



**AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
MARCH 13, 2019
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
- 2. APPROVAL OF MEETING MINUTES**
 - 2.1 FEBRUARY 13, 2019 REGULAR MEETING
- 3. OLD BUSINESS**
 - 3.1 CENTRAL BUSINESS DISTRICT (C-3) LDC TEXT AMENDMENTS. Continued discussion of "Browsing Areas" and permissible First Floor Uses
 1. Presentation of Arlene Filkoff for Main Street Fernandina Beach
 2. Other Public Comments
 3. Discussion by PAB- No vote at this meeting
 - 3.2 Reconsideration/ Discussion of PAB 2018-20 LAND DEVELOPMENT CODE (LDC) AMENDMENT- Building Heights and Variances- Ordinance 2019-_____ AMENDING THE LAND DEVELOPMENT CODE SECTION(S) 1.07.00, 4.02.03, 8.0102 (D) 2, 10.02.01
- 4. BOARD BUSINESS**
- 5. STAFF REPORT**
 - 5.1 Planning Director Reports:
 1. FLUM and Zoning Map Conflicts
 2. Scheduling for Upcoming Meetings March-June
 3. EAR Update
 4. Distribution of LDC Text Amendments for formal consideration at April 10, 2019 meeting to include: Old Town Development Standards, Accessory Dwelling Units, Airport Design Standards, Minor Amendments, ROW and Driveway Design Standards, Stormwater Management Standards, Telecommunication Facilities, demolition of historic structures outside the historic district
 - 5.2 City Attorney Report:
 1. Summary of non-conforming and grandfathered uses
- 6. PUBLIC COMMENT**
- 7. ADJOURNMENT**

NEXT PAB REGULAR MEETING IS SCHEDULED FOR

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired). All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach



SUBJECT:

ITEM TYPE: Voluntary Annexation

REQUESTED ACTION:

SYNOPSIS:

CITY ATTORNEY COMMENTS:

Submitted By: Samantha Rogic, Planning Technician

Date: February 20, 2019



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
FEBRUARY 13, 2019**

1. CALL TO ORDER – 5:00 PM

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

*Donna Lewis (Alt 1)
Wayne Peterson
Richard Clark*

*Jenny Schaffer (Alt 2)
Frank Santry (Chair)
Greg Roland (arrived at 5:12)*

MEMBERS ABSENT:

OTHERS PRESENT

*Tami Bach, City Attorney
Kelly Gibson, Planning Director
Samantha Rogic, Recording Secretary*

Member Schaffer was seated as a voting member.

2. APPROVAL OF MINUTES

2.1 January 9, 2019 Regular Meeting

There being no objections to the minutes as presented, approved.

3. OLD BUSINESS

3.1 CENTRAL BUSINESS DISTRICT (C-3) LDC TEXT AMENDMENTS: Continued board discussion of “Browsing Areas” and 1st floor uses permissible by LDC Table 2.03.02.

Arlene Filkoff, 845 Tarpon Ave, Director of Mainstreet, spoke to 1st floor businesses and stated that she is unsure of what is trying to be accomplished. She raised concern with potential consequences of setting a limit to business type, adding that there is no need to put unnecessary burden on business owners.

Board discussion ensued at length.

Ms. Filkoff was tasked by the Board to conduct a formal survey of the downtown business owners to be presented at the March regular meeting. The survey should include as many and as sequenced and tailored questions as needed, inquiring on how the city through regulation and or incentive will enhance and maintain downtown Fernandina Beach as a pedestrian browsing area.

Additional questions for consideration for use on the downtown survey may include:

Goal: To sustain or enhance pedestrian browsing in Downtown Fernandina Beach.

Questions for Consideration:

1. *Should first floor non-browsing prohibitions apply only to new or infill construction vs. any change of use?*
2. *Should first floor prohibition be limited to residential only or include any non-browsing use including office and professional?*
3. *Should first floor limitations cover all of C-3 or only buildings facing Centre Street?*
4. *Should changes be made at all?*

Review of all existing Local Business Tax Receipts for Centre Street facing properties.

Consideration of where changes might occur within the LDC, specifically sections 2.01.03 and 2.01.10.

Board members requested Staff prepare a written explanation on how non-conforming status would work in context to the regulation.

- 3.2 **EVALUATION AND APPRAISAL REVIEW (EAR) REPORT:** Discuss Time frames, Coordination with Regional Council, Outreach Efforts, and Element Champions

Using a slide show presentation, Ms. Gibson provided a brief summary of the intent and requirements of the report as well as Board Member assignments.

4. BOARD BUSINESS

Chair Santry requested that height requirements be revisited. The item will be placed on the April agenda.

Ms. Gibson provided an update on the proposed moratorium, which included specific tasks for Board consideration with timeline.

5. STAFF REPORT

6. PUBLIC COMMENT

7. ADJOURNMENT – 6:41 PM

Samantha Rogic, Recording Secretary

Frank Santry, Chair

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach



SUBJECT:

ITEM TYPE: LDC Text Amendment

REQUESTED ACTION:

SYNOPSIS:

CITY ATTORNEY COMMENTS:

Kelly N. Gibson, AICP

Date: February 26, 2019

Submitted By: Kelly Gibson, AICP, Planning Director

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach



SUBJECT:

ITEM TYPE: LDC Text Amendment

REQUESTED ACTION:

SYNOPSIS:

Land Development Code Text Amendments:

- 1.07.00 Acronyms and Definitions
- Table 4.02.01(J) Design Standards for Lots – Impervious Surface Ratio
- 4.02.03 Standards for Buildings and Building Placement – Mechanical Equipment and Calculation of Heights
- 10.02.01 – Limitations on the Granting of a Variance

8.01.02 (D) (2)- CRA

CITY ATTORNEY COMMENTS:

Submitted By: Kelly Gibson, AICP, Planning Director

Date: February 26, 2019

APPLICATION FOR LAND DEVELOPMENT CODE TEXT AMENDMENTS

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	City of Fernandina Beach
AGENT:	Self
REQUESTED ACTION:	Land Development Code Text Amendments: • 1.07.00 Acronyms and Definitions • Table 4.02.01(J) Design Standards for Lots – Impervious Surface Ratio • 4.02.03 Standards for Buildings and Building Placement – Mechanical Equipment and Calculation of Heights • 10.02.01 – Limitations on the Granting of a Variance • 8.01.02 (D) (2)- CRA

*** 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:

Section 1.07.00 Acronyms and Definitions

Modifying: Building, height of means the vertical distance from the ~~approved finished average~~ **natural** grade to the highest point on the structure.

Adding: **Average Natural Grade-** means the average of natural ground level adjoining the building at exterior walls. Where the natural ground level slopes away from the exterior walls, the level shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

Amending: **Building, height of** means the vertical distance from the ~~approved finished grade-average natural~~ grade to the highest point on the structure.

Adding: **Mechanical Equipment-** means equipment which provide heating, venting and air conditioning equipment, water tanks and other mechanical systems defined in the City of Fernandina Beach Building Code.

Adding: **Parapet –** means that portion of a wall extending above the roofline.

Adding: **Residential Structure-** means a building or enclosure which includes one or more dwelling units,

Adding: **Non-residential Structure-** means a building or enclosure which does not include one or more dwelling units.

Adding: **Roof Deck** – means a structural platform located above the finished roofline of a building, accessed from below the roof, and designed to function as an open air, uninhabitable, outdoor patio or observation area.

Rationale: To add definitions for clarification of terms provided in LDC Section 4.02.03.

Section 4.02.03 Standards for Buildings and Building Placement

(A) (7) Mechanical equipment may be located within the side or rear yard setback, but not closer than five feet from the property line **and screened by landscaping or opaque fencing.**

Rationale: If this section is to remain in effect additional zoning inspectors are needed to handle any field adjustments or deviations as may be granted by the building department.

C. Standards for building height:

- ~~1. Building height shall be measured from the approved finished grade, to the highest point on the structure.~~
- ~~2. Calculation of maximum height shall not include appurtenances or attachments such as chimneys, elevator shafts, antennas, decorative architectural features, steeples, air conditioning equipment enclosures, cupolas, weather vanes, and other similar minor building features. All ornamental features which are exempt from the maximum height shall not be habitable.~~
- ~~3. The following structures shall not be subject to height limits: telecommunications towers, flagpoles, and City-owned water towers.~~

1. Building height shall be measured from the **approved finished average natural** grade, to the highest point on the structure.

2. Residential and mixed-use structures which include residential are prohibited from exceeding the maximum height calculation. The calculation of maximum height must include any and all appurtenances or attachments such as chimneys, elevator shafts, antennas, mechanical equipment, screening enclosures, roof decks, parapets, railings and other similar building features. Rooftop architectural features defined below are excluded from the maximum height calculation provided they are no higher than ten (10) feet above maximum roof height and do not exceed, in the aggregate, five (5) percent of the total roof area.

3. Non-Residential, and mixed-use structures which do not include residential, are prohibited from exceeding the maximum height calculation. The calculation of maximum height must include any and all appurtenances or attachments, except as excluded. Rooftop Mechanical equipment, is excluded from the maximum height calculation provided it is no higher than ten (10) feet above maximum roof height, is properly screened, and does not exceed, in the aggregate, fifty (50) percent of the total roof area. Rooftop architectural features defined below are excluded from the maximum height calculation provided they are no higher than ten (10) feet above maximum roof height and do not exceed, in the aggregate, five (5) percent of the total roof area.

4. Rooftop architectural features, for the purpose of this Section, are defined as any uninhabitable part, portion, projection, or any characteristic which contributes to the

Height, Height Encroachments, Variance Limitations

Round 1 – LDC Amendments

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beauty or elegance of a building or structure, exclusive of signs, and not necessary for the structural integrity of the building such as steeples, cupolas, widows walks, spires, chimneys or other minor ornamental elements.

3.4.5. The following structures shall not be subject to height limits: telecommunications towers, flagpoles, and City-owned water towers.

Rationale: Provide clarification for the calculation of building heights to disallow elevator shafts and large walls which exceed the maximum building height.

10.02.01 Generally (Variances)

D. Limitations on the grant of a variance

1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
2. A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.
3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.
4. A variance shall not change the requirements for concurrency.
5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
6. A variance shall not be granted if the evidence submitted by an applicant is solely a demonstration of financial hardship or economic considerations.
7. A variance shall not be granted for procedure or process components of this Land Development Code.
8. A variance shall not be granted to deviate from LDC section 4.02.02 to combine two (2) or more lots which would result in a lot width greater than 100 feet for lots or parcels that abut Ocean Avenue, North Fletcher Avenue, or South Fletcher Avenue except as may be provided in LDC Section 10.02.01 (C) above.
9. A variance shall not be granted which authorizes the filling of wetlands prohibited by LDC Section 3.03.03(A) and Comprehensive Plan Policy 5.08.04.
10. No variance shall be granted to exceed the maximum building height of 35 feet for a building on any lot within 800 feet of the mean high-water line of the Atlantic Ocean under LDC Section 4.02.03(D), Table 4.02.03(E), specifically Note 1.
11. A variance shall not be granted for any residential or residential mixed-use structure to exceed the maximum building height requirements contained in Table 4.02.03(E).
12. A variance shall not be granted to exceed the minimum side yard setbacks listed in Table 4.02.03 (E) for any building within 800 feet of the mean high-water mark of the Atlantic Ocean.

Rationale: To deny the ability to apply for a variance which seeks to deviate from building heights or reduce view corridors within the ocean area.

**Amending 8.01.02(D)2 Amelia River Waterfront Community Redevelopment
Area as follows:**

2. Building height shall be measured from the Base Flood Elevation (BFE) to the top of the roof, rather than from the **finished average natural** grade, as established in 4.02.03(C). The maximum height of all structures shall not exceed thirty (30) feet in height above the BFE. Permissible roof forms shall be in compliance with the adopted CRA Design Guidelines.

Rationale: Consistency with amended definition for building height measurement.

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach



SUBJECT:

ITEM TYPE: LDC Text Amendment

REQUESTED ACTION:

SYNOPSIS:

CITY ATTORNEY COMMENTS:

Kelly N. Gibson, AICP

Date: February 26, 2019

Submitted By: Kelly Gibson, AICP, Planning Director

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