivision: _____

Section: _____ Township: _____ Range: _____

PROJECT INFORMATION

Total Number of Lots/Parcels: Two parcels

Less than One (1) acre Sq. Footage: < 1 acre One (1) Acre or Greater: _____

Existing Zoning Classification: Industrial Waterfront (IW)

Existing Future Land Use Classification: Industrial Waterfront (IW)

Previous Planning/Zoning Approvals: Ordinance Number 777/Rezoning Application RZ0587

Description of Request:

This application is being filed to request the subject properties be rezoned to Mixed Use (MU) and the future land use map be amended to change the subject properties from Industrial Waterfront to Office & Residential Mixed. Additionally, the applicant is requesting the vacation of those certain right of ways that are adjacent to the properties and lie on North 3rd Street North of Escambia and on Escambia west of North 3rd Street.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

3/16/16
Date

Signature of Applicant

STATE OF FLORIDA
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 16th day of March, 2016

Notary Public: Signature

JAMIE M, THIRSK
Printed Name

My Commission Expires

NOTARY PUBLIC STATE OF FLORIDA
JAMIE M. THIRSK
MY COMMISSION # FF 193406
EXPIRES: December 15, 2018
Bonded Thru Budget Notary Services

Personally Known ✓ OR Produced Identification _____ ID Produced: _____

OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION

I /WE Nassau Terminals, LLC
(print name of property owner(s))

hereby authorize: Harrison W. Poole, Esquire
(print name of agent)

to represent me/us in processing an application for: Rezoning/Future Land Use Map Amend/Vacation of ROW
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

Cheryl D Moeller
(Signature of owner)

(Signature of owner)

Cheryl D. Moeller
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 15th day of March, 2016.

Notary Public Signature

Terence J Woolfe
Printed Name

6/25/2016
My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____

TERENCE J. WOOLFE
MY COMMISSION EXPIRES
June 25, 2016

POOLE & POOLE, P.A.
Attorneys at Law
SUITE 200, ALLAN BUILDING
303 CENTRE STREET
FERNANDINA BEACH, FLORIDA 32034

H. PRICE POOLE, JR.
HARRISON W. POOLE

TELEPHONE: 904.261.0742
FACSIMILE: 904.261.0745

March 16, 2016

Mrs. Kelly Gibson
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

Re: Rezoning/Future Land Use Map Amendment/Vacation of Right of Way Request at Port House and adjacent parking lot

Dear Mrs. Gibson:

This office has the pleasure of representing Keith and Paula Bernkrant. My clients are under contract to purchase the Old Port House and the triangular parking lot located adjacent thereto from Nassau Terminals, LLC. Please treat this letter as my clients' Letter of Intent being provided concurrently with the application to the Planning Department. The application is filed in the name of the current owner of record, Nassau Terminals, LLC, who has authorized the filing of same. The owner expressly reserves the right to withdraw the application at any time prior to its adoption by the City Commission. Further, the application is contingent upon the successful closing on the purchase of the subject properties by the Bernkrants.

The Subject Properties

The two properties that are subject to our clients application are the Old Port House, located at 501 North 3rd Street, which was built in approximately 1900 and is presently used as office and administrative space for the Port, and a triangular property directly to the east that is currently being used as a parking lot. It is the desire and intent of my clients to refurbish the Port House to turn it back into a residence and to build at least one residential unit on the triangular parcel. The Port House is in the Historic District and all work would be compliant with the restrictions imposed thereon. The development of the triangular parcel will be consistent with the neighboring residential properties.

The subject properties are bordered on the north and west by property that is zoned Industrial Waterfront. To the south, properties are zoned Mixed Use. To the southeast, properties are zoned Medium Density Residential.

Between the two parcels exists a public right of way (North 3rd Street north of Escambia) that is not in use. In fact, half of the right of way between the two parcels on North 3rd Street has previously been vacated. Similarly, south of the Port House is a portion of Escambia Street, a public

right of way, that is not used. Again, part of that right of way has previously been vacated.

The Application

The Application requests that the subject properties be rezoned from Industrial Waterfront to Mixed Use. Further, the application requests that the Future Land Use Map be amended to change the subject properties from Industrial Waterfront to Office and Residential Mixed. Finally, the application request the vacation of those certain right of ways existing between the two properties and to the south of the Port House.

Consistency with the Comprehensive Plan

The application is consistent with the Comprehensive Plan's following policies and objectives:

Policy 1.02.05(l), which provides, "Historic Preservation: The City shall continue to preserve and enhance its existing Historic District areas through regulations which promote ongoing maintenance of public infrastructure and civic, governmental, commercial and residential structures." This policy is served by allowing the Port House to be converted back into a residence and ensuring its protection and maintenance.

Policy 1.02.06, which provides, "The City shall assure that specific density assigned to new development and redevelopment is compatible and consistent with established residential development patterns and provides equitable use of the land." This policy is served by the application as all properties lying immediately to the south of the subject properties are currently used as residences.

Policy 1.02.08, which provides, "Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas." This policy is served by providing a buffer of property zoned as mixed use between existing residential zoning and industrial waterfront zoning.

Policy 1.02.09, which provides, "The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements." This policy is served by providing a buffer of property zoned as mixed use between existing residential zoning and industrial waterfront zoning.

Policy 1.02.12, which provides, "The City shall ensure that the image, function, architecture, and ambiance of the historic downtown further the use and development of downtown as the ceremonial, civic, and cultural center of the City. Toward this end, the City shall preserve and enhance the identity, design, and vitality of the downtown, including the designated Downtown Historic District, Old Town Historic District and the surrounding downtown core." This policy is served by allowing the Port House to be converted back into a residence and ensuring its protection and maintenance.

Objective 1.04, which provides, "The City shall reduce blight and encourage redevelopment of underutilized areas and inefficient land use patterns through redevelopment, reuse, and/or removal and replacement of blighted structures and uses." The subject properties are best suited for residential use. The rezoning would put the properties to their best and highest use.

Policy 11.01.01, which provides, "The City shall encourage the protection, preservation and conservation of districts, sites, landmarks and/or structures within the City that are included on the National Register of Historic Places, or in a locally designated historic district, to ensure their protection from demolition, deterioration, reconstruction or alteration." This policy is served by allowing the Port House to be converted back into a residence and ensuring its protection and maintenance.

Policy 2.04.05. Which provides, "When requesting abandonment of the existing rights-of-way is unavoidable, the applicant shall demonstrate the following for any proposed vacation of a City right-of-way:

> a. The right-of-way is no longer required for public use and could not reasonably be utilized as a through street, sidewalk, bicycle lane or any other public function such as parking, stormwater management, utility location or open space;
> b. The proposed vacation is in the public interest;
> c. The proposed vacation would preserve or protect an environmental, historical or cultural feature of the City; and
> d. The proposed vacation will be offset by at least one public access through street connection.

The right-of-ways proposed to be vacated do not presently serve any public use and cannot reasonably be used for another purpose, as they dead-end into Port property. Safety and security concerns would effectively prohibit the use of the property by the public at large. Further, portions of the right-of-ways have previous been vacated, thus further reducing the viability of their public use. The proposed vacation would enhance the Old Port House, a historic building that was built in circa 1900, and would serve to protect and preserve this historical feature. Finally, an offset is not necessary as the portions of the right of way proposed to be vacated do not provide any public access to any property or other street.

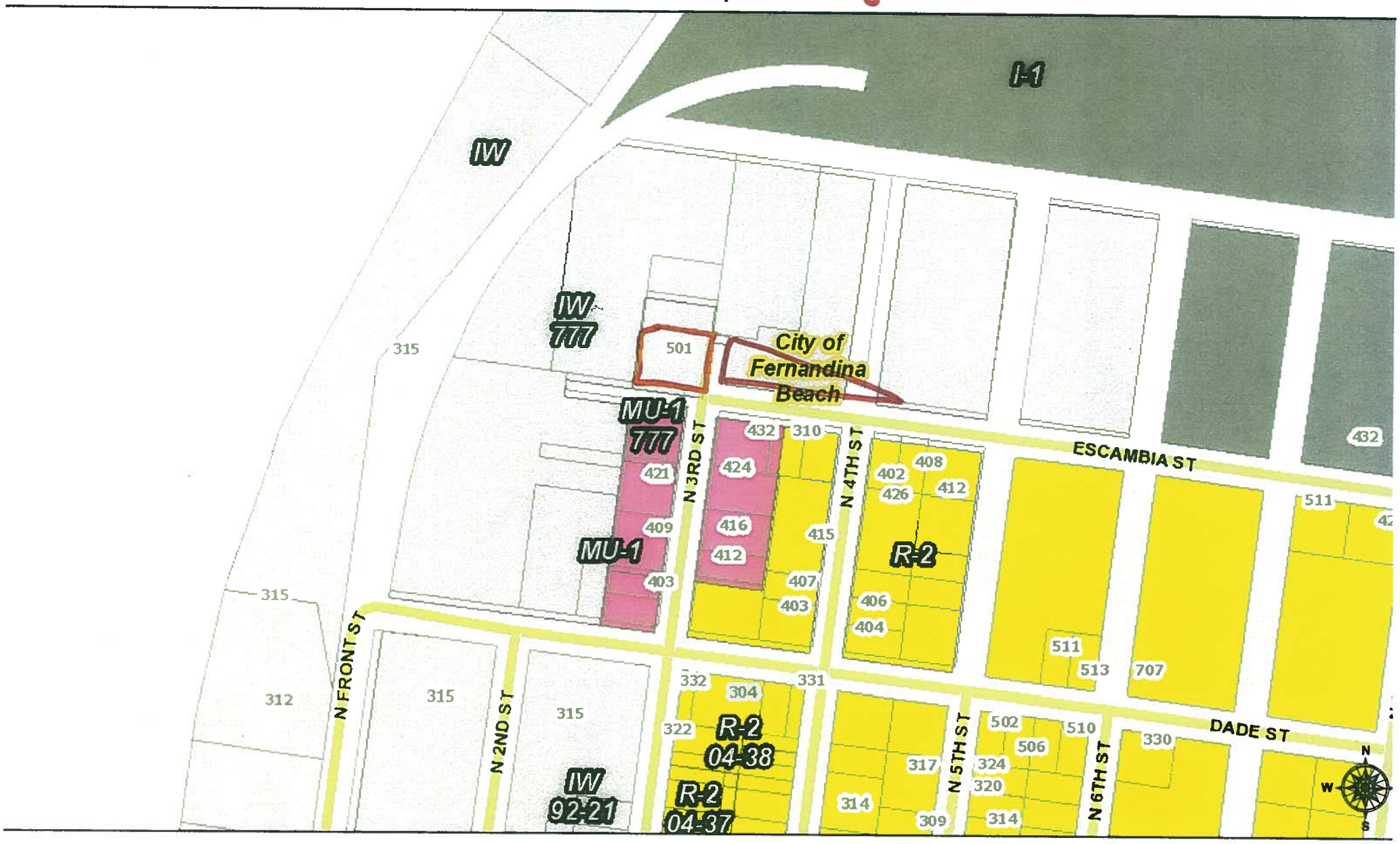
Conclusion

My clients' application puts the subject property to their highest and best uses, decreases the intensity of the use of those properties, is consistent with the City's Comprehensive Plan, and is consistent with the existing uses of the adjacent properties. As such, we respectfully request that the City Staff and Planning Advisory Board recommend its approval.

Yours Sincerely,

Harrison W. Poole, Esq.

GoMaps Zoning



arch 14, 2016

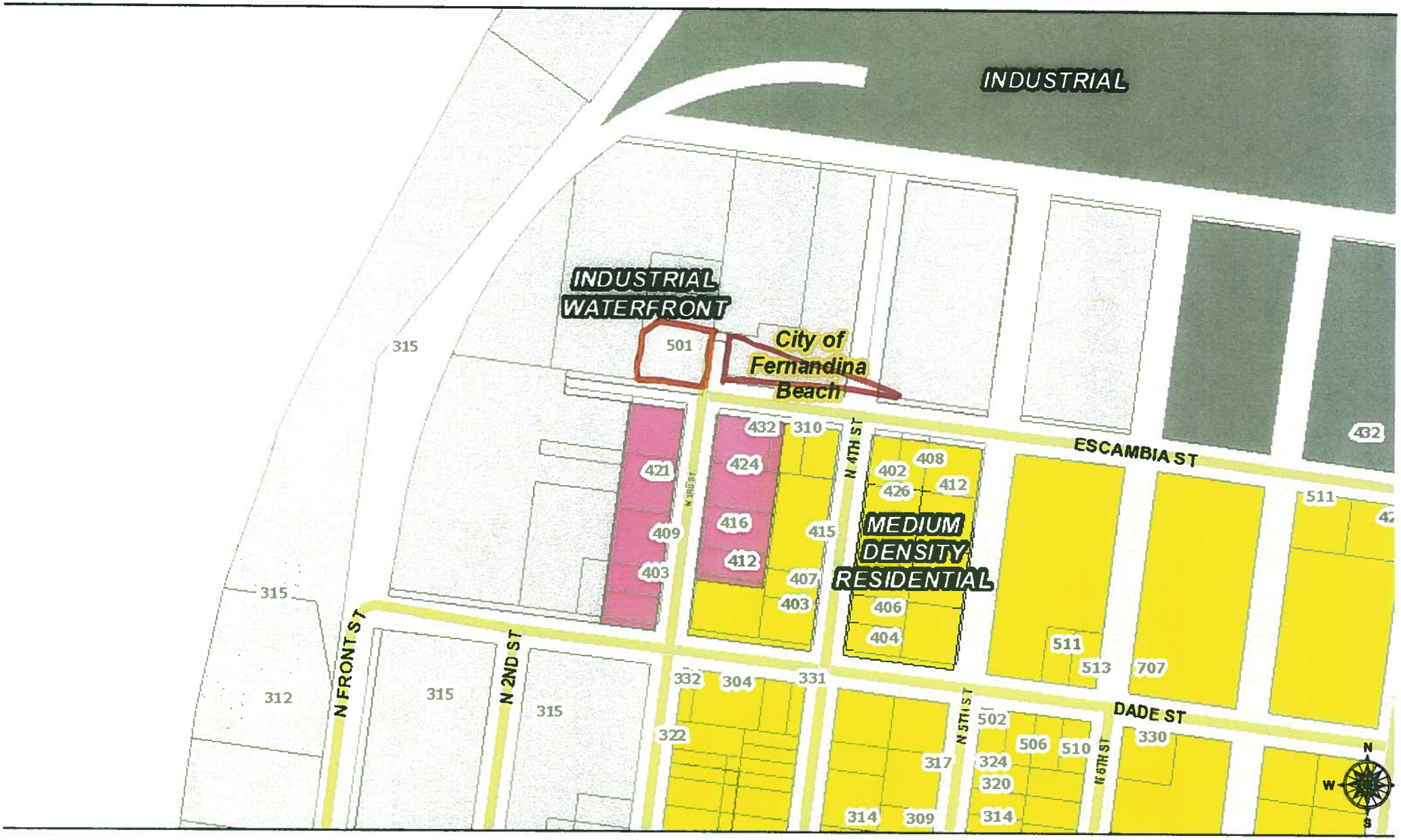
1:3,305

0 0.0275 0.055 0.11 mi

0 0.0425 0.085 0.17 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRC/
Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia
OpenStreetMap contributors, and the GIS User Community

GoMaps Future Land Use



arch 14, 2016

1:3,305

0 0.0275 0.055 0.11 mi

0 0.0425 0.085 0.17 km

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRC/ Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia OpenStreetMap contributors, and the GIS User Community

NASSAU | A. Michael Hickox, CFA, Cert.Res.RD1941 Nassau County Property Appraiser

Property Search Sales Search Nassau Home

OWNER NAME	FERNANDINA PORT DEVELOPMENT	**PARCEL NUMBER**	00-00-31-1800-0057-0272
MAILING ADDRESS	501 NORTH 3RD ST	**TAX DISTRICT**	FERNANDINA BEACH (DISTRICT 2)
		MILLAGE	20.6524
		PROPERTY USAGE	OFFICE BUILDINGS
	FERNANDINA BEACH, FL 32034	**DEED ACRES**	0
LOCATION ADDRESS	501 3RD ST N	**HOMESTEAD**	N
	FERNANDINA BEACH 32034	**PARCEL MAP RECORD**	MAP THIS PARCEL
SHORT LEGAL	BLK 57 LOTS 27 28 29 & 30 PT OR 624/450 & W1/2 & N1/2 OF VACATED 3RD ST LYING E & S	**TAX COLLECTOR SEARCH**	NASSAU TAX COLLECTOR LINK
		PROPERTY RECORD CARD	LINK TO PROPERTY RECORD CARD (PDF)

	2015 Certified Values
JUST VALUE OF LAND	$32,505
LAND VALUE AGRICULTURAL	$0
TOTAL BUILDING VALUE	$26,305
TOTAL MISC VALUE	$5,297
JUST OR CLASSIFED TOTAL VALUE	$64,107
ASSESSED VALUE	$64,107
EXEMPT VALUE	$0
TAXABLE VALUE	$64,107

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC/TWN/RNG
1STORY OFF 001700	13,002	SF	17-3N-28

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
OFFICE LOW	3,899	3,010	2	2	AVERAGE		AIR DUCTED	FORCED AIR	1900	SHOW SKETCH

Miscellaneous Information

DESCRIPTION	DIMENSIONS L x W	UNITS	YEAR BUILT
BRICK	0 X 0	368	1987
BRICK	0 X 0	232	1987
LWN SPRK H	0 X 0	9	2000
WD DECK A	0 X 0	197	2000

Sales Information

SALE DATE	BOOK/PAGE	OR BOOK/PAGE	SALE PRICE	INSTR. TYPE	VAC/IMP	QUALIFIED	GRANTOR	GRANTEE
04/13/1991	624/450	624/450	100	WD	U	Y	OCEAN HWY & PORT	FERNANDINA PORT DEVELOPMENT
12/19/1989	586/614	586/614	1496200	WD	U	Y	VAN OMMEREN PORT	OCEAN HWY & PORT
10/23/1989	582/264	582/264	963500	WD	U	Y	FDNA PORT DEVELOP	VAN OMMEREN PORT DEV
08/13/1987	524/648	524/648	262300	MS	U	Y	CODY BRENDA C	FERNANDINA PORT DEV

APR 1 3 1991

This Instrument Prepared By:

Susan K. Robin, Esq.
Kirkpatrick & Lockhart
201 South Biscayne Blvd.
Miami Center - Suite 2000
Miami, Florida 33131

BK0624PG0450
OFFICIAL RECORDS

Rec. 1 CL
SJ
15 50

WARRANTY DEED

THIS WARRANTY DEED, made the 4th day of April, 1991, by Ocean Highway and Port Authority of Nassau County, Florida, a public body corporate and politic of the State of Florida whose post office address is 11 North 14th Street, Room 119, Fernandina Beach, Florida 32034 (the "Grantor"), to Fernandina Port Development, Inc., a Delaware corporation whose post office address is 5 South 2nd Street, Suite 100, Fernandina Beach, FL 32034 (the "Grantee"):

W I T N E S S E T H:

That Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00) and other valuable consideration, receipt and sufficiency whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, all that certain land situate in Nassau County, Florida, viz:

See Exhibit "A" Attached Hereto And Made A Part Hereof

Property Appraiser's Parcel Identification No. _____

Subject to:

1. Easements, restrictions, and other matters of record, without reimposing same.

2. Real estate taxes for the current year and subsequent years.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND Grantor hereby covenants with Grantee that the Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

(Signature of 1st Witness)

BeLinda Gearis
(printed name of 1st Witness)

(Signature of 2nd Witness)

Brenda G. Stivers
(printed name of 2nd Witness)

OCEAN HIGHWAY AND PORT AUTHORITY OF NASSAU COUNTY, FLORIDA, a public body corporate and politic of the State of Florida

By: (Signature) [SEAL]

Name Nick D. Deonas
(print)

Title Chairman

NASSAU COUNTY 10130

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
P.B. 1105?
APR 16 '91
00.55

U75-3010-S

BK0624PG0451
OFFICIAL RECORDS

STATE OF FLORIDA)
)SS:
COUNTY OF NASSAU)

The foregoing instrument was acknowledged before me this 4th day of April, 1991 by Nick A. Alonas, as Chairman of Ocean Highway and Port Authority of Nassau County, Florida, a public body corporate and politic of the State of Florida, on behalf of said corporation.

My Commission Expires:

Linda Jeans
NOTARY PUBLIC
State of Florida at Large

[NOTARIAL SEAL]

Notary Public, State of Florida
My Commission Expires Oct. 20, 1993
Bonded Thru Troy Fain - Insurance Inc.

EXHIBIT "A"

BK0624PG0452

OFFICIAL RECORDS

LEGAL DESCRIPTION

All that certain lot, piece or parcel of land situate, lying and being in the City of Fernandina Beach (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the official map or plat of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901) as:

Lots twenty-three through thirty (23-30), inclusive, in Block fifty-seven (57).

9105509

91 APR 18 PM 3:06

CLERK OF CIRCUIT COURT
NASSAU COUNTY

NI1-1140.1

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 10:00 AM 02/22/1991
910535125 - 2103862

AGREEMENT OF MERGER

AGREEMENT OF MERGER, dated this 12th day of February, 1991, pursuant to Section 251 of the General Corporation Law of Delaware, between Nassau Terminals Inc., a Delaware corporation, and Fernandina Port Development Inc., a Delaware corporation.

WITNESSETH that:

WHEREAS, both of the constituent corporations desire to merge into a single corporation, as hereinafter specified; and

WHEREAS, the registered office of said Nassau Terminals Inc. in the State of Delaware is located at 1209 Orange Street in the City of Wilmington, County of New Castle, and the name of its registered agent at such address is The Corporation Trust Company; and the registered office of Fernandina Port Development Inc. in the State of Delaware is located at 1209 Orange Street in the City of Wilmington, County of New Castle, and the name of its registered agent at such address is The Corporation Trust Company.

NOW, THEREFORE, the corporations, parties to this Agreement, in consideration of the mutual covenants, agreements and provisions hereinafter contained do hereby prescribe the terms and conditions of said merger and mode of carrying the same into effect as follows:

FIRST: Nassau Terminals Inc. hereby merges into itself Fernandina Port Development Inc. and said Fernandina Port Development Inc. shall be and hereby is merged into Nassau Terminals Inc., which

shall be the surviving corporation.

SECOND: The Certificate of Incorporation of Nassau Terminals Inc, which is the surviving corporation, as heretofore amended and as in effect on the date of the merger provided for in this Agreement, shall continue in full force and effect as the Certificate of Incorporation of the corporation surviving this merger.

THIRD: The manner of converting the outstanding shares of the capital stock of each of the constituent corporations into the shares or other securities of the surviving corporation shall be as follows:

(a) Each share of common stock of the merged corporation which shall be outstanding on the effective date of this merger, and all rights in respect thereof shall forthwith be changed and converted into one share of common stock of the surviving corporation.

(b) After the effective date of this merger, each holder of an outstanding certificate representing shares of common stock of the merged corporation shall surrender the same to the surviving corporation and each such holder shall be entitled upon such surrender to receive the number of shares of common stock of the surviving corporation on the basis provided herein. Until so surrendered, the outstanding shares of the stock of the merged corporation to be converted into the stock of the surviving corporation as provided herein, may be treated by the surviving corporation for all corporate purposes as evidencing the ownership of shares of the surviving corporation as though said surrender and exchange had taken place. After the effective date of this Agreement, each registered owner of any uncertificated shares of common stock of the merged corporation shall have said shares cancelled and said registered owner shall be entitled to the number of common shares of the surviving coporation on the basis provided herein.

FOURTH: The terms and conditions of the merger are as follows:

(a) The bylaws of the surviving corporation as they shall exist on the effective date of this merger shall be and remain the bylaws of the surviving corporation until the same shall be altered, amended or repealed as therein provided.

(b) The directors and officers of the surviving corporation shall continue in office until the next annual meeting of stockholders and until their successors shall have been elected and qualified.

(c) This merger shall become effective upon filing with the Secretary of State of Delaware.

(d) Upon the merger becoming effective, all the property, rights, privileges, franchises, patents, trademarks, licenses, registrations and other assets of every kind and description of the merged corporation shall be transferred to, vested in and devolve upon the surviving corporation without further act or deed and all property, rights, and every other interest of the surviving corporation and the merged corporation shall be as effectively the property of the surviving corporation as they were of the surviving corporation and the merged corporation respectively. The merged corporation hereby agrees from time to time, as and when requested by the surviving corporation or by its successors or assigns, to execute and deliver or cause to be executed and delivered all such deeds and instruments and to take or cause to be taken such further or other action as the surviving corporation may deem necessary or desirable in order to vest in and confirm to the surviving corporation title to and possession of any property of the merged corporation acquired or to be acquird by reason of or as a result of the merger herein provided for and otherwise to carry out the intent and purposes hereof and the proper officers and directors of the merged corporation and the proper officers and directors of the surviving corporation are fully authorized in the name of the merged corporation or otherwise to take any and all such action.

FIFTH: Anything herein or elsewhere to the contrary notwithstanding, this Agreement may be terminated and abandoned by the Board of Directors of any constituent corporation at any time prior to the date of filing the merger with the Secretary of State. This Agreement may be amended by the Boards of Directors of the constituent corporations at any time prior to the date of filing the Agreement with the Secretary of State, provided that an amendment made subsequent to the adoption of the Agreement by the stockholders of any constituent corporation shall not (1) alter or change the amount or

kind of shares, securities, cash, property and/or rights to be received in exchange for or on conversion of all or any of the shares of any class or series thereof of such constituent corporation, (2) alter or change any term of the Certificate of Incorporation of the surviving corporation to be effected by the merger, or (3) alter or change any of the terms and conditions of the Agreement if such alteration or change would adversely affect the holders of any class or series thereof of such constituent corporation.

IN WITNESS WHEREOF, the parties to this Agreement, pursuant to the approval and authority duly given by resolutions adopted by their respective Boards of Directors and that fact having been certified on said Agreement of Merger by the Assistant Secretary of each corporate party thereto, have caused these presents to be executed by the Vice-President and attested by the Assistant Secretary of each party hereto as the respective act, deed and agreement of each of said corporations, on this 12th day of February, 1991.

Nassau Terminals Inc.

By _____
Michael G. Chieco, Vice President

ATTEST:

By _____
Gordon M. Lucey, Assistant Secretary

Fernandina Port Development Inc.

By _____
Michael G. Chieco, Vice President

ATTEST:

By _____
Gordon M. Lucey, Assistant Secretary

Gordon M. Lucey, Assistant Secretary of Nassau Terminals Inc., a corporation organized and existing under the laws of the State of Delaware, hereby certify, as such Assistant Secretary, that the Agreement of Merger to which this Certificate is attached, after having been first duly signed on behalf of the said corporation and having been signed on behalf of Fernandina Port Development Inc., a corporation of the State of Delaware, was duly adopted pursuant to section 228 of the General Corporation Law of Delaware by the unanimous written consent of the stockholders holding all shares of the capital stock of the corporation, same being all the shares issued and outstanding having voting power, which Agreement of Merger was thereby adopted as the act of the stockholders of said Nassau Terminals Inc. and the duly adopted agreement and act of the said corporation.

WITNESS my hand on this 12th day of February, 1991.

Gordon M. Lucey

Gordon M. Lucey, Assistant Secretary

Gordon M. Lucey, Assistant Secretary of Fernandina Port Development Inc., a corporation organized and existing under the laws of the State of Delaware, hereby certify, as such Assistant Secretary, that the Agreement of Merger to which this Certificate is attached, after having been first duly signed on behalf of the said corporation and having been signed on behalf of Nassau Terminals Inc., a corporation of the State of Delaware, was duly adopted pursuant to section 228 of the General Corporation Law of Delaware by the unanimous written consent of the stockholders holding all shares of the capital stock of the corporation, same being all the shares issued and outstanding having voting power, which Agreement of Merger was thereby adopted as the act of the stockholders of said Fernandina Port Development Inc. and the duly adopted agreement and act of the said corporation.

WITNESS my hand on this 12th day of February, 1991.

Gordon M. Lucey

Gordon M. Lucey, Assistant Secretary

NASSAU | A. Michael Hickox, CFA, Cert.Res.RD1941
Nassau County Property Appraiser

OWNER NAME	NASSAU TERMINALS INC	**PARCEL NUMBER**	00-00-31-1800-0056-0011
MAILING ADDRESS	501 NORTH THIRD STREET	**TAX DISTRICT**	FERNANDINA BEACH (DISTRICT 2)
		MILLAGE	20.6524
		PROPERTY USAGE	VACANT INDUSTRIAL
	FERNANDINA BEACH, FL 32034	**DEED ACRES**	0
LOCATION ADDRESS	ESCAMBIA ST	**HOMESTEAD**	N
	FERNANDINA BEACH 32034	**PARCEL MAP RECORD**	MAP THIS PARCEL
SHORT LEGAL	BLK 56 PT LOTS 1 & 27-34 & BLK 59 PT OF LOT 1 & PT ABAND 4TH ST IN OR 702/519	**TAX COLLECTOR SEARCH**	NASSAU TAX COLLECTOR LINK
		PROPERTY RECORD CARD	LINK TO PROPERTY RECORD CARD (PDF)

	2015 Certified Values
JUST VALUE OF LAND	$70,200
LAND VALUE AGRICULTURAL	$0
TOTAL BUILDING VALUE	$0
TOTAL MISC VALUE	$2,014
JUST OR CLASSIFED TOTAL VALUE	$72,214
ASSESSED VALUE	$72,214
EXEMPT VALUE	$0
TAXABLE VALUE	$72,214

Land Information

LAND USE	LAND UNITS	ACCESS TYPE	TOPOGRAPHY
VAC INDUST 004000	**225**	**FF**	**21-3N-28**

Building Information

There is no Building Information for this record.

Miscellaneous Information

DESCRIPTION	DIMENSIONS L x W	UNITS	YEAR BUILT
ASPHALT D	**0 X 0**	**3997**	**1996**
ASPHALT D	**0 X 0**	**0**	**0**

Sales Information

SALE DATE	BOOK PAGE	BOOK PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? AT TIME OF SALE	GRANTOR	GRANTEE
04/13/1994	**702/519**	**702/519**	**100**	**WD**	**U**	**N**	**OCEAN HIGHWAY & PORT**	**NASSAU TERMINALS INC**

APR 1 3 1994

THIS INSTRUMENT PREPARED BY:
Arthur I. Jacobs
Arthur I. Jacobs, P.A.
601 Centre Street, Second Floor, Post Of
Fernandina Beach, Florida 32035

RECORD AND RETURN TO:
Arthur I. Jacobs, P.A.
601 Centre Street, Second Floor, Post Of
Fernandina Beach, Florida 32035

FOR RECORDER

BK 0702 PG 0519
OFFICIAL RECORDS

RE PARCEL ID #:
BUYER'S TIN:

CORPORATE WARRANTY DEED

THIS INDENTURE made this 31 day of April, 19 94 by Ocean Highway and Port Authority of Nassau County, a public body politic, hereinafter called Grantor, and whose address is 11 North 14th Street, Fernandina Beach, Florida 32034 to Nassau Terminals, Inc., a Florida Corporation, hereinafter called Grantee, and whose address is 501 North Third Street, Fernandina Beach, Florida 32034.

(Wherever used herein the term 'grantor' and 'grantee' include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee the following described land situate, lying and being in the County of Nassau, State of Florida to wit:

All that certain piece, parcel or tract of land described as Parcel B on Exhibit "A" attached hereto and by reference made a part hereof.

This instrument prepared without benefit of title examination, title insurance or attorney's opinion of title.

NASSAU COUNTY 124530
STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT OF REVENUE
PB 1992 APR 1994 00.70

SUBJECT TO taxes accruing subsequent to December 31, 1993.

SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference shall not operate to reimpose same.

AND the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer(s) and caused its corporate seal to be hereto affixed the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature

BRENDA G. STIVERS
Witness Printed Signature

Witness Signature

FAY RICHMAN
Witness Printed Signature

OCEAN HIGHWAY AND PORT AUTHORITY
OF
NASSAU COUNTY

by: Thomas S. Williams, Chairman

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 31 day of April, 19 94 by THOMAS S. WILLIAMS, Chairman, OCEAN HIGHWAY AND PORT AUTHORITY, who is personally known to me as identification and who did not take an oath.

Notary Public, State and County Aforesaid

Notary Signature

BRENDA G. STIVERS
Notary Printed Signature

BRENDA G. STIVERS
MY COMMISSION EXPIRES
DATED: January 28, 1998

(Serial No., if any)

Form Software by Automated Real Estate Systems, Inc. 1-800-530-1230

PARCEL "A":

A PARCEL OF LAND LYING IN AND BEING PART OF LOTS 27 THROUGH 30, ALL OF LOTS 23 THROUGH 26, BLOCK 57, AND PART OF THIRD STREET, A 60 - FOOT RIGHT - OF - WAY, CITY OF FERNANDINA BEACH (FORMERLY FERNANDINA), NASSAU COUNTY, FLORIDA, ACCORDING TO THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901); SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BK 0700 PG 1520
OFFICIAL RECORDS

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 30; THENCE ON THE WEST LINE THEREOF, AND THE WEST LINE OF SAID LOTS 26, 25, 24 AND 23, NORTH 07 DEGREES 28 MINUTES 42 SECONDS EAST 200.00 FEET TO THE NORTH LINE OF SAID LOT 23; THENCE ON LAST SAID LINE AND THE EASTERLY PROLONGATION THEREOF SOUTH 82 DEGREES 31 MINUTES 03 SECONDS EAST 130.00 FEET TO THE CENTER-LINE OF SAID THIRD STREET; THENCE ON LAST SAID LINE SOUTH 07 DEGREES 28 MINUTES 42 SECONDS WEST 125.00 FEET; THENCE SOUTH 82 DEGREES 31 MINUTES 03 SECONDS EAST 30.00 FEET TO THE EAST RIGHT-OF WAY LINE OF SAID THIRD STREET; THENCE ON LAST SAID LINE SOUTH 07 DEGREES 28 MINUTES 42 SECONDS WEST 2.02 FEET TO THE SOUTH FACE OF A 2.5 - FOOT WIDE CONCRETE RETAINING WALL; THENCE BY AND ALONG SAID SOUTH FACE NORTH 81 DEGREES 39 MINUTES 30 SECONDS WEST 137.01 FEET TO THE SOUTHEASTERLY FACE OF SAID WALL; THENCE BY AND ALONG SAID FACE SOUTH 53 DEGREES 43 MINUTES 29 SECONDS WEST 28.81 FEET TO THE EAST FACE OF A 3-FOOT WIDE CONCRETE RETAINING WALL; THENCE BY AND ALONG SAID EAST FACE SOUTH 07 DEGREES 18 MINUTES 04 SECONDS WEST 55.11 TO THE NORTH RIGHT - OF - WAY LINE OF ESCAMBIA STREET, A 60-FOOT RIGHT - OF - WAY AS NOW ESTABLISHED; THENCE ON LAST SAID LINE THENCE NORTH 82 DEGREES 31 MINUTES 03 SECONDS WEST 2.37 FEET TO THE POINT OF BEGINNING. SAID PARCEL BEING 16,868.54 SQUARE FEET, MORE OR LESS, IN AREA.

PARCEL "B":

A PARCEL OF LAND LYING IN AND BEING PART OF LOT 1 AND LOTS 27 THROUGH 34, BLOCK 56; PART OF LOT 1, BLOCK 59; AND PART OF THIRD STREET, A 60-FOOT RIGHT-OF-WAY, CITY OF FERNANDINA BEACH (FORMERLY FERNANDINA), NASSAU COUNTY, FLORIDA, ACCORDING TO THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901); SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 56; THENCE ON THE WEST LINE THEREOF NORTH 07 DEGREES 28 MINUTES 42 SECONDS EAST 72.98 FEET; THENCE SOUTH 70 DEGREES 13 MINUTES 06 SECONDS EAST 347.59 FEET TO THE NORTH RIGHT-OF WAY LINE OF ESCAMBIA STREET, A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE ON LAST SAID LINE NORTH 82 DEGREES 31 MINUTES 03 SECONDS WEST 334.77 FEET TO THE POINT OF BEGINNING. SAID PARCEL BEING 12,213.78 SQUARE FEET, MORE OR LESS, IN AREA

9405752 A

94 APR 13 AM 11:05

CLERK OF CIRCUIT COURT

State of Delaware

Office of the Secretary of State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A DELAWARE CORPORATION UNDER THE NAME OF "NASSAU TERMINALS INC." TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM "NASSAU TERMINALS INC." TO "NASSAU TERMINALS LLC", FILED IN THIS OFFICE ON THE TENTH DAY OF JULY, A.D. 2001, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF CONVERSION IS THE TENTH DAY OF JULY, A.D. 2001, AT 1 O'CLOCK P.M.

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

2103862 8100V

010329971

AUTHENTICATION: 1233876

DATE: 07-10-01

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 07/10/2001
010329971 - 2103862

CERTIFICATE OF CONVERSION
OF
NASSAU TERMINALS INC.
INTO
NASSAU TERMINALS LLC

Pursuant to the provisions of Section 266 of the General Corporation Law of the State of Delaware, as amended (the "DGCL"), the undersigned corporation hereby certifies as follows:

1. The name of the corporation to be converted is Nassau Terminals Inc.

2. Nassau Terminals Inc. filed its original certificate of incorporation with the Delaware Secretary of State on October 8, 1986 under the name of Van Ommeren Port Terminals South Atlantic Inc.

3. Nassau Terminals Inc. shall be converted into a Delaware limited liability company to be named Nassau Terminals LLC ("Nassau LLC").

4. The conversion has been approved in accordance with the provisions of Section 266 of the DGCL. Specifically, the Board of Directors of Nassau Terminals Inc. (the "Board") executed a unanimous written consent dated July 5, 2001, in which the Board adopted a resolution approving the conversion (the "Resolution"). The Board also recommended the approval of the conversion by Vopak Port Terminals USA Inc., a Delaware corporation and the sole stockholder of Nassau Terminals Inc. ("Vopak USA"). Vopak USA executed a written consent dated July 5, 2001, adopting the Resolution and otherwise approving the conversion of Nassau Terminals Inc. into Nassau LLC.

5. The conversion shall be effective as of 1:00pm, Wilmington, Delaware time, on July 10, 2001.

*****

JUL. 10. 2001 10:21AM CORT. SERVICES CO NO. 3.00

IN WITNESS WHEREOF, the undersigned has duly executed this Certificate of Conversion this 9th day of July, 2001.

NASSAU TERMINALS INC.

By: _____
Name: Michael G. Chieco
Title: Vice President

JUL. 10. 2001 10:21AM CORP SERVICES CO

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "NASSAU TERMINALS LLC" FILED IN THIS OFFICE ON THE TENTH DAY OF JULY, A.D. 2001, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF FORMATION IS THE TENTH DAY OF JULY, A.D. 2001, AT 1 O'CLOCK P.M.

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

2103862 8100V

AUTHENTICATION: 1233876

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 07/10/2001
010329971 - 2103862

CERTIFICATE OF FORMATION
OF
NASSAU TERMINALS LLC
A Delaware Limited Liability Company

1. The name of the limited liability company is Nassau Terminals LLC (the "Company").

2. The address of the registered office of the Company and the name of the registered agent for service of process of the Company at such address are Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

3. The Company shall have perpetual existence.

4. This Certificate of Formation shall be effective as of 1:00 pm Wilmington, Delaware Time, on July 10, 2001 upon the conversion of Nassau Terminals Inc. into the Company effected pursuant to Section 18-214 of the Delaware Limited Liability Company Act, as amended, and Section 266 of the Delaware General Corporation Law, as amended (the "Conversion").

5. It is intended that the Conversion shall be deemed to constitute and effect a complete liquidation of Nassau Terminals Inc. for income and franchise tax purposes within the meaning of Treasury Regulations Section 301.7701-3(g)(1)(iii) and Section 332 of the Internal Revenue Code of 1986, as amended (or any successor provisions), and corresponding provisions of applicable state laws, pursuant to a duly adopted plan of complete liquidation.

6. It is intended that, in accordance with Treasury Regulations Section 301.7701-3(b)(1)(ii) (or any successor provisions) and corresponding provisions of applicable state laws, the Company be disregarded as an entity separate from its sole member for all income and franchise tax purposes.

IN WITNESS WHEREOF, the undersigned authorized person has executed this Certificate of Formation this 9th day of July, 2001.

NASSAU TERMINALS INC.

By: _____
Name: Michael G. Chieco
Title: Vice President

MCCRJM\046614\000039
HOUSTON\CERTIFIC4

JUL. 10. 2001 10:21AM CORP. SERVICES CO NO. 3103

State of Delaware
Secretary of State
Division of Corporations
Delivered 03:48 PM 09/21/2006
FILED 01:56 PM 09/21/2006
SRV 060871652 - 2103862 FILE

STATE OF DELAWARE
CERTIFICATE OF AMENDMENT

1. Name of Limited Liability Company: Nassau Terminals LLC

2. The Certificate of Formation of the limited liability company is hereby amended as follows: The address of its registered office in the State of Delaware is Corporation Trust Center, 1209 Orange Street, in the City of Wilmington, County of New Castle. The name of its registered agent at such address is The Corporation Trust Company.

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 18 day of September, A.D. 2006.

By: /s/ Joseph Listengart
Authorized Person(s)

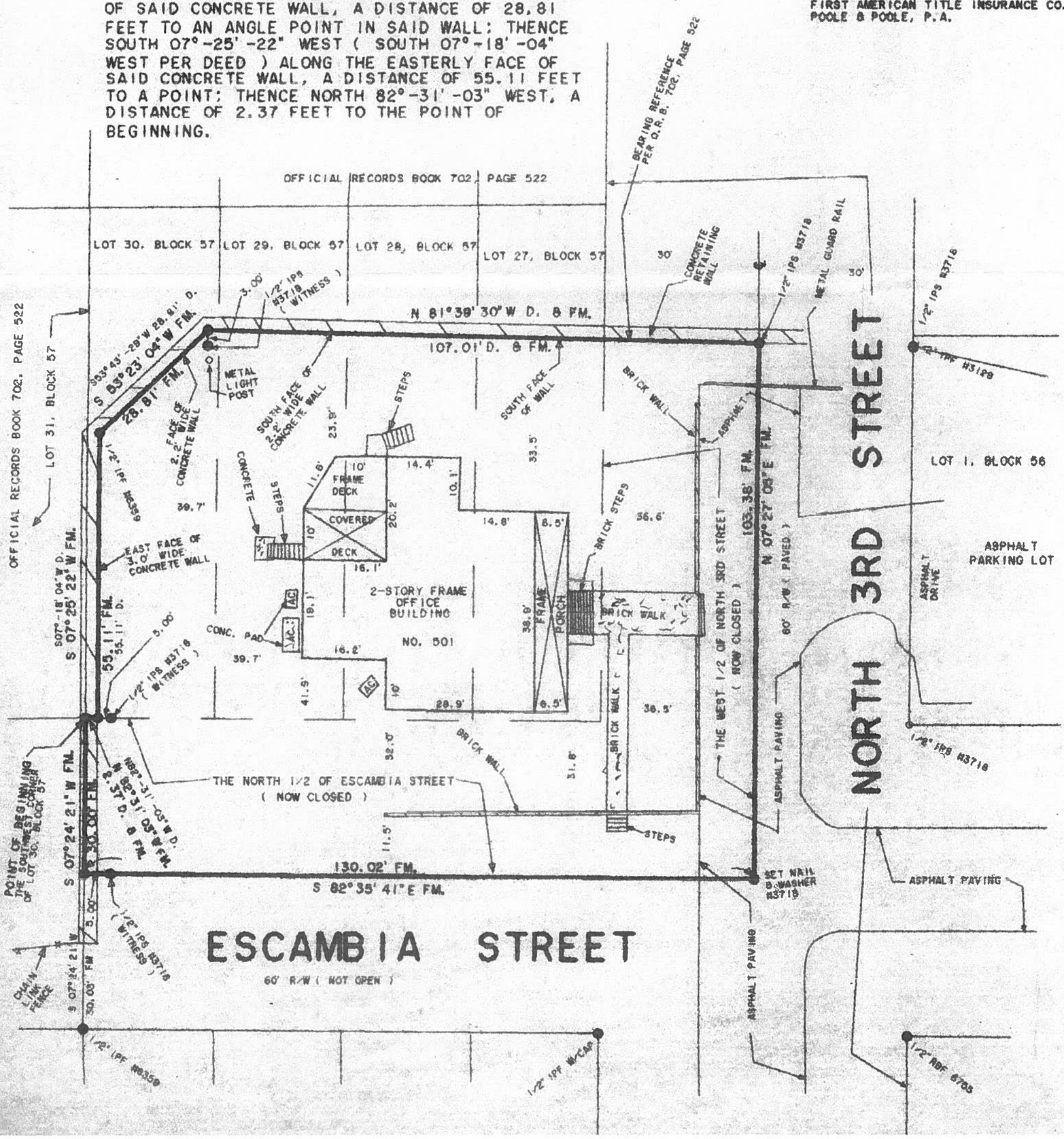
Name: Joseph Listengart, Authorized Person
Print or Type

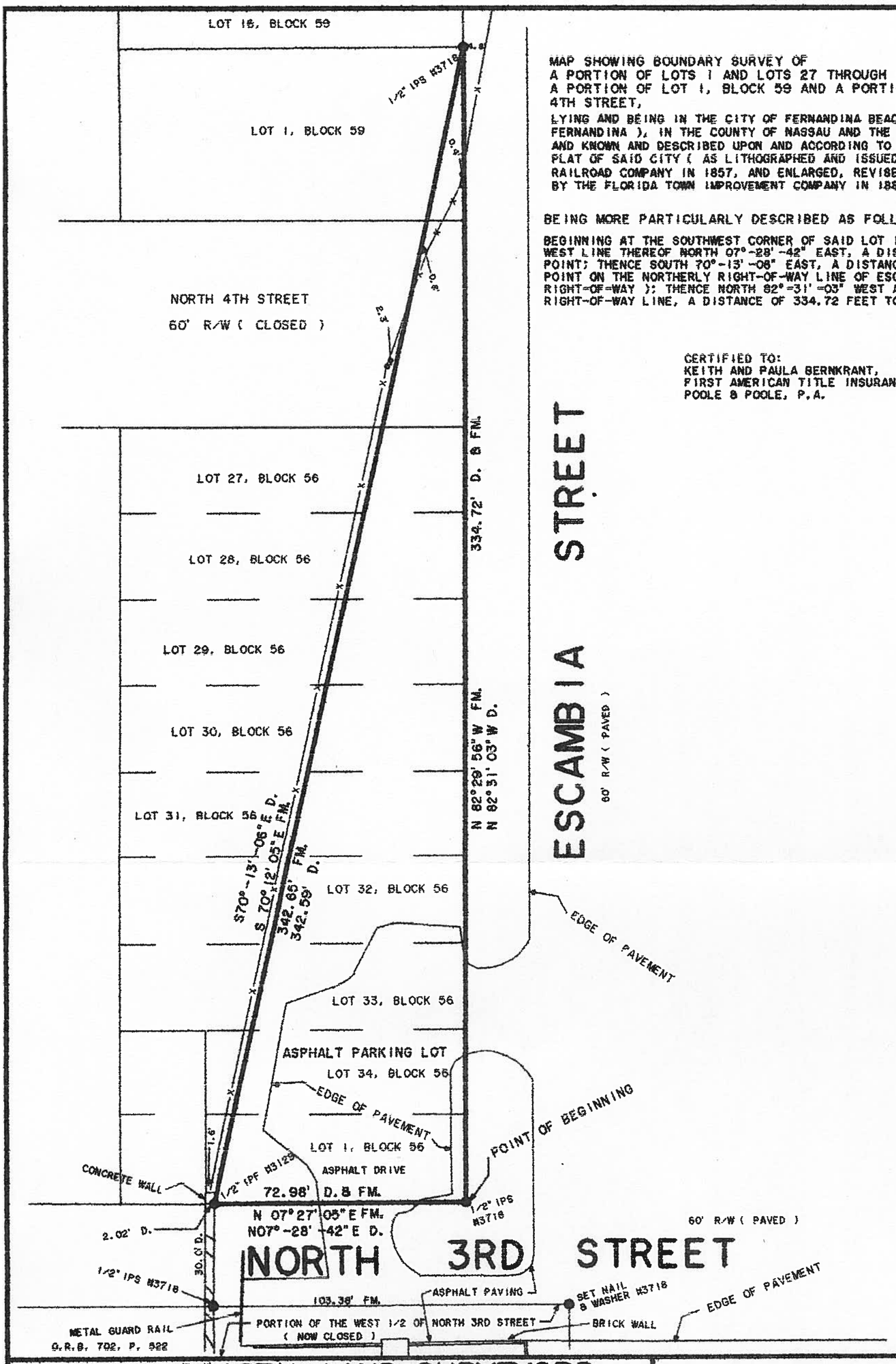
MAP SHOWING BOUNDARY SURVEY OF A PORTION OF LOTS 27, 28, 29 AND 30, TOGETHER WITH A PORTION OF THE VACATE (A 60 FOOT RIGHT-OF-WAY) AND A POR WEST 1/2 OF NORTH 3RD STREET (A 60

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 30; THENCE SOUTH 07°-24'-21"W ALONG A SOUTHERLY PROJECTION OF SAID LOT 30, A DISTANCE 30.00 FEET TO A POINT ON THE CENTERLINE OF ESCAMBIA STREET (A 60 FOOT RIGHT-OF-WAY), THE NORTHERLY 1/2 OF SAID RIGHT-OF-WAY BEING CLOSED; THENCE SOUTH 82°-35'-41" EAST ALONG SAID CENTERLINE, A DISTANCE OF 130.02 FEET TO ITS INTERSECTION WITH THE CENTERLINE OF NORTH 3RD STREET (A 60 FOOT RIGHT-OF-WAY), THE WESTERLY 1/2 OF SAID RIGHT-OF-WAY BEING CLOSED; THENCE NORTH 07°-27'-05" EAST ALONG SAID CENTERLINE OF SAID NORTH 3RD STREET, A DISTANCE OF OF 103.38 FEET TO THE SOUTH FACE OF A CONCRETE WALL; THENCE NORTH 81°-39'-30" WEST ALONG SAID SOUTH FACE OF THE CONCRETE WALL, A DISTANCE OF 107.01 FEET TO AN ANGLE POINT IN SAID WALL; THENCE SOUTH 53°-23'-04" WEST (SOUTH 53°-43'-29" WEST PER DEED) ALONG THE SOUTHEASTERLY FACE OF SAID CONCRETE WALL, A DISTANCE OF 28.81 FEET TO AN ANGLE POINT IN SAID WALL; THENCE SOUTH 07°-25'-22" WEST (SOUTH 07°-18'-04" WEST PER DEED) ALONG THE EASTERLY FACE OF SAID CONCRETE WALL, A DISTANCE OF 55.11 FEET TO A POINT; THENCE NORTH 82°-31'-03" WEST, A DISTANCE OF 2.37 FEET TO THE POINT OF BEGINNING.

CERTIFIED TO:
KEITH AND PAULA BERNKRANT,
FIRST AMERICAN TITLE INSURANCE CO.
POOLE & POOLE, P.A.





MAP SHOWING BOUNDARY SURVEY OF
A PORTION OF LOTS 1 AND LOTS 27 THROUGH 34, BLOCK 56,
A PORTION OF LOT 1, BLOCK 59 AND A PORTION OF NORTH 4TH STREET,

LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), IN THE COUNTY OF NASSAU AND THE STATE OF FLORIDA, AND KNOWN AND DESCRIBED UPON AND ACCORDING TO THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 56; THENCE ON THE WEST LINE THEREOF NORTH 07°-28'-42" EAST, A DISTANCE OF 72.98 FEET TO A POINT; THENCE SOUTH 70°-13'-08" EAST, A DISTANCE OF 342.59 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF ESCAMBIA STREET (A 60 FOOT RIGHT-OF-WAY); THENCE NORTH 82°-31'-03" WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 334.72 FEET TO THE POINT OF BEGINNING.

CERTIFIED TO:
KEITH AND PAULA BERNKRANT,
FIRST AMERICAN TITLE INSURANCE CO.
POOLE & POOLE, P.A.

COASTAL LAND SURVEYORS
& MAPPERS, INC.
34 NORTH FOURTEENTH STREET
FERNANDINA BEACH, FLORIDA 32032
TEL. 904-261-8950 FAX 904-277-5650

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON AS MEETING THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 5J-17.050, FLORIDA ADMIN. CODE, AND/OR CHAPTER 180-7, GEORGIA STATUTES.

LICENSED BUSINESS NO. 6412

3-14-16

JAMES E. PEACOCK, PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3718
GEORGIA CERTIFICATE NO. 2365
NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

BEARINGS BASED ON SOUTH LINE OF O.R.B 702, PAGE 522
PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE X AS SHOWN ON
FEMA FLOOD INSURANCE RATE MAP,
COMMUNITY NO. 120172 PANEL NO. 0237F
DATED 12-17-10.
DATE OF SURVEY: MARCH 11, 2016
SCALE 1" =30'
JOB NO. 1603-03A F.B. 336

CORNER MARKERS HAVE NO IDENTIFICATION U.N.O.

LEGEND:

IRON PIPE FOUND - IPF
IRON PIPE SET - IPS
RE/BAR FOUND - RBF
NOT TO SCALE - NTS
BUILDING RESTRICTION LINE - BRL
CONCRETE MONUMENT FOUND - CMF
STAINLESS STEEL PIPE FOUND - SSPF
RIGHT-OF-WAY - R/W
POINT OF CURVE - PC
CENTERLINE - ℄
POWER LINE ---P---
PLAT - P.
FIELD MEASURED - FM.
RECORD - R. DEED - D.
POWER POLE - ⊗
CONCRETE - CONC.
FENCE ----X----
RIGHT-OF-WAY - R/W
POINT OF TANGENCY - PT
POINT OF REVERSE CURVE - PRC
OFFICIAL RECORDS BOOK - O.R.B.

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

OFFICE USE ONLY

REC'D: _____ BY: _____

PAYMENT: $_____ TYPE: _____

APPLICATION #: _____

CASE #: PAB 2016-01

BOARD MEETING DATE: 01/09/15

PLANNING ADVISORY BOARD APPLICATION

- ☐ ZONING MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- ☐ LAND USE MAP AMENDMENT (≤ 10 acres $850 / > 10acres $1,600)
- ☒ LDC TEXT AMENDMENT ($850)
- ☐ COMP PLAN AMENDMENT ($850)
- ☐ SUBDIVISION PLAT – PRELIM ($750)
- ☐ SUBDIVISION PLAT – FINAL ($850)
- ☐ VACATION OF R.O.W. ($850)
- ☐ VOLUNTARY ANNEXATION ($1050)

APPLICANT INFORMATION

Owner Name: City of Fernandina Beach

Mailing Address: 204 Ash Street

Telephone: 904-310-3100 Fax: _____

Email: dmartin@fbfl.org

Agent Name: Marshall McCrary

Mailing Address: 204 Ash Street

Telephone: 904-310-3100 Fax: _____

Email: dmccrary@fbfl.org

PROPERTY INFORMATION

Street Address: N/A

Parcel Identification Number(s): _____

Lot Number: _____ Block Number: _____ Subdivision: _____

Section: _____ Township: _____ Range: _____

PROJECT INFORMATION

Total Number of Lots/Parcels: _____

Less than One (1) acre Sq. Footage: _____ One (1) Acre or Greater: _____

Existing Zoning Classification: _____

Existing Future Land Use Classification: _____

Previous Planning/Zoning Approvals: _____

Description of Request:

Amending LDC Chapter 1, Chapter 2, Chapter 3, Chapter 6, Chapter 11 (See Attachments) towards implementing the Conservation and Coastal Managment Element of the 2030 Comprehensive Plan

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

3/11/16 — Date

Signature of Applicant

STATE OF FLORIDA
ss
COUNTY OF NASSAU

Subscribed and sworn to before me this 11th day of March, 2016

Notary Public: Signature

Nicole Bednar — Printed Name

Feb. 2, 2020 — My Commission Expires

Personally Known X OR Produced Identification _____ ID Produced: _____

NICOLE BEDNAR
MY COMMISSION # FF929607
EXPIRES February 02, 2020
(407) 398-0153 FloridaNotaryService.com

Insert Into Chapter 1: Definitions (Related to Chapter 3 Updates)

Replace water-dependent and water-related are currently defined in LDC and add water-enhanced uses:

Water-dependent Uses – Activities which must be carried out in or adjacent to water areas because the use requires access to the water body for: waterborne transportation, recreation-access, electrical generating facilities, or water supply. These include, but are not limited to, commercial marinas, boat ramps/docks, electrical generation plants, and fishing piers.

Water-enhanced Uses – Activities that benefit economically from being located on or near the water, but that are neither dependent on direct access to water nor provides goods or services directly related to water-dependent uses. Water-enhanced uses are specifically excluded from definitions of both water-dependent and water-related uses.

Water-related Uses – Activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses. These include, but are not limited to, commercial resorts, campgrounds, fish camps, seafood processing operations, dive ships, and bait and tackle stores.

Replace existing definition of ESL with:

Environmentally Sensitive Lands Any land area and/or water resources that may be determined to contain naturally occurring and relatively unaltered flora, fauna, or geologic conditions. Environmentally sensitive lands may include historical and archaeological resources, wetlands, wetland transition areas, estuarine shoreline areas; 100 year floodplains, open space, dune systems, wildlife habitat and aquifer recharge areas.

Add related to 3.01.04 Soil Erosion and Sedimentation Control:

Soil erosion shall mean any removal and/or loss of soil by the action of water, gravity, or wind. Erosion includes both the detachment and transport of soil particles.

Sedimentation shall mean the settling out of the soil particles which are transported by water or wind. Sedimentation occurs when the velocity of water or wind in which soil particles are suspended is slowed to a sufficient degree and for a sufficient period of time to allow the particles to settle out of suspension or when the degree of slope is lessened to achieve the same result.

Erodible slope shall mean all slopes with inclines in excess of four percent unless modified by the administrative official based on consideration of specific soil conditions.

Large flat surface area (unpaved) shall mean an area which is flat or whose slope is less than four percent and which consists of more than 1,000 square feet of exposed soil.

Add related to 3.06.01 Outdoor Lighting:

Artificial Light means the light emanating from any human-made device.

Beach means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation.

Cumulatively means illumination by numerous artificial light sources that as a group illuminate any portion of the beach.

Directly means illumination as the result of an artificial light source and visible to an observer located beyond the most seaward dune.

Directly visible means the point source of an artificial light (e.g. bulb, lamp, or glowing element) are visible to an observer standing on the beach.

Dune means any mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation and is subject to fluctuations in configuration and location.

Egress Lighting means emergency lighting used in commercial buildings as a safety precaution to power outages that allows individuals to safely navigate their way out of the building.

Fully Shielded means that a light fixture is constructed in such a manner that the point source of light of the fixture is not directly visible from the beach.

Full cut-off means a lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the point source, or indirectly by reflection or refraction from any part of the point source, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer.

Glare means unwanted source luminance or brightness visible to the eye of an observer located on the beach, regardless of the observer's distance from the light source or whether the light source measurably illuminates any area of the beach.

Illuminance means the amount of light projected from a source that reaches a surface from any distance, lighting fixture array, or direction.

Illuminate means that more than zero footcandles of artificial light can be measured.

Indirectly means illumination as a result of an artificial light source when the artificial light source is not visible by an observer located beyond the most seaward dune, but the lumen output is reaching the beach.

Indirectly visible means visible as a result of the reflection of the point source of an artificial light (e.g. bulb, lamp, or glowing element) on structures, buildings, or landscaping visible to an observer standing on the beach.

Light Trespass means light spilling out of the area purposefully illuminated.

Long Wavelength means a luminaire emitting light wavelength of 580 nanometers or greater.

Luminance means the physical measure of the stimulus, which produces the sensation of brightness.

Point Source means the bulb, lamp, or glowing elements of a fixture from which light is emitted.

Sea Turtle means any turtle, including all life stages from egg to adult, of these species: Green (*Chelonia mydas*), Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Hawksbill (*Eretmochelys imbricata*), and Kemp's Ridley (*Lepidochelys kempi*).

Nesting Season means the period from May 1 through October 31 of each year for all areas within the City of Fernandina Beach.

Nighttime means the locally effective time period between sunset and sunrise.

Outdoor Area means any portion of a property that could have an artificial light source not attached to a permanent structure, and is not primarily lighting a parking area or roadway.

Tinted Glass means any glass treated to achieve an industry-approved, inside-to-outside light transmittance value. Such transmittance is limited to the visible spectrum (400-700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

2.03.02 Table of Land Uses

Table 2.03.02. Table of Land Uses

P – Permissible S – Permissible Subject to Supplemental Standards Blank-Prohibited	Zoning Districts																		
	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC
Land Uses:																			
Marina												S			S	S	S		

CHAPTER 3

FINAL DRAFT 2.23.2016

ENVIRONMENTAL + RESOURCE PROTECTION

3

3.00.00 GENERALLY	
3.00.01 Purpose and Intent	
3.00.02 Applicability	
~~3.01.00 FLOODPLAIN MANAGEMENT~~ **Incorporated into Municipal Code**	
~~3.01.01 Generally~~	
~~3.01.02 Basis for Establishing the Areas of Special Flood Hazard~~	
~~3.01.03 Requirements for All Areas of Special Flood Hazard~~	
~~3.01.04 Requirements for Areas Where 100 Year Flood Elevation Levels Have Been Determined~~	
~~3.01.05 Requirements for Streams and Other Flood Prone Areas~~	
3.~~02~~01.00 COASTAL RESOURCE ~~ENVIRONMENTAL LANDS~~ PROTECTION	
3.~~02~~01.01 ~~Requirements Regarding~~ Aquatic Preserve Protection	
3.~~02~~01.02 ~~Requirements Regarding~~ Coastal Areas and Shorelines	
~~3.02.03 Requirements Regarding Habitat Protection~~ **Moved to 3.06.00**	
3.01.03 Waterfront Planning	
3.01.04 Soil Erosion and Sedimentation Control	
3.02.00 ENVIRONMENTALLY SENSITIVE LANDS	
3.02.01 Purpose	
3.02.02 General Provisions	
3.02.03 Identification of Environmentally Sensitive Lands	
3.02.04 Special Requirements for Environmentally Sensitive Lands	
3.02.05 Land Uses within Environmentally Sensitive Lands	
3.03.00 WETLAND PROTECTION	
3.03.01 Applicability	
3.03.02 Agency Coordination Required	
3.03.03 Development Within Wetlands	
3.03.04 Design Requirements	
3.04.00 WATER QUALITY + WELLFIELD PROTECTION	
3.04.01 Purpose and Intent	
3.04.02 Wellfield Protection Area	
3.05.00 ~~7.03.00~~ REQUIREMENTS REGARDING DRAINAGE AND STORMWATER MANAGEMENT	
3.05.01 Generally **Moved from Chapter 7**	
3.05.02 Applicability and Exemptions	
3.05.03 Standards for Stormwater Management	
3.~~05~~06.00 ~~OUTDOOR LIGHTING~~ WILDLIFE PLANNING	
3.~~05~~06.01 Outdoor Lighting	
3.~~05~~06.02 ~~3.02.03~~ Habitat Protection of Federally or State Listed Species	

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3.00.00 GENERALLY

3.00.01 Purpose and Intent

The purpose of this chapter is to safeguard the public health, safety, and welfare by ensuring the long-term protection and preservation of ~~environmentally sensitive~~ natural resource systems. Application of the provisions of this chapter shall result in development that reduces the potential for adverse impacts on the ~~hydrologic~~ functions of wetlands, natural systems, habitats, water quality, shorelines, marine life, and coastal resources.

3.00.02 Applicability

All new development and redevelopment shall be designed to ensure protection of areas ~~designated~~ such as dunes, floodplains, environmentally sensitive lands or habitat, wetlands, ~~or~~ and wellfields. No permit for development shall be issued by the City that is not in full compliance with the provisions of this chapter ~~and the technical manuals listed in 1.06.00 (C)~~.

~~3.01.00 FLOODPLAIN MANAGEMENT~~ Incorporated into Municipal Code

~~3.01.01 Generally~~

A. ~~The purpose of this section is to provide for adequate minimum standards and procedures for the construction of new residential and nonresidential structures, and for structures that are substantially improved, so that those structures can be eligible for insurance under the federal flood insurance program and so that the construction of those structures will be in conformity with recognized construction techniques designed to offer flood protection.~~

B. ~~The degree of flood protection required in this chapter is considered reasonable for regulatory purposes and is based on scientific studies. Larger floods may occur. This chapter shall not be deemed to imply that areas inside or outside designated flood hazard districts will be entirely free from flooding or flood damages, and shall not create liability on the part of the City, or any officer or employee thereof, for any flood damages that result from good faith reliance on this chapter or any administrative decision lawfully made thereunder.~~

C. ~~All references to property value or appraised property value shall mean only the appraised value established by the Nassau County Property Appraiser.~~

~~3.01.02 Basis for Establishing the Areas of Special Flood Hazard~~

~~The Flood Insurance Rate Map (FIRM) for the City, as may be amended, Community Panel Number 120172 0001 through 120172 0009; having the effective date of May 18, 1992, is incorporated into and made part of this LDC by reference.~~

~~3.01.03 Requirements for All Areas of Special Flood Hazard~~

~~In all areas of special flood hazard, the following provisions are required:~~

A. ~~New construction or substantial improvements shall be securely anchored to prevent flotation, collapse, or lateral movement of the structure;~~

B. ~~Manufactured homes shall be securely anchored to prevent flotation, collapse, or lateral movement in accordance with specifications of the National Flood Insurance Program regulations;~~

C. ~~New construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;~~

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D. ~~New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;~~

E. ~~Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding;~~

F. ~~New and replacement water supply systems shall be designed to eliminate infiltration of floodwaters into the systems;~~

G. ~~New and replacement sanitary sewage systems shall be designed to eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;~~

H. ~~On-site waste disposal systems shall be located and constructed to avoid impairment to, or contamination from, them during flooding in accordance with rules or conditions established by the Florida DEP; and~~

I. ~~Any alteration, repair, reconstruction, or improvement to a structure shall meet the requirements of new construction as contained in this section.~~

J. ~~All buildings and structures shall be located landward of the mean high water line.~~

~~3.01.04 Requirements for Areas Where 100-Year Flood Elevation Levels Have Been Determined~~

~~In all areas of special flood hazard, where the flood elevation levels have been determined, the following provisions are required.~~

A. ~~Within areas designated as Zone A1-A30:~~

~~1. New construction of residential structures or substantial improvements (greater than thirty (30) percent of property value) of existing residential structures shall have the lowest floor of that structure, including basement, elevated to no lower than one (1) foot above the base flood elevation in areas where the base flood elevation has been determined and is numbered on the flood insurance rate map, or no lower than one (1) foot above the base flood elevation as determined by a Florida registered professional engineer in areas where the base flood elevation is undetermined or unnumbered on said maps. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.~~

~~2. New construction of nonresidential structures or substantial improvements (greater than thirty percent (30%) of the appraised value of the property) made to existing nonresidential structures shall have the lowest floor, including basement, elevated, no lower than one (1) foot above the base flood elevation in areas where the base flood elevation has been determined and is numbered on the flood hazard boundary map, or no lower than one (1) foot above the base flood elevation as determined by a Florida registered professional engineer in areas where the base flood elevation is undetermined or unnumbered on said maps. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided, or, together with attendant utility and sanitary facilities, shall be designed by a Florida registered professional engineer so that the area below the base flood level the structure is watertight, with walls substantially impermeable to the~~

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~~passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

~~3. Where floodproofing is utilized for a particular structure, a Florida registered professional engineer shall certify that the floodproofing methods are reasonably adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a 100-year flood.~~

~~4. All appliance and utility installations shall be located above the minimum flood elevation and are prohibited below the first floor.~~

B. ~~Within areas designated as Zone AO:~~

~~1. New construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated above the highest adjacent grade or above the depth number specified on the City's FIRM, or at least two (2) feet if no depth number is specified.~~

~~2. New construction and substantial improvements of nonresidential structures shall:~~

~~a. Have the lowest floor, including the basement, elevated above the highest finished grade on each adjacent lot or above the depth number specified on the FIRM (at least two (2) feet if no depth number is specified); or~~

~~b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the level specified in (2)(a) above, so that any space below that level is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

C. ~~New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.~~

~~1. Designs for complying with this requirement shall be certified by a Florida registered professional engineer and shall meet the following minimum criteria:~~

~~a. A minimum of two (2) openings shall be provided having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding;~~

~~b. The bottom of all openings shall be no higher than one (1) foot above grade; and~~

~~c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.~~

~~2. All proposed encroachments into the 100-year floodplain shall be permitted only through the City plans review process. Any permitted encroachment shall be offset with 1:1 ration of compensating storage volume to ensure that flood stages do not increase. Commercial or industrial developments may provide adequate floodproofing in lieu of elevating the finished floor pending that the flood proofing design alternatives meet all state and city codes and specifications,~~

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~~adhere to best professional practices, and are certified by an engineer and/or architect (as appropriate) registered in the State of Florida. Compensating storage for all floodwater displaced by development is to be accomplished between the normal high water of surface waterbodies (or seasonal high water table in groundwater applications) of the special flood hazard area and the 100-year flood elevation.~~

~~3. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.~~

~~4. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (i.e., garage doors) or limited storage of maintenance equipment used in connection with the premises (i.e., standard exterior doors) or entry to the living area (i.e., stairways or elevators).~~

~~5. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.~~

~~3.01.05 Requirements for Streams and other Floodprone Areas~~

~~Within areas of special flood hazard, where small streams exist but where no base flood data or floodways have been provided, or landlocked areas susceptible to flooding, the following provisions apply:~~

A. ~~No encroachments, including fill material or structures, shall be located within the floodprone area unless a Florida registered professional engineer certifies that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.~~

B. ~~The base flood elevation shall be determined for the project area by means of an appropriate hydrologic/hydraulic analysis by a Florida registered professional engineer as part of the certification process.~~

C. ~~The City may require the landowner to submit a letter of map revision (LOMR) to FEMA if the stream information is determined to be inadequate for construction permitting purposes.~~

3.~~02~~01.00 COASTAL RESOURCE ~~ENVIRONMENTAL LANDS~~ PROTECTION

3.~~02~~01.01 ~~Requirements Regarding~~ Aquatic Preserve Protection

A. All new development and redevelopment within the boundaries of the Fort Clinch State Park Aquatic Preserve or abutting the boundaries of the Fort Clinch State Park shall be required to conform to the provisions of the Nassau River-St. Johns River Marshes and Fort Clinch State Park Aquatic Preserves Management Plan.

B. All new development, redevelopment, construction, dredging, or filling requires all applicable permits from State, federal, and regional agencies with jurisdiction over the Fort Clinch State Park Aquatic Preserve.

3.201.02 ~~Requirements Regarding~~ Coastal Areas and Shorelines

A. There is hereby established a Coastal Upland Protection Zone (CUPZ) which is an area extending 1,000 feet landward from the Coastal Construction Control Line (CCCL).

B. ~~Except as expressly provided in this chapter, no development activity shall be undertaken in a coastal upland protection zone.~~

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~~1. Permitted activities within coastal upland protection zone are as follows:~~

~~a. Single-family or two-family structures on a platted lot of record;~~

~~b.~~ 1. All uses permitted by the underlying zoning classification and which have obtained all necessary and valid permits from State, federal, and local government agencies having permitting jurisdiction within the CUPZ are allowable within the CUPZ;

The following are struck as redundant. If allowed uses are permitted, that is sufficient for what is allowed.

~~c. Conservation of soil, water, vegetation, fish, shellfish, and wildlife;~~

~~d. Outdoor recreational activities, including bird watching, hiking, boating, fishing, trapping, horseback riding, and swimming;~~

~~e. Commercial shell fishing and trapping;~~

~~f. Educational and scientific research;~~

~~g. Wilderness areas and wildlife preservation and refuges;~~

~~h. Minor maintenance or emergency repair to existing structures or improved areas; and~~

~~i. Properly designed and permitted walkovers.~~

The following is covered under (1) above which addresses permitted activities.

~~2. Prohibited activities within the CUPZ are as follows:~~

~~a. Any activities involving structures, grading, filling, dredging, vegetation removal, and flora and fauna which have not obtained all necessary and valid permits from State, federal, and local government agencies having permitting jurisdiction within the CUPZ;~~

~~3~~2. Development shall not adversely affect contours and topography within the CUPZ. Adversely affect is herein defined as any activity which:

a. Causes a measurable interference with the natural functioning of the dune structure;

b. Results in removal or destruction of native vegetation which will either destabilize a significant dune or cause a significant deleterious impact to the dune system due to increased erosion by wind or water;

c. Results in removal or disturbance of existing sandy soils of the dune system to such a degree that a significant deleterious impact to the dune system would result from either reducing the existing ability of the system to resist erosion during a storm or lowering existing levels of storm protection to upland properties and structures;

d. Disturbs topography or vegetation such that the system becomes unstable, or suffers catastrophic failure; or

e. Causes a significant impact to endangered species, species of special concern, or threatened species, or their habitats.

~~4~~3. All development activity seaward of the coastal construction control line (CCCL) shall comply with all requirements of Section 3.02.02 (B) above and only where a Florida DEP permit has been issued for the specific activity.

~~3.02.03 Requirements Regarding Habitat Protection~~ moved to 3.06.00

A. ~~A professionally prepared biological survey to document the presence of endangered, threatened, or species of special concern shall be submitted with applications for development when the development is:~~

1. ~~In excess of five (5) acres on previously undisturbed properties; or~~
2. ~~Located on environmentally sensitive lands.~~

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B. ~~Environmentally sensitive lands for which a survey is required include:~~
   1. ~~All land identified as "Conservation" on the FLUM and on the adopted zoning map; and~~
   2. ~~All undisturbed properties within 150 feet of Fort Clinch State Park Aquatic Preserve and all navigable tributaries.~~

C. ~~Biological surveys shall:~~
   1. ~~Follow the standards and criteria adopted by the Florida Fish and Wildlife Conservation Commission; or~~
   2. ~~Include a preliminary report consisting of pedestrian surveys of 200-foot transects through a minimum of twenty-five percent (25%) of each habitat on site. Within twenty-one (21) days of the preliminary report, the City Manager shall (1) render a finding of whether a second, more intensive survey is needed, based on the information provided by the Florida Fish and Wildlife Conservation Commission, and (2) shall describe the parameters it will follow for such an intensive survey, if required.~~

D. ~~If the field biological inventory indicates the presence of endangered, threatened, or species of special concern:~~
   1. ~~The survey shall be forwarded to the Florida Fish and Wildlife Conservation Commission; and~~
   2. ~~The applicant shall follow the recommendations of the Florida Fish and Wildlife Conservation Commission for mitigating loss of habitat; or~~
   3. ~~A habitat plan shall be prepared by a qualified ecologist, biologist, or other related professional and shall include, at a minimum, the following:~~
      a. ~~An analysis of the likelihood of the species surviving on the proposed development site as a viable population, assuming that the proposed development would not occur and taking into account the quality and quantity of habitat needed to maintain members of the species;~~
      b. ~~An analysis of existing viable habitat on adjacent property for the species;~~
      c. ~~The land needs of the species that may be met on the development site; and~~
      d. ~~Measures that shall be taken to protect the habitat of the species on the property, if the species would likely remain a viable population, in the absence of the proposed project.~~

E. ~~Prohibited activities:~~
   1. ~~No threatened species of wildlife or freshwater fish or their nests, eggs, young, homes, or dens, shall be taken, transported, stored, served, bought, sold, or possessed in any manner or quantity at any time, except as specifically permitted by the provisions of State law.~~
   2. ~~No person shall kill, wound, pursue, molest, harm, harass, capture, or possess any threatened species or parts thereof or their nests, eggs, young, homes, or dens, except as authorized by specific permit, issued by the Florida DEP, the Florida Fish and Wildlife Conservation Commission, and any other applicable State or federal agency.~~

F. ~~Development proposed adjacent to Outstanding Florida Waters, aquatic preserves, wildlife sanctuaries, wildlife refuges, state preserves, forests, parks, gardens, and wildlife management areas shall be environmentally compatible in order to conserve wildlife populations and habitat.~~

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3.01.03 Waterfront Planning

A. Purpose and Intent: Protection of shorelines and waterfront lands ensures adequate and appropriate locations for water-dependent, water-related and water-enhanced uses.

B. The following priority list shall be used in reviewing applications for shoreline uses, so as to provide increased priority for water-dependent uses. Uses listed first shall generally be given the highest priority of all uses that may be proposed along the shoreline, with other, uses listed in the order of declining priority. Uses listed under (6) shall be given the least preference for location along the shoreline.

1. Water-dependent uses such as fish, and shellfish production;
2. Water-dependent recreation and commercial uses such as ports, marina-type uses, and navigation, particularly those that provide public access;
3. Water-related uses such as certain utilities and commercial;
4. Water-enhanced uses such as certain recreational and commercial uses;
5. Non-water dependent or related activities such as residential uses; and
6. Non-water dependent and non-water enhanced uses which result in an irretrievable commitment of coastal resources, or in a proposed alteration to the FLUM series that would prohibit or remove the permitted use of water-dependent, water-related or water-enhanced uses.

C. The City shall guide and direct the location of all future water-dependent and water-related uses according to the following criteria:

1. Directing marinas to preferred locations, such as those adjacent to existing channels and passes, and in areas where little dredging and maintenance would be required;
2. Directing the development of dry dock facilities to locations that are upland of marina sites;
3. Requiring sewage pump-out facilities at all marinas and adequate fuel spill containment facilities measures at those facilities which sell petroleum products;
4. Protecting shoreline and waterfront areas in order to provide locations for marine/estuarine related uses, such as commercial and recreational fishing, boating, and other water-dependent uses and activities;
5. Prohibiting the construction of causeways within estuaries and requiring bridges with pilings instead, and
6. Ensuring minimal environmental resource impacts or disruption

D. Marina development standards are found in Chapter 6: Supplemental Standards.

E. Special water dependent activities.

1. *Examples*. Special water-dependent activities include, but are not limited to, the following uses:

a. Construction of docks or marinas.

b. Installation of new riprap or similar structures that protect the shoreline from erosion (not including seawalls, bulkheads, or the like).

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c. Installation of buoys, aids to navigation, and signs.

d. Installation of subaqueous transmission and distribution lines for water, wastewater, electricity, communication cables, oil or gas.

e. Restoration or repair of foot bridges and vehicular bridges.

2. *Minimization of impacts.* The water dependent activity shall be designed, constructed, maintained and undertaken in a way that minimizes the adverse impacts on the beneficial functions of the adjacent areas.

3. *Design standards.*

a. The development shall be designed to:

1. Allow the movement of aquatic life requiring shallow water;

2. Maintain existing flood channel capacity;

3. Ensure stable shoreline embankments; and

4. Avoid impact to wildlife habitat.

b. *Residential, multifamily and commercial development.*

1. Construction of docks shall be compliant with the standards of all permitting authorities. Docks shall be constructed within the limits of the principal structure side yard setback lines, shall not exceed 50 percent of the shoreline and be consistent with the standards required by the appropriate permitting authority.

2. Installation of new riprap or similar structures that protect the shoreline from erosion (not including seawalls, bulkheads, or the like) along the shoreline and to stabilize vegetation shall be compliant with the standards of all permitting authorities. The structures shall comply with standards regarding wetlands found in Section 3.02.00 and shall be placed in a manner which will preserve existing trees and shrubs.

3. Multifamily developments or condominiums shall be limited to one dock, unless approved and developed as a marina under supplemental standards found in Chapter 6.

4. Outdoor lighting shall comply with standards for piers in 3.06.01.

4. *Development standards for special water dependent uses on environmentally sensitive lands.* In addition to the standards listed in Section 3.01.03(F) and 3.05.04, the following standards apply to special uses allowed in the protected environmentally sensitive lands:

a. Where permissible, access roads, parking lots, and similar structures shall be located on upland sites.

b. Any permitted impacts to the site shall be restored consistent with permitting agency approvals.

3.01.04 Soil Erosion and Sedimentation Control

A. *Applicability.*

1. In order to prevent both soil erosion and sedimentation, a soil erosion and sedimentation control plan shall be required as a part of an application for site plan review whenever a development will involve any clearing, grading, or other form of land disturbance by the movement of earth.

2. Soil erosion and sediment control strategies must be utilized during residential, multifamily and commercial new construction projects and substantial renovation/rehabilitation/addition projects.

B. *Erosion control measures*. All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be implemented, following Florida DEP Best Management Practices for Erosion and Sediment Control. The following protection shall be provided for all disturbed areas: minimize velocities of water runoff, maximize protection of disturbed areas from stormwater runoff, and retain sedimentation within the development site as early as possible following disturbances. A list of major problem areas for erosion and sedimentation control follows. For each one, the purpose(s) of requiring control is described. Soil erosion and sedimentation control measures for all such areas shall be provided with a view toward achieving the specific purpose listed below for which a control plan is required.

1. *Erodible slopes*. Prevent detachment and transportation of soil particles from slope.

2. *Streams, stream beds, stream banks, bodies of water, lake shorelines*. Prevent detachment and transportation of soil particles.

3. *Drainageways*. Prevent detachment and transportation of soil particles (which would otherwise deposit in streams, bodies of water, or wetlands); promote deposit or sediment loads (traversing these areas) before these reach bodies of water.

4. *Land adjacent to streams, ponds, lakes, and wetlands*. Prevent detachment and transportation of soil particles. The applicant shall not adversely impact aquatic vegetation within the sensitive transition zone separating wetlands and uplands.

5. *Enclosed drainage structure*. Prevent sedimentation in structure, erosion at outfall of system, and deposit of sediment loads within system or beyond it.

6. *Large flat surface areas (unpaved)*. Prevent detachment of soil particles and their off-site transportation.

7. *Impervious surfaces*. Prevent the detachment and transportation of soil (in response to an increase in the rate and/or volume of runoff of the site or its concentration caused by impervious surfaces).

8. *Borrow and stockpile areas*. Divert runoff from face of slopes which are exposed in the excavation process; convey runoff in stabilized channels to stable disposal points; leave borrow areas and stockpiles in stable condition and plant native groundcover to assist such stabilization.

9. *Adjacent properties*. Prevent their erosion and/or being deposited with sediment.

C. Landscape, Buffer and Tree Requirements as outlined in Chapter 4 shall be applicable to all clearing and grading activities and shall include specifications for management principles guiding the removal or placement of vegetation and landscaping design. All development

activities must be implemented in conjunction with precautionary measures, where necessary, to avert destruction or damage to native vegetation.

3.02.00 ENVIRONMENTALLY SENSITIVE LANDS

3.02.01 Purpose

The purpose of this section is to protect land and water areas of the City that contain naturally occurring and relatively unaltered flora, fauna, or geologic conditions. Beneficial functions of these lands include:

a. Maintaining water and storage capacity of watersheds.

b. Maintaining recharge capacity of groundwater aquifers.

c. Preserving fish and wildlife habitat, unique vegetation, and sites needed for education, scientific research and recreation.

d. Protecting aesthetic and property values.

e. Preventing and minimizing erosion.

f. Minimizing flood and storm losses.

g. Protecting shorelines.

h. Preventing pollution.

3.02.02 General Provisions

A. In addition to meeting the requirements for environmentally sensitive lands included within this section, development plans shall comply with applicable federal, state and water management district regulations relating to environmentally sensitive lands.

B. The Conservation and Coastal Management Element of the City's Comprehensive Plan as amended from time to time shall be used as a reference source to guide decisions regarding future development.

3.02.03 Identification of Environmentally Sensitive Lands

A. Environmentally sensitive lands are:

1. Lands included within Conservation Zoning and Future Land Use categories as designated on the most recent City zoning and land use maps.
2. Properties within wetlands protection zones or wetlands transition areas.
3. Habitat of federally or state-listed species.
4. All undisturbed properties within 150 feet of Fort Clinch State Park Aquatic Preserve, Fort Clinch State Park, and all navigable tributaries.
5. As identified during development review process through wetland delineation requirements, biological surveys, etc.

3.02.04 Special Requirements for Environmentally Sensitive Lands

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A. Lands within the wetlands protection zones and habitat of federally or state-listed species shall also follow requirements as outlined in Sections 3.03.00 and 3.06.00 of this chapter.

B. "Net buildable land area" for purposes of calculating density does not include environmentally sensitive areas including wetlands, transitional wetlands, floodplains and waters of the state.

C. Development proposals shall support the conservation and protection of environmentally sensitive lands and minimize the impacts on terrestrial, wetland and marine ecological communities and associated wildlife habitat.

D. Applications for development approval shall use innovative approaches to protect sensitive resources, such as clustering, conservation easements, and maximization of open space to protect identified environmentally sensitive lands.

E. Protective measures to prevent adverse effects on environmentally sensitive lands shall be required. Protective measures include:

1. Maintaining natural drainage patterns.
2. Limiting removal of vegetation to minimum necessary to carry out development activity.
3. Replanting areas denuded by human activity.
4. Siltation, soil erosion and sedimentation control during construction through methods and techniques such as storage of removal of materials, equipment and debris; erosion control measures; measures to ensure revegetation and/or stabilization of disturbed areas; measures to protect existing natural vegetation and habitat and methods to prevent pollution of wetlands and groundwater. Specific requirements for siltation, soil erosion and sedimentation control are found in Section 3.01.04 of this chapter.
5. Minimizing the amount of fill used in the development activity.
6. Disposing of dredged spoil at specific locations that cause minimal environmental damage.
7. Prohibiting construction of channels or ditches.
8. Prohibiting dredging and filling of wetlands consistent with Section XXX of this chapter.
9. Retaining habitat connections with adjacent parcels in order to serve as wildlife corridors.
10. Using deed restrictions, easements, and/or other legal mechanisms to protect environmentally sensitive lands and maintain the development in compliance with the protective measures.

F. Dedicating conservation easements for natural pedestrian or bicycle pathways between new developments and surrounding development, especially where there is a connection between commercial and activity centers, recreation centers and schools.

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G. Archaeological and historic sites on environmentally sensitive lands are protected. Removal, alteration or destruction of archaeological or historic sites shall be addressed under state and local regulations. Any person discovering an archaeological or historic site shall immediately notify the Community Development Department.

3.02.05 Land Uses within Environmentally Sensitive Lands

A. Exempted Uses within Environmentally Sensitive Lands

1. The following uses and activities are presumed to have no adverse effect on environmentally sensitive lands and are permitted consistent with existing regulations regarding wetlands, habitat protection of federally or state listed species or floodplain management:

    a. Land uses as allowed in Chapter 2 of the City's Land Development Code for applicable zoning.

    b. Scenic, historic, wildlife, or scientific preserves.

    c. Minor maintenance or emergency repair to existing structures or improved areas.

    d. Timber catwalks, docks and trail bridges that are less than or equal to four feet wide, provided that no filling, flooding, dredging, draining, ditching, tilling or excavating is necessary for installation of pilings.

    e. Recreational fishing, picnicking, and hiking.

    f. Constructing fences where no fill activity is required and where navigational access will not be impaired, nor will access to water, vegetation, or corridors be impaired for wildlife by construction of the fence.

    g. Wetlands stormwater discharge facility or treatment in accordance with state permits and all other applicable state and federal regulations.

    h. Maintaining existing channels in existence at the time of adoption of this chapter at the minimum depth and width necessary to achieve their intended purposes, and designing them to prevent slumping and erosion and all revegetation of banks.

B. Prohibited Uses within Environmentally Sensitive Lands

1. Activities that require the storage, use, or transportation of restricted substances, agricultural chemicals, hazardous toxic waste, medical waste, and petroleum products;
2. Commercial animal facilities, including veterinarian clinics;
3. Mines;
4. Industrial land uses;
5. Wastewater treatment plants;

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6. Commercial activities that involve the use of hazardous chemicals such as, but not limited to, dry cleaning operations, auto repair and servicing, pool supply, gas stations, junkyards, and machine shops;
7. Injection wells, irrigation wells, and domestic and commercial wells less than six (6) inches in diameter;
8. Stormwater facilities, including the use of drainage wells or sinkholes for stormwater disposal; and
9. Human or animal cemeteries.

3.03.00 WETLAND PROTECTION

3.03.01 Applicability

The requirements of this section shall apply to all of the areas under the jurisdiction of the Florida DEP, the USACOE, and the SJRWMD, as well as those lands identified as "Conservation" on the FLUM and on the adopted zoning map.

3.03.02 Agency Coordination Required

All new development and redevelopment adjacent to jurisdictional wetlands shall be required to include coordination with the agencies with regulatory jurisdiction over wetlands, including the County, representatives of the Florida DEP, the USACOE, and the SJRWMD, for assistance and verification in identifying and delineating wetlands.

3.03.03 Development Within Wetlands

Except as expressly provided in this section, no development activity shall be permitted in a wetlands area, as ~~described~~ defined in Section 3.03.01.

A. Wetlands shall be preserved in their natural state. No fill shall be placed in a wetland, and the wetland shall not be altered.

B. Buffering requirements for development adjacent to wetlands or natural water bodies:

1. All new development and redevelopment adjacent to jurisdictional wetlands or surface water bodies shall be required to provide a buffer zone of native vegetation at least twenty-five (25) feet wide around wetlands and fifty (50) feet from natural water bodies to prevent erosion, retard runoff, and provide areas for habitat. All new construction that is a water-dependent or water-related use within the CRA and I-W zoning is exempt from ~~Section 3.01.03(J) as well as~~ the required buffers established by this section; and

2. This setback shall be required for any development, except docks or piers which have received a permit from the Florida DEP, SJRWMD, or the USACOE and are compliant with standards found in Section 3.01.03.

C. Permitted activities within areas designated by the City, FDEP, SJRWMD, or the USACOE as wetlands protection zones or wetlands transition areas:

1. Potentially allowable uses adjacent to wetlands protection zones or wetlands transition areas are those principal and accessory uses included in the Conservation land use category on the FLUM provided that installation does not involve grading, fill, dredging, or draining, and provided that such structures are constructed on pilings so as to permit the unobstructed flow of water and light and

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preserve the natural contour of the wetlands. All pilings shall be driven into place; no jetting of pilings shall be allowed.; **Moved from (5) below.**

2. ~~Development is limited to buildings that are supportive of and accessory to the Conservation land use category, such as interpretative centers, rest rooms, or covered picnic pavilions;~~ **This is redundant as (1) above states that any use allowable in Conservation land use is permitted.**

3. Developing an area that no longer conforms to the determination of the SJRWMD as wetlands, except former wetlands that have been filled or altered in violation of any rule, regulation, statute, or this LDC. The developer shall demonstrate that the water regime has been permanently altered, either legally or naturally, in a manner so as to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetlands structure and function. Adequate proof shall include statements from federal or State agencies having jurisdiction as well as technical evidence from registered hydraulics engineers or other certified experts;

4. Development of a wetlands stormwater discharge facility or treatment wetlands in accordance with State permits received under currently relevant sections of the F.A.C.; and

5. ~~Boardwalks, piers, boathouses, boat shelters, fences, duck blinds, wildlife management shelters, footbridges, observation decks and shelters, and other similar water-related structures, provided that installation does not involve grading, fill, dredging, or draining, and provided that such structures are constructed on pilings so as to permit the unobstructed flow of water and light and preserve the natural contour of the wetlands. All pilings shall be driven into place; no jetting of pilings shall be allowed.~~ **This is redundant as (1) above states what is allowable under Conservation land use. The remainder of this section was moved into (1).**

3.03.04 Design Requirements

A. All new development and redevelopment adjacent to jurisdictional wetlands, wetland protection zones and wetland transition areas shall be designed, constructed, maintained, and undertaken in a way that minimizes the adverse impacts on the functions of the affected environmentally sensitive zone.

B. In addition to any standards required by federal, state, or local agencies and any other section within this LDC, the following standards shall apply to uses found to be permissible in or adjacent to wetlands:
   1. The use shall allow the movement of aquatic life requiring shallow water;
   2. Existing flood channel capacity shall be maintained;
   3. Stable shoreline embankments shall be ensured on unstable shorelines where water depths are inadequate, to eliminate the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding, and other river, lake, and channel maintenance activities;
   4. Uses in areas where there is inadequate water mixing and flushing shall be eliminated or stringently limited as provided in Section 3.03.00;
   5. Uses shall be prevented in areas which have been identified as hazardous due to high winds or flooding;
   6. Access roads, parking lots, and similar structures shall be limited to locations on properly zoned uplands;

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7. Any wetlands shown on the site plan to remain undisturbed that become damaged during construction shall be completely restored. Complete restoration means that the restored area shall function equivalently to the wetland prior to damage;
8. Accessory uses shall be limited to those which are water-dependent; and
9. Fill shall not be placed in waters or wetlands to create usable land space.

3.04.00 WATER QUALITY + WELLFIELD PROTECTION

3.04.01 Purpose and Intent

The purpose and intent of this section is to safeguard the public health, safety, and welfare by ensuring the protection of the principal source of water from potential contamination and to control development in and adjacent to designated wellheads and surrounding wellfield areas to protect water supplies from potential contamination.

3.04.02 Wellfield Protection Area

A. A wellfield protection area is hereby established to include all land within a 500-foot radius from a public potable water wellhead.

B. The following uses shall be prohibited within the wellfield protection area:

1. All regulated industries by the Florida DEP as defined in Rule 62-521, *F.A.C.*;
2. Activities that require the storage, use, or transportation of restricted substances, agricultural chemicals, hazardous toxic waste, medical waste, and petroleum products;
3. Commercial animal facilities, including veterinarian clinics;
4. Mines;
5. Industrial land uses;
6. Wastewater treatment plants;
7. Commercial activities that involve the use of hazardous chemicals such as, but not limited to, dry cleaning operations, auto repair and servicing, pool supply, gas stations, junkyards, and machine shops;
8. Injection wells, irrigation wells, and domestic and commercial wells less than six (6) inches in diameter;
9. Stormwater facilities, including the use of drainage wells or sinkholes for stormwater disposal; and
10. Human or animal cemeteries.

3.05.00 ~~7.03.00~~ REQUIREMENTS REGARDING DRAINAGE AND STORMWATER MANAGEMENT (moved from chapter 7)

~~7.03.01~~ 3.05.01 Generally

A. The purpose of the stormwater management requirements set forth in this section is to minimize the detrimental effects of stormwater runoff and to provide for mitigation of stormwater impacts from new development and redevelopment.

B. The regulations in this section are intended to:

1. Provide maximum water quality and habitat benefits;
2. Provide retention/detention of stormwater runoff to maintain surface water quality, ensure percolation, and reduce contamination to drainage canals, surface water, and groundwater;

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3. Prevent any development activity that would endanger lives and harm property, water quality, or environmental systems;
4. Preserve natural lakes, creeks, other water courses, and natural drainage features;
5. Encourage the use of stormwater management systems for urban landscape irrigation; and
6. Prevent creation of flood hazards due to new development.

C. The requirements of this LDC do not supersede those of other State, federal, or regional agencies. ~~All applications for development shall include proof of a permit or exemption from SJRWMD.~~ **Per state legislation, we can no longer require this.**

~~7.03.02~~ 3.05.02 Applicability and Exemptions

A. All proposed development, except as specifically described in this section, shall comply with the standards and criteria set forth in Section ~~7.03.00~~ 3.05.00.

B. No drainage system, whether natural or manmade, shall be altered, designed, constructed, abandoned, restricted, or removed without prior written approval of the City and all appropriate State and federal agencies.

C. The following activities may alter or disrupt existing stormwater runoff patterns, and unless specifically exempted under Section ~~7.03.02(D)~~ 3.05.02(D) below, shall be authorized only through issuance of a stormwater management permit prior to initiation of development:
   1. Clearing and/or drainage of land prior to construction of a project;
   2. Altering the shoreline or bank or any surface water body; or
   3. Altering any ditches, dikes, terraces, berms, swales, or other water management facilities.

D. The following development activities are exempt from the requirements of this section:
   1. Single-family dwellings and associated accessory structures, provided they are within a subdivision having a valid stormwater management permit and properly operating stormwater management systems designed and sealed by an engineer;
   2. ~~Maintenance, alteration, or improvement of an existing structure where it has been determined by the City that such maintenance, alteration, or improvement will not change the peak discharge rate, volume, or pollution load of stormwater runoff from the site on which that structure is located;~~ Additions, accessory structures, and single family homes under 625 square feet; and
   3. ~~Activities that are not considered development; and~~ **(Struck for vagueness)**
   4. 3. Emergencies requiring immediate action to prevent material harm or danger to persons, when obtaining a permit is impractical and would cause undue hardship in protection of property from fire, violent storms, hurricanes, or other hazards. A report of the emergency shall be made to the City Manager as soon as practicable.

~~7.03.03~~ 3.05.03 Standards for Stormwater Management

A. All development shall comply with the specifications, standards of design, and detailed technical requirements provided in the manuals adopted by reference in Chapter 1.

B. No subdivision shall be platted, nor shall construction commence for any single-family, multi-family, commercial, industrial, or institutional project, until the drainage design for such project has been approved by the City, and proof of permit from the SJRWMD, the USACOE, if applicable, and the Amelia Island Mosquito Control District, has been provided to the City.

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C. The drainage design plans for the project shall be prepared, signed, and sealed by a Florida registered professional engineer.

D. All drainage facilities and easements shall be documented to ensure the City that capacity and right-of-way are adequate from the source, through the development, to the receiving body of water, without adversely affecting upstream or downstream properties. Any improvements or increase in capacity of those facilities required to keep the project in compliance with all applicable regulations shall be made at the expense of the applicant.

E. All subdivisions and multi-family, commercial, industrial, and institutional projects shall provide for retention of stormwater within the boundaries of the project.

Striking the following because these requirements are regulated by SJRWMD, not the City:

~~1. Design basis~~

~~a. For projects within areas designated for zero discharge, storage shall accommodate a ten (10) year, twenty-four (24) hour storm event.~~

~~b. For all other areas, retention shall accommodate the greater of the first one-half (½) inch of stormwater within the boundaries of the project, or the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not.~~

~~c. The project shall also provide detention for all stormwater flows.~~

~~d. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.~~

~~e. Retention or detention areas for multi-family, commercial, industrial, and institutional projects shall not be located in public road rights-of-way or within single-family zoning districts.~~

~~2. All floor slab elevations shall be constructed at least one (1) foot higher than the 100-year flood level.~~

~~a. Unless the drainage master plan dictates higher levels, in areas where the floodplain has been established under the requirements of the FEMA or the National Flood Insurance Program, the level shall comply with such requirements.~~

~~b. In all other areas, floor slab levels shall be constructed to the elevations specified in the engineer of record's approved drainage plan.~~

~~c. If no drainage plan exists, or if the plan predates this chapter, the floor level shall be at least eighteen (18) inches above the roadway unless otherwise approved by the City.~~

~~3. Where a development includes a retention basin in the drainage system, the basin shall be located in such a manner as to minimize damage when the design storm is exceeded.~~

~~a. A minimum of twenty (20) feet of drainage right-of-way shall be set aside to allow for ingress and egress, and a continuous maintenance berm shall be provided around the perimeter of the retention basin.~~

~~F. Rainfall and runoff criteria for all subdivisions and multi-family, commercial, industrial, and institutional projects:~~

~~1. The system or project shall be designed for design floods resulting from rainstorms of the following expected frequencies or greater:~~

~~a. Ten (10) year, twenty-four (24) hour intervals for all drainage except floodways, street inlets, and cross drains.~~

~~b. Floodway and receiving body of water flood conditions as shown for 100 years' duration storm in the FEMA flood insurance study, latest edition.~~

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~~c. Five (5) year, twenty (20) minute intervals for street inlets and cross drains.~~

~~2. Ultimate land usage shall be assumed for selection of proper runoff coefficients within the basins involved. Weighted runoff coefficients shall be applied where different coefficients apply within the areas comprising the basin.~~

G. F. Drainage map for all subdivisions and multi-family, commercial, industrial, and institutional projects:

1. The project engineer shall include in the construction plans a master drainage map showing all existing and proposed features. The map shall be prepared on a scale not to exceed one (1) inch equals 200 feet. As a minimum, it shall include:
   a. The limits of the drainage basin or sub-basin;
   b. Topography of the project;
   c. Topography between the project and the receiving body of water, or the receiving City-, County- or State-owned drainage facility;
   a. Topography of adjacent property;
   b. Existing points of entry of water from adjacent property;
   c. Points of discharge of water from the project;
   d. Limits of fill required to construct facilities and to prevent minimum flooding of future dwelling units, except that no filling for construction will be permitted in the 100-year floodplain;
   e. Finished floor slab elevations and minimum elevation of the bottom of floor framing for each structure to accommodate the 100-year flood elevation;
   f. Location of National Flood Insurance Program rate map flood zones; and
   g. Soil profiles, using the USDA soil classification method, to be performed on sufficient areas throughout the project to provide adequate information on the overall suitability of the proposed drainage plan.
2. With respect to Sections ~~7.03.03~~ 3.05.03(~~G~~F)(1)(a),(c), and (d), if a project fronts on an approved public or private road and the applicant can demonstrate to the satisfaction of the City that no drainage will be discharged from the project onto any adjacent property, these items may be waived. No waiver of any kind will relieve the applicant of responsibility or liability from damage caused by increased runoff from his project.

H. All single-family home projects that are not part of a subdivision with a designed stormwater system shall provide for retention of stormwater within the boundaries of the project.

1. Projects that are located outside of a subdivision, but in an area with an available engineered stormwater system shall ensure that stormwater is properly routed to the stormwater structures.
2. Design options for single-family home new construction and additions over 625 square feet:
   a. Provide engineered solution as completed by an engineer, and/or
   b. Utilize low impact development (LID) techniques such as rainwater harvesting, roof downspout disconnection, rain gardents, green roofs, trenches and chambers, bioretention, vegetated filter strips, permeable pavement, enhanced grass swales, dry swales, and perforated pipe systems.

I. Drainage during construction

1. All off-site drainage entering the property prior to the commencement of construction shall be maintained through the construction period.

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2. Approved silt barriers in compliance with Section 3.01.05 shall be placed to prevent silt, erosion, or other pollutants from leaving the site. If off-site siltation occurs, it shall be halted immediately, or all work shall cease until the silting is stopped.

J. Maintenance of drainage facilities after construction

1. All private drainage facilities within an approved subdivision, multi-family, commercial, industrial, or institutional project shall be continuously and properly maintained by a required homeowners' association, the developer, or another entity approved by the City in an enforceable development order and designated in the construction permit application.
2. Drainage facilities for private single-family residential properties shall be continuously and property maintained by the property owner. Such maintenance shall continue for the life of the property as developed under this section even upon transfer of ownership.

K. Where feasible, stormwater management systems shall be designed to provide landscape irrigation for the development.

3.03.00 ~~OUTDOOR LIGHTING~~ WILDLIFE PLANNING

~~3.05.02~~ 3.06.01 Outdoor Lighting ~~in Beach Areas~~ Striking current language and replacing with language based on a model ordinance created by the University of Florida:

A. ~~Generally~~

1. ~~It is the policy of the City to minimize the use of artificial light to illuminate the beaches. No artificial public or private light source shall directly illuminate areas seaward of the primary dune (called "beach areas") where it may deter adult female sea turtles from nesting or disorient hatchlings.~~

2. ~~The following activities involving direct illumination of portions of the beach shall be prohibited on the beach at nighttime during the nesting season (May 1 to October 31 of each year) for the protection of nesting females, nests, and hatchling marine turtles:~~

~~a.~~ ~~The operation of all motorized vehicles, except emergency and law enforcement vehicles or those permitted on the beach for marine turtle conservation or research; and~~

~~b.~~ ~~The building of campfires or bonfires.~~

B. ~~A. The following standards shall be applicable to all new construction, reconstruction, or development activities:~~

1. ~~Controlled use, design, and positioning of lights:~~

~~a.~~ ~~The use of lighting for decorative and accent purposes, such as that emanating from spotlights or floodlights, is prohibited.~~

~~b.~~ ~~The use of lights for safety and security purposes shall be limited to the minimum number required to achieve their functional role. The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible is required.~~

~~c.~~ ~~Fixture lights shall be designed and positioned so that they do not cause direct or indirect illumination of areas seaward of the primary dune.~~

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d. ~~Wall-mounted fixtures, landscape lighting, and other sources of lighting shall be designed and positioned so that such light does not directly illuminate areas seaward of the primary dune, nor is directly visible from the beach.~~

e. ~~All lights on balconies shall be shielded from the beach.~~

f. ~~Lighting in parking lots within line of sight of the beach shall be positioned and shielded so that only deflected light may be visible from the ground level of the beach.~~

g. ~~The use of red, yellow, or orange lights is permitted where security or safety is a concern, shielding is impracticable, or visibility from the beach cannot be prevented.~~

h. ~~Exterior artificial light fixtures within direct line-of-sight of the beach shall include completely shielded downlight-only fixtures or recessed fixtures having low wattage (i.e. fifty (50) watts or less) "bug" type bulbs and nonreflective interior surfaces. Other fixtures that have appropriate shields, louvers, or cut-off features may also be used if they are in compliance with Section 3.05.02(A)(1)(a), (b), and (c) above;~~

i. ~~Exterior artificial light fixtures within direct line-of-sight of the beach shall be mounted as low in elevation as possible through use of low-mounted wall fixtures, low bollards, and ground-level fixtures.~~

j. ~~Only low intensity lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be set on a base which raises the source of light no higher than forty-eight (48) inches off the ground and shall be positioned or shielded so that the light is cast downward, the source of light or any reflective surface of the light fixture is not visible from the beach, and the light does not directly or indirectly illuminate the beach.~~

k. ~~Parking areas and roadways, including any paved or unpaved areas upon which motorized vehicles will park or operate, shall be designed and located to prevent vehicular headlights from directly or indirectly illuminating the beach.~~

l. ~~Vehicular lighting, parking area lighting, and roadway lighting shall be shielded from the beach through the use of ground-level barriers. Ground level barriers shall not interfere with marine turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach/dune system.~~

m. ~~Tinted glass or film shall be installed on all windows and glass doors of single- or multi-story structures within line-of-sight of the beach. Use of appropriately shielded low-pressure sodium vapor lamps and fixtures shall be preferred for high-intensity lighting applications, such as lighting parking areas and roadways, providing security, and similar applications.~~

~~n. Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section.~~

~~2. Lighting for pedestrian traffic~~

~~a. Beach access points, dune crossovers, beach walkways, piers or any other structure on or seaward of the primary dune designed for~~

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~~pedestrian traffic shall use the minimum amount of light necessary to ensure safety.~~

~~b. Pedestrian lighting shall be of low wattage and recessed or shielded so that only deflected light may be directly visible from the beach.~~

~~3. Prior to the issuance of a certificate of occupancy, compliance with the beachfront lighting standards as set out in this section shall be demonstrated as follows:~~

~~a. Upon completion of the construction activities, a registered Florida architect or Florida registered professional engineer shall conduct a site inspection, which includes a night survey with all the beachfront lighting turned on.~~

~~b. The inspector shall provide a written report of the inspection findings, identifying the date and time of the initial inspection, the extent of compliance with this section, all areas of potential and observed noncompliance with this section, any action taken to remedy observed noncompliance, if applicable, and the dates and times of remedial inspections, if applicable.~~

~~c. The inspector shall sign and seal the inspection report, which shall include a certification that the beachfront lighting has been constructed in substantial accordance with the terms of this section, the beachfront lighting does not illuminate areas seaward of the primary dune at the time of night inspection, and the beachfront light sources are positioned so that only deflected light may be visible from the beach at the time of the night inspection.~~

C. ~~All public or private buildings and other improvements existing prior to July 18, 2000 shall comply with the following standards:~~

~~1. Existing artificial light sources that are essential for safety or security shall be repositioned, modified, or replaced with modern alternatives so that only deflected light may be visible at ground level from the beach, and light does not directly illuminate areas seaward of the primary dune.~~

~~2. Existing artificial light fixtures shall be repositioned, modified, or removed so that:~~

~~a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;~~

~~b. Areas seaward of the frontal dune are not directly or indirectly illuminated; and~~

~~c. Areas seaward of the frontal dune are not cumulatively illuminated.~~

~~3. The following measures shall be taken to reduce or eliminate the negative effects of existing exterior artificial lighting:~~

~~a. Reposition fixtures so that the point source of light or any reflective surface of the light fixture is no longer visible from the beach;~~

~~b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;~~

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c. ~~Replace traditional light bulbs with yellow "bug" type bulbs not exceeding fifty (50) watts;~~

d. ~~Replace nondirectional fixtures with directional fixtures that point down and away from the beach;~~

e. ~~Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward side so that the light source or any reflective surface of the light fixture is not visible from the beach;~~

f. ~~Replace pole lamps with low-profile, low-level luminaries so that the light source or any reflective surface of the light fixture is not visible from the beach;~~

g. ~~Replace incandescent, fluorescent, and high intensity lighting with the lowest wattage low pressure sodium vapor lighting possible for the specific application;~~

h. ~~Plant or improve vegetation buffers between the light source and the beach to screen light from the beach; and~~

i. ~~Construct a ground level barrier to shield light sources from the beach. Ground-level barriers shall not interfere with marine turtle nesting or hatchling emergence, or cause short- or long- term damage to the beach/dune system.~~

4. ~~The following measures shall be taken to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:~~

a. ~~Apply window tint or film that meets the standards for tinted glass;~~

b. ~~Rearrange lamps and other moveable fixtures away from windows;~~

c. ~~Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; or~~

d. ~~Turn off unnecessary lights.~~

5. ~~Light sources within line of sight of the beach that cannot be repositioned, modified, or replaced, for whatever reason, shall be turned off from sunset each night until sunrise each morning during the nesting season.~~

A. The purpose of this Section is to protect nesting sea turtles on the beaches in the City of Fernandina Beach by ensuring that their nesting habitat is not degraded by artificial light. The objective of the ordinance is to ensure artificial light does not interfere with sea turtle nesting and hatching events through the design and implementation of "sea turtle friendly" lighting systems that properly exclude the beach from their range. In order to further the objective of full implementation, this Section also includes provisions designed to educate residents and beach users in the City of Fernandina Beach on the benefits of sea turtle friendly lighting and provides for inspections to ensure compliance with the acceptable lighting standards.

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B. SEA TURTLE LIGHTING ZONE

The *Sea Turtle Friendly Zone* is hereby established within the City of Fernandina Beach. The *Sea Turtle Friendly Zone* shall include all properties within City of Fernandina Beach that may directly, indirectly, or cumulatively illuminate the beach with artificial light at any time, and regardless of whether those properties are immediately located on the beachfront or not immediately located on the beachfront.

C. LIGHTING PROVISIONS

1. Standards Applicable to All Lighting in the *Sea Turtle Friendly Zone*

All lighting in the Sea Turtle Friendly Zone shall be designed so that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the beach.

2. Exterior Lighting Affixed to Structures

a. All lighting affixed to the exterior of permanent structures shall be long wavelength and fully shielded.
b. All non-egress lighting affixed to the exterior of permanent structures shall not directly, indirectly, or cumulatively illuminate the beach.
c. Lighting at egress points shall be limited to the minimum number of fixtures and footcandles necessary to meet federal, state, and local safety requirements.
d. Lighting affixed to the exterior of permanent structures shall consist of either:
    1. Wall or ceiling down-light fixtures, equipped with a well-recessed light source and interior dark-colored, non-reflective baffles or louvers, mounted at a maximum height, measured from the bottom of fixture, of eight feet above the adjacent floor or deck, or
    2. Louvered wall fixtures, equipped with downward-directed louvers that completely hide the light source, with the bottom of fixture mounted 12 inches or less above the adjacent floor or deck, or
    3. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach.
e. Balcony lights on the seaward and shore-perpendicular sides of permanent structures shall be turned off at all times during nighttime in sea turtle nesting season.
f. Interior locations including but not limited to stairwells, elevators, parking garages, or courtyards that allow light to escape through windows or other openings shall not directly, indirectly, or cumulatively illuminate the beach.
g. All windows and glass doors on the seaward and shore-perpendicular sides of any structures shall be designed for a light transmittance value of 15% or less through the use of tinted glass,window film, or screens.
h. Emergency lights shall be on a separate circuit and activated only during power outtages or other situations where emergency lighting is neccesary for public safety.

3. Outdoor Areas

a. All lighting of outdoor areas shall be long wavelength and fully shielded.
b. Outdoor lighting that projects light upward shall be prohibited.
c. Lighting of outdoor areas shall consist of either:
    1. Ground-level downward-directed fixtures, equipped with interior dark-colored, non-reflective baffles or louvers, mounted either with a wall mount on walls or piles facing away from the beach, or

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2. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach.

d. Lighted signs shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not directly, indirectly, or cumulatively illuminate the beach.

e. Pond lights and fountain lights shall not be located on the seaward and shore-perpendicular sides of any structures, and shall not directly, indirectly, or cumulatively illuminate the beach.

f. Fire pits shall be located landward of the most seaward dune and shielded with an opaque structure or partition, and shall not directly, indirectly, or cumulatively illuminate the beach.

4. Parking Areas And Roadways

a. All lighting of parking areas and roadways shall be long wavelength, fully shielded, and full cut-off.

b. Parking area and roadway lighting shall be shielded from the beach via vegetation, natural features, or artificial structure rising from the ground which prevent artifical light sources, including but not limited to vehiclular headlights, from directly, indirectly, or cumulatively illuminating the beach.

c. Lighting of roadways shall produce no more than 1.0 footcandles (on average) of light in any location.

d. Lighting of parking areas and roadways shall consist of either:

1. Ground-level downward-directed fixtures, equipped with interior dark-colored, non-reflective baffles or louvers, mounted either with a wall mount on walls or piles facing away from the beach, or
2. Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the light source, and externally shielded on the side facing the beach, or
3. Embedded roadway lighting systems, or

e. Pole-mounted lights, if required, shall adhere to the following restrictions and shall only be used in parking areas and roadways when mounting the lights at lower elevations cannot practicably comply with minimum light levels set forth in applicable federal and state laws designed to protect public safety. If required, pole-mounted lights shall be:

1. Located on the landward sides of buildings in locations that will not directly, indirectly, or cumulatively illuminate the beach,
2. Mounted no higher than 12 feet above the ground on arterial roadways or 20 feet above the ground if required on Department of Transportation right-of-ways, and
3. Full cut-off, downward-directed onto non-reflective surfaces.

f. Equipment yards, storage yards, and temporary security lights shall also adhere to the lighting restrictions contained in this Section.

5. Pool Areas

a. Lighting of pool decks, pool facilties, swimming pools, and spas shall be long wavelength and fully shielded.

b. Above-water lighting of pool decks, pool facilties, swimming pools, and spas shall be turned off at nighttime during sea turtle nesting season when closed. The use of an automatic timer is acceptable.

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c. Above-water lighting of pool decks, pool facilties, swimming pools, and spas shall otherwise adhere to the applicable requirements for acceptable light fixtures contained in Section 3.06.01(C)(1-2).

d. Underwater lighting of pools or spa light shall:

1. Be downward-directed,
2. Not directly, indirectly, or cumulatively illuminate the beach, and
3. Produce no more than 0.5 footcandles of light above the water surface.

6. Pier Structures

a. Lighting of pier structures projecting over the beach or over water shall be:

1. Long wavelength and fully shielded, and
2. Mounted as low to the deck as possible to prevent light pollution or spillage beyond the walking surface, and
3. Shall consist of either:

a) Recessed railing down-light fixtures, equipped with downward-directed louvers and interior dark-colored, non-reflective baffles, or

b) Bollard-type fixtures, which do not extend more than 42 inches above the adjacent floor or deck, measured from the bottom of fixture, equipped with downward-directed louvers that completely hide the point source of light, and externally shielded on the side facing the beach, or

c) Embedded lighting systems.

7. Dune Crossovers And Beach Access Points

Lighting of dune crossovers and beach access points shall be prohibited.

8. Temporary Lighting

a. Temporary lighting includes but is not limited to special events, construction and motor vehicles.

b. The operation of all motorized vehicles, except emergency, law enforcement or government vehicles or those permitted on the beach for sea turtle conservation or other research and conservation, shall be prohibited on the beach at nighttime during sea turtle nesting season. All authorized motor vehicles shall follow best practices for driving on the beach as outlined by the Florida FWC.

c. All temporary lighting shall be:

1. Long wavelength and fully shielded,
2. Turned off during nighttime in sea turtle nesting season, or if temporary lighting is deemed necessary during sea turtle nesting season it shall be allowed from 6:00am to 11:00pm, must be restricted to the minimal amount necessary, and shall incorporate all the standards of this Section,
3. Mounted less than eight feet above the adjacent floor or deck, measured from the bottom of fixture, and
4. Restricted to the minimal number of footcandles necessary to conform to the applicable construction safety regulations.

D. COMPLIANCE AND ENFORCEMENT PROCEDURES

1. Notice of Violation

a. Upon finding any violation of this Article, City Code Enforcement shall deliver a written notice of the violation of this Ordinance to the property owner and direct said

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owner to promptly remove or cure such lighting arrangement not in compliance with this Section.

b. The time allowed for making the repairs shall be stated in the notice and should the responsible party neglect or refuse to remove or cure the unacceptable lighting arrangement within the specified time stated in the notice, the party so offending shall commit a violation of this Article and be punished as provided in Section 3.06.01(D)(2).

2. Penalties

a. Any person who takes any action or omission in violation of any provision of this Section and fails to cure such violation after proper notice is provided, shall be subject to a fine of up to $250 per day per violation for initial violations, and $500 per day per violation for repeat violations. All penalties incurred as a result of violation of this Section shall continue to accrue until such violations are cured.

b. The City of Fernandina Beach shall have the right to encumber such property in violation of this Section with a lien for an amount equal to the total amount of fines owed at the time of compliance.

3. Sea Turtle Friendly Fund

a. A *Sea Turtle Friendly Fund* is hereby established within the City of Fernandina Beach.

b. All funds collected as a result of the issuance of fines under Section 3.06.01(D)(2) shall be deposited in the *Sea Turtle Friendly Fund*. The funds in this account shall be used for:

1. Grants to property owners for the installation of light systems that comply with this Ordinance and reduce the amount of artificial beach lighting,
2. Educational materials to inform the general public on the threats of artificial lighting to sea turtles, including but not limited to signs, door knockers, pamphlets, stickers, public service announcements, and other awareness campaigns, and
3. Other reasonable efforts to protect the sea turtle population within the City of Fernandina Beach including but not limited to research and conservation projects.

c. The City of Fernandina Beach may contribute funding from other sources into the *Sea Turtle Friendly Fund* for uses consistent with the purposes set forth above.

~~3.02.03~~ 3.06.02 ~~Requirements Regarding~~ Habitat Protection of Federally or State Listed Species Changes to this section recommended by FWC in recognition that terminology regarding threatened species has changed to "federally or state listed species" and that US Fish and Wildlife should be included. They did not have any further comments.

A. A professionally prepared biological survey to document the presence of endangered, threatened, or species of special concern shall be submitted with applications for development when the development is:

1. In excess of ~~five (5)~~ two (2) acres on previously undisturbed properties; or
2. Located on environmentally sensitive lands.

B. Environmentally sensitive lands for which a survey is required regardless of acreage are those found in 3.02.03(A):

3. ~~All land identified as "Conservation" on the FLUM and on the adopted zoning map; and~~

4. ~~All undisturbed properties within 150 feet of Fort Clinch State Park Aquatic Preserve and all navigable tributaries.~~

C. Biological surveys shall:

1. Follow the standards and criteria adopted by the Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service; or
2. Include a preliminary report consisting of pedestrian surveys of 200-foot transects through a minimum of twenty-five percent (25%) of each habitat on site. Within twenty-one (21) days of the preliminary report, the City Manager shall (1) render a finding of whether a second, more intensive survey is needed, based on the information provided by the Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service , and (2) shall describe the parameters it will follow for such an intensive survey, if required.

D. If the field biological inventory indicates the presence of federally or state listed species ~~endangered, threatened, or species of special concern~~:

1. The survey shall be forwarded to the Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service; and
2. The applicant shall follow the recommendations of the Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service for mitigating loss of habitat; or
3. A habitat plan shall be prepared by a qualified ecologist, biologist, or other related professional and shall include, at a minimum, the following:
   a. An analysis of the likelihood of the species surviving on the proposed development site as a viable population, assuming that the proposed development would not occur and taking into account the quality and quantity of habitat needed to maintain members of the species;
   b. An analysis of existing viable habitat on adjacent property for the species;
   c. The land needs of the species that may be met on the development site; and
   d. Measures that shall be taken to protect the habitat of the species on the property, if the species would likely remain a viable population, in the absence of the proposed project.

E. Prohibited activities:

1. No protected ~~threatened~~ species of wildlife or freshwater fish or their nests, eggs, young, homes, or dens, shall be taken, transported, stored, served, bought, sold, or possessed in any manner or quantity at any time, except as specifically permitted by the provisions of State law.
2. No person shall kill, wound, pursue, molest, harm, harass, capture, or possess any protected ~~threatened~~ species or parts thereof or their nests, eggs, young, homes, or dens, except as authorized by specific permit, issued by the Florida DEP, the Florida Fish and Wildlife Conservation Commission, and any other applicable State or Federal agency.

F. Development proposed adjacent to Outstanding Florida Waters, aquatic preserves, wildlife sanctuaries, wildlife refuges, state preserves, forests, parks, gardens, and wildlife management areas shall be environmentally compatible in order to conserve wildlife populations and habitat.

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6.02.19 Marinas

A. Marinas are allowable in the ~~C-3~~, PI-1, W-1 and I-W zoning districts, subject to the standards of the zoning district and the supplemental standards set forth in this section.

B. Marinas shall be located adjacent to existing channels and passes. ~~where no maintenance dredging will be required.~~

C. A marina shall provide parking for boat trailers and/or vehicle-trailer combinations. Fifty (50) percent of the required off-street parking vehicles may be replaced with parking for vehicle-trailer combinations. In addition to the required parking set forth in Section 7.01.04, parking may be provided for boat trailers.

D. Stacked dry storage shall only be permissible within an enclosed building.

E. Facilities for engine repair shall be within an enclosed building.

F. All proposed activities adjacent to or within the Nassau River/St. Johns River Marshes and Fort Clinch State Park Aquatic Preserves shall obtain and comply with all required permits and approvals as required of the Nassau River/St. Johns River Marshes and Fort Clinch State Park Aquatic Preserves Management Plan.

G. Marinas shall not be located in or adjacent to any FDEP designated manatee sanctuaries, known areas of essential manatee habitat, or manatee foraging areas.

H. Marinas shall be required to provide sewage pump-out facilities approved by the FDEP, and shall be required to connect to any approved central wastewater treatment facility available within 2,640 feet of the marina property.

I. Marinas shall be required to utilize FDEP approved fuel spill containment facilities where petroleum products are sold, stored, or utilized.

J. Placement of pilings, docks, ramps, and other structures shall avoid wetlands and grass beds.

K. Construction materials and processes shall minimize environmental impacts and shall be the best technology available.

L. All marinas are encouraged to utilize dry storage, instead of wet docking, to the fullest extent possible, in order to limit impacts to water circulation patterns within estuaries and other waterways.

M. All drainage, wastewater, and wash-down facilities shall be designed and maintained in strict conformance with this LDC and any additional requirements of the FDEP, the SJRWMD, the USACOE, or other State or federal agency with jurisdictional powers over marinas.

N. ~~No dock, pier, or other structure shall be allowed to obstruct or alter natural water flow or restrict navigation.~~

O. Seawalls and other shoreline modifications shall be set at or landward of the mean high water line, except as otherwise provided by law.

P. Activities involving dredging and filling shall be required to obtain any applicable permits from federal and State agencies with jurisdiction, including the FDEP, the USACOE, and the SJRWMD, as well as any permits required by the City or County.

Q. Parking, dry storage and non-water-dependent facilities must be built on existing uplands.

R. Marinas must prepare disaster preparedness plans and provide copies to the City Manager, Fire Department and Planning Department.

S. Marina siting or expansion shall not have an impact on ongoing commercial shrimping or fishing activities.
Marinas shall seek Clean Marina designation from FDEP.

11.01.04 Requirements for All Site Plans

A. In addition to the information required in Section 11.01.03, all applications for site plan approval shall contain the following information:
   1. The names, address, telephone number, facsimile number, and email address of the person preparing the plan.
   2. The date of preparation and date(s) of any modifications, a north arrow, and a written and graphic scale.
   3. The legal description of the property, consistent with the required survey.
   4. A vicinity map showing the location of the property.
   5. The location of streams, bodies of water, natural features, roads, rights-of-way, street intersections, and paved areas within the boundaries of the property.
   6. The location of streams, bodies of water, dunes and dune systems, and other natural features within 250 feet of the boundaries of the property.
   7. The location of the mean high water line, if such line is within the boundaries of the property.
   8. A topographic survey, soils report, grading plan, and an erosion control plan.
   9. A general floodplain map indicating areas subject to inundation and high groundwater levels up to a 100-year flood classification.
   10. A statement indicating the distances to schools and public safety facilities intended to serve the proposed development.
   11. The name, plat book, and page number of any recorded subdivision comprising all or part of the site.
   12. The location and use of any existing and proposed principal or accessory buildings and structures, showing proposed setbacks, building heights, and other dimensional requirements of the zoning district in which the property is located.
   13. Elevations of all proposed structures.
   14. The access points, driveway design, on-site parking, including required parking lot landscaping, internal circulation, sidewalks, and bicycle facilities.
   15. The location of existing and proposed utilities, utility services, and easements.
   16. A tree survey showing protected trees, proposed replacement trees, if required, and landscaping and buffering. (See Section 4.05.00.)
   17. A soil erosion and sediment control plan compliant with Section 3.01.04.
   18. For a PUD site plan, a detailed, written list and explanation of how the proposed PUD differs from any provision of this LDC applicable to the underlying zoning district.
   19. For site plans and PUD site plans where development is proposed in phases, the plans shall include phase lines and the following supporting information:
      a. Timeline for the development; and
      b. Benchmarks for monitoring the progress of construction of each phase regarding land clearing, soil stabilization and erosion control, installation of infrastructure, and installation of landscaping.
   20. A summary block containing:
      a. Land use category from the Future Land Use Map in the comprehensive plan;
      b. Zoning district;
      c. Total acreage;
      d. Total square footage for non-residential uses;
      e. Total density and number of units, proposed and permissible, for residential uses;
      f. Impervious surface ratio calculation, proposed and permissible;
      g. Floor area ratio calculation, proposed and permissible;
      h. Total number of parking spaces, required and provided; and
      i. Number of trees required to be protected, number of trees remaining on the site, and number of trees to be planted.

B. Additional plans, documents, or reports that are necessary to support the application shall be submitted. Such plans, documents, or reports may include, but are not limited to, concurrency analysis, traffic analysis reports, parking studies, stormwater management plans, or environmental impact studies.

C. Concurrency analysis reports shall contain the information set forth in Section 7.04.00. Requirements for traffic analysis reports are set forth in Section 11.01.06. Requirements for parking studies are set forth in Section 7.01.04. Requirements for stormwater management plans are set forth in Section 7.03.00. Requirements for environmental impact studies are set forth by regional, State, and federal agencies with jurisdiction and in Chapter 3 of this LDC.