



AGENDA - AMENDED
PLANNING ADVISORY BOARD
REGULAR MEETING
WEDNESDAY, SEPTEMBER 14, 2016
5:00 P.M.
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

AMENDED ON 9/12/16 TO INCLUDE MISSING BACK UP MATERIAL FOR ITEMS

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

2. APPROVAL OF MINUTES

Approval of Minutes - PAB Regular Meeting of August 10, 2016

Documents:

[2016 08-10 PAB RM Minutes Draft.pdf](#)

3. OLD BUSINESS

3.1. PAB 2016-09 - IMPLEMENTING THE COMPREHENSIVE PLAN CONSERVATION AND COASTAL MANAGEMENT ELEMENT (CCME), INCLUDING PROVISIONS FOR LAND USES WITHIN A SPECIAL FLOOD HAZARD AREA

Ordinance 2016-09 was originally reviewed by the PAB at its regular meeting on April 13, 2016 and changes were forwarded to the City Commission for decision making. Staff requested that the item be pulled from 1st reading in order to consider modifications for land uses within a special flood hazard area. It was last considered by the PAB on August 10, 2016 and tabled to September 14, 2016. The subcommittee held a meeting on August 16th, August 25th, and August 29th to finalize details pertaining to the associated LDC text amendments which follow this item. This item is being presented in Ordinance form with the language provided in Exhibit A.

Documents:

[PAB 2016-09 LDC Text Amendments_CCME IMPLEMENTATION.pdf](#)

3.2. PAB 2016-20 - LDC TEXT AMENDMENT MODIFYING INDUSTRIAL ZONING STANDARDS AND CREATING THE HEAVY INDUSTRIAL (I-2) ZONING DISTRICT

This item was previously considered by the PAB on August 10, 2016 and tabled to September 14, 2016. The subcommittee held a meeting on August 16th to finalize details pertaining to the associated LDC text amendments which follow this item. This item is presented in Ordinance form with the language contained in Exhibit A.

Documents:

[PAB 2016-20_LDC TEXT AMENDMENTS_HEAVY INDUSTRIAL CHANGES.pdf](#)

3.3. PAB 2016-19 - MAP CHANGES NEW ZONING CATEGORIES FOR HEAVY

INDUSTRIAL (I-2) AND SWITCHING INDUSTRIAL AIRPORT (I-A) AND INDUSTRIAL (I-1)

This item was previously considered by the PAB on August 10, 2016 and tabled to September 14, 2016. The subcommittee held a meeting on August 16th to finalize details pertaining to the associated LDC text amendments which follow this item. Materials have been provided in Ordinance form with Exhibits depicting the map changes.

Documents:

[PAB 2016-19_ZONING MAP CHANGES INDUSTRIAL AND NEW HEAVY INDUSTRIAL FOR MILLS.pdf](#)

4. PAB MEETING BREAK TO CONVENE THE SPECIAL MEETING OF THE CITY COMMISSION

Following the Old Business items considered the PAB will break in order to allow for the City Commission to convene a special meeting. The PAB will return immediately following the City Commission meeting to to consider all new business items .

5. NEW BUSINESS

5.1. PAB 2016-21 - FINAL PLAT APPROVAL FOR COTTAGES AT COASTAL OAKS (11 TOWNHOUSE UNITS)

PAB 2016-21 - FINAL PLAT APPROVAL - Properties between Nectarine Street and Coastal Oaks Drive (parcel # 00-00-31-1611-000G-0000).

Documents:

[PAB 2016-21_Final Plat Request for Cottages at Coastal Oaks.pdf](#)

5.2. PAB 2016-23 - FUTURE LAND USE MAP AMENDMENT AND ZONING CHANGE FOR THE SURF PROPERTIES AT S. FLETCHER AVE AND HUTCHINS AVE.

PAB 2016-23 - FUTURE LAND USE MAP AMENDMENT AND ZONING CHANGE - Properties between S. Fletcher Avenue, Hutchins Avenue, and First Avenue (parcels # 00-00-31-1720-0004-0016, 00-00-31-173W-0007-0000).

Documents:

[PAB 2016-23_3199 S FLETCHER AVE_AGENDA PACKET.pdf](#)

5.3. PAB 2016-22 - VOLUNTARY ANNEXATION, LARGE-SCALE FUTURE LAND USE MAP AMENDMENTS, ZONING CHANGES, AND VACATION OF RIGHT-OF-WAY FOR PROPERTY LOCATED AT LIME STREET AND S, 14TH STREET

PAB 2016-22 - VOLUNTARY ANNEXATION, LARGE-SCALE FUTURE LAND USE MAP AMENDMENT, ZONING CHANGES, AND VACATION OF RIGHT-OF WAY - Properties located at Lime Street + S. 14th Street. (parcels # 00-00-31-1800-0197-000, 00-00-31-1800-0235-0040, 00-00-31-1800-0211-0000, 00-00-31-1800-0235-0010).

Documents:

[PAB 2016-22_14TH AND LIME STREET_AGENDA PACKET.pdf](#)

6. BOARD BUSINESS

7. STAFF REPORT

8. COMMENTS BY THE PUBLIC

9. ADJOURNMENT

**THE NEXT REGULAR PAB MEETING IS SCHEDULED FOR
WEDNESDAY, OCTOBER 12, 2016 AT 5:00 PM.**

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

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.

- 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
Charles Rogers
Jamie Morrill
Chip Ross

Mark Bennett, Vice-Chair
David Beal
Chris Occhuzzo
Eric Lawrence (alternate)

Board Members Absent

Jon Lasserre (resigned)

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney

Member Morrill was recognized as a voting member and Member Lawrence was recognized as Alternate #1. It was noted that there were applicants that would be brought before the board in September.

- 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

A motion was made by Member Bennett, seconded by Member Morrill, to approve the Minutes as presented. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

- 3. New Business**

Agenda Change – Item 4.1 Chair Lane briefly explained a subcommittee would be set up to go over all the material that had been received related to item 4.1. The subcommittee would include engineers, scientists, someone from Jacksonville Emergency Response, two PAB members, Mr. Praeger, Mr. Tony Perez-Guerra (Floodplain Manager), and someone from the Federal Emergency Management Agency (FEMA). Chair Lane pointed out after this subcommittee meets it would be brought back to the PAB and then more subcommittees could be formed if necessary. There were some concerns expressed by board members about the makeup of the subcommittee Chair Lane described. It was noted the subcommittee would not be voting on anything, but the members were chosen based on their background to review the various documents that have been presented. There was further discussion about subcommittee members noting that Chair Lane was trying to get expertise around the table to review the various facts in the documents that have been presented. A suggestion was made to have a second subcommittee to review the findings of the subcommittee described by Chair Lane. It was pointed out the subcommittee would still be an open meeting that any board member would be able to attend as well as any member of the public. Member Bennett was added as a member of the subcommittee and it was suggested to contact Mr. Steve Martin.

Ms. Gibson reported that the Peck Center reception room was available Tuesday, August 16th and August 24th before 5:00 pm. Chair Lane suggested holding the meetings at 3:00 pm on both days. There were no objections to this suggestion.

Mr. Frank Santry, 105 South 19th Street, referred to the flood study Member Ross mentioned and suggested reaching out to the flood scientists that did the studies and modeling. He commented he believed they were from FEMA's Atlanta office.

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: Ms. Gibson explained the City initiated a process on the heels of the adoption of the landscape and tree revisions that were completed earlier this year to modify language which applies an exemption for the mill properties from buffer requirements and landscape revisions. She reminded the board a subcommittee was created to examine this and they identified a mechanism for removing the naming of those specific entities by creating a new Heavy Industrial (I-2) zoning district. She pointed out this change was not modifying uses or anything that was already included within the existing zoning category. She stated revisions were made to remove from anywhere within the LDC that specifically names those entities. She pointed out during this process an issue was identified with the Industrial Airport zoning category, which presently is the leasehold area that surrounds the Airport. She explained this amendment flips the Industrial Airport to the operational areas of the Airport only and then the previous leasehold area reverts to Industrial (I-1). She stated I-1 table of land uses was modified to allow for lodging accommodations, which was the principal reason Industrial Airport was created in the first place. She commented there were also specific uses for the operational area of the Airport which were vetted through the subcommittee and the Airport Advisory Commission (AAC). She stated the next item was related to the mapping associated with the changes.

Member Bennett noted sea plane dockage and parking was added, however when you go to the Airport that is not a permitted use. He read that automotive retail agencies were not a permitted use in I-A, but commented that he thought that would be ideal for someone that flies in to be able to rent a car. Ms. Gibson clarified this was just for the operational area of the Airport (runways, taxiways, etc.). Chair Lane pointed out the Hertz rental cars currently exist near the Fixed Base Operator (FBO) and were not in the operational area. Member Beal commented McGill Aviation (FBO) was within the fenced area. Chair Lane stated most of the FBO was, but the rental portion of that was not and was not going to be with the new FBO. Member Beal stated the office to rent was actually inside the fence. Member Bennett questioned if docks and other waterfront structures should be a permitted use in I-A. He inquired if any portion of the Airport operational area was on the water. Ms. Gibson replied no. Chair Lane explained if a sea plane was coming in it would be landing on its wheels on the runway. There was further discussion about the accessory uses for I-A and it was noted a dock would be permissible in a conservation area as well as in I-1 (zoning category surrounding the Airport). It was suggested to make dockage and parking a permitted use under accessory uses.

Member Ross presented a handout and explained the Amelia Island Tree Conservancy endorses this proposed amendment. He stated non-complimentary land use is not defined in the Comprehensive Plan. He pointed out instead of putting adjoining non-complimentary land use he put what the specific non-complimentary land uses are so that it was not discretionary. He explained 1) was adjoining a public right-of-way, 2) adjoining lands designated as conservation zoning, 3) adjoining areas designated wetlands protection zones or wetland transition areas, and 4) adjoining properties not zoned Heavy

Industrial (I-2) zoning. He also suggested prior to any new construction in an area to be exempt a tree survey or inventory shall be submitted. He stated a tree removal permit would be applied for the removal of the trees so citizens are aware of what trees are being removed. He noted the exemption exists with the intent that Heavy Industrial zoned properties would seek to minimize all overall impacts on the existing tree canopy. *A motion was made by Member Ross, seconded by Member Morrill, to adopt this as an amendment to Section 4.05.02.* Chair Lane pointed out this went through numerous meetings and the Amelia Island Tree Conservancy was represented. She commented this was coming in as an addition to the compromise, and stated she was against doing this. Member Morrill inquired about breaking this into two parts. He commented if non-complimentary was not defined it could add clarity in the document. Ms. Gibson explained she was hesitant moving forward on any language that has not been reviewed by all the entities that came together previously. There was further discussion about the information that was brought forward and the best way to proceed.

Mr. Russell Schweiss, 10 Gum Street, Rayonier Advanced Materials, reminded the PAB that a number of hours were spent working on this, but at the end it was something that a majority of the committee agreed on moving forward with. He expressed his concern about the proposed language for non-complimentary land use creating a condition that the mill can't comply with. There was some discussion about whether to have a definition for non-complimentary use and it was noted the marsh adjoining Rayonier was in conservation.

Mr. Colin Campbell, 600 North 8th Street, WestRock, concurred with Mr. Schweiss and expressed concern that this was the first time to read the proposed amendment. He commented they spent almost an entire year going through proceedings that included the Amelia Island Tree Conservancy, staff, and many board members. He stated he thought the agreed upon document was going to move through and now we are looking at a late change. He commented this hurts the perception of whether their voice was going to be heard when they to come to an agreement and stay to those agreements.

Member Morrill explained his intention was to add some clarity so there wouldn't be a lack of clarity down the road. He withdrew his second to the motion.

City Attorney Bach commented Ms. Gibson hasn't had a chance to vet the proposed amendment, and suggested having another subcommittee if the board really wants to understand this. She explained you have to be careful with last minute changes, because these things end up in Ordinances that have to be endorsed when presented to the City Commission. Member Ross stated his intention was not to be underhanded, and pointed out the PAB was not just a rubber stamp committee. He explained this board is for discussion and things like this are part of discussion. He commented legislation is an ongoing process and this was an opportunity to bring other things up. He expressed his opinion there was a problem with the way the Ordinance was written and provided further comments about this item. There was further discussion about how to proceed with this item. It was suggested to get the members of the subcommittee back together to review this (Mr. O'Conner, Mr. Campbell, Mr. Schweiss, Mr. Robert Praeger, Amelia Island Tree Conservancy – Ms. Margaret Kirkland, Member Ross, and Chair Lane). *The consensus was to meet on August 16, 2016 at 2:00 pm at the Peck Center conference room. A motion was made by Member Bennett, seconded by Member Morrill, to postpone this case to the September PAB meeting. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.*

Member Bennett pointed out there was no height attached to Heavy Industrial and commented it was possible to build a 400 foot office building. He questioned whether there should be a maximum height. Ms. Gibson stated if there was a height limitation placed on any structures within that area it would be for

all those structures. There was some discussion about this noting you have to be careful of unintended consequences of having a height limitation within the Heavy Industrial zone.

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.: There was a brief discussion about postponing this item to the September PAB meeting. **A motion was made by Member Morrill, seconded by Member Occhuzzo, to postpone PAB 2016-19 to the September PAB meeting. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

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.)*

This item was discussed at the beginning of the meeting and would be reviewed by a subcommittee on August 16th and August 24th at 3:00 pm.

5. Board Business

5.1. OHPA Master Plan Discussion - Consideration Of Special Meeting Date: Ms. Gibson reminded the board this item has appeared on the agenda several times and it was suggested to consider a Special Meeting. She stated the OHPA has requested specific changes and discussion of how the Master Plan itself was inconsistent with the City's existing Comprehensive Plan prior to agreeing to have a joint meeting with the PAB. She explained the purpose of the meeting would be to formulate a document to provide to the OHPA and at that same time request a Special Meeting.

Member Ross pointed out there is the City Comprehensive Plan and the Port Master Plan. He commented the OHPA has jurisdiction over a much larger area than just the Port. He explained the City's Comprehensive Plan talks to just the Port not the rest of Nassau County. He briefly commented about the revision he did of the Port Master Plan including taking out the words "Ocean Highway Port Authority" and put in "the Port of Fernandina". He provided further comments about this item including that the Port Master Plan was based on the notion that the Port was going to expand outside their current area and do dredging.

Chair Lane noted several tried to rewrite this and questioned staff how many were received. Ms. Gibson replied three and stated those can be forwarded to the members to review for the next meeting. There was

some discussion about this item noting this was the second time the board has looked at the Comprehensive Plan amendment.

Member Ross suggested focusing on the Comprehensive Plan rather than the Port's Master Plan. City Attorney Bach pointed out the board could go right to the City Commission with what the board came up with. She explained to be collegial the board is supposed to go back to the Port Authority at least one more time. Ms. Gibson referred to the process and stated originally OHPA submitted to the City its Comprehensive Plan amendments. She explained where it got hung up was with respect to adopting internal to the Comprehensive Plan any reference of the Port Master Plan. She pointed out changes have been modified to the Port Master Plan as well as what was being proposed for Comprehensive Plan amendments today. She commented the PAB previously decided to try to work with them to determine what would be a compromise on the Comprehensive Plan amendments. She reminded the board that at the end of the day it was the City's Comprehensive Plan. There was some discussion about how to proceed.

Mr. Santry explained the summary of recommendations from the citizens committee that was set up by OHPA was being presented to them. He stated one of the recommendations to OHPA was for them to reevaluate their current proposed Master Plan from the beginning, and modify it for the purpose of only presenting future goals which are within their reach and within the scope of what their processes should be. He referred to the Special Meeting and expressed his opinion that the board does not have an obligation to review the Port's proposal and itemize the extent to which it violates the Comprehensive Plan. He pointed out the board should review whether the change was in the best interest of the public.

There was further discussion about how to proceed. *The consensus of the board was to meet on Wednesday, August 17th at 2:00 pm in a Special Meeting.*

6. Staff Report – There were no staff reports at this time.

I. 7. Comments by the public – Mr. Shannon O'Connor referred to item 3.1 and 3.2 and stated the land use changes being put forth for I-1 zoning by deletion would be a great hardship. He pointed out there are already buildings out there with uses or structures that are not listed on the chart. He explained with that deleted it would present a problem, because he has access by easement for three buildings that are at the approach end of runway 33. Chair Lane stated the only thing that was changing was I-A. Mr. O'Connor pointed out when you look through the chart there are other things that are out, because if it was not mentioned in the chart you can't do it. He requested that this be looked at very closely, and commented the complementary land uses could also be a problem. He explained there would be I-A on two sides of his property and across the street is golf course and Via Del Mar. There was a brief discussion about the concerns Mr. O'Connor raised.

Mr. George Sheffield, 28 South 7th Street, owner of the Amelia River Golf Course, pointed out he wasn't invited in the discussion about this change and he didn't know about this until a few weeks ago. Ms. Gibson explained initially when the subcommittee was formed it was not to consider any changes occurring towards the Airport. She stated that occurred through the process of the subcommittee, and when it was discussed they specifically discussed that any uses currently allowable within the Industrial Airport zoning would be carried forward with the property so there would be no impact to the lease. Mr. Sheffield inquired if they were all carried forward. Ms. Gibson replied yes. Mr. Sheffield commented lodging was on the narrative, but there was no "P" on the list for lodging. Chair Lane noted that was inadvertently left off and requested this information be brought to the subcommittee meeting on August 16, 2016. There was a brief discussion about the uses that should be considered as part of this change.

Draft

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8. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 6:57 pm.

Secretary

Judith Lane, Chair

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 for the portions of the ordinance which serve to implement the Conservation and Coastal Management Element of the Comprehensive Plan; and

WHEREAS, the Planning Advisory Board convened a subcommittee to review amendments specific to Land Uses within Areas of Special Flood Hazard to provide for exempted and prohibited uses within areas of special flood hazard in advertised meetings conducted on August 16, 2016, August 25, 2016, and August 29, 2016; and

WHEREAS, the Planning Advisory Board subcommittee consisted of two PAB members, two members from West Rock, two members from Rayonier Advanced Materials, and a citizen engineer; and

WHEREAS, the Planning Advisory Board subcommittee issued recommendations on the language contained herein, although not all members of the subcommittee were in full agreement with the language proposed; and

WHEREAS, the West Rock representatives and Rayonier Advanced Materials representatives have alternative language that the City Commission may wish to consider based on their concerns for the existing operations at both mill sites; 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 on September 14, 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 4th day of October, 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.

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.

EXISTING CODE DEFINITION (Strike Definition and defer to definition contained in the Floodplain Management Ordinance and Florida Building Code Ordinance

~~Substantial improvement~~ means any repair, construction or improvement of a structure the cost of which equals or exceeds a cumulative total of thirty (30) percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

Hazardous material means any chemical product listed as a hazardous substance, Environmentally Hazardous Substance, or any material designated as a hazardous waste according to any of the following federal regulations or their State of Florida counterparts:

(1) Title 40, Code of Federal Regulations, Part 261 (Identification and Listing of Hazardous Wastes).

(2) Title 40, Code of Federal Regulations, Part 302.4 (Designation of Hazardous Substances).

(3) Title 40, Code of Federal Regulations, Part 355, Appendices A and B (List of Extremely Hazardous Substances).

2.03.02 Table of Land Uses

Table 2.03.02. Table of Land Uses

(Striking C-3 from allowing Marinas – there are no C-3 properties on the water. Marinas will continue be permissible uses subject to supplemental standards in the I-W, W-1, and PI-1 zoning district.

CHAPTER 3

ENVIRONMENTAL + RESOURCE PROTECTION

3.00.00 GENERALLY

3.0.1 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.

3.0.2 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).~~

~~3.1.0 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.~~

~~3.1.2~~ **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~~

- e. ~~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 ratio 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.~~

3.1.5 — **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.

~~3.201.2~~ **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:~~

- ~~1. All land identified as "Conservation" on the FLUM and on the adopted zoning map; and~~
- ~~2. All undisturbed properties within 150 feet of Fort Clinch State Park Aquatic Preserve and all navigable tributaries.~~

~~Biological surveys shall:~~

- ~~3. Follow the standards and criteria adopted by the Florida Fish and Wildlife Conservation Commission; or~~
- ~~4. 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:~~

- ~~5. The survey shall be forwarded to the Florida Fish and Wildlife Conservation Commission; and~~
- ~~6. The applicant shall follow the recommendations of the Florida Fish and Wildlife Conservation Commission for mitigating loss of habitat; or~~
- ~~7. 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:~~

- ~~8. 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.~~
- ~~9. 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.~~

3.1.3 **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.

3.2.2 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.
- C. A development footprint located in a Special Flood Hazard Area is not considered to be an Environmentally Sensitive Land unless, it also contains one or more of the characteristics described in Section 3.02.03.

3.2.3 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 threatened or endangered 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.

3.2.4 Special Requirements for Environmentally Sensitive Lands

- A. Lands within the wetlands protection zones and habitat of federally or state-listed threatened or endangered species shall also follow requirements as outlined in Sections 3.03.00 and 3.06.00 of this chapter. *****Staff suggests adding these terms to provide clarification.*****
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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.

3.2.5 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: ****Staff suggests adding these terms to provide clarification.****
 - 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 hazardous materials, hazardous 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 materials 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;~~ ****Staff suggests Striking this entire section as it is not a specific use.****
8. Stormwater facilities, including the use of drainage wells or sinkholes for stormwater disposal; and

9. Human or animal cemeteries.

3.2.6 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 and accessory uses which are operationally linked to a permissible primary use.

B. Prohibited Uses within Areas of Special Flood Hazard

1. Industrial land uses that use, store, process, or generate hazardous material or waste, unless the following standards are met:

****Staff recommendation is to be specific to only the "storage" of hazardous material and hazardous waste and recommends striking the terms "use", "process," or "generate".****

- 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 not be used, stored, processed, or generated in the Coastal High Hazard Area (CHHA).

****Staff recommendation is to be specific to only the "storage" of hazardous material and hazardous waste and recommends striking the terms "use", "process," or "generate".****

- c. Hazardous materials or waste shall be used, stored, processed, or generated within fixed tanks or vessels, and shall be designed or modified to adequately anchor to prevent, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including buoyancy meeting all requirements of the City's Floodplain Management Ordinance, as amended from time to time, and the lowest extremity of which is located at least three (3) feet above the applicable 100-year base flood elevation, inclusive of tank inlets, outlets and vents.****Staff recommendation is to be specific to only the "storage" of hazardous material and hazardous waste and recommends striking the terms "used", "processed," or "generated".****
- d. Tanks/Vessels shall be designed or modified to adequately anchor to prevent, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including buoyancy meeting all requirements of the City's Floodplain Management Ordinance, as amended from time to time and the foundation of which shall be elevated and designed in accordance with requirements of the City's Floodplain Management Ordinance, as amended from time to time.

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 three (3) 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;***Staff suggests Striking this entire section as it is not a specific use.***
6. Human or animal cemeteries;
7. Storage or transfer of bulk coal; and ***Staff suggests Striking this entire section as it is not a specific use.***;
8. Storage of chemical pesticides and chemical herbicides***Staff suggests Striking this entire section as it is not a specific use.***;
9. Bulk storage of liquefied natural gas***Staff suggests Striking this entire section as it is not a specific use.***;

***Staff suggests Replacing subsections 7-9 with the following language:

7. “Bulk storage-solids or bulk storage- liquids of hazardous materials.”***

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:

10. 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.**
11. ~~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.***~~
12. 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;
13. 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
14. ~~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).***

3.3.4 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.

3.4.2 Wellfield Protection Area

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

7.3.1 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.**

7.3.2 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:
 - 11. Clearing and/or drainage of land prior to construction of a project;
 - 12. Altering the shoreline or bank or any surface water body; or
 - 13. 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.

~~7.3.3~~ **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.~~
 - c. ~~Five (5) year, twenty (20) minute intervals for street inlets and cross drains.~~
 2. ~~Ultimate land usage shall be assumed for selection of proper runoff coefficients within the basins involved. Weighted runoff coefficients shall be applied where different coefficients apply within the areas comprising the basin.~~
- G. ~~F.~~ Drainage map for all subdivisions and multi-family, commercial, industrial, and institutional projects:
 1. The project engineer shall include in the construction plans a master drainage map showing all existing and proposed features. The map shall be prepared on a scale not to exceed one (1) inch equals 200 feet. As a minimum, it shall include:
 - a. The limits of the drainage basin or sub-basin;
 - b. Topography of the project;
 - c. Topography between the project and the receiving body of water, or the receiving City-, County- or State-owned drainage facility;
 - a. Topography of adjacent property;
 - b. Existing points of entry of water from adjacent property;
 - c. Points of discharge of water from the project;
 - d. Limits of fill required to construct facilities and to prevent minimum flooding of future dwelling units, except that no filling for construction will be permitted in the 100-year floodplain;
 - e. Finished floor slab elevations and minimum elevation of the bottom of floor framing for each structure to accommodate the 100-year flood elevation;
 - f. Location of National Flood Insurance Program rate map flood zones; and
 - g. Soil profiles, using the USDA soil classification method, to be performed on sufficient areas throughout the project to provide adequate information on the overall suitability of the proposed drainage plan.
 2. With respect to Sections ~~7.03.03~~ 3.05.03(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 property maintained by the property owner. Such maintenance shall continue for the life of the property as developed under this section even upon transfer of ownership.
- K. Where feasible, stormwater management systems shall be designed to provide landscape irrigation for the development.

3.06.01 OUTDOOR LIGHTING *(Retain all existing language and consider updates prior to March 2017 following consultation with Florida Wildlife Conservation Commission, Sea Turtle Watch, Code Enforcement, and the Florida Department of Transportation)*

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):
 - 14. ~~All land identified as “Conservation” on the FLUM and on the adopted zoning map; and~~
 - 15. ~~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.

11.1.4 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

ORDINANCE 2016-__

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) FOR PURPOSES OF REDEFINING THE INDUSTRIAL (I-1) ZONING DISTRICT AS LIGHT INDUSTRIAL (I-1), SHIFTING THE INDUSTRIAL AIRPORT (I-A) ZONING DISTRICT TO ONLY THE OPERATIONAL AREA OF THE MUNICIPAL AIRPORT, CREATING A NEW ZONING DISTRICT CALLED HEAVY INDUSTRIAL (I-2), AND ADJUSTING PROVISIONS FOR THE INDUSTRIAL ZONING CATEGORIES OF I-1, I-A, AND I-2 FOR SPECIFIC USES, DESIGN REQUIREMENTS, TREE PROTECTION AND LANDSCAPE CRITERIA AS CONTAINED IN LDC CHAPTERS 2 AND 4, 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 City Commission instructed Planning Staff to consider an alternative strategy to address the naming of certain mill properties as exemptions in the Land Development Code; and

WHEREAS, the Planning Advisory Board created a subcommittee to address the Commission's direction and determined that a new zoning category called "Heavy Industrial (I-2)" and providing an exemption from properties zoned as Heavy Industrial (I-2); and

WHEREAS, the Planning Advisory Board subcommittee convened to address the exemption concerns also determined that changes should be made to more accurately reflect permissible uses on the Municipal Airport's operational area and by shifting the Industrial – Airport (I-A) zoning category from those properties surrounding the airport and applying it to the operational area of the airport; and

WHEREAS, the Planning Advisory Board subcommittee determined that in shifting the Industrial – Airport (I-A) to the airport's operational area that the leasehold areas surrounding the airport would be zoned Light Industrial (I-1) and include "Lodging Accommodations" as a permissible use for the Light Industrial (I-1) zoning district; and

WHEREAS, the ordinance specifically amends Chapter 2, Sections 2.00.01 (Official Zoning Map), 2.01.13 (Light Industrial Zoning Category), 2.01.14 Industrial Airport Zoning Category, creating new section 2.01.16 Heavy Industrial (I-2), amend Section 2.03.02 and 2.03.03 Table of Land Uses and Table of Accessory Uses, and amends Chapter 4, Section 4.01.01 Density and Housing Table, Section 4.02.01 Standards for Lot Design, Section 4.05.02 Applicability for Landscaping and Tree Protection exemption changed to reflect new I-2 zoning category, and Section 4.05.12 Buffer Requirements; and

WHEREAS, the Planning Advisory Board has reviewed the suggested amendments in an advertised public meeting held on August 10, 2016 and September 14, 2016 and has issued a recommendation of approval; 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 July 29, 2016.

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 4th day of October, 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-__
EXHIBIT "A"

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, fabrication, processing, or warehousing, storage, research facilities, commercial activities and services, 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.

2.03.02 Table of Land Uses

Table 2.03.02. Table of Land Uses

P – Permissible S – Permissible Subject to Supplemental Standards Blank-Prohibited	Zoning Districts																				
	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC	
Land Uses:																					
Adult Entertainment													S		S						
Airports and Heliports													P		P						
<u>Aeronautical Operations:</u>													P		P						
<u>Aircraft Storage and Maintenance Hangars</u>													P		P						
<u>Aircraft Repair</u>													P		P						
<u>Aviation Equipment Repair</u>													P		P						
<u>Aviation Terminal</u>															P						
<u>Aviation Schools, Research, and Education Facilities</u>													P		P						
<u>Construction, Sales (New and Used), and/or Maintenance of Aircraft; Aircraft Supply</u>													P		P						
Sea Plane Dockage and Parking															P		P				
Animal Hospital or Veterinary Clinic											P		P		P						
Asphalt or Concrete Plant													S		S						
Automobile Sales, New and Used											P		P		P						
Automobile Repair, Garage, Body Shop											P		P		P						
Automotive Rental Agencies											P		P		P		P				
Bakery Plant													P		P						
Bed and Breakfast Inns						S		S	S				S								
Book and Stationery Stores								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	
Bottling Plants													P	P	P						
Bulk Storage Yards – Solids													P	P	P						
Bulk Storage Yards- Liquid													P	P	P						
Bus Terminals and Taxi Stations											P		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										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	P				
Construction, Sales, and/or Maintenance of Boats and Ships; Marine Supply													P	P	P	P	P				
Craft Distillery, Small-Scale Brewery or Winery									S	S	S	S	P	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	P				
Drug Store or Pharmacy									P	P	P	S	P	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
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						

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
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	P	P	P		P			
Group Homes	S	S	S	S	S	S			S			S								
Government and Civic Buildings, including Library and Museum									P			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		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	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		

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
Marine recreation, such as kayak or boat rentals, sailing schools, etc.													P			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		
Outside Sales										S	S		S	S	S		S			
Parking Lots and Parking Garages											P	P	P	P	P	P		P		
Parks, Public		P											P			P	P	P		P
Parks, Private or with Stadium Style Lighting													P			S		S		S
Personal Services, such as beauty/barber shops, tattoo parlor, massage or acupuncture therapy									P	P	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
Piers, Docks, and Wharves													P	P		P	P			P
Professional Offices								P	P	P	P	P	P	P	P		P			
Public Recreation Buildings		P	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	P			S	S	S		S

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
Recreation, Indoor Facilities, such as Billiard Parlors, Bowling Alleys, Game Rooms, and Skating Rinks											S	S	S	S	S				S	S
Railroad Facilities													P	P		P	P			
Religious Facilities	S		S	S	S	S	S	S	S	P	P	P								
Education , Research, and Development Facilities											P		P	P	P		P			
Residential Uses:																				
Single-Family	P		P	P	P	P	P	P	P			P					P			
Two- and Three-Family					P	P			P			P								
Four- or More Family						P						P								
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		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			
Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or									P	P	P	P	P	P	P		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	L-2	I-A	I-W	W-1	PI-1	CON	REC
Blank-Prohibited																				
Stationers																				
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	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	Note 1	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	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. Manufacturing and/or Assembly- Heavy uses.
 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 use ¹
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.

1.01.00 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.

- D.
E.
F.

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

Zoning District	Maximum Building Height (ft.) ¹	Minimum Setback			
		Front (ft.)	Side ²	Rear (ft.)	Corner Lot (side abutting street) (ft.) ³
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	45 ⁵	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.~~ 5. Manufacturing and/or Assembly- Heavy uses shall be exempt from height regulations.

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 residentially zoned and/or used property. 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. Retention of native trees and vegetation which meet this requirement shall be considered as part of the buffer.

- 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.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Ordinance 2016-__
Zoning Map Changes: Heavy Industrial (I-2), Light Industrial (I-1) and Industrial Airport (I-A)

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Ordinance 2016-__ at First Reading.**

SYNOPSIS: In February 2016, following the approval of the City's revised Tree Protection and Landscape Ordinance, the City Commission directed that staff work with the Planning Advisory Board (PAB) to address the specific naming of the mills within its Land Development Code (LDC) and return with amendments. The PAB convened a subcommittee to address this issue. Over the past six (6) months the subcommittee met with industrial property owners and requested support of a local engineer to provide recommendations for amendments. This group determined that the creation of a new zoning district to be called Heavy Industrial (I-2), applying it only to the Rayonier Advanced Materials site and the West Rock site, and continuing the prior exemptions by the I-2 zoning district would address the concerns raised by the City Commission and the PAB.

Through the subcommittee's review process, it was identified that the Industrial Airport (I-A) zoning should be corrected to reflect the operational area of the municipal airport instead of the area which surrounds it. These amendments propose to swap the Industrial (I-1) zoning currently applied to the airport property with the Industrial Airport (I-A) zoning which is the City's leasehold property surrounding the airport. The revised Light Industrial (I-1) zoning category is proposed to be modified to allow for Lodging Accommodations as a permissible use. The subcommittee and staff conferred with the City's Airport consultant, Passero Engineering, and the Airport Advisory Committee regarding modifications to the I-A zoning category's list of permissible uses.

The Planning Advisory Board considered the requested modifications, including the zoning map changes, at its regular meetings on August 10, 2016 and September 14, 2016. Staff recommends approval of the requested zoning map changes.

FISCAL IMPACT: None

2016/2017 CITY COMMISSION GOALS: (As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input checked="" type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-__ at First Reading. *DLM*

DEPARTMENT DIRECTOR	Submitted by: Marshall McCrary, CDD Director	Date: 9/7/16
CONTROLLER	Approved as to Budget Compliance	Date:
CITY ATTORNEY	Approved as to Form and Legality	Date:
CITY MANAGER	Approved Agenda Item for 09/14/16 <i>DLM</i>	Date: 9/7/16

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

ORDINANCE 2016-__

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE ZONING MAP FROM INDUSTRIAL (I-1) ZONING TO INDUSTRIAL AIRPORT (I-A) ZONING FOR THE AIRPORT OPERATIONAL AREA TOTALING APPROXIMATELY 362 ACRES OF LAND AND REQUESTING A CHANGE FROM INDUSTRIAL AIRPORT (I-A) ZONING TO LIGHT 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), EXCEPTING LAND CURRENTLY ZONED CONSERVATION (CON) 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; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Zoning Map Change application numbered PAB 2016-19 at its August 10, 2016 and September 14, 2016 regular meetings and recommended approval of the zoning modifications; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on July 27, 2016.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, THAT:

SECTION 1. PROPERTY INVOLVED. The property identified for these changes of the Zoning Map are located at the City's airport operational area and surrounding airport leasehold areas, the Rayonier Advanced Materials mill site located at 6 Gum Street, the West Rock mill site located at 600 N. 8th Street and identified as Parcel ID #s 06-2N-28-0000-0001-0000, 11-2N-28-0000-0005-00L1, 00-00-31-1840-0000-0000 (not including Conservation- CON zoning), 60-3N-28-0000-0001-0000 (not including Conservation- CON zoning), 00-00-31-1860-0000-0000, 00-00-31-1800-0064-0010, and 00-00-1800-0065-0020, totaling approximately 1,103 acres of land, and is shown on the maps attached hereto as Exhibit "A".

SECTION 2. ZONING MAP CHANGE. For the property in question, the City's Zoning Map is hereby changed as follows:

- City Airport Operational Area from Industrial (I-1) to Airport Industrial (I-1),
- City Leasehold Areas (Surrounding the airport) from Industrial Airport (I-A) to Light Industrial (I-1),
- 6 Gum Street (Rayonier Advanced Materials- mill) from Industrial (I-1) to Heavy Industrial (I-2) (not including property under the Conservation- CON zoning),
- 600 N. 8th Street (West Rock – mill) from Industrial (I-1) to Heavy Industrial (I-2).

SECTION 3. 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 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 4th day of October, 2016.

CITY OF FERNANDINA BEACH

JOHNNY MILLER
Mayor - Commissioner

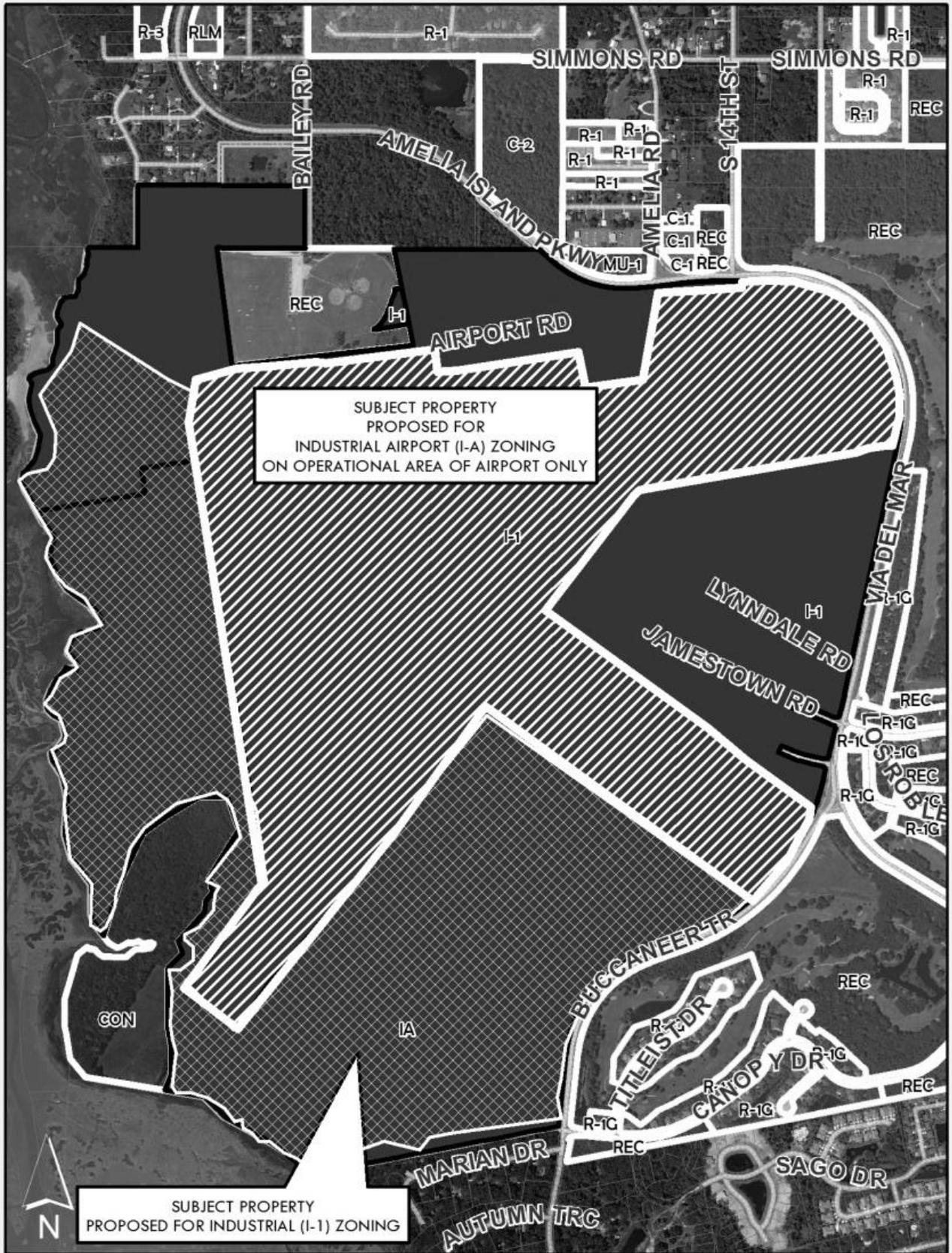
ATTEST:

APPROVED AS TO FORM AND LEGALITY:

CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

ORDINANCE 2016-__
EXHIBIT "A"



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





STAFF REPORT
PAB 2016-21 (Final Plat)
Planning Advisory Board Hearing
September 14, 2016

**APPLICATION FOR FINAL PLAT
 COTTAGES AT COASTAL OAKS**

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Cottages at Coastal Okas, LLC				
AGENT:	Wirt Beard, Jr. , Manager				
REQUESTED ACTION:	Final Plat 11 Townhomes/Replat of Coastal Oaks Tract G				
	<ul style="list-style-type: none"> • Coastal Oaks Final Plat approved by Ordinance 2015-72 • Northpark PUD approved by Ordinance 2011-04 				
LOCATION:	Nectarine Street and Coastal Oaks Drive				
CURRENT ZONING:	R-2/ MU-1 with PUD Overlay				
CURRENT LAND USE:	Medium Density Residential/ Mixed Use				
EXISTING USES ON SITE:	Vacant/ Infrastructure for Townhome Development				
PROPERTY SIZE:	1.32 Acres (Parcel #: 00-00-31-1611-000G-0000)				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
	North	The Palms at Amelia Condos	1999	R-3	High Density Residential
	South	Coastal Oaks Single Family Homes	Under Constructio n	R-2 with PUD Overlay	Medium Density Residential
	East	Nassau County Baptist Medical Complex/Hospital	1978/198 7	Nassau County - CPO	Nassau County - Commercial
	West	Assisted Living Facility	1997	MU	Mixed Use

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

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is requesting approval of a Final Plat for a replat of Tract G as part of the Coastal Oaks subdivision to be called Cottages at Coastal Oaks. The Cottages at Coastal Oaks will contain 11 townhome sites. Common amenities are shared with the adjoining Coastal Oaks Single Family subdivision. Tract B, as identified on the plat depicts open space. Access to townhomes will be through a single entrance on a private street. The internal streets will be maintained as private roads. The City approved this property's use under a Planned Unit Development in 2011. The Coastal Oaks Final Plat was approved in 2015 under Ordinance 2015-72. A local development order was issued in January 2016 under Site Plan Review (SPR) 2015-13). Site work has commenced and the property owner is now ready to complete the final plat process.

The final plat/ replat of Tract G for Coastal Oaks subdivision contains 11 units, the developed density of this site will be 10.80 units per acre (10.56 units per acre is allowable under MU-1 zoning given the 1.32 acre site area). The developed density is permitted to be higher because Tract G is part of an overall approved PUD subdivision for Coastal Oaks. The original portion of Coastal Oaks developed at 2.56 units per acre, well below the allowable 8 dwelling units per acre. It contains a total of 51 single family home sites on 17.80 acres.

Subdivision terms/process:

A preliminary plat (also known as a site plan or engineering plan) provides for a complete review of the *technical* data and engineering drawings associated with the construction of roads and installation of utilities and



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stormwater facilities. The Preliminary Plat is submitted for review and approval. Upon approval, the developer is authorized to move forward with the installation of improvements necessary to support the development (clearing/grading, roads, water, sewer, stormwater, etc.). Once the improvements are completed, inspected and accepted by the City, the Final Plat is submitted for review and approval; the developer may then convey lots and vertical construction can begin.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.02.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

The City has five public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, and Solid Waste. While the City’s ability to maintain adopted levels of services for these items was confirmed at the time of the original approval of development rights for this property, the City’s TRC review also confirms service capabilities. The City can serve this property as proposed.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

- a. Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. Leapfrog/scattered development or ribbon/strip commercial development patterns.**

The proposed development is consistent with the Comprehensive Plan’s direction for compact urban development. The subject property lies in an area of existing urban development. No leapfrog development is occurring. The development is accessed by County improved and maintained roadways. In order to support reduced vehicle miles traveled, the developer will provided a sidewalks along Nectarine Street and Coastal Oaks Drive.

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	See Policy 4.02.01
Potable Water	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent



**STAFF REPORT
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Facilities	Residential Unit)
Fire-Rescue Services	240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)
Police and Law Enforcement Services	Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls

Policy 4.01.02. All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for “zero discharge,” storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) 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. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.

All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policy 4.01.01 and Policy 4.02.01, specific to stormwater management.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

11.01.02 Requirements for Subdivision Plats (Preliminary and Final)

- A. A preliminary subdivision plat shall be required when new streets, water lines, and sewer lines are required; when three or more residential lots are created; and where one nonresidential lot is created or proposed for development. Where new streets, water lines, and sewer lines are not required, the preliminary and final plat may be combined into a single submittal. A preliminary plat provides for a complete review of technical data and preliminary engineering drawings prior to completion of the final plat for recording.**
- B. In addition to the information required in Section 11.01.03, all applications for preliminary subdivision plat approval shall contain the following information:**
 - 1. The name, addresses, telephone number, facsimile number, and email address of the person preparing the plat.**
 - 2. The date of preparation and date(s) of any modifications, a north arrow, and a written and graphic scale.**
 - 3. The proposed name of the subdivision.**
 - 4. Development specifications for the tract: area, proposed number and layout of lots and blocks, location, names, and widths of proposed roadways, consistent with this LDC and the Future Transportation Circulation Map of the Comprehensive Plan.**
 - 5. All contiguous properties shall be identified by subdivision title, plat book and page, or, if un-platted, the land shall be so designated, and otherwise identified.**
 - 6. Location of land to be dedicated or reserved for public use for rights-of-way, streets, sidewalks, bike trails, pedestrian trails, easements, schools, parks, open spaces, or other public uses. Proposed street names shall be included.**
 - 7. Locations of utilities, utility service, connections to existing utility facilities, and easements necessary to provide access to the utility facilities for maintenance or other activity.**
 - 8. Location of the nearest available public water supply and wastewater disposal system.**
 - 9. A topographic survey, soils report, grading plan, and an erosion control plan.**



STAFF REPORT
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10. Existing surface water bodies, wetlands, streams, and canals, including the location of the mean high water line for each feature.
11. A preliminary surface drainage plan showing direction of flow and methods of stormwater retention.
12. A floodplain map indicating areas subject to inundation and high groundwater levels up to a 100-year flood classification, and establishing a base flood elevation for all proposed lots within the subdivision.
13. A tree survey showing protected trees, proposed replacement trees, if required, and landscaping and buffering.

The applicant has complied with the subdivision requirements of the Land Development Code. The Final Plat has been reviewed for technical completeness and has been approved by the Technical Review Committee. A biological survey was provided at the time of the Coastal Oaks Final Plat.

CONCLUSION:

The requested Final Plat/ Coastal Oaks Replat of Tract G is consistent with the City's Comprehensive Plan and the Land Development Code. Based on the findings of the Technical Review Committee and planning staff's review of the application, staff recommends approval of the Final Plat.

Following the recommendation of the Planning Advisory Board (PAB), the Replat/ Final Plat will move forward to the City Commission in the form of a Resolution for approval or denial.

MOTION TO CONSIDER:

I move to recommend **(approval or denial)** of PAB case number 2016-21 to the City Commission requesting that a Final Plat/ Replat of Coastal Oaks Tract G creating the Cottages at Coastal Oaks be approved and that PAB case 2016-21, as presented, **(is or is not)** sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

A handwritten signature in blue ink that reads "Kelly N. Gibson".

Kelly N. Gibson, AICP
Senior Planner



STAFF REPORT
PAB 2016-21 (Final Plat)
Planning Advisory Board Hearing
September 14, 2016



Manzie
Antonopoulos



OFFICE USE ONLY

REC'D: 7/28/16 BY: AMM

PAYMENT: \$ 850.00 TYPE: FPL # 1013

APPLICATION #:

CASE #: PAB 2016-21

BOARD MEETING DATE: 9-14-16

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: Wirt A. Beard, Jr., Manager
Cottages at Coastal Oaks LLC

Mailing Address: 80 Players Club Villas Rd. Ponte Vedra Beach, FL

Telephone: 904-545-6590 Fax: wbeardjr@comcast.net 32082

Email: _____

Agent Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Email: _____

PROPERTY INFORMATION

Street Address: Nectarine Street @ Coastal Oaks Drive

Parcel Identification Number(s): 00-00-31-1611-0000-0000 (tax ID#)

Lot Number: Replat of Tract G Block Number: — Subdivision: Coastal Oaks

Section: 25 Township: 3 N Range: 28 E

PROJECT INFORMATION

Total Number of Lots/Parcels: 11

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

Existing Zoning Classification: R (1 D)

Existing Future Land Use Classification: _____

Previous Planning/Zoning Approvals: SPR 2015-03

Description of Request: Final

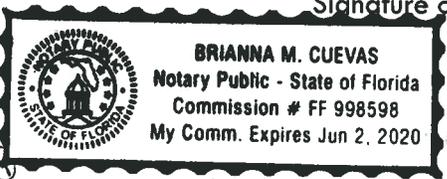
Preliminary plat submittal

SIGNATURE/NOTARY

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

Date July 6 Signature of Applicant [Signature]

STATE OF FLORIDA
COUNTY OF NASSAU }
Duval }
SS }
R }



Subscribed and sworn to before me this 27th day of July, 2016.

Brianna M. Cuevas Brianna M. Cuevas 6/2/20
Notary Public: Signature Printed Name My Commission Expires

Personally Known _____ OR Produced Identification X ID Produced: Drivers license



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/WE Cottages at Coastal Oaks, LLC
(print name of property owner(s))

hereby authorize: Michael Antonopoulos
(print name of agent)

to represent me/us in processing an application for: Final Plat
(type of application)

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

Wirt A. Beard Jr.
(Signature of owner) Manager

N/A
(Signature of owner)

Wirt A. Beard Jr.
(Print name of owner) manager

N/A
(Print name of owner)



STATE OF FLORIDA }
COUNTY OF NASSAU }
Dural }
ss }
ea }

Subscribed and sworn to before me this 27th day of July, 2016.

Brianna M. Cuevas
Notary Public: Signature

Brianna M. Cuevas
Printed Name

6/2/20
My Commission Expires

Personally Known _____ OR Produced Identification X ID Produced: Drivers license

"COASTAL COTTAGES"

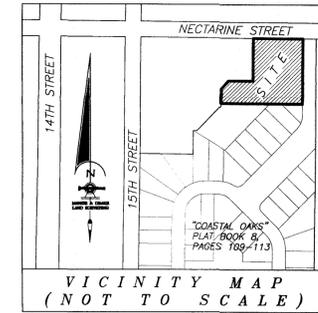
LEGAL DESCRIPTION (CAPTIONED LANDS)

A REPLAT OF TRACT G, COASTAL OAKS, AS RECORDED IN PLAT BOOK 8, PAGES 109 THROUGH 113 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; BEING ALSO A PORTION OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, AND A PORTION OF OUTLOTS 162, 163, 166 & 167, CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), NASSAU COUNTY, FLORIDA, AS SHOWN ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901), FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF TRACT G, COASTAL OAKS, AS RECORDED IN PLAT BOOK 8, PAGES 109 THROUGH 113 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE ALONG THE PERIMETER OF SAID TRACT G, THE FOLLOWING SEVEN (7) COURSES: (1) SOUTH 07°24'57" WEST, A DISTANCE OF 250.83 FEET; THENCE (2) NORTH 82°35'03" WEST, A DISTANCE OF 310.32 FEET; THENCE (3) NORTH 07°19'32" EAST, A DISTANCE OF 57.91 FEET; THENCE (4) NORTH 49°42'29" EAST, A DISTANCE OF 41.30 FEET; THENCE (5) SOUTH 82°35'03" EAST, A DISTANCE OF 83.89 FEET; THENCE (6) NORTH 07°19'32" EAST, A DISTANCE OF 162.32 FEET; THENCE (7) SOUTH 82°36'09" EAST, A DISTANCE OF 188.94 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.32 ACRES MORE OR LESS.

A REPLAT OF TRACT G, COASTAL OAKS, AS RECORDED IN PLAT BOOK 8, PAGES 109 THROUGH 113 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, BEING ALSO A PORTION OF SECTION 25, TOWNSHIP 3 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, AND A PORTION OF OUTLOTS 162, 163, 166 & 167, CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), NASSAU COUNTY, FLORIDA, AS SHOWN ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901), FERNANDINA BEACH, NASSAU COUNTY, FLORIDA



NECTARINE STREET
(60-FOOT RIGHT-OF-WAY)

POINT OF BEGINNING
NORTHEAST CORNER OF
TRACT "G", COASTAL OAKS
(PLAT BOOK 8, PAGES 109-113)

DIRECTOR OF EMERGENCY SERVICES CERTIFICATE

THIS IS TO CERTIFY THAT THE ABOVE PLAT HAS BEEN APPROVED BY THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF FERNANDINA BEACH, FLORIDA

THIS _____ DAY OF _____, A.D. 2016.

DIRECTOR OF EMERGENCY SERVICES

ZONING CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY ME AND IS IN COMPLIANCE WITH THE ZONING RULES AND REGULATIONS OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, CURRENTLY IN EFFECT.

THIS _____ DAY OF _____, 2016.

DIRECTOR OF PLANNING

**CERTIFICATE OF REVIEW BY CITY EMPLOYED/
CONTRACTED SURVEYOR/MAPPER**

I HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR CONFORMITY TO CHAPTER 177, F.S., AND THAT I AM EMPLOYED BY OR UNDER CONTRACT TO THE APPROPRIATE LOCAL GOVERNING BODY AND ACTING HERETO AS AN AGENT THEREOF. THIS LIMITED CERTIFICATION AS TO FACIAL CONFORMITY WITH THE REQUIREMENTS OF CHAPTER 177 IS NOT INTENDED TO BE AND SHOULD NOT BE CONSTRUED AS A CERTIFICATION OF THE ACCURACY OR QUALITY OF THE SURVEYING/MAPPING REFLECTED ON THIS PLAT.

SURVEYOR/MAPPER _____ DATE _____

PRINT NAME: _____

FLORIDA REGISTRATION NO.: _____

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS SURVEYED, PLATTED AND DESCRIBED IN THE CAPTION; THAT THE SURVEY WAS MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION; THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES; THAT THE SURVEY AND LEGAL DESCRIPTION ARE ACCURATE; THAT PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN SET ACCORDING TO CHAPTER 177.091 (7); AND THAT PERMANENT CONTROL POINTS (C.P.'S) WILL BE SET ACCORDING TO THE CHAPTER 177.091 (8); ALL ACCORDING TO THE LAWS OF THE STATE OF FLORIDA AND NASSAU COUNTY.

SIGNED THIS _____ DAY OF _____, A.D. 2016.

MICHAEL A. MANZIE, P.L.S.
FLORIDA CERTIFICATE NO. 4069

MANZIE & DRAKE LAND SURVEYING
117 SOUTH 9TH STREET
FERNANDINA BEACH, FL 32034
CERTIFICATE OF AUTHORIZATION NUMBER "LB 7039"

CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND THAT IT COMPLIES IN FORM WITH FLORIDA STATUTE 177.091 AND IS FILED FOR RECORD AND RECORDED IN PLAT BOOK _____ PAGE(S) _____ OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, THIS _____ DAY OF _____, 2016, A.D.

CLERK OF THE CIRCUIT COURT

APPROVED FOR THE RECORD:

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE CITY MANAGER OF THE CITY OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA. WITNESS BY SIGNATURE THIS _____ DAY OF _____, A.D., 2016.

CITY MANAGER

MAYOR CERTIFICATE:

THIS PLAT HAS BEEN EXAMINED AND IS HEREBY ACCEPTED AND APPROVED BY THE CITY COMMISSION OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, PURSUANT TO A RESOLUTION OF SAID COMMISSION ADOPTED THIS _____ DAY OF _____, A.D., 2016.

BY: _____ ATTEST: _____
MAYOR CITY CLERK

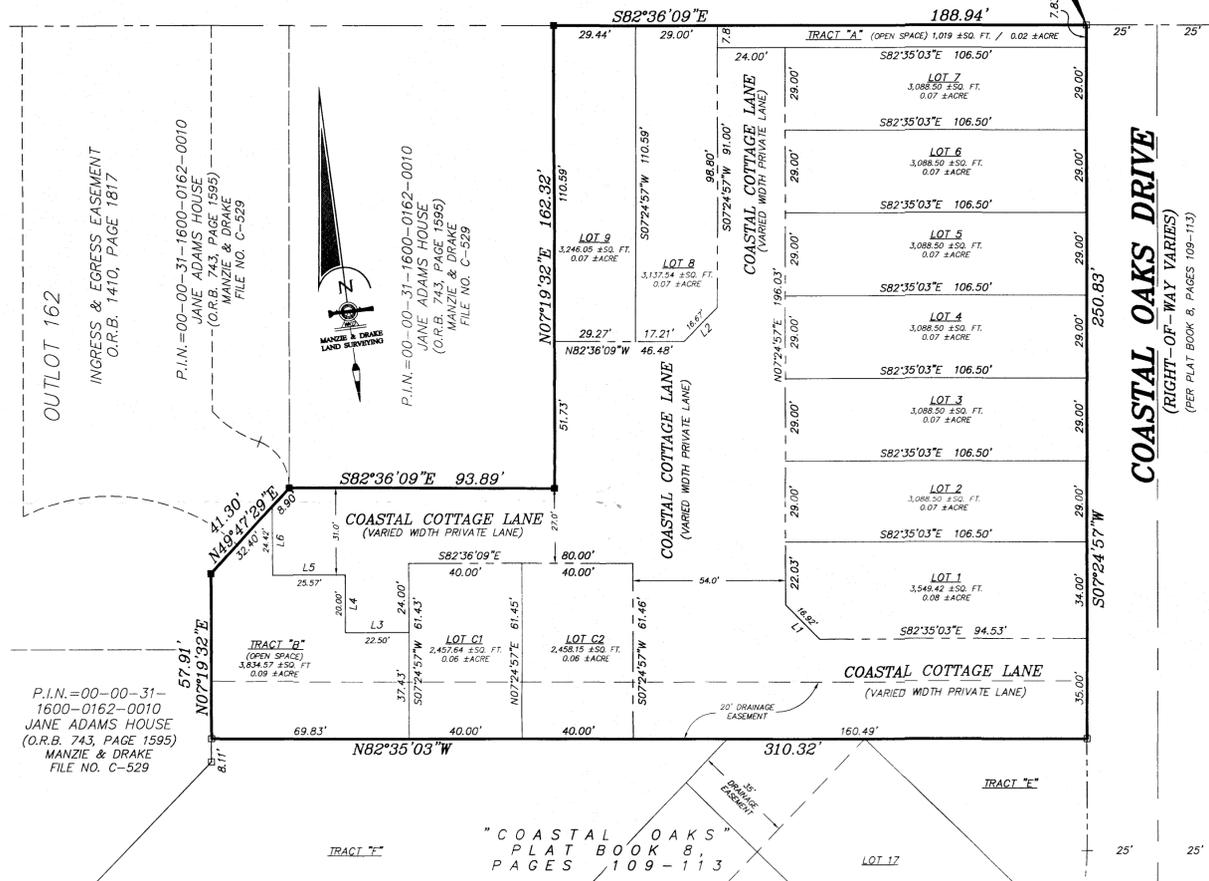
TAX COLLECTOR

TAX IDENTIFICATION NUMBER - 00-00-31-1611-0000-0000

I, THE UNDERSIGNED DO HEREBY AFFIRM THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO UNPAID REAL PROPERTY TAXES APPLICABLE TO THE LANDS SUBJECT TO THIS PLAT

SIGNED THIS _____ DAY OF _____, A.D. 2016

TAX COLLECTOR
NASSAU COUNTY, FLORIDA



LEGEND:
P.I.N.=PARCEL IDENTIFICATION NUMBER
O.R.B.=OFFICIAL RECORDS BOOK
SQ. FT. = SQUARE FEET
F.P.U. = FLORIDA PUBLIC UTILITIES
NO. = NUMBER

SURVEYOR'S NOTES

- 1.) DENOTES PERMANENT REFERENCE MONUMENT (P.R.M.) (4"x4" CONCRETE MONUMENT) SET WITH IDENTIFICATION "MANZIE - LB 7039"
- 2.) DENOTES PERMANENT REFERENCE MONUMENT (P.R.M.) (4"x4" CONCRETE MONUMENT) FOUND WITH IDENTIFICATION "MANZIE - LB 7039"
- 3.) ALL PLATTED UTILITY EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS OR OTHER PUBLIC UTILITY.
- 4.) BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF SOUTH 82°36'09" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF NECTARINE STREET.
- 5.) THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE "X" AS PER FLOOD INSURANCE RATE MAP (FIRM) FOR NASSAU COUNTY, COMMUNITY PANEL NO. 12089C-0239-F, DATED 12/17/2010 AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). THE FLOOD ZONE DETERMINATION NOTED HEREON MAY BE SUPERSEDED AND/OR REDEFINED FROM TIME TO TIME BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) OR BY THE APPROPRIATE LOCAL GOVERNMENTAL BODY.
- 6.) THERE MAY BE ADDITIONAL RESTRICTIONS NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.
- 7.) NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.
- 8.) THE LOTS SHOWN HEREON MAY NOT BE FURTHER SUBDIVIDED WITHOUT APPROVAL FROM THE CITY OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA.
- 9.) THE CURRENT ZONING FOR THE LANDS SHOWN ON THIS PLAT AS OF THE DATE OF RECORDING IS "R-2 (PUD)"
- 10.) THE LANDS SHOWN HEREON ARE LOCATED WITHIN STORM SURGE CATEGORY 3 & 4, AS SCALED FROM STORM SURGE ATLAS VOLUME 1, PLATE 3 & 5, NASSAU COUNTY, FLORIDA, AS PER S.L.O.S.H. (SEA, LAKE, AND OVERLAND SURGES FROM HURRICANES).
- 11.) BUILDING SETBACK REQUIREMENTS FOR THIS SUBDIVISION ZONED "R-2 (PUD)", ARE AS FOLLOWS:
LOTS 1 THROUGH 9 (TOWNHOMES):
FRONT = 10 FEET SIDE SETBACK = 0 FEET (10' MINIMUM BETWEEN BUILDINGS) REAR SETBACK = 12 FEET
LOTS C1 & C2 (COTTAGE DUPLEX):
FRONT = 0 FEET SIDE SETBACK = 0 FEET REAR SETBACK = 0 FEET

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft

LINE	BEARING	LENGTH
L1	N37°35'03"W	16.97'
L2	S52°24'57"W	16.67'
L3	S82°36'09"E	22.50'
L4	S72°3'51"W	20.00'
L5	S82°36'09"E	25.57'
L6	S72°3'51"W	24.42'

ADOPTION AND DEDICATION

THIS IS TO CERTIFY THAT COTTAGES AT COASTAL OAKS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, IS THE LAWFUL OWNER OF THE LANDS DESCRIBED IN THE CAPTION HEREOF KNOWN AS "COASTAL COTTAGES", AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED. THIS PLAT IS MADE IN ACCORDANCE WITH SAID SURVEY AND IS HEREBY ADOPTED AS A TRUE AND CORRECT PLAT OF SAID LANDS.

ALL UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE CITY OF FERNANDINA BEACH AND ITS SUCCESSORS. THE PRIVATE LANES ARE AND SHALL REMAIN PRIVATELY OWNED, AND ARE HEREBY DEDICATED TO THE DEVELOPER. THE PRIVATE LANE IS SUBJECT TO EASEMENT RIGHTS HEREBY GRANTED TO THE CITY OF FERNANDINA BEACH FOR POLICE, FIRE AND RESCUE VEHICLES, GARBAGE COLLECTION AND SANITARY SEWER COLLECTION, AND TO FLORIDA PUBLIC UTILITIES (FPU) FOR ITS UNDERGROUND ELECTRIC SYSTEM, AND EASEMENTS RESERVED TO COTTAGES AT COASTAL OAKS, LLC, A FLORIDA LIMITED LIABILITY COMPANY FOR INGRESS, EGRESS, UTILITIES, DRAINAGE, MAINTENANCE AND FOR THE BENEFIT OF COMPLYING WITH THEIR DUTIES AND OBLIGATIONS AS THE DEVELOPER AS STIPULATED IN THE GOVERNING DOCUMENTS.

TRACTS "A" & "B" (OPEN SPACE) ARE AND SHALL REMAIN PRIVATELY OWNED AND THE SOLE EXCLUSIVE PROPERTY OF COTTAGES AT COASTAL OAKS, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND GRANTEE. THE DEVELOPER MAY CONVEY CERTAIN NON-DEDICATED PROPERTIES TO A PROPERTY OWNERS' ASSOCIATION BY SEPARATE INSTRUMENT.

COTTAGES AT COASTAL OAKS, LLC, A FLORIDA LIMITED LIABILITY COMPANY

WITNESS _____

PRINT OR TYPE NAME _____ WRT A. BEARD, JR.
MANAGER

WITNESS _____

PRINT OR TYPE NAME _____

STATE OF: FLORIDA
COUNTY OF: NASSAU

THIS IS TO CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS, _____ TO ME WELL KNOWN AND KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING ADOPTION AND DEDICATION AND WHO ACKNOWLEDGED BEFORE ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USE AND PURPOSES THEREIN EXPRESSED.

WITNESS MY SIGNATURE AND OFFICIAL SEAL AT THE CITY OF _____ IN THE COUNTY OF _____ AND THE STATE OF _____ THIS _____ DAY OF _____, A.D., 2016

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC STATE OF FLORIDA

MORTGAGEE'S CONSENT

I, _____ ON BEHALF OF _____ DO HEREBY JOIN IN AND CONSENT TO THE ADOPTION AND DEDICATION OF SAID LANDS BY THE OWNER THEREOF, AS SHOWN HEREON, AND AGREE THAT ITS MORTGAGE WHICH IS DESCRIBED IN OFFICIAL RECORD BOOK _____ PAGE(S) _____ OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA SHALL BE SUBORDINATED TO SAID ADOPTION AND DEDICATION.

WITNESS _____

PRINT OR TYPE NAME _____ NAME: _____
TITLE: _____

WITNESS _____

PRINT OR TYPE NAME _____

STATE OF: FLORIDA
COUNTY OF: NASSAU

THIS IS TO CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME, AN OFFICER DULY AUTHORIZED TO ADMINISTER OATHS AND TAKE ACKNOWLEDGEMENTS, _____ TO ME WELL KNOWN AND KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING MORTGAGEE'S CONSENT AND WHO ACKNOWLEDGED BEFORE ME THAT SHE EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USE AND PURPOSES THEREIN EXPRESSED.

WITNESS MY SIGNATURE AND OFFICIAL SEAL AT THE CITY OF _____ IN THE COUNTY OF _____ AND THE STATE OF _____ THIS _____ DAY OF _____, A.D., 2016

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC STATE OF FLORIDA

MANZIE & DRAKE LAND SURVEYING
117 SOUTH NINTH STREET, FERNANDINA BEACH, FL 32034
(904) 491-5700 FAX (904) 491-5777
CERTIFICATE OF AUTHORIZATION NUMBER "LB 7039"
"OUR SIGHTS ARE ON THE FUTURE,
SET YOUR SITES ON US."



**STAFF REPORT
PAB (LU/CZ) 2016-23
Planning Advisory Board Hearing
September 14, 2016**

APPLICATION FOR SMALL SCALE FUTURE LAND USE MAP AMENDMENT & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	George W. Sheffield and Barbara A. Sheffield				
AGENT:	Roger Towers, P.A. – Jon C. Lasserre, Esq.				
REQUESTED ACTION:	Small Scale Future Land Use Map Amendment and Zoning Change				
LOCATION:	3199 S. Fletcher Avenue PIN# 00-00-31-1720-0004-0016 and 00-00-31-173W-0007-0000				
CURRENT LAND USE + ZONING:	High Density Residential (R-3) and R-3 (High Density Residential)				
PROPOSED LAND USE + ZONING:	General Commercial (GC)/ C-2 (General Commercial)				
EXISTING USES ON SITE:	Restaurant built in 1960 and Motel built in 1959 known as “The Surf”				
PROPERTY SIZE:	1.86 Acres				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Townhouses	1981	R-3	High Density Residential
	South	Townhouses	2009	R-3	High Density Residential
	East	Motel/ Condos/	1970's	R-3	High Density Residential
	West	Single Family Detached Ocean Ridge Subdivision	1980's	R-2	Medium Density Residential

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

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is requesting assignment of the General Commercial (GC) Future Land Use and C-2 zoning district for purposes of retaining the existing use of the property as a restaurant and hotel. Although the property has continuously operated as an indoor/outdoor restaurant with a bar and a motel for nearly sixty years, the property has maintained the same High Density Residential land use and R-3 zoning since at least the early to mid-1990's as understood from a cursory review of prior land use and zoning maps.

The current owners seek to ensure continuation of the existing uses on this property without fear of losing their nonconforming status. Additionally, the application indicates that a kitchen addition is required to improve existing service of the restaurant. Under the current land use and zoning an expansion of a nonconforming uses is not permissible. Further, LDC Section 10.01.02 (F) prevents the expansion of a nonconforming use and Section 10.02.01 (C)(1) restricts the ability to grant a variance for a deviation from the aforementioned section. Therefore, the applicant is requesting the land use and zoning change to General Commercial/ C-2 in order to remedy their concerns for the continuation of the hotel and restaurant uses on this parcel. The applicant asserts that the area's surrounding development contains the City's most densely populated resort style condominiums and motels, which justifies the requested C-2 zoning. Plans demonstrating any potential redevelopment or additions to the site were not contained as part of the application materials. Site plans are not required for review as part of a future land use map amendment and zoning change request.



**STAFF REPORT
PAB (LU/CZ) 2016-23
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September 14, 2016**

CONSISTENCY WITH THE COMPREHENSIVE PLAN (PLAN):

The property contains a Future Land Use Designation of High Density Residential (HDR), Policy 1.07.06. The applicant is requesting a new land use assignment of General Commercial (GC), Policy 1.07.08.

Policy 1.02.04 provides nine (9) factors for Future Land Use Map decision making which include, the type and density of surrounding uses, zoning districts within the surrounding area, and compatibility of uses within the surrounding area. Policy 1.02.06, 1.02.08, and 1.02.09 directs land uses, which strive to protect the integrity and stability of established residential areas from encroachment by incompatible development and providing for orderly transition of incompatible uses.

The property is located along S. Fletcher Avenue and surrounded by High Density Residential condominium development and nonconforming motel development on three sides. Backing up to the property are single-family homes in the Ocean Ridge subdivision and 1st Avenue. The nearly 2-acre property has historically operated as a restaurant with a bar, known as “The Surf” and a motel since 1959. Although the requested land use designation serves to break an established High Density Residential land use area, its request is justified. This property and the property directly across the street have continued their operations under a nonconforming status since at least the early to mid-90’s when the City’s land use and zoning maps were created. Although, improperly FLUMed for its given uses, the property serves as a commercial node in an area surrounded by transient accommodations. Plan policy 1.04.03 directs that the City promote redevelopment of general commercial activities, which fulfill market demands of the City’s residents for retail sales and services. The ability to redevelop this site and continue its current commercial activities serves to meet the intent of policy 1.04.03 by allowing the property to meet the demands of the surrounding area. The property’s location is within a concentrated tourist based area along a major arterial (S. Fletcher Avenue/ A1A) and its placement is consistent with Plan policy 1.08.02.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Section 2.01.11 of the Land Development Code states the intent of C-2 General Commercial, zoning classification.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Section 2.01.11 of the Land Development Code states the intention of the General Commercial (C-2) zoning district as follows:

The C-2 District is intended for the development of land uses to accommodate offices; commercial retail; personal services establishments; restaurants; transient accommodations; uses that provide sales and services for several neighborhoods; repair shops; retail sales and services; and other similar commercial uses. The General Commercial District recognizes existing development with locations that have access to arterial roads.

The application requests the C-2 zoning district and advocates for this designation because of the high densities surrounding the property along with its location along a major arterial within the City. However, the C-2 zoning district has been restricted to more intensely developed corridors throughout the City that contain a significant amount of commercial activity such as S. 14th Street, Sadler Road, and S. 8th Street. Along S. Fletcher, commercial nodes have historically carried the C-1 (Community Commercial) zoning district. The C-1 zoning district allows for a variety of uses and includes allowances for a restaurant/ bar and lodging accommodations (hotel/motel). LDC Section 2.01.10 concerning the Community Commercial (C-1) zoning district states that the district is “intended for the development of land uses to accommodate commercial businesses and offices providing goods and services to more than a few neighborhoods, and land uses that are complimentary to low- and medium-density residential areas. The Community Commercial District recognizes the desire for convenience goods and services in close proximity to residential neighborhoods, provided that such uses are limited in intensity as set forth in the design



STAFF REPORT
PAB (LU/CZ) 2016-23
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standards in this LDC.” Although, staff agrees that the existing use serves more than a few neighborhoods, the requested application of C-2 is inconsistent with how other commercial properties are zoned along S. Fletcher Avenue/ A1A. Staff is also concerned with the range of potential uses introduced to the area under a C-2 zoning district that would be restricted in C-1 and more suitable to the residential zoning surrounding the property.

CONCLUSION: _____

The applicant’s request is logical and justified given the nature and characteristics of the surrounding resort style properties with nonconforming commercial and high-density residential condominiums and townhomes. It makes sense that this property continues its use as a commercial property given that the residential communities developed surrounding it. Staff recommends approval of the applicant’s land use change to General Commercial (GC), but requests that the applicant and the PAB consider modifying their zoning district request to the C-1 zoning district. The C-1 zoning district contains a more appropriate range of uses for the surrounding area, allows the continued operation of a restaurant/bar and motel, and is in keeping with the existing commercial zoning pattern established along the S. Fletcher Avenue/AIA corridor.

MOTION(S) TO CONSIDER _____

I move to recommend **(approval or denial)** of PAB case number 2016-23 to the City Commission requesting a Future Land Use Map assignment of General Commercial and zoning change to C-2 from High Density Residential land use and R-3 zoning, as described and that PAB case 2016-23 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson, AICP
Senior Planner



STAFF REPORT
PAB (LU/CZ) 2016-23
Planning Advisory Board Hearing
September 14, 2016

EXHIBIT A



OFFICE USE ONLY

REC'D: KGibson BY: 8/15/16

PAYMENT: \$ 1700- TYPE: V# 3439

APPLICATION #: 2016-0001241

CASE #: 2016-23

BOARD MEETING DATE: September 14, 2016



PLANNING ADVISORY BOARD APPLICATION

- | | |
|--|--|
| <input checked="" type="checkbox"/> ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600) | <input type="checkbox"/> SUBDIVISION PLAT – PRELIM (\$750) |
| <input checked="" type="checkbox"/> LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600) | <input type="checkbox"/> SUBDIVISION PLAT – FINAL (\$850) |
| <input 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

George W. Sheffield, Trustee of the George W. Sheffield Trust U/A/D 02/24/2000 & Barbara A. Sheffield, Trustee of the Barbara A. Sheffield Trust U/A/D 02/20/2000
Owner Name: _____

Mailing Address: 3199 South Fletcher Avenue, Fernandina Beach, Florida 32034

Telephone: (904) 261-5618 **Fax:** (904) _____

Email: coachshef@att.net; wsheffield@ameliaunderwriters.com; JLasserre@rtlaw.com

Agent Name: Rogers Towers, P.A., c/o Jon C. Lasserre, Esq.

Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034

Telephone: (904) 261-5618 **Fax:** (904) 261-9519

Email: JLasserre@RTlaw.com

PROPERTY INFORMATION

Street Address: 3199 S. Fletcher Avenue, Fernandina Beach, Florida 32034

Parcel Identification Number(s): 00-00-31-1720-0004-0016 & 00-00-31-173W-0007-0000

Lot Number: 1-6 & part of 7 **Block Number:** 4 **Subdivision:** South Beach

Section: 6 **Township:** 2N **Range:** 29E



**OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION**



I/WE George W Sheffield, Trustee, George W Sheffield Revocable Trust
(print name of property owner(s))

hereby authorize: ROGERS TOWERS, P.A., JON C. LASSEURE, ESQ.
(print name of agent)

to represent me/us in processing an application for: REZONING AND PLUM DESIGNATION CHANGE
(type of application)

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

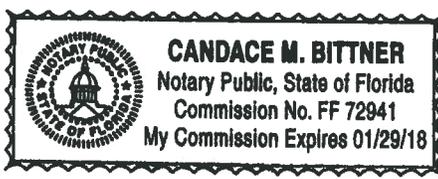
[Signature]
(Signature of owner)

(Signature of owner)

George W. Sheffield,
(Print name of owner)
TRUSTEE, GEORGE W. Sheffield
Revocable Trust

(Print name of owner)

STATE OF FLORIDA }
 ss }
COUNTY OF NASSAU }



Subscribed and sworn to before me this 17th day of August, 2016.

[Signature]
Notary Public: Signature

Candace M. Bittner
Printed Name

My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____

APPLICATION REQUIREMENTS PLANNING ADVISORY BOARD

APPLICATION CHECKLIST:

Submit all of the following information for a complete application, as applicable:

- A notarized application filed at least thirty (30) days before the date of the Planning Advisory Board's public hearing;
- A current survey of the property (no older than two years);
- A completed owner's authorization for agent form, if applicable;
- A detailed letter of intent stating the following:
 - The consistency of the proposed amendment(s) or action(s) with the City's Comprehensive Plan.
 - A justification for the proposed amendment(s) or action(s).
- A map of the area indicating the proposed zoning district designation for the subject property. The map shall show the current zoning district designations and land use categories from the Future Land Use Map in the comprehensive plan for the subject property and all adjacent properties.

IMPORTANT NOTES AND REQUIREMENTS:

Please see additional Land Development Code (LDC) requirements for specific application types:

- LDC Text Amendment** – see LDC Section 11.01.08.
- Preliminary Subdivision Plat** – see LDC Section 11.01.05.
- Final Subdivision Plat** – see LDC Section 11.01.05.
- Zoning Map Changes** – see LDC section 11.01.07.

You will receive a staff report one week before your meeting.

STAFF CONTACT:

Kelly Gibson
Senior Planner
kgibson@fbfl.org
904.310.3135

This instrument was prepared by
Jay Koenigsberg, Esq.
Isicoff, Ragatz & Koenigsberg, P.L.
601 Brickell Key Drive
Suite 750
Miami, Florida 33131

QUIT CLAIM DEED

Parcel ID #: 00-00-31-173W-0007-0000

THIS QUIT CLAIM DEED, made this 29th day of July, 2016, BETWEEN **VALLEY NATIONAL BANK**, a national banking association, successor in interest to CNL Bank, a Florida banking corporation, whose address is 1700 Palm Beach Lakes Boulevard, Suite 650, West Palm Beach, Florida 33401, as **GRANTOR** and **GEORGE W. SHEFFIELD, SR.**, as trustee of the George W. Sheffield Revocable Trust, dated February 24, 2000 and **BARBARA A. SHEFFIELD**, as trustee of the Barbara A. Sheffield Revocable Trust, dated February 24, 2000, whose address is: 28 South 7th Street, Fernandina Beach, Florida 32034, **GRANTEE**.

WITNESSETH, that the GRANTOR, for and in consideration of love and affection and the sum of One (\$1.00) Dollar, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said Grantee, and Grantee's heirs and assigns forever, all the right, title, interest, claim and demand which Grantor has, if any, in and to the following described land, situate, lying and being in the County of Nassau, State of Florida, to wit:

SEE EXHIBIT "A"

TO HAVE AND TO HOLD, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, for the use, benefit and profit of the said Grantee forever.

IN WITNESS WHEREOF, GRANTOR has hereunto set its hand and seal the day and year first above written.

EXHIBIT "A"

A PORTION OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, ALSO KNOWN AS BEING A PORTION OF LOT 7, "SOUTHWAVE" SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 367, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCING AT THE NORTHWEST CORNER OF LOT 2, BLOCK 1, "SOUTH BEACH", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 11, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE NORTH 78°03'29" WEST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF BUTCHINS AVENUE, A 50 FOOT RIGHT-OF-WAY AS NOW LAID OUT AND IN USE, A DISTANCE OF 120.68 FEET; THENCE SOUTH 12°06'07" WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FIRST AVENUE EXTENSION, A 50 FOOT RIGHT OF WAY AS NOW LAID OUT AND IN USE, A DISTANCE OF 181.85 FEET TO INTERSECT THE EASTERLY LINE OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 11°54'31" WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID FIRST AVENUE EXTENSION, A DISTANCE OF 127.95 FEET TO THE NORTHWEST CORNER OF TRACT "A", "SUNRISE UNIT ONE", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 306, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE SOUTH 78°00'50" EAST, ALONG THE NORTH LINE OF SAID TRACT "A" A DISTANCE OF 27.52 FEET TO INTERSECT THE EASTERLY LINE OF SAID SECTION 1; THENCE NORTH 07°13'32" WEST, ALONG THE EASTERLY LINE OF SAID SECTION 1, A DISTANCE OF 150.97 FEET TO THE POINT OF BEGINNING.

August 15, 2016

Ms. Kelly N. Gibson, AICP
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034



**RE: APPLICATION FOR REZONING AND FLUM DESIGNATION CHANGE
3199 SOUTH FLETCHER AVENUE
FERNANDINA BEACH, FLORIDA 32034
PARCEL ID#: 00-00-31-1720-0004-0016 & 00-00-31-173W-0007-0000**

Dear Ms. Gibson,

Our firm is pleased to present the enclosed Application for Annexation and Zoning Map and FLUM Amendment (the "Application") concerning approx. 1.8 acres located at 3199 South Fletcher Avenue, Fernandina Beach, Florida (the "Property") on behalf of George W. Sheffield, Sr., Trustee of the George W. Sheffield Revocable Trust dated February 24, 2000 and Barbara A. Sheffield, Trustee of the Barbara A. Sheffield Revocable Trust dated February 24, 2000.

Please find enclosed a check in the amount of \$1,700.00 for the Application fees. This Application is submitted in conformity with Section 11.01.07 of Ordinance 2006-14 (as amended), also known as the City of Fernandina Beach Land Development Code.

The Property is presently zoned R-3, High Density Residential with a Future Land Use Map designation of High Density Residential. The Property consists of a restaurant with both indoor and outdoor seating, a bar/lounge, and a motel. The Property has continuously operated under this use and in this location for over six decades and is a popular destination for both locals and visitors alike. Its location is walking distance from surrounding High and Medium Density Residential made up of several multi-story condominium buildings, townhomes/zero lot line residential, and single family homes. In addition, there are other commercial uses within the vicinity of the Property, including a convenience store, laundromat, two realty offices, and a retail shop.

The present use is non-conforming within the R-3 zoning district which presents several hardships upon the ownership, including, but not limited to: (i), the inability of the ownership to restore operations to their present use if the buildings were fully or even partially (i.e. > 50%) destroyed by a catastrophic loss; (ii) the inability for the ownership to expand beyond the present operations to improve service, such as by substantially remodeling the kitchen, and seating; and

(iii) the continual operations as the present use is in conflict with the City of Fernandina Beach's Comprehensive Plan.

This application requests an rezoning and Future Land Use Map change to City of Fernandina Beach General Commercial (C-2) and FLUM designation of General Commercial to bring its present use into compliance with the Land Development Code and the Comprehensive Plan. Restaurants and Lodging Accommodations are permitted uses within the C-2 zoning district.

Among others, this requested rezoning is consistent with the following Objectives of Goal 1, The Future Land Use Element of the City's Comprehensive Plan:

Objective 1.02.04 – FLUM amendments shall be considered based upon the factors a-i:

a. *Type and density or intensity of surrounding uses* – The Property is bounded on the east by South Fletcher, on the west by First Avenue, and on the north by Hutchins Avenue. The property across Hutchins Avenue to the north of the known as “Sea Castles” which is a 20 unit multifamily residential development. The property to the east of the Property is comprised of the “Beachside Motel” (also a long-term non-conforming use), “Ocean Dunes” which is a low-rise 16 unit condominium complex, and “Amelia by the Sea” which is a high rise condominium complex comprising of approximately 70 units with a fishing pier. The property to the south is “The Surf” subdivision which is attached residential and townhomes. The property to the west is the “Ocean Ridge” subdivision which is a 51-unit single “patio home” subdivision that is accessed from Simmons Road and “backs up” to the Property. The surrounding properties are all zoned R-3 with a FLUM designation of High Density Residential. The subject is large enough at nearly 2 acres to substantiate a zoning of C-2 General Commercial and not be considered spot zoning. Locating commercial within walking distance of High and Medium Density Residential is appropriate in order to provide services.

b. *Zoning districts in the surrounding area* – The zoning and FLUM designations of the surrounding area are discussed in Paragraph a, above. A zoning map amendment to C-2 for the Property would be suitable and compatible with the surrounding zoning districts, particularly considering the fact that the surrounding property have developed around the continuously operated restaurant, lounge and motel that is the subject of this application.

c. *Demonstration of adequate water supply and water supply facilities* – Adequate water and water supply facilities exist.

d. *Appropriateness of the size of the parcel compared to the proposed use* – At nearly two acres, the Property is an appropriate size for use as general commercial.

e. *Physical condition of the site and the suitability of soils and topography for the proposed use* – The Property’s physical condition, soils and topography are suitable for commercial use. However, the current zoning would prohibit the ownership from restoring the Property to its current use in the event of a catastrophic loss and limits the opportunities to expand and improve services.

f. *Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources* – The Property is suitable for use as general commercial based upon the consideration of these issues.

g. *Compatibility factors* – The Property is compatible with the surrounding uses as it has continuously operated for over six decades while the surrounding property have developed. The proposed rezoning and FLUM designation change would make the current use compatible with the zoning code and comprehensive plan.

h. *Impact on adopted levels of service standards and quality of service standards* – Any impact on adopted level of service standards and quality of service standards resulting from a change in the FLUM designation would be minimal.

i. *Location in a Coastal Upland Protection Zone (CUPZ)* – The property is located within the CUPZ and permitting is subject to review by the City of Fernandina Beach Technical Review Committee for compliance with CUPZ requirements.

Objective 1.02.06 – The City shall assure that specific density assigned to new development and redevelopment is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include, but not be limited to, the following:

a. *Protecting the integrity and stability of established residential areas* – Rezoning the Property to C-2 would allow the continuing use of the Property as a motel and restaurant and is compatible and consistent with high and medium density residential patterns by providing services to both residents and visitors. Further, C-2 is appropriate adjoining high density residential and provides an equitable use of the land.

b. *Assuring smooth transition in residential densities* – The General Commercial zoning district (C-2) is appropriate to adjoining high density residential. Further, there is a commercial use adjoining the Property, and many of the residential properties are resort rentals, particularly at the Amelia by the Sea and Amelia South condominiums.

c. *Encouraging commercial and residential mixed use development patterns* – Rezoning the Property to General Commercial (C-2) precisely meets this objective.

d. *Recognizing and being sensitive to the character and form of the surrounding neighborhoods* – The surrounding neighborhoods are a mixture of multi-level condominium (most of which are used for weekly resort rentals), townhomes/zero lot line residential, duplexes and single family “patio homes.” There is a mixture of long-term residents, second home owners, and weekly resort rentals. The area is quite busy and having commercial in the vicinity adds to the character of the area and provides services to the residents and visitors.

e. *Requiring application of low impact development (LID) principles, native and drought tolerant landscaping and urban design principles and practices* – As previously stated, the Property has been continuously used in essentially the same form for nearly six decades. It provides services to residents and visitors who can walk to the Property, which lessens the impact of parking and on the roads.

f. *Encouraging connectivity of pedestrian walkways and bicycle paths on and off site* – The Property is one block south of Simmons Road, which is slated to have a new multi-use path that will connect the Atlantic Ocean to the Ybor Alvarez Athletic Complex and will pass by a large residential area. Many of the residents of the area may decide to use the new path to walk or bicycle to the Property rather than drive a vehicle.

Objective 1.02.08 – Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas.

The Property is currently used as a motel, lounge and restaurant and has for six decades. The surrounding properties are established residential areas that have grown around the Property during its operations. The Property is compatible with the surrounding uses as many of the residents and walk to the restaurant. Rezoning the Property to commercial will allow the property to continue to serve the surrounding residential and expand its operations to meet continuing demand.

Objective 1.02.09 – The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

The Property is an appropriate location for commercial as it is within an area that is primarily zoned for high density residential and is located along the west side of South Fletcher Avenue. The properties to the east are located along the Atlantic Ocean, which is appropriate and highly desirable for residential. The Property has limited ocean view due to the multi-level condominiums so it is less desirable as residential. The Property is bounded on three sides by public rights of way. Any redevelopment of the site would require adherence to the Land Development Code's buffer, landscaping, and lighting requirements.

Section 2.01.11 of the Land Development Code states:

The C-2 District is intended for the development of land uses to accommodate offices, commercial retail; personal services establishments, restaurants; transient accommodations; uses that provide sales and services for several neighborhoods; repair shops; retail sales and services; and other similar uses. The General Commercial District recognizes existing development with locations that have access to arterial roads (emphasis added).

The Property is currently used as a restaurant, bar/lounge, and a motel. It also fronts along three public rights of way, including South Fletcher Avenue, a major arterial road. Rezoning the Property to C-2 is appropriate under the Land Development Code.

I look forward to reviewing your staff report on this Application. If you have any questions, please do not hesitate to contact me.

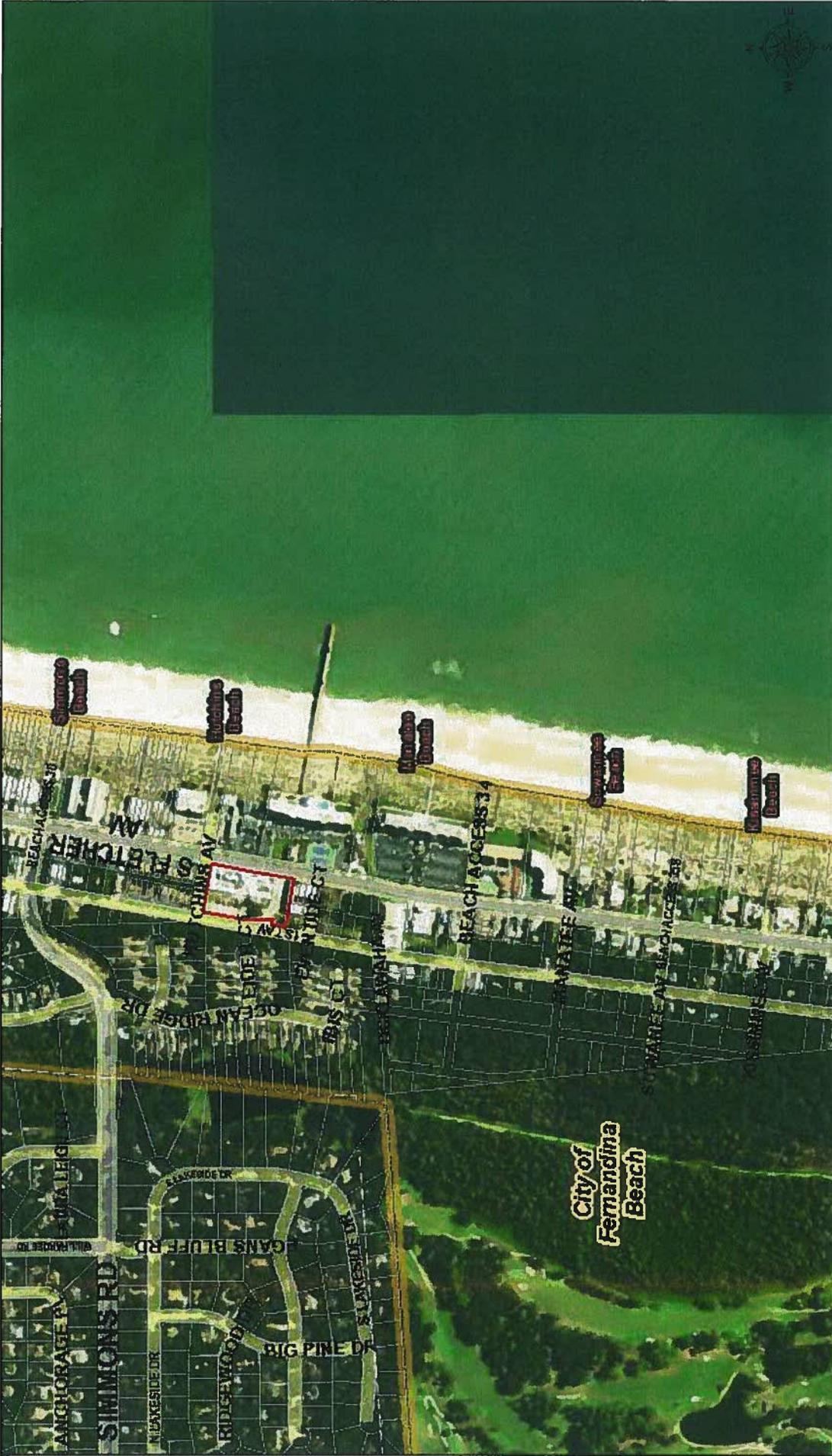
Sincerely,



Jon C. Lasserre, Esq.

Cc: Marshall D. McCrary, CDD Director

Aerial

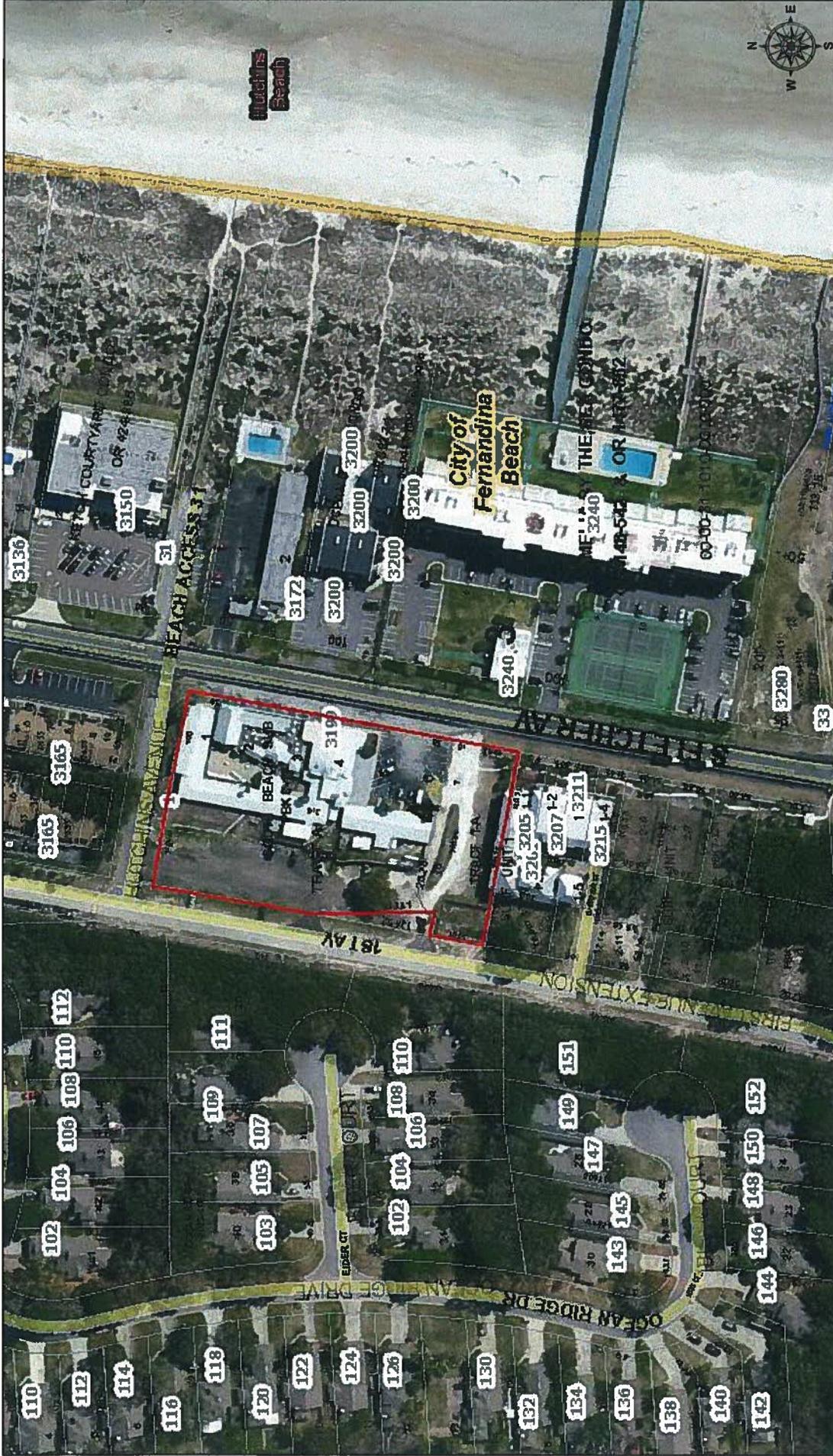


August 13, 2016

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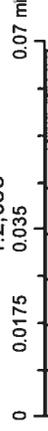
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, Aergrid, IGN, IGP, swisstopo, and the GIS User Community
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the

Aerial



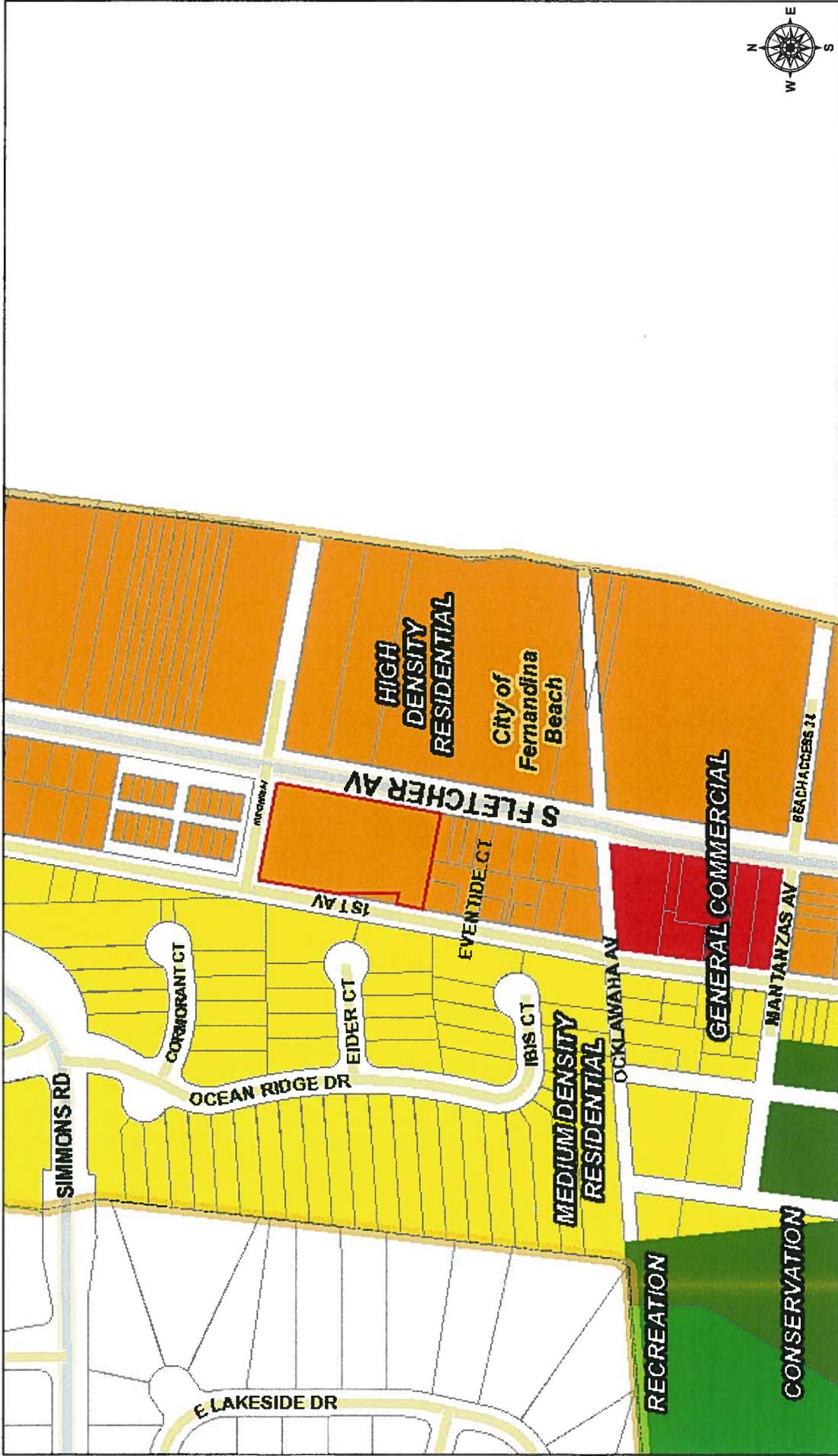
August 13, 2016

1:2,065



0 0.0175 0.035 0.055 0.07 m
 0 0.0275 0.055 0.11 km
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community
 Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the

Existing FLUM Designation



August 13, 2016

□ Land Parcels

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

SPECIAL WARRANTY DEED

Parcel ID#: 00-00-31-1720-0004-0016,
00-00-31-173W-0007-0000,
and 00-00-31-1741-001A-0000

THIS INDENTURE, made this 31st day of October, 2013,

between Surf Properties, LLC, a Florida limited liability company, 115
Solana Road, Suite D, Ponte Vedra Beach, Florida 32082, party of the
first part, and George W. Sheffield, Sr., as Trustee of the George W.

Sheffield Revocable Trust dated February 24, 2000 and Barbara A. Sheffield, as Trustee of the Barbara A.
Sheffield Revocable Trust dated February 24, 2000, as Tenants in Common, 28 South 7th Street, Fernandina
Beach, Florida 32034, parties of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of
\$1,200,000.00, ONE MILLION TWO HUNDRED THOUSAND AND NO/100 Dollars and other valuable
considerations, in hand paid by the said parties of the second part, the receipt and sufficiency whereof is
hereby acknowledged, has granted, bargained and sold to the said parties of the second part, their successors
and assigns forever, the land, and improvements therein situate, lying and being in the County of Nassau,
State of Florida, and more particularly described on Exhibit "A" attached hereto.

Subject to easements and restrictions of record and taxes levied subsequent to December 31, 2013.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same
against the lawful claims of all persons whomsoever claiming by or through the party of the first part.

IN WITNESS WHEREOF, this instrument has been executed by the party of the first part the day
and year first above written.

Signed, Sealed and Delivered
in the Presence of:

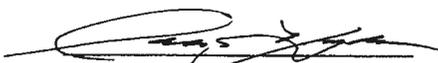
Surf Properties, LLC,
a Florida limited liability company

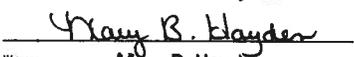


BY: Michael Antonopoulos, as Trustee of the
Michael Antonopoulos Living Trust of July 7,
2005, the Managing Member

RECORD AND RETURN TO:
Calvin E. Hayden, Esquire
6282-3 Dupont Station Court East
Jacksonville, Florida 32217

THIS INSTRUMENT PREPARED BY:
Calvin E. Hayden, Esquire
6282-3 Dupont Station Court East
Jacksonville, Florida 32217

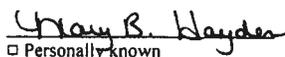

Witness Calvin B. Hayden


Witness Mary B. Hayden

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed before this 31st day of October, 2013 by Michael Antonopoulos as Trustee of the
Michael Antonopoulos Living Trust of July 7, 2005, the Managing Member of Surf Properties, LLC, a Florida
limited liability company, on behalf of the LLC, and who produced FL Drivers License as
identification.

NOTARY PUBLIC


 Personally known
 Identification Produced _____



The Above Space for Official Use Only

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Nassau, STATE OF FL, AND IS DESCRIBED AS FOLLOWS:

PARCEL A

LOTS ONE(1) THROUGH SIX (6), BLOCK FOUR (4), OF SOUTH BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 11, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

ALSO THE NORTH TEN (10.0) FEET OF LOT SEVEN (7) IN BLOCK NUMBERED FOUR (4) OF SOUTH BEACH, ACCORDING TO THE PLAT OF SAID SOUTH BEACH RECORDED IN PLAT BOOK 3, PAGE 11, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

ALSO, ALL OF THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATE, LYING AND BEING IN SECTION SIX (6), TOWNSHIP TWO (2) NORTH, RANGE TWENTY-NINE (29) EAST, NASSAU COUNTY, FLORIDA, AND BEING FURTHER KNOWN AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT ONE (1) IN BLOCK FOUR (4) OF THE SOUTH BEACH SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 11 OF THE PUBLIC RECORDS OF SAID NASSAU COUNTY, FOR A POINT OF BEGINNING; THENCE GO SOUTH ELEVEN (11) DEGREES, FIFTY-NINE (59) MINUTES, THIRTY (30) SECONDS WEST ALONG THE WESTERLY LINES OF LOTS ONE (1) THROUGH THE NORTH TEN (10.0) FEET OF LOT SEVEN (7) IN BLOCK FOUR (4) FOR THREE HUNDRED TEN (310.0) FEET TO A POINT; THENCE GO NORTH SEVENTY-EIGHT (78) DEGREES, ZERO (00) MINUTES, THIRTY (30) SECONDS WEST FOR SEVENTY-FIVE (75.0) FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID SECTION SIX (6); THENCE GO NORTH ONE (01) DEGREE, TWO (02) MINUTES, THIRTY (30) SECONDS EAST ALONG THE WEST LINE OF SAID SECTION SIX (6) FOR APPROXIMATELY THREE HUNDRED TEN (310.0) FEET TO THE EXTENSION OF HUTCHINS AVENUE FROM THE EAST; THENCE GO SOUTH SEVENTY-EIGHT (78) DEGREES, ZERO (00) MINUTES, THIRTY (30) SECONDS EAST FOR APPROXIMATELY ONE HUNDRED FORTY-THREE AND THIRTY-TWO HUNDREDTHS (143.32) FEET ALONG THE EXTENSION OF THE SOUTH SIDE OF HUTCHINS AVENUE WHICH IS FIFTY (50.0) FEET WIDE, TO THE POINT OF BEGINNING. LESS AND EXCEPT ANY PORTION THEREOF LYING IN THE RIGHT OF WAY OF FIRST AVENUE IN ACCORDANCE WITH SURVEY PREPARED BY MANZIE & DRAKE SURVEYING, FILE NO: C2-501A, DATED 12/12/00

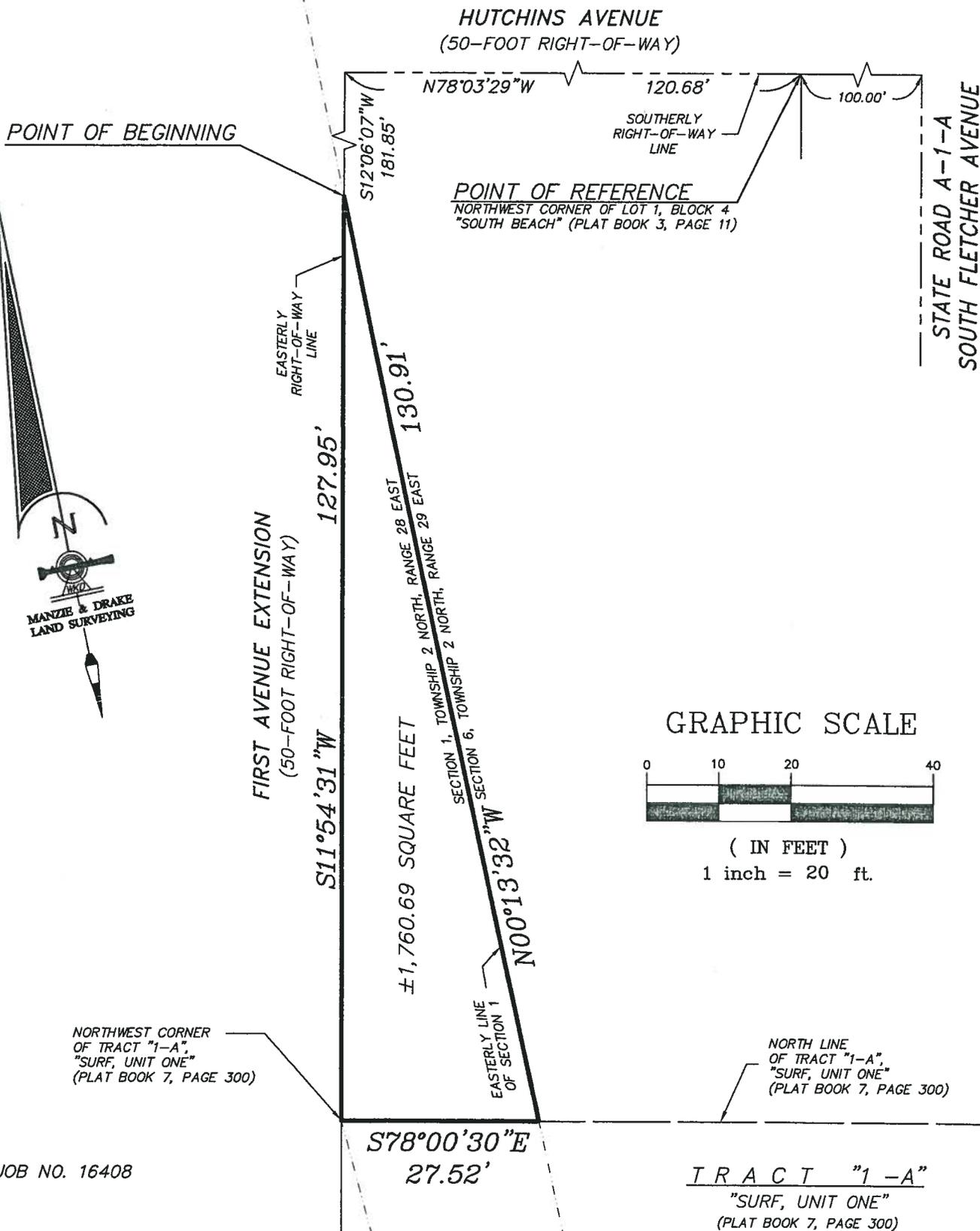
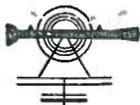
PARCEL B

TRACT I-A, SURF UNIT ONE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 300 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, THE SOUTH 46 FEET OF THE WEST 65.53 FEET AND THE SOUTH 15 FEET OF THE EAST 155.31 FEET, MORE OR LESS, OF SAID TRACT I-A BEING SUBJECT TO A PERPETUAL DRAINAGE EASEMENT FOR THE BENEFIT OF THE SELLER AND ITS SUCCESSOR OR ASSIGNS.

MANZIE & DRAKE LAND SURVEYING

SKETCH OF LEGAL DESCRIPTION

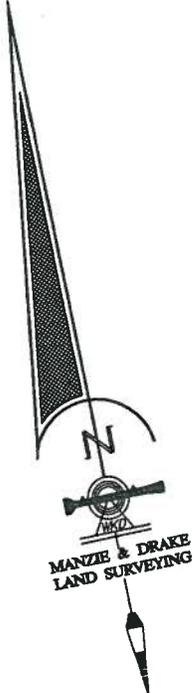
(LEGAL DESCRIPTION ATTACHED)
(THIS IS NOT A BOUNDARY SURVEY)



POINT OF BEGINNING

HUTCHINS AVENUE
(50-FOOT RIGHT-OF-WAY)

STATE ROAD A-1-A
SOUTH FLETCHER AVENUE

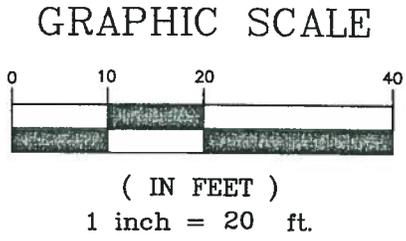


POINT OF REFERENCE
NORTHWEST CORNER OF LOT 1, BLOCK 4
"SOUTH BEACH" (PLAT BOOK 3, PAGE 11)

FIRST AVENUE EXTENSION
(50-FOOT RIGHT-OF-WAY)

NORTHWEST CORNER
OF TRACT "1-A",
"SURF, UNIT ONE"
(PLAT BOOK 7, PAGE 300)

NORTH LINE
OF TRACT "1-A",
"SURF, UNIT ONE"
(PLAT BOOK 7, PAGE 300)



S78°00'30"E
27.52'

TRACT "1-A"
"SURF, UNIT ONE"
(PLAT BOOK 7, PAGE 300)

MANZIE & DRAKE LAND SURVEYING



LEGAL DESCRIPTION

PREPARED FOR GEORGE SHEFFIELD

JUNE 17, 2016

A PORTION OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, ALSO KNOWN AS BEING A PORTION OF LOT 7, "SOUTHWAVE SUBDIVISION", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 307, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

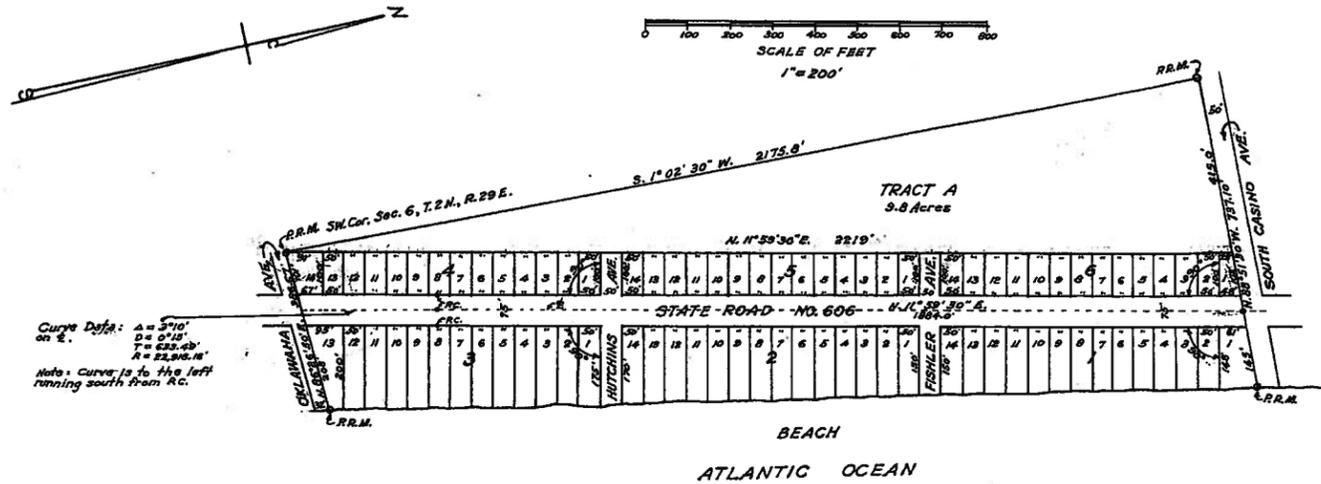
FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF LOT 1, BLOCK 4, "SOUTH BEACH", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 11, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE NORTH $78^{\circ}03'29''$ WEST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF HUTCHINS AVENUE, A 50 FOOT RIGHT-OF-WAY AS NOW LAID OUT AND IN USE, A DISTANCE OF 120.68 FEET; THENCE SOUTH $12^{\circ}06'07''$ WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF FIRST AVENUE EXTENSION, A 50 FOOT RIGHT-OF-WAY AS NOW LAID OUT AND IN USE, A DISTANCE OF 181.85 FEET TO INTERSECT THE EASTERLY LINE OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH $11^{\circ}54'31''$ WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID FIRST AVENUE EXTENSION, A DISTANCE OF 127.95 FEET TO THE NORTHWEST CORNER OF TRACT "1-A", "SURF, UNIT ONE", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 300, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE SOUTH $78^{\circ}00'30''$ EAST, ALONG THE NORTH LINE OF SAID TRACT "1-A", A DISTANCE OF 27.52 FEET TO INTERSECT THE EASTERLY LINE OF SAID SECTION 1; THENCE NORTH $00^{\circ}13'32''$ WEST, ALONG THE EASTERLY LINE OF SAID SECTION 1, A DISTANCE OF 130.91 FEET TO THE POINT OF BEGINNING.


MICHAEL A. MANZIE, P.L.S.
FLORIDA REGISTRATION NO. 4069
JOB NO. 16408 6/19/16

SOUTH BEACH

AMELIA ISLAND - NASSAU COUNTY
FLORIDA

Being a Subdivision of the South 2175.8 ft. of Section 6,
T. 2 N., R. 29 E.



Adoption & Dedication
This is to certify that the undersigned are the lawful owners of the lands described in the caption hereof, that they have caused the same to be surveyed and subdivided and that this plat made in accordance with said survey is hereby adopted as a true and correct plat of said lands, and all streets or avenues shown on said plat are hereby irrevocably, and without reservations, dedicated to Nassau County, Florida and its successors. In witness whereof these presents are signed this 2nd day of September, 1944.

Signed and sealed in the presence of:
 Charles Hutchins (seal)
 Stella B. Hutchins (seal)
 Herbert W. Fishler (seal)
 Adele S. Fishler (seal)
 Witnesses: [Signatures]

State of Florida
County of Nassau
I hereby certify that on this day personally appeared before me an officer duly authorized to administer and take acknowledgements, Charles Hutchins and Stella B. Hutchins, his wife, and Herbert W. Fishler and Adele S. Fishler, his wife, to me well known to be the persons described in and who executed the foregoing dedication and who severally acknowledged before me that they executed the same freely and voluntarily for the uses and purposes therein expressed.
And I further certify that the said Stella B. Hutchins and the said Adele S. Fishler known to be the wives of the said Charles Hutchins and the said Herbert W. Fishler, respectively, on private and separate examinations taken and made by and before me separately and apart from their said husbands did acknowledge that they made themselves parties to said dedication for the purpose of renouncing and conveying all of their right, title, and interest whether of Dower, Homestead, or Separate Property, statutory or equitable, in and to said streets or avenues as shown on this plat, and that the said wives executed the said dedication freely and voluntarily and without any compulsion, constraint, apprehension, or fear, of or from their respective husbands.
Witness my signature and official seal at Fernandina, Nassau County, Florida, this 2nd day of September, 1944.

[Signature]
Notary Public, State of Florida at Large.
My Commission Expires Nov. 10, 1945.



This is to certify that the above plat is a correct representation of the lands surveyed and subdivided and described above, that permanent reference monuments have been placed according to the laws of the State of Florida. Signed this 2nd day of August, 1944.

By [Signature]
John O. Jackson
Reg. Land Surveyor No.



Examined and approved this 2nd day of Sept. 1944 by the Board of County Commissioners of Nassau County, Florida.

[Signature]
Chairman.
Attest: [Signature]
Clerk.



I hereby certify that this plat has been examined and that it complies in form with Chapter No. 10275, Laws of Florida of 1925, and is filed for record and recorded in Plat Book No. 3, Page 11 of the Public Records of Nassau County, Florida, this 1st day of September, 1944.

[Signature]
Clerk.
By
Deputy Clerk.



MAP OF BOUNDARY SURVEY

PARCEL A

LOTS ONE(1) THROUGH SIX (6), BLOCK FOUR (4), OF SOUTH BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 11, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

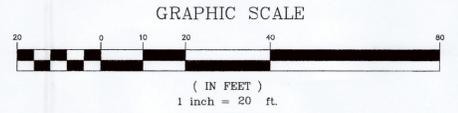
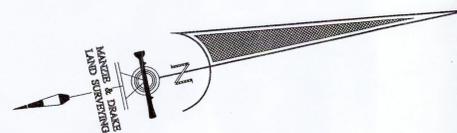
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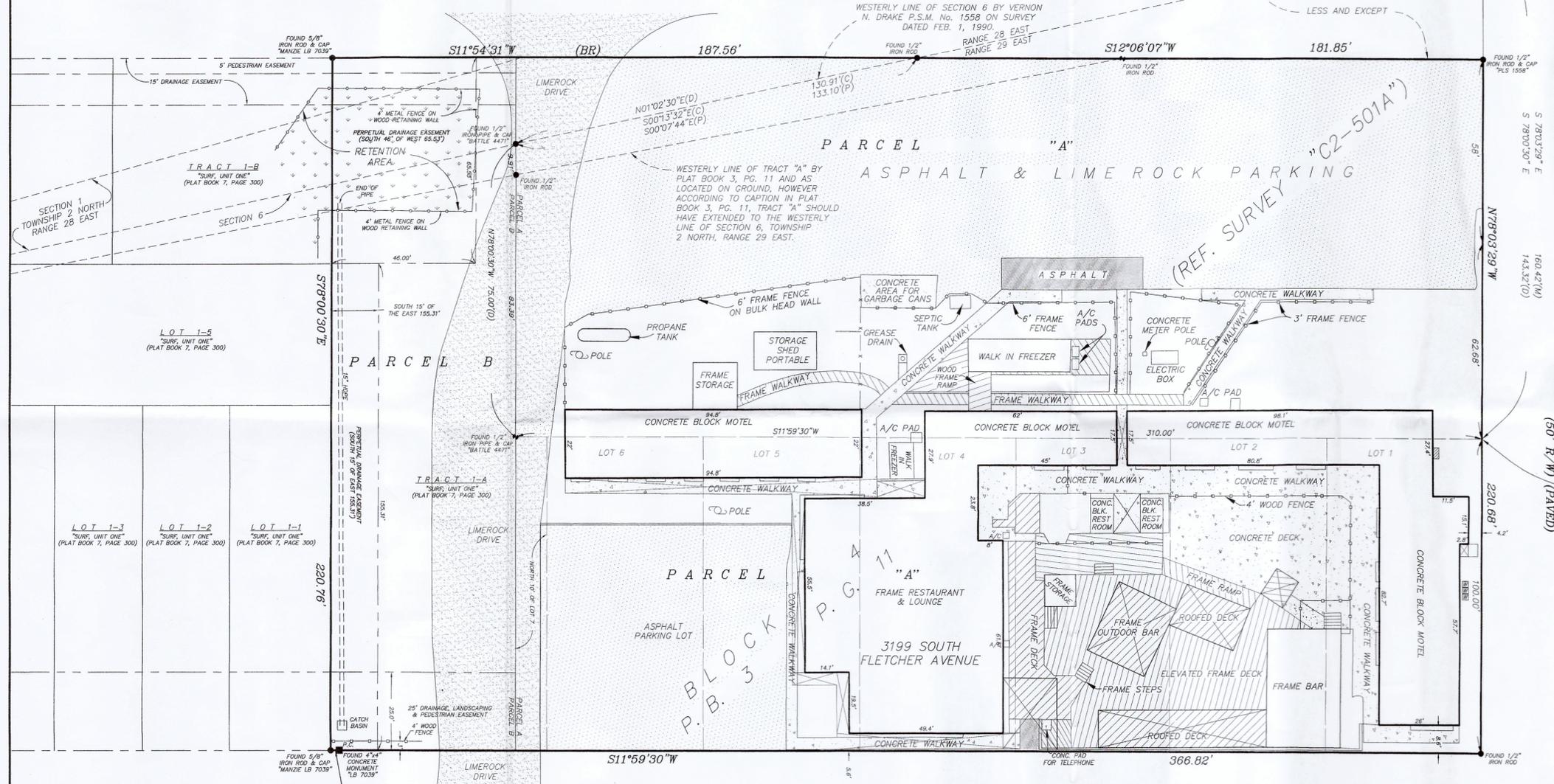
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PARCEL B

TRACT 1-A, SURF UNIT ONE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 300 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, SOUTH 46 FEET OF THE WEST 65.53 FEET AND THE SOUTH 15 FEET OF THE EAST 155.31 FEET, MORE OR LESS, OF TRACT 1-A WILL BE SUBJECT TO A PERPETUAL DRAINAGE EASEMENT FOR THE BENEFIT OF THE SELLER AND ITS SUCCESSOR OR ASSIGNS.



FIRST AVENUE EXTENSION (50-FOOT RIGHT-OF-WAY) (GRADED)



DELTA=0°00'25"
RADIUS=22,955.66'
ARC LENGTH=2.79'
CHORD BEARING=S11°59'18"W
CHORD DISTANCE=2.79'

STATE ROAD A-1-A (SOUTH FLETCHER AVENUE) (75-FOOT RIGHT-OF-WAY) (PAVED)

HUTCHINS AVENUE
(50' R/W) (PAVED)

- SURVEY NOTES:**
- The "Legal Description" hereon is in accord with the description provided by the client.
 - Underground improvements were not located or shown.
 - Commitment for Title Insurance issued by First American Title Insurance Company (File No. 5011612-2080-3035535, dated September 10, 2013) was referenced in preparation of this survey.
 - Bearings shown hereon are based on S11°54'31"W for the easterly right-of-way line of the bearing reference line is indicated as thus (BR).
 - Unless it bears the signature and the original rolled seal of a Florida licensed surveyor and mapmaker, this map/report is for informational purposes only and is not valid.
 - The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C-0372.E, Dated 12/17/2010. Flood Zone Information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone Information is not covered by the certification hereon and is not required to be shown per Chapter 54-12, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
 - Fence ownership, if applicable, has not been determined by this office.
 - This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.

CERTIFIED TO:
GEORGE W. SHEFFIELD, AS TRUSTEE OF THE GEORGE W. SHEFFIELD REVOCABLE TRUST DATED FEBRUARY 24, 2000
BARBARA A. SHEFFIELD, AS TRUSTEE OF THE BARBARA A. SHEFFIELD REVOCABLE TRUST DATED FEBRUARY 24, 2000
FIRST COAST COMMUNITY BANK, A DIVISION OF SYNOVUS BANK, A GEORGIA CORPORATION
SURF PROPERTIES, LLC.
HAYDEN AND MCRANIE, P.L.L.

MANZIE & DRAKE LAND SURVEYING
117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 FAX (904) 491-5777
Certificate of Authorization Number "LB 7039"
"OUR SIGHTS ARE ON THE FUTURE, SET YOUR SITES ON US."

SCALE: 1"=20' JOB NO: 16408 DATE: 10/11/13 CADD: WKD
F.B. NO: FILE PAGE NO: FILE FIELD CREW: JW FILE NO: C-586

- LEGEND**
- A/C = AIR CONDITIONER
 - E = CENTERLINE
 - = CHAIN LINK FENCE
 - = CONCRETE FLATWORK
 - = OVERHEAD UTILITY WIRES
 - (D) = DEED
 - (M) = MEASURED
 - (C) = CALCULATED
 - B.L.K. = BEARING REFERENCE
 - D.R.B. = OFFICIAL RECORDS BOOK
 - W.M. = WATER METER
 - = WOOD FENCE
 - = WOOD FLATWORK
 - (C.P.) = WOOD POWER POLE
 - HOPE = HIGH-DENSITY POLYETHYLENE



**STAFF REPORT
PAB (VAX/LU/CZ/VAC) 2016-22
Planning Advisory Board Hearing
September 14, 2016**

APPLICATION FOR VOLUNTARY ANNEXATION, LARGE SCALE AMENDMENT TO THE FUTURE LAND USE MAP, ZONING CHANGE REQUEST, & VACATION OF ROW

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	First National Bank South				
AGENT:	Liberty Development, Spurgeon Richardson				
REQUESTED ACTION:	Voluntary Annexation of 9.26 Acres into the City Limits, Assignment of the City's General Commercial (GC) and High Density Residential (HDR) Future Land Use Categories, Change of Zoning to contain General Commercial (C-2) and High Density Residential (R-3) with a Planned Unit Development (PUD) Overlay, and Abandonment of a portion of S. 12 th Street Public Right-of-Way for construction of 224 Apartment Units (14 Buildings) and a Recreational/ Common Area with Management Offices, and a retail location at the corner of 14 th and Lime Streets.				
LOCATION:	S. 14th Street and Lime Street				
CURRENT LAND USE + ZONING:	Nassau County Commercial + Nassau County Commercial Intensive (CI) Zoning City of Fernandina Beach Medium Density Residential (MDR) and R-2 Zoning				
PROPOSED LAND USE + ZONING:	General Commercial (C-2) High Density Residential (R-3) PUD Overlay				
EXISTING USES ON SITE:	Vacant with Mosquito Control Ditch				
PROPERTY SIZE:	Approximately 24.4 Acres				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Elementary School/ Girls and Boys Club/ Apartments (31 Units on 4.36 Acres)/ Vacant	1966/ 2013/ 1986	PI-1/ R-2/ MU-1	Public + Institutional/ Medium Density Residential/ Mixed Use
	South	Vacant	N/A	NC Commercial Intensive (CI)	NC Commercial
	East	Shopping Center, Dentist Office, Single Family Residential, Vacant Land	Misc	C-2, C-1, and NC Commercial Intensive (CI)	General Commercial and NC Commercial
	West	Buccaneer Villas Apartments (48 Units on 4.87 Acres) <i>*Violates MDR Land Use of no greater than 8 dwelling units per acre)</i>	1980	Medium Density Residential	R-2

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



**STAFF REPORT
PAB (VAX/LU/CZ/VAC) 2016-22
Planning Advisory Board Hearing
September 14, 2016**

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, First National Bank South, is represented by Liberty Development. This prospective development company seeks to construct 224 market rate apartment rental units in 10 buildings with a recreational center, and to develop a commercial outparcel located on S. 14th Street and Lime Street. In order to accomplish this development, they have applied for a voluntary annexation of land, assignment of the General Commercial (GC), and High Density Residential (HDR) Future Land Use Map categories with the associated zoning categories of C-2 and R-3. The applicant seeks to establish a Planned Unit Development (PUD) overlay in order to provide “flexible land use and design and to allow planned diversification and integration of uses and structures.” The applicant’s letter of justification provides specific details about their development strategy. Further, the applicant requests consideration of a vacation of public Right-of-Way (ROW) for a portion S. 12th Street in order to achieve a unified development.

In 2014, the applicant sought a variance to impact wetlands within the proposed development. This application was denied and litigated as an administrative appeal before the special magistrate. The special magistrate found that because the wetlands involved multiple jurisdictions that any permissible impacts would be determined and permitted through St. Johns River Water Management District (SJRWMD). In February 2016, SJRWMD issued a permit for construction of the developer’s original concept plan.

At this time, the prospective developer seeks to work with the City in order to create a development strategy which serves to preserve wetlands by setting them aside as open space within the development. Their proposed strategy seeks to enhance the existing wetland area through a unified management strategy. However, their revised plan will still impact wetlands, predominately those wetlands located within the Nassau County portion of the property bordering S. 14th Street and Nectarine Street. The applicant also requests design flexibility for the siting of structures on the property and requests no minimum setback requirements.

In speaking with the applicant, staff identified the use of a PUD strategy in order to balance private property rights with the City’s stated goal of avoiding wetland impacts. The PUD process avoids the requirement to send the applicant back to the Board of Adjustment as a variance request, which if denied, could potentially place the City back in a legal setting. Staff’s suggested approach does require more public hearings; however it also provides decision making authority to the City Commission.

CONSISTENCY WITH THE COMPREHENSIVE PLAN (ASSIGNMENT OF LAND USE):

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater	Policy 4.01.02 All subdivisions, multifamily, commercial, industrial, city, and



STAFF REPORT
PAB (VAX/LU/CZ/VAC) 2016-22
Planning Advisory Board Hearing
September 14, 2016

Management Facilities

institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) 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. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.

Potable Water Facilities

Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)

Fire-Rescue Services

240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)

Police and Law Enforcement Services

Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. Under the proposed Future Land Use of High Density Residential (HDR) a maximum of 10 units per acre is permissible which would allow up to 224 dwelling units. The applicant has provided a conceptual level site plan as part of their application materials. A site plan is not required for Voluntary Annexation, Future Land Use Map change, Zoning assignment request, or a vacation of public right-of-way. A site plan is needed in order to review the applicant's request for a PUD. Refinement of the conceptual plan for consistency with the City's Land Development Code will occur as part of the Technical Review Committee (TRC) process.

The establishment of High Density Residential (HDR) and General Commercial (GC) land use and C-2 and R-3 zoning on the subject property could result in a maximum of 224 dwelling units and a commercial intensity not to exceed 2.0 Floor Area Ratio (FAR). A concurrency determination for impacts to Nassau County roadways must be assessed under the City's current requirements contained in LDC Section 7.04.05. As part of the applicant's requested Comprehensive Plan amendment which sought to remove the restriction of wetland and wetland transitional areas from the City definition of Net Density, the Florida Department of Transportation (FDOT) District 2 provided a traffic analysis. In their summary follow up email, FDOT stated that 588 less trips are generated as a result of the applicant's proposed development over what could be developed under the existing Nassau County land use and zoning categories. (see *Attached FDOT Analysis and follow-up response*) Nassau County collects mobility fees for roadway impacts based on their adopted mobility plan. It is expected that the City will, through its adopted Interlocal agreement with Nassau County, collect mobility fees on their behalf for projects within the City. This would be similar to the past collection of transportation impact fees which ceased in 2006.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day. The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. At the adopted level of service and the maximum density allowed by



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the proposed Comprehensive Plan amendments, the residential units will consume 78,400 gallons of water per day (224 units x 350 gallons per ERC per day).

The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. At the adopted level of service and the maximum density allowed by the Comprehensive Plan, the site will generate 180,320 gallons of wastewater per day (224 units x 2.3 x 350 gallons per ERC per day). The Commercial facilities are calculated by an Equivalent Residential Connection (ERC) standard, which is calculated by the utilities director. The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate any proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has a contract with Advanced Disposal to dispose of solid waste, therefore the impact is irrelevant.

Drainage impacts from any new development or redevelopment will be reviewed by the City's Technical Review Committee. The City requires storm water drainage to be retained on-site and permitting through the St. John's River Water Management District.

All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as: described below.

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

The proposed land use and zoning category is compatible with the land use and zoning which surrounds it. The application provides further justification of their requested needs for the land use and zoning change for the development strategy. The proposed development will rely on open roadways (14th Street and Lime Street) for access to the apartments and commercial site. Water and sewer services are available to serve the site and this proposed development. No leapfrog development or scattered development patterns are generated by this annexation, land use assignment and zoning change.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;**



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- b. Zoning districts in the surrounding area;**
- c. Demonstration of adequate water supply and water supply facilities;**
- d. Appropriateness of the size of the parcel compared to the proposed use;**
- e. Physical condition of the site, and the suitability of soils and topography for the proposed use;**
- f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
- g. Compatibility factors;**
- h. Impact on adopted levels of service standards and quality of service standards; and**
- i. Location in a Coastal Upland Protection Zone (CUPZ).**

Uses along S. 14th Street and Lime Street within the vicinity of the proposed development vary from a public school to apartment complexes, vacant land, mixed use property, and commercial development. The proposed land use categories of High Density Residential (HDR) and General Commercial (GC) with the R-3 and C-2 zoning districts with a PUD overlay are a suitable classification given the characteristics of the surrounding developed properties. The applicant has supplied a report stating the soil suitability or the presence or absence of natural resources (*attached as part of the application file*). The site is currently vacant with roughly half of the total property containing wetlands. The site is not located in a Coastal Upland Protection Zone and does not contain historic resources. The levels of service are discussed above.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE (ZONING DISTRICT & PUD OVERLAY): _____

The requested zoning is C-2 and R-3 with a PUD Overlay providing for commercial and residential zoned areas on the property with flexibility to deviate from setback restrictions and minimize impacts to adjoining wetlands. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

LDC Section 2.01.11 of the Land Development Code states the intent of C-2 General Commercial, zoning classification.

Section 2.01.11 of the Land Development Code states the intention of the General Commercial (C-2) zoning district as follows:

The C-2 District is intended for the development of land uses to accommodate offices; commercial retail; personal services establishments; restaurants; transient accommodations; uses that provide sales and services for several neighborhoods; repair shops; retail sales and services; and other similar commercial uses. The General Commercial District recognizes existing development with locations that have access to arterial roads.

LDC Section 2.01.06 of the Land Development Code states the intent of R-3 High Density Residential, zoning classification. The R-3 zoning district allows for both single family residential developments as well as multifamily and the ability to have resort rentals.

Section 2.01.06 of the Land Development Code states the intention of the High Density Residential (R-3) zoning district as follows:

The R-3 District is intended for the development of high density residential uses allowing both single and multi-family dwellings. Bed and breakfast inns and resort rental dwellings may be allowed, subject to additional design standards. Limited neighborhood commercial uses may be allowed through the PUD process.

Standards for a Planned Unit Development are contained in **LDC Section 4.03.03**. The applicant's letter of justification and conceptual site plan provides information to demonstrate compliance with this section of code and a rationale for the basis of their request. Further, Staff did advise the applicant that the PUD overlay was



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an approach which should be considered as final decision making would be made by the City Commission with respect to potential wetland impacts and flexible design standards.

CONSISTENCY WITH THE COMPREHENSIVE PLAN (VACATION OF ROW):

APPLICABLE POLICY REFERENCES: 2.04.04 AND 2.04.05

Staff finds that the applicant has demonstrated consistency with the Comprehensive Plan policies as demonstrated through their application's description of Request dated on August 15, 2015, as revised.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE (VACATION OF ROW):

APPLICABLE REFERENCE: 11.02.01 (NOTICE REQUIREMENTS)

The City has followed all required notice requirements for the applicant's request which included posted sign, posted agenda, mailed and published notice.

CONCLUSION:

This is a voluntary annexation of property as compliant with all applicable Florida Statutes and the City's Municipal Code. The annexation area is compact, does not create an "enclave", and represents a logical extension of the City boundary. The area is a logical extension of urban development. The requested voluntary annexation, land use and zoning changes along with a PUD Overlay are sufficiently compliant with the Comprehensive Plan, Land Development Code, and Municipal Code. Staff recommends approval of the requested actions as a means to achieve a balanced development approach whereby wetlands are permitted to be impacted, but to a lesser degree than what has already been permitted by the SJRWMD permit issued in February 2016.

MOTION TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2016-22 to the City Commission requesting that a voluntary annexation into the city limits be approved, assigning the High Density Residential and General Commercial land use designations and R-3/C-2 zoning categories with a PUD Overlay, and requesting a Vacation of Right-of-Way for a portion of S. 12th Street, as described and that PAB case 2016-22, as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

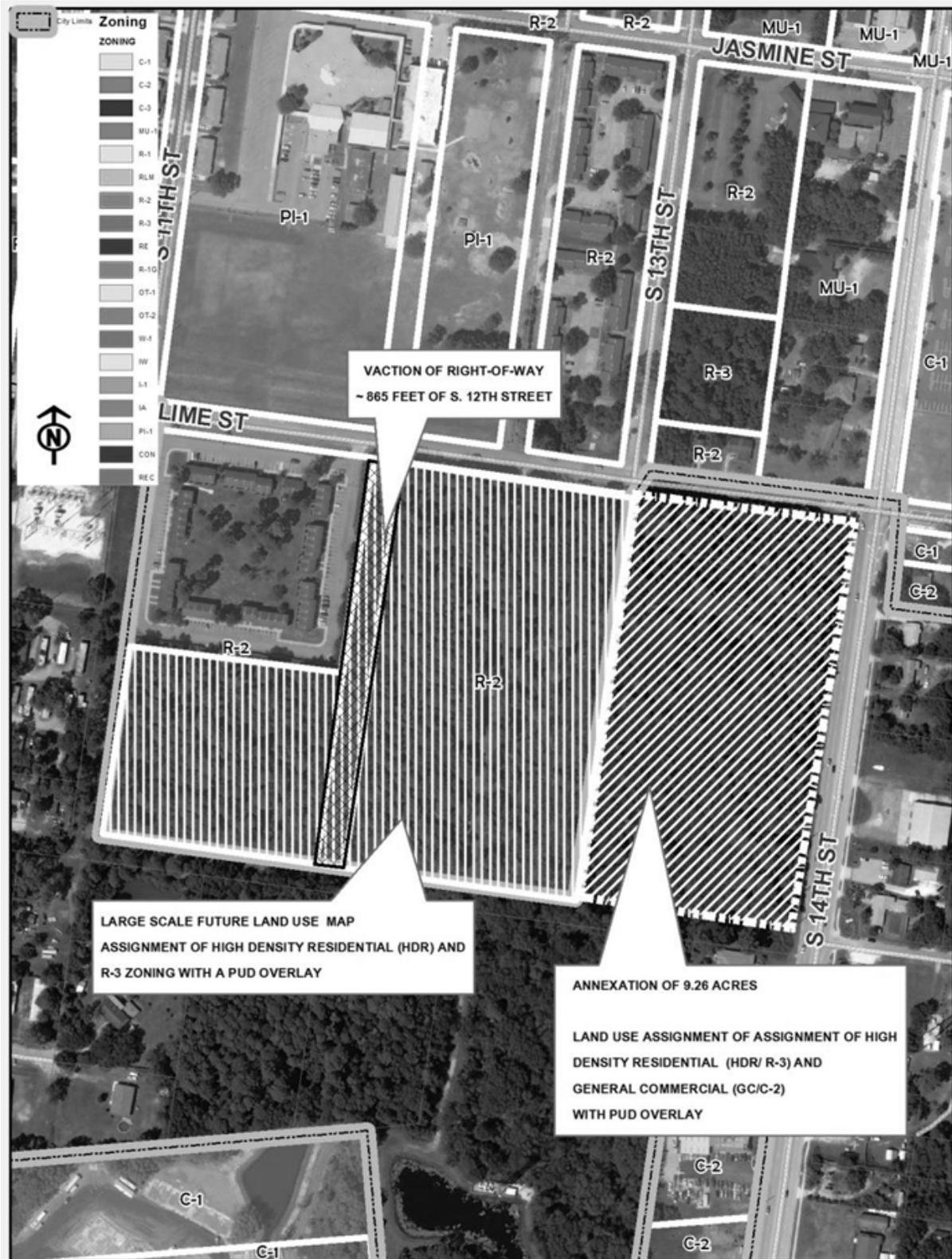
A handwritten signature in cursive script that reads "Kelly N. Gibson".

Kelly N. Gibson, AICP
Senior Planner



STAFF REPORT
PAB (VAX/LU/CZ/VAC) 2016-22
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September 14, 2016

EXHIBIT A



OFFICE USE ONLY

REC'D: 8/15/16 BY: KG
PAYMENT: \$ _____ TYPE: _____
APPLICATION #: 2016-0001239
CASE #: PAB 2016.22
BOARD MEETING DATE: 9/14/16



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: First National Bank South

Mailing Address: P.O. Box 2028 ALMA GA 31510

Telephone: 904-583-2598 Fax: N/A

Email: zmjohnson@fnbsouth.com

Agent Name: Spurgeon Richardson

Mailing Address: 18 Harrison Creek Road Amelia Island FL 32034

Telephone: 904-583-2598 Fax: N/A

Email: Spurge@libertydevelopment.com

PROPERTY INFORMATION

Street Address: Line Street + 14th Street

Parcel Identification Number(s): _____

Lot Number: _____ Block Number: _____ Subdivision: _____

Section: _____ Township: _____ Range: _____



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/WE FIRST National Bank South
(print name of property owner(s))

hereby authorize: SPURGEON RICHARDSON
(print name of agent)

to represent me/us in processing an application for: PUD, ZONING MAP AMENDMENT, LAND USE, VACATION ROW
(type of application) VOLUNTARY ANNEXATION

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

(Signature of owner)

Zach Johnson
(Signature of owner)

(Print name of owner)

FIRST NATIONAL BANK SOUTH
ZACH JOHNSON - PRESIDENT
(Print name of owner)

STATE OF ~~FLORIDA~~ }
~~FLORIDA~~ }
COUNTY OF ~~NASSAU~~ }
BACON }
SS }

Subscribed and sworn to before me this 10 day of August, 2016.

Stephanie Harrell
Notary Public: Signature

STEPHANIE HARRELL
Printed Name

8-24-16
My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____



PROJECT INFORMATION

Total Number of Lots/Parcels: _____

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

Existing Zoning Classification: _____

Existing Future Land Use Classification: _____

Previous Planning/Zoning Approvals: _____

Description of Request:

SIGNATURE/NOTARY

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

8-10-16
Date

Zach Johnson
Signature of Applicant
ZACH JOHNSON - PRESIDENT FIRST NATIONAL BANK SOUTH

STATE OF ~~FLORIDA~~ ^{GEORGIA} }
COUNTY OF ~~NASSAU~~ ^{BACON} } SS

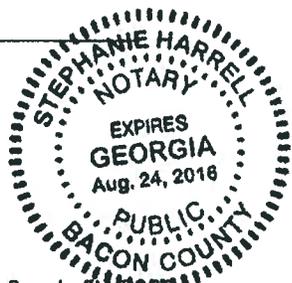
Subscribed and sworn to before me this 10 day of August, 2016.

Stephanie Harrell
Notary Public: Signature

STEPHANIE HARRELL
Printed Name

8-24-16
My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____



Pd 5100.00
CK 1428
Posted 8/23/16
②

August 22, 2016

Ms. Kelly Gibson
City of Fernandina Beach
Community Development Department
204 Ash Street
Fernandina Beach, Florida 32034

**RE: First National Bank South PUD application, Lime Street and
14th Street, Fernandina Beach FL 32034.**

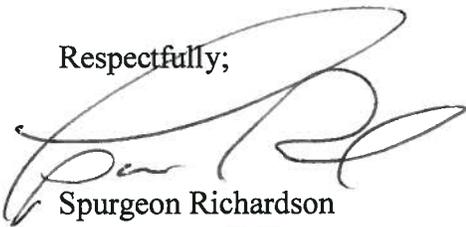
Dear Kelly:

Please accept the enclosed check payable to the City of Fernandina Beach in the amount of \$5,100.00 for the above referenced PUD application recently submitted. As discussed last week, the various application fees due are as follows:

- 1) Land Use Amendment change from MDR to HDR, and Commercial Intense to HDR as shown on site plan / \$1,600.00
- 2) Zoning map change from R2 to R3, and, from Commercial General to R3 as shown on site plan / \$1,600.00
- 4) Vacation of R.O.W. / \$850.00
- 5) Subject to approval of the Land Use Amendment and Zoning Map change, Voluntary Annexation from Nassau County into the City of Fernandina Beach / \$1,050.00

Thank you in advance for your review of this application, and, acceptance of the fee. Please let me know your comments at your earliest convenience.

Respectfully;



Spurgeon Richardson
as Agent for FNB
904-583-2598

WINDWARD CAPITAL GEORGIA LLC
18 HARRISON CREEK RD
AMELIA ISLAND, FL 32034

1428
80-568/1012

8-20-16 Date

HARLAND CLARKE

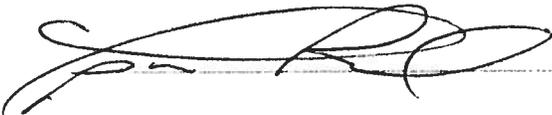
Pay to the Order of City of Fernandina Beach \$ 5,100⁰⁰
Five Thousand One Hundred ——— 00/100 ——— Dollars

 Security Features Details on Back

 **Fidelity**
INVESTMENTS

UMB Bank, N.A.
Kansas City, MO

For 14th / Lime St. PUD



MP

zoning \$1,600 Row \$850
Luro use \$1,600 Amex \$1,050

⑆ 10 1 20 568 1 ⑆ 14 28 ⑆ 7 7 20 7 70804 1 18 ⑆

August 15, 2016

Ms. Kelly Gibson
City of Fernandina Beach
Community Development Department
204 Ash Street
Fernandina Beach, Florida 32034

***RE: First National Bank South PUD application, Lime Street and
14th Street, Fernandina Beach FL 32034.***

Dear Kelly:

Pursuant to this Letter of Intent, First National Bank South ("FNBS") respectfully submits the attached Planned Unit Development overlay application ("PUD") for a proposed mixed use PUD that will include 224 residential multi-family apartment homes and a 2.16 +/- acre commercial parcel. The subject property is approximately 24.20 +/- acres, and, is situated within the boundaries north of Nectarine Street, West of 14th Street, South of Lime Street, and, West of the adjacent Buccaneer Villas apartments. Approximately 14.8 acres are currently located within the City of Fernandina Beach, and, approximately 9.2 acres of the property is located in Nassau County. It is anticipated that the portion of the property currently located within Nassau County will be annexed into the City of Fernandina Beach as a part of the approval of this application.

As a part of the application, FNBS submits the following:

- 1) Land Use Amendment change from MDR to HDR
- 2) Zoning map change from R2 to R3
- 3) Zoning map change from Commercial General to R3
- 4) Vacation of R.O.W.
- 5) Voluntary Annexation from Nassau County into the City of Fernandina Beach

The Application requests that the approximate 14.8 acres located within the City of Fernandina Beach have a Comp Plan change from MDR to HDR and a Zoning Map change from R2 to R3; and, that approximately 7.2 acres of the approximate 9.2 acres located within Nassau County shall be annexed into the City of Fernandina Beach subject to a Comp Plan change from

Commercial to HDR and a Zoning Map change from Commercial Intense to R3; and, that approximately 2.0 acres of the 9.2 acres located within Nassau County shall be annexed into the City of Fernandina Beach subject to a C-2 Zoning Map change.

If approved, the entire development will be located within the City of Fernandina Beach, whereby approximately 22.20 acres shall be zoned R3 and designated HDR on the Comp Plan, and approximately 2.16 acres shall be zoned C-2 and designated Commercial on the Comp Plan.

Based on the current Zoning Map and Comp Plan designation, the requested change in respective designations conforms to the area, and, is a good transition between the subject property and adjacent properties. The proposed change will have less of an impact than the current zoning and land use designations allow.

Whereas, on February 10, 2016, FNBS received Permit No. 143031-1 from the St. Johns River Water Management District ("SJRWMD Permit"), attached hereto as Exhibit "A", and by reference made a part hereof, authorizing the construction of a Storm Water Management System with storm water treatment by Wet Detention, and, construction of the 24.36 acre proposed development as per the plans received by the SJRWMD on January 6, 2016. FNBS, or its assigns, and, in an effort to reduce the actual impacts to the permitted wetlands, agrees to submit a deviation from the permitted plan similar to, and, in general conformance with the submitted Preliminary Development Plan. Where there is a conflict between the St. Johns River Water Management District permitted standards, and, the City of Fernandina Beach's Land Development Code, the SJRWMD Permit, shall control.

Further, the purpose of the Application is to provide and create a development with flexible land use and design and to allow planned diversification and integration of uses and structures. Characteristics of the Application and the proposed development include unified site design and property management that will be developed as a whole in a single or programmed series of development operations.

In an effort to comply with the City of Fernandina Beach Comprehensive Plan Section 2.04.05, regarding Right-of Way Abandonment, FNBS states the following:

- a) The right-of-way on the property has never been, and, is no longer required for public use and, given its location, does not transition into any other active thorough fare, and, could not reasonably be utilized as a through street, sidewalk, bicycle lane or any other public function such as parking, storm water management, utility location or open space;
- b) The proposed vacation is in the public interest, as FNBS, or its assign, will improve and maintain the area at its own expense.
- c) Since the area of the r/o/w vacation is in a wetland, FNBS will protect and preserve the majority of the area, and any environmental, historical, or, cultural features as per the conceptual site plan submitted.

d) Pursuant to the site plan submitted, the proposed vacation will be offset by at least one public access through street connection.

As a companion and addition to the application, which, shall be a condition to the approval of the application, FNBS also requests a waiver or variance from the prohibition of wetland impacts, minimum building setbacks, and, a waiver from the City of Fernandina Beach's buffer requirements in support of the proposed development for the areas where wetland impacts are necessary; including but not limited to, wetland crossings, recreation area, detention ponds, utility easements, drainage areas, building and parking areas, proposed and required landscaping, and, in general conformance with the submitted site plan. The wetland buffer waiver is also necessary because it is not logical to impact additional wetlands only to provide a buffer to other wetlands.

When complete, and, at the private expense of the owner (s), the operation of the development will be professionally managed which will include the maintenance of improvements, building structures, asphalt, common areas, landscaping, and amenity areas; which, are intended for common use by the occupants of the development.

Therefore, FNBS respectfully requests that the following Specific Conditions to the PUD are incorporated herein as follows:

1. Open Space and Common Areas.

A. Open space and common areas shall be provided for the project. The location of these areas is indicated on the PUD Preliminary Development Plan. All common area open space for the applicable phase of the project shall be included in the final development plan of the Project.

B Any active recreational facilities and accessory structures in the Project shall be subject to site plan approval by the Technical Review Committee and shall be constructed within the portion of the open space provided in the Preliminary Development Plan.

C. The Developer, may adopt rules and regulations governing the use of the same by the tenants of the PUD.

D. All privately owned open space shall continue to conform to its intended use as shown in the final development plan and final engineering plans for the project. All privately owned open space shall continue to conform to its intended use as shown in the final development plan and final engineering plans for the project.

E. In an effort to comply with the City of Fernandina Beach Land Development Code Section 4.03.00, the PUD will set aside a minimum of 5% of land, as required, and shown

on the Site Data Table in the Preliminary Development Plan, which will be set aside for civic purposes, which will provide opportunities for resident social interaction via the onsite amenities and series of bicycle paths and walkways. The commercial parcel will provide convenient service, employment, and access; yet, remain separate from the multi-family apartment homes.

2. Administration of Community Space and Facilities:

The Developer will administer management of common open space and shall conform to the following requirements:

A. The Developer for the PUD shall be responsible for the maintenance of master drainage and open space areas, subject to the conditions set forth herein. All improvements including roads, master drainage facilities, storm sewers, etc. shall be completed and approved by Fernandina Beach before being transferred to any third party organization or dedicated to the City of Fernandina Beach, as applicable.

B. The Developer shall manage all common areas, recreational and open space and recreational facilities that are not otherwise dedicated to the public and that are within the property; and, shall provide for the maintenance, administration and operation of such portions of the PUD and any other lands located within the PUD that is not publicly or privately owned; and shall secure adequate liability insurance governing such areas owned or operated by such association or nonprofit corporation.

3. Storm Water Facilities:

A. The PUD shall be served by a storm water system, including detention ponds, which shall adhere to the applicable standards of the St. Johns River Water Management District, and shall be allowed to be constructed within the permitted wetlands of the PUD in general conformance with the Preliminary Development Plan. The storm water facilities and detention ponds shall be conveyed to the association and/or property owners association by deed and/or easement for maintenance and operation by the association and/or property owners association.

B. All St. Johns River Water Management and Fernandina Beach permits for storm water facilities shall be obtained by the Developer. The developer shall obtain an operating permit for these facilities before transferring them.

4. Residential Development Standards:

- A. Minimum Lot Requirements:
- | | |
|------------------------------|----------------------------|
| (a) Minimum lot width: | Fifty (50 feet |
| (b) Maximum height: | Forty five (45) feet |
| (d) Maximum impervious area: | Seventy five (75%) percent |

- B. Minimum Required Yard Setbacks:
 - (i) Front: Zero (0) feet; no maximum
 - (ii) Side yard: Zero (0) feet; no maximum
 - (iii) Rear yard: Zero (0) feet; no maximum

Commercial Development Standards:

- A. Minimum Lot Requirements:
 - (i) Minimum lot width: Fifty (50) feet
 - (ii) Maximum height: Forty five (45) feet
 - (iii) Maximum impervious area: Seventy five (75%) percent
- B. Minimum Required Yard Setbacks:
 - (i) Front: Zero (0) feet; no maximum
 - (ii) Side yard: Zero (0) feet; no maximum
 - (iii) Rear yard: Zero (0) feet; no maximum

The intent of the reduced yard requirements is to provide flexibility in locating structures. The maximum front yard setback is provided to ensure that primary structures are located in close proximity to the abutting street in order to provide for community continuity and to preserve wetlands.

5. Signage:

- 1. The PUD may have commercial and residential project identification signage at all external entrances to the PUD. External entrance project identification signs shall not exceed the requirements as defined in section 5.03.00 in the Fernandina Beach Land Development Code.
- 2. Each open area within the PUD shall also be entitled to identification signage. Open space area identification signage shall not exceed ten (10) square feet on each sign face.
- 3. The location of signage shall be delineated on the site plan submitted to the Development Review Committee for approval.
- 4. Traffic and street name signage may include aesthetic framing. However, any applicable FDOT/Fernandina Beach standards for sign face, elevations, etc. shall be maintained by the Developer and/or homeowners' association as appropriate.

6. Sidewalks, Street Lights and Walking Path:

- A. Sidewalks shall be provided in compliance with the Fernandina Beach Land Development Code.

B. Streetlights shall be provided along streets. The Developer shall submit a lighting plan, demonstrating the location of streetlights, with final engineering plans for approval by the Technical Review Committee.

7. Amenities:

Developer will dedicate and/or construct the following amenities:

- a. Buffers shown on the Preliminary Development Plan.
- b. Wetland and wetland buffer areas shown on the Preliminary Development Plan.
- c. Pedestrian Access as shown on the Preliminary Development Plan.
- d. Swimming pool and clubhouse as shown on the Preliminary Development Plan.

8. Construction Standards:

A. Except as specifically provided herein, all development in the PUD shall be in accordance with St. Johns River Water Management District and Fernandina Beach's subdivision and land development standards, and any applicable State standards, in effect at the time of submittal of the Final Development Plans and Plat of record and any applicable utility providers standards with respect to any water, sewer, or electrical utilities for the PUD served by the City of Fernandina Beach or any other utility provider.

B. All utilities shall be located underground.

C. Where there is a conflict between the St. Johns River Water Management District permitted standards, and, the City of Fernandina Beach's Land Development Code, the SJRWMD Permit shall control.

9. Wetland's and Wetland Buffers:

A. All wetlands within the PUD shall be protected in accordance the Preliminary Development Plan, and, with the applicable St. John's River Water Management District as allowed by the SJRWMD Permit.

B. The exact boundaries of wetlands and wetland buffers indicated on the PUD Preliminary Development Plan will be subject to a final determination on the final engineering plans consistent with the above requirement.

C. Detention Ponds shall be allowed in wetlands where shown on the Preliminary Development Plan.

D. Where there is a conflict between the St. Johns River Water Management District permitted standards, and, the City of Fernandina Beach's Land Development Code, the SJRWMD Permit shall control.

E. Wetlands that are not impacted will be placed in a unified managed conservation easement.

10. Temporary Uses:

A. The siting of temporary construction trailers shall be allowed on the PUD during construction. The temporary construction trailers must be removed within thirty (30) days of completion of the improvements, for which the temporary construction trailers are being utilized, provided the right to temporary construction trailers shall continue until build-out of the project.

The developer shall indicate with a note on any site plan submitted to the Technical Review Committee for approval of the location of said units.

B. The Developer, or its designated successor, assign or designee, will be required to maintain a copy of the approved Planned Unit Development Ordinance, including the Final Development Plan and PUD Conditions in any office located upon the PUD, which is available for inspection.

11. Alterations:

Changes in the location of the road(s), project entrances, storm water system improvements, and to the boundaries, size and configuration of lots and Recreation/Open Space areas, as depicted on the PUD Preliminary Development Plan to accommodate environmental, permitting and design factors, conditions and requirements of the Developer is allowed, so long as the change does not constitute a Major Amendment to the PUD, provided the integrity of the original application is maintained and provided the same shall be finalized by the Developer during final engineering plan approval for the applicable phase of development.

12. Ownership and Maintenance:

The PUD and all related uses/facilities associated therewith, including but not limited to, recreation areas, common area, detention ponds, stormwater facilities, utilities, signage, landscape, will be owned, maintained and or operated by the Developer.

i). Any areas associated with the development (i.e., recreation/open space areas, signage, landscape, storm water systems, etc.) will be managed by the Developer.

13. Access:

A. Access to and from the PUD will be provided as shown on the PUD Preliminary Development Plan.

B. The location of all external and internal project entrances, accesses and roadways may change based on environmental, permitting and design factors, conditions and requirements of the Developer, so long as the changes do not constitute a Major Amendment to the PUD. The

Developer will finalize the location of all external project entrances, accesses and roadways during the final engineering approval for the applicable phase of development. The Fernandina Beach Land Development Code will govern all applicable procedures for changes to the PUD.

C. Model home building permits will be issued upon installation of all necessary water mains and fire hydrants, and stabilization of all roadways internal to the development, and plat recording. Up to 10% of the total lots for each phase of the development may be issued as model lots; however, Certificates of Occupancy will not be issued for these models until all improvements for that phase are complete.

D. City owned vehicles shall be permitted access on privately owned roads, easements and common open spaces in order to perform basic City services such as fire and police protection, emergency service needs of PUD residents, and site inspection by Fire-Rescue, Community Development, Engineering and Code Enforcement departments to monitor adherence to City regulations and the conditions contained herein. If any road is gated, the gate shall automatically open in response to a “yelp” electronic siren.

E. All roads will be constructed to City standards and will be subject to traditional testing and inspections methods commonly performed by the City and described within the City Land Development Code.

Thank you in advance for your review of this application. Please let me know your comments at your earliest convenience.

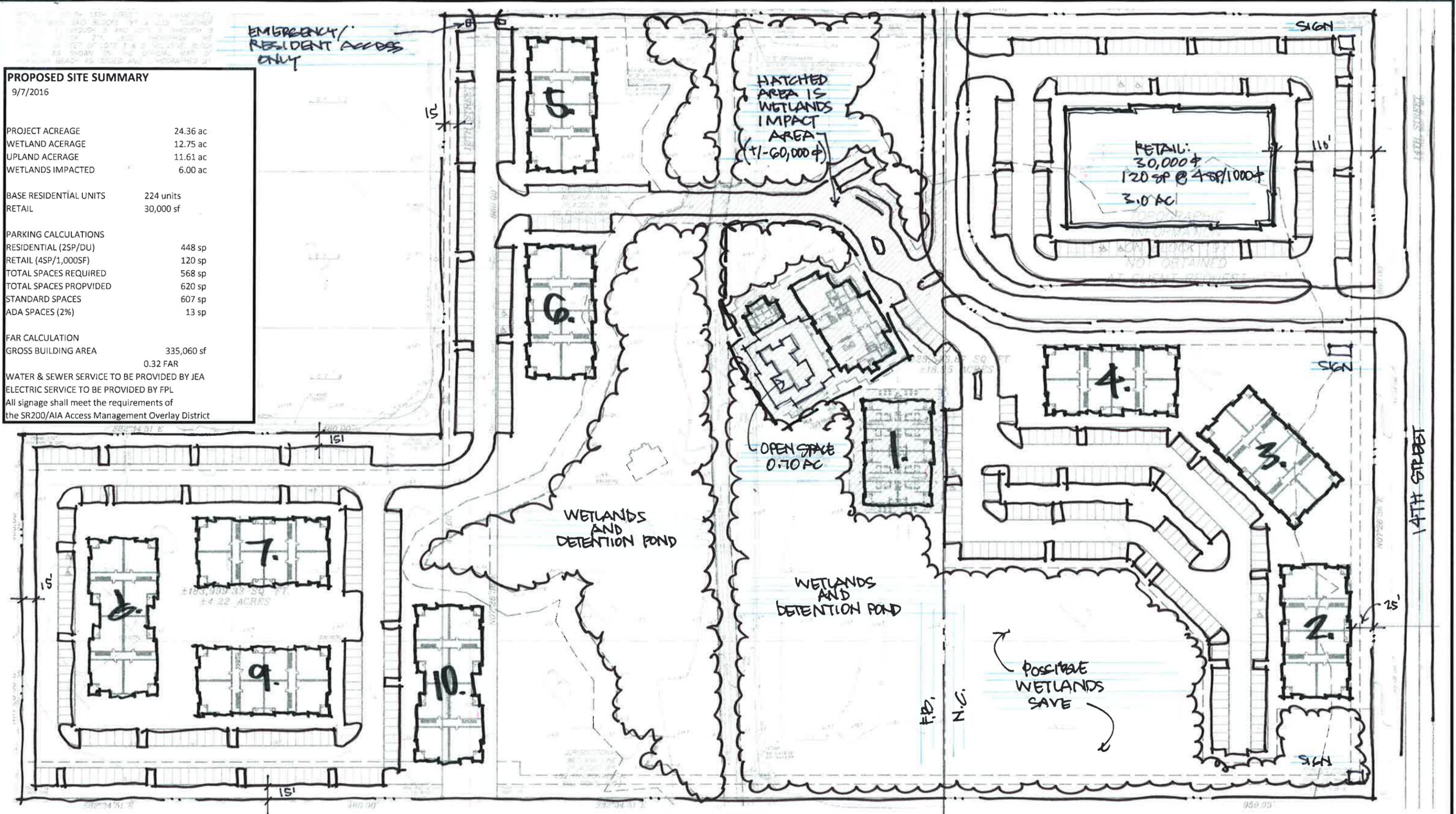
Respectfully;



Spurgeon Richardson
as Agent for FNB
904-583-2598

PROPOSED SITE SUMMARY
9/7/2016

PROJECT ACREAGE	24.36 ac
WETLAND ACERAGE	12.75 ac
UPLAND ACERAGE	11.61 ac
WETLANDS IMPACTED	6.00 ac
BASE RESIDENTIAL UNITS	224 units
RETAIL	30,000 sf
PARKING CALCULATIONS	
RESIDENTIAL (2SP/DU)	448 sp
RETAIL (4SP/1,000SF)	120 sp
TOTAL SPACES REQUIRED	568 sp
TOTAL SPACES PROVIDED	620 sp
STANDARD SPACES	607 sp
ADA SPACES (2%)	13 sp
FAR CALCULATION	
GROSS BUILDING AREA	335,060 sf
	0.32 FAR
WATER & SEWER SERVICE TO BE PROVIDED BY JEA	
ELECTRIC SERVICE TO BE PROVIDED BY FPL	
All signage shall meet the requirements of the SR200/AIA Access Management Overlay District	



PROJECT: 14TH and LIME
Fernandina Beach/Nassau County, FL
MESA
PROJ. NO. PR-1542
Property of Davis Architects, Inc. All Rights Reserved.

DAVIS ARCHITECTS
Atlanta - Birmingham

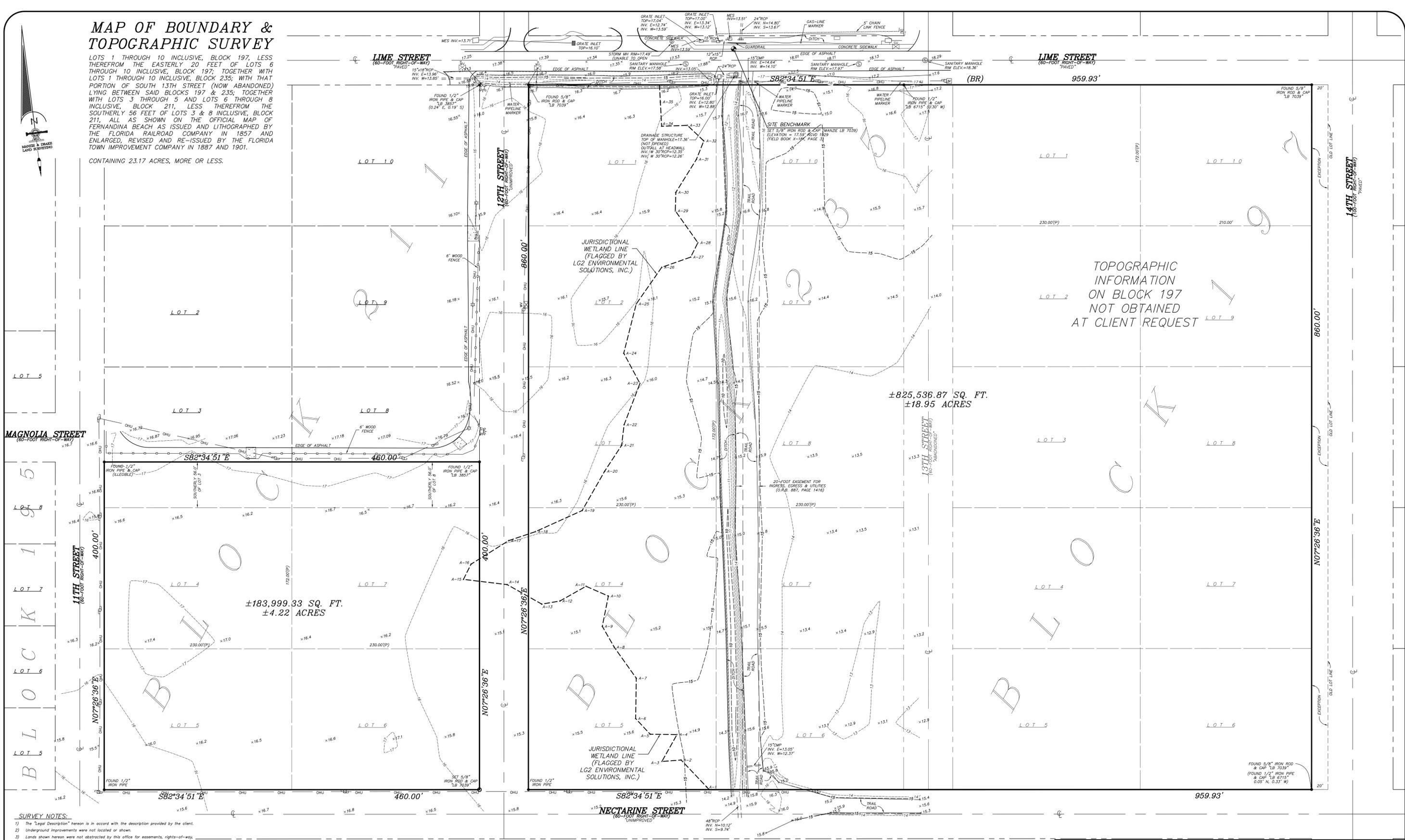
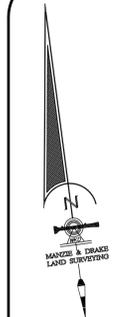
Feasibility Study
SCALE: 1" = 100'-0"
DATE: September 7, 2016

NUMBER:
FS1

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY

LOTS 1 THROUGH 10 INCLUSIVE, BLOCK 197, LESS THEREFROM THE EASTERLY 20 FEET OF LOTS 6 THROUGH 10 INCLUSIVE, BLOCK 197; TOGETHER WITH LOTS 1 THROUGH 10 INCLUSIVE, BLOCK 235; WITH THAT PORTION OF SOUTH 13TH STREET (NOW ABANDONED) LYING BETWEEN SAID BLOCKS 197 & 235; TOGETHER WITH LOTS 3 THROUGH 5 AND LOTS 6 THROUGH 8 INCLUSIVE, BLOCK 211, LESS THEREFROM THE SOUTHERLY 56 FEET OF LOTS 3 & 8 INCLUSIVE, BLOCK 211, ALL AS SHOWN ON THE OFFICIAL MAP OF FERNANDINA BEACH AS ISSUED AND LITHOGRAPHED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND RE-ISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901.

CONTAINING 23.17 ACRES, MORE OR LESS.

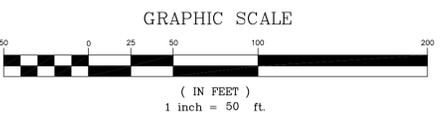


TOPOGRAPHIC INFORMATION ON BLOCK 197 NOT OBTAINED AT CLIENT REQUEST

±825,536.87 SQ. FT.
±18.95 ACRES

±183,999.33 SQ. FT.
±4.22 ACRES

- SURVEY NOTES:**
- The "Legal Description" hereon is in accord with the description provided by the client.
 - Underground improvements were not located or shown.
 - Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
 - Bearings shown hereon are based on an assumed bearing of S82°34'51"E for the southerly right-of-way line of Lime Street. The bearing reference line is indicated as thus (BR).
 - Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid.
 - The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 32089C-0239-15, Dated 12/12/2010. Flood zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.022, Florida Statutes.
 - Site Benchmark is as shown hereon.
 - Elevations shown hereon refer to National Geodetic Vertical Datum of 1929. (N.G.V.D. '29)
 - This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.



PREPARED FOR:
FIRST NATIONAL BANK SOUTH

- REVISIONS:**
- REVISED ON 05/07/2015 TO SHOW LOCATION OF FIELD LOCATED JURISDICTIONAL WETLAND LINE (WKL)
 - REVISED ON 05/12/2015 TO SHOW AREA & SQUARE FOOTAGE (WKL)

- LEGEND**
- = CABLE TELEVISION PEDESTAL
 - = CENTERLINE
 - = CONCRETE FLOWWORK
 - = CORRUGATED METAL PIPE
 - = SEWER CLEANOUT
 - = OVERHEAD UTILITY WIRES
 - = ELECTRICITY METER
 - = ELEVATION
 - = FIRE HYDRANT
 - = TELEPHONE PEDESTAL
 - = WATER METER
 - = WOOD FENCE
 - = WOOD POWER POLE
 - = CONCRETE POWER POLE
 - = 5/8" IRON ROD & CAP (LB 7039) SET

THE INFORMATION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

MANZIE & DRAKE LAND SURVEYING
117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 FAX (904) 491-5777
Certificate of Authorization Number "LB 7039"
"OUR SIGHTS ARE ON THE FUTURE."
"SET YOUR SITES ON US."

MANZIE & DRAKE
MICHAEL A. MANZIE, P.L.S. 4069
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SCALE: 1"=50' JOB NO: 15757 DATE: 4/22/2015 CADD: WKL
F.B. NO: X-181 PAGE NO: 73 FIELD CREW: GS FILE NO: C-659





CONCEPTUAL ELEVATION



August 14, 2014

Mr. Brian Hayden
Rumberger, Kirk & Caldwell
215 South Monroe Street, Suite 702
P.O. Box 10507
Tallahassee, FL 32302-2507

Sent via email: bhayden@rumberger.com

Re: Report of Wetland Verification, Delineation, and Assessment
UMAM for Nassau County parcel numbers: 00-00-31-1800-0197-0000, 00-00-31-1800-0211-0000, 00-00-31-1800-0235-0010, and 00-00-31-1800-0235-0040; and parcel 00-00-30-0800-0004-0000 (wetland delineation)
Fernandina Beach, Nassau County, Lime and South 14th Street Project Site

Dear Mr. Hayden:

AMEC Environment & Infrastructure, Inc. (AMEC) is pleased to provide this report of wetland verification, delineation, and assessment for the five parcels referenced above, located on the southwest corner of the intersection of Lime Street and South 14th Street, Fernandina Beach, Florida.

On August 6 through 8, 2014, AMEC scientists conducted the site assessment and documented observations with field notes, field forms, digital photographs, and use of a Trimble GPS unit. The attached report includes the methodology, results, figures, and digital photographs for that site assessment.

Thank you for giving AMEC the opportunity to provide ecological consulting services. If you have any questions, or require additional information, please do not hesitate to contact Joy Ryan.

Sincerely,

AMEC Environment & Infrastructure, Inc.

Joy Ryan
Professional Wetlands Scientist

William A. Tucker, PhD
Principal Scientist

Attachment: *AMEC Report of Verification, Delineation, and Assessment of Wetlands, Fernandina Beach Site located at the intersection of Lime Street and South 14th Street.*

cc: David Willis (Rumberger, Kirk and Caldwell)

Correspondence:
AMEC
404 SW 140th Terrace
Newberry, Florida
USA 32669-3000
Tel + 1 352 332 3318
Fax + 1 352 333 6622

1.0 Introduction

The Project Site (above referenced five parcels) is located at the intersection of Lime Street and South 14th Street (southwest corner) in Fernandina Beach, Nassau County, Florida (Figure 1, Location and Vicinity Map). The Project Site is undeveloped and densely wooded. The total area of the Project Site is approximately 35 acres.

The Client provided AMEC with a *Right of Entry Permit and License Agreement for Site Access*, which authorized AMEC to access the Project Site.

2.0 Methodology

2.1 Desktop Research Methods

Prior to initiating the field reconnaissance, AMEC scientists conducted a desktop study of readily available information for the Project Site. Information reviewed for the Project Site included U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) data; topographic data; Natural Resources and Conservation Service (NRCS) soil survey data; USFWS Wood Stork Core Foraging Habitat database; Florida Fish and Wildlife Conservation Commission (FWC) Bald Eagle Nest Locator data; and the *Wetland & Natural Resources Assessment, 14th & Lime Property, Fernandina Beach, Florida* Report (dated January 24, 2014), which was provided to AMEC by the Client.

AMEC Geographic Information System (GIS) personnel determined the size of the five Project Site parcels using current aerial photography, parcel lines from the Nassau County Property Appraiser (NCPA), and ArcGIS software; comparing the calculated acreage to the acreage information on the NCPA website for each parcel.

AMEC obtained a 1943 historic aerial photography of the Project Site from the University of Florida Map and Imagery Library. The aerial photograph represented the historic land use of the Project Site prior to construction of the mosquito ditch. The project site was geo-referenced onto the historic aerial photograph. AMEC personnel reviewed the historic photograph and estimated historic wetland area based on photo-interpretation and soils.

2.2 Field Reconnaissance Methods

AMEC scientists field-located the current drainage pathways of the mosquito control ditch located within the Project Site, and identified other potential hydrologic connections within the Project Site. Culverts identified in the field were marked using the hand held (sub-meter accuracy) Trimble brand GPS unit.

To the extent possible, AMEC scientists field-located/evaluated hydrologic connections to and from the Project Site; and the route of water received by and discharged from the Project Site (including stormwater). AMEC conducted this effort via pedestrian and vehicular survey. Limitations to this evaluation included: groundwater connections could not be observed, or water route was inaccessible due to location on private property. AMEC did not conduct a watershed analysis.

The wetland verification and wetland delineation within the Project Site was conducted in general accordance with the FDEP method: "Delineation of the Landward Extent of Wetlands and Surface Waters" (Chapter 62-340), which considers three criteria related to the wetland community: vegetation, hydrology, and soils. AMEC checked wetland delineation previously staked by LG2. If AMEC scientists agreed with the placement of the wetland flag, the flag location was marked in the field with the GPS unit (sub-meter accuracy). If AMEC professional scientists disagreed with the flag placement, the scientists marked a new location using the GPS unit. For wetland delineation in the parcel not included in LG2 survey, (parcel number 00-00-30-0800-0004-0000), AMEC scientists

determined the wetland delineation line using the FDEP wetland delineation method and marked the edge of the wetland in the field using the GPS unit, placed a labeled flag at each point location and connected the points to identify the wetland delineation line. AMEC personnel documented verification and delineation field observations using field forms and/or field notes, and with digital photographs (Appendix A).

AMEC professional scientists used the wetland assessment tool, UMAM, to assess the functional value of wetlands within the Project Site. The UMAM considers Location, Hydrology, and Community Structure for the wetland assessment. AMEC used UMAM forms to document the wetland function "scores." For purposes of the UMAM, AMEC divided the Project Site into two areas: the northern wetland area and the southern parcel wetland area.

AMEC prepared this written report based on desktop research and field observations made during the field assessment conducted on August 6, 7 and 8, 2014 at the Project Site.

3.0 Results

3.1 Results of Desktop Research

Below are the results of the review of readily available information for the Project Site.

3.1.1 National Wetland Inventory Data

The USFWS NWI data (USFWS 2014) identified one freshwater wetland community type within the Project Site: Freshwater Forested/Shrub Wetland (19.2 acres). Surface water (Freshwater Pond) representing the stormwater pond in the southern area of the Project Site was also identified within the Project Site (0.55 acres) (Figure 2, NWI Map).

3.1.2 Topography

Elevation within the Project Site is generally level, estimated at five feet above mean sea level (msl) (USGS via ESRI 2014) (Figure 3, Topographic Map). Elevation is slightly higher to the east (offsite) at 6 feet msl, and gradually decreases as the land approaches the Atlantic Ocean. According to the USGS, the elevation to the west of the site is also at five feet msl, and decreases as it approaches the Amelia River.

3.1.3 Soils

The NRCS Web Soil Survey database (NRCS 2013), identified three primary mapped soil types within the Project Site:

- Evergreen-Leon mucks, depressional (hydric soil)
- Kingsferry fine sand (hydric soil), and
- Leon fine sand (non-hydric soil).

Evergreen and Leon soils are reportedly a mucky soil, very poorly drained, depth to the water table of 0 inches, and water ponding is frequent. These soils are typically found in depressions on marine terraces landforms. This hydric soil is a non-saline soil (NRCS 2013). NRCS mapped Evergreen-Leon muck complex, depressional as the dominant soil type in the northeast and southeast area of the Project Site (NRCS 2013); acreage within the Project Site is 19.3 acres (Figure 4, Soil Map).

NRCS reports the characteristics of Kingsferry fine sand: very poorly drained fine sand soil, depth to water table is approximately 0 inches, and there is no frequency of water ponding or flooding. This soil type is reportedly found on the landform: flats on marine terraces. This hydric soil is a non-saline soil. North Florida Flatwoods is an ecological community often associated with Kingsferry fine sand in Nassau County. (NRCS 2013) NRCS mapped Kingsferry fine sand along the western and southern boundary of the Evergreen-Leon mucks, depressional soil (NRCS 2013); acreage within the Project Site is 7.3 acres (Figure 4).

According to NRCS, Leon fine sand is a poorly drained soil, depth to water table ranges from six to 18 inches, and there is no frequency of water ponding or flooding. This soil is reportedly found on the landform: flatwoods on marine terraces. This non-hydric soil is a non-saline soil, and is often associated with the North Florida Flatwoods ecological community. (NRCS 2013) Generally, the NRCS-mapped locations of Leon fine sand correspond to upland areas observed within the Project Site (Figure 4). The acreage of Leon fine sand within the Project Site is 7.4 acres.

The Project Site includes two other mapped soil types: Arents, nearly level; and Echaw fine sand (NRCS 2013). The area for each soil type is small, 0.33 and 0.14 acres each, respectively. These soils are present in fringe areas of the eastern edge of the Project Site (Figure 4).

3.1.4 Wood Stork Core Foraging Area

The federally threatened wood stork (*Mycteria americana*) is protected under the under the Endangered Species Act of 1973, as amended and the Migratory Bird Treaty Act (MBTA). The Project Site is within the designated north Florida and “other states” foraging buffer radius (13 miles) for Core Foraging Area (CFA) for at least two or more colonies of the federally threatened species, wood stork (Tsai, Jo-Szu et al. 2011 and USFWS 2014). Two colonies are located in southeast Georgia, and one or more colonies are located in northern Duval County. Utilizing the U.S. Army Corps of Engineers (USACE), USFWS Jacksonville Ecological Services Field Office *Effect Determination Key for the Wood Stork in Central and North Peninsular Florida* (USFWS 2008), it appears development of the Project Site “may affect” the wood stork. Planning how to best avoid, minimize, or compensate for identified adverse effects will likely be necessary. A consultation with the USFWS Jacksonville Services Ecological Field Office may be necessary.

3.1.5 Bald Eagle Nest Locator

The bald eagle (*Haliaeetus leucocephalus*) is protected by the Bald and Golden Eagle Protection Act (BGEPA), and the MBTA. A review of the FWC bald eagle nest locator website revealed there are two nests near Fernandina Beach (FWC 2014):

- Nest NA003 was active in 2013, and is located in Nassau County approximately 2.8 miles southwest of the Project Site.
- Nest NA002 was active in 2013, is also located in Nassau County approximately 4.7 miles northwest of the Project Site.

These nests are located beyond the required 660-foot eagle nest buffer, and activity within the Project Site would not require a bald eagle permit from FWC. However, in the event a bald eagle nest is encountered within the Project Site, the guidance regarding the bald eagle should be reviewed, as a permit from FWC may be required.

3.1.6 Other Available Reports

The report for the Project Site prepared by LG2 was reviewed by AMEC. Note: the LG2 report included the most northern parcels (4) within the currently identified Project Site. A brief summary of the conclusion of the report prepared by LG2 for Gillette & Associates: *Wetland & Natural Resources Assessment, 14th & Lime Property, Fernandina Beach, Florida* Report (January 24, 2014) is provided in this section. The conclusion of the report includes this statement, “a site visit was conducted to evaluate all natural resources on-site and the quality of the site ecologically.” The assessment conducted by LG2 did not reveal use of the site by sensitive species, but did identify “13.3 acres of SJRWMD/USACE jurisdictional wetlands.” The functional value of the wetland was reported by LG2 as low due to the “wetlands location, isolated nature, and unnaturally excessive hydrology.”

3.1.7 Acreage Calculation

The acreage reported by the Nassau County Property Appraiser (NCPA) for each parcel within the Project Site was compared to the acreage determined by AMEC using the NCPA parcel boundary lines and ArcGIS software; this comparison is reflected in Table 1.

Table 1. Project Site Acreage Reported by NCPA and Calculated by AMEC

Nassau Co. Parcel #	NCPA Acreage	Calculated Acreage Using ArcGIS	Difference in Acreage ^(a)
00-00-31-1800-0197-0000	9.28	9.26	0.02
00-00-31-1800-0211-0000	4.34	4.23	0.11
00-00-31-1800-0235-0010	2.72	2.72	0
00-00-31-1800-0235-0040	6.93	6.93	0
00-00-30-0800-0004-0000	11.22	11.37	-0.15

Source: Nassau County PA 2014; AMEC 2014

Prepared by: JMR

Checked by: SEM

(a) Positive number indicates NCPA acreage is greater than calculated acreage (using ArcGIS); negative number indicates calculated acreage is greater than NCPA acreage

3.1.8 Historic Aerial Photograph

AMEC obtained historic aerial photography (1943) of the Project Site from the University of Florida Map and Imagery Library (UF 1943) (Figure 6, Historic Aerial Photograph); the photograph was taken prior to the construction/installation of the existing mosquito ditch present on the Project Site. The Project Site is geo-referenced on the historic aerial photograph. Based on a review and interpretation of the black and white historic aerial photograph, it appears that historic wetland within the area of the current Project Site was a contiguous wetland. The contiguous historic wetland “appears” in all five parcels of the current Project Site (Figure 6). It is the opinion of AMEC that the historic wetland community was a freshwater marsh based on location, elevation, and mapped soil types within the area (higher elevation to the east of the Project Site).

Based on the historic aerial photograph, the acreage of the historic wetland is estimated as approximately 38 acres, of which approximately 23 acres is estimated as within the current Project Site boundary. Note: These acreage values of the historic wetland are estimated based on photo-interpretation of a black and white historic aerial photograph and are not as precise as might be expected with photo-interpretation of current color aerial photographs with better photographic quality. Another approach to estimate the historic wetland area is to use the mapped hydric soils as an indicator of potential historic wetlands; using this approach the historic wetland acreage within the Project Site is estimated as 27 acres (see Figure 4) (extent of Kingsferry fine sand and Evergreen-Leon mucks, depressional).

3.2 Results of Field Reconnaissance

Using the labeled wetland flagging tape placed in the most northern 4 parcels by LG2 during their field effort conducted December 31, 2013 and January 22, 2014; AMEC scientists reviewed the wetland points and generally concurred with the wetland flag locations determined by LG2 with one exception discussed below (Figure 7, Delineated Wetlands).

3.2.1 Northern Parcel Area

For purposes of this report, the Northern Parcel Area will refer to the three parcels located in the north central and northeast area of the Project Site (Nassau County parcel numbers 00-00-31-1800-0197-0000, 00-00-31-1800-0235-0010, and 00-00-31-1800-0235-0040) (Figure 5). The wetland areas in these three parcels were previously delineated by LG2 (see Section 4.1.4). Based on the site assessment conducted by AMEC in August 2014, AMEC concurred with the placement of wetland flags/points by LG2 with one exception. AMEC identified five additional wetland points, which slightly extended the wetland area to the southwest into the western parcel (Nassau County parcel number 00-00-31-1800-0211-0000), which is just south of the apartment complex on Lime Street. This increase in wetland acreage was negligible, estimated as an increase of less than a tenth of an acre. Since this wetland is contiguous, this small wetland area will be included in the discussion of wetlands in the Northern Parcel Area. Approximately 12.5 acres of wetlands were delineated in the Northern Parcel Area of the Project Site (Figure 7).

Non-natural features observed in the Northern Parcel Area included the mosquito ditch, adjacent berm road, and culverts. The north-south oriented mosquito ditch and berm road bisects the Northern Parcel Area. Spoil material (presumably from the creation of the mosquito ditch) was observed intermittently on the eastern edge of the north central parcel next to the mosquito ditch. The Northern Parcel Area is bounded by Lime Street to the north; South 14th Street to the east; the utility Right-of-Way (ROW) to the south; and an apartment complex and the western parcel to the west. A pair of culverts under the ROW berm road allows the mosquito ditch to continue to the south beyond the Northern Parcel Area. Water flow within the mosquito ditch was to the south, and sometimes appeared stagnant.

Northern Parcel Area – West of the Mosquito Ditch

In the area west of the mosquito ditch, AMEC scientists observed standing water on occasion, and other wetland indicators in various locations within the wetland of the western portion of the Northern Parcel Area including:

- Saturated soils within the upper six inches of the soil surface,
- Morphological plant adaptations,
- Hummocks,
- Low watermarks on trees (two to three inches high),
- Vegetation consistent with a wetland was predominant: Facultative Wetland (FACW)¹ plants including red maple (*Acer rubrum*), laurel oak (*Quercus laurifolia*), and cinnamon fern (*Osmunda cinnamomea*); and Obligate (OBL)² wetland plants: sweet bay (*Magnolia virginiana*), swamp bay (*Persea palustris*), dahoon holly (*Ilex cassine*), netted chainfern (*Woodwardia areolata*), and royal fern (*Osmunda regalis*).

The vegetative community was generally consistent with a Mixed Wetland Hardwood and Wetland Forested Mixed (FLUCCS codes 617 and 630, respectively).³ Mature upland tree species, slash pine (*Pinus elliottii*) and loblolly pine (*Pinus taeda*) were observed in this area growing on hummocks; pine recruitment was also evident. However, the wetland area was primarily a hardwood community. The diversity of wetland vegetation in the northwest parcel was moderate; red maple was typically the dominant species observed. As a FACW plant, red maple is adapted to wet sites and to well drained but moist soils of upland sites (NRCS 2002). Red maple is one of the most abundant and widespread trees in eastern North America.

Northern Parcel Area – East of the Mosquito Ditch

Based on the site assessment conducted by AMEC in August 2014, the Northern Parcel Area to the east of the mosquito ditch and berm road was inundated in the majority of the wetland area, estimated depth of two to eight inches of water. Other wetland indicators in various locations within the wetlands within the western portion of the Northern Parcel Area including:

- If not inundated, soils were typically saturated within the upper six inches of the soil surface,
- Morphological plant adaptations,
- Hummocks,
- A diversity of vegetation consistent with a wetland was predominant. The FACW species, loblolly bay (*Gordonia lasianthes*) or red maple was dominant in the tree stratum. Many of the same species observed on the west side wetland area of the Northern Parcel Area were observed, but other species of note included: mature dahoon holly, musclewood tree (*Carpinus caroliniana*) (FACW) and devil's walking stick (*Aralia spinosa*) (upland).

The aquatic plant duckweed (*Lemna* sp.) was the dominant species observed floating on the water in this wetland area. Duckweed was sometimes observed above the water level on tree trunks and

¹ FACW, Facultative Wetland: Plants under natural conditions typically exhibit maximum cover in areas subject to surface water inundation and/or soil saturation, but can also be found in an upland environment (Chapter 62-340, F.A. C.).

² OBL, Obligate: Plants under natural conditions are only found or achieve greatest abundance in an area that is subject to surface water inundation and/or soil saturation (Chapter 62-340, F.A. C.).

³ FLUCCS (Florida Land Use Cover and Classification System) classifies vegetation and land cover types (FDOT 1999).

downed wood, indicating the water level had recently been higher. Plant species observed in the Northern Parcel Area are reflected in Table 2.

Wildlife species observed in the Northern Parcel Area included Northern cardinal (*Cardinalis cardinalis*), warbler (unknown species), red-bellied woodpecker (*Melanerpes carolinus*), downy woodpecker (*Picoides pubescens*), green heron (*Butorides virescens*), Southern leopard frog (*Rana pipiens*), and bullfrog (*Rana catesbeiana*). Raccoon (*Procyon lotor*) tracks were observed on the ROW berm road between the northern and southern parcels.

The delineated wetland in the northern parcel area meets the criteria for a wetland (presence of hydric soils, hydrophytic vegetation, and hydrology).

3.2.2 Western Parcel Area

The Western Parcel Area includes one Nassau County parcel: 00-00-31-1800-0211-0000 (Figure 5). An apartment complex bounds the Western Parcel Area to the north; the Northern Parcel Area bounds it to the east; the utility ROW to the south; and a rural residential area to the west.

The majority of the Western Parcel Area is upland, with just a small area of wetland that is part of the wetland described above in Section 4.2.1. The co-dominant species observed in this area of the Project Site included the upland species: loblolly pine and saw palmetto (*Serenoa repens*). Soil in the western two-thirds of the western parcel is mapped as Leon fine sand (Figure 4), the North Florida Flatwoods community is often found on Leon fine sand (NRCS 2013). The *26 Ecological Communities of Florida* (USDA SCS 1984) indicate water movement is very gradual to natural drainageways, marshes, and ponds associated with the North Florida Flatwoods community, and that slash pine (FACW) is the typical pine species observed. Water was not observed in this area, and soils were dry, which is potentially the reason the loblolly pine, an upland pine species, was the dominant species observed in the tree stratum. Additionally, a North Florida Flatwoods community has a moderate to dense stand of pine trees, with the understory often dominated by saw palmetto; herbaceous plants and vines are frequently present (USDA SCS 1989). These characteristics are consistent with the Western Parcel Area of the Project Site although in addition to the presence of saw palmetto, the understory of this area was not open like a flatwoods community due to the dense vines observed throughout this area: blackberry (*Rubus* sp.) and grape vine (*Vitis* sp.). Plant species observed in the Western Parcel Area are reflected in Table 2.

The only wildlife species observed in the Western Parcel Area was the red-bellied woodpecker.

With the exception of the small wetland area that connects to the wetland in the Northern Parcel Area (Figure 7), the wetland criteria were not met for the Western Parcel Area.

3.2.3 Southern Parcel Area

The Southern Parcel Area includes Nassau County parcel number 00-00-30-0800-0004-0000. The wetland area in this parcel was not previously delineated by LG2; AMEC delineated the wetland during the August 2014 site visit (Figure 7). Based on the 1943 aerial photograph (Figure 6), it appears the Northern Parcel Area and Southern Parcel Area were once a contiguous wetland. The installation of the east-west oriented utility ROW berm road bisected this historic wetland connection. The Southern Parcel Area is bounded to the north by the utility ROW berm road; to the east by the parking area for several medical and/or office buildings (located on South 14th Street); to the south by an undeveloped forested area; and to the west by an undeveloped forested area.

Non-natural features observed in the Southern Parcel Area included a stormwater pond, fenced-in cell tower and associated infrastructure, and a spillway. The mosquito ditch and adjacent berm road continue uninterrupted to the south within the Southern Parcel Area. AMEC scientists delineated a wetland area to the north of the stormwater pond, and the area to the south of the stormwater pond was upland.

At the time of the site visit conducted by AMEC, water was present within the stormwater pond and aquatic vegetation observed in the pond included fragrant water lily (*Nymphaea odorata*), cattail (*Typha* sp.), and Category 1 exotic, invasive species, torpedograss (*Panicum repens*).⁴ The area where the cell tower is located is “built up” in that it appears soil or fill was deposited and leveled to ensure the cell tower was placed above surrounding area water levels. AMEC personnel observed a wood retaining wall, in fair to good condition, on the north side of the cell tower, and standing water was noted at the base of this retaining wall. The south side of the cell tower area is adjacent to the stormwater pond and a concrete retaining wall was observed on this side of the cell tower area. A large (estimate 20 feet wide, 25 feet long) concrete spillway was observed on the east side of the cell tower area connected to the retaining wall (Figure 5). Although the spillway was dry at the time of the site visit conducted by AMEC, it was evident the spillway is used when the water level in the stormwater pond exceeds the top of bank, and this overflow from the stormwater pond feeds into the wetland area of the Southern Parcel Area (discussed below). Fragrant water lily was observed in the southern parcel wetland, a likely indicator that overflow water from the stormwater pond enters the wetland, as this lily species was not observed in other areas of the Project Site.

Based on the site assessment conducted by AMEC in August 2014, the Southern Parcel Area to the east of the mosquito ditch and berm road were inundated in the majority of the wetland area, estimated depth of two to eight inches of water. AMEC personnel delineated approximately seven acres of wetlands in the Southern Parcel Area (Figure 7). Other wetland indicators in various locations within this western portion of the northern parcel wetland including:

- Morphological plant adaptations, and
- Hummocks.

A diversity of vegetation consistent with a wetland was predominant. Similar species as observed in the Northern Parcel Area wetlands were observed, but other species of note included: American elm (*Ulmus americana*), more buttonbush (*Cephalanthus occidentalis*), and sawgrass (*Cladium jamaicense*).

Duckweed was observed less frequently in the Southern Parcel Area wetland than the Northern Parcel Area wetlands. Plant species observed in the southern parcel are reflected in Table 2.

Wildlife species observed in the Southern Parcel Area were limited to the Southern leopard frog and bullfrog.

The delineated wetland in the Southern Parcel Area meets the criteria for a wetland (presence of hydric soils, hydrophytic vegetation, and hydrology).

NOTE: *The wetland boundary determined by AMEC is not jurisdictional and should not be used for detailed planning; jurisdictional concurrence from regulatory agencies was not obtained.*

3.3 Functional Wetland Values based on the Uniform Mitigation Assessment Method

AMEC conducted a current condition wetland functional assessment for wetlands on the Project Site based on the FDEP Uniform Mitigation Assessment Method (UMAM) (Chapter 62-345, F.A. C.). The UMAM was established to determine the amount of mitigation needed to offset adverse impacts to wetlands and other surface waters, and to award or deduct mitigation bank credits, based on three indicators:

- Location and Landscape Support
- Water Environment
- Community Structure

⁴ Exotic invasive plant species are characterized by the Florida Exotic Pest Plant Council (FLEPPC), website: <http://www.fleppc.org/>. A Category 1 invasive exotic species is defined as altering the native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with native species.

Table 2. Plants Identified during the Site Assessment Conducted August 6-8, 2014, Fernandina Beach Site, Lime and South 14th, Fernandina Beach, Nassau County, Florida (page 1 of 2)

Scientific Name	Common Name	Stratum (a)	Wetland Status (b)	FLEPPC Category (c)	Northern Parcel	Western Parcel	Southern Parcel
<i>Acer rubrum</i>	red maple	T, Sh	FACW		✓		✓
<i>Aralia spinosa</i>	devils walking stick	T/Sh	NL		✓		
<i>Baccharis halimifolia</i>	saltbush	Sh	FAC		✓		
<i>Bidens pilosa</i>	beggartick	H	FAC		✓		
<i>Carex</i> sp.	sedge	H	OBL,FACW		✓		✓
<i>Carpinus caroliniana</i>	musclewood	T	FACW		✓		
<i>Celtis laevigata</i>	common hackberry	T/Sh	FACW		✓		
<i>Cephalanthus occidentalis</i>	buttonbush	Sh	OBL		✓		✓
<i>Cinnamomum camphora</i>	camphor tree	T	NL	I	✓		
<i>Cladium jamaicense</i>	Jamaica swamp sawgrass	H	OBL		✓		✓
<i>Dioscorea bulbifera</i>	air potato	Vine	NL	I	✓		
<i>Diospyros virginiana</i>	common persimmon	T, Sh	FAC		✓		
<i>Gordonia lasianthus</i>	loblolly bay	T	FACW		✓		✓
<i>Hydrocotyle</i> sp.	pennywort	H	FACW, OBL		✓		
<i>Ilex cassine</i>	dahoon holly	T/Sh	OBL		✓		✓
<i>Ilex opaca</i>	American holly	T/Sh	FAC		✓		✓
<i>Ilex vomitoria</i>	yaupon holly	Sh	FAC		✓		✓
<i>Juncus effusus</i>	soft rush/common rush	H	OBL		✓		
<i>Juniperus virginiana</i>	Eastern red cedar	Sh	NL		✓		✓
<i>Lachnanthes caroliniana</i>	redroot	H	FAC		✓		
<i>Lemna</i> sp.	duckweed	H	NL		✓		✓
<i>Ludwigia octovalvis</i>	Mexican primrose	H	OBL		✓		
<i>Ludwigia peruviana</i>	Peruvian primrose-willow	H	OBL	I	✓		
<i>Lyonia lucida</i>	fetterbush	Sh	FACW		✓		
<i>Magnolia grandiflora</i>	Southern magnolia	T	NL		✓		
<i>Magnolia virginiana</i>	sweetbay	T	OBL		✓		✓
<i>Myrica cerifera</i>	wax myrtle	T, Sh	FAC		✓		✓
<i>Nymphaea odorata</i>	fragrant water lily	H	OBL				✓
<i>Nyssa sylvatica</i> var. <i>biflora</i>	swamp tupelo	T	OBL		✓		✓
<i>Osmunda cinnamomea</i>	cinnamon fern	H	FACW		✓	✓	✓
<i>Osmunda regalis</i>	royal fern	H	OBL		✓		✓
<i>Panicum hemitomon</i>	maidencane	H	OBL				✓
<i>Panicum repens</i>	torpedograss	H	FACW	I			✓
<i>Parthenocissus quinquefolia</i>	Virginia creeper	Vine	NL		✓		
<i>Persea borbonia</i>	redbay	T	NL		✓		
<i>Persea palustris</i>	swamp bay	T	OBL		✓		✓

Table 2. Plants Identified during the Site Assessment Conducted August 6-8, 2014, Fernandina Beach Site, Lime and South 14th, Fernandina Beach, Nassau County, Florida (page 2 of 2)

Scientific Name	Common Name	Stratum (a)	Wetland Status (b)	FLEPPC Category (c)	Northern Parcel	Western Parcel	Southern Parcel
<i>Phyla nodiflora</i>	turkey tangle fogfruit	H	FAC		✓		
<i>Physalis sp.</i>	groundcherry	H	NL		✓		
<i>Phytolacca americana</i>	American pokeweed	Sh	NL		✓		
<i>Pinus elliotii</i>	slash pine	T	NL		✓		✓
<i>Pinus taeda</i>	loblolly pine	T	NL		✓	✓	✓
<i>Pluchea odorata</i>	marsh fleabane	H	FACW		✓		
<i>Polygonum sp.</i>	smartweed/knotweed	H	FAC, FACU, OBL		✓		
<i>Prunus serotina</i>	black cherry	T/Sh	NL		✓		
<i>Quercus laurifolia</i>	laurel oak	T	FACW		✓		✓
<i>Quercus nigra</i>	water oak	T	FACW		✓		✓
<i>Quercus virginiana</i>	live oak	T	NL		✓		
<i>Rhus copallinum</i>	winged sumac	Sh	NL		✓		
<i>Rubus sp.</i>	blackberry	Sh/Vine	FAC		✓	✓	
<i>Salix caroliniana</i>	Carolina willow	T, Sh	OBL		✓		✓
<i>Sambucus canadensis/nigra</i>	elderberry	Sh	FACW		✓		✓
<i>Saururus cernuus</i>	lizard's tail	H	OBL		✓		✓
<i>Serenoa repens</i>	saw palmetto	Sh	NL		✓		✓
<i>Smilax sp.</i>	greenbrier	H, vine	NL		✓	✓	
<i>Toxicodendron radicans</i>	poison ivy	H, vine	NL		✓		✓
<i>Triadica sebifera</i>	Chinese tallow	T	NL	I	✓		
<i>Typha sp.</i>	cattail	H	OBL		✓		✓
<i>Ulmus americana</i>	American elm	T	FACW		✓		✓
<i>Vaccinium sp.</i>	blueberry	Sh	FAC, FACW		✓		
<i>Vitis rotundifolia</i>	wild grape/muscadine	Sh, vine	NL		✓	✓	
<i>Woodwardia areolata</i>	netted chainfern	H	OBL		✓		✓
<i>Woodwardia virginica</i>	Virginia chainfern	H	FACW		✓		

Source: AMEC, 2014

Prepared by: JMR

Checked by: JJS & RJM

Note:

(a) Stratum: T=Tree; Sh=Shrub; H=Herb

(b) FDEP National Wetland Plant List:

- OBL = Obligate Wetland Plant (occur almost always in wetlands)
- FACW = Facultative Wetland Plant (usually occur in wetlands)
- FAC = Facultative Plant (similar likelihood to occur in wetlands and non-wetlands)
- FACU = Facultative Upland Plant (occur most often in non-wetlands)
- NL = Not Listed (FDEP does not list exotic invasive plants, vines, or many upland plant species)

(c) Florida Exotic Pest Plant Council (FLEPPC, 2013) Ranking:

CATEGORY I = Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives.

CATEGORY II = Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species.

A variety of observations are taken into account for each indicator dependent upon what would be suitable for the type of wetland assessed. A number score is determined for each indicator (from 1 to 10); and then a total score for the assessment area is calculated. A guideline for scoring criteria that is considered for each observation is identified below:

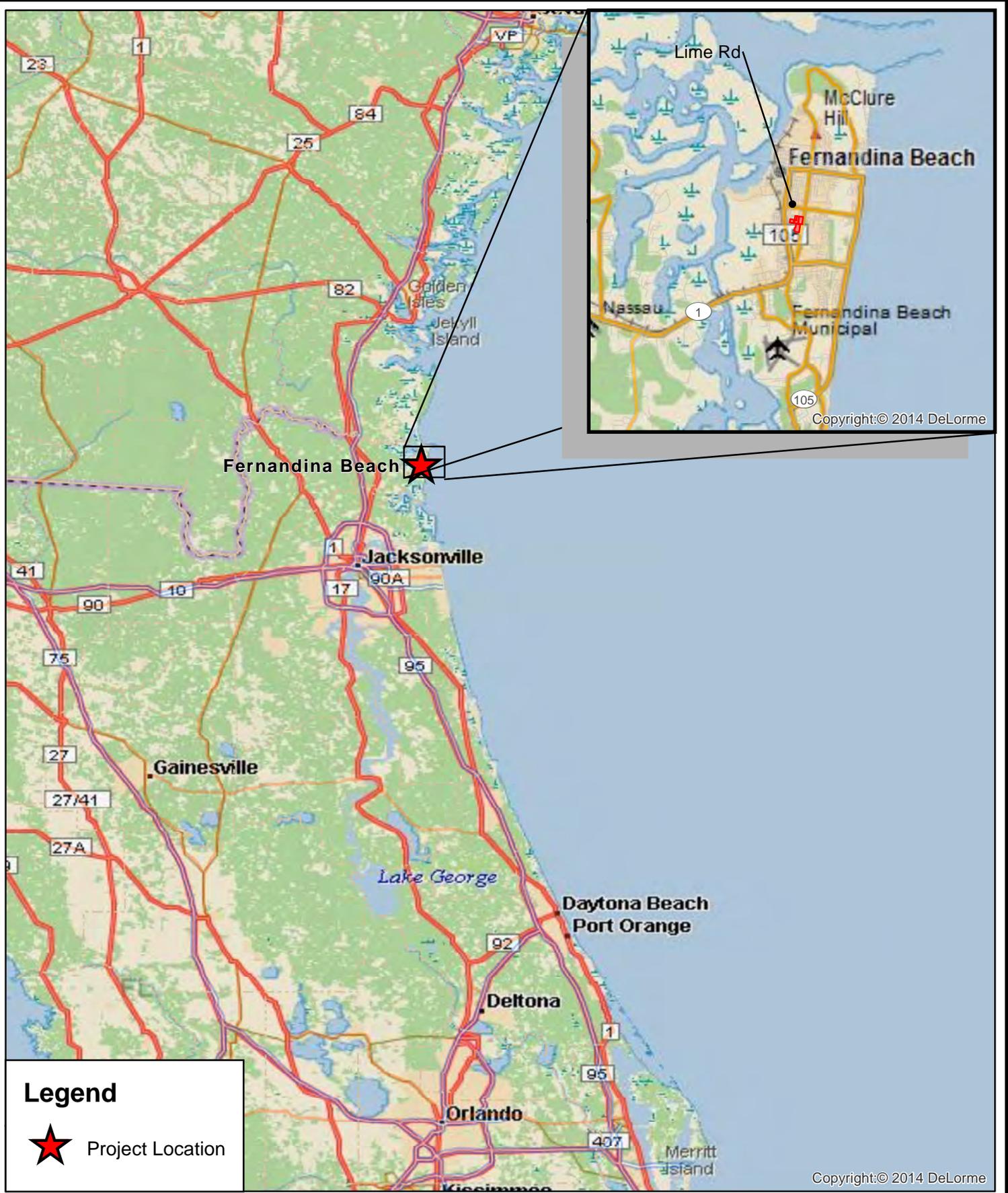
- Optimal (10): Condition is optimal and fully supports wetlands/surface water functions.
- Moderate (7): Condition is less than optimal, but sufficient to maintain most wetland/surface water functions.
- Minimal (4): Minimal level of support of wetland/surface water functions.
- Not Present (0): Condition is insufficient to provide wetland/surface water functions.

Based on the site conditions observed during the site assessment conducted in August 2014, and utilizing the UMAM approach, the total UMAM score for each wetland (Northern Parcel wetland and Southern Parcel wetland) is 6 indicating that the current conditions are providing between minimal and moderate support for the wetland functions.

4.0 References

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Figures



Legend

 Project Location

Copyright: © 2014 DeLorme

Source: ESRI 2012; NRCS, 2013

Rumberger - Fernandina Beach Site

Location & Vicinity Map

Drawn	Date
DLA	07/25/2013
Checked	Date
TSK	07/25/2013



Gainesville, FL
Project # 6063-14-0239

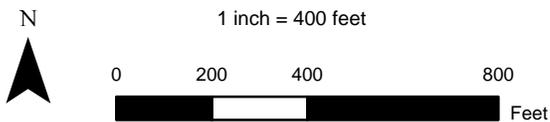
Figure 1





Note: Acreage calculations reflect area within the Project Site.

Source: ESRI 2011 (aerial);
 NWI, 2012; AMEC, 2014



Rumberger - Fernandina Beach Site

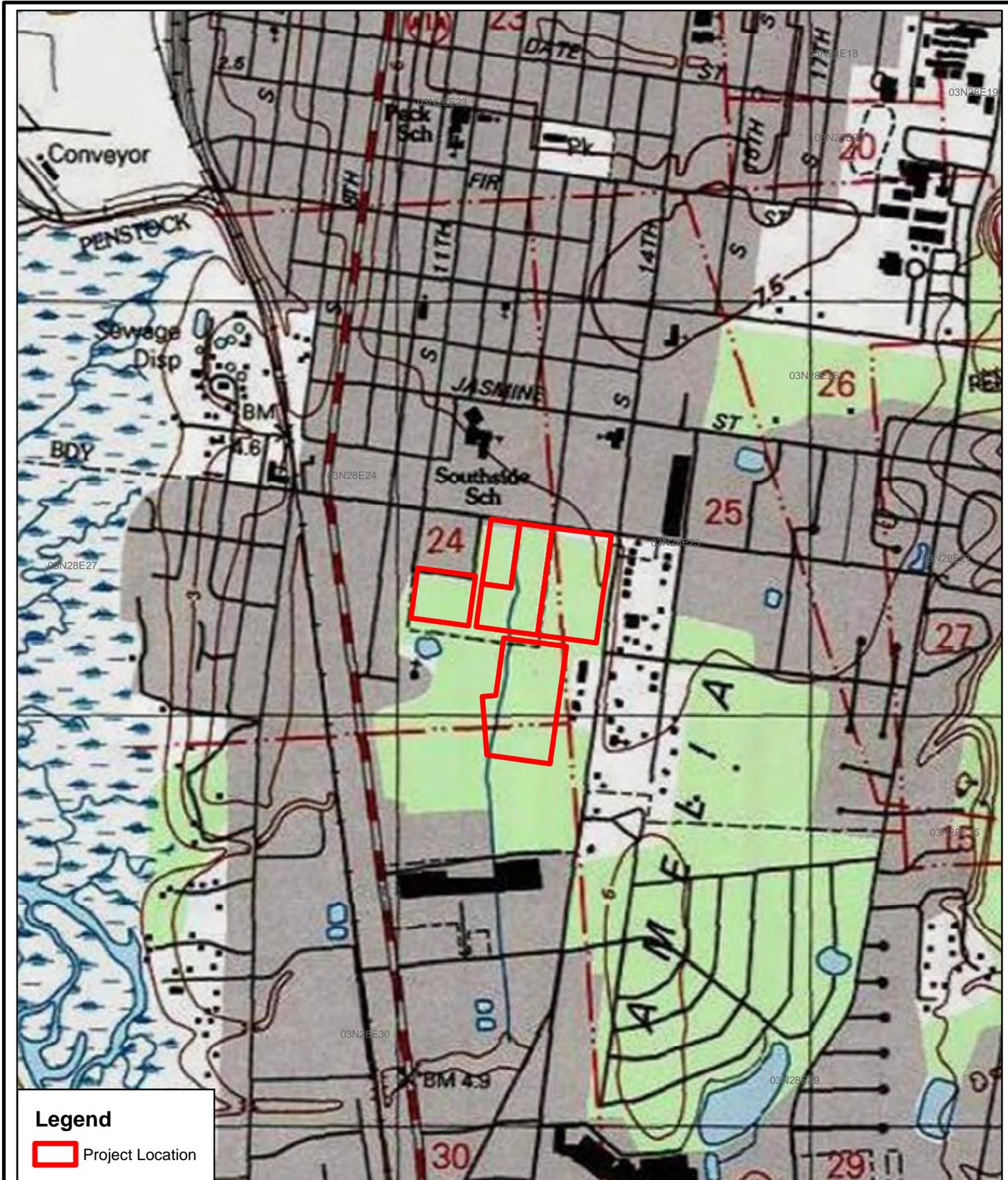
USFWS National Wetland Inventory

Drawn	Date
DLA	08/12/2014
Checked	Date
JMR	08/12/2014



Gainesville, FL
 Project # 6063-14-0239

Figure
 2



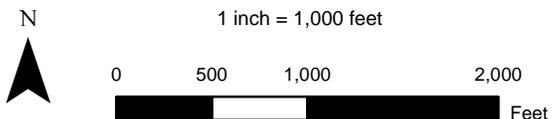
Legend

 Project Location

Source: ESRI 2014; AMEC, 2014

Rumberger - Fernandina Beach Site

USGS Topographic Map

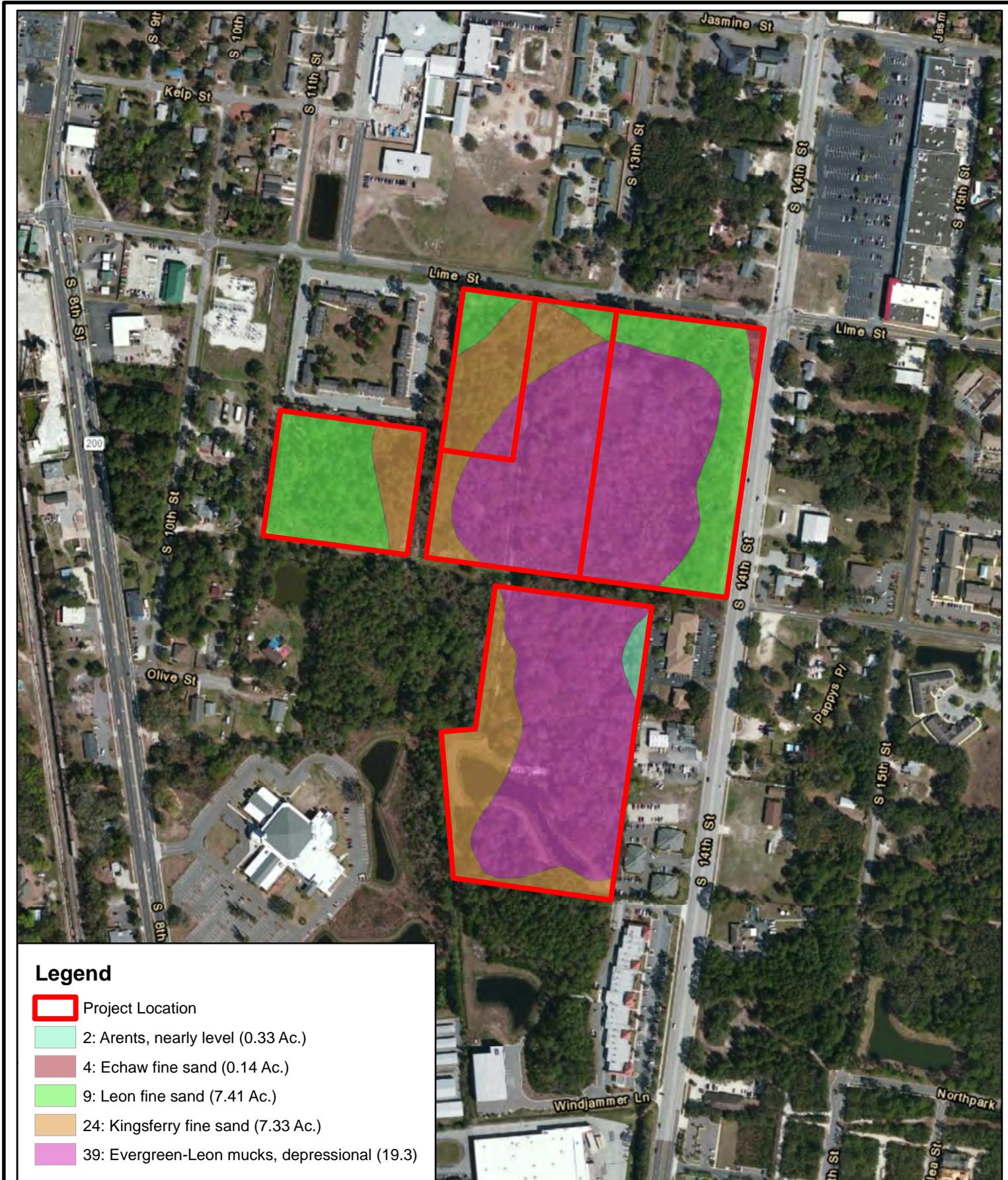


Drawn	Date
DLA	08/12/2014
Checked	Date
JMR	08/12/2014



Gainesville, FL
Project # 6063-14-0239

Figure 3



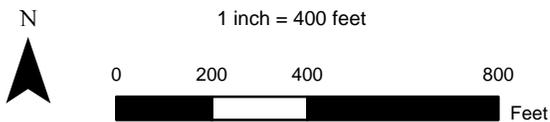
Legend

- Project Location
- 2: Arents, nearly level (0.33 Ac.)
- 4: Echaw fine sand (0.14 Ac.)
- 9: Leon fine sand (7.41 Ac.)
- 24: Kingsferry fine sand (7.33 Ac.)
- 39: Evergreen-Leon mucks, depressional (19.3)

Source: ESRI 2014; AMEC, 2014

Rumberger - Fernandina Beach Site

Soils Map

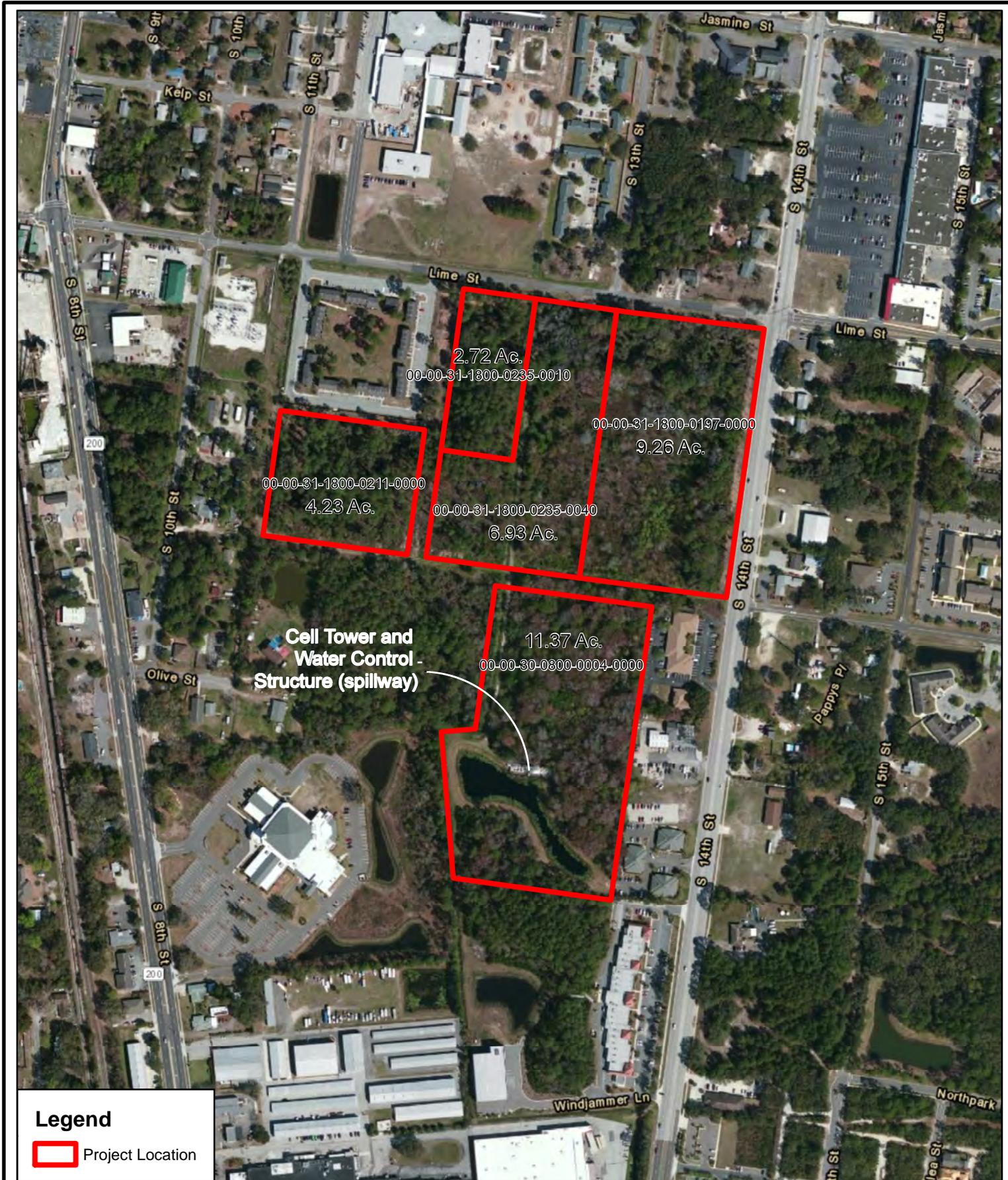


Drawn	Date
DLA	08/12/2014
Checked	Date
JMR	08/12/2014

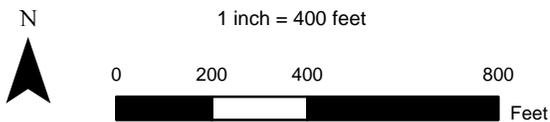


Gainesville, FL
Project # 6063-14-0239

Figure 4



Source: ESRI 2014; DOR 2014; AMEC, 2014



Rumberger - Fernandina Beach Site

Nassau County Property Appraiser Parcel Map

Drawn	Date
DLA	08/12/2014
Checked	Date
JMR	08/12/2014



Gainesville, FL
 Project # 6063-14-0239

Figure
 5



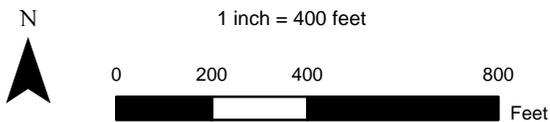
Legend

 Project Location

Source: UF 1943 (aerial); AMEC, 2014

Rumberger - Fernandina Beach Site

Historic Aerial 1943 Map

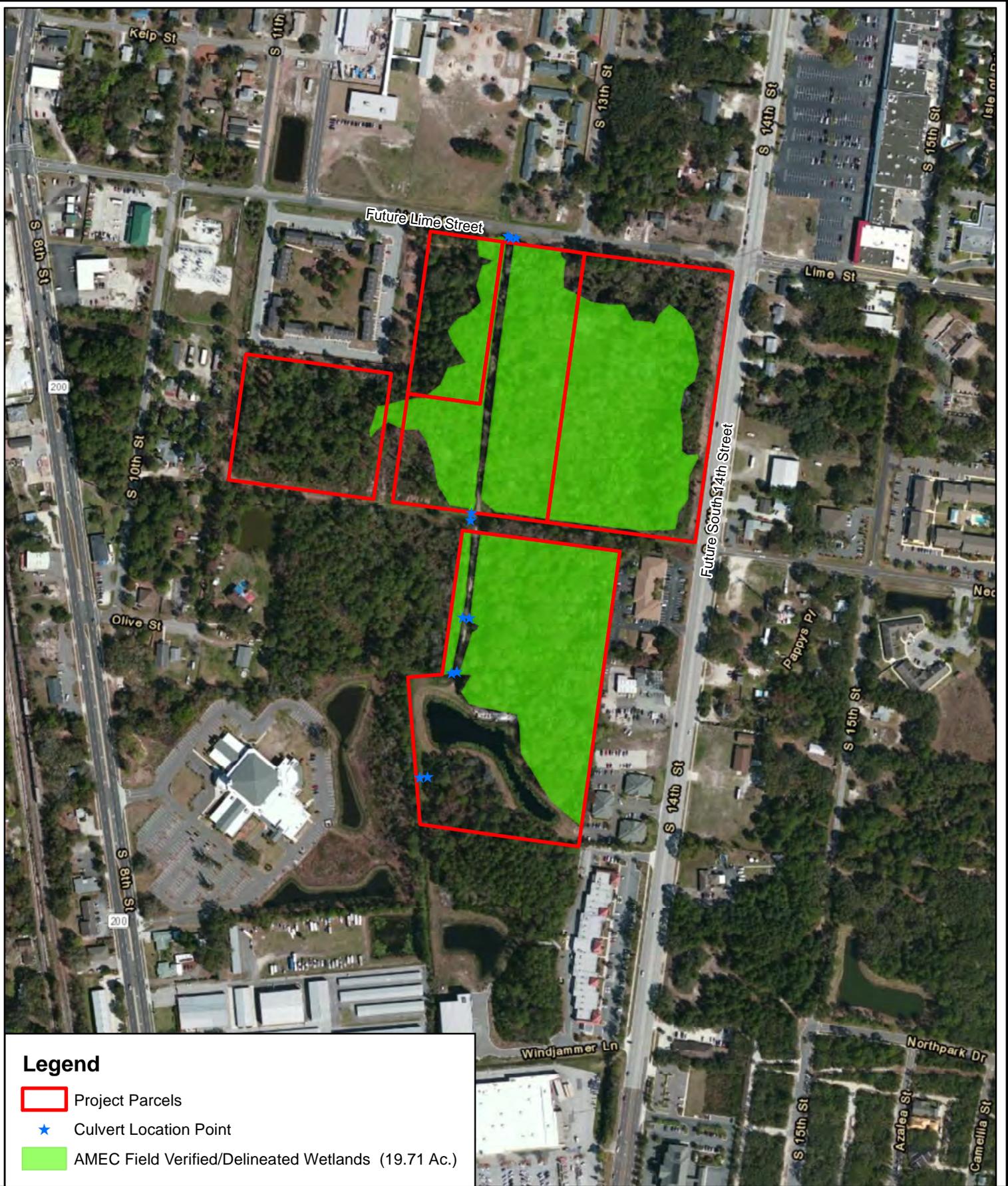


Drawn	Date
DLA	08/12/2014
Checked	Date
JMR	08/12/2014



Gainesville, FL
Project # 6063-14-0239

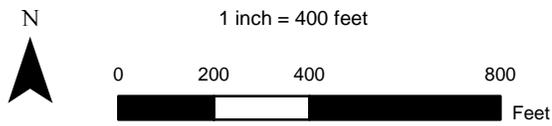
Figure 6



Note: This map/exhibit depicts wetland boundaries as verified or delineated by AMEC using a GPS unit with sub-meter accuracy. This wetland boundary line has not been reviewed by regulatory agencies, and has not been surveyed by a Professional Land Surveyor. This exhibit should not be used for detailed site planning.

Source: ESRI 2011 (aerial); AMEC, 2014

Rumberger - Fernandina Beach Site	
Wetland Verification & Delineation Map	
Drawn	Date
DLA	08/12/2014
Checked	Date
JMR	08/12/2014
Gainesville, FL Project # 6063-14-0239	
Figure 7	



Appendix A Photographs



Photo No. 1. View of Lime Street and Northern Parcel (forested area on right). View to ESE.



Photo No. 2. View of the N-S berm road at intersection of berm road and utility ROW; Northern Parcel Area (forested) on left and right of berm road. View to North.



Photo No. 3. Representative view of mosquito ditch in the Northern Parcel area; yellow item is floating silt fence. View to North.



Photo No. 4. View of west bank of mosquito ditch; no piping observed from Northern Parcel wetland entering mosquito ditch. View to West.



Photo No. 5. Another view of west bank of mosquito ditch; no piping observed from Northern Parcel wetland entering mosquito ditch. View to West.



Photo No. 6. View of mosquito ditch from ROW berm road. View to North.



Photo No. 7. Green heron observed perched on snag in the mosquito ditch; duckweed covers water surface; Northern Parcel area.



Photo No. 8. Utility ROW berm road bisects Northern Parcel area (left) and Southern Parcel area (right). View to East.



Photo No. 9. Representative view of the Northern Parcel wetland-upland edge on the west side of the berm road (saw palmetto in background is upland, foreground is wetland). View to West.



Photo No. 10. PVC pipe observed above ground (and sometimes below ground surface) in the Northern Parcel wetland, west side of the berm road. Pipe oriented N-S (could not determine start and end point of pipe, or purpose of pipe).



Photo No. 11. Spoil pile observed next to mosquito ditch in the Northern Parcel (ditch drops off behind spoil). View to the Southeast.



Photo No. 12. View southeast wetland area of Northern Parcel (east side of berm road); duckweed covers water surface. View to North.



Photo No. 13. Interior view of the eastern wetland area of the Northern Parcel; note tree growing on hummock. View to North.



Photo No. 14. Interior view of the eastern wetland area of the Northern Parcel. View to South.



Photo No. 15. Example of morphological plant adaptation to wetland condition (roots above ground surface).



Photo No. 16. Example of standing water observed in Southern Parcel (north of stormwater pond).
View to North.



Photo No. 17. Representative view of the south wetland area in the Southern Parcel (north of stormwater pond).



Photo No. 18. Culvert in Southern Parcel (north of stormwater pond); water was flowing into mosquito ditch to the west.



Photo No. 19. View of stormwater pond, south side of cell tower area, spillway, and Southern Parcel wetland area (in background). View to North.



Photo No. 20. Wood retaining wall observed on north side of cell tower footprint. Wetland area of Southern Parcel is to the left in photograph. View to East.



Photo No. 21. Spillway next to cell tower. Stormwater pond in background. View to SE.



Photo No. 22. View of concrete spillway that feeds into Southern Parcel wetland (in background) to stormwater pond (pond not evident in this photo). View to North.



Photo No. 23. View of wetland area in Southern Parcel, just north of cell tower. View to NE.



Photo No. 24. View of wetland in Southern Parcel (north of stormwater pond); standing water in background.



Photo No. 25. Representative view of the eastern wetland area of the Southern Parcel.



Photo No. 26. View of mosquito ditch in Southern Parcel area. View to North.



Photo No. 27. View of upland area in Southern Parcel; stormwater pond is just to the left (not evident in photo). View to SE.

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January 24, 2014

**Wetland &
Natural Resources Assessment,
14th & Lime Property
Fernandina Beach, Florida**

Prepared for:

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INTRODUCTION

The purpose of this report is to identify the presence of on-site natural resources with emphasis on jurisdictional wetlands and sensitive plant and wildlife within a +/-23.7-acre property located in Fernandina Beach, Florida. More specifically, the site is located in the southwest quadrant of the intersection of 14th Street and Lime Street (Figure 1).

METHODOLOGY

Prior to the site assessment, 1984, 1999, 2004, and 2011 aerial photographic maps, US Geologic Survey (USGS) topographic maps, and US Department of Agriculture (USDA) soil maps, were reviewed to determine potential natural resources on-site. The soil survey for Nassau County was reviewed to evaluate suitable habitat for sensitive species depending on substrate requirements. Federal and state databases, such as, but not limited to, the Florida's Endangered Species, Threatened Species, and Species of Special Concern list (FWC 2004), the Florida Natural Area Inventory (FNAI 2001), the bald eagle (*Haliaeetus leucocephalus*) nest locator (FWC 2005), and the US Fish and Wildlife Service (USFWS) Threatened & Endangered Species System (TESS) (USFWS 2006) were accessed to determine potential for sensitive species suitable habitat. This review was followed by an on-site pedestrian assessment of the property to delineate the jurisdictional wetlands and identify any evidence of use by any federal or state listed species.

A site visit was conducted on December 31, 2013 and January 22, 2014 to determine the natural resources on-site, including vegetative communities and wildlife usage, with emphasis on the presence of sensitive plant and wildlife species and jurisdictional wetlands. No threatened and/or endangered species were directly observed; however, general wildlife observed was recorded. No formal surveys for sensitive species were conducted within the scope of this assessment.

JURISDICTIONAL WETLANDS

The main focus of the site visit was to delineate the jurisdictional wetland boundaries in accordance with the methodologies adopted by St. Johns River Water Management District (SJRWMD)/Florida Department of Environmental Protection (FDEP) and US Army Corps of Engineers (CE).

Prior to the November site visits, aerials of varying years (1984, 1999, & 2011), soil maps and National Wetland Inventory maps were examined to identify certain signatures and characteristics associated with uplands and jurisdictional wetlands in Northeast Florida. During the site visit, each signature and characteristic was examined for the presence of hydrophytic vegetation, hydric soils, and any evidence of hydrology. The wetlands were then flagged in the field and located utilizing sub meter rated Global Positioning System (GPS) technology.

The property was found to contain approximately 13.3 acres of SJRWMD/FDEP/CE jurisdictional wetlands areas (Figure 4). The types of wetlands found on-site range from pine dominated transitional areas in the western and eastern portions of the property to heavily inundated mixed forested areas in the central and southern portions of the property. The property is completely surrounded by busy roadways and existing development which severs any connection the on-site wetlands would have to off-site habitats/natural areas thereby limiting the property's value to local wildlife. Additionally, the property accepts stormwater from the surrounding area with little or no outlet causing portions of the wetlands to be unnaturally

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inundated further limiting the value and function. Considering the wetlands location, isolated nature, and unnaturally excessive hydrology, it is our professional opinion the value and function the on-site wetlands provide to the surrounding area should be considered minimal at best.

WILDLIFE

Observations for all wildlife were made visually, audibly, or by evidence of tracks, scat, nests, burrows, or dens. Observed common wildlife, and potentially occurring listed species are detailed in the following sections. Evidence of sensitive species utilization of natural resources on-site was not identified during the single-day site assessment.

Common species observed on-site are listed in the table below.

TABLE 1 Wildlife species observed on-site January, 2014. 14 th & Lime	
Common Name	Taxonomic Name
Armadillo	<i>Dasypus novemcinctus</i>
Brown Thrasher	<i>Toxostoma rufum</i>
Cardinal, Northern	<i>Cardinalis cardinalis</i>
Crow	<i>Corvus brachyrhynchos</i>
Grey Catbird	<i>Dumetella carolinensis</i>
Raccoon	<i>Procyon lotor</i>
Squirrel, Eastern Gray	<i>Sciurus carolinensis</i>
Titmouse, Tufted	<i>Parus bicolor</i>
Vulture, Turkey	<i>Cathartes aura</i>

CONCLUSION

A site visit was conducted to evaluate all natural resources on-site and the quality of the site ecologically. Evidence of sensitive species utilization of natural resources on-site was not identified during the single-day site assessment. If a listed species nest or burrow is found on-site prior to any construction, mitigation measures may be recommended by FWC or USFWS. Additionally, the property was found to contain approximately 13.3 acres of SJRWMD/CE jurisdictional wetlands (Figure 4). Considering the wetlands location, isolated nature, and unnaturally excessive hydrology, it is our professional opinion the value and function the on-site wetlands provide to the surrounding area should be considered minimal at best.

LG² Environmental Solutions, Inc.

REFERENCES

FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) 1999. Florida Land Use, Cover and Forms Classification System (FLUCFCS) Handbook; Surveying And Mapping Geographic Mapping Section. January.

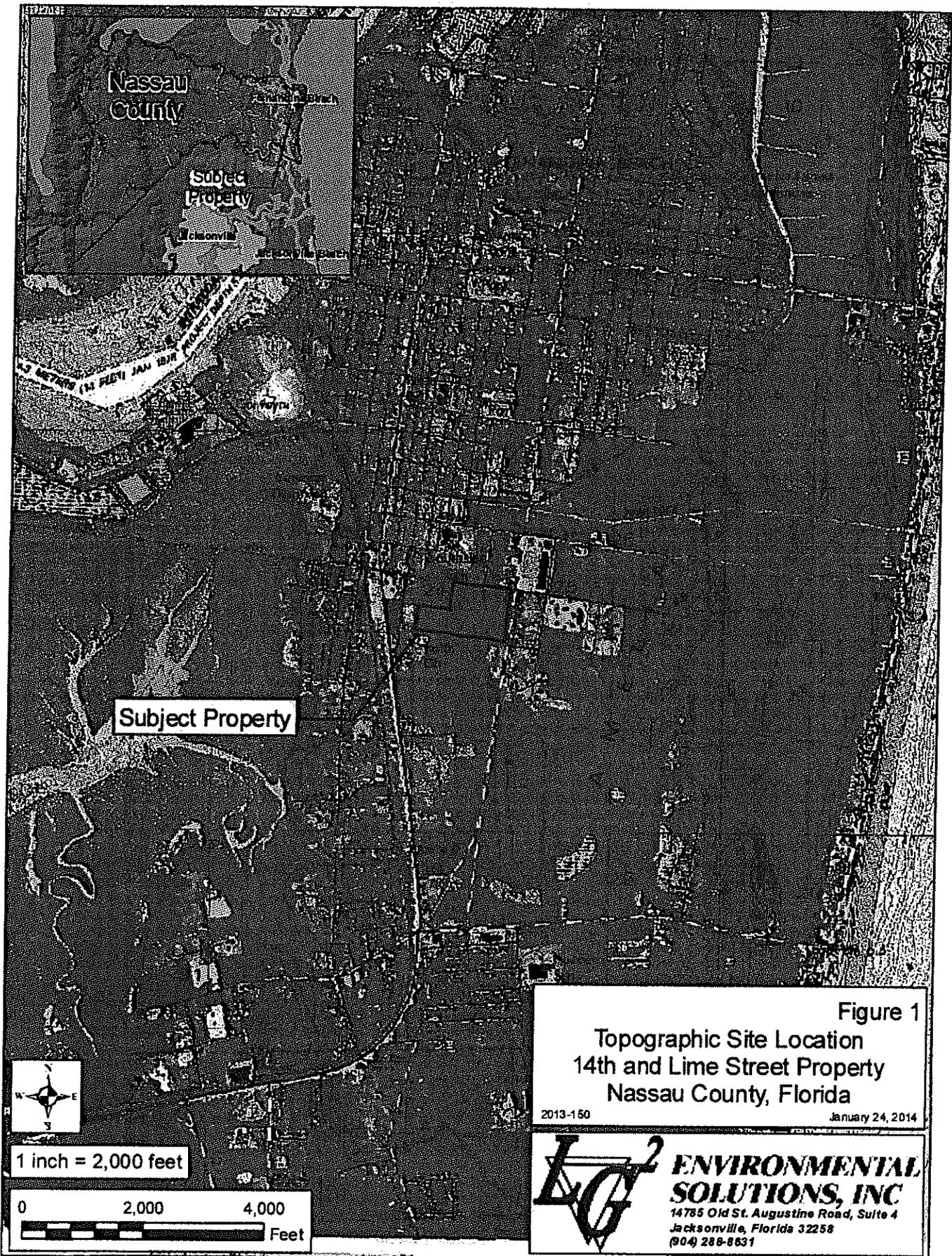
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Basin Status Report – St. Mary’s Watershed. Modified: September, online at:
ftp://ftp.dep.state.fl.us/pub/water/basin411/sj_upper/status/USJ_WEBX.pdf

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UNITED STATES FISH & WILDLIFE SERVICE (USFWS) 2006. Threatened & Endangered Species System (TESS); listings by state and territory as of January; online at (http://ecos.fws.gov/tess_public/servlet/gov.doi.tess_public.servlets.UsaLists?state=FL)



Nassau County

Subject Property

Subject Property

Figure 1

Topographic Site Location
14th and Lime Street Property
Nassau County, Florida

2013-150

January 24, 2014

1 inch = 2,000 feet

0 2,000 4,000 Feet



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Subject Property

Figure 2

2010 Aerial Location
14th and Lime Street Property
Nassau County, Florida

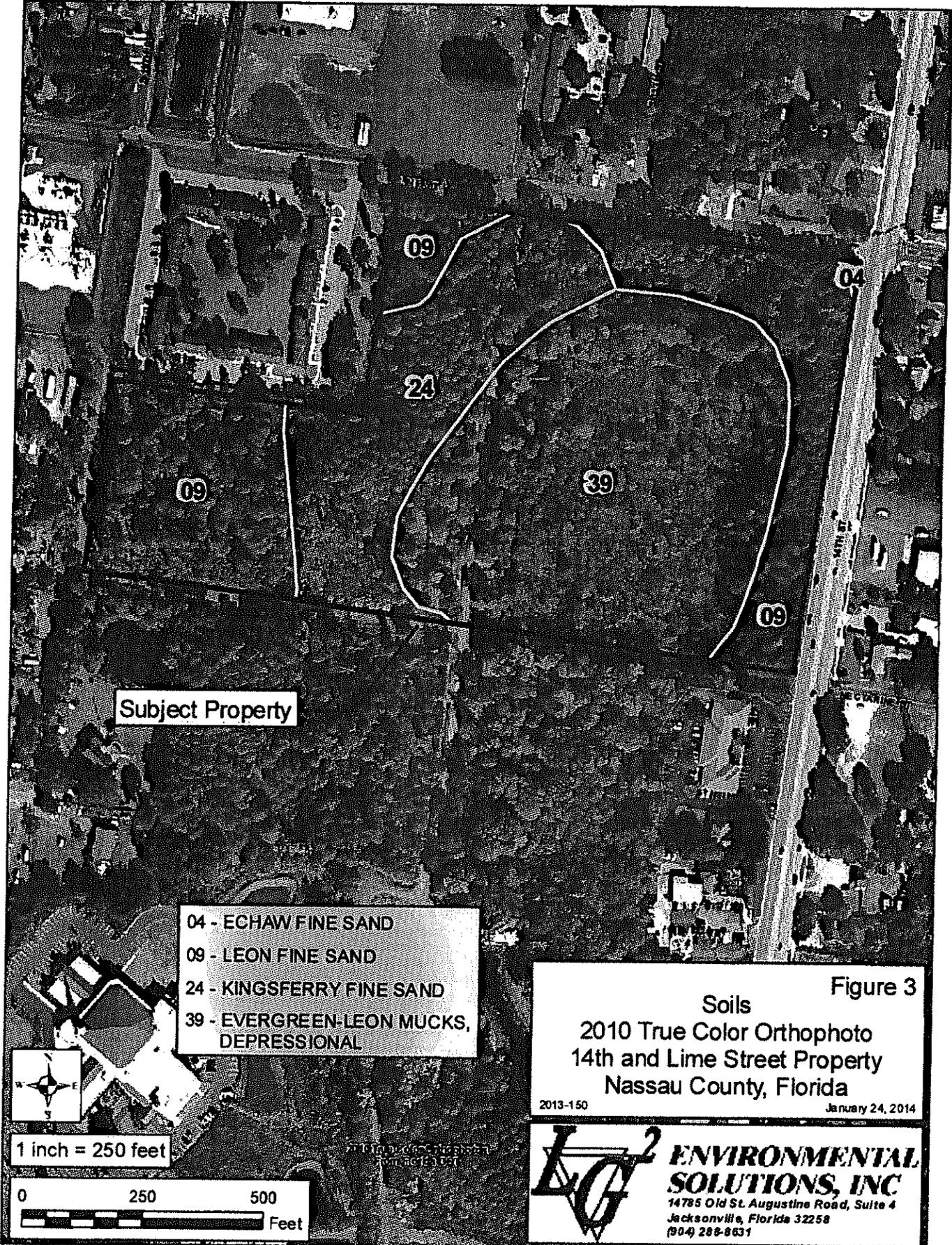
2013-150

January 24, 2014

1 inch = 300 feet

0 300 600 Feet

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Subject Property

- 04 - ECHAW FINE SAND
- 09 - LEON FINE SAND
- 24 - KINGSFERRY FINE SAND
- 39 - EVERGREEN-LEON MUCKS, DEPRESSIONAL



1 inch = 250 feet

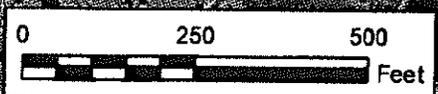


Figure 3

Soils
 2010 True Color Orthophoto
 14th and Lime Street Property
 Nassau County, Florida

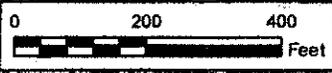
2013-150 January 24, 2014

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1 inch = 200 feet



 Upland Area
 Approximately 10.4 Acres
 Wetlands
 Approximately 13.3 Acres

Figure 4
 Wetland Delineation
 2010 True Color Orthophoto
 14th and Lime Street Property
 Nassau County, Florida
 2013-150 January 24, 2014

This exhibit is the result of a GPS-based delineation of the wetland boundaries by LG2 Environmental Solutions, Inc. The accuracy limitation of the GPS unit is approximately two meters. This boundary has not been located by a Registered Land Surveyor or been reviewed by any regulating agency. This exhibit should not be used for detailed site planning. Wetland boundaries can more accurately be determined by location of delineation flags by a Registered Land Surveyor, and review approval by the regulating agencies.



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RICK SCOTT
GOVERNOR

JIM BOXOLD
SECRETARY

August 15, 2016

Kelly Gibson
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
kgibsob@fbfl.org

SUBJECT: *City of Fernandina Beach Transmitted Comprehensive Plan Amendment 16- IESR*

Dear Ms. Gibson,

Below **is a revised analysis** of FDOT’s initial submittal to this amendment. This analysis is based on additional discussions with both the Applicant and the City of Fernandina Beach. FDOT has completed an analysis of the property in question in order to demonstrate potential future impacts.

Amendment Summary

The proposed text amendment seeks to modify the definition of “Net Density” in the City’s Comprehensive Plan so that wetlands and wetland transition areas may be included in the overall calculation of “net buildable land area.” The intent of the proposed text amendment is to allow the Applicant, to develop a Mixed Use development allowing both commercial and residential multi-family uses located on the property.

Trip Generation

Table 1 shows the results of a comparison between the existing maximum development potential and the proposed development.

Table 1

	Land Use	ITE Code	Size	Units	Daily Trips	AM Peak Trips	PM Peak Trips
Existing Maximum Development Potential	Multi-family (CoFB)	220	116	DU	827	61	81
	Shopping Center (Nassau County)	820	112,305	SF	7,323	167	648
Total Existing Trips:					8,150	228	729
Proposed Development	Multi-family	220	224	DU	1,481	113	141
Difference Between Existing and Proposed:					-6,669	-115	-588

ITE’s Trip Generation Manual, 9th Edition.

Roadway Capacity

Since the build-out year for this development was not specified, FDOT assumed a build-out of 2019 for this analysis.

Table 2

Road	Map ID	Segment	FDOT/ Local LOS Standard	Maximum Service Volume	2014 Peak Hour Volume	Current LOS	2019 Projected Volume	2019 LOS No Build	2019 Projected Volume with Project Traffic	2019 LOS with Project Traffic
SR A1A	40	Sadler Rd. to Lime St.	D	3,580	1,629	C	1,629	C	1,770	C
SR A1A	41	Lime St. to Centre St.	D	1,396	1,287	D	1,287	D	1,428	E

Comments

The segment of SR A1A does not have capacity to accommodate the trips that would be generated from the proposed site. FDOT recommends that the City of Fernandina Beach coordinate with the Department on a case-by-case basis to mitigate potential impacts to state facilities.

If you have any questions, please do not hesitate to contact me by email:

Ameera.Sayeed@dot.state.fl.us or call: (904) 360-5647.

Sincerely,



Ameera Sayeed, AICP, GISP
FDOT D2 Growth and Development/Modeling Supervisor

From: [Sayeed, Ameera](#)
To: [Kelly Gibson](#)
Subject: FDOT response to concerns - CoFB 16-1ESR, FDOT Letter August 15, 2016 revised analysis
Date: Tuesday, August 16, 2016 1:17:14 PM

FDOT would like to offer comment on two concerns (transportation impacts and net density policy).

Transportation Impacts and Subject Property (reference FDOT letter August 15, 2016)

1. **588 fewer future trips** are anticipated with the proposed development **(see Table 1)**.
2. Of the two roadways segments provided in Table 2 only **one** segment is anticipated to be a LOS E in the year 2019.
3. Irrespective of the subject property future trips, the road segment of A1A from Lime St to Centre St will likely not meet an FDOT LOS standard D beyond the year 2019. (See Table 2 column 9).
4. A1A is constrained state facility, meaning capacity improvements are not feasible at this time.

Net Density Policy

- FDOT has clearly stated in the August 15, 2016 FDOT letter that the subject property is unique, and other parcels subject to the new Policy will be coordinated with the FDOT on a case by case basis.

Thank you for the continued cooperation and coordination.

Ameera F. Sayeed *AICP, GISP*
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