



AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, AUGUST 10, 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 MEETING MINUTES FROM SPECIAL AND REGULAR MEETINGS

- JUNE 29, 2016 SPECIAL MEETING
- JULY 6, 2016 SPECIAL MEETING
- JULY 13, 2016 SPECIAL MEETING
- JULY 13, 2016 REGULAR MEETING

Documents:

[2016 06-29 PAB SM Minutes Draft.pdf](#)
[2016 07-06 PAB SM Minutes Draft.pdf](#)
[2016 07-13 PAB SM Minutes Draft.pdf](#)
[2016 07-13 PAB RM Minutes Draft.pdf](#)

3. NEW BUSINESS

3.1. PAB 2016-20 LDC TEXT AMENDMENTS FOR HEAVY INDUSTRIAL ZONING

LDC AMENDMENTS TO CHAPTER 2 ZONING DISTRICTS AND USES, CHAPTER 4 DESIGN STANDARDS AND MODIFICATIONS ASSOCIATED WITH THE NEW HEAVY INDUSTRIAL (I-2) ZONING DISTRICT.

Documents:

[PAB 2016-20.PDF](#)

3.2. PAB 2016-19: ZONING MAP AMENDMENTS (INDUSTRIAL AIRPORT, INDUSTRIAL, AND HEAVY INDUSTRIAL)

REQUESTING ZONING MAP CHANGES FROM INDUSTRIAL (I-1) ZONING TO INDUSTRIAL AIRPORT (IA) ZONING FOR THE AIRPORT OPERATIONAL AREA (INSIDE THE FENCE) TOTALING APPROXIMATELY 362 ACRES OF LAND AND REQUESTING A CHANGE FROM INDUSTRIAL AIRPORT (I-A) ZONING TO INDUSTRIAL (I-1) ZONING FOR PROPERTY SURROUNDING THE AIRPORT TOTALING APPROXIMATELY 301 ACRES OF LAND AND CHANGE OF ZONING FOR THE PROPERTY LOCATED AT 6 GUM STREET FROM INDUSTRIAL (I-1) TO HEAVY INDUSTRIAL (I-2) TOTALING APPROXIMATELY 210 ACRES AND CHANGE OF ZONING FOR PROPERTY LOCATED AT 600 N. 8TH STREET AND FRANKLIN STREET FROM INDUSTRIAL (I-1) TO HEAVY INDUSTRIAL (I-2)

TOTALING APPROXIMATELY 230 ACRES OF LAND. (SEE ATTACHED MAPS)

Documents:

[PAB 2016-19.PDF](#)

4. OLD BUSINESS

4.1. PAB 2016-09: ORDINANCE 2016-09: CHAPTER 3 AMENDMENTS- SPECIFIC TO ENVIRONMENTALLY SENSITIVE LANDS

SPECIFICALLY TO ADD SECTION 3.02.06 LAND USES WITHIN AREAS OF SPECIAL FLOOD HAZARD

(ALL OTHER AMENDMENTS CONTAINED IN THE APPLICATION PACKAGE WERE PREVIOUSLY REVIEWED AND APPROVED BY THE PAB AT ITS REGULAR MEETING ON APRIL 13, 2016 AND LATER PRESENTED AS ORDINANCE 2016-09 TO THE CITY COMMISSION. ORDINANCE 2016-09 WAS PULLED FROM THE CITY COMMISSION AGENDA FOR CONSIDERATION AT 1ST READING ON MAY 17, 2016.)

Documents:

[PAB 2016-09.PDF](#)

5. BOARD BUSINESS

5.1. OHPA MASTER PLAN DISCUSSION - CONSIDERATION OF SPECIAL MEETING DATE

This item was carried over from previous agendas.

6. STAFF REPORT

7. COMMENTS BY THE PUBLIC

8. ADJOURNMENT

THE NEXT REGULAR PLANNING ADVISORY BOARD MEETING IS SCHEDULED FOR WEDNESDAY, SEPTEMBER 14, 2016 AT 5:00PM.

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.

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

Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair
Charles Rogers
David Beal
Eric Lawrence (alternate)

Mark Bennett, Vice-Chair
Chris Occhuizzo
Chip Ross
Jamie Morrill (alternate)

Board Members Absent

Jon Lasserre

Others Present

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

2. **New Business**

- 2.1. **PAB 2016-15 Comprehensive Plan Text Amendments - Amending Policy 5.03.13 and 5.14.09:**

Ms. Kelly Gibson provided a brief explanation of the reason for the Comprehensive Plan amendments being considered.

Member Ross read from the City's Code of Ordinances with regard to recusal, and explained several City Commissioners thought he was adversely interested. He stated as required by the law he would recuse himself from the vote on this item.

Members Lawrence and Morrill were seated as voting members for this meeting.

City Attorney Bach provided a brief explanation about Mr. Lasserre's recusal due to his law firm having represented Rayonier and other industry under Chapter 112.

Chair Lane reminded the board that this meeting was for information gathering, and the board may recommend tonight or there may be another meeting.

Member Occhuizzo read into the record a prepared statement that protested Member Ross' recusal.

- 2.2. **Presentation, Information Collection, and Discussion from Industrial Property Owners, Department Directors, and FEMA - The PAB requested attendance and participation in the consideration of amendments by specific City Department Directors and industrial property owners. This item has been placed on the agenda to allow time for any presentations prepared by those entities.**

Rayonier Advanced Materials: Mr. Mark Homans, Manager of Special Projects, noted some members attended the open house in February 2016 along with 200 other community members. He explained these topics go hand in hand with safety and it was important the community understands Rayonier's philosophy on safety. He stated safety is their number one priority and their goal was to have everyone

go home injury free every day. He explained the plant has invested \$266 million in the facility over the last ten years for custodial, regulatory, environmental, and process improvements. He requested the board not let the age of the facility color their image of its effectiveness or reliability. He pointed out they strive for just in time inventories for all of their raw materials, and it was always their desire to minimize storage. He stated many of the materials are offloaded from transportation directly into the process rather than sitting in bulk at the site.

Ms. Debra Lane, Director of Regulatory Affairs, explained her responsibilities include oversight of their regulatory compliance programs and environmental permitting for new projects. She stated she has more than 30 years' experience in environmental management primarily in the pulp, paper, and specialty chemicals industries. She pointed out they maintain robust compliance management systems and they make sure safety and environmental safeguards are an integral part of their design of new equipment and processes. She explained hazardous materials are regulated by numerous governmental agencies at the Federal, State, and Local levels including the Occupational Safety and Health Administration (OSHA), the Environmental Protection Agency (EPA), the Department of Transportation (DOT), the Florida Department of Environmental Protection (FDEP), and the Northeast Florida Local Emergency Planning Committee (LEPC). She stated the terminology and the related definitions vary a lot from program to program. She commented the most broad definition of hazardous material is that used by OSHA in the term hazardous chemical, which says if a chemical poses any sort of potential hazard to a worker (skin irritation to toxicity) then OSHA considers that material a hazardous chemical and regulates how it is used. She explained hazardous materials are managed differently depending on where, how, and in what quantities are used. She pointed out a lot of materials found around the house are considered hazardous materials (ammonia – used in window cleaners; chlorine dioxide – household bleach; paint thinners; etc.). She briefly commented about hazardous materials management in commercial use and that for industrial use they are subject to very rigorous rules for shipping, storage, handling, use, disposal, and reporting. She also explained they are required to do modeling for worst case scenarios, and that analysis is provided to the LEPC as well as the local Fire Department for emergency response planning and preparedness. She presented slides showing specific laws and regulations for control of hazardous materials. She pointed out the rules are designed to require and encourage industrial operations to take proactive measures to prevent accidents that could expose workers or the public.

Ms. Robin Mock, Senior Safety Manager, stated she has been a safety professional for 27 years. She pointed out Rayonier Advanced Materials has worked hard to establish reliable safety programs, and they conduct comprehensive process/hazard analysis that continuously evaluates their risk as well as tests the effectiveness of the safeguards in place. She explained they have a safety culture that understands the importance of reporting a near miss, which allows them to detect and respond to opportunities early. She briefly commented about the various governmental agencies they are governed by and pointed out they have a comprehensive emergency response plan that includes medical emergencies; chemical spill or leak; responding to a fire; and severe weather conditions. She stated their emergency response team members spend on average 40 hours in training annually. She explained they believe practice is the key to a good response and at least annually they conduct drills to incorporate both County and City emergency response into the drills. She commented as part of their hurricane preparedness plan they monitor daily what is going on, and if they see a weather system that could have an impact on the site it triggers them to review the hurricane preparedness plan and planning by their own Emergency Operations Center. She stated their goal is that everyone goes home injury free and they are continuously working to make sure that happens.

Mr. Mark Homans provided details from the History and Risk Mitigation portion of the PowerPoint presentation. Included was a graphic showing the history of category 3 or stronger storms (majority of

those were in the Gulf Coast, south Florida, and in the Carolinas). It was explained that FEMA and MFIP provide guidance on the potential impact. Mr. Homans pointed out on the Amelia River the expected elevation rise was about 9 feet, and the Rayonier Advanced Materials storage facilities are appropriately elevated or flood proofed for this. He briefly explained they engineer to the applicable engineering codes and standards, and tanks are designed to the American Society of Mechanical Engineers (ASME) and the American Petroleum Institute (API) standards. Pictures of a typical industrial foundation design were provided to clarify this further. Mr. Homans stated LignoTech Florida would be investing a lot of money in foundations, and pointed out \$7 million dollars was proposed for pilings and concrete. He explained the foundations do not rely on the soil for stability and they are built to last.

Mr. Leon Jones, retired Rayonier employee present during the Hurricane Dora (1964) shutdown, explained the decision was made to shut the mill down and send all the employees home. He stated in the wood yard they removed any loose material that might be blown around, and the lumber piles were battened down. He provided further comments about the mill's shutdown procedures.

Mr. Russell Schweiss, Director of Corporate Communications & Community Relations, provided his background as contained in the presentation including that he worked with the State Emergency Operations Center (EOC). He pointed out one of the concerns with hurricanes from the DEP's perspective was the biggest risk came from wastewater, and explained industrial facilities produce their own power so they can get back to stable operations. He stated prior to Hurricane Charley the DEP started issuing emergency orders for industrial facilities to begin discharging treated wastewater to create freeboard on the wastewater treatment system. He explained the primary concern at industrial facilities going into hurricanes is how they can manage water. He compared the 2004 hurricane track summary with the 2005 hurricane track summary. He pointed out the combined heat and power plant will make a huge difference, because base load generation can be produced from the site fired by natural gas. He commented while the rest of the State would be struggling to get their power back it would be a much simpler process to get the basic functions back in order here. He stated as you look at these issues you need to look at them in a broader context to consider the importance of hazardous materials to projects like this that lessen the hazard.

Mr. Homans concluded that the changes to the Comprehensive Plan are simply recognizing activities that have long taken place in the floodplain in the City without bringing harm to the community. He stated these changes will require new activities to comply with a higher standard whether it is at the mills, the City's swimming pool, the marinas, the Port, or the working waterfront. He commented these discussions all started with LignoTech, but these discussions have made a serious turn and it was easy to lose sight of what we are really talking about. He explained the only hazardous material we are talking about at LignoTech is aluminum sulfate, and the most common use for this chemical is an additive to drinking water before you drink it and it is also used for gardening PH control. He stated the LignoTech project no matter how you look at it will bring environmental benefits to this community with an estimated 1,200 tons annual reduction of the traditional air pollutants, and an estimated 50,000 tons annual reduction in local greenhouse gas emissions. He provided further comments in support of the proposed amendments and that leaders of the community have to look at all the factors to make the right choice.

Member Occhuizzo referred to the Emergency Response Team at Rayonier and inquired if there were a number of people on the team. Ms. Mock replied the internal team was about 59 people. Member Occhuizzo questioned in terms of emergency response how much could the City deal with. Fire Chief Ty Silcox explained the department responds to every hazard that is on the island. He stated fire service has turned into an all hazard response. He explained the Fernandina Beach Fire Department does not currently have a hazmat team, but they have people that are certified. He stated Nassau County has a

hazmat team that is in the beginning stages and for any significant event the City would reach out to our partner's in Jacksonville. He pointed out in Northeast Florida there are three regional response hazmat teams (Clay County, Jacksonville, and St. Johns County). He stated we are well protected when it comes to hazmat response in the region.

Mr. Homans explained the by-product was the liquor stream that would be diverted to LignoTech Florida as their raw material. He stated the only new hazardous material would be aluminum sulfate. Chair Lane inquired if all of Rayonier's hazardous materials were stored above ground as shown in the presentation, and would everything at LignoTech be stored that way. Mr. Homans replied absolutely. It was explained the materials at the facility are subject to community right to know regulations, and they file annual reports that address what those materials are. She pointed out this was primarily for them to communicate with agencies like the Fire Department, because they are the ones that could potentially be exposed to the materials. There was some conversation regarding construction standards and the emergency response process during a hurricane. It was pointed out there are established procedures to move as much as they can to another location.

Federal Emergency Management Agency (FEMA): Ms. Gibson established a connection with FEMA representative Mr. Jason Hunter via Skype. Mr. Hunter explained he reviewed the proposed amendments and the language seems to be in compliance with the National Flood Insurance Program. He stated when we talk about the storage and location of hazardous materials in a special flood hazard area we consider that development. He read the definition of development and explained that a development permit would be required. He pointed out if there is storage of hazardous material they want to make sure if it is in an actual structure that it was elevated above the base flood elevation; and if it is in a storage tank that it is properly anchored so that it would resist collapse or lateral movement. He referred to Federal regulations that manage the National Flood Insurance Program (NFIP) and pointed out 60.3A requires all NFIP communities ensure that all Federal and State permits be obtained. He stated in this case there is some type of regulatory agency that would monitor and regulate the storage of hazardous materials throughout the State of Florida, which may be the FDEP. He pointed out storage of hazardous materials is considered a "critical action", which was defined in part 9 of the Code of Federal Regulations. He read from the definition including "that a slight chance of flooding is too great. The minimum floodplain of concern for critical action is 500 year floodplain...." He explained their recommendation was the City to consider adopting a higher regulatory standard, which would be to make sure that storage of hazardous materials were placed outside of the 500 year floodplain or above the 500 year elevation.

Chair Lane inquired about other communities that have adopted the 500 year floodplain and if there was a recommendation of best in class for those regulations. Mr. Hunter stated he was not aware of any communities that have adopted that, but he would look into those that have higher regulatory standards and get back to the City. Member Occhuzzo questioned if compliance with the minimum standards was sufficient through NFIP. Mr. Hunter replied absolutely, and explained any type of storage of this type of material in the floodplain a permit would be required. He stated the second requirement would be to meet the minimum standards including all Federal and State permits associated with this development would be obtained.

City Utilities: Utilities Director John Mandrick explained they store both chlorine and sulfur dioxide at the wastewater plant, and at the three water plants they store chlorine. He stated the materials are in one ton containers that are shipped from the supplier and are kept in a facility that is regulated by the EPA. He pointed out there is a risk management plan similar to what Rayonier has. He referred to storage and explained they are under cover and have gas detectors on them by the tanks and where they get mixed with water. He stated there are warning lights at the site (green – safe; red – check the wind sock and

head for safety). He explained all the tanks are on a vacuum system, which means if the hoses are ripped out there is no chlorine coming out. He provided further information on the protocols for hazardous materials storage, handling, and use of these materials in the water/wastewater plants. He explained during a power outage most of the City's lift stations have an emergency generator. He stated the City has a lot of redundant systems, and reported there has not been a spill in the last seven to eight years. He reported that the City trains regularly on safety and it is monitored 24/7 with an automated system at each of the sites. He stated the tops of the wastewater tanks are at an elevation over 20 feet. He pointed out they also store diesel fuel at the generators and at the City yard a large volume of unleaded fuel and diesel fuel is stored.

Member Morrill questioned if sodium hydroxide was mixed in with the aluminum sulfate. Mr. Mark Homans explained it was sodium hydroxide caustic, and pointed out caustic was a usage at the mill now and it would be transported via pump and pipe only to LignoTech Florida where it would be used to neutralize the raw material. Member Morrill inquired if the combination of these two creates a new hazardous waste. Mr. Homans replied no and clarified it would be neutralizing the raw material. He stated from there forward it was a non-hazardous material.

City Building Official: City Building Official/Flood Plain Manager Tony Perez-Guerra explained the City adheres to the minimum standards FEMA requires plus one higher standard measure of one foot of free-board. He stated the building code for critical facilities such as the hospital would require 2 feet. He pointed out any structure that is built or undergoes a substantial improvement of 50% of the structure's cost would have to be brought up to current code requirements. He stated the new turbine plant adheres to one foot of free-board requirement, and everything was on pilings and concrete platforms. It was noted the City goes out actively to inspect permits to ensure projects are up to code. There was some discussion about the 500 floodplain.

City Marina: Fernandina Harbor Marina Manager Joe Springer briefly explained between the years 2006 to 2009 a change was made to the fuel system at the Marina and the 20,000 gallon tank is split into two sections (15,000 gallons diesel and 5,000 gallons for gas). He stated when the system was put in they followed all the requirements set forth, and they are tested every other year related to that system. He pointed out when the system was put in it was done so the fuel delivery truck can pull up on the street and do the fuel drop into the tanks. He reported the Marina was in compliance with the regulations. There was a brief discussion about the underground storage tanks at the Marina.

WestRock: Mr. Colin Campbell, representing WestRock, referred to the slides Rayonier presented that showed many of the State and Federal regulations governing the storage and handling of hazardous materials, and pointed out those regulations apply to us all. He reported they comply with all State and Federal regulations, and their tanks are built to those same levels of protection. He explained they have the same safety ethics and same environmental ethics in that they don't want to hurt their people or pollute the environment. It was noted some tanks are elevated and are properly anchored.

The PAB took a brief recess at this time.

Public Hearing:

Mr. Chip Ross, 210 North 3rd Street, provided a presentation and explained this was a change to the Comprehensive Plan. He expressed his opposition to these policy changes for the following reasons 1) they were changed for one property; 2) his concerns over hazardous materials throughout the City; and 3) this change was being rushed in comparison to other City efforts. He proceeded with his presentation and

explained the PAB should be looking at each of these amendments “through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order....” He referred to a letter written by the City Manager in 1996 and read “They pose the greatest risk to the community in terms of safety and environmental considerations.” He noted it has a small potential of happening, but if it happens it is a huge problem. He pointed out the original Comprehensive Plan was adopted in 2000 and 5B.02.07 says that no hazardous materials or hazardous waste should be stored within the floodplain. He presented further details from the Comprehensive Plan adopted in 2000 noting that it has been updated since that time. He also pointed out that building permits have been required since 2006 including a survey and showing where the base flood elevation was on any new structure. He stated in 2011 the City adopted regulations to promote the public health, safety, and general welfare of the citizenry related to the 100 year floodplain. He presented further details of this section with regard to the floodplain as well as the National Flood Insurance Program (NFIP) standards to get a discount on flood insurance. He also presented details about obtaining points from the protection of critical facilities and the Emergency Planning and Community Right-to-Know Act (EPCRA). He presented a listing of chemicals stored at Rayonier and pointed out there is a Nassau County Florida Local Mitigation Strategy that outlines what is being done to mitigate that low risk event that could have catastrophic consequences. There was a brief discussion about a picture shown of tanks at Rayonier.

Mr. Ross raised the issue of whether the tanks were raised to the base flood elevation plus one foot. He briefly commented about the vulnerability zone for chemicals and showed pictures of the storage of chemicals for the water and waste-water treatment plants. He questioned how the amendments help the City mitigate risk, and he suggested that they don't. He also expressed a concern about boats during a storm event breaking free and possibly hitting a facility. He provided further information about the Nassau County Florida Local Mitigation Strategy and raised questions about the chlorine dioxide storage tank that was constructed in 2011 and whether a building permit was obtained for the tank. He expressed his concern that building has been going on since 1996 without building permits from the City. He read portions of a letter from LignoTech to the City dated June 7, 2016 and provided comments with regard to the controversy of allowing the expansion of hazardous materials in the floodplain. He pointed out no detailed analysis of the proposed amendment was done by staff or the applicant, and that amendments need to be based on relevant and appropriate data. He reviewed the staff proposal for Policy 5.14.09 and presented an alternative proposal from his presentation. He also reviewed staff proposed Policy 5.03.13 and presented an alternative. He questioned why reverse a two decade old prohibition against industrial development in the special flood area. He briefly expressed his concerns with regard to this including an increase in costs for citizens' flood insurance. He urged the PAB to recommend to the City the best course would be to do an analysis and come up with policies that narrowly limit the hazardous material in the floodplain (keep it where it is and not let it expand).

Mr. McCrary explained the application was a City initiated application, which was directed by the City Commission to pursue so Rayonier was not the applicant nor LignoTech and that was the reason there was no fee. He stated the language staff put forward was broad policy type language, and pointed out there are many other policies that affect the applicability of allowing these things in wetlands. He reminded the PAB that the policies work together, and explained these policy statements face refinement as they are translated into the Land Development Code (LDC). He referred to the question about the building permit and stated he did not know if the previous Building Official was approached about any improvements that occurred during his tenure. He commented he didn't know if the previous Building Official had a policy of not requiring permits because of his interpretation of the Florida Building Code, because he does have latitude to make interpretations. He stated also didn't know about the Building Official's application of the City exemption for certain types of operational improvements there. He

explained during the Building Official's tenure the City issued permits for inhabited facility improvements, but he did not see operational type facilities with permits during that time period. There was a brief discussion about whether a building permit was issued.

Mr. Joseph Peroni, 2805 Laguna Drive, spoke in agreement with the previous speaker that the PAB should not move forward with this change. He noted those industries have been here quite a while and he didn't think anyone wants to see this island become more industrial. He commented from Rayonier's presentation they are a good corporate citizen, but every company is going to say they are a good corporate citizen. He pointed out Exxon did, and they lost a lot of oil in Alaska. He stated things happen and that is why you have a 100 year floodplain and a 500 year floodplain. He noted things will happen so we look forward to the contingency and to protect from it. He briefly commented about there not being a hazmat team on the island, and questioned what would happen if the bridges were out and the hazmat team needed to respond. He expressed his opinion that the new jobs from LignoTech would be minimal, and Rayonier was doing well and could continue as they have over the years. He suggested the board look at the island as a place people come to for the beauty and as a home. He expressed his concern with industry overshadowing quality of life.

Mr. Robert Wells, 2884 Robert Oliver Avenue, commented he found the amendments disturbing. He stated the Comprehensive Plan is a document that withstands time, and expressed his opinion that these amendments aren't from new wisdom with regard to floodplains. He explained the purpose of the amendments are to relax the restrictions that apply to the floodplain, but expressed his opinion the City should be looking to strengthen them. He pointed out the City was entertaining these amendments for the purpose of one project for one Norwegian company and a handful of jobs. He urged the board to recommend against these amendments.

Ms. Peggy Lehosit, 130 South 6th Street, pointed out "working together for a safer community" is the motto at the bottom of the Community Development's emails. She questioned how hazardous materials in the floodplain are making us safer. She also questioned how making Mr. Ross recuse himself from this makes us safer. She stated Mr. Ross has researched this issue and his perspective has brought balance to the debate. She expressed her opinion that these amendments are biased, and that any existing problems in the floodplain should be addressed and resolved. She commented it doesn't make sense to create additional risk. She requested the PAB insist that any business or industry be made to perform within the established guidelines.

Mr. Frank Santry, 105 South 19th Street, referred a list of guidelines and standards to apply to any business the board undertakes that he presented to the board about three weeks ago and provided a recap of these guidelines. He expressed his opinion that the proposed staff changes to the plan are inadequate, dangerous, and absurd in their consequences. He suggested turning attention to what Mr. Ross proposed, because that adequately expresses the complexity of the question that has been brought before you. He commented he couldn't find a problem with the longstanding prohibition against hazardous materials in the floodplain. He provided further comments against the proposed amendments. He referred to an article he had provided to the board and explained the source was a study that was specifically requested by the Society of State Floodplain Managers. He read a portion into the record that "liability of cities for regulatory failures of this kind is resulting in ever larger liability to the public". He reminded the board that the first places that flood in Nassau County are the foot of Shave Bridge and the Yulee side of the Shave Bridge; and FEMA requires the bridge be shut down when winds reach 40 mph. He stated the flood of 1898 destroyed Fernandina Beach to 3rd Street, and FEMA estimates a category 5 hitting Fernandina Beach would inundates 90% of the island with water. He asked the board to stand up and be counted.

Chair Lane requested an alternate meeting date to complete this discussion after hearing from the last three speakers. After a brief discussion of potential dates, *the consensus of the board was reconvene the discussion on July 6th at 5 pm.*

Mr. McCrary pointed out there was existing language in the Comprehensive Plan regulating protection of wetlands, and that was not being touched. He stated it would continue to be applicable, and it was also in the LDC. He explained while the Comprehensive Plan amendment goes to the State for review the board would be evaluating how to do the translation of the Policy statement into regulations for the LDC. City Attorney Bach suggested having a motion after the speakers to postpone this to July 6th so there would not need to be another ad in the newspaper. Chair Lane referred to Policy 5.03.13 and requested it be sent to the PAB members in Word form.

Ms. Marie Santry briefly spoke to the history of flooding in Fernandina in 1898. Included in the history was that the City ceased publishing a paper, because the office was underwater at the corner of 2nd and Centre. She also commented about the force of the flood water and the debris that was pushed from the flood. She explained the source of the information was from the Jacksonville Times Union, October 1898.

Ms. Julie Ferreira, 501 Date Street, stated she wanted the City kept safe. She explained to her the negatives of the Comprehensive Plan changes outweigh the positives. She commented LignoTech is one project and this change is much larger than that project. She explained she wanted to know that the neighborhoods that surround the Port and mills are protected. She expressed her opinion that this change means that the City will no longer have the ability to regulate hazardous materials in the future in the floodplain. She also expressed her concern about the Port's plans for the future. She explained she wanted to know the City has a say in what is going to happen with regard to hazardous materials. She requested careful consideration of this change.

Ms. Rebecca Colson, 96128 Parliament Drive, agreed with the other community members and spoke in opposition to the proposed amendments. She explained we need to look at the history for why we have a stricter standard. She noted Rayonier owns property throughout Nassau County, and questioned why these tanks have to be placed in the floodplain. She suggested if this is approved and they are allowed to put tanks in the floodplain that the property is reassessed and reevaluated so that they pay appropriate taxes. She provided further comments expressing her concerns about the potential for disaster.

Mr. Russell Schweiss, Rayonier Advance Materials, briefly explained that Rayonier and Rayonier Advance Materials are two separate companies now. He stated LignoTech has two managers (Mr. Mark Homans and Mr. Anders Sjode). He pointed out this venture Rayonier would be a 45% investor and Borregard was 55%. He explained to say Rayonier's culture was not going to leave an imprint on that organization would be false.

A motion was made by Member Morrill, seconded by Member Lawrence, to continue this item to July 6, 2016 at 5 pm. After a brief discussion of potential additional meeting dates, vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

3. Comments by the public – There were no additional comments at this time.

Draft

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4. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:20 pm.

Secretary

Judith Lane, Chair

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

Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair

Charles Rogers

Chris Occhuizzo

Jon Lasserre (recused from vote)

Eric Lawrence (alternate)

Mark Bennett, Vice-Chair

David Beal

Chip Ross (recused from vote)

Jamie Morrill (alternate)

Others Present

Marshall McCrary, Community Development Department Director

Kelly Gibson, City Planner

Tammi Bach, City Attorney

Member Morrill and Member Lawrence were seated as voting members for this meeting. Chair Lane briefly explained the Planning Advisory Board (PAB) reports to the City Commission and acts as the Local Planning Agency. She pointed out this meeting would be a continuation of the last meeting and outlined how this meeting would be conducted.

- 2. New Business**

- 2.1. PAB 2016-15 Comprehensive Plan Text Amendments - Amending Policy 5.03.13 and 5.14.09:**

Ms. Debra Winter, 204 South 6th Street, explained she was looking out for her investments and her quality of life. She briefly commented that the future is never known. She noted there was only one hazmat team in Nassau County and there were several other hazards on the island already. She stated if or when there is a disaster there could be many problems going on at that same time. She questioned the wisdom of adding additional risk when there is only one hazmat team. She stated putting chemicals in a floodplain is an unnecessary risk, and there are a lot of places these chemicals can go. She briefly commented about bridges around the country that have collapsed and requested that the City be as safe as it can. She explained the board and the City need to be concerned with what is best for the people, the environment, and what is best for the City. She stated she didn't want this plant in her backyard, but we do need to put these chemicals to a good use. She requested to put them on higher ground. Member Morrill asked if Ms. Winter's was against the storage of all hazardous material in the floodplain. Ms. Winter replied yes and clarified she was against changing the Comprehensive Plan to allow any new things to put chemicals in the floodplain.

Ms. Faith Ross, 210 North 3rd Street, presented copies of Federal definitions for hazardous materials. She requested the City adopt the Federal definitions into its Comprehensive Plan. She pointed out the State also has a tank registration, and expressed her hope the City would hold industry to the same standards as businesses and residents by requiring that future construction in the floodplain exceeds the National Flood Insurance Program (NFIP) standards. She expressed her concern of the City losing points in the rating system, which will increase flood insurance rates. She noted there was an issue of storage tanks in the floodplain that do not seem to have building permits. She expressed her opposition to the Rayonier

proposition and provided further comments in opposition to the proposed Comprehensive Plan Amendments. She inquired if it was possible for a property owner to obtain a new building permit if code violations are on the property.

Mr. Lynn Williams, 1899 South Fletcher Avenue, referred to Rayonier's presentation where it was suggested that the maximum wave that might impact the mill was 3 feet. He expressed his opinion that was in error based on observation and calculations. He briefly discussed wave action and velocity from a storm. He provided photographs taken from the water of the Rayonier Advance Materials (RYAM) tanks. He spoke to the need to build a larger berm to provide better protection of the mill site from waves, and commented that trees could be planted on top of berm. He suggested a partnership with the Florida Inland Navigational District (FIND) and the Army Corps of Engineers (ACOE) who would be dredging 45,000 to 50,000 cubic yards out of the channel to use that spoil as fill to build the berm for RYAM. Chair Lane suggested talking with RYAM about this idea.

Mr. Robert Prager, 1306 Autumn Trace, explained he is a Civil Engineer with 40 years of experience in floodplain engineering. He stated his publications talk to keeping people out of harm's way by what we do in floodplains. He pointed out the plants are located where they are, because that was a good location to build a plant. He explained they are required to maintain the standards of engineering. He briefly spoke about infrastructure ratings provided by American Society of Civil Engineers (ASCE). He pointed out engineers are capable of designing tanks in floodplains and how to defend against storms. He expressed his opinion that civil engineers can safely design structures in the floodplain and hazardous materials can be stored safely within the floodplain. He stated if you build a tank in the floodplain and you put a levy around it of sufficient height you file for a letter of map revision (LOMAR) and you actually remove that structure out of the floodplain. He pointed out as soon as that higher ground is around it then it is not in the floodplain. He explained you would still have to protect for the storm condition.

Member Bennett asked Mr. Prager's thought on the differences between the 100 year floodplain and the 500 year floodplain as far as design for safety. He stated some have suggested that if this is allowed there should be a 500 year minimum for height versus the 100 year. Mr. Prager stated he didn't know the heights here, but the difference between the 100 and the 500 is probably not much. He pointed out setting to the higher standard there has to be justification for that. There was some discussion about this and the concern about the impact to the flood insurance program. There was also some discussion about the practicality of building a berm and the quality of the material as well as the idea of considering doing a wave breaking analysis.

Mr. Phillip Chapman, 2120 Florida Avenue, expressed his concern about focusing on one place. He stated his understanding was this affects the entire City. He provided personal experience about living through two 100 year storms, and the most devastating was the blizzard of 1978 that hit Massachusetts. He requested that the board consider the effects on the entire island and a respect for nature.

Mr. Kevin Mooney, 997 Ocean Bluff, commented he didn't think the board would be considering this if there wasn't an economic impact. Chair Lane explained the board was directed to consider it. Mr. Mooney stated he thought this was the wrong direction for the City. He expressed his opinion that the economic future of the City was not in industry, it is in tourism. Chair Lane briefly commented that City taxpayers give about one-third of the City's revenue for taxes, the tourist industry is about one-third, and industry is about one-third. There was a brief discussion about this and whether the revenue base was changing.

Ms. Anna Occhuizzo, 1585 Canopy Drive, noted this change would affect the entire island. She commented the City was rushing to change something that is really important. She expressed concern with the impacts that this proposal has on the Port, and that may not be good for the community. She stated she hasn't heard an explanation why the Comprehensive Plan needs to be changed that makes any sense. Mr. McCrary explained this was in recognition of the LignoTech project when they approached the City for support of the location and for the pursuit of grant funding. He stated there are elements in the Comprehensive Plan that would preclude the introduction of new hazardous materials in the floodplain and outright disallow industrial activities within the 100 year floodplain. He pointed out the request brought to light issues within the Comprehensive Plan on existing industry and to recognize the limiting factor that the existing policy establishes. He commented the 100 year floodplain is a very dynamic beast, and it's not a static line drawn in the sand and it will continue to change over the years. He explained there are many homes existing in the floodplain, but through redevelopment and new development it has to meet the City's adopted floodplain standards. He stated risk was being reduced over time, but the concern is the floodplain is going to change. He provided further comments about the changes to the floodplain overtime. After a brief discussion about this, City Attorney Bach explained in 2011 the Comprehensive Plan was addressed with the Evaluation and Appraisal Review (EAR) process. She stated during the review things were identified that needed to be changed, but a new industrial use or new mill wasn't contemplated. She pointed out when LignoTech came in asking to take advantage of economic tax refunds and a grant for a new rail spur it occurred to City staff that the storage of hazardous materials in the floodplain could include 8th Street and a gas station. She explained currently it doesn't define what amounts can be stored or what kind of things can be stored. She stated the PAB was debating what changes are to be made and safety is something that the board was talking about a lot.

Chair Lane noted the waste treatment plant was in the floodplain. She questioned if the City had to expand that would the existing plant lose their grandfathering. Mr. McCrary replied the existing facility could continue operations in its current capacity. He commented to expand that use the materials are problematic, but also the use per the Comprehensive Plan would be deemed problematic as well. He stated it is a critical facility as well as a hazard if flood water encroach.

Ms. Anne Thomas, 402 Dade Street, stated her house is in a flood zone, and she is a few blocks away from Rayonier. She pointed out Rayonier was not here during the 1898 flood, and therefore we do not know what kind of damage could have occurred. She expressed her opposition to allowing flexibility to bring another mill or the expansion of the mill or the Port Authority to bring in hazardous materials. She noted there wasn't much that could be done for those grandfathered existing uses, but it was a whole other thing to change the Comprehensive Plan to give flexibility to industrial uses. There was a review of the current flood zone map and the proposed 2016 flood maps.

Mr. Russell Schweiss, 10 Gum Street, Rayonier Advance Materials, referred to grandfathered situations for properties within the flood hazard area and pointed out many businesses along the working waterfront are within that special flood hazard area. He stated when you talk about grandfathering you are basically freezing the status quo, and when existing tanks reach a point where you have to replace them to do so would be a violation if there is going to be a strict interpretation of this. He suggested developing code to mitigate risk by raising the standards rather than freezing them with the options of patching a tank or going out of business. He reminded the board that Rayonier has safety standards and they are not going to operate where they have a tank that is a hazard. He expressed his concern with creating an expiration date on all those properties. He suggested coming up with a solution that is long term in recognition of the assets that exist. Member Bennett commented his concern would be the potential for contamination on a large scale, which would make the area unusable. Mr. Schweiss reminded the board of the

mitigation steps Rayonier takes before a hurricane that were presented at the previous meeting that the most hazardous chemicals are moved offsite.

Ms. Marie Santry, 865 Atlantic View Drive, agreed with having a long term solution that can define requirements so that existing companies can make repairs/replacements to preserve the safety. She commented taking away a phrase and adding a few more words as staff has proposed opens up a can of worms, because it does not provide that path on how to do it. She expressed support of the alternative proposal sent by Dr. Ross, because he was trying to define a path by which citizens can stay safe and industry can continue to do business or add to the business they want to.

Mr. Schweiss clarified we need a path forward, but the requirements have to be something that is feasible to do. He commented building an elevated roadway from 3rd Street to the waterfront probably isn't something the City is going to do. He stated it has to be something that is a financially feasible path.

Chair Lane briefly explained that the Comprehensive Plan was not enforceable unless the City has the LDC.

Mr. Eric Bartelt, 3820 South Fletcher Avenue, questioned if the City could legally craft an amendment to the Comprehensive Plan that keeps the prohibition against hazardous materials in the floodplain, but creates exceptions for the two mills and the wastewater treatment plant. City Attorney Bach replied no it was discriminatory. Member Bennett inquired if it could be done through zoning by allowing it only in the industrial zone. City Attorney Bach replied yes. Mr. Bartelt explained he wanted to strike a balance between the prohibition of hazardous materials in the floodplain, but still allow LignoTech and WestRock. Chair Lane pointed out it cannot be named properties. City Attorney Bach explained the City could have certain standards apply and in the LDC it would be limited to certain zoning categories. Member Morrill inquired if a change could be made to the LDC in order to accommodate zoning and not touch the Comprehensive Plan. City Attorney Bach explained the reason we are addressing the Comprehensive Plan was because the City believes there was the potential for a consistency challenge if just the LDC was changed. She pointed out the current Comprehensive Plan says no hazardous materials or waste stored in the floodplain. She stated if just the LDC was changed there was the potential for a consistency challenge saying those LDC regulations are inconsistent with the Comprehensive Plan, because they are allowing for hazardous materials to be stored.

Mr. Santry referred to the alternative July 5, 2016 proposal and expressed his opinion that it does what several have referred to. He commented it limits the changes with respect to hazardous materials to narrow requirements for maintenance and enhancement of existing grandfathered facilities. He stated if the board wanted to undertake broader considerations of changes with respect to hazardous materials and the Comprehensive Plan that should not be done in haste. He pointed out the 100 year floodplain standards are widely and universally acknowledged to be minimum requirements to obtain insurability under the Federal floodplain standards. He commented they are not the minimum accepted required standards for hazardous materials in the floodplain. He noted that the ACOE recommends that hazardous materials only be permitted above the 500 year floodplain, and FEMA recommends that hazardous materials in the floodplain meet specific construction standards. He provided further comments in support of the July 5, 2016 proposal.

The public hearing was closed at this time.

Mr. McCrary provided an overview of the proposals for amendments received over the last two days (Rayonier Advance Materials (July 5th), Mr. Ross (July 5th), and Chair Lane). Chair Lane pointed out she

specifically deleted all the particular individual land things, and explained she would rather defer to those in the LDC since it was more easily changed. Mr. McCrary explained general reference to another set of regulations (local, Federal, or State) in the Comprehensive Plan and establishing linkages in the LDC is perfectly appropriate. He pointed out if those standards are repeated in the Comprehensive Plan that means the Comprehensive Plan would have to be revised if and when the regulations are changed. He commented if it refers to the other standards then it automatically carries forward. City Attorney Bach briefly explained that within one year of a city or county adopting a Comprehensive Plan they have to adopt land development regulations, and read from State Statute 163.3202. She pointed out what the City has in its Comprehensive Plan is supposed to be discussed in the land development regulations. It was explained any amendment to the Comprehensive Plan has to be sent to the State for their review. Mr. McCrary reported staff made a few modifications based on the comments heard at the meeting last week, and upon review of the submittals. He stated staff stands by establishing this as a policy statement and providing direction to technical standards in the LDC. He provided clarification that staff was proposing striking the prohibition within the floodplain and to say these materials shall not be stored in an area of special flood hazard area unless it meets the following criteria... He pointed out this provides reference to the City's floodplain management ordinance. He provided further details of the proposed amendments and explained there was a 45 day review period where the City can work on adopting regulatory statements. There was some discussion about the best way to proceed with these changes. The board discussed the idea of having some draft LDC language for consideration with the proposed Comprehensive Plan amendments.

Member Bennett pointed out there are items in here, which don't appear to be responsible for this area. He commented if we have an area that allows a use then why don't we have an area that prohibits certain uses. He explained he would prohibit a sanitary landfill in the City. Mr. McCrary pointed out Chair Lane's recommended language struck the list of uses and had a descriptive statement that talked about the nature of uses, which allowed for the LDC to spell out what those uses are. Member Bennett proposed listing what was strictly prohibited. There was some discussion about this. The board reviewed policy 5.14.09, which allows development as long as they meet standards. It was noted that adherence to standards that means the Comprehensive Plan and the Land Development Code (LDC).

Member Occuhizzo pointed out the board was here to decide should we make a change to the Comprehensive Plan, and if so how are those changes going to be. He read a prepared position statement which included this change would be systemic and would apply to all possible areas of the island. The statement also pointed out there were risks to citizens, to their property, to property values, to health, and to the environment. Member Occhuizzo expressed his concern of the request to put more hazardous materials in the floodplain, which would increase the risk to residents. He noted that with FEMA you have to be careful with floodplain management, and the minimum standards would do, but higher standards are strongly recommended. He continued to provide details from his prepared statement, and pointed out he was against the Comprehensive Plan change as it was presented. He suggested residents contact City Commissioners directly to voice their opinion, and urged everyone to be heard to be part of this discussion. He also suggested giving Mr. Santry's alternate proposal serious consideration.

Mark Bennett read from FEMA standards and suggestions to be excluded from the floodplain. He felt that if this request moves forward that this list be more seriously considered. He expressed his concern about accidents and the area being turned into a Brownfield. There was a brief discussion about this.

Mr. Prager noted the reference to the County model and clarified that model was an area location of hazardous atmospheres. He stated it was only gas and has nothing to do with a material that would be mixed into flood waters. He read a portion of the executive summary of the "Aloha model" related to

airborne chemical vapors. He related an example of a ruptured tanker and that the 13 miles would not be a circle, but rather a 13 mile plume that depends on wind direction. It was noted that gaseous substances have a dispersal rate. Member Occhuizzo inquired if there was a model that addresses hazardous material that is water borne or could soak into the ground. Mr. Prager explained he could research that for the board, and noted there is an ACOE model and computer model developed by the Environmental Protection Agency (EPA).

Chair Lane pointed out there is risk tolerance and risk aversion. She explained there has to be a balance for the people living in all the flood zones areas against those that make their living in industry. She stated the board has to balance all sides of this, and to be as objective as possible for the good of the City. There was some discussion about the points Chair Lane made about looking at all sides of this picture.

City Attorney Bach briefly explained how this came forward to the board, and if the City made no changes and LignoTech went ahead and pulled building permits she expressed her opinion there would be a consistency challenge. There was some discussion about this and whether it was possible for LignoTech to move forward without amending the Comprehensive Plan.

Member Occhuizzo requested more time for evaluation of the proposed amendments. He expressed his concern of opening the door for something in the future.

Chair Lane inquired if the board could have proposed LDC language and the final proposed amendments by next week. Mr. McCrary explained the changes would likely be both the LDC amendments and the Floodplain Management Ordinance to be modified to adequately address whatever technical standards we would like to impose. He stated he would need other staff involvement to evaluate that to determine what changes would need to be made, and noted they would like to get outside input as well to assess these things. He pointed out next week staff could have something very rough for the board. There was some discussion about a future meeting date of July 15th, and it was noted that Member Occhuizzo would not be able to attend that meeting.

Member Bennett referred to the change in heavy industrial and inquired if the land use was changed or was it just a zoning category. Chair Lane replied it was talked about, but the board didn't do anything with the table of land uses except for the Airport. She pointed out the LDC would reflect specific requirements within the table of land uses. Member Bennett requested if this moves forward to keep it to a very limited land use and zoning area not for the entire City. Mr. McCrary explained the City has the option in the LDC to address districts or specific uses. He stated since we know the uses that we want to affect we can rely on uses in the exercise. Chair Lane inquired about putting that together as a bundle to the City Commission. It was noted the subcommittee has worked on the uses for Heavy Industrial, but it had not been brought forward to the PAB for a formal recommendation. There was some discussion about this and it was explained the board could not take action on Heavy Industrial until it was properly noticed. The board had some discussion about how to move this forward, and it was suggested that the board could take action at the August meeting for the remaining items. There was some discussion about putting a package together for the City Commission that has the change to the Comprehensive Plan with a note that there must also be a Land Development Code (LDC) change.

Mr. McCrary referred to the question of the creation of a new future land use map (FLUM) category specific to those facilities that might utilize hazardous materials. Ms. Gibson clarified the subcommittee did not create a new FLUM category they created a new zoning district to address heavy industrial. She stated that would be included in the LDC not within the Comprehensive Plan. She pointed out these properties would continue to have an Industrial land use category assigned to them. Member Bennett

suggested the idea of creating a new land use category while making this other change to identify heavy industrial under a separate land use category. Mr. McCrary stated it can be done, but the question would be whether it was warranted or necessary. Member Bennett clarified that he wanted to limit it to a narrow area that would not impact the current industry. There was further discussion about this suggestion noting that currently the City has a broad industrial land use category that allows for a variety of intensities of industrial zoning, and there are currently three industrial zones.

City Attorney Bach pointed out the board could approve the language that staff has given the board, make a recommendation to approve some other language, the board could make no recommendation, or the board could recommend denial of this language. There was further deliberation about how to proceed.

A motion was made by Member Bennett to add in Policy 1.07.01 a Heavy Industrial Land Use Category, and in 5.14.09 remove A-O and where it says the City shall protect environmentally sensitive lands and conservation lands by developing standards within the Land Development Code related to development of these areas that will either the prohibit the following uses or will allow them provided they are developed, constructed, and/or operated in a manner that will protect the existing. . . in the Heavy Industrial category only (all other categories it would be prohibited). Mr. McCrary pointed out in 5.14.09 if you simply strike the list of specific uses it was to only allow hazardous materials and hazardous waste in the Heavy Industrial zone. He explained language would have to be added identifying what goes to Heavy Industrial, because there isn't a list of uses. Member Bennett stated it would be a new FLUM category. Mr. McCrary pointed out the category would not define what uses go in it. He explained staff would have to create a corresponding LDC zoning category to link that with the Heavy Industrial FLUM for that to work. Motion fails for lack of second.

Member Bennett stated he wanted to link those two together. Member Occhuizzo commented looking through the alternate proposal by Mr. Santry and Mr. Ross and he thought this addressed what Member Bennett was talking about. Chair Lane replied yes to a point. The board reviewed the alternate proposal and considered the motion made by Member Bennett. Member Bennett clarified his motion was suggesting that if we move forward with allowing hazardous material in the floodplain that we create a new category called "Heavy Industrial" and that would be the only place that hazardous material would be available to be stored or used. Member Morrill offered an amendment that in that industrial zoned area that hazardous waste is allowed provided they are developed, constructed, and/or operated in a manner that will protect the existing natural functions of environments, sensitive lands, etc. with the standards that staff was going to come up with that are higher than what currently exists. Member Bennett pointed out standards are addressed in the LDC and this motion was talking about the land use. He stated this would limit hazardous materials only in two areas in the City. Mr. McCrary explained the technical standards for where they are permitted would be the LDC language. He summarized the motion as: create a new future land use category that is the sole category for uses which will include hazardous waste or hazardous materials. Chair Lane questioned if breaking this out was necessary in this portion of the land use categories to have Industrial Heavy if the City has Industrial. Mr. McCrary replied it can be done, but he did not believe it was necessary. He related an example that certain uses are allowable in C-2 that are not allowable in C-1, but they both have the same underlying color on the FLUM of Commercial. He stated the FLUM is to put you on broad notice that this area is dedicated and intended in the future for accommodating commercial, residential, industrial activities. He commented it doesn't go to the point of identifying the level of those. He explained it was common to have a broad category with future land use and then refinement in the zoning code. There was further deliberation about the motion Member Bennett made, and concerns were raised that it overly complicates things by including it as a land use category.

A motion was made by Member Bennett, to make a new FLUM category for Heavy Industrial, have 5.14.09 designate that category as being the only allowable place in the flood zone for hazardous materials. Motion fails for lack of second.

There was further deliberation about how to proceed. **A motion was made by Member Morrill, seconded by Member Lawrence, to see some language on how to restrict the handling, storage, development of hazardous materials in the Industrial zoned category (I-2) and when that is allowed that it is allowed with standards that are developed or recommended by staff that include a higher threshold than the current minimums of the NFIP, FEMA, etc. and the board take a look at that at another meeting.** Member Lawrence commented that voting for this motion that whatever is presented on Friday may not go forward. He noted the board wanted to look at this a little further. Member Bennett stated the motion he had made would have to be advertised because it talked about land use changes. Ms. Gibson stated it would have to be advertised and also advertised as a large scale FLUM amendment to apply to the specific properties to have that new land use added. Member Bennett expressed his concern with pushing so much into a short time period. There was further discussion about the motion on the floor for staff to start to prepare the underlying LDC as well as flushing out what the final would be of the proposed amendment for the board to look at to go forward to the City Commission on August 2nd. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Morrill:	Aye
Member Lawrence:	Aye
Member Bennett:	Nay
Member Beal:	Aye
Member Occhuizzo:	Nay
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

There was a brief discussion about the timing of advertising and it was noted that the board would review what staff has prepared on Friday, July 15, 2016 at 10 am.

Mr. Chapman addressed the board to express his concern about ability for public input, especially for those that work. There was some discussion about an alternative date and time that the board could meet. It was suggested that the board meet on Wednesday, July 13th at 3 pm prior to the regular PAB meeting.

A motion was made by Member Morrill, seconded by Member Lawrence, to continue this item to Wednesday, July 13, 2016 at 3 pm. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

3. Comments by the public – There were no additional comments at this time.

4. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:30 pm.

Secretary

Judith Lane, Chair

- 1. Call to Order** - The meeting was called to order at 3:00 pm.

Roll Call/Determination of Quorum

Board Members Present

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

Board Members Absent

Chris Occhuizzo

Others Present

Marshall McCrary, Community Development Department Director
Kelly Gibson, City Planner
Tammi Bach, City Attorney

Member Morrill and Member Lawrence were seated as voting members for this meeting.

- 2. New Business**

2.1. PAB 2016-15 Comprehensive Plan Text Amendments - Amending Policy 5.03.13 and 5.14.09:

Chair Lane noted the board received a number of amendments and extra things. She requested staff to provide an update to the board. Ms. Gibson explained the agenda reflects what was previously out as an agenda, since this was a continuation of the Special Meetings that started June 29th. She stated the staff proposal addresses the questions, direction, and comments provided by the PAB at the July 6th meeting. She clarified it modifies both the Comprehensive Plan Section 5.03.13 and 5.14.09. She pointed out staff also provided Land Development Code (LDC) changes to be associated with this, but action could not be taken on those LDC changes at this time. She explained staff would like some assistance with reviewing the LDC changes before proceeding.

Chair Lane noted a proposal was sent from Rayonier Advanced Materials (RYAM) and one from Member Ross. After a brief discussion about taking input at this meeting, Member Morrill requested the comments provided in an email by Member Ross last night be considered by the board. This information was distributed to the board, and Mr. Ross clarified it was a suggestion the City adopt the amendments Mr. Santry and he previously submitted. There was a review and some discussion about the information that had been submitted to the board for consideration.

City Attorney Bach explained the board was considering the staff proposal that was sent to the board yesterday, a proposal from RYAM sent late yesterday, and a proposal from July 5th titled alternate proposal from Mr. Ross. Member Bennett read “in coastal areas storm surge heights in general exceeded the levels defined by existing flood hazard maps as well as historical records.....” from NIST technical note 1476 page 35. Ms. Gibson clarified that document was forwarded to the board from Mr. Robert Prager. Member Bennett commented according to that document the storm surge documents are outdated

and questioned if the City had the most recent flood maps. Ms. Gibson replied staff has flood maps that are proposed to be adopted later this year, and staff has new storm surge modeling that was adopted by the regional council in 2013. Member Bennett questioned the depth of the 100 year and 500 year flood waters. Mr. McCrary pointed out storm surge and flood describe two different phenomena. He explained surge is water associated with a storm, and it will inundate a floodplain. He stated a floodplain is based on a standard storm event/rain event that might occur on average every 100 years. He pointed out the elevation of that water is site specific, and you have to look at the Federal Emergency Management Agency (FEMA) locally adopted flood maps to determine what that elevation is on a specific site. Member Bennett inquired about along Front Street. Mr. McCrary replied it will vary depending on the topography and the terrain. There was some discussion about the potential depth of water in a 100 year flood which will vary depending on the topography and could range from 2 to 4 feet. It was noted that any structure built under the current flood ordinance would have to be at 11 feet.

Chair Lane pointed out in New Orleans what tended to stand were the industrial things, because they are made to a higher standard. She commented the things they showed in the pictures that were down were people's houses, parking structures, and a few other things. Member Bennett stated he saw tanks blown over and roads/dikes that were destroyed. He noted there were a number of reports that covered from Mississippi to Louisiana and they talked about the casino barges being lifted off their moorings and pushed inland. Member Bennett questioned whether to have a 100 or 500 year minimum standard for flood. He pointed out global warming is an issue and currently the City has high tides that overflow Front Street, which is industrial. Chair Lane inquired if the staff proposal reached Member Bennett's concerns. Member Bennett explained he thought the City needed to minimize the areas that the City allows hazardous materials, which should be in the two heavy industrial areas that have been identified. Chair Lane inquired about the rest of industrial, the waste treatment plant, and the Port. Member Bennett stated the Port is a big concern, because once you allow hazardous materials in the area then anything goes with the Port. He pointed out there have been citizens objecting to coal, petroleum, and a number of hazardous materials. He commented the waste treatment plant is an essential element of the City and that was less of a concern. He expressed his concern that hazardous materials would be allowed over the entire City and the potential for increasing the industrial element on the island.

Chair Lane inquired if I-2 was really in the future Heavy Industrial. Ms. Gibson replied correct. Mr. McCrary explained if the board wanted to control the location of uses that might allow and use hazardous waste or materials as part of their operations you can restrict them via the zoning district where they are permitted. There was some discussion about the idea of specifying hazardous materials are only allowed in Heavy Industrial. It was noted the change could be made in the LDC rather than the Comprehensive Plan. There was further discussion and deliberation about whether the limitation should be in the Comprehensive Plan and the LDC or just have it in the LDC. It was noted the board did not want to interfere with the water or wastewater operations, and the idea was to not allow hazardous materials in additional areas of the City.

Mr. McCrary again explained that staff would say the City does not need a new Future Land Use Map (FLUM) designation to affect what was being talked about. He stated the LDC is very enforceable and was the most enforceable element of the regulations the City has. He advocated for maintaining the current Industrial FLUM designation. Chair Lane expressed her opinion having Industrial in the FLUM would be fine, because it would be broken out further in the LDC. Member Lawrence questioned how the water treatment plants would be addressed. He commented the board found out the other day that this does not address anything that is mobile such as items coming and going in the Port whether it is on a train or trucks. He expressed his concern with the impact on the flood insurance ratings. He pointed out

trains are not storage and they are not above the flood elevations. He questioned how these properties would be serviced in the event of an emergency and we need to make sure the City facilities are not forgotten in the process. Mr. McCrary explained the wastewater treatment facility is viewed as an item that is critical in recovering from a flood and would be subject to higher standards. He referred to the maintenance yard and pointed out things that have hazardous chemicals or materials would be required to be elevated if they are in the 100 year flood. There was further discussion and deliberation about how to proceed.

Member Bennett suggested in 5.03.13 to add a new category called “Heavy Industrial” to restrict hazardous materials/hazardous waste to “Heavy Industrial” areas in the Comprehensive Plan. He commented if that is done then a lot of the other items as part of the Comprehensive changes don’t need to be talked about. He questioned if the board thought that was the way to go. City Attorney Bach pointed out the board couldn’t take action on anything other than the policy numbers (5.03.13 and 5.04.19) that have been before the board for the last three meetings. Member Beal inquired if the language Chair Lane proposed could be done in 5.03.13. Ms. Gibson replied yes. Member Beal pointed out the board could send a message to the City Commission that it was the board’s intent to meet their deadline and have further Comprehensive Plan changes to further define what is being done. Mr. McCrary read “that hazardous materials or hazardous waste are limited to heavy industrial areas and are stored within tanks or vessels....” There was a review of this language under (a).

Member Lawrence inquired where does the City address which elevation it was dealing with (100 year or 500 year) and how does the City address road access. City Attorney Bach replied the LDC according to staff’s proposal. Member Bennett stated it can be in the Comprehensive Plan to designate that it was only permitted under regulations for the 500 year flood or the 100 year flood. He pointed out if it says 500 year flood then the LDC would have to meet those criteria. Member Lawrence questioned if that was what was needed to make sure the flood insurance review was not negatively impacted by this. Chair Lane pointed out we’ve heard some people say yes and some people say not necessarily. She stated right now it is defined to the 100 year. Member Lawrence noted if the City makes it less restrictive the City would lose points. After some discussion, Mr. McCrary pointed out the City was not lowering any standards. He explained the accrual of points helps the City earn reductions in flood insurance rates and the City does prize that and wants to continue to build on it/maintain it. He briefly commented that moving a piece may cost some points, but another piece may gain you that many points and more. He pointed out currently the City requires one foot of freeboard above the base flood elevation, and this proposal that the board can’t take action today would implement in the LDC additional restrictions to go to two feet above the 100 year flood when hazardous materials are involved. He explained he didn’t anticipate higher costs on the City to administer those higher standards, but it results in a higher cost to deliver the higher standard. There was further discussion about how to proceed and an appropriate motion. **A motion was made by Member Morrill, seconded by Member Rogers, to approve the Comprehensive Plan language as proposed by staff with the July 12th revision amended to reflect the added language “limited to heavy industrial zoning district.”** Member Bennett questioned the use of the term “uses” versus the specific category. He commented the intent was to make it so it was in a new category, Heavy Industrial and identified in the FLUM and also have a new policy as Heavy Industrial. City Attorney Bach suggested “limited to properties zoned heavy industrial”. After a review of the revised language, **vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

The board had some discussion about whether to have standards to the 500 year floodplain included in the Comprehensive Plan language, but concerns were expressed about not knowing what the 500 year

floodplain standards are. There was some deliberation on an appropriate motion to have a higher standard. City Attorney Bach polled the members of how many wanted to see the terminology “500 year floodplain” in the Comprehensive Plan amendments. Three members were in favor. Chair Lane explained she couldn’t do that until she understood what that really is. City Attorney Bach explained staff needed direction of what the board was sending to the City Commission, because the LDC specifics would be coming back to the board for debate. Chair Lane suggested the board also let the City Commission know the board was going to seriously study bringing the 500 year floodplain in as a the standard citywide in the future. She pointed out the board would need to study and find out what the 2016/2017 mapping is. A concern was raised about adding that standard to residential construction. There was a brief discussion about the 500 year floodplain standard, but there was not a consensus to have it in the Comprehensive Plan at this time.

Ms. Joan Bean, 141 North 15th Street, noted there were new pieces to the puzzle all the time. She expressed her appreciation to the board for wrestling with this big problem. She referred to Mr. Ross’ proposal and commented it sounds like it would protect the public more than the lesser requirements. She requested that whatever is chosen as the requirements that there is a way to check to make sure they are doing the right thing.

City Attorney Bach summarized that City staff’s proposal was on the screen for two proposed changes to Comprehensive Plan Policy 5.03.13 and Policy 5.14.09. She stated the motion that passed included the changes with the amendments regarding Heavy Industrial for both policies.

Member Lawrence referred to the idea of making a statement to the City Commission about the board’s intent. Chair Lane stated staff has that. City Attorney Bach noted that was the 500 year floodplain, specific anchoring requirements, etc. would be debated, and Heavy Industrial on the FLUM. Member Lawrence pointed out there were some definitions that need to be clarified and questions about access roads as part of the LDC. He expressed his hope that it would address what Mr. Ross presented and the other issues the board has been talking about in the LDC. City Attorney Bach inquired if there was a timeline to bring the LDC amendments back. Mr. McCrary replied staff anticipated the regular meeting August 10th. It was noted after first reading by the City Commission it goes to the State. Member Beal noted during the time it is at the State (about 45 days) the board would finish up the LDC. Member Bennett provided direction regarding the LDC proposed changes to prohibited uses to include under item B- 9 Petroleum and Pesticide products.

3. Comments by the public – There were no additional comments at this time.

4. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 4:35 pm.

Secretary

Judith Lane, Chair

1. **Call to Order** - The meeting was called to order at 5:02 pm.

Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair
David Beal
Charles Rogers
Eric Lawrence (alternate)

Mark Bennett, Vice-Chair
Jon Lasserre
Chip Ross
Jamie Morrill (alternate)

Board Members Absent

Chris Occhuizzo

Others Present

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

Member Morrill was seated as a voting member for this meeting due to the absence of Member Occhuizzo.

- 2.1 **Review and Approve June 8, 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.**

AGENDA CHANGE: Chair Lane requested item 5.1 the Sunshine Law overview be heard first on the agenda.

Sunshine Law Overview – City Attorney Bach briefly explained the Sunshine Law is comprised of two parts (public records act and the open meetings law). She stated anything related to the business of the board or foreseeably would come before the board including email, voicemail, or any type of medium is a public record. She pointed out board members are not to be emailing other board members, but there is an exception if the board member is sending out a memo as long as there is no reply. She explained if there is a reply then both members have violated the Sunshine Law. She referred to open meetings and stated you cannot meet with one other board member and discuss anything that could foreseeably come before the board for a vote. She also explained that a board member that attempts to use an intermediary (a person not on the board) to send a message to another board member and that message gets through then both members are in violation of the Sunshine Law. She clarified that ex parte communications are only valid for quasi-judicial boards. She stated if the board was doing zoning hearings where you act as a quasi-judicial body that would make sense, but that was done at the City Commission level. She explained she would periodically remind staff and board members of the Sunshine Law.

Member Beal noted Mr. Lasserre has three cases before the board tonight. He questioned if he had talked with Mr. Lasserre about one of the cases, since Mr. Lasserre was recusing himself was that ok. City Attorney Bach replied that is not a Sunshine Law violation, because the two members are not going to participate in the same vote. She reminded the board that she was available if they had any questions. There was a brief discussion about the information that board members receive about any upcoming cases, and it was noted that information should be shared with staff to disseminate to the rest of the board.

Member Lasserre recused himself at this time and Member Lawrence was seated as a voting member. City Attorney Bach reminded Member Lasserre to fill out the voting conflict form, which is filed with the City Clerk's office.

3. New Business

3.1. PAB 2016-16 - PHOENIX INVESTMENTS, LLC, JOHN ROBAS STREET & FIRST AVENUE - ZONING MAP AMENDMENT - (PAB 2016-16), REQUEST ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM MEDIUM INTENSITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL

Ms. Gibson pointed out the staff report was part of the public record. She stated PAB 2016-16 was a land use and zoning case for property located at the corner of First Avenue and John Robas (.38 acres of land) to move from General Commercial land use and C-1 zoning to High Density Residential land use and R-3 zoning designation. She explained the property previously requested the same land use and zoning in 2004 with the intent to develop three townhome units. She commented for whatever reason the applicant did not proceed with those changes so the property was back today requesting the same thing. She stated the difference today was there is no special use requirement that would come before the PAB. She explained a multi-family project or townhome style development would come through the City's Technical Review Committee (TRC), receive a local development order, and then be able to move forward. She provided further details from the staff report including that staff's recommendation was approval.

Member Ross referred to Section 12 of the Comprehensive Plan (economic development) and read "protect existing land designation for employment generating uses....." He questioned why the City was taking commercial land and turning it into residential land, which seems to be opposed to this economic development element of the Comprehensive Plan. Ms. Gibson replied it is a private applicant driven text amendment. She stated she found given that the surrounding area is a resort rental type of use that the property can generate jobs and continue to support that area. The board reviewed an aerial of the property in question. It was noted if this had gone through the City Commission for approval in the past and they just didn't develop the property they would have had the land use and zoning tied to the property.

Mr. Jon Lasserre, agent for the applicant, referred to Section 12 and noted it refers to job opportunity areas. He expressed his opinion that it was not applicable in this case. He stated his client's family assembled the property at 1940 South Fletcher and the two vacant parcels south of it over a time period from 1999 until two were sold in 2013. He commented in 2004/2005 his client and the City were engaged in a lawsuit over the lack of ability to develop the oceanfront, and part of the settlement was this parcel could be used as overflow parking for the oceanfront property. He explained the reason Mr. Kuitems stopped going forward on the R-3 application with the City Commission was to maintain Commercial so it could be paved in terms of a parking lot. He stated since the two oceanfront properties were sold in 2013 that was no longer necessary, and now Mr. Kuitems was seeking to return something that is more compatible. Member Morrill inquired if anything has to be done in relation to the legal settlement. Mr. Lasserre replied he was not building on that property, and he believed the selling of the property severed that settlement agreement. Chair Lane inquired about the size of this property. Mr. Lasserre replied .38 acres. It was noted there would be enough room for three units with parking onsite.

Member Ross noted the Nassau County Economic Development Board (NCEDB) has talked about a diversified tax base and they promote having commercial development to diversify the tax base. He stated this was taking commercial land and turning it into residential land. He questioned how this was

promoting a diversified tax base. Mr. Lasserre referred to the surrounding area and the residential development that has already taken place south of it and pointed out the parcel is small for one standalone commercial development. He commented this property has been for sale for the last 15 years as commercial property and it hasn't sold. He explained three residential units appear to more in keeping with the neighborhood than a hotel or a restaurant or a parking lot. There was a brief discussion about the surrounding uses.

The public hearing was opened at this time.

Mr. Ray Anderson, 2162 First Avenue, questioned the implication of non-conforming for those other residences. Ms. Gibson replied they are currently a grandfathered use, which is allowed to continue as long as that use does not lapse for a period greater than 180 days. Chair Lane inquired about when the property is sold. Ms. Gibson replied a property may be sold that is non-conforming and continue to maintain the same non-conforming use status as long as it remains occupied and within that same use. Mr. Anderson inquired if the intent of the development was to be used as vacation rental properties or residences. Ms. Gibson explained there is no requirement per the application process to make any decision about future development. She stated the owner determined after this has been on the market for a period of time under general commercial status and it was not selling so they felt it was in their best interest to convert it to a residential land use to sell the property. She commented short-term rental was permissible under the R-3 zoning. Mr. Anderson expressed his concern that the other residences on South Fletcher have vacation rentals and the neighborhood takes on a different aspect.

Member Beal questioned if the three properties to the south could be bought and operated as a commercial property. Ms. Gibson replied yes as a lodging accommodation. She pointed out there would be aspects if you were to operate as a lodging accommodation that would not be conforming because you would not have a hotel lobby unless it was associated through some other hotel. Member Beal inquired if it could be any other use within C-1. Ms. Gibson replied yes any other use within C-1. There was a brief discussion about this and that if the property was vacated and shut off utilities for greater than 180 days the nonconforming use would no longer be available and the property would have to be used as commercial space.

Ms. Patti Roberts, 2172 First Avenue, commented that over 60% of that end of First Avenue was owner occupied and there are very few long term rentals. She stated the idea of short term rental was like a new party every week, and that is not fun when it is in your neighborhood. She explained during a holiday weekend or a busy time the parking lot behind Dairy Queen is full. She pointed out she didn't have a problem if they were asking for R-1, because then someone would be building a house on that corner. She expressed her concern with R-3 to have short-term rental and traffic in the area.

Mr. Howard Neidig, 2786 Robert Oliver Avenue, explained his daughter lives at 2218 B First Avenue and concurred with the previous speaker. He explained weekly rental seems contrary to the other homes in that area.

Mr. Lasserre pointed out the zoning to the south of this and this property could be used like the Beach Club is over on South Fletcher or create a lodging accommodation. He explained they were talking about three units not a hotel or a condominium complex. He stated his client hasn't identified if he intends to build townhomes or rent them short term or long term. He pointed out the requested density would allow three units, and the property was twice the size of the two townhomes south of it. He commented the question is about the ability to do short-term rentals. He explained the problem with R-1 with one big

house is that nobody wants to live next to fire station. He provided further comments in support of the requested amendment including it was in keeping with good planning to go from commercial to high density residential to medium density residential to single family residential.

Member Lawrence inquired about subdividing the property into three lots and making them R-2. Ms. Gibson stated you have a minimum lot width in R-2 of 50 feet. After some discussion about the idea of subdividing the property, Member Ross briefly expressed his opposition to the request since it was turning commercial land into residential land and he was also opposed to the R-3 density. Member Beal briefly commented he thought it was a good transitional use from the commercial. There was some discussion about step down zoning/transitional zoning.

Mr. Anderson questioned step down zoning and where the character was changing and how that was connected to this request. Mr. Lasserre explained a change was put into effect in 1999 that limited short term rentals to only the R-3 zoning district, and you could only maintain your resort rental permit if you were grandfathered in and you continued with that use. He stated that was the reason you have a myriad of homes along South Fletcher that have the short-term rental ability. He pointed out since then there have been four new hotels built in the last 5+ years, but 10 years ago there weren't five hotels within a half mile of this property. He commented that has created the amount of traffic that is now at Sadler Road and South Fletcher. He briefly explained the change of the businesses in the area (Sliders, Hammerhead, etc.) He referred to step down zoning and stated the highlighted lot was the second application before the board. He briefly explained the idea of stepping down from commercial to the residential zoning. There was further discussion about step down zoning and keeping in mind the existing uses in the area. It was pointed out that R-2 was also a step down from commercial.

Ms. Gibson explained she ran a density calculation on the adjoining properties, and if the townhomes could be changed to R-2. She stated because of their narrow size they just meet the minimum for R-3 zoning standards (4,356 square feet of land area) to support that one unit. She pointed out the City would have to apply high density residential R-3 zoning status to those properties in order to make them conforming. There was further discussion and deliberation about the request before the board.

The public hearing was closed at this time. *A motion was made by Member Ross, seconded by Member Lawrence, to deny PAB 2016-16 to the City Commission requesting a Future Land Use Map (FLUM) assignment to High Density Residential and zoning change to R-3 from General Commercial Use and C-1 as described in PAB 2016-16 as presented is not sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time.* Member Ross inquired if the denial fails then the board would have to come up with a new motion to approve. City Attorney Bach replied correct. *Vote upon passage of the motion was taken by ayes and nays and was as follows:*

<i>Member Rogers:</i>	<i>Nay</i>
<i>Member Beal:</i>	<i>Nay</i>
<i>Member Ross:</i>	<i>Aye</i>
<i>Member Lawrence:</i>	<i>Aye</i>
<i>Member Morrill:</i>	<i>Nay</i>
<i>Member Bennett:</i>	<i>Nay</i>
<i>Chair Lane:</i>	<i>Nay</i>

Motion failed.

A motion was made by Member Morrill, seconded by Member Rogers, to approved PAB 2016-16 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial Land Use and C-1 as described; and that PAB 2016-16 as presented is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Nay
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.2. PAB 2016-17 - FRANK D. KUITEMS, 1940 S. FLETCHER AVENUE - ZONING MAP AMENDMENT - (PAB 2016-17), ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL.

Ms. Gibson explained this parcel totals roughly .41 acres and was currently operating as a nonconforming land use. She stated at present it has a long term rental occupied at the property, and it was a duplex. She pointed out the request was the assignment of high density residential land use and R-3 zoning. She commented the intent was to maintain its current nonconforming status and remove that nonconformity. She explained there were no development plans associated with the property. She stated directly across the street and directly north of the property are high density residential zoning and adjacent to it is commercially zoned property that are resort style in nature. She reported upon review of consistency of the request staff recommends approval.

Member Ross inquired when the duplex was built how did it get zoned commercial. Ms. Gibson replied it may have been built prior to the current zoning was in place (1971). She commented through the digitizing of maps this property may have been overlooked and zoned commercial or the City may have wanted to see it be commercially developed. She explained with the development surrounding this property it was logical that an R-3 zoned district would be appropriate for this property.

Mr. Jon Lasserre, agent for the applicant, explained his grandparents purchased this property in 1973 and he grew up here until it was sold in 1999. He stated it was zoned commercial because the City wanted that whole area to go commercial. He concurred with staff and commented this was clearly a prime example of transitional zoning.

Member Ross inquired why the applicant was opposed to keeping it commercial. Mr. Lasserre explained when they bought it they intended to assemble the three lots with 215 feet on the oceanfront to build a hotel. He stated since then they sold two lots for the development of a hotel and were now seeking R-3 for this parcel. He pointed out this has been residential use since 1971 and the intent was to keep it as residential use. Member Beal pointed out that this property could not be assembled with the commercial property to south due to the prohibition of assembling more than 100 feet. He stated this would have to

be a standalone commercial site. Mr. Lasserre replied correct and explained that was why the assemblage didn't work.

The public hearing was opened at this time and there being no comments from the floor the public hearing was closed. Member Ross again expressed his opposition to turning commercial property into residential. **A motion was made by Member Beal, seconded by Member Rogers, to recommend approval of PAB 2016-17 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial land use and C-1 zoning as described; and that PAB 2016-17 as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Aye
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.3. PAB 2016-18 - THE ASPIRE AT AMELIA II, LLC, 3017 & 3021 AMELIA ROAD - ZONING MAP AMENDMENT + LAND USE MAP AMENDMENT + VOLUNTARY ANNEXATION - REQUEST FOR VOLUNTARY ANNEXATION INTO THE CITY OF FERNANDINA BEACH, ASSIGNMENT OF A FUTURE LAND USE CATEGORY OF MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW-MEDIUM (RLM) ZONING

Ms. Gibson explained this request was for a voluntary annexation of roughly 7.91 acres of land located at Simmons Road and Amelia Road. She stated the property has two single family homes and pasture land. She pointed out the Nassau County land use and zoning carries an Open Rural designation and RS-2. She explained the request was for Medium Density Residential land use designation with a Residential Low-Medium zoning designation, which was consistent with the surrounding area of that property. She pointed out the property was recently purchased by Aspire at Amelia to be part of a complex of uses that would be an assisted living facility, while the property would be a standard single family subdivision site that will have access to the assisted living facility amenities on the adjacent property. She explained the request was consistent with Comprehensive Plan policies with respect to its public facilities, and was consistent with the Land Development Code. She stated the annexation would not represent an enclave and was a logical extension of the City's boundary.

Member Ross questioned if the current zoning was Open Rural. Ms. Gibson replied a portion of the property is (4.14 acres). Member Ross referred to the total units that could currently be put on that property and explained the answer was one per acre. He questioned how many units would be able to be put here. Ms. Gibson replied a maximum of 65 units. There was some discussion about this request noting the need to annex was to receive City water and sewer. The assisted living facility would be located directly behind it to the west.

Mr. Lasserre, agent for the applicant, introduced Mr. David Hink and Mr. Bruce Jasinsky with Aspire Development. He explained Open Rural allows one per acre, and there was no comparable City zoning. He stated they were going from medium density in the County to medium density in the City. He referred to the zoning of 8 units per acre and noted that was with Medium Density Residential in the City. He pointed out Residential Low-Medium was 6 units per acre. He explained due to the characteristics and layout of the property the maximum units was in the 30 range given a 50 foot wide lot. He stated this request was standalone to be annexed into the City with appropriate zoning and FLUM designation. He pointed out the intent was to tie together this project with the adjoining C-2 project. He clarified there was no intention to make this the assisted living facility, because it would be single family homes for sale. He briefly provided a comparison with Osprey Village that has single family detached homes. It was noted there weren't many trees on this property, but once annexed the City's Tree Ordinance would apply to the project. The board noted with RS-2 it was about 3 units per acre and there were 3.77 acres under the RS-2 zoning. Member Ross noted 18 units would be allowed under the current County zoning.

Chair Lane inquired if the C-2 property would be owned by the same development. She noted that Osprey Village and those in Jacksonville are owned by the same group. She commented people own their private home, but they buy into that assisted living. Mr. Lasserre deferred to the developer and stated they are related entities with one for sale and one is not. Chair Lane questioned staff if the board would see the platting for the C-2 part. Ms. Gibson replied there is no platting associated with commercial development. Member Lawrence inquired if the single family homes would be sold with restrictive covenants of some type that tie them to the commercial property. Mr. Lasserre stated they would share amenities. There was a brief discussion about this.

The public hearing was opened at this time.

Ms. Marilyn Baggett, 820 Simmons Road, pointed out she also owns a home on Spanish Way. She explained they have an access gate where they can leave the subdivision and go along trail which has many trees. She pointed out on the map where there were entrances for the two single family homes. She expressed her concern with 40 units in this area and the increase to traffic from this area that currently only has two driveways. She stated this area is currently in the County with a lot of trees, and commented that would be a lot of traffic added to a small rural road. She provided further comments expressing her concern with the number of people coming in and out of that area.

Chair Lane inquired about the model for this subdivision. Mr. David Hink replied their model was either age restricted or age targeted. He explained the residents are looking for a broader place in the community and they are looking for the services, which was why they thought these homes would add value over other homes. Member Morrill inquired if there would be any covenants or deed restrictions. Mr. Hink replied absolutely and stated those haven't been put together yet. He explained they would be deed restricted in the type of landscaping, frontage, type of roof, limited character so they match together, etc. He commented it would be like a Homeowners Association (HOA) that has a clubhouse. He explained on the other parcel they are developing a large clubhouse for the members for the independent living participants as well as the assisted living participants. He stated the HOA monthly fee would be for maintenance of the exterior landscape and for privileges to use the dining and other facilities on the main campus.

Member Ross questioned if hypothetically they don't go forward with this project how many units could be placed on this property. Ms. Gibson stated she would give the board an exact figure momentarily and reminded the board Mr. Lasserre pointed out the zoning code restricts through the RLM zoning district to

6 units per acre. Member Ross noted in that area there are single family homes on big lots and questioned how this would fit in with that. Mr. Hink stated their interest was for single family homes in there, which would be supportive of the larger community. Member Ross commented those single family homes would be on much smaller parcels than what is in the neighborhood. Mr. Lasserre explained the Barrington subdivision has 23 lots and was approximately the same size as this property where they were talking about 30 so it was quite comparable. He referred to the surrounding property and stated they are not departing dramatically from the character of the area. There was further discussion about this request and it was noted that it would annex immediately because it was contiguous to the City and would be under the City's Tree Ordinance and other ordinances. City Attorney Bach briefly explained when a property is annexed you have to assign a City zoning category.

Mr. Lasserre stated they were applying to be annexed and at the same time they were asking for a FLUM designation and zoning. Member Ross requested clarification of the annexation process. Ms. Gibson explained when someone comes to the City with a request to be annexed one of the things the City looks at is to find out if that property is contiguous to the City limits. She stated this property is contiguous so the City was requesting a voluntary annexation, because with them coming into the City now there was no need for an annexation agreement. There was further discussion to clarify the annexation process, and Ms. Gibson explained that with the RLM zoning at 6 units per acre including public rights-of-way you could have up to 52 units total. She pointed out this project would come back before the board for preliminary and final plat. She explained the board would see the streets and the layout of the lots at some point in the future because this will follow a subdivision process. Member Ross inquired if it was R-1 how many units could be built. Ms. Gibson replied 34 units and there was the minimum lot width of 75 feet.

Mr. Michael Waskew, 3105 Aja Court, explained his property abuts this land. He commented this was sticking in a higher density between two lower densities of housing, which makes no sense to him. He stated reading the zoning designation not only does it allow single family houses, but allows townhouses, duplexes, and triplexes. He noted this would allow for great flexibility in developing the property. He referred to Osprey Village and pointed out you can't resell your property except to Osprey Village. He noted that once this property is rezoned it is rezoned. He explained he was pleased to hear single family was proposed, and suggested that it be made 75 foot lots. He commented the neighbors would like to maintain the nature of the existing neighborhood. He pointed out there are wetlands on the commercial parcel directly behind his property, and whatever development is done will create runoff. He expressed his concern about the impact to their retention pond. He provided further comments about the proposed project and expressed his hope that the development understands that the neighbors want the zoning to reflect what they have now.

Mr. Tom Martin 3136 Aja Court, expressed his concern about the traffic because there is already a lot of traffic on Amelia Road. He commented adding another entryway was going to cause even more traffic. He explained he didn't see a big difference if R-1 restricts what can be built and is a 75 foot lot size, because he thought that was in keeping with what his subdivision has. He also expressed his concern about what happens to Barrington's retention pond when there is runoff from 30+ homes.

Member Bennett noted if they build this they would have to have their own retention. Mr. Lasserre stated the developer cannot tie into Barrington's retention pond without their consent. He pointed out there would be onsite retention on this property as well as the commercial property and be designed as to where the water would go if it were to overflow. He explained they were aware of the drainage in the area and it would have to be permitted through the St. Johns River Water Management District (SJRWMD). He

stated although Medium Density Residential does allow single, duplex, triplexes, and condominiums the requested zoning, RLM only allows single family. He pointed out single family was the only housing type under RLM. He referred to the concerns about commercial traffic and commented it was not reasonable to take a commercial truck for the assisted living facility down Amelia Road. He stated there would be a major entryway through Amelia Island Parkway. Ms. Gibson explained the staff report points out the requirements for permitting for a subdivision and read a portion into the record. She referred to the questions about the future of Simmons Road and stated she has been working with Nassau County there was a proposed 10 foot paved multi-use path that would go along Simmons Road connecting the beaches at South Fletcher all the way to Bailey Road. Mr. Lasserre commented his client has been working on that multi-use path as well, and they intend to dedicate 15 feet along Bailey Road to facilitate that path as well as land along Amelia Island Parkway. There was some discussion about the multi-use trail.

Member Ross questioned the choices with the zoning associated with this annexation. City Attorney Bach replied usually the choices are to keep it in line with what the County zoning is. It was noted there was not comparable zoning to Open Rural in the City. Member Ross inquired about the choices. Ms. Gibson replied the most reasonable fit was Medium Density Residential and RLM zoning. Member Ross argued that R-1 is the most comparable to Open Rural.

Ms. Lauree Hemke, 751 Barrington Drive, expressed her concern with the proposed zoning. She stated she didn't see why the zoning cannot be the same as Barrington or comparable. She also expressed her concern that if approved people would build at a higher density and she was concerned with the wetlands as well as the greenery around the property. She stated she didn't have a lot of faith in developers that say they are going to protect the trees. She explained she was also concerned with the roads and the traffic in the area.

Ms. Elsa Mitschele, 3105 Aja Court, pointed out currently there is a creek that runs along the entire proposed area and where she lives. She inquired about what would happen with that creek. She also inquired what they would do to differentiate that neighborhood from Barrington. Mr. Lasserre stated he was familiar with the wetland behind the Barrington subdivision on the Amelia Holdings property, which is in the City. He pointed out wetland property in the City cannot be touched, and would be protected by the City's regulations. He referred to trees and reported they would abide by the Tree Ordinance. He pointed out transitional zoning is important and there are a lot of uses under C-2 so this property would be stepping down the zoning. He clarified it was going from Intensive Commercial to Low to Medium Density to allow the development of this particular site. Chair Lane suggested the developer work with the Tree Conservancy in their planning. There was a brief discussion about this.

Ms. Mary Pitcher, 3116 Amelia Road, pointed out Amelia Road is a very narrow road with no shoulders. She stated she did not have any objection to any of this or the zoning with the exception of any entry or exit onto Amelia Road other than what is currently there. She suggested that the major entrance be off Amelia Island Parkway and no entry or exit onto Amelia Road.

Ms. Melinda Signorella, 3117 Aja Court, explained her house backs up to the retention pond and if there is no type of wall securing the area between their property and Barrington's pond she was concerned about the liability with that pond. She commented senior citizens could stumble out and fall into the pond. She questioned how this would be tying into Amelia Island Parkway, because she didn't want that to back up to her property either. Mr. Lasserre noted the concerns and explained they have to have a secondary access for the project. He pointed out that would be taken care of at the Technical Review

Committee level. He stated the only logical entrance for heavy traffic would be from Amelia Island Parkway not from Amelia Road. He explained this was a logical move from C-2 to an area that is developing and growing. He pointed out there are three driveways along Amelia Island Parkway accessing two homes and a farm, and that would be reduced to one. He referred to the liability of the pond and explained each homeowners association would be responsible to be sure they are not negligent in maintenance and securing its border.

Mr. Dwight Ingram, 3135 Aja Court, expressed his concern about traffic congestion at Simmons and Amelia Road as well as over at 14th Street. He also expressed concern about the secondary access to the property onto Amelia Road. Mr. Lasserre explained the previous owner divided the property in this manner and the platting would come back to the board for approval. He pointed out that was not necessarily where the entrance would be.

Member Lawrence commented if this were annexed without consideration of the adjacent property it could be a standalone subdivision so there would be that traffic in and out without the potential of tying into something and a secondary exit. He explained he was starting to see the advantages of this with how it was being put together as a package to help alleviate some of the issues. He pointed out they might want to give the opportunity to people in Barrington to join the club, because it was really the same demographic. He questioned if the project was financially feasible as an R-1 project. Mr. Bruce Jasinsky, 645 Gaines Lane, explained they are trying to create a product where people were more than likely wouldn't be taking children to school every morning and would more than likely dine it at the facility. He stated these people are going to be less mobile than what a typical subdivision would be. He commented a typical R-1 subdivision would create that much more traffic. He referred to the question of financially could you do a few less and stated financially is one issue but another is logistically. He pointed out how many senior facilities do you go to where there are big yards and big houses. He explained they are trying to create a controlled environment with smaller lots and smaller houses, because these people would be stepping down. He commented the preliminary work after all the City codes are put in under the RLM zoning they only get about 30 units. He provided further comments about this concept. There was further discussion about this case noting that with R-1 zoning there could be 34 units. Ms. Gibson briefly outlined the next steps for this annexation request, the assignment of a Future Land Use Map category, and zoning designation that would go before the City Commission as three separate Ordinances. She pointed out the board in the future would see a preliminary plat and final plat associated with the development of the subdivision. She stated this property would be treated as a standalone subdivision regardless of the association/affiliation it will have with the assisted living facility. The board continued its discussion with the applicant with regard to the zoning for this project.

Ms. Gibson provided a brief clarification about the Technical Review Committee (TRC) process which includes various City departments to review the initial site plan, which then would move forward with the process of a preliminary plat. She further explained the process of the project moving forward.

The board took a brief recess at this time.

Chair Lane polled the board about moving the Port Master Plan item to the August. After a brief discussion, ***the consensus of the board was to postpone the Port Master Plan discussion item to August.***

Member Ross noted this property is going to be annexed and have some residential designation. He commented it was a matter of whether it was going to be R-1 or RLM.

Mr. Michael Waskew, 3105 Aja Court, commented the residential development part of this would be treated as a separate parcel not connected to the development of the commercial parcel. He noted the separate parcel requires two means of egress not through an adjacent property. He pointed out there would be an access on Amelia Road and one onto Simmons or two onto Amelia Road. He stated the 182 people that live on parcel C would increase the traffic onto Amelia Road. He explained he wasn't opposed to development, but they want to be sure the board hears the neighbors' concerns and address them upfront.

Mr. Lasserre questioned staff if there was anything in the code that would prohibit the second access coming through Amelia Island Parkway if it was a dedicated easement across private property. He referred to the concern of people leaving the assisted living facility to exit onto Amelia Road and explained a gate was intended to prohibit that. Ms. Gibson stated the vehicular section is 4.04.02(e) and read there should be at least two vehicular access points to an improved right-of-way. There was a brief discussion about this and it was noted the TRC has reviewed the preliminary application for the assisted living facility.

The public hearing was closed at this time. **A motion was made by Member Bennett, seconded by Member Morrill, to recommend approval of PAB 2016-18 to the City Commission requesting that a voluntary annexation to the City limits be approved assigning the Medium Density Residential land use and RLM zoning category as described in PAB 2016-18; and as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Rogers:	Aye
Member Beal:	Aye
Member Ross:	Nay
Member Lawrence:	Aye
Member Morrill:	Aye
Member Bennett:	Aye
Chair Lane:	Aye

Motion carried.

4. Comments by the public – There were no comments from the public at this time.

5. Board Business

5.1. Sunshine Law Overview – This was provided by the City Attorney at beginning of meeting after approval of Minutes.

5.2. Discuss Public Speaking Procedures – City Attorney Bach commented that the board has bylaws, and she couldn't remember if there was a speaker limit. Chair Lane noted in the past the board opened up the speaking and there were times where the board has said it would have to be limited to three minutes. She explained she had no intention of cutting people off. She questioned if the board wanted to handle this on a case by case basis. Member Bennett explained part of the board's job was to hear from the public. He stated he rather leave it on a case by case basis, because sometimes it takes a little longer so that the public understands. Member Beal agreed with case by case. He commented when there is a

chamber full the board may have to limit people especially if they start saying the same things over and over. He explained when you are passionate about something to be limited to three minutes and you are the only person in the audience it angers you. Member Lasserre agreed with a case by case basis, and pointed out tonight there were a lot of people and they were respectful. There was some discussion and deliberation about the best way to proceed, and it was noted in the past the board has asked speakers to limit themselves. The board also noted when an item gets so emotional it takes away from it, because people stop looking at the facts.

City Attorney Bach commented in her experience taking a recess will diffuse an issue and it works well when people are emotional. Chair Lane noted people get emotional with change. City Attorney Bach suggested a time set for the hearing or having an end time to the board's meeting. Chair Lane stated she likes the mix of the board discussing things and then hearing from the applicant and questions can be asked about that. Member Lasserre commented he had to appear before Nassau County's Code Enforcement Board three times over the last three months, and they begin their meeting going over the procedure. There was further discussion about having a procedure and Chair Lane requested the board's thoughts be sent to the City Attorney.

5.3. Discuss Port Master Plan and Comprehensive Plan Inconsistencies for OHPA Review (Continued Discussion from June Meeting) – During item 3.3 the board was polled, and *the consensus was to postpone the Port Master Plan discussion item to August.*

Board Agenda Materials - Member Ross referred to the timing of getting the board's agenda materials and explained where he used to live ten days before was a cutoff date. He pointed out for the cases he goes through the material and visit the sites. He questioned if there was a way to get it at least a week ahead of time. Chair Lane pointed out the board used to get material earlier, but staff was inundated with a lot of stuff. Ms. Gibson replied the internal procedure was to get it to the board one week in advance, and over the last four years she has had to push it back to the Friday before so there is at least the weekend to review as well as the days leading up to the meeting. She reminded the board of the special meetings back to back and explained with her becoming ill she was unable to get the information to the board. There was a brief discussion about this and getting materials to the board in an earlier timeframe.

City Attorney Bach pointed out the advertising requirements are ten days before, which is days before an agenda is even posted. She explained if staff was running behind it would appear on the agenda because it has been advertised. She commented if the board felt it was not prepared a motion can be made to postpone until the next meeting. There was further discussion about this and it was noted it was also up to the board members to do independent research to make decisions on facts.

6. Staff Report – Ms. Gibson reported the American Planning Association (APA) has selected the City's Comprehensive Plan to be reviewed for best practices as part of their sustaining places initiative, and for consideration as a pilot program to help with other small towns and communities. She explained she would receive more feedback about that later this year. She pointed out the City has a couple new brochures that an intern worked on (citizen's guide to tree and landscape requirements and bicycle safety).

The next regular Planning Advisory Board Meeting would be July 13th.

7. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:29 pm.

Draft

Planning Advisory Board Minutes
Regular Meeting

July 13, 2016

Page 13 of 13

Secretary

Judith Lane, Chair

OFFICE USE ONLY

REC'D: _____ BY: _____

PAYMENT: \$ _____ TYPE: _____

APPLICATION #: _____

CASE #: 2016-20

BOARD MEETING DATE: AUGUST 10, 2016



PLANNING ADVISORY BOARD APPLICATION

- | | |
|---|--|
| <input type="checkbox"/> ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600) | <input type="checkbox"/> SUBDIVISION PLAT – PRELIM (\$750) |
| <input type="checkbox"/> LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600) | <input type="checkbox"/> SUBDIVISION PLAT – FINAL (\$850) |
| <input checked="" type="checkbox"/> LDC TEXT AMENDMENT (\$850) | <input type="checkbox"/> VACATION OF R.O.W. (\$850) |
| <input type="checkbox"/> COMP PLAN AMENDMENT (\$850) | <input type="checkbox"/> VOLUNTARY ANNEXATION (\$1050) |

APPLICANT INFORMATION

Owner Name: CITY OF FERNANDINA BEACH

Mailing Address: 204 ASH STREET

Telephone: 904-310-3135 **Fax:** 904-310-3460

Email: _____

Agent Name: COMMUNITY DEVELOPMENT DEPARTMENT- MARSHALL MCCRARY

Mailing Address: 204 ASH STREET

Telephone: 904-310-3135 **Fax:** 904-310-3460

Email: DMCCRARY@FBFL.ORG

PROPERTY INFORMATION

Street Address: _____

Parcel Identification Number(s): _____

Lot Number: _____ **Block Number:** _____ **Subdivision:** _____

Section: _____ **Township:** _____ **Range:** _____

PROJECT INFORMATION

Total Number of Lots/Parcels: _____ APPROX. 1,103 ACRES
Less than One (1) acre Sq. Footage: _____ One (1) Acre or Greater: _____

Existing Zoning Classification: _____

Existing Future Land Use Classification: INDUSTRIAL

Previous Planning/Zoning Approvals: _____

Description of Request:

SEE ATTACHED LDC AMENDMENTS TO CHAPTER 2 ZONING DISTRICTS AND USES AND CHAPTER 4 DESIGN STANDARDS AND MODIFICATIONS ASSOCIATED WITH THE NEW HEAVY INDUSTRIAL (I-2) ZONING DISTRICT

SIGNATURE/NOTARY

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

8/2/16
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss



Subscribed and sworn to before me this 2nd day of August, 2016

[Signature]
Notary Public: Signature

Nicole Bednar
Printed Name

Feb. 2, 2020
My Commission Expires

Personally Known X OR Produced Identification _____ ID Produced: _____

2.00.01 Official Zoning Map

- A. Zoning districts are hereby established for all land and water areas included within the boundaries of each district as shown on the "Zoning Map, Fernandina Beach, Florida."
- B. The Zoning Map and all notations, references, and other information shown on the Zoning Map are as much a part of this LDC as if the information set forth thereon were fully described and set out in this LDC.
- C. Table 2.00.02(C) shows the relationship between zoning districts and the land use categories on the Future Land Use Map (FLUM). An "X" indicates that the zoning district is permissible within the indicated category on the FLUM.

Table 2.00.02(C). Relationship between Zoning Districts and Future Land Use Map Categories

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-2	I-A	I-W	W-1	PI-1	REC	CON
FLUM Land Use Categories:																				
Low Density Residential	X	X	X																	
Medium Density Residential			X	X	X															
High Density Residential						X	X	X												
Office and Residential Mixed Use								X	X											
General Commercial										X	X									
Central Business District												X								
Industrial													X	X	X					
Industrial Waterfront																X				
Waterfront Mixed Use																	X			
Recreation																			X	
Conservation																				X
Public and Institutional																		X		

2.01.00 ESTABLISHMENT AND PURPOSE OF ZONING DISTRICTS

This section describes the purpose of each zoning district. Specific uses permissible within each zoning district are identified in Tables 2.03.02 and 2.03.03. Uses are permissible subject to compliance with standards for the zoning district, applicable overlay districts, and specific uses. Standards are set forth in Chapters 4, 5, 6, and 8.

2.01.13 Light Industrial (I-1)

~~The I-1 District is intended for the development of warehousing, fabrication, storage, and commercial services. The Industrial District recognizes existing development with locations that have access to major highways. The designation of land for the I-1 District shall be based on compatibility with surrounding land uses, considering environmental sensitivity, intensity of use, hours of operation, heat, glare, fumes, noise, and visual impacts.~~

The I-1 District is intended for the development of light industrial manufacturing, processing, or storage, research facilities, commercial activities, including lodging accommodations, and community facilities or government buildings, such as, animal services, emergency services or administrative offices, recreational facilities, such as golf courses, or other activities compatible with light industrial operations which are in close proximity to transportation facilities. The district is not intended to accommodate heavy industrial operations or to accommodate commercial that would restrict the principal light industrial operations. Residential development, with exception of a caretakers unit, is not permissible within the zoning district. The designation of land for the I-1 District shall be based on compatibility with surrounding land uses, considering environmental sensitivity, intensity of use, hours of operation, heat, glare, fumes, noise, and visual impacts.

2.01.14 Industrial Airport (I-A)

~~The Industrial Airport District is intended for the development of airport regulated property surrounding the airport. The Industrial Airport District recognizes the need for consistency with permissible uses on airport property as regulated by the Federal Aviation Administration (FAA) and for consistency with height limitations to prevent interference with the safe and efficient operations of the airport. The district disallows use which would impact aircraft operational capabilities, electronic or procedural requirements and/or create an airport hazard as determined by the FAA. Uses within the district are subject to height limitations as imposed by the FAA. — the desire for development of more intensive commercial uses in proximity to the airport and golf courses including lodging accommodations.~~

2.01.15 *Waterfront Industrial (I-W)*

NO CHANGES PROPOSED

2.01.16 Heavy Industrial (I-2)

The I-2 District is intended for the development of warehousing, fabrication, storage, and commercial services which are likely to produce adverse physical and environmental impacts such as noise, land, air, and water pollution and transportation conflicts. The Heavy Industrial District recognizes existing heavy manufacturing development with locations that have access to major highways. Residential development, with exception of a caretakers unit, is not permissible within the zoning district. The designation of land for the I-2 District shall be based on compatibility with surrounding land uses, considering environmental sensitivity, intensity of use, hours of operation, heat, glare, fumes, noise, and visual impacts.

Table 2.03.02. Table of Land Uses

Land Uses	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-2	I-A	I-W	W-1	PI-1	CON	REC
P – Permissible																				
S – Permissible Subject to Supplemental Standards																				
Blank-Prohibited																				
Land Uses:																				
Adult Entertainment													S	S						
Airports and Heliports													P	P	P					
Aeronautical Operations:																				
Aircraft Storage and Maintenance Hangers																				
Aircraft Repair																				
Aircraft Repair																				
Aviation Equipment Repair																				
Aviation Terminal																				
Aviation Schools, Research, and Education Facilities																				
Aviation Schools, Research, and Education Facilities																				
Construction, Sales (New and Used), and/or Maintenance of Aircraft; Aircraft Supply																				
Construction, Sales (New and Used), and/or Maintenance of Aircraft; Aircraft Supply																				
Sea Plane Dockage and Parking																				
Animal Hospital or Veterinary Clinic													P							
Animal Hospital or Veterinary Clinic													P							
Asphalt or Concrete Plant																				
Asphalt or Concrete Plant													S							
Automobile Sales, New and Used													P							
Automobile Sales, New and Used													P							
Automobile Repair, Garage, Body Shop													P							
Automobile Repair, Garage, Body Shop													P							
Automotive Rental Agencies													P							
Automotive Rental Agencies													P							
Bakery Plant																				
Bakery Plant													P							
Bed and Breakfast Inns						S														
Bed and Breakfast Inns							S						S							
Book and Stationery Stores													P							
Book and Stationery Stores													P							
Bottling Plants																				
Bottling Plants													P							
Bulk Storage Yards – Solids													P							
Bulk Storage Yards – Solids													P							
Bulk Storage Yards- Liquid													P							
Bulk Storage Yards- Liquid													P							

Zoning Districts

	P – Permissible	S – Permissible Subject to Supplemental Standards	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-2	I-A	I-W	W-1	PI-1	CON	REC	
Blank-Prohibited																							
Bus Terminals and Taxi Stations													P		P	P							
Business Colleges; Commercial, Trade, Vocational, and Arts Schools													P	P	P	P	P				P		
Business Services such as Copying, Mailing, or Printing												S	P	S	P	P	P						
Cemeteries		S	S	S	S	S	S	S	S	S	S										P		
Clubs, Public or Private; Community and Recreation Centers					S	S	S	S			S	P	P	P	P	P	P			P	P		
Commercial Fishing Facilities																		P					
Construction, Sales, and/or Maintenance of Boats and Ships; Marine Supply															P	P	P	P					
Craft Distillery, Small-Scale Brewery or Winery											S	S	S	S	P	P	P						
Day Care Center											S	S	P	P							P		
Dog Dining- Outdoors Only										S	S	S	S	S	S	S	S	S	S				
Distribution, Packing, and Shipping															P	P	P	P					
Drug Store or Pharmacy											P	P	P	S	P	P	P						
Essential Public Services, such as Transmission Lines and Lift Stations		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P
Financial Institutions, Banks, and Credit Unions											P	P	P	P	P	P	P						
Freight and Moving Establishments															P	P	P						
Funeral Home and Mortuary											P		P		P	P	P						
Gasoline Station, with or without a Convenience Store												P	P		P	P	P	P					
Golf Course			P												P	P	P				P	P	
Grocery Store															P	P	P				P		
Group Homes		S	S	S	S	S	S	S							S								

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-2	I-A	I-W	W-1	PI-1	CON	REC
P – Permissible																				
S – Permissible Subject to Supplemental Standards																				
Blank-Prohibited																				
Government and Civic Buildings, including Library and Museum									P			P			P			P		
Health Clubs and Gyms											P	P	P	P	P					
Hospital																		S		
Junk and Salvage Yards																				
Laundry and Dry Cleaning, On-Site, including Self-Service Laundry											P		P	P	P					
Laundry and Dry Cleaning, Pick-Up Only								P	P	P	P									
Light Indoor Manufacturing Uses, including Packaging and Fabricating													P	P	P					
Liquor Store, Lounge, and Bar (without drive-through window)									S	S	P	S	P	P	P		P			
Lodging Accommodations										S	P	P			S					
Lumber and Building Supply											S		P	P	S	P				
Manufacturing and/or Assembly- Heavy													P	P	P					
Manufacturing and/or Assembly- Light													P	P	P					
Manufacturing and/or Assembly- Water Related													P	P	P	P				
Manufacturing and/or Assembly- Artisan								P	P	P	P	P	P	P	P	P				
Marina												S				S	S	S		
Marine recreation, such as kayak or boat rentals, sailing schools, etc.																P	P			
Marine research and educational Facilities-(Combined as Education, Research and Development Facilities)																P	P			
Medical and Dental Clinics										P	P		P	P	P			P		
Mini-storage or Self-storage Facility											S		P	P	PS					
Music, Dancing, Photography, or Art Studios								P	P		P	P	P	P	P		P	P		

Zoning Districts

	P – Permissible	S – Permissible Subject to Supplemental Standards	Blank-Prohibited	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-2	I-A	I-W	W-1	PI-1	CON	REC
Outside Sales													S	S		S	S	S		S			
Parking Lots and Parking Garages														P	P	P	S	S	P	P	P	P	
Parks, Public					P															P	P	P	P
Parks, Private or with Stadium Style Lighting																			S			S	S
Personal Services, such as beauty/barber shops, tattoo parlor, massage or acupuncture therapy														P	P	P	P	P		P			
Picnic Areas, Trails, and Nature Facilities		S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Piers, Docks, and Wharves																			P	P	P	P	P
Professional Offices																							
Public Recreation Buildings					P	P	P	P	P											P	P	P	P
Radio, Television, and Telecommunication Towers																			S	S	S	S	S
Recreation, Outdoor Amusements, such as Miniature Golf or Fishing Piers, Excluding Amusement Parks and Drive-in Theaters																				S	S	S	S
Recreation, Indoor Facilities, such as Billiard Parlors, Bowling Alleys, Game Rooms, and Skating Rinks																				S	S	S	S
Railroad Facilities																							
Religious Facilities		S		S	S	S	S	S	S	S	S	S	P	P	P	P							
Education, Research, and Development Facilities																							
Residential Uses:																							
Single-Family	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Two- and Three-Family																							
Four- or More Family																							

Note 2

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-2	I-A	I-W	W-1	PI-1	CON	REC
P – Permissible																				
S – Permissible Subject to Supplemental Standards																				
Blank-Prohibited																				
Group Residential (see Note 3)						S			S			S								
Resort Rental			Note 1		Note 1	P														
Restaurant, With or Without Drive-Through Window									P	P	P	P	P	P	P	P	P			
Retail Stores								P	P	P	P	P	P	P	P		P			
Schools, Elementary, Junior, or Senior High	S	S	S	S	S	S			S									P		
Scooter and Moped Rentals										S	P	S			P					
Seasonal Sales *Note 4									P	P	P	P	P	P	P	P	P			
Small Equipment or Appliance Repair Shops											P	P	P	P	P					
Specialty Food Stores, such as Bakeries or Ethnic Grocers								P	P	P	P	P	P	P	P		P			
Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or Stationers								P	P	P	P	P	P	P	P		P			
Terminals for Freight or Passengers, By Ship													P	P		P	P			
Theaters, Movie or Performing Arts									P		P	P	P	P	P		P			
Trades and Repair Services such as Electrical, Heating, and Air, Mechanical, Painting, and Plumbing											S		P	P	P					
Utility Facilities, such as Electric Substations, Water and Wastewater Treatment Plants												P	P	P	P	P	P	P		
Warehouse, not Including Mini-Storage													P	P	P	P				
Welding or Sheet Metal Works													P	P	P					
Wholesale Establishments													P	P	P					

Notes:

1. Resort rentals in R-1 or R-2 zoning districts that existed prior to the effective date of Ordinance 2000-28 (October 3, 2000) may continue a legal non-conforming status as long as the resort rental permit has not expired for a period of greater than 180 days.
2. Properties that have obtained the WMU Future Land Use category are subject to the permitted uses in the W-1 column. Residential units are permitted above non-residential uses. Stand alone residential uses are prohibited.
3. Group Residential uses in existence prior to the adoption of Ordinance 2007-22 may continue a legal non-conforming status as long as a Group Residential Permit is applied for and maintained in accordance with the terms of the Ordinance. Existing uses shall not be subject to the Supplemental Standards in Section 6.02.24.
4. Seasonal Sales are subject to the provisions of LDC Section 5.02.02 and a temporary use permit is required according to the procedures set forth in Chapter 11.

2.03.03 Table of Accessory Uses

(See Section 5.01.01 for standards pertaining to accessory uses.)

Table 2.03.03 lists permissible accessory uses in each zoning district. The letter "P" indicates that the identified use is permissible as an accessory use, but not as a principal use. Principal uses are identified in Table 2.03.02.

Table 2.03.03. Table of Accessory Uses

P – Permissible Accessory Use 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-2	I-A	I-W	W-1	PI-1	CON	REC
Accessory Land Uses:																				
Home Occupation	P	P	P	P	P	P	P	P	P											
Accessory Dwelling – Detached Building	P	P	P	P	P	P	P	P	P											
Agricultural Support Buildings	P																			
Cremation Facility *Note 2									S		S		S	S	S					
Detached Garage or Carport	P	P	P	P	P	P	P	P	P											
Docks and Other Waterfront Structures	P	P	P	P	P	P	P	P	P				P	P		P	P	P	P	P
Dumpsters						P			P	P	P	P	P	P	P	P	P	P		P
Fences	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Outside Storage – Agricultural Equipment and Materials	P												P	P	P	P				
Outside Storage – Equipment, Machinery, and Materials											P		P	P	P	P	P			
Satellite Dish Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Storage Buildings, Sheds, Utility Buildings, and Greenhouses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P			P				P	P

- Notes: 1. As to the Rayonier and Smurfit Stone properties, permitted yard storage within the Heavy Industrial (I-2) zoning category shall include process by-products and new or used process parts for use in or sale of by the mill industries.
 2. Cremation Facilities shall be subject to the supplemental standards provided in Section 6.02.26.

4.01.00 DENSITY AND HOUSING STANDARDS

4.01.01 Density and Housing Types

Table 4.01.01. Density and Housing Types in Base Zoning Districts.

Zoning District	Maximum Gross Density (dwelling units per acre)	Permissible Housing Types
RE	1.0	Single-family detached
R1-G	4.0	Single-family detached
R-1	4.0	Single-family detached
RLM	6.0	Single-family detached
R-2	8.0	Single-family detached Duplex structures Triplex structures Townhouses
R-3	10.0	Single-family detached Duplex structures Triplex structures Townhouses Multi-family structures with 4 or more units
OT-1	10.0	Single-family detached
OT-2	10.0	Single-family detached
MU-1	8.0	Single-family detached Duplex structures Triplex structures Townhouses Mixed Use
C-1		Prohibited
C-2		Prohibited
C-3	8.0	Single-family detached Multi-family structures or mixed use
I-1		Not permitted as a principal use ¹
I-2		Not permitted as a principal use¹
I-A		Not permitted as a principal use ¹
I-W		Not permitted as a principal use ¹
W-1	2.0 with bonus potential to 4.0	Single-family within mixed use
PI-1		Not permitted as a principal use ¹
CON		Not permitted as a principal use ¹
REC		Prohibited

¹An accessory dwelling unit is permissible for caretakers or security personnel. See Section 5.01.04.

4.02.00 DESIGN STANDARDS FOR BASE ZONING DISTRICTS

4.02.01 Standards for Lot Design

Table 4.02.01(J). Design Standards for Lots

Zoning District	Minimum Lot Width (ft.)	Maximum Impervious Surface Ratio for Lots (%)	Maximum Floor Area Ratio for Lots (%) (Note 1)
RE	100	75	50
R1-G	75	75	50
R-1	50 or 75 Note 2	75	50
RLM	50	75	50
R-2	50 Note 4	75	50
R-3	50	75	50
OT-1	46.5	Note 7	50
OT-2	46.5	Note 7	50
MU-1	50	75	50
C-1	50	75	50 Note 6
C-2	50	75	50
C-3	25	75 Note 3	200
I-1	75	75	50
I-2	75	75	50
I-A	75	75	50
I-W	75	75	75
W-1	25	75	75
PI-1	50	75 Note 5	50
CON	NA	5	NA
REC	NA	75	NA

Notes: 1. For RE, R-1, R-2, R-3, OT-1, and OT-2, the FAR standard applies to any permissible commercial uses.

2. The minimum lot width for lots platted prior to the effective date of this LDC is fifty (50) feet. The minimum lot width for lots platted on or after the effective date of this LDC is seventy-five (75) feet.
3. The maximum impervious surface ratio within the "Central Business District" land use, as depicted on the Future Land Use Map, may be 1.00 where the application is for redevelopment of a lot that is developed with 100% impervious surface. Where the application is for new development of a vacant lot, the maximum impervious surface on the lot may be 100% where stormwater facilities are available and have sufficient capacity to accept the runoff from the lot.
4. Development is permissible on lots which were platted before the effective date of this LDC and have a minimum width of twenty-five (25) feet.
5. Proposed development on lots within the "Recreation" land use, as depicted on the Future Land Use Map shall not exceed 0.25 impervious surface ratios.
6. Lots located within 800 feet of the Mean High Water Mark of the Atlantic Ocean shall be permitted a maximum FAR of 1.50, as long as the FAR for all General Commercial lots in the City, combined, does not exceed an overall FAR of 0.50.
7. Refer to Chapter 8 Section 8.01.01.02 for maximum lot coverage.

Table 4.02.03(E). Standards for Building Heights and Setbacks

Zoning District	Maximum Building Height (ft.) ¹	Minimum Setback				Corner Lot (side abutting street) (ft.) ³
		Front (ft.)	Side ²	Rear (ft.)		
RE	35	25	10% of lot width	25	15	
R1-G	35	25	10% of lot width	25, 50 feet for fairway lots	15	
R-1	35	25	10% of lot width	25	15	
RLM	35	25	10% of lot width	25	15	
R-2	35	25	10% of lot width	20	15	
R-3	45	25	10% of lot width	20	15	
OT-1	35	See specific standards in Section 8.01.01.02.				
OT-2	35	See specific standards in Section 8.01.01.02.				
MU-1	35	None	None ⁴	10	10	
C-1	45	None	None ⁴	10	10	
C-2	45	None	None	None	None	
C-3	45	None	None	None	None	
I-1	45 ⁵	None	None	None	None	
I-2	None	None	None	None	None	
I-A	45	None	None	None	None	
I-W	35	None	None	None	None	
W-1	See specific standards in Section 8.01.02.					
PI-1	45	25	10	10	10	
CON	25	None	None	None	None	
REC	25	None	None	None	None	

1. A building on any lot within 800 feet of the mean high water line of the Atlantic Ocean shall not exceed thirty-five (35) feet in height.
2. Each side yard setback shall be increased by one-half (1/2) foot for each one (1) foot, or fraction thereof, of building heights above twenty-five (25) feet.
3. Buildings shall not encroach into the required clear visibility triangle at intersections, as set forth in Section 7.01.08.
4. Where access is provided from an alley or public street to the rear of the principal building, no side yard setback is required. Where such access is not available, one (1) side yard shall be a minimum of ten (10) feet. Any other side yard shall have a minimum side yard setback of zero (0) feet.
5. ~~Rayonier and Smurfit Stone are exempt from the height regulation for Mill operations.~~

4.05.00

LANDSCAPING, BUFFERS, AND TREE PROTECTION

4.05.02

APPLICABILITY

- A. The types of development listed below shall provide a landscaped buffer between uses, provide landscaping for parking lots, submit a tree survey prepared by a licensed Florida surveyor or a tree inventory prepared by a certified arborist with an application for site plan approval, obtain a tree permit prior to receipt of a building permit, and submit a landscape plan with any application for a development order for the situations listed below. The required landscape plan shall demonstrate compliance with the standards of Section 4.05.00.
1. All new construction;
 2. All development of regional impact;
 3. Any change of use which results in any increase in the required off-street parking, as determined by the standards in Section 7.01.04;
 4. All commercial redevelopment which results in an increased building footprint, reconfiguration of existing parking, parking lot expansions, or development of outparcels within an existing shopping center.
- A. Clearing of any site, including root-rake clearing, shall be subject to the requirements for tree protection, submittal of a tree survey or a tree inventory prepared by a certified arborist, and obtaining a tree removal permit.
- B. An application for a building permit for a single-family or two-family dwelling proposed on an existing platted lot shall include a tree survey or a tree inventory prepared by a certified arborist. The tree survey or a tree inventory prepared by a certified arborist shall comply with the requirements of Section 4.05.04 regarding landscaping, but shall not be required to provide a buffer or landscaping for a parking area.
- C. The following situations are exempt from the requirements of Section 4.05.00:
1. Any interior construction, renovation, or remodeling which does not increase the footprint of the building.
 2. Licensed plant or tree nurseries or botanical gardens with respect to those plants and trees grown for sale to the general public in the ordinary course of the licensed business or for public purposes.
 3. The removal of underbrush and removal of trees which are less than four (4) inches Diameter at Breast Height (DBH).
 4. The removal of prohibited invasive trees identified on the most recent Florida Exotic Pest Plant Council Invasive Plant list.
 5. Property owned by Rayonier Advanced Materials and West Rock in the I-1 zoning district is exempt from the requirements of Section 4.05.00, provided that the new construction, renovation, alteration or remodeling occurs more than 75 feet from an adjoining non-complementary land use. Heavy Industrial (I-2) zoning district is exempt from the requirements of Section 4.05.00, provided that the new construction, renovation, alteration or remodeling occurs more than 75 feet from an adjoining non-complementary land use. Within the exemption area, LDC Section 4.05.00 applies only within the project's extent occurring in the 75 foot area. The exemption exists with the intent that Heavy Industrial (I-2) zoned properties would seek to minimize an overall impact on the existing tree canopy.
-

Table 4.05.12 (B). Types and Plant Requirements for Buffers

Buffer Type	Minimum Width (ft.)	Required Plants per 100 Linear Feet of Property Line
A	10	Two (2) understory trees
B	15	Four (4) understory trees
C	15	Two (2) shade trees Four (4) understory trees Continuous unbroken hedge, planted in a double-staggered row to form a solid visual screen within one (1) year of planting
D	20	Four (4) shade trees Four (4) understory trees A solid masonry wall at least four (4) feet high with a  continuous unbroken hedge, planted in a double-staggered row to form a solid visual screen within one (1) year of planting, planted on the outside of the wall on the side of least intensity. <u>Retention of native trees and vegetation which meet this requirement shall be considered as part of the buffer.</u>

- A. A buffer shall be required between zoning districts according to the standards set forth in Table 4.05.12 (C). The existence of a road along a property boundary shall not be construed as meeting any part of the buffer requirement, nor as relieving the applicant from providing the required buffer.

OFFICE USE ONLY

REC'D: 8/2/16 BY: [Signature]

PAYMENT: \$ _____ TYPE: _____

APPLICATION #: 2016-0001184

CASE #: 2016-19

BOARD MEETING DATE: AUGUST 10, 2016



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: 904-310-3135 Fax: 904-310-3460

Email: _____

Agent Name: COMMUNITY DEVELOPMENT DEPARTMENT- MARSHALL MCCRARY

Mailing Address: 204 ASH STREET

Telephone: 904-310-3135 Fax: 904-310-3460

Email: DMCCRARY@FBFL.ORG

PROPERTY INFORMATION

Street Address: AIRPORT OPERATIONAL AREA, AIRPORT LEASEHOLD AREA, 600 S. 8TH STREET (WEST ROCK- MILL) AND 6 GUM STREET (RAYONIER ADVANCED MATERIALS - MILL)

Parcel Identification Number(s): _____

Lot Number: _____ Block Number: _____ Subdivision: _____

Section: _____ Township: _____ Range: _____

PROJECT INFORMATION

Total Number of Lots/Parcels: MULTIPLE INCLUDING PORTIONS OF CERTAIN PARCELS

Less than One (1) acre Sq. Footage: _____ One (1) Acre or Greater: APPROX. 1,103 ACRES

Existing Zoning Classification: INDUSTRIAL (I-1), INDUSTRIAL AIRPORT (I-A)

Existing Future Land Use Classification: INDUSTRIAL

Previous Planning/Zoning Approvals: _____

Description of Request:

REQUESTING ZONING MAP CHANGES FROM INDUSTRIAL (I-1) ZONING TO INDUSTRIAL AIRPORT (I-A) ZONING FOR THE AIRPORT OPERATIONAL AREA (INSIDE THE FENCE) TOTALING APPROXIMATELY 362 ACRES OF LAND AND REQUESTING A CHANGE FROM INDUSTRIAL AIRPORT (I-A) ZONING TO INDUSTRIAL (I-1) ZONING FOR PROPERTY SURROUNDING THE AIRPORT TOTALING APPROXIMATELY 301 ACRES OF LAND AND CHANGE OF ZONING FOR THE PROPERTY LOCATED AT 6 GUM STREET FROM INDUSTRIAL (I-1) TO HEAVY INDUSTRIAL (I-2) TOTALING APPROXIMATELY 210 ACRES AND CHANGE OF ZONING FOR PROPERTY LOCATED AT 600 N. 8TH STREET AND FRANKLIN STREET FROM INDUSTRIAL (I-1) TO HEAVY INDUSTRIAL (I-2) TOTALING APPROXIMATELY 230 ACRES OF LAND. (SEE ATTACHED MAPS)

SIGNATURE/NOTARY

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

7/29/16
Date

Dale J. Martin
Signature of Applicant

STATE OF FLORIDA }
 ss }
COUNTY OF NASSAU }

Subscribed and sworn to before me this 29th day of July, 2016.

[Signature]
Notary Public: Signature

Catherine Sabattini
Printed Name

2/1/2019
My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____

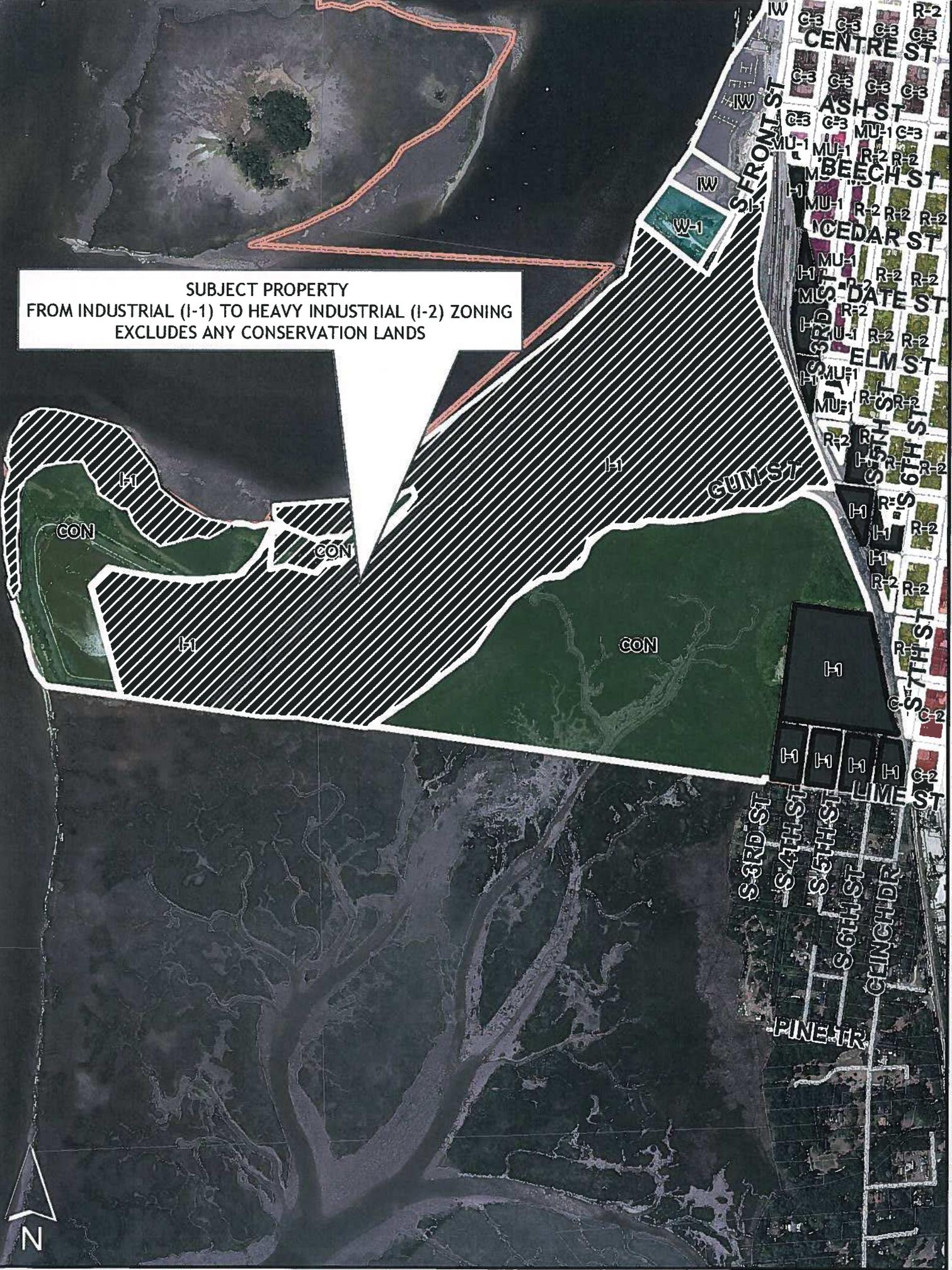


SUBJECT PROPERTY
PROPOSED FOR
INDUSTRIAL AIRPORT (I-A) ZONING
ON OPERATIONAL AREA OF AIRPORT ONLY

SUBJECT PROPERTY
PROPOSED FOR INDUSTRIAL (I-1) ZONING

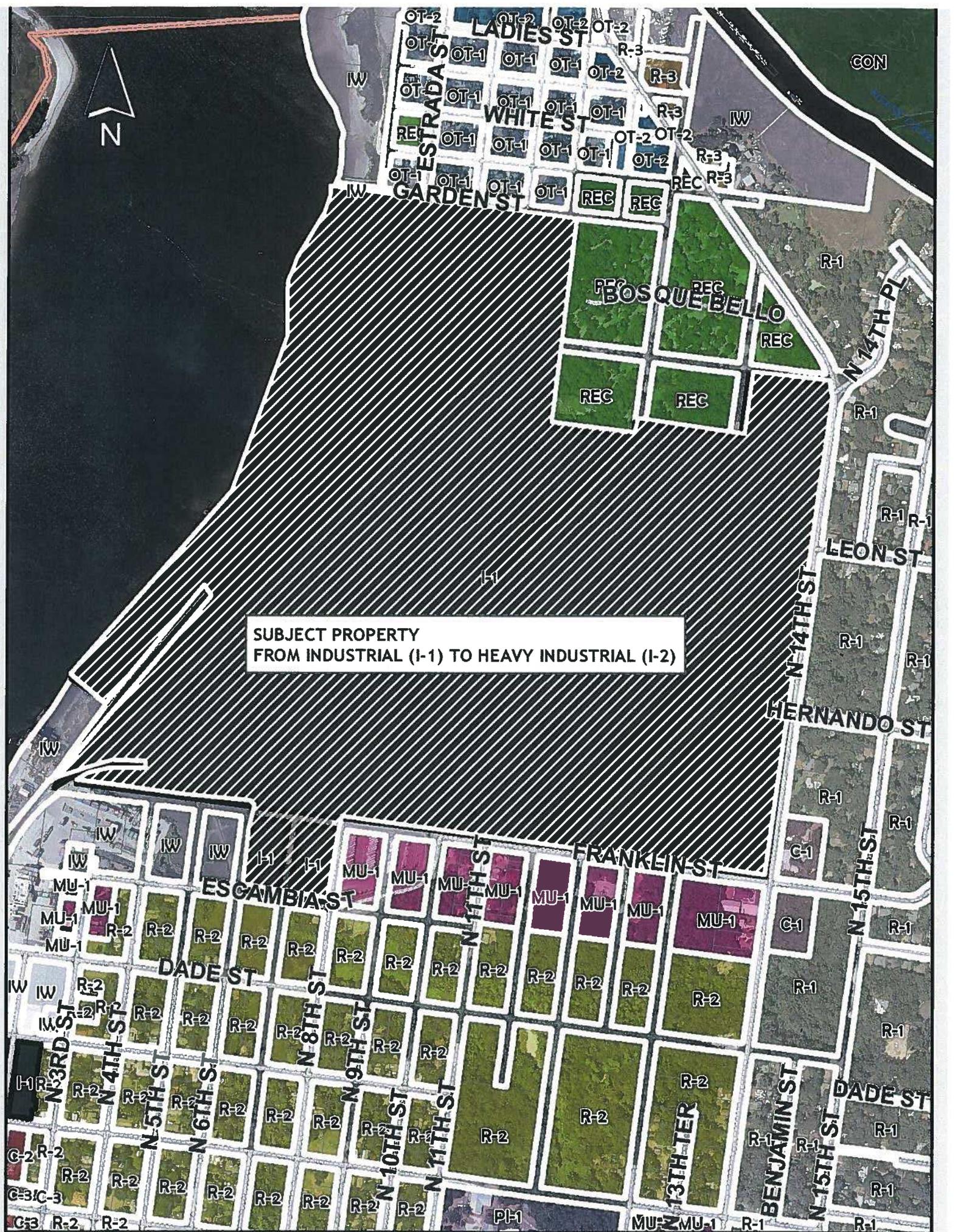


SUBJECT PROPERTY
FROM INDUSTRIAL (I-1) TO HEAVY INDUSTRIAL (I-2) ZONING
EXCLUDES ANY CONSERVATION LANDS





SUBJECT PROPERTY
FROM INDUSTRIAL (I-1) TO HEAVY INDUSTRIAL (I-2)



OFFICE USE ONLY

REC'D: 3/11/16 BY: [Signature]
PAYMENT: \$ TYPE:
APPLICATION #: 2016-0000404
CASE #: PAB 2016-09
BOARD MEETING DATE: 4-13-16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT (≤ 10 acres \$850 / > 10acres \$1,600)
LAND USE MAP AMENDMENT (≤ 10 acres \$850 / > 10acres \$1,600)
[X] 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:



3.02.06 Land Uses within Areas of Special Flood Hazard

A. Exempted Uses within Areas of Special Flood Hazard

1. The following uses and activities are permitted consistent with existing Local, Regional, State and Federal regulations for floodplain management:
 - a. Land uses as allowed in Chapter 2 of the City's Land Development Code for applicable zoning.

B. Prohibited Uses within Areas of Special Flood Hazard

1. Commercial and Industrial land uses that store, handle or generate hazardous material or waste, unless the following standards are met:
 - a. All building and structures shall be subject to compliance with the City's Floodplain Management Ordinance, including the requirement to secure local permitting.
 - b. Hazardous materials or waste shall be stored within tanks or vessels, the lowest extremity of which is located at least two (2) feet above the applicable 100-year base flood elevation, inclusive of tank inlets and vents.
 - c. Tanks/Vessels shall be elevated on pilings or columns, the foundation of which shall be designed in accordance with requirements of the City's Floodplain Management Ordinance.
2. Hospitals, nursing homes and housing likely to have occupants who may not be sufficiently mobile to avoid injury or death during a flood.
3. Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during and after a flood.
4. Wastewater treatment facilities, unless adequately mitigated through engineered solutions which meet the construction standards associated with the 100-year base flood as well as elevation of facilities and the storage of any hazardous materials or waste to two (2) feet above the 100-year base flood elevation.
5. Injection wells, irrigation wells, and domestic and commercial wells more than six (6) inches in diameter;
6. Human or animal cemeteries;
7. Storage or transfer of bulk coal; and,
8. Bulk storage of liquefied natural gas.

ORDINANCE 2016-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 1 SECTION 1.00.07 ACRONYMS AND DEFINITIONS, CHAPTER 2 SECTION 2.03.02 TABLE OF LAND USES, CHAPTER 3 ALL SECTIONS, CHAPTER 6 SECTION 6.02.19, CHAPTER 7, SECTION 7.03.00, CHAPTER 11, SECTION 11.01.04, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development; and

WHEREAS, the Planning Department set a 2016 goal of implementing policies found in the Conservation and Coastal Management Element of the Comprehensive Plan; and

WHEREAS, since 2010, Floodplain Management has been incorporated into Municipal Code Sections 22-151 through 22-166 and its requirements are enforced by the City's Floodplain Manager/ Building Official; and

WHEREAS, the Planning Advisory Board has reviewed the suggested amendments in an advertised public meeting held on April 13, 2016 and has issued a recommendation of approval; and

WHEREAS, the Planning Advisory Board has reviewed the amendments specific to Land Uses within Areas of Special Flood Hazard to provide for exempted and prohibited use within areas of special flood hazard in an advertised public meeting held on August 10, 2016 and has issued a recommendation of [REDACTED]; and

WHEREAS, notice of public hearing on such amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 30, 2016 and on May 27, 2016, and on July 27, 2019.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, attached hereto as Exhibit "A".

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

ADOPTED this [REDACTED] day of [REDACTED], 2016.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

**ORDINANCE 2016-09
EXHIBIT "A"**

LDC SECTION 1.07.00 – ACRONYMS AND DEFINITIONS

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 shops, 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- Sea Turtles:

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

(Striking C-3 to from allowing Marinas – there are no C-3 properties on the water.)

	Zoning Districts								
	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC
P – Permissible									
S – Permissible Subject to Supplemental Standards									
Blank-Prohibited									
Land Uses:									
Marina		S			S	S	S		

CHAPTER 3

3

ENVIRONMENTAL + RESOURCE PROTECTION

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	
3.02.00	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	
3.0506.00	OUTDOOR LIGHTING WILDLIFE PLANNING	
3.0506.01	Outdoor Lighting	
3.0506.02	3.02.03 Habitat Protection of Federally or State Listed Species	

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 Section 22-151 thru 22-166*

~~3.01.01~~ — **Generally**

~~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.~~

~~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.~~

~~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:~~

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

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

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

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

~~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;~~

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

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

~~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~~

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

~~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~~

~~4 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:~~

~~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.~~

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

~~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.~~

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

~~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.~~

~~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;~~

~~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.~~

3.0201.00 COASTAL RESOURCE ENVIRONMENTAL LANDS PROTECTION

3.0201.01 ~~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~~ 3.01.02 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.~~

~~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.

~~e. 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. 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.

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.~~

~~Environmentally sensitive lands for which a survey is required include:~~

- ~~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.~~

~~Biological surveys shall:~~

- ~~5. Follow the standards and criteria adopted by the Florida Fish and Wildlife Conservation Commission; or~~
- ~~6. 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.~~

~~If the field biological inventory indicates the presence of endangered, threatened, or species of special concern:~~

- ~~7. The survey shall be forwarded to the Florida Fish and Wildlife Conservation Commission; and~~
- ~~8. The applicant shall follow the recommendations of the Florida Fish and Wildlife Conservation Commission for mitigating loss of habitat; or~~
- ~~9. A habitat plan shall be prepared by a qualified ecologist, biologist, or other related professional and shall include, at a minimum, the following:~~
 - ~~i. 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;~~
 - ~~ii. An analysis of existing viable habitat on adjacent property for the species;~~
 - ~~iii. The land needs of the species that may be met on the development site; and~~
 - ~~iv. 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.~~

~~Prohibited activities:~~

- ~~10. 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.~~
- ~~11. 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.~~

~~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.~~

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).
- 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, the terminal platform shall not exceed 50 percent of the shoreline and comply 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

- 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 3.03.00 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.
- 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;
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 more 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.

3.02.06 Land Uses within Areas of Special Flood Hazard

A. Exempted Uses within Areas of Special Flood Harard

1. The following uses and activities are permitted consistent with existing Local, Regional, State and Federal regulations for floodplain management:
 - a. Land uses as allowed in Chapter 2 of the City's Land Development Code for applicable zoning.

B. Prohibited Uses within Areas of Special Flood Hazard

1. Commercial and Industrial land uses that store, handle or generate hazardous material or waste, unless the following standards are met:
 - a. All building and structures shall be subject to compliance with the City's Floodplain Management Ordinance, including the requirement to secure local permitting.
 - b. Hazardous materials or waste shall be stored within tanks or vessels, the lowest extremity of which is located at least two (2) feet above the applicable 100-year base flood elevation, inclusive of tank inlets and vents.
 - c. Tanks/Vessels shall be elevated on pilings or columns, the foundation of which shall be designed in accordance with requirements of the City's Floodplain Management Ordinance.
2. Hospitals, nursing homes and housing likely to have occupants who may not be sufficiently mobile to avoid injury or death during a flood.
3. Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during and after a flood.
4. Wastewater treatment facilities, unless adequately mitigated through engineered solutions which meet the construction standards associated with the 100-year base flood as well as elevation of facilities and the storage of any hazardous materials or waste to two (2) feet above the 100-year base flood elevation.
5. Injection wells, irrigation wells, and domestic and commercial wells more than six (6) inches in diameter;
6. Human or animal cemeteries;
7. Storage or transfer of bulk coal; and,
8. Bulk storage of liquefied natural gas.

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.

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

3. 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 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.
4. ~~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.~~
5. 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;
6. 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
7. ~~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;
 - 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

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

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:
 - 7. Clearing and/or drainage of land prior to construction of a project;
 - 8. Altering the shoreline or bank or any surface water body; or
 - 9. 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.
- 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 (1/2) 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.~~
 - e. ~~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(GF)(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 gardens, 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.
 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 properly 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.

3.06.0. 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:
 - ~~i. 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~~
 - ~~ii. 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:

- ~~i. The use of lighting for decorative and accent purposes, such as that emanating from spotlights or floodlights, is prohibited.~~
- ~~ii. 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.~~
- ~~iii. Fixture lights shall be designed and positioned so that they do not cause direct or indirect illumination of areas seaward of the primary dune.~~
- ~~iv. 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.~~
- ~~v. All lights on balconies shall be shielded from the beach.~~
- ~~vi. 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.~~
- ~~vii. 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.~~
- ~~viii. 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;~~

~~ix. 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.~~

~~x. 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.~~

~~xi. 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.~~

~~xii. 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.~~

~~xiii. 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.~~

~~3 2. Lighting for pedestrian traffic~~

~~4 a. Beach access points, dune crossovers, beach walkways, piers or any other structure on or seaward of the primary dune designed for 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.~~

~~5 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.~~

~~e. 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.~~

~~3. 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.~~

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

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

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

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

~~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;~~

~~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.~~

~~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:~~

- ~~j. Apply window tint or film that meets the standards for tinted glass;~~
- ~~k. Rearrange lamps and other moveable fixtures away from windows;~~
- ~~l. Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; or~~
- ~~m. Turn off unnecessary lights.~~

~~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.~~

3.06.00 (NEW) WILDLIFE PLANNING

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.

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 necessary 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
 - 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 artificial light sources, including but not limited to vehicular 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 facilities, swimming pools, and spas shall be long wavelength and fully shielded.
- b. Above-water lighting of pool decks, pool facilities, 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.
- c. Above-water lighting of pool decks, pool facilities, 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 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.

3.06.02 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
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):
 - 2. ~~All land identified as “Conservation” on the FLUM and on the adopted zoning map; and~~
 - 3. ~~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.

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

- A. The survey shall be forwarded to the Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service; and
- B. 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
- C. A habitat plan shall be prepared by a qualified ecologist, biologist, or other related professional and shall include, at a minimum, the following:
 - 1. 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;
 - 2. An analysis of existing viable habitat on adjacent property for the species;
 - 3. The land needs of the species that may be met on the development site; and
 - 4. 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.

Prohibited activities:

- A. 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.

- B. 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.
- C. 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.

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.
- T. Marinas shall seek Clean Marina designation from FDEP.

11.01.04 Requirements for All Site Plans

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.

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

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

Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair
Charles Rogers
David Beal
Eric Lawrence (alternate)

Mark Bennett, Vice-Chair
Chris Occhuizzo
Chip Ross
Jamie Morrill (alternate)

Board Members Absent

Jon Lasserre

Others Present

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

2. **New Business**

- 2.1. **PAB 2016-15 Comprehensive Plan Text Amendments - Amending Policy 5.03.13 and 5.14.09:**

Ms. Kelly Gibson provided a brief explanation of the reason for the Comprehensive Plan amendments being considered.

Member Ross read from the City's Code of Ordinances with regard to recusal, and explained several City Commissioners thought he was adversely interested. He stated as required by the law he would recuse himself from the vote on this item.

Members Lawrence and Morrill were seated as voting members for this meeting.

City Attorney Bach provided a brief explanation about Mr. Lasserre's recusal due to his law firm having represented Rayonier and other industry under Chapter 112.

Chair Lane reminded the board that this meeting was for information gathering, and the board may recommend tonight or there may be another meeting.

Member Occhuizzo read into the record a prepared statement that protested Member Ross' recusal.

- 2.2. **Presentation, Information Collection, and Discussion from Industrial Property Owners, Department Directors, and FEMA - The PAB requested attendance and participation in the consideration of amendments by specific City Department Directors and industrial property owners. This item has been placed on the agenda to allow time for any presentations prepared by those entities.**

Rayonier Advanced Materials: Mr. Mark Homans, Manager of Special Projects, noted some members attended the open house in February 2016 along with 200 other community members. He explained these topics go hand in hand with safety and it was important the community understands Rayonier's philosophy on safety. He stated safety is their number one priority and their goal was to have everyone

go home injury free every day. He explained the plant has invested \$266 million in the facility over the last ten years for custodial, regulatory, environmental, and process improvements. He requested the board not let the age of the facility color their image of its effectiveness or reliability. He pointed out they strive for just in time inventories for all of their raw materials, and it was always their desire to minimize storage. He stated many of the materials are offloaded from transportation directly into the process rather than sitting in bulk at the site.

Ms. Debra Lane, Director of Regulatory Affairs, explained her responsibilities include oversight of their regulatory compliance programs and environmental permitting for new projects. She stated she has more than 30 years' experience in environmental management primarily in the pulp, paper, and specialty chemicals industries. She pointed out they maintain robust compliance management systems and they make sure safety and environmental safeguards are an integral part of their design of new equipment and processes. She explained hazardous materials are regulated by numerous governmental agencies at the Federal, State, and Local levels including the Occupational Safety and Health Administration (OSHA), the Environmental Protection Agency (EPA), the Department of Transportation (DOT), the Florida Department of Environmental Protection (FDEP), and the Northeast Florida Local Emergency Planning Committee (LEPC). She stated the terminology and the related definitions vary a lot from program to program. She commented the most broad definition of hazardous material is that used by OSHA in the term hazardous chemical, which says if a chemical poses any sort of potential hazard to a worker (skin irritation to toxicity) then OSHA considers that material a hazardous chemical and regulates how it is used. She explained hazardous materials are managed differently depending on where, how, and in what quantities are used. She pointed out a lot of materials found around the house are considered hazardous materials (ammonia – used in window cleaners; chlorine dioxide – household bleach; paint thinners; etc.). She briefly commented about hazardous materials management in commercial use and that for industrial use they are subject to very rigorous rules for shipping, storage, handling, use, disposal, and reporting. She also explained they are required to do modeling for worst case scenarios, and that analysis is provided to the LEPC as well as the local Fire Department for emergency response planning and preparedness. She presented slides showing specific laws and regulations for control of hazardous materials. She pointed out the rules are designed to require and encourage industrial operations to take proactive measures to prevent accidents that could expose workers or the public.

Ms. Robin Mock, Senior Safety Manager, stated she has been a safety professional for 27 years. She pointed out Rayonier Advanced Materials has worked hard to establish reliable safety programs, and they conduct comprehensive process/hazard analysis that continuously evaluates their risk as well as tests the effectiveness of the safeguards in place. She explained they have a safety culture that understands the importance of reporting a near miss, which allows them to detect and respond to opportunities early. She briefly commented about the various governmental agencies they are governed by and pointed out they have a comprehensive emergency response plan that includes medical emergencies; chemical spill or leak; responding to a fire; and severe weather conditions. She stated their emergency response team members spend on average 40 hours in training annually. She explained they believe practice is the key to a good response and at least annually they conduct drills to incorporate both County and City emergency response into the drills. She commented as part of their hurricane preparedness plan they monitor daily what is going on, and if they see a weather system that could have an impact on the site it triggers them to review the hurricane preparedness plan and planning by their own Emergency Operations Center. She stated their goal is that everyone goes home injury free and they are continuously working to make sure that happens.

Mr. Mark Homans provided details from the History and Risk Mitigation portion of the PowerPoint presentation. Included was a graphic showing the history of category 3 or stronger storms (majority of

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

Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair

Charles Rogers

Chris Occhuizzo

Jon Lasserre (recused from vote)

Eric Lawrence (alternate)

Mark Bennett, Vice-Chair

David Beal

Chip Ross (recused from vote)

Jamie Morrill (alternate)

Others Present

Marshall McCrary, Community Development Department Director

Kelly Gibson, City Planner

Tammi Bach, City Attorney

Member Morrill and Member Lawrence were seated as voting members for this meeting. Chair Lane briefly explained the Planning Advisory Board (PAB) reports to the City Commission and acts as the Local Planning Agency. She pointed out this meeting would be a continuation of the last meeting and outlined how this meeting would be conducted.

2. **New Business**

- 2.1. **PAB 2016-15 Comprehensive Plan Text Amendments - Amending Policy 5.03.13 and 5.14.09:**

Ms. Debra Winter, 204 South 6th Street, explained she was looking out for her investments and her quality of life. She briefly commented that the future is never known. She noted there was only one hazmat team in Nassau County and there were several other hazards on the island already. She stated if or when there is a disaster there could be many problems going on at that same time. She questioned the wisdom of adding additional risk when there is only one hazmat team. She stated putting chemicals in a floodplain is an unnecessary risk, and there are a lot of places these chemicals can go. She briefly commented about bridges around the country that have collapsed and requested that the City be as safe as it can. She explained the board and the City need to be concerned with what is best for the people, the environment, and what is best for the City. She stated she didn't want this plant in her backyard, but we do need to put these chemicals to a good use. She requested to put them on higher ground. Member Morrill asked if Ms. Winter's was against the storage of all hazardous material in the floodplain. Ms. Winter replied yes and clarified she was against changing the Comprehensive Plan to allow any new things to put chemicals in the floodplain.

Ms. Faith Ross, 210 North 3rd Street, presented copies of Federal definitions for hazardous materials. She requested the City adopt the Federal definitions into its Comprehensive Plan. She pointed out the State also has a tank registration, and expressed her hope the City would hold industry to the same standards as businesses and residents by requiring that future construction in the floodplain exceeds the National Flood Insurance Program (NFIP) standards. She expressed her concern of the City losing points in the rating system, which will increase flood insurance rates. She noted there was an issue of storage tanks in the floodplain that do not seem to have building permits. She expressed her opposition to the Rayonier

proposition and provided further comments in opposition to the proposed Comprehensive Plan Amendments. She inquired if it was possible for a property owner to obtain a new building permit if code violations are on the property.

Mr. Lynn Williams, 1899 South Fletcher Avenue, referred to Rayonier's presentation where it was suggested that the maximum wave that might impact the mill was 3 feet. He expressed his opinion that was in error based on observation and calculations. He briefly discussed wave action and velocity from a storm. He provided photographs taken from the water of the Rayonier Advance Materials (RYAM) tanks. He spoke to the need to build a larger berm to provide better protection of the mill site from waves, and commented that trees could be planted on top of berm. He suggested a partnership with the Florida Inland Navigational District (FIND) and the Army Corps of Engineers (ACOE) who would be dredging 45,000 to 50,000 cubic yards out of the channel to use that spoil as fill to build the berm for RYAM. Chair Lane suggested talking with RYAM about this idea.

Mr. Robert Prager, 1306 Autumn Trace, explained he is a Civil Engineer with 40 years of experience in floodplain engineering. He stated his publications talk to keeping people out of harm's way by what we do in floodplains. He pointed out the plants are located where they are, because that was a good location to build a plant. He explained they are required to maintain the standards of engineering. He briefly spoke about infrastructure ratings provided by American Society of Civil Engineers (ASCE). He pointed out engineers are capable of designing tanks in floodplains and how to defend against storms. He expressed his opinion that civil engineers can safely design structures in the floodplain and hazardous materials can be stored safely within the floodplain. He stated if you build a tank in the floodplain and you put a levy around it of sufficient height you file for a letter of map revision (LOMAR) and you actually remove that structure out of the floodplain. He pointed out as soon as that higher ground is around it then it is not in the floodplain. He explained you would still have to protect for the storm condition.

Member Bennett asked Mr. Prager's thought on the differences between the 100 year floodplain and the 500 year floodplain as far as design for safety. He stated some have suggested that if this is allowed there should be a 500 year minimum for height versus the 100 year. Mr. Prager stated he didn't know the heights here, but the difference between the 100 and the 500 is probably not much. He pointed out setting to the higher standard there has to be justification for that. There was some discussion about this and the concern about the impact to the flood insurance program. There was also some discussion about the practicality of building a berm and the quality of the material as well as the idea of considering doing a wave breaking analysis.

Mr. Phillip Chapman, 2120 Florida Avenue, expressed his concern about focusing on one place. He stated his understanding was this affects the entire City. He provided personal experience about living through two 100 year storms, and the most devastating was the blizzard of 1978 that hit Massachusetts. He requested that the board consider the effects on the entire island and a respect for nature.

Mr. Kevin Mooney, 997 Ocean Bluff, commented he didn't think the board would be considering this if there wasn't an economic impact. Chair Lane explained the board was directed to consider it. Mr. Mooney stated he thought this was the wrong direction for the City. He expressed his opinion that the economic future of the City was not in industry, it is in tourism. Chair Lane briefly commented that City taxpayers give about one-third of the City's revenue for taxes, the tourist industry is about one-third, and industry is about one-third. There was a brief discussion about this and whether the revenue base was changing.

Ms. Anna Occhuizzo, 1585 Canopy Drive, noted this change would affect the entire island. She commented the City was rushing to change something that is really important. She expressed concern with the impacts that this proposal has on the Port, and that may not be good for the community. She stated she hasn't heard an explanation why the Comprehensive Plan needs to be changed that makes any sense. Mr. McCrary explained this was in recognition of the LignoTech project when they approached the City for support of the location and for the pursuit of grant funding. He stated there are elements in the Comprehensive Plan that would preclude the introduction of new hazardous materials in the floodplain and outright disallow industrial activities within the 100 year floodplain. He pointed out the request brought to light issues within the Comprehensive Plan on existing industry and to recognize the limiting factor that the existing policy establishes. He commented the 100 year floodplain is a very dynamic beast, and it's not a static line drawn in the sand and it will continue to change over the years. He explained there are many homes existing in the floodplain, but through redevelopment and new development it has to meet the City's adopted floodplain standards. He stated risk was being reduced over time, but the concern is the floodplain is going to change. He provided further comments about the changes to the floodplain overtime. After a brief discussion about this, City Attorney Bach explained in 2011 the Comprehensive Plan was addressed with the Evaluation and Appraisal Review (EAR) process. She stated during the review things were identified that needed to be changed, but a new industrial use or new mill wasn't contemplated. She pointed out when LignoTech came in asking to take advantage of economic tax refunds and a grant for a new rail spur it occurred to City staff that the storage of hazardous materials in the floodplain could include 8th Street and a gas station. She explained currently it doesn't define what amounts can be stored or what kind of things can be stored. She stated the PAB was debating what changes are to be made and safety is something that the board was talking about a lot.

Chair Lane noted the waste treatment plant was in the floodplain. She questioned if the City had to expand that would the existing plant lose their grandfathering. Mr. McCrary replied the existing facility could continue operations in its current capacity. He commented to expand that use the materials are problematic, but also the use per the Comprehensive Plan would be deemed problematic as well. He stated it is a critical facility as well as a hazard if flood water encroach.

Ms. Anne Thomas, 402 Dade Street, stated her house is in a flood zone, and she is a few blocks away from Rayonier. She pointed out Rayonier was not here during the 1898 flood, and therefore we do not know what kind of damage could have occurred. She expressed her opposition to allowing flexibility to bring another mill or the expansion of the mill or the Port Authority to bring in hazardous materials. She noted there wasn't much that could be done for those grandfathered existing uses, but it was a whole other thing to change the Comprehensive Plan to give flexibility to industrial uses. There was a review of the current flood zone map and the proposed 2016 flood maps.

Mr. Russell Schweiss, 10 Gum Street, Rayonier Advance Materials, referred to grandfathered situations for properties within the flood hazard area and pointed out many businesses along the working waterfront are within that special flood hazard area. He stated when you talk about grandfathering you are basically freezing the status quo, and when existing tanks reach a point where you have to replace them to do so would be a violation if there is going to be a strict interpretation of this. He suggested developing code to mitigate risk by raising the standards rather than freezing them with the options of patching a tank or going out of business. He reminded the board that Rayonier has safety standards and they are not going to operate where they have a tank that is a hazard. He expressed his concern with creating an expiration date on all those properties. He suggested coming up with a solution that is long term in recognition of the assets that exist. Member Bennett commented his concern would be the potential for contamination on a large scale, which would make the area unusable. Mr. Schweiss reminded the board of the

mitigation steps Rayonier takes before a hurricane that were presented at the previous meeting that the most hazardous chemicals are moved offsite.

Ms. Marie Santry, 865 Atlantic View Drive, agreed with having a long term solution that can define requirements so that existing companies can make repairs/replacements to preserve the safety. She commented taking away a phrase and adding a few more words as staff has proposed opens up a can of worms, because it does not provide that path on how to do it. She expressed support of the alternative proposal sent by Dr. Ross, because he was trying to define a path by which citizens can stay safe and industry can continue to do business or add to the business they want to.

Mr. Schweiss clarified we need a path forward, but the requirements have to be something that is feasible to do. He commented building an elevated roadway from 3rd Street to the waterfront probably isn't something the City is going to do. He stated it has to be something that is a financially feasible path.

Chair Lane briefly explained that the Comprehensive Plan was not enforceable unless the City has the LDC.

Mr. Eric Bartelt, 3820 South Fletcher Avenue, questioned if the City could legally craft an amendment to the Comprehensive Plan that keeps the prohibition against hazardous materials in the floodplain, but creates exceptions for the two mills and the wastewater treatment plant. City Attorney Bach replied no it was discriminatory. Member Bennett inquired if it could be done through zoning by allowing it only in the industrial zone. City Attorney Bach replied yes. Mr. Bartelt explained he wanted to strike a balance between the prohibition of hazardous materials in the floodplain, but still allow LignoTech and WestRock. Chair Lane pointed out it cannot be named properties. City Attorney Bach explained the City could have certain standards apply and in the LDC it would be limited to certain zoning categories. Member Morrill inquired if a change could be made to the LDC in order to accommodate zoning and not touch the Comprehensive Plan. City Attorney Bach explained the reason we are addressing the Comprehensive Plan was because the City believes there was the potential for a consistency challenge if just the LDC was changed. She pointed out the current Comprehensive Plan says no hazardous materials or waste stored in the floodplain. She stated if just the LDC was changed there was the potential for a consistency challenge saying those LDC regulations are inconsistent with the Comprehensive Plan, because they are allowing for hazardous materials to be stored.

Mr. Santry referred to the alternative July 5, 2016 proposal and expressed his opinion that it does what several have referred to. He commented it limits the changes with respect to hazardous materials to narrow requirements for maintenance and enhancement of existing grandfathered facilities. He stated if the board wanted to undertake broader considerations of changes with respect to hazardous materials and the Comprehensive Plan that should not be done in haste. He pointed out the 100 year floodplain standards are widely and universally acknowledged to be minimum requirements to obtain insurability under the Federal floodplain standards. He commented they are not the minimum accepted required standards for hazardous materials in the floodplain. He noted that the ACOE recommends that hazardous materials only be permitted above the 500 year floodplain, and FEMA recommends that hazardous materials in the floodplain meet specific construction standards. He provided further comments in support of the July 5, 2016 proposal.

The public hearing was closed at this time.

Mr. McCrary provided an overview of the proposals for amendments received over the last two days (Rayonier Advance Materials (July 5th), Mr. Ross (July 5th), and Chair Lane). Chair Lane pointed out she

specifically deleted all the particular individual land things, and explained she would rather defer to those in the LDC since it was more easily changed. Mr. McCrary explained general reference to another set of regulations (local, Federal, or State) in the Comprehensive Plan and establishing linkages in the LDC is perfectly appropriate. He pointed out if those standards are repeated in the Comprehensive Plan that means the Comprehensive Plan would have to be revised if and when the regulations are changed. He commented if it refers to the other standards then it automatically carries forward. City Attorney Bach briefly explained that within one year of a city or county adopting a Comprehensive Plan they have to adopt land development regulations, and read from State Statute 163.3202. She pointed out what the City has in its Comprehensive Plan is supposed to be discussed in the land development regulations. It was explained any amendment to the Comprehensive Plan has to be sent to the State for their review. Mr. McCrary reported staff made a few modifications based on the comments heard at the meeting last week, and upon review of the submittals. He stated staff stands by establishing this as a policy statement and providing direction to technical standards in the LDC. He provided clarification that staff was proposing striking the prohibition within the floodplain and to say these materials shall not be stored in an area of special flood hazard area unless it meets the following criteria... He pointed out this provides reference to the City's floodplain management ordinance. He provided further details of the proposed amendments and explained there was a 45 day review period where the City can work on adopting regulatory statements. There was some discussion about the best way to proceed with these changes. The board discussed the idea of having some draft LDC language for consideration with the proposed Comprehensive Plan amendments.

Member Bennett pointed out there are items in here, which don't appear to be responsible for this area. He commented if we have an area that allows a use then why don't we have an area that prohibits certain uses. He explained he would prohibit a sanitary landfill in the City. Mr. McCrary pointed out Chair Lane's recommended language struck the list of uses and had a descriptive statement that talked about the nature of uses, which allowed for the LDC to spell out what those uses are. Member Bennett proposed listing what was strictly prohibited. There was some discussion about this. The board reviewed policy 5.14.09, which allows development as long as they meet standards. It was noted that adherence to standards that means the Comprehensive Plan and the Land Development Code (LDC).

Member Occuhizzo pointed out the board was here to decide should we make a change to the Comprehensive Plan, and if so how are those changes going to be. He read a prepared position statement which included this change would be systemic and would apply to all possible areas of the island. The statement also pointed out there were risks to citizens, to their property, to property values, to health, and to the environment. Member Occhuzzo expressed his concern of the request to put more hazardous materials in the floodplain, which would increase the risk to residents. He noted that with FEMA you have to be careful with floodplain management, and the minimum standards would do, but higher standards are strongly recommended. He continued to provide details from his prepared statement, and pointed out he was against the Comprehensive Plan change as it was presented. He suggested residents contact City Commissioners directly to voice their opinion, and urged everyone to be heard to be part of this discussion. He also suggested giving Mr. Santry's alternate proposal serious consideration.

Mark Bennett read from FEMA standards and suggestions to be excluded from the floodplain. He felt that if this request moves forward that this list be more seriously considered. He expressed his concern about accidents and the area being turned into a Brownfield. There was a brief discussion about this.

Mr. Prager noted the reference to the County model and clarified that model was an area location of hazardous atmospheres. He stated it was only gas and has nothing to do with a material that would be mixed into flood waters. He read a portion of the executive summary of the "Aloha model" related to

airborne chemical vapors. He related an example of a ruptured tanker and that the 13 miles would not be a circle, but rather a 13 mile plume that depends on wind direction. It was noted that gaseous substances have a dispersal rate. Member Occhuizzo inquired if there was a model that addresses hazardous material that is water borne or could soak into the ground. Mr. Prager explained he could research that for the board, and noted there is an ACOE model and computer model developed by the Environmental Protection Agency (EPA).

Chair Lane pointed out there is risk tolerance and risk aversion. She explained there has to be a balance for the people living in all the flood zones areas against those that make their living in industry. She stated the board has to balance all sides of this, and to be as objective as possible for the good of the City. There was some discussion about the points Chair Lane made about looking at all sides of this picture.

City Attorney Bach briefly explained how this came forward to the board, and if the City made no changes and LignoTech went ahead and pulled building permits she expressed her opinion there would be a consistency challenge. There was some discussion about this and whether it was possible for LignoTech to move forward without amending the Comprehensive Plan.

Member Occhuizzo requested more time for evaluation of the proposed amendments. He expressed his concern of opening the door for something in the future.

Chair Lane inquired if the board could have proposed LDC language and the final proposed amendments by next week. Mr. McCrary explained the changes would likely be both the LDC amendments and the Floodplain Management Ordinance to be modified to adequately address whatever technical standards we would like to impose. He stated he would need other staff involvement to evaluate that to determine what changes would need to be made, and noted they would like to get outside input as well to assess these things. He pointed out next week staff could have something very rough for the board. There was some discussion about a future meeting date of July 15th, and it was noted that Member Occhuizzo would not be able to attend that meeting.

Member Bennett referred to the change in heavy industrial and inquired if the land use was changed or was it just a zoning category. Chair Lane replied it was talked about, but the board didn't do anything with the table of land uses except for the Airport. She pointed out the LDC would reflect specific requirements within the table of land uses. Member Bennett requested if this moves forward to keep it to a very limited land use and zoning area not for the entire City. Mr. McCrary explained the City has the option in the LDC to address districts or specific uses. He stated since we know the uses that we want to affect we can rely on uses in the exercise. Chair Lane inquired about putting that together as a bundle to the City Commission. It was noted the subcommittee has worked on the uses for Heavy Industrial, but it had not been brought forward to the PAB for a formal recommendation. There was some discussion about this and it was explained the board could not take action on Heavy Industrial until it was properly noticed. The board had some discussion about how to move this forward, and it was suggested that the board could take action at the August meeting for the remaining items. There was some discussion about putting a package together for the City Commission that has the change to the Comprehensive Plan with a note that there must also be a Land Development Code (LDC) change.

Mr. McCrary referred to the question of the creation of a new future land use map (FLUM) category specific to those facilities that might utilize hazardous materials. Ms. Gibson clarified the subcommittee did not create a new FLUM category they created a new zoning district to address heavy industrial. She stated that would be included in the LDC not within the Comprehensive Plan. She pointed out these properties would continue to have an Industrial land use category assigned to them. Member Bennett

suggested the idea of creating a new land use category while making this other change to identify heavy industrial under a separate land use category. Mr. McCrary stated it can be done, but the question would be whether it was warranted or necessary. Member Bennett clarified that he wanted to limit it to a narrow area that would not impact the current industry. There was further discussion about this suggestion noting that currently the City has a broad industrial land use category that allows for a variety of intensities of industrial zoning, and there are currently three industrial zones.

City Attorney Bach pointed out the board could approve the language that staff has given the board, make a recommendation to approve some other language, the board could make no recommendation, or the board could recommend denial of this language. There was further deliberation about how to proceed.

A motion was made by Member Bennett to add in Policy 1.07.01 a Heavy Industrial Land Use Category, and in 5.14.09 remove A-O and where it says the City shall protect environmentally sensitive lands and conservation lands by developing standards within the Land Development Code related to development of these areas that will either the prohibit the following uses or will allow them provided they are developed, constructed, and/or operated in a manner that will protect the existing. . . in the Heavy Industrial category only (all other categories it would be prohibited). Mr. McCrary pointed out in 5.14.09 if you simply strike the list of specific uses it was to only allow hazardous materials and hazardous waste in the Heavy Industrial zone. He explained language would have to be added identifying what goes to Heavy Industrial, because there isn't a list of uses. Member Bennett stated it would be a new FLUM category. Mr. McCrary pointed out the category would not define what uses go in it. He explained staff would have to create a corresponding LDC zoning category to link that with the Heavy Industrial FLUM for that to work. Motion fails for lack of second.

Member Bennett stated he wanted to link those two together. Member Occhuizzo commented looking through the alternate proposal by Mr. Santry and Mr. Ross and he thought this addressed what Member Bennett was talking about. Chair Lane replied yes to a point. The board reviewed the alternate proposal and considered the motion made by Member Bennett. Member Bennett clarified his motion was suggesting that if we move forward with allowing hazardous material in the floodplain that we create a new category called "Heavy Industrial" and that would be the only place that hazardous material would be available to be stored or used. Member Morrill offered an amendment that in that industrial zoned area that hazardous waste is allowed provided they are developed, constructed, and/or operated in a manner that will protect the existing natural functions of environments, sensitive lands, etc. with the standards that staff was going to come up with that are higher than what currently exists. Member Bennett pointed out standards are addressed in the LDC and this motion was talking about the land use. He stated this would limit hazardous materials only in two areas in the City. Mr. McCrary explained the technical standards for where they are permitted would be the LDC language. He summarized the motion as: create a new future land use category that is the sole category for uses which will include hazardous waste or hazardous materials. Chair Lane questioned if breaking this out was necessary in this portion of the land use categories to have Industrial Heavy if the City has Industrial. Mr. McCrary replied it can be done, but he did not believe it was necessary. He related an example that certain uses are allowable in C-2 that are not allowable in C-1, but they both have the same underlying color on the FLUM of Commercial. He stated the FLUM is to put you on broad notice that this area is dedicated and intended in the future for accommodating commercial, residential, industrial activities. He commented it doesn't go to the point of identifying the level of those. He explained it was common to have a broad category with future land use and then refinement in the zoning code. There was further deliberation about the motion Member Bennett made, and concerns were raised that it overly complicates things by including it as a land use category.

A motion was made by Member Bennett, to make a new FLUM category for Heavy Industrial, have 5.14.09 designate that category as being the only allowable place in the flood zone for hazardous materials. Motion fails for lack of second.

There was further deliberation about how to proceed. **A motion was made by Member Morrill, seconded by Member Lawrence, to see some language on how to restrict the handling, storage, development of hazardous materials in the Industrial zoned category (I-2) and when that is allowed that it is allowed with standards that are developed or recommended by staff that include a higher threshold than the current minimums of the NFIP, FEMA, etc. and the board take a look at that at another meeting.** Member Lawrence commented that voting for this motion that whatever is presented on Friday may not go forward. He noted the board wanted to look at this a little further. Member Bennett stated the motion he had made would have to be advertised because it talked about land use changes. Ms. Gibson stated it would have to be advertised and also advertised as a large scale FLUM amendment to apply to the specific properties to have that new land use added. Member Bennett expressed his concern with pushing so much into a short time period. There was further discussion about the motion on the floor for staff to start to prepare the underlying LDC as well as flushing out what the final would be of the proposed amendment for the board to look at to go forward to the City Commission on August 2nd. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Morrill:	Aye
Member Lawrence:	Aye
Member Bennett:	Nay
Member Beal:	Aye
Member Occhuizzo:	Nay
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

There was a brief discussion about the timing of advertising and it was noted that the board would review what staff has prepared on Friday, July 15, 2016 at 10 am.

Mr. Chapman addressed the board to express his concern about ability for public input, especially for those that work. There was some discussion about an alternative date and time that the board could meet. It was suggested that the board meet on Wednesday, July 13th at 3 pm prior to the regular PAB meeting.

A motion was made by Member Morrill, seconded by Member Lawrence, to continue this item to Wednesday, July 13, 2016 at 3 pm. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

3. Comments by the public – There were no additional comments at this time.

4. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:30 pm.

Secretary

Judith Lane, Chair

- 1. Call to Order** - The meeting was called to order at 3:00 pm.

Roll Call/Determination of Quorum

Board Members Present

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

Board Members Absent

Chris Occhuizzo

Others Present

Marshall McCrary, Community Development Department Director
Kelly Gibson, City Planner
Tammi Bach, City Attorney

Member Morrill and Member Lawrence were seated as voting members for this meeting.

- 2. New Business**

2.1. PAB 2016-15 Comprehensive Plan Text Amendments - Amending Policy 5.03.13 and 5.14.09:

Chair Lane noted the board received a number of amendments and extra things. She requested staff to provide an update to the board. Ms. Gibson explained the agenda reflects what was previously out as an agenda, since this was a continuation of the Special Meetings that started June 29th. She stated the staff proposal addresses the questions, direction, and comments provided by the PAB at the July 6th meeting. She clarified it modifies both the Comprehensive Plan Section 5.03.13 and 5.14.09. She pointed out staff also provided Land Development Code (LDC) changes to be associated with this, but action could not be taken on those LDC changes at this time. She explained staff would like some assistance with reviewing the LDC changes before proceeding.

Chair Lane noted a proposal was sent from Rayonier Advanced Materials (RYAM) and one from Member Ross. After a brief discussion about taking input at this meeting, Member Morrill requested the comments provided in an email by Member Ross last night be considered by the board. This information was distributed to the board, and Mr. Ross clarified it was a suggestion the City adopt the amendments Mr. Santry and he previously submitted. There was a review and some discussion about the information that had been submitted to the board for consideration.

City Attorney Bach explained the board was considering the staff proposal that was sent to the board yesterday, a proposal from RYAM sent late yesterday, and a proposal from July 5th titled alternate proposal from Mr. Ross. Member Bennett read “in coastal areas storm surge heights in general exceeded the levels defined by existing flood hazard maps as well as historical records.....” from NIST technical note 1476 page 35. Ms. Gibson clarified that document was forwarded to the board from Mr. Robert Prager. Member Bennett commented according to that document the storm surge documents are outdated and questioned if the City had the most recent flood maps. Ms. Gibson replied staff has flood maps that

are proposed to be adopted later this year, and staff has new storm surge modeling that was adopted by the regional council in 2013. Member Bennett questioned the depth of the 100 year and 500 year flood waters. Mr. McCrary pointed out storm surge and flood describe two different phenomena. He explained surge is water associated with a storm, and it will inundate a floodplain. He stated a floodplain is based on a standard storm event/rain event that might occur on average every 100 years. He pointed out the elevation of that water is site specific, and you have to look at the Federal Emergency Management Agency (FEMA) locally adopted flood maps to determine what that elevation is on a specific site. Member Bennett inquired about along Front Street. Mr. McCrary replied it will vary depending on the topography and the terrain. There was some discussion about the potential depth of water in a 100 year flood which will vary depending on the topography and could range from 2 to 4 feet. It was noted that any structure built under the current flood ordinance would have to be at 11 feet.

Chair Lane pointed out in New Orleans what tended to stand were the industrial things, because they are made to a higher standard. She commented the things they showed in the pictures that were down were people's houses, parking structures, and a few other things. Member Bennett stated he saw tanks blown over and roads/dikes that were destroyed. He noted there were a number of reports that covered from Mississippi to Louisiana and they talked about the casino barges being lifted off their moorings and pushed inland. Member Bennett questioned whether to have a 100 or 500 year minimum standard for flood. He pointed out global warming is an issue and currently the City has high tides that overflow Front Street, which is industrial. Chair Lane inquired if the staff proposal reached Member Bennett's concerns. Member Bennett explained he thought the City needed to minimize the areas that the City allows hazardous materials, which should be in the two heavy industrial areas that have been identified. Chair Lane inquired about the rest of industrial, the waste treatment plant, and the Port. Member Bennett stated the Port is a big concern, because once you allow hazardous materials in the area then anything goes with the Port. He pointed out there have been citizens objecting to coal, petroleum, and a number of hazardous materials. He commented the waste treatment plant is an essential element of the City and that was less of a concern. He expressed his concern that hazardous materials would be allowed over the entire City and the potential for increasing the industrial element on the island.

Chair Lane inquired if I-2 was really in the future Heavy Industrial. Ms. Gibson replied correct. Mr. McCrary explained if the board wanted to control the location of uses that might allow and use hazardous waste or materials as part of their operations you can restrict them via the zoning district where they are permitted. There was some discussion about the idea of specifying hazardous materials are only allowed in Heavy Industrial. It was noted the change could be made in the LDC rather than the Comprehensive Plan. There was further discussion and deliberation about whether the limitation should be in the Comprehensive Plan and the LDC or just have it in the LDC. It was noted the board did not want to interfere with the water or wastewater operations, and the idea was to not allow hazardous materials in additional areas of the City.

Mr. McCrary again explained that staff would say the City does not need a new Future Land Use Map (FLUM) designation to affect what was being talked about. He stated the LDC is very enforceable and was the most enforceable element of the regulations the City has. He advocated for maintaining the current Industrial FLUM designation. Chair Lane expressed her opinion having Industrial in the FLUM would be fine, because it would be broken out further in the LDC. Member Lawrence questioned how the water treatment plants would be addressed. He commented the board found out the other day that this does not address anything that is mobile such as items coming and going in the Port whether it is on a train or trucks. He expressed his concern with the impact on the flood insurance ratings. He pointed out trains are not storage and they are not above the flood elevations. He questioned how these properties would be serviced in the event of an emergency and we need to make sure the City facilities are not

forgotten in the process. Mr. McCrary explained the wastewater treatment facility is viewed as an item that is critical in recovering from a flood and would be subject to higher standards. He referred to the maintenance yard and pointed out things that have hazardous chemicals or materials would be required to be elevated if they are in the 100 year flood. There was further discussion and deliberation about how to proceed.

Member Bennett suggested in 5.03.13 to add a new category called "Heavy Industrial" to restrict hazardous materials/hazardous waste to "Heavy Industrial" areas in the Comprehensive Plan. He commented if that is done then a lot of the other items as part of the Comprehensive changes don't need to be talked about. He questioned if the board thought that was the way to go. City Attorney Bach pointed out the board couldn't take action on anything other than the policy numbers (5.03.13 and 5.04.19) that have been before the board for the last three meetings. Member Beal inquired if the language Chair Lane proposed could be done in 5.03.13. Ms. Gibson replied yes. Member Beal pointed out the board could send a message to the City Commission that it was the board's intent to meet their deadline and have further Comprehensive Plan changes to further define what is being done. Mr. McCrary read "that hazardous materials or hazardous waste are limited to heavy industrial areas and are stored within tanks or vessels...." There was a review of this language under (a).

Member Lawrence inquired where does the City address which elevation it was dealing with (100 year or 500 year) and how does the City address road access. City Attorney Bach replied the LDC according to staff's proposal. Member Bennett stated it can be in the Comprehensive Plan to designate that it was only permitted under regulations for the 500 year flood or the 100 year flood. He pointed out if it says 500 year flood then the LDC would have to meet those criteria. Member Lawrence questioned if that was what was needed to make sure the flood insurance review was not negatively impacted by this. Chair Lane pointed out we've heard some people say yes and some people say not necessarily. She stated right now it is defined to the 100 year. Member Lawrence noted if the City makes it less restrictive the City would lose points. After some discussion, Mr. McCrary pointed out the City was not lowering any standards. He explained the accrual of points helps the City earn reductions in flood insurance rates and the City does prize that and wants to continue to build on it/maintain it. He briefly commented that moving a piece may cost some points, but another piece may gain you that many points and more. He pointed out currently the City requires one foot of freeboard above the base flood elevation, and this proposal that the board can't take action today would implement in the LDC additional restrictions to go to two feet above the 100 year flood when hazardous materials are involved. He explained he didn't anticipate higher costs on the City to administer those higher standards, but it results in a higher cost to deliver the higher standard. There was further discussion about how to proceed and an appropriate motion. **A motion was made by Member Morrill, seconded by Member Rogers, to approve the Comprehensive Plan language as proposed by staff with the July 12th revision amended to reflect the added language "limited to heavy industrial zoning district."** Member Bennett questioned the use of the term "uses" versus the specific category. He commented the intent was to make it so it was in a new category, Heavy Industrial and identified in the FLUM and also have a new policy as Heavy Industrial. City Attorney Bach suggested "limited to properties zoned heavy industrial". After a review of the revised language, **vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

The board had some discussion about whether to have standards to the 500 year floodplain included in the Comprehensive Plan language, but concerns were expressed about not knowing what the 500 year floodplain standards are. There was some deliberation on an appropriate motion to have a higher standard. City Attorney Bach polled the members of how many wanted to see the terminology "500 year floodplain" in the Comprehensive Plan amendments. Three members were in favor. Chair Lane

explained she couldn't do that until she understood what that really is. City Attorney Bach explained staff needed direction of what the board was sending to the City Commission, because the LDC specifics would be coming back to the board for debate. Chair Lane suggested the board also let the City Commission know the board was going to seriously study bringing the 500 year floodplain in as a the standard citywide in the future. She pointed out the board would need to study and find out what the 2016/2017 mapping is. A concern was raised about adding that standard to residential construction. There was a brief discussion about the 500 year floodplain standard, but there was not a consensus to have it in the Comprehensive Plan at this time.

Ms. Joan Bean, 141 North 15th Street, noted there were new pieces to the puzzle all the time. She expressed her appreciation to the board for wrestling with this big problem. She referred to Mr. Ross' proposal and commented it sounds like it would protect the public more than the lesser requirements. She requested that whatever is chosen as the requirements that there is a way to check to make sure they are doing the right thing.

City Attorney Bach summarized that City staff's proposal was on the screen for two proposed changes to Comprehensive Plan Policy 5.03.13 and Policy 5.14.09. She stated the motion that passed included the changes with the amendments regarding Heavy Industrial for both policies.

Member Lawrence referred to the idea of making a statement to the City Commission about the board's intent. Chair Lane stated staff has that. City Attorney Bach noted that was the 500 year floodplain, specific anchoring requirements, etc. would be debated, and Heavy Industrial on the FLUM. Member Lawrence pointed out there were some definitions that need to be clarified and questions about access roads as part of the LDC. He expressed his hope that it would address what Mr. Ross presented and the other issues the board has been talking about in the LDC. City Attorney Bach inquired if there was a timeline to bring the LDC amendments back. Mr. McCrary replied staff anticipated the regular meeting August 10th. It was noted after first reading by the City Commission it goes to the State. Member Beal noted during the time it is at the State (about 45 days) the board would finish up the LDC. Member Bennett provided direction regarding the LDC proposed changes to prohibited uses to include under item B- 9 Petroleum and Pesticide products.

3. Comments by the public – There were no additional comments at this time.

4. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 4:35 pm.

Secretary

Judith Lane, Chair

those were in the Gulf Coast, south Florida, and in the Carolinas). It was explained that FEMA and MFIP provide guidance on the potential impact. Mr. Homans pointed out on the Amelia River the expected elevation rise was about 9 feet, and the Rayonier Advanced Materials storage facilities are appropriately elevated or flood proofed for this. He briefly explained they engineer to the applicable engineering codes and standards, and tanks are designed to the American Society of Mechanical Engineers (ASME) and the American Petroleum Institute (API) standards. Pictures of a typical industrial foundation design were provided to clarify this further. Mr. Homans stated LignoTech Florida would be investing a lot of money in foundations, and pointed out \$7 million dollars was proposed for pilings and concrete. He explained the foundations do not rely on the soil for stability and they are built to last.

Mr. Leon Jones, retired Rayonier employee present during the Hurricane Dora (1964) shutdown, explained the decision was made to shut the mill down and send all the employees home. He stated in the wood yard they removed any loose material that might be blown around, and the lumber piles were battened down. He provided further comments about the mill's shutdown procedures.

Mr. Russell Schweiss, Director of Corporate Communications & Community Relations, provided his background as contained in the presentation including that he worked with the State Emergency Operations Center (EOC). He pointed out one of the concerns with hurricanes from the DEP's perspective was the biggest risk came from wastewater, and explained industrial facilities produce their own power so they can get back to stable operations. He stated prior to Hurricane Charley the DEP started issuing emergency orders for industrial facilities to begin discharging treated wastewater to create freeboard on the wastewater treatment system. He explained the primary concern at industrial facilities going into hurricanes is how they can manage water. He compared the 2004 hurricane track summary with the 2005 hurricane track summary. He pointed out the combined heat and power plant will make a huge difference, because base load generation can be produced from the site fired by natural gas. He commented while the rest of the State would be struggling to get their power back it would be a much simpler process to get the basic functions back in order here. He stated as you look at these issues you need to look at them in a broader context to consider the importance of hazardous materials to projects like this that lessen the hazard.

Mr. Homans concluded that the changes to the Comprehensive Plan are simply recognizing activities that have long taken place in the floodplain in the City without bringing harm to the community. He stated these changes will require new activities to comply with a higher standard whether it is at the mills, the City's swimming pool, the marinas, the Port, or the working waterfront. He commented these discussions all started with LignoTech, but these discussions have made a serious turn and it was easy to lose sight of what we are really talking about. He explained the only hazardous material we are talking about at LignoTech is aluminum sulfate, and the most common use for this chemical is an additive to drinking water before you drink it and it is also used for gardening PH control. He stated the LignoTech project no matter how you look at it will bring environmental benefits to this community with an estimated 1,200 tons annual reduction of the traditional air pollutants, and an estimated 50,000 tons annual reduction in local greenhouse gas emissions. He provided further comments in support of the proposed amendments and that leaders of the community have to look at all the factors to make the right choice.

Member Occhuizzo referred to the Emergency Response Team at Rayonier and inquired if there were a number of people on the team. Ms. Mock replied the internal team was about 59 people. Member Occhuizzo questioned in terms of emergency response how much could the City deal with. Fire Chief Ty Silcox explained the department responds to every hazard that is on the island. He stated fire service has turned into an all hazard response. He explained the Fernandina Beach Fire Department does not currently have a hazmat team, but they have people that are certified. He stated Nassau County has a

hazmat team that is in the beginning stages and for any significant event the City would reach out to our partner's in Jacksonville. He pointed out in Northeast Florida there are three regional response hazmat teams (Clay County, Jacksonville, and St. Johns County). He stated we are well protected when it comes to hazmat response in the region.

Mr. Homans explained the by-product was the liquor stream that would be diverted to LignoTech Florida as their raw material. He stated the only new hazardous material would be aluminum sulfate. Chair Lane inquired if all of Rayonier's hazardous materials were stored above ground as shown in the presentation, and would everything at LignoTech be stored that way. Mr. Homans replied absolutely. It was explained the materials at the facility are subject to community right to know regulations, and they file annual reports that address what those materials are. She pointed out this was primarily for them to communicate with agencies like the Fire Department, because they are the ones that could potentially be exposed to the materials. There was some conversation regarding construction standards and the emergency response process during a hurricane. It was pointed out there are established procedures to move as much as they can to another location.

Federal Emergency Management Agency (FEMA): Ms. Gibson established a connection with FEMA representative Mr. Jason Hunter via Skype. Mr. Hunter explained he reviewed the proposed amendments and the language seems to be in compliance with the National Flood Insurance Program. He stated when we talk about the storage and location of hazardous materials in a special flood hazard area we consider that development. He read the definition of development and explained that a development permit would be required. He pointed out if there is storage of hazardous material they want to make sure if it is in an actual structure that it was elevated above the base flood elevation; and if it is in a storage tank that it is properly anchored so that it would resist collapse or lateral movement. He referred to Federal regulations that manage the National Flood Insurance Program (NFIP) and pointed out 60.3A requires all NFIP communities ensure that all Federal and State permits be obtained. He stated in this case there is some type of regulatory agency that would monitor and regulate the storage of hazardous materials throughout the State of Florida, which may be the FDEP. He pointed out storage of hazardous materials is considered a "critical action", which was defined in part 9 of the Code of Federal Regulations. He read from the definition including "that a slight chance of flooding is too great. The minimum floodplain of concern for critical action is 500 year floodplain..." He explained their recommendation was the City to consider adopting a higher regulatory standard, which would be to make sure that storage of hazardous materials were placed outside of the 500 year floodplain or above the 500 year elevation.

Chair Lane inquired about other communities that have adopted the 500 year floodplain and if there was a recommendation of best in class for those regulations. Mr. Hunter stated he was not aware of any communities that have adopted that, but he would look into those that have higher regulatory standards and get back to the City. Member Occhuzzo questioned if compliance with the minimum standards was sufficient through NFIP. Mr. Hunter replied absolutely, and explained any type of storage of this type of material in the floodplain a permit would be required. He stated the second requirement would be to meet the minimum standards including all Federal and State permits associated with this development would be obtained.

City Utilities: Utilities Director John Mandrick explained they store both chlorine and sulfur dioxide at the wastewater plant, and at the three water plants they store chlorine. He stated the materials are in one ton containers that are shipped from the supplier and are kept in a facility that is regulated by the EPA. He pointed out there is a risk management plan similar to what Rayonier has. He referred to storage and explained they are under cover and have gas detectors on them by the tanks and where they get mixed with water. He stated there are warning lights at the site (green – safe; red – check the wind sock and

head for safety). He explained all the tanks are on a vacuum system, which means if the hoses are ripped out there is no chlorine coming out. He provided further information on the protocols for hazardous materials storage, handling, and use of these materials in the water/wastewater plants. He explained during a power outage most of the City's lift stations have an emergency generator. He stated the City has a lot of redundant systems, and reported there has not been a spill in the last seven to eight years. He reported that the City trains regularly on safety and it is monitored 24/7 with an automated system at each of the sites. He stated the tops of the wastewater tanks are at an elevation over 20 feet. He pointed out they also store diesel fuel at the generators and at the City yard a large volume of unleaded fuel and diesel fuel is stored.

Member Morrill questioned if sodium hydroxide was mixed in with the aluminum sulfate. Mr. Mark Homans explained it was sodium hydroxide caustic, and pointed out caustic was a usage at the mill now and it would be transported via pump and pipe only to LignoTech Florida where it would be used to neutralize the raw material. Member Morrill inquired if the combination of these two creates a new hazardous waste. Mr. Homans replied no and clarified it would be neutralizing the raw material. He stated from there forward it was a non-hazardous material.

City Building Official: City Building Official/Flood Plain Manager Tony Perez-Guerra explained the City adheres to the minimum standards FEMA requires plus one higher standard measure of one foot of free-board. He stated the building code for critical facilities such as the hospital would require 2 feet. He pointed out any structure that is built or undergoes a substantial improvement of 50% of the structure's cost would have to be brought up to current code requirements. He stated the new turbine plant adheres to one foot of free-board requirement, and everything was on pilings and concrete platforms. It was noted the City goes out actively to inspect permits to ensure projects are up to code. There was some discussion about the 500 floodplain.

City Marina: Fernandina Harbor Marina Manager Joe Springer briefly explained between the years 2006 to 2009 a change was made to the fuel system at the Marina and the 20,000 gallon tank is split into two sections (15,000 gallons diesel and 5,000 gallons for gas). He stated when the system was put in they followed all the requirements set forth, and they are tested every other year related to that system. He pointed out when the system was put in it was done so the fuel delivery truck can pull up on the street and do the fuel drop into the tanks. He reported the Marina was in compliance with the regulations. There was a brief discussion about the underground storage tanks at the Marina.

WestRock: Mr. Colin Campbell, representing WestRock, referred to the slides Rayonier presented that showed many of the State and Federal regulations governing the storage and handling of hazardous materials, and pointed out those regulations apply to us all. He reported they comply with all State and Federal regulations, and their tanks are built to those same levels of protection. He explained they have the same safety ethics and same environmental ethics in that they don't want to hurt their people or pollute the environment. It was noted some tanks are elevated and are properly anchored.

The PAB took a brief recess at this time.

Public Hearing:

Mr. Chip Ross, 210 North 3rd Street, provided a presentation and explained this was a change to the Comprehensive Plan. He expressed his opposition to these policy changes for the following reasons 1) they were changed for one property; 2) his concerns over hazardous materials throughout the City; and 3) this change was being rushed in comparison to other City efforts. He proceeded with his presentation and

explained the PAB should be looking at each of these amendments “through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order....” He referred to a letter written by the City Manager in 1996 and read “They pose the greatest risk to the community in terms of safety and environmental considerations.” He noted it has a small potential of happening, but if it happens it is a huge problem. He pointed out the original Comprehensive Plan was adopted in 2000 and 5B.02.07 says that no hazardous materials or hazardous waste should be stored within the floodplain. He presented further details from the Comprehensive Plan adopted in 2000 noting that it has been updated since that time. He also pointed out that building permits have been required since 2006 including a survey and showing where the base flood elevation was on any new structure. He stated in 2011 the City adopted regulations to promote the public health, safety, and general welfare of the citizenry related to the 100 year floodplain. He presented further details of this section with regard to the floodplain as well as the National Flood Insurance Program (NFIP) standards to get a discount on flood insurance. He also presented details about obtaining points from the protection of critical facilities and the Emergency Planning and Community Right-to-Know Act (EPCRA). He presented a listing of chemicals stored at Rayonier and pointed out there is a Nassau County Florida Local Mitigation Strategy that outlines what is being done to mitigate that low risk event that could have catastrophic consequences. There was a brief discussion about a picture shown of tanks at Rayonier.

Mr. Ross raised the issue of whether the tanks were raised to the base flood elevation plus one foot. He briefly commented about the vulnerability zone for chemicals and showed pictures of the storage of chemicals for the water and waste-water treatment plants. He questioned how the amendments help the City mitigate risk, and he suggested that they don't. He also expressed a concern about boats during a storm event breaking free and possibly hitting a facility. He provided further information about the Nassau County Florida Local Mitigation Strategy and raised questions about the chlorine dioxide storage tank that was constructed in 2011 and whether a building permit was obtained for the tank. He expressed his concern that building has been going on since 1996 without building permits from the City. He read portions of a letter from LignoTech to the City dated June 7, 2016 and provided comments with regard to the controversy of allowing the expansion of hazardous materials in the floodplain. He pointed out no detailed analysis of the proposed amendment was done by staff or the applicant, and that amendments need to be based on relevant and appropriate data. He reviewed the staff proposal for Policy 5.14.09 and presented an alternative proposal from his presentation. He also reviewed staff proposed Policy 5.03.13 and presented an alternative. He questioned why reverse a two decade old prohibition against industrial development in the special flood area. He briefly expressed his concerns with regard to this including an increase in costs for citizens' flood insurance. He urged the PAB to recommend to the City the best course would be to do an analysis and come up with policies that narrowly limit the hazardous material in the floodplain (keep it where it is and not let it expand).

Mr. McCrary explained the application was a City initiated application, which was directed by the City Commission to pursue so Rayonier was not the applicant nor LignoTech and that was the reason there was no fee. He stated the language staff put forward was broad policy type language, and pointed out there are many other policies that affect the applicability of allowing these things in wetlands. He reminded the PAB that the policies work together, and explained these policy statements face refinement as they are translated into the Land Development Code (LDC). He referred to the question about the building permit and stated he did not know if the previous Building Official was approached about any improvements that occurred during his tenure. He commented he didn't know if the previous Building Official had a policy of not requiring permits because of his interpretation of the Florida Building Code, because he does have latitude to make interpretations. He stated also didn't know about the Building Official's application of the City exemption for certain types of operational improvements there. He

explained during the Building Official's tenure the City issued permits for inhabited facility improvements, but he did not see operational type facilities with permits during that time period. There was a brief discussion about whether a building permit was issued.

Mr. Joseph Peroni, 2805 Laguna Drive, spoke in agreement with the previous speaker that the PAB should not move forward with this change. He noted those industries have been here quite a while and he didn't think anyone wants to see this island become more industrial. He commented from Rayonier's presentation they are a good corporate citizen, but every company is going to say they are a good corporate citizen. He pointed out Exxon did, and they lost a lot of oil in Alaska. He stated things happen and that is why you have a 100 year floodplain and a 500 year floodplain. He noted things will happen so we look forward to the contingency and to protect from it. He briefly commented about there not being a hazmat team on the island, and questioned what would happen if the bridges were out and the hazmat team needed to respond. He expressed his opinion that the new jobs from LignoTech would be minimal, and Rayonier was doing well and could continue as they have over the years. He suggested the board look at the island as a place people come to for the beauty and as a home. He expressed his concern with industry overshadowing quality of life.

Mr. Robert Wells, 2884 Robert Oliver Avenue, commented he found the amendments disturbing. He stated the Comprehensive Plan is a document that withstands time, and expressed his opinion that these amendments aren't from new wisdom with regard to floodplains. He explained the purpose of the amendments are to relax the restrictions that apply to the floodplain, but expressed his opinion the City should be looking to strengthen them. He pointed out the City was entertaining these amendments for the purpose of one project for one Norwegian company and a handful of jobs. He urged the board to recommend against these amendments.

Ms. Peggy Lehosit, 130 South 6th Street, pointed out "working together for a safer community" is the motto at the bottom of the Community Development's emails. She questioned how hazardous materials in the floodplain are making us safer. She also questioned how making Mr. Ross recuse himself from this makes us safer. She stated Mr. Ross has researched this issue and his perspective has brought balance to the debate. She expressed her opinion that these amendments are biased, and that any existing problems in the floodplain should be addressed and resolved. She commented it doesn't make sense to create additional risk. She requested the PAB insist that any business or industry be made to perform within the established guidelines.

Mr. Frank Santry, 105 South 19th Street, referred a list of guidelines and standards to apply to any business the board undertakes that he presented to the board about three weeks ago and provided a recap of these guidelines. He expressed his opinion that the proposed staff changes to the plan are inadequate, dangerous, and absurd in their consequences. He suggested turning attention to what Mr. Ross proposed, because that adequately expresses the complexity of the question that has been brought before you. He commented he couldn't find a problem with the longstanding prohibition against hazardous materials in the floodplain. He provided further comments against the proposed amendments. He referred to an article he had provided to the board and explained the source was a study that was specifically requested by the Society of State Floodplain Managers. He read a portion into the record that "liability of cities for regulatory failures of this kind is resulting in ever larger liability to the public". He reminded the board that the first places that flood in Nassau County are the foot of Shave Bridge and the Yulee side of the Shave Bridge; and FEMA requires the bridge be shut down when winds reach 40 mph. He stated the flood of 1898 destroyed Fernandina Beach to 3rd Street, and FEMA estimates a category 5 hitting Fernandina Beach would inundates 90% of the island with water. He asked the board to stand up and be counted.

Chair Lane requested an alternate meeting date to complete this discussion after hearing from the last three speakers. After a brief discussion of potential dates, *the consensus of the board was reconvene the discussion on July 6th at 5 pm.*

Mr. McCrary pointed out there was existing language in the Comprehensive Plan regulating protection of wetlands, and that was not being touched. He stated it would continue to be applicable, and it was also in the LDC. He explained while the Comprehensive Plan amendment goes to the State for review the board would be evaluating how to do the translation of the Policy statement into regulations for the LDC. City Attorney Bach suggested having a motion after the speakers to postpone this to July 6th so there would not need to be another ad in the newspaper. Chair Lane referred to Policy 5.03.13 and requested it be sent to the PAB members in Word form.

Ms. Marie Santry briefly spoke to the history of flooding in Fernandina in 1898. Included in the history was that the City ceased publishing a paper, because the office was underwater at the corner of 2nd and Centre. She also commented about the force of the flood water and the debris that was pushed from the flood. She explained the source of the information was from the Jacksonville Times Union, October 1898.

Ms. Julie Ferreira, 501 Date Street, stated she wanted the City kept safe. She explained to her the negatives of the Comprehensive Plan changes outweigh the positives. She commented LignoTech is one project and this change is much larger than that project. She explained she wanted to know that the neighborhoods that surround the Port and mills are protected. She expressed her opinion that this change means that the City will no longer have the ability to regulate hazardous materials in the future in the floodplain. She also expressed her concern about the Port's plans for the future. She explained she wanted to know the City has a say in what is going to happen with regard to hazardous materials. She requested careful consideration of this change.

Ms. Rebecca Colson, 96128 Parliament Drive, agreed with the other community members and spoke in opposition to the proposed amendments. She explained we need to look at the history for why we have a stricter standard. She noted Rayonier owns property throughout Nassau County, and questioned why these tanks have to be placed in the floodplain. She suggested if this is approved and they are allowed to put tanks in the floodplain that the property is reassessed and reevaluated so that they pay appropriate taxes. She provided further comments expressing her concerns about the potential for disaster.

Mr. Russell Schweiss, Rayonier Advance Materials, briefly explained that Rayonier and Rayonier Advance Materials are two separate companies now. He stated LignoTech has two managers (Mr. Mark Homans and Mr. Anders Sjode). He pointed out this venture Rayonier would be a 45% investor and Borregard was 55%. He explained to say Rayonier's culture was not going to leave an imprint on that organization would be false.

A motion was made by Member Morrill, seconded by Member Lawrence, to continue this item to July 6, 2016 at 5 pm. After a brief discussion of potential additional meeting dates, vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

3. Comments by the public – There were no additional comments at this time.

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4. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:20 pm.

Secretary

Judith Lane, Chair