



**AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
FEBRUARY 12, 2020
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 January 8, 2020 Regular Meeting
- 3. OLD BUSINESS**
 - 3.1 LAND DEVELOPMENT CODE TEXT AMENDMENTS CONCERNING BUILDING HEIGHT ENCROACHMENTS (PAB CASE 2019-07)
- 4. NEW BUSINESS**
 - 4.1 LAND DEVELOPMENT CODE TEXT AMENDMENTS CONCERNING TREE PROTECTION (PAB CASE 2020-01)
- 5. BOARD BUSINESS**
 - 5.1 REVIEW OF CITY COMMISSION GOALS
- 6. STAFF REPORT**
 - 6.1 Provide Planning and Conservation Department 2019 Annual Report, Goals Exhibit, and Action Plan
(Items to be provided by email on Friday, February 7, 2020 and presented at the meeting.)
 - 6.2 Provide Conservation Lands Strategy for Board Input
(Items to be provided by email on Friday, February 7, 2020 and presented at the meeting.)
- 7. PUBLIC COMMENT**
- 8. ADJOURNMENT**

NEXT PAB REGULAR MEETING IS SCHEDULED FOR MARCH 11, 2020.

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: Preliminary Subdivision Plat

REQUESTED ACTION:

SYNOPSIS:

CITY ATTORNEY COMMENTS:

Submitted By: Samantha Rogic, Planning Technician

Date: January 09, 2020



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
JANUARY 8, 2020**

1. CALL TO ORDER – 5:03 PM

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

Mark Bennett (Vice-Chair)

Richard Clark

Jenny Schaffer (Alt 1) (departed at 8:09)

Peter Stevenson

Victoria Robas (Alt 2)

Greg Roland

Genece Minshew

MEMBERS ABSENT:

OTHERS PRESENT

Tami Bach, City Attorney

Kelly Gibson, Planning Director

Sal Cumella, Historic Preservation Planner

Jacob Platt, Senior Planner

Samantha Rogic, Recording Secretary

2. APPROVAL OF MEETING MINUTES

2.1 April 10, 2019 Regular Meeting

2.2 April 23, 2019 Workshop

2.3 April 25, 2019 Workshop

2.4 April 29, 2019 Workshop

2.5 April 30, 2019 Workshop

2.6 May 8, 2019 Regular Meeting

2.7 December 11, 2019 Regular Meeting

Member Clark and Vice-Chair Bennett offered that the first sentence under item 4.4 in the April 10, 2019 Regular Meeting minutes has an error. "August and October 2019" should read "August and October 2018".

ACTION TAKEN: A motion was made by Member Clark, seconded by Member Minshew, to approve all minutes with the amendment to April 10, 2019 Regular Meeting item 4.4 as described.

Motion passed by unanimous voice vote.

3. NEW BUSINESS

3.1 PAB Case 2019-18: Expansion of Historic District Boundary for Amelia Island Museum of History (former jail)

Mr. Cumella presented the staff report and recommended approval.

ACTION TAKEN: A motion was made by Member Roland, seconded by Member Minshew, to approve PAB Case 2019-18.

Motion passed by unanimous voice vote.

3.2 PAB Case 2019-19: Final Plat – Habitat for Humanity, 6 On Elm (townhomes)

Mr. Platt presented the staff report and recommended approval.

Teresa Prince of Tomasetti & Prince, representative to the applicants, provided information and details specific to the request.

Al Pertuz, 96776 Soap Creek Dr, President of the Board for Nassau Habitat, provided background information on Nassau Habitat.

Ms. Prince circulated a correction sheet with amended language to note 12 on the plat and requested that if approved, the approval will include that amended note 12.

Mike Kegler, 325 Vernon St, inquired on the process by which Habitat selects their homeowners and encouraged advertising the program to the African American community who have ties to the area in effort to bring diversity back to the island.

ACTION TAKEN: A motion was made by Member Clark, seconded by Member Minshew, to recommend approval of PAB case number 2019-19 to the City Commission, requesting that the “6 On Elm” Final Plat be approved, and that PAB case 2019-19, as presented, is sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time, and that the note 12 amendments be approved as well.

Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

3.3 Review and discuss proposed LDC Text Amendments for Tree Protection (NO ACTION-DIRECTION ONLY)

Ms. Gibson presented the proposed changes.

Margarete Kirkland, 1377 Plantation Point Dr, speaking on behalf of the Amelia Tree Conservancy, spoke in support of stricter language regarding Tree Protection.

Commissioner Mike Lednovich, 1586 Canopy Drive, spoke to the loss of tree canopy and the immediate need for tree protection.

Mike Foran, 2493 Captain Oak Drive, supports stricter language.

The Board discussed scheduling a workshop or subcommittee meeting to continue the discussion. Ms. Gibson will provide possible dates.

4. OLD BUSINESS

4.1 Update on Height Encroachments language—clarify direction (NO ACTION- DIRECTION

ONLY)

Ms. Gibson provided proposed language and requested further direction from the Board.
John Lassere of Rogers Towers, 96015 Gateway Blvd, spoke to the item and offered that careful consideration should be given.

5. BOARD BUSINESS

5.1 Selection of Chair and Vice Chair

ACTION TAKEN: A motion was made by Member Roland, seconded by Member Minshew, to expand the Planning Advisory Board from 5 members to 7 members and eliminate the alternates.

Motion by passed by unanimous voice vote.

ACTION TAKEN: A motion was made by Member Roland, seconded by Member Clark, to recommend to the City Commission that they return to the previous format of selecting PAB members at large.

Motion passed by unanimous voice vote.

ACTION TAKEN: A motion was made by Member Roland, seconded by Bennett, to appoint Member Clark as Chair and Member Minshew as Vice-Chair.

Motion passed by unanimous voice vote.

5.2 Review and Approval of Bylaw Revisions

ACTION TAKEN: A motion was made by Member Minshew, seconded by Member Clark, to approve the Bylaw Revisions as presented.

Member Robas offered grammatical corrections.

Motion passed by unanimous voice vote.

5.3 Update on EAR next steps

Ms. Gibson presented the update.

Bonnie Dickens, 132 S 15th Street, spoke to the item.

6. STAFF REPORT

7. PUBLIC COMMENT

8. ADJOURNMENT – 8:50 PM

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach



SUBJECT: Consideration of LDC Text Amendments concerning building height encroachment allowances

ITEM TYPE: LDC Text Amendment

REQUESTED ACTION: Recommendation of Approval to move to the City Commission in the form of an Ordinance.

If action is taken at this meeting. It is anticipated that the item will appear before the City Commission at its regular meeting on March 3, 2020.

SYNOPSIS: The City of Fernandina Beach has established strict building height calculations which serve to preserve its small-town characteristic and avoid large structures along its coastline. The requested changes have been vetted over nearly two years to determine if there are valid concerns relative to the current allowable height encroachments. The Planning Advisory Board has consistently maintained that these encroachments should be reduced or eliminated altogether.

Building height is not a topic for which there is any planning principle that provides guidance. However, implementation of established community values is a planning principle. The effort undertaken has been completed in a deliberate manner to inform the development community of the desired changes which serve to achieve the established value. Therefore, staff recommends approval of the requested amendments.

CITY ATTORNEY COMMENTS:



Date: February 05, 2020

Submitted By: Kelly Gibson, AICP, Planning Director

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 • 4.02.03 Standards for Buildings and Building Placement – Mechanical Equipment and Calculation of Heights and Addressing calculation of building heights within special flood hazard areas
STAFF RECOMMENDATION:	The City of Fernandina Beach has established strict building height calculations which serve to preserve its small-town characteristic and avoid large structures along its coastline. The requested changes have been vetted over nearly two years to determine if there are valid concerns relative to the current allowable height encroachments. The Planning Advisory Board has consistently maintained that these encroachments should be reduced or eliminated altogether. Building height is not a topic for which there is any planning principle that provides guidance. However, implementation of established community values is a planning principle. The effort undertaken has been completed in a deliberate manner to inform the development community of the desired changes which serve to achieve the established value. Therefore, staff recommends approval of the requested amendments.

*** 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:

Rationale: The amendments provided in LDC Sections 1.07.00 and 4.02.03 (C) serve to address the direction provided by the City Commission in the Summer of 2018. The Planning Advisory Board has discussed the topic of height and height encroachment at several regular board meetings (October 2018, April and December 2019 and January 2020). Minutes of these meetings have been provided as part of the back-up materials. These changes provide clarification for the calculation of building heights to disallow elevator shafts and large walls which exceed the maximum building height. The intent behind these changes is to reduce the number of allowable encroachments beyond the established building height.

Section 1.07.00 Acronyms and Definitions

Adding: **Mechanical Equipment-** means equipment which provide heating, venting and air conditioning equipment, water tanks, elevator and elevator shafts, and other mechanical systems as 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 residential dwelling units.

C. Standards for building height:

1. Building height shall be measured from the average natural grade, to the highest point on the structure unless the property is located within a flood hazard area as provided herein. Properties located within a flood hazard area shall measure building height to the highest point on the structure from:
 - a. The higher of the base flood elevation or approved finished grade for buildings and structures in a special flood hazard area and 0.2 percent annual chance of flood hazard areas.
 - b. The approved finished grade for buildings and structures in coastal high hazard areas (Zone V) and Coastal A zones.
2. Rooftop architectural features, for the purpose of this Section, are defined as any uninhabitable and non-conditioned part, portion, projection, or any characteristic which contributes to the beauty or elegance of a building or structure, exclusive of signs. Example features may include, but are not limited to, chimneys, cupolas, parapet walls, railings, weathervanes, or other similar minor ornamental elements.
3. Residential dwelling units and mixed-use residential structures are prohibited from exceeding the maximum building height calculation. The calculation of building height must include any and all appurtenances or attachments such as elevator shafts, antennas, mechanical equipment, screening enclosures, and other similar building features. Rooftop architectural features are excluded from the maximum height calculation if the features do not exceed forty-two (42) inches.
4. Non-Residential, and mixed-use structures which do not include residential dwelling units, are prohibited from exceeding the maximum building height calculation. The calculation of maximum height must include any and all appurtenances or attachments, except as excluded herein. Rooftop mechanical equipment, is excluded from the maximum height calculation provided it is no greater than forty-two (42) inches above maximum roof height and screened from the public right-of-way. Rooftop architectural features are excluded from the maximum building height calculation if the features do not exceed forty-two (42) inches.
3. 4. 5. The following structures shall not be subject to height limits: telecommunications towers, flagpoles, and City-owned water towers.

APPROVED



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

1. CALL TO ORDER – 5:00 PM

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

*Wayne Peterson
Richard Clark
Mark Bennett*

*Frank Santry (Chair)
Greg Roland (arrived at 5:36 pm)*

MEMBERS ABSENT:

*Donna Lewis (Alt 1)
Jenny Schaffer (Alt 2)*

OTHERS PRESENT

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

2. APPROVAL OF MINUTES

2.1 February 13, 2019 Regular Meeting

Member Bennett stated that his name should be added under 'Members Absent'.

ACTION TAKEN: Hearing no objections, Chair Santry approved the minutes with amendment.

3. OLD BUSINESS

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

Jim Ferguson, 14 Sound Point Place, indicated that he owns 3-4 buildings downtown. He spoke to the survey received by Main Street and stated that he resists restrictions on usability of his space and will do everything he can to protect the renting of the space as he sees fit, as he believes that this is his right as owner.

Ms. Filkoff provided information on the results of the Main Street survey.

3. Discussion by PAB- No vote at this meeting

Members discussed incentivizing browsing opportunities in the downtown area and tasked Staff to research and present the concept to the City Commission.

4. 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

Board discussion ensued at length.

Steven Papke, Architect, 2855 First Ave, offered clarification on the definition of “Parapet”.

Ron Flick, 961687 Gateway Blvd, spoke to rooftop mechanical and the proposed striking of ‘approved finished’ and replacing with ‘average natural’ grade.

4. BOARD BUSINESS

5. STAFF REPORT

Planning Director Reports:

1. FLUM and Zoning Map Conflicts

Ms. Gibson spoke to the identified conflicts and offered that currently, there is no recommendation on how to move forward.

2. Scheduling for Upcoming Meetings March-June

Dates selected:

April 10th (regular meeting) & 24th (special meeting) for Text Amendment Changes.
April 23, 25, 29, 30 for individual elements relating to the EAR review.

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

Members discussed the proposed revision of removal and vacancies of boards and commissions.

City Attorney Report:

1. Summary of non-conforming and grandfathered uses

Members acknowledged that they previously received the summary via e-mail. There were no questions.

6. PUBLIC COMMENT

7. ADJOURNMENT – 6:46 PM


Samantha Rogic, Recording Secretary


Frank Santry, Chair

APPROVED



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
DECEMBER 11, 2019**

1. CALL TO ORDER – 5:02 pm

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

*Mark Bennett (Vice-Chair)
Richard Clark
Jenny Schaffer (Alt 1)
Peter Stevenson*

*Victoria Robas (Alt 2)
Greg Roland (arrived at 5:49 pm)
Genece Minshew*

MEMBERS ABSENT:

OTHERS PRESENT

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

Alternate Member Schaffer was seated as a voting member until Member Roland's late arrival.

2. APPROVAL OF MEETING MINUTES

2.1 November 13, 2019

ACTION TAKEN: A motion was made by Member Clark, seconded by Member Minshew, to approve the minutes as presented.

Motion passed by unanimous voice vote.

3. OLD BUSINESS

3.1 **LAND DEVELOPMENT CODE TEXT AMENDMENTS (PAB CASE #: 2019-07): CITY OF FERNANDINA BEACH, FLORIDA REQUESTS LAND DEVELOPMENT CODE TEXT AMENDMENTS TO MODIFY STANDARDS FOR HEIGHT ENCROACHMENTS WITHIN SECTIONS 1.07.00 ADDING OR AMENDING CERTAIN DEFINITIONS; AMENDING SECTION 4.02.03 STANDARDS FOR BUILDINGS AND BUILDING PLACEMENT AND HEIGHT WITHIN SPECIAL FLOOD HAZARD AREAS; AND SECTION 10.02.01 VARIANCES TO DISALLOW GRANTING OF VARIANCES TO EXCEED MAXIMUM BUILDING HEIGHTS AND TO DEVIATE FROM REQUIRED SIDE YARD SETBACKS FOR BUILDINGS WITHIN 800 FEET OF THE MEAN HIGH WATER MARK OF THE ATLANTIC OCEAN.**

Doug Roselle, 524 Tarpon Ave, spoke in support of limiting unnecessary allowable height encroachments.

ACTION TAKEN: A motion was made by Member Clark, seconded by Member Roland, to table the item to the January regular meeting.

Motion passed by unanimous voice vote.

ACTION TAKEN: A motion was made by Member Clark, seconded by Member Minshew to accept staff recommendation with regard to the yellow highlighted language and 10.02.01 Sub 11 and 12 which are additions.

Motion passed by unanimous voice vote.

4. NEW BUSINESS

4.1 PAB 2019-16: Future Land Use Map and Zoning Map Amendments to Conservation and Recreation for City Owned Properties (pursuant to Ordinance 2019-05)

The following individuals spoke to the item:

Deb Harper, 835 Allen, inquired on the notice she received in the mail.

Jeff McDowell, 2820 Mantanzas, asked for clarification on which property near him is affected.

Margarete Kirkland, 1377 Plantation Point Drive, speaking on behalf of Amelia Tree Conservancy, asked for clarification on several parcels.

Barbara Smith, 923 9th Street.

ACTION TAKEN: A motion was made by Member Roland, seconded by Member Clark, to approve PAB 2019-16 as presented.

Motion passed by unanimous voice vote.

4.2 PAB 2019-17: Future Land Use Map and Zoning Map Amendments for Non-City owned lands to Conservation and Recreation (pursuant to Ordinance 2019-05)

Marine St & Marine St:

The following individuals spoke to the item:

James O'Conner, 703 Garden Street, has a lease with CSX

Brad O'Conner, 2440 Lyndale Road, has a lease with CSX

Eric Oliver, 706 Someruelus, has a lease with CSX

Jennifer Harrison, 820 Someruelus St, spoke to the significant history of the bluff.

Member Stevenson motioned for no action to be taken on the two parcels identified to keep as industrial waterfront. Member Minshew seconded.

Upon further discussion, Member Stevenson withdrew his motion.

ACTION TAKEN: A motion was made by Member Roland, seconded by Member Clark, to postpone the CSX parcels to the March Regular meeting to give Staff time to meet with CSX.

Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

8th and Dade Street:

The following individuals spoke to the item:

Monica Cleveland, 2203 Belvedere Ave

Jill McCarthy, 2120 Belvedere Ave

ACTION TAKEN: A motion was made by Member Clark, Seconded by Member Stevenson, to approve Staff's recommendation of all non-city owned parcels, with the exception of the CSX properties as discussed and the parcel located on the corner of Dade and 8th Street (00-00-31-1800-0067-0050).

Vote upon passage of the motion was taken b y ayes and nays and being all ayes, carried.

5. BOARD BUSINESS

5.1 Review Draft Amendments to PAB Bylaws

Members of the Board discussed.

ACTION TAKEN: A motion was made by Member Minshew, seconded by Member Roland, to approve the bylaws as amended and presented.

Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

The Board then unanimously agreed by voice vote, to vote on the final approval at the January 2020 regular meeting.

6. STAFF REPORT

7. PUBLIC COMMENT

8. ADJOURNMENT – 7:54 PM


Samantha Rogic, Recording Secretary


Mark Bennett, Vice-Chair

APPROVED



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
OCTOBER 10, 2018**

1. CALL TO ORDER – 5:01 PM

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

Mark Bennett (Chair)

Donna Lewis (Alt 1)

Greg Roland (arrived at 5:03 PM)

Frank Santry

Jenny Schaffer (Alt 2)

MEMBERS ABSENT:

Wayne Peterson

OTHERS PRESENT

Tami Bach, City Attorney

Kelly Gibson, Planning Director

Samantha Rogic, Recording Secretary

Member Lewis (Alt 1) and Member Schaffer (Alt 2) were seated as voting members.

Chair Bennett notified the Board that Member Beal has resigned from the PAB.

2. APPROVAL OF MINUTES

2.1 August 8, 2018 Regular Meeting

ACTION TAKEN: A motion was made by Member Lewis, seconded by Member Santry, to approve the minutes as presented.

Motion passed by unanimous voice vote.

Member Roland arrived at this time.

3. OLD BUSINESS

4. NEW BUSINESS

4.1 PAB 2018-25: FUTURE LAND USE MAP AMENDMENT AND ZONING CHANGE - 233 S. 14TH STREET- ORDINANCE 2018-__ CHANGING THE CITY'S FUTURE LAND USE MAP AND ZONING MAP FROM MEDIUM DENSITY RESIDENTIAL (MDR) /R-2 TO ASSIGN A FUTURE LAND USE MAP DESIGNATION AND ZONING CATEGORY OF MIXED USE (MU)/ MU-1 FOR PROPERTY TOTALING APPROXIMATELY 0.91 ACRES OF LAND LOCATED AT 233 S. 14TH STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Synopsis: Requests assignment of a Future Land Use Map Category of Mixed Use (MU) and Zoning District of MU-1 to approximately 0.91 acres located at 233 S. 14th Street.

Nick Gillette, the applicant, provided information and details specific to the requested action and was

available to answer questions from the Board.

ACTION TAKEN: A motion was made by Member Santry, seconded by Member Roland, to recommend denial of PAB case number 2018-25 to the City Commission requesting a Future Land Use Map assignment of Mixed Use land use and MU-1 zoning from Medium Density Residential land use and R-2 zoning, on the basis that it violates policy number 1.02.04 of the Comprehensive Plan and that PAB case 2018-25 as presented, is not sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Roland:	Aye
Member Santry:	Aye
Member Lewis:	Nay
Member Schaffer:	Nay
Chair Bennett:	Nay

Motion Failed

A motion was made by Member Lewis, seconded by Member Schaffer, to recommend approval of PAB case number 2018-25 to the City Commission requesting a Future Land Use Map assignment of Mixed Use land use and MU-1 zoning from Medium Density Residential land use and R-2 zoning, as described and that PAB case 2018-25 as presented, is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Roland:	Nay
Member Santry:	Nay
Member Lewis:	Aye
Member Schaffer:	Aye
Chair Bennett:	Aye

Motion Passed

- 4.2 **PAB 2018-20: LAND DEVELOPMENT CODE (LDC) AMENDMENT - BUILDING HEIGHTS AND VARIANCES - ORDINANCE 2018-__ AMENDING THE LAND DEVELOPMENT CODE (LDC) SECTION(S): 4.02.03 STANDARDS FOR BUILDINGS AND BUILDING PLACEMENT - MECHANICAL EQUIPMENT AND CALCULATION OF HEIGHTS, AND 10.02.01 LIMITATIONS ON THE GRANTING OF A VARIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** *Synopsis: Amends the Land Development Code specific to referenced sections.*

Ron Flick, agent for Amelia Island Care Centers, 961687 Gateway Blvd, spoke in opposition of the requested action, and offered suggestions for reconsideration.

ACTION TAKEN: A motion was made by Member Roland, seconded by Member Santry, to refer to staff for additional review with outside support from the design community to address concerns, with a December time frame to return to the PAB.

Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

- 4.3 **PAB 2018-24: LAND DEVELOPMENT CODE (LDC) AMENDMENT - INDUSTRIAL WATERFRONT AND WATERFRONT MIXED USE PARKING REQUIREMENTS - ORDINANCE 2018-__ AMENDING THE LAND DEVELOPMENT CODE (LDC)**

SECTION 8.01.02(D)(4) AND 7.01.04 (A) PARKING SPACE REQUIREMENTS AND ALLOWANCE FOR FEE IN LIEU; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Land Development Code specific to remove non-residential parking requirements for properties within the CRA. This item was originally discussed on August 22, 2018 and placed on this agenda following published advertising on September 14, 2018.*

Arlene Filkoff spoke to the history of the CRA and in support of the requested action.

ACTION TAKEN: A motion was made by Member Roland, seconded by Member Lewis, to recommend approval of PAB case number 2018-24.

Vote upon passage of the motion was taken by ayes and nays, and being all ayes, carried.

5. BOARD BUSINESS

5.1 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. *This item is for discussion only.*

Member Santry suggested returning this item to workshop status. Member Lewis seconded. The Board agreed to move the item to the November regular meeting.

6. STAFF REPORT

7. PUBLIC COMMENT

No members of the public wished to speak at this time.
The Board briefly discussed the City's involvement in and the future of the Waterfront.

8. ADJOURNMENT – 6:48 PM



Samantha Rogic, Secretary

Mark Bennett, Chair

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach



SUBJECT: Consideration of LDC Text Amendments for Tree Protection

ITEM TYPE: LDC Text Amendment

REQUESTED ACTION: Recommendation of Approval to move to the City Commission in the form of an Ordinance.

If action is taken at this meeting. It is anticipated that the item will appear before the City Commission at its regular meeting on March 3, 2020.

SYNOPSIS: The amendments provided in LDC Sections 4.05.14, 11.08.04, and 10.03.00 serve to provide updates to the City's established tree protection requirements. These efforts are undertaken to address the City Commission established goal to increase its tree canopy by 5% by 2024 and to consider penalty fees in addition to restoration plan requirements. Finally, this effort serves to address much needed direction for oversight and enforcement of the City's tree protection provisions.

These staff-initiated amendments will address existing deficiencies of the City's tree protection ordinance and to support the City Commission goal of an increased tree canopy. The revisions proposed were not contemplated as part of a major review process, instead they serve address specific needs. Staff recommends approval of the requested amendments as proposed.

CITY ATTORNEY COMMENTS:



Submitted By: Kelly Gibson, AICP, Planning Director

Date: February 05, 2020

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: • 4.05.14 Tree Protection Requirements • 11.08.04 Specific Penalties for Violation of Tree Permit Requirements • 10.03.00 Administrative Waivers
STAFF RECOMMENDATION:	These staff-initiated amendments will address existing deficiencies of the City's tree protection ordinance and to support the City Commission goal of an increased tree canopy. The revisions proposed were not contemplated as part of a major review process, instead they serve address specific needs. Staff recommends approval of the requested amendments as proposed.

*** 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:

Rationale: The amendments provided in LDC Sections 4.05.14, 11.08.04, and 10.03.00 serve to provide updates to the City's established tree protection requirements. These efforts are undertaken to address the City Commission established goal to increase its tree canopy by 5% by 2024 and to consider penalty fees in addition to restoration plan requirements. Finally, this effort serves to address much needed direction for oversight and enforcement of the City's tree protection provisions.

4.05.14 TREE PROTECTION REQUIREMENTS

A. Intent:

The intent of this section is to provide standards and regulations to ensure a minimum number of trees on any lot or parcel, protect and preserve native tree species, protect and preserve the natural landscape, foster and encourage maintenance of natural vegetation, and minimize loss of trees to development. It is the intent of the City that:

1. There shall be no net loss of canopy within the City;
2. Preservation of the City's existing canopy is achieved by managing the impact of development and preventing unreasonable or unnecessary damage to the community's existing native tree canopy and vegetative understory;
3. The diversity of tree species indigenous to Amelia Island shall be maintained;
4. Existing mature growth native trees important to the City's tree canopy are protected and maintained to the fullest extent possible;
5. Structures and all impervious surfaces will be placed in such a way as to protect the survivability and substantial growth of the healthiest shade trees on the property;
6. The natural environment is preserved, enhanced, and restored through the protection and establishment of native trees and existing natural systems for the enjoyment of present and future populations;
7. Achieving greater energy conservation by maximizing the shading and cooling effects of existing native, healthy trees and native replacement trees;
8. The health and well-being of Fernandina Beach residents and visitors is protected by providing shade and otherwise moderating potential dangerous summer temperatures; and

9. The unique aesthetic character of the City is preserved, enhanced, or restored.

B. Permitting Requirements:

Protected Trees are any existing, healthy tree having a five (5) inch DBH, or greater and not identified on the most recent Florida Exotic Pest Plant Council Invasive Plant list (Category I or II). Tree removal permits are required for the removal of any protected tree, except as set forth below. There shall be three categories of exemptions or partial exemptions, as follows:

1. *Exemption from permit, permit fee and replacement requirements:*

- a. Trees and landscaping specifically grown as landscape material for resale by duly approved and licensed plant nurseries and botanical gardens.
- b. Damaged or hazardous trees during and for a one (1) month period following a declared disaster.
- c. Minor maintenance activities such as removal of sucker growth, water sprouts, and overhanging branches on mature trees. All work shall be performed in compliance with the current ISA Arborist standards and best practices.

2. *Exemption from fee and replacement requirements.*

A permit shall be required for removal of the following trees, however, removal of these shall be exempt from the permit fee and replacement and replacement plan requirements of this article as follows unless the removal of such tree results in the property not achieving the City's minimum landscape standards as specified in LDC Sections 4.05.05:

- a. Any tree other than a protected or heritage tree;
- b. Trees damaged by disease, fire, windstorm, lightning, insect infestation or other acts of nature, which pose an imminent danger to life, property or other protected trees; The administrative official may require a written certification of the need to remove such a tree or trees, at the property owner's expense, from an ISA certified Arborist prior to authorizing such a removal.
- c. Removal of trees (thinning) within a forested area in order to reduce overcrowding and competition and to promote the health, growth, and resistance to stress may be permitted only when accompanied by written certification of the need to remove such tree(s) at the property owner's expense, from an ISA certified Arborist prior to authorizing such removal.
- d. Major and minor maintenance of trees located adjacent to utility lines; and
- e. Removal of trees by the City on City rights of way.
- f. The tree prevents access to a lot and no feasible alternative access points exist.

3. *Partial Exemptions from replacement requirements for site development.*

A permit and permit fee shall be required for removal of protected trees for purposes of site development provided that mitigation requirements have been met through either on-site retention of existing healthy native trees or through the planting of replacement trees required as follows:

- a. For one- and two-family residential properties:
~~Eighty percent (80%)~~ ~~Fifty percent (50%)~~ of the total DBH of the protected trees shall be exempt from replacement. Replacement of ~~twenty percent (20%)~~ ~~fifty percent (50%)~~ of the total DBH of the protected trees located within the area of the building footprint, or within five (5) feet thereof, to be constructed on the property, when such improvements have been authorized by a duly approved and issued building permit shall be required.
- b. For affordable housing units, the City Manager or designee is authorized to issue an administrative waiver pursuant to the procedures set forth in Chapter 10.
- c. For non-residential and mixed use or multi-family residential properties:
~~Seventy-five percent (75%)~~ ~~Fifty percent (50%)~~ of the total DBH of the protected trees shall be exempt from replacement. Replacement of ~~twenty-five percent (25%)~~ ~~fifty percent (50%)~~ of the total DBH of protected trees located within the area of the impervious improvements, or within five (5) feet thereof, to be constructed on the property, when such improvements have been authorized by a duly approved and issued building permit shall be required.

STAFF NOTES: A change to the "fee in lieu" for tree replacement needs to be made in the City's Fee Schedule to reflect current cost estimates. It is recommended that the fee be increased from \$255 to \$400.

C. Tree Survey or Inventory:

All protected trees shall be shown on a tree survey or a tree inventory prepared by a certified arborist, submitted with an application for a tree removal permit or with an application for development approval as set forth in Chapter 11.

D. Replacement trees Requirements:

10. When authorization has been granted to remove protected trees, replacement trees shall be planted. The combined DBH of replacement trees shall equal or exceed the combined DBH of trees authorized for removal subject to any preservation credits available from the retention of protected trees on the site. Preservation credits are set forth in Section 4.05.14 (E)(5).

11. Replacement trees shall meet the standards set forth in Section 4.05.03, and shall be balled and burlapped or container-grown.

12. Protected trees authorized for removal may be relocated to locations compliant with the specifications set forth in Section 4.05.03 and approved by the City Manager or designee.

13. An applicant shall be permitted to pay a fee to the City Tree Replacement Fund for up to fifty (50) percent of the cumulative DBH of protected trees removed, less the credits accumulated from preservation of trees on the site. The fee will be set by resolution of the City Commission and will be based on the average cost for the City to replace the tree with the same species, excluding invasive species, the fiscal year in which the permit is issued.

~~1. Preservation Credits: On-site retention of native, healthy trees shall receive benefit of tree preservation credits to reduce the overall tree replacement requirements as follows:~~

~~a. Trees equaling 8" – 13" shall receive a 1.5x credit~~

~~b. Trees equaling 14" – 20" shall receive a 2x credit~~

~~c. Trees equaling 20" – 24" or greater shall receive a 3x 2x credit.~~

~~2. In order to qualify for on-site tree preservation credits, each tree proposed for retention must be evaluated by a certified arborist to ensure that the tree is healthy and compatible with the proposed development of the site.~~

~~3. These credits shall only be applied towards tree replacement requirements created by the removal of protected trees as set forth in 4.05.14(B) (3). These credits may be transferred only on unified multiple lot developments.~~

~~4. Preservation credits for the total DBH of protected trees retained on the site will be applied during the review of the replacement plan.~~

E. Protection of Trees During Development Activities:

1. Protective measures are required during site development in order to assure the health and survival of protected trees. Storage of construction materials or fill dirt is expressly prohibited within the tree protection area.

Protective measures are required to avoid:

a. Mechanical injuries to roots, trunk, and branches;

b. Injuries by chemical poisoning;

c. Injuries by grade changes;

d. Injuries by excavations; and

e. Injuries by paving.

2. A tree protection zone shall be established around each protected tree(s) as follows:

a. If the drip line is less than six (6) feet from the trunk of the tree, the zone shall be that area within a radius of six (6) feet around the tree.

b. If the drip line is more than six (6) feet from the trunk of the tree, but less than twenty (20) feet, the zone shall be that area within a radius of the full drip line around the tree.

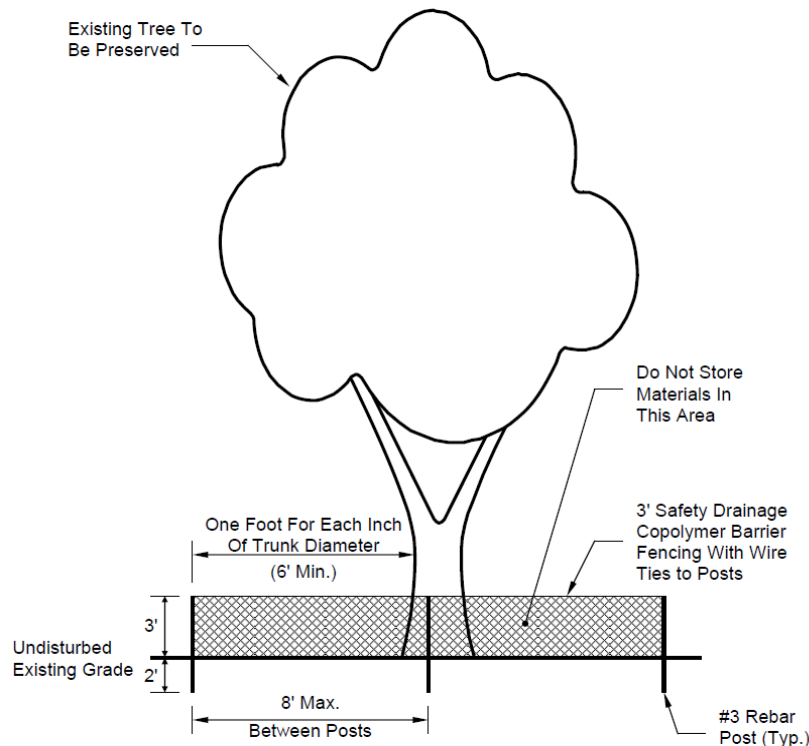
c. If the drip line is twenty (20) feet or more from the trunk of the tree, the zone shall be that area within a radius of twenty (20) feet around the tree.

d. Prior to commencement of construction, the tree protection area shall be enclosed and installed as required in the detail provided and described herein. An approved inspection of the tree protection area by a Certified Arborist must be completed prior to all site clearing activity. For all subdivision projects and non-residential projects, a Certified Arborist is required to be present for clearing activities and must provide an affidavit attesting to compliance of tree removal permits and installation of protective fencing once clearing activities are complete.

NOTES: STAFF WILL DEVELOP A PRE-QUALIFIED LIST OF ARBORISTS TO ASSIST WITH SCHEDULING AND FEE SCHEDULE MODIFIED TO RECOUPERATE COSTS ASSOCIATED WITH THE ACTIVITY.

The tree protection barricade shall be at least three (3) feet tall. The barrier shall consist of either a wood fence with 2x4 posts placed at a maximum of eight (8) feet apart, with a 2x4 minimum top rail, or a temporary wire mesh fence, chain link or other similar barrier which limits access to the protected area. The fence must remain in place through the duration of construction activities. Beyond the dripline of the canopy, a 3" mulch bed shall be established to avoid compaction from heavy machinery. Trenching close to a preserved tree on-site must be done by hand or air spading only. Preserved trees that may have root impacts resulting from the surrounding development shall be handled through hand cut root pruning practices only. Root ripping equipment is not permitted.

- e. An exception shall be granted if the required protection zone prohibits access to the site. Consultation with a certified arborist is required to determine a proper access plan and provide measures to ensure protection of the tree during construction activities.



Example:

3. All development activities, except those specifically permitted by Section 4.05.14(F)(4), shall be prohibited within the tree protection zone, including any construction of buildings, structures, paving surfaces, stormwater retention or detention ponds, and temporary construction activities, including all digging, storage of construction material, and parking of construction vehicles.
4. Permitted activities within the tree protection zone:
 - a. Excavating or trenching by utilities service providers for installation of underground utilities. Underground utilities shall be no closer to the tree than ten (10) feet.
 - b. Placement of sod or other ground covers, and the preparation of the ground surface for such covers.
5. The root systems of protected trees shall be preserved when installing fences and walls. Postholes and trenches located close to trees shall be dug and adjusted as necessary to avoid damage to major roots. Continuous footers for masonry walls shall be ended at the point larger roots are encountered and the roots bridged.
6. In order to control air and water pollution from dust from traveling across the landscape, a detailed and site specific plan for dust control measures is required. Control measures may include, but are not limited to: sprinkling or irrigation, vegetative cover, mulch, wind breaks, or soil treatments.

Abused trees shall not be counted toward fulfilling tree replacement or preservation requirements. The City may require the abused trees to be replaced and are subject to penalties provided for in LDC section 11.08.04. A tree shall be considered abused if one (1) or more the following actions have taken place:

14. Significant damage has been inflicted upon any part of a tree, including the root system by machinery, storage of materials, soil compaction, excavation, vehicle accidents, chemical application, or change to the natural grade;
15. Damage inflicted to or cutting upon a tree which causes infection or pest infestation;
16. Pruning any tree to permanently reduce the function of the tree or cause it to go into shock;
17. Pruning a tree to destroy its natural shape;
18. Hatracking;
19. Removal of bark which is detrimental to the tree;
20. Tears and splitting of limb ends or peeling and stripping of bark;
21. Use of climbing spikes, or cutting into the tree for the purposes of climbing on any species of tree for any purpose other than total removal, except as the same may be required to comply with federal, state or local laws and regulations, including, but not limited to, the Occupational Safety and Health Act; and
22. Girdling a tree with the use of wires (e.g., use of weed eater, mower damage, or improper cabling around branches).

11.08.04 Specific Penalties for Violation of Tree Permit Requirements

A. When unauthorized removal of trees has occurred, the owner shall submit **fin**es and a restoration plan within thirty (30) days after being cited for the violation.

1. Individual residential property owner(s) of a single lot of record will be fined **\$1,000** for the first unauthorized tree removal violation and subject to additional fines as provided in Table 11.08.04 and required to comply with restoration planting criteria. Multi-family, subdivisions, mixed use, and non-residential landowner(s) will be fined **\$5,000** for the first unauthorized tree removal violation and subject to additional fines as provided in Table 11.08.04 and required to comply with restoration planting criteria.

Table 11.08.04 Fines for Unauthorized Tree Removal (2 or More)

<i>Size of Tree Removed (DBH)</i>	<i>Fine Amount Per Tree</i>
<i>6-17"</i>	<i>\$1,000</i>
<i>18-25"</i>	<i>\$5,000</i>
<i>26-35"</i>	<i>\$15,000</i>
<i>36" DBH and above</i>	<i>\$20,000</i>

***Green Highlight = Proposed Fine Amounts**

2. In addition to fines, an approved restoration plan is required for all unauthorized tree removal which shall replaces, "one for one" (one (1) inch for every inch of DBH), any and all trees that are removed without authorization. No preservation credits shall be applicable for the unauthorized removal of trees. Failure to submit a restoration plan within thirty (30) days shall result in a double fine. In the event that an insufficient trunk of the removed tree exists to determine replacement requirements, including the size and number of required replacement trees, these facts shall be determined by the City Manager based upon any available information, including photographs or a survey of trees of the same species existing within the City. In making such determinations, the opinion of the City Manager shall control. If the City Manager cannot determine with reasonable certainty the number of protected trees removed, the violation shall be corrected by paying a civil fine of up to one dollar (\$1.00) per square foot of land cleared.

All amounts received by the City pursuant to this section shall be deposited in the Tree Replacement Fund.

- A. In evaluating a proposed restoration plan, the City shall consider the following:
 23. The cross-sectional area of trunk(s) removed;
 24. The specific aesthetic character of the tree removed;
 25. Any special function the tree carried out as a screen or buffer;
 26. Amount of other trees preserved on the site, and the opportunities for planting additional trees;
 27. Any short-term or long-term negative environmental impacts from the unauthorized tree removal, including, but not limited to, erosion, siltation, impacts on listed plant and/or animal species, water circulation patterns, water quality standards, and floodplain capacity or conveyance (including, but not limited to, swales or overland sheet flow, where pertinent).
- B. The City Manager shall review the proposed restoration plan. The City Manager may require any bonding or other guarantees deemed necessary to insure the performance and completion of the restoration plan, and/or the maintenance and survival of the implemented restoration plan. If a bond is required, the bond amount shall be one dollar (\$1.00) for every square foot of land cleared in violation of this section, or ~~\$12,500~~ **\$50,000** if a heritage tree has been removed.
- C. The City Manager shall, within 30 days of submission of a restoration plan, either:
 1. Approve the restoration plan after rendering a finding that implementation of the restoration plan, will ensure restoration of the quality and screening functions previously provided on site, according to the criteria set forth herein by the removed or otherwise destroyed trees; or
 2. Deny the restoration plan and levy appropriate fines based on a finding that said restoration plan, upon implementation, cannot restore the quality and screening functions previously provided by the removed or otherwise destroyed trees; or
 3. Deny said plan and inform the owner or developer of what the City requires in order to approve said restoration plan. Such plans shall be resubmitted within thirty (30) days of the denial. Failure to resubmit or appeal within this time period shall subject the property owner to a fine of \$100.00 per day.
- D. If the City Manager determines that implementation of a restoration plan cannot replace the quality and screening functions of the trees removed or otherwise destroyed then the City Manager may assess the following fines for the unauthorized removal of trees in addition to any other fines required pursuant to other City ordinances or by state or federal rules and laws:
 1. ~~\$125.00~~ **\$500.00** per inch DBH for each tree removed that was not located in a designated wetland, coastal upland protection zone, approved upland landscaped buffer areas or conservation easement, tract or similarly designated area; and
 2. ~~\$250.00~~ **\$1,000.00** per inch DBH for each tree removed that was located within a designated wetlands, coastal upland protection zone, approved landscape buffer areas or conservation easement, tract or similarly designated area. This shall include landscape buffer areas previously required as part of an approved landscape plan or other development plan or order, upland buffers around wetlands and habitat or riparian protection zones; and
 3. ~~\$12,500.00~~ **\$50,000** for each heritage tree removed.
- E. No further City permits for the subject property or project shall be issued or inspections provided until all violations of this article are corrected or a restoration plan has been accepted by the City Manager. The building official or designee, may issue a stop work order to any person, firm, owner, contractor, or agent performing construction who violates or fails to comply with any provision of the City's tree protection ordinance. No

certificate of occupancy shall be granted unless and until the restoration plan is implemented or a performance bond satisfactory to the City and its attorney is submitted and approved by the City.

10.03.00 ADMINISTRATIVE WAIVERS

10.03.01 Authority and Limitations

The City Manager is authorized to reduce specific site design and development standards of this LDC where the intent of the LDC can be achieved and equal performance obtained by granting a waiver. The authority to grant a waiver shall be limited to the following:

A. A reduction in the minimum front, side, or rear yard setbacks for a single lot, provided the following standards are met:

1. The reduction is necessary in order to implement tree protection standards of this LDC; and

2. The reduction is limited to a maximum of ten (10) percent of the minimum standard development.

NOTES: PAB recommends the City Commission consider fee waiver for variances sought to deviate from site design requirements to protect trees.

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 05, 2020

Submitted By: Kelly Gibson, AICP, Planning Director

PLANNING ADVISORY BOARD AGENDA ITEM
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SUBJECT:

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