



**AGENDA
FERNANDINA BEACH CITY COMMISSION
WORKSHOP
MAY 3, 2022
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DISCUSSION**
 - 3.1 **SHELL COVE/HICKORY STREET RIGHT-OF-WAY DISCUSSION** - *This item is placed on the agenda at the request of Mayor Lednovich.*
 - 3.2 **SIGN ORDINANCE** - *This item is placed on the agenda at the request of Commissioner Bean.*
- 4. ADJOURNMENT**

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS MADE. AT THE DISCRETION OF THE MAYOR, A RECESS MAY BE SCHEDULED EVERY NINETY MINUTES.

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

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
Shell Cove/Hickory Street Right of Way

ITEM TYPE: Discussion

REQUESTED ACTION: At the pleasure of the Commission.

SYNOPSIS:

FISCAL IMPACT:

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Dale Martin, City Manager 4/25/2022

Monica Benischeck, Administrative Services Manager 4/26/2022

Date: April 11, 2022

Submitted By: Dale Martin, City Manager

COMMISSION ACTION:

AMENDED
RESOLUTION 2019-68

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ACCEPTING A DEED OF DEDICATION FROM ROBINSON CREEK 34, LLC FOR SHELL COVE SUBDIVISION ROADS; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. The City Commission hereby accepts the Deed of Dedication, attached hereto as Exhibit "A," for roads inside the Shell Cove subdivision to be dedicated as public rights-of-way in accordance with City of Fernandina Beach Ordinance 2015-23 approving a PUD overlay and creating the Shell Cove PUD.

SECTION 2. The City Clerk shall record this Deed of Dedication in the public records of Nassau County, Florida, but only after a sidewalk is installed and approved by Nassau County located on the east side of Citrona connecting with the sidewalk inside Shell Cove subdivision and terminating the sidewalk installation at the intersection of Hickory and Citrona as set forth in the Shell Cove PUD Ordinance 2015-23.

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

ADOPTED this 2nd day of July, 2019.

ATTEST:

CITY OF FERNANDINA BEACH

Caroline Best

Caroline Best
City Clerk

John A. Miller

John A. Miller
Commissioner-Mayor

APPROVED AS TO FORM AND LEGALITY:

Tammi E. Bach

Tammi E. Bach
City Attorney

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (this "MOU") is made and entered into effective as of the 24 day of October, 2019, by and between **Nassau County Board of County Commissioners ("County")** and **City of Fernandina Beach ("City")**.

RECITALS

A. The County is the owner for public benefit of the right-of-way known as Citrona Drive located within the City of Fernandina Beach (the "Property");

B. Robinson Creek 34, LLC ("Developer") has developed the Shell Cove residential subdivision located on the east side and adjacent to Citrona Drive including the proposed addition of an ADA-accessible sidewalk within the Citrona Drive right-of-way with improvements to the east and west side of the crosswalk at the intersection with Hickory Street (a City right-of-way);

C. The County has agreed to allow Developer to construct a new sidewalk and ADA improvements to existing sidewalks as depicted on Exhibit "A" attached hereto; and

D. City has agreed to accept maintenance responsibility for the newly constructed sidewalk and ADA improvements as depicted on Exhibit "A".

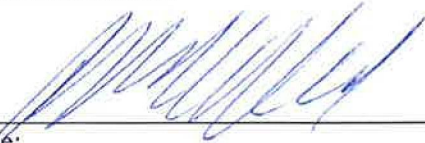
NOW, THEREFORE, the Parties agree to the following in consideration of the mutual covenants and agreements herein, the receipt and sufficiency of which are acknowledged:

1. Recitals. The Recitals are true and correct and incorporated by reference.
2. City Maintenance of Sidewalk and ADA Improvements. The City agrees to maintain and keep in good repair the ADA accessible sidewalk as depicted on Exhibit "A", including related appurtenances ("Sidewalk"). The benefited public shall have the right of ingress and egress on the Sidewalk.
3. Recording. This Memorandum of Understanding shall be recorded with the Deed of Dedication for the roads and sidewalk within the Shell Cove Subdivision.
4. Indemnification. To the extent permitted by Florida law, the City agrees to indemnify, hold harmless, and defend the County, its elected officials, employees, agents and representatives from and against all liability and expense, including reasonable attorney's fees, in connection with any and all claims, demands, damages, actions, causes of action, and suits in equity of whatever kind or nature, including claims for personal injury, property damage, equitable relief, or loss of use, arising directly or indirectly out of or in connection with any negligent and/or deliberate act or omission of the City, its elected officials, officers, employees, agents, and representatives; provided however, the City shall have no obligation hereunder to indemnify, defend or hold harmless County for any such losses, damages, and claims of any kind arising out of, directly or indirectly, or in connection with the negligent and/or deliberate acts of omissions of County. Nothing contained in the foregoing indemnification shall be construed to be a waiver of any immunity or limitation of liability the City or County may have under the doctrine of sovereign immunity or Section 768.28, Florida Statutes.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding on the following date:

WITNESS OUR HANDS this 24 day of October, 2019.

NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS

By: 
Name: _____

ATTEST:



Caroline Best, City Clerk

“CITY”

CITY OF FERNANDINA BEACH, a municipality organized under the laws of the State of Florida


By: _____
Dale L. Martin
City Manager

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach, City Attorney

Site Plan Details:

- Properties:** 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165,

EDGE OF PAVEMENT (TYP) EXTEND EXISTING SIDEWALK
W/TP CROSSWALK SIGN TO MEET CROSSWALK
W/ADA RETURN

SPECIAL EMPHASIS
CROSSWALK STRIPING
(THERMOPLASTIC)

AVOID CONFLICT WITH POLE/SIGNAL

WIDE SIDEWALK

1

AVOID EXISTING NES

1

EASEMENT LINE

DO NOT BLOCK FLOW TO
SHELL CO/E SWALE AREA

ARCLE

SHELL COVE CIRCLE

158 of 15	REPORT DATE	SEPTEMBER 2016	1700000000	05-08-16
SHEET NO CA-1				

CITRONA AVENUE
SIDEWALK PLAN

ROBINSON CREEK 34

SHELL COVE

G & A*
GILLETTE & ASSOCIATES INC.
20 SOUTH 4TH STREET

Calligraphy & Associates, Inc.
20 South Main Street
Pittsford, Vermont 05750

Res 2019-68

Prepared by and Return to:
Tomassetti & Prince
406 Ash Street
Fernandina Beach, FL 32034

DEED OF DEDICATION
(Right-of-Way)

THIS INDENTURE, made this 10th day of March A.D., 2020
between **ROBINSON CREEK 34, LLC**, a Florida limited liability company, whose address is
P.O. Box 706, Fernandina Beach, FL 32035 ("Grantor"), and **CITY OF FERNANDINA BEACH**,
a municipal corporation in Nassau County, State of Florida whose mailing address is 204 Ash
Street, Fernandina Beach, Florida 32034 ("Grantee").

WITNESSETH, that for and in consideration of the acceptance of this Dedication by the
Grantee, Grantor does hereby grant, dedicate, give, and convey to the Grantee, its successors
and assigns, forever the following described land situate in Fernandina Beach, Nassau County,
Florida, to wit:

All road Right-of-Ways shown on the Shell Cove Plat as Shell Cove
Circle as recorded in Plat Book 8, Pages 150 – 151, of the public
records of Nassau County, Florida (the "Shell Cove Plat") and as
further described as "Shell Cove Circle North", "Shell Cove Circle
East" and "Shell Cove Circle South".

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns
forever, in fee simple for a public right-of-way including therein the right to construct, maintain
and operate, either above or below the surface of the ground, electric light and power, water,
sewer and drainage lines and any other public utilities deemed necessary by the Grantee.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said
land in fee simple; that the Grantor has good right and lawful authority to dedicate and convey
said land pursuant to the Adoption and Dedication language regarding the Road Right-of-Way
retained to the property owner as recorded in the Shell Cove Plat and pursuant to requirements
of Ordinance 2015-23 of the City of Fernandina Beach, Florida adopted on October 6, 2015
which requires the Right-of-Ways for Shell Cove to be dedicated to the Grantee.

10th **IN WITNESS WHEREOF**, the said Grantor has hereunto set their hand this
day of March, A.D., 2020.

Signed, sealed and delivered in the presence of:

Witness: [Signature]

Print Name: NICK Gillette

Witness: [Signature]

Print Name: Mark Peters

Grantor:
ROBINSON CREEK 34, LLC

[Signature]
By: William J. Mock, Jr.
Its: Managing Member

This instrument prepared by: Law Office of Tomassetti & Prince 406 Ash Street,
Fernandina Beach, FL 32034. Title to the lands described herein has not been
examined by me and no warranty or other representation is made and no opinion
(either expressed or implied) is given, as to the marketability or condition of the
title to the subject property, the quantity of lands included therein, the location
of the boundaries or the existence of liens, unpaid taxes, or encumbrances.

STATE OF FLORIDA
COUNTY OF NASSAU

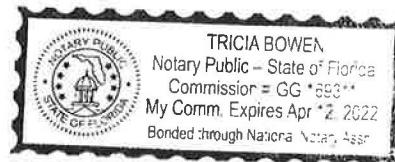
I HEREBY CERTIFY that on this 10th day of March, A.D., ²⁰²⁰~~2019~~, before me personally appeared William J. Mock, Jr., Managing Member of Robinson Creek 34, LLC to me known to be the person described in and who executed the foregoing instrument, and acknowledged the execution thereof to be his free act and deed is personally known to me or has provided _____ as identification and has/has not taken an oath.

WITNESS my hand and official seal in the County and State last aforesaid, the day and year last aforesaid.

Tricia Bowen

Notary Public, State of Florida

My Commission Expires: 4/12/22



MINUTES
City Commission Regular Meeting
April 16, 2019
Page 1 of 10

The City Commission of the City of Fernandina Beach, Florida, met in a Regular Meeting on Tuesday, April 16, 2019 at 6:00 pm in the City Commission Chambers. Present were Mayor John A. Miller presiding, Vice Mayor Len Kreger, Commissioners Philip Chapman, Mike Lednovich and Chip Ross. Also present were City Clerk Caroline Best, City Manager Dale L. Martin, and City Attorney Tammi Bach.

Mayor Miller called the meeting to order and led the Pledge of Allegiance to the Flag. The invocation was given by Reverend Shad Goltz of the First Baptist Church.

4.1 PROCLAMATION - 56TH ANNUAL ISLE OF EIGHT FLAGS SHRIMP FESTIVAL: Mayor Miller read the Proclamation in full recognizing May 3, 2019, through May 5, 2019, as "The 56th Annual Isle of Eight Flags Shrimp Festival". Members of the Isle of Eight Flags Shrimp Festival Committee were present to accept the Proclamation and thanked the Commission.

4.2 PRESENTATION - WESTREC MARINA: Westrec Marina representatives, at the request of Commissioner Ross, provided information relating to Fernandina Harbor Marina operations.

4.3 BUDGET SUMMARY: Comptroller Pauline Testagrose gave a brief update and was available to answer any questions regarding the budget summary for March 2019.

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

NASSAU HUMANE SOCIETY: Nassau Humane Society Operations Manager Ms. Christina Sutherin, 639 Airport Road, introduced Animal Control Officer Mandy Holden and volunteer Ms. Crystal Foster with Toby, a current shelter dog, as part of the inaugural program to showcase adoptable pets at regular City Commission meetings.

BEACH PARKING AND MARINA: Mr. Paul Lore, 2794 Longboat Drive, continues to advocate for maintaining free beach parking and also lauded the recent concert "Music for the Marina" attended by 400-500 people that raised nearly \$1000 for the museum. His group, Citizens for Restoration of the Marina, is lobbying for public space and public access which is priceless.

6. CONSENT AGENDA: The following five items were on the Consent Agenda and were approved by one motion with the exception of item 6.2 Resolution 2019-63 and item 6.3 Resolution 2019-64 which were removed from consent for discussion at the request of Commissioner Ross

6.1 RESOLUTION 2019-62 APPROVING A PROPOSAL FROM INSITUFORM TECHNOLOGIES, LLC IN AN AMOUNT NOT TO EXCEED \$69,633.20 FOR THE REHABILITATION OF THE CITY'S GRAVITY EFFLUENT LINE BY WAY OF A "PIGGYBACK AGREEMENT" TO THE CONTRACT WITH THE CITY OF DAYTONA BEACH, FL: According to the agenda support documents Resolution 2019-62 approves the proposal from Insituform Technologies, LLC to perform gravity effluent line rehab services in an amount not to exceed \$69,633.20 as a piggyback agreement with the City of Daytona Beach, FL. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-62. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.2 RESOLUTION 2019-63 APPROVING A PROPOSAL FROM SWAGIT PRODUCTIONS, LLC IN THE AMOUNT OF \$83,120 FOR CLOSED CAPTIONING SERVICES; APPROVING AN

AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2018/2019: According to the agenda support documents Resolution 2019-63 approves the Swagit Productions, LLC Live Captioning Solutions proposal for equipment, products and services in the amount of \$83,120. Also approves a transfer in the amount of \$83,120 from the General Fund Contingency Account to the Information Technology Department Contractual Account.

City Manager Martin explained this expenditure is in response to Americans with Disabilities Act compliance which will provide live streamed closed captioning for City Commission meetings and post-production closed captioning for certain Advisory Boards/Committees. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger to approve Resolution 2019-62. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.3 RESOLUTION 2019-64 APPROVING THE PROPOSAL FROM ADVANCED DISPOSAL SERVICES TO PROVIDE SOLID WASTE REMOVAL AND CLEAN-UP SERVICES FOR THE 2019 SHRIMP FESTIVAL; APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2018/2019: According to the agenda support documents Resolution 2019-64 approves the proposal in the amount of \$38,343 from Advanced Disposal Services to provide solid waste removal and clean-up services for the 2019 Shrimp Festival. Also approves a transfer of \$1,343 from the Non-Departmental R/M Building & Grounds account and Non-Departmental R/M Equipment account to the Non-Departmental Contractual account. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger to approve Resolution 2019-64.**

City Manager Martin detailed a recent meeting with Advanced Disposal representatives who assured recent concerns and complaints would be addressed however no follow up has been made to date and Waste Management has finalized acquisition of the company. City staff will continue to work to resolve issues.

Commissioner Chapman voiced continuing concern for lack of service in his neighborhood and others and related a personal experience of witnessing yard and bulk waste combined contaminating the entire load. Vice Mayor Kreger concurred with ongoing complaints and voiced concerns with the Waste Management acquisition.

Commissioner Lednovich questioned how long substandard service would be tolerated and if there are alternatives to Advanced Disposal. City Manager Martin noted that correspondence to Advanced Disposal upon their ninety-day service contract review will be forthcoming and it is yet to be seen what, if any, impact will be had with the impending Waste Management acquisition. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.4 RESOLUTION 2019-65 APPROVING AN EXTENSION OF THE FRANCHISE AGREEMENT WITH HARRELL LAND, LLC D/B/A FERNANDINA BEACH MARKET PLACE THROUGH DECEMBER 31, 2019: According to the agenda support documents Resolution 2019-65 extends the current franchise agreement for the farmers' market through December 31, 2019. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-65. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.5 RESOLUTION 2019-66 APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2018/2019: According to the agenda support documents Resolution 2019-66 approves a transfer of \$60,000 from the Parks and Recreation Impact Fee Fund Reserve account to the Dune Walkovers account (\$30,000) and the Parks and Recreation Improvements account (\$30,000) for the design of the dune

walkovers. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-66. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.1 RESOLUTION 2019-48 APPROVING A SETTLEMENT AGREEMENT AND GENERAL RELEASE WITH VRL ARCHITECTS, INC. IN THE AMOUNT OF \$32,716.77 AS REIMBURSEMENT TO THE CITY FOR LIBRARY ROOF REPAIRS: According to the agenda support documents Resolution 2019-48 approves the Settlement Agreement and General Release with VRL Architects, Inc. pertaining to Library roof repairs. **A motion was made by Commissioner Ross, seconded by Commissioner Chapman to postpone Resolution 2019-48 to the May 7th City Commission Regular Meeting. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.2 RESOLUTION 2019-67 APPROVING AN AGREEMENT OF SETTLEMENT IN THE CASE OF DARIO ALDERMAN V. CITY OF FERNANDINA BEACH IN THE AMOUNT OF \$16,000: According to the agenda support documents Resolution 2019-67 approves the General Release in the pre-suit case of Dario Alderman v. City of Fernandina Beach. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-67. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.** Vice Mayor Kreger asked if action had been taken to preclude any further claims. City Attorney Bach affirmed.

7.3 RESOLUTION 2019-68 ACCEPTING A DEED OF DEDICATION FROM ROBINSON CREEK 34, LLC FOR SHELL COVE SUBDIVISION ROADS: According to the agenda support documents Resolution 2019-68 accepts a deed of dedication for the roads in the Shell Cove subdivision. City Manager Martin reported the engineer representative has requested this agenda item be postponed until further City staff review. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger to postpone Resolution 2019-68 until the Shell Cove curb cuts and sidewalks can be completed and the right of way issue is resolved. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.1 SECOND READING OF ORDINANCE 2019-08: City Attorney Bach read Ordinance 2019-08 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM CONSERVATION (CON) TO ASSIGN A FUTURE LAND USE MAP CATEGORY OF LOW DENSITY RESIDENTIAL (LDR) FOR PROPERTY TOTALING APPROXIMATELY 6.40 ACRES OF LAND LOCATED ON CITRONA DRIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Ordinance 2019-08 assigns a Future Land Use Map Category of Low Density Residential (LDR) to 6.40 acres of land located on Citrona Drive.

City Attorney Bach stated this Ordinance, if adopted, will not be effective until thirty-one days after April 16, 2019. Accordingly, Section 4 will be changed to reflect same.

City Manager Martin reported he and City Attorney Bach, as per the direction from the April 2nd City Commission Regular Meeting, met with the developer to discuss options which were: call the vote and move forward or, a mutually agreed upon walkaway price of \$3 million dollars from the City to the developer paid for through millage that would require a one-time tax levy of 1.5 mills or, purchase lots adjacent to the bluff from the developer.

City Attorney Bach explained the developer is not willing to “walk away” from the project, accordingly she has individually fully advised each Commissioner as to costs, insurance, deductibles and possible outcomes.

Mr. Wirt Beard, Jr. 80 Players Cub Villas Road, Ponte Vedra Beach, FL, speaking as the applicant and on behalf of Amelia Bluff, LLC, stated it has been a very educational month sorting through the controversy and meeting with City staff. With a commitment to conservation efforts: five acres of the subject property have been deeded to the City and \$115,000 will be contributed to the conservation fund upon final plat approval. Amelia Bluff, LLC also proposes the following: contributing \$10,000 per lot to the conservation trust fund upon issuance of building permits for individual lots (thirty proposed lots in total) with the right to revoke at their discretion if any and all challenges and appeals are not concluded within 150 days.

A discussion ensued amongst the Commission regarding costs and negotiations. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Ordinance 2019-08.**

Mr. Robert Apgar, Esquire, 510 Frank Shaw Road, Tallahassee, FL representing the Amelia Tree Conservancy, Nassau County Chapter Sierra Club and Conserve Amelia Now noted the groups he represents are not in favor of Resolution 2019-08.

Ms. Julie Ferreira, 501 Date Street, is not in favor of Resolution 2019-08.

Mr. Bob Weintraub, 2848 Ferdinand Ct, requested the Commission vote no in order to strengthen their negotiating position with the developer.

Ms. Margaret Kirkland, 1377 Plantation Point Drive, on behalf of Amelia Tree Conservancy implored the Commission to vote no to sustain conservation, wildlife and quality of life on the island.

Mr. Paul Blount, 830 S. Fletcher Avenue, is not in support of Ordinance 2019-08 and requested the Commission vote no.

Ms. Robyn Nemes, 2626 Le Sabre Place, is not in support of Ordinance 2019-08.

Mr. Robert Wells, 2884 Robert Oliver Avenue, is not in support of Ordinance 2019-08.

Mr. Michael Miller, 2807 Laguna Drive, is not in support of Ordinance 2019-08.

Ms. Joyce Newlin, 4452 Bean Street, speaking as the Nassau County Chapter of the Sierra Club Chairperson, is not support Ordinance 2019-08.

Mr. Paul Lore, 2794 Long Boat Drive, is not in support of Ordinance 2019-08

Ms. Beth Kern, 426 S. 7TH Street, is not in support of Ordinance 2019-08

Mr. Gary Rosen, 835 Mary Street, is not in support of Ordinance 2019-08.

Mr. Kip Brown, 2398 Safe Harbor Lane, is not in support of Ordinance 2019-08.

Ms. Joan Cory, 408 Beach Street, is not in support of Ordinance 2019-08.

Ms. Margaret Davis, 2162 1st Avenue, is not in support of Ordinance 2019-08.

Mr. Joseph Solomon, 2696 Ocean Drive, is not in support of Ordinance 2019-08

Ms. Joan Bean, 14 N. 15th Street, is not in support of Ordinance 2019-08.

Ms. Peggy Lehosit, 1016 San Fernando Street, is not in support of Ordinance 2019-08.

Ms. Anne Showalter, 1517 Amelia Circle, is not in support of Ordinance 2019-08.

Mr. Chuck Oliva, 2865 West 6th Street, is not in support of Ordinance 2019-08.

Mr. Arthur Herman, 2118 Belvedere Avenue, is not in support of Ordinance 2019-08.

Mr. Jack Imber, 1003 Broome Street, is not in support of Ordinance 2019-08.

Mr. Frank O'Donnell, 2782 Ocean Oaks Drive, is not in support of Ordinance 2019-08.

Ms. Sherian Wilsher-Berteau, 1703 McArthur Street, is not in support of Ordinance 2019-08.

Ms. Ruth Ellen Mulberg, 2265 Captain Kidd Drive, is not in support of Ordinance 2019-08.

Ms. Marian Phillips, 724 S. 6th Street, is not in support of Ordinance 2019-08.

Ms. Jules Ruppel, 506 S. 14th Street, is not in support of Ordinance 2019-08.

Ms. Connie Gillespie, 2730 Le Sabre Place, is not in support of Ordinance 2019-08.

Mr. Robert Prager, 2896 Tidewater Street, is not in support of Ordinance 2019-08.

Mr. Toby Tovar, 95058 Cheswick Oaks Drive, is not in support of Ordinance 2019-08.

Commissioner Ross read a card from a thirteen-year-old resident who wrote about the importance of trees.

Commissioner Chapman read an excerpt from the North Florida Land Trust report detailing local parcels that are significantly beneficial to conservation and questioned the justification for spending the entirety of the City's conservation fund on a single property. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Commissioner Vice Mayor:	Aye
Commissioner Chapman:	Aye
Commissioner Ross:	Nay
Commissioner Lednovich:	Nay
Mayor Miller:	Aye

Motion carried.

9.1 (Continuation) (Quasi-Judicial) FINAL PLAT APPROVAL - AMELIA BLUFF - RESOLUTION 2019-57: According to the agenda support documents Resolution 2019-57 accepts and approves the plat titled "Amelia Bluff" as a final plat.

City Attorney Bach explained the Quasi-judicial process and procedures as well as ex parte communications. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich to postpone Resolution 2019-57 to the July 2nd City Commission Regular Meeting. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Commissioner Ross:	Aye
Commissioner Lednovich:	Aye
Commissioner Chapman:	Nay
Vice Mayor Kreger:	Nay
Mayor Miller:	Nay

Motion failed.

Mayor Miller asked each Commissioner to disclose any ex parte communication and responses were as follows: Vice Mayor Kreger, Commissioner Ross and Commissioner Lednovich responded yes, and Commissioner Chapman responded no. Mayor Miller has spoken to city staff.

City Clerk Best administered the oath at this time.

Planning and Conservation Department Director Ms. Kelly Gibson submitted into the record all materials associated with the case and referred to the staff report with staff approval which are consistent with the Comprehensive Plan and Land Development Code.

Mr. Wirt Beard, 80 Players Cub Villas Road, Ponte Vedra Beach, FL, gave a detailed description of the final plat. Discussion ensued regarding the final plat and construction.

Mr. Mark Yons, 1475 Floyd Johns Road, explained in order to protect the bluff, pool construction and other ancillary structures/uses cannot encroach into the bluff. Additional discussion followed as to construction specifications and code enforcement.

Mr. Robert Apgar, Esquire, representing Amelia Tree Conservancy, Nassau County Chapter Sierra Club and Conserve Amelia Now requested clarification regarding a stop work order which City Attorney Bach stated was not official.

Mr. Robert Prager, 2896 Tidewater Street, showed a slide presentation and expressed concern regarding consistencies in the plat.

Ms. Margaret Kirkland, 1377 Plantation Pointe Drive, speaking on behalf of the Amelia Tree Conservancy, voiced concern that the neighboring subdivision had issues with houses sliding down requiring a retaining wall. Data regarding tree benefits was given and the importance of sustainability.

Ms. Julie Ferreira, 501 Date Street, speaking on behalf of Nassau County Chapter Sierra Club commented city residents who are affected parties and expressed concerned about retention/detention ponds and water quality. The Commission is urged to have flexibility with this plat to preserve trees.

Mr. Bob Weintraub, 2828 Ferdinand Court, is concerned with the environmental impact the proposed development will have on Egans Creek Greenway.

Ms. Jules Ruppel, 506 S. 14th Street, is concerned with the lack of code enforcement on the island including future issues arising in this development that parallels Shell Cove development where code enforcement is lacking.

Mr. Beard stated a six-foot white vinyl privacy fence will be erected along the Hickory Street right of way to preclude Amelia Bluff residents from encroaching as is currently happening in neighboring Shell Cove as residents fill their backyards and right of ways with plants and outdoor ornamentation.

Ms. Julie Ferreira, 501 Date Street, on behalf of the Nassau County Chapter Sierra Club requested the City require the developer create a fifteen-foot natural buffer which backs up to Hickory Street so there would not be two fences taking away from the ambiance of the greenway.

Ms. Laura Sirbaugh, 504 Crosswind Drive, senses this is a done deal however going forward is there something the Commission and City can do to protect trees on the Amelia Bluff property as homes are being constructed on the lots.

The public hearing was closed at this time.

A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to approve Resolution 2019-57.

Vice Mayor Kreger reiterated that having gone through the Technical Review Committee (TRC) and St. Johns River Water Management District and to his knowledge comprises were made particularly with the stormwater issue also the greenway is not on Egan's Creek but on a mosquito ditch.

Commissioner Ross stated this does not comply with Comprehensive Plan policies 5.07.09, 5.10.01(d) and objective 511 and urged the plat be defeated and redrawn.

City Attorney Bach clarified that although witness Mr. Robert Apgar was referred to as an "expert", Florida law requires experts to be board certified.

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

Vice Mayor Kreger:	Aye
Commissioner Chapman:	Aye
Commissioner Ross:	Nay
Commissioner Lednovich:	Nay
Mayor Miller:	Aye

Motion carried.

10.1 AIRPORT ADVISORY COMMISSION: According to the agenda support documents, there was one appointment for the Airport Advisory Commission (AAC). **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman to appointment Mr. David Broughton. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

10.2 HISTORIC DISTRICT COUNCIL: According to the agenda support documents, there was one appointment for the Historic District Council (HDC). **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger to approve the appointment of Mr. Enrique Escalante. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

11.1 WATERFRONT PARK DEVELOPMENT: This item is placed on the agenda at the request of Commissioner Lednovich who referenced an article he distributed to the Commission from Scientific American magazine's April 2019 issue titled "Rebuilt wetlands can protect shorelines better than walls, fortified wetlands can protect shorelines better than hard structures" and encouraged all to read the valuable information. Vice Mayor Kreger noted advocating for living shorelines and the May 7th City Commission Regular Meeting agenda will have a discussion item regarding the National Coastal Resiliency Fund grant.

11.2 LAND CONSERVATION: This item is placed on the agenda at the request of Commissioner Lednovich who yielded his time back to the Mayor.

CITY MANAGER REPORTS:

UPDATE: City Attorney Bach gave a brief update on land conservation and the Future Land Use Map (FLUM) as it pertains to rezoning CSX and other properties.

BUDGET: City Manager Martin reminded of the budget kickoff meeting with city staff on Wednesday April 17 10am in Chambers.

OFFSITE MEETINGS: City Manager Martin will attend in Florida Resiliency and Energy District meeting Thursday April 18 in Winter Springs followed by a meeting of the Northeast Florida League of Cities meeting in Keystone Heights.

HOLIDAY: City Manager Martin reminded all that City offices will be closed in observance of Good Friday.

WATERFRONT: City Manager Martin will meet with the waterfront teams on Tuesday April 23 and Wednesday April 24 and thanked Commissioner Lednovich for a recent article in Scientific American magazine.

BEACH WALKOVERS: City Manager Martin reported one additional walkover will be repaired and reopened in the 27-30 block of accesses. The Department of Environmental Protection affirmed a permit is not needed in regards to gopher tortoises since all work will be constrained to the footprint of the existing walkway. Bids for access 35S and 40 are due Friday April 25th.

MARINA: City Manager Martin reported dredging will resume this week and relocated as per the Department of Environmental Protection approval due to the recent expiration of the Florida Inland Navigational District (FIND) contract. Per Project Manager Bronson Lamb there are two large remaining to complete the dredge project.

BEACH TRASH: City Manager Martin reported ongoing beach management discussions with Nassau County and suggested consideration of an outside contractor to remove beach trash.

CITY ATTORNEY REPORTS:

OCEAN HIGHWAY PORT AUTHORITY: City Attorney Bach reported discussions with Ocean Highway Port Authority Jeb Branham regarding rezoning to conservation that he concluded had no benefit to the port however it may be beneficial to consult with environmental engineer Mr. Delton Schwalls for an opinion in relation to assistance with the City's Community Rating System points.

CITY CLERK REPORTS: City Clerk Best had no report at this time.

MAYOR/COMMISSIONER COMMENTS:

EARTH DAY: Commissioner Ross announced the Nassau County Sierra Club is offering free admission and lunch to White Oak Conservancy in exchange for assistance with the waterway clean up on Saturday April 27th.

TOUR: Commissioner Ross promoted the upcoming Main Street Fernandina Historic Preservation Tour on Saturday May 11.

RECOGNITION: Commissioner Ross praised the Fernandina Beach Golf Club for their recognition of charity work on behalf of the Navy Seal Foundation.

EVENT: Commissioner Ross acknowledged City Utilities Director John Mandrick and Mr. John Gilbert for their leadership with annual Bike Rodeo April 6th.

RESCUE: Commissioner Ross thanked the Ocean Rescue members involved in the recent off duty successful ocean rescue.

RESCUE: Commissioner Chapman also complimented the Ocean Rescue and Fire Department on the recent ocean rescue.

SERVICE: Commissioner Chapman avowed that his Commission votes are based solely on his views and requested concerns be directed specifically to him.

LEAVE: Commissioner Lednovich will be out on medical leave beginning Tuesday April 23 and will respond to correspondence as soon as possible.

FEEDBACK: Commissioner Lednovich requested civility and civil discourse especially on social media in light of debatable concerns.

LIAISON: Vice Mayor Kreger requested permission to accept the Historic Business Association liaison appointment.

EVENT: Vice Mayor Kreger attended the Volunteer Award breakfast event on April 12th.

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FUNDRAISER: Mayor Miller recently read the moving Proclamation at the annual Katie Ride for Life to benefit organ donation and thanked all who participated and accommodated the cyclists.

ADJOURNMENT: There being no further business to come before the City Commission, the meeting was adjourned at 10:48pm.

ATTEST:



CAROLINE BEST
City Clerk



JOHN A. MILLER
Mayor-Commissioner

The City Commission of the City of Fernandina Beach, Florida, met in a Regular Meeting on Tuesday, July 02, 2019 at 6:00 pm in the City Commission Chambers. Present were Mayor John A. Miller presiding, Vice Mayor Len Kreger, Commissioners Philip Chapman, Mike Lednovich and Chip Ross. Also present were City Clerk Caroline Best, City Manager Dale L. Martin, and City Attorney Tammi Bach.

Mayor Miller called the meeting to order and led the Pledge of Allegiance to the Flag. The invocation was given by Reverend Jeremiah Robinson of Baptist Medical Center. Commissioner Ross praised recently retired Reverend James Tippins, Senior Chaplin of Baptist Medical Center and thanked him for his many years of service to the community.

4.1 PRESENTATION - NASSAU HUMANE SOCIETY: Representatives of the Nassau Humane Society presented the "City Commission Dog of the Month"; Elmo a Mastiff/Basset Hound mix. A recent Nassau Humane Society shared rescue will have seven dogs available for adoption next week; they arrived from Delaware via an international effort to save dogs from the meat market trade.

4.2 PRESENTATION - IMS INFRASTRUCTURE MANAGEMENT SERVICES: IMS Infrastructure Management Services Client Services Manager Mr. Dan White provided a presentation regarding the Pavement Management Analysis, rehab plan and cost estimates.

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

BEACH PARKING: Mr. Mike Stevenson, 83 Oak Grove Place, requested the Commission save on beach parking and refrain from introducing paid beach parking.

PORT: Ms. Tammi Kosack, 322 N. 3rd Street, thanked the Commission for rejecting the 2014 Port Master Plan and requested the Commission reject the ports proposal of a second entrance on Escambia Street. It is suggested the port open the gates earlier or have a second entrance through West Rock.

CONTRACT: Ms. Mary Duffy, 2028 Alachua Street, questioned the recent contract with Beach Rakers and why trash is being picked up at 4:30 am that puts sea turtles nesting at risk. City Manager Martin responded the contract states the beach cleaners can be on the beach between the hours of 8am-6pm.

Vice Mayor Kreger concurred: Beach Rakers should not be on the beach during those hours as it is detrimental. Vice Mayor Kreger recommended adjustments be made before the US Fish and Wildlife become involved. Commissioner Lednovich asked City Manager Martin to inquire with other municipalities that protect turtles.

DEVELOPMENT: Mr. Jack Ruppel, 3614 Via Del Mar, continues to oppose the proposed auto centric development at the Airport and implored the Commission to listen to their constituents.

MORATORIUM: Ms. Joan Bean, 141 N. 15th Street, asked about the status of the yearlong moratorium. City Attorney Bach explained the moratorium in effect and the state recently passed a bill that preempts local control allowing citizens to cut down trees on personal property without any permits or fees to the City.

Vice Mayor Kreger noted the moratorium was to allow for the correction of the future land use and zoning map which was scheduled to go to the Planning Advisory Board in August but has been rescheduled for September 2019.

BEACH PARKING: Ms. Marian Phillips, 724 S. 6th Street, requested the Commission maintain on beach parking and abstain from instituting paid parking.

BEACH CLEANUP: Ms. Brenda Singer, 2806 Atlantic View Drive, stated volunteers, of which she is one, perform the majority of beach cleanup and as such does not believe it a good idea to expend taxpayer dollars for Beach Rakers to provide the service.

CONSENT AGENDA: The following one item was on the Consent Agenda.

6.1 RESOLUTION 2019-105 APPROVING A FACILITIES USE AGREEMENT WITH DRIVING DYNAMICS, INC. FOR THE USE OF AIRPORT PROPERTY TO CONDUCT DEFENSIVE DRIVER SAFETY TRAINING: According to the agenda support documents Resolution 2019-105 approves a Facilities Use Agreement with Driving Dynamics, Inc. for defensive driver training at the Fernandina Beach Municipal Airport on dates approved by the Airport Director for a period of one year.

Airport Director Nathan Coyle gave a brief background history and explanation of Driving Dynamics, Inc. City Manager Martin clarified Driving Dynamics, Inc. is not associated with Signature Land Development or its principal, Mr. Steve Leggett. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Ross to approve Resolution 2019-105.** Commissioner Lednovich questioned how often the trainings take place and requested a limit be instituted. After additional discussion **an amended motion was made by Vice Mayor Kreger, seconded by Commissioner Ross, to approve Resolution 2019-105 provided the number of events per year is limited to ten. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.1 RESOLUTION 2019-68 ACCEPTING A DEED OF DEDICATION FROM ROBINSON CREEK 34, LLC FOR SHELL COVE SUBDIVISION ROADS: According to the agenda support documents Resolution 2019-68 accepts a deed of dedication for the roads in the Shell Cove subdivision. City Manager Martin explained issues remain related to lack of sidewalks and lack of fence on the northern property line.

Ms. Teresa Prince, Esquire, 406 Ash Street, representing the developer, provided a presentation and advocated for the approval of Resolution 2019-68 based up the following: the curb cut repairs are complete, written proof was provided from Nassau County that they (Nassau County) will not allow a sidewalk within the right of way on the east side of Citrona Drive, and the six foot fence on the northern boundary located on the original subdivision plans cannot be installed by the developer because they (developer) do not own the land.

Commissioner Ross gave a presentation, stated he's spoken with members of the Nassau County Board of County Commissioners, the County Attorney, and the developer, all of whom agree that the sidewalk installation is acceptable. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Ross, to approve Resolution 2019-68 as amended to include sidewalk installation with the appropriate City/County maintenance agreement.** City Attorney Bach agreed to work with Ms. Prince and County officials to specify details.

Mr. Nick Gillette, Gillette & Associates, 20 South 4th Street, noted the Shell Cove planned unit development (PUD) did not include the installation of a fence; it was a site plan element added later.

Mr. Richard Timm, 2126 Shell Cove Circle, is in support however the original tree canopy was not preserved as per the plan and existing trees have root damage per City Arborist Dave Holley. The request is for the Commission to include several items in the resolution.

Mr. Eric Bartelt, 3820 S. Fletcher Ave, encouraged the Commission to delay the sidewalk until the County completes the trail.

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

Vice Mayor Kreger:	Aye
Commissioner Ross:	Aye
Commissioner Lednovich:	Aye
Commissioner Chapman:	Nay
Mayor Miller:	Aye

Motion carried.

7.2 RESOLUTION 2019-106 APPROVING WORK ORDER 19-88 WITH PASSERO ASSOCIATES, LLC TO PROVIDE DESIGN AND BID SERVICES AT THE FERNANDINA BEACH MUNICIPAL AIRPORT FOR IMPROVEMENTS OF THE AIRPORT'S FUEL FARM: According to the agenda support documents Resolution 2019-106 approves Work Order 19-88 with Passero Associates, LLC, in the not-to-exceed amount of \$40,000, to provide design and bid assistance associated with above ground fuel farm improvements at the Fernandina Beach Municipal Airport. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman, to approve Resolution 2019-106. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.3 RESOLUTION 2019-107 APPROVING CHANGE ORDER # 2 WITH BRANCE DIVERSIFIED, INC. IN THE AMOUNT OF \$168,388.80 FOR THE RECONFIGURATION OF THE DINGHY DOCKS TO INCLUDE ONE NEW DOCK AT THE FERNANDINA BEACH HARBOR MARINA: According to the agenda support documents Resolution 2019-107 approves Change Order #2 with Brance Diversified, Inc. in the amount of \$168,388.80 with no increase to the total project cost. City Manager Martin gave a brief presentation and explanation of the reconfiguration. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger, to approve Resolution 2019-107. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.4 RESOLUTION 2019-108 APPROVING A PROPOSAL FROM ASPHALT PAVING SYSTEMS, INC. IN AN AMOUNT NOT TO EXCEED \$348,513.50 FOR THE MICRO-SURFACING AND CAPE SEALING OF CITY ASPHALT RIGHTS-OF-WAY BY WAY OF A PIGGYBACK PURCHASE TO THE LEE COUNTY, FLORIDA, CONTRACT: According to the agenda support documents Resolution 2019-108 approves the proposal from Asphalt Paving Systems, Inc. to perform micro-surfacing and cape sealing on City asphalt rights-of-way in an amount not to exceed \$348,513.50 as a piggyback agreement with the Lee County, Florida, Contract. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich, to approve Resolution 2019-108.** Vice Mayor Kreger expressed his support though spoke discerningly of piggyback contracts and endorsed the advantages to bidding contracts that, in his experience, has proven to be of value. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.5 RESOLUTION 2019-109 APPROVING THE SECOND AMENDMENT TO THE AGREEMENT WITH SWAGIT PRODUCTIONS, LLC FOR VIDEO STREAMING SERVICES: According to the agenda support documents Resolution 2019-109 approves the Swagit Productions, LLC Second Amendment to the Agreement for Video Streaming Services. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Ross, to approve Resolution 2019-109. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.6 RESOLUTION 2019-110 APPROVING A SETTLEMENT OF CODE ENFORCEMENT FINES AND FEES FOR MARK O'BRIEN CONTINGENT UPON FULL PAYMENT OF \$20,000 NO LATER THAN AUGUST 1, 2019, FOR CODE ENFORCEMENT VIOLATIONS AT 400 SOUTH 8TH STREET AND 421 SOUTH 9TH STREET: According to the agenda support documents Resolution 2019-110 authorizes full releases/satisfactions of liens be executed based upon the Code Enforcement and Appeals Board's order that fines and fees be reduced to a total of \$20,000 for violations now in compliance at 400 South 8th Street and 421 South 9th Street in the name of Mark R. O'Brien specifically conditioned upon Mr. O'Brien paying the entire \$20,000 to the City on or before August 1, 2019. ***The consensus of the Commission was to move Resolution 2019-110 to the August 20TH City Commission Regular Meeting.***

7.7 RESOLUTION 2019-111 TO CONTINUE DISCUSSIONS REGARDING AMELIA RIVER WATERFRONT DEVELOPMENT: According to the agenda support documents Resolution 2019-111 accepts the proposal offered by one firm to provide recommendations to the City Commission related to the resiliency of the City's Amelia River Waterfront. **A motion was made by Commissioner Ross, seconded by Commissioner Lednovich to approve Resolution 2019-111 accepting the proposal offered by Passero Associates, LLC., vote upon passage of the motion was taken by ayes and nays and was as follows:**

Commissioner Ross:	Aye
Commissioner Lednovich:	Nay
Vice Mayor Kreger:	Nay
Commissioner Chapman:	Aye
Mayor Miller:	Aye

Motion carried.

8.1 FIRST READING OF ORDINANCE 2019-15: City Attorney Bach read Ordinance 2019-15 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, SUBMITTING TO THE CITY ELECTORS PROPOSED AMENDMENTS TO THE CHARTER WHICH AMEND SECTION 10A TO ADD PROVISIONS TO THE CITY CHARTER REQUIRING REFERENDUM ELECTION FOR SALE OR LEASE OF CITY-OWNED CONSERVATION LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Ordinance 2019-15 amends Section 10A of the City Charter to add a provision that requires a referendum for sale or lease of City-owned conservation land. **A motion was made by Commissioner Ross, seconded by Vice Mayor Kreger to approve Ordinance 2019-15. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.** City Attorney Bach clarified this matter will be on the November 3, 2020 General Election ballot. City Manager Martin suggested bundling this Charter Amendment, with Charter Review Committee Amendments.

8.2 FIRST READING OF ORDINANCE 2019-16: City Attorney Bach read Ordinance 2019-16 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) TO INCORPORATE AMENDED AIRPORT DESIGN STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Ordinance 2019-16 amends the Land Development Code specific to Airport Design Standards. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Chapman, to approve Ordinance 2019-16. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

9.1 SECOND READING - ORDINANCE 2019-14: City Attorney Bach read Ordinance 2019-14 by title only, which was as follows: "AN ORDINANCE OF THE CITY OF FERNANDINA BEACH, FLORIDA, ESTABLISHING AN AMENDED CLASSIFICATION PLAN FOR FISCAL YEAR 2018/2019, PURSUANT TO SECTION 120 OF THE CITY CHARTER AND SECTION 62-247 OF THE CODE OF ORDINANCES OF THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Ordinance 2019-14 amends the Pay and Classification Plan for FY 2018/2019.

The public hearing was opened at this time and there being no comments from the floor, the public hearing was closed. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Ross, to approve Ordinance 2019-14. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

10.1 THIRD READING - ORDINANCE 2019-10: City Attorney Bach read Ordinance 2019-10 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING CHAPTER 54, HUMAN RELATIONS, CREATING SECTION 54-1 DEFINITIONS; CREATING SECTION 54- 36 PURPOSE; CREATING SECTION 54-37 PROHIBITED CONDUCT; CREATING SECTION 54-38 COMPLAINTS; CREATING SECTION 54-39 EXEMPTIONS; CREATING SECTION 54-40 CRIMINAL ACTS; CREATING SECTION 54-41 FALSE CLAIMS; AMENDING SECTION 54-52 DECLARATION OF POLICY, OBJECTIVES; AMENDING SECTION 54-54 PROHIBITED CONDUCT; AMENDING SECTION 54-55 MULTIPLE LISTING SERVICES; AMENDING SECTION 54-56 EDUCATIONAL ACTIVITIES; AMENDING SECTION 54-57 BROKERAGE SERVICES; AMENDING SECTION 54-58 USE OF REMEDIES OF THIS CHAPTER, OTHER REMEDIES; AMENDING SECTION 54-59 DISCRIMINATION IN THE FINANCING OF HOUSING; AMENDING SECTION 54-60 EXEMPTIONS; AMENDING SECTION 54-61 INTERFERENCE, COERCION, OR INTIMIDATION; ENFORCEMENT BY CIVIL ACTION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents Ordinance 2019-10 amends Chapter 54 of the City Code pertaining to Human Relations.

The public hearing was opened at this time.

Dr. Theresa Sparks, 2111 Egret Lane, spoke in support of Ordinance 2019-10.

The public hearing was closed. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Ross, to approve Ordinance 2019-10. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

11.1 PLANNING ADVISORY BOARD: According to the agenda support documents there was one appointment for the Planning Advisory Board. **A motion was made by Vice Mayor Kreger, seconded by Commissioner Ross, to appoint Ms. Genece Minshew to the Planning Advisory Board. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

12.1 WATERFRONT PARK DEVELOPMENT: This item is placed on the agenda at the request of Commissioner Lednovich who yielded his time to the chair.

12.2 LAND CONSERVATION: This item is placed on the agenda at the request of Commissioner Lednovich who yielded to Commissioner Ross who showed a presentation noting 500 acres of conservation created to date in 2019 and updated pending land acquisitions.

Vice Mayor Kreger noted the Dodd property is the first nominated under the new land acquisition ordinance and acknowledged the North Florida Land Trust for their contributions.

12.3 JOINT LOCAL PLANNING AGENCY MEETING FOLLOW-UP: This item is placed on the agenda at the request of Vice Mayor Kreger who gave a brief presentation on the City and County conservation collaboration. Discussion ensued regarding controlled growth.

12.4 BALLOON RELEASE ORDINANCE: This item is placed on the agenda at the request of Mayor Miller who spoke to the recent communications with other Counties who have banned ceremonial balloon releases and suggested it be a future agenda item. Discussion ensued as to the possibility of establishing such an Ordinance. City Attorney Bach stated she will draft an Ordinance and have same placed on an upcoming City Commission Regular Meeting agenda.

12.5 PLASTIC STRAW BAN ORDINANCE: This item is placed on the agenda at the request of Mayor Miller who requested clarification on recent Florida Senate activity. City Attorney Bach explained House Bill 771 was passed by the Florida Senate and House which institutes a five-year ban from any local government passing its own plastic straw ban however, Governor DeSantis vetoed the bill leaving it open for discussion in local communities.

Commissioner Lednovich suggested instituting a ban due to his participation in beach cleanups that include 80% of trash being plastic straws that in fact can endanger wildlife especially turtles. Noting some local businesses voluntarily participate in eliminating plastic straws. Commissioner Lednovich suggested a workshop be held to address the matter. Commissioner Ross spoke to unintended consequences and questioned ways to motivating citizens to be more cognizant of plastic straws and beach trash in general.

CITY MANAGER REPORTS:

MARINA: City Manager Martin reported the City will continue to work on permitting and relocation of the northern attenuator with the port and US Army Corps of Engineers.

HOLIDAY: City Manager Martin reminded that all City offices will be closed in observance of July 4th. The public is invited to the Light Up Amelia display and urged safety and caution around fireworks.

OUT OF OFFICE: City Manager Martin will be out of the office July 3-5 returning to work Monday July 8th.

CITY ATTORNEY REPORTS:

CONFERENCE: City Attorney Bach reported she will attend a conference July 10-12 in South Florida.

JULY 4TH: City Attorney Bach wished all a safe and happy holiday.

CITY CLERK REPORTS: City Clerk Best had no reports at this time.

MAYOR/COMMISSIONER COMMENTS:

CONGRATULATIONS: Commissioner Ross congratulated City Clerk Best on her Florida Association of City Clerks Northeast District Director and praised the City Clerk and staff for their superb service.

FIREWORKS SAFETY: Commissioner Ross recognized City Police Chief James Hurley's recent article in the local newspaper on the importance and impact of fireworks and safety.

CONGRATULATIONS: Commissioner Chapman echoed congratulations to City Clerk Best.

HOLIDAY: Commissioner Chapman also wished all a happy July 4th and prompted pet owners to keep pets safe and secure during fireworks.

CONGRATULATIONS: Commissioner Lednovich congratulated City Clerk Best on her appointment.

HOLIDAY: Commissioner Lednovich wished all a happy and safe holiday.

CONGRATULATIONS: Vice Mayor Kreger congratulated City Clerk Best on her appointment.

GRANT AWARD: Vice Mayor Kreger announced a grant award in the amount of \$75,000 for a beach walk through to be converted to a beach walkover with sea oats and sand fences that culminated from excellent staff cooperation with the state of Florida.

CONGRATULATIONS: Mayor Miller congratulated City Clerk Best on her appointment.

FIREWORKS SAFETY: Mayor Miller reminded that fireworks are illegal and encouraged all to be cognizant of military veterans who may be adversely affected by fireworks and explosive noises.

TRASH: Mayor Miller received an email update on the couple who kicked off their Florida coastline trash removal trek in Fernandina Beach to raise awareness and promote clean beaches and oceans.

ADJOURNMENT: There being no further business to come before the City Commission, the meeting was adjourned at 8:09 pm.

ATTEST:



CAROLINE BEST
City Clerk



JOHN A. MILLER
Mayor-Commissioner

**Statement for the Record – City Commission Workshop May 3, 2022
Concerning Shell Cove Homeowners’ Easement Encroachment
on Hickory and Indigo Streets City Rights of Way**

My name is Reverend Alyce Parmer. I am the homeowner of and reside at 2190 Shell Cove Circle. My property backs up to the right of way on Hickory Street.

I respectfully request that the following written statement be read and entered into the record of this May 3, 2022, workshop meeting concerning Shell Cove easement encroachments.

This issue is one that the City of Fernandina Beach Commission previously addressed as Resolution 2019-68 7.1. at a regularly scheduled meeting held on July 2, 2019.

Since no written transcript of that meeting is available, the following is my summary concerning what was discussed and decided about Shell Cove Circle residents’ right of way encroachments. My summary can be verified by reviewing the meeting video transcript at the website address included in this statement.

<https://fernandinabeachfl.new.swagit.com/videos/33556>

The Commission discussed four issues of concern relative to Agenda Item 7.1 before voting to accept road maintenance responsibility for Shell Cove Circle. Two are pertinent to this workshop – erection of a 6-foot fence along the Shell Cove and City property lines and easement encroachment into the right of way:

Testimony verified that the PUD **did not** require the fence, and that it was on the site plan solely to give homeowners the option to install one. Commissioner Lednovich introduced photos he took to document his assertion that removal of numerous large and well-established trees would be required to install a fence. He added that to avoid tree removal, the fence would have to be installed 15 feet into the right of way.

Discussion on encroachment centered on whether to require corrections prior to approving the Resolution. Commissioner Ross indicated he had visited the Shell Cove site and had no strong feelings about encroachments he observed. Commissioner Krieger stated that people have historically infringed on city rights of way, and that he didn’t see it as a problem, since the city can require residents to make any needed corrections. Commissioner Ross said property owners should ask prior permission to encroach and that with prior permission he erected a brick wall on a city right of way. Commissioner Lednovich asked whether the city was prepared to require corrections to all encroachment violations on any city street, if prior permission had not been obtained. He stated the city should not treat residents in Shell Cove differently than other residents who had not obtained prior permission to encroach. The city attorney stated the city would send letters to individual homeowners to correct any problematic encroachment violations.

With only Commissioner Chapman voting against it, the Commission voted to approve Resolution 7.1 **without requiring a fence and without requiring any right of way encroachment corrections.**

Accordingly, it is very disconcerting that we find ourselves at this workshop discussing possible reversal of a settled issue. Relying upon the integrity of your July 2, 2019, vote as a final decision and approval of encroachment as of July 2, 2019, neither I nor my neighbors have corrected encroachments. Nor have I, and as far as I am aware, has any homeowner added to said encroachments.

From my observation most encroachments, including mine, are not greater than 6 feet and consist of removable vegetation and/or easily removable pavers or rocks. I am unaware of any permanent structure erected in the Hickory Street easement, nor are there any impeding structures preventing easy traversal by large groups of school children, bicyclists, or city vehicles in the Hickory Street right of way. Furthermore, natural vegetation on the Amelia Bluff side of the Hickory Street egress nearest Citrona narrows the passageway for city vehicles and pedestrians far greater than any vegetation, pavers, or other encroachment by residents.

Albeit Indigo Street encroachments have not been featured in public discussions, paradoxically, it is my understanding that the etiology of this issue is a Shell Cove resident's complaint concerning a Post Oak resident's removal of natural vegetation in the Indigo Street right of way and not due to any citizen complaints about encroachments along either Hickory or Indigo.

If you reverse your previous decision and do not address encroachment throughout the city, you will place the city in the untenable legal position of acting in an arbitrary and capricious manner concerning a few residents for no compelling reason. Citizens rely upon your official decisions and act accordingly. As the widow of a former city and county manager who was also a past president of ICMA and based on my former long career as a public employee, I have some knowledge of what constitutes good and bad public policy. **In my opinion, it is bad public policy to reverse a previous decision without a logical or compelling reason that materially alters the basis of your original decision. No exigent reason exists to alter that decision of which I am aware.**

Had I known your decision would one day possibly be reversed, I would have sought approval for my encroachment. I would have assumed if a brick wall encroachment could be approved, my removable pavers, bird feeder and vegetation would also be approved. Based on your ruling, I didn't think that was necessary, as **I relied upon the integrity of your ruling as settled legal approval for my encroachment.** I fully understood then and understand now, that if the city has a future unforeseen need requiring correction, I will make those corrections.

Accordingly, I respectfully request that you now act with integrity by upholding the previous Commission's ruling concerning encroachment in the Shell Cove subdivision, and that you give residents documented assurance that we can rely upon your official July 2, 2019, decision in this regard.

Thank you for this consideration.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Discussion
Sign Ordinance

ITEM TYPE: Discussion

REQUESTED ACTION: At the pleasure of the Commission.

SYNOPSIS:

FISCAL IMPACT:

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

Monica Benischeck, Administrative Services Manager 4/25/2022

Date: March 01, 2022

Submitted By: Dale Martin, City Manager

COMMISSION ACTION:



CHAPTER 5

ACCESSORY AND TEMPORARY USES AND STRUCTURES

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5.03.00 SIGNS

5.03.01 Applicability and Findings of Fact

This article applies to all signs, including advertising devices that are constructed, erected, operated, used, maintained, enlarged, illuminated or substantially altered within the city.

The city commission finds that:

1. The manner of the erection, location and maintenance of signs affects the public health, safety, morals, and welfare of the people of this community.
2. The safety of motorists, cyclists, pedestrians, other users of the public streets is affected by the number, size, location, lighting and movement of signs that divert the attention of drivers.
3. The size and location of signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques.
4. The construction, erection and maintenance of large signs suspended from or placed on the tops of buildings, walls or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.
5. Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation and permanent economic growth.

5.03.02 Purpose and Intent

The city commission recognizes that there are persons and entities that have an interest in communicating with the public through the use of signs that serve to identify businesses and services, residences and institutions, and also to provide for expression of opinions. The City commission is also responsible for fulfilling the city's obligation to its residents and tourists to maintain a safe and aesthetically pleasing environment where signs do not create excessive visual clutter and distraction or hazards for pedestrians and vehicles; where signs do not adversely impact the residential, coastal or historic character of the city and where signs do not conflict with the natural and scenic qualities of the city. It is the intent of the city commission that the regulations contained in this article shall provide uniform sign criteria which regulate the size, height, number and placement of signs in a manner that is compatible to the residential, coastal and historic scale and character of the city, and which place the fewest possible restrictions on personal liberties, property rights, commerce, and the free exercise of Constitutional rights while achieving the city's goal of creating a healthy, safe and attractive environment that does not contain excessive clutter and visual distraction in rights-of-way and adjacent properties, the surrounding natural coastal environment, historic district and residential neighborhoods.

5.03.03 Sign Permits Required

- A. It shall be unlawful for any person to erect, construct, alter, or relocate any sign within the City without having first obtained a permit as provided in this section:
 1. The work necessary to construct, install, erect, illuminate, paint, or modify signage within the City shall comply with the requirements set forth in this section;
 2. Work which may be performed by a property owner or lessee:
 - a. Painting the face of any freestanding or wall sign; and
 - b. Erection of any temporary sign permissible as set forth in this LDC.
 3. Work which shall be performed by a sign contractor, general contractor, or building contractor licensed with the City to perform such work:
 - a. Construction, installation, erection, or electrical connection of any sign that is internally illuminated;
 - b. Construction, installation, or erection of any freestanding sign over six (6) feet in height, requiring wind load calculations;

- c. Construction, installation, or erection of any sign which is located above a pedestrian walkway or on the front fascia of a canopy over a pedestrian walkway; and
 - d. Construction, installation, or erection of any projecting sign as set forth in this LDC.
- B. *Application for permit.* All applications for permits under this section shall be filed by either a contractor licensed to erect signs in the city, or the owner of the property where the sign is to be located or his authorized agent. Such application shall include the following:
 - 1. Name, address and telephone number of owner(s) of property;
 - 2. Name, address and telephone number of licensed sign company erecting the sign;
 - 3. The street address or legal description of the property upon which the proposed sign is to be located;
 - 4. The height, size, shape, style, colors, materials and location of the proposed sign;
 - 5. Written permission of the owner, his lessee or agent, to erect the proposed sign;
 - 6. A plan, blueprint, or similar presentation drawn to scale, showing all pertinent structural and electrical details, wind pressure requirements, signable wall area calculations (as applicable) and materials in accordance with the city's adopted building code;
 - 7. A statement verifying the height, size, shape and location of existing signage on the premises.
- C. *Issuance of permit.* The procedure for issuing a sign permit shall be as follows:
 - 1. Upon receipt of an application for a sign permit, the department shall determine within five (5) business days after receipt of such application whether the information submitted is complete or incomplete and inform the applicant of any deficiencies.
 - 2. If the department determines that the information is incomplete, the applicant may submit the required information within ten (10) business days, but if more than ten (10) business days elapse, the application shall be deemed withdrawn and all application materials returned to the applicant. The applicant must thereafter initiate a new application.
 - 3. If the department determines that the information is complete, the department shall review the plans, specifications and other data relating to such sign, and, if considered necessary, inspect the premises upon which the sign is proposed to be erected. If the proposed sign meets all provisions of this LDC and the applicable building codes, the department shall issue the permit stating whether the application is approved, denied or approved with conditions within thirty (30) calendar days of receiving the complete permit application.
 - 4. No new sign permit shall be issued for a freestanding sign or primary wall sign on property upon which any nonconforming sign is located, until such nonconformity is corrected. On multi-tenant sites, this paragraph shall apply only to the tenant's signage.
 - 5. If the proposed sign is in compliance with this chapter and all other applicable laws and codes of the City, a sign permit shall be issued upon receipt of the permit fee.
 - 6. The issuance of any sign permit shall be conditioned upon the restoration of any building facade which has been damaged by placement of a previous sign. Such restoration shall include, but not be limited to, patching, repainting, and concealing visible electrical components, when applicable.
- D. *Permit fees.* Permit fees under this code shall be set by ordinance of the City Commission
- E. *Exemptions.* Exemption from the requirement to obtain a sign permit shall be permitted under the following circumstances:

1. The erection, construction, installation of any sign described in section 5.03.05 (Prohibited Signs) or 5.03.06 (Exempt Signs) of this chapter; or
 2. The repair, maintenance or repainting of any existing sign which is deemed conforming or allowed to continue as nonconforming under provisions of this chapter.
- F. *Expiration of permit.* A sign permit shall expire and become invalid in accordance with the rules set forth in the building code for all permits in general.

5.03.04 Enforcement

- A. All signs shall meet the standards for visibility at intersections as set forth in Section 7.01.08.
- B. It shall be unlawful for a person to display false or misleading statements upon signs, calculated to mislead the public as to anything sold, any services to be performed, or information disseminated. The fact that any sign or display shall contain words or language sufficient to mislead a reasonable and prudent person in reading same shall be prima facie evidence of a violation of this section by the person displaying the sign or permitting same to be displayed.
- C. Inspection of signs: The City Manager may inspect at any time each sign or other advertising structure regulated by this LDC for the purposes of ascertaining whether the structure is safe, in need of repair or maintenance, not in conformance with the approved permit, or otherwise in violation of the provisions of this LDC.
- D. Unsafe signs and signs violating this LDC: If it is determined that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, the City Manager shall give written notice to the owner of such structure. If the owner fails to remove or alter the structure to comply with the standards set forth herein within the time prescribed in the notice, such sign or other advertising structure may be removed or altered to comply by the City at the expense of the owner of the property upon which it is located. The City Manager may cause any sign or other advertising structure that presents an immediate peril to persons or property to be removed without notice.
- E. Nonconforming signs
 1. *Intent.* It is the intent of this chapter to allow nonconforming signs permitted before the adoption of this code to continue under the provisions of this section until they are no longer used, or become hazardous, but not to encourage their survival. Such signs are hereby declared to be incompatible with the overall intent of this chapter.
 2. *Removal of nonconforming signs.* All nonconforming and non-permitted signs, except as provided herein, shall be removed immediately or as otherwise provided under section D of this chapter.
 3. *Continuance of nonconformities.* Use of a nonconforming sign may be continued, subject to the following regulations:
 - a. No nonconforming sign shall be enlarged or increased in any way from its lawful size at the time of the adoption of this code, nor shall a nonconforming sign be relocated from its location at the time of adoption of this code.
 - b. Nonconforming signs or sign structures that are defined as abandoned signs under 5.03.04(G) of this chapter shall not be permitted for reuse.
 - c. Use of a nonconforming sign shall immediately terminate upon a change of business, business ownership or business name, regardless of whether ownership of the lot on which the nonconforming sign is located has been transferred, devised or conveyed.
 - d. Signs existing as of the date of this amendment, whose height and/or sign area do not exceed one-hundred and fifteen percent (115%) of that allowed by

the design requirements of this chapter, shall be deemed conforming. Installation or construction of all new signs, and any modification or replacement of signs permitted under this paragraph, shall comply with all applicable height, sign area, and other requirements of this chapter.

- e. Signs that have substantial rust, missing parts, dents, or other structural or aesthetic deficiencies shall not be considered in good repair, and shall be replaced with a sign that meets the requirements of this section. A sign that is not considered in good repair may not be replaced with a non-conforming sign.
- f. Nonconforming real estate or construction signs shall be removed no later than six months after the date of adoption of this amendment. Thereafter, all such nonconforming signs shall be deemed unlawful and prohibited and subject to the enforcement provisions of this chapter.
- g. *Repairs, maintenance and improvements.* Normal repairs, maintenance and improvements may be made, however, the cost of such improvements made during any two-year period shall not exceed twenty-five percent (25%) of the replacement cost of the sign at the end of the two-year period.
- h. *Reconstruction after catastrophe.* If any nonconforming sign is damaged by fire, flood, explosion, collapse, wind, war, or other catastrophe to such an extent that the cost of repair and reconstruction will exceed fifty percent (50%) of the replacement cost at the time of damage, it shall not be used or reconstructed except in full conformity with the provisions of this code.
- i. *Casual, temporary or illegal use.* The casual, temporary, or illegal use of any sign shall not be sufficient to establish the existence of a nonconforming use or to create any rights in the continuance of such use.

F. Maintenance of signs:

The owner of any sign as defined and regulated by this LDC shall be required to properly maintain such sign. For a sign to be properly maintained, the sign, together with its framework, braces, angles or other supports, shall be in a safe condition, properly secured, supported and braced, and shall be able to withstand weather conditions and loads required by the regulatory codes in effect within the municipal limits. Maintenance shall include painting and parts replacement.

- 1. All signs allowed by this article, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with all building and electrical codes that may be adopted by the city.
- 2. The vegetation around, in front of, behind, and underneath the base of freestanding signs for a distance of ten (10) feet shall be kept neatly trimmed and free of unsightly weeds, and no rubbish or debris that constitutes a fire or health hazard shall be permitted under or near the sign.
- 3. Signs and sign structures shall maintain a neat and clean appearance.

G. Abandoned Signs:

- 1. Any sign face now or hereafter existing which no longer identifies or advertises a bona fide operating business conducted or a product sold shall be deemed abandoned and shall be removed by the owner of the building or structure upon which such sign face may be found. The sign structure may remain, provided that the sign structure conforms to the requirements of this LDC. A sign structure which supported an abandoned sign and which complies with all applicable building and construction codes and the requirements of this LDC shall be allowed to remain in place.
- 2. Any sign that is located on property that becomes vacant and unoccupied pertaining to a business which does not maintain a current and valid City Local

Business Tax Receipt unless exempt by Florida Statute 205.192 and Municipal Code Section 74-92, or pertains to a time, event, or purpose which no longer applies shall be deemed to have been abandoned.

3. Any sign damaged or destroyed to the extent of fifty percent (50%) or more of the replacement cost is considered an abandoned sign.
4. An abandoned sign shall be removed not later than ten (10) days after the abandonment occurs as described in Sections 5.03.04 (G) (1), (2), and (3) above. Where the structure supporting the abandoned sign does not comply with the requirements of all applicable building and construction codes and the requirements of this LDC, the entire structure shall be removed.
5. An abandoned sign shall be subject to code enforcement action, including removal by the City at the owner's expense.

5.03.05 Prohibited Signs

The signs identified in this section are expressly prohibited unless otherwise exempted or expressly authorized:

- A. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination.
- B. Any sign that obstructs the vision between pedestrians and vehicles using the public right-of-way, including, but not restricted to, those not meeting intersection visibility requirements set forth in Section 7.01.08.
- C. Signs with lights, lighted screens or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.
- D. Non-governmental signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device; and non governmental signs that use the words "stop", "look", "danger", or any similar word, phrase, or symbol, or which is a copy or imitation of an official sign that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- E. Signs attached to trees.
- F. Snipe signs, except as permitted for campaign advertising or other Temporary Signs under Section 5.04.00.
- G. Signs with visible moving, revolving, or rotating parts, or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- H. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- I. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- J. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe.
- K. Signs made of combustible materials that are attached to or in close proximity to fire escapes or fire fighting equipment.
- L. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public right- of- way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- M. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.

- N. Off-site advertising signs, with the exception of sandwich boards as set forth in Section 5.03.09 (E) and Temporary Signs as permitted in 5.04.00.
- O. Signs mounted on any portion of a roof.
- P. Abandoned signs.
- Q. Signs erected on public property including public rights-of-way, with the exception of signs erected by public authority for public purposes, sandwich boards as set forth in Section 5.03.10 (E) and Temporary Signs as permitted in 5.04.00.
- R. Signs erected within any navigable waterway within the City to be located beyond any established bulkhead line, and oriented to be visible to those traveling the waterway.
- S. Portable or trailer signs.
- T. Internally lit signs within or adjacent to residential zoning districts.
- U. Signs attached to or painted on vehicles which are not regularly used as part of the advertised business and are obviously parked or advertise in such a way so as to advertise to the passing motorist or pedestrian.
- V. Wind Signs defined as any device, including but not limited to, one (1) or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind not specifically exempted by section 5.03.06.
- W. Any other signs that are not specifically permitted or exempted by this LDC.

5.03.06 Exempt Signs

- A. Within all non-residential zoning districts, the following signs shall be considered as permitted signs and shall be exempt from the requirement to obtain a sign permit if they are not in conflict with section 5.03.05 (Prohibited Signs):
 - 1. Decals, limited to those as required by law, which are affixed to or painted upon store windows, store equipment, fuel pumps or other types of vending equipment used for dispensing retail products.
 - 2. Lettering only, for the purpose of providing ownership, licensing and emergency contact information, when placed upon doors and windows of lawfully licensed businesses, with letters not exceeding three (3) inches in height and limited to a maximum area of two (2) square feet.
 - 3. Signs within a building that are not visible from the exterior of the building. This shall not include window signs affixed to the interior of windows, which are visible from the exterior.
 - 4. Building signs, historical markers, memorial signs, tablets or plaques, or the name of a building and the date of erection, when the same are cut into any masonry surface or when constructed of bronze or other similar noncombustible material.
 - 5. Professional nameplates for physicians, surgeons, dentists, lawyers, architects, teachers and other like professional persons placed on the premises occupied by the person(s), not exceeding one (1) square foot in sign face area, provided such professional has a valid local business tax receipt as may be required for the particular profession to operate on those premises.
 - 6. Signs denoting only the name and profession of an occupant of a building, placed flat against the exterior surface of the building and not exceeding three (3) square feet in sign face area, and provided such occupant has a valid local business tax receipt as may be required to operate on those premises.
 - 7. Menus mounted to the entrance of a restaurant are limited to one menu location and may not exceed two (2) square feet in area.
- B. Within all zoning districts, the following signs shall be considered as permitted signs and shall be exempt from the requirement to obtain a sign permit:

1. Not more than one (1) real estate sign advertising the sale, rental or lease of only the premises on which the sign is located. Such signs shall not exceed six (6) square feet in area, and five (5) feet in height. One sign sixteen (16) square feet or less is permitted for parcels of five (5) acres or larger and for each commercial or industrial property, unless said property is located in the Historic District. Signs advertising the sale, rental or lease of property exceeding this size and height shall not be considered as exempt signs.
2. Signs noting the architect, engineer or contractor for a permitted development project when placed upon work under construction, provided the sign shall be removed within fifteen (15) days of completion of construction. Such signs shall not exceed six (6) square feet in size or eight (8) feet in height.
3. Signs as required by law to display building permits or other similar required public notices.
4. Traffic signs, street name signs, legal notices of public meetings, danger signs and temporary emergency, when erected by city, county, state or federal authorities.
5. No trespassing and private property signs not exceeding two (2) square feet in area. Such signs shall not be displayed from or attached to trees, utility poles or any type of utility structure or equipment, including lift stations, fire hydrants and the like.
6. Vacancy or no vacancy signs not exceeding two (2) square feet in area
7. Resort Rental Signs must be located on the property for rent with a valid resort rental license and valid local business tax receipt. Resort rental signage is limited to one (1) sign per property and must be setback at least ten (10) feet from the front property line. Signage may not exceed to 2.25 square feet in area.
8. Yard or Garage Sale Signs must be located on the property which a sale is being conducted and are limited to two (2) days per sale, not to exceed one (1) sale every three (3) months. Yard or garage sale signs may not exceed one (1) sign per property and may not exceed two (2) square feet in area.
9. Temporary political campaign signs announcing the candidacy of a candidate for public office not exceeding four (4) square feet in area in residential zoning districts and thirty-two (32) square feet in all other zoning districts may be placed wholly within the boundaries of any property, at the discretion or consent of the legal owner and/or occupant of the property, provided such signs conform with all traffic, electrical, maintenance, fire and safety regulations of the city.
 - a. The placing of political campaign signs on city property, other public property or on public rights-of-way shall be prohibited. Political campaign signs displayed within motor vehicles conducting routine business activities on city or other public property shall not be prohibited, provided that no such vehicle shall be parked on city property, other public property or on public right-of-ways for the sole purpose of displaying political campaign signs.
 - b. Illegally placed political campaign signs shall be removed by the code enforcement officer without notice to the candidate or abutting property owner or occupant.
 - c. Political campaign signs shall be removed within seventy-two (72) hours after the last election. If such signs are not removed within this period of time, the city may remove such signs and may charge the candidate the actual cost for such removal. Collected funds shall be deposited into the city's general revenue. Failure to remove signs is a violation of this Code and is enforceable pursuant to F.S. Chapter 162, Code Enforcement.
10. Personal expression signs limited to one (1) per lot or parcel, or in the case of multi-family uses, one (1) per dwelling unit, expressing personal views or opinions not exceeding four (4) square feet in area, providing such signs are otherwise in

compliance with applicable local, state and federal laws. A personal expression sign can include a pole flag no larger than twenty (20) square feet on a pole no taller than twenty-five (25) feet.

11. Holiday lights and seasonal decorations displayed at times when such lights and decorations are generally considered appropriate.
12. Barber poles at barbershops.
13. Works of art that do not constitute as advertising.
14. Non-advertising signs carried by a person.

5.03.07 Measurement Determinations

A. Sign area

1. Where a sign is composed of letters or pictures attached directly to a facade, wall, window, door, awning, monument sign, or freestanding sign, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle, semicircle, or a combination of any of these geometric shapes, the sides of which touch the extreme points of the letters or pictures as a whole.
2. Where a sign is composed of letters or pictures enclosed by a border or trimming, the sign area shall be the area within the border or trim.
3. In cases where material is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered a single sign.
4. The area of a freestanding sign shall include the area of the outside frame, but not of the supporting structure.

B. Number of signs

1. A supporting structure with a sign face shall be counted as one (1) sign.
2. A double-faced projecting or freestanding sign shall be construed as having the area of a single face, provided that the sign faces are placed back to back and are at no point more than two (2) feet apart.

C. Wall signs: The allowable area of a wall sign shall be calculated as a percentage of the signable area. The signable area is the area of the facade of the building up to the roofline, not including windows, doors, or major architectural features.

D. Sign height

1. The height of a sign is the vertical distance from the finished grade to the highest point of the sign.
2. Where a sign is placed on a berm, the height shall be measured from the grade at the base of the berm to the highest point of the sign.

5.03.08 Design Standards for All Signs

- A. Every sign and sign structure shall be compatible in scale with the scale of the building to which it relates and the neighborhood in which it is located.
- B. Every sign and sign structure shall be designed as a compatible architectural element relative to the building and site to which it principally relates. To be a compatible architectural element means that the sign is consistent in color, materials, texture, and style with the building(s) on the site.
- C. The number and size of graphic elements shall be proportional to the sign face.
- D. Freestanding signs shall be landscaped to achieve compatibility with the design of the site. Landscaping materials shall be consistent with the specifications set forth in Section 4.05.08 and the standards for protection of visibility at intersections set forth in Section 7.01.08.
- E. External lighting may be used only if directed solely to the sign face.

5.03.09 Permissible Permanent On-Site Signs

- A. Permanent on-site signs shall be limited to the following sign types:
1. Freestanding signs, which may be either ground or monument signs, but shall not include a pole sign;
 2. Wall Signs;
 3. Awning Signs;
 4. Projecting Signs; and
 5. Sandwich Board/ Sidewalk Signs
- B. Permanent on-site signs shall be permissible in the following non-residential or mixed use zoning districts: MU-1, C-1, C-2, C-3, I-1, I-A, and PI-1.
- C. The number and types of permanent on-site signs shall comply with the standards in Table 5.03.09.(C).

Table 5.03.09 (C). Number and Types of Permanent On-Site Signs in Specified Non-Residential Zoning Districts

Zoning District	Sign Type				
	Freestanding	Wall	Awning	Projecting	Sandwich Board or Sidewalk Sign
MU-1	1	1			1 per business
C-1	1	1			1 per business
C-2	1 per street frontage	1	1	1	1 per business
C-3, MU-8	1 per street frontage, except within the Historic District; see Section 8.01.03	1 1 1 except within the Historic District; see Section 8.01.03			1 per business except within the Historic District; see Section 8.01.03
I-1	2	1	1	1	1 per business
I-A	2	1	1	1	1 per business
PI-1	1 per street frontage	1	1	1	1 per business

- D. Permanent on-site signs shall comply with the design standards set forth in Table 5.03.09. (D).

Table 5.03.09. (D). Design Standards for Permanent On-Site Signs

Standard	Sign Type				
	Freestanding	Wall	Awning	Projecting	Sandwich Board or Sidewalk Sign
Maximum Sign Face Area	1 ft ² per linear foot of frontage, to a maximum of 50 ft ²	30% of the signable area of the wall	20% of awning face Or 20% signable area of the wall	12 ft ²	6 ft ²
Sign Location	Set back 5 ft. from the property line	Front or side façade	Front façade	Front façade Projecting sign shall not extend more than 4 ft. from the building face Projecting sign shall not extend closer than 2 ft. to a vertical line extending upward from the curb	On site; to be determined by the City Manager
Sign Structure Height	8 ft.	NA	Lowest part of sign shall be a minimum of 8 ft. above surface directly below	Bottom of the projecting sign structure shall be a minimum of 7.5 ft. above the surface directly below the sign	4 ft.

E. Sandwich Board/ Sidewalk Signs

1. The sign shall only be displayed during regular business hours;
2. The sign shall be placed within the lot lines of the business it is advertising;
3. The sign shall not cause any obstruction or detriment to the public and must comply with all ADA requirements.
4. The sign shall require a permit and the proposed sign location must be indicated on the permit application.
5. The sign must not exceed forty-eight (48) inches in height or twenty-four (24) inches in width.

5.03.10 Specific Provisions for Shopping Centers

- A. In shopping centers incorporating three (3) or more establishments, the center may be identified by a freestanding ground sign meeting the standards set forth in this section.
- B. The area of the sign may be increased above the standard set forth for freestanding signs in Table 5.03.09(D) an additional five square feet (5 ft²) for each independently operated establishment in the center, to a maximum sign face area of 100 square feet (100 ft²).
- C. Shopping centers with street frontage of 400 feet or more may have an additional freestanding sign for each 400 feet of frontage. Any additional freestanding signs shall not exceed 100 square feet (100 ft²) in sign face area.
- D. Two (2) signs are permissible for each establishment in a shopping center. Permissible signs for each establishment shall include: wall, projecting, awning. The total area of

all wall signs in the center shall not exceed thirty percent (30%) of the total wall area as described in Section 5.03.07(C). Allocation of that total area to the individual establishments shall be the responsibility of the owner/operator of the center.

- E. One Sandwich Board sign is permissible for each establishment within a Shopping Center. Sandwich Board/ Sidewalk Signs shall conform to the standards outlined in Section 5.03.09.(E).

5.03.11 Specific Provisions for Residential Districts

Signage for residential districts shall be permitted under the provisions of this section. One freestanding sign for each street frontage shall be permitted as follows:

A. *Multifamily development*

1. Uses of 12 units or less: 16 ft² per sign face.
2. Uses of 13 units or more: 32 ft² per sign face.
3. The sign may be a single sign with two (2) faces of equal size or two (2) single-face structures of equal size located on each side of the entrance.
4. Height, Setbacks and design
 - a. Maximum height shall be eight (8) feet.
 - b. Minimum setback shall be five (5) feet from front property line and ten feet from side lot lines.
 - c. Freestanding signs shall be ground signs in accordance with section 5.03.09(A)(1).

- B. *Subdivision signs.* Permanent subdivision signs may be permitted by the administrative official as part of the subdivision review process, or upon request of property owners after development has occurred. In determining signage, the administrative official shall consider size of the sign, color, materials, location, provision for maintenance, size of the subdivision, functional classification of the adjoining roadway(s) and land use in the area.

- C. *Nonresidential uses.* The following freestanding sign areas shall be permitted for nonresidential uses in residential zones. Height, setback and design requirements shall be according to 5.03.09(D) of this section.

1. Child care, schools: 32 ft².
2. Home occupation: 1 ft², affixed on the wall adjacent to the front entrance of the building.
3. All other nonresidential uses, including cemeteries: 16 ft²
4. All other residential uses: 16 ft² for uses consisting of 12 units or 24 beds or less; 32 ft² for uses consisting of thirteen (13) units or twenty-five (25) beds or more.

- D. *Houses of worship.* Houses of worship may be permitted signage under this section in accordance with the following criteria:

Specific provisions listed herein shall take precedence over all provisions in 5.03.09.

1. *Freestanding signs*

- a. Freestanding sign shall be ground signs in accordance with section 5.03.09(A)(1).
- b. Sign area, height and setback
 1. The maximum area shall be one square foot (1 ft²) per linear foot of frontage, to a maximum of fifty square feet (50 ft²)
 2. The maximum height shall be eight (8) feet
 3. The minimum setback shall be five (5) feet from the front property line and ten feet from side lot lines

2. *Wall signs*

- a. Maximum area shall be thirty percent (30%) of the signable area of the wall
- b. Shall primarily be made of wood or metal, or other materials simulating wood or metal. Solid plastic sign faces shall be prohibited.

- c. One wall sign per street frontage is allowed
- 3. One Sandwich Board sign is permissible
 - a. Sandwich Board/ Sidewalk Signs shall conform to the standards outlined in Section 5.03.09(E)

5.03.12 Specific Provisions Regarding Murals

- A. Murals are permissible on buildings in non-residential zoning districts, subject to the standards in this section.
- B. A mural shall be considered a wall sign and included in the wall sign limitations of the appropriate zoning district as provided in section 5.03.09 when the theme and contents of the mural depict the goods or services available at businesses operating within the building on which the mural is painted.
- C. A mural shall be considered a decorative element when the theme and contents of the mural are not related to the goods or services available at businesses operating within the building on which the mural is painted.
- D. Murals on buildings in residential zoning districts are considered decorative elements and are permissible.
- E. A mural shall be considered an off-site sign when the theme and contents of the mural depict the goods or services available at businesses operating within a building other than the building on which the mural is painted.

5.03.13 Violation Constitutes Nuisance; Abatement

Any advertisement, advertising sign or advertising structure which is constructed, erected, operated, used, maintained, posted or displayed in violation of this LDC is hereby declared to be a public and private nuisance and shall be forthwith removed, obliterated or abated. Any portable sign such as snipe signs or real estate signs may be removed without notification of the property owner, if such sign is placed in the public rights-of-way.

5.03.14 Right of Entry for Inspection

Appropriate city employees in the performance of their functions and duties and under the provisions of this article may enter into and upon any land upon which advertising signs or advertisements are displayed and make such examinations and surveys as may be relevant subject to constitutional limitations and state law.

5.03.15 Procedure for Appeal

Any administrative decision that is made by any city official in the administration or enforcement of this article may be appealed within thirty (30) calendar days to the Board of Adjustment (BOA) following the appeal procedures as set forth in Section 11.07.00. The decision of the BOA may be appealed within thirty (30) calendar days to the circuit court.

5.03.16 Severability

The provisions of these sections regarding signage are declared to be severable and if any section sentence clause or phrase of these sections regarding signage shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections sentences clauses and phrases of these sections but they shall remain in effect it being the legislative intent that these sections regarding signage shall stand notwithstanding the invalidity of any part.

5.04.00. TEMPORARY SIGNS

5.04.01 Scope

Notwithstanding anything to the contrary in the City's Land Development Code or in any other ordinance or code provision of the City, the provisions of this subchapter 5.04 shall govern the regulation of temporary signs, and take precedence over any other provisions that pertain to temporary signs unless specifically exempted or excepted herein.

5.04.02 Findings of Fact

The City Commission finds that the location and maintenance of temporary signs affects the public health, safety, and general welfare of the people of this community, and that in order to preserve and enhance the city as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The city commission further finds that the regulation of temporary signs within the city is a highly contributive means by which to achieve this desired end, and that uncontrolled and unlimited temporary signs would degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation and permanent economic growth.

5.04.03 Purpose and Intent

It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory standards for temporary signs. The temporary sign regulations in this subchapter are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. It is the intent of the city commission that the temporary sign regulations shall provide uniform sign criteria which regulate the size, height, number and placement of signs in a manner that is compatible to the residential, coastal and historic scale and character of the city, and which place the fewest possible restrictions on personal liberties, property rights, commerce, and the free exercise of Constitutional rights while achieving the city's goal of creating a healthy, safe and attractive environment that does not contain excessive clutter and visual distraction in rights-of-way and adjacent properties, the surrounding natural coastal environment, historic district and residential neighborhoods. These sign regulations have been prepared with the intent of enhancing the visual environment of the city and promoting its continued well-being, consistent with the most recent pronouncements by the United States Supreme Court regarding the regulation of temporary signage, and are further intended to:

- A. Encourage the effective use of signs as a means of communication in the city;
- B. Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- C. Improve pedestrian and traffic safety;
- D. Minimize the possible adverse impact of temporary signs on nearby public and private property;
- E. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of temporary signs which compete for the attention of pedestrian and vehicular traffic;
- F. Allow temporary signs that are compatible with their surroundings, while precluding the placement of temporary signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- G. Encourage and allow temporary signs that are appropriate to the zoning district in which they are located;

- H. Regulate temporary signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;
- I. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the city;
- J. Protect property values by precluding to the maximum extent possible temporary signs that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement; and
- K. Enable the fair and consistent enforcement of these temporary sign regulations.

5.04.04 Definitions

The following definitions are applicable to section 5.04.00.

- A. *Sign*. The term “sign” shall mean any surface, fabric, device or display which bears lettered, pictorial or sculptured matter, including forms shaped to resemble any human, animal or product designed to convey information to the public and is visible from an abutting property, from a public street, sidewalk or right-of-way, or from a body of water. The term “sign” shall include all structural members. A sign shall be construed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered a single sign. The term “sign” shall not include: artwork, holiday or seasonal decorations, cemetery markers, or machinery or equipment signs.
- B. *Temporary sign*. The term “temporary sign” shall mean any sign that is not a permanent sign, and shall include a sign formerly or commonly known as a temporary election sign, a temporary political sign, a temporary free expression sign, a temporary real estate sign, a temporary directional sign, a temporary construction sign, a temporary grand opening sign, or any other temporary sign unless otherwise provided herein. The term “temporary sign” shall not include any substitution of message on an existing lawful sign or sign structure.

5.04.05 Criteria Required for Temporary Signs

The criteria for temporary signs are set forth in **Table 5.04.05** below. A temporary sign is unlawful if it does not meet the criteria established for the zoning district in which the sign is located.

Table 5.04.05 Temporary Signs Design Standards and Limitations

ZONING DISTRICTS	R-E, R1-G, R-1, RLM, R-2, R-3, OT-1, OT-2	MU-1, C-1, C-2, I-1, I-A, I-W, W-1, PI-1	MU-8, C-3, CON, REC
Maximum Number of Signs Per Parcel ¹	8	4	4
Maximum Sign Area ²	6 sf.	32 sf.	16 sf.
Sign Height Maximum for a Freestanding Sign ³	5 ft.	5 ft.	5 ft.
Sign Height Maximum for a Wall Sign (inclusive of a Window Sign)	15 ft.	15 ft.	15 ft.
Minimum Sign Setback for Ground Signs ⁴	3 ft.	3 ft.	3 ft.
Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign ⁵)	15 ft.	15 ft.	15 ft.
Aggregate Maximum of Surface Area Allocated for All Sign Messages ⁶	96 sf.	256 sf.	128 sf.

¹ The number of temporary commercial signs per parcel shall be no more than two.

² The square footage limitation is per side for a back-to-back sign. For example, a 6 square foot limitation means that there is a limit of 6 square feet of surface area per side of a back-to-back sign, and an aggregate limit of 12 square feet is allowed if the sign is a back-to-back temporary sign.

³ Not applicable to signs displayed on flagpoles.

⁴ Minimum sign setbacks are measured from the edge of the property line. Setbacks do not apply to wall signs. And, as set forth in Section 5.04.06 all temporary signs are prohibited on public property.

⁵ Not applicable to signs displayed on flagpoles.

⁶ There is no limit to the number of separate messages that may appear on the allowable surface(s) of any temporary sign. The aggregate maximum of surface area allowed is subject to the other limitations or circumstances that may reduce the aggregate maximum of surface area that can be allocated.

5.04.06 Prohibition of Temporary Signs on Public Property

Other than government signs displaying government speech, temporary signs on public property are prohibited unless otherwise allowed within the LDC or the Code of Ordinances.

5.04.07 Duration for Display of Temporary Sign

If a temporary sign pertains to an event, the temporary sign shall be removed within and by no later than three days after the event is concluded. If a temporary sign does not pertain to an event, the temporary sign shall be removed within and by no later than thirty (30) days after being erected.

5.04.08 Display of Temporary Sign Requires Permission of Real Property Owner

A temporary sign on any parcel shall not be maintained if the placement of the same does not have the permission of the owner of the real property.

5.04.09 A Temporary Sign May Not Display Any Lighting and Must Remain Static

A temporary sign may not display any lighting or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color.

5.04.10 A Temporary Sign May Not Incorporate Fluorescent Color or Exhibit Fluorescence

A temporary sign may not incorporate fluorescent color or exhibit fluorescence.

5.04.11 A Temporary Sign May Not Obstruct A Permanent Sign or The Vision Between Pedestrians and Vehicles

A temporary sign may not obstruct the view of a permanent sign as viewed from any public road, street or highway or any public sidewalk, and may not obstruct the vision between pedestrians and vehicles using the public right-of-way, including but not restricted to, those meeting intersection visibility requirements set forth in Section 7.01.08.

5.04.12 A Temporary Sign May Display Multiple Messages

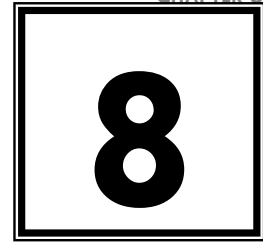
A temporary sign may display multiple independent messages on any portion of the sign surface of a temporary sign.

5.04.13 A Temporary Sign is not Subject to Permitting

A temporary sign does not require a permit from the City.

5.04.14 Chapter 5 5.04.00 Not Intended to Regulate Interior Facing Signage

The City does not intend that Chapter 5 Section 5.04.00 regulate or be applicable to signage located in the interior of school yards, ball/play fields or similar uses where such signage is designed to face the interior of such location and is not designed to be viewed or seen from adjacent roadways.



CHAPTER 8

HISTORIC DISTRICTS AND THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA

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- b. Buildings shall provide a front yard setback of no more than ten (10) feet. Facade elements above thirty (30) feet shall not be required to be recessed as provided in (2) above.
 - c. Non-residential and mixed-use projects shall provide a buffer along the shared property line which meets the requirements of a Buffer Type C as provided in Table 4.05.12(B).
 - d. All projects shall maintain a twenty (20) foot rear yard setback for principal structures.
4. Flat roofs are permitted but must provide a parapet up to 42 inches high in order to hide mechanical equipment.
5. Floor area ratio and density are established in the underlying zoning district.
6. Only one primary structure is permitted per lot of record.
7. Accessory structures must comply with the standards of the underlying zoning district as well as Section 5.01.00 of this LDC.
8. Side yard setbacks are not required.
9. Developers of Office, Retail, or other Commercial uses may pay a fee in lieu of providing the required parking, as established in Table 7.01.04(A.) The fee shall be set annually by the City commission and shall be based on the average cost of constructing a parking space in the City. The fee shall be a one-time payment, to be placed in a trust fund for downtown parking improvements which serve the CRA properties. Residential uses must provide one space per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking. Parking is not permitted in the front yard, but is permitted in the side or rear yard. Parking is also permitted beneath structures.

8.01.03 Signage in the Historic Districts and Community Redevelopment Area

In an effort to protect the Historic District designations within the City of Fernandina Beach, the specific provisions in this article shall take precedence where conflicts arise in this sign code.

- A. Two (2) permanent on-site signs per business, are permissible, limited to projecting, wall, awning, or freestanding signs, and subject to the following standards:
 1. Signs shall not project more than five (5) feet from the face of the building;
 2. Projecting signs may project over sidewalk or pedestrian areas only at no less than seven and one half (7 ½) feet above sidewalk level;
 3. The top of a projecting sign shall be not more than sixteen (16) feet above the sidewalk level;
 4. A projecting sign shall not be closer than two (2) feet to a vertical line extending upward from the curb;
 5. A projecting sign shall not exceed twelve (12) square feet (ft²) in area.
 6. A wall sign may be horizontal or vertical and shall not exceed one square foot in area for each linear foot of business frontage, to a maximum of twenty-five (25) square feet . One side of the sign may be no more than two (2) feet in height or width.
 7. Awning sign lettering is limited to one square foot per linear foot of the awning or canopy, up to a maximum of ten (10) square feet.
 8. Freestanding, ground or pole signs are permissible only for properties with a minimum front or side yard setback of eight (8) feet. Freestanding, ground and pole signs are limited to a maximum of twenty (20) square feet in sign face area and six (6) feet in height.

- B. Permanent window lettering is permissible in addition to permanent signage and sandwich boards/easel signs shall not exceed an aggregate area equal to twenty-five percent (25%) of the glass area on which the signage is placed.
- C. Sandwich boards or easel signs are permissible in addition to window lettering and permanent signage and are subject to the following standards:
 - 1. Limited to one (1) sandwich board or easel sign per business;
 - 2. The sandwich board sign shall comply with standards set forth in 5.03.10(E), and shall not utilize plastic or vinyl changeable copy.
 - 3. Easels displaying signs may be no more than 4' 6" high and the sign face may not exceed 6 square feet. Top of sign may not project above top of easel or 4'6" above the ground.
 - 4. The sign shall be placed between the store front and the edge of curb with a minimum five (5) feet of sidewalk left for pedestrian travel.
 - 5. The sign shall require a Certificate of Approval and the approval of the Historic District Council.
- D. Multi-Tenant Signs (reserved)
- E. Downtown Wayfinding Signage (reserved)
- F. Signs shall use stone, brick, wood, or metal, or modern materials that have the appearance of these materials. No plastic or vinyl shall be utilized to create the signs, with the exception of plastic or vinyl used for lettering or graphics on permanent, non-changeable copy signs.
- G. All permanent signs affixed to private property shall require a Certificate of Approval and the approval of the Historic District Council, except for temporary special event signs, exempt signs, public directional or information signs, street number signs, and temporary signage placed on scaffolding during construction.
- H. Wall graphics are prohibited in the Downtown Historic District. Legacy signs are permissible.
- I. Signs shall be mounted in such a way to minimize damage to historic materials. On masonry buildings, bolts should extend through mortar joints and not through masonry units. On frame buildings, mounting brackets and bolts should be the minimal amount necessary to assure adherence to the surface and prevent excessive wood penetration. Signs shall not be placed upon a structure in any manner so as to disfigure or conceal any window opening, door or significant architectural feature or detail of any building, or in such a manner that requires changes to building materials.
- J. External lighting of signs through gooseneck lamps is permitted.
- K. In addition to signs prohibited within City limits as defined in LDC Section 5.03.05, the following signs are not permitted in the historic districts or CRA:
 - 1. Signs with fluorescent or day-glow coloring.
 - 2. Neon signs, or LED signs that mimic neon signs, over two (2) square feet in size.
 - 3. Pixelated LED signs.
 - 4. Internally lit signs.
 - 5. Changeable copy signs with plastic or vinyl lettering or graphics, including sandwich board and easel signs.
 - 6. Signs painted on or attached to trees, shrubbery, lamp posts, hydrants, traffic signs, stairways, benches, refuse containers, landscape planters, or telephone or utility poles.

8.02.00 Historic District Council

8.02.01 Historic District Council Created and Established

A. Establishment

There is hereby established the Historic District Council (HDC). The HDC is intended to be the City's primary agency responsible for furthering historic preservation within the City.