



AGENDA  
FERNANDINA BEACH CITY COMMISSION  
REGULAR MEETING  
OCTOBER 4, 2016  
6:00 P.M.  
CITY HALL COMMISSION CHAMBERS  
204 ASH STREET  
FERNANDINA BEACH, FL 32034r

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE / INVOCATION**

*Invocation by Fernandina Beach Police Department Chaplain Don McFadyen.*

**4. PROCLAMATIONS / PRESENTATIONS**

**4.1. PROCLAMATION – “NATIONAL SENIOR CENTER MONTH”**

**PROCLAMATION – “NATIONAL SENIOR CENTER MONTH” –**  
*Recognizes “National Senior Center Month”, which celebrates the important role senior centers play in enriching the lives of senior citizens. Ms. Melanie J. Ferreira, Marketing and Communications Manager for the Nassau County Council on Aging, will be present to accept the Proclamation.*

**Documents:**

[Proclamation National Senior Center Month.pdf](#)

**4.2. PROCLAMATION – “NATIONAL RED RIBBON WEEK”**

**PROCLAMATION – “NATIONAL RED RIBBON WEEK” –**  
*Recognizes “National Red Ribbon Week”, a campaign established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts. Members of the Young Marines of the Marine Corps League will be present to accept the Proclamation.*

**Documents:**

[Proclamation National Red Ribbon Week.pdf](#)

**5. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA OR ITEMS ON THE CONSENT AGENDA**

**6. CONSENT AGENDA**

- 6.1. **CORRECTION TO RESOLUTION REGARDING CREATION OF PROPERTY ASSESSED CLEAN ENERGY PROGRAM - CORRECTED RESOLUTION 2016-107**  
**CORRECTION TO RESOLUTION REGARDING CREATION OF PROPERTY ASSESSED CLEAN ENERGY PROGRAM - CORRECTED RESOLUTION 2016-107** APPROVING THE CREATION OF A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM AND ENTERING INTO AN INTERLOCAL AGREEMENT WITH THE TOWN OF LAKE CLARKE SHORES, FLORIDA AND THE FLORIDA DEVELOPMENT FINANCE CORPORATION TO CREATE A PACE DISTRICT UNDER FLORIDA LAW; UPON EXECUTION, AUTHORIZING RENOVATE AMERICA TO OFFER PACE FINANCING IN FERNANDINA BEACH; ENTERING INTO A DONATION AGREEMENT WITH RENOVATE AMERICA; PROVIDING FOR AUTHORIZATION OF CITY OFFICIALS; PROVIDING DIRECTIONS TO CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves creation of a Property Assessed Clean Energy Program through Florida Development Finance Corporation and Renovate America*

**Documents:**

[Correction Resolution 2016-107.pdf](#)

- 6.2. **FINAL PLAT APPROVAL – COASTAL COTTAGES – RESOLUTION 2016-121**  
**FINAL PLAT APPROVAL – COASTAL COTTAGES – RESOLUTION 2016-121** APPROVING FINAL PLAT, PAB CASE 2016-21 TITLED “COASTAL COTTAGES”; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Accepts and approves the plat titled “Coastal Cottages” as a final plat.*

**Documents:**

[Resolution 2016-121.pdf](#)

**7. RESOLUTIONS**

- 7.1. **SECOND PUBLIC HEARING - DEVELOPMENT AGREEMENT – RAYONIER PERFORMANCE FIBERS, LLC AND LIGNOTECH, FLORIDA, LLC - RESOLUTION 2016-108**  
**SECOND PUBLIC HEARING - DEVELOPMENT AGREEMENT – RAYONIER PERFORMANCE FIBERS, LLC AND LIGNOTECH, FLORIDA, LLC - RESOLUTION 2016-108** APPROVING A DEVELOPMENT AGREEMENT WITH RAYONIER PERFORMANCE FIBERS, LLC AND LIGNOTECH, FLORIDA, LLC; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves a Development Agreement with LignoTech Florida, LLC.*

**Documents:**

[Resolution 2016-108.pdf](#)

- 7.2. **BUDGET AMENDMENT / AGREEMENT APPROVAL – ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) GRANT – RESOLUTION 2016-122**  
**BUDGET AMENDMENT / AGREEMENT APPROVAL – ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) GRANT – RESOLUTION 2016-122** AUTHORIZING A COST-SHARE

AGREEMENT WITH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) TO ACCEPT \$575,000 TO CONSTRUCT SWALES FOR FLOOD PROTECTION; APPROVE AN AMENDMENT TO INCREASE THE TOTAL CITY BUDGET AND AMEND THE FIVE YEAR CAPITAL PLAN (CIP); AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the City to enter into a cost-share agreement with SJRWMD to accept an award of \$575,000 and to provide the sum of \$50,000 for the construction of a storm water swale program. Also authorizes an amendment to the FY 2016/2017 budget and the Five-Year Capital Improvement Plan.*

**Documents:**

[Resolution 2016-122.pdf](#)

**8. ORDINANCE – FIRST READING**

**8.1. LAND DEVELOPMENT CODE AMENDMENT – PLANNING ADVISORY BOARD MEMBERSHIP – ORDINANCE 2016-34**

**LAND DEVELOPMENT CODE AMENDMENT – PLANNING ADVISORY BOARD MEMBERSHIP – ORDINANCE 2016-34**  
AMENDING THE LAND DEVELOPMENT CODE CHAPTER 9 SECTION 9.02.02 PLANNING ADVISORY BOARD MEMBERSHIP AND TERMS OF OFFICE; REPEALING SECTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Land Development Code specific to the Planning Advisory Board membership.*

**Documents:**

[Ordinance 2016-34.pdf](#)

**9. ORDINANCES – SECOND READING**

**9.1. COMPREHENSIVE PLAN AMENDMENT – CONSERVATION AND COASTAL MANAGEMENT ELEMENT POLICIES – ORDINANCE 2016-19**

**COMPREHENSIVE PLAN AMENDMENT – CONSERVATION AND COASTAL MANAGEMENT ELEMENT POLICIES – ORDINANCE 2016-19**  
AMENDING THE COMPREHENSIVE PLAN CONSERVATION AND COASTAL MANAGEMENT ELEMENT POLICIES 5.03.13 AND 5.14.09; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves amendments to the Comprehensive Plan pertaining to the conservation and coastal management element policies.*

**Documents:**

[Ordinance 2016-19.pdf](#)

**9.2. LAND DEVELOPMENT CODE AMENDMENT – ORDINANCE 2016-09**

**LAND DEVELOPMENT CODE AMENDMENT – ORDINANCE 2016-09**  
AMENDING THE LAND DEVELOPMENT CODE CHAPTER 1 SECTION 1.07.00 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. *Synopsis: Amends the Land Development Code specific to land uses (i.e. storage of hazardous materials) within areas of Special Flood Hazard Area and addresses coastal resource protection and waterfront planning.*

**Documents:**

[Ordinance 2016-09.pdf](#)

- 9.3. **COMPREHENSIVE PLAN AMENDMENT – 8TH STREET - ORDINANCE 2016-13**  
**COMPREHENSIVE PLAN AMENDMENT – 8TH STREET -**  
ORDINANCE 2016-13 AMENDING THE COMPREHENSIVE PLAN TO ADD A NEW FUTURE LAND USE ELEMENT FOR THE 8TH STREET SMALL AREA MIXED USE (MU8) AS POLICY 1.07.08 AND RENUMBERING THE FOLLOWING SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Comprehensive Plan to add a new Future Land Use element for the 8th Street Small Area Mixed Use.*

**Documents:**

[Ordinance 2016-13.pdf](#)

- 9.4. **LARGE SCALE FUTURE LAND USE MAP AMENDMENTS – 8TH STREET -**  
**ORDINANCE 2016-14**  
**LARGE SCALE FUTURE LAND USE MAP AMENDMENTS – 8TH STREET -** ORDINANCE 2016-14 CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC), MIXED USE (MU), MEDIUM DENSITY RESIDENTIAL (MDR) TO 8TH STREET SMALL AREA MIXED USE (8MU) AND CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES INCLUDED IN THE 8TH STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns Future Land Use Map Designations of 8th Street Small Area Mixed Use (8MU) and Central Business District (CBD) to approximately 67 acres located in the 8th Street Small Area.*

**Documents:**

[Ordinance 2016-14.pdf](#)

- 9.5. **LAND DEVELOPMENT CODE TEXT AMENDMENT – 8TH STREET - ORDINANCE**  
**2016-15**  
**LAND DEVELOPMENT CODE TEXT AMENDMENT – 8TH STREET -** ORDINANCE 2016-15 AMENDING THE LAND DEVELOPMENT CODE TO INCLUDE SPECIFIC CHANGES FOR THE 8TH STREET SMALL AREA BY MODIFYING CHAPTER 2: ZONING DISTRICTS AND USES TO ADD A ZONING DISTRICT CALLED 8TH STREET SMALL AREA MIXED USE (MU-8), PROVIDING SPECIFIC USES AND ACCESSORY USES, AND ADDING DESIGN STANDARDS

IN CHAPTER 4 AND CHAPTER 6 AND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves and adopts modifications to the Land Development Code pertaining to the 8th Street Small Area.*

**Documents:**

[Ordinance 2016-15.pdf](#)

- 9.6. **QUASI-JUDICIAL - ZONING CHANGE – 8TH STREET - ORDINANCE 2016-16**  
***Quasi-judicial- ZONING CHANGE – 8TH STREET - ORDINANCE***  
2016-16 CHANGING THE CITY’S ZONING MAP FROM GENERAL COMMERCIAL (C-2), MIXED USE (MU-1), MEDIUM DENSITY RESIDENTIAL (R-2) TO 8TH STREET SMALL AREA MIXED USE (MU-8) AND CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES INCLUDED IN THE 8TH STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns a Zoning Category of 8th Street Small Area Mixed Use (8MU) and Central Business District (CBD) to approximately 67 acres located in the 8th Street Small Area.*

**Documents:**

[Ordinance 2016-16.pdf](#)

- 9.7. **VOLUNTARY ANNEXATION - 3017 AND 3021 AMELIA ROAD – ORDINANCE 2016-24**  
**VOLUNTARY ANNEXATION - 3017 AND 3021 AMELIA ROAD –**  
ORDINANCE 2016-24 ANNEXING 7.91 ACRES OF LAND LOCATED AT 3017 AND 3021 AMELIA ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Annexes property totaling 7.91 acres of land located at 3017 and 3021 Amelia Road.*

**Documents:**

[Ordinance 2016-24.pdf](#)

- 9.8. **FUTURE LAND USE MAP AMENDMENT - 3017 AND 3021 AMELIA ROAD –**  
**ORDINANCE 2016-25**  
**FUTURE LAND USE MAP AMENDMENT - 3017 AND 3021**  
**AMELIA ROAD –** ORDINANCE 2016-25 CHANGING THE CITY’S FUTURE LAND USE MAP TO MEDIUM DENSITY RESIDENTIAL (MDR) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns a Future Land Use Map designation of Medium Density Residential (MDR) to 7.91 acres of land located at 3017 and 3021 Amelia Road.*

**Documents:**

**9.9. QUASI-JUDICIAL - ZONING MAP AMENDMENT - 3017 AND 3021 AMELIA ROAD – ORDINANCE 2016-26**

***Quasi-judicial*- ZONING MAP AMENDMENT - 3017 AND 3021**

**AMELIA ROAD – ORDINANCE 2016-26** CHANGING THE CITY'S ZONING MAP TO RESIDENTIAL LOW MEDIUM (RLM) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns a Zoning Category of Residential Low Medium (RLM) to 7.91 acres of land located at 3017 and 3021 Amelia Road.*

**Documents:**

**9.10. LAND DEVELOPMENT CODE AMENDMENT – ORDINANCE 2016-32**

**LAND DEVELOPMENT CODE AMENDMENT – ORDINANCE 2016-32** 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. *Synopsis: Amends the Land Development Code to create new zoning districts for light industrial and heavy industrial and includes only operational area of the municipal Airport in industrial airport zoning district.*

**Documents:**

**9.11. QUASI-JUDICIAL - ZONING MAP AMENDMENT – ORDINANCE 2016-33**

***Quasi-judicial*- ZONING MAP AMENDMENT – ORDINANCE 2016-33** 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. *Synopsis: Amends the Land Development Code by*

*changing the zoning map to include only operational Airport land as Industrial Airport (I-A) zoning, outside operational Airport as Light Industrial (I-1) zoning and the two heavy industrial sites located at 6 Gum Street and 600 N. 8<sup>th</sup> Street as Heavy Industrial (I-2) zoning with the exception of land currently zoning Conservation which shall remain protected from development.*

**Documents:**

[Ordinance 2016-33.pdf](#)

**10. CITY MANAGER REPORTS**

**11. CITY ATTORNEY REPORTS**

**12. CITY CLERK REPORTS**

**13. MAYOR/COMMISSIONER COMMENTS**

**14. ADJOURNMENT**

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- A THREE (3) MINUTE TIME LIMIT MAY BE IMPOSED FOR ALL SPEAKERS (EXCEPT IN A QUASI-JUDICIAL HEARING). A "REQUEST TO SPEAK" FORM IS AVAILABLE ON THE COUNTER AT THE ENTRANCE TO THE COMMISSION CHAMBERS. THE FORM SHOULD BE GIVEN TO THE CITY CLERK UPON COMPLETION.
  - IN ACCORDANCE WITH STATE LAW, ITEMS NOT ON THE AGENDA MAY BE BROUGHT UP FOR DISCUSSION BUT NO ACTION MAY BE TAKEN BY THE CITY COMMISSION. IF APPROPRIATE THE ITEM MAY BE SCHEDULED ON A FUTURE AGENDA.
  - THE MAYOR WILL DETERMINE THE ORDER OF THE SPEAKERS AND MAY IMPOSE MORE RESTRICTIVE TIME LIMITS.
  - ONE PERSON WILL SPEAK AT A TIME AND ADDRESS COMMENTS TO THE MAYOR, NOT INDIVIDUAL CITY COMMISSION MEMBERS.
  - THE CITY COMMISSION MAY ASK QUESTIONS OF SPEAKERS WHO WILL HAVE ONE MINUTE TO RESPOND. ADDITIONAL TIME MAY BE GRANTED AT THE DISCRETION OF THE MAYOR OR BY A MOTION BY THE CITY COMMISSION.
  - SPEAKERS MAY FILE COPIES OF THEIR REMARKS WITH THE CITY CLERK WHO WILL MAKE THEM AVAILABLE TO THE COMMISSION.
  - FERNANDINA BEACH CITIZENS WILL SPEAK BEFORE NONRESIDENTS AND SPEAKERS WILL LIMIT REMARKS TO THE SPECIFIC SUBJECT MATTER.
  - DISCUSSION - DIRECTION - ACTION ITEMS MAY BE ACTED UPON BY THE CITY COMMISSION BY EITHER MOTION AND VOTE IN ACCORDANCE WITH ROBERTS RULES OF ORDER, OR BY A CONSENSUS OF THE CITY COMMISSION.
  - PURSUANT TO RESOLUTION 95-32, IF AN ITEM IS NOT ON THE AGENDA IT REQUIRES A FOUR-FIFTHS VOTE OF THE CITY COMMISSION DECLARING THE ITEM AN EMERGENCY BEFORE ACTION CAN BE TAKEN.
  - QUASI-JUDICIAL - DENOTES THAT THE ITEM MUST BE CONDUCTED AS A QUASI-JUDICIAL HEARING IN ACCORDANCE WITH CITY COMMISSION ESTABLISHED PROCEDURE AND

FLORIDA STATUTES. ANY PERSON WISHING TO APPEAL ANY QUASI-JUDICIAL DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE.

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Persons with disabilities requiring accommodations in order to participate should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired).

CITY COMMISSION AGENDA ITEM  
City of Fernandina Beach



SUBJECT: **Proclamation**  
"National Senior Center Month"

ITEM TYPE:  Ordinance  Resolution  Other  
 Proclamation  Presentation

REQUESTED ACTION: Presentation

SYNOPSIS: Attached is a Proclamation recognizing "National Senior Center Month" which celebrates the important role senior centers play in enriching the lives of senior citizens. Ms. Melanie J. Ferreira, Marketing and Communications Manager for the Nassau County Council on Aging, will be present to accept the Proclamation.

FISCAL IMPACT: N/A

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 type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

DEPARTMENT DIRECTOR	Submitted by: Caroline Best, <i>C. Best.</i> City Clerk	Date: 9/07/16
CONTROLLER	Approved as to Budget Compliance	Date:
CITY ATTORNEY	Approved as to Form and Legality	Date:
CITY MANAGER	Approved Agenda Item for 10/04/2016 <i>DLM</i>	Date: 9/07/16

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

# Proclamation

**WHEREAS**, older Americans are significant members of society who, through their hard work and sacrifice, have earned our utmost respect and dedicated care; and

**WHEREAS**, in 1965, the United States Congress passed the Older Americans Act. This legislation established senior care grant programs for communities to provide critical social services, such as senior research and development for improving the quality of life for older adults and personnel training in the field of aging; and

**WHEREAS**, for more than forty years, the Nassau County Council on Aging has cheerfully and compassionately managed two local Senior Life Centers: the East Nassau Center in Fernandina Beach and the West Nassau Center in Hilliard. These facilities steadfastly deliver critical services to more than 2,000 Nassau County seniors in five major categories: Meals on Wheels, Home Health Services, NassauTRANSIT and Adult Day HealthCare; and

**WHEREAS**, the Nassau County Council on Aging offers programs and opportunities for seniors to stay active and healthy, continue learning, share experiences and to stay connected with friends and family. These activities reduce isolation and depression dramatically improving the health and wellness of our seniors' lives; and

**WHEREAS**, seniors rely on the Nassau County Council on Aging to provide essential services: in-home aid, transportation, legal aid, elder abuse prevention, caregiver support and many other community-based services to maintain their health and independence, which enables them to remain in their homes; and

**WHEREAS**, the Nassau County Council on Aging staff and volunteers affirm the dignity, self-worth and independence of our older citizens by facilitating their decisions and actions and enabling their continued contributions to our community.

**NOW, THEREFORE**, I, John A. Miller, by virtue of the authority vested in me as Mayor of the City of Fernandina Beach, Florida, do hereby recognize September as:

## **NATIONAL SENIOR CENTER MONTH**

and thank the Nassau County Council on Aging staff and volunteers for their special contributions to ensure local seniors live happy, healthy, productive lives and recognize Senior Centers for their significant contributions to improving the quality of life for older Americans.

**IN WITNESS WHEREOF**, I hereunto set my hand and cause the Official Seal of the City of Fernandina Beach, Florida, to be affixed this 4<sup>th</sup> day of October, 2016.

CITY OF FERNANDINA BEACH

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John A. Miller  
Mayor – Commissioner

CITY COMMISSION AGENDA ITEM  
City of Fernandina Beach



SUBJECT: **Proclamation**  
"National Red Ribbon Week"

ITEM TYPE:  Ordinance  Resolution  Other  
 Proclamation  Presentation

REQUESTED ACTION: Presentation

SYNOPSIS: Attached is a Proclamation recognizing "National Red Ribbon Week", a campaign established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts. Members of the Young Marines of the Marine Corps League will be present to accept the Proclamation.

FISCAL IMPACT: N/A

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 type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

DEPARTMENT DIRECTOR	Submitted by: Caroline Best, <i>C Best.</i> City Clerk	Date: 9/15/16
CONTROLLER	Approved as to Budget Compliance	Date:
CITY ATTORNEY	Approved as to Form and Legality	Date:
CITY MANAGER	Approved Agenda Item for 10/04/2016 <i>DLM</i>	Date: 9/15/16

COMMISSION ACTION:

<input type="checkbox"/> Approved As Recommended	<input type="checkbox"/> Disapproved
<input type="checkbox"/> Approved With Modification	<input type="checkbox"/> Postponed to Time Certain
<input type="checkbox"/> Other	<input type="checkbox"/> Tabled

# Proclamation

**WHEREAS**, recognition of “Red Ribbon Week” began after the kidnapping, torture and brutal murder of legendarily successful Drug Enforcement Administration Agent Enrique "Kiki" Camarena in 1985; and

**WHEREAS**, in Agent Camarena's hometown of Calexico, California, mounting public outrage over Kiki's horrific death was channeled into organizing a community response in which citizens donned red ribbons for one week each year as a symbol to represent that a single person can make an extraordinary and powerful difference in the war on drugs; and

**WHEREAS**, in 1988, “Red Ribbon Week” was recognized nationally with President Ronald Reagan and First Lady Nancy Reagan serving as the Honorary Chairs; and

**WHEREAS**, today, “National Red Ribbon Week” brings millions of people across the United States together to raise awareness for the prevention of alcohol, tobacco, and drug abuse, as well as violence prevention, early intervention, and treatment services; and

**WHEREAS**, national and local government leaders recognize that citizen support is unquestionably one of the most effective tools in the effort to reduce the use of illicit drugs in our communities. The war on drugs is being won with aggressive education, treatment and prevention, coupled with the hard work and determination of organizations such as the Young Marines of the Marine Corps League who foster and encourage healthy, drug-free lifestyles; and

**WHEREAS**, “National Red Ribbon Week” is the largest, most visible drug and violence prevention awareness campaign observed annually in our country. This year, October 23 through 31 has been designated as “National Red Ribbon Week”, which encourages Americans to wear a red ribbon to show their support for a drug-free environment.

**NOW, THEREFORE**, I, John A. Miller, by virtue of the authority vested in me as Mayor of the City of Fernandina Beach, Florida, do hereby thank the Young Marines of the Marine Corps League for their special contributions to ensure citizens lead drug free, healthy, productive lives and encourage all citizens to support:

## **“NATIONAL RED RIBBON WEEK”**

**IN WITNESS WHEREOF**, I hereunto set my hand and cause the Official Seal of the City of Fernandina Beach, Florida, to be affixed this 4<sup>th</sup> day of October, 2016.

CITY OF FERNANDINA BEACH

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John A. Miller  
Mayor – Commissioner



***CORRECTED***  
RESOLUTION 2016-107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING THE CREATION OF A PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM AND ENTERING INTO AN INTERLOCAL AGREEMENT WITH THE TOWN OF LAKE CLARKE SHORES, FLORIDA AND THE FLORIDA DEVELOPMENT FINANCE CORPORATION TO CREATE A PACE DISTRICT UNDER FLORIDA LAW; UPON EXECUTION, AUTHORIZING RENOVATE AMERICA TO OFFER PACE FINANCING IN FERNANDINA BEACH; ENTERING INTO A DONATION AGREEMENT WITH RENOVATE AMERICA; PROVIDING FOR AUTHORIZATION OF CITY OFFICIALS; PROVIDING DIRECTIONS TO CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2010, the Florida Legislature adopted HB 7179 (Section 163.08, Fla. Stat.) (the "Bill"), allowing local governments to create Property Assessed Clean Energy (PACE) programs in order to provide the up-front financing for energy conservation and efficiency (e.g., energy-efficient heating, cooling, or ventilation systems), renewable energy (e.g., solar panels), and wind resistance (e.g., impact resistant windows) improvements (the "Qualifying Improvements"); and

WHEREAS, PACE programs assist residents and business owners in strengthening the hurricane resistance of their homes and businesses, reducing their carbon footprint and energy costs and by stimulating the local economy by creating construction jobs; and

WHEREAS, homeowners within Fernandina Beach, would benefit from the creation of a PACE program to help finance the substantial up-front costs associated with increasing the resiliency and energy efficiency of homes; and

WHEREAS, Fernandina Beach desires to authorize a PACE provider to accept applications, establish and utilize a non-ad valorem assessment process, and enter into financing agreements with property owners within Fernandina Beach; and

WHEREAS, creating a PACE district pursuant to Section 163.08 and 163.01(7) will enable Fernandina Beach to utilize the PACE District to enable PACE financing to be offered to homeowners without the substantial administrative and start-up costs that Fernandina Beach would incur if it were to set up its own program; and

WHEREAS, creating a PACE district will enable other communities to join the district via Interlocal Agreement as provided in Section 163.08 and 163.01(7), creating economies of scale that will benefit the homeowners of Fernandina Beach; and

WHEREAS, Renovate America, Inc. ("Renovate America") is the nation's largest provider of

residential PACE financing and is working in partnership with the Florida Development Finance Corporation; and

WHEREAS, the Florida Development Finance Corporation (“FDFC”) is authorized by state law to provide financing for PACE programs statewide and has already been approved to issue up to Two Billion Dollars (\$2,000,000,000) of PACE bond financing; and

WHEREAS, the Interlocal Agreement, in substantially the form attached hereto as Exhibit “A”, will, upon execution by all parties, create a special district under Section 163.01(7), Fla. Stats. and will be designated the Florida Resiliency and Energy District (“FRED”) and will designate FDFC and its PACE Program to provide the financing for FRED that will be offered to property owners in Fernandina Beach and to other members of FRED; and

WHEREAS, the Town of Lake Clarke Shores located in Palm Beach County, Florida approved a similar resolution on August 23, 2016 and with the City of Fernandina Beach will be a co-founder of the FRED upon execution of the Interlocal Agreement; and

WHEREAS, creating FRED will enable Renovate America, as a PACE administrator for the FDFC PACE Program, to offer it’s PACE financing program to Fernandina Beach property owners; and

WHEREAS, the City of Fernandina Beach, as a Founder of the Florida Resiliency and Energy District and as a participant in all attendant duties of the management and administration of the District, will enter into a Donation Agreement with Renovate America allowing the City to share in the growth of the District; and

WHEREAS, the City Commission of Fernandina Beach, Florida finds that this Resolution is in the best interest and welfare of the residents of Fernandina Beach.

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

Section 1. Recitals. The foregoing recitals are true and correct and are hereby adopted, confirmed, and incorporated herein by reference.

Section 2. Creation of PACE program and the Florida Resiliency and Energy District. The City Commission hereby approves the Interlocal Agreement creating the Florida Resiliency and Energy District (FRED), pursuant to Section 168.08 and 163.01(7) with the Florida Development Finance Corporation (FDFC) and the Town of Lake Clarke Shores, Florida in substantially the form as attached hereto as Exhibit “A”, and authorizes the Mayor to execute the final agreements, subject to approval as to form and legality by the City Attorney.

Section 3. Authorization of Applications and Levy of Assessments. Upon creation of FRED, the City Commission, hereby authorizes FDFC’s PACE administrator, Renovate America, to accept applications for financing Qualifying Improvements within the Fernandina Beach municipal boundaries on a non-exclusive basis and hereby authorizes FRED to levy non-ad valorem

assessments for such Qualifying Improvements, subject to limitations and conditions including execution of a Non-Ad Valorem Assessment Collection Agreement, and applicable federal, state, county, and municipal law, rules, regulations, ordinances, and policies.

Section 4. Donation Agreement. The City Commission hereby approves the agreement for .05% donation to the City (the "Donation Agreement") by Renovate America upon approval of public financing for Qualifying Improvements, attached hereto as Exhibit "B", and authorizes the Mayor to execute the final agreement, subject to approval as to form by the City Attorney.

Section 5. Authorization of City Officials. The Mayor, the City Manager and the City Attorney are authorized to take all steps necessary to implement the terms and conditions of this Resolution and to execute the Interlocal Agreement creating the Florida Resiliency and Energy District, and to execute the Donation Agreement authorizing Renovate America, as the provider of PACE financing for FDFC, to be the administrator for the District, in substantially the form as attached hereto as Exhibits "A" and "B." The Mayor is authorized to execute any required agreements and/or documents to implement the terms and conditions of this Resolution, subject to the approval as to form and legality by the City Attorney.

Section 6. Effective Date. This Resolution shall be effective immediately upon adoption.

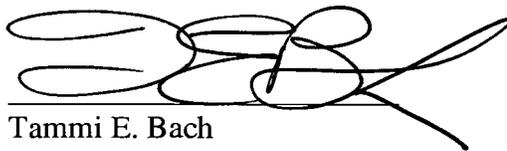
ADOPTED this 4th day of October, 2016.

CITY OF FERNANDINA BEACH

\_\_\_\_\_  
John A. Miller  
Commissioner - Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Tammi E. Bach  
City Attorney

\_\_\_\_\_  
Caroline Best  
City Clerk

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**RESOLUTION 2016-107  
EXHIBIT "A"**

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**INTERLOCAL AGREEMENT RELATING TO THE  
CREATION OF THE FLORIDA RESILIENCY AND ENERGY  
DISTRICT, A PROPERTY ASSESSED CLEAN ENERGY  
DISTRICT, AND AUTHORIZING FINANCING PURSUANT  
THERE TO**

**BY AND AMONG**

**THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AND**

**THE CITY OF FERNANDINA BEACH, FLORIDA, AND**

**THE FLORIDA DEVELOPMENT FINANCE CORPORATION, FLORIDA, IN ITS**

**LIMITED CAPACITY DESCRIBED HEREIN**

**AND ANY SUBSEQUENT PARTIES HERETO**

**DATED AS OF \_\_\_\_\_, 2016**

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**INTERLOCAL AGREEMENT RELATING TO THE CREATION OF  
THE FLORIDA RESILIENCY AND ENERGY DISTRICT, A  
PROPERTY ASSESSED CLEAN ENERGY DISTRICT, AND  
AUTHORIZING FINANCING THERETO**

**THIS INTERLOCAL AGREEMENT** (“Interlocal Agreement”) is made and entered into as of \_\_\_\_\_, 2016, by and among the government units executing the Interlocal Agreement, each one constituting a public agency or legal entity under Part I, Chapter 163, Florida Statutes, , comprising the Town of Lake Clarke Shores, a municipality and local government of the State of Florida and the City of Fernandina Beach, a municipality and local government of the State of Florida (the “Public Agency” or “Public Agencies”) and, in the limited capacity described herein, the Florida Development Finance Corporation, a public body corporate and politic, a public instrumentality and a public agency organized and existing under the laws of the State of Florida (“FDFC”) and, together collective referred to herein as the “Parties” .

**WITNESSETH:**

**WHEREAS**, pursuant to Section 163.08, Florida Statutes, as amended (the “Florida PACE Act”), the Florida Legislature found that in order to make qualifying renewable energy, energy efficiency and conservation and wind resistance improvements more affordable and assist real property owners who wish to undertake such improvements, there is a compelling State of Florida (“State”) interest in enabling property owners to voluntarily finance such improvements with local government assistance; and

**WHEREAS**, under the Florida PACE Act, the Florida Legislature determined that the actions authorized under the Florida PACE Act, including, but not limited to, the financing of qualifying improvements through the execution of financing agreements between property owners and local governments and the resulting imposition of voluntary non-ad valorem assessments are reasonable and necessary to serve and achieve a compelling state interest and are necessary for the prosperity and welfare of the State and its property owners and inhabitants; and

**WHEREAS**, the Town of Lake Clarke Shores, Florida, and the City of Fernandina Beach, Florida, wish to create an entity to finance PACE projects for themselves and for other local governments pursuant to Section 163.08(2)(a); and

**WHEREAS**, the Town of Lake Clarke Shores pursuant to Resolution 16-\_\_\_\_ enacted \_\_\_, 2016, approved the form and authorized the execution of this Interlocal Agreement; and

**WHEREAS**, the City of Fernandina Beach, pursuant to Resolution \_\_\_ enacted \_\_\_, 2016, approved the form and authorized the execution of this Interlocal Agreement;

and

**WHEREAS**, the Town of Lake Clarke Shores and the City of Fernandina Beach desire to enter into an agreement under Section 163.01(7), Florida Statutes, to create a special district that constitutes (1) a separate legal entity within the meaning of Section 163.01, Florida Statutes, also known as the Florida Interlocal Cooperation Act of 1969 (the “Interlocal Act”) and (2) a “local government” within the meaning of the Florida PACE Act and (3) a special district in furtherance of the objectives of the Florida PACE Act; and

**WHEREAS**, the separate legal entity created under this Interlocal Agreement shall be known as the Florida Resiliency and Energy District (“the District” or “FRED”) which may, pursuant to section 163.08(2)(a), finance energy related or wind-resistant “qualifying improvements” through voluntary assessments; and

**WHEREAS**, the “Interlocal Act” also permits the FDFC and FRED, as public agencies under the Interlocal Act, to enter into interlocal agreements with each other to provide for the performance of service functions to cooperate on a basis of mutual benefit in the best interest of the real property owners within the boundaries of FRED; and

**WHEREAS**, FDFC has determined that there is a substantial need within the State for a financing program which can provide funds to property owners to enable them to finance qualifying improvements under the Florida PACE Act on a cost-effective basis; and

**WHEREAS**, the Florida Legislature determined that FDFC has the authority to issue revenue bonds for the purpose of financing said qualifying improvements pursuant to Section 288.9606(7), Florida Statutes; and

**WHEREAS**, FDFC acts as a special development financing authority that specializes in providing financing support to fund capital projects that support economic development and job creation on a state-wide basis; and

**WHEREAS**, the Florida PACE Act is an economic development tool that provides communities with an additional option for financing, stimulates production of qualifying products, promotes competition, seeks to increase property values, lower energy consumption, mitigate wind damage, and create jobs; and

**WHEREAS**, on December 4, 2015, the FDFC Board of Directors adopted Resolution No. 15-09, as amended and supplemented from time to time (the “Bond Resolution”), authorizing the issuance of revenue bonds (“Bonds”) in order to finance qualifying improvements under the Florida PACE Act, which revenue bonds shall be secured by and payable from the proceeds of voluntary non-ad valorem assessments levied against the real properties that are benefitted by such qualifying improvements (the “Assessments”), all in accordance with the provisions of the Florida PACE Act and other

applicable provisions of law and in accordance with FDFC's Property Assessed Clean Energy ("PACE") Program (the "FDFC PACE Program"); and

**WHEREAS**, on July 18, 2014, in accordance with Chapter 75, Florida Statutes, the Circuit Court of the Second Judicial Circuit in and for Leon County, Florida issued an Amended Final Judgment validating the issuance of the Bonds by FDFC and on October 15, 2015, the Supreme Court of the State of Florida affirmed such Final Judgment; and

**WHEREAS**, on December 4, 2015, the FDFC Board of Directors adopted Resolution No. 15-10 setting forth its policies and procedures relating to the FDFC PACE Program; and

**WHEREAS**, on December 4, 2015, the FDFC Board of Directors adopted Resolution No. 15-11 approving Renovate America, Inc. ("Renovate America") as its first PACE administrator for the FDFC PACE Program; and

**WHEREAS**, FDFC anticipates adding other PACE providers as PACE residential and commercial administrators to provide a competitive marketplace in Florida for any potential residential and commercial property owners interested in the FDFC PACE Program; and

**WHEREAS**, FRED and FDFC agree, pursuant to Section 163.01(14), that FRED, as a separate legal entity authorized to facilitate PACE financing pursuant to Section 163.08, Florida Statutes, may contract with FDFC to serve the financing function of the District and therefore serve the property owners of within the District; and

**WHEREAS**, under this Interlocal Agreement, the Parties agree to have the FDFC PACE Program serve as the administrator for the District PACE program; and

**WHEREAS**, the District will utilize the FDFC PACE Program to implement PACE exclusively on behalf of the District and take on all costs and responsibilities for administering and operating the program; and

**WHEREAS**, FDFC will utilize its authority under law to provide, authorize, and issue revenue bonds to finance PACE improvements within and on behalf of property owners within the District; and

**WHEREAS**, FRED will have immediate access to a turnkey FDFC PACE Program which includes \$2,000,000,000 in judicially validated bonding authority for PACE financing and a trained PACE program staff; and

**NOW THEREFORE, THE PARTIES TO THIS INTERLOCAL AGREEMENT AGREE AS FOLLOWS:**

**SECTION 1. AUTHORITY FOR INTERLOCAL AGREEMENT.** This Interlocal Agreement is adopted pursuant to the provisions of the Interlocal Act, the Florida PACE Act, and other applicable provisions of law. At all times prior to and during the term of this Interlocal Agreement, the Town of Lake Clarke Shores, Florida, and the City of Fernandina Beach, Florida, constitute local governments as that term is defined in the Florida PACE Act and the Interlocal Act and the Florida Finance and Development Corporation constitutes a “public agency” as that term is defined in the Florida Interlocal Act. That portion of this Agreement creating the separate legal entity pursuant to Section 163.01(7), Florida Statutes, is among and between the Founding Members, and that portion of the Agreement allowing the FDFC PACE Program to provide the financing duties of the District is pursuant to Section 163.01(14), Florida Statutes.

**SECTION 2. DEFINITIONS.** The following definitions shall govern the interpretation of this Interlocal Agreement:

**“Annual Assessment Resolution” or “Assessment Resolution”** means a resolution or resolutions adopted by the District that (A) imposes new Assessments against those property owners entering into financing agreements with the FDFC under the FDFC PACE Program since adoption of the last Annual Resolution or Assessment Resolution, and (B) approves an electronic assessment roll to be submitted to the Tax Collector for the next tax bill containing the required collection information for all property owners with outstanding Assessments under the FDFC PACE Program, in each case limited to those property owners within the boundaries of the local governments that comprise the District.

**“Assessments”** means the non-ad valorem assessments levied by the District against the properties that are benefitted by the qualifying improvements in accordance with the Florida PACE Act and the FDFC PACE Program.

**“Bond Resolution”** means Resolution No. 15-09 of the FDFC adopted on December 4, 2015 relating to the Bonds and the FDFC PACE Program, as amended and supplemented from time to time.

**“Bonds”** means bonds that are issued by FDFC from time to time pursuant to the Bond Resolution.

**“Contracted FDFC services”** means the services provided by FDFC pursuant to this Interlocal Agreement.

**“District” or “FRED”** means the Florida Resiliency and Energy District (FRED), a Property Assessed Clean Energy special district, and local government formed pursuant to the Interlocal Act, the Florida PACE Act and this Interlocal Agreement.

**“FDFC”** means Florida Development Finance Corporation, a public body corporate and politic, a public instrumentality and a local agency organized and existing under the laws of the State of Florida.

**“FDFC PACE Program”** means the FDFC’s Property Assessed Clean Energy (PACE) Program adopted pursuant to the Bond Resolution and its Policies and Procedures.

**“Florida PACE Act”** means Section 163.08, Florida Statutes, as may be amended from time to time.

**“Founding Members”** means the Town of Lake Clarke Shores, Florida, and the City of Fernandina Beach, Florida. The term does not include FDFC.

**“Interlocal Act”** means Section 163.01, Florida Statutes, as amended.

**“Interlocal Agreement”** means this Interlocal Agreement Relating to the creation of the Florida Resiliency and Energy District, a Property Assessed Clean Energy District, including any amendments or supplements hereto, executed and delivered in accordance with the terms hereof.

**“Limited Purpose Party Membership Agreement”** means an agreement between a Subsequent Party and the District defining the terms and conditions of membership within the District.

**“Party” or “Parties”** means the Town of Lake Clarke Shores, Florida, and the City of Fernandina Beach, and the Florida Development Finance Corporation Florida, and their respective assigns; provided, however, the FDFC is a party only for the contracted FDFC services

**“Property Appraiser”** means the county property appraiser for real property within the boundaries of each Founding Member or Subsequent Party.

**“Public Agency”** means cities or counties of the State of Florida, or any Subsequent Party.

**“Resolution of Enactment”** means Resolution No. 16-\_\_\_\_ adopted by the Town of Lake Clarke Shores, and Resolution No. \_\_\_\_\_ adopted by the City of Fernandina Beach, authorizing the creation of a PACE program within its boundaries and authorizing the creation of a PACE District by Interlocal Agreement with FDFC finding that the PACE Program provides a special benefit to residential property within its boundaries and authorizing the levy of special assessments on benefited property consistent with the common powers provided in the Interlocal Agreement.

**“Resolution of Intent”** means a resolution adopted by the District pursuant to the

Uniform Assessment Collection Act providing notice to all owners of real property within the boundaries of District that non-ad valorem assessments may be imposed pursuant to the Florida PACE Act and will be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes, if the property owner chooses to utilize the FDFC PACE Program and any FDFC approved PACE administrator to finance qualifying improvements.

**“State”** means the State of Florida.

**“Subsequent Party”** or **“Subsequent Parties”** means additional government units constituting Public Agencies under the Interlocal Act and local governments as defined under the Florida PACE Act which join the District upon application to the District and the affirmative vote of a majority of the Board of Directors for the District and upon execution of a Limited Purpose Party Membership Agreement between the District and a Subsequent Party.

**“Tax Collector”** means the county tax collector for real property within the boundaries of each Founding Member or Subsequent Party.

**“Uniform Assessment Collection Act”** means Sections 197.3632 and 197.3635, Florida Statutes, as amended and supplemented from time to time.

**SECTION 3. INTERPRETATION.** Words importing the singular number shall include the plural in each case and vice versa, and words importing persons shall include firms and corporations. The terms “herein,” “hereunder,” “hereby,” “hereto,” “hereof,” and any similar terms, shall refer to this Interlocal Agreement; the term “heretofore” shall mean before the effective date of this Interlocal Agreement; and the term “hereafter” shall mean after the effective date of this Interlocal Agreement. This Interlocal Agreement shall not be construed more strongly against any party regardless that such party, or its counsel, drafted this Interlocal Agreement.

**SECTION 4. PURPOSE.** The purpose of this Interlocal Agreement is for the Founding Members to create the District known as the Florida Resiliency and Energy District (“the District” or “FRED”), pursuant to the Interlocal Act and the Florida PACE Act, and, by also agreeing to contract with the Florida Development Finance Corporation and its FDFC PACE Program, the Resolution of Enactment and the Florida PACE Act to facilitate the financing of qualifying improvements for property owners within the District. The District shall be a separate legal entity, pursuant to Section 163.01(7), Florida Statutes and a local government within the meaning of the Florida PACE Act.

**SECTION 5. QUALIFYING IMPROVEMENTS.** The District shall allow the financing of qualifying improvements by and through the FDFC PACE Program as defined in Section 163.08, Florida Statutes, under authority of Section 163.01(14), Florida Statutes.

**SECTION 6. ENABLING ORDINANCE OR RESOLUTION.** The Founding Members and Subsequent Parties to this Interlocal Agreement agree to approve and keep in effect such resolutions and ordinances as may be necessary to approve, create and maintain the District. Said ordinances and resolutions shall include all of the provisions as may be required or desirable under the Interlocal Act and the Florida PACE Act for the creation and operation of FRED as a separate legal entity and a local government. The District shall be created upon the execution and delivery of this Interlocal Agreement by the Parties.

**SECTION 7. DISTRICT BOUNDARIES; DISTRICT ADMISSION.**

(A). The boundaries of the District shall initially be the legal boundaries of the Founding Members, and shall be expanded to include all areas within the legal boundaries of, or service area designated by the Limited Purpose Party Membership Agreement entered into by each local government (the “jurisdictional boundaries”) that becomes a Subsequent Party to this Interlocal Agreement. As contemplated in this Interlocal Agreement, the District shall levy voluntary assessments on the benefitted properties within the jurisdictional boundaries of the District in order for the FDFC PACE Program to finance the costs of qualifying improvements for those benefitted properties. Upon petition by the landowners of individual residential or commercial properties desiring to be benefitted, those properties receiving financing for qualifying improvements shall be assessed from time to time, in accordance with the applicable law. Notwithstanding a Founding Member’s termination of participation in this Interlocal Agreement, or Subsequent Party’s termination of participation, those properties that have received financing for qualifying improvements shall continue to be a part of the District, until such time that all outstanding debt has been satisfied.

(B). To the extent permitted by the Interlocal Act, the District may admit any public agency or local government (as such terms are defined in the Interlocal Act and the Florida PACE Act, respectively) as a Subsequent Party to the District upon application of each public agency or local government to the District and the affirmative vote of a majority of the Board of Directors for the District. This Interlocal Agreement need not be amended to admit any such public agency or local government, and the approval of the respective governing boards of the existing Parties to the District shall not be required to admit a Subsequent Party. Each Subsequent Party shall execute, deliver, duly authorize, and record in the public records of each Subsequent Party a Limited Purpose Party Membership Agreement as a precondition to membership in the District.

**SECTION 8. GOVERNING BOARD OF THE DISTRICT.** The District shall be governed by a governing board (the “Board,”) which shall at a minimum be comprised of three (3) individuals, all of whom are elected officials, city managers, or their designees, of the Founding Members, and each representing an individual local government within the jurisdictional boundaries of the Parties to this Interlocal Agreement. The next Subsequent Party to join the District (of, if they decline, the next

Subsequent Party), shall have the option to request to become a member of the Board and replace one member of the [City Commission/City Council/County Commission] that has 2 members on the Board until only one member of each [City Commission/City Council/County Commission] remains on the Board. Notwithstanding the foregoing, the maximum number of members on the Board may be increased by a majority vote of the Board to a maximum of 5 members, with the proviso that as much as possible the composition of Board membership reflect the geographic regions of the state of Florida. After the Board is constituted, the Executive Director may recommend procedures for setting terms, Board qualifications and responsibilities, and the means of appointment of members to the Board. In the event a Board member is no longer eligible or able to serve on the Board, the Public Agency represented by the Board member, so long as it continues to be a Party to this Interlocal Agreement, shall have the right to request appointment of a replacement to fulfill the remaining term of that member. FDFC shall have no right to appoint any member of the Board.

**SECTION 9. DECISIONS OF THE BOARD.** Decisions of the Board shall be made by majority vote of the Board. The Board, upon recommendation of the Executive Director, may adopt rules of procedure for the Board. In the absence of the adoption of such rules of procedure, the most current version of Roberts Rules of Order shall apply to the extent it is not inconsistent with Florida law.

**SECTION 10. DISTRICT ADMINISTRATION; DISTRICT STAFF AND ATTORNEY; ADMINISTRATORS**

(A). Financing. As a condition of this Interlocal Agreement, the Founding Members, and any Party joining the District consents to FDFC and FDFC PACE Program financing for the District, and FDFC as the PACE Program Sponsor agrees to provide a turnkey PACE program for each jurisdiction that is a Party to this Interlocal Agreement. Notwithstanding any other section of this Interlocal Agreement, the Executive Director of FDFC or his or her appointee shall also be the Executive Director of FRED. The Executive Director shall have sole authority to appoint staff, counsel, professionals, consultants, and all other positions to fulfill the functions of the District per the PACE Act for the District, and all costs and expenses shall be borne by FDFC and the District.

(B). Additional Administrators. The Program Development Period, which serves as a soft launch period for the FDFC PACE Program, will end on July 1, 2017, whereby additional qualified administrators for residential PACE programs may be presented to the District. Within 30 days after execution of this Interlocal Agreement, FDFC may present to the District qualified administrators for commercial PACE programs that will be available to serve jurisdictions that are a Party to this Interlocal Agreement. All PACE administrators (“PACE Administrators” or “Administrators”) must undergo a vetting process by the FDFC. Once vetted, the PACE Administrators must be presented to the FDFC Board and approved by resolution. In order for an approved PACE provider to provide administrator services through the FDFC PACE Program, it must execute a PACE

Administration Agreement. Each member of the District shall receive notice of all approved PACE Administrators (except for residential PACE Providers during the “soft launch” period above). Notwithstanding any of the foregoing, the only authorized FDFC PACE residential Program Administrator for the District shall be Renovate America until July 1, 2017.

**SECTION 11. FINANCING AGREEMENT.** The Parties agree that FDFC and FRED, and their designees, may enter into financing agreements, pursuant to Section 163.08(8), Florida Statutes, with property owner(s) who obtain financing through the District.

**SECTION 12. POWERS OF THE DISTRICT.** With the approval of a majority vote of the Board, the District may exercise any or all of the powers granted to the District under the Interlocal Act and the Florida PACE Act, which include, without limitation, the following:

- (A). To finance qualifying improvements through contracts with property owners in the District, and the District shall impose and levy assessments as a local government in accordance with Section 163.08 to repay the financing received; provided, however, i) FDFC shall provide the form of the financing agreement and ii) that FDFC shall, have independent discretionary authority to authorize and approve the issuance of revenue bonds to finance such improvements without further approval or authorization from the District, and subject to Section 10, to select and approve Program Administrators for the District;
- (B). In its own name to make and enter into contracts on behalf of the District;
- (C). Subject to Section 10(a), to employ agencies, employees, or consultants for the District;
- (D). To acquire, construct, manage, maintain, or operate buildings, works, or improvements for the District;
- (E) To acquire, hold, or dispose of property for the District;
- (F) To incur debts, liabilities, or obligations, provided, however, that such debts, liabilities, or obligations shall not constitute debts, liabilities, or obligations of the State, FDFC, the Founding Members, or any Subsequent Party to this Interlocal Agreement;
- (G) To adopt resolutions and policies prescribing the powers, duties, and functions of the officers of the District, the conduct of the business of the District, and the maintenance of records and documents of the District;

- (H) To maintain an office at such place or places as it may designate within the District or within the boundaries of a Party to this Interlocal Agreement;
- (I) To cooperate with or contract with other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by the Florida PACE Act, and to accept funding from local, state and federal agencies;
- (J) To exercise all powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized in the Florida PACE Act or Florida statutes governing the District; and
- (K) To apply for, request, receive and accept gifts, grants, or assistance funds from any lawful source to support any activity authorized under Florida Statutes and this Interlocal Agreement.

**SECTION 13. TERM.**

(A). This Interlocal Agreement shall remain in full force and effect from the date of its execution; provided, however, that any Party may terminate its involvement in the District and its participation in this Interlocal Agreement upon ten (10) days' written notice to the other Parties. Should a Party terminate its participation in this Interlocal Agreement, be dissolved, abolished, or otherwise cease to exist, the District and this Interlocal Agreement shall continue until such time as all remaining Parties agree to terminate this Interlocal Agreement.

(B). At its discretion, and with reasonable notice, FDFC may terminate its role as FDFC PACE Program Sponsor for the District.

(C). Notwithstanding a Party's termination of participation in this Interlocal Agreement, to ensure continued collection of Assessments for qualifying improvements acquired within the service area of the terminating Party, such terminating Party shall enter into a written agreement with the District for such Party to consent to the levy of annual Assessments by the District or for such party to levy annual Assessments on those properties that have received financing for qualifying improvements within the legal boundaries of the terminating Party, until such time that all outstanding debt related to such qualifying improvements has been satisfied. The proceeds of the Assessments shall be paid to the designee of the District pursuant to such written agreement.

**SECTION 14. CONSENT.** This Interlocal Agreement and any required resolution or ordinance of an individual Party shall be considered the Party's consent to the creation of the District as required by the Interlocal Act and the Florida PACE Act.

**SECTION 15. NOTICE OF INTENT; IMPOSITION OF SPECIAL**

## **ASSESSMENTS; COORDINATION.**

(A) In accordance with the Uniform Assessment Collection Act and the Florida PACE Act, the District hereby agrees to impose Assessments within its jurisdictional boundaries and to utilize the Uniform Assessment Collection Act for collection of such Assessments from each property owner that voluntarily enters into a financing agreement pursuant to the Florida PACE Act and the FDFC PACE Program. Specifically, the District shall:

(1) advertise a public hearing to consider adoption of a Resolution of Intent, thus providing notice to the owners of real property within the jurisdictional boundaries of the District that non-ad valorem assessments may be imposed pursuant to the Florida PACE Act and may be collected pursuant to the Uniform Assessment Collection Act, and such advertisement to be substantially in the form and within the timing requirements set forth in EXHIBIT A attached hereto;

(2) after holding the public hearing referred to in (1) above, adopt a Resolution of Intent, substantially in the form attached hereto as EXHIBIT B, and mail an executed copy to FDFC, the Tax Collector and the Property Appraiser;

(3) enter into a written agreement with the Tax Collector and the Property Appraiser regarding costs associated with use of the Uniform Assessment Collection Act, to the extent such agreement is not already in place;

(4) prior to September 15 of each calendar year, or as frequently as needed adopt an Annual Assessment Resolution or Assessment Resolutions, substantially in the form attached hereto as EXHIBIT C, which imposes new Assessments against those property owners entering into financing agreements with FDFC and FRED since adoption of the last Annual Resolution, and certifies an electronic assessment roll to be submitted to the Tax Collector for the next tax bill, in each case based on information provided by FDFC;

(5) remit Assessment proceeds received on behalf of the District from the Tax Collector directly to the District, FDFC or its designee;

(6) take all actions necessary to enforce collection of the Assessments pursuant to the Uniform Assessment Collection Act; and

(7) on its own behalf and at the request of FDFC, re-impose the Assessments as necessary to the extent required by changes in State law or subsequent judicial decisions.

(B) Each approved Administrator shall be responsible for all other actions required by the Florida PACE Act and their Administration Agreement with FDFC under the FDFC PACE Program, including but not limited to:

(1) assisting each Party to the Interlocal Agreement with preparing all documents required for the District to impose the Assessments pursuant to the Florida PACE Act and the Uniform Assessment Collection Act, including finalization of the documents attached as exhibits hereto and assistance with the written agreement with the Tax Collector and Property Appraiser, if requested by each Party;

(2) providing a copy of the Resolution of Intent, together with any other documents required by the Florida PACE Act or the Uniform Assessment Collection Act, to the Florida Department of Revenue;

(3) ensuring that each property owner that voluntarily enters into a financing agreement with FDFC has met all of the financial and other requirements provided for by the Florida PACE Act and the FDFC PACE Program;

(4) providing the requisite notifications to all real property owners participating in the District;

(5) recording a summary or memorandum of the financing agreement with the property owner in accordance with the Florida PACE Act;

(6) tracking payment information for each property owner participating in the District and maintaining the related assessment rolls for all such participating parcels within the boundaries of the District;

(7) working with the District to ensure the submission of the electronic assessment roll relating to the District each year to the Tax Collector; and

(8) administering all other aspects of the District including the payment of Bonds with proceeds derived from the Assessments,

(C) The District shall fully cooperate and coordinate with the Tax Collector and Property Appraiser with respect to the levying and collection of assessments and comply with all other requirements of the Florida PACE Act and the Uniform Assessment Collection Act.

## **SECTION 16. UNDERLYING POWERS; SEPARATE INTERLOCAL AGREEMENTS.**

(A) For purposes of this Interlocal Agreement and the District, the Parties acknowledge that FDFC currently does not have the power to levy the Assessments. FDFC shall not be a member of the District. FDFC shall be a party to this Interlocal Agreement solely for the purpose of providing turn-key financial and administrative

services through the FDFC PACE Program. The levy of the Assessments within the District is an exercise of the sovereign powers of the Founding Members and Subsequent Parties to this Interlocal Agreement.

(B) In order to maintain the integrity of the Assessments imposed by the District, the FDFC may, at its sole option, terminate its participation in this Interlocal Agreement and enter into a separate Interlocal Agreement or contract which provides the services described herein related to the FDFC PACE Program.

**SECTION 17. FEES AND COSTS.**

(A) All fees and costs related to the recording of this Interlocal Agreement, the Resolution of Intent process and any other fees and costs incurred by any Party with respect to the Assessments and the FDFC PACE Program will be paid for solely by FDFC and reimbursed to FDFC through the FDFC PACE Program by the respective FDFC-approved PACE Administrator(s).

(B) To advance the purposes of the Florida PACE Act, to minimize participation costs, and because each property owner is voluntarily undertaking to achieve and underwrite the compelling State interests described in the Florida PACE Act, the District shall seek either (i) the waiver or reduction by the Tax Collector and Property Appraiser of their fees or (b) a flat \_\_\_\_\_ dollar (\$ .00) fee per year per tax parcel for such purposes which shall be paid by the District and reimbursed to the District through the FDFC PACE Program by the respective FDFC-approved PACE administrator.

**SECTION 18. FILING.** A copy of this Interlocal Agreement shall be filed by the District for record with the Clerk of the Circuit Court in and for such jurisdictions as may be required by Section 163.01(11), Florida Statutes.

**SECTION 19. LIMITED LIABILITY.**

(A) To the extent permitted by Florida Law and subject to the limitations of Section 768.28, Florida Statutes, FDFC shall defend, indemnify and hold each other Party to this Interlocal Agreement, and its directors, officials, officers, employees and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, to property or persons, including wrongful death, to the extent arising out of the willful misconduct or gross negligence of FDFC or its directors, officials, officers, employees and agents in connection with the FDFC PACE Program, including without limitation, the payment of expert witness fees and attorneys' fees and other related costs and expenses, but excluding payment of consequential damages. Each Party other than FDFC, shall defend, indemnify and hold FDFC and its directors, officials, officers, employees and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, to property or

persons, including wrongful death, to the extent arising out of the willful misconduct or grossly negligent acts of such Party or its directors, officials, officers, employees and agents in connection with its obligations under this Interlocal Agreement, including without limitation, the payment of expert witness fees and attorneys' fees and other related costs and expenses, but excluding payment of consequential damages. In no event shall any Party's officials, officers or employees be held directly liable for any damages or liability resulting from this Interlocal Agreement. All Subsequent Party or Subsequent Parties' liabilities shall be governed by the Limited Purpose Party Membership Agreement.

(B) No Party or any agent, board member, officer, official, advisor or employee of such Party shall be liable for any action taken pursuant to this Interlocal Agreement in good faith or for any omission, except to the extent provided in Section 19(A) above, or for any act of omission or commission by any other Party hereto or its agents, officers, officials or employees. The terms of this Section 19 shall survive termination or expiration of this Interlocal Agreement.

(C) Neither this Interlocal Agreement nor any Bonds issued by FDFC on behalf of the District under the FDFC PACE Program shall be deemed to constitute a general debt, liability, or obligation of or a pledge of the faith and credit of FRED, FDFC, or any Party, the State of Florida, or any political subdivision or agency thereof. The issuance of any Bonds by FDFC on behalf of the FDFC PACE Program shall not directly, indirectly, or contingently obligate any Party, FDFC, the State of Florida, or any political subdivision or agency thereof to levy or to pledge any form of taxation whatsoever therefor, or to make any appropriation for their payment.

(D) The District, FDFC, and each Party are and shall be subject to Sections 768.28 and 163.01(9), Florida Statutes, and any other provisions of Florida law governing sovereign immunity. Nothing in this Interlocal Agreement is intended to inure to the benefit of any third-party for the purpose of allowing any claim, which would otherwise be barred under the doctrine of sovereign immunity or by operation of law.

**SECTION 20. INDEMNIFICATION.** To the extent permitted by Florida Law and subject to the limitations of Section 768.28, Florida Statutes, the Parties agree that the Limited Purpose Party Membership Partnership Agreement for the District shall always indemnify and hold harmless FDFC, the Parties, and the District. The Parties understand and acknowledge that the indemnification provisions included in the Administrative Agreement between FDFC and its approved Administrators extend to each Party and Subsequent Party which are members of the District.

**SECTION 21. AMENDMENTS.** This Interlocal Agreement may be amended only by a writing approved by each Party.

**SECTION 22. ASSIGNMENT.** This Interlocal Agreement may be assigned, in whole or in part, by any Party at any time with the prior written consent of each other

Party hereto, which consent shall not unreasonably be withheld.

**SECTION 23. EXECUTION IN COUNTERPARTS.** This Interlocal Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

**SECTION 24. SEVERABILITY.** In the event that any provision of this Interlocal Agreement shall, for any reason, be determined invalid, illegal or unenforceable in any respect by a court of competent jurisdiction, the other provisions of this Interlocal Agreement shall remain in full force and effect.

**SECTION 25. APPLICABLE LAW.** This Interlocal Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

**SECTION 26. JOINT EFFORT.** The preparation of this Interlocal Agreement has been a joint effort of the Parties hereto and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than the other.

**SECTION 27. EFFECTIVE DATE.** This Interlocal Agreement shall become effective on the later of (A) the date hereof, or (B) the date the last Founding Member and FDFC executes this Interlocal Agreement and the filing requirements of Section 17 hereof are satisfied.

[SIGNATURE PAGES FOLLOW]

[PUBLIC AGENCY SIGNATURE PAGE TO INTERLOCAL AGREEMENT]

**IN WITNESS WHEREOF**, this Interlocal Agreement has been executed by and on behalf of the Town of Lake Clarke Shores, Florida by its Mayor, its seal affixed hereto, as attested by its Clerk as of the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**ATTEST:**

By: \_\_\_\_\_

**TOWN OF LAKE CLARKE SHORES, FLORIDA**

By: \_\_\_\_\_  
Robert M.W. Shalhoub, its Mayor

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Charles F. Schoech, Town Attorney

**IN WITNESS WHEREOF**, this Interlocal Agreement has been executed by and on behalf of the City of Fernandina Beach, Florida by its Mayor, its seal affixed hereto, as attested by its Clerk as of the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_, **FLORIDA**

(SEAL)  
ATTEST:

By:  
\_\_\_\_\_, its

APPROVED AS TO FORM AND CORRECTNESS

By:  
\_\_\_\_\_, Public Agency Attorney

Original  
Signed and  
processed

TEB  
9/26/16

[FDFC SIGNATURE PAGE TO INTERLOCAL AGREEMENT]

**IN WITNESS WHEREOF**, this Interlocal Agreement has been executed by and on behalf of the FDFC by the authorized signatory identified below.

**FLORIDA DEVELOPMENT FINANCE CORPORATION**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## **EXHIBIT A**

### **FORM OF PUBLIC HEARING NOTICE FOR RESOLUTION OF INTENT**

#### **NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS**

The Florida Resiliency and Energy District (the “District” or “FRED”) hereby provides notice, pursuant to Section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied by it over a number of years to fund the cost of qualifying renewable energy, energy efficiency and conservation and wind resistance improvements for those property owners who wish to undertake such improvements within the jurisdictional boundaries of the District as authorized by Sections 163.08 and 197.3632, Florida Statutes, which will allow such assessments to be collected annually, commencing in November 20[17], in the same manner as provided for ad valorem taxes.

The Governing Board of the District will consider the adoption of a resolution electing to use the uniform method of collecting such assessments authorized by Sections 163.08 and 197.3632, Florida Statutes, at a public hearing to be held on [PUBLIC HEARING DATE] at [PUBLIC HEARING TIME], or as soon thereafter as the matter may be heard, in the [STREET ADDRESS OF PUBLIC HEARING LOCATION], Florida. Such resolution will state the need for the levy by the District and will contain a legal description of the boundaries of the District. Copies of the proposed form of resolution may be obtained from [CONTACT AND PHONE NUMBER]. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the Governing Board of the District with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the [ADA CONTACT DEPARTMENT, ADDRESS AND PHONE NUMBER] prior to the date of the hearing.

Publication Dates (may vary based on publication frequency):

[once, 28 days prior to the public hearing]

[once, 21 days prior to the public hearing]

[once, 14 days prior to the public hearing]

[once, 7 days prior to the public hearing]

**EXHIBIT B**

**FORM OF RESOLUTION OF INTENT**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF FLORIDA RESILIENCY AND ENERGY DISTRICT ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN ITS JURISDICTIONAL BOUNDARIES; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Florida Resiliency and Energy District (“FRED”) is contemplating the imposition of special assessments to fund the cost of qualifying renewable energy, energy efficiency and conservation and wind resistance improvements for those property owners who wish to undertake such improvements within its jurisdictional boundaries as authorized by Sections 197.3632 and 197.3635, Florida Statutes (the “PACE Assessments”); and

**WHEREAS**, FRED intends to use the uniform method for collecting the PACE Assessments because this method will allow such special assessments to be collected annually commencing in November 20[17], in the same manner as provided for ad valorem taxes; and

**WHEREAS**, FRED held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A and incorporated herein by reference.

**NOW, THEREFORE BE IT RESOLVED:**

1. Commencing with the Fiscal Year beginning on October 1, 20[17], and with the tax statement mailed for such Fiscal Year and continuing thereafter until discontinued by FRED, FRED intends to use the uniform method of collecting non-ad valorem assessments authorized in sections 197.3632 and 197.3635, Florida Statutes, as amended, for collecting the PACE Assessments within its jurisdictional boundaries. A legal description of such area subject to the assessment is attached hereto as Exhibit A and incorporated herein by reference.

2. FRED hereby determines that the levy of the PACE Assessments is needed to fund the cost of qualifying renewable energy, energy efficiency and conservation and wind resistance improvements for those property owners who wish to undertake such improvements within its jurisdictional boundaries.

3. Pursuant to Section 163.08(4), Florida Statutes, the property appraiser(s) and the tax collector(s) serving the area within the jurisdictional boundaries of FRED have agreed that FRED may have until August 15, 20[17] to adopt this Resolution, such agreements being attached hereto as Exhibit B and incorporated herein by reference.]

4. Upon adoption, the Secretary of FRED is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the applicable tax collector, and the applicable property appraiser by [August 15, 20[17]].

5. This Resolution shall be effective upon adoption.

DULY ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20[16].

**[FLORIDA RESILIENCY AND ENERGY DISTRICT SIGNATURE PAGE TO  
INTERLOCAL AGREEMENT]**

**IN WITNESS WHEREOF**, this Interlocal Agreement has been executed by and on behalf of the FRED by the authorized signatory identified below.

**FLORIDA RESILIENCY AND ENERGY  
DISTRICT**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk

**EXHIBIT C**

**FORM OF ANNUAL ASSESSMENT RESOLUTION**

[TO COME]

**AGREEMENT BETWEEN THE CITY OF FERNANDINA  
BEACH, FLORIDA, AND RENOVATE AMERICA, PACE  
ADMINISTRATOR FOR THE FLORIDA RESILIENCY AND  
ENERGY DISTRICT**

**1. PARTIES AND DATE.**

This Agreement is effective as of the 6<sup>st</sup> day of September, 2016 ("the Effective Date"), by and among the City of Fernandina Beach, Florida ("the City"), and Renovate America, Inc., a Delaware Corporation ("Renovate America"), in its capacity as the PACE administrator for the Florida Resiliency and Energy District ("FRED" or "the District"). This agreement may be referred to herein as the "Agreement."

**2. RECITALS.**

- 2.1** The City, the Town of Lake Clarke Shores, and the Florida Development Finance Corporation ("FDFC") have entered into an Interlocal Agreement Relating to the Creation of the Florida Resiliency and Energy District, a Property Assessed Clean Energy District, and Authorizing Financing Pursuant Thereto ("the Interlocal Agreement"), creating FRED to levy assessments for PACE financing throughout Florida.
- 2.2** In establishing FRED, the FDFC PACE Program (the "Program") has selected Renovate America to be its initial PACE administrator for the District to offer the FDFC PACE Program financing to property owners in the City and other jurisdictions throughout Florida. Under the Program, Renovate America will offer its HERO program to Florida property owners who wish to finance energy efficiency, renewable energy, and wind-hardening improvements to their properties.
- 2.3** The City, as a founding member of FRED, shall have representation on the FRED Board of Directors ("Board") pursuant to the terms of the Interlocal Agreement and shall have responsibilities and duties as a founding member of the District with respect to FRED's establishment, administration, and operation, as well as ongoing duties to support the PACE assessments levied by FRED.
- 2.4** The City and Renovate America desire to enter into this Agreement to establish the terms and conditions pursuant to which administrative services for FRED and the Renovate America HERO program will be provided to the City and all jurisdictions which have elected or will elect to participate in the HERO Program administered by Renovate America.

### **3. SCOPE OF SERVICES AND TERM.**

#### **3.1 Scope of Program Administration Services and Term of Agreement**

**3.1.1** The City agrees to provide administrative services, both through its own actions as a founding member and the actions of its appointed members to the Board, to provide District and Program administrative services as are necessary and desirable for the HERO Program offered by Renovate America. The City agrees to appoint a representative(s) to the Board and such service on the Board by a representative(s) of the City shall be continuous and uninterrupted for a period of four (4) years.

**3.1.2** Renovate America agrees to work closely with the City and its representatives on the Board and shall be reasonably available to the City and its Board representatives.

**3.2 Term.** The term of this Agreement shall expire on the earliest of: (i) four years from the Effective Date, (ii) the date on which the City no longer has appointed representatives on the Board, or (iii) Renovate America no longer operates as a PACE administrator for FRED. Notwithstanding this section, all terms governing duties and responsibilities of the Parties with respect to membership and administration of FRED shall be subject to the terms of the Interlocal Agreement.

### **4. DONATION IN LIEU OF COMPENSATION TO ENHANCE RESILIENCY, ENERGY EFFICIENCY, AND RENEWABLE ENERGY EFFORTS IN FERNANDINA BEACH**

In lieu of any payments for the administration services provided by the City, the City and Renovate America agree that a donation in lieu of fees shall be provided, as outlined below, to be used by the City to enhance resiliency, energy efficiency, and renewable energy efforts in the City.

**4.1.** Commencing on the Effective Date of the Agreement, and subject to Section 3.2 above, the City shall receive donated amounts based on the face value of all Bonds issued under the Program for residential properties for the Renovate America HERO Program of 0.05% (5 basis points).

**4.2** Each donated amount shall be transmitted to the City semi-annually from the issuance of Bonds for which such donated amount is calculated.

**4.3** The donations are in lieu of any direct or indirect right or claim of reimbursement for fees for services or for reimbursement for out-of-pocket costs or other expenses from the City, and the City waives all right to such claims. The donations are in furtherance of the goals expressed above, but do not represent any restriction,

limitation, or constraint on the City by Renovate America on use or expenditures of the donation.

4.4 The City shall have the right to audit Renovate America's records to ensure the accuracy of the donations. Renovate America shall keep complete and accurate records relating to the calculation of the donated amounts, including without limitation, the documentation showing how the donated amounts are calculated and the data upon which such calculations are based. All such records shall be maintained in accordance with applicable law.

4.5 Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be reasonably necessary, appropriate or convenient to attain the purposes of this Agreement.

5. **ADDITIONAL ADMINISTRATORS:** Notwithstanding the above, the Parties agree that if Additional PACE Administrators, pursuant to Section 10 of the Interlocal Agreement, are part of the FDFC PACE Program, the Parties shall enter into good faith negotiations with the Additional Administrators to reallocate the donated amount amongst the Additional Administrators. However, notwithstanding this section, the responsibilities for ensuring compliance with Section 4 shall continue until such time as negotiations are concluded and agreement reached between the Parties.

## 6. **EQUITABLE RELIEF AND SEVERABILITY**

(a) Availability of Injunctive Relief. The City and Renovate America agree that either Party may petition a court for provisional relief, including injunctive relief, including, but not limited to, where either the City or Renovate America alleges or claims a violation of this Agreement between the City and Renovate America. The City and Renovate America understand that any breach or threatened breach of this Agreement will cause irreparable injury and that money damages will not provide an adequate remedy therefor and both the City and Renovate America hereby consent to the issuance of an injunction, but only after the party intended to be enjoined has been given notice of the alleged breach and a reasonable opportunity to cure such breach. The City and Renovate America shall be entitled to any and all other remedies provided by law in addition to injunctive relief.

(b) Survival. The provision of this Section, and the entitlement of one Party to obtain damages, or such other appropriate legal or equitable remedies, for a breach by the other Party, shall survive termination of this Agreement.

## 7. **ENTIRE AGREEMENT.**

This Agreement contains the entire Agreement of the City and Renovate America with respect to the subject matter hereof, and supersedes all prior negotiations, understandings or agreements.

**8. GOVERNING LAW.**

This Agreement shall be governed by the laws of the State of Florida. Venue shall be in Nassau County.

**9. TIME OF ESSENCE.**

Time is of the essence for each and every provision of this Agreement.

**10. SUCCESSORS AND ASSIGNS.**

This Agreement shall be binding on the successors and assigns of the Parties.

**11. Assignment or Transfer.**

Renovate America shall not assign, hypothecate or transfer, either directly or by operation of law, this Agreement or any interest herein without the prior written consent of the City, provided, however, Renovate America may assign this Agreement in connection with a merger or the sale of all or substantially all of its assets provided that the successor entity expressly assumes all of the obligations and confirms all of the representations and warranties of Renovate America hereunder. Any attempt to do so shall be null and void, and any assignees, hypothecates or transferees shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer.

**12. AMENDMENT: MODIFICATION.**

No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by the Parties.

**13. WAIVER.**

No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a party shall give the other party any contractual rights by custom, estoppel, or otherwise.

**14. NO THIRD PARTY BENEFICIARIES.**

There are no intended third party beneficiaries of any right or obligation assumed by the parties.

**15. INDEMNIFICATION.**

<sup>15</sup>  
~~14.1~~ Renovate America shall defend, indemnify and hold the City, its directors, members, officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or persons, including wrongful death, in any manner arising out of or incident to any alleged negligent or wrongful acts or omissions or willful

misconduct of Renovate America, its directors, officials, officers, employees, agents, consultants, contractors and subcontractors, arising out of or in connection with the performance of the Program administration services, the HERO Program or this Agreement, including without limitation the payment of all consequential damages and attorneys' fees and other related costs and expenses. Renovate America shall defend, at Renovate America's own cost, expense and risk, any and all such aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against the City, its directors, members, officials, officers, employees, agents or volunteers. Renovate America shall pay and satisfy any judgment, award or decree that may be rendered against the City or its elected officials, directors, members, officials, officers, employees, agents or volunteers, in any such suit, action or other legal proceeding. Renovate America shall reimburse the City and its directors, members, officials, officers, employees, agents and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Renovate America's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the City, its directors, officials, officers, employees, agents or volunteers.

<sup>15</sup>  
~~14.2~~ To the extent permitted by Florida law, and subject to the limitations of Section 768.28 Florida Statutes, the City shall defend, indemnify and hold Renovate America, its officials, officers, employees, volunteers and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury, in law or equity, to property or persons, including wrongful death, in any manner arising out of or incident to any negligent or wrongful acts or omissions or willful misconduct of the City, its officials, officers, employees, agents, consultants, contractors and subcontractors, arising out of or in connection with the performance of the Program administration services, the HERO Program or this Agreement, including without limitation the payment of all consequential damages and attorneys' fees and other related costs and expenses. The City shall defend, at the City's own cost, expense and risk, any and all such aforesaid suits, actions or other legal proceedings of every kind that may be brought or instituted against Renovate America, its directors, officials, officers, employees, agents or volunteers. The City shall pay and satisfy any judgment, award or decree that may be rendered against Renovate America or its directors, officials, officers, employees, agents or volunteers, in any such suit, action or other legal proceeding. The City shall reimburse Renovate America and its directors, officials, officers, employees, agents and/or volunteers, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. The City's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Renovate America, its directors, officials, officers, employees, agents or volunteers.

<sup>16</sup>  
~~18.~~

#### **APPLICATION OF THIS AGREEMENT.**

This Agreement shall apply solely to the provision of Program administrative services within those cities within FRED and the State of Florida that have elected to participate in Renovate America's HERO Program.

SIGNATURE PAGES TO FOLLOW

IN WITNESS WHEREOF, the City and Renovate America, having all legal power and authority to do so, hereby have made and executed this Agreement as of the date first written above.

CITY OF FERNANDINA BEACH, FLORIDA

RENOVATE AMERICA, INC.

By: \_\_\_\_\_  
Name: John A. Miller  
Title: Mayor/Commissioner

By:   
Name: SCOTT D. MCKINLAY  
Title: Executive Vice President

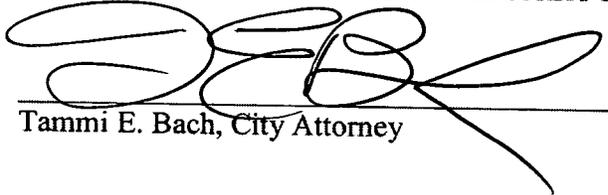
By: \_\_\_\_\_  
Dale L. Martin, City Manager

ATTEST:   
Print Name: Angela Talbot  
Title: Paralegal

ATTEST:

\_\_\_\_\_  
Caroline Best, City Clerk

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Tammi E. Bach, City Attorney

original  
signed and  
processed.  
TEB  
9/26/16



RESOLUTION 2016-121

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING FINAL PLAT, PAB CASE 2016-21 TITLED "COASTAL COTTAGES"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Cottages at Coastal Oaks, LLC has applied to the City Commission of the City of Fernandina Beach, Florida, for approval of a final plat / re-plat titled "Coastal Cottages"; and

WHEREAS, staff has reviewed the applicant's request for final plat / re-plat and found the request to be compliant with the City's Comprehensive Plan and Land Development Code; and

WHEREAS, the Technical Review Committee issued a Local Development Order on January 14, 2016, to allow for clearing of land and installation of site infrastructure; and

WHEREAS, on September 14, 2016, the Planning Advisory Board reviewed the final plat and issued a recommendation of approval.

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

SECTION 1. The plat titled "Coastal Cottages," is hereby accepted and approved as a final plat.

SECTION 2. This Resolution shall take effect immediately upon passage.

ADOPTED this 4<sup>th</sup> day of October, 2016.

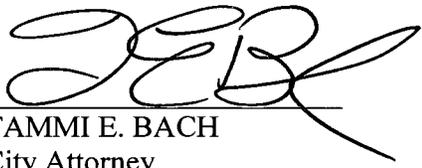
CITY OF FERNANDINA BEACH

\_\_\_\_\_  
JOHN A. MILLER  
Commissioner - Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
CAROLINE BEST  
City Clerk

  
\_\_\_\_\_  
TAMMI E. BACH  
City Attorney



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

**APPLICATION & SURROUNDING AREA INFORMATION:**

<b>OWNER/APPLICANT:</b>	Cottages at Coastal Okas, LLC				
<b>AGENT:</b>	Wirt Beard, Jr., Manager				
<b>REQUESTED ACTION:</b>	Final Plat 11 Townhomes/Replat of Coastal Oaks Tract G				
	<ul style="list-style-type: none"> <li>• Coastal Oaks Final Plat approved by Ordinance 2015-72</li> <li>• Northpark PUD approved by Ordinance 2011-04</li> </ul>				
<b>LOCATION:</b>	Nectarine Street and Coastal Oaks Drive				
<b>CURRENT ZONING:</b>	R-2/ MU-1 with PUD Overlay				
<b>CURRENT LAND USE:</b>	Medium Density Residential/ Mixed Use				
<b>EXISTING USES ON SITE:</b>	Vacant/ Infrastructure for Townhome Development				
<b>PROPERTY SIZE:</b>	1.32 Acres (Parcel #: 00-00-31-1611-000G-0000)				
<b>ADJACENT PROPERTIES:</b>	<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



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

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

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

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

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 cursive script that reads "Kelly N. Gibson".

Kelly N. Gibson, AICP  
Senior Planner



Manzie  
Antonopoulos



**OFFICE USE ONLY**

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

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: 1 Subdivision: Coastal Oaks

Section: 25 Township: 3N Range: 28E

**PROJECT INFORMATION**

Total Number of Lots/Parcels: 11

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

Existing Zoning Classification: R-2 (PUD)

Existing Future Land Use Classification: \_\_\_\_\_

Previous Planning/Zoning Approvals: SPR 2015-03

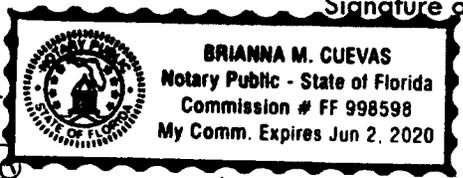
Description of Request: Final Preliminary plat submittal

**SIGNATURE/NOTARY**

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

Date July 27, 2016 Signature of Applicant [Signature]

STATE OF FLORIDA  
COUNTY OF ~~NASSAU~~ Duval <sup>ss</sup>



Subscribed and sworn to before me this 27<sup>th</sup> day of July, 2016.

[Signature] Notary Public: Signature  
Brianna M. Cuevas Printed Name  
6/2/20 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)

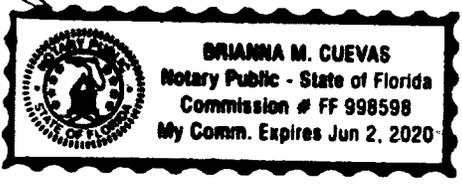
on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

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

Subscribed and sworn to before me this 27<sup>th</sup> day of July, 2016.

Brianna M. Cuevas  
Notary Public: Signature

Brianna M. Cuevas  
Printed Name

6/2/20  
My Commission Expires

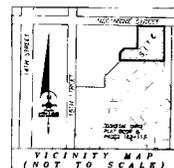
Personally Known \_\_\_\_\_ OR Produced Identification X ID Produced: Drivers license

# "COASTAL COTTAGES"

PLAT BOOK PAGE  
SHEET 1 OF 1 SHEET

**LEGAL DESCRIPTION (CONTINUED)**  
A REPLAY OF TRACT 6, 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 1887 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1901), FERNANDINA BRACH, NASSAU COUNTY, FLORIDA.

A REPLAY OF TRACT 6, 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 1887 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1901), FERNANDINA BRACH, NASSAU COUNTY, FLORIDA.



**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, ON THE DATE OF \_\_\_\_\_ AD 2018.

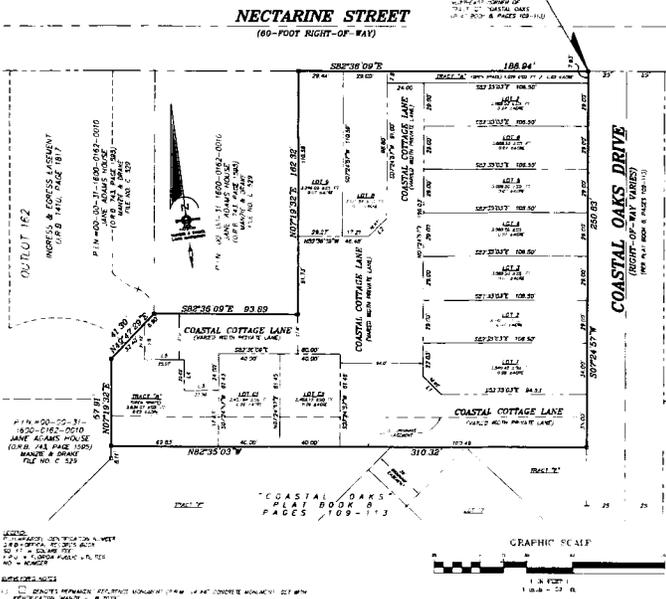
**OWNER'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS PLAT HAS BEEN DRAWN BY ME AND IS IN ACCORDANCE WITH THE REQUIREMENTS OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, AND IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF FERNANDINA BEACH, FLORIDA.

**CERTIFICATE OF REVIEW BY CITY EMPLOYEES/ CONTRACTED SURVEYOR/ARCHITECT**  
I HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT FOR CONFORMANCE WITH THE CITY OF FERNANDINA BEACH, FLORIDA, AND I HAVE FOUND THAT IT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF FERNANDINA BEACH, FLORIDA, AND I HAVE FOUND THAT IT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF FERNANDINA BEACH, FLORIDA.

**OWNER'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS PLAT HAS BEEN DRAWN BY ME AND IS IN ACCORDANCE WITH THE REQUIREMENTS OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, AND IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF FERNANDINA BEACH, FLORIDA.

**APPROVED FOR THE RECORD**  
THIS IS TO CERTIFY THAT THE ABOVE PLAT HAS BEEN APPROVED BY THE CITY MANAGER OF THE CITY OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, ON THE DATE OF \_\_\_\_\_ AD 2018.

**MAKER'S CERTIFICATE**  
I HEREBY CERTIFY THAT THIS PLAT HAS BEEN DRAWN BY ME AND IS IN ACCORDANCE WITH THE REQUIREMENTS OF FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, AND IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY OF FERNANDINA BEACH, FLORIDA.



**ADDITIONAL RECORDS**  
THIS IS TO CERTIFY THAT COASTAL COTTAGES AT COASTAL OAKS, BEACH, A FLORIDA LIMITED LIABILITY COMPANY IS THE LIMITED LIABILITY COMPANY OF THE ABOVE DESCRIBED IN THE CERTIFICATE HEREIN AND HAS BEEN CAUSED TO BE DRAWN AND RECORDED. THIS PLAT IS MADE IN ACCORDANCE WITH SAID LAWS AND IS HEREBY CERTIFIED AS A TRUE AND CORRECT PLAT OF SAID LANDS.

**NOTICES AT COASTAL OAKS, BEACH, A FLORIDA LIMITED LIABILITY COMPANY**  
NOTICE IS HEREBY GIVEN THAT THE ABOVE DESCRIBED LIMITED LIABILITY COMPANY IS THE LIMITED LIABILITY COMPANY OF THE ABOVE DESCRIBED IN THE CERTIFICATE HEREIN AND HAS BEEN CAUSED TO BE DRAWN AND RECORDED. THIS PLAT IS MADE IN ACCORDANCE WITH SAID LAWS AND IS HEREBY CERTIFIED AS A TRUE AND CORRECT PLAT OF SAID LANDS.

**NOTICE TO PROPERTY OWNERS**  
NOTICE IS HEREBY GIVEN THAT THE ABOVE DESCRIBED LIMITED LIABILITY COMPANY IS THE LIMITED LIABILITY COMPANY OF THE ABOVE DESCRIBED IN THE CERTIFICATE HEREIN AND HAS BEEN CAUSED TO BE DRAWN AND RECORDED. THIS PLAT IS MADE IN ACCORDANCE WITH SAID LAWS AND IS HEREBY CERTIFIED AS A TRUE AND CORRECT PLAT OF SAID LANDS.

**NOTICE TO PROPERTY OWNERS**  
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**NOTICE TO PROPERTY OWNERS**  
NOTICE IS HEREBY GIVEN THAT THE ABOVE DESCRIBED LIMITED LIABILITY COMPANY IS THE LIMITED LIABILITY COMPANY OF THE ABOVE DESCRIBED IN THE CERTIFICATE HEREIN AND HAS BEEN CAUSED TO BE DRAWN AND RECORDED. THIS PLAT IS MADE IN ACCORDANCE WITH SAID LAWS AND IS HEREBY CERTIFIED AS A TRUE AND CORRECT PLAT OF SAID LANDS.

**MANZIE & DRAKE LAND SURVEYING**  
117 SOUTH MAIN STREET, FERNANDINA BEACH, FL 32044  
(904) 489-3723 Fax (904) 489-3779  
CERTIFICATE OF AUTHORIZATION NUMBER: 12345678  
"YOUR SIGHTS ARE ON THE FUTURE. LET YOUR SITE BE US."



RESOLUTION 2016-108

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A DEVELOPMENT AGREEMENT WITH RAYONIER PERFORMANCE FIBERS, LLC AND LIGNOTECH, FLORIDA, LLC; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, LignoTech Florida, LLC approached City staff about future development and permitting of their proposed lignin plant and has been working with City staff since February 2016 to draft a development agreement for consideration by the City Commission; and

WHEREAS, the Florida Legislature finds and declares that: (a) the lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning; and

WHEREAS, the Florida Legislature also finds that assurance to a developer that upon receipt a development permit they may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development; and

WHEREAS, in conformity with, in furtherance of, and to implement the Community Planning Act and the Florida State Comprehensive Planning Act of 1972, it is the intent of the Florida Legislature to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development; and

WHEREAS, this intent is effected by authorizing the City to enter into development agreements with developers, subject to the procedures and requirements of §§163.3220-163.3243;

WHEREAS, §§163.3220-163.3243 shall be regarded as supplemental and additional to the powers conferred upon local governments by other laws and shall not be regarded as in derogation of any powers now existing; and

WHEREAS, the Florida Development Agreement Act requires that the City hold two (2) public hearings advertised in a general circulation newspaper.

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

SECTION 1. The City Commission hereby approves the Development Agreement with Rayonier Performance Fibers, LLC and LignoTech Florida, LLC, attached hereto as Exhibit "A".

SECTION 2. The City Manager and City Clerk are hereby authorized to execute the Development Agreement, upon review and approval of the City Attorney.

SECTION 3. This Resolution shall become effective immediately upon passage.

ADOPTED this 4th day of October, 2016.

ATTEST:

CITY OF FERNANDINA BEACH

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Caroline Best  
City Clerk

---

John A. Miller  
Mayor – Commissioner

APPROVED AS TO FORM AND LEGALITY:



---

Tammi E. Bach  
City Attorney

**RESOLUTION 2016-108  
EXHIBIT "A"**

**DEVELOPMENT AGREEMENT**

for the project known as Fernandina Lignin Plant (the "Facility") located at 6 Gum Street,  
Fernandina Beach, Florida.

THIS DEVELOPMENT AGREEMENT (this "Agreement") is entered into and made as of the \_\_\_ day of September, 2016, by and among the CITY OF FERNANDINA BEACH, a Florida municipal corporation ("City"), RAYONIER PERFORMANCE FIBERS, LLC, a Delaware limited liability company ("Owner") and LIGNOTECH FLORIDA LLC, a Delaware limited liability company ("Developer"), each of City, Owner and Developer being at times referred to herein as a "Party", and collectively, "Parties".

**WITNESSETH**

**WHEREAS**, Sections 163.3220 – 163.3243, Florida Statutes, which set forth the Florida Local Government Development Agreement Act ("Act"), authorize City to enter into binding development agreements with persons having legal or equitable interest in real property located within the corporate limits of the City; and

**WHEREAS**, Owner holds legal title to certain real property that is the subject of this Agreement, said real property consisting of approximately 6.37 acres being located in Nassau County, Florida, situated within the corporate limits of the City of Fernandina Beach, and being more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Subject Property"); and

**WHEREAS**, Developer, Owner and City desire to facilitate the orderly development of the Facility upon the Subject Property (the "Proposed Development") in compliance with the laws and regulations of the City and other applicable state and federal laws and regulations; and

**WHEREAS**, consistent with Section 163.3233(1), Florida Statutes, the City's laws and policies governing the development of land (including, without limitation, the Comprehensive Plan and the Land Development Code) at the time of the execution of this Agreement shall govern the development of Subject Property for the duration of this Agreement; and

**WHEREAS**, consistent with Section 163.3225, Florida Statutes, the City has conducted at least two public hearings regarding this Agreement, the first on September 6, 2016, and the second on October 4, 2016; and,

**WHEREAS**, in full compliance with applicable law, the City Commission approved this Agreement and authorized and directed its execution by the appropriate officials of the City; and,

**WHEREAS**, it is the purpose of this Agreement to clearly set forth the understanding and agreement of the Parties concerning the matters contained herein.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

1. **Recitals and Definitions.** The recitals herein contained are true and correct and are incorporated herein by reference.
2. **Ownership.** Owner is the legal and equitable owner of the Subject Property.
3. **Duration.** The duration of the term of this Agreement (the “Term”) is binding and runs with the land for a period of ten (10) years, subject to extension by mutual written agreement of the Parties hereto.
4. **Permits, Conditions, Fees.** City agrees to issue to Owner and/or Developer all required building permits, approvals or other required permits and Certificates of Occupancy for the construction, use and occupancy of the Proposed Development, subject to Owner’s and/or Developer’s compliance with all applicable codes, ordinances, regulations, the Site Plan (hereinafter defined) and this Agreement. Specifically, as contemplated by the Comprehensive Plan, Land Development Code, Code of Ordinances and this Agreement, the foregoing process shall be comprised of the following steps:
  - (a) **Pre-Application Conference with City Manager.** For the purposes outlined in Section 11.01.02 of the Code.
  - (b) **Technical Review Committee (TRC) Meeting.** To consist of review of preliminary site plan. TRC has determined that full site plan review is warranted based on the facts and circumstances, and has directed Owner/Developer into the formal Site Plan application and review process.
  - (c) **Site Plan Approval Phase.** Site Plan review and approval process carries a maximum fee of \$3,000, which has been paid by Owner/Developer. As used herein, the term “Site Plan” shall mean a site plan meeting the requirements set forth in 11.01.04 of the Code.
  - (d) **Building Permit Fee Schedule.** The Proposed Development will be subject to the building permit fee schedule attached hereto as Exhibit B.

- (e) **Other Permits.** The Proposed Development will be incorporated into the Owner's permits required for development of the Subject Property.
- (f) **Impact Fees.** Prior to City's issuance of the Building Permit with respect to the Facility, Owner or Developer shall be responsible for payment of the following impact fees (it being acknowledged that no other impact fees will be assessed or made payable in connection with the Facility).
1. **Municipal Impact Fees –** One-time fee shall equal the total non-residential floor area square footage multiplied by \$0.831 per square foot. Municipal Impact Fees are collected at the following rates per square foot of non-residential construction for the following municipal services: Police at \$0.145; Fire at \$0.291 and Public Facilities at \$0.395.
  2. **Utilities Impact Fees –** One-time water impact fee shall equal \$959.00 per 350 gallons of designed daily water usage (*e.g.*, for designed estimated daily water usage of 175 gallons, the applicable one-time fee would be \$479.50), and a one-time sewer impact fee of \$2,321.00 per 300 gallons (*e.g.*, for designed estimated daily sewer usage of 150 gallons, the applicable one-time fee would be \$1,160.50).

5. **Description of Public Facilities.** City sanitary sewer and potable water is available to the Proposed Development on the effective date of this Agreement, and City, Owner and Developer understand and agree that the Proposed Development will connect to these public facilities. Sufficient public streets and rights-of-way currently exist to service the Proposed Development.

6. **Development Phases.** The Proposed Development is currently contemplated to be completed over two distinct phases occurring within the Term; provided, however, completion of the Proposed Development in more or fewer phases occurring within the term is acceptable provided that building permitting is obtained with respect to each distinct phase (it being expressly acknowledged and agreed that the initial approvals given under subsections 4(a)-(c) shall cover all phases of the Proposed Development). The Proposed Development is an industrial use and will not contain any residential densities to increase population. The Proposed Development intensity is limited to a floor area ratio of no greater than 0.75 of the Subject Property. Building height limitations are exempt for mill operations per Land Development Section 4.02.03(E) Note 5.7.

7. **Consistency with Comprehensive Plan and Land Development Code.** City hereby confirms, acknowledges and agrees that the Proposed Development is consistent with City's Comprehensive Plan and Land Development Code. The parties hereby understand and

agree that review and approval by the City Technical Review Committee of any site plans is required for all phases of development which are not included in the Site Plan submissions made pursuant to Section 4(c) above.

8. **Tree Ordinance Exemption.** City, Owner and Developer hereby confirm, acknowledge and agree that the Subject Property and the Proposed Development are exempt from the requirements of LDC Section 4.05.02(D)(5).

9. **Proposed Development Design Basis.** For clarity with regard to flood resistant design, including with respect to tanks or vessels storing hazardous material or hazardous waste, detailed engineering will proceed and the future permitting application will include the building elevations to be installed at a minimum base flood elevation (100-year elevation) of 9.0 feet NAVD88 plus one foot of freeboard. ~~Any hazardous material or hazardous waste will be stored within tanks or vessels, the lowest extremity of which shall be located at a minimum above the base flood elevation of 9.0 feet NAVD88 plus three feet of freeboard.~~

10. Failure of this Agreement to address particular permit, condition, term or restriction shall not relieve Owner or Developer from the necessity of complying with the laws governing any permitting requirements, conditions, term or restriction pursuant to §163.3227(1)(i), Fla. Stats.

11. **Notices.** Where notice is herein required to be given, it shall be by certified mail return receipt requested, hand delivery or nationally recognized courier, such as Federal Express or UPS. E-mail delivery of documents shall not replace or be in lieu of the aforementioned process. Said notice shall be sent to the following, as applicable:

**OWNER:**

Rayonier Performance Fibers, LLC  
10 Gum Street  
Fernandina Beach, FL 32035  
Attn: General Manager

With copy to:

Rayonier Advanced Materials  
1301 Riverplace Boulevard  
Suite 2300  
Jacksonville, FL 32207  
Attn: General Counsel

**DEVELOPER:**

LignoTech Florida LLC  
6 Gum Street  
Fernandina Beach, FL 32035  
Attn: Managing Director

**CITY:**

City Manager  
204 Ash Street Fernandina Beach, FL 32034

With copy to:

City Attorney 204 Ash Street  
Fernandina Beach, FL 32034

Should any Party identified above change, it shall be said party's obligation to notify the remaining parties of the change in a fashion as is required for notices herein.

12. **Captions.** The captions used herein are for convenience only and shall not be relied upon in construing this Agreement.

13. **Binding Effect.** This Agreement shall run with the land, shall be binding upon and inure to the benefit of the Parties hereto and their successors and assigns in interest. ~~This Agreement shall become effective upon its execution and recordation with the Public Records of Nassau County, Florida.~~ This Agreement does not, and is not intended to, prevent or impede City from exercising its legislative authority as the same may affect the Subject Property.

14. **Severability.** If any part of this Agreement is found invalid or unenforceable in any court, such invalidity or unenforceability shall not affect the other parts of this Development Agreement, if the rights and obligations of the parties contained herein are not materially prejudiced and if the intentions of the parties can be affected. To that end, this Development Agreement is declared severable.

15. **Covenant Running with the Land.** This Agreement shall run with the Subject Property and inure to and be for the benefit of the parties hereto and their respective successors and assigns and any person, firm, corporation, or entity who may become the successor in interest to the Subject Property or any portion thereof.

16. **Recordation of Agreement.** The parties hereto agree that an executed original of this Agreement shall be recorded by City, at Owner's or Developer's expense, in the Public Records of Nassau County, Florida on or after the Effective Date.

17. **Applicable Law/Venue.** This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida. Venue of any litigation relating to this Agreement shall be in the courts of Nassau County, Florida.

18. **Effective Date.** The Effective Date of this Agreement shall be ~~the day this Agreement is recorded in the Public Records of Nassau County, Florida.~~ upon the effective date of Ordinance 2016-19 as provided in Section 163.3184, Fla. Stats.

[signatures begin on following page]

**IN WITNESS WHEREOF**, Owner, Developer and City have executed this Agreement.

**RAYONIER PERFORMANCE FIBERS,  
LLC**

**ATTEST:**

**By:**

\_\_\_\_\_  
Signature of Witness # 1

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Signature of Witness #2

**As:**

\_\_\_\_\_  
Print or type

\_\_\_\_\_  
Print or type name

**STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
201\_\_, by \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_,  
\_\_\_\_\_, who is/are personally known to me or who has/have produced \_\_\_\_\_  
\_\_\_\_\_ as identification and who did not (did) take an oath.

\_\_\_\_\_  
Signature of Notary

(NOTARY SEAL)

\_\_\_\_\_  
Print or type name

**LIGNOTECH FLORIDA LLC**

**ATTEST:**

**By:**

\_\_\_\_\_  
Signature of Witness # 1

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Signature of Witness #2

**As:**

\_\_\_\_\_  
Print or type

\_\_\_\_\_  
Print or type name

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_, who is/are personally known to me or who has/have produced \_\_\_\_\_ as identification and who did not (did) take an oath.

\_\_\_\_\_  
Signature of Notary

(NOTARY SEAL)

\_\_\_\_\_  
Print or type name

**CITY OF FERNANDINA BEACH,  
FLORIDA**

**ATTEST:**

**By:**

\_\_\_\_\_  
Signature of Witness # 1

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Print or type name

\_\_\_\_\_  
Signature of Witness #2

**As:**

\_\_\_\_\_  
Print or type

\_\_\_\_\_  
Print or type name

APPROVED AS TO FORM & LEGALITY:



\_\_\_\_\_  
CITY ATTORNEY

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by \_\_\_\_\_, and \_\_\_\_\_, of \_\_\_\_\_, who is/are personally known to me or who has/have produced \_\_\_\_\_ as identification and who did not (did) take an oath.

\_\_\_\_\_  
Signature of Notary

(NOTARY SEAL)

\_\_\_\_\_  
Print or type name



# EXHIBIT B

## FEE SCHEDULE



### PERMITS FEES

**FEES:** Permit fees vary depending on the type of permit and the associated scope of work.

**IMPORTANT NOTES:** The building permit fee may not be the only fee you face for certain work. New commercial and residential construction will be assessed Impact Fees through the permitting process to collect Police, Fire, Public Facilities and Parks & Recreation (residential only) impact fees. Additionally, the City's Utilities Department will assess Impact and tap fees for connection to the City's water and sewer system.

Exterior projects within the City's Historic Districts require receipt of a Certificate of Approval prior to permitting. A "Planning / HDC" application will need to be submitted prior to submitting a permit application.

**KEY CONTACTS:** The Building Department will guide your application through appropriate reviews with other departments. For instances of new construction and the installation of irrigation systems, please contact the City's Utilities Department at 904-310-3420 to discuss fees associated with connection to the City's water and sewer system.

Permit Type	Fee
<b>General Building*</b>	
- first \$1,000 job cost	\$100
- each additional \$1,000	\$7
<b>Plan Review</b>	50% of permit fee
<b>General Building</b>	
- < \$1,000 with no plan review	\$50
*General Building Permit fee totals are building permit fee + plan review fee (1/2 the building permit fee) + zoning review (\$50)	
<b>Roofing</b>	
- first \$2,000 job cost (1 square no permit)	\$100
- each additional \$1,000	\$7
<b>Fence - Structural</b>	
- first \$1,000 job cost	\$50
- each additional \$1,000	\$7
<b>Grade, Excavate + Fill</b>	
- first \$1,000 job cost	\$100
- each additional \$1,000	\$7

City of Fort Lauderdale Community Development Department - 204 Ash Street Fort Lauderdale, FL 33334  
 P: 904-310-3133 F: 904-310-3460 www.fbl.fl.gov/cdd  
 Revised October 2015  
 Page 1 of 3

Permit Type	Fee
<b>Plumbing</b>	
- first \$1,000 job cost	\$100
- each additional \$1,000	\$7
- < \$1,000 with no plan review, one inspection	\$50
<b>P&amp;US</b>	
- waste outlet	\$8
- fixture	\$8
- floor drain	\$7
- water heater	\$5
- pool, in-ground	\$100
- pool, above-ground	\$100
- pool, commercial	\$175
<b>Electrical</b>	
- first \$1,000 job cost	\$100
- each additional \$1,000	\$7
- temporary pole	\$75
- < \$1,000 with no plan review, one inspection	\$50
<b>Mechanical</b>	
- first \$1,000 job cost	\$100
- each additional \$1,000	\$7
- < \$1,000 with no plan review, one inspection	\$50
<b>Gas</b>	
- base fee	\$100
- installation of tank	\$75
- installation of meter	\$50
- each appliance	\$15
- < \$1,000 with no plan review, one inspection	\$50

**Miscellaneous Permits and Fees**

<b>Driveway Permit</b>	\$35
<b>Zoning Permit</b>	\$50
- non-structural fence	
- exempted accessory building (<12' ridge height, ≤ 150 s.f., non-aluminum)	
- residential deck (≤ 12" above grade and ≤ 150 s.f.)	
<b>Sign Permit</b>	
- value \$0 - \$100	\$60
- value \$101 - \$500	\$70
- value \$501 - \$1000	\$80
- each additional \$1,000	\$7
- if plan review required	plus 50% of permit fee
(electrical permit fees may also be applicable)	

**Impact Fees (new construction and additions):**

- School (per new residential unit)	\$3,268
- Municipal*	
- Police	\$0.145
- Fire	\$0.291
- Public Facilities	\$0.395
- Parks & Recreation (residential only)	\$1.95

\*Municipal impact fees are calculated by heated area for residential projects and floor area for non-residential projects:

Residential heated area is the floor area of a residential structure that is designed to be provided with heat and/or air conditioning and is not gross floor area of the structure.

Nonresidential floor area is the total area of all floors of a non-residential building as measured to the exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies, open areas, decks or walkways not covered by a roof and which are used for some business related purpose.

Mixed Use projects: If a building permit is requested for mixed uses, then the impact fee shall be determined by apportioning the space committed to residential or non-residential use and applying the above definitions/fees.

**- Utilities Impact Fees**

(See Utilities Department for final calculations – fees are assessed independent of Building Department permitting.)

- Water / per Equivalent Residential Unit (ERU)	\$959
- Sewer / per Equivalent Residential Unit (ERU)	\$2,321

**New home construction will require the following:**

- general building permit
- roofing permit
- trade permits
- driveway permit
- address assignment (\$10) – this is done through the Fire Department at 904-277-7331.
- zoning review fee (\$50)
- municipal impact fees (\$2,781 /conditioned sq.ft.)
- school impact fee (\$3,268)
- utilities impact fees - Utility impact fees and connection fees are assessed and collected independent of and prior to permitting. Contact the Utilities Department at 904-310-3420 for more information.



**NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH**

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, October 4, 2016 at 6:00 p.m.** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following applications:

**DEVELOPMENT AGREEMENT**

THE CITY OF FERNANDINA BEACH WILL CONSIDER AN AGREEMENT WITH LIGNOTECH FLORIDA FOR THE DEVELOPMENT OF LIGNIN PROCESSING FACILITY LOCATED ON A LEASEHOLD AREA AS PART OF THE OVERALL PROPERTY CONTAINING RAYONIER ADVANCED MATERIALS LOCATED AT 6 GUM STREET FERNANDINA BEACH, FL 32034. THE INTENDED DEVELOPMENT IS INDUSTRIAL AND WILL NOT CONTAIN ANY RESIDENTIAL DENSITIES TO INCREASE POPULATION. THE DEVELOPMENT IS LOCATED IN AN INDUSTRIAL (I-1) ZONED PROPERTY AND ITS INTENSITY IS LIMITED TO A FLOOR AREA RATIO OF NO GREATER THAN 0.75 OF THE ENTIRE PROPERTY. BUILDING HEIGHT LIMITATIONS ARE EXEMPT FOR MILL OPERATIONS PER LDC SECTION 4.02.03(E) NOTE 5. A COPY OF THE PROPOSED AGREEMENT MAY BE LOCATED AT THE CITY ATTORNEY'S OFFICE LOCATED AT 516 S. 10<sup>TH</sup> STREET FERNANDINA BEACH, FL 32034.

PROPOSED DEVELOPMENT AGREEMENT WITH LIGNOTECH FLORIDA



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3100, TTY 711, (TTY number for all City offices) or through the Florida Relay Service at 711 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the applications may be inspected in the office of the Community Development Department, City Hall, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday. For information on the application, please contact the Planning Department at 310-3135.

Thank you so much.  
Note to News Leader:

**\*\* This ad cannot be included in the legal or the classified section of the newspaper. \*\***  
**Please run as a display ad in September 21, 2016 issue.**



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CITY OF FERNANDINA BEACH

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*September 21, 2016  
Newsleader  
Edition  
Display AD*

CITY COMMISSION AGENDA ITEM  
City of Fernandina Beach



SUBJECT: **Resolution 2016-122**  
Agreement Approval - St. Johns River Water Management District (SJRWMD)  
Budget Amendment and Change to Five-Year Capital Improvement Plan

ITEM TYPE:  Ordinance  Resolution  Other  
 Proclamation  Presentation

REQUESTED ACTION: Authorize Resolution 2016-122 to accept a grant award of \$575,000 and enter into a cost-share agreement with the SJRWMD to construct swales for flood protection, approve budget amendment and change to Five-Year Capital Improvement Plan.

SYNOPSIS: The SJRWMD will provide cost-share dollars in the amount of \$575,000 towards the construction cost of \$625,000 to create shallow swales along City street rights-of-way in twenty-six City blocks. The City's cost-share will be \$50,000.

These swales will not only prevent localized flooding but also, provide an area for the first inch of storm water runoff which will reduce nitrogen and phosphorus entering into the local waters.

FISCAL IMPACT: This grant award is \$30,000 more than the budgeted amount of \$545,000 for FY 2016/2017. It is necessary to increase the Storm Water Management SJWRMD Grants account # 470-337.3600 by \$30,000 and to increase the Storm Water Management Improvements account # 470-3800-538.6300 by \$30,000. **This budget amendment increases the Total City Budget from \$115,216,500 to \$115,246,500.** Also, the Five-Year Capital Plan will be changed to include the \$30,000 increase in the amount of the project cost.

2016/2017 CITY COMMISSION GOALS: (As approved by Resolution 2016-51)  
 Beach Safety  Alachua Street  
 Soccer Field Lighting  Stormwater  
 Downtown Density  Opportunity  
 ADA Improvements  Departmental  
 Consideration

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend the City Commission adopt proposed Resolution 2016-122. *DLM*

DEPARTMENT DIRECTOR Submitted by: John Mandrick Utilities Director Date: 09/13/16

CONTROLLER Approved as to Budget Compliance *PAC* Date: 09/13/16

CITY ATTORNEY Approved as to Form and Legality *TEB* Date: *9/23/16*

CITY MANAGER Approved Agenda Item for 10/04/16 *DLM* Date: 9/16/16

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

RESOLUTION 2016-122

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AUTHORIZING A COST-SHARE AGREEMENT WITH ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (SJRWMD) TO ACCEPT \$575,000 TO CONSTRUCT SWALES FOR FLOOD PROTECTION; APPROVE AN AMENDMENT TO INCREASE THE TOTAL CITY BUDGET AND AMEND THE FIVE YEAR CAPITAL PLAN (CIP); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the SJRWMD has awarded the City the sum of \$575,000 in a cost-share agreement that requires the City to provide \$50,000 to construct swales in 26 city blocks; and

WHEREAS, a budget amendment to increase the Storm Water SJRWMD Grant account # 470-337.3600 by \$30,000 and to increase the Storm Water Management Improvements account # 470-3800-538.6300 by \$30,000 is necessary as the original planned grant award was \$545,000 for FY 2016/2017. **This budget amendment increases the Total City Budget from \$115,216,500 to \$115,246,500.** The Five-Year Capital Improvement Plan will be changed to reflect the increase in the grant award and project cost.

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

SECTION 1. The City Commission hereby authorizes the City to enter into a cost-share agreement with SJRWMD, attached hereto as Exhibit "A", to accept an award of \$575,000 and to provide the sum of \$50,000 for the construction of a storm water swale program.

SECTION 2. The City Commission hereby authorizes an amendment to the FY 2016/2017 budget to increase the Storm Water SJRWMD Grant account # 470-337.3600 by \$30,000 and to increase the Storm Water Management Improvements account # 470-3800-538.6300 by \$30,000. **This budget amendment increases the Total City Budget from \$115,216,500 to \$115,246,500.** The City Commission hereby authorizes an amendment to the Five-Year Capital Improvement Plan to reflect the increase in the grant award and project cost.

SECTION 3. The City Manager and City Clerk are hereby authorized to execute all documentation pertaining to the Cost-Share Agreement, if awarded, upon review and approval by the City Attorney.

SECTION 4. This Resolution shall take effect immediately upon passage.

ADOPTED this 4th day of October, 2016

CITY OF FERNANDINA BEACH

---

John A. Miller  
Commissioner – Mayor

ATTEST:

---

Caroline Best  
City Clerk

APPROVED AS TO FORM & LEGALITY:



---

Tammie E. Bach  
City Attorney

**COST-SHARE AGREEMENT  
BETWEEN THE  
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT  
AND CITY OF FERNANDINA BEACH**

THIS AGREEMENT ("Agreement") is entered into by and between the GOVERNING BOARD of the ST. JOHNS RIVER WATER MANAGEMENT DISTRICT (the "District"), whose address is 4049 Reid Street, Palatka, Florida 32177, and CITY OF FERNANDINA BEACH ("Recipient"), 1180 South 5<sup>th</sup> Street, Fernandina Beach, Florida 32034. All references to the parties hereto include the parties, their officers, employees, agents, successors, and assigns.

**RECITALS**

The waters of the state of Florida are among its basic resources, and it has been declared to be the policy of the Legislature to promote the conservation, development, and proper utilization of surface and ground water. Pursuant to chapter 373, Fla. Stat., the District is responsible for the management of the water resources within its geographical area.

The District 2016-2017 cost-share funding program is designed to fund the construction of local stormwater management and alternative water supply projects as well as conservation implementation projects. Its goals are to contribute to: 1) reduction in water demand through indoor and outdoor conservation measures; 2) development of alternative or non-traditional water supply sources; such as reclaimed water, surface water, or seawater; 3) water quality improvements (for example, nutrient-loading reduction in springsheds or other surface-water systems); and 4) water resource development opportunities (for instance, increasing available source water through expansion or development of surface-water storage). The current cost-share funding program also recognizes the importance of providing funding opportunities for construction of flood protection and natural-systems restoration projects, which are important components of the District's core mission focus.

The District has determined that providing cost-share funding to Recipient for the purposes provided for herein will benefit the water resources and one or more of the District's missions and initiatives.

At its June 2016 meeting, the Governing Board selected Recipient's proposal for cost-share funding. The parties have agreed to jointly fund the following project in accordance with the funding formula further described in the Statement of Work, Attachment A (hereafter the "Project"):

**Swale Program**

In consideration of the above recitals, and the funding assistance described below, Recipient agrees to perform and complete the activities provided for in the Statement of Work, Attachment A. Recipient shall complete the Project in conformity with the contract documents and all attachments and other items incorporated by reference herein. This Agreement consists of all of the following documents: (1) Agreement, (2) Attachment A - Statement of Work; and (3) all other attachments, if any. The parties hereby agree to the following terms and conditions.

**1. TERM; WITHDRAWAL OF OFFER.**

- (a) The term of this Agreement is from the date upon which the last party has dated and executed the same ("Effective Date") until September 30, 2017 ("Completion Date"). Recipient shall not commence the Project until any required submittals are received and approved. Time is of the essence for every aspect of this Agreement, including any time extensions. Any request for an extension of time beyond the Completion Date must be made in writing before July 1, 2017. Timely requests to extend, for longer than six months, the Completion Date of the Agreement for projects whose District contribution exceeds \$100,000 may only be approved by the District's Governing Board. Notwithstanding specific mention that certain provisions survive termination or expiration of this Agreement, all provisions of this Agreement that by their nature extend beyond the Completion Date, for example, delivery of a final report, will remain in full force and effect after the Completion Date as necessary to affect performance.
- (b) This Agreement constitutes an offer until authorized, signed and returned to the District by Recipient. This offer terminates forty-five (45) days after receipt by Recipient; provided, however, that Recipient may submit a written request for extension of this time limit to the District's Project Manager, stating the reason(s) therefor. Request for extension of time after the forty-five (45) days will be denied. The Project Manager shall notify Recipient in writing if an extension is granted or denied. If granted, this Agreement shall be deemed modified accordingly without any further action by the parties.
- (c) If the construction, which is eligible for District reimbursement, does not begin before June 30, 2017, or if the first invoice for non-construction projects is not submitted by June 30, 2017, the cost-share agreement will be subject to termination and the funds subject to reallocation.

**2. DELIVERABLES.** Recipient shall fully implement the Project, as described in the Statement of Work, Attachment A. Recipient is responsible for the professional quality, technical accuracy, and timely completion of the Project. Both workmanship and materials shall be of good quality. Unless otherwise specifically provided for herein, Recipient shall provide and pay for all materials, labor, and other facilities and equipment necessary to complete the Project. The District's Project Manager shall make a final acceptance inspection of the Project when completed and finished in all respects. Upon satisfactory completion of the Project, the District will provide Recipient a written statement indicating that the Project has been completed in accordance with this Agreement. Acceptance of the final payment by Recipient shall constitute a release in full of all claims against the District arising from or by reason of this Agreement.

**3. OWNERSHIP OF DELIVERABLES.** Unless otherwise provided herein, the District does not assert an ownership interest in any of the deliverables under this Agreement.

**4. AMOUNT OF FUNDING.**

- (a) For satisfactory completion of the Project, the District shall pay Recipient ninety-two percent (92%) of the total construction cost of the Project, but in no event shall the District cost-share exceed \$575,000. The District cost-share is not subject to modification based upon price escalation in implementing the Project during the term of this Agreement. Recipient shall be responsible for payment of all costs necessary to ensure completion of

the Project. Recipient shall notify the District's Project Manager in writing upon receipt of any additional external funding for the Project not disclosed prior to execution of this Agreement.

- (b) "Construction cost" is defined to include actual costs of constructing Project facilities, including construction management. Land acquisition, engineering design, and permitting costs are excluded. Construction cost does not include any costs incurred prior to the Effective Date, unless expressly authorized by the Statement of Work. Costs that are excluded will not be credited toward Recipient's cost-share.
- (c) Cooperative funding shall not be provided for expenses incurred after the Completion Date.

## 5. PAYMENT OF INVOICES.

- (a) Recipient shall submit itemized invoices as per the Statement of Work, Attachment A for reimbursable expenses by one of the following two methods: (1) by mail to the St. Johns River Water Management District, Finance Director, 4049 Reid Street, Palatka, Florida 32177, or (2) by e-mail to [acctpay@sjrwmd.com](mailto:acctpay@sjrwmd.com). The invoices shall be submitted in detail sufficient for proper pre-audit and post-audit review. Invoices shall include a copy of contractor and supplier invoices to Recipient and proof of payment. Recipient shall be reimbursed for ninety-two percent (92%) of approved cost or the not-to-exceed sum of \$575,000, whichever is less. The District shall not withhold any retainage from this reimbursement. District reimbursement is subject to annual budgetary limitation, if applicable, as provided in subsection (g). If necessary for audit purposes, Recipient shall provide additional supporting information as required to document invoices.
- (b) **End of District Fiscal Year Reporting.** The District's fiscal year ends on September 30. Irrespective of the invoicing frequency, the District is required to account for all encumbered funds at that time. When authorized under the Agreement, submittal of an invoice as of September 30 satisfies this requirement. The invoice shall be submitted no later than October 30. If the Agreement does not authorize submittal of an invoice as of September 30, Recipient shall submit, prior to October 30, a description of the additional work on the Project completed between the last invoice and September 30, and an estimate of the additional amount due as of September 30 for such Work. If there have been no prior invoices, Recipient shall submit a description of the work completed on the Project through September 30 and a statement estimating the dollar value of that work as of September 30.
- (c) **Final Invoice.** The final invoice must be submitted no later than forty-five (45) days after the Completion Date; provided, however, that when the Completion Date corresponds with the end of the District's fiscal year (September 30), the final invoice must be submitted no later than thirty (30) days after the Completion Date. **Final invoices that are submitted after the requisite date shall be subject to a penalty of ten percent (10%) of the invoice. This penalty may be waived by the District, in its sole judgment and discretion, upon a showing of special circumstances that prevent the timely submittal of the final invoice. Recipient must request approval for delayed submittal of the final invoice not later than ten (10) days prior to the due date and state the basis for the delay.**

- (d) All invoices shall include the following information: (1) District contract number; (2) Recipient's name, address, and authorization to directly deposit payment into Recipient's account (if Recipient has not yet provided the District with a completed Direct Deposit Authorization form; (3) Recipient's invoice number and date of invoice; (4) District Project Manager; (5) Recipient's Project Manager; (6) supporting documentation as to cost and/or Project completion (as per the cost schedule and other requirements of the Statement of Work); (7) Progress Report (if required); (8) Diversity Report (if otherwise required herein). Invoices that do not correspond with this paragraph shall be returned without action within twenty (20) business days of receipt, stating the basis for rejection. Payments shall be made within forty-five (45) days of receipt of an approved invoice.
- (e) **Travel expenses.** If the cost schedule for this Agreement includes a line item for travel expenses, travel expenses shall be drawn from the project budget and are not otherwise compensable. If travel expenses are not included in the cost schedule, they are a cost of providing the service that is borne by Recipient and are only compensable when specifically approved by the District as an authorized District traveler. In such instance, travel expenses must be submitted on District or State of Florida travel forms and shall be paid pursuant to District Administrative Directive 2000-02.
- (f) **Payments withheld.** The District may withhold or, on account of subsequently discovered evidence, nullify, in whole or in part, any payment to such an extent as may be necessary to protect the District from loss as a result of: (1) defective work not remedied; (2) failure to maintain adequate progress in the Project; (3) any other material breach of this Agreement. Amounts withheld shall not be considered due and shall not be paid until the ground(s) for withholding payment have been remedied.
- (g) **Annual budgetary limitation.** For multi-fiscal year agreements, the District must budget the amount of funds that will be expended during each fiscal year as accurately as possible. The Statement of Work, Attachment A, includes the parties' current schedule for completion of the Work and projection of expenditures on a fiscal year basis (October 1 – September 30) ("Annual Spending Plan"). If Recipient anticipates that expenditures will exceed the budgeted amount during any fiscal year, Recipient shall promptly notify the District's Project Manager and provide a proposed revised work schedule and Annual Spending Plan that provides for completion of the Work without increasing the Total Compensation. The last date for the District to receive this request is August 1 of the then-current fiscal year. The District may in its sole discretion prepare a District Supplemental Instruction Form incorporating the revised work schedule and Annual Spending Plan during the then-current fiscal year or subsequent fiscal year(s).

6. **LIABILITY AND INSURANCE.** Each party is responsible for all personal injury and property damage attributable to the negligent acts or omissions of that party, its officers, employees and agents. Recipient accepts all risks arising from construction or operation of the Project. Nothing contained herein shall be construed or interpreted as denying to any party any remedy or defense available under the laws of the state of Florida, nor as a waiver of sovereign immunity of the state of Florida beyond the waiver provided for in section 768.28, Fla. Stat., as amended. Each party shall acquire and maintain throughout the term of this Agreement such liability, workers' compensation, and automobile insurance as required by their current rules and regulations. If Florida Department of Environmental Protection ("FDEP") funds will be used to fund all or a portion of the Agreement,

additional FDEP insurance requirements applicable to the Recipient are included in the Insurance attachment to the Agreement.

7. **FUNDING CONTINGENCY.** This Agreement is at all times contingent upon funding availability, which may include a single source or multiple sources, including, but not limited to: (1) ad valorem tax revenues appropriated by the District's Governing Board; (2) annual appropriations by the Florida Legislature, or (3) appropriations from other agencies or funding sources. Agreements that extend for a period of more than one Fiscal Year are subject to annual appropriation of funds in the sole discretion and judgment of the District's Governing Board for each succeeding Fiscal Year. Should the Project not be funded, in whole or in part, in the current Fiscal Year or succeeding Fiscal Years, the District shall so notify Recipient and this Agreement shall be deemed terminated for convenience five (5) days after receipt of such notice, or within such additional time as the District may allow. For the purpose of this Agreement, "Fiscal Year" is defined as the period beginning on October 1 and ending on September 30.

8. **PROJECT MANAGEMENT.**

(a) The Project Managers listed below shall be responsible for overall coordination and management of the Project. Either party may change its Project Manager upon three (3) business days prior written notice to the other party. Written notice of change of address shall be provided within five (5) business days. All notices shall be in writing to the Project Managers at the addresses below and shall be sent by one of the following methods: (1) hand delivery; (2) U.S. certified mail; (3) national overnight courier; or (4) e-mail. Notices via certified mail are deemed delivered upon receipt. Notices via overnight courier are deemed delivered one (1) business day after having been deposited with the courier. Notices via e-mail are deemed delivered on the date transmitted and received.

DISTRICT

Nitesh Tripathi, Ph.D., Project Manager  
 St. Johns River Water Management District  
 4049 Reid Street  
 Palatka, Florida 32177  
 386-312-2359  
 E-mail: ntripath@sjrwmd.com

RECIPIENT

John Mandrick, P.E., Project Manager  
 City of Fernandina Beach  
 1180 South 5<sup>th</sup> Street  
 Fernandina Beach, Florida 32034  
 904-310-3421  
 E-mail: jmandrick@fbfl.org

(b) The District's Project Manager shall have sole responsibility for transmitting instructions, receiving information, and communicating District policies and decisions regarding all matters pertinent to performance of the Project. The District's Project Manager may issue a District Supplemental Instruction (DSI) form, Attachment C, to authorize minor changes in the Project that the parties agree are not inconsistent with the purpose of the Project, do not affect the District cost-share, Completion Date, or otherwise significantly modify the terms of the Agreement.

9. **PROGRESS REPORTS AND PERFORMANCE MONITORING.**

(a) **Progress Reports.** Recipient shall provide to the District quarterly Project update/status reports as provided in the Statement of Work. Reports will provide detail on progress of the Project and outline any potential issues affecting completion or the overall schedule. Recipient shall use the District's Project Progress Report form, Attachment B. Recipient

shall submit the Project Progress Reports to the District's Project Manager and District's Budget Coordinator within thirty (30) days after the closing date of each calendar quarter (March 31, June 30, September 30 and December 31).

- (b) **Performance Monitoring.** For as long as the Project is operational, the District shall have the right to inspect the operation of the Project during normal business hours upon reasonable prior notice. Recipient shall make available to the District any data that is requested pertaining to performance of the Project.

10. **FAILURE TO COMPLETE PROJECT.**

- (a) Should Recipient fail to complete the Project, Recipient shall refund to the District all of the funds provided to Recipient pursuant to this Agreement. However, the District, in its sole judgment and discretion, may determine that Recipient has failed to complete the Project due to circumstances that are beyond Recipient's control, or due to a good faith determination that the Project is no longer environmentally or economically feasible. In such event, the District may excuse Recipient from the obligation to return funds provided hereunder. If the Project has not been completed within thirty (30) days after the Completion Date, Recipient shall provide the District with notice regarding its intention as to completion of the Project. The parties shall discuss the status of the Project and may mutually agree to revise the time for Project completion or the scope of the Project. Failure to complete the Project within ninety (90) days after the Completion Date shall be deemed to constitute failure to complete the Project for the purposes of this provision.
- (b) In the event the Project constitutes a portion of the total functional project, this paragraph shall apply in the event the total functional project is not completed. In such event, the 90-day timeframe provided herein shall commence upon the date scheduled for completion of the total functional project at the time of execution of this Agreement, unless extended by mutual agreement of the parties. Paragraphs 10(a) and 10(b) shall survive the termination or expiration of this Agreement.

11. **TERMINATION.** If Recipient materially fails to fulfill its obligations under this Agreement, including any specific milestones established herein, the District may provide Recipient written notice of the deficiency by forwarding a Notice to Cure, citing the specific nature of the breach. Recipient shall have thirty (30) days following receipt of the notice to cure the breach. If Recipient fails to cure the breach within the thirty (30) day period, the District shall issue a Termination for Default Notice terminating this Agreement without further notice. In such event, Recipient shall refund to the District all funds provided to Recipient pursuant to this Agreement within thirty (30) days of such termination. The District may also terminate this Agreement upon ten (10) days written notice in the event of any material misrepresentations in the Project Proposal.

Delay or failure by the District to enforce any right, remedy or deadline hereunder shall not impair, or be deemed a waiver of, any such right, remedy or deadline, or impair the District's rights or remedies for any subsequent breach or continued breach of this Agreement.

**ADDITIONAL PROVISIONS (Alphabetical)**

12. **ASSIGNMENT.** Recipient shall not assign this Agreement, or any monies due hereunder, without the District's prior written consent. Recipient is solely responsible for fulfilling all work elements in any contracts awarded by Recipient and payment of all monies due. No provision of this Agreement shall create a contractual relationship between the District and any of Recipient's contractors or subcontractors.
13. **AUDIT; ACCESS TO RECORDS; REPAYMENT OF FUNDS.**
- (a) **Maintenance of Records.** Recipient shall maintain its books and records such that receipt and expenditure of the funds provided hereunder are shown separately from other expenditures in a format that can be easily reviewed. Recipient shall keep the records of receipts and expenditures, copies of all reports submitted to the District, and copies of all invoices and supporting documentation for at least five (5) years after expiration of this Agreement. In accordance with generally accepted governmental auditing standards, the District shall have access to and the right to examine any directly pertinent books and other records involving transactions related to this Agreement. In the event of an audit, Recipient shall maintain all required records until the audit is completed and all questions are resolved. Recipient will provide proper facilities for access to and inspection of all required records.
- (b) **Repayment of Funds.** District funding shall be subject to repayment after expiration of this Agreement if, upon audit examination, the District finds any of the following: (1) Recipient has spent funds for purposes other than as provided for herein; (2) Recipient has failed to perform a continuing obligation of this Agreement; (3) Recipient has received duplicate funds from the District for the same purpose; (4) Recipient has been advanced or paid unobligated funds; (5) Recipient has been paid funds in excess of the amount Recipient is entitled to receive under the Agreement; and/or (6) Recipient has received more than one hundred percent (100%) contributions through cumulative public agency cost-share funding.
14. **CIVIL RIGHTS.** Pursuant to chapter 760, Fla. Stat., Recipient shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, age, handicap, or marital status.
15. **DISPUTE RESOLUTION.** Recipient is under a duty to seek clarification and resolution of any issue, discrepancy, or dispute involving performance of this Agreement by submitting a written statement to the District's Project Manager no later than ten (10) business days after the precipitating event. If not resolved by the Project Manager, the Project Manager shall forward the request to the District's Office of General Counsel, which shall issue a written decision within ten (10) business days of receipt. This determination shall constitute final action of the District and shall then be subject to judicial review upon completion of the Project.
16. **DIVERSITY REPORTING.** The District is committed to the opportunity for diversity in the performance of all cost-sharing agreements, and encourages Recipient to make a good faith effort to ensure that women and minority-owned business enterprises (W/MBE) are given the opportunity for maximum participation as contractors. The District will assist Recipient by sharing information on W/MBEs. Recipient shall provide with each invoice a report describing: (1) the company names for all W/MBEs; (2) the type of minority, and (3) the amounts spent with each during the invoicing period. The report will also denote if there were no W/MBE expenditures.

17. **GOVERNING LAW, VENUE, ATTORNEY'S FEES, WAIVER OF RIGHT TO JURY TRIAL.** This Agreement shall be construed according to the laws of Florida and shall not be construed more strictly against one party than against the other because it may have been drafted by one of the parties. As used herein, "shall" is always mandatory. In the event of any legal proceedings arising from or related to this Agreement: (1) venue for any state or federal legal proceedings shall be in Duval County; (2) each party shall bear its own attorney's fees, including appeals; (3) for civil proceedings, the parties hereby consent to trial by the court and waive the right to jury trial.
18. **INDEPENDENT CONTRACTORS.** The parties to this Agreement, their employees and agents, are independent contractors and not employees or agents of each other. Nothing in this Agreement shall be interpreted to establish any relationship other than that of independent contractors during and after the term of this Agreement. Recipient is not a contractor of the District. The District is providing cost-share funding as a cooperating governmental entity to assist Recipient in accomplishing the Project. Recipient is solely responsible for accomplishing the Project and directs the means and methods by which the Project is accomplished. Recipient is solely responsible for compliance with all labor, health care, and tax laws pertaining to Recipient, its officers, agents, and employees.
19. **CONFLICTING INTEREST IN RECIPIENT.** Recipient certifies that no officer, agent, or employee of the District has any material interest, as defined in section 112.312, Fla. Stat., either directly or indirectly, in the business of Recipient to be conducted hereby, and that no such person shall have any such interest at any time during the term of this Agreement.
20. **NON-LOBBYING.** Pursuant to section 216.347, Fla. Stat., as amended, Recipient agrees that funds received from the District under this Agreement shall not be used for the purpose of lobbying the Legislature or any other state agency.
21. **PERMITS.** Recipient shall comply with all applicable federal, state and local laws and regulations in implementing the Project and shall include this requirement in all subcontracts pertaining to the Project. Recipient shall obtain any and all governmental permits necessary to implement the Project. Any activity not properly permitted prior to implementation or completed without proper permits does not comply with this Agreement and shall not be approved for cost-share funding.
22. **PUBLIC ENTITY CRIME.** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO (\$35,000) for a period of 36 months following the date of being placed on the convicted vendor list.
23. **PUBLIC RECORDS.** Records of Recipient that are made or received in the course of performance of the Project may be public records that are subject to the requirements of chapter 119, Fla. Stat. If Recipient receives a public records request, Recipient shall promptly notify the District's Project Manager. Each party reserves the right to cancel this Agreement for refusal by the other party to

allow public access to all documents, papers, letters, or other materials related hereto and subject to the provisions of chapter 119, Fla. Stat., as amended.

- 24. **ROYALTIES AND PATENTS.** Recipient certifies that the Project does not, to the best of its information and belief, infringe on any patent rights. Recipient shall pay all royalties and patent and license fees necessary for performance of the Project and shall defend all suits or claims for infringement of any patent rights and save and hold the District harmless from loss to the extent allowed by Florida law.

**IN WITNESS WHEREOF**, the St. Johns River Water Management District has caused this Agreement to be executed on the day and year written below in its name by its Executive Director, and Recipient has caused this Agreement to be executed on the day and year written below in its name by its duly authorized representatives, and, if appropriate, has caused the seal of the corporation to be attached. This Agreement may be executed in separate counterparts, which shall not affect its validity. Upon execution, this Agreement constitutes the entire agreement of the parties, notwithstanding any stipulations, representations, agreements, or promises, oral or otherwise, not printed or inserted herein. This Agreement cannot be changed by any means other than written amendments referencing this Agreement and signed by all parties.

ST. JOHNS RIVER WATER  
MANAGEMENT DISTRICT

CITY OF FERNANDINA BEACH

By: \_\_\_\_\_  
Ann B. Shortelle, Ph.D., Executive Director  
(or designee)

By: \_\_\_\_\_  
*Dale L. Martin*  
\_\_\_\_\_  
Typed Name and Title

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ONLY AS TO FORM AND LEGALITY

Attest: \_\_\_\_\_

\_\_\_\_\_  
William Abrams, Sr. Assistant General Counsel

\_\_\_\_\_  
Typed Name and Title

**ATTACHMENTS**

- Attachment A - Statement of Work
- Attachment B - Project Progress Report Form
- Attachment C - District Supplemental Instructions Form

2016-17 District Cost-Share Initiative  
Last updated: 7-7-16

**APPROVED AS TO FORM AND LEGALITY:**  
*[Signature]*  
\_\_\_\_\_  
**CITY ATTORNEY**

**ATTACHMENT A - STATEMENT OF WORK  
CITY OF FERNANDINA BEACH SWALE PROGRAM**

**I. INTRODUCTION/BACKGROUND**

The St. Johns River Water Management District (District) is continuing its Cooperative Cost Share Initiative Program in Fiscal Year (FY) 2016-2017 to develop and implement resource and water supply development projects and promote conservation. On June 14, 2016, the District's Governing Board approved funding for Cooperative Cost Share projects. Each project selected for funding will have a positive benefit to one or more of the District's core missions; including water supply, water quality, natural systems or flood mitigation.

The City of Fernandina Beach (Recipient) requested funding for their Swale Program for the not to exceed amount of \$575,000 towards the estimated construction cost of \$625,000. This request was approved by the Governing Board. The Recipient is located in Nassau County and is a Rural Economic Development Initiative (REDI) Community.

**II. OBJECTIVES**

The objective of this contract is to provide cost share dollars that will enable the Recipient to create shallow swales in 26 city blocks. Swales will prevent localized flooding and provide an area for the first inch of runoff which will reduce nitrogen and phosphorus levels entering into the local waters, thereby improving local water quality which effects waters of the State of Florida by reducing nitrogen and phosphorus levels in the Amelia River.

**III. SCOPE OF WORK**

The Recipient plans to create shallow swales along existing City street rights-of-way to provide local drainage and treatment in 26 City blocks covering an area of approximately 47.75 acres.

**IV. PROJECT ADMINISTRATION AND DELIVERABLES**

The Recipient shall be responsible for the following:

- Complete and obtain final project design, construction plans, and specifications;
- Obtain all required permits, including right of access to the project sites, related to project construction and subsequent operation and maintenance of the completed work;
- Assure compliance with all permits and permit conditions;
- Provide procurement for project construction;
- Perform supervision and inspection of construction;
- Perform construction contract administration;
- Assure compliance with cost accounting practices and procedures required for reimbursement of cost share funds expended.

The Recipient shall provide the following to the District’s Project Manager:

- Timely invoices for actual construction costs in accordance with this cost share agreement (i.e. quarterly, with appropriate substantiation that demonstrates that the applicant has paid for the total work cost and is seeking reimbursement up to the match amount) to enable proper review by the District’s Project Manager prior to payment authorization;
- Quarterly progress reports identifying project progress to date, key milestones reached, overall project schedule versus time for project completion, key issues to be resolved, project construction photos; quarterly reports shall also be emailed to the District’s Budget Coordinator at [mlicourt@sjrwmd.com](mailto:mlicourt@sjrwmd.com);
- Certification of construction completion by a Professional Engineer registered in the state of Florida.

The Recipient shall ensure the task in the Task Identification section below is completed.

**V. TASK IDENTIFICATION AND TIME FRAMES**

The expiration date of this cost share agreement is September 30, 2017. The projected schedule is as follows:

Task Description	Anticipated Start Date	Anticipated Completion Date
Construction of swales in 26 city blocks covering an area of approximately 47.75 acres	October 1, 2016	9/30/2017

**VI. BUDGET/COST SCHEDULE**

For satisfactory completion of the Project, the District shall pay Recipient ninety-two percent (92%) of the total construction cost of the Project, but in no event shall the District's cost-share exceed \$575,000.

Recipient shall invoice the District quarterly with appropriate documentation. The District’s Project Manager shall provide an invoice template that will be used. Invoices shall include a copy of the contractor’s invoices submitted to the Recipient, proof of payment by Recipient, and other required supporting documentation for reimbursement up to match amount. For in-house expenses, Recipient shall provide copies of all receipts for materials and a system report showing documentation of staff time or other proof of staff time expenses for the Project. The final invoice shall be submitted with the final project report. If the total actual cost of this project is less than originally estimated, the District’s cost-share amount shall be reduced accordingly. Recipient may invoice more frequently submitting all required documentation and include general status information. Recipient may invoice the District for Project construction work beginning October 1, 2016.

The District’s Project Manager will also provide a document to the Recipient to be completed showing the spend-down plan for the Project. The spend-down plan should be completed once the Recipient issues the Notice to Proceed to the construction contractor.

Recipient shall submit quarterly progress reports to the District’s Project Manager and the District’s Budget Coordinator within 30 days of the end of quarter for work accomplished during each quarter. The email address for the District’s Budget Coordinator is [mlicourt@sjrwmd.com](mailto:mlicourt@sjrwmd.com). The Recipient shall submit a final

project report within 30 days of Final Completion and acceptance by City of Fernandina Beach detailing the project's accomplishments and any issues resolved during the course of the work.

Estimated Cost Schedule for Reimbursement:

FY 16-17 (10/1/2016 – 9/30/2017)

Description	Estimated Task Amount	Estimated Reimbursement Amount
Construction of swales in 26 city blocks	\$625,000	\$575,000
<b>TOTAL FY 16-17</b>	\$625,000	\$575,000

**ATTACHMENT B**

**St. Johns River Water Management District  
Project Progress Report**

**Date:** \_\_\_\_\_  
month/day/year

**Report Number:** \_\_\_\_\_

**Contract/Project Identification**

<b>Project Name:</b>	Swale Program		
<b>Recipient:</b>	City of Fernandina Beach		
<b>SJRWMD Contract Number:</b>	28763	<b>SJRWMD Project Manager:</b>	Nitesh Tripathi, Ph.D.
		<b>Recipient's Project Manager:</b>	John Mandrick, P.E.

**Construction Schedule**

<b>Start Date (mm/dd/yy):</b>	
<b>Completion (mm/dd/yy):</b>	

**Reporting Period**

<b>Beginning Date (mm/dd/yy):</b>	
<b>Ending Date (mm/dd/yy):</b>	

**Budget**

<b>Total Budget:</b>	\$	
<b>Expended To-date:</b>	\$	
<b>Expended This Period:</b>	\$	
<b>Percent Budget Expended:</b>		%

**Duration**

<b>Planned Duration:</b>		Weeks
<b>Duration To-date:</b>		Weeks
<b>Duration This Period:</b>		Weeks
<b>Percent Duration Expended:</b>		%

**Anticipated Future Payment Requests:**

<b>3 Months</b>	<b>6 Months</b>	<b>9 Months</b>	<b>12 Months</b>

**Design/Permitting Status**

--

**Tasks/Milestones/Deliverables Scheduled for this Reporting Period or Within the Next 60 days:**

<b>Task Number</b>	<b>Tasks/Milestones/Deliverables</b>	<b>Start Date</b>	<b>Finish Date</b>	<b>Percent Complete</b>	<b>Projected Finish Date</b>

**Problems, Issues, Solutions, Anticipated deviations from schedule:**


Attach an additional page of notes if necessary to explain reasons for lateness or unusual events or circumstances.

**ATTACHMENT C — DISTRICT’S SUPPLEMENTAL INSTRUCTIONS (sample)**  
**DISTRICT SUPPLEMENTAL INSTRUCTIONS #**

DATE:

TO:

FROM: \_\_\_\_\_, Project Manager

CONTRACT/PURCHASE ORDER NUMBER:

CONTRACT TITLE:

The Work shall be carried out in accordance with the following supplemental instruction issued in accordance with the Contract Documents without change in the Contract Sum or Contract Time. Prior to proceeding in accordance with these instructions, indicate your acceptance of these instructions for minor changes to the work as consistent with the Contract Documents and return to the District’s Project Manager.

1. CONTRACTOR’S SUPPLEMENTAL INSTRUCTIONS:
2. DESCRIPTION OF WORK TO BE CHANGED:
3. DESCRIPTION OF SUPPLEMENTAL INSTRUCTION REQUIREMENTS: \_\_\_\_\_.

**Contractor’s approval: (choose one of the items below):**

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

(It is agreed that these instructions shall not result in a change in the Total Compensation or the Completion Date.)

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

(Contractor agrees to implement the Supplemental Instructions as requested, but reserves the right to seek a Change Order in accordance with the requirements of the Agreement.)

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_, District Project Manager

Acknowledged: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_, District Contracts Administrator

cc: Contract/Purchasing file  
Financial Management

**ATTACHMENT B  
SAMPLE PROJECT PROGRESS REPORT**

St. Johns River Water Management District  
Project Progress Report

Date: \_\_\_\_\_

Report Number: \_\_\_\_\_

**Contract/Project Identification**

Project Name:			
Recipient:			
SJRWMD Contract Number:		SJRWMD Project Manager:	
		Recipient's Project Manager:	

**Construction Schedule**

Start Date (mm/dd/yy):	
Completion (mm/dd/yy):	

**Reporting Period**

Beginning Date (mm/dd/yy):	
Ending Date (mm/dd/yy):	

**Budget**

Total Budget:		Expended This Period:	
Expended To-date:		Percent Budget Expended:	

**Spend-Down Plan**

Fiscal Year 1			Fiscal Year 2		
Reimbursement #	Anticipated Amount	Anticipated Date	Reimbursement #	Anticipated Amount	Anticipated Date
1			1		
2			2		
3			3		
4			4		

**Design/Permitting Status**

--

**Tasks/Milestones/Deliverables Scheduled for this Reporting Period or Within the Next 60 days:**

Task Number	Tasks/Milestones/Deliverables	Start Date	Finish Date	Percent Complete	Projected Finish Date

**Problems, Issues, Solutions, Anticipated deviations from schedule:**


Attach an additional page of notes if necessary to explain reasons for lateness or unusual events or circumstances.

**CITY OF FERNANDINA BEACH  
REQUEST FOR BUDGET AMENDMENT**

BUDGET AMENDMENT NUMBER:

DATE: 9/13/2016

DEPARTMENT: Stormwater

REQUEST THAT THE ADOPTED BUDGET FOR THE FOLLOWING ACCOUNTS BE AMENDED:

INCREASE	INCREASE	AMOUNT
470-337.3600	470-3800-538.6300	
SJRWMD Grant	Improvements	<b>30,000</b>

**REASON FOR TRANSFER:**

To increase the FY 2016/2017 budget for higher than planned grant and expenditures related to Stormwater Improvements and the SJRWMD Grant.

**This budget amendment increases the Total City Budget from \$115,216,500 to \$115,246,500.**

RECOMMENDATIONS/COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
CONTROLLER      DATE

\_\_\_\_\_  
CITY MANAGER      DATE

- Priority A:**
1. Capital Improvements needed to protect public health and safety.
  2. Capital Improvements needed to fulfill a State or Federal mandate.
  3. Capital Improvements needed to fulfill a legal or regulatory requirement.
  4. Capital improvements needed to complete an ongoing project.
  5. Capital improvements that are shovel ready (funding, permits, etc. are in place).
  6. Capital improvements needed to correct existing deficiencies or maintenance issues.
- Priority B:**
1. Capital Improvements needed to meet or maintain adopted level of service standards.
  2. Capital improvements needed to implement adopted plans or studies.
  3. Capital improvements that are eligible for grant funding.
  4. Capital improvements that will promote economic development.
  5. Capital improvements that will reduce operating and/or maintenance costs.
- Priority C:**
1. Capital Improvements that will increase efficient use of existing public facilities where the economic benefit that results from the improvement exceeds the economic cost of making the improvement.
  2. Capital Improvements that will promote redevelopment and/or infill development.
- Priority D:**
1. Capital Improvements needed to accommodate projected new development, that are consistent with the FLUM, and which represent a logical extension of public facilities.
  2. Capital Improvements needed to serve developments that were approved prior to the adoption of the Fernandina Beach Comprehensive Plan.
- Priority E:**
1. Capital Improvements that will further the plans of the St. Johns River Water Management District and other State agencies that may provide public facilities within the City.

Project Title/Justification	Funding Source		Cost	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	Priorities (Per Comp Plan Policy 8.01.02)				
	Gen Fund	*Other							A	B	C	D	E
<b>Storm Water Management Fund (470) Amended</b>													
C-13: LINING/SEALING DOWNTOWN AREA	100% <sup>6,11</sup>		220,000	20,000	50,000	50,000	50,000	50,000	1,6	1,2,3,5			1
<b>C-1 NORTH FLETCHER IMPROVEMENTS</b>	<b>3.3%</b> <sup>11</sup>	<b>37.7%</b>	<b>1,525,000</b>	<b>1,525,000</b>					1,6	1,2,3,5			1
C-6: FIR ST. (S. 5th to S. 3rd Streets)	100% <sup>11</sup>		100,000			100,000			1,6	1,2,3,5			1
C-12: GUM ST. AREA (near S. 6th St.)	100% <sup>11</sup>		53,300		53,300				1,6	1,2,3,5			
C-2C: ELM ST. (between Division - S. 13th)	100% <sup>11</sup>		228,600			228,600			1,6	1,2,3,5			1
C-3: FIR ST. (west of 14th Street)	100% <sup>6,11</sup>		200,000			100,000			1,6	1,2,3,5			1
C-4: N. 15th (N. of Leon St.)	100% <sup>6,11</sup>		536,700			100,000	536,700		1,6	1,2,3,5			1
C-13: LINING/SEALING DOWNTOWN AREA				100% <sup>8</sup>				2,500,000	1,6	1,2,3,5			1
C-2A: S. 9th St. BEECH ST. & FIR ST.	100% <sup>11</sup>		687,200					687,200	1,6	1,2,3,5			1
C-2B: BEECH ST. & FIR ST.				100% <sup>8</sup>				4,190,900	1,6	1,2,3,5			1

**CITY COMMISSION AGENDA ITEM**  
*City of Fernandina Beach*



**SUBJECT: Ordinance 2016-34**  
 Land Development Code Amendment – Planning Advisory Board Membership

ITEM TYPE:                     Ordinance                     Resolution                     Other  
     Proclamation                     Presentation

**REQUESTED ACTION: Approve Ordinance 2016-34 at First Reading.**

**SYNOPSIS:** On August 30, 2016, the City Commission met in a workshop to discuss the Planning Advisory Board membership. The City Commission directed the City Attorney to research options for member appointments, terms of office and removing members from the Planning Advisory Board. There are several options for appointment, terms of office, requirement of special skills and removal of board members. The City of Jacksonville, Nassau County, City of St. Augustine, Town of Orange Park and City of Orlando are some examples of how government entities handle their appointed Local Planning Agencies (Planning and Zoning Boards). 1) Nassau County has an 11-member planning board with 5 at large members nominated by each County Commissioner, 1 member from each County Commission district and 1 member from School Board – All board members are appointed by majority vote of the County Commission; 2) Orange Park has a 5-member planning board with members nominated by each city councilperson and appointed by majority vote of the city council; 3) St. Augustine has a 7-member planning board appointed by majority vote of the city commission from resident applicants; 4) Jacksonville has a 9-member planning board appointed by the Mayor and confirmed by majority vote of the council; and 5) Orlando has a 9-member planning board nominated by a nominating board for appointment by Mayor and confirmed by majority vote of the city council. Removal of board members is not codified by any of the cities or Nassau County. Therefore, it requires a majority vote of the city commission/council to remove a board member. Terms of office for each of the jurisdictions sampled is either staggered terms running independent of city commissioners or terms running concurrently with city commission seats that nominate each respective board member.

**FISCAL IMPACT:** N/A

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 type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

**CITY ATTORNEY COMMENTS:** See above.

**CITY MANAGER RECOMMENDATION(S):** I recommend that the City Commission approve proposed Ordinance 2016-34 at First Reading. *DM*

DEPARTMENT DIRECTOR	Submitted by: Tammi E. Bach, <i>TEB</i> City Attorney	Date: 9/23/16
CONTROLLER	Approved as to Budget Compliance	Date:
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: 9/23/16
CITY MANAGER	Approved Agenda Item for 10/04/16 <i>DM</i>	Date: 09/23/16

**COMMISSION ACTION:**

<input type="checkbox"/> Approved As Recommended	<input type="checkbox"/> Disapproved
<input type="checkbox"/> Approved With Modification	<input type="checkbox"/> Postponed to Time Certain
<input type="checkbox"/> Other	<input type="checkbox"/> Tabled

## ORDINANCE 2016-34

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 9 SECTION 9.02.02 PLANNING ADVISORY BOARD MEMBERSHIP AND TERMS OF OFFICE; REPEALING SECTIONS IN CONFLICT HERewith; 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 met in a workshop on August 30, 2016 to discuss the Planning Advisory Board membership and roles and responsibilities; and

WHEREAS, the City Commission directed the City Attorney to draft an ordinance for first reading on September 20, 2016 with options for changing the membership and terms of office for the Planning Advisory Board.

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

SECTION 1. It is hereby proposed that Section 9.02.02 of the Land Development Code of the City of Fernandina Beach, Florida be amended to read as follows:

### **9.02.02 Membership and Terms of Office**

- A. There shall be ~~seven (7)~~ five (5) regular members and two (2) alternate members, and:
1. Terms shall be staggered such that no more than three (3) terms expire simultaneously.
  2. Regular members shall be appointed \_\_\_\_\_ *(fill in with option in staff report agreed to by majority of Commission)*
  3. Alternate members shall be appointed for a 3-year term at large by majority vote of the City Commission after receipt of board member application for alternate member seat.
  4. All appointments of regular members shall be for ~~the full term of three (3) years.~~ a term \_\_\_\_\_ *(fill in with option in staff report agreed to be majority vote of Commission).*
  5. When an alternative member is appointed to fill a vacancy created by the departure of a regular member, the term shall be the remaining unexpired term of the alternate member.

6. Regular and alternate members may be removed by \_\_\_\_\_ (fill in with option in staff report agreed to by majority of Commission).
- B. ~~Any interested and eligible citizen as provided for in this section may be appointed to the board, but those~~ The City Commission prefers to appoint regular members with experience or interest in the field of planning and zoning or historic preservation shall receive special consideration. *(There are options for here for including other skill sets such as architecture, real estate, engineering, business owner, attorneys)*
- C. In addition to the above members, one (1) nonvoting member shall be appointed from the Nassau County School Board. This member shall be the person appointed by the School Board to attend those meetings at which the Planning Advisory Board considers rezoning of land or an amendment to the comprehensive plan that, if approved, will increase the residential density on property that is the subject of an application.

SECTION 2. All ordinances, resolutions, sections, parts and/or subsections of the Code of Ordinances or Land Development Code of the City of Fernandina Beach, Florida in conflict herewith are hereby repealed to extent of the conflict.

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 become effective immediately upon final adoption.

ADOPTED this 1<sup>st</sup> day of November, 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

CITY COMMISSION AGENDA ITEM  
City of Fernandina Beach



SUBJECT: **Ordinance 2016-19**  
Comprehensive Plan Amendment - Conservation and Coastal Management  
Element

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ITEM TYPE:  Ordinance  Resolution  Other  
 Proclamation  Presentation

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REQUESTED ACTION: **Approve Ordinance 2016-19 at Second Reading.**

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SYNOPSIS: At its June 7, 2016, Regular Meeting and subsequent meeting on June 21, 2016, the City Commission tasked staff with preparing a Comprehensive Plan amendment which addresses the storage of hazardous materials and hazardous waste within a floodplain.

Questions have been raised concerning consistency with the City's Comprehensive Plan language: specifically, Policy 5.03.13 which states "Hazardous materials or hazardous waste shall not be stored within the floodplain. The Land Development Code (LDC) shall be updated to reflect this policy." Although staff had previously initiated action to address LDC amendments with respect to the Policy, the Commission felt it was important to make clear that development should be permissible when such development is consistent with standards and guidelines for development within the floodplain within the Comprehensive Plan itself.

Further, the Commission articulated that the City's Comprehensive Plan should be amended to reflect the City's existing operations within floodplains. Floodplains, by their nature, are dynamic and subject to change from time to time. The location of a Special Flood Hazard Area is determined using FEMA's Flood Insurance Rate Maps (FIRM). The most recent FIRM was adopted in 2010 and the City anticipates adoption of the preliminary 2016 revisions later this year.

The Planning Advisory Board reviewed the proposed amendments in a Special Meeting on June 29, 2016, and in meetings conducted on July 6, 2016, and July 13, 2016. The Board expressed a desire to see a new Future Land Use Map category created to specifically address "Heavy Industrial and Manufacturing Operations." At this time, the Board has issued a recommendation of approval on the language provided in Exhibit A as part of Ordinance 2016-19. Planning staff recommends approval of the requested amendments.

This Ordinance was approved by the City Commission at First Reading on August 2, 2016. The Ordinance was transmitted to State Reviewing Agencies on August 9, 2016, resulting in no comments except a request by the Northeast Florida Regional Council (NEFRC) for the City to "consider the cited policies from the Strategic Regional Policy Plan before they consider adoption of the proposed amendment, and if they proceed, to consider the potential for storm surge in addition to flood in planning for development and uses in vulnerable locations." City Staff has discussed this comment with NEFRC staff and arrived at an amendment which better establishes a connection to the Comprehensive Plan. Staff has also shared the proposed LDC language with the NEFRC so that they can see how we intend to implement the Comprehensive Plan policy statement.

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FISCAL IMPACT: None

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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 type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

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CITY ATTORNEY COMMENTS: No additional comments.

CITY COMMISSION AGENDA ITEM  
City of Fernandina Beach



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CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-19 at Second Reading. *DEM*

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DEPARTMENT DIRECTOR Submitted by: Marshall McCrary, *MM* Date: 9/16/16  
CDD Director

CONTROLLER Approved as to Budget Compliance Date:

CITY ATTORNEY Approved as to Form and Legality *TEB* Date: 9/27/16

CITY MANAGER Approved Agenda Item for 10/4/16 *DEM* Date: 9/16/16

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

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ORDINANCE 2016-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN CONSERVATION AND COASTAL MANAGEMENT ELEMENT POLICIES 5.03.13 AND 5.14.09; 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, at its June 7, 2016 and June 21, 2016 Regular Meetings, the City Commission directed the City Manager to task the Planning Department with Comprehensive Plan Amendments which specifically address hazardous materials and hazardous waste storage within floodplains in order to address consistency concerns between the Comprehensive Plan and Land Development Code; and

WHEREAS, the Planning Advisory Board acting as the designated Local Planning Agency, has reviewed and held a public hearing on June 29, 2016 and continued on July 6, 2016 and July 13, 2016, advertised in a newspaper of local circulation on June 15, 2016, and rendered its final recommendation to approved the requested amendments as amended through the course of the three meeting dates; and

WHEREAS, the City Commission held a transmittal hearing on August 2, 2016, advertised in a newspaper of local circulation on July 20, 2016, and voted to transmit the requested amendments as amended to the State Land Planning Agency for Expedited State Review in accordance with Section 163.3184(3), Florida Statutes;

WHEREAS, in response to its transmittal of the requested amendments, the City received and considered certain comments sent by letter dated September 2, 2016 from the Northeast Florida Regional Council, and a "no comment" letter dated September 8, 2016 from the State Land Planning Agency; and

WHEREAS, the City Commission held an adoption hearing on October 4, 2016, advertised in a newspaper of local circulation on September 21, 2016, and voted to adopt the requested amendments as amended based upon supporting data and analysis.

~~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 June 15, 2016 and prior to First Reading on July 20, 2016.~~

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

**SECTION 1. PURPOSE, AND INTENT AND ADOPTION.** The City Commission ~~finds that~~ hereby adopts the requested amendments (as amended), attached hereto as Exhibit

“A,” to clarify the intent of the Conservation and Coastal Management Element with respect to storage of hazardous materials and hazardous waste within the floodplain in policies 5.03.13 and 5.14.09.

~~**SECTION 2. TRANSMITTAL OF PROPOSED AMENDMENTS.** The City Commission hereby endorses the proposed Comprehensive Plan amendments for transmittal to the State Land Planning Agency for the purpose of an Expedited State Review in accordance with Section 163.3191, Florida Statutes.~~

**SECTION 2. SEVERABILITY.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 3. EFFECTIVE DATE.** This Ordinance shall become effective ~~upon final adoption~~ as provided in Section 163.3184, Fla. Stats.

ADOPTED this 4<sup>th</sup> 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

Date of First Reading Advertisement (PAB): June 15, 2016  
Date of First Reading and Public Hearing: August 2, 2016  
Date of transmitted as proposed amendments to State Land Planning Agency: August 5, 2016  
Date of Compliance Report Received from State Land Planning Agency: September 8, 2016  
Date of Second Reading Advertisement: September 21, 2016  
Date of Second Reading and Public Hearing: October 4, 2016  
Date of transmitted as adopted amendments to State Land Planning Agency:

**ORDINANCE 2016-19**  
**EXHIBIT A**

**Objective 5.03**

**Hazard mitigation, disaster preparedness, and post-disaster redevelopment.**

The City shall protect the safety of residents and visitors through limitations on development within the Coastal High Hazard Area, preparation of a post-disaster plan, and through maintaining evacuation routes and standards for evacuation times.

**Policy 5.03.13.**

Hazardous materials or hazardous waste shall not be stored within ~~the floodplain.~~ an area of special flood hazard unless:

- a. Such hazardous materials or hazardous waste are limited to ~~heavy industrial zoning districts~~ properties which carry the Industrial Future Land Use designation and are stored within tanks or vessels, the lowest extremity of which is located above the applicable base flood elevation in accordance with the City's Floodplain Management Ordinance; and,
- b. All tanks or structures containing hazardous materials or hazardous waste comply with all NFIP and FEMA anchoring and flood proofing requirements.

The Land Development Code shall be updated to reflect this policy.

**OBJECTIVE 5.14**

**LAND ACQUISITION AND PRESERVATION**

The City shall maintain or increase the quality of natural resources, including coastal wetlands, marine habitats, Egan's Creek and associated wetlands and uplands, dunes, and wildlife habitat through ongoing programs for preservation or acquisition of lands containing important environmental resources.

**Policy 5.14.09.**

The City shall protect environmentally sensitive lands and conservation lands by developing standards within the Land Development Code related to development in these areas that will either prohibit the land use activities, or will allow them provided they are developed, constructed and/or operated in a manner that will protect the existing natural functions of said environmentally sensitive lands and otherwise comply with Local, Regional, State and Federal environmental requirements. ~~and prohibiting the following land use activities on these lands through inclusion of regulations in the Land Development Code:~~

- a. ~~Industrial uses;~~
- b. ~~Sanitary landfills;~~
- e. ~~Wastewater treatment facilities;~~
- d. ~~Animal feedlots;~~
- e. ~~Incinerators;~~
- f. ~~Petroleum or pesticide storage facilities;~~
- g. ~~Above ground or below ground pipes for pollutants or contaminants, excluding pipes carrying treated stormwater runoff or wastewater effluent;~~
- h. ~~Septic tanks;~~
- i. ~~Any land use that stores, handles, or generates hazardous material or waste;~~
- j. ~~Removal, excavation, or disturbance of the soil;~~
- k. ~~Dumping or filling with any material;~~
- l. ~~Erection of structures;~~
- m. ~~Placement of pavements;~~
- n. ~~Destruction of plant life which would alter the existing pattern of vegetation; and~~
- o. ~~Placement of any portion of a development project.~~

NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, October 4, 2016, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

**ORDINANCE 2016-19**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN CONSERVATION AND COASTAL MANAGEMENT ELEMENT POLICIES 5.03.13 AND 5.14.09; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday, (904) 310-3115.

*Note:*

***Please run as a DISPLAY in the September 21, 2016 edition of the News Leader.***

***Please send proof of publication to:***

*City Clerk's Office  
City Hall, 204 Ash Street  
Fernandina Beach, FL 32034  
904-310-3115*

September 21, 2016  
Newsleader Edition

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S  
KB  
BY



NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, October 4, 2016, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

**ORDINANCE 2016-19**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN CONSERVATION AND COASTAL MANAGEMENT ELEMENT POLICIES 5.03.13 AND 5.14.09; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/ COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday, (904) 310-3115.

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

September 8, 2016

The Honorable John A. Miller, Mayor  
City of Fernandina Beach  
204 Ash Street  
Fernandina Beach, Florida 32034

Dear Mayor Miller:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Fernandina Beach (Amendment No. 16-3ESR), which was received on August 9, 2016. We have reviewed the proposed amendment pursuant to the expedited state review process in Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

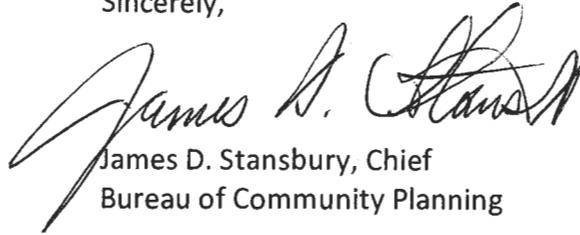
The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](http://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](http://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Joseph Addae-Mensa, Planning Analyst, at (850) 717-8476, or by email at joseph.addae-mensa@deo.myflorida.com.

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning

JS/jam

Enclosure: Procedures for Adoption

cc: Marshall McCrary, Community Development Director, Fernandina Beach  
Margo Moehring, Policy Director, Northeast Florida Regional Council

CITY COMMISSION AGENDA ITEM  
City of Fernandina Beach



SUBJECT: Ordinance 2016-09  
LDC Text Amendments

ITEM TYPE:  Ordinance  Resolution  Other  
 Proclamation  Presentation

REQUESTED ACTION: **Approve Ordinance 2016-09 at Second Reading.**

SYNOPSIS: 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. 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. 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. 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. 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, including West Rock and Rayonier Advanced Materials members. 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. The Planning Advisory Board has reviewed the 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 an advertised public meeting held on August 10, 2016 and on September 14, 2016.

There are also amendments in this Ordinance that address definitions for water-dependent, water-enhanced and water-related uses, sedimentation control, hazardous materials. Amendments in this Ordinance also address land development regulations for environmentally sensitive lands, coastal resource protection, waterfront planning and soil and sedimentation control.

This Ordinance was approved with amendments by the City Commission at First Reading on September 14, 2016. The Ordinance amendments have been incorporated into the document for Second Reading. The action taken at First Reading stated that the industrial entity recommendations should be incorporated, where not in conflict with City Staff recommendations. There are 2 sections of conflict which have been identified through highlighting in yellow (staff) and green (industrial). The City Commission should direct action at Second Reading for these areas. Additionally, staff has identified an area of conflict in the Ordinance following its First Reading and proposes changes as highlighted in yellow to the proposed new section 3.05.03 (F)(1)(d). This section is specific to requirements which must be contained in a drainage plan. The proposed amendment to this section removes language restricting fill within the 100 year flood plan and directs compliance with the City’s adopted floodplain management Ordinance.

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 2016-14 at Second Reading. *DM*

DEPARTMENT DIRECTOR

Submitted by: Marshall McCrary, *MM*

Date: 9/16/16

CITY COMMISSION AGENDA ITEM  
City of Fernandina Beach



CONTROLLER  
CITY ATTORNEY  
CITY MANAGER

CDD Director  
Approved as to Budget Compliance  
Approved as to Form and Legality  
Approved Agenda Item for 10/4/16

*DM*  
*TEB*  
*DM*

Date:  
Date: 9/27/16  
Date: 9/16/16

COMMISSION ACTION:

- |   |  |
|---|--|
| <input type="checkbox"/> Approved As Recommended    | <input type="checkbox"/> Disapproved               |
| <input type="checkbox"/> Approved With Modification | <input type="checkbox"/> Postponed to Time Certain |
| <input type="checkbox"/> Other                      | <input type="checkbox"/> Tabled                    |

ORDINANCE 2016-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE CHAPTER 1 SECTION 1.07.00 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 approval subject to modifications accepted at the meeting; 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 upon final adoption. the effective date of Ordinance 2016-19 as provided in Section 163.3184, Fla. Stats.

ADOPTED this 4<sup>th</sup> 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, Extremely Hazardous Substance, or any material designated as a hazardous waste according to any of the following Federal or State regulations:

(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).

(4) 62-150, F.A.C.

(5) 62-730, F.A.C.

(6) 27P-14, F.A.C.

## 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

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## 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.

#### **3.02.02. General Provisions**

- A. In addition to meeting the requirements for Environmentally Sensitive Lands included within this section, development plans shall comply with applicable federal, state and water management district regulations relating to Environmentally Sensitive Lands.
- B. The Conservation and Coastal Management Element of the City's Comprehensive Plan as amended from time to time shall be used as a reference source to guide decisions regarding future development.
- 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.

#### **3.02.03. Identification of Environmentally Sensitive Lands**

- A. Environmentally Sensitive Lands are:
  1. Lands included within Conservation Zoning and Future Land Use categories as designated on the most recent City zoning and land use maps.
  2. Properties within wetlands protection zones or wetlands transition areas.
  3. Habitat of federally or state-listed 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.

3.02.04 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.
- 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.

3.02.05. Land Uses within Environmentally Sensitive Lands

A. Exempted Uses within Environmentally Sensitive Lands

1. The following uses and activities are presumed to have no adverse effect on Environmentally Sensitive Lands and are permitted consistent with existing regulations regarding wetlands, habitat protection of federally or state listed threatened or endangered species or floodplain management:
  - a. Land uses as allowed in Chapter 2 of the City's Land Development Code for applicable zoning.
  - b. Scenic, historic, wildlife, or scientific preserves.
  - c. Minor maintenance or emergency repair to existing structures or improved areas.
  - d. Timber catwalks, docks and trail bridges that are less than or equal to four feet wide, provided that no filling, flooding, dredging, draining, ditching, tilling or excavating is necessary for installation of pilings.
  - e. Recreational fishing, picnicking, and hiking.
  - f. Constructing fences where no fill activity is required and where navigational access will not be impaired, nor will access to water, vegetation, or corridors be impaired for wildlife by construction of the fence.
  - g. Wetlands stormwater discharge facility or treatment in accordance with state permits and all other applicable state and federal regulations.
  - h. Maintaining existing channels in existence at the time of adoption of this chapter at the minimum depth and width necessary to achieve their intended purposes, and designing them to prevent slumping and erosion and all revegetation of banks.

B. Prohibited Primary Uses within Environmentally Sensitive Lands

1. Activities that require the Bulk 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 bulk storage 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;
8. Stormwater treatment facilities, including the use of drainage wells or sinkholes for stormwater disposal; and
9. Human or animal cemeteries.

3.02.06. Land Uses within Areas of Special Flood Hazard

A. Exempted Uses within Areas of Special Flood 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 Primary Uses within Areas of Special Flood Hazard

1. Non-exempt industrial land uses that involve the bulk use, storage, process, or generate of Hazardous Material or waste, unless the following standards are met:
  - a. All building and structures shall be subject to compliance with the City's Floodplain Management Ordinance, including the requirement to secure local permitting.
  - b. Hazardous Materials or waste shall not be used, stored, processed, or generated in the Coastal High Hazard Area (CHHA), except in compliance with the requirements of this Section 3.02.06(B).

*\*\*\*Staff does not endorse industry recommendations in this section.\*\*\*  
(specifically, the following language: "except in compliance with the requirements of this Section 3.02.06(B)"; all language proposed to be stricken should be stricken).\*\*\**
  - c. Fixed tanks or vessels for the bulk storage of 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 such tank or vessel is shall be located at least three (3) feet one (1) foot above the applicable 100-year base flood elevation, inclusive of tank inlets, outlets and vents.
  - 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 fixed tanks or vessels for bulk storage of Hazardous Materials or waste to three (3) feet one (1) foot above the 100-year base flood elevation.
5. Injection wells, irrigation wells, and domestic and commercial wells more than six (6) inches in diameter;
6. Human or animal cemeteries;
7. Storage or transfer of bulk coal;
8. Storage of chemical pesticides and chemical herbicides;
9. Bulk storage of liquefied natural gas.
10. Bulk Storage Yards, Solids or Bulk Storage Yards, Liquids of Hazardous Materials. *Industry believes this addition is duplicative of paragraph 1.c above.*

### 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).*~~

#### **3.03.04 Design Requirements**

- A. All new development and redevelopment adjacent to jurisdictional wetlands, wetland protection zones and wetland transition areas shall be designed, constructed, maintained, and undertaken in a way that minimizes the adverse impacts on the functions of the affected environmentally sensitive zone.
- B. In addition to any standards required by federal, state, or local agencies and any other section within this LDC, the following standards shall apply to uses found to be permissible in or adjacent to wetlands:
  1. The use shall allow the movement of aquatic life requiring shallow water;
  2. Existing flood channel capacity shall be maintained;
  3. Stable shoreline embankments shall be ensured on unstable shorelines where water depths are inadequate, to eliminate the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding, and other river, lake, and channel maintenance activities;

4. Uses in areas where there is inadequate water mixing and flushing shall be eliminated or stringently limited as provided in Section 3.03.00;
5. Uses shall be prevented in areas which have been identified as hazardous due to high winds or flooding;
6. Access roads, parking lots, and similar structures shall be limited to locations on properly zoned uplands;
7. Any wetlands shown on the site plan to remain undisturbed that become damaged during construction shall be completely restored. Complete restoration means that the restored area shall function equivalently to the wetland prior to damage;
8. Accessory uses shall be limited to those which are water-dependent; and
9. Fill shall not be placed in waters or wetlands to create usable land space.

### **3.04.00 WATER QUALITY + WELLFIELD PROTECTION**

#### **3.04.01 Purpose and Intent**

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

#### **3.4.2 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;~~ of Hazardous Materials as defined in Section 1.07.00.
  - 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 ~~h~~Hazardous chemicals Materials 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. Where projects are located within an Area of Special Flood Hazard, the engineer shall prepare plans as consistent with the requirements of the City's Floodplain Management Ordinance. The map shall be prepared on a scale not to exceed one (1) inch equals 200 feet. As a minimum, it shall include:
    - a. The limits of the drainage basin or sub-basin;
    - b. Topography of the project;
    - c. Topography between the project and the receiving body of water, or the receiving City-, County- or State-owned drainage facility;
    - a. Topography of adjacent property;
    - b. Existing points of entry of water from adjacent property;
    - c. Points of discharge of water from the project;
    - d. Limits of fill required to construct facilities; ~~and to prevent minimum flooding of future dwelling units, except that no filling for construction will be permitted in the 100 year floodplain.~~
    - e. Finished floor slab elevations and minimum elevation of the bottom of floor framing for each structure to accommodate the 100-year flood elevation;
    - f. Location of National Flood Insurance Program rate map flood zones; and
    - g. Soil profiles, using the USDA soil classification method, to be performed on sufficient areas throughout the project to provide adequate information on the overall suitability of the proposed drainage plan.
  2. With respect to Sections ~~7.03.03~~ 3.05.03(GF)(1)(a),(c), and (d), if a project fronts on an approved public or private road and the applicant can demonstrate to the satisfaction of the City that no drainage will be discharged from the project onto any adjacent property, these items may be waived. No waiver of any kind will relieve the applicant of responsibility or liability from damage caused by increased runoff from his project.

- H. All single-family home projects that are not part of a subdivision with a designed stormwater system shall provide for retention of stormwater within the boundaries of the project.
  - 1. Projects that are located outside of a subdivision, but in an area with an available engineered stormwater system shall ensure that stormwater is properly routed to the stormwater structures.
  - 2. Design options for single-family home new construction and additions over 625 square feet:
    - a. Provide engineered solution as completed by an engineer, and/or
    - b. Utilize low impact development (LID) techniques such as rainwater harvesting, roof downspout disconnection, rain gardens, green roofs, trenches and chambers, bioretention, vegetated filter strips, permeable pavement, enhanced grass swales, dry swales, and perforated pipe systems.
- I. Drainage during construction
  - 1. All off-site drainage entering the property prior to the commencement of construction shall be maintained through the construction period.
  - 2. Approved silt barriers in compliance with Section 3.01.05 shall be placed to prevent silt, erosion, or other pollutants from leaving the site. If off-site siltation occurs, it shall be halted immediately, or all work shall cease until the silting is stopped.
- J. Maintenance of drainage facilities after construction
  - 1. All private drainage facilities within an approved subdivision, multi-family, commercial, industrial, or institutional project shall be continuously and properly maintained by a required homeowners' association, the developer, or another entity approved by the City in an enforceable development order and designated in the construction permit application.
  - 2. Drainage facilities for private single-family residential properties shall be continuously and properly maintained by the property owner. Such maintenance shall continue for the life of the property as developed under this section even upon transfer of ownership.
- K. Where feasible, stormwater management systems shall be designed to provide landscape irrigation for the development.

**3.06.01 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

September 21, 2016  
Newsheader Edition



NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, October 4, 2016, at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

**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.**

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/ COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

For information, please contact the Staff of the City Clerk's Office, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday, (904) 310-3115.

SCANNED  
S1KB



ORDINANCE 2016-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE COMPREHENSIVE PLAN TO ADD A NEW FUTURE LAND USE ELEMENT FOR THE 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU8) AS POLICY 1.07.08 AND RENUMBERING THE FOLLOWING SECTIONS; 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, since 2014, the City has gathered a working group of stakeholders interested in 8<sup>th</sup> Street revitalization to determine potential solutions for the corridor; and

WHEREAS, the working group established the following goal statement of creating "a vibrant and welcoming mixed-use corridor with a unified attractive visual character that serves as a gateway and connects to the history and character of Downtown Fernandina Beach"; and

WHEREAS, the working group recommendations for achieving their goal (in summary) included: establishing a small area, which includes part of S. 7<sup>th</sup> Street and S. 9<sup>th</sup> Street, Allowing residential density on 8<sup>th</sup> Street, Relaxing setbacks to be similar to downtown, and including a pedestrian landscaping requirement for property along S. 8<sup>th</sup> Street; and

WHEREAS, the Planning Advisory Board (PAB) established a subcommittee between June and November 2015 to determine a logical regulatory strategy towards achieving the working group's established goal and recommended solutions; and

WHEREAS, City Planning staff established a Public Involvement Program which included, a kick-off meeting where all stakeholders were invited, input gathering at the local farmer's market, property owner and business owner outreach via postcards to advertise upcoming outreach efforts and public comment opportunities, held three public houses throughout the City, and organized a walking tour along S. 8<sup>th</sup> Street; and

WHEREAS, staff considered all public input gathered from the various outreach efforts and incorporated changes in the proposed amendments for presentation to the PAB; and

WHEREAS, the PAB acting as the designated Local Planning Agency, has reviewed and held a public hearing on May 24, 2016, advertised in a newspaper of local circulation on May 11, 2016, and rendered its final recommendation to approved the requested amendments with a minor change by a 4-3 vote; 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 June 24, 2016.

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

**SECTION 1. PURPOSE AND INTENT.** The City Commission finds that the amendments, attached hereto as Exhibit "A," creating a new Future Land Use Category called 8<sup>th</sup> Street Small Area Mixed Use (8MU).

**SECTION 2. TRANSMITTAL OF PROPOSED AMENDMENTS.** The City Commission hereby endorses the proposed Comprehensive Plan amendments for transmittal to the State Land Planning Agency for the purpose of an Expedited State Review in accordance with Section 163.3191, Florida Statutes.

**SECTION 3. SEVERABILITY.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 4. COMPLIANCE.** The proposed plan amendments adopted by this Ordinance are not effective until a final order is issued by the State Land Planning Agency finding the amendments to be "in compliance" in accordance with Section 163.3184, Florida Statutes. If the Agency issues a final order finding the amendments not "in compliance," the amendments may nonetheless be made effective by adoption of a Resolution at a public hearing affirming the effective status of the amendments. No development orders or development permits dependent upon these amendments may be issued, and no development dependent upon these amendments may be undertaken, before the amendments become effective.

**SECTION 5.** This Ordinance shall become effective immediately upon adoption.

ADOPTED this 4<sup>th</sup> 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

Date of First Reading Advertisement (PAB):	May 24, 2016
Date of First Reading and Public Hearing:	July 5, 2016
Date of transmittal proposed amendments to State Land Planning Agency:	July 22, 2016
Date of Compliance Report Received from State Land Planning Agency:	August 19, 2016
Date of Second Reading Advertisement:	September 21, 2016
Date of Second Reading and Public Hearing:	October 4, 2016
Date of transmittal adopted amendments to State Land Planning Agency:	

ORDINANCE 2016-13  
EXHIBIT "A"

**FUTURE LAND USE MAP CATEGORY**

**Policy 1.07.08 8th Street Small Area Mixed Use (MU8) (renumbering to follow other land use categories)**

It is the purpose of the 8th Street Small Area Mixed Use land use category to provide flexible land use and design that promotes pedestrian-level activity. The MU8 land use is intended to promote the 8th Street corridor as a thriving gateway to the historic downtown of Fernandina. The only area where the 8<sup>th</sup> Street small area land use (MU8) is permissible are those properties located along the southern half (1/2) of the Ash Street Block extending to non-historic district properties on the fronting Beech Street and along the eastern half (1/2) block of 9<sup>th</sup> Street on the northern extent of the corridor. Then, extending along eastern half block of 8<sup>th</sup> Street to the western half block of 9<sup>th</sup> Street between Beech Street and properties just south of Cedar Street and continuing along the eastern half block of 8<sup>th</sup> Street to the western half block of 9<sup>th</sup> Street between Cedar Street and Fir Street. Finally, extending south on Fir Street for the entire block width between 7<sup>th</sup> and the western half block of 9<sup>th</sup> Street, terminating at Lime Street.

- A. This district provides for integrated or stand-alone commercial retail, offices, housing, and civic uses. Convenient access to transit opportunities, innovative housing options, and pedestrian-oriented design are key considerations in the redevelopment of these areas.
- B. Warehouse storage and heavy industrial uses shall not be permissible within this land use category.
- C. Uses allowable within the MU8 land use category recognizes the desire to maintain commercial development while integrating residential allowances to fulfill market demand for housing needs and to provide commercial services easily accessible to residents within the area.
- D. The maximum density is up to 18 units per acre.
- E. The maximum intensity of non-residential development shall not exceed a FAR of 2.0.

Rick Scott  
GOVERNOR



Cissy Proctor  
EXECUTIVE DIRECTOR

August 19, 2016

The Honorable John A. Miller, Mayor  
City of Fernandina Beach  
204 Ash Street  
Fernandina Beach, Florida 32034

Dear Mayor Miller:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Fernandina Beach (Amendment No. 16-2ESR), which was received on July 22, 2016. We have reviewed the proposed amendment pursuant to the expedited state review process in Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

However, consistent with Section 163.3168(3), F.S., the Department is providing a technical assistance comment. The technical assistance comment will not form the basis of a challenge, but it is offered to strengthen the local comprehensive plan and ensure consistency with the Community Planning Act.

**Technical Assistance Comment - 8<sup>th</sup> Street Small Area Mixed Use:** The proposed text amendment to create a mixed use land use does not meet the requirements of Sections 163.3177(6)(a)1. and 3.h., Florida Statutes (F.S.), because it does not include an intensity standard for nonresidential uses and does not include a percentage distribution among the mix of uses. The City may wish to revise proposed Policy 1.07.08 to include an intensity standard for nonresidential uses and the percentage distribution among the mix of uses, consistent with Sections 163.3177(6)a.1. and 3.h., F.S.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

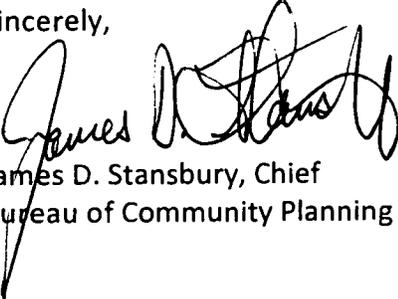
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](http://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](http://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Joseph Addae-Mensa, Planning Analyst, at (850) 717-8476, or by email at [joseph.addae-mensa@deo.myflorida.com](mailto:joseph.addae-mensa@deo.myflorida.com).

Sincerely,



James D. Stansbury, Chief  
Bureau of Community Planning

JS/jam

Enclosure: Procedures for Adoption

cc: Marshall McCrary, Community Development Director, Fernandina Beach  
Margo Moehring, Policy Director, Northeast Florida Regional Council

## SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

### FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

**Suggested effective date language for the adoption ordinance for expedited review:**

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.

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

**Roll Call/Determination of Quorum**

**Board Members Present**

Mark Bennett, Vice-Chair  
Chris Occhuizzo  
Jon Lasserre  
Eric Lawrence (alternate)

Charles Rogers  
David Beal  
Chip Ross  
Jamie Morrill (alternate)

**Board Members Absent**

Judith Lane, Chair

**Others Present**

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

Member Morrill was seated as regular voting member for this meeting due to the absence of Chair Lane.

- 2.1 **Review and Approve April 13, 2016 Regular Meeting Minutes – A motion was made by Member Occhuizzo, seconded by Member Morrill, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

3. **New Business**

- 3.1. **PAB 2016-14: 8th Street (Comprehensive Plan Amendments, Large-Scale Future Land Use Map Amendments, Zoning Changes, and Land Development Code Amendments**

*City of Fernandina Beach (PAB CASE 2016-14), requesting a Comprehensive Plan Amendment in the Future Land Use Element to create a future land use category called 8<sup>th</sup> Street Small Area Mixed Use and requesting Land Development Code changes specific to the 8<sup>th</sup> Street Small Area by modifying Chapter 2: zoning districts and uses to add a zoning district called 8<sup>th</sup> Street Small Area Mixed Use (MU-8) , providing specific uses and accessory uses, and adding design standards in Chapter 4 and Chapter 6.*

**and**

*City of Fernandina Beach (PAB CASE 2016-14), requesting Large-Scale Future Land Use Map and Zoning Map Amendments for properties within the historic district located on S. 8<sup>th</sup> Street from General Commercial (GC) Land Use/ C-2 to Central Business District (CBD) Land Use/ C-3 Zoning and requesting amendments from General Commercial (GC) Land Use/ C-2 and C-1 Zoning, Medium Density Residential Land Use/ R-2 Zoning and Mixed Use (MU) Land Use/ MU-1 Zoning to a newly created land use and zoning category of 8<sup>th</sup> Street Mixed Use (MU8)/ MU-8 Zoning for non-historic district properties generally described as being located on S. 8<sup>th</sup> Street between Ash Street and Lime Street from 7<sup>th</sup> Street to the western half block of 10<sup>th</sup> Street, collectively totaling approximately 67 acres of land.*

Ms. Gibson explained this was one of the City's largest redevelopment strategies that has been looked at and one of the largest rezoning and land use change to a significant area of the commercial corridor known as 8<sup>th</sup> Street. She pointed out there were outreach events in January and February. She stated this was the first step within the formal process of moving forward these proposed changes, which then would

go to the City Commission and then to the State. She explained this was the first effort of several that will look at the City's commercial corridors as a way to gain economic investment and reinvestment in the community. She provided further details of the background of these proposed changes as contained in the PowerPoint presentation. She pointed out staff formed a working group with a number of stakeholders that included members of the public (real estate professional, architect, engineer, members of the Economic Development Board, etc.) to figure out which areas to look at and how to go about addressing commercial corridors. The working group utilized general surveys given to business owners and property owners along 8<sup>th</sup> Street as well as the general public. It was noted the group talked about numerous things including the concrete plant that was at 8<sup>th</sup> and Lime, trying to reduce trucks on 8<sup>th</sup> Street, and how to incentivize new development. Ms. Gibson explained after the working group's effort the PAB formed a subcommittee to review the streetscape materials along 8<sup>th</sup> Street. She briefly commented about the public outreach efforts to talk about the proposed changes (Farmer's Market in January, a walking tour in February, and open houses at the Golf Course Clubhouse, the Peck Center, and the Atlantic Recreation Center). She provided a recap of the survey results and the top desire was for a theme or vision, and landscaping was the biggest thing they took away from the survey. Included in the presentation were maps to illustrate the properties that would be part of the proposed new land uses and zoning. Ms. Gibson presented and briefly explained the renderings of what 8<sup>th</sup> Street and 9<sup>th</sup> Street could look like. She explained the PAB was considering changes that include a Comprehensive Plan Amendment to identify the land use and they were looking at as well as the large scale Land Use Map changes for both the conversion from C-2 to Central Business District as well to 8<sup>th</sup> Street Mixed Use Land Use and Zoning. She stated the board was also asked to look at Land Development Code (LDC) changes. She clarified there are four pieces (Comprehensive Plan, Land Use in the form of a map, LDC changes, and zoning map changes). She commented it was anticipated that the City Commission would hear the changes at their meeting on June 21<sup>st</sup> and then it would be sent to the State for their review. She pointed out after State review it comes back to the City Commission for second and final reading then at that point it is considered adopted. She stated that second reading was not anticipated until September.

The public hearing was opened at this time.

Ms. Reha London, 416 South 7<sup>th</sup> Street, inquired about the aesthetics for 7<sup>th</sup> Street. She pointed out there are businesses that extend from 8<sup>th</sup> Street to 7<sup>th</sup> Street. She commented the gentleman that purchased the building at 8<sup>th</sup> and Gum was doing a good job at making a lot of aesthetic improvements. She stated as you venture down towards Lime Street on 7<sup>th</sup> Street it seems that the aesthetics of the area are not paid attention to. She suggested consideration of aesthetics for businesses that extend from 8<sup>th</sup> Street to 7<sup>th</sup> Street as far as landscaping, etc. Ms. Gibson stated through the outreach staff heard the concern about the appearance of the properties on the backside. She explained one of the requirements related to how buildings are oriented they've included where there is a commercial or mixed use structure that extends the full block width that you have entrances that contain a secondary level façade that mirrors what you would find with the primary entrance. Ms. London inquired if the existing businesses would be expected to comply. Ms. Gibson replied nothing would be applied retroactively. She explained when businesses redevelop or new businesses come in that would be the point where staff would work with them to get compliance with these details. Ms. London expressed her concern with the proposed 45 foot height where it abuts the historic district and having it block the sun as well as dealing with the other aspects of a commercial building such as trash, etc. Ms. Gibson explained the intent was to make the height consistent with what is currently allowed on 8<sup>th</sup> Street today (45 feet). She stated this was to add to the ability to redevelop and invest in the property. She pointed out what staff heard from the working group was that they didn't want to see anything reduced or rights taken away from those property owners.

Ms. Mary Hesketh, 318 South 9<sup>th</sup> Street, expressed her concern with the 45 foot height limit along both sides of 9<sup>th</sup> Street, which could potentially have a 45 foot tall building next to a tiny residential home. She questioned why there couldn't be a lower height limit at least on the residential side. She noted there would not be Historic District Council (HDC) review and inquired if there would be another review for aesthetics. Ms. Gibson explained there is design review required for mixed use and commercial development that would go through the City's Technical Review Committee (TRC). She pointed out the intent is to be Centre Street like so there will be awnings and the articulation that you would typically find on Centre Street. Ms. Hesketh inquired if there would be metal buildings. Ms. Gibson stated there isn't a disallowance for metal buildings, but staff will want to see the windows, doors, the entry, etc. of how they look. Ms. Hesketh questioned the landscaping requirements being reduced to 10%. Ms. Gibson pointed out the building would have requirements for parking, stormwater, and landscaping so for those elements they end up exceeding that 10% quickly. Ms. Hesketh stated she would like to see more landscaping. She referred to no drive thru or exit on 8<sup>th</sup> Street and noted that means traffic would be off on 7<sup>th</sup> and 9<sup>th</sup> Streets. Ms. Gibson clarified that would be for a drive thru facility such as a dry cleaner or laundry service where they can't have their entry and exit directly onto 8<sup>th</sup> Street. There was some discussion about this and a review of on street parking opportunities. There was also some discussion about the screening requirements for a dumpster enclosure.

Ms. Hesketh commented when she purchased on 9<sup>th</sup> Street it was a very quiet little street and she didn't want it turned into the buffer from commercial to residential. She stated she would like for the character of the street to be quiet and residential and not have tons of traffic.

Member Occhuizzo questioned the thought behind reducing landscaping from 20% to 10%. Ms. Gibson replied it was the consistency with what the City has downtown as a requirement and to allow for a level of flexibility. Vice-Chair Bennett noted this encourages planters and roof top gardens, etc.

Ms. Laura Bresko, 908 South 9<sup>th</sup> Street, referred to the rendering and questioned who would be responsible for the landscaping area and sidewalk. Ms. Gibson replied the City and explained as part of the commercial redevelopment a developer would install some of the streetscape improvements. She pointed out first there would have to be an engineered design and concept for 9<sup>th</sup> Street (multi-use path, on street parking, planting strips, etc.) before anything is budgeted for the improvements. Ms. Bresko referred to on street parking and inquired if the street would be widened to accommodate that. Ms. Gibson commented in a lot of places today on 9<sup>th</sup> Street people seem to park within the public right-of-way so there appears to be a need for on street parking. She stated potentially there could be more formal on street parking as part of the design. There was also some discussion about setbacks, pedestrian access, and parking requirements per residential unit.

Ms. Ann Thomas, 402 Date Street, expressed her opinion that this proposal was going to ruin 7<sup>th</sup> Street and 9<sup>th</sup> Street. She expressed her hope the board would not recommend it to the City Commission without a lot more thought being given to it. She commented the idea you could go from 8<sup>th</sup> Street to 7<sup>th</sup> Street and have a secondary façade will ruin 7<sup>th</sup> Street and 9<sup>th</sup> Street. She stated she couldn't see how this could do anything other than ruin the character of those two streets. There was a brief discussion to clarify the portions of 7<sup>th</sup> Street and 9<sup>th</sup> Street that could potentially be impacted. It was explained when this area was looked at there were existing mixed use properties and there was a desire to see the same zoning applied across both sides of the street.

Ms. Thomas briefly commented about the idea of requiring alleyways to deal with trash. She explained that she thought this proposal needed more thought before it goes to the City Commission. Member Ross questioned what Ms. Thomas would do differently. Ms. Thomas replied if there is going to be a much

denser commercial corridor on 8<sup>th</sup> Street you need a wider sidewalk before you get to the property line they can build up to. She stated it is needed for pedestrian access, outdoor dining, and putting trees in. She commented you need a public space that amounts to something before you get to that 45 foot façade.

Vice-Chair Bennett pointed out the proposed 6 feet was within the property line and that does not include the right-of-way. Member Ross stated the right-of-way is 60 feet and often times the road is much less than that. It was noted that the current sidewalk was 5 feet wide, and there was further discussion about opening up the pedestrian area by creating a larger walkway. There was a review of the renderings and it was noted that this would not always be possible because of the current development pattern along 8<sup>th</sup> Street where the structures go right up to the property line today. Ms. Gibson pointed out the City has made a request to the FDOT that through their resurfacing project that they look at potentially including other elements (landscape and hardscape) to extend out the walkable surface area. She explained that 9<sup>th</sup> and 7<sup>th</sup> Streets would be context sensitive complete streets that account for all users of that roadway. There was further discussion about this.

Mr. Eric Bartelt, 3280 South Fletcher Avenue, commented along Centre Street between 6<sup>th</sup> and 7<sup>th</sup> there are trees that fit within that space. He explained he was involved in the streetscaping design, and noted there was a concern about development on 8<sup>th</sup> Street and its impact to 7<sup>th</sup> Street and 9<sup>th</sup> Street. He stated during the discussions was whether there could be a step down from 45 feet on 8<sup>th</sup> Street to 9<sup>th</sup> Street and 7<sup>th</sup> Street to something less than 45 feet. He commented maybe you have to build in that the buildings on 8<sup>th</sup> Street have to step down to match the scale of 7<sup>th</sup> and 9<sup>th</sup>.

Ms. Martha Dawson, 107 South 11<sup>th</sup> Street, questioned who would produce the taxes for all of this and whether the taxes would be raised for this. Vice-Chair Bennett explained that taxes are based on the assessment by the Nassau County Property Appraiser, and those with a homestead exemption their taxes can only go up 3% or the cost of living whichever is less. He pointed out there are limitations on increases in taxes, and the City and the County separately set a millage rate. Ms. Dawson inquired what would be done with Indigo Street, Gum Street, Jasmine Street, and Kelp Street. City Attorney Bach clarified the City was not doing any of those major changes, but the renderings are what it might look like in the future if the zoning is changed for some of these properties. She explained the City would continue to maintain the streets, but there is no plan for widening or doing public improvement projects. She provided further clarification of the intent of the proposed changes. There was further discussion about potential impact from redevelopment in the area, and it was noted Ms. Dawson's concern was the current lack of sidewalks and who would care for any improvements made. It was explained again that this process has been going on for over two years to gather input from the community, and that a public outreach campaign started in January 2016. There was some explanation that what was proposed was a plan for zoning for the future, and that new zoning would be shown once it was adopted by the City Commission.

Mr. Greg Roland, 302 South 7<sup>th</sup> Street, explained he attended a few meetings on this and had read through most of the documents. He commented there is a historic home that borders 8<sup>th</sup> Street so these new rules don't necessarily affect him personally, but would affect the traffic with the use of 7<sup>th</sup> Street to get around 8<sup>th</sup> Street. He stated when he walked along 9<sup>th</sup> Street this would change the character of 9<sup>th</sup> Street, and agreed with the idea of stepping down to 30 or 35 feet for the lots that border 9<sup>th</sup> Street and then you have residential on the eastern portion of 9<sup>th</sup> Street. He pointed out if you look north on 9<sup>th</sup> Street standing at Hickory you will see a beautiful tunnel of trees. He commented the City permitted a metal building at the corner of Indigo and 9<sup>th</sup> Street that was two-story, but expressed his concern that the workforce housing and things like that the City was hoping for would be bulldozed on 9<sup>th</sup> Street to make way for large scale development. He suggested there be some kind of transitional approach for the western portion of 9<sup>th</sup>

Street to protect the current neighborhood and to leave the eastern portion of 9<sup>th</sup> Street as residential. He provided further comments about this. There was some discussion about this suggestion and it was noted that the height restriction for MU-1 was 35 feet.

Ms. Marcia Allen, 603 South 10<sup>th</sup> Street, questioned if her property was part of this. Vice-Chair Bennett replied Ms. Allen's property was not part of this. Ms. Allen commented she was in favor of beautification.

Ms. Paula Clayton, 518 South 9<sup>th</sup> Street, stated it would take her another meeting to fully understand the whole concept. She explained she was in favor of rezoning and improving 8<sup>th</sup> Street, but concurred with Mr. Roland about leaving what is residential as residential. She inquired how these changes would affect the existing dwellings and what requirements would she have to meet. Member Ross replied it stays the same as long as you don't change anything. Ms. Clayton questioned if she could rebuild if her home burnt down. Ms. Gibson replied yes and explained it can be built to what it was previously. She pointed out Ms. Clayton would also have the flexibility to shift it closer to the street or further back. It was explained the work and effort to this point was in the direction of intensifying the mixed use that exists today (9<sup>th</sup> Street). It was noted this area has been zoned mixed use since 2004/2005.

Ms. Clayton requested clarification of a "complete street". Ms. Gibson stated it is a new term in transportation planning, and explained it is a street that provides amenities for all users not just a vehicle. She pointed out the focus for a long time when designing a road has been on the vehicles, and now the road needs to be designed to accommodate every user (bicyclists, pedestrians, parked vehicles, and vehicles).

Ms. Joan Cory, 408 Beech Street, expressed her concern about keeping the integrity of downtown residential streets. She related an example of a proposed restaurant that was going to back up to residential and have amplified music, and pointed out that type of thing was why people are touchy about having commercial backup too close to their residential street. She referred to the idea of bonuses and being able to go up to 55 feet, and expressed her opinion that would not be compatible at all. Ms. Gibson stated that language was not included. Ms. Cory referred to the idea of new businesses on 8<sup>th</sup> Street being able to use off-site parking to fulfill their parking requirements, and requested that parking be on the property. She commented she was a little concerned about design decisions like Centre Street, and stated a 12 foot ceiling might not be necessary for every kind of business. She pointed out iron fences are nice, but the City has also had businesses like Hot Paws that has a mural on it. She explained a mural program using professional artists submitting proposals could be a very exciting thing coming down 8<sup>th</sup> Street.

Mr. Harry Hill, 310 South 10<sup>th</sup> Street, questioned whether this landscaping would create blind spots. He pointed out downtown has a few blind spots. Ms. Gibson explained there are requirements for staff to evaluate visibility and it does apply to landscaping as well as parked vehicles.

Ms. Debbie Roland, 302 South 7<sup>th</sup> Street, expressed her concern that with the increase of density would increase the volume of cars and noise. She commented they are losing families in the neighborhoods downtown. She expressed her support of improvements on 8<sup>th</sup> Street, but was concerned about more commercial meaning more traffic and more noise for those that butt up to those streets. She pointed out it seems like people are using the side streets as a cut through. She commented it is very hard for the residents with homes on 8<sup>th</sup> Street to sell those homes, and sometimes with those on 7<sup>th</sup> Street because people can hear that 8<sup>th</sup> Street noise. Member Morrill briefly explained the increase in density was not to increase the opportunities for business, but rather to increase the opportunities for residential housing. He stated this was to allow creative housing options on 8<sup>th</sup> Street, and to do that density had to increase to

allow that. There was some discussion about the concerns Ms. Roland raised, and it was noted the City was trying to move toward more connectivity without cars. Ms. Gibson explained the City has gone to the FDOT to request center medians to break up the third lane, and that was being analyzed as part of the road resurfacing in 2018/2019. There was also a request for enhanced crosswalks at the existing intersections.

Member Ross commented at the other meetings the developers said what they need, and as a community if that is not what we want then 8<sup>th</sup> Street is going to stay the way 8<sup>th</sup> Street is. He stated part of the conflict is how to get something to happen on 8<sup>th</sup> Street, and explained he wished more people from the neighborhoods had come to the other meetings to have heard that.

Mr. Phil Scanlan, 1832 Village Court, pointed out he had attended many of the meetings, because he leads the Amelia Island Trail Development to create multiple use paths for pedestrians and bikes. He stated he would like to see more access to downtown than we have. He commented the focus of this was to improve 8<sup>th</sup> Street rather than let it flow over to 7<sup>th</sup> and 9<sup>th</sup>. He concurred with the idea of having a step down to 9<sup>th</sup> Street. He expressed his appreciation for all the work that has been done on this.

Ms. Laura Bresko, 908 South 9<sup>th</sup> Street, questioned the relationship between right-of-way and setbacks. Vice-Chair Bennett explained the right-of-way belongs to the government. He stated within the rules of building there may be a setback imposed by City regulations, and related an example of a 10 foot setback where you wouldn't be able to build within the first 10 feet. There was some discussion to clarify that the right-of-way may be larger than the existing roadbed (right-of-ways can be 30 feet or 60 feet).

Ms. Bresko requested the City to retain trees if possible. Ms. Gibson explained when street improvements are made trees are considered as part of any roadway improvements, and the City tries to retain wherever possible. There was a brief discussion about ways to locate property lines.

Ms. Bresko explained her concern was looking at the backside of a building including the parking, dumpsters, etc. She also expressed her concern with increased pests or vagrancy opportunities. She questioned why 9<sup>th</sup> Street couldn't be developed out as its own equally lovely business corridor rather than just the backside of the development for 8<sup>th</sup> Street. Ms. Gibson replied there was nothing preventing that from occurring.

Member Occhuizzo noted that the early meetings about this the people were laying out what they needed to make it work, but what he was hearing tonight was a fear of the possible collision between commercial and residential. He stated the City has to be very aware of opening the commercial door, because he has seen commercial go out of control. He suggested listening to more people and considering more options. Vice-Chair Bennett pointed out that area right now can be developed commercially. He explained initially in the discussions you had to have residential development if you wanted this area to prosper and change. Member Lasserre noted that MU-8 allows more intensive commercial development than MU-1. He commented with trying to improve 8<sup>th</sup> Street and only having 100 feet on either side doesn't work. He stated this was an effort to change that and you have to have uses that would work along 8<sup>th</sup> Street. He concurred with Member Occhuizzo that it may need a little more thought or recommend approval with a change. There was some discussion about ways to proceed including the idea to refine it to be only residential on the east side of 9<sup>th</sup> Street to be compatible with what is behind it.

Ms. Annette Modeste, 410 South 10<sup>th</sup> Street, commented she has lived in countries where this has been done with residential and commercial. She stated they take more control of the material that is used as well as fence heights. She explained commercial is mixed with residential and sometimes you have to

really look to find the commercial amongst the residential. She pointed out it can be blended beautifully along with the commercial if they look more alike. Vice-Chair Bennett commented the idea was to have a mix so you didn't have just a big apartment project and that was it. He stated he didn't know that this would go to very large developments, but there are a number of owners that may decide to stay with their house or build another house.

Ms. Laura Bresko explained as a property owner she would not be in favor of the zoning being changed back to R-2 from MU-1, because she doesn't know how the corridor is going to go or who is going to develop what. She stated if the zoning is limited then the property values are going to end up declining. There was a brief discussion about this.

The public hearing was closed at this time.

Member Beal inquired if staff could think of a corridor like this where a transition has occurred. Ms. Gibson replied in Tallahassee along Game Street is one of the examples that was used as a reference and a tool to help shape the development standards. She stated it has been very successful up to this point. She explained it runs between Florida State and the Capital complex and other State buildings. Member Beal referred to the calming of traffic and inquired if that was in the hands of the FDOT. Ms. Gibson replied yes and explained the City Manager wrote a letter to the FDOT requesting that as part of their engineering and analysis for the repaving project of 8<sup>th</sup> Street that they consider hardscape elements, streetscape elements, including crosswalks, and landscape medians. She stated FDOT is analyzing it as context sensitive complete street rather than just engineering to serve the vehicle. Member Beal referred to parking and questioned if 10 spaces are required do all 10 spaces have to be onsite or could they be a block away. Ms. Gibson replied the code today has parking requirements, but there are also areas for parking flexibility so you aren't over improving spaces where they may be shared with an adjoining space. She explained there is the ability to have shared parking agreements as well as an ability to valet the parking to meet the minimum standards. She stated up to 10% of the parking could be met with parking on street or in another City provided parking facility, which was only once you've exhausted all flexibility options. There was some discussion about this and some discussion about what 18 units an acre could look like.

Member Beal questioned if it could be figured out whether a 14 unit building with a restaurant could fit on the half block. Ms. Gibson reported she would have to work with an engineer and architect to analyze that. She commented she didn't see how on that half block you wouldn't be able to achieve that kind of development. She stated given the parking needs she thought you would need at least a quarter of a block to get the kind of design that you are thinking about. Member Beal inquired if there was an overall theme or development style that would be encouraged. Ms. Gibson replied there was not a theme that was arrived at through the discussions at the working group level or the PAB level. She pointed out it was intended to be open and flexible. She explained there are design features built into the code that avoid having blank walls. Member Beal noted the CRA has a stepped design. Ms. Gibson replied that could be built into the LDC requirements for this, and it can be specific to those that back up to 7<sup>th</sup> Street or 9<sup>th</sup> Street. Member Beal noted a building fronting 8<sup>th</sup> Street could be just residential or mixed use. He inquired about a building fronting 9<sup>th</sup> Street that doesn't go all the way through to 8<sup>th</sup> Street. Ms. Gibson replied it could be mixed use, it could be residential, or it could be commercial.

Member Lawrence questioned how the Property Appraiser would look at this as far as land values when the properties are rezoned. Member Beal commented that zoning plays a big role and nearby sales play a role, which is a foundation of the value estimates. He explained as properties start to transition it is based on highest and best use and what zoning is. There was a brief discussion about how this would affect

land values, and it was noted the State has rules in place that homestead properties can only be increased by a certain amount each year. Commercial property can only be increased by 10% per year. Appeals can be made to the value adjustment board.

Member Morrill commented there is some value to expanding MU-8 zoning area to include the west side of 9<sup>th</sup> Street and the east side of 7<sup>th</sup> Street. He noted there is a downside to the people on the east side of 9<sup>th</sup> Street and the west side of 7<sup>th</sup> Street. He clarified it was the abruptness of the extension of the 45 foot allowance. He agreed with the idea of a step down to something closer to what is allowed now or something less. Vice-Chair Bennett explained there was discussion about south of Fir on 7<sup>th</sup> Street that the dynamics of the area south (businesses that go all the way through) is much different than to the north (historic houses). He commented the idea was allow a variety of residential rather than saying a multi-family building or a big apartment complex. Member Morrill noted during the meetings the appeal was increasing the density along the 8<sup>th</sup> Street corridor. He stated the 45 foot allowance being extended into the west side of 9<sup>th</sup> Street and the east side of 7<sup>th</sup> Street wasn't critical to development. He suggested the 45 foot allowance go back to 35 foot allowance for those streets. There was further discussion about prior discussions at the previous meetings and it was noted that at 45 feet projects are feasible. The board had further discussion about how to proceed with the proposed amendments. It was noted that mechanical equipment on the roof are to have a parapet of up to 42 inches to attempt to screen that equipment. The board had some discussion about mechanical equipment. It was pointed out during the discussions property owners along 8<sup>th</sup> Street wanted to keep their commercial ability and they wanted residential added in a meaningful way so they could create a housing product that people would want to live in. There was a brief discussion about the current height limits in various zoning categories. It was noted there were concerns raised about 45 feet for buildings abutting an R-2 district. **A motion was made by Member Morrill, seconded by Member Lasserre, to have a restriction of 35 feet for properties abutting any residentially zoned area.** Member Lasserre suggested it say any residential property, because it could be R-1 or R-3 down the road. He stated it would be like a buffer between commercial and the residential zone. Member Morrill amended his motion to reflect the restriction would be for any property abutting any residentially zoned area rather than just R-2. Member Lasserre concurred with the amended motion. Member Ross commented he would like to defer any final action on this to have at least one more meeting to hash out these details. He stated he needed time to look at this map carefully and then take a walk again. Member Occhuizzo suggested amending 5(a)(2) to not exceed 35 feet with the parapet. Vice-Chair Bennett explained back in 2004/2005 it was apparent that you have things that don't fit in the building, and would only fit on the roof. He pointed out you have to make allowances for that. He commented they heard that the 45 foot height was almost critical if you want to have some residential development and mixed use development on 8<sup>th</sup> Street. He noted the motion was to make only this one change. Member Ross explained he would vote against this, because he didn't think this was thought through. He stated he would like to look at mechanicals and how that works with them going on top of roofs. Vice-Chair Bennett paraphrased the change as any property within this proposed development abutting a residential zoned area would have a maximum height of 35 feet. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Occhuizzo:	Aye
Member Rogers:	Aye
Member Beal:	Aye
Member Lasserre:	Aye
Member Ross:	Nay
Member Morrill:	Aye
Vice-Chair Bennett:	Aye

**Motion carried.**

After some discussion about how to proceed, it was noted if a recommendation was made on this that it would go before the City Commission on June 21<sup>st</sup>. Ms. Gibson pointed out the documents the PAB was reviewing have been in this form with the exception of one small change to incorporate public comments since January 2016. **A motion was made by Member Morrill, seconded by Member Rogers, to approve this plan as amended and send it on to the City Commission.** Member Ross explained he would vote against this because he thought it needed more tweaking. Member Beal commented there is a lot of information that the board would be voting to approve as is. Member Occhuizzo noted there would be two readings in front of the City Commission, and questioned if during those readings could it be wordsmithed or was it pretty much set in stone when it goes to them. City Attorney Bach replied technically you can do that, but she didn't think the City Commission would make wordsmith changes at the Commission meeting unless it was a minor point. She explained if the City Commission had concerns she would advise them to remand it back to the PAB for more work. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

<b>Member Occhuizzo:</b>	<b>Nay</b>
<b>Member Rogers:</b>	<b>Aye</b>
<b>Member Beal:</b>	<b>Aye</b>
<b>Member Lasserre:</b>	<b>Nay</b>
<b>Member Ross:</b>	<b>Nay</b>
<b>Member Morrill:</b>	<b>Aye</b>
<b>Vice-Chair Bennett:</b>	<b>Aye</b>

**Motion carried.**

It was noted that staff would provide a clean copy of what was approved on the City's website.

4. **Board Business** – There were no items for discussion under Board Business.

5. **Staff Report** – There were no additional staff comments at this time.

6. **Comments by the public** – Ms. Laura Bresko commented the way this was written it doesn't affect the west side of 9<sup>th</sup> Street it only affects the east side of 9<sup>th</sup> Street, because that is the only thing that abuts R-2. She pointed out the west side of 9<sup>th</sup> Street abuts MU-1 so that amendment doesn't fix the problems. She expressed her thanks for trying.

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

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Secretary

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Judith Lane, Chair



## *Florida Department of Transportation*

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April 1, 2016

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**SUBJECT: 8<sup>th</sup> Street Small Area Plan Draft Traffic Impact Analysis**

### **Background**

The City began efforts on the 8<sup>th</sup> Street Small Area Plan a few years ago. Over the last several months through a public process, the draft document for the subject area was produced for courtesy review. The Department has coordinated with the City on the upcoming FDOT resurfacing project in this area and the desired enhancements that the City is seeking in the future. These efforts along with the FDOT resurfacing and enhancements are related but are not a direct influence on the high-level traffic analysis provided below. City staff have coordinated the requested enhancements for the Department's consideration when resurfacing 8<sup>th</sup> street.

The City at the time of the courtesy review submittal has not included analyses on the future plans and the impacts to the State facility. Based on discussions with the City, the Department is providing the assistance to document and provide preliminary potential impacts to the state facility. The assumptions were based on the 8<sup>th</sup> Street Draft Small Area Plan provided by the City and the outcome of potential impacts are dependent and subject to change with a final City approved 8<sup>th</sup> Street Small Area Plan.

### **Introduction**

The 8<sup>th</sup> Street Small Area Plan is a strategy for revitalization of the 8<sup>th</sup> Street corridor in Fernandina Beach, FL, which aims to provide better opportunities for reuse and redevelopment of property, while maintaining the character of Fernandina Beach. 8<sup>th</sup> Street is a state facility, which is also a Strategic Intermodal Systems (SIS) Connector and connects to an emerging SIS Seaport. The Northeast Florida TPO's *Port of Fernandina Truck Circulation Study* estimated current truck traffic on 8<sup>th</sup> Street to be 6% of the total traffic.

According to the City, the vision for this corridor is to act as a gateway to the historic downtown of Fernandina and includes creating a pedestrian environment, making streetscape improvements, establishing an identity and introducing mixed uses. To achieve this vision, the City has proposed expanding its Central Business District land use (C-3), as well as a new 8<sup>th</sup> Street Small Area Mixed Use (MU8) land use category, to be adopted into the City of Fernandina Beach 2030 Comprehensive Plan.

**8<sup>th</sup> Street Small Area Mixed Use Land Use**

The 8<sup>th</sup> Street Small Area Mixed Use Land Use was developed to provide flexibility in land use and design which promotes pedestrian-level activity. The general limit of the MU8 area is along 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> streets from Lime Street to south of Ash Street (see attached location map). MU8 provides for integrated or stand-alone commercial, retail, offices, housing, civic uses and light industrial.

A new 8<sup>th</sup> Street Small Area Mixed Use Zoning District is also proposed to accompany the land use category. The district allows single-family, duplex, triplex and townhome residential uses, as well as multi-family structures with 4 or more units. The maximum residential density is 18 dwelling units per acre. For commercial uses, the allowed Floor Area Ratio is 200%.

**Traffic Impact Analysis**

The purpose of this traffic impact analysis is to provide a comprehensive plan amendment level analysis. This analysis will determine what impacts the land use and zoning change will make to 8<sup>th</sup> Street/ SR A1A in the 2030 planning horizon.

**Trip Generation**

Trip generation for the new 8<sup>th</sup> Street land use was determined based on the maximum development allowed using ITE’s *Trip Generation Manual, 9<sup>th</sup> Edition* and using a GIS parcel level analysis. Since the proposed zoning does not require a certain amount of each type of use, three separate scenarios were considered for the traffic analysis: worst-case scenario, best-case scenario and mixed-use scenario.

*Existing Land Use Trip Generation*

Trip generation was first determined based on the existing conditions of the subject area so that a comparison could be made to the future scenarios. Although not yet reflected in the Land Development Regulations, a Floor Area Ratio of 200% was assumed for the existing C-2 land use as indicated through coordination with the City. Table 1 shows the trip generation based on the existing land use. The maximum potential daily trips that can be generated from the existing land use is 53,484.

**Table 1: Existing Trips**

<b>CBD Area</b>									
				<b>Daily</b>		<b>AM Peak</b>		<b>PM Peak</b>	
<b>Land Use</b>	<b>ITE Code</b>	<b>Size</b>	<b>Units</b>	<b>Equation/Rate</b>	<b>Trips</b>	<b>Equation/Rate</b>	<b>Trips</b>	<b>Equation/Rate</b>	<b>Trips</b>
Single Family	210	8	DU	$\ln(T)=0.92*\ln(X) + 2.72$	103	$T=0.70(X)+9.74$	15	$\ln(T)=0.90*\ln(X)+0.51$	11
Shopping Center	820	185,566	SF	$\ln(T)=0.65*\ln(X)+5.83$	10,150	0.96	178	$\ln(T)=.67*\ln(X)+3.31$	907
<b>Total Daily Trips</b>					<b>10,253</b>	<b>Total AM Peak Trips</b>	<b>193</b>	<b>Total PM Peak Trips</b>	<b>918</b>
<b>MU-8 Area</b>									
<b>Land Use</b>	<b>ITE Code</b>	<b>Size</b>	<b>Units</b>	<b>Equation/Rate</b>	<b>Trips</b>	<b>Equation/Rate</b>	<b>Trips</b>	<b>Equation/Rate</b>	<b>Trips</b>
Single Family	210	75	DU	$\ln(T)=0.92*\ln(X) + 2.72$	806	$T=0.70(X)+9.74$	62	$\ln(T)=0.90*\ln(X)+0.51$	81
Condominiums/Townhomes	230	14	DU	$\ln(T)=.87*\ln(X)+2.46$	117	$\ln(T)=0.80*\ln(X)+0.26$	11	$\ln(T)=0.82*\ln(X)+0.32$	12
Shopping Center	820	1,668,348	SF	$\ln(T)=0.65*\ln(X)+5.83$	42,308	0.96	1,602	$\ln(T)=.67*\ln(X)+3.31$	3,949
<b>Total Daily Trips</b>					<b>43,231</b>	<b>Total AM Peak Trips</b>	<b>1,675</b>	<b>Total PM Peak Trips</b>	<b>4,042</b>
<b>8<sup>th</sup> Street Area Daily Trips</b>					<b>53,484</b>	<b>8<sup>th</sup> Street Area AM Trips</b>	<b>1,868</b>	<b>8<sup>th</sup> Street Area PM Trips</b>	<b>4,960</b>

*Worst Case Scenario Trip Generation*

Trip generation was determined for the worst case scenario in which the entire 8<sup>th</sup> Street area is developed for commercial use. Table 2 shows the trip generation based on only commercial land use. This worst-case land use scenario would add approximately 35,108 daily trips. Generally, commercial uses generate a higher number trips due to the nature of commercial business. However, the substantial increase in trip generation seen in this scenario can also be attributed to the high floor area ratio (200%) allowed in the 8<sup>th</sup> Street Mixed Use district. Considering the maximum potential development, this FAR allows commercial buildings along 8<sup>th</sup> Street to be two stories.

**Table 2: Worst Case Scenario Trips**

CBD Area										
				Daily		AM Peak		PM Peak		
Land Use	ITE Code	Size	Units	Equation/Rate	Trips	Equation/Rate	Trips	Equation/Rate	Trips	
Residential Condominiums/Townhomes	210	0	DU	$\ln(T)=0.87*\ln(X)+2.46$	0	$\ln(T)=0.80(X)+.26$	0	$\ln(T)=0.82*\ln(X)+0.32$	0	
Shopping Center	820	344,995	SF	$\ln(T)=0.65*\ln(X)+5.83$	15,189	0.96	331	$\ln(T)=.67*\ln(X)+3.31$	1,374	
					<b>Total Daily Trips</b>	<b>15,189</b>	<b>Total AM Peak Trips</b>	<b>331</b>	<b>Total PM Peak Trips</b>	<b>1,374</b>

MU-8 Area										
				Daily		AM Peak		PM Peak		
Land Use	ITE Code	Size	Units	Equation/Rate	Trips	Equation/Rate	Trips	Equation/Rate	Trips	
Single Family	210	0	DU	$\ln(T)=0.92*\ln(X) + 2.72$	0	$T=0.70(X)+9.74$	0	$\ln(T)=0.90*\ln(X)+0.51$	0	
Residential Condominiums/ Townhomes	230	0	DU	$\ln(T)=0.87*\ln(X)+2.46$	0	$\ln(T)=0.80*\ln(X) + 0.26$	0	$T=0.82(X)+.32$	0	
Shopping Center	820	3,894,264	SF	$\ln(T)=0.65*\ln(X)+5.83$	73,403	0.96	3,738	$\ln(T)=.67*\ln(X)+3.31$	6,968	
					<b>Total Daily Trips</b>	<b>73,403</b>	<b>Total AM Peak Trips</b>	<b>3,738</b>	<b>Total PM Peak Trips</b>	<b>6,968</b>
					<b>8th Street Area Daily Trips</b>	<b>88,592</b>	<b>8th Street Area AM Trips</b>	<b>4,070</b>	<b>8th Street Area PM Trips</b>	<b>8,342</b>
					<i>Change from Existing LU</i>	<i>35,108</i>		<i>1,871</i>		<i>3,382</i>

*Best Case Scenario Trip Generation*

Trip generation was determined for the best-case scenario in which the entire 8<sup>th</sup> Street area is developed for residential townhome use. Table 3 shows the trip generation based on this residential use. This best-case land use scenario would result in a decrease of daily trips by 49,300.

**Table 3: Best Case Scenario Trips**

CBD Area										
				Daily		AM Peak		PM Peak		
Land Use	ITE Code	Size	Units	Equation/Rate	Trips	Equation/Rate	Trips	Equation/Rate	Trips	
Residential Condominiums/Townhomes	230	32	DU	$\ln(T)=0.87*\ln(X)+2.46$	237	$T=0.80*\ln(X)+.26$	21	$\ln(T)=0.82*\ln(X)+0.32$	23	
Shopping Center	820	0	SF	$\ln(T)=0.65*\ln(X)+5.83$	0	0.96	0	$\ln(T)=.67*\ln(X)+3.31$	0	
					<b>Total Daily Trips</b>	<b>237</b>	<b>Total AM Peak Trips</b>	<b>21</b>	<b>Total PM Peak Trips</b>	<b>23</b>

MU-8 Area									
				Daily		AM Peak		PM Peak	
Land Use	ITE Code	Size	Units	Equation/Rate	Trips	Equation/Rate	Trips	Equation/Rate	Trips

Residential Condominiums/ Townhomes	230	805	DU	$LN(T)=0.87*Ln(X)+2.46$	3,947	$Ln(T)=0.80*Ln(X)+0.26$	274	$T=0.82(X)+.32$	332
Shopping Center	820	0	SF	$Ln(T)=0.65*Ln(X)+5.83$	0	0.96	0	$Ln(T)=.67*Ln(X)+3.31$	0
				<b>Total Daily Trips</b>	<b>3,947</b>	<b>Total AM Peak Trips</b>	<b>274</b>	<b>Total PM Peak Trips</b>	<b>332</b>
				<b>8th Street Area Daily Trips</b>	<b>4,184</b>	<b>8t Street Area AM Trips</b>	<b>295</b>	<b>8th Street Area PM Trips</b>	<b>355</b>
<i>Change from Existing LU</i>					<b>-49,300</b>		<b>-1,573</b>		<b>-4,605</b>

*Mixed Use Scenario Trip Generation*

Trip generation was determined for a mixed-use scenario in which 50% of the total 8<sup>th</sup> Street Area is developed for commercial and 50% is developed for residential townhomes. Table 4 shows the trip generation based on this mix of uses. The mixed-use land use scenario would add approximately 4,735 daily trips.

**Table 4: Mixed Use Scenario Trips**

CBD Area									
				Daily		AM Peak		PM Peak	
Land Use	ITE Code	Size	Units	Equation/Rate	Trips	Equation/Rate	Trips	Equation/Rate	Trips
Residential Condominiums/ Townhomes	230	16	DU	$LN(T)=0.87*Ln(X)+2.46$	129	$Ln(T)=0.80*Ln(X)+0.26$	12	$Ln(T)=0.82(X)+.32$	13
Shopping Center	820	172498	SF	$Ln(T)=0.65*Ln(X)+5.83$	9,679	0.96	166	$Ln(T)=.67*Ln(X)+3.31$	863
				<b>Total Daily Trips</b>	<b>9,808</b>	<b>Total AM Peak Trips</b>	<b>178</b>	<b>Total PM Peak Trips</b>	<b>876</b>
MU-8 Area									
				Daily		AM Peak		PM Peak	
Land Use	ITE Code	Size	Units	Equation/Rate	Trips	Equation/Rate	Trips	Equation/Rate	Trips
Residential Condominiums/ Townhomes	230	402	DU	$LN(T)=0.87*Ln(X)+2.46$	2,159	$Ln(T)=0.80*Ln(X)+0.26$	157	$Ln(T)=0.82(X)+.32$	188
Shopping Center	820	1947132	SF	$Ln(T)=0.65*Ln(X)+5.83$	46,778	0.96	1,869	$Ln(T)=.67*Ln(X)+3.31$	4,379
				<b>Total Daily Trips</b>	<b>48,937</b>	<b>Total AM Peak Trips</b>	<b>2,026</b>	<b>Total PM Peak Trips</b>	<b>4,567</b>
				<b>8th Street Area Daily Trips</b>	<b>58,745</b>	<b>8th Street Area AM Trips</b>	<b>2,204</b>	<b>8th Street Area PM Trips</b>	<b>5,443</b>
<i>Change from Existing LU</i>					<b>5,261</b>		<b>336</b>		<b>483</b>
<i>Internal Capture</i>					<b>-526</b>				
<b>Net External Daily Trips</b>					<b>4,735</b>				

Based on the vision and details of the 8<sup>th</sup> Street Small Area Plan developed by the City of Fernandina Beach, the mixed-use scenario is most plausible and FDOT recommends that this scenario be used for the final analysis of future impacts on 8<sup>th</sup> street.

Since this scenario utilizes a mix of residential and commercial land uses, it is reasonable to expect that a percent of the trip generation will be internal capture. For this analysis, 10% internal capture was applied to the daily trips. This percentage is the maximum internal capture according to FDOT's *Transportation Site Impact Handbook*, dated April 2014. Due to land uses observed in the area, pass-by trips were not considered for the analysis. After applying internal capture, the net external daily trips generated from the mixed-use scenario is 4,735.

Roadway Capacity

Table 5 shows the daily, PM peak hour and daily maximum level of service volumes for 8<sup>th</sup> Street/SR A1A according to FDOT's 2014 Florida State Highway System Level of Service Report, dated September 2015.

**Table 5**

County	Road	Map ID	Segment	FDOT LOS Standard	Daily Maximum Service Volume	2014 Daily Volume	PM Peak Maximum Service Volume	2014 Peak Hour Volume	Current LOS	2035 LOS
Nassau	8 <sup>th</sup> Street/SR A1A	41	Lime St. to Centre St./Atlantic Ave	D	14,800	10,500	1,330	1,287	D	E

The subject segment of 8<sup>th</sup> Street currently has sufficient capacity however, considering a no-build scenario, the segment is expected to exceed capacity by 2035. The future build mixed-use scenario may cause a failing segment with 4,735 additional daily trips added to the network. While there are no capacity projects planned for this segment of 8<sup>th</sup> Street, there may be future consideration for traffic operational improvements as development and enhancements occur. The analyses excludes trip distribution. This effort is forthcoming provided the subject area future plans are not changed in the interim.

Thank you for coordinating the Draft 8<sup>th</sup> Street Small Area Plan Traffic Analysis with FDOT. A meeting should be scheduled to discuss the Department's findings and coordinate with the City the strategies to address potential impacts. 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



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# 8th Street Small Area Plan

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Support Document:  
Spring 2016

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Community Development Department

**GOAL STATEMENT:**

A vibrant and welcoming mixed-use corridor with a unified attractive visual character that serves as a gateway and connects to the history and character of Downtown Fernandina Beach



**2016 CITY COMMISSION**

Johnny Miller, Mayor  
Robin Lentz, Vice Mayor  
Tim Poynter  
Roy Smith  
Len Kreger

**ADMINISTRATION**

Dale Martin, City Manager  
Tammi Bach, City Attorney  
Caroline Best, City Clerk

**PLANNING DEPARTMENT STAFF**

Marshall McCrary, Community Development Director  
Kelly Gibson, Senior Planner  
Jacob Platt, Planner II  
AND  
Adrienne Burke, former Community Development Director

**8<sup>TH</sup> STREET LAND DEVELOPMENT CODE + ECONOMIC DEVELOPMENT WORKING GROUP**

Mark Bennett, Planning Advisory Board  
Laura DiBella, Nassau County Economic Development Board  
Nick Gillette, Gillette + Associates Engineering  
Phil Griffin, Amelia Coastal Realty  
Jon Lasserre, Planning Advisory Board  
Robin Lentz, Citizen at Large/City Commissioner  
Jose Miranda, Miranda Architects  
Steve Rieck, Nassau County Economic Development Board  
Doug McDowell, Nassau County Planning + Economic Opportunity

**8<sup>TH</sup> STREET STREETScape + IMPROVEMENT GROUP**

Eric Bartelt  
Robin Lentz  
Phil Scanlan

**8<sup>TH</sup> STREET PLANNING ADVISORY BOARD SUBCOMMITTEE**

Mark Bennett  
Len Kreger  
Jamie Morrill  
Chip Ross

- ❖ Part I – Introduction
  - Background and Summary
  - Public Participation + Community Involvement
  
- ❖ Part II – Goals
  
- ❖ Part III – Recommendations
  - Streetscape
  - Land Use + Zoning
  - Parking + Traffic Flow
  - Establishing an Identity
  - Code Enforcement + Appearance
  
- ❖ Part IV –Implementation
  - Enforcing Existing Ordinances
  - Land Use + Zoning Changes
  - Public Investment
  - Private Investment
  - Partnerships
  
- ❖ Part V - Tracking + Recognizing Success

## PART I - INTRODUCTION

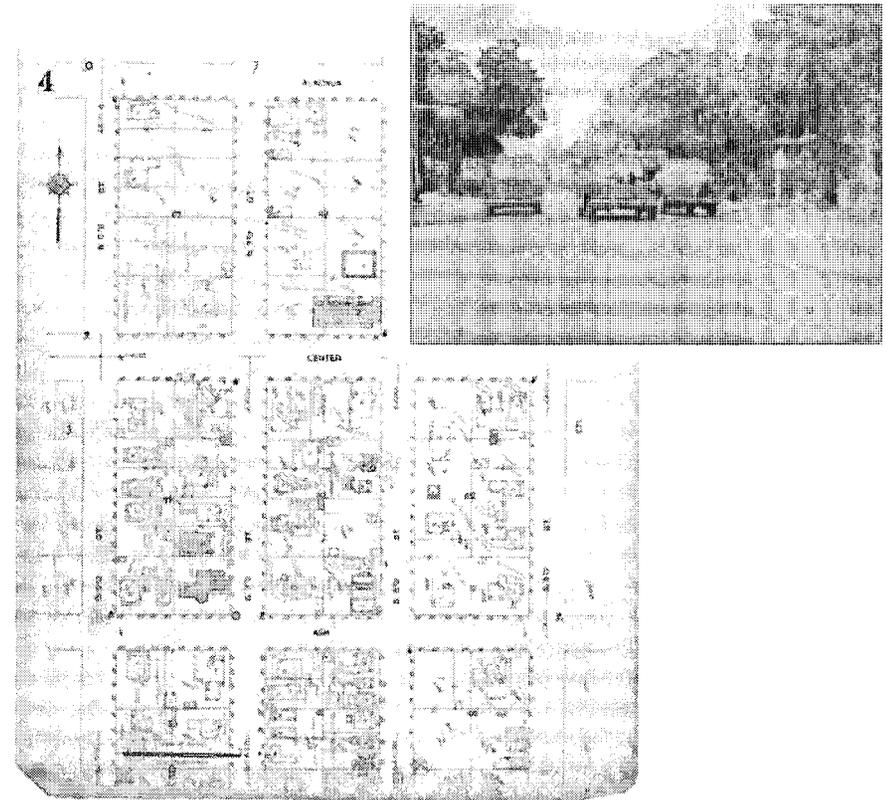
### BACKGROUND + SUMMARY

The South 8<sup>th</sup> Street Corridor serves as the primary entry onto Amelia Island from the Shave Bridge and into the City of Fernandina Beach and historic downtown. Historically, this corridor evolved as an extension of downtown, and served as the first auto-centric commercial corridor in Fernandina Beach. Gas stations and automobile dealers located on S. 8<sup>th</sup> Street in the mid-20<sup>th</sup> century.

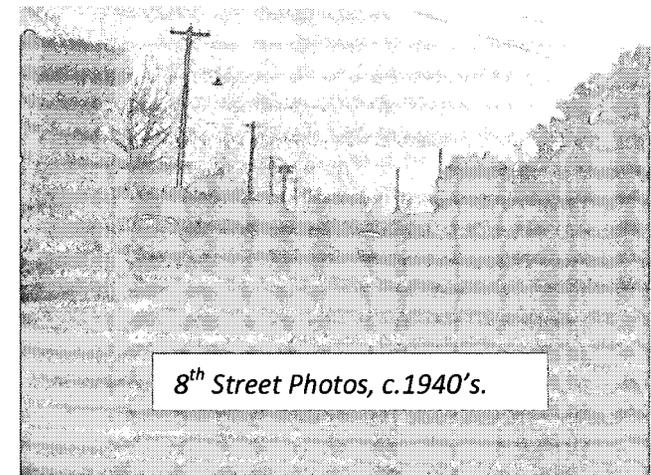
As time went on, more commercial development appeared on S. 8<sup>th</sup> Street and restaurants, retail, banks, and other businesses developed along the corridor. When Fernandina Beach continued to expand with new shopping centers on 14<sup>th</sup> and Sadler Roads, and businesses also began moving to the growing Yulee area, S. 8<sup>th</sup> Street entered a period of decline. Properties have sat vacant for years, businesses have come and gone, and the general appearance of the streetscape has deteriorated.

Improvements to the 8<sup>th</sup> Street corridor in the City began decades ago, but it was not until 2004 that the City started a concerted effort to help improve the area. This explored the concept of an overlay district with design criteria, as well as increased code enforcement and roadway improvements and coordination with FDOT. However, this project stalled and no further efforts were initiated.

Despite the lack of a coordinated effort, improvements to 8<sup>th</sup> Street have taken place over the past several years. The proximity to historic downtown and the benefits of being in an urbanized area served by infrastructure make the area attractive for rehabilitation. It is the hope that this document and associated changes to the Land Development Code will help further revitalize the area and provide better opportunities for reuse and redevelopment of property, while maintaining the character of Fernandina Beach.



*Sanborn Fire Insurance Map, c.1926*



*8<sup>th</sup> Street Photos, c.1940's.*

## PUBLIC PARTICIPATION + COMMUNITY INVOLVEMENT

### Land Development Code and Economic Development Working Group

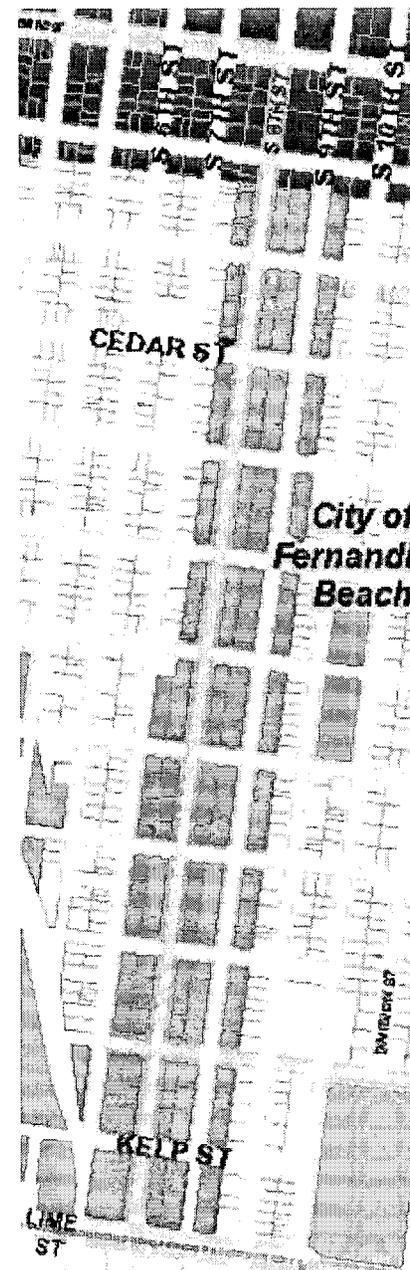
Both the Future Land Use and Economic Development Elements of the City Comprehensive Plan direct review of the commercial corridors within the City – 8th Street/Downtown, 14th Street, Sadler Road, and the Main Beach/Seaside Park areas. Given the built out nature of these parts of town, redevelopment and infill activities will be the focus. The Economic Development Element directs evaluating these parts of town as Job Opportunity Areas, and laying the groundwork to introduce new business and employment opportunities to the City.

In 2014, Planning Staff conducted research on potential policies and land use mechanisms to foster and support these directives. As part of the research, staff convened a technical working group ("Land Development Code and Economic Development Working Group") which assisted staff in evaluating potential options. **The group first met in March 2014 and met monthly until they sunset in March 2015.** Members of the group included an architect, engineer, the County Economic Development Board director, a citizen-at-large, Planning Advisory Board members, and a representative from the County planning department. All meetings were noticed and open to the public, and minutes were taken. All input was welcomed. The group elected to work on the 8th Street Corridor and area first. Stakeholders from particular fields or interest groups related to 8th Street and the area were invited to meet with the working group.

**The group immediately identified several challenges to reinvestment in 8<sup>th</sup> Street:** 1) the current zoning that includes a mix of C-1 (Neighborhood Commercial), C-2 (General Commercial), C-3 (Central Business District), and MU-1 (Mixed Use) from 7<sup>th</sup> Street to 9<sup>th</sup> Street, 2) the lack of residential zoning on 8<sup>th</sup> Street specifically in the C-2 General Commercial zoning district, and 3) the varying jurisdictions along 8<sup>th</sup> Street (city and county properties and Florida Department of Transportation ownership of the roadway).

The zoning in particular presents a significant problem because the blocks on the east and west of 8<sup>th</sup> Street are generally split-zoned. This means that mid-way down the block, the zoning changes. This is prohibitive to development interested in using property that spans the block from 7<sup>th</sup> to 8<sup>th</sup> Street or 8<sup>th</sup> to 9<sup>th</sup> Street. This challenge, combined with the fact that C-2 zoning does not allow residential, automatically makes projects difficult.

**Further challenges were outlined in detail by four members of the group:**



*Existing zoning along 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> Streets showing R-2 (yellow), C-2 (red), C-3 (brown) and MU-1 (pink)*

8<sup>th</sup> Street Challenges Identified by an  
 Architect, Engineer, Commercial Real Estate  
 Agent and Economic Development Professional

**Setbacks** - Rear and side setbacks should be eased, allowing owners to move buildings back away from 8th Street. Lots were platted before 8th St was widened and before cars were essential.

**Increased Lot sizes** - Allow commercial to extend east to the west side of 9th street. Double depth lots would give owners the ability to center buildings in the center of the lots and have double parking, more landscaping, allow access from 9th street. These would all alleviate traffic on 8th street and make 9th street more attractive. 9th street is already a mixed use zone so this should not present a problem to use these lots for the back of commercial buildings and or employee parking.

**Change of Use** - This sounds attractive but is a property killer. Triggering updates on everything from ADA to meeting the latest building codes makes older buildings sit longer than it should because unless the lease price is above market an owner cannot afford to make the "required changes". The term change of use should only apply for a true change of use like from commercial to residential, not amongst minor changes like office to retail and back to office again. This is a problem in all commercial areas, not just 8th street but it does make commercial buildings susceptible to obsolescence and lengthen the vacancy rate.

**Adaptive Reuse - Reward Good Behavior** - There is nothing greener or better for society than repurposing an existing building over bulldozing a vacant lot with trees. Adaptive re-use of existing stock through tax credits, allowing for existing nonconformities to remain and just showing the love would do a lot for values and lower vacancies.

**Mixed Use** - Encourage creativity by either promoting or allowing mixed use. This would encourage the development of larger parcels, even joining parcels to create new and exciting development opportunities. Most existing lots are not large enough to be viable for a stand-alone commercial building. Allowing retail/office downstairs and residential in the rear or upstairs makes new development viable.

**Cross Access** - Encourage and promote the use of cross access easements between adjoining properties to minimize driveway access points on 8th street. Encourage the use of rear exits and adjoining property for ingress and egress. Better for everyone.

**Underground Electric** - Incentivize use of underground wires to clear the airspace along 8th Street. Work with FPU to create an underground corridor along 8th street for the main line if possible.

**Landscaping** - Create a green buffer along 8th Street by mandating a 4-5 foot wide green strip (like Amelia Coastal Realty office)

**Limit Fence Heights** - Front fences should be no higher than 5 feet. Types of fences should be limited to wrought iron or gapped fencing so it does not look like a solid wall. Solid walls should be no higher than 36 inches so that the building on the site can be seen. Eliminates tunnel and industrial effects to the driver.

- Where are city/county lines along the corridor?
- Who do I talk to if I need to get permits?
- Signage for businesses along the corridor is a problem (hard for people to find me)
- Off-street parking is a problem for retailers
- The Florida Rock concrete plant is an eyesore (and so is the recycling place next door)
- There's a hodge-podge of architectural styles along the corridor, no "sense of place"
- Lot sizes are not conducive to many businesses

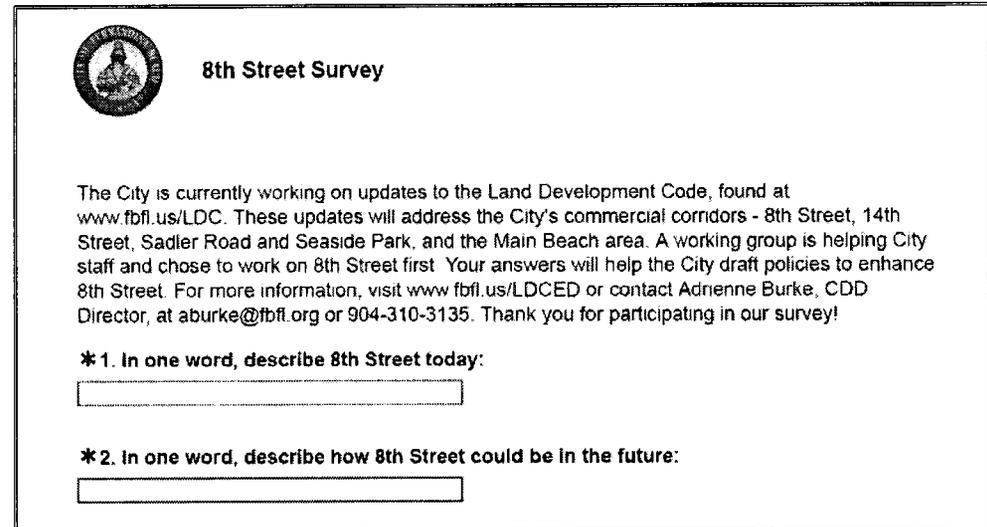
- Limited water and sewer on the west side of the 4-lane section of 8<sup>th</sup> Street. City may want to consider the use of impact fees to expand in this area.
- Lots on 2-lane section of 8<sup>th</sup> Street appear to have been platted residentially many decades ago and do not provide sufficient depth to provide meaningful commercial when considering setbacks and landscape buffers. City may want to incentivize the combination with 9<sup>th</sup> Street or 7<sup>th</sup> Street for redevelopment.
- Consider mixed use/residential with meaningful density to allow redevelopment (either mixed use or straight residential). Density at 30-40 units per acre so we can get some true multifamily. Let the market decide what can be redeveloped on 8<sup>th</sup> Street. At this point, I think any redevelopment is good.

- Setback requirements require larger, combined parcels on which to develop commercial properties.
- Buffering requirements restrictive when commercial abuts residential zoning.
- Parking requirements including required landscape buffers and setbacks further restrict buildable areas.
- On-site storm water requirements are a project killer when dealing with small commercial lots. We need design flexibility for definition of non-permeable surfaces and credit for varying paving methods. Waiver from DEP requirements?
- Landscaping requirements difficult to comply with on full build-out commercial parcels. More variances/design flexibility needed in this regard.
- On-site parking requirements too rigid – consider credits for bike racks, motorcycle, golf cart parking?

As part of the Land Development Code and Economic Development working group’s efforts, **surveys were conducted targeted at three audiences**: the general public, property owners on 8<sup>th</sup> Street, and historic downtown business owners. The survey for the general public was available on Survey Monkey and was publicized at public meetings, in social media, press releases, and through word of mouth. Hard copies were also available. The survey was available for about 90 days and 384 people completed the 8<sup>th</sup> Street survey. Steve Rieck assisted in compiling a summary of responses and provided the following:

**Questions asked included:**

1. What one word would you use to describe 8<sup>th</sup> Street today?
2. What one word would you use to describe how 8<sup>th</sup> Street could look in the future?
3. What kinds of businesses do you patronize on 8<sup>th</sup> Street?
4. How often do you visit them?
5. Out of a set of 18 options, which six would you choose to bring the most effective change to 8<sup>th</sup> Street?
6. What suggestions would you have for the city and county governments to improve 8<sup>th</sup> Street?
7. Would you be willing to participate in a community visioning exercise to help decide what should happen on 8<sup>th</sup> Street?



It is important to note this was not a scientific survey. It was simply meant to gain a general sense of how people felt about the Eighth Street Corridor. **Here’s what was learned from the surveys:**

1. The six most used words to describe 8<sup>th</sup> Street today were “depressing, busy, ugly, blighted, run-down, eyesore.”
2. The most common words used to describe how 8<sup>th</sup> Street could look were “vibrant, welcoming, inviting, attractive (beautiful), gateway.”
3. There were four categories of businesses that people mentioned most often as using on 8<sup>th</sup> Street—restaurants/fast food, auto repair, consignment shops, and retail/services.
4. Fewer than 11 percent of respondents indicated that they never shopped on 8<sup>th</sup> Street; more than 89 percent visited businesses “regularly” or “sometimes”.
5. More than half of survey respondents said they would like to see more landscaping (trees, shrubs, flower boxes, etc.); fewer big trucks; and a theme/vision to guide redevelopment of the 8<sup>th</sup> Street “Gateway”. Other top suggestions included enhanced lighting (like streetlamps downtown); revised sign policies (to improve how the business signs look); bike-friendly options (bike racks, marked routes, etc.); and a park or open space.

6. Respondents suggested a few themes for possible action by governments to improve 8<sup>th</sup> Street: enforce codes and penalize violators; provide tax incentives for property owners to improve properties; re-route trucks; encourage landscaping; and improve signage (way-finding, etc.).
7. About half of respondents said they'd be willing to participate in a community visioning exercise in the future.

Surveys for 8<sup>th</sup> Street property owners and downtown business owners were mailed. Staff and the working group were interested in the opinions of 8<sup>th</sup> Street property owners for obvious reasons, but also wanted to the feedback of downtown business owners and their perception of the impact of 8<sup>th</sup> Street on downtown. 35 8<sup>th</sup> Street property owners responded, 12 8<sup>th</sup> Street business owners responded, and 17 downtown business owners responded. About half of the 8<sup>th</sup> Street property owners indicated an interest in redeveloping their property in the future. 91% of the property owners and all of the business owners on 8<sup>th</sup> Street who responded wanted to see a theme or vision to guide redevelopment along the corridor. Most respondents were willing to participate in a visioning exercise in the future.

### **Viewpoints:**

**Members of the working group also published viewpoints in the local media** as a means to generate interest in the group, share thoughts and ideas, and invite members of the public to participate. These editorial pieces expressed the opinion on 8<sup>th</sup> Street revitalization from each of the authors' unique perspective. Five viewpoints were shared: Phil Griffin, Robin Lentz, Jose Miranda and Nick Gillette, Steve Rieck, and Planning Staff.

### **Working Group Summary**

After a year of work, the Land Development Code and Economic Development Working Group decided to sunset, having accomplished the goal of making recommendations to the Planning Advisory Board (PAB). During the course of the year, the group heard from a variety of citizens who attended the public meetings. Other topics addressed included a session on truck traffic, in which C.A. McDonald from Rayonier visited the group and discussed log truck traffic operations at the mill. Matt Arbuckle from Vulcan Industries attended a meeting to talk about the vacant concrete plant on S. 8<sup>th</sup> Street just over the City line in the County. The working group acknowledged that possible solutions to many of the topics could take years to see to fruition.

**Many topics were addressed and discussed, including boundaries, land uses, density, preliminary design ideas, traffic, streetscaping, outreach, coordination with county portion of 8th Street/A1A, co-housing, incentive programs, parking, log trucks, concrete plant, and funding opportunities.** On many of these items, the group agreed that they are important to the revitalization of 8<sup>th</sup> Street but that they do not necessarily belong in the Land Development Code. These items include, but are not limited to, working with Florida Department of Transportation on the roadway improvements, coming up with a common streetscape scheme, redesigning the City entry way at Lime Street,

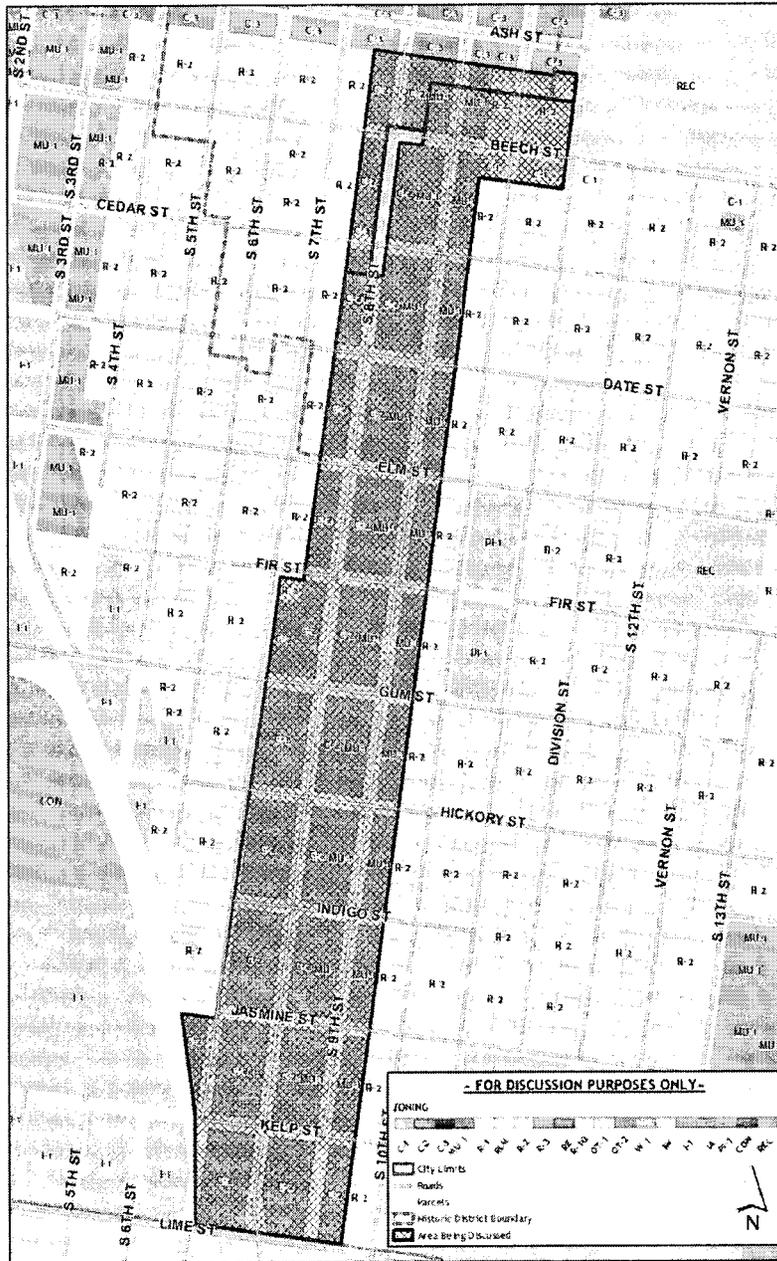


**GOAL: A vibrant and welcoming mixed-use corridor with a unified attractive visual character that serves as a gateway and connects to the history and character of Downtown Fernandina Beach**

Recommendations to the PAB included:

- **Establishing a small area, including part of 7<sup>th</sup> Street and 9<sup>th</sup> Street.** This was addressed in recognition that 8<sup>th</sup> Street does not exist in a vacuum. Because many of the properties along the 8<sup>th</sup> Street corridor reach to 7<sup>th</sup> and 9<sup>th</sup> Streets, it is very likely that revitalization and potential projects would reach to those surrounding streets. The group also chose to establish a proposed boundary for the small area based on the existing zoning lines that include C-2, C-3, R-2, and MU-1 in order to make these areas more cohesive under the same proposed zoning.
- **Allow residential density on 8<sup>th</sup> Street.** This was one of the first problems identified by the group regarding limitations for revitalizing 8<sup>th</sup> Street. Currently 8<sup>th</sup> Street is zoned C-2, General Commercial, which allows no residential development at all. The group understood that the allowance for residential, whether single-family, multi-family, or mixed-use, would open up the possibilities for development along 8<sup>th</sup> Street. The group discussed residential density of up to 30 units per acre as part of a bonus program, and another bonus for a height increase. It was suggested these bonuses be provided for people who would provide workforce housing as part of their project. Workforce housing is intended to provide housing affordable to “essential workers” - police, fire, teachers, government employees, medical employees, and service workers. Workforce housing is generally defined as employed people making 60% to 120% of the Area Median Income, and is not the same as the concept of affordable housing, which is for households making less than 60% of the Area Median Income.
- **Relax setbacks to be more like downtown.** The Central Business District (C-3) zoning downtown, does not have any setback requirements. The group suggested that this make work well for the 8<sup>th</sup> Street small area as well, since many of the lots are small or constrained in some way.
- **Include a landscaping requirement.** The group recognized that landscaping was a common theme in most of the public input, as well as from group members themselves. The consensus was to establish a continuous six (6) foot wide pedestrian/landscape area beyond the existing sidewalk/right of way areas. Because this involves private property, the group discussed two options: 1) ask the property owner for an easement on that portion of the property in order for the City to maintain it and provide uniform design, or 2) include a six foot “setback” requirement in the Land Development Code that would at least ensure this area remains open when a property is redeveloped. Both options could also occur simultaneously. The group talked about how the easement program could potentially be started now, while waiting for a six foot setback to appear when a property is redeveloped could take years.

Proposed Small Area Based on LDC + Economic Development Working Group Discussions



- **Work on streetscaping component simultaneously with Land Development Code changes.** This follows on the above recommendation which noted that streetscaping efforts could begin being addressed now, while the proposed recommendations for LDC changes could take years to see on the ground since it is dependent on redevelopment and private property owners. Other streetscape improvements discussed were: working with FDOT to explore stamped concrete crosswalks and sidewalks, medians, and reduction in driveway cuts; looking at a new entryway feature at the City-owned Lime Street property, and temporary improvements like banners or other branding opportunity.

### 8<sup>th</sup> Street Streetscape and Improvement Group

The 8<sup>th</sup> Street Streetscape Group is a spinoff group from the Land Development Code and Economic Development group. This is an informal group that is meeting about every other month at City Hall. Group members have selected areas of interest and work on them outside of the meetings on a volunteer basis. It is a volunteer-based grassroots group that is not an official staff working group or advisory committee. All are welcome at the meetings.

The group is working on the items identified as part of the LDC working group that are recognized as needed improvements for 8<sup>th</sup> Street, but that do not fall into the Land Development Code. This includes aesthetics, working with FDOT on improvements to the roadway, underground utilities, and recognition programs for property improvements.

### Planning Advisory Board 8<sup>th</sup> Street Subcommittee

The Planning Advisory Board recommended creation of a subcommittee to address the recommendations for 8<sup>th</sup> Street from the Land Development Code and Economic Development Working Group. Four members of the PAB volunteered for the subcommittee. The

subcommittee met from June 2015 to October 2015 and worked on taking the draft recommendations from the working group and putting them into draft language for the Land Development Code. The subcommittee recommendations will go to the full PAB for review before being sent to the City Commission.

**Public Outreach:**

In an effort to spread the word and gain additional public input and consensus for the proposed amendments, the City’s Planning Department conducted public outreach efforts in January and February 2016 starting with a post card mail out to all property owners, business owners, and properties within 325ft of the affected properties under consideration for map changes. City staff collected input from citizens and visitors at the downtown farmer’s market. All stakeholders were invited to participate in a walking tour of 8<sup>th</sup> Street.

Several public meetings were held the week of February 8-12<sup>th</sup> at the Golf Course Club House, Peck Center Reception Room, and the Atlantic Recreation Auditorium. These events were well attended and addressed many citizen questions, concerns, and comments



*Planning Advisory Board 8<sup>th</sup> Street Subcommittee and 8<sup>th</sup> Street Streetscape + Improvement Meeting – June 11, 2015*

**ENHANCING OUR ENTRY 8TH STREET**

**Join the Discussion...**  
We need your input!

The City is introducing policy changes for 8th Street to allow for a wide range of housing options while keeping all current commercial uses.

The goal is to make 8th Street look and feel more like Centre Street.

**UPCOMING EVENTS:**

Walking Tour | Saturday, 2/6  
at 11am  
City Lot at Lime + 8th Street

**PUBLIC MEETINGS AT 5PM**

Golf Course Club House	February 8
Peck Center Reception Room	February 9
Atlantic Peck Center Auditorium	February 12

\*Open to the public for updates and policy changes.

City of Fernandina Beach

**Learn more @ [www.fbfl.us/8thStreet](http://www.fbfl.us/8thStreet)**

*Outreach Postcard sent January 2016*

## PART II - GOALS

From group meetings, public input, and surveys, key elements for revitalization of 8<sup>th</sup> Street, in addition to Land Development Code changes, were identified:

- Vibrant, welcoming, inviting gateway to Fernandina/Downtown
- Increased landscaping/streetscaping (including lighting and signs)
- Bike Friendly options (bicycle racks, pathway)
- Public open space or green space
- Cohesive theme and vision - gateway
- Fewer trucks

Recommendations of areas for improvement to help accomplish these elements include:

### Streetscape

Significant input around 8<sup>th</sup> Street today included comments about the visual aspects of the corridor. Streetscape improvements, such as an entryway feature, landscaping, unified design elements like fencing and signage, and cohesive sidewalks and road surfaces, will help 8<sup>th</sup> Street have a more visually appealing presence.

### Land Use and Zoning – Introducing Residential

One of the immediate challenges identified in revitalizing 8<sup>th</sup> Street is the lack of residential density. Changes to land use and zoning will reintroduce residential options on 8<sup>th</sup> Street and foster a more mixed-use dynamic in the proposed small area. The majority of existing uses will remain allowable options, although perhaps with supplemental standards that will better fit a mixed-use district.

### Parking and Traffic Flow

Another immediate challenge identified is the lack of parking and difficulties in the traffic flow due to all of the varied curb cuts along 8<sup>th</sup> Street. The current LDC allows for some parking flexibility, but other parking solutions may be needed. Directing entryways off of the side streets may help alleviate some traffic flow issues.

### Establishing an Identity

Survey respondents included establishing an identity for 8<sup>th</sup> Street as one of the top priorities for improving the corridor. Common responses discussed 8<sup>th</sup> Street as the gateway for the City, which can serve as the basis for the small area plan focus. Proximity to historic downtown can help link to the gateway concept and creating some cohesion between the two will help further that link.

### Code Enforcement/Appearance

While changes in the LDC will take time to see on the ground, code enforcement and appearance can be improved from the start. Working on removal of abandoned signs, cutting of overgrown grass, and other common code enforcement issues can assist in the corridor's appearance. Looking at creating citizen groups to assist with façade improvement programs or beautification awards can provide an incentive for property owners to also get involved.

## PART III - RECOMMENDATIONS

### STREETSCAPE

#### Streetscape recommendations for 8<sup>th</sup> Street:

- Work with FDOT on the upcoming resurfacing project of 8<sup>th</sup> Street. Explore possibilities of stamped concrete crosswalks, medians, and hardscape of stamped concrete in right-of-way.
- Work with the St. Johns River Water Management District (SJRWMD) on potential stormwater improvements for the 8<sup>th</sup> Street area at the time of resurfacing.
- Update City entryway signage and appearance on City-owned lots at the 8<sup>th</sup> and Lime intersection.
- Work with Florida Public Utilities on undergrounding utility lines.
- Establish cohesive wayfinding signage program that connects to entire City and connects visitors and residents with commonly visited locations and public parking.
- Select uniform fencing and other streetscape elements like benches, trash cans, etc. that add to cohesive streetscape.
- Add required 6' landscape/pedestrian space in the Land Development Code. Incentivize property owners to dedicate space as a public easement.
- Look at property for potential pocket parks/open space.

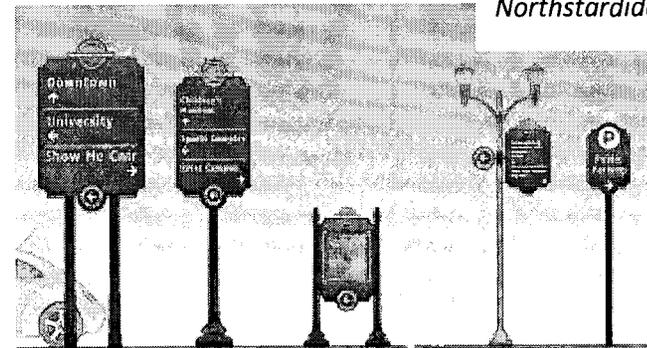
#### Streetscape recommendations for 7<sup>th</sup> and 9<sup>th</sup> Streets:

- Add sidewalks where they do not exist.
- Look at possibility of adding bike lanes.
- Work with the SJRWMD on potential stormwater improvements.

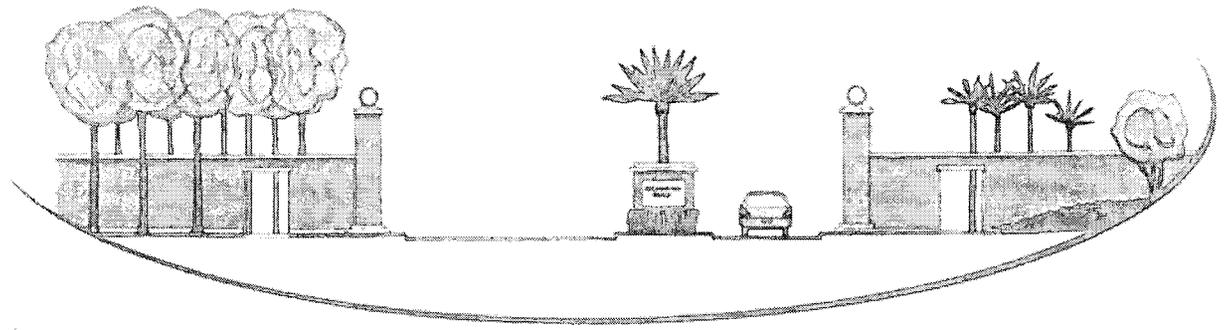
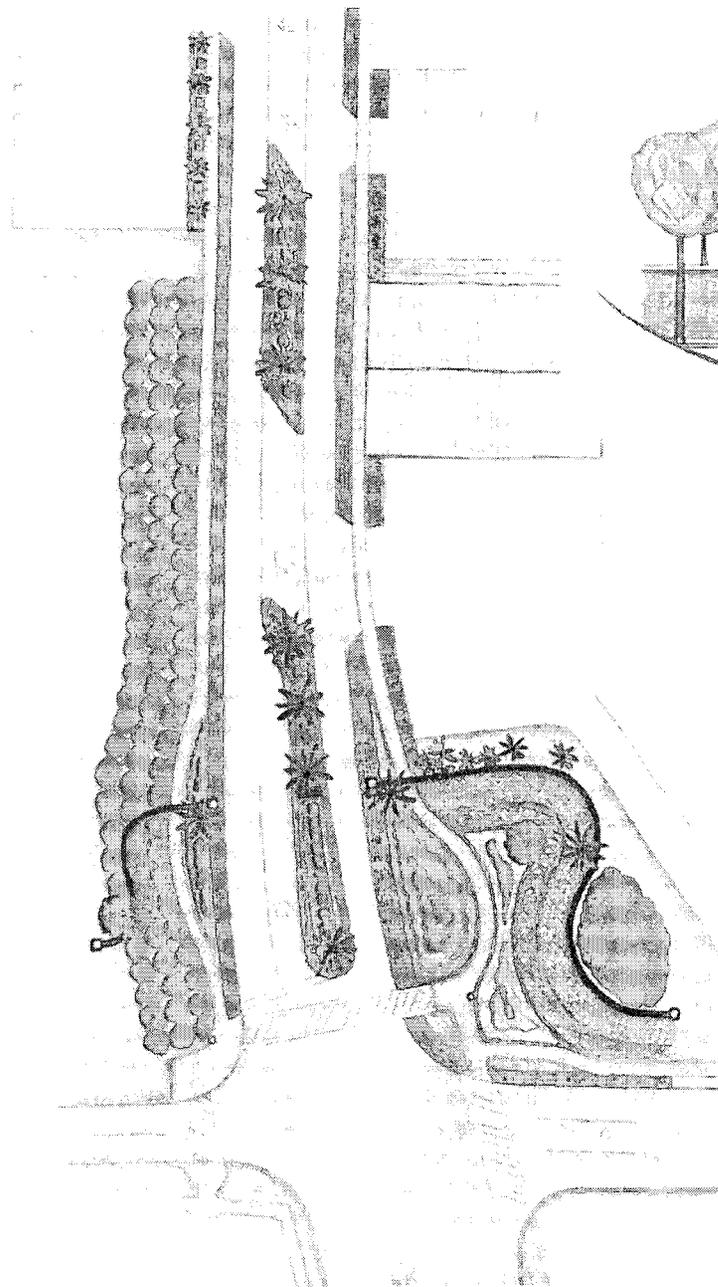
#### Streetscape recommendations for east-west side streets (tree streets):

- Add public parking in rights-of-way and install bicycle racks.
- Add sidewalks where they do not exist.
- Work with the SJRWMD on potential stormwater improvements.

*Sample wayfinding signage  
Northstardideas.com*







*Conceptual Example of Proposed Entry at 8<sup>th</sup> and Lime Street*

*Entry Example from Sanford Florida*



## LAND USE + ZONING – INTRODUCING RESIDENTIAL

### Recommendations for changes to land use and zoning:

- Introduction of residential density to the 8<sup>th</sup> Street corridor. Current C-2 zoning disallows residential. Recommended density allowance is 18 units per acre, which looks like how historic downtown Fernandina Beach developed.
- Establish a small area plan in recognition that 8<sup>th</sup> Street is inherently linked to 7<sup>th</sup> and 9<sup>th</sup> street corridors.
- Create a new future land use and zoning designation – 8<sup>th</sup> Street Mixed Use(8MU)/ MU-8 zoning. This will encompass the area of the proposed small area plan. It will not remove any existing land uses available in C-1, C-2, C-3 or MU-1. It is proposed to add supplemental standards to some of the more intensive land uses like gas stations, auto repair, etc. More uses may be available in the C-1, C-3 and MU-1 districts than are currently allowed.
- Small area plan boundaries are recommended to follow the existing boundaries where zoning districts shift.
- Include options for small lot housing or pocket neighborhoods to allow for smaller single family home, fee simple options.
- Explore future options for density and height bonuses in connection with workforce housing.

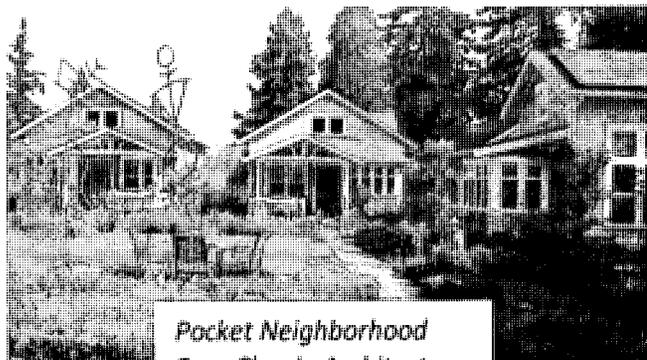


*Downtown Fernandina Beach is built at about 18 units per acre, although existing zoning allows only 8 units per acre. This is because downtown was built prior to zoning and density calculations.*



St. Andrews Bungalow Court  
Hollywood, CA [www.crola.org](http://www.crola.org)

Lakeland, FL Bungalow Court  
Florida Presbyterian Homes



Pocket Neighborhood  
Ross Chapin Architects

**DENSITY** is a land use term that means the allowable number of residential dwelling units per acre. (Note that density is related to residential use; commercial uses are evaluated under “intensity.”) In other words, it’s the allowable amount of development within a certain area. Big, urban areas have a high density; rural areas have low density. Here is a link to a good cheat sheet on density from the American Planning Association: <https://www.planning.org/pas/quicknotes/pdf/QN12.pdf>

There are 43,560 square feet in one acre. So, for example, a “low density” area like the City’s R-1 zoning district requires 10,890 square feet of land for one dwelling unit. That is expressed as “four units per acre.” A higher density area like the central business district, C-3 zoning, has a maximum density of “eight units per acre.” That means that you must have 5,445 square feet of land to have one dwelling unit in C-3.

Figuring out how many dwelling units you can have on a piece of property boils down to a math equation. For example, a parcel of land measures 100’ wide by 100’ long. Here is how to begin to calculate density for the parcel in a zoning district with eight (8) units per acre of density:

$$\text{Length} \times \text{Width} = \text{Square footage of lot} \qquad 100 \times 100 = 10,000 \text{ square feet}$$

Now to add to the math problem, the City Comprehensive Plan allows adding in right-of-way. The definition of “net density” states “[l]ots adjoining an existing right-of-way may calculate half of the width of that right-of-way as part of the ‘net buildable land area’ definition.” Adding half of the adjoining right-of-way width on a sample street to this site yields:

$$\text{Property width} \times \frac{1}{2} \text{ Right-of-Way} = \text{Additional square footage to calculate} \qquad 100 \times 30 \text{ (1/2 sample right-of-way)} = 3,000 \text{ square feet}$$

Adding the two numbers together, the property has 13,000 square feet to work with.

Eight (8) units per acre requires minimum of 5,445 square feet per unit. So dividing the square footage of the property by the square footage of the allowable units yields 2.39 units. Numbers are rounded down for purposes of establishing density since a fraction does not equal a whole dwelling unit.

$$\begin{aligned} \text{Square footage of lot/by square} & \qquad 13,000 / 5,445 = 2.39 \text{ (or TWO units)} \\ \text{footage of allowable units} & = \text{allowable} \\ \text{number of residential units} & \end{aligned}$$

This property would be allowed two dwelling units.

## PARKING + TRAFFIC FLOW

### Recommendations for changes to parking and traffic flow:

- Lack of parking is a major constraint for some properties and future development on 8<sup>th</sup> Street. Continue to utilize parking flexibility arrangements allowed under the Land Development Code and consider other options for the 8<sup>th</sup> Street small area.
- Include parking on side (tree) streets east of 8<sup>th</sup> (between 8<sup>th</sup> and 9<sup>th</sup>) in the right-of-way.
- Explore one way side (tree) streets east of 8<sup>th</sup> Street.
- Look at incentives for reducing driveway cuts on 8<sup>th</sup> Street.
- City should consider utilizing existing City parcels in the adjacent area or purchasing property to provide public parking.
- Encourage bicycles and pedestrians to utilize 7<sup>th</sup> and 9<sup>th</sup> Streets, especially after sidewalks and bike lanes are added.
- Recognize that truck traffic on 8<sup>th</sup> Street/A1A, which is an emerging state intermodal system road, is not going away in the near future. Landscape/pedestrian areas planned for 8<sup>th</sup> Street should help reduce conflicts.



*Existing 8<sup>th</sup> Street illustrating significant number of driveway cuts.*

*Neighborhood street with bicycle lane.  
Buffalonews.com*



## ESTABLISHING AN IDENTITY

Recommendations for establishing an identity on 8<sup>th</sup> Street:

- Use the goal statement as a basis for establishing an identity for 8<sup>th</sup> Street as the gateway to historic downtown Fernandina Beach:  
**A vibrant and welcoming mixed-use corridor with a unified attractive visual character that serves as a gateway and connects to the history and character of Downtown Fernandina Beach**
- Install seasonal banners on light poles in partnership with Florida Public Utilities, Tourist Development Council and Light Up Amelia
- Incorporate streetscape recommendations, especially new entryway at 8<sup>th</sup> and Lime Street.
- Encourage public art program in conjunction with Arts and Culture Nassau.
- Encourage 8<sup>th</sup> Street Owners/Business Association, or inclusion in Historic Fernandina Business Association.



HFBA logo and samples of buy local campaigns from North Central Florida and Chattanooga.

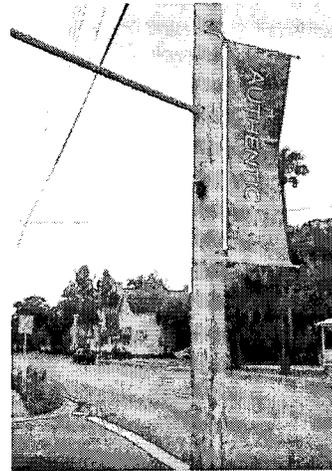


PUT YOUR \$  
WHERE  
YOUR ♥ IS  
BUY LOCAL

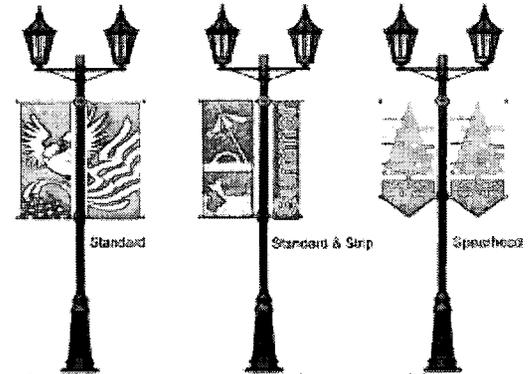


**COLUMBIA  
-HEIGHTS-**  
REDISCOVER THE HEIGHTS

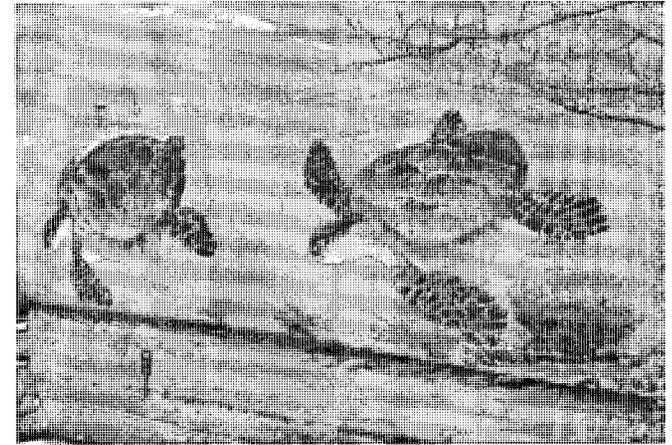
Example of branding



New banners on 8<sup>th</sup> Street – August 2015



Uniform decorative streetlights and banners  
Signsinasnap.net



Public art murals from Lexington and Chapel Hill.



## CODE ENFORCEMENT + APPEARANCE

Recommendations regarding code enforcement and appearance on 8<sup>th</sup> Street include:

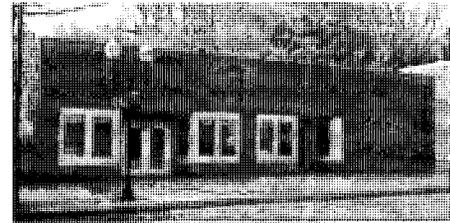
- Pursue more proactive Code Enforcement in the proposed 8<sup>th</sup> Street small area. The Community Development Department is laying the groundwork to move from reactive to proactive code enforcement by trying to incrementally add more staff in order to provide more than one officer for the entire City.
- Provide incentives for existing property owners to improve facades:
  - The City should explore allocating funding for façade improvement grants,
  - Citizens have expressed interest in creating a volunteer group to help property owners with building and facade improvements, and
  - Work with Arts and Culture Nassau regarding a public art program utilizing walls and facades.
- Create most improved or enhancement awards program for properties, similar to the Historic Preservation Awards recognition program



Before



BEFORE



AFTER



*Façade improvement grant programs  
Manistee, MI, Waynesboro, VA + Fredericksburg, VA*

## PART IV – IMPLEMENTATION

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The goals for the 8<sup>th</sup> Street Small Area can be accomplished through enforcement of existing codes, land use and zoning changes, public and private investment, and partnerships.

### ENFORCEMENT OF EXISTING CODES

The Community Development Department strategic plan calls for a move from reactive to proactive code enforcement. Proactive code enforcement will allow for routine monitoring of designated City zones, and include weekend enforcement.

The groundwork for this shift is being laid through the City budget process, which includes a request for a part-time officer in the FY 15-16 budget. It is hoped that this could transition to another full-time officer in the next budget year, bringing code officers in the City to a total of two. As the City annexes more property, additional code assistance may be needed.

With proactive code enforcement, the 8<sup>th</sup> Street Small Area could be one of the designated zones. The theory behind proactive code enforcement is that regular education and outreach enables more residents with the knowledge of the codes and results in more compliance. Catching issues before they result in a complaint also helps ensure easier compliance. A move to proactive enforcement using planning and strategy ensures fair enforcement, helps improve property values, and maintains a healthy and safe quality of life for a community.

### LAND USE + ZONING CHANGES

One of the most significant recommendations for revitalization of the 8<sup>th</sup> Street Small Area is the proposed changes to the existing underlying land uses and zoning. Current zoning is problematic, and has not attracted or encouraged widespread reinvestment in the corridor.

Creating uniform land use and zoning from the east side of 7<sup>th</sup> Street to the west side of 9<sup>th</sup> Street helps eliminate confusion and enables potential projects to take advantage of the same zoning criteria. Having an overlay district for the area allows for the opportunity to include specific provisions, such as the landscape/pedestrian space along 8<sup>th</sup> Street, that will help revitalization of the area.

It is important to note that changes would apply to future projects such as new construction or significant renovations. Existing uses and structures would be grandfathered until such time as they change uses or propose renovations. Proposed changes have been extensively discussed in public settings and will ultimately move to the full Planning Advisory Board before being heard by the City Commission.

## PUBLIC INVESTMENT

Proposals included in the small area plan will need endorsement and approval from the City Commission, and other agencies such as the Florida Department of Transportation and the St. Johns River Water Management District. Projects such as sidewalks, bike lanes, and street furniture will also potentially need to be included in operating budgets and perhaps the capital improvement plan. Evaluating City owned-parcels for parking improvements or pocket parks would also require more formalized planning and budgeting, as would a façade grant improvement program. Any incentive program with financial incentives, tax exemptions, or fee waivers would also require City Commission approval.

Potential grants are available for some of the projects, such as Community Development Block Grant (CDBG) façade grants, transportation grants for pedestrian and bicycle improvements, and grants from community organizations or foundations.

## PARTNERSHIPS

Partnerships can also be crucial in the success of revitalizing the 8<sup>th</sup> Street Small Area. Examples of partnerships include, but are not limited to:

- Florida Public Utilities – Regarding underground utilities. FPU has attended several 8<sup>th</sup> Street meetings and started a study regarding this proposal.
- Amelia Island Tourist Development Council - Regarding marketing and promotion. The majority of visitors come to visit historic downtown and presumably pass through 8<sup>th</sup> Street. The TDC has already agreed to explore banners on the utility poles.
- Arts and Culture Nassau – Regarding public art programs. A representative of ACN has reached out about the possibility of a mural project along the 8<sup>th</sup> Street corridor.
- Historic Fernandina Business Association and Fernandina Beach Main Street – Regarding inclusion of 8<sup>th</sup> Street businesses in events and organizations. 8<sup>th</sup> Street and downtown are linked, and it would be appropriate to acknowledge the link formally.

## PRIVATE INVESTMENT

Private investment is the critical piece of revitalization in the 8<sup>th</sup> Street Small Area. Changing land uses and zoning, enforcing existing ordinances, and public investment lay the groundwork for facilitating private investment.

It is a common theme in economic development that public investment spurs private investment. If the City demonstrates a commitment to reinvesting in the 8<sup>th</sup> Street Small Area, reinvestment can be anticipated by the private sector.

The City can assist in encouraging private investment in the area by providing outstanding customer service during the initial phases of private investors' due diligence and research. This service, coupled with incentives, will make the City and the 8<sup>th</sup> Street Small Area an attractive place in which to invest.

## TRACKING + RECOGNIZING SUCCESS

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It is recommended that the 8<sup>th</sup> Street Small Area Plan be revisited on a yearly basis in conjunction with the budgeting process to ensure that potential projects are included. A mechanism for tracking progress on the plan should also be established so that successes can be measured.

As of the drafting of this plan, two major successes have been accomplished: the concrete plant just south of the City limits at Lime Street was demolished (a repeated recommendation in the surveys) and banners have been installed on the utility poles along 8<sup>th</sup> Street in the City limits with the help of the Amelia Island Tourist Development Council.



# NOTICE OF PUBLIC HEARING CITY COMMISSION CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, July 5, 2016, at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

### ORDINANCE 2016-13 and ORDINANCE 2016-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE COMPREHENSIVE PLAN TO ADD A NEW FUTURE LAND USE ELEMENT FOR THE 8TH STREET SMALL AREA MIXED USE (MU8) AS POLICY 1.07.08 AND RENUMBERING THE FOLLOWING SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

AND

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC), MIXED USE (MU), MEDIUM DENSITY RESIDENTIAL (MDR) TO 8TH STREET SMALL AREA MIXED USE (8MU) AND CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES INCLUDED IN THE 8TH STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/ COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the requested amendments and the ordinances can be obtained in the office of the City Clerk or the Community Development Department, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the Community Development Department at 310-3135.

NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, October 4, 2016, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

**ORDINANCE 2016-13**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE COMPREHENSIVE PLAN TO ADD A NEW FUTURE LAND USE ELEMENT FOR THE 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU8) AS POLICY 1.07.08 AND RENUMBERING THE FOLLOWING SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2016-14**

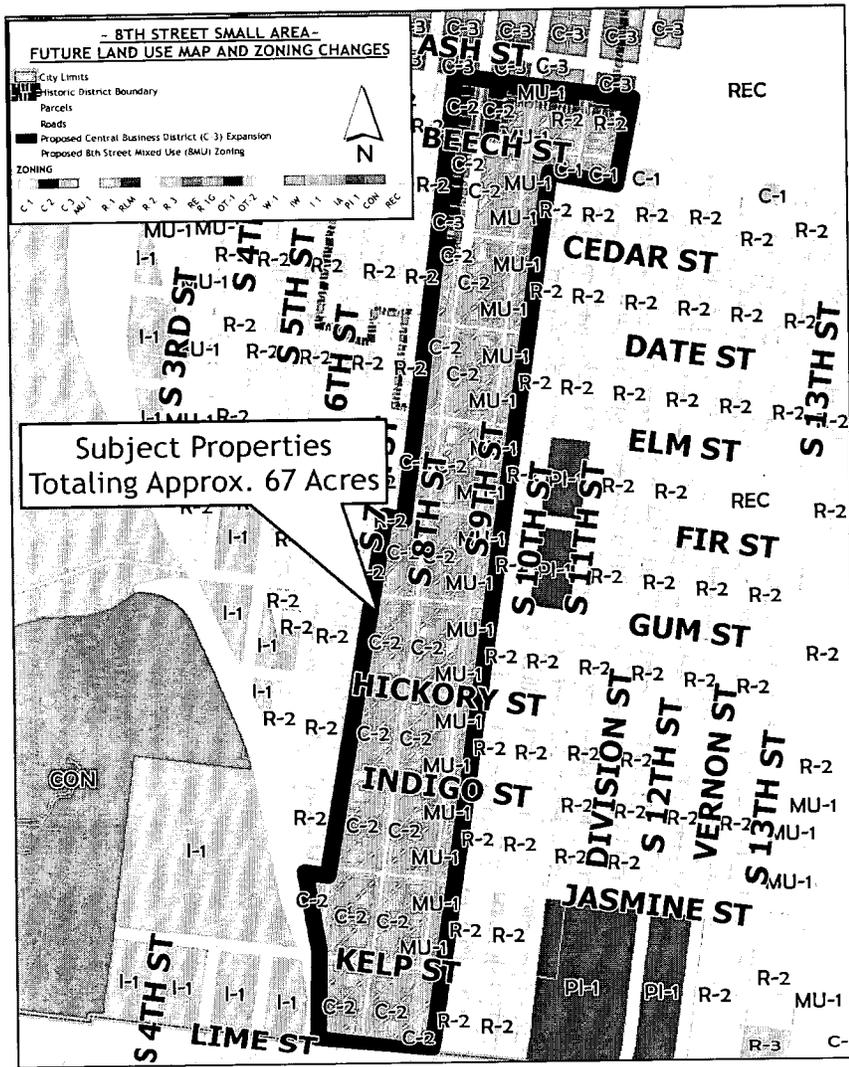
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC), MIXED USE (MU), MEDIUM DENSITY RESIDENTIAL (MDR) TO 8<sup>TH</sup> STREET SMALL AREA MIXED USE (8MU) AND CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES INCLUDED IN THE 8<sup>TH</sup> STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2016-15**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE TO INCLUDE SPECIFIC CHANGES FOR THE 8<sup>TH</sup> STREET SMALL AREA BY MODIFYING CHAPTER 2: ZONING DISTRICTS AND USES TO ADD A ZONING DISTRICT CALLED 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU-8), PROVIDING SPECIFIC USES AND ACCESSORY USES, AND ADDING DESIGN STANDARDS IN CHAPTER 4 AND CHAPTER 6 AND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2016-16**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP FROM GENERAL COMMERCIAL (C-2), MIXED USE (MU-1), MEDIUM DENSITY RESIDENTIAL (R-2) TO 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU-8) AND CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES INCLUDED IN THE 8<sup>TH</sup> STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



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Copies of the applications with description by metes and bounds and the ordinance can be obtained in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 310-3115.

*Note:*

***Please run as a DISPLAY in the September 21, 2016 edition of the News Leader.***

***Please send proof of publication to:***

*City Clerk's Office  
City Hall, 204 Ash Street  
Fernandina Beach, FL 32034  
904-310-3115*

September 21, 2016 Newsleader Edition



NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
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**ORDINANCE 2016-16**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP FROM GENERAL COMMERCIAL (C-2), MIXED USE (MU-1), MEDIUM DENSITY RESIDENTIAL (R-2) TO 8TH STREET SMALL AREA MIXED USE (MU-8) AND CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES INCLUDED IN THE 8TH STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**



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ORDINANCE 2016-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC), MIXED USE (MU), MEDIUM DENSITY RESIDENTIAL (MDR) TO 8<sup>TH</sup> STREET SMALL AREA MIXED USE (8MU) AND CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES INCLUDED IN THE 8<sup>TH</sup> STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, since 2014 the City has gathered a working group of stakeholders interested in 8<sup>th</sup> Street revitalization to determine potential solutions for the corridor; and

WHEREAS, the working group established the following goal statement of creating "a vibrant and welcoming mixed-use corridor with a unified attractive visual character that serves as a gateway and connects to the history and character of Downtown Fernandina Beach"; and

WHEREAS, the Planning Advisory Board (PAB) established a subcommittee between June and November 2015 to determine a logical regulatory strategy towards achieving the working group's established goal and recommended solutions; and

WHEREAS, City Planning staff established a Public Involvement Program which included, a kick-off meeting where all stakeholders were invited, input gathering at the local farmer's market, property owner and business owner outreach via postcards to advertise upcoming outreach efforts and public comment opportunities, held three public houses throughout the City, and organized a walking tour along S. 8<sup>th</sup> Street; and

WHEREAS, staff considered all public input gathered from the various outreach efforts and incorporated changes in the proposed amendments for presentation to the PAB; and

WHEREAS, the PAB acting as the designated Local Planning Agency, has reviewed and held a public hearing on May 24, 2016, advertised in a newspaper of local circulation on May 11, 2016, and rendered its final recommendation to approved the requested amendments with a minor change by a 4-3 vote; 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 June 24, 2016.

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

**SECTION 1. PURPOSE AND INTENT.** The City Commission intends to approve the Large Scale Future Land Use Map (FLUM) Amendments, attached hereto as Exhibit "A,".

**SECTION 2. TRANSMITTAL OF PROPOSED LARGE SCALE FLUM AMENDMENTS.** The City Commission hereby endorses the proposed Future Land Use Map amendments for transmittal to the State Land Planning Agency for the purpose of an Expedited State Review in accordance with Section 163.3191, Florida Statutes.

**SECTION 3. SEVERABILITY.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION 4. COMPLIANCE.** The proposed plan amendments adopted by this Ordinance are not effective until a final order is issued by the State Land Planning Agency finding the amendments to be "in compliance" in accordance with Section 163.3184, Florida Statutes. If the Agency issues a final order finding the amendments not "in compliance," the amendments may nonetheless be made effective by adoption of a resolution at a public hearing affirming the effective status of the amendments. No development orders or development permits dependent upon these amendments may be issued, and no development dependent upon these amendment may be undertaken, before the amendments become effective.

**SECTION 5.** This Ordinance shall become effective immediately upon adoption.

ADOPTED this 4<sup>th</sup> day of October, 2016.

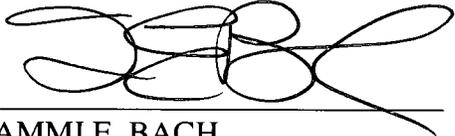
CITY OF FERNANDINA BEACH

\_\_\_\_\_  
JOHN A. MILLER  
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
CAROLINE BEST  
City Clerk

  
\_\_\_\_\_  
TAMMI E. BACH  
City Attorney

Date of First Reading Advertisement (PAB):	May 24, 2016
Date of First Reading and Public Hearing:	July 5, 2016
Date of transmitted as proposed FLUM amendments to State Land Planning Agency:	July 22, 2016
Date of Compliance Report Received from State Land Planning Agency:	August 19, 2016
Date of Second Reading Advertisement:	September 21, 2016
Date of Second Reading and Public Hearing:	October 4, 2016
Date of transmitted as adopted amendments to State Land Planning Agency:	

ORDINANCE 2016-14  
EXHIBIT "A"

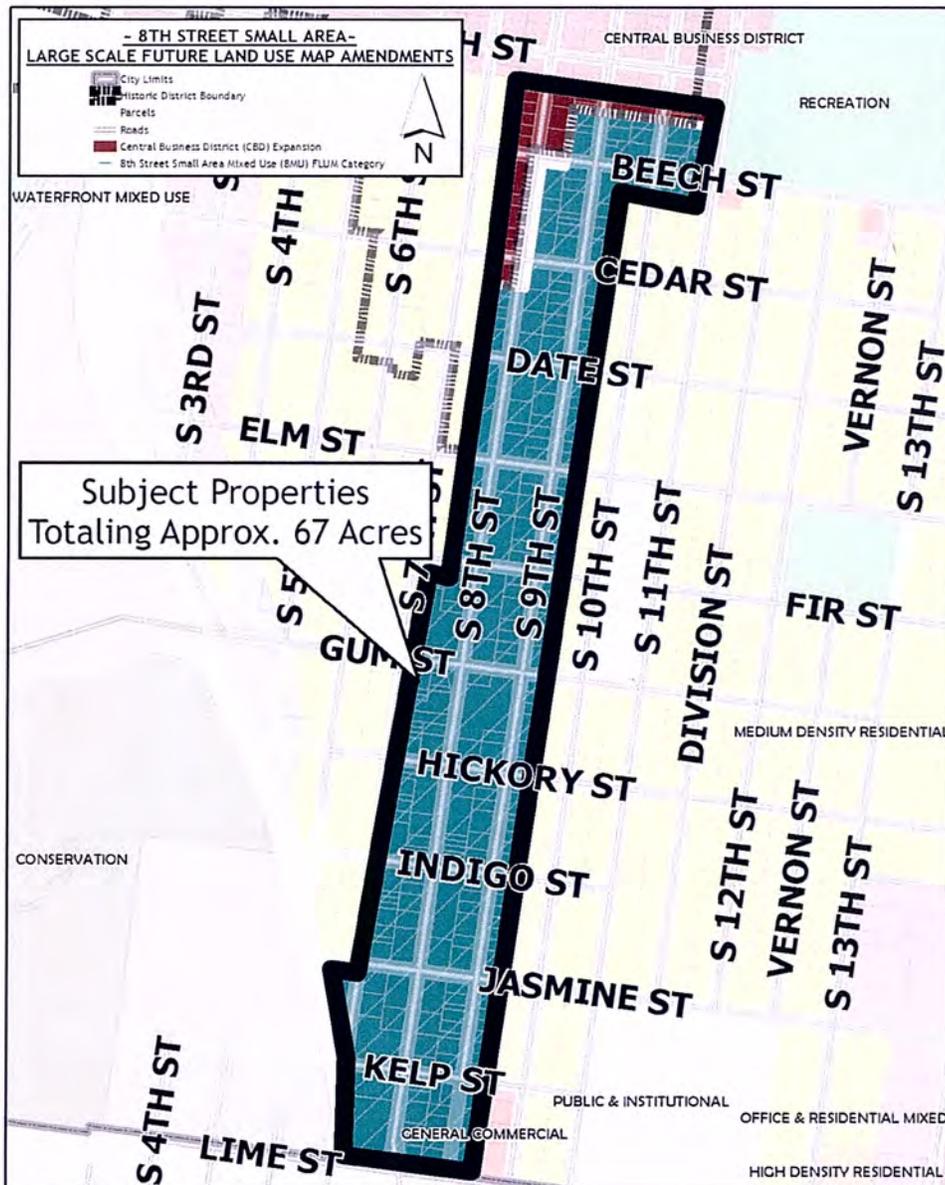
**General Description of FLUM Amendment Locations:**

**8<sup>th</sup> Street Small Area Mixed Use (8MU):**

The only area where the 8<sup>th</sup> Street small area land use (8MU) is permissible are those properties located along the southern half (1/2) of the Ash Street Block extending to non-historic district properties on the fronting Beech Street and along the eastern half (1/2) block of 9<sup>th</sup> Street on the northern extent of the corridor. Then, extending along eastern half block of 8<sup>th</sup> Street to the western half block of 9<sup>th</sup> Street between Beech Street and properties just south of Cedar Street and continuing along the eastern half block of 8<sup>th</sup> Street to the western half block of 9<sup>th</sup> Street between Cedar Street and Fir Street. Finally, extending south on Fir Street for the entire block width between 7<sup>th</sup> and the western half block of 9<sup>th</sup> Street, terminating at Lime Street.

**Central Business District:**

Properties located within the designated Historic District currently containing a Future Land Use Map Category of Medium Density Residential, General Commercial, or Mixed Use bordering S. 8<sup>th</sup> Street between Ash Street and Cedar Streets.



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

**Roll Call/Determination of Quorum**

**Board Members Present**

Mark Bennett, Vice-Chair  
Chris Occhuizzo  
Jon Lasserre  
Eric Lawrence (alternate)

Charles Rogers  
David Beal  
Chip Ross  
Jamie Morrill (alternate)

**Board Members Absent**

Judith Lane, Chair

**Others Present**

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

Member Morrill was seated as regular voting member for this meeting due to the absence of Chair Lane.

- 2.1 **Review and Approve April 13, 2016 Regular Meeting Minutes – A motion was made by Member Occhuizzo, seconded by Member Morrill, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

3. **New Business**

- 3.1. **PAB 2016-14: 8th Street (Comprehensive Plan Amendments, Large-Scale Future Land Use Map Amendments, Zoning Changes, and Land Development Code Amendments**

*City of Fernandina Beach (PAB CASE 2016-14), requesting a Comprehensive Plan Amendment in the Future Land Use Element to create a future land use category called 8<sup>th</sup> Street Small Area Mixed Use and requesting Land Development Code changes specific to the 8<sup>th</sup> Street Small Area by modifying Chapter 2: zoning districts and uses to add a zoning district called 8<sup>th</sup> Street Small Area Mixed Use (MU-8) , providing specific uses and accessory uses, and adding design standards in Chapter 4 and Chapter 6.*

**and**

*City of Fernandina Beach (PAB CASE 2016-14), requesting Large-Scale Future Land Use Map and Zoning Map Amendments for properties within the historic district located on S. 8<sup>th</sup> Street from General Commercial (GC) Land Use/ C-2 to Central Business District (CBD) Land Use/ C-3 Zoning and requesting amendments from General Commercial (GC) Land Use/ C-2 and C-1 Zoning, Medium Density Residential Land Use/ R-2 Zoning and Mixed Use (MU) Land Use/ MU-1 Zoning to a newly created land use and zoning category of 8<sup>th</sup> Street Mixed Use (MU8)/ MU-8 Zoning for non-historic district properties generally described as being located on S. 8<sup>th</sup> Street between Ash Street and Lime Street from 7<sup>th</sup> Street to the western half block of 10<sup>th</sup> Street, collectively totaling approximately 67 acres of land.*

Ms. Gibson explained this was one of the City's largest redevelopment strategies that has been looked at and one of the largest rezoning and land use change to a significant area of the commercial corridor known as 8<sup>th</sup> Street. She pointed out there were outreach events in January and February. She stated this was the first step within the formal process of moving forward these proposed changes, which then would

go to the City Commission and then to the State. She explained this was the first effort of several that will look at the City's commercial corridors as a way to gain economic investment and reinvestment in the community. She provided further details of the background of these proposed changes as contained in the PowerPoint presentation. She pointed out staff formed a working group with a number of stakeholders that included members of the public (real estate professional, architect, engineer, members of the Economic Development Board, etc.) to figure out which areas to look at and how to go about addressing commercial corridors. The working group utilized general surveys given to business owners and property owners along 8<sup>th</sup> Street as well as the general public. It was noted the group talked about numerous things including the concrete plant that was at 8<sup>th</sup> and Lime, trying to reduce trucks on 8<sup>th</sup> Street, and how to incentivize new development. Ms. Gibson explained after the working group's effort the PAB formed a subcommittee to review the streetscape materials along 8<sup>th</sup> Street. She briefly commented about the public outreach efforts to talk about the proposed changes (Farmer's Market in January, a walking tour in February, and open houses at the Golf Course Clubhouse, the Peck Center, and the Atlantic Recreation Center). She provided a recap of the survey results and the top desire was for a theme or vision, and landscaping was the biggest thing they took away from the survey. Included in the presentation were maps to illustrate the properties that would be part of the proposed new land uses and zoning. Ms. Gibson presented and briefly explained the renderings of what 8<sup>th</sup> Street and 9<sup>th</sup> Street could look like. She explained the PAB was considering changes that include a Comprehensive Plan Amendment to identify the land use and they were looking at as well as the large scale Land Use Map changes for both the conversion from C-2 to Central Business District as well to 8<sup>th</sup> Street Mixed Use Land Use and Zoning. She stated the board was also asked to look at Land Development Code (LDC) changes. She clarified there are four pieces (Comprehensive Plan, Land Use in the form of a map, LDC changes, and zoning map changes). She commented it was anticipated that the City Commission would hear the changes at their meeting on June 21<sup>st</sup> and then it would be sent to the State for their review. She pointed out after State review it comes back to the City Commission for second and final reading then at that point it is considered adopted. She stated that second reading was not anticipated until September.

The public hearing was opened at this time.

Ms. Reha London, 416 South 7<sup>th</sup> Street, inquired about the aesthetics for 7<sup>th</sup> Street. She pointed out there are businesses that extend from 8<sup>th</sup> Street to 7<sup>th</sup> Street. She commented the gentleman that purchased the building at 8<sup>th</sup> and Gum was doing a good job at making a lot of aesthetic improvements. She stated as you venture down towards Lime Street on 7<sup>th</sup> Street it seems that the aesthetics of the area are not paid attention to. She suggested consideration of aesthetics for businesses that extend from 8<sup>th</sup> Street to 7<sup>th</sup> Street as far as landscaping, etc. Ms. Gibson stated through the outreach staff heard the concern about the appearance of the properties on the backside. She explained one of the requirements related to how buildings are oriented they've included where there is a commercial or mixed use structure that extends the full block width that you have entrances that contain a secondary level façade that mirrors what you would find with the primary entrance. Ms. London inquired if the existing businesses would be expected to comply. Ms. Gibson replied nothing would be applied retroactively. She explained when businesses redevelop or new businesses come in that would be the point where staff would work with them to get compliance with these details. Ms. London expressed her concern with the proposed 45 foot height where it abuts the historic district and having it block the sun as well as dealing with the other aspects of a commercial building such as trash, etc. Ms. Gibson explained the intent was to make the height consistent with what is currently allowed on 8<sup>th</sup> Street today (45 feet). She stated this was to add to the ability to redevelop and invest in the property. She pointed out what staff heard from the working group was that they didn't want to see anything reduced or rights taken away from those property owners.

Ms. Mary Hesketh, 318 South 9<sup>th</sup> Street, expressed her concern with the 45 foot height limit along both sides of 9<sup>th</sup> Street, which could potentially have a 45 foot tall building next to a tiny residential home. She questioned why there couldn't be a lower height limit at least on the residential side. She noted there would not be Historic District Council (HDC) review and inquired if there would be another review for aesthetics. Ms. Gibson explained there is design review required for mixed use and commercial development that would go through the City's Technical Review Committee (TRC). She pointed out the intent is to be Centre Street like so there will be awnings and the articulation that you would typically find on Centre Street. Ms. Hesketh inquired if there would be metal buildings. Ms. Gibson stated there isn't a disallowance for metal buildings, but staff will want to see the windows, doors, the entry, etc. of how they look. Ms. Hesketh questioned the landscaping requirements being reduced to 10%. Ms. Gibson pointed out the building would have requirements for parking, stormwater, and landscaping so for those elements they end up exceeding that 10% quickly. Ms. Hesketh stated she would like to see more landscaping. She referred to no drive thru or exit on 8<sup>th</sup> Street and noted that means traffic would be off on 7<sup>th</sup> and 9<sup>th</sup> Streets. Ms. Gibson clarified that would be for a drive thru facility such as a dry cleaner or laundry service where they can't have their entry and exit directly onto 8<sup>th</sup> Street. There was some discussion about this and a review of on street parking opportunities. There was also some discussion about the screening requirements for a dumpster enclosure.

Ms. Hesketh commented when she purchased on 9<sup>th</sup> Street it was a very quiet little street and she didn't want it turned into the buffer from commercial to residential. She stated she would like for the character of the street to be quiet and residential and not have tons of traffic.

Member Occhuizzo questioned the thought behind reducing landscaping from 20% to 10%. Ms. Gibson replied it was the consistency with what the City has downtown as a requirement and to allow for a level of flexibility. Vice-Chair Bennett noted this encourages planters and roof top gardens, etc.

Ms. Laura Bresko, 908 South 9<sup>th</sup> Street, referred to the rendering and questioned who would be responsible for the landscaping area and sidewalk. Ms. Gibson replied the City and explained as part of the commercial redevelopment a developer would install some of the streetscape improvements. She pointed out first there would have to be an engineered design and concept for 9<sup>th</sup> Street (multi-use path, on street parking, planting strips, etc.) before anything is budgeted for the improvements. Ms. Bresko referred to on street parking and inquired if the street would be widened to accommodate that. Ms. Gibson commented in a lot of places today on 9<sup>th</sup> Street people seem to park within the public right-of-way so there appears to be a need for on street parking. She stated potentially there could be more formal on street parking as part of the design. There was also some discussion about setbacks, pedestrian access, and parking requirements per residential unit.

Ms. Ann Thomas, 402 Date Street, expressed her opinion that this proposal was going to ruin 7<sup>th</sup> Street and 9<sup>th</sup> Street. She expressed her hope the board would not recommend it to the City Commission without a lot more thought being given to it. She commented the idea you could go from 8<sup>th</sup> Street to 7<sup>th</sup> Street and have a secondary façade will ruin 7<sup>th</sup> Street and 9<sup>th</sup> Street. She stated she couldn't see how this could do anything other than ruin the character of those two streets. There was a brief discussion to clarify the portions of 7<sup>th</sup> Street and 9<sup>th</sup> Street that could potentially be impacted. It was explained when this area was looked at there were existing mixed use properties and there was a desire to see the same zoning applied across both sides of the street.

Ms. Thomas briefly commented about the idea of requiring alleyways to deal with trash. She explained that she thought this proposal needed more thought before it goes to the City Commission. Member Ross questioned what Ms. Thomas would do differently. Ms. Thomas replied if there is going to be a much

denser commercial corridor on 8<sup>th</sup> Street you need a wider sidewalk before you get to the property line they can build up to. She stated it is needed for pedestrian access, outdoor dining, and putting trees in. She commented you need a public space that amounts to something before you get to that 45 foot façade.

Vice-Chair Bennett pointed out the proposed 6 feet was within the property line and that does not include the right-of-way. Member Ross stated the right-of-way is 60 feet and often times the road is much less than that. It was noted that the current sidewalk was 5 feet wide, and there was further discussion about opening up the pedestrian area by creating a larger walkway. There was a review of the renderings and it was noted that this would not always be possible because of the current development pattern along 8<sup>th</sup> Street where the structures go right up to the property line today. Ms. Gibson pointed out the City has made a request to the FDOT that through their resurfacing project that they look at potentially including other elements (landscape and hardscape) to extend out the walkable surface area. She explained that 9<sup>th</sup> and 7<sup>th</sup> Streets would be context sensitive complete streets that account for all users of that roadway. There was further discussion about this.

Mr. Eric Bartelt, 3280 South Fletcher Avenue, commented along Centre Street between 6<sup>th</sup> and 7<sup>th</sup> there are trees that fit within that space. He explained he was involved in the streetscaping design, and noted there was a concern about development on 8<sup>th</sup> Street and its impact to 7<sup>th</sup> Street and 9<sup>th</sup> Street. He stated during the discussions was whether there could be a step down from 45 feet on 8<sup>th</sup> Street to 9<sup>th</sup> Street and 7<sup>th</sup> Street to something less than 45 feet. He commented maybe you have to build in that the buildings on 8<sup>th</sup> Street have to step down to match the scale of 7<sup>th</sup> and 9<sup>th</sup>.

Ms. Martha Dawson, 107 South 11<sup>th</sup> Street, questioned who would produce the taxes for all of this and whether the taxes would be raised for this. Vice-Chair Bennett explained that taxes are based on the assessment by the Nassau County Property Appraiser, and those with a homestead exemption their taxes can only go up 3% or the cost of living whichever is less. He pointed out there are limitations on increases in taxes, and the City and the County separately set a millage rate. Ms. Dawson inquired what would be done with Indigo Street, Gum Street, Jasmine Street, and Kelp Street. City Attorney Bach clarified the City was not doing any of those major changes, but the renderings are what it might look like in the future if the zoning is changed for some of these properties. She explained the City would continue to maintain the streets, but there is no plan for widening or doing public improvement projects. She provided further clarification of the intent of the proposed changes. There was further discussion about potential impact from redevelopment in the area, and it was noted Ms. Dawson's concern was the current lack of sidewalks and who would care for any improvements made. It was explained again that this process has been going on for over two years to gather input from the community, and that a public outreach campaign started in January 2016. There was some explanation that what was proposed was a plan for zoning for the future, and that new zoning would be shown once it was adopted by the City Commission.

Mr. Greg Roland, 302 South 7<sup>th</sup> Street, explained he attended a few meetings on this and had read through most of the documents. He commented there is a historic home that borders 8<sup>th</sup> Street so these new rules don't necessarily affect him personally, but would affect the traffic with the use of 7<sup>th</sup> Street to get around 8<sup>th</sup> Street. He stated when he walked along 9<sup>th</sup> Street this would change the character of 9<sup>th</sup> Street, and agreed with the idea of stepping down to 30 or 35 feet for the lots that border 9<sup>th</sup> Street and then you have residential on the eastern portion of 9<sup>th</sup> Street. He pointed out if you look north on 9<sup>th</sup> Street standing at Hickory you will see a beautiful tunnel of trees. He commented the City permitted a metal building at the corner of Indigo and 9<sup>th</sup> Street that was two-story, but expressed his concern that the workforce housing and things like that the City was hoping for would be bulldozed on 9<sup>th</sup> Street to make way for large scale development. He suggested there be some kind of transitional approach for the western portion of 9<sup>th</sup>

Street to protect the current neighborhood and to leave the eastern portion of 9<sup>th</sup> Street as residential. He provided further comments about this. There was some discussion about this suggestion and it was noted that the height restriction for MU-1 was 35 feet.

Ms. Marcia Allen, 603 South 10<sup>th</sup> Street, questioned if her property was part of this. Vice-Chair Bennett replied Ms. Allen's property was not part of this. Ms. Allen commented she was in favor of beautification.

Ms. Paula Clayton, 518 South 9<sup>th</sup> Street, stated it would take her another meeting to fully understand the whole concept. She explained she was in favor of rezoning and improving 8<sup>th</sup> Street, but concurred with Mr. Roland about leaving what is residential as residential. She inquired how these changes would affect the existing dwellings and what requirements would she have to meet. Member Ross replied it stays the same as long as you don't change anything. Ms. Clayton questioned if she could rebuild if her home burnt down. Ms. Gibson replied yes and explained it can be built to what it was previously. She pointed out Ms. Clayton would also have the flexibility to shift it closer to the street or further back. It was explained the work and effort to this point was in the direction of intensifying the mixed use that exists today (9<sup>th</sup> Street). It was noted this area has been zoned mixed use since 2004/2005.

Ms. Clayton requested clarification of a "complete street". Ms. Gibson stated it is a new term in transportation planning, and explained it is a street that provides amenities for all users not just a vehicle. She pointed out the focus for a long time when designing a road has been on the vehicles, and now the road needs to be designed to accommodate every user (bicyclists, pedestrians, parked vehicles, and vehicles).

Ms. Joan Cory, 408 Beech Street, expressed her concern about keeping the integrity of downtown residential streets. She related an example of a proposed restaurant that was going to back up to residential and have amplified music, and pointed out that type of thing was why people are touchy about having commercial backup too close to their residential street. She referred to the idea of bonuses and being able to go up to 55 feet, and expressed her opinion that would not be compatible at all. Ms. Gibson stated that language was not included. Ms. Cory referred to the idea of new businesses on 8<sup>th</sup> Street being able to use off-site parking to fulfill their parking requirements, and requested that parking be on the property. She commented she was a little concerned about design decisions like Centre Street, and stated a 12 foot ceiling might not be necessary for every kind of business. She pointed out iron fences are nice, but the City has also had businesses like Hot Paws that has a mural on it. She explained a mural program using professional artists submitting proposals could be a very exciting thing coming down 8<sup>th</sup> Street.

Mr. Harry Hill, 310 South 10<sup>th</sup> Street, questioned whether this landscaping would create blind spots. He pointed out downtown has a few blind spots. Ms. Gibson explained there are requirements for staff to evaluate visibility and it does apply to landscaping as well as parked vehicles.

Ms. Debbie Roland, 302 South 7<sup>th</sup> Street, expressed her concern that with the increase of density would increase the volume of cars and noise. She commented they are losing families in the neighborhoods downtown. She expressed her support of improvements on 8<sup>th</sup> Street, but was concerned about more commercial meaning more traffic and more noise for those that butt up to those streets. She pointed out it seems like people are using the side streets as a cut through. She commented it is very hard for the residents with homes on 8<sup>th</sup> Street to sell those homes, and sometimes with those on 7<sup>th</sup> Street because people can hear that 8<sup>th</sup> Street noise. Member Morrill briefly explained the increase in density was not to increase the opportunities for business, but rather to increase the opportunities for residential housing. He stated this was to allow creative housing options on 8<sup>th</sup> Street, and to do that density had to increase to

allow that. There was some discussion about the concerns Ms. Roland raised, and it was noted the City was trying to move toward more connectivity without cars. Ms. Gibson explained the City has gone to the FDOT to request center medians to break up the third lane, and that was being analyzed as part of the road resurfacing in 2018/2019. There was also a request for enhanced crosswalks at the existing intersections.

Member Ross commented at the other meetings the developers said what they need, and as a community if that is not what we want then 8<sup>th</sup> Street is going to stay the way 8<sup>th</sup> Street is. He stated part of the conflict is how to get something to happen on 8<sup>th</sup> Street, and explained he wished more people from the neighborhoods had come to the other meetings to have heard that.

Mr. Phil Scanlan, 1832 Village Court, pointed out he had attended many of the meetings, because he leads the Amelia Island Trail Development to create multiple use paths for pedestrians and bikes. He stated he would like to see more access to downtown than we have. He commented the focus of this was to improve 8<sup>th</sup> Street rather than let it flow over to 7<sup>th</sup> and 9<sup>th</sup>. He concurred with the idea of having a step down to 9<sup>th</sup> Street. He expressed his appreciation for all the work that has been done on this.

Ms. Laura Bresko, 908 South 9<sup>th</sup> Street, questioned the relationship between right-of-way and setbacks. Vice-Chair Bennett explained the right-of-way belongs to the government. He stated within the rules of building there may be a setback imposed by City regulations, and related an example of a 10 foot setback where you wouldn't be able to build within the first 10 feet. There was some discussion to clarify that the right-of-way may be larger than the existing roadbed (right-of-ways can be 30 feet or 60 feet).

Ms. Bresko requested the City to retain trees if possible. Ms. Gibson explained when street improvements are made trees are considered as part of any roadway improvements, and the City tries to retain wherever possible. There was a brief discussion about ways to locate property lines.

Ms. Bresko explained her concern was looking at the backside of a building including the parking, dumpsters, etc. She also expressed her concern with increased pests or vagrancy opportunities. She questioned why 9<sup>th</sup> Street couldn't be developed out as its own equally lovely business corridor rather than just the backside of the development for 8<sup>th</sup> Street. Ms. Gibson replied there was nothing preventing that from occurring.

Member Occhuizzo noted that the early meetings about this the people were laying out what they needed to make it work, but what he was hearing tonight was a fear of the possible collision between commercial and residential. He stated the City has to be very aware of opening the commercial door, because he has seen commercial go out of control. He suggested listening to more people and considering more options. Vice-Chair Bennett pointed out that area right now can be developed commercially. He explained initially in the discussions you had to have residential development if you wanted this area to prosper and change. Member Lasserre noted that MU-8 allows more intensive commercial development than MU-1. He commented with trying to improve 8<sup>th</sup> Street and only having 100 feet on either side doesn't work. He stated this was an effort to change that and you have to have uses that would work along 8<sup>th</sup> Street. He concurred with Member Occhuizzo that it may need a little more thought or recommend approval with a change. There was some discussion about ways to proceed including the idea to refine it to be only residential on the east side of 9<sup>th</sup> Street to be compatible with what is behind it.

Ms. Annette Modeste, 410 South 10<sup>th</sup> Street, commented she has lived in countries where this has been done with residential and commercial. She stated they take more control of the material that is used as well as fence heights. She explained commercial is mixed with residential and sometimes you have to

really look to find the commercial amongst the residential. She pointed out it can be blended beautifully along with the commercial if they look more alike. Vice-Chair Bennett commented the idea was to have a mix so you didn't have just a big apartment project and that was it. He stated he didn't know that this would go to very large developments, but there are a number of owners that may decide to stay with their house or build another house.

Ms. Laura Bresko explained as a property owner she would not be in favor of the zoning being changed back to R-2 from MU-1, because she doesn't know how the corridor is going to go or who is going to develop what. She stated if the zoning is limited then the property values are going to end up declining. There was a brief discussion about this.

The public hearing was closed at this time.

Member Beal inquired if staff could think of a corridor like this where a transition has occurred. Ms. Gibson replied in Tallahassee along Game Street is one of the examples that was used as a reference and a tool to help shape the development standards. She stated it has been very successful up to this point. She explained it runs between Florida State and the Capital complex and other State buildings. Member Beal referred to the calming of traffic and inquired if that was in the hands of the FDOT. Ms. Gibson replied yes and explained the City Manager wrote a letter to the FDOT requesting that as part of their engineering and analysis for the repaving project of 8<sup>th</sup> Street that they consider hardscape elements, streetscape elements, including crosswalks, and landscape medians. She stated FDOT is analyzing it as context sensitive complete street rather than just engineering to serve the vehicle. Member Beal referred to parking and questioned if 10 spaces are required do all 10 spaces have to be onsite or could they be a block away. Ms. Gibson replied the code today has parking requirements, but there are also areas for parking flexibility so you aren't over improving spaces where they may be shared with an adjoining space. She explained there is the ability to have shared parking agreements as well as an ability to valet the parking to meet the minimum standards. She stated up to 10% of the parking could be met with parking on street or in another City provided parking facility, which was only once you've exhausted all flexibility options. There was some discussion about this and some discussion about what 18 units an acre could look like.

Member Beal questioned if it could be figured out whether a 14 unit building with a restaurant could fit on the half block. Ms. Gibson reported she would have to work with an engineer and architect to analyze that. She commented she didn't see how on that half block you wouldn't be able to achieve that kind of development. She stated given the parking needs she thought you would need at least a quarter of a block to get the kind of design that you are thinking about. Member Beal inquired if there was an overall theme or development style that would be encouraged. Ms. Gibson replied there was not a theme that was arrived at through the discussions at the working group level or the PAB level. She pointed out it was intended to be open and flexible. She explained there are design features built into the code that avoid having blank walls. Member Beal noted the CRA has a stepped design. Ms. Gibson replied that could be built into the LDC requirements for this, and it can be specific to those that back up to 7<sup>th</sup> Street or 9<sup>th</sup> Street. Member Beal noted a building fronting 8<sup>th</sup> Street could be just residential or mixed use. He inquired about a building fronting 9<sup>th</sup> Street that doesn't go all the way through to 8<sup>th</sup> Street. Ms. Gibson replied it could be mixed use, it could be residential, or it could be commercial.

Member Lawrence questioned how the Property Appraiser would look at this as far as land values when the properties are rezoned. Member Beal commented that zoning plays a big role and nearby sales play a role, which is a foundation of the value estimates. He explained as properties start to transition it is based on highest and best use and what zoning is. There was a brief discussion about how this would affect

land values, and it was noted the State has rules in place that homestead properties can only be increased by a certain amount each year. Commercial property can only be increased by 10% per year. Appeals can be made to the value adjustment board.

Member Morrill commented there is some value to expanding MU-8 zoning area to include the west side of 9<sup>th</sup> Street and the east side of 7<sup>th</sup> Street. He noted there is a downside to the people on the east side of 9<sup>th</sup> Street and the west side of 7<sup>th</sup> Street. He clarified it was the abruptness of the extension of the 45 foot allowance. He agreed with the idea of a step down to something closer to what is allowed now or something less. Vice-Chair Bennett explained there was discussion about south of Fir on 7<sup>th</sup> Street that the dynamics of the area south (businesses that go all the way through) is much different than to the north (historic houses). He commented the idea was allow a variety of residential rather than saying a multi-family building or a big apartment complex. Member Morrill noted during the meetings the appeal was increasing the density along the 8<sup>th</sup> Street corridor. He stated the 45 foot allowance being extended into the west side of 9<sup>th</sup> Street and the east side of 7<sup>th</sup> Street wasn't critical to development. He suggested the 45 foot allowance go back to 35 foot allowance for those streets. There was further discussion about prior discussions at the previous meetings and it was noted that at 45 feet projects are feasible. The board had further discussion about how to proceed with the proposed amendments. It was noted that mechanical equipment on the roof are to have a parapet of up to 42 inches to attempt to screen that equipment. The board had some discussion about mechanical equipment. It was pointed out during the discussions property owners along 8<sup>th</sup> Street wanted to keep their commercial ability and they wanted residential added in a meaningful way so they could create a housing product that people would want to live in. There was a brief discussion about the current height limits in various zoning categories. It was noted there were concerns raised about 45 feet for buildings abutting an R-2 district. **A motion was made by Member Morrill, seconded by Member Lasserre, to have a restriction of 35 feet for properties abutting any residentially zoned area.** Member Lasserre suggested it say any residential property, because it could be R-1 or R-3 down the road. He stated it would be like a buffer between commercial and the residential zone. Member Morrill amended his motion to reflect the restriction would be for any property abutting any residentially zoned area rather than just R-2. Member Lasserre concurred with the amended motion. Member Ross commented he would like to defer any final action on this to have at least one more meeting to hash out these details. He stated he needed time to look at this map carefully and then take a walk again. Member Occhuizzo suggested amending 5(a)(2) to not exceed 35 feet with the parapet. Vice-Chair Bennett explained back in 2004/2005 it was apparent that you have things that don't fit in the building, and would only fit on the roof. He pointed out you have to make allowances for that. He commented they heard that the 45 foot height was almost critical if you want to have some residential development and mixed use development on 8<sup>th</sup> Street. He noted the motion was to make only this one change. Member Ross explained he would vote against this, because he didn't think this was thought through. He stated he would like to look at mechanicals and how that works with them going on top of roofs. Vice-Chair Bennett paraphrased the change as any property within this proposed development abutting a residential zoned area would have a maximum height of 35 feet. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

<b>Member Occhuizzo:</b>	<b>Aye</b>
<b>Member Rogers:</b>	<b>Aye</b>
<b>Member Beal:</b>	<b>Aye</b>
<b>Member Lasserre:</b>	<b>Aye</b>
<b>Member Ross:</b>	<b>Nay</b>
<b>Member Morrill:</b>	<b>Aye</b>
<b>Vice-Chair Bennett:</b>	<b>Aye</b>

**Motion carried.**

After some discussion about how to proceed, it was noted if a recommendation was made on this that it would go before the City Commission on June 21<sup>st</sup>. Ms. Gibson pointed out the documents the PAB was reviewing have been in this form with the exception of one small change to incorporate public comments since January 2016. **A motion was made by Member Morrill, seconded by Member Rogers, to approve this plan as amended and send it on to the City Commission.** Member Ross explained he would vote against this because he thought it needed more tweaking. Member Beal commented there is a lot of information that the board would be voting to approve as is. Member Occhuizzo noted there would be two readings in front of the City Commission, and questioned if during those readings could it be wordsmithed or was it pretty much set in stone when it goes to them. City Attorney Bach replied technically you can do that, but she didn't think the City Commission would make wordsmith changes at the Commission meeting unless it was a minor point. She explained if the City Commission had concerns she would advise them to remand it back to the PAB for more work. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

- Member Occhuizzo:   Nay**
- Member Rogers:     Aye**
- Member Beal:        Aye**
- Member Lasserre:   Nay**
- Member Ross:        Nay**
- Member Morrill:     Aye**
- Vice-Chair Bennett: Aye**

**Motion carried.**

It was noted that staff would provide a clean copy of what was approved on the City's website.

- 4. Board Business** – There were no items for discussion under Board Business.
- 5. Staff Report** – There were no additional staff comments at this time.
- 6. Comments by the public** – Ms. Laura Bresko commented the way this was written it doesn't affect the west side of 9<sup>th</sup> Street it only affects the east side of 9<sup>th</sup> Street, because that is the only thing that abuts R-2. She pointed out the west side of 9<sup>th</sup> Street abuts MU-1 so that amendment doesn't fix the problems. She expressed her thanks for trying.
- 7. Adjournment** - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:30 pm.

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Secretary

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Judith Lane, Chair

June 22, 2016 News/Project Edition

SCANNED



# NOTICE OF PUBLIC HEARING CITY COMMISSION CITY OF FERNANDINA BEACH

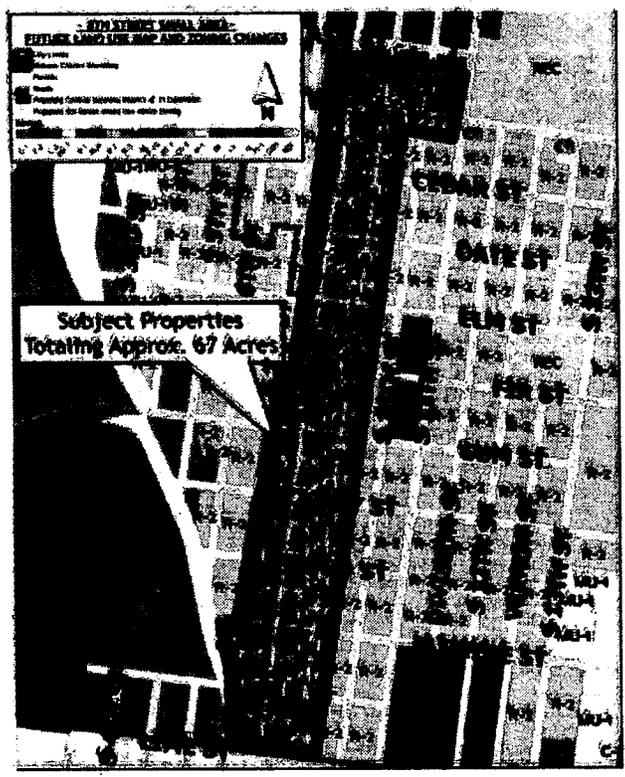
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, July 5, 2016, at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

### ORDINANCE 2016-13 and ORDINANCE 2016-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE COMPREHENSIVE PLAN TO ADD A NEW FUTURE LAND USE ELEMENT FOR THE 8TH STREET SMALL AREA MIXED USE (MU8) AS POLICY 1.07.08 AND RENUMBERING THE FOLLOWING SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

AND

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC), MIXED USE (MU), MEDIUM DENSITY RESIDENTIAL (MDR) TO 8TH STREET SMALL AREA MIXED USE (8MU) AND CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES INCLUDED IN THE 8TH STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/ COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/H E WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the requested amendments and the ordinances can be obtained in the office of the City Clerk or the Community Development Department, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the Community Development Department at 310-3135.

NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, October 4, 2016, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

**ORDINANCE 2016-13**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE COMPREHENSIVE PLAN TO ADD A NEW FUTURE LAND USE ELEMENT FOR THE 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU8) AS POLICY 1.07.08 AND RENUMBERING THE FOLLOWING SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2016-14**

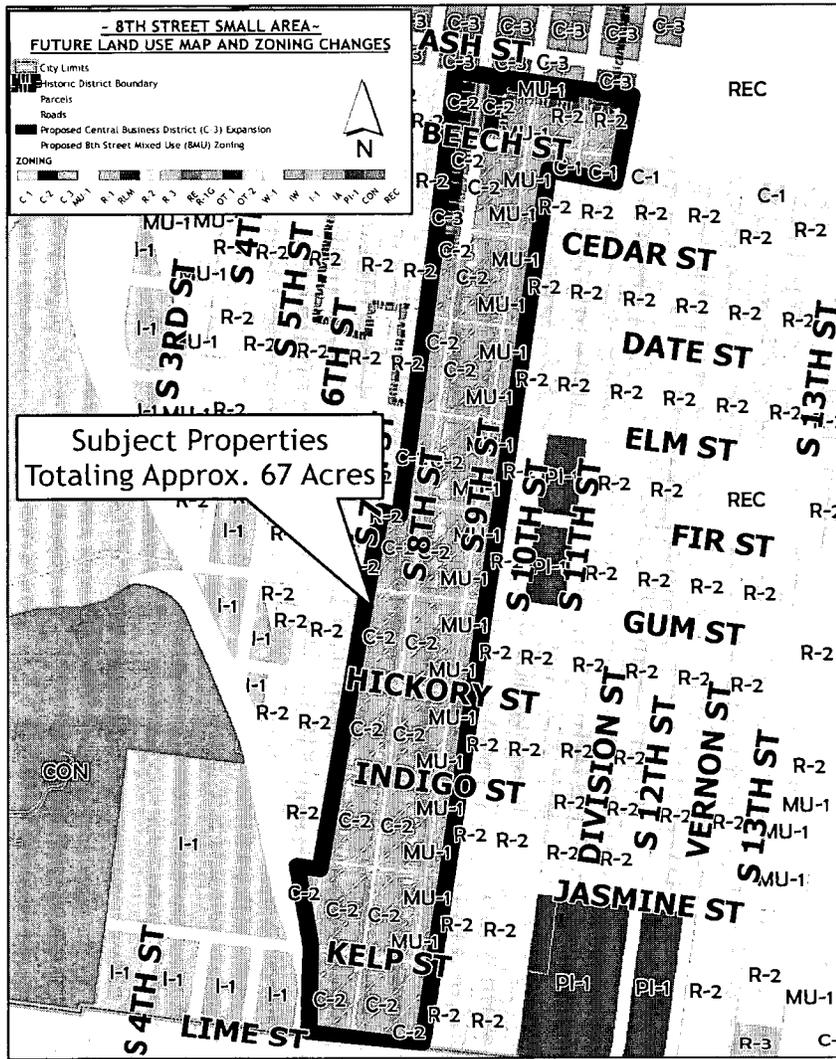
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC), MIXED USE (MU), MEDIUM DENSITY RESIDENTIAL (MDR) TO 8<sup>TH</sup> STREET SMALL AREA MIXED USE (8MU) AND CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES INCLUDED IN THE 8<sup>TH</sup> STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2016-15**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE TO INCLUDE SPECIFIC CHANGES FOR THE 8<sup>TH</sup> STREET SMALL AREA BY MODIFYING CHAPTER 2: ZONING DISTRICTS AND USES TO ADD A ZONING DISTRICT CALLED 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU-8), PROVIDING SPECIFIC USES AND ACCESSORY USES, AND ADDING DESIGN STANDARDS IN CHAPTER 4 AND CHAPTER 6 AND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2016-16**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP FROM GENERAL COMMERCIAL (C-2), MIXED USE (MU-1), MEDIUM DENSITY RESIDENTIAL (R-2) TO 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU-8) AND CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES INCLUDED IN THE 8<sup>TH</sup> STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



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Copies of the applications with description by metes and bounds and the ordinance can be obtained in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk’s Office at 310-3115.

*Note:*  
**Please run as a DISPLAY in the September 21, 2016 edition of the News Leader.**

*Please send proof of publication to:*  
City Clerk's Office  
City Hall, 204 Ash Street  
Fernandina Beach, FL 32034  
904-310-3115



NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH

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**ORDINANCE 2016-16**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP FROM GENERAL COMMERCIAL (C-2), MIXED USE (MU-1), MEDIUM DENSITY RESIDENTIAL (R-2) TO 8TH STREET SMALL AREA MIXED USE (MU-8) AND CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES INCLUDED IN THE 8TH STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**



Interested parties may appear at said hearing and be heard, which may be considered. Any persons with disabilities who wish to participate in this program or activity should contact 311 or Florida Relay Service at 1-800-955-8771 at least 24 hours in advance of the hearing.

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Copies of the applications with description by metes and bounds may be obtained in the office of the City Clerk, City Hall, 204 Ash Street, Fernandina Beach, Florida - 5:00 PM, Monday through Friday. For information on the public hearing, contact the City Clerk's Office at 310-3115.

CITY COMMISSION AGENDA ITEM  
City of Fernandina Beach



SUBJECT: **Ordinance 2016-15**  
LDC Text Amendment for 8<sup>th</sup> Street Small Area

ITEM TYPE:  Ordinance  Resolution  Other  
 Proclamation  Presentation

REQUESTED ACTION: **Approve Ordinance 2016-15 at Second Reading.**

SYNOPSIS: As is consistent with the Comprehensive Plan's policy direction to focus efforts on redevelopment strategies of the City's primary commercial corridors, staff along with stakeholders have worked towards the creation of a revitalization approach for the 8<sup>th</sup> Street corridor since 2014. Information pertaining to all efforts may be located at [www.fbfl.us/8thStreet](http://www.fbfl.us/8thStreet) and within the 8th Street Small Area Plan document which serves to provide support data and documentation of efforts.

Planning staff recommends approval of the requested amendments. The Planning Advisory Board considered the amendments at a public hearing on May 24, 2016 and issued a recommendation of approval by a vote of 4-3.

This Ordinance was approved by the City Commission at First Reading on July 5, 2016. It has been held pending State review of the associated Comprehensive Plan amendments. Staff requests its approval at Second Reading as a companion piece to the Comprehensive Plan amendments.

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 2016-15 at Second Reading. *DM*

DEPARTMENT DIRECTOR Submitted by: Marshall McCrary, *[Signature]* Date: 9/16/16  
CDD Director

CONTROLLER Approved as to Budget Compliance Date:  
CITY ATTORNEY Approved as to Form and Legality *TEB* Date: *9/23/16*

CITY MANAGER Approved Agenda Item for 10/4/16 *DM* Date: 9/16/16

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

ORDINANCE 2016-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE TO INCLUDE SPECIFIC CHANGES FOR THE 8<sup>TH</sup> STREET SMALL AREA BY MODIFYING CHAPTER 2: ZONING DISTRICTS AND USES TO ADD A ZONING DISTRICT CALLED 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU-8), PROVIDING SPECIFIC USES AND ACCESSORY USES, AND ADDING DESIGN STANDARDS IN CHAPTER 4 AND CHAPTER 6 AND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, since 2014, the City has gathered a working group of stakeholders interested in 8<sup>th</sup> Street revitalization to determine potential solutions for the corridor; and

WHEREAS, the working group established the following goal statement of creating "A vibrant and welcoming mixed-use corridor with a unified attractive visual character that serves as a gateway and connects to the history and character of Downtown Fernandina Beach"; and

WHEREAS, the Planning Advisory Board (PAB) established a subcommittee between June and November 2015 to determine a logical regulatory strategy towards achieving the working group's established goal and recommended solutions; and

WHEREAS, City Planning staff established a Public Involvement Program which included, a kick-off meeting where all stakeholders were invited, input gathering at the local farmer's market, property owner and business owner outreach via postcards to advertise upcoming outreach efforts and public comment opportunities, held three public houses throughout the City, and organized a walking tour along S. 8<sup>th</sup> Street; and

WHEREAS, staff considered all public input gathered from the various outreach efforts and incorporated changes in the proposed amendments for presentation to the PAB; and

WHEREAS, the PAB acting as the designated Local Planning Agency, has reviewed and held a public hearing on May 24, 2016, advertised in a newspaper of local circulation on May 11, 2016, and rendered its final recommendation to approved the requested amendments with a minor change by a 4-3 vote.

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.

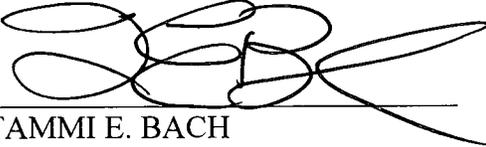
ADOPTED this 4<sup>th</sup> day of October, 2016.

CITY OF FERNANDINA BEACH

\_\_\_\_\_  
JOHN A. MILLER  
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
TAMMI E. BACH  
City Attorney

\_\_\_\_\_  
CAROLINE BEST  
City Clerk

ORDINANCE 2016-15  
EXHIBIT "A"

**LAND DEVELOPMENT CODE:**

**ZONING DISTRICT**

**2.01.10 8<sup>th</sup> Street Small Area Mixed Use (MU-8)** *(renumbering of all zoning categories which follow)*

The MU-8 district is intended for redevelopment of the City's 8<sup>th</sup> Street commercial corridor to allow for a combination of residential, office, housing, and general commercial activities in a vibrant urban setting. The MU-8 district is intended to promote the 8<sup>th</sup> Street corridor as a thriving gateway to the historic downtown of Fernandina Beach through economical and efficient land use, an improved level of amenities, residential density through a variety of housing types, and a better compact, urban environment. Properties within the MU-8 district shall provide for a unified pedestrian and landscape area along the 8<sup>th</sup> Street frontage to serve as an extension of the downtown Fernandina Beach character and design. The allowable density in the MU-8 zoning district is a maximum of 18.0 units per acre.

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
<u>MU-8</u>	<u>18.0</u>	<u>Single-family detached</u> <u>Duplex structures</u> <u>Triplex structures</u> <u>Townhouses</u> <u>Multi-family Structures with 4 or more units</u> <u>Mixed Use</u>
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 <sup>1</sup>
I-A		Not permitted as a principal use <sup>1</sup>
I-W		Not permitted as a principal use <sup>1</sup>
W-1	2.0 with bonus potential to 4.0	Single-family within mixed use
PI-1		Not permitted as a principal use <sup>1</sup>
CON		Not permitted as a principal use <sup>1</sup>
REC		Prohibited

**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
MU-8	25	75	200
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-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 category, 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 ratio.
  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 Section 4.02.07 of this Chapter for maximum lot coverage.

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

Zoning District	Maximum Building Height (ft.) <sup>1</sup>	Minimum Setback			
		Front (ft.)	Side <sup>2</sup>	Rear (ft.)	Corner Lot (side abutting street) (ft.) <sup>3</sup>
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	10	10
MU-8	45	See specific standards in Section 4.03.03			
C-1	45	None	None <sup>4</sup>	10	10
C-2	45	None	None	None	None
C-3	45	None	None	None	None
I-1	45 <sup>5</sup>	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 4.03.03.				
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.

Section 4.03.03 Standards for Development in MU-8 (8<sup>th</sup> Street Small Area)

**8<sup>th</sup> Street Small Area Design Standards**

General Principles. The 8<sup>th</sup> Street standards are intended to encourage flexibility and variety in development through creative site and building design. All development shall contribute to making 8<sup>th</sup> Street a distinct and memorable part of the city, unique in spaces, buildings, and street character. Development shall be oriented and designed to contribute to the street environment and shall place priority on pedestrian comfort, convenience, safety, and access. Pedestrian scale elements refer to buildings and spaces whose dimensions, properties, and components correspond to human occupation and use. Access to all development shall be sited and designed to have a positive visual impact on the street with primary pedestrian access from 8<sup>th</sup> Street. Driveways and parking shall not take priority over pedestrian areas. Variety in design elements, transparency, color, texture, signs, and materials creates a visually interesting environment and contributes to the establishment of an architectural character for the corridor. Architectural compatibility is not limited to any particular style.

The design standards for the 8<sup>th</sup> Street Small Area are as follows:

1. On the portion of the property fronting 8<sup>th</sup> Street, there is a required six (6) foot pedestrian/landscaping access area to provide a continuous, unobstructed clear walkway. This is to be measured from the property line going back six (6) feet. Buildings or building components may encroach into this space starting at the second story, with necessary structural components on the first story as long as the 6 foot pedestrian access area is unobstructed, provided an open pedestrian/landscape space is maintained. Required bicycle parking is not permissible within this area.
2. The setbacks for the remaining sides of the property are zero (0) feet.
3. Building Orientation.
  - a. Primary entrances shall face 8<sup>th</sup> Street. At least one public entrance of each principal structure shall be oriented toward the front lot line or side lot line. Developments are encouraged to provide as many pedestrian connections to the street as feasible.
  - b. Commercial and Mixed Use structures that extend across the full block width from S. 8<sup>th</sup> Street to S. 9<sup>th</sup> Street and S. 7<sup>th</sup> Street shall contain a secondary façade which is designed with an architectural style, detail, trim features, and roof treatments as consistent with that of the primary façade.
  - c. On corner lots, new buildings shall be oriented toward the streets and shall consider and complement the patten of existing adjoining development, with the primary façade(s) of the principal building facing the 8<sup>th</sup> Street facing lot line. Corner locations shall be considered opportunities for distinctive architecture.
  - d. Accessory structures, if any, shall be located at the rear of the principal buildings. All detached garages or carports shall be set back from the front façade of the principal building by at least 10 feet, openings shall not face 8<sup>th</sup> Street. Where feasible, detached garage and carport access shall be from the side streets.
  - e. All outdoor mechanical equipment shall be located at the rear of the principal buildings and screened. Screening may be structural or vegetative. They shall not be visible from any street. Mechanical equipment placed on the roof shall be screened from abutting streets with parapets or other types of visual screening.
  - f. Solid waste, recycling, and yard trash containers; grease containers, and loading docks shall be screened and located in parking areas or other locations remote from the sidewalk.
4. Site and Building Access. The City shall encourage shared access to reduce driveway cuts on 8<sup>th</sup> Street as redevelopment occurs and require cross access design for internal traffic. New driveway cuts which do not serve to reduce the overall number of cuts onto 8<sup>th</sup> Street shall be located on 7<sup>th</sup> ,9<sup>th</sup> Streets, east-west side streets.

- a. Whenever feasible, driveway access to a site shall be shared with adjacent properties and parking shall be located internally to the block or at the rear of the site.
  - b. Service areas associated with multi-family dwellings shall be accessed from the rear of the site, where feasible.
  - c. Building design or landscaping shall be required at a 3.5 foot tall minimum to obscure the view of vehicles from the ground level.
5. Building Design Standards. Individual building design shall defer to ensemble of buildings on the street rather than call undue attention to itself. New buildings shall contribute to the life of the street.
- a. \*\*Building Heights. Properties abutting residentially (R-1/R-2/ R-3) zoned properties shall be limited to thirty-five (35) feet, including the parapet for flat roofed structures.
    - i. Facades up to thirty-five (35) feet in height shall be recessed from the first thirty (30) feet of façade a minimum of five (5) feet. Awnings, pergolas, or covered balconies may encroach into this setback.
    - ii. Flat roofs are permitted but must provide a parapet up to 42 inches high in order to hide mechanical equipment. \*\*

(\*\*Section proposed at 5/25/16 PAB Meeting by Board)

- b. Architectural articulation. A building's exterior walls shall be articulated using material, architectural elements, arrangement of openings, design of horizontal and vertical planes, and changes in height to provide substantial massing variations. Long, monotonous roof planes and uninterrupted expanses of blank wall are not allowed along street frontages. Articulated roof forms and wall opening shall be used to add visual interest and contribute to a pedestrian scale.
    - i. Where solid walls are required by building code, the wall shall be articulated and divided into distinct modules, through the use of projections and recesses (i.e. setbacks, reveals, belt courses, awnings, arcades, porches, etc.) within the building envelope or projecting from upper floors.
    - ii. Commercial buildings and buildings with ground floor commercial uses shall have a ceiling height minimum of twelve (12) feet for the ground floor.
  - c. Entryways. Doorways, windows, storefronts, and other openings in the facades of buildings shall be placed and proportioned to reflect pedestrian scale and movement and to encourage visual interest at the street level. The use of functional and decorative elements, including weather protection features (i.e. colonnades, arcades, canopies, etc.), signage, and architectural detailing, shall be used to create human scale on a buildings principal façade. Elements shall be integral to the architecture of the building, designed so as not to appear to be "tacked on" to the building façade.
  - d. Internal passageways are encouraged.
6. Fences. Up to 8 foot tall fences are permissible
- a. Fence Material: Black Wrought Iron or black anodized (SP) Aluminum
  - b. Where any portion of the fence is visible from 8<sup>th</sup> Street landscape screening shall be required.
7. Improvement of bicycle and pedestrian paths is required in keeping with the approved streetscape plan.
8. Signs within the MU-8 zoning district shall follow the allowable sign standards set forth for the Historic District as contained in LDC Section 8.01.03

Landscape Requirements NEW SECTION 4.05.06 (Non-Residential **and Mixed Use** Development)

A. Minimum Landscaped Area (current policy 4.05.04 (D))

At least 20% of the total gross land area of a development shall be landscaped except within the Central Business District (CBD)/ C-3 zoned and the 8<sup>th</sup> Street Mixed Use (MU8)/ MU-8 zoning properties where a minimum of 10% of the total gross land area shall be landscaped. Minimum landscaped areas requirements may be achieved through use of planters and roof top gardens or plantings within stormwater improvements in all zoning districts.

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	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC	
	Land Uses:																				
Adult Entertainment															S						
Airports and Heliports															P	P					
Animal Hospital or Veterinary Clinic										P		P			P	P					
Asphalt or Concrete Plant															S	S					
Automobile Sales, New and Used										S		P			P	P					
Automobile Repair, Garage, Body Shop										S		P			P	P					
Automotive Rental Agencies										P		P			P	P	P	P			
Bakery Plant										S					P	P					
Bed and Breakfast Inns						S		S	S	S			S								
Book and Stationery Stores								P	P	P	P	P	P	P	P		P				
Bottling Plants															P	P					
Bulk Storage Yards															P	P	P				
Bus Terminals and Taxi Stations												P			P	P					
Business Colleges; Commercial, Trade, Vocational, and Arts Schools										P		P	P	P	P				P		
Business Services such as Copying, Mailing, or Printing										P	S	P	S	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			
Craft Distillery, Small Scale Brewery or Winery									S	P	S	S	S	P	P	P					
Day Care Center									S	P	S	P	P						P		
Distribution, Packing, and Shipping															P	P	P	P			

<b>P – Permissible</b>  <b>S – Permissible Subject to Supplemental Standards</b>  <b>Blank-Prohibited</b>	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC	
	Dog Dining – Outdoors Only								S	S	S	S	S	S	S	S	S	S			
Drug Store or Pharmacy									P	P	P	P	S	P	P		P				
Essential Public Services, such as Transmission Lines and Lift Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P
Financial Institutions, Banks, and Credit Unions								P	P	P		P	P	P	P						
Freight and Moving Establishments														P	P						
Funeral Home and Mortuary									P			P		P	P						
Gasoline Station, with or without a Convenience Store										S	P	P		P	P	P					
Golf Course		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			S								
Government and Civic Buildings, including Library and Museum									P	P			P						P		
Health Clubs and Gyms										P		P	P	P	P						
Hospital																			S		
Junk and Salvage Yards																					
Laundry and Dry Cleaning, On-Site, including Self-Service Laundry										P		P		P	P						
Laundry and Dry Cleaning, Pick-Up Only *Note 5								P	P	P	P	P									
Light Indoor Manufacturing Uses, including Packaging and Fabricating														P	P						
Liquor Store, Lounge, and Bar (without drive-through window) *Note 5									S	P	S	P	S	P	P		P				
Lodging Accommodations										S	S	P	P		S						
Lumber and Building Supply												S		P	S	P					
Manufacturing and Heavy Industry														P	P						
Marina													S			S	S	S			
Marine recreation, such as kayak or										P						P	P				



<b>P – Permissible</b>  <b>S – Permissible Subject to Supplemental Standards</b>  <b>Blank-Prohibited</b>	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC
	Single-Family	P		P	P	P	P	P	P	P	<u>P</u>			P				P Note 2		
Two- and Three-Family					P	P			P	<u>P</u>			P							
Four- or More Family						P				<u>S</u>			P							
Group Residential (see Note 3)						S			S	<u>S</u>			S							
Resort Rental			Note 1		Note 1	P														
Restaurant, With or Without Drive-Through Window *Note 5									P	<u>P</u>	P	P	P	P	P	P	P			
Retail Stores								P	P	<u>P</u>	P	P	P	P	P		P			
Schools, Elementary, Junior, or Senior High	S	S	S	S	S	S			S	<u>P</u>									P	
Scooter and Moped Rentals										<u>P</u>	S	P	S							
Seasonal Sales *Note 4									P	<u>P</u>	P	P	P	P	P	P	P			
Small Equipment or Appliance Repair Shops										<u>P</u>		P	P	P	P					
Specialty Food Stores, such as Bakeries or Ethnic Grocers								P	P	<u>P</u>	P	P	P	P	P		P			
Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or Stationers								P	P	<u>P</u>	P	P	P	P	P		P			
Stormwater Treatment Park/Facility	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Terminals for Freight or Passengers, By Ship														P		P	P			
Theaters, Movie or Performing Arts									P	<u>P</u>		P	P	P	P		P			
Trades and Repair Services such as Electrical, Heating, and Air, Mechanical, Painting, and Plumbing										<u>P</u>		S		P	P					
Utility Facilities, such as Electric Substations, Water and Wastewater Treatment Plants													P	P	P	P	P	P		
Warehouse, not Including Mini-Storage														P	P	P				
Welding or Sheet Metal Works														P	P					

<b>P – Permissible</b>																				
	<b>R-E</b>	<b>R1-G</b>	<b>R-1</b>	<b>RLM</b>	<b>R-2</b>	<b>R-3</b>	<b>OT-1</b>	<b>OT-2</b>	<b>MU-1</b>	<b>MU-8</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-A</b>	<b>I-W</b>	<b>W-1</b>	<b>PI-1</b>	<b>CON</b>	<b>REC</b>
	<b>S – Permissible Subject to Supplemental Standards</b>																			
<b>Blank-Prohibited</b>																				
<b>Wholesale Establishments</b>														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.
5. Drive- thru entry and exit may not be located on 8<sup>th</sup> Street.

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**

<b>P – Permissible Accessory Use</b>  <b>S – Permissible Subject to Supplemental Standards</b>  <b>Blank – Prohibited</b>	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC
	<b>Accessory Land Uses:</b>																			
Home Occupation	P	P	P	P	P	P	P	P	P	<u>P</u>										
Accessory Dwelling – Detached Building	P	P	P	P	P	P	P	P	P	<u>P</u>										
Agricultural Support Buildings	P																			
Cremation Facility *Note 2									S			S		S	S					
Detached Garage or Carport	P	P	P	P	P	P	P	P	P	<u>P</u>										
Docks and Other Waterfront Structures	P	P	P	P	P	P	P	P	P					P		P	P	P	P	P
Dumpsters						P			P	<u>P</u>	P	P	P	P	P	P	P	P		P
Fences	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P
Outside Storage – Agricultural Equipment and Materials	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	<u>P</u>	P	P	P	P	P	P	P	P		
Storage Buildings, Sheds, Utility Buildings, and Greenhouses	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	P	P	P	P	P
Swimming Pool	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P		P			P		P

Notes: 1. As to the Rayonier and Smurfit Stone properties, permitted yard storage shall include process by-products and new or used process parts for use in or sale of by the mill".

2. Cremation Facilities shall be subject to the supplemental standards provided in Section 6.02.26

## **Chapter 6 Supplemental Standards:**

### **6.02.04 Automobile Repair, Garage, or Body Shop (renumbering to follow all categories)**

- A. An Automobile Repair, Garage or Body Shop is a permissible in the MU-8 zoning category as subject to the following supplemental standards.
1. All services performed by an automobile repair establishment, including repair, painting, and body work activities, shall be performed within a completely enclosed building which may contain overhead doors.
  2. No inoperative vehicles or used vehicle parts shall be stored outside of a fully enclosed building.
    - a. Inoperative vehicles may be parked for a period of no greater than 30 days.
  3. Outdoor storage of materials and equipment shall be prohibited.
  4. No merchandise shall be stored or displayed outside a building except those on moveable display racks that must be stored inside after hours of operation.
  5. Vehicle service bays shall be oriented away from 8<sup>th</sup> street.

### **6.02.03 Auto Sales, New or Used (renumbering to follow all categories)**

- A. An Automobile agency is a permissible use in the MU-8 zoning category as subject to the following supplemental standards.
1. Automobile agencies must be located within a totally enclosed building.
  2. Exterior lighting may be used only to illuminate a building and its grounds for safety purposes. Lighting is not to be used as a form of advertising.
  3. No car shall be displayed or stored outdoors.
  4. No automobile preparation, mechanical or automobile body or other support services are offered onsite.

### **6.02.14 Gasoline Stations (renumbering to follow all categories)**

- A. A gasoline station is a permissible use in the MU-8 zoning category as subject to the following supplemental standards.
1. Gasoline pumps and pump islands shall not be located so that any part of a vehicle being served will extend into any public right-of-way or private drive used for access or egress.
  2. Gasoline pumps and pump islands shall not be built within 20 feet of a property line.
  3. Landscape strip of at least 2 feet shall be required beside the 6 foot pedestrian access easement.
  4. Storage tanks shall be located below grade.
  5. Outdoor lighting shall be directed and shielded to avoid direct illumination of any street or any lot zoned or used for residential uses.
  6. No inoperative vehicles or used vehicle parts shall be stored outside of a fully enclosed building.
    - i. Inoperative vehicles may be parked for a period of no greater than 30 days.
  7. Outdoor storage of materials and equipment shall be prohibited.

8. No merchandise shall be stored or displayed outside a building except those on moveable display racks that must be stored inside after hours of operation.

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

**Roll Call/Determination of Quorum**

**Board Members Present**

Mark Bennett, Vice-Chair  
Chris Occhuizzo  
Jon Lasserre  
Eric Lawrence (alternate)

Charles Rogers  
David Beal  
Chip Ross  
Jamie Morrill (alternate)

**Board Members Absent**

Judith Lane, Chair

**Others Present**

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

Member Morrill was seated as regular voting member for this meeting due to the absence of Chair Lane.

- 2.1 **Review and Approve April 13, 2016 Regular Meeting Minutes – A motion was made by Member Occhuizzo, seconded by Member Morrill, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

3. **New Business**

- 3.1. **PAB 2016-14: 8th Street (Comprehensive Plan Amendments, Large-Scale Future Land Use Map Amendments, Zoning Changes, and Land Development Code Amendments**

*City of Fernandina Beach (PAB CASE 2016-14), requesting a Comprehensive Plan Amendment in the Future Land Use Element to create a future land use category called 8<sup>th</sup> Street Small Area Mixed Use and requesting Land Development Code changes specific to the 8<sup>th</sup> Street Small Area by modifying Chapter 2: zoning districts and uses to add a zoning district called 8<sup>th</sup> Street Small Area Mixed Use (MU-8) , providing specific uses and accessory uses, and adding design standards in Chapter 4 and Chapter 6.*

**and**

*City of Fernandina Beach (PAB CASE 2016-14), requesting Large-Scale Future Land Use Map and Zoning Map Amendments for properties within the historic district located on S. 8<sup>th</sup> Street from General Commercial (GC) Land Use/ C-2 to Central Business District (CBD) Land Use/ C-3 Zoning and requesting amendments from General Commercial (GC) Land Use/ C-2 and C-1 Zoning, Medium Density Residential Land Use/ R-2 Zoning and Mixed Use (MU) Land Use/ MU-1 Zoning to a newly created land use and zoning category of 8<sup>th</sup> Street Mixed Use (MU8)/ MU-8 Zoning for non-historic district properties generally described as being located on S. 8<sup>th</sup> Street between Ash Street and Lime Street from 7<sup>th</sup> Street to the western half block of 10<sup>th</sup> Street, collectively totaling approximately 67 acres of land.*

Ms. Gibson explained this was one of the City's largest redevelopment strategies that has been looked at and one of the largest rezoning and land use change to a significant area of the commercial corridor known as 8<sup>th</sup> Street. She pointed out there were outreach events in January and February. She stated this was the first step within the formal process of moving forward these proposed changes, which then would

go to the City Commission and then to the State. She explained this was the first effort of several that will look at the City's commercial corridors as a way to gain economic investment and reinvestment in the community. She provided further details of the background of these proposed changes as contained in the PowerPoint presentation. She pointed out staff formed a working group with a number of stakeholders that included members of the public (real estate professional, architect, engineer, members of the Economic Development Board, etc.) to figure out which areas to look at and how to go about addressing commercial corridors. The working group utilized general surveys given to business owners and property owners along 8<sup>th</sup> Street as well as the general public. It was noted the group talked about numerous things including the concrete plant that was at 8<sup>th</sup> and Lime, trying to reduce trucks on 8<sup>th</sup> Street, and how to incentivize new development. Ms. Gibson explained after the working group's effort the PAB formed a subcommittee to review the streetscape materials along 8<sup>th</sup> Street. She briefly commented about the public outreach efforts to talk about the proposed changes (Farmer's Market in January, a walking tour in February, and open houses at the Golf Course Clubhouse, the Peck Center, and the Atlantic Recreation Center). She provided a recap of the survey results and the top desire was for a theme or vision, and landscaping was the biggest thing they took away from the survey. Included in the presentation were maps to illustrate the properties that would be part of the proposed new land uses and zoning. Ms. Gibson presented and briefly explained the renderings of what 8<sup>th</sup> Street and 9<sup>th</sup> Street could look like. She explained the PAB was considering changes that include a Comprehensive Plan Amendment to identify the land use and they were looking at as well as the large scale Land Use Map changes for both the conversion from C-2 to Central Business District as well to 8<sup>th</sup> Street Mixed Use Land Use and Zoning. She stated the board was also asked to look at Land Development Code (LDC) changes. She clarified there are four pieces (Comprehensive Plan, Land Use in the form of a map, LDC changes, and zoning map changes). She commented it was anticipated that the City Commission would hear the changes at their meeting on June 21<sup>st</sup> and then it would be sent to the State for their review. She pointed out after State review it comes back to the City Commission for second and final reading then at that point it is considered adopted. She stated that second reading was not anticipated until September.

The public hearing was opened at this time.

Ms. Reha London, 416 South 7<sup>th</sup> Street, inquired about the aesthetics for 7<sup>th</sup> Street. She pointed out there are businesses that extend from 8<sup>th</sup> Street to 7<sup>th</sup> Street. She commented the gentleman that purchased the building at 8<sup>th</sup> and Gum was doing a good job at making a lot of aesthetic improvements. She stated as you venture down towards Lime Street on 7<sup>th</sup> Street it seems that the aesthetics of the area are not paid attention to. She suggested consideration of aesthetics for businesses that extend from 8<sup>th</sup> Street to 7<sup>th</sup> Street as far as landscaping, etc. Ms. Gibson stated through the outreach staff heard the concern about the appearance of the properties on the backside. She explained one of the requirements related to how buildings are oriented they've included where there is a commercial or mixed use structure that extends the full block width that you have entrances that contain a secondary level façade that mirrors what you would find with the primary entrance. Ms. London inquired if the existing businesses would be expected to comply. Ms. Gibson replied nothing would be applied retroactively. She explained when businesses redevelop or new businesses come in that would be the point where staff would work with them to get compliance with these details. Ms. London expressed her concern with the proposed 45 foot height where it abuts the historic district and having it block the sun as well as dealing with the other aspects of a commercial building such as trash, etc. Ms. Gibson explained the intent was to make the height consistent with what is currently allowed on 8<sup>th</sup> Street today (45 feet). She stated this was to add to the ability to redevelop and invest in the property. She pointed out what staff heard from the working group was that they didn't want to see anything reduced or rights taken away from those property owners.

Ms. Mary Hesketh, 318 South 9<sup>th</sup> Street, expressed her concern with the 45 foot height limit along both sides of 9<sup>th</sup> Street, which could potentially have a 45 foot tall building next to a tiny residential home. She questioned why there couldn't be a lower height limit at least on the residential side. She noted there would not be Historic District Council (HDC) review and inquired if there would be another review for aesthetics. Ms. Gibson explained there is design review required for mixed use and commercial development that would go through the City's Technical Review Committee (TRC). She pointed out the intent is to be Centre Street like so there will be awnings and the articulation that you would typically find on Centre Street. Ms. Hesketh inquired if there would be metal buildings. Ms. Gibson stated there isn't a disallowance for metal buildings, but staff will want to see the windows, doors, the entry, etc. of how they look. Ms. Hesketh questioned the landscaping requirements being reduced to 10%. Ms. Gibson pointed out the building would have requirements for parking, stormwater, and landscaping so for those elements they end up exceeding that 10% quickly. Ms. Hesketh stated she would like to see more landscaping. She referred to no drive thru or exit on 8<sup>th</sup> Street and noted that means traffic would be off on 7<sup>th</sup> and 9<sup>th</sup> Streets. Ms. Gibson clarified that would be for a drive thru facility such as a dry cleaner or laundry service where they can't have their entry and exit directly onto 8<sup>th</sup> Street. There was some discussion about this and a review of on street parking opportunities. There was also some discussion about the screening requirements for a dumpster enclosure.

Ms. Hesketh commented when she purchased on 9<sup>th</sup> Street it was a very quiet little street and she didn't want it turned into the buffer from commercial to residential. She stated she would like for the character of the street to be quiet and residential and not have tons of traffic.

Member Occhuizzo questioned the thought behind reducing landscaping from 20% to 10%. Ms. Gibson replied it was the consistency with what the City has downtown as a requirement and to allow for a level of flexibility. Vice-Chair Bennett noted this encourages planters and roof top gardens, etc.

Ms. Laura Bresko, 908 South 9<sup>th</sup> Street, referred to the rendering and questioned who would be responsible for the landscaping area and sidewalk. Ms. Gibson replied the City and explained as part of the commercial redevelopment a developer would install some of the streetscape improvements. She pointed out first there would have to be an engineered design and concept for 9<sup>th</sup> Street (multi-use path, on street parking, planting strips, etc.) before anything is budgeted for the improvements. Ms. Bresko referred to on street parking and inquired if the street would be widened to accommodate that. Ms. Gibson commented in a lot of places today on 9<sup>th</sup> Street people seem to park within the public right-of-way so there appears to be a need for on street parking. She stated potentially there could be more formal on street parking as part of the design. There was also some discussion about setbacks, pedestrian access, and parking requirements per residential unit.

Ms. Ann Thomas, 402 Date Street, expressed her opinion that this proposal was going to ruin 7<sup>th</sup> Street and 9<sup>th</sup> Street. She expressed her hope the board would not recommend it to the City Commission without a lot more thought being given to it. She commented the idea you could go from 8<sup>th</sup> Street to 7<sup>th</sup> Street and have a secondary façade will ruin 7<sup>th</sup> Street and 9<sup>th</sup> Street. She stated she couldn't see how this could do anything other than ruin the character of those two streets. There was a brief discussion to clarify the portions of 7<sup>th</sup> Street and 9<sup>th</sup> Street that could potentially be impacted. It was explained when this area was looked at there were existing mixed use properties and there was a desire to see the same zoning applied across both sides of the street.

Ms. Thomas briefly commented about the idea of requiring alleyways to deal with trash. She explained that she thought this proposal needed more thought before it goes to the City Commission. Member Ross questioned what Ms. Thomas would do differently. Ms. Thomas replied if there is going to be a much

denser commercial corridor on 8<sup>th</sup> Street you need a wider sidewalk before you get to the property line they can build up to. She stated it is needed for pedestrian access, outdoor dining, and putting trees in. She commented you need a public space that amounts to something before you get to that 45 foot façade.

Vice-Chair Bennett pointed out the proposed 6 feet was within the property line and that does not include the right-of-way. Member Ross stated the right-of-way is 60 feet and often times the road is much less than that. It was noted that the current sidewalk was 5 feet wide, and there was further discussion about opening up the pedestrian area by creating a larger walkway. There was a review of the renderings and it was noted that this would not always be possible because of the current development pattern along 8<sup>th</sup> Street where the structures go right up to the property line today. Ms. Gibson pointed out the City has made a request to the FDOT that through their resurfacing project that they look at potentially including other elements (landscape and hardscape) to extend out the walkable surface area. She explained that 9<sup>th</sup> and 7<sup>th</sup> Streets would be context sensitive complete streets that account for all users of that roadway. There was further discussion about this.

Mr. Eric Bartelt, 3280 South Fletcher Avenue, commented along Centre Street between 6<sup>th</sup> and 7<sup>th</sup> there are trees that fit within that space. He explained he was involved in the streetscaping design, and noted there was a concern about development on 8<sup>th</sup> Street and its impact to 7<sup>th</sup> Street and 9<sup>th</sup> Street. He stated during the discussions was whether there could be a step down from 45 feet on 8<sup>th</sup> Street to 9<sup>th</sup> Street and 7<sup>th</sup> Street to something less than 45 feet. He commented maybe you have to build in that the buildings on 8<sup>th</sup> Street have to step down to match the scale of 7<sup>th</sup> and 9<sup>th</sup>.

Ms. Martha Dawson, 107 South 11<sup>th</sup> Street, questioned who would produce the taxes for all of this and whether the taxes would be raised for this. Vice-Chair Bennett explained that taxes are based on the assessment by the Nassau County Property Appraiser, and those with a homestead exemption their taxes can only go up 3% or the cost of living whichever is less. He pointed out there are limitations on increases in taxes, and the City and the County separately set a millage rate. Ms. Dawson inquired what would be done with Indigo Street, Gum Street, Jasmine Street, and Kelp Street. City Attorney Bach clarified the City was not doing any of those major changes, but the renderings are what it might look like in the future if the zoning is changed for some of these properties. She explained the City would continue to maintain the streets, but there is no plan for widening or doing public improvement projects. She provided further clarification of the intent of the proposed changes. There was further discussion about potential impact from redevelopment in the area, and it was noted Ms. Dawson's concern was the current lack of sidewalks and who would care for any improvements made. It was explained again that this process has been going on for over two years to gather input from the community, and that a public outreach campaign started in January 2016. There was some explanation that what was proposed was a plan for zoning for the future, and that new zoning would be shown once it was adopted by the City Commission.

Mr. Greg Roland, 302 South 7<sup>th</sup> Street, explained he attended a few meetings on this and had read through most of the documents. He commented there is a historic home that borders 8<sup>th</sup> Street so these new rules don't necessarily affect him personally, but would affect the traffic with the use of 7<sup>th</sup> Street to get around 8<sup>th</sup> Street. He stated when he walked along 9<sup>th</sup> Street this would change the character of 9<sup>th</sup> Street, and agreed with the idea of stepping down to 30 or 35 feet for the lots that border 9<sup>th</sup> Street and then you have residential on the eastern portion of 9<sup>th</sup> Street. He pointed out if you look north on 9<sup>th</sup> Street standing at Hickory you will see a beautiful tunnel of trees. He commented the City permitted a metal building at the corner of Indigo and 9<sup>th</sup> Street that was two-story, but expressed his concern that the workforce housing and things like that the City was hoping for would be bulldozed on 9<sup>th</sup> Street to make way for large scale development. He suggested there be some kind of transitional approach for the western portion of 9<sup>th</sup>

Street to protect the current neighborhood and to leave the eastern portion of 9<sup>th</sup> Street as residential. He provided further comments about this. There was some discussion about this suggestion and it was noted that the height restriction for MU-1 was 35 feet.

Ms. Marcia Allen, 603 South 10<sup>th</sup> Street, questioned if her property was part of this. Vice-Chair Bennett replied Ms. Allen's property was not part of this. Ms. Allen commented she was in favor of beautification.

Ms. Paula Clayton, 518 South 9<sup>th</sup> Street, stated it would take her another meeting to fully understand the whole concept. She explained she was in favor of rezoning and improving 8<sup>th</sup> Street, but concurred with Mr. Roland about leaving what is residential as residential. She inquired how these changes would affect the existing dwellings and what requirements would she have to meet. Member Ross replied it stays the same as long as you don't change anything. Ms. Clayton questioned if she could rebuild if her home burnt down. Ms. Gibson replied yes and explained it can be built to what it was previously. She pointed out Ms. Clayton would also have the flexibility to shift it closer to the street or further back. It was explained the work and effort to this point was in the direction of intensifying the mixed use that exists today (9<sup>th</sup> Street). It was noted this area has been zoned mixed use since 2004/2005.

Ms. Clayton requested clarification of a "complete street". Ms. Gibson stated it is a new term in transportation planning, and explained it is a street that provides amenities for all users not just a vehicle. She pointed out the focus for a long time when designing a road has been on the vehicles, and now the road needs to be designed to accommodate every user (bicyclists, pedestrians, parked vehicles, and vehicles).

Ms. Joan Cory, 408 Beech Street, expressed her concern about keeping the integrity of downtown residential streets. She related an example of a proposed restaurant that was going to back up to residential and have amplified music, and pointed out that type of thing was why people are touchy about having commercial backup too close to their residential street. She referred to the idea of bonuses and being able to go up to 55 feet, and expressed her opinion that would not be compatible at all. Ms. Gibson stated that language was not included. Ms. Cory referred to the idea of new businesses on 8<sup>th</sup> Street being able to use off-site parking to fulfill their parking requirements, and requested that parking be on the property. She commented she was a little concerned about design decisions like Centre Street, and stated a 12 foot ceiling might not be necessary for every kind of business. She pointed out iron fences are nice, but the City has also had businesses like Hot Paws that has a mural on it. She explained a mural program using professional artists submitting proposals could be a very exciting thing coming down 8<sup>th</sup> Street.

Mr. Harry Hill, 310 South 10<sup>th</sup> Street, questioned whether this landscaping would create blind spots. He pointed out downtown has a few blind spots. Ms. Gibson explained there are requirements for staff to evaluate visibility and it does apply to landscaping as well as parked vehicles.

Ms. Debbie Roland, 302 South 7<sup>th</sup> Street, expressed her concern that with the increase of density would increase the volume of cars and noise. She commented they are losing families in the neighborhoods downtown. She expressed her support of improvements on 8<sup>th</sup> Street, but was concerned about more commercial meaning more traffic and more noise for those that butt up to those streets. She pointed out it seems like people are using the side streets as a cut through. She commented it is very hard for the residents with homes on 8<sup>th</sup> Street to sell those homes, and sometimes with those on 7<sup>th</sup> Street because people can hear that 8<sup>th</sup> Street noise. Member Morrill briefly explained the increase in density was not to increase the opportunities for business, but rather to increase the opportunities for residential housing. He stated this was to allow creative housing options on 8<sup>th</sup> Street, and to do that density had to increase to

allow that. There was some discussion about the concerns Ms. Roland raised, and it was noted the City was trying to move toward more connectivity without cars. Ms. Gibson explained the City has gone to the FDOT to request center medians to break up the third lane, and that was being analyzed as part of the road resurfacing in 2018/2019. There was also a request for enhanced crosswalks at the existing intersections.

Member Ross commented at the other meetings the developers said what they need, and as a community if that is not what we want then 8<sup>th</sup> Street is going to stay the way 8<sup>th</sup> Street is. He stated part of the conflict is how to get something to happen on 8<sup>th</sup> Street, and explained he wished more people from the neighborhoods had come to the other meetings to have heard that.

Mr. Phil Scanlan, 1832 Village Court, pointed out he had attended many of the meetings, because he leads the Amelia Island Trail Development to create multiple use paths for pedestrians and bikes. He stated he would like to see more access to downtown than we have. He commented the focus of this was to improve 8<sup>th</sup> Street rather than let it flow over to 7<sup>th</sup> and 9<sup>th</sup>. He concurred with the idea of having a step down to 9<sup>th</sup> Street. He expressed his appreciation for all the work that has been done on this.

Ms. Laura Bresko, 908 South 9<sup>th</sup> Street, questioned the relationship between right-of-way and setbacks. Vice-Chair Bennett explained the right-of-way belongs to the government. He stated within the rules of building there may be a setback imposed by City regulations, and related an example of a 10 foot setback where you wouldn't be able to build within the first 10 feet. There was some discussion to clarify that the right-of-way may be larger than the existing roadbed (right-of-ways can be 30 feet or 60 feet).

Ms. Bresko requested the City to retain trees if possible. Ms. Gibson explained when street improvements are made trees are considered as part of any roadway improvements, and the City tries to retain wherever possible. There was a brief discussion about ways to locate property lines.

Ms. Bresko explained her concern was looking at the backside of a building including the parking, dumpsters, etc. She also expressed her concern with increased pests or vagrancy opportunities. She questioned why 9<sup>th</sup> Street couldn't be developed out as its own equally lovely business corridor rather than just the backside of the development for 8<sup>th</sup> Street. Ms. Gibson replied there was nothing preventing that from occurring.

Member Occhuizzo noted that the early meetings about this the people were laying out what they needed to make it work, but what he was hearing tonight was a fear of the possible collision between commercial and residential. He stated the City has to be very aware of opening the commercial door, because he has seen commercial go out of control. He suggested listening to more people and considering more options. Vice-Chair Bennett pointed out that area right now can be developed commercially. He explained initially in the discussions you had to have residential development if you wanted this area to prosper and change. Member Lasserre noted that MU-8 allows more intensive commercial development than MU-1. He commented with trying to improve 8<sup>th</sup> Street and only having 100 feet on either side doesn't work. He stated this was an effort to change that and you have to have uses that would work along 8<sup>th</sup> Street. He concurred with Member Occhuizzo that it may need a little more thought or recommend approval with a change. There was some discussion about ways to proceed including the idea to refine it to be only residential on the east side of 9<sup>th</sup> Street to be compatible with what is behind it.

Ms. Annette Modeste, 410 South 10<sup>th</sup> Street, commented she has lived in countries where this has been done with residential and commercial. She stated they take more control of the material that is used as well as fence heights. She explained commercial is mixed with residential and sometimes you have to

really look to find the commercial amongst the residential. She pointed out it can be blended beautifully along with the commercial if they look more alike. Vice-Chair Bennett commented the idea was to have a mix so you didn't have just a big apartment project and that was it. He stated he didn't know that this would go to very large developments, but there are a number of owners that may decide to stay with their house or build another house.

Ms. Laura Bresko explained as a property owner she would not be in favor of the zoning being changed back to R-2 from MU-1, because she doesn't know how the corridor is going to go or who is going to develop what. She stated if the zoning is limited then the property values are going to end up declining. There was a brief discussion about this.

The public hearing was closed at this time.

Member Beal inquired if staff could think of a corridor like this where a transition has occurred. Ms. Gibson replied in Tallahassee along Game Street is one of the examples that was used as a reference and a tool to help shape the development standards. She stated it has been very successful up to this point. She explained it runs between Florida State and the Capital complex and other State buildings. Member Beal referred to the calming of traffic and inquired if that was in the hands of the FDOT. Ms. Gibson replied yes and explained the City Manager wrote a letter to the FDOT requesting that as part of their engineering and analysis for the repaving project of 8<sup>th</sup> Street that they consider hardscape elements, streetscape elements, including crosswalks, and landscape medians. She stated FDOT is analyzing it as context sensitive complete street rather than just engineering to serve the vehicle. Member Beal referred to parking and questioned if 10 spaces are required do all 10 spaces have to be onsite or could they be a block away. Ms. Gibson replied the code today has parking requirements, but there are also areas for parking flexibility so you aren't over improving spaces where they may be shared with an adjoining space. She explained there is the ability to have shared parking agreements as well as an ability to valet the parking to meet the minimum standards. She stated up to 10% of the parking could be met with parking on street or in another City provided parking facility, which was only once you've exhausted all flexibility options. There was some discussion about this and some discussion about what 18 units an acre could look like.

Member Beal questioned if it could be figured out whether a 14 unit building with a restaurant could fit on the half block. Ms. Gibson reported she would have to work with an engineer and architect to analyze that. She commented she didn't see how on that half block you wouldn't be able to achieve that kind of development. She stated given the parking needs she thought you would need at least a quarter of a block to get the kind of design that you are thinking about. Member Beal inquired if there was an overall theme or development style that would be encouraged. Ms. Gibson replied there was not a theme that was arrived at through the discussions at the working group level or the PAB level. She pointed out it was intended to be open and flexible. She explained there are design features built into the code that avoid having blank walls. Member Beal noted the CRA has a stepped design. Ms. Gibson replied that could be built into the LDC requirements for this, and it can be specific to those that back up to 7<sup>th</sup> Street or 9<sup>th</sup> Street. Member Beal noted a building fronting 8<sup>th</sup> Street could be just residential or mixed use. He inquired about a building fronting 9<sup>th</sup> Street that doesn't go all the way through to 8<sup>th</sup> Street. Ms. Gibson replied it could be mixed use, it could be residential, or it could be commercial.

Member Lawrence questioned how the Property Appraiser would look at this as far as land values when the properties are rezoned. Member Beal commented that zoning plays a big role and nearby sales play a role, which is a foundation of the value estimates. He explained as properties start to transition it is based on highest and best use and what zoning is. There was a brief discussion about how this would affect

land values, and it was noted the State has rules in place that homestead properties can only be increased by a certain amount each year. Commercial property can only be increased by 10% per year. Appeals can be made to the value adjustment board.

Member Morrill commented there is some value to expanding MU-8 zoning area to include the west side of 9<sup>th</sup> Street and the east side of 7<sup>th</sup> Street. He noted there is a downside to the people on the east side of 9<sup>th</sup> Street and the west side of 7<sup>th</sup> Street. He clarified it was the abruptness of the extension of the 45 foot allowance. He agreed with the idea of a step down to something closer to what is allowed now or something less. Vice-Chair Bennett explained there was discussion about south of Fir on 7<sup>th</sup> Street that the dynamics of the area south (businesses that go all the way through) is much different than to the north (historic houses). He commented the idea was allow a variety of residential rather than saying a multi-family building or a big apartment complex. Member Morrill noted during the meetings the appeal was increasing the density along the 8<sup>th</sup> Street corridor. He stated the 45 foot allowance being extended into the west side of 9<sup>th</sup> Street and the east side of 7<sup>th</sup> Street wasn't critical to development. He suggested the 45 foot allowance go back to 35 foot allowance for those streets. There was further discussion about prior discussions at the previous meetings and it was noted that at 45 feet projects are feasible. The board had further discussion about how to proceed with the proposed amendments. It was noted that mechanical equipment on the roof are to have a parapet of up to 42 inches to attempt to screen that equipment. The board had some discussion about mechanical equipment. It was pointed out during the discussions property owners along 8<sup>th</sup> Street wanted to keep their commercial ability and they wanted residential added in a meaningful way so they could create a housing product that people would want to live in. There was a brief discussion about the current height limits in various zoning categories. It was noted there were concerns raised about 45 feet for buildings abutting an R-2 district. **A motion was made by Member Morrill, seconded by Member Lasserre, to have a restriction of 35 feet for properties abutting any residentially zoned area.** Member Lasserre suggested it say any residential property, because it could be R-1 or R-3 down the road. He stated it would be like a buffer between commercial and the residential zone. Member Morrill amended his motion to reflect the restriction would be for any property abutting any residentially zoned area rather than just R-2. Member Lasserre concurred with the amended motion. Member Ross commented he would like to defer any final action on this to have at least one more meeting to hash out these details. He stated he needed time to look at this map carefully and then take a walk again. Member Occhuizzo suggested amending 5(a)(2) to not exceed 35 feet with the parapet. Vice-Chair Bennett explained back in 2004/2005 it was apparent that you have things that don't fit in the building, and would only fit on the roof. He pointed out you have to make allowances for that. He commented they heard that the 45 foot height was almost critical if you want to have some residential development and mixed use development on 8<sup>th</sup> Street. He noted the motion was to make only this one change. Member Ross explained he would vote against this, because he didn't think this was thought through. He stated he would like to look at mechanicals and how that works with them going on top of roofs. Vice-Chair Bennett paraphrased the change as any property within this proposed development abutting a residential zoned area would have a maximum height of 35 feet. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

<b>Member Occhuizzo:</b>	<b>Aye</b>
<b>Member Rogers:</b>	<b>Aye</b>
<b>Member Beal:</b>	<b>Aye</b>
<b>Member Lasserre:</b>	<b>Aye</b>
<b>Member Ross:</b>	<b>Nay</b>
<b>Member Morrill:</b>	<b>Aye</b>
<b>Vice-Chair Bennett:</b>	<b>Aye</b>

**Motion carried.**

After some discussion about how to proceed, it was noted if a recommendation was made on this that it would go before the City Commission on June 21<sup>st</sup>. Ms. Gibson pointed out the documents the PAB was reviewing have been in this form with the exception of one small change to incorporate public comments since January 2016. **A motion was made by Member Morrill, seconded by Member Rogers, to approve this plan as amended and send it on to the City Commission.** Member Ross explained he would vote against this because he thought it needed more tweaking. Member Beal commented there is a lot of information that the board would be voting to approve as is. Member Occhuizzo noted there would be two readings in front of the City Commission, and questioned if during those readings could it be wordsmithed or was it pretty much set in stone when it goes to them. City Attorney Bach replied technically you can do that, but she didn't think the City Commission would make wordsmith changes at the Commission meeting unless it was a minor point. She explained if the City Commission had concerns she would advise them to remand it back to the PAB for more work. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

<b>Member Occhuizzo:</b>	<b>Nay</b>
<b>Member Rogers:</b>	<b>Aye</b>
<b>Member Beal:</b>	<b>Aye</b>
<b>Member Lasserre:</b>	<b>Nay</b>
<b>Member Ross:</b>	<b>Nay</b>
<b>Member Morrill:</b>	<b>Aye</b>
<b>Vice-Chair Bennett:</b>	<b>Aye</b>

**Motion carried.**

It was noted that staff would provide a clean copy of what was approved on the City's website.

4. **Board Business** – There were no items for discussion under Board Business.
5. **Staff Report** – There were no additional staff comments at this time.
6. **Comments by the public** – Ms. Laura Bresko commented the way this was written it doesn't affect the west side of 9<sup>th</sup> Street it only affects the east side of 9<sup>th</sup> Street, because that is the only thing that abuts R-2. She pointed out the west side of 9<sup>th</sup> Street abuts MU-1 so that amendment doesn't fix the problems. She expressed her thanks for trying.
7. **Adjournment** - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:30 pm.

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Secretary

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Judith Lane, Chair

NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, October 4, 2016, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

**ORDINANCE 2016-13**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE COMPREHENSIVE PLAN TO ADD A NEW FUTURE LAND USE ELEMENT FOR THE 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU8) AS POLICY 1.07.08 AND RENUMBERING THE FOLLOWING SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2016-14**

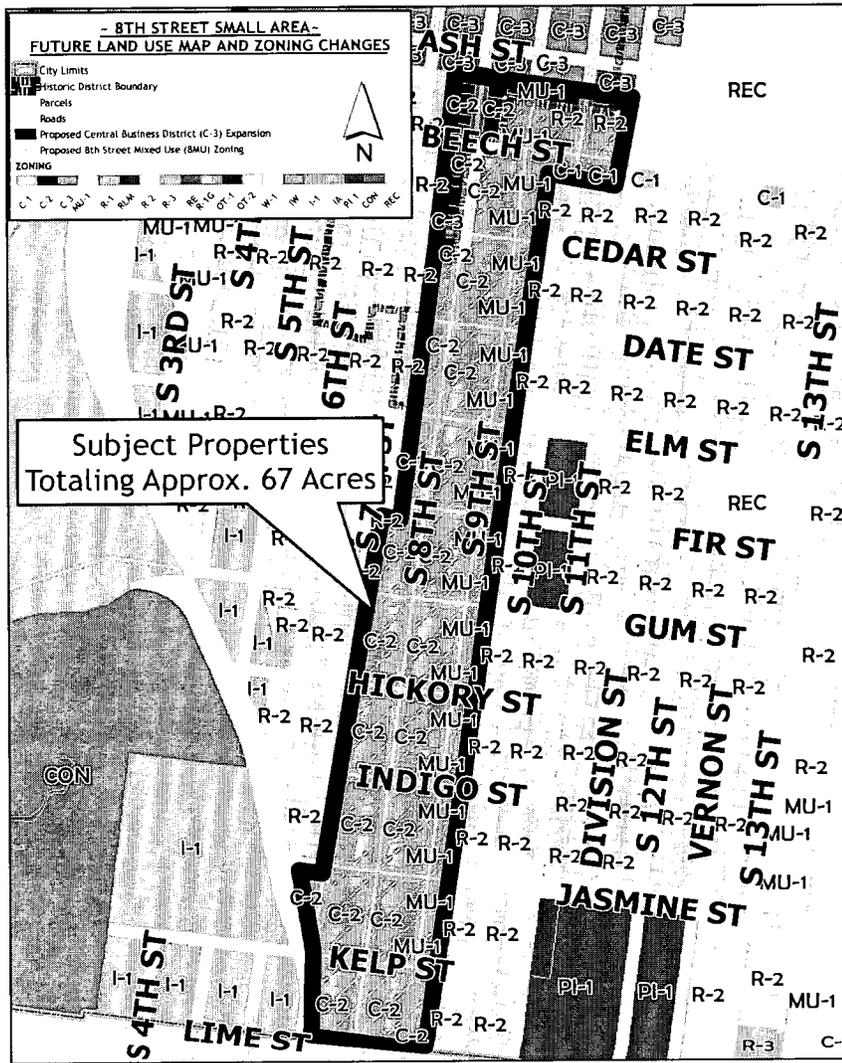
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC), MIXED USE (MU), MEDIUM DENSITY RESIDENTIAL (MDR) TO 8<sup>TH</sup> STREET SMALL AREA MIXED USE (8MU) AND CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES INCLUDED IN THE 8<sup>TH</sup> STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2016-15**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE TO INCLUDE SPECIFIC CHANGES FOR THE 8<sup>TH</sup> STREET SMALL AREA BY MODIFYING CHAPTER 2: ZONING DISTRICTS AND USES TO ADD A ZONING DISTRICT CALLED 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU-8), PROVIDING SPECIFIC USES AND ACCESSORY USES, AND ADDING DESIGN STANDARDS IN CHAPTER 4 AND CHAPTER 6 AND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2016-16**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP FROM GENERAL COMMERCIAL (C-2), MIXED USE (MU-1), MEDIUM DENSITY RESIDENTIAL (R-2) TO 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU-8) AND CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES INCLUDED IN THE 8<sup>TH</sup> STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the applications with description by metes and bounds and the ordinance can be obtained in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk’s Office at 310-3115.

*Note:*

***Please run as a DISPLAY in the September 21, 2016 edition of the News Leader.***

***Please send proof of publication to:***  
*City Clerk’s Office*  
*City Hall, 204 Ash Street*  
*Fernandina Beach, FL 32034*  
*904-310-3115*

September 21, 2016 Newsleader Edition



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CITY OF FERNANDINA BEACH

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**ORDINANCE 2016-14**

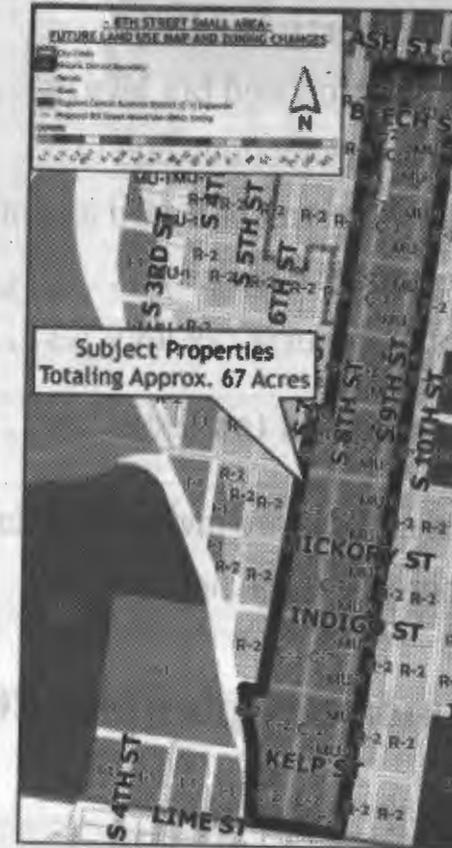
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CITY COMMISSION AGENDA ITEM  
City of Fernandina Beach



SUBJECT: **Ordinance 2016-16**  
Zoning Map Changes for 8<sup>th</sup> Street Small Area

ITEM TYPE:  Ordinance  Resolution  Other  
 Proclamation  Presentation

REQUESTED ACTION: **Approve Ordinance 2016-16 at Second Reading.**

SYNOPSIS: As is consistent with the Comprehensive Plan’s policy direction to focus efforts on redevelopment strategies of the City’s primary commercial corridors, staff along with stakeholders have worked towards the creation of a revitalization approach for the 8<sup>th</sup> Street corridor since 2014. Information pertaining to all efforts may be located at [www.fbfl.us/8thStreet](http://www.fbfl.us/8thStreet) and within the 8th Street Small Area Plan document which serves to provide support data and documentation of efforts.

Planning staff recommends approval of the requested amendments. The Planning Advisory Board considered the amendments at a public hearing on May 24, 2016 and issued a recommendation of approval by a vote of 4-3.

This Ordinance was approved by the City Commission at First Reading on July 5, 2016. It has been held pending State review of the associated Comprehensive Plan amendments. Staff requests its approval at Second Reading as a companion piece to the Comprehensive Plan amendments.

FISCAL IMPACT: None.

2016/2017 CITY COMMISSION GOALS: (As approved by Resolution 2016-51)  
 Beach Safety  Alachua Street  
 Soccer Field Lighting  Stormwater  
 Downtown Density  Opportunity  
 ADA Improvements  Departmental  
 Consideration

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-15 at Second Reading. *DM*

DEPARTMENT DIRECTOR Submitted by: Marshall McCrary, *MM* Date: 9/16/16  
CDD Director

CONTROLLER Approved as to Budget Compliance Date:  
CITY ATTORNEY Approved as to Form and Legality *TEB* Date: 9/23/16

CITY MANAGER Approved Agenda Item for 10/4/16 *DM* Date: 9/16/16

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

ORDINANCE 2016-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP FROM GENERAL COMMERCIAL (C-2), MIXED USE (MU-1), MEDIUM DENSITY RESIDENTIAL (R-2) TO 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU-8) AND CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES INCLUDED IN THE 8<sup>TH</sup> STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, since 2014 the City has gathered a working group of stakeholders interested in 8<sup>th</sup> Street revitalization to determine potential solutions for the corridor; and

WHEREAS, the working group established the following goal statement of creating "A vibrant and welcoming mixed-use corridor with a unified attractive visual character that serves as a gateway and connects to the history and character of Downtown Fernandina Beach"; and

WHEREAS, the Planning Advisory Board (PAB) established a subcommittee between June and November 2015 to determine a logical regulatory strategy towards achieving the working group's established goal and recommended solutions; and

WHEREAS, City Planning staff established a Public Involvement Program which included, a kick-off meeting where all stakeholders were invited, input gathering at the local farmer's market, property owner and business owner outreach via postcards to advertise upcoming outreach efforts and public comment opportunities, held three public houses throughout the City, and organized a walking tour along S. 8<sup>th</sup> Street; and

WHEREAS, staff considered all public input gathered from the various outreach efforts and incorporated changes in the proposed amendments for presentation to the PAB; and

WHEREAS, the PAB acting as the designated Local Planning Agency, has reviewed and held a public hearing on May 24, 2016, advertised in a newspaper of local circulation on May 11, 2016, and rendered its final recommendation to approved the requested amendments with a minor change by a 4-3 vote.

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

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Zoning Map are located within the 8<sup>th</sup> Street Small Area (Exhibit "A"), totaling approximately 67 acres, and as shown on the map attached hereto as Exhibit "A".

SECTION 2. ZONING MAP CHANGE. For the property in question, the City's Zoning Map is hereby changed to Central Business District (C-3) and 8<sup>th</sup> Street Mixed Use (MU-8)

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.

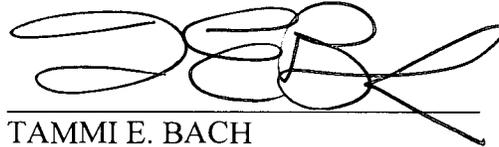
ADOPTED this 4<sup>th</sup> day of October, 2016.

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 2016-16  
EXHIBIT "A"

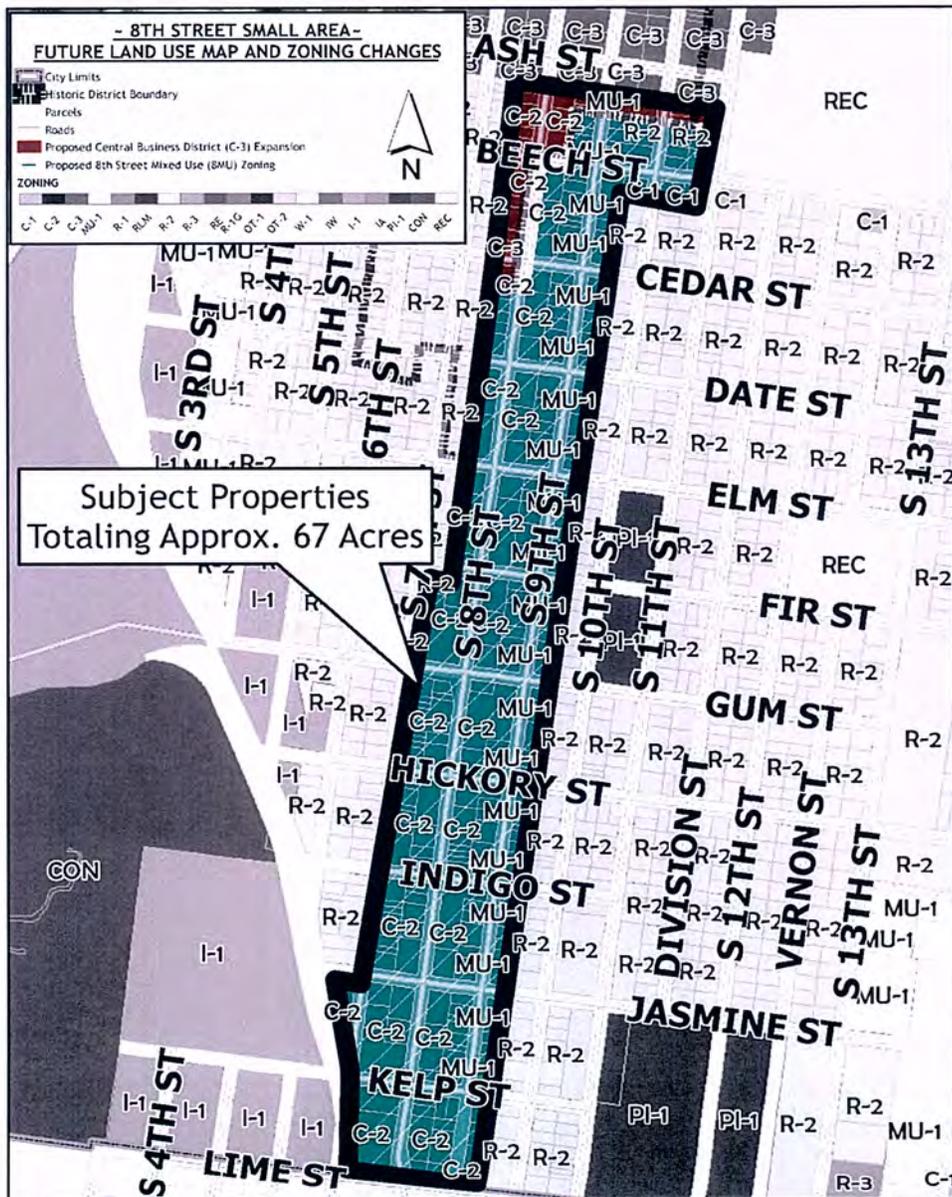
**General Description of Zoning Map Amendments Locations:**

**8<sup>th</sup> Street Small Area Mixed Use (MU-8):**

The only area where the 8<sup>th</sup> Street small area land use (MU-8) is permissible are those properties located along the southern half (1/2) of the Ash Street Block extending to non-historic district properties on the fronting Beech Street and along the eastern half (1/2) block of 9<sup>th</sup> Street on the northern extent of the corridor. Then, extending along eastern half block of 8<sup>th</sup> Street to the western half block of 9<sup>th</sup> Street between Beech Street and properties just south of Cedar Street and continuing along the eastern half block of 8<sup>th</sup> Street to the western half block of 9<sup>th</sup> Street between Cedar Street and Fir Street. Finally, extending south on Fir Street for the entire block width between 7<sup>th</sup> and the western half block of 9<sup>th</sup> Street, terminating at Lime Street.

**Central Business District (C-3):**

Properties located within the designated Historic District currently containing a Future Land Use Map Category of Medium Density Residential, General Commercial, or Mixed Use bordering S. 8<sup>th</sup> Street between Ash Street and Cedar Streets.



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

**Roll Call/Determination of Quorum**

**Board Members Present**

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

**Board Members Absent**

Judith Lane, Chair

**Others Present**

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

Member Morrill was seated as regular voting member for this meeting due to the absence of Chair Lane.

**2.1 Review and Approve April 13, 2016 Regular Meeting Minutes – A motion was made by Member Occhuizzo, seconded by Member Morrill, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

**3. New Business**

**3.1. PAB 2016-14: 8th Street (Comprehensive Plan Amendments, Large-Scale Future Land Use Map Amendments, Zoning Changes, and Land Development Code Amendments**

*City of Fernandina Beach (PAB CASE 2016-14), requesting a Comprehensive Plan Amendment in the Future Land Use Element to create a future land use category called 8<sup>th</sup> Street Small Area Mixed Use and requesting Land Development Code changes specific to the 8<sup>th</sup> Street Small Area by modifying Chapter 2: zoning districts and uses to add a zoning district called 8<sup>th</sup> Street Small Area Mixed Use (MU-8) , providing specific uses and accessory uses, and adding design standards in Chapter 4 and Chapter 6.*

**and**

*City of Fernandina Beach (PAB CASE 2016-14), requesting Large-Scale Future Land Use Map and Zoning Map Amendments for properties within the historic district located on S. 8<sup>th</sup> Street from General Commercial (GC) Land Use/ C-2 to Central Business District (CBD) Land Use/ C-3 Zoning and requesting amendments from General Commercial (GC) Land Use/ C-2 and C-1 Zoning, Medium Density Residential Land Use/ R-2 Zoning and Mixed Use (MU) Land Use/ MU-1 Zoning to a newly created land use and zoning category of 8<sup>th</sup> Street Mixed Use (MU8)/ MU-8 Zoning for non-historic district properties generally described as being located on S. 8<sup>th</sup> Street between Ash Street and Lime Street from 7<sup>th</sup> Street to the western half block of 10<sup>th</sup> Street, collectively totaling approximately 67 acres of land.*

Ms. Gibson explained this was one of the City’s largest redevelopment strategies that has been looked at and one of the largest rezoning and land use change to a significant area of the commercial corridor known as 8<sup>th</sup> Street. She pointed out there were outreach events in January and February. She stated this was the first step within the formal process of moving forward these proposed changes, which then would

go to the City Commission and then to the State. She explained this was the first effort of several that will look at the City's commercial corridors as a way to gain economic investment and reinvestment in the community. She provided further details of the background of these proposed changes as contained in the PowerPoint presentation. She pointed out staff formed a working group with a number of stakeholders that included members of the public (real estate professional, architect, engineer, members of the Economic Development Board, etc.) to figure out which areas to look at and how to go about addressing commercial corridors. The working group utilized general surveys given to business owners and property owners along 8<sup>th</sup> Street as well as the general public. It was noted the group talked about numerous things including the concrete plant that was at 8<sup>th</sup> and Lime, trying to reduce trucks on 8<sup>th</sup> Street, and how to incentivize new development. Ms. Gibson explained after the working group's effort the PAB formed a subcommittee to review the streetscape materials along 8<sup>th</sup> Street. She briefly commented about the public outreach efforts to talk about the proposed changes (Farmer's Market in January, a walking tour in February, and open houses at the Golf Course Clubhouse, the Peck Center, and the Atlantic Recreation Center). She provided a recap of the survey results and the top desire was for a theme or vision, and landscaping was the biggest thing they took away from the survey. Included in the presentation were maps to illustrate the properties that would be part of the proposed new land uses and zoning. Ms. Gibson presented and briefly explained the renderings of what 8<sup>th</sup> Street and 9<sup>th</sup> Street could look like. She explained the PAB was considering changes that include a Comprehensive Plan Amendment to identify the land use and they were looking at as well as the large scale Land Use Map changes for both the conversion from C-2 to Central Business District as well to 8<sup>th</sup> Street Mixed Use Land Use and Zoning. She stated the board was also asked to look at Land Development Code (LDC) changes. She clarified there are four pieces (Comprehensive Plan, Land Use in the form of a map, LDC changes, and zoning map changes). She commented it was anticipated that the City Commission would hear the changes at their meeting on June 21<sup>st</sup> and then it would be sent to the State for their review. She pointed out after State review it comes back to the City Commission for second and final reading then at that point it is considered adopted. She stated that second reading was not anticipated until September.

The public hearing was opened at this time.

Ms. Reha London, 416 South 7<sup>th</sup> Street, inquired about the aesthetics for 7<sup>th</sup> Street. She pointed out there are businesses that extend from 8<sup>th</sup> Street to 7<sup>th</sup> Street. She commented the gentleman that purchased the building at 8<sup>th</sup> and Gum was doing a good job at making a lot of aesthetic improvements. She stated as you venture down towards Lime Street on 7<sup>th</sup> Street it seems that the aesthetics of the area are not paid attention to. She suggested consideration of aesthetics for businesses that extend from 8<sup>th</sup> Street to 7<sup>th</sup> Street as far as landscaping, etc. Ms. Gibson stated through the outreach staff heard the concern about the appearance of the properties on the backside. She explained one of the requirements related to how buildings are oriented they've included where there is a commercial or mixed use structure that extends the full block width that you have entrances that contain a secondary level façade that mirrors what you would find with the primary entrance. Ms. London inquired if the existing businesses would be expected to comply. Ms. Gibson replied nothing would be applied retroactively. She explained when businesses redevelop or new businesses come in that would be the point where staff would work with them to get compliance with these details. Ms. London expressed her concern with the proposed 45 foot height where it abuts the historic district and having it block the sun as well as dealing with the other aspects of a commercial building such as trash, etc. Ms. Gibson explained the intent was to make the height consistent with what is currently allowed on 8<sup>th</sup> Street today (45 feet). She stated this was to add to the ability to redevelop and invest in the property. She pointed out what staff heard from the working group was that they didn't want to see anything reduced or rights taken away from those property owners.

Ms. Mary Hesketh, 318 South 9<sup>th</sup> Street, expressed her concern with the 45 foot height limit along both sides of 9<sup>th</sup> Street, which could potentially have a 45 foot tall building next to a tiny residential home. She questioned why there couldn't be a lower height limit at least on the residential side. She noted there would not be Historic District Council (HDC) review and inquired if there would be another review for aesthetics. Ms. Gibson explained there is design review required for mixed use and commercial development that would go through the City's Technical Review Committee (TRC). She pointed out the intent is to be Centre Street like so there will be awnings and the articulation that you would typically find on Centre Street. Ms. Hesketh inquired if there would be metal buildings. Ms. Gibson stated there isn't a disallowance for metal buildings, but staff will want to see the windows, doors, the entry, etc. of how they look. Ms. Hesketh questioned the landscaping requirements being reduced to 10%. Ms. Gibson pointed out the building would have requirements for parking, stormwater, and landscaping so for those elements they end up exceeding that 10% quickly. Ms. Hesketh stated she would like to see more landscaping. She referred to no drive thru or exit on 8<sup>th</sup> Street and noted that means traffic would be off on 7<sup>th</sup> and 9<sup>th</sup> Streets. Ms. Gibson clarified that would be for a drive thru facility such as a dry cleaner or laundry service where they can't have their entry and exit directly onto 8<sup>th</sup> Street. There was some discussion about this and a review of on street parking opportunities. There was also some discussion about the screening requirements for a dumpster enclosure.

Ms. Hesketh commented when she purchased on 9<sup>th</sup> Street it was a very quiet little street and she didn't want it turned into the buffer from commercial to residential. She stated she would like for the character of the street to be quiet and residential and not have tons of traffic.

Member Occhuizzo questioned the thought behind reducing landscaping from 20% to 10%. Ms. Gibson replied it was the consistency with what the City has downtown as a requirement and to allow for a level of flexibility. Vice-Chair Bennett noted this encourages planters and roof top gardens, etc.

Ms. Laura Bresko, 908 South 9<sup>th</sup> Street, referred to the rendering and questioned who would be responsible for the landscaping area and sidewalk. Ms. Gibson replied the City and explained as part of the commercial redevelopment a developer would install some of the streetscape improvements. She pointed out first there would have to be an engineered design and concept for 9<sup>th</sup> Street (multi-use path, on street parking, planting strips, etc.) before anything is budgeted for the improvements. Ms. Bresko referred to on street parking and inquired if the street would be widened to accommodate that. Ms. Gibson commented in a lot of places today on 9<sup>th</sup> Street people seem to park within the public right-of-way so there appears to be a need for on street parking. She stated potentially there could be more formal on street parking as part of the design. There was also some discussion about setbacks, pedestrian access, and parking requirements per residential unit.

Ms. Ann Thomas, 402 Date Street, expressed her opinion that this proposal was going to ruin 7<sup>th</sup> Street and 9<sup>th</sup> Street. She expressed her hope the board would not recommend it to the City Commission without a lot more thought being given to it. She commented the idea you could go from 8<sup>th</sup> Street to 7<sup>th</sup> Street and have a secondary façade will ruin 7<sup>th</sup> Street and 9<sup>th</sup> Street. She stated she couldn't see how this could do anything other than ruin the character of those two streets. There was a brief discussion to clarify the portions of 7<sup>th</sup> Street and 9<sup>th</sup> Street that could potentially be impacted. It was explained when this area was looked at there were existing mixed use properties and there was a desire to see the same zoning applied across both sides of the street.

Ms. Thomas briefly commented about the idea of requiring alleyways to deal with trash. She explained that she thought this proposal needed more thought before it goes to the City Commission. Member Ross questioned what Ms. Thomas would do differently. Ms. Thomas replied if there is going to be a much

denser commercial corridor on 8<sup>th</sup> Street you need a wider sidewalk before you get to the property line they can build up to. She stated it is needed for pedestrian access, outdoor dining, and putting trees in. She commented you need a public space that amounts to something before you get to that 45 foot façade.

Vice-Chair Bennett pointed out the proposed 6 feet was within the property line and that does not include the right-of-way. Member Ross stated the right-of-way is 60 feet and often times the road is much less than that. It was noted that the current sidewalk was 5 feet wide, and there was further discussion about opening up the pedestrian area by creating a larger walkway. There was a review of the renderings and it was noted that this would not always be possible because of the current development pattern along 8<sup>th</sup> Street where the structures go right up to the property line today. Ms. Gibson pointed out the City has made a request to the FDOT that through their resurfacing project that they look at potentially including other elements (landscape and hardscape) to extend out the walkable surface area. She explained that 9<sup>th</sup> and 7<sup>th</sup> Streets would be context sensitive complete streets that account for all users of that roadway. There was further discussion about this.

Mr. Eric Bartelt, 3280 South Fletcher Avenue, commented along Centre Street between 6<sup>th</sup> and 7<sup>th</sup> there are trees that fit within that space. He explained he was involved in the streetscaping design, and noted there was a concern about development on 8<sup>th</sup> Street and its impact to 7<sup>th</sup> Street and 9<sup>th</sup> Street. He stated during the discussions was whether there could be a step down from 45 feet on 8<sup>th</sup> Street to 9<sup>th</sup> Street and 7<sup>th</sup> Street to something less than 45 feet. He commented maybe you have to build in that the buildings on 8<sup>th</sup> Street have to step down to match the scale of 7<sup>th</sup> and 9<sup>th</sup>.

Ms. Martha Dawson, 107 South 11<sup>th</sup> Street, questioned who would produce the taxes for all of this and whether the taxes would be raised for this. Vice-Chair Bennett explained that taxes are based on the assessment by the Nassau County Property Appraiser, and those with a homestead exemption their taxes can only go up 3% or the cost of living whichever is less. He pointed out there are limitations on increases in taxes, and the City and the County separately set a millage rate. Ms. Dawson inquired what would be done with Indigo Street, Gum Street, Jasmine Street, and Kelp Street. City Attorney Bach clarified the City was not doing any of those major changes, but the renderings are what it might look like in the future if the zoning is changed for some of these properties. She explained the City would continue to maintain the streets, but there is no plan for widening or doing public improvement projects. She provided further clarification of the intent of the proposed changes. There was further discussion about potential impact from redevelopment in the area, and it was noted Ms. Dawson's concern was the current lack of sidewalks and who would care for any improvements made. It was explained again that this process has been going on for over two years to gather input from the community, and that a public outreach campaign started in January 2016. There was some explanation that what was proposed was a plan for zoning for the future, and that new zoning would be shown once it was adopted by the City Commission.

Mr. Greg Roland, 302 South 7<sup>th</sup> Street, explained he attended a few meetings on this and had read through most of the documents. He commented there is a historic home that borders 8<sup>th</sup> Street so these new rules don't necessarily affect him personally, but would affect the traffic with the use of 7<sup>th</sup> Street to get around 8<sup>th</sup> Street. He stated when he walked along 9<sup>th</sup> Street this would change the character of 9<sup>th</sup> Street, and agreed with the idea of stepping down to 30 or 35 feet for the lots that border 9<sup>th</sup> Street and then you have residential on the eastern portion of 9<sup>th</sup> Street. He pointed out if you look north on 9<sup>th</sup> Street standing at Hickory you will see a beautiful tunnel of trees. He commented the City permitted a metal building at the corner of Indigo and 9<sup>th</sup> Street that was two-story, but expressed his concern that the workforce housing and things like that the City was hoping for would be bulldozed on 9<sup>th</sup> Street to make way for large scale development. He suggested there be some kind of transitional approach for the western portion of 9<sup>th</sup>

Street to protect the current neighborhood and to leave the eastern portion of 9<sup>th</sup> Street as residential. He provided further comments about this. There was some discussion about this suggestion and it was noted that the height restriction for MU-1 was 35 feet.

Ms. Marcia Allen, 603 South 10<sup>th</sup> Street, questioned if her property was part of this. Vice-Chair Bennett replied Ms. Allen's property was not part of this. Ms. Allen commented she was in favor of beautification.

Ms. Paula Clayton, 518 South 9<sup>th</sup> Street, stated it would take her another meeting to fully understand the whole concept. She explained she was in favor of rezoning and improving 8<sup>th</sup> Street, but concurred with Mr. Roland about leaving what is residential as residential. She inquired how these changes would affect the existing dwellings and what requirements would she have to meet. Member Ross replied it stays the same as long as you don't change anything. Ms. Clayton questioned if she could rebuild if her home burnt down. Ms. Gibson replied yes and explained it can be built to what it was previously. She pointed out Ms. Clayton would also have the flexibility to shift it closer to the street or further back. It was explained the work and effort to this point was in the direction of intensifying the mixed use that exists today (9<sup>th</sup> Street). It was noted this area has been zoned mixed use since 2004/2005.

Ms. Clayton requested clarification of a "complete street". Ms. Gibson stated it is a new term in transportation planning, and explained it is a street that provides amenities for all users not just a vehicle. She pointed out the focus for a long time when designing a road has been on the vehicles, and now the road needs to be designed to accommodate every user (bicyclists, pedestrians, parked vehicles, and vehicles).

Ms. Joan Cory, 408 Beech Street, expressed her concern about keeping the integrity of downtown residential streets. She related an example of a proposed restaurant that was going to back up to residential and have amplified music, and pointed out that type of thing was why people are touchy about having commercial backup too close to their residential street. She referred to the idea of bonuses and being able to go up to 55 feet, and expressed her opinion that would not be compatible at all. Ms. Gibson stated that language was not included. Ms. Cory referred to the idea of new businesses on 8<sup>th</sup> Street being able to use off-site parking to fulfill their parking requirements, and requested that parking be on the property. She commented she was a little concerned about design decisions like Centre Street, and stated a 12 foot ceiling might not be necessary for every kind of business. She pointed out iron fences are nice, but the City has also had businesses like Hot Paws that has a mural on it. She explained a mural program using professional artists submitting proposals could be a very exciting thing coming down 8<sup>th</sup> Street.

Mr. Harry Hill, 310 South 10<sup>th</sup> Street, questioned whether this landscaping would create blind spots. He pointed out downtown has a few blind spots. Ms. Gibson explained there are requirements for staff to evaluate visibility and it does apply to landscaping as well as parked vehicles.

Ms. Debbie Roland, 302 South 7<sup>th</sup> Street, expressed her concern that with the increase of density would increase the volume of cars and noise. She commented they are losing families in the neighborhoods downtown. She expressed her support of improvements on 8<sup>th</sup> Street, but was concerned about more commercial meaning more traffic and more noise for those that butt up to those streets. She pointed out it seems like people are using the side streets as a cut through. She commented it is very hard for the residents with homes on 8<sup>th</sup> Street to sell those homes, and sometimes with those on 7<sup>th</sup> Street because people can hear that 8<sup>th</sup> Street noise. Member Morrill briefly explained the increase in density was not to increase the opportunities for business, but rather to increase the opportunities for residential housing. He stated this was to allow creative housing options on 8<sup>th</sup> Street, and to do that density had to increase to

allow that. There was some discussion about the concerns Ms. Roland raised, and it was noted the City was trying to move toward more connectivity without cars. Ms. Gibson explained the City has gone to the FDOT to request center medians to break up the third lane, and that was being analyzed as part of the road resurfacing in 2018/2019. There was also a request for enhanced crosswalks at the existing intersections.

Member Ross commented at the other meetings the developers said what they need, and as a community if that is not what we want then 8<sup>th</sup> Street is going to stay the way 8<sup>th</sup> Street is. He stated part of the conflict is how to get something to happen on 8<sup>th</sup> Street, and explained he wished more people from the neighborhoods had come to the other meetings to have heard that.

Mr. Phil Scanlan, 1832 Village Court, pointed out he had attended many of the meetings, because he leads the Amelia Island Trail Development to create multiple use paths for pedestrians and bikes. He stated he would like to see more access to downtown than we have. He commented the focus of this was to improve 8<sup>th</sup> Street rather than let it flow over to 7<sup>th</sup> and 9<sup>th</sup>. He concurred with the idea of having a step down to 9<sup>th</sup> Street. He expressed his appreciation for all the work that has been done on this.

Ms. Laura Bresko, 908 South 9<sup>th</sup> Street, questioned the relationship between right-of-way and setbacks. Vice-Chair Bennett explained the right-of-way belongs to the government. He stated within the rules of building there may be a setback imposed by City regulations, and related an example of a 10 foot setback where you wouldn't be able to build within the first 10 feet. There was some discussion to clarify that the right-of-way may be larger than the existing roadbed (right-of-ways can be 30 feet or 60 feet).

Ms. Bresko requested the City to retain trees if possible. Ms. Gibson explained when street improvements are made trees are considered as part of any roadway improvements, and the City tries to retain wherever possible. There was a brief discussion about ways to locate property lines.

Ms. Bresko explained her concern was looking at the backside of a building including the parking, dumpsters, etc. She also expressed her concern with increased pests or vagrancy opportunities. She questioned why 9<sup>th</sup> Street couldn't be developed out as its own equally lovely business corridor rather than just the backside of the development for 8<sup>th</sup> Street. Ms. Gibson replied there was nothing preventing that from occurring.

Member Occhuizzo noted that the early meetings about this the people were laying out what they needed to make it work, but what he was hearing tonight was a fear of the possible collision between commercial and residential. He stated the City has to be very aware of opening the commercial door, because he has seen commercial go out of control. He suggested listening to more people and considering more options. Vice-Chair Bennett pointed out that area right now can be developed commercially. He explained initially in the discussions you had to have residential development if you wanted this area to prosper and change. Member Lasserre noted that MU-8 allows more intensive commercial development than MU-1. He commented with trying to improve 8<sup>th</sup> Street and only having 100 feet on either side doesn't work. He stated this was an effort to change that and you have to have uses that would work along 8<sup>th</sup> Street. He concurred with Member Occhuizzo that it may need a little more thought or recommend approval with a change. There was some discussion about ways to proceed including the idea to refine it to be only residential on the east side of 9<sup>th</sup> Street to be compatible with what is behind it.

Ms. Annette Modeste, 410 South 10<sup>th</sup> Street, commented she has lived in countries where this has been done with residential and commercial. She stated they take more control of the material that is used as well as fence heights. She explained commercial is mixed with residential and sometimes you have to

really look to find the commercial amongst the residential. She pointed out it can be blended beautifully along with the commercial if they look more alike. Vice-Chair Bennett commented the idea was to have a mix so you didn't have just a big apartment project and that was it. He stated he didn't know that this would go to very large developments, but there are a number of owners that may decide to stay with their house or build another house.

Ms. Laura Bresko explained as a property owner she would not be in favor of the zoning being changed back to R-2 from MU-1, because she doesn't know how the corridor is going to go or who is going to develop what. She stated if the zoning is limited then the property values are going to end up declining. There was a brief discussion about this.

The public hearing was closed at this time.

Member Beal inquired if staff could think of a corridor like this where a transition has occurred. Ms. Gibson replied in Tallahassee along Game Street is one of the examples that was used as a reference and a tool to help shape the development standards. She stated it has been very successful up to this point. She explained it runs between Florida State and the Capital complex and other State buildings. Member Beal referred to the calming of traffic and inquired if that was in the hands of the FDOT. Ms. Gibson replied yes and explained the City Manager wrote a letter to the FDOT requesting that as part of their engineering and analysis for the repaving project of 8<sup>th</sup> Street that they consider hardscape elements, streetscape elements, including crosswalks, and landscape medians. She stated FDOT is analyzing it as context sensitive complete street rather than just engineering to serve the vehicle. Member Beal referred to parking and questioned if 10 spaces are required do all 10 spaces have to be onsite or could they be a block away. Ms. Gibson replied the code today has parking requirements, but there are also areas for parking flexibility so you aren't over improving spaces where they may be shared with an adjoining space. She explained there is the ability to have shared parking agreements as well as an ability to valet the parking to meet the minimum standards. She stated up to 10% of the parking could be met with parking on street or in another City provided parking facility, which was only once you've exhausted all flexibility options. There was some discussion about this and some discussion about what 18 units an acre could look like.

Member Beal questioned if it could be figured out whether a 14 unit building with a restaurant could fit on the half block. Ms. Gibson reported she would have to work with an engineer and architect to analyze that. She commented she didn't see how on that half block you wouldn't be able to achieve that kind of development. She stated given the parking needs she thought you would need at least a quarter of a block to get the kind of design that you are thinking about. Member Beal inquired if there was an overall theme or development style that would be encouraged. Ms. Gibson replied there was not a theme that was arrived at through the discussions at the working group level or the PAB level. She pointed out it was intended to be open and flexible. She explained there are design features built into the code that avoid having blank walls. Member Beal noted the CRA has a stepped design. Ms. Gibson replied that could be built into the LDC requirements for this, and it can be specific to those that back up to 7<sup>th</sup> Street or 9<sup>th</sup> Street. Member Beal noted a building fronting 8<sup>th</sup> Street could be just residential or mixed use. He inquired about a building fronting 9<sup>th</sup> Street that doesn't go all the way through to 8<sup>th</sup> Street. Ms. Gibson replied it could be mixed use, it could be residential, or it could be commercial.

Member Lawrence questioned how the Property Appraiser would look at this as far as land values when the properties are rezoned. Member Beal commented that zoning plays a big role and nearby sales play a role, which is a foundation of the value estimates. He explained as properties start to transition it is based on highest and best use and what zoning is. There was a brief discussion about how this would affect

land values, and it was noted the State has rules in place that homestead properties can only be increased by a certain amount each year. Commercial property can only be increased by 10% per year. Appeals can be made to the value adjustment board.

Member Morrill commented there is some value to expanding MU-8 zoning area to include the west side of 9<sup>th</sup> Street and the east side of 7<sup>th</sup> Street. He noted there is a downside to the people on the east side of 9<sup>th</sup> Street and the west side of 7<sup>th</sup> Street. He clarified it was the abruptness of the extension of the 45 foot allowance. He agreed with the idea of a step down to something closer to what is allowed now or something less. Vice-Chair Bennett explained there was discussion about south of Fir on 7<sup>th</sup> Street that the dynamics of the area south (businesses that go all the way through) is much different than to the north (historic houses). He commented the idea was allow a variety of residential rather than saying a multi-family building or a big apartment complex. Member Morrill noted during the meetings the appeal was increasing the density along the 8<sup>th</sup> Street corridor. He stated the 45 foot allowance being extended into the west side of 9<sup>th</sup> Street and the east side of 7<sup>th</sup> Street wasn't critical to development. He suggested the 45 foot allowance go back to 35 foot allowance for those streets. There was further discussion about prior discussions at the previous meetings and it was noted that at 45 feet projects are feasible. The board had further discussion about how to proceed with the proposed amendments. It was noted that mechanical equipment on the roof are to have a parapet of up to 42 inches to attempt to screen that equipment. The board had some discussion about mechanical equipment. It was pointed out during the discussions property owners along 8<sup>th</sup> Street wanted to keep their commercial ability and they wanted residential added in a meaningful way so they could create a housing product that people would want to live in. There was a brief discussion about the current height limits in various zoning categories. It was noted there were concerns raised about 45 feet for buildings abutting an R-2 district. **A motion was made by Member Morrill, seconded by Member Lasserre, to have a restriction of 35 feet for properties abutting any residentially zoned area.** Member Lasserre suggested it say any residential property, because it could be R-1 or R-3 down the road. He stated it would be like a buffer between commercial and the residential zone. Member Morrill amended his motion to reflect the restriction would be for any property abutting any residentially zoned area rather than just R-2. Member Lasserre concurred with the amended motion. Member Ross commented he would like to defer any final action on this to have at least one more meeting to hash out these details. He stated he needed time to look at this map carefully and then take a walk again. Member Occhuizzo suggested amending 5(a)(2) to not exceed 35 feet with the parapet. Vice-Chair Bennett explained back in 2004/2005 it was apparent that you have things that don't fit in the building, and would only fit on the roof. He pointed out you have to make allowances for that. He commented they heard that the 45 foot height was almost critical if you want to have some residential development and mixed use development on 8<sup>th</sup> Street. He noted the motion was to make only this one change. Member Ross explained he would vote against this, because he didn't think this was thought through. He stated he would like to look at mechanicals and how that works with them going on top of roofs. Vice-Chair Bennett paraphrased the change as any property within this proposed development abutting a residential zoned area would have a maximum height of 35 feet. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

<b>Member Occhuizzo:</b>	<b>Aye</b>
<b>Member Rogers:</b>	<b>Aye</b>
<b>Member Beal:</b>	<b>Aye</b>
<b>Member Lasserre:</b>	<b>Aye</b>
<b>Member Ross:</b>	<b>Nay</b>
<b>Member Morrill:</b>	<b>Aye</b>
<b>Vice-Chair Bennett:</b>	<b>Aye</b>

**Motion carried.**

After some discussion about how to proceed, it was noted if a recommendation was made on this that it would go before the City Commission on June 21<sup>st</sup>. Ms. Gibson pointed out the documents the PAB was reviewing have been in this form with the exception of one small change to incorporate public comments since January 2016. **A motion was made by Member Morrill, seconded by Member Rogers, to approve this plan as amended and send it on to the City Commission.** Member Ross explained he would vote against this because he thought it needed more tweaking. Member Beal commented there is a lot of information that the board would be voting to approve as is. Member Occhuizzo noted there would be two readings in front of the City Commission, and questioned if during those readings could it be wordsmithed or was it pretty much set in stone when it goes to them. City Attorney Bach replied technically you can do that, but she didn't think the City Commission would make wordsmith changes at the Commission meeting unless it was a minor point. She explained if the City Commission had concerns she would advise them to remand it back to the PAB for more work. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

<b>Member Occhuizzo:</b>	<b>Nay</b>
<b>Member Rogers:</b>	<b>Aye</b>
<b>Member Beal:</b>	<b>Aye</b>
<b>Member Lasserre:</b>	<b>Nay</b>
<b>Member Ross:</b>	<b>Nay</b>
<b>Member Morrill:</b>	<b>Aye</b>
<b>Vice-Chair Bennett:</b>	<b>Aye</b>

**Motion carried.**

It was noted that staff would provide a clean copy of what was approved on the City's website.

4. **Board Business** – There were no items for discussion under Board Business.
5. **Staff Report** – There were no additional staff comments at this time.
6. **Comments by the public** – Ms. Laura Bresko commented the way this was written it doesn't affect the west side of 9<sup>th</sup> Street it only affects the east side of 9<sup>th</sup> Street, because that is the only thing that abuts R-2. She pointed out the west side of 9<sup>th</sup> Street abuts MU-1 so that amendment doesn't fix the problems. She expressed her thanks for trying.
7. **Adjournment** - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:30 pm.

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Secretary

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Judith Lane, Chair

NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, October 4, 2016, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

**ORDINANCE 2016-13**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE COMPREHENSIVE PLAN TO ADD A NEW FUTURE LAND USE ELEMENT FOR THE 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU8) AS POLICY 1.07.08 AND RENUMBERING THE FOLLOWING SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2016-14**

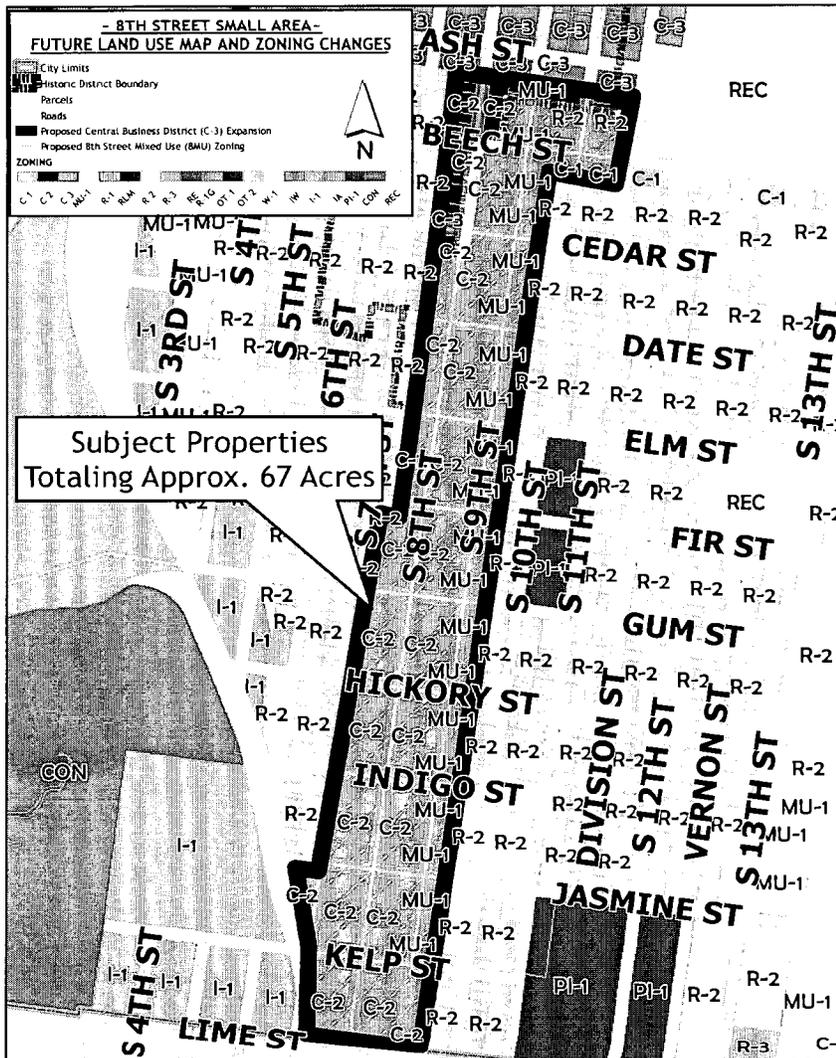
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC), MIXED USE (MU), MEDIUM DENSITY RESIDENTIAL (MDR) TO 8<sup>TH</sup> STREET SMALL AREA MIXED USE (8MU) AND CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES INCLUDED IN THE 8<sup>TH</sup> STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2016-15**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE TO INCLUDE SPECIFIC CHANGES FOR THE 8<sup>TH</sup> STREET SMALL AREA BY MODIFYING CHAPTER 2: ZONING DISTRICTS AND USES TO ADD A ZONING DISTRICT CALLED 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU-8), PROVIDING SPECIFIC USES AND ACCESSORY USES, AND ADDING DESIGN STANDARDS IN CHAPTER 4 AND CHAPTER 6 AND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**ORDINANCE 2016-16**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP FROM GENERAL COMMERCIAL (C-2), MIXED USE (MU-1), MEDIUM DENSITY RESIDENTIAL (R-2) TO 8<sup>TH</sup> STREET SMALL AREA MIXED USE (MU-8) AND CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES INCLUDED IN THE 8<sup>TH</sup> STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the applications with description by metes and bounds and the ordinance can be obtained in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 310-3115.

*Note:*

***Please run as a DISPLAY in the September 21, 2016 edition of the News Leader.***

*Please send proof of publication to:  
 City Clerk's Office  
 City Hall, 204 Ash Street  
 Fernandina Beach, FL 32034  
 904-310-3115*

September 21, 2016 Newsleader Edition



**NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH**

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**ORDINANCE 2016-13**

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**ORDINANCE 2016-14**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC), MIXED USE (MU), MEDIUM DENSITY RESIDENTIAL (MDR) TO 8TH STREET SMALL AREA MIXED USE (8MU) AND CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES INCLUDED IN THE 8TH STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**ORDINANCE 2016-16**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP FROM GENERAL COMMERCIAL (C-2), MIXED USE (MU-1), MEDIUM DENSITY RESIDENTIAL (R-2) TO 8TH STREET SMALL AREA MIXED USE (MU-8) AND CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES INCLUDED IN THE 8TH STREET SMALL AREA TOTALING APPROXIMATELY 67 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**



Interested parties may appear at said hearing and be heard, which may be considered. Any persons with disabilities who wish to participate in this program or activity should contact 311 or Florida Relay Service at 1-800-955-8771 at least 24 hours in advance of the hearing.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SAID HEARING, THE APPEALER MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS OBTAINED. THIS RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE CITY COMMISSION MADE ITS DECISION. Copies of the applications with description by metes and bounds may be obtained in the office of the City Clerk, City Hall, 204 Ash Street, Fernandina Beach, Florida 32041, from 9:00 AM - 5:00 PM, Monday through Friday. For information on how to appeal, contact the City Clerk's Office at 310-3115.

CITY COMMISSION AGENDA ITEM  
City of Fernandina Beach



SUBJECT: **Ordinance 2016-24**  
Voluntary Annexation - 3017 and 3021 Amelia Road, Aspire at Amelia II

ITEM TYPE:  Ordinance  Resolution  Other  
 Proclamation  Presentation

REQUESTED ACTION: **Approve Ordinance 2016-24 at Second Reading.**

SYNOPSIS: The applicant, Aspire at Amelia II, LLC, has requested a voluntary annexation, assignment of the Medium Density Residential (MDR) land use, and RLM (Residential Low-Medium) zoning designation. The action is requested in order to gain access to the City's water and sewer services. The property is currently contiguous to the municipal limits on its southern and western borders. The applicant intends to build a single family home subdivision.

Staff has issued a recommendation of approval. The Planning Advisory Board considered the requested Voluntary Annexation at its Regular Meeting on July 13, 2016, and issued a recommendation of approval. This Ordinance was approved at First Reading by the City Commission at its Regular Meeting on August 16, 2016; on September 20, 2016, the City Commission postponed Second Reading until October 4, 2016, at the request of the applicant.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

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 type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" 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 2016-24 at Second Reading. *DLM*

DEPARTMENT DIRECTOR	Submitted by: Marshall McCrary, <i>MM</i> CDD Director	Date: 9/21/16
CONTROLLER	Approved as to Budget Compliance <i>PHC</i>	Date: 9/23/16
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: 9/23/16
CITY MANAGER	Approved Agenda Item for 10/4/16 <i>DLM</i>	Date: 9/21/16

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

ORDINANCE 2016-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH ANNEXING 7.91 ACRES OF LAND LOCATED AT 3017 AND 3021 AMELIA ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of 7.91 acres of land located at 3017 and 3021 Amelia Road and identified as parcel numbers 00-00-30-044B-0028-0010, 00-00-30-044B-0028-0012, and 00-00-30-044B-0028-0014 have requested annexation into the City of Fernandina Beach in exchange for water and sewer services; and

WHEREAS, the Planning Advisory Board reviewed the request for voluntary annexation application number PAB 2016-18 at its July 13, 2016, meeting and recommended approval of the annexation; 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 June 29, 2016.

WHEREAS, City staff has reviewed the petition for voluntary annexation and has found that the petition bears the signatures of all the owners of the subject property or their authorized agent at such time that the petition was signed, the parcel is contiguous to the City boundary, is reasonably compact, does not create an enclave, will be used for urban services, and the City will be able to deliver urban services such as water, sewer, garbage, police and fire without decreasing the level of service currently provided to City residents; and

WHEREAS, the City Attorney has rendered a legal opinion that upon review, the annexation petition meets the requirements of Chapter 171 Florida Statutes; and

WHEREAS, after consideration of the application and evidence presented on such application thereon, the City Commission made the following findings:

- a. That the Commission is empowered under Chapter 171, Florida Statutes to approve a request for voluntary annexation.
- b. That the proposed annexation meets the requirements for voluntary annexation as required by Chapter 171.044 F.S., is contiguous to the municipal boundary, is reasonably compact, and does not create an enclave.
- c. That the petitioner agrees to file for a Future Land Use Map (FLUM) amendment and a change in zoning district designation within six months from the date of the annexation being approved by the City Commission.

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

SECTION 1. The following parcel of real property totaling 7.91 acres of land located 3017 and 3021 Amelia Road and identified as parcel identification numbers 00-00-30-044B-0028-0010, 00-00-30-044B-0028-0012, and 00-00-30-044B-0028-0014, as shown on the map attached hereto as Exhibit "A," are hereby annexed into the corporate limits of the City of Fernandina Beach, to wit.

SECTION 2. It is hereby deemed to be in the best interest of the City of Fernandina Beach that the land, above described, be annexed into and become a part of the City of Fernandina Beach. That upon adoption of this Ordinance, the boundary lines for the corporate limits of the City of Fernandina Beach shall be redefined so as to include the real property described above.

SECTION 3. This Ordinance shall be published in the Fernandina Beach News Leader once each week for two consecutive weeks, and that proof of publication of this Ordinance shall be filed herein prior to the final reading of this Ordinance.

ADOPTED this 4th day of October, 2016.

CITY OF FERNANDINA BEACH

\_\_\_\_\_  
JOHN A. MILLER  
Commissioner - Mayor

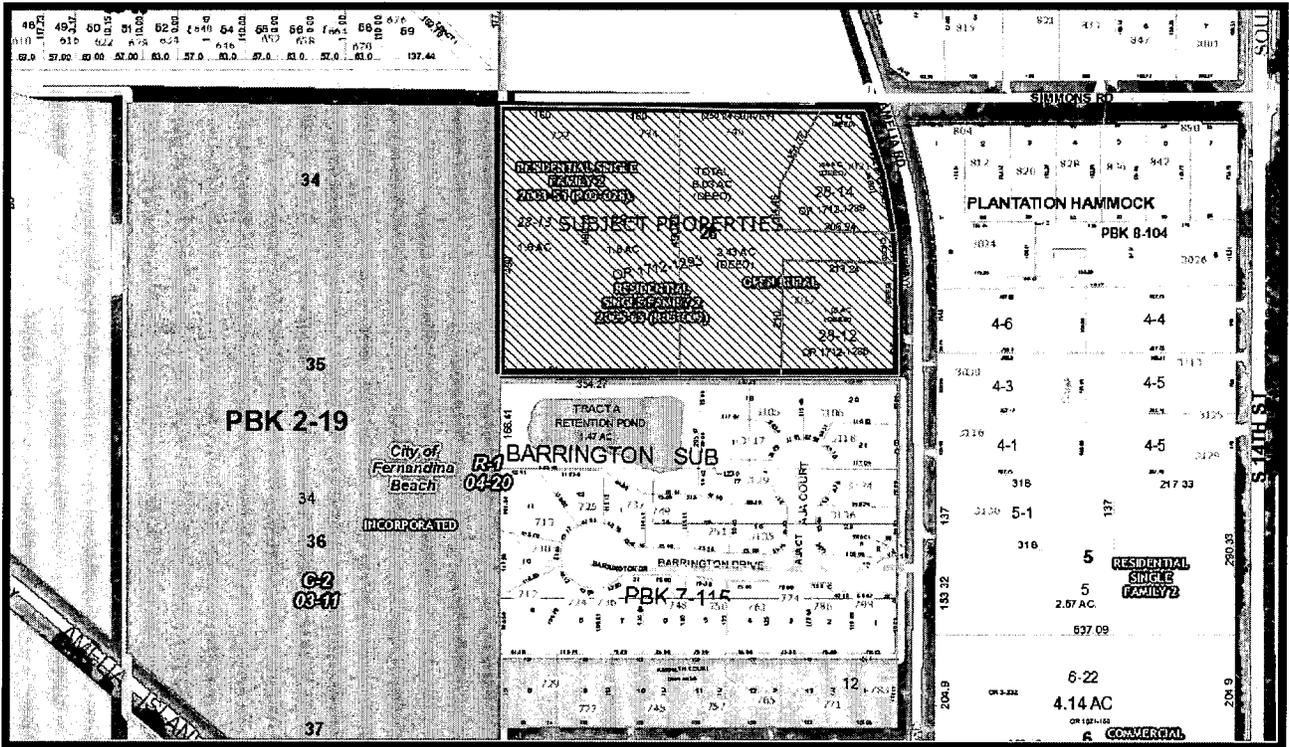
ATTEST:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
CAROLINE BEST  
City Clerk

  
\_\_\_\_\_  
TAMMI E. BACH  
City Attorney

ORDINANCE 2016-24  
EXHIBIT "A"





**STAFF REPORT**  
**PAB (VAX/LU/CZ) 2016-18**  
**Planning Advisory Board Hearing**  
**July 13, 2016**

**APPLICATION FOR VOLUNTARY ANNEXATION, SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST**

**APPLICATION & SURROUNDING AREA INFORMATION:**

<b>OWNER/APPLICANT:</b>	The Aspire at Amelia II, LLC				
<b>AGENT:</b>	Roger Towers, P.A. – Jon C. Lasserre, Esq.				
<b>REQUESTED ACTION:</b>	Voluntary Annexation, Future Land Use Map Change, and Zoning Map Change				
<b>LOCATION:</b>	<b>3017 and 3021 Amelia Road</b>				
<b>CURRENT LAND USE + ZONING:</b>	Nassau County Medium Density Land Use + Nassau County Open Rural zoning on ~ 4.14 Acres and Residential Single Family 2 zoning on ~ 3.77 acres				
<b>PROPOSED LAND USE + ZONING:</b>	City of Fernandina Beach Medium Density Residential (MDR) Land Use + City of Fernandina Beach Residential Low-Medium (RLM) zoning				
<b>EXISTING USES ON SITE:</b>	3017 Amelia Road contains a Single Family home and swimming pool, 3021 Amelia Road contains a Single Family home, ~5.93 acres of land are "pastureland" identified as Old Amelia Farm				
<b>PROPERTY SIZE:</b>	7.91 Acres Parcel ID #: 00-00-30-044B-0028-0010, 00-00-31-044B-0028-0012, 00-00-30-044B-0028-0014				
<b>ADJACENT PROPERTIES:</b>	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
<b>NASSAU COUNTY</b>	North	Single Family Home with a barn on 6.02 Acres of land	2004	Nassau County Residential Single Family 2	Nassau County Medium Density
		Simmons Road Unimproved ROW on northern border with 2018 FDOT funded multiuse path improvement			
<b>WITHIN CITY LIMITS</b>	South	Barrington Cove Subdivision- Single Family Homes (23 lots) and Site Improvements	2007-2016 <i>Nearing build-out</i>	R-1: Low Density Residential	Low Density Residential (LDR)
<b>NASSAU COUNTY</b>	East	Single Family Homes	1995/2015	Nassau County Residential Single Family 2	Nassau County Medium Density
<b>WITHIN CITY LIMITS</b>	West	Vacant Commercial Property (Portion of Aspire At Amelia- Assisted Living Complex)	Vacant	C-2 (General Commercial)	General Commercial (GC)

\*\*\* 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) 2016-18  
Planning Advisory Board Hearing  
July 13, 2016**

**SUMMARY OF REQUEST AND BACKGROUND INFORMATION:**

The applicant, Aspire at Amelia II, LLC, has requested a voluntary annexation, assignment of the Medium Density Residential (MDR) land use, and RLM (Residential Low-Medium) zoning designation. The action is requested in order to gain access to the City’s water and sewer services. The property is currently contiguous to the municipal limits on its southern and western borders. The applicant intends to build a single family home subdivision.

The proposed RLM (Residential Low-Medium) zoning and Medium Density Residential land use designations for these properties are generally consistent with the Nassau County zoning and land uses currently assigned to them given the detached single family home sites which surround the property. Uses permissible under the proposed zoning categories are provided in Table 2.03.02 of the Land Development Code. The RLM zoning district requested with this application will limit development to exclusively single-family homes.

**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

**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
<b>Wastewater Treatment System</b>	<b>300 gallons per day per ERU (Equivalent Residential Unit)</b>
<b>Solid Waste Facilities</b>	<b>Average Solid Waste Generation Rate: 5.9 pounds per capita per day</b>
<b>Stormwater Management Facilities</b>	<b>Policy 4.01.02</b> <i>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.</i>
<b>Potable Water Facilities</b>	<b>Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)</b>
<b>Fire-Rescue Services</b>	<b>240-second travel time to 90% of the incidents (EMS with AED or BLS) &amp; 480-second travel time to 90% of the incidents (ALS Response)</b>
<b>Police and Law Enforcement Services</b>	<b>Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls</b>



**STAFF REPORT  
PAB (VAX/LU/CZ) 2016-18  
Planning Advisory Board Hearing  
July 13, 2016**

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 Medium Density Residential (MDR) a maximum of 8 units per acre is permissible which would allow up to 65 dwelling units. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Voluntary Annexation, Future Land Use Map change, or Zoning assignment request.

The establishment of Medium Density Residential (MDR) land use and RLM (Residential Low-Medium) zoning on the subject property could result in a maximum of 65 units. 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. All proposed developments generating more than 400 Average Daily Trips (ADT) require a traffic concurrency determination from the Northeast Regional Council. Under a maximum development scenario, Staff estimates that approximately 622 Average Daily Trips (ADT) could be generated by this development; resulting in 65 p.m. peak hour trips<sup>1</sup>. Traffic impacts are likely on only State and Nassau County maintained roadways. Nassau County collects mobility fees for roadway impacts based on their adopted a 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 the proposed Comprehensive Plan amendments, the residential units will consume 22,750 gallons of water per day (65 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 52,325 gallons of wastewater per day (65 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.

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<sup>1</sup> ITE Code 210 (Single-Family Detached Housing) average PM peak hour trips = 65 (~1 trip/ dwelling unit)



**STAFF REPORT  
PAB (VAX/LU/CZ) 2016-18  
Planning Advisory Board Hearing  
July 13, 2016**

**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 proposed development will rely on an open roadway (Amelia Road) for access to the subdivision. 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;**
- 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 Amelia Road are consistent with the City's single family residential land use pattern for the area. The proposed land use category of Medium Density Residential (MDR) with the RLM (Residential Low-Medium) zoning district is the most suitable classification given the characteristics of the surrounding developed properties. The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. The site currently contains two (2) single family homes, associated ancillary uses, and farmland. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee. The site is not located in a Coastal Upland Protection Zone, and the levels of service are discussed above.



**STAFF REPORT  
PAB (VAX/LU/CZ) 2016-18  
Planning Advisory Board Hearing  
July 13, 2016**

**CONSISTENCY WITH THE LAND DEVELOPMENT CODE:** \_\_\_\_\_

The requested zoning is RLM, provides for commercial land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

**Section 2.01.04** of the Land Development Code states the intent of the RLM, General Commercial, zoning classification.

**The RLM District is intended for the development of low- to medium-density single-family homes on individual lots. This designation is intended to provide for a more urban neighborhood with a higher density than the R-1 District and a lower density than the R-2 District.**

The RLM zoning is requested because the preferred development pattern of this property is single family home sites.

**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 and any development or redevelopment is capable of achieving full compliance with the City's Land Development Code and Comprehensive Plan.

The requested voluntary annexation, land use and zoning changes are sufficiently compliant with the Comprehensive Plan, Land Development Code, and Municipal Code. Staff recommends approval of the requested actions.

**MOTION TO CONSIDER** \_\_\_\_\_

I move to recommend **(approval or denial)** of PAB case number 2016-18 to the City Commission requesting that a voluntary annexation into the city limits be approved, assigning the High Density Residential/ R-3 land use and zoning category, as described and that PAB case 2016-18, as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

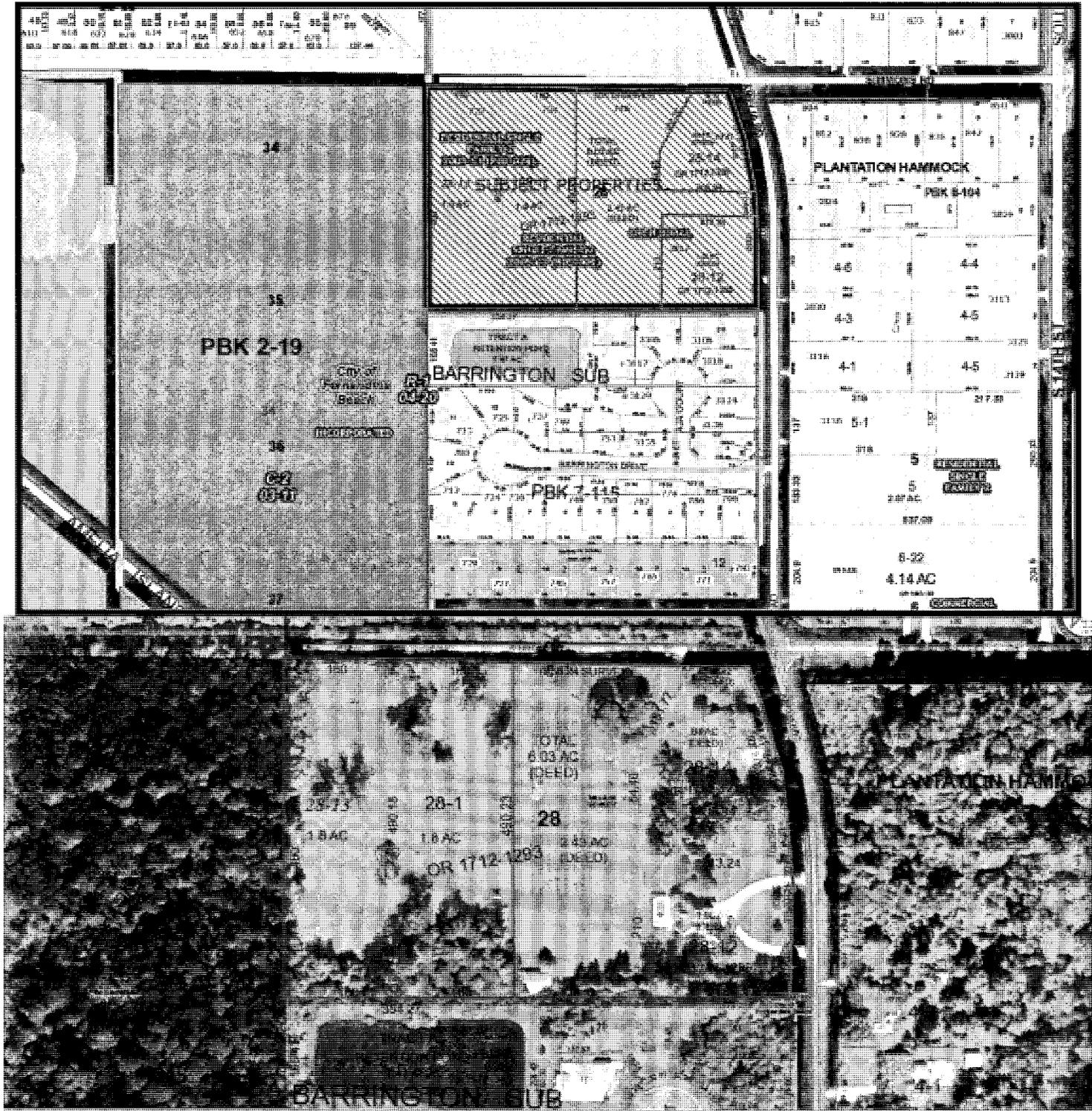
Submitted by:

Kelly N. Gibson  
Senior Planner



**STAFF REPORT**  
**PAB (VAX/LU/CZ) 2016-18**  
**Planning Advisory Board Hearing**  
**July 13, 2016**

**EXHIBIT A**



OFFICE USE ONLY

REC'D: 6/13/16 BY: [Signature]
PAYMENT: \$ 2750 TYPE: CK 1635
APPLICATION #: 2016-0000966
CASE #: 2016-18
BOARD MEETING DATE: 7/13/16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT (checked)
LAND USE MAP AMENDMENT (checked)
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) (checked)

APPLICANT INFORMATION

Owner Name: The Aspire at Amelia II, LLC
Mailing Address: 1435 Rolling Links Drive, Alpharetta, Georgia 30004
Telephone: (770) 243-4600 Fax:
Email: RKennedy@WellsREF.com

Agent Name: Rogers Towers, P.A. ATTN: Jon C. Lasserre, Esq.
Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9159
Email: JLasserre@RTlaw.com

PROPERTY INFORMATION

Street Address: 3017 & 3021 Amelia Road, Fernandina Beach, Florida 32034
Parcel Identification Number(s): 00-00-30-044B-0028-0012 & 00-00-30-044B-0028-0014 & 00-00-30-044B-0028-0010 & 00-00-30-044B-0028-0010
Lot Number: 28 Block Number: N/A Subdivision: Ocean Breeze Farms
Section: 3 & 5 Township: 2N Range: 28E

**PROJECT INFORMATION**

Total Number of Lots/Parcels: Four (4)

Less than One (1) acre Sq. Footage: N/A One (1) Acre or Greater: X

Existing Zoning Classification: Open Rural (OR) and Residential - Single Family 2 (RS-2)

Existing Future Land Use Classification: Medium Density Residential

Previous Planning/Zoning Approvals: N/A

**Description of Request:**

Request rezoning from Nassau County Open Rural (OR) and Residential - Single Family 2 (RS-2) to City of Fernandina Beach Low-Medium Density Residential (RLM) and from Nassau County FLUM designation of Medium Density Residential to City of Fernandina Beach FLUM designation of Medium Density Residential.

**SIGNATURE/NOTARY**

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

June 23, 2016  
Date

[Signature]  
Signature of Applicant

STATE OF FLORIDA }  
COUNTY OF NASSAU }  
ss }

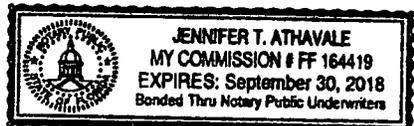
Subscribed and sworn to before me this 23 day of June, 2016.

[Signature]  
Notary Public: Signature

Jennifer T. Athavale  
Printed Name

9-30-18  
My Commission Expires

Personally Known  OR Produced Identification \_\_\_\_\_ ID Produced: \_\_\_\_\_







# PLANNING PAB

**USE THIS FORM TO:** Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

**FEES:** See below. Fees are payable upon application.

**IMPORTANT NOTES:** To guide you through the process and ensure that your application is understood and properly processed, you'll need to meet with a City Planner prior to submitting your application. Completed applications are due 30 days prior to the Planning Advisory Board meeting date.

**KEY CONTACTS:** The Planning Department will guide your application from start to finish, engaging other City departments or agencies as needed.

**PLANNING ADVISORY BOARD APPLICATION FOR:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> ZONING MAP AMENDMENT<br>(≤ 10 acres \$850 / > 10acres \$1,600)   | <input type="checkbox"/> SUBDIVISION PLAT – PRELIM (\$750)        |
| <input checked="" type="checkbox"/> LAND USE MAP AMENDMENT<br>(≤ 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 checked="" type="checkbox"/> VOLUNTARY ANNEXATION (\$1050) |

## 2016 Planning Advisory Board Meeting Schedule

<b>Application Deadline (4:30pm)</b>	Dec 14 2015	Jan 11 2016	Feb 8 2016	Mar 14 2016	Apr 11 2016	May 9 2016	Jun 13 2016	Jul 11 2016	Aug 15 2016	Sep 12 2016	Oct 10 2016	Nov 14 2016	Dec 12 2016	Jan 9 2017	Feb 6 2017
<b>Meeting Date</b>	Jan 13 2016	Feb 10 2016	Mar 9 2016	Apr 13 2016	May 11 2016	Jun 8 2016	Jul 13 2016	Aug 10 2016	Sep 14 2016	Oct 12 2016	Nov 9 2016	Dec 14 2016	Jan 11 2017	Feb 8 2017	Mar 8 2017

# 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:
  - o The consistency of the proposed amendment(s) or action(s) with the City's Comprehensive Plan.
  - o 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



ATTORNEYS AT LAW

Jon C. Lasserre

JLasserre@rtlaw.com

960185 Gateway Boulevard • Suite 203  
Amelia Island, Florida 32034

904 . 261 . 5618 Main  
904 . 261 . 9159 Fax  
www.rtlaw.com

June 13, 2016

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

**RE: APPLICATION FOR ANNEXATION AND ZONING MAP AND FLUM  
AMENDMENT  
THE ASPIRE AT AMELIA II, LLC  
PARCEL ID# 00-00-30-044B-0028-0014, 00-00-30-044B-0028-0012,  
00-00-30-044B-0028-0010, AND 00-00-30-044B-0028-0010  
3017 & 3021 AMELIA ROAD, FERNANDINA BEACH, FLORIDA**

Dear Ms. Gibson,

Our firm is pleased to present the enclosed Application for Annexation and Zoning Map and FLUM Amendment (the "Application") concerning approx. 7.91 acres located at 3017 & 3021 Amelia Road, Fernandina Beach, Florida (the "Property") on behalf of The Aspire at Amelia II, LLC, a Georgia limited liability company.

Please find enclosed a check in the amount of \$2,750.00 for the Application fees. This Application is submit 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 both Nassau County Open Rural (OR) and Nassau County Residential – Single Family 2 (RS-2) with a Nassau County FLUM designation of Medium Density Residential. The Property consists of four lots that have been assembled under common ownership. There are two existing single family homes on the Property and an outbuilding used for agricultural purposes.

This application requests an annexation with concurrent rezoning to City of Fernandina Beach Low-Medium Disunity Residential (RLM) and FLUM designation of Medium Density Residential.

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:

- 1. 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 to the north of the subject property is used as a residence and is zoned Nassau County RS-2 with a Nassau County FLUM designation of Medium Density Residential; the property to the west is a vacant land zoned City of Fernandina Beach C-2, General Commercial with a FLUM designation of Commercial; the property to the south is single family residential, zoned City of Fernandina Beach R-1 with a FLUM designation of Low Density Residential; the property to the east is single family residential, zoned Nassau County RS-2 with a FLUM designation of Medium Density Residential. A FLUM amendment for the Property to Medium Density Residential would be suitable and compatible with the type and density of surrounding uses.
- 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 RLM for the Property would be suitable and compatible with the surrounding zoning districts which require detached, single family residential uses (RLM does not allow multifamily structures, only single family). Further, the amendment would act as an additional buffer for existing residential on the east side of Amelia Road and serve as a transition area from commercial on the west side to residential zoning.
- 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* – The Property is an appropriate size for use as single family residential.
- 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 single family residential use.
- 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 single family residential based upon the consideration of these issues.
- g. *Compatibility factors* – The property is currently compatible with the surrounding uses and the proposed FLUM designation change would make the current use compatible with the FLUM.
- 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 not located within the CUPZ.

Ms. Kelly N. Gibson  
June 13, 2016  
Page 3

**2. 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.**

a. The Property is currently used as single family residential and agricultural. The properties to the north, south and east are all single family residential. The property to the west is zoned commercial. Rezoning the Property to residential will serve to protect the adjoining existing residential uses from potentially incompatible commercial development on the Property.

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

Very truly yours,



Jon C. Lasserre

Encl.

Cc: The Aspire at Amelia, LLC c/o Leo F. Wells, Manager

After Recording Return to:

Eric L. Weiss, Esq.  
Schulten Ward Turner & Weiss, LLP  
260 Peachtree Street, N.W., Ste. 2700  
Atlanta, Georgia 30303

STATE OF FLORIDA

COUNTY OF NASSAU

Folio Number: 00-00-30-44B-0028-0010

**SPECIAL WARRANTY DEED**

THIS INDENTURE, made the 19<sup>th</sup> day of May, 2016, between OLD AMELIA FARM, LLC, a Florida limited liability company, hereinafter called "Grantor," and THE ASPIRE AT AMELIA II, LLC, a Georgia limited liability company, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH:**

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain land in Nassau County, Florida, being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "Property");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "Permitted Exceptions"), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions. "Grantor" and "Grantee" shall include their respective heirs, successors and assigns;

[signature on following page]

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

Witness No. 1 Signature: [Signature]

Printed Name: Jon C. Lasserre

Witness No. 2 Signature: [Signature]

Printed Name: Jennifer Athavale

GRANTOR:

OLD AMELIA FARM, LLC, a Florida limited liability company

By: [Signature]  
Peter L. Procko, Manager

By: [Signature]  
Pamela R. Procko, Manager

Note: This deed is being executed to wind up the affairs of the dissolved limited liability company

STATE OF FLORIDA  
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of May, 2016, by Peter L. Procko and Pamela R. Procko, as Managers of OLD AMELIA FARM, LLC, a Florida limited liability company. Peter L. Procko and Pamela R. Procko are personally known to me or have produced \_\_\_\_\_ as identification.



NOTARY PUBLIC  
Sign: [Signature]  
Print: Jon C. Lasserre  
State of FLORIDA at Large (Seal)  
My Commission Expires: 09/15/2019

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL "C"**

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTIONS 3 AND 5, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING PART OF LOT 28 OF OCEAN BREEZE FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF SAID NASSAU COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR THE POINT OF BEGINNING COMMENCE AT THE NORTHWEST CORNER OF "BARRINGTON", ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 115 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88°24'06" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF "BARRINGTON", 499.32 FEET; THENCE NORTH 01°35'54" EAST, 210.00 FEET; THENCE SOUTH 88°24'06" EAST, 213.24 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, WHICH HAS AN EXISTING RIGHT-OF-WAY OF 50- FEET; THENCE IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE IN SAID WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 04°23'27" WEST, 60.33 FEET; THENCE NORTH 88°24'06" WEST, 206.94 FEET; THENCE NORTH 01°35'54" EAST, 84.46 FEET; THENCE NORTH 28°20'11" EAST, 151.77 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SIMMONS ROAD, A 30-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 88°23'53" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 570.27 FEET TO THE NORTHEAST CORNER OF LOT 34, SAID OCEAN BREEZE FARMS; THENCE SOUTH 01°17'10" WEST, ALONG THE WESTERLY BOUNDARY OF SAID LOT 34 AND ALONG THE WESTERLY BOUNDARY OF LOT 35, SAID OCEAN BREEZE FARMS, 490.05 FEET TO THE POINT OF BEGINNING.**

After Recording Return to:

Eric L. Weiss, Esq.  
Schulten Ward Turner & Weiss, LLP  
260 Peachtree Street, N.W., Ste. 2700  
Atlanta, Georgia 30303

STATE OF FLORIDA

COUNTY OF NASSAU

Folio Number: 00-00-30-44B-0028-0014

**SPECIAL WARRANTY DEED**

THIS INDENTURE, made the 19<sup>th</sup> day of May, 2016, between OLD AMELIA RENTALS, LLC, a Florida limited liability, hereinafter called "Grantor," and THE ASPIRE AT AMELIA II, LLC, a Georgia limited liability company, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH:**

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain land in Nassau County, Florida, being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "Property");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "Permitted Exceptions"), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions. "Grantor" and "Grantee" shall include their respective heirs, successors and assigns;

[signature on following page]

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

**GRANTOR:**

Witness No. 1 Signature: [Signature]  
Printed Name: JON C LASSEUR

Witness No. 2 Signature: [Signature]  
Printed Name: JENNIFER ATHAVALE

OLD AMELIA RENTALS, LLC, a Florida limited liability company

By: [Signature]  
Peter L. Procko, Manager

By: [Signature]  
Pamela R. Procko, Manager

Note: This deed is being executed to wind up the affairs of the dissolved limited liability company

STATE OF FLORIDA  
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of May, 2016, by Peter L. Procko and Pamela R. Procko, as Managers of OLD AMELIA RENTALS, LLC, a Florida limited liability company. Peter L. Procko and Pamela R. Procko are personally known to me or have produced \_\_\_\_\_ as identification.



NOTARY PUBLIC:  
Sign [Signature]  
Print JON C. LASSEUR  
State of FLORIDA at Large (Seal)  
My Commission Expires: 09/15/2019

**EXHIBIT "A"**  
LEGAL DESCRIPTION

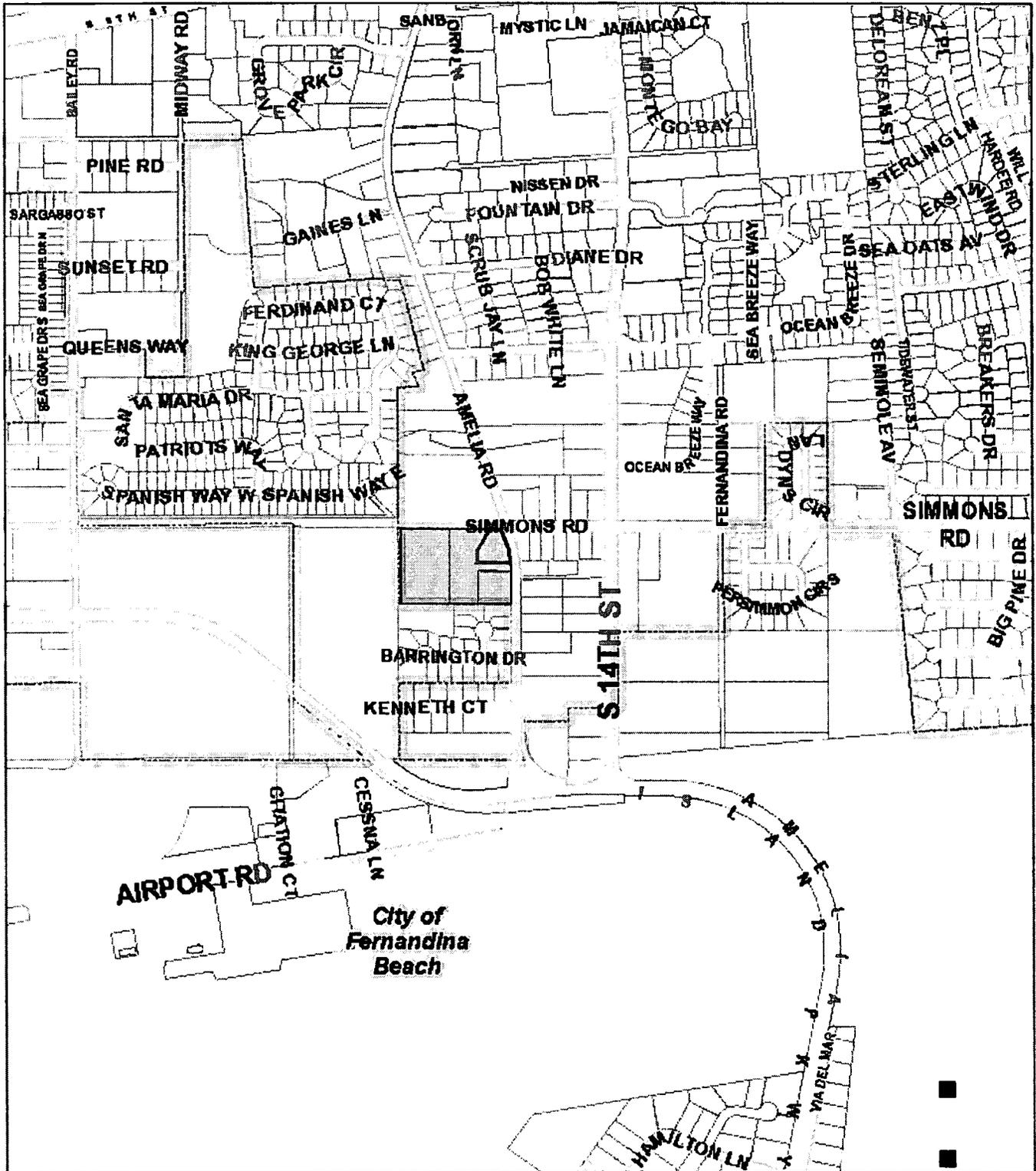
**PARCEL "B"**

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION 3, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING PART OF LOT 28 OF OCEAN BREEZE FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF SAID NASSAU COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF "BARRINGTON", ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 115 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88°24'06" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF "BARRINGTON", 717.32 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, WHICH HAS AN EXISTING RIGHT-OF-WAY OF 50-FEET; THENCE THE FOLLOWING (2) COURSES ALONG SAID WESTERLY RIGHT-OF-WAY LINE: COURSE (1) - NORTH 01°35'54" EAST, 95.00 FEET; COURSE (2) - IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 02°01'05" WEST, 175.35 FEET TO THE POINT OF BEGINNING.

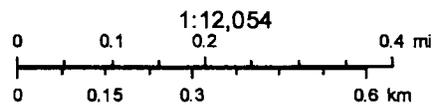
FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE CONTINUE IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE IN SAID WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 10°16'22" WEST, 224.81 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SIMMONS ROAD, A 30-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 88°23'53" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 92.42 FEET; THENCE SOUTH 28°20'11" WEST, 151.77 FEET; THENCE SOUTH 01°35'54" WEST, 84.46 FEET; THENCE SOUTH 88°24'06" EAST, 206.94 FEET TO THE POINT OF BEGINNING.



# Subject Property

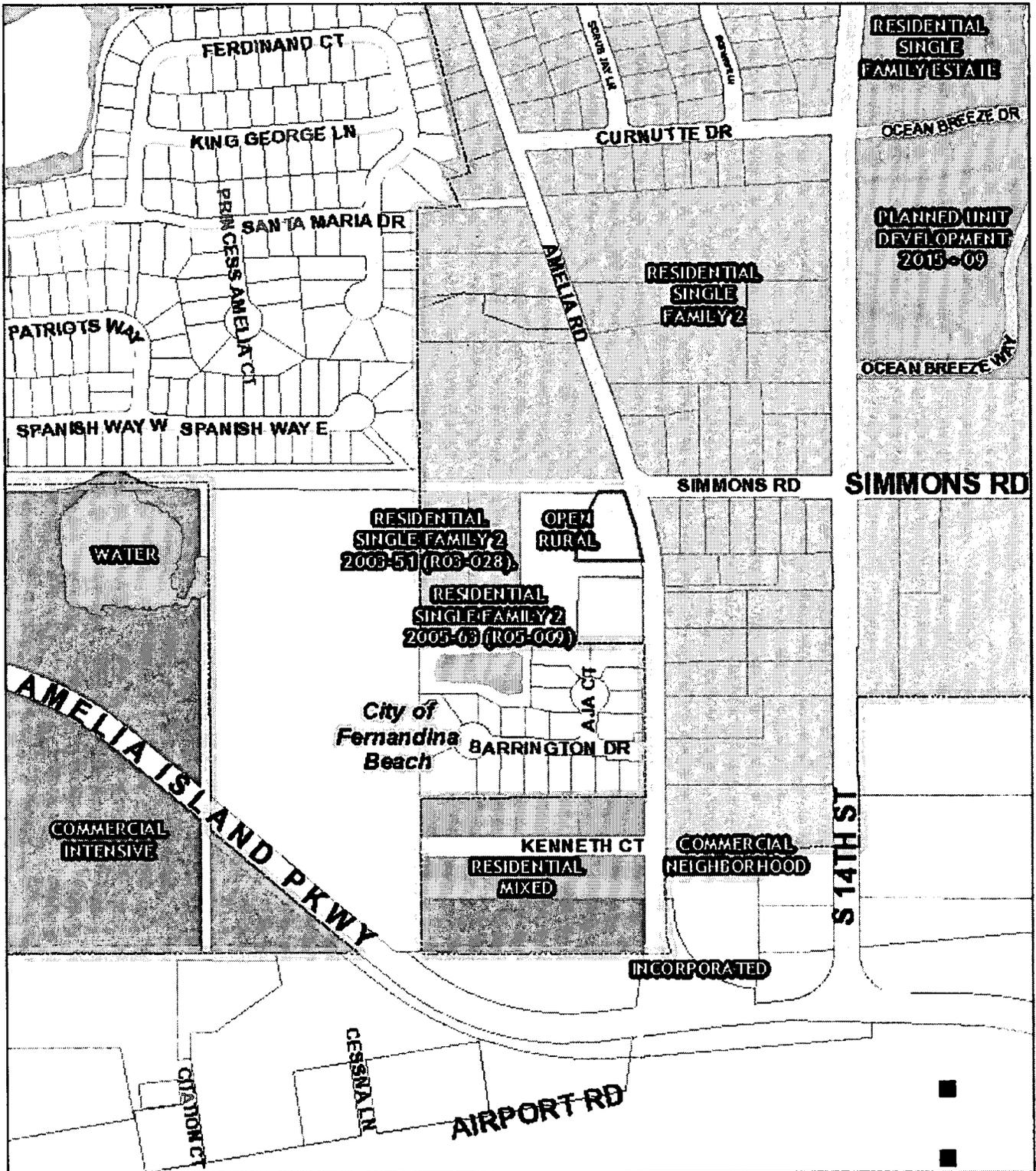


June 2, 2016

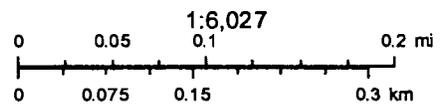


Sources: Esri, HERE, DeLorme, USGS, Intermap, Increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

# Nassau County Zoning

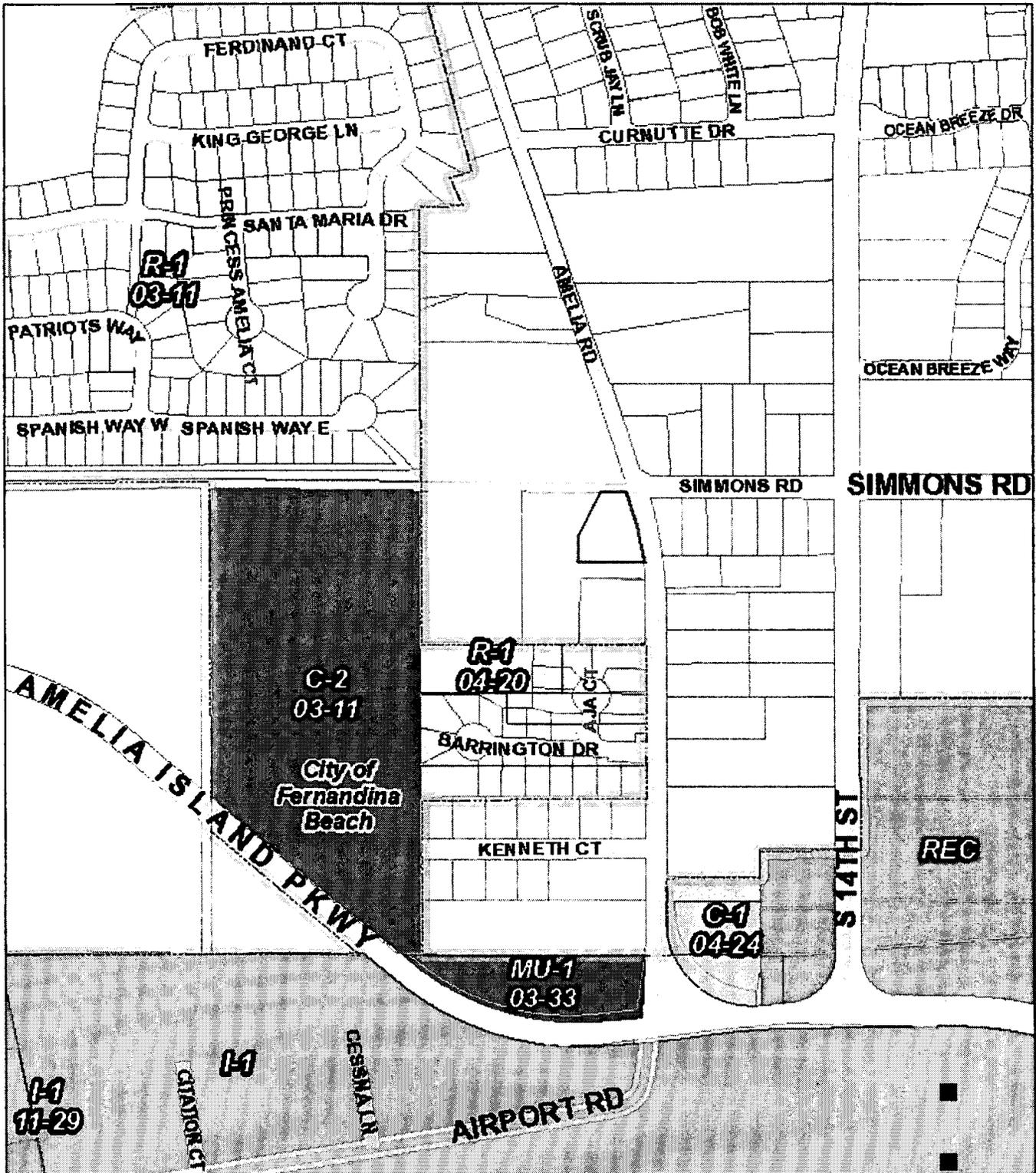


June 2, 2016



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

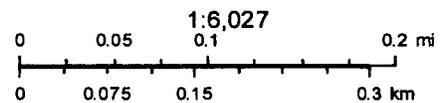
# City of Fernandina Beach Zoning



June 2, 2016

**City of F.B. Zoning**

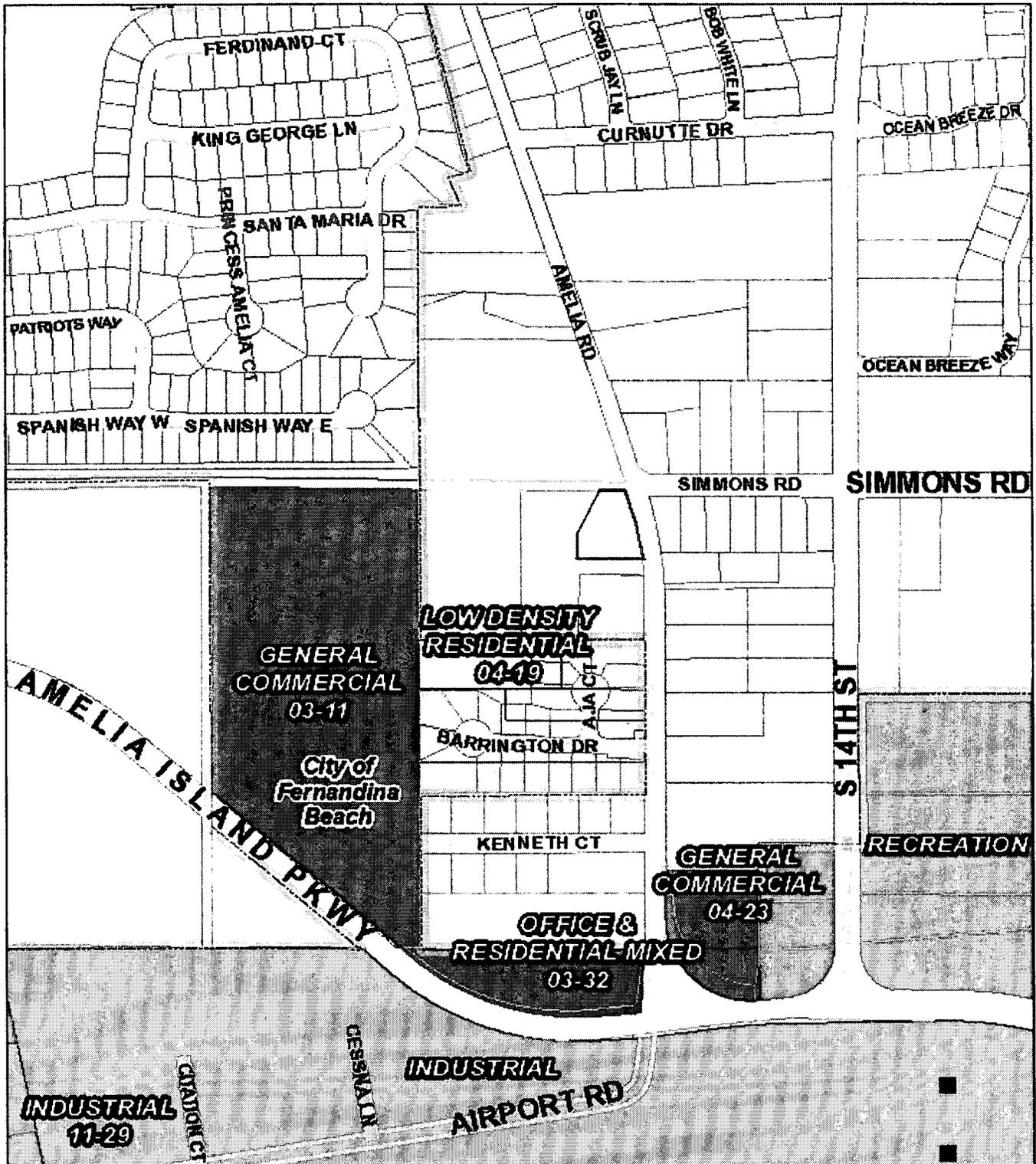
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====	C-2	.....	RLM	.....	OT-1	====	IA
====	C-3	====	R-2	====	OT-2	====	PI-1
====	MU-1	====	R-3	====	W-1	====	CON
		====	RE	.....	IW	====	REC



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



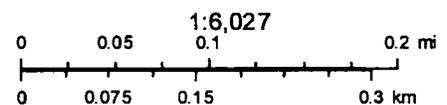
# City of Fernandina Beach FLUM Designation



June 2, 2016

**City of F.B. Future Land Use**

- |  |                            |  |                       |
|--|----------------------------|--|-----------------------|
|  | GENERAL COMMERCIAL         |  | WATERFRONT MIXED USE  |
|  | CENTRAL BUSINESS DISTRICT  |  | INDUSTRIAL            |
|  | OFFICE & RESIDENTIAL MIXED |  | INDUSTRIAL WATERFRONT |
|  | LOW DENSITY RESIDENTIAL    |  | PUBLIC & SEMI PUBLIC  |
|  | MEDIUM DENSITY RESIDENTIAL |  | CONSERVATION          |
|  | HIGH DENSITY RESIDENTIAL   |  | RECREATION            |



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

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

**Roll Call/Determination of Quorum**

**Board Members Present**

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

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

**Board Members Absent**

Chris Occhuizzo

**Others Present**

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

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

- 2.1 Review and Approve June 8, 2016 Regular Meeting Minutes – A motion was made by Member Ross, seconded by Member Lasserre, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

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

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

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

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

**3. New Business**

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

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

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

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

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

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

The public hearing was opened at this time.

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

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

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

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

Mr. Lasserre pointed out the zoning to the south of this and this property could be used like the Beach Club is over on South Fletcher or create a lodging accommodation. He explained they were talking about three units not a hotel or a condominium complex. He stated his client hasn't identified if he intends to build townhomes or rent them short term or long term. He pointed out the requested density would allow three units, and the property was twice the size of the two townhomes south of it. He commented the question is about the ability to do short-term rentals. He explained the problem with R-1 with one big house is that nobody wants to live next to fire station. He provided further comments in support of the

requested amendment including it was in keeping with good planning to go from commercial to high density residential to medium density residential to single family residential.

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

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

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

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

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

*Motion failed.*

**A motion was made by Member Morrill, seconded by Member Rogers, to approved PAB 2016-16 to the City Commission requesting a Future Land Use Map assignment of High Density Residential**

**and zoning change to R-3 from General Commercial Land Use and C-1 as described; and that PAB 2016-16 as presented is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

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

**Motion carried.**

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

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

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

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

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

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

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

**Motion carried.**

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

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

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

Mr. Lasserre, agent for the applicant, introduced Mr. David Hink and Mr. Bruce Jasinsky with Aspire Development. He explained Open Rural allows one per acre, and there was no comparable City zoning. He stated they were going from medium density in the County to medium density in the City. He referred to the zoning of 8 units per acre and noted that was with Medium Density Residential in the City. He pointed out Residential Low-Medium was 6 units per acre. He explained due to the characteristics and

layout of the property the maximum units was in the 30 range given a 50 foot wide lot. He stated this request was standalone to be annexed into the City with appropriate zoning and FLUM designation. He pointed out the intent was to tie together this project with the adjoining C-2 project. He clarified there was no intention to make this the assisted living facility, because it would be single family homes for sale. He briefly provided a comparison with Osprey Village that has single family detached homes. It was noted there weren't many trees on this property, but once annexed the City's Tree Ordinance would apply to the project. The board noted with RS-2 it was about 3 units per acre and there were 3.77 acres under the RS-2 zoning. Member Ross noted 18 units would be allowed under the current County zoning.

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

The public hearing was opened at this time.

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

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

Member Ross questioned if hypothetically they don't go forward with this project how many units could be placed on this property. Ms. Gibson stated she would give the board an exact figure momentarily and reminded the board Mr. Lasserre pointed out the zoning code restricts through the RLM zoning district to 6 units per acre. Member Ross noted in that area there are single family homes on big lots and questioned how this would fit in with that. Mr. Hink stated their interest was for single family homes in there, which would be supportive of the larger community. Member Ross commented those single family homes would be on much smaller parcels than what is in the neighborhood. Mr. Lasserre explained the Barrington subdivision has 23 lots and was approximately the same size as this property where they were talking about 30 so it was quite comparable. He referred to the surrounding property and stated they are

not departing dramatically from the character of the area. There was further discussion about this request and it was noted that it would annex immediately because it was contiguous to the City and would be under the City's Tree Ordinance and other ordinances. City Attorney Bach briefly explained when a property is annexed you have to assign a City zoning category.

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

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

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

Member Bennett noted if they build this they would have to have their own retention. Mr. Lasserre stated the developer cannot tie into Barrington's retention pond without their consent. He pointed out there would be onsite retention on this property as well as the commercial property and be designed as to where the water would go if it were to overflow. He explained they were aware of the drainage in the area and it would have to be permitted through the St. Johns River Water Management District (SJRWMD). He stated although Medium Density Residential does allow single, duplex, triplexes, and condominiums the requested zoning, RLM only allows single family. He pointed out single family was the only housing type under RLM. He referred to the concerns about commercial traffic and commented it was not reasonable to take a commercial truck for the assisted living facility down Amelia Road. He stated there would be a major entryway through Amelia Island Parkway. Ms. Gibson explained the staff report points out the requirements for permitting for a subdivision and read a portion into the record. She referred to the questions about the future of Simmons Road and stated she has been working with Nassau County

there was a proposed 10 foot paved multi-use path that would go along Simmons Road connecting the beaches at South Fletcher all the way to Bailey Road. Mr. Lasserre commented his client has been working on that multi-use path as well, and they intend to dedicate 15 feet along Bailey Road to facilitate that path as well as land along Amelia Island Parkway. There was some discussion about the multi-use trail.

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

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

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

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

Ms. Melinda Signorella, 3117 Aja Court, explained her house backs up to the retention pond and if there is no type of wall securing the area between their property and Barrington's pond she was concerned about the liability with that pond. She commented senior citizens could stumble out and fall into the pond. She questioned how this would be tying into Amelia Island Parkway, because she didn't want that to back up to her property either. Mr. Lasserre noted the concerns and explained they have to have a secondary access for the project. He pointed out that would be taken care of at the Technical Review Committee level. He stated the only logical entrance for heavy traffic would be from Amelia Island Parkway not from Amelia Road. He explained this was a logical move from C-2 to an area that is developing and growing. He pointed out there are three driveways along Amelia Island Parkway accessing two homes and a farm, and that would be reduced to one. He referred to the liability of the pond and explained each homeowners association would be responsible to be sure they are not negligent in maintenance and securing its border.

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

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

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

The board took a brief recess at this time.

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

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

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

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

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

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

**Motion carried.**

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

**5. Board Business**

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

**5.2. Discuss Public Speaking Procedures** – City Attorney Bach commented that the board has bylaws, and she couldn't remember if there was a speaker limit. Chair Lane noted in the past the board opened up the speaking and there were times where the board has said it would have to be limited to three minutes. She explained she had no intention of cutting people off. She questioned if the board wanted to handle this on a case by case basis. Member Bennett explained part of the board's job was to hear from the public. He stated he rather leave it on a case by case basis, because sometimes it takes a little longer so that the public understands. Member Beal agreed with case by case. He commented when there is a chamber full the board may have to limit people especially if they start saying the same things over and over. He explained when you are passionate about something to be limited to three minutes and you are the only person in the audience it angers you. Member Lasserre agreed with a case by case basis, and pointed out tonight there were a lot of people and they were respectful. There was some discussion and deliberation about the best way to proceed, and it was noted in the past the board has asked speakers to limit themselves. The board also noted when an item gets so emotional it takes away from it, because people stop looking at the facts.

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

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

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

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

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

*The next regular Planning Advisory Board Meeting would be July 13<sup>th</sup>.*

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

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Secretary

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Judith Lane, Chair



## NOTICE OF PUBLIC HEARING CITY COMMISSION CITY OF FERNANDINA BEACH

SCANNED  
5 KB

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, September 20, 2016**, at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

### ORDINANCE 2016-24

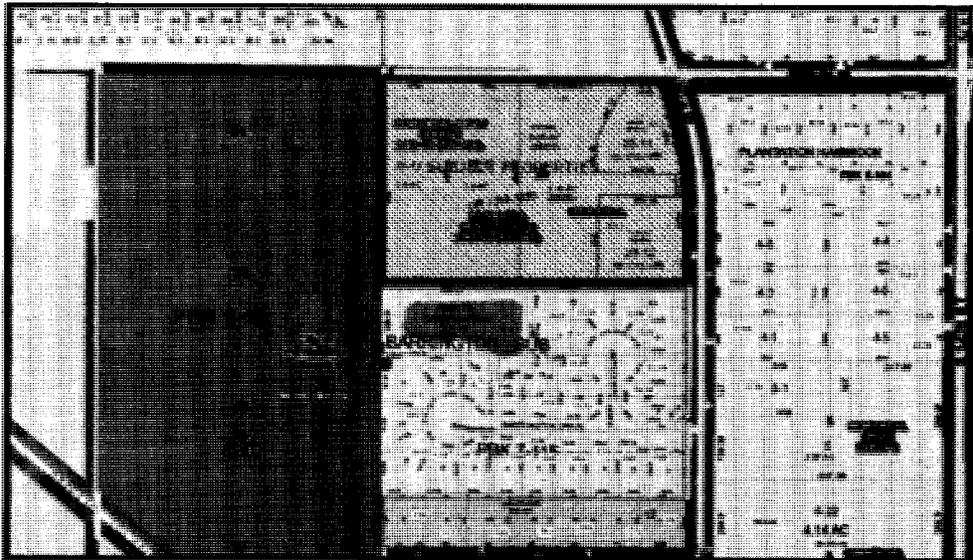
**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH ANNEXING 7.91 ACRES OF LAND LOCATED AT 3017 AND 3021 AMELIA ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

### ORDINANCE 2016-25

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP TO MEDIUM DENSITY RESIDENTIAL (MDR) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

### ORDINANCE 2016-26

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP TO RESIDENTIAL LOW MEDIUM (RLM) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**



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September 1, 2016 - News Leader Edition



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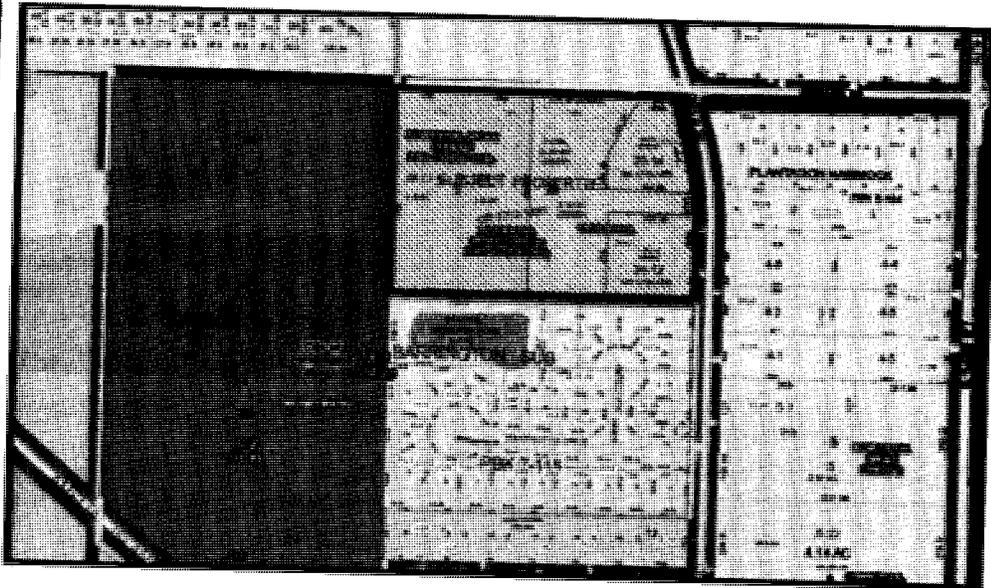
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**CITY COMMISSION AGENDA ITEM**  
*City of Fernandina Beach*



**SUBJECT: Ordinance 2016-25**  
 Future Land Use Map Amendment - 3017 and 3021 Amelia Road

ITEM TYPE:                     Ordinance                     Resolution                     Other  
     Proclamation                     Presentation

**REQUESTED ACTION: Approve Ordinance 2016-25 at Second Reading.**

**SYNOPSIS:** The applicant, Aspire at Amelia II, LLC, has requested a voluntary annexation, assignment of the Medium Density Residential (MDR) land use, and RLM (Residential Low-Medium) zoning designation. The action is requested in order to gain access to the City's water and sewer services. The property is currently contiguous to the municipal limits on its southern and western borders. The applicant intends to build a single family home subdivision.

The proposed Medium Density Residential land use and RLM (Residential Low-Medium) zoning designations for these properties are generally consistent with the Nassau County zoning and land uses currently assigned to them given the detached single family home sites which surround the property. Uses permissible under the proposed zoning categories are provided in Table 2.03.02 of the Land Development Code. The RLM zoning district requested with this application will limit development to exclusively single-family homes.

Staff has issued a recommendation of approval. The Planning Advisory Board considered the requested Future Land Use Map Amendment at its regular meeting on July 13, 2016, and issued a recommendation of approval. This Ordinance was approved at First Reading by the City Commission at its Regular Meeting on August 16, 2016; on September 20, 2016, the City Commission postponed Second Reading until October 4, 2016, at the request of the applicant.

**FISCAL IMPACT:** Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

2016/2017 CITY COMMISSION GOALS:                     Beach Safety                     Alachua Street  
 (As approved by Resolution 2016-51)                     Soccer Field Lighting                     Stormwater  
     Downtown Density                     Opportunity  
     ADA Improvements                     Departmental  
     Consideration

**CITY ATTORNEY COMMENTS:** No additional comments.

**CITY MANAGER RECOMMENDATION(S):** I recommend that the City Commission approve proposed Ordinance 2016-25 at Second Reading. *DM*

DEPARTMENT DIRECTOR	Submitted by: Marshall McCrary, <i>MM</i> CDD Director	Date: 9/21/16
CONTROLLER	Approved as to Budget Compliance <i>PAC</i>	Date: <i>9/23/16</i>
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: <i>9/23/16</i>
CITY MANAGER	Approved Agenda Item for 10/4/16 <i>DM</i>	Date: 9/21/16

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

**CITY COMMISSION AGENDA ITEM**  
*City of Fernandina Beach*



Other

Tabled

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ORDINANCE 2016-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP TO MEDIUM DENSITY RESIDENTIAL (MDR) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Future Land Use Map Amendment application number PAB 2016-18 at its July 13, 2016, meeting and recommended approval of the change to Medium Density Residential (MDR); 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 June 29, 2016.

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

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Future Land Use Map is located at 3017 and 3021 Amelia Road and identified as Parcel ID # 00-00-30-044B-0028-0010, 00-00-30-044B-0028-0012, and 00-00-30-044B-0028-0014, totaling approximately 7.91 acres, and is shown on the map attached hereto as Exhibit "A".

SECTION 2. FUTURE LAND USE MAP CHANGE. For the property in question, the City's Future Land Use Map is hereby changed to Medium Density Residential (MDR).

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 4<sup>th</sup> day of October, 2016.

CITY OF FERNANDINA BEACH

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JOHN A. MILLER  
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



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CAROLINE BEST  
City Clerk

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TAMMI E. BACH  
City Attorney



August 31, 2016 Newsheader Edition



**NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH**

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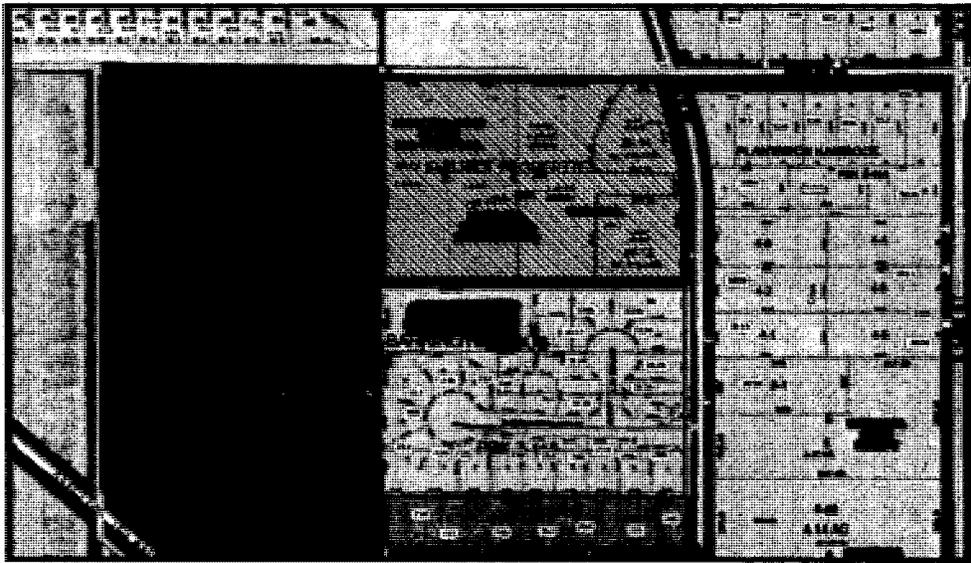
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**ORDINANCE 2016-26**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP TO RESIDENTIAL LOW MEDIUM (RLM) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**



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Continued from News Leader Edition



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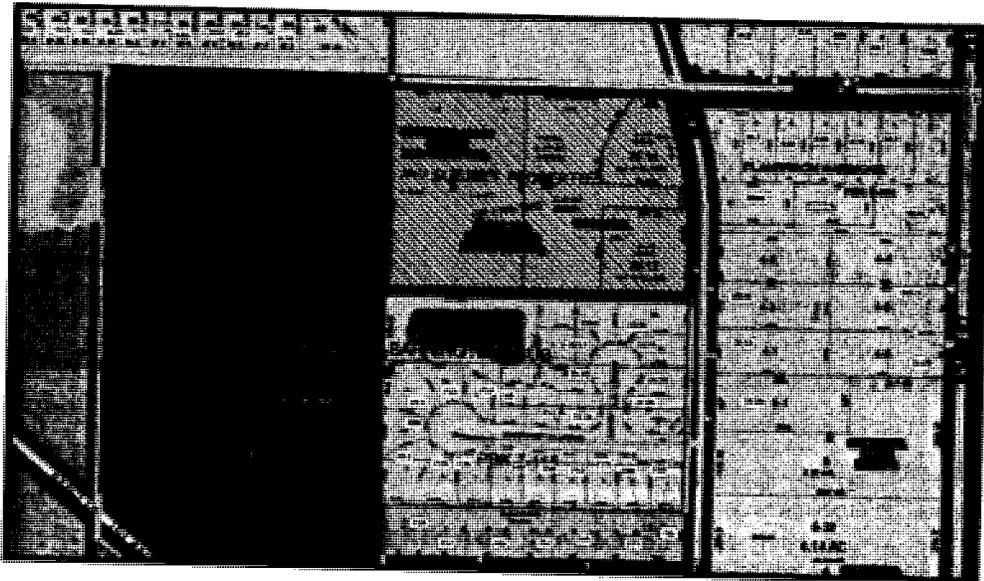
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**CITY COMMISSION AGENDA ITEM**  
*City of Fernandina Beach*



**SUBJECT: Ordinance 2016-26**  
**Zoning Map Amendment - 3017 and 3021 Amelia Road**

ITEM TYPE:                     Ordinance                     Resolution                     Other  
     Proclamation                     Presentation

**REQUESTED ACTION: Approve Ordinance 2016-26 at Second Reading.**

**SYNOPSIS:** The applicant, Aspire at Amelia II, LLC, has requested a voluntary annexation, assignment of the Medium Density Residential (MDR) land use, and RLM (Residential Low-Medium) zoning designation. The action is requested in order to gain access to the City's water and sewer services. The property is currently contiguous to the municipal limits on its southern and western borders. The applicant intends to build a single family home subdivision.

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Staff has issued a recommendation of approval. The Planning Advisory Board considered the requested Zoning Change at its Regular Meeting on July 13, 2016, and issued a recommendation of approval. This Ordinance was approved at First Reading by the City Commission at its Regular Meeting on August 16, 2016; on September 20, 2016, the City Commission postponed Second Reading until October 4, 2016, at the request of the applicant.

**FISCAL IMPACT:** Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.)

2016/2017 CITY COMMISSION GOALS:                     Beach Safety                     Alachua Street  
 (As approved by Resolution 2016-51)                     Soccer Field Lighting                     Stormwater  
     Downtown Density                     Opportunity  
     ADA Improvements                     Departmental  
     Consideration

**CITY ATTORNEY COMMENTS:** No additional comments.

**CITY MANAGER RECOMMENDATION(S):** I recommend that the City Commission approve proposed Ordinance 2016-26 at Second Reading. *DM*

DEPARTMENT DIRECTOR	Submitted by: Marshall McCrary <i>MM</i> CDD Director	Date: 9/21/16
CONTROLLER	Approved as to Budget Compliance <i>PHC</i>	Date: <i>9/23/16</i>
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: <i>9/23/16</i>
CITY MANAGER	Approved Agenda Item for 10/4/16 <i>DM</i>	Date: 9/21/16

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

**CITY COMMISSION AGENDA ITEM**  
*City of Fernandina Beach*



Other

Tabled

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## ORDINANCE 2016-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP TO RESIDENTIAL LOW MEDIUM (RLM) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Zoning Map Change application number PAB 2016-18 at its July 13, 2016, meeting and recommended approval of the change to Residential Low Medium (RLM); and

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ADOPTED this 4<sup>th</sup> day of October, 2016.

CITY OF FERNANDINA BEACH

\_\_\_\_\_  
JOHN A. MILLER  
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
TAMMI E. BACH  
City Attorney

\_\_\_\_\_  
CAROLINE BEST  
City Clerk



August 31, 2016 Newsheader Edition



# NOTICE OF PUBLIC HEARING CITY COMMISSION CITY OF FERNANDINA BEACH

SCANNED  
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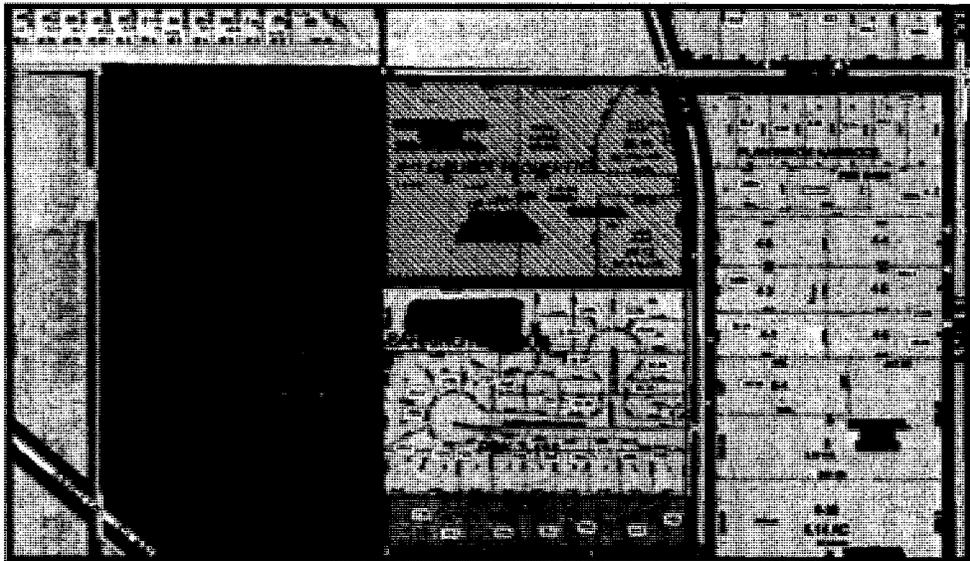
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September 20, 2016 - News Headline Edition



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NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, September 20, 2016**, at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

### ORDINANCE 2016-24

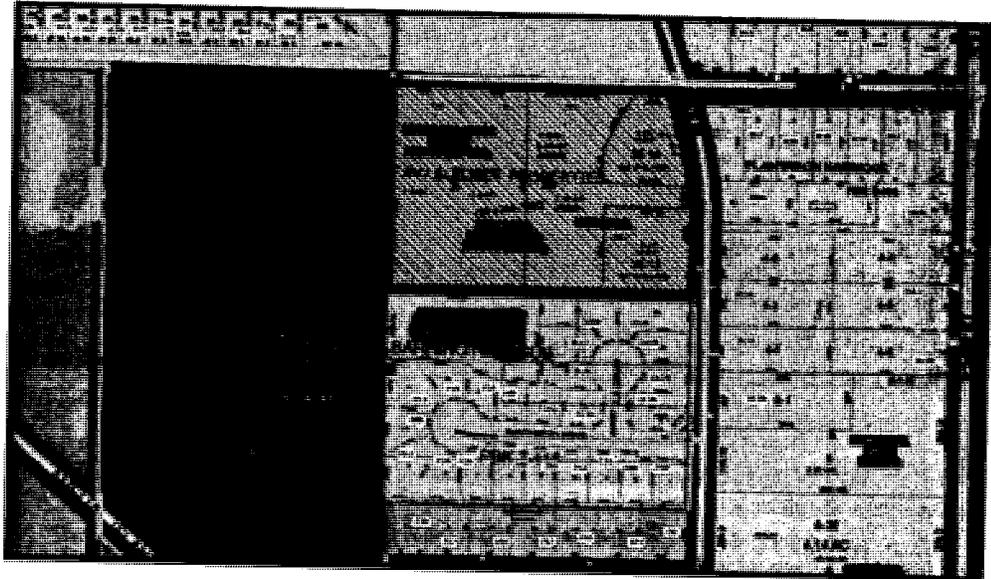
**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH ANNEXING 7.91 ACRES OF LAND LOCATED AT 3017 AND 3021 AMELIA ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

### ORDINANCE 2016-25

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP TO MEDIUM DENSITY RESIDENTIAL (MDR) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

### ORDINANCE 2016-26

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP TO RESIDENTIAL LOW MEDIUM (RLM) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the applications with description by metes and bounds and the ordinance can be obtained in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 310-3115.

SCANNED  
KB



CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Ordinance 2016-32
LDC Text Amendments to create a new Heavy Industrial (I-2) zoning category and providing specific use and design requirements and modifying the Industrial Airport (I-A) zoning use allowances

ITEM TYPE: [X] Ordinance [ ] Resolution [ ] Other
[ ] Proclamation [ ] Presentation

REQUESTED ACTION: Approve Ordinance 2016-32 at Second 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.

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.

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 amendments.

This Ordinance was approved by the City Commission at First Reading on September 14, 2016. Staff requests approval of the Ordinance at Second Reading on October 4, 2016.

FISCAL IMPACT: None

2016/2017 CITY COMMISSION GOALS: (As approved by Resolution 2016-51)
[ ] Beach Safety [ ] Alachua Street
[ ] Soccer Field Lighting [ ] Stormwater
[ ] Downtown Density [X] Opportunity
[ ] ADA Improvements [ ] Departmental
[ ] Consideration

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-32 at Second Reading. DM

DEPARTMENT DIRECTOR Submitted by: Marshall McCrary, CDD Director Date: 9/16/16

CONTROLLER Approved as to Budget Compliance Date:
CITY ATTORNEY Approved as to Form and Legality TEB Date: 9/23/16

CITY MANAGER Approved Agenda Item for 10/4/16 DM Date: 9/16/16

**CITY COMMISSION AGENDA ITEM**

*City of Fernandina Beach*



COMMISSION ACTION:

- Approved As Recommended
- Approved With Modification
- Other

- Disapproved
- Postponed to Time Certain
- Tabled

ORDINANCE 2016-32

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 4<sup>th</sup> day of October, 2016.

CITY OF FERNANDINA BEACH

\_\_\_\_\_  
JOHN A. MILLER  
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
TAMMI E. BACH  
City Attorney

\_\_\_\_\_  
CAROLINE BEST  
City Clerk

**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**

<b>Zoning Districts:</b>	<b>R-E</b>	<b>R1-G</b>	<b>R-1</b>	<b>RLM</b>	<b>R-2</b>	<b>R-3</b>	<b>OT-1</b>	<b>OT-2</b>	<b>MU-1</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>I-1</b>	<b>I-2</b>	<b>I-A</b>	<b>I-W</b>	<b>W-1</b>	<b>PI-1</b>	<b>REC</b>	<b>CON</b>
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.

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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
<b>Land Uses:</b>																				
Adult Entertainment													S	S						
Airports and Heliports													P	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		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	P			
Animal Hospital or Veterinary Clinic											P		P	P	P					
Asphalt or Concrete Plant													S	S	S					
Automobile Sales, New and Used											P		P	P	P					
Automobile Repair, Garage, Body Shop											P		P	P	P					
Automotive Rental Agencies											P		P	P	P	P	P			
Bakery Plant													P	P	P					
Bed and Breakfast Inns						S		S	S			S								
Book and Stationery Stores									P	P	P	P	P	P	P		P			

**Zoning Districts**

<b>P – Permissible</b>  <b>S – Permissible Subject to Supplemental Standards</b>  <b>Blank-Prohibited</b>	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	<u>P</u>	<del>P</del>						
Bulk Storage Yards – Solids													P	<u>P</u>							
Bulk Storage Yards- Liquid													P	<u>P</u>	<u>P</u>						
Bus Terminals and Taxi Stations											P		P	<u>P</u>	P						
Business Colleges; Commercial, Trade, Vocational, and Arts Schools											P	P	P	<u>P</u>	P				P		
Business Services such as Copying, Mailing, or Printing										S	P	S	P	<u>P</u>	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	<u>P</u>	P		P	P			
Commercial Fishing Facilities																P	P				
Construction, Sales, and/or Maintenance of Boats and Ships; Marine Supply													P	<u>P</u>	<del>P</del>	P	P				
Craft Distillery, Small-Scale Brewery or Winery									S	S	S	S	P	<u>P</u>	<del>P</del>	P					
Day Care Center									S	S	P	P							P		
Dog Dining- Outdoors Only								S	S	S	S	S	S	<u>S</u>	<del>S</del>	S	S				
Distribution, Packing, and Shipping													P	<u>P</u>	P	P	P				
Drug Store or Pharmacy									P	P	P	S	P	<u>P</u>	<del>P</del>		P				
Essential Public Services, such as Transmission Lines and Lift Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P			P	P	P
Financial Institutions, Banks, and Credit Unions								P	P		P	P	P	<u>P</u>	<del>P</del>						
Freight and Moving Establishments													P	<u>P</u>	P						
Funeral Home and Mortuary									P		P		P	<u>P</u>	<del>P</del>						

**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
<b>P – Permissible</b>																				
<b>S – Permissible Subject to Supplemental Standards</b>																				
<b>Blank-Prohibited</b>																				
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

	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
<b>P – Permissible</b>																				
<b>S – Permissible Subject to Supplemental Standards</b>																				
<b>Blank-Prohibited</b>																				
Marine recreation, such as kayak or boat rentals, sailing schools, etc.													P			P	P			
<del>Marine research and educational facilities</del> (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**

<b>P – Permissible</b>  <b>S – Permissible Subject to Supplemental Standards</b>  <b>Blank-Prohibited</b>	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								
<u>Education</u> , Research, and Development Facilities											P		P	P	P	P	P			
Residential Uses:																				
Single-Family	P		P	P	P	P	P	P	P			P								P Note 2
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	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	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**

<b>P – Permissible</b> <b>S – Permissible Subject to Supplemental Standards</b> <b>Blank-Prohibited</b>	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
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
<b>Accessory Land Uses:</b>																				
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

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's 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 <sup>1</sup>
I-2		Not permitted as a principal use <sup>1</sup>
I-A		Not permitted as a principal use <sup>1</sup>
I-W		Not permitted as a principal use <sup>1</sup>
W-1	2.0 with bonus potential to 4.0	Single-family within mixed use
PI-1		Not permitted as a principal use <sup>1</sup>
CON		Not permitted as a principal use <sup>1</sup>
REC		Prohibited

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

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
<u>I-2</u>	<u>75</u>	<u>75</u>	<u>50</u>
I-A	75	75	50
I-W	75	75	75
W-1	25	75	75
PI-1	50	75 Note 5	50
CON	NA	5	NA
REC	NA	75	NA

- Notes:
1. For RE, R-1, R-2, R-3, OT-1, and OT-2, the FAR standard applies to any permissible commercial uses.
  2. The minimum lot width for lots platted prior to the effective date of this LDC is fifty (50) feet. The minimum lot width for lots platted on or after the effective date of this LDC is seventy-five (75) feet.
  3. The maximum impervious surface ratio within the "Central Business District" land use, as depicted on the Future Land Use Map, may be 1.00 where the application is for redevelopment of a lot that is developed with 100% impervious surface. Where

the application is for new development of a vacant lot, the maximum impervious surface on the lot may be 100% where stormwater facilities are available and have sufficient capacity to accept the runoff from the lot.

4. Development is permissible on lots which were platted before the effective date of this LDC and have a minimum width of twenty-five (25) feet.
5. Proposed development on lots within the "Recreation" land use, as depicted on the Future Land Use Map shall not exceed 0.25 impervious surface ratios.
6. Lots located within 800 feet of the Mean High Water Mark of the Atlantic Ocean shall be permitted a maximum FAR of 1.50, as long as the FAR for all General Commercial lots in the City, combined, does not exceed an overall FAR of 0.50.
7. Refer to Chapter 8 Section 8.01.01.02 for maximum lot coverage.

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

Zoning District	Maximum Building Height (ft.) <sup>1</sup>	Minimum Setback			
		Front (ft.)	Side <sup>2</sup>	Rear (ft.)	Corner Lot (side abutting street) (ft.) <sup>3</sup>
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 <sup>4</sup>	10	10
C-1	45	None	None <sup>4</sup>	10	10
C-2	45	None	None	None	None
C-3	45	None	None	None	None
I-1	45 <sup>5</sup>	None	None	None	None
I-2	45 <sup>5</sup>	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 ( $\frac{1}{2}$ ) 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 <del>A solid masonry wall at least four (4) feet high with a</del> <u>A</u> continuous unbroken hedge, planted in a double-staggered row to form a solid visual screen within one (1) year of planting, <del>planted on the outside of the wall on the side of least intensity.</del> <u>Retention of native trees and vegetation which meet this requirement shall be considered as part of the buffer.</u>

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

September 21 2016

Newsheader Edition



NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH

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ORDINANCE 2016-32

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.

ORDINANCE 2016-33

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, 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.



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Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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**ORDINANCE 2016-33**

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Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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*Note:*

***Please run as a DISPLAY in the September 21, 2016 edition of the News Leader.***

***Please send proof of publication to:***

*City Clerk's Office*

*City Hall, 204 Ash Street*

*Fernandina Beach, FL 32034*

*904-310-3115*

September  
21, 2016  
Newsleader  
Edition



NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, October 4, 2016 at 6:00 p.m. in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following applications:

**DEVELOPMENT AGREEMENT**

THE CITY OF FERNANDINA BEACH WILL CONSIDER AN AGREEMENT WITH LIGNOTECH FLORIDA FOR THE DEVELOPMENT OF LIGNIN PROCESSING FACILITY LOCATED ON A LEASEHOLD AREA AS PART OF THE OVERALL PROPERTY CONTAINING RAYONIER ADVANCED MATERIALS LOCATED AT 6 GUM STREET FERNANDINA BEACH, FL 32034. THE INTENDED DEVELOPMENT IS INDUSTRIAL AND WILL NOT CONTAIN ANY RESIDENTIAL DENSITIES TO INCREASE POPULATION. THE DEVELOPMENT IS LOCATED IN AN INDUSTRIAL (I-1) ZONED PROPERTY AND ITS INTENSITY IS LIMITED TO A FLOOR AREA RATIO OF NO GREATER THAN 0.75 OF THE ENTIRE PROPERTY. BUILDING HEIGHT LIMITATIONS ARE EXEMPT FOR MILL OPERATIONS PER LDC SECTION 4.02.03(E) NOTE 5. A COPY OF THE PROPOSED AGREEMENT MAY BE LOCATED AT THE CITY ATTORNEY'S OFFICE LOCATED AT 516 S. 10TH STREET FERNANDINA BEACH, FL 32034.

PROPOSED DEVELOPMENT AGREEMENT WITH LIGNOTECH FLORIDA



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3100, TTY 711, (TTY number for all City offices) or through the Florida Relay Service at 711 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/ COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the applications may be inspected in the office of the Community Development Department, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Planning Department at 310-3135.

SCANNED  
CLERK



CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Ordinance 2016-33
Zoning Map Changes: Heavy Industrial (I-2), Light Industrial (I-1) and Industrial Airport (I-A)

ITEM TYPE: [X] Ordinance [ ] Resolution [ ] Other
[ ] Proclamation [ ] Presentation

REQUESTED ACTION: Approve Ordinance 2016-33 at Second 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.

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.

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.

This Ordinance was approved by the City Commission at First Reading on September 14, 2016. Staff requests approval of the Ordinance at Second Reading on October 4, 2016.

FISCAL IMPACT: None

2016/2017 CITY COMMISSION GOALS: (As approved by Resolution 2016-51)
[ ] Beach Safety [ ] Alachua Street
[ ] Soccer Field Lighting [ ] Stormwater
[ ] Downtown Density [X] Opportunity
[ ] ADA Improvements [ ] Departmental
[ ] Consideration

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-33 at Second Reading. [Signature]

DEPARTMENT DIRECTOR Submitted by: Marshall McCrary, [Signature] CDD Director Date: 9/16/16

CONTROLLER Approved as to Budget Compliance Date:
CITY ATTORNEY Approved as to Form and Legality [Signature] Date: 9/23/16

CITY MANAGER Approved Agenda Item for 10/4/16 [Signature] Date: 9/16/16

COMMISSION ACTION: [ ] Approved As Recommended [ ] Disapproved

**CITY COMMISSION AGENDA ITEM**  
*City of Fernandina Beach*



Approved With Modification  
 Other

Postponed to Time Certain  
 Tabled

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ORDINANCE 2016-33

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, 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. 8<sup>TH</sup> 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. 8<sup>th</sup> 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. 8<sup>th</sup> 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 4<sup>th</sup> day of October, 2016.

CITY OF FERNANDINA BEACH

\_\_\_\_\_  
JOHN A. MILLER  
Mayor - Commissioner

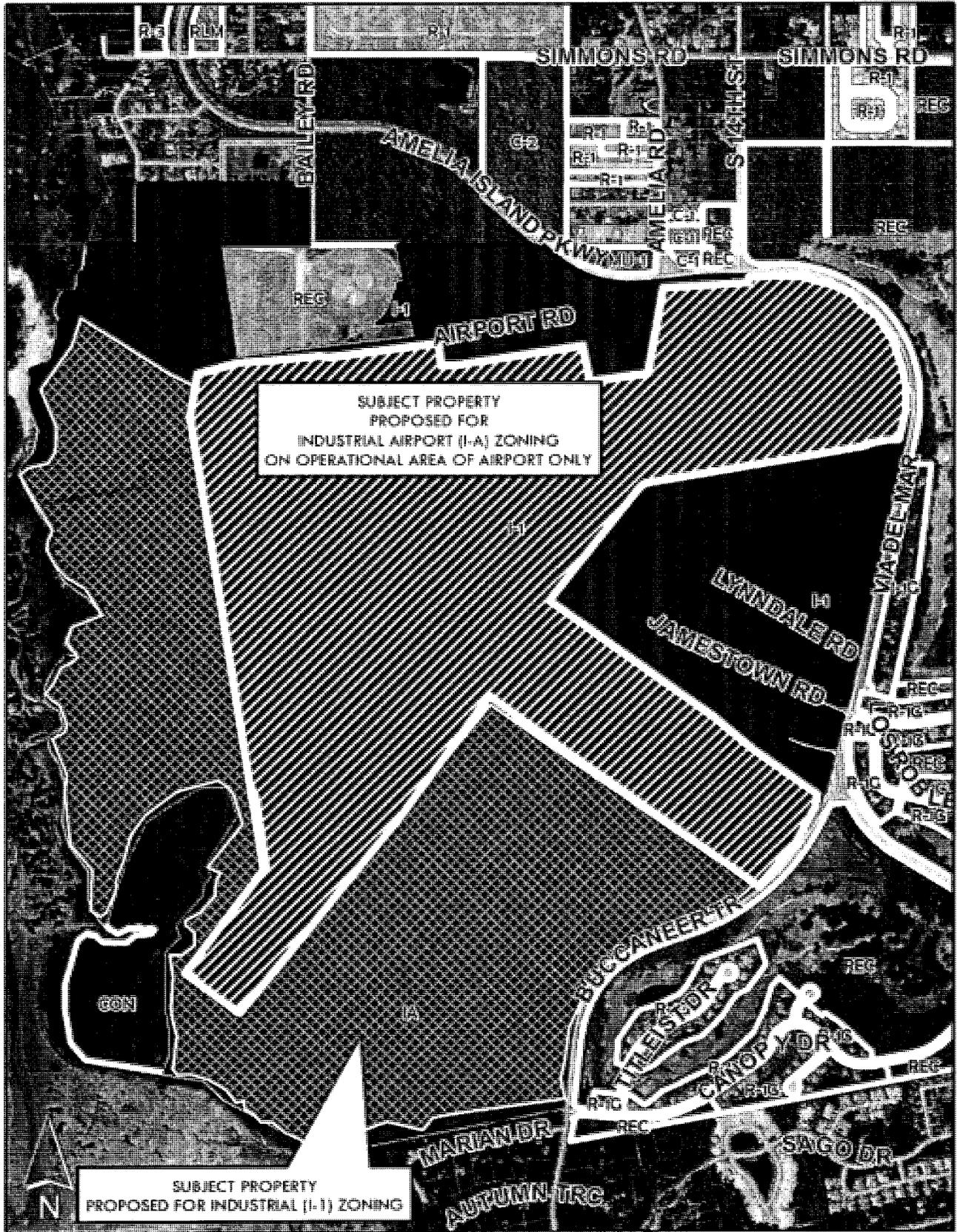
ATTEST:

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
TAMMI E. BACH  
City Attorney

\_\_\_\_\_  
CAROLINE BEST  
City Clerk

ORDINANCE 2016-33  
EXHIBIT "A"



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





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

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*Fernandina Beach, FL 32034*

*904-310-3115*



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CITY COMMISSION  
CITY OF FERNANDINA BEACH

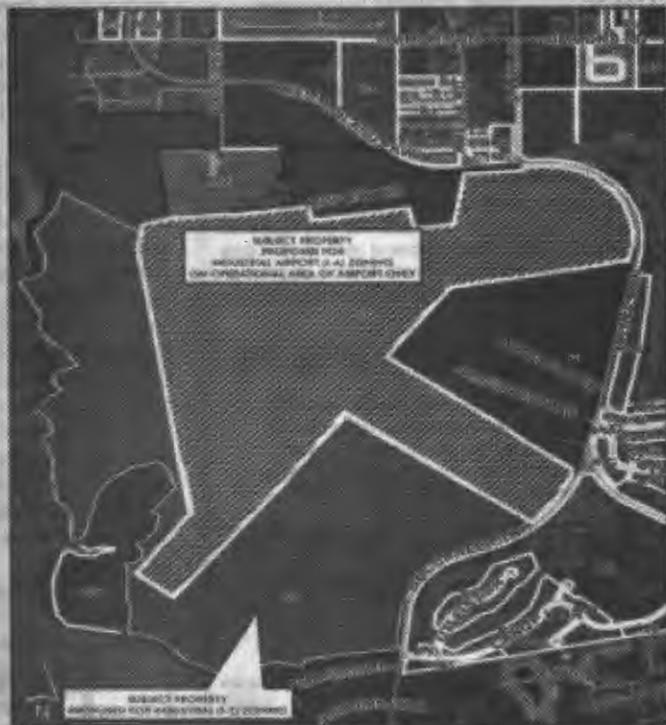
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, October 4, 2016, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

**ORDINANCE 2016-32**

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.

**ORDINANCE 2016-33**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, 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.



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September  
21, 2016  
News leader  
Edition



NOTICE OF PUBLIC HEARING  
CITY COMMISSION  
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, October 4, 2016 at 6:00 p.m. in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following applications:

**DEVELOPMENT AGREEMENT**

THE CITY OF FERNANDINA BEACH WILL CONSIDER AN AGREEMENT WITH LIGNOTECH FLORIDA FOR THE DEVELOPMENT OF LIGNIN PROCESSING FACILITY LOCATED ON A LEASEHOLD AREA AS PART OF THE OVERALL PROPERTY CONTAINING RAYONIER ADVANCED MATERIALS LOCATED AT 6 GUM STREET FERNANDINA BEACH, FL 32034. THE INTENDED DEVELOPMENT IS INDUSTRIAL AND WILL NOT CONTAIN ANY RESIDENTIAL DENSITIES TO INCREASE POPULATION. THE DEVELOPMENT IS LOCATED IN AN INDUSTRIAL (I-1) ZONED PROPERTY AND ITS INTENSITY IS LIMITED TO A FLOOR AREA RATIO OF NO GREATER THAN 0.75 OF THE ENTIRE PROPERTY. BUILDING HEIGHT LIMITATIONS ARE EXEMPT FOR MILL OPERATIONS PER LDC SECTION 4.02.03(E) NOTE 5. A COPY OF THE PROPOSED AGREEMENT MAY BE LOCATED AT THE CITY ATTORNEY'S OFFICE LOCATED AT 516 S. 10TH STREET FERNANDINA BEACH, FL 32034.

PROPOSED DEVELOPMENT AGREEMENT WITH LIGNOTECH FLORIDA



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3100, TTY 711, (TTY number for all City offices) or through the Florida Relay Service at 711 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/ COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the applications may be inspected in the office of the Community Development Department, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Planning Department at 310-3135.

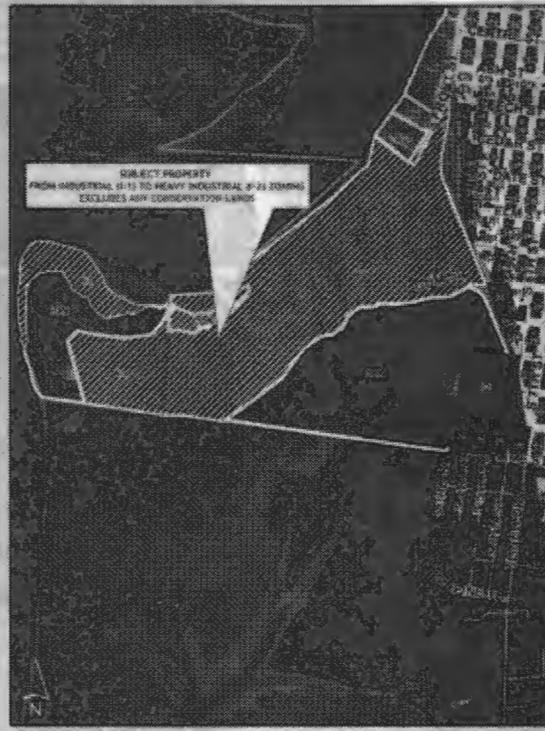
CLERK

September 21, 2016

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Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/ COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the applications with description by metes and bounds and the ordinance can be obtained in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 310-3115.