

Conservation and Coastal Management Element – Comments and Discussion

Agency Comments

North East Florida Regional Council – Elizabeth Payne and Jeff Alexander (5/3/11)

- See attached document with track change comments

North East Florida Regional Council – Margo Moehring (5/5/11)

- The reference to clearance time and mitigation belongs under a general CHHA section, not a specific land use category.
- As you guys are not putting your mitigation policy for increase in residential units in CHHA into the plan, and will need to address mitigation case by case, you might want to consider putting in the plan the minimum requirement for analysis, so you don't have to negotiate that as well. The methodology to determine impacts identified in the most recent hurricane evacuation study would be a reasonable standard, subject to your acceptance of the assumptions used.
- Please consider also working with “regional entities as appropriate” for the sea level rise work in Policy 5.04.09.
- We remember discussions from last year about not allowing density bonuses in CHHA. How does this work in your plan?
- FLUM and transportation elements would have to be reviewed for consistency with these concepts.

St. Johns Water Management District (5/18/11)

- Policy 5.07.10 “The City shall include water efficient landscaping at all City facilities by using Florida-Friendly, native and drought-tolerant plants...”
- Policy 5.07.11 “The City shall use Florida-Friendly or native plant species as landscaping at all City facilities and shall not use invasive species...”
- Policy 5.08.02 “The City shall coordinate with the Florida Department of Environmental Protection and the ~~Saint~~St. Johns River Water Management District...”

Public Comments

Judith Lane (5/25/11)

- See attached documents with track change comments

Items for Board Discussion based on Community Workshops

- Policy 5.01.03 – Eliminate the word “necessary.”
- Policy 5.01.06 – Insert “and promote” after “The City shall maintain...”.
- Policy 5.02.07 – Mirror language in ROS Element Policy 6.05.04 – select consistent wording for both policies. Clarify statement to reflect driving/parking on beach specifically, not parking east of CCCL. Add “people” after “No motorized vehicles...”.
- Objective 5.05 – Clarify language to specify that objective is intended to relate to Waterfronts Florida Partnership Planning Area (Rayonier north to Tiger Point Marina).
- Policy 5.05.03 – Clarify language regarding parking to specify on-site parking (or not). Discuss limitations on long-term parking at marinas.
- Policy 5.05.10 – Insert “City” after “to reduce the need for additional...”.
- Policy 5.05.15 – Discuss rewording or clarification of this policy or whether to include it at all.

- Policy 5.05.17(a) – Specifically reference golf courses.
- Objective 5.10 – Could wildlife planning further reference aquatic/marine life, especially in estuaries?
- Objective 5.12 – Include creation of air quality notification system. Also consider inserting creation of water quality notification system in water quality objective.
- Policy 5.14.08 – Keep “preservation” and insert “of” after it, so it reads “preservation of environmentally sensitive lands...”

City of Fernandina Beach Draft EAR-based amendment

St. Johns River Water Management District (District) staff have reviewed the City of Fernandina Beach's (City's) draft EAR-based amendment. District staff draft comments are provided below.

****Priorities are 1, 2, 3 per Steve Fitzgibbons (AD 5/25/11)**

1. Water supply concurrency. The supporting policies for Objective 8.05 address concurrency management. In addition, the City proposes Policy 4.03.02 to address the water supply requirements of Section 163.3180(2)(a), *Florida Statutes* (F.S.). However, neither the supporting policies for Objective 8.05, nor Policy 4.03.02, address all of the requirements of Section 163.3180(2)(a), F.S. To adequately address the water supply concurrency requirements, policies providing enabling language for the concurrency management system (CMS) must address water supply availability prior to approval of a building permit and when issuing a certificate of occupancy. In addition, the City's CMS must include consultation with the applicable water supplier during the permit review process and prior to approval of a building permit to determine if adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy. To ensure that the water supply concurrency requirements are addressed, the District recommends that the City delete Policy 4.03.02, and revise Policy 8.05.09 as indicated by the following strikethrough-and-underlined text:

Policy 8.05.09

The following criteria shall be used to determine when concurrency has been satisfied for potable water, sanitary sewer, solid waste, and drainage:

- a. The necessary facilities and services are in place at the time the development order is issued;
- b. A development order is issued subject to the conditions that the necessary facilities and services will be in place when the impacts of development occur; or
- c. At the time the development order is issued, the necessary facilities and services are guaranteed in an enforceable development agreement, to be available when the impacts of development occur.

In addition, consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.

2. Coordination with the regional water supply plan. Policies 7.02.03, 7.04.13, and 7.04.14 address coordination with the District relative to implementing the District Water Supply Plan (DWSP) and projecting future water supplies and demand. In addition, Policy 7.02.08 addresses coordination of the City's comprehensive plan with the plans and regulations of federal agencies. In order to address the requirements of Section 163.3177(6)(h)(l), F.S., regarding coordination with the District's regional water supply plan (i.e., DWSP), the District recommends that policies 7.02.03, 7.02.08, 7.04.13, and 7.04.14 be revised as indicated by the following strikethrough-and-underlined text:

Policy 7.02.03

~~The City shall coordinate with the SJRWMD in the implementation of those policies included within the District Water Supply Plan.~~

Policy 7.02.08

The City shall coordinate with the applicable regional, state, and federal agencies on an ongoing basis to ensure that the City's comprehensive plan and other regulations are consistent with their respective comprehensive and/or management plans, are compatible and that the regulations and standards within these plans are consistent.

Policy 7.04.13

The City shall coordinate with SJRWMD staff in projecting future water supply and demand of potable water and alternative water sources to meet projected needs. In addition, the City will participate in the development of updates to SJRWMD's Water Supply Assessment and District Water Supply Plan and in other water supply development-related initiatives facilitated by SJRWMD that affect the City.

Policy 7.04.14

~~The City shall coordinate with the SJRWMD in preparing amendments to the Water Facilities Work Plan and the Consumptive Use Permit process.~~

3. Addressing Section 163.3177(6)(d), F.S. Objective 4.5 and its supporting policies address the City's water supply facilities work plan (WSFWP). The City is proposing to delete Objective 4.5 and its supporting policies because the city is not currently located within a Priority Water Resource Caution Area and, accordingly, is not required to maintain a WSFWP. However, the City should update the comprehensive plan's data and analysis to address the requirements of Section 163.3177(6)(d), F.S., as well as the following items.
 - A. Include projections for potable and nonpotable water demands for the planning period of the comprehensive plan that are consistent with the District's projections.
 - B. Identify water sources to meet projected water demands for the planning period of the comprehensive plan that consider the sources authorized for use by the City's District-issued consumptive use permit (CUP).
 - C. Describe any alternative water supply projects (if any) that the City is considering for implementation.
 - D. Identify the City's water conservation practices to reduce water demand, including the water conservation and reuse measures identified in the water conservation plan that was submitted to the District and which became part of the City's CUP.
 - E. Describe the City's role in providing reuse water to meet nonpotable water demands.

4. Preemption issues. Policies 1.03.05, 4.03.06, and 4.05.17 may conflict with and encroach on the exclusive preemptive authority of the Florida Department of Environmental Protection and the water management districts to regulate the consumptive use and transport of water (pursuant to sections 373.217, 373.223(2), 372.2285, F.S., and Rule 62-40.422, F.A.C.). To eliminate these consumptive use preemption issues, the District recommends these policies be revised as indicated below in strikethrough-and-underlined text:

Policy 1.03.05.

Within 500 feet of a public supply well field, the following land uses are prohibited:

- a. All regulated industries by the DEP as defined in Rule 62-521, F.A.C.;
- b. Facilities for the bulk storage, handling or processing of material on the Florida Substance List (Rule 38-1-30, F.A.C.);
- c. Activities that require the storage, use, or transportation of restricted substances, agricultural chemicals, hazardous toxic waste, medical waste, and petroleum products;
- d. Commercial animal facilities, including veterinary clinics;
- e. Mines;
- f. Industrial land uses;
- g. Wastewater treatment plants;
- h. Commercial activities that involve the use of hazardous chemicals such as, but not limited to, dry cleaning operations, auto repair and servicing, pool supply, gas stations, junkyards, and machine shops;
- i. ~~Injection wells, irrigation wells, and domestic and commercial wells less than six (6) inches in diameter;~~
- j. Stormwater facilities, including the use of drainage wells or sinkholes for stormwater disposal; and
- k. Human or animal cemeteries.

Policy 4.03.06.

The City shall coordinate with the SJRWMD to ensure that continued adequate water supplies are identified and available to serve the needs of the City. Specifically, the City shall establish water conservation programs and methods, including requiring installation of water saving devices and irrigation systems designed to accept reclaimed water in new construction and reconstruction projects, limitations on irrigation, and other methods as they are identified.

Policy 4.05.17.

Irrigation systems for ~~New~~ development and redevelopment and all municipal projects shall be required to utilize stormwater runoff ~~be designed and installed to accept nonpotable water for~~ landscape irrigation.

5. Nonpotable water reuse practices. Several policies address the City's nonpotable water practices, including policies 4.03.05, 4.04.06, 4.03.07, 4.03.08, 4.03.09, 4.03.12., 4.05.17, and 5.05.17 (Staff note: There is no policy 5.05.17; I'm not sure what this references. – AD 5/27/11). Relative to the policies related to reuse practices, the District recommends the City consider the following:

- A. Deleting Policy 4.03.05 or 4.03.08 because the policies contain the same text.
- B. Revising policies 4.03.06 and 4.05.17 as indicated by the strikethrough-and-underlined text shown within comment 4 (above).
- C. Revising Policy 4.03.09 as indicated below in strikethrough-and-underlined text:

Policy 4.03.09.

In order to ~~comply with potable water conservation policies of the SJRWMD and the NEFRC, and to~~ achieve a reduction in the current rates of water consumption, the City's land development regulations shall include the following standards:

- a. ~~Non-potable alternative sources of irrigation water such as wastewater/ stormwater reuse, wastewater / stormwater recovery systems and non-potable water supplies shall be used to meet irrigation needs,~~ Installation of irrigation systems designed to accept nonpotable water and connection to a nonpotable water distribution system, when feasible and available;
 - b. Water-saving plumbing fixtures shall be required on all new development; and
 - c. Seventy-Five (75) percent of all landscaped areas shall consist of native or drought-tolerant vegetation.
 - d. Require developments to conform to the State Water Conservation Act (§553.14, Florida Statutes).
6. Objectives 4.03 and 4.05 and supporting policies. The City is proposing to delete Policy 4.5.04, which addressed the City's consumptive use permit (CUP) allocations and annual water consumption. Although some policies relative to water conservation are proposed in support of Objective 4.03, District records indicate that the City is also implementing other additional water conservation practices that are associated with the City's CUP. These additional water conservation practices are described in the City's CUP and in the water conservation plan submitted to the District that became part of the CUP. The District recommends that the City consider, in place of deleting Policy 4.5.04, adopting an enabling policy to continue implementing the other additional water conservation practices that are associated with the City's CUP. For example, the City could include the following text as a new supporting policy for Objective 4.03:

“The City will continue implementing the water conservation practices detailed in the City's consumptive use permit (CUP) and CUP-related water conservation plan.”

7. Other policy considerations.

- A. The District recommends the City consider the following additional policy revisions, as indicated below in strikethrough-and-underlined text:

Policy 4.03.11

The City shall provide incentives for new ~~subdivisions~~ residential and nonresidential development that incorporate low impact development strategies and use of native, drought tolerant or “Florida Friendly” landscaping including, but not limited to, density bonuses, expedited permit review or reduced water and wastewater impact fees.

Policy 7.01.09

The City shall seek an interlocal agreement with the County regarding water supply planning issues, specifically to ~~coordinate the availability of sufficient capacity in the City's water system to serve the needs of residents of~~ address the provision of potable water service to that portion of the unincorporated County located within the City's water service area.

Policy 7.04.04

The City shall maintain ongoing intergovernmental coordination activities in joint municipal planning areas regarding issues involving: traffic and transportation systems improvement planning and financing; potable and non-potable water facility expansion, replacement, and financing; wastewater expansion, replacement, and financing; stormwater management; water conservation; coastal management issues..."

Policy 5.08.02

"The City shall coordinate with the Florida Department of Environmental Protection and the ~~Saint~~St. Johns River Water Management District..."

- B. Policies 1.02.05, 1.02.06, 1.02.09, 3.06.03, 4.03.09, 4.03.11, 5.07.10, 5.07.11 address landscaping requirements and utilize the text "native" and "drought-tolerant." In addition, some of the policies (i.e., 1.02.05, 3.06.03, and 4.03.11) also utilize the text "Florida-Friendly." The District suggests that the City consider utilizing the same text within each policy to ensure consistent landscaping requirements. For example, the City could revise policies 1.02.05, 1.02.06, 1.02.09, 4.03.09, 5.07.10, and 5.07.11, as indicated below in strikethrough-and-underlined text:

Policy 1.02.05

"...m. Landscaping Requirements: The City shall direct minimum landscaping percentages and promote use of native, drought- tolerant, Florida-friendly landscaping practices and plant materials."

Policy 1.02.06

"...e. Requiring application of sound low impact development (LID) principles, Florida-Friendly, native and drought tolerant landscaping and urban design principles and practices;..."

Policy 1.02.09

"...Any potential adverse impacts caused by different incompatible land uses located adjacent to each other shall be minimized by Florida-Friendly, drought tolerant and native landscaping, low impact development strategies and buffer requirements."

Policy 4.03.09

"...c. Seventy-Five (75) percent of all landscaped areas shall consist of Florida-Friendly, native or drought-tolerant vegetation..."

Policy 5.07.10

“The City shall include water efficient landscaping at all City facilities by using Florida-Friendly, native and drought-tolerant plants...”

Policy 5.07.11

“The City shall use Florida-Friendly or native plant species as landscaping at all City facilities and shall not use invasive species...”

8. Aquifer recharge policies and data. City staff previously coordinated with the District in April 2011 regarding changes to the policies and data related to aquifer recharge (e.g., Policy 5.07.18). However, the draft document reviewed by the District did not contain policy changes or data relative to the previous coordination. The City’s comprehensive plan should contain a map of aquifer recharge areas within the city and identify the data source for the map. The District’s current data relative to aquifer recharge areas can be downloaded from the following District web page and used by City staff to map recharge areas within the city:
floridaswater.com/gisdevelopment/docs/themes.html.

(**Staff note: I communicated with SJRWMD in April 2011 about aquifer recharge issues, but changes were not included in the draft version emailed to SJRWMD for preliminary review. This information needs to be updated before finalizing any policies regarding aquifer recharge. – AD 5/27/11)

THE CITY SHALL CONSERVE, UTILIZE, AND PROTECT THE NATURAL RESOURCES OF THE AREA, INCLUDING AIR, WATER WELLS, ESTUARIES, WATER BODIES, SOILS, MINERALS, VEGETATIVE COMMUNITIES, WILDLIFE, WILDLIFE HABITAT, AND OTHER NATURAL AND ENVIRONMENTAL RESOURCES, TO ENSURE THAT RESOURCES ARE PROTECTED AND AVAILABLE FOR FUTURE GENERATIONS.

OBJECTIVE 5.01. PUBLIC BEACH ACCESS

The City shall continue to maintain, improve, and increase public beach access through acquisition and other land-use controls.

Comment [JL1]: Recommend that the City include in here somewhere the prohibition to driving on the beach.

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POLICIES

- 5.01.01. The City shall maintain an inventory of public beach access points, including number, location, design, and availability of parking.
- 5.01.02. The City shall require, where appropriate, the dedication of public access to beaches from developments located within the coastal area.
- 5.01.03. The City shall not vacate necessary existing rights-of-way, easements, walkways, and other access points to beaches and shores.
- 5.01.04. The City shall promote, through dedication or other means, increased facilities for public beaches.
- 5.01.05. The City shall not allow private landowners adjacent to public beach access points, including easements, to restrict public access to the beaches through those access points.

OBJECTIVE 5.02. DUNE PRESERVATION

The City shall implement a beach and dune management program to ensure the protection, conservation, and enhancement of the coastal barrier dunes and beaches within the City.

POLICIES

- 5.02.01. The City will identify and prioritize those beaches and dune systems that are in need of protection, enhancement, and renourishment.
- 5.02.02. The dune management program will strictly limit excavation, destruction of native vegetation, and other activities that cumulatively or separately interfere with the normal transport of dune sediments or interfere with the natural protection afforded by natural beach dunes and dune systems.
- 5.02.03. The City shall implement standards for dune protection at public and private crossovers and for stabilization and restoration projects.
- 5.02.04. The City shall require professional evaluation of the potential for beach erosion as part of the site plan and permitting process for any coastal structure.
- 5.02.05. No motorized vehicles shall be allowed on dune systems or beaches except in an emergency situation as designated by the local civil defense agency.
- 5.02.06. The City shall coordinate with DEP in evaluating the location of the CCCL.
- 5.02.07. The City shall guide and direct the location, construction, and maintenance of development adjacent to the Atlantic shoreline. Implementation of this policy shall include design standards to address the following issues:

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Comment [JL2]: Please spell out during first use.

- a. Avoiding adverse impacts on the contours and topography 1,000 feet landward of the CCCL;
- b. Preservation of existing vegetation;
- c. Maximum impervious surface;
- d. Allowance of shore-hardening structures;
- e. Setbacks for shoreline protection;
- f. Construction standards in hurricane vulnerability zones;
- g. Reconstruction of existing hard erosion control structures;
- h. Underground storage tanks; and

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- i. Location of septic tanks
- 5.02.08. The City shall request that the DEP promptly notify the City of all applications within Nassau County seeking variances or other relief from the CCCL.

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OBJECTIVE 5.03. HAZARD MITIGATION

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.

POLICIES

- 5.03.01. The City shall coordinate with Nassau County for the safe evacuation of the coastal population in accordance with Nassau County's hurricane evacuation plan.
- 5.03.02. The City shall prioritize the improvement of transportation facilities to give special consideration to routes for hurricane evacuation.
- 5.03.03. The City shall coordinate with the County's emergency services director whenever the County updates its hurricane evacuation plan and disaster preparedness plan. An analysis of the existing plans shall consider the following:
 - a. Road carrying capacities as compared to the needs of the main evacuation routes, based upon population to be evacuated;
 - b. Number and adequacy of shelters to serve the City's population;
 - c. Methods of issuing evacuation orders to ensure all residents are adequately notified and, if necessary, assisted during evacuation;
 - d. Adequacy of educational information available and reaching the public regarding shelters, evacuation routes, emergency assistance, and enforcement of evacuation orders; and
 - e. Current information on the number and location of special needs population.
- 5.03.04. The City shall provide a hurricane guide showing evacuation routes, hurricane hazards, safety procedures, shelters, and other pertinent information for its citizens.
- 5.03.05. The City shall develop and maintain a post-disaster redevelopment plan to address strategic actions necessary to establish order, communication, and basic service delivery systems necessary for health, safety, and welfare following a hurricane or other natural disaster. This plan shall be

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reviewed with the County's civil defense officer for compliance with the local peacetime emergency plan.

5.03.06. The post-disaster redevelopment plan should provide a basis for executing the following activities during times of natural disaster:

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- a. Establishing a temporary moratorium on building activity;
- b. Reviewing and deciding upon emergency building permits;
- c. Coordinating with State and federal officials to prepare disaster assistance applications;
- d. Analyzing and recommending to the City Commission hazard mitigation options, including reconstruction or relocation of damaged public facilities;

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e. Developing a redevelopment plan including limitations on redevelopment in areas that have historically experienced destruction or severe damage from storm surge, waves, erosion, or other manifestations of storm-driven waters;

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f. Recommending amendments to the local peacetime emergency plan and other appropriate policies and procedures;

g. Distinguishing between immediate repair and cleanup action needed to protect public health and safety and long-term repair and redevelopment activities;

h. Incorporating applicable recommendations of interagency hazard mitigation reports into the FBCP;

i. Determining the removal and/or relocation, or structural modification of damaged and unsafe structures;

j. Considering development credits or transfer of development rights for use as incentives to reduce rebuilding damaged structures in the Coastal High Hazard Area (CHHA); and

k. Recommending techniques and methods that lower densities along the oceanfront and other sensitive, storm-prone areas.

Comment [JL3]: Houses along marshes and estuaries may also take a hit.

5.03.07. In the event that the City is included in a Presidential disaster declaration, the City shall use the interagency hazard mitigation report as the basis for prohibiting redevelopment of uses which are inconsistent with the report's recommendations. Additionally, the City shall use the interagency hazard mitigation report to prevent new uses that are inconsistent with report's recommendations from locating in the area included in the Presidential disaster declaration. Finally, should an interagency hazard mitigation report be issued for the City, the City shall consider adopting a program for eliminating existing uses that are inconsistent with the report's recommendations.

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5.03.08. The City shall require the redevelopment of any structure that received storm-damage in excess of fifty (50) percent of the structure's appraised value, as determined by the County property appraiser to meet all current laws and ordinances, including those enacted since construction of the subject structure. 5.03.09. The City shall coordinate coastal area population densities with hurricane evacuation plans. The City shall enforce land

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development regulations that ensure that land-use decisions impacting population density within the Category 1 evacuation area, as delineated in the Northeast Florida Regional Hurricane Evacuation Study, and the Categories 1 and 2 inundation zones are coordinated with the County's hurricane evacuation plan and applicable regional or State hurricane evacuation plans.

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5.03.10. Disaster preparedness plans shall address the needs of special needs populations, including evacuation and specific shelter requirements.

5.03.11. The City shall require new public buildings, such as schools and other government buildings, to be suitably constructed so that they can be utilized as evacuation shelters.

5.03.12. The City shall continually coordinate with the County's emergency services department to develop a plan for reducing the hurricane evacuation time for the City and Amelia Island by ten (10) percent within the planning period.

5.03.13. The City shall continually coordinate with the County's emergency services department to ensure that adequate hurricane shelters are available to serve the City's residents and visitors.

5.03.14. The City shall protect the coastal zone through programs such as the following:

a. Identifying areas needing redevelopment;

b. Eliminating unsafe conditions and inappropriate uses;

c. Identifying mechanisms for the relocation of structures significantly damaged in major hurricane events;

d. Ensuring that land acquisition programs include provisions for the possible redirection of funds to acquire estuarine properties which should not be redeveloped following a major hurricane; and

e. Discouraging the rebuilding and redevelopment of facilities that encourage growth in hazardous areas, except for necessary services for existing development.

Comment [JL4]: Would highly suggest that the City include a section on pet-friendly shelters. One major lesson learned from Katrina is that people will not evacuate without their pets—and people with special needs require their service animals. Major areas in other parts of the country are considering this, and there's a pet-friendly shelter in Yulee.

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Comment [JL5]: Would recommend that the City take another look at this statement, which appears to be an oxymoron.

OBJECTIVE 5.04. WATER-RELATED FACILITIES

The City shall protect shorelines and waterfront lands in order to ensure adequate and appropriate locations for water-dependent and water-related uses.

POLICIES

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

- a. 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;
- b. Directing the development of dry dock facilities to locations that are upland of marina sites;
- c. Requiring sewage pump-out facilities at all marinas and adequate fuel spill containment facilities at those marinas which sell petroleum products;
- d. 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; and
- e. Prohibiting the construction of causeways within estuaries and requiring bridges with pilings instead.

5.04.02. The City shall develop and implement standards for marinas and marine-related facilities that include setbacks, height limitations, parcel size, architectural guidelines, maintenance, containment of storm water runoff, wastewater disposal, and washdown water for dry storage areas.

5.04.03. Existing marina facilities shall be allowed to continue operation provided these facilities meet the City's adopted operational standards.

5.04.04. The City shall encourage new and expanded marina facilities to utilize dry storage to the fullest extent possible.

Comment [JL6]: This statement seems to be saying that the City is protecting shorelines, et al., to ensure locations for uses. Not sure if the City wants to limit this statement only to uses. There should be a statement that cross-references the protection requirements that should trump the use requirements.

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OBJECTIVE 5.05. COASTAL PROTECTION

The City shall protect coastal native vegetation, wetlands, living marine resources, coastal barriers, and wildlife habitat, by restricting development **which** will cause an adverse impact to these natural resources.

POLICIES

5.05.01. The City shall maintain water quality at the **designated** standards for the appropriate water body classification.

5.05.02. The City will monitor and participate, when necessary, in permitting activities of other regulatory agencies for projects **which** may impact the quality of the coastal area and waterways.

5.05.03. The City shall restrict development **that** could adversely impact the quality of natural resources in the coastal area. When impacts are **allowable** to marine life, wildlife, water quality, and other natural resources, the impacts shall be mitigated according to the rules and regulations of the **DEP and the SJRWMD**.

5.05.04. The City shall continue to coordinate with all relevant regulatory agencies to ensure all new development or redevelopment activities **that** have the potential to impact aquatic preserves **have been properly reviewed and permitted** within the guidelines of the Ft. Clinch State Park and the Nassau/St. Johns River management plans set forth by the DEP.

5.05.05. The City will actively pursue the protection and enhancement of water quality and quantity for wildlife propagation, fishing, shellfishing, recreation, navigation, and other related activities, and shall restore class II waters to their original condition. Activities to accomplish this policy shall include **but not be limited by** the following:

- a. Continue the proper maintenance of the City's wastewater treatment plant to ensure its operating procedures and effluent disposal continue to meet or exceed all State and **Federal** water quality standards;
- b. Continue to encourage the pulp mills located in the City to conduct regular testing of waters at their outfalls and to meet or exceed all State and **Federal** water quality standards; and
- c. Prohibit future development and **other** activities **that** would degrade existing class II waters or impede the restoration of existing class III waters to class II waters.

5.05.06. Docks and piers shall not obstruct or materially alter natural water flow or restrict navigation.

5.05.07. The City shall identify, regulate, and mitigate adverse impacts to water resources.

5.05.08. In the event that mineral and/or oil exploration is undertaken off the Northeast Florida coast, a contingency plan shall be **developed and approved prior to** announced **exploration**. The contingency plan shall address **at a minimum**:

- a. Identification of the City's natural resources that could be potentially impacted;
- b. Identification of potential impacts to the City's natural resources;

Comment [JL1]: Might add a section here prohibiting the use of motorized vehicles in coastal or wetland areas (driving on the beach, etc., found elsewhere in the document).

Comment [JL2]: I see little reference to the essential flora in these sections, especially those that are endangered or are essential for beach stability (sea oats, etc.). Suggest adding references to them.

Comment [JL3]: Suggest the use of "that." "Which" is a parenthetical term; although it is not separated by a comma from "development", it lessens the impact of the statement.

Comment [JL4]: Designated by whom? Suggest you use—and reference—the regulating Federal body.

Comment [JL5]: That pesky "which" again.

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Comment [JL6]: In what situations would impacts be allowable? Suggest an alternative wording that would explain. Marine life also fall under NOAA and other Federal agencies. Recommend referencing them here, in addition to the others.

Comment [JL7]: Should be spelled out the first time; acronyms and abbreviations afterward.

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Comment [JL8]: If you capitalize "State", you should also capitalize "Federal."

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Comment [JL9]: By whom? I'm assuming the drilling company. Or is this the City one?

Comment [JL10]: No company should be allowed to drill without approved mitigation, contingency, and disaster-recovery plans. We learned, hopefully, from the BP disaster.

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Comment [JL11]: What happens if they don't?

Comment [JL12]: Suggest spelling out wildlife, also.

- c. Methods of mitigation;
- d. Means of coordinating with permitting agencies; and
- e. Responses to hazardous events.

5.08.05. The City shall protect estuarine systems and water quality through the following requirements, at a minimum:

- a. Marinas shall contain sewage pump-out facilities and, for those which sell petroleum and other such products, adequate spill containment equipment shall be required;
- b. Permits from all agencies with regulatory jurisdiction shall be required prior to any construction of canals, manmade waterways, or any other dredge and fill activities;
- c. All development shall comply with the City's water quality standards; and
- d. Coordination with regional, State, and federal agency programs to improve the class III waters in the Intracoastal Waterway.

5.08.06. The City shall protect wetlands from impacts of adjacent development, and shall ensure:

- a. Proper siting of development structures and infrastructure, including clustering of dwelling units away from wetlands;
- b. Location of buffer zones of native vegetation around wetlands and surface water bodies to prevent erosion, retard runoff, and provide habitat; and
- c. Setback of buildings and other structures from wetlands and water bodies.

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Comment [JL13]: One thing that this section does not address is the natural pathways and normal migration paths of wildlife. The latest large subdivision on Sadler is the perfect example: It used to be a byway for bobcats, who are now displaced.

OBJECTIVE 5.09. AQUISITION AND PRESERVATION

The City shall maintain or increase the quality of natural resources, including coastal wetlands, marine habitats, Egans Creek, and associated wetlands, through ongoing programs for preservation or acquisition of lands containing important environmental resources.

POLICIES

5.09.01. The City will continue to maintain an inventory of unique coastal and upland systems for inclusion in State land purchase programs for undisturbed wetlands, beach access, and other recreational lands. In addition, the City shall develop and periodically update an inventory of all of the City's natural resources. This inventory shall examine the quantity and quality of each natural resource, as well as identify and prioritize conservation lands for purchase through Federal, State, regional, local, and/or private initiatives.

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Deleted: federal

5.09.02. The City shall cooperate with the State and the County in efforts to acquire and/or preserve environmentally sensitive lands to ensure their conservation and protect their availability for future generations.

5.09.03. The City's land development regulations shall include special requirements for preservation and conservation areas. Such special requirements shall limit development that will destroy or harm the natural functions of the river, lakes, floodplains, harbors, beaches and shores, and animal by-ways and nesting requirements.

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5.09.04. The City will actively pursue State and Federal grants to acquire and establish natural pathways between nature preserves, parks, and historical sites.

Deleted: federal

5.09.05. The City shall develop and periodically update a list of potential Federal, State, regional, and local fund sources, as well as private resources that can be used to acquire conservation lands. The City shall identify the amount of funding needed to purchase the three (3) areas with the highest priority, based upon the priority established in Policy 5.09.01. The City shall submit applications when funds become available.

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Comment [JL14]: Why just three, and in what time frame?

5.09.06. The City shall identify, determine feasibility, and implement alternative methods to acquire conservation lands. Alternative methods shall include, but are not limited to, transfer of development rights, conservation dedications, conservation easements, and donations to private conservation groups.

OBJECTIVE 5.10. THREATENED AND ENDANGERED SPECIES

The City will protect significant habitats of viable populations of threatened or endangered species.

Comment [JL15]: What is "significant"?

POLICIES

Comment [JL16]: "Viable" s a loaded word. Should the reader assume a male and a female are viable for a species. ?

5.10.01. Marinas and ports shall not be located in or adjacent to designated manatee sanctuaries, areas of essential manatee habitat, manatee foraging areas, aquatic preserves, or class II waters.

5.10.02. All species of sea turtles, that nest on the sand beaches fronting the Atlantic Ocean, shall be protected from human interference, including activities such as beach renourishment, beachfront lighting, coastal construction, and mechanical beach cleaning, among others, during nesting season.

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5.10.03. Developments proposed adjacent to "Outstanding Florida Waters"; wildlife sanctuaries; wildlife refuges; State preserves; sanctuaries; forests; and publicly owned parks, gardens, and wildlife management areas in the City shall be limited by type and intensity in order to conserve wildlife populations and habitat.

5.10.04. The City shall protect significant habitats for native wildlife and vegetation in areas of known environmentally sensitive habitats, including habitats of endangered species. Prior to the issuance of development permits in such areas, detailed inventories and assessments of impacts of development shall be conducted. If on-site habitat will be disturbed by new development, the habitat shall be relocated or the impacts mitigated, if viable by virtue of its size, configuration, and connecting habitat.

Comment [JL17]: Rather than just conducted, recommend conducted and considered in the final decision.

Comment [JL18]: There's "viable" again. Developers will have a field day with this wording.

5.10.05. The City shall seek assistance from the Florida Game and Fresh Water Fish Commission, the U.S. Fish and Wildlife Service, and any other appropriate entity for the identification and protection of species of special concern, or threatened and

Comment [JL19]: Would add NOAA in here, since they look after some.

endangered species. These agencies shall also be requested to assist in the development of the City's land development regulations and future ordinances for the protection of these resources.

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OBJECTIVE 5.11. AIR QUALITY

The City will strive to meet air quality standards established the EPA and the DEP.

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POLICIES

5.11.01. The City will coordinate with the DEP and the EPA to ensure enforcement of air quality regulations by reporting all known violations of air quality standards.

Comment [JL20]: Suggest spelling out for the first time.

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OBJECTIVE 5.12 PROTECT AND PRESERVE WETLANDS

The City shall protect and preserve wetlands from physical and hydrologic alteration, and shall direct incompatible land uses away from wetlands.

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POLICIES

5.12.01. The City's land development regulations shall require that any application for development approval for sites containing wetlands shall include a wetland delineation. A delineation of the upland wetland boundary shall be established based upon an on-site field survey by a professional biologist or registered engineer provided by the applicant and coordinated with the SJRWMD, the DEP, and/or the U.S. Army Corps of Engineers.

5.12.02. The boundary of a wetland transition area shall be established by an on-site field survey by an impartial professional biologist or registered engineer provided by the applicant, approved by the City, and coordinated with the SJRWMD, the DEP, and/or the U.S. Army Corps of Engineers. The City shall maintain land development regulations that ensure that the transition area provides a buffer between wetlands and upland development.

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5.12.03. The following uses shall be prohibited within the wetland transition areas:

- a. Industrial uses;
- b. Sanitary landfills;
- c. 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; and
- h. Any land use that stores, handles, or generates hazardous material or waste.

5.12.04. The City shall require the dedication of conservation easements or reservations where the City finds that the dedication is reasonable in order to protect the value and function of a wetland.

Comment [JL21]: You've covered "when appropriate" with the following phrase.

Deleted: , when appropriate

5.12.05. The City shall ensure wetland protection, in part, through a review process that includes the following:

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a. Coordination with the agencies with regulatory jurisdiction over wetlands for purposes of rendering legal, equitable, and environmentally sensitive determinations of the development rights to be permitted on such wetlands and/or lands under the jurisdiction of the state or federal government.

Comment [JL22]: I don't think you mean that the determinations are environmentally sensitive, but that's what it says. Suggest a slight rewording.

b. The applicant shall bear the burden of proof in demonstrating that development will not adversely impact wetlands, transitional wetlands, and other environmentally fragile natural systems.

c. Coordination with the County as well as representatives of the DEP, the U.S. Army Corps of Engineers, the SJRWMD, and/or the U.S. Fish and Wildlife Service for assistance in identifying and delineating wetlands.

5.12.06. The City shall protect wetlands from physical or hydrologic alterations in order to maintain the following natural functions:

a. Natural biological functions, including food chain production;

b. General habitat;

c. Nesting, migration, spawning, rearing, and resting sites for aquatic or land species;

d. Natural drainage systems impacting sedimentation patterns, salinity distribution, flushing characteristics, current patterns, and other environmental characteristics;

e. Shielding other areas from wave action, erosion, or storm damage;

f. Storage areas for storm water and flood waters;

g. Natural recharge areas; and

h. Natural water filtration processes that serve to purify water.

5.12.07. No development shall be permitted in wetlands. However, approved passive recreation areas, open space, restricted access ways, bird sanctuaries, natural storm-water retention/detention areas, natural preserves, or other similar uses may be permissible, so long as they are in concert with the restrictions offered in the above sections and will not infringe upon nesting, spawning, rearing, resting, and migration sites and activities of the wildlife present in the wetland area of impact.

**City of Fernandina Beach – DRAFT Conservation and Coastal Management Element –
Policies re: Hazard Mitigation and Coastal High Hazard Areas**

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 5.03.01.

The City shall coordinate with Nassau County for the safe evacuation of the coastal population in accordance with Nassau County’s hurricane evacuation plan.

Policy 5.03.02.

~~The City shall prioritize the improvement of transportation facilities to give special consideration to routes for hurricane evacuation.~~ The City shall prioritize the improvement of City transportation facilities to give special consideration to routes for hurricane evacuation, and shall coordinate with the State and Nassau County to prioritize improvement of State and County transportation facilities necessary for hurricane evacuation.

Policy 5.03.03.

The City shall coordinate with the County’s Emergency Management Director whenever the County updates its hurricane evacuation plan, disaster preparedness plan, Local Mitigation Strategy, and Post-Disaster Redevelopment Plan. An analysis of the existing plans shall ~~consider~~ include the following:

- Deleted:** emergency
- Deleted:** services
- Deleted:** d

- a. Road carrying capacities as compared to the needs of the main evacuation routes, based upon population to be evacuated;
- b. Number and adequacy of shelters to serve the City’s population;
- c. Methods of issuing evacuation orders to ensure all residents are adequately notified and, if necessary, assisted during evacuation;
- d. Adequacy of educational information available and reaching the public regarding shelters, evacuation routes, emergency assistance, and enforcement of evacuation orders; and
- e. Current information on the number and location of special needs population.

Policy 5.03.04.

The City shall provide a hurricane guide, updated annually, showing evacuation routes, hurricane hazards, safety procedures, shelters, and other pertinent information for its citizens, including special needs populations.

Policy 5.03.05.

The City shall develop and maintain a post-disaster redevelopment plan to address strategic actions necessary to establish order, communication, and basic service delivery systems necessary for health, safety, and welfare following a hurricane or other natural disaster. This plan shall be reviewed with the County’s ~~civil defense officer~~ Emergency Management Director for compliance with the ~~local peacetime emergency~~ Comprehensive Emergency Management Plan. ~~The post-disaster redevelopment plan should provide a basis for executing the following activities during times of natural disaster:~~

- Formatted:** Strikethrough
- Comment [ja1]:** The PEP was replaced by the CEMP 15 years ago as was the Civil Defense by Emergency Management
- Formatted:** Strikethrough
- Deleted:** p

- a. Establishing a temporary moratorium on building activity;
- b. Reviewing and deciding upon emergency building permits;
- c. Coordinating with State and federal officials to prepare disaster assistance applications;
- d. Analyzing and recommending to the City Commission hazard mitigation options, including reconstruction or relocation of damaged public facilities;
- e. Developing a redevelopment plan including limitations on redevelopment in areas which have historically experienced destruction or severe damage from storm surge, waves, erosion, or other manifestations of storm-driven waters;

DRAFT

- f. Discouraging the rebuilding and redevelopment of facilities which encourage growth in hazardous areas, except for necessary services for existing development
- g. Ensuring that land acquisition programs include provisions for the possible redirection of funds to acquire estuarine properties which should not be redeveloped following a major disaster;
- h. Recommending amendments to the local peacetime emergency plan and other appropriate policies and procedures;
- i. Distinguishing between immediate repair and cleanup action needed to protect public health and safety and long-term repair and redevelopment activities;
- j. Eliminating unsafe conditions and inappropriate uses;
- k. Incorporating applicable recommendations of interagency hazard mitigation reports into the FBCP;
- l. Identifying mechanisms for the removal, relocation, or structural modification of damaged and unsafe structures;
- m. Considering development credits or transfer of development rights for use as incentives to reduce rebuilding damaged structures in the coastal high hazard area;
- n. Recommending techniques and methods that lower densities along the oceanfront;
- o. Identifying areas needing redevelopment; and
- p. Providing for strategies to address historic and cultural resources.

~~Policy 5.03.06.~~

~~The post-disaster redevelopment plan should provide a basis for executing the following activities during times of natural disaster:~~

- ~~q. Establishing a temporary moratorium on building activity;~~
- ~~r. Reviewing and deciding upon emergency building permits;~~
- ~~s. Coordinating with State and federal officials to prepare disaster assistance applications;~~
- ~~t. Analyzing and recommending to the City Commission hazard mitigation options, including reconstruction or relocation of damaged public facilities;~~
- ~~u. Developing a redevelopment plan including limitations on redevelopment in areas which have historically experienced destruction or severe damage from storm surge, waves, erosion, or other manifestations of storm driven waters;~~
- ~~v. Recommending amendments to the local peacetime emergency plan and other appropriate policies and procedures;~~
- ~~w. Distinguishing between immediate repair and cleanup action needed to protect public health and safety and long-term repair and redevelopment activities;~~
- ~~x. Incorporating applicable recommendations of interagency hazard mitigation reports into the FBCP;~~
- ~~y. Determining the removal, relocation, or structural modification of damaged and unsafe structures;~~
- ~~z. Considering development credits or transfer of development rights for use as incentives to reduce rebuilding damaged structures in the coastal high hazard area; and~~
- ~~aa. Recommending techniques and methods that lower densities along the oceanfront.~~

~~Policy 5.03.07.06~~

~~In the event that the City is included in a presidential disaster declaration, the City shall use the interagency hazard mitigation report as the basis for prohibiting redevelopment of uses which are inconsistent with the report's recommendations. Additionally, the City shall use the interagency hazard mitigation report to prevent new uses, which are inconsistent with report's recommendations, from locating in the area included in the presidential disaster declaration. Finally, should an interagency hazard mitigation report be issued for the City, the City shall consider adopting a program for eliminating existing uses which are inconsistent with the report's recommendations.~~

~~Policy 5.03.08.07~~

~~The City shall require the redevelopment of any structure that received storm-damage in excess of fifty (50) percent of the structure's appraised value, as determined by the County property appraiser to meet all current laws and ordinances, including those enacted since construction of the subject structure. The City shall address potential exemptions for historic structures in relation to this policy.~~

~~Policy 5.03.09.08~~

~~The City shall coordinate coastal area population densities with hurricane evacuation plans. The City shall enforce land development regulations which ensure that land use decisions impacting population density within the Level A evacuation zone, as delineated in the 2010 Northeast Florida Regional Evacuation Study, and the category 1 and 2 storm surge~~

Deleted: category 1

Deleted: area

Deleted: Hurricane

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inundation zones are coordinated with the County's hurricane evacuation plan and applicable regional or State hurricane evacuation [study](#).

Deleted: plans

Policy 5.03.40.09

Disaster preparedness plans shall address the needs of special needs populations, including evacuation and specific shelter requirements. [The City shall identify and inventory special needs population information](#).

Comment [ja2]: Be careful on this first much is proprietary information, second this is expensive to do. The City may be better off with a statement that they will assist the County and support County efforts to identify and maintain data on PSNs

~~Policy 5.03.11.~~

~~The City shall require new public buildings, such as schools and other government buildings, to be suitably constructed so that they can be utilized as evacuation shelters.~~

Comment [ja3]: Removing this could be a problem. State law requires this if you are in a county with a shelter deficit, it may make more sense to reword it says they will be "built to be suitably constructed so that they meet evacuation shelter standards"

Policy 5.03.42.10

The City shall continually coordinate with the County's ~~emergency services department~~ [Emergency Management Department](#) to develop a plan for reducing the hurricane evacuation time for the City and Amelia Island by ten (10) percent within the planning period.

Comment [ep4]: In Florida, clearance times are calculated by County. It may be more accurate to indicate that the City will coordinate with the County to reduce the County clearance time .

Policy 5.03.43.11

The City shall continually coordinate with the County's ~~emergency services department~~ [Emergency Management Department](#) to ensure that adequate [off-island](#) hurricane shelters are available to serve the City's residents and visitors.

~~Policy 5.03.14.~~

~~The City shall protect the coastal zone, through programs such as the following:~~

- ~~a. Identifying areas needing redevelopment;~~
- ~~b. Eliminating unsafe conditions and inappropriate uses;~~
- ~~c. Identifying mechanisms for the relocation of structures significantly damaged in major hurricane events;~~
- ~~d. Ensuring that land acquisition programs include provisions for the possible redirection of funds to acquire estuarine properties which should not be redeveloped following a major hurricane; and~~
- ~~e. Discouraging the rebuilding and redevelopment of facilities which encourage growth in hazardous areas, except for necessary services for existing development.~~

Policy 5.08.07.03.12

~~The City shall limit the density of dwelling units within FEMA designated 100-year floodplains to the low density land use classification (zero (0) to four (4) dwelling units per acre) so that existing flood storage is maintained and allowable densities do not create potential flood hazards, or degrade the natural functions of the floodplain. [Construction in floodplains shall adhere to local development standards in keeping with the requirements of the National Flood Insurance Program \(NFIP\). The City shall maintain maps of existing development and densities within the floodplain.](#)~~

Policy 5.08.08.03.13

Hazardous materials or hazardous waste shall not be stored within the floodplain. [The Land Development Code shall be updated to reflect this policy.](#)

OBJECTIVE 5.07.04 COASTAL HIGH-HAZARD AREAS

The City shall protect property, residents, and visitors within the coastal high hazard area. Protection shall be provided through appropriate designations on the Future Land Use Map to ensure that population is directed away from the coastal high hazard area, limitations on construction of infrastructure in the coastal high hazard area, and coordination with hazard mitigation and post-disaster plans.

[Policy 5.04.01](#)

[The City shall designate Coastal High Hazard Areas \(CHHA\) on the Future Land Use Map \(FLUM\) and ensure the criteria for mitigation found in a coastal high-hazard area is met, as defined in F.S. 163.3178\(9\). The coastal high-hazard](#)

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area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Comment [ja5]: If you add "and is mapped in the Storm Tide Atlas 2011, as part of the Regional Evacuation Study", it ties it to the study results.

Policy 5.07.04.02.

Proposed development shall be evaluated for impacts on traffic circulation, evacuation routes, ~~critical locations~~, ~~on-site hurricane shelter provisions~~, and proximity to ~~off-site~~ off-island shelter facilities.

Policy 5.07.04.03.

The City shall not allow public expenditures for infrastructure improvements which subsidize increases in development in the CHHA except within the Community Redevelopment Area. An increase in development means a change in land use to a more dense or intense category or a redevelopment activity which increases density or intensity. Improvements to a public facility which are necessary to address a deficiency, necessary to serve the existing population, and constructed in a manner that minimizes impacts from storm events may be allowable.

Policy 5.04.04

Prior to the development of public facilities in the CHHA, it shall be determined that no other feasible sites exist outside that area. Where public facilities are proposed for renovation or expansion, relocation shall be considered as an option. If construction of public facilities in the CHHA occurs, all facilities must be floodproofed to ensure minimum damage from storms and hurricanes.

Policy 5.07.04.05.

The City shall maintain a list of infrastructure facilities located in the CHHA which could be relocated, mitigated or replaced should ~~State~~ state or federal funding become available for such activities. It is the City's intent to relocate, replace, or mitigate impacts to listed infrastructure facilities as funds become available.

Policy 5.07.04.06

All new permanent building construction shall meet the standards of the National Flood Insurance Program (NFIP) and the City's floodplain protection regulations, including nonresidential construction within the coastal high hazard area shall meet meeting storm and flood proofing standards exceeding those required for a 100-year storm.

- ~~a. Nonresidential construction within the coastal high hazard area shall meet storm and flood proofing standards exceeding those required for a 100-year storm; and~~
- ~~b. If a structure located within the CHHA receives storm damage in excess of fifty (50) percent of its appraised value, all such damaged structures shall be required to meet all current laws and ordinances, including those enacted since construction of the subject structure.~~

Policy 5.07.04.07

The City shall prohibit amendments to the FLUM which result in a net increase in residential density in the CHHA except within the Community Redevelopment Area. Density increases are permitted within the CHHA for parcels in the WMU Future Land Use category if the criteria in Policy 1.06.09(e) are met. (~~Amended 12/19/2006 by Ordinance 2006-28~~)

Policy 5.07.06.04.08

The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from the CHHA except within the Community Redevelopment Area. Development and/or redevelopment in the CHHA shall not increase the intensity currently allowed by the Comprehensive Plan. (~~Amended 12/19/2006 by Ordinance 2006-28~~)

Policy 5.04.09

The City recognizes sea-level rise as a potential coastal hazard, and shall work with Nassau County to develop strategies for responding to sea-level rise, including:

- a) Analysis of the estimated sea-level rise and its effects on estuaries, wetlands, beaches, and uplands;
- b) Identification of structures and areas of possible risk;
- c) Determination of additional data and research needed;

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- d) Assistance from state and federal agencies;
- e) Analysis of City and County buffer requirements and whether additional buffering should be required;
- f) Evaluation of locating public facilities in areas projected to be affected by rising sea level; and
- g) Consideration of the effects of sea-level rise on potable water sources, saltwater intrusion, septic systems, wastewater treatment facilities, and the water table.

FUTURE LAND USE ELEMENT- WATERFRONT MIXED USE CATEGORY

Policy 1.06.09.

Waterfront Mixed Use (WMU)

- a. The Waterfront Mixed Use category is intended for the re-development of waterfront land fronting the Amelia River within the CRA only.
- b. Uses include: Residential, commercial, retail stores, professional offices, water related uses such as piers, docks, wharves, and marinas and uses related to the shrimping and fishing industry.
- c. Net Density is limited to 2 dwelling units per acre and is required to be located above a commercial or office use.
- d. Intensity is limited to 0.75 FAR.
- e. Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with Florida Statute 163.3178(9)(a) (2006) as follows:
 - 1. A 16-hour level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
 - 2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; **(UNSURE HOW TO MODIFY TO ADDRESS RECENT STUDY??)** or
 - 3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1, or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of off-island hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan. ~~(amended 7/17/2007 by Ordinance 2007-25)~~
- f. Amendments to the FLUM that change the land use to WMU within the Community Redevelopment Area (CRA) may be awarded a 100 % density bonus based on the following criteria:
 - 1. Dedication and acceptance of an easement to the City in order to build a public waterfront boardwalk along the river; and
 - 2. Dedication and acceptance of an easement for mid-lot or mid-block corridors in order to maintain view corridors to the river and to be used as pedestrian access. ~~(amended 12/19/2006 by Ordinance 2006-28)~~

Comment [ep6]: These numbers don't change as there are found in the Statute. However, the clearance times for Nassau County greatly exceed 16 and 12 hours, so mitigation would be the only option.

DRAFT

Adrienne Dessy

From: Kelly Gibson
Sent: Thursday, May 05, 2011 3:55 PM
To: Marshall, D. McCrary; Adrienne Dessy; Jennifer Gooding
Subject: FW: CHHA growth management comments

Comments from NEFRC on CHHA

I think we should talk about how we want to change our current language to reference CHHA. Given that this language was previously required in that area specifically, I'm not exactly sure how to change it.

Sincerely,

Kelly N. Gibson
 Senior Planner
 City of Fernandina Beach
 204 Ash Street
 Fernandina Beach, Florida 32034
 Phone: 904-277-7325
 Fax: 904-277-7324
kgibson@fbfl.org

Comprehensive Plan: www.fbfl.us/CompPlan
 Evaluation & Appraisal Report: www.fbfl.us/EAR
 Land Development Code: www.fbfl.us/LDC
 Planning Advisory Board: www.fbfl.us/PAB
 Mapping Info: www.fbfl.us/GIS
 Waterfronts FL Partnership: <http://fbfl.us/WFC>



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From: Moehring, Margo [<mailto:mmoehring@nefrc.org>]
Sent: Thursday, May 05, 2011 2:12 PM
To: Kelly Gibson
Cc: Sayeed, Ameera; Lehman, Ed; Payne, Elizabeth
Subject: CHHA growth management comments

Dear Kelly,

We are about to give you a call, but here are a couple of thoughts on the language related to CHHA from the growth management side, for your consideration.

- The reference to clearance time and mitigation belongs under a general CHHA section, not a specific land use category.
- As you guys are not putting your mitigation policy for increase in residential units in CHHA into the plan, and will need to address mitigation case by case, you might want

to consider putting in the plan the minimum requirement for analysis, so you don't have to negotiate that as well. The methodology to determine impacts identified in the most recent hurricane evacuation study would be a reasonable standard, subject to your acceptance of the assumptions used.

- Please consider also working with "regional entities as appropriate" for the sea level rise work in Policy 5.04.09.
- We remember discussions from last year about not allowing density bonuses in CHHA. How does this work in your plan?
- FLUM and transportation elements would have to be reviewed for consistency with these concepts.

Since we are eventually going to be reviewing your plan as a reviewing agency, we probably shouldn't be suggesting language because we could be missing the big picture. We would be happy to meet to discuss concepts, if we can be helpful- just let us know.

Good luck with your update!

Best regards,

Margo

Margo Moehring, AICP, MRTPI

Director of Policy
Northeast Florida Regional Council
6850 Belfort Oaks Place
Jacksonville, FL 32216
(904) 279-0885, ext. 161
mmoehring@nefrc.org

Kelly Gibson

From: l.kreger@comcast.net
Sent: Friday, June 17, 2011 8:59 AM
To: Adrienne Dessy; Kelly Gibson
Subject: Conservation and Coastal Management Element "Point Paper"

Follow Up Flag: Follow up
Flag Status: Flagged

The CCM (6/6/2011) Element is an excellent planning document updated based on best planning practices, public input and government agency recommendations.

It maintains a balance between private property rights and protection of the environment.

Specific comments and recommendations:

Policy 5.03.05, n: Consider adding "marshes and rivers"

Policy 5.03.07: Delete "The City shall address potential exemptions for historic structures in relation to this policy"

Policy 5.08.01, and 5.08.03: These policies address protection of wetlands. I would like some more information on how "jurisdictional field delineation and wetland transition area effect individual property rights.

Policy 5.12.03: Change Smurfit Stone to new owner. Maybe just eliminate identification of the mills and Port. Leave at Coordinate with major industrial operators within the City.

Comments and Recommendations concerning Judith Lane's Comments and recommendations.

Comment

JL1: Not required motorized vehicles use covered by policy 5.02.07.

JL1: Concur, add Flora

JL3,4,5: I don't think these are necessary, but have no problem with changes.

JL6: Adding NOAA is fine.

JL7: Concur: All abbreviations should be spelled out the first time used

JL8: Concur

JL9, 10, 11: Not necessary. When and if oil drilling is approved of our coasts there will be ample State and Federal Regulations promulgated.

JL13: Not required. Wildlife migration paths are addressed in 5.10.05 and 5.10.07.

JL14: I agree. Recommend establish a comprehensive list of all properties worth consideration. I would also require this list be updates on a specific schedule rather than "periodically."

JL15,16,17,18. I don't think these changes are required.

JL19: Adding NOAA is ok, but they are covered in "any other appropriate entity" There a lot of agencies involved in environmental regulation. i.e. Office of Coastal and Aquatic Managed Areas, which we could also identify. But as noted are covered.

JL20, 21: Concur

JL22: Existing is ok.

AS noted above an excellent Element. Please review and comment as you desire and forward to PAB members.

Len