



AGENDA
COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD
REGULAR MEETING
MAY 4, 2022
6:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4.1 The minutes of the April 6, 2022, regular meeting are presented for approval.

5. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA

6. NEW BUSINESS

6.1 **PRESENTATION - WATERFRONT REGULATIONS** - *City Staff will discuss US Army Corps of Engineers and Florida Department of Environmental Protection guidelines.*

7. OLD BUSINESS

7.1 **REVIEW OF 2005 PLAN OBJECTIVES** - *The Board will continue discussing the objectives from the 2005 CRA Plan.*

8. BOARD BUSINESS

8.1 **FLOW STUDY** - *This item is placed on the agenda at the request of Chair Knocke.*

8.2 **HISTORY OF THE WATERFRONT** - *This item is placed on the agenda at the request of Chair Knocke.*

9. STAFF REPORT

9.1 **STAFF REPORT** - *City staff will provide an update on CRA projects.*

9.2 **LAND USE AND ZONING MAP AMENDMENTS** - *This item was requested by the Board at the April meeting.*

9.3 **LAND DEVELOPMENT CODE CHANGES RELATED TO THE CRA** - *This item is on the agenda at the request of the Board at the April meeting.*

- 9.4 **PASSERO ASSOCIATES AMELIA RIVERFRONT RESILIENCY FEASIBILITY STUDY - *This item is placed on the agenda at the request of Chair Knocke.***

10. NEXT MEETING DATE

- 10.1 The next CRAAB meeting will be held Wednesday, June 1, 2022.

11. ADJOURNMENT

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

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Minutes Approval - April 6, 2022

ITEM TYPE: Approval of Minutes

REQUESTED ACTION: Approve minutes.

SYNOPSIS: The minutes of the April 6, 2022, regular meeting are presented for approval.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S):

Dale Martin, City Manager 4/27/2022



Date: April 25, 2022

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION:

DRAFT



**MINUTES
CRA ADVISORY BOARD
REGULAR MEETING
APRIL 6, 2022**

1. **CALL TO ORDER** – The meeting was called to order at 6:00PM.

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

*Alan Hopkins
Jack Knocke
Lisa Finkelstein*

*Alan Orbals
David Cook, Jr.
Frank Damato*

MEMBERS ABSENT:

Tina Smith

OTHERS PRESENT

*Dale Martin, City Manager
Jacob Platt, Recording Secretary
Andre Desilet, Utilities Director*

2. **APPROVAL OF MINUTES**

- 2.1 The minutes for the March 2, 2022, meeting were presented for approval.

A motion was made by Member Cook, seconded by Member Finkelstein, to approve the minutes as amended.

Vote upon passage of the motion was taken by voice vote, and all votes being in favor, passed unanimously.

3. **PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA**

No members of the public wished to speak at this time.

4. **OLD BUSINESS**

Chair Knocke asked if the other Board members felt they were on track with what the Board wants to accomplish. He stated that the property owner letter was mailed March 18. Staff had not received any responses but there was a property owner in the audience.

He asked staff about joining the Florida Redevelopment Association. Mr. Martin stated that the City requested an

invoice and is processing that.

5. NEW BUSINESS

5.1 PRESENTATION – UTILITIES AND STORMWATER IN THE CRA

Andre Desilet, Utilities Director, gave a presentation regarding the CRA Plan strategies relating to Utilities. He highlighted the following projects: Broome Street Water Main Extension (viable project for American Rescue Plan funding, scheduled for FY 2023-24); Calhoun St Water Main Extension (adequate service is already in place); Beech Street water main replacement (currently serves capacity needs); retrofitting sewer lines with slip line (ongoing process); lift station at Alachua (recently upgraded, and is scheduled for another upgrade). He discussed ongoing projects, including replacing water service connections when water main replacements or street construction occurs; replacing mains in coordination with road work; and replacing galvanized water services whenever a meter is changed.

Member Finkelstein asked for additional information regarding Broome Street.

Chair Knocke asked for Mr. Desilet if there were any gaps in the CRA objectives for utilities needs. Mr. Desilet stated that capacity need is determined by use.

Member Ortals asked about water and sewer outside of the City limits. Staff explained that the City took over FPU's service and for any new service outside the City limits, requestors are required to complete a voluntary annexation agreement. Non-City users are charged a 25% service fee.

Chair Knocke asked about the process to extend water and sewer along the waterfront properties and Mr. Desilet explained the process.

Mr. Desilet then presented the stormwater projects, including the Alachua Street project. Funding sources include a bond and grants. He explained the overlay area in downtown due to the lot lines and setbacks.

5.2 PRESENTATION FOR CRA BOARD

Chair Knocke introduced the item. He worked with staff to draft the presentation included in the packet. He discussed adding the financing process as a goal.

Member Ortals believes an action plan by August is optimistic. He discussed that many projects, both public and private, are involved in making the CRA Plan successful and that Board needs to know about all of them to determine how they all work together. TIF is just a small part He wants a document that encompasses all that information, including contact information for each project and timelines. He is concerned that the City doesn't have the staff to manage it. The Board discussed this at length. Member Hopkins stated that the City is a property owner as well, and plays a large role. Mr. Martin explained that the City's grant writer has been very successful in obtaining grant money for infrastructure projects.

The Board discussed establishing the spreadsheet-style document with the known projects and consider it a working document.

Member Ortals suggested leaving the presentation upcoming dates to end in July. **Consensus was to remove August bullet point.**

5.3 REVIEW OF 2005 PLAN OBJECTIVES

Chair Knocke introduced the item and distributed a handout he prepared that identified his top ten immediate

objectives.

He began with siltation issues at the Marina and invited Commissioner Chip Ross, who was present in the audience, to speak on the subject. Commissioner Ross, 210 N. 3rd St, explained how the siltation flow works and that a study is needed. It would cost between \$40,000-60,000 and dredging costs approximately \$400,000 per occurrence.

Chair Knocke continued with his list, speaking to the item on land use. Mr. Platt stated that there have been a number of changes since the plan was developed, but the Board could take a look and decide whether this goal had been achieved. The Board asked for the applicable land use and zoning codes. Discussion regarding building height ensued. Commissioner Ross spoke to the limitation regarding building height. Member Finkelstein spoke to the opposition regarding the expansion of Atlantic Seafood.

Chair Knocke continued with utilities and based on Mr. Desilet's earlier presentation, it appears the City is on track. Member Cook expressed a need to underground the electric utilities. Commissioner Ross spoke to the City's efforts in this area and challenges regarding the installation of a transformer.

Member Hopkins asked about the Alachua Street project funding.

Next, Chair Knocke discussed pedestrian and vehicular circulation. Mr. Martin discussed the construction of a sidewalk on the east side of Front Street. The Board discussed further the walk along the seawall and working with private property owners to extend the seawall and walking path along the whole waterfront.

Board agreed by consensus to pause the discussion of this topic until the next meeting due to the lateness of the hour.

6. STAFF REPORTS

Chair Knocke asked for staff reports. Member Cook asked staff about the planned loading zones. Mr. Martin explained that work should begin after the Shrimp Festival.

Mr. Martin informed the Board is expecting proposals for appraisals for the Atlantic Seafood, former Vuturo property (now City-owned) and Brett's Waterway Café parcels should the City Commission decide to move forward with RFPs for these parcels. City staff is continuing discussions with interested parties for these sites. He sent a letter to Atlantic Seafood's owner for their plans with a deadline of next Friday.

7. MEMBER REPORTS/COMMENTS

Chair Knocke expressed appreciation to staff for meeting with him and suggested that other Board members do the same.

8. ADJOURNMENT – There being no further business before the Board, the meeting was adjourned at 7:46 PM.

Jacob Platt, Recording Secretary

Jack Knocke, Chair

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Presentation - Waterfront Regulations

ITEM TYPE: New Business

REQUESTED ACTION:

SYNOPSIS: City Staff will discuss US Army Corps of Engineers and Florida Department of Environmental Protection guidelines.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S):

Dale Martin, City Manager 4/27/2022

A handwritten signature in blue ink that reads "Katie A. Newton".

Date: April 25, 2022

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION:



Wetland Regulatory Authority

Regulatory Requirements

Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g. certain farming and forestry activities).

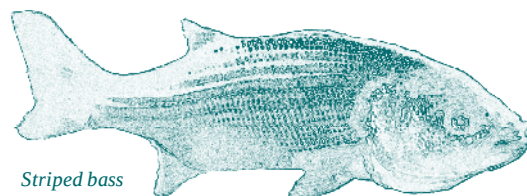


Wetlands subject to Clean Water Act Section 404 are defined as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.”

The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation’s waters would be significantly degraded. In other words, when you apply for a permit, you must show that you have, to the extent practicable:

- Taken steps to avoid wetland impacts;
- Minimized potential impacts on wetlands; and
- Provided compensation for any remaining unavoidable impacts.

Proposed activities are regulated through a permit review process. An *individual permit* is required for potentially significant impacts. Individual permits are reviewed by the U.S. Army Corps of Engineers, which evaluates applications under a public interest review, as well as the environmental criteria set forth in the CWA Section 404(b)(1) Guidelines. However, for most discharges that will have only minimal adverse effects, a *general permit* may be suitable. General permits are issued on a nationwide, regional, or State basis for particular categories of activities. The general permit process eliminates individual review and allows certain activities to proceed with little or no delay, provided that the general or specific conditions for the general permit are met. For example,



Striped bass

minor road activities, utility line backfill, and bedding are activities that can be considered for a general permit. States also have a role in Section 404 decisions, through State program general permits, water quality certification, or program assumption.

Agency Roles and Responsibilities

The roles and responsibilities of the Federal resource agencies differ in scope.

U.S. Army Corps of Engineers:

- Administers day-to-day program, including individual and general permit decisions;
- Conducts or verifies jurisdictional determinations;
- Develops policy and guidance; and
- Enforces Section 404 provisions.

U.S. Environmental Protection Agency:

- Develops and interprets policy, guidance and environmental criteria used in evaluating permit applications;
- Determines scope of geographic jurisdiction and applicability of exemptions;
- Approves and oversees State and Tribal assumption;
- Reviews and comments on individual permit applications;
- Has authority to prohibit, deny, or restrict the use of any defined area as a disposal site (Section 404(c));
- Can elevate specific cases (Section 404(q));
- Enforces Section 404 provisions.

U.S. Fish and Wildlife Service and National Marine Fisheries Service:

- Evaluates impacts on fish and wildlife of all new Federal projects and Federally permitted projects, including projects subject to the requirements of Section 404 (pursuant to the Fish and Wildlife Coordination Act); and
- Elevates specific cases or policy issues pursuant to Section 404(q).

Manual for Identifying Wetlands

The U.S. EPA and U.S. Army Corps of Engineers use the 1987 *Corps of Engineers Wetlands Delineation Manual* to identify wetlands for the CWA Section 404 permit program. The 1987 manual organizes the environmental characteristics of a potential wetland into three categories: soils, vegetation, and hydrology. The manual contains criteria for each category. Using

this approach, an area that meets all three criteria is considered a wetland.

Wetlands on Agricultural Lands

Farmers who own or manage wetlands are directly affected by two important Federal programs—Section 404 of the CWA and the Swampbuster provision of the Food Security Act. The Swampbuster provision withholds certain Federal farm program benefits from farmers who convert or modify wetlands. The U.S. EPA, U.S. Army Corps of Engineers, U.S. Department of Agriculture, and U.S. Fish and Wildlife Service have established procedures to ensure consistency between the programs. Many normal farming practices are exempt from Section 404.



Water lilies

The Wetland Fact Sheet Series

EPA843-F-04-001
Office of Water

Wetlands Overview
Types of Wetlands
Threats to Wetlands
Wetland Restoration
Funding Wetland Projects

Functions and Values of Wetlands
Teaching About Wetlands
Wetland Regulatory Authority
Wetlands Compensatory Mitigation
Benefits of Wetland Monitoring

For more information, call EPA's Wetlands Helpline at 1-800-832-7828

Wetland Resources

On the Internet

EPA's Wetlands Website www.epa.gov/owow/wetlands/regs/
Section 404 of the Clean Water Act www.epa.gov/owow/wetlands/laws/
Wetland Delineation Manual www.wes.army.mil/el/wetlands/wlpubs.html
U.S. Army Corps of Engineers Regulatory Program..... www.usace.army.mil/inet/functions/cw/cecwo/reg/
U.S. Army Corps of Engineers' Waterways
Experiment Station Environmental Laboratory www.wes.army.mil/el/wetlands/wetlands.html
Environmental Law Institute www.eli.org

In Print

America's Wetlands: Our Vital Link Between Land and Water. For a copy, order from EPA's publications web site at <http://yosemite.epa.gov/water/owrrcatalog.nsf> or call the EPA Wetlands Helpline at 1-800-832-7828.

Wetlands Deskbook, 2nd Edition, Margaret N. Strand. Available from the Environmental Law Institute. Call 1-800-433-5120; fax your request to (202) 939-3868; or e-mail to orders@eli.org.

Our National Wetland Heritage: A Protection Guide, 2nd Edition, Jon A. Kusler, Ph.D., Executive Director, Association of State Wetland Managers. Available from the Environmental Law Institute. Call 1-800-433-5120; fax your request to (202) 939-3868; or e-mail to orders@eli.org.

U.S. Army Corps of Engineers Permitting Process Information

The Permit Process consists of a number of steps involving the applicant, the Corps of Engineers, public and/or private organizations, and Federal, state and/or local agencies. General information related to the permitting process is outlined below.

Processing Steps

The basic form of authorization used by Corps districts is the standard permit. Processing such permits involves evaluation of individual, project specific applications in what can be considered three steps: pre-application consultation (for major projects), project review, and decision-making.

The following is a general description of the step-by-step procedure the Corps uses to evaluate a typical standard permit application:

1. A pre-application consultation is recommended (see below).
2. The applicant submits ENG Form 4345 and plans through this web site or to the appropriate Corps regulatory office.
3. The Corps receives the application and assigns it an identification number.
4. The Corps notifies the applicant if additional information is required to make the application complete.
5. A public notice is issued within 15 days of receipt of a complete application, to solicit comments from the public, adjacent property owners, interested groups and individuals, local agencies, state agencies, and Federal agencies.
6. The public notice comment period is 15 to 30 days, depending upon nature of activity.
7. The Corps provides the applicant an opportunity to respond to comments received in response to the public notice.
8. The Corps may ask the applicant to provide additional information to assess environmental impacts or resolve public interest concerns. The Corps may also ask the applicant to modify the project to reduce environmental impacts.
9. The Corps considers all comments and the applicant's responses to those comments, including any proposed modifications of the project. The Corps may discuss project modifications with state and Federal agencies and other interested parties.
10. A public hearing is held, if necessary.
11. The Corps conducts a public interest review evaluation and, if necessary, a section 404(b)(1) guidelines evaluation.
12. The Corps makes a decision on the permit application and explains its decision in a decision document. This decision document may include an environmental assessment or environmental impact statement, a statement of findings or record of decision, a Section 404(b)(1) guidelines evaluation (if necessary), and a public interest review evaluation.
13. If the Corps decides to issue the permit, a copy of the permit is sent to the applicant for his or her signature. If the applicant signs the permit, he or she agrees to the terms and conditions of the permit. If the permit is denied, the Corps will explain to the applicant why the permit was denied.
14. If the applicant refuses to sign the permit because he or she does not agree with the conditions in the permit, or if the permit is denied, the applicant can request an administrative appeal of the permit decision.

Pre-application consultation usually involves one or more meetings between an applicant, Corps district staff and interested resource agencies (Federal, state, or local). The basic purpose of such meetings is to provide for informal discussions about a proposed activity before an applicant makes irreversible commitments of resources (funds, detailed designs, etc.). The pre-application process is intended to provide the applicant with an assessment of the viability of some of the more obvious alternatives available to accomplish the project purpose, to discuss measures for reducing the impacts of the project, and to inform the applicant of the factors the Corps must consider in its decision-making process.

Once a complete application is received, the **review process** begins. Corps districts operate under what is called a project manager system, where one individual is responsible for handling an application from receipt to final decision. The project manager prepares a public notice, evaluates the impacts of the project and all comments received, negotiates necessary modifications of the project, and prepares appropriate documentation to support a recommended permit decision.

The **decision to issue or deny a permit** is based on the public interest review and, where applicable, a Section 404(b)(1) guidelines analysis or an analysis of the ocean dumping criteria. The public interest review involves an analysis of the foreseeable impacts the proposed work would have on public interest factors, such as navigation, general environmental concerns, wetlands, economics, fish and wildlife values, land use, floodplain values, and the needs and welfare of the people. The benefits and detriments to all public interest factors relevant to each case are carefully evaluated. The permit decision document includes a discussion of the environmental impacts of the project, the findings of the public interest review process, and any special evaluation required by the type of activity, such as determining compliance with the Section 404(b)(1) guidelines or ocean dumping criteria.

The following general criteria are considered in evaluating all applications:

1. The relevant extent of public and private need for the proposed work;
2. Where unresolved conflicts of resource use exist, the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed structure or work; and
3. The extent and permanence of the beneficial and/or detrimental effects the proposed structure or work is likely to have on public and private uses to which the area is suited.

No permit is granted if the proposed project is found to be contrary to the public interest. If the proposed work involves discharges of dredged or fill material into waters of the United States, no permit is granted if the proposed activity is found to be contrary to the Section 404(b)(1) guidelines.

The Corps supports strong partnerships with states in regulating water resource development activities. Such partnerships can be achieved through joint permit processing procedures (e.g., joint permit applications, public notices and public hearings), as well as programmatic general permits founded on effective state programs, transfer of the Section 404 program to states, special area management planning, and regional conditioning of nationwide permits.

Alternate Forms of Department of Army Permits

There are alternate forms of authorization used in certain situations. **Letters of permission** may be used where, in the opinion of the district engineer, the proposed work would be minor, would not have significant individual or cumulative impacts on environmental values, and should encounter no appreciable opposition. In such situations, the proposal is coordinated with Federal and state resource agencies, and in most cases, adjacent property owners who might be affected by the proposal. However, the public at large is not notified. The public interest review process is central to the decision-making process for letters of permission.

Another form of authorization is the **general permit**. There are three types of general permits: nationwide permits, regional general permits, and programmatic general permits. General permits are not normally developed for an individual applicant, but authorize activities the Corps has identified as being substantially similar in nature and causing only minimal individual and cumulative environmental impacts. General permits may authorize activities in a limited geographic area (e.g., county or state), a particular region of the county (e.g., group of contiguous states), or the nation. A regional or programmatic general permit is issued by the division or district engineer that has regulatory jurisdiction over the geographic area in which the general permit will be used. The issuance process for a general permit closely parallels the issuance process for individual permits, with a public notice, opportunity for a public hearing and detailed decision documentation. Activities that qualify for general permit authorization may proceed, provided the terms and

conditions of the general permit are met. However, some general permits may require review of the proposed work by district engineers before the project proponent can begin construction of the project.

A **nationwide permit** is a type of general permit that authorizes activities on a nationwide basis, unless specifically limited through regional conditions or revoked by division or district engineers. The latest reissuance of the nationwide permits was published in the January 15, 2002, issue of the *Federal Register* (67 FR 2020). This *Federal Register* notice contains the text of the nationwide permits, as well as the general conditions and definitions. Division engineers can add regional conditions to nationwide permits to restrict their use to ensure that those activities result in minimal adverse environmental effects. You should contact the appropriate Corps district office to determine if there are any regional conditions for the nationwide permits.

A **regional general permit** is a type of general permit that authorizes activities in a particular state or other geographic region.

A **programmatic general permit** is based on an existing state, local or other Federal agency program and designed to avoid duplication with that program.

Public Involvement

Public involvement plays a central role in the Corps' administration of its regulatory program. The major tools used to interact with the public are public notices and public hearings. The public notice is the primary method of advising all interested parties of a proposed activity for which a permit is sought. The public notice is used to solicit comments and information necessary to evaluate the activity's foreseeable beneficial and detrimental impacts on the public interest. Public notices also contain a statement that any person may request, in writing, that a public hearing be held to provide information for use in the evaluation of the permit application. A public hearing is held when the district engineer determines that a public hearing is necessary to make a decision on a permit application. A public notice is issued to announce the time and date of the public hearing.

Any project for which an Environmental Impact Statement (EIS) will be prepared is subject to additional public involvement. The preparation of an EIS is governed by regulations implementing the National Environmental Policy Act. The first stage of EIS development is the scoping process, which is used to identify substantive issues for further study in the EIS. The scoping process begins with the publication of a Notice of Intent to prepare an EIS. The availability of the draft EIS is announced through public notice. The purpose of that public notice is to announce the availability of the draft EIS for public review and to solicit comments on the draft EIS and the proposed work that requires a Corps permit. Also, a public hearing may be requested. The Corps may decide to hold a public hearing when the draft EIS is made available for comment. In those cases, the public hearing announcement will be incorporated into the notice of availability of the draft EIS. When the final EIS has been prepared, a public notice is issued to announce the availability of the final EIS. The record of decision for an EIS cannot be issued until 30 days have passed from the date of the public notice announcing the availability of the final EIS.

Public Interest Review

The Corps public interest review is the main framework for the overall evaluation of projects. The public interest review requires the careful weighing of all public interest factors relevant to each particular permit application. Thus, one specific factor (e.g., fish and wildlife values or economics) cannot by itself force a specific decision, but rather the decision represents the net effect of balancing all public interest factors, many of which are frequently in conflict.

The public interest review is used to evaluate applications under all authorities administered by the Corps. During the review of a permit application, the Corps evaluates the following public interest review factors:

- Conservation
- Economics
- Aesthetics
- General environmental concerns
- Wetlands
- Historic properties
- Fish and wildlife values
- Flood hazards
- Floodplain values
- Land use
- Navigation
- Shore erosion and accretion
- Recreation
- Water supply and conservation
- Water quality
- Energy needs
- Safety
- Food and fiber production
- Mineral needs
- Considerations of property ownership
- The needs and welfare of the people

Section 404(b)(1) Guidelines

The Section 404(b)(1) guidelines are the criteria used to evaluate discharges of dredged or fill material into waters of the United States, including jurisdictional wetlands, under Section 404 of the Clean Water Act. A fundamental principle of the Section 404(b)(1) guidelines is that dredged or fill material should not be discharged into wetlands and other waters, unless it can be demonstrated that the discharge will not have unacceptable adverse impacts on those waters.

The Section 404(b)(1) guidelines also require the following determinations: (1) the project is the least environmentally damaging practicable alternative, (2) the project will not cause or contribute to the violation of applicable state or Federal laws, such as water quality standards or the Endangered Species Act, (3) the project will not result in significant degradation of waters of the United States, and (4) any appropriate and practicable steps have been taken to minimize the adverse impacts of the project on wetlands and other waters.

Compliance With Related Laws

Activities that require Corps permits may also require permits or approvals from other Federal, Tribal, state, or local agencies.

The **Endangered Species Act** requires Federal agencies to consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, as appropriate, if an activity that requires Federal authorization (such as a Corps permit) may affect endangered or threatened species or critical habitat. As a result of the consultation process, the Corps may add special conditions to the permit to ensure that the activity does not jeopardize endangered or threatened species or destroy or adversely modify critical habitat.

The **Magnuson-Stevens Fishery Conservation and Management Act** requires the identification of Essential Fish Habitat, which is defined as those waters necessary for fish for spawning, breeding, feeding,

or growth to maturity. This law requires Federal agencies to consult with the National Marine Fisheries Service and regional Fishery Management Councils on all actions that may adversely affect Essential Fish Habitat. As a result of this consultation, the National Marine Fisheries Service and regional Fishery Management Councils may provide comments and Essential Fish Habitat conservation recommendations.

Section 106 of the **National Historic Preservation Act** requires the Corps to take into account the effects that activities authorized by Department of the Army permits are likely to have on historical properties listed in, or eligible for listing in, the National Register of Historic Places. State Historic Preservation Officers and Tribal Historic Preservation Officers are provided the opportunity to review and comment on all individual permit activities and certain general permit activities. The Advisory Council on Historic Preservation may review certain proposed activities that require a Corps permit.

Water Quality Certification

Section 401 of the Clean Water Act requires any applicant for a permit for an activity that may result in the discharge of a pollutant into waters of the United States to obtain a certification that the discharge will comply with applicable effluent limitations and water quality standards. Applications for water quality certifications are reviewed by states, Tribes, or the U.S. Environmental Protection Agency. Water quality certifications are required for Corps permits that authorize discharges of dredged or fill materials into waters of the United States.

Coastal Zone Management Act Consistency Determinations

If the proposed activity is located in the coastal zone of a state with a Coastal Zone Management Program approved by the Secretary of Commerce, Section 307(c) of the Coastal Zone Management Act of 1972, as amended, requires the applicant to furnish a certification that the proposed project is in compliance with the state's approved coastal zone management program. The state's concurrence with the applicant's certification should be obtained prior to the issuance of the Corps permit.

Processing Times

On average, individual permit decisions are made within two to three months from receipt of a complete application. In emergencies, decisions can be made in a matter of hours or days. Decisions on authorizing activities by general permits are made within three weeks, on average.

Administrative Appeal Process

In 1999, the Corps established an administrative appeal process for denied permits and for individual permits that are declined by permit applicants because they do not agree with the permit conditions. The Corps added an administrative appeal process for approved jurisdictional determinations in 2000.

The administrative appeals process provides opportunities for permit applicants and landowners to contest certain decisions made by district engineers, without challenging those decisions in Federal court. Administrative appeals are reviewed at Corps division offices. To request an administrative appeal of a denied permit, a declined individual permit, or an approved jurisdictional determination, the permit applicant or landowner submits a "Request for Appeal" form to the appropriate division office. Third parties cannot request an administrative appeal of a decision made by a district engineer. General permit authorizations, including nationwide permit authorizations, are not subject to the administrative appeal process.

Permit Fees

Fees are required for most standard permits. The current fee is \$10.00 for a standard permit for a non-commercial activity and \$100.00 for a standard permit for a commercial or industrial activity. The final

decision on the basis of a fee (non-commercial versus commercial) is solely the responsibility of the district engineer. Do not send a fee when you submit an application. When the Corps issues a standard permit, you will be notified and asked to submit the required fee.

Fees are not charged for transferring a permit from one property owner to another, for nationwide or regional general permits, for letters of permission, or for permits issued to governmental agencies.

TERMS

This section provides abridged definitions of commonly used terms that are associated with the Corps' regulatory program. For the complete definitions provided in the Corps' regulations, please refer to the Code of Federal Regulations (33 CFR Parts 320 through 331), contact the Corps regulatory office nearest you, or visit our web site.

404(b)(1) Guidelines (40 CFR Part 230) are the criteria used in evaluating discharges of dredged or fill material into waters of the United States, including jurisdictional wetlands, under Section 404 of the Clean Water Act. The 404(b)(1) guidelines provide procedures used to evaluate the impacts of discharges of dredged or fill material into waters of the United States. These guidelines restrict discharges of dredged or fill material where less environmentally damaging practicable alternatives exist.

Activity(ies) regulated by the Corps include the construction, modification, or removal of structures and other work (such as dredging) in navigable waters of the United States. Other activities that the Corps regulates include discharges of dredged or fill material into waters of the United States, including jurisdictional wetlands.

Alternatives analysis is the process the Corps uses to determine, based upon available information, whether the proposed project is the least environmentally damaging practicable alternative. An alternative is practicable if it is available to the applicant and is capable of being done after considering costs, existing technology, and logistics in light of overall project purposes.

Authorization means that specific activities that qualify for a general permit may proceed, provided that the terms and conditions of the general permit are met.

Coastal Zone Management Act consistency determination means a finding that an activity that affects land or water uses or natural resources in a state's coastal zone is in compliance or not in compliance with that state's Federally-approved Coastal Zone Management Act Program. (See 33 CFR 330.4(d)(1) and 33 CFR 325.2(b)(2).)

Compensatory mitigation means, for the purposes of the Corps regulatory program, the restoration, establishment, enhancement, or protection/maintenance of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization have been achieved.

Complete application means an application that contains sufficient information to issue a public notice. A complete application contains:

- A complete description of the proposed activity, including necessary drawings, sketches, or plans sufficient for public notice (detailed engineering plans and specifications are not required);
- The location, purpose, and need for the proposed activity;
- Scheduling of the activity;
- The names and addresses of adjoining property owners;
- The location and dimensions of adjacent structures; and

- A list of authorizations required by other federal, interstate, state, or local agencies for the work, including all approvals received or denials already made.
- Corps receipt date means the date the electronic application was received by the Corps district office that will process the permit application. If a paper copy of the permit application is submitted instead of an electronic application, the Corps receipt date is the date the permit application was received by the Corps district office that will process the permit application.

Date determined complete means the date on which the Corps determined that the application contained the information required by 33 CFR 325.1(d)(9) for standard permits, General Condition 13 for nationwide permits, or the conditions of regional or programmatic general permits.

Date received complete means the date of receipt for all information required by 33 CFR 325.1(d)(9) for standard permits, General Condition 13 for nationwide permits, or the conditions of regional or programmatic general permits. For standard permits, this is the date that starts the 15 day clock for public notices. For nationwide permits, this is the date that starts the 45 day pre-construction notification review period.

Date submitted via web means the date the electronic application was received by the Online Permit Application Center.

Denied with prejudice means that the request for a Corps permit is denied because the proposed work is contrary to the public interest and/or does not comply with the Section 404(b)(1) guidelines.

Denied without prejudice means that the permit applicant can reinstate processing of the permit application if subsequent approval is received from the appropriate Federal, state, or local agency that previously denied authorization.

Discharge of dredged material means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States. (See 33 CFR 323.2(d) for the complete definition of this term.)

Discharge of fill material means the addition of fill material into waters of the United States. (See 33 CFR 323.2(f) for the complete definition of this term.)

Dredged material is material that is excavated or dredged from waters of the United States.

Fill material means material placed in waters of the United States where the material has the effect of: (1) Replacing any portion of a water of the United States with dry land; or (2) Changing the bottom elevation of any portion of a water of the United States. Examples of such fill material include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, overburden from mining or other excavation activities, and materials used to create any structure or infrastructure in the waters of the United States. The term fill material does not include trash or garbage. (See 33 CFR 323.2(e) for the complete definition of this term.)

General permit means a Department of the Army authorization that is issued on a nationwide or regional basis for a category or categories of activities that are substantially similar in nature and cause only minimal individual or cumulative environmental impacts. A general permit can be issued on a nationwide, regional, or programmatic basis.

High tide line is a line or mark left upon a tidal flat, a beach, or along the shore that indicates the intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined by tidal gages, physical markings or characteristics, vegetation lines, a more or less continuous deposit of fine shell or debris on the foreshore or berm, or other suitable means such as a line of oil or scum along the shore that delineate the general height reached by a rising tide. The term

includes spring high tides and other high tides that occur with periodic frequency, but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Incidental fallback is the redeposit of small volumes of dredged material that is incidental to excavation activity in waters of the United States when such material falls back to substantially the same place as the initial removal. Examples of incidental fallback include soil that is disturbed when dirt is shoveled and the back-spill that comes off a bucket when such small volume of soil or dirt falls into substantially the same place from which it was initially removed. (See 33 CFR 323.2(d)(2)(ii) for the complete definition of this term.)

Individual permit means a standard permit or a letter of permission.

Jurisdictional determination means a written Corps determination that a wetland and/or waterbody is subject to regulatory jurisdiction under Section 404 of the Clean Water Act or a written determination that a waterbody is subject to regulatory jurisdiction under Sections 9 or 10 of the Rivers and Harbors Act of 1899. (See 33 CFR 331.2 for the complete definition of this term.)

Letters of permission are a type of permit issued through an abbreviated processing procedure which includes coordination with Federal and state fish and wildlife agencies, as required by the Fish and Wildlife Coordination Act, and a public interest evaluation, but without the publishing of an individual public notice. A letter of permission cannot be used to authorize the transportation of dredged material for the purpose of dumping it in ocean waters.

Mitigation means avoiding, minimizing, rectifying, reducing, or compensating for resource losses.

Nationwide permits are a type of general permit issued by the Chief of Engineers to authorize, with little delay or paperwork, activities across the country that have minimal adverse environmental impacts.

Navigable waters of the United States are those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water line and/or those waters that are presently used, or have been used in the past or may be susceptible to use for interstate or foreign commerce. These are waters that are navigable in the traditional sense. Permits are required in these waters pursuant to Section 10 of the Rivers and Harbors Act. This term should not be confused with the term "waters of the United States", which is defined below.

Ordinary high water line, with respect to non-tidal waters, is the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed upon the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Pre-application meeting is a meeting between Corps staff and a potential permit applicant and/or agent regarding a proposed activity within the Corps regulatory jurisdiction. The meeting may also involve representatives of Federal and state resource agencies. The meeting may involve discussions of jurisdiction, practicable alternatives, environmental documents, National Environmental Policy Act procedures, and mitigation. Such meetings often benefit the applicant by providing useful information which could prevent delays during permit evaluation. For dredging permits, a pre-application meeting may facilitate the process by determining what, if any, sediment testing may be required.

Pre-construction notification means advance notification to be submitted to a district engineer, so that the district engineer can determine whether the proposed work qualifies for nationwide permit authorization (see General Condition 13 of the nationwide permits).

Programmatic general permits are a type of general permit founded on an existing state, local, or other Federal agency program and are designed to avoid duplication with that program.

Public hearings are held to acquire additional information in connection with a permit application. The Corps may conduct a hearing or participate in joint public hearings with other Federal or state agencies. In addition, any person may request a public hearing in writing during the comment period specified in the public notice. Specific reasons must be given as to the need for a hearing. Public hearings are held at times and places that are convenient for the interested public. A public hearing is occasionally needed to complete the decision process.

Public interest review refers to the evaluation of a proposed activity to determine whether issuance of the permit is in the public interest. Expected benefits are balanced against reasonably foreseeable detriments. All relevant public interest factors are weighed. The Corps policy is to provide each applicant with a timely and carefully weighed decision which reflects the public interest.

Public notice is the primary method of advising interested public agencies and private parties of a proposed activity. The public notice is used to solicit comments and information necessary to evaluate the probable impacts of the project on the public interest. Upon request, the Corps will add anyone's name to the distribution list to receive public notices.

Regional permit (or regional general permit) means a type of general permit issued by a division or district engineer after public notice and comment. If the public interest so requires, the division or district engineer may condition the regional permit to require a case-by-case reporting and acknowledgment system. However, no separate applications or other authorization documents will be required.

Standard permit means a permit that has been processed through the public interest review procedures, including public notice and receipt of comments.

Tidal waters are those waters that rise and fall in a predictable and measurable rhythm or cycle due to gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practicably measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

Water quality certification means that a state, Tribe, or the Environmental Protection Agency has issued or waived a Clean Water Act Section 401 water quality certification for an activity that involves discharges of dredged or fill material into waters of the United States. If water quality certification is denied, the Corps permit is denied without prejudice.

Waters of the United States is a broader term than "navigable waters of the United States," which is defined above. This term includes navigable waters and all their tributaries, adjacent wetlands and other waters or wetlands where degradation or destruction could affect interstate or foreign commerce. Permits are required for the discharge of dredged or fill material in these waters pursuant to Section 404 of the Clean Water Act.

Wetlands means those areas that are inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.



State 404 Program Frequently Asked Questions (FAQ) and Answers

[Home](#) » [Divisions](#) » [Division of Water Resource Management](#) » [Submerged Lands and Environmental Resources Coordination Program](#) » State 404 Program Frequently Asked Questions (FAQ) and Answers

Transfer of Pending Projects from the U.S. Army Corps of Engineers to DEP

What happened to the projects pending with the U.S. Army Corps of Engineers (USACE) when DEP was granted assumption in December 2020?

There were 591 pending projects transferred from USACE to DEP, many of which were requests for USACE Approved Jurisdictional Determinations (AJDs) under the new federal Navigable Waters Protection Rule. DEP is not performing stand-alone Waters of the United States (WOTUS) jurisdictional determinations under the State 404 Program. If the transferred project contained only a request for a stand-alone AJD, DEP sent the applicant an email notifying them that DEP would not be performing stand-alone WOTUS determination and providing the applicant three options for obtaining a jurisdictional determination (see next question for more information).

Of the 591 projects transferred, 380 pending projects were requesting something other than a stand-alone AJD (permits or “No Permit Required” determinations); these are currently being processed by DEP local district offices or DEP’s Mining and Mitigation program.

Is it true that projects transferred from USACE need to start the State 404 Program process from the beginning, no matter how far along the USACE review was in process?

Yes, it is true.

The “Memorandum of Agreement between the Florida Department of Environmental Protection and the United States Environmental Protection Agency” states:

Section I. B. (2) - “FDEP shall administer and enforce the State 404 Permit Program in accordance with those state laws and administrative rules that are components of the federally authorized State 404 Permit Program in the State of Florida (40 C.F.R. § 233.72), and in accordance with Section 404 State Program Regulations (40 C.F.R. Part 233), the CWA, Section 404(b)(1) Guidelines (40 C.F.R. Part 230, Section 404(b)(1) Guidelines for Specifications of Disposal Sites for Dredged or Fill Material) (hereinafter “404(b)(1) Guidelines”), and provisions contained in this Agreement and the Memorandum of Agreement between FDEP and the United States Army Corps of Engineers (Corps).”

DEP’s state laws and administrative rules related to the State 404 Program were approved by the U.S. Environmental Protection Agency (EPA) and must be used to review all State 404 Program permits. DEP’s State 404 Program rule, Chapter 62-331, F.A.C., was created to bring in the requirements of federal law that were not already addressed by the ERP program (Chapter 62-330, F.A.C.). Since federal and

Topics Each topic may have multiple questions, and some questions may be repeated under different topics.
<u>Transfer of Pending Projects from USACE to DEP</u>
<u>State 404 Program Processes</u>
<u>Public Notice and Notification of Receipt of Application</u>
<u>Delineation and Jurisdiction</u>
<u>Regulated and Non-regulated Activities</u>
<u>Mitigation Requirements</u>
<u>Modification of Existing USACE Permits within Assumed Waters</u>
<u>Long-term Planning for Projects that Require More than 5 Years to Complete</u>
<u>Listed Species</u>

state rules differ, no matter how far along the USACE review process was for an application (even if the USACE review was near final or was publicly noticed), DEP is still required to start from the beginning. For individual permits, the project will need to be publicly noticed under DEP review.

Fortunately, DEP will be able to use the material already submitted to USACE through its review to assist with the DEP review. The additional information or public comments already submitted to the USACE may assist DEP with a more efficient review.

State 404 Program Processes

General information for all State 404 Program reviews:

- Delineation of the boundary of wetlands and other surface waters will be done in accordance with Chapter 62-340, F.A.C.
- To provide certainty, streamlining, and efficiency, DEP will consider that any wetlands or other surface waters delineated in accordance with Chapter 62-340, F.A.C., that are regulated under Part IV of Chapter 373, F.S. could be considered WOTUS, and will treat them as if they are, unless the applicant specifically requests a WOTUS determination and provides information clearly demonstrating why they believe one or more waters are not WOTUS. The *“Information Required for a WOTUS Determination in State-assumed Waters”* form is provided to assist applicants in providing the necessary information.
- Applications should be submitted on the appropriate state form (See State 404 Handbook, section 4.3).
- When a project requires both a State 404 Program authorization and an Environmental Resource Permit (ERP) applicants are highly encouraged to waive the ERP issuance (agency action) timeframe to allow for completion of the State 404 Program review and to accommodate any required project modifications resulting from the 404 Program review. This does not change the usual 30-day completeness review or 60/90-day Request for Additional Information (RAI) timeframes – only the 60 day agency action timeframe after the ERP review has been declared complete. Applicants may do this by checking the waiver box on the application form or by sending an email to the permit processor.
- The default issuance provisions in Chapter 120, F.S., do not apply to the State 404 Program because permits under Section 404 of the Clean Water Act cannot be issued by default. Other elements of state law that do not apply to State 404 Program permits may be found in the State 404 Program Applicant’s Handbook, section 8.4.
- State 404 Program permits shall be issued for a duration of no more than five years, and each permit shall contain no more than five years’ worth of work.
- Projects that will take more than five years to complete are required to submit information in accordance with section 5.3.2 of the State 404 Program Applicant’s Handbook – *“Long-Term Conceptual Planning for Projects that will Take More Than One Phase to Complete.”*

Does an applicant need to have the State 404 Program review and ERP review done at the same time?

Yes, the applicant should have the State 404 Program review and ERP review done at the same time in most cases.

The ERP application forms in Chapter 62-330, F.A.C., were modified to include items required under the State 404 Program, so they act as a joint application.

The State 404 Program Applicant’s Handbook, section 1.2, states:

*Projects within state-assumed waters that are not otherwise exempt from permitting will require both a State 404 Program authorization and an ERP authorization. **Processing of both authorizations will begin concurrently upon receipt of an application for a project, except where the activities requiring a State 404 permit are proposed to occur in a later phase of a project that will take more than the maximum permit duration allowed under federal law to complete.** In such cases an applicant may apply for the State 404 permit at a later date. Activities that require both an ERP and a State 404 permit shall not commence before both permits are obtained.*

Generally, the only scenarios besides the phased project example above where the ERP and 404 may not be processed at the same time are:

- The project was transferred from the USACE upon assumption and already received an ERP permit.

- The project is processed as a post-enforcement permit.

I applied to the water management district for my ERP but received a notification that DEP was also processing a State 404 Program permit for my project. I didn't ask for a State 404 permit. Why did this happen?

After the effective date of assumption (Dec. 22, 2020), any ERP application received by the water management districts or DEP that includes impacts to wetlands or surface waters is considered a joint ERP/404 application and is checked to determine if the project is within assumed waters and might need a State 404 Program permit. Any project submitted to a water management district with impacts to assumed waters is forwarded to the local DEP district office for State 404 Program review. The local DEP office will then begin processing the State 404 Program permit, if applicable. See previous question for additional details.

I'm confident that my project will not impact WOTUS, but DEP sent an email saying that they are processing a State 404 Program project. What if I don't want State 404 Program review?

If you are confident that your project will not impact WOTUS, and you do not wish to pursue State 404 Program authorization, then you may make the decision and accept the risk of withdrawing the State 404 Program application. This can be done by sending an email to the processor who was assigned to your State 404 Program project review.

If you choose not to pursue a State 404 Program permit and later inspection reveals that WOTUS were impacted without a permit, you may be subject to enforcement under state and/or federal law.

What if I don't want DEP to process a State 404 Program authorization for my project?

If you are confident that your project will not impact WOTUS, you may clearly state in your application form or in a cover letter that you do not believe your project will impact WOTUS, and you do not want a State 404 Program review. If DEP then determines during the ERP review that the project will impact WOTUS, then DEP will contact you to continue to process the State 404 Program authorization.

If you choose not to pursue a State 404 Program permit and later inspection reveals that WOTUS were impacted without a permit, you may be subject to enforcement under state and/or federal law.

What is the process for State 404 Program exemption verifications (40 C.F.R. 232.3, Appendix B of State 404 Program Applicant's Handbook)?

A summary of the process is provided below:

1. 30-day initial completeness review
2. 60-day Request for Additional Information (if needed)
3. Subsequent 30-day completeness review
4. Final Agency Action (issuance or denial of verification)

How will DEP handle determinations that No Permit is Required (NPR)?

- DEP may process a "No Permit Required" verification upon request by an applicant. "No Permit Required" verifications are limited to those activities outlined in the request. If any part of a project requires a State 404 Program permit, DEP will need to process a permit, and will not be able to provide an NPR verification. To request a "No Permit Required" verification, the following information is required:
 - Basic project information, including the project footprint.
 - Information demonstrating that wetlands onsite, delineated in accordance with Chapter 62-340, F.A.C., are not WOTUS pursuant to 40 C.F.R. 120. The "*Information Required for a WOTUS Determination in State-assumed Waters*" form is provided to assist applicants in providing the necessary information.
- Large project sites and/or those requiring complex WOTUS determinations with multiple wetlands to evaluate typically take longer to complete than smaller or less complex project sites. NPR verifications do not have a set timeframe in rule, but DEP will strive to review as efficiently as possible.

How can I get a WOTUS jurisdictional determination within assumed waters if DEP is not performing stand-alone jurisdictional determinations?

To provide certainty, streamlining, and efficiency, DEP will consider that any wetlands or other surface waters delineated in accordance with Chapter 62-340, F.A.C., that are regulated under Part IV of Chapter 373, F.S., could be considered WOTUS, and will treat them as if they are, unless the applicant clearly demonstrates otherwise. WOTUS determinations may take extra processing time. We **highly**

encourage applicants to take advantage of the added efficiency of accepting WOTUS jurisdiction over all wetlands and other surface waters onsite.

If an applicant still wants to request a WOTUS jurisdictional determination, these three options are available:

1. Apply for a State 404 Program permit and specifically request that a WOTUS jurisdictional determination be completed during review of the permit application. Permit applications should contain all information required in the State 404 Program application forms and documentation demonstrating which waters the applicant believes are not WOTUS pursuant to 40 C.F.R. 120.
2. Apply for a formal determination under Chapter 62-340, F.A.C., and request that DEP perform a WOTUS jurisdictional determination with the formal determination. The petitioner should include documentation demonstrating which waters the applicant believes are not WOTUS pursuant to 40 C.F.R. 120, the [petition form](#), and payment of the regular fee for a formal determination.
3. If the project will not impact WOTUS, the applicant does not need to submit an application for a State 404 permit. However, if verification is required from DEP or if the project will impact non-WOTUS wetlands and the applicant is applying only for an Environmental Resource Permit (ERP), the applicant may apply for a State 404 “No Permit Required” verification, which should include information about the project footprint, the location of wetlands and other surface waters onsite delineated pursuant to Chapter 62-340, F.A.C., and documentation demonstrating which waters the applicant believes are not WOTUS pursuant to 40 C.F.R. 120, if applicable.

When applying for one of the three options above, the applicant should include a wetland delineation done in accordance with Chapter 62-340, F.A.C., and the completed form “[Information Required for a WOTUS Determination in State-assumed Waters](#).”

What is the process for State 404 Program general permits (Sections 62-331.210-248, F.A.C. or assumed USACE regional general permits (RGPs))?

A summary of the process is provided below:

1. 30-day initial completeness review
2. 60 days for applicant to amend notice if additional information required (sent via general permit does not qualify (DNQ) letter)
3. Subsequent 30-day completeness review
4. Final Agency Action (issuance or denial of verification)

Notes for general permits:

- State 404 Program general permits were modeled after the 2017 USACE nationwide permits (NWP) for consistency, with the exception of section 62-331.248, F.A.C., which was modeled after USACE RGP SAJ-92. A crosswalk between the NWPs and State 404 general permits in Chapter 62-331, F.A.C., is below.
- State 404 general permit notices are sent to the Florida Fish and Wildlife Conservation Commission (FWC), U.S. Fish and Wildlife Service (USFWS), and Tribal Historic Preservation Office(r)s for review. These coordinating entities may request that a project be elevated to an individual permit review if project may adversely affect state or federal listed species or historical, cultural, or tribal resources.
- Additional time to amend notice may be granted with good cause upon request from applicant.
- Seven USACE regional general permits were assumed for use within state-assumed waters; these include:
 - SAJ-13 – Aerial Transmission Lines in Florida
 - SAJ-14 – Sub-aqueous Utility and Transmission Lines in Florida
 - SAJ-86 – Residential, Commercial, Recreational, and Institutional Fill in the Choctawhatchee Bay, Lake Powell, and West Bay Basins, Bay and Walton County, Florida
 - SAJ-90 – Residential, Commercial, and Institutional Developments in Northeast Florida

- SAJ-103 – Residential Fill in Holley By the Sea, a Subdivision in Santa Rosa County
- SAJ-105 – Residential, Commercial, Recreational, and Institutional Fill in the West Bay Watershed of Bay County, Florida
- SAJ-114 – Residential, Commercial, Recreational, and Institutional Fill in the Choctawhatchee Bay and St. Andrews Bay Watersheds Located in Bay County and Walton County, Florida

Cross-walk Between USACE Nationwide Permits and Similar State 404 Program General Permits

USACE Nationwide Permit Number	State 404 Program Rule Number	State 404 Program Title of General Permit
NWP 3	62-331.210	General Permit for Maintenance or Removal
NWP 4	62-331.211	General Permit for Fish and Wildlife Harvesting, Enhancement, and Attraction Devices
NWP 5	62-331.212	General Permit for Scientific Measurement Devices
NWP 6	62-331.213	General Permit for Survey Activities
NWP 7	62-331.214	General Permit for Outfall and Intake Structures
NWP 12	62-331.215	General Permit for Utility Line Activities
NWP 13	62-331.216	General Permit for Bank Stabilization
NWP 14	62-331.217	General Permit for Linear Transportation Projects
NWP 16	62-331.218	General Permit for Return Water from Upland Contained Disposal Areas
NWP 17	62-331.219	General Permit for Hydropower Projects
NWP 18	62-331.220	General Permit for Minor Activities
NWP 20	62-331.221	General Permit for Response Operations for Oil or Hazardous Substances
NWP 22	62-331.222	General Permit for Removal of Vessels
NWP 23	62-331.223	General Permit for Approved Categorical Exclusions
NWP 25	62-331.224	General Permit for Structural Activities
NWP 27	62-331.225	General Permit for Aquatic Habitat Restoration, Enhancement, and Creation Activities
NWP 28	62-331.226	General Permit for Specific Reversion Activities
NWP 29	62-331.227	General Permit for Residential Developments
NWP 30	62-331.228	General Permit for Moist Soil Management for Wildlife

USACE Nationwide Permit Number	State 404 Program Rule Number	State 404 Program Title of General Permit
NWP 31	62-331.229	General Permit for Maintenance of Existing Flood Control Facilities
NWP 32	62-331.230	General Permit for Completed Federal Enforcement Actions
NWP 33	62-331.231	General Permit for Temporary Construction, Access, and Dewatering
NWP 36	62-331.233	General Permit for Boat Ramps
NWP 37	62-331.234	General Permit for Emergency Watershed Protection and Rehabilitation
NWP38	62-331.235	General Permit for Cleanup of Hazardous and Toxic Waste
NWP 39	62-331.236	General Permit for Commercial and Institutional Developments
NWP 40	62-331.237	General Permit for Agricultural Activities
NWP 41	62-331.238	General Permit for Reshaping Existing Drainage Ditches
NWP 42	62-331.239	General Permit for Recreational Facilities
NWP 43	62-331.240	General Permit for Stormwater Management Facilities
NWP 44	62-331.241	General Permit for Mining Activities
NWP 45	62-331.242	General Permit for Repair of Uplands Damaged by Discreet Events
NWP 46	62-331.243	General Permit for Activities in Ditches
NWP 48	62-331.244	General Permit for Commercial Shellfish Aquaculture Activities
NWP 51	62-331.245	General Permit for Land-Based Renewable Energy Generation Facilities
NWP 52	62-331.246	General Permit for Water-Based Renewable Energy Generation Pilot Projects
NWP 53	62-331.247	General Permit for Removal of Low-Head Dams
RGP 92	62-331.248	General Permit for Florida Department of Transportation and Florida's Turnpike Enterprise

What is the process for State 404 Program individual permits?

A summary of the process is provided below:

- 30-day initial completeness review
 - Notice of application is sent to the FWC, USFWS, State Historic Preservation Office, and Tribal Historic Preservation Office(r)s for initial review. These coordinating entities may provide comments, recommendations, or requests for additional information to

be added to DEP's Request for Additional Information (RAI).

- 90-day RAI, if needed
- Subsequent 30-day completeness review(s) and 90-day RAI period(s) as needed until project is found to be “administratively complete.”
 - An “administratively complete” project should be in its anticipated final form – meaning all RAI questions have been answered, commenting entities have provided initial comments, recommendations or preliminary determinations, necessary modifications for avoidance and minimization of impacts have been made, and mitigation has been reviewed (see section 62-331.060(1), F.A.C.).
- Public Notice – Public notice occurs within 10 days of a project being deemed “administratively complete” by DEP. Public notice is done in accordance with section 62-331.060, F.A.C. Most projects will have a 30-day public comment period, but some limited projects may have a 15-day public comment period. Anyone may request a public meeting during the public comment period; if held, the comment period is extended until the end of the public meeting or later if a later date is approved by the presiding officer.
- Review by EPA – EPA will review permit applications for certain categories of activities (see section 62-331.052(3), F.A.C.). These categories may be found in the State 404 Program Applicant's Handbook, section 5.2.5. EPA's initial 30-day review period starts on the same day as the public notice period, or the initial 30-day review may start on the date that DEP notifies EPA that it does not plan to take the recommendations of an affected state or tribe. EPA will forward copies of the application to USFWS, National Marine Fisheries Service, the USACE, and other entities as necessary. EPA will collect comments from these entities and provide them to DEP. EPA may comment on, provide notice of its intent to comment on, object to, make recommendations with respect to, or notify DEP that it is reserving its right to object to a permit application within the initial 30-day review. The following are possible outcomes of EPA's review:
 1. EPA does not comment on, provide notice of its intent to comment on, object to, make recommendations with respect to, or notify DEP that it is reserving its right to object to a permit application within the initial 30-day review:
 - DEP shall make a final permit decision within 60 days after either the close of the public comment period or the project is declared technically complete, whichever occurs later. A “technically complete” project is one where all items necessary for review have been received – including the close of the public comment period or any information needed to address something brought up during public comment.
 2. EPA provides notice of its intent to comment on, object to, make recommendations with respect to, or if EPA does not wish to comment but wishes to reserve the right to object based on any new information brought out by the public during the comment period or at a public meeting within the initial 30-day review:
 - EPA's review period is extended to 90 days after receipt of DEP's notice.
 - If EPA does not comment, object, or make recommendations within 90 days of EPA's receipt of DEP's notice, DEP may take final agency action (issue or deny the permit).
 - When DEP has received an EPA objection or requirement for a permit condition:
 - DEP shall not issue the permit unless the steps required by the EPA to eliminate the objection or condition the permit have been taken.

- If DEP chooses not to perform the required steps, the Agency may still issue an ERP permit under Chapter 62-330, F.A.C., but shall not issue a permit under this chapter. EPA may “federalize” the application – meaning that they may require that USACE process the application.
- Within 90 days after DEP receives an objection or a requirement for a permit condition from EPA, the following may happen:
 - DEP or any interested party may request that the EPA hold a public meeting on the objection or requirement. EPA shall conduct a public meeting if requested by the Agency, or if warranted by significant public interest based on requests received.
 - If EPA holds a public meeting, EPA shall reaffirm, modify, or withdraw the objection or requirement for a permit condition, and notify DEP of that decision. There is no set timeframe for EPA to notify DEP of their decision.
 - DEP shall have 30 days after EPA gives notice of its decision, to take one of the following actions:
 - If EPA has withdrawn the objection or requirement for a permit condition, and the application is technically complete, DEP may issue the permit; or
 - If EPA has not withdrawn the objection or requirement for a permit condition, DEP shall do one of the following:
 - Issue a permit that includes the required permit condition and/or otherwise satisfies EPA’s objection;
 - Notify EPA of its intent to deny the permit; or
 - Notify EPA and the applicant that DEP intends to take no action, in which case, the EPA shall “federalize” the project and USACE shall process the section 404 authorization.
 - If EPA does not hold a public meeting, DEP shall, within 90 days of receipt of the objection or requirement for a permit condition, either issue the permit revised to satisfy EPA’s objections or notify EPA of its intent to deny the permit.

Public Notice and Notification of Receipt of Application

How can I receive notification when a State 404 Program application is submitted in my area of interest?

Anyone may sign up to be notified when a State 404 Program application is received through DEP’s “Permit Application Subscription Service” (PASS). You may do this by following these steps:

1. Access DEP’s Business Portal at <https://www.fldepportal.com/DepPortal/go/home>. You will need to register when prompted if you do not already have an account.
2. Click on “Sign Up.”
3. Click on “Subscriptions.”
4. Click on “Submitted Permit Applications.”
5. Follow the prompts to subscribe and set account preferences/notifications.

How can I access State 404 Program public notices?

State 404 Program applications for an individual permit are put out on public notice after they are considered “administratively complete.” An administratively complete project is one that has undergone review and is in its anticipated final form, meaning all requests for additional information have been answered, commenting entities have provided initial comments, recommendations or preliminary determinations, necessary modifications for avoidance and minimization of impacts have been made, and mitigation has been reviewed (see section 62-331.060(1), F.A.C.). There may be several months between receipt of a permit application and public notice.

State 404 Program public notices are sent directly to adjacent property owners, interested parties, potentially affected states and tribes (tribes get notification that a project has gone out on public notice, as they are sovereign nations and not members of the public), and agencies that have jurisdiction over the project area.

Public notices are also posted on DEP’s website. Each DEP local district office or program area will place public notices within their district on their [respective websites](#).

How can I view State 404 Program files?

Anyone may look up State 404 Program files using the DEP Information Portal or OCULUS system. You can find more information about how to access and these sources on [DEP’s Public Records webpage](#).

Please note that while almost all file information is available for public review, some items are exempt from public access under the sunshine law and may not be available through the systems mentioned above. These may include:

- Location information for sensitive cultural or archaeological sites;
- Trade secrets; and
- Attorney-Client work product.

Delineation and Jurisdiction

Does the State 404 Program use the state delineation method under Chapter 62-340, F.A.C., or the federal delineation method outlined in the 1987 USACE manual?

Delineations for projects that require review under the State 404 Program are required to be performed using the state delineation method under Chapter 62-340, F.A.C.

Delineations using the federal method cannot be accepted and will need to be verified using Chapter 62-340, F.A.C. Consultants that wish to use and submit the [Chapter 62-340, F.A.C. Data Form](#) may do so; however, DEP review staff will still need to verify the delineation in the field. A Data Form guide and Instructions are available in [ERP Applicants Handbook Volume I, Appendices J and K](#).

Does DEP perform WOTUS jurisdictional determinations under the Navigable Waters Protection Rule (EPA version at 40 C.F.R. 120 or USACE version at 33 C.F.R. 328)?

DEP will not perform stand-alone WOTUS jurisdictional determinations under the State 404 Program.

To provide certainty, streamlining, and efficiency, DEP will consider that any wetlands or other surface waters delineated in accordance with Chapter 62-340, F.A.C., that are regulated under Part IV of Chapter 373, F.S., could be considered WOTUS, and will treat them as if they are, unless the applicant clearly demonstrates otherwise. WOTUS determinations may take extra processing time. We **highly encourage** applicants to take advantage of the added efficiency of accepting WOTUS jurisdiction over all wetlands and other surface waters onsite.

If an applicant still wants to request a WOTUS jurisdictional determination, these three options are available:

1. Apply for a State 404 Program permit and specifically request that a WOTUS jurisdictional determination be completed during review of the permit application. Permit applications should contain all information required in the State 404 Program application forms and documentation demonstrating which waters the applicant believes are not WOTUS pursuant to 40 C.F.R. 120.
2. Apply for a formal determination under Chapter 62-340, F.A.C., and request that DEP perform a WOTUS jurisdictional determination with the formal determination. The petitioner should include documentation demonstrating which waters the applicant believes are not WOTUS pursuant to 40 C.F.R. 120, the petition form, and payment of the regular fee for a formal determination.
3. If the project will not impact WOTUS, the applicant does not need to submit an application for a State 404 permit. However, if verification is required from DEP or if the project will impact non-WOTUS wetlands and the applicant is applying only for an Environmental Resource Permit (ERP), the applicant may apply for a State 404 “No Permit Required” verification, which should include information about the project footprint, the location of wetlands and other surface waters onsite delineated pursuant to

Chapter 62-340, F.A.C., and documentation demonstrating which waters the applicant believes are not WOTUS pursuant to 40 C.F.R. 120, if applicable.

When applying for one of the three options above, the applicant should include a wetland delineation done in accordance with Chapter 62-340, F.A.C., and the completed form “[Information Required for a WOTUS Determination in State-assumed Waters](#).”

I already have an existing, valid, USACE Approved Jurisdictional Determination (AJD). Can I still use it under the State 404 Program?

Existing, valid, USACE-issued AJDs will be accepted by DEP for only one purpose – to determine which waters are not WOTUS. AJDs done under the old WOTUS rule or the new Navigable Waters Protection rule that became effective on June 22, 2020 may be accepted as long as they have not expired.

Delineation of the boundary of wetlands and other surface waters will need to be done using the state’s delineation rule under Chapter 62-340, F.A.C.

I have an existing, valid, formal determination under Chapter 62-340, F.A.C., can I use it under the State 404 Program?

Yes, existing, valid formal determinations can be used for State 404 Program reviews.

I have both an existing, valid USACE AJD and an existing, valid, Chapter 62-340, F.A.C., formal determination. Can I use both under the State 404 Program?

Yes. The Chapter 62-340, F.A.C., formal determination may be used to show the boundary of wetlands and other surface waters, and the existing, valid, USACE AJD may be used to determine which, if any, of those waters are not WOTUS.

Regulated and Non-regulated Activities

Which activities are regulated under the State 404 Program?

The State 404 Program regulates “activities” as defined in the State 404 Program Applicant’s Handbook, section 2.0:

“Activity” for the purposes of the State 404 Program only, means “discharge of dredged material” and/or “discharge of fill material” as those terms are defined in 40 CFR § 232.2 (see Appendix B). The terms “dredge”, “fill”, “dredging”, and “filling”, when used within Chapter 62-331, F.A.C., or this Handbook shall be interchangeable with “activity” as defined herein.

Which activities are not regulated under the State 404 Program?

Activities that do not meet the definitions of “discharge of dredged material” and/or “discharge of fill material” as those terms are defined in 40 C.F.R. § 232.2 (see Appendix B of the State 404 Program Applicant’s Handbook) are not regulated under the State 404 Program. Some examples include:

- Incidental fallback;
- Docks and piers constructed with typical pile-supported construction methods; and
- Piling-supported bridge structures (however, any associated fill would be regulated).

Projects that do not require a permit under Section 404 of the Clean Water Act may still require a permit from the USACE under Section 10 of the Rivers and Harbors Act or other federal laws.

Mitigation Requirements

Is DEP requiring federal mitigation bank and in-lieu fee credits for impacts under the State 404 Program?

Yes. Mitigation banks and in-lieu fee programs under section 404 of the Clean Water Act are reviewed slightly differently than state mitigation banks under the Environmental Resource Permitting (ERP) program. To account for these differences and to provide consistency in review and sufficient mitigation for impacts, DEP will require purchase of federal credits when an applicant proposes to use a mitigation bank or in-lieu fee program to offset their impacts under the State 404 Program.

It should be noted that this is not a new requirement but is rather “business as usual” for the state. Prior to assumption, applicants were required to purchase both federal credits for any USACE-permitted impacts and state credits for impacts under the state’s ERP program. State credits will not be accepted to offset State 404 Program impacts.

Is DEP required to follow the federal mitigation hierarchy?

Yes; a requirement for states to assume is that a state program must be at least as stringent as the federal program, and that the state program must meet or exceed the requirements in the 404(b)1 guidelines found at 40 C.F.R. 230. The federal mitigation hierarchy is found in the 404(b)1 guidelines and was incorporated into the State 404 Program in section 62-331.130(1), F.A.C., and in the State 404 Program Applicant’s Handbook, section 8.5.1.

It is recognized that flexibility may be needed to address watershed needs and allow for the consideration of mitigation projects that are environmentally preferable based on a watershed approach, if such projects are consistent with the requirements of the State 404 Handbook, section 8.5.1. It may be appropriate to override the preferential hierarchy, for example, where an in-lieu fee program has

released credits available from a specific approved in-lieu fee project, or a permittee-responsible project will restore an outstanding resource based on rigorous scientific and technical analysis. If an applicant wishes to override the hierarchy, they should provide an explanation and justification for doing so when mitigation is proposed. DEP will review such information and determine whether the proposed mitigation is appropriate.

Modification of Existing USACE Permits within Assumed Waters

What if I want to modify my existing, valid, USACE permit, but the project is now within assumed waters? Who will process the modification?

The USACE has limited ability to process modifications within assumed waters. The “Memorandum of Agreement Between the Florida Department of Environmental Protection and the Department of the Army,” section IV. A. (2), states:

*(2) The Corps retains authority to make minor modifications to DA permits in State assumed waters. Minor modifications are generally ministerial in nature, and shall include the following: a) to correct errors or typographical mistakes; b) to incorporate changes requested by the Corps; c) to change due dates for reporting or performance deadlines; d) to transfer a permit upon a change in ownership or control; and e) to make minor technical changes. Minor modifications may include other minor changes; **however, in no case will a minor modification expand the volume or amount, enlarge the footprint, change the location, or extend the duration of the authorized discharge.** The Corps will refer modifications that it determines, in its sole discretion, to fall outside the scope of a minor modification to DEP for evaluation of a permit under the State 404 Program.*

If your modification does not qualify as a minor modification that the USACE may process, as defined above, then it will need to be processed by DEP as a **new permit** under the State 404 Program. Just to be clear, DEP will process a **new permit**, not a modification, for the project. Please submit a copy of the original USACE permit(s) with your completed State 404 Program application for a new permit, and the following additional information:

1. A description of work already completed under the original permit;
2. A description of work that has not yet been completed; and
3. A description of the requested project modifications.

I want to modify my long-term USACE permit that is now within assumed waters – does this mean my project will be limited to five years?

Yes; modifications to existing USACE permits within state-assumed waters require DEP to process and issue a **new permit** under the State 404 Program. State 404 permits are limited in duration under federal law. Current federal law limits the duration of state-issued section 404 permits to 5 years. Because of this, each permit can only contain 5 years’ worth of work.

If you need a modification to an existing Corps permit that has more than 5 years’ worth of work remaining, you will need to break the project into 5-year phases and follow the long-term conceptual planning process outlined in the State 404 Program Applicant’s Handbook, section 5.3.2. More information about the long-term planning is also available below.

Long-term Planning for Projects that Require More than Five Years to Complete

State 404 Program permits are limited in duration to five years. What if my project will take longer than five years to complete?

State 404 permits are limited in duration under federal law. Current federal law limits the duration of state-issued section 404 permits to five years. Because of this, each permit can only contain five years’ worth of work. Larger projects may need to be divided up and completed in five-year phases so as not to exceed the maximum per-permit duration. Such projects may include, but are not limited to, residential, governmental, or commercial developments, linear transportation, and mining activities. To provide some regulatory certainty to applicants of these larger projects, subsection 62-331.051(2), F.A.C., provides that all activities reasonably related to the project shall be included in the same permit application, which means that the applicant should provide sufficient information for the agency to review the entire scope of the project. This will enable the agency to assess whether the project as a whole meets the requirements of Chapter 62-331, F.A.C., and the State 404 Program Applicant’s Handbook.

The State 404 Program Applicant’s Handbook, section 5.3.2, contains a requirement for the applicant to create and submit a long-term planning document to assist DEP in conducting a holistic review of the project, and to help provide some certainty that future phases may be permittable. If you have a long-term project, please carefully review the applicant’s handbook, and contact your local DEP district office or program (mining, mitigation banking, everglades) office to schedule a pre-application meeting to discuss.

Listed Species

Will an applicant still need a USFWS Section 7 biological opinion? If so, how is it obtained?

Endangered species coordination between the USACE and the USFWS for Clean Water Act (404) permits is typically referred to as Section 7 consultation. Because section 7 of the Endangered Species Act (ESA) describes federal coordination, the terminology “Section 7 consultation” is not used between Florida and the USFWS when coordinating on State 404 permit reviews. However, the EPA did complete section 7 consultation with the USFWS in regard to its approval of Florida’s State 404 program. The USFWS programmatic biological opinion (State 404 BiOp) that covers the EPA’s approval of Florida’s assumption is the mechanism by which technical assistance between USFWS and DEP has been established. The State 404 BiOp’s establishment of a technical assistance process between DEP and USFWS ensures that no State 404 permit will be likely to jeopardize the continued existence of any listed species or results in the destruction or adverse modification of critical habitat. This technical assistance process results in a project-level analysis that allows DEP to request comments and receive input from the USFWS and to incorporate protection measures into permits.

Are applicants responsible for providing DEP information regarding federal and state-listed species that may be affected by the proposed activities submitted to the State 404 program?

Yes, as much information as possible must be submitted with the State 404 permit application. This information includes:

- A complete description of existing and proposed activities, including drawings, plans, locations, purpose, and intended use property.
 - This description should also include a discussion of whether a proposed activity will affect or adversely impact listed species on adjacent properties, which would not occur except as a result of the proposed activity.
- The names of any federal or state-listed listed species or federally designated critical habitat that might be affected by, or is in the vicinity of, the proposed activity should be included in the submittal.
 - How these listed species or habitats might be affected should be discussed, as well any actions proposed to be taken by the applicant to avoid and minimize the adverse effects.
 - The discussion should include all direct, indirect, secondary and cumulative adverse effects and impacts. In summary, all information needed in order for the state to assess and address potential adverse impacts to listed species should be submitted by the applicant as part of the permit application.

Many of these requirements are outlined in section 62-331.060(1), F.A.C., the application form, the State 404 Program Applicant’s Handbook and the Applicant’s Handbook Volume I. For federally listed species, the USFWS has an online project planning tool called Information for Planning and Consultation (IPaC) at <https://ecos.fws.gov/ipac/>. This tool is capable of identifying federal resources based on user-drawn project locations, providing resource lists. For some species, the tool may provide information such as conservation measures. In some instances, species surveys may be needed. Applicants are encouraged to engage in pre-application reviews with DEP, who can coordinate the submitted pre-application information with the state and federal wildlife agencies.

How are federal and state-listed species reviews performed during the State 404 permit application review process?

Upon receipt of a submitted State 404 permit application, DEP forwards the information to FWC and the USFWS requesting their review and comment. FWC provides state-listed species and habitat reviews for the State 404 Program, as well as for Florida’s Environmental Resource Program. For the State 404 Program, FWC and the USFWS collaborate on their reviews for listed species (fish and wildlife) regarding additional information or questions, as well as potential avoidance and minimization measures that may be needed. For State 404 individual permit applications, FWC acts as the listed species coordinator for DEP. FWC and USFWS coordinate directly with each other, and FWC consolidates the state and federal reviews into one correspondence for DEP. This ensures a comprehensive, coordinated review of potential effects and impacts to federal listed and state-listed species and their habitats.

Will an applicant be required to obtain an incidental take permit (ITP) and a habitat conservation plan (HCP) through Section 10 review?

The USFWS State 404 BiOp includes a programmatic incidental take statement (ITS) that exempts any incidental take that results from the issuance of a State 404 permit from being considered as prohibited take under section 9 of the ESA. The exemption from section 9 prohibitions provide by the ITS covers the permittee as long as the permittee abides by the State 404 permit conditions. Therefore, no HCP and ITP through Section 10 is required to obtain a State 404 permit even if the action permitted by the 404 permit results in incidental take. However, an applicant may voluntarily contact the USFWS to see if potential impacts to federally listed species can be resolved before applying for a State 404 permit. This strategy may be helpful for projects with complex issues (such as multi-phase or long-term projects, those with large amounts of habitat or listed species, critical habitats and sensitive habitats, etc.) that may require a

significant amount of coordination with USFWS in order to evaluate and resolve any impacts to federally listed species. If these issues can be resolved prior to application for the State 404 permit, State 404 rules provide that no additional protection measures are required for federally-listed species if the applicant already has a previously issued biological opinion, HCP/ITP, or similar effects resolution document from the USFWS.

Last Modified: May 11, 2021 - 8:14am

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Review of 2005 Plan Objectives

ITEM TYPE: New Business

REQUESTED ACTION:

SYNOPSIS: *The Board will discuss the objectives from the 2005 CRA Plan.*

FISCAL IMPACT:

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S):

Dale Martin, City Manager 3/30/2022



Date: March 04, 2022

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION:

CRA Plan Summary

Jack Knocke 3.2.22/4.6.22 CRAAB Meeting

This is a “timeless” plan that reflects amazing insights, thoughtful suggestions, and a plan that seems just as relevant today as it was when written 15 years ago. Thanks to the authors and for the commissioners, participants and residents who spend the time to pull this together!

This plan is conformity with the city Comprehensive Plan.

Context

- Includes: 54 Parcels, working waterfront businesses, City Marina
- Plan is consistent with the community’s vision for redevelopment
- 19th & 20th century was a boom in the shipping industry in Fernandina Beach
- 1800s Fernandina Beach port was the busiest port in the western hemisphere

Conditions – Blight, deteriorating structures, street layout, parking, commercial vacancy, inadequate and outdated building density patterns, government owned property with adverse environmental conditions caused by a public or private entity (p 5)

Land use issues: the Industrial designation allows industrial uses that may not necessarily be associated with the port. Such uses may not necessarily be the highest and best use for a redeveloping waterfront area. It is recommended that a new “transitional” land use category be established. (p 12)

Zoning – recommended that new zoning categories be established for the lands west of Front Street for the transitional lands to allow for greater mix of uses. (p 13)

Recommended that buffers along the shoreline be waived

Public infrastructure review – water, sewer, utilities, stormwater. Recommend: Update to status for CRAAB

Marina Siltation problems: Was the rebuild marina rebuilt to mitigate siltation problems? Has this been effective? What is the long term plan?

Community input was critical to the development of the 2005 CRA Plan. Community involvement will be critical to the success of the execution of this plan at this time also. Recommend: Community input at CRAAB meetings, Engagement with waterfront property owners, poll of city residents via POLCO tools.

Plan summary

- Preserve views and access
- Sense of place
- Character: working waterfront, historic district

Purpose:

- Address public and private lands
- On private lands, focus on expanding opportunities for new development by allowing a broader mix of uses in waterfront ... ensure infrastructure is adequate...initiate growth of TIF revenues

- Dialog with property owners
- Ensure views of Amelia River

Public Lands

- Catalyst for change
- Functional and aesthetic improvements
- Spark private redevelopment
- Leadership in redevelopment
- Create new activity and interest in waterfront area (p21)
- Improve recreational amenities
- Public gathering space
- Attract more residents and visitors to the waterfront

Top 10 Immediate

- 1.1 City Marina Facilities- alleviate siltation issues and deteriorating site conditions
- 2.1 Amend comprehensive plan for private property owners (new land use district)
- 2.2 Amend Zoning code working with private property owners.
- 2.3 Prepare development standards-prioritize commercial uses
- 3.1 Analysis of water & sewer system
- 3.2 Check existing gravity sewer lines
- 3.4 CRA Infrastructure Technical Review Committee
- 4.1 Assess front street corridor
- 4.1a Eliminate one track of railroads
- 4.1b allow sidewalk easement
- 4.1b allow buildings to “front” on front street

Strategies (p 22)

1-Marina

Immediate-Midterm (2-15 yrs)

- 1.1 City Marina Facilities- alleviate siltation issues and deteriorating site conditions

Short term (5 yrs)

- 1.2 Public Private partnership to redesign marina
- 1.2a Coordinate with property owners to extend northward
- 1.2b Partner with developers to assist with bulkhead improvements

2-Mix of uses – Accommodate broader mix of uses

Immediate (2 yrs)

- **2.1 Amend comprehensive plan for private property owners(new land use district)**
- **2.2 Amend Zoning code working with private property owners.**
- **2.3 Prepare development standards-prioritize commercial uses**

As needed

- **2.4Agreements to prioritize commercial uses**

3. Utilities

Immediate to mid-term (2-15 yrs)

- **3.1 Analysis of water & sewer system**
- **3.2 Check existing gravity sewer lines**
- **3.4 CRA Infrastructure Technical Review Committee**

Short Term (5 yrs)

- **3.3Analyze master lift station**

As needed - ongoing

- **3.5 Upgrade/retrofit as needed**
- **3.6 Coordinate street improvements with sidewalks-avoid piecemeal**

4. Pedestrian & Vehicular Circulation

Immediate

- **4.1 Assess front street corridor**
- **4.1a Eliminate one track of railroads**
- **4.1b allow sidewalk easement**
- **4.1b allow buildings to “front” on front street**

Short to Long term (5-15 yrs)

- **4.2 Design solution for front street as development comes online**

Mid to Long Term

- **4.4 Connect Alachua for vehicles & pedestrians**
- **4.5 Broom Street pedestrian crossing**
- **4.6 Sidewalks in right of way**
- **4.7 Street lighting**
- **4.3 Center Street design elements**
- **4.6 Wayfinding signage**
- **4.7 restrict street sweeping and trash pickup to off hours**

5. Public Access to the water

Short to long term

- **5.1 Enhanced Park that encourages pedestrian interaction with waterfront area (seating, picnic facilities, walkways, fishing piers, restrooms, public gathering place, performance stage, educational facilities**
- **5.2 “community icon” at foot of center street**
- **5.3 Riverwalk system throughout**

- 5.4 Riverwalk extension to private properties
- 5.5 incentive to provide water views, pedestrian connection, **support bulkhead on private lands**

6 Protect view corridors to the River

- Maintain view corridors particularly at foot of east/west streets

Design Standards

- 6.1 consider provision of view corridors in design standards
- 6.2 **work with private landowners to incorporate water viewing with redevelopment**

7 Parking – with park design

Reconfigure existing parking and relocation to lands east of railroad tracks

With park-mid-long, design standards

- 7.1 Allow for enhanced park facilities between parking lot & river
- 7.2 Evaluate alternative locations for parking east of front street
- 7.3 Incorporate screening and landscaping standards for new off-street parking

8 Maintain working waterfront

Encourage the continuation of water related commercial enterprise in the area

Ongoing – Long-term

- 8.1 Maintain GIS database of available properties for new businesses
- 8.2 Consider public private partnerships to assist marine related businesses to locate in the area
- 8.3 Work with state reps to designate waterfront at aquaculture “greenbelt” for shrimp industry

9 Protect & Celebrate city history

With park, ongoing, long term

- 9.1 Historic and environmental education
- 9.2 Use indigenous species for landscape material
- 9.3 Historic overlay district to include entire CRA
- 9.4 Marine education facility
- 9.5 Promote adaptive reuse of existing structures

10 Clean-up efforts

Ongoing

- 10.1 Code enforcement and board encouraging cleanup
- 10.2 Promote Clean-up and amnesty days

11 Marketing & Programming – increase general use

ongoing

- 11.1 Coordinate or sponsor community groups to meet regularly
- 11.2 Coordinate with TDC to promote awareness
- 11.3 CRA newsletter
- 11.4 City Brochure on CRA

2005 Plan Objectives



Objectives & Strategies

The timeframes are established as a planning guide. Projects may be reprioritized as funding, partnerships or other opportunities become available. Timeframes are identified as follows:

- **Immediate** = initiate within the first 2 years of establishing the CRA
- **Short-term** = within the first 5 years of CRA establishment
- **Mid-term** = 5 to 15 years of CRA establishment
- **Long-term** = beyond the first 15 years of CRA establishment
- **On-going** = throughout the CRA's existence

❧ Initiatives have been divided into two sections – the first addresses the waterfront and transitional areas including the City's waterfront property; the second section addresses the residential neighborhoods within the CRA.

Objective 1: City Marina Facilities

The City's marina facility was identified by many members of the community as both one of the City's most significant assets and one of its primary problems. Located at the foot of Center Street, redevelopment of the marina facility to alleviate siltation problems and associated deteriorating site conditions could offer a key opportunity for addressing blighted conditions and act as a catalyst for change in the Redevelopment Area.

Objective 1: City Marina Facilities

Strategy 1.1: Timeframe – Immediate to Mid-Term

The City shall work toward the redesign of the City's marina facility to alleviate siltation problems to allow the marina to operate at an optimal level.

The City should immediately consider proceeding with "Phase 3" of the marina's construction plans before the permit expiration in 2005. "Phase 3" includes revenue generating improvements in the northern portion of the facility.

In the short to mid-term, the City should proceed with the remaining phases of the permitted plans for the marina. The City may need to review the Plans to ensure the design remains suitable for its needs.

Objective 1: City Marina Facilities

Strategy 1.2: Timeframe – Short Term

The City shall consider public/private partnerships in the redesign of marina facilities to assist in funding initial improvements and continued maintenance of the marina facility.

- a) The City should coordinate with property owners to the north to obtain an easement over water rights that would allow for the northern extension of the marina facility. As an incentive for providing the easement, the City may offer incentives such as allowing a variance on parking requirements; allowing for a broader mix of uses than those currently permitted; or, providing additional support during permitting through the City and other agencies.
- b) The City should partner with the developer(s) of these parcels to assist in capital improvement and on-going maintenance costs if any additional bulkhead improvements are desired to compliment development of private facilities.

Objective 2: Promote a Mix of Uses

The existing Future Land Use and Zoning designations along the waterfront and adjacent areas limit the type of allowable uses to industrial uses. Such limitations may be a primary impediment to redevelopment in the CRA. Keeping in mind that maintaining the “working waterfront” is a primary objective of the community and this redevelopment effort, the City should take a proactive position in accommodating a broader mix of uses with design controls. However, any change in allowable land uses shall be consistent with the Coastal Management Element of the Comprehensive Plan, particularly the Coastal High Hazard Area requirements.

Objective 2: Promote a Mix of Uses

Strategy 2.1: Timeframe – Immediate

The CRA shall work with private property owners to prepare an amendment(s) to the Comprehensive Plan to establish a new land use district(s) for the waterfront and transitional areas.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Flow Study

ITEM TYPE: New Business

REQUESTED ACTION:

SYNOPSIS: Discussion on flow study for marina.

FISCAL IMPACT:

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S):

Dale Martin, City Manager 4/27/2022



Date: April 25, 2022

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION:

A STUDY OF SILTATION AT
FERNANDINA BEACH MARINA

by

A. J. Mehta
B. A. Christensen

Submitted to City of Fernandina Beach

August, 1979

TABLE OF CONTENTS

	<u>Page</u>
INTRODUCTION	1
STUDY AREA	7
HYDROGRAPHIC DATA	10
PHYSICAL PARAMETERS	10
HYDRAULIC AND FLUVIAL CONSIDERATIONS	21
Bed Shear Stress Regime	21
Percent of River Sediment Retained by Basin	23
Rate of Siltation	25
Piping (Quicksand) and Settlement	25
DESIGN CONSIDERATIONS ON EXISTING MARINA	26
Basin	26
Bulkhead	28
Pier A	28
Pier B	32
Welcome Station	32
Entrance	32
CONSIDERATIONS ON EXTENDING MARINA	33
Dredging	33
Bulkhead	33
T-Pier and Pier A	33
Pierc C and D	33
Entrance	35
MAINTENANCE AGAINST SILTATION	35
CONCLUSIONS AND RECOMMENDATIONS	37

INTRODUCTION

Fernandina Beach Marina¹ is owned and operated by the City of Fernandina Beach. This marina (Fig. 1) was constructed in the mid-sixties and has been heavily utilized by the recreational boat traffic in Florida. Because of its unique location as the first Florida marina south of Georgia along the Intra-coastal Waterway, the marina has served as an important stopover for the boat traffic. Recognizing this need, the city has constructed a welcoming station (Florida Marine Welcome Station) adjacent to the marina basin (Fig. 2). In order to accomodate more boats, the city has also been considering expanding the marina in the property immediately south of the existing basin. Fig. 3 is a plan view of the marina indicating the existing basin, the area of proposed expansion, the entrance, the welcoming station, the bulkhead (also Fig. 4) and land fill (also Fig. 5). The basin is approximately 300 ft. long and 170 ft. wide. The old T pier (Fig. 6) is unsafe for usage and has been condemned. Pier A (Fig. 7) forms a partial barrier to flow between the existing basin and the extension as a result of vertical timber planks and asbestos cement sheeting on the outside (not visible in Fig. 7). Pier B (Fig. 8) likewise obstructs the flow partially due to timber planks which extend down from the top to 1 - 1.5 ft. below mlw. The concrete foundation of the welcoming station is supported by timber pilings so that exchange of waters between the basin and the river is less hindered under the welcoming station. At a number of places, portions of the timber planks that are under water at high tide have deteriorated.

In the past 15 years the marina has experienced several engineering problems, of which some of the more important are as follows:

1. Siltation of the basin
2. Settlement of the landfill behind the main bulkhead (see Fig. 5)
3. Settlement and cracking of the bulkhead in some spots (see Fig. 9)
4. Degradation of the timber planks lining the docks and the ramp

Located at Atlantic Avenue and Ash Street, Fernandina Beach, FL 32034

Fig. 1 View of Marina



Fig. 2 Florida Marine Welcome Station

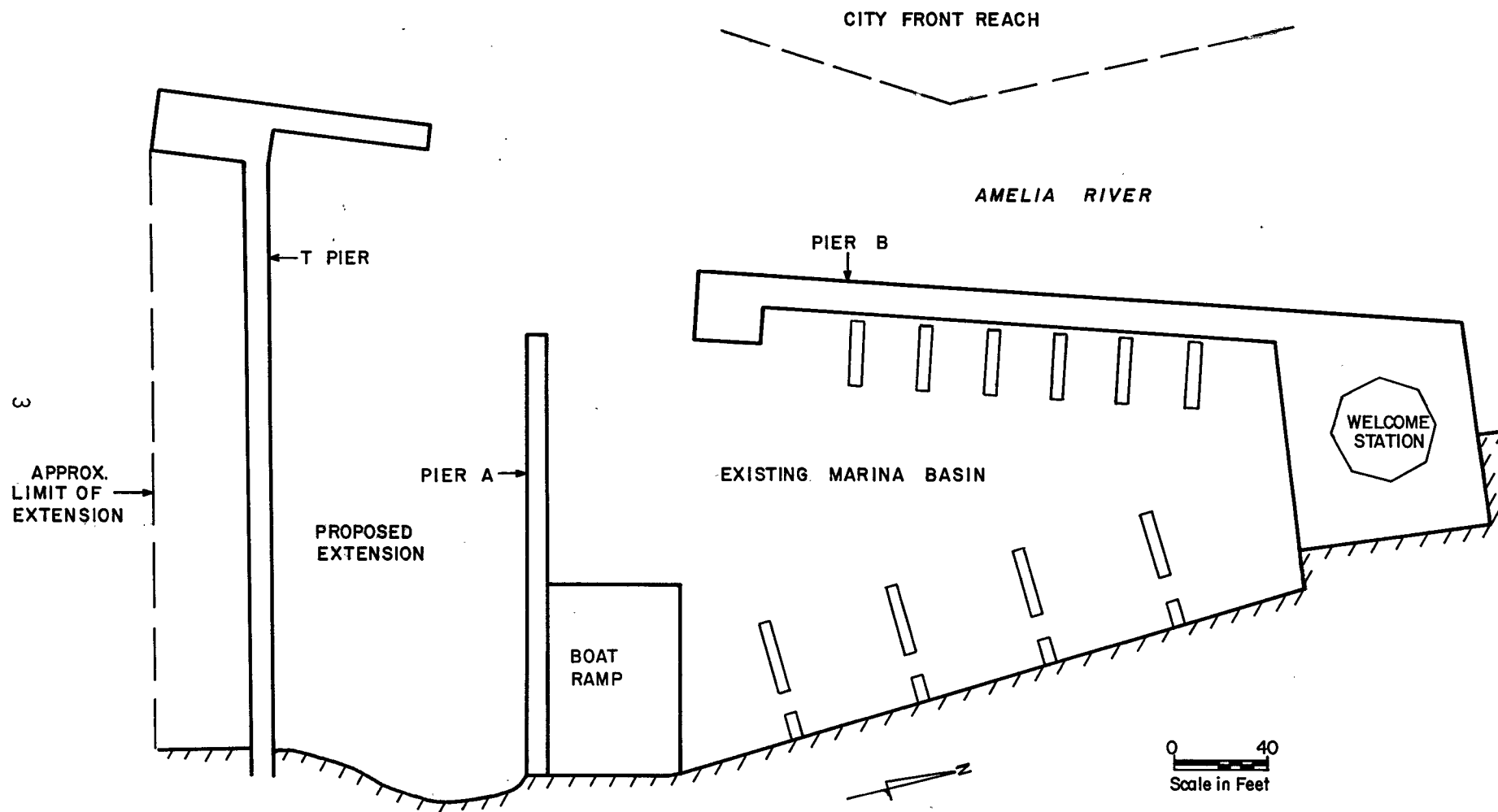


Fig. 3 Plan view of Marina



Fig. 4 Capped Bulkhead with King Piles (arrow) and Tee Sheeting

Fig. 5 Landfill behind the Bulkhead. Notice the recent filling in foreground where settlement and piping have occurred (arrow).



Fig. 6 Old T Pier



Fig. 7 Pier A next to the Barge



Fig. 8 Pier B in the Background



Fig. 9 Settlement and Cracking has occurred in the Portion of the Bulkhead visible in the Center of the Photograph (arrow)

The first problem has been the most important one to the city inasmuch as siltation of the basin has reduced depths in the basin to the point that at low tide, portions of the basin bottom are exposed. Since the basin was originally dredged to a depth of 4.4 ft. below mhw, this represents a substantial shoaling in the past 15 years. In an attempt to alleviate this problem, the city has, for the past 10 years, instituted a dredging effort. Each year a tug is made to stir up the bottom with the help of its propeller. The suspended material then disperses from the region around the tug and is transported elsewhere. This effort has cost the city on the order of 4,000 - 6,000 dollars per year, since the tug has to be operated for as long as 60 - 80 hours. With increasing fuel prices, the dredging cost has been increasing each year. The problem of piping resulting in the settlement of the landfill has been handled by periodically nourishing the landfill with additional sand, to maintain the level up to the elevation of the bulkhead.

These problems, particularly the siltation problem, will be addressed in this study with respect to

1. determination of the causes of the problem
2. suggestions concerning solutions which may help engineers involved in the repair or design modification of the marina in their work
3. Suggestions concerning the proposed marina expansion

The proposed suggestions should be considered merely as guides to engineers and should be followed up by architectural and structural design considerations, if the suggested solutions are to be implemented.

STUDY AREA

As Fig. 10 shows the marina is located approximately 2.4 nautical miles south of Fort Clinch on Amelia River, at the waterfront of the city of Fernandina Beach. Currents in the river are primarily tidal, and are driven by the rise and fall of the water level in the Atlantic Ocean through St. Mary's Entrance. Currents on the order of 1 - 3 fps have been reported in the river under a tidal range varying

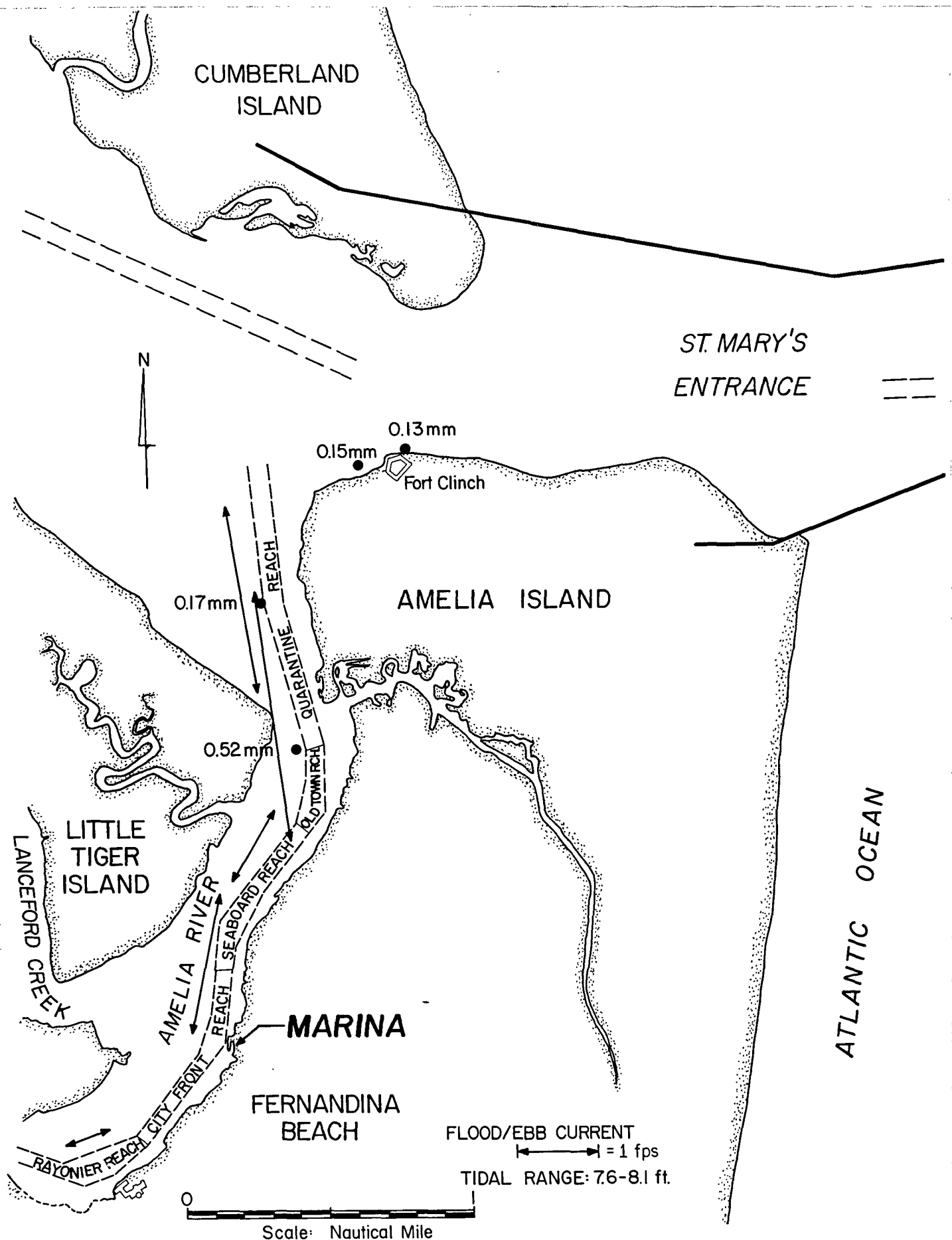


Fig. 10a Fernandina Marina is Influenced by the Tidal Movement through St. Mary's Entrance



Fig. 10b Aerial View of Marina (arrow)

from 7.6 to 8.1 ft. This is close to the highest tidal range that occurs in Florida and if properly utilized it can be useful for the flushing of marina waters. The Intracoastal Waterway runs adjacent to the marina with depths on the order of 25 ft. (mlw) in the City Front Reach of the waterway.

Sediment movement in the river adjacent to the marina is influenced by the relatively complex tidal circulation governed by the waterway and Lanceford Creek. Near Fort Clinch the sediment is primarily composed of fine to medium sand whereas in Amelia River the material is a mixture of sand, clayey silt, organic matter and shells, with a greyish color. Near the marina, more than 50% of the sediment consists of clayey silt, the remaining 50% being fine to medium quartz sand and marine organic matter.

HYDROGRAPHIC DATA

Hydrographic data utilized for computations in this study are derived from measurements including a bathymetric survey, bottom surficial sediment samples, core samples of approximately 1 - 2 ft. depth, water surface elevations (both inside and outside the marina) and current measurements.

These data have been supplemented by the following:

1. Aerial photographs (from the Corps of Engineers and the City of Fernandina Beach)
2. Channel survey (from the Corps of Engineers)
3. Marina design plans (from the City of Fernandina Beach)
4. Previous studies at St. Mary's Entrance and Amelia River.
5. Some previously obtained laboratory test results on the sediment movement

PHYSICAL PARAMETERS

Tidal water surface measurement in the river taken during April 25-26, 1979, immediately outside the marina (Fig. 11) indicates a range of 8.1 ft. This measurement was checked against the tide inside the marina as measured by an

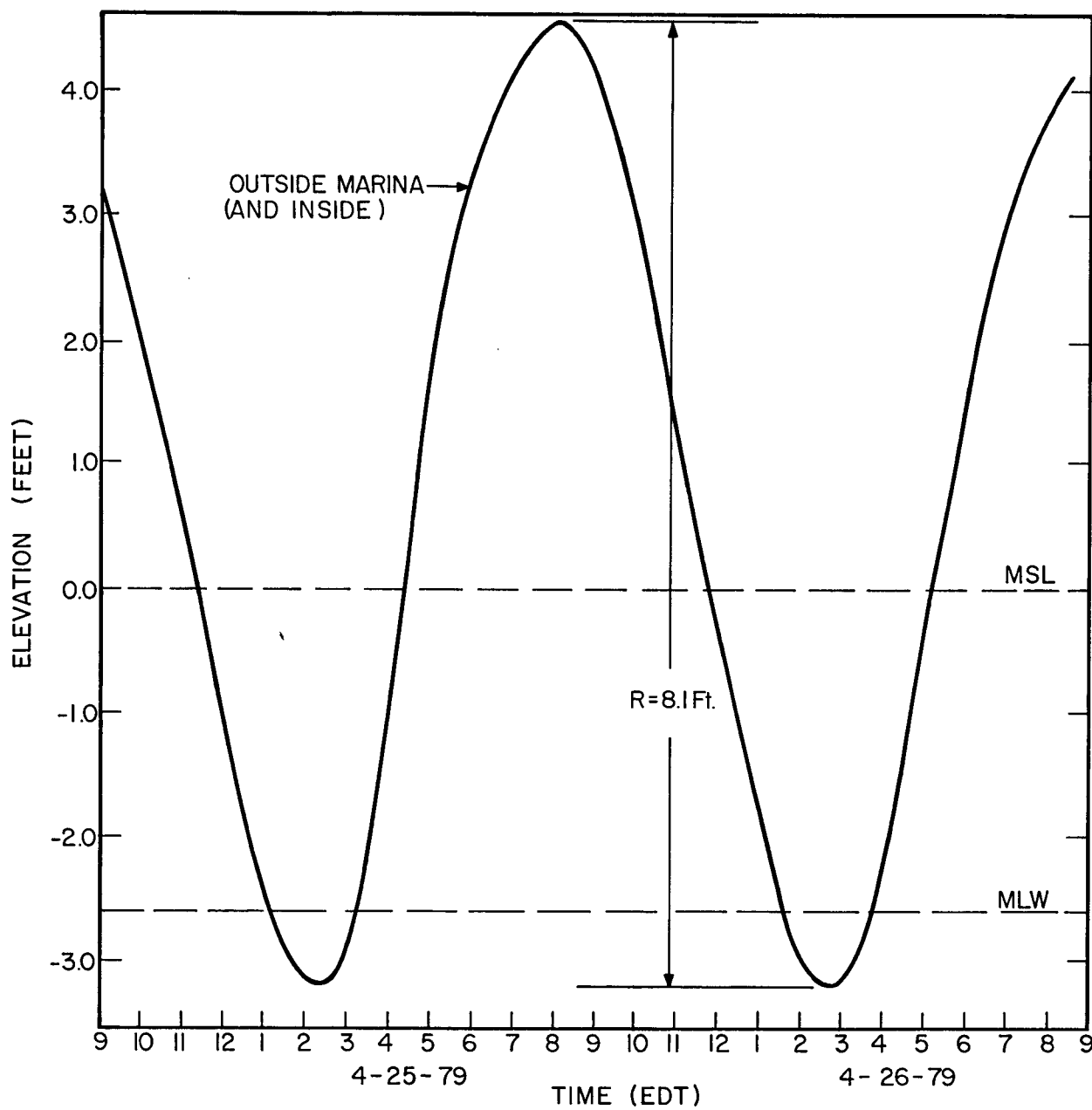


Fig. 11 Water Surface Record (Spring Tide)

existing staff. Since the marina is open to the river, and since the two locations were in proximity to each other, the two recordings can not be expected to show any measureable instantaneous difference in elevations. It is observed from Fig. 11 that actual low water was 0.6 ft. below mean low water, which in turn is 2.6 ft. below the msl in this region. Tides in the region are affected by the prevailing winds, particularly due to northeasters in fall and winter.

Fig. 12 shows the coarse grain size distribution of the sedimentary material from the top of the landfill behind the bulkhead (two examples), and from the marina basin (two samples). Whereas the landfill material consisted of sand alone, the basin material was found to consist of 69% silt and clay. Grain analysis of the samples is given in Table 1.

TABLE 1
COARSE GRAIN ANALYSIS

Location	Median diameter d_{50} (mm)	Sorting coefficient S_0
Landfill	0.18 - 0.20	1.16 - 1.17
Marina Basin	0.15 - 0.16	1.55 - 1.57

The data in Table 1 indicate that whereas the two sands are medium to fine, the material from the top of the landfill is much better sorted indicating that it is of different origin from the material in the marina.

The particle size distribution for the clayey silt portion of the marina sediment is shown in Fig. 13. The two samples, one from the basin and one just outside the basin in the river are observed to be closely similar indicating that the source of the fine sediment in the marina is the river. The median particle size is in the range of 0.0094 to 0.011 mm which is in the medium silt range. Approximately 30% of the sediment consists of particles in the clay range.

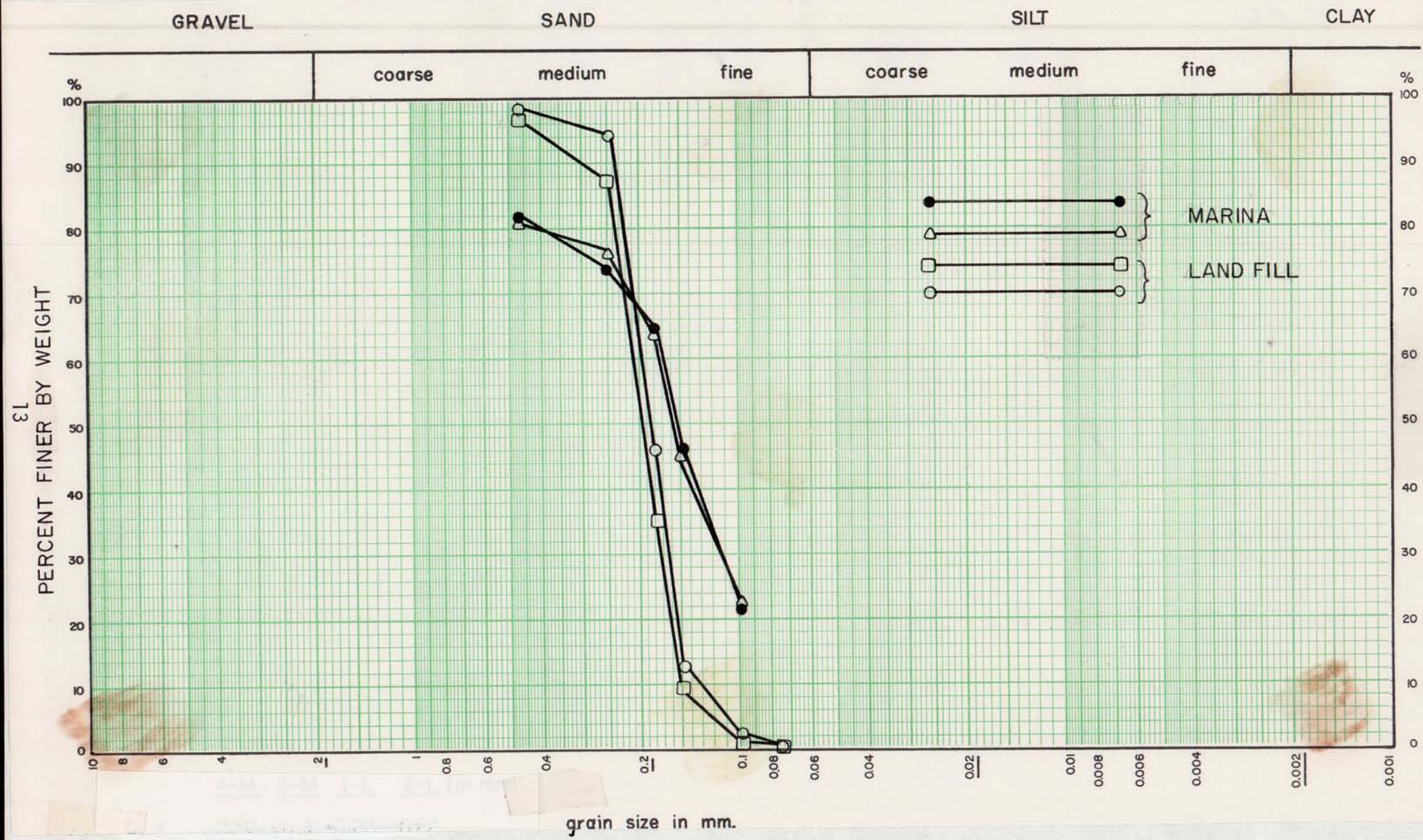


Fig. 12 Coarse Grain Size Distribution

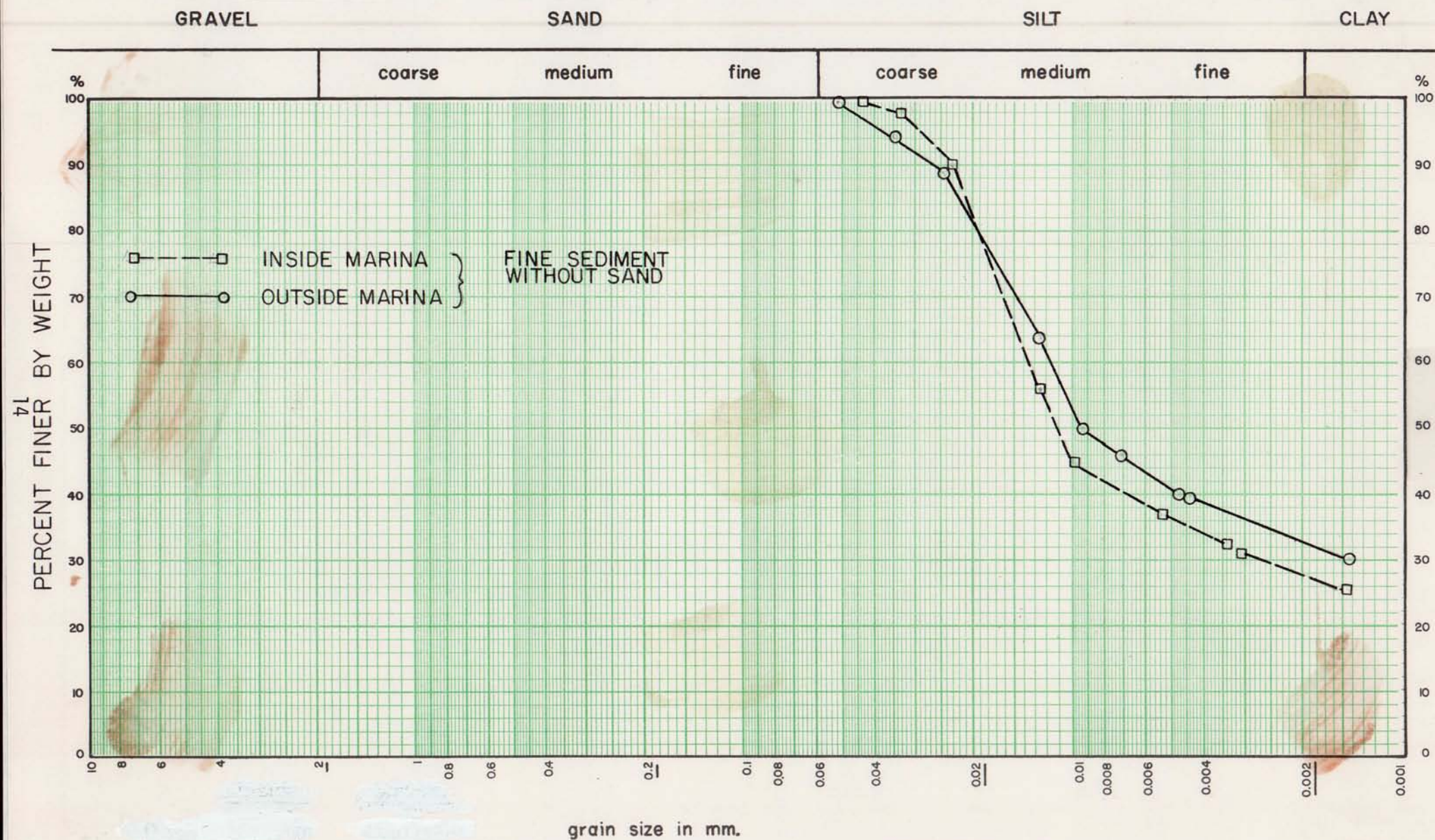


Fig. 13 Size Distribution of Clayey-Silt Portion of River/Basin Sediment

Fig. 14 shows the weight distribution of the fine portion of the sediment (less than 0.06 mm) relative to the sandy portion. As noted in the figure the river contains between 70 and 85% fine sediment. This material has intruded into the basin through the marina entrance. There is also a fine sediment intrusion into the extension. Typically, as the current velocity decreases, sand deposits first followed by fine sediment which, because it can remain in suspension at lower levels of turbulence, intrudes further into the region of low velocity. This is indeed observed to be the case in the extension region where the fine material is observed to have been trapped between the shoreline and the boat ramp. In the basin, however, there clearly appears to be a source of coarse grain material intruding the basin from underneath the bulkhead, which has caused the sediment in the immediate vicinity of the bulkhead to be coarser than may be expected. This infact is due to the piping in the fill, or the movement of the sand below the bulkhead, from the fill to the basin. The distribution of the sediment near the northwest corner of the marina is, on the other hand, less well-defined; no clear pattern has emerged there, inasmuch as the operation of the tug propeller apparently has redistributed the sediment in this region between the welcoming station and pier B.

Evidence gathered from the sediment distribution is corroborated by the bathymetric map shown in Fig. 15. A 6 ft. deep hole created by the tug propeller is clearly observed near the middle of the basin. Immediately adjacent to the bulkhead, landfill intrusion due to piping has caused the bottom to be elevated there to as much as 1 ft. above mlw. This is also evident from Fig. 16 which shows a cross-section of the bulkhead composed of king piles (to -55 ft.) and tee sheeting. The original dredged depth was -7 ft., whereas the tee sheeting went down to -7.5 ft., i.e. 0.5 ft. more than the depth of the basin when it was constructed.

Referring again to Fig. 15, the bottom elevation in the basin adjacent to pier B appears to be significant as well (almost 4 ft. higher than the hole),

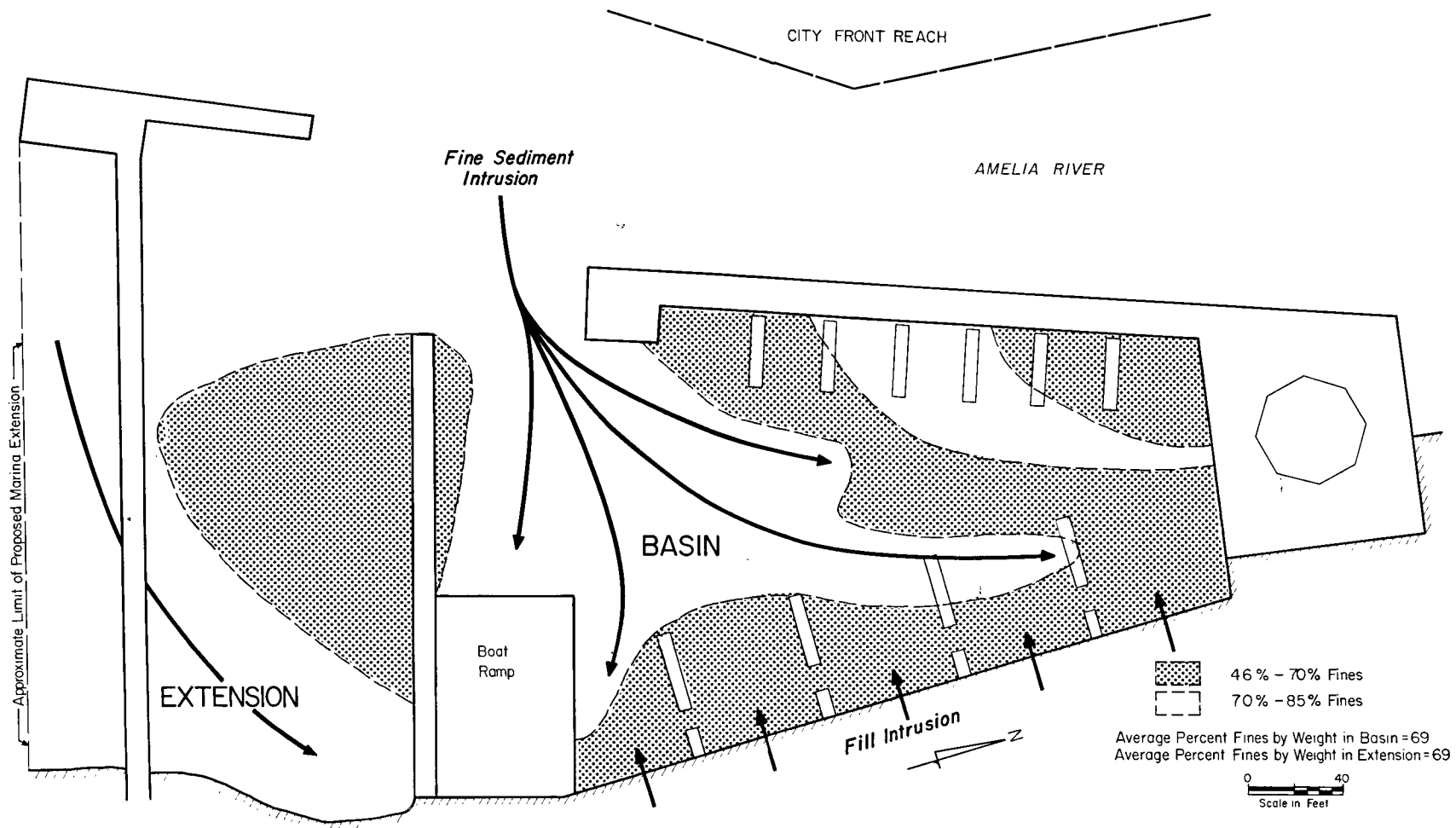


Fig. 14 Fine Sediment Distribution in the Surficial Sediment

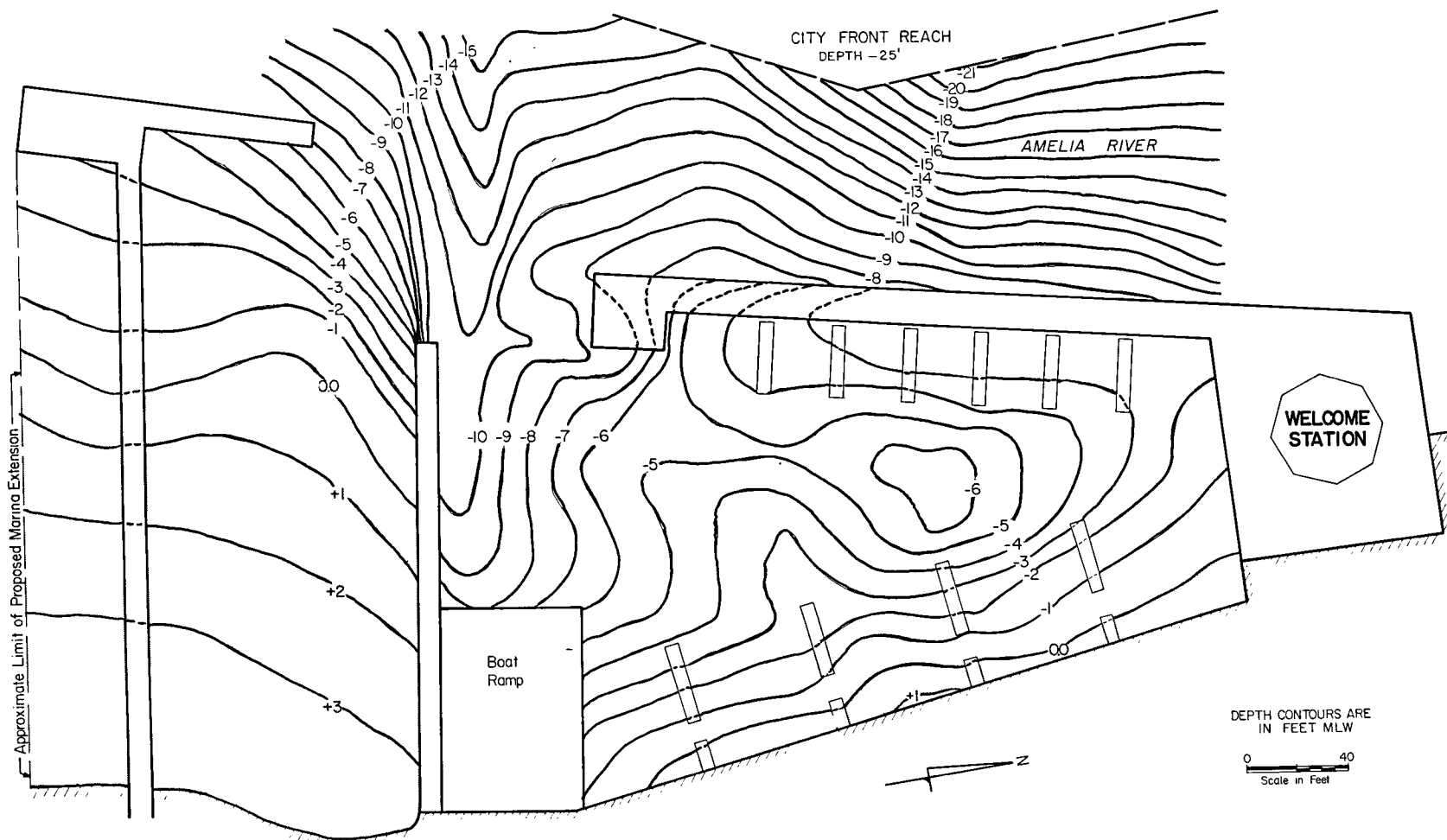


Fig. 15 Bathymetric Map

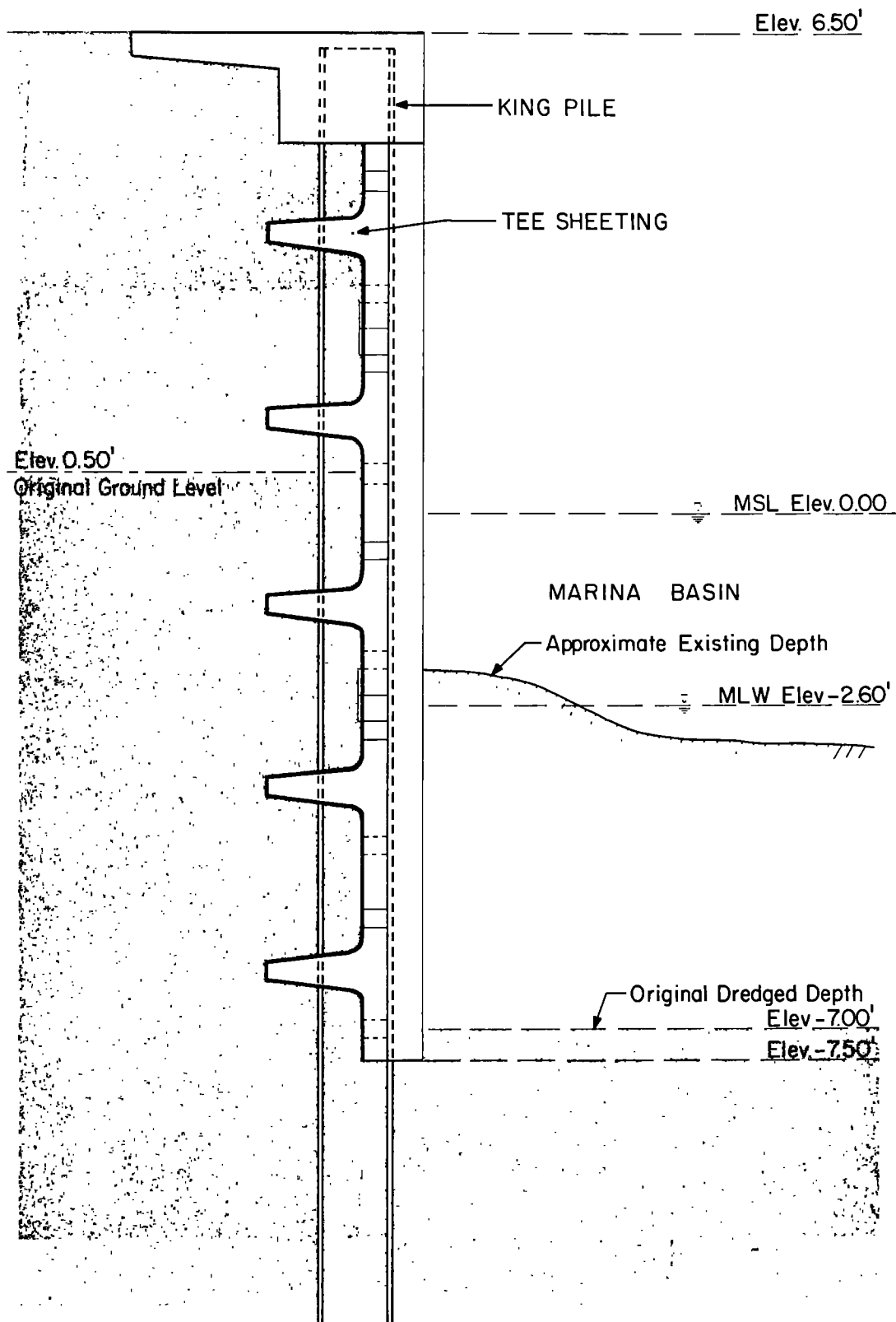


Fig. 16 Cross-Section of Bulkhead

and suggests that at least a portion of the sediment stirred up by the tug propeller is deposited there. The timber planks of pier B effectively are able to retain this sediment in the basin as evidenced by the drop from -3 ft. on the basin side to -8 ft. on the river side across pier B.

Maximum depth in the entrance is on the order of 10-11 ft., whereas most of the extension region is covered with sediment to mhw or more. Comparatively free access to flow underneath the welcoming station has prevented any significant accumulation of sediment in the basin area adjacent to the welcoming station.

Flow circulation in the marina is an important indicator of 1) the sediment moving capacity of the basin and 2) the pollutant flushing ability of the basin. Discharges measured at four different times are shown in Fig. 17. They indicate a fair amount of flow circulation in the basin. Although the corresponding flow velocities were rather small, on the order of 0.1 fps through the basin, the role of the existing circulation is important inasmuch as it prevents stagnation of waters and accumulation of pollutants such as petroleum hydrocarbons etc. Under a 0.1 fps velocity, given a 300 ft. length of the marina, the flushing time is on the order of $(300)/(0.1)(60) = 50$ minutes, or approximately 1 hour, which is nearly 1/6 the period of flood or ebb. Thus flushing is observed to occur in a time period which is sufficiently small compared to the time between current reversal such that reversal may not be expected to inhibit the flushing process significantly. The latter would be the case if the flushing time were of the same order as the time between successive current reversals, i.e. approximately 6 hours, inasmuch as in the extreme case, if a pollutant volume at one end of the marina moving toward the other end were to reach the end in 6 hours, the subsequent current reversal would simply move the volume back toward the other end. In this manner, the pollutant would remain in the marina and flushing action would be minimal.

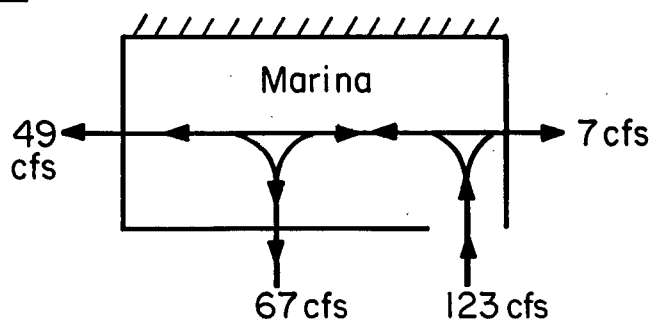
MARINA FLOW CIRCULATION

TIME (April 26, 1979)

1630 EDT

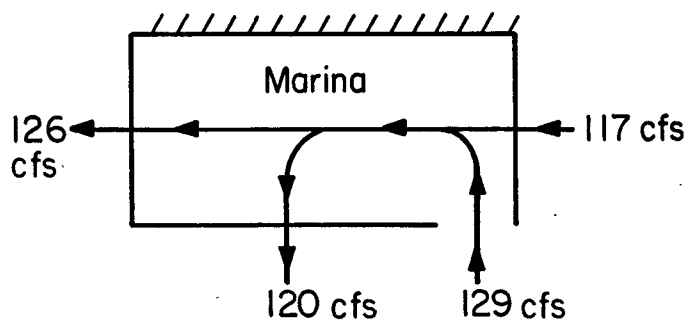
TIDE (MLW)

+ 0.23 Ft.



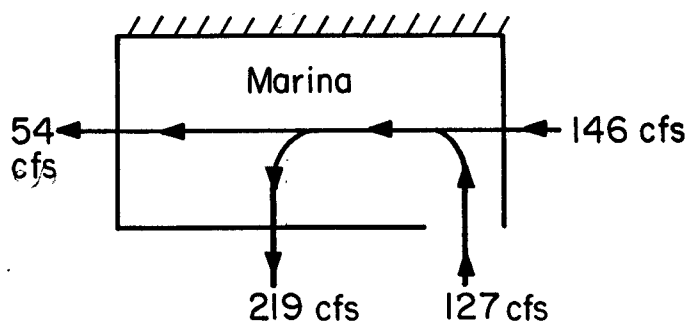
1700 EDT

+ 1.15 Ft.



1730 EDT

+ 2.26 Ft.



1800 EDT

+ 3.05 Ft.

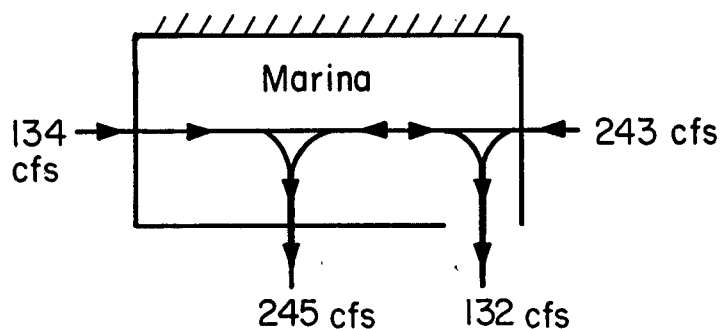


Fig. 17 Flow Circulation in the Marina

HYDRAULIC AND FLUVIAL CONSIDERATIONS

Bed Shear Stress Regime

The hydraulic parameter that governs the movement of sediment is the bed shear stress τ_0 ; hence, the sediment intrusion problem described by Fig. 14 will be examined in terms of the distribution of τ_0 , which is obtained from

$$\tau_0 = \left(\frac{n}{1.49}\right)^2 \gamma \frac{\bar{u}^2}{R_h^{1/3}} \quad (1)$$

where γ = unit weight of water,

n = Manning's coefficient,

$\bar{u}$ = cross-sectional mean flow velocity and

R_h = hydraulic radius.

For water with near-sea salinity, $\gamma \approx 64 \text{ lbs/ft.}^3$. Manning's n was computed from velocity measurements at the entrance. Some velocity profiles are shown in Fig. 18. These approximately follow the well-known logarithmic law

$$\frac{u}{u_*} = 5.75 \log \frac{z}{z_0} \quad (2)$$

where u = current velocity measured at elevation z above the bed, $u_* = \sqrt{\tau_0/\rho}$

is the friction velocity and z_0 = virtual origin of the profile. The bed roughness $k_s = 29.7z_0$. Manning's n is then computed from

$$n = 0.263 R_h^{1/6} \frac{u_*}{\bar{u}} \quad \text{in English units} \quad (3)$$

where $\bar{u}$ is the mean-flow velocity. The average value of n was found to be 0.034. The shear stress τ_0 computations are summarized in Table 2, for Amelia River near the basin and for the entrance to the basin. These are based on maximum measured velocities.

TABLE 2
MAXIMUM BED SHEAR STRESS IN RIVER AND MARINA

Location	$\bar{u}$ (fps)	R_h (ft)	$\tau_{0.m}$ (psf)
River	2.00	10	0.0619
Entrance	0.17	9.4	0.00046

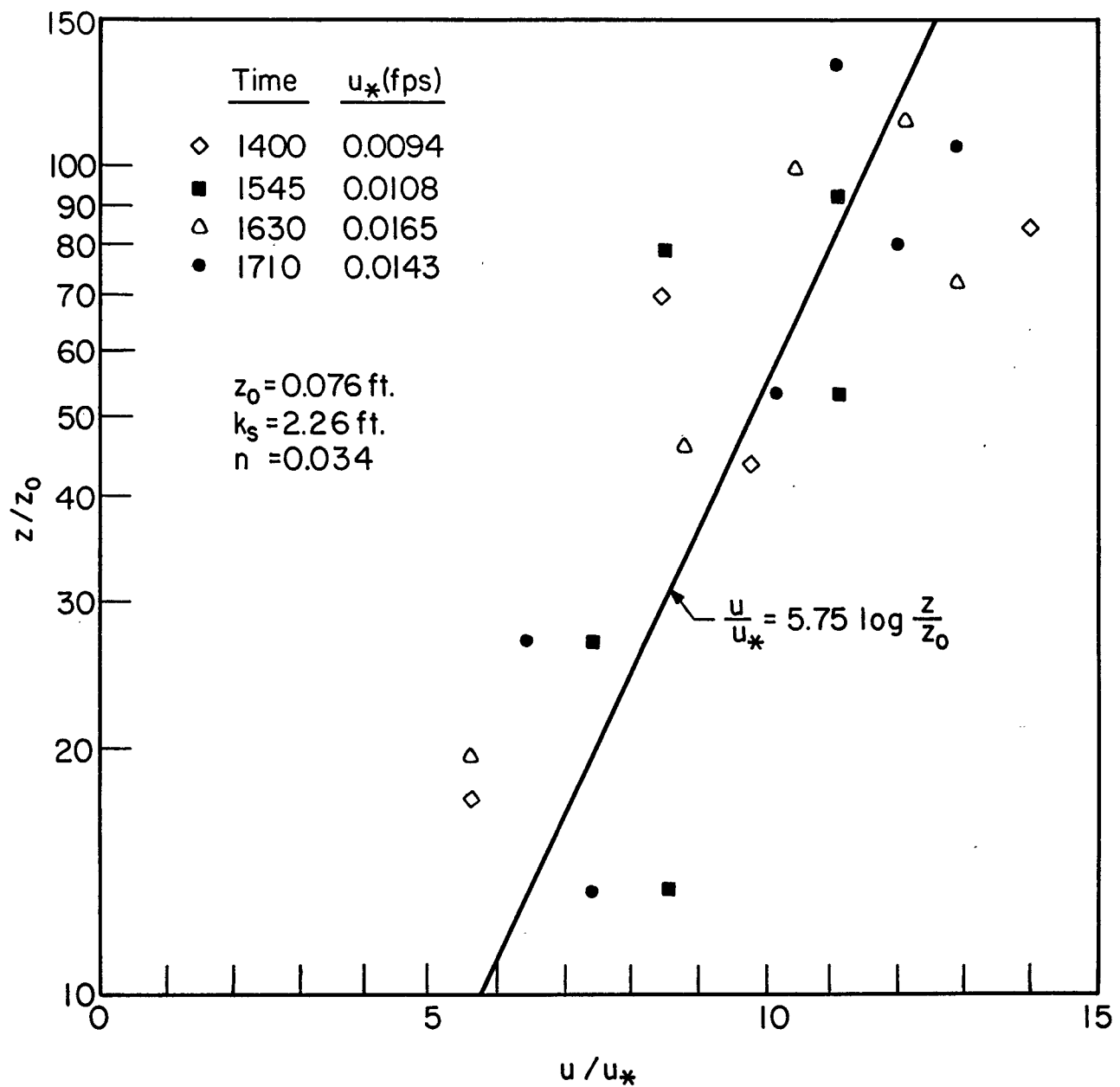


Fig. 18 Typical Velocity Profiles at the Entrance

Note that in the river R_h was taken to be equal to the local depth near the entrance. The critical bed shear stress for erosion, τ_{cr} , may be computed for sand from

$$\tau_{cr.s} = 0.056\gamma\left(\frac{\gamma_s}{\gamma} - 1\right) d_{50} \quad (4)$$

where γ_s = unit weight of the grain material (quartz) and d_{50} = median sand grain diameter. Given $\gamma_s/\gamma = 2.65$ for quartz sand in salt water and $d_{50} = 0.155$ mm from Fig. 12, $\tau_{cr.s} = 0.00301$ psf.

In some previously carried out tests, the natural sediment (sand plus silt) was tested and a critical shear stress of 0.00293 psf was measured. The eroding material in these tests was found to be the silt, but noting the closeness of 0.00301 psf and 0.00293 psf it may be concluded that the mixture and sand and silt erodes when τ_0 equals or exceeds the $\tau_{cr.s}$ value given by Eq. 4, i.e. the critical bed shear stress for the erosion of sand.

Comparing the critical shear stress $\tau_{cr.s}$, with $\tau_{0.m}$ it becomes apparent that whereas the river has sufficiently strong currents to transport the sediment ($\tau_{0.m}$ is much higher than the critical value), the material must begin to deposit as it arrives at the entrance, since the maximum shear stress there is substantitally less than the critical value. This corroborates the description of the surficial sediment distribution according to Fig. 14 which shows fine sediment intrusion in the basin from the river. In the following the marina's present efficiency as a sediment trap is evaluated, i.e. the fraction of incoming sediment retained in the marina is determined.

Percent of River Sediment Retained by Basin

Given $(q_s)_i$ = sediment in inflow, i.e. coming into the basin from the river, and $(q_s)_e$ = sediment outflow, i.e. leaving the basin, the ratio $(q_s)_e/(q_s)_i$ may be obtained from Fig. 19, according to which

$$\frac{(q_s)_e}{(q_s)_i} = f\left(\frac{wh^{1/6}}{u_{ng}^{1/2}}, \frac{wL}{uh}\right) \quad (5)$$

where w = particle settling velocity

h = depth of basin

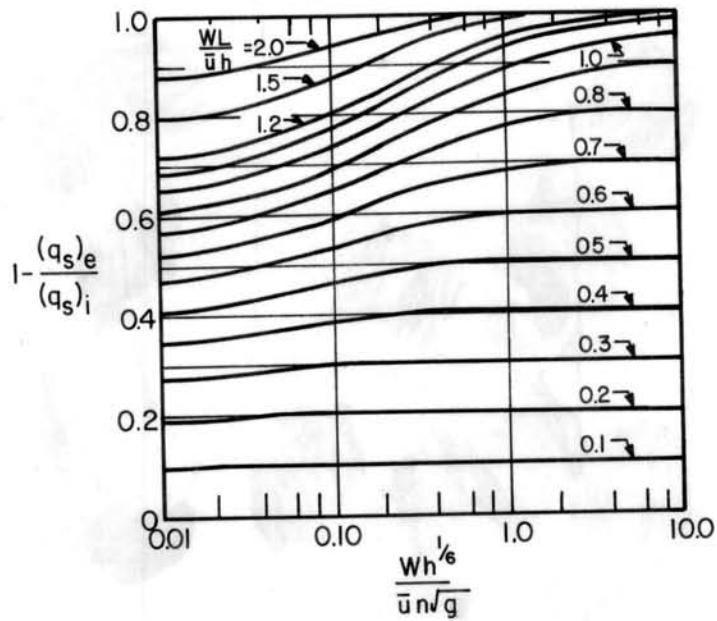


Fig. 19 Sediment Removal Function for Settling Basins
(Source: Hunter Rouse, "Engineering Hydraulics,"
McGraw-Hill, 1949)

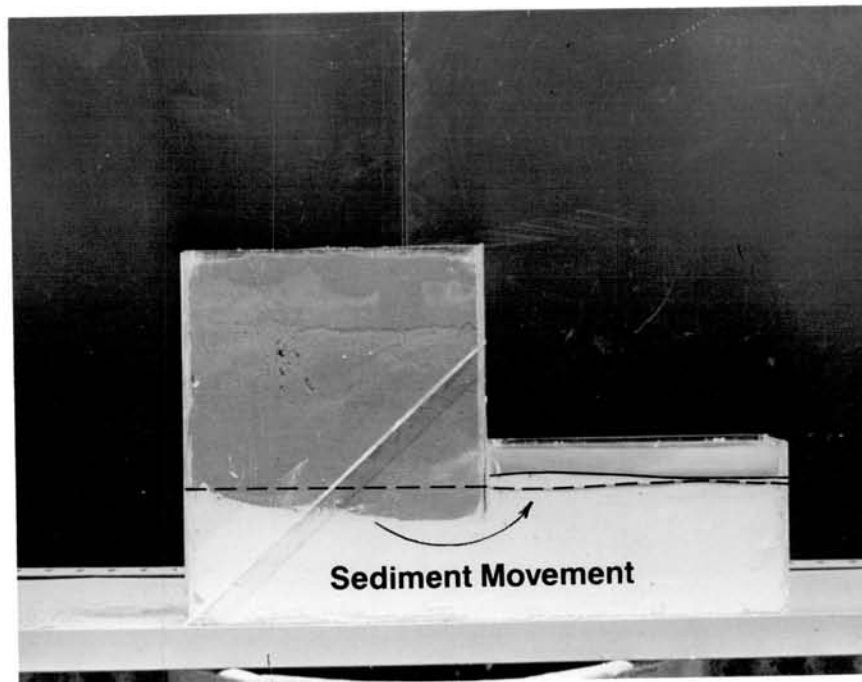


Fig. 20 Experimental Setup Demonstrates Piping Effect

g = acceleration due to gravity
 L = basin length

Selecting $d_{50} = 0.01$ mm, the settling velocity $w = 0.00082$ fps is found from standard texts. Given $\bar{u} = 0.1$ fps, $L = 300$ ft., $h = 6$ ft., $n = 0.034$ and $g = 32.2$ ft./sec², Fig. 19 yields $(q_s)_e/(q_s)_i = 0.58$ which means that $(1 - 0.58) \times 100 = 42\%$ of the incoming sediment from the river is retained in the basin.

Rate of Siltation

The existing volume of sediment above the original dredged depth of -4.4 ft. (mlw) is 1,445 cubic yards. The volume of the propeller scour hole below -3 ft. (assuming that in the absence of tug propeller dredging, the bed level would be -3 ft. at the location of the hole) is 690 cubic yards. Thus the total volume of sediment which would have deposited in the basin in the absence of propeller dredging is $1,445 + 690 = 2,135$ cubic yards.

Allowing 15 years of siltation, the rate of siltation (both from the river and the bulkhead) is $2,135/15 = 142$ cubic yards per year. Estimating 10 years of propeller dredging, the rate of removal of sediment is $690/10 = 69$ cubic yards per year. Note that this is the maximum rate of removal; in actuality some of the sediment suspended by the propeller probably has redeposited in the marina itself. The minimum net rate of siltation is $142 - 69 = 73$ cubic yards per year. This signifies that despite propeller dredging, at least 73 cubic yards of sediment have been moving into the basin per year, on the average.

Piping (Quick Sand) and Settlement

The phenomenon of piping under a bulkhead is demonstrated by the experimental set up in Fig. 20, in which the landfill (on the left hand side) is separated from the marina by a vertical bulkhead. Before the landfill was introduced in the experiment, the ground elevation (dashed line) was equal on both the sides. Notice the manner in which the piping effect has caused the bottom to rise in the marina in the vicinity of the bulkhead (continuous line). Qualitatively, this description is corroborated by the bathymetric map of Fig. 15.

Quantitatively, the flow net computations of Fig. 21 in which the upwards gradient at the foot of the bulkhead were determined, indicate that the depth of the bulkhead, is marginal in preventing piping. A piping factor may be defined as the ratio

$$\frac{i}{i_{\text{critical}}} = \frac{m\Delta\phi}{\Delta l} \times \frac{(1 + e)}{(G - 1)} \quad (6)$$

where i = flow potential gradient next to the bulkhead

i_{critical} = critical gradient next to the bulkhead

$\Delta\phi$ = potential difference between adjacent equipotential lines

Δl = length of flow path at the bulkhead between last adjacent equipotential lines

e = void ratio

G = specific gravity of sand grains

m = fraction of a potential drop

$\Delta\phi = \frac{\Delta h}{n}$, $\Delta h = h_1 - h_2$; where $h_1 - h_2$ = total potential (head) difference

and n = number of drops. The criterion for piping is

$i/i_{\text{critical}} \ll 1$, there is no piping

$i/i_{\text{critical}} \approx 1$, there is incipient piping

$i/i_{\text{critical}} > 1$, there is piping

Using $G = 2.65$, $e = 1.5$, $h_1 = 6.5$ ft, $h_2 = -3.2$ ft (low water), $n = 4.6$ (see Fig. 21), $m = 0.6$ and $\Delta l = 2$ ft, $i/i_{\text{critical}} = 0.95$ which is close to unity implying that even under the existing depths in the marina, piping is only marginally prevented and in fact is probably occurring where the actual depths are more than 3.2 ft. This in turn also suggests that when depths in the marina were greater everywhere, piping was a major problem, since i/i_{critical} would be typically greater than unity for h_2 less than -3.2 ft.

DESIGN CONSIDERATIONS ON EXISTING MARINA

Basin

The inadequacy of existing depths in the basin suggests that there is a need to dredge the marina. Selecting a depth of 5 ft below mltw, or 7.6 ft

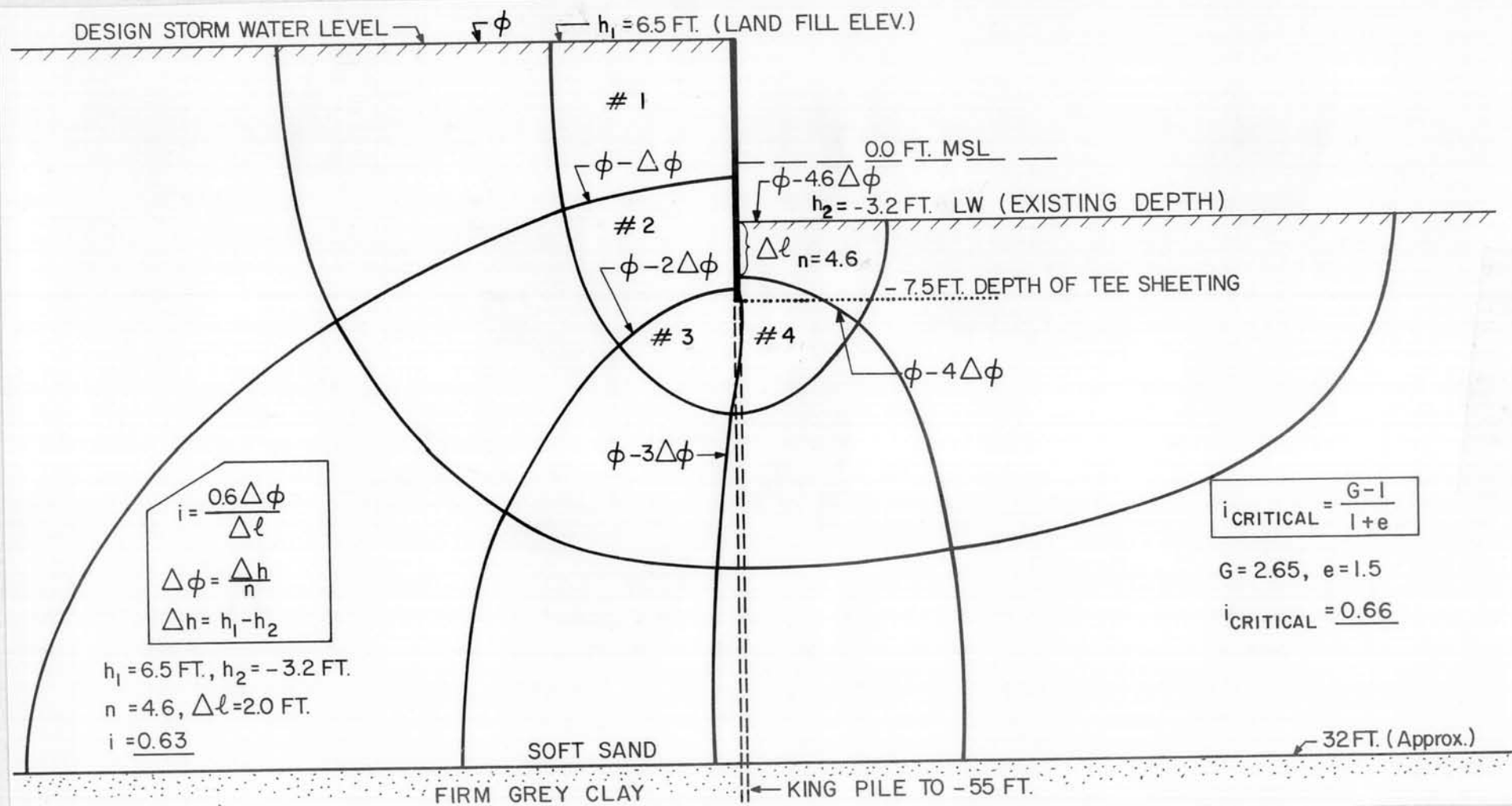


Fig. 21 Piping Computations for the Existing Bulkhead

below msl, as the depth of the basin, Fig. 22 shows that 2,100 cubic yards would have to be removed. Estimating a dredging cost of \$3.00 per cubic yard, this would cost \$6,300 for the dredging operation. This number is merely a rough estimate.

Bulkhead

Flow net computations similar to those shown in Fig. 21 have been made in Fig. 23 for a hypothetical bulkhead to a depth of -15 ft msl, or -12.4 ft mlw. For this bulkhead, the factor for piping is $i/i_{\text{critical}} = 0.55$. This is sufficiently lower than unity such that piping is avoided. The bulkhead could reach at least this elevation.

The operation of extending the existing bulkhead to -15 ft would be very costly. It is therefore, suggested that a new steel sheet pile wall properly anchored be constructed with a top elevation of +6.5 ft (existing bulkhead level) and down to -15 ft. There is an advantage to driving the sheet pile in front of the existing bulkhead, in the marina, as only $15 - 7.6 = 7.4$ ft of soil would have to be penetrated. A new wall, at some distance from the bulkhead, would, however, slightly reduce the size of the marina. An alternative is to drive the sheet pile behind the bulkhead and immediately adjacent to it. A new concrete cap covering the bulkhead and the sheet pile would then prevent any piping between the two walls (see Fig. 24). The new bulkhead should be designed by a professional engineer.

The length of the sheet pile wall required in the existing marina is approximately 300 ft. Assuming a cost of \$400 per linear foot of the 21.5 ft deep wall, the estimated cost of construction would be \$120,000.

Pier A

From the hydraulic point of view, two considerations are involved relative to the role of pier A, namely 1) that it allows some flow exchange

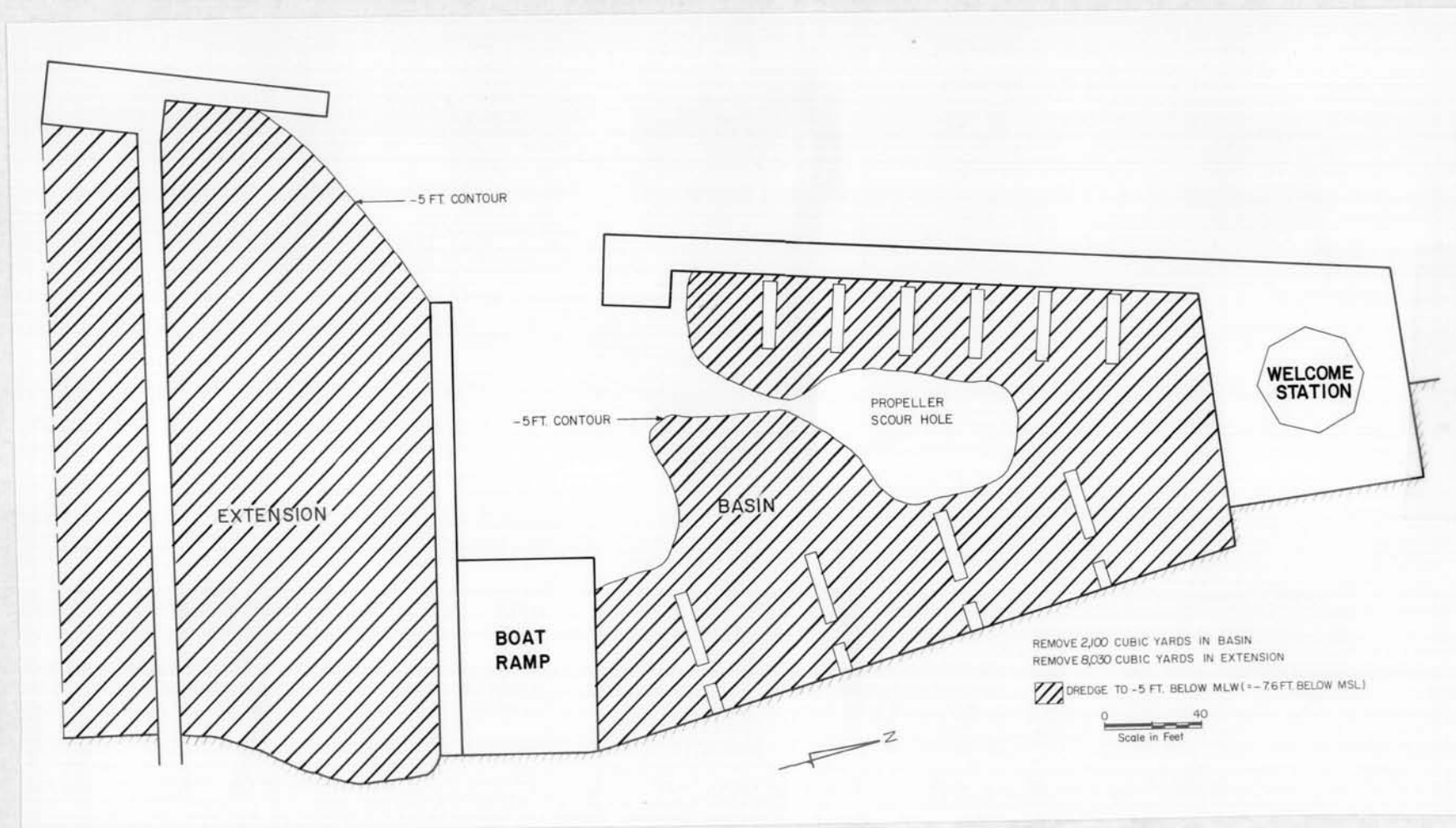


Fig. 22 Dredging Requirements for -5 ft. (mlw) Depth

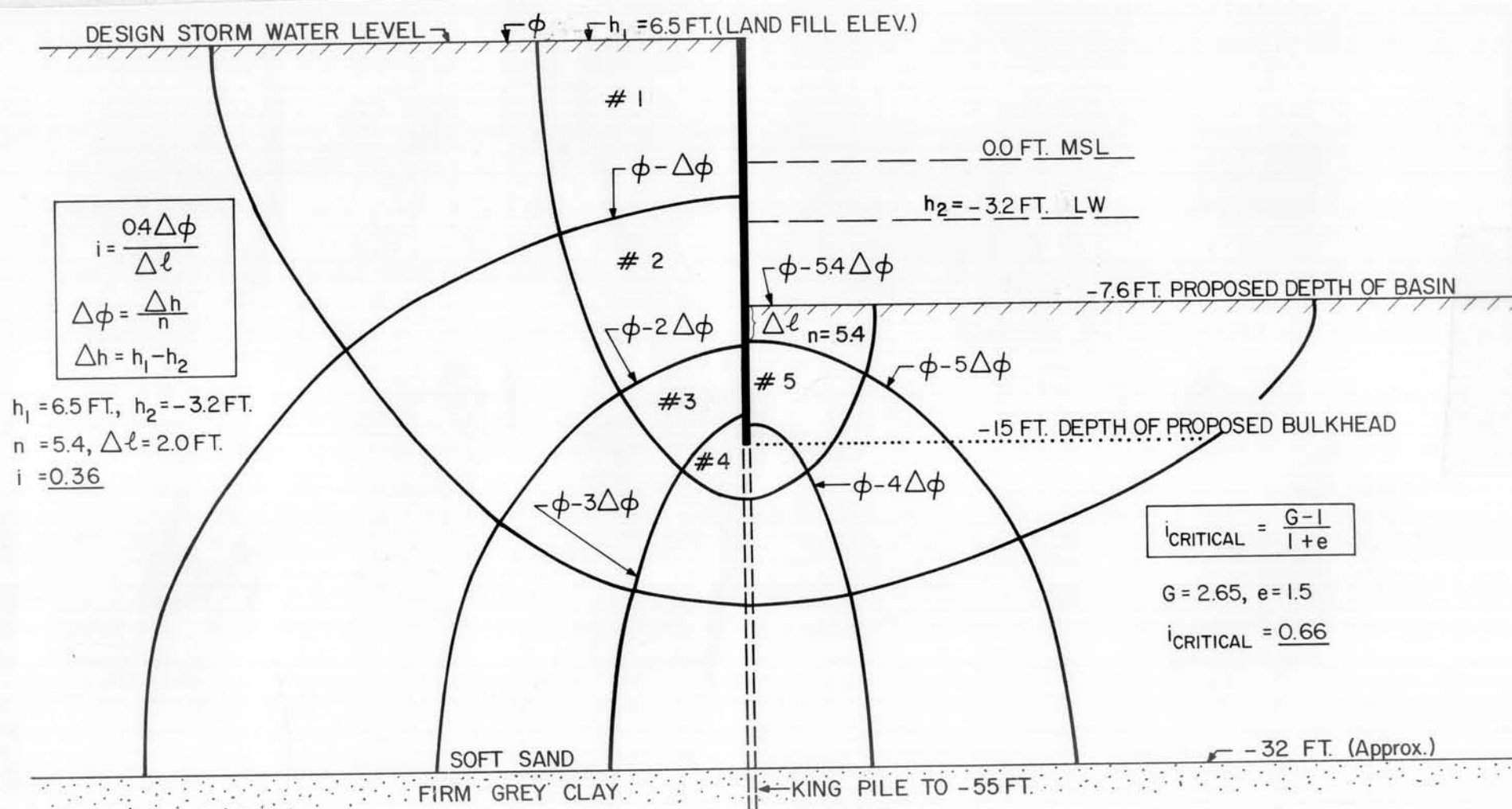


Fig. 23 Piping Computations on a Bulkhead to -15 ft. (msl)

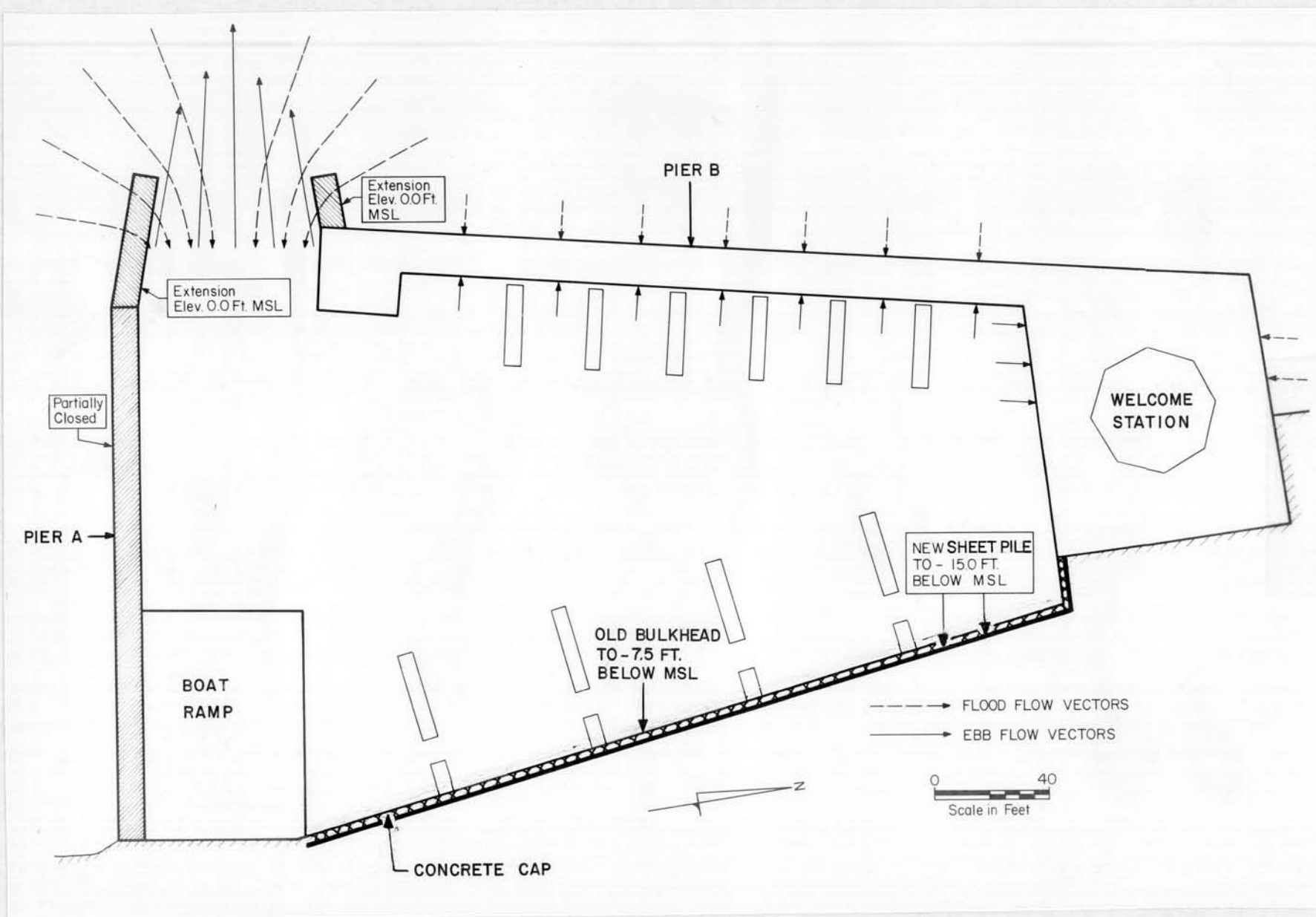


Fig. 24 Modifications in Existing Marina

between the marina and the river, which is useful for marina flushing and 2) that it at least partially prevents a corresponding movement of sediment. Both of these functions are important and necessary. It is suggested that the pier be allowed to carry out these functions as at present. In the event that the existing timber planks and the asbestos cement sheeting which is placed along a portion of the outer side of the pier deteriorate and need replacing, the following approach is suggested. The entire length of the pier A may be bulkheaded from the bottom up to m_{lw} wherever the back elevation is below m_{lw} and, where the bed is above the m_{lw}, the bulkhead should be approximately 0.5 ft. above the bed elevation. The asbestos cement sheeting should be removed at that time. In this way the tide can enter the marina above m_{lw} through the spacing between the planks but the sediment, whose concentration is high near the bottom, is prevented from entering the basin. The timber planks should go down to the bulkhead.

Pier B

The role of pier B is similar to that of pier A, except that sediment exchange here appears to be less of a potential problem. Should the existing timber planks be replaced, the new ones, it is suggested, should go down to -3.2 ft. below m_{sl} which has been selected as the design low water level here.² The depth of water between -3.2 ft. and the bottom should be left open to allow for flow exchange.

Welcome Station

The welcoming station end of the basin is currently open and should be kept open as such, for flushing purposes.

Entrance

As noted, the entrance appears to allow fine sediment from the river to enter and deposit in the basin. It is not certain as to what percent of the deposited material in the past 15 years is derived from this source. Bathymetric evidence seems to suggest that the major portion of the settled material is in fact derived

² The existing planks are 8 in. wide with an 8 in. spacing between them. These dimensions are adequate.

from piping near the bulkhead. Nevertheless, the mode of distribution of the fine sediment shown in Fig. 14 suggests that the entrance does play a role in transporting at least some fine sediment from the river. This role can be altered by allowing the entrance to "jet-out" the sediment into the river. Such a design is possible if two training walls are constructed in the manner depicted in Fig. 24. The walls extend from the bottom up to msl. During the period of time when the flow is into the basin, it will enter the basin as a sink-type flow (dashed line) with comparatively weak bottom velocities, at a time when the discharge is relatively high and the water elevation is above msl. During ebb, the flow will issue from the basin in the manner of a two-dimensional jet, with strong bottom velocities, transporting with the flow any sediment that may have entered the basin during flood flow. Construction material for the training walls may be concrete or steel.¹

CONSIDERATIONS ON EXTENDING MARINA

Dredging

As shown in Fig. 22, dredging in the extension area to -5 ft. (mlw) will require a removal of 8,030 cubic yards of material in addition to the 2,100 cubic yards from the existing basin. If a \$3 per cubic yard figure is assumed, then the cost of dredging 8,030 cubic yards would be \$24,090.

Bulkhead

The steel sheet pile wall would be extended by 160 ft. Backfill to +6.5 ft. (msl) would be required (see Fig. 25).

T Pier and Pier A

The condemned T pier would be removed completely and pier A would be cut back by 90 ft. to accomodate boat traffic through the entrance.

Piers C and D

Pier C could be similar to pier B in design whereas pier D would be analogous to pier A modified by the suggested improvements.

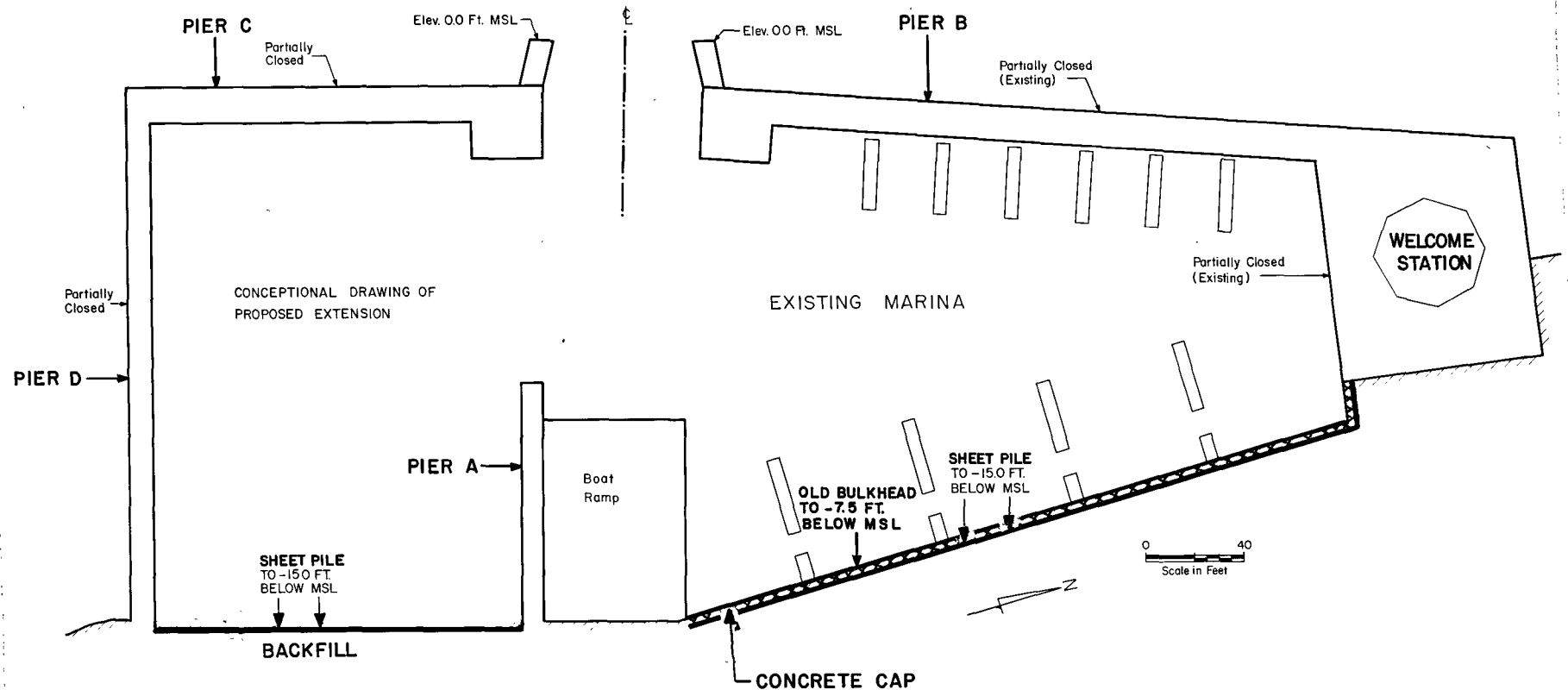


Fig. 25 Considerations on Marina Extension

Entrance

With minor modifications, the entrance would be similar to the suggested entrance to the existing marina with training walls up to msl.

MAINTENANCE AGAINST SILTATION

It is expected that the suggested modifications, after due consideration by design engineers, will appreciably reduce the siltation problem in the marina. Any residual siltation may be controlled by two means, namely 1) a silt pump for periodically removing deposited sediment from the basin and/or 2) an air bubble screen for preventing silt from entering the basin. The silt pump acts as a "silt vacuum cleaner". It is an air lift pump in which an air compressor is utilized to mix air and water at the pump intake which is positioned on or near the deposits on the marina bottom. The pipe leading from the pump transports the silt from the bottom into a hopper on a barge. The bubble screen is an air bubble curtain in water, produced by bubbles rising from a manifold or a hose with holes at the marina bottom, and connected to an air compressor. Fig. 26 shows such a manifold lying across the bottom. Fig. 27 shows the basic flow pattern near the curtain. The flow circulation created by such a screen prevents suspended sediment from crossing it. The same screen can also be used for preventing the movement of hydrocarbons, and is a means to enhance the transport of oxygen to the benthic layer near the bottom as well. At Fernandina Beach Marina, the problem of primary importance is one of preventing the sediment from intruding the marina through the entrance. This can be accomplished by utilizing a small, 4-5 hp compressor required for generating the bubble screen. Piers A, B and the flow connection under the welcoming station do not seem to allow any significant sediment intrusion; hence no screen is required in these areas. On the other hand, prevention of hydrocarbon transport through all the flow boundaries of the basin and sediment influx through the entrance would require a screen along the entire flow boundary of the marina. This would require a much larger air compressor, on the order of 100 hp.

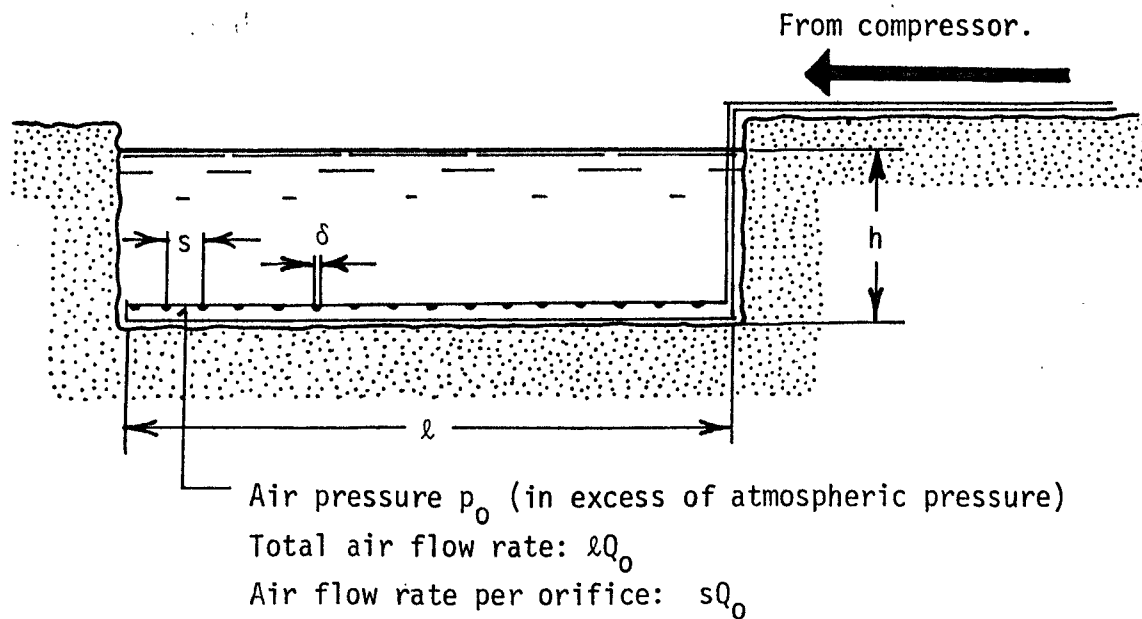


Fig. 26 Air Manifold Geometry

Basic Flow Pattern. Oxygen Transfer.

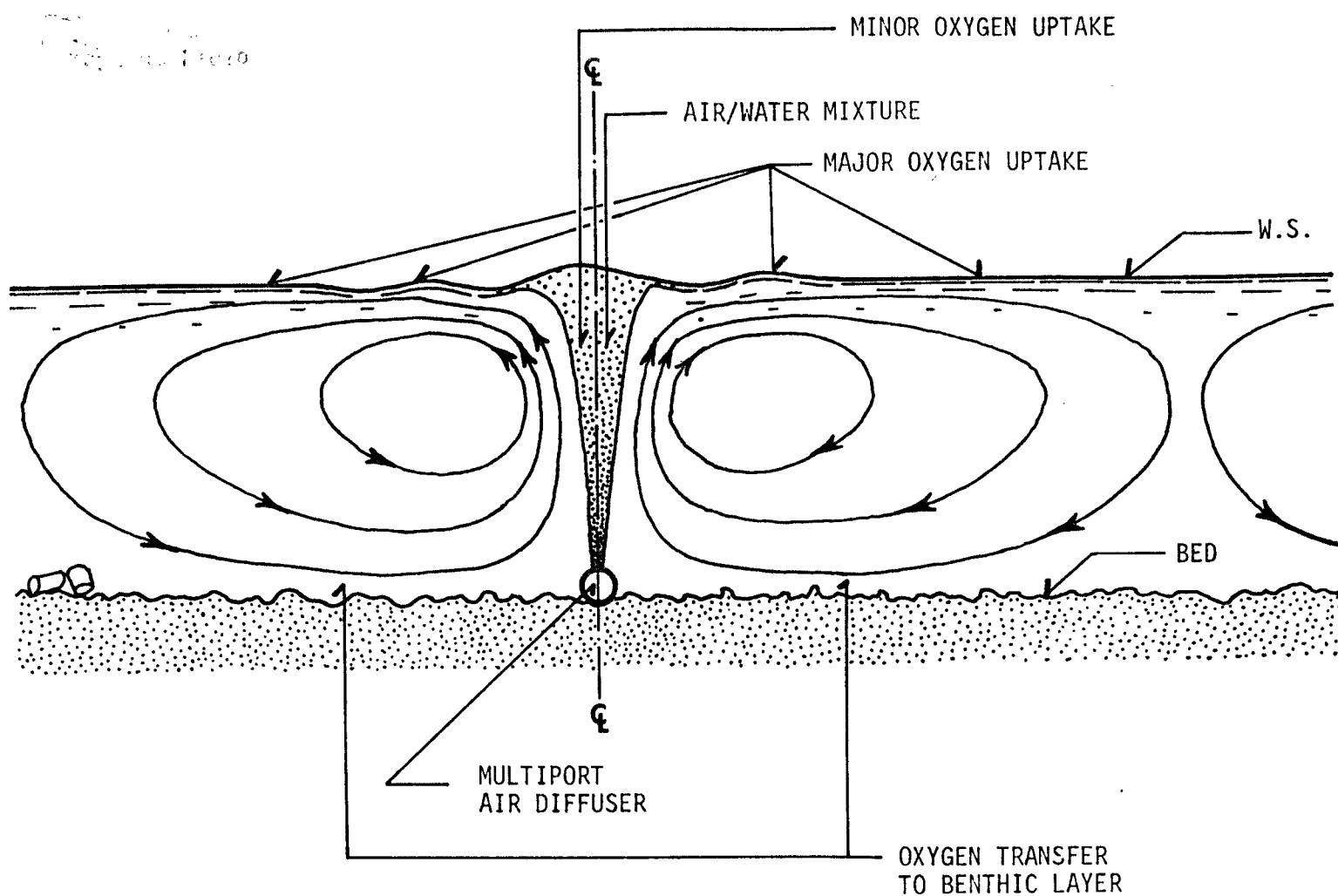


Fig. 27 Air Bubble Screen

Maintenance measures such as the silt pump or the bubble screen are not recommended unless siltation is not abated by the suggested modification in marina design. Detailed design computations for the silt pump or the bubble screen are beyond the scope of this study.

CONCLUSIONS & RECOMMENDATIONS

Conclusions derived from this study are summarized below.

1. There are two sources of sediment in the marina, 1) due to piping (quick sand) near the bulkhead and 2) due to intrusion from Amelia River, through the entrance. The first is primarily a source of sand, whereas the second is a source of clayey-silt, which is finer than sand. The bottom surficial sediment in the marina consists on the average of 69% fine sediment and 31% sand, by weight.
2. Flow circulation in the marina, under a comparatively high (8.1 ft.) range of spring tide, is necessary for pollutant flushing of the marina.
3. While currents in Amelia River are strong enough to transport sediment, they are too weak in the entrance and the basin to move the sediment; hence, approximately 48% of the sediment that enters the basin from the river deposits there.
4. Piers A and B and the flow connection underneath the welcoming station allow a comparatively less appreciable sediment influx, and do not require immediate attention from this point of view.
5. In spite of tug boat propeller dredging in the past ten years, a net average of 72 cubic yards per year of sediment has been entering the basin, indicating that propeller dredging may not have been the most effective way of removing the sediment from the basin.
6. To prevent piping near the bulkhead, a new steel sheet pile wall with a top elevation of +6.5 ft. msl and down to a minimum of -15 ft. is suggested. This wall may be placed behind (landward of) the existing bulkhead. A new concrete cap must cover the wall and the bulkhead in order to prevent piping

between the wall and the bulkhead. A rough estimate of the cost of wall construction is \$120,000.

7. A proposed dredging of the entire existing basin to -5 ft. (mlw) would require a removal of 2,100 cubic yards of sediment. A rough estimate of the cost is \$6,300.
8. The entrance should have two training walls designed to prevent sediment from entering the basin from the river. These walls, from the bottom up to msl, will cause a flow pattern that will be conducive to transporting any incoming sediment back to the river.
9. At a time when the timber planks at Pier A need replacement, the following alterations are suggested: 1) the pier should be bulkheaded from the bottom up to mlw wherever the bed elevation is below mlw. Near the shoreline, where the bed elevation is above mlw, the bulkhead should be approximately 0.5 ft. above the bed elevation. The asbestos cement sheeting should be removed, and the timber planks should go down to the bulkhead. In this way, whereas the spacing between the planks will allow flow circulation, the bulkhead will prevent any appreciable amount of sediment from moving into the basin.
10. At a time when the timber planks on Pier B require replacement, it is suggested that they go down to -3.2 ft. (msl), which is the selected design low water elevation in this study. The space between the bottom and this elevation must remain open, to allow flow circulation.
11. Design considerations on the extended marina are similar to those for the existing marina. A total of 8,030 cubic yards would have to be dredged from the extension region (to -5 ft. mlw) at an approximate cost of \$24,000.
12. Considerations for the proposed Pier D are similar to those for Pier A, whereas Pier A itself may have to be cut by 90 ft. to accomodate boat traffic through the entrance.
12. The suggested changes should minimize the siltation problem in the marina. However, should there be residual siltation in the basin, one of two possible

12. solutions may be considered; these being 1) the use of a silt pump for periodically removing the deposited sediment from the marina and 2) the use of an air bubble screen for preventing the sediment from entering the marina through the entrance. Detailed design considerations on these two methods are beyond the scope of this study

ACKNOWLEDGMENT

The authors wish to thank Mr. James Higginbotham, Public Works Director, for his valuable assistance in providing information on the marina. The corporation of Mr. Grady Courtney, City Manager and the interest of the members of the City Commission is sincerely acknowledged.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: History of the Waterfront

ITEM TYPE: New Business

REQUESTED ACTION:

SYNOPSIS: The interactive website can be found at: <https://arcg.is/1zWiyP0>. The City's historic Sanborn maps can be found at: <https://maps.nassauflpa.com/portal/apps/webappviewer/index.html?id=f666646a60ac4ca2953261e22868e454>.

FISCAL IMPACT:

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S):

Dale Martin, City Manager 4/27/2022

A handwritten signature in blue ink that reads 'Katie A. Newton'.

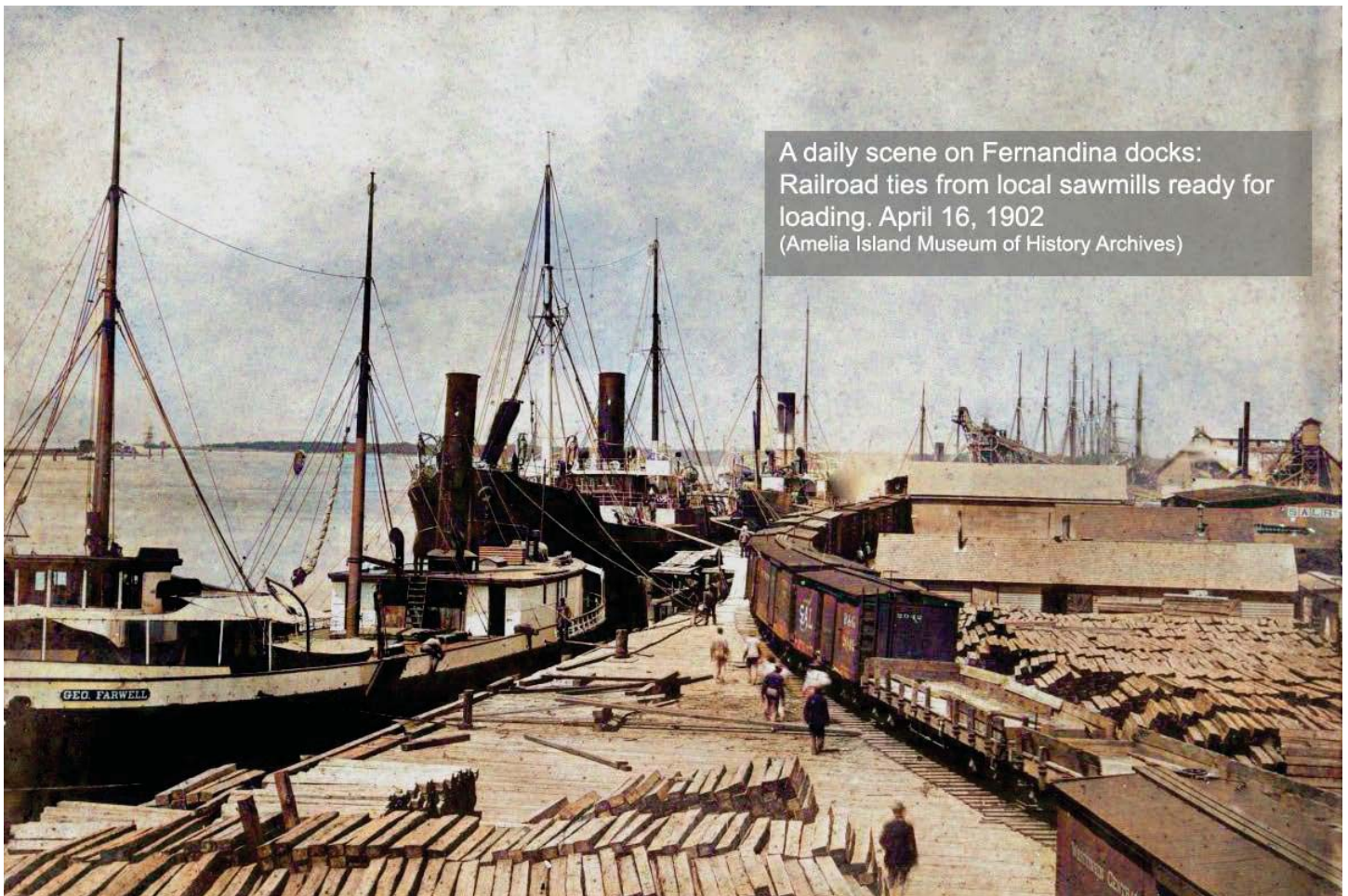
Date: April 26, 2022

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION:

THE HISTORY OF FERNANDINA'S WATERFRONT

Created by the Amelia Island Museum of History and the
University of Florida Center for Landscape Conservation
Planning

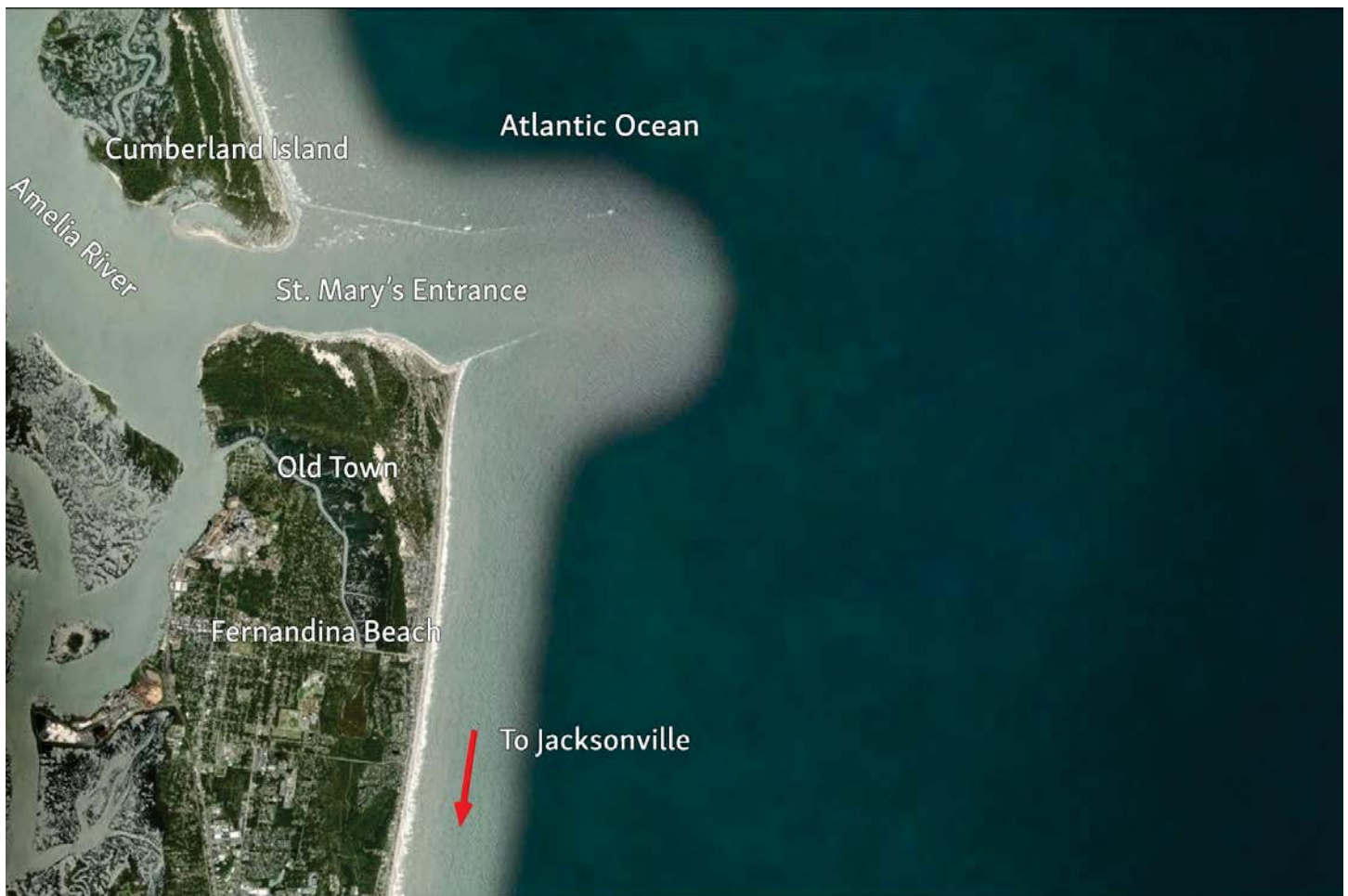


Method

Using historic charts, maps, photographs and documents follow the development of Fernandina's riverfront from the 16th century to the present day.

Purpose

Help visitors, residents and public officials visualize riverfront land uses over time and the future challenges of rapid growth and climate change.



LOCATION

The **Fernandina Waterfront** is located on the Amelia River on the northwest tip of Amelia Island, Florida.

It is the deepest natural channel on the Eastern seaboard with easy access to the Atlantic Ocean making Fernandina an important port of call since the 16th century.



STUDY AREA

The study area includes the site of the old Pogy Plant to the north and runs south to Old Town (the original settlement of Fernandina), Westrock Paper Mill, the Port of Fernandina, the City Marina and Rayonier Advanced Materials plant. The Amelia Island Museum of History is located at 233 S. Third Street.



A WORLD BEFORE EUROPEANS



Archaeological surveys of Amelia Island indicate indigenous occupation throughout the island, and particularly around the current sites of Old Town and the City of Fernandina, for over 3,000 years. Native inhabitants were drawn to the abundance of fish, shellfish, birds, and sources of fresh water and accessible waterways that made for easy trade with other tribes throughout what's now North Florida and Southern Georgia.

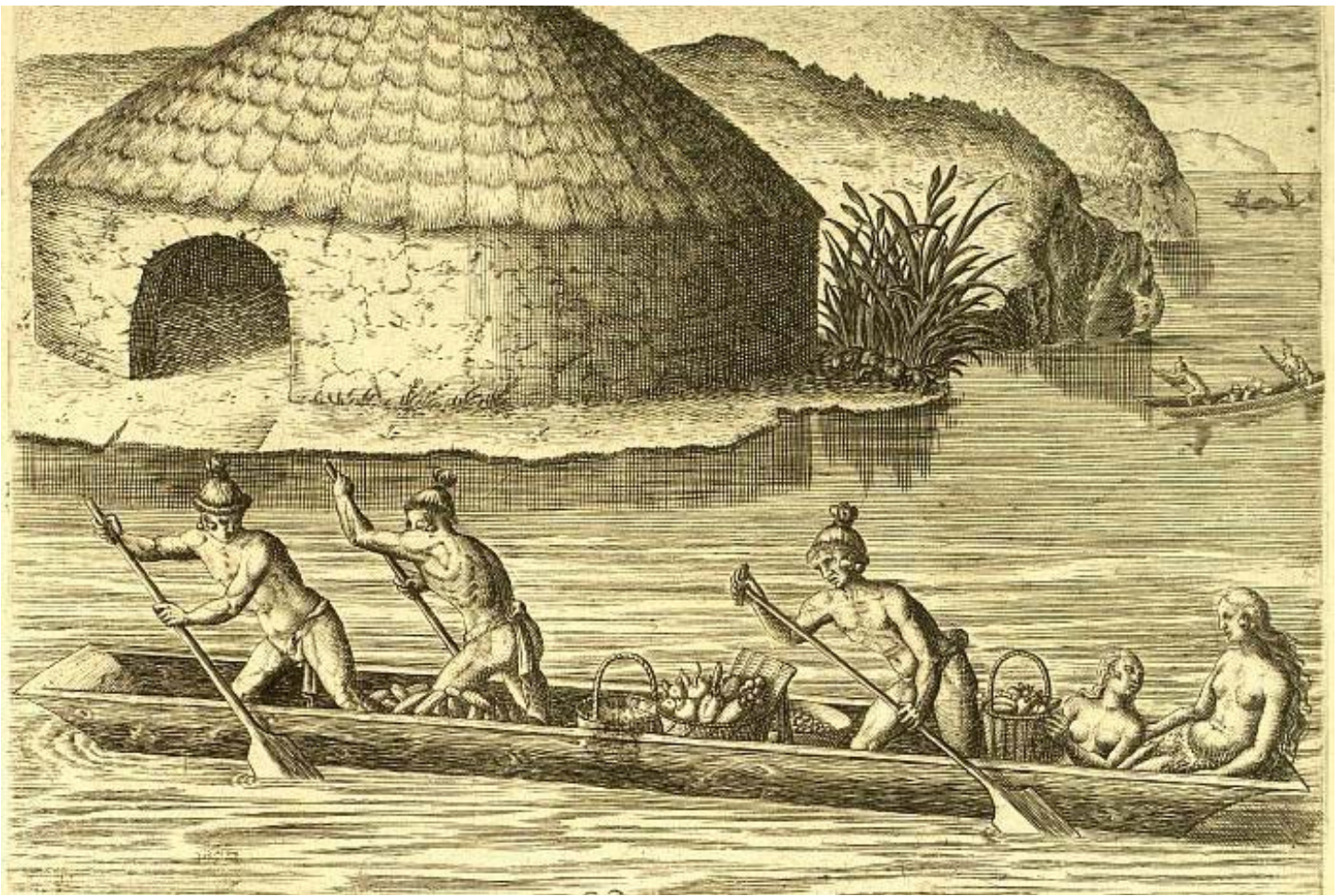
This painting of a family of Timucuan traders by Theodore Morris is based on 15th century European written accounts and modern archaeological surveys of indigenous sites.



Île de MAI 1562

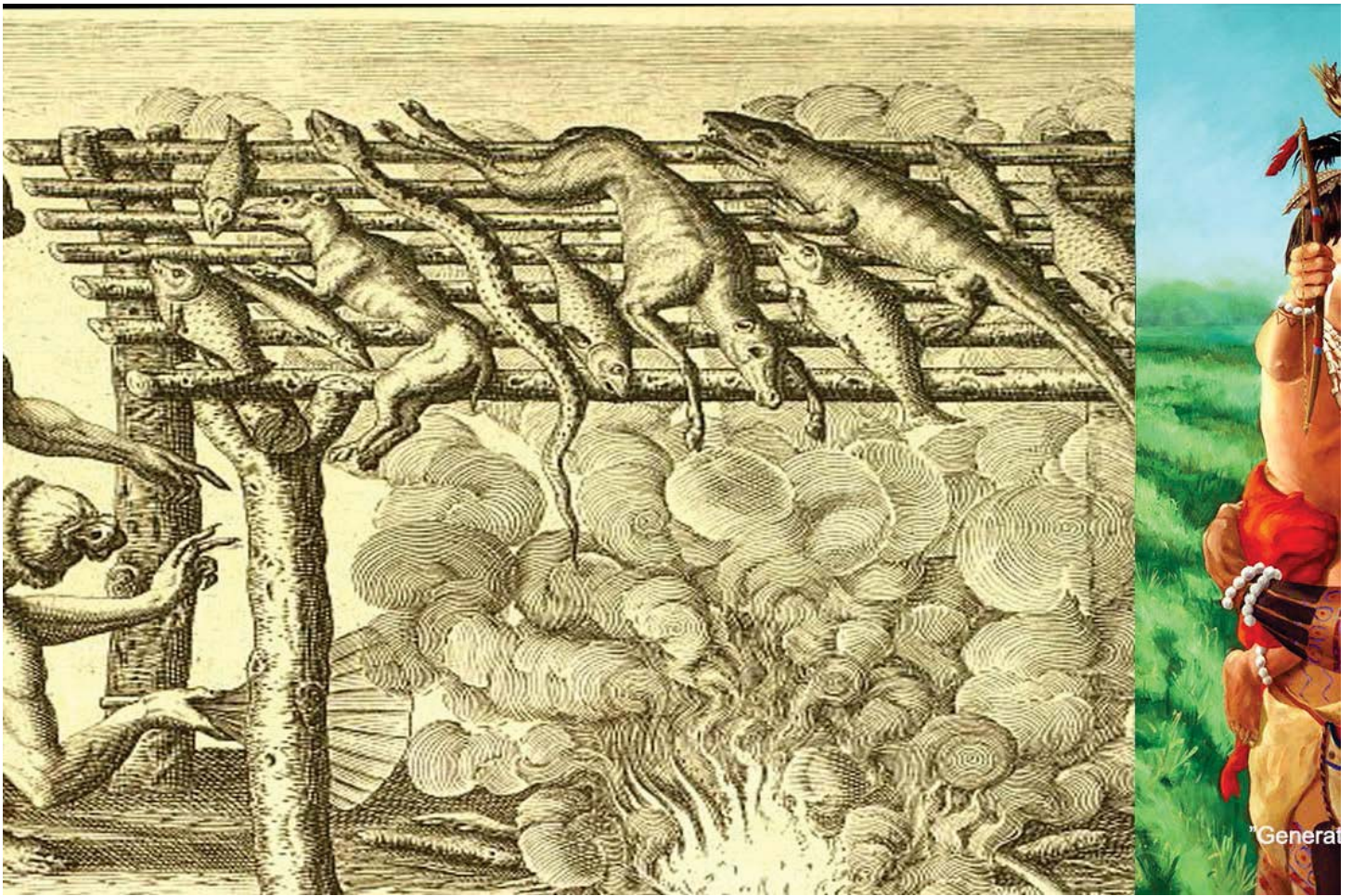
On May 3, 1562, the French explorer Jean Ribault “discovered” their island and claimed it for France as the *Île de Mai*. So began a succession of colonizers who exploited the people along with the resources of the land and sea.

The following engravings by Theodor de Bry were based on drawings made by Jacques le Moyne, an artist and cartographer who accompanied Ribault on his expeditions. These first images of the Timucua depict the imagination of European artists more than the reality of Indian life and appearance.

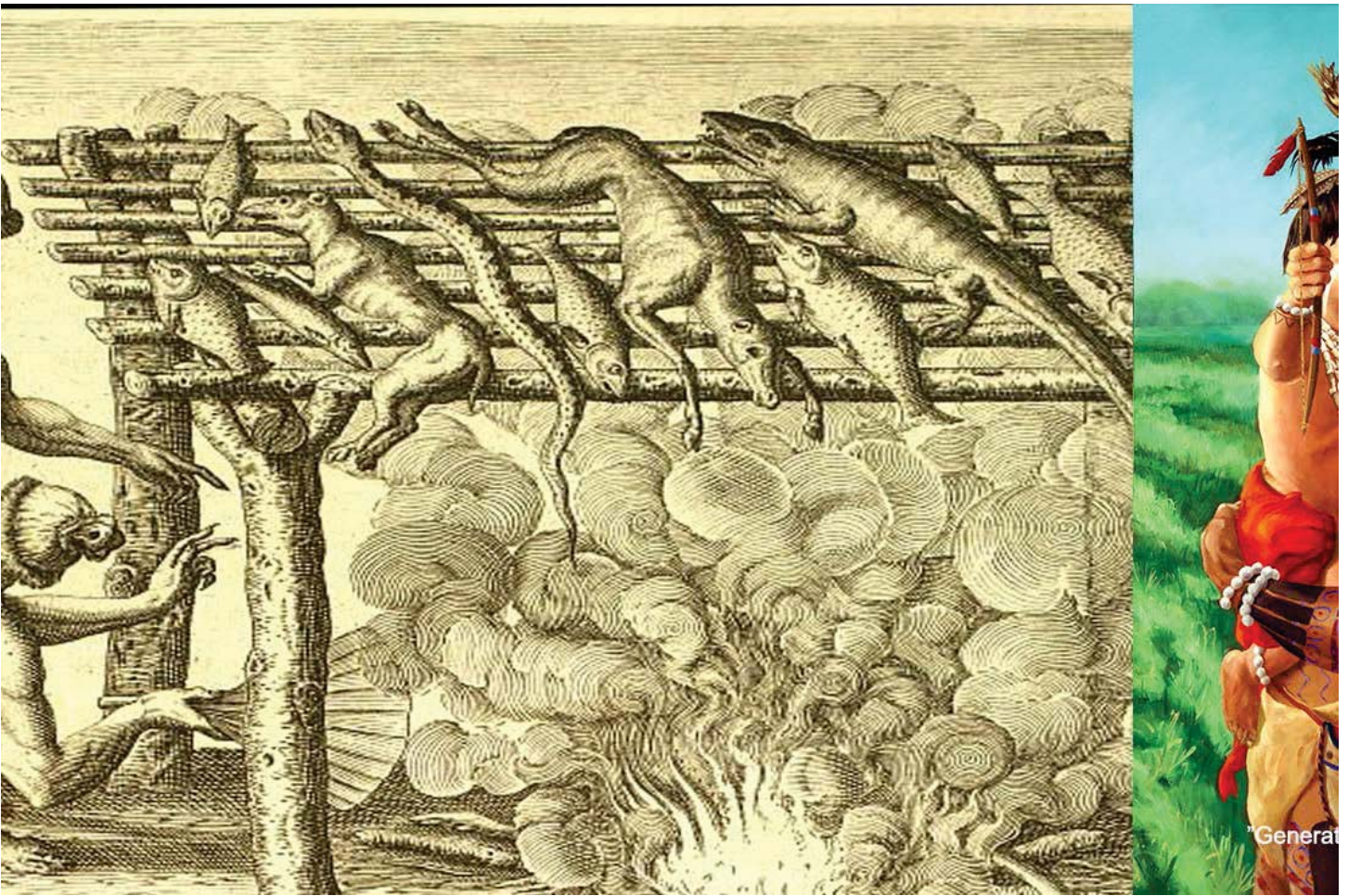


“...the fish weirs were “so well and cunyngly sett together after the fashion of a labirinthe or maze, with so many tourns and crokes, as it is impossible to do it with more cunning or industrye.”

Jean Ribault 1562

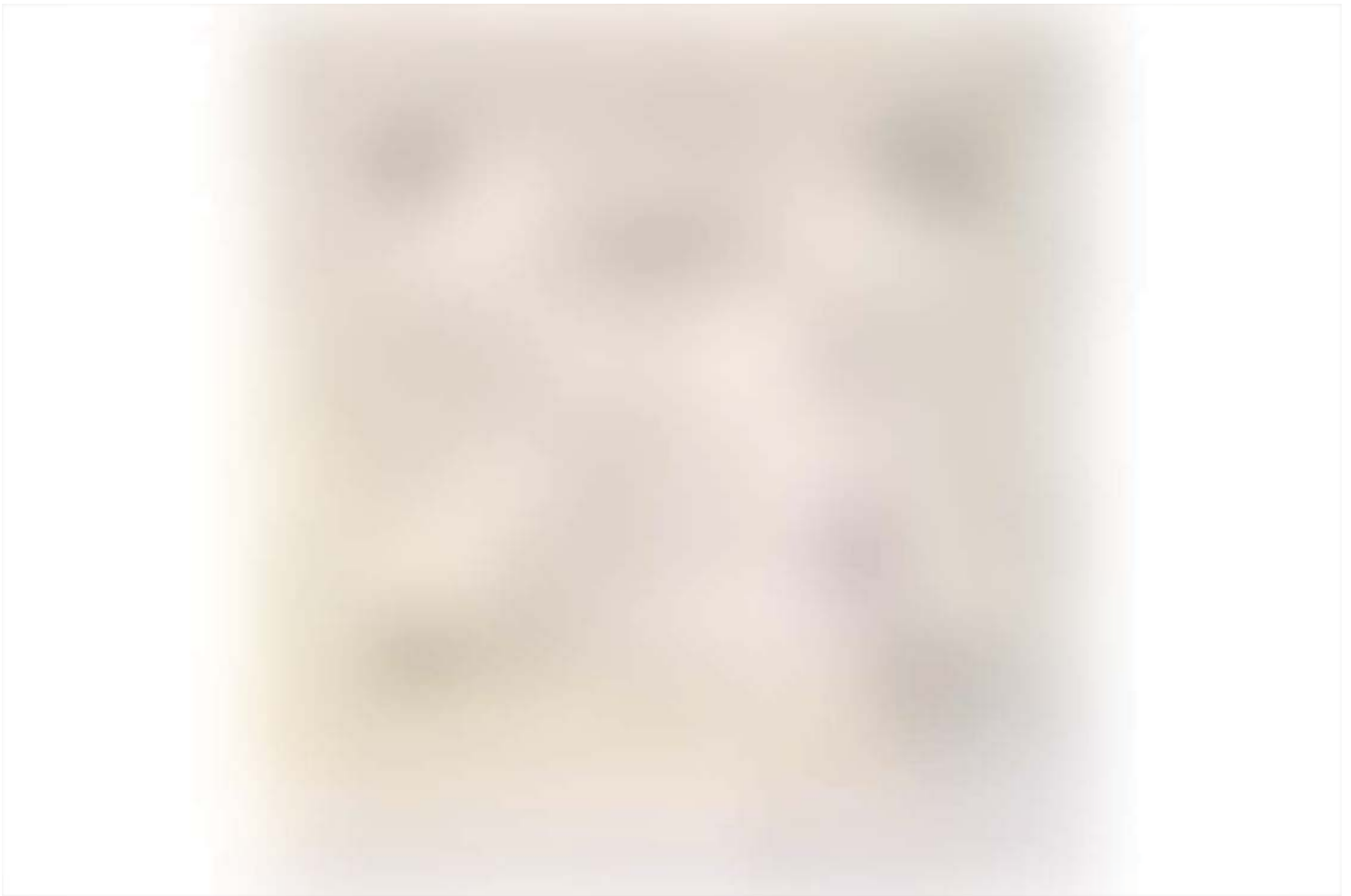


FLORIDA INDIAN POPULATION DECLINE



"When the conquistadors arrived in Florida in the early sixteenth century, as many as 350,000 Native Americans lived in the territory. For more than twelve centuries their ancestors had resided there, fishing, hunting, gathering wild plants, and sometimes cultivating crops. Two and a half centuries later, Florida's Indians were gone."

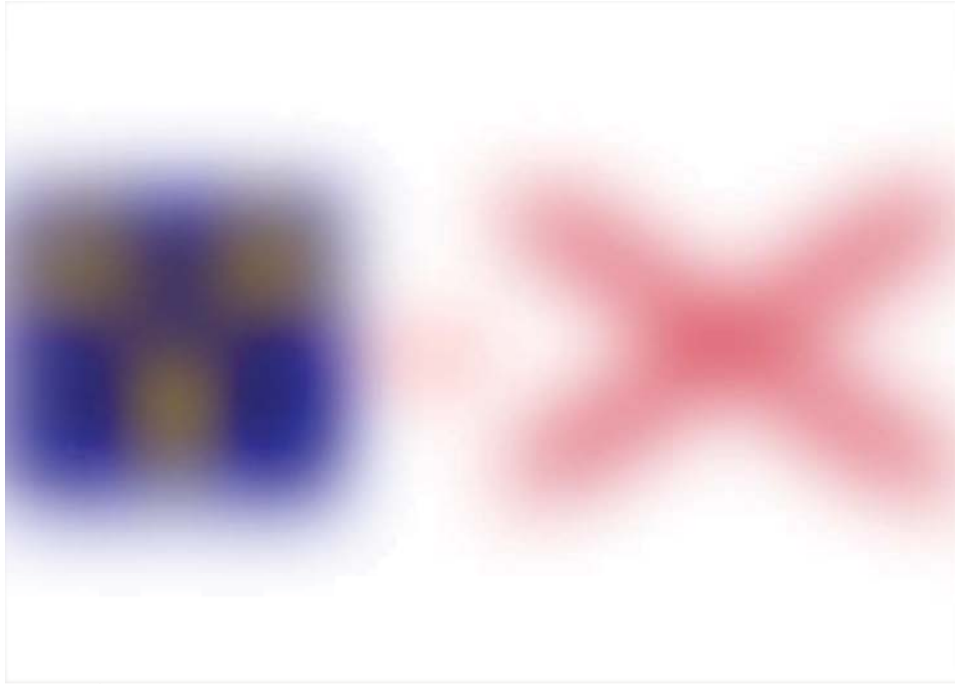
Milanich,1995



ISLA SANTA MARIA 1565

In the late 16th century, the French were driven out of Florida by the Spanish forces reasserting their claim to “La Florida.” Under the dominion of the Spanish Empire, 3 small missions and a garrison were established on the island amongst the Timucua tribes.

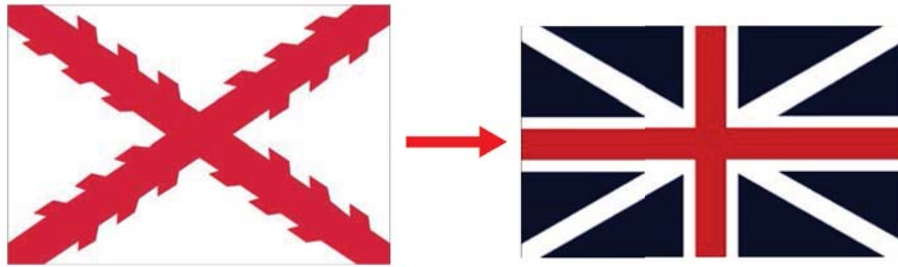
This **1691** plan was for a fortified mission likely located near Old Town, the original settlement of Fernandina. Although Isla Santa María was a remote part of Spanish East Florida, its deep-water port was greatly superior to the shallow port at St. Augustine.



THE ENGLISH PERIOD 1763

During the Seven Years War (French and Indian War), the British had captured Spanish Cuba and the Philippines. To get these valuable colonies back, Spain was forced to give up Florida. Signed on February 10, 1763, the **First Treaty of Paris**, gave all of Florida to the British.

(www.nps.gov/foma/learn/historyculture/the-british-period.htm)



The flag of Spain and Great Britain in 1760

Powered by Esri

AMELIA ISLAND 1770

This English survey of the island was prepared by Captain William Fuller for the **Earl of Egmont** who

had been granted 10,000 acres-almost the entire island-for an indigo plantation by Governor Grant. Egmont considered the Amelia River and her naturally deep harbor to be exceptional for water transportation.

After Egmont's death, Stephen Egan became resident superintendent of the plantation. The Amelia Island plantation continued under Egan's direction to the satisfaction of all parties until it was destroyed during the American Revolution.

MOUNT MISERY

In large scale detail from the 1770 Fuller map, we see “**Mt. Misery**” where slaves too sick and weak from the Middle Passage were sent to die.

The “New Settlement” would not become an organized town until after the Spanish regained control of the island in 1784.

A freshwater spring head on Anderson’s Creek (now Egan’s Creek) provided water for ship provisioning. Small boats would float empty barrels up the creek to the springhead, fill and return them to waiting ships on the river.

EGMONT TOWN 1770

A detail of the north end of the island shows a grid plan for a “New Town” Several buildings were constructed here but the orderly settlement never materialized.

C: “An oyster shell mound under the bluff”

D: “Causeway through marsh to bluff where ships of 300 tons can lie and deliver slaves and goods”

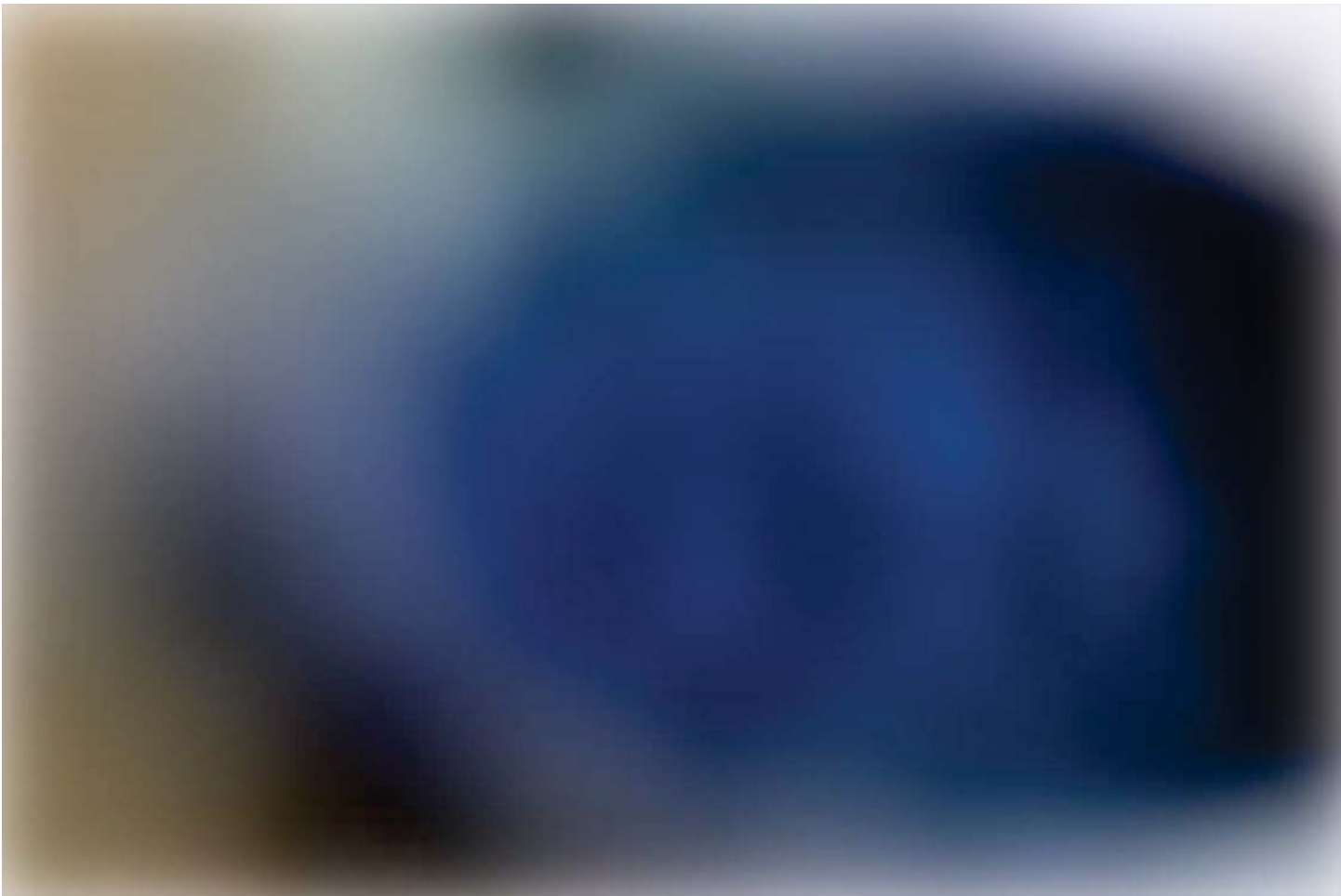
E: “Landing Place for very large boats at the creek formed by a rivulet of very fine fresh water” (Now Egan's Creek)



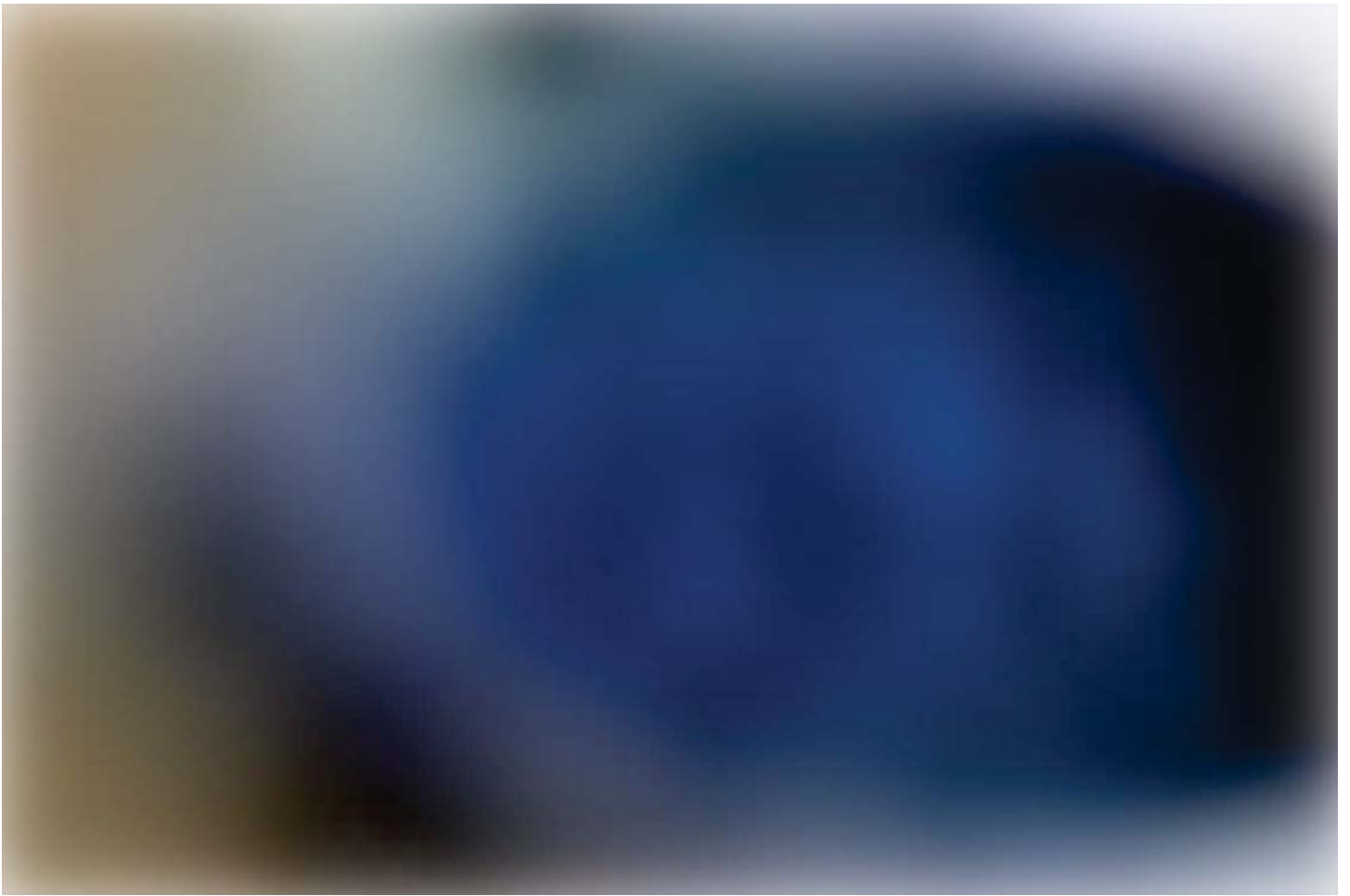
AMELIA ISLAND 1779

This French map based on Fuller's 1770 chart, shows slave quarters, warehouses and other dwellings that supported Egmont's extensive indigo plantation managed by Thomas Egan (Egan's Creek) after Egmont's death.

A river front causeway leading to a series of warehouses is located at **C**.



INDIGO



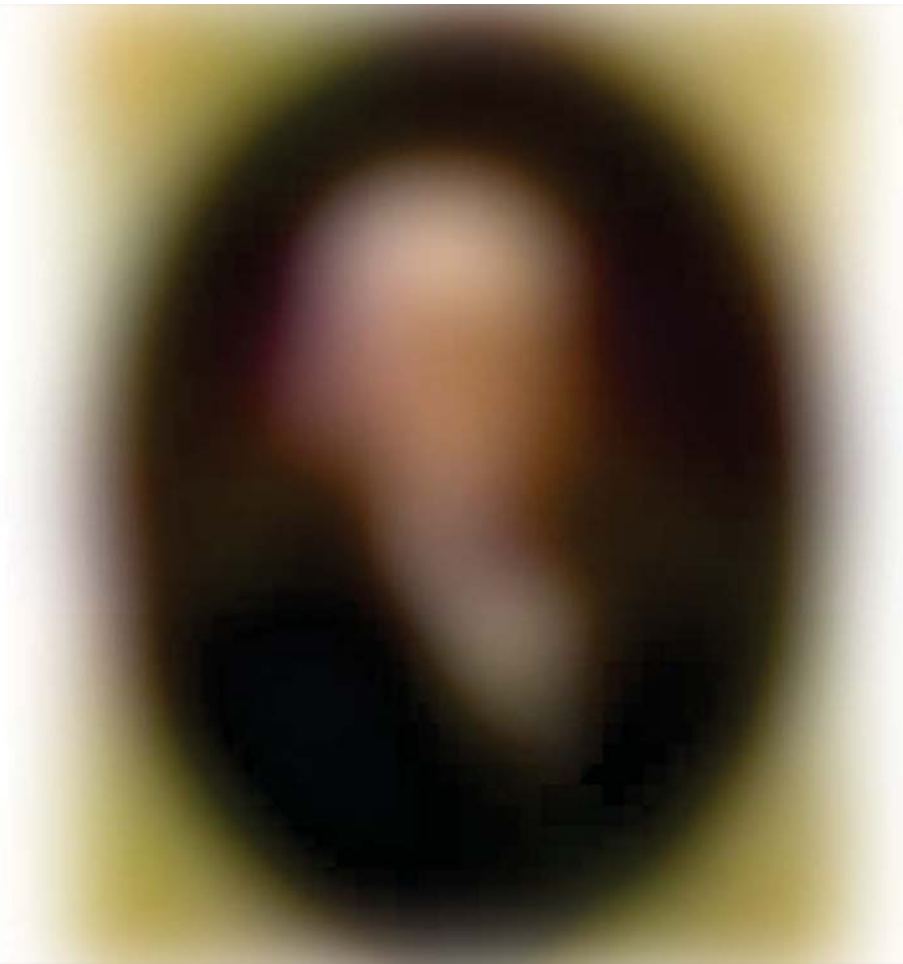
Indigo production began in East Florida during the British period (1764-1784), and it was the colony's most important crop. It quickly became a profitable import, as two to three productive crops could be harvested each year.



PRODUCING INDIGO

According to Colonial records, a block the size of a wooden match box sold for more than \$40 in the 1700s.

The astounding profits from sales ensured a steady supply of slaves from Africa and the Caribbean.



BARTRAM'S TRAVELS

The renowned naturalist William Bartram visited Amelia Island and Egmont Plantation during a voyage to Florida in 1774. His travel accounts note the “very extensive capacious harbours, from three to five and six to eight miles over, and communicate with each other by parallel salt rivers, or passes, that flow into the sound”,

Bartram anticipates the activity of the next century writing, “they afford an extensive and secure inland navigation for most craft, such as large schooners, sloops, periaugers, boats, and canoes”.

SPAIN RETURNS - 1784 - 1821

The **1783 Treaty of Paris** formally recognized American Independence and returned Florida and Amelia Island to Spain the following year.

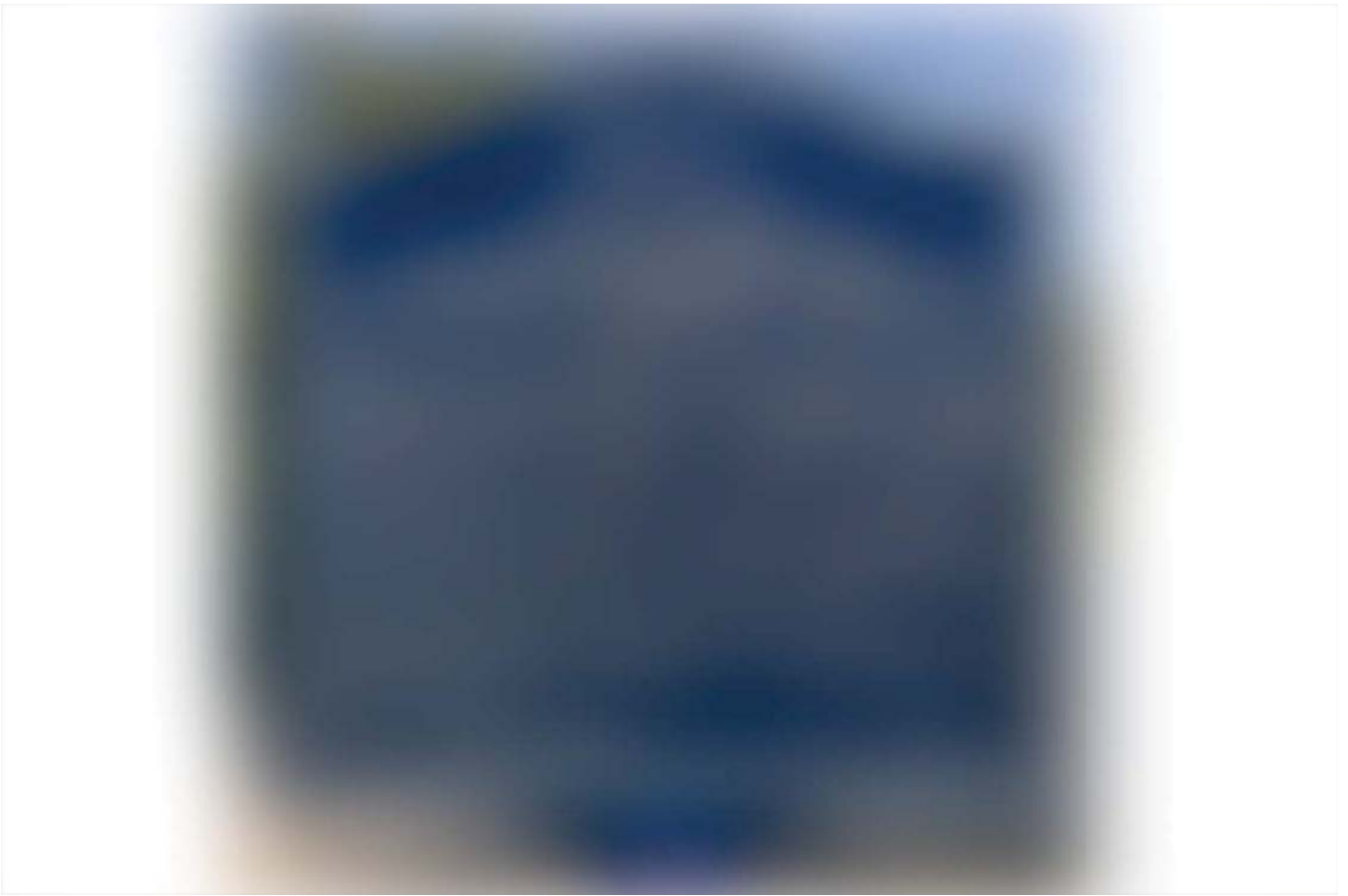




EMBARGO of 1807

In 1807, American ports were closed to foreign shipping as a provision of the Jefferson Embargo Act. Still controlled by Spain, Fernandina was the closest “east coast free port” to the United States. As a result of this proximity and its natural harbor, Fernandina became a haven for smugglers, pirates, slave traders and con-men .

Lampooned as as “**Ograbme**” (**Embargo** spelled backwards), this political cartoon of the day shows the economic impact of the law on merchants.



FERNANDINA AND THE MIDDLE PASSAGE

In addition to the Embargo, importing slaves into the US **became illegal after 1808**. However, the demand for slaves dramatically increased in the Southern States.

Fernandina became a major transport site for slave smugglers operating in the region. Some accounts indicated upwards of **300 vessels of varying sizes and flags** anchored off the shore of Fernandina (known today as Old Town) trading slaves, regular goods and contraband.

UNESCO Slave Route Marker erected on the Plaza in Old Town,
March 2020



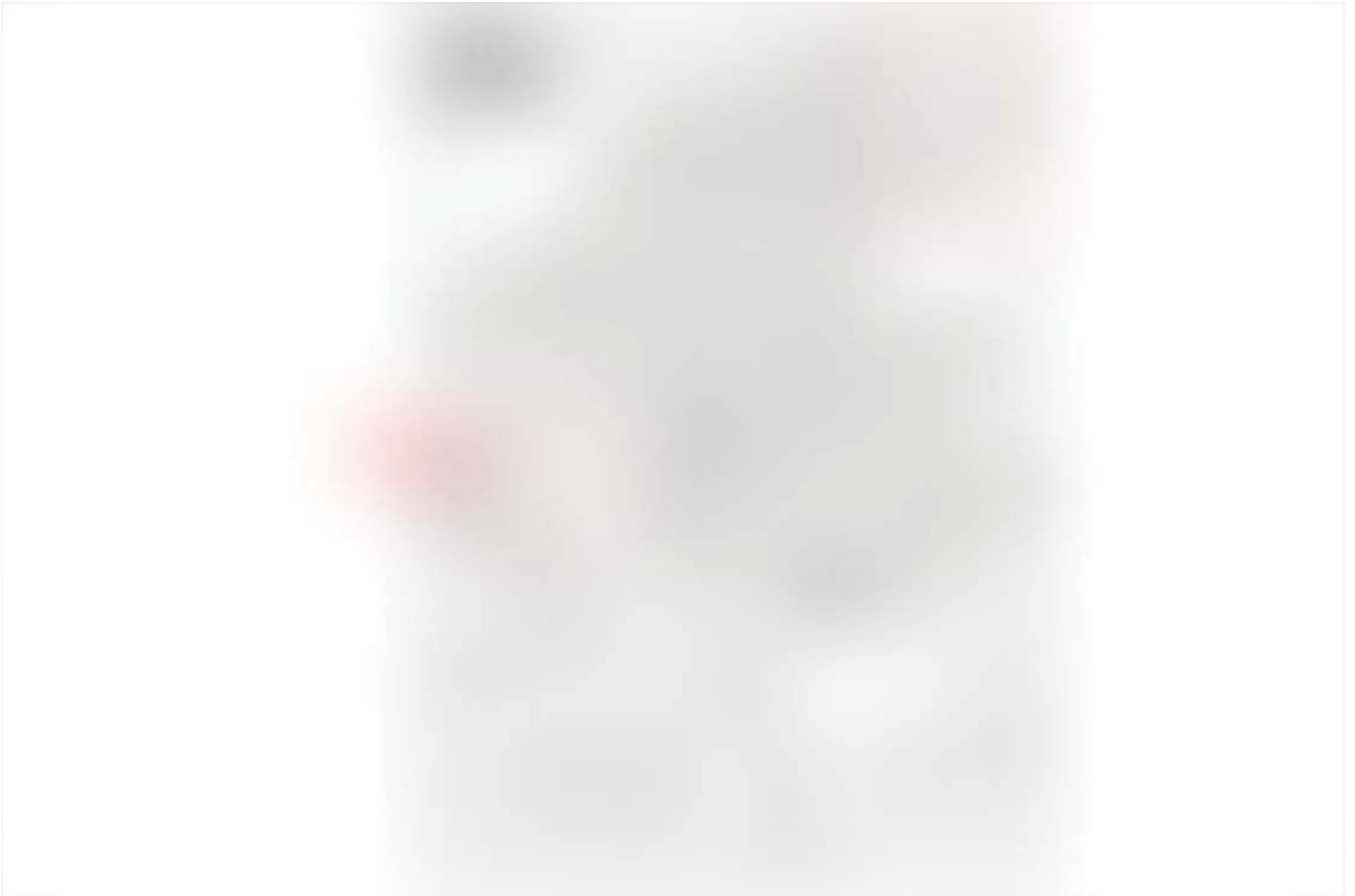
FERNANDINA 1811

In 1811 Spanish Governor Enrique White ordered **George J. F. Clarke** to create a new town plan to impose order on the unruly settlement. The plan is a textbook example of the **Laws of the Indies** signed in 1573 by the King of Spain. Fernandina's location fits this 1573 description exactly:

“Having chosen a place where the town is to be made, which as above, must be located in an elevated place, where are to be found health, strength, fertility, and abundance of land for farming and pasturage, fuel and wood for building, materials, freshwater, a native people,

commodiousness, supplies, entrance and departure to the north wind.”

(section 111, 112) Trans. Nutall 1921



FERNANDINA 1817

By 1817, the town grid has been extended, a walled town gate and cemetery added in the upper right (red dotted square) and a palisades fort on the bluff to protect the town from attack from the Amelia River. A land grant to Clarke for a sawmill appears on the south shore of Egan’s Creek (shown by red arrow and dotted outline). Timber and lumber was shipped to Europe and the Caribbean.

By this time however, Spain's Empire was crumbling leaving a political vacuum in Fernandina. The deep-water harbor and easy access to the Atlantic Ocean, began to attract all manner of ne'er-do-wells.



INTERLOPERS 1812-1817

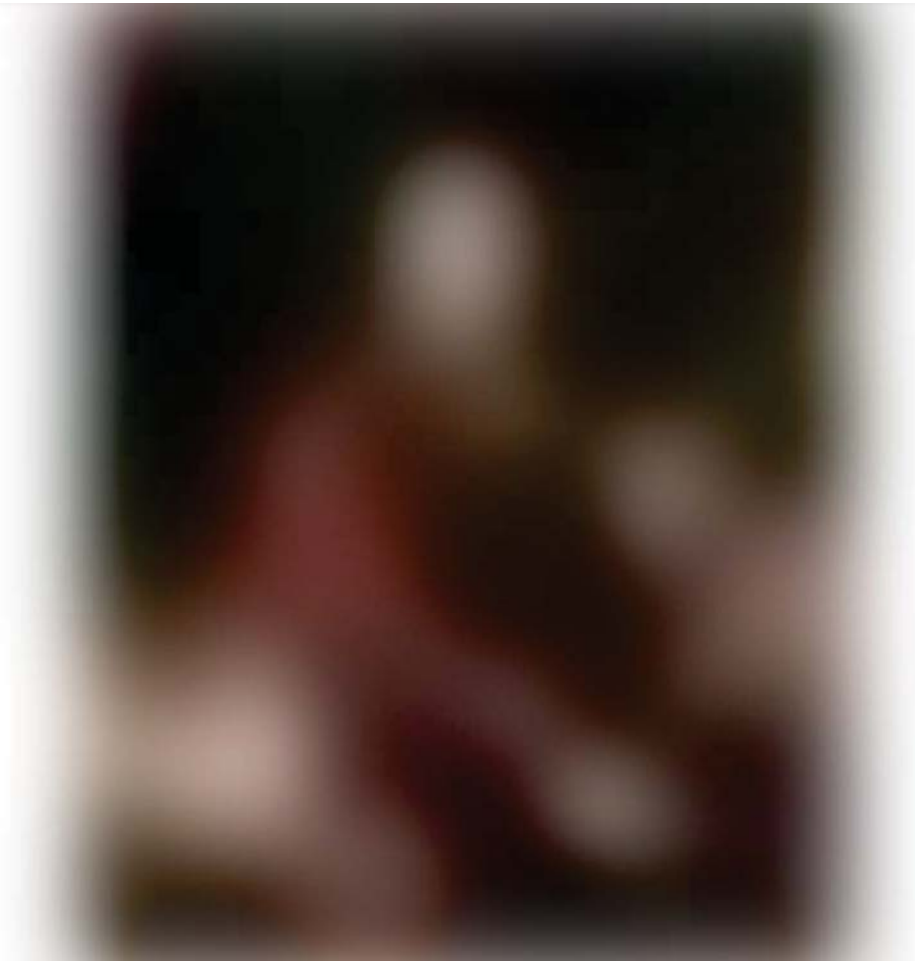
From 1812-1817, a series of filibusters and pirates temporarily took over Fernandina and Amelia Island.

In 1812, with the secret approval of President James Madison and Georgia Governor George Mathews, a group of insurgents from Georgia known as the "Patriots of Amelia Island" seized the island. After

raising a Patriot flag, they later replaced it with the United States Flag.

American gunboats maintained control of the island until Spanish pressure forced their evacuation in 1813.

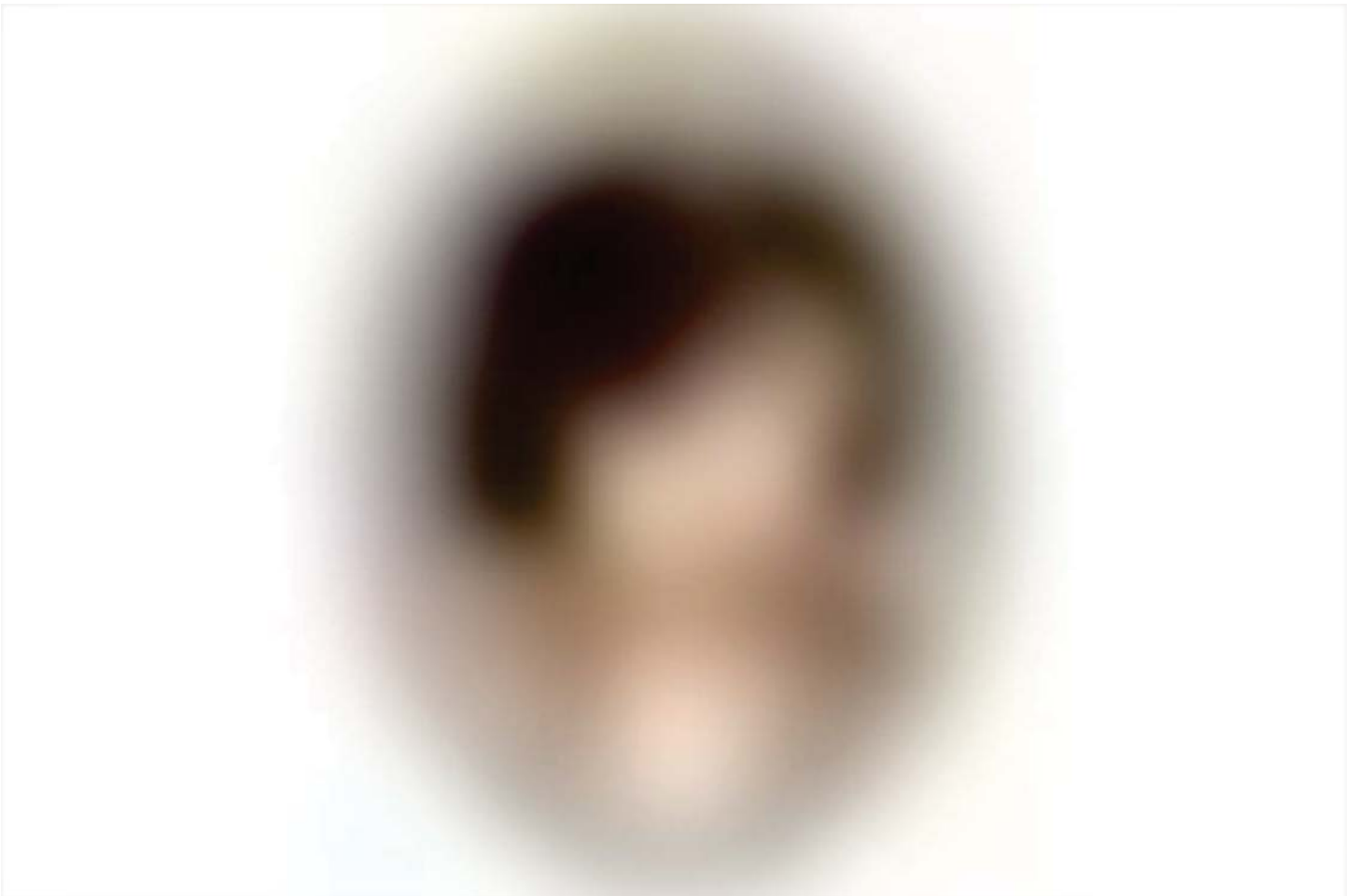
(“The Good of the People is the Highest Law”)



THE AMELIA ISLAND AFFAIR

On June 29, 1817 **Gregor MacGregor**, a Scottish adventurer and con-man styling himself as the "Brigadier General of the United Provinces of New Granada and Venezuela and General-in-Chief of the Armies of the Two Floridas" invaded Fernandina

with a small band of musketeers and claimed the island from its Spanish defenders without either side firing a single shot. MacGregor's "Green Cross" flew over Fernandina for only four months. Pressured by the Spanish, abandoned by his men and out of funds, MacGregor fled the island for even more audacious schemes.

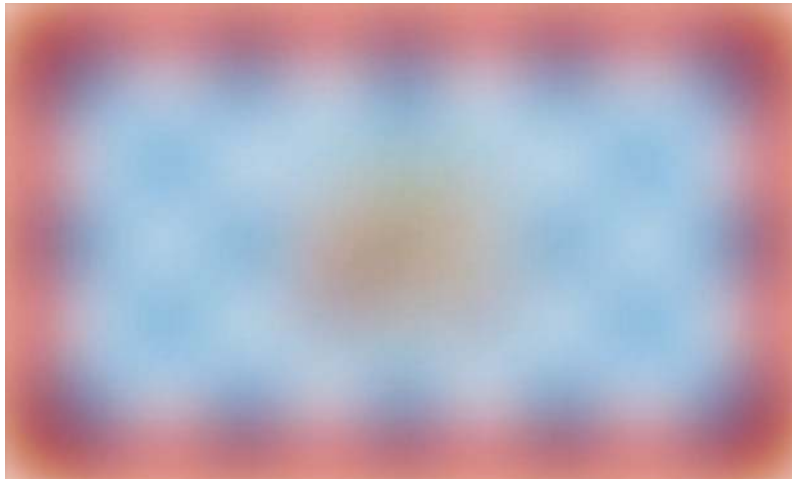


THE AMELIA ISLAND AFFAIR

Part 2

Immediately after MacGregor's departure, the pirate **Louis-Michel Aury**, assumed control of Fernandina. Aury had a constitution drawn up and invited all Florida to unite in throwing off Spanish rule. The flag of the Revolutionary Republic of Mexico flew over Fernandina until December 1817.

US Customs agents estimated that Luis Aury sold more than **1,000 enslaved Africans in less than 2 months** "spirited northward" into Georgia.



THE UNITED STATES TAKES OVER 1821

Aury was chased out by American troops who held the Island "in custody for the Spain". According to Secretary of State John Quincy Adams, the US had to take action there because Florida had become "a derelict open to the occupancy of every enemy, civilized or savage, of the United States, and serving no other earthly purpose than as a post of

annoyance to them." Spain finally gave up the island under the **Adams-Onís Treaty** in 1819 and Florida became a US territory in 1821.



TERRITORIAL PERIOD

After Florida became a US Territory in 1821, Fernandina was incorporated in December 1825 and became the seat of government for Nassau County. Many free black and Indian slaves, Black Seminoles, living near Fernandina and St. Augustine, fled with the Spanish to Havana, Cuba to avoid coming under US control. Hundreds of remaining Black Seminoles and fugitive slaves later escaped from Florida to The Andros Island, Bahamas.

As American settlements gradually increased, ship traffic to the port revived. The Amelia Island Lighthouse was moved from Cumberland Island and reconstructed in 1838 near the northern end of the Island. Its light marks St. Mary's Entrance, the inlet leading to St. Mary's River, the Cumberland Sound and the harbor of Fernandina on the Amelia River.



STATEHOOD 1845

Florida became the 27th State in 1845. At that time Florida still had few roads and trails most of which were inherited from Indian, Spanish and English settlements, but had over 1,000 miles of navigable waterways. This fact essentially made "The Waterways of the State the Highways of the State."

Fernandina's strategic location on the St. Mary's and Amelia River close to the Atlantic Ocean, which had attracted Indians and European settlers, gave it a strategic advantage in the development of the new state.

DAVID YULEE AND THE FLORIDA RAILROAD

The Charter of the Florida Railroad Company (1853) and Internal Improvement Act (1853) were passed by the Florida Legislature. These laws were written by David Yulee, Florida's first United States Senator.

During that time, Yulee was president and owned 50% of Florida Railroad Company stock. Using Internal Improvement Act monies, capital from Northern investors and donated land, construction began on the Florida Railroad in **1856** from Fernandina to Cedar Key.

The Florida Railroad was organized to transship cargo across the Florida peninsula to depots on the Atlantic Ocean and Gulf of Mexico. In order to accomplish this, the State of Florida granted to the RR a limited grant of Sovereignty Lands (submerged lands under a navigable body of water owned by the State) to construct wharfs at each depot.

This Limited Grant gave the Florida Railroad lands from the uplands to the edge of the deep water on the Amelia River. There after the Florida Railroad subdivided these lands into “water lots.” Without this limited grant of Sovereign Lands, there would have been no wharfs and the Florida Railroad would never have been built.



A BROAD GREEN SWATH

The broad swath of land stretching from Fernandina on the Atlantic and Cedar Key on the Gulf of Mexico shown on this survey produced in 1854 by A.D. Bache, Superintendent of the U.S. Coast Survey, depicts lands through which the Florida Railroad would be constructed starting in 1856.

Along the route are now familiar towns such as Callahan, Baldwin, Waldo, Archer and Gainesville. They owe their existence in large part to Yulee's railroad.



THE ROAD

Following the trend of most railroad companies in the slave states, the contractors used slaves who were rented from their masters to build the roadbed, tracks, wharfs, trestles and station structures. As slaves were considered “chattel,” they were not paid for their work.

The rail line was completed in June 1860. The first train from Fernandina arrived in Cedar Key on March 1, 1861, just weeks before the start of the Civil War.



FERNANDINA 1857

In this chart produced by A.D. Bache, Yulee’s Florida Railroad is shown heading south from the

railhead at New Fernandina and then west to the Gulf terminus at Cedar Key.



FRR NETWORK

The railroad line from Fernandina to Cedar key was intended to “avoid the tricky passage through the Florida Keys and tap the lucrative trade between New Orleans and New York. In conjunction with the railroad, Yulee intended to operate a fleet of steamers between his gulf and ocean termini to New Orleans and New York respectively”.

Unfortunately, they never materialized due to the Civil War.

"MANHATTAN OF THE SOUTH"-1857

Yulee's 1857 plan for "**New Fernandina**" featured a grid layout and a Central Park influenced by the **New York City plan of 1811**. Slide the arrows left and right to compare this plan with a modern aerial of Fernandina.



FLORIDA HOUSE

Built by Fernandina Beach founder David Yulee in 1857 as a boarding house for railroad personnel and visiting dignitaries, the Florida House was one of the first structures in New Fernandina. It was also used by the Union Army during the Civil War, accommodated President Ulysses S. Grant, Cuban revolutionary Jose Marti, Henry Ford and comedians Laurel and Hardy.

As Fernandina's first hotel, it continues to operate as the Florida House Inn at 22 South 3rd Street.



THE CIVIL WAR 1861-1865

Fort Clinch and Fernandina had been abandoned to Federal forces by March 1862. It proved a boon to the Union war effort, and the island became a haven for runaway slaves, with many joining the Federal army.



**UNITED STATES SLOOP OF WAR "JAMESTOWN" DRIVING
THE "ALVARADO" ASHORE, NEAR FERNANDINA,
FLORIDA.**

Harper's Weekly, 28 September 1861



LAST TRAIN OUT

Feb. 24, 1862 – Confederates evacuate Amelia and Cumberland Islands and abandon defenses at Fernandina.

March 3, 1862 - The last train out of Fernandina, filled with civilians, their belongings and a detachment of Florida cavalry, was chased for 2 miles along the Amelia River by the Federal gunboat Ottawa.

Union forces would occupy Fernandina until the end of the war.



Yulee's railroad was completed to Cedar Key in 1861. He sided with the Confederacy when Florida seceded from the Union **and was briefly imprisoned for treason.** Ironically, since Union troops occupied Fernandina and Cedar Key, much of the rail line between the two ports would be torn up and used elsewhere by Confederate forces before significant operations began.



POST WAR REVIVAL 1866



After the Civil War, Fernandina's economy grew as witnessed by the revival of local industries such as the Amelia Steam Sawmill established by Colonel J.C. Read on the confluence of the Amelia River and Egan's Creek across from Old Town. Yulee's railroad resumed operations in 1869, leading to expansion of port facilities and building activity in the town.



THE GREAT FIRE OF 1876

Fernandina's re-emergence as a major port was interrupted in 1876 by a devastating fire which destroyed much of the waterfront business district.

“On the night of the 23rd... fire broke out in a carpenter’s shop located in the business center of the place...and spread so rapidly that the citizens were unable to check its progress until nearly forty buildings had been destroyed. These covered nearly the entire business portion of the city...including the post office, city offices...the office and store-house of the Charleston Steamship Company...the depot and wharves were saved by the opportune assistance of a steam tug.”

D. Webster Dixon to the St. Albans Messenger,
March 30, 1876.



View of North Second Street which at the time of
the fire was the Central Business District and
stretched all the way to Old Town.



FERNANDINA REBUILDS



A photograph of Centre looking towards the docks taken in 1885 shows the rapid recovery after devastating fires in 1876, 1883 and the Yellow Fever outbreak in 1877. The downtown was rapidly rebuilt with brick buildings and **Centre Street** emerged as the new main street.



FERNANDINA TRANSFORMED



By the time this panorama was printed in **1884** Fernandina was one of the busiest ports on the South East Coast. Its deep-water channel and proximity to the Atlantic Ocean made it a preferred port-of-call. The state still had few roads, but about 750 miles of railroads and over 1,000 miles of navigable rivers plied by 4-masted schooners, barges, steamships and flatboats.

The Railroad transformed Fernandina and its sister port of Cedar Key on the Gulf Coast.



HURRICANE OF 1898



The 1898 hurricane struck Fernandina Beach with estimated 135 mph winds and storm surge of about 12 ft. causing extensive flooding in the city. The October 1898 Monthly Weather Review described Fernandina as "nearly destroyed," and most anchored boats were sunk or washed inland into the marshes.

“The damage to Fernandina and vicinity was very great. It is conservatively estimated at \$500,000. Nothing escaped damage and a great deal was absolutely destroyed. Giant oaks were snapped off at the base, houses blown down, and vessels swept inland by an irresistible in-rush of water. The wind signal display man Major W.B.C. Duryee, who has

resided in Fernandina more than thirty years, states that no previous storm was so severe.”

U.S. Weather Bureau, October 1898



FERNANDINA'S GOLDEN AGE 1869-1915



Fernandina recovered from the Hurricane of 1898 to enter the most prosperous period in its history. This photograph ca. 1900 represents the impact of the shipping industry which produced great wealth resulting in thriving businesses, construction of outstanding public and private buildings and the rise of the tourism industry. Buildings built during this period are the foundation for Fernandina being listed on the National Park Service National Register of Historic Places.



EARLY INDUSTRY

Fernandina's commercial piers were some of the busiest in the Southeast United States from 1885-1910.

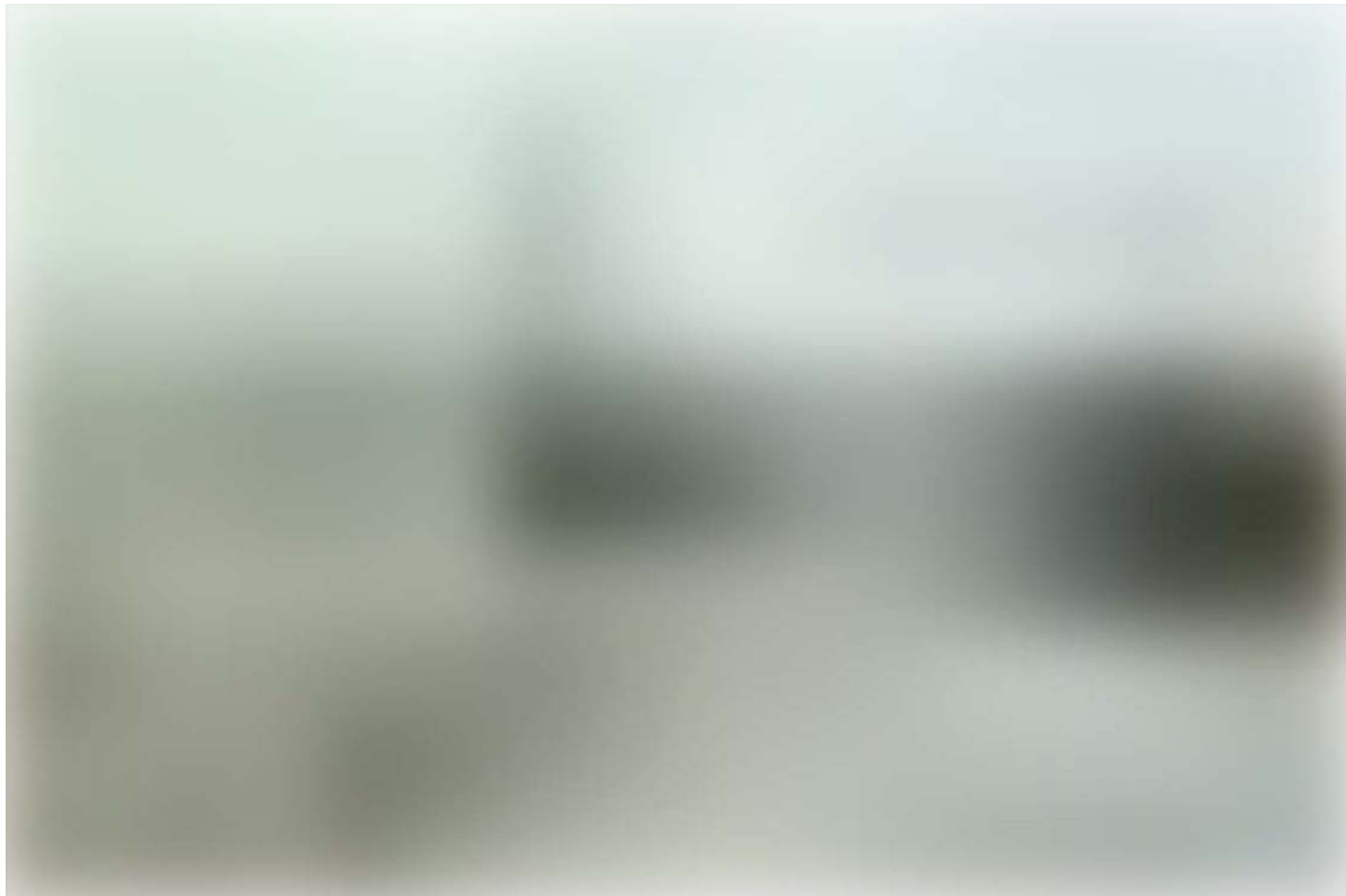


These ships are docked in the deep-water loading
lumber and railroad ties.



Immense docks loaded with lumber, railroad ties and naval stores stretched as far south as the current Rayonier Plant to the sawmills and Pogy Plant in the north. Lumber, railroad ties, turpentine, and pitch came to Fernandina on barges from North Florida and southern Georgia to be loaded on cargo schooners and railroad cars at Fernandina's deep-water port.

The docks and rail line in this photograph from 1898 were built over open water of the Amelia River.



In addition to commercial ships, there was regular freight, passenger and mail service to St. Mary's, Brunswick and Savannah GA. The white ship in the foreground unloads passengers at the Centre Street dock.



This **Sanborn Fire Insurance Map** from **1884** shows the Amelia River cutting into the City grid from Centre to Broome and almost to 2nd Street.

This area was filled in by 1897 with pilings, rocks, and earth. This area is now prone to subsidence and “clear day flooding.”



ONE YEAR IN THE LIFE OF THE PORT

Florida Central and Peninsular Railroad Co. was a successor to Yulee's Florida Railroad. A summary of this shipping report shows the commercial activity in 1899. This level of activity continued into the early 20th Century.

Phosphate: 85 ships-245,622 tons to European Ports.

Lumber: 143 ships-84,307,727 linear feet to East Coast ports.

Lumber: 36 ships-9,564,462 linear feet to Caribbean ports



FERNANDINA 1901

The dramatic increase in wharfs along the river directly correspond to shipping activity. Except for a large lumber wharf (**A**) where ships dock in deep water, only a few small structures were built in the southern lots due to marshes and mudflats.



SHIPPING NAVAL STORES

The term **naval stores** originally applied to the resin-based components used in building and maintaining wooden sailing ships, a category which includes cordage, turpentine, rosin, pitch and tar. Pine resin is still used to manufacture soap, paint, varnish, shoe polish, lubricants, linoleum, and roofing materials.



Florida ranked first in the nation in Naval Stores output 1905-1923

Florida's naval stores industry valued at \$7,794,101, accounted **for nearly 32% of the nation's production**. Between 1905 and 1923, **Florida ranked first in the nation in naval stores output**.

Possessing both rail connections and a deep harbor, Fernandina became an important exporter of naval stores and lumber.



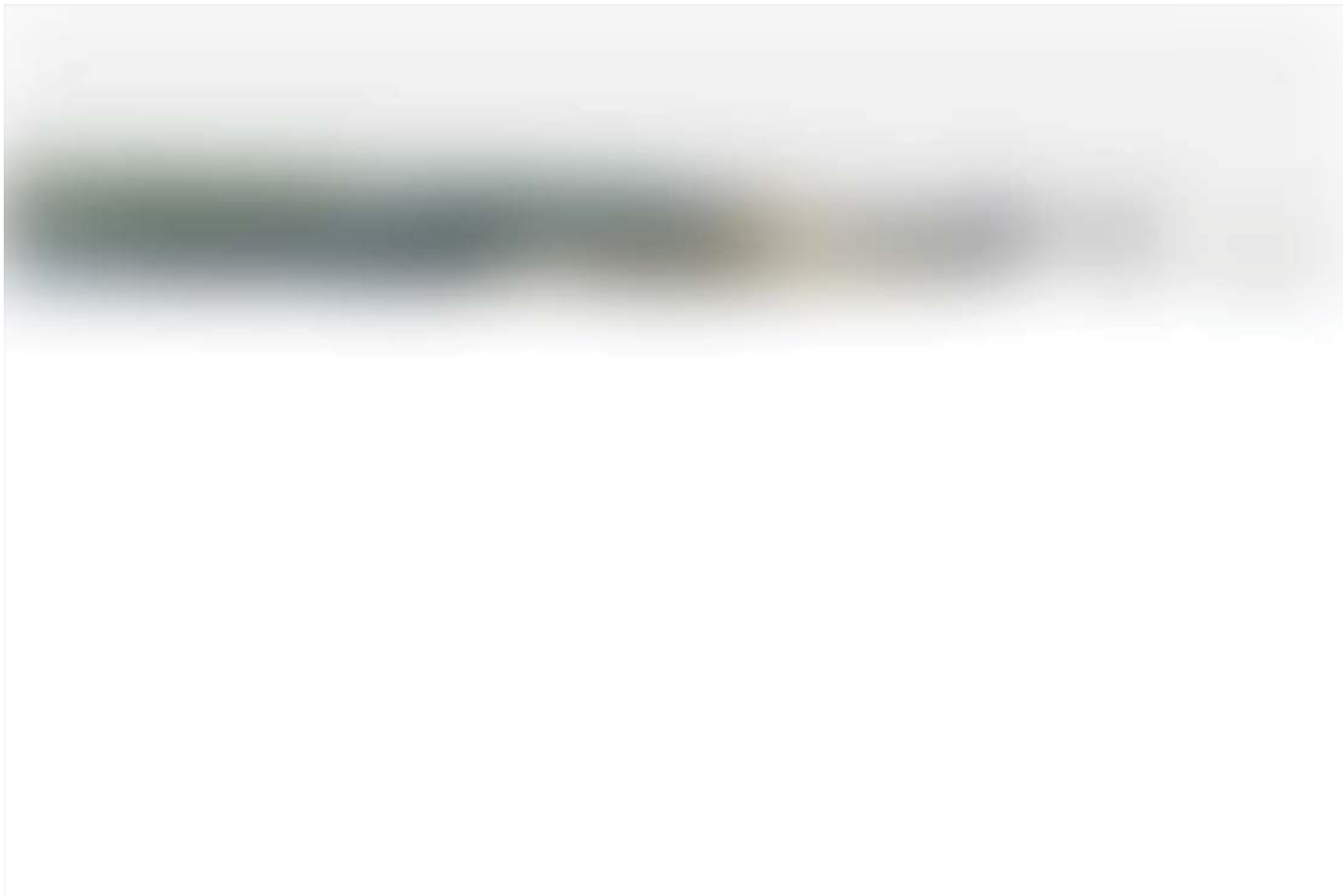
The Old Town Pilot Tower

This tower was used by harbor pilots to spot ships coming in from the sea. The tower is shown on this **1926 Sanborn map** on the corner of San Fernando and Estrada streets.

Before the tower was constructed, Captain Bell used a look out on his house facing the Plaza. This can be seen below.



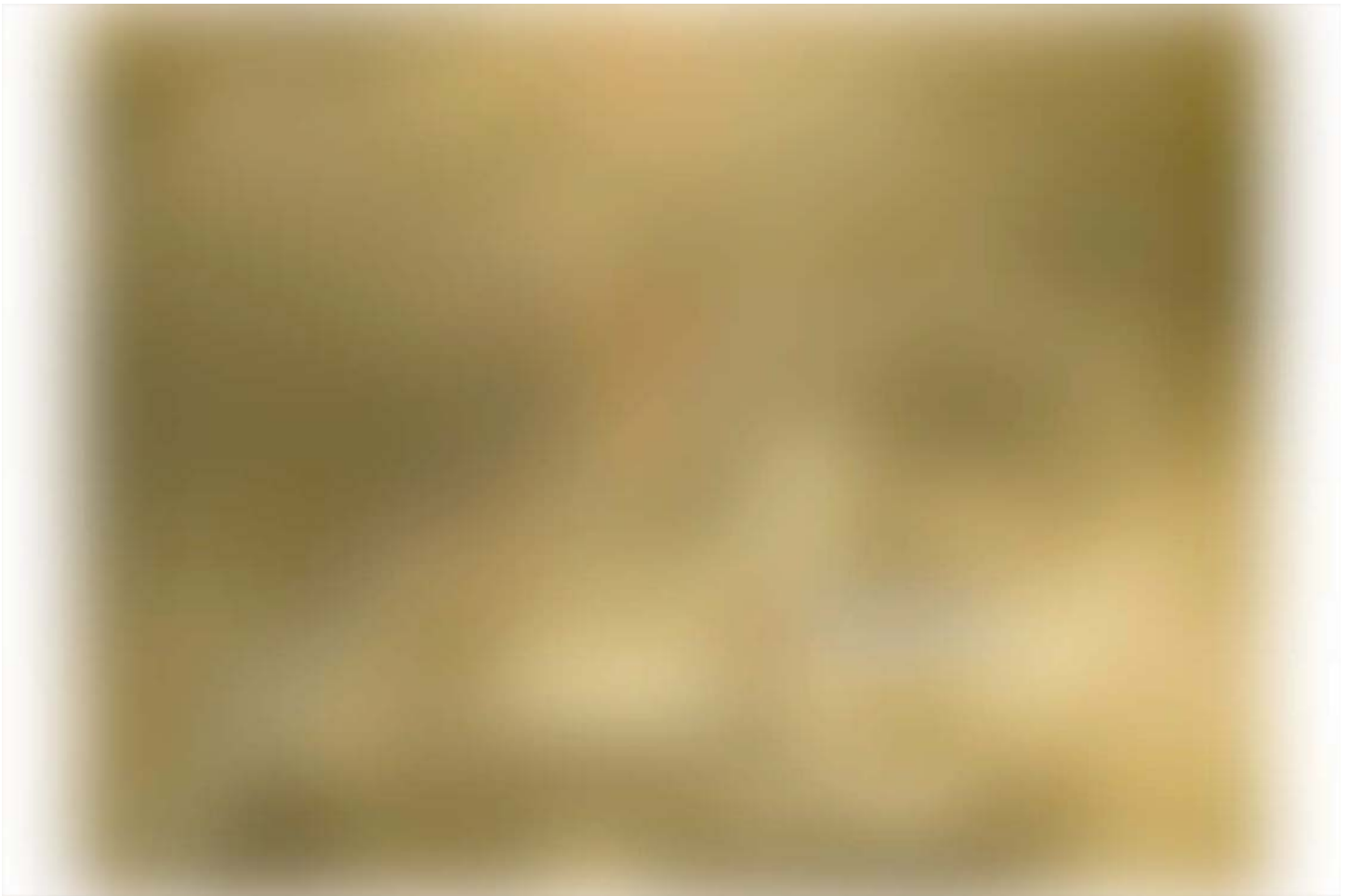
OLD AND NEW FERNANDINA c1910



PAY DIRT: FLORIDA STRIKES IT RICH



The discovery of phosphate in Florida by Albertus Vogt in 1889 jump-started the state's industry. Fernandina became a favored port for the industry, which received shipments by rail from the Peace River mines on the west coast of Florida. Several plants eventually dominated the Amelia River shoreline by the 1900's.



By the early 1920's, the phosphate industry accounted for virtually all of the major shipping from Fernandina. The Florida Terminal Company phosphate plant shown here shipped over **400,000 tons** of phosphate to ports in England, Germany and the Netherlands.

However, by 1926 the Florida Terminal Company had closed its phosphate warehouse due to competition from the new Port of Tampa which was much closer to the Central Florida mines. This site would become the Rayonier paper mill in 1938.

Notice that the blue dotted line traces the "Bulkhead Line" at deep water where docks were built to accommodate ships. The red dotted line indicates historic mudflats which are perpetually

silted. Unfortunately, this is the area where the City Marina will be constructed in the 1960's through 2019.



THE POGY PLANTS

The processing of Menhaden, or “Pogys”, became an important commercial fishery in Fernandina taking over the site of Read’s sawmill. Pogys still constitute the largest landings, by volume, along the Atlantic Coast of the United States. They are harvested for use as fertilizers, animal feed, and bait for fisheries. The name “menhaden” comes from a Native American word for fertilizer, and it is generally thought to be the species Squanto advised the Pilgrims to plant with their corn.



A wooden walkway once connected Old Town to the Pogy Plants across Egan’s Creek allowing workers to walk to work.



MENHADEN CHANTYMEN

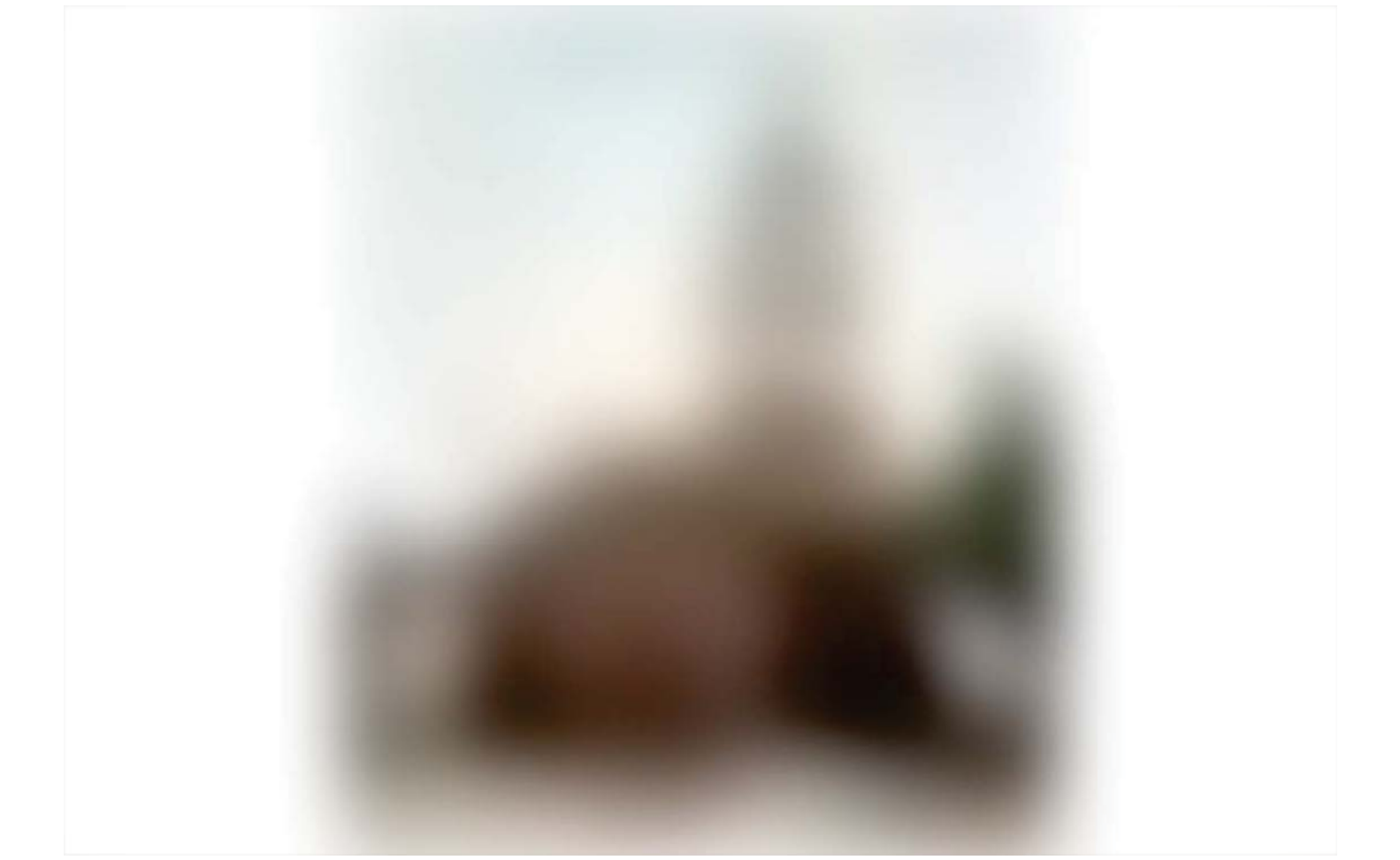
The menhaden fishery was worked by predominantly African American crews on open boats hauling “purse seines” nets. The men employed **sea chanties** to help synchronize the hauling of the nets. These chanties pulled from West African, blues, and gospel sources and created a uniquely African American culture of chanty singing. By the late 1950s, hydraulic winches replaced the large crews of manual haulers, and the menhaden chanty tradition declined.



THE NASSAU FERTILIZER CO., c1947



A number of separate Pogy plants were consolidated into the Nassau Fertilizer Co., which operated from 1940-1985, but the site currently houses a variety of businesses such as marine salvage and the Burbank Trawl Makers, Inc.



FERNANDINA BUILDS

Fernandina would not be where it is today without the financial and cultural input gained from shipping, industry, fishing, shrimping, and tourism.

The City's Downtown Historic District Design established in 1975 contains over 50 blocks and contains over 400 structures on the **National Register of Historic Places** built from **1850s-1920s**.

The Courthouse opposite was built in **1891** and is an excellent example of the care and attention paid to civic buildings during this period. It was restored in

2003 and remains one of the few courthouses in the State surviving from the 19th Century.



USPO CUSTOMS HOUSE AND FEDERAL COURTHOUSE 1912

This Renaissance Revival style U. S. Post Office, Federal Customs House & Courthouse, at 401 Center Street, demonstrates the significance of Fernandina as an international shipping port.

Library of Congress



THE HOUSE THAT LUMBER BUILT

Villa Las Palmas, constructed ca. 1909 for the prosperous lumberman Nathaniel B. Borden and his new bride, was one of many homes that displayed the wealth created during Fernandina's "Golden Age." His lumber docks are shown below.



THE QUEEN OF SUMMER RESORTS

By 1896, Fernandina was hailed by American Resorts magazine as **“The Queen of Summer Resorts.”** The Mallory Steamship Line's business boomed shuttling the wealthy from Northern states to Fernandina. As prosperity on the island continued to grow it attracted the likes of the Vanderbilts, the DuPonts and the Carnegies as well as the burgeoning middle class.



EGMONT HOTEL 1878-1900

Once billed as the “Leading Hotel of the South,” the Egmont boasted steam heat, gas lighting, hot and cold baths and “oral annunciators” in every room. Built by the Florida Railroad Company, the Egmont,

attracted wealthy visitors from Boston, New York City, and Chicago.

The hotel was razed in 1900 near the end of Fernandina's Golden Age as newer resorts on Florida's east coast built by Henry Flagler began to lure tourists away.



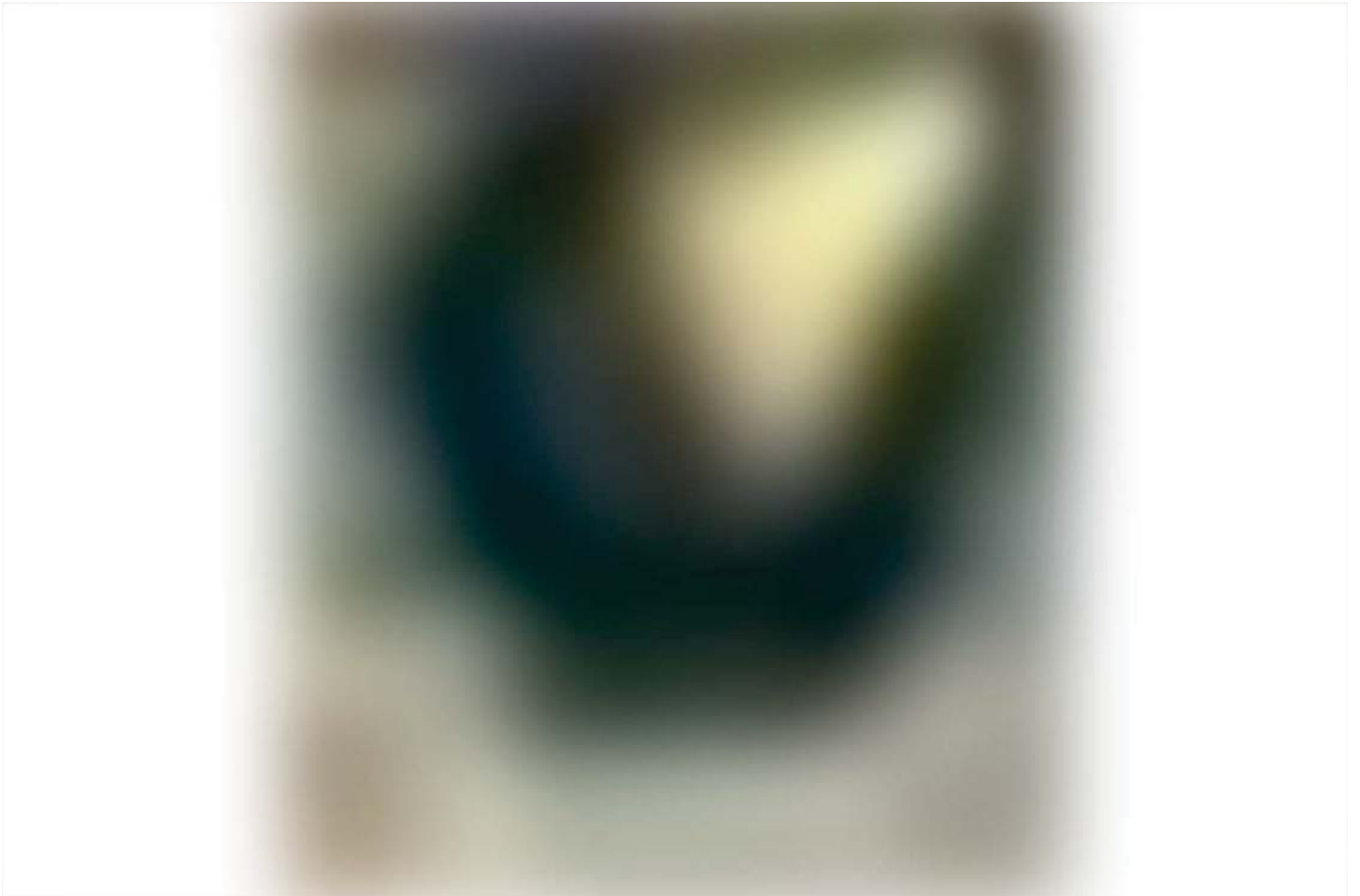
TROLLEY TO THE BEACH

This photograph from 1914 shows a trolley on Centre Street loaded with office workers from Jacksonville who just arrived at the train station. It is headed for the Beach Pavilion on the Atlantic side of the island.



CATCH OF THE DAY

A photograph from 1907 shows a dapper fishing party at the City docks, accompanied by a local pastor, displaying the bounty of a successful day of fishing off the shores of Fernandina.



STIFF COMPETITION

This new prosperity lasted approximately 20 years and then began a steady decline due to new rail lines like Henry Flagler's Florida East Coast

Railroad connecting new hotels from St. Augustine to Key West and competition from the developing ports of Jacksonville, Tampa, Pensacola and Miami.

The postcard image is from Flagler's promotion campaign for his railroad and hotel system entitled "The East Coast of Florida is Paradise Regained."

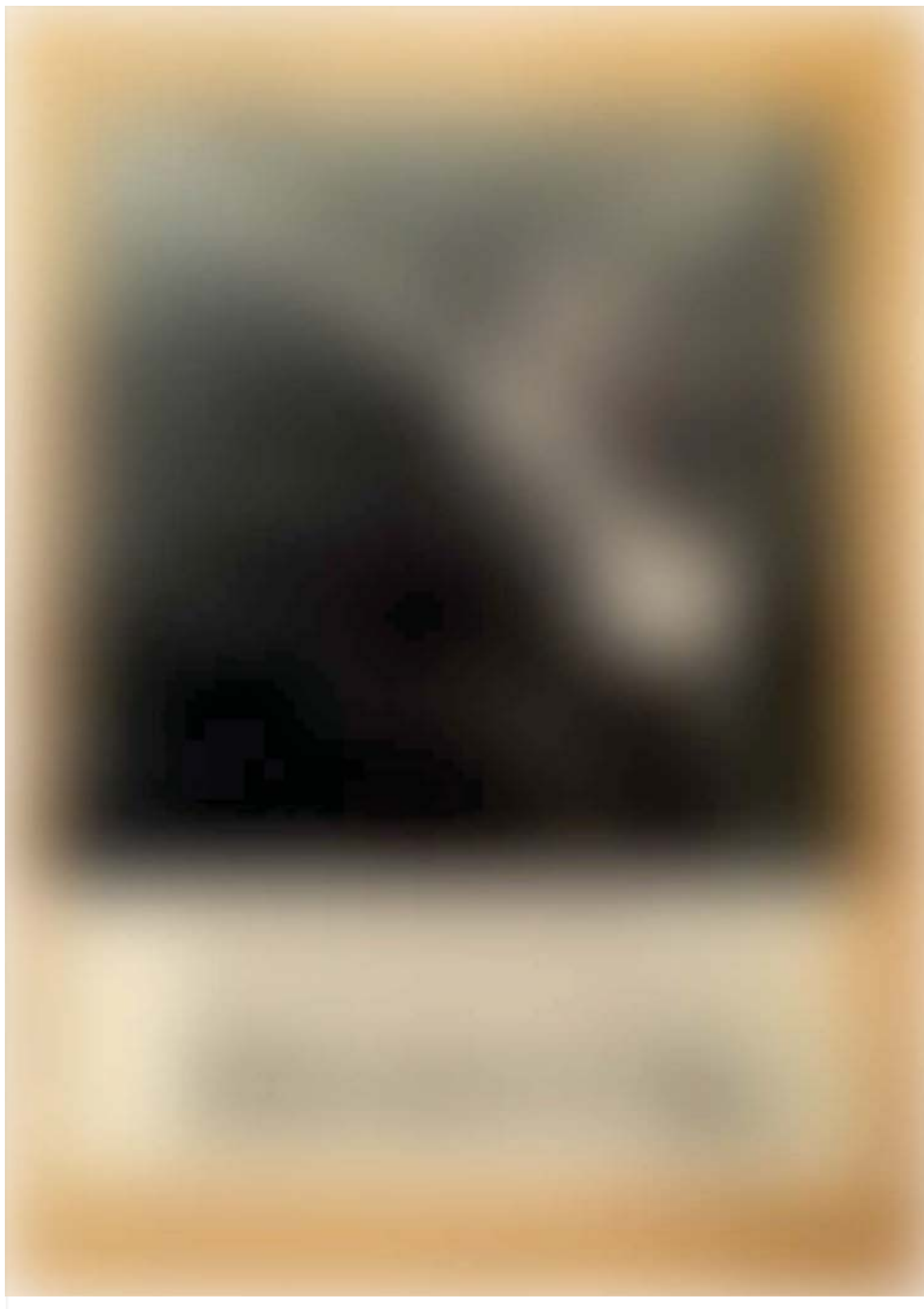
As shipping and tourism declined due to these influences, Fernandina entered a dormant period that would last well into the Great Depression.



THE PAPER MILLS ARRIVE

The Container Corporation mill opened in 1938 with Rayonier starting up the following year providing a new financial stability to the City during the Great Depression.

Mrs. Alberta Avant Anderson captured the town's excitement over news that Container Corporation of America was coming and recorded in her diary on December 14, 1936: "This morning at 10 a.m. the announcement for 7-million-dollar pulp mill came out and the town went wild."





CONTAINER CORPORATION ca.1950

The mills primarily selected Fernandina due to its deep-water harbor, rail connections, cheap pulp wood and a supportive community.

In this 1950s aerial view of the plant, you can still see the Seton Bridge built in the 1870s to provide access to Old Town. Many Old Town residents worked in the mills, Pogy Plants and shrimping industry.



WESTROCK 2018

The mill has changed corporate hands over the years (Container Corporation, Smurfit-Stone, Rock Tenn). The current Westrock plant employs about 500 people and is the second largest producer of container board in North America.



RAYONIER ca.1950

Rayonier's first plant in the Southeast, the Fernandina Beach facility, was constructed in 1938 south of downtown Fernandina. The plant currently produces 155,000 metric tons of softwood cellulose specialties per year and employs more than 300 people.



RAYONIER ADVANCED MATERIALS

The plant produces wood based cellulose fibers that are used in cell phones and computer screens, eyeglasses, medicine, food and the automotive industry. These fibers help manufacturers throughout the world make products that your family uses every day.

The plant's property is also home to LignoTech Florida's new lignin plant which opened in 2018. The plant is producing high performance lignin products based on renewable raw materials extracted from timber.



BIRTHPLACE OF THE MODERN SHRIMPING INDUSTRY

Although shrimping had been practiced locally for generations, it wasn't until the latter part of the 19th century that it developed into a significant industry. New techniques and equipment created by local fishermen and immigrants would revolutionize the industry worldwide.

As the shipping of lumber, naval stores and phosphate declined, the growth of the shrimping industry was a welcome boost to a struggling local economy.



"Mike" Salvador

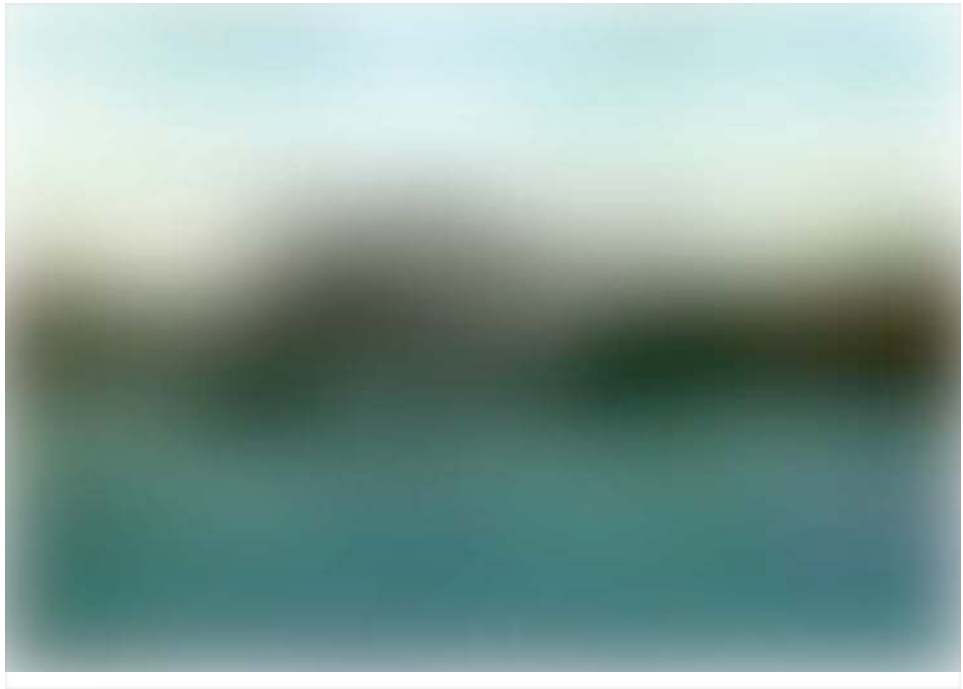
Salvadore Sollecito (1869–1924) was a leader and innovator in the Florida shrimping industry in Fernandina. Salvador came from Syracuse, Sicily, as a merchant seaman aboard an Italian freighter forced by a hurricane to lay over at the Port of Fernandina

He experimented with preservatives and canning techniques so shrimp could be shipped by rail directly from Fernandina's packing houses. He used large shrimp shipments to secure refrigerated car lots and employed haul seine nets to increase catch size. He used modified otter trawl nets to greatly expand the catch and make use of deeper waters.

Salvador founded the Salvador Fish Company in 1906 and by 1921 was shipping across the U.S. and internationally to countries including Canada and Denmark.



At its peak, the Shrimping Industry counted over a hundred boats, boat building facilities numerous packing houses and warehouses stretching from Old Town south to the old phosphate plant.





MEET ME AT THE TEEPEE

As it was known locally, this concrete and glass structure at the foot of Centre Street, was the first marine welcome station in Florida. The Welcome Station was the focal point of a new recreational marina-unfortunately located landward of the naturally deep river waters and dredged from an intertidal mud flat.





THE SHRIMP BOAT FESTIVAL

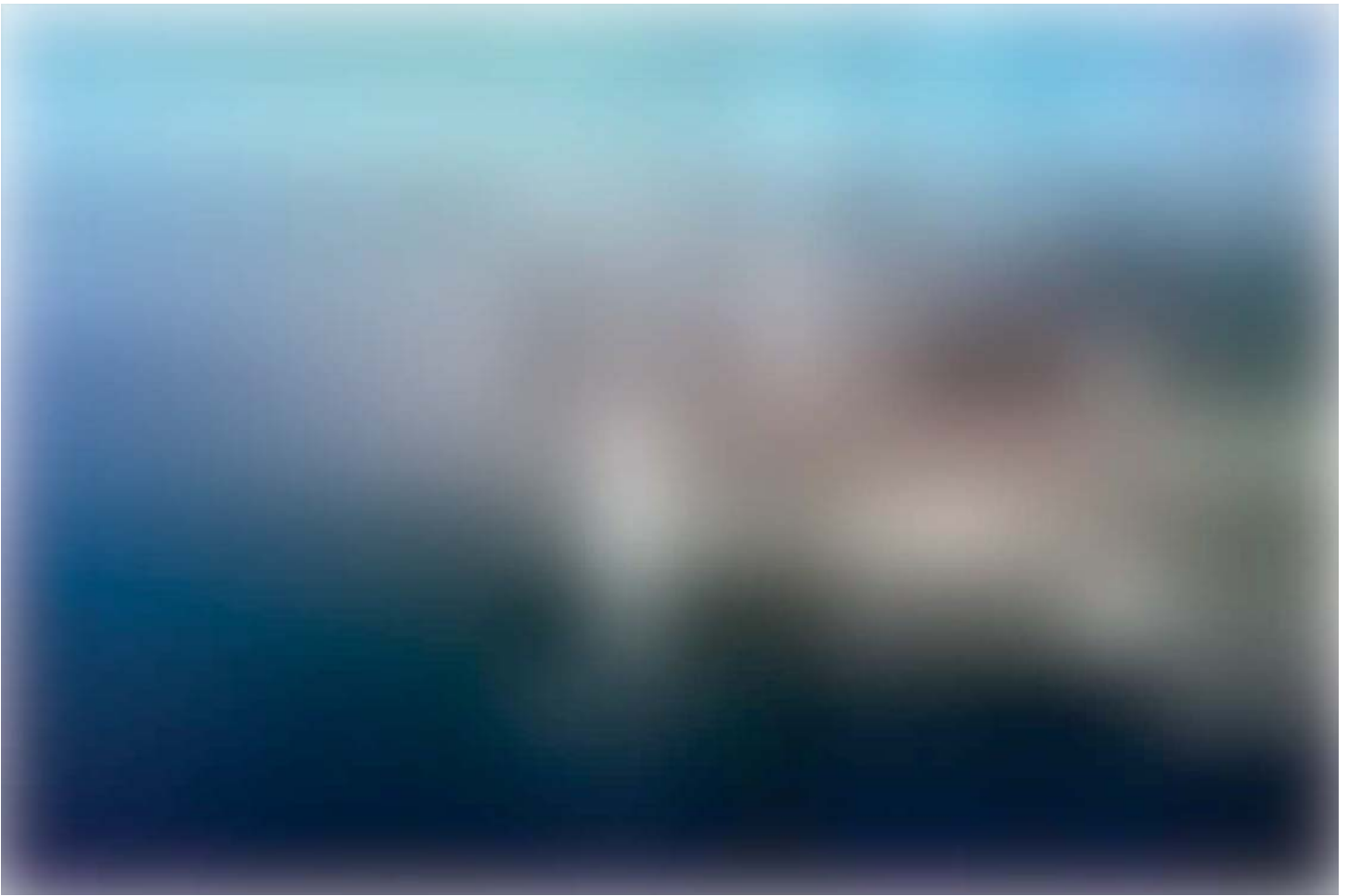


The festival's origins date to 1964 when the Shrimp Boat Races began along the riverfront as a friendly competition amongst shrimp boat operators, then numbering over a 100 boats. Combined with the traditional Blessing of the Fleet, all the activity was based along the riverfront.



ISLE OF EIGHT FLAGS SHRIMP FESTIVAL 2016

The festival gradually changed focus from the shrimp boats to a large arts and crafts fair on Centre Street. Renamed the "Isle of Eight Flags Shrimp Festival," the 3-day event today attracts over 150,000 people.



NEW PORT OF FERNANDINA, 1985

December 5, 1985 was a new beginning for the Port of Fernandina. To capitalize on a new deeper entrance channel constructed by the U.S. Navy, the Ocean Highway and Port Authority issued bonds to finance construction of a modern seaport terminal. Old, rotten wood pilings dating to 19th century wharfs were replaced with a new, concrete pile dock, a concrete paved marshaling yard, cranes, and new warehouses. These improvements allowed the Port Authority to bring the Port back to life as a major contributor to Nassau County's economic development.

Today the Port of Fernandina provides terminal service to numerous pulp and paper producers located throughout Florida and the Southeast and provides steel export services to several mills in the Southeast. Fernandina also supports several independent container lines serving Colombia, Ecuador, the Dominican Republic, Haiti, Jamaica, Aruba, Curacao and Bermuda.

Photo courtesy of the Port of Fernandina



AMERICA'S MARINE HIGHWAY SYSTEM

U.S. Department of Transportation Announced New Marine Highway Barge Service Designation from Port Fernandina to Charleston in 2019:

"The designation of marine highways by Congress will help move cargo and people to help grow the economy and shift freight off of congested highways"

Transportation Secretary Elaine L. Chao, 2019



A RESILIENT FUTURE



CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Staff Report

ITEM TYPE: New Business

REQUESTED ACTION:

SYNOPSIS: City staff will provide an update on CRA projects.

FISCAL IMPACT:

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S):

Jacob Platt, Senior Planner 4/27/2022

Dale Martin, City Manager 1/1/1900

Date: April 27, 2022

Submitted By: Katie Newton, Legal Assistant

COMMISSION ACTION:



Public Projects

- Riverwalk, seawall, and petanque courts are nearing completion south of Ash Street.
- Dredging in the City's southern marina basin is underway.
- Ash, Centre, and Alachua Street railroad crossing and Front Street realignment will begin after Shrimp Festival.
- Area 5 Drainage improvements are soon to be constructed. Contractor is awaiting the delivery of a large concrete stormwater vault.

Private Investment

- Construction continues on the Harborview Townhomes south of City Hall.
- The two mixed-use structures south of Calhoun Street are nearing completion.
- Artisan Homes is constructing seven residential units on North 2nd Street: two single family homes north of Broome Street and five single family townhouse units south of Alachua Street.
- The Standard Marine property recently sold. Conceptual Approval from the HDC was recently approved for the redevelopment of the site.
- The Crab Trap Restaurant sold in 2021 and is currently under renovation.
- Beacon Fisheries purchased the Fernandina Seafood Company's property at North Front and Dade Street.
- The property owner of 121 North Front Street has submitted an Application for Individual and Conceptual Approval Environmental Resource Permit and Authorization to Use State-owned Submerged Lands for construction of a proposed bulkhead.
- The owner of Atlantic Seafood is still working on conceptual plans for a new building.
- Staff is drafting an RFP for 101 N. Front Street.

Other Updates

- Ordinance 2022-09, which formally abandons the waterfront Planned Unit Development was enacted at Second Reading on April 19th.
- The CRA Board met April 19 and discussed a flow study for the Amelia River.

From: [Lorelei Jacobs](#)
To: [Commissioners](#); [Mr. Dale L. Martin](#); [Directors](#)
Cc: [jack@iotadvisorgroup.com](#); [aortbals@ibjonline.com](#); [shrimperdave@gmail.com](#); [fpdamato@bellsouth.net](#); [lisa@fernandinamainstreet.com](#); [Alan.hopkins@manchesterfinancial.com](#); [jack@iotadvisorgroup.com](#); [tina@sellingnassau.com](#); [Katie Newton](#); [Jacob M. Platt](#)
Subject: Inquiry from CRA Advisory Board RE: Florida Infrastructure Grants
Date: Monday, April 25, 2022 2:48:37 PM
Attachments: [image963451.png](#)
[image748615.png](#)
[image141423.png](#)

Lorelei Jacobs
Grants Administrator
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL32034
(904) 310-3104 | ljacobs@fbfl.org
www.fbfl.us



If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.

Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempted by the Public Records Law. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

Good afternoon Commissioners, Mr. Martin, Directors and members of the CRA Advisory Board,
I am e-mailing you today in response to some CRA Board inquiry regarding Governor DeSantis's announcement on April 16, 2021 (see link below) of Federal CDBG-Mit grant funds (renamed "Rebuild" grant once passed through Florida's Department of Economic Opportunity).

<https://www.nbcmiami.com/news/local/gov-announces-150-million-in-awards-for-florida-infrastructure-projects/2430530/#:~:text=Nearly%20%24150%20million%20in%20funding%20will%20be%20going,help%20make%20them%20more%20resilient%20to%20future%20disasters.>

- A. To the question of whether the Housing and Urban Development Community Development Block Grant-Mitigation (HUD CDBG-Mit) is grant is funded each year, yes, it has been in recent years, and is again open this year, with an application due date of June 10th, 2022. However, the only counties eligible to apply this year are those designated by HUD as Most Impacted and Distressed (MID) by Hurricane Michael, specifically, Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Wakulla, Washington, and Liberty counties.
- B. To the question as to whether the City has ever put in for these funds: Yes, two years ago, we did submit an application for funding to repair the Police Station roof. However, even before I received approval to submit the application, I advised everyone that I did not think our application would be funded, as I did not believe our application would score high, based on the grant criteria. Unfortunately, I was correct, and this was the only grant application I have submitted on behalf of the City for an appropriated grant program that was not awarded grant funding. I will elaborate on why Fernandina Beach is not a strong application for these CDBG-Mit/Rebuild funds, based on the grant's national and state criteria below, for those interested in specifics.

Why Fernandina Beach is very unlikely to be able to prepare a HUD CDBG-Mit/FDEO Rebuild grant application that would be scored high enough to receive funding:

1. The HUD's CDBG-Mit funds are for resiliency projects in counties that have experienced severe storm damage from hazards and which meet at least one of HUD's 3 national priorities which are:
 - Benefiting low-and-moderate income (LMI) persons (at a minimum, 50% of grant beneficiaries should be LMI persons);
 - Addressing a severe and recently arising urgent community welfare or health need; or
 - Preventing or eliminating slum and blighting conditions.

For Fernandina Beach, it is really challenging to create a project that meets any of the three Federal priorities listed above. I had to really struggle to try to meet this criteria for the police station roof grant application, and did not really have a very credible way to do so. But I did use select census data close to the police station to give it a try.

2. A minimum of 50% of the HUD CDBG-Mit/FDEO Rebuild grants must go to counties that experienced significant damages from a presidentially-declared disaster, i.e. "HUD Most Impacted and Distressed (MID) areas.") Nassau is not a HUD MID area. However, the remaining 50% of the grants can go, if chosen by FDEO, to State-declared Most Impacted and Distressed (MID) counties, of which Nassau is a State-designated MID county. It was under this designation that I submitted the grant application for the police station roof. So, although we were eligible to submit an application, FDEO Rebuild grant literature provided very specific criteria for which grant applications could score high enough to hope to get funded: "Florida's focus is to support data-informed investments through high-impact projects that will reduce risks attributable to natural disasters, with particular attention to repetitive losses of property and critical infrastructure. DEO's strategy is built on a comprehensive Risk Based Mitigation Needs Assessment, presented in its Action Plan, that identified flooding, severe storms, tropical cyclones, coastal erosion and wildfires as the most significant risks to Floridians."

Fernandina Beach does not have any repetitive loss structures. We do not have any critical infrastructure that can be proven to be at particular risk from storms, according to the 2020 State of Florida Mitigation Action Plan (attached), which was a required document Florida had to create to become eligible for the federal HUD CDBG-Mit funds. Page 29 of the attached Florida Mitigation Action Plan shows the risk to state-designated MID counties, and of the 36 state-designated MID counties, Nassau County is the ONLY ONE that does not have even one "High Risk" designation for either Flooding, Hurricanes, Severe Storms, Wildfires or Erosion. In fact, Nassau County has only one "Medium Risk" designation, with our ratings of all the remaining hazards classified as "Low." In fact, of the 61 Florida counties that are either a HUD MID or a State MID counties, the State of Florida has ranked Nassau county as having the lowest risk of all for significant damage for flooding, hurricanes, severe storms, wildfire or erosion.

So, while it is really wonderful that we all live in such a safe part of the state, it is not wonderful for our chances of getting HUD CDBG-Mit/FDEO Rebuild grant funding.

I hope this information has been helpful in understanding why a grant application from Fernandina Beach would be very unlikely to score high enough to be funded through a CDBG-Mit/Rebuild grant.

To members of CRAAB, I will be glad to forward to you future resiliency and infrastructure grant information as it becomes available. Right now, barring the Governor's veto, the City will receive a \$1 mil. state appropriation to complete the design and permitting of the remaining 8 segments of the downtown waterfront resiliency improvements. Additionally, the City was awarded \$430,000 this past few months to complete downtown stormwater improvements, and we have a grant application pending that, if awarded, will allow the City to create a City-wide Resiliency Plan, which is a mandatory requirement for jurisdictions to qualify for future Florida Department of Environmental Protection resiliency grants.

Lastly, all, if you've made it this far, I've attached the Federal Government's guidebook for the Building a Better American infrastructure bill, which has \$1 trillion dollars in grants for transportation, airports, ports, electric infrastructure, broadband, etc. I've been scouring this document to try to find projects that Fernandina Beach would want to pursue, and I welcome any ideas for projects that could be funded through this funding stream. Please call me or e-mail me if I can be of any further information on this grant or others. Thank you!

From: Jack Knocke <jack@iotadvisorgroup.com>

Sent: Saturday, April 23, 2022 7:26 PM

To: Mr. Dale L. Martin <dmartin@fbfl.org>; Jacob M. Platt <jplatt@fbfl.org>; Katie Newton <knewton@fbfl.org>

Subject: Fwd: Florida Infrastructure Grants

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender, were expecting this email, and know the content is safe.

Dale,

Al brought an interesting article to my attention.

Can you please forward this to the grant admin for the city and provide feedback on what the CRA could possibly apply for regarding infrastructure in the CRA?

Jack

Jack Knocke

cell 470-295-4365

jack@iotadvisorgroup.com

Begin forwarded message:

From: aortbals@ibjonline.com

Date: April 23, 2022 at 11:27:30 AM EDT

To: Jack Knocke <jack@iotadvisorgroup.com>

Subject: Florida Infrastructure Grants

Jack, I came across this story regarding Florida infrastructure grants [Gov. Announces \\$150 Million in Awards for Florida Infrastructure Projects – NBC 6 South Florida \(nbc-miami.com\)](#) This is probably an annual thing and I'm wondering if FB has ever applied. I would think that projects like the sea wall, Front Street and utility work would all be eligible if the city had site control.
Al

===== PRESIDENT JOE BIDEN =====

BUILDING A BETTER AMERICA

===== BUILD.GOV =====

A GUIDEBOOK TO THE BIPARTISAN INFRASTRUCTURE LAW FOR STATE, LOCAL, TRIBAL, AND TERRITORIAL GOVERNMENTS, AND OTHER PARTNERS



THE WHITE HOUSE
WASHINGTON



Table of Contents

A Note from the White House Infrastructure Implementation Coordinator	3
Executive Summary	5
Transportation	8
Roads, Bridges and Major Projects	9
Passenger and Freight Rail	53
Public Transportation	64
Airports and Federal Aviation Administration Facilities	92
Ports and Waterways	98
Safety	117
Electric Vehicles, Buses and Ferries	141
Climate, Energy, and the Environment	152
Clean Energy and Power	153
Water	228
Resilience	267
Environmental Remediation.....	373
Broadband	385
Broadband	386
Other Programs	403
Regional Commission Programs	405
Departments of Commerce, Agriculture & Energy Programs	416
Departments of Health & Human Services and Interior Programs	431
Department of Transportation Programs	434
Environmental Protection Agency Programs	444
Solid Waste Management and Recycling.....	446
Appendix.....	452
Agency Contact Information	453
Supporting Underserved Communities	454
A Letter to Governors on Infrastructure Implementation	457
Recommendations for Mayors on Infrastructure Implementation	460



A Note from the White House Infrastructure Implementation Coordinator

Dear Friends:

With the signing of the Bipartisan Infrastructure Law in mid-November, President Biden marked a new era of building a better America together. The Bipartisan Infrastructure Law is historic in its size – the largest ever investments in broadband, rail and transit, clean energy, and water, just to name a few – as well as the breadth of programs and sectors included in the law. The infrastructure law allocated funding to over 350 distinct programs across more than a dozen federal departments and agencies. From bringing high-speed internet to every American, to replacing lead service lines to bring clean water to people's homes, to repairing thousands of roads and bridges, to creating good-paying jobs with the free and fair choice to join a union, close coordination with state, Tribal, and local leaders like you will be fundamental in the successful delivery of these programs.

This guidebook is another step in our effort to be as transparent as possible, so you know what to apply for, who to contact, and how to get ready to rebuild. After all, most of the building will actually be done by state, Tribal, and local government partners. Where they exist at this moment, we have also included upcoming key dates and date ranges for key activities, along with planning activities you can be doing now to prepare for these programs coming across 2022 and 2023. The online version at Build.gov will also host an application to quickly sort and filter programs by agency, issue or eligible recipient to better understand the available funding within the Bipartisan Infrastructure Law. We will continue to update this resource online. Our goal is for you—communities all across America—to take full advantage of the opportunity this new funding presents.

We have also begun work with technical assistance and philanthropic organizations on a range of resources for state, local, Tribal and territorial governments. This comprehensive listing of programs will allow organizations to better deliver technical assistance to your communities, as well as a clear pathway to seek answers to questions on listed programs.

There's a lot to do together in this new year. The President has been clear in his charge to me as we build a *better* America: make sure these programs get implemented without unnecessary bureaucracy and delay to rebuild America's infrastructure – while at the same time being good stewards of taxpayer dollars and working to achieve goals around creating good middle-class union jobs, supporting disadvantaged and underserved communities, advancing climate resilience and sustainability, and investing in American manufacturers. It is our hope this resource is another step forward in our work together to build a better America.

Warm regards,

Mitch Landrieu
Senior Advisor and Infrastructure Implementation Coordinator
White House



Executive Summary

On November 15th, 2021, President Biden signed the [Bipartisan Infrastructure Law](#) – a once-in-a-generation investment in our nation’s infrastructure, competitiveness, and communities. This bill is a historic opportunity to rebuild America’s roads, bridges and rails; expand access to clean drinking water; ensure that every American has access to high-speed internet; to tackle the climate crisis and advance environmental justice, while investing in communities – both urban and rural – that have too often been left behind. This bipartisan effort will help ease inflationary pressures; strengthen supply chains by making long overdue improvements for our nation’s ports, airports, rail, and roads; drive the creation of good-paying union jobs with high labor standards that can be accessed by all workers, especially those from underserved communities; and, grow the economy sustainably and equitably for decades to come.

Overview and Purpose of this Guidebook

To achieve the ambitious goals outlined by the President and this legislation, the Biden-Harris Administration needs help. Building a better America is a shared endeavor no one can do alone, and investing federal infrastructure dollars will require significant coordination between the federal government, states, Tribal governments, community stakeholders, local governments, and other key partners.

This guidebook is a roadmap to the funding available under the law. It explains, in as much detail as currently available, how much funding is available at the program level. Our primary goal is to help our partners across the country know what to apply for, who to contact for help, and how to get ready to rebuild. We have also published an accompanying data file on [Build.gov](#) that allows users to quickly sort programs funded under the law by fields like agency, amount, eligible recipient, or program name.

The guidebook contains 13 chapters grouping Bipartisan Infrastructure Law programs by issue area. Each chapter contains a cover note explaining how to get ready to apply for and receive this subset of funding. These memos identify additional resources our partners can and should utilize to prepare while the federal government gets ready to distribute Bipartisan Infrastructure Law funds from new and existing programs.



This is the first version of this product. In the coming weeks, we plan to publish subsequent versions of this document to keep our partners up to date on the latest deadlines and details. The White House has also encouraged external stakeholders to use this information to develop local or regional-specific guides on available sources of funding, so every community in America can identify, understand, and access investment opportunities that they need and deserve under the law. This initial publication is not an attempt to capture every possible federal infrastructure program, authorization, or expenditure—rather, it provides our partners with a deeper view into funding soon to be available under the law. If you have questions, please see the appendix for agency-level contact information and links to more information online.

Additional Resources & Actions

Earlier this month, the White House Infrastructure Implementation Coordinator sent a [letter to Governors](#) recommending a series of preparatory actions, including appointing infrastructure coordinators to manage the flow of funds to their states. He [also outlined steps cities](#) can take to prepare and has begun deeper intergovernmental engagements with Tribal leaders, county officials, civil rights and territorial leaders through outreach calls, listening sessions, and Tribal consultations.

The American Rescue Plan, signed into law in 2020, has already provided over \$350 billion in critical resources to every state, Tribal, county, city, and unit of local government to support their response to the COVID-19 public health emergency, including in making the investments needed to ensure a durable and equitable economic recovery. Recipients of Bipartisan Infrastructure Law funding should look to leverage those resources to help prepare for the transformative investments included under the law. For example, American Rescue Plan funding could be used to train the workers needed to build high quality infrastructure; hire back the public sector workers needed to help manage potential federal investments; and get a jump start on water, sewer, and broadband projects that could complement investments from the infrastructure law. We encourage everyone to review the U.S. Department of Treasury's website [here](#), which explains how to request funding, eligible uses, and other important information about American Rescue Plan funding.

We recognize local capacity may be strained due to the pandemic, the need to account for heightened cybersecurity, climate and other known hazard risks, the effects of historic underinvestment, or just the challenges of day-to-day governance. A community's lack of capacity to apply for federal funds can create significant inequities – and for many communities, this will be their first time applying for funds from a suite of federal agencies. Many funding streams in the Bipartisan Infrastructure Law specifically set aside funds for disadvantaged communities.



Further, in keeping with efforts like the President's Justice40 Initiative, the Administration is committed to ensuring disadvantaged communities receive benefits from all available resources in relevant Bipartisan Infrastructure Law programs. The White House Infrastructure Implementation Team and the components across the Executive Office of the President and the federal agencies will be engaging states, Tribal governments, territories, federal agencies, philanthropies, civil rights leaders, advocates and others to leverage all available resources to quickly deliver the necessary technical assistance and capacity to underserved communities. We intend to use this guidebook as a critical tool to accelerate and amplify the impact of this work.

Disclaimer

This guidebook is designed to help users familiarize themselves with the Bipartisan Infrastructure Law. Nothing contained in this document constitutes guidance from the U.S. government on any law, program, policy, application process, or funding eligibility. Applicants for funding should consult official agency or program specific guidance for additional information.



Transportation

“These bills are not about left versus right, or moderate versus progressive, or anything else that pits one American against one another. These bills are about competitiveness versus complacency. They’re about expanding opportunity, not opportunity denied. They’re about leading the world or continuing to let the world pass us by. First, the infrastructure bill. It’s about rebuilding the arteries of America...”

– [Remarks](#) by President Biden, October 25, 2021



Roads, Bridges and Major Projects

Challenge: One in five miles, or 173,000 total miles, of our highways and major roads and more than 43,500 bridges are in poor condition. Bridges in poor condition pose heightened challenges in rural communities, which often may rely on a single bridge for the passage of emergency service vehicles.

Solutions: The Bipartisan Infrastructure Law reauthorizes federal surface transportation programs for five years and invests approximately \$400 billion over that period to repair our roads and bridges and support transformational projects that will create good-paying union jobs, boost regional and the national economy, make our transportation system safer and more resilient.

Funding Overview:

The Bipartisan Infrastructure Law also contains significant new funding for roadways, bridges, and other major projects funded by the Federal Highway Administration and the Department of Transportation. Highlights include:

- A total of \$40 billion¹ in dedicated funding for bridges. This funding includes \$12.5 billion for the *Bridge Investment Program*, which is a competitive program to replace, rehabilitate, preserve, or protect some of the nation's most important and economically significant bridges. The rest of the funds fall under the *Bridge Formula Program*, which provides formula funding to States to replace, rehabilitate, preserve, protect, and construct bridges on public roads. Notably, the program includes a 15 percent (\$4 billion) set aside for off-system bridges. These are bridges often owned and maintained by cities, counties, and towns—and typically located on roads normally ineligible for federal highway funding. On January 14, 2022, the Department of Transportation released the first year of funding for the Bridge Formula Program. \$5.3 billion

¹\$40 billion is provided through the Bipartisan Infrastructure Law in advanced appropriations and contract authority, an additional \$3.3 billion is authorized under Division A of the Bipartisan Infrastructure Law, but is subject to appropriations, for a total program level of \$43.3 billion.



will be available to states, the District of Columbia, and Puerto Rico in Fiscal Year 2022, along with \$165 million for Tribal governments. The federal government will also cover 100 percent of the cost of off-system bridge projects under the Bridge Formula Program for bridges owned by a local government or Tribe. (See Fiscal Year 2022 State apportionment [here](#)).

- \$8 billion for the Infrastructure for Rebuilding America (INFRA) Program, which supports freight and highway projects of regional and national significance.
- \$7.5 billion for Rebuilding American Infrastructure Sustainably and Equitably (RAISE) grants—a competitive grant program (formerly BUILD and TIGER) which provides funding for road, rail, transit, and other surface transportation of local and/or regional significance. Selection criteria includes safety, sustainability, equity, economic competitiveness, mobility, and community connectivity.
- \$5 billion for the National Infrastructure Project Assistance or “**Megaprojects.**” This program—sometimes referred to as the “Megaprojects program” or MEGA —provides grants on a competitive basis to support multi-jurisdictional or regional projects of significance that may also cut across multiple modes of transportation. Communities are eligible to apply for funding to complete critical large projects that would otherwise be unachievable without assistance.

The Bipartisan Infrastructure Law also includes a five-year reauthorization for the Federal Highway Administration at the Department of Transportation. A major component of this reauthorization is \$273.2 billion in Federal-aid highway formula funding for States. In December 2021, the Federal Highway Administration announced that it disbursed to all 50 states and the District of Columbia a total of \$52.5 billion of this formula funding for Fiscal Year 2022; this represents a more than 20 percent increase over Fiscal Year 2021 formula funding. (See the Fiscal Year 2022 State apportionment [here](#)).



Getting Ready:

Federal-aid Highway Formula Funding and Bridge Formula Program – The Federal Highway Administration distributes both Federal-aid Highway Formula funding and Bridge Formula Program funding to State departments of transportation. State Departments of Transportation then program projects (select them for funding) through statewide and metropolitan transportation planning processes. Project sponsors should contact their State Department of Transportation for additional information about how to access any of these categories of formula funding.

Competitive Grant Programs – In order to prepare for upcoming application openings, potential recipients should begin to work with stakeholders to develop a list of priority projects that would be suited for applications for competitive grant funding programs such as the Bridge Investment Program, RAISE, MEGA, and INFRA.

Existing Resources:

- Information on the Federal Highway Administration’s implementation of the Bipartisan Infrastructure Law is available [here](#).
- Information on Federal Highway Administration’s resources for technical assistance and local support is available [here](#).
- Information on the Department of Transportation’s INFRA program is available [here](#).
- Information on Department of Transportation’s RAISE program is available [here](#).



Program Name	Agency Name	Funding Amount
National Highway Performance Program	Department of Transportation	\$148,000,000,000
Surface Transportation Block Grant Program	Department of Transportation	\$72,000,000,000
Bridge Formula Program	Department of Transportation	\$26,675,000,000
Congestion Mitigation & Air Quality Improvement Program	Department of Transportation	\$13,200,000,000
Bridge Investment Program	Department of Transportation	\$12,200,000,000
Local and Regional Project Assistance Grants (RAISE)	Department of Transportation	\$7,500,000,000
Nationally Significant Freight & Highway Projects (INFRA)	Department of Transportation	\$7,250,000,000
National Highway Freight Program	Department of Transportation	\$7,150,000,000
National Infrastructure Project Assistance (Megaprojects)	Department of Transportation	\$5,000,000,000
Tribal Transportation Program	Department of Transportation	\$2,966,800,000
Metropolitan Planning	Department of Transportation	\$2,280,000,000
Federal Lands Transportation Program (funds for National Park	Department of Transportation	\$1,731,187,250
Federal Lands Access Program	Department of Transportation	\$1,487,875,000
Transportation Infrastructure Finance and Innovation Act	Department of Transportation	\$1,250,000,000
Appalachian Development Highway System	Department of Transportation	\$1,250,000,000
Rural Surface Transportation Grant Program	Department of Transportation	\$1,000,000,000
National Culvert Removal, Replacement, & Restoration Grant	Department of Transportation	\$1,000,000,000
Puerto Rico Highway Program	Department of Transportation	\$900,995,000
Advanced Transportation Technologies & Innovative Mobility	Department of Transportation	\$900,000,000
Tribal Transportation Facility Bridges (Bridge Formula Funding Set-	Department of Transportation	\$825,000,000
State Incentives Pilot Program (Set-aside within Nationally Significant Freight and Highway Projects - INFRA)	Department of Transportation	\$750,000,000
Reconnecting Communities Pilot Program	Department of Transportation	\$1,000,000,000
Highway Research & Development Program	Department of Transportation	\$310,000,000
Nationally Significant Federal Lands and Tribal Projects	Department of Transportation	\$275,000,000
Intelligent Transportation Systems Program	Department of Transportation	\$250,000,000
Congestion Relief Program	Department of Transportation	\$250,000,000
Territorial Highway Program	Department of Transportation	\$239,505,000
Tribal Transportation Facility Bridge (Set-aside)	Department of Transportation	\$200,000,000
Federal Lands Transportation Program (Funding for U.S. Fish & Wildlife	Department of Transportation	\$180,000,000
Federal Lands Transportation Program (For other Federal Land Management Agencies)	Department of Transportation	\$153,637,750
Federal Lands Transportation Program (Funding for U.S. Forest	Department of Transportation	\$130,000,000
Grants for Planning, Feasibility Analysis, and Revenue Forecasting (Bridge Investment Program Set-aside)	Department of Transportation	\$100,000,000
Accelerated Implementation and Deployment of Advanced Digital Construction Management Systems (Set-aside)	Department of Transportation	\$100,000,000
Strategic Innovation for Revenue Collection (Set-aside)	Department of Transportation	\$75,000,000
Accelerated Implementation and Deployment of Pavement Technologies (Set-aside)	Department of Transportation	\$60,000,000
On-the-Job Training Program	Department of Transportation	\$50,000,000
Disadvantaged Business Enterprises	Department of Transportation	\$50,000,000
National Motor Vehicle Per-Mile User Fee Pilot (Set-aside)	Department of Transportation	\$50,000,000
Tribal High Priority Projects Program	Department of Transportation	\$45,000,000
Highway Use Tax Evasion Projects	Department of Transportation	\$20,000,000
TOTAL - ROADS, BRIDGES AND MAJOR PROJECTS		\$318,855,000,000



National Highway Performance Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$148,000,000,000

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: No - Existing Program with Changed Eligibilities

Recipients: States (including District of Columbia)

Description: The Bipartisan Infrastructure Law continues the National Highway Performance Program. The purposes of this program are:

- To provide support for the condition and performance of the National Highway System;
- To provide support for the construction of new facilities on the National Highway System;
- To ensure that investments of federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in a state's asset management plan for the National Highway System;
- To provide support for activities to increase the resiliency of the National Highway System to mitigate the cost of damages from sea level rise, extreme weather events, flooding, wildfires, or other natural disasters.

Eligible Uses: Highway and bridge projects, generally on the National Highway System², plus certain bridge projects on non-National Highway System federal-aid highways

Next Milestone: First round of funds (Fiscal Year 2022) were released to state transportation departments in December 2021. Next round of funding (Fiscal Year 2023) to be released to state transportation departments in October 2022. Guidance to be released on changes in eligibilities.

² Not all projects are required to be on the National Highway System. For example, new 23 U.S.C. 119(k), allows states to use up to 15 percent of National Highway Performance Program funds each fiscal year for protective features, if the protective feature is designed to mitigate the risk of recurring damage or the cost of future repairs from extreme weather events, flooding, or other natural disasters on a non-National Highway System federal-aid highway or bridge. See also 23 U.S.C. 119(d)(2)(G).



Surface Transportation Block Grant Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$72,000,000,000

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: No - Existing Program with Changed Eligibilities

Recipients: States (including District of Columbia)

Description: The Surface Transportation Block Grant Program promotes flexibility in state and local transportation decisions and provides flexible funding to best address state and local transportation needs.

Eligible Uses: The Surface Transportation Block Grant Program is available for the roughly one million miles of Federal-aid highways, for bridges on any public road, and for transit capital projects.

Next Milestone: First round of funds (Fiscal Year 2022) was released to state transportation departments in December 2021. Next round of funding (Fiscal Year 2023) to be released to state transportation departments October 2022. Guidance to be released on changes in eligibilities.



Bridge Formula Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$26,675,000,000

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: Yes

Recipients: States (including District of Columbia and Puerto Rico)

Description: The Bridge Formula Program will provide funds to states by formula for bridge replacement, rehabilitation, preservation, protection, or construction projects on public roads. This program includes three set-asides: 15 percent will be set-aside for use on off-system bridges; 3 percent will be set-aside for use on Tribal Transportation Facility bridges; and, 0.5 percent will be set-aside for administrative expenses of the Federal Highway Administration. *An additional description of the Tribal Transportation Facility set-aside can be found later in this chapter.*

Eligible Uses: Replace, rehabilitate, preserve, protect, and construct bridges on public roads.

Next Milestone: First round of Bridge Formula Program funds (Fiscal Year 2022) was released to state transportation departments in January 2022 along with guidance on use of funding. Next round of Bridge Formula Program funding (Fiscal Year 2023) to be released to state transportation departments in October 2022. More guidance forthcoming on the funding set-aside for use on Tribal Transportation Facility bridges.



Congestion Mitigation & Air Quality Improvement Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$13,200,000,000

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: No - Existing Program with Changed Eligibilities

Recipients: States (including District of Columbia)

Description: The Bipartisan Infrastructure Law continues the Congestion Mitigation and Air Quality Improvement Program to provide a flexible funding source to state and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Funding is available to reduce congestion and improve air quality for areas that do not meet the National Ambient Air Quality Standards for ozone, carbon monoxide, or particulate matter (nonattainment areas) and for former nonattainment areas that are now in compliance (maintenance areas).

Eligible Uses: Transportation projects that reduce congestion and reduce the mobile source emissions for which an area has been designated nonattainment or maintenance for ozone, carbon monoxide, and particulate matter by the Environmental Protection Agency.

Next Milestone: First round of funds (Fiscal Year 2022) was released December 2021. Next round of funding (Fiscal Year 2023) to be released October 2022. Guidance on changes in eligible uses to be released.



Bridge Investment Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$12,200,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: State, metropolitan planning organization (representing an area with a population of more than 200,000), local government, special purpose district or public authority with a transportation function, federal land management agency, Tribal government.

Description: The Bridge Investment Program will support projects to improve bridge and culvert condition, safety, efficiency, and reliability.

Eligible Uses: Projects to replace, rehabilitate, preserve or protect one or more bridges on the National Bridge Inventory. Projects to replace or rehabilitate culverts to improve flood control and improve habitat connectivity for aquatic species.

Next Milestone: Forthcoming.



Local and Regional Project Assistance Grants (RAISE)

Federal Agency: Department of Transportation
Bureau or Account: Office of the Secretary

Funding amount: \$7,500,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: No

Recipients: (A) a State; (B) the District of Columbia; (C) any territory or possession of the United States; (D) a unit of local government; (E) a public agency or publicly chartered authority established by 1 or more States; (F) a special purpose district or public authority with a transportation function, including a port authority; (G) a Tribal government or a consortium of Tribal governments; (H) a partnership between Amtrak and 1 or more entities described in (A) through (F); and (I) a group of entities described in (A) through (G).

Description: The RAISE program provides supplemental funding for grants to the State and local entities listed above on a competitive basis for projects that will have a significant local/regional impact.

Eligible Uses: Projects eligible under RAISE include—

- a highway or bridge project eligible for assistance under title 23, United States Code;
- a public transportation project eligible for assistance under chapter 53 of title 49, United States Code;
- a passenger rail or freight rail transportation project eligible for assistance under title 49, United States Code;
- a port infrastructure investment, including inland port infrastructure and a land port-of-entry;
- the surface transportation components of certain eligible airport projects;
- a project for investment in a surface transportation facility located on Tribal land, the title or maintenance responsibility of which is vested in the Federal Government;
- a project to replace or rehabilitate a culvert or prevent stormwater runoff for the purpose of improving habitat for aquatic species; and
- any other surface transportation infrastructure project that the Secretary considers to be necessary to advance the goal of the program.

Next Milestone: Applications will open in the first quarter of 2022.



Nationally Significant Freight & Highway Projects (INFRA)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$7,250,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: No

Recipients:

- (A) A State or a group of States.
- (B) A metropolitan planning organization that serves an urbanized area (as defined by the Bureau of the Census) with a population of more than 200,000 individuals.
- (C) A unit of local government or a group of local governments.
- (D) A political subdivision of a State or local government.
- (E) A special purpose district or public authority with a transportation function, including a port authority.
- (F) A Federal land management agency that applies jointly with a State or group of States.
- (G) A Tribal government or a consortium of Tribal governments.
- (H) A multistate corridor organization.
- (I) A multistate or multijurisdictional group of entities described in this paragraph.

Description: The Nationally Significant Freight & Highway Projects program, also known as “INFRA”, awards competitive grants for multimodal freight and highway projects of national or regional significance to improve the safety, efficiency, and reliability of the movement of freight and people in and across rural and urban areas.

Eligible Uses: Projects that improve safety, generate economic benefits, reduce congestion, enhance resiliency, and hold the greatest promise to eliminate freight bottlenecks and improve critical freight movements.

Next Milestone: Applications will open in the first quarter of 2022. Learn more about how to apply [here](#).



National Highway Freight Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$7,150,000,000

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: No

Recipients: States (including District of Columbia)

Description: The National Highway Freight Program provides funds to the States, by formula, to improve the efficient movement of freight on the National Highway Freight Network.

Eligible Uses: Projects that contribute to the efficient movement of freight on the National Highway Freight Network and are identified in a freight investment plan included in the State's freight plan. In addition, a State may use not more than 30 percent of its total National Highway Freight Program funds each year for freight intermodal or freight rail projects, subject to certain restrictions

Next Milestone: First round of funds (Fiscal Year 2022) was released December 2021.
Next round of funding (Fiscal Year 2023) to be released October 2022.



National Infrastructure Project Assistance (Megaprojects)

Federal Agency: Department of Transportation
Bureau or Account: Office of the Secretary

Funding amount: \$5,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients:

- (A) a State or a group of States;
- (B) a metropolitan planning organization;
- (C) a unit of local government;
- (D) a political subdivision of a State;
- (E) a special purpose district or public authority with a transportation function, including a port authority;
- (F) a Tribal government or a consortium of Tribal governments;
- (G) a partnership between Amtrak and 1 or more entities described in subparagraphs (A) through (F); and
- (H) a group of entities described in any of subparagraphs (A) through (G).

Description: The National Infrastructure Project Assistance Program will support large, complex projects that are difficult to fund by other means and likely to generate national or regional economic, mobility, or safety benefits.

Eligible Uses: Projects eligible under the Megaprojects program include—

- a highway or bridge project carried out on—
 - o the National Multimodal Freight Network of title 49, United States Code; ;
 - o the National Highway Freight Network, United States Code; or
 - o the National Highway System, United States Code;
- a freight intermodal (including public ports) or freight rail project that provides a public benefit;
- a railway-highway grade separation or elimination project;
- an intercity passenger rail project; and
- certain public transportation projects that are eligible for Federal Transit Administration funding of title 49, United States Code

Next Milestone: Selection criteria for the program will be posted on the Department of Transportation website in February 2022.



Tribal Transportation Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$2,966,800,000

Period of Availability: 4 year

Funding Mechanism: Formula Grant Formula

New Program: No

Recipients: Sovereign federally-recognized Tribal governments

Description: The Tribal Transportation Program supports projects to provide safe and adequate multimodal transportation and public road access to and within Indian reservations, Tribal lands, and Alaska Native Village communities.

Eligible Uses: Projects that support transportation safety, access, and mobility in Tribal communities.

Next Milestone: Fiscal Year 2022 funds will be released with guidance on eligible uses of funds in the coming months.



Metropolitan Planning

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$2,280,000,000

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: No

Recipients: Metropolitan Planning Organizations

Description: The Bipartisan Infrastructure Law continues the Metropolitan Planning Program, which establishes a cooperative, continuous, and comprehensive framework for making transportation investment decisions in metropolitan areas. Program oversight is a joint Federal Highway Administration/Federal Transit Administration responsibility.

Eligible Uses: Metropolitan Planning Organizations use metropolitan planning funds for multimodal transportation planning and programming in metropolitan areas. Metropolitan planning activities include the collection and analysis of data on demographics, trends, and system performance; travel demand and system performance forecasting; identification and prioritization of transportation system improvement needs; and coordination of the planning process and decision-making with the public, elected officials, and stakeholder groups.

Next Milestone: First round of funds (Fiscal Year 2022) was released December 2021. Next round of funding (Fiscal Year 2023) to be released October 2022.



Federal Lands Transportation Program
(funds for National Park Service)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$1,731,187,250

Period of Availability: 4 year

Funding Mechanism: Federal Spending

New Program: No

Recipients: National Park Service

Description: The Federal Lands Transportation Program invests in the Nation's infrastructure and supports critical transportation needs within the country's transportation network by providing access within the national parks, forests, wildlife refuges, recreation areas, and other Federal public lands.

Eligible Uses: Projects that improve multimodal transportation on roads, bridges, trails, transit systems, and other transportation facilities within the Federal estate on infrastructure primarily owned (or maintained) by the Federal Government.

Next Milestone: Forthcoming.



Federal Lands Access Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$1,487,875,000

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: No

Recipients: States

Description: The Federal Lands Access Program invests in the Nation's infrastructure by funding and supporting transportation facilities owned by State, county, local, and Tribal governments, which provide access to lands owned and operated by the Federal Government.

Eligible Uses: Projects that improve multimodal transportation on roads, bridges, trails, transit systems, and other transportation facilities that access the Federal estate on infrastructure owned (or maintained) by States and local governments, with an emphasis on high-use Federal recreation sites and Federal economic generators.

Next Milestone: Forthcoming.



Transportation Infrastructure Finance and Innovation Act

Federal Agency: Department of Transportation
Bureau or Account: Office of the Secretary

Funding amount: \$1,250,000,000. Transportation Infrastructure Finance and Innovation Act will have a total of \$75 billion in lending capacity under the Bipartisan Infrastructure Law.

Period of Availability: 4 year

Funding Mechanism: Loan

New Program: No

Recipients: States (including District of Columbia and Puerto Rico), localities, or other public authorities, as well as private entities undertaking projects sponsored by public authorities

Description: The Transportation Infrastructure Finance and Innovation Act Program provides Federal credit assistance to eligible surface transportation projects.

Eligible Uses: Surface transportation projects, including highway, transit, intercity passenger rail, some types of freight rail, intermodal freight transfer facilities, and some modifications inside a port terminal, and electrification of buses, ferries, trains, and associated infrastructure. The Bipartisan Infrastructure Law specifically provides new eligibility under the Transportation Infrastructure Finance and Innovation Act Program for airport projects and expanded authority for transit-oriented development.

Next Milestone: Forthcoming.



Appalachian Development Highway System

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$1,250,000,000

Period of Availability: Available until expended

Funding Mechanism: Formula grant to specific states in this region

New Program: No

Recipients: Appalachian States

Description: The Appalachian Development Highway System Program will distribute funds for construction of the Appalachian Development Highway System by formula to States with one or more counties (including any political subdivision within the area) in the Appalachian Region.

Eligible Uses: Construction of specific projects to complete the Appalachian Development Highway System

Next Milestone: First round of funds (Fiscal Year 2022) was released January 2022.
Next round of funding (Fiscal Year 2023) to be released October 2022.



Rural Surface Transportation Grant Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$1,000,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: State, Regional transportation planning organizations, Local governments, Tribal governments

Description: Rural Surface Transportation Grant Program will support projects to improve and expand the surface transportation infrastructure in rural areas to increase connectivity, improve the safety and reliability of the movement of people and freight, and generate regional economic growth and improve quality of life.

Eligible Uses: Highway, bridge, or tunnel projects eligible under the National Highway Performance Program, Surface Transportation Block Grant Program, or the Tribal Transportation Program; highway freight project eligible under the National Highway Performance Program; highway safety improvement project; project on a publicly-owned highway or bridge improving access to certain facilities that support the economy of a rural area; integrated mobility management system, transportation demand management system, or on-demand mobility services

Next Milestone: TBD



National Culvert Removal, Replacement, & Restoration Grant

Federal Agency: Department of Transportation
Bureau or Account: Office of the Secretary

Funding amount: \$1,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: (1) A State; (2) a unit of local government; or (3) an Indian Tribe.

Description: The Office of the Secretary's National Culvert Removal, Replacement and Restoration program provides supplemental funding for grants to a State, local government, or an Indian Tribe on a competitive basis for projects that replace, remove, and/or repair culverts or weirs.

Eligible Uses: Establish an annual competitive grant program to award grants to eligible entities for projects for the replacement, removal, and repair of culverts or weirs that—

- “(1) would meaningfully improve or restore fish passage for anadromous fish; and
- (2) with respect to weirs, may include--
 - (A) infrastructure to facilitate fish passage around or over the weir; and
 - (B) weir improvements.

Next Milestone: TBD



Puerto Rico Highway Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$900,995,000

Period of Availability: 4 year

Funding Mechanism: Grant Allocated Program

New Program: No

Recipients: Puerto Rico

Description: The Puerto Rico Highway Program provides funding to carry out a highway program in the Commonwealth of Puerto Rico.

Eligible Uses: Projects eligible under the National Highway Performance Program, the Highway Safety Improvement Program, and for any purpose under chapter 1 of title 23, United States Code. Funding split among these eligibilities is outlined in law.

Next Milestone: First round of funds (Fiscal Year 2022) were released January 2022.
Next round of funding (Fiscal Year 2023) to be released October 2022.



Advanced Transportation Technologies & Innovative Mobility Deployment

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$900,000,000

Period of Availability: Available until expended

Funding Mechanism: Competitive Grants, Cooperative Agreements, other contracts

New Program: No

Recipients: State or local government, a transit agency, metropolitan planning organization, or a multi-jurisdictional group or a consortia of research institutions or academic institutions.

The term “multi-jurisdictional group” means any combination of State governments, local governments, metropolitan planning agencies, or transit agencies that has signed a written agreement to implement the advanced transportation technologies deployment initiative across jurisdictional boundaries.

Description: The Advanced Transportation Technologies & Innovative Mobility Deployment program will make competitive grants to deploy, install, and operate advanced transportation technologies.

Eligible Uses: Grants should improve safety, mobility, efficiency, system performance, intermodal connectivity, and infrastructure return on investment

Next Milestone: TBD



Tribal Transportation Facility Bridges
(Bridge Formula Funding Set-Aside)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$825,000,000

Period of Availability: 4 year

Funding Mechanism: Distributed through the Tribal Transportation Program

New Program: No

Recipients: Tribes

Description: The Bridge Formula Program sets aside 3 percent of the funds appropriated for the program for Tribal transportation facility bridges, which shall be administered as if made available under the Tribal Transportation Program

Eligible Uses: Funds can be used to plan, design, engineer, or construct bridges; to replace and rehabilitate bridges; and to improve bridges in poor condition.

Next Milestone: TBD



State Incentives Pilot Program
(Set-aside within Nationally Significant Freight and Highway Projects - INFRA)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$750,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: States, Metropolitan Planning Organizations, Tribal governments, special-purpose districts and port authorities with a transportation function, and local governments

Description: INFRA awards competitive grants for multimodal freight and highway projects of national or regional significance to improve the safety, efficiency, and reliability of the movement of freight and people.

Eligible Uses: Projects that improve safety, generate economic benefits, reduce congestion, enhance resiliency, and hold the greatest promise to eliminate freight bottlenecks and improve critical freight movements.

Next Milestone: Applications will open in the first quarter of 2022. Learn more about how to apply [here](#).



Reconnecting Communities Pilot Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$1,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: Owner of an eligible facility (may partner with any of the eligible entities for a planning grant)

Description: Reconnecting Communities Pilot Program will restore community connectivity by removing, retrofitting, or mitigating highways or other transportation facilities that create barriers to community connectivity, including to mobility, access, or economic development

Eligible Uses: Grants ($\geq$ \$5 million) for capital construction projects, including the removal and replacement of eligible facilities. Planning grants ($\leq$ \$2 million).

Next Milestone: Department will issue Notice of Funding Opportunity on Grants.gov on a yet to be determined date.



Highway Research & Development Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$310,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: Varies.

Description: The Highway Research and Development Program performs research and development to produce transformative solutions to improve safety, foster innovation, accelerate projects, and better meet operations, policy, and infrastructure needs.

Eligible Uses: The programs under the Federal Highway Administration's research and development portfolio cover exploratory advanced research, applied research and development, and initial testing of technological solutions that address emerging needs and support the infrastructure of the future. Federal Highway Administration's research programs seek to improve safety, reduce congestion, enhance infrastructure design and construction, and provide data and analyses to decision-makers throughout the transportation community.

Next Milestone: TBD



Nationally Significant Federal Lands and Tribal Projects

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$275,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: No

Recipients: Any entity eligible to receive funding under the Tribal Transportation Program, Federal Lands Transportation Program, or Federal Lands Access Program. In addition, a State, county, or local government may apply if sponsored by an eligible Federal land management agency or Indian tribe.

Description: The Nationally Significant Federal Lands and Tribal Projects program provides funding for the construction, reconstruction, and rehabilitation of nationally-significant Federal lands transportation projects and Tribal transportation projects.

Eligible Uses: Eligible projects are projects that are on a Federal lands transportation facility, a Federal lands access facility, or a Tribal transportation facility.

Next Milestone: TBD



Intelligent Transportation Systems Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$250,000,000

Period of Availability: Available until expended

Funding Mechanism: Grants, Cooperative Agreements, other contracts

New Program: No

Recipients: Federal Highway Administration Research, Technology, and Education Program

Description: The Intelligent Transportation Systems Program fosters innovation in transportation through the deployment of technology to enhance safety and efficiency while reducing environmental impacts of surface transportation, resulting in improved access and convenience, saved lives and time, and increased productivity.

Eligible Uses: Innovative research and rapid deployment of applications and tools that facilitate a safe, connected, integrated, and automated transportation system.

Next Milestone: TBD



Congestion Relief Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$250,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: State, Metropolitan Planning Organization, city or municipality

Description: Advance innovative, integrated, and multimodal solutions to reduce congestion and the related economic and environmental costs in the most congested metropolitan areas with an urbanized area population of 1 million+.

Eligible Uses: Planning, design, implementation, and construction activities to achieve the program goals, including: deployment and operation of integrated congestion management systems, systems that implement or enforce high occupancy vehicle toll lanes or pricing strategies, or mobility services; and incentive programs that encourage carpooling, nonhighway travel during peak periods, or travel during nonpeak periods. Subject to certain requirements and approval by the Secretary, provides for tolling on the Interstate System as part of a project carried out with a grant under the program

Next Milestone: TBD



Territorial Highway Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$239,505,000

Period of Availability: 4 year

Funding Mechanism: Grant Apportioned Program

New Program: No

Recipients: American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands

Description: The Territorial Highway Program supports the construction and improvement of a system of arterial and collector highways and necessary inter-island connectors.

Eligible Uses: Funds provided to the four territories may be used for projects eligible under the Surface Transportation Block Grant Program; preventive maintenance; ferry boats, terminals, and approach roadways; engineering, economic and planning studies; regulation and equitable taxation of highways; and research and development.

Next Milestone: First round of funds (Fiscal Year 2022) was released to eligible territories January 2022. Next round of funding (Fiscal Year 2023) to be released October 2022.



Tribal Transportation Facility Bridge
(Set-aside)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$200,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive grant

New Program: Yes

Recipients: Tribal government

Description: The Bridge Investment Program will support projects to improve bridge (and culvert) condition, safety, efficiency, and reliability.

Eligible Uses: Projects to replace, rehabilitate, preserve or protect one or more bridges on the National Bridge Inventory. Projects to replace or rehabilitate culverts to improve flood control and improve habitat connectivity for aquatic species.

Next Milestone: TBD



Federal Lands Transportation Program
(Funding for U.S. Fish & Wildlife Service)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$180,000,000

Period of Availability: 4 year

Funding Mechanism: Federal Spending

New Program: No

Recipients: Federal Land Management Agencies

Description: The Federal Lands Transportation Program invests in the Nation's infrastructure and supports critical transportation needs within the country's transportation network by providing access within the national parks, forests, wildlife refuges, recreation areas, and other Federal public lands.

Eligible Uses: Projects that improve multimodal transportation on roads, bridges, trails, transit systems, and other transportation facilities within the Federal estate on infrastructure primarily owned (or maintained) by the Federal Government.

Next Milestone: First round of funds (Fiscal Year 2022) made available in spring 2022.



Federal Lands Transportation Program
(For other Federal Land Management Agencies)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$153,637,750

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: No

Recipients: Federal Land Management Agencies (other than US Fish & Wildlife and the National Park Service)

Description: The Federal Lands Transportation Program invests in the Nation's infrastructure and supports critical transportation needs within the country's transportation network by providing access within the national parks, forests, wildlife refuges, recreation areas, and other Federal public lands.

Eligible Uses: Projects that improve multimodal transportation on roads, bridges, trails, transit systems, and other transportation facilities within the Federal estate on infrastructure primarily owned (or maintained) by the Federal Government.

Next Milestone: First round of funds (Fiscal Year 2022) made available in spring 2022.



Federal Lands Transportation Program
(Funding for U.S. Forest Service)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$130,000,000

Period of Availability: 4 year

Funding Mechanism: Direct federal spending

New Program: No

Recipients: Federal Land Management Agencies

Description: The Federal Lands Transportation Program invests in the Nation's infrastructure and supports critical transportation needs within the country's transportation network by providing access within the national parks, forests, wildlife refuges, recreation areas, and other Federal public lands.

Eligible Uses: Projects that improve multimodal transportation on roads, bridges, trails, transit systems, and other transportation facilities within the Federal estate on infrastructure primarily owned (or maintained) by the Federal Government.

Next Milestone: First round of funds (Fiscal Year 2022) made available in spring 2022.



Grants for Planning, Feasibility Analysis, and
Revenue Forecasting
(Bridge Investment Program Set-aside)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$100,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: State, Metropolitan Planning Organization (w/ population greater than 200,000), Local government, Special purpose district or public authority with a transportation functions, federal land management agency, Tribal government

Description: The Bridge Investment Program will support projects to improve bridge (and culvert) condition, safety, efficiency, and reliability.

Eligible Uses: Projects to replace, rehabilitate, preserve or protect one or more bridges on the National Bridge Inventory. Projects to replace or rehabilitate culverts to improve flood control and improve habitat connectivity for aquatic species.

Next Milestone: TBD



Accelerated Implementation and Deployment of Advanced Digital
Construction Management Systems
(Set-aside)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$100,000,000

Period of Availability: Available until expended

Funding Mechanism: Competitive Grants, Cooperative Agreements, other contracts

New Program: No

Recipients: Federal Highway Administration Research, Technology, and Education Program

Description: The Accelerated Implementation and Deployment of Advanced Digital Construction Management Systems will promote, implement, deploy, demonstrate, showcase, support, and document the application of advanced digital construction management systems, practices, performance, and benefits.

Eligible Uses: Promotion, implementation, deployment, demonstration, showcase, support, and documentation of the application of advanced digital construction management systems.

Next Milestone: TBD



Strategic Innovation for Revenue Collection
(Set-aside)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$75,000,000

Period of Availability: Available until expended

Funding Mechanism: Grants, Cooperative Agreements, other contracts

New Program: No

Recipients: States, Metropolitan Planning Organizations, and Local governments

Description: Requires Department of Transportation to test the feasibility of a road usage fee and other user-based alternative revenue mechanisms to help maintain the long-term solvency of the Highway Trust Fund, through pilot projects at the State, local, and regional level.

Eligible Uses: Road usage fee and other user-based alternative revenue mechanisms projects.

Next Milestone: TBD



Accelerated Implementation and Deployment of Pavement Technologies
(Set-aside)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$60,000,000

Period of Availability: Available until expended

Funding Mechanism: Grants, Cooperative Agreements, other contracts

New Program: No

Recipients: Federal Highway Administration Research, Technology, and Education Program

Description: Provides a coordinated and cohesive approach to advance research and development of technologies with deployment activities regarding highway pavements and the materials from which highway infrastructure is constructed.

Eligible Uses: Activities are focused on providing tools, technologies and guidance, and supporting updated policies, to improve the safety, durability, sustainability and cost-effectiveness of highway pavements, and the materials from which highway infrastructure is constructed.

Next Milestone: TBD



On-the-Job Training Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant, Allocation

New Program: No

Recipients: States

Description: The On-the-Job Training program helps develop the capacity of the Nation's current and future highway construction industry workforce by providing the development and diversity of skilled labor.

Eligible Uses: The On-the-Job Training Program directly supports the requirement that prime contractors participating on federally-assisted contracts to establish apprenticeship and training programs targeted to move minorities, women, and disadvantaged individuals into journey-level positions and provides funds for state departments of transportation to implement skills training programs to prepare individuals to participate in the highway construction workforce as trainees and apprentices on federally-assisted construction contracts. Additionally, funding is provided to states to partner with accredited academic institutions for the National Summer Transportation Institute program focused on science, technology, engineering, and math opportunities for high school and junior high/middle school students to learn about, and become familiar with, transportation-related career options. Funding also supports the Summer Transportation Internship Program for Diverse Groups, which provides internship opportunities for college students to engage with Department of Transportation modes to work in a transportation-related career field.

Next Milestone: TBD



Disadvantaged Business Enterprises

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: Contract Authority, Competitive Grant, Allocation

New Program: No

Recipients: States

Description: The Disadvantaged Business Enterprise program assists small and disadvantaged firms with building capacity and improving their ability to compete for Federal-aid highway contracts.

Eligible Uses: The Disadvantaged Business Enterprise program supports the ability of state departments of transportation to achieve the objectives of the Disadvantaged Business Enterprise program, which are to ensure nondiscrimination and allow small businesses owned primarily by minorities and women to compete fairly for Department of Transportation-assisted contracts in the transportation industry

Next Milestone: TBD



National Motor Vehicle Per-Mile User Fee Pilot
(Set-aside)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: Grants, Cooperative Agreements, other contracts

New Program: Yes

Recipients: States

Description: The purpose of this pilot program is to demonstrate a national motor vehicle per-mile user fee to restore and maintain the long-term solvency of the Highway Trust Fund and to improve and maintain the surface transportation system.

Eligible Uses: Pilot projects on per-mile user fees.

Next Milestone: TBD



Tribal High Priority Projects Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$45,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: No

Recipients: Sovereign federally-recognized Tribal governments

Description: The Tribal High Priority Projects Program provides funding to Indian Tribes or a governmental subdivision of an Indian Tribe whose annual allocation of funding received under the Tribal Transportation Program is insufficient to complete the highest priority project of the Tribe, or to any Tribe that has an emergency or disaster occur on a Tribal transportation facility that renders the facility impassible or unusable.

Eligible Uses: Highest priority projects, emergency or disaster related projects

Next Milestone: TBD



Highway Use Tax Evasion Projects

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$20,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant, allocation

New Program: No

Recipients: States, Internal Revenue Service

Description: The Highway Use Tax Evasion Projects program provides funding to the Internal Revenue Service and the States to carry out intergovernmental enforcement efforts, along with training and research, to reduce evasion of payment of motor fuel and other highway use taxes, which are the principal sources for Federal and State highway funding.

Eligible Uses: Intergovernmental enforcement efforts, along with training and research, to reduce evasion of payment of motor fuel and other highway use taxes.

Next Milestone: TBD



Passenger and Freight Rail

Challenge: U.S. passenger rail lags behind the rest of the world in reliability, speed, and coverage. The Bipartisan Infrastructure Law is a once-in-a-generation opportunity to position our railways to play a central role in our transportation and economic future. Our rail networks have the potential to offer safe, reliable, efficient, and climate-friendly alternatives to driving or flying.

Solutions: The Bipartisan Infrastructure Law invests \$66 billion in advanced appropriations and authorizes up to an additional \$36 billion over the next five years for Department of Transportation's rail programs. This includes funding to modernize the Northeast Corridor, and bring world-class rail service to areas outside the northeast and mid-Atlantic; refurbish Amtrak's fleet and facilities; and upgrade freight rail service in rural communities and on shared freight-passenger routes. This legislation enables the Federal Railroad Administration to lay the foundation for a sustainable rail investment program, on par with other modes of transportation, that advances safe, clean, equitable, and efficient world-class passenger and freight rail.

Funding Overview: The Federal Railroad Administration's funding falls into five major programs (1) Amtrak, (2) the Federal-State Partnership for Intercity Passenger Rail Grant Program, (3) the Consolidated Rail Infrastructure and Safety Improvements Grant Program, (4) the Railroad Crossing Elimination Grant Program, and (5) the Restoration and Enhancements Grant Program.

The funding allocated towards Amtrak is broken into two categories: (1) Amtrak Northeast Corridor, and (2) Amtrak National Network. In general, the funds for Amtrak are to be used for capital projects to address Amtrak's state of good repair backlog, including funding for infrastructure, fleet replacement, and ADA updates.

The Consolidated Rail Infrastructure and Safety Improvements Grant Program will fund projects that improve the safety, efficiency, and reliability of intercity passenger and freight rail. This program leverages private, state, and local investments to support safety enhancements and general improvements to infrastructure.

The Railroad Crossing Elimination Grant Program provides funds for the mitigation or elimination of hazards at railway-highway crossings. This is a new grant program enacted in the Bipartisan Infrastructure Law.

The Federal-State Partnership for Intercity Passenger Rail Grant Program provides funds for capital projects that reduce the state of good repair backlog, improve performance, or expand or establish new intercity passenger rail service. This program was significantly revised under the Bipartisan Infrastructure Law, providing direction specific to the Northeast Corridor and non-Northeast Corridor projects. While there is only a single grant program, the funding is broken into two categories: (1) Northeast Corridor, and (2) non-Northeast Corridor projects.



The Restoration and Enhancements Grant Program provides operating assistance to initiate, restore, or enhance intercity passenger rail service.

From the funding provided above, Bipartisan Infrastructure Law also authorizes for two additional rail programs: the Corridor Identification and Development Program and the Interstate Rail Compact Program.

The Corridor Identification and Development Program will identify new intercity passenger rail corridors, develop the necessary service planning elements, and create a non-Northeast Corridor Project Pipeline for associated capital projects.

The Interstate Rail Compacts Grant Program will provide funding for interstate rail compacts' administrative costs and to conduct railroad systems planning, promotion of intercity passenger rail operations, and the preparation of grant applications.

Getting Ready:

Potential applicants should start to identify projects now. More information about the new rail programs in the Bipartisan Infrastructure Law can be found on the Federal Rail Administration's dedicated Bipartisan Infrastructure Law page [here](#). All new Notices of Funding Opportunities will be posted [here](#).

Existing Resources:

- Details about Federal Rail Administration's competitive discretionary grant programs can be found [here](#), as well as information on Amtrak can be found [here](#). More information about the new rail programs in the Bipartisan Infrastructure Law can be found on [Federal Rail Administration's dedicated Bipartisan Infrastructure Law page](#).
- Federal Rail Administration provides technical assistance to grantees through webinars and other on-demand resources. Additional information about Federal Rail Administration's [competitive grants application process](#), [state](#) and [regional rail planning](#), [training and guidance](#), and recordings of [past webinars](#) can be found on Federal Rail Administration's website.
- Federal Rail Administration also provides oversight and subject matter expertise to projects funded under the Railroad Rehabilitation & Improvement Financing loan program that is managed by the Department's Build America Bureau. More information on Railroad Rehabilitation & Improvement Financing can be found [here](#).



Program Name	Agency Name	Funding Amount
Federal-State Partnership for Intercity Passenger Rail Grants	Department of Transportation	\$36,000,000,000
Amtrak National Network Grants	Department of Transportation	\$15,750,000,000
Amtrak Northeast Corridor Grants	Department of Transportation	\$6,000,000,000
Consolidated Rail Infrastructure and Safety Improvement Grants	Department of Transportation	\$5,000,000,000
Railroad Crossing Elimination Program	Department of Transportation	\$3,000,000,000
Restoration & Enhancement Grant Program	Department of Transportation	\$250,000,000
TOTAL - PASSENGER AND FREIGHT RAIL		\$66,000,000,000



Federal-State Partnership for Intercity Passenger Rail Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Railroad Administration

Funding amount: \$36,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: No but has been substantially revised.

Recipients:

- States, including the District of Columbia.
- A group of States.
- An Interstate Compact.
- A public agency or publicly chartered authority established by 1 or more States.
- A political subdivision of a State.
- Amtrak, acting on its own behalf or under a cooperative agreement with 1 or more States.
- Federally recognized Indian Tribe.
- Any combination of the entities above.

Description: To fund capital projects that reduce the state of good repair backlog, improve performance, or expand or establish new intercity passenger rail service, including privately operated intercity passenger rail service if an eligible applicant is involved.

Eligible Uses:

- (1) projects to replace, rehabilitate, or repair infrastructure, equipment, or a facility used for providing intercity passenger rail service to bring such assets into a state of good repair;
- (2) projects to improve intercity passenger rail service performance, including reduced trip times, increased train frequencies, higher operating speeds, improved reliability, expanded capacity, reduced congestion, electrification, and other improvements, as determined by the Secretary;
- (3) projects to expand or establish new intercity passenger rail service; and
- (4) a group of related projects described previously.

The planning, environmental review, and final design of an eligible project or group of projects is also eligible. Preference to eligible projects:

- (1) for which Amtrak is not the sole applicant;
- (2) the improve the financial performance, reliability, service frequency, or address the state of good repair of an Amtrak route; and



(3) that are identified in, and consistent with, a corridor inventory prepared under the Corridor Identification and Development Program pursuant to section 25101.

Next Milestone: Evaluate applications and make selections under Fiscal Year 2021 Notice of Funding Opportunity, targeting summer for announcements. Conduct stakeholder outreach regarding expanding Fed-State program, as well as development of Northeast Corridor inventory, which must be established by November 14, 2022. Estimated released date of Fiscal Year 2022 funds is TBD.



Amtrak National Network Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Railroad Administration

Funding amount: \$15,750,000,000³

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: Amtrak

Description: To provide funding for capital projects to eliminate Amtrak's backlog of deferred maintenance of rolling stock, facilities, stations, and infrastructure on the National Network.

Eligible Uses:

- (1) acquiring new passenger rail rolling stock to replace Amtrak's aging and obsolete passenger equipment fleet (and related facilities);
- (2) bringing Amtrak-served stations into compliance with the Americans with Disabilities Act;
- (3) eliminating the backlog of deferred capital work on Amtrak-owned railroad assets not located on the Northeast Corridor; and
- (4) projects to eliminate the backlog of obsolete assets associated with Amtrak's national rail passenger transportation system, such as systems for reservations, security, training centers, and technology.

Next Milestone: Submit Fiscal Year 2023 spend plan, May 2022.

³ \$15.75 billion is provided through the Bipartisan Infrastructure Law in advance appropriations, and an additional \$12.65 billion is authorized, *subject to appropriation*, in Division B for a total program level of \$28.4 billion over five years.



Amtrak Northeast Corridor Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Railroad Administration

Funding amount: \$6,000,000,000⁴

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: Amtrak

Description: To provide funding for capital projects to eliminate Amtrak's backlog of obsolete assets and deferred maintenance of rolling stock, facilities, stations, and infrastructure on the Northeast Corridor.

Eligible Uses: Eligible projects include: (1) acquiring new passenger rail rolling stock to replace Amtrak's aging and obsolete passenger equipment fleet (and related facilities); (2) bringing Amtrak-served stations into compliance with the Americans with Disabilities Act; (3) eliminating the backlog of deferred capital work on sole-benefit Amtrak-owned assets located on the Northeast Corridor; and (4) carrying out Northeast Corridor capital renewal backlog projects. Funds may also be used as the non-Federal match for projects under the Federal-State Partnership for Intercity Passenger Rail Program.

Next Milestone: Submit Fiscal Year 2023 spend plan, May 2022.

⁴ \$6.00 billion is provided through the Bipartisan Infrastructure Law in advance appropriations, and an additional \$6.57 billion is authorized, *subject to appropriation*, in Division B for a total program level of \$12.57 billion over five years.



Consolidated Rail Infrastructure and Safety Improvement Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Railroad Administration

Funding amount: \$5,000,000,000⁵

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: No

Recipients:

- States, including the District of Columbia.
- A group of States.
- An Interstate Compact.
- A public agency or publicly chartered authority established by 1 or more States.
- A political subdivision of a State.
- Amtrak and other rail carriers providing intercity rail passenger transportation.
- Class II/III Railroads and associations that represent Class II/III Railroads.
- Rail carriers & equipment manufacturers, in partnership with at least 1 of the first 5 entities above.
- Federally recognized Indian Tribes.
- Transportation Research Board.
- University Transportation Centers engaged in rail-related research.
- Non-profit labor organizations representing rail employees.

Description: To fund projects that improve the safety, efficiency, and reliability of intercity passenger and freight rail.

Eligible Uses: Eligible projects include a wide range of freight and passenger rail capital, safety technology deployment, planning, environmental analyses, research, workforce development, and training projects. New eligibilities include: (1) measures to prevent trespassing on railroad property; (2) preparation of emergency plans for communities through which hazardous materials are transported by rail; (3) research, development, and testing to advance innovative rail projects; and (4) rehabilitating, remanufacturing, procuring, or overhauling locomotives to reduce emissions.

Next Milestone: Finalize selections from Fiscal Year 2021 Notice of Funding Opportunity, targeting spring 2022 for announcement. Estimated released date of Fiscal Year 2022 funds is TBD.

⁵\$5.0 billion is provided through the Bipartisan Infrastructure Law in advance appropriations, and an additional \$5.0 billion is authorized, *subject to appropriation*, in Division B for a total program level of \$10.0 billion over five years.



Railroad Crossing Elimination Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Railroad Administration

Funding amount: \$3,000,000,000⁶

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients:

- States, including the District of Columbia, Puerto Rico, and other United States territories and possessions.
- A political subdivision of a State.
- Federally recognized Indian Tribes.
- A unit of local government or a group of local governments.
- A public port authority.
- A metropolitan planning organization.
- A group of the entities described above.

Description: To provide funds for the mitigation or elimination of hazards at railway-highway crossings.

Eligible Uses:

- (1) grade separation or closure, including through the use of a bridge, embankment, tunnel, or combination thereof;
- (2) track relocation;
- (3) improvement or installation of protective devices, signals, signs, or other measures to improve safety related to a separation, closure, or track relocation project;
- (4) other means to improve the safety if related to the mobility of people and goods at highway-rail grade crossings (including technological solutions);
- (5) the planning, environmental review, and design of an eligible project type.

Next Milestone: Estimated released date of Fiscal Year 2022 funds is TBD

⁶ \$3.0 billion is provided through the Bipartisan Infrastructure Law in advance appropriations, and an additional \$2.5 billion is authorized, *subject to appropriation*, in Division B for a total program level of \$5.5 billion over five years.



Restoration & Enhancement Grant Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Railroad Administration

Funding amount: \$250,000,000⁷

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: No

Recipients:

- States, including the District of Columbia.
- An entity implementing an interstate compact. A public agency/publicly chartered authority established by 1 or more States.
- A political subdivision of a State.
- Federally recognized Indian Tribes.
- Amtrak & Other Intercity Passenger Rail Carriers.
- Rail Carriers in partnership with at least 1 of the entities described above.

Description: To provide operating assistance to initiate, restore, or enhance intercity passenger rail service.

Eligible Uses:

- (1) establishing new services;
- (2) additional frequencies;
- (3) service extensions;
- (4) offering new on-board services.

Examples of eligible expenses can include: train engineer staffing, fuel, train dispatching, station management, and overhead.

Key Changes: New priority to applications for routes selected under the Corridor Identification and Development Program and operated by Amtrak. Grants may provide operating assistance for up to six years, and may not exceed: 90 percent of the projected net operating costs for the first year of service; 80 percent of the projected net operating costs for the second year of service; 70 percent of the projected net operating costs for the third year of service; 60 percent of the projected net operating costs for the fourth year of service; 50 percent of the projected net operating costs for the fifth year of service; and 30 percent of the projected net operating costs for the sixth year of service.

⁷ Advance Appropriated Restoration and Enhancement funding is not authorized individually, and exists as a \$250 million set-aside from the \$16 billion National Network advance appropriation. \$250 million is provided through the Bipartisan Infrastructure Law as a set-aside from the National Network advance appropriation, and an additional \$250 million is authorized, *subject to appropriation*, in Division B for a total program level of \$500 million over five years.



Next Milestone: Estimated released date of Fiscal Year 2022 funds remains TBD.



Public Transportation

Challenge: America's public transit infrastructure has faced decades of underinvestment— with an estimated \$105 billion repair backlog, representing more than 27,000 buses and vans, 2,000 rail cars, 200 passenger stations, 300 maintenance facilities, and hundreds of miles of track, guideway, signals, and power systems in need of repair or replacement. Communities of color are twice as likely to take public transportation, and many of these communities lack sufficient public transit options. Switching from personal vehicle use to public transit can also reduce greenhouse gas emissions for the transportation sector, which is now the largest single source of emissions in the country.

Solutions: The Bipartisan Infrastructure Law invests \$91.2 billion to repair and modernize transit. The legislation supports expanded public transportation choices nationwide, replacing thousands of deficient transit vehicles, including buses, with clean, zero emission vehicles, and improving accessibility for the elderly and people with disabilities.

Funding Overview: Transit funding falls into two major categories (1) Federal Transit Administration Reauthorization (\$69.9 billion), (2) Supplemental Appropriations (\$21.3 billion).

The Bipartisan Infrastructure Law includes a five-year reauthorization for the Federal Transit Administration programs at the Department of Transportation. Highlights of the Federal Transit Administration's Bipartisan Infrastructure Law authorities include:

Federal Transit Administration Capital Investment Grants (\$8⁸ billion in total from reauthorization and supplemental appropriations) are used to support new and expanded high-capacity rail and bus service. The program includes New Starts for the construction of new systems and expansion of existing systems, Small Starts for projects with capital costs less than \$400 million, and Core Capacity for projects that upgrade existing corridors to handle increased demand. Federal Transit Administration also supports the pilot program for Expedited Project Delivery for new high-capacity transit projects.

The Federal Transit Administration Low or No Emission (Bus) Grants (\$5.6 billion) provides funding to state and local governments for the purchase or lease of zero-emission and low-emission transit buses, including acquisition, construction, and leasing of required supporting facilities. 5 percent of the funding for zero emission buses within this program will also support workforce development training so transit operators and mechanics can learn how to maintain and operate zero emission vehicles. Lastly, two programs supporting Accessibility are the (1) All Stations Accessibility Program (\$1.75 billion) and (2) additional funding for the Enhanced Mobility of Seniors

⁸ 8 billion is provided through the Bipartisan Infrastructure Law in advanced appropriations, an additional \$15 billion is authorized under Division C of the Bipartisan Infrastructure Law for a total program level of \$23 billion.



and Individuals with Disabilities Formula Program (\$2.2 billion). The All Stations Accessibility Program, a new program under the Bipartisan Infrastructure Law, provides funds to eliminate rail station barriers to access for persons with disabilities while the Enhanced Mobility of Seniors and Individuals with Disabilities Program, an existing program, increases funding to provide mobility options to seniors and persons with disabilities.

Getting Ready:

What a potential recipient (state/local/Tribal government) can do now to prepare to receive funding in this section – including the biggest hurdles they can expect to face (e.g. maps for broadband)?

Bipartisan Infrastructure Law Program Changes – All potential recipients can learn about Bipartisan Infrastructure Law changes to the Federal transit program by reviewing the [Federal Transit Administration Program Fact Sheets](#).

Formula Grant Programs – Potential recipients can review upcoming [Federal Transit Administration Apportionment Notices](#) which will include both funding program levels and specific Fiscal Year 2022 funding information.

Competitive Grant Programs – Potential recipients can review the [Federal Transit Administration Notices of Funding Opportunity](#) for competitive grant programs. Notices will be published throughout 2022.

To sign up for Federal Transit Administration updates regarding grant programs and other news, please visit [here](#).

Existing Resources:

- The American Rescue Plan includes \$30.5 billion in federal funding to support public transportation systems. Information on American Rescue Plan funding can be found [here](#).
- A full list of Federal Transit Administration grant programs can be found [here](#).
- A list of Federal Transit Administration -sponsored technical assistance centers can be found [here](#).



Program Name	Agency Name	Funding Amount
Urbanized Area Formula Grants	Department of Transportation	\$33,390,947,107
State of Good Repair Grants	Department of Transportation	\$21,640,412,832
Capital Investment Grants	Department of Transportation	\$8,000,000,000
Low or No Emission (Bus) Grants	Department of Transportation	\$5,624,550,890
Formula Grants for Rural Areas	Department of Transportation	\$4,109,463,374
Bus and Bus Facilities Formula Grants	Department of Transportation	\$3,161,294,400
Enhanced Mobility of Seniors and Individuals with Disabilities	Department of Transportation	\$2,193,105,343
Ferry Service for Rural Communities	Department of Transportation	\$2,000,000,000
Bus and Bus Facilities Competitive Grants	Department of Transportation	\$1,966,392,169
All Stations Accessibility Program	Department of Transportation	\$1,750,000,000
Rail Vehicle Replacement Grants	Department of Transportation	\$1,500,000,000
Metropolitan Transportation Program	Department of Transportation	\$799,441,834
Strengthening Mobility and Revolutionizing Transportation (SMART) Grants	Department of Transportation	\$500,000,000
Public Transportation on Indian Reservations Formula	Department of Transportation	\$183,250,437
Statewide Transportation Planning	Department of Transportation	\$167,001,389
Urbanized Area Passenger Ferry Program	Department of Transportation	\$150,000,000
Appalachian Development Public Transportation Assistance Program	Department of Transportation	\$137,437,828
Research, Development, Demonstration and Deployment Projects (Less Set Aside)	Department of Transportation	\$132,218,677
Rural Transportation Assistance Program	Department of Transportation	\$91,552,911
Pilot Program for Transit Oriented Development	Department of Transportation	\$68,864,631
Public Transportation Technical Assistance and Workforce Development	Department of Transportation	\$61,978,167
Public Transportation on Indian Reservations Competitive	Department of Transportation	\$45,812,610
Transit Cooperative Research Program	Department of Transportation	\$34,432,315
Pilot Program for Enhanced Mobility	Department of Transportation	\$24,102,620
National Rural Transportation Assistance Program	Department of Transportation	\$13,743,783
TOTAL - PUBLIC TRANSPORTATION		\$87,746,003,317



Urbanized Area Formula Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$33,390,947,107. Approximately \$3.3 billion will also be provided from the Growing States and High-Density states formula factors.

Period of Availability: Year of Allocation plus five years

Funding Mechanism: Formula Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized)

Description: The Urbanized Area Formula Funding program (49 U.S.C. 5307) makes federal resources available to urbanized areas and to governors for transit capital and operating assistance in urbanized areas and for transportation-related planning. An urbanized area is an incorporated area with a population of 50,000 or more that is designated as such by the U.S. Department of Commerce, Bureau of the Census. Operating expenses are only eligible for urbanized areas under 200,000 in population or recipients with 100 or fewer buses. Funds are also provided to states for state safety oversight activities.

Eligible Uses: Planning, Capital, Operating Assistance

Next Milestone: Formula funds are apportioned to states and urbanized areas after appropriations are received.



State of Good Repair Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$21,640,412,832

Period of Availability: Year of Apportionment plus three years

Funding Mechanism: Formula Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized)

Description: To assist in funding capital projects for existing fixed guideway systems (including rail, bus rapid transit, and passenger ferries) and high intensity motorbus systems (buses operating in high-occupancy vehicle lanes) to maintain public transportation systems in a state of good repair and to ensure public transit operates safely, efficiently, reliably, and sustainably so that communities can offer balanced transportation choices that helps to improve mobility, reduce congestion, and encourage economic development.

Eligible Uses: Capital

Next Milestone: Formula funds are apportioned to states and urbanized areas after appropriations are received.



Capital Investment Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$8,000,000,000

Period of Availability: Year of Allocation to Project plus three years

Funding Mechanism: Competitive Grant

New Program: No

Recipients: State and local government agencies, including transit agencies

Description: This Federal Transit Administration discretionary grant program funds transit capital investments, including heavy rail, commuter rail, light rail, streetcars, and bus rapid transit. Federal transit law requires transit agencies seeking Capital Investment Grants funding to complete a series of steps over several years. The law also requires projects to be rated by Federal Transit Administration at various points in the process according to statutory criteria evaluating project justification and local financial commitment.

Eligible Uses: Grants may be made under this program to State and local governmental authorities to assist in financing (1) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for fixed guideway corridor development for projects in the advanced stages of project development or engineering; and (2) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvement projects to increase the capacity of an existing fixed guideway system corridor by at least 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

Next Milestone: TBD, pending full year Congressional appropriations.



Low or No Emission (Bus) Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$5,624,550,890

Period of Availability: Year of Allocation plus three years

Funding Mechanism: Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized)

Description: Provides capital funding to replace, rehabilitate, purchase, or lease buses and bus related equipment and to rehabilitate, purchase, construct, or lease bus-related facilities. Provides capital funding for low or no emissions bus projects.

Eligible Uses: Capital

Next Milestone: Notice of Funding Opportunity expected the first quarter of 2022



Formula Grants for Rural Areas

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$4,109,463,374. Approximately \$586 million will also be provided from the Growing States formula factors.

Period of Availability: Year of Apportionment plus two years

Funding Mechanism: Formula Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status, private for-profit Intercity Bus carriers

Description: To improve, initiate, or continue public transportation service in nonurbanized areas (rural areas and small cities under 50,000 in population) and to provide technical assistance for rural transportation providers. The Section 5311 program supports both the maintenance of existing public transportation services and the expansion of those services through the following program goals: enhancing access in rural areas to health care, shopping, education, employment, public services, and recreation; assisting in the maintenance, development, improvement, and use of public transportation systems in rural areas; encouraging and facilitating the most efficient use of all transportation funds used to provide passenger transportation in rural areas through the coordination of programs and services; providing financial assistance to help carry out national goals related to mobility for all, including seniors, individuals with disabilities, and low-income individuals; increasing availability of transportation options through investments in intercity bus services; assisting in the development and support of intercity bus transportation; encouraging mobility management, employment-related transportation alternatives, joint development practices, and transit-oriented development; and providing for the participation of private transportation providers in rural public transportation.

The Public Transportation on Indian Reservations Program is a set-aside from the Formula Grants for Rural Areas program that consists of both a formula and competitive grant program for federally recognized Indian tribes or Alaska Native villages, groups or communities in rural areas.

Eligible Uses: Planning, Capital, Operating Assistance

Next Milestone: Formula funds are apportioned to states and urbanized areas after appropriations are received.



Bus and Bus Facilities Formula Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$3,161,294,400

Period of Availability: Year of Apportionment plus three years

Funding Mechanism: Formula Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized)

Description: Provides capital funding to replace, rehabilitate, purchase, or lease buses and bus related equipment and to rehabilitate, purchase, construct, or lease bus-related facilities.

Eligible Uses: Capital funding for purposes described above.

Next Milestone: Formula funds are apportioned to states and urbanized areas after appropriations are received.



Enhanced Mobility of Seniors and Individuals with Disabilities

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$2,193,105,343

Period of Availability: Year of Apportionment plus two years

Funding Mechanism: Formula Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status

Description: To provide financial assistance in meeting the transportation needs of seniors and individuals with disabilities where public transportation services are unavailable, insufficient or inappropriate. The Section 5310 program is designed to supplement the Federal Transit Administration's other capital assistance programs by funding transportation projects for seniors and individuals with disabilities in all areas - large urban, small urban, and rural.

Eligible Uses: Capital, Operating Assistance and Planning

Next Milestone: Formula funds are apportioned to states and urbanized areas after appropriations are received.



Ferry Service for Rural Communities

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$2,000,000,000

Period of Availability: To be determined

Funding Mechanism: Grant

New Program: Yes

Recipients: States

Description: The Ferry Service for Rural Communities Program makes federal resources available to states to ensure basic essential ferry service is provided to rural areas. These funds are limited to ferry services that operated a regular service at any time during the five-year period ending March 1, 2020 and that served no less than two rural areas located more than 50 nautical miles apart.

Eligible Uses: Capital, Operating Assistance

Next Milestone: A Notice of Funding Opportunity is expected in the spring of 2022.



Bus and Bus Facilities Competitive Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$1,966,392,169

Period of Availability: Year of Allocation plus three years

Funding Mechanism: Competitive Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized)

Description: Provides capital funding to replace, rehabilitate, purchase, or lease buses and bus related equipment and to rehabilitate, purchase, construct, or lease bus-related facilities.

Eligible Uses: Capital funding for purposes described above.

Next Milestone: A Notice of Funding Opportunity for the Fiscal Year 2022 grant program is expected to be published in the first quarter of 2022.



All Stations Accessibility Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$1,750,000,000

Period of Availability: To be determined

Funding Mechanism: Grant

New Program: No

Recipients: States and local government authorities.

Description: Provides capital funding to upgrade the accessibility of legacy rail fixed guideway public transportation systems for people with disabilities, including those who use wheelchairs.

Eligible Uses: Capital funding for purposes described above.

Next Milestone: Notice of Funding Opportunity expected the spring of 2022



Rail Vehicle Replacement Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$1,500,000,000

Period of Availability: Year of Apportionment plus three years

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: State and local government authorities

Description: Capital projects for the replacement of rail rolling stock. Not more than three new competitive awards to eligible projects may be announced each fiscal year. FTA may select projects for multi-year awards.

Eligible Uses: Capital

Next Milestone: A Notice of Funding Opportunity is expected in the spring of 2022



Metropolitan Transportation Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$799,441,834

Period of Availability: Year of Apportionment plus three years

Funding Mechanism: Formula Grant

New Program: No

Recipients: States and Metropolitan Planning Organizations

Description: The Metropolitan Planning Program are available to carry out the metropolitan transportation planning process and meet the transportation planning requirements of the joint Federal Transit Administration and Federal Highway Administration planning regulations.

Eligible Uses: The eligible activities for the metropolitan planning funds include work elements that result in a balance and comprehensive intermodal transportation planning for the movement of people and goods in the metropolitan area.

Next Milestone: Formula funds are apportioned after appropriations are received.



Strengthening Mobility and Revolutionizing Transportation (SMART) Grants

Federal Agency: Department of Transportation
Bureau or Account: Office of the Secretary

Funding amount: \$500,000,000

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: (A) A State; (B) a political subdivision of a State; (C) a Tribal government; (D) a public transit agency or authority; (E) a public toll authority; (F) a metropolitan planning organization; and (G) a group of 2 or more eligible entities described in any

Description: The Office of the Secretary's Strengthening Mobility and Revolutionizing Transportation Grant program provides supplemental funding grants to rural, midsized, and large communities to conduct demonstration projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety.

Eligible Uses:

In general, a Strengthening Mobility and Revolutionizing Transportation grant may be used to carry out a project that demonstrates at least one of the following:

- (i) Coordinate Automation
- (ii) Connected Vehicles
- (iii) Intelligent, sensor-based infrastructure
- (iv) Systems integration
- (v) Commerce delivery and logistics
- (vi) Leveraging use of innovative aviation technology
- (vii) Smart grid
- (viii) Smart technology traffic signals.

Next Milestone: A Notice of Funding Opportunity is expected in the second or third quarter of 2022.



Public Transportation on Indian Reservations Formula

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$183,250,437

Period of Availability: Year of Apportionment plus two years

Funding Mechanism: Formula Grant

New Program: No

Recipients: Federally recognized Indian Tribes and Alaska Native Villages

Description: Provides direct funding to federally recognized Indian tribes to provide public transportation service on and around Indian reservations or Tribal land in rural areas

Eligible Uses: Planning, Capital, Operating Assistance

Next Milestone: Formula funds are apportioned after appropriations are received.



Statewide Transportation Planning

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$167,001,389

Period of Availability: Year of Apportionment plus three years

Funding Mechanism: Formula Grant

New Program: No

Recipients: States and Metropolitan Planning Organizations

Description: The statewide planning and research program is a source of Federal financial assistance to the states to meet the planning requirements of the joint Federal Transit Administration and Federal Highway Administration planning regulations for statewide transportation planning.

Eligible Uses: The statewide planning and research program funds can be used for comprehensive planning, engineering, design, and evaluation of public transportation projects and studies involving modes other than transit when performed as part of the metropolitan transportation planning process.

Next Milestone: Formula funds are apportioned after appropriations are received.



Urbanized Area Passenger Ferry Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$150,000,000

Period of Availability: Year of Allocation plus five years

Funding Mechanism: Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized)

Description: Competitive program for passenger ferry capital projects in urbanized areas.

Eligible Uses: Capital

Next Milestone: A Notice of Funding Opportunity is expected in the spring of 2022.



Appalachian Development Public Transportation Assistance Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$137,437,828

Period of Availability: Year of Apportionment plus two years

Funding Mechanism: Formula Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status

Description: Provides funding to states in the Appalachian region to support the provision of public transit services in rural areas.

Eligible Uses: Planning, Capital, Operating Assistance

Next Milestone: Formula funds are apportioned after appropriations are received.



Research, Development, Demonstration and Deployment Projects
(Less Set Aside)

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$132,218,677

Period of Availability: Non-expiring, available until expended

Funding Mechanism: Cooperative Agreement, Contract, Competitive grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Providers of Public Transportation, Private or Nonprofit organizations, Institutions of Higher Education, and Technical or Community Colleges.

Description: Provides funding to assist innovative projects and activities that advance and sustain safe, efficient, equitable, climate-friendly public transportation. Eligible research and demonstrations under this program explore novel approaches to improve public transportation service – especially for transit-dependent individuals; advance vehicle and system technologies for safety, energy efficiency, and operational performance; use data for enhanced insights; and undertake other activities that help transit agencies meet equity, safety, climate change and transformation goals for a safer, environmentally cleaner, socially just and connected public transportation system.

Eligible Uses: Research, innovative development, deployment, demonstration, evaluation activities

Next Milestone: TBD



Rural Transportation Assistance Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$91,552,911

Period of Availability: Year of Apportionment plus two years

Funding Mechanism: Formula Grant

New Program: No

Recipients: States

Description: Provides funding to states for transportation research, technical assistance, training, and related support services in rural areas.

Eligible Uses: Technical Assistance, and training activities.

Next Milestone: Formula funds are apportioned after appropriations are received.



Pilot Program for Transit Oriented Development

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$68,864,631

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: No

Recipients: State or local governmental authorities that are Federal Transit Administration grant recipients.

Description: The Pilot Program for Transit Oriented Development Planning is a discretionary grant program that helps support Federal Transit Administration's mission of improving public transportation for America's communities by providing funding to local communities to integrate land use and transportation planning with a new fixed guideway or core capacity transit capital investment.

Eligible Uses: Grants may be made for site specific and comprehensive planning funded through the program must examine ways to improve economic development and ridership, foster multimodal connectivity and accessibility, improve transit access for pedestrian and bicycle traffic, engage the private sector, identify infrastructure needs, and enable mixed-use development near transit stations.

Next Milestone: A Notice of Funding Opportunity is expected Spring 2022.



Public Transportation Technical Assistance and Workforce Development

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$61,978,167

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement or Interagency Agreement

New Program: No

Recipients: National nonprofit organizations

Description: Provides funding to support workforce development and transition, including in relation to zero-emission fleet conversion, and other technical assistance to support transit providers in enhancing safe, efficient, equitable and climate-friendly public transportation. Additionally, the program supports the development of standards for the public transportation industry.

Eligible Uses: Workforce development, technical assistance and standards development

Next Milestone: TBD



Public Transportation on Indian Reservations Competitive

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$45,812,610

Period of Availability: Year of allocation plus two years

Funding Mechanism: Competitive Grant

New Program: No

Recipients: Federally recognized Indian Tribes and Alaska Native Villages

Description: Provides direct funding to federally recognized Indian tribes to provide public transportation service on and around Indian reservations or Tribal land in rural areas

Eligible Uses: Planning, Capital, Operating Assistance

Next Milestone: A Notice of Funding Opportunity is expected in the first quarter of 2022.



Transit Cooperative Research Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$34,432,315

Period of Availability: Available until expended

Funding Mechanism: Grant or Cooperative Agreement

New Program: No

Recipients: National Academy of Sciences

Description: The Transit Cooperative Research Program is an applied research program that develops near-term, practical solutions to problems facing public transportation. TCRP is managed by the Transportation Research Board, a division of the National Academies of Sciences, Engineering, and Medicine.

Eligible Uses: Peer-reviewed academic research, development and technology transfer activities.

Next Milestone: Topic submissions to the Transit Cooperative Research Program are due March 18, 2022.



Pilot Program for Enhanced Mobility

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$24,102,620

Period of Availability: Year of Allocation plus two years

Funding Mechanism: Competitive Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Tribal Governments (other than federally recognized), Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status

Description: Competitive program to improve coordinated access and mobility

Eligible Uses: Capital

Next Milestone: TBD



National Rural Transportation Assistance Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$13,743,783

Period of Availability: Year of Apportionment plus two years

Funding Mechanism: Cooperative Agreement

New Program: No

Recipients: Nonprofits with 501(c)(3) status, Nonprofits without 501(c)(3) status, Public Higher-Ed Institutions, Other public entities with capability to provide a service of national scope.

Description: Supports state Rural Transportation Assistance Program and develops information resources, technical assistance, and training about rural public transportation.

Eligible Uses: Technical Assistance

Next Milestone: Not applicable.



Airports and Federal Aviation Administration Facilities

Challenge: The United States built modern aviation, but many of our airports lag behind our competitors. According to some rankings, no U.S. airport ranks in the top 25 of airports worldwide.

Solutions: The Bipartisan Infrastructure Law invests \$25 billion to address repair and maintenance needs, reduce congestion and emissions, and modernize our National Aerospace System.

Funding Overview: This funding falls into three major programs covered under this section – (1) Facilities and Equipment funding (\$5 billion), (2) the Airport Infrastructure Grant Program (\$15 billion), and (3) the Airport Terminal Program (\$5 billion).

The Facilities and Equipment Program provides funding for Federal Aviation Administration-owned airport traffic control towers including Federal Aviation Administration-owned contract towers. This funding will allow the Federal Aviation Administration to place a down payment on the growing end-of-life backlog within the facilities portfolio. The focus on lower tier airport traffic control towers and specific facilities portfolio backlog items will help to improve safety, security, and environmental standards at facilities that infrequently receive the limited amount of yearly appropriated Facilities and Equipment Program dollars.

The Airport Infrastructure Grant Program is the largest new program funded for airports under the Bipartisan Infrastructure Law. On December 16, 2021, the Federal Aviation Administration at the Department of Transportation announced the initial allocations for the [Airport Infrastructure Grant Program](#) – which provides grants to thousands of airports across the country to invest in a variety of maintenance and improvement projects (e.g. runways and taxiways, noise, multimodal, and terminal buildings). The program also includes a competitive \$100 million (\$20 million annually) specifically for airport-owned contract airport traffic control towers. Through this program, Bipartisan Infrastructure Law funding provides local airports with flexible funding to address specific pressing needs. (See Fiscal Year 2022 state allocation [here](#) and an interactive map of where funding is going [here](#).) Funds that remain unobligated at the end of the fifth year, are available for a competitive discretionary grant program. Under the discretionary program, the first \$100 million will be for airport-owned contract airport traffic control towers, with remaining unobligated funds going to projects that reduce airport emissions, noise impacts, dependence on the electric grid or provide benefits to the surrounding community.

The Airport Terminal Program is a new program for airports under the Bipartisan Infrastructure Law. This program is a discretionary grant program for terminal development, multimodal and airport-owned airport traffic control towers.



Getting Ready to Receive Grant Funding:

In order to prepare to receive funding, potential recipients such as airport owners/operators should begin to identify what the primary airside and/or landside needs are and begin to develop a strategy and plan as to how this additional funding would be used to address the airport needs and challenges. Potential recipients will work with their local Federal Aviation Administration Airports District Office to ensure all requirements to receive funding are met (i.e. airspace, on an approved airport layout plan, and National Environmental Policy Act, etc.). For the two competitive grant programs (Airport Owned Contract Tower Program or Airport Terminal Program), airport owners/operators will need to apply based on the requirements in the Notice of Funding Opportunity issued for each competitive program.

Existing Resources:

- The Airport Improvement Program and Supplemental Discretionary Programs includes approximately \$3.75 billion annually for capital improvement programs at eligible U.S. airports. See more on the Airport Improvement Program and Discretionary Program [here](#).



Program Name	Agency Name	Funding Amount
Facilities and Equipment	Department of Transportation	\$5,000,000,000
Airport Infrastructure Grants	Department of Transportation	\$15,000,000,000
Airport Terminal Program	Department of Transportation	\$5,000,000,000
AIRPORTS AND FEDERAL AVIATION ADMINISTRATION FACILITIES		\$25,000,000,000



Facilities and Equipment

Federal Agency: Department of Transportation
Bureau or Account: Federal Aviation Administration

Funding amount: \$5,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Contract

New Program: No

Recipients: Commercial Vendors

Description: Federal Aviation Administration sustainment work and facilities replacements are for replacing Federal Aviation Administration-owned terminal and route air traffic control facilities; improvement of air route and terminal facilities; workplace safety and environmental standards compliance; Federal Aviation Administration-owned fuel storage tank replacement and management; unstaffed infrastructure sustainment; real property disposition; electrical power system sustain and support; energy maintenance and compliance; hazardous materials management and environmental cleanup; facility security risk management; mobile asset management program; and administrative expenses, including salaries and expenses, administration, and oversight.

Eligible Uses: Capital improvements for Federal Aviation Administration-owned and maintained facilities. The work will be awarded to commercial vendors on contract vehicles as well as with Federal Aviation Administration internal resources. Can be used for Terminal and En Route Staffed facilities that are directly manage air traffic control operations. Can also be used for sustainment activities at Federal Aviation Administration-owned unstaffed facilities and supporting infrastructure such as power systems, fuel storage tanks, facilities security risk management, environmental activities at Federal Aviation Administration-owned facilities, sustainment of Long-Range Radar facilities, and sustainment of mobile air traffic control facilities. Replacement of Federal Aviation Administration-owned Terminal and En Route facilities are eligible.

Next Milestone: Each project has its own planning cycle and individual milestones. The overarching program millstones are the annual funding allocations and required spending plans as defined by the Bipartisan Infrastructure Law.



Airport Infrastructure Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Aviation Administration

Funding amount: \$15,000,000,000

Period of Availability: 5 year

Funding Mechanism: Grant

New Program: Yes

Recipients: Public agency, Private entity, state and Tribal Government owning a public use National Plan of Integrated Airport Systems airport. Airports eligible for Airport Infrastructure Grants include Primary airports, certain cargo airports, and most general aviation/commercial service airports that are not primary airports but in the National Plan of Integrated Airport Systems. This amounts to approximately 3,100 airports.

Description: The funds are allocated in the 3 buckets: Primary Allocation, Non-Primary Allocation, Contract Towers

Eligible Uses: Project eligibility tracks Passenger Facility Charge eligibility. With the exception of Debt Service. Bipartisan Infrastructure Law specifically states the funds cannot be used for Debt Service.

Next Milestone:

May 2022 – Federal Aviation Administration will issue guidance and begin issuing grants for specific projects based on the Fiscal Year 2022 airport allocations announced on December 16, 2021.

May 2022- Federal Aviation Administration will issue the Notice of Funding Opportunity for the competitive \$20 million (annual) airport owned airport traffic contract tower program.



Airport Terminal Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Aviation Administration

Funding amount: \$5,000,000,000

Period of Availability: 5 year

Funding Mechanism: Grant

New Program: Yes

Recipients: Public agency, Private entity, state and Tribal Government owning a public use National Plan of Integrated Airport Systems airport. Secretary of the Interior for Midway Island Airport, the Republic of the Marshall Islands, Federated States of Micronesia and Republic of Palau.

Description: Provide grants to eligible airports for capital improvements for airport terminal development generally defined as development of an airport passenger terminal building, including terminal gates; access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; walkways that lead directly to or from an airport passenger terminal building; multimodal terminal development; and projects for on-airport rail access projects. As well as projects for relocating, reconstructing, repairing or improving an airport-owned airport traffic control tower.

Eligible Uses: Capital improvements for airport terminal development generally defined as development of an airport passenger terminal building, including terminal gates; access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; walkways that lead directly to or from an airport passenger terminal building; multimodal terminal development; and projects for on-airport rail access projects. As well as projects for relocating, reconstructing, repairing or improving an airport-owned air traffic control tower.

Next Milestone: February 2022 – Issue Notice of Funding Opportunity for the Fiscal Year 2022 competitive program.



Ports and Waterways

Challenge: The United States' underfunded port and waterway infrastructure has real costs to families, our economy, and our global competitiveness. The surge of both imports and exports moving through outdated infrastructure as we recover from the COVID pandemic has strained our ports and their intermodal connections and slowed the global supply chain. To support our growing economy, we must strengthen our supply chain and invest in the transportation systems that move cargo to, through, and from our ports.

Solutions: The Bipartisan Infrastructure Law invests over \$16.7 billion to improve infrastructure at coastal ports, inland ports and waterways, and land ports of entry along our borders.

Funding Overview: This [funding](#) falls into several major categories: (1) Army Corps of Engineers; (2) Land Ports of Entry Modernization and Construction Program (\$3.85 billion); and (3) the Port Infrastructure Development Program (\$2.25 billion); (4) and other programs (\$1.6 billion) (including the America's Marine Highways program, which will receive \$25 million).

The **Army Corps of Engineers'** funding will support construction projects as well as operations and maintenance. Construction funding will be used for the construction of coastal ports, inland waterways, and other water infrastructure. Operations and maintenance funds will be used to dredge Federal navigation projects and to operate and maintain authorized Army Corps projects, including repair of damages caused by natural disasters.

The Land Ports of Entry Modernization and Construction Program provides funds to modernize and improve Land Ports of Entry at our Northern and Southwest Borders. Funds will be split between the General Services Administration and Customs and Border Protection.

The Port Infrastructure Development Program funds improvements of the infrastructure needed to move cargo to, through, and around ports. The Bipartisan Infrastructure Law significantly expands funding for this program, and expands eligibility to include projects that will improve resiliency to address sea-level rise, flooding, extreme weather events, earthquakes, and tsunami inundation, as well as projects that will help reduce or eliminate criteria pollutants and greenhouse gas emissions associated with port operations, including projects for port electrification.



Getting Ready for Port Funding:

What a potential recipient (state/local/Tribal government) can do now to prepare to receive funding is:

Potential recipients can work with their sponsors to:

- (1) identify project needs and attend webinars covering both “How to Apply” and “Benefit Cost Analysis” development;
- (2) Read the “Frequently Asked Questions” section of the U.S. Maritime Administration’s website and submit questions to the PIDPGrants@dot.gov;
- (3) Adhere to the requirements of the Notice of Funding Opportunity;
- (4) Submit applications prior to the deadline on grants.gov;
- (5) Avoiding beginning any of the work outlined in a project application while applications are still pending;
- (6) Notify the U.S. Maritime Administration if any of the scope, schedule, or budget items have changed since application submission; and
- (7) Wait patiently until a notification is made that awards have been announced.

Existing Resources:

- The Department of Transportation offers a number of other funding opportunities through programs such as RAISE and INFRA as well as loans through programs such as Transportation Infrastructure Finance and Innovation Act and Railroad Rehabilitation and Improvement Financing to support port projects. More information about these opportunities can be found [here](#).



Program Name	Agency Name	Funding Amount
Corps of Engineers Operation and Maintenance	Department of Defense – Army Corps of Engine	\$4,000,000,000
Real Property Activities	General Services Administration	\$3,418,008,000
Inland Waterways Projects	Department of Defense – Army Corps of Engine	\$2,500,000,000
Port Infrastructure Development Program Grants	Department of Transportation	\$2,250,000,000
Major Rehabilitation for Rivers and Harbors	Department of Defense – Army Corps of Engine	\$1,500,000,000
Construction of Ferry Boats and Ferry Terminal Facilities	Department of Transportation	\$912,000,000
Mississippi River and Tributaries	Department of Defense – Army Corps of Engine	\$808,000,000
Reduction of Truck Emissions at Port Facilities	Department of Transportation	\$400,000,000
Land Port of Entry Modernization	U.S. Customs and Border Protection	\$330,000,000
Major Shore, Housing, Aids to Navigation, Survey and Design	Department of Homeland Security	\$158,000,000
Major Shore, Housing, Aids to Navigation, Survey and Design	Department of Homeland Security	\$131,500,000
Major Shore, Housing, Aids to Navigation, Survey and Design	Department of Homeland Security	\$120,000,000
Land Port of Entry Modernization	U.S. Customs and Border Protection	\$100,000,000
America's Marine Highway Program Grants	Department of Transportation	\$25,000,000
Major Shore, Housing, Aids to Navigation, Survey and Design	Department of Homeland Security	\$19,500,000
Operations and Support	Department of Homeland Security	\$5,000,000
TOTAL - PORTS AND WATERWAYS		\$16,677,008,000



Corps of Engineers Operation and Maintenance

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Operation and Maintenance

Funding amount: \$4,000,000,000 (Including \$626 million For Damage Repairs And \$40 million For Snowpack Monitoring)

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: Army Corps would use this funding for operation and maintenance of its projects, including coastal and inland navigation projects

Description: Funds inspection, operation, maintenance, and related activities for water resources projects operated and maintained by the U.S. Army Corps of Engineers. These projects include navigation channels, navigation locks and dams, structures to reduce the risk of flood and storm damage (e.g., levees), and multi-purpose projects, as authorized in River and Harbor, Flood Control, and Water Resources Development Acts and other laws

Eligible Uses: Operation and maintenance of authorized Army Corps projects, including navigation channels and navigation locks and dams.

Next Milestone: The Army Corps will be issuing multiple contract awards during Fiscal Year 2022



Real Property Activities

Federal Agency: General Services Administration
Bureau or Account: Federal Buildings Fund

Funding amount: \$3,418,008,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: GSA, Public Buildings Service, Federal Buildings Fund which will contract out the design and construction services

Description: Construction and acquisition, and repairs and alterations of land ports of entry.

Eligible Uses: Construction and acquisition, and repairs and alterations of land ports of entry; Projects on the U.S. Department of Homeland Security - Customs and Border Protection five-year plan; Additional land ports of entry projects with completed feasibility studies; Land ports of entry paving; Land ports of entry lease purchases; Department of Transportation - Federal Motor Carrier Safety Administration Priorities and Requirements; Program Contingency and Operational Support.

Next Milestone: TBD



Inland Waterways Projects

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Construction

Funding amount: \$2,500,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: The Corps of Engineers will use this funding to construct eligible improvements to commercial navigation projects on the inland waterways, including locks and dams.

Description: Funds the replacement and expansion of inland waterways commercial navigation projects

Eligible Uses: Federal commercial navigation projects on inland waterways

Next Milestone: The Army Corps will be issuing multiple contract awards during Fiscal Year 2022



Port Infrastructure Development Program Grants

Federal Agency: Department of Transportation
Bureau or Account: Maritime Administration

Funding amount: \$2,250,000,000

Period of Availability: 10 Year

Funding Mechanism: Competitive Grant

New Program: No

Recipients: Public and Private Ports/Port Authorities

Description: Grants to invest in the modernization and expansion of U.S. ports to remove bottlenecks, ensure long-term competitiveness, resilience, and sustainability while reducing impacts to the environment and neighboring communities.

Eligible Uses: Projects that improve the resiliency of ports to address sea-level rise, flooding, extreme weather events, earthquakes, and tsunami inundation, as well as projects that reduce or eliminate port-related criteria pollutant or greenhouse gas emissions, including projects for—

1. Port electrification or electrification master planning;
2. Harbor craft or equipment replacements/retrofits;
3. Development of port or terminal micro-grids;
4. Providing idling reduction infrastructure;
5. Purchase of cargo handling equipment and related infrastructure;
6. Worker training to support electrification technology;
7. Installation of port bunkering facilities from ocean- going vessels for fuels;
8. Electric vehicle charge or hydrogen refueling infrastructure for drayage, and medium or heavy-duty trucks and loco- motives that service the port and related grid upgrades;
9. Other related to port activities including charging infrastructure, electric rubber-tired gantry cranes, and anti-idling technologies;
10. As well as projects under 46 U.S.C. 50302 which states “Funds for the Port Infrastructure Development Program are awarded on a competitive basis to projects that improve the safety, efficiency, or reliability of the movement of goods into, out of, around, or within a port.”

Next Milestone: The Department of Transportation expects to post a Notice of Funding Opportunity in February 2022.



Major Rehabilitation for Rivers and Harbors

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Construction

Funding amount: \$1,500,000,000 (Including for \$250 million for Small, Remote, And Subsistence Harbors and \$250 million for Federal Breakwaters and Jetties)

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: In partnership with port authorities, the Army Corps would use this funding to construct authorized coastal navigation projects such as deepening and widening of federal navigation channels.

Description: Funds the construction of authorized coastal navigation projects at ports and harbors, such as deepening and widening of federal navigation channels.

Eligible Uses: Federal commercial navigation projects on coastal harbors

Next Milestone: The Corps of Engineers will be issuing multiple contract awards during Fiscal Year 2022



Construction of Ferry Boats and Ferry Terminal Facilities

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$912,000,000

Period of Availability: Available until expended

Funding Mechanism: Formula Grant

New Program: No

Recipients: Eligible ferry operations

Description: The Construction of Ferry Boats and Ferry Terminal Facilities program provides funding for ferry services which are important links in the network of Federal-aid highways, and in many cases, are the only reasonable form of transportation.

Eligible Uses: Replace or acquire new ferry boats; replace propulsion systems with newer cleaner and more energy-efficient power plants; update navigational control systems; construct new terminals; improve access for the disabled; and replace and construct new docking facilities.

Next Milestone: TBD



Mississippi River and Tributaries

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Mississippi River and Tributaries

Funding amount: \$808,000,000 (Including \$258 million For Damage Repairs)

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: The Corps of Engineers will use this funding to plan, design, construct, operate, and maintain certain federal flood damage reduction projects.

Description: Funds work on federal projects to help reduce the risk of flood damage in the lower Mississippi River alluvial valley below Cape Girardeau, Missouri

Eligible Uses: Eligible federal projects on the lower Mississippi River or its tributaries

Next Milestone: The Army Corps will be issuing multiple contract awards during Fiscal Year 2022



Reduction of Truck Emissions at Port Facilities

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$400,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: None specified

Description: Reduction of Truck Emissions at Port Facilities program will study and award competitive grants to reduce truck idling and emissions at ports, including through the advancement of port electrification.

Eligible Uses: Competitive grants are intended to test, evaluate, and deploy projects that reduce port-related emissions

Next Milestone: On hold, pending a full-year budget.



Land Port of Entry Modernization

Federal Agency: U.S. Customs and Border Protection
Bureau or Account: Office of Facilities and Asset Management

Funding amount: \$330,000,000

Period of Availability: 5 year

Funding Mechanism: Contract

New Program: No

Recipients: Small Businesses, Businesses (other than small businesses)

Description: For furniture, fixtures, and equipment for the land ports of entry modernized with funding provided to the General Services Administration

Eligible Uses: Operations and Support - supports the costs incurred for the day-to-day operation and maintenance of the organization, including, but not limited to, salaries, services, supplies, utilities, rent, travel, training, and transportation, as well as minor Procurement, Construction & Improvement projects.

Next Milestone: General Services Administration's project plan is due to Congress on February 13, 2022.



Major Shore, Housing, Aids to Navigation, Survey and Design

Federal Agency: Department of Homeland Security

Bureau or Account: Coast Guard/Procurement, Construction, and Improvements

Funding amount: \$158,000,000

Period of Availability: 5 year

Funding Mechanism:

New Program: No

Recipients: Coast Guard

Description: Supports major procurement, construction, and improvements shore facility infrastructure and housing construction, replacement, upgrade or improvement projects; construction and improvements to buoys and structures assisting navigation on Direct Federal/Contract for future year procurement, construction, and improvements facility projects.

Eligible Uses: • Pensacola Pier and Infrastructure - \$28 million to repair wharves Bravo and Charlie at Naval Station Pensacola
• Kodiak Fuel Pier (Phase I) - \$130 million to recapitalize Base Kodiak's fuel services pier and construct a transient berth.

Next Milestone: Detailed spend plan due to Congress on February 13, 2022.



Major Shore, Housing, Aids to Navigation, Survey and Design

Federal Agency: Department of Homeland Security

Bureau or Account: Coast Guard/Procurement, Construction, and Improvements

Funding amount: \$131,500,000

Period of Availability: 5 year

Funding Mechanism: Direct Federal/Contract

New Program: No

Recipients: Coast Guard

Description: Supports major procurement, construction, and improvements shore facility infrastructure and housing construction, replacement, upgrade or improvement projects; construction and improvements to buoys and structures assisting navigation on Federal waterways; and survey and design required for future year procurement, construction, and improvements facility projects.

Eligible Uses:

- TRACEN Cape May - \$10 million for planning, survey and design, and site work in support of recapitalization and improvement projects
- Kodiak Housing (Phase IV) - \$40 million for the ongoing housing project in Kodiak to support future cutter homeport arrivals
- Ft. Wadsworth Housing (Phase II) - \$5 million for safety, habitability, and quality of life upgrades to the 154 legacy housing units
- Novato Housing - \$10 million for security and habitability improvements to existing housing site and initial planning, survey and design, and site work to recapitalize Coast Guard housing in Novato
- Coast Guard Academy Steam System Recap - \$25 million to recapitalize the failing central steam heating system
- Seward Fast Response Cutter Crew/Family Housing - \$13.5 million for construction of new Coast Guard housing in Seward to support crew/maintenance personnel and their families
- Coast Guard Academy Chase Hall Annex D - \$28 million for renovation and habitability upgrades and improvements to utility services to ensure compliance with fire and safety standards

Next Milestone: Detailed spend plan due to Congress on February 13, 2022.



Major Shore, Housing, Aids to Navigation, Survey and Design

Federal Agency: Department of Homeland Security

Bureau or Account: Coast Guard/Procurement, Construction, and Improvements

Funding amount: \$120,000,000

Period of Availability: 5 year

Funding Mechanism: Direct Federal/Contract

New Program: No

Recipients: Coast Guard

Description: Supports major procurement, construction, and improvements shore facility infrastructure and housing construction, replacement, upgrade or improvement projects; construction and improvements to buoys and structures assisting navigation on Federal waterways; and survey and design required for Federal waterways; and survey and design required for future year procurement, construction, and improvements facility projects.

Eligible Uses: Construction and improvement of childcare development centers; locations and projects not specified in the bill.

Next Milestone: Detailed spend plan due to Congress on February 13, 2022.



Land Port of Entry Modernization

Federal Agency: U.S. Customs and Border Protection
Bureau or Account: Office of Facilities and Asset Management

Funding amount: \$100,000,000

Period of Availability: 5 year

Funding Mechanism: Contract

New Program: No

Recipients: Small Businesses, Businesses (other than small businesses)

Description: For land port of entry construction, modernization, and sustainment.

Eligible Uses: Procurement, Construction and Improvements - provides funding for activities involving the procurement, construction, or improvement of an asset to the point the asset is placed into operation.

Next Milestone: Detailed spend plan due to Congress on February 13, 2022.



America's Marine Highway Program Grants

Federal Agency: Department of Transportation
Bureau or Account: Maritime Administration

Funding amount: \$25,000,000

Period of Availability: 10 Year

Funding Mechanism: Competitive Grant

New Program: No

Recipients: Department of Transportation-designated Marine Highway projects

Description: Grants to develop and expand marine highway service options and facilitates their further integration into the current U.S. surface transportation system, especially where water-based transport is the most efficient, effective and sustainable option. Prov

Eligible Uses: Marine Highway Grant funds can be used for material handling/container handling equipment (e.g., reach stackers, cranes, forklifts) as well as minor port improvements such as lighting or laydown areas. Funds have been used for dredging in non-federal navigation channels and pier-side. For vessels, the funds can be used to purchase, lease, or improve/modify vessels documented per the legislation. The Program seeks to procure zero or near-zero emission equipment when available and practical.

Next Milestone: Department of Transportation expects to release a Notice of Funding Opportunity in mid-February 2022.



Major Shore, Housing, Aids to Navigation, Survey and Design

Federal Agency: Department of Homeland Security

Bureau or Account: Coast Guard/Procurement, Construction, and Improvements

Funding amount: \$19,500,000

Period of Availability: 5 year

Funding Mechanism: Direct Federal/Contract

New Program: No

Recipients: Coast Guard

Description: Supports major procurement, construction, and improvements shore facility infrastructure and housing construction, replacement, upgrade or improvement projects; construction and improvements to buoys and structures assisting navigation on Federal waterways; and survey and design required for future year procurement, construction, and improvements facility projects.

Eligible Uses: • Ketchikan Maintenance Support - \$4 million for industrial facility improvements including 65-ton crane for fast response cutter engine change-outs and RB-M drydock services

• Station Port Angeles Covered Moorings - \$9.5 million to establish covered moorings to perform boat maintenance in Port Angeles, WA

• New London City Pier Improvements - \$6 million to support CGC EAGLE homeport shift from Fort Trumbull to New London, CT

Next Milestone: TBD



Operations and Support

Federal Agency: Department of Homeland Security
Bureau or Account: Coast Guard/Operations and Support

Funding amount: \$5,000,000

Period of Availability: 5 year

Funding Mechanism:

New Program: No

Recipients: Coast Guard

Description: Funds the Coast Guard's roles and responsibilities as the principal Federal agency in the maritime domain providing for the safety, security, and stewardship of U.S. resources for the Nation.

Eligible Uses: For personnel and administrative expenses necessary to execute infrastructure projects appropriated.

Next Milestone: TBD



Safety

Challenge: The United States has one of the highest traffic fatality rates in the industrialized world, double the rate in Canada and quadruple that in Europe. Even as people drove less because of the pandemic, an estimated 38,680 people died in motor vehicle crashes in 2020, of which an estimated 6,236 were people walking and 891 people were biking. Additionally, safety concerns remain across modes, from the risk of vehicle/train collisions at railroad grade crossings to aging natural gas pipelines throughout the country.

Solutions: The Bipartisan Infrastructure Law includes nearly \$38 billion to improve the safety of the United States transportation system by helping states and territories support a broad array of traffic safety priorities, including the safety of drivers and vulnerable road users, safety at railroad crossings, and replacement or repair of obsolete natural gas pipelines.

Funding Overview: Funding allocated to safety is divided into several categories (1) Highway Safety Improvement Program (\$15.6 billion); (2) Safety-Related Activities (\$17.5 million); (3) Safe Streets and Roads for All (\$5 billion⁹); (4) Federal Motor Carrier Safety Administration and National Highway Traffic Safety Administration (\$11.8 billion); (5) Pipeline and Hazardous Materials Safety Administration (\$1.2 billion); and (6) Rail Crossing Safety (\$4.2 billion).

Bipartisan Infrastructure Law reauthorizes the Federal Highway Administration's Highway Safety Improvement Formula Program and includes nearly \$4 billion over levels in the Fixing America's Surface Transportation Act.

Safe Streets and Roads for All is a new competitive discretionary grant program for local and Tribal "vision zero" plans and other improvements to reduce crashes and fatalities not only for drivers, but also for cyclists, pedestrians, and all other roadway users.

Bipartisan Infrastructure Law funding will provide a five-year reauthorization for the Federal Motor Carrier Safety Administration and the National Highway Traffic Safety Administration, which includes a plus up over Fixing America's Surface Transportation Act levels.

Pipeline and Hazardous Materials Safety Administration's funding includes a new Pipeline Modernization Program (\$1 billion) provides competitive grant funding for a municipality or community owned utility to repair, rehabilitate, or replace its natural gas distribution pipeline systems to reduce incidents and fatalities and to avoid economic losses.

⁹ \$5 billion is provided through the Bipartisan Infrastructure Law in advanced appropriations, an additional \$1 billion is authorized under Division B of the Bipartisan Infrastructure Law for a total program level of \$6 billion.



Lastly, the Bipartisan Infrastructure Law includes funding for rail crossing safety through the Rail-Highway Grade Crossing Formula Program (\$1.2 billion) to reduce the number and severity of incidents to motorists, bicyclists, and pedestrians at grade crossings, and the Railroad Crossing Elimination Program (\$3 billion¹⁰) for competitive grants to eliminate rail crossings, where feasible.

Getting Ready:

The Bipartisan Infrastructure Law creates a number of new discretionary grant programs like Safe Streets and Roads for All and provides additional funding for existing programs. State, regional, local, and Tribal governments are encouraged to engage with the Department about upcoming opportunities, the requirements associated with them, and the timeframes when application opportunities will occur.

The Bipartisan Infrastructure Law also updates Federal aid formula program requirements and eligibilities, and States should expect updated guidance from Federal Highway Administration, Federal Motor Carrier Safety Administration, and National Highway Traffic Safety Administration in the coming months.

¹⁰ \$3 billion is provided through the Bipartisan Infrastructure Law in advanced appropriations, an additional \$2.5 billion is authorized under Division B of the Bipartisan Infrastructure Law for a total program level of \$5.5 billion.



Program Name	Agency Name	Funding Amount
Highway Safety Improvement Program	Department of Transportation	\$15,557,499,996
Safe Streets and Roads for All	Department of Transportation	\$5,000,000,000
Railroad Crossing Elimination Grants	Department of Transportation	\$3,000,000,000
Motor Carrier Safety Assistance Program	Department of Transportation	\$2,432,500,000
Highway Safety Programs	Department of Transportation	\$1,992,000,000
Motor Carrier Safety Operations and Programs	Department of Transportation	\$1,925,000,000
National Priority Safety Programs	Department of Transportation	\$1,874,500,000
Railway-Highway Crossings Program	Department of Transportation	\$1,225,000,000
Natural Gas Distribution Infrastructure Safety and	Department of Transportation	\$1,000,000,000
Highway Safety Research & Development	Department of Transportation	\$970,000,000
Crash Data	Department of Transportation	\$750,000,000
Vehicle Safety and Behavioral Research	Department of Transportation	\$548,500,000
High Priority Activities Program	Department of Transportation	\$432,500,000
Wildlife Crossings Pilot Program	Department of Transportation	\$350,000,000
Commercial Driver's License Implementation Pro	Department of Transportation	\$297,500,000
High-Visibility Enforcement	Department of Transportation	\$201,600,000
Racial Profiling Data Collection Grants	Department of Transportation	\$57,500,000
National Driver Register	Department of Transportation	\$36,000,000
Commercial Motor Vehicle Enforcement Training	Department of Transportation	\$25,000,000
Safety-Related Activities (Set-aside)	Department of Transportation	\$17,500,000
Commercial Motor Vehicle Operators Grant Progr	Department of Transportation	\$16,500,000
TOTAL - SAFETY		\$37,709,099,996



Highway Safety Improvement Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$15,557,499,996

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: No

Recipients: States (including District of Columbia)

Description: The Highway Safety Improvement Program provides States with critical safety funding that is used to save lives and prevent serious injuries on all public roads. The Highway Safety Improvement Program is based on a performance-driven process that identifies and analyzes highway safety problems and advances highway safety improvement projects that have the greatest potential to reduce fatalities and serious injuries.

Eligible Uses: Safety projects on all public roads.

Next Milestone: First round of funds (Fiscal Year 2022) was released to state transportation departments December 2021. Next round of funding (Fiscal Year 2023) to be released to state transportation departments October 2022.



Safe Streets and Roads for All

Federal Agency: Department of Transportation
Bureau or Account: Office of the Secretary

Funding amount: \$5,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: (A) A metropolitan planning organization; (B) a political subdivision of a State; (C) a federally recognized Tribal government; and (D) a multijurisdictional group of entities described in any of subparagraphs (A) through (C).

Description: The Office of the Secretary's Safe Streets and Roads for All Grant program provides supplemental funding to support local initiatives to prevent death and serious injury on roads and streets, commonly referred to as “Vision Zero” or “Toward Zero Deaths” initiatives.

Eligible Uses: The term “eligible project” means a project— (A) to develop a comprehensive safety action plan; (B) to conduct planning, design, and development activities for projects and strategies identified in a comprehensive safety action plan; or (C) to carry out projects and strategies identified in a comprehensive safety action plan.

Next Milestone: Applications are expected to open in May 2022.



Railroad Crossing Elimination Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Railroad Administration

Funding amount: \$3,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: -A State, including the District of Columbia, Puerto Rico, and other United States territories and possessions.

-A political subdivision of a State.

-Federally recognized Indian Tribe.

-A unit of local government or a group of local governments.

-A public port authority.

-A metropolitan planning organization.

-A group of entities described above.

Description: To fund highway-rail or pathway-rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods.

Eligible Uses: Eligible projects include: (1) a grade separation or closure, including through the use of a bridge, embankment, tunnel, or combination thereof; (2) track relocation; (3) the improvement or installation of protective devices, signals, signs, or other measures to improve safety, provided that such activities are related to a separation or relocation project described previously; (4) other means to improve the safety and mobility of people and goods at highway-rail grade crossings (including technological solutions); and (5) a group of related projects described previously that would collectively improve the mobility of people and goods. The planning, environmental review, and design of projects previously described are also eligible. an eligible project described in paragraphs (1) through (5).

Next Milestone: First round of funds (Fiscal Year 2022) was released December 2021. Next round of funding (Fiscal Year 2023) to be released October 2022.



Motor Carrier Safety Assistance Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Motor Carrier Safety Administration

Funding amount: \$2,432,500,000

Period of Availability: Year of award plus two years

Funding Mechanism: Formula Grant

New Program: No

Recipients: State Lead Motor Carrier Safety Assistance Program Agencies

Description: The Motor Carrier Safety Assistance Program is a Federal grant program that provides financial assistance to States to reduce the number and severity of crashes and hazardous materials incidents involving commercial motor vehicles. The goal of the Motor Carrier Safety Assistance Program is to reduce commercial motor vehicle-involved crashes, fatalities, and injuries through consistent, uniform, and effective commercial motor vehicle safety programs. The Motor Carrier Safety Assistance Program is Federal Motor Carrier Safety Administration's largest grant program that supports State and local law enforcement agencies to utilize over 12,000 enforcement officers to increase enforcement and safety activities nationwide.

Eligible Uses: To carry out the State's Commercial Motor Vehicle Safety Plan

Next Milestone: Estimated first round of funds released date in March 2022.



Highway Safety Programs

Federal Agency: Department of Transportation
Bureau or Account: National Highway Traffic Safety Administration

Funding amount: \$1,992,000,000

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: No

Recipients: States, the Secretary of Interior for the Indian tribes, the District of Columbia, Puerto Rico, American Samoa, Guam, Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands.

Description: Section 402 funds are authorized by Congress and are available to the 50 States, the District of Columbia, Puerto Rico, the U. S. Territories and the Bureau of Indian Affairs. These funds are apportioned using statutory apportionment formula. These funds are provided to the State and Territorial Highway Safety Offices based on an approved highway safety plan that details problem identification, performance measures, countermeasures and projects using identified countermeasures to help reduce crashes, injuries and fatalities resulting from motor vehicle crashes.

Eligible Uses: To be specified in the implementing regulation

Next Milestone: Full year supplemental funding under Bipartisan Infrastructure Law and continuing resolution funds as Fixing America's Surface Transportation Act extension were released December 2021. Remaining Fiscal Year 2021 funds will be released upon Fiscal Year 2022 appropriation.



Motor Carrier Safety Operations and Programs

Federal Agency: Department of Transportation
Bureau or Account: Federal Motor Carrier Safety Administration

Funding amount: \$1,925,000,000

Period of Availability: Mixture of Available until expended and 4-year funding

Funding Mechanism: Administrative Expenses

New Program: No

Recipients: N/A

Description: The Operations and Programs account provides the necessary resources to support program and administrative activities to include salaries and benefits for motor carrier safety personnel.

Eligible Uses: Funding supports motor carrier safety and consumer enforcement, along with Federal safety enforcement at U.S. borders to ensure foreign-domiciled trucks entering the U.S. are in compliance with safety regulations. Resources are also provided to fund regulatory development and implementation, investment in research and technology with a focus on research regarding highly automated vehicles and related technology, and information technology and information management.

Next Milestone: TBD



National Priority Safety Programs

Federal Agency: Department of Transportation
Bureau or Account: National Highway Traffic Safety Administration

Funding amount: \$1,874,500,000

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: No

Recipients: States, the District of Columbia, Puerto Rico, American Samoa, Guam, Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands for most grants.

Description: To encourage States to address national priorities for reducing highway deaths and injuries through occupant protection programs, state traffic safety information system improvements, impaired driving countermeasures, passage of effective laws to reduce distracted driving, implementation of motorcyclist safety programs, and non-motorist safety programs. Two new grant programs were introduced to improve roadside safety and driver and officer safety grants.

Eligible Uses: To specified in the implementing regulation

Next Milestone: Full year supplemental funding under Bipartisan Infrastructure Law and continuing resolution funds as Fixing America's Surface Transportation Act extension were released December 2021. Remaining Fiscal Year 2021 funds will be released upon Fiscal Year 2022 appropriation.



Railway-Highway Crossings Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$1,225,000,000

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: No

Recipients: States (including District of Columbia)

Description: The Railway-Highway Crossings program supports projects with the goal of reducing the number of fatalities, injuries, and crashes at public railway-highway grade crossings.

Eligible Uses: Railway-highway crossing projects

Next Milestone: First round of funds (Fiscal Year 2022) was released December 2021. Next round of funding (Fiscal Year 2023) to be released October 2022.



Natural Gas Distribution Infrastructure Safety and Modernization Grants

Federal Agency: Department of Transportation

Bureau or Account: Pipeline and Hazardous Materials Safety Administration

Funding amount: \$1,000,000,000

Period of Availability: 11 Year

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: Municipal or community-owned utilities (Not-for-Profit)

Description: Grant funds will be made available to municipalities or community owned utilities (not including for-profit entities) to repair, rehabilitate, or replace natural gas distribution pipeline systems or portions thereof or to acquire equipment to reduce incidents and fatalities, and to avoid economic loss.

Eligible Uses: Cost to repair, rehabilitate, or replace natural gas distribution pipeline systems or portions thereof or to acquire equipment to reduce incidents and fatalities, and to avoid economic loss.

Next Milestone: TBD



Highway Safety Research & Development

Federal Agency: Department of Transportation
Bureau or Account: National Highway Traffic Safety Administration

Funding amount: \$970,000,000

Period of Availability: 4 year

Funding Mechanism: Grants, Cooperative Agreements, Contracts

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Tribal Governments (other than federally recognized), Independent School Districts, Public Higher-Ed Institutions, Private Higher-Ed Institutions, Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status, Small Businesses, Businesses (other than small businesses), and / or Individuals

Description: Research and development activities with respect to (1) highway and traffic safety systems and conditions, (2) human behavioral factors and their effect on highway and traffic safety, (3) evaluation of the effectiveness of countermeasures to increase highway and traffic safety, (4) development of technologies to detect drug impaired drivers, (5) driver education programs, State laws on highway and traffic safety; Cooperative research and evaluation to research and evaluate priority highway safety countermeasures; Collaborative research on in-vehicle technology to prevent alcohol-impaired driving; Education campaign to reduce incidence of vehicular heatstroke of children; Grant program to develop and implement State processes for informing consumers of recalls; and Evaluation of innovative highway safety countermeasures.

Eligible Uses: TBD via Notice of Funding Opportunity

Next Milestone: Cooperative Grant for research on technologies for alcohol detection to prevent impaired driving via the Driver Alcohol Detection System for Safety in Fiscal Year 2022.

Continuing funding for cooperative agreement with National Safety Council's Road to Zero programs to support innovative and cross-cutting safety projects using the safe system approach in Fiscal Year 2022.



Crash Data

Federal Agency: Department of Transportation
Bureau or Account: National Highway Traffic Safety Administration

Funding amount: \$750,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grants and Contracts

New Program: Yes

Recipients: Grants: States, U.S. Territories, and Secretary of the Interior (for Indian Tribes)

Description: Funding will be used pursuant to Bipartisan Infrastructure Law §24108 to improve crash data collections and analysis, specifically: to revise non-motorist data collection to distinguish individual personal conveyances like electric scooters and bicycles, update the Model Minimum Uniform Crash Criteria, collect additional data elements related to vulnerable road users, coordinate with Centers for Disease Control and Prevention on national database of pedestrian injuries & fatalities, increase participation in the Electronic Data Transfer protocol via new State grant program and internal investment, and expand the Crash Investigation Sampling System by adding sites, broadening scope, and adopting on-scene investigation protocols

Eligible Uses: Funding will be used pursuant to Bipartisan Infrastructure Law §24108 to improve crash data collections and analysis, specifically: to revise non-motorist data collection to distinguish individual personal conveyances like electric scooters and bicycles, update the Model Minimum Uniform Crash Criteria, collect additional data elements related to vulnerable road users, coordinate with Centers for Disease Control and Prevention on national database of ped injuries & fatalities, increase participation in Electronic Data Transfer protocol via new State grant program and internal investment, and expand the Crash Investigation Sampling System by adding sites, broadening scope, and adopting on-scene investigation protocols

Next Milestone: Begin collection of new personal conveyance data elements January 2022; Form interagency team to address pedestrian injury and fatality database project January 2022.



Vehicle Safety and Behavioral Research

Federal Agency: Department of Transportation
Bureau or Account: National Highway Traffic Safety Administration

Funding amount: \$548,500,000

Period of Availability: 4 year

Funding Mechanism: Grants, Cooperative Agreements, or Contracts

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Tribal Governments (other than federally recognized), Independent School Districts, Public Higher-Ed Institutions, Private Higher-Ed Institutions, Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status, Small Businesses, Businesses (other than small businesses), and / or Individuals

Description: To provide supplemental funding to accelerate vehicle and behavioral safety research.

Eligible Uses: Vehicle and behavioral safety

Next Milestone: Establish cooperative agreements with stakeholder agencies beginning in June 2022.



High Priority Activities Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Motor Carrier Safety Administration

Funding amount: \$432,500,000

Period of Availability: Mixture of available until expended and 4-year funding

Funding Mechanism: Grant and Cooperative Agreement

New Program: No

Recipients: States, local governments, federally recognized Indian tribes, other political jurisdictions as necessary, and any person

Description: The High Priority Activities grant program is a discretionary (competitive) grant program designed to provide Federal financial assistance to enhance states' commercial vehicle safety plan activities, including commercial vehicle inspections, traffic enforcement, and outreach while supporting innovative technology development and/or new project(s) not included in the commercial vehicle safety plan that will have a positive impact on commercial vehicle safety. Other applicants, such as academia and safety associations are also eligible for these grants that improve safety. Overall this grant supports safety programs and innovative technology deployment with a goal of increasing efficiency improvements in exchanging commercial vehicle safety data.

Eligible Uses: The grant program provides financial assistance to carry out activities and projects that augment motor carrier safety which include: supporting participation in performance and registration information systems management; conducting safety data improvement projects; increasing public awareness and education on commercial vehicle safety; targeting unsafe driving in areas identified as high risk crash corridors; improving the safe and secure movement of hazardous materials; improving safe transportation of goods and persons in foreign commerce; demonstrating new technologies to improve commercial vehicle safety; and otherwise improving safety and compliance with commercial vehicle safety regulations ; and to support and maintain commercial safety information systems and networks.

Next Milestone: The Federal Motor Carrier Safety Administration will issue a Notice of Funding Opportunity for this program in February 2022.



Wildlife Crossings Pilot Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$350,000,000

Period of Availability: 4 year

Funding Mechanism: Grant

New Program: Yes

Recipients: State highway agency (or equivalent), Metropolitan Planning Organizations, Local government, Regional transportation authority, Special purpose district or public authority with a transportation function, Indian Tribe, Federal land management agency

Description: The Wildlife Crossings Pilot program will support projects that seek to reduce the number of wildlife-vehicle collisions, and in carrying out that purpose, improve habitat connectivity

Eligible Uses: Projects to reduce wildlife-vehicle collisions

Next Milestone: TBD



Commercial Driver's License Implementation Program

Federal Agency: Department of Transportation

Bureau or Account: Federal Motor Carrier Safety Administration

Funding amount: \$297,500,000

Period of Availability: Mixture of available until expended and 4 year funding

Funding Mechanism: Grant and Cooperative Agreement

New Program: No

Recipients: A State agency, local government, or any person

Description: This discretionary grant seeks to improve highway safety by supporting Commercial Driver's License Programs on a State and National level. The funding assists grant partners in achieving compliance with the commercial driver's license regulations in 49 CFR Parts 383 and 384 by providing funding directly to States and other entities capable of executing National projects to aid States in their compliance efforts.

Eligible Uses: To assist the State in complying with the requirements of section 31311; to improve the State's implementation of its commercial driver's license program; research, development and testing, demonstration projects, public education, and other special activities and projects relating to commercial drivers licensing and motor vehicle safety

Next Milestone: Review & evaluate grant proposals and award funding in July 2022



High-Visibility Enforcement

Federal Agency: Department of Transportation
Bureau or Account: National Highway Traffic Safety Administration

Funding amount: \$201,600,000

Period of Availability: 4 year

Funding Mechanism: Contract

New Program: No

Recipients: Businesses (other than small businesses) and Nonprofits with 501(c)(3)

Description: To carry out national traffic safety campaigns to reduce alcohol-impaired or drug-impaired driving and to increase the use of seatbelts.

Eligible Uses: N/A

Next Milestone: April 2022, Distracted Driving; May 2022, Click It or Ticket; July and August 2022, Impaired Driving.



Racial Profiling Data Collection Grants

Federal Agency: Department of Transportation
Bureau or Account: National Highway Traffic Safety Administration

Funding amount: \$57,500,000

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: No

Recipients: States, the District of Columbia, Puerto Rico, American Samoa, Guam, Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands for most grants.

Description: To encourage States to collect and make publicly available data on the race and ethnicity of drivers during law enforcement stops on public roadways.

Eligible Uses: To specified in the implementing regulation

Next Milestone: Funds released upon Fiscal Year 2022 appropriation.



National Driver Register

Federal Agency: Department of Transportation
Bureau or Account: National Highway Traffic Safety Administration

Funding amount: \$36,000,000

Period of Availability: 4 year

Funding Mechanism: Notice of Funding Opportunity and Competitive Contracts

New Program: No

Recipients: Businesses (other than small businesses) and Nonprofits with 501(c)(3)

Description: The National Driver Register maintains the Problem Driver Pointer System, a computerized database containing information on individuals whose privilege to operate a motor vehicle has been revoked, suspended, canceled or denied or who have been convicted of serious traffic-related offenses.

Eligible Uses: The purpose is to cover the National Driver Register and Problem Driver Pointer System operational costs.

Next Milestone: Continued operations of the National Driver Register and Problem Driver Pointer System in Fiscal Year 2022.



Commercial Motor Vehicle Enforcement Training & Support Grant Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Motor Carrier Safety Administration

Funding amount: \$25,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant and Cooperative Agreement

New Program: Yes

Recipients: Non-profit organization with expertise in conducting training for non-Feds and the ability to reach and involve a target population of commercial motor vehicle safety enforcement employees

Description: The purpose of this new discretionary grant is to train non-Feds who conduct commercial motor vehicle enforcement activities and to develop related training materials.

Eligible Uses: The purpose is to train non-Feds who conduct commercial motor vehicle enforcement activities and to develop related training materials.

Next Milestone: A Notice of Funding Opportunity for the program will be released in February 2022.



Safety-Related Activities
(Set-aside)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$17,500,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: No

Recipients: States (including District of Columbia)

Description: This set-aside is for transportation safety outreach, training, and education.

Eligible Uses: Eligible activities includes: Operation Lifesaver, the Public Road Safety Clearinghouse, Work Zone Safety Grants, the National Work Zone Safety Information Clearinghouse, and guardrail training

Next Milestone: TBD



Commercial Motor Vehicle Operators Grant Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Motor Carrier Safety Administration

Funding amount: \$16,500,000

Period of Availability: Mixture of available until expended and 4-year funding

Funding Mechanism: Competitive Grant

New Program: No

Recipients: An entity that can train individuals in the safe operation of commercial motor vehicles

Description: The Commercial Motor Vehicle Operator Safety Training grant program awards grants to a variety of educational institutions that provide commercial truck and bus driving training, including accredited public or private colleges, universities, vocational-technical schools, post-secondary educational institutions, truck driver training schools, associations, and state and local governments, including federally recognized Native American Tribal governments.

Eligible Uses: The purpose of this discretionary grant program is to train individuals in the safe operation of commercial motor vehicles and prioritize grant applications for programs to train former members of the armed forces and eligible family members.

Next Milestone: The agency will issue a Notice of Funding Opportunity in February 2022.



Electric Vehicles, Buses and Ferries

Challenge: Building a network of electric vehicle chargers and supporting the transition to electrification across all types of vehicles is critical to reduce emissions and help to combat the climate crisis. U.S. market share of plug-in electric vehicle sales is only one-third the size of the Chinese electric vehicle market.

Solutions: The Bipartisan Infrastructure Law includes a \$7.5 billion investment in electric vehicle charging to help build out a national network of 500,000 electric vehicle chargers. This investment will make electric vehicles accessible to all Americans, create good-paying jobs across the country, and ensure a convenient, reliable, affordable, and equitable charging experience for all users. The Bipartisan Infrastructure Law provides funding for deployment of electric vehicle chargers along highway corridors to facilitate long-distance travel and within communities to provide convenient charging where people live, work, and shop.

In addition, there are investments from the Bipartisan Infrastructure Law for specific vehicles to transition to electric- school buses, transit buses and even passenger ferries to reduce emissions for their riders including children and low-income families that bear the greatest burdens of pollution while trying to meet their mobility needs.

Funding Overview: This funding falls into five major programs (1) National Electric Vehicle Infrastructure Formula Program (\$5 billion) (2) National Electric Vehicle Infrastructure Grant Program (\$2.5 billion), (3) Clean School Bus Program (\$5 billion), (4) Low- and No-Emission transit bus Program (\$5.6 billion) and (5) Electric or Low Emitting Ferry Program (\$250 million) for a total of over \$18 billion in investments to reduce emissions through the electrification of vehicles.

The National Electric Vehicle Charging Formula Program (\$5 billion) and Grant Program (\$2.5 billion) provides a total of \$7.5 billion to states to procure and install electric vehicle chargers, with the goal of building a national network of electric vehicle chargers and to support charging in communities where people live, work, and shop. The Formula Program targets charging along corridors and Interstates whereas the Grant Program will invest in communities to support innovative approaches that ensure charger deployment reaches rural, disadvantaged, and other hard-to-reach communities. Funding amounts by State for the \$5 billion investment can be found in the Department of Transportation's state-by-state fact sheets [here](#).

New funding will also go to improve transit and school buses. The Clean School Bus Program, Low- and No-Emission Transit Bus Program, and Electric or Low Emitting Ferry Grant Program support transitioning buses and ferries to zero-emission alternatives. These programs will support innovation in new types of vehicles that reduce pollution in communities and for children and passengers.



In addition, the Bipartisan Infrastructure Law creates the Joint Office of Energy and Transportation, which will provide within technical assistance to support the efficient and equitable deployment of electric vehicle Charging and other related programs. This office will be a key resource for local communities.

Getting Ready:

- Identify a staff lead on electric vehicle charging to provide guidance, share lessons learned, and coordinate with state and federal staff.
- Connect with State Departments of Transportation who will receive the Formula Program funds and other electric vehicle planning entities like the State Departments of Energy or Environment. Work with them to identify current and potential Alternative Fuel Corridors in and near your community.
- Reach out to school districts and transit agencies to ensure they are preparing for upcoming funding opportunities and know where to go for technical assistance.
- Stay tuned for more information from the Joint Office of Energy and Transportation and the technical assistance and capacity building they will provide.
- Learn more about the technologies, case studies, and lessons learned on the Alternative Fuels Data Center (afdc.energy.gov).
- Watch for upcoming funding opportunities from Environmental Protection Agency, Department of Energy, and Department of Transportation for competitive grants funded through the Bipartisan Infrastructure Law investments.
- Watch for Federal Highway Administration formula program guidance and apportionment tables in February.

Existing Resources:

- Read this [Department of Transportation Report](#) on charging infrastructure.
- Check out the Department of Energy's [Alternative Fuels Data Center](#).
- Read more on the Environmental Protection Agency's [Clean School Bus Program](#) and the Department of Transportation [Low or No Emission Vehicle Program](#).



Program Name	Agency Name	Funding Amount
National Electric Vehicle Infrastructure Formula Program	Department of Transportation	\$5,000,000,000
Charging and Fueling Infrastructure Grants (Community Charging)	Department of Transportation	\$1,250,000,000
Charging & Fueling Infrastructure Grants (Corridor Charging)	Department of Transportation	\$1,250,000,000
Low or No Emission (Bus) Grants	Department of Transportation	\$5,624,550,890
Clean School Bus Program	Environmental Protection Agency	\$5,000,000,000
Electric or Low-Emitting Ferry Program	Department of Transportation	\$250,000,000
Electric Drive Vehicle Battery Recycling And 2nd Life Apps	Department of Energy	\$200,000,000
Low or No Emission Vehicle Component Assessment Program	Department of Transportation	\$26,169,974
TOTAL - ELECTRIC VEHICLES, BUSES AND FERRIES		\$18,600,720,864



National Electric Vehicle Infrastructure Formula Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$5,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Formula Grant

New Program: Yes

Recipients: States (including District of Columbia and Puerto Rico)

Description: Strategically deploy electric vehicle charging infrastructure and establish an interconnected network to facilitate data collection, access, and reliability. Sets aside 10 percent of funding for discretionary grants to State and local governments that require additional assistance to strategically deploy electric vehicle charging infrastructure

Eligible Uses: The acquisition and installation of electric vehicle charging infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability; proper operation and maintenance of electric vehicle charging infrastructure; data sharing about electric vehicle charging infrastructure to ensure the long-term success of investments.

Next Milestone: Federal Highway Administration will publish program guidance within 90 days of enactment (February 13, 2022). Federal Highway Administration will publish a Notice of Funding Opportunity in 2022.



Charging and Fueling Infrastructure Grants (Community Charging)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$1,250,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: State or political subdivision of a State, Metropolitan Planning Organization, Local government, Special purpose district or public authority with a transportation function, Indian Tribe, Territory

Description: Program funds will be made available each fiscal year for Community Grants, to install electric vehicle charging and alternative fuel in locations on public roads, schools, parks, and in publicly accessible parking facilities. These grants will be prioritized for rural areas, low-and moderate-income neighborhoods, and communities with low ratios of private parking, or high ratios of multiunit dwellings.

Eligible Uses: Acquisition and installation of publicly accessible electric vehicle charging or alternative fueling infrastructure, operating assistance (for the first 5 years after installation), acquisition and installation of traffic control devices

Next Milestone: Federal Highway Administration will publish a Notice of Funding Opportunity in 2022.



Charging & Fueling Infrastructure Grants (Corridor Charging)

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$1,250,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: State or political subdivision of a State, Metropolitan Planning Organizations, Local government, Special purpose district or public authority with a transportation function, Indian Tribe, Territory

Description: Deploy electric vehicle charging and hydrogen/propane/natural gas fueling infrastructure along designated alternative fuel corridors and in communities.

Eligible Uses: Acquisition and installation of publicly accessible electric vehicle charging or alternative fueling infrastructure, operating assistance (for the first 5 years after installation), acquisition and installation of traffic control devices

Next Milestone: Federal Highway Administration will publish a Notice of Funding Opportunity in 2022.



Low or No Emission (Bus) Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$5,624,550,890

Period of Availability: Year of Allocation plus three years

Funding Mechanism: Competitive Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized)

Description: Provides capital funding to replace, rehabilitate, purchase, or lease buses and bus related equipment and to rehabilitate, purchase, construct, or lease bus-related facilities. Provides capital funding for low or no emissions bus projects.

Eligible Uses: Capital

Next Milestone: Notice of Funding Opportunity expected the first quarter of 2022



Clean School Bus Program

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$5,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant, Rebate and Contract

New Program: Yes

Recipients: Local or State Governmental Entities;
An Eligible Contractor; A Nonprofit School Transportation Association; Or an Indian Tribe

Description: State or local governments, eligible contractors, and nonprofit school transportation associations are authorized to receive grant funds. Fifty percent of the funds are authorized for zero-emission school buses, and 50 percent of the funds are authorized for alternative fuels and zero-emission school buses. Funds may be prioritized for rural or low-income communities and entities that have matching funds available. The Environmental Protection Agency Administrator is authorized to provide funds to cover up to 100 percent of the costs for the replacement of the bus.

Eligible Uses: State or local governments, eligible contractors, and nonprofit school transportation associations are authorized to receive grant funds. Fifty percent of the funds are authorized for zero-emission school buses, and 50 percent of the funds are authorized for alternative fuels and zero-emission school buses. Funds may be prioritized for rural or low-income communities and entities that have matching funds available. The Environmental Protection Agency Administrator is authorized to provide funds to cover up to 100 percent of the costs for the replacement of the bus.

Next Milestone: Applications for funding will be made available [here](#) later this spring.



Electric or Low-Emitting Ferry Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$250,000,000¹¹

Period of Availability: To be determined

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: TBD

Description: The Bipartisan Infrastructure Law, establishes an Electric or Low-Emitting Ferry Pilot Program that makes federal funding available to support the transition of passenger ferries to low or zero emission technologies.

Eligible Uses: Capital

Next Milestone: A Notice of Funding Opportunity is expected in the spring of 2022.

¹¹ \$250.0 million is provided through the Bipartisan Infrastructure Law in advance appropriations, and an additional \$250 million is authorized, *subject to appropriation*, in Division C for a total program level of \$500.0 million over five years.



Electric Drive Vehicle Battery Recycling And 2nd Life Apps

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$200,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: (1) Institutions of higher education.

(2) National Laboratories.

(3) Nonprofit and for-profit private entities.

(4) State and local governments.

(5) Consortia of entities described in paragraphs (1) through (4)

Description: To expand an existing program at Department of Energy for research, development, and demonstration of electric vehicle battery recycling and second-life applications for vehicle batteries.

Eligible Uses: (i) To conduct research, development, testing, evaluation of solutions to increase the rate and productivity of electric drive vehicle battery recycling; and (ii) for research, development, and demonstration projects to create innovative and practical approaches to increase the recycling and second-use of electric drive vehicle batteries.

Next Milestone: Estimated application opening in the first quarter of 2022.



Low or No Emission Vehicle Component Assessment Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$26,169,974

Period of Availability: To be determined.

Funding Mechanism: Cooperative agreement, contract, grant

New Program: No

Recipients: Qualified "institutions of higher education"

Description: The Federal Transit Administration will provide funds to two qualified institutions of higher education to conduct testing, evaluation, and analysis of low or no emission components intended for use in low- and zero emission buses used to provide public transportation. The Low and No-Emission Component Assessment Program is intended to test items that are separately installed in and removable from a low or no emission transit bus.

Eligible Uses: To conduct testing, evaluation, and analysis of low or no emission vehicle and to conduct testing, evaluation, and analysis of low or no emission. Vehicle components, and new and emerging technology components, intended for use in low or no emission vehicles; and to conduct directed technology research, as well as operations, maintenance, testing, and evaluation.

Next Milestone: Funding allocations to be announced in Spring 2022.



Climate, Energy, and the Environment

“This bill will make historic and significant strides that take on the climate crisis. It will build out the first-ever national network of electric vehicle charging stations across the country. We will get America off the sidelines on manufacturing solar panels, wind farms, batteries, and electric vehicles to grow these supply chains, reward companies for paying good wages and for sourcing their materials from here in the United States, and allow us to export these products and technologies to the world. It will also make historic investments in environmental clean-up and remediation, and build up our resilience for the next superstorms, droughts, wildfires, and hurricanes that cost us billions of dollars in damage each year.”

– *Statement by President Biden on the House Passage of the Bipartisan Infrastructure Law, November 6, 2021*



Clean Energy and Power

Challenge: Our energy system is in desperate need of modernization and reform to increase resilience and bring low-cost clean energy to more Americans. Power outages cost the U.S. economy up to \$70 billion every year and one in three U.S. households face challenges paying their energy bills. Many promising clean energy technologies that can help to meet our climate goals work in the lab but have yet to be demonstrated at scale. Too many of our homes, schools, and offices are inefficient, contributing to high energy bills and air pollution. And for too long, we have ceded ground on manufacturing to our global competitors.

Solutions: The Bipartisan Infrastructure Law is the largest investment in clean energy infrastructure in American history. It will modernize our power grid by building and upgrading thousands of miles of resilient transmission lines to reduce outages and energy costs and facilitate the expansion of clean energy. It will invest in energy efficiency and clean energy improvements in our homes, schools, businesses, and communities to make them cleaner and more affordable. And it will fund new programs to support the development, demonstration, and deployment of cutting-edge clean energy technologies to accelerate our transition to a zero-emission economy, while also creating good paying jobs and investing in manufacturing in communities across the country.

Funding Overview: This funding includes four major areas, covered under this section – (1) delivering clean power (~\$21.3 billion), (2) clean energy demonstrations (~\$21.5 billion), (3) energy efficiency and weatherization retrofits for homes, buildings, and communities (\$6.5 billion), and (4) funding for clean energy manufacturing and workforce development (\$8.6 billion).

Delivering clean power

In January 2022, the Department of Energy launched a new “**Building a Better Grid Initiative**” initiative to accelerate the deployment of new transmission lines that will connect Americans to cleaner, cheaper electricity, while improving the resilience and reliability of the grid. This initiative will leverage the ~\$16.5 billion in Bipartisan Infrastructure Law funding to reliably deliver clean, affordable power to more Americans, improving resilience of our grid infrastructure, and helping achieve the President’s goal of 100 percent carbon pollution-free electricity by 2035. In addition, Bipartisan Infrastructure Law provides \$6 billion for a Civil Nuclear Credit Program that will provide financial support to existing nuclear reactors that are at risk of closing and being replaced by higher-emitting power resources, and more than \$700 million for upgrades to our existing hydropower fleet that will improve efficiency, maintain safety, and reduce environmental impacts. Key eligible recipients for much of this funding are states, tribes, communities, and utilities, including utilities that operate under regulatory supervision by local governments and State commissions.



Clean energy demonstrations

In December 2021, the Department of Energy established a new Office of Clean Energy Demonstrations to oversee the \$21.5 billion in Bipartisan Infrastructure Law funding for clean energy demonstration projects for innovative technologies like clean hydrogen, carbon capture, grid-scale energy storage, advanced nuclear reactors, and more. Demonstration projects test the effectiveness of innovative technologies in real-world conditions at scale, often leveraging public-private partnerships to pave the way towards commercialization and widespread deployment. Much of this funding will go to large projects that can be significant engines of local and regional economic development and job creation.

Energy efficiency

In the Bipartisan Infrastructure Law, Department of Energy is charged with investing an additional \$6.5 billion to support weatherization and other energy efficiency improvements to reduce energy costs for American families, businesses, schools, and communities, improve comfort and health, and cut carbon and air pollution, which disproportionately harms lower-income communities and communities of color. These investments will also help state local, and Tribal governments develop and implement their own clean energy and energy efficiency programs that will create jobs in their communities. Much of this funding will flow through existing State Energy Offices, local governments, or weatherization and housing agencies.

Clean energy manufacturing and workforce

The Bipartisan Infrastructure Law investments in clean energy technology supply chains for technologies like batteries will allow America to make the energy technologies of the future right here at home, boosting our competitiveness within a global clean energy market expected to reach \$23 trillion by the end of the decade. These investments will create good jobs up and down the supply chain—especially manufacturing jobs and skills-matched opportunities for fossil fuel workers. Department of Energy’s funding will go primarily to clean energy manufacturing facilities across the country. Department of Interior’s funding will enable the U.S. Geological Survey’s Earth Mapping Resources Initiative (Earth MRI) to modernize the Nation’s maps of critical minerals necessary for clean energy technologies and for other key manufacturing sectors of the economy. This mapping will focus on both minerals still in the ground and mineral resources that may be reprocessed from legacy mine wastes. The maps will also provide data useful to support remediation of abandoned mine lands, and will improve the Nation’s understanding of other natural resources such as groundwater and geothermal energy, and geologic hazards such as earthquakes.



Getting Ready:

The power and clean energy provisions in the Bipartisan Infrastructure Law cover a variety of technologies, funding across competitive and formula formats, and potential recipient including state, local, territorial, and Tribal governments, clean energy companies, utilities, and others. To guide program design and help potential recipients prepare to apply for and receive funding, Department of Energy will issue requests for information, notices of intent, webinars, and other stakeholder engagement opportunities.

To stay apprised of these opportunities, potential applicants can go to www.energy.gov/bipartisan-infrastructure-law-programs for the latest announcements and upcoming engagements.

Existing Resources:

- The Department of Energy has stood-up centralized [one-stop shop](#) online for Bipartisan Infrastructure Law program information.
- Please review the Department of Energy’s recent Notice of Intent on its “[Building a Better Grid Initiative](#)” which lays out a plan for forthcoming actions on grid modernization.
- The United States Geological Service is leading an ongoing effort to identify areas that may contain undiscovered critical mineral resources, as the enhancement of our domestic mineral supply decreases our national reliance on foreign sources of minerals fundamental to our economy and security. Read more on their Earth Mapping Resources Initiative [here](#).



Program Name	Agency Name	Funding Amount
Power Marketing Administration Transmission Borrowing Authority	Department of Energy	\$10,000,000,000
Regional Clean Hydrogen Hubs	Department of Energy	\$8,000,000,000
Civil Nuclear Credit Program	Department of Energy	\$6,000,000,000
Program Upgrading Our Electric Grid and Ensuring Reliability and Resili	Department of Energy	\$5,000,000,000
Preventing Outages and Enhancing the Resilience of the Electric Grid Gr	Department of Energy	\$5,000,000,000
Weatherization Assistance Program	Department of Energy	\$3,500,000,000
Four Regional Clean Direct Air Capture Hubs	Department of Energy	\$3,500,000,000
Battery Manufacturing and Recycling Grants	Department of Energy	\$3,000,000,000
Battery Materials Processing Grants	Department of Energy	\$3,000,000,000
Deployment of Technologies to Enhance Grid Flexibility	Department of Energy	\$3,000,000,000
Carbon Capture Demonstration Projects Program	Department of Energy	\$2,537,000,000
Transmission Facilitation Program	Department of Energy	\$2,500,000,000
Carbon Storage Validation and Testing	Department of Energy	\$2,500,000,000
Advanced Reactor Demonstration Program	Department of Energy	\$2,477,000,000
Carbon Dioxide Transportation Infrastructure Finance and Innovation F	Department of Energy	\$2,100,000,000
Clean Hydrogen Electrolysis Program	Department of Energy	\$1,000,000,000
Energy Improvement in Rural and Remote Areas	Department of Energy	\$1,000,000,000
Carbon Capture Large-Scale Pilot Programs	Department of Energy	\$937,000,000
Advanced Energy Manufacturing and Recycling Grants	Department of Energy	\$750,000,000
Critical Material Innovation, Efficiency, And Alternatives	Department of Energy	\$600,000,000
Rehabilitation of High Hazard Potential Dams	Department of Homeland Secu	\$585,000,000
Hydroelectric Incentives	Department of Energy	\$553,600,000
Energy Efficiency and Conservation Block Grant Program	Department of Energy	\$550,000,000
Clean Hydrogen Manufacturing Recycling	Department of Energy	\$500,000,000
Grants for Energy Efficiency and Renewable Energy Improvements at Pu	Department of Energy	\$500,000,000
Industrial Emission Demonstration Projects	Department of Energy	\$500,000,000
State Energy Program	Department of Energy	\$500,000,000
Purchase of Power and Transmission Services	Department of Energy	\$500,000,000
Industrial Research and Assessment Center Implementation Grants	Department of Energy	\$400,000,000
Energy Storage Demonstration Pilot Grant Program	Department of Energy	\$355,000,000
Earth Mapping Resources Initiative	Department of the Interior	\$320,000,000
Carbon Utilization Program	Department of Energy	\$310,140,781
Energy Efficiency Revolving Loan Fund Capitalization Grant Program	Department of Energy	\$250,000,000
Assisting Federal Facilities with Conservation Technologies	Department of Energy	\$250,000,000
Building Codes Implementation for Efficiency and Resilience	Department of Energy	\$225,000,000
Energy and Minerals Research Facility	Department of the Interior	\$167,000,000
Industrial Research and Assessment Centers	Department of Energy	\$150,000,000
Long-Duration Energy Storage Demonstration Initiative and Joint Progr	Department of Energy	\$150,000,000
National Dam Safety Program	Department of Homeland Secu	\$215,000,000
Rare Earth Elements Demonstration Facility	Department of Energy	\$140,000,000
Rare Earth Security Activities	Department of Energy	\$127,000,000
Hydroelectric Production Incentives	Department of Energy	\$125,000,000
Battery and Critical Mineral Recycling	Department of Energy	\$125,000,000
Watershed Rehabilitation Program	Department of Agriculture	\$118,000,000
Front-End Engineering and Design Program Out Activities Under Carbor	Department of Energy	\$100,000,000



Commercial Direct Air Capture Technology Prize Competition	Department of Energy	\$100,000,000
Geothermal Research & Development	Department of Energy	\$84,000,000
Section 243 Hydroelectric Efficiency Improvement Incentives (Sec 403	Department of Energy	\$75,000,000
Critical Material Supply Chain Research Facility	Department of Energy	\$75,000,000
Marine Energy Research, Development, and Demonstration	Department of Energy	\$70,400,000
Wind Energy Technology Program	Department of Energy	\$60,000,000
Energy Efficiency Materials Pilot Program	Department of Energy	\$50,000,000
Solar Improvement Research & Development	Department of Energy	\$40,000,000
National Marine Energy Centers	Department of Energy	\$40,000,000
Energy Auditor Training Grant Program	Department of Energy	\$40,000,000
Wind Energy Tech Recycling Research & Development	Department of Energy	\$40,000,000
Hydropower Research, Development, and Demonstration	Department of Energy	\$36,000,000
New Solar Research & Development	Department of Energy	\$20,000,000
Solar Recycling Research & Development	Department of Energy	\$20,000,000
Pre-Commercial Direct Air Capture Prize Competitions	Department of Energy	\$15,000,000
Energy Efficient Transformer Rebates	Department of Energy	\$10,000,000
Pumped Storage Hydropower Wind and Solar Integration and System Re	Department of Energy	\$10,000,000
Extended Product System Rebates	Department of Energy	\$10,000,000
Lithium-Ion Recycling Prize	Department of Energy	\$10,000,000
Career Skills Training	Department of Energy	\$10,000,000
Capital Improvement and Maintenance for Dams	Department of Agriculture	\$10,000,000
Building, Training, And Assessment Centers	Department of Energy	\$10,000,000
TOTAL - CLEAN ENERGY AND POWER		\$74,952,140,781



Power Marketing Administration Transmission Borrowing Authority

Federal Agency: Department of Energy
Bureau or Account: Bonneville Power Administration

Funding amount: \$10,000,000,000 (in borrowing authority)

Period of Availability: The obligation of additional borrowing authority shall not exceed \$6,000,000,000 by fiscal year 2028

Funding Mechanism: Borrowing Authority for Federal Expenditure at Discretion of BPA Administrator

New Program: No

Recipients: Entities That Assist in Implementing the Construction, Acquisition, And Replacement of The Federal Columbia River Power System

Description: Borrowing authority for the Bonneville Power Authority (BPA) to assist in the financing of the construction, acquisition, and replacement of the Federal Columbia River Power System. Requires BPA to issue an updated financial plan.

Eligible Uses: Financing of the construction, acquisition, and replacement of the Federal Columbia River Power System and implementation of the authority of the Administrator of the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act.

Next Milestone: The Administrator must issue an updated financial plan by the end of Fiscal Year 2022 (i.e., September 30, 2022).,



Regional Clean Hydrogen Hubs

Federal Agency: Department of Energy
Bureau or Account: Office of Clean Energy Demonstration

Funding amount: \$8,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Grants

New Program: Yes

Recipients: Technology Developers, Industry, Utilities, Universities, National Laboratories, Engineering and Construction firms, State and Local Governments, Tribal, Environmental Groups, and Community Based Organizations.

Description: To support the development of at least 4 regional clean hydrogen hubs to improve clean hydrogen production, processing, delivery, storage, and end use.

Eligible Uses: Projects that demonstrate the production, processing, delivery, storage, and end-use of, clean hydrogen through regional clean hydrogen hubs, which are networks of clean hydrogen producers, potential clean hydrogen consumers, and connective infrastructure located in close proximity.

Next Milestone: Applications for funding will open in the Summer of 2022.



Civil Nuclear Credit Program

Federal Agency: Department of Energy
Bureau or Account: Nuclear Energy

Funding amount: \$6,000,000,000

Period of Availability: Fiscal Year 2022 - 2026

Funding Mechanism: Credit allocation

New Program: Yes

Recipients: Certified nuclear reactors

Description: To establish a civil nuclear credit program for reactors that compete in a competitive electricity market.

Eligible Uses: For nuclear reactors that are projected to cease operations due to economic factors.

Next Milestone: TBD



Program Upgrading Our Electric Grid and Ensuring Reliability and Resiliency

Federal Agency: Department of Energy
Bureau or Account: Office of Clean Energy Demonstration

Funding amount: \$5,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement or Grants

New Program: Yes

Recipients: State, combination of 2 or more States; Indian Tribes; units of local government, and/or public utility commissions.

Description: To provide federal financial assistance to demonstrate innovative approaches to transmission, storage, and distribution infrastructure to harden and enhance resilience and reliability; and to demonstrate new approaches to enhance regional grid resilience.

Eligible Uses: To coordinate and collaborate with electric sector owners and operators—(A) to demonstrate innovative approaches to transmission, storage, and distribution infrastructure to harden and enhance resilience and reliability; and (B) to demonstrate new approaches to enhance regional grid resilience, implemented through States by public and rural electric cooperative entities on a cost-shared basis.

Next Milestone: Estimated application opening date, 4th quarter 2022



Preventing Outages and Enhancing the Resilience of the Electric Grid Grants

Federal Agency: Department of Energy
Bureau or Account: Electricity

Funding amount: \$5,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: Electric Grid Operators, Electricity Storage Operators, Electricity Generators, Transmission Owners and Operators, Distribution Providers, Fuel Suppliers, States, Tribes

Description: To make grants to eligible entities, States, and Tribes to prevent outages and enhance the resilience of the electric grid.

Eligible Uses: To carry out activities that are supplemental to existing hardening efforts and reduce the risk of power lines causing a wildfire; or reduce the likelihood and consequences of disruptive events.

Next Milestone: Estimated application opening date, 4th quarter 2022



Weatherization Assistance Program

Federal Agency: Department of Energy
Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$3,500,000,000

Period of Availability: Beginning Fiscal Year 2022 (to remain until expended)

Funding Mechanism: Formula Grant

New Program: No

Recipients: States, Tribes

Description: To increase the energy efficiency of dwellings owned or occupied by low-income persons , reduce their total residential energy expenditures, and improve their health and safety, especially low-income persons who are particularly vulnerable such as the elderly, the handicapped, and children.

Eligible Uses: Improvement of heating and cooling of dwellings by the installation of weatherization materials such as attic insulation, caulking, weather-stripping, furnace efficiency modifications, certain mechanical measures to heating and cooling systems, and replacement furnaces, boilers, and air-conditioners. Grantees may receive formula-based allocations and can perform weatherization retrofits with an average cost of up to \$8,009 per dwelling unit in Fiscal Year 2022. Up to 10 percent of each grant may be spent by a Grantee and its subgrantees for administrative expenses (in the Formula Grants a Grantee may not use more than 5 percent of the total State grant for such purposes).

Next Milestone: Estimated first round of funds released date, 1st quarter 2022



Four Regional Clean Direct Air Capture Hubs

Federal Agency: Department of Energy
Bureau or Account: Fossil Energy and Carbon Management

Funding amount: \$3,500,000,000

Period of Availability: \$700,000,000 annually for the period of fiscal years 2022 through 2026 (to remain available until expended)

Funding Mechanism: Grant or Cooperative Agreement

New Program: Yes

Recipients: Industry Partner

Description: To establish a program under which the Secretary shall provide funding for eligible projects that contribute to the development of 4 regional direct air capture hubs.

Eligible Uses: A regional direct air capture hub that-- (i) facilitates the deployment of direct air capture projects; (ii) has the capacity to capture and sequester, utilize, or sequester and utilize at least 1,000,000 metric tons of carbon dioxide from the atmosphere annually from a single unit or multiple interconnected units; (iii) demonstrates the capture, processing, delivery, and sequestration or end-use of captured carbon; and (iv) could be developed into a regional or interregional carbon network to facilitate sequestration or carbon utilization.

Next Milestone: Estimated application opening date, 2nd quarter 2022



Battery Manufacturing and Recycling Grants

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$3,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: (1)Institutions of higher education.

(2)National Laboratories.

(3)Nonprofit and for-profit private entities.

(4)State and local governments.

(5)Consortia of entities described in paragraphs (1) through (4)

Description: To provide grants to ensure that the United States has a viable domestic manufacturing and recycling capability to support a North American battery supply chain.

Eligible Uses: Demonstration projects, construction of commercial-scale facilities, and retrofit or retooling of existing facilities for battery component manufacturing, advanced battery manufacturing, and recycling.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Battery Materials Processing Grants

Federal Agency: Department of Energy
Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$3,000,000,000

Period of Availability: \$600,000,000 appropriated annually for fiscal years 2022 through 2026 (to remain available until expended)

Funding Mechanism: Grant

New Program: Yes

Recipients: (1)Institutions of higher education.
(2)National Laboratories.
(3)Nonprofit and for-profit private entities.
(4)State and local governments.
(5)Consortia of entities described in paragraphs (1) through (4)

Description: To provide grants for battery materials processing to ensure that the United States has a viable battery materials processing industry. Funds can also be used to expand our domestic capabilities in battery manufacturing and enhance processing capacity.

Eligible Uses: Demonstration projects, construction of commercial-scale facilities, and retrofit or retooling of existing battery material processing facilities.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Deployment of Technologies to Enhance Grid Flexibility

Federal Agency: Department of Energy
Bureau or Account: Electricity

Funding amount: \$3,000,000,000

Period of Availability: \$600,000,000 appropriated annually for fiscal years 2022 through 2026 (to remain available until expended)

Funding Mechanism: Grant

New Program: Yes

Recipients: Utilities

Description: Funding and expansion of eligible activities under the Smart Grid Investment Matching Grant Program established under section 1306 of the Energy Independence and Security Act of 2007.

Eligible Uses: Qualifying Smart Grid investments including for installation, that allow buildings to engage in demand flexibility or Smart Grid functions.

Next Milestone: Applications for the Smart Grid program are expected to be open by the end of 2022.



Carbon Capture Demonstration Projects Program

Federal Agency: Department of Energy
Bureau or Account: Office of Clean Energy Demonstration

Funding amount: \$2,537,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: Technology Developers, Industry, Utilities, Universities, National Laboratories, Engineering and Construction firms, State and Local Governments, Tribal, Environmental Groups, and Community Based Organizations.

Description: To establish a carbon capture technology program for the development of 6 facilities to demonstrate transformational technologies that will significantly improve the efficiency, effectiveness, costs, emissions reductions, and environmental performance of coal and natural gas use, including in manufacturing and industrial facilities.

Eligible Uses: Of the demonstration projects carried out —

(i) 2 shall be designed to capture carbon dioxide from a natural gas electric generation facility;

(ii) 2 shall be designed to capture carbon dioxide from a coal electric generation facility; and

(iii) 2 shall be designed to capture carbon dioxide from an industrial facility not purposed for electric generation.

Next Milestone: TBD



Transmission Facilitation Program

Federal Agency: Department of Energy
Bureau or Account: Electricity

Funding amount: \$2,500,000,000

Period of Availability: Available until expended

Funding Mechanism: Loan, Direct Financing, or Capacity Purchase

New Program: Yes

Recipients: Transmission Developers

Description: To facilitate the construction of electric power transmission lines and related facilities to enable greater clean energy growth and provide low-cost clean energy to more Americans.

Eligible Uses: To facilitate eligible projects, the Secretary may-- (A) enter into a capacity contract with respect to an eligible project with the objective of reselling that capacity once the financial viability of the project has been established; (B) issue a loan to an eligible entity for the costs of carrying out an eligible project; or (C) participate with an eligible entity in designing, developing, constructing, operating, maintaining, or owning an eligible project.

Next Milestone: TBD



Carbon Storage Validation and Testing

Federal Agency: Department of Energy
Bureau or Account: Fossil Energy and Carbon Management

Funding amount: \$2,500,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant or Cooperative Agreement

New Program: Yes

Recipients: Industry Partner

Description: To establish a program of research, development, and demonstration for carbon storage.

Eligible Uses: Development of new or expanded commercial large-scale carbon sequestration projects and associated carbon dioxide transport infrastructure, including funding for the feasibility, site characterization, permitting, and construction stages of project development.

Next Milestone: Estimated application opening date, 2nd quarter 2022



Advanced Reactor Demonstration Program

Federal Agency: Department of Energy
Bureau or Account: Office of Clean Energy Demonstrations

Funding amount: \$2,477,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: No

Recipients: Domestic Nuclear Industry Partners, National Laboratories, and Engineering and Construction firms.

Description: To fund two large demonstrations of advanced nuclear reactors for electricity generation.

Eligible Uses: Funding for the existing advanced reactor demonstration program (DE-FOA-0002271).

Next Milestone: Agreements went into effect on 2/21 and 5/21; NRC licensing of reactors TBD



Carbon Dioxide Transportation Infrastructure Finance and Innovation Program

Federal Agency: Department of Energy
Bureau or Account: Fossil Energy and Carbon Management

Funding amount: \$2,100,000,000

Period of Availability: Available until expended

Funding Mechanism: Loan / Grant

New Program: Yes

Recipients: State / Local / Public Authority

Description: To establish and carry out a carbon dioxide transportation infrastructure finance and innovation program.

Eligible Uses: Projects that--

- (A) are large-capacity, common carrier infrastructure;
- (B) have demonstrated demand for use of the infrastructure by associated projects that capture carbon dioxide from anthropogenic sources or ambient air;
- (C) enable geographical diversity in associated projects that capture carbon dioxide from anthropogenic sources or ambient air, with the goal of enabling projects in all major carbon dioxide-emitting regions of the United States; and
- (D) are sited within, or adjacent to, existing pipeline or other linear infrastructure corridors, in a manner that minimizes environmental disturbance and other siting concerns.

Next Milestone: Estimated application opening date, 4th quarter 2022



Clean Hydrogen Electrolysis Program

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$1,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: Industry Partner

Description: To establish a research, development, demonstration, commercialization, and deployment program for purposes of commercialization to improve the efficiency, increase the durability, and reduce the cost of producing clean hydrogen using electrolyzers.

Eligible Uses: (1) To demonstrate technologies that produce clean hydrogen using electrolyzers; and
(2) to validate information on the cost, efficiency, durability, and feasibility of commercial deployment.

Next Milestone: Estimated application opening date, 2nd quarter 2022



Energy Improvement in Rural and Remote Areas

Federal Agency: Department of Energy
Bureau or Account: Office of Clean Energy Demonstration

Funding amount: \$1,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: Industry Partners, Utilities, National Laboratories, Universities, State and Local Governments, Community Based Organizations, Tribal, and Environmental Groups.

Description: To provide financial assistance to increase environmental protection from the impacts of energy use and improve resilience, reliability, safety, and availability of energy in rural or remote areas of the United States.

Eligible Uses: (A) Overall cost-effectiveness of energy generation, transmission, or distribution systems; (B) siting or upgrading transmission and distribution lines; (C) reducing greenhouse gas emissions from energy generation by rural or remote areas; (D) providing or modernizing electric generation facilities; (E) developing microgrids; and (F) increasing energy efficiency.

Next Milestone: Applications for funding are expected to be open in the Fall of 2022.



Carbon Capture Large-Scale Pilot Programs

Federal Agency: Department of Energy
Bureau or Account: Office of Clean Energy Demonstration

Funding amount: \$937,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: Technology Developers, Industry, Utilities, Universities, National Laboratories, Engineering and Construction firms, State and Local Governments, Tribal, Environmental Groups, and Community Based Organizations.

Description: To establish a carbon capture technology program for the development of transformational technologies that will significantly improve the efficiency, effectiveness, costs, emissions reductions, and environmental performance of coal and natural gas use, including in manufacturing and industrial facilities.

Eligible Uses: Pilot projects that—

(A) represent the scale of technology development beyond laboratory development and bench scale testing, but not yet advanced to the point of being tested under real operational conditions at commercial scale;

(B) represent the scale of technology necessary to gain the operational data needed to understand the technical and performance risks of the technology before the application of that technology at commercial scale or in commercial-scale demonstration; and

(C) are large enough—

(i) to validate scaling factors; and

(ii) to demonstrate the interaction between major components so that control philosophies for a new process can be developed and enable the technology to advance from large-scale pilot project application to commercial-scale demonstration or application.

Next Milestone: Estimated application opening date, TBD



Advanced Energy Manufacturing and Recycling Grants

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$750,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: Manufacturing firm—

(A) the gross annual sales of which are less than \$100,000,000;

(B) that has fewer than 500 employees at the plant site of the manufacturing firm; and

(C) the annual energy bills of which total more than \$100,000 but less than \$2,500,000.

Description: To provide grants to small- and medium-sized manufacturers to enable them to build new or retrofit existing manufacturing and industrial facilities to produce or recycle advanced energy products in communities where coal mines or coal power plants have closed.

Eligible Uses: To re-equip, expand, or establish a manufacturing or recycling facility for the production or recycling of advanced energy technologies (including clean electricity, industrial decarbonization, clean transportation, clean fuels, etc.); or to re-equip an industrial of manufacturing facility with equipment designed to reduce greenhouse gas emissions of that facility.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Critical Material Innovation, Efficiency, And Alternatives

Federal Agency: Department of Energy

Bureau or Account: Fossil Energy and Carbon Management

Funding amount: \$600,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: Industry Partner

Description: To conduct a program of research, development, demonstration, and commercialization to develop alternatives to critical materials, to promote their efficient production and use, and ensure a long-term secure and sustainable supply of them.

Eligible Uses: (A) Alternative materials, particularly materials available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical materials;

(B) alternative energy technologies or alternative designs of existing energy technologies

(C) technologies or process improvements that minimize the use and content, or lead to more efficient use, of critical materials across the full supply chain;

(D) innovative technologies and practices to diversify commercially viable and sustainable domestic sources of critical materials

(E) technologies, process improvements, or design optimizations that facilitate the recycling of critical materials

(F) advanced critical material extraction, production, separation, alloying, or processing technologies that decrease the energy consumption, environmental impact, and costs of those activities

(G) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical materials; and

(H) advanced theoretical, computational, and experimental tools necessary to support the crosscutting research and development needs of diverse critical minerals stakeholders.

Next Milestone: Estimated application opening date, TBD



Rehabilitation of High Hazard Potential Dams

Federal Agency: Department of Homeland Security - Federal Emergency
Management Agency
Bureau or Account: Federal Assistance

Funding amount: \$585,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States

Description: The Rehabilitation of High Hazard Potential Dams Grant Program makes available federal funds to eligible states for pass through to non-federal governmental organizations or nonprofit organizations for the rehabilitation of dams that fail to meet m

Eligible Uses: Eligible activities include repair, removal, or any other structural or nonstructural measures to rehabilitate an eligible high hazard potential dam. The Federal Emergency Management Agency's Rehabilitation of High Hazard Potential Dams grant program provides technical, planning, design, and construction assistance for eligible rehabilitation activities that reduce dam risk and increase community preparedness.



Hydroelectric Incentives

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$553,600,000

Period of Availability: Available until expended

Funding Mechanism: Incentive payments

New Program: Yes

Recipients: Non-Federal owners of qualified hydroelectric facilities

Description: To make incentive payments to the owners or operators of qualified hydroelectric facilities for capital improvements.

Eligible Uses: (1) Improving grid resiliency;(2) improving dam safety to ensure acceptable performance under all loading conditions (including static, hydrologic, and seismic conditions); and (3) environmental improvements.

Next Milestone: Estimated application opening date, TBD



Energy Efficiency and Conservation Block Grant Program

Federal Agency: Department of Energy
Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$550,000,000

Period of Availability: Available until expended

Funding Mechanism: Block and Competitive Grants

New Program: Yes

Recipients: State/Local Government/Tribes

Description: To assist states, local governments, and Tribes to reduce energy use, reduce fossil fuel emissions, and improve energy efficiency.

Eligible Uses:

- (1) Development and implementation of an energy efficiency and conservation strategy
- (2) retaining technical consultant services to assist the eligible entity in the development of such a strategy, including—
- (3) conducting residential and commercial building energy audits;
- (4) establishment of financial incentive programs for energy efficiency improvements;
- (5) the provision of grants to nonprofit organizations and governmental agencies for the purpose of performing energy efficiency retrofits;
- (6) development and implementation of energy efficiency and conservation programs for buildings and facilities within the jurisdiction of the eligible entity, including—
 - (A) design and operation of the programs;
 - (B) identifying the most effective methods for achieving maximum participation and efficiency rates;
 - (C) public education;
 - (D) measurement and verification protocols; and
 - (E) identification of energy efficient technologies;
- (7) development and implementation of programs to conserve energy used in transportation, including—
 - (A) use of flex time by employers;
 - (B) satellite work centers;
 - (C) development and promotion of zoning guidelines or requirements that promote energy efficient development;



- (D) development of infrastructure, such as bike lanes and pathways and pedestrian walkways;
 - (E) synchronization of traffic signals; and
 - (F) other measures that increase energy efficiency and decrease energy consumption;
- (8) development and implementation of building codes and inspection services to promote building energy efficiency;
- (9) application and implementation of energy distribution technologies that significantly increase energy efficiency, including—
- (A) distributed resources; and
 - (B) district heating and cooling systems;
- (10) activities to increase participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency;
- (11) the purchase and implementation of technologies to reduce, capture, and, to the maximum extent practicable, use methane and other greenhouse gases generated by landfills or similar sources;
- (12) replacement of traffic signals and street lighting with energy efficient lighting technologies, including—
- (A) light emitting diodes; and
 - (B) any other technology of equal or greater energy efficiency;
- (13) development, implementation, and installation on or in any government building of the eligible entity of onsite renewable energy technology that generates electricity from renewable resources, including—
- (A) solar energy;
 - (B) wind energy;
 - (C) fuel cells; and
 - (D) biomass;
- (14) programs for financing energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure), capital investments, projects, and programs, which may include loan programs and performance contracting programs, for leveraging of additional public and private sector funds, and programs that allow rebates, grants, or other incentives for the purchase and installation of energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure) measures.

Next Milestone: The first funding opportunity is expected for release in the Fall of 2022.



Clean Hydrogen Manufacturing Recycling

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$500,000,000

Period of Availability: Available until expended

Funding Mechanism: Grants, contracts, cooperative agreements, and any other agreements authorized under this Act or other Federal law

New Program: Yes

Recipients: Industry Partner

Description: To provide federal financial assistance to advance new clean hydrogen production, processing, delivery, storage, and use equipment manufacturing technologies and techniques.

Eligible Uses:

- (A) Increasing the efficiency and cost-effectiveness of the recovery of raw materials from clean hydrogen technology components and systems;
- (B) minimizing environmental impacts from the recovery and disposal processes;
- (C) addressing any barriers to the research, development, demonstration, and commercialization of technologies and processes for the disassembly and recycling;
- (D) developing alternative materials, designs, manufacturing processes, and other aspects of clean hydrogen technologies;
- (E) developing alternative disassembly and resource recovery processes that enable efficient, cost-effective, and environmentally responsible disassembly of, and resource recovery from, clean hydrogen technologies; and
- (F) developing strategies to increase consumer acceptance of, and participation in, the recycling of fuel cells.

Next Milestone: Estimated application opening date, 2nd quarter 2022



Grants for Energy Efficiency and Renewable Energy Improvements at Public School Facilities

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$500,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: Consortium of One Local Education Agency and one or more Schools, Non-Profits, For-Profits, and Community Partners

Description: To provide competitive grants to make energy efficiency, renewable energy, and alternative fueled vehicle upgrades and improvements at public schools.

Eligible Uses: Energy efficiency (envelope, HVAC, lighting, controls, etc.), ventilation, renewable energy, alternative vehicles, and alternative fuel vehicle infrastructure improvements.

Next Milestone: An official Request for Information is expected to be published in March 2022. The opportunity to apply for funding is expected to be open in the Fall of 2022.



Industrial Emission Demonstration Projects

Federal Agency: Department of Energy
Bureau or Account: Office of Clean Energy Demonstration

Funding amount: \$500,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: Technology Developers, Industry, Manufacturers, Universities, National Laboratories, Engineering and Construction firms, State and Local Governments, Environmental Groups, and Community Based Organizations.

Description: To fund demonstration projects that test and validate technologies that reduce industrial emissions.

Eligible Uses: Industrial production processes, including technologies and processes that-

- (A) achieve emissions reduction in high emissions industrial materials production processes, including production processes for iron, steel, steel mill products, aluminum, cement, concrete, glass, pulp, paper, and industrial ceramics;
- (B) achieve emissions reduction in medium- and high-temperature heat generation;
- (C) achieve emissions reduction in chemical production processes, including by incorporating, if appropriate and practicable, principles, practices, and methodologies of sustainable chemistry and engineering;
- (D) leverage smart manufacturing technologies and principles, digital manufacturing technologies, and advanced data analytics to develop advanced technologies and practices in information, automation, monitoring, computation, sensing, modeling, and networking;
- (E) leverage the principles of sustainable manufacturing to minimize the potential negative environmental impacts of manufacturing while conserving energy and resources;
- (F) increase the energy efficiency of industrial processes

Next Milestone: Estimated application opening date, 2nd quarter 2022



State Energy Program

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$500,000,000

Period of Availability: Available until expended

Funding Mechanism: Formula Grant

New Program: No

Recipients: States

Description: To provide funding to states to support electric transmission and distribution planning as well as planning activities and programs that help reduce carbon emissions in all sectors of the economy, including the transportation sector and accelerate the use of alternative transportation fuels and vehicle electrification.

Eligible Uses: Energy conservation measures, renewable energy measures, and programs to increase deployment of clean energy technologies in buildings, industry and transportation, including programs to help reduce carbon emissions in the transportation sector and accelerate the use of alternative transportation fuels for, and the electrification of, State government vehicles, fleet vehicles, taxis and ridesharing services, mass transit, school buses, ferries, and privately owned passenger and medium- and heavy-duty vehicles .

Next Milestone: Estimated first round of funds released date, 2nd quarter 2022



Purchase of Power and Transmission Services

Federal Agency: Department of Energy
Bureau or Account: Western Area Power Administration, Construction,
Rehabilitation, Operation and Maintenance

Funding amount: \$500,000,000

Period of Availability: Available until expended

Funding Mechanism: Federal Expenditure at Discretion of Western Area Power
Administration Administrator

New Program: No

Recipients: Power Generation and Wheeling Providers

Description: For the Western Area Power Administration to purchase power and
transmission services.

Eligible Uses: To purchase power and transmission services, recover purchase power
and wheeling services, and transfer to the Colorado River Basins Power Marketing
Fund.

Next Milestone: TBD



Industrial Research and Assessment Center Implementation Grants

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$400,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: Small- and Medium-Sized Manufacturers

Description: To fund upgrades for small- and medium-sized manufacturers that have been recommended in an assessment from an Industrial Assessment Center or Combined Heat and Power Technical Assistance Partnership.

Eligible Uses: For eligible small- and medium-sized manufacturers to (i) improve energy efficiency; material efficiency; cybersecurity; or productivity; or reduce waste production; greenhouse gas emissions; or non-greenhouse gas pollution.

Next Milestone: Estimated application opening date, 4th quarter 2022



Energy Storage Demonstration Pilot Grant Program

Federal Agency: Department of Energy
Bureau or Account: Office of Clean Energy Demonstration

Funding amount: \$355,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant or Cooperative Agreement

New Program: Yes

Recipients: Technology Developers, Industry, State and Local Governments, Tribal Organizations, Community Based Organizations, National Laboratories, Universities, and Utilities.

Description: To enter into agreements to carry out 3 energy storage system demonstration projects.

Eligible Uses: (i) To improve the security of critical infrastructure and emergency response systems.

(ii) To improve the reliability of transmission and distribution systems, particularly in rural areas, including high-energy cost rural areas.

(iii) To optimize transmission or distribution system operation and power quality to defer or avoid costs of replacing or upgrading electric grid infrastructure, including transformers and substations.

(iv) To supply energy at peak periods of demand on the electric grid or during periods of significant variation of electric grid supply.

(v) To reduce peak loads of homes and businesses.

(vi) To improve and advance power conversion systems.

(vii) To provide ancillary services for grid stability and management.

(viii) To integrate renewable energy resource production.

(ix) To increase the feasibility of microgrids (grid-connected or islanded mode).

(x) To enable the use of stored energy in forms other than electricity to support the natural gas system and other industrial processes.

(xi) To integrate fast charging of electric vehicles.

(xii) To improve energy efficiency.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Earth Mapping Resources Initiative

Federal Agency: Department of the Interior
Bureau or Account: United States Geological Survey -Surveys, Investigations & Research

Funding amount: \$320,000,000

Period of Availability: Funding Available until expended for total amount, but portions of the total are allocated to specific Fiscal Years, each with a different period of availability

Funding Mechanism: Cooperative Agreement, Direct Federal Spending

New Program: No

Recipients: State Geological Surveys, Private Entities

Description: To accelerate the U.S. Geological Survey mapping mission by providing integrated topographic, geologic, geochemical, and geophysical mapping; accelerating the integration and consolidation of geospatial and resource data; and providing an interpretation of both critical mineral resources still in the ground and critical mineral resources that may be reprocessed from legacy mine wastes.

Eligible Uses: Cooperative agreements or contracts for mapping and data.

Next Milestone: TBD



Carbon Utilization Program

Federal Agency: Department of Energy
Bureau or Account: Fossil Energy and Carbon Management

Funding amount: \$310,140,781

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: State / Local / Public Utility

Description: To establish a grant program for state and local governments to procure and use products derived from captured carbon oxides.

Eligible Uses: An eligible entity shall use a grant received under this paragraph to procure and use commercial or industrial products that-- (i) use or are derived from anthropogenic carbon oxides; and (ii) demonstrate significant net reductions in lifecycle greenhouse gas emissions compared to incumbent technologies, processes, and products.

Next Milestone: Estimated application opening date, 4th quarter 2022



Energy Efficiency Revolving Loan Fund Capitalization Grant Program

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$250,000,000

Period of Availability: Available until expended

Funding Mechanism: Formula Grant

New Program: Yes

Recipients: States

Description: To provide capitalization grants to States to establish a revolving loan fund under which the State shall provide loans and grants for energy efficiency audits, upgrades, and retrofits to increase energy efficiency and improve the comfort of buildings.

Eligible Uses: Residential and commercial energy audits, upgrades, and retrofits.

Next Milestone: TBD



Assisting Federal Facilities with Conservation Technologies

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$250,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: Federal Agencies

Description: To provide grants to federal agencies that they can leverage with private capital to make energy and water efficiency upgrades to federal buildings.

Eligible Uses: To aid federal agencies in meeting energy and water use requirements to improve sustainability.

Next Milestone: Estimated application will open before the end of 2022.



Building Codes Implementation for Efficiency and Resilience

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$225,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: States and State Partnerships

Description: A competitive grant program to enable sustained, cost-effective implementation of updated building energy codes to save customers money on their energy bills.

Eligible Uses: (A) To create or enable State or regional partnerships to provide training and materials to—(i) builders, contractors and subcontractors, architects, and other design and construction professionals, relating to meeting updated building energy codes in a cost-effective manner; and (ii) building code officials, relating to improving implementation of and compliance with building energy codes; (B) to collect and disseminate quantitative data on construction and codes implementation, including code pathways, performance metrics, and technologies used; (C) to develop and implement a plan for highly effective codes implementation, including measuring compliance; (D) to address various implementation needs in rural, suburban, and urban areas; and (E) to implement updates in energy codes for— (i) new residential and commercial buildings (including multifamily buildings); and (ii) additions and alterations to existing residential and commercial buildings (including multifamily buildings).

Next Milestone: Applications for funding are expected to be open by the end of 2022.



Energy and Minerals Research Facility

Federal Agency: Department of the Interior
Bureau or Account: United States Geological Survey - Surveys, Investigations & Research

Funding amount: \$167,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement, Direct Federal Spending

New Program: No

Recipients: State Academic Institutions

Description: For design, construction and tenant build out of a facility to support energy and minerals research and associated structures, through a cooperative agreement with an academic partner. The new building will establish a center of excellence in minerals and energy science and providing opportunities for science collaboration that will leverage U.S. Geological Survey science; support the development of science, technology, engineering and mathematics talent by engaging students in U.S. Geological Survey science; and expand the diversity of the U.S. Geological Survey workforce.

Eligible Uses: For design, construction, and tenant build out of a new federally owned facility.

Next Milestone: More information forthcoming.



Industrial Research and Assessment Centers

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$150,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: Institutions of Higher Education, Community College, Trade School, Or Union Training Program

Description: To provide funding for institutions of higher education-based industrial research and assessment centers to identify opportunities for optimizing energy efficiency and environmental performance at manufacturing and other industrial facilities.

Eligible Uses: To provide in-depth assessments of small- and medium-sized manufacturer plant sites to evaluate the facilities, services, and manufacturing operations of the plant sites; to identify opportunities for optimizing energy efficiency and environmental performance, including implementation of— (i) smart manufacturing; (ii) energy management systems; (iii) sustainable manufacturing; (iv) information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes; and (v) waste management systems; to promote applications of emerging concepts and technologies in small- and medium-sized manufacturers (including water and wastewater treatment facilities and federally owned manufacturing facilities); to promote research and development for the use of alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries; to coordinate with appropriate Federal and State research offices; to provide a clearinghouse for industrial process and energy efficiency technical assistance resources; and to coordinate with State-accredited technical training centers and community colleges, while ensuring appropriate services to all regions of the United States.

Next Milestone: Applications for funding are expected to be open by the end of 2022.



Long-Duration Energy Storage Demonstration Initiative and Joint Program

Federal Agency: Department of Energy
Bureau or Account: Office of Clean Energy Demonstration

Funding amount: \$150,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement or Other (TBD)

New Program: Yes

Recipients: Tec Technology Developers, Industry, State and Local Governments, Tribal Organizations, Community Based Organizations, National Laboratories, Universities, and Utilities.

Description: To establish a demonstration initiative composed of demonstration projects focused on the development of long-duration energy storage technologies.

Eligible Uses: Projects that --

- (i) demonstrate promising long-duration energy storage technologies at different scales; and
- (ii) help new, innovative long-duration energy storage technologies become commercially viable.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



National Dam Safety Program

Federal Agency: Department of Homeland Security - Federal Emergency
Management Agency
Bureau or Account: Federal Assistance

Funding amount: \$148,000,000 for States, plus \$67,000,000 for program operations.

Period of Availability: Available until expended

Funding Mechanism: Grant, Direct Federal Spending.

New Program: No

Recipients: States

Description: To encourage the establishment and maintenance of effective state programs intended to ensure dam safety, to protect human life and property, and to improve state dam safety programs.

The National Dam Safety Program is a partnership of states, federal agencies and other stakeholders to encourage and promote the establishment and maintenance of effective federal and state dam safety programs to reduce the risk to human life and property.

Eligible Uses: Eligible activities are those that 1) Reduce risks to life and property associated with dams; 2) Increase awareness of the risks associated with dams and the benefit of state dam safety programs; and 3) Advance the state of practice of dam safety and dam risk management. Examples include conducting dam safety inspections, performing condition assessments of dams, development of Emergency Action Plans, implementing regulatory enforcement actions, conducting public awareness and outreach activities, and professional development for dam safety officials and dam owners.

Next Milestone: TBD



Rare Earth Elements Demonstration Facility

Federal Agency: Department of Energy

Bureau or Account: Fossil Energy and Carbon Management

Funding amount: \$140,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: Industry Partner

Description: To demonstrate the feasibility of a full-scale integrated rare earth element extraction and separation facility and refinery.

Eligible Uses: The facility established shall-- (A) provide environmental benefits through use of feedstock derived from acid mine drainage, mine waste, or other deleterious material; (B) separate mixed rare earth oxides into pure oxides of each rare earth element; (C) refine rare earth oxides into rare earth metals; and (D) provide for separation of rare earth oxides and refining into rare earth metals at a single site.

Next Milestone: Estimated application opening date, 4th quarter 2022



Rare Earth Security Activities

Federal Agency: Department of Energy
Bureau or Account: Fossil Energy and Carbon Management

Funding amount: \$127,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: Industry Partner

Description: To conduct a program of research and development to improve the security of rare earth elements.

Eligible Uses:

(A) Development and assessment of advanced separation technologies for the extraction and recovery of rare earth elements and other critical materials from coal and coal byproducts; and

(B) Determine if there are, and mitigate, any potential environmental or public health impacts that could arise from the recovery of rare earth elements from coal-based resources.

Next Milestone: Estimated application opening date, 1st quarter 2023



Hydroelectric Production Incentives

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$125,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Subsidy

New Program: No

Recipients: Non-Federal Owners of Qualified Hydroelectric Facilities

Description: To provide incentives for the operation of hydroelectric facilities.

Eligible Uses: Incentives for hydroelectric facilities added to an existing dam or conduit which Department of Energy determines is eligible.

Next Milestone: Estimated application opening date, 2022



Battery and Critical Mineral Recycling

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$125,000,000

Period of Availability: Available until expended

Funding Mechanism: Grants

New Program: Yes

Recipients: (i) An institution of higher education;
(ii) a National Laboratory;
(iii) a Federal research agency;
(iv) a State research agency;
(v) a nonprofit organization;
(vi) an industrial entity;
(vii) a manufacturing entity;
(viii) a private battery-collection entity;
(ix) an entity operating 1 or more battery recycling activities;
(x) a State or municipal government entity;
(xi) a battery producer;
(xii) a battery retailer; or
(xiii) a consortium of 2 or more entities described in clauses (i) through (xii).

Description: To award grants for research, development, and demonstration projects to create innovative and practical approaches to increase the reuse and recycling of batteries.

Eligible Uses: Research, development, and demonstration to address (i) recycling activities; (ii) the development of methods to promote the design and production of batteries that take into full account and facilitate the dismantling, reuse, recovery, and recycling of battery components and materials; (iii) strategies to increase consumer acceptance of, and participation in, the recycling of batteries; (iv) the extraction or recovery of critical minerals from batteries that are recycled; (v) the integration of increased quantities of recycled critical minerals in batteries and other products to develop markets for recycled battery materials and critical minerals; (vi) safe disposal of waste materials and components recovered during the recycling process; (vii) the protection of the health and safety of all persons involved in, or in proximity to, recycling and reprocessing activities, including communities located near recycling and materials reprocessing facilities; (viii) mitigation of environmental impacts that arise from recycling batteries, including disposal of toxic reagents and byproducts related to recycling processes; (ix) protection of data privacy associated with collected covered battery-containing products; (x) the optimization of the value of material derived from



recycling batteries; and (xi) the cost-effectiveness and benefits of the reuse and recycling of batteries and critical minerals.

Next Milestone: Estimated application opening date, 4th quarter 2022



Watershed Rehabilitation Program

Federal Agency: Department of Agriculture
Bureau or Account: National Resources Conservation Service

Funding amount: \$118,000,000

Period of Availability: Available until expended

Funding Mechanism: Technical and financial assistance

New Program: No

Recipients: Local Sponsor or Legal Subdivision of State or Tribal Government. Eligible Sponsors Include Cities, Counties, Towns, Conservation Districts, Or Any Federally-Recognized Native American Tribe or Tribal Organization.

Description: Provides planning, design and construction for Department of Agriculture assisted dams to extend their service life and meet current safety requirements.

Eligible Uses: Rehabilitate high hazard watershed dams previously installed under the following four authorities: PL 83-566, PL 78-534, RC&D, Pilot Program.

Next Milestone: Estimated application opening date, 1st quarter 2022



Front-End Engineering and Design Program Out Activities Under Carbon
Capture Tech Program 962 Of Environmental Protection Agency (Sec
40303)

Federal Agency: Department of Energy
Bureau or Account: Fossil Energy and Carbon Management

Funding amount: \$100,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: Industry Partner

Description: Expands the Department of Energy's Carbon Capture Technology program to include a program for carbon dioxide transport infrastructure necessary to deploy Carbon Capture Utilization and Storage technologies.

Eligible Uses: (A) Research and development; (B) large-scale pilot projects; (C) demonstration projects; (D) a front-end engineering and design program; and (E) front-end engineering and design program for carbon dioxide transport infrastructure necessary to enable deployment of carbon capture, utilization, and storage technologies.

Next Milestone: Estimated application opening date, 2nd quarter 2022



Commercial Direct Air Capture Technology Prize Competition

Federal Agency: Department of Energy
Bureau or Account: Fossil Energy and Carbon Management

Funding amount: \$100,000,000

Period of Availability: Available until expended

Funding Mechanism: Prize

New Program: Yes

Recipients: Industry Partner

Description: Reauthorization of program to support large-scale pilot projects and demonstration projects and test carbon capture technologies.

Eligible Uses: Projects that demonstrate the technical and commercial viability of technologies to reduce carbon dioxide emissions released from coal electric generation facilities and natural gas electric generation facilities for commercial deployment.

Next Milestone: Estimated application opening date, 4th quarter 2022



Geothermal Research & Development

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$84,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: National Labs, Institutes of Higher Education, Multi-institutional Collaborations,

Description: To support a program of research, development, demonstration, and commercial application for enhanced geothermal systems.

Eligible Uses: Eligible uses include -- (1) reservoir stimulation;
(2) drilled, non-stimulated (e.g. closed-loop) reservoir technologies;
(3) reservoir characterization, monitoring, and modeling and understanding of the surface area and volume of fractures;
(4) stress and fracture mapping including real time monitoring and modeling;
(5) tracer development;
(6) three and four-dimensional seismic imaging and tomography;
(7) well placement and orientation;
(8) long-term reservoir management;
(9) drilling technologies, methods, and tools;
(10) improved exploration tools;
(11) zonal isolation; and
(12) understanding induced seismicity risks from reservoir engineering and stimulation.

Next Milestone: Estimated application opening date, 2nd quarter 2022



Section 243 Hydroelectric Efficiency Improvement Incentives (Sec 40332)

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$75,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Subsidy

New Program: Yes

Recipients: Owners or operators of hydroelectric facilities at existing dams

Description: To incentivize upgrades to hydroelectric facilities to increase their efficiency.

Eligible Uses: Capital improvements to hydroelectric facilities at existing dams to improve the efficiency of such facilities by at least 3 percent.

Next Milestone: Estimated application opening date, TBD



Critical Material Supply Chain Research Facility

Federal Agency: Department of Energy

Bureau or Account: Fossil Energy and Carbon Management

Funding amount: \$75,000,000

Period of Availability: Available until expended

Funding Mechanism: Contract

New Program: Yes

Recipients: Industry Partner

Description: To support construction of a Critical Materials Supply Chain Research Facility.

Eligible Uses: (A) Further enable research, development, demonstration, and commercialization activities throughout the supply chain for critical materials; and (B) Provide an integrated, rapidly reconfigurable research platform.

Next Milestone: Estimated application opening date, 4th quarter 2022



Marine Energy Research, Development, and Demonstration

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$70,400,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: No

Recipients: Industry Partner and National Labs

Description: To fund research, development, and demonstration activities to improve marine energy technologies.

Eligible Uses:

- (1) Assist technology development to improve the components, processes, and systems used for power generation from marine energy resources at a variety of scales;
- (2) establish and expand critical testing infrastructure and facilities necessary to—
 - (A) demonstrate and prove marine energy devices at a range of scales in a manner that is cost-effective and efficient; and
 - (B) accelerate the technological readiness and commercial application of such devices;
- (3) address marine energy resource variability issues, including through the application of energy storage technologies;
- (4) advance efficient and reliable integration of marine energy with the electric grid, which may include smart building systems;
- (5) identify and study critical short-term and long-term needs to maintaining a sustainable marine energy supply chain based in the United States;
- (6) increase the reliability, security, and resilience of marine energy technologies;
- (7) validate the performance, reliability, maintainability, and cost of marine energy device designs and system components in an operating environment;
- (8) consider the protection of critical infrastructure, such as adequate separation between marine energy devices and submarine telecommunications cables, including through the development of voluntary, consensus-based standards for such purposes;



(9) identify opportunities for crosscutting research, development, and demonstration programs between existing energy research programs;

(10) identify and improve, in conjunction with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, and other relevant Federal agencies as appropriate, the environmental impact, including potential cumulative environmental impacts, of marine energy technologies, including—
 (A) potential impacts on fisheries and other marine resources; and
 (B) developing technologies, including mechanisms for self-evaluation, and other means available for improving environmental impact, including potential cumulative environmental impacts;

(11) identify, in consultation with relevant Federal agencies, potential navigational impacts of marine energy technologies and strategies to prevent possible adverse impacts, in addition to opportunities for marine energy systems to aid the United States Coast Guard, such as remote sensing for coastal border security;

(12) develop numerical and physical tools, including models and monitoring technologies, to assist industry in device and system design, installation, operation, and maintenance, including methods to validate such tools;

(13) support materials science as it relates to marine energy technology, such as the development of corrosive-resistant materials;

(14) improve marine energy resource forecasting and general understanding of aquatic system behavior, including turbulence and extreme conditions;

(15) develop metrics and voluntary, consensus-based standards, in coordination with the National Institute of Standards and Technology and appropriate standard development organizations, for marine energy components, systems, and projects, including—
 (A) measuring performance of marine energy technologies; and
 (B) characterizing environmental conditions;

(16) enhance integration with hybrid energy systems, including desalination;

(17) identify opportunities to integrate marine energy technologies into new and existing infrastructure; and

(18) to develop technology necessary to support the use of marine energy—
 (A) for the generation and storage of power at sea; and
 (B) for the generation and storage of power to promote the resilience of coastal communities, including in applications relating to—
 (i) desalination;
 (ii) disaster recovery and resilience; and
 (iii) community microgrids in isolated power systems.

Next Milestone: Estimated application opening date is TBD 2022.



Wind Energy Technology Program

Federal Agency: Department of Energy
Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$60,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: No

Recipients: (A) An Institution of Higher Education,
(B) A National Laboratory;
(C) A Federal Research Agency;
(D) A State Research Agency;
(E) A Research Agency Associated with A Territory or Freely Associated State;
(F) a Tribal energy development organization;
(G) an Indian Tribe;
(H) a Tribal organization;
(I) a Native Hawaiian community-based organization;
(J) a nonprofit research organization;
(K) an industrial entity;
(L) any other entity, as determined by the Secretary; and
(M) a consortium of 2 or more entities described in subparagraphs (A) through (L).

Description: To fund research, development, demonstration, and commercialization activities to improve wind energy technologies.

Eligible Uses: Research, development, demonstration, and commercialization activities to improve wind energy technologies, including—
(i) awarding grants and awards, on a competitive, merit-reviewed basis;
(ii) performing precompetitive research and development;
(iii) establishing or maintaining demonstration facilities and projects, including through stewardship of existing facilities such as the National Wind Test Center;
(iv) providing technical assistance;
(v) entering into contracts and cooperative agreements;
(vi) providing small business vouchers;
(vii) establishing prize competitions;
(viii) conducting education and outreach activities;
(ix) conducting professional development activities; and
(x) conducting analyses, studies, and reports.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Energy Efficiency Materials Pilot Program

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: Non-Profit Organizations

Description: To provide grants to supply nonprofit buildings with energy-efficiency materials.

Eligible Uses: To provide non-profits with energy efficiency materials including (i) a roof or lighting system or component of the system; (ii) a window; (iii) a door, including a security door; and (iv) a heating, ventilation, or air conditioning system or component of the system (including insulation and wiring and plumbing improvements needed to serve a more efficient system).

Next Milestone: Estimated application opening date, 1st quarter 2023.



Solar Improvement Research & Development

Federal Agency: Department of Energy
Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$40,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: No

Recipients: (A) An Institution of Higher Education,
(B) A National Laboratory;
(C) A Federal Research Agency;
(D) A State Research Agency;
(E) A Research Agency Associated with A Territory or Freely Associated State;
(F) a Tribal energy development organization;
(G) an Indian Tribe;
(H) a Tribal organization;
(I) a Native Hawaiian community-based organization;
(J) a nonprofit research organization;
(K) an industrial entity;
(L) any other entity, as determined by the Secretary; and
(M) a consortium of 2 or more entities described in subparagraphs (A) through (L).

Description: To fund research, development, demonstration, and commercialization activities to improve solar energy technologies.

Eligible Uses: Research, development, demonstration, and commercialization activities, including—
(i) awarding grants and awards, on a competitive, merit-reviewed basis;
(ii) performing precompetitive research and development;
(iii) establishing or maintaining demonstration facilities and projects, including through stewardship of existing facilities;
(iv) providing technical assistance;
(v) entering into contracts and cooperative agreements;
(vi) providing small business vouchers;
(vii) establishing prize competitions;
(viii) conducting education and outreach activities;
(ix) conducting workforce development activities; and
(x) conducting analyses, studies, and reports.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



National Marine Energy Centers

Federal Agency: Department of Energy
Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$40,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: No

Recipients: Institutions of Higher Education

Description: To provide grants to institutions of higher education for the establishment of new National Marine Energy Centers and the continuation and expansion of the research, development, demonstration, testing, and commercial application activities at the existing Centers.

Eligible Uses: (1)Advance research, development, demonstration, and commercial application of marine energy technologies in response to industry and commercial needs;
(2)support in-water testing and demonstration of marine energy technologies, including facilities capable of testing—
 (A)marine energy systems of various technology readiness levels and scales;
 (B)a variety of technologies in multiple test berths at a single location;
 (C)arrays of technology devices; and
 (D)interconnectivity to an electrical grid, including microgrids; and
(3)collect and disseminate information on best practices in all areas relating to developing and managing marine energy resources and energy systems.

Next Milestone: Estimated application opening date is TBD 2022.



Energy Auditor Training Grant Program

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$40,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: States

Description: To provide grants to eligible States to train individuals to conduct energy audits or surveys of commercial and residential buildings to build the clean energy workforce, save customers money on their energy bills, and reduce pollution from building energy use.

Eligible Uses: (A) To cover any cost associated with individuals being trained or certified to conduct energy audits by— (i) the State; or (ii) a State-certified third-party training program; and (B) to pay the wages of a trainee during the period in which the trainee receives training and certification.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Wind Energy Tech Recycling Research & Development

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$40,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: (A) An institution of higher education,
(B) a National Laboratory;
(C) a Federal research agency;
(D) a State research agency;
(E) a research agency associated with a territory or freely associated state;
(F) a Tribal energy development organization;
(G) an Indian Tribe;
(H) a Tribal organization;
(I) a Native Hawaiian community-based organization;
(J) a nonprofit research organization;
(K) an industrial entity;
(L) any other entity, as determined by the Secretary; and
(M) a consortium of 2 or more entities described in subparagraphs (A) through (L).

Description: To award financial assistance to eligible entities for research, development, and demonstration, and commercialization projects to create innovative and practical approaches to increase the reuse and recycling of wind energy technologies.

Eligible Uses: (i) Increasing the efficiency and cost effectiveness of the recovery of raw materials from wind energy technology components and systems, including enabling technologies such as inverters;
(ii) minimizing potential environmental impacts from the recovery and disposal processes;
(iii) advancing technologies and processes for the disassembly and recycling of wind energy devices;
(iv) developing alternative materials, designs, manufacturing processes, and other aspects of wind energy technologies and the disassembly and resource recovery process that enable efficient, cost effective, and environmentally responsible disassembly of, and resource recovery from, wind energy technologies; and
(v) strategies to increase consumer acceptance of, and participation in, the recycling of wind energy technologies.

Next Milestone: Estimated application opening date, TBD



Hydropower Research, Development, and Demonstration

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$36,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: No

Recipients: Industry partners and National Labs

Description: To fund research, development, and demonstration activities to improve hydropower technologies.

Eligible Uses: Technologies that improve the capacity, efficiency, resilience, security, reliability, affordability, and environmental impact, including potential cumulative environmental impacts, of hydropower systems

Next Milestone: Estimated application opening date in 2022.



New Solar Research & Development

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$20,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: (A) An institution of higher education,
(B) a National Laboratory;
(C) a Federal research agency;
(D) a State research agency;
(E) a research agency associated with a territory or freely associated state;
(F) a Tribal energy development organization;
(G) an Indian Tribe;
(H) a Tribal organization;
(I) a Native Hawaiian community-based organization;
(J) a nonprofit research organization;
(K) an industrial entity;
(L) any other entity, as determined by the Secretary; and
(M) a consortium of 2 or more entities described in subparagraphs (A) through (L).

Description: To award financial assistance to eligible entities for research, development, demonstration, and commercialization projects to advance new solar energy manufacturing technologies and techniques.

Eligible Uses: Solar energy manufacturing projects that—

- (i) increase efficiency and cost effectiveness in—
 - (I) the manufacturing process; and
 - (II) the use of resources, such as energy, water, and critical materials;
- (ii) support domestic supply chains for materials and components;
- (iii) identify and incorporate nonhazardous alternative materials for components and devices;

Next Milestone: Estimated application opening date, 2nd quarter 2023



Solar Recycling Research & Development

Federal Agency: Department of Energy
Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$20,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: (A) An institution of higher education,
(B) a National Laboratory;
(C) a Federal research agency;
(D) a State research agency;
(E) a research agency associated with a territory or freely associated state;
(F) a Tribal energy development organization;
(G) an Indian Tribe;
(H) a Tribal organization;
(I) a Native Hawaiian community-based organization;
(J) a nonprofit research organization;
(K) an industrial entity;
(L) any other entity, as determined by the Secretary; and
(M) a consortium of 2 or more entities described in subparagraphs (A) through (L).

Description: To award financial assistance to eligible entities for research, development, demonstration, and commercialization projects to create innovative and practical approaches to increase the reuse and recycling of solar energy technologies.

Eligible Uses: Eligible uses include -- (i) increasing the efficiency and cost effectiveness of the recovery of raw materials from solar energy technology components and systems, including enabling technologies such as inverters;
(ii) minimizing potential environmental impacts from the recovery and disposal processes;
(iii) advancing technologies and processes for the disassembly and recycling of solar energy devices;
(iv) developing alternative materials, designs, manufacturing processes, and other aspects of solar energy technologies and the disassembly and resource recovery process that enable efficient, cost effective, and environmentally responsible disassembly of, and resource recovery from, solar energy technologies; and
(v) strategies to increase consumer acceptance of, and participation in, the recycling of photovoltaic devices.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Pre-Commercial Direct Air Capture Prize Competitions

Federal Agency: Department of Energy
Bureau or Account: Fossil Energy and Carbon Management

Funding amount: \$15,000,000

Period of Availability: Available until expended

Funding Mechanism: Prize

New Program: Yes

Recipients: Industry Partner

Description: Reauthorization of program to advance research, development, demonstration, and commercial application of carbon capture technologies.

Eligible Uses: Projects that demonstrate the technical and commercial viability of technologies to reduce carbon dioxide emissions released from coal electric generation facilities and natural gas electric generation facilities for commercial deployment.

Next Milestone: Estimated application opening date, TBD



Energy Efficient Transformer Rebates

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$10,000,000

Period of Availability: Available until expended

Funding Mechanism: Rebate/Grant

New Program: Yes

Recipients: Owners of industrial or manufacturing facilities, commercial buildings, or multifamily residential buildings, a utility, or an energy service company that purchase a qualified transformer to replace an energy-inefficient transformer

Description: To provide rebates to industrial or manufacturing facility owners, commercial building owners, multifamily building owners, utilities, or energy service companies for the replacement of a qualified energy inefficient transformer with a qualified energy efficient transformer.

Eligible Uses: Rebate for the replacement of a qualified energy inefficient transformer with a qualified energy efficient transformer.

Next Milestone: Estimated application opening date, 2nd quarter 2022



Pumped Storage Hydropower Wind and Solar Integration
and System Reliability Initiative

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$10,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: Electric utilities, State Energy Offices, Tribes, Institutes of Higher Education, or consortium thereof

Description: To provide financial assistance to eligible entities to carry out project design, transmission studies, power market assessments, and permitting for a pumped storage hydropower project to facilitate the long-duration storage of intermittent renewable electricity.

Eligible Uses: To be eligible for financial assistance, a project shall—

- (i) be designed to provide not less than 1,000 megawatts of storage capacity;
- (ii) be able to provide energy and capacity for use in more than 1 organized electricity market;
- (iii) be able to store electricity generated by intermittent renewable electricity projects located on Tribal land; and
- (iv) have received a preliminary permit from the Federal Energy Regulatory Commission.

Next Milestone: Estimated application opening date, TBD



Extended Product System Rebates

Federal Agency: Department of Energy
Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$10,000,000

Period of Availability: Available until expended

Funding Mechanism: Rebate/Grant

New Program: Yes

Recipients: Purchaser of the qualified extended product system or manufacturer of commercial or industrial machinery or equipment that incorporates the qualified extended product system

Description: To provide rebates for qualified extended product systems (i.e., electric motor, electronic control, and driven load).

Eligible Uses: Rebate for expenditures made by qualified entities for the purchase or installation of a qualified extended product system.

Next Milestone: Estimated application opening date, 2nd quarter 2022



Lithium-Ion Recycling Prize

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$10,000,000

Period of Availability: Available until expended

Funding Mechanism: Prize

New Program: Yes

Recipients: Prize dependent

Description: To provide a prize for recycling of lithium ion batteries and convene a task force on battery producer requirements.

Eligible Uses: (i) To increase the number of winners of Phase III of the prize competition; (ii) to increase the amount awarded to each winner of Phase III of the competition; and (iii) to carry out any other activity that is consistent with the goals of Phase III of the competition, as determined by the Secretary.

Next Milestone: Estimated application opening date, TBD



Career Skills Training

Federal Agency: Department of Energy
Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$10,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: Non-Profit Partnerships

Description: To provide grants to pay the Federal share of career skills training programs under which students concurrently receive classroom instruction and on-the-job training for the purpose of obtaining an industry-related certification to install energy efficient building technologies.

Eligible Uses: To pay the Federal share of associated career skills training programs under which students concurrently receive classroom instruction and on-the-job training for the purpose of obtaining an industry-related certification to install energy efficient buildings technologies.

Next Milestone: Estimated application opening date, 1st quarter 2023



Capital Improvement and Maintenance for Dams

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$10,000,000

Period of Availability: Each annual tranche has a 4-yr period of availability

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: This program administers an extensive transportation network that is vital to the agency's mission to sustain the health, diversity, and productivity of national forest lands

Eligible Uses: Dams on National Forest System lands in need of maintenance

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Building, Training, And Assessment Centers

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$10,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: Institutions of Higher Education

Description: To provide grants to institutions of higher education to establish building training and assessment centers to educate and train building technicians and engineers on implementing modern building technologies.

Eligible Uses: (1) To identify opportunities for optimizing energy efficiency and environmental performance in buildings; (2) to promote the application of emerging concepts and technologies in commercial and institutional buildings; (3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation; (4) to assist institutions of higher education and Tribal Colleges or Universities in training building technicians; (5) to promote research and development for the use of alternative energy sources and distributed generation to supply heat and power for buildings, particularly energy-intensive buildings; and (6) to coordinate with and assist State-accredited technical training centers, community colleges, Tribal Colleges or Universities, and local offices of the National Institute of Food and Agriculture and ensure appropriate services are provided under this section to each region of the United States.

Next Milestone: Estimated application opening date, 2nd quarter 2022



Water

Challenge: The nation has underinvested in water infrastructure for too long, putting communities at risk. Lead pipes, watermain breaks, PFAS contamination, and failing wastewater management systems threaten the safety and security of Americans across the country. Long-term drought and water shortages in many areas of the nation, fueled by climate change, have laid bare underinvestment in water reuse, conveyance and storage infrastructure.

Solutions: The legislation's \$55 billion investment represents the largest investment in drinking water, wastewater, water reuse, conveyance and water storage infrastructure in American history, including dedicated funding to replace lead service lines and address the dangerous chemical PFAS (per- and polyfluoroalkyl).

Funding Overview: This funding falls into seven major programs covered under this section – (1) the Drinking Water and Clean Water State Revolving Funds (\$23.43 billion), (2) Lead Service Lines (\$15 billion), (3) PFAS and Emerging Contaminants (\$10 billion), (4) Indian Water Rights (\$2.5 billion), (5) Indian Health Service Water and Sewer (\$1.8 billion), (6) Water and Sewer Tax (\$1.25 billion), (7) Rural Water (\$1 billion), (8) Western Water (\$7.1 billion).

The Drinking Water and Clean Water State Revolving Funds provide below-market rate loans and grants to fund water infrastructure improvements to protect public health and the environment. This additional funding will go towards existing Environmental Protection Agency programs– the Fiscal Year 2022 allocations from the Bipartisan Infrastructure Law can be found [here](#).

The Lead Service Lines program provides funding for lead pipe replacement. This was announced as part of a broader Lead Pipe and Paint Action Plan on December 16, 2021. The fact sheet covering the entirety of the program can be found [here](#).

The PFAS and Emerging Contaminants program provides funding for states and water utilities to be used in the treatment of any pollutant that is a perfluoroalkyl or polyfluoroalkyl substance (PFAS) or any pollutant identified by the Environmental Protection Agency Administrator as a contaminant of emerging concern.

The Indian Water Rights program is to satisfy Federal obligations under Indian water rights settlements enacted as of November 15, 2021.

The Western Water program appropriates funds to be spent on projects associated with water storage, groundwater storage, and conveyance projects, water recycling and reuse projects, water desalination projects and studies, watershed management, dam repair and replacement, repairing and replacing aging infrastructure, and WaterSMART grants.



The Indian Health Service Water and Sewer program provides funds for the provision of domestic and community sanitation facilities for Tribal communities.

The Water and Sewer Tax excludes from taxable income any “contribution in aid of construction” or any other contribution for purposes of water storage.

The Rural Water Project invests in water infrastructure projects in rural communities.

Getting Ready:

The majority of the water funding will move through the State Revolving Fund programs. Water utilities, non-profits, drinking water providers, and other potential recipients should begin to work with local stakeholders and state program contacts to identify potential projects, with a focus on prioritizing projects serving disadvantage communities. The Environmental Protection Agency and other agencies will provide technical assistance to help these disadvantaged communities overcome barriers to receiving loans and grants for water improvements. Potential recipients of the lead service line funding are also encouraged to accelerate the development and use of lead service-line inventories, which can help guide the design of replacement projects eligible for these funds. Additional national program guidance will be issued soon to state water primacy agencies.

Existing Resources:

- Funds from State and Local Fiscal Recovery Funds as part of the American Rescue Plan can be used to support necessary improvements in water, including for the State Revolving Funds, lead service line replacement programs, and other projects that assist systems most in need to provide clean drinking water. See more about the guidance that permitted the use of these funds [here](#).
- Funding through the CARES act State and Local Fiscal Recovery Funds can also be used to make necessary investments to improve access to clean drinking water.
- Funding is available for water infrastructure through Environmental Protection Agency’s existing State Revolving Funds and grant programs under the Water Improvements for the Nation Act, including \$25 million in 2022 to improve drinking water quality in small, underserved, and disadvantaged communities; and additional funding for lead testing in school and child care drinking water grants, and reducing lead in drinking water grants.
- Department of Agriculture funds are also available through the Water and Waste Disposal Loan and Grant Program.



- Department of Housing and Urban Development Community Block Development Block Grant funds are available for a wide range of community needs, including lead reduction initiatives.

Program Name	Agency Name	Funding Amount
Drinking Water State Revolving Fund Lead Service Lines Replacement	Environmental Protection Agency	\$15,000,000,000
Drinking Water State Revolving Fund	Environmental Protection Agency	\$11,713,000,000
Clean Water State Revolving Fund	Environmental Protection Agency	\$11,713,000,000
Water Infrastructure Improvements for the Nation Small and Underserved Communities Emerging Contaminants Grant Program	Environmental Protection Agency	\$5,000,000,000
Drinking Water State Revolving Fund Emerging Contaminants (incl. PFAS)	Environmental Protection Agency	\$4,000,000,000
Indian Health Service Sanitation Facilities Construction Program	Department of Health and Human Services	\$3,500,000,000
Aging Infrastructure Account	Department of the Interior	\$3,200,000,000
Indian Water Rights Settlements	Department of the Interior	\$2,500,000,000
Water & Groundwater Storage, And Conveyance	Department of the Interior	\$1,150,000,000
Rural Water Projects	Department of the Interior	\$1,000,000,000
Clean Water State Revolving Fund-Emerging Contaminants	Environmental Protection Agency	\$1,000,000,000
Water Recycling	Department of the Interior	\$1,000,000,000
Dam Safety Program	Department of the Interior	\$500,000,000
WaterSMART Grants	Department of the Interior	\$400,000,000
Water Desalination Projects	Department of the Interior	\$250,000,000
Safety of Dams, Water Sanitation, And Other Facilities	Department of the Interior	\$200,000,000
Watershed Management Projects	Department of the Interior	\$100,000,000
Central Utah Project	Department of the Interior	\$50,000,000
Underground Injection Control Grants: Class VI wells	Environmental Protection Agency	\$50,000,000
Tribal Irrigation and Power Systems	Department of the Interior	\$50,000,000
Water Resources Development Act Data Acquisition	Department of Commerce	\$25,000,000
Soil Moisture and Snowpack Pilot Program	Department of Commerce	\$1,000,000
Geographic Programs - Columbia River Basin Restoration Program	Environmental Protection Agency	\$79,000,000
Geographic Programs - Great Lakes Restoration Initiative	Environmental Protection Agency	\$1,000,000,000
Geographic Programs - Gulf of Mexico	Environmental Protection Agency	\$53,000,000
Geographic Programs - Lake Champlain	Environmental Protection Agency	\$40,000,000
Geographic Programs - Lake Pontchartrain Restoration Program	Environmental Protection Agency	\$53,000,000
Geographic Programs - Long Island Sound	Environmental Protection Agency	\$106,000,000
Geographic Programs - Northwest Forest	Environmental Protection Agency	\$4,000,000
Geographic Programs - South Florida Geographic Initiatives Program	Environmental Protection Agency	\$16,000,000
Geographic Programs - Southeast New England Coastal Watershed Restoration Program	Environmental Protection Agency	\$15,000,000
National Estuary Program Grants	Environmental Protection Agency	\$132,000,000
Geographic Programs - Chesapeake Bay Program	Environmental Protection Agency	\$238,000,000
Geographic Programs - Puget Sound	Environmental Protection Agency	\$89,000,000
Geographic Programs - San Francisco Bay Water Quality Improvement Fund	Environmental Protection Agency	\$24,000,000
TOTAL - WATER		\$64,251,000,000



Drinking Water State Revolving Fund Lead Service Lines Replacement

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$15,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Loans and Grants

New Program: No

Recipients: States initially receive funding, then provide funds to Water Utilities and/or Municipal and Other Eligible Entities. Tribes and Territories are also eligible to receive a portion of State Revolving Fund funds.

Description: Drinking Water State Revolving Fund funding as described in the Drinking Water State Revolving Fund program, below, with eligible projects limited to lead service line replacement and associated activities related to identification, planning, design and removal. Under the Bipartisan Infrastructure Law, 49 percent of funds shall be eligible to be grants or 100 percent principal forgiveness loans.

Eligible Uses: States receive a capitalization grant with no state match required. The states provide low interest loans, principal forgiveness, and/or grants to replace lead service lines. Further information will be forthcoming.

Next Milestone: Applicants apply through their State Revolving Fund program. State deadlines vary.



Drinking Water State Revolving Fund

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$11,713,000,000

Period of Availability: Available until expended

Funding Mechanism: Loans and Grants

New Program: No

Recipients: States initially receive funding, then provide funds to Water Utilities and/or Municipal and Other Eligible Entities. Tribes and Territories are also eligible to receive a portion of State Revolving Fund funds.

Description: The Drinking Water State Revolving Fund is a financial assistance program to help water systems and states to achieve the health protection objectives of the Safe Drinking Water Act. States are required to give priority for the use of Drinking Water State Revolving Fund project funds to: Address the most serious risks to human health, ensure compliance with the requirements of the Safe Drinking Water Act, and assist systems most in need on a per household basis according to state affordability criteria. Not all drinking water compliance problems, however, can be solved through capital financing of infrastructure improvements. Under the Bipartisan Infrastructure Law, 49 percent of funds shall be eligible to be grants or 100 percent principal forgiveness loans.

Eligible Uses: Capitalization grants are available to each State, and Tribes and territories for the purpose of establishing a Drinking Water State Revolving Fund. This revolving fund provides loans and grants to water systems for eligible infrastructure projects including: construction of expansion of drinking water treatment plants and/or distribution systems; improving drinking water treatment; fixing leaky or old pipes (water distribution); improving sources of water supply; replacing or constructing finished water storage tanks; other infrastructure projects needed to protect public health.

Next Milestone: Applicants apply through their State Revolving Fund program. State deadlines vary.



Clean Water State Revolving Fund

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$11,713,000,000

Period of Availability: Available until expended

Funding Mechanism: Loans and Grants

New Program: No

Recipients: States initially receive funding, then provide funds to Water Utilities and/or Municipal and Other Eligible Entities. Tribes and Territories are also eligible to receive a portion of State Revolving Fund funds.

Description: The Clean Water State Revolving Fund program is a federal-state partnership that provides communities low-cost financing for a wide range of water quality infrastructure projects. Under the Bipartisan Infrastructure Law, 49 percent of Clean Water State Revolving Fund funds shall be eligible to be grants or 100 percent principal forgiveness loans. The Clean Water State Revolving Fund program provides capitalization grants to States, which will provide a long-term source of State financing for construction of wastewater treatment facilities and implementation of other water quality management activities.

Eligible Uses: Capitalization grants are available to each State and to Tribes and territories for the purpose of establishing a Clean Water State Revolving Fund. State Revolving Fund programs provide financial assistance to local communities and publicly owned treatment systems for construction of wastewater and stormwater treatment facilities and collection systems; nonpoint source pollution management; construction, repair, or replacement of decentralized wastewater treatment systems; construction of nature-based infrastructure solutions; and other uses associated with the management of wastewater and stormwater.

Next Milestone: Applicants apply through their State Revolving Fund programs. State deadlines vary.



Water Infrastructure Improvements for the Nation Small and Underserved Communities Emerging Contaminants Grant Program

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$5,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States initially receive funding, then provide funds through grants to water utilities and other eligible entities in small and/or underserved/disadvantaged communities. Tribes and territories are also eligible to receive funds under this program.

Description: This grant program provides grants to public water systems in small and underserved/disadvantaged communities that are unable to finance activities needed to comply with drinking water regulations. Bipartisan Infrastructure Law prioritizes the funding to focus on small and disadvantaged communities in addressing emerging contaminants, including PFAS.

Eligible Uses:

- Projects eligible for assistance include efforts that benefit small and disadvantaged communities in testing and remediating emerging contaminants, including PFAS, including water filtration.
- "Disadvantaged Community" is one determined by the state to be disadvantaged under the affordability criteria established by the state under its authorities in the Safe Drinking Water Act, or may become a disadvantaged community as a result of carrying out a project or activity.
- "Small Community" is one that has a population 10,000 or fewer individuals and lacks the capacity to incur debt sufficient to finance a project to comply with the SDWA.

Next Milestone: More information will be forthcoming. Applicants will apply through their state. State deadlines vary.



Drinking Water State Revolving Fund Emerging Contaminants (incl. PFAS)

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$4,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States initially receive funding, then provide funds to Water Utilities and/or Municipal and Other Eligible Entities. Tribes and Territories are also eligible to receive a portion of State Revolving Fund funds.

Description: Drinking Water State Revolving Fund funding as described in the Drinking Water State Revolving Fund program, with eligible projects limited to those that address emerging contaminants, such as PFAS.

Eligible Uses: States apply for a capitalization grant with no state match required. The states provide loans with principal forgiveness or grants to fund drinking water infrastructure projects to address emerging contaminants, including PFAS. Further information will be forthcoming.

Next Milestone: Applicants apply through their State Revolving Fund program. State deadlines vary.



Indian Health Service Sanitation Facilities Construction Program

Federal Agency: Department of Health and Human Services
Bureau or Account: Indian Health Service

Funding amount: \$3,500,000,000 – the law makes \$700,000,000 available per year from 2021-2026.

Period of Availability: Available until expended

Funding Mechanism: Indian Self-Determination and Education Assistance Act Agreements, Direct Federal Spending

New Program: No

Recipients: Federally recognized Tribal governments.

Description: The mission of the Indian Health Service is to raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives to the highest level. To carry out this mission, the Indian Health Service provides comprehensive primary health care and disease prevention services. The Sanitation Facilities Construction Program is the environmental engineering component of the Indian Health Service health delivery system. To support the Indian Health Service mission, the Sanitation Facilities Construction Program provides technical and financial assistance to American Indian tribes and Alaska Native villages for the cooperative development and construction of safe drinking water supply, sewage, and solid waste disposal facilities, and related support facilities.

Eligible Uses: The Indian Health Care Improvement Act requires the Indian Health Service to identify the universe of sanitation facilities needs for existing American Indian and Alaska Native homes by documenting deficiencies and proposing projects to address their needs. These projects prevent communicable diseases by providing eligible new and existing Indian homes with services such as water wells, onsite wastewater disposal systems, or connections to community water supply and wastewater disposal systems. These projects can also include provision of new or upgraded water supply or waste disposal systems.



Aging Infrastructure Account

Federal Agency: Department of the Interior
Bureau or Account: Bureau of Reclamation

Funding amount: \$3,200,000,000

Period of Availability: Available until expended

Funding Mechanism: Spend Plan/Application

New Program: No, however, the Authority and funding dramatically expanded in Bipartisan Infrastructure Law

Recipients: Transferred Works Operators and Reserved works Project beneficiaries (districts, power customers, cost share partners)

Description: The Aging Infrastructure/XM authority is used to fund extraordinary maintenance work on Reclamation project facilities.

Eligible Uses: Repair, rehabilitation and maintenance of infrastructure assets for reserved or transferred works

Next Milestone: First Application period opened December 17, 2021, closes January 31, 2022.



Indian Water Rights Settlements

Federal Agency: Department of the Interior
Bureau or Account: Indian Affairs/Reclamation

Funding amount: \$2,500,000,000

Period of Availability: Available until expended

Funding Mechanism: Contract/Compact/Trust Fund

New Program: No

Recipients: Tribal Governments - Recognized

Description: To satisfy Federal obligations under Indian water rights settlement enacted as of November 15, 2021.

Eligible Uses: Transfer to funds or accounts authorized to receive discretionary appropriations or to satisfy other obligations identified by the Secretary of the Interior, under an Indian water settlement approved and authorized by an Act of Congress before the date of enactment of this Act.

Next Milestone: Allocation of funding among eligible projects, TBD



Water & Groundwater Storage, And Conveyance

Federal Agency: Department of the Interior
Bureau or Account: Bureau of Reclamation

Funding amount: \$1,150,000,000

Period of Availability: Available until expended

Funding Mechanism: Project Funding/FA/etc.

New Program: No, however, the Authority and funding dramatically expanded in the Bipartisan Infrastructure Law

Recipients: State, Local

Description: Water Storage, Groundwater Storage, and Conveyance projects with existing feasibility study or construction authorization are eligible for funding. The project must be found feasible and with benefits proportionate to federal investment. Small Water Storage and Groundwater Storage Projects are defined in the Bipartisan Infrastructure Law as projects that have storage capacity between 2,000 acre-feet and 30,000 acre-feet and increase surface water or groundwater storage or convey water, directly or indirectly, to or from surface water or groundwater storage. Funding will be provided through a combination of internal formulation and competitive grant processes, and non-Federal project sponsors in Reclamation States, including Alaska and Hawaii are eligible.

Eligible Uses: Construction and grants

Next Milestone: Program feasibility guidelines published January 14, 2022 per statute; Application period expected calendar 2022.



Rural Water Projects

Federal Agency: Department of the Interior
Bureau or Account: Bureau of Reclamation

Funding amount: \$1,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Project Funding

New Program: No

Recipients: Existing authorized projects - not for new opportunities - Tribal, Local

Description: Funding for Rural Water will support the seven rural water projects that have been authorized by an Act of Congress before July 1, 2021, in accordance with the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.).

Eligible Uses: Rural Water projects

Next Milestone: Allocation of funding for Fiscal Year 2022 among eligible projects with Fiscal Year 2022 capability to execute the funds.



Clean Water State Revolving Fund-Emerging Contaminants

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$1,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States initially receive funding, then provide funds to Water Utilities and/or Municipal and Other Eligible Entities. Tribes and Territories are also eligible to receive a portion of State Revolving Fund funds.

Description: Clean Water State Revolving Fund funding as described in the Clean Water State Revolving Fund program, with eligible projects limited to those that address emerging contaminants, such as PFAS.

Eligible Uses: States apply for a capitalization grant with no state match required. The states provide loans with principal forgiveness or grants to fund clean water infrastructure projects to address emerging contaminants, including PFAS. Further information will be forthcoming.

Next Milestone: Applicants apply through their State Revolving Fund programs. State deadlines vary.



Water Recycling

Federal Agency: Department of the Interior
Bureau or Account: Bureau of Reclamation

Funding amount: \$1,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant, Financial Assistance

New Program: No, however, the Authority and funding dramatically expanded in the Bipartisan Infrastructure Law

Recipients: Open

Description: Projects that reclaim and/or reuse municipal, industrial, and agricultural wastewater; or impaired ground and surface waters. Large Scale Water Recycling Program is defined in the Bipartisan Infrastructure Law as projects that reclaim and reuse municipal, industrial, domestic, or agricultural wastewater; or impaired groundwater or surface water with a total project cost of \$500 million or more and located in a Reclamation state.

Eligible Uses: Water recycling and reuse projects and large water reuse projects in Reclamation states

Next Milestone: Funding opportunities posted January 14, 2022 to grants.gov, closes March 15, 2022, additional program criteria for large projects to follow during 2022.



Dam Safety Program

Federal Agency: Department of the Interior
Bureau or Account: Bureau of Reclamation

Funding amount: \$500,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: State, Local

Description: Reclamation's Dam Safety Program is in place to ensure Reclamation dams do not present unreasonable risk to people, property, and the environment.

Eligible Uses: Project work at identified dams needing corrective action to reduce risk

Next Milestone: Publication of Fiscal Year 2023 budget request/updates to Initial Spend Plan



WaterSMART Grants

Federal Agency: Department of the Interior
Bureau or Account: Bureau of Reclamation

Funding amount: \$400,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: Open - meet criteria for Grant Opportunity

Description: This funding will be used for competitive grants through WaterSMART under the authority of Sec. 9504(a) of the SECURE Water Act for water management improvements that contribute to water supply sustainability, increase drought resilience, and that have environmental benefits.

Eligible Uses: Grant projects that support water management improvements that contribute to water supply sustainability, increase drought resilience, and that have environmental benefits

Next Milestone: Estimated application opening dates in March, April and May of 2022 for three distinct opportunities under this authority



Water Desalination Projects

Federal Agency: Department of the Interior
Bureau or Account: Bureau of Reclamation

Funding amount: \$250,000,000

Period of Availability: Available until expended

Funding Mechanism: Financial Assistance

New Program: No

Recipients: Open

Description: Water desalination projects support desalination of ocean or brackish water.

Eligible Uses: Water desalination projects

Next Milestone: Funding opportunity posted January 14, 2022 to grants.gov, closes March 15, 2022.



Safety of Dams, Water Sanitation, And Other Facilities

Federal Agency: Department of the Interior
Bureau or Account: Indian Affairs - Construction

Funding amount: \$200,000,000

Period of Availability: Available until expended

Funding Mechanism: Contract/Compact

New Program: No

Recipients: Tribal Governments - Recognized

Description: The Bureau of Indian Affairs Safety of Dams aims to reduce the potential loss of human life and property damage caused by dam failure by making Bureau of Indian Affairs dams as safe as practically possible. Safety of Dams is responsible for dams on Indian land. These dams form a significant part of the water-resources infrastructure on Indian reservations. The water sanitation and safety program supports improvement and repair projects that address public health and safety compliance issues at Bureau of Indian Affairs-owned drinking water and sanitation systems.

Eligible Uses: Safety of Dams funding is planned to be used to accelerate rehabilitation activities using current prioritization methodology. Water sanitation; funds will address deferred maintenance and deficiencies identified in condition assessments, environmental health reviews and audit reports.

Next Milestone: Announcement of initial project awards, 3rd quarter 2022.



Watershed Management Projects

Federal Agency: Department of the Interior
Bureau or Account: Bureau of Reclamation

Funding amount: \$100,000,000

Period of Availability: Available until expended

Funding Mechanism: Financial Assistance

New Program: Yes

Recipients: Open - must meet funding opportunity criteria

Description: Watershed management includes water conservation and efficiency projects that increase reliability for ecological value, improvements to mitigate drought-related impacts to ecological values, and projects that improve the condition of a natural feature or nature-based feature.

Eligible Uses: Watershed management activities that include water conservation and efficiency projects that increase reliability for ecological value, improvements to mitigate drought-related impacts to ecological values, and projects that improve the condition of a natural feature or nature-based feature.

Next Milestone: Estimated application opening date, January 2022.



Central Utah Project

Federal Agency: Department of the Interior
Bureau or Account: Central Utah Project Completion Act Office

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Central Utah Water Conservancy District, Utah Reclamation Mitigation and Conservation Commission

Description: Funding will be used to continue construction of the Utah Lake System Pipeline to deliver 30,000 acre-feet of water to the communities in South Utah County, continued construction of a water flow control structure at Sixth Water on the Diamond Fork System to allow for minimum stream flows for fishery purposes, and continued development of the Provo River Delta Restoration Project for habitat development for the threatened June sucker fish.

Eligible Uses: Funding will be transferred to and be used by the Central Utah Water Conservancy District and the Utah Reclamation Mitigation and Conservation Commission.

Next Milestone: Contract award March 2022.



Underground Injection Control Grants: Class VI wells

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: States and Tribes

Description: The Underground Injection Control Grants fund federal, state, and Tribal government agencies that oversee underground injection activities to prevent contamination of underground sources of drinking water from fluid injection practices. The funding in Bipartisan Infrastructure Law targets funding to Class VI wells utilized for carbon sequestration. The law includes an additional \$25 million to support the permitting of these wells on top of the \$50 million in grant funding.

Eligible Uses: Eligible entities shall use grants to defray the expenses related to the establishment and operation of a Class VI primacy program.

Next Milestone: More information forthcoming.



Tribal Irrigation and Power Systems

Federal Agency: Department of the Interior
Bureau or Account: Indian Affairs - Construction

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: Contract/Compact

New Program: No

Recipients: Tribal Governments - Recognized

Description: The program addresses deferred maintenance needs at 17 congressionally authorized irrigation projects located on Indian reservations across the Rocky Mountain, Northwest, Southwest, Navajo and Western Regions.

Eligible Uses: Address deferred maintenance and deficiencies identified in condition assessments and audit reports.

Next Milestone: Announcement of initial project awards, 3rd quarter 2022.



Water Resources Development Act Data Acquisition

Federal Agency: Department of Commerce

Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$25,000,000

Period of Availability: 2 year

Funding Mechanism: Various

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (Federally Recognized), Tribal Governments (Other Than Federally Recognized), Public Higher-Ed Institutions, Private Higher-Ed Institutions, Nonprofits With 501(C)(3) Status, Nonprofits - Without 501(C)(3) Status, Small Businesses, Businesses (Other Than Small Businesses), And / Or Individuals

Description: Section 511(b)(1) and (2) of the Water Resources Development Act of 2020 (division AA of Public Law 116–260) requires the National Oceanic and Atmospheric Administration to establish a pilot program within the National Mesonet Program for the acquisition and use of data generated by a U.S. Army Corps of Engineers -led initiative. Army Corps of Engineers is augmenting existing mesonet sites in 5 networks in the Upper Missouri River Basin with new soil moisture and snowpack instrumentation and installing new sites to reach a total of 540 sites outfitted with the new instrumentation by the end of Fiscal Year 2026. To support these efforts, the National Oceanic and Atmospheric Administration will establish the Soil Moisture and Snowpack Monitoring Pilot Program, which will acquire data that is generated by the network being installed in the Upper Missouri River Basin from 2023 through 2025. The National Weather Service National Mesonet Program supports a public-private partnership of nearly four-dozen mesonet networks operated by the states and the private sector providing hydrometeorological observational data at more than 30,000 sites nationwide.

Eligible Uses: Establishment of the Soil Moisture and Snowpack Monitoring Pilot Program, which will acquire data that is generated by the network being installed in the Upper Missouri River Basin.

Next Milestone: Estimated application opening date, 2nd quarter 2022



Soil Moisture and Snowpack Pilot Program

Federal Agency: Department of Commerce
Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$1,000,000 in Fiscal Year 2022

Period of Availability: 2 year

Funding Mechanism: Various

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (Federally Recognized), Tribal Governments (Other Than Federally Recognized), Public Higher-Ed Institutions, Private Higher-Ed Institutions, Nonprofits With 501(C)(3) Status, Nonprofits - Without 501(C)(3) Status, Small Businesses, Businesses (Other Than Small Businesses), And / Or Individuals

Description: The study of the soil moisture and snowpack monitoring network in the Upper Missouri River Basin pursuant to section 511(b)(3) of the Water Resources Development Act of 2020 (division AA of Public Law 116–260) (see Provision 4 description).

Eligible Uses: The study of the soil moisture and snowpack monitoring network in the Upper Missouri River Basin

Next Milestone: Estimated application opening date, 2nd quarter 2022



Environmental Protection Agency Geographic Programs
(Existing programs)



Geographic Programs - Columbia River Basin Restoration Program

Federal Agency: Environmental Protection Agency
Bureau or Account: Geographic Programs

Total Funding: \$79,000,000; Available until expended

Funding Recipient: Broad Eligibilities

Funding Mechanism: Grant

Description: This program is intended to improve water quality in the Lower Columbia River Basin through specific actions to reduce toxics, increase monitoring, and/or increase public education and outreach. The Columbia River Basin Restoration Program will assist Tribal, state and local governments; non-government entities, and others as they implement the Columbia River Basin Toxics Reduction Action Plan and the Lower Columbia Estuary Partnership Comprehensive Conservation and Management Plan and conduct activities to support Environmental Protection Agency national goals for the Columbia River Basin.

Eligible Uses: Cleaning up contaminated sites, reducing runoff, monitoring and improving water quality, habitat protection, education, reducing stormwater and agricultural runoff, pollution prevention, implementing agricultural best management practices.

Funding Opportunity Availability (Estimated): TBD



Geographic Programs - Great Lakes Restoration Initiative

Federal Agency: Environmental Protection Agency

Bureau or Account: Geographic Programs

Total Funding: \$1,000,000,000; Available until expended

Funding Recipient: Broad Eligibilities

Funding Mechanism: Grant

Description: The goal of the Great Lakes Program is to restore and maintain the chemical, physical, and biological integrity of the Great Lakes Basin Ecosystem. The Environmental Protection Agency leads a consortium of programs, agencies, and public and private institutions in attaining specific objectives and actions that will address the most significant Great Lakes ecosystem problems and efforts in five major focus areas: Toxic Substances and Areas of Concern; Invasive Species; Nonpoint Source Pollution Impacts on Nearshore Health; Habitats and Species; and Foundations for Future Restoration Actions.

Eligible Uses: Addressing toxic substances and Areas of Concern; reduction of nonpoint source pollution; invasive species prevention; reduction of runoff contributing to HABs; ecosystem and wetland restoration, stormwater treatment and control, nature-based infrastructure, resilient shorelines, and more.

Funding Opportunity Availability (Estimated): TBD



Geographic Programs - Gulf of Mexico

Federal Agency: Environmental Protection Agency
Bureau or Account: Geographic Programs

Total Funding: \$53,000,000; Available until expended

Funding Recipient: Broad Eligibilities

Funding Mechanism: Grant

Description: The Gulf of Mexico Program, housed within the Gulf of Mexico Division, is a non-regulatory program of the U.S. Environmental Protection Agency founded to facilitate collaborative actions to protect, maintain, and restore the health and productivity of the Gulf of Mexico in ways consistent with the economic well-being of the Region. To carry out its mission, the Gulf of Mexico Program continues to maintain and expand partnerships with state and federal agencies, federally recognized Tribes, local governments and authorities, academia, regional business and industry, agricultural and environmental organizations, and individual citizens and communities.

Eligible Uses: Ecosystem and wetland restoration, stormwater treatment and control, nature-based infrastructure, community resilience, resilient shorelines, and environmental education.

Funding Opportunity Availability (Estimated): TBD



Geographic Programs - Lake Champlain

Federal Agency: Environmental Protection Agency
Bureau or Account: Geographic Programs

Total Funding: \$40,000,000; Available until expended

Funding Recipient: Broad Eligibilities

Funding Mechanism: Grant

Description: The Lake Champlain Basin Program coordinates and funds efforts that benefit the Lake Champlain Basin's water quality, fisheries, wetlands, wildlife, recreation, and cultural resources, in partnership with government agencies from New York, Vermont, and Québec, private organizations, local communities, and individuals.

Eligible Uses: Ecosystem and wetland restoration, stormwater treatment and control, nature-based infrastructure, community resilience, resilient shorelines, and environmental education

Funding Opportunity Availability (Estimated): TBD



Geographic Programs - Lake Pontchartrain Restoration Program

Federal Agency: Environmental Protection Agency
Bureau or Account: Geographic Programs

Total Funding: \$53,000,000; Available until expended

Funding Recipient: Broad Eligibilities

Funding Mechanism: Cooperative Agreement (Discretionary Grants)

Description: This program carries out the Lake Pontchartrain Basin Comprehensive Management Plan under the authority of the Clean Water Act Section 121 and Section 320. Program activities include conducting water quality monitoring of Lake Pontchartrain, educating basin residents on water protection and pollution prevention, evaluating sewer system designs and developing plans to upgrade or replace them in order to prevent or reduce water pollution.

Eligible Uses: Program activities include conducting water quality monitoring of Lake Pontchartrain, educating basin residents on water protection and pollution prevention, evaluating sewer system designs and developing plans to upgrade or replace them in order to prevent or reduce water pollution.

Funding Opportunity Availability (Estimated): TBD



Geographic Programs - Long Island Sound

Federal Agency: Environmental Protection Agency
Bureau or Account: Geographic Programs

Total Funding: \$106,000,000; Available until expended

Funding Recipient: Broad Eligibilities

Funding Mechanism: Cooperative Agreement (Discretionary Grants)

Description: The Long Island Sound Program supports the implementation of a comprehensive plan to protect and restore water quality, habitat, and living resources in Long Island Sound, working with state and local governments, the private sector, user groups, and the general public.

Eligible Uses: The Long Island Sound Program implements the Long Island Sound Study Comprehensive Conservation and Management Plan. The program also assists the states of Connecticut and New York and other public or nonprofit entities in implementation, research, planning, enforcement, and citizen involvement and education related to reducing pollution and improving the quality of the environment to sustain living resources in the Long Island Sound.

Funding Opportunity Availability (Estimated): TBD



Geographic Programs - Northwest Forest

Federal Agency: Environmental Protection Agency
Bureau or Account: Geographic Programs

Total Funding: \$4,000,000; Available until expended

Funding Recipient: Limited Eligibilities – Federal

Funding Mechanism: Grants and Interagency Agreements

Description: The Northwest Forest Geographic Program addresses water quality impairments from non-point sources related to pacific northwest forest practices and works to improve the quality and quantity of surface water so that beneficial uses and drinking water/source water protection goals are met. Climate change is increasing the demands on the program due to the increase of catastrophic wildfire and resulting impacts to water quality and municipal drinking water.

Eligible Uses: monitoring of aquatic and riparian management in the Northwest Forest Plan; groundwater restoration to improve sources of drinking water; post-wildfire water quality monitoring; education and capacity-building for states and drinking water providers.

Funding Opportunity Availability (Estimated): TBD



Geographic Programs - South Florida Geographic Initiatives Program

Federal Agency: Environmental Protection Agency
Bureau or Account: Geographic Programs

Total Funding: \$16,000,000; Available until expended

Funding Recipient: Broad Eligibilities

Funding Mechanism: Grant

Description: South Florida Geographic Initiatives Program provides competitive grants to address the immediate and emerging ecological pressures and threats to nearshore waters, bays, estuaries, beaches, and coral reefs central to South Florida's economic well-being.

Eligible Uses: Canal demonstration projects; stormwater demonstration projects; coral research; endocrine disruptor impacts to marine fauna and flora; identifying and understanding cause/effect relationships of pollutants; developing effective remediation techniques for aquatic resources; addressing specific management questions and concerns; predictive models and monitoring tools; and overall improvement of our understanding of South Florida ecosystems.

Funding Opportunity Availability (Estimated): TBD



Geographic Programs - Southeast New England Coastal Watershed Restoration Program

Federal Agency: Environmental Protection Agency
Bureau or Account: Geographic Programs

Total Funding: \$15,000,000; Available until expended

Funding Recipient: Broad Eligibilities

Funding Mechanism: Grant

Description: Our mission is to foster collaboration among regional partners across southeast New England's coastal watersheds to protect and restore water quality, ecological health, and diverse habitats by sharing knowledge and resources, promoting innovative approaches, and leveraging economic and environmental investments to meet the needs of current and future generations. By 2050, we envision a resilient ecosystem of safe and healthy waters, thriving watersheds and natural lands, and sustainable communities throughout southeast New England's coastal watersheds.

Eligible Uses: Ecosystem and wetland restoration, stormwater treatment and control, nature-based infrastructure, community resilience, resilient shorelines, and environmental education.

Funding Opportunity Availability (Estimated): TBD



National Estuary Program Grants

Federal Agency: Environmental Protection Agency

Bureau or Account: Geographic Programs

Total Funding: \$132,000,000; Available until expended

Funding Recipient: 28 Federally Recognized Local National Estuary Programs

Funding Mechanism: Grant

Description: The National Estuary Program goal is to protect and restore the water quality and resources of estuaries and associated watersheds designated by the Environmental Protection Agency Administrator as estuaries of national significance. The 28 estuaries of national significance, or National Estuary Programs, use an ecosystem-based management approach to help achieve their protection and restoration goals.

Eligible Uses: Each National Estuary Program characterizes the priority problems in its estuary and surrounding watershed, develops a long-term Comprehensive Conservation and Management Plan that identifies actions to address those problems, and identifies partners, to implement those actions. Implementation of Comprehensive Conservation and Management Plans can include the following actions: protecting and restoring habitat, including wetlands; supporting water quality protection and restoration, including Total Maximum Daily Load plan implementation; monitoring and addressing toxics and pathogen loads and contamination; implementing stormwater management, reducing non-point source pollution impacts, and promoting the adoption of green infrastructure approaches; preventing the spread of aquatic invasive species and/or managing their impacts; developing and implementing nutrient reduction strategies; conducting climate vulnerability assessments and developing and implementing climate change adaptation strategies and using adaptation tools to promote coastal resilience; and developing and implementing strategies to provide opportunities for residents of urban minority and/or underserved communities to have greater access to urban waters, participate in urban ecosystem restoration, and participate in capacity-building/educational activities. In addition to Comprehensive Conservation and Management Plan implementation, National Estuary Programs and other eligible recipients address urgent and challenging issues that threaten the ecological and economic well-being of coastal areas.

Funding Opportunity Availability (Estimated): TBD



Geographic Programs - Chesapeake Bay Program

Federal Agency: Environmental Protection Agency
Bureau or Account: Geographic Programs

Total Funding: \$238,000,000; Available until expended

Funding Recipient: Broad Eligibilities

Funding Mechanism: Grant

Description: The Environmental Protection Agency's Chesapeake Bay Program awards competitive grants and cooperative agreements to states, Tribal and local governments, non-governmental organizations, interstate agencies and academic institutions to reduce and prevent pollution and to improve the living resources in the Chesapeake Bay. Grants are awarded for implementation projects, as well as for technical assistance, monitoring, environmental education, and other related activities. The Environmental Protection Agency's funding priority is to achieve the goals and objectives established in the 2014 Chesapeake Bay Watershed Agreement through the implementation of the management strategies.

Eligible Uses: Ecosystem and wetland restoration, stormwater treatment and control, nature-based infrastructure, community resilience, resilient shorelines, and environmental education.

Funding Opportunity Availability (Estimated): TBD



Geographic Programs - Puget Sound

Federal Agency: Environmental Protection Agency
Bureau or Account: Geographic Programs

Total Funding: \$89,000,000; Available until expended

Funding Recipient: Broad Eligibilities

Funding Mechanism: Grant

Description: Puget Sound has been designated as one of 28 estuaries of National Significance under section 320 of the Clean Water Act. The goal of the National Estuary Program is to attain and maintain water quality in designated estuaries that will assure protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife and allows recreational activities in and on the water. The Puget Sound National Estuary Program's approved Comprehensive Conservation and Management Plan, the Action Agenda, has a goal to restore and maintain the Puget Sound Estuary's environment by meeting 2018-2022 ecosystem targets.

Eligible Uses: Ecosystem and wetland restoration, stormwater treatment and control, nature-based infrastructure, community resilience, resilient shorelines, and environmental education, Tribal support.

Funding Opportunity Availability (Estimated): TBD



Geographic Programs - San Francisco Bay Water Quality Improvement Fund

Federal Agency: Environmental Protection Agency
Bureau or Account: Geographic Programs

Total Funding: \$24,000,000; Available until expended

Funding Recipient: Broad Eligibilities

Funding Mechanism: Grant

Description: The goals of the SF Bay grant program are to improve water quality and restore aquatic habitat (i.e. wetlands) in the San Francisco Bay and its watersheds. Funded projects will reduce polluted runoff, restore impaired waters, and enhance aquatic habitat. Achieving significant environmental results related to wetlands restoration and water quality improvements is an overall program priority. Funding Priorities for Fiscal Year 2021 are the same as in all previous fiscal years and include the protection and restoration of water quality in San Francisco Bay and its watersheds. In addition, priorities include projects that "benefit underserved communities (e.g. economically disadvantaged communities and other populations that experience disproportionate environmental harm and health risks as a result of greater vulnerability to environmental hazards) by increasing natural habitat and "greener" infrastructure in those areas."

Eligible Uses: Ecosystem and wetland restoration, stormwater treatment and control, nature-based infrastructure, community resilience, resilient shorelines, and environmental education.

Funding Opportunity Availability (Estimated): TBD



Resilience

Challenge: Millions of Americans feel the effects of climate change each year when their roads wash out, power goes down, homes are destroyed by wildfires, or schools get flooded. Last year alone, the United States faced 20 extreme weather and climate-related disaster events with losses exceeding \$1 billion each – a cumulative price tag of more than \$145 billion. People of color and underserved communities are disproportionately vulnerable to the climate crisis and are more likely to experience the negative health and environmental effects of climate-related and extreme weather events. Further, the country’s critical infrastructure is at risk from a wide variety of additional hazards. Investments in the Bipartisan Infrastructure Law prioritize this “all hazards” approach to protecting our infrastructure with an emphasis on designing projects that will be resilient in the face of cybersecurity threats and climate and extreme weather-related risks.

Solutions: The Bipartisan Infrastructure Law makes our communities safer and our infrastructure more resilient to the impacts of climate change and cyber-attacks, with an investment of more than \$50 billion to protect against droughts, heat, floods and wildfires, in addition to a major investment in weatherization. The legislation is the largest investment in the resilience of physical and natural systems in American history.

Funding Overview: This bill contains historic funding for resilience to all hazards – including cyber, climate, and other threats communities face. Some of the most significant of these investments are:

- (1) Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Grants (\$8.7 billion),
- (2) Wildfire Management (\$8.25 billion)
- (3) Investments in Resilience through the Army Corps of Engineers (\$7 billion)
- (4) Western Water (\$3.8 billion),
- (5) Flood Mitigation Assistance Program (\$3.5 billion)
- (6) Weatherization (\$3.5 billion)
- (7) Cybersecurity (\$1.3 billion).

PROTECT (Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation) Program includes \$7.3 billion in formula funding that will be distributed to States and \$1.4 billion in competitive grants to help States and local agencies improve the resiliency of transportation infrastructure. PROTECT grants include resilience improvement grants, community resilience and evacuation route grants, and at-risk coastal infrastructure grants.

The money allocated to Wildfire Management encompasses a suite of programs aimed at reducing risk of wildfires, detecting wildfires, instituting firefighter workforce reforms and building more resilient infrastructure to be overseen by Department of Agriculture, Department of Interior, and the National Oceanic Atmospheric Association. The largest portion of this funding is for the Department of Agriculture’s U.S. Forest



Service (\$3.37 billion) and the Department of the Interior (\$1.46 billion) for wildfire risk reduction.

Investments in Resilience through the Army Corps of Engineers allocates funding to the Army Corps with specific set-asides for projects related to coastal storm risk management, hurricane and storm damage reduction inland flood risk management, and aquatic ecosystem restoration.

The Western Water program provides substantial new funding for that will help western communities fight drought by investing in new and expanded water storage, water efficiency water reuse and dam safety projects throughout the west.

Federal Emergency Management Agency's **Flood Mitigation Assistance** Program financial and technical assistance to states and communities to reduce the risk of flood damage to homes and businesses through buyouts, elevation and other activities.

The Weatherization program reduces energy costs for low-income households by increasing the energy efficiency of their homes, while ensuring health and safety.

Money allocated to Cybersecurity is spread across multiple programs to strengthen cyber systems and defense against future attacks, including funding for State, Local, Tribal, and Territorial grants for the Federal Emergency Management Administration, cyber response and recovery, and Research & Development in cyber.

Getting Ready:

Resilience-related funding opportunities vary significantly by program. States and communities should be pro-active in reaching out to the Department of Transportation for transportation-related resilience funding and to the Interior Department's Bureau of Reclamation regarding western water grant opportunities. State officials who are working closely with U.S. Forest Service and the Department of the Interior wildfire teams should not hesitate to approach federal officials and identify mutually-beneficial strategies for reducing dangerous fuel loads across federal and state lands. Tribal officials should contact the Bureau of Indian Affairs at the Department of Interior to learn about the full range of climate resilience funding that may be available to them.



Existing Resources:

In addition to specific funding made available through Bipartisan Infrastructure Law, communities and states that are seeking federal funding for locally-important resilience investments should explore potential opportunities under existing resilience-focused programs at the Federal Emergency Management Administration and the Department of Housing & Urban Development. Both Departments have robust resilience funding programs, including the Federal Emergency Management Agency's [Building Resilient Infrastructure & Communities](#) program.



Program Name	Agency Name	Funding Amount
Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) - Formula	Department of Transportation	\$7,299,999,998
Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) - Discretionary	Department of Transportation	\$1,400,000,000
Carbon Reduction Program	Department of Transportation	\$6,419,999,998
Preventing Outages and Enhancing the Resilience of the Electric Grid Grants	Department of Energy	\$5,000,000,000
Flood Mitigation Assistance Grants (National Flood Insurance Act Sec 1366)	Department of Homeland Security	\$3,500,000,000
Coastal Storm Risk Management, Hurricane, And Storm Damage Reduction Projects	Army Corps of Engineers	\$2,550,000,000
Inland Flood Risk Management (FRM) Projects	Army Corps of Engineers	\$2,500,000,000
Aquatic Ecosystem Restoration (AER) Projects	Army Corps of Engineers	\$1,900,000,000
State and Local Cybersecurity Grant Program	Department of Homeland Security	\$1,000,000,000
Building Resilient Infrastructure and Communities (Robert T Stafford Act Section 203(i))	Department of Homeland Security	\$1,000,000,000
Wildfire Management - Fuels Management	Department of the Interior	\$878,000,000
Reforestation Trust Fund (Replant Act)	Department of Agriculture	\$528,000,000
Hazardous Fuels Management	Department of Agriculture	\$514,000,000
Community Wildfire Defense Grant Program For At-Risk Communities	Department of Agriculture	\$1,000,000,000
Hazard Mitigation Revolving Loan Funds/Safeguarding Tomorrow through Ongoing Risk Mitigation (STORM) Act (Robert T Stafford Act, Sec 205)	Department of Homeland Security	\$500,000,000
Watershed And Flood Prevention Operations	Department of Agriculture	\$500,000,000
Flood and Inundation Mapping and Forecasting, Water Modeling, and Precipitation Studies	Department of Commerce	\$492,000,000
National Oceans and Coastal Security Fund	Department of Commerce	\$492,000,000
Habitat Restoration	Department of Commerce	\$491,000,000
Federal Wildland Firefighter Salaries And Expenses	Department of Agriculture	\$480,000,000
Continuing Authorities Program (CAP) (Under Flood Control Act And River And Harbor Act)	Army Corps of Engineers	\$465,000,000
Hazardous Fuels (Mechanical Thinning And Timber Harvesting; Precommercial Thinning In Young Growth)	Department of Agriculture	\$400,000,000
Grants For States And Tribes For Voluntary Restoration	Department of the Interior	\$400,000,000
Financial Assistance To Facilities That Purchase And Process Byproducts For Ecosystem Restoration Projects	Department of Agriculture	\$400,000,000
Department of Interior Wildfire Management - Burned Area Rehabilitation	Department of the Interior	\$325,000,000
Emergency Watershed Protection Program	Department of Agriculture	\$300,000,000
Colorado River Drought Contingency Plan	Department of the Interior	\$300,000,000
Flood Control, and Coastal Emergencies	Army Corps of Engineers	\$251,000,000
Capital Improvement And Maintenance - Legacy Road And Trail Remediation Program	Department of Agriculture	\$250,000,000
Prescribed Fires	Department of Agriculture	\$250,000,000
Fuel Breaks	Department of Agriculture	\$250,000,000
Activities Under Cybersecurity For The Energy Sector Research, Development, And Demonstration Program	Department of Energy	\$250,000,000
Rural And Municipal Utility Advances Cybersecurity Grant And Technical Assistance Program	Department of Energy	\$250,000,000
Aquatic Ecosystem Restoration And Protection Projects	Department of the Interior	\$250,000,000
Department of Interior Wildfire Management - Preparedness	Department of the Interior	\$245,000,000
Emergency Preparedness Grants	Department of Transportation	\$234,125,000
Burned Area Recovery	Department of Agriculture	\$325,000,000
Coastal Zone Management	Department of Commerce	\$207,000,000
Ecosystem - Fish Passage	Department of the Interior	\$200,000,000



Water-Related Environmental Infrastructure Assistance	Army Corps of Engineers	\$200,000,000
Joint Chiefs Landscape Restoration Partnership Program	Department of Agriculture	\$180,000,000
Ecosystem - Klamath Basin	Department of the Interior	\$162,000,000
Regulatory Program	Army Corps of Engineers	\$160,000,000
Restoration Projects Via States And Tribes	Department of Agriculture	\$160,000,000
Ecological Health Restoration Contracts	Department of Agriculture	\$150,000,000
Tribal Climate Resilience - Community Relocation	Department of the Interior	\$130,000,000
Capital Improvement And Maintenance - Construction And Maintenance Of Roads For Forest Restoration Projects That Reduce Wildfire Risk	Department of Agriculture	\$100,000,000
Pollution Prevention Grants	Environmental Protection Agency	\$100,000,000
Collaborative Forest Landscape Restoration Program	Department of Agriculture	\$100,000,000
Restore Native Vegetation On Federal/ Non-Federal Land	Department of Agriculture	\$100,000,000
Removal Of Vegetation For Biochar And Innovative Wood Products	Department of Agriculture	\$100,000,000
Post-Fire Restoration	Department of Agriculture	\$100,000,000
Forest Health Management on Federal Lands Program and Forest Health Management on Cooperative Lands Program	Department of Agriculture	\$100,000,000
Working Capital Fund	Department of the Interior	\$100,000,000
Direct Federal Spending For Invasives	Department of the Interior	\$100,000,000
Ocean And Coastal Observing Systems	Department of Commerce	\$100,000,000
Multi-Benefit Projects To Improve Watershed Health	Department of the Interior	\$100,000,000
Cyber Response and Recovery Fund	Department of Homeland Security	\$100,000,000
State Fire Assistance	Department of Agriculture	\$88,000,000
Tribal Climate Resilience - Adaptation Planning	Department of the Interior	\$86,000,000
Research Supercomputing	Department of Commerce	\$80,000,000
Revegetation Effort to Implement National Seed Strategy	Department of Agriculture	\$70,000,000
Direct Federal Spending (Or Other) For National Revegetation Strategy	Department of the Interior	\$70,000,000
Critical Infrastructure Security and Resilience Research	Department of Homeland Security	\$69,806,250
National Seed Strategy	Department of Agriculture	\$60,000,000
Ecosystem - Sagebrush-Steppe	Department of the Interior	\$50,000,000
Preplanning Fire Response Workshops And Workforce Training	Department of Agriculture	\$50,000,000
Contracts And Agreements For Restoration On Federal Lands	Department of the Interior	\$50,000,000
Wildfire	Department of Commerce	\$50,000,000
Colorado River Endangered Species Recovery and Conservation Programs	Department of the Interior	\$50,000,000
Advanced Energy Security Program	Department of Energy	\$50,000,000
Wildfire	Department of Commerce	\$50,000,000
Ocean And Coastal Observing Systems	Department of Commerce	\$50,000,000
Direct Federal Spending For Resilient Recreation Sites	Department of the Interior	\$45,000,000
Flood Plain Management Services	Army Corps of Engineers	\$45,000,000
To Complete Or Initiate And Complete Studies That Were Authorized Prior To The Date Of This Act	Army Corps of Engineers	\$45,000,000
Physical Security	Department of Homeland Security	\$38,800,000
Sector Risk Management Agencies	Department of Homeland Security	\$35,000,000
Planning Assistance To States	Army Corps of Engineers	\$30,000,000
Section 118 Of Water Resources Development Act of 2020	Army Corps of Engineers	\$30,000,000
Provide Financial Assistance To States, Indian Tribes, And Units Of Local Government To Establish And Operate Reverse-911 Telecommunication Systems	Department of Agriculture	\$30,000,000
Ecosystem - Delaware River Basin Conservation Act	Department of the Interior	\$26,000,000
National Geological And Geophysical Data Preservation Program	Department of the Interior	\$23,668,000
Southwest Ecological Restoration Institute	Department of Agriculture	\$20,000,000
Volunteer Fire Assistance	Department of Agriculture	\$20,000,000
Ecosystem - Lake Tahoe	Department of the Interior	\$17,000,000
Cybersecurity	Department of Homeland Security	\$14,500,000
Probabilistic Analysis of National Threats, Hazards and Risks	Department of Homeland Security	\$13,400,000



Countering Violent Extremism	Department of Homeland Security	\$12,800,000
Research And Development Via Joint Fire Science Program Partnership With Department Of Interior	Department of Agriculture	\$10,000,000
Agreement with National Oceanic and Atmospheric Administration For Geostationary Operations Environmental Satellite Program	Department of Agriculture	\$10,000,000
Wildfire Management - Joint Fire Science Program	Department of the Interior	\$10,000,000
Firewood Banks	Department of Agriculture	\$8,000,000
Wildfire Detection And Monitoring Equipment	Department of Agriculture	\$5,000,000
First Responder Capability	Department of Homeland Security	\$4,000,000
Explosives Threat Assessment	Department of Homeland Security	\$2,800,000
Develop And Publish Every 5 Years A Map Depicting At-Risk Communities, Including Tribal Communities	Department of Agriculture	\$1,200,000
Network & System Security & Investment	Department of Homeland Security	\$1,000,000
Water Infrastructure Finance and Innovation Program Account	Army Corps of Engineers	\$75,000,000
Energy Sector Operational Support for Cyber Resilience Program	Department of Energy	\$50,000,000
TOTAL - RESILIENCE		\$47,886,099,246



Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) - Formula

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$7,299,999,998

Period of Availability: 4 year

Funding Mechanism: Formula

New Program: Yes

Recipients: States (including District of Columbia)

Description: The PROTECT Formula Program will support planning, resilience improvements, community resilience and evacuation routes, and at-risk coastal infrastructure.

Eligible Uses: States may use PROTECT Formula Program funds to conduct resilience planning, strengthen and protect evacuation routes, and increase the resilience of surface transportation infrastructure from the impacts of sea level rise, flooding, wildfires, extreme weather events, and other natural disasters. Highway, transit, and certain port projects are eligible.

Next Milestone: First round of funds apportioned in December 2021. However, funding not distributed due to the continuing resolution.



Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Grants) – Discretionary

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$1,400,000,000

Period of Availability: 4 year

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: State (or political subdivision of a State), MPO, local government, special purpose district or public authority with a transportation function, Tribe, Federal land management agency (applying jointly with State(s)); Different eligibilities apply for at-risk coastal infrastructure grants.

Description: PROTECT Grants will support planning, resilience improvements, community resilience and evacuation routes, and at-risk coastal infrastructure.

Eligible Uses: Recipients may use PROTECT Formula Program funds to conduct resilience planning, strengthen and protect evacuation routes, and increase the resilience of surface transportation infrastructure from the impacts of sea level rise, flooding, wildfires, extreme weather events, and other natural disasters. Highway, transit, and certain port projects are eligible.

Next Milestone: Pending under Continuing Resolution.



Carbon Reduction Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$6,419,999,998

Period of Availability: 4 year

Funding Mechanism: Formula Grant

New Program: Yes

Recipients: States (including District of Columbia)

Description: The Carbon Reduction Program will provide formula grants to States to reduce transportation emissions or the development of carbon reduction strategies.

Eligible Uses: States may use Carbon Reduction Program funds for projects that support the reduction of transportation emissions, including: the construction, planning, and design of trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation; public transportation projects; and congestion management technologies.

Next Milestone: First round of funds apportioned in December 2021. However, funding not distributed due to the continuing resolution.



Preventing Outages and Enhancing the Resilience of the Electric Grid Grants¹²

Federal Agency: Department of Energy
Bureau or Account: Electricity

Funding amount: \$5,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: Yes

Recipients: Electric Grid Operators, Electricity Storage Operators, Electricity Generators, Transmission Owners and Operators, Distribution Providers, Fuel Suppliers, States, Tribes

Description: To make grants to eligible entities, States, and Indian Tribes to prevent outages and enhance the resilience of the electric grid.

Eligible Uses: To carry out activities that are supplemental to existing hardening efforts and reduce the risk of power lines causing a wildfire; or reduce the likelihood and consequences of disruptive events.

Next Milestone: Estimated application opening date, 4th quarter 2022

¹² Program is also referenced in the “Power” section.



Flood Mitigation Assistance Grants (National Flood Insurance Act Sec 1366)

Federal Agency: Department of Homeland Security – Federal Emergency Management Agency
Bureau or Account: National Flood Insurance Fund

Funding amount: \$3,500,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States, local, Tribal, territorial governments, and local communities

Description: The Flood Mitigation Assistance program makes federal funds available to states, U.S. territories, federally recognized Tribal governments, and local communities to reduce or eliminate the risk of repetitive flood damage to buildings and structures.

Eligible Uses: These grants are focused on projects that reduce flood risks posed to repetitively flooded properties insured under the National Flood Insurance Program. Federal Emergency Management Agency is distributing Fiscal Year 2021 Flood Mitigation Assistance funding amount as follows:

- Project scoping (previously advance assistance) to develop community flood mitigation projects and/or individual flood mitigation projects that will subsequently reduce flood claims against the National Flood Insurance Program.
- Projects that address community flood risk for the purpose of reducing National Flood Insurance Program flood claim payments.
- Technical assistance to maintain a viable Flood Mitigation Assistance program over time.
- Planning sub-applications for the flood hazard component of State, Local, Territory, and Tribal Hazard Mitigation Plans and plan updates.

Next Milestone: Applications for Fiscal Year 2022 are expected to open no later than September 30th, 2022



Coastal Storm Risk Management, Hurricane, And Storm Damage Reduction Projects

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Construction

Funding amount: \$2,550,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: The Army Corps will use this funding to construct authorized federal storm damage reduction projects.

Description: This program will fund the construction of projects that help to reduce the risk of damage in a coastal storm, targeting states that have been impacted by federally declared disasters over the past six years, including \$1 billion for multi-purpose projects or programs that include flood risk management benefits as a purpose (\$200 million of which will be for shore protection projects).

Eligible Uses: Eligible federal projects to reduce the risk of flood and storm damage along the Nation's coasts, including on the Great Lakes.

Next Milestone: The Army Corps will be issuing multiple contract awards during Fiscal Year 2022.



Inland Flood Risk Management Projects

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Construction

Funding amount: \$2,500,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: The Army Corps will use this funding to construct authorized federal flood damage reduction projects.

Description: This program funds the construction of projects that help to reduce the risk of damage in a flood, including \$750 million for multi-purpose projects or programs that include flood risk management benefits as a purpose.

Eligible Uses: Eligible federal projects to reduce the risk of damage from riverine flooding.

Next Milestone: The Army Corps will be issuing multiple contract awards during Fiscal Year 2022.



Aquatic Ecosystem Restoration Projects

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Construction

Funding amount: \$1,900,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: In partnership with State, local, and Tribal governments the Corps would use funding to construct federally authorized aquatic ecosystem restoration projects.

Description: This program funds the construction of authorized water resources projects to increase aquatic ecosystem restoration, including \$1 billion for multi-purpose projects or programs that include aquatic ecosystem restoration as a purpose.

Eligible Uses: Authorized federal aquatic ecosystem restoration projects and programs.

Next Milestone: The Army Corps will be issuing multiple contract awards during Fiscal Year 2022.



State and Local Cybersecurity Grant Program

Federal Agency: Department of Homeland Security
Bureau or Account: Cybersecurity and Infrastructure Security Agency

Funding amount: \$1,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: State, territorial, and Tribal governments or multi-entity groups of two or more eligible entities.

Description: The State and Local Cybersecurity Grant Program makes available federal funds to state, local, and Tribal governments to address cybersecurity risks and cybersecurity threats to information systems that they own or operate.

Eligible Uses: Develop and revise cybersecurity plans; implement elements of the cybersecurity plan (including individual projects); address imminent cybersecurity threats, as confirmed by the Department of Homeland Secretary, acting through the Cybersecurity and Infrastructure Security Agency Director; grants management and administration (5 percent maximum); any other appropriate activity determined by the Department of Homeland Security Secretary, acting through the Cybersecurity and Infrastructure Security Agency Director.

Next Milestone: Applications will likely open during the third quarter of 2022.



Building Resilient Infrastructure and Communities
(Robert T Stafford Act Section 203(i))

Federal Agency: Department of Homeland Security – Federal Emergency
Management Agency
Bureau or Account: Disaster Relief Fund

Funding amount: \$1,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States, local, Tribal, and territorial governments

Description: The Building Resilient Infrastructure and Communities program makes federal funds available to states, U.S territories, federally recognized Tribal governments, and local communities for hazard mitigation activities.

Eligible Uses: Federal Emergency Management Agency will provide financial assistance to eligible Building Resilient Infrastructure and Communities applicants for the following activities:

- Capability and Capacity-Building – Activities, which enhance the knowledge, skills, expertise, etc., of the current workforce to expand or improve the administration of mitigation assistance. This includes activities in the following sub-categories: building codes activities, partnerships, project scoping, mitigation planning and planning-related activities, and other activities;
- Mitigation Projects – Cost-effective projects designed to increase resilience and public safety; reduce injuries and loss of life; and reduce damage and destruction to property, critical services, facilities, and infrastructure from natural hazards and the effects of climate change; and
- Management Costs – Financial assistance to reimburse the recipient and subrecipient for eligible and reasonable indirect costs, direct administrative costs, and other administrative expenses associated with a specific mitigation measure or project in an amount up to 15 percent of the total amount of the grant award, of which not more than 10 percent of the total award amount may be used by the recipient and 5 percent by the subrecipient for such costs generally.

Next Milestone: Applications for Fiscal Year 2022 are expected to open no later than September 30th, 2022.



Wildfire Management - Fuels Management

Federal Agency: Department of the Interior
Bureau or Account: Office of Wildland Fire

Funding amount: \$878,000,000

Period of Availability: Funding available until expended (but portions made available by fiscal year)

Funding Mechanism: Direct Federal spending, Interagency Agreement(s), Cooperative Agreement(s), and Contract(s)

New Program: No

Recipients: Federal Agencies, State agencies, Tribal Governments, And Businesses

Description: To protect vulnerable communities from wildfire while preparing our communities and natural landscapes for a changing climate, through hazardous fuels management strategies, including mechanical thinning, precommercial thinning in young stands, timber harvesting, prescribed fire, and installation of control locations such as fuel breaks.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Reforestation Trust Fund (Replant Act)

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$528,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: The Reforestation Trust Fund receives budgetary resources from periodic transfers by the U.S. Treasury of tariffs from imported wood products. The funds are used to reduce the backlog in reforestation and timber stand improvement work.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Hazardous Fuels Management

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$514,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: The Hazardous Fuels program prioritizes treating areas with high potential for damaging wildfires within the wildland-urban interface using a scenario planning tool to identify areas where there is high and very high wildfire hazard potential adjacent to communities. Working with community partners across boundaries allows the agency to leverage resources and work efficiently to reduce wildfire risk while creating resilient landscapes and encouraging fire-adapted communities.

Eligible Uses: Projects that mitigate wildfire risk on hazardous fuels in high priority and high-risk areas around the Nation.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Community Wildfire Defense Grant Program For At-Risk Communities

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$1,000,000,000

Period of Availability: Each annual \$100 million tranche has a 4-yr period of availability

Funding Mechanism: Grant

New Program: Yes

Recipients: Private Forest Owners, Communities At Risk From Wildfire, Tribal Communities, State Forestry Agencies And Other Nonprofit Organizations

Description: Provide grants to communities at risk from wildfire to develop or revise their community wildfire protection plans and carry out projects described within those plans. It will include a mix of formula and competitive funds.

Eligible Uses: Under development

Next Milestone: Applications are expected to open early in 2023.



Hazard Mitigation Revolving Loan Funds/Safeguarding Tomorrow through
Ongoing Risk Mitigation (STORM) Act (Robert T Stafford Act, Sec 205)

Federal Agency: Department of Homeland Security—Federal Emergency
Management Agency
Bureau or Account: Federal Assistance

Funding amount: \$500,000,000

Period of Availability: Available until expended

Funding Mechanism: Grants

New Program: Yes

Recipients: A state or Indian Tribal Government that has received a major disaster declaration during the 5-year period ending on the date of enactment of the STORM Act.

Description: Capitalization grants to state and eligible Tribal governments for the establishment revolving loan funds to provide hazard mitigation assistance to local governments.



Watershed And Flood Prevention Operations

Federal Agency: Department of Agriculture
Bureau or Account: National Resources Conservation Service

Funding amount: \$500,000,000

Period of Availability: Available until expended

Funding Mechanism: Technical and financial assistance

New Program: No

Recipients: Local Sponsor Or Legal Subdivision Of State Or Tribal Government.
Eligible Sponsors Include Cities, Counties, Towns, Conservation Districts, Or Any
Federally-Recognized Native American Tribe Or Tribal Organization.

Description: Provides planning, design and construction of measures that address
resource concerns in a watershed.

Eligible Uses: Flood Prevention, Watershed Protection, Public Recreation, Public Fish
and Wildlife, Agricultural Water Management, Municipal and Industrial Water Supply,
or Water Quality Management.

Next Milestone: Estimated application opening date, 1st quarter 2022.



Flood and Inundation Mapping and Forecasting,
Water Modeling, and Precipitation Studies

Federal Agency: Department of Commerce

Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$492,000,000

Period of Availability: 4 years

Funding Mechanism: Various

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (Federally Recognized), Tribal Governments (Other Than Federally Recognized), Public Higher-Ed Institutions, Private Higher-Ed Institutions, Nonprofits With 501(C)(3) Status, Nonprofits.

Description: The National Oceanic and Atmospheric Administration will transform water prediction by delivering operational, continental-scale coastal and inland flood models and mapping capabilities. These capabilities include flood forecasts and projections that will provide actionable decision support services equitably delivered to communities across the nation.

Eligible Uses: Coastal and inland flood and inundation mapping and forecasting and next-generation water modeling activities - including modernized precipitation frequency and probable maximum studies.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



National Oceans and Coastal Security Fund

Federal Agency: Department of Commerce

Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$492,000,000

Period of Availability: 2 years for each annual tranche

Funding Mechanism: Grant

New Program: No

Recipients: Non-Profit 501(C) Organizations, State And Territorial Government Agencies, Local Governments, Municipal Governments, Tribal Governments And Organizations, Educational Institutions, Or Commercial (For-Profit) Organizations

Description: The National Oceanic and Atmospheric Administration's National Oceans and Coastal Security Fund will significantly increase annual investments to the National Coastal Resilience Fund, which restores, increases, and strengthens natural infrastructure to protect coastal communities while also enhancing habitats for fish and wildlife. This program will be administered and competed by the National Fish and Wildlife Foundation.

Eligible Uses: Established in 2018, the National Coastal Resilience Fund invests in conservation projects that restore or expand natural features such as coastal marshes and wetlands, dune and beach systems, oyster and coral reefs, forests, coastal rivers and floodplains, and barrier islands that minimize the impacts of storms and other naturally occurring events on nearby communities. Geographically, the NCRF funds will focus on coastal areas of U.S. coastal states, including the Great Lakes states, U.S. territories, and coastal Tribal lands. The additional funding will enable NCRF to provide increased support for communities most vulnerable to climate impacts, including those who have been historically disadvantaged.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Habitat Restoration

Federal Agency: Department of Commerce
Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$491,000,000

Period of Availability: 2 years for each annual tranche

Funding Mechanism: Grant

New Program: No

Recipients: Non-Profit 501(C) Organizations, State And Territorial Government Agencies, Local Governments, Municipal Governments, Tribal Governments And Organizations, Educational Institutions, Or Commercial (For-Profit) Organizations.

Description: The National Oceanic and Atmospheric Administration's Office of Habitat Conservation will implement the habitat restoration funds through a competitive grants process with the purpose of restoring marine, estuarine, coastal, and Great Lakes ecosystem habitat as well as constructing or protecting ecological features that protect coastal communities from flooding or coastal storms.

Eligible Uses: The National Oceanic and Atmospheric Administration's Office of Habitat Conservation protects and restores habitat to sustain fisheries, recover protected species, and maintain resilient coastal ecosystems and communities. Typical projects include removing dams and other barriers, reconnecting coastal wetlands, and rebuilding coral and oyster reefs. The Office of Habitat Conservation will provide technical assistance from project conception to completion and explore ways in which this funding can be used to support underserved communities.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Federal Wildland Firefighter Salaries And Expenses

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$480,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: To address the increasing complexity and severity of fire years the Forest Service will create a more permanent workforce by converting no fewer than 1,000 seasonal wildland firefighters to wildland fire managers that are full-time, permanent and year-round while also holding responsibilities for reducing hazardous fuels on federal land. Additionally in recognition of the significant risk and arduous duties of firefighters we will create a more competitive compensation package for wildland firefighters by increase the base salary of a Federal wildland firefighters.

Eligible Uses: For firefighters that are located within a specified geographic area where it is difficult to recruit or to retain federal wildland firefighters.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Continuing Authorities Program (Under Flood Control Act And River And Harbor Act)

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Construction

Funding amount: \$465,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: The Army Corps will use this funding to plan, design, and construct small water resources projects.

Description: Funds eligible small Army Corps projects, including \$115 million for restoring fish and wildlife passage.

Eligible Uses: A variety of water resources projects which must meet program eligibility requirements, including a total federal cost limit of ~\$10 million.

Next Milestone: The Army Corps will be issuing multiple contract awards during Fiscal Year 2022.



Hazardous Fuels (Mechanical Thinning And Timber Harvesting;
Precommercial Thinning In Young Growth)

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$400,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: The Hazardous Fuels program prioritizes treating areas with high potential for damaging wildfires within the wildland-urban interface using a scenario planning tool to identify areas where there is high and very high wildfire hazard potential adjacent to communities. Working with community partners across boundaries allows the agency to leverage resources and work efficiently to reduce wildfire risk while creating resilient landscapes and encouraging fire-adapted communities.

Eligible Uses: Projects that mitigate wildfire risk on hazardous fuels in high priority and high-risk areas around the Nation.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Grants For States And Tribes For Voluntary Restoration

Federal Agency: Department of the Interior
Bureau or Account: Office of the Secretary

Funding amount: \$400,000,000

Period of Availability: Funding is available until expended for total amount across entire Program (\$905 million), but portions of the total are allocated to specific Fiscal Years, each with a different period of availability.

Funding Mechanism: Grant

New Program: Yes

Recipients: State, Tribal

Description: Grant programs to States, territories of the United States, and Indian Tribes for implementing voluntary restoration projects on private or public lands.



Financial Assistance To Facilities That Purchase And Process Byproducts For Ecosystem Restoration Projects

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$400,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States, Tribes

Description: This program is responsible for management of programs with authority to dispose of National Forest System timber and non-timber forest products harvested for commercial, personal, and Tribal uses.

Eligible Uses: Focus areas include sale preparation, contract administration, purchaser suspension and debarment, special forest products, and related authorities and programs.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Department of Interior Wildfire Management - Burned Area Rehabilitation

Federal Agency: Department of the Interior
Bureau or Account: Office of Wildland Fire

Funding amount: \$325,000,000

Period of Availability: Funding available until expended (but portions made available by fiscal year)

Funding Mechanism: Direct federal spending, Interagency Agreement(s), Cooperative Agreement(s), Contract(s)

New Program: No

Recipients: Federal Agencies, Tribal Governments, and Businesses

Description: To mitigate the damaging effects of wildfires and set landscapes on a path towards natural recovery and climate resilience through post-fire restoration and rehabilitation activities.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Emergency Watershed Protection Program

Federal Agency: Department of Agriculture
Bureau or Account: National Resources Conservation Service

Funding amount: \$300,000,000

Period of Availability: Available until expended

Funding Mechanism: Technical and financial assistance

New Program: No

Recipients: Local sponsor representing owners, managers, and users of public, private, or Tribal lands are eligible for Emergency Watershed Protection Assistance if their watershed area has been damaged by a natural disaster.

Description: Provides for design and construction of measures to help repair damages from a recent disaster to safeguard life and property.

Eligible Uses: Reduce threats to life or property by repairing severe soil erosion and impairments or restoring the hydraulic capacity to the natural environment in an economically/environmentally defensible & technically sound manner.

Next Milestone: Estimated application opening date, 1st quarter 2022.



Colorado River Drought Contingency Plan

Federal Agency: Department of the Interior
Bureau or Account: Bureau of Reclamation

Funding amount: \$300,000,000

Period of Availability: Available until expended

Funding Mechanism: Financial Assistance

New Program: No

Recipients: Open

Description: The Colorado River Basin Drought Contingency Plan aims to reduce the risk of Lake Mead and Lake Powell reaching critically low elevations. The DCP requires additional water savings contributions by Lower Basin States, allows for flexibility for water storage and recovery to incentivize conservation, requires Reclamation to implement programs designed to create or conserve additional water in the Lower Basin (subject to available appropriations), and provides for drought response operations and demand management in the Upper Basin.



Flood Control and Coastal Emergencies

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Flood Control and Coastal Emergencies

Funding amount: \$251,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: The Army Corps will use this funding to prepare for, respond to, and help in the recovery following a flood, hurricane, or other natural disaster

Description: Funds Corps of Engineers preparedness measures, certain Corps of Engineers operations during a flood, hurricane, or other natural disaster, and the repair of certain projects following such a natural disaster.

Eligible Uses: Certain eligible work related to emergency preparedness, emergency operations, and recovery after a flood, hurricane, or other natural disaster.



Capital Improvement And Maintenance - Legacy Road And Trail Remediation Program

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$250,000,000

Period of Availability: Each annual tranche has a four-year period of availability

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: This program protects investments by decommissioning and repairing roads and trails to mitigate detrimental impacts to sensitive ecosystems and watersheds.

Eligible Uses: Work that includes replacing or installing bridges and culverts (or low-water trail crossings), addressing public safety of roads and trails, restoring unneeded roads and trails to a more natural state, addressing storm-damaged areas, and removing or replacing pipes and other structures that restrict or prevent fish and other aquatic organisms from reaching their traditional habitat.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Prescribed Fires

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$250,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: The Hazardous Fuels program prioritizes treating areas with high potential for damaging wildfires within the wildland-urban interface using a scenario planning tool to identify areas where there is high and very high wildfire hazard potential.

Eligible Uses: Projects that mitigate wildfire risk on hazardous fuels in high priority and high-risk areas around the Nation.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Fuel Breaks

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$250,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: The Hazardous Fuels program prioritizes treating areas with high potential for damaging wildfires within the wildland-urban interface using a scenario planning tool to identify areas where there is high and very high wildfire hazard potential adja

Eligible Uses: Projects on National Forest System lands at high-risk for catastrophic wildland fire.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Activities Under Cybersecurity For The Energy Sector Research,
Development, And Demonstration Program

Federal Agency: Department of Energy

Bureau or Account: Cybersecurity, Energy Security, and Emergency Response

Funding amount: \$250,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement /Contract / Lab Calls

New Program: Yes

Recipients: Utilities, National Labs, Manufacturers and Vendors

Description: To support development and deployment of advanced cyber applications, technologies, and threat collaboration efforts with the U.S. energy sector.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Rural And Municipal Utility Advances Cybersecurity Grant
and Technical Assistance Program

Federal Agency: Department of Energy

Bureau or Account: Cybersecurity, Energy Security, and Emergency Response

Funding amount: \$250,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant / Cooperative Agreement / Contract

New Program: Yes

Recipients: Rural Electric Cooperatives, Municipally-Owned Electric Utilities, Other State-Owned Utilities, Small Investor-Owned Utilities

Description: To provide grants and technical assistance to, and enter into cooperative agreements with, eligible entities to protect against, detect, respond to, and recover from cybersecurity threats.

Eligible Uses: (1) to deploy advanced cybersecurity technologies for electric utility systems; and (2) to increase the participation of eligible entities in cybersecurity threat information sharing programs.

Next Milestone: Estimated application opening date, 4th quarter 2022.



Aquatic Ecosystem Restoration And Protection Projects

Federal Agency: Department of the Interior
Bureau or Account: Bureau of Reclamation

Funding amount: \$250,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant, Direct Federal Spending

New Program: Yes

Recipients: Open

Description: The Aquatic Ecosystem restoration program is a new program currently under development. This funding will support projects that design, study and construct aquatic ecosystem restoration and protection projects to improve habitat, including restoration, pa

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Department of Interior Wildfire Management - Preparedness

Federal Agency: Department of the Interior
Bureau or Account: Office of Wildland Fire

Funding amount: \$245,000,000

Period of Availability: Funding available until expended (but portions made available by fiscal year)

Funding Mechanism: Direct federal spending, Interagency Agreement(s), Cooperative Agreement(s) and/or Grant(s), possibly Contract(s)

New Program: No

Recipients: Federal Agencies, State agencies, Counties, Cities/Townships, Tribal Governments, and Possibly Businesses

Description: The Preparedness Program funds a range of actions that helps the Federal government prepare to respond to wildland fire. These include hiring people, training them, tracking their qualifications, and planning our wildland fire response ahead of time. It also provides for the purchasing of equipment for early wildfire detection, real-time monitoring and radios to support interoperability with interagency partners; financial assistance to local communities to purchase slip-on tanks; and increases in firefighter pay and other firefighter workforce reforms.

Eligible Uses: To increase the compensation and number of Federal wildland firefighters to build a permanent, year-round workforce; increase the Nation's preparedness to fight wildfires through satellite detection and the procurement and placement of early-warning wildfire detection and real-time monitoring equipment; improve radio interoperability; increase training of youth, including Native youth, to accelerate the pace and scale of hazardous fuels treatments; and to provide financial assistance to local governments to purchase slip-on tanker units to ready trucks for firefighting.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Emergency Preparedness Grants

Federal Agency: Department of Transportation
Bureau or Account: Pipeline and Hazardous Materials Safety Administration

Funding amount: \$234,125,000

Period of Availability: Available until expended

Funding Mechanism: Competitive Grant

New Program: No

Recipients: States, Counties, Territories, Tribes, Cities / Townships, Businesses (Not for Profit), Emergency Response Organizations, and Hazardous Materials Enforcement Organizations.

Description: The Hazardous Materials Grants Program is comprised of the following grants:

- Hazardous Materials Emergency Preparedness;
- Assistance for Local Emergency Response Training;
- Hazardous Materials Instructor Training; and
- Supplemental Public Sector Training.

Program also includes the publication of the Hazardous Materials Emergency Response Guidebook and other outreach and training.

Eligible Uses: To develop, improve, and carry out emergency plans including ascertaining flow patterns of hazardous material; to decide on the need for regional hazardous material emergency response teams; to train public sector employees to respond to accidents and incidents involving hazardous material; and to train hazardous materials safety employees to become instructors to extend the reach of hazardous materials training.

Next Milestone: A Notice of Funding Opportunity will be issued in February 2022 with awards made in August 2022.



Burned Area Recovery

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$325,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: The Forest Service Burned Area Rehabilitation program addresses threats to fish, wildlife and people downstream, that some fires create.

Eligible Uses: Projects that provide emergency response to wildland-fire burned areas on National Forest System lands.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Coastal Zone Management

Federal Agency: Department of Commerce
Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$207,000,000

Period of Availability: 2 years for each annual tranche

Funding Mechanism: Grant

New Program: No

Recipients: States (Includes District Of Columbia, Public Institutions Of Higher Education And Hospitals); U.S. Territories And Possessions; U.S. Territories And Possessions (Includes Institutions Of Higher Education And Hospitals); State; Any Coastal State.

Description: National Oceanic and Atmospheric Administration's Office for Coastal Management will implement these funds through Coastal Zone Management competitive and noncompetitive grants with the purpose of restoring and protecting coastal ecosystems through direct investment by coastal states and territories in ecologically significant habitats.

Eligible Uses: The Coastal Zone Management Act established a national system of state and territorial Coastal Zone Management Programs. These Programs work with coastal states and territories to address urgent coastal issues including climate change, ocean planning, and planning for energy facilities and development. This funding will enable approved coastal programs to protect and restore ecologically significant habitats, including conserving lands that play a critical role in helping communities become more resilience to natural hazards including storms, flooding, inundation, erosion, tsunamis, sea level rise and lake level changes.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Ecosystem - Fish Passage

Federal Agency: Department of the Interior
Bureau or Account: Fish and Wildlife Service

Funding amount: \$200,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant, Direct Federal Spending

New Program: No

Recipients: Open

Description: For the removal of barriers and for technical assistance under the National Fish Passage Program. The National Fish Passage Program is an existing program that relies on a network of U.S. Fish and Wildlife Service biologists and engineers stationed throughout the country,

Eligible Uses: Funds will be distributed through a combination of competitive contracts, Tribal grants and other grants, and co-operative agreements.



Water-Related Environmental Infrastructure Assistance

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Construction

Funding amount: \$200,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: In partnership with State, local, and Tribal governments, the Corps would use funding to construct federally authorized environmental infrastructure projects.

Description: The program funds engineering and construction of authorized environmental infrastructure projects which provides safe water supply, waste disposal and pollution control to cities and towns to protect human health and safeguard the environment

Eligible Uses: Authorized environmental infrastructure projects

Next Milestone: The Army Corps will be issuing multiple contract awards during Fiscal Year 2022.



Joint Chiefs Landscape Restoration Partnership Program

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$180,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct federal spending.

New Program: No

Description: Department of Agriculture's Forest Service and Natural Resources Conservation Service are working together to improve the health of forests where public forests and grasslands connect to privately owned lands. Through the Joint Chiefs' Landscape Restoration Partnership, the two Department of Agriculture agencies are restoring landscapes, reducing wildfire threats to communities and landowners, protecting water quality and enhancing wildlife habitat.

Eligible Uses: Projects that mitigate wildfire risk, improve water quality, and restore healthy forest ecosystems on public and private lands.



Ecosystem - Klamath Basin

Federal Agency: Department of the Interior
Bureau or Account: Fish and Wildlife Service

Funding amount: \$162,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement, Direct Federal Spending

New Program: No

Recipients: Open

Description: Funding provided will be allocated for habitat restoration and water right acquisition to help restore the Klamath ecosystem, as well as for enhanced hatchery production of listed Klamath species (Lost River and shortnose suckers).

Eligible Uses: Funds will be distributed through a combination of competitive contracts, Tribal grants and other grants, and co-operative agreements.

Next Milestone: Estimated application opening date, July 2022.



Regulatory Program

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Regulatory Program

Funding amount: \$160,000,000

Period of Availability: 2022 - 2026

Funding Mechanism: Direct Federal

New Program: No

Recipients: Corps of Engineers permitting activities.

Description: Provides funds to administer the laws and regulations pertaining to activities affecting U.S. waters, including wetlands, in accordance with the Rivers and Harbors Appropriation Act of 1899, the Clean Water Act of 1972, and the Marine Protection, Research and Sanctuaries Act of 1972. Additionally, it reviews and processes permit applications, ensure compliance on permitted sites, and protect important aquatic resources

Eligible Uses: Labor and related expenses for Army Corps staff.

Next Milestone: Not applicable (ongoing program operations).



Restoration Projects Via States And Tribes

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$160,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States, Tribes

Description: This program is responsible for management of programs with authority to dispose of National Forest System timber and non-timber forest products harvested for commercial, personal, and Tribal uses.

Eligible Uses: Focus areas include sale preparation, contract administration, purchaser suspension and debarment, special forest products, and related authorities and programs.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Ecological Health Restoration Contracts

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$150,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: This program is responsible for issuing contracts for management of programs with authority to dispose of National Forest System timber and non-timber forest products harvested for commercial, personal, and Tribal uses.

Eligible Uses: Focus areas include sale preparation, contract administration, purchaser suspension and debarment, special forest products, and related authorities and programs.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Tribal Climate Resilience - Community Relocation

Federal Agency: Department of the Interior

Bureau or Account: Indian Affairs - Operation of Indian Programs

Funding amount: \$130,000,000

Period of Availability: Available until expended

Funding Mechanism: Contract/Compact

New Program: Yes

Recipients: Tribal Governments - Recognized

Description: Implementation of Community Relocation, Managed Retreat, or Protect-in-Place Actions to increase climate resilience.

Eligible Uses: Funds are designed to support tribes facing questions and decisions regarding managed retreat, expansion, protect-in-place, and relocation options due to threats from intensifying coastal or riverine erosion, flooding and permafrost degradation impacts, sea level rise, and other impacts. Assessment, monitoring, planning, design, and implementation (of actions identified in existing planning documents or with appropriate baseline data) are allowable. Activities should address climate change impacts which affect the viability of infrastructure and other resources at risk. Examples of planning activities can include vulnerability and risk assessments, design of expansion, protect-in-place or relocation activities; analysis of options; development of Tribal community mitigation efforts; design of emergency drills and exercises, and more.

Next Milestone: Announcement of funding opportunity, 3rd quarter 2022.



Capital Improvement And Maintenance - Construction And Maintenance Of Roads For Forest Restoration Projects That Reduce Wildfire Risk

Federal Agency: Department of agriculture
Bureau or Account: Forest Service

Funding amount: \$100,000,000

Period of Availability: Each annual tranche has a four-year period of availability

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: This program administers an extensive transportation network that is vital to the agency's mission to sustain the health, diversity, and productivity of national forest lands.

Eligible Uses: Construction of temporary roads or reconstruction and maintenance of roads to facilitate forest restoration and management projects that reduce wildfire risk.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Pollution Prevention Grants

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$100,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States, Tribes, State-Sponsored Institutions, Tribal Institutions

Description: Grantees deliver technical assistance to businesses – including those communities with environmental justice concerns – to identify and adopt source reduction practices and technologies that benefit businesses, communities, and local economies. Pollution Prevention means reducing or eliminating pollutants from entering any waste stream or otherwise being released into the environment prior to recycling, treatment, or disposal.

Eligible Uses: Specific technical assistance available to businesses seeking information about source reduction opportunities, including funding for experts to provide on-site technical advice to businesses and to assist in the development of source reduction plans; targeted assistance to businesses for whom lack of information is an impediment to source reduction; or training in source reduction techniques (where such training may be provided through local engineering schools or other appropriate means).

Next Milestone: Available 1st quarter 2022



Collaborative Forest Landscape Restoration Program

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$100,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: The Collaborative Forest Landscape Restoration Program uses collaborative, science-based approaches to enhance forest and watershed health, reduce risk from uncharacteristic wildfire, and provide benefits to rural economies.

Eligible Uses: With its focused investment on priority landscapes, partner capacity, and community support, Collaborative Forest Landscape Restoration Program projects are expanding the pace and scale of treatments that reduce the risk of widespread, high-mortality fires.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Restore Native Vegetation On Federal/Non-Federal Land

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$100,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: This program ensures the productive and sustainable use of National Forest System lands by improving the condition and health of forest and rangeland vegetation, controlling the spread of invasive species, sustaining soil productivity, reducing the risk of severe flooding and erosion in areas affected by severe fire, and maintaining water quality.

Eligible Uses: Restoration carried out on National Forest System Lands and identified using the Watershed Condition Framework.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Removal Of Vegetation For Biochar And Innovative Wood Products

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$100,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: This program, through contracting or employing crews of laborers, supports the modification and removal of flammable vegetation on Federal land and for using materials from treatments, to the extent practicable, to produce biochar and other innovative products, including through the use of locally based organizations that engage young adults, Native youth, and veterans in service projects, such as youth and conservation corps.

Eligible Uses: To be determined.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Post-Fire Restoration

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$100,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: The Burned Area Recovery program will provide restoration activities on wildfire affected areas within three years after the date that a wildland fire is contained.

Eligible Uses: Areas on National Forest System lands severely burned by wildland fire.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Forest Health Management on Federal Lands Program and Forest Health Management on Cooperative Lands Program

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$100,000,000

Period of Availability: Each annual \$20 million tranche has a four-year period of availability

Funding Mechanism: Direct Federal Spending and Grants Non-Federal

New Program: No

Recipients: States, Tribes, And Other Federal Agencies

Description: The Forest Health Management on Federal Lands program helps the National Forest System and other actively managed Federal lands to suppress forest insects and diseases. Forest Health Management on Federal Lands' work includes technical assistance, suppression on non-Federal lands. The program helps State agencies create more fire-adapted communities by implementing pre-fire prevention and mitigation programs and emphasizing pre-fire planning and risk reduction in the Wildland Urban Interface. The program funds important training in safer initial attack responses to wildfire that are also effective. Additionally, the program improves capacity to assist other Federal, State, and local agencies in aiding communities affected by fire and non-fire emergencies, such as hurricanes and floods.

Eligible Uses:

- Conduct surveys to detect and appraise insect infestations and disease conditions;
- Determine the biological, chemical, and mechanical measures necessary to prevent, retard, control, or suppress incipient, potential, threatening, or emergency insect infestations and disease conditions affecting trees;
- Plan, organize, direct, and perform measures necessary to prevent, retard, control, or suppress incipient, potential, threatening, or emergency insect infestations and disease epidemics affecting trees;
- Provide technical information, advice, and related assistance on the various techniques available to maintain a healthy forest;
- Develop applied technology and conduct pilot tests of research results prior to the full-scale application of such technology in affected forests;
- Promote the implementation of appropriate silvicultural or management techniques that may improve or protect the health of the forests of the United States.

Next Milestone: Estimated application opening date, 4th quarter 2022.



Working Capital Fund

Federal Agency: Department of the Interior
Bureau or Account: Office of the Secretary

Funding amount: \$100,000,000

Period of Availability: Funding available until expended for total amount across entire Program (\$905 million), but portions of the total are allocated to specific Fiscal Years, each with a different period of availability

Funding Mechanism: Working Capital Fund

New Program: Yes

Recipients: Federal, State, Local, Tribal, Non-Governmental Organization

Description: Working Capital Fund in support of contracts to restore ecological health on Federal lands

Eligible Uses: For use by Department of Interior or Department of Agriculture for contracts to restore ecological health on Federal lands.



Direct Federal Spending For Invasives

Federal Agency: Department of the Interior
Bureau or Account: Office of the Secretary

Funding amount: \$100,000,000

Period of Availability: Funding available until expended for total amount across entire Program (\$905 million), but portions of the total are allocated to specific Fiscal Years, each with a different period of availability

Funding Mechanism: Grant, Direct Federal Spending

New Program: Yes

Recipients: State, Tribal

Description: Funding for invasive species detection, prevention, and eradication on private or public lands

Eligible Uses: Projects and programs for invasive species detection, prevention, and eradication, including conducting research and providing resources to facilitate detection of invasive species at points of entry and awarding grants for eradication of invasive species on non-Federal land and on Federal land

Next Milestone: Estimated application opening date is TBD.



Ocean And Coastal Observing Systems

Federal Agency: Department of Commerce

Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$100,000,000

Period of Availability: 2 years for each annual tranche

Funding Mechanism: Various

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (Federally Recognized), Tribal Governments (Other Than Federally Recognized), Independent School Districts, Public Higher-Ed Institutions, Private Higher-Ed Institutions, Nonprofits, internal.

Description: National Oceanic and Atmospheric Administration will support and enhance various critical observing systems in the ocean, coasts, and Great Lakes. Many of National Oceanic and Atmospheric Administration's observing systems have been operating for decades and require investment to maintain reliability as well as expand geographic coverage.

Eligible Uses: This funding will support a number of projects including refurbishments and technology upgrades of observing infrastructure in the U.S. Integrated Ocean Observing Systems Regional Associations, support for the National Water Level Observation Network, design engineering for Airborne Phased Array Radar, and ship time for deployment and system verification of the new capitalized Tropical Atmosphere-Ocean moorings.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Multi-Benefit Projects To Improve Watershed Health

Federal Agency: Department of the Interior
Bureau or Account: Bureau of Reclamation

Funding amount: \$100,000,000

Period of Availability: Available until expended

Funding Mechanism: Financial Assistance

New Program: Yes

Recipients: Open

Description: Implementation of this new authority for funding of Multi-benefit Habitat projects to improve watershed health is currently under development. This funding will be allocated to projects that support habitat restoration and watershed health in basins impac

Next Milestone: Estimated application opening date, May 2022.



Cyber Response and Recovery Fund

Federal Agency: Department of Homeland Security
Bureau or Account: Cybersecurity and Infrastructure Security Agency

Funding amount: \$100,000,000

Period of Availability: 5 year

Funding Mechanism: Contract, grant, cooperative agreement

New Program: Yes

Recipients: Federal, State, Local, Tribal, and Territorial, Public, and private sector entities

Description: This fund is a provision of the Cyber Response and Recovery Act (Section 70601 of the Bipartisan Infrastructure Law). It is based on a Cyberspace Solarium Commission recommendation, and at a high level, is a cyber Stafford Act which also establishes a fund (the Cyber Response and Recovery Fund) that the Cybersecurity and Infrastructure Security Agency can tap into in the event of a significant cyber incidents when other resources are insufficient.

Eligible Uses: Coordinate asset response activities and engage in response and recovery activities, including grants or cooperative agreements in response to significant cyber incidents.

Next Milestone: Funding is triggered by the Secretary's determination of a significant incident.



State Fire Assistance

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$88,000,000

Period of Availability: Each annual \$17.6 million tranche has a four-year period of availability

Funding Mechanism: Grant, Financial Assistance, Technical Assistance

New Program: No

Recipients: Community And State. Primary Partners Including National Association of State Foresters And State Forestry Agencies

Description: Through the State Fire Assistance program, the Forest Service supports and assists State Foresters and local communities in building capacity for wildfire prevention, mitigation, control, and suppression on non-Federal lands. The program helps State agencies create more fire-adapted communities by implementing pre-fire prevention and mitigation programs and emphasizing pre-fire planning and risk reduction in the Wildland Urban Interface. The program funds important training in safer initial attack responses to wildfire that are also effective. Additionally, the program improves capacity to assist other Federal, State, and local agencies in aiding communities affected by fire and non-fire emergencies, such as hurricanes and floods

Eligible Uses: Supporting States and local communities.

Next Milestone: Estimated application opening date, 4th quarter 2022.



Tribal Climate Resilience - Adaptation Planning

Federal Agency: Department of the Interior

Bureau or Account: Indian Affairs - Operation of Indian Programs

Funding amount: \$86,000,000

Period of Availability: Available until expended

Funding Mechanism: Contract/Compact

New Program: No

Recipients: Tribal Governments - Recognized

Description: Tribal Climate Adaptation programs provides support for climate resilient planning to help sustain Tribal ecosystems and natural and cultural resources, economies, infrastructure, human health, and safety.

Eligible Uses: Funds may be used for trainings and workshops, vulnerability and risk assessment, supplementary monitoring for climate-related decision-making, scoping efforts, adaptation planning, travel support, ocean and coastal management planning, capacity building for adaptation planning, relocation, managed retreat, or protect-in-place assessment, planning, and design; and internships and youth engagement. Funding is not for routine monitoring programs or research.

Next Milestone: Announcement of funding opportunity, 3rd quarter 2022.



Research Supercomputing

Federal Agency: Department of Commerce

Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$80,000,000

Period of Availability: 3 year

Funding Mechanism: Contract, Cooperative Agreement

New Program: No

Recipients: Pubic Higher-Ed Institutions, Federal Partners, Businesses

Description: National Oceanic and Atmospheric Administration's Research and Development High Performance Computing funds will be used to provide computational resources to support and advance environmental modeling crucial for understanding critical Earth systems.

Eligible Uses: The research supercomputing plan will be prioritized across the focus areas of weather and climate model development to improve drought, flood, and wildfire prediction, detection, and forecasting. Funds will support high performance computing systems, associated storage devices, advanced data communications hardware and software engineering services, security, and necessary data center space.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Revegetation Effort to Implement National Seed Strategy

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$70,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: The National Seed Strategy, developed in partnership with the Plant Conservation Alliance and the U.S. Department of Agriculture, guides ecological restoration across major landscapes, especially those lands damaged by rangeland fires, invasive species, severe storms, and drought.

Eligible Uses: Revegetation of disrupted areas on National Forest System lands.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Direct Federal Spending (Or Other) For National Revegetation Strategy

Federal Agency: Department of the Interior
Bureau or Account: Office of the Secretary

Funding amount: \$70,000,000

Period of Availability: Funding available until expended for total amount across entire Program (\$905 million), but portions of the total are allocated to specific Fiscal Years, each with a different period of availability

Funding Mechanism: Direct Federal Spending

New Program: Yes

Recipients: Federal

Description: Funding to implement a national revegetation effort on private and public lands

Eligible Uses: Programs and projects to implement a national revegetation effort on Federal and non-Federal lands, including to implement the National Seed Strategy for Rehabilitation and Restoration.



Critical Infrastructure Security and Resilience Research

Federal Agency: Department of Homeland Security
Bureau or Account: Science and Technology

Funding amount: \$69,806,250

Period of Availability: 5 Year

Funding Mechanism: Contract

New Program: Yes

Recipients: May include but not limited to: Academia/Centers of Excellence, Industry (Small Business Innovation Research), Department of Energy National Labs, and Federal Funded Research and Development Centers.

Description: This program oversees activities performed under the Infrastructure Act and report to Congress on the progress of Critical Infrastructure Security and Resilience Research program's research and development activities.

Eligible Uses: Planning tools for special event risk assessments rating. Electromagnetic pulse and geo-magnetic disturbance resilience capabilities. Positioning, navigation, and timing capabilities. Public safety and violence prevention to evaluate "soft target" security, including countering improvised explosive device events and protection of U.S. critical infrastructure. Research supporting security testing capabilities relating to telecommunications equipment, industrial control systems, and open-source software.

Next Milestone: Detailed spend plan due to Congress on February 13, 2022.



National Seed Strategy

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$60,000,000

Period of Availability: Each annual \$12 million tranche has a four-year period of availability

Funding Mechanism: Grants - non federal

New Program: Yes

Recipients: State, Tribe, Local Units Of Government, Non-Government Organizations

Description: Under development

Eligible Uses: Under development

Next Milestone: Estimated application opening date, 4th quarter 2022.



Ecosystem - Sagebrush-Steppe

Federal Agency: Department of the Interior
Bureau or Account: Fish and Wildlife Service

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant, Cooperative Agreement, Direct Federal Spending

New Program: No

Recipients: Open

Description: To conserve the sagebrush ecosystem of the American West and the nationally-significant biological, cultural and economic resources it supports. Working across 13 Western states and multiple jurisdictions, this partnership uses leading-edge science to identify

Eligible Uses: Funds will be distributed through a combination of competitive contracts, Tribal grants and other grants, and co-operative agreements.

Next Milestone: Estimated application opening date, July 2022.



Preplanning Fire Response Workshops And Workforce Training

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: Yes

Recipients: Forest Service Funding

Description: The Forest Service will conduct pre-planning fire response workshops that develop Potential Operational Delineations and select potential control locations and workforce training for staff, non-Federal firefighters, and Native village fire crews.

Eligible Uses: To conduct workshops and develop potential operational delineations

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Contracts And Agreements For Restoration On Federal Lands

Federal Agency: Department of the Interior
Bureau or Account: Office of the Secretary

Funding amount: \$50,000,000

Period of Availability: Funding available until expended for total amount across entire Program (\$905 million), but portions of the total are allocated to specific Fiscal Years, each with a different period of availability

Funding Mechanism: Contracts and Agreements

New Program: Yes

Recipients: Federal, State, Local, Tribal, Non-governmental Organizations

Description: Contracts for ecological health restoration, to be enacted on no fewer than 10,000 acres of Federal land, including Indian forest land or rangeland

Eligible Uses: Entering into contracts, including stewardship contracts or agreements, to restore ecological health on Federal land, including Indian forest land or rangeland and for salaries and expenses associated with preparing and executing those contracts.



Wildfire

Federal Agency: Department of Commerce

Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$50,000,000

Period of Availability: 3 year

Funding Mechanism: Various

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (Federally Recognized), Tribal Governments (Other Than Federally Recognized), Public Higher-Ed Institutions, Private Higher-Ed Institutions, Nonprofits With 501(C)(3) Status

Description: These funds will be used to support wildfire prediction, detection, observation, modeling, and forecasting.

Eligible Uses: National Oceanic and Atmospheric Administration will procure mission-critical infrastructure, advanced operational systems, and accelerate the development and delivery of fire weather decision support tools, cloud-based software, and dissemination services.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Colorado River Endangered Species Recovery and Conservation Programs

Federal Agency: Department of the Interior
Bureau or Account: Bureau of Reclamation

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: Financial Assistance

New Program: No

Recipients: Open

Description: The Colorado River Basin Endangered Species and Conservation programs support the Upper Colorado River Endangered Fish and San Juan River Basin Recovery Implementation Programs, and the Glen Canyon Dam Adaptive Management Program in the Upper Colorado Bas

Eligible Uses: Endangered Species Act actions in Colorado River Basin



Advanced Energy Security Program

Federal Agency: Department of Energy
Bureau or Account: Electricity

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: Interagency Agreement with Commerce, National Laboratory funding

New Program: Yes

Recipients: Utilities, National Labs, Bulk Power System Vendors

Description: To increase the functional preservation of electric grid operations or natural gas and oil operations in the face of threats and hazards.

Eligible Uses:

(A) develop capabilities to identify vulnerabilities and critical components that pose major risks to grid security if destroyed or impaired;

(B) provide modeling at the national level to predict impacts from natural or human-made events;

(C) add physical security to the cybersecurity maturity model;

(D) conduct exercises and assessments to identify and mitigate vulnerabilities to the electric grid, including providing mitigation recommendations;

(E) conduct research on hardening solutions for critical components of the electric grid;

(F) conduct research on mitigation and recovery solutions for critical components of the electric grid; and

(G) provide technical assistance to States and other entities for standards and risk analysis.

Next Milestone: Estimated application opening date, 4th quarter 2022.



Wildfire

Federal Agency: Department of Commerce
Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$50,000,000

Period of Availability: 2 year

Funding Mechanism: Various

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (Federally Recognized), Tribal Governments (Other Than Federally Recognized), Public Higher-Ed Institutions, Private Higher-Ed Institutions, Nonprofits With 501(C)(3) Status, Nonp

Description: These funds will be used to support wildfire prediction, detection, observation, modeling, and forecasting. National Oceanic and Atmospheric Administration will also engage the broader wildland fire weather community and stakeholders through grants, workshops, and a few Fire Weather Testbed.

Eligible Uses: National Oceanic and Atmospheric Administration will work with partners to improve weather, smoke, and fire behavior forecasts in order to give firefighters on the ground and in the air and first responders detection capabilities to keep communities safe. National Oceanic and Atmospheric Administration will provide information for improved risk management and resource planning and research into the impact of fires on air quality and health in order to improve community preparation for and resilience to fire. National Oceanic and Atmospheric Administration will also advance innovations in fire weather science through research, modeling, and testing

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Ocean And Coastal Observing Systems

Federal Agency: Department of Commerce

Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$50,000,000

Period of Availability: 3 year

Funding Mechanism: Various

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (Federally Recognized), Tribal Governments (Other Than Federally Recognized), Independent School Districts, Public Higher-Ed Institutions, Private Higher-Ed Institutions, Nonprofit

Description: National Oceanic and Atmospheric Administration will support and enhance two critical ocean observing systems.

Eligible Uses: National Oceanic and Atmospheric Administration will modernize two critical ocean observing systems: The Tropical Atmosphere Ocean array in the equatorial Pacific and the Deep-ocean Assessment and Reporting of Tsunami network.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Direct Federal Spending For Resilient Recreation Sites

Federal Agency: Department of the Interior
Bureau or Account: Office of the Secretary

Funding amount: \$45,000,000

Period of Availability: Funding is available until expended for total amount across entire Program (\$905 million), but portions of the total are allocated to specific Fiscal Years, each with a different period of availability

Funding Mechanism: Direct Federal Spending

New Program: Yes

Recipients: Federal

Description: Funding to improve resilience of recreation sites on Federal lands, including Indian forest or range lands

Eligible Uses: Projects to restore, prepare, or adapt recreation sites on Federal land, that have experienced or may likely experience visitation and use beyond the carrying capacity of the sites.



Flood Plain Management Services

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Investigations

Funding amount: \$45,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct federal

New Program: No

Recipients: Funds certain technical assistance provided by the Army Corps

Description: The Army Corps provides site-specific flood and flood plain data and assistance to States, Tribes, and local communities

Eligible Uses: Labor and related work performed by the Army Corps

Next Milestone: Ongoing program



To Complete Or Initiate And Complete Studies That Were Authorized Prior
To The Date Of This Act

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Investigations

Funding amount: \$45,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: In partnership with State, local, and Tribal governments, the Army Corps of Engineers would use funding to conduct feasibility studies of potential future water resources projects and design and engineering work for eligible water resources projects.

Description: Funds studies to determine the engineering, econ feasibility of potential solutions to water and related land resources problems as well as preconstruction engineering and design

Eligible Uses: Authorized studies and pre-construction engineering and design work of authorized projects.

Next Milestone: Ongoing



Physical Security

Federal Agency: Department of Homeland Security
Bureau or Account: Science and Technology

Funding amount: \$38,800,000

Period of Availability: Five Year

Funding Mechanism: Contract

New Program: No

Recipients: May include but not limited to: Academia/Centers of Excellence, Industry (Small Business Innovation Research), Department of Energy National Labs, and Federal Funded Research and Development Centers.

Description: Provides a layered and integrated capability to safely screen for potential threat items in unstructured crowds within soft-target venues and crowded spaces without impact to the speed of travel while maintaining individual privacy.

Eligible Uses: Public safety and violence prevention to evaluate "soft target" security, including countering improvised explosive device events and protection of U.S. critical infrastructure.

Next Milestone: Detailed spend plan due to Congress on February 13, 2022.



Sector Risk Management Agencies

Federal Agency: Department of Homeland Security
Bureau or Account: Cybersecurity and Infrastructure Security Agency

Funding amount: \$35,000,000

Period of Availability: Five Year

Funding Mechanism: Contract

New Program: No

Recipients: Federal (Department of Homeland Security/ Cybersecurity and Infrastructure Security Agency)

Description: The requested funding will allow the Cybersecurity and Infrastructure Security Agency to sustain coordinated support for Sector Risk Management Agencies across the federal government, cultivating sector-specific expertise within the agency.

Eligible Uses: First, the Cybersecurity and Infrastructure Security Agency will execute and sustain its capacity to effectively conduct and oversee cross-sector governance, management, administrative, and performance measurement initiatives in support of Cybersecurity and Infrastructure Security Agency's national cross-sector coordination role. These capabilities will expand Cybersecurity and Infrastructure Security Agency's capacity to serve as a cross-sector focal point for cybersecurity, infrastructure security, emergency communications, and risk management for all critical infrastructure sectors. This effort will also provide the national critical infrastructure community the capability and expertise to track progress towards collective outcomes and national priorities.

Second, the Cybersecurity and Infrastructure Security Agency will execute and sustain risk analytic and risk management support across all sixteen critical infrastructure sectors to bolster both insight into cross-sector risk and significant risk issues within high priority sectors such as Communications and Information Technology. These expanded risk activities will allow the Cybersecurity and Infrastructure Security Agency to routinely assess the risk present within and across sectors and enable prioritization and identification of focused risk management initiatives supporting real, tangible risk reduction outcomes.

Third, the Cybersecurity and Infrastructure Security Agency will maintain the process and cycle for collecting sector-specific critical infrastructure information from Sector Risk Management Agencies. This supports both the development of critical infrastructure intake, taxonomy and data stewardship processes and procedures, and a unified Sector Risk Management Agencies approach to characterizing risk mitigation vulnerability countermeasures guidance that Sector Risk Management Agencies and Cybersecurity and Infrastructure Security Agency produce.



Planning Assistance To States

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Investigations

Funding amount: \$30,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: No

Recipients: Funds certain planning and technical assistance provided by the Army Corps of Engineers

Description: The Army Corps provides planning and technical assistance to States, Tribes, and local communities to address water resource issues and related work

Eligible Uses: Labor and related work performed by the Army Corps

Next Milestone: Ongoing program



Section 118 Of Water Resources Development Act of 2020

Federal Agency: Department of Defense—Army Corps of Engineers
Bureau or Account: Investigations

Funding amount: \$30,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal

New Program: Yes

Recipients: In partnership with State, local, and Tribal governments, the Army Corps would use funding to carryout feasibility studies

Description: Pilot program to carry out feasibility studies for flood risk management and hurricane and storm damage risk reduction projects that incorporate natural features or nature-based features for rural communities and economically disadvantaged communities

Eligible Uses: All eligible parties requiring work for the qualifying infrastructure

Next Milestone: The Army Corps will develop a spend plan allocating these funds in Fiscal Year 2023.



Provide Financial Assistance To States, Indian Tribes, And Units Of Local
Government To Establish And Operate Reverse-911
Telecommunication Systems

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$30,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: State/Tribes

Description: Establishment of reserve-911 telecommunication systems.

Eligible Uses: Establishment of reserve-911 telecommunication systems.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Ecosystem - Delaware River Basin Conservation Act

Federal Agency: Department of the Interior
Bureau or Account: Fish and Wildlife Service

Funding amount: \$26,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: Open

Description: The Delaware River Basin program provides competitive matching grants for habitat conservation to State and local governments, nonprofit organizations, institutions of higher education, and other eligible entities in the Delaware River Basin

Eligible Uses: Funds will be distributed through a combination of competitive contracts, Tribal grants and other grants, and co-operative agreements.

Next Milestone: Estimated application opening date, February 2022.



National Geological And Geophysical Data Preservation Program

Federal Agency: Department of the Interior
Bureau or Account: United States Geological Survey -Surveys, Investigations & Research

Funding amount: \$23,668,000

Period of Availability: 2 year

Funding Mechanism: Grant, Cooperative Agreement, Direct Federal Spending

New Program: No

Recipients: State Geological Surveys, State Universities Housing State Geological Surveys, Private Contractors, U.S. Geological Survey Science Centers And Other Department of Interior Bureaus

Description: Implementation provides competitive grants to State Geological Surveys and funds projects executed by U.S. Geological Survey and other Department of the Interior bureaus, to preserve, modernize, and make publicly available, geological and geophysical data and assets. Asset

Eligible Uses: Archival of data, maps, logs, and samples; development and maintenance of a national catalog, technical and financial assistance related to archival material, and preservation of sample to track geochemical signature from critical mineral ore bodies.

Next Milestone: TBD



Southwest Ecological Restoration Institute

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$20,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: Southwest Ecological Restoration Institute will compile and display data for fuels treatments and wildfire, to facilitate coordination and use of existing and future interagency fuel treatment data, and to carry out other related activities of a Southwest Ecological Restoration Institute.

Eligible Uses: Grant to Southwest Ecological Restoration Institute

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Volunteer Fire Assistance

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$20,000,000

Period of Availability: Each annual \$4 million tranche has a 4-yr period of availability

Funding Mechanism: Grant, Financial Assistance, Technical Assistance

New Program: No

Recipients: Community And State. National Association Of State Foresters, State Forestry Agencies, National Volunteer Fire Council And The International Association Of Fire Chiefs

Description: The Volunteer Fire Assistance program focuses on increasing the capacity of local fire departments to provide initial attack on wildfires by providing additional firefighter training and assistance to departments with purchasing equipment. Recipients match grants dollar-for-dollar to maximize the value of the Federal investment. Rural fire departments also play a key role in educating constituents about fire adaptation and mitigation and help meet expanded fire protection needs within the wildland urban interface. Together, these initiatives combine to create more fire-adapted communities.

Eligible Uses: Excess personal property used by State and local fire forces receiving assistance.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Ecosystem - Lake Tahoe

Federal Agency: Department of the Interior
Bureau or Account: Fish and Wildlife Service

Funding amount: \$17,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: Open

Description: To deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species Management Plan to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region.

Eligible Uses: Projects that support invasive species control

Next Milestone: Estimated application opening date, June 2022.



Cybersecurity

Federal Agency: Department of Homeland Security
Bureau or Account: Science and Technology

Funding amount: \$14,500,000

Period of Availability: 5 Years

Funding Mechanism: Contract

New Program: No

Recipients: May include but not limited to: Academia/Centers of Excellence, Industry (Small Business Innovation Research), Department of Energy National Labs, and Federal Funded Research and Development Centers.

Description: This program researches, analyzes, and develops technologies to strengthen defensive cybersecurity capabilities in a spectrum of strategic technical areas to mitigate risk to the Nation's critical infrastructure, Federal departments and agencies, as well as state, territorial, Tribal and local organizations

Eligible Uses: Research supporting security testing capabilities relating to telecommunications equipment, industrial control systems.

Next Milestone: Detailed spend plan due to Congress on February 13, 2022.



Probabilistic Analysis of National Threats, Hazards and Risks

Federal Agency: Department of Homeland Security
Bureau or Account: Science and Technology

Funding amount: \$13,400,000

Period of Availability: Five year

Funding Mechanism: Contract

Recipients: May include but not limited to: Academia/Centers of Excellence, Industry (Small Business Innovation Research), Department of Energy National Labs, and Federal Funded Research and Development Centers.

New Program: No

Description: This program addresses biological, chemical and hazard knowledge gaps to inform defensive strategies that provide accurate, useful, and defensible knowledge and tools to stakeholders in time to enable risk-informed decision-making pertinent for defense against weapons of mass destruction threats to the homeland.

Eligible Uses: Public safety and violence prevention to evaluate "soft target" security, including countering improvised explosive device events and protection of U.S. critical infrastructure.

Next Milestone: Detailed spend plan due to Congress on February 13, 2022.



Countering Violent Extremism

Federal Agency: Department of Homeland Security
Bureau or Account: Science and Technology

Funding amount: \$12,800,000

Period of Availability: Five Year

Funding Mechanism: Contract

New Program: No

Recipients: May include but not limited to: Academia/Centers of Excellence, Industry (Small Business Innovation Research), Department of Energy National Labs, and Federal Funded Research and Development Centers.

Description: Acts of violence can pose a significant impact to American lives and Federal, State, local, and Tribal governments. This Program aims to conduct evidence-based research to meet the policy, operational, and public needs to improve effectiveness of public safety and violence prevention efforts implemented by federal, state, territorial, Tribal, local, and non-governmental stakeholders.

Eligible Uses: Public safety and violence prevention to evaluate "soft target" security, including countering improvised explosive device events and protection of U.S. critical infrastructure.

Next Milestone: Detailed spend plan due to Congress on February 13, 2022.



Research And Development Via Joint Fire Science Program Partnership
With Department Of Interior

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$10,000,000

Period of Availability: Each annual \$2 million tranche has a five-year period of availability

Funding Mechanism: Grant, facilitated through interagency agreement with Department of Interior (Bureau of Land Management).

New Program: No

Recipients: Institutions Of Higher Education

Description: The Joint Fire Science Program funds scientific research on wildland fires and distributes results to help policymakers, fire managers and practitioners make decisions.

Eligible Uses: Uses are determined by the Department of the Interior

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Agreement With National Oceanic and Atmospheric Administration For
Geostationary Operations Environmental Satellite Program

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$10,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: Yes

Recipients: Forest Service Funding

Eligible Uses: Uses will be determined by National Oceanic and Atmospheric Administration.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



Wildfire Management - Joint Fire Science Program

Federal Agency: Department of the Interior
Bureau or Account: Office of Wildland Fire

Funding amount: \$10,000,000

Period of Availability: Funding Available until expended (but portions made available by fiscal year)

Funding Mechanism: Interagency agreements, cooperative agreements

New Program: No

Recipients: Science And Research Organizations/Entities, Public Higher-Ed Institutions, Private Higher-Ed Institutions

Description: Support science and research on wildland fire management issues that mitigate wildfire risk.

Eligible Uses: Priority research to better understand wildfire risk and inform land practitioners on critical wildland fire management issues.

Next Milestone: Estimated application opening date, 4th quarter 2022.



Firewood Banks

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$8,000,000

Period of Availability: Each annual \$1.6 million tranche has a 4-yr period of availability

Funding Mechanism: Financial Assistance

New Program: Yes

Recipients: State, Tribe, Local Units Of Government, Non-Government Organizations

Description: Under development

Eligible Uses: Under development

Next Milestone: Estimated application opening date, 1st quarter 2023.



Wildfire Detection And Monitoring Equipment

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$5,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: Yes

Recipients: Forest Service Funding

Description: The agency will procure and place wildfire detection and real-time monitoring equipment, such as sensors, cameras, and other relevant equipment in wildfire prone areas to enhance safety and awareness of wildfire risk for the public and first responders.

Eligible Uses: Under development

Next Milestone: Estimated application opening date, 3rd quarter 2022.



First Responder Capability

Federal Agency: Department of Homeland Security
Bureau or Account: Science and Technology

Funding amount: \$4,000,000

Period of Availability: 5 Year

Funding Mechanism: Contract

New Program: No

Recipients: May include but not limited to: Academia/Centers of Excellence, Industry (Small Business Innovation Research), Department of Energy National Labs, and Federal Funded Research and Development Centers.

Description: This program develops and transitions technologies, information, procedures, and concept of operations to aid first responders, emergency managers, and incident commanders as they respond to hazardous situations. It assists emergency response communities through test and assessment of technologies for usability and seeks to transition viable solutions to the commercial marketplace to help make them available across all first responder communities.

Eligible Uses: Public safety and violence prevention to evaluate "soft target" security, including countering improvised explosive device events and protection of U.S. critical infrastructure.

Next Milestone: Detailed spend plan due to Congress on February 13, 2022.



Explosives Threat Assessment

Federal Agency: Department of Homeland Security
Bureau or Account: Science and Technology

Funding amount: \$2,800,000

Period of Availability: Five Year

Funding Mechanism: Contract

New Program: No

Recipients: May include but not limited to: Academia/Centers of Excellence, Industry (Small Business Innovation Research), Department of Energy National Labs, and Federal Funded Research and Development Centers.

Description: This program researches and identifies current and potential explosive threats to understand the risk posed to the United States, strengthens aviation security by bolstering the international aviation security system, improves security processes and technologies and encourages partnerships with industry.

Eligible Uses: Public safety and violence prevention to evaluate "soft target" security, including countering improvised explosive device events and protection of U.S. critical infrastructure.

Next Milestone: Detailed spend plan due to Congress on February 13, 2022.



Develop And Publish Every 5 Years A Map Depicting At-Risk Communities,
Including Tribal Communities

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$1,200,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: The Forest Service will develop and publish every five years a map depicting at-risk communities, including Tribal communities.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Network & System Security & Investment

Federal Agency: Department of Homeland Security
Bureau or Account: Science and Technology

Funding amount: \$1,000,000

Period of Availability: Five Year

Funding Mechanism: Contract

New Program: No

Recipients: May include but not limited to: Academia/Centers of Excellence, Industry (Small Business Innovation Research), Department of Energy National Labs, and Federal Funded Research and Development Centers.

Description: This program produces the technologies needed to secure information and software that resides on the networks and systems that make up the Internet. It provides analytic tools for the law enforcement community to investigate crimes committed in cyberspace.

Eligible Uses: Research supporting security testing capabilities relating to telecommunications equipment.

Next Milestone: Detailed spend plan due to Congress on February 13, 2022.



Water Infrastructure Finance and Innovation Program Account

Federal Agency: Department of Defense – Army Corps of Engineers
Bureau or Account: Water Infrastructure Finance and Innovation

Funding amount: \$75,000,000 (Including \$64 million for loans and \$11 million for administration of the program)

Period of Availability: Available until expended

Funding Mechanism: Credit Assistance

New Program: Yes

Recipients: State, local government, public utility or private primary owners of dams identified in the National Inventory of Dams, where the Federal Government is not a joint owner (pursuant to PL 116-260; Water Resources Reform and Development Act 2014, as amended; and 85 FR 39189)

Description: Federal credit program to provide credit assistance to creditworthy borrowers for projects to maintain, upgrade and repair dams identified in the National Inventory of Dams owned by non-federal entities

Eligible Uses: All qualifying non-federal dam safety projects under the Army Corps Water Infrastructure Finance and Innovation Program Account program.



Energy Sector Operational Support for Cyber Resilience Program

Federal Agency: Department of Energy

Bureau or Account: Cybersecurity, energy security, and emergency response

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: National Laboratory Funding

New Program: Yes

Recipients: Small Electric Utilities, National Labs

Description: To support a program to build energy sector operational support for cyber resilience.

Eligible Uses:

- Enhance and periodically test--
 - o the emergency response capabilities of the Department; and
 - o the coordination of the Department with other agencies, the National Laboratories, and private industry;
- Expand cooperation of the Department with the intelligence community for energy sector-related threat collection and analysis;
- Enhance the tools of the Department and Electricity Information Sharing and Analysis Center for monitoring the status of the energy sector;
- Expand industry participation in Electricity Information Sharing and Analysis Center; and
- Provide technical assistance to small electric utilities for purposes of assessing and improving cyber maturity levels and addressing gaps identified in the assessment.

Next Milestone: TBD



Environmental Remediation

Challenge: In thousands of rural and urban communities around the country, hundreds of thousands of orphaned oils and gas wells, abandoned mines, brownfields and Superfund sites sit idle— sources of blight and pollution. These sites pose serious safety hazards, while also causing ongoing air, water, and other environmental damage. Further, many of these sites are located in disadvantaged communities that have suffered from years of disinvestment.

Solutions: The bill will invest \$21 billion in environmental remediation – the largest investment in addressing legacy pollution in American history. These projects will remediate environmental harms, address the legacy pollution that harms the public health of communities, create good-paying union jobs, and advance long overdue environmental justice.

Funding Overview: This funding falls into four major programs covered under this section – (1) abandoned mine land reclamation (\$11.3 billion), (2) orphan oil & gas well plugging, remediation and restoration (\$4.7 billion), (3) Superfund site cleanup (\$3.5 billion), and (4) brownfield remediation and revitalization (\$1.5 billion).

- The Bipartisan Infrastructure Bill provides \$11.3 billion to the Department of Interior to provide grants to states and Tribes for abandoned coal mine land reclamation. These funds will be disbursed by the [Office of Surface Mining Reclamation and Enforcement](#) to eligible States and Tribes. The Bipartisan Infrastructure Bill also provides \$25 million to Department of Interior to help states update their abandoned mine land inventories. Finally, the Bipartisan Infrastructure Bill includes language enabling the Office of Surface Mining and Reclamation to give priority to reclamation projects that provide employment for current and former coal industry workers.
- The Bipartisan Infrastructure Bill provides \$4.7 billion to the Department of Interior to establish three new oil and gas well plugging, remediation and reclamation grant programs - \$250 million for wells on federal lands, \$4.3 billion for wells on state and private lands, and \$150 million for wells on Tribal lands. These funds include initial, formula, and performance-based grants for states and tribes, as well as funding for technical assistance to help identify, prioritize, and plug wells. Virtual targeted engagements to gain perspectives from Indian Tribes with a history of oil and gas development have been planned for February 8, 9, and 10, 2022.
- The Bipartisan Infrastructure Bill provides \$3.5 billion in new funds to the Environmental Protection Agency to fund clean-ups and remedial actions on Superfund sites. The bill waives the state cost-share requirements for this new funding and encourages the Environmental Protection Agency to consider the unique Superfund needs of Tribal communities. The Environmental Protection



Agency has [already announced](#) \$1 billion of this funding will clear the backlog of 49 previously unfunded sites, while accelerating cleanup at dozens of locations across the country.

- The Bipartisan Infrastructure Bill provides \$1.5 billion to the Environmental Protection Agency to expand its existing brownfield remediation and revitalization grant programs. \$1.2 billion of the funding is for brownfield assessment grants, cleanup grants, technical assistance, environmental remediation job training, and reuse/economic revitalization. \$300 million of the funds will flow to support state and Tribal brownfield clean-up programs.

Getting Ready:

Potential grant applicants should begin to inventory sites and launch community-led stakeholder engagement sessions to determine eligibility for funding remediation work, as well as assess the needs of the local workforce from a training standpoint, so jobs created by these projects can employ members of affect communities.

Abandoned Mine Land Reclamation: Begin discussions with communities, watershed groups, and recreation interests (such as fishing groups) to identify acid mine drainage problems that may be newly eligible for funding given the broader allowable uses of Bipartisan Infrastructure Bill funding.

Orphan Well Plugging: Begin outreach to communities near orphaned well sites to identify sites that have the most significant impacts or are preventing other beneficial uses of the land. Work with your state geologic surveys to identify other areas that may need to be inventoried for orphaned wells.

Superfund Site Clean-Up: Environmental Protection Agency Superfund site teams will work to ensure communities have the information and support they need to meaningfully participate in the remedial process, including holding a public meeting prior to the start of construction, engaging communities in discussions about redevelopment opportunities, and offering technical assistance and job training opportunities.

Brownfield Remediation: Potential applicants for brownfields grants should become familiar with application guidelines and determine which priority sites are eligible for funding. Please see the following webpages for additional information



Existing Resources:

- More information about available technical assistance resources can be found [here](#) for the Brownfields Program.
 - o [Types of Brownfield Grant Funding](#)
 - o [Tips for Applying](#)
- More information about resources available to communities for addressing Superfund sites can be found at the links below:
 - o [Superfund Technical Assistance Needs Assessment](#)
 - o [Superfund Technical Assistance Grant](#)
 - o [Superfund Technical Assistance Services for Communities](#)
 - o [Superfund Community Advisory Group support](#)
 - o [Superfund Job Training Initiative](#)
 - o [Superfund Redevelopment Program](#)



Program Name	Agency Name	Funding Amount
Abandoned Mine Reclamation Fund	Department of the Interior	\$11,293,000,000
Orphaned Well Site Plugging, Remediation, And Restoration	Department of the Interior	\$4,677,000,000
Superfund Remedial	Environmental Protection Agency	\$3,500,000,000
Brownfields Projects	Environmental Protection Agency	\$1,200,000,000
Clean Energy Demonstration Program on Current and Former Mine Land	Department of Energy	\$500,000,000
Brownfields Categorical Grants	Environmental Protection Agency	\$300,000,000
Direct Federal Spending for Revegetation of Mined Lands	Department of the Interior	\$100,000,000
Funding to Support Orphan Well Plugging	Department of Energy	\$30,000,000
TOTAL - ENVIRONMENTAL REMEDIATION		\$21,600,000,000



Abandoned Mine Reclamation Fund

Federal Agency: Department of the Interior

Bureau or Account: Office of Surface Mining Reclamation and Enforcement

Funding amount: \$11,293,000,000

Period of Availability: Funding available until expended. Available in Fiscal Year 2022 and distributed to states & tribes on an equal annual basis over 15 years.

Funding Mechanism: Grant

New Program: No

Recipients: States and Tribes

Description: Funding to administer a program to provide grants to eligible States and Tribes to clean up abandoned coal mine sites and related problems.

Eligible Uses: Cleaning up abandoned coal mine sites and related problems, as specified in the Bipartisan Infrastructure Law, that pose a threat to public health and safety, and restoring land and water resources degraded by the effects of past coal mining, and addressing emergency projects. Those sites and related problems must be entered into the Office of Surface Mining and Reclamation's abandoned mine land inventory system and be associated with a coal mine that was abandoned prior to August 3, 1977.

Unlike traditional Abandoned Mine Land funding that has been distributed in the past, and will continue to be distributed annually through at least Fiscal Year 2035, funding under the Bipartisan Infrastructure Law may be used to design, build, operate, maintain, and rehabilitate acid mine drainage facilities that are not in conjunction with a Priority 1 or Priority 2 site. However, States and Tribes may not place a portion of their Bipartisan Infrastructure Law funding into acid mine drainage set-aside accounts.

Next Milestone: Estimated publication date for amount of funding available to States and Tribes, February 2022. Estimated application opening date, 3rd quarter 2022.



Orphaned Well Site Plugging, Remediation, And Restoration

Federal Agency: Department of the Interior
Bureau or Account: Department-Wide Programs

Funding amount: \$4,677,000,000

Period of Availability: Through September 30, 2030, for individual grant programs, though overall appropriation is available until expended.

Funding Mechanism: Direct Federal Spending, Grants to States and Tribes, technical assistance Funding to Interstate Oil and Gas Compact Commission

New Program: Yes

Recipients: Federal, State, Tribal

Description: Funding to administer a program for plugging wells on Federal land, and for issuing grants to States and Tribes on State, private, and Tribal land. Grants to States are available through three separate programs:

- Initial Grants: Either \$5 million or \$25 million to each qualifying State that applies before May 14, 2022. Funding unobligated after 1 year must be returned.
- Formula Grants: \$2 billion in total funding available to States that submitted a Notice of Intent to the Department of the Interior by December 30, 2021. The amount each State is eligible for under this program is determined by formula. Funding unobligated after 5 years must be returned.
- Performance Grants: \$1.5 billion in discretionary grants to States that increase their own spending on well plugging, remediation, and reclamation, or improve the regulation of oil and gas wells within the State.

Eligible Uses: Inventory, site characterization, down-hole well plugging, surface remediation, removal of surface equipment, restoration of native species habitat impacted by orphaned wells and associated infrastructure, measurement and tracking of air and water pollution due to orphaned wells, identification and remediation of disproportionate health and environmental impacts of orphaned wells on communities of color, low-income communities, and Tribal and indigenous communities.

Next Milestone: Estimated date for publication of state application guidance, March 2022.



Superfund Remedial

Federal Agency: Environmental Protection Agency
Bureau or Account: Hazardous Substance Superfund

Funding amount: \$3,500,000,000

Period of Availability: Available until expended

Funding Mechanism: Contract, Cooperative Agreement, Interagency Agreements

New Program: No

Recipients: Industry Partners, Federal, States, Local Governments, Special Districts, Tribal Governments

Description: Environmental Protection Agency's Superfund program is responsible for cleaning up some of the nation's most contaminated land. To protect public health and the environment the Superfund program focuses on making a visible and lasting difference in communities, ensuring that people can live and work in healthy, vibrant places.

Eligible Uses: Environmental Protection Agency enters contracts and interagency agreements to conduct work at Superfund sites. Environmental Protection Agency can also award Superfund cooperative agreements with states, tribes, or local governments to lead or support work in the Superfund program.

Next Milestone: Ongoing.



Brownfields Projects

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$1,200,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: No

Recipients: States, Counties, Cities/Townships, Tribal Governments (Federally Recognized), Public Housing Authorities, Indian Housing Authorities, Nonprofits With 501(C)(3) Status

Description: Environmental Protection Agency's Brownfields Program provides funds to empower states, communities, tribes, and nonprofit organizations to prevent, inventory, assess, clean up, and reuse brownfield sites. Environmental Protection Agency provides technical and financial assistance for brownfields activities that protect human health and the environment, encourage sustainable reuse, promote partnerships, strengthen local economies, and create jobs. By providing funds and technical assistance to assess, cleanup, and plan for site reuse, Environmental Protection Agency enables communities to overcome the environmental, legal, and fiscal challenges associated with brownfields properties. Environmental Protection Agency's investments in communities across the country help local leaders eliminate uncertainties, clean up contaminated properties, and transform brownfield sites into community assets.

Eligible Uses: Eligible activities include, but are not limited to, conducting community engagement and planning at one or more brownfield sites, site assessments, site cleanup planning and direct site cleanup.

Next Milestone: Additional competitive funding opportunities will be announced this Fall.



Clean Energy Demonstration Program on Current and Former Mine Land

Federal Agency: Department of Energy
Bureau or Account: Office of Clean Energy Demonstration

Funding amount: \$500,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: Yes

Recipients: Industry Partner, Project Developers

Description: To establish a program to demonstrate the technical and economic viability of carrying out clean energy projects on current and former mine land.

Eligible Uses: (A) Solar.

(B) Micro-grids.

(C) Geothermal.

(D) Direct air capture.

(E) Fossil-fueled electricity generation with carbon capture, utilization, and sequestration.

(F) Energy storage, including pumped storage hydropower and compressed air storage.

(G) Advanced nuclear technologies.

Next Milestone: Estimated application opening date, 2023.



Brownfields Categorical Grants

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$300,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreement

New Program: No

Recipients: States, Tribal Governments (Federally Recognized)

Description: Unlike many Environmental Protection Agency cleanup programs States and Tribal Nations are responsible for developing brownfields cleanup standards and policy and conducting or overseeing the assessment and cleanup of brownfield sites within their jurisdictions. This funding is intended for states and tribes that have the required management and administrative capacity within their government to administer a federal grant. The primary goal of this funding is to ensure that state and Tribal response programs include, or are taking reasonable steps to include, certain elements of an environmental response program and that the program establishes and maintains a public record of sites addressed.

Eligible Uses: Eligible activities include, but are not limited to, the following:

- Developing legislation, regulations, procedures, ordinances, guidance, etc. that establish or enhance the administrative and legal structure of a response program;
- Establishing and maintaining the required public record described in Section V of this guidance;
- Operation, maintenance and long-term monitoring of institutional controls and engineering controls;
- Conducting limited site-specific activities, such as assessment or cleanup, provided such activities establish and/or enhance the response program;
- Purchasing environmental insurance; and
- Capitalizing revolving loan funds for cleanup.

program.

Next Milestone: Estimated 3rd quarter 2022.



Direct Federal Spending for Revegetation of Mined Lands

Federal Agency: Department of the Interior
Bureau or Account: Office of the Secretary

Funding amount: \$100,000,000

Period of Availability: Funding available until expended for total amount across entire Program (\$905 million), but portions of the total are allocated to specific Fiscal Years, each with a different period of availability

Funding Mechanism: Direct Federal Spending

New Program: Yes

Recipients: Federal

Description: Funding to restore native vegetation and mitigate environmental hazards on mined public or private lands

Eligible Uses: Projects to restore native vegetation and mitigate environmental hazards on mined Federal or non-Federal lands.

Next Milestone: TBD



Funding to Support Orphan Well Plugging

Federal Agency: Department of Energy
Bureau or Account: Fossil Energy and Carbon Management

Funding amount: \$30,000,000

Period of Availability: Available until expended

Funding Mechanism: TBD

New Program: Yes

Recipients: Industry Partner

Description: Funding to support the Department of Interior's effort to establish a program to plug, remediate, and reclaim orphaned wells located on Federal land.

Eligible Uses: The Department is working through a number of options to use these funds to conduct scientific research on methane emissions and other hazards associated with orphan oil and gas wells.

Next Milestone: More information will be released Spring of 2022.



Broadband

“This pandemic has made clear the need for affordable and available high-speed Internet. The idea of a parent having to put their kids in the car for virtual learning, drive and sit in the McDonald’s parking lot so that their child can access the Internet when school is taught virtually is not only unnecessary, it’s just wrong.”

– *Remarks by President Biden on the Bipartisan Infrastructure Law, October 28, 2021*



Broadband

Challenge: Ensure that all Americans have access to affordable, reliable, high-speed internet service. High quality internet service is necessary for Americans to do their jobs, to participate equally in school learning, health care, and to stay connected. Yet, by one definition, more than 30 million Americans live in areas where there is no broadband infrastructure that provides minimally acceptable speeds – a particular problem in rural communities throughout the country. And, according to the latest Organisation for Economic Co-operation and Development data, among 35 countries studied, the United States has the second highest broadband costs.

Solutions: The Bipartisan Infrastructure Law invests roughly \$65 billion to help ensure that every American has access to reliable high-speed internet through a historic investment in broadband infrastructure deployment. The legislation will also help lower prices for internet service and help close the digital divide, so that more Americans can make full use of internet access.

Funding Overview: This funding falls into 7 major program areas– (1) the Broadband Equity, Access, and Deployment Program (\$42.45 billion), (2) the Affordable Connectivity Program (\$14.2 billion); (3) Digital Equity Planning, Capacity and Competitive Grants (\$2.75 billion); (4) the Tribal Broadband Connectivity Program (\$2 billion), (5) Rural Broadband Programs at the Department of Agriculture (\$2 billion); (6) the Middle Mile Broadband Infrastructure Program (\$1 billion); and (7) Private Activity Bonds (~\$600 million).

On January 7, 2022 – the National Telecommunications and Information Administration at the Department of Commerce released a Notice seeking comment on the Broadband Equity, Access and Deployment program, the Middle Mile Broadband Infrastructure Program, and the Digital Equity Planning Grant Program. The Broadband Equity, Access and Deployment program is a formula-based grant program to states, territories and the District of Columbia primarily for the purposes of state broadband planning and deployment. It can also be used for broadband data collection and mapping; to promote broadband adoption, including through the provision of affordable internet-connected devices; to provide Wi-Fi or reduced-cost internet access to multi-family housing units; and for other uses that the National Telecommunications and Information Administration determines are necessary to facilitate the goals of the program. States will distribute funds through a competitive grant program. Funding recipients have an obligation to offer a low-cost plan as a condition of receiving funding for broadband deployment. Future-proof deployments are prioritized. Each state, including the District of Columbia and Puerto Rico, will receive at least \$100 million. American Samoa, Guam, The Northern Marianas and the U.S. Virgin Islands will each receive at least \$25 million. The remainder of the funds will be allocated based on a formula that considers the number of locations in



each State or territory unserved by broadband and the number of high cost unserved locations.

The Middle Mile Broadband Infrastructure Program, administered by the National Telecommunications and Information Administration, will provide grants for the construction, improvement or acquisition of middle-mile infrastructure to eligible entities, including, but not limited to, telecommunications companies, technology companies, electric utilities, and utility cooperatives.

The Digital Equity Planning, Digital Equity Capacity, and Digital Equity Competitive Grants are three National Telecommunications and Information Administration-administered grant programs (two formula-based and one competitive) to plan for and then promote digital inclusion and equity for communities that lack the skills, technologies and support needed to take advantage of broadband connections. Grants can be used to accelerate the adoption of broadband through digital literacy training, workforce development, devices access programs, and other digital inclusion measures.

The Tribal Broadband Connectivity Program is an existing National Telecommunications and Information Administration program, that provides grants to federally recognized Tribal governments, Tribal organizations, Tribal Colleges and Universities, the Department of Hawaiian Homelands, and Alaska Native Corporations for broadband deployment on Tribal lands, as well as for telehealth, distance learning, broadband affordability, and digital inclusion.

On December 31, 2021, the Federal Communications Commission launched the Affordable Connectivity Program which provides a subsidy of up to \$30/month for low-income families (up to \$75/month for low-income families on Tribal Lands) to use toward the internet service plan of their choice offered by participating internet service providers, as well as a one-time \$100 towards a desktop, laptop or tablet computer offered by participating internet service providers.

The Broadband ReConnect Program, administered by the Rural Utilities Service at the Department of Agriculture, will provide almost \$2 billion in loans and grants toward the costs of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service in eligible rural areas. Companies, cooperatives; and state, local, Tribal, and territorial governments may all apply for ReConnect funding.

Private Activity Bonds – the Bipartisan Infrastructure Bill allows states and local governments to issue private activity bonds to support broadband deployment in rural areas.



Getting Ready:

The Broadband Equity, Access and Deployment Program and the State Digital Equity Planning and Capacity Grants: In order to prepare to receive funding from the National Telecommunications and Information Administration from the Broadband Equity, Access and Deployment and State Digital Equity Planning and Capacity Grant programs, States should identify and solidify their state broadband leadership teams and begin coordinating across state agencies and with Tribal and local governments and other stakeholders to begin to develop a strategy and plan for identifying and meeting the state's broadband deployment, affordability and equity challenges.

Affordable Connectivity Program: In order to make sure low-income households in your communities can take advantage of the Affordable Connectivity Program, State, Tribal, and local leaders, internet service providers, and non-profits should identify opportunities to effectively reach out to low-income households and inform them about the program.

The Tribal Broadband Connectivity Program: Tribal leaders should identify and solidify their broadband planning, deployment and affordability programs and plan to participate in Tribal consultations, and National Telecommunications and Information Administration webinars and other information sessions regarding the Tribal Broadband Connectivity Program.

The Broadband ReConnect Program: Rural companies, government officials, and residents interested in bringing better broadband to your communities should to participate in Rural Utilities Service webinars to learn about the funding opportunity provided by the Broadband ReConnect Program.



Existing Resources:

- The American Rescue Plan included \$350 billion in State and Local Fiscal Recovery Funds, administered by the Department of the Treasury, which can be used to provide broadband affordability and deployment programs to respond to the negative economic impacts of the pandemic and to meet the necessary investments to expand affordable access to broadband. See more [here](#).
- Broadband deployment projects and digital connectivity projects are eligible uses for funding from the \$10 billion Capital Projects Program, administered by the Department of the Treasury and funded by the American Rescue Plan. Each State has been allocated more than \$100 million under that program, each Territory has been allocated more than \$14 million, and each Tribal government has been allocated \$167,000 under that program. See more [here](#).
- The Broadband ReConnect Program at the Department of Agriculture, is accepting applications, through February 22, 2022, for \$1.15 billion in grants and loans for broadband deployment in rural areas. See [here](#) for more information.



Program Name	Agency Name	Funding Amount
Broadband Equity, Access, And Deployment Program	Department of Commerce	\$42,450,000,000
Affordable Connectivity Program	Federal Communications Commission	\$14,200,000,000
Tribal Broadband Connectivity Program	Department of Commerce	\$2,000,000,000
Distance Learning, Telemedicine, And Broadband Program: Recon	Department of Agriculture	\$1,926,000,000
State Digital Equity Planning Grant	Department of Commerce	\$60,000,000
State Digital Equity Capacity Grant	Department of Commerce	\$1,440,000,000
State Digital Equity Competitive Grant	Department of Commerce	\$1,250,000,000
Middle Mile Grants Program	Department of Commerce	\$1,000,000,000
Distance Learning, Telemedicine, And Broadband Program: Broadb	Department of Agriculture	\$74,000,000
Affordable Connectivity Program - Outreach Grants	Federal Communications Commission	TBD
Broadband Deployment Locations Map	Federal Communications Commission	\$10,000,000
Denali Commission Broadband Funding	Denali Commission	\$250,000
TOTAL - BROADBAND		\$64,410,250,000



Broadband Equity, Access, And Deployment Program

Federal Agency: Department of Commerce

Bureau or Account: National Telecommunications and Information Administration

Funding amount: \$42,450,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: States, Territories, District of Columbia

Description: Appropriates \$42.45 billion for states, territories, the District of Columbia, and Puerto Rico to use for broadband planning, deployment, and adoption projects. Each state, the District of Columbia, and Puerto Rico will receive an allocation of at least \$100 million and the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands will each receive \$25 million. Each state will receive initial funding of \$5 million and each territory will receive initial funding of \$1.25 million to support broadband planning efforts including building capacity in state broadband offices and outreach and coordination with local communities. Leveraging those initial planning funds each state and territory will submit a 5-year action plan, which shall be informed by collaboration with local and regional entities. The remaining funding will be distributed based on a formula that considers the number of unserved and high-cost locations in the state, based on the maps to be published by the Federal Communications Commission in 2022. The first priority for deployment is for providing broadband to projects that primarily reach unserved locations (those below 25/3 Mbps), followed by those that primarily reach underserved locations (those below 100/20 Mbps), and then serving community anchor institutions (1/1 Gbps).

Eligible Uses: Planning (e.g. broadband data collection and mapping); broadband infrastructure deployment (e.g. construction), to promote broadband adoption, including through the provision of affordable internet-connected devices; to provide Wi-Fi or reduced-cost internet access to multi-family housing units; and for other uses that the National Telecommunications and Information Administration determines are necessary to facilitate the goals of the program.



Affordable Connectivity Program

Federal Agency: Federal Communications Commission

Bureau or Account: Wireline Competition Bureau

Funding amount: \$14,200,000,000

Period of Availability: Available until expended

Funding Mechanism: Subsidies provided directly to internet service providers to apply to consumers' monthly internet bill

New Program: No

Recipients: Internet Service Providers (Who Then Apply the Benefit to Consumers' Monthly Bills)

Description: The Affordable Connectivity Program is a Federal Communications Commission benefit program that helps ensure that low-income households can afford the broadband they need for work, school, healthcare and more.

Eligible Uses: The Affordable Connectivity Program helps low income households afford home broadband service by providing up to a \$30 monthly benefit on a household's monthly internet bill. For low-income households on Tribal lands the benefit is up to \$75. Eligible households can also receive a one-time discount of up to \$100 to purchase a laptop, desktop computer, or tablet from participating providers if the household contributes more than \$10 and less than \$50 toward the purchase price. The Affordable Connectivity Program is limited to one monthly service discount and one device discount per household.

Next Milestone: The Federal Communications Commission is seeking [comment](#) on:

- How best to structure a grant program focused on outreach to households eligible to participate in the Affordable Connectivity Plan;
- Whether to launch a potential pilot program focused on increasing the awareness and enrollment in the Affordable Connectivity Program of eligible households participating in Federal Public Housing Assistance Programs; and
- Establishment of a mechanism by which a participating provider in a high-cost area may receive an enhanced benefit of up to \$75 per month for broadband service.



Tribal Broadband Connectivity Program

Federal Agency: Department of Commerce

Bureau or Account: National Telecommunications and Information Administration

Funding amount: \$2,000,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: Tribal Governments, Tribal organizations, Tribal Colleges or Universities, the Department of Hawaiian Home Lands on behalf of the Native Hawaiian Community, and Alaska Native Corporations.

Description: The Tribal Broadband Connectivity Program provides grants for broadband infrastructure deployment; affordable broadband programs; distance learning, telehealth, digital inclusion efforts; and broadband adoption activities. The program was initially authorized by the Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905, Public Law 116-260, 134 Stat. 1182. The program provides an additional \$2 billion to the Tribal Broadband Connectivity Program.

Eligible Uses: Planning (e.g. feasibility), broadband infrastructure deployment (e.g. construction), broadband adoption/digital literacy/tech support, digital skills training (e.g. science, technology, engineering, arts and math, Workforce Development), Devices/equipment (e.g. laptops, hotspots), public connectivity/computer access, research and/or evaluation, data and/or mapping, smart communities/cities/regions, telehealth

Next Milestone: Estimated application opening date, TBD



Distance Learning, Telemedicine, and
Broadband Program: Reconnect Program

Federal Agency: Department of Agriculture
Bureau or Account: Rural Utilities Service

Funding amount: \$1,926,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Loan/Grant/Combo

New Program: No

Recipients: Corporations; Limited Liability Companies and Limited Liability Partnerships; Cooperatives or Mutual Organizations; States or Local governments, including any agency, subdivision, instrumentality of political subdivision thereof; Territories or Possessions of The United States; and Indian Tribes, as defined in Section 4 Of the Indian Self-Determination and Education Assistance Act (25 U.S.C. §450B)

Description: The ReConnect Program offers loans, grants, and loan-grant combinations to build infrastructure and install equipment that provides modern, reliable, high-speed Internet service in rural America.

Eligible Uses: ReConnect Program funds can be used to fund the costs of construction, improvement, or acquisition of facilities and equipment needed to provide broadband service capable of delivering 100 Mbps symmetrical service and the acquisition of an existing system not currently providing sufficient access to broadband service, under certain circumstances, and with restrictions. Up to five percent of the award may be used for preapplication expenses.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



State Digital Equity Planning Grant

Federal Agency: Department of Commerce

Bureau or Account: National Telecommunications and Information Administration

Funding amount: \$60,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: States, Territories, District of Columbia

Description: As part of the Digital Equity Act programs, \$2.75 billion was dedicated to establish three grant programs that promote digital inclusion and equity to ensure that all individuals and communities have the skills, technology, and capacity needed to reap the full benefits of our digital economy. The goal of these programs is to promote the meaningful adoption and use of broadband services across the targeted populations in the Act, including low-income households, aging populations, incarcerated individuals, veterans, individuals with disabilities, individuals with a language barrier, racial and ethnic minorities, and rural inhabitants. The State Digital Equity Planning Grant Program is a \$60 million formula grant program for states and territories to develop digital equity plans.

Eligible Uses: Planning (e.g. feasibility).

Next Milestone: Estimated application opening date, 2nd quarter 2022.



State Digital Equity Capacity Grant

Federal Agency: Department of Commerce

Bureau or Account: National Telecommunications and Information Administration

Funding amount: \$1,440,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: States, Territories, District of Columbia

Description: As part of the Digital Equity Act programs, \$2.75 billion was dedicated to establish three grant programs that promote digital inclusion and equity to ensure that all individuals and communities have the skills, technology, and capacity needed to reap the full benefits of our digital economy. The goal of these programs is to promote the meaningful adoption and use of broadband services across the targeted populations in the Act, including low-income households, aging populations, incarcerated individuals, veterans, individuals with disabilities, individuals with a language barrier, racial and ethnic minorities, and rural inhabitants. The State Digital Equity Capacity Grant Program dedicates \$1.44 billion formula grant program for States, Territories, Tribal governments, Alaska Native entities, Native Hawaiian organizations distributed via annual grant programs over five years to implement digital equity projects and support the implementation of digital equity plans.

Eligible Uses: Planning (e.g. feasibility), broadband adoption/digital literacy/tech support

Next Milestone: Estimated application opening date; TBD



State Digital Equity Competitive Grant

Federal Agency: Department of Commerce

Bureau or Account: National Telecommunications and Information Administration

Funding amount: \$1,250,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: Local Education Agency; State Governments, including any political subdivisions of the State; Tribal/Native American Governments; Alaska Native Entities; and Native Hawaiian Organizations, Non-Profit Organizations; Community Anchor Institutions; and Work Force Development Programs

Description: As part of the Digital Equity Act programs, \$2.75 billion was dedicated to establish three grant programs that promote digital inclusion and equity to ensure that all individuals and communities have the skills, technology, and capacity needed to reap the full benefits of our digital economy. The goal of these programs is to promote the meaningful adoption and use of broadband services across the targeted populations in the Act, including low-income households, aging populations, incarcerated individuals, veterans, individuals with disabilities, individuals with a language barrier, racial and ethnic minorities, and rural inhabitants. The Digital Equity Competitive Grant Program is a \$1.25 billion discretionary grant program distributed via annual grant programs over five years to implement digital equity projects. Eligible applicants include specific types of political subdivision, agency, or instrumentality of a state; Tribal governments; nonprofit entities; community anchor institutions; local educational agencies; and entities that carry out workforce development programs.

Eligible Uses: Broadband adoption/digital literacy/tech support, digital equity programs

Next Milestone: Estimated application opening date, TBD.



Middle Mile Grants Program

Federal Agency: Department of Commerce

Bureau or Account: National Telecommunications and Information Administration

Funding amount: \$1,000,000,000

Period of Availability: Fiscal Years 2022-2026

Funding Mechanism: Grant

New Program: Yes

Recipients: States, Counties, Cities/Townships and their subdivisions; Tribal governments; Native entities; Public Utility Districts; Economic Development Authorities, Regional Planning Councils; Technology and Telecommunications Companies; Electric Utilities; Electric Cooperatives; and Nonprofits.

Description: Establishes and funds a \$1 billion program for the construction, improvement or acquisition of middle mile infrastructure. The purpose of the grant program is to expand and extend middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to the internet backbone. Eligible applicants include States, political subdivisions of a State, Tribal governments, technology companies, electric utilities, utility cooperatives, public utility districts, telecommunications companies, telecommunications cooperatives, nonprofit foundations, nonprofit corporations, nonprofit institutions, nonprofit associations, regional planning councils, Native entities, or economic development authorities.

Eligible Uses: Broadband infrastructure deployment (e.g. construction)

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Distance Learning, Telemedicine,
and Broadband Program: Broadband Loans

Federal Agency: Department of Agriculture
Bureau or Account: Rural Utilities Service

Funding amount: \$74,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Loan

New Program: No

Recipients: Corporation; Limited Liability Company; Cooperative or Mutual Organization; A State or Local Unit of Government; Indian Tribe or Tribal Organization
Individuals and Partnerships Are Not Eligible.

Description: The Rural Broadband Access Loan and Loan Guarantee Program (Broadband Program) make loans and loan guarantees to finance construction, improvement, or acquisition of facilities and equipment needed to provide high speed broadband service in eligible rural areas.

Eligible Uses: Broadband infrastructure: broadband loans provide funding on a technology-neutral basis for financing: the construction, improvement, and acquisition of facilities required to provide broadband service, including facilities required for providing other services through the same facilities; the cost of leasing facilities required to provide service at the broadband Lending speed if such lease qualifies as a capital lease under Generally Accepted Accounting Principles; and the acquisition of such facilities, under certain circumstances and with restrictions. For additional detail see 7 CFR 1738

Next Milestone: Estimated application opening date: TBD



Affordable Connectivity Program - Outreach Grants

Federal Agency: Federal Communications Commission
Bureau or Account: Wireline Competition Bureau

Funding amount: TBD

Period of Availability: Available until expended

Funding Mechanism: The Federal Communications Commission may provide grants to outreach partners to educate consumers about the Affordable Connectivity Program

New Program: Yes

Recipients: TBD, Pending Rulemaking

Description: To help inform and educate consumers about the Affordable Connectivity Program, the Commission may provide grants to outreach partners.



Broadband Deployment Locations Map

Federal Agency: Federal Communications Commission
Bureau or Account: Wireline Competition Bureau

Funding amount: \$10,000,000

Period of Availability: Available until expended

Funding Mechanism: N/A

New Program: Yes

Recipients: N/A

Description: The Federal Communications Commission shall consult with all relevant Federal agencies to establish an online mapping tool to provide a locations overview of the overall geographic footprint of each broadband infrastructure deployment project funded by the Infrastructure Act, the Coronavirus Aid, Relief and Economic Security Act, the Consolidated Appropriations Act of 2021, the American Rescue Plan Act of 2021 or any other federal amounts appropriated or any Federal program authorized after the date of enactment of the Infrastructure Act to fund broadband infrastructure deployment.

Eligible Uses: Mapping



Denali Commission Broadband Funding

Federal Agency: Denali Commission
Bureau or Account: Denali Commission

Funding amount: \$250,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Public Higher-Ed Institutions, Public Housing Authorities, Indian Housing Authorities, Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status

Description: Program to assist rural Alaskan communities in planning and build out of modern broadband capabilities.

Eligible Uses: Broadband planning and build-out

Next Milestone: Notice of Funding Opportunity released March 22nd, 2022.



Other Programs

Funding in this section is grouped by agency, with an additional subchapter on the Environmental Protection Agency's solid waste recycling programs. This chapter is not inclusive of all regional commission funding in the Bipartisan Infrastructure Law for commissions that received less than \$100 million.



Program Name	Agency Name	Funding Amount
Appalachian Regional Commission Funds	Appalachian Regional Commission	\$800,000,000
Appalachian Area Development: Allocations to ARC States	Appalachian Regional Commission	\$100,000,000
Appalachian Area Development: Regional Multistate Initiative	Appalachian Regional Commission	\$80,000,000
Appalachian Area Development: Community Capacity Initiative	Appalachian Regional Commission	\$10,000,000
Delta Regional Authority	Delta Regional Authority	\$150,000,000
Denali Commission Funding	Denali Commission	\$67,750,000
Denali Commission: Workforce Development	Denali Commission	\$2,000,000
Denali Commission: Village Infrastructure Protection	Denali Commission	\$5,000,000
Northern Border Regional Commission	Northern Border Regional Commission	\$150,000,000
Southeast Crescent Regional Commission Funding	Southeast Crescent Regional Commission	\$5,000,000
Recreation Sites	Department of Agriculture	\$55,000,000
State Forest Action Plans	Department of Agriculture	\$200,000,000
Secure Rural Schools	Department of Agriculture	\$585,000,000
Bioproduct Pilot Program	Department of Agriculture	\$10,000,000
Landscape Scale Restoration Water Quality and Fish Passage	Department of Agriculture	\$80,000,000
Temporary Water Crossing Structures	Department of Agriculture	\$50,000,000
Fish Passage	Department of Commerce	\$400,000,000
Marine Debris	Department of Commerce	\$150,000,000
Marine Debris	Department of Commerce	\$50,000,000
National Estuarine Research Reserve System	Department of Commerce	\$77,000,000
Regional Ocean Partnerships	Department of Commerce	\$56,000,000
Consultations and Permitting	Department of Commerce	\$20,000,000
Pacific Coastal Salmon Recovery Fund	Department of Commerce	\$172,000,000
Manufacturing Leadership (Sec 40534)	Department of Energy	\$50,000,000
Low Income Home Energy Assistance Program	Department of Health & Human Services	\$500,000,000
Good Neighbor Agreements with States and Tribes	Department of the Interior	\$40,000,000
Bureau of Transportation Statistics	Department of Transportation	\$132,500,000
Training & Education	Department of Transportation	\$127,500,000
Technology & Innovation Deployment Program	Department of Transportation	\$90,000,000
Technical Assistance and Workforce Development Grants	Department of Transportation	\$27,545,852
Prioritization Process Pilot Program	Department of Transportation	\$50,000,000
Growing State Apportionments	Department of Transportation	\$2,055,665,467
Asset Concessions	Department of Transportation	\$100,000,000
Growing States and High-Density States Formula	Department of Transportation	\$1,822,948,622
Gulf Hypoxia Action Plan	Environmental Protection Agency	\$60,000,000
Solid Waste Infrastructure for Recycling Infrastructure Grants	Environmental Protection Agency	\$275,000,000
Reduce, Reuse, Recycling Education and Outreach Grants	Environmental Protection Agency	\$75,000,000
Battery Recycling Best Practices	Environmental Protection Agency	\$10,000,000
Battery Labeling Guidelines	Environmental Protection Agency	\$15,000,000
TOTAL - OTHER PROGRAMS		\$8,705,909,941



Regional Commission Programs



Appalachian Regional Commission Funds

Federal Agency: Appalachian Regional Commission
Bureau or Account: Appalachian Regional Commission

Funding amount: \$800,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant, Cooperative Agreement

New Program: No

Recipients: States and local governments, Non-Profits both with and without 501c3 status

Description: The Appalachian Regional Commission is engaged in planning for the allocation of Bipartisan Infrastructure Law advance appropriations for fiscal years 2023, 2024, 2025 and 2026. Programs funded by those appropriations will support activities that help bring the 13-state Appalachian Region into economic parity with the Nation. The ARC states are Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

Eligible Uses: Eligible uses are expected to support the Appalachian Regional Commission goals of Building Appalachian Businesses; Building Appalachia's Workforce Ecosystem; Building Appalachia's Infrastructure; Building Regional Culture and Tourism; and Building Community Leaders and Capacity.

Next Milestone: First funds released on May 23rd, 2023.



Appalachian Area Development: Allocations to ARC States

Federal Agency: Appalachian Regional Commission
Bureau or Account: Appalachian Regional Commission

Funding amount: \$100,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant, Cooperative Agreement

New Program: No

Recipients: States and local governments, Non-Profits both with and without 501c3 status

Description: Program will provide Area Base Development Program grant allocations to ARC's States for activities that help bring the 13-state Appalachian Region into economic parity with the Nation. Each state will operate its own competitive application process. The ARC states are Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

Eligible Uses: Eligible uses will support the Appalachian Regional Commission goals of Building Appalachian Businesses; Building Appalachia's Workforce Ecosystem; Building Appalachia's Infrastructure; Building Regional Culture and Tourism; and Building Community Leaders and Capacity.

Next Milestone: Notice of Funding Opportunity released February 22nd, 2022.



Appalachian Area Development: Regional Multistate Initiative

Federal Agency: Appalachian Regional Commission
Bureau or Account: Appalachian Regional Commission

Funding amount: \$80,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant, Cooperative Agreement

New Program: No

Recipients: States and local governments, Non-Profits both with and without 501c3 status

Description: Program will provide support for multistate regional economic and community development projects throughout the Appalachian Regional Commission region through planning and implementation grants reviewed and awarded on a rolling basis.

Eligible Uses: Eligible uses will support the Appalachian Regional Commission goals of Building Appalachian Businesses; Building Appalachia's Workforce Ecosystem; Building Appalachia's Infrastructure; Building Regional Culture and Tourism; and Building Community Leaders and Capacity.

Next Milestone: Notice of Funding Opportunity released May 22nd, 2022.



Appalachian Area Development: Community Capacity Initiative

Federal Agency: Appalachian Regional Commission
Bureau or Account: Appalachian Regional Commission

Funding amount: \$10,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant, Cooperative Agreement

New Program: No

Recipients: States and local governments, Non-Profits both with and without 501c3 status

Description: Program will build capacity throughout Appalachian communities to enable communities to deploy the substantially increased funding opportunities provided by the Federal Government. Funds will be used for development of large-scale project development assistance including, but not limited to, continuing and expanding on the Commission's current community capacity pilot, providing significant amounts in direct support to Non-Profits, State/Local Governments, and Local Development Districts for community capacity activities, and deploy resources flexibly to meet the growing need for community-specific capacity activities.

Eligible Uses: Eligible uses will support the Appalachian Regional Commission goals of Building Appalachian Businesses; Building Appalachia's Workforce Ecosystem; Building Appalachia's Infrastructure; Building Regional Culture and Tourism; and Building Community Leaders and Capacity.

Next Milestone: Notice of Funding Opportunity released May 22nd, 2022.



Delta Regional Authority

Federal Agency: Delta Regional Authority

Bureau or Account: Delta Regional Authority

Funding amount: \$150,000,000

Period of Availability: Available until expended

Funding Mechanism: Grants

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Public Higher-Ed Institutions, Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status

Description: The Delta Regional Authority is engaged in planning for the allocation of Bipartisan Infrastructure Law appropriations. The Authority's existing programs focus on public infrastructure improvements, workforce development, and business development. The Delta Regional Authority states are Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

Eligible Uses: Eligible uses will be determined at a future date but may include planning, infrastructure activities, telehealth, water, sewer, other public utilities, and broadband.



Denali Commission Funding

Federal Agency: Denali Commission
Bureau or Account: Denali Commission

Funding amount: \$67,750,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Public Higher-Ed Institutions, Public Housing Authorities, Indian Housing Authorities, Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status

Description: TBD

Eligible Uses: TBD but may include job training and other economic development services in rural communities, provide power generation, transmission facilities, modern communication systems, water and sewer systems and other infrastructure needs.

Next Milestone: Notice of Funding Opportunity released March 22nd, 2022.



Denali Commission: Workforce Development

Federal Agency: Denali Commission
Bureau or Account: Denali Commission

Funding amount: \$2,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Public Higher-Ed Institutions, Public Housing Authorities, Indian Housing Authorities, Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status

Description: Program aimed at enhancing relevant skills of rural Alaskan community members to meet current demands.

Eligible Uses: Workforce development

Next Milestone: Notice of Funding Opportunity released March 22nd, 2022.



Denali Commission: Village Infrastructure Protection

Federal Agency: Denali Commission
Bureau or Account: Denali Commission

Funding amount: \$5,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Public Higher-Ed Institutions, Public Housing Authorities, Indian Housing Authorities, Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status

Description: Program to assist rural Alaskan communities that are threatened by erosion, flooding and permafrost degradation.

Eligible Uses: Construction, planning and workforce development.



Northern Border Regional Commission

Federal Agency: Northern Border Regional Commission
Bureau or Account: Northern Border Regional Commission

Funding amount: \$150,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Tribal Governments (other than federally recognized), Independent School Districts, Public Higher-Ed Institutions, Private Higher-Ed Institutions, Public Housing Authorities, Indian Housing Authorities, Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status

Description: The Northern Border Regional Commission catalyzes regional, collaborative, and transformative community economic development approaches that alleviate economic distress and position the region for economic growth.

Eligible Uses: Still pending final decisions, but may include:

- Transportation Infrastructure;
- Basic Public Infrastructure;
- Telecommunications Infrastructure;
- Renewable and Alternative Energy Sources

Next Milestone: Estimated funds will be released in November 2022.



Southeast Crescent Regional Commission Funding

Federal Agency: Southeast Crescent Regional Commission
Bureau or Account: Southeast Crescent Regional Commission

Funding amount: \$5,000,000

Period of Availability: Available until expended

Description: The Southeast Crescent Regional Commission is engaged in planning for the allocation of Bipartisan Infrastructure Law appropriations. Southeast Crescent Regional Commission states are Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Virginia.

Eligible Uses: Eligible uses will be determined at a future date.



Departments of Commerce, Agriculture & Energy Programs



Recreation Sites

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$55,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: Recreation Management. The recreation program administers recreation sites, including campgrounds and day-use areas, and special use authorizations, such as ski lodges, resorts, and outfitter guides. This program provides recreational access to over 193 million acres on national forest lands containing more than 27,000 campgrounds, picnic areas, trailheads, and day-use areas; 220,000 miles of fishable streams; and 122 ski areas.

Eligible Uses: Increasing capacity for critical recreation operations, planning, services, and improvements, with particular emphasis on creating welcoming, sustainable, and equitable recreation opportunities for all Americans.

Next Milestone: Estimated application opening date, 3rd quarter 2022.



State Forest Action Plans

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$200,000,000

Funding Mechanism: Grants

New Program: No

Recipients: States and Territories

Description: To implement State Forest Action Plans. State plans were revised in 2020 for all 59 states and territories—they offer practical and comprehensive roadmaps for investing federal, state, local, and private resources where they can be most effective in achieving national conservation goals

Eligible Uses: Those activities identified in State Forest Action plans.

Next Milestone: Estimated application opening date, 4th quarter 2022.



Secure Rural Schools

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$585,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant/Financial Assistance

New Program: No

Recipients: States and Counties

Description: The Secure Rural Schools program provides critical funding for schools, roads, and other municipal services to more than 700 counties across the U.S. and Puerto Rico.

Eligible Uses: Payments to States

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Bioproduct Pilot Program

Federal Agency: Department of Agriculture
Bureau or Account: Office of the Secretary

Funding amount: \$10,000,000

Period of Availability: Available until expended - \$5 million in 2022 and \$5 million in 2023

Funding Mechanism: Grants - non-federal

New Program: Yes

Recipients: Bioproduct Research Facilities That: A) Is Funded in Part by A State; B) Is Located Within 3 Miles from Residence Halls of An Institution of Higher Education; C) Provides Opportunities for Student Involvement in Research; D) Collaborates with An Institution of Higher Education.

Description: Determine the economic, social, and environmental benefits of using materials derived from agricultural commodities (bioproducts) in the development and manufacturing of construction or consumer products.

Eligible Uses: Bioproduct research facilities that: a) is funded in part by a State; b) is located within 3 miles from residence halls of an institution of higher education; c) provides opportunities for student involvement in research; d) collaborates with an institution of higher education.



Landscape Scale Restoration Water Quality and Fish Passage

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$80,000,000

Period of Availability: Available until expended

Funding Mechanism: Direct Federal Spending

New Program: No

Recipients: Forest Service Funding

Description: This program improves fish and wildlife habitat connectivity and helps to recover Endangered Species Act-listed or Endangered Species Act candidate species that depend on National Forest System lands.

Eligible Uses: High priority habitats on National Forest System lands.



Temporary Water Crossing Structures

Federal Agency: Department of Agriculture
Bureau or Account: Forest Service

Funding amount: \$50,000,000

Funding Mechanism: Grant

New Program: Yes

Recipients: States, Tribes

Description: Under development

Eligible Uses: Under development

Next Milestone: Estimated application opening date, 1st quarter 2023.



Fish Passage

Federal Agency: Department of Commerce
Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$400,000,000

Period of Availability: 2 years for each annual tranche

Funding Mechanism: Grant

New Program: No

Recipients: Non-Profit 501(C) Organizations, State and Territorial Government Agencies, Local Governments, Municipal Governments, Tribal Governments and Organizations, Educational Institutions, Or Commercial (For-Profit) Organizations

Description: Restoring fish passage by removing in-stream barriers and providing technical assistance pursuant to section 117 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 1891a),

Eligible Uses: on the ground fish passage restoration projects, engineering and design, future project development phases, and building the capacity of new and existing restoration partners to design projects and manage multi-faceted construction efforts

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Marine Debris

Federal Agency: Department of Commerce
Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$150,000,000

Period of Availability: 2 year

Funding Mechanism: Various

New Program: No

Recipients: Non-Profit 501(C) Organizations, State and Territorial Government Agencies, Local Governments, Municipal Governments, Tribal Governments and Organizations, Educational Institutions, Or Commercial (For-Profit) Organizations

Description: The mission of the National Oceanic and Atmospheric Administration Marine Debris Program is to investigate and prevent the adverse impacts of marine debris. The National Oceanic and Atmospheric Administration Marine Debris Program envisions the global ocean and its coasts free from the impacts of marine debris.

Eligible Uses: Removal and cleanup of significant legacy debris such as abandoned and derelict vessels and derelict fishing gear, as well other priority debris types, that pose a threat to National Oceanic and Atmospheric Administration trust resources, the economy or navigation safety. Prevention of the re-accumulation of marine debris, as well as preventing common consumer debris from entering the marine environment. Assessment of the scope, scale, and distribution of marine debris in the environment through marine debris monitoring and detection investments.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Marine Debris

Federal Agency: Department of Commerce
Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$50,000,000

Period of Availability: 2 years for each annual tranche

Funding Mechanism: Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (Federally Recognized), Tribal Governments (Other Than Federally Recognized), Public Higher-Ed Institutions, Private Higher-Ed Institutions, Nonprofits With 501(C)(3) Status, Nonprofits - Without 501(C)(3) Status, Small Businesses, Businesses (Other Than Small Businesses), And / Or Individuals

Description: The mission of the National Oceanic and Atmospheric Administration Marine Debris Program is to investigate and prevent the adverse impacts of marine debris. The National Oceanic and Atmospheric Administration Marine Debris Program envisions the global ocean and its coasts free from the impacts of marine debris.

Eligible Uses: Research (physical and social science, engineering, and legal) and increasing capacity and expertise through education to eliminate barriers to marine debris prevention and removal.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



National Estuarine Research Reserve System

Federal Agency: Department of Commerce

Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$77,000,000

Period of Availability: s for each annual tranche

Funding Mechanism: Grant

New Program: No

Recipients: State (Includes District Of Columbia, Public Institutions Of Higher Education And Hospitals); U.S. Territories And Possessions; U.S. Territories And Possessions (Includes Institutions Of Higher Education And Hospitals); State; Any Coastal State, Including Those That Border The Great Lakes, And Including Puerto Rico, The U.S. Virgin Islands, Guam, American Samoa, The Commonwealth Of The Northern Mariana Islands, And The Freely Associated States Of The Pacific Whose Coastal Zone Management Program Has Been Approved By The Secretary Of Commerce. The Governor shall designate the State Agency or Entity that is to be the Applicant.

Description: The National Estuarine Research Reserve System consists of estuarine areas of the United States and its territories designated and managed for research and educational purposes, called Reserves. Each Reserve within the National Estuarine Research Reserve System is chosen to represent a different biogeographic region and to include a variety of ecosystem types in accordance with the classification scheme of the national program as specified in 15 CFR 921.

Eligible Uses: Coastal habitat restoration; coastal habitat restoration planning, engineering and design; land conservation

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Regional Ocean Partnerships

Federal Agency: Department of Commerce
Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$56,000,000

Period of Availability: 2 year

Funding Mechanism: Contract, Cooperative Agreement

New Program: No

Recipients: States, Territories, Tribal Governments

Description: Regional Ocean Partnerships are regional organizations voluntarily convened by governors working in collaboration with other governments (including Tribal, federal, and local) and stakeholders to address ocean and coastal issues of common concern in that region. Regional Ocean Partnerships, along with equivalent organizations such as Integrated Ocean Observing System Regional Associations, also serve to enhance associated sharing and integration of Federal and non-federal data.

Eligible Uses: Implementation of Regional Ocean Partnership priority actions identified in Regional Ocean Partnership work plans; regional capacity for sharing and integration of Federal and non-federal data

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Consultations and Permitting

Federal Agency: Department of Commerce
Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$20,000,000

Period of Availability: 2 year

Funding Mechanism: Various

New Program: No

Recipients: Internal

Description: The National Marine Fisheries Service conducts consultations with federal action agencies under both the Endangered Species Act and the Magnuson-Stevens Fishery Conservation and Management Act. National Oceanic and Atmospheric Administration Fisheries also authorizes take under the Marine Mammal Protection Act. Completion of these consultations will enable the Administration to advance priorities to improve the Nation's infrastructure while ensuring the conservation of our most vulnerable species and important habitats.

Eligible Uses: capacity for consultations and incidental harassment authorizations for infrastructure projects planned by other Federal agencies

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Pacific Coastal Salmon Recovery Fund

Federal Agency: Department of Commerce

Bureau or Account: National Oceanic and Atmospheric Administration

Funding amount: \$172,000,000

Period of Availability: 2 year

Funding Mechanism: Grant

New Program: No

Recipients: States and Tribes

Description: The Pacific Coastal Salmon Recovery Fund was established by Congress in 2000 to reverse the declines of Pacific salmon and steelhead. The program supports conservation efforts in California, Oregon, Washington, Idaho, and Alaska. It is essential to preventing the extinction of the 28 listed salmon and steelhead species on the West Coast

Eligible Uses: Actions to support the recovery and protection of declining salmon stocks.

Next Milestone: Estimated application opening date, 2nd quarter 2022.



Manufacturing Leadership (Sec 40534)

Federal Agency: Department of Energy

Bureau or Account: Energy Efficiency and Renewable Energy

Funding amount: \$50,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: States

Description: To provide funding to states to invest in smart manufacturing technologies.

Eligible Uses: (1) To facilitate access to high-performance computing resources for small and medium manufacturers; and (2) to provide financial assistance to small and medium manufacturers to implement smart manufacturing technologies and practices

Next Milestone: Estimated application opening date, 4th quarter 2022.



Departments of Health & Human Services and Interior Programs



Low Income Home Energy Assistance Program

Federal Agency: Department of Health and Human Services
Bureau or Account: Administration for Children and Families

Funding amount: \$500,000,000

Period of Availability: 2022 - 2026

Funding Mechanism: Grant

New Program: No

Recipients: States, Territories, Tribal Governments (federally recognized), Tribal Governments (other than federally recognized), Indian Housing Authorities, and Consortia Authorized to Administer the Program by Eligible Tribal Entities

Description: The Low-Income Home Energy Assistance Program assists eligible low-income households with their heating and cooling energy costs, bill payment assistance, energy crisis assistance, weatherization and energy-related home repairs

Eligible Uses: The Low-Income Home Energy Assistance Program provides federally funded assistance in managing costs associated with home energy bills, energy crises, weatherization and energy-related minor home repairs.

Next Milestone: First round of funds released this January, 2022.



Good Neighbor Agreements with States and Tribes

Federal Agency: Department of the Interior
Bureau or Account: Office of the Secretary

Funding amount: \$40,000,000

Period of Availability: Funding available until expended for total amount across entire Program (\$905 million), but portions of the total are allocated to specific Fiscal Years, each with a different period of availability

Funding Mechanism: Good Neighbor Agreements

New Program: Yes

Recipients: As Above

Description: Program for State and Tribes to implement restoration projects on Federal lands pursuant to "Good Neighbor Agreements"

Eligible Uses: Restoration projects on Federal lands



Department of Transportation Programs



Bureau of Transportation Statistics

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$132,500,000

Period of Availability: Available until expended

Funding Mechanism: Grants, Cooperative Agreements, other contracts

New Program: No

Recipients: Bureau of Transportation Statistics

Description: The Bureau of Transportation Statistics is the preeminent source of statistics on commercial aviation, multimodal freight activity, and transportation economics, and provides context to decision makers and the public for understanding statistics on transportation.

Eligible Uses: The Bureau of Transportation Statistics promotes innovative methods of data collection, analysis, visualization, and dissemination to improve operational efficiency, to examine emerging topics, and to create relevant and timely information products that foster understanding of transportation and its transformational role in society.



Training & Education

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$127,500,000

Period of Availability: Available until expended

Funding Mechanism: Grants, Cooperative Agreements, other contracts

New Program: No

Recipients: Federal Highway Administration Research, Technology, and Education Program

Description: The Training and Education Program provides resources for the development and delivery of technical assistance, training, professional development, and education programs to improve the professional capacity of the workforce that manages, develops and maintains the Nation's highway system.

Eligible Uses: Development and delivery of technical assistance, training, professional development, and education programs.



Technology & Innovation Deployment Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$90,000,000

Period of Availability: Available until expended

Funding Mechanism: Grants, Cooperative Agreements, other contracts

New Program: No

Recipients: Federal Highway Administration Research, Technology, and Education Program

Description: The Technology & Innovation Deployment Program turns research products into proven technologies that address emerging needs, invest in the Nation's infrastructure, and promote rapid adoption of proven, market-ready technologies and innovations.

Eligible Uses: Funds efforts to advance research products into proven technologies and demonstrated practices; identify the market forces that will influence successful technology and innovation deployment; and plan and deliver effective technical assistance, training, communication and outreach to promote rapid adoption of proven, market-ready technologies and innovations.



Technical Assistance and Workforce Development Grants

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$27,545,852

Period of Availability: Available until expended

Funding Mechanism: Grant, cooperative agreement, contract

New Program: No

Recipients: National nonprofit organizations that have the appropriate demonstrated capacity to provide public transportation-related technical assistance; providers of public transportation; standards development organizations; workforce development entities, Tribal organizations.

Description: The goals and objectives for Technical Assistance and Workforce Development projects vary according to the type of project.

Eligible activities include: Technical assistance and Standards to more effectively and efficiently provide public transportation service; administer funds received under 49 U.S.C. Chapter 53 in compliance with federal law; and improve public transportation; address Human Resources needs, provide Training; support Innovative Public Transportation Frontline Workforce Development; and operate a National Transit Institute.

Technical Assistance can support compliance with the Americans with Disabilities Act; compliance with human services transportation coordination requirements; meeting the transportation needs of elderly individuals; increasing transit ridership with Metropolitan Planning Organizations; addressing transportation equity; facilitating best practices to promote bus driver safety; meeting the requirements 5323(j) (Buy America) and 5323(m) (Pre and Post-Award Audits); assisting with the development and deployment of low or no emission vehicles; and any other technical assistance activities the Secretary of Transportation determines is necessary to advance the interests of public transportation.

Standards programs and projects include developing voluntary and consensus-based standards and best practices by the public transportation industry, including standards and best practices for safety, fare collection, Intelligent Transportation Systems, accessibility, procurement, security, asset management to maintain a state of good repair, operations, maintenance, vehicle propulsion, communications, and vehicle electronics.

Human Resources and Training programs may include: 1) Employment training programs; (2) Outreach to specific under-represented populations in the workforce; (3)



Research on public transportation personnel and training needs; (4) Training and assistance for veteran and minority business opportunities; and (5) Consensus-based national training standards and certifications in partnership with industry stakeholders.

The Innovative Public Transportation Frontline Workforce Development Program focuses on: (1) developing apprenticeships, on-the job training, and instructional training for public transportation maintenance and operations occupations; (2) building local, regional, and statewide public transportation training partnerships with local public transportation operators, labor union organizations, workforce development boards, and State workforce agencies to identify and address workforce skill gaps; (3) improving safety, security, and emergency preparedness in local public transportation systems through improved safety culture and workforce communication with first responders and the riding public; and (4) addressing current or projected workforce shortages by developing partnerships with high schools, community colleges, and other community organizations.

The National Transit Institute will develop and conduct training and educational programs for Federal, State, and local transportation employees, United States citizens and foreign nationals engaged or to be engaged in public transportation work.

Eligible Uses: Technical assistance, standards, workforce development, and training activities.



Prioritization Process Pilot Program

Federal Agency: Department of Transportation
Bureau or Account: Federal Highway Administration

Funding amount: \$50,000,000

Period of Availability: 4 year

Funding Mechanism: Grant

New Program: Yes

Recipients: States and Metropolitan Planning Organizations serving an urbanized area with a population of >200,000

Description: Pilot program to support data-driven approaches to planning that can be evaluated for public benefit.

Eligible Uses: The Prioritization Process Pilot Program will award grants to selected States and Metropolitan Planning Organizations to fund the development and implementation of publicly accessible, transparent prioritization processes to assess and score projects according to locally determined priorities, and to use such evaluations to inform the selection of projects to include in transportation plans.



Growing State Apportionments

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$2,055,665,467

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized)

Description: An additional formula funding component that is then added to either the 5307 or 5311 formula funding.

Eligible Uses: Planning, Capital, Operating Assistance



Asset Concessions

Federal Agency: Department of Transportation
Bureau or Account: Office of the Secretary

Funding amount: \$100,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized), Tribal Governments (other than federally recognized), Independent School Districts, Public Higher-Ed Institutions, Private Higher-Ed Institutions, Public Housing Authorities, Indian Housing Authorities, Nonprofits with 501(c)(3) status, Nonprofits - without 501(c)(3) status, Small Businesses, Businesses (other than small businesses), and / or Individuals

Description: TBD - New Program

Eligible Uses: An eligible entity may use amounts made available from a grant under this section for technical assistance to build the organizational capacity of the eligible entity to develop, review, or enter into an asset concession.



Growing States and High-Density States Formula

Federal Agency: Department of Transportation
Bureau or Account: Federal Transit Administration

Funding amount: \$1,822,948,622

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: No

Recipients: States, Counties, Cities / Townships, Special Districts, Tribal Governments (federally recognized)

Description: An additional formula funding component that is then added to either the 5307 or 5311 formula funding.

Eligible Uses: Planning, Capital, Operating Assistance



Environmental Protection Agency Programs



Gulf Hypoxia Action Plan

Federal Agency: Environmental Protection Agency
Bureau or Account: Environmental Programs and Management

Funding amount: \$60,000,000

Period of Availability: Available until expended

Funding Mechanism: Grant

New Program: Yes

Recipients: 12 State Members of Gulf Hypoxia Task Force (Along Mississippi Corridor/Gulf of Mexico)

Description: The Gulf of Mexico Hypoxia Task Force includes federal and state agencies and the tribes. Federal agencies include those with responsibilities over activities in the Mississippi River and its basin, and in the Gulf of Mexico. The Plan has a near-term target of reducing nutrient-loading to the Gulf of Mexico from the basin by 20 percent by 2-25, and a long-term goal of limiting the Gulf hypoxic zone to an average annual size of less than 5,000 square kilometers by 2035.



Solid Waste Management and Recycling

Challenge: Approximately half of global greenhouse gas emissions are the result of natural resource extraction and processing. Increasing recycling reduces climate, environmental, and social impacts of materials use, and keeps valuable resources in use instead of in landfills. Municipal solid waste management has long suffered from a lack of investment. Some communities that lack waste management infrastructure do not have curbside waste collection services, recycling, or composting programs, which increases the burden on our landfills, decreases their capacity, and increases greenhouse gas emissions. Mismanaged waste also can compound social and economic conditions in historically underserved and overburdened communities. Batteries can start fires throughout the municipal waste management system from transportation, transfer facilities, to materials recycling facilities, scrap yards, and landfills, causing air pollution issues in already overburdened communities and threaten worker and first responder safety. When discarded improperly, such as in household trash or recycling, critical materials inside batteries are lost and cannot be recycled into new batteries.

Solutions: The Bipartisan Infrastructure Law is an historic investment in the health, equity, and resilience of American communities. With unprecedented funding to support local waste management infrastructure and recycling programs, this funding will help expand access to recycling and composting programs nationwide, modernize existing solid waste management infrastructure, improve consumer education and outreach, and help reduce contamination of the recycling and organics waste streams. By establishing a common set of best practices for battery recycling and a voluntary battery labeling program, the funding also will help make it easier for the American people to recycle their batteries while keeping workers, nearby communities, and waste management and recycling facilities safe.

Funding Overview: This funding falls into four major areas covered under this section – (1) The Solid Waste Infrastructure for Recycling Grants (\$275 million), (2) Reduce, Reuse and Recycle Education and Outreach Grants (\$75 million), (3) Battery Collection Best Practices (\$10 million), and (4) Voluntary Battery Labeling Guidelines (\$15 million).

- **Solid Waste Infrastructure for Recycling:** The Bipartisan Infrastructure Law provides \$275 million for grants under section 302(a) of the Save Our Seas 2.0 Act (Public Law 116–224) (\$55 million/year from Fiscal Year 2022-2026 to remain available until expended). These funds may be used to: implement the strategy developed under section 301(a) of the Save Our Seas 2.0 Act, support improvements to local post-consumer materials management, including municipal recycling programs; and assist local waste management authorities in making improvements to local waste management systems.



- Reduce, Reuse, Recycle Education and Outreach Grants - The Bipartisan Infrastructure Law provides \$75 million (\$15 million year from Fiscal Year 2022-2026 to remain available until expended) to award grants focused on improving the effectiveness of residential and community recycling programs through public education and outreach. Funded projects should inform the public about residential or community recycling programs, provide information about the recycled materials that are accepted, increase collection rates and decrease contamination.
- Battery Collection Best Practices - Provides \$10 million for fiscal year 2022, to remain available until September 30, 2026, for Environmental Protection Agency to develop best practices that may be implemented by State, Tribal, and local governments with respect to the collection of batteries.
- Voluntary Battery Labeling Guidelines - Provides \$15 million for fiscal year 2022 for a program to develop voluntary labeling guidelines for batteries and other forms of communication materials for battery producers and consumers about the reuse and recycling of critical materials from batteries.

Getting Ready: Eligible recipients should begin thinking about the solid waste management infrastructure needs to advance their programs.

Existing Resources: This is a series of new programs.



Solid Waste Infrastructure for Recycling Infrastructure Grants

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$275,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreements and/or Grants

New Program: Yes

Recipients: States (including the District of Columbia, a territory or possession of the United States, or any political subdivision of a State, Tribe, or territory), Tribes, InterTribal Consortia consistent with the requirements in 40 CFR 35.504(A), Former Indian Reservations in Oklahoma (As Determined by The Secretary of The Interior), and Alaskan Native Villages as defined in Public Law 92–203.

Description: Communities across the country are burdened by pollution impacts from inefficient waste management systems. This historic investment will transform recycling and solid waste management across the country while creating jobs.

Eligible Uses: Provide grants to implement a strategy to improve post-consumer materials management and infrastructure; support improvements to local post-consumer materials management and recycling programs; and assist local waste management authorities in making improvements to local waste management systems.

Next Milestone:

- Stakeholder outreach and engagement to inform development of grant program to begin: (Estimated): 2nd quarter 2022
- Funding Opportunity Availability: (Estimated) 4th quarter 2022



Reduce, Reuse, Recycling Education and Outreach Grants

Federal Agency: Environmental Protection Agency
Bureau or Account: State and Tribal Assistance Grants

Funding amount: \$75,000,000

Period of Availability: Available until expended

Funding Mechanism: Cooperative Agreements and/or Grants

New Program: Yes

Recipients: States, a Unit of Local Government, Tribal Governments (federally recognized), A Native Hawaiian Organization, The Department of Hawaiian Homelands, The Office of Hawaiian Affairs, A Non-Profit Organization, Or A Public-Private Partnership

Description: Communities across the country are burdened by pollution impacts from inefficient waste management systems. This historic investment will transform public education and outreach regarding how to reduce, reuse, and recycle right.

Eligible Uses: To award grants focused on improving material recycling, recovery, management, and reduction. To improve the effectiveness of residential and community recycling programs through public education and outreach. Funded projects should inform the public about residential or community recycling programs, provide information about the recycled materials that are accepted, increase collection rates and decrease contamination.

Next Milestone:

- Stakeholder outreach and engagement to inform development of grant program to begin: (Estimated): 2nd quarter 2022
- Funding Opportunity Availability: (Estimated) 4th quarter 2022



Battery Recycling Best Practices

Federal Agency: Environmental Protection Agency
Bureau or Account: Environmental Programs and Management

Funding amount: \$10,000,000

Period of Availability: Fiscal Year 2022, to remain available until September 30, 2026.

Funding Mechanism: Contracts

New Program: Yes

Description: This investment will promote the safe handling of used batteries and improve battery recycling programs. The Environmental Protection Agency will develop best practices that may be implemented by State, Tribal, and local governments with respect to the collection of batteries to be recycled in a manner that to the maximum extent practicable, is technically and economically feasible for State, Tribal, and local governments; is environmentally sound and safe for waste management workers; and optimizes the value and use of material derived from recycling of batteries. The Environmental Protection Agency will develop the best practices in coordination with State, Tribal, and local governments and relevant nongovernmental and private sector entities.

Next Milestone: (Estimated): Program development to begin in 2nd quarter 2022.



Battery Labeling Guidelines

Federal Agency: Environmental Protection Agency
Bureau or Account: Environmental Programs and Management

Funding amount: \$15,000,000

Period of Availability: Fiscal Year 2022, to remain available until September 30, 2026.

Funding Mechanism: Contracts

New Program: Yes

Description: This investment will promote the safe handling of used batteries and improve battery recycling programs. Establishes a program to promote battery recycling through the development of voluntary labeling guidelines for batteries and other forms of communication materials for battery producers and consumers about the reuse and recycling of critical materials from batteries. The purposes of the program are to improve battery collection and reduce battery waste, including by identifying battery collection locations and increasing accessibility to those locations; promoting consumer education about battery collection and recycling; and reducing safety concerns relating to the improper disposal of batteries.

Next Milestone: (Estimated): Program development to begin in 2nd quarter 2022.



Appendix



Agency Contact Information

Department of Transportation: intergov@dot.gov

Department of Energy: DL-RegionalSpecialists@hq.doe.gov

Environmental Protection Agency: State&Local@epa.gov

Department of Interior: OIEA@ios.doi.gov

Department of Commerce: CommercelGA@doc.gov

Department of Agriculture: EIA@Department of Agriculture.gov

Department of Homeland Security: dhs.iga@hq.dhs.gov

Department of Health & Human Services: [Contacts](#) for Division of Energy Assistance

Appalachian Regional Commission: info@arc.gov

Denali Commission: projects@denali.gov



Supporting Underserved Communities

For many underserved communities across the country, the Bipartisan Infrastructure Law presents a unique opportunity to apply for and receive significant federal funding to rectify the harms of decades of disinvestment. For communities of color, environmental justice communities, energy communities, communities experiencing persistent poverty and inequality, rural communities, disability communities, Tribal Nations, and U.S. territories, the Bipartisan Infrastructure Law presents a once-in-a-generation opportunity to make long overdue investments in local infrastructure, while narrowing the racial and gender wealth gap, expanding economic opportunity, and advancing climate justice. A primary goal of this guidebook is to make it easier for underserved and overburdened communities who may have more limited municipal capacity to navigate the funding available under the law and help launch local planning efforts.

To ensure that the Bipartisan Infrastructure Law advances equity, racial justice, gender equality, and environmental justice, agencies will take steps to ensure that every program is accessible for underserved communities by providing technical assistance and simplifying the federal funding process. As stated in Executive Order 14052, Bipartisan Infrastructure Law programs are subject to the President's Justice40 Initiative - which provides that 40% of the benefits of relevant climate, clean energy, affordable and sustainable housing, clean water, and other investments flow to disadvantaged communities.

Below is an illustrative, but not comprehensive, set of highly impactful sources of funding that underserved, disadvantaged, low-income, and overburdened communities can utilize to make transformative investments. In addition to this illustrative set of programs, we will continue to develop tools to increase the ability of underserved communities to access equitable investment across all Bipartisan Infrastructure Law programs.

Clean and Drinking Water State Revolving Funds – The law contains nearly \$44 billion to strengthen the nation's drinking water and wastewater systems through the Environmental Protection Agency's State Revolving Funds programs. These programs, administered by the state, make grants and loans eligible to communities for drinking water and wastewater infrastructure investments. On December 2nd, Environmental Protection Agency Administrator Michael Regan requested every state target these resources towards disadvantaged communities, particularly those who have struggled to access State Revolving Fund funding in the past. His letter noted that the agency intends to evaluate and approves states' intended use plans for these funds—strongly urging states to maximize the potential to remove barriers and prioritize the distribution of grant funds to disadvantaged communities. To further aid states, tribes, local governments and water systems, the Environmental Protection Agency will also provide technical assistance to help disadvantaged communities overcome barriers in applying for and receiving loans and grants through the State Revolving Funds. The Environmental Protection Agency has already released Fiscal Year 2022 state [allocation tables](#) for the State Revolving Funds.



Superfund Clean-up Program – The Bipartisan Infrastructure Law provides \$3.5 billion for the Environmental Protection Agency’s Superfund program to clean up some of the nation’s most contaminated sites. The Environmental Protection Agency enters contracts and interagency agreements to conduct work at Superfund sites. The Environmental Protection Agency can also award Superfund cooperative agreements with states, tribes, or local governments to lead or support work in the Superfund program. Applications are accepted on an ongoing basis.

Reconnecting Communities – The Bipartisan Infrastructure Law creates new \$1 billion program at the Department of Transportation to reconnect communities divided by transportation infrastructure – particularly historically disadvantaged communities too often nearly destroyed or cut in half by a highway. This new competitive program will provide dedicated funding to state, local, metropolitan planning organizations, and Tribal governments for planning, design, demolition, and reconstruction of street grids, parks, or other infrastructure to address these legacy impacts. Applications will open in the second quarter of 2022.

Natural Gas Distribution Infrastructure Safety & Modernization Grants – This new \$1 billion Department of Transportation program provides funding to municipalities or community owned utilities to repair, rehabilitate, or replace natural gas distribution pipeline systems or to acquire equipment to reduce incidents and fatalities and economic losses. Funding is prioritized based on the risk profile of the pipelines, potential job creation, and potential benefit to disadvantaged and rural communities. This new program is under development.

Energy Improvement in Rural or Remote Areas – This new Department of Energy program will provide \$1 billion to entities in rural or remote areas (defined as cities, towns, or unincorporated areas with fewer than 10,000 inhabitants) to increase environmental protection from the impacts of energy use and improve resilience, reliability, safety, and availability of energy. Applications for funding will open by September 2022.

Advanced Energy Manufacturing and Recycling Grants – This new \$750 million program at the Department of Energy provides grants to small- and medium-sized manufacturers to enable them to build or retrofit manufacturing and industrial facilities to produce or recycle advanced energy products in communities where coal mines or coal power plants have closed. The law directs the Secretary of Energy to prioritize minority owned businesses. Applications are expected to open in the third quarter of 2022.

Solar Research and Development Cooperative Agreements – This existing program at the Department of Energy received \$40 million under the law to fund research, development, demonstration, and commercialization activities to improve solar energy technologies. The law prioritizes projects in economically distressed areas or areas disproportionately affected by pollution, as well as those carried out in collaboration with Tribal organizations, minority-serving institutions, and others. Applications are expected to open in the third quarter of 2022.



Direct Benefit Programs

Affordable connectivity program – This existing Federal Communications Commission Benefit program, which received \$14.2 billion under the law, helps ensure low-income households can afford access to high speed internet. The program provides an up-to \$30 monthly benefit to cover a household internet bill, as well as a one-time discount of up-to \$100 to purchase a laptop, desktop, or tablet computer. Learn more about the program [here](#).

Weatherization Assistance Program – This existing Department of Energy program will provide \$3.5 billion to improve home energy efficiency for low-income families, reducing energy costs, improving household comfort and safety, and cutting pollution. The funding flows first to state and Tribal governments, who in turn fund a network of local community action agencies, nonprofit organizations, and local governments that provide the weatherization services. The first tranche of funds will be released in first quarter of 2022.

Low Income Home Energy Assistance Program – This existing Department of Health and Human Services program received \$500 million (\$100 million / year for five years) to help assist eligible low-income households with their heating and cooling energy costs, bill payment assistance, energy crisis assistance, weatherization and energy-related home repairs. State allocations for Fiscal Year 2022 were announced on January 24th and came on the heels of historic funding for this program in the American Rescue Plan.



A Letter to Governors on Infrastructure Implementation

Distributed January 4th, 2021

THE WHITE HOUSE

WASHINGTON

Dear Governor,

With the signing of the Bipartisan Infrastructure Law in mid-November, President Biden marked a new era of building a better America together. I am honored and humbled by the President's trust in me to oversee execution of this historic legislation. From bringing high-speed internet to every American, to replacing lead service lines to bring clean water to people's homes, to repairing thousands of roads and bridges, close coordination with Governors like you will be fundamental in the successful delivery of these programs. I'm writing today to share a few updates and offer a suggestion for your consideration in support of our partnership as we approach the new year.

The Infrastructure Implementation Task Force

On the same day he signed the bill into law, the President released an [Executive Order](#) creating an [Infrastructure Implementation Task Force](#) responsible for breaking down barriers and driving implementation of infrastructure investments across all levels of government to realize the President's vision of rebuilding our nation's infrastructure and positioning the U.S. to compete and win in the 21st century. This Task Force will bring together leaders from the federal departments and agencies with the most significant investments in the Bipartisan Infrastructure Law, as well as agencies and White House offices with important responsibilities to support and assist those agencies. I am committed to driving consistency and accountability across agencies and will serve as a point of contact for you and other Governors as questions and challenges arise so we can build a better America in every community without leaving anyone behind.

Considerations as You Prepare for Implementation

One of the early directives we gave each Cabinet Member is to appoint Infrastructure Implementation Coordinators. These individuals are charged with leading the implementation of the various infrastructure programs within their agency, as well as working with other Coordinators across agencies on investments where multiple agencies are involved with implementation. These agency Implementation Coordinators will be available to your team as well.

As we organize ourselves for implementation, we have looked back at lessons learned and best practices from the American Reinvestment and Recovery Act (ARRA) in 2009 and the American Rescue Plan (ARP) earlier this year. During ARRA, the National Governors Association helped develop a network of state representatives to serve as



recovery coordinators. Given the success of this model and the highly integrated nature of the Bipartisan Infrastructure Law, I humbly request that you consider appointing a high-**level person to serve as your state's** own Infrastructure Implementation Coordinator. This individual would work with your budget team and across departments responsible for transportation, water, broadband, and energy investments to coordinate implementation of the various infrastructure programs, perhaps using a structure similar to the Infrastructure Implementation Task Force created by the President.

Also, we hope to look to this network of state representatives as state-level partners to provide my team and our agency partners with ongoing feedback as we advance various programs. We know that needs, capacity, and challenges can vary widely by locality. We need to make sure our programs reflect these realities across your state and our country, and having a senior, single point of contact in your office will help ensure that issues get elevated appropriately and rapidly.

Hit the Ground Running

The Bipartisan Infrastructure Law is historic in its size – the largest ever investments in broadband, rail and transit, clean energy, and water, just to name a few – as well as the breadth of programs and sectors included in the law. The infrastructure law allocated funding to over 100 distinct programs across more than a dozen federal departments and agencies. As you are aware, some programs are brand new while others are existing programs. In our office's first 30 days, we have prioritized getting as much information to you on formula-based, existing programs as possible, as well as long-range plans to help you prepare for what's coming. For example, we released a [Lead Pipe and Paint Action Plan](#) with 15 actions across 10 agencies and our [EV Charging Action Plan](#) to build a national network of 500,000 chargers with a joint office between the Departments of Energy and Transportation. We have also announced a \$21 billion Office of Clean Energy Demonstration. In this short period of time, over \$65 billion is already heading out the door to states and local governments:

- U.S. Department of Transportation (USDOT)/Federal Highway Administration (FHWA) apportioned \$52 billion to states to repair roads & bridges in 2022;
- Environmental Protection Agency (EPA) outlined \$7.4 billion in funding for states to spend on water infrastructure and replace lead pipes in 2022;
- USDOT/Federal Aviation Administration (FAA) announced \$3 billion to modernize 3,075 airports across the country;
- EPA announced \$1 billion in funding to clean up 49 hazardous Superfund sites across 24 states; and
- USDOT awarded \$230 million in Port Infrastructure Development Program Grants to modernize more than 30 port sites across the country.

Additionally, each state can also apply now for \$100 million in grants to support high-speed internet deployment and new funding for orphan wells and mine remediation.

There's a lot to do in the new year. The President has been clear in his charge to me: make sure these programs get implemented without unnecessary bureaucracy and delay



to rebuild America's infrastructure – while at the same time being good stewards of taxpayer dollars and working to achieve goals around creating good middle-class jobs, supporting disadvantaged and underserved communities, advancing climate resilience and sustainability, and investing in American manufacturers. In January, our team, in conjunction with the Office of Management and Budget (OMB), will be releasing formal guidance to agencies on financial oversight and reporting, labor, Made in America/Buy America, equity, climate and resilience, and environmental justice. This will help set the policy parameters for much of the discretionary and remaining formula funding in 2022 and beyond. We are also working on a guidebook for both states and local governments to better understand key dates and things you can be doing now to prepare for these programs coming in 2022.

I look forward to working with you in the coming year. Please reach out to my team on any major issues or challenges you have with respect to implementation of the Bipartisan Infrastructure Law. If and when you do appoint a senior implementation lead for your office, we would encourage that person reach out to our team as well. Thank you for your leadership.

Warm regards,

Mitch Landrieu
Senior Advisor and Infrastructure Implementation Coordinator
White House



Recommendations for Mayors on Infrastructure Implementation

Excerpt from U.S. Conference of Mayors Factsheet on how local governments can begin to prepare to receive infrastructure funds – access full factsheet [here](#).

Getting Ready to Apply for and Receive Federal Infrastructure Funds

Building a better America is a shared endeavor no one can do alone, and investing federal infrastructure dollars will require significant coordination between cities, states, Tribal governments, community stakeholders, and other key partners.

Earlier this month, the White House Infrastructure Implementation Coordinator [sent a letter to Governors](#) recommending a series of preparatory actions, including appointing infrastructure coordinators to manage the flow of funds to their states. Cities can also begin to coordinate across their departments and with metropolitan planning organizations to:

1. Prioritize your community's capital needs and develop a project pipeline – taking time to think about the projects previously considered impossible due to lack of funding or regional coordination. This is a once-in-a-generation funding opportunity that will require bold, inclusive thinking.
2. The Bipartisan Infrastructure Law Guidebook to identify federal funding streams to target.
3. Ensure all transit, railway, road, highway, and bridge projects are a part of your Metropolitan Planning Organization's Transportation Improvement Plan.
4. Begin mapping sites for electric vehicle and alternative fuel charging stations.
5. Inventory and map the lead pipes in your city. Read through the Biden-Harris Lead Pipe and Paint Action Plan [here](#) for additional federal resources for this effort.
6. Work with your state's broadband agency to ensure your city or region's needs are appropriately mapped and inventoried.
7. Establish relationships with the regional offices for key federal agencies, who can help direct you to resources and provide technical assistance.

The American Rescue Plan also provided over \$350 billion in critical resources to every state, county, city, and unit of local government to support their response to the COVID-19 public health emergency, including in making the investments needed to ensure a durable and equitable economic recovery. Cities should look to leverage those resources to help prepare for the transformative investments included in the Bipartisan Infrastructure Law including training the workers needed to build high quality infrastructure; hiring back the public sector workers needed to help manage potential federal investments; and getting a jump start on water, sewer, and broadband projects that could complement investments from the infrastructure law.



We recognize local capacity may be strained due to the pandemic, historic underinvestment, or just the challenges of day-to-day governance. A city's lack of capacity to apply for federal funds can create significant inequities – and for many communities, this will be their first time applying for funds from a suite of federal agencies. While many funding streams in the Bipartisan Infrastructure Law specifically set aside funds for disadvantaged communities, the White House Infrastructure Implementation Team will be engaging states, Tribal governments, territories, federal agencies, philanthropies, and others to leverage all available resources to quickly deliver the necessary technical assistance and capacity to underserved communities.



State 404 Program Frequently Asked Questions (FAQ) and Answers

[Home](#) » [Divisions](#) » [Division of Water Resource Management](#) » [Submerged Lands and Environmental Resources Coordination Program](#) » State 404 Program Frequently Asked Questions (FAQ) and Answers

Transfer of Pending Projects from the U.S. Army Corps of Engineers to DEP

What happened to the projects pending with the U.S. Army Corps of Engineers (USACE) when DEP was granted assumption in December 2020?

There were 591 pending projects transferred from USACE to DEP, many of which were requests for USACE Approved Jurisdictional Determinations (AJDs) under the new federal Navigable Waters Protection Rule. DEP is not performing stand-alone Waters of the United States (WOTUS) jurisdictional determinations under the State 404 Program. If the transferred project contained only a request for a stand-alone AJD, DEP sent the applicant an email notifying them that DEP would not be performing stand-alone WOTUS determination and providing the applicant three options for obtaining a jurisdictional determination (see next question for more information).

Of the 591 projects transferred, 380 pending projects were requesting something other than a stand-alone AJD (permits or “No Permit Required” determinations); these are currently being processed by DEP local district offices or DEP’s Mining and Mitigation program.

Is it true that projects transferred from USACE need to start the State 404 Program process from the beginning, no matter how far along the USACE review was in process?

Yes, it is true.

The “Memorandum of Agreement between the Florida Department of Environmental Protection and the United States Environmental Protection Agency” states:

Section I. B. (2) - “FDEP shall administer and enforce the State 404 Permit Program in accordance with those state laws and administrative rules that are components of the federally authorized State 404 Permit Program in the State of Florida (40 C.F.R. § 233.72), and in accordance with Section 404 State Program Regulations (40 C.F.R. Part 233), the CWA, Section 404(b)(1) Guidelines (40 C.F.R. Part 230, Section 404(b)(1) Guidelines for Specifications of Disposal Sites for Dredged or Fill Material) (hereinafter “404(b)(1) Guidelines”), and provisions contained in this Agreement and the Memorandum of Agreement between FDEP and the United States Army Corps of Engineers (Corps).”

DEP’s state laws and administrative rules related to the State 404 Program were approved by the U.S. Environmental Protection Agency (EPA) and must be used to review all State 404 Program permits. DEP’s State 404 Program rule, Chapter 62-331, F.A.C., was created to bring in the requirements of federal law that were not already addressed by the ERP program (Chapter 62-330, F.A.C.). Since federal and

Topics Each topic may have multiple questions, and some questions may be repeated under different topics.
<u>Transfer of Pending Projects from USACE to DEP</u>
<u>State 404 Program Processes</u>
<u>Public Notice and Notification of Receipt of Application</u>
<u>Delineation and Jurisdiction</u>
<u>Regulated and Non-regulated Activities</u>
<u>Mitigation Requirements</u>
<u>Modification of Existing USACE Permits within Assumed Waters</u>
<u>Long-term Planning for Projects that Require More than 5 Years to Complete</u>
<u>Listed Species</u>

state rules differ, no matter how far along the USACE review process was for an application (even if the USACE review was near final or was publicly noticed), DEP is still required to start from the beginning. For individual permits, the project will need to be publicly noticed under DEP review.

Fortunately, DEP will be able to use the material already submitted to USACE through its review to assist with the DEP review. The additional information or public comments already submitted to the USACE may assist DEP with a more efficient review.

State 404 Program Processes

General information for all State 404 Program reviews:

- Delineation of the boundary of wetlands and other surface waters will be done in accordance with Chapter 62-340, F.A.C.
- To provide certainty, streamlining, and efficiency, DEP will consider that any wetlands or other surface waters delineated in accordance with Chapter 62-340, F.A.C., that are regulated under Part IV of Chapter 373, F.S. could be considered WOTUS, and will treat them as if they are, unless the applicant specifically requests a WOTUS determination and provides information clearly demonstrating why they believe one or more waters are not WOTUS. The *“Information Required for a WOTUS Determination in State-assumed Waters”* form is provided to assist applicants in providing the necessary information.
- Applications should be submitted on the appropriate state form (See State 404 Handbook, section 4.3).
- When a project requires both a State 404 Program authorization and an Environmental Resource Permit (ERP) applicants are highly encouraged to waive the ERP issuance (agency action) timeframe to allow for completion of the State 404 Program review and to accommodate any required project modifications resulting from the 404 Program review. This does not change the usual 30-day completeness review or 60/90-day Request for Additional Information (RAI) timeframes – only the 60 day agency action timeframe after the ERP review has been declared complete. Applicants may do this by checking the waiver box on the application form or by sending an email to the permit processor.
- The default issuance provisions in Chapter 120, F.S., do not apply to the State 404 Program because permits under Section 404 of the Clean Water Act cannot be issued by default. Other elements of state law that do not apply to State 404 Program permits may be found in the State 404 Program Applicant’s Handbook, section 8.4.
- State 404 Program permits shall be issued for a duration of no more than five years, and each permit shall contain no more than five years’ worth of work.
- Projects that will take more than five years to complete are required to submit information in accordance with section 5.3.2 of the State 404 Program Applicant’s Handbook – *“Long-Term Conceptual Planning for Projects that will Take More Than One Phase to Complete.”*

Does an applicant need to have the State 404 Program review and ERP review done at the same time?

Yes, the applicant should have the State 404 Program review and ERP review done at the same time in most cases.

The ERP application forms in Chapter 62-330, F.A.C., were modified to include items required under the State 404 Program, so they act as a joint application.

The State 404 Program Applicant’s Handbook, section 1.2, states:

*Projects within state-assumed waters that are not otherwise exempt from permitting will require both a State 404 Program authorization and an ERP authorization. **Processing of both authorizations will begin concurrently upon receipt of an application for a project, except where the activities requiring a State 404 permit are proposed to occur in a later phase of a project that will take more than the maximum permit duration allowed under federal law to complete.** In such cases an applicant may apply for the State 404 permit at a later date. Activities that require both an ERP and a State 404 permit shall not commence before both permits are obtained.*

Generally, the only scenarios besides the phased project example above where the ERP and 404 may not be processed at the same time are:

- The project was transferred from the USACE upon assumption and already received an ERP permit.

- The project is processed as a post-enforcement permit.

I applied to the water management district for my ERP but received a notification that DEP was also processing a State 404 Program permit for my project. I didn't ask for a State 404 permit. Why did this happen?

After the effective date of assumption (Dec. 22, 2020), any ERP application received by the water management districts or DEP that includes impacts to wetlands or surface waters is considered a joint ERP/404 application and is checked to determine if the project is within assumed waters and might need a State 404 Program permit. Any project submitted to a water management district with impacts to assumed waters is forwarded to the local DEP district office for State 404 Program review. The local DEP office will then begin processing the State 404 Program permit, if applicable. See previous question for additional details.

I'm confident that my project will not impact WOTUS, but DEP sent an email saying that they are processing a State 404 Program project. What if I don't want State 404 Program review?

If you are confident that your project will not impact WOTUS, and you do not wish to pursue State 404 Program authorization, then you may make the decision and accept the risk of withdrawing the State 404 Program application. This can be done by sending an email to the processor who was assigned to your State 404 Program project review.

If you choose not to pursue a State 404 Program permit and later inspection reveals that WOTUS were impacted without a permit, you may be subject to enforcement under state and/or federal law.

What if I don't want DEP to process a State 404 Program authorization for my project?

If you are confident that your project will not impact WOTUS, you may clearly state in your application form or in a cover letter that you do not believe your project will impact WOTUS, and you do not want a State 404 Program review. If DEP then determines during the ERP review that the project will impact WOTUS, then DEP will contact you to continue to process the State 404 Program authorization.

If you choose not to pursue a State 404 Program permit and later inspection reveals that WOTUS were impacted without a permit, you may be subject to enforcement under state and/or federal law.

What is the process for State 404 Program exemption verifications (40 C.F.R. 232.3, Appendix B of State 404 Program Applicant's Handbook)?

A summary of the process is provided below:

1. 30-day initial completeness review
2. 60-day Request for Additional Information (if needed)
3. Subsequent 30-day completeness review
4. Final Agency Action (issuance or denial of verification)

How will DEP handle determinations that No Permit is Required (NPR)?

- DEP may process a "No Permit Required" verification upon request by an applicant. "No Permit Required" verifications are limited to those activities outlined in the request. If any part of a project requires a State 404 Program permit, DEP will need to process a permit, and will not be able to provide an NPR verification. To request a "No Permit Required" verification, the following information is required:
 - Basic project information, including the project footprint.
 - Information demonstrating that wetlands onsite, delineated in accordance with Chapter 62-340, F.A.C., are not WOTUS pursuant to 40 C.F.R. 120. The "*Information Required for a WOTUS Determination in State-assumed Waters*" form is provided to assist applicants in providing the necessary information.
- Large project sites and/or those requiring complex WOTUS determinations with multiple wetlands to evaluate typically take longer to complete than smaller or less complex project sites. NPR verifications do not have a set timeframe in rule, but DEP will strive to review as efficiently as possible.

How can I get a WOTUS jurisdictional determination within assumed waters if DEP is not performing stand-alone jurisdictional determinations?

To provide certainty, streamlining, and efficiency, DEP will consider that any wetlands or other surface waters delineated in accordance with Chapter 62-340, F.A.C., that are regulated under Part IV of Chapter 373, F.S., could be considered WOTUS, and will treat them as if they are, unless the applicant clearly demonstrates otherwise. WOTUS determinations may take extra processing time. We **highly**

encourage applicants to take advantage of the added efficiency of accepting WOTUS jurisdiction over all wetlands and other surface waters onsite.

If an applicant still wants to request a WOTUS jurisdictional determination, these three options are available:

1. Apply for a State 404 Program permit and specifically request that a WOTUS jurisdictional determination be completed during review of the permit application. Permit applications should contain all information required in the State 404 Program application forms and documentation demonstrating which waters the applicant believes are not WOTUS pursuant to 40 C.F.R. 120.
2. Apply for a formal determination under Chapter 62-340, F.A.C., and request that DEP perform a WOTUS jurisdictional determination with the formal determination. The petitioner should include documentation demonstrating which waters the applicant believes are not WOTUS pursuant to 40 C.F.R. 120, the [petition form](#), and payment of the regular fee for a formal determination.
3. If the project will not impact WOTUS, the applicant does not need to submit an application for a State 404 permit. However, if verification is required from DEP or if the project will impact non-WOTUS wetlands and the applicant is applying only for an Environmental Resource Permit (ERP), the applicant may apply for a State 404 “No Permit Required” verification, which should include information about the project footprint, the location of wetlands and other surface waters onsite delineated pursuant to Chapter 62-340, F.A.C., and documentation demonstrating which waters the applicant believes are not WOTUS pursuant to 40 C.F.R. 120, if applicable.

When applying for one of the three options above, the applicant should include a wetland delineation done in accordance with Chapter 62-340, F.A.C., and the completed form “[Information Required for a WOTUS Determination in State-assumed Waters](#).”

What is the process for State 404 Program general permits (Sections 62-331.210-248, F.A.C. or assumed USACE regional general permits (RGPs))?

A summary of the process is provided below:

1. 30-day initial completeness review
2. 60 days for applicant to amend notice if additional information required (sent via general permit does not qualify (DNQ) letter)
3. Subsequent 30-day completeness review
4. Final Agency Action (issuance or denial of verification)

Notes for general permits:

- State 404 Program general permits were modeled after the 2017 USACE nationwide permits (NWP) for consistency, with the exception of section 62-331.248, F.A.C., which was modeled after USACE RGP SAJ-92. A crosswalk between the NWPs and State 404 general permits in Chapter 62-331, F.A.C., is below.
- State 404 general permit notices are sent to the Florida Fish and Wildlife Conservation Commission (FWC), U.S. Fish and Wildlife Service (USFWS), and Tribal Historic Preservation Office(r)s for review. These coordinating entities may request that a project be elevated to an individual permit review if project may adversely affect state or federal listed species or historical, cultural, or tribal resources.
- Additional time to amend notice may be granted with good cause upon request from applicant.
- Seven USACE regional general permits were assumed for use within state-assumed waters; these include:
 - SAJ-13 – Aerial Transmission Lines in Florida
 - SAJ-14 – Sub-aqueous Utility and Transmission Lines in Florida
 - SAJ-86 – Residential, Commercial, Recreational, and Institutional Fill in the Choctawhatchee Bay, Lake Powell, and West Bay Basins, Bay and Walton County, Florida
 - SAJ-90 – Residential, Commercial, and Institutional Developments in Northeast Florida

- SAJ-103 – Residential Fill in Holley By the Sea, a Subdivision in Santa Rosa County
- SAJ-105 – Residential, Commercial, Recreational, and Institutional Fill in the West Bay Watershed of Bay County, Florida
- SAJ-114 – Residential, Commercial, Recreational, and Institutional Fill in the Choctawhatchee Bay and St. Andrews Bay Watersheds Located in Bay County and Walton County, Florida

Cross-walk Between USACE Nationwide Permits and Similar State 404 Program General Permits

USACE Nationwide Permit Number	State 404 Program Rule Number	State 404 Program Title of General Permit
NWP 3	62-331.210	General Permit for Maintenance or Removal
NWP 4	62-331.211	General Permit for Fish and Wildlife Harvesting, Enhancement, and Attraction Devices
NWP 5	62-331.212	General Permit for Scientific Measurement Devices
NWP 6	62-331.213	General Permit for Survey Activities
NWP 7	62-331.214	General Permit for Outfall and Intake Structures
NWP 12	62-331.215	General Permit for Utility Line Activities
NWP 13	62-331.216	General Permit for Bank Stabilization
NWP 14	62-331.217	General Permit for Linear Transportation Projects
NWP 16	62-331.218	General Permit for Return Water from Upland Contained Disposal Areas
NWP 17	62-331.219	General Permit for Hydropower Projects
NWP 18	62-331.220	General Permit for Minor Activities
NWP 20	62-331.221	General Permit for Response Operations for Oil or Hazardous Substances
NWP 22	62-331.222	General Permit for Removal of Vessels
NWP 23	62-331.223	General Permit for Approved Categorical Exclusions
NWP 25	62-331.224	General Permit for Structural Activities
NWP 27	62-331.225	General Permit for Aquatic Habitat Restoration, Enhancement, and Creation Activities
NWP 28	62-331.226	General Permit for Specific Reversion Activities
NWP 29	62-331.227	General Permit for Residential Developments
NWP 30	62-331.228	General Permit for Moist Soil Management for Wildlife

USACE Nationwide Permit Number	State 404 Program Rule Number	State 404 Program Title of General Permit
NWP 31	62-331.229	General Permit for Maintenance of Existing Flood Control Facilities
NWP 32	62-331.230	General Permit for Completed Federal Enforcement Actions
NWP 33	62-331.231	General Permit for Temporary Construction, Access, and Dewatering
NWP 36	62-331.233	General Permit for Boat Ramps
NWP 37	62-331.234	General Permit for Emergency Watershed Protection and Rehabilitation
NWP38	62-331.235	General Permit for Cleanup of Hazardous and Toxic Waste
NWP 39	62-331.236	General Permit for Commercial and Institutional Developments
NWP 40	62-331.237	General Permit for Agricultural Activities
NWP 41	62-331.238	General Permit for Reshaping Existing Drainage Ditches
NWP 42	62-331.239	General Permit for Recreational Facilities
NWP 43	62-331.240	General Permit for Stormwater Management Facilities
NWP 44	62-331.241	General Permit for Mining Activities
NWP 45	62-331.242	General Permit for Repair of Uplands Damaged by Discreet Events
NWP 46	62-331.243	General Permit for Activities in Ditches
NWP 48	62-331.244	General Permit for Commercial Shellfish Aquaculture Activities
NWP 51	62-331.245	General Permit for Land-Based Renewable Energy Generation Facilities
NWP 52	62-331.246	General Permit for Water-Based Renewable Energy Generation Pilot Projects
NWP 53	62-331.247	General Permit for Removal of Low-Head Dams
RGP 92	62-331.248	General Permit for Florida Department of Transportation and Florida's Turnpike Enterprise

What is the process for State 404 Program individual permits?

A summary of the process is provided below:

- 30-day initial completeness review
 - Notice of application is sent to the FWC, USFWS, State Historic Preservation Office, and Tribal Historic Preservation Office(r)s for initial review. These coordinating entities may provide comments, recommendations, or requests for additional information to

be added to DEP's Request for Additional Information (RAI).

- 90-day RAI, if needed
- Subsequent 30-day completeness review(s) and 90-day RAI period(s) as needed until project is found to be “administratively complete.”
 - An “administratively complete” project should be in its anticipated final form – meaning all RAI questions have been answered, commenting entities have provided initial comments, recommendations or preliminary determinations, necessary modifications for avoidance and minimization of impacts have been made, and mitigation has been reviewed (see section 62-331.060(1), F.A.C.).
- Public Notice – Public notice occurs within 10 days of a project being deemed “administratively complete” by DEP. Public notice is done in accordance with section 62-331.060, F.A.C. Most projects will have a 30-day public comment period, but some limited projects may have a 15-day public comment period. Anyone may request a public meeting during the public comment period; if held, the comment period is extended until the end of the public meeting or later if a later date is approved by the presiding officer.
- Review by EPA – EPA will review permit applications for certain categories of activities (see section 62-331.052(3), F.A.C.). These categories may be found in the State 404 Program Applicant's Handbook, section 5.2.5. EPA's initial 30-day review period starts on the same day as the public notice period, or the initial 30-day review may start on the date that DEP notifies EPA that it does not plan to take the recommendations of an affected state or tribe. EPA will forward copies of the application to USFWS, National Marine Fisheries Service, the USACE, and other entities as necessary. EPA will collect comments from these entities and provide them to DEP. EPA may comment on, provide notice of its intent to comment on, object to, make recommendations with respect to, or notify DEP that it is reserving its right to object to a permit application within the initial 30-day review. The following are possible outcomes of EPA's review:
 1. EPA does not comment on, provide notice of its intent to comment on, object to, make recommendations with respect to, or notify DEP that it is reserving its right to object to a permit application within the initial 30-day review:
 - DEP shall make a final permit decision within 60 days after either the close of the public comment period or the project is declared technically complete, whichever occurs later. A “technically complete” project is one where all items necessary for review have been received – including the close of the public comment period or any information needed to address something brought up during public comment.
 2. EPA provides notice of its intent to comment on, object to, make recommendations with respect to, or if EPA does not wish to comment but wishes to reserve the right to object based on any new information brought out by the public during the comment period or at a public meeting within the initial 30-day review:
 - EPA's review period is extended to 90 days after receipt of DEP's notice.
 - If EPA does not comment, object, or make recommendations within 90 days of EPA's receipt of DEP's notice, DEP may take final agency action (issue or deny the permit).
 - When DEP has received an EPA objection or requirement for a permit condition:
 - DEP shall not issue the permit unless the steps required by the EPA to eliminate the objection or condition the permit have been taken.

- If DEP chooses not to perform the required steps, the Agency may still issue an ERP permit under Chapter 62-330, F.A.C., but shall not issue a permit under this chapter. EPA may “federalize” the application – meaning that they may require that USACE process the application.
- Within 90 days after DEP receives an objection or a requirement for a permit condition from EPA, the following may happen:
 - DEP or any interested party may request that the EPA hold a public meeting on the objection or requirement. EPA shall conduct a public meeting if requested by the Agency, or if warranted by significant public interest based on requests received.
 - If EPA holds a public meeting, EPA shall reaffirm, modify, or withdraw the objection or requirement for a permit condition, and notify DEP of that decision. There is no set timeframe for EPA to notify DEP of their decision.
 - DEP shall have 30 days after EPA gives notice of its decision, to take one of the following actions:
 - If EPA has withdrawn the objection or requirement for a permit condition, and the application is technically complete, DEP may issue the permit; or
 - If EPA has not withdrawn the objection or requirement for a permit condition, DEP shall do one of the following:
 - Issue a permit that includes the required permit condition and/or otherwise satisfies EPA’s objection;
 - Notify EPA of its intent to deny the permit; or
 - Notify EPA and the applicant that DEP intends to take no action, in which case, the EPA shall “federalize” the project and USACE shall process the section 404 authorization.
 - If EPA does not hold a public meeting, DEP shall, within 90 days of receipt of the objection or requirement for a permit condition, either issue the permit revised to satisfy EPA’s objections or notify EPA of its intent to deny the permit.

Public Notice and Notification of Receipt of Application

How can I receive notification when a State 404 Program application is submitted in my area of interest?

Anyone may sign up to be notified when a State 404 Program application is received through DEP’s “Permit Application Subscription Service” (PASS). You may do this by following these steps:

1. Access DEP’s Business Portal at <https://www.fldepportal.com/DepPortal/go/home>. You will need to register when prompted if you do not already have an account.
2. Click on “Sign Up.”
3. Click on “Subscriptions.”
4. Click on “Submitted Permit Applications.”
5. Follow the prompts to subscribe and set account preferences/notifications.

How can I access State 404 Program public notices?

State 404 Program applications for an individual permit are put out on public notice after they are considered “administratively complete.” An administratively complete project is one that has undergone review and is in its anticipated final form, meaning all requests for additional information have been answered, commenting entities have provided initial comments, recommendations or preliminary determinations, necessary modifications for avoidance and minimization of impacts have been made, and mitigation has been reviewed (see section 62-331.060(1), F.A.C.). There may be several months between receipt of a permit application and public notice.

State 404 Program public notices are sent directly to adjacent property owners, interested parties, potentially affected states and tribes (tribes get notification that a project has gone out on public notice, as they are sovereign nations and not members of the public), and agencies that have jurisdiction over the project area.

Public notices are also posted on DEP’s website. Each DEP local district office or program area will place public notices within their district on their [respective websites](#).

How can I view State 404 Program files?

Anyone may look up State 404 Program files using the DEP Information Portal or OCULUS system. You can find more information about how to access and these sources on [DEP’s Public Records webpage](#).

Please note that while almost all file information is available for public review, some items are exempt from public access under the sunshine law and may not be available through the systems mentioned above. These may include:

- Location information for sensitive cultural or archaeological sites;
- Trade secrets; and
- Attorney-Client work product.

Delineation and Jurisdiction

Does the State 404 Program use the state delineation method under Chapter 62-340, F.A.C., or the federal delineation method outlined in the 1987 USACE manual?

Delineations for projects that require review under the State 404 Program are required to be performed using the state delineation method under Chapter 62-340, F.A.C.

Delineations using the federal method cannot be accepted and will need to be verified using Chapter 62-340, F.A.C. Consultants that wish to use and submit the [Chapter 62-340, F.A.C. Data Form](#) may do so; however, DEP review staff will still need to verify the delineation in the field. A Data Form guide and Instructions are available in [ERP Applicants Handbook Volume I, Appendices J and K](#).

Does DEP perform WOTUS jurisdictional determinations under the Navigable Waters Protection Rule (EPA version at 40 C.F.R. 120 or USACE version at 33 C.F.R. 328)?

DEP will not perform stand-alone WOTUS jurisdictional determinations under the State 404 Program.

To provide certainty, streamlining, and efficiency, DEP will consider that any wetlands or other surface waters delineated in accordance with Chapter 62-340, F.A.C., that are regulated under Part IV of Chapter 373, F.S., could be considered WOTUS, and will treat them as if they are, unless the applicant clearly demonstrates otherwise. WOTUS determinations may take extra processing time. We **highly encourage** applicants to take advantage of the added efficiency of accepting WOTUS jurisdiction over all wetlands and other surface waters onsite.

If an applicant still wants to request a WOTUS jurisdictional determination, these three options are available:

1. Apply for a State 404 Program permit and specifically request that a WOTUS jurisdictional determination be completed during review of the permit application. Permit applications should contain all information required in the State 404 Program application forms and documentation demonstrating which waters the applicant believes are not WOTUS pursuant to 40 C.F.R. 120.
2. Apply for a formal determination under Chapter 62-340, F.A.C., and request that DEP perform a WOTUS jurisdictional determination with the formal determination. The petitioner should include documentation demonstrating which waters the applicant believes are not WOTUS pursuant to 40 C.F.R. 120, the petition form, and payment of the regular fee for a formal determination.
3. If the project will not impact WOTUS, the applicant does not need to submit an application for a State 404 permit. However, if verification is required from DEP or if the project will impact non-WOTUS wetlands and the applicant is applying only for an Environmental Resource Permit (ERP), the applicant may apply for a State 404 “No Permit Required” verification, which should include information about the project footprint, the location of wetlands and other surface waters onsite delineated pursuant to

Chapter 62-340, F.A.C., and documentation demonstrating which waters the applicant believes are not WOTUS pursuant to 40 C.F.R. 120, if applicable.

When applying for one of the three options above, the applicant should include a wetland delineation done in accordance with Chapter 62-340, F.A.C., and the completed form “[Information Required for a WOTUS Determination in State-assumed Waters](#).”

I already have an existing, valid, USACE Approved Jurisdictional Determination (AJD). Can I still use it under the State 404 Program?

Existing, valid, USACE-issued AJDs will be accepted by DEP for only one purpose – to determine which waters are not WOTUS. AJDs done under the old WOTUS rule or the new Navigable Waters Protection rule that became effective on June 22, 2020 may be accepted as long as they have not expired.

Delineation of the boundary of wetlands and other surface waters will need to be done using the state’s delineation rule under Chapter 62-340, F.A.C.

I have an existing, valid, formal determination under Chapter 62-340, F.A.C., can I use it under the State 404 Program?

Yes, existing, valid formal determinations can be used for State 404 Program reviews.

I have both an existing, valid USACE AJD and an existing, valid, Chapter 62-340, F.A.C., formal determination. Can I use both under the State 404 Program?

Yes. The Chapter 62-340, F.A.C., formal determination may be used to show the boundary of wetlands and other surface waters, and the existing, valid, USACE AJD may be used to determine which, if any, of those waters are not WOTUS.

Regulated and Non-regulated Activities

Which activities are regulated under the State 404 Program?

The State 404 Program regulates “activities” as defined in the State 404 Program Applicant’s Handbook, section 2.0:

“Activity” for the purposes of the State 404 Program only, means “discharge of dredged material” and/or “discharge of fill material” as those terms are defined in 40 CFR § 232.2 (see Appendix B). The terms “dredge”, “fill”, “dredging”, and “filling”, when used within Chapter 62-331, F.A.C., or this Handbook shall be interchangeable with “activity” as defined herein.

Which activities are not regulated under the State 404 Program?

Activities that do not meet the definitions of “discharge of dredged material” and/or “discharge of fill material” as those terms are defined in 40 C.F.R. § 232.2 (see Appendix B of the State 404 Program Applicant’s Handbook) are not regulated under the State 404 Program. Some examples include:

- Incidental fallback;
- Docks and piers constructed with typical pile-supported construction methods; and
- Piling-supported bridge structures (however, any associated fill would be regulated).

Projects that do not require a permit under Section 404 of the Clean Water Act may still require a permit from the USACE under Section 10 of the Rivers and Harbors Act or other federal laws.

Mitigation Requirements

Is DEP requiring federal mitigation bank and in-lieu fee credits for impacts under the State 404 Program?

Yes. Mitigation banks and in-lieu fee programs under section 404 of the Clean Water Act are reviewed slightly differently than state mitigation banks under the Environmental Resource Permitting (ERP) program. To account for these differences and to provide consistency in review and sufficient mitigation for impacts, DEP will require purchase of federal credits when an applicant proposes to use a mitigation bank or in-lieu fee program to offset their impacts under the State 404 Program.

It should be noted that this is not a new requirement but is rather “business as usual” for the state. Prior to assumption, applicants were required to purchase both federal credits for any USACE-permitted impacts and state credits for impacts under the state’s ERP program. State credits will not be accepted to offset State 404 Program impacts.

Is DEP required to follow the federal mitigation hierarchy?

Yes; a requirement for states to assume is that a state program must be at least as stringent as the federal program, and that the state program must meet or exceed the requirements in the 404(b)1 guidelines found at 40 C.F.R. 230. The federal mitigation hierarchy is found in the 404(b)1 guidelines and was incorporated into the State 404 Program in section 62-331.130(1), F.A.C., and in the State 404 Program Applicant’s Handbook, section 8.5.1.

It is recognized that flexibility may be needed to address watershed needs and allow for the consideration of mitigation projects that are environmentally preferable based on a watershed approach, if such projects are consistent with the requirements of the State 404 Handbook, section 8.5.1. It may be appropriate to override the preferential hierarchy, for example, where an in-lieu fee program has

released credits available from a specific approved in-lieu fee project, or a permittee-responsible project will restore an outstanding resource based on rigorous scientific and technical analysis. If an applicant wishes to override the hierarchy, they should provide an explanation and justification for doing so when mitigation is proposed. DEP will review such information and determine whether the proposed mitigation is appropriate.

Modification of Existing USACE Permits within Assumed Waters

What if I want to modify my existing, valid, USACE permit, but the project is now within assumed waters? Who will process the modification?

The USACE has limited ability to process modifications within assumed waters. The “Memorandum of Agreement Between the Florida Department of Environmental Protection and the Department of the Army,” section IV. A. (2), states:

*(2) The Corps retains authority to make minor modifications to DA permits in State assumed waters. Minor modifications are generally ministerial in nature, and shall include the following: a) to correct errors or typographical mistakes; b) to incorporate changes requested by the Corps; c) to change due dates for reporting or performance deadlines; d) to transfer a permit upon a change in ownership or control; and e) to make minor technical changes. Minor modifications may include other minor changes; **however, in no case will a minor modification expand the volume or amount, enlarge the footprint, change the location, or extend the duration of the authorized discharge.** The Corps will refer modifications that it determines, in its sole discretion, to fall outside the scope of a minor modification to DEP for evaluation of a permit under the State 404 Program.*

If your modification does not qualify as a minor modification that the USACE may process, as defined above, then it will need to be processed by DEP as a **new permit** under the State 404 Program. Just to be clear, DEP will process a **new permit**, not a modification, for the project. Please submit a copy of the original USACE permit(s) with your completed State 404 Program application for a new permit, and the following additional information:

1. A description of work already completed under the original permit;
2. A description of work that has not yet been completed; and
3. A description of the requested project modifications.

I want to modify my long-term USACE permit that is now within assumed waters – does this mean my project will be limited to five years?

Yes; modifications to existing USACE permits within state-assumed waters require DEP to process and issue a **new permit** under the State 404 Program. State 404 permits are limited in duration under federal law. Current federal law limits the duration of state-issued section 404 permits to 5 years. Because of this, each permit can only contain 5 years’ worth of work.

If you need a modification to an existing Corps permit that has more than 5 years’ worth of work remaining, you will need to break the project into 5-year phases and follow the long-term conceptual planning process outlined in the State 404 Program Applicant’s Handbook, section 5.3.2. More information about the long-term planning is also available below.

Long-term Planning for Projects that Require More than Five Years to Complete

State 404 Program permits are limited in duration to five years. What if my project will take longer than five years to complete?

State 404 permits are limited in duration under federal law. Current federal law limits the duration of state-issued section 404 permits to five years. Because of this, each permit can only contain five years’ worth of work. Larger projects may need to be divided up and completed in five-year phases so as not to exceed the maximum per-permit duration. Such projects may include, but are not limited to, residential, governmental, or commercial developments, linear transportation, and mining activities. To provide some regulatory certainty to applicants of these larger projects, subsection 62-331.051(2), F.A.C., provides that all activities reasonably related to the project shall be included in the same permit application, which means that the applicant should provide sufficient information for the agency to review the entire scope of the project. This will enable the agency to assess whether the project as a whole meets the requirements of Chapter 62-331, F.A.C., and the State 404 Program Applicant’s Handbook.

The State 404 Program Applicant’s Handbook, section 5.3.2, contains a requirement for the applicant to create and submit a long-term planning document to assist DEP in conducting a holistic review of the project, and to help provide some certainty that future phases may be permittable. If you have a long-term project, please carefully review the applicant’s handbook, and contact your local DEP district office or program (mining, mitigation banking, everglades) office to schedule a pre-application meeting to discuss.

Listed Species

Will an applicant still need a USFWS Section 7 biological opinion? If so, how is it obtained?

Endangered species coordination between the USACE and the USFWS for Clean Water Act (404) permits is typically referred to as Section 7 consultation. Because section 7 of the Endangered Species Act (ESA) describes federal coordination, the terminology “Section 7 consultation” is not used between Florida and the USFWS when coordinating on State 404 permit reviews. However, the EPA did complete section 7 consultation with the USFWS in regard to its approval of Florida’s State 404 program. The USFWS programmatic biological opinion (State 404 BiOp) that covers the EPA’s approval of Florida’s assumption is the mechanism by which technical assistance between USFWS and DEP has been established. The State 404 BiOp’s establishment of a technical assistance process between DEP and USFWS ensures that no State 404 permit will be likely to jeopardize the continued existence of any listed species or results in the destruction or adverse modification of critical habitat. This technical assistance process results in a project-level analysis that allows DEP to request comments and receive input from the USFWS and to incorporate protection measures into permits.

Are applicants responsible for providing DEP information regarding federal and state-listed species that may be affected by the proposed activities submitted to the State 404 program?

Yes, as much information as possible must be submitted with the State 404 permit application. This information includes:

- A complete description of existing and proposed activities, including drawings, plans, locations, purpose, and intended use property.
 - This description should also include a discussion of whether a proposed activity will affect or adversely impact listed species on adjacent properties, which would not occur except as a result of the proposed activity.
- The names of any federal or state-listed listed species or federally designated critical habitat that might be affected by, or is in the vicinity of, the proposed activity should be included in the submittal.
 - How these listed species or habitats might be affected should be discussed, as well any actions proposed to be taken by the applicant to avoid and minimize the adverse effects.
 - The discussion should include all direct, indirect, secondary and cumulative adverse effects and impacts. In summary, all information needed in order for the state to assess and address potential adverse impacts to listed species should be submitted by the applicant as part of the permit application.

Many of these requirements are outlined in section 62-331.060(1), F.A.C., the application form, the State 404 Program Applicant’s Handbook and the Applicant’s Handbook Volume I. For federally listed species, the USFWS has an online project planning tool called Information for Planning and Consultation (IPaC) at <https://ecos.fws.gov/ipac/>. This tool is capable of identifying federal resources based on user-drawn project locations, providing resource lists. For some species, the tool may provide information such as conservation measures. In some instances, species surveys may be needed. Applicants are encouraged to engage in pre-application reviews with DEP, who can coordinate the submitted pre-application information with the state and federal wildlife agencies.

How are federal and state-listed species reviews performed during the State 404 permit application review process?

Upon receipt of a submitted State 404 permit application, DEP forwards the information to FWC and the USFWS requesting their review and comment. FWC provides state-listed species and habitat reviews for the State 404 Program, as well as for Florida’s Environmental Resource Program. For the State 404 Program, FWC and the USFWS collaborate on their reviews for listed species (fish and wildlife) regarding additional information or questions, as well as potential avoidance and minimization measures that may be needed. For State 404 individual permit applications, FWC acts as the listed species coordinator for DEP. FWC and USFWS coordinate directly with each other, and FWC consolidates the state and federal reviews into one correspondence for DEP. This ensures a comprehensive, coordinated review of potential effects and impacts to federal listed and state-listed species and their habitats.

Will an applicant be required to obtain an incidental take permit (ITP) and a habitat conservation plan (HCP) through Section 10 review?

The USFWS State 404 BiOp includes a programmatic incidental take statement (ITS) that exempts any incidental take that results from the issuance of a State 404 permit from being considered as prohibited take under section 9 of the ESA. The exemption from section 9 prohibitions provide by the ITS covers the permittee as long as the permittee abides by the State 404 permit conditions. Therefore, no HCP and ITP through Section 10 is required to obtain a State 404 permit even if the action permitted by the 404 permit results in incidental take. However, an applicant may voluntarily contact the USFWS to see if potential impacts to federally listed species can be resolved before applying for a State 404 permit. This strategy may be helpful for projects with complex issues (such as multi-phase or long-term projects, those with large amounts of habitat or listed species, critical habitats and sensitive habitats, etc.) that may require a

significant amount of coordination with USFWS in order to evaluate and resolve any impacts to federally listed species. If these issues can be resolved prior to application for the State 404 permit, State 404 rules provide that no additional protection measures are required for federally-listed species if the applicant already has a previously issued biological opinion, HCP/ITP, or similar effects resolution document from the USFWS.

Last Modified: May 11, 2021 - 8:14am



Rebuild Florida General Infrastructure Program

ROUND II GUIDELINES

This document provides the guidelines for implementation of the Rebuild Florida General Infrastructure Program (GIP) administered by the State of Florida Department of Economic Opportunity (DEO). This Program is funded by the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant - Mitigation (CDBG-MIT) allocation as described in Public Law 115-123.

VERSION 1.10

9/16/2021

VERSION HISTORY

Version Number	Change Date	Summary of Changes
1.0		Original Document
1.1-1.8		Minor typographical changes Corrected formatting issues
1.9	8/17/2021	Updated Anti-Fraud, Waste, and Abuse section
1.10	9/16/2021	Updated document formatting for consistency with other program documents. Removed language from 2.3 stating commencement dates for rounds I and II of the GIP

The Office of Long-Term Resiliency established a new Version Policy in August 2021. Gaps in version history prior to this change are present.

VERSION POLICY

Version history is tracked in the Version History Table (page i), with notes regarding version changes. Dates of each publication are also tracked in this table.

Substantive changes in this document that reflect a policy change will result in the issuance of a new version of the document. For example, a substantive policy change after the issuance of Version 1.0 would result in the issuance of Version 2.0, an increase in the primary version number. Non-substantive changes such as minor wording and editing or clarification of existing policy that do not affect interpretation or applicability of the policy will be included in minor version updates denoted by a sequential number increase behind the primary version number (i.e., Version 2.1, Version 2.2, etc.).

POLICY CHANGE CONTROL

Policy review and changes for the State of Florida Office of Long-Term Resiliency are considered through a change-control process. Policy clarifications, additions, or deletions are needed during the course of the program to more precisely define the rules by which the Program will operate. Program staff will document policy-change requests that will be tracked in the program files. Requests are compiled and brought before supervisory staff in a policy meeting. Subject matter experts working in a particular policy area or task area that will be affected by the policy decision may be invited to assist in policy evaluation, if necessary. Policy meetings will be held as frequently as is necessary to consider policy decisions critical to moving the Program forward in a timely manner. Policy decisions will be documented and will result in the revision of the document in question.

Table of Contents

Part 1 Definitions and Acronyms.....	1
Part 2 Program Overview	3
2.1 Program Purpose.....	3
2.2 Program Process.....	4
2.3 Rebuild Florida General Infrastructure Program (GIP) Overview	5
2.4 Eligible Activities.....	6
2.5 Program Requirements	6
2.6 Application for Program Services and Benefits.....	6
2.7 Eligible Areas	7
2.8 Allocation.....	8
2.9 Application Assistance Timeline.....	8
2.10 National Objectives	8
2.11 Program Management	9
2.12 Equal Opportunity	9
2.13 Conflict of Interest.....	10
2.14 Anti- Fraud and Compliance Policies.....	11
2.11 Files, Records and Reports	11
2.15 Public Records	12
2.16 Section 3.....	12
2.17 Environmental Review	12
2.18 Program Income.....	13
Part 3 Subrecipient Information.....	14
3.1 Eligibility	14
3.2 Public Notice Requirement	14
3.3 Request for Applications (RFA).....	16
3.4 Application Process	16
3.5 Application Requirements.....	16
3.6 Applicant Review Process Responsiveness	17
Part 4 Scoring.....	18
4.1 Award Determination.....	18
4.2 Technical Assistance.....	20
4.3 Subrecipient Responsibilities	20

4.4 Compliance and Monitoring of Subrecipients.....	22
4.5 Construction Regulations	22
4.6 Appeals	23
4.6.1 Informal Appeals.....	23
4.6.2 Formal Appeals /Notice of Administrative Rights	23
Part 5 Financial	25
5.1 Eligible & Ineligible Costs	25
5.2 Funding Method	25
5.3 Supplanting Funds	25
5.4 Duplication of Benefits (DOB) Overview	26
5.5 Subrogation	26
5.6 Budget	27
5.7 Procurement Requirements.....	27
Appendices	28
Appendix A – Application Instructions & Checklist	28
Rebuild Florida GIP Checklist	28
Filling out the Rebuild Florida Mitigation GIP Application	30
Appendix B – Completed Sample Application.....	35
Appendix C – Implementation Plan Template	60
Instructions for using Implementation Plan Template.....	60
Appendix D – Budget Worksheet	62
General Infrastructure Program Project Budget Template Instructions	62
Appendix E – Social Vulnerability Index (SoVI®) Variables	67
Appendix F – Florida Social Vulnerability Index (SoVI®) Map.....	69
Appendix G – Public Notice Compliance	70

List of Figures and Tables

List of Figures

Figure 1: Community Lifelines	3
Figure 2: Preliminary Process—Application, Evaluation and Award	4
Figure 3: Implementation Process—Service, Delivery and Compliance	4
Figure 4: Mitigation HUD and State MID Areas.....	9

List of Tables

Table 1: Allocation of CDBG-MIT Funds	3
Table 2: General Infrastructure Program Summary	5
Table 3: HUD MID Area Counties and Zip Codes.....	7
Table 4: State MID Area Counties	7
Table 5: Mandatory Threshold Compliance Criteria	18
Table 6: Program Scoring Evaluation Rubric	18

Part 1 Definitions and Acronyms

Action Plan: The State of Florida Mitigation Action Plan details the plan to carry out strategic and high-impact activities to minimize or eliminate risks and reduce losses from future disasters. The Plan also describes the opportunity to improve state and local planning protocols and procedures. The Plan was submitted to HUD on February 3, 2020 and approved on April 2, 2020.

Applicant: Any entity that submits a response to the request for applications (RFA) for potential funding through the CDBG-MIT program.

AMI - Area Median Income: The median (middle point) household income for an area adjusted for household size as published and annually updated by the United States Department of Housing and Urban Development (HUD). Once household income is determined, it is compared to HUD's income limit for that household size.

CDBG: Community Development Block Grant, funded by the U.S. Department of Housing and Urban Development.

CDBG-MIT: Community Development Block Grant for mitigation projects.

CDBG-DR: Community Development Block Grant for disaster recovery projects.

Copeland Act: Anti-Kickback Act.

CWHSSA: Contract Work Hours and Safety Standards Act.

DBA: Davis-Bacon Act (DBA).

DEO - Department of Economic Opportunity: Administrator of the CDBG-MIT program funded by HUD under Public Law 115-123. DEO is the governor-designated state authority responsible for administering all long-term hazard mitigation and disaster recovery funds awarded to the state from HUD.

DEM: Florida Division of Emergency Management.

DOB - Duplication of Benefits: A duplication of benefits occurs if DEO provides assistance to a participant for the same purpose as any previous financial or in-kind assistance provided to an entity for the same purpose. The DEO CDBG-MIT program is prohibited from creating a DOB. This prohibition comes from the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) and therefore, these other sources of funds must be deducted from any potential award or expenditures for individual participants.

FEMA: Federal Emergency Management Agency.

FR - Federal Register: The official journal of the Federal government of the United States that contains government agency rules, proposed rules, and public notices. A Federal Register Notice (FRN) is issued for each CDBG-DR funded disaster. The FRN outlines the rules that apply to each allocation of disaster funding.

GIP: General Infrastructure Program.

HUD: U.S. Department of Housing and Urban Development.

LMH - Low to Moderate Income Household: A household having an income equal to or less than the Section 8 low income limit established by HUD.

LMI - Low to Moderate Income National Objective: Activities that benefit households whose total annual gross income does not exceed 80% of AMI, adjusted for family size. Income eligibility will be determined and verified in accordance with HUD guidance. The most current income limits, published annually by HUD, will be used to verify the income eligibility of each household applying for assistance at the time assistance is provided.

- **Extremely low:** Household's annual income is up to 30% of the area median family income, as determined by HUD, adjusted for family size.

- **Very Low:** Household's annual income is between 31% and 50% of the area median family income, as determined by HUD, adjusted for family size.
- **Low:** Household's annual income is between 51% and 80% of the area median family income, as determined by HUD, adjusted for family size.

MIDs - Most Impacted and Distressed Areas: Areas of most impact as determined by HUD or the state using the best available data sources to calculate the amount of disaster damage. The HUD-designated MID areas include Brevard, Broward, Clay, Collier, Duval, Hillsborough, Lee, Miami-Dade, Monroe, Orange, Osceola, Palm Beach, Polk, St. Johns, St. Lucie and Volusia counties; and zip codes 32084, 32091, 32136, 32145, 32771, 33440, 33523, 33825, 33870, 33935, and 34266. The state-identified MID areas also include those counties that received both Individual Assistance (IA) and Public Assistance (PA) through the Federal Emergency Management Agency (FEMA).

RFAs - Request for Applications: The DEO notice requesting applications for funding as a subrecipient for the CDGB-MIT program.

Response: Any application received for CDBG-MIT funding.

Robert T. Stafford Act: The Robert T. Stafford Disaster Relief and Emergency Assistance Act authorizes the federal government to provide monetary assistance in times of a presidentially-declared national disaster (individual, public, and hazard mitigation) to support communities.

Subrecipient: Any entity that has been awarded funding by DEO to implement a CDBG-MIT project and that has executed a subrecipient agreement.

Subrecipient agreement: An agreement between DEO and a subrecipient that has been awarded funding to implement a CDBG-MIT project. The agreement details the conditions under which funds are provided and the contractual obligations to which the subrecipient must adhere.

Subrogation: Subrogation is a legal doctrine that allows one entity to take on the rights of another. In the context of mitigation grants, a subrecipient must enter into a subrogation agreement in which the funding agency (DEO) obtains the right to collect any additional mitigation payments the entity obtains for the same purpose after the entity has received GIP benefits.

UGLG: Units of general local government including cities, towns, villages, counties and other municipalities of a state

UNM: Urgent Need Mitigation. To meet the alternative criteria for the unmet need mitigation (UNM) national objective, each grantee must document that the activity: (i) Addresses the current and future risks as identified in the grantee's Mitigation Needs Assessment of most impacted and distressed areas; and (ii) will result in a measurable and verifiable reduction in the risk of loss of life and property.

Part 2 Program Overview

2.1 Program Purpose

In April 2018, the U.S. Department of Housing and Urban Development (HUD) announced that the state would receive \$633,485,000 in funding to support long-term mitigation efforts (following Hurricanes Hermine, Matthew and Irma) through HUD's Community Development Block Grant Mitigation (CDBG-MIT) Program. The Federal Register Vol. 84, No. 45838, which delineates all program requirements, was released on August 30, 2019.

On February 02, 2021, HUD announced an additional \$46.9 million in federal mitigation funding for communities impacted by Hurricane Michael. (86 FR 561), for a total CDBG-MIT allocation of \$680,411,000. To access this additional funding, DEO is working with state agencies and community partners to draft a substantial amendment to the existing State Action Plan for CDBG-MIT funding. The amendment will be posted for a 30-day public comment period in June 2021.

The CDBG-MIT funding is designed to address mitigation needs to ensure that the state of Florida is more resilient to future natural disasters. The Florida Department of Economic Opportunity (DEO) is the lead agency and responsible entity for administering the CDBG-MIT funds allocated to the state. The state of Florida's Action Plan, which was approved by HUD on April 2, 2020, details how this funding, along with subsequent allocations, will be apportioned to address unmet mitigation needs in Florida that represent targeted strategic investments for grantees based on current or foreseeable risks.

These mitigation funds represent a unique and significant opportunity for the state, in the areas most impacted by recent disasters, to carry out strategic and high-impact activities to minimize or eliminate risks and reduce losses from future disasters. In addition to mitigating disaster risks, the funds provide an opportunity to improve state and local planning protocols and procedures.

Florida's focus is to support data-informed investments through high-impact projects that will reduce risks attributable to natural disasters, with particular attention to repetitive losses of property and critical infrastructure. DEO's strategy is built on a comprehensive Risk Based Mitigation Needs Assessment, presented in its Action Plan, that identified flooding, severe storms, tropical cyclones, coastal erosion and wildfires as the most significant risks to Floridians.

The state supports the adoption of policies that reflect local and regional priorities that will have long-lasting effects on community risk reduction, to include the reduction of risk to community lifelines. Community lifelines enable the continuous operation of government functions and critical businesses that are essential to human health and safety or economic security.

The goal is to help protect critical community lifelines which are illustrated in **Figure 1**:



Figure 1: Community Lifelines

Table 1 illustrates Florida's plan for allocation of CDBG-MIT funds.

Table 1: Allocation of CDBG-MIT Funds

Allocation of CDBG-MIT Funds

Program	Allocation	Percent of Funding
Infrastructure	\$550,000,000	87%
Rebuild Florida General Infrastructure Program	\$475,000,000	75%
Rebuild Florida Critical Facility Hardening Program	\$ 75,000,000	12%
Planning and Administrative Costs	\$83,485,000	13%
Rebuild Florida General Planning Support Program	\$20,000,000	3%
DEO Administration	\$31,674,250	5%
DEO Planning	\$31,810,750	5%
Total Allocation	\$633,485,000	100%

2.2 Program Process

CDBG-MIT programs will be delivered in a multi-step process to comply with all applicable regulations and requirements. The preliminary process includes a Request for Applications (RFA) and submission of applications by eligible entities. A maximum of three applications are allowable per entity. Receipt of applications will be followed by an application evaluation and scoring process that will result in an award of funding and the execution of a subrecipient agreement. The selected subrecipients will be responsible for delivery of services.

During the implementation process, as subrecipients meet specified deliverables, program funding will be provided to subrecipient awardees. Subrecipients must develop and implement policies, procedures and processes to deliver projects/services. Projects/services may be provided by the subrecipient directly or in partnership with governmental, private sector or non-profit partners. At the conclusion of the term specified in the subrecipient agreement, the grant will be closed. DEO, with support provided by its designated partners, will monitor subrecipients throughout the life of the project.

Figure 2 illustrates the preliminary process;



Figure 2: Preliminary Process—Application, Evaluation and Award

Figure 3 illustrates the implementation process.



Figure 3: Implementation Process—Service, Delivery and Compliance

2.3 Rebuild Florida General Infrastructure Program (GIP)

Overview

The GIP program is designed to provide funding to units of general local government (UGLG) such as municipalities and counties, state agencies, non-profits and non-governmental organizations to implement innovative, collaborative, multi-jurisdictional and/or large-scale mitigation activities that reduce previously-identified hazard risks for local communities to better withstand emergency-related challenges. These regional investments include, but are not limited to, upgrading of water, sewer, solid waste, communications, energy, transportation, health and medical and other public infrastructure projects.

DEO has allocated \$475,000,000 in CDBG-MIT funding for the GIP program. DEO will use a subrecipient model to deliver funding for approved projects. Funding will be awarded to selected subrecipients through a request for applications (RFA) process in accordance with established application guidelines and evaluation criteria. This is not a direct grant program.

An overview of the GIP program is illustrated in **Table 2**.

Table 2: General Infrastructure Program Summary

Rebuild Florida General Infrastructure Program	
Funding Dollars	\$475,000,000
Funding Percentage	75%
Application Type	Subrecipient
Applicant Eligibility	UGLG, state agencies and other applicants including, but not limited to, non-profits and non-governmental agencies that apply in partnership with their local UGLG or state agencies.
Geographic Eligibility	HUD and State-Designated MID areas
National Objectives Fulfilled	LMI and Urgent Need
Hazard Risks Addressed	Flooding, Severe Storms, Tropical Cyclones, Coastal Erosion, Wildfires
Lifelines Protected	Safety and Security, Food, Water and Shelter, Health and Medical, Energy, Communication, Transportation and Hazardous Materials

- Maximum amount per applicant: \$175,000,000
- Minimum amount per applicant: \$2,000,000

The GIP program will be implemented in two rounds: Round I provided an initial allocation of resources to units of local government (UGLG), state agencies and entities that apply in partnership with their UGLG (such as a county or municipality) or state agency. \$150 million was available and awarded in Round I. The state anticipated that regional coalitions and local governments or local public entities would act as partners in the implementation of this program.

\$175 million and any remaining unobligated funding from Round I is being made available in this Round. All remaining funding, including unobligated funds, will be made available to fund projects submitted for the \$150 million allocation for Round III.

Round	Approx. Launch Date	Funding Amount
I	2020	\$150,000,000
II	2021	\$175,000,000
III	2022	\$150,000,000

2.4 Eligible Activities

Eligible activities include projects that demonstrably increase community resilience. For purposes of GIP the following types of infrastructure projects are encouraged:

- Restoration of critical infrastructure (such as water and sewer facilities, streets, removal of debris, drainage, bridges, etc.).
- Renourishment of protective coastal dune systems and state beaches.
- Building or fortifying buildings that are essential to the health, safety and welfare of a community (this can include police stations, fire stations, parks and recreational centers, community and senior centers, hospitals, clinics, schools and educational facilities and other public properties). *
- Rehabilitation or construction of stormwater management systems.
- Improvements to drainage facilities.
- Reconstruction of lift stations and sewage treatment plants.
- Road repair and improvement and bridge strengthening.

Note that the above are examples and not an exhaustive list of the possible projects that may be undertaken with GIP funding.

**These activities may serve as a component of a larger infrastructure project to align with GIP program goals (large-scale, multijurisdictional, and high impact).*

2.5 Program Requirements

1. Funds must be used solely for necessary expenses related to mitigation activities to benefit MID areas for which the President declared a major disaster in 2015, 2016 or 2017, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974.
2. At least 50% of funds must be spent in HUD-identified MID areas. The remaining 50% may be spent on state-identified MID areas that were declared disaster areas eligible for FEMA Individual and Public Assistance (82 FR 5591; 82 FR 36812; 83 FR 5844; 83 FR 40314)
3. Funds may not be used to supplant existing funding sources or programming.
4. Entities applying for funding through the GIP program must submit an application that meets the criteria outlined in Part 4.
5. All CDBG-MIT projects must comply with all applicable federal, state and local requirements.

2.6 Application for Program Services and Benefits

The application submission cycle for Round II of the GIP program will open on **June 16, 2021** and will close on **September 17, 2021, 5pm EST**. The application for the GIP program will be available on the DEO Mitigation website: <http://floridajobs.org/rebuildflorida/mitigation>. Applicants must submit their applications through the online application portal.

- Only completed GIP applications, including all required supporting documentation, will be considered. DEO developed application instructions and a checklist to provide guidance to applicants (see Appendix B). Applications will only be accepted during the published application cycle. Be sure to carefully follow upload and naming conventions directions.
- Applicants must demonstrate that they have the capacity and expertise to conduct the activities for which they are requesting the funds. Applicants must explain how the project will incorporate feedback from community members and how the completion will benefit the public. As part of application submission, applicants must identify their plans for funding long-term operations and maintenance costs (when applicable).
- Applications will be prepared at the applicant's expense and costs are not reimbursable using CDBG-MIT grant funds.
- Competitive grant applications received by DEO will be evaluated and scored on a point scale. Applications will be ranked based upon the assigned score. The highest-ranking applications will be recommended for funding. Applications are to be funded, in order of ranking, to the greatest extent allowed by available funding.

To receive access to DEO's electronic application, instructions and submission checklist, a GIP Application Registration is available. To register, applicants should open this link: floridajobs.org/rebuildflorida/mitigation/rebuild-florida-mitigation-general-infrastructure-program and click "Online Application". A contact name and email address will be requested. Once registered, the applicant will be emailed an individualized application weblink. (If an entity wishes to submit more than one application, each project must have a separate application and separate link. **No more than three applications can be submitted per entity.**) Application packets will be available from the CDBG-MIT website beginning on June 16, 2021.

- DEO is committed to ensuring a straightforward application cycle. To facilitate that goal, applicants will be provided with several resources during the application cycle, including an application checklist and instructions, and a sample application (Appendices A and B), a webinar and an opportunity to schedule one-on-one phone calls with DEO staff. All updates will be posted on the program webpage.
- Applicants will receive an automated email when DEO receives its application.

2.7 Eligible Areas

Per the Federal Register Vol. 84, No. 45838, at least 50% of funds must be spent in HUD-identified MID areas. The remaining 50% may be spent on state-identified MID areas. **Tables 3 and 4** identify areas eligible for CDBG-MIT funding; the HUD and State identified MID areas.

Table 3: HUD MID Area Counties and Zip Codes

HUD MID Counties	Brevard, Broward, Clay, Collier, Duval, Hillsborough, Lee, Miami Dade, Monroe, Orange, Osceola, Palm Beach, Polk, St. Johns, St. Lucie, and Volusia
HUD MID Zip Codes	32084, 32091, 32136, 32145, 32771, 33440, 33523, 33825, 33870, 32068, 33935, 34266

Table 4: State MID Area Counties

State MID Area Counties	Alachua, Baker, Bradford, Charlotte, Citrus, Columbia, DeSoto, Dixie, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Indian River, Lafayette, Lake, Leon, Levy, Manatee, Marion, Martin, Nassau, Okeechobee, Pasco, Pinellas, Putnam, Sarasota, Seminole, Sumter, Suwannee, Taylor, Union, Wakulla
-------------------------	--

2.8 Allocation

A total of \$475,000,000 has been allocated for the GIP program. This allocation may be increased or decreased based on the demand for the program by amendment to the Action Plan, subject to approval by HUD.

2.9 Application Assistance Timeline

The application submission cycle for the GIP Program, Round II will open on June 16, 2021 and close on September 17, 2021.

DEO will host a webinar to provide an overview of the Guidelines, specific to the application process. The webinar will include a live question and answer period. These questions and answers will be published on DEO's website. DEO will also provide an opportunity for applicants to schedule 20-minute, one-on-one phone calls with DEO's mitigation staff. These calls will provide applicants an opportunity to ask questions and/or discuss issues specific to their project and the application process. We can also respond to any questions regarding previously submitted CDBG-MIT applications. Throughout the entire application cycle, technical assistance is also available by sending inquiries to the Mitigation email inbox at cdbg-mit@deo.myflorida.com. The program will respond to all inquiries in a timely manner. Applicants may also visit the program webpage to view the progress bar at the top of the page which indicates the status of the application cycle.

2.10 National Objectives

All projects supported by HUD Community Development Block Grant (CDBG) assistance must meet one of the CDBG's three National Objectives:

1. Benefiting low-and-moderate income (LMI) persons;
2. Addressing a severe and recently arising urgent community welfare or health need; or
3. Preventing or eliminating slum and blighting conditions.

DEO's GIP allocation is focused on addressing LMI and Urgent Needs. (Per 84 FR 45838, the slum and blight criteria are "generally not appropriate" in the context of mitigation activities and would require special prior approval from HUD to be considered.)¹

HUD has recognized that the most effective mitigation strategies are regional in scale. GIP applicants will be required to identify the entire area (non-LMI and LMI) that will benefit from the proposed project. DEO will then utilize HUD guidance to calculate the LMI benefit percentage of each project. If an applicant's project's area of benefit LMI is 50% or greater, the national objective for the application is met.

If the project's LMI for the area of benefit is less than 50%, the applicant must instead meet the Urgent Need requirement as follows:

- Provide evidence that their project will meet an urgent need by summarizing how the project will result in measurable and verifiable reductions in the risk of loss of life and property from future disasters and how it will yield community development benefits.
- Provide a plan to fund long-term operation and maintenance of the project and summarize how this will be done. (Funding options for long-term operation and maintenance might include state or local resources, borrowing authority, or retargeting of existing financial resources.)

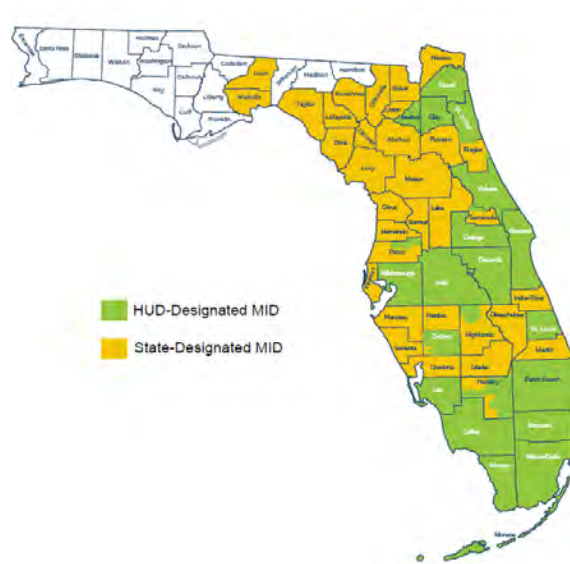
¹ Federal Register – 6109-N-02, V.A.13.f.

- Describe how the project is consistent with other mitigation activities in its area of benefit.

As required by the Federal Register, Vol. 84, No. 169, the state will designate at least 50% (\$316,742,500) of the CDBG-MIT allocation to address mitigation and resiliency needs in the HUD-identified MID areas. The remaining 50% may be spent on state-identified MID areas that were declared disaster areas eligible for both FEMA Individual and Public Assistance, categories A - G.

Figure 4 is a map of HUD and State-designated MID areas.

Figure 4: Mitigation HUD and State MID Areas



2.11 Program Management

DEO is the agency responsible for the administration of mitigation funds allocated to activities in Florida. The CDBG-MIT program is funded by HUD under Public Law 115-123.

DEO will execute subrecipient agreements with selected applicants, who will complete projects and/or deliver services. Subrecipients must certify that they have, or will develop and maintain, the capacity to carry out mitigation activities in a timely manner and that they have reviewed the requirements of 84 FR 45838-45871. The program contact *for subrecipients, applicants, or their designees only* is:

Attention: Office of Long-Term Resiliency
Florida Department of Economic Opportunity
107 East Madison Street
Caldwell Building, MSC 400
Tallahassee, FL 32399-2100
(833) 347-7863
cdbg-mit@deo.myflorida.com

2.12 Equal Opportunity

Federal policies ensure that no person be excluded, denied benefits or subjected to discrimination on the basis of race, color, national origin, sex, disability or age under any program funded in whole or in part by CDBG-MIT funds. DEO and subrecipients may not discriminate in any of the following areas: deciding who will be admitted, or have

access, to any CDBG-MIT funded program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

DEO requires any entity receiving assistance through CDBG-MIT grant to comply with the Part 3 requirements herein. In addition, DEO and subrecipients must administer and fund programs that are in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations, and will affirmatively further fair housing.

DEO requires subrecipients to certify that they have adopted and are enforcing policies that: 1) prohibit the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations and 2) prohibit physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

Any person who believes he or she, or any specific class of individuals, has been subjected to unlawful discrimination may file a complaint regarding the alleged discrimination with:

Office for Civil Rights

Florida Department of Economic Opportunity

107 East Madison Street

Caldwell Building, MSC 150

Tallahassee, FL 32399-4129

(850) 921-3205

Civil.Rights@deo.myflorida.com

Atlanta Regional Office of FHEO

U.S. Department of Housing and Urban Development

Five Points Plaza

40 Marietta Street, 16th Floor

Atlanta, GA 30303-2806

(404) 331-5140

ComplaintsOffice04@hud.gov

Further information about eligibility for filing an equal opportunity complaint, time limits, instructions, and procedures may be found at:

<http://www.floridajobs.org/office-directory/office-for-civil-rights/about-our-services/discrimination-complaints>.

2.13 Conflict of Interest

State officials and employees, DEO employees, subrecipients, contractors and consultants who exercise functions with respect to CDBG-MIT activities or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, are prohibited from receiving any benefit from the activity either for themselves or for those with whom they have family or business ties, during their tenure.

For purposes of this section, “family” is defined to include parents (including mother-in-law and father-in-law), grandparents, siblings (including sister-in-law and brother-in-law) and children of an official covered under the conflict of interest regulations at 24 CFR 570.489(h).

Per 24 CFR 570.489(h)(2) - Conflicts prohibited: Except for eligible administrative or personnel costs, the general rule is that no one who exercises or has exercised any functions or responsibilities with respect to CDBG-MIT activities assisted under this subpart or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

Per 24 CFR 570.489(h)(4) - An exception to the conflict of interest provision may be granted after it is determined that such an exception will serve to further the purpose of the Act and the effective and efficient administration of the program or project of the state or unit of general local government as appropriate. An exception may also be granted should it be determined that all of the concerns generated by the potential conflict of interest have been adequately and publicly addressed and that an exception would serve to further the purposes of Title I of the Housing and Community Development Act of 1974 and the effective and efficient administration of the program. No party will enter into a conflict of interest until a request for an exception has been granted by DEO.

2.14 Anti- Fraud and Compliance Policies

HUD requires policies to prevent fraud, waste and abuse. DEO is committed to aggressively detecting and eradicating fraud, waste and abuse to ensure that DEO-administered programs provide services to customers effectively and efficiently and that taxpayer funds are protected. Each employee, customer and partner has a role and responsibility to ensure that program and service delivery is in compliance with local, state and federal laws and policies and that any incidents are reported immediately for investigation and resolution.

Rebuild Florida constituents, employees and contractors may report suspected fraud, waste, or abuse by contacting Constituent Management Services staff, submitting information via the Report Fraud, Waste or Abuse online form (<http://floridajobs.org/rebuildflorida/report>; (all contact information fields are optional to allow for anonymity) or by sending an e-mail to cdbg-dr_antifraudwasteabuse@deo.myflorida.com.

All suspected cases of fraud will be taken seriously, and complaints will be reported to OLTR’s Compliance and Reporting Manager and DEO’s Office of the Inspector General

at OIG@deo.myflorida.com. If DEO’s OIG determines that it is appropriate, it will coordinate its investigation with agencies such as the Florida Office of the Inspector General, the Florida Office of the Attorney General, or the Florida Department of Business and Professional Regulation.

All substantiated cases of fraud, waste, or abuse of government funds will be forwarded to the United States Department of Housing and Urban Development (HUD), Office of Inspector General (OIG) Fraud Hotline (phone: 1-800-347-3735 or email: hotline@hudoig.gov) and DEO’s HUD Community Planning and Development (CPD) Representative. *OLTR must provide a timely response within 15 working days of the receipt of a complaint, as stated in 84 FR 169.*

Office of Long-Term Resiliency’s comprehensive Anti-Fraud Waste and Abuse Policy can be found [here](#).

2.11 Files, Records and Reports

DEO and subrecipients will maintain accurate files and records on its projects and DEO will retain all pertinent documentation for the grant between HUD and DEO. Compliance will be maintained in accordance with the reporting requirements as outlined in the DEO Policies and Procedures Manual.

All official records on project activities are maintained for a five-year period beyond the date of grant closeout.

2.15 Public Records

The Office of Long-Term Resiliency's Constituent Services Manager will act as a Public Record Division Liaison and is the primary contact for all public record requests regarding the Office of Long-Term Resiliency/Rebuild Florida Program. The Office of Long-Term Resiliency's Public Record Division Liaison will coordinate with the respective managers of each program to determine (1) what is and what is not a responsive record; and (2) where to find all responsive records.

Pursuant to Article 1, Section 24, Florida Constitution, and Chapter 119, Florida Statutes, DEO is subject to Florida's public records laws. Accordingly, unless an exemption exists, all records produced or received pursuant to law or in connection with the official business of DEO can be requested and provided for inspection. Subrecipients participating in the GIP are also subject to Florida's public records laws. All public records requests made to DEO will be processed in accordance with DEO Administrative Policy 1.06, Processing Public Records Requests. Public records held by subrecipients may be requested by contacting the relevant subrecipient.

Detailed guidance on public records requests can be found in the following resources:

Florida Government in the Sunshine Manual:

[http://myfloridalegal.com/webfiles.nsf/WF/RMAS-9UPM53/\\$file/2015SunshineLawManual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/RMAS-9UPM53/$file/2015SunshineLawManual.pdf)

Florida Public Records Law, Chapter 119, Florida Statutes:

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119.html

2.16 Section 3

The Housing and Urban Development Act of 1968, Section 3, mandates that recipients of CDBG-MIT funding provide, to the greatest extent possible, training, employment, contracting and other economic opportunities to low and very low-income persons or business concerns that provide economic opportunities to LMI persons.

The Section 3 numerical goals are minimum targets that must be reached for HUD to consider a recipient in compliance. If an entity fails to fully meet the Section 3 numerical goals, it must adequately document the efforts taken to meet the numerical goals. The minimum numerical goal for employment is 30% of the aggregate number of new hires must be Section 3 residents, annually; i.e., three out of 10 new employees needed to complete a Section 3 covered project / activity must be Section 3 residents. The minimum goals for contracting are:

- 10% of the total dollar amount of all Section 3 covered contracts for building trades work for maintenance, repair, modernization or development of public or Indian housing or building trades work arising in connection with housing rehabilitation, housing construction and other public construction, must be awarded to Section 3 businesses; and
- 3% of the total dollar amount of all non-construction Section 3 covered contracts must be awarded to Section 3 businesses.

2.17 Environmental Review

All CDBG-MIT and related activities are subject to the provisions of the National Environmental Policy Act of 1969 (NEPA), as well as the HUD environmental regulations provided in 24 CFR part 58. The primary purpose of these regulations is to protect and enhance the quality of the natural environment. To meet these requirements, the subrecipient is responsible for ensuring that environmental reviews are completed for all projects. The environmental review *must* be completed prior to any funds being allocated toward a project.

The GIP environmental review is a separate and distinct review from any other review. Other previously performed environmental reviews may not satisfy the program's requirements. If an environmental condition identified on a proposed GIP activity site cannot be cleared, the site may not be an eligible location for activities.

DEO currently has staff that will oversee environmental compliance. Additionally, the current staff may be augmented by external vendors procured through competitive solicitation.

2.18 Program Income

This program will not create program income.

Part 3 Subrecipient Information

DEO will use a subrecipient model to deliver the GIP. Awardees will be selected through a competitive RFA process. This program is not a direct grant program. No funds will be paid directly to individuals.

3.1 Eligibility

Entities that are eligible to apply include:

- Municipalities;
- Counties;
- State agencies;
- Non-profits that apply in partnership with their local municipality/county or state agencies; and
- Non-governmental agencies that apply in partnership with their local municipality/county or state agencies.

To be eligible for funding, a grant application must:

1. Be in conformance with the State Mitigation Plan and Local or Tribal Mitigation Plan approved under 44 CFR part 201.4; or for Indian Tribal governments acting as grantees, be in conformance with the Tribal Mitigation Plan approved under 44 CFR 201.7;
2. Have a beneficial impact upon the designated disaster area;
3. Meet a National Objective;
4. Consider the following for any infrastructure project that encompasses flood mitigation: high wind, continued sea level rise and ensure responsible floodplain and wetland management based on the history of flood mitigation efforts and the frequency and intensity of precipitation events;
5. As a condition of consideration for project funding, applicants will be required to identify their plans for funding operations and maintenance costs (when applicable). Long-term maintenance and operating costs are ineligible under CDBG-MIT funding except as identified at 84 FR 45838 Section V.A.9.
6. Be cost-effective and substantially reduce the risk of future damage, hardship, loss or suffering resulting from a major disaster. The grantee must demonstrate this by documenting that the project:
 - A. Addresses a problem that has been repetitive or a problem that poses a significant risk to public health or safety if left unsolved;
 - B. Will not cost more than the anticipated value of the reduction in both direct damages and subsequent negative impacts to the area if future disasters were to occur;
 - C. Has been determined to be the most practical, effective and environmentally sound alternative after consideration of a range of options;
 - D. Contributes, to the extent practicable, to a long-term solution to the problem it is intended to address; and
 - E. Considers long-term changes to the areas and entities it protects and has manageable future maintenance and modifications requirements.
7. Include evidence of meeting the public notice requirement, as outlined below and in the Application Instructions & Checklist, Appendix A.

3.2 Public Notice Requirement

All applicants must receive public input on their application by abiding by one or both of these new notice formats:

Option 1 - Post information about the project on your public website and allow for a 14-day public comment period. Posted information should include:

- The type/s of project/s to be undertaken;
- The source (i.e., CDGB-MIT funds);
- The amount of funding being requested;
- The date by which comments must be made;
- A contact person for a copy of the proposed application; and
- Accommodations for non-English-speaking citizens

Provide documentation that the needs of non-English speaking citizens have been met wherever a significant number (5% or more) of non-English speaking citizens might be reasonably expected to participate. All information posted will need to be translated into Spanish and Creole.

*Applicants who do not provide translations of the public notice in Spanish and/or Haitian Creole, must submit language-spoken demographic data from the Census or another reliable resource with their application. This data must prove that less than 5% of applicant's area of benefit population speaks Spanish or Haitian Creole

A copy of the webpage showing the public notice and a copy of any public comments received must be submitted with your application per instructions provided.

Option 2 - Host a virtual or in-person public meeting with city, county and tribal governments. Applicants should supply the same documentation that would normally be required to demonstrate that a meeting was held, including:

- A public meeting notice, posted at least five days prior to the meeting;
- A sign-in sheet; and
- Meeting minutes

The meeting notice should be posted in a newspaper of general circulation and to applicant's website and must include:

- The type/s of project/s to be undertaken;
- The source; (i.e., CDGB-MIT funds);
- The amount of funding being requested;
- The date by which comments must be made;
- A contact person for a copy of the proposed application; and
- Accommodations for non-English-speaking citizens

Provide documentation that the needs of non-English speaking citizens have been met wherever a significant number (5% or more) of non-English speaking citizens might be reasonably expected to participate. All information posted will need to be translated into Spanish and Creole. (The translated notice/s may be sourced from Google Translate.)

*Applicants who do not provide translations of the public notice in Spanish and/or Haitian Creole, must submit language-spoken demographic data from the Census or another reliable resource with their application. This data must prove that less than 5% of applicant's area of benefit population speaks Spanish or Haitian Creole

A copy of the webpage showing the public notice and a copy of any public comments received must be submitted with your application per instructions provided.

Applicants must provide for a 10-day public comment period, which must be published prior to the submission of the application.

3.3 Request for Applications (RFA)

The application submission cycle for GIP funding will open on June 16, 2021 and will end on September 17, 2021. To register, applicants should open this [link](#). A contact name and email address will be requested. Once registered, the applicant will be emailed an individualized application weblink. The application packet will be available from the CDBG-MIT website beginning on June 16, 2021.

3.4 Application Process

Eligible applicants are being invited to submit applications proposing GIP projects for funding through the CDBG-MIT program. Responses will be evaluated to ensure the proposed projects meet the minimum criteria as outlined in the application materials provided in Appendices A - G of these Guidelines. Responses that meet minimum threshold requirements will then be evaluated according to the scoring criteria listed in Part 4. The following appendices are included in these Guidelines:

- Appendix A – Application Instructions and Checklist;
- Appendix B – Completed Sample Application;
- Appendix C – Implementation Plan;
- Appendix D – Budget Template;
- Appendix E – Social Vulnerability Index Variables; and
- Appendix F – Social Vulnerability Index Map
- Appendix G – Public Notice Compliance

3.5 Application Requirements

Applications must, at a high level*, describe the project being proposed and address how and why it needs to be created, updated or integrated to mitigate risks attributable to threats identified in the State of Florida Action Plan Risk-Based Mitigation Needs Assessment. Projects must also include a proposed budget with a detailed description of anticipated costs by category, including support services, program management and administration. Explanations of how funding request amounts were determined must be included. Evidence of meeting the public notice requirement, as outlined in Section 3.2 and the Application Instructions & Checklist, Appendix A, must be included.

*Application requirement *specifics* are delineated in Part 4 of these Guidelines and in Appendices A – G.

Responses may include proposed subrecipient partnerships with public, private or non-profit entities to deliver GIP projects. If an applicant intends to utilize a partnership to complete a project, the response must document how partners will be selected. Any entity that is listed as excluded, debarred or suspended on the System for Award Management (<https://sam.gov/SAM/>), including affiliated businesses with the same Employer Identification Number (EIN), is not eligible to receive GIP funds and may not be selected as a subrecipient, partner, subcontractor or vendor.

Applications will be evaluated to determine the mitigation value and cost effectiveness of the proposed project. A national Objective must be met and the applicant's planning strategy and management capacity must be evident.

3.6 Applicant Review Process Responsiveness

During the application review process, applicants are required to respond in a timely manner to DEO requests for information/materials to complete the evaluation process. Any request for additional information will include a definitive due date for return of requested information. If the applicant needs an extension, a clarification or assistance, the applicant may make its request within the allotted response timeframe. If an applicant fails to provide the requested information/materials or fails to ask for an extension or assistance, the applicant's response will be closed and disqualified.

Part 4 Scoring

4.1 Award Determination

DEO will apply a two-phase process to review applications:

1. Phase One: Applications will first be evaluated for **Mandatory Threshold Compliance Criteria, Table 5**. This phase is unscored. DEO will further review only the applications that pass Phase One.
2. Phase Two: If the Mandatory Threshold Criteria is in compliance, the second phase of the review process will be initiated. Applications will be reviewed and scored based on **Scoring Criteria Evaluation Rubric, Table 6**.

Only the application itself (including requested attachments) will be scored. Any documents submitted with the application *that were not requested* will not be scored. The evaluation team will consist of CDBG-MIT staff who will independently and objectively score applications consistent with the Scoring Criteria Evaluation Rubric. The reviewers' scores will be averaged to determine a final score for each application.

Each element of the Scoring Criteria Evaluation Rubric has a value associated with it. A potential maximum of 150 points may be awarded. If eligible responses exceed available funding, applicants will be funded in rank order based on evaluation scores. DEO reserves the option to fund all, a portion of or none of each application submitted by an applicant.

Applicants will be notified that their application was submitted successfully via email.

Table 5: Mandatory Threshold Compliance Criteria

Threshold Criteria – Part A
Application is signed and complete.
Application was submitted on time.
Public Notice documents were submitted on time.
Applicant is an eligible UGLG, state agency, or non-profit or non-governmental entity that applied in partnership with a UGLG or state agency.
Applicant's project benefits HUD and/or state-identified MID areas.
Applicant meets either LMI or Urgent Need National Objective Requirement

Table 6: Program Scoring Evaluation Rubric

Available Points	Scoring Categories	Evaluation Rubric
20 pts	Project Description	Write an overview/summary, not to exceed 2,500 words, of the project being proposed. 1) State the project purpose and include a description of the proposed activity. 2) Specify the risk(s) that will be mitigated by completion of this project. 3) Explain the use of natural infrastructure in the project, if applicable. 4) Describe how the work will be done and the team that will do it. 5) Describe anticipated outcomes. 6) Describe how the project will be maintained after it is completed.

20 pts	Community Value	Describe, in 1,500 words or less, the proposed activity's value to the community in normal circumstances and in times of natural disasters. Specify which of the seven community lifelines will be served by completion of this project. Indicate how this project will enhance regional and/or multijurisdictional community resilience.
15 pts	Capacity Plan	Provide a strategic plan overview of 1,500 words or less that addresses goals, project beneficiaries, the work plan, (major tasks and deliverables), resources (staffing and budget) and monitoring/quality controls. Describe any community partnerships and roles. Identify the staff members who will be responsible and/or positions that will be filled for the GIP project management and maintenance. Provide a short profile on each person on your current staff who perform project-related tasks and a brief position description for any new hires who will be assigned to project work.
10 pts	Implementation Plan	Use the Implementation Plan Template provided in Appendix D to prepare a chronological timeline for the entire life of the project that organizes work into logical, manageable tasks and deliverables. Allow time for environmental reviews, permitting, etc.
10 pts	Budget	Include your project budget using the Budget Worksheet provided as Appendix D and also on Page 69 of the GIP Application in Appendix B. The project budget must be cost-reasonable, appropriate and accurate. Budgeted items must be consistent with the project description and tasks. The funding requested must be \$2,000,000 or more and may not exceed \$175,000,000. Ensure there is no duplication of benefits and that funding amounts requested are explained/justified.
10 pts	Leveraged Dollars	If your project involves the qualified use of matching or leveraged funds or services, (see Part 5 in these Guidelines), describe the specifics of leveraged fund/service usage. Distinguish leveraged dollars received verses leverage dollars anticipated, Ensure there is no duplication of benefits. The scoring criteria is as follows: less than 5% = 0 pts; 6% - 20% = 2pts; 21% - 35% = 4pts; 41% - 50% = 6pts, 51% - 65% = 8 pts; 66% or more = 10pts.
10 pts	MID Areas	HUD MID areas are determined through federal designation. DEO does not have input on the designation of HUD MID areas. State-identified MID areas were identified by the state of Florida as areas of need that were not specified by HUD. State MID areas include counties that were eligible for FEMA Individual and Public Assistance Categories A-G in presidentially-declared counties for each of the included storms. Projects in HUD MID areas will receive 10 points. Projects in State MID areas will receive five points.
30 pts	Overall LMI Benefit	Provide the specific block groups for the project area of benefit. Projects that benefit areas comprised of higher percentages of LMI individuals will be awarded a higher score than projects with lower percentages. For example, if the service area LMI is 65%, DEO will multiply this percentage by 30 (the maximum amount of points available) to receive a final LMI score of 19.5 points. The LMI percentage will be calculated by DEO using the formula outlined on the CDBG LMI Data website:

		https://www.hudexchange.info/programs/cdbg/cdbg-low-moderate-income-data/
10 pts	Social Vulnerability	The Hazard and Vulnerability Research Institute's Social Vulnerability Index (SoVI®) measures the social vulnerability of U.S. counties to environmental hazards. This index synthesizes 29 socioeconomic variables that impact a community's ability to prepare for, and respond to, disasters. The index of variables includes, but is not limited to, age, sex, race, income and unemployment rate. A map and full list of variables is located in Appendix E. If your project area of benefit crosses county boundaries we will award points based on the higher scoring county. Points Available Based on SoVI® Score 2 pts = Low (Bottom 20%) 4 pts = Medium Low 6 pts = Medium 8 pts = Medium High 10 pts = High (Top 20%)
15 pts	Special Designations	If your project will benefit one of the following special designations, identify the designation: An Area of Critical State Concern according to Florida Statutes 380.05; a Rural County as defined by the Office of Management and Budget; or a Fiscally-Constrained County according to Florida Statutes 218.67. Five points will be awarded for each special designation in your service area.
150 pts		Total maximum score

4.2 Technical Assistance

DEO is hosting a webinar and one-on-one phone calls or web meetings to provide an overview of these Guidelines and the application process. Sign-up for these calls will open on a first-come-first serve basis. Technical Assistance calls will begin after the initial webinar. Assistance is also available throughout the lifecycle of the program by sending inquiries to the Mitigation email inbox: cdbg-mit@deo.myflorida.com.

Awarded Subrecipients will receive technical assistance from DEO and its designated partners as related to CDBG-MIT requirements and compliance. Assistance will also be provided as a result of monitoring activities and at subrecipient request.

4.3 Subrecipient Responsibilities

Awarded projects become Subrecipients and have the following responsibilities and must:

- Demonstrate how the proposed project meets one or both of the national objectives;
- Submit an accurate account of how the absence of the project being requested has affected the community's critical services during disasters;

- Submit a detailed scope of work;
- Provide evidence that selected site has appropriate environmental approvals;
- Enter into a subrecipient agreement with DEO specific to the GIP;
- Comply with all terms and conditions of the subrecipient agreement, GIP guidelines, Mitigation Action Plan and applicable federal, state and local laws;
- Develop policies and procedures to detect and prevent fraud, waste and abuse that describe how the subrecipient will verify the accuracy of information and report instances of suspected fraud, waste or abuse;
- Follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486;
- Develop policies and procedures for complaints and grievances and for appeals. These policies and procedures must be made available to participants and participant applicants;
- Update application or program policies and procedures upon DEO request;
- Document all complaints, grievances and appeals received. To comply with HUD requirements, a response to each complaint, grievance or appeal must be made within 15 working days of receipt;
- Maintain organized files and make them accessible to DEO or its representatives upon request;
- Maintain books, records and documents relating to the GIP in accordance with generally-accepted accounting procedures and practices which sufficiently and properly reflect all expenditures of funds provided by DEO under this program. All records must be maintained for five years beyond the closeout of the grant;
- Retain sufficient records to document program activities, participants and services and to demonstrate compliance with the GIP Program Guidelines, subrecipient agreement and applicable federal, state and local laws and regulations. All records must be maintained for five years beyond the closeout of the grant;
- Ensure that any partners, subcontractors, vendors or other entities to whom the subrecipient intends to disburse GIP funds are not listed as excluded, debarred, or suspended on the System for Award Management (<https://sam.gov/SAM/>), including affiliated businesses with the same EIN;
- Comply with the requirement that subrecipients will not carry out any of the activities under their agreement with DEO in a manner that results in a prohibited duplication of benefits as defined by Section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974;
- Provide a detailed timeline for implementation consistent with the milestones outlined in these GIP Program Guidelines and report actual progress against the projected progress on a monthly basis;
- Provide a quarterly report to DEO that outlines the activities completed in the previous quarter.
 - The report must include financial metrics that demonstrate the implementation costs to date with projected spending.
 - Reporting must include documentation of the number of complaints received, the nature of the complaint, and that complaint was responded to within 15 days of receipt.
 - Additional quarterly reporting requirements may be required, depending on the specific program design implemented by a subrecipient.
- Provide a monthly report to DEO that details the grant funding approved versus funding disbursed;
- Monitor compliance with the terms and conditions of the subrecipient agreement; and
- Maintain organized files and make them accessible to DEO or its representatives upon request.

4.4 Compliance and Monitoring of Subrecipients

As a recipient of federal funds, DEO is charged with ensuring that any subrecipient has the capacity and means to deliver projects and services and that the costs of its activities are allowable, reasonable and necessary. Therefore, each subrecipient assessed by DEO must demonstrate the organizational capacity and implementation experience necessary to deliver services. Each subrecipient must meet performance metrics for implementation. Additionally, all subrecipients will be subject to routine monitoring and compliance review by DEO or its representatives based on an initial risk analysis. Monitoring will include:

- Evaluation of the subrecipient's organization, procurements, policies and procedures, and any cross-cutting federal requirements;
- Compliance with the Stafford Act (i.e., no duplication of benefits);
- Allowable, necessary and reasonable cost standards;
- Financial management, file management and documentation;
- National objective compliance; and
- Reporting and compliance with these Guidelines, the Subrecipient Agreement and any applicable laws and regulations.

DEO will monitor the GIP directly and through designated partners. This includes verification of official documents against state records, review of application materials and expense documentation, and physical site visits to verify compliance and appropriate use of funds. Additional reviews may be conducted by HUD. Monitoring reviews may be announced or unannounced. Monitoring may take place on site or remotely. Reviewed documentation may be randomly selected. Project applications and documentation must be maintained and made available by subrecipients. All monitoring results will be recorded in detail for program compliance and use of funds.

Any issues of non-compliance may be categorized as either findings or observations. Subrecipients found to be non-compliant, or who received funds in error, may be required to repay grant funds to the state of Florida, in accordance with the subrecipient agreement.

4.5 Construction Regulations

The Davis-Bacon Act (DBA) applies to all construction contracts greater than \$2,000 unless the program's authorizing legislation contains exceptions. It requires that all workers or mechanics working on projects covered by the Act be paid minimum hourly wages and fringe benefits according to the wage decision(s) applicable to that contract. If any portion of a contract requires DBA, then all work performed under the contract is subject to DBA. Work done by a local government's employees (force account) is not subject to DBA.

Additionally, contractors must comply with the Contract Work Hours and Safety Standards Act (CWHSSA) and the Copeland Anti-Kickback Act (Copeland Act). CWHSSA requires that, for any project in which the prime contract exceeds \$100,000, workers must be paid one-and-one-half their normal hourly rate for any hours worked in excess of 40 hours weekly, based on a workweek of seven consecutive days. The Copeland Act prohibits any person from inducing a worker on a federally-funded project to give up any part of the compensation to which the worker is entitled. No payroll deductions are permitted that are not specifically listed in the Copeland Act unless the contractor has obtained written permission from the employee as specified in 29 CFR 3.5 for otherwise permissible payroll deductions.

4.6 Appeals

4.6.1 Informal Appeals

Appeals may be filed only upon the deliverance of an adverse program decision regarding eligibility, benefits, or closure of an application. Appeals must be filed within the parameters set by this appeals procedure. Participants may not appeal program policy. If an applicant is denied program services or benefits and desires to appeal, an appeal may be filed with DEO as follows:

- All appeal letters must be submitted in writing within 30 days of the date of the denial letter via:
 - o U.S. mail to:

Office of Long-Term Resiliency, Appeals Team

Florida Department of Economic Opportunity

107 East Madison Street

Caldwell Building, MSC 400

Tallahassee, FL 32399

- o Email to: cdbg-drappeals@deo.myflorida.com
- All appeal letters must include:
 - o The reason for the appeal;
 - o A clear explanation that describes the evidence that the denial was contrary to applicable laws or regulations or in some other way inequitable;
 - o The reason that the applicant is eligible for the service or benefit that was denied, delayed, reduced, modified or terminated;
 - o The proposed remedy sought by the applicant;
 - o Name, contact address and contact telephone number of entity filing appeal; and
 - o Signature and date.

An appeal initiated by an applicant with DEO must follow written appeal procedures, which may include, but not be limited to, informal hearings, third-party review or administrative review. A determination letter will be sent, post-appeal, to the entity that initiated the appeal. Applicants may contact DEO for more information on the appeal procedure.

4.6.2 Formal Appeals /Notice of Administrative Rights

Any person whose substantial interests are affected by DEO's determination has the opportunity for an administrative hearing pursuant to section 120.569, Florida Statutes. For the required contents of a petition challenging agency action, refer to rules 28-106.104(2), 28-106.20(2), and 28-106.301, Florida Administrative Code.

Depending on whether material facts are disputed in the petition, a hearing will be conducted pursuant to either sections 120.569 and 120.57(1), Florida Statutes, or sections 120.569 and 120.57(2), Florida Statutes. Pursuant to section 120.573, Florida Statutes, and Chapter 28-106, Part IV, Florida Administrative Code, mediation is available to settle administrative disputes. Any petition must be filed with the Agency Clerk within 30 calendar days of receipt of DEO's determination

If an applicant files a request for reconsideration or informal appeal, the requirement to timely file a petition challenging agency action will be tolled until a decision under either method is rendered by the Department. At

that time a new appeal window will begin. No applicant will lose their rights under Chapter 120, Florida Statutes, by filing a request for reconsideration or request for informal appeal.

Any petition must be filed with the Agency Clerk within 30 calendar days of receipt of this determination. A petition is filed when it is received by:

Agency Clerk
Department of Economic Opportunity
Office of the General Counsel
107 East Madison Street, MSC 110
Tallahassee, Florida 32399-4128
Fax: (850) 921-3230
Email: Agency.Clerk@deo.myflorida.com

Part 5 Financial

5.1 Eligible & Ineligible Costs

All costs must be CDBG-MIT eligible. All costs must comply with the requirements of 24 CFR 570 and 2 CFR 200.

Eligible costs for the GIP include, but are not limited to:

- Training;
- Materials and supplies related to GIP activities;
- Construction costs;
- Rehabilitation or construction of stormwater management systems;
- Improvements to drainage facilities;
- Support services;
- Participant outreach;
- Program management; and
- Program administration*.

*Administrative costs must be: 1. Allowable, reasonable and necessary and 2. Directly related to the project [invoicing, providing documentation, tracking expenditures, copying costs, postage]. Indirect cost recovery is not allowable under the CDBG-MIT program.

Ineligible costs for the GIP include, but are not limited to:

- Material or supply costs unrelated to GIP activities;
- Furnishings and personal property, including motor vehicles and fixtures;
- Costs incurred prior to the date of execution of a subrecipient agreement;
- Political activities or lobbying;
- Payments to a for-profit business while that business or business owner is the subject of unresolved findings for non-compliance with CDBG assistance; and
- Any costs determined as unallowable or ineligible pursuant to applicable state or federal laws or regulations, or guidance from HUD, DEO or any applicable state or federal agency.

5.2 Funding Method

Funding will be provided monthly on a cost reimbursement basis upon completion of agreed upon deliverables. Subrecipients must verify all documentation and costs before submission for cost reimbursement to DEO. Subrecipients must provide required reporting and supporting documentation to be reimbursed.

5.3 Supplanting Funds

Subrecipients must agree to utilize GIP funds to supplement rather than supplant funds otherwise available. Subrecipients must document that GIP funds awarded are above and beyond any annual appropriations that are provided for the same purpose. GIP funds may be utilized after all other funds available to provide benefits to the participant for the same purpose have been expended. Any supplanting of funds will be treated as a duplication of benefits or fraud, waste and abuse, and is subject to recapture under the terms of the subrecipient agreement.

5.4 Duplication of Benefits (DOB) Overview

Eligible applicants may have previously received assistance from other sources for the same purpose as the GIP. Under the requirements of The Robert T. Stafford Disaster Assistance and Emergency Relief Act, as interpreted and applied by HUD, DEO, and its subrecipients must consider certain aid received by a person or entity in determining the amount of assistance which can be granted. DEO and subrecipients must follow HUD's DOB Guidance. Applicants must provide any information on benefits received that may create a DOB to the appropriate subrecipient. The subrecipient must perform due diligence verification of DOB information.

The Supplemental Appropriations Act authorizing CDBG-MIT funding and the Stafford Act include restrictions on using CDBG-MIT program funds to provide assistance when insurance providers or other federal or state entities have already funded all or a portion of the activity. The Stafford Act also contains eligibility requirements for recipients who have received prior disaster funding based upon whether they are in compliance with requirements associated with receipt of those funds. When applicable, recipients must be in compliance with these restrictions or funding will be denied. Participants must report all financial assistance, including:

- Local, state, or federal programs;
- Private or non-profit charitable organizations; and
- Any other assistance received for the purpose for which the participant is applying for, and receiving, funding or services.

Funds provided by any federal, state or local government entity, or non-profit or private source intended for the same purpose as the GIP are considered a DOB and under federal law *must* be deducted from the assistance provided by the GIP. Any additional funds paid to participants for the same purpose as the GIP after the GIP services are completed *must* be returned to DEO. Participants in the GIP must agree to repay any duplicative assistance considered a DOB.

5.5 Subrogation

Subrogation is a legal doctrine that allows one person to take on the rights of another. In the context of mitigation grants, a GIP participant must enter into a subrogation agreement in which the funding agency (DEO) obtains the right to collect any additional mitigation payouts the participant receives for the same purpose after the participant has entered into a grant agreement for GIP benefits.

All duplicative funding received must be remitted to or accounted for by the program, regardless of when it is received by the entity. If an entity receives additional funding for the same purpose as the GIP award, including after the GIP award is executed or GIP services are completed, the entity is required to report the additional funding to the program.

By accepting the award, subrecipients agree that they will report any duplicative funds to the program whenever received. Upon receipt of a report that additional benefits have been received, the program will recalculate the entity's award and provide instructions as to whether the award will be reduced by such amount, or whether the entity must remit such amounts to the program as reimbursement (when additional assistance is received after program disbursements). Each subrecipient will execute and be bound by a subrogation agreement.

Subrecipients must agree to subrogate (commit to the state of Florida) any future payments they may receive after award from any sources that represent a potential DOB. The subrogation agreement requires the applicant to notify DEO if additional funds are received and to assist DEO in collecting any amounts owed to it from these sources. All parties shall comply with standard anti-fraud measures.

DEO will exercise all normal due diligence in collection of amounts owed through contact with awardees and will pursue investigation and collection efforts which may include demand letters, small claims court, filing of

judgments, and/or other collection activity. Collection activity following demand letters will be determined in consultation with DEO and/or the Florida Attorney General's Office.

5.6 Budget

CDBG-MIT funds may be used to meet the local share of a matching requirement, or of cost-sharing or other contribution for federal or state grant programs if the funds are used to carry out an eligible GIP mitigation activity. Funds may be matched from mitigation grants administered by FEMA and the United States Army Corps of Engineers. (The maximum amount for the US Army Corps of Engineers is \$250,000.) Activities that are funded with match dollars must meet the eligibility requirements of the CDBG-MIT program and the federal program that is being supported with CDBG-MIT funds.

Applicants should describe how they will seek to maximize the outcomes of investments and the degree to which CDBG-MIT funds will be leveraged, including through public-private partnerships and other federal, state, local, private and nonprofit sources to generate more effective and comprehensive mitigation outcomes. Leveraged funds for each activity must be identified in the Disaster Recovery Grants Reporting system.

Although there is not a requirement for local match, GIP grants may or may not cover the full cost of all infrastructure activities for projects. Applicants should expect to contribute resources to complete a successful project.

5.7 Procurement Requirements

Federal, state and local procurement rules apply when purchasing services, supplies, materials or equipment. DEO and all subrecipients must abide by the procurement process mandated by federal and state government codes as they are applicable to the GIP. The procurement process includes the decision to purchase as well as the process to complete the purchase.

The federal government has established a set of procurement rules in 2 CFR Part 200 that apply to CDBG-DR projects. 24 CFR 570.502 requires compliance with 2 CFR Part 200 for CDBG-DR projects, with certain limited exemptions (see also 24 CFR 85.36 and 24 CFR 84.40-48, as applicable). These rules are in place to ensure that federal dollars are spent fairly and encourage open competition for the best level of service and price. If a conflict between federal and local procurement regulations should occur, the more stringent regulation will be followed.

Appendices

Appendix A – Application Instructions & Checklist

Rebuild Florida GIP Checklist



Project Name: _____

This Checklist is designed to aid the applicant through the application process. As such, it does not need to be submitted with the completed application to DEO.

✓ <u>Application Information Required</u>	
	Application is signed, dated and complete
	FEIN and DUNS numbers are provided
	Application is from an eligible UGLG, state agency, or non-profit or non-governmental entity that applied in partnership with a UGLG or state agency
	Project title, primary contact name, address and contact methods are provided
	Secondary contact name, address and contact methods is provided
	Project is clearly described with the site address listed
	Project meets National Objective Criteria
	Project addresses what risks will be mitigated
	Project addresses the community lifelines being served
	Project demonstrates how it will enhance community resilience
	Project's goals, beneficiaries, work plan, resources, and monitoring/quality controls are identified
	Staff members and their responsibilities are identified
	Contractors or third-party entities are identified
	The Implementation Plan Template is completed and attached to the application
	Public Notice (PN) Documents have been submitted (this includes translations)
	The Budget Template is completed and attached to the application
	This project has no duplication of benefits
	Leveraged funds/ service usage is outlined in the application
	Each county that benefits from this project is selected
	Application identifies the LMI Census Tract and block groups numbers the project area will benefit
	Special designations, if applicable, are identified within the application

	Compliance and Maintenance Agreement sections are completed
--	--

Filling out the Rebuild Florida Mitigation GIP Application

Applicant Information:

1. First write in the GIP project title under “Official Project Title”.
2. Under Local Government Information, fill in the official applicant entity name, meaning the primary UGLG, agency or entity who is applying for this program. Use your official entity name, as this will be the name used for disbursing funds.
3. Next fill in the primary and secondary project contact name, title, e-mail, mailing address and phone number. These people will be the first individuals to be contacted by DEO regarding the proposed GIP project, should the need arise.
4. Provide a secondary contact name, title, e-mail, mailing address and phone number.
5. Be sure to fill in both the entity’s FEIN and DUNS number.
6. Lastly, if there are any other UGLG, agencies, or entities who are co-applicants for this proposed project, list their official entity name, person of contact name and email.

Project Description:

1. Attach a word document titled: EntityNamePD_GIP of the project overview that is not to exceed 2,500 words. An example of the document title being submitted by the Leon County City Fire Department would look like: LeonCountyFirePD_GIP

Community Value:

1. In a zip folder, attach a Word document titled: EntityNameCV_GIP of the overall community value of the proposed project without exceeding 1,500 words. You will also need to submit photographs of both the interior and exterior views of the project area or site. Attach these photos through a zip folder with your word document included. The zip folder will be titled with your EntityNameCV_GIP.
2. A maximum of ten (10) photographs of the project area or site may be submitted per application. Photos must be clear and in focus, in color, taken at a high resolution and saved as .jpeg files. For printed applications, photos must be at least 4”x6” in size.
3. Please see this link to create zip files: <https://support.microsoft.com/en-us/help/14200/windows-compress-uncompress-zip-files>

Capacity Plan:

1. Provide a plan overview, not to exceed 1,500 words, that outlines your proposed GIP project. You will label the document titled: EntityNameCP_GIP.

Public Notice

1. Attach a zip folder all relevant Public Notice Information including translations and any related documents. You will label the document EntityNamePN_GIP.

Implementation Plan:

1. Use the provided Implementation Plan template found in Appendix C of the GIP Guidelines to fill out the information. Rename the template: EntityNameIP_GIP.
2. You will fill out the timeline to outline the proposed project’s life, accounting for manageable tasks and deliverables with approximate dates included.

Implementation Plan Template Instructions:

Enter project name, official applicant entity name and primary contact name and phone number in the header space at the top of the template. You will also enter the Public Notice dates for your proposed project. This template is customizable to fit your project. Feel free to edit the segments and add notes when needed.

1. The “Milestones and Tasks” box should list the major manageable tasks and deliverables of the proposed project and include the entire life of the project. Enter the approximate start and end dates of each task and/ or deliverable under the tabs “Start” and “End”. “Duration” encompasses the number of days the task runs for. Excel should already calculate the duration based on the start and end dates you enter. If this is not the case, enter in the number of days as the duration of each task and/ or deliverable. Label each task and/ or deliverable appropriately under the “Label” section.

Milestones and Tasks				
Activity	Start	End	Duration	Label
Project Start (Milestone 1)				
Task 1	02/03	03/03	29	Environmental Review
Task 2	03/03	04/03	31	Engineering Design
Task 3	04/04	05/04	61	Site Development

- A. Within the “Tasks” row, there are 9 available slots for project timeline tasks. When adding/changing tasks within the row, select the row (select the values under “Start” to “Label”).
 - B. Follow these guidelines for customizing your timeline. You may add lines within the “Tasks” section below existing tasks by highlighting the complete box rows, right click, select “Insert...”, a dialogue box will appear, select “Shift cells down”, select “Ok”. This will shift all boxes below the selected row down the excel sheet.
2. The “Milestones” row may be used to list major project milestones such as the start or completion of the project. Any changes to this box can be made by following the directions described previously. The label for your new milestone will need to be added in manually. Now enter in the title for this milestone.

Budget:

1. Use the provided Budget Worksheet found in Appendix D of the GIP Guidelines to fill out the information. Rename the template with your EntityNameBudget_GIP.
2. Select either Yes/No on whether your project includes a duplication of benefits. Any project that includes a duplication of benefits will not be eligible for this application.
3. Select either Yes/No on whether you anticipate on receiving any funds other than CDBG-MIT funds. If the answer is yes, then in the “Leveraged Dollars” section you will need to detail any application for funds and when those funds will be committed for your project. You will also need to include the percentage of the project covered by leveraged (non-CDBG-MIT) funds. Include the agency/ entity who the funds are coming from and the total amount.

Budget Template Instructions:

Enter project name, primary contact name and phone number and the official applicant entity name.

This template is customizable to fit the budget proposal for your project. Feel free to edit left-hand segments and add notes when needed.

If a section does not have enough cells for the category that you are working on, you can add additional cells by highlighting a complete row and right clicking. A dialogue box will appear that permits you to add a row of cells. Click “Insert” and then select either “Insert Above” or “Insert Below”, depending on where you would like the new row to be placed. The new row will appear above or below the row you highlighted.

1. On the left-hand side of the template there is a list of major project items. Beneath each major project are related sub-groups. You may edit each of these areas to fit your proposed budget plan. For example, if you do not have Drawings/ Blueprints, you may delete that row.

2. List anticipated and committed sources of other project funding sources in the “Sources of Other Funds” category. These funds are non-CDBG-MIT funds. Include entities you have contacted, even if a funding commitment has not yet been made. Disclose the amount you requested or expect to receive. If you need to add rows in this section, follow the directions for adding rows outlined above.
3. Use the right-side “Justification” column to describe how funding requests were determined.

Leveraged Dollars:

1. If your project includes the use of matching or leveraged funds or services, read the GIP Guidelines, Part 5 to ensure these funds are eligible.
2. Describe the specifics of leveraged funds or services that your project will use in the space provided. Identify and answer:
 - A. Are there local or other funds available to address the proposed project in whole or in part?
 - i. If Yes, report all sources of funding, percentage of project the funding covers, and the amount available.
 - B. Disclose sources and uses of non-CDBG-MIT funds.
 - C. What other federal, state, and/ or local entities have you contacted concerning funding for the proposed project, and what were the results?
3. If your project does not involve matching or leveraged funds, then write “N/A” in this section.

County Selection:

1. This section pertains to the areas that benefit from your project. Select all counties your project benefits so that DEO may determine to what extent your project benefits MID, social vulnerability, rural, and fiscally constrained areas.
2. All Eligible Florida Counties: Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, DeSoto, Dixie, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lafayette, Lake, Lee, Leon, Levy, Manatee, Marion, Martin, Miami-Dade, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Sumter, Suwannee, Taylor, Union, Volusia, Wakulla
3. HUD MID areas: Brevard, Broward, Clay, Collier, Duval, Hillsborough, Lee, Miami Dade, Monroe, Orange, Osceola, Palm Beach, Polk, St. Johns, St. Lucie, and Volusia
4. State MID areas: Alachua, Baker, Bradford, Charlotte, Citrus, Columbia, DeSoto, Dixie, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Indian River, Lafayette, Lake, Leon, Levy, Manatee, Marion, Martin, Nassau, Okeechobee, Pasco, Pinellas, Putnam, Sarasota, Seminole, Sumter, Suwannee, Taylor, Union, Wakulla
5. Rural counties: Baker, Bradford, Columbia, DeSoto, Dixie, Gilchrist, Glades, Hardee, Hendry, Highlands, Lafayette, Levy, Monroe, Okeechobee, Suwannee, Taylor, Union, Wakulla
6. Fiscally Constrained Counties: Baker, Bradford, Columbia, DeSoto, Dixie, Gilchrist, Glades, Hardee, Hendry, Highlands, Lafayette, Levy, Okeechobee, Putnam, Suwannee, Taylor, Union, Wakulla

Overall LMI Benefit:

1. Please use the latest updated version of your preferred search engine (Chrome, Explorer, Firefox).
2. Go to the HUD ACS 5-Year 2011-2015 Low- and Moderate-Income Summary Data website: <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>
3. It would be a good idea to watch the 24-minute webinar, as this video explains the tools and resources available on this webpage. Listed below are directions from the Webinar on how to identify block groups and Census Tract numbers.

4. On the right sidebar, click on “Map Application”
5. A new tab will open to the HUD Web Mapping Application. In the top right corner, click on “View Application”. A map of the United States will appear.
6. In the top right corner, enter a county or city located within the Area of Benefit and press enter to search. The map will zoom to the searched area.
7. In the top left corner, click on the Layer button (looks like a stack of papers). Uncheck the LMISD by Place, LMISD by County Subdivision, and
8. LMISD by County boxes. Only one box should remain checked – LMISD by Block Group. Click the X to close the layer box.
9. In the top left corner, click on the Service Area button (includes a pointer arrow in icon). In the “Select” box, click on the downward arrow to select shape style. Be sure to leave this box open while you highlight the block groups within the Area of Benefit.
10. Highlight all block groups within the Area of Benefit. Be sure to leave the Service Area box open while you highlight the block groups within the Area of Benefit. Otherwise you may only be able to select one block group at a time, instead of selecting the complete Area of Benefit.
11. In the Service Area box, click on the “...” to the right of “LMISD by Block Group”.
12. Click “Export to CSV File”. A CSV file will download to your computer.
13. Upload this CSV file to the application section titled Overall LMI Benefit.

Special Designations:

1. If your project benefits an Area of Critical State Concern, outlined in Florida Statutes 380.05, select “Yes” and proceed to select the specific area under the drop-down menu.
2. Designated Areas of Critical State Concern according to Florida Statutes 380.05:
 - A. Big Cypress Area (portions of Collier, Miami-Dade, and Monroe Counties)
 - i. Big Cypress Area of Critical State Concern Map
 - B. Green Swamp Area (portions of Polk and Lake Counties)
 - i. Green Swamp area of Critical State Concern Map
 - C. City of Key West and the Florida Keys Areas (Monroe County)
 - i. Florida Keys Area of Critical State Concern Map
 - ii. Key West Area of Critical State Concern Map
 - Florida Keys Hurricane Evacuation
 - Florida Keys Hurricane Evacuation Presentations
 - Florida Keys Hurricane Clearance Time Memorandum of Understanding
 - D. Apalachicola Bay Area (Franklin County)
 - i. Apalachicola Area of Critical State Concern Map

Compliance:

1. By selecting “Yes” in this section, you certify that your entity and co-applicants will comply with all DEO and state requirements as outlined in 84 FR 45838.

Maintenance Agreement:

1. By selecting “Yes” in this section, you certify that your entity and co-applicants will comply with all DEO and state subrecipient monitoring and maintenance requirements as outlined in 84 FR 45838.

Sign and Date:

As the primary entity contact for this project, I certify that staff, contractors, vendors and community partners of our mitigation initiative:

1. Will comply with all HUD and Florida requirements in the administration of the proposed CDBG-MIT funded activities;
2. Will work in a cooperative manner to execute the Subrecipient Agreement that provides the pathway for successful CDBG-MIT program(s) and/or project(s) and;
3. Certify that all information submitted in this Application is true and accurate

Application Submission:

Select the green arrow on the lower right-hand corner of the screen to have your application submitted directly to the Rebuild Florida Mitigation team. An automated email will be sent confirming receipt of the application.

If you have any questions or concerns, please email the Mitigation team at: [CDBG- MIT@deo.myflorida.com](mailto:CDBG-MIT@deo.myflorida.com)

Appendix B – Completed Sample Application



English ▼

Welcome to Rebuild Florida's **Mitigation General Infrastructure Program Round II** Application.

The CDBG-MIT team encourages you to utilize the GIP Instructions that are located in the GIP Guidelines when completing this application. The instructions provide a step-by-step guide that may answer questions that arise while filling out the application. Attached are the GIP Checklist and Guidelines, GIP Checklist and Instructions, Implementation Plan Template, and Budget Template.

[GIP Guidelines](#)

[GIP Checklist and Instructions](#)

[GIP IP Template](#)

[GIP Budget Template](#)

The following are methods for responding to questions for this application:

- Short response
- Attaching essay responses in the form of a text or Word document
- Downloading templates, filling them out and re-uploading them to the application
- Answering Yes/No response questions
- Selecting multiple answers
- Providing an e-signature.

If an entity is submitting more than one application, make sure to name **all** attached files like so, EntityNamePD_GIP1, EntityNamePD_GIP2, EntityNamePD_GIP3 etc.

Be aware that by answering "Yes" to the question "Is there any duplication of benefits?" your application will not be considered eligible for the General Infrastructure Program. Similarly, by answering "No" to the compliance and monitoring agreement questions your application will also not be considered eligible for the General Infrastructure Program.

Please be advised that those who have completed the registration process will have unlimited access to their application until the application deadline. If you entered this application by clicking on the link through DEO's CDBG-MIT website, then you may **not** be able to access your application repeatedly. In order to gain unlimited access, please send an email to: CDBG-MIT@deo.myflorida.com to receive a link to this application.





English ▾

Project and Applicant Information

Official Project Title	Mitigation City Stormwater Improvements
Official Applicant Entity Name	Mitigation City
Primary Contact Name and Title	Jane Doe, City Planner
Primary Contact Phone Number	850-445-6823
Primary Contact Email	jdoe@mitigationcity.gov
Secondary Contact Name and Title	John Smith, Grants Administrator
Secondary Contact Phone Number	850-445-1487
Secondary Contact Email	jsmith@mitigationcity.gov
Mailing Address	123 Main St Mitigation City, FL 12345
Site Address	674 Prep St Mitigation City FL 12345
FEIN#	123456789
DUNS#	123456789



English ▾

Are there any co-applicants involved in this project?

Yes

No





FLORIDA
DEPARTMENT of
ECONOMIC
OPPORTUNITY

English ▼

Which HUD National Objective does this project fulfill?

Low to Moderate Need: Activities that benefit households whose total annual gross income does not exceed 80% of AMI, adjusted for family size. Income eligibility will be determined and verified in accordance with HUD guidance. The most current income limits, published annually by HUD, will be used to verify the income eligibility of each household applying for assistance at the time assistance is provided.

Urgent Need Mitigation: UNM – Urgent Need Mitigation. To meet the alternative criteria for the unmet need mitigation (UNM) national objective, each grantee must document that the activity: (i) Addresses the current and future risks as identified in the grantee's Mitigation Needs Assessment of most impacted and distressed areas; and (ii) will result in a measurable and verifiable reduction in the risk of loss of life and property.

Low to Moderate Income (LMI)

Urgent Need Mitigation





English ▼

Project Description (2,500 word limit)

Write an overview/summary, not to exceed 2,500 words, of the project being proposed. What is the project purpose? Include address and locations of the proposed activity (this includes site addresses).

What specifically are the risk(s) that will be mitigated by the completion of this project?

Explain the use of natural infrastructure in the project.

Describe how the work will be completed and the team that will be responsible.

Explain the method(s) used to determine project funding requirements.

Describe the anticipated outcomes.

Describe how the project will be maintained after it is completed.

Attach your response as a Word document titled: EntityNamePD_GIP

Attach your response as a Word document titled: EntityNamePD_GIP

GIP2 Sample Project Description.docx

14 KB

application/vnd.openxmlformats-officedocument.wordprocessingml.document





English ▼

Community Value (1,500 word limit)

Describe, in 1,500 words or less, the project's value to the community in normal circumstances and in times of natural disasters.

Which of the seven (7) community lifelines will be served by completion of this project?

How does this project enhance regional and/or multi-jurisdictional community resilience?

Does the project area have any cultural or historical significance?

Attach in a zip folder a maximum of ten photographs that provide both interior and exterior views.

Attach zip folder containing your Word document response and photos. Title zip folder: EntityNameCV_GIP

To create a zip folder: Press and hold (or right-click) the **file** or folder, select (or point to) Send to, and then select Compressed (**zipped**) folder. A new **zipped** folder with the same name is created in the same location.

GIP2 Sample Community Value.docx

13.3 KB

application/vnd.openxmlformats-officedocument.wordprocessingml.document



English ▾

Capacity Plan (1,500 word limit)

Provide a strategic plan overview of 1,500 words or less that addresses goals, stakeholders, the work plan, (major tasks and deliverables), resources (staffing and budget) and monitoring/quality controls. Describe any community partnerships and roles. Identify the staff members who will be responsible and/or positions that will be filled for GIP project management and maintenance. Provide a short profile on each person on your current staff who will perform project-related tasks and a position description for any new hires who will be assigned to project responsibilities. Have any project contractors been identified? If so, briefly describe your selection process. Attach a word document titled: EntityNameCP_GIP

Attach your Word document response titled: EntityNameCP_GIP

GIP2 Sample Capacity Plan.docx

14.9 KB

application/vnd.openxmlformats-officedocument.wordprocessingml.document





English ▼

Public Notice Requirement

Units of General Local Governments (UGLG) must receive public input on their application by abiding by one or both of these new notice formats:

1. **Post information about the project online:** Post the information about your project to your public website and allow for a 14-day public comment period. State the type(s) of project(s) to be undertaken, the source, the amount of funding available for the activities, the date by which comments must be made, and a contact person for a copy of the proposed application. Please submit a copy of the post and any public comments to DEO by submitting an attachment below.
2. **Host a virtual public meeting:** Applicants should supply the same documentation that would normally be required to demonstrate that a meeting was held, including minutes and a public meeting notice. The notice should be posted in a newspaper of general circulation and to your UGLG website. State the type(s) of project(s) to be undertaken, the source, the amount of funding available for the activities, the date by which comments must be made, and a contact person for a copy of the proposed application. Applicants must provide for a 10-day comment period, which must be published prior to the submission of the application.

Evidence of a public meeting with city, county and tribal governments must also meet the following requirements:

- Documentation of newspaper advertisement
- Notice of the public meeting must be provided at least five days prior to the meeting.
- Documentation of a meeting must include sign-in sheets and minutes.

For both options, documentation that the needs of non-English speaking citizens have been met wherever a significant number of non-English speaking citizens might be reasonably expected to participate must be provided. In this case, documentation will need to be translated into **Spanish** and **Haitian Creole**.

Prior to submitting an application for CDBG-MIT funding, applicants are required to select their public notice format (choice #1 and/or #2 above) and upload the required documents. In addition to following these instructions please include relevant notice dates on your **Implementation Plan template**.

Applications will not be complete until Public Notice requirements are fulfilled. All Public Notice evidence must be submitted to DEO, by attaching documents to this application, before the application close date of August 31st.

Attach all evidence in a ZIP FILE with elements in any of these formats: Word, PowerPoint, PDF, JPEG. Title files: EntityNamePN_GIP

GIP2 Sample Public Notice.zip

22 b

application/x-
zip-compressed

Attach all evidence in any of these formats: Word, Powerpoint, PDF, JPEG or zip file. Title files: EntityNamePN_GIP

Drop files or click here to upload



FLORIDA
DEPARTMENT of
ECONOMIC
OPPORTUNITY

English ▼

Implementation Plan

Prepare a chronological timeline for the entire life of the project that organizes work into logical, manageable tasks and deliverables. Please allow time for any unacquired permits, waivers, and/or approvals if applicable. The Implementation Plan Template has been provided in this application and can also be found in Appendix D of the GIP Guidelines.

[GIP IP Template](#)

Download and rename template: EntityNameIP_GIP

GIP2 Sample Implementation Plan 5.20.21.xlsx

17.9 KB

application/vnd.openxmlformats-
officedocument.spreadsheetml.sheet





English ▼

Budget

Include your project budget using the Budget Template that is found below and in Appendix E in the GIP Guidelines. Ensure your budget is reasonable, appropriate and accurate. Are the budgeted items consistent with the project description and tasks? Does the amount requested fall within the GIP's allowable minimum (\$2,000,000) and maximum (\$325,000,000)? Ensure there is no duplication of benefits.

[GIP Budget Template](#)

Download and Rename template: EntityNameBudget_GIP

GIP2 Sample Budget.docx

19.9 KB

application/vnd.openxmlformats-officedocument.wordprocessingml.document

Is there any duplication of benefits?

Please be advised that by answering "Yes" to this question, your application will not be considered eligible for the General Infrastructure Program.

Yes

No





English ▼

All funds identified for use on your project must be fully disclosed and detailed to ensure budget accuracy and no duplication of benefits.

Leveraged Dollars

Leveraged Dollars include any outside funding apart from CDBG-MIT for the specific project. Do you anticipate receiving any funds for this project that will not be supplied by the CDBG-MIT program?

Yes

No



English ▼

What percentage of the total project funding will Leveraged Dollars cover? What percentage of the total project will CDBG-MIT funds cover?

Leverage 50%; CDBG-MIT 50%





English ▾

If your project involves the qualified use of matching or leveraged funds or services in any capacity, (see Part 5 in the GIP Guidelines) then describe the specifics of leveraged fund/service usage. Provide answers to the following questions: Are there local or other funds available to address the proposed project in whole or in part? If yes, report all sources of funding and the amount available. Disclose sources and uses of non CDBG-MIT funds. What other federal, state and/or local entities have you contacted concerning funding for the proposed project and what were the results? Put "N/A" if this section is not applicable to your project.

The leveraged dollars for this project come from the Stormwater Revenue Bond

Characters remaining: 2424





English ▼

Select each county that your project benefits. DEO will use this information to assess Most Impacted and Distressed (MID), social vulnerability, rural and fiscally-constrained areas. Only counties eligible for CDBG-MIT funds are listed below.

Alachua	Dixie	Indian River	Monroe	Sarasota
Baker	Duval	Lafayette	Nassau	Seminole
Bradford	Flagler	Lake	Okeechobee	St. Johns
Brevard	Gilchrist	Lee	Orange	St. Lucie
Broward	Glades	Leon	Osceola	Sumter

Charlotte	Hardee	Levy	Palm Beach	Suwannee
Citrus	Hendry	Manatee	Pasco	Taylor
Clay	Hernando	Marion	Pinellas	Union
Collier	Highlands	Martin	Polk	Volusia
Columbia	Hillsborough	Miami-Dade	Putnam	Wakulla
DeSoto				





English ▼

Overall LMI Benefit

Demonstrate area benefit to low- and moderate-income persons by providing a CSV spreadsheet from the HUD website. Applicants are required to define the area that will benefit from the proposed project. This area must be located on HUD's LMI mapping application and the block group data must be submitted with this application.

Visit the HUD FY 2020 ACS 5-Year 2011-2015 Low-and Moderate-Income Summary

Data: <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>. The 24-minute video at the top of the page will describe the procedure for obtaining the required spreadsheet; for written instructions, see the [GIP Checklist and Instructions](#), provided here and on the [CDBG-MIT website](#). To complete this section, upload the CSV spreadsheet file (usually named "features.csv" when downloaded from the HUD website) that lists the census tracts and block groups located in the area of benefit. **If you don't submit a CSV file, we will be unable to score your application. Please do not edit or alter the spreadsheet in any way.**

After you have reviewed these instructions and the HUD website, attach the CSV file.

Attach your CSV document titled: EntityNameLMI_GIP

GIP2 Sample LMI.csv

2 b

application/vnd.ms-excel





English ▼

Special Designations

Does your project benefit an Area of Critical State Concern according to Florida Statutes 380.05?

Areas of Critical State Concern are:

- Big Cypress Area (portions of Collier, Miami-Dade, and Monroe Counties)
- Green Swamp Area (portions of Polk and Lake Counties)
- City of Key West and the Florida Keys Areas (Monroe County)
- Apalachicola Bay Area (Franklin County)

Yes

No



English ▼

Compliance

According to 84 FR 45838 August 30, 2019 Section V.A.(18), "The State shall make reviews and audits, including on-site reviews of any subrecipients, designated public agencies, and local governments, as may be necessary or appropriate to meet the requirements of section 104(e)(2) of the HCDA, as amended, as modified by this notice. In the case of noncompliance with these requirements, the State shall take such actions as may be appropriate to prevent a continuance of the deficiency, mitigate any adverse effects or consequences, and prevent a recurrence. The State shall establish remedies for noncompliance by any designated subrecipients, public agencies, or local governments."

Can you certify to comply with state and federal register regulations as outlined in 84 FR 45838?

Please be advised that by answering "No" to this question, your application will not be considered eligible for the General Infrastructure Program.

Yes

No



English ▾

Maintenance Agreement

According to 84 FR 45838 August 30, 2019 Section V.A.2.a(10), "Each grantee must plan for the long-term operation and maintenance of infrastructure and public facility projects funded with CDBG-MIT funds. The grantee must describe in its action plan how it will fund long-term operation and maintenance for CDBG-MIT projects. Additionally, the grantee must describe any State or local resources that have been identified for the operation and maintenance costs of projects assisted with CDBG-MIT funds." As such, Federal Register expectations on maintenance for CDBG-MIT projects are expected to be maintained by each entity who proposes a GIP project.

Can you certify that your entity will comply with state and subrecipient monitoring and maintenance requirements as outlined by 84 FR 45838?

Please be advised that by answering "No" to this question, your application will not be considered eligible for the General Infrastructure Program.

Yes

No





English ▼

Signature

As the primary entity contact for this project, I certify that staff, contractors, vendors and community partners of our mitigation initiative:

- A. Will comply with all HUD and Florida requirements in the administration of the proposed CDBG-MIT funded activities;
- B. Will work in a cooperative manner to execute the Subrecipient Agreement that provides the pathway for successful CDBG-MIT program(s) and/or project(s) and;
- C. Will certify that all information submitted in this Application is true and accurate.

Please sign here:

J Doe

clear



English ▼

Congratulations! You have completed the **Mitigation General Infrastructure Program Round II** Application. Please be sure that all supplemental documents have been uploaded and all questions have been answered. By clicking the forward arrow, your application will be complete and you will **no longer** be able to move back to previous questions. The following page will allow you to download a PDF version of your application. We encourage you to save a copy of the PDF for your records. Your completed application will be sent to DEO's mitigation team. For any questions or concerns please email: CDBG-MIT@deo.myflorida.com.



Thank you for your application. You will receive an email confirming the receipt from an automated system.

GIP Sample Project Description

The Mitigation City neighborhood area is approximately 220 acres of low to moderate income residences, with its stormwater needs being served by an aging and undersized infrastructure that was installed over 50 years ago and has exceeded its useful life. Because of this, the neighborhood habitually floods during small to medium intensity storm events, causing significant disruption to pedestrian and vehicular traffic. This also damages public and private infrastructure and landscaping. These proposed improvements will ensure that the Mitigation City neighborhood will remain a thriving community during the following decades and offer additional protection against large storm events, such as hurricanes, and future sea level rise.

This project will replace the aging and undersized stormwater infrastructure, as well as construct new infrastructure systems that will help with the neighborhood's flooding issues and water quality treatment prior to being discharged into the Intracoastal Waterways. The improvements will include; 7,500 linear feet (LF) of new stormwater pipe, 26,150 LF of pipe replacement of aging and undersized infrastructure, 4,000 LF of new exfiltration trench, 7,000 LF of new swales and 3,500 square yards (SY) of permeable pavement. Lastly, the system will also include a stormwater pump-station that will be capable of draining these low-lying areas during elevated high tide events and/or projected future sea level rise scenarios.

The City is requesting \$10,500,000 in funding from the Rebuild Florida General Infrastructure Program to assist in funding this project. These grant funds will be used for the final construction design specifications and plans, construction engineering services, and construction of the stormwater improvements.

- The main construction risks associated with this project are mainly due to the urbanized location of the proposed stormwater infrastructure replacements and new installation. The system will have to be installed near residential and commercial properties, as well as other utilities. The contractor will have utilized the use of trench boxes, sheet piling and trenchless excavation techniques in order to minimize open excavation.
- Swales will be reclaimed and reshaped in order to provide additional water quality/quantity storage.
- One contractor will be selected with for this project, which will work closely with the design consultant team and City staff.
- The cost of the project was developed based on 100% construction documents and historical pricing of stormwater improvements in the region. The funding for the City portion will be done using bond funding which will be backed by the newly adopted stormwater fee.
- The Mitigation City neighborhood will see a substantial decrease in both duration and intensity of flooding.
- The stormwater infrastructure will be maintained by the City's Operations staff. The new infrastructure will be added to the cleaning schedule for maintenance twice a year.

GIP Sample Community Value

Mitigation City's stormwater needs are being underserved by an aging and undersized infrastructure that was installed over 50 years ago and has exceeded its useful life. Because of this, the neighborhood habitually floods, even during small to medium intensity storm events, causing significant disruption to pedestrian and vehicular traffic. During high intensity storms, these disruptions are more prolonged and severe.

Public and private infrastructure and landscaping currently sustain damage in virtually any storm event. Roads become impassable. Critical services cannot be efficiently delivered, and many residents cannot leave their flooded homes for shelters.

Replacing the stormwater infrastructure in this neighborhood will fortify the following community lifelines: safety and security; food, water, and shelter; communications; and transportation. The project will ameliorate the negative impacts of flood events in Mitigation City and the surrounding areas, which currently endanger the safety and security of residents and force homeowners to leave their primary source of shelter. The project will allow low-and-moderate income (LMI) families to safely shelter in place during major storms. The reduction in flooding will also allow critical services such as medical, energy and transportation to travel through the community to reach endangered community members quickly.

The proposed improvements are intended to reduce flood stage and time of inundation above road crowns for a 10 year-24-hour design storm event and to protect against structural flooding in a 100 year-72-hour storm event. Flood stage and duration reductions will mitigate the multiple risks inherent with the City's currently inadequate infrastructure.

GIP Sample Capacity Plan

The goal of the Mitigation City project is to reduce the flooding hazards presented by its aging and inadequate infrastructure. The work will include, installation of 500 linear feet (LF) of new stormwater pipe, 26,150 LF of pipe replacement of aging and undersized infrastructure, 4,000 LF of new exfiltration trench, 7,000 LF of new swales and 3,500 square yards (SY) of permeable pavement. The new system will also include a stormwater pump-station that will be capable of draining these low-lying areas during elevated high tide events and/or projected future sea level rise scenarios. Mitigation City will coordinate with stakeholders including Mitigation County and our Local Water Management District.

Mitigation City's Project Manager will be responsible for implementing the project with assistance from City departments such as Public Works, Budget, Risk Management, Procurement, Accounting and Sustainable Development.

The Project Manager will oversee the development and implementation of the project and will coordinate with the project team and stakeholders for the duration of the project and completion. The project team will consist of the City, a construction management consultant and a contractor. As the project nears completion, the Project Manager will be responsible for transferring operation and maintenance information to the operations staff within the Public Works Sustainability Division. The information will consist of training sessions conducted by the equipment manufacturers and operation and maintenance manuals provided by the contractor. The maintenance requirements and schedules will be provided in a format compatible with inclusion into the City's Asset Management System. After the project is accepted as complete, the operations staff within the City's Public Works Sustainability Division will be responsible for the long-term operation and maintenance of the project improvements, just as they are responsible for the current stormwater infrastructure.

The work plan is to bid out these improvements that have already been designed by an engineering consultant and hire a contractor. The city will assign a project manager from internal staff and will hire an engineering consulting company to provide construction management services.

The project team will consist of:

- Contractor – The City will hire the contractor to construct the stormwater infrastructure in the City's Neighborhood. The contractor in turn will hire suppliers and subcontractors to provide the construction materials, equipment, additional expertise and labor necessary to complete the project. The contract and contractor will be managed by Mitigation City.
- Project Manager – The Project Manager position will be assigned to one of the City's existing staff in the Project Manager II position in the Public Works Department. The Project Manager will oversee the construction of improvements and adherence to the terms of the contract and grant agreement. Staff in the Project Manager II positions are typically civil engineers with at least ten years of designing and managing these type of construction projects.
- Construction Inspector - The design consulting team will provide Construction Services for this project. The Engineering Inspector will be responsible for observing and documenting the progress of construction and adherence to the construction contract and schedule. Staff in the Engineering Inspector position typically have at least ten or more years of construction experience.
- Construction Manager - The design consulting team will provide Construction Services for this project. The Construction Manager will assist the City's Project Manager by reviewing submittals, responding to contractor requests for information, evaluating contractor progress, reviewing claims, providing design adjustments as needed, advising the city on accepting work products and reviewing project adherence to the grant agreement. The Construction Manager will report to the City's Project Manager.
- Additional City Support - The City will assign existing staff to assist the Project Manager in the implementation of this project as needed, in much the same way as it does for the many other utility

construction projects the city undertakes. Under the direction of city management, the Public Works Department will assign various budget, permitting, engineering, administrative, department management and accounting support as needed to complete the project as timely and efficiently as possible. The project contractor will be hired based on the lowest responsible bid, using the city's standard public bidding process. Staff from the city's Procurement Department will administer the bidding process, which consists of public advertisement, pre-bid meeting, posting and answering questions from prospective bidders, review of bids, assignment of points to minority, women owned and disadvantaged businesses as well as local businesses, requesting City Commission approval to award the contract and contract execution. The city's bids are posted on-line and are viewable by anyone at no expense. The Project Manager works very closely with Procurement staff during this process.

The City has considerable experience with successful completion of state and federal grant funded projects and requirements such as the Davis Bacon Act. The city has a robustly staffed Public Works Engineering Division and can easily handle the workload resulting from award of this grant. Aside from the external construction manager, the City does not plan to hire new staff for this project.

General Infrastructure Program Implementation Plan Timeline			Public Notice Dates:		
			Start Date:	12-Apr-21	
Entity:	Mitigation City		End Date:	30-Apr-21	
Primary Contact:	Mitigation City Manager				
Date:	Thursday, May 20, 2021				
Milestones and Tasks					
Activity		Start	End	Duration	Label
Project Start (Milestone 1)					
Task 1	02/15	05/15	✓	89	Final Construction Permitting
Task 2	05/15	07/01	✓	47	Bidding/Advertising
Task 3	07/01	08/01	✓	31	Contract Award
Construction Starts 8/15/2022 (Milestone 2)					
Task 1	08/15	02/15	✓	549	Construction Phase 1
Construction 50% 2/15/2024 (Milestone 3)					
Task 1	02/15	08/15	✓	547	Construction Phase 2
Construction Complete 8/15/2025 (Milestone 4)					
Task 1	09/01	09/15	✓	14	Project closeout/Punchlist
Project Complete, Warrenty and Monitoring Period Starts 9/15/2025 (Milestone 5)					
Task 1	09/15	09/15	✓	365	Warrenty Period
End of Warrenty and Monitoring 9/15/2026 (Milestone 6)					

General Infrastructure Program Project Budget

Project Name:	Mitigation City Stormwater Improvements	Primary Contact Name and Phone Number:	City Planner (123) 456-7890	Official Applicant Entity Name:	Mitigation City
Project		Budget		Justification	
Description	CDBG-MIT Amount	Other non CDBG-MIT Funds	Source of Funds*	Total Funds (CDBG-MIT and Other)	
Final Design/Planning	\$100,000	\$100,000	Stormwater Revenue Bond	\$200,000	Contracting with engineer/architect for project design/drawings
Final Construction Permitting	\$120,000	\$120,000	Stormwater Revenue Bond	\$240,000	Obtain all necessary local, state and federal permits
Construction Inspection Services (CEI)	\$1,500,000	\$1,500,000	Stormwater Revenue Bond	\$3,000,000	Reimbursement for staff or contracting for independent inspection services
Construction: Stormwater Infrastructure	\$7,000,000	\$7,000,000	Stormwater Revenue Bond	\$14,000,000	Installation/replacement of existing infrastructure
Construction: Maintenance of Traffic	\$400,000	\$400,000	Stormwater Revenue Bond	\$800,000	Payment of law enforcement or others to maintain traffic flow and safety

Construction: Landscaping	\$300,000	\$300,000	Stormwater Revenue Bond	\$600,000	Replacement of disrupted landscaping
Construction: Demolition	\$600,000	\$600,000	Stormwater Revenue Bond	\$1,200,000	Removal of existing infrastructure
Construction Mobilization	\$200,000	\$200,000	Stormwater Revenue Bond	\$400,000	Services related to construction
Inspections	\$280,000	\$280,000	Stormwater Revenue Bond	\$560,000	Initial Inspection services required (code enforcement, local ordinance)
Totals:	\$10,500,000	\$10,500,000		\$21,000,000	
Percentage Amounts:	50%	50%		100%	

*** All funds identified for use on your project must be fully disclosed and detailed to ensure budget accuracy and no duplication of benefits. Show the sources and amounts of other funds needed to complete the project below, including local funds and grants from other agencies. Any anticipated or committed funds must also be included.**

Source of Other Funds	Amount Received/ Amount Anticipated
1. Stormwater Revenue Bond. The Mitigation City Project is anticipating Stormwater Revenue Bond funding in the amount of \$10,500,000 in FY2021. This grant application seeks funds for the unfunded portions of the final construction design specifications and plans, construction engineering services, and construction of stormwater improvements.	\$10,500,000
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

Appendix C – Implementation Plan Template

Instructions for using Implementation Plan Template

Enter project name, official applicant entity name and primary contact name and phone number in the header space at the top of the template. You will also enter the Public Notice dates for your proposed project. This template is customizable to fit your project. Feel free to edit the segments and add notes when needed.

1. The “Milestones and Tasks” box should list the major manageable tasks and deliverables of the proposed project and include the entire life of the project. Enter the approximate start and end dates of each task and/ or deliverable under the tabs “Start” and “End”. “Duration” encompasses the number of days the task runs for. Excel should already calculate the duration based on the start and end dates you enter. If this is not the case, enter in the number of days as the duration of each task and/ or deliverable. Label each task and/ or deliverable appropriately under the “Label” section.
 - A. Within the “Tasks” row, there are 9 available slots for project timeline tasks. When adding/changing tasks within the row, select the row (select the values under “Start” to “Label”).
 - B. Follow these guidelines for customizing your timeline. You may add lines within the “Tasks” section below existing tasks by highlighting the complete box rows, right click, select “Insert...”, a dialogue box will appear, select “Shift cells down”, select “Ok”. This will shift all boxes below the selected row down the excel sheet.
2. The “Milestones and Tasks” box may be used to list major project milestones and applicable tasks such as the start or completion of the project. Any changes to this box can be made by following the directions described previously. The label for your new milestone will need to be added in manually. Now enter in the title for this milestone.

General Infrastructure Program Implementation Plan Timeline		Public Notice Dates:		
Entity:		Start Date:		
		End Date:		
Primary Contact:				
Date:	mm/dd/yyyy			
Milestones and Tasks				
Activity	Start	End	Duration	Label
Project Start (Milestone 1)				
Task 1	02/03	03/03	29	Environmental Review
Task 2	03/03	04/03	31	Engineering Design
Task 3	04/04	05/04	61	Site Development
Construction 50% Complete (Milestone 2)				
Task 1	05/06	07/06	61	Construction Phase I
Task 2	07/08	08/08	31	Construction Phase II
Task 3	05/06	07/06	61	Construction Phase III
Close Out (Milestone 3)				
Task 1	07/08	08/08	31	Inspections
Task 2	08/20	09/01	12	Project Closeout
Task 3	09/01	12/25	115	Maintenance and Monitoring

Appendix D – Budget Worksheet

General Infrastructure Program Project Budget Template Instructions

This template is customizable to fit the budget proposal for your project. Feel free to edit left-hand segments and add notes when needed.

If a section does not have enough cells for the category that you are working on, you can add cells by highlighting a complete row and right-clicking. A dialogue box will appear that permits you to add a row of cells. Click “Insert” and then select either “Insert Above” or “Insert Below”, depending on where you would like the new row to be placed. The new row will appear above or below the row you highlighted.

Enter project name, primary contact name and phone number and the official applicant entity name.

1. On the left-hand side of the template there is a list of major project items numbered 1 to 3. Beneath each major project are related sub-groups. You may edit each of these areas to fit your proposed budget plan. For example, if you do not have Permitting, you may delete that numbered row and the related subgroups.
2. List anticipated and committed sources of other project funding sources in the “Sources of Other Funds” category. These funds are non-CDBG-MIT funds. Include entities you have contacted, even if a funding commitment has not yet been made. Disclose the amount you requested or expect to receive. If you need to add rows in this section, follow the directions for adding rows outlined above.
3. You can use the right-side Justifications column to elaborate on budgeted items as needed.

FL CDBG Mitigation
General Infrastructure Program Project Budget (Template)

Project Name:		Primary Contact Name and Phone Number:		Official Applicant Entity Name:	
Project		Budget			Justifications
Description	CDBG-MIT Amount	Other non CDBG-MIT Funds	Source of Funds*	Total Funds (CDBG-MIT and Other)	
Design/Planning					
Drawings/Blueprints					
Surveys					
Testing					
Environmental Review					

Land Acquisitions					
Permitting					
Construction					
Construction Management					
General Contractor					
Bonding/Insurance					
Development of Bidding Documents					
Site Preparation					
Maintenance of Traffic					
Landscaping					
Demolition					

Mobilization					
Debris Removal (ex: dirt, old roadway, trees)					
Administration					
Program Administration (ex: file management, reimbursement requests)					
Inspections					
Other					
Totals:					
Percentage Amounts:					

All funds identified for use on your project must be fully disclosed and detailed to ensure budget accuracy and no duplication of benefits. Show the sources and amounts of other funds needed to complete the project below, including local funds and grants from other agencies. Any anticipated or committed funds must also be included.

Source of Other Funds	Amount
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

Appendix E – Social Vulnerability Index (SoVI®) Variables

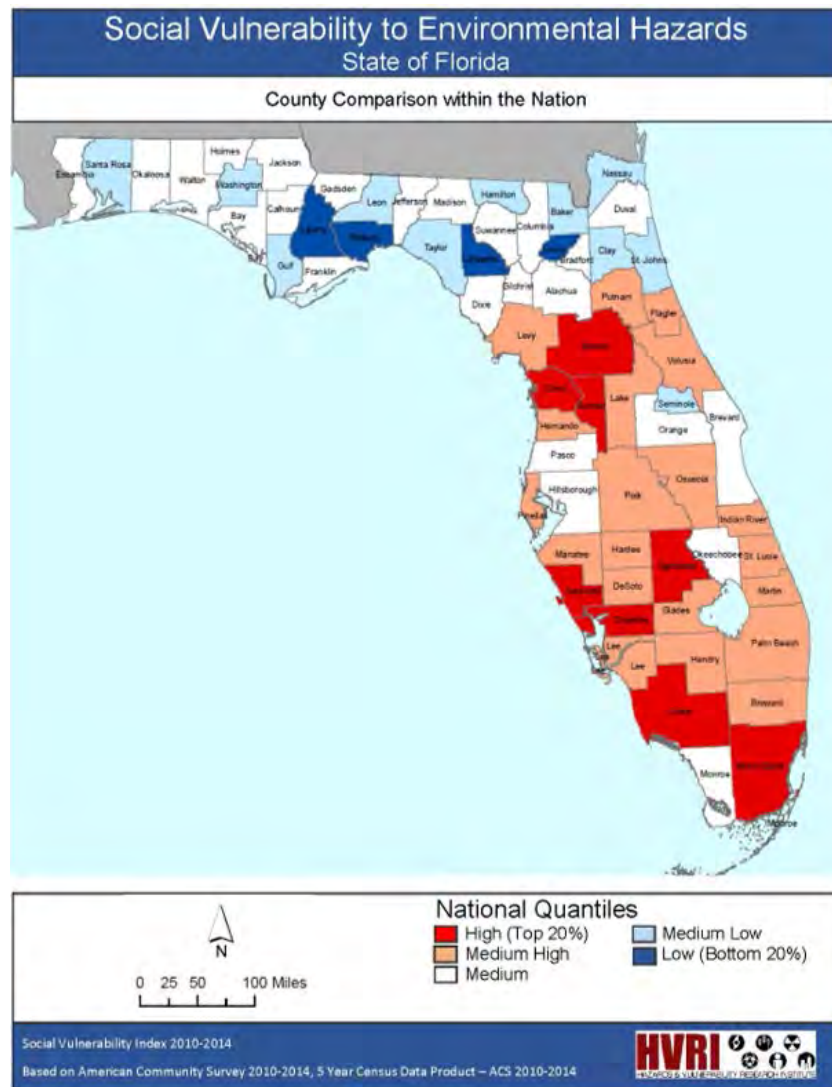
List of SoVI® 2006-10 Variables (n=29). Daggers notate new variables added.

SoVI® 2010-14 uses the same list of variables.

VARIABLE	DESCRIPTION
QASIAN	Percent Asian
QBLACK	Percent Black
QSPANISH	Percent Hispanic
QINDIAN	Percent Native American
QAGEDEP	Percent Population under 5 years or 65 and over
QFAM†	Percent Children Living in Married Couple Families
MEDAGE	Median Age
QSSBEN	Percent Households Receiving Social Security Benefits
QPOVTY	Percent Poverty
QRICH	Percent Households Earning over \$200,000 annually
PERCAP	Per Capita Income
QESL	Percent Speaking English as a Second Language with Limited English Proficiency
QFEMALE	Percent Female
QFHH	Percent Female Headed Households
QNRRES	Nursing Home Residents Per Capita
HOSPTEPC	Hospitals Per Capita (County Level ONLY)
QNOHLTH†	Percent of population without health insurance (County Level ONLY)
QED12LES	Percent with Less than 12 th Grade Education
QCVLUN	Percent Civilian Unemployment
PPUNIT	People per Unit
QRENTER	Percent Renters
MDHSEVAL	Median Housing Value
MDGRENT	Median Gross Rent
QMOHO	Percent Mobile Homes
QEXTRCT	Percent Employment in Extractive Industries
QSERV	Percent Employment in Service Industry
QFEMLBR	Percent Female Participation in Labor Force

QNOAUTO†	Percent of Housing Units with No Car
QUNOCCHU†	Percent Unoccupied Housing Units

Appendix F – Florida Social Vulnerability Index (SoVI®) Map



Appendix G – Public Notice Compliance

All applicants must receive public input on their application by abiding by one or both of these new notice formats:

Option 1 - Post information about the project on your public website and allow for a 14-day public comment period. Posted information should include:

- The type/s of project/s to be undertaken;
- The source (i.e., CDGB-MIT funds);
- The amount of funding being requested;
- The date by which comments must be made;
- A contact person for a copy of the proposed application; and
- Accommodations for non-English-speaking citizens

Provide documentation that the needs of non-English speaking citizens have been met wherever a significant number (5% or more) of non-English speaking citizens might be reasonably expected to participate. All information posted will need to be translated into Spanish and Creole.

*Applicants who do not provide translations of the public notice in Spanish and/or Haitian Creole, must submit language-spoken demographic data from the Census or another reliable resource with their application. This data must prove that less than 5% of applicant's area of benefit population speaks Spanish or Haitian Creole

A copy of the webpage showing the public notice and a copy of any public comments received must be submitted with your application per instructions provided.

Option 2 - Host a virtual or in-person public meeting with city, county and tribal governments. Applicants should supply the same documentation that would normally be required to demonstrate that a meeting was held, including:

- A public meeting notice, posted at least five days prior to the meeting;
- A sign-in sheet; and
- Meeting minutes

The meeting notice should be posted in a newspaper of general circulation and to applicant's website and must include:

- The type/s of project/s to be undertaken;
- The source; (i.e., CDGB-MIT funds);
- The amount of funding being requested;
- The date by which comments must be made;
- A contact person for a copy of the proposed application; and
- Accommodations for non-English-speaking citizens

Provide documentation that the needs of non-English speaking citizens have been met wherever a significant number (5% or more) of non-English speaking citizens might be reasonably expected to participate. All information posted will need to be translated into Spanish and Creole. (The translated notice/s may be sourced from Google Translate.)

*Applicants who do not provide translations of the public notice in Spanish and/or Haitian Creole, must submit language-spoken demographic data from the Census or another reliable resource with their application. This data must prove that less than 5% of applicant's area of benefit population speaks Spanish or Haitian Creole

A copy of the webpage showing the public notice and a copy of any public comments received must be submitted with your application per instructions provided.

Applicants must provide for a 10-day public comment period, which must be published prior to the submission of the application.

Grants Administration

(March 2022; Lorelei Jacobs)

I. Open Funded Grants

Project	Agency	Munis	Grant #	Start	End	Grant	Match	Spent	Comments
FDEP CPI Beach Walkover 16	FDEP		Pending			\$60,000	\$62,000		Submitted Sep 2021
Peck Center Final Phases 2 & 3	FDOS		Awarded			\$876,500	\$188,750	\$0	Pending contract from State
Resilient Fl Area 6 Stormwater	FDEP	19046	Awarded	Pending	12/31/24	\$400,625	\$199,375	\$0	Pending contract from State
Beach Walkover 6N	FDEP	21033	CZ424	02/10/22	06/30/22	\$60,000	\$60,000	\$0	Put out to bid
Mooring Buoys	FIND	16026	NA-FB-21-24	11/01/21	09/30/23	\$89,875	\$89,876	\$179,751	Completion date Feb 2022
New Dredging	FIND	21034	NA-FB-21-24	11/01/21	09/30/23	\$160,124	\$160,125	\$0	Pending construction
Downtown Stormwater*	FDEP	19046	LPA0160	10/01/21	06/30/23	\$250,000	\$0	\$0	Contract executed Oct 2021
Peck Re-pointing Ph 1*	FDOS	21022	22.h.sc.900.006	09/07/21	06/30/23	\$500,000	\$0	\$0	Construction started
Resiliency (RIG)	FDEP	19046	R2232	09/03/21	03/30/22	\$493,142	\$0	\$30,028	Under construction
Peck- Historic Exhibit	FDOS		22.h.sm.300.126	08/19/21	06/30/22	\$50,000	\$0	\$3,719	To be completed Jun 2022
Boardwalk	FIND	19046	NA-FB 20-23	10/15/20	09/30/22	\$250,000	\$250,000	\$314,912	Under construction
Bathhouse Dredging	FIND	21020	NA-FB-19-22	11/05/19	09/30/22	\$199,500	\$199,500	\$0	Funds moved to dredging
Stormwater Shoreline Stabilization*	FDEP	19046	LP45013	03/05/19	12/31/22	\$450,000	\$0	\$323,000	Under construction
Area 5 Drainage	FEMA	18002	H0104	05/22/18		\$104,324	\$61,676	\$0	Under construction
N. Fletcher Drainage*	FDEP	18002	LP45011	07/01/17	11/30/22	\$500,000	\$0	\$245K	Extended to Nov 22
TOTALS						\$4,444,090	\$1,271,302	\$851,410	

II. Submitted Grant Applications

New Dredging Application	FIND		Pending	10/31/22	09/30/24	250000	250000		Submitted Mar 2022
2022 Citywide Resiliency Plan	FDEP		Pending			\$130,000	\$0		Submitted Feb 2022
2021 SAFER Grant (3 Firefighters)	FEMA		Pending			\$817,923	\$0		Submitted Feb 2022
Keep America Beautiful	KAB		Pending			\$5,000	\$0		Submitted Jan 2022
Peck Center Phase II	FDOS		Pending			\$500,000	\$125,000		Submitted Jun 2021
TOTALS						\$1,452,923	\$125,000		

III. Grants Closed Since Sep 2017

Active Shooter Simulation Equip 2	FDLE		2022-JAGD-NASS-1-4B-031	12/16/21	01/10/22	\$1,322	\$0	\$1,322	Closed Jan 2022
Active Shooter Simulation Equip 1	FDLE		2020-JAGD-NASS-2-Y6-068	12/30/20	12/30/20	\$2,109	\$0	\$2,109	Closed Oct 2020
Beach Walkovers 8N, 9N, 2S*	FDEP		20NAL	12/29/20	06/30/21	\$146,640	\$0	\$146,640	Closed Sep 2021
Old Town Survey	FDOS		21.h.sm.100.076	07/01/20	07/31/21	\$48,000	\$0	\$39,333	Closed Sep 2021
Byrne/JAG Coronavirus Equipment	FDLE		2021-CESF-NASS-2-C9-114	01/31/20	01/31/22	\$63,195	\$0	\$63,194	Closed Jan 2022
Police Triage Stop Bleed	FDLE		2019-JAGD-NASS-2-N3-039	12/30/19	06/30/20	\$1,873	\$0	\$1,873	Closed Jun 2020
Beach Walkovers 5,6,9,10	FDEP		R1921	07/15/19	06/30/20	\$75,000	\$0	\$75,000	Closed May 2020
Downtown Resiliency Plan	FDEP		CM936	11/19/18	06/30/19	\$35,700	\$0	\$35,700	Closed Dec 2019
Maintenance Dredging II	FIND		NA-FB-18-21	03/06/18	09/30/19	\$175,000	\$175,000	\$350,000	Closed May 2019
Southern Basin Dock Realign Ph 1	FIND		NA-FB-16-19	03/30/17	09/30/18	\$49,480	\$29,822	\$50,561	Closed Sep 2018
Marina Basin Maint Dredging	FIND		NA-FB-16-18	03/30/17	09/30/20	\$151,650	\$151,650	\$303,300	Closed Mar 2019
Ligno Tech Florida, LLC	FDOT		GOH42/439737-1-54-01	11/18/16	01/08/19	\$841,667	\$0	\$714,730	Closed Jan 2019
FDEP Beach Renourish/MSTU Match	FDEP		19NA2	10/01/16	12/31/20	\$496,369	\$0	\$1,068,804	Closed Apr 2020
Fuel Dock Safety Enhancements	FIND	17046	NA-FB-15-17	10/30/15	09/30/21	\$89,306	\$100,694	\$153,500	Closed Dec 2021
Managed Mooring Field Capacity	FIND	16026	NA-FB-15-16	10/30/15	09/30/20	\$74,350	\$74,350	\$98,171	Closed Aug 2021
Mooring Field Improvmnts Ph 1	FIND		NA-FB-14-14	10/14/14	09/30/18	\$7,773	\$7,773	\$14,400	Closed Sep 2018
Marina Welcome Center Deck	FIND		NA-FB-14-13	10/14/14	09/30/18	\$20,275	\$20,275	\$37,040	Closed Sep 2018
Urban & Community Forestry Grant	FDACS		23868	10/14/14	09/30/18	\$21,000	\$21,000	\$29,900	Closed May 2018
N. Fletcher Basin C1 & C7 Project*	FDEP		LP45010	07/01/16	03/31/18	\$900,000	\$0	\$900,000	Closed May 2018
TOTALS			\$402,199			\$3,200,709	\$580,564	\$4,085,577	

* Indicates State Appropriations

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT:

ITEM TYPE: New Business

REQUESTED ACTION:

SYNOPSIS: Staff will provide information requested at the last CRAAB Meeting.

FISCAL IMPACT:

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S):

Submitted By: Jacob Platt, Senior Planner Date: April 27, 2022

COMMISSION ACTION:

AN ORDINANCE OF THE CITY COMMISSION OF THE FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY BY: AMENDING THE TEXT OF THE DEFINITIONS, THE FUTURE LAND USE ELEMENT, THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT, THE PUBLIC FACILITIES ELEMENT, AND AN AMENDMENT TO THE COASTAL HIGH HAZARD AREA MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has drafted its second cycle large scale amendment to the Comprehensive Plan, pursuant to Section 163.3187 Florida Statutes; and

WHEREAS, Staff has proposed text amendments to the Definitions, the Future Land Use Element, the Conservation and Coastal Management Element, the Public Facilities Element, and an amendment to the Coastal High Hazard Area Map; and

WHEREAS, the City of Fernandina Beach Local Planning Agency held a public hearing on the Amendment on July 12, 2006; and

WHEREAS, the City has followed the procedures required by Florida Statutes in updating the City's Comprehensive Plan, as set forth herein.

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

Section 1: The Comprehensive Plan of the City of Fernandina Beach is hereby amended to reflect text amendments to the Definitions, the Future Land Use Element, the Conservation and Coastal Management Element, and the Public Facilities Element, further described in Exhibit "A".

Section 2: The Coastal High Hazard Area Map is hereby amended as depicted in Exhibit "B".

Section 3: Data and Analysis for the three text amendments are attached hereto as Exhibit "C".

Section 4: The City Clerk and the City's Planning Department Staff are hereby authorized to transmit the amendment to the Florida Department of Community Affairs.

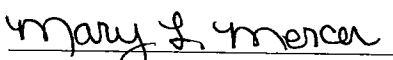
Section 5: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

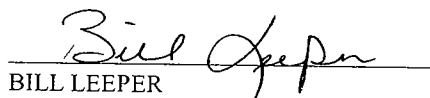
Section 6: The plan amendments adopted by this Ordinance are not effective until a final order is issued by the Department of Community Affairs or the Administration Commission finding the amendments "in compliance" in accordance with Section 163.3184, Florida Statutes. If the Administration issues a final order finding the amendments not "in compliance," the amendments may nonetheless be made effective by adoption of a resolution at a public hearing affirming the effective status of the amendments. No development orders or development permits dependent upon these amendments may be issued, and no development dependent upon these amendment may be undertaken, before the amendments become effective.

ADOPTED this 19th day of December, 2006.

ATTEST:

CITY OF FERNANDINA BEACH


MARY L. MERCER
City Clerk


BILL LEEPER
Commissioner-Mayor

Date of First Reading: July 12, 2006
Date of Advertisement; December 6, 2006
Date of Second Reading
and Public Hearing: December 19, 2006
Date sent to DCA:



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2006-28, Adoption of the City's Second Cycle Large Scale Comprehensive Plan Amendment

DEPARTMENT: PLANNING DEPARTMENT

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☒ Support Documents ☐ Other

SUMMARY: The Local Planning Agency held a transmittal public hearing on July 14, 2006. In accordance with F.S. 163.3184(3)(b) multiple proposed plan amendments are forwarded to the Department of Community Affairs for review in a single submission. The City Commission approved Ordinance 2006-28 on first reading on August 14, 2006.

The Department of Community Affairs (DCA) has completed its review of the amendment package and has issued an Objection, Recommendations, and Comments report. Staff has addressed the recommendations and the amended text is attached. Once approved, the amendment package is sent back to DCA for final compliance review.

RECOMMENDED ACTION: Approve Ordinance 2006-28

DEPARTMENT HEAD Submitted: Jeff Salter, CDD Director *JS* Date: 11/30/06
Requested Agenda: Date: 12/19/06

FINANCE DEPARTMENT Budgeted ☐ Yes ☐ No ☒ N/A Date:

CITY ATTORNEY Approved for Form and Correctness *JS* Date: 12/8/06

CITY MANAGER Approved Agenda Item for *JS* Date: 12/14/06

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CD ☐ FI ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PR ☐ PW ☐ UD
☐ CDD

ORDINANCE 2006-28

AN ORDINANCE OF THE CITY COMMISSION OF THE FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY BY: AMENDING THE TEXT OF THE DEFINITIONS, THE FUTURE LAND USE ELEMENT, THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT, THE PUBLIC FACILITIES ELEMENT, AND AN AMENDMENT TO THE COASTAL HIGH HAZARD AREA MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has drafted its second cycle large scale amendment to the Comprehensive Plan, pursuant to Section 163.3187 Florida Statutes; and

WHEREAS, Staff has proposed text amendments to the Definitions, the Future Land Use Element, the Conservation and Coastal Management Element, the Public Facilities Element, and an amendment to the Coastal High Hazard Area Map; and

WHEREAS, the City of Fernandina Beach Local Planning Agency held a public hearing on the Amendment on July 12, 2006; and

WHEREAS, the City has followed the procedures required by Florida Statutes in updating the City's Comprehensive Plan, as set forth herein.

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

Section 1: The Comprehensive Plan of the City of Fernandina Beach is hereby amended to reflect text amendments to the Definitions, the Future Land Use Element, the Conservation and Coastal Management Element, and the Public Facilities Element, further described in Exhibit "A".

Section 2: The Coastal High Hazard Area Map is hereby amended as depicted in Exhibit "B".

Section 3: Data and Analysis for the three text amendments are attached hereto as Exhibit "C".

Section 4: The City Clerk and the City's Planning Department Staff are hereby authorized to transmit the amendment to the Florida Department of Community Affairs.

Section 5: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

Section 6: The plan amendments adopted by this Ordinance are not effective until a final order is issued by the Department of Community Affairs or the Administration Commission finding the amendments "in compliance" in accordance with Section 163.3184, Florida Statutes. If the Administration issues a final order finding the amendments not "in compliance," the amendments may nonetheless be made effective by adoption of a resolution at a public hearing affirming the effective status of the amendments. No development orders or development permits dependent upon these amendments may be issued, and no development dependent upon these amendment may be undertaken, before the amendments become effective.

ADOPTED this ____ day of _____, 2006.

ATTEST:

CITY OF FERNANDINA BEACH

ANITA LOUISE VOSMUS-ROSS

Deputy City Clerk

BILL LEEPER

Commissioner-Mayor

Date of First Reading:

Date of Advertisement;

Date of Second Reading

and Public Hearing:

Date sent to DCA:

9/11/06

STAFF REPORT
Text and FLUM Amendment 2006-
Large Scale Comprehensive Plan Amendment
Second Cycle
Local Planning Agency Hearing
July 12, 2006

The following text amendments to the Comprehensive Plan constitute the City's Second Cycle Large Scale Amendment. Once the Local Planning Agency has made a recommendation regarding the proposed amendment, it shall then be forwarded to the City Commission for first reading, which shall in effect approve the transmittal to the Department of Community Affairs (DCA). Once DCA has reviewed the amendment package, it will come back to the City Commission for a second reading and final adoption.

The amendment generally reflects a proposal for new land uses within the CRA and incorporates language regarding the change in definition of the Coastal High Hazard Area recently signed into law by the governor. Also under the definitions, the amendment proposes a correction to the definition of net density. Additionally, the amendment proposes to increase the Floor Area Ratio under the General Commercial Land Use Category as well as amend the date the City is required to update its Stormwater Master Plan. Finally, the amendment proposes a new Land Use for the Old Town Historic District that reflects the underlying OT-1 and OT-2 zoning.

Data and Analysis

Definitions (see pages 1-2)

Coastal High Hazard Area: The proposed amendment changes the definition of CHHA to that which is established in HB 1359, which was recently signed into law. The new definition established the CHHA as "The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model".

Net Density: The proposed amendment corrects the definition of net density. The current definition allows for a density bonus for properties that have an environmental feature associated with them, which was not the intent of a net calculation. For example, if a developer owns one acre of land designated medium density residential and half of the square footage is wetlands, if the calculation in the parenthetical reference is used, then the result would be:

$$(8 \text{ units/acre} \times 43,560 \text{ sq ft total land area}) / 21,780 \text{ sq. feet of uplands} = 16 \text{ dwelling units.}$$

The proposed definition subtracts environmentally sensitive lands from the amount of land to be used to calculate the density. For example, under the proposed definition, the result would be:

8 units/acre x .5 acres buildable land area = 4 units.

The current definition also subtracts Right of Way from the net density calculation. This is inconsistent with FLUE policy 1.06.02, which gives density credit to newly created rights of way. It is inconsistent to allow right of way to calculate density for new subdivisions but not calculate it in areas of the City that were platted long ago. Staff proposes that right of way be calculated as part of the net density. The benefit of adding right of way as part of the density calculation is that it will make a 50' x 100' platted lot conforming to the density standard under the Medium Density Residential land use category.

Peonia: Defines a peonia as 46'6" by 93', consistent with the proposed Old Town Land Use. The PAB recommended that a definition of "media peonia" also be added to the Definitions, as well as a statement that essentially requires two media peonias to be combined in order to have a buildable lot. The change is reflected in the amendment text.

Future Land Use Element (see pages 3-8)

1.06.01 : Adds the proposed TND and WMU to the list of Future Land Use categories to be depicted in the FLUM.

1.06.06 ORMU: Deletes the requirement that a mixed use structure must be in a PUD. A mixed use structure, such as commercial on the bottom floor with residential above, should be permitted by-right, rather than requiring it to be within a 5 acre unified development. The requirement for compatibility standards is also proposed for deletion, as the PAB decided during the LDC update process that city-wide compatibility standards would be cumbersome and difficult to implement and enforce.

1.06.07 General Commercial: Increases the permitted Floor Area ratio from 0.50 to 1.0. When floor area ration was established in the Comprehensive Plan in 2004, an existing land use study was not conducted to determine the propriety of each proposed FAR. Rounded to two decimal places, the 0.50 FAR made 20% of the commercial buildings in the City under the General Commercial category non-conforming. Staff proposes that the FAR be raised to 1.0. Another option for the PAB to consider is eliminating FAR altogether. However, Rule 9J-5 of the Florida Administrative Code requires that our policies have "meaningful and predictable" standards. Essentially, the city is required to have some sort of measure of intensity in the Comprehensive Plan. If not floor area ration, then the city should consider lot coverage, setbacks, and building height as alternatives. However, once established in the plan, the applicant is not eligible for a variance from these standards. In order to ensure equity, staff recommends raising the FAR rather than eliminating it. The PAB recommended

that the FAR for general Commercial be raised to 1.5 to accommodate the existing uses that have FAR's over 1.0. The change is reflected in the text.

New policies 1.06.09 Traditional Neighborhood Development and Policy 1.06.10 Waterfront Mixed Use: The purpose of these proposed land uses is to establish categories in the CRA, located east and west of Front Street, respectively. The categories promotes a mix of uses, which is a result of recommendations from the Waterfronts Florida Committee, as well as other visioning exercises that have been conducted in the past regarding CRA redevelopment. The policies also establish language that permits a density or intensity bonus, which is consistent with FLUE policy 1.03.01, which encourages the use of density and intensity bonuses for redevelopment, but does not establish criteria in which to grant one. The proposed category shall not be added to the map at this time, as the new definition of CHHA has not been adopted, and the area's traffic counts for concurrency purposes need to be evaluated before allowing an increase in density or intensity.

Amended policies 1.06.12-17: renumber the policies.

Conservation and Coastal Management Element (see pages 8-9)

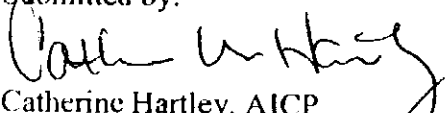
Policy 5.07.04: The current policy prohibits all increases in density in the CHHA, which is now inconsistent with IIB 1359 that was recently signed into law. The bill allows for increases in density if the applicant meets certain criteria, such as the availability of shelter space and the maintenance of evacuation times. It also allows a developer to mitigate if those criteria cannot be met. The PAB recommended that the language be kept as it is in the current comprehensive plan, but to make an exception for the CRA. The criteria is reflected in the WMU land use category.

Policy 5.07.06: The proposed amendment deletes the provision of "no increase in net development capacity" in the category 1 and 2 SLOSH zones, as this conflicts with the proposed amendment 5.07.04 and HB 1359.

Public Facilities Element (see page 9)

Objective 4.07: This Objective established a timeframe for the city to adopt a stormwater master plan. Although the master plan has been budgeted for 2006, an RFP has yet to be issued for the work. The city anticipates that the master plan shall be completed within a year, and the date established in the objective has been amended to reflect that timeframe.

Submitted by:


Catherine Hartley, AICP
Senior Planner

DEFINITIONS

- Buffer Land area and landscaping provided to separate a use which may have a negative impact on an adjacent use or natural resource. Buffers may include physical barriers, vegetated berms, hedges, landscape cover, walls, fences, or land area with dense vegetation and tree canopies.
- CCCL Coastal Construction Control Line.
- CHHA Coastal High Hazard Area.
- City City of Fernandina Beach.
- Coastal high hazard area The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.
- Community Redevelopment Area The City of Fernandina Beach Community Redevelopment Area, established in 2005.
- County Nassau County.
- DEP Department of Environmental Protection for the State of Florida.
- DOT Department of Transportation for the State of Florida.
- Environmentally sensitive areas Estuarine shoreline areas, wetlands, wetland transitional areas, 100-year floodplains, and upland wildlife habitats.
- ERC Equivalent Residential Connection
- F.A.C. Florida Administrative Code.
- FBCP Fernandina Beach Comprehensive Plan.
- Floor Area Ratio (FAR) A measurement of the intensity of building development on a site. A floor area ratio is the relationship between the gross floor area on a site and the gross land area. The FAR is calculated by adding together the gross floor areas of all buildings on the site and dividing that figure by the gross land area.
- FLUM Future Land Use Map
- Hazardous materials or Solid waste, or a combination of solid wastes, which, because of the quantity, concentration, or physical, chemical, or infectious

Deleted: The area within the category 1 evacuation zone as established in the Northeast Florida Regional Hurricane Evacuation Study

hazard wastes	characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed. Hazardous wastes include those wastes generated from non-residential sources.	
▪ Infrastructure	Manmade structures that serve the common needs of population, including transportation facilities, sanitary sewer facilities, drainage facilities, stormwater systems, solid waste disposal sites, and potable water facilities.	
▪ Infrastructure improvements	Those activities which lead to an increase in the capacity of a facility for transportation, potable water, or sanitary sewer.	
▪ LOS	Level of Service.	
▪ <u>Media</u> <u>Peonia</u>	<u>One half of a Peonia, measured as 46'6" by 46'6". A Media-Peonia does not constitute a platted lot of record for the purposes of Policy 1.04.03.</u>	Formatted: Indent: Hanging: 0.5" Formatted: Bullets and Numbering
▪ Natural resources	Potable water wells, wellhead protection areas, beaches, shores, shorelines, dunes, estuarine systems, rivers, bays, lakes, flood plains, harbors, wetlands, minerals, habitats for listed species, marine habitats, ecological communities, natural vegetative communities, fisheries, and coastal high hazard areas.	
▪ NEFRPC	Northeast Florida Regional Planning Council.	
▪ Net density	Determined by <u>multiplying the "maximum allowable units per acre" by the "net buildable land area expressed in acreage."</u> "Net buildable land area" means those contiguous land areas under common ownership proposed for residential development, minus, undevelopable environmentally sensitive <u>areas</u> , including wetlands, transitional wetlands, floodplains, and waters of the state. <u>Lots adjoining an existing right of way may calculate half of the width of that right of way as part of the "net buildable land area" definition.</u>	Deleted: buildable Deleted: dividing Deleted: "Maximum allowable units" is derived by multiplying the density for the zoning district by the total land area Deleted: existing rights-of-way and Deleted: lands Deleted: ["Net buildable density = (density x total land) + "net buildable land area"]
▪ Open space	Any land, air, or water surface that affords unobstructed physical movement and is relatively free of defacing man-made structural mass.	
▪ <u>Peonia</u>	<u>Historic platted lot in Old Town, measuring 46'6" by 93'.</u>	Formatted: Indent: Hanging: 0.5", Tabs: 0.25", Left Formatted: Bullets and Numbering
▪ PUD	Planned Unit Development	

- SJRWMD St. Johns River Water Management District.
- State State of Florida.
- Substandard housing units Dwelling units that fail to meet the building code, fail to meet the minimum housing code, lack complete plumbing, lack complete kitchen facilities, or are overcrowded.
- Supportive community facilities Facilities that provide an essential public service, such as utility lines, lift stations, pumps, telephone equipment stations, gang mail boxes, newspaper vending boxes, parks and associated recreation facilities, and the like.
- Wetland transition areas The land area separating wetlands and uplands.
- Wetlands Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.

Terms that are not defined herein shall have the meanings listed in Rule 9J-5.003, F.A.C., or in Section 163.3164, Florida Statutes.

FUTURE LAND USE ELEMENT

OBJECTIVE 1.06. LAND USE CATEGORIES

The City shall ensure that suitable land is available for residential, commercial, industrial, and public use. Suitability shall be based on the availability of services and facilities and the ability of the land to be developed, while respecting the integrity of the built and natural environment.

Policies

1.06.01. The following land use categories shall be shown on the FLUM:

- a. Low Density Residential (LDR)
- b. Medium Density Residential (MDR)
- c. High Density Residential (HDR)
- d. Office & Residential Multi-Use (ORMU)
- e. General Commercial (GC)
- f. Central Business District (CBD)
- g. Traditional Neighborhood Development (TND)
- h. Waterfront Mixed Use (WMU)

Formatted: Indent: Left: 0.25"

Formatted: Bullets and Numbering

- i. Industrial (IN)
- j. Industrial - Waterfront (IW)
- k. Recreation (REC)
- l. Conservation (CON)
- m. Public & Institutional (PI)

1.06.02. In all land use categories where residential dwelling units are allowable, density shall be defined as "net density".

Deleted: buildable

Deleted: Density credit shall be given for newly dedicated rights-of-way during the subdivision review and approval process. ¶

1.06.06. Office & Residential Mixed Use (ORMU)

- a. This land use category is designed to accommodate medical, business, and professional offices; personal service establishments with limited inventory of goods; neighborhood commercial uses; and customary accessory uses, which are subordinate and incidental to the principal office or limited commercial use.
- b. Single-family and multi-family residential units are allowed in this land category.
- c. This designation is not intended for manufacturing.
- d. Mixed uses may occur throughout the area designated for ORMU on the FLUM through the assignment of zoning districts for residential uses, limited commercial uses, and office uses, as well as the use of the PUD overlay.
- e. The maximum density for residential development within the ORMU land use category is eight (8) units per acre. The intensity of non-residential development in the ORMU land use category shall not exceed a floor area ratio of 0.50.
- f. In the application of zoning districts within the ORMU category, the City shall ensure that proposed zoning districts are compatible with each other and with adjacent zoning districts and land uses.

Deleted: Through the PUD, mixed uses within a development site may be allowed.

Deleted: In order to ensure compatibility, the City shall revise the development standards for applicable zoning districts to include compatibility criteria in multi-use situations. ¶

1.06.07. General Commercial (GC)

- a. The general commercial land use category is designed to accommodate offices; commercial retail; personal services establishments; restaurants; transient accommodations; uses that provide sales and services for one (1) neighborhood or several neighborhoods throughout Amelia Island; repair shops; retail sales and services; and other similar commercial uses.
- b. The GC designation is not intended to accommodate manufacturing of goods or other production or assembly activities which may generate nuisance impacts, including glare, smoke, or other air pollutants, noise, vibration, major fire hazards, or other impacts generally associated with industrial uses.
- c. The intensity of development in the GC land use category shall not exceed a floor area ratio of 1.5.

Deleted: 0.50 ¶

1.06.08. Central Business District (CBD)

- a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
- b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services

establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

- c. Additional uses may be permissible subject to additional standards: automobile service stations, indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
- d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
- e. The intensity of non-residential development shall not exceed a floor area ratio of 2.0.
- f. A proposed amendment to the FLUM to increase the land area within the Central Business District; and land use category shall demonstrate the suitability of the proposed site based on:
 - 1. The need for additional land area within the Central Business District; and land use category;
 - 2. Consistency of the land area with the characteristics of the Central Business District; and;
 - 3. Consistency of the land area with the characteristics of the downtown.

1.06.09 Traditional Neighborhood Development (TND)

Formatted: Font: Italic.

- a. The purpose of the Traditional Neighborhood Development FLUM category is to promote redevelopment by providing opportunities for a mix of residential, commercial, office, retail, cultural, civic, and recreational uses within the designated CRA only located east of Front Street.
- b. A proposed amendment to the FLUM to the TND FLUM category shall demonstrate the following:
 - 1. Compatibility of the project with the characteristics of the Central Business District; and;
 - 2. Compatibility of the project with the characteristics of surrounding historic neighborhood.
- c. The density of residential development in the TND FLUM category is 17 units per acre.
- d. The intensity of non-residential development in the TND FLUM category is a Floor Area Ratio of 2.0.
- e. Projects developed within the TND area may be eligible for a 100% density bonus or a 1.0 FAR intensity bonus based on criteria such as the following:
 - 1. 10% of the dwelling units are set aside for very low, low, or moderate income households. The City shall establish an in lieu fee to fund a community land trust for affordable housing;
 - 2. Locate residential units above commercial, retail or office space;
 - 3. Dedication and acceptance of land for public open space, either fee simple or by easement;
 - 4. Dedication and acceptance of an easement for mid-lot or mid-block corridors to be used as pedestrian access;
 - 5. Improvement of public facilities such as sidewalks, river walks, parks, roads, sewer and water facilities, etc. within the CRA;

6. Restoring a historic site per the City's standards;
7. Orientation of buildings to street frontage with parking to the rear or side of the development site, if not otherwise required;
8. Incorporation of conservation or sustainable building features in the construction of all buildings;
9. Using drought tolerant, indigenous landscaping.

f. The City shall amend its Land Development Code by September 2007 establishing the mechanism by which the intensity or density bonus shall be awarded.

g. By September 2007, the City shall adopt design guidelines for the CRA to ensure compatibility with the CBD and Historic District.

1.06.10 Waterfront Mixed Use (WMU)

- a. The Waterfront Mixed Use category is intended for the re-development of waterfront land fronting the Amelia River within the CRA only.
- b. Uses include: Residential, commercial, retail stores, professional offices, water related uses such as piers, docks, wharves, and marinas and uses related to the shrimping and fishing industry.
- c. Net Density is limited to 2 dwelling units per acre and is required to be located above a commercial or office use.
- d. Intensity is limited to 0.75 FAR.
- e. Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate the following:

1. The adopted level of service for out-of county hurricane evacuation is maintained for a category 5 storm event.
2. A 12 hour evacuation time to a hurricane shelter is maintained for a category 5 storm event.
3. Shelter space must be available to accommodate the proposed net increase in population density. The net increase in population density shall be calculated by the maximum allowable units under the proposed WMU category multiplied by the average household size as determined by the most recent census data for the City.
4. If the applicant requests a density bonus per the criteria in 1.06.10f., the increase in population generated from the requested bonus must be calculated in the net population increase.
5. If the applicant cannot show that shelter space is available or evacuation times can be maintained, he/she may mitigate the impacts of the development through improvements to the transportation network, contribution of land for shelter space or road improvements, and/or construction of hurricane shelters. The City may also consider an in lieu fee for mitigation purposes.

f. Amendments to the FLUM that change the land use to WMU within the Community Redevelopment Area (CRA) may be awarded a 100 % density bonus based on the following criteria:

1. Dedication and acceptance of an easement to the City in order to build a public waterfront boardwalk along the river; and

Formatted: font: Italic

Formatted: Bullets and Numbering

Formatted: Left

Formatted: Justified

2. Dedication and acceptance of an easement for mid-lot or mid-block corridors in order to maintain view corridors to the river and to be used as pedestrian access.

Formatted: Indent: Left: 0.13",
Hanging: 0.25"

Deleted: 09

1.06.11. Industrial (IN)

- a. The industrial land use category is intended to recognize existing industrial development, and ensure the availability of land for industrial and airport purposes.
- b. The intensity of industrial development shall not exceed a floor area ratio of 0.50.
- c. Industrial sites should have transportation access by air, rail, or highway.
- d. Industrial uses include: manufacturing, assembling and distribution activities; warehousing and storage activities; general commercial activities; and other similar land uses.
- e. Residential uses shall not be permitted within the industrial land use category. This provision shall not prohibit residences for night watchmen or custodians whose presence on industrial sites is necessary for security purposes. Such a use may be permitted as a conditional use.
- f. Industrial sites shall be buffered from residential neighborhoods.
- g. Heavy metal fabrication, batch plants, salvage yards, chemical or petroleum manufacturing or refining, rubber or plastics manufacturing, or other uses generating potentially harmful environmental or nuisance impacts shall be prohibited.
- h. New industrial locations shall ensure protection of environmentally sensitive lands and protected natural resources. Where new industrial locations are adjacent to environmentally sensitive lands and protected natural resources, appropriate buffers and other techniques shall be used to ensure protection of such lands and resources from industrial development.

Deleted: 10

1.06.12. Industrial Waterfront (IW)

- a. The land use category of Industrial Waterfront provides for those industrial activities that require waterfront locations.
- b. Uses include: piers, docks, and wharves; ship terminals and facilities for construction and maintenance; bulk storage facilities, limited to materials delivered by ship; military installations, excluding residential uses; heliports; and marinas.
- c. The intensity of development within the industrial waterfront land use category shall not exceed a floor area ratio of 0.75.
- d. The following uses may be permissible, and shall be directly related to port activities: truck terminals; distribution centers; offices to support allowable uses; warehousing; manufacturing and processing; and support services, which are an integral part of a port-related activity, such as parking facilities, restaurants, or clinics.
- e. New waterfront industrial locations shall ensure protection of shorelines, other environmentally sensitive lands, and protected natural resources. Appropriate

buffers and other site design techniques shall be provided to ensure such protection.

1.06.13 Recreation (REC)

Deleted: 6 11

- a. Public and private parks and recreation facilities shall be allowable uses in the Recreation land use category.
- b. Outdoor recreation facilities may include fields, courts, playgrounds, pools, picnic areas, trails, paths, and active or passive open space. Recreation facilities may also include buildings to support outdoor recreation, such as restrooms, concessions, equipment storage, and offices related to the park and recreation uses.
- c. The maximum impervious surface ratio within the recreation land use category is 0.25. The maximum floor area ratio is 0.50.
- d. Indoor pools, gymnasiums, and recreation centers with meeting rooms, administrative offices, or indoor recreation facilities are also permissible.
- e. Recreation uses shall be appropriately buffered and screened from adjacent uses.

1.06.14 Conservation (CON)

Deleted: 12

- a. Lands that are natural resources shall be included in the Conservation land use designation in order to provide for the long-term protection and preservation of environmentally sensitive natural resource systems.
- b. Potentially allowable uses in the Conservation land use category are subject to conditional use procedures, and may include: docks, boardwalks, hiking trails, and picnic areas.
- c. Development within the conservation land use category is limited to buildings that are supportive of and accessory to the Conservation land use category, such as an interpretative center, rest rooms, or covered picnic pavilions.
- d. Potentially allowable uses are limited in location and extent, and shall avoid adverse impacts on the hydrologic functions of wetlands, natural systems, habitats, water quality, shorelines, marine life, and coastal resources.

1.06.15 Public & Institutional (PI)

Deleted: 13

- a. This land use category is intended for any publicly owned lands and structures.
- b. All uses by government agencies are allowable.
- c. The maximum floor area ratio for development within the Public and Institutional land use category is 0.50.

1.06.16 The maximum impervious surface ratio in all land use categories, except the Central Business District, shall be seventy-five (75) percent. The City shall promote and encourage use of pervious paving materials.

Deleted: 14

CONSERVATION AND COASTAL MANAGEMENT ELEMENT

OBJECTIVE 5.07. COASTAL HIGH-HAZARD AREAS

Formatted: Font: 12 pt
Formatted: Centered

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

Policies

5.07.04. The City shall prohibit amendments to the FLUM which result in a net increase in residential density in the CHHA except within the Community Redevelopment Area.

Deleted:

5.07.06. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from the CHHA. Development and/or redevelopment in the CHHA shall not increase the intensity currently allowed by the Comprehensive Plan.

Deleted: areas designated as the category 1 and 2 inundation zones as depicted on the most recent SLOSH map

PUBLIC FACILITIES ELEMENT

Deleted: net development capacity

Deleted: within the CHHA

OBJECTIVE 4.07. STORMWATER DRAINAGE PLANNING

Formatted: No underline

Formatted: Centered

Deleted: January 2006

By September 2007, the City shall prepare and periodically update a master drainage plan, which shall provide for adequate stormwater drainage to afford reasonable protection from flooding, minimize degradation of receiving waters, and protect natural drainage features.

Coastal High Hazard Area (CHHA)

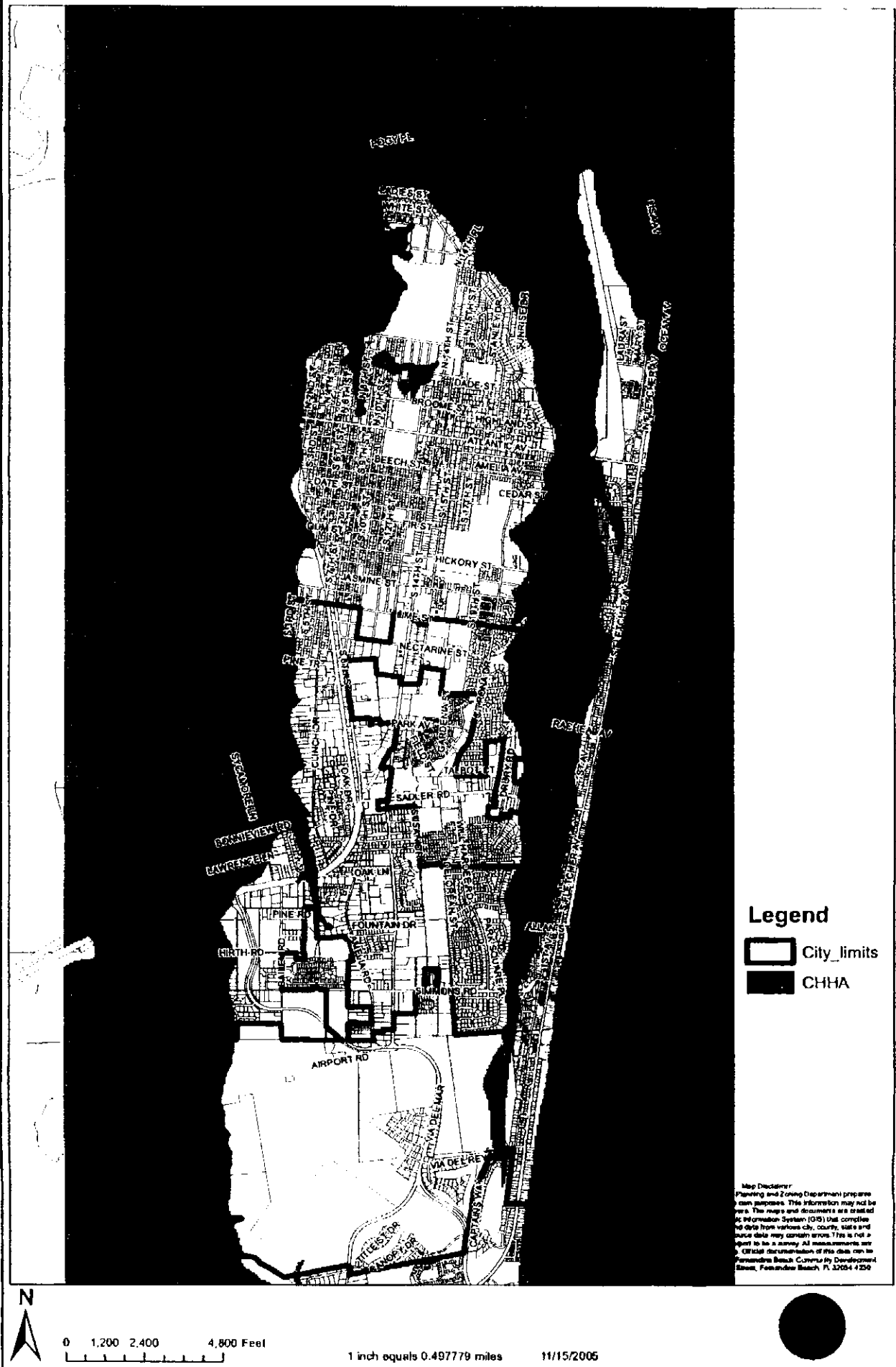


EXHIBIT A

DEFINITIONS

- Buffer Land area and landscaping provided to separate a use which may have a negative impact on an adjacent use or natural resource. Buffers may include physical barriers, vegetated berms, hedges, landscape cover, walls, fences, or land area with dense vegetation and tree canopies.

- CCCL Coastal Construction Control Line.

- CHHA Coastal High Hazard Area.

- City City of Fernandina Beach.

- Coastal high hazard area The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.
- Community Redevelopment Area The City of Fernandina Beach Community Redevelopment Area, established in 2005.

- County Nassau County.

- DEP Department of Environmental Protection for the State of Florida.

- DOT Department of Transportation for the State of Florida.

- Environmentally sensitive areas Estuarine shoreline areas, wetlands, wetland transitional areas, 100-year floodplains, and upland wildlife habitats.

- ERC Equivalent Residential Connection

- F.A.C. Florida Administrative Code.

- FBCP Fernandina Beach Comprehensive Plan.

- Floor Area Ratio (FAR) A measurement of the intensity of building development on a site. A floor area ratio is the relationship between the gross floor area on a site and the gross land area. The FAR is calculated by adding together the gross floor areas of all buildings on the site and dividing that figure by the gross land area.

- FLUM Future Land Use Map

- Hazardous materials or Solid waste, or a combination of solid wastes, which, because of the quantity, concentration, or physical, chemical, or infectious

Deleted: The area within the category 1 evacuation zone as established in the Northeast Florida Regional Hurricane Evacuation Study.

hazard wastes characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed. Hazardous wastes include those wastes generated from non-residential sources.

- Infrastructure Manmade structures that serve the common needs of population, including transportation facilities, sanitary sewer facilities, drainage facilities, stormwater systems, solid waste disposal sites, and potable water facilities.
- Infrastructure improvements Those activities which lead to an increase in the capacity of a facility for transportation, potable water, or sanitary sewer.
- LOS Level of Service.
- Media
Peonia One half of a Peonia, measured as 46'6" by 46'6". A Media Peonia does not constitute a platted lot of record for the purposes of Policy 1.04.03.
- Natural resources Potable water wells, wellhead protection areas, beaches, shores, shorelines, dunes, estuarine systems, rivers, bays, lakes, flood plains, harbors, wetlands, minerals, habitats for listed species, marine habitats, ecological communities, natural vegetative communities, fisheries, and coastal high hazard areas.
- NEFRPC Northeast Florida Regional Planning Council.
- Net density Determined by multiplying the "maximum allowable units per acre" by the "net buildable land area expressed in acreage." "Net buildable land area" means those contiguous land areas under common ownership proposed for residential development, minus undevelopable environmentally sensitive areas, including wetlands, transitional wetlands, floodplains, and waters of the state. Lots adjoining an existing right of way may calculate half of the width of that right of way as part of the "net buildable land area" definition.
- Open space Any land, air, or water surface that affords unobstructed physical movement and is relatively free of defacing man-made structural mass.
- Peonia Historic platted lot in Old Town, measuring 46'6" by 93'.
- PUD Planned Unit Development

Formatted: Indent: Hanging: 0.5"

Formatted: Bullets and Numbering

Deleted: buildable

Deleted: dividing

Deleted: "Maximum allowable units" is derived by multiplying the density for the zoning district by the total land area.

Deleted: existing rights-of-way and

Deleted: lands

Deleted: ["Net buildable density = (density x total land) + "net buildable land area"]

Formatted: Indent: Hanging: 0.5",
Tabs: 0.25", Left

Formatted: Bullets and Numbering

- SJRWMD St. Johns River Water Management District.
- State State of Florida.
- Substandard housing units Dwelling units that fail to meet the building code, fail to meet the minimum housing code, lack complete plumbing, lack complete kitchen facilities, or are overcrowded.
- Supportive community facilities Facilities that provide an essential public service, such as utility lines, lift stations, pumps, telephone equipment stations, gang mail boxes, newspaper vending boxes, parks and associated recreation facilities, and the like.
- Wetland transition areas The land area separating wetlands and uplands.
- Wetlands Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.

Terms that are not defined herein shall have the meanings listed in Rule 9J-5.003, F.A.C., or in Section 163.3164, Florida Statutes.

FUTURE LAND USE ELEMENT

OBJECTIVE 1.06. LAND USE CATEGORIES

The City shall ensure that suitable land is available for residential, commercial, industrial, and public use. Suitability shall be based on the availability of services and facilities and the ability of the land to be developed, while respecting the integrity of the built and natural environment.

Policies

1.06.01. The following land use categories shall be shown on the FLUM:

- a. Low Density Residential (LDR)
- b. Medium Density Residential (MDR)
- c. High Density Residential (HDR)
- d. Office & Residential Multi-Use (ORMU)
- e. General Commercial (GC)
- f. Central Business District (CBD)
- g. Waterfront Mixed Use (WMU)
- h. Industrial (IN)
- i. Industrial - Waterfront (IW)

Formatted: Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start
at: 1 + Alignment: Left + Aligned at:
0.25" + Tab after: 0.5" + Indent at:
0.5"

Deleted: ¶

Formatted: Bullets and Numbering

- j. Recreation (REC)
- k. Conservation (CON)
- l. Public & Institutional (PI)

1.06.02. In all land use categories where residential dwelling units are allowable, density shall be defined as "net density".

1.06.06. Office & Residential Mixed Use (ORMU)

- a. This land use category is designed to accommodate medical, business, and professional offices; personal service establishments with limited inventory of goods; neighborhood commercial uses; and customary accessory uses, which are subordinate and incidental to the principal office or limited commercial use.
- b. Single-family and multi-family residential units are allowed in this land category.
- c. This designation is not intended for manufacturing.
- d. Mixed uses may occur throughout the area designated for ORMU on the FLUM through the assignment of zoning districts for residential uses, limited commercial uses, and office uses, as well as the use of the PUD overlay.
- e. The maximum density for residential development within the ORMU land use category is eight (8) units per acre. The intensity of non-residential development in the ORMU land use category shall not exceed a floor area ratio of 0.50.
- f. In the application of zoning districts within the ORMU category, the City shall ensure that proposed zoning districts are compatible with each other and with adjacent zoning districts and land uses.

1.06.07. General Commercial (GC)

- a. The general commercial land use category is designed to accommodate offices; commercial retail; personal services establishments; restaurants; transient accommodations; uses that provide sales and services for one (1) neighborhood or several neighborhoods throughout Amelia Island; repair shops; retail sales and services; and other similar commercial uses.
- b. The GC designation is not intended to accommodate manufacturing of goods or other production or assembly activities which may generate nuisance impacts, including glare, smoke, or other air pollutants, noise, vibration, major fire hazards, or other impacts generally associated with industrial uses.
- c. The intensity of development in the GC land use category shall not exceed a floor area ratio of 0.50.

1.06.08. Central Business District (CBD)

- a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
- b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

Deleted: buildable

Deleted: Density credit shall be given for newly dedicated rights-of-way during the subdivision review and approval process.¶

Deleted: Through the PUD, mixed uses within a development site may be allowed.

Formatted: Bullets and Numbering

Deleted: In order to ensure compatibility, the City shall revise the development standards for applicable zoning districts to include compatibility criteria in multi-use situations.¶

- c. Additional uses may be permissible subject to additional standards: automobile service stations, indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
- d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
- e. The intensity of non-residential development shall not exceed a floor area ratio of 2.0.
- f. A proposed amendment to the FLUM to increase the land area within the Central Business District; and land use category shall demonstrate the suitability of the proposed site based on:
 - 1. The need for additional land area within the Central Business District; and land use category;
 - 2. Consistency of the land area with the characteristics of the Central Business District; and;
 - 3. Consistency of the land area with the characteristics of the downtown.

1.06.09 Waterfront Mixed Use (WMU)

- a. The Waterfront Mixed Use category is intended for the re-development of waterfront land fronting the Amelia River within the CRA only.
- b. Uses include: Residential, commercial, retail stores, professional offices, water related uses such as piers, docks, wharves, and marinas and uses related to the shrimping and fishing industry.
- c. Net Density is limited to 2 dwelling units per acre and is required to be located above a commercial or office use.
- d. Intensity is limited to 0.75 FAR.
- e. Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with the following criteria:
 - 1. A 16 hour level of service for out-of county hurricane evacuation is maintained for a category 5 storm event; and
 - 2. A 12 hour evacuation time to a hurricane shelter is maintained for a category 5 storm event; or
 - 3. If the applicant cannot show that shelter space is available or evacuation times can be maintained, he/she may mitigate the impacts of the development through improvements to the transportation network, contribution of land for shelter space or road improvements, and/or construction of hurricane shelters. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan. The City may also consider an in lieu fee for mitigation purposes.
- f. Amendments to the FLUM that change the land use to WMU within the Community Redevelopment Area (CRA) may be awarded a 100 % density bonus based on the following criteria:
 - 1. Dedication and acceptance of an easement to the City in order to build a public waterfront boardwalk along the river; and

Deleted: 163.3178(9)(a) and (b),
Florida Statutes.

2. Dedication and acceptance of an easement for mid-lot or mid-block corridors in order to maintain view corridors to the river and to be used as pedestrian access.

Formatted: Indent: Left: 0.13",
Hanging: 0.25"

Deleted: 09

1.06.10. Industrial (IN)

- a. The industrial land use category is intended to recognize existing industrial development, and ensure the availability of land for industrial and airport purposes.
- b. The intensity of industrial development shall not exceed a floor area ratio of 0.50.
- c. Industrial sites should have transportation access by air, rail, or highway.
- d. Industrial uses include: manufacturing, assembling and distribution activities; warehousing and storage activities; general commercial activities; and other similar land uses.
- e. Residential uses shall not be permitted within the industrial land use category. This provision shall not prohibit residences for night watchmen or custodians whose presence on industrial sites is necessary for security purposes. Such a use may be permitted as a conditional use.
- f. Industrial sites shall be buffered from residential neighborhoods.
- g. Heavy metal fabrication, batch plants, salvage yards, chemical or petroleum manufacturing or refining, rubber or plastics manufacturing, or other uses generating potentially harmful environmental or nuisance impacts shall be prohibited.
- h. New industrial locations shall ensure protection of environmentally sensitive lands and protected natural resources. Where new industrial locations are adjacent to environmentally sensitive lands and protected natural resources, appropriate buffers and other techniques shall be used to ensure protection of such lands and resources from industrial development.

1.06.11. Industrial Waterfront (IW)

Deleted: 10

- a. The land use category of Industrial Waterfront provides for those industrial activities that require waterfront locations.
- b. Uses include: piers, docks, and wharves; ship terminals and facilities for construction and maintenance; bulk storage facilities, limited to materials delivered by ship; military installations, excluding residential uses; heliports; and marinas.
- c. The intensity of development within the industrial waterfront land use category shall not exceed a floor area ratio of 0.75.
- d. The following uses may be permissible, and shall be directly related to port activities: truck terminals; distribution centers; offices to support allowable uses; warehousing; manufacturing and processing; and support services, which are an integral part of a port-related activity, such as parking facilities, restaurants, or clinics.
- e. New waterfront industrial locations shall ensure protection of shorelines, other environmentally sensitive lands, and protected natural resources. Appropriate buffers and other site design techniques shall be provided to ensure such protection.

1.06.12. Recreation (REC)

Deleted: 6.11

- a. Public and private parks and recreation facilities shall be allowable uses in the Recreation land use category.
- b. Outdoor recreation facilities may include fields, courts, playgrounds, pools, picnic areas, trails, paths, and active or passive open space. Recreation facilities may also include buildings to support outdoor recreation, such as restrooms, concessions, equipment storage, and offices related to the park and recreation uses.
- c. The maximum impervious surface ratio within the recreation land use category is 0.25. The maximum floor area ratio is 0.50.
- d. Indoor pools, gymnasiums, and recreation centers with meeting rooms, administrative offices, or indoor recreation facilities are also permissible.
- e. Recreation uses shall be appropriately buffered and screened from adjacent uses.

1.06.13. Conservation (CON)

Deleted: 12

- a. Lands that are natural resources shall be included in the Conservation land use designation in order to provide for the long-term protection and preservation of environmentally sensitive natural resource systems.
- b. Potentially allowable uses in the Conservation land use category are subject to conditional use procedures, and may include: docks, boardwalks, hiking trails, and picnic areas.
- c. Development within the conservation land use category is limited to buildings that are supportive of and accessory to the Conservation land use category, such as an interpretative center, rest rooms, or covered picnic pavilions.
- d. Potentially allowable uses are limited in location and extent, and shall avoid adverse impacts on the hydrologic functions of wetlands, natural systems, habitats, water quality, shorelines, marine life, and coastal resources.

1.06.14. Public & Institutional (PI)

Deleted: 13

- a. This land use category is intended for any publicly owned lands and structures.
- b. All uses by government agencies are allowable.
- c. The maximum floor area ratio for development within the Public and Institutional land use category is 0.50.

1.06.15. The maximum impervious surface ratio in all land use categories, except the Central Business District, shall be seventy-five (75) percent. The City shall promote and encourage use of pervious paving materials.

Deleted: 14

CONSERVATION AND COASTAL MANAGEMENT ELEMENT

OBJECTIVE 5.07. COASTAL HIGH-HAZARD AREAS

Formatted: Font: 12 pt

Formatted: Centered

The City shall protect property, residents, and visitors within the coastal high hazard area. Protection shall be provided through appropriate designations on the Future Land

Use Map to ensure that population is directed away from the coastal high hazard area, limitations on construction of infrastructure in the coastal high hazard area, and coordination with hazard mitigation and post-disaster plans.

Policies

5.07.04. The City shall prohibit amendments to the FLUM which result in a net increase in residential density in the CHHA except within the Community Redevelopment Area. Density increases are permitted within the CHHA for parcels in the WMU Future Land Use category if the criteria in Policy 1.06.09 e are met.

5.07.06. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from the CHHA. Development and/or redevelopment in the CHHA shall not increase the intensity currently allowed by the Comprehensive Plan.

PUBLIC FACILITIES ELEMENT

OBJECTIVE 4.07. STORMWATER DRAINAGE PLANNING

By September 2007, the City shall prepare and periodically update a master drainage plan, which shall provide for adequate stormwater drainage to afford reasonable protection from flooding, minimize degradation of receiving waters, and protect natural drainage features.

Deleted: areas designated as the category 1 and 2 inundation zones as depicted on the most recent SLOSH map

Deleted: net development capacity

Deleted: within the CHHA

Formatted: No underline

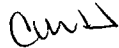
Formatted: Centered

Deleted: January 2006

EXHIBIT B

MEMORANDUM

TO: CITY COMMISSION

FROM: CATHERINE HARTLEY, AICP 

DATE: DECEMBER 19, 2006

RE: 2006-02 COMPREHENSIVE PLAN AMENDMENT ADOPTION

In September 2006, the City Commission approved the transmittal of the Second Cycle large scale comprehensive plan amendment to the Florida Department of Community Affairs (DCA). The proposed amendment package included the following text changes (summarized):

- A change to the definition of Coastal High Hazard Area, consistent with HB 1359.
- A definition of Community Redevelopment Area
- Definitions of Peonia and Media Peonia
- Corrects the calculation of net density and allows for existing Rights of Way to be included in the calculation.
- Future Land Use Element policies:

1.06.01 : Adds the proposed TND and WMU to the list of Future Land Use categories to be depicted in the FLUM.

1.06.06 ORMU: Deletes the requirement that a mixed use structure must be in a PUD.

1.06.07 General Commercial: Increases the permitted Floor Area ratio from 0.50 to 1.5.

New policies 1.06.09 and 1.06.10 establishing the Traditional Neighborhood Development Waterfront Mixed Use FLUE categories for the CRA.

- Conservation and Coastal Management Element Policies:

5.07.04: Change allows for increase in density in the CHHA within the CRA.

5.07.06: Change prohibits increase in intensity in the CHHA.

- Public Facilities Element:

Objective 4.07: Changes the date of completion of a stormwater master plan from January 2006 to September of 2007.

- The package also included a new Coastal High Hazard Area (CHHA) Map consistent with the change in the CHHA definition.

DCA has since reviewed the amendment package and objected to some of the proposed amendments. Planning Staff has summarized the objections and has recommended changes to amendments to satisfy DCA's requests. (Full text of the objection letter as well as the text changes are attached to this memo).

DCA Objection 1A: Proposed TND land use category has "vague" standards and allows for density bonuses for infrastructure that a developer should have to provide without a bonus.

DCA recommendation: Revise the amendment to establish meaningful and predictable standards for determining compatibility and for establishing the criteria for density and intensity bonuses. Remove the criteria which would provide a density bonus for required capital facility improvements unless these capital improvements are for more than maintenance of level of service.

Planning Staff Response: Due to the nature and extent of the objections to the TND category, Staff recommends that the TND language **not** be adopted with this package. The impacted area is so small that a separate mixed use land use category is not necessary. The proposed uses and density were essentially the same as the existing Central Business District and Office Residential Mixed Use categories. Staff proposes that the properties on the east side of Front Street can operate under existing mixed use land use and zoning categories, as long as the intensity and design are further controlled with an overlay.

DCA Objection 1B: Policy 5.07.04

The proposed comprehensive plan amendment to Policy 5.07.04 modifies the restriction of development within the Coastal High Hazard Area to allow for residential density within the Community Redevelopment Area. This policy is open-ended and would allow for density increases in the Coastal High Hazard Area.

DCA Recommendation:

Revise the amendment to include a reference to Policy 1.09.10, Waterfront Mixed Use, which specifically allows for density increases in the Coastal High Hazard Area, within the Community Redevelopment Area, under certain conditions.

Planning Staff Response: Added language, see text attached.

DCA Objection 2: Policy 1.09.10 Waterfront Mixed Use (WMU) land use category incorporates into the Policy a reference to the statutory requirements. Policy 1.09.10 reads as follows, "Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with Section 163.3178(9)(a) and (b), F.S." Once the Statute is adopted into the Comprehensive Plan, changes to it can only be accomplished by processing a comprehensive plan amendment in accordance with

Sections 163.3189 and 163.3184, Florida Statutes. This reference would allow changes to occur to the comprehensive plan without following the procedures and requirements of the cited statutes and therefore is not in compliance with Chapter 163, Part II.

DCA Recommendation: Revise the amendment to include a reference clearly indicating that Section 163.3178 (9)(a) and (b) of the 2006 Florida Statute is being adopted into the amendment, or adopt into the amendment verbatim the language contained in Section 163.3178(9)(a) and (b), Florida Statutes.

Planning Staff Response: Language added, see text attached.

DCA Objection 3: Policy 1.06.07, General Commercial (GC) Land Use District, proposes to increase the Floor Area Ratio from .5 to 1.5. No data and analysis was provided that demonstrates the need for the increase in commercial floor area throughout the planning timeframe, or if the additional demand on Capital Facilities could cause any Level of Service deficits. No supporting documentation was offered demonstrating that the City can provide water and sewer to these parcels, if there is available capacity for solid waste disposal, or if the impact on the area's transportation network would cause any deficiencies.

DCA recommendation: Provide data and analysis that the City can support the increase in Floor area with public facilities, specifically a transportation study to be reviewed by FDOT.

Planning Staff response: Staff can provide data that solid waste, sewer, and water can be provided. However, Staff cannot show that transportation concurrency can be maintained. The potential impact from future development at a 1.5 FAR would cause all arterial and collector roads to fall below the adopted level of service. Staff's recommendation is to not adopt this portion of the amendment.

DCA Objection 4: The City has modified Objective 4.07, that the City shall prepare and periodically update a master drainage plan, to extend the date of completion until September 2007. The master plan originally was budgeted in the 2006 Capital Improvements Schedule and the completion date set for January 2006. Section 163.3177(3)(b) 1, F.S. requires that the Capital Improvements Plan be reviewed on an annual basis and modified in accordance with Sections 163.3187 and 163.3189 in order to maintain a financially feasible five year schedule of capital improvements. A revised Capital Improvements Plan and Schedule was not transmitted with this amendment.

DCA Recommendation: The City should forward with the adopted amendment information supporting the proposed modification. A revised and updated Capital Improvements Plan and Schedule should also be adopted to demonstrate compliance with Sections 163.3187 and 163.3189.

Planning Staff response: Staff will send with the adoption package a copy of the adopted 06-07 budget showing the allocation for the drainage study. Staff will prepare a Capital Improvement update in the coming weeks and transmit it to DCA separately, as the CIE

is exempt from the twice per calendar year limitation on comp plan amendments. Additionally, the City has until December 2007 to show that the plan is “financially feasible”.

DCA Objection 5: The proposed comprehensive plan amendment modifying Policy 5.07.06 states that development and redevelopment should not allow an increase in the intensity currently allowed in the Coastal High Hazard Area. Some of this land located in the Coastal High Hazard Area is also designated General Commercial on the Future Land Use Map. The City has transmitted a proposed amendment to Policy 1.06.07, General Commercial(GC) Land Use District, which would allow for an increase to the Floor Area Ratio from .5 to 1.5. This is inconsistent to the amendment being considered to Policy 5.07.06.

DCA Recommendation: Do not adopt both of these amendments at this time. If the City intends to increase the Floor Area Ratio permitted in the General Commercial land use district, then adopt only the amendment to Policy 1.06.07, General Commercial (GC) Land Use District, proposed at this time. Modified Policy 5.07.06 should be adopted subsequent to establishing the increased floor area ratio in the General Commercial Land use District. Conversely, the City could adopt Policy 5.07.06 prohibiting development and redevelopment that results in an increase in the intensity currently allowed in the Coastal High Hazard Area, and do not adopt Policy 1.06.07 which proposes to increase the floor area in the General Commercial Land Use District.

Planning Staff Response: Staff recommends not adopting the increase in FAR. Additionally, Staff has adjusted the language in policy 5.06.07 per the DCA recommendation (please see text, attached).

STORM WATER MANAGEMENT 470

FY 2006/2007 Budget
FORM ESTORM WATER MANAGEMENT
470-3800-538.

Submitted Approved

3100 Professional Services

Item			Explanation
Storm Drainage Master Plan	60,000		
TOTAL	\$60,000	\$0	

3200 Audit

Item			Explanation
	6,850		
TOTAL	\$ 6,850	\$ -	

3400 Other Contractual Serv

Item			Explanation
Background Checks	135		
	131		
TOTAL	\$266	\$0	

4000 Training / Travel

Item			Explanation
(See Form F)	1,000	-	
TOTAL	\$1,000	\$0	

4100 Communications

Item			Explanation
Dept of Mgmt Services	1,000		
TOTAL	\$1,000	\$0	



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

November 27, 2006

The Honorable Bill Leeper, Mayor
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034-4230

Dear Mayor Leeper:

The Department has completed its review of the proposed Comprehensive Plan Amendment for City of Fernandina Beach (DCA 06-2), which was received on September 28, 2006. Based on Chapter 163, Florida Statutes, and Rule Chapter 9J-5, Florida Administrative Code, we have prepared the attached Objections, Recommendations, and Comments Report which outlines our findings concerning the comprehensive plan amendment. It is particularly important that the City address the objections set forth in our review so that the identified issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. For your assistance, our report also includes a summary of the procedures for final adoption and transmittal of the amendment.

The Department has identified objections concerning lack of planning for the impacts to capital facilities associated with the increase floor area in the General Commercial Land Use District; vague language contained in the Policy 1.09.09, Waterfront Mixed Use; and the self-amending language contained in Policy 1.09.10. An objection was raised concerning the lack of supporting data justifying the proposed changes to Objective 4.07 and the absence of a financially feasible Capital Improvements Schedule accompanying this amendment. Lastly, Policy 5.07.06 prohibiting an increase in intensity in the Coastal High Hazard is internally inconsistent to the proposed General Commercial Land Use District under Policy 1.09.09.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781

Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

The Honorable Bill Leeper, Mayor

November 7, 2006

Page Two

I believe these concerns can be resolved and my staff and I are available to assist the County in responding to these issues and developing acceptable solutions. If you have any questions, please contact Suzanne Lex, Planner, at (850) 922-0047.

Sincerely,

Mike McDaniel
Regional Planning Administrator

MM/skl

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Mr. Ed Lehman, Director of Planning and Development, Northeast Florida
Regional Council
Mr. Catherine Hartley, Senior Planner, Community Development Department

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR THE
CITY OF FERNANDINA BEACH
AMENDMENT 06-2

November 27, 2006

Division of Community Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the City of Fernandina Beach 06-2 proposed comprehensive plan amendments pursuant to s. 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

Each of these objections must be addressed by the local government and corrected when the amendment is resubmitted for our compliance review. Objections, which are not addressed, may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items that the local government considers not applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments, which follow the objections and recommendations section, are advisory in nature. Comments will not form bases of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies, organizations and individuals. These comments are advisory to the Department and may not form bases of Departmental objections unless they appear under the "Objections" heading in this report.

TRANSMITTAL PROCEDURES

Upon receipt of this report, the City has 60 days in which to adopt, adopt with changes, or determine that the City will not adopt the proposed amendments. The process for adoption of local comprehensive plan amendments is outlined in s. 163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

Within ten working days of the date of adoption, the City must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendments;

A copy of the adoption ordinance;

A listing of additional changes not previously reviewed;

A listing of findings by the local governing body, if any, which were not included in the ordinance; and

A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendments and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Brian Teeple, Executive Director of the Northeast Florida Regional Council.

Please be advised that Section 163.3184(8)(c), Florida Statutes, requires the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by law to furnish the names and addresses of the citizens requesting this information to the Department. **Please provide these required names and addresses to the Department *when you transmit your adopted amendment package for compliance review.* In the event no names, addresses are provided, please provide this information as well.** For efficiency, we encourage that the information sheet be provided in electronic format.

**Objections, Recommendations, and Comments Report
for
City of Fernandina Beach Amendment 06-2**

I. Consistency with Chapter 163, F.S. and Chapter 9J-5, Florida Administrative Code

The Department has completed its review of the proposed City of Fernandina Beach Amendment 06-2 and has the following objections and comments.

OBJECTIONS

Future Land Element Amendments

1. Vague Language

A. Policy 1.09.09

Policy 1.09.09 proposes to establish the land use category, Traditional Neighborhood Development (TND), in the Future Land Use Element. Section (b) of this Policy requires that a proposed amendment to the Traditional Neighborhood Development land use category must demonstrate compatibility of the project with the characteristics of the Central Business District and with the characteristics of surrounding historic neighborhoods.

Under section (e) of this Policy density and intensity bonuses could be achieved by doing things “such as”: a percentage of affordable housing; residential units above commercial; dedication of open space; dedication of easement for pedestrian access; improvements to public facilities such as sidewalks, river walks, parks, roads, sewer and water facilities; restoring a historic site; building orientation; etc. within the Community Redevelopment Area. Developer improvements to sewer, water and roadway facilities are typically linked to impacts from the associated development. It is unclear if the improvements would be to maintain the required Level of Service Standards.

Under Rule 9J-5.005(6), F.A.C. the goals, objectives and policies of the Comprehensive Plan must establish meaningful and predictable standards for the development and use of land. The proposed language of “such as” and “etc”, unspecified compatibility standards and the deference of plan implementation requirements to the Land Development Code by September 2007 provide no meaningful and detailed standards as required by 9J-5.

Recommendation:

Revise the amendment to establish meaningful and predictable standards for determining compatibility and for establishing the criteria for density and intensity bonuses. Remove the criteria which would provide a density bonus for required capital facility

improvements unless these capital improvements are for more than maintenance of level of service.

B. Policy 5.07.04

The proposed comprehensive plan amendment to Policy 5.07.04 modifies the restriction of development within the Coastal High Hazard Area to allow for residential density within the Community Redevelopment Area. This policy is open-ended and would allow for density increases in the Coastal High Hazard Area. This is inconsistent with Florida Statutes which only allows density increases in the Coastal High Hazard Area pursuant to the provision set forth in Section 163.3178(9), F.S.

Recommendation:

Revise the amendment to include a reference to Policy 1.09.10, Waterfront Mixed Use, which specifically allows for density increases in the Coastal High Hazard Area, within the Community Redevelopment Area, under certain conditions.

[Sections 163.3177 (6) (a); 163.3177 (8); 163.3177 (9a), F. S.; and Rules 9J-5.005(2), F.A.C.]

2: Self-Amending Policy

The proposed amendment, Policy 1.09.10 Waterfront Mixed Use (WMU) land use category incorporates into the Policy a reference to the statutory requirements. Policy 1.09.10 reads as follows, "Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with Section 163.3178(9)(a) and (b), F.S."

Once the Statute is adopted into the Comprehensive Plan, changes to it can only be accomplished by processing a comprehensive plan amendment in accordance with Sections 163.3189 and 163.3184, Florida Statutes. This reference would allow changes to occur to the comprehensive plan without following the procedures and requirements of the cited statutes and therefore is not in compliance with Chapter 163, Part II.

Recommendation:

Revise the amendment to include a reference clearly indicating that Section 163.3178 (9)(a) and (b) of the 2006 Florida Statute is being adopted into the amendment, or adopt into the amendment verbatim the language contained in Section 163.3178(9)(a) and (b), Florida Statutes.

[Sections 163.3177 (6) (a); 163.3177 (8); 163.3177 (9a), F. S.; and Rules 9J-5.005(2), F.A.C.]

3: Need and Public Facilities Impact
Potable Water, Sewer and Drainage, Transportation, Solid Waste

Policy 1.06.07, General Commercial (GC) Land Use District, proposes to increase the Floor Area Ratio from .5 to 1.5. No data and analysis was provided that demonstrates the need for the increase in commercial floor area throughout the planning timeframe, or if the additional demand on Capital Facilities would cause any Level of Service deficits.

No supporting documentation was offered demonstrating that the City can provide water and sewer to these parcels, if there is available capacity for solid waste disposal, or if the impact on the area's transportation network would cause any deficiencies.

Recommendation:

Revise the amendments to include data and analysis of the impact of the amendment on the transportation, solid waste, potable water and sanitary sewer facilities. The data and analysis should demonstrate that adequate capacity either exists, or is planned, to support the projected demand, and to ensure consistency of the amendments with the goals, objectives, and policies of the City of Fernandina Beach's Comprehensive Plan. Revise the amendments as necessary to be consistent with and supported by the data and analysis.

A copy of the transportation study should be forwarded to the Department of Transportation (DOT) for review and comment prior to adoption. Address any concerns or issues identified by DOT prior to adoption of the amendments. Amend the capital improvements schedule to include any of the improvements needed in the next five years to achieve and maintain the adopted level of service standards. The capital improvements schedule must be financially feasible. Improvements that are to be funded by the developer must be guaranteed in an enforceable development agreement. Needed improvements to public facilities, which will be impacted by the development but are not being funded by the developer, must be identified and a financially feasible plan adopted which will achieve and maintain their level of service standards.

Transportation improvements needed beyond the next five years should be reflected in a long-range transportation improvements plan and included in the Transportation Element. The capital improvements element should include a financially feasible, long-range strategy to fund the improvements that will be needed over the long term. The Future Transportation Map should be amended to reflect all transportation improvements for both the short and long range.

Alternatively, staff recommends that the City examine alternative policies to address the non-conforming intensity that lawfully exists, rather than increase the Floor Area Ratio for the entire General Commercial land use district.

[Section 163.3177 (2), (3) and (6) (a), 163.3177(8), 163.3177(10) (e), 163.3180(2)(a), F.S. and Rules 9J-5.005 (2) (a); 9J-5.006 (2) (c) 1, 9J-5.005(5)(a), 9J-5.011(1)(a), (b), (c), (d), (e), (f), 9J-5.016(1), (3), and (4), 9J-5.0055; F.A.C.]

Objection 4. Public Facilities and Capital Improvements Element

The City has modified Objective 4.07, that the City shall prepare and periodically update a master drainage plan, to extend the date of completion until September 2007.

The master plan originally was budgeted in the 2006 Capital Improvements Schedule and the completion date set for January 2006. Section 163.3177(3)(b) 1, F.S. requires that the Capital Improvements Plan be reviewed on an annual basis and modified in accordance with Sections 163.3187 and 163.3189 in order to maintain a financially feasible five year schedule of capital improvements. A revised Capital Improvements Plan and Schedule was not transmitted with this amendment.

Recommendation:

The City should forward with the adopted amendment information supporting the proposed modification. A revised and updated Capital Improvements Plan and Schedule should also be adopted to demonstrate compliance with Sections 163.3187 and 163.3189.

[Section 163.3177(2) and (3), (4)(a), and (6)(j)5 and 6, F.S.; and Rules 9J-5.005(2), 9J-5.006(3)(c)1 and 3, 9J-5.006(3), and 9J-5.016(3) and (4), F.A.C.]

5. Internal Inconsistency

The proposed comprehensive plan amendment modifying Policy 5.07.06 states that development and redevelopment should not allow an increase in the intensity currently allowed in the Coastal High Hazard Area. Some of this land located in the Coastal High Hazard Area is also designated General Commercial on the Future Land Use Map. The City has transmitted a proposed amendment to Policy 1.06.07, General Commercial (GC) Land Use District, which would allow for an increase to the Floor Area Ratio from .5 to 1.5. This is inconsistent to the amendment being considered to Policy 5.07.06.

[Sections 163.3177(2), 163.3177(6)(a) and (h), 163.3177(8), 163.3177(10) (e), and 163.3187(2) F.S.; and Rule 9J-5.005(5)(a), F.A.C.]

Recommendation:

Do not adopt both of these amendments at this time. If the City intends to increase the Floor Area Ratio permitted in the General Commercial land use district, then adopt only the amendment to Policy 1.06.07, General Commercial (GC) Land Use District, proposed at this time. Modified Policy 5.07.06 should be adopted subsequent to establishing the increased floor area ratio in the General Commercial Land use District.

Conversely, the City could adopt Policy 5.07.06 prohibiting development and redevelopment that results in an increase in the intensity currently allowed in the Coastal

High Hazard Area, and do not adopt Policy 1.06.07 which proposes to increase the floor area in the General Commercial Land Use District.

II. COMMENTS

Staff would like to comment that amenities such as plazas and greens, easy walking access, community centers, historic preservation, and a range of housing choices, are typically components of the Traditional Neighborhood Development. Policy 1.09.09 proposes that these features be incorporated in return for an intensity or density bonus.

III. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The proposed amendment is not consistent with the State Comprehensive Plan including the following goals and policies:

Goal (17) Public Facilities, Policies (b) 3, 4, 5, 6, 7, and 9: Regarding the allocation of costs for new public facilities based on the benefits received by existing and future residents, and develop fiscally sound and cost effective techniques for financing public facilities;

Goal (19) Transportation, Policies (b) 2, 3, 8, 9, 11, 13, and 15: Coordinate transportation improvements and revenues to ensure a transportation system that provides timely and efficient access to service, jobs, markets and attractions.

Goal (25) Plan Implementation, Policies (b) 2, 3, and 7: Ensure the implementation of plan policy directives, establish effective monitoring capabilities for meeting the requirements of regulatory programs, and ensure that strategic regional policy plans and local plans implement and accurately reflect state goals and policies that address problems, issues, and conditions of concern in a region.

The State Comprehensive Plan issues can be resolved by addressing the objection stated above.

SIGNIFICANT DATES AND INFORMATION FOR ORC LETTER

September 28, 2006	Proposed Amendment 06-2 received by DCA
Mailing Address:	The Honorable Bill Leeper, Mayor City of Fernandina Beach 204 Ash Street Fernandina Beach, Florida 32034-4230
cc:	Mr. Ed Lehman, Director of Planning and Development, Northeast Florida Regional Council
	Ms. Catherine Hartley, Senior Planner, City of Fernandina Beach

STAFF REPORT
Large Scale Comprehensive Plan Amendment
Second Cycle
DCA Transmittal
August 21, 2006

The following text amendments to the Comprehensive Plan constitute the City's Second Cycle Large Scale Amendment. The amendment generally reflects a proposal for new land uses within the CRA and incorporates language regarding the change in definition of the Coastal High Hazard Area recently signed into law by the governor. Also under the definitions, the amendment proposes a correction to the definition of net density. Additionally, the amendment proposes to increase the Floor Area Ratio under the General Commercial Land Use Category as well as amend the date the City is required to update its Stormwater Master Plan.

Data and Analysis

Definitions (see pages 1-2)

Coastal High Hazard Area: The proposed amendment changes the definition of CHHA to that which is established in HB 1359, which was recently signed into law. The new definition established the CHHA as "The area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model".

Net Density: The proposed amendment corrects the definition of net density. The current definition allows for a density bonus for properties that have an environmental feature associated with them, which was not the intent of a net calculation. For example, if a developer owns one acre of land designated medium density residential and half of the square footage is wetlands, if the calculation in the parenthetical reference is used, then the result would be:

$$(8 \text{ units/acre} \times 43,560 \text{ sq ft total land area}) / 21,780 \text{ sq. feet of uplands} = 16 \text{ dwelling units.}$$

The proposed definition subtracts environmentally sensitive lands from the amount of land to be used to calculate the density. For example, under the proposed definition, the result would be:

$$8 \text{ units/acre} \times .5 \text{ acres buildable land area} = 4 \text{ units.}$$

The current definition also subtracts Right of Way from the net density calculation. This is inconsistent with FLUE policy 1.06.02, which gives density credit to newly created rights of way. It is inconsistent to allow right of way to calculate density for new subdivisions but not calculate it in areas of the City that were platted long ago. Staff proposes that right of way be calculated as part of the net density. The benefit of adding right of way as part of the density calculation is that it will make a 50' x 100' platted lot conforming to the density standard under the Medium Density Residential land use category.

Peonia: Defines a peonia as 46'6" by 93', consistent with the proposed Old Town Land Use. The PAB recommended that a definition of "media peonia" also be added to the Definitions, as well as a statement that essentially requires two media peonias to be combined in order to have a buildable lot. The change is reflected in the amendment text.

The Planning Advisory Board also recommended that a definition of "media peonia" also be added. The purpose of this was not only define a term that is used in describing the original Old Town Plat, but also to limit the "buildability" of a media peonia. Currently, the Land Development Code requires that two media peonias be combined in order to build one dwelling unit. However, that policy was inadvertently trumped by the amendment that the City adopted in early 2006, which allowed for one dwelling unit per lot of record. This definition requires that two media peonias be combined in order to have a "lot of record" per that adopted policy.

Future Land Use Element (see pages 3-8)

1.06.01 : Adds the proposed TND and WMU to the list of Future Land Use categories to be depicted in the FLUM.

1.06.06 ORMU: Deletes the requirement that a mixed use structure must be in a PUD. A mixed use structure, such as commercial on the bottom floor with residential above, should be permitted by-right, rather than requiring it to be within a 5 acre unified development. The requirement for compatibility standards is also proposed for deletion, as the PAB decided during the LDC update process that city-wide compatibility standards would be cumbersome and difficult to implement and enforce.

1.06.07 General Commercial: Increases the permitted Floor Area ratio from 0.50 to 1.5. When floor area ratio was established in the Comprehensive Plan in 2004, an existing land use study was not conducted to determine the propriety of each proposed FAR. Rounded to two decimal places, the 0.50 FAR resulted in 20% of the commercial buildings in the City under the General Commercial category non-conforming (please see attached spreadsheet for backup data). Staff proposed that the FAR be raised to 1.0. Another option for the PAB to consider was eliminating FAR altogether. However, Rule 9J-5 of the Florida Administrative Code requires that our policies have "meaningful and predictable" standards. Essentially, the city is required to have some sort of measure of intensity in the Comprehensive Plan. If not floor area ratio, then the city should consider lot coverage, setbacks, and building height as alternatives. However, once established in the plan, the applicant is not eligible for a variance from these standards. In order to ensure equity, staff recommended raising the FAR rather

than eliminating it. The PAB recommended that the FAR for general Commercial be raised to 1.5 to accommodate the existing uses that have FAR's over 1.0. The change is reflected in the text.

New policies 1.06.09 Traditional Neighborhood Development and Policy 1.06.10 Waterfront Mixed Use: The purpose of these proposed land uses is to establish categories in the CRA, located east and west of Front Street, respectively. The categories promotes a mix of uses, which is a result of recommendations from the Waterfronts Florida Committee, as well as other visioning exercises that have been conducted in the past regarding CRA redevelopment. The policies also establish language that permits a density or intensity bonus, which is consistent with FLUE policy 1.03.01, which encourages the use of density and intensity bonuses for redevelopment, but does not establish criteria in which to grant one. The proposed category shall not be added to the map at this time, as the new definition of CHHA has not been adopted, and the area's traffic counts for concurrency purposes need to be evaluated before allowing an increase in density or intensity.

TND: The rationale behind the proposed density for TND is recognizing that this part of the City, bordered by the railroad, the Central Business District, the Port, and the Historic District, is platted in the same 25-foot wide lot pattern as the rest of the surrounding area. The City recognizes that Centre Street, the main mixed use, historic, and traditional downtown street, has a minimum density of 17 dwelling units per acre if one dwelling unit is located above a store. In other cases, density is as high as 34 units per acre if the building is three stories tall and has two residential units above a store, if calculated on a "per-lot" basis. In order to maintain this existing urban fabric, staff recommended that the base density be 17 dwelling units per acre, and that the developer could earn a density bonus (structured as a point system in the Land Development Code) based on several factors, including but not limited to historic preservation of existing buildings not protected by the City's Historic Overlay, as well as including 10% of the units as affordable housing. The Planning Advisory Board recommended approval of this language, but the City Commission, after several motions, did not pass it. Instead, the City Commission voted to establish a minimum of 8 dwelling units per acre, with the eligibility of a 100% bonus up to 16 dwelling units per acre[†].

WMU: The rational behind the proposed WMU land use was to allow for mixed use with limited residential on the Amelia River within the CRA, while also allowing for commercial that could support water related uses. However, this is within the Coastal High Hazard Area, and the City understands that each applicant will have to ensure that shelter space is available and evacuation times can be maintained prior to the issuance of any development order. Also, the City will have to coordinate with Nassau County to establish an impact fees that will assist in improving evacuation routes and retrofitting buildings to allow for additional shelters. The City agreed to forward the proposed amendment as written.

[†] The effect of this policy is there is no incentive for a developer to do more while getting less density than is allowed if they are entitled to Central Business District Land Use, as under CBD, they are allowed one dwelling unit per lot of record, which is 17 units per acre. Staff hopes that the Commission will reconsider this at the adoption phase.

Amended policies 1.06.12-17: renumber the policies.

Conservation and Coastal Management Element (see pages 8-9)

Policy 5.07.04: The current policy prohibits all increases in density in the CHHA, which is now inconsistent with HB 1359 that was recently signed into law. The bill allows for increases in density if the applicant meets certain criteria, such as the availability of shelter space and the maintenance of evacuation times. It also allows a developer to mitigate if those criteria cannot be met. The PAB recommended that the language be kept as it is in the current comprehensive plan, but to make an exception for the CRA. The criteria are reflected in the WMU land use category.

Policy 5.07.06: The proposed amendment deletes the provision of “no increase in net development capacity” in the category 1 and 2 SLOSH zones, as this conflicts with the proposed amendment 5.07.04 and HB 1359.

Public Facilities Element (see page 9)

Objective 4.07: This Objective established a timeframe for the city to adopt a stormwater master plan. Although the master plan has been budgeted for 2006, an RFP has yet to be issued for the work. The city anticipates that the master plan shall be completed within a year, and the date established in the objective has been amended to reflect that timeframe.

Submitted by:

Catherine Hartley, AICP
Senior Planner

Existing Commercial Floor Area Study for the General Commercial Land Use Designation

Address	FAR
1998 S. Fletcher	0.523671
1997 S. Fletcher	1.165865
2021 S. Fletcher	0.669421
2045 S. Fletcher	0.898664
2057 S. Fletcher	0.850488
2105 S. Fletcher	0.371419
2856 Sadler Rd.	1.521277
Beugnet Road	0.418653
2022 First Ave	0.786781
2784 Sadler Rd.	0.094018
2709 Sadler Rd.	0.216634
2188 Sadler Rd	0.15217
2707 Sadler Rd.	0.804289
2160 Sadler Rd	1.059827
Sadler Road	5.135952
2809 Atlantic Ave	1.159936
2801 Atlantic Ave	0.490403
31 S. Fletcher	0.535097
108 S.Fletcher	0.288934
2137 Sadler Rd.	0.70106
2135 Sadler Rd.	0.256616
2123 Sadler Rd.	0.101616
1986 Citrona Dr.	0.158819
2101 Sadler Rd.	0.39128
1910 S. 14th St.	0.443815
1409 Sadler Rd.	0.264994
1940 S. 14th St.	0.18747
1900 S. 14th St.	0.160158
1896 S. 14th St.	0.449033
1890 S. 14th St.	1.536647
1888 S. 14th St.	0.187124
1886 S. 14th St.	0.229804
1884 S. 14th St.	0.236789
1403 Park Ave B	0.084492
1750 S. 14th St.	0.225742
1868 S. 14th St.	0.219981
1120 S. 8th St.	0.706755
1104 S. 8th St.	4.335237
1008 S. 8th St.	0.594732
1002 S. 8th St.	0.244985
926 S. 8th St.	0.949754
910 S. 8th St.	1.066288
832 S. 8th St.	0.841096
816 S. 8th St.	0.499728
802 S. 8th St.	0.689774
732 S. 8th St.	0.705225
708 S. 8th St.	0.539414
704 S. 8th St.	0.454631
626 S. 8th St.	0.640137

606 S. 8th St.	0.110349
528 S. 8th St.	0.687645
512 S. 8th St.	0.783408
510 S. 8th St.	0.387839
432 S. 8th St.	0.320202
400 S. 8th St.	1.293769
232 S. 8th St.	0.957968
212 S. 8th St.	0.579756
202 S. 8th St.	0.336039
801 Beech St.	1.080681
120/122 S. 8th St.	0.287576
802 Ash St.	0.616691
113 S. 8th St.	0.686088
121 S. 8th St.	0.368712
125 S. 8th St.	0.504692
131 S. 8th St.	0.62054
714 Beech St.	0.256025
217 S. 8th St.	0.153324
219 S. 8th St.	0.252919
227 S. 8th St.	0.462168
319 S. 8th St.	0.463765
329 S. 8th St.	1.271243
401 S. 8th St.	0.830821
425 S. 8th St.	0.184604
501 S. 8th St.	0.487424
515 S. 8th St.	0.40602
531 S. 8th St.	0.47977
629 S. 8th St.	0.462796
709 S. 8th St.	0.236236
717 S. 8th St.	0.593895
731 S. 8th St.	0.162092
809 S. 8th St.	0.285297
817 S. 8th St.	0.914204
831 S. 8th St.	0.188235
905 S. 8th St.	0.291439
911 S. 8th St.	1.1914
917 S. 8th St.	0.264216
925 S. 8th St.	0.740411
1009 S. 8th St.	0.171548
1027 S. 8th St.	0.562726
1105 S. 8th St.	0.937184

Table 3-4
CURRENT CLEARANCE TIMES (in hours)
Northeast Florida Region Transportation Analysis
Local In-County Movement

NASSAU COUNTY (2005)

<u>Category 1 Hurricane</u>	Light Background Traffic	Heavy Background Traffic
Rapid Response	12 ½	13 ¼
Medium Response	12 ½	13 ¾
Long Response	12 ¾	14 ½

Worst individual household commute time – 8 ½ hours

Category 2 Hurricane

Rapid Response	12 ½	13 ¼
Medium Response	12 ½	13 ¾
Long Response	12 ¾	14 ¾

Worst individual household commute time – 9 hours

Category 3 Hurricane

Rapid Response	13	13 ¾
Medium Response	13	14 ¼
Long Response	13 ¼	15 ¼

Worst individual household commute time – 9 ½ hours

Category 4-5 Hurricane

Rapid Response	14 ¼	15
Medium Response	14 ¼	16
Long Response	14 ½	16 ½

Worst individual household commute time – 10 ¾ hours

Note: Commute time refers to how long one vehicle may be caught in traffic making their evacuation movement

Table S-1
EVACUATING PEOPLE STATISTICS BY CATEGORY
Northeast Florida Region Transportation Analysis

County/Scenario	Year 2005 Estimated Permanent Population ¹	Maximum People/ Vehicles Evacuating	Maximum Public Shelter Demand	Local Public Shelter Capacity ²
Nassau County	67,067 People			
Category 1 Category 2 Category 3 Category 4 & 5	Includes 21,257 mobile home residents countywide	Includes up to 8,117 seasonal people countywide 46,147 / 24,236 50,247 / 26,214 56,170 / 29,178 61,927 / 32,109	2,943 People 3,429 People 4,732 People 5,516 People	3,738 People 3,738 People 3,738 People 3,738 People
Jacksonville/ Duval County	844,663 People			
Category 1 Category 2 Category 3 Category 4 Category 5	Includes 63,447 mobile home residents countywide	Includes up to 51,207 seasonal people countywide 136,919 / 64,821 204,565 / 96,606 324,568 / 149,514 351,909 / 160,162 460,170 / 206,548	8,368 People 13,569 People 35,413 People 42,481 People 65,258 People	12,481 People 12,481 People 12,481 People 12,481 People 12,481 People

From: Collins, Robert R. [mailto:RRCollins@pbsj.com]
Sent: Friday, August 04, 2006 10:30 AM
To: Catherine Hartley
Cc: Preston, Ed
Subject: RE: evacuation times

Catherine,

As Ed pointed out that is a complicated question that depends on the evacuation zone, the type of unit that is added to the zone, the location of the critical roadway in relation to that zone, the category of storm and other variables. That is why when we prepared the hurricane evacuation transportation analysis for the Northeast Florida Regional Planning Council, we also provided an abbreviated transportation model (ATM) that allows the user to determine the clearance time and other associated impacts of additional development in evacuation zones. That may well be the tool you are really looking for in making your land use and growth management determinations.

Nonetheless, using the ATM I can generally give you a very rough idea of the relative evacuation impacts of additional units in your fair community. Based on the travel demand forecast for the evacuation critical link at SR 200 / A1A westbound through Yulee, the number of additional units required in evacuation zones 1, 2, 3, 5, 7, 8, 10, 12, of which Fernandina Beach/Amelia Island is in zones 1, 2 and 5, to increase the clearance time for Nassau County by one minute is 11 permanent occupied, or 15 tourist/seasonal units.

Despite this information I nonetheless strongly encourage you to ask Ed Preston for a copy of the ATM. It was developed expressly to assist local growth management/planning officials in relating the impacts of development to evacuation clearance times, shelter demand and other hurricane preparedness variables.

I hope this helps and have a nice weekend,

Bob

PBS&J

Bob COLLINS

Evacuation Planning
1901 Commonwealth Lane
Tallahassee, FL 32303

Direct Line: (850) 580-7826
Cell: (850) 766-2494
Phone: (850) 575-1800. X7826

Fax:: (850) 575-1513
E-mail: rrcollins@pbsj.com

From: Catherine Hartley [mailto:chartley@fbfl.org]
Sent: Friday, July 28, 2006 9:02 AM
To: Collins, Robert R
Subject: RE: evacuation times

Mr. Collins,

As you know, the state recently passed legislation that ties increasing density in the CHHA to evacuation times. My question is, how many vehicles added to the evacuation route will it take to increase the time?

Catherine

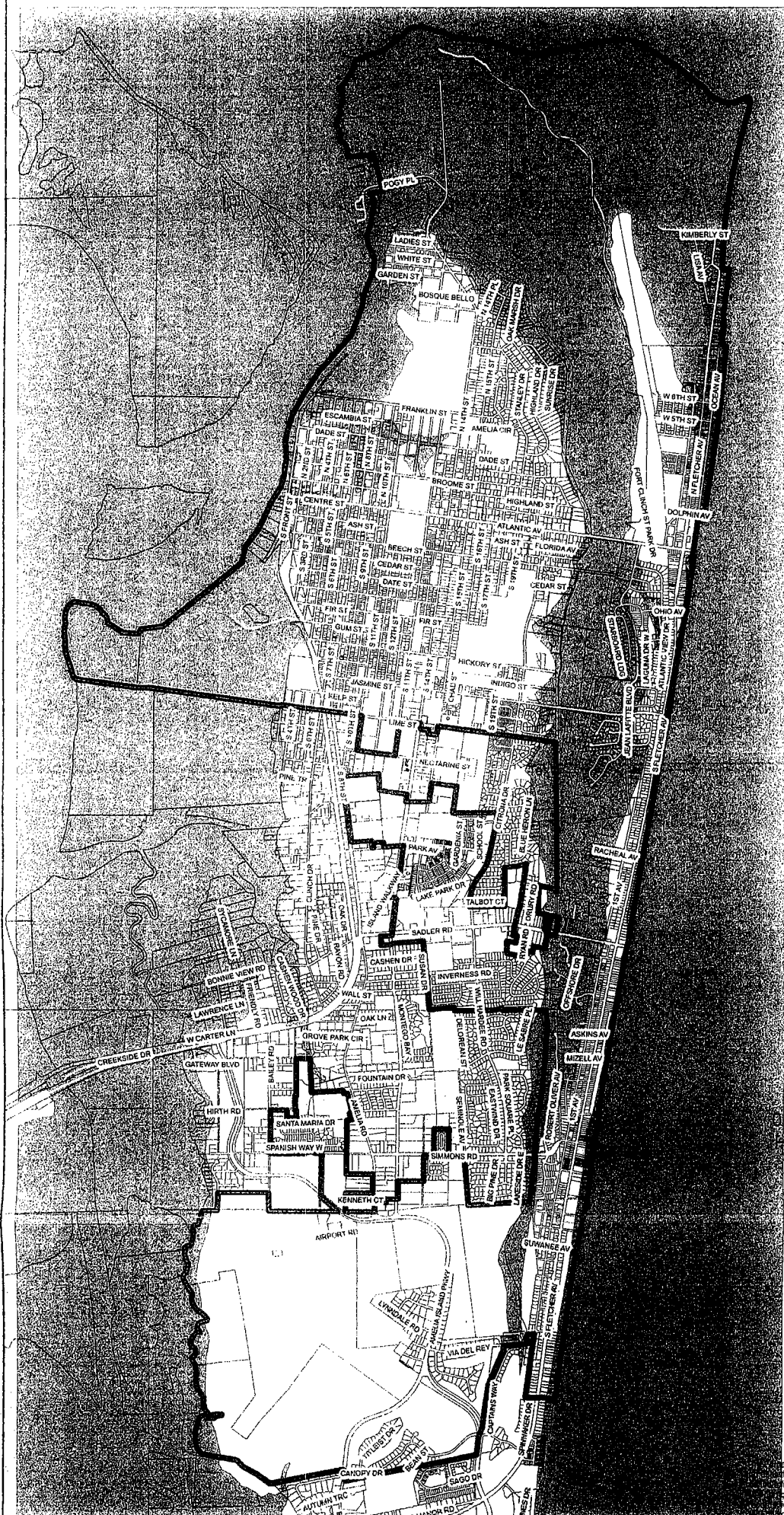
Catherine Hartley, AICP
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
904-277-7325
chartley@fbfl.org

"Cities have to move to a new system. They should look at the streets they like and the public spaces they like and then write the rules to get more of what they like and less of what they don't. Conventional zoning doesn't do that. It just gives a use and a density and then you hope for the best."

-Peter Katz

EXHIBIT C

Coastal High Hazard Area



Map Disclaimer:
 Fernandina Beach Planning and Zoning Department prepares
 this data for its own purposes. This information may not be
 used for other purposes. The maps and documents are created
 from a Geographic Information System (GIS) that compiles
 information and data from various city, county, state and
 federal sources. The source data may contain errors. This is not a
 survey and does not purport to be a survey. All measurements are
 based on assumed data. Official documentation of this data can
 be obtained by contacting: Fernandina Beach Community Development

RECEIVED

DEC 19 2006

Item 8.1

December 19, 2006

Dear Commissioners:

CITY CLERK'S OFFICE

As affected parties in the matter of Agenda item 8.1 transmitting Ordinance 2006-28, we regretfully cannot attend tonight's meeting. In our absence, please enter into the record this letter along with the attached supporting documentation concerning the definition of net buildable density, particularly the portion that reads:

"Lots adjoining an existing right of way may calculate half of the width of that right of way as part of the 'net buildable land area' definition"

as such definition applies specifically to the Old Town Historic District.

As the attached research shows*, adding rights of way to net density in Old Town will result in:

- The aggregation and rezoning of properties for incompatible large-scale development;
- The proliferation of non-historic interior thoroughfares creating irregular lots and detracting from the historic grid;
- Densities and building types that are diametrically opposed to the LDCs, to the City's Growth Management objectives for compatibility and consistency; to the long-standing development and preservation guidelines for this historic district; and to the unique built pattern and character of the town established over 195 years; and
- Potential legal repercussions arising from variances to the land development codes.

Many of you have stated a commitment to Old Town's development as a historic district and to maintaining the 10:1 gross units/acre that you established in Ordinance 2000-02. If true, we hope your words will translate into one of the following actions:

- A) Pass Ordinance 2006-28, excepting Old Town from the 'right of way' portion of the Net Density definition,
- B) Initiate a FLUM amendment for Old Town limiting density to 10 gross units per acre and removing "multifamily" from its High Density Residential definition,
- C) Reinforce Old Town's overlay as in (B) above.

Thank you for your consideration and happy holidays,

Ronald Machado and Patricia Borns
314 New Street
Fernandina Beach, FL

* The calculations upon which these conclusions are based were corroborated by your Planning Department

"Keep Old Town Small Town"
Discussion: Net Buildable Density
Ordinance 2006-28

Establishing Ronald Machado and Patricia Borns, 314 New Street, Fernandina Beach, as affected parties in Ordinance 2006-28 concerning Definitions, Net Density, as applies in the Old Town Historic District. To be entered into the 12/19/06 City Commission Meeting record of Agenda item # 8.1 transmitting the Net Density definition with Ordinance 2006-28.

RECEIVED

DEC 19 2006

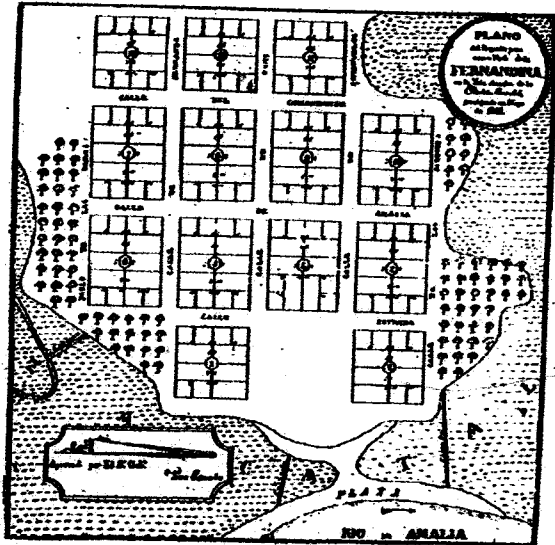
CITY CLERK'S OFFICE

Patricia Borns & Ronald Machado
314 New Street Fernandina Beach, FL 32034 (904) 491-5048
patriciaborns@bellsouth.net ronaldmachado@bellsouth.net

Understanding Old Town

The impact of the net buildable density definition is best appreciated by understanding the context of Old Town:

Bounded by Plaza Fort San Carlos to the west (a cultural heritage site of American Indian as well as Spanish remains), and historic Bosquo Bello cemetery to the south, the area known as the Old Town Historic District corresponds with the original site of Fernandina as it was platted by Spain in 1811, the last such plat by that country in the western hemisphere.



"I have determined that, beginning January 1 of the coming year, 1811, the post and the town that has grown around it shall be called Fernandina in honor of our Catholic Monarch (Ferdinand VII), continuing with the name Amelia for the rest of the island as has been done until now. You will use the name Fernandina in all official correspondence and public documents."

So wrote Spanish governor of Florida Enrique White on December 24, 1810 from St. Augustine, FL. According to a 1998 study commissioned by the City of Fernandina, carried out by the University of Florida, "Old Town's grid remains as one of the last and purest examples of the Law of the Indies planning edict of 1573." Archaeological studies date human settlement here to 1500 B.C.

In 2000, the City of Fernandina took a decisive step to preserve Old Town by declaring it a local historic district as well as a National Historic Register Place, under the collective stewardship of city as well as state and federal governments. *"There is hereby created the Old Town historic district, which is intended for the development of medium to high density single-family units and limited low-intensity commercial uses."* Accordingly, a primary goal of the local land development codes is to preserve the area's unique character and physical features as it develops.

"The guidelines proposed in this document are founded on the belief, however idealistic, that the small scale, quiet life style enjoyed by current Old Town residents can be maintained through careful town planning and thoughtful, well made buildings." Thus begins the Old Town preservation

Patricia Boms & Ronald Machado
314 New Street Fernandina Beach, FL 32034 (904) 491-5048
patriciaboms@bellsouth.net ronaldmachado@bellsouth.net

thoughtful, well made buildings." Thus begins the Old Town preservation and development bible commissioned by the City, whose core tenets were first written into local ordinance in 2000.

Below, Exhibit 1 offers excerpts from the *Old Town Preservation and Development Guidelines* conveying the spirit as well as the appropriate nature of development in the historic district. Exhibit 2 captures the key land development codes (LDCs) designed to enforce these goals, which were first adopted as Ordinance 2000-02 and remain in force today.:



Exhibit 1 OLD TOWN PRESERVATION & DEVELOPMENT GUIDELINES – EXCERPTS

"Unlike most communities, Old Town can never grow beyond a very specific set of geographic limits. These limits govern the scale of actions ...

"Project Goals • Maintain a density of land use fitted to the lot sizes of the Spanish plat in order to make a spatial connection to the history of Old Town.

"Scale is defined as the relative size between building elements, the landscape and the town as a whole ... The spatial relationship of all buildings creates a pattern of solids and voids that directly affects the appearance, use and public memory of Old Town ... The tendency to apply contemporary building practices geared towards larger scale developments is an anathema to the subtle characteristics of Old Town. Even the excellent examples of nineteenth century architecture in Fernandina Beach are often too large and elaborate for this small community.

"The term Visibility Corridor is used in place of 'setbacks' to emphasize the spatial effect of building placement. Careful siting of properly scaled buildings ensures that the historic lot divisions remain visible. In a more densely settled Spanish heritage city such as St. Augustine, the lot modules become explicitly delineated through the use of garden walls, building changes and occupiable space. Although very different in character than St. Augustine, the order of the historic plan must remain visible in the space of the city. Property owners, designers, builders, developers and town officials must collaborate in order to maintain the scale and character of Historic Old Town for future generations....

"Old Town has taken on an aura of openness due to the rather constant number of buildings constructed since 1811. Although this vacancy is largely an artifact due to historical and economic circumstances, it is now, after 189 years, part of Old Town's persona ... As more property is developed, this perception of openness is important to maintain. Landscape elements can be used in this regard.... Generous landscape space on each lot for personal use is important to the character of Old Town. Buildings in Old Town should have generous connecting elements such as porches or verandas to link them to the landscape.

"...The grid is the main historical feature of the town, and its preservation is of the utmost importance.... The new road surface constructed in 1998 ... is designed to strengthen the presence of the grid and keep movement patterns the same. [It] reinforces the constant width of all streets. [Its] crushed shell surface, minimal road width, green right of way and lack of sidewalks [are] common to more rural settlements. ... Side by side drives are discouraged regardless of aggregate ownership of lots...in order to prevent the domination of the street by space and construction allocated for vehicles.

Exhibit 1, Cont'd. OLD TOWN PRESERVATION & DEVELOPMENT GUIDELINES - EXCERPTS

"... Avoid: Significant increases in uses other than residential ... Avoid: Increased areas devoted to parking beyond that allowed for residential use ... **Avoid: uses and density that disturb the residential character of Old Town.**"

(Excerpted from *Old Town Preservation and Development Guidelines*) The full text may be viewed at <http://www.fernandinabeachfl.org/documents/communitydevelopment/oldtownguidelines.pdf>

Exhibit 2 KEY LAND DEVELOPMENT CODES - OLD TOWN HISTORIC DISTRICT

2.01.07 Old Town Historic District One (OT-1) The OT-1 District is intended to protect the unique historic features and uses in the single-family residential area of the Old Town Historic District. The OT-1 District is intended for the development and maintenance of single residential dwellings, along with their customary accessory uses on the same lot.

2.01.08 Old Town Historic District Two (OT-2) The OT-2 District is intended to protect the unique historic features and uses in the mixed-use area of the Old Town Historic District. The OT-2 District is intended for the development and maintenance of single-family residential dwellings, along with their customary accessory uses on the same lot. Limited neighborhood commercial may be permissible

Zoning District	Maximum Gross Density	Permissible Housing Types
OT-1	10.0	Single-family detached
OT-2	10.0	Single-family detached

4.02.07 Specific Requirements within the OT-1 and OT-2 Zoning Districts

- A. A peonia is a lot within the Old Town Historic District. The peonia lot is 46.5 feet by 93 feet or 4,324.5 square feet.
- B. Construction of a dwelling unit on a media (one-half (½) of a peonia) peonia shall require that such media peonia be joined with an abutting media peonia or peonia in order to comply with the maximum density established in Section 4.01.01. ...
- C. ...
 - 3. Building types
 - ... A primary building is defined as the principal unit of occupancy. While this usually refers to a private dwelling unit, it also applies to appropriate commercial buildings allowed in the OT-2 zoning district. ...
- D. The total lot coverage of all building elements on one (1) peonia shall not exceed forty-five (45) percent.
- E. No more than one (1) primary building shall be placed on one (1) peonia.

Excerpted from City of Fernandina Beach Land Development Code, Chapters 2 and 4. The full text of the LDCs may be viewed at <http://www.fernandinabeachfl.org/documents/communitydevelopment/LDC>

"Mr. Louis Goldman, 20 South 6th Street, commented that if you go to 201 North Front Street you'll agree that it's the poster property if you look up the word blight in the dictionary. **He related a brief history of the Old Town area and commented that today homes are being built and homes are being rehabilitated noting that land values have increase 300% in the last few years since the redevelopment plan passed.**"

Excerpt from CRA minutes of City of Fernandina dated 10/27/2004.

Indeed, since its national and local historic district designation, along with an initial infrastructure investment by the City in 1998, Old Town has attracted new resident-developers who have invested millions in restoring derelict dwellings as well as creating new ones. See **Exhibit 4, Built Pattern and Compatibility in the Historic District.**)

Through these efforts, a unique, appealing community is evolving of close-knit, ethnically and economically diverse neighbors developing individual rather than mass-produced single-family homes and landscapes on the historic tree-canopied lime-and-shell streets. In fact, Old Town is emerging as just the neighborhood that planners dream of creating - a crime-free, front porch, strolling kind of place where old and young, blue collar and white collar, Black and White garden, cook, jog, gossip and hammer nails together.

From Sunday oglers who regularly cruise the streets to the Fed-Ex delivery man, reactions to Old Town are invariably the same:

"I can't believe the difference."

"It's great to see people fixing up the old houses."

"What a unique place. They don't make 'em like this anymore."

Locally, the insistence of some that Old Town is not a built environment ignores these resident investments, thanks to which property values (and taxes) have increased in many cases 800 percent. (The actual sales price of a typical peonia lot rose from \$15,000 to \$25,000 in 1997 to \$125,000 to over \$150,000 in 2006.) As for the district's extensive vacant lands, far from abandoned and undervalued; every square inch is in play, held largely by two speculators awaiting the most propitious circumstances for profitable high-density waterfront projects.

In 7 years since the local districting took place, landowner-investors who fought hardest for the current 10:1 density, single-family land use and minimum building lot have put nothing in the ground. As they lobby for higher density, multifamily uses and smaller building lots, investment in actual buildings continues to depend on resident property owners of 1 to 7 lots.

As speculative pressure intensifies, the Old Town historic district cries out not for redevelopment, but for continued development within the context of historic preservation. Proponents of policies such as adding rights of way to net buildable density invoke the "flexibility" this affords developers, and the need to "minimize barriers" to the development of vacant lands. But much like the City's own Growth Management controls, far from barriers, Old Town's LDCs and guidelines are carefully thought-out constraints placed on the development of a fragile resource the community wants to preserve. Nor do

As a planning tool, adding rights of way to one's net buildable density may be well-suited for new, large-scale subdivisions where streets as well as house lots are created by one developer from scratch. It may also suit areas where substandard lots need to be rationalized for development. Indeed, as the following discussion by City staff suggests, this is precisely where adding rights of way was meant to be applied:

It has been brought to staff's attention that there are several isolated lots of record throughout the City that do not conform to the land use or zoning regulations in terms of the size of the lot (please see the attached maps that depict lots that are too small for their zoning district, attached). For example, within and surrounding the historic district there exist several 25' X 100' lots, which equates to 2500 square feet. The density assigned to this area is 8 units per acre. In order to meet this medium density, the lots size would technically have to be 3445.

Excerpt from 10-13-05 Planning Advisory Board minutes regarding need to rationalize substandard lots of record.

"We really had the [City of Fernandina's] 25-ft. and 50 x 100-foot lots in mind when we did this," a PAB member acknowledged after approving the new net buildable density definition. The Old Town Historic District, however, is not these. Far from substandard, Old Town's streets and lots conform to the standards of the 16th Century Spanish Law of the Indies - standards we are beholden to preserve. Nor does Old Town fit the mold of candidates for urban infill and redevelopment, where net buildable density also plays a role. Unlike downtown Fernandina or the high density residential area to its west, Old Town's unpaved streets, lack of storm drains and non-gravity-fed sewers do not conform to urban infrastructures. Unlike the downtown waterfront, almost all of its substandard homes have been restored - without a CRA.

these constraints impose a financial hardship that would warrant the higher densities and inconsistencies caused by adding rights of way to net buildable density. The City's ability to stimulate a responsible build-out of Old Town calls for the exercise of stronger political will, not the evasion of incompatible comprehensive planning.

We ask, what can contemporary approaches to "mixed use" and "urban redevelopment" bring to a historic neighborhood whose long-time elderly and low-income residents enjoy a quality of life and affordable housing nowhere else available to them? A neighborhood whose large property owners, if they cared to, could easily profit from building up-market, moderate or even affordable housing *without adding rights of way and other density bonuses*, by virtue of the fact that they purchased Old Town lands at yesterday's absurdly low prices ~ typically \$6,000 to \$30,000/lot!

We submit that a non-historic district of anywhere USA townhome-and condo-styled units- with less, not more, diversity and affordable housing than exists today - will be the end game of net buildable density and its associated policies in Old Town. For as seen throughout Florida, even the best planned communities are like a clean slate, paving over with artifice the subtlety and individuation of real historic neighborhoods and sites. As we find throughout this study, adding rights of way to net buildable density will indeed spur development, but of an incompatible kind.

Less than seven years after midwiving one of its most promising neighborhoods, the City with new policies *du jour* has changed its course 180 degrees. In reviewing these policies, we hope you will ask, as we do, whether it furthers the preservation of the historic district and the requirement that future developments be consistent with it, as required by local ordinance, by the Growth Management Act, and by many property owners who view consistency with their historic environment as a vested right.

What Do Inconsistent Policies Mean For Old Town?

To the extent that the definition of net buildable density subtracts environmentally sensitive lands from a buildable area so that those lands do not count toward density, we support it. But what the City subtracts in environmentally sensitive lands, it adds in existing rights of ways - that is, the buildable land area is calculated using half the width of the street(s) on which it fronts.

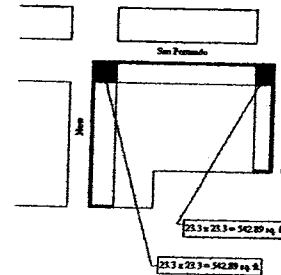
"It gets so complicated that we couldn't calculate the effect on every single area where it might apply," admitted a Planning Advisory Board (PAB) member who later discovered what he called "a loophole" in the net buildable density definition.

So we took it upon ourselves to calculate the effect of this definition on the Old Town Historic District. Our calculations are contained in **Exhibit 3** below.

EXHIBIT 3 ADDING RIGHTS OF WAY – EXAMPLES IN THE OLD TOWN HISTORIC DISTRICT

Basis of Calculations:

1. The historic media peonia (half-lot) measures 46 ft. 6 in. x 46 ft. 6 in. (46.5 x 46.5 in decimal) or 2,162.25 sqf. By ordinance, two media peonias may be aggregated to form a building lot of 4,324.5 sqf.
2. The historic peonia lot is 46 ft. 6 in. (46.5 in decimal) x 93 ft or 4,325.5 sqf. The primary Spanish land use of the lot was agriculture. Today, a peonia is a building lot on which one primary building may be placed.
3. In most cases there are two types of Spanish block, one of 8 medias and 6 peonias, measuring very nearly 1 acre (43,245 sqf or .992 acre); the other of 8 medias and 4 peonias measuring nearly .8 of an acre (34,600 sqf or .794 acre.)
4. The historic Spanish right of way (ROW) is 46 ft. 6 in (46.5 in decimal) and all lots in the historic plat have frontage on it. Half of this ROW is 23 ft. 3 in. (23.25 in decimal). Thus, the typical ROW area per lot that may be added for net buildable density is 1,081.125 sqf.
5. The historic Spanish block has four corner lots. For the purposes of net buildable density, the City allows 2 ROWs to be calculated for lots abutting two streets. In addition, as the figure opposite shows, each corner lot may add a 23.3' by 23.3' land area of 540.56 sq. (half the ROW of the corner itself). Thus, the typical ROW area that may be added for a corner lot is 2,726.06 sqf.
6. Allowable Density: 10 units/acre or 1 unit/per 4,356 sqf



	Net buildable area	Gross historic area
1 media in mid-block	3,243.375 sqf.	2,162.25
2 medias in mid-block	6,486.75	4,324.5 sqf. or .99 acre
	1.489 unit of density	.99 unit of density (1 unit under LDC)
1 corner + 1 mid-block media	8,131.68 sqf	4,324.5 sqf. or .99 acre
	1.737 unit of density	.99 unit of density (1 unit under LDC)
1 peonia	5,05.75 sqf	4,324.5 sqf. or .99 acre
	1.24 unit of density	.99 unit of density (1 unit under LDC)

For single lots, net buildable density would *appear* to have no impact – in fact, it seems to help single building lots achieve their full .10-acre size (although no such help is needed because of the land development code). But as you can see, *it is already creating discrepancies in the vested densities among formerly equal building lots – inequities that increase dramatically as property accrues. Most Old Town Historic District properties consist of multiple, contiguous lots.* What happens when net buildable density is applied to these?

EXAMPLE 2 – "The Triangle" parcel in the OT-2 zoning area allowing limited commercial uses became anomalous to the grid with the 20th Century construction of North 14th St, a City ROW. Thus, lots 2, 3, 1 and 8 deviate from the historic lot sizes and must be aggregated with 4, 5 and 6 to be buildable under the LDC. This posed no hardship, however, for these oddball lots were state-owned Murphy Act lands that only came into play when the City declined to purchase them for a pittance for a much-needed retention pond or historic district entrance. Although unbuildable, speculators then bought and held the lots in hopes of an opportunity such as this –

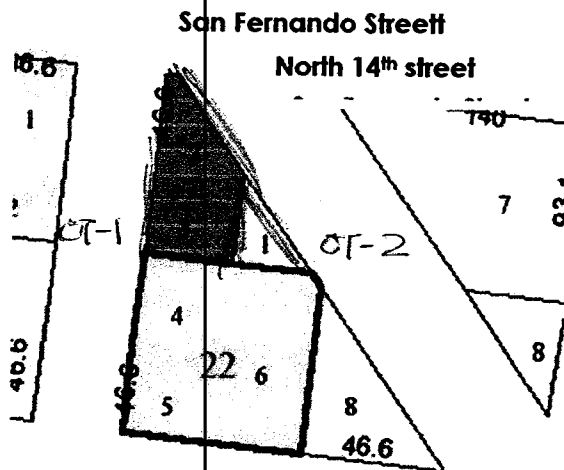
	Net Buildable Area	Gross Historic Area
Lots 2 + 3	Approx. 7,949.92 sqf 1.82 units of density	3,484.8 sqf 0.8 units of density

Note that lot 2 can add ½ of a **nonhistoric** 60-ft ROW due to its frontage on 14th Street abutting the historic district. **This is yet another fallacy of net buildable density, allowing historic boundaries and lot dimensions to be blurred with nonhistoric lands.** Lots 1 + 8, separated by 4, 5 and 6, might not satisfy buildable area requirements as single lots. However, by combining properties with other owners, the entire Triangle – which ordinances would allow at most 3 units – may now have:

	Net Buildable Area	Gross Historic Area
All lots	Approx. 32,290.92 sqf Approx. 7.41 units of density	16,491.66 sqf 3.78 units of density

In this case, net buildable density escalates nonconformity in the historic district with disastrous results. With matching affordable housing bonuses, it allows up to 14 units (not including commercial uses!) on what LDCs designate as 2 (or with a variance, 3) buildable lots that allow one unit of density each. The effect of net buildable density on this parcel – which lacks sufficient land area for parking or a transitional buffer – will be to destroy the residential character of Block 15 -- or to force properties in that block to rezone to OT-2 and develop in kind.

Example 2: The "Triangle"



EXAMPLE 3 - The Peonias LLC properties

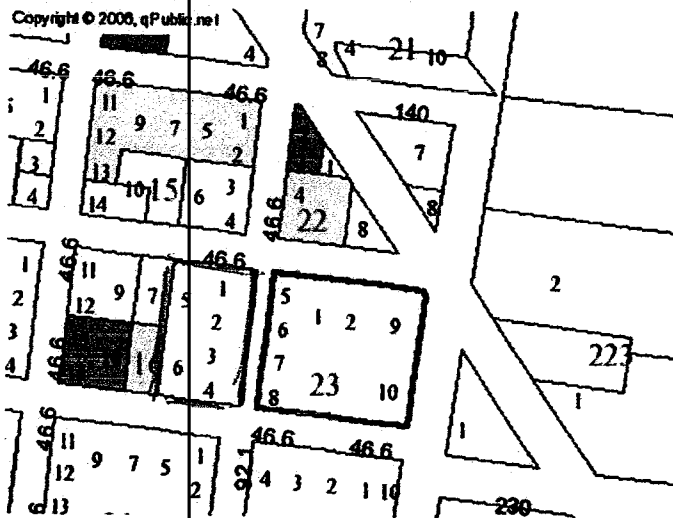
encompassing all of Block 23 and half of Block 16 represent the preservation challenges that the historic district increasingly faces. In 2004, this group presented a 'blue sky' plan of 18 buildings and 38 parking spaces on its 12 building lots for conceptual review. Supported by former City planner Lupita McClenning, it further sought (and received) permission to rezone not only Block 23 from residential OT-1 to OT-2, but also, despite public opposition, half of residential Block 16, allowing **disparate land uses without a transitional buffer**. Disturbingly, the developer's agent, the same U. of Florida

professor who authored Old Town's preservation and development guidelines, continued to be consulted by the City on matters of interpretation despite a conflict of interest. More disturbingly, the City's then-planner purchased property in Block 16 and now works on the development side. (See discussion ahead.) Today, while Peonias LLC has yet to pull its first permit, it continues to seek aberrant entitlements widely believed to serve the 'packaging' of the property for sale.

Net Buildable Area
45,988.22 sqf
Approx. 19.74 units of density

Gross Historic Area
51,894 sqf
11.91 units of density

Example 3: Peonias LLC



In light of the former planner's involvement with Peonias LLC, it is of questionable coincidence that net buildable density when applied in this case allows 19 units on 12 residential-commercial building lots - slightly more than the number sought in 2004. With matching affordable units, it appears **29 to 30 units -not including commercial uses with their associated parking needs -- may be wrung from 12 Spanish lots**. Equally disturbing is the spectre of Peonias LLC aggregating its lands with those of the former City planner (Lots 13, 14

& 10 below) and others in Block 16 to seek further density increases and commercial rezoning of the entire residential block.



Exhibit 3, EXAMPLE 5 - WAITING IN THE WINGS

Since the 1970s one landowner has progressively gained control of all Old Town waterfront access and acquired the following parcels spanning entire streets and blocks. The impact of net buildable density and its associated policies as shown in previous examples will ultimately be multiplied by the order of magnitude reflected here.

Nassau County Property Appraiser's Office				
PARCEL NUMBER	OWNER NAME	ADDRESS	HOMESTEAD	
<u>00-00-31-1580-0001-0040</u>	OLD TOWN'S LARGEST LANDOWNER	WHITE ST	N	
<u>00-00-31-1580-0001-0030</u>	SAME AS ABOVE	712 SAN FERNANDO ST	N	
<u>00-00-31-1580-0014-0100</u>	SAME AS ABOVE	SAN FERNANDO ST	N	
<u>17-3N-28-0000-0001-0000</u>	SAME AS ABOVE		N	
<u>39-3N-28-0000-0002-0000</u>	SAME AS ABOVE		N	
<u>51-3N-28-0000-0002-0000</u>	SAME AS ABOVE		N	
<u>52-3N-28-0000-0002-0000</u>	SAME AS ABOVE		N	
<u>58-3N-28-0000-0002-0000</u>	SAME AS ABOVE		N	
<u>53-3N-28-0000-0002-0000</u>	SAME AS ABOVE		N	
<u>00-00-31-1580-0037-0110</u>	SAME AS ABOVE	516 ESTRADA ST	N	
<u>00-00-31-1580-0001-0070</u>	SAME AS ABOVE	705 WHITE ST	N	
<u>00-00-31-1580-0005-0070</u>	SAME AS ABOVE	808 SAN FERNANDO ST	N	
<u>00-00-31-1580-0018-0020</u>	SAME AS ABOVE	COMMANDANT ST	N	
<u>00-00-31-1580-0019-0120</u>	SAME AS ABOVE	LADIES & COMMANDANT ST	N	
<u>00-00-31-1580-0019-0010</u>	SAME AS ABOVE	LADIES & NEW ST	N	
<u>00-00-31-1580-0007-0090</u>	SAME AS ABOVE	LADIES ST	N	
<u>00-00-31-1580-0014-0110</u>	SAME AS ABOVE	LADIES ST	N	
<u>00-00-31-1580-0019-0030</u>	SAME AS ABOVE	LADIES ST	N	
<u>00-00-31-1580-0001-0090</u>	SAME AS ABOVE	SAN FERNANDO & MARINE ST	N	
<u>00-00-31-1580-0007-0060</u>	SAME AS ABOVE	SAN FERNANDO ST	N	
<u>00-00-31-1580-0007-0080</u>	SAME AS ABOVE	SAN FERNANDO ST	N	

Ronald Machado & Patricia Borns
314 New Street Fernandina Beach, FL 32034 (904) 491-5048
ronaldmachado@bellsouth.net

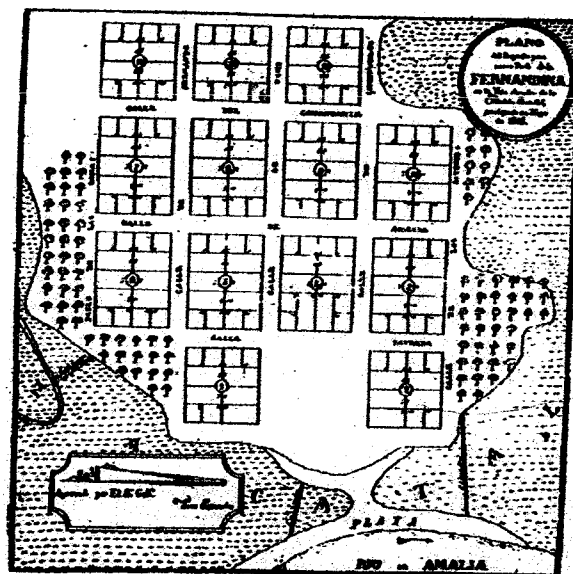
<u>00-00-31-1580-0007-0100</u>	SAME AS ABOVE	SAN FERNANDO ST	N
<u>00-00-31-1580-0013-0030</u>	SAME AS ABOVE	SAN FERNANDO ST	N
<u>00-00-31-1580-0017-0020</u>	SAME AS ABOVE	SAN FERNANDO ST	N
<u>00-00-31-1580-0017-0030</u>	FAMILY MEMBERS OF LARGEST LANDOWNER	715 SAN FERNANDO ST	Y
<u>00-00-31-1580-0037-0010</u>	LARGEST LANDOWNER	AMELIA ST	N
<u>00-00-31-1580-0018-0010</u>	SAME AS ABOVE	COMMANDANT ST	N
<u>00-00-31-1580-0018-0030</u>	SAME AS ABOVE	LADIES ST	N
<u>00-00-31-1580-0018-0070</u>	SAME AS ABOVE	LADIES ST	N
<u>00-00-31-1580-0037-0060</u>	SAME AS ABOVE	LADIES ST	N
<u>00-00-31-1580-0019-0090</u>	SAME AS ABOVE	NEW & COMMANDANT ST	N
<u>00-00-31-1580-0037-0070</u>	SAME AS ABOVE	LADIES ST	N

© 2005 by the County of Nassau, FL | Website design by gpublic.net

While the scenarios in Exhibit 3 above show possibilities rather than actualities, a vast amount of circumstantial and actual evidence points to their likelihood as a result of inconsistent City policies. Below, we consider these inconsistencies and their effects in more detail.

1) Adding rights of way to a buildable area whose absolute physical dimensions are a matter of national and local historic preservation is a contradiction in terms.

The decision to exclude the Old Town Historic District from this definition should be easy, for the ill-logic of applying it is clear as day. What city would threaten the site of its historic founding by placing the density wishes of private investment above the broader interests of historic preservation, cultural tourism and the public good? Unfortunately things aren't so simple, for behind these contradictory interests lies a conflict ongoing since the 1970s between powerful land-owners on the one hand, local citizens on the other, and City officials and staff



caught in-between, blowing from one side to the other like sea oats in the wind.

The Growth Management Act does not require local government to accommodate population projections, much less forecasts of townhome or condominium sales. Nor must such projections be borne by an area simply because of its vacant lands. Density can be limited by other factors and judiciously directed.

1.05.08 The FLUM shall depict the historic district as an overlay district. Areas delineated as being within the historic district shall be planned and managed using a regulatory framework designed to preserve the form, function, image, residential balance, and ambiance ...

1.01.06 The City shall assure that specific density assigned to new development is compatible and consistent with established residential development patterns and provides equitable use of the land. ...

1.01.08. Stable residential areas and projected future residential areas, as delineated on the FLUM, shall be protected from encroachment by incompatible development.

Although growth is a consideration, Fernandina can decide that preserving the character of a historic resource - including open space, tree canopies, outdoor lifestyle, low traffic, and an 1811 plat meant for habitation on the smallest of scales - is more important. For this purpose, adding rights of way to net buildable density goes too far.

2) Adding rights of way to net buildable density in Old Town creates inconsistency with the local land development codes (LDCs) by allowing more density than there are building lots. This inconsistency encourages large-scale property owners to seek variances to the LDCs that will forever change the historic character and built pattern of the town

Promoted by net buildable density, the variances can take several incompatible forms -

- Build more than one primary building on a peonia
(4.02.07E "No more than one primary building shall be placed on one peonia.")
- Build a dwelling or commercial unit on a single media peonia (one-half a building lot)
(4.02.07B "Construction of a dwelling unit on a media (one-half (1/2) of a peonia) peonia shall require that such media peonia be joined with an abutting media peonia or peonia");
- Build a historically incompatible multi-family housing type such as a townhome, condo or duplex. Developers supported by City planners have already begun the campaign to blur the rules of OT-2 zoning by suggesting that it allows multifamily uses and that a live-work configuration may take the form of a condominium of two primary units (within the same building) and uses, on the same lot, rather than the single-unit, primary-accessory configuration intended under code. ("Most buildings in Old Town are simple in plan and maintain a hierarchy of principle structure and out buildings" ... "A primary building is defined as the principal unit of occupancy. While this usually refers to a private dwelling unit, it also

applies to appropriate commercial buildings allowed in the OT-2 zoning district. ...2.01.07 The OT-1 District is intended for the development and maintenance of single residential dwellings, along with their customary accessory uses on the same lot. ...2.01.08 The OT-2 District is intended for the development and maintenance of single-family residential dwellings, along with their customary accessory uses on the same lot. Limited neighborhood commercial may be permissible ").

- o Cut nonhistoric interior roads into aggregate lands to fulfill parking requirements for higher densities, thereby detracting from the historic streets that define the grid, erasing historic lot lines that define the plat, and forever changing historic lot dimensions.
 - o Disrupt the balance and harmony of open, landscaped versus built space that is essential to maintaining historic character.
- 6.03.04. "Open spaces shall be protected within urbanized areas for their aesthetic, health, environmental, and economic benefits."
- 1.01.10 "The City shall protect privacy and access to light, air, and open space."

3. *The addition of rights of way to net buildable density doesn't act alone. It is one in an arsenal of urban infill devices that include density bonuses that, while useful elsewhere in the City, will increase these inconsistencies (in #3 above) by an order of magnitude.*

Consider Policy 1.06.05(e) of the City's Future Land Use Element which provides "A density bonus of one bonus market rate unit for every affordable unit up to 10 units, or a maximum of 10 units for developments that are dedicated entirely to affordable housing ..." Coupled with net buildable density, at least 32 units in one Spanish block are possible: 32 units per acre, over 3 times the 10 units per acre allowed today. (See calculations in **Exhibit 3** previously.)

You might ask, if each block has only 8 to 10 building lots under local ordinance meant for single-family homes and businesses, what will these 32 units consist of?

The answer is in Policy 1.06.5a of the Future Land Use Element whose language - "High Density Residential development allows single- and multi-family dwellings ..." - opens a Pandora's Box of townhome and condominium building types in a historic district whose character, built pattern and LDCs express with one accord a "slow" neighborhood of single-family (and single commercial) units not exceeding 8 to 10 units per acre. Note again the inconsistency with the underlying zoning of free-standing single-family units - and with Old Town's history, where the only multifamily precedent of any critical mass was the 19th Century bordellos along the *Calle de las Damas* (Street of the Ladies, or Ladies Street today).

Of course, net buildable density also promotes PUDs, a good thing in many districts, but in the small footprint of Old Town, potentially swallowing whole blocks with incompatible building patterns and types. From the seemingly conflicting policies below, who can tell to what extent PUDs in Old Town will be allowed to exceed other key historic district constraints such as visibility corridors, lot coverage and building height?

From the Future Land Use Element:

1.06.05. High Density Residential (HDR)

- a. High-density residential development allows single- and multi-family dwellings at a minimum of four (4) units per acre to a maximum of ten (10) units per acre.
- b. The high density residential designation is intended to provide sufficient acreage for high density permanent residential development.
- c. Bed and breakfast and resort rental dwellings may be allowed, subject to additional design standards.
- d. Neighborhood commercial may be allowed only through the PUD process. Neighborhood commercial shall, in all cases, be limited to five (5) percent of the total site.

From Chapter 4, Land Development Codes

- F. A PUD overlay district is permissible in the following zoning districts: R-1, RLM, R-2, R-3, MU-1, C-1, and C-2.
- G. A PUD overlay district is prohibited within the Coastal High Hazard Area as established in the Comprehensive Plan.

From Chapter 2, Land Development Codes

2.02.02 Planned Unit Development Overlay

The Planned Unit Development (PUD) Overlay is intended to provide for more than one (1) land use within a mixed use development; allow more than one (1) housing type within a residential PUD; allow innovative arrangement of streets, lots, uses, and buildings; and to improve the efficient use of infrastructure by the clustering of homes, businesses, and other uses in a coordinated, planned development.

2.02.03 Historic District Overlays

The Historic District Overlays are intended to preserve the form, function, image, residential balance, and ambiance of the historic Centre Street and surrounding area as the ceremonial, civic, and cultural center of the City. The Overlays also cover the Old Town Historic Site as well as the Lighthouse and Oxley-Heard Funeral Home. Areas within the Historic District Overlays shall be planned and managed following the guidelines established for the construction and renovation of buildings and use of land within the Historic Districts. (See Chapter 4 regarding guidelines for development in Historic Districts.)

4. *The City's implementation of inconsistent policies in Old Town may be seen as a continuum of efforts to redefine the historic district as an urban landscape under the public radar, because of a former planner's deceptive representations to property owners during the public participation and consensus process.*

How did our conflicting, historically incompatible policies come to pass? As a function of the local tug-of-war for Old Town, in which new comprehensive plan amendments and LDCs were undertaken in 2005 by a former planner who held initial workshops with Old Town property owners (winter - spring, 2004) and assured them their protections would not

change. Through the summer and fall of 2004, the planner championed a large-scale development in Old Town and purchased lots adjacent to it in Block 16. (See **Exhibit 3, Example 4.**) On Oct. 3, 2005, she advised the Planning Advisory Board to remove Old Town's protective historic district overlay, making it a "base zoning district." vulnerable to variance overrides. (1.05.08 "The FLUM shall depict the historic district as an overlay district ..." suggests this was an impropriety. After establishing a CRA on the downtown waterfront, the planner was made its director and introduced the City's Waterfronts Florida Partnership program, whose advisory board includes Old Town's most powerful property owner. She then leapt to the private sector where she represents CRA landowners including the advisory board member who owns most of Old Town's waterfront and half of its lands. In October, 2006, she applied for and received a FLUM change of High Density Residential for her Old Town parcel, claiming a scrivener's error had mistakenly designated it Recreational land. This and other GIS errors in Old Town - especially a change from Conservation to High Density Residential on state-owned Fort San Carlos Plaza - were widely questioned in light of the fact that the City's GIS system was inaugurated in 2005 under this planner's tenure when at least some of the "errors" occurred. Lacking a formal investigation, such questions fester in the realm of speculation.

Lulled by false assurances that there would be no changes affecting Old Town, property owners were not looking for the removal of their historic district overlay, which was implemented in 2000 to protect them from 1.06.5a, the High Density Residential FLUM definition allowing multifamily buildings. Nor were they looking for the density increases allowed by adding rights of way to net buildable density and affordable housing - or they would have contested them. This, too, is good reason for the City to recommit itself to Old Town - not only because its policies are inconsistent, but also because of the unethical manner in which some of them were achieved.

5 *Net buildable density widens inequities among Old Town's OT-1 and OT-2 properties to such an extent that progressive rezoning will result, destroying one of Florida's truly unique, historic residential areas. (See Example 1 in Exhibit 3.)*

It should be noted that prior to its historic districting, Old Town properties were equally vested with R3 zoning allowing 10 multifamily housing units/acre on a minimum of two peonia lots. (A testament to Old Town's profoundly 'single unit' character is that in all its years of R3 zoning this housing type never broke ground.) In 2000, historic districting created a mixed use area (now called OT-2) with somewhat more entitlement that was tolerated, however, because it was contained by the LDCs within the typology of the single-family or one-householder building, dating from the original settlement pattern. (E.g., the freed mulatto living on one lot and farming another, the free-standing bakery, the single-unit corner store.)

Now the City has expressed its intent to remove this primary/accessory limit, entitling OT-2 with a multifamily land use it does not have in the LDCs - a use that can be exercised with net buildable density to increase its return-on-investment by an order of magnitude more than residential OT-1 land.

"...Questions were also raised about whether multi-family dwellings would be allowed. [The City planner] responded that while most Old Town property is designated OT-1, properties with a designation of OT-2 can be multi-family and that 'taking a look at that at a future date would be appropriate.'" ... pegdavis@fbnewsleader.com Story created Oct 11, 2006 - 14:08:55 PDT.
From a recent article in the Fernandina Beach News Leader

In other words, against its own LDCs, the City is allowing OT-2 property owners to do with a variance exactly what all Old Town property owners were vested to do under the previous R3 zoning - build multifamily units - except that now, instead of two peonias, OT-2 property owners can do it on one peonia or even half a peonia lot.

Compare the current entitlement of OT-2 -

2.01.08 Old Town Historic District Two (OT-2) The OT-2 district is intended to protect the unique historic features and uses in the mixed use area of the Old Town Historic District. The OT-2 district is intended for the development and maintenance of single-family dwellings, along with their customary accessory uses on the same lot. Limited neighborhood commercial may be permissible.

... with the definition of R3 zoning in the LDCs, which OT-2 will be able to achieve with the net buildable density 'arsenal' of urbanization policies: ~

2.01.06 ... The R-3 District is intended for the development of high-density residential uses allowing both single- and multi-family dwellings. ... Limited neighborhood commercial uses may be allowed through the PUD process.

Under these circumstances, OT-1 property owners (who are Old Town's most active developers) are more likely to rezone (or sue) in order to maintain their land value than to proceed with new single-family projects. Without the City's commitment to parity of density and scale between OT-1 and OT-2, no OT-1 building investment is secure.

1.01.06 "The City shall assure that specific density assigned to new development is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include, but not be limited to, the following: a. Protect the integrity and stability of established residential areas ...

Old Town Preservation & Development Guidelines: "Avoid: Significant increases in uses other than residential. Avoid: Increased areas devoted to parking. Avoid: uses and density that disturb the residential character of Old Town."

6 *Adding rights of way to net buildable density will lead to variances allowing the media peonia to serve as a building lot.*

Ever since Old Town became a historic district, a few have strived to make the single 46.6 x 46.6 media a building lot. Now net buildable density vests this half-lot with 0.93 units of density – all but giving them the 1 unit they seek.

B. Construction of a dwelling unit on a media (one-half (½) of a peonia) peonia shall require that such media peonia be joined with an abutting media peonia or peonia in order to comply with the maximum density established in Section 4.01.01. ...

By virtue of its new net buildable density definition which allows the addition of rights of way, Planning interprets that a variance to build on a media is not a density issue – but if cutting the minimum building lot in half isn't a density issue, what is?

This 'halving and doubling' effect– allowing twice the density on half the land –further exacerbates the entitlement issues in # 5 above. For under gross density, two media peonias equal one peonia in terms of land area and density rights. As you can see in **Exhibit 3, Adding Rights of Way**, Old Town's gross land area fits almost perfectly with the 8 to 10 units/acre allowed by local ordinances. This is no accident. Given a comprehensive plan not to exceed 10 units/acre, the 1998 2000 historic districting process painstakingly studied the established distribution of property and determined that all owners would have the ability to build one single-family dwelling so long as a building lot is defined as one peonia, or the aggregation of two media peonias.

Adding rights of way to density turns this almost perfect plan on its ear. As Exhibit 3 shows, adding ROWs makes a corner media peonia more valuable per square foot than the peonia twice its size! The equilibrium of vested rights, taxation and market value thereby appear skewed by net buildable density in the most unconsidered and inequitable of ways. Moreover, some property owners will achieve greater entitlement than others by the most inequitable means possible – the variance process.

The "historic" argument for building on a single media suggested by the author of the *Old Town Preservation and Development Guidelines*, now a developer's agent, is that the Spanish built on them ~ therefore, it would be "historically consistent" to build out the 1811 town plan with as many as 14 units/acre using medias as building lots. This argument fails to mention the Spanish government's primary land use for the full lots known as peonias – agriculture – to sustain the settlement as required by the Crown.

3.13 "Lot Divisions" The principle unit of lot division within the blocks is the 46'-6" x 93 rectangular block known in the Law of the Indies as the peonia. The size of this unit was originally related to cultivation practices of the time since all citizens were expected to grow their own food and contribute to public stores. The emphasis on productive landscape is still relevant today and preserving generous landscape space on each lot for personal use is important to the character of Old Town." OT Preservation and Development Guidelines by Bill Tilson

Thus, if historically consistent, the Old Town Historic District would not exceed 8 units/acre, and peonia lots would sprout food crops instead of single-family homes!

7. Adding rights of way with or without affordable housing bonuses *in Old Town will encourage property owners to aggregate lands to attain greater density.*

These aggregate developments, which invariably take the form of townhomes and condominiums, will perpetuate built patterns and density incompatible and out of scale with historic district character. Their other effect is the creation of nonhistoric interior roads and drives. While appropriate in subdivisions, these thoroughfares will devour the historic landscape and act as a defacto if not a literal replat of the 1811 grid. Some have already begun to take the form of private drives or easements - a 24-ft-wide road has already been carved into Block 16 with plans to extend it through the block in anticipation of the townhome paradigm that net buildable density will make possible. Others could attempt new ROWs to gain more density, effectively replatting the historic plan. Either way, *using nonhistoric drives will forever change the pattern of the historic streets and the dimensions of the historic lots.*

("...The grid is the main historical feature of the town, and its preservation is of the utmost importance...." and 1.04.01. "Nonconforming land uses and nonconforming structures shall not be expanded to increase the nonconformity. Expansion means an increase in land area or an increase in floor area.")

8. *Proponents who argue that the inconsistencies between the City's comp plan and LDCs can be controlled by design standards ignore the fact that the policy is inherently at odds with those standards.* (See Exhibit 1, Old Town Development and Preservation Guidelines.) To complicate matters, the guidelines' author is now an Old Town developer's agent.

Similarly, to maintain that net buildable density and density bonuses can be implemented with "compatible" multifamily housing ignores a standing example of incompatibility in Block 16 that was allowed by the City in 2004. Composed of two equal-sized units on one lot, construction was found to be so blatantly anomalous to built patterns that it was briefly considered a potential teardown.

9. *Proponents of adding rights of way and affordable housing bonuses to Old Town's underlying density overlook their impact on the historic district's purposeful rural-styled infrastructure, and the massive investment needed to reengineer this infrastructure for its use.*

Anyone strolling Old Town's intentionally unpaved streets with their absence of streetlights, sidewalks or storm drains - streets that kick up a cloud like a Kansas dust bowl when even a single car passes by - would be alarmed at the thought of 10 units per acre, let alone the numbers being proposed. Required by DEP to maintain pervious roads for lack of

retention ponds, with non-gravity-fed sewers that balk at today's density of 5:1, there is nothing "urban" about Old Town.

Not only for consistency with built character but also for reasons of cost and risk to public and environmental health, safety and welfare, net buildable density should only be applied to areas with appropriate infrastructure such as the HDR areas to the west and south, or downtown. *The infrastructure cost to support net buildable density in Old Town outweighs any possible benefit.* Even with the tax revenue carrot offered by developers, a gross 10:1 build-out will in all likelihood profit the City more than a net density 30:1 build-out because of the millions that must be poured into infrastructure – and because Old Town with its "old Florida" infrastructure pays the same mil rate as areas with urban-strength infrastructure like historic downtown.

"Asphalt and other non-porous materials are prohibited for all road surfaces within the historic district including private drive ways and parking surfaces.No side walks or surfacing of the right of way is allowed." (OT Development and Preservation Guidelines)

Comp plan policy 1.01.02. "The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements"

Comp plan policy 1.01.03. "The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective land development patterns, as described below. a. No areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area; b. No areas of urban development or uses which fail to maximize the use of existing public facilities; c. No areas of urban development or uses which fail to use areas within which public services are currently provided; and d. No leapfrog/scattered development ...

Com plan policy 1.01.05. The City's land development regulations shall include the following: a. Stormwater management and drainage standards. Site design standards shall ensure the management of stormwater is in compliance with the adopted level of service standards for drainage, and is consistent with accepted engineering principles and practices for the design of stormwater and drainage systems. b. Safe and convenient on-site traffic flow and vehicle parking. ...

10. *Proponents of adding rights of way and other bonuses to Old Town's underlying density overlook the need to protect current and future residents from their impact by buffer requirements which have not been provisioned for, and for which there is insufficient land.*

As it opens the door to double- and triple- densities, net buildable density increases the need for mitigation by an order of magnitude compared with a gross 10:1 build-out – the need not only for more infrastructure but also for landscape buffers as required for in the Old Town guidelines, LDCs and comprehensive plan. As in #8 above, where storm drainage could not be

effected with retention ponds for lack of sufficient area, net buildable density will encourage developers to maximize the use of land for buildings and minimize or evade the provision of landscape and open space. We have already seen a development plan in Blocks 23 and 16 devolve from a landscaped version in 2004 to a bald template for eventual townhomes in 2006. As the developer's agent commented, "Landscape is expensive." Net buildable density and affordable housing bonuses will have the same effect on developments throughout the district, at the expense of those who now and in the future will live there.

"Old Town has taken on an aura of openness due to the rather constant number of buildings constructed since 1811. Although this vacancy is largely an artifact due to historical and economic circumstances, it is now, after 189 years, part of Old Town's persona ... As more property is developed, this perception of openness is important to maintain. Landscape elements can be used in this regard.... Generous landscape space on each lot for personal use is important to the character of Old Town. Buildings in Old Town should have generous connecting elements such as porches or verandas to link them to the landscape." OT Development and Preservation Guidelines.

Com plan 1.01.09 Any potential adverse impacts caused by different land uses located adjacent to each other shall be minimized by landscaping

Comp plan 1.01.10 The City shall protect privacy and access to light, air, and open space.

Com plan 1.01.11. The City shall provide for the orderly transition of uses. Where it is infeasible to separate residential from nonresidential land uses, buffering shall be required to promote a smooth land use transition

11. *Pier foundations entail the least disturbance to valuable archeological resources and are encouraged in Old Town as historically consistent. Adding rights of way and other bonuses to the underlying density will cause larger, solid foundation types, parking areas and interior thoroughfares, upturning every square inch of ground.*

While archeologists have only scratched the surface, so to speak, of Old Town's historic resources, the richness of the area is well known to the State Division of Historical Resources and to the National Park Service, which protects Plaza Fort San Carlos as a cultural heritage site that long with the rest of Old Town is part of the Georgia-Florida Heritage Trail. Investors have already begun to downplay the historic significance of this resource and can be expected to hire expert testimony to do so. The City has no independent expertise or provision for monitoring, collecting or curating artifacts from the middens, wells and privies that will be overturned throughout Old Town during construction.

Summary

Throughout the 1980s and early 1990s, the City waffled on the decision of whether or not, and if so how, to preserve Old Town. In 2000, after a massive effort of research, visioning, documentation, political consensus seeking and codifying, it designated the Old Town historic

district and vested it with guidelines, ordinances and a protective overlay to steer its development. Throughout that process, the primary stakeholder, the largest landowner in Old Town, pushed hardest for the plan that was put in place. After reading the minutes of commission meetings of that period, and based on the study presented here, it seems clear that the City has decided that its 2000 plan will not realize the full development of Old Town lands, on no sufficient basis other than large landowner interests. The mere speculation that these lands *can* sustain far more than intended is not sufficient justification for allowing policies to create inconsistencies throughout the historic district, the LDCs and comprehensive plan.

With net buildable density in the comprehensive plan and gross density in the LDCs, the City makes clear that it intends the entire matter of consistency with the historic district - or whether it maintains a historic district at all - to be decided by variance. A review of City decisions in Old Town since the 1980s shows large landowner interests being consistently favored over those of resident property owners with a low income, multiracial, elderly makeup. Therefore, we can predict that the variance decisions of a politicized Historic District Council will likewise favor investor-developers, requiring resident property owners to seek appeals that are largely heard on process rather than substance.

For all of these reasons, we hope the City will rethink its policies and approach to the Old Town Historic District and put it on the path of a more consistent, preservation-sensitive, representative and responsible plan

###



FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Ms. Patricia Borns
314 New Street
Fernandina Beach, Florida 32034

October 25, 2006

Dear Ms. Borns:

The Original Town of Fernandina Historic Site (also known as Old Town Fernandina Historic Site) was listed in the National Register of Historic Places on January 29, 1990. The site is listed for its national significance because of its historic association with the Spanish conquest and settlement in the Western Hemisphere. The last town founded by Spain in North America (in 1811), it represents some of the last efforts of Spain to retain its North American colonial holdings in the waning years of the Spanish Empire. No other site is as closely associated with the power struggle that ultimately led to the United States' acquisition of Florida in 1821. The plan for Fernandina conformed to all the other towns Spain founded in North America.

Old Town Fernandina retains its original configuration and sense of place to a very high degree. One of the most striking aspects of the site is the distinctive Spanish grid, defined by the streets and resulting lot layout. According to the National Register nomination, "To a far greater degree than any other colonial power, the Spanish followed a system of land settlement and town planning formalized in written rules and regulations. Old Town Fernandina embodies significant features of Spanish towns through its gridiron layout, its orientation, its central plaza, and the regularity of its streets, blocks, and lots" (National Register nomination, Section 8, page 5).

The site also has an unusually high potential to yield information about the colonial town because of its relatively undisturbed character. Excavations have yielded information about Fort San Carlos, which was located on the town plaza. Other parts of the town have visible surface features and artifacts scatters. Although the site has been used by the residents of Fernandina continuously, it appears that there have never been more than about forty buildings there. Archaeological evidence suggests that the houses in the past, as now, rested on piers, which has resulted in very little impact on the ground. This lack of disturbance provides an unusual opportunity to locate other remains from the colonial period, including the city gate, blockhouses, and other features such as wells, trash pits, privies, fences, and refuse deposits. Such archaeological remains have the potential to reveal what life was like in Fernandina to a degree that is unapproachable from the known documentary record.

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

☐ Director's Office
(850) 245-6300 • FAX: 245-6436

☐ Archaeological Research
(850) 245-6444 • FAX: 245-6436

☐ Historic Preservation
(850) 245-6333 • FAX: 245-6437

☐ Historical Museums
(850) 245-6400 • FAX: 245-6433

☐ Southeast Regional Office
(954) 467-4990 • FAX: 467-4991

☐ Northeast Regional Office
(904) 825-5045 • FAX: 825-5044

☐ Central Florida Regional Office
(813) 272-3843 • FAX: 272-2340

Ms. Patricia Borns
October 25, 2007
Page Two

Old Town Fernandina has great national significance historically and archaeologically, as recognized by its National Register listing. It may even be eligible for designation as a National Historic Landmark, the highest distinction a historic place in the United States can attain. National Historic Landmarks are "cultural properties designated by the Secretary of the Interior as being nationally significant. Acknowledged as among the nation's most significant historic places, [they] possess exceptional value or quality in illustrating or interpreting the heritage of the United States."

Designation of National Historic Landmarks requires that the resource retain a very high level of integrity, which is defined as "the ability of a property to convey its historical associations or attributes." The level of integrity is determined by evaluating seven characteristics. See the enclosed excerpt for a full discussion on each of these aspects (National Register Bulletin: How to Prepare National Historic Landmark Nominations, pp. 36-37). In its present configuration and condition, Old Town Fernandina appears to meet all pertinent aspects to a very high degree: Location, Setting, Design, Feeling, and Association (as a town plan, Materials and Workmanship would not apply). Of particular importance in evaluating the integrity of Old Town Fernandina, is the aspect of Setting, which is defined as:

... the physical environment of a historic property. It refers to the historic character of the place in which the property played its historical role. It involves how, not just where, the property is situated and its historical relationship to surrounding features and open space. The physical features . . . include such elements as topographic features, vegetation, simple manmade paths or fences and the relationships between buildings and other features or open spaces.

Because of its historical significance in American colonial history, the great potential for archaeological investigations to yield important information, and its extremely high degree of visual integrity that is particularly reflected by the open, low density of the buildings currently on the site, the Old Town Fernandina Historic Site appears to be a good candidate for designation as a National Historic Landmark.

If we can be of further assistance, please do not hesitate to call.

Sincerely,

Barbara E. Mattick

Barbara E. Mattick, Chief
Bureau of Historic Preservation and
Deputy State Historic Preservation Officer

cc: Ms. Catherine Hartley, City of Fernandina Beach
Enclosure

FRIDAY, AUGUST 4, 2006 **NEWS** News-Leader

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

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Monday, August 14, 2006 at 6:00PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following ordinance:

**NOTICE OF PUBLIC HEARING ON PROPOSED
AMENDMENTS TO THE COMPREHENSIVE PLAN**

ORDINANCE 2006-28

**AN ORDINANCE OF THE CITY OF
FERNANDINA BEACH, FLORIDA, AMENDING
THE CITY'S COMPREHENSIVE PLAN BY
AMENDING THE TEXT OF THE DEFINITIONS
THE FUTURE LAND USE ELEMENT, THE
CONSERVATION AND COASTAL
MANAGEMENT ELEMENT, THE PUBLIC
FACILITIES ELEMENT AND AN AMENDMENT
TO THE COASTAL HIGH HAZARD AREA MAP,
PROVIDING FOR SEVERANCE AND
PROVIDING FOR AN EFFECTIVE DATE.**

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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

Public Hearing will be held at the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida, on Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305.

AN ORDINANCE OF THE CITY COMMISSION OF THE FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY BY: AMENDING THE TEXT OF THE DEFINITIONS, THE FUTURE LAND USE ELEMENT, THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT, THE PUBLIC FACILITIES ELEMENT, AND AN AMENDMENT TO THE COASTAL HIGH HAZARD AREA MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has drafted its second cycle large scale amendment to the Comprehensive Plan, pursuant to Section 163.3187 Florida Statutes; and

WHEREAS, Staff has proposed text amendments to the Definitions, the Future Land Use Element, the Conservation and Coastal Management Element, the Public Facilities Element, and an amendment to the Coastal High Hazard Area Map; and

WHEREAS, the City of Fernandina Beach Local Planning Agency held a public hearing on the Amendment on July 12, 2006; and

WHEREAS, the City has followed the procedures required by Florida Statutes in updating the City's Comprehensive Plan, as set forth herein.

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

Section 1: The Comprehensive Plan of the City of Fernandina Beach is hereby amended to reflect text amendments to the Definitions, the Future Land Use Element, the Conservation and Coastal Management Element, and the Public Facilities Element, further described in Exhibit "A".

Section 2: The Coastal High Hazard Area Map is hereby amended as depicted in Exhibit "B".

Section 3: Data and Analysis for the three text amendments are attached hereto as Exhibit "C".

Section 4: The City Clerk and the City's Planning Department Staff are hereby authorized to transmit the amendment to the Florida Department of Community Affairs.

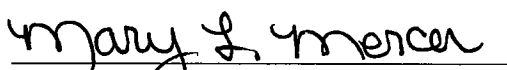
Section 5: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

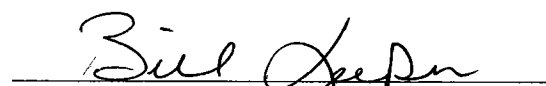
Section 6: The plan amendments adopted by this Ordinance are not effective until a final order is issued by the Department of Community Affairs or the Administration Commission finding the amendments "in compliance" in accordance with Section 163.3184, Florida Statutes. If the Administration issues a final order finding the amendments not "in compliance," the amendments may nonetheless be made effective by adoption of a resolution at a public hearing affirming the effective status of the amendments. No development orders or development permits dependent upon these amendments may be issued, and no development dependent upon these amendment may be undertaken, before the amendments become effective.

ADOPTED this 19th day of December, 2006.

ATTEST:

CITY OF FERNANDINA BEACH


MARY L. MERCER
City Clerk


BILL LEEPER
Commissioner-Mayor

Date of First Reading: July 12, 2006
Date of Advertisement: December 6, 2006
Date of Second Reading
and Public Hearing: December 19, 2006
Date sent to DCA:

ORDINANCE NUMBER 2007-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE FUTURE LAND USE MAP FROM INDUSTRIAL TO CENTRAL BUSINESS DISTRICT, FOR PROPERTY IDENTIFIED AS BLOCK 2, LOTS 1 THROUGH 34, TOTALING APPROXIMATELY 2.07 ACRES, LOCATED ON FRONT, N. 2ND, ALACHUA AND BROOME STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Lane Investment and Development, LLC, has applied for a change of land use; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 28, 2007; and

WHEREAS, the Planning Advisory Board unanimously voted to recommend approval of the change of land use from Industrial to Central Business District for application LU 2007-14;

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

SECTION 1. PROPERTY INVOLVED. The City Commission hereby approves the change to the Future Land Use Map for the property identified as Block 2, lots 1 through 34, located in the block bounded by Front, N. 2nd, Alachua and Broome Streets, Fernandina Beach, Florida totaling approximately 2.07 acres, as depicted in the attached Exhibit "A".

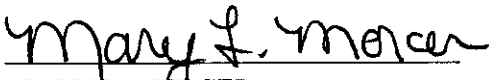
SECTION 2. ZONING MAP CHANGE. For the property in question, the Future Land Use Map change from Industrial to Central Business District is hereby approved.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect thirty-one (31) days after its final adoption.

ADOPTED this 5th day of July, 2007.

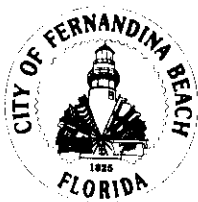
ATTEST:


MARY L. MERCER
City Clerk

CITY OF FERNANDINA BEACH


BILL LEEPER
Commissioner-Mayor

Date of First Reading: June 5, 2007
Date of Advertising: June 20, 2007
Date of 2nd Reading
and Public Hearing: July 5, 2007



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2007-19 , LU 2007-14: Change of Land Use, Lane Investment and Development, LLC

DEPARTMENT: PLANNING

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

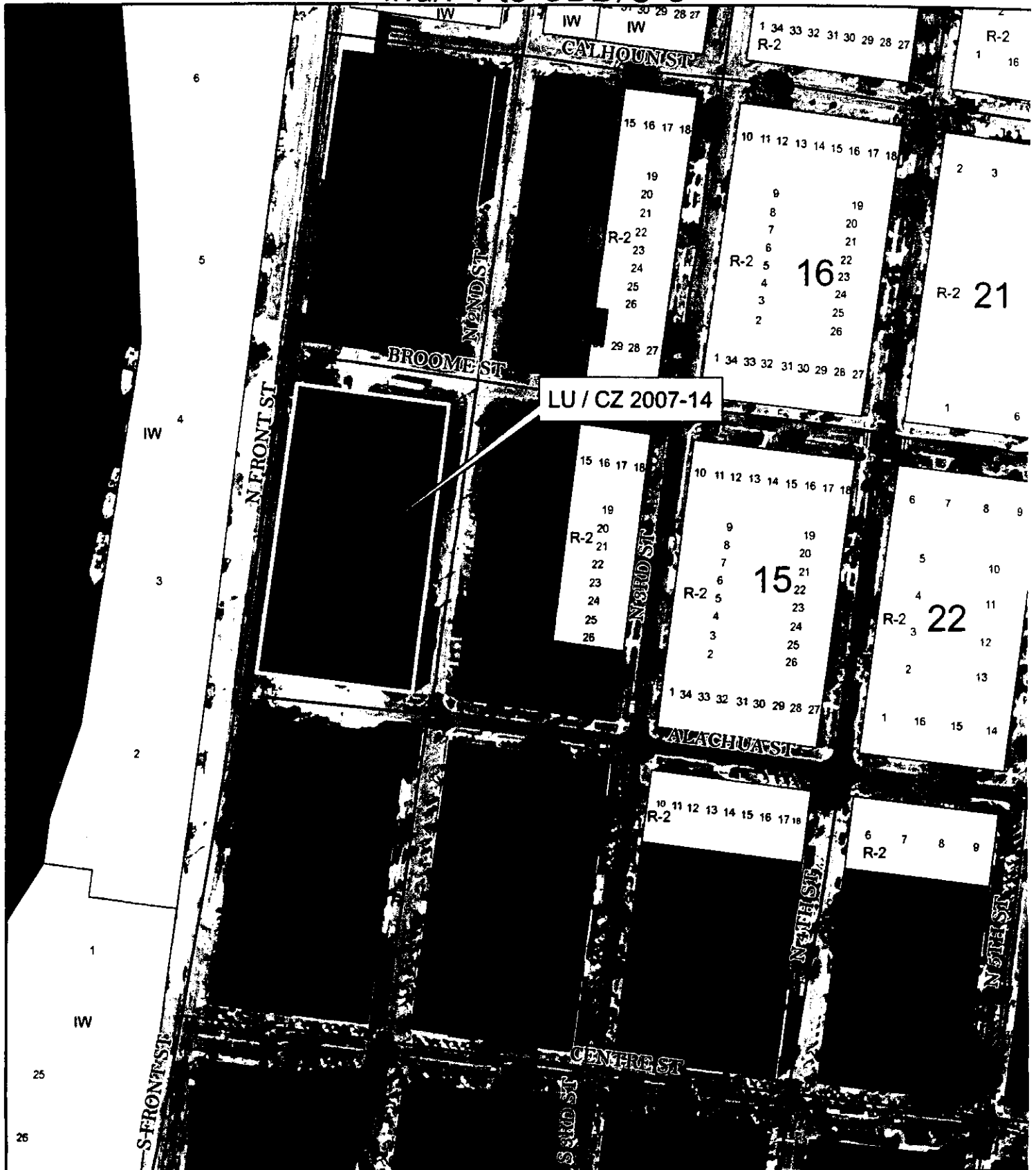
SUMMARY: Lane Investment and Development, LLC has requested a change of land use for a 2.07 acre parcel of land, (block 2, lots 1-34) located in the block bounded by Front, N. 2nd, Alachua and Broome Streets, Fernandina Beach from Industrial to Central Business District. The Planning staff has issued a recommendation for approval. The Planning Advisory Board recommended approval 7-0 at their April 11, 2007 regular meeting. This request was approved by the City Commission at first reading on June 5, 2007 by unanimous vote. This item is to be considered by the City Commission at second reading on July 5, 2007.

RECOMMENDED ACTION: Approve Ordinance 2007-19

DEPARTMENT HEAD	Submitted: Marshall McCrary, CDD Director Requested Agenda:	Date: 06/15/07 Date: 07/05/07
FINANCE DEPARTMENT	Budgeted ☐ Yes ☐ No ☐ N/A	Date:
CITY ATTORNEY	Approved for Form and Correctness	Date: 6/21/07
CITY MANAGER	Approved Agenda Item for	Date: 6/18/07
COMMISSION ACTION:	☐ Approved As Recommended ☐ Approved With Modification ☐ Other	☐ Disapproved ☐ Tabled To Time Certain

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CDD ☐ FIN ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PRD ☐ PWD

LU/CZ 2007-14
Ind/I-1 to CBD/C-3



0 85 170 340 Feet

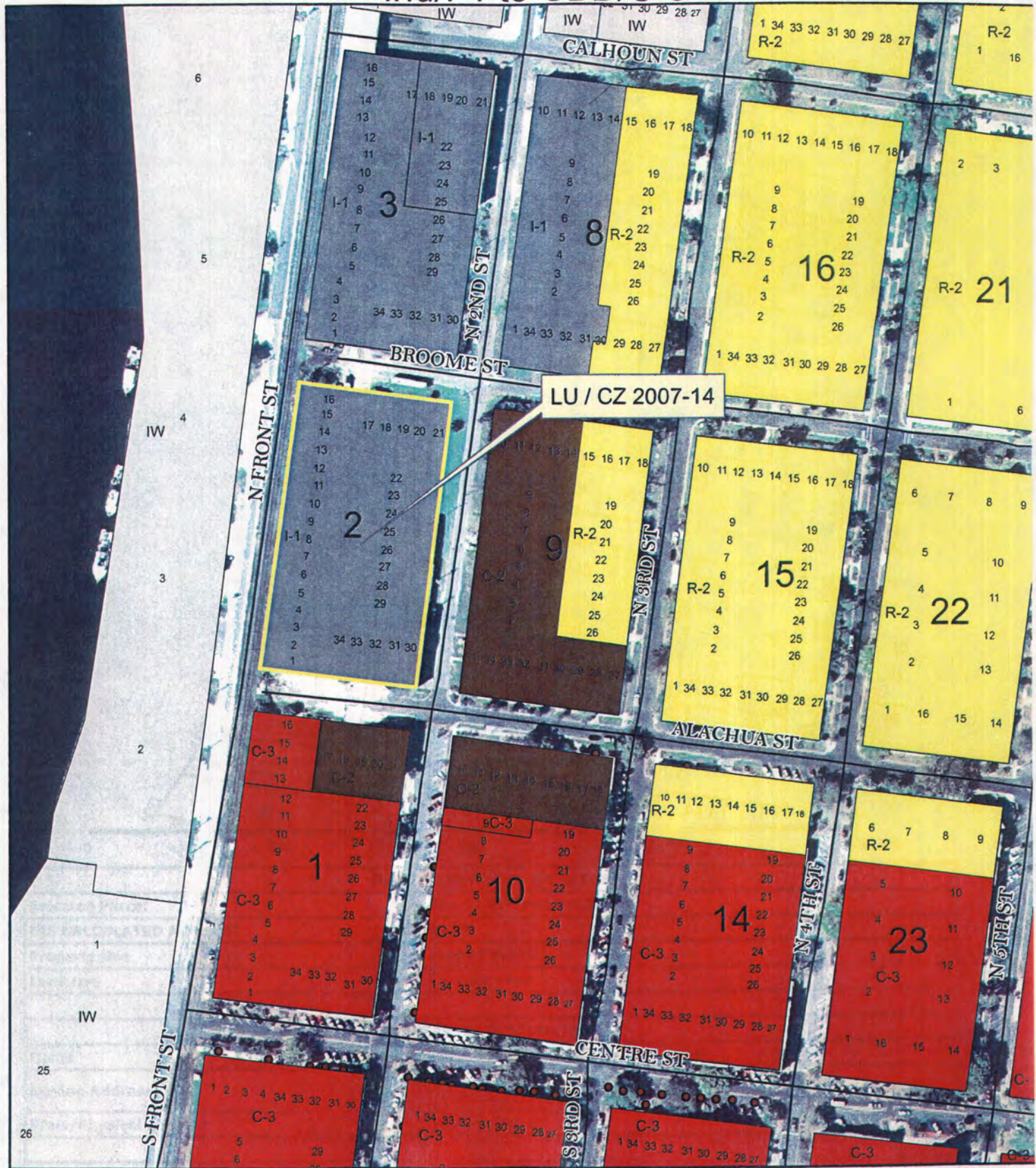
LU / CZ 2007-14
Lane Investment
April 11, 2007 PAB

1 inch equals 0.035124 miles

10/23/2006



LU/CZ 2007-14 Ind/I-1 to CBD/C-3



0 85 170 340 Feet

LU / CZ 2007-14
Lane Investment
April 11, 2007 PAB

1 inch equals 0.035124 miles

10/23/2006



STAFF REPORT
LU/CZ 2007-14
Small Scale Amendment to Future Land Use Map
Change of Zoning
Planning Advisory Board Hearing
April 11, 2007

Application Information

Applicant: Lane Investment and Development, LLC
Owner: Standard Marine Supply Co.
Agent: A. Jeffrey Tomassetti
Requested action: Small Scale Land Use and Zoning Map Amendment from
Industrial / I-1 to Central Business District / C-3
Location: West side of North 2nd Street between Alachua and Broome
Streets (Block 2, Lots 1-34)
Zoning: I-1, Industrial
Future Land Use Map category: Industrial
Size: 2.07 acres
Existing uses on the site: Standard Marine Supply Co.

All required application materials have been received. All required notices have been made.

Surrounding Area Information

	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Future Land Use Map category</u>
North	Florida Petroleum Port	I-1	Industrial
South	Commercial / Office	C-3 and C-2	Central Business District and General Commercial
East	Residential / Commercial / Office	C-2	General Commercial
West	Docks / Warehousing	I-W	Industrial Waterfront

Summary of Request and Background Information

The applicant has applied for a change in land use and zoning from Industrial/I-1 to Central Business District/C-3. The subject property, known as the Standard Marine site, is comprised of the block which is bounded by Front, N. 2nd, Alachua and Broome Streets. The survey supplied by the applicant indicates this property totals approximately 2.07 acres and contains 34 platted lots of record.

The current I-1 zoning does not permit residential development and limits permissible industrial uses to a 0.50 Floor Area Ratio. This results in a maximum current development potential of

45,085 square feet of industrial use. Uses permissible under the current zoning are provided in Table 2.03.02 of the Land Development Code and range from professional offices and retail stores to warehousing and manufacturing activities.

The proposed C-3 zoning would introduce residential uses to the subject property and reduce the range of allowable non-residential uses. Although the residential density associated with C-3 is 8 dwelling units per acre, the subject property contains 34 platted lots of record. Per Section 1.03.03 of the Land Development Code, "one dwelling unit may be constructed on a substandard, platted lot of record in a residential or mixed-use zoning district." C-3 is a mixed-use district, and the subject property would therefore be eligible for up to 34 residential units. C-3 zoning also provides a Floor Area Ratio of 2.00, resulting in a maximum of 180,338 square feet of commercial development.

Consistency with the Comprehensive Plan

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

The City has five public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, and Solid Waste. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential.

As stated above, the establishment of C-3 on the subject property could result in a maximum of 34 dwelling units and 180,338 square feet of commercial development. Staff estimates that approximately 550 p.m. peak hour trips could be generated by such development. Maximum industrial development under the current zoning only generates approximately 48 p.m. peak hour trips, resulting in a net potential increase of 502 trips. This calculation, however, is based on a maximum buildout scenario which is highly unlikely due to regulatory constraints on the property. For example, due to the CRA Overlay requirements that residential parking be provided on site, some land area will have to be devoted to parking and vehicular circulation. Additional constraints include the market demand for residential units rather than commercial or office space. While adequate capacity does exist on a number of the impacted roadway segments to accommodate this increase, some segments would likely fall short if the maximum buildout scenario occurred.¹

The applicant has conducted a traffic study based on the proposed development plan for the subject property (34 residential units and 3530 square feet of office space). This study has been reviewed by the Northeast Regional Council for compliance with applicable concurrency standards. In correspondence from the Council, dated November 9, 2006, the study's methodology and determination were found to be valid, and transportation concurrency was approved for the proposed development scenario. This determination indicates the availability of adequate levels of service for the transportation network. It should be noted, however, that any

¹ ITE Codes 715 and 870 average to 2.96 pm peak hour trips x 180K = 532.8
Townhome is 0.52 X 34 = 17.68
45,085 industrial = 1.08 x 45 = 48.6

significant use modifications to the development plan will require re-evaluation of this availability.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day. At the adopted level of service and the maximum density allowed by the proposed Comprehensive Plan amendments, the residential units will only consume 11,900 gallons of water per day (34 units x 350 gallons per ERC per day). The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. At the adopted level of service and the maximum density allowed by the Comprehensive Plan, the site will only generate 13,450 gallons of wastewater per day ((34 units x 2.3 persons per unit) x 172 gallons per capita per day). The Commercial facilities are calculated by an Equivalent Residential Connection (ERC) standard, which is calculated by the utilities director. The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate the proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has a contract with Stateline to dispose of solid waste, therefore the impact is irrelevant. Drainage will be reviewed in Technical Review by the City's engineering consultant. The City requires stormwater to be retained on-site.

1.01.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective land development patterns, as described below.

- a. No areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No leapfrog/scattered development or ribbon/strip commercial development patterns.**

The lots to the north and west across Broome and Front Streets are zoned and developed with industrial uses. Properties to the south are zoned and developed under C-3 and C-2, and properties to the east are zoned C-2. The mixed-use, C-3 zoning proposed for the subject property would provide an appropriate transition between the industrial properties to the north and west and the commercial / mixed use zones to the south and east.

Because the proposed project represents infill development, no leapfrog development is occurring, and public facilities are generally available to the area.

1.01.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;**
- b. Zoning districts in the surrounding area;**
- c. Appropriateness of the size of the parcel compared to the proposed use;**
- d. Physical condition of the site, and the suitability of soils and topography for the proposed use;**
- e. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive areas, flood zones, or historic resources;**
- f. Compatibility factors;**
- g. Impact on adopted levels of service; and**
- h. Location in a Coastal upland protection zone.**

The uses in the general vicinity vary from industrial to commercial. Limited residential development exists in the immediate area and lies primarily to the east. The sizes of the parcels are consistent with the historic platted lot configuration. The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, the site is not a greenfield. It has been used to support various developments over the last 150 years. The site is not located in a Coastal Upland Protection Zone, and the levels of service are discussed above.

1.06.08. (f) A proposed amendment to the FLUM to increase the land area within the Central Business District land use category shall demonstrate the suitability of the proposed site based on:

- 1. The need for additional land area within the Central Business District; and land use category;**
- 2. Consistency of the land area with the characteristics of the Central Business District; and;**
- 3. Consistency of the land area with the characteristics of the downtown.**

The applicant has not provided data to support the potential increase in commercial uses. The use of C-3 in this instance, however, is anticipated to focus on residential development. As this property lies within the CRA, its use for the expansion of residential offerings in the downtown area is appropriate and encouraged.

The property involved is consistent with the characteristics of other properties within the Central Business District and represents a logical extension of the urban fabric of downtown Fernandina Beach.

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

With the adoption of the 2006-02 Large Scale amendment, the City's Comprehensive Plan no longer identifies this property as lying within the Coastal High Hazard Area.

5.07.04. The City shall prohibit amendments to the FLUM which result in a net increase in residential density in the CHHA except within the Community Redevelopment Area.

The proposed zoning change does represent an increase in residential density on this property. As stated above, however, this property is no longer located within the CHHA.

5.07.06. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from the CHHA. Development and/or redevelopment in the CHHA shall not increase the intensity currently allowed by the Comprehensive Plan.

The increase in capacity would be the increase from a FAR of 0.5 to 2.0. Because the property no longer lies within the CHHA, the requested zoning and land use is consistent with this policy.

Consistency with the Land Development Code

The requested zoning is C-3, a mixed-use district which supports a variety of residential and commercial land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

Section 2.01.12 of the Land Development Code states the intent of the C-3, Central Business District, zoning classification.

The C-3 district is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The range of uses permitted under C-3 does provide for consistency with existing zoning and development to the south and east. Additionally, the property is well-situated to provide an appropriate transition to the industrial uses to the north.

The City has endorsed redevelopment of this property as a part of the Community Redevelopment Area. A land use and zoning conversion to CBD/C-3 will work to support and facilitate this needed redevelopment. As all surrounding properties are also located within the CRA, it can be expected that future requests for conversion from Industrial to mixed use will be forthcoming. In addition to the new land use pattern which will be evolving in this area, much needed improvements to the supporting infrastructure will occur. The subject property makes an effective starting point for the continuation of the downtown character northward on N. 2nd Street.

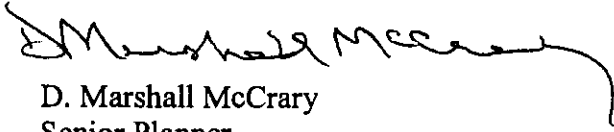
Conclusion

The requested zoning and land use change is consistent with the Comprehensive Plan and Land Development Code and provides a mechanism for the redevelopment which is fostered by the Community Redevelopment Area.

Recommendation

Staff recommends approval of the change from I/I-1 to CBD/C-3.

Submitted by:

A handwritten signature in black ink, appearing to read "D. Marshall McCrary", with a long, sweeping horizontal stroke extending to the right.

D. Marshall McCrary
Senior Planner

RECEIVED

DATE STAMP

FEB 26 2007

PLANNING & ZONING
FERNANDINA BEACH, FLORIDA

APPLICATION NO.: LU 2007-14

APPLICATION FEE: \$ 850.00

IMS TRACKING NO.: 2007-000000363

APPLICATION FOR FUTURE LAND USE AMENDMENT
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH, FLORIDA

RECEIVED BY:

DATE RECEIVED:

1. APPLICANT'S INFORMATION:

Applicant(s): Lane Investment and Development, LLC
Address: 5555 Glenridge Connector, Suite 700
Address 2: Atlanta, Georgia 30342

Telephone: (404) 459-6100
Fax: (404) 459-6248
Email: emonarchik@lanecompany.com

2. OWNER'S INFORMATION:

Applicant(s): Standard Marine Supply Co.
James B. Hardee, Jr. President
Address: P.O. BOX 5001
Address 2: Tampa, Fl. 33605-5001

Telephone: (813) 248-4905
Fax: (813) 247-4386
Email: _____

3. APPLICANT'S AGENT INFORMATION:

Applicant(s): A. Jeffrey Tomassetti, Esq.
Address: 406 Ash Street Fernandina, Fl 32035

Telephone: (904) 261-1833
Fax: (904) 261-8023
Email: ajtlaw@bellsouth.net

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER INFORMATION:

Surveyor: Robert D. Richards Surveying, Inc.
Address: 8567 C.R. 13 North St. Augustine, Fl 32093

Telephone: (904) 940-0721
Fax: (904) 940-5896

Engineer: Avid Group
Address: 8659 Baypine Rd Suite 304 Jax, Fl 32256

Telephone: (904) 737-4100
Fax: (904) 737-4001

5. PROPERTY INFORMATION:

Project Name: Lane Downtown Fernandina
Street Address: 101 N 2ND STREET
Lot Number: 1 Thru 34 Block Number: 2 Subdivision: City of Fernandina
Section: _____ Township: _____ Range: _____
Nearest Street Intersection: Broome and 2nd Street
Parcel Identification Number(s): 00-00-31-1800-0002-0010

6. AREA INFORMATION:

Under an acre Sq. Footage: _____ Over an acre: Acres: 1.981 Number of Lots/Parcels: _____

Existing Zoning Classification: Industrial-1
Proposed Zoning Classification: Central Business District (C-3)

Existing Future Land Use Classification: Industrial
Proposed Future Land Use Classification: Central Business District (CBD)

Existing Land Use: Light Manufacturing. Currently not in use.
Proposed Land Use: Mixed use: residential and commercial uses.

Previous Planning/Zoning Approvals: _____

7. FUTURE LAND USE AMENDMENT SOUGHT:

Applicant seeks to change the existing Future Land Use Classification from Industrial to Central Business District (CBD).

CONDITIONS:

I (we) understand that the application fee does not include the fees associated with engineering review and/or construction inspection, inspections, reports, and the like required by the City of Fernandina Beach.

I (we) certify that no land clearing, excavation and/or filling have occurred on this property, and that no clearing, excavation and/or filling will commence prior to the issuance of a Land Clearing Permit. I (we) do hereby agree to perform any authorized land clearing, excavation and/or filling in accordance with the approved site plan and the City of Fernandina Beach Land Development Regulations.

By signature, I (we) have read understand and agree to the above conditions.

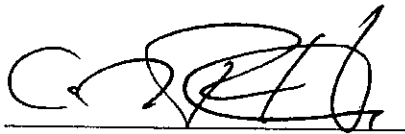
Standard Marine Supply Co.

Owner (1)

Print Name: _____

Owner (2)

Print Name: _____

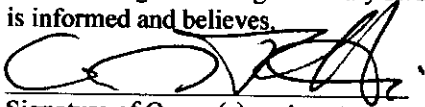


Agent

Print Name: _____

A. Jeffrey Tomassetti

The undersigned having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.



Signature of Owner(s) or Agent

A. Jeffrey Tomassetti

Print name of Owner(s) or Agent

STATE OF FLORIDA
COUNTY OF NASSAU

Subscribed and sworn to before me this 23 day of February, 2007.

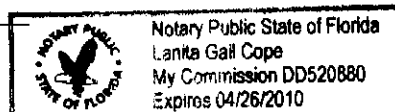
Lanita Gail Cope
Notary Public: Signature

LANITA GAIL COPE
Printed Name

My Commission Expires: _____

Individual making statement is ✓ personally known or _____ produced identification.

Type of identification produced: _____



OWNERS AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA
Agent Authorization Form

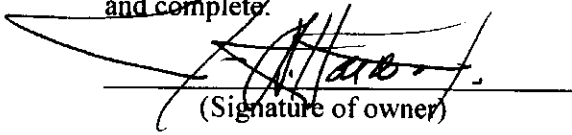
EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I/WE Standard Marine Supply Corp., a Florida Corporation
(print name of property owner)

hereby authorize Mr. Ed Monarchik, Lane Southeast, LLC & Mr. A. Jeffrey Tomassetti
(print name of agent)

to represent me/us in processing and application for Future Land Use Amendment

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


(Signature of owner)

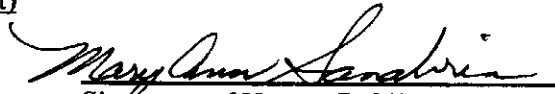
Mr. James B. Hardee, Jr., President

State of Florida

County of HILLSBOROUGH

Sworn to and subscribed before me on this 21ST day of FEBRUARY, 2007,

by JAMES B. HARDEE, JR.
(name of person making statement)


Signature of Notary Public
State of Florida



Mary Ann Sanabria
My Commission DD312083
Expires June 15, 2008

MARY ANN SANABRIA
Print, type or stamp commissioned
Name of Notary Public

My Commission
Expires: 6/15/08

Individual making statement is ☒ personally known or ☐ produced identification.

Type of identification produced _____.



A. JEFFREY TOMASSETTI, PLC

Attorney at Law

A. Jeffrey Tomassetti, Esq.

February 26, 2007

RECEIVED

FEB 26 2007

PLANNING & ZONING
FERNANDINA BEACH, FLORIDA

Jeffrey Salter, CDD Director
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

RE: FLUM and Zoning Classification Amendment Applications

Dear Mr. Salter,

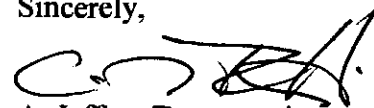
Lane Investment and Development LLC., respectfully requests that the City Commission approve a zoning classification amendment and future land use amendment (FLUM) for the "Standard Marine" property encompassing the block between Front Street and 2nd Street and Alachua and Broome Streets. This property is currently zoned Industrial-1 and has the future land use classification of Industrial. The Applicant requests a zoning classification of Central Business District (C-3) and a future land use classification of Central Business District (CBD).

The Applicant understands that final approval of the zoning classification amendment and future land use amendment is subject to final adoption of the revised Coastal High Hazard Area (CHHA) boundary.

Lane Investment and Development, LLC., seeks to construct a residential development in accordance with the Community Redevelopment Area (CRA) Overlay goals and regulations. The City has developed the CRA to provide for coordinated redevelopment and revitalization of downtown Fernandina. This proposed development will further to goals of the CRA by establishing a residential community across from a working waterfront development of residential lofts, retail stores and a marina.

The townhouse style development proposed by Lane seeks to preserve the Standard Marine building and incorporate the building into the development. The buildings will be designed with architectural details that showcase the historic charm of downtown Fernandina. This waterfront development will help the revitalization of Downtown Fernandina by increasing the number of people living within walking distance of commercial businesses.

Sincerely,



A. Jeffrey Tomassetti

406 Ash Street • Post Office Box 1443 • Fernandina Beach, Florida 32035-1443
Telephone: (904) 261-1833 • Fax: (904) 261-8023

LU/CZ 2007-14
Ind/I-1 to CBD/C-3



0 85 170 340 Feet

LU / CZ 2007-14
Lane Investment
April 11, 2007 PAB

1 inch equals 0.035124 miles

10/23/2006



LU/CZ 2007-14
Ind/I-1 to CBD/C-3



0 85 170 340 Feet

LU / CZ 2007-14
Lane Investment
April 11, 2007 PAB

1 inch equals 0.035124 miles

10/23/2006



I. Call to Order

Chair Bennett called the meeting to order at 5:30 pm.

II. Roll Call/Determination of Quorum

APPROVED

Board Members Present

Mark Bennett, Chair
David Beal
William A. Conger
Shaun Woleshin

Paul Condit, Vice-Chair
Richard Bradford
Marilyn Williamson
Eric Bartelt (alternate)

Board Members Absent

Robert Howat (alternate)

Others Present

Debra Braga, City Attorney
Marshall McCrary, Interim Community Development Department Director
Jessica Williams, Recording Secretary

III. Approval of Minutes

According to the agenda support documents, the Special Meeting of March 14, 2007 was presented for approval. Chair Bennett corrected page 10 the second paragraph to reflect Marine Recreation. Member Conger pointed out that he had comments about the religious section and he thought that he had said for the record that he was against that section. He requested that his aversion to that section on religious requirements be included in the Minutes. A motion was made by Member Conger, seconded by Member Williamson, to approve the Minutes as amended. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

IV. New Business

City Attorney Braga briefly described the process for quasi-judicial hearings. Recording Secretary Williams administered the oath to those parties that were about to present testimony.

Member Bartelt disclosed that he visited the properties. Member Woleshin disclosed that he visited the properties and recused himself from items 4.1 and 4.2. Chair Bennett disclosed that he had been by the properties. He also disclosed a call from a reporter with the Jacksonville Business Journal wanting information on the Surf property. Member Conger disclosed that he visited all the properties. Member Bradford disclosed that he visited the properties. Member Beal disclosed that he visited the properties. There were no other ex parte communications to be disclosed by the Board.

Mr. McCrary explained that items 4.4 and 4.5 the applicant requested to be heard earlier on the agenda due to a timing conflict. There were no objections to this agenda change.

Preliminary Plat

Surf Properties LLC, 3199 South Fletcher Avenue (PPL 2007-02), preliminary plat requested for the Surf Unit Three. (*Quasi-Judicial*)

The board deviated from the agenda and this case was heard after the Standard Marine cases.

Surf Properties LLC, 3199 South Fletcher Avenue (PPL 2007-03), preliminary plat requested for the Surf Unit Two. (*Quasi-Judicial*)

The board deviated from the agenda and this case was heard after the Standard Marine cases.

Change of Zoning

Island Walk Associates, LLC, 1910 South 14th Street (CZ 2007-13), change of zoning from C-1: Community Commercial District to C-2: General Commercial District. (*Quasi-Judicial*)

The board deviated from the agenda and this case was heard after the Standard Marine cases.

Standard Marine Supply Company "Lane Downtown Fernandina," 101 North 2nd Street (CZ 2007-14), change of zoning from industrial to C-3: Central Business District. (*Quasi-Judicial*)

Mr. McCrary presented details of the request as contained in the agenda support documents. He pointed out that this property was no longer located within the Coastal High Hazard Area as result of the changed definition. Recording Secretary Williams administered the oath to those parties that were about to present testimony.

Member Conger requested an overview of the differences if any between this request and anything that has come through Lane Development. Mr. McCrary commented that he didn't believe the board considered a request on this particular piece of property. He noted that other properties within the CRA were considered by this board. He pointed out that when they were processed through this board before staff provided a recommendation of denial for similarly situated properties predominantly tied to the limitation in the Comprehensive Plan to increase density within the Coastal High Hazard Area. He explained that the Comprehensive Plan amendment hadn't been put into effect yet, and it only went into effect March 28, 2007. Chair Bennett noted that the 34 units were geared to the number of platted lots. He inquired if there was any language to build a unit on a particular lot. Mr. McCrary explained that it ties into the zoning and C-3 allows for mixed use development and alternate housing styles. He stated that it has to be a unified development plan that uses the properties associated with those lots of record, but they don't necessarily have to be tied into that specific boundary. Member Bartelt requested clarification of the statement "a total build out of this project was unlikely". Mr. McCrary explained that it was important to remember that FLUM amendments are to be assessed based on the worst case scenario. He pointed out the tremendous difference in potential Floor Area Ratio generated by this change. He explained that the main impact this potentially has on the City is an increase in traffic. He stated that he believed that it was perfectly adequate for the City to identify the fact that we operate under the concurrency Ordinance and indicate that the level of service be maintained for whatever is developed there. He pointed out that the applicant provided concurrency to illustrate that the proposed development plan can be sustained by the transportation network. Chair Bennett referred to the capacity for water and sewer and inquired if projects in the pipeline for planning purposes are included in that or was it only the existing units. Mr. McCrary replied that could conceivably include some things that haven't been built because it is based

on plans that are approved and endorsed by the Utilities Director and that would be factored into the anticipated consumption.

A motion was made by Member Condit, seconded by Member Bradford, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Mr. Jeffrey Tomassetti, 406 Ash Street, agent for the applicant, explained that it was their intention to build 34 residential units primarily town homes that fit within the overlay that was developed. He noted that the overlay provides for the height limitations and the step back. He stated that all parking would be put onsite. He explained that they were looking to move along with the overall City plan by changing the FLUM and the zoning to C-3, which would then bring them within the CRA overlay. He pointed out that the developer's representative and the engineer were available for specific questions noting that plans do change and they would have to comply with all City codes and concurrency. Member Bradford inquired about parking for commercial/retail property. Mr. Tomassetti stated that the CRA overlay includes commercial. Mr. McCrary pointed out that it would have to be provided onsite or a payment in lieu of. Mr. Tomassetti explained that there are physical limitations and the idea of maxing out commercial and maxing out residential on one site he didn't think was possible, but that was how it had to be evaluated. Member Conger referred to the preliminary site plan and noted that 2nd Street parking was diagonal facing southwest. He pointed out that a portion of 2nd Street is one-way north and suggested turning those spaces around in case all of 2nd Street was made one-way. Mr. Tomassetti noted this suggestion and clarified that the parking would be on-site. Mr. McCrary commented that he thought they were illustrating a possible streetscape scenario along North 2nd Street. Member Bartelt inquired if this property would require a retention pond. Mr. McCrary replied stormwater does have to be retained onsite. He stated that whether it is a submerged system or something that is part of the interior courtyard was yet to be discovered.

Mr. Brian McCarthy, 212 North 14th Street, explained that he owns property to the east with C-2 zoning. He stated that as a business owner and resident he felt that without developments like Lane Development the downtown business district would suffer. He clarified that he felt that without downtown development businesses would not do well. He suggested the board give a favorable recommendation for this, because he thought it would be good for everybody.

Ms. Marilyn Leibman, 1792 Arbor Drive, commented that it would be terrific to get started with development downtown. She questioned whether these would be condominiums or town homes. Chair Bennett pointed out that the land use and zoning speaks to residential, but the type of ownership would not be addressed. There was a brief discussion to clarify this further.

A motion was made by Member Williamson, seconded by Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. City Attorney Braga stated that based on all the evidence heard including all the written materials in the packet and the sworn testimony there was substantial competent evidence. A motion was made by Member Bradford, seconded by Member Condit, to send to the City Commission approval of LU 2007-14. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

A motion was made by Member Condit, seconded by Member Bradford, to forward CZ 2007-14 to the City Commission with a recommendation for approval. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Land Use Amendment

Standard Marine Supply Company "Lane Downtown Fernandina," 101 North 2nd Street (LU 2007-14), Land Use Amendment from Industrial to CBD: Central Business District. (*Legislative*)

This item was considered in conjunction with CZ 2007-14.

Preliminary Plat

It was noted that Member Woleshin would recuse himself from PPL 2007-02 and PPL 2007-03. A motion was made by Member Conger, seconded by Member Williamson, to seat Member Bartelt for these two cases. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Surf Properties LLC, 3199 South Fletcher Avenue (PPL 2007-02), preliminary plat requested for the Surf Unit Three. (*Quasi-Judicial*)

Mr. McCrary presented details of the request as contained in the agenda support documents. Chair Bennett noted that the last time staff provided a summary of where we are and where we've been. He commented that he had to go back to that information to have a better understanding of where we were. He noted that this was the second and third of five units for a total of 37 residential lots on 3.8 acres. He commented that he compared the number of lots to the size and some looked like they were much larger density wise than what would be permitted. Mr. McCrary reminded the board that the City was assessing the site overall and an individual piece may come forward that seems like a lot more lots on a smaller land area, but the overall site is accommodating stormwater, amenities, and interior circulation. He pointed out that what was before the board was in keeping with the previously approved plans. Member Williamson noted that they were rerouting traffic out the back. She commented that concessions were made to allow them to consolidate some of the density in other areas in order to open up a way to allow the traffic flow.

A motion was made by Member Condit, seconded by Member Conger, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Mr. Michael Antonopoulos, 1405 Park Avenue, reminded the board that the lots that front Fletcher the density on those lots was exactly the same because of the beach overlay Ordinance. He pointed out that the lots to the rear do not fall under the beach overlay Ordinance and can be reconfigured in different ways. He explained that there is a large tract that is dedicated for common amenities and stormwater. He further explained that the approved engineering plans followed the Board of Adjustment waiver and these plats follow the approved engineering plans.

There being no comments from the floor, a motion was made by Member Williamson, seconded by Member Condit, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. City Attorney Braga stated that based on all the evidence heard there was substantial competent evidence including the sworn testimony and the written materials contained in the packet. A motion was made by Member Williamson, seconded by Member Bradford, to forward PPL 2007-02 to the City Commission with a recommendation of approval. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Surf Properties LLC, 3199 South Fletcher Avenue (PPL 2007-03), preliminary plat requested for the Surf Unit Two. (*Quasi-Judicial*)

Specifics of this case were discussed with the previous case. A motion was made by Member Williamson, seconded by Member Bradford, to forward PPL 2007-03 to the City Commission with a recommendation of approval. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Member Woleshin was reseated as a voting member at this time.

Change of Zoning

Island Walk Associates, LLC, 1910 South 14th Street (CZ 2007-13), change of zoning from C-1: Community Commercial District to C-2: General Commercial District. (*Quasi-Judicial*)

Mr. McCrary presented details of the request as contained in the agenda support documents. Member Condit inquired about other uses that would be allowed with this change. Mr. McCrary explained that car rental agencies would be one of them. He commented that there are a number of uses in C-2 including automobiles sales and animal hospital/veterinary clinic. Chair Bennett pointed out that financial institutions and grocery stores are not allowed in C-1, but there is a major grocery store there. There was a brief discussion about this and other uses allowable in C-2.

Chair Bennett inquired if staff saw any problem with parking. Mr. McCrary commented that a change in tenancy is always an issue associated with a mix of retail establishments and parking might occasionally have to be reassessed. He explained that in this particular shopping center he imagined that there was ample parking to accommodate just about any tenant mix that could be established there.

A motion was made by Member Williamson, seconded by Member Bradford, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Mr. Jeffrey Tomassetti, 406 Ash Street, agent for the applicant, explained that they were trying to line up the zoning code and land uses associated with this property. He pointed out that the CVS on the opposite corner was C-2, the shopping center across the street on Sadler was C-2, but for some reason this property was C-1. He commented that the K-Mart is actually in C-2. He explained that the shopping center wants to accommodate a new tenant. He pointed out that Enterprise Rent-A-Car is an on demand rental agency for neighborhoods, but they are not maintaining a big rental car company there. He stated that they were trying to change the zoning to line it up for their needs in a place that was fully appropriate for it. Member Williamson inquired where the offices would be located. Mr. Tomassetti replied adjoining Bealls.

There being no comments from the floor, a motion was made by Member Williamson, seconded by Member Conger, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. A motion was made by Member Williamson, seconded by Member Bradford, to send forward CZ 2007-13 to the City Commission with a recommendation of approval. City Attorney Braga stated that based on all the evidence heard including the written documentation and the sworn testimony there was substantial competent evidence. After a brief discussion, vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

V. Staff Report

Member Williamson pointed out that when the board was doing the Land Development Code (LDC) one of her concerns with C-3 was that if the City uses the same categories in the CRA that already exist that the City would end up in a situation where instead of it being a true mixed use that the City would end up with all residential and no commercial. She explained that the board felt that was interfering with business and felt that the market should make that decision. She commented that her other concern was that the board never really got a traffic study for the downtown area or had a discussion of how many streets would have to go one-way to accommodate increased traffic. She pointed out that she kept arguing the fact that there would be 8 units per acre and with lots of record using the same categories instead of brand new ones that the City would end up with 34 units per acre, which was what happened tonight. She stated that she was not happy with the direction that the City was heading downtown. She expressed her concern that residential was going to overwhelm the C-3 area and the City would wind up with primarily residential downtown. She provided further comments about this noting that the board made the appropriate decision based on the guidelines that are in place now.

Mr. McCrary reported that the Community Development Department was trying to keep everything on track. He requested the board's patience if the department was a little slow in responding to something, since the department was still short staffed.

Mr. McCrary pointed out that the City Commission adopted the CRA overlay at second reading last Tuesday night with a minor amendment specifically removing one view corridor at Alachua. He noted that the Commission was less than thrilled with the view corridors and the potential impact to individual property owners. He explained that the Commission was interested to see the product that Mr. Tilson comes up with for the design guidelines and how that would mesh with the standards that were adopted as part of the overlay. There was some discussion about the CRA overlay that was passed noting that the City Commission had Minutes from the PAB when it was discussed.

Member Bradford inquired about the status of the lawsuit relating to the CRA overlay. City Attorney Braga explained that she was directed by the City Commission not to file the declaratory action judgment until after the public hearing, which was held in March but she had not received any further direction from the Commission.

There was some discussion about the view corridors noting that the Commission removed one view corridor at Alachua. Member Bartelt noted that there was a comment made that when these matters come back to the City Commission they would be dealing with them top down. He commented that means the City Commission would approve them and then send them to PAB. City Attorney Braga explained that comment was made, but the way the statute is worded it goes to the PAB first. There was some discussion about this noting that the work done at the PAB is very important.

Member Conger inquired about the timeframe for getting an absolute final clean issue of the LDC. Mr. McCrary replied that the board has the official version, but it had not passed yet. He explained that when it was passed the board would get a reprint. He stated that staff had a Comprehensive Plan amendment packet that would be distributed to all members that reflect the updates that have gone through.

Member Bradford commented that he attended the Workshop with the property owners and the City Commission. He pointed out that the public wanted view corridors and boardwalks, but he didn't hear any where the public helped those people pay taxes on the property that they bought as private property. He explained that if and when it comes back he thought the board needed to keep in mind that this was private property and listen to the rights of the private property owners to develop their property within the guidelines set forth. Chair Bennett explained that one of his concerns with view corridors was the potential for taking property without just compensation and not treating everyone as

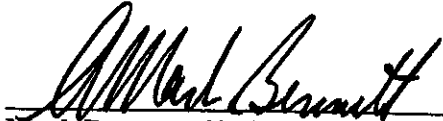
equals. There was an extensive discussion about view corridors and public access. It was noted that redevelopment would have to occur for requirements of the CRA overlay to come into effect.

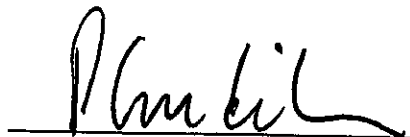
VI. Board Business

There was a brief discussion about the voter turnout at the election.

VII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 7:00 p.m.


Mark Bennett, Chairman


Paul Condit, Vice Chair

**CITY OF FERNANDINA BEACH, FLORIDA
PLANNING ADVISORY BOARD**

TO: Fernandina Beach City Commission
Fernandina Beach, FL 32034

RE: REPORT ON COMMERCIAL FLUM DESIGNATION CHANGE

Policy 1.02.01. Future land use decisions ... shall be consistent with the Conservation Element, the goal of which is to conserve, utilize and protect the natural resources of the area, including air, water, wetlands, water wells, estuaries, water bodies, soils, minerals, vegetative communities, wildlife, wildlife habitat and other natural and environmental resources, to ensure that resources are protected and available for future generations.

On April 11, 2007, the Planning Advisory Board reviewed and considered Future Land Use Map (FLUM) Designation Change Application. LU 2007-14.

A. Applicant: STANDARD MARINE SUPPLY COMPANY "LANE DOWNTOWN FERNANDINA", 101 NORTH 2ND STREET.

B. Request: LAND USE AMENDMENT FROM INDUSTRIAL TO CENTRAL BUSINESS DISTRICT.

Having reviewed and considered the Application and attachments thereto and the testimony from those present at the public hearing as well as the City Staff Report on this Application, the Board considered the following factors in Objective 1.02 of the Comprehensive Plan, as well as the general criteria in the Comprehensive Plan attached hereto, in evaluating this proposed land use change:

- a. SURROUNDING USES: FL. Petrol; Commercial Office; Res & Commercial Office; DOCKS-Warehouse
- b. SURROUNDING ZONING: I-1. C-3 & C-2; C-2; I-W
FLUM = Indust, C-3 & C-2, Indust. Waterfront
- c. ACREAGE: 2.07
- d. SOILS AND TOPOGRAPHY: Flat; soil has sustained develop for over 100 years
- e. DESCRIPTION OF SITE. Rectangular
- f. FLOOD ZONE: Not in CHHA
- g. IMPACT ON ADOPTED LEVELS OF SERVICE: Acceptable

AFTER DISCUSSION, motion was:
Made by Board Member Bradford
Seconded by Board Member Condit to recommend:
Future Land Use Map Designation Change LU 2007-14 be:

☒ Approved as presented.

☐ Disapproved for the following reasons:

The Motion [PASSED] [FAILED] by a vote of 11 YES 11 NO.

The Planning Advisory Board respectfully recommends to the City Commission that Future Land Use Map Designation Change LU 2007-14 be:

[APPROVED] [DISAPPROVED].

A. M. Bennett
Chair

4/11/07
Date

P. Condit
Vice-Chair

4/11/07
Date

GENERAL CRITERIA IN THE FERNANDINA BEACH COMPREHENSIVE PLAN FOR FLUM
CLASSIFICATION AND ZONING CLASSIFICATION CHANGES

OBJECTIVE 1.02. CONSISTENCY

_____ OBJECTIVE 1.04. INCONSISTENT LAND USE. The City shall eliminate or reduce land uses, which are inconsistent with the comprehensive plan.

_____ OBJECTIVE 1.07. GROWTH MANAGEMENT. The City shall discourage the proliferation of urban sprawl through the appropriate land use designations on the land use map.

_____ OBJECTIVE 1.08. LAND DEVELOPMENT REGULATIONS. The City shall provide for appropriate and adequate land for residential, commercial, industrial and conservation uses through the adoption of the land development regulations.

OTHER CRITERIA FOR COMMERCIAL FLUM AND ZONING RECLASSIFICATIONS

Policy 1.08.02, Comprehensive Plan, and Land Development Code,
2.01.09 (MU-1), 2.01.10 (C-1), 2.01.11 (C-2), and 2.01.12 (C-3)

1. Convenient and direct access at minor/major arterial intersection. Collector/arterial intersection acceptable provided minimal access is necessary on the collector street.
2. Low-intensity commercial areas identified on the future land use map shall consist of businesses and professional offices with design criteria, which permit its use in close proximity to low-density residential areas and conforming to the allowable uses in the current zoning code for the MU-1 district.
3. Medium-intensity commercial areas identified on the future land use map shall consist of retail sales and services permitted in the C-1 and C-2 district in the current zoning code.
4. High-intensity commercial areas identified on the future land use map shall consist of mixed land uses of business and professional offices, retail sales, public buildings, hotels, banks, multifamily dwellings (including group homes), and other uses allowable in the C-3 district in the current zoning code.
5. Accessibility to and/or the ability to provide essential public services at levels of service adopted in this comprehensive plan.
6. Commercial land use designations shall be encouraged in a pattern which offers maximum accessibility, compatibility, and clustering. Commercial land use designation shall be given priority at locations exhibiting proximity to other types of nonresidential uses, including employment centers and marketing centers.
7. Commercial land use designations and accompanying proposals shall consider compatibility between commercial and surrounding land uses, including but not limited to traffic circulation, pedestrian access, hours of operation, visual impacts and landscape design.
8. Land development regulations shall include requirements for natural vegetation or other appropriate buffers and/or setbacks to minimize nuisance effects of commercial land uses which include noise, odor, glare, privacy factors and visual impacts and to minimize such commercial use intrusion into residential land use areas.
9. Land development regulations shall include requirements for locating high-, medium- and low-intensity commercial uses. These requirements shall address, but not be limited to floor area ratio, maximum lot coverage, setbacks and site plan review.

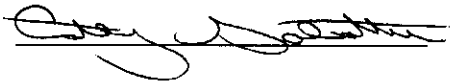
AFFIDAVIT OF POSTING

State of Florida
County of Nassau

I, Cathy Sabattini, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach as the Staff Assistant to the City Clerk; and
2. That part of my duties includes processing applications of all types; and
3. That one of the requirements for processing applications is that the notice be posted on the property; and
4. That on June 22, 2007, I posted the property with the notice of the application and hearing, for Application No: LU 2007-14 and CZ 2007-14 (Ordinances 2007-19 and 2007-20).

FURTHER AFFIANT SAYETH NAUGHT.

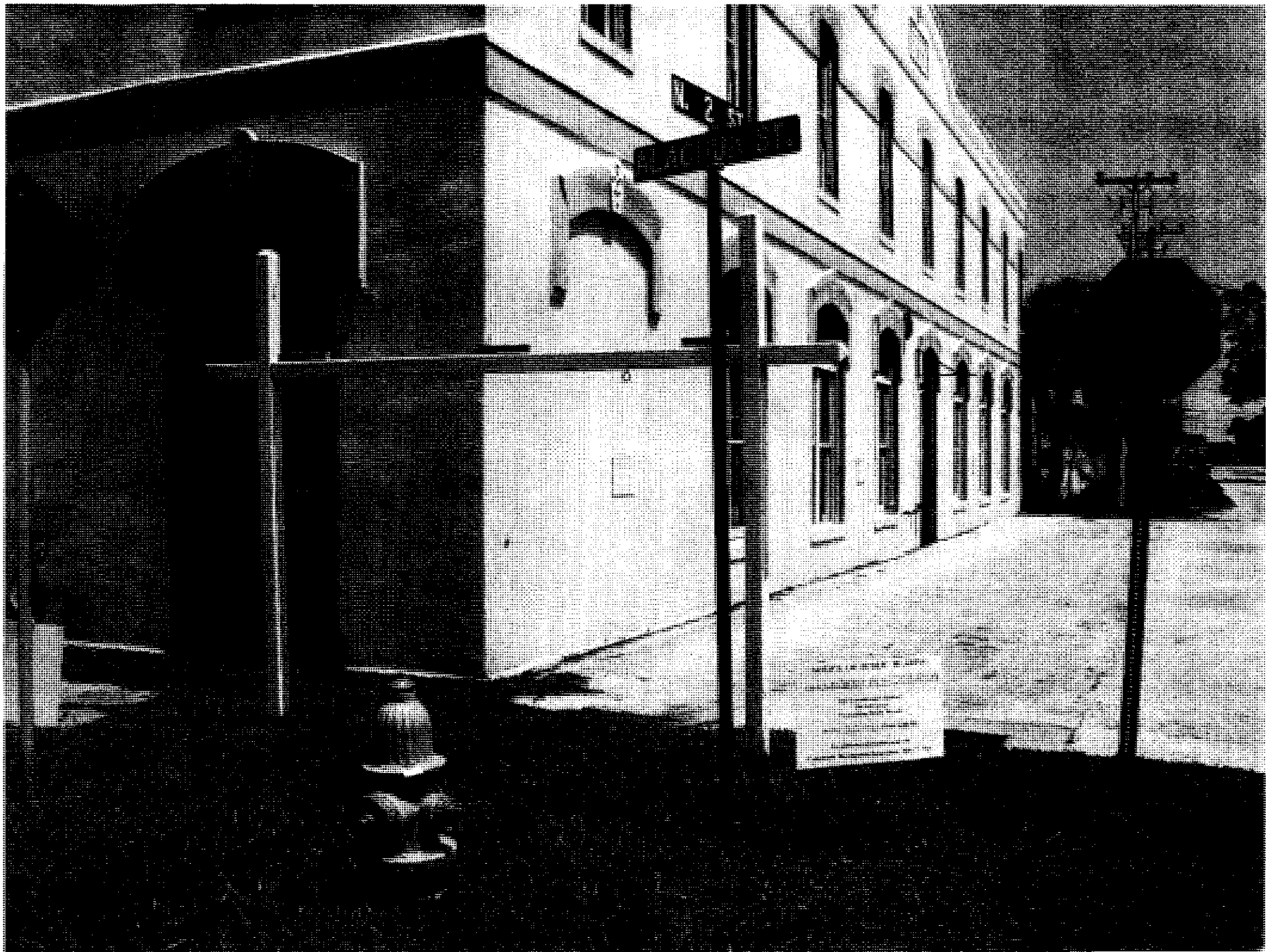


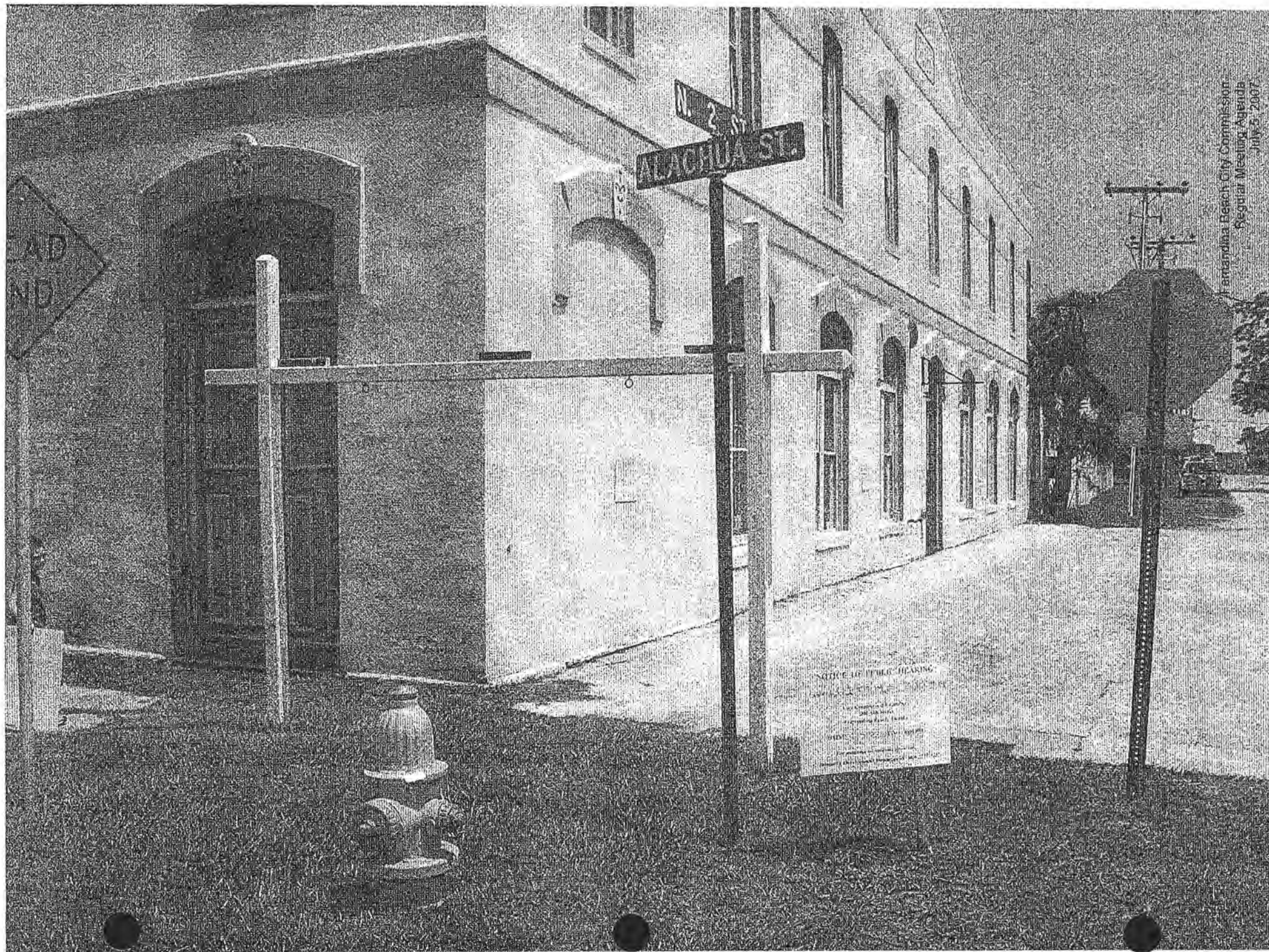
Subscribed and sworn to before me, a notary public in and for the State of Florida this 26th day of June 2007.

(Seal)

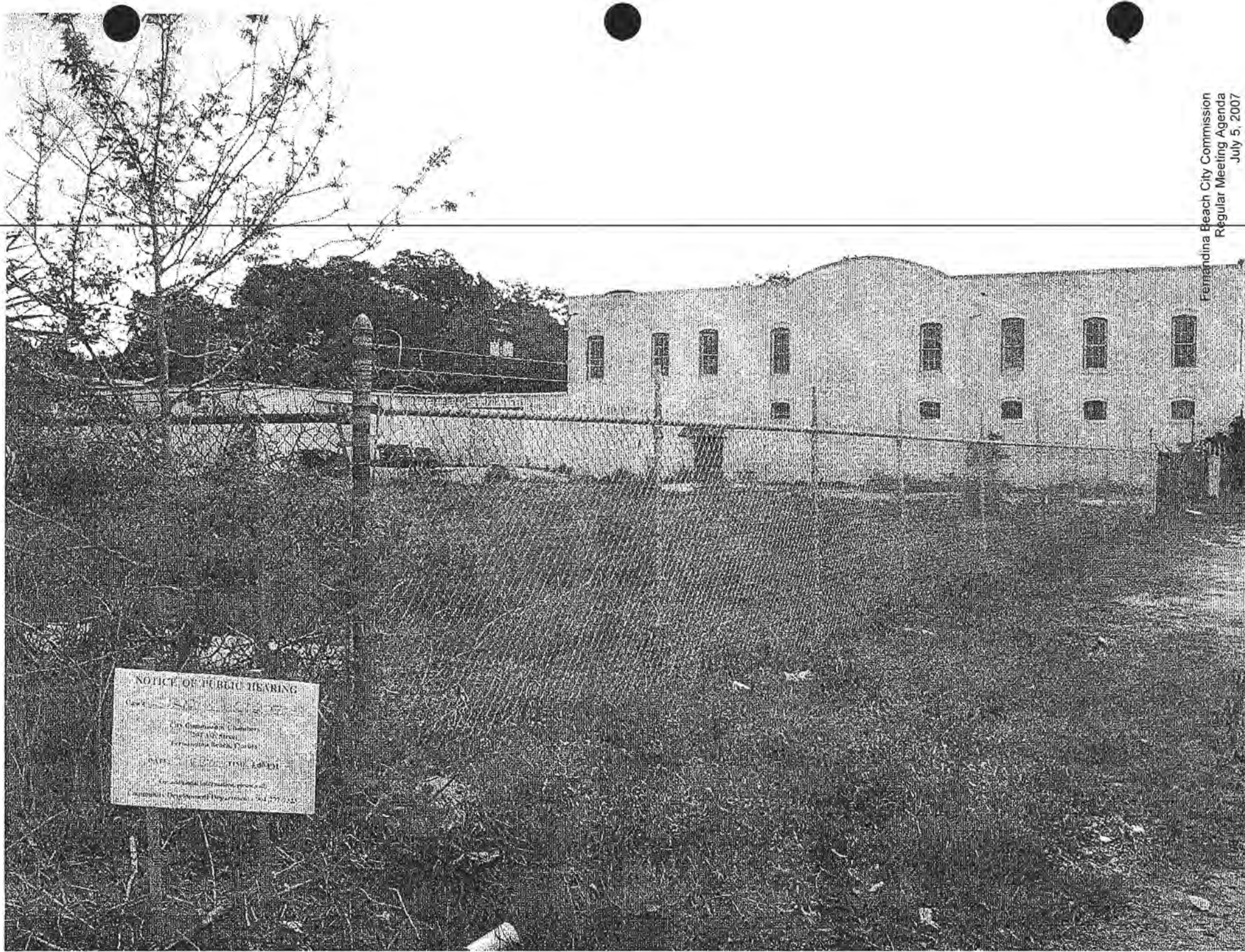


ANITALOUISE VOSMUS-ROSS
Notary Public, State of Florida
My comm. exp. Oct. 17, 2008
Comm. No. DD 363311





NOTICE OF PUBLIC HEARING
FOR THE PROPOSED
City Commission Chambers
304 Ash Street
Fort Lauderdale, Florida
DATE: 11/11/2014 11:00 AM
For additional information, please call:
Community Development Department 754.371.1125



NEWS LEADER

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the City Commission of the City of Fernandina Beach, Florida, will hold a public hearing on Tuesday, July 5, 2007 at 6:00 p.m., in the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida, on the proposed:



ORDINANCE NUMBER 2007-19
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE FUTURE LAND USE MAP FROM INDUSTRIAL TO CENTRAL BUSINESS DISTRICT, FOR PROPERTY IDENTIFIED AS BLOCK 2, LOTS 1 THROUGH 34, TOTALING APPROXIMATELY 2.07 ACRES, LOCATED ON FRONT, N. 2ND, ALACHUA AND BROOME STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NUMBER 2007-20
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE ZONING MAP FROM INDUSTRIAL (I-1) TO CENTRAL BUSINESS DISTRICT (C-3), FOR PROPERTY IDENTIFIED AS BLOCK 2, LOTS 1 THROUGH 34, TOTALING APPROXIMATELY 2.07 ACRES, LOCATED ON FRONT, N. 2ND, ALACHUA AND BROOME STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NUMBER 2007-21
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE ZONING MAP CLASSIFICATION FROM THE COMMUNITY COMMERCIAL (C-1) TO THE GENERAL COMMERCIAL (C-2) DISTRICT, FOR TWO PARCELS TOTALING 14.11 ACRES LOCATED AT 1910 SOUTH 14TH STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A copy of said proposed ordinances may be inspected by the public at the office of Planning and Zoning at 204 Ash Street, Fernandina Beach, Florida. Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered with respect to such ordinance.

ALL MEMBERS OF THE PUBLIC ARE INVITED TO BE PRESENT AND BE HEARD. IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PROGRAM OR ACTIVITY SHOULD CONTACT 277-7305 OR TDD 277-7399 OR FLORIDA RELAY SERVICE 1-800-955-8771, AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATION.
11 06-20-2007
5933

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared **Michael B. Hankins**

who on oath says that he is the Advertising Director of The Fernandina Beach *News-Leader*, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

NOTICE OF PUBLIC HEARING

July 5, 2007

City Commission of the City of Fernandina Beach

was published in said newspaper in the issues of **06-20-2007**

ref. No. 5933

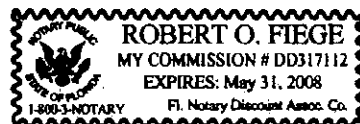
Affiant further says that the said Fernandina Beach *News-Leader* is a newspaper published at Fernandina Beach, in said Nassau County, Florida, and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Michael B. Hankins

Sworn to and subscribed before me
this **20th** day of **June**, A.D. 2007.

Robert O. Fiege
Robert O. Fiege, Notary Public

RS Personally Known



ORDINANCE NUMBER 2007-20



AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE ZONING MAP FROM INDUSTRIAL (I-1) TO CENTRAL BUSINESS DISTRICT (C-3), FOR PROPERTY IDENTIFIED AS BLOCK 2, LOTS 1 THROUGH 34, TOTALING APPROXIMATELY 2.07 ACRES, LOCATED ON FRONT, N. 2ND, ALACHUA AND BROOME STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, Lane Investment and Development, LLC, has applied for a change of zoning; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 28, 2007; and

WHEREAS, the Planning Advisory Board unanimously voted to recommend approval of the change of zoning from Industrial (I-1) to Central Business District (C-3) for application CZ 2007-14.

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

SECTION 1. PROPERTY INVOLVED. The City Commission hereby approves the change in zoning for the property identified as Block 2, lots 1 through 34, located in the block bounded by Front, N. 2nd, Alachua and Broome Streets, Fernandina Beach, Florida totaling approximately 2.07 acres, as depicted in the attached Exhibit "A"..

SECTION 2. ZONING MAP CHANGE. For the property in question, the Zoning Map change from Industrial (I-1) to Central Business District (C-3) is hereby approved.

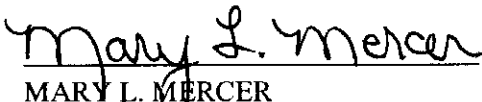
SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

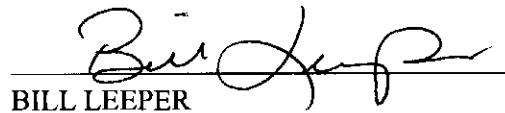
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect thirty-one (31) days after its final adoption.

ADOPTED this 5th day of July, 2007.

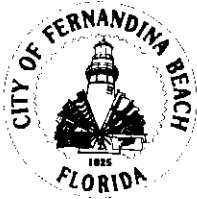
ATTEST:

CITY OF FERNANDINA BEACH


MARY L. MERCER
City Clerk


BILL LEEPER
Commissioner-Mayor

Date of First Reading:	June 5, 2007
Date of Advertisement:	June 20, 2007
Date of 2nd Reading and Public Hearing:	July 5, 2007
Effective Date:	August 6, 2007



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2007-20, CZ 2007-14: Change of Zoning, Lane Investment and Development, LLC

DEPARTMENT: PLANNING

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

SUMMARY: Lane Investment and Development, LLC has requested a change of zoning for a 2.07 acre parcel of land, (block 2, lots 1-34) located in the block bounded by Front, N. 2nd, Alachua and Broome Streets, Fernandina Beach from Industrial (I-1) to Central Business District (C-3). The Planning staff has issued a recommendation for approval. The Planning Advisory Board recommended approval 7-0 at their April 11, 2007 regular meeting. This request was approved by the City Commission at first reading on June 5, 2007 by unanimous vote. This request is to be considered by the City Commission at second reading on July 5, 2007.

RECOMMENDED ACTION: Approve Ordinance 2007-20

DEPARTMENT HEAD	Submitted: Marshall McCrary, CDD Director Requested Agenda: <i>[Signature]</i>	Date: 06/15/07 Date: 07/05/07
FINANCE DEPARTMENT	Budgeted ☐ Yes ☐ No ☐ N/A	Date:
CITY ATTORNEY	Approved for Form and Correctness <i>[Signature]</i>	Date: 6/27/07
CITY MANAGER	Approved Agenda Item for <i>[Signature]</i>	Date: 6/18/07
COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved ☐ Approved With Modification ☐ Tabled To Time Certain ☐ Other		

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CDD ☐ FIN ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PRD ☐ PWD

LU/CZ 2007-14
Ind/I-1 to CBD/C-3



LU/CZ 2007-14 Ind/I-1 to CBD/C-3



0 85 170 340 Feet

LU / CZ 2007-14
Lane Investment
April 11, 2007 PAB

1 inch equals 0.035124 miles

10/23/2006



STAFF REPORT
LU/CZ 2007-14
Small Scale Amendment to Future Land Use Map
Change of Zoning
Planning Advisory Board Hearing
April 11, 2007

Application Information

Applicant: Lane Investment and Development, LLC
Owner: Standard Marine Supply Co.
Agent: A. Jeffrey Tomassetti
Requested action: Small Scale Land Use and Zoning Map Amendment from Industrial / I-1 to Central Business District / C-3
Location: West side of North 2nd Street between Alachua and Broome Streets (Block 2, Lots 1-34)
Zoning: I-1, Industrial
Future Land Use Map category: Industrial
Size: 2.07 acres
Existing uses on the site: Standard Marine Supply Co.

All required application materials have been received. All required notices have been made.

Surrounding Area Information

	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Future Land Use</u> <u>Map category</u>
North	Florida Petroleum Port	I-1	Industrial
South	Commercial / Office	C-3 and C-2	Central Business District and General Commercial
East	Residential / Commercial / Office	C-2	General Commercial
West	Docks / Warehousing	I-W	Industrial Waterfront

Summary of Request and Background Information

The applicant has applied for a change in land use and zoning from Industrial/I-1 to Central Business District/C-3. The subject property, known as the Standard Marine site, is comprised of the block which is bounded by Front, N. 2nd, Alachua and Broome Streets. The survey supplied by the applicant indicates this property totals approximately 2.07 acres and contains 34 platted lots of record.

The current I-1 zoning does not permit residential development and limits permissible industrial uses to a 0.50 Floor Area Ratio. This results in a maximum current development potential of

45,085 square feet of industrial use. Uses permissible under the current zoning are provided in Table 2.03.02 of the Land Development Code and range from professional offices and retail stores to warehousing and manufacturing activities.

The proposed C-3 zoning would introduce residential uses to the subject property and reduce the range of allowable non-residential uses. Although the residential density associated with C-3 is 8 dwelling units per acre, the subject property contains 34 platted lots of record. Per Section 1.03.03 of the Land Development Code, "one dwelling unit may be constructed on a substandard, platted lot of record in a residential or mixed-use zoning district." C-3 is a mixed-use district, and the subject property would therefore be eligible for up to 34 residential units. C-3 zoning also provides a Floor Area Ratio of 2.00, resulting in a maximum of 180,338 square feet of commercial development.

Consistency with the Comprehensive Plan

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

The City has five public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, and Solid Waste. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential.

As stated above, the establishment of C-3 on the subject property could result in a maximum of 34 dwelling units and 180,338 square feet of commercial development. Staff estimates that approximately 550 p.m. peak hour trips could be generated by such development. Maximum industrial development under the current zoning only generates approximately 48 p.m. peak hour trips, resulting in a net potential increase of 502 trips. This calculation, however, is based on a maximum buildout scenario which is highly unlikely due to regulatory constraints on the property. For example, due to the CRA Overlay requirements that residential parking be provided on site, some land area will have to be devoted to parking and vehicular circulation. Additional constraints include the market demand for residential units rather than commercial or office space. While adequate capacity does exist on a number of the impacted roadway segments to accommodate this increase, some segments would likely fall short if the maximum buildout scenario occurred.¹

The applicant has conducted a traffic study based on the proposed development plan for the subject property (34 residential units and 3530 square feet of office space). This study has been reviewed by the Northeast Regional Council for compliance with applicable concurrency standards. In correspondence from the Council, dated November 9, 2006, the study's methodology and determination were found to be valid, and transportation concurrency was approved for the proposed development scenario. This determination indicates the availability of adequate levels of service for the transportation network. It should be noted, however, that any

¹ ITE Codes 715 and 870 average to 2.96 pm peak hour trips x 180K = 532.8
Townhome is 0.52 X 34 = 17.68
45,085 industrial = 1.08 x 45 = 48.6

significant use modifications to the development plan will require re-evaluation of this availability.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day. At the adopted level of service and the maximum density allowed by the proposed Comprehensive Plan amendments, the residential units will only consume 11,900 gallons of water per day (34 units x 350 gallons per ERC per day). The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. At the adopted level of service and the maximum density allowed by the Comprehensive Plan, the site will only generate 13,450 gallons of wastewater per day ((34 units x 2.3 persons per unit) x 172 gallons per capita per day). The Commercial facilities are calculated by an Equivalent Residential Connection (ERC) standard, which is calculated by the utilities director. The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate the proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has a contract with Stateline to dispose of solid waste, therefore the impact is irrelevant. Drainage will be reviewed in Technical Review by the City's engineering consultant. The City requires stormwater to be retained on-site.

1.01.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective land development patterns, as described below.

- a. No areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No leapfrog/scattered development or ribbon/strip commercial development patterns.**

The lots to the north and west across Broome and Front Streets are zoned and developed with industrial uses. Properties to the south are zoned and developed under C-3 and C-2, and properties to the east are zoned C-2. The mixed-use, C-3 zoning proposed for the subject property would provide an appropriate transition between the industrial properties to the north and west and the commercial / mixed use zones to the south and east.

Because the proposed project represents infill development, no leapfrog development is occurring, and public facilities are generally available to the area.

1.01.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;**
- b. Zoning districts in the surrounding area;**
- c. Appropriateness of the size of the parcel compared to the proposed use;**
- d. Physical condition of the site, and the suitability of soils and topography for the proposed use;**
- e. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive areas, flood zones, or historic resources;**
- f. Compatibility factors;**
- g. Impact on adopted levels of service; and**
- h. Location in a Coastal upland protection zone.**

The uses in the general vicinity vary from industrial to commercial. Limited residential development exists in the immediate area and lies primarily to the east. The sizes of the parcels are consistent with the historic platted lot configuration. The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, the site is not a greenfield. It has been used to support various developments over the last 150 years. The site is not located in a Coastal Upland Protection Zone, and the levels of service are discussed above.

1.06.08. (f) A proposed amendment to the FLUM to increase the land area within the Central Business District land use category shall demonstrate the suitability of the proposed site based on:

- 1. The need for additional land area within the Central Business District; and land use category;**
- 2. Consistency of the land area with the characteristics of the Central Business District; and;**
- 3. Consistency of the land area with the characteristics of the downtown.**

The applicant has not provided data to support the potential increase in commercial uses. The use of C-3 in this instance, however, is anticipated to focus on residential development. As this property lies within the CRA, its use for the expansion of residential offerings in the downtown area is appropriate and encouraged.

The property involved is consistent with the characteristics of other properties within the Central Business District and represents a logical extension of the urban fabric of downtown Fernandina Beach.

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

With the adoption of the 2006-02 Large Scale amendment, the City's Comprehensive Plan no longer identifies this property as lying within the Coastal High Hazard Area.

5.07.04. The City shall prohibit amendments to the FLUM which result in a net increase in residential density in the CHHA except within the Community Redevelopment Area.

The proposed zoning change does represent an increase in residential density on this property. As stated above, however, this property is no longer located within the CHHA.

5.07.06. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from the CHHA. Development and/or redevelopment in the CHHA shall not increase the intensity currently allowed by the Comprehensive Plan.

The increase in capacity would be the increase from a FAR of 0.5 to 2.0. Because the property no longer lies within the CHHA, the requested zoning and land use is consistent with this policy.

Consistency with the Land Development Code

The requested zoning is C-3, a mixed-use district which supports a variety of residential and commercial land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

Section 2.01.12 of the Land Development Code states the intent of the C-3, Central Business District, zoning classification.

The C-3 district is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The range of uses permitted under C-3 does provide for consistency with existing zoning and development to the south and east. Additionally, the property is well-situated to provide an appropriate transition to the industrial uses to the north.

The City has endorsed redevelopment of this property as a part of the Community Redevelopment Area. A land use and zoning conversion to CBD/C-3 will work to support and facilitate this needed redevelopment. As all surrounding properties are also located within the CRA, it can be expected that future requests for conversion from Industrial to mixed use will be forthcoming. In addition to the new land use pattern which will be evolving in this area, much needed improvements to the supporting infrastructure will occur. The subject property makes an effective starting point for the continuation of the downtown character northward on N. 2nd Street.

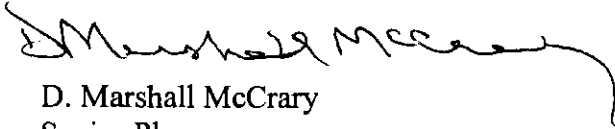
Conclusion

The requested zoning and land use change is consistent with the Comprehensive Plan and Land Development Code and provides a mechanism for the redevelopment which is fostered by the Community Redevelopment Area.

Recommendation

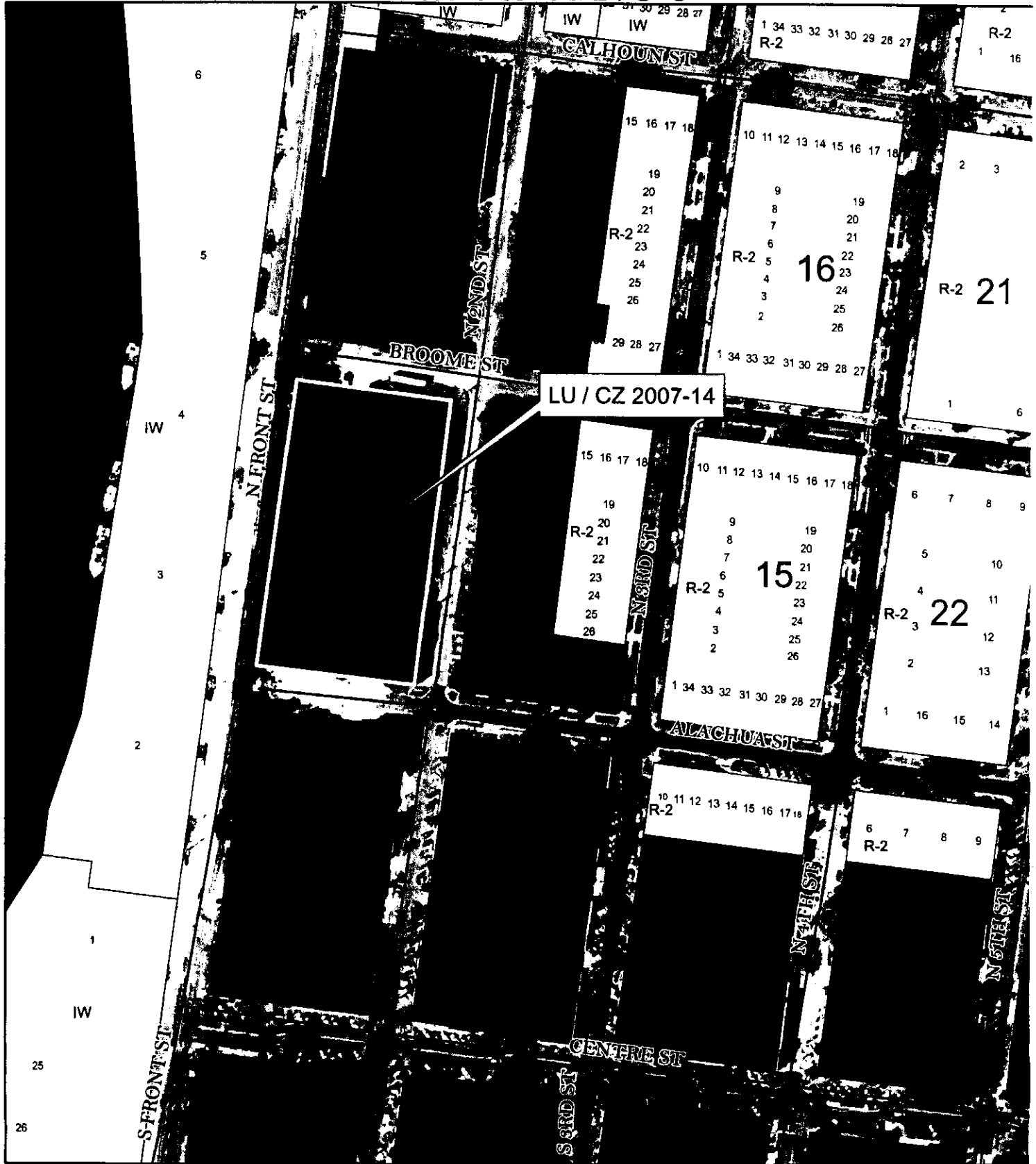
Staff recommends approval of the change from I/I-1 to CBD/C-3.

Submitted by:

A handwritten signature in black ink, appearing to read "D. Marshall McCrary", with a long, sweeping horizontal stroke extending to the right.

D. Marshall McCrary
Senior Planner

LU/CZ 2007-14
Ind/I-1 to CBD/C-3



0 85 170 340 Feet

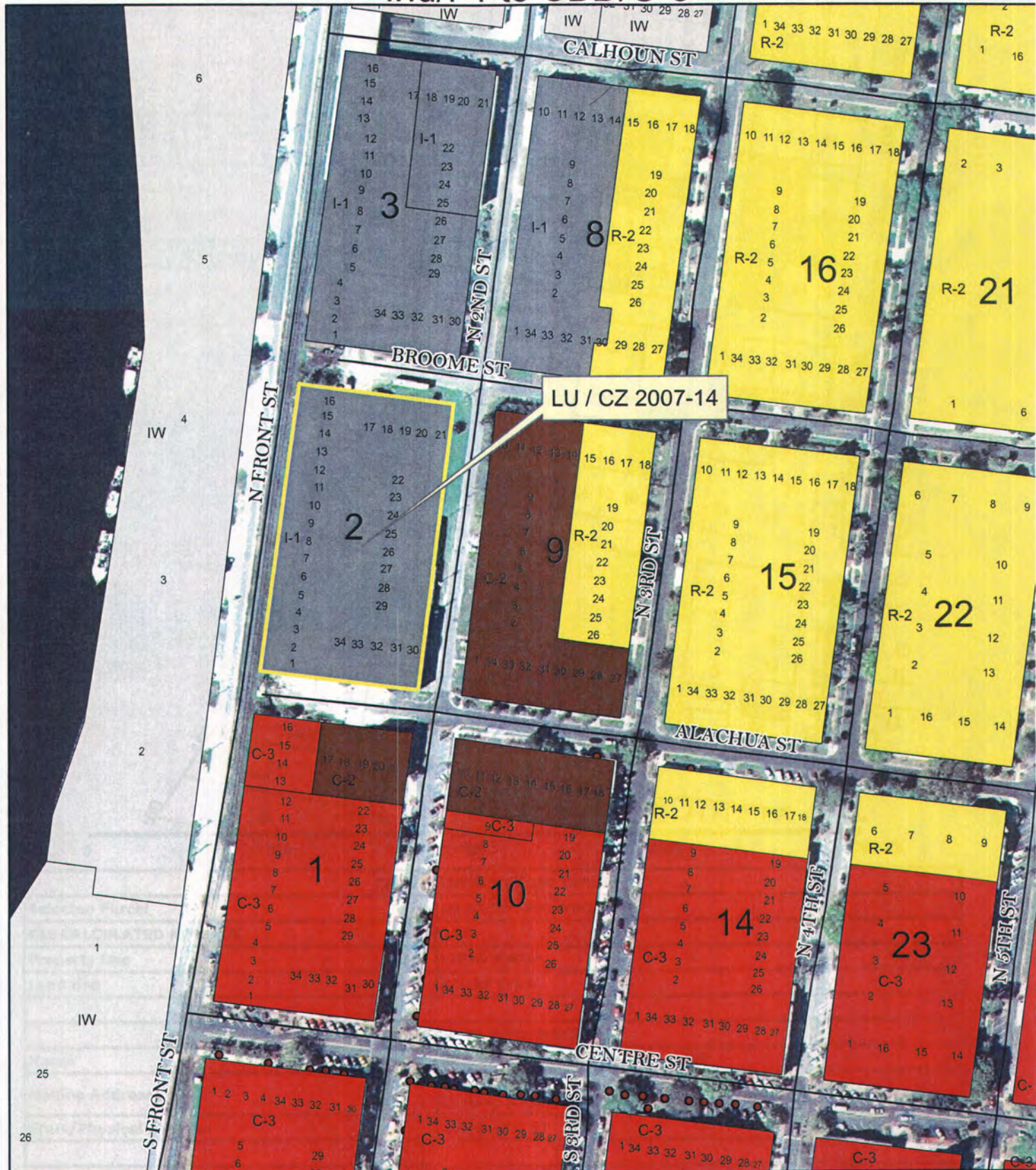
LU / CZ 2007-14
Lane Investment
April 11, 2007 PAB

1 inch equals 0.035124 miles

10/23/2006



LU/CZ 2007-14 Ind/I-1 to CBD/C-3



0 85 170 340 Feet

LU / CZ 2007-14
Lane Investment
April 11, 2007 PAB

1 inch equals 0.035124 miles

10/23/2006



I. Call to Order

Chair Bennett called the meeting to order at 5:30 pm.

II. Roll Call/Determination of Quorum

APPROVED

Board Members Present

Mark Bennett, Chair
David Beal
William A. Conger
Shaun Woleshin

Paul Condit, Vice-Chair
Richard Bradford
Marilyn Williamson
Eric Bartelt (alternate)

Board Members Absent

Robert Howat (alternate)

Others Present

Debra Braga, City Attorney
Marshall McCrary, Interim Community Development Department Director
Jessica Williams, Recording Secretary

III. Approval of Minutes

According to the agenda support documents, the Special Meeting of March 14, 2007 was presented for approval. Chair Bennett corrected page 10 the second paragraph to reflect Marine Recreation. Member Conger pointed out that he had comments about the religious section and he thought that he had said for the record that he was against that section. He requested that his aversion to that section on religious requirements be included in the Minutes. **A motion was made by Member Conger, seconded by Member Williamson, to approve the Minutes as amended. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

IV. New Business

City Attorney Braga briefly described the process for quasi-judicial hearings. Recording Secretary Williams administered the oath to those parties that were about to present testimony.

Member Bartelt disclosed that he visited the properties. Member Woleshin disclosed that he visited the properties and recused himself from items 4.1 and 4.2. Chair Bennett disclosed that he had been by the properties. He also disclosed a call from a reporter with the Jacksonville Business Journal wanting information on the Surf property. Member Conger disclosed that he visited all the properties. Member Bradford disclosed that he visited the properties. Member Beal disclosed that he visited the properties. There were no other ex parte communications to be disclosed by the Board.

Mr. McCrary explained that items 4.4 and 4.5 the applicant requested to be heard earlier on the agenda due to a timing conflict. There were no objections to this agenda change.

Preliminary Plat

Surf Properties LLC, 3199 South Fletcher Avenue (PPL 2007-02), preliminary plat requested for the Surf Unit Three. (*Quasi-Judicial*)

The board deviated from the agenda and this case was heard after the Standard Marine cases.

Surf Properties LLC, 3199 South Fletcher Avenue (PPL 2007-03), preliminary plat requested for the Surf Unit Two. (*Quasi-Judicial*)

The board deviated from the agenda and this case was heard after the Standard Marine cases.

Change of Zoning

Island Walk Associates, LLC, 1910 South 14th Street (CZ 2007-13), change of zoning from C-1: Community Commercial District to C-2: General Commercial District. (*Quasi-Judicial*)

The board deviated from the agenda and this case was heard after the Standard Marine cases.

Standard Marine Supply Company "Lane Downtown Fernandina," 101 North 2nd Street (CZ 2007-14), change of zoning from industrial to C-3: Central Business District. (*Quasi-Judicial*)

Mr. McCrary presented details of the request as contained in the agenda support documents. He pointed out that this property was no longer located within the Coastal High Hazard Area as result of the changed definition. Recording Secretary Williams administered the oath to those parties that were about to present testimony.

Member Conger requested an overview of the differences if any between this request and anything that has come through Lane Development. Mr. McCrary commented that he didn't believe the board considered a request on this particular piece of property. He noted that other properties within the CRA were considered by this board. He pointed out that when they were processed through this board before staff provided a recommendation of denial for similarly situated properties predominantly tied to the limitation in the Comprehensive Plan to increase density within the Coastal High Hazard Area. He explained that the Comprehensive Plan amendment hadn't been put into effect yet, and it only went into effect March 28, 2007. Chair Bennett noted that the 34 units were geared to the number of platted lots. He inquired if there was any language to build a unit on a particular lot. Mr. McCrary explained that it ties into the zoning and C-3 allows for mixed use development and alternate housing styles. He stated that it has to be a unified development plan that uses the properties associated with those lots of record, but they don't necessarily have to be tied into that specific boundary. Member Bartelt requested clarification of the statement "a total build out of this project was unlikely". Mr. McCrary explained that it was important to remember that FLUM amendments are to be assessed based on the worst case scenario. He pointed out the tremendous difference in potential Floor Area Ratio generated by this change. He explained that the main impact this potentially has on the City is an increase in traffic. He stated that he believed that it was perfectly adequate for the City to identify the fact that we operate under the concurrency Ordinance and indicate that the level of service be maintained for whatever is developed there. He pointed out that the applicant provided concurrency to illustrate that the proposed development plan can be sustained by the transportation network. Chair Bennett referred to the capacity for water and sewer and inquired if projects in the pipeline for planning purposes are included in that or was it only the existing units. Mr. McCrary replied that could conceivably include some things that haven't been built because it is based

on plans that are approved and endorsed by the Utilities Director and that would be factored into the anticipated consumption.

A motion was made by Member Condit, seconded by Member Bradford, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Mr. Jeffrey Tomassetti, 406 Ash Street, agent for the applicant, explained that it was their intention to build 34 residential units primarily town homes that fit within the overlay that was developed. He noted that the overlay provides for the height limitations and the step back. He stated that all parking would be put onsite. He explained that they were looking to move along with the overall City plan by changing the FLUM and the zoning to C-3, which would then bring them within the CRA overlay. He pointed out that the developer's representative and the engineer were available for specific questions noting that plans do change and they would have to comply with all City codes and concurrency. Member Bradford inquired about parking for commercial/retail property. Mr. Tomassetti stated that the CRA overlay includes commercial. Mr. McCrary pointed out that it would have to be provided onsite or a payment in lieu of. Mr. Tomassetti explained that there are physical limitations and the idea of maxing out commercial and maxing out residential on one site he didn't think was possible, but that was how it had to be evaluated. Member Conger referred to the preliminary site plan and noted that 2nd Street parking was diagonal facing southwest. He pointed out that a portion of 2nd Street is one-way north and suggested turning those spaces around in case all of 2nd Street was made one-way. Mr. Tomassetti noted this suggestion and clarified that the parking would be on-site. Mr. McCrary commented that he thought they were illustrating a possible streetscape scenario along North 2nd Street. Member Bartelt inquired if this property would require a retention pond. Mr. McCrary replied stormwater does have to be retained onsite. He stated that whether it is a submerged system or something that is part of the interior courtyard was yet to be discovered.

Mr. Brian McCarthy, 212 North 14th Street, explained that he owns property to the east with C-2 zoning. He stated that as a business owner and resident he felt that without developments like Lane Development the downtown business district would suffer. He clarified that he felt that without downtown development businesses would not do well. He suggested the board give a favorable recommendation for this, because he thought it would be good for everybody.

Ms. Marilyn Leibman, 1792 Arbor Drive, commented that it would be terrific to get started with development downtown. She questioned whether these would be condominiums or town homes. Chair Bennett pointed out that the land use and zoning speaks to residential, but the type of ownership would not be addressed. There was a brief discussion to clarify this further.

A motion was made by Member Williamson, seconded by Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. City Attorney Braga stated that based on all the evidence heard including all the written materials in the packet and the sworn testimony there was substantial competent evidence. A motion was made by Member Bradford, seconded by Member Condit, to send to the City Commission approval of LU 2007-14. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

A motion was made by Member Condit, seconded by Member Bradford, to forward CZ 2007-14 to the City Commission with a recommendation for approval. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Land Use Amendment

Standard Marine Supply Company "Lane Downtown Fernandina," 101 North 2nd Street (LU 2007-14), Land Use Amendment from Industrial to CBD: Central Business District. (*Legislative*)

This item was considered in conjunction with CZ 2007-14.

Preliminary Plat

It was noted that Member Woleshin would recuse himself from PPL 2007-02 and PPL 2007-03. A motion was made by Member Conger, seconded by Member Williamson, to seat Member Bartelt for these two cases. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Surf Properties LLC, 3199 South Fletcher Avenue (PPL 2007-02), preliminary plat requested for the Surf Unit Three. (*Quasi-Judicial*)

Mr. McCrary presented details of the request as contained in the agenda support documents. Chair Bennett noted that the last time staff provided a summary of where we are and where we've been. He commented that he had to go back to that information to have a better understanding of where we were. He noted that this was the second and third of five units for a total of 37 residential lots on 3.8 acres. He commented that he compared the number of lots to the size and some looked like they were much larger density wise than what would be permitted. Mr. McCrary reminded the board that the City was assessing the site overall and an individual piece may come forward that seems like a lot more lots on a smaller land area, but the overall site is accommodating stormwater, amenities, and interior circulation. He pointed out that what was before the board was in keeping with the previously approved plans. Member Williamson noted that they were rerouting traffic out the back. She commented that concessions were made to allow them to consolidate some of the density in other areas in order to open up a way to allow the traffic flow.

A motion was made by Member Condit, seconded by Member Conger, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Mr. Michael Antonopoulos, 1405 Park Avenue, reminded the board that the lots that front Fletcher the density on those lots was exactly the same because of the beach overlay Ordinance. He pointed out that the lots to the rear do not fall under the beach overlay Ordinance and can be reconfigured in different ways. He explained that there is a large tract that is dedicated for common amenities and stormwater. He further explained that the approved engineering plans followed the Board of Adjustment waiver and these plats follow the approved engineering plans.

There being no comments from the floor, a motion was made by Member Williamson, seconded by Member Condit, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. City Attorney Braga stated that based on all the evidence heard there was substantial competent evidence including the sworn testimony and the written materials contained in the packet. A motion was made by Member Williamson, seconded by Member Bradford, to forward PPL 2007-02 to the City Commission with a recommendation of approval. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Surf Properties LLC, 3199 South Fletcher Avenue (PPL 2007-03), preliminary plat requested for the Surf Unit Two. (*Quasi-Judicial*)

Specifics of this case were discussed with the previous case. A motion was made by Member Williamson, seconded by Member Bradford, to forward PPL 2007-03 to the City Commission with a recommendation of approval. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Member Woleshin was reseated as a voting member at this time.

Change of Zoning

Island Walk Associates, LLC, 1910 South 14th Street (CZ 2007-13), change of zoning from C-1: Community Commercial District to C-2: General Commercial District. (*Quasi-Judicial*)

Mr. McCrary presented details of the request as contained in the agenda support documents. Member Condit inquired about other uses that would be allowed with this change. Mr. McCrary explained that car rental agencies would be one of them. He commented that there are a number of uses in C-2 including automobiles sales and animal hospital/veterinary clinic. Chair Bennett pointed out that financial institutions and grocery stores are not allowed in C-1, but there is a major grocery store there. There was a brief discussion about this and other uses allowable in C-2.

Chair Bennett inquired if staff saw any problem with parking. Mr. McCrary commented that a change in tenancy is always an issue associated with a mix of retail establishments and parking might occasionally have to be reassessed. He explained that in this particular shopping center he imagined that there was ample parking to accommodate just about any tenant mix that could be established there.

A motion was made by Member Williamson, seconded by Member Bradford, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Mr. Jeffrey Tomassetti, 406 Ash Street, agent for the applicant, explained that they were trying to line up the zoning code and land uses associated with this property. He pointed out that the CVS on the opposite corner was C-2, the shopping center across the street on Sadler was C-2, but for some reason this property was C-1. He commented that the K-Mart is actually in C-2. He explained that the shopping center wants to accommodate a new tenant. He pointed out that Enterprise Rent-A-Car is an on demand rental agency for neighborhoods, but they are not maintaining a big rental car company there. He stated that they were trying to change the zoning to line it up for their needs in a place that was fully appropriate for it. Member Williamson inquired where the offices would be located. Mr. Tomassetti replied adjoining Bealls.

There being no comments from the floor, a motion was made by Member Williamson, seconded by Member Conger, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. A motion was made by Member Williamson, seconded by Member Bradford, to send forward CZ 2007-13 to the City Commission with a recommendation of approval. City Attorney Braga stated that based on all the evidence heard including the written documentation and the sworn testimony there was substantial competent evidence. After a brief discussion, vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

V. Staff Report

Member Williamson pointed out that when the board was doing the Land Development Code (LDC) one of her concerns with C-3 was that if the City uses the same categories in the CRA that already exist that the City would end up in a situation where instead of it being a true mixed use that the City would end up with all residential and no commercial. She explained that the board felt that was interfering with business and felt that the market should make that decision. She commented that her other concern was that the board never really got a traffic study for the downtown area or had a discussion of how many streets would have to go one-way to accommodate increased traffic. She pointed out that she kept arguing the fact that there would be 8 units per acre and with lots of record using the same categories instead of brand new ones that the City would end up with 34 units per acre, which was what happened tonight. She stated that she was not happy with the direction that the City was heading downtown. She expressed her concern that residential was going to overwhelm the C-3 area and the City would wind up with primarily residential downtown. She provided further comments about this noting that the board made the appropriate decision based on the guidelines that are in place now.

Mr. McCrary reported that the Community Development Department was trying to keep everything on track. He requested the board's patience if the department was a little slow in responding to something, since the department was still short staffed.

Mr. McCrary pointed out that the City Commission adopted the CRA overlay at second reading last Tuesday night with a minor amendment specifically removing one view corridor at Alachua. He noted that the Commission was less than thrilled with the view corridors and the potential impact to individual property owners. He explained that the Commission was interested to see the product that Mr. Tilson comes up with for the design guidelines and how that would mesh with the standards that were adopted as part of the overlay. There was some discussion about the CRA overlay that was passed noting that the City Commission had Minutes from the PAB when it was discussed.

Member Bradford inquired about the status of the lawsuit relating to the CRA overlay. City Attorney Braga explained that she was directed by the City Commission not to file the declaratory action judgment until after the public hearing, which was held in March but she had not received any further direction from the Commission.

There was some discussion about the view corridors noting that the Commission removed one view corridor at Alachua. Member Bartelt noted that there was a comment made that when these matters come back to the City Commission they would be dealing with them top down. He commented that means the City Commission would approve them and then send them to PAB. City Attorney Braga explained that comment was made, but the way the statute is worded it goes to the PAB first. There was some discussion about this noting that the work done at the PAB is very important.

Member Conger inquired about the timeframe for getting an absolute final clean issue of the LDC. Mr. McCrary replied that the board has the official version, but it had not passed yet. He explained that when it was passed the board would get a reprint. He stated that staff had a Comprehensive Plan amendment packet that would be distributed to all members that reflect the updates that have gone through.

Member Bradford commented that he attended the Workshop with the property owners and the City Commission. He pointed out that the public wanted view corridors and boardwalks, but he didn't hear any where the public helped those people pay taxes on the property that they bought as private property. He explained that if and when it comes back he thought the board needed to keep in mind that this was private property and listen to the rights of the private property owners to develop their property within the guidelines set forth. Chair Bennett explained that one of his concerns with view corridors was the potential for taking property without just compensation and not treating everyone as

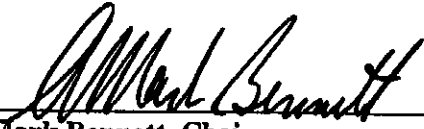
equals. There was an extensive discussion about view corridors and public access. It was noted that redevelopment would have to occur for requirements of the CRA overlay to come into effect.

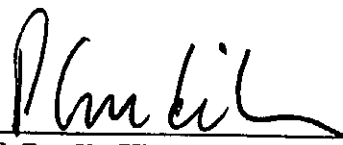
VI. Board Business

There was a brief discussion about the voter turnout at the election.

VII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 7:00 p.m.


Mark Bennett, Chairman


Paul Condit, Vice Chair

**CITY OF FERNANDINA BEACH, FLORIDA
PLANNING ADVISORY BOARD**

TO: Fernandina Beach City Commission
Fernandina Beach, FL 32034

RE: **REPORT ON COMMERCIAL ZONING CLASSIFICATION CHANGE**

On April 11, 2007, after due notice, the Planning Advisory Board held a public hearing to consider Change in Zoning for 2007-14.

- A. Applicant: Standard Marine Supply Company "Lane Downtown Fernandina,"
101 North 2nd Street.
- B. Request: CHANGE OF ZONING FROM INDUSTRIAL TO C-3: CENTRAL
BUSINESS DISTRICT.

Having reviewed and considered the Application and attachments thereto and the testimony from those present at the public hearing as well as the City Staff Report on this Application, the Board considered the following factors in Objective 1.01 of the Comprehensive Plan, as well as the general criteria in evaluating this proposed zoning classification change:

Decisions on zoning classification changes shall be based on analysis of the following items:

- a. SURROUNDING USES: FL Petrol; Comm office; Resid &
Commercial; DOCKS - Warehouse
- b. SURROUNDING ZONING: I-1; C-3/C-2/C-2/I-W
- c. ACREAGE: 2.07
- d. SOILS AND TOPOGRAPHY: Flat topo - Aged Soil
- e. DESCRIPTION OF SITE (re suitability, presence or absence of natural resources, environmentally sensitive areas, flood zone, historic resources): _____
- f. IMPACT ON ADOPTED LEVELS OF SERVICE: Acceptable
- g. LOCATION: ☐ Coastal Protection zone ☐ Coastal Upland Protection zone:
Not in CHHA

OTHER CRITERIA FOR COMMERCIAL ZONING CHANGES

Policy 1.06, Comprehensive Plan, and Land Development Code,
2.01.09 (MU-1), 2.01.10 (C-1), 2.01.11(C-2), 2.01.12 (C-3)

(If NO explain)

YES NO FINDINGS OF FACT

- | | | |
|-------------------------------------|--------------------------|---|
| ☒ | ☐ | 1. Convenient and direct access at minor/major arterial intersections or collector/arterial intersection if minimal access is necessary on the collector street. |
| ☒ | ☐ | 2. Accessibility to or the ability to provide essential public services consistent with section 7.04.00. |
| ☒ | ☐ | 3. Pattern of development, considering accessibility, compatibility, and clustering, with priority at locations exhibiting proximity to other types of nonresidential uses, including employment centers and marketing centers. |
| ☒ | ☐ | 4. Compatibility between commercial and surrounding land uses, including traffic circulation, pedestrian access, hours of operation, visual impacts and landscape design. |

AFTER DISCUSSION, motion was:

Made by Board Member Chait
Seconded by Board Member Bradford to recommend:

Zoning Classification Change CZ-2007-14 be:

☒ **Approved** as presented.

☐ **Disapproved** for the following reasons:

The Motion **PASSED** ~~[FAILED]~~ by a vote of 11 YES ____ NO.

The Planning Advisory Board respectfully recommends to the City Commission that Zoning Classification Change 2007-14 be: **APPROVED** ~~[DENIED]~~.

Mark Bennett
Chair

4/11/07
Date

Phindil
Vice-Chair

4/11/07
Date

GENERAL CRITERIA IN THE FERNANDINA BEACH COMPREHENSIVE PLAN
FOR FLUM & ZONING CLASSIFICATION CHANGES

OBJECTIVE 1.01. GROWTH MANAGEMENT. The City shall implement growth management techniques to ensure that land use decisions are consistent with the FBCP, to provide land development regulations consistent with accepted planning principles and practices, to ensure that public services and facilities are provided when needed by development, to control instances of sprawl, and to encourage creativity in land use and design.

POLICY 1.01.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;
- b. Zoning districts in the surrounding area;
- c. Appropriateness of the size of the parcel compared to the proposed use;
- d. Physical condition of the site, and the suitability of soils and topography for the proposed use;
- e. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive areas, flood zones, or historic resources;
- f. Compatibility factors;
- g. Impact on adopted levels of service; and
- h. Location in a Coastal upland protection zone.

OBJECTIVE 1.02. NATURAL RESOURCE PROTECTION. The City shall ensure consistency between the land development process and the natural environment by directing development densities and intensities to those areas having the greatest capacity for absorbing development while protecting those environmentally sensitive areas, which have lower tolerance for urbanization.

OBJECTIVE 1.04. NONCONFORMITIES. The City shall eliminate or reduce nonconforming land uses and nonconforming structures.

OBJECTIVE 1.06. LAND USE CATEGORIES. The City shall ensure that suitable land is available for residential, commercial, industrial, and public use. Suitability shall be based on the availability of services and facilities and the ability of the land to be developed, while respecting the integrity of the built and natural environment.

OBJECTIVE 1.07. COMMERCIAL LAND USE CONVERSION

The City shall require that requests for commercial land use designations meet criteria to ensure appropriate locations and patterns of commercial development.

1.07.01. The location and distribution of commercial activities shall be based on the following considerations:

- a. Trip generation characteristics, including impact on transportation roadway facilities and off-street parking systems;

- b. Location and site requirements based on specific needs for respective commercial activities, their market area, anticipated employment generation, and floor area requirements;
- c. Compatibility with and impact on nearby residential and other surrounding commercial activities;
- d. Relationship to surrounding land uses and natural systems to avoid adverse impact; and
- e. Impact on existing and planned community services and utilities.

1.07.02. Commercial development shall be concentrated in strategically located areas. These areas shall have location characteristics, which best accommodate specific land, site, public facilities, and market location requirements of respective commercial uses. Strip commercial development shall not be extended into stable residential areas. The existence of commercial areas on one (1) corner of an intersection shall not dictate the development of all corners with the same or similar use; nor does the existence of commercial development on a major thoroughfare dictate that all frontage must be similarly used.

Commercial development decisions shall promote the function of the historic downtown as a center for government and institutional services, as well as a focal point for tourism, retail trade, business and professional offices, and civic and cultural enrichment.

RECEIVED

FEB 26 2007

DATE STAMP:

PLANNING & ZONING
FERNANDINA BEACH, FLORIDA

ACCEPTED BY: MM

APPLICATION NO.: CZ 2007-14

IMS TRACKING NO.: 2007-000000362

APPLICATION FEE: \$ 850.00

**APPLICATION FOR ZONING CLASSIFICATION
AMENDMENT**

**PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH, FLORIDA**

1. APPLICANT'S INFORMATION:

Applicant(s): Lane Investment and Development, LLC
Address: 5555 Glenridge Connector, Suite 700
Address 2. Atlanta, Georgia 30342

Telephone: (404) 459-6100
Fax: (404) 459-6248
Email: emonarchik@lanecompany.com

2. OWNER'S INFORMATION:

Applicant(s): Standard Marine Supply Co.
James B. Hardee, Jr. President
Address: P.O. BOX 5001
Address 2. Tampa, FL 33605-5001

Telephone: (813) 248-4905
Fax: (813) 247-4386
Email: _____

3. APPLICANT'S AGENT INFORMATION:

Applicant(s): A. Jeffrey Tomassetti, Esq.
Address: 406 Ash St. Fernandina, FL 32035

Telephone: (904) 261-1833
Fax: (904) 261-8023
Email: ajtlaw@bellsouth.net

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER INFORMATION:

Surveyor: Robert D. Richards Surveying, Inc.
Address: 8567 C.R. 13 North St. Augustine, FL 32093

Telephone: (904) 940-0721
Fax: (904) 940-5896

Engineer: Avid Group
Address: 8659 Baypine Rd Suite 304 Jax, FL 32256

Telephone: (904) 737-4100
Fax: (904) 737-4001

5. PROPERTY INFORMATION:

Project Name: Lane Downtown Fernandina
Street Address: 101 N 2ND Street
Lot Number: 1 Thru 34 Block Number: 2 Subdivision: City of Fernandina
Section: _____ Township: _____ Range: _____
Nearest Street Intersection: Broome and 2nd Street
Parcel Identification Number(s): 00-00-31-1800-0002-0010

6. AREA INFORMATION:

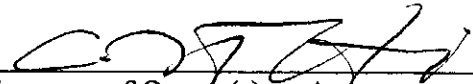
Under an acre Sq. Footage: _____ Over an acre: Acres: 1.981 Number of Lots/Parcels: 34
Existing Zoning Classification: Industrial
Existing Future Land Use Classification: Industrial
Existing Land Use: Light Manufacturing. Currently not in use.
Previous Planning/Zoning Approvals: _____

7. ZONING CLASSIFICATION

AMENDMENT SOUGHT:

Applicant seeks to change the existing zoning district of Industrial to a zoning district of Central Business District (C-3).

The undersigned having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.


Signature of Owner(s) or Agent

A. Jeffrey Tomassetti
Print name of Owner(s) or Agent

STATE OF FLORIDA
COUNTY OF NASSAU

Subscribed and sworn to before me this 23 day Feb., 2007.

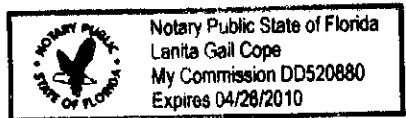
Lanita Gail Cope
Notary Public: Signature

LANITA GAIL COPE
Printed Name

My Commission Expires: _____

Individual making statement is ☒ personally known or _____ produced information.

Type of identification produced: _____



OWNERS AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA
Agent Authorization Form

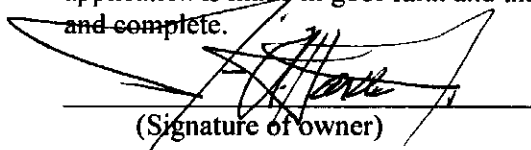
EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I/WE Standard Marine Supply Corp., a Florida Corporation
(print name of property owner)

hereby authorize Mr. Ed Monarchik, Lane Southeast, LLC & Mr. A. Jeffrey Tomassetti
(print name of agent)

to represent me/us in processing and application for Zoning Classification Amendment

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


(Signature of owner)

Mr. James B. Hardee, President

State of Florida

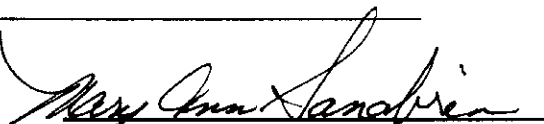
County of HILLSBOROUGH

Sworn to and subscribed before me on this 21ST day of FEBRUARY, 2007,

by JAMES B. HARDEE, JR.
(name of person making statement)



Mary Ann Sanabria
My Commission DD312033
Expires June 15, 2008


Signature of Notary Public
State of Florida

MARY ANN SANABRIA
Print, type or stamp commissioned
Name of Notary Public

My Commission
Expires: 6/15/08

Individual making statement is ☒ personally known or ☐ produced identification.

Type of identification produced _____.

IS SHOWN ON THE OFFICIAL PLAT OF SAO CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND RETISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901)

ALL THAT CERTAIN LOT, PIECE OR PARCEL, OF LAND WITHIN A TRACT AND MORE IN THE CITY OF PENNSAULA BEACH (FORMERLY NAMED PENNSAULA) COUNTY OF ALABAMA AND TOWNSHIP OF ALABAMA AND MORE OR LESS OF THE SPECIAL P.L.T. OF THE TOWN CITY OF PENNSAULA BEACH INCORPORATED AND MORE OR LESS OF THE PUBLIC RECORDS OF ALABAMA COUNTY, ALABAMA INCORPORATED IN 1887 AND SUBSEQUENTLY RE-INCORPORATED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1937 AND 1951) AS THE NORTH HALF PART OF THE NORTH HALF PART OF THE CITY OF PENNSAULA BEACH, ALABAMA.

THE LANDS LOCATED IN THE CITY OF PUEBLO, COLORADO, COUNTY OF BUREAU, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AND MORE FULLY SET FORTH IN THE OFFICIAL MAP OF SAID CITY (UNRECORDED) AND IN THE PUBLIC LANDS COMMISSION REPORT AND RECORD, RECORDED AND APPROVED BY THE PUBLIC LAND COMMISSION COMMISSION IN 1937 AND 1938 ARE HEREBY OFFERED FOR SALE TO THE PUBLIC BY THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, AND ARE OFFERED FOR SALE FOR THE FIRST TIME SINCE 1938.

ONE E. BENTLEY ST., SUITE 2, FORTLAUDERDALE, FLORIDA, AS SHOWN ON THE OFFICIAL PLAT OF THE CITY OF FORTLAUDERDALE WHICH WAS RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF LARIMER, COLORADO, IN 1977 AND RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF LARIMER, COLORADO, IN 1987 AND 1990. ALL OF THE PUBLIC RECORDS OF LARIMER COUNTY, COLORADO.

GENERAL NOTES:

1) THE NAME, ADDRESS AND PHONE NUMBER OF THE PERSONS TO BE CONTACTED FOR INFORMATION ON THE SUBJECTS OF THE INVESTIGATION, CONTACT INFORMATION FOR THE PERSONS TO BE CONTACTED FOR INFORMATION ON THE SUBJECTS OF THE INVESTIGATION, AND THE NAME, ADDRESS AND PHONE NUMBER OF THE PERSONS TO BE CONTACTED FOR INFORMATION ON THE SUBJECTS OF THE INVESTIGATION.

[illegible]

C) ESCROWED INSURANCE COMPANY
 COMPANY ADDRESS: 1500000
 EFFECTIVE DATE: JANUARY 11, 2008 5:00PM
 I HAVE MAY BE OTHER MATTERS PUBLIC AND PRIVATE, APPLICABLE FOR PROPERTY NOT BEING TO THE SAME

LEADS	
(c)	CALCULATED
(d)	NO
(e)	NO

(V) PLAN
 ASPH ASPHALT
 BLDG BUILDING
 BRICK BRICK
 C.G. CAMP & GATEWAY
 C.A. CHURCH
 CHURCH WAY

[illegible][illegible]

Q		FINE AMOUNT
AM		WATER VALUE
		POWER POLC

"ALTA/ACSM LAND TITLE SURVEY"

[illegible]

ROBERT B. BUCKLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERT. #2710

FIELD BOOK: 05-03
FIELD NO.: 1-2-06

DATE: 1-2-06

AND THE BASED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER"

JOB NO: 05-1352

DRAWING: 05-135N-TALDNG

DATE: 04-04-07

100% MATCHING

100% MATCHING

[illegible]

CONTINUED TO:
JUNE INVESTMENT AND DEVELOPMENT, LLC, A GEORGIA LLC
SOUTHERN PINEAPPLE, LLC, A GEORGIA LLC
SUNBELT INVESTMENT, LLC, A GEORGIA LLC

10

LANE FERNANDINA
TOWNHOMES
FERNANDINA BEACH, FLORIDA
PRELIMINARY SITE PLAN

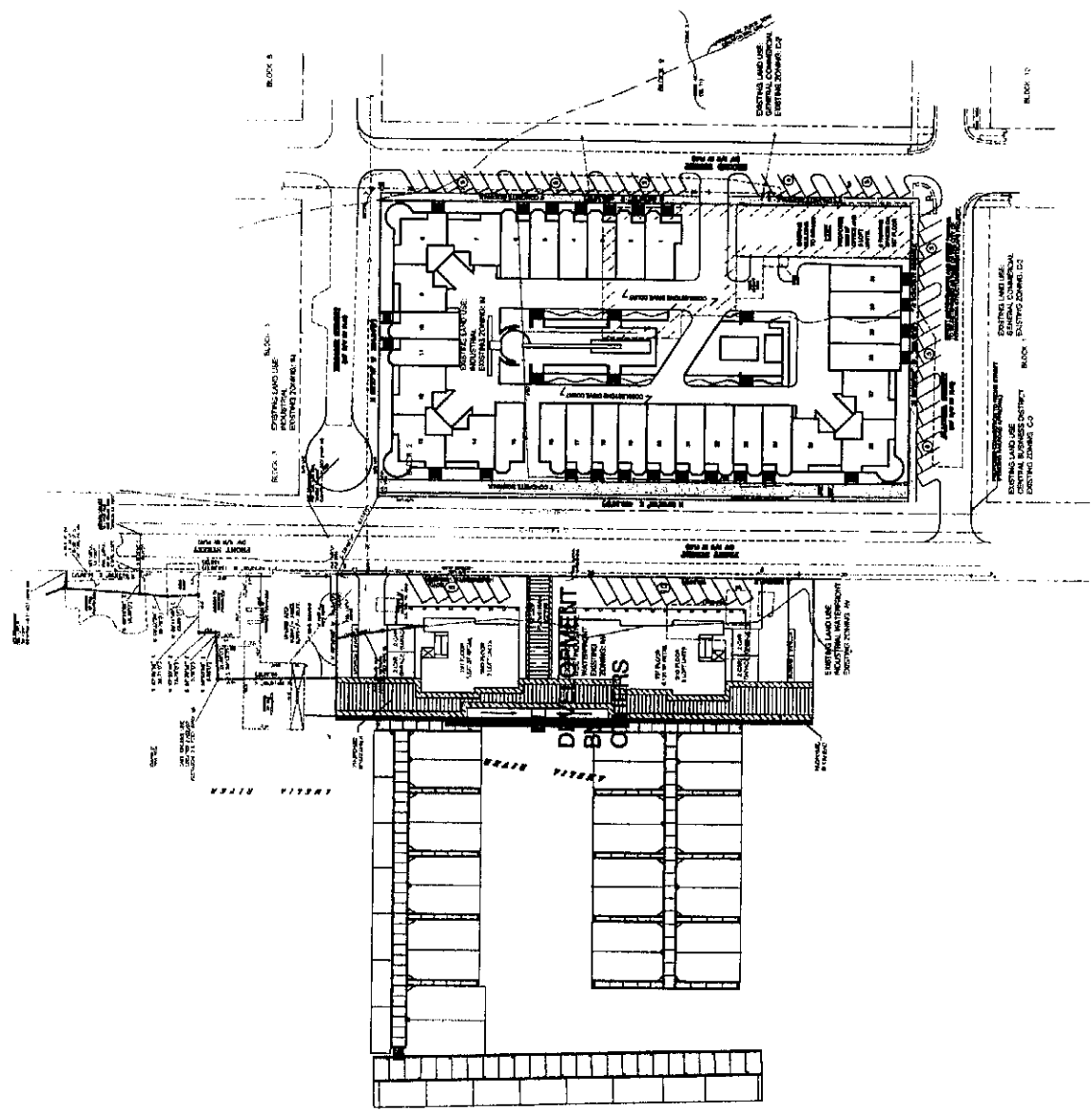
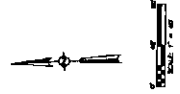
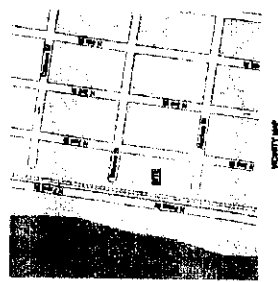


LANE INVESTMENT & DEVELOPMENT, LLC

PROJECT NO. 22827
SUBMITTER: LANE INVESTMENT & DEVELOPMENT, LLC
DATE: 08/08/2018
PROJECT: FERNANDINA TOWNHOMES
SHEET: 2 OF 2

NO.	DESCRIPTION	DATE
1	CONSTRUCTION	08/08/2018
2	RECORDING	08/08/2018

NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DISTANCES ARE MEASURED FROM THE CORNER OF THE LOT.
3. ALL DISTANCES ARE MEASURED FROM THE CORNER OF THE LOT.
4. ALL DISTANCES ARE MEASURED FROM THE CORNER OF THE LOT.
5. ALL DISTANCES ARE MEASURED FROM THE CORNER OF THE LOT.





A. JEFFREY TOMASSETTI, PLC

Attorney at Law

A. Jeffrey Tomassetti, Esq.

February 26, 2007

RECEIVED

FEB 26 2007

PLANNING & ZONING
FERNANDINA BEACH, FLORIDA

Jeffrey Salter, CDD Director
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

RE: FLUM and Zoning Classification Amendment Applications

Dear Mr. Salter,

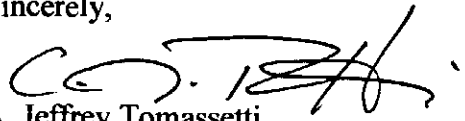
Lane Investment and Development LLC., respectfully requests that the City Commission approve a zoning classification amendment and future land use amendment (FLUM) for the "Standard Marine" property encompassing the block between Front Street and 2nd Street and Alachua and Broome Streets. This property is currently zoned Industrial-1 and has the future land use classification of Industrial. The Applicant requests a zoning classification of Central Business District (C-3) and a future land use classification of Central Business District (CBD).

The Applicant understands that final approval of the zoning classification amendment and future land use amendment is subject to final adoption of the revised Coastal High Hazard Area (CHHA) boundary.

Lane Investment and Development, LLC., seeks to construct a residential development in accordance with the Community Redevelopment Area (CRA) Overlay goals and regulations. The City has developed the CRA to provide for coordinated redevelopment and revitalization of downtown Fernandina. This proposed development will further to goals of the CRA by establishing a residential community across from a working waterfront development of residential lofts, retail stores and a marina.

The townhouse style development proposed by Lane seeks to preserve the Standard Marine building and incorporate the building into the development. The buildings will be designed with architectural details that showcase the historic charm of downtown Fernandina. This waterfront development will help the revitalization of Downtown Fernandina by increasing the number of people living within walking distance of commercial businesses.

Sincerely,


A. Jeffrey Tomassetti

406 Ash Street • Post Office Box 1443 • Fernandina Beach, Florida 32035-1443
Telephone: (904) 261-1833 • Fax: (904) 261-8023



RECEIVED

NOV 14 2006

PLANNING & ZONING
FERNANDINA BEACH, FLORIDA
Bringing Communities Together

Baker • Clay • Duval • Flagler • Nassau • Putnam • St. Johns

November 9, 2006

Ms. Catherine Hartley
City of Fernandina Beach Planning Dept.
204 Ash Street
Fernandina Beach, Florida 32034

Re: Review of Land Development Traffic Assessment; Lane Company – Downtown Fernandina

Dear Catherine:

I have concluded my review of the Land Development Traffic Assessment for the proposed Lane Company – Downtown Fernandina development, which is a proposed multi-use development on three parcels to consist of 36 condominiums and 8,000 square feet of retail development. The applicant's study was submitted to meet the Fernandina Beach concurrency requirements for a major traffic study.

Area of Influence and Inventory of Existing Conditions

Two of the parcels in the project are located along the Amelia River waterfront with direct access to Front Street. The third parcel is located on 2nd Street between Alachua Street and Broome Street. The applicant applied the five-mile radius, as required by the Nassau County Concurrency Management Ordinance, to determine the roadways within the area of influence. The inventory of existing conditions was ascertained from the Nassau County Transportation Analysis Spreadsheet.

Trip Generation

The applicant calculated the project trip generation using the trip equation from the ITE Trip Generation Manual, 7th Ed. for Residential Condominium (LU Code 230) and Specialty Retail (LU Code 814). Based on this equation, the applicant calculated that the project would generate 41 new p.m. peak hour trips. The applicant then applied the 75% new trip percentage for Specialty Retail, consistent with Nassau County concurrency data for this type of use, to estimate that a total of 36 new net external p.m. peak hour trips would be generated by the project. The applicant's estimate of trip generation is acceptable.

Trip Distribution and Assignment

The distribution and assignment of project trips was based on review of previously approved studies, the proposed development's proximity to residential development, and local knowledge

of the impact area. The applicant reviewed year 2015 data from the MPO's Northeast Regional transportation model to establish population estimates to be used as the basis for the distribution of the commercial component. New residential trips were distributed based on local knowledge of trip patterns. The applicant's trip assignment percentages can be seen on Figure 1 of the traffic study. In general, the applicant assigned 24% of the trips east on Atlantic Ave. and 47% on 8th Street. Other trips were distributed and assigned on the grid systems of roads within downtown Fernandina Beach. The applicant's trip distribution and assignment assumptions appear reasonable.

Roadway Link and Impacted Segment Analysis

The applicant's analysis of all links within a five-mile radius of the project determined that project traffic impacted no link by greater than 2% of the adopted maximum service volume. However, the applicant noted that the direct-accessed link segment is actually comprised of a number of links in the Fernandina Beach grid system that are the potential first-accessed links and are, therefore by definition, the direct-accessed links. Of those segments, Link 101 is shown by the Nassau County concurrency spreadsheet to operate at LOS D, which is an unacceptable operating condition given the City's LOS C designation for this link. However, the applicant notes that the traffic count incorporated into the County's concurrency table is from 2001, and has provided an updated count that is substantially less than the 2001 count. Staff has no convincing evidence that contradicts this count, and finds it acceptable, in that the last count was taken five years ago. Staff agrees with the overall conclusion of the traffic study that the project passes the concurrency test for traffic.

Recommendation

The proposed Lane Company – Downtown Fernandina development meets the traffic concurrency requirements of the City of Fernandina Beach. Please let me know if you have any questions about this review.

Sincerely,



Edward Lehman
Senior Transportation Planner

AFFIDAVIT OF POSTING

State of Florida
County of Nassau

I, Cathy Sabattini, being first duly sworn, depose and state as follows:

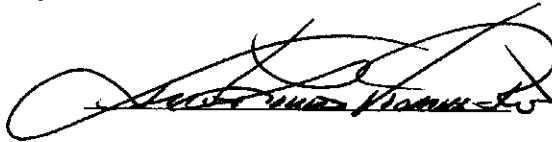
1. That I am an employee of the City of Fernandina Beach as the Staff Assistant to the City Clerk; and
2. That part of my duties includes processing applications of all types; and
3. That one of the requirements for processing applications is that the notice be posted on the property; and
4. That on June 22, 2007, I posted the property with the notice of the application and hearing, for Application No: LU 2007-14 and CZ 2007-14 (Ordinances 2007-19 and 2007-20).

FURTHER AFFIANT SAYETH NAUGHT.

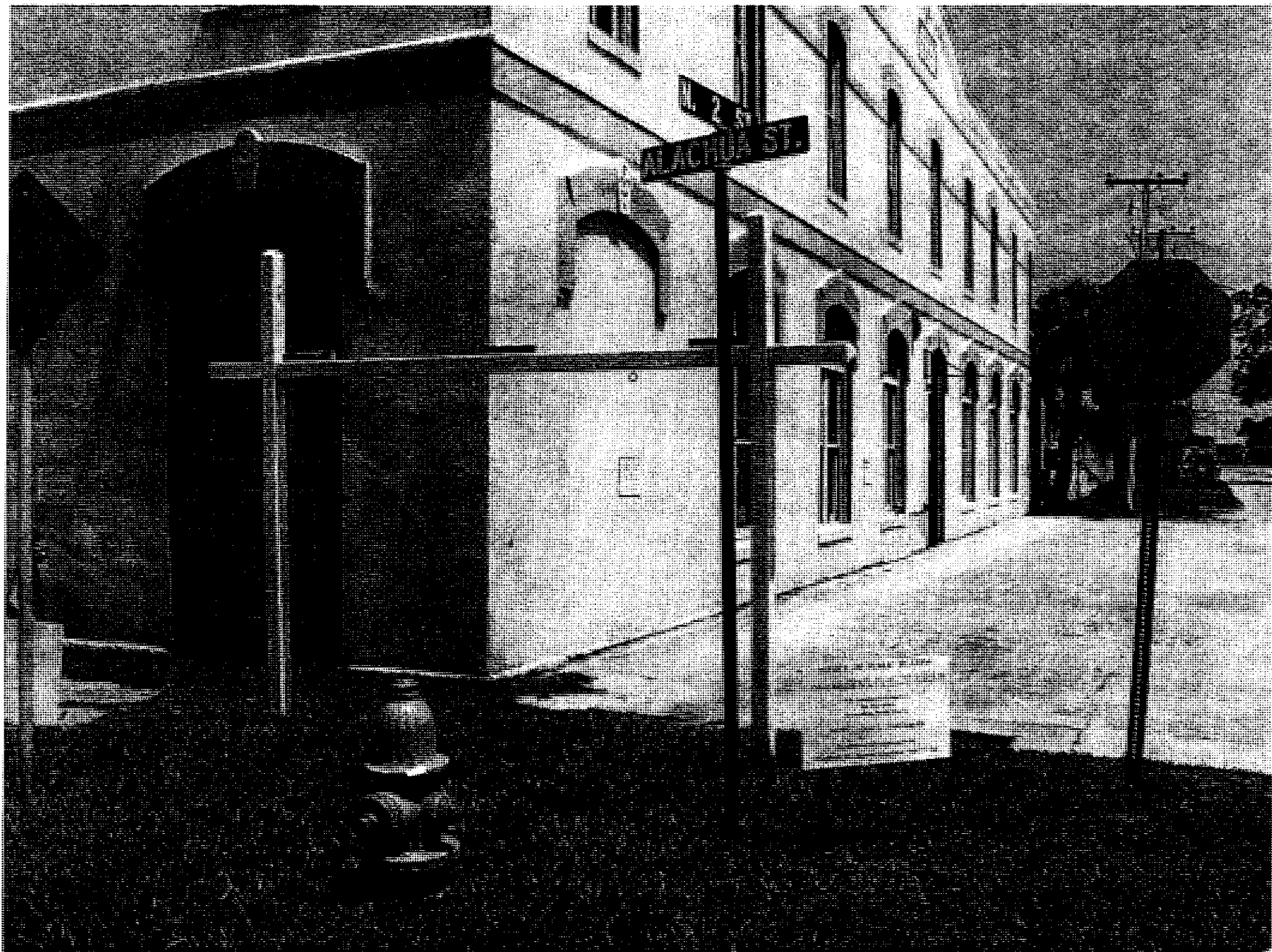


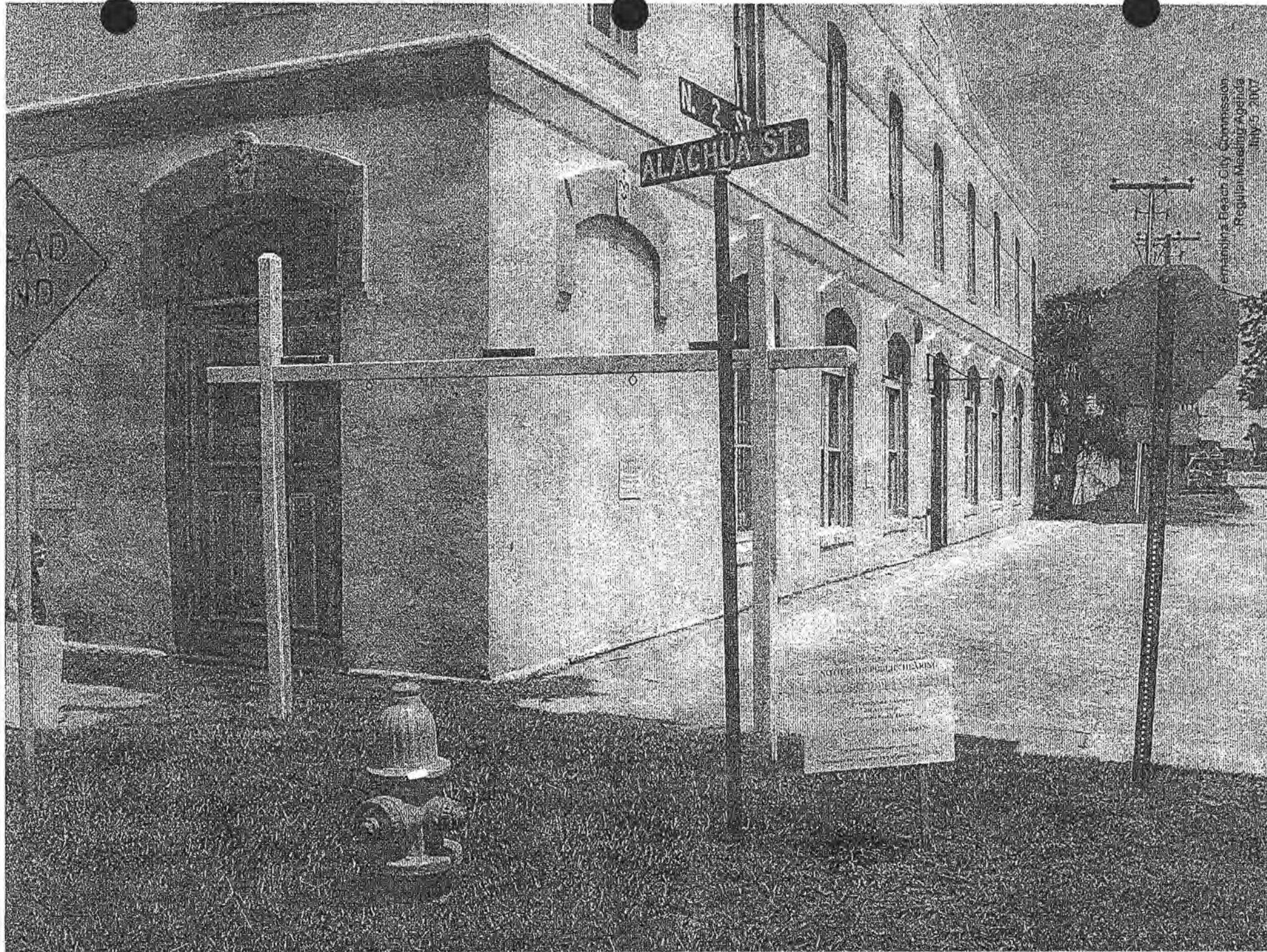
Subscribed and sworn to before me, a notary public in and for the State of Florida this 26th day of June 2007.

(Seal)



ANITALQUISE VOSMUS-ROSS
Notary Public, State of Florida
My comm. exp. Oct. 17, 2008
Comm. No. DD 363311







NEWS LEADER

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared
Michael B. Hankins

who on oath says that he is the Advertising Director of The Fernandina Beach *News-Leader*, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

NOTICE OF PUBLIC HEARING

July 5, 2007

City Commission of the City of Fernandina Beach

was published in said newspaper in the issues of
06-20-2007

ref. No. 5933

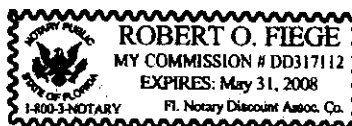
Affiant further says that the said Fernandina Beach *News-Leader* is a newspaper published at Fernandina Beach, in said Nassau County, Florida, and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Michael B. Hankins

Sworn to and subscribed before me
this **20th** day of **June**, A.D. 2007.

Robert O. Fiege
Robert O. Fiege, Notary Public

[Signature] Personally Known



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Fernandina Beach, Florida, will hold a public hearing on Tuesday, July 5, 2007 at 6:00 p.m. in the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida, on the proposed:

ORDINANCE NUMBER 2007-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE FUTURE LAND USE MAP FROM INDUSTRIAL TO CENTRAL BUSINESS DISTRICT, FOR PROPERTY IDENTIFIED AS BLOCK 2, LOTS 1 THROUGH 34, TOTALING APPROXIMATELY 2.07 ACRES, LOCATED ON FRONT, N. 2ND, ALACHUA AND BROOME STREETS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NUMBER 2007-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE ZONING MAP FROM INDUSTRIAL (I-1) TO CENTRAL BUSINESS DISTRICT (C-3), FOR PROPERTY IDENTIFIED AS BLOCK 2, LOTS 1 THROUGH 34, TOTALING APPROXIMATELY 2.07 ACRES, LOCATED ON FRONT, N. 2ND, ALACHUA AND BROOME STREETS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NUMBER 2007-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE ZONING MAP CLASSIFICATION FROM THE COMMUNITY COMMERCIAL (C-1) TO THE GENERAL COMMERCIAL (C-2) DISTRICT, FOR TWO PARCELS TOTALING 14.11 ACRES LOCATED AT 1910 SOUTH 14TH STREET, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

A copy of said proposed ordinances may be inspected by the public at the office of Planning and Zoning at 204 Ash Street, Fernandina Beach, Florida. Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered with respect to such ordinance.

ALL MEMBERS OF THE PUBLIC ARE INVITED TO BE PRESENT AND BE HEARD. IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PROGRAM OR ACTIVITY SHOULD CONTACT 277-7305 OR TDD 277-7399 OR FLORIDA RELAY SERVICE 1-800-955-8771, AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATION.
11 06-20-2007
5933

ORDINANCE 2007-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY BY: AMENDING THE FUTURE LAND USE ELEMENT, POLICY 1.06.09, WATERFRONT MIXED USE (WMU); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fernandina Beach City Commission approved Ordinance 2006-28 on December 19, 2006, adopting its 2006-02 Large Scale Comprehensive Plan Amendment (CPA 06-2); and

WHEREAS, in accordance with Section 163.3184 Florida Statutes, the Department of Community Affairs (DCA) reviewed CPA 06-2 and issued a Notice of Intent (NOI) on February 28, 2007 finding that certain elements of the adopted amendment were not "in compliance"; and

WHEREAS, the NOI found that the amendment failed to include in Policy 1.06.09, and in Policies 1.06.01(g) and 5.07.04 by their reference to Policy 1.06.09, statutory language establishing the mitigation provisions for density increases in the Coastal High Hazard Area; and

WHEREAS, the City of Fernandina Beach and the DCA have entered into a Settlement Agreement via approval of Resolution 2007-106 on July 17, 2007, which outlines the necessary remedial action to be taken to correct the language deficiencies; and

WHEREAS, the City desires to implement this remedial action through the adoption into the Future Land Use Element of their Comprehensive Plan an amendment to Policy 1.06.09.

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

SECTION 1: The Comprehensive Plan of the City of Fernandina Beach is hereby amended to reflect a text amendment to the Future Land Use Element, Policy 1.06.09, Waterfront Mixed Use (WMU) as described in Exhibit "A".

SECTION 2: The City Clerk and the City's Planning Department Staff are hereby authorized to transmit the remedial amendment, referenced as City of Fernandina Beach CPA 07-R1, to the Florida Department of Community Affairs.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 4: The plan amendments adopted by this Ordinance are not effective until a final order is issued by the Department of Community Affairs or the Administration Commission finding the amendments "in compliance" in accordance with Section 163.3184, Florida Statutes. If the Administration issues a final order finding the amendments not "in compliance," the amendments may nonetheless be made effective by adoption of a resolution at a public hearing affirming the effective status of the amendments. No development orders or development permits dependent upon these amendments may be issued, and no development dependent upon these amendment may be undertaken, before the amendments become effective.

ADOPTED this 17th day of July, 2007.

ATTEST:

CITY OF FERNANDINA BEACH


MARY L. MERCER
City Clerk


BILL LEEPER
Mayor-Commissioner

ORDINANCE 2007 -25
EXHIBIT A

1.06.09 Waterfront Mixed Use (WMU)

- a The Waterfront Mixed Use category is intended for the re-development of waterfront land fronting the Amelia River within the CRA only.
 - b Uses include: Residential, commercial, retail stores, professional offices, water related uses such as piers, docks, wharves, and marinas and uses related to the shrimping and fishing industry.
 - c Net Density is limited to 2 dwelling units per acre and is required to be located above a commercial or office use.
 - d Intensity is limited to 0.75 FAR.
 - e Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with the following criteria: Fla. Stat. 163.3178(9)(a) (2006) as follows:
 - 1. A 16-hour level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
 - 2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
 - 3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.
- ~~1. A 16 hour level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event; and~~
- ~~2. A 12 hour evacuation time to a hurricane shelter is maintained for a category 5 storm event; or~~
- ~~3. If the applicant cannot show that shelter space is available or evacuation times can be maintained, he/she may mitigate the impacts of the development through improvements to the transportation network, contribution of land for shelter space or road improvements, and/or construction of hurricane shelters. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan. The City may also consider an in lieu fee for mitigation purposes.~~



JB/KW
JB/KW

CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

8.1

SUBJECT: ORDINANCE 2007-25 Approval of a remedial amendment to the Comprehensive Plan to correct language deficiencies in the Future Land Use Element Policy 1.06.09, Waterfront Mixed Use (WMU) which was previously adopted by Ordinance 2006-28.

DEPARTMENT: PLANNING DEPARTMENT

JB/KW

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

SUMMARY: The City Commission approved Ordinance 2006-28 on December 19, 2006. This Ordinance adopted the 2006-02 Large Scale Comprehensive Plan Amendment, which included the creation of a new Waterfront Mixed Use (WMU) Land Use category. Subsequent to this adoption, the DCA issued its Statement and Notice of Intent on February 28, 2007, finding that the WMU land use category was not "in compliance" as it failed to include statutory language establishing the mitigation provisions for density increases in the Coastal High Hazard Area.

The City and the DCA have agreed to remedial action which will correct the noted language deficiencies for the WMU Land Use category. This Ordinance approves the language modifications which have been agreed to by the City and DCA through the Stipulated Settlement Agreement, approved by Resolution 2007-04 on July 17, 2007.

RECOMMENDED ACTION: Approve Ordinance 2007-25

DEPARTMENT HEAD Submitted: Marshall McCrary, CDD Director *[Signature]* Date: 6/29/07
Requested Agenda: Date: 7/17/07

FINANCE DEPARTMENT Budgeted ☐ Yes ☐ No ☒ N/A Date:

CITY ATTORNEY Approved for Form and Correctness *[Signature]* Date: 7/11/07

CITY MANAGER Approved Agenda Item for *[Signature]* Date: 7/12/07

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CD ☐ FI ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PR ☐ PW ☐ UD
☐ CDD

ORDINANCE 2007-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY BY: AMENDING THE FUTURE LAND USE ELEMENT, POLICY 1.06.09, WATERFRONT MIXED USE (WMU); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Fernandina Beach City Commission approved Ordinance 2006-28 on December 19, 2006, adopting its 2006-02 Large Scale Comprehensive Plan Amendment (CPA 06-2); and

WHEREAS, in accordance with Section 163.3184 Florida Statutes, the Department of Community Affairs (DCA) reviewed CPA 06-2 and issued a Notice of Intent (NOI) on February 28, 2007 finding that certain elements of the adopted amendment were not "in compliance"; and

WHEREAS, the NOI found that the amendment failed to include in Policy 1.06.09, and in Policies 1.06.01(g) and 5.07.04 by their reference to Policy 1.06.09, statutory language establishing the mitigation provisions for density increases in the Coastal High Hazard Area; and

WHEREAS, the City of Fernandina Beach and the DCA have entered into a Settlement Agreement via approval of Resolution 2007-106 on July 17, 2007, which outlines the necessary remedial action to be taken to correct the language deficiencies; and

WHEREAS, the City desires to implement this remedial action through the adoption into the Future Land Use Element of their Comprehensive Plan an amendment to Policy 1.06.09.

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

SECTION 1: The Comprehensive Plan of the City of Fernandina Beach is hereby amended to reflect a text amendment to the Future Land Use Element, Policy 1.06.09, Waterfront Mixed Use (WMU) as described in Exhibit "A".

SECTION 2: The City Clerk and the City's Planning Department Staff are hereby authorized to transmit the remedial amendment, referenced as City of Fernandina Beach CPA 07-R1, to the Florida Department of Community Affairs.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 4: The plan amendments adopted by this Ordinance are not effective until a final order is issued by the Department of Community Affairs or the Administration Commission finding the amendments "in compliance" in accordance with Section 163.3184, Florida Statutes. If the Administration issues a final order finding the amendments not "in compliance," the amendments may nonetheless be made effective by adoption of a resolution at a public hearing affirming the effective

status of the amendments. No development orders or development permits dependent upon these amendments may be issued, and no development dependent upon these amendment may be undertaken, before the amendments become effective.

ADOPTED this 17th day of July, 2007.

ATTEST:

CITY OF FERNANDINA BEACH

MARY L. MERCER
City Clerk

BILL LEEPER
Mayor-Commissioner

ORDINANCE 2007 -25
EXHIBIT A

1.06.09 Waterfront Mixed Use (WMU)

- a The Waterfront Mixed Use category is intended for the re-development of waterfront land fronting the Amelia River within the CRA only.
- b Uses include: Residential, commercial, retail stores, professional offices, water related uses such as piers, docks, wharves, and marinas and uses related to the shrimping and fishing industry.
- c Net Density is limited to 2 dwelling units per acre and is required to be located above a commercial or office use.
- d Intensity is limited to 0.75 FAR.
- e Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with the following criteria: Fla. Stat. 163.3178(9)(a) (2006) as follows:
 - 1. A 16-hour level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
 - 2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
 - 3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.
 - 1. ~~A 16 hour level of service for out of county hurricane evacuation is maintained for a category 5 storm event; and~~
 - 2. ~~A 12 hour evacuation time to a hurricane shelter is maintained for a category 5 storm event; or~~
 - 3. ~~If the applicant cannot show that shelter space is available or evacuation times can be maintained, he/she may mitigate the impacts of the development through improvements to the transportation network, contribution of land for shelter space or road improvements, and/or construction of hurricane shelters. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan. The City may also consider an in lieu fee for mitigation purposes.~~



City of Fernandina Beach

PLANNING DEPARTMENT

MEMORANDUM

TO: Fernandina Beach City Commission
Michael J. Czymbor, City Manager

FROM: Marshall McCrary, CDD Director *DM*

DATE: June 29, 2007

RE: Agenda for July 17, 2007 Regular Meeting
Stipulated Settlement Agreement and Remedial Adoption

The Community Development Department is placing two (2) items on the July 17, 2007 City Commission agenda to re-adopt the outstanding Waterfront Mixed Use (WMU) Future Land Use designation, which was adopted during the 2006-02 Large Scale Amendment cycle.

As you may recall, the WMU land use designation was created for waterfront properties within the CRA. This new designation was adopted by the City on December 19, 2006, and transmitted to the DCA for final review and issuance of a Notice of Intent (NOI). The Notice of Intent was issued on February 27, 2007. It found that the WMU designation did not adequately convey the statutory language required to address mitigation for density increases within the Coastal High Hazard Area. WMU was therefore found "not in compliance".

As a result, the City was automatically directed into an Administrative Hearing with the DCA to seek resolution to the non-compliant aspects of the amendment. The City requested that remedial action be allowed to correct the problems with the WMU wording, therefore holding any hearings in abeyance pending agreement on a settlement process. The City and DCA have agreed on the necessary language corrections and have outlined a process for implementation.

This "Stipulated Settlement Agreement" is presented to the City Commission for approval as a Resolution. Once this agreement is approved, the City Commission is asked to implement the agreement through adoption of a Comprehensive Plan amendment changing the language of the WMU Land Use designation as agreed to by DCA. Both the Settlement Agreement and the remedial adoption can take place at the same hearing.

Once the Settlement Agreement is approved by the City Commission, it will be routed to DCA for execution. The remedial Comprehensive Plan Amendment will also be sent to DCA to be reviewed for compliance with the language of the Settlement Agreement. This review is provided up to 30 days. Once the review is complete, a Notice of Intent (NOI) will be published for 21-days, after which the amendment becomes effective.

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, July 17, 2007 at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following:

RESOLUTION 2007-106

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ACCEPTING AND APPROVING A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AS A COMPLETE AND FINAL SETTLEMENT OF ALL CLAIMS RESULTING FROM A FINDING OF NON-COMPLIANCE FOR ELEMENTS OF COMPREHENSIVE PLAN AMENDMENT 06-2, ADOPTING BY ORDINANCE 2006-28 ON DECEMBER 19, 2006; PROVIDING SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOTICE OF PUBLIC HEARING ON REMEDIAL AMENDMENTS TO THE COMPREHENSIVE PLAN

— 7 —
ORDINANCE 2007-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY BY AMENDING THE FUTURE LAND USE ELEMENT, POLICY 106.09, WATERFRONT MIXED USE (WMU); PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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

Copies of the applications may be inspected in the office of the Planning Dept., City Hall, 204 Ash Street, between the hours of 8:00 AM & 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, July 17, 2007 at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following:

RESOLUTION 2007-106

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ACCEPTING AND APPROVING A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AS A COMPLETE AND FINAL SETTLEMENT OF ALL CLAIMS RESULTING FROM A FINDING OF NON-COMPLIANCE FOR ELEMENTS OF COMPREHENSIVE PLAN AMENDMENT 06-2, ADOPTING BY ORDINANCE 2006-28 ON DECEMBER 19, 2006; PROVIDING SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOTICE OF PUBLIC HEARING ON REMEDIAL AMENDMENTS TO THE COMPREHENSIVE PLAN

ORDINANCE 2007-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY BY AMENDING THE FUTURE LAND USE ELEMENT, POLICY 1.06.09, WATERFRONT MIXED USE (WMU); PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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

Copies of the applications may be inspected in the office of the Planning Dept., City Hall, 204 Ash Street, between the hours of 8:00 AM & 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305

#362.60 Marshall

NEWS LEADER

AMELIA ISLAND • FERNANDINA BEACH • NASSAU COUNTY

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

STATE OF FLORIDA
COUNTY OF NASSAU:

Before the undersigned authority personally appeared
Robert O. Fiege

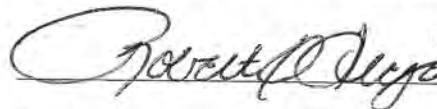
Who on oath says that he is the Production Director of the Fernandina Beach News-Leader, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a LEGAL DISPLAY ADVERTISEMENT in the matter of

CITY OF FERNANDINA BEACH
Notice of Public Hearing

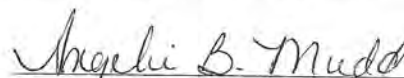
as published in said newspaper in the issues of

7/6/07
Legal Display

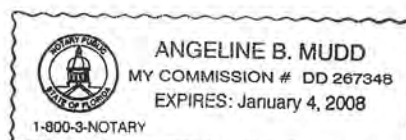
Affiant further says that the said Fernandina Beach News-Leader is a newspaper published at Fernandina Beach, in said Nassau County, Florida and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and Affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me
This 18th day of July A.D. 2007.


Angeline B. Mudd, Notary Public

 Personally Known



A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ACCEPTING AND APPROVING A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AS A COMPLETE AND FINAL SETTLEMENT OF ALL CLAIMS RESULTING FROM A FINDING OF NON-COMPLIANCE FOR ELEMENTS OF COMPREHENSIVE PLAN AMENDMENT 06-2, ADOPTED BY ORDINANCE 2006-28 ON DECEMBER 19, 2006; PROVIDING DIRECTION TO ADOPT A REMEDIAL PLAN AMENDMENT; PROVIDING FOR EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of Fernandina Beach adopted Comprehensive Plan Amendment 06-2 on December 19, 2006 by approval of Ordinance 2006-28, including Policies 1.06.09 and 1.06.01(g) of the Future Land Use Element and Policy 5.07.04 of the Conservation and Coastal Management Element; and

WHEREAS, the Department of Community Affairs (DCA) issued its Statement and Notice of Intent regarding the amendment on February 28, 2007; and

WHEREAS, the Statement and Notice of Intent contended that the Amendment was not "in compliance" because it failed to include statutory language establishing the mitigation provisions for density increases in the Coastal High Hazard Area; and

WHEREAS, the City of Fernandina Beach and the DCA have agreed to remedial action, as provided in the attached Exhibit 1, to correct the Amendment in a manner which will be found "in compliance".

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

SECTION 1. The City Commission hereby accepts and approves the Stipulated Settlement Agreement with the Florida Department of Community Affairs, attached hereto as Exhibit 1, and agrees to adopt a remedial Comprehensive Plan Amendment to implement actions specified in the Agreement.

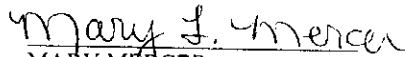
SECTION 2. The City Manager is hereby authorized to execute the Stipulated Settlement Agreement.

SECTION 3. This Resolution shall take effect immediately upon passage.

Adopted this 17th day of July, 2007 with a quorum present and voting.

ATTEST:

CITY OF FERNANDINA BEACH


MARY MERCER
City Clerk


BILL LEEPER
Mayor-Commissioner



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: RESOLUTION 2007-~~104~~ Approval of Stipulated Settlement Agreement with DCA to resolve a finding of Non-Compliance resulting from Adoption of Ordinance 2006-28, Comprehensive Plan Amendment 06-2.

DEPARTMENT: PLANNING DEPARTMENT

ATTACHMENTS: ☐ Ordinance ☒ Resolution
☒ Support Documents ☐ Other

SUMMARY: The City Commission approved Ordinance 2006-28 on December 19, 2006. This Ordinance adopted the 2006-02 Large Scale Comprehensive Plan Amendment, which included the creation of a new Waterfront Mixed Use (WMU) Land Use category. Subsequent to this adoption, the DCA issued its Statement and Notice of Intent on February 28, 2007, finding that the WMU land use category was not "in compliance" as it failed to include statutory language establishing the mitigation provisions for density increases in the Coastal High Hazard Area.

The City and the DCA have agreed to remedial action which will correct the noted language deficiencies for the WMU Land Use category. This Resolution acknowledges this agreement and outlines the corrective action to be taken by the City. Subsequent to approval of this Stipulated Settlement Agreement, the City Commission will consider approval of a remedial adoption to the Comprehensive Plan Amendment to execute the agreement. Upon approval of the agreement and the remedial adoption, the City will forward the executed documents to DCA for review and publication of a Notice of Intent.

RECOMMENDED ACTION: Approve Resolution 2007-106

DEPARTMENT HEAD Submitted: Marshall McCrary, CDD Director *DMW* Date: 6/29/07
Requested Agenda: Date: 7/17/07

FINANCE DEPARTMENT Budgeted ☐ Yes ☐ No ☒ N/A Date:

CITY ATTORNEY Approved for Form and Correctness *AAW* Date: 7/11/07

CITY MANAGER Approved Agenda Item for *MW* Date: 7/12/07

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CD ☐ FI ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PR ☐ PW ☐ UD
☐ CDD



City of Fernandina Beach

PLANNING DEPARTMENT

MEMORANDUM

TO: Fernandina Beach City Commission
Michael J. Czymbor, City Manager

FROM: Marshall McCrary, CDD Director *DM*

DATE: June 29, 2007

RE: Agenda for July 17, 2007 Regular Meeting
Stipulated Settlement Agreement and Remedial Adoption

The Community Development Department is placing two (2) items on the July 17, 2007 City Commission agenda to re-adopt the outstanding Waterfront Mixed Use (WMU) Future Land Use designation, which was adopted during the 2006-02 Large Scale Amendment cycle.

As you may recall, the WMU land use designation was created for waterfront properties within the CRA. This new designation was adopted by the City on December 19, 2006, and transmitted to the DCA for final review and issuance of a Notice of Intent (NOI). The Notice of Intent was issued on February 27, 2007. It found that the WMU designation did not adequately convey the statutory language required to address mitigation for density increases within the Coastal High Hazard Area. WMU was therefore found "not in compliance".

As a result, the City was automatically directed into an Administrative Hearing with the DCA to seek resolution to the non-compliant aspects of the amendment. The City requested that remedial action be allowed to correct the problems with the WMU wording, therefore holding any hearings in abeyance pending agreement on a settlement process. The City and DCA have agreed on the necessary language corrections and have outlined a process for implementation.

This "Stipulated Settlement Agreement" is presented to the City Commission for approval as a Resolution. Once this agreement is approved, the City Commission is asked to implement the agreement through adoption of a Comprehensive Plan amendment changing the language of the WMU Land Use designation as agreed to by DCA. Both the Settlement Agreement and the remedial adoption can take place at the same hearing.

Once the Settlement Agreement is approved by the City Commission, it will be routed to DCA for execution. The remedial Comprehensive Plan Amendment will also be sent to DCA to be reviewed for compliance with the language of the Settlement Agreement. This review is provided up to 30 days. Once the review is complete, a Notice of Intent (NOI) will be published for 21-days, after which the amendment becomes effective.

204 Ash Street • Fernandina Beach, FL 32034-4230 • 904 277-7325 • Fax 904-277-7324 • TDD 904-277-7399

www.ferandinabeachflorida.org
Equal Opportunity Employer

EXHIBIT 1

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

v.

DOAH Case No. 07-1300GM

CITY OF FERNANDINA BEACH,

Respondent.

_____ /

STIPULATED SETTLEMENT AGREEMENT

THIS STIPULATED SETTLEMENT AGREEMENT is entered into by and between the State of Florida, Department of Community Affairs and City of Fernandina Beach as a complete and final settlement of all claims raised in the above-styled proceeding.

RECITALS

WHEREAS, the State of Florida, Department of Community Affairs (DCA or Department), is the state land planning agency and has the authority to administer and enforce the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes; and

WHEREAS, the City of Fernandina Beach (Local Government) is a local government with the duty to adopt comprehensive plan amendments that are “in compliance;” and

WHEREAS, the Local Government adopted Comprehensive Plan Amendment 06-2 (Plan Amendment) by Ordinance No. 2006-28, including Policies 1.06.09 and 1.06.01(g) of the Future Land use Element and Policy 5.07.04 of the Conservation and Coastal Management Element on December 19, 2006; and

WHEREAS, the Plan Amendment adds a new Waterfront Mixed Land Use Category and defines densities and intensities in the Future Land Use Element (FLUE) and references those changes to the FLUE in the Conservation and Coastal Management Element; and

WHEREAS, the Department issued its Statement and Notice of Intent regarding the Amendment on February 28, 2007; and

WHEREAS, as set forth in the Statement of Intent, the Department contends that the Amendment is not “in compliance” because it fails to include statutory language establishing the mitigation provisions for density increases in the Coastal High Hazard Area; and

WHEREAS, pursuant to Section 163.3184(10), Florida Statutes, DCA has initiated the above-styled formal administrative proceeding challenging the Amendment; and

WHEREAS, the Local Government disputes the allegations of the Statement of Intent regarding the Amendment; and

WHEREAS, the parties wish to avoid the expense, delay, and uncertainty of lengthy litigation and to resolve this proceeding under the terms set forth herein, and agree it is in their respective mutual best interests to do so;

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinbelow set forth, and in consideration of the benefits to accrue to each of the parties, the receipt and sufficiency of which are hereby acknowledged, the parties hereby represent and agree as follows:

GENERAL PROVISIONS

1. **Definitions.** As used in this agreement, the following words and phrases shall have the following meanings:

a. **Act:** The Local Government Comprehensive Planning and Land Development Regulation Act, as codified in Part II, Chapter 163, Florida Statutes.

b. **Agreement:** This stipulated settlement agreement.

c. Comprehensive Plan Amendment or Plan Amendment: Comprehensive Plan Amendment 06-2 adopted by the Local Government on December 19, 2006, as Ordinance No. 2006-28 including Policies 1.06.09 and 1.06.01(g) of the Future Land use Element and Policy 5.07.04 of the Conservation and Coastal Management Element.

d. DOAH: The Florida Division of Administrative Hearings.

e. In compliance or into compliance: The meaning set forth in Section 163.3184(1)(b), Florida Statutes.

f. Notice: The notice of intent issued by the Department to which was attached its statement of intent to find the plan amendment not in compliance.

g. Petition: The petition for administrative hearing and relief filed by the Department in this case.

h. Remedial Action: A remedial plan amendment, submission of support document or other action described in the statement of intent or this agreement as an action which must be completed to bring the plan amendment into compliance.

i. Remedial Plan Amendment: An amendment to the plan or support document, the need for which is identified in this agreement, including its exhibits, and which the local government must adopt to complete all remedial actions. Remedial plan amendments adopted pursuant to this Agreement must, in the opinion of the Department, be consistent with and substantially similar in concept and content to the ones identified in this Agreement or be otherwise acceptable to the Department.

j. Statement of Intent: The statement of intent to find the Plan Amendment not in compliance issued by the Department in this case.

k. Support Document: The studies, inventory maps, surveys, data, inventories, listings or analyses used to develop and support the Plan Amendment or Remedial Plan Amendment.

2. Department Powers. The Department is the state land planning agency and has the power and duty to administer and enforce the Act and to determine whether the Plan Amendment is in compliance.

3. Negotiation of Agreement. The Department issued its Notice and Statement of Intent to find the Plan Amendment not in compliance, and filed the Petition in this case to that effect. Subsequent to the filing of the Petition the parties conferred and agreed to resolve the issues in the Petition, Notice and Statement of Intent through this Agreement. It is the intent of this Agreement to resolve fully all issues between the parties in this proceeding.

4. Dismissal. If the Local Government completes the Remedial Actions required by this Agreement, the Department will issue a cumulative Notice of Intent addressing both the Remedial Plan Amendment and the initial Plan Amendment subject to these proceedings. The Department will file the cumulative Notice of Intent with the DOAH. The Department will also file a request to relinquish jurisdiction to the Department for dismissal of this proceeding or for realignment of the parties, as appropriate under Section 163.3184(16)(f), Florida Statutes.

5. Description of Provisions not in Compliance and Remedial Actions; Legal Effect of Agreement. Exhibit A to this Agreement is a copy of the Statement of Intent, which identifies the provisions not in compliance. Exhibit B contains Remedial Actions needed for compliance. Exhibits A and B are incorporated in this Agreement by this reference. This Agreement constitutes a stipulation that if the Remedial Actions are accomplished, the Plan Amendment will be in compliance.

6 Remedial Actions to be Considered for Adoption. The Local Government agrees to consider for adoption by formal action of its governing body all Remedial Actions described in Exhibit B no later than the time period provided for in this Agreement.

7 Adoption or Approval of Remedial Plan Amendments. Within 60 days after execution of this Agreement by the parties, the Local Government shall consider for adoption all Remedial Actions or Plan Amendments and amendments to the Support Documents. This may

be done at a single adoption hearing. Within 10 working days after adoption of the Remedial Plan Amendment, the Local Government shall transmit 5 copies of the amendment to the Department as provided in Rule 9J-11.011(5), Florida Administrative Code. The Local Government also shall submit one copy to the regional planning agency and to any other unit of local or state government that has filed a written request with the governing body for a copy of the Remedial Plan Amendment and a copy to any party granted intervenor status in this proceeding. The Remedial Plan Amendment shall be transmitted to the Department along with a letter which describes the remedial action adopted for each part of the plan amended, including references to specific portions and pages.

8. Acknowledgment. All parties to this Agreement acknowledge that the "based upon" provisions in Section 163.3184(8), Florida Statutes, do not apply to the Remedial Plan Amendment.

9. Review of Remedial Plan Amendments and Notice of Intent. Within 30 days after receipt of the adopted Remedial Plan Amendments and Support Documents, the Department shall issue a Notice of Intent pursuant to Section 163.3184, Florida Statutes, for the adopted amendments in accordance with this Agreement.

a. In Compliance: If the adopted Remedial Actions satisfy this Agreement, the Department shall issue a cumulative Notice of Intent addressing both the Plan Amendment and the Remedial Plan Amendment as being in compliance. The Department shall file this cumulative notice with DOAH and shall move to realign the parties or to have this proceeding dismissed, as may be appropriate.

b. Not in Compliance: If the Remedial Actions do not satisfy this Agreement, the Department shall issue a Notice of Intent to find the Plan Amendment not in compliance and shall forward the notice to DOAH for consolidation with the pending proceeding.

10. Effect of Amendment. Adoption of any Remedial Plan Amendment shall not be counted toward the frequency restrictions imposed upon plan amendments pursuant to Section 163.3187(1), Florida Statutes.

11. Purpose of this Agreement; Not Establishing Precedent. The parties enter into this Agreement in a spirit of cooperation for the purpose of avoiding costly, lengthy and unnecessary litigation and in recognition of the desire for the speedy and reasonable resolution of disputes arising out of or related to the Plan Amendment. The acceptance of proposals for purposes of this Agreement is part of a negotiated agreement affecting many factual and legal issues and is not an endorsement of, and does not establish precedent for, the use of these proposals in any other circumstances or by any other local government.

12. Approval by Governing Body. This Agreement has been approved by the Local Government's governing body at a public hearing advertised at least 10 days prior to the hearing in a newspaper of general circulation in the manner prescribed for advertisements in Section 163.3184(15)(c), Florida Statutes. This Agreement has been executed by the appropriate officer as provided in the Local Government's charter or other regulations.

13. Changes in Law. Nothing in this Agreement shall be construed to relieve either party from adhering to the law, and in the event of a change in any statute or administrative regulation inconsistent with this agreement, the statute or regulation shall take precedence and shall be deemed incorporated in this Agreement by reference.

14. Other Persons Unaffected. Nothing in this Agreement shall be deemed to affect the rights of any person not a party to this Agreement. This Agreement is not intended to benefit any third party.

15. Attorney Fees and Costs. Each party shall bear its own costs, including attorney fees, incurred in connection with the above-captioned case and this Agreement.

16. Effective Date. This Agreement shall become effective immediately upon execution by the Department and the Local Government.

17. Filing and Continuance. This Agreement shall be filed with DOAH by the Department after execution by the parties. Upon the filing of this Agreement, the administrative proceeding in this matter shall be stayed by the Administrative Law Judge in accordance with Section 163.3184(16)(b), Florida Statutes.

18. Retention of Right to Final Hearing. Both parties hereby retain the right to have a final hearing in this proceeding in the event of a breach of this Agreement, and nothing in this Agreement shall be deemed a waiver of such right. Any party to this Agreement may move to have this matter set for hearing if it becomes apparent that any other party whose action is required by this Agreement is not proceeding in good faith to take that action.

19. Construction of Agreement. All parties to this Agreement are deemed to have participated in its drafting. In the event of any ambiguity in the terms of this Agreement, the parties agree that such ambiguity shall be construed without regard to which of the parties drafted the provision in question.

20. Entire Agreement. This is the entire agreement between the parties and no verbal or written assurance or promise is effective or binding unless included in this document.

21. Governmental Discretion Unaffected. This Agreement is not intended to bind the Local Government in the exercise of governmental discretion which is exercisable in accordance with law only upon the giving of appropriate public notice and required public hearings.

22. Multiple Originals. This Agreement may be executed in any number of originals, all of which evidence one agreement, and only one of which need be produced for any purpose.

23. Captions. The captions inserted in this Agreement are for the purpose of convenience only and shall not be utilized to construe or interpret any provision of this Agreement.

The remainder of this page intentionally left blank.

In witness whereof, the parties hereto have caused this Agreement to be executed by their undersigned officials as duly authorized.

DEPARTMENT OF COMMUNITY AFFAIRS

Approved as to form and legality:

By: _____
Charles Gauthier, AICP, Director
Division of Community Planning

Lynette Norr
Assistant General Counsel

Date

Date

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this ____ day of _____, 2007, by _____, who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

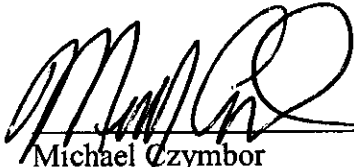
Notary Public

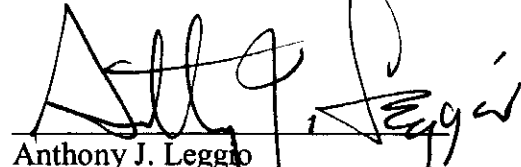
DOAH Case No. 07-I300GM

CITY OF FERNANDINA BEACH

Approved as to form and legality:

By:

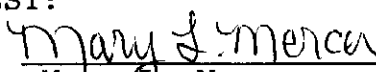

Michael Czymbor
City Manager


Anthony J. Leggio
Interim City Attorney

7/19/07
Date

7/17/07
Date

ATTEST:

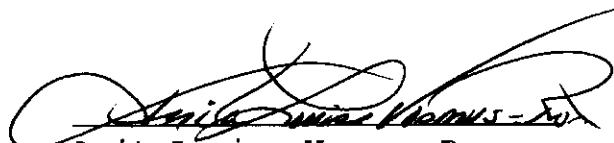

Mary J. Mercer
City Clerk

7/23/07
Date

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 19th day of

July, 2007, by Michael J. Czymbor, who is personally
known to me ~~or who has produced~~ _____ as identification and
who ~~did~~ did not take an oath.


Anita Louise Vosmus-Ross
Notary Public

DOAH Case No. 07-1300GM

ANITALOUISE VOSMUS-ROSS
Notary Public, State of Florida
My comm. exp. Oct. 17, 2008
Comm. No. DD 363311

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

IN RE: CITY OF FERNANDINA BEACH
COMPREHENSIVE PLAN AMENDMENT
06-2 AMENDING THE FUTURE LAND USE
ELEMENT AND THE CONSERVATION
AND COASTAL MANAGEMENT
ELEMENT

Docket No. 06-2-NOI-(4503)

STATEMENT OF INTENT TO FIND
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE

The Florida Department of Community Affairs, pursuant to Section 163.3184(10), Florida Statutes, and Rule 9J-11.012(6), Florida Administrative Code (F.A.C.), hereby issues this Statement of Intent to find the text amendments of Policies 1.06.01(g) and 1.06.09; and 5.07.04 of the Comprehensive Plan Amendment ("Amendment") adopted by the City of Fernandina Beach Ordinance No. 2006-28 on December 19, 2006, Not In Compliance based upon the Objections, Recommendations and Comments Report ("ORC Report") issued by the Department on November 27, 2006, which is hereby incorporated by reference. The Department finds these Policies of the Amendment not "in compliance," as defined in Section 163.3184(1)(b), Florida Statutes, because it is not consistent with Chapter 163, Part II, Florida Statutes, Florida Administrative Code ("F.A.C.") Chapter 9J-5, and the State Comprehensive Plan, Chapter 187, Florida Statutes, for the following reasons:

I. CHANGES RELATED TO THE FUTURE LAND USE ELEMENT AND THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT

A. Inconsistent provisions. The inconsistent provisions of the plan amendment under this subject heading are as follows:

1. Inconsistencies with Statutory Provisions: The amendment adopts Future Land Use Element Policy 1.06.01.(g), listing the newly established Waterfront Mixed

Use land use category, and Policy 1.06.09, detailing the densities and intensities within the new Waterfront Mixed Use land use category. Policy 1.06.09 allows for density increases in the Coastal High Hazard Area and sets forth provisions that are intended to comply with the requirements of Section 163.3178(9)(a)3., Florida Statutes.

Density increases are allowed in the Coastal High Hazard Area by maintaining a required Level of Service Standard of no greater than a 12-hour evacuation time to shelter, with shelter space reasonably expected to accommodate the residents; and no greater than a 16-hour out-of-county evacuation time. Evacuation to a shelter, or out-of-county, is for a category 5 storm event as measured on the Saffir-Simpson scale.

In the event a local government cannot meet the required evacuation times for out-of-county and to a shelter, mitigation provisions are set forth in Section 163.3178(9)(a)3., Florida Statutes. Mitigation requirements must ensure that the adopted level of service is maintained for shelter and out-of-county evacuations.

The potential increase in density created by Policy 1.06.09 is inconsistent with Section 163.3178(9)(a)3, Florida Statutes. Language requiring local governments to provide mitigation that satisfies and maintains their adopted level of service has been omitted.

Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to the development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

In addition to being inconsistent with the State's requirements that mitigation

satisfy the deficiency in the level of service standard, the adopted policy is inconsistent with the requirement that payment of monies must accommodate the impacts associated with the development.

Policy 1.06.09 in the Amendment proposes to incorporate an “in-lieu fee” replacing “payment of money.” The substitution of a fee to satisfy the cost of impacts does not ensure that the monies will achieve the required improvements to maintain the adopted level of service standards. Additionally, the payment of cash must be memorialized in a binding agreement and specify the needed facility improvements.

Authority: Sections 163.3178(9)(a) & (b) Florida Statutes; Rules 9J-5.003(17), 9J-5.005(5); and 9J-5.012(3)(a) and (b)6. & 7., F.A.C.

B. Recommended remedial actions. These inconsistencies may be remedied by revising Policy 1.06.09 to include the missing statutory language establishing the mitigation provisions. Include verbatim the requirements as set forth in Section 163.3178 (9) (a), Florida Statutes. Remedying the inconsistencies within Policy 1.06.09 will allow for the listing of the Waterfront Mixed Use land use category as established in Policy 1.06.01(g).

2. Land Use Suitability: Policy 5.07.04 of the Conservation and Coastal Management Element authorized an increase in residential density in the Coastal High Hazard Area by incorporating a reference to Policy 1.06.09. The inclusion of this reference has caused Policy 5.06.04 to also be inconsistent with Florida Statutes. Corrections that would be undertaken to satisfy the compliance issues herein referenced above will satisfy compliance issues pertaining to Policy 5.07.04.

Authority: Sections 163.3178(9)(a) & (b) Florida Statutes; Rules 9J-5.003(17), 9J-

5.005(5); and 9J-5.012(3)(a) and (b)6. & 7., F.A.C.

B. Recommended remedial actions. This inconsistency may be remedied by revising Policy 1.06.09, and then any reference to the Waterfront Mixed Use land use category contained in Policy 5.06.04 will be corrected.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Inconsistent provisions. The Amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Section 187.201, Florida Statutes, including the following provisions:

1. **Public Safety.** Section 187.201(6)(a) and (b)23., Florida Statutes, regarding local government requirements to adopt plans and policies to protect human lives from the effect of natural disasters.

2. **Coastal and Marine Resources.** Section 187.201(8)(a), Florida Statutes, setting requirements to ensure that development in the coastal areas does not endanger public safety.

B. Recommended remedial action. These inconsistencies may be remedied by revising the Amendment as described above in Section I.

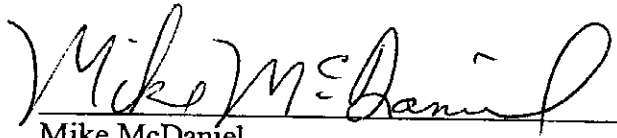
CONCLUSIONS

1. The Amendment is not consistent with the State Comprehensive Plan;
2. The Amendment is not consistent with Chapter 9J-5, Florida Administrative Code;
3. The Amendment is not consistent with the requirements of Chapter 163, Part II, Florida Statutes;
4. The Amendment is not “in compliance,” as defined in Section 163.3184(1)(b)

Florida Statutes; and

5. In order to bring the Amendment into compliance, the County may complete the recommended remedial actions described above or adopt other remedial actions that eliminate the inconsistencies.

Executed this 27th day of February, 2007 at Tallahassee, Florida.

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a horizontal line underneath the name.

Mike McDaniel

Chief, Office of Comprehensive Planning
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

EXHIBIT B
DEPARTMENT OF COMMUNITY AFFAIRS
v.
CITY OF FERNANDINA BEACH
DOAH CASE NUMBER 07-1300GM
DCA DOCKET NUMBER 06-2-NOI-4503-(A)-(N)

This proposal will settle the issues cited in the Department's Notice of Intent to find the City of Fernandina Beach CPA 06-2 Not in Compliance (NOI) for the changes to the City's Future Land Use Element adopted by Ordinance No. 2006-28 as Policies 1.06.09 and 1.06.01(g), and to the City's Conservation and Coastal Management Element adopted by Ordinance No. 2006-28 as Policy 5.07.04. The Department's objection is that the amendment fails to include in Policy 1.06.09, and in Policies 1.06.01(g) and 5.07.04 by their reference to Policy 1.06.09, statutory language establishing the mitigation provisions for density increases in the Coastal High Hazard Area.

The City has agreed to undertake remedial action by adopting into the Future Land Use Element of their Comprehensive Plan a Policy that amends Policy 1.06.09 consistent with the following:

1.06.09 Waterfront Mixed Use (WMU)

- a The Waterfront Mixed Use category is intended for the re-development of waterfront land fronting the Amelia River within the CRA only.
- b Uses include: Residential, commercial, retail stores, professional offices, water related uses such as piers, docks, wharves, and marinas and uses related to the shrimping and fishing industry.
- c Net Density is limited to 2 dwelling units per acre and is required to be located above a commercial or office use.
- d Intensity is limited to 0.75 FAR.

e Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with the following criteria: Fla. Stat. 163.3178(9)(a) (2006) as follows:

1. A 16-hour level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

- ~~1. A 16 hour level of service for out of county hurricane evacuation is maintained for a category 5 storm event; and~~
- ~~2. A 12 hour evacuation time to a hurricane shelter is maintained for a category 5 storm event; or~~
- ~~3. If the applicant cannot show that shelter space is available or evacuation times can be maintained, he/she may mitigate the impacts of the development through improvements to the transportation network, contribution of land for shelter space or road improvements, and/or construction of hurricane shelters. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan. The City may also consider an in lieu fee for mitigation purposes.~~

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, July 17, 2007 at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following:

→ 7. RESOLUTION 2007-106

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ACCEPTING AND APPROVING A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AS A COMPLETE AND FINAL SETTLEMENT OF ALL CLAIMS RESULTING FROM A FINDING OF NON-COMPLIANCE FOR ELEMENTS OF COMPREHENSIVE PLAN AMENDMENT 06-2, ADOPTING BY ORDINANCE 2006-28 ON DECEMBER 19, 2006; PROVIDING SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOTICE OF PUBLIC HEARING ON REMEDIAL AMENDMENTS TO THE COMPREHENSIVE PLAN

ORDINANCE 2007-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY BY AMENDING THE FUTURE LAND USE ELEMENT, POLICY 1.06.09, WATERFRONT MIXED USE (WMU); PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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

Copies of the applications may be inspected in the office of the Planning Dept., City Hall, 204 Ash Street, between the hours of 8:00 AM & 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ACCEPTING AND APPROVING A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AS A COMPLETE AND FINAL SETTLEMENT OF ALL CLAIMS RESULTING FROM A FINDING OF NON-COMPLIANCE FOR ELEMENTS OF COMPREHENSIVE PLAN AMENDMENT 06-2, ADOPTED BY ORDINANCE 2006-28 ON DECEMBER 19, 2006; PROVIDING DIRECTION TO ADOPT A REMEDIAL PLAN AMENDMENT; PROVIDING FOR EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of Fernandina Beach adopted Comprehensive Plan Amendment 06-2 on December 19, 2006 by approval of Ordinance 2006-28, including Policies 1.06.09 and 1.06.01(g) of the Future Land Use Element and Policy 5.07.04 of the Conservation and Coastal Management Element; and

WHEREAS, the Department of Community Affairs (DCA) issued its Statement and Notice of Intent regarding the amendment on February 28, 2007; and

WHEREAS, the Statement and Notice of Intent contended that the Amendment was not "in compliance" because it failed to include statutory language establishing the mitigation provisions for density increases in the Coastal High Hazard Area; and

WHEREAS, the City of Fernandina Beach and the DCA have agreed to remedial action, as provided in the attached Exhibit 1, to correct the Amendment in a manner which will be found "in compliance".

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

SECTION 1. The City Commission hereby accepts and approves the Stipulated Settlement Agreement with the Florida Department of Community Affairs, attached hereto as Exhibit 1, and agrees to adopt a remedial Comprehensive Plan Amendment to implement actions specified in the Agreement.

SECTION 2. The City Manager is hereby authorized to execute the Stipulated Settlement Agreement.

SECTION 3. This Resolution shall take effect immediately upon passage.

Adopted this 17th day of July, 2007 with a quorum present and voting.

ATTEST:

CITY OF FERNANDINA BEACH

Mary L. Mercer
MARY MERCER
City Clerk

Bill Leeper
BILL LEEPER
Mayor-Commissioner

RECEIVED

EXHIBIT 1

AUG 03 2007

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PLANNING & ZONING
FERNANDINA BEACH, FLORIDA

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

v.

DOAH Case No. 07-1300GM

CITY OF FERNANDINA BEACH,

Respondent.

_____ /

STIPULATED SETTLEMENT AGREEMENT

THIS STIPULATED SETTLEMENT AGREEMENT is entered into by and between the State of Florida, Department of Community Affairs and City of Fernandina Beach as a complete and final settlement of all claims raised in the above-styled proceeding.

RECITALS

WHEREAS, the State of Florida, Department of Community Affairs (DCA or Department), is the state land planning agency and has the authority to administer and enforce the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes; and

WHEREAS, the City of Fernandina Beach (Local Government) is a local government with the duty to adopt comprehensive plan amendments that are "in compliance;" and

WHEREAS, the Local Government adopted Comprehensive Plan Amendment 06-2 (Plan Amendment) by Ordinance No. 2006-28, including Policies 1.06.09 and 1.06.01(g) of the Future Land use Element and Policy 5.07.04 of the Conservation and Coastal Management Element on December 19, 2006; and

WHEREAS, the Plan Amendment adds a new Waterfront Mixed Land Use Category and defines densities and intensities in the Future Land Use Element (FLUE) and references those changes to the FLUE in the Conservation and Coastal Management Element; and

WHEREAS, the Department issued its Statement and Notice of Intent regarding the Amendment on February 28, 2007; and

WHEREAS, as set forth in the Statement of Intent, the Department contends that the Amendment is not “in compliance” because it fails to include statutory language establishing the mitigation provisions for density increases in the Coastal High Hazard Area; and

WHEREAS, pursuant to Section 163.3184(10), Florida Statutes, DCA has initiated the above-styled formal administrative proceeding challenging the Amendment; and

WHEREAS, the Local Government disputes the allegations of the Statement of Intent regarding the Amendment; and

WHEREAS, the parties wish to avoid the expense, delay, and uncertainty of lengthy litigation and to resolve this proceeding under the terms set forth herein, and agree it is in their respective mutual best interests to do so;

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinbelow set forth, and in consideration of the benefits to accrue to each of the parties, the receipt and sufficiency of which are hereby acknowledged, the parties hereby represent and agree as follows:

GENERAL PROVISIONS

1. **Definitions.** As used in this agreement, the following words and phrases shall have the following meanings:

a. **Act:** The Local Government Comprehensive Planning and Land Development Regulation Act, as codified in Part II, Chapter 163, Florida Statutes.

b. **Agreement:** This stipulated settlement agreement.

c. Comprehensive Plan Amendment or Plan Amendment: Comprehensive Plan Amendment 06-2 adopted by the Local Government on December 19, 2006, as Ordinance No. 2006-28 including Policies 1.06.09 and 1.06.01(g) of the Future Land use Element and Policy 5.07.04 of the Conservation and Coastal Management Element.

d. DOAH: The Florida Division of Administrative Hearings.

e. In compliance or into compliance: The meaning set forth in Section 163.3184(1)(b), Florida Statutes.

f. Notice: The notice of intent issued by the Department to which was attached its statement of intent to find the plan amendment not in compliance.

g. Petition: The petition for administrative hearing and relief filed by the Department in this case.

h. Remedial Action: A remedial plan amendment, submission of support document or other action described in the statement of intent or this agreement as an action which must be completed to bring the plan amendment into compliance.

i. Remedial Plan Amendment: An amendment to the plan or support document, the need for which is identified in this agreement, including its exhibits, and which the local government must adopt to complete all remedial actions. Remedial plan amendments adopted pursuant to this Agreement must, in the opinion of the Department, be consistent with and substantially similar in concept and content to the ones identified in this Agreement or be otherwise acceptable to the Department.

j. Statement of Intent: The statement of intent to find the Plan Amendment not in compliance issued by the Department in this case.

k. Support Document: The studies, inventory maps, surveys, data, inventories, listings or analyses used to develop and support the Plan Amendment or Remedial Plan Amendment.

2. Department Powers. The Department is the state land planning agency and has the power and duty to administer and enforce the Act and to determine whether the Plan Amendment is in compliance.

3. Negotiation of Agreement. The Department issued its Notice and Statement of Intent to find the Plan Amendment not in compliance, and filed the Petition in this case to that effect. Subsequent to the filing of the Petition the parties conferred and agreed to resolve the issues in the Petition, Notice and Statement of Intent through this Agreement. It is the intent of this Agreement to resolve fully all issues between the parties in this proceeding.

4. Dismissal. If the Local Government completes the Remedial Actions required by this Agreement, the Department will issue a cumulative Notice of Intent addressing both the Remedial Plan Amendment and the initial Plan Amendment subject to these proceedings. The Department will file the cumulative Notice of Intent with the DOAH. The Department will also file a request to relinquish jurisdiction to the Department for dismissal of this proceeding or for realignment of the parties, as appropriate under Section 163.3184(16)(f), Florida Statutes.

5. Description of Provisions not in Compliance and Remedial Actions; Legal Effect of Agreement. Exhibit A to this Agreement is a copy of the Statement of Intent, which identifies the provisions not in compliance. Exhibit B contains Remedial Actions needed for compliance. Exhibits A and B are incorporated in this Agreement by this reference. This Agreement constitutes a stipulation that if the Remedial Actions are accomplished, the Plan Amendment will be in compliance.

6 Remedial Actions to be Considered for Adoption. The Local Government agrees to consider for adoption by formal action of its governing body all Remedial Actions described in Exhibit B no later than the time period provided for in this Agreement.

7 Adoption or Approval of Remedial Plan Amendments. Within 60 days after execution of this Agreement by the parties, the Local Government shall consider for adoption all Remedial Actions or Plan Amendments and amendments to the Support Documents. This may

be done at a single adoption hearing. Within 10 working days after adoption of the Remedial Plan Amendment, the Local Government shall transmit 5 copies of the amendment to the Department as provided in Rule 9J-11.011(5), Florida Administrative Code. The Local Government also shall submit one copy to the regional planning agency and to any other unit of local or state government that has filed a written request with the governing body for a copy of the Remedial Plan Amendment and a copy to any party granted intervenor status in this proceeding. The Remedial Plan Amendment shall be transmitted to the Department along with a letter which describes the remedial action adopted for each part of the plan amended, including references to specific portions and pages.

8. Acknowledgment. All parties to this Agreement acknowledge that the "based upon" provisions in Section 163.3184(8), Florida Statutes, do not apply to the Remedial Plan Amendment.

9. Review of Remedial Plan Amendments and Notice of Intent. Within 30 days after receipt of the adopted Remedial Plan Amendments and Support Documents, the Department shall issue a Notice of Intent pursuant to Section 163.3184, Florida Statutes, for the adopted amendments in accordance with this Agreement.

a. In Compliance: If the adopted Remedial Actions satisfy this Agreement, the Department shall issue a cumulative Notice of Intent addressing both the Plan Amendment and the Remedial Plan Amendment as being in compliance. The Department shall file this cumulative notice with DOAH and shall move to realign the parties or to have this proceeding dismissed, as may be appropriate.

b. Not in Compliance: If the Remedial Actions do not satisfy this Agreement, the Department shall issue a Notice of Intent to find the Plan Amendment not in compliance and shall forward the notice to DOAH for consolidation with the pending proceeding.

10. Effect of Amendment. Adoption of any Remedial Plan Amendment shall not be counted toward the frequency restrictions imposed upon plan amendments pursuant to Section 163.3187(1), Florida Statutes.

11. Purpose of this Agreement; Not Establishing Precedent. The parties enter into this Agreement in a spirit of cooperation for the purpose of avoiding costly, lengthy and unnecessary litigation and in recognition of the desire for the speedy and reasonable resolution of disputes arising out of or related to the Plan Amendment. The acceptance of proposals for purposes of this Agreement is part of a negotiated agreement affecting many factual and legal issues and is not an endorsement of, and does not establish precedent for, the use of these proposals in any other circumstances or by any other local government.

12. Approval by Governing Body. This Agreement has been approved by the Local Government's governing body at a public hearing advertised at least 10 days prior to the hearing in a newspaper of general circulation in the manner prescribed for advertisements in Section 163.3184(15)(c), Florida Statutes. This Agreement has been executed by the appropriate officer as provided in the Local Government's charter or other regulations.

13. Changes in Law. Nothing in this Agreement shall be construed to relieve either party from adhering to the law, and in the event of a change in any statute or administrative regulation inconsistent with this agreement, the statute or regulation shall take precedence and shall be deemed incorporated in this Agreement by reference.

14. Other Persons Unaffected. Nothing in this Agreement shall be deemed to affect the rights of any person not a party to this Agreement. This Agreement is not intended to benefit any third party.

15. Attorney Fees and Costs. Each party shall bear its own costs, including attorney fees, incurred in connection with the above-captioned case and this Agreement.

16. Effective Date. This Agreement shall become effective immediately upon execution by the Department and the Local Government.

17. Filing and Continuance. This Agreement shall be filed with DOAH by the Department after execution by the parties. Upon the filing of this Agreement, the administrative proceeding in this matter shall be stayed by the Administrative Law Judge in accordance with Section 163.3184(16)(b), Florida Statutes.

18. Retention of Right to Final Hearing. Both parties hereby retain the right to have a final hearing in this proceeding in the event of a breach of this Agreement, and nothing in this Agreement shall be deemed a waiver of such right. Any party to this Agreement may move to have this matter set for hearing if it becomes apparent that any other party whose action is required by this Agreement is not proceeding in good faith to take that action.

19. Construction of Agreement. All parties to this Agreement are deemed to have participated in its drafting. In the event of any ambiguity in the terms of this Agreement, the parties agree that such ambiguity shall be construed without regard to which of the parties drafted the provision in question.

20. Entire Agreement. This is the entire agreement between the parties and no verbal or written assurance or promise is effective or binding unless included in this document.

21. Governmental Discretion Unaffected. This Agreement is not intended to bind the Local Government in the exercise of governmental discretion which is exercisable in accordance with law only upon the giving of appropriate public notice and required public hearings.

22. Multiple Originals. This Agreement may be executed in any number of originals, all of which evidence one agreement, and only one of which need be produced for any purpose.

23. Captions. The captions inserted in this Agreement are for the purpose of convenience only and shall not be utilized to construe or interpret any provision of this Agreement.

The remainder of this page intentionally left blank.

In witness whereof, the parties hereto have caused this Agreement to be executed by their undersigned officials as duly authorized.

DEPARTMENT OF COMMUNITY AFFAIRS

Approved as to form and legality:

By:

Charles Gauthier
Charles Gauthier, AICP, Director
Division of Community Planning

Lynette Norr
Lynette Norr
Assistant General Counsel

7/30/07
Date

7-27-07
Date

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 30th day of July, 2007, by Charles Gauthier, who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

Notary Public

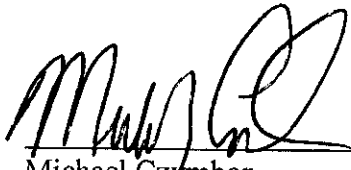
DOAH Case No. 07-1300GM

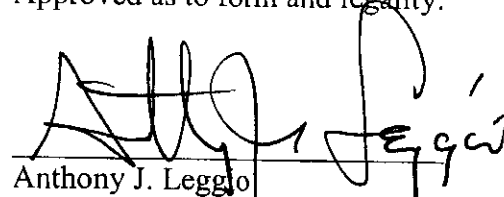


CITY OF FERNANDINA BEACH

Approved as to form and legality:

By:

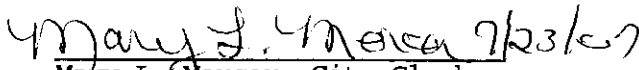

Michael Czymbor
City Manager


Anthony J. Leggio
Interim City Attorney

7/19/07
Date

7/17/07
Date

Attest:

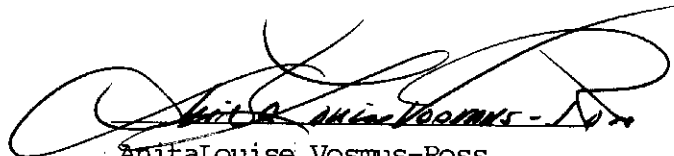

Mary L. Mercer, City Clerk

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 19th day of

July, 2007, by Michael J. Czymbor, who is personally
known to me or ~~who has produced~~ _____ as identification and

who ~~did~~/did not take an oath.


Anita Louise Vosmus-Ross
Notary Public

DOAH Case No. 07-1300GM

ANITALOUISE VOSMUS-ROSS
Notary Public, State of Florida
My comm. exp. Oct. 17, 2008
Comm. No. DD 363311

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

IN RE: CITY OF FERNANDINA BEACH
COMPREHENSIVE PLAN AMENDMENT
06-2 AMENDING THE FUTURE LAND USE
ELEMENT AND THE CONSERVATION
AND COASTAL MANAGEMENT
ELEMENT

Docket No. 06-2-NOI-(4503)

STATEMENT OF INTENT TO FIND
COMPREHENSIVE PLAN AMENDMENT
NOT IN COMPLIANCE

The Florida Department of Community Affairs, pursuant to Section 163.3184(10), Florida Statutes, and Rule 9J-11.012(6), Florida Administrative Code (F.A.C.), hereby issues this Statement of Intent to find the text amendments of Policies 1.06.01(g) and 1.06.09; and 5.07.04 of the Comprehensive Plan Amendment ("Amendment") adopted by the City of Fernandina Beach Ordinance No. 2006-28 on December 19, 2006, Not In Compliance based upon the Objections, Recommendations and Comments Report ("ORC Report") issued by the Department on November 27, 2006, which is hereby incorporated by reference. The Department finds these Policies of the Amendment not "in compliance," as defined in Section 163.3184(1)(b), Florida Statutes, because it is not consistent with Chapter 163, Part II, Florida Statutes, Florida Administrative Code ("F.A.C.") Chapter 9J-5, and the State Comprehensive Plan, Chapter 187, Florida Statutes, for the following reasons:

I. CHANGES RELATED TO THE FUTURE LAND USE ELEMENT AND THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT

A. Inconsistent provisions. The inconsistent provisions of the plan amendment under this subject heading are as follows:

1. Inconsistencies with Statutory Provisions: The amendment adopts Future Land Use Element Policy 1.06.01.(g), listing the newly established Waterfront Mixed

Use land use category, and Policy 1.06.09, detailing the densities and intensities within the new Waterfront Mixed Use land use category. Policy 1.06.09 allows for density increases in the Coastal High Hazard Area and sets forth provisions that are intended to comply with the requirements of Section 163.3178(9)(a)3., Florida Statutes.

Density increases are allowed in the Coastal High Hazard Area by maintaining a required Level of Service Standard of no greater than a 12-hour evacuation time to shelter, with shelter space reasonably expected to accommodate the residents; and no greater than a 16-hour out-of-county evacuation time. Evacuation to a shelter, or out-of-county, is for a category 5 storm event as measured on the Saffir-Simpson scale.

In the event a local government cannot meet the required evacuation times for out-of-county and to a shelter, mitigation provisions are set forth in Section 163.3178(9)(a)3., Florida Statutes. Mitigation requirements must ensure that the adopted level of service is maintained for shelter and out-of-county evacuations.

The potential increase in density created by Policy 1.06.09 is inconsistent with Section 163.3178(9)(a)3, Florida Statutes. Language requiring local governments to provide mitigation that satisfies and maintains their adopted level of service has been omitted.

Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to the development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

In addition to being inconsistent with the State's requirements that mitigation

satisfy the deficiency in the level of service standard, the adopted policy is inconsistent with the requirement that payment of monies must accommodate the impacts associated with the development.

Policy 1.06.09 in the Amendment proposes to incorporate an “in-lieu fee” replacing “payment of money.” The substitution of a fee to satisfy the cost of impacts does not ensure that the monies will achieve the required improvements to maintain the adopted level of service standards. Additionally, the payment of cash must be memorialized in a binding agreement and specify the needed facility improvements.

Authority: Sections 163.3178(9)(a) & (b) Florida Statutes; Rules 9J-5.003(17), 9J-5.005(5); and 9J-5.012(3)(a) and (b)6. & 7., F.A.C.

B. Recommended remedial actions. These inconsistencies may be remedied by revising Policy 1.06.09 to include the missing statutory language establishing the mitigation provisions. Include verbatim the requirements as set forth in Section 163.3178 (9) (a), Florida Statutes. Remedying the inconsistencies within Policy 1.06.09 will allow for the listing of the Waterfront Mixed Use land use category as established in Policy 1.06.01(g).

2. Land Use Suitability: Policy 5.07.04 of the Conservation and Coastal Management Element authorized an increase in residential density in the Coastal High Hazard Area by incorporating a reference to Policy 1.06.09. The inclusion of this reference has caused Policy 5.06.04 to also be inconsistent with Florida Statutes. Corrections that would be undertaken to satisfy the compliance issues herein referenced above will satisfy compliance issues pertaining to Policy 5.07.04.

Authority: Sections 163.3178(9)(a) & (b) Florida Statutes; Rules 9J-5.003(17), 9J-

5.005(5); and 9J-5.012(3)(a) and (b)6. & 7., F.A.C.

B. Recommended remedial actions. This inconsistency may be remedied by revising Policy 1.06.09, and then any reference to the Waterfront Mixed Use land use category contained in Policy 5.06.04 will be corrected.

II. CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

A. Inconsistent provisions. The Amendment is inconsistent with the State Comprehensive Plan goals and policies set forth in Section 187.201, Florida Statutes, including the following provisions:

1. **Public Safety.** Section 187.201(6)(a) and (b)23., Florida Statutes, regarding local government requirements to adopt plans and policies to protect human lives from the effect of natural disasters.

2. **Coastal and Marine Resources.** Section 187.201(8)(a), Florida Statutes, setting requirements to ensure that development in the coastal areas does not endanger public safety.

B. Recommended remedial action. These inconsistencies may be remedied by revising the Amendment as described above in Section I.

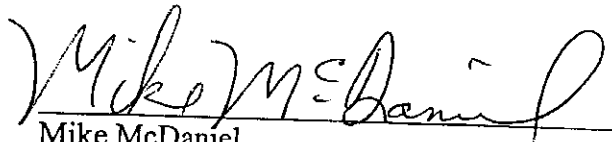
CONCLUSIONS

1. The Amendment is not consistent with the State Comprehensive Plan;
2. The Amendment is not consistent with Chapter 9J-5, Florida Administrative Code;
3. The Amendment is not consistent with the requirements of Chapter 163, Part II, Florida Statutes;
4. The Amendment is not “in compliance,” as defined in Section 163.3184(1)(b)

Florida Statutes; and

5. In order to bring the Amendment into compliance, the County may complete the recommended remedial actions described above or adopt other remedial actions that eliminate the inconsistencies.

Excuted this 27th day of February, 2007 at Tallahassee, Florida.

A handwritten signature in black ink, reading "Mike McDaniel". The signature is written in a cursive style with a large initial "M".

Mike McDaniel
Chief, Office of Comprehensive Planning
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399

EXHIBIT B

DEPARTMENT OF COMMUNITY AFFAIRS

v.

CITY OF FERNANDINA BEACH

DOAH CASE NUMBER 07-1300GM

DCA DOCKET NUMBER 06-2-NOI-4503-(A)-(N)

This proposal will settle the issues cited in the Department's Notice of Intent to find the City of Fernandina Beach CPA 06-2 Not in Compliance (NOI) for the changes to the City's Future Land Use Element adopted by Ordinance No. 2006-28 as Policies 1.06.09 and 1.06.01(g), and to the City's Conservation and Coastal Management Element adopted by Ordinance No. 2006-28 as Policy 5.07.04. The Department's objection is that the amendment fails to include in Policy 1.06.09, and in Policies 1.06.01(g) and 5.07.04 by their reference to Policy 1.06.09, statutory language establishing the mitigation provisions for density increases in the Coastal High Hazard Area.

The City has agreed to undertake remedial action by adopting into the Future Land Use Element of their Comprehensive Plan a Policy that amends Policy 1.06.09 consistent with the following:

1.06.09 Waterfront Mixed Use (WMU)

- a The Waterfront Mixed Use category is intended for the re-development of waterfront land fronting the Amelia River within the CRA only.**
- b Uses include: Residential, commercial, retail stores, professional offices, water related uses such as piers, docks, wharves, and marinas and uses related to the shrimping and fishing industry.**
- c Net Density is limited to 2 dwelling units per acre and is required to be located above a commercial or office use.**
- d Intensity is limited to 0.75 FAR.**

- e Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with ~~the following criteria:~~ Fla. Stat. 163.3178(9)(a) (2006) as follows:
1. A 16-hour level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
 2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
 3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.
- ~~1. A 16 hour level of service for out of county hurricane evacuation is maintained for a category 5 storm event; and~~
- ~~2. A 12 hour evacuation time to a hurricane shelter is maintained for a category 5 storm event; or~~
- ~~3. If the applicant cannot show that shelter space is available or evacuation times can be maintained, he/she may mitigate the impacts of the development through improvements to the transportation network, contribution of land for shelter space or road improvements, and/or construction of hurricane shelters. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan. The City may also consider an in lieu fee for mitigation purposes.~~

FRIDAY, JULY 6, 2007 NEWS News Leader

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, July 17, 2007, at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following:

—7— RESOLUTION 2007-106

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ACCEPTING AND APPROVING A STIPULATED SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AS A COMPLETE AND FINAL SETTLEMENT OF ALL CLAIMS RESULTING FROM A FINDING OF NON-COMPLIANCE FOR ELEMENTS OF COMPREHENSIVE PLAN AMENDMENT 06-2, ADOPTING BY ORDINANCE 2006-28 ON DECEMBER 19, 2006, PROVIDING SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOTICE OF PUBLIC HEARING ON REMEDIAL AMENDMENTS TO THE COMPREHENSIVE PLAN

ORDINANCE 2007-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY BY AMENDING THE FUTURE LAND USE ELEMENT, POLICY 106.09, WATERFRONT MIXED USE (WMU); PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399. (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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

Copies of the applications may be inspected in the office of the Planning Dept., City Hall, 204 Ash Street, between the hours of 8:00 AM & 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305

ORDINANCE NUMBER 2008-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE FUTURE LAND USE MAP (LU2007-67) FROM INDUSTRIAL WATERFRONT TO WATERFRONT MIXED USE, FOR PROPERTY IDENTIFIED AS A PORTION OF WATER LOT 3 AND ALL OF WATERLOT 4, TOTALING APPROXIMATELY 1.28 ACRES (INCLUDING SUBMERGED LANDS) OR 0.30 UPLAND ACRE, LOCATED ON THE WATERFRONT BOUND BY FRONT STREET, ALACHUA AND BROOME STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lane Investment and Development, LLC has applied for a change of land use; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on October 31, 2007; and

WHEREAS, the Planning Advisory Board voted 6-1 to recommend approval of the change of land use from Industrial Waterfront to Waterfront Mixed Use for application LU 2007-67 on November 14, 2007.

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

SECTION 1. PROPERTY INVOLVED. The property identified for this change of land use (LU2007-67), attached hereto as Exhibit A, is a portion of Water Lot 3 and all of Water Lot 4, located on the waterfront, Front Street, Broome and Alachua Streets, Fernandina Beach, Florida totaling approximately 1.28 acres (including submerged lands) or 0.30 upland acres.

SECTION 2. ZONING MAP CHANGE. For the property in question, the Future Land Use Map change from Industrial Waterfront (I-W) to Waterfront Mixed Use (WMU) is hereby approved.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

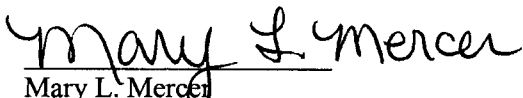
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect thirty-one (31) days after its final adoption.

ADOPTED this ____ day of _____, 2008.

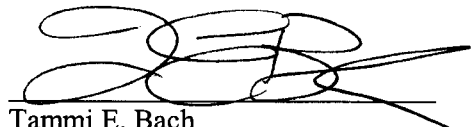
CITY OF FERNANDINA BEACH


Bill Leeper
Commissioner - Mayor

ATTEST:


Mary L. Mercer
City Clerk

APPROVED AS TO FORM:


Tammi E. Bach
City Attorney

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH
NOTICE IS HEREBY GIVEN
that a Quasi-Judicial Public
Hearing is scheduled for
Tuesday, March 4, 2008 at 6:00
PM in the City Commission
Chambers, 204 Ash Street
Fernandina Beach, Florida to
consider the following appli-
cation:

ORDINANCE NUMBER
2008-02

AN ORDINANCE OF THE
CITY COMMISSION OF THE
CITY OF FERNANDINA BEACH,
FLORIDA, APPROVING A
CHANGE TO THE FUTURE LAND
USE MAP (LU2007-67) FROM
INDUSTRIAL WATERFRONT TO
WATERFRONT MIXED USE, FOR
PROPERTY IDENTIFIED AS A

PORTION OF WATER LOT 3
AND ALL OF WATER LOT 4,
TOTALING APPROXIMATELY
1.28 ACRES (INCLUDING SUB-
MERGED LANDS) OR 0.30
UPLAND ACRE, LOCATED ON
THE WATERFRONT BOUND BY
FRONT STREET, ALACHUA AND
BROOME STREETS, PROVIDING
FOR SEVERABILITY, AND PRO-
VIDING FOR AN EFFECTIVE
DATE.

Interested parties may
appear at said hearing and
be heard as to the advisabil-
ity of any action, which may
be considered. Any persons
with disabilities requiring
accommodations in order to
participate in this program or
activity should contact 277-
7305, TTY 277-7399, (TTY num-
ber for all City offices) or
through the Florida Relay
Service at 1-800-955-8771 at
least 24 hours in advance to
request such accommoda-
tion.

IF ANY PERSON DECIDES
TO APPEAL ANY DECISION
MADE BY THE BOARD/COM-
MISSION WITH RESPECT TO
ANY MATTER CONSIDERED AT
SUCH HEARING, S/HE WILL
NEED TO ENSURE THAT A VER-
BATIM RECORD OF THE PRO-
CEEDINGS IS MADE, WHICH
RECORD INCLUDES THE TESTI-
MONY AND EVIDENCE UPON
WHICH THE APPEAL IS TO BE
BASED.

Copies of the applications
may be inspected in the
office of the City Clerk, City
Hall, 204 Ash Street, between
the hours of 8:00 AM - 5:00
PM, Monday through Friday.
For information on the appli-
cation, please contact the
Staff of the City Clerk's Office
at 277-7305.

11 02-20-2008
6434

NEWS LEADER

Published Weekly

 511 Ash Street/P.O. Box 766 (904) 261-3696
 Fernandina Beach, Nassau County, Florida 32034

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared **Michael B. Hankins** who on oath says that he is the Advertising Director of The Fernandina Beach *News-Leader*, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

NOTICE OF PUBLIC HEARING City Commission City of Fernandina Beach March 4, 2008

was published in said newspaper in the issues of **02-20-2008**

ref. No. 6434

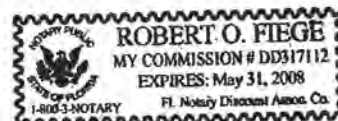
Affiant further says that the said Fernandina Beach *News-Leader* is a newspaper published at Fernandina Beach, in said Nassau County, Florida, and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Michael B. Hankins

Sworn to and subscribed before me
this **20th** day of **February**, A.D. 2008.

Robert O. Fiege
Robert O. Fiege, Notary Public

A Personally Known



NOTICE OF PUBLIC HEARING CITY COMMISSION

CITY OF FERNANDINA BEACH
NOTICE IS HEREBY GIVEN
that a Quasi-Judicial, Public
Hearing is scheduled for
Tuesday, March 4, 2008 at 6:00
PM in the City Commission
Chambers, 204 Ash Street
Fernandina Beach, Florida to
consider the following appli-
cation:

ORDINANCE NUMBER
2008-02

AN ORDINANCE OF THE
CITY COMMISSION OF THE
CITY OF FERNANDINA BEACH,
FLORIDA, APPROVING A
CHANGE TO THE FUTURE LAND
USE MAP (LU2007-67) FROM
INDUSTRIAL WATERFRONT TO
WATERFRONT MIXED USE, FOR
PROPERTY IDENTIFIED AS A

PORTION OF WATER LOT 3
AND ALL OF WATER LOT 4,
TOTALING APPROXIMATELY
1.28 ACRES (INCLUDING SUB-
MERGED LANDS) OR 0.30
UPLAND ACRE, LOCATED ON
THE WATERFRONT BOUND BY
FRONT STREET, ALACHUA AND
BROOME STREETS, PROVIDING
FOR SEVERABILITY, AND PRO-
VIDING FOR AN EFFECTIVE
DATE.

ORDINANCE NUMBER
2008-03

AN ORDINANCE OF THE
CITY COMMISSION OF THE
CITY OF FERNANDINA BEACH,
FLORIDA, APPROVING A
CHANGE TO THE ZONING
MAP (CZ2007-67) FROM (I-W)
INDUSTRIAL WATERFRONT TO
(W-1) WATERFRONT MIXED
USE, FOR PROPERTY IDENTIFIED
AS A PORTION OF WATER LOT
3 AND ALL OF WATER LOT 4,
TOTALING APPROXIMATELY
1.28 ACRES (INCLUDING SUB-
MERGED LANDS) OR 0.30
UPLAND ACRE, LOCATED ON
THE WATERFRONT BOUND BY
FRONT STREET, ALACHUA AND
BROOME STREETS, PROVIDING
FOR SEVERABILITY, AND PRO-
VIDING FOR AN EFFECTIVE
DATE.

Interested parties may
appear at said hearing and
be heard as to the advisabi-
lity of any action, which may
be considered. Any persons
with disabilities requiring
accommodations in order to
participate in this program or
activity should contact 277-
7305, TTY 277-7399, (TTY num-
ber for all City offices) or
through the Florida Relay
Service at 1-800-955-8771 at
least 24 hours in advance to
request such accommoda-
tion.

IF ANY PERSON DECIDES
TO APPEAL ANY DECISION
MADE BY THE BOARD/COM-
MISSION WITH RESPECT TO
ANY MATTER CONSIDERED AT
SUCH HEARING, S/HE WILL
NEED TO ENSURE THAT A VER-
BATIM RECORD OF THE PRO-
CEEDINGS IS MADE, WHICH
RECORD INCLUDES THE TESTI-
MONY AND EVIDENCE UPON
WHICH THE APPEAL IS TO BE
BASED.

Copies of the applications
may be inspected in the
office of the City Clerk, City
Hall, 204 Ash Street, between
the hours of 8:00 AM - 5:00
PM, Monday through Friday.
For information on the appli-
cation, please contact the
Staff of the City Clerk's Office
at 277-7305.

11-02-20-2008
6434

#148.20
Marshall



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2008-02 LU 2007-67: Change of Land Use, Lane
Investment and Development, LLC

DEPARTMENT: PLANNING

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

SUMMARY: Lane Investment and Development, LLC has requested a change of land use for a 1.28 acres parcel of land including submerged lands (0.30 acre upland), (a portion of Water Lot 3 and all of Water Lot 4) bound by the waterfront, Front Street, Alachua and Broome Streets, Fernandina Beach, from Industrial Waterfront to Waterfront Mixed Use. The Planning staff has issued a recommendation for approval conditioned by a formal Developer's Agreement. The Planning Advisory Board recommended approval 6-1 at their November 14, 2007 regular meeting. The Commission is requested to consider this item at First Reading on February 5, 2008.

RECOMMENDED ACTION: Approve Ordinance 2008-02

DEPARTMENT HEAD Submitted: Marshall McCrary, CDD Director Date: 01/17/08
Requested Agenda: Date: 02/05/08

FINANCE DEPARTMENT Budgeted ☐ Yes ☐ No ☐ N/A Date:

CITY ATTORNEY Approved for Form Date: 1/28/08

CITY MANAGER Approved Agenda Item for Date: 1/23/08

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CDD ☐ FIN ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PRD ☐ PWD

Approved at the City Commission
Held on 2-5-08 Meeting
Voted: 5-0 Initial: [Signature]



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2008-02, LU 2007-67: Change of Land Use, Lane
Investment and Development, LLC

DEPARTMENT: PLANNING

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

SUMMARY: Lane Investment and Development, LLC has requested a change of land use for a 1.28 acres parcel of land including submerged lands (0.30 acre upland), (a portion of Water Lot 3 and all of Water Lot 4) bound by the waterfront, Front Street, Alachua and Broome Streets, Fernandina Beach, from Industrial Waterfront to Waterfront Mixed Use. The Planning staff has issued a recommendation for approval conditioned by a formal Development Agreement. The Planning Advisory Board recommended approval 6-1 at their November 14, 2007 regular meeting. The City Commission considered this item at First Reading on February 5, 2008 and voted 5-0 to approve the request after approving Resolution 2008-18 endorsing the necessary Development Agreement. Second reading is requested at the March 4, 2008 regular City Commission meeting.

RECOMMENDED ACTION: Approve Ordinance 2008-02

DEPARTMENT HEAD Submitted: Marshall McCrary, CDD Director Date: 02/14/08
Requested Agenda: *MM* Date: 03/04/08

FINANCE DEPARTMENT Budgeted ☐ Yes ☐ No ☐ N/A Date:

CITY ATTORNEY Approved for Form *TEB* Date: *2/22/08*

CITY MANAGER Approved Agenda Item for *(M)* Date: *2/19/08*

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CDD ☐ FIN ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PRD ☐ PWD

LU / CZ 2007-67 Industrial Waterfront/IW to Waterfront Mixed Use/W-1



0 80 160 320 Feet

LU / CZ 2007-67
Lane Investments and Development, LLC
PAB 11-14-2007

1 inch equals 0.0339 miles
Indian Beach City Commission
Regular Meeting Agenda



STAFF REPORT
LU/CZ 2007-67
Small Scale Amendment to Future Land Use Map
Change of Zoning
Planning Advisory Board Hearing
November 14, 2007

Application Information

Applicant: Lane Investment and Development, LLC
Owner(s): William H. & Anne B. Kavanaugh and
Anthony J. & Angelo T. Tringali
Agent: A. Jeffrey Tomassetti
Requested action: Small Scale Land Use and Zoning Map Amendment from
Industrial Waterfront / I-W to Waterfront Mixed Use/ W-1
Location: West side of North Front Street between Alachua and Broome
Streets (A Portion of Water Lot 3 & All of Water Lot 4, 105
North Front Street)
Zoning: I-W, Industrial Waterfront
Future Land Use Map category: Industrial Waterfront
Size: 1.28 acres (0.3 acres upland area)
Existing uses on the site: Vacant (Docks/ Warehousing)

All required application materials have been received. All required notices have been made.

Surrounding Area Information

	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Future Land Use</u> <u>Map category</u>
North	Warehouse	I-W	Industrial Waterfront
South	Vacant Warehouse	I-W	Industrial Waterfront
East	Docks/ Warehousing	I-W	Industrial Waterfront
West	Water	Water	Waterfront

Summary of Request and Background Information

The applicant has applied for a change in land use and zoning from Industrial Waterfront/I-W to Waterfront Mixed Use/ W-1. The subject properties, known as a portion of water lot 3 & and all of water lot 4, are comprised of the block which is bounded by the waterfront, Front Street, Alachua and Broome Streets. The survey supplied by the applicant indicates this property totals approximately 1.28 acres (including submerged lands) and 0.3 acres of upland area.

The current I-W zoning does not permit residential development and limits permissible industrial uses to a 0.75 Floor Area Ratio (FAR). This results in a maximum current development potential of 41,817.60 square feet of industrial use (including submerged lands) and 9,801 square feet

(using an uplands area only calculation). Currently, the CRA zoning overlay limits FAR calculations to upland areas only. Uses permissible under the current zoning are provided in Table 2.03.02 of the Land Development Code and range from professional offices and retail stores to warehousing and manufacturing activities.

The proposed W-1 zoning would introduce residential uses in a mixed use form to the subject property and reduce the range of allowable non-residential uses. The residential density associated with W-1 is 2.0 dwelling units per acre; the subject property contains 0.3 acres of upland area. W-1 is a mixed-use district, and the subject property would therefore be eligible for up to 1.0 residential unit, if the terms of the density bonus are met (Section 1.06.09(f.)).

W-1 zoning also provides a Floor Area Ratio of 0.75, resulting in a maximum of 41,817.60 square feet of commercial development (including submerged lands) and 9,801 square feet when using an uplands area only calculation, as is currently required by the CRA zoning overlay.

Consistency with the Comprehensive Plan

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

The City has five public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, and Solid Waste. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential.

As stated above, the establishment of W-1 on the subject property could result in a maximum of 1.0 dwelling unit, without the density bonus, 2.0 dwelling units, with the density bonus, and between 9,801 and 41,817.60 square feet of commercial development (depending on the final amount of upland acreage). Staff estimates that between 26.64 – 121.36 p.m. peak hour trips could be generated by such development. Maximum industrial development under the current zoning only generates approximately 31.05 p.m. peak hour trips, resulting in a net potential maximum increase of 90.31 trips. This calculation, however, is based on a maximum build-out scenario which is highly unlikely due to regulatory constraints on the property. For example, due to the CRA Overlay requirements that residential parking be provided on site, some land area will have to be devoted to parking and vehicular circulation.¹ Additional provisions include public walkways along the river and between the river and Front Street to utilize the WMU density bonus.

The applicant has conducted a traffic study based on the proposed development plan for the subject property (36 residential units and 8,000 square feet of office space based on the entire Standard Marine Project redevelopment and this property). This study has been reviewed by the Northeast Regional Council for compliance with applicable concurrency standards. In correspondence from the Council, dated November 9, 2006, the study's methodology and

¹ ITE Codes 715 (Single Tenant Office) and 870 (Apparel Store) average to 2.96 pm peak hour trips x 9 = 26.64 or 2.96 pm peak hour trips x 41 = 121.36 (Range from 26.64-121.36)

Low Rise Condominium/ Townhome is 0.54 x 1 = .54 or 0.54 x 2 = 1.08

45,085 industrial/ commercial mix = 0.69 x 45 = 31.05

determination were found to be valid, and transportation concurrency was approved for the proposed development scenario. This determination indicates the availability of adequate levels of service for the transportation network. It should be noted, however, that any significant use modifications to the development plan will require re-evaluation of this availability.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day. The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate the proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has a contract with Stateline to dispose of solid waste, therefore the impact is irrelevant. Drainage will be reviewed in Technical Review by the City's engineering consultant. The City requires stormwater to be retained on-site.

1.01.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective land development patterns, as described below.

- a. No areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;
- b. No areas of urban development or uses which fail to maximize the use of existing public facilities;
- c. No areas of urban development or uses which fail to use areas within which public services are currently provided; and
- d. No leapfrog/scattered development or ribbon/strip commercial development patterns.

The lots to the north of Broome and Front Streets are zoned and developed with industrial uses. Properties to the south are zoned and developed under I-W, and properties to the east are zoned C-3. The mixed-use, W-1 zoning proposed for the subject property would provide an appropriate transition between the industrial properties to the north and south and the commercial / mixed use zones to east.

Since the proposed project represents infill development, no leapfrog development is occurring, and public facilities are generally available to the area.

1.01.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;
- b. Zoning districts in the surrounding area;
- c. Appropriateness of the size of the parcel compared to the proposed use;

- d. Physical condition of the site, and the suitability of soils and topography for the proposed use;
- e. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive areas, flood zones, or historic resources;
- f. Compatibility factors;
- g. Impact on adopted levels of service; and
- h. Location in a Coastal upland protection zone.

The uses in the general vicinity vary from industrial to the mixed use category. Limited residential development exists in the immediate area and lies to the east. The sizes of the parcels are consistent with the historic platted lot configuration. The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, the site is not a greenfield. It has been used to support various developments over the last 150 years. The site is located in a Coastal Upland Protection Zone, and the levels of service are discussed above.

1.06.08. (f) A proposed amendment to the FLUM to increase the land area within the Central Business District land use category shall demonstrate the suitability of the proposed site based on:

- 1. The need for additional land area within the Central Business District; and land use category;
- 2. Consistency of the land area with the characteristics of the Central Business District; and;
- 3. Consistency of the land area with the characteristics of the downtown.

The applicant has not provided data to support the transition from primarily industrial to commercial uses; however, such a transition is encouraged as an element of the CRA Plan as well as the waterfront redevelopment plan. As this property lies within the CRA, its use for the expansion of residential offerings and water dependent commercial uses is appropriate and encouraged.

The property involved is consistent with the desired characteristics of the Waterfront.

1.06.09 (e) Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with Fla. Stat. 163.3178(9)(a) (2006) as follows:

- 1. A 16-hour level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
- 2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
- 3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1, or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer

shall enter into a binding agreement to memorialize the mitigation plan.
(1.06.09(e) amended 7/17/2007 by Ordinance 2007-25)

The property does lie within the CHHA and the applicant is required to demonstrate compliance with Fla. Stat. 163.3178(9)(a) (2006). Currently, the City does not have a local mitigation plan in place for developments along the waterfront and therefore has no means of collecting monies, receiving land or constructing shelters or transportation facilities for mitigation purposes. The City and Nassau County are required to review their local mitigation strategies and make updates to DCA no later than June 2008. However, since at this time the City/County have not reviewed mitigation strategies it will be necessary to enter into a contingent developer's agreement in order for the WMU category to be placed on the FLUM. Staff is researching options for upholding this requirement while allowing the project to proceed through the review processes.

1.06.09 (f) Amendments to the FLUM that change the land use to WMU within the Community Redevelopment Area (CRA) may be awarded a 100 % density bonus based on the following criteria: Dedication and acceptance of an easement to the City in order to build a public waterfront boardwalk along the river; and Dedication and acceptance of an easement for mid-lot or mid-block corridors in order to maintain view corridors to the river and to be used as pedestrian access. (Amended 12/19/2006 by Ordinance 2006-28)

The property is eligible to receive a 100% density bonus of residential units, if the developer chooses to provide both of the above options. The density bonus would result in an increase of allowable residential units. The exact number of units would depend on the amount of upland acreage achieved by permit through DEP.

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

The City's Comprehensive Plan identifies this property as lying within the CHHA. The change in land use does increase the allowable density to allow residential units; however it does not change the amount of allowable square footage that may be achieved.

5.07.04. The City shall prohibit amendments to the FLUM which result in a net increase in residential density in the CHHA except within the Community Redevelopment Area. Density increases are permitted within the CHHA for parcels in the WMU Future Land Use category if the criteria in Policy 1.06.09(e) are met.

The proposed zoning change does represent a potential increase in residential density on this property. As stated above, however, this property is located within the CHHA.

5.07.06. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from the CHHA. Development and/or redevelopment in the CHHA shall not increase the intensity currently allowed by the Comprehensive Plan.

The capacity would result in the same FAR of 0.75 and allowable residential density would be 2.0 units per acre. Because the property lies within the CHHA, the requested zoning and land use is not consistent with this policy without mitigation measures in place for any residential units.

Consistency with the Land Development Code

The requested zoning is W-1, a mixed-use district which supports a variety of residential and commercial land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

Section 2.01.12 of the Land Development Code states the intent of the W-1, Waterfront Mixed Use, zoning classification.

The Waterfront Mixed Use category is intended for the re-development of waterfront land fronting the Amelia River within the CRA only. Uses include: Residential, commercial, retail stores, professional offices, water related uses such as piers, docks, wharves, and marinas and uses related to the shrimping and fishing industry.

The range of uses permitted under W-1 does provide for consistency with existing zoning and will help to foster redevelopment to the north, south and east. Additionally, the property is well-situated to provide an appropriate transition to the industrial uses to the north.

The City has endorsed redevelopment of this property as a part of the Community Redevelopment Area. A land use and zoning conversion to W-1 will work to support and facilitate this needed redevelopment. As all surrounding properties are also located within the CRA, it can be expected that future requests for conversion from Industrial to mixed use will be forthcoming. In addition to the new land use pattern which will be evolving in this area, much needed improvements to the supporting infrastructure will occur. The subject property makes an effective starting point for the redevelopment of the waterfront area.

Conclusion

The requested zoning and land use change is consistent with the Comprehensive Plan and Land Development Code and provides a mechanism for the redevelopment which is fostered by the Community Redevelopment Area. The City staff is working to research appropriate mitigation strategies for development within the CHHA to be compliant with Section 1.06.09(e) of the Comprehensive Plan. Final adoption of the Land Use and Zoning changes may not be permitted, however, until either appropriate mitigation is provided or a legally binding with the City acknowledging mitigation obligations is completed. Additionally, without final DEP permitting, the actual amount of uplands and therefore, the number of residential units can not be calculated for mitigation purposes.

LU / CZ 2007-67 Industrial Waterfront/IW to Waterfront Mixed Use/W-1



LU / CZ 2007-67 Industrial Waterfront/IW to Waterfront Mixed Use/W-1



0 80 160 320 Feet

LU / CZ 2007-67
Lane Investments and Development, LLC
PAB 11-14-2007

1 inch equals 0.03397 miles
City of Panama Beach 01/17/2007
Regular Meeting Agenda
February 5, 2008



DATE STAMP

RECEIVED

SEP 04 2007

APPLICATION FOR FUTURE LAND USE AMENDMENT
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH, FLORIDA

APPLICATION NO.: LU 2007-67

APPLICATION FEE: \$850.00

IMS TRACKING NO.: 2007-000001157
former IMS # 2007-0000000363

RECEIVED BY:

DATE RECEIVED:

1. APPLICANT'S INFORMATION:

Applicant(s): Lane Investment and Development, LLC
Address: 5555 Glenridge Connector, Suite 700
Address 2: Atlanta, Georgia 30342

Telephone: (404) 459-6100
Fax: (404) 459-6248
Email: emonarchik@lanecompany.com

2. OWNER'S INFORMATION:

Applicant(s): William H. & Anne B. Kavanaugh
Address: 112 North 6th Street
Address 2: Fernandina Beach, FL 32034

Telephone: (904) 261-3158
Fax: _____
Email: _____

Applicant(s): Anthony J. & Angelo T. Tringali
Address: 124 S. 3rd Street
Address 2: Fernandina Beach, FL 32034

Telephone: (904) 261-4725
Fax: _____
Email: _____

3. APPLICANT'S AGENT INFORMATION:

Applicant(s): A. Jeffrey Tomassetti, Esq.
Address: 406 Ash St. Fernandina, FL 32035

Telephone: (904) 261-1833
Fax: (904) 261-8023
Email: ajtlaw@bellsouth.net

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER INFORMATION:

Surveyor: Robert D. Richards Surveying, Inc.
Address: 8567 C.R. 13 North St. Augustine, FL 32093

Telephone: (904) 940-0721
Fax: (904) 940-5896

Engineer: Avid Group
Address: 8659 Baypine Rd Suite 304 Jax, FL 32256

Telephone: (904) 737-4100
Fax: (904) 737-4001

5. PROPERTY INFORMATION:

Project Name: Lane Downtown Fernandina
Street Address: North Front Street and 105 North Front Street
Lot Number: N 180 of 4IN and N 130 Ft of 3 & S 50 Ft of 4 Block Number: _____
Subdivision: Water Lots Section: _____ Township: _____
Range: _____
Nearest Street Intersection: Front Street
Parcel Identification Number(s): 00-00-31-1760-0004-0000 and
00-00-31-1760-0003-0000

6. AREA INFORMATION:

Under an acre Sq. Footage: _____ Over an acre: Acres: 1.285 Number of Lots/Parcels: _____
Existing Zoning Classification: Waterfront Industrial (I-W)
Proposed Zoning Classification: Waterfront Mixed Use (W-1)

Existing Future Land Use Classification: Industrial Waterfront (I-W)
Proposed Future Land Use Classification: Waterfront Mixed Use (WMU)

Existing Land Use: Transit Te (002000) and Wholesale Seafood Processing
Proposed Land Use: Mixed use: waterfront residential and retail (WMU)

Previous Planning/Zoning Approvals: _____

7. FUTURE LAND USE AMENDMENT SOUGHT:

Applicant seeks to change the existing Future Land Use classification from Industrial Waterfront (I-W) to Waterfront Mixed Use (WMU).

CONDITIONS:

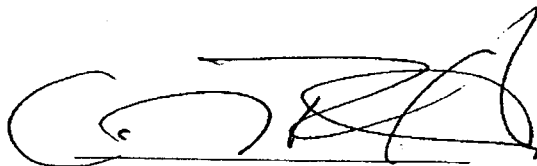
I (we) understand that the application fee does not include the fees associated with engineering review and/or construction inspection, inspections, reports, and the like required by the City of Fernandina Beach.

I (we) certify that no land clearing, excavation and/or filling have occurred on this property, and that no clearing, excavation and/or filling will commence prior to the issuance of a Land Clearing Permit. I (we) do hereby agree to perform any authorized land clearing, excavation and/or filling in accordance with the approved site plan and the City of Fernandina Beach Land Development Regulations.

By signature, I (we) have read understand and agree to the above conditions.

William H. & Anne B. Kavanaugh
Owner (1)
Print Name:

Anthony J. & Angelo T. Tringali
Owner (2)
Print Name:

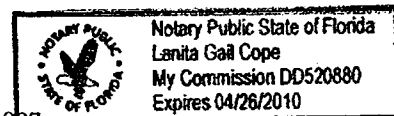

Agent
Print Name: Jeffrey Tomassetti

The undersigned having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.

Signature of Owner(s) or Agent

Print name of Owner(s) or Agent

STATE OF FLORIDA
COUNTY OF NASSAU



Subscribed and sworn to before me this 23 day of February, 2007.

Lanita Gail Cope
Notary Public: Signature

LANITA GAIL COPE
Printed Name

My Commission Expires: _____

Individual making statement is ☒ personally known or _____ produced identification.

Type of identification produced: _____

OWNERS AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA
Agent Authorization Form

EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I/WE Mr. Angelo T. Tringali & Mr. Anthony J. Tringali
(print name of property owner)

hereby authorize Mr. Ed Monarchik, Lane Southeast, LLC & Mr. A. Jeffrey Tomassetti
(print name of agent)

to represent me/us in processing and application for Future Land Use Amendment

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

Angelo Tringali
(Signature of owner)

Anthony J. Tringali
(Signature of owner)

Mr. Angelo T. Tringali

Mr. Anthony J. Tringali

State of Florida

County of NASSAU

Sworn to and subscribed before me on this 22nd day of February, 2007,

by ANGELO TRINGALI & ANTHONY J. TRINGALI
(name of person making statement)

Frances G. Burgess
Signature of Notary Public
State of Florida

FRANCES G. BURGESS

Print, type or stamp commissioned
Name of Notary Public

My Commission
Expires: _____



Frances G. Burgess
MY COMMISSION # DD175576 EXPIRES
March 16, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

Individual making statement is ☒ personally known or _____ produced identification.

Type of identification produced _____

OWNERS AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA
Agent Authorization Form

EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I/WE Mr. William H. Kavanaugh & Mrs. Anne B. Kavanaugh
(print name of property owner)

hereby authorize Mr. Ed Monarchik, Lane Southeast, LLC & Mr. A. Jeffrey Tomassetti
(print name of agent)

to represent me/us in processing and application for Future Land Use Amendment

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

Mr. William H. Kavanaugh
(Signature of owner)

Anne B. Kavanaugh
(Signature of owner)

Mr. William H. Kavanaugh

Mrs. Anne B. Kavanaugh

State of Florida

County of Nassau

Sworn to and subscribed before me on this 21st day of February, 2007.

by Mr. William H. Kavanaugh & Mrs. Anne B. Kavanaugh
(name of person making statement)

Jackie L. Nye
Signature of Notary Public
State of Florida

JACKIE L. NYE
Print, type or stamp commissioned
Name of Notary Public

My Commission
Expires: _____

 Jackie L. Nye
My Commission DD290366
Expires April 20, 2008

Individual making statement is ☒ personally known or _____ produced identification.

Type of identification produced _____

RECEIVED

DATE STAMP:

SEP 04 2007

PLANNING & ZONING
FERNANDINA BEACH, FLORIDA

ACCEPTED BY: MM ©

APPLICATION NO.: CZ 2007-67

IMS TRACKING NO.: 2007-00000 1158

PAYMENT IMS # 2007-0000000362

APPLICATION FEE: \$850.00

**APPLICATION FOR ZONING CLASSIFICATION
AMENDMENT**

PLANNING ADVISORY BOARD

CITY OF FERNANDINA BEACH, FLORIDA

1. APPLICANT'S INFORMATION:

Applicant(s): Lane Investment and Development, LLC

Address: 5555 Glenridge Connector, Suite 700

Address 2: Atlanta, Georgia 30342

Telephone: (404) 459-6100

Fax: (404) 459-6248

Email: emonarchik@lanecompany.com

2. OWNER'S INFORMATION:

Applicant(s): William H. & Anne B. Kavanaugh

Address: 112 North 6th Street

Address 2: Fernandina Beach, FL 32034

Telephone: (904) 261-3158

Fax: _____

Email: _____

Applicant(s): Anthony J. & Angelo T. Tringali

Address: 124 S. 3rd Street

Address 2: Fernandina Beach, FL 32034

Telephone: (904) 261-4725

Fax: _____

Email: _____

3. APPLICANT'S AGENT INFORMATION:

Applicant(s): A. Jeffrey Tomassetti, Esq.

Address: 406 Ash Street Fernandina, FL 32035

Telephone: (904) 261-1833

Fax: (904) 261-8023

Email: ajtlaw@bellsouth.net

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER INFORMATION:

Surveyor: Robert D. Richards Surveying, INC.

Address: 8567 C.R. 13 North St. Augustine, FL 32093

Telephone: (904) 940-0721

Fax: (904) 940-5896

Engineer: Avid Group

Address: 8659 Baypine Rd Suite 304 Jax, FL 32256

Telephone: (904) 737-4100

Fax: (904) 737-4001

5. PROPERTY INFORMATION:

Project Name: Lane Downtown Fernandina

Street Address: North Front Street and 105 North Front Street

Lot Number: N 180 of 4IN and N 130 Ft of 3& S 50 Ft of 4

Block Number: _____

Subdivision: Water Lots

Section: _____

Township: _____ Range: _____

Nearest Street Intersection: Front Street

Parcel Identification Number(s): 00-00-31-1760-0004-0000 and 00-00-31-1760-0003-0000

6. AREA INFORMATION:

Under an acre Sq. Footage: _____ Over an acre: Acres: 1.285 Number of Lots/Parcels: _____

Existing Zoning Classification: Waterfront Industrial (I-W)

Existing Future Land Use Classification: Industrial Waterfront (I-W)

Existing Land Use: Transit Te (002000) and Wholesale Seafood Processing

Fernandina Beach City Commission
Regular Meeting Agenda
February 5, 2008

Previous Planning/Zoning Approvals: _____

7. ZONING CLASSIFICATION

AMENDMENT SOUGHT:

Applicant seeks to change the existing zoning district of Waterfront Industrial (I-W) to a zoning district of Waterfront Mixed Use (W-1).

The undersigned having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.


Signature of Owner(s) or Agent

A. Jeffrey Tomassetti
Print name of Owner(s) or Agent

STATE OF FLORIDA
COUNTY OF NASSAU

Subscribed and sworn to before me this 23 day Feb., 2007.

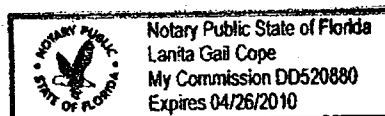
Lanita Gail Cope
Notary Public: Signature

LANITA GAIL COPE
Printed Name

My Commission Expires: _____

Individual making statement is ☒ personally known or _____ produced information.

Type of identification produced: _____



OWNERS AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA
Agent Authorization Form

EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I/WE Mr. Angelo T. Tringali & Mr. Anthony J. Tringali
(print name of property owner)

hereby authorize Mr. Ed Monarchik, Lane Southeast, LLC & Mr. A. Jeffrey Tomassetti
(print name of agent)

to represent me/us in processing and application for Zoning Classification Amendment

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

Angelo Tringali
(Signature of owner)

Anthony J. Tringali
(Signature of owner)

Mr. Angelo T. Tringali

Mr. Anthony J. Tringali

State of Florida

County of NASSAU

Sworn to and subscribed before me on this 22nd day of February, 2007,
by ANGELO TRINGALI + ANTHONY J. TRINGALI
(name of person making statement)

Frances G. Burgess
Signature of Notary Public
State of Florida

FRANCES G. BURGESS

**Print, type or stamp commissioned
Name of Notary Public**

**My Commission
Expires:** _____

Individual making statement is ☒ personally known or _____ produced identification.

Type of identification produced _____



Frances G. Burgess
MY COMMISSION # DD175576 EXPIRES
March 16, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

OWNERS AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA
Agent Authorization Form

EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I/WE Mr. William H. Kavanaugh & Mrs. Anne B. Kavanaugh
(print name of property owner)

hereby authorize Mr. Ed Monarchik, Lane Southeast, LLC & Mr. A. Jeffrey Tomassetti
(print name of agent)

to represent me/us in processing and application for Zoning Classification Amendment

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

Mr. William H. Kavanaugh
(Signature of owner)

(Signature of owner)

Mr. William H. Kavanaugh

Mrs. Anne B. Kavanaugh

State of Florida

County of Nassau

Sworn to and subscribed before me on this 21st day of February, 2007

by Mr. William H. Kavanaugh & Mrs. Anne B. Kavanaugh
(name of person making statement)

Jackie L. Nye
Signature of Notary Public
State of Florida

JACKIE L. NYE
Print, type or stamp commissioned
Name of Notary Public

My Commission
Expires: _____



Jackie L. Nye
My Commission DD290368
Expires April 20, 2008

Individual making statement is ☒ personally known or _____ produced identification.

Type of identification produced _____

AFFIDAVIT OF MAILING

State of Florida
County of Nassau

I, Jessica Williams, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach as the Administrative Specialist for the Community Development Department; and
2. that part of my duties includes processing applications of all types; and
3. That one of the requirements for processing applications is that notice shall be sent by regular U.S. mail to each property owner as provided by the Nassau County Property Appraiser's Office; and
4. That for CZ & LU 2007-67: 105 North Front Street, the list of the adjacent property owners from the Nassau County Property Appraisers Office is attached hereto as Exhibit 1; and
5. That on October 31, 2007, I mailed the letter attached hereto as Exhibit 2 to each of the property owners shown on the list in Exhibit 1, by certified US mail; and
6. That the Affidavit of Publication of the Notice is a separate document, provided by the News Leader.

FURTHER AFFIANT SAYETH NAUGHT.

Jessica Williams

Subscribed and sworn to before me, a notary public in and for the State of Florida this 31st day of October, 2007.

(Seal)

M. Forstrom



MICHELLE D. FORSTROM
Notary Public, State of Florida
My Comm. Expires Mar. 21, 2010
Comm. No. DD 530981



City of Fernandina Beach
PLANNING DEPARTMENT

October 31, 2007

**NOTICE OF PUBLIC HEARING
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH**

Dear Property Owner:

A Quasi-Judicial, Public Hearing to be held by the Planning Advisory Board on **Wednesday, November 14, 2007 at 5:30 PM** in the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida to consider the following applications:

LANE INVESTMENT DEVELOPMENT "LANE DOWNTOWN FERNANDINA," 105 NORTH FRONT STREET TO INCLUDE PARCELS 00-00-31-1760-0004-0000 & 00-00-31-1760-0003-0000

CZ 2007-67: CHANGE OF ZONING REQUEST FROM I-W: WATERFRONT INDUSTRIAL TO W-1: WATERFRONT MIXED USE. (Quasi-Judicial)

LU 2007-67: LAND USE AMENDMENT FROM I-W: WATERFRONT INDUSTRIAL TO WMU: WATERFRONT MIXED USE. (Legislative)

A copy of the application and information on this application may be inspected in the office of the Planning Department, City Hall, 204 Ash Street, between the hours of 8:00AM - 5:00PM, Monday through Friday.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

If any person decides to appeal any decision made by the board/commission with respect to any matter considered at such hearing, she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Sincerely,

Community Development Department

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 14, 2007
Page 1 of 5

I. Call to Order

Chair Bennett called the meeting to order at 5:30 pm.

II. Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
David Beal
William A. Conger
Eric Bartelt (alternate)

Paul Condit, Vice-Chair
Richard Bradford
Marilyn Williamson
Robert Howat (alternate)

Board Members Absent

David Beal

Shaun Woleshin

Others Present

Tammi Bach, City Attorney
Marshall McCrary, Community Development Department Director
Kelly Hanlon, City Planner
Jessica Williams, Recording Secretary

A motion was made by Member Conger, seconded by Member Williamson, to seat Member Bartelt and Member Howat as voting members for this meeting. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

III. Approval of Minutes

The Minutes of the October 10, 2007 Regular Meeting were presented for approval. Member Bradford inquired if there was a question about the August 8th Minutes. Chair Bennett explained that they would be brought back next month for approval. **A motion was made by Member Conger, seconded by Member Bradford, to approve the Minutes subjects to comments or corrections by any member of the board. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

IV. New Business

City Attorney Bach briefly described the procedures for the quasi-judicial hearing. Recording Secretary Williams administered the oath to the parties that were about to present testimony. Chair Bennett disclosed that he had looked at the property. Member Conger disclosed that he walked the property. Member Bradford disclosed that he had looked at the property. There were no other ex parte communications to be disclosed by the board members.

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 14, 2007
Page 2 of 5

Land Use Amendment

Lane Investment Development "Lane Downtown Fernandina," 105 North Front Street to include parcels 00-00-31-1760-0004-0000 & 00-00-31-1760-0003-0000 (LU 2007-67), Land Use Amendment from I-W: Waterfront Industrial to WMU: Waterfront Mixed Use. (*Legislative*)

Ms. Hanlon pointed out that a complete copy of the staff report was submitted to the City Clerk, the board, and was part of the official record of this meeting. She provided details of the requests LU 2007-67 and CZ 2007-67 as contained in the agenda support documents. Chair Bennett inquired if there were any comments on the traffic study that was done. Ms. Hanlon replied no. Member Bradford questioned if this conforms to the City's current LDC if the CRA is not applicable to this situation. Ms. Hanlon replied she believed that it does.

A motion was made by Member Howat, seconded by Member Williamson, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Mr. Jeffrey Tomassetti, agent/attorney for the applicant, corrected the staff report to reflect that the applicant was Lane Investment and Development LLC, William H. and Ann B. Kavanaugh, and Fernandina Marina LLC. He explained that he reviewed the staff report and found it to be accurate and the applicant agreed and adopted the staff report as well as its conclusion. Member Williamson noted that the traffic study was based on the current proposed development of 36 residential units. She questioned if they were dealing with an undetermined amount of uplands right now. Mr. Tomassetti replied correct and explained that the final residential number will depend on the amount of uplands. He clarified that they were really only adding one to two additional units in the coastal high hazard that have to be dealt with from a shelter point of view. He pointed out that right now they have 34 units in the Standard Marine Building and most they anticipated was an additional two units for a total of 36 units. He referred to page 3 of the staff report and read "it should be noted however that any significant use modifications to the development plan will require reevaluation of this availability." There was some discussion about this case noting that before going to the City Commission there has to be some kind of Resolution or Ordinance in place on the City's part that allows the applicant to proceed into mitigation for the shelter requirements. The PAB discussed why the case was before them prior to some action by the City Commission as the Community Redevelopment Agency noting that this project needed a zoning and a land use change. Concerns were raised about sending it forward to the City Commission when the answers to the mitigation were not complete.

Member Conger questioned if there would be two residential units on this property. Mr. Tomassetti replied that the standard is two residential units per acre of uplands plus you can get an additional two units per acres if you provide both of the requirements (boardwalk and view corridors). He explained that they are looking at approximately .32 acre that would only be one unit with the bonus density. There was some discussion about this and with the density bonus there could be two units. The PAB discussed when and if the mitigation language would come back for review. There was further discussion to clarify the units that were being requested and it was noted that the local shrimpers were notified by the advertisements for this property.

Member Conger referred to 1.01.04 (e) and noted that from the aerial photograph there are eight shrimp boats tied up at that property. He commented that it seemed to him with the City claiming the founding of the modern shrimp industry and displacing those boats seemed to be a factor to take into consideration. He explained that he was against the displacement of the modern shrimping industry. Mr. Tomassetti stated that they made no provision for the

Fernandina Beach City Commission
Regular Meeting Agenda
February 5, 2008

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 14, 2007
Page 3 of 5

founding modern shrimping industry. He commented that this is an area in transition. Ms. Hanlon referred to the coastal high hazard mitigation policies and commented that this development provides an impetus for coordination to begin with the County. Chair Bennett questioned if the City could proceed to mitigate as it saw fit without the County. Ms. Hanlon explained that the City has to follow under direction of the County. There was some discussion about the points raised and it was noted that the Waterfronts Florida Partnership was looking for places for displaced shrimp boats along the waterfront. The PAB deliberated on how to proceed with this case noting that mitigation would be a condition if the board were to approve it. It was pointed out that staff recommended that this move forward as part of the beginning redevelopment of the waterfront area. The PAB was made aware that this was a critical point to get the County to begin thinking about its mitigation strategies and it will need to be completed by June 2008. There was a review of staff's recommendation that the zoning would not get to the City Commission until the mitigation issues were resolved. **(Switched to side B tape 1)** There was an extensive discussion whether the PAB should pass this on without appropriate mitigation provided.

Mr. McCrary provided clarification of what was allowable under Waterfront Mixed Use and that the mitigation needed to go through the County Coordinator for Emergency Management. He explained that in acknowledgment of Lane actively partnering in efforts to redevelop within the CRA staff felt it appropriate to allow this application to proceed for consideration with the fact that this cannot proceed forward for final adoption, because it would be violating the City's Comprehensive Plan and violating State statute. There was further discussion about what was before the board and that the mitigation plan needed to be a coordinated effort between the City and the County. There was a brief discussion how to proceed, but there were no comments from the audience.

Mr. Tomassetti read from page 6 that they could provide a legally binding agreement with the City acknowledging mitigation obligations as completed. He stated that they could do that agreement. After a brief discussion, a motion was made by Member Condit, seconded by Member Conger, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Member Williamson questioned the point of being able to have a legally binding agreement. Ms. Hanlon explained that it would still require that the City begin talking with the County to get a mitigation strategy, because even with a legally binding agreement there has to be a strategy set forth for that mitigation. She clarified that the agreement would be how they would be able to move forward to get the land use designation. **A motion was made by Member Williamson, seconded by Member Bradford, to forward LU 2007-67 to the City Commission with the recommendation of approval once the requirements for appropriate mitigation is provided or legally binding contract is acceptable with the City is provided.** Chair Bennett reminded the board since it was decided that the City would allow residential development on the waterfront, and it was approved through the Land Use and Zoning issues in the CRA. He commented that the board was now at a point in the process to move forward with the zoning and land use as suggested. He noted that there was a roadblock in the development from the mitigation issues and it has to be dealt with at some point when the County gets moving on that. Member Williamson noted that a majority of citizens were supportive of redevelopment of the waterfront. She explained that the board has to help initiate development by pushing this forward. Member Howat commented that he thought the issue was not in the proper format. City Attorney Bach pointed out that substantial competent evidence is a subjective decision. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 14, 2007
Page 4 of 5

Member Conger:	Aye
Member Bradford:	Aye
Member Williamson:	Aye
Member Condit:	Aye
Member Bartelt:	Aye
Member Howat:	Nay
Chair Bennett:	Aye

Motion carried.

Change of Zoning

Lane Investment Development "Lane Downtown Fernandina," 105 North Front Street to include parcels 00-00-31-1760-0004-0000 & 00-00-31-1760-0003-0000 (CZ 2007-67), Change of Zoning request from I-W: Waterfront Industrial to W-1: Waterfront Mixed Use. (*Quasi-Judicial*)

A motion was made by Member Williamson, seconded by Member Bradford, to forward CZ 2007-67 to the City Commission with the recommendation of approval once conditions of mitigation and/or legally binding contract is provided to the City. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Condit:	Aye
Member Williamson:	Aye
Member Bradford:	Aye
Member Howat:	Nay
Member Bartelt:	Aye
Member Conger:	Aye
Chair Bennett:	Aye

Motion carried.

V. Staff Report

Ms. Hanlon reported that the CRA design guidelines would be presented to the Historic District Council on December 5th at 5:30pm and Professor Tilson would do a presentation of the guidelines. She encouraged the board to attend this presentation of the CRA guidelines. She also reported that during a Work Session that was held with the City Commission on October 30th staff did a presentation on Floor Area Ratio (FAR) and its implications on commercial development throughout the City. She explained that staff was directed to explore options on having incentives for intensity increases through design performance standards (i.e. green building, pedestrian amenities, master planning). Member Condit commented that he was struck that given the FAR as it has been suggested supports strip malls. He pointed out that Ms. Hanlon presented some interesting strategies that might be employed to create commercial development in small areas. There was some discussion about this and the concern of developers clear cutting and just paying the fine.

There was some discussion that the members were advised by the prior City Attorney that once the board voted on an issue that the members were not to speak at the City Commission meetings. It was noted that the members used to go to the City Commission meetings because the board's recommendations seemed to get convoluted from the time of the PAB meeting to what was presented to the City Commission, and the members in the past tried to explain what happened to the City Commission.

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 14, 2007
Page 5 of 5

Commission. There was a brief discussion that any minority report should be made aware to the City Commission for their deliberation on matters that have been before the PAB. There was some discussion to clarify that members should not be going before the City Commission on matters that have or could potentially come before the PAB.

Ms. Hanlon announced that Ms. Karen Hurbean would start November 26th as a new Planning Technician. There was some discussion about Ms. Hanlon's and Ms. Bach's experiences prior to coming to work with the City. **(Switched to tape 2 side A)**

VI. Board Business

Election of Officers - After a brief history of the election of officers for this board, a motion was made by Member Conger, seconded by Member Bradford, to nominate Mr. Paul Condit for Chair. Member Condit accepted the nomination and pointed out that Member Williamson preceded him by a few months on the board. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

A motion was made by Member Conger, seconded by Member (didn't hear any second and you didn't have one listed), to nominate Ms. Williamson for Vice-Chair. Member Williamson explained that her only hesitation was that her term was up in March and she was leaning towards not renewing in March. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Member Bradford explained that the Waterfront Committee was trying to set up a joint meeting with the Parks and Recreation Committee and the City Commission because somewhere between the agreed upon design of the waterfront it was changed. He pointed out that the focus of the meeting was what happened in relationship to the Welcome Center of what was proposed and the location. There was some discussion about the Welcome Center and the location of the fuel tanks.

Member Bradford pointed out that the Charter Review Committee made its presentation to the City Commission on the complete review of the Charter. There was a brief discussion about the proposed changes to the Charter.

Member Conger suggested that a member of the PAB should sit on the Technical Review Committee (TRC) as an ad hoc member. He commented that there are many things and conditions that get put in motions by the PAB, but by the time it gets to TRC it is out the window. He volunteered his time to sit on the TRC on issues that had come before the PAB.

VII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 7:13 p.m.

Mark Bennett, Chairman

Paul Condit, Vice Chair

ORDINANCE NUMBER 2008-53

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE ZONING MAP (CZ2007-67) FROM (I-W) INDUSTRIAL WATERFRONT TO (W-1) WATERFRONT MIXED USE, FOR PROPERTY IDENTIFIED AS A PORTION OF WATER LOT 3 AND ALL OF WATERLOT 4, TOTALING APPROXIMATELY 1.28 ACRES (INCLUDING SUBMERGED LANDS) OR 0.30 UPLAND ACRE, LOCATED ON THE WATERFRONT BOUND BY FRONT STREET, ALACHUA AND BROOME STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lane Investment and Development, LLC has applied for a zoning change; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on October 31, 2007; and

WHEREAS, the Planning Advisory Board voted 6-1 to recommend approval of the change of zoning from (I-W) Industrial Waterfront to (W-1) Waterfront Mixed Use for application CZ 2007-67 on November 14, 2007.

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

SECTION 1. PROPERTY INVOLVED. The property identified for this change of land use (CZ2007-67), attached hereto as Exhibit A, is a portion of Water Lot 3 and all of Water Lot 4, located on the waterfront, bound by Front Street, Broome and Alachua Streets, Fernandina Beach, Florida totaling approximately 1.28 acres(including submerged lands) or 0.30 upland acres.

SECTION 2. ZONING MAP CHANGE. For the property in question, the zoning change from (I-W) Industrial Waterfront to (W-1) Waterfront Mixed Use is hereby approved.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

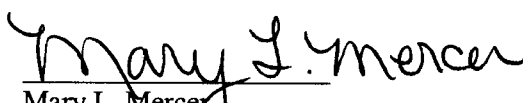
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect thirty-one (31) days after its final adoption.

ADOPTED this 4 day of March, 2008.

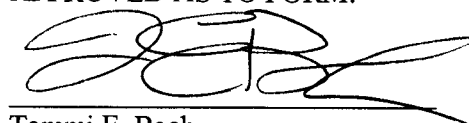
CITY OF FERNANDINA BEACH


Bill Leeper
Commissioner – Mayor

ATTEST:


Mary L. Mercer
City Clerk

APPROVED AS TO FORM:


Tammi E. Bach
City Attorney

ISS 2.5.08
Ad. 2.20.08
2nd 3.4.08 eff 4.4.08 (30)



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2008-03 CZ 2007-67: Change of Zoning, Lane
Investment and Development, LLC

DEPARTMENT: PLANNING

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

SUMMARY: Lane Investment and Development, LLC has requested a change of zoning designation for a 1.28 acres parcel of land including submerged lands (0.30 acre upland), (a portion of Water Lot 3 and all of Water Lot 4) bound by the waterfront, Front Street, Alachua and Broome Streets, Fernandina Beach, from (I-W) Industrial Waterfront to (W-1) Waterfront Mixed Use. The Planning staff has issued a recommendation for approval conditioned by a formal Developer's Agreement. The Planning Advisory Board recommended approval 6-1 at their November 14, 2007 regular meeting. The Commission is requested to consider this item at First Reading on February 5, 2008.

RECOMMENDED ACTION: Approve Ordinance 2008-03

DEPARTMENT HEAD	Submitted: Marshall McCrary, CDD Director Requested Agenda: <i>[Signature]</i>	Date: 01/17/08 Date: 02/05/08
FINANCE DEPARTMENT	Budgeted ☐ Yes ☐ No ☐ N/A	Date:
CITY ATTORNEY	Approved for Form <i>TEB</i>	Date: 1/28/08
CITY MANAGER	Approved Agenda Item for <i>[Signature]</i>	Date: 1/23/08

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CDD ☐ FIN ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PRD ☐ PWD

Approved at the City Commission
[Signature] Meeting
Held on 2-5-08
Voted: 5-0 Initial: al

Accepted by: _____ Time: _____ Date: _____

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Quasi-Judicial, Public Hearing is scheduled for **Tuesday, March 4, 2008 at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE NUMBER 2008-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE FUTURE LAND USE MAP (LU2007-67) FROM INDUSTRIAL WATERFRONT TO WATERFRONT MIXED USE, FOR PROPERTY IDENTIFIED AS A PORTION OF WATER LOT 3 AND ALL OF WATER LOT 4, TOTALING APPROXIMATELY 1.28 ACRES (INCLUDING SUBMERGED LANDS) OR 0.30 UPLAND ACRE, LOCATED ON THE WATERFRONT BOUND BY FRONT STREET, ALACHUA AND BROOME STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NUMBER 2008-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE ZONING MAP (CZ2007-67) FROM (I-W) INDUSTRIAL WATERFRONT TO (W-1) WATERFRONT MIXED USE, FOR PROPERTY IDENTIFIED AS A PORTION OF WATER LOT 3 AND ALL OF WATER LOT 4, TOTALING APPROXIMATELY 1.28 ACRES (INCLUDING SUBMERGED LANDS) OR 0.30 UPLAND ACRE, LOCATED ON THE WATERFRONT BOUND BY FRONT STREET, ALACHUA AND BROOME STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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

Copies of the applications may be inspected in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305.

Note to News Leader:

Please run as a legal ad in the February 20, 2008 issue of the NewsLeader.

Please send proof of publication to:

City Clerk's Office

City Hall

204 Ash Street

Fernandina Beach, FL 32034

904-277-7305



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2008-03, CZ 2007-67: Change of Zoning, Lane
Investment and Development, LLC

DEPARTMENT: PLANNING

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

SUMMARY: Lane Investment and Development, LLC has requested a change of zoning designation for a 1.28 acres parcel of land including submerged lands (0.30 acre upland), (a portion of Water Lot 3 and all of Water Lot 4) bound by the waterfront, Front Street, Alachua and Broome Streets, Fernandina Beach, from (I-W) Industrial Waterfront to (W-1) Waterfront Mixed Use. The Planning staff has issued a recommendation for approval. The Planning Advisory Board recommended approval 6-1 at their November 14, 2007 regular meeting. The Commission considered this item at First Reading on February 5, 2008 and voted 5-0 to approve the request. Second Reading is requested at the March 4, 2008 regular City Commission meeting.

RECOMMENDED ACTION: Approve Ordinance 2008-03

DEPARTMENT HEAD Submitted: Marshall McCrary, CDD Director Date: 02/14/08
Requested Agenda: Date: 03/04/08

FINANCE DEPARTMENT Budgeted ☐ Yes ☐ No ☐ N/A Date:

CITY ATTORNEY Approved for Form TEB Date: 2/22/08

CITY MANAGER Approved Agenda Item for Date: 2/19/08

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CDD ☐ FIN ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PRD ☐ PWD

ORDINANCE NUMBER 2008-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE ZONING MAP (CZ2007-67) FROM (I-W) INDUSTRIAL WATERFRONT TO (W-1) WATERFRONT MIXED USE, FOR PROPERTY IDENTIFIED AS A PORTION OF WATER LOT 3 AND ALL OF WATER LOT 4, TOTALING APPROXIMATELY 1.28 ACRES (INCLUDING SUBMERGED LANDS) OR 0.30 UPLAND ACRE, LOCATED ON THE WATERFRONT BOUND BY FRONT STREET, ALACHUA AND BROOME STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lane Investment and Development, LLC has applied for a zoning change; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on October 31, 2007; and

WHEREAS, the Planning Advisory Board voted 6-1 to recommend approval of the change of zoning from (I-W) Industrial Waterfront to (W-1) Waterfront Mixed Use for application CZ 2007-67 on November 14, 2007.

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

SECTION 1. PROPERTY INVOLVED. The property identified for this change of land use (CZ2007-67), attached hereto as Exhibit A, is a portion of Water Lot 3 and all of Water Lot 4, located on the waterfront, bound by Front Street, Broome and Alachua Streets, Fernandina Beach, Florida totaling approximately 1.28 acres (including submerged lands) or 0.30 upland acres.

SECTION 2. ZONING MAP CHANGE. For the property in question, the zoning change from (I-W) Industrial Waterfront to (W-1) Waterfront Mixed Use is hereby approved.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

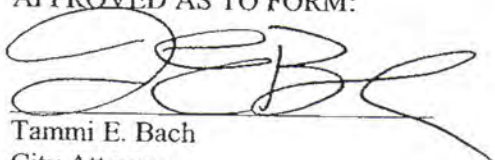
SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect thirty-one (31) days after its final adoption.

ADOPTED this 4th day of March, 2008.

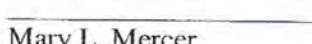
CITY OF FERNANDINA BEACH

Bill Leeper
Commissioner – Mayor

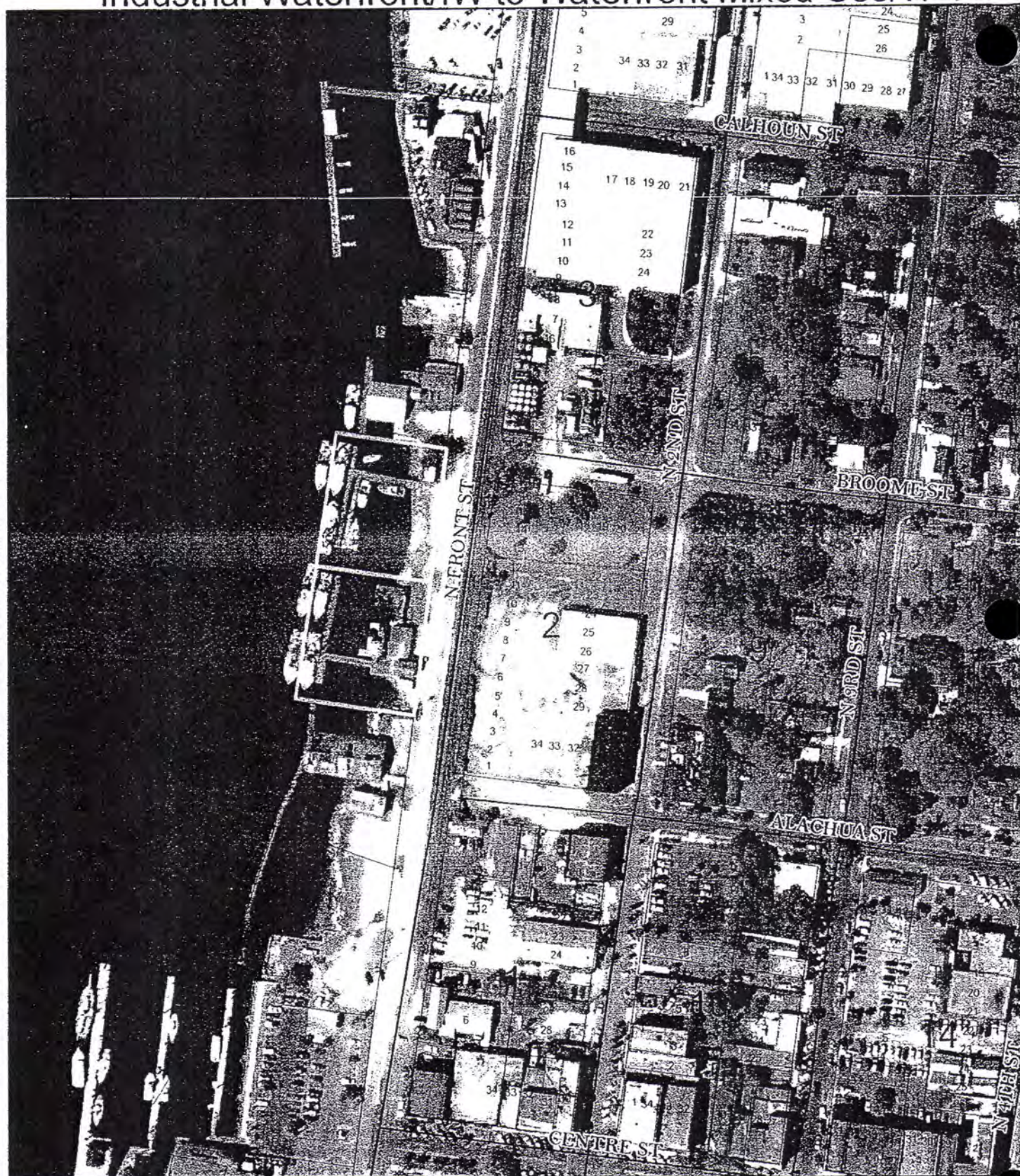
APPROVED AS TO FORM:


Tammi E. Bach
City Attorney

ATTEST:


Mary L. Mercer
City Clerk

LU / CZ 2007-67 Industrial Waterfront/IW to Waterfront Mixed Use/W-1



0 80 160 320 Feet

LU / CZ 2007-67
Lane Investments and Development, LLC
PAB 11-14-2007

1 inch equals 0.03397 miles



Fernandina Beach City Commission
Regular Meeting Agenda
March 4, 2008

I. Call to Order

Chair Bennett called the meeting to order at 5:30 pm.

II. Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
David Beal
William A. Conger
Eric Bartelt (alternate)

Paul Condit, Vice-Chair
Richard Bradford
Marilyn Williamson
Robert Howat (alternate)

APPROVED

Board Members Absent

David Beal

Shaun Woleshin

Others Present

Tammi Bach, City Attorney
Marshall McCrary, Community Development Department Director
Kelly Hanlon, City Planner
Jessica Williams, Recording Secretary

A motion was made by Member Conger, seconded by Member Williamson, to seat Member Bartelt and Member Howat as voting members for this meeting. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

III. Approval of Minutes

The Minutes of the October 10, 2007 Regular Meeting were presented for approval. Member Bradford inquired if there was a question about the August 8th Minutes. Chair Bennett explained that they would be brought back next month for approval. A motion was made by Member Conger, seconded by Member Bradford, to approve the Minutes subjects to comments or corrections by any member of the board. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

IV. New Business

City Attorney Bach briefly described the procedures for the quasi-judicial hearing. Recording Secretary Williams administered the oath to the parties that were about to present testimony. Chair Bennett disclosed that he had looked at the property. Member Conger disclosed that he walked the property. Member Bradford disclosed that he had looked at the property. There were no other ex parte communications to be disclosed by the board members.

Land Use Amendment

Lane Investment Development "Lane Downtown Fernandina," 105 North Front Street to include parcels 00-00-31-1760-0004-0000 & 00-00-31-1760-0003-0000 (LU 2007-67), Land Use Amendment from I-W: Waterfront Industrial to WMU: Waterfront Mixed Use. (*Legislative*)

Ms. Hanlon pointed out that a complete copy of the staff report was submitted to the City Clerk, the board, and was part of the official record of this meeting. She provided details of the requests LU 2007-67 and CZ 2007-67 as contained in the agenda support documents. Chair Bennett inquired if there were any comments on the traffic study that was done. Ms. Hanlon replied no. Member Bradford questioned if this conforms to the City's current LDC if the CRA is not applicable to this situation. Ms. Hanlon replied she believed that it does.

A motion was made by Member Howat, seconded by Member Williamson, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Mr. Jeffrey Tomassetti, agent/attorney for the applicant, corrected the staff report to reflect that the applicant was Lane Investment and Development LLC, William H. and Ann B. Kavanaugh, and Fernandina Marina LLC. He explained that he reviewed the staff report and found it to be accurate and the applicant agreed and adopted the staff report as well as its conclusion. Member Williamson noted that the traffic study was based on the current proposed development of 36 residential units. She questioned if they were dealing with an undetermined amount of uplands right now. Mr. Tomassetti replied correct and explained that the final residential number will depend on the amount of uplands. He clarified that they were really only adding one to two additional units in the coastal high hazard that have to be dealt with from a shelter point of view. He pointed out that right now they have 34 units in the Standard Marine Building and most they anticipated was an additional two units for a total of 36 units. He referred to page 3 of the staff report and read "it should be noted however that any significant use modifications to the development plan will require reevaluation of this availability." There was some discussion about this case noting that before going to the City Commission there has to be some kind of Resolution or Ordinance in place on the City's part that allows the applicant to proceed into mitigation for the shelter requirements. The PAB discussed why the case was before them prior to some action by the City Commission as the Community Redevelopment Agency noting that this project needed a zoning and a land use change. Concerns were raised about sending it forward to the City Commission when the answers to the mitigation were not complete.

Member Conger questioned if there would be two residential units on this property. Mr. Tomassetti replied that the standard is two residential units per acre of uplands plus you can get an additional two units per acres if you provide both of the requirements (boardwalk and view corridors). He explained that they are looking at approximately .32 acre that would only be one unit with the bonus density. There was some discussion about this and with the density bonus there could be two units. The PAB discussed when and if the mitigation language would come back for review. There was further discussion to clarify the units that were being requested and it was noted that the local shrimpers were notified by the advertisements for this property.

Member Conger referred to 1.01.04 (e) and noted that from the aerial photograph there are eight shrimp boats tied up at that property. He commented that it seemed to him with the City claiming the founding of the modern shrimp industry and displacing those boats seemed to be a factor to take into consideration. He explained that he was against the displacement of the modern shrimping industry. Mr. Tomassetti stated that they made no provision for the

founding modern shrimping industry. He commented that this is an area in transition. Ms. Hanlon referred to the coastal high hazard mitigation policies and commented that this development provides an impetus for coordination to begin with the County. Chair Bennett questioned if the City could proceed to mitigate as it saw fit without the County. Ms. Hanlon explained that the City has to follow under direction of the County. There was some discussion about the points raised and it was noted that the Waterfronts Florida Partnership was looking for places for displaced shrimp boats along the waterfront. The PAB deliberated on how to proceed with this case noting that mitigation would be a condition if the board were to approve it. It was pointed out that staff recommended that this move forward as part of the beginning redevelopment of the waterfront area. The PAB was made aware that this was a critical point to get the County to begin thinking about its mitigation strategies and it will need to be completed by June 2008. There was a review of staff's recommendation that the zoning would not get to the City Commission until the mitigation issues were resolved. There was an extensive discussion whether the PAB should pass this on without appropriate mitigation provided.

Mr. McCrary provided clarification of what was allowable under Waterfront Mixed Use and that the mitigation needed to go through the County Coordinator for Emergency Management. He explained that in acknowledgment of Lane actively partnering in efforts to redevelop within the CRA staff felt it appropriate to allow this application to proceed for consideration with the fact that this cannot proceed forward for final adoption, because it would be violating the City's Comprehensive Plan and violating State statute. There was further discussion about what was before the board and that the mitigation plan needed to be a coordinated effort between the City and the County. There was a brief discussion how to proceed, but there were no comments from the audience.

Mr. Tomassetti read from page 6 that they could provide a legally binding agreement with the City acknowledging mitigation obligations as completed. He stated that they could do that agreement. After a brief discussion, a motion was made by Member Condit, seconded by Member Conger, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Member Williamson questioned the point of being able to have a legally binding agreement. Ms. Hanlon explained that it would still require that the City begin talking with the County to get a mitigation strategy, because even with a legally binding agreement there has to be a strategy set forth for that mitigation. She clarified that the agreement would be how they would be able to move forward to get the land use designation. **A motion was made by Member Williamson, seconded by Member Bradford, to forward LU 2007-67 to the City Commission with the recommendation of approval once the requirements for appropriate mitigation is provided or legally binding contract is acceptable with the City is provided.** Chair Bennett reminded the board since it was decided that the City would allow residential development on the waterfront, and it was approved through the Land Use and Zoning issues in the CRA. He commented that the board was now at a point in the process to move forward with the zoning and land use as suggested. He noted that there was a roadblock in the development from the mitigation issues and it has to be dealt with at some point when the County gets moving on that. Member Williamson noted that a majority of citizens were supportive of redevelopment of the waterfront. She explained that the board has to help initiate development by pushing this forward. Member Howat commented that he thought the issue was not in the proper format. City Attorney Bach pointed out that substantial competent evidence is a subjective decision. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Conger:	Aye
Member Bradford:	Aye
Member Williamson:	Aye
Member Condit:	Aye
Member Bartelt:	Aye
Member Howat:	Nay
Chair Bennett:	Aye

Motion carried.

Change of Zoning

Lane Investment Development "Lane Downtown Fernandina," 105 North Front Street to include parcels 00-00-31-1760-0004-0000 & 00-00-31-1760-0003-0000 (CZ 2007-67), Change of Zoning request from I-W: Waterfront Industrial to W-1: Waterfront Mixed Use. (*Quasi-Judicial*)

A motion was made by Member Williamson, seconded by Member Bradford, to forward CZ 2007-67 to the City Commission with the recommendation of approval once conditions of mitigation and/or legally binding contract is provided to the City. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Condit:	Aye
Member Williamson:	Aye
Member Bradford:	Aye
Member Howat:	Nay
Member Bartelt:	Aye
Member Conger:	Aye
Chair Bennett:	Aye

Motion carried.

V. Staff Report

Ms. Hanlon reported that the CRA design guidelines would be presented to the Historic District Council on December 5th at 5:30pm and Professor Tilson would do a presentation of the guidelines. She encouraged the board to attend this presentation of the CRA guidelines. She also reported that during a Work Session that was held with the City Commission on October 30th staff did a presentation on Floor Area Ratio (FAR) and its implications on commercial development throughout the City. She explained that staff was directed to explore options on having incentives for intensity increases through design performance standards (i.e. green building, pedestrian amenities, master planning). Member Condit commented that he was struck that given the FAR as it has been suggested supports strip malls. He pointed out that Ms. Hanlon presented some interesting strategies that might be employed to create commercial development in small areas. There was some discussion about this and the concern of developers clear cutting and just paying the fine.

There was some discussion that the members were advised by the prior City Attorney that once the board voted on an issue that the members were not to speak at the City Commission meetings. It was noted that the members used to go to the City Commission meetings because the board's recommendations seemed to get convoluted from the time of the PAB meeting to what was presented to the City Commission, and the members in the past tried to explain what happened to the City

Commission. There was a brief discussion that any minority report should be made aware to the City Commission for their deliberation on matters that have been before the PAB. There was some discussion to clarify that members should not be going before the City Commission on matters that have or could potentially come before the PAB.

Ms. Hanlon announced that Ms. Karen Hurbean would start November 26th as a new Planning Technician. There was some discussion about Ms. Hanlon's and Ms. Bach's experiences prior to coming to work with the City.

VI. Board Business

Election of Officers - After a brief history of the election of officers for this board, a motion was made by Member Conger, seconded by Member Bradford, to nominate Mr. Paul Condit for Chair. Member Condit accepted the nomination and pointed out that Member Williamson preceded him by a few months on the board. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

A motion was made by Member Conger, to nominate Ms. Williamson for Vice-Chair. Member Williamson explained that her only hesitation was that her term was up in March and she was leaning towards not renewing in March. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

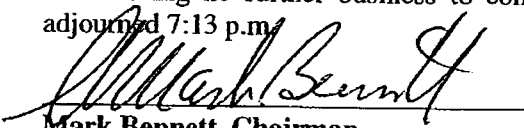
Member Bradford explained that the Waterfront Committee was trying to set up a joint meeting with the Parks and Recreation Committee and the City Commission because somewhere between the agreed upon design of the waterfront it was changed. He pointed out that the focus of the meeting was what happened in relationship to the Welcome Center of what was proposed and the location. There was some discussion about the Welcome Center and the location of the fuel tanks.

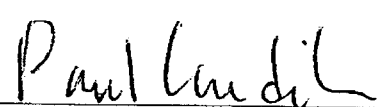
Member Bradford pointed out that the Charter Review Committee made its presentation to the City Commission on the complete review of the Charter. There was a brief discussion about the proposed changes to the Charter.

Member Conger suggested that a member of the PAB should sit on the Technical Review Committee (TRC) as an ad hoc member. He commented that there are many things and conditions that get put in motions by the PAB, but by the time it gets to TRC it is out the window. He volunteered his time to sit on the TRC on issues that had come before the PAB.

VII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 7:13 p.m.


Mark Bennett, Chairman


Paul Condit, Vice Chair

STAFF REPORT
LU/CZ 2007-67
Small Scale Amendment to Future Land Use Map
Change of Zoning
Planning Advisory Board Hearing
November 14, 2007

Application Information

Applicant: Lane Investment and Development, LLC
Owner(s): William H. & Anne B. Kavanaugh and
Anthony J. & Angelo T. Tringali
Agent: A. Jeffrey Tomassetti
Requested action: Small Scale Land Use and Zoning Map Amendment from
Industrial Waterfront / I-W to Waterfront Mixed Use/ W-1
Location: West side of North Front Street between Alachua and Broome
Streets (A Portion of Water Lot 3 & All of Water Lot 4, 105
North Front Street)
Zoning: I-W, Industrial Waterfront
Future Land Use Map category: Industrial Waterfront
Size: 1.28 acres (0.3 acres upland area)
Existing uses on the site: Vacant (Docks/ Warehousing)

All required application materials have been received. All required notices have been made.

Surrounding Area Information

	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Future Land Use</u> <u>Map category</u>
North	Warehouse	I-W	Industrial Waterfront
South	Vacant Warehouse	I-W	Industrial Waterfront
East	Docks/ Warehousing	I-W	Industrial Waterfront
West	Water	Water	Waterfront

Summary of Request and Background Information

The applicant has applied for a change in land use and zoning from Industrial Waterfront/I-W to Waterfront Mixed Use/ W-1. The subject properties, known as a portion of water lot 3 & and all of water lot 4, are comprised of the block which is bounded by the waterfront, Front Street, Alachua and Broome Streets. The survey supplied by the applicant indicates this property totals approximately 1.28 acres (including submerged lands) and 0.3 acres of upland area.

The current I-W zoning does not permit residential development and limits permissible industrial uses to a 0.75 Floor Area Ratio (FAR). This results in a maximum current development potential of 41,817.60 square feet of industrial use (including submerged lands) and 9,801 square feet

(using an uplands area only calculation). Currently, the CRA zoning overlay limits FAR calculations to upland areas only. Uses permissible under the current zoning are provided in Table 2.03.02 of the Land Development Code and range from professional offices and retail stores to warehousing and manufacturing activities.

The proposed W-1 zoning would introduce residential uses in a mixed use form to the subject property and reduce the range of allowable non-residential uses. The residential density associated with W-1 is 2.0 dwelling units per acre; the subject property contains 0.3 acres of upland area. W-1 is a mixed-use district, and the subject property would therefore be eligible for up to 1.0 residential unit, if the terms of the density bonus are met (Section 1.06.09(f)).

W-1 zoning also provides a Floor Area Ratio of 0.75, resulting in a maximum of 41,817.60 square feet of commercial development (including submerged lands) and 9,801 square feet when using an uplands area only calculation, as is currently required by the CRA zoning overlay.

Consistency with the Comprehensive Plan

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

The City has five public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, and Solid Waste. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential.

As stated above, the establishment of W-1 on the subject property could result in a maximum of 1.0 dwelling unit, without the density bonus, 2.0 dwelling units, with the density bonus, and between 9,801 and 41,817.60 square feet of commercial development (depending on the final amount of upland acreage). Staff estimates that between 26.64 – 121.36 p.m. peak hour trips could be generated by such development. Maximum industrial development under the current zoning only generates approximately 31.05 p.m. peak hour trips, resulting in a net potential maximum increase of 90.31 trips. This calculation, however, is based on a maximum build-out scenario which is highly unlikely due to regulatory constraints on the property. For example, due to the CRA Overlay requirements that residential parking be provided on site, some land area will have to be devoted to parking and vehicular circulation.¹ Additional provisions include public walkways along the river and between the river and Front Street to utilize the WMU density bonus.

The applicant has conducted a traffic study based on the proposed development plan for the subject property (36 residential units and 8,000 square feet of office space based on the entire Standard Marine Project redevelopment and this property). This study has been reviewed by the Northeast Regional Council for compliance with applicable concurrency standards. In correspondence from the Council, dated November 9, 2006, the study's methodology and

¹ ITE Codes 715 (Single Tenant Office) and 870 (Apparel Store) average to 2.96 pm peak hour trips x 9= 26.64 or 2.96 pm peak hour trips x 41= 121.36 (Range from 26.64-121.36)

Low Rise Condominium/ Townhome is 0.54 x 1 = .54 or 0.54 x 2= 1.08

45,085 industrial/ commercial mix = 0.69 x 45 = 31.05

determination were found to be valid, and transportation concurrency was approved for the proposed development scenario. This determination indicates the availability of adequate levels of service for the transportation network. It should be noted, however, that any significant use modifications to the development plan will require re-evaluation of this availability.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day. The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate the proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has a contract with Stateline to dispose of solid waste, therefore the impact is irrelevant. Drainage will be reviewed in Technical Review by the City's engineering consultant. The City requires stormwater to be retained on-site.

1.01.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective land development patterns, as described below.

- a. No areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;
- b. No areas of urban development or uses which fail to maximize the use of existing public facilities;
- c. No areas of urban development or uses which fail to use areas within which public services are currently provided; and
- d. No leapfrog/scattered development or ribbon/strip commercial development patterns.

The lots to the north of Broome and Front Streets are zoned and developed with industrial uses. Properties to the south are zoned and developed under I-W, and properties to the east are zoned C-3. The mixed-use, W-1 zoning proposed for the subject property would provide an appropriate transition between the industrial properties to the north and south and the commercial / mixed use zones to east.

Since the proposed project represents infill development, no leapfrog development is occurring, and public facilities are generally available to the area.

1.01.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;
- b. Zoning districts in the surrounding area;
- c. Appropriateness of the size of the parcel compared to the proposed use;

- d. Physical condition of the site, and the suitability of soils and topography for the proposed use;
- e. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive areas, flood zones, or historic resources;
- f. Compatibility factors;
- g. Impact on adopted levels of service; and
- h. Location in a Coastal upland protection zone.

The uses in the general vicinity vary from industrial to the mixed use category. Limited residential development exists in the immediate area and lies to the east. The sizes of the parcels are consistent with the historic platted lot configuration. The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, the site is not a greenfield. It has been used to support various developments over the last 150 years. The site is located in a Coastal Upland Protection Zone, and the levels of service are discussed above.

1.06.08. (f) A proposed amendment to the FLUM to increase the land area within the Central Business District land use category shall demonstrate the suitability of the proposed site based on:

- 1. The need for additional land area within the Central Business District; and land use category;
- 2. Consistency of the land area with the characteristics of the Central Business District; and;
- 3. Consistency of the land area with the characteristics of the downtown.

The applicant has not provided data to support the transition from primarily industrial to commercial uses; however, such a transition is encouraged as an element of the CRA Plan as well as the waterfront redevelopment plan. As this property lies within the CRA, its use for the expansion of residential offerings and water dependent commercial uses is appropriate and encouraged.

The property involved is consistent with the desired characteristics of the Waterfront.

1.06.09 (e) Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with Fla. Stat. 163.3178(9)(a) (2006) as follows:

- 1. A 16-hour level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
- 2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
- 3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1, or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer

**shall enter into a binding agreement to memorialize the mitigation plan.
(1.06.09(e) amended 7/17/2007 by Ordinance 2007-25)**

The property does lie within the CHHA and the applicant is required to demonstrate compliance with Fla. Stat. 163.3178(9)(a) (2006). Currently, the City does not have a local mitigation plan in place for developments along the waterfront and therefore has no means of collecting monies, receiving land or constructing shelters or transportation facilities for mitigation purposes. The City and Nassau County are required to review their local mitigation strategies and make updates to DCA no later than June 2008. However, since at this time the City/County have not reviewed mitigation strategies it will be necessary to enter into a contingent developer's agreement in order for the WMU category to be placed on the FLUM. Staff is researching options for upholding this requirement while allowing the project to proceed through the review processes.

1.06.09 (f) Amendments to the FLUM that change the land use to WMU within the Community Redevelopment Area (CRA) may be awarded a 100 % density bonus based on the following criteria: Dedication and acceptance of an easement to the City in order to build a public waterfront boardwalk along the river; and Dedication and acceptance of an easement for mid-lot or mid-block corridors in order to maintain view corridors to the river and to be used as pedestrian access. (Amended 12/19/2006 by Ordinance 2006-28)

The property is eligible to receive a 100% density bonus of residential units, if the developer chooses to provide both of the above options. The density bonus would result in an increase of allowable residential units. The exact number of units would depend on the amount of upland acreage achieved by permit through DEP.

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

The City's Comprehensive Plan identifies this property as lying within the CHHA. The change in land use does increase the allowable density to allow residential units; however it does not change the amount of allowable square footage that may be achieved.

5.07.04. The City shall prohibit amendments to the FLUM which result in a net increase in residential density in the CHHA except within the Community Redevelopment Area. Density increases are permitted within the CHHA for parcels in the WMU Future Land Use category if the criteria in Policy 1.06.09(e) are met.

The proposed zoning change does represent a potential increase in residential density on this property. As stated above, however, this property is located within the CHHA.

5.07.06. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from the CHHA. Development and/or redevelopment in the CHHA shall not increase the intensity currently allowed by the Comprehensive Plan.

The capacity would result in the same FAR of 0.75 and allowable residential density would be 2.0 units per acre. Because the property lies within the CHHA, the requested zoning and land use is not consistent with this policy without mitigation measures in place for any residential units.

Consistency with the Land Development Code

The requested zoning is W-1, a mixed-use district which supports a variety of residential and commercial land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

Section 2.01.12 of the Land Development Code states the intent of the W-1, Waterfront Mixed Use, zoning classification.

The Waterfront Mixed Use category is intended for the re-development of waterfront land fronting the Amelia River within the CRA only. Uses include: Residential, commercial, retail stores, professional offices, water related uses such as piers, docks, wharves, and marinas and uses related to the shrimping and fishing industry.

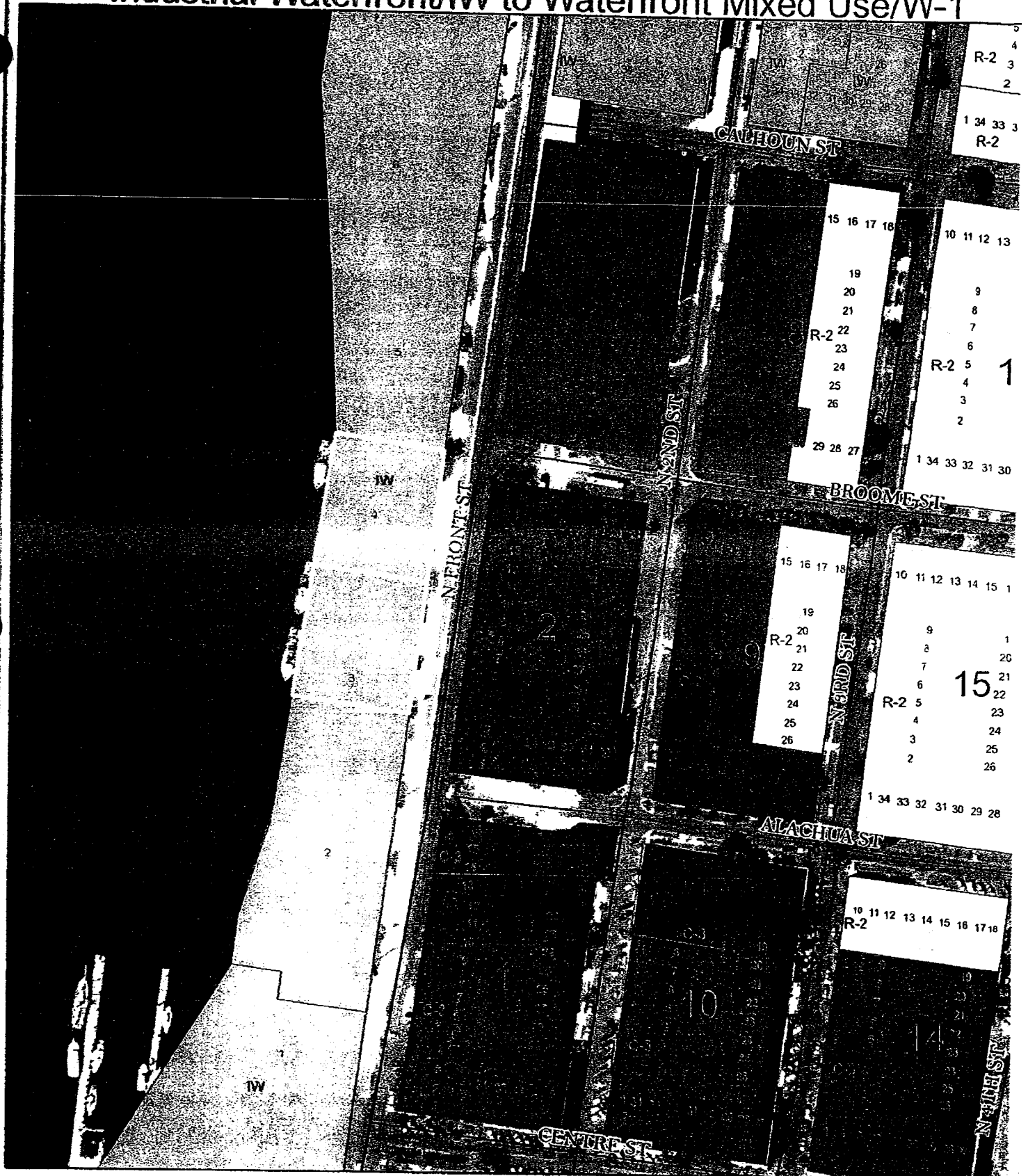
The range of uses permitted under W-1 does provide for consistency with existing zoning and will help to foster redevelopment to the north, south and east. Additionally, the property is well-situated to provide an appropriate transition to the industrial uses to the north.

The City has endorsed redevelopment of this property as a part of the Community Redevelopment Area. A land use and zoning conversion to W-1 will work to support and facilitate this needed redevelopment. As all surrounding properties are also located within the CRA, it can be expected that future requests for conversion from Industrial to mixed use will be forthcoming. In addition to the new land use pattern which will be evolving in this area, much needed improvements to the supporting infrastructure will occur. The subject property makes an effective starting point for the redevelopment of the waterfront area.

Conclusion

The requested zoning and land use change is consistent with the Comprehensive Plan and Land Development Code and provides a mechanism for the redevelopment which is fostered by the Community Redevelopment Area. The City staff is working to research appropriate mitigation strategies for development within the CHHA to be compliant with Section 1.06.09(e) of the Comprehensive Plan. Final adoption of the Land Use and Zoning changes may not be permitted, however, until either appropriate mitigation is provided or a legally binding with the City acknowledging mitigation obligations is completed. Additionally, without final DEP permitting, the actual amount of uplands and therefore, the number of residential units can not be calculated for mitigation purposes.

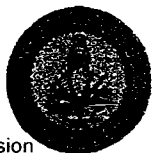
LU / CZ 2007-67 Industrial Waterfront/IW to Waterfront Mixed Use/W-1



0 80 160 320 Feet

LU / CZ 2007-67
Lane Investments and Development, LLC
PAB 11-14-2007

1 inch equals 0.03397 miles
Jana Beach 11/7/2007
Regular Meeting Agenda
March 4, 2008



LU / CZ 2007-67 Industrial Waterfront/IW to Waterfront Mixed Use/W-1



0 80 160 320 Feet

LU / CZ 2007-67
Lane Investments and Development, LLC
PAB 11-14-2007

1 inch equals 0.03397 miles



Fernandina Beach City Commission
Regular Meeting Agenda
March 4, 2008

DATE STAMP

RECEIVED

SEP 04 2007

APPLICATION FOR FUTURE LAND USE AMENDMENT
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH, FLORIDA

APPLICATION NO.: LU 2007-67

APPLICATION FEE: \$850.00

IMS TRACKING NO.: 2007-000001157
former IMS # 2007-000000363 @

RECEIVED BY:

DATE RECEIVED:

1. APPLICANT'S INFORMATION:

Applicant(s): Lane Investment and Development, LLC
Address: 5555 Glenridge Connector, Suite 700
Address 2: Atlanta, Georgia 30342

Telephone: (404) 459-6100
Fax: (404) 459-6248
Email: emonarchik@lanecompany.com

2. OWNER'S INFORMATION:

Applicant(s): William H. & Anne B. Kavanaugh
Address: 112 North 6th Street
Address 2: Fernandina Beach, FL 32034

Telephone: (904) 261-3158
Fax: _____
Email: _____

Applicant(s): Anthony J. & Angelo T. Tringali
Address: 124 S. 3rd Street
Address 2: Fernandina Beach, FL 32034

Telephone: (904) 261-4725
Fax: _____
Email: _____

3. APPLICANT'S AGENT INFORMATION:

Applicant(s): A. Jeffrey Tomasseti, Esq.
Address: 406 Ash St. Fernandina, FL 32035

Telephone: (904) 261-1833
Fax: (904) 261-8023
Email: ajtlaw@bellsouth.net

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER INFORMATION:

Surveyor: Robert D. Richards Surveying, Inc.
Address: 8567 C.R. 13 North St. Augustine, FL 32093

Telephone: (904) 940-0721
Fax: (904) 940-5896

Engineer: Avid Group
Address: 8659 Baypine Rd Suite 304 Jax, FL 32256

Telephone: (904) 737-4100
Fax: (904) 737-4001

5. PROPERTY INFORMATION:

Project Name: Lane Downtown Fernandina
Street Address: North Front Street and 105 North Front Street
Lot Number: N 180 of 4IN and N 130 Ft of 3 & S 50 Ft of 4 Block Number: _____
Subdivision: Water Lots Section: _____ Township: _____
Range: _____
Nearest Street Intersection: Front Street
Parcel Identification Number(s): 00-00-31-1760-0004-0000 and
00-00-31-1760-0003-0000

6. AREA INFORMATION:

Under an acre Sq. Footage: _____ Over an acre: Acres: 1.285 Number of Lots/Parcels: _____

Existing Zoning Classification: Waterfront Industrial (I-W)

Proposed Zoning Classification: Waterfront Mixed Use (W-1)

Existing Future Land Use Classification: Industrial Waterfront (I-W)

Proposed Future Land Use Classification: Waterfront Mixed Use (WMU)

Existing Land Use: Transit Te (002000) and Wholesale Seafood Processing

Proposed Land Use: Mixed use: waterfront residential and retail (WMU)

Previous Planning/Zoning Approvals: _____

7. FUTURE LAND USE AMENDMENT SOUGHT:

Applicant seeks to change the existing Future Land Use classification from Industrial Waterfront (I-W) to Waterfront Mixed Use (WMU).

CONDITIONS:

I (we) understand that the application fee does not include the fees associated with engineering review and/or construction inspection, inspections, reports, and the like required by the City of Fernandina Beach.

I (we) certify that no land clearing, excavation and/or filling have occurred on this property, and that no clearing, excavation and/or filling will commence prior to the issuance of a Land Clearing Permit. I (we) do hereby agree to perform any authorized land clearing, excavation and/or filling in accordance with the approved site plan and the City of Fernandina Beach Land Development Regulations.

By signature, I (we) have read understand and agree to the above conditions.

William H. & Anne B. Kavanaugh

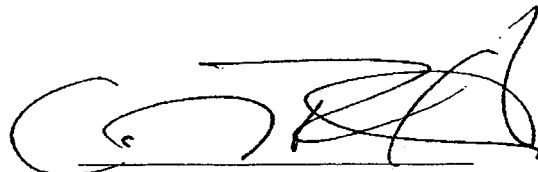
Owner (1)

Print Name:

Anthony J. & Angelo T. Tringali

Owner (2)

Print Name:


Agent
Print Name: Jeffrey Tomassetti

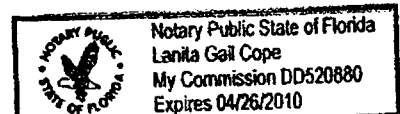
The undersigned having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.

Signature of Owner(s) or Agent

Print name of Owner(s) or Agent

STATE OF FLORIDA

COUNTY OF NASSAU



Subscribed and sworn to before me this 23 day of February, 2007.

Lanita Gail Cope
Notary Public: Signature

LANITA GAIL COPE
Printed Name

My Commission Expires: _____

Individual making statement is ☒ personally known or _____ produced identification.

Type of identification produced: _____

Fernandina Beach City Commission
Regular Meeting Agenda
March 4, 2008

OWNERS AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA
Agent Authorization Form

EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I/WE Mr. Angelo T. Tringali & Mr. Anthony J. Tringali
(print name of property owner)

hereby authorize Mr. Ed Monarchik, Lane Southeast, LLC & Mr. A. Jeffrey Tomassetti
(print name of agent)

to represent me/us in processing and application for Future Land Use Amendment

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

Angelo Tringali
(Signature of owner)

Anthony J. Tringali
(Signature of owner)

Mr. Angelo T. Tringali

Mr. Anthony J. Tringali

State of Florida

County of NASSAU

Sworn to and subscribed before me on this 22nd day of February, 2007,

by ANGELO TRINGALI & ANTHONY J. TRINGALI
(name of person making statement)

Frances G. Burgess
Signature of Notary Public
State of Florida

FRANCES G. BURGESS

Print, type or stamp commissioned
Name of Notary Public

My Commission
Expires: _____

Individual making statement is ☒ personally known or _____ produced identification.

Type of identification produced _____



Frances G. Burgess
MY COMMISSION # DD175576 EXPIRES
March 16, 2007
BONDED THRU TROY FAIN INSURANCE, INC.

OWNERS AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA
Agent Authorization Form

EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I/WE Mr. William H. Kavanaugh & Mrs. Anne B. Kavanaugh
(print name of property owner)

hereby authorize Mr. Ed Monarchik, Lane Southeast, LLC & Mr. A. Jeffrey Tomassetti
(print name of agent)

to represent me/us in processing and application for Future Land Use Amendment

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

Mr. William H. Kavanaugh
(Signature of owner)

Anne B. Kavanaugh
(Signature of owner)

Mr. William H. Kavanaugh

Mrs. Anne B. Kavanaugh

State of Florida

County of Nassau

Sworn to and subscribed before me on this 21st day of February, 2007.

by Mr. William H. Kavanaugh & Mrs. Anne B. Kavanaugh
(name of person making statement)

Jackie L. Nye
Signature of Notary Public
State of Florida

JACKIE L. NYE
Print, type or stamp commissioned
Name of Notary Public

My Commission
Expires: _____

 Jackie L. Nye
My Commission DD290356
Expires April 20, 2008

Individual making statement is ☒ personally known or _____ produced identification.

Type of identification produced _____

RECEIVED

DATE STAMP:

SEP 04 2007

PLANNING & ZONING
FERNANDINA BEACH, FLORIDA

ACCEPTED BY: MM ©

APPLICATION NO.: CZ 2007-67

IMS TRACKING NO.: 2007-000001158
PAYMENT IMS# 2007-0000000362
APPLICATION FEE: \$850.00

**APPLICATION FOR ZONING CLASSIFICATION
AMENDMENT**

**PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH, FLORIDA**

1. APPLICANT'S INFORMATION:

Applicant(s): Lane Investment and Development, LLC
Address: 5555 Glenridge Connector, Suite 700
Address 2: Atlanta, Georgia 30342

Telephone: (404) 459-6100
Fax: (404) 459-6248
Email: emonarchik@lanecompany.com

2. OWNER'S INFORMATION:

Applicant(s): William H. & Anne B. Kavanaugh
Address: 112 North 6th Street
Address 2: Fernandina Beach, FL 32034

Telephone: (904) 261-3158
Fax: _____
Email: _____

Applicant(s): Anthony J. & Angelo T. Tringali
Address: 124 S. 3rd Street
Address 2: Fernandina Beach, FL 32034

Telephone: (904) 261-4725
Fax: _____
Email: _____

3. APPLICANT'S AGENT INFORMATION:

Applicant(s): A. Jeffrey Tomassetti, Esq.
Address: 406 Ash Street Fernandina, FL 32035

Telephone: (904) 261-1833
Fax: (904) 261-8023
Email: ajtlaw@bellsouth.net

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER INFORMATION:

Surveyor: Robert D. Richards Surveying, INC.
Address: 8567 C.R. 13 North St. Augustine, FL 32093

Telephone: (904) 940-0721
Fax: (904) 940-5896

Engineer: Avid Group
Address: 8659 Baypine Rd Suite 304 Jax, FL 32256

Telephone: (904) 737-4100
Fax: (904) 737-4001

5. PROPERTY INFORMATION:

Project Name: Lane Downtown Fernandina
Street Address: North Front Street and 105 North Front Street
Lot Number: N 180 of 4IN and N 130 Ft of 3& S 50 Ft of 4 Block Number: _____
Subdivision: Water Lots Section: _____ Township: _____ Range: _____
Nearest Street Intersection: Front Street
Parcel Identification Number(s): 00-00-31-1760-0004-0000 and 00-00-31-1760-0003-0000

6. AREA INFORMATION:

Under an acre Sq. Footage: _____ Over an acre: Acres: 1.285 Number of Lots/Parcels: _____
Existing Zoning Classification: Waterfront Industrial (I-W)
Existing Future Land Use Classification: Industrial Waterfront (I-W)
Existing Land Use: Transit Te (002000) and Wholesale Seafood Processing

Previous Planning/Zoning Approvals: _____

7. ZONING CLASSIFICATION

AMENDMENT SOUGHT:

Applicant seeks to change the existing zoning district of Waterfront Industrial (I-W) to a zoning district of Waterfront Mixed Use (W-1).

The undersigned having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.



Signature of Owner(s) or Agent

A. Jeffrey Tomassetti

Print name of Owner(s) or Agent

STATE OF FLORIDA

COUNTY OF NASSAU

Subscribed and sworn to before me this 23 day Feb., 2007.

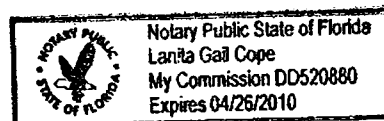
Lanita Gail Cope
Notary Public: Signature

LANITA GAIL COPE
Printed Name

My Commission Expires: _____

Individual making statement is ☒ personally known or _____ produced information.

Type of identification produced: _____



OWNERS AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA
Agent Authorization Form

EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I/WE Mr. Angelo T. Tringali & Mr. Anthony J. Tringali
(print name of property owner)

hereby authorize Mr. Ed Monarchik, Lane Southeast, LLC & Mr. A. Jeffrey Tomassetti
(print name of agent)

to represent me/us in processing and application for Zoning Classification Amendment

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

Angelo Tringali
(Signature of owner)

Anthony J. Tringali
(Signature of owner)

Mr. Angelo T. Tringali

Mr. Anthony J. Tringali

State of Florida

County of NASSAU

Sworn to and subscribed before me on this 22nd day of February, 2007,

by ANGELO TRINGALI + ANTHONY J. TRINGALI
(name of person making statement)

Frances G. Burgess
Signature of Notary Public
State of Florida

FRANCES G. BURGESS

Print, type or stamp commissioned
Name of Notary Public

My Commission
Expires: _____

Individual making statement is ☒ personally known or _____ produced identification.

Type of identification produced _____



Frances G. Burgess
MY COMMISSION # DD175576 EXPIRES
March 16, 2007
BORNED THROUGH TROY FARM INSURANCE, INC

OWNERS AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA
Agent Authorization Form

EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I/WE Mr. William H. Kavanaugh & Mrs. Anne B. Kavanaugh
(print name of property owner)

hereby authorize Mr. Ed Monarchik, Lane Southeast, LLC & Mr. A. Jeffrey Tomassetti
(print name of agent)

to represent me/us in processing and application for Zoning Classification Amendment

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

Mr. William H. Kavanaugh
(Signature of owner)

(Signature of owner)

Mr. William H. Kavanaugh

Mrs. Anne B. Kavanaugh

State of Florida

County of Nassau

Sworn to and subscribed before me on this 21st day of February, 2007

by Mr. William H. Kavanaugh & Mrs. Anne B. Kavanaugh
(name of person making statement)

Jackie L. Nye
Signature of Notary Public
State of Florida

JACKIE L. NYE
Print, type or stamp commissioned
Name of Notary Public

My Commission
Expires: _____



Jackie L. Nye
My Commission DD290366
Expires April 20, 2008

Individual making statement is ☒ personally known or _____ produced identification.

Type of identification produced _____

AFFIDAVIT OF MAILING

State of Florida
County of Nassau

I, Jessica Williams, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach as the Administrative Specialist for the Community Development Department; and
2. that part of my duties includes processing applications of all types; and
3. That one of the requirements for processing applications is that notice shall be sent by regular U.S. mail to each property owner as provided by the Nassau County Property Appraiser's Office; and
4. That for CZ & LU 2007-67: 105 North Front Street, the list of the adjacent property owners from the Nassau County Property Appraisers Office is attached hereto as Exhibit 1; and
5. That on October 31, 2007, I mailed the letter attached hereto as Exhibit 2 to each of the property owners shown on the list in Exhibit 1, by certified US mail; and
6. That the Affidavit of Publication of the Notice is a separate document, provided by the News Leader.

FURTHER AFFIANT SAYETH NAUGHT.

Jessica Williams

Subscribed and sworn to before me, a notary public in and for the State of Florida this 31st day of October, 2007.

(Seal)

Michelle D. Forstrom



MICHELLE D. FORSTROM
Notary Public, State of Florida
My Comm. Expires Mar. 21, 2010
Comm. No. DD 530981



City of Fernandina Beach

PLANNING DEPARTMENT

October 31, 2007

NOTICE OF PUBLIC HEARING
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH

Dear Property Owner:

A Quasi-Judicial, Public Hearing to be held by the Planning Advisory Board on **Wednesday, November 14, 2007 at 5:30 PM** in the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida to consider the following applications:

LANE INVESTMENT DEVELOPMENT "LANE DOWNTOWN FERNANDINA," 105 NORTH FRONT STREET TO INCLUDE PARCELS 00-00-31-1760-0004-0000 & 00-00-31-1760-0003-0000

CZ 2007-67: CHANGE OF ZONING REQUEST FROM I-W: WATERFRONT INDUSTRIAL TO W-1: WATERFRONT MIXED USE. (*Quasi-Judicial*)

LU 2007-67: LAND USE AMENDMENT FROM I-W: WATERFRONT INDUSTRIAL TO WMU: WATERFRONT MIXED USE. (*Legislative*)

A copy of the application and information on this application may be inspected in the office of the Planning Department, City Hall, 204 Ash Street, between the hours of 8:00AM – 5:00PM, Monday through Friday.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

If any person decides to appeal any decision made by the board/commission with respect to any matter considered at such hearing, she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Sincerely,

Community Development Department

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH
NOTICE IS HEREBY GIVEN
that a Quasi-Judicial Public
Hearing is scheduled for
Tuesday, March 4, 2008 at 6:00
PM in the City Commission
Chambers, 204 Ash Street
Fernandina Beach, Florida to
consider the following appli-
cation.

ORDINANCE NUMBER
2008-03

AN ORDINANCE OF THE
CITY COMMISSION OF THE
CITY OF FERNANDINA BEACH,
FLORIDA, APPROVING A
CHANGE TO THE ZONING
MAP (CZ2007-67) FROM (I-W)
INDUSTRIAL WATERFRONT TO
(W-1) WATERFRONT MIXED
USE, FOR PROPERTY IDENTIFIED
AS A PORTION OF WATER LOT
3 AND ALL OF WATER LOT 4,
TOTALING APPROXIMATELY
1.28 ACRES (INCLUDING SUB-
MERGED LANDS) OR 0.30
UPLAND ACRE, LOCATED ON
THE WATERFRONT BOUND BY
FRONT STREET, ALACHUA AND
BROOME STREETS, PROVIDING
FOR SEVERABILITY, AND PRO-
VIDING FOR AN EFFECTIVE
DATE.

Interested parties may
appear at said hearing and
be heard as to the advisabil-
ity of any action, which may
be considered. Any persons
with disabilities requiring
accommodations in order to
participate in this program or
activity should contact 277-
7305, TTY 277-7399, (TTY num-
ber for all City offices) or
through the Florida Relay
Service at 1-800-955-8771 at
least 24 hours in advance to
request such accommoda-
tion.

IF ANY PERSON DECIDES
TO APPEAL ANY DECISION
MADE BY THE BOARD/COM-
MISSION WITH RESPECT TO
ANY MATTER CONSIDERED AT
SUCH HEARING, S/HE WILL
NEED TO ENSURE THAT A VER-
BATIM RECORD OF THE PRO-
CEEDINGS IS MADE, WHICH
RECORD INCLUDES THE TESTI-
MONY AND EVIDENCE UPON
WHICH THE APPEAL IS TO BE
BASED.

Copies of the applications
may be inspected in the
office of the City Clerk, City
Hall, 204 Ash Street, between
the hours of 8:00 AM - 5:00
PM, Monday through Friday.
For information on the appli-
cation, please contact the
Staff of the City Clerk's Office
at 277-7305.

11 02-20-2008
6434

NEWS LEADER

Published Weekly

 511 Ash Street/P.O. Box 766 (904) 261-3696
 Fernandina Beach, Nassau County, Florida 32034

NOTICE OF PUBLIC HEARING CITY COMMISSION

CITY OF FERNANDINA BEACH
 NOTICE IS HEREBY GIVEN
 that a Quasi-Judicial, Public
 Hearing is scheduled for
 Tuesday, March 4, 2008 at 6:00
 PM in the City Commission
 Chambers, 204 Ash Street
 Fernandina Beach, Florida to
 consider the following appli-
 cation:

ORDINANCE NUMBER
 2008-02

AN ORDINANCE OF THE
 CITY COMMISSION OF THE
 CITY OF FERNANDINA BEACH,
 FLORIDA, APPROVING A
 CHANGE TO THE FUTURE LAND
 USE MAP (LU2007-67) FROM
 INDUSTRIAL WATERFRONT TO
 WATERFRONT MIXED USE, FOR
 PROPERTY IDENTIFIED AS A

PORTION OF WATER LOT 3
 AND ALL OF WATER LOT 4
 TOTALING APPROXIMATELY
 1.28 ACRES (INCLUDING SUB-
 MERGED LANDS) OR 0.30
 UPLAND ACRE, LOCATED ON
 THE WATERFRONT BOUND BY
 FRONT STREET, ALACHUA AND
 BROOME STREETS, PROVIDING
 FOR SEVERABILITY, AND PRO-
 VIDING FOR AN EFFECTIVE
 DATE.

ORDINANCE NUMBER
 2008-03

AN ORDINANCE OF THE
 CITY COMMISSION OF THE
 CITY OF FERNANDINA BEACH,
 FLORIDA, APPROVING A
 CHANGE TO THE ZONING
 MAP (CZ2007-47) FROM (I-W)
 INDUSTRIAL WATERFRONT TO
 (W-1) WATERFRONT MIXED
 USE, FOR PROPERTY IDENTIFIED
 AS A PORTION OF WATER LOT
 3 AND ALL OF WATER LOT 4
 TOTALING APPROXIMATELY
 1.28 ACRES (INCLUDING SUB-
 MERGED LANDS) OR 0.30
 UPLAND ACRE, LOCATED ON
 THE WATERFRONT BOUND BY
 FRONT STREET, ALACHUA AND
 BROOME STREETS, PROVIDING
 FOR SEVERABILITY, AND PRO-
 VIDING FOR AN EFFECTIVE
 DATE.

Interested parties may
 appear at said hearing and
 be heard as to the advisabi-
 lity of any action, which may
 be considered. Any persons
 with disabilities requiring
 accommodations in order to
 participate in this program or
 activity should contact 277-
 7305, TTY 277-7399, (TTY num-
 ber for all City offices) or
 through the Florida Relay
 Service at 1-800-955-8771 at
 least 24 hours in advance to
 request such accommoda-
 tion.

IF ANY PERSON DECIDES
 TO APPEAL ANY DECISION
 MADE BY THE BOARD/COM-
 MISSION WITH RESPECT TO
 ANY MATTER CONSIDERED AT
 SUCH HEARING, S/HE WILL
 NEED TO ENSURE THAT A VER-
 BATIM RECORD OF THE PRO-
 CEEDINGS IS MADE, WHICH
 RECORD INCLUDES THE TESTI-
 MONY AND EVIDENCE UPON
 WHICH THE APPEAL IS TO BE
 BASED.

Copies of the applications
 may be inspected in the
 office of the City Clerk, City
 Hall, 204 Ash Street, between
 the hours of 8:00 AM - 5:00
 PM, Monday through Friday.
 For information on the appli-
 cation, please contact the
 Staff of the City Clerk's Office
 at 277-7305.

11-02-20-2008
 6434

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared
Michael B. Hankins
 who on oath says that he is the Advertising Director
 of The Fernandina Beach *News-Leader*, a weekly
 newspaper published at Fernandina Beach in Nassau
 County, Florida; that the attached copy of
 advertisement, being a Legal Notice
 in the matter of

NOTICE OF PUBLIC HEARING City Commission City of Fernandina Beach March 4, 2008

was published in said newspaper in the issues of
02-20-2008

ref. No. 6434

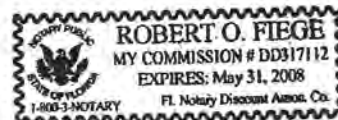
Affiant further says that the said Fernandina Beach
News-Leader is a newspaper published at Fernandina
 Beach, in said Nassau County, Florida, and that the
 said newspaper has heretofore been continuously
 published in said Nassau County, Florida, each week
 and has been entered as second class mail matter at
 the post office in Fernandina Beach in said Nassau
 County, Florida, for a period of one year next
 preceding the first publication of the attached copy
 of advertisement; and affiant further says that he has
 neither paid nor promised any person, firm or
 corporation any discount, rebate, commission or
 refund for the purpose of securing this advertisement
 for publication in the said newspaper.

Michael B. Hankins

Sworn to and subscribed before me
 this **20th** day of **February**, A.D. 2008.

Robert O. Fiege
 Robert O. Fiege, Notary Public

A Personally Known



#148.20
 Marshall

ORDINANCE NUMBER 2009-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE FUTURE LAND USE MAP (LU 2008-52) FROM INDUSTRIAL WATERFRONT TO WATERFRONT MIXED USE, FOR PROPERTY IDENTIFIED AS 500 S. FRONT STREET, TOTALING APPROXIMATELY 5.5 ACRES, LOCATED ON THE WATERFRONT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mr. David E. Cook, Jr. has applied for a change to the future land use map; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on October 29, 2008; and

WHEREAS, the Planning Advisory Board voted 5-0 to recommend approval of the change of the future land use map from Industrial Waterfront to Waterfront Mixed Use for application LU 2008-52 on November 12, 2008.

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

SECTION 1. PROPERTY INVOLVED. The property identified for this change of land use (LU 2008-52), attached hereto as Exhibit A, as 500 N. Front Street, located on the waterfront, Fernandina Beach, Florida totaling approximately 5.5 acres.

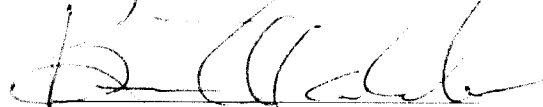
SECTION 2. LAND USE MAP CHANGE. For the property in question, the land use change from Industrial Waterfront to Waterfront Mixed Use is hereby approved.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect thirty-one (31) days after its final adoption.

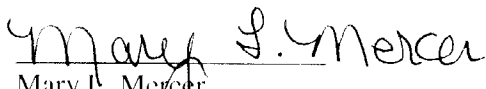
ADOPTED this 6th day of January, 2009.

CITY OF FERNANDINA BEACH

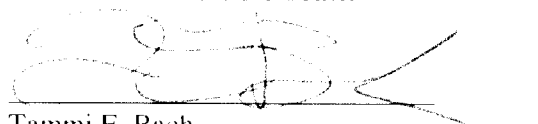


Bruce Malcolm
Commissioner – Mayor

ATTEST:

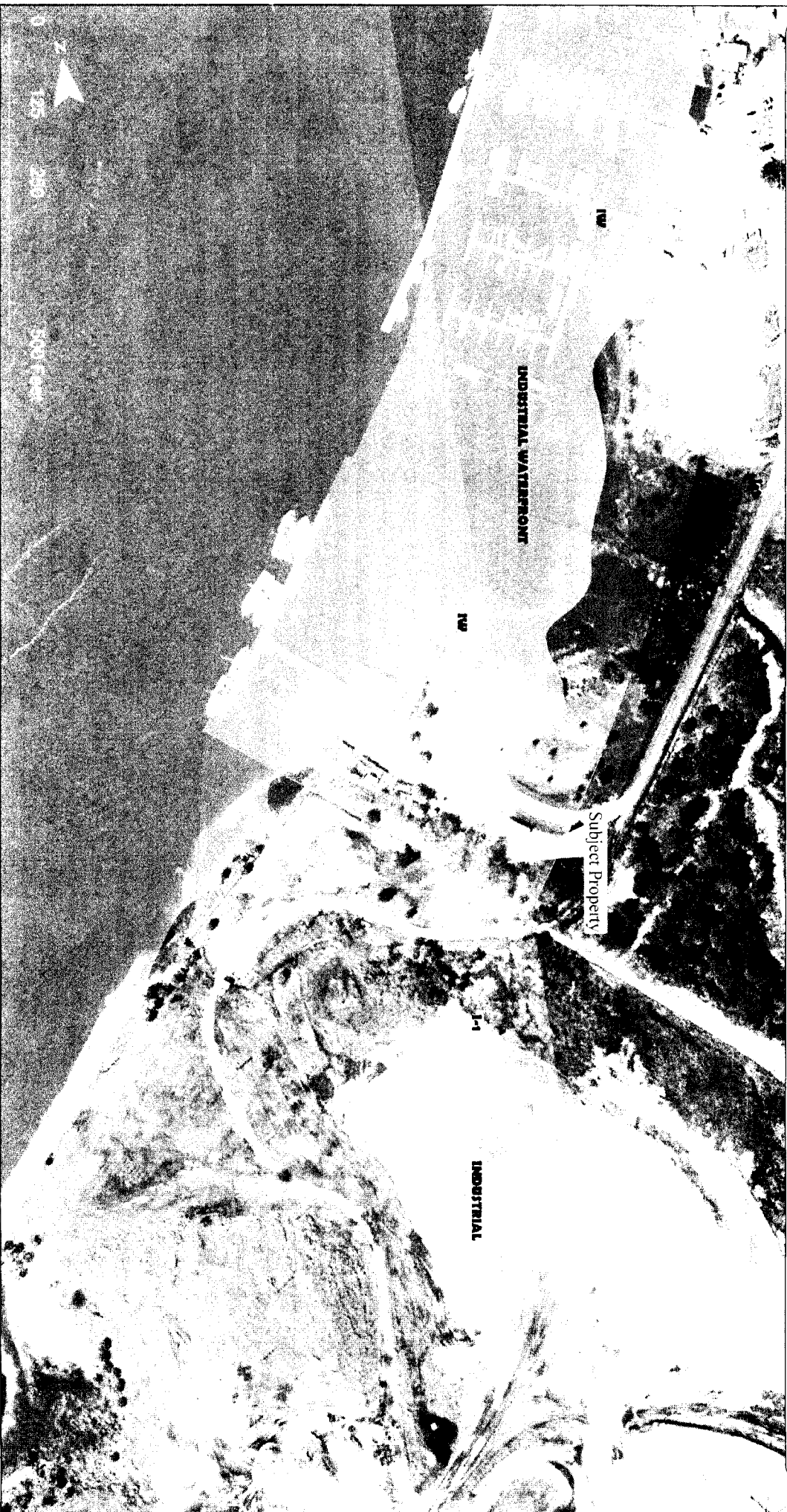

Mary L. Mercer
City Clerk

APPROVED AS TO FORM:


Tammi E. Bach
City Attorney

DATE FIRST READING: JANUARY 6, 2009
DATE OF ADVERTISEMENT: JANUARY 21, 2009
DATE OF SECOND READING
AND PUBLIC HEARING: FEBRUARY 3, 2009
DATE OF ADOPTION: MARCH 6, 2009

CZ & LU 2008-52
Change from Industrial Waterfront (I-W) to Waterfront Mixed Use (W-1)
500 South Front Street



David E. Cook

September 25, 2008

Department of Community Affairs
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

Attention: Planning Department

The purpose of this letter is to request a change in zoning for my property (waterlots 37, 38, 39, 40 and a portion of lot 41) on South Front Street from Industrial Waterfront (IW) to Waterfront-Mixed Use (W1). The reason for requesting this change to the newly created W1 zoning is to open the possibility for different kinds of land usage than are allowed under the previously limiting industrial rules.

Attached are the following documents required for this zoning change:

1. The notarized application for zoning change along with the application fee of \$850.
2. Two copies of the most recent survey of my property. It is a 1984 survey, but there have been no changes to the property or to the building on it since that date.
3. The tax bill demonstrating my ownership of the land in question. It includes the legal description of the property as does the survey.
4. A location map showing the subject parcel.

Please let me know if you have any additional questions.

Respectfully submitted,



David E. Cook *DC*
P.O. Box 30

751 Wren Drive
Fernandina Beach, Florida 32034

RECEIVED

SEP 26 2008

COMMUNITY DEVELOPMENT DEPARTMENT
FERNANDINA BEACH, FLORIDA

RECEIVED

DATE STAMP

SEP 26 2008

COMMUNITY DEVELOPMENT DEPARTMENT
FERNANDINA BEACH, FLORIDA

APPLICATION FOR FUTURE LAND USE AMENDMENT
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH, FLORIDA

APPLICATION NO.: LU 2008-52
APPLICATION FEE: \$850.00
IMS TRACKING NO.: 2008-000001107

RECEIVED BY: KG (w)
DATE RECEIVED:

1. APPLICANT'S INFORMATION:

Applicant(s): David E Cook Jr
Address: PO Box 30
Address 2: FERNANDINA Bch, FL 32035

Telephone: 904-753-1703
Fax: _____
E-mail: _____

2. OWNER'S INFORMATION:

Owner(s): David E. Cook Jr
Address: PO Box 30
Address 2: FERNANDINA Bch FL 32035

Telephone: 904-753-1703
Fax: _____
E-mail: _____

3. APPLICANT'S AGENT INFORMATION:

Name: _____
Address: _____

Telephone: _____
Fax: _____
E-mail: _____

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER INFORMATION:

Name: MANZIE & DRAKE
Address: Fernandina Bch

Telephone: _____
Fax: _____

5. PROPERTY INFORMATION:

Project Name: N/A
Street Address: 500 South Front St.
Lot Number: 31-38-39-40 p41 Block Number: _____
Section: 17 Township: 3 North
Nearest Street Intersection: _____
Parcel Identification Number(s): 00-00-31-1760-0039-0000

Subdivision: _____
Range: 28 EAST

6. AREA INFORMATION:

Under an acre: Sq. Footage: _____ Over an acre: Acres: 3 Number of Lots/Parcels: 4 + Pt 41

Existing Zoning Classification: IW
Proposed Zoning Classification: WMU

Existing Future Land Use Classification: _____
Proposed Future Land Use Classification: _____

Existing Land Use: Fishing Dock
Proposed Land Use: Fish Dock Boat yard ~~Residential~~ Residential & Commercial

Previous Planning/Zoning Approvals: GET WMU

7. FUTURE LAND USE AMENDMENT SOUGHT: Fishing Dock & Commercial Residential



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: Ordinance 2009-03
LU 2008-52: Land Use Change, David E. Cook, Jr.

DEPARTMENT: PLANNING DEPARTMENT

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

SUMMARY: Mr. David E. Cook, Jr. has requested a change of the City's Future Land Use Map for a 5.5 acre parcel of land, known as 500 S. Front Street, located on the Amelia River waterfront in Fernandina Beach, from (I-W) Industrial Waterfront to (WMU) Waterfront Mixed Use. The Planning staff has issued a recommendation for approval. The Planning Advisory Board recommended approval 5-0 at their November 12, 2008 regular meeting. This Ordinance was approved by the City Commission on first reading at the January 6, 2009 regular meeting and has been advertised for second reading and final adoption at the February 3, 2009 regular meeting.

A Development Agreement accompanies this ordinance as a separate item. The Development Agreement is in the form of a Resolution to be approved at this meeting. A summary memo regarding why this Development Agreement is necessary has been provided in the materials with the Development Agreement Resolution.

RECOMMENDED ACTION: Approve Ordinance 2009-03.

DEPARTMENT HEAD: Submitted: Kelly N. Gibson, Planner II Date: 1/22/2009
Requested Agenda: Date: 02/03/2009

FINANCE DEPARTMENT: Budgeted ☐ Yes ☐ No ☒ N/A Date:

CITY ATTORNEY: Approved for Form *TEB* Date: *1/26/09*

CITY MANAGER: Approved Agenda Item for *CM* Date: *1/29/09*

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Other
☐ Tabled To Time Certain

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CD ☐ FI ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PR ☐ PW ☐ UD ☐ CDD

ORDINANCE NUMBER 2009-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE FUTURE LAND USE MAP (LU 2008-52) FROM INDUSTRIAL WATERFRONT TO WATERFRONT MIXED USE, FOR PROPERTY IDENTIFIED AS 500 S. FRONT STREET, TOTALING APPROXIMATELY 5.5 ACRES, LOCATED ON THE WATERFRONT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mr. David E. Cook, Jr. has applied for a change to the future land use map; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on October 29, 2008; and

WHEREAS, the Planning Advisory Board voted 5-0 to recommend approval of the change of the future land use map from Industrial Waterfront to Waterfront Mixed Use for application LU 2008-52 on November 12, 2008.

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

SECTION 1. PROPERTY INVOLVED. The property identified for this change of land use (LU 2008-52), attached hereto as Exhibit A, as 500 S. Front Street, totaling approximately 5.5 acres, located on the waterfront, Fernandina Beach, Florida.

SECTION 2. LAND USE MAP CHANGE. For the property in question, the land use change from Industrial Waterfront to Waterfront Mixed Use is hereby approved.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect thirty-one (31) days after its final adoption.

ADOPTED this 3rd day of February, 2009.

CITY OF FERNANDINA BEACH

Bruce Malcolm
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM:

Mary L. Mercer
City Clerk

Tammi E. Bach
City Attorney

RECEIVED

DATE STAMP:
SEP 26 2008

COMMUNITY DEVELOPMENT DEPARTMENT
FERNANDINA BEACH, FLORIDA

APPLICATION FOR ZONING CLASSIFICATION
AMENDMENT
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH, FLORIDA

ACCEPTED BY: KG @
APPLICATION NO.: CZ 2008-52
IMS TRACKING NO.: 2008-00001108
APPLICATION FEE: \$ 850.00

1. APPLICANT'S INFORMATION:

Applicant(s): David E Cook Jr Telephone: 904-753-1703
Address: P.O. Box 30 Fax: _____
Address 2: Fernandina Bch Fla 32035 E-mail: _____

2. OWNER'S INFORMATION:

Owner(s): David E. Cook Jr Telephone: 904-753-1703
Address: P.O. Box 30 Fax: _____
Address 2: Fernandina Bch Fla 32035 E-mail: _____

3. APPLICANT'S AGENT INFORMATION:

Name: _____ Telephone: _____
Address: _____ Fax: _____
E-mail: _____

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER INFORMATION:

Name: Manzie & Deake Telephone: _____
Address: Fernandina Bch Fax: _____

5. PROPERTY INFORMATION:

Project Name: N/A
Street Address: 500 South Front St. Fernandina
Lot Number: 37-38-39-40 Block Number: _____ Subdivision _____
Section: 17 Township: 3 North Range: 28 East
Nearest Street Intersection: _____
Parcel Identification Number(s): 00-00-31-1760-0039-0000

6. AREA INFORMATION:

Under an acre: Sq. Footage: _____ Over an acre: Acres: 35.5 Number of Lots/Parcels: 4 & Partial
Existing Zoning Classification: IW
Existing Future Land Use Classification: FW
Existing Land Use: IW
Previous Planning/Zoning Approvals: _____

7. ZONING CLASSIFICATION

AMENDMENT SOUGHT: Wmu / WI

X

The undersigned having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.

Signature of Owner(s) or Agent

Print name of Owner(s) or Agent

David E. Cook, Jr

STATE OF FLORIDA }
COUNTY OF NASSAU } SS:

Subscribed and sworn to before me this 26th day of September, 2008.

Notary Public: Signature

Printed Name

My Commission Expires:

Feb. 2, 2012

Individual making statement is ☒ personally known or ☐ produced identification.
Type of identification produced:



NICOLE BEDNAR
Notary Public, State of Florida
My Comm. Expires Feb. 2, 2012
Commission No. DD 754273

CONDITIONS:

I (we) also understand that the application fee does not include the fees associated with engineering review and/or construction inspection, inspections, reports, and the like required by the City of Fernandina Beach.

I (we) certify that no land clearing, excavation and/or filling have occurred on this property, and that no clearing, excavation and/or filling will commence prior to the issuance of a Land Clearing Permit. I (we) do hereby agree to perform any authorized land clearing, excavation and/or filling in accordance with the approved site plan and the City of Fernandina Beach Land Development Regulations.

By signature, I (we) acknowledge I (we) have read, understand and agree to the above conditions:

David E. Cook Jr

Owner (1)
Print name

Owner (2)
Print name:

Agent
Print name:

The undersigned having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.

David E. Cook Jr
Signature of Owner(s) or Agent

David E. Cook Jr
Print name of Owner(s) or Agent

STATE OF FLORIDA
COUNTY OF NASSAU

} ss.

Subscribed and sworn to before me this 26th day of September, 2008.

Nicole Bednar
Notary Public: Signature

Nicole Bednar
Printed Name

My Commission Expires:

Feb. 2, 2012

Individual making statement is ☒ personally known or _____ produced identification.
Type of identification produced:



Nicole Bednar
NICOLE BEDNAR
Notary Public, State of Florida
My Comm. Expires Feb. 2, 2012
Commission No. DD 754273

X

OWNER'S AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA
Agent Authorization Form

NOT REP.

EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I /WE David Cook Jr
(print name of property owner).
hereby authorize: _____
(print name of agent)
to represent me/us in processing an application for _____
(type of application)

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

David Cook Jr
(Signature of owner)

(Print name of owner)

(Signature of owner)

(Print name of owner)

State of Florida }
Nassau County } ss

Sworn to and subscribed before me on this 26th day of September, 2008
by David E. Cook
(name of person making statement)



Nicole Bednar
NICOLE BEDNAR
Notary Public, State of Florida
My Comm. Expires Feb. 2, 2012
Commission No. DD 754273

Nicole Bednar
Signature of Notary Public
State of Florida
Nicole Bednar
Print, type or stamp commissioned name of
Notary Public

My Commission expires: Feb. 2, 2012

Individual making statement is ☒ personally known or _____ produced identification. Type of
identification produced _____.



RECENT SALES IN THIS AREA

PREVIOUS PARCEL
NEXT PARCEL

RETURN TO MAIN SEARCH PAGE

NASSAU HOME

OWNER NAME

COOK DAVID EMMETT JR

TODAY'S DATE

December 19, 2008

MAILING ADDRESS

PO BOX 30

PARCEL NUMBER

00-00-31-1760-0039-0000

FERNANDINA BEACH, FL 320350030

MILLAGE GROUP

Fernandina Beach City (Includes Voter Approved Millage .3726) (District 2)

TOTAL MILLAGE

17.8992

PROPERTY USAGE

MISCELLANE (000700)

LOCATION ADDRESS

500 S FRONT ST

GIS CALCULATED ACREAGE

5.532 ACRES

RECORD CARD

[Card View Print](#)

PARCEL MAP

[Show Parcel Map](#)

SHORT LEGAL

LOTS 37,38,39,40, & PT OF LOT 41 PT L/E OR 479/482 &
[Show Complete Legal Description](#)

2008 TAX ROLL VALUE INFORMATION

JUST VALUE OF LAND	LAND VALUE AGRICULTURAL	BUILDING VALUE	TOTAL MISC VALUE	JUST OR CLASSIFIED TOTAL VALUE	ASSESSED VALUE	EXEMPT VALUE	TAXABLE VALUE	HOME STEAD
442,660	0	0	98,236	540,896	540,896	0	540,896	N

LAND INFORMATION

LAND USE	NUMBER OF UNITS	UNIT TYPE	SEC-TWN-RNG
TRANS TERM	424.370	FF	--

BUILDING DATA

BUILDING #	TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT
No buildings associated with this parcel.										

MISCELLANEOUS DATA

DESCRIPTION	DIMENSIONS LxWxH	UNITS	YEAR BUILT
DOCK MD WD	10 x 48 x 0	480 SQUARE FEET	1964
DOCK MD WD	11 x 329 x 0	3,619 SQUARE FEET	2000
BOAT DCK W	16 x 17 x 0	272 SQUARE FEET	1990
AL GANG WY	0 x 0 x 0	22 LF	2000
UTILTY POD	0 x 0 x 0	1 UNITS	2000
CONCRETE C	0 x 0 x 0	1,600 SQUARE FEET	2000
CONCRETE C	0 x 0 x 0	273 SQUARE FEET	2000
CONC BUMPR	0 x 0 x 0	76 UNITS	2000
STK FNC 6	0 x 0 x 0	140 LF	2000

SALES DATA

SALE DATE	BOOK	PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
03-18-2005	1303	1	111,200	Warranty Deed	UNQUALIFIED	YES	COOK NELL A	COOK DAVID EMMETT JR (1/4%INT)
03-18-2005	1303	9	100	Quit Claim Deed	UNQUALIFIED	YES	AMELIA CRUISES INC	COOK DAVID EMMETT JR
				Warranty			AMELIA	COOK DAVID EMMETT

03-18-2005	1303	7	414,900	Deed	UNQUALIFIED	YES	CRUISES INC	JR
04-23-1998	830	1936	155,000	Warranty Deed	UNQUALIFIED	YES	COOK EDWIN ALBERT	AMELIA CRUISES INC
07-29-1997	801	507	20,000	Quit Claim Deed	UNQUALIFIED	YES	COOK C HILTON	COOK DAVID EMMETT
04-01-1985	451	399	500	MULTI SALE	UNQUALIFIED	YES		
05-01-1984	420	363	500	MULTI SALE	UNQUALIFIED	YES		

Generate Owner List By Radius

The Nassau County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assesment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. Website updated: October 30, 2008

RECENT SALES IN THIS AREA

PREVIOUS PARCEL
NEXT PARCEL

RETURN TO MAIN SEARCH PAGE

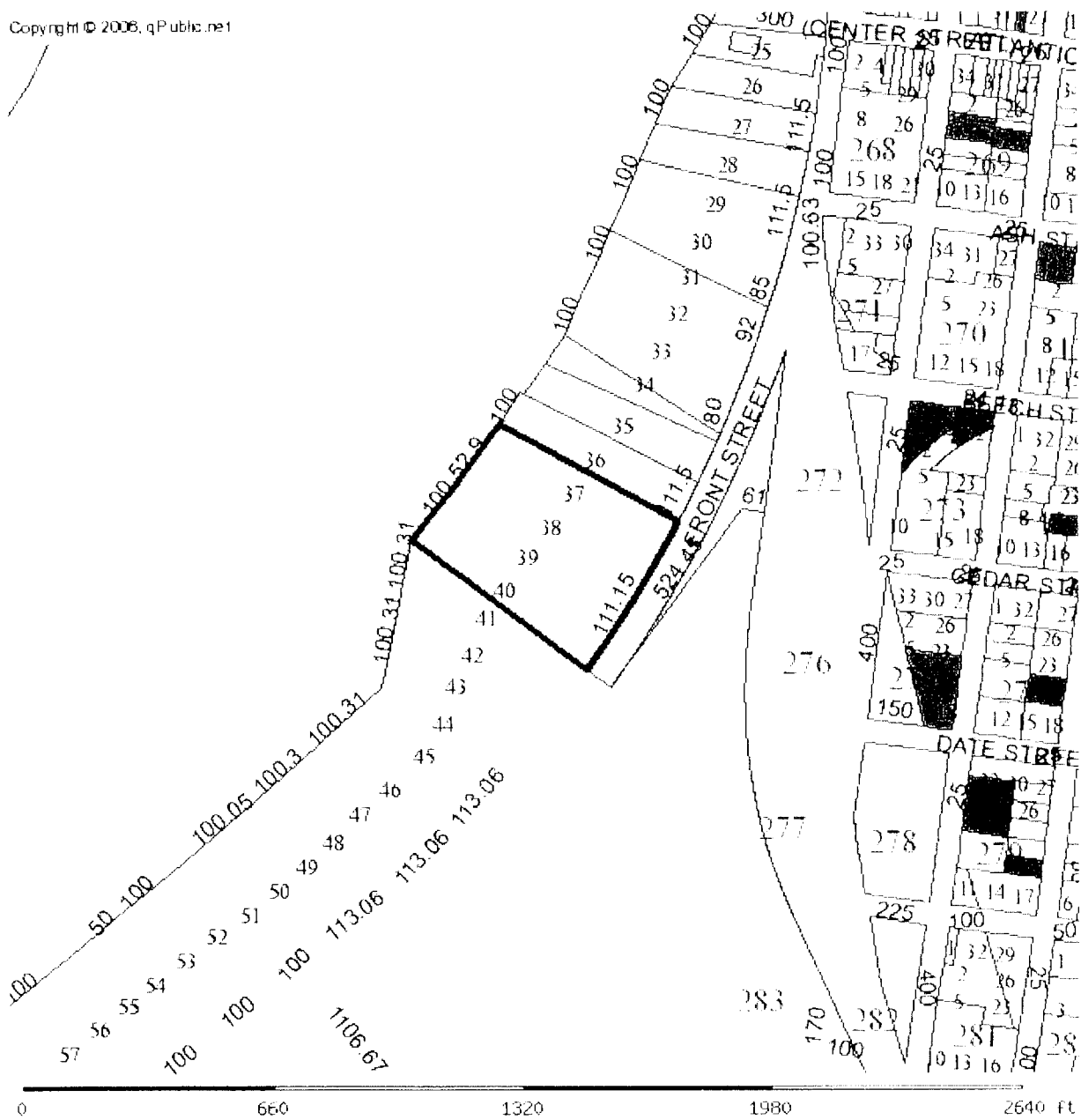
NASSAU HOME

© 2005 by the County of Nassau, FL | Website design by qpublic.net

http://apublic1.apublic.net/cgi-bin/nassau_display.cgi?KEY=00-00-31-1760-0039-0000

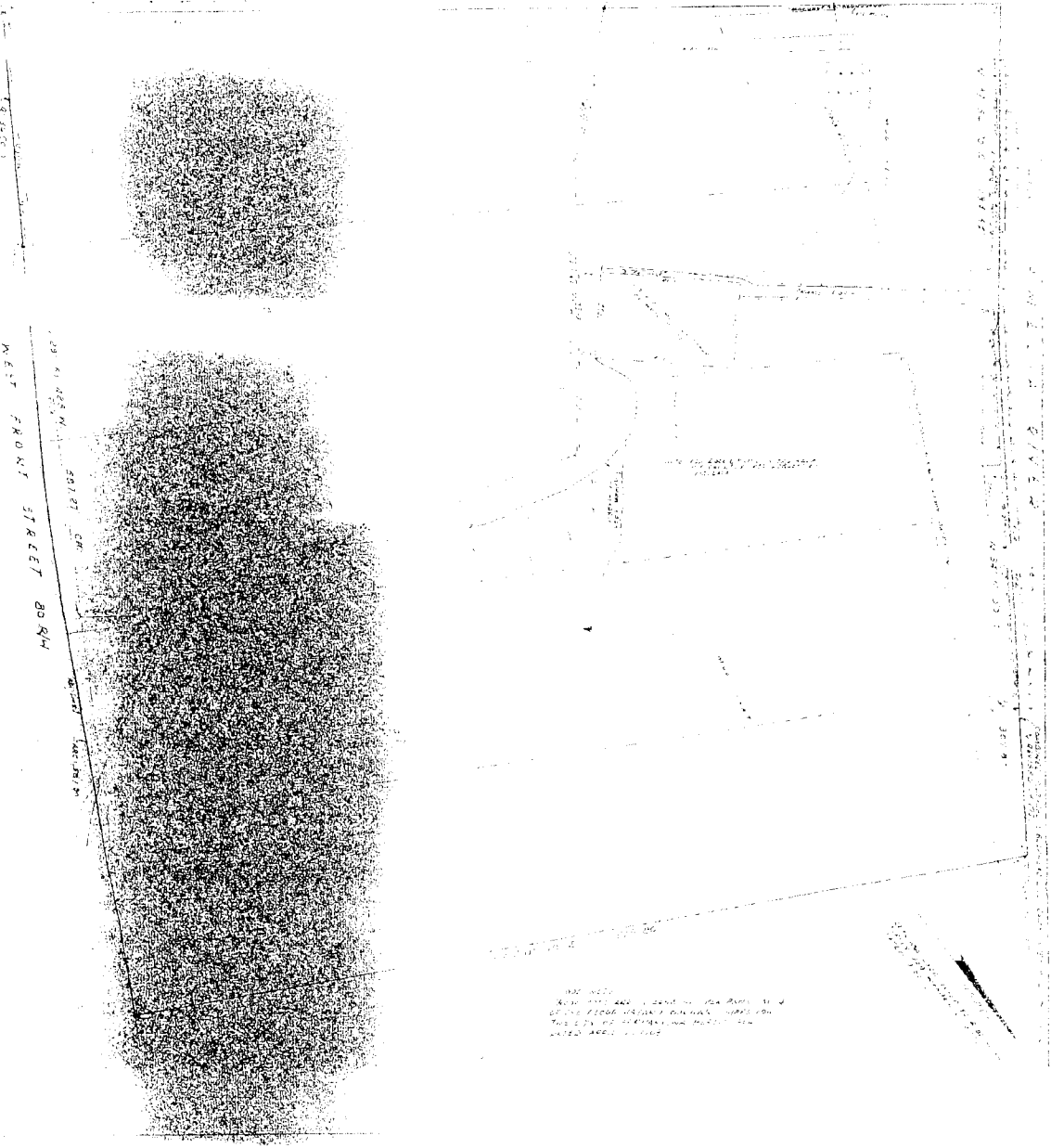
12/19/2008

Copyright © 2006, qPublic.net



PARCEL INFORMATION TABLE	
Selected Parcel	00-00-31-1760-0039-0000
GIS CALCULATED ACREAGE	5.53
Property Use	MISCELLANE
Land Use	TRANS TERM
OWNERSHIP INFORMATION	
Name	COOK DAVID EMMETT JR
Mailing Address	PO BOX 30 FERNANDINA BEACH, FL 320350030
Situs/Physical Address	500 S FRONT ST
VALUES	
Land Value	442,660
Ag Land Value	0

Building Value		0	
Misc Value		98,236	
Just Value		540,896	
Assessed Value		540,896	
Exempt Value		0	
Taxable Value		540,896	
Homestead?		N	
LAST 2 SALES			
Date	Price	Vacant?	Qual
03-2005	111,200	N	U
03-2005	100	N	U



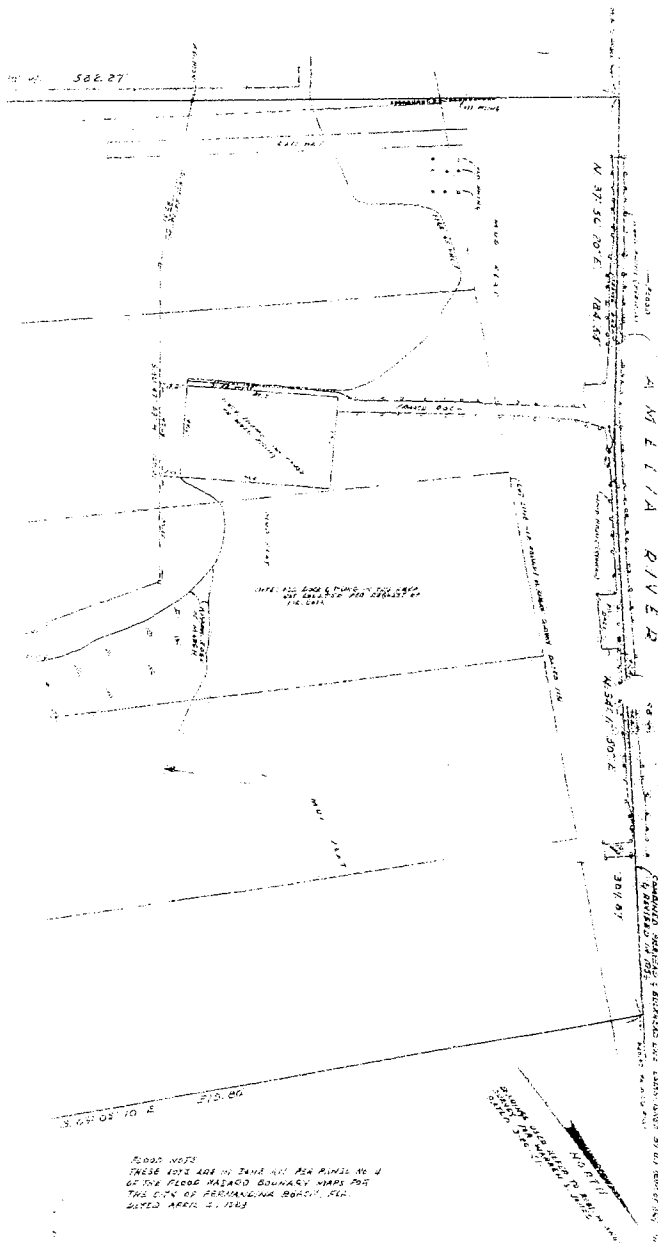
WITH THE TOWN BOUNDARY SURVEY OF
 LOTS 5, 36, 37, 38, 39, 40 AND A PORTION OF
 LOT 41, FERNANDINA BEACH,
 NASSAU COUNTY, FLORIDA.
 THE TOWN OF FERNANDINA BEACH, FLORIDA
 HAS HEREBY RECEIVED THE TOWN BOUNDARY SURVEY OF
 LOTS 5, 36, 37, 38, 39, 40 AND A PORTION OF
 LOT 41, FERNANDINA BEACH, FLORIDA.
 THE TOWN OF FERNANDINA BEACH, FLORIDA
 HAS HEREBY RECEIVED THE TOWN BOUNDARY SURVEY OF
 LOTS 5, 36, 37, 38, 39, 40 AND A PORTION OF
 LOT 41, FERNANDINA BEACH, FLORIDA.

RECEIVED
 SEP 2 6 2009
 PLANNING & ZONING
 FERNANDINA BEACH, FLORIDA

Handwritten:
Vernon N. Lamm & Assoc
No. 602-76

23 61 42.5 N. 201.1 201.1
WEST FRONT STREET BO 244

RECEIVED
SEP 26 2009
PLANNING & ZONING
FERNANDINA BEACH, FLORIDA



@ CAM110M01 S CamaUSA Appraisal System
 9/23/2008 13:14 **Proper Maintenance**
 Year T Property Sel
 2008 R 00-00-31-1760-0039-0000
 Owner COOK DAVID EMMETT JR Conf
 Addr PO BOX 30

Nassau County
 442660 Land 001 *
 AG 000
 Bldg 000
 98236 Xfea 009
 540896 TOTAL B
 -Cap?-
 SOH 10% ApYr ERnwl ARnwl S/C Notc
 Total Acres

City, St FERNANDINA BEACH FL Zip 32035 0030 N
 Country (PUD1) 5 (PUD2) (PUD3)
 pud4 pud5 pud6
 Appr By JHGH Date 1/30/2004 AppCode UseCd 000700 MISCELLANEOUS
 TxDist Nbhd MktA ExCode Exemption/% TxCode Units Tp
 002 1004.00 01

CITY CRA
 House# 500 Street S FRONT MD ST Dir #
 Subd N/A Condo .00 N/A
 Sect Twn Rnge Subd Blk Lot
 Legals LOTS 37, 38, 39, 40, & PT OF LOT 41
 PT L/E OR 479/482 & PT OR 1303/1 & OR 1303/7 +
 Map# 6C/23S Mnt 11/15/2007 JUDY
 F1=Task F2=ExTx F3=Exit F4=Prompt F11=Docs F10=GoTo PgUp/PgDn F24=More

RECEIVED

SEP 26 2008

COMMUNITY DEVELOPMENT DEPARTMENT
FERNANDINA BEACH, FLORIDA

OWNER'S AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA

EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I/WE David E Cook Jr
(print name of property owner)

hereby authorize: Lynne Williams
(print name of agent)

to represent me/us in processing an application for Zoning change
(type of application)

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

David E Cook Jr
(Signature of owner)

David E Cook Jr
(Print name of owner)

(Signature of owner)

(Print name of owner)

State of Florida }
Nassau County } ss

Sworn to and subscribed before me on this 20th day of November, 2008

By: David E. Cook, Jr.
(Name of person making statement)



Nicole Bednar
NICOLE BEDNAR
Notary Public, State of Florida
My Comm. Expires Feb 2, 2012
Commission No. DD 754273

Nicole Bednar

(Signature of Notary Public)

Signature of Notary Public
State of Florida

Nicole Bednar

(Print commissioned name of Notary Public)

Print commissioned name of Notary Public

My Commission expires: Feb. 2, 2012

Individual making statement is X personally known or _____ produced identification. Type of
identification produced NIA

I. Call to Order

Chair Condit called the meeting to order at 5:33pm.

II. Roll Call/Determination of Quorum

Board Members Present

Paul Condit, Chair	Richard Bradford, Vice-Chair
Mark Bennett	David Beal
William A. Conger (was detained)	Robert Howat

Board Members Absent

Eric Bartelt

Others Present

Tammi Bach, City Attorney
Kelly Gibson, Planner
Jessica Williams, Recording Secretary

III. Approval of Minutes

According to the agenda support documents, the Minutes of the September 24, 2008 Regular Meeting and the October 15, 2008 Regular Meeting were presented for approval. **A motion was made by Member Bennett, seconded by Member Bradford, to approve the Minutes of September 24th. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

A motion was made by Member Bennett, seconded by Member Bradford, to approve the Minutes of October 15, 2008. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

IV. New Business

Member Howat disclosed a conversation with Ms. Gibson. Member Bennett disclosed that he talked with Ms. Gibson. Member Bradford also disclosed that he talked with Ms. Gibson. Member Beal disclosed that he visited the site. There were no other ex parte communications to be disclosed by the board. City Attorney Bach briefly described the procedures for the quasi-judicial hearing. Recording Secretary Williams administered the oath to those that were about to present testimony.

Change Of Zoning

David E. Cook Jr., 500 South Front Street to include Parcel 00-00-31-1760-0039-0000 (CZ 2008-52), Change of Zoning request from I-W: Waterfront Industrial to W-1: Waterfront Mixed Use. (*Quasi-Judicial*)

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 12, 2008
Page 2 of 4

Ms. Gibson presented details of the Change of Zoning and change in Land Use requests as contained in the agenda support documents. She pointed out that all parts of the document were part of the record including the staff report and maps.

A motion was made by Member Bennett, seconded by Member Bradford, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Ms. Christina Parrish, 1901 Island Walkway, explained that she is employed by Rayonier Inc. who owns the property adjacent to and south of the property that is the subject of this hearing. She pointed out that the Rayonier Mill has been in operation 24 hours a day, seven days a week, 365 days a year since 1939. She explained that she was speaking on behalf of Rayonier and its nearly 400 Nassau County based employees. She commented that they work hard to peacefully coexist with their neighbors during their 75 years in Fernandina Beach and they recognize that the community is changing. She stated that they are a strong supporter of the community's continued economic development; however they are concerned about the compatibility of Mr. Cook's proposed development with the heavy industrial activities on Rayonier's adjacent property. She clarified that they were concerned about potential conflicts and expressed their belief that residential development of Mr. Cook's property should be discouraged. She requested that if the board recommends approval of these requests to consider imposing conditions that would minimize the potential for conflict between new residential and existing industrial uses. She explained that at a minimum they would request the City require significant setbacks and a substantial buffer between Rayonier's property and any residential development on Mr. Cook's property.

Member Bradford inquired if a development mitigation agreement had been signed. Ms. Gibson replied no and clarified that it would move forward when it goes to the City Commission. Member Bennett pointed out that there were similar concerns with the Petroleum Company. There was some discussion about the concern of having residential development so close to the existing industrial use of the Rayonier Mill. City Attorney Bach briefly explained what a developer's agreement is. Ms. Gibson provided further clarification of a developer's agreement including that no occupancy certificate could be issued until mitigation requirements are met. There was some discussion about development agreements noting that the City does not currently have a mitigation plan. The board also had some discussion about a prior developer's agreement with the Lane Investment and Development LLC.

Member Bradford inquired why a developer's agreement couldn't come before the PAB for approval to go to the City Commission. City Attorney Bach explained that her understanding is that type of agreement is outside of the purview of this board. There was a brief discussion about this and it was noted that the members could receive a copy of the agreement. Ms. Gibson entered into the record a copy of the agreement that was adopted by the City Commission in 2008 between the City of Fernandina Beach and Lane Investment and Development LLC. It was noted that the agreement was with regard to the mitigation plan.

A motion was made by Member Bennett, seconded by Member Howat, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Member Bennett noted that this was part of the process that started three or four years ago and this was to rezone those properties that have gone through the process. **A motion was**

made by Member Bradford, seconded by Member Howat, to approve LU 2008-52 contingent upon the development agreement as it pertains to the required mitigation strategies and based on 1.01.03, 1.01.04, 1.01.05, and 1.01.06. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

A motion was made by Member Bradford, seconded by Member Bennett, to approve CZ 2008-52 predicated on 1.01.03, 1.01.04, 1.01.05, and 1.01.06 and approved Land Use and there was competent evidence to support such action. A motion was made by Member Howat, seconded by Member Bennett, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. There being no comments from the floor, a motion was made by Member Bennett, seconded by Member Howat, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Land Use Amendment

David E. Cook Jr., 500 South Front Street to include Parcel 00-00-31-1760-0039-0000 (LU 2008-52), Land Use Amendment from I-W: Waterfront Industrial to WMU: Waterfront Mixed Use. (Legislative)

This item was heard and voted upon with the previous agenda item.

IV. Staff Report

Member Conger arrived at this time.

Ms. Gibson reported that the Letter of Understanding on the Evaluation and Appraisal Report major issues was sent to the Department of Community Affairs (DCA) Friday. She pointed out that updated zoning and land use maps were in the Commission Chambers as well as on the City's website www.fbfll.us. She explained that staff also has an updated FEMA flood insurance map.

V. Board Business

Member Bennett inquired when the board would start addressing some of these mitigation issues. He suggested working on it on a continuous basis instead of one big meeting to try to resolve the whole thing. Ms. Gibson explained that at this point the County is working with the City in terms of developing the strategies. There was a brief discussion about this noting that it would come before the PAB once it is finalized between the City and County. There was also some discussion about hurricane evacuation.

Member Bennett reminded the board about a prior discussion on plats and allowing replatting of existing plats. He explained that he didn't think it was a reasonable thing to have someone buy a plat in a neighborhood and start cutting it up into smaller pieces when the assumption of the neighbors is a plat is a plat. There was some discussion to clarify Member Bennett's concern of not having a process to see impacts on a neighborhood prior to replatting an existing plat under the minor subdivision. It was noted that staff would place this as a discussion item for the next meeting. **(Switched to side B – discussion continues)**

Member Conger apologized for his tardiness and explained that he had a responsibility at the Ocean Highway and Port Authority Meeting. He requested staff investigate the building height of 425 North

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 12, 2008
Page 4 of 4

Fletcher. He pointed out that Ms. Gibson had been working with him and the building was 33.75' high from the ground level. He explained that if it exceeds 25 feet in R-2 then the setbacks increase ½ foot for every foot above 25 feet so there should be 9 ½ foot setbacks on either side. He commented that he was convinced that there were not 9 ½ foot setbacks. Ms. Gibson inquired if the structure had gone through final inspection. Member Conger stated that he did not know. There was some discussion about this noting that this was an enforcement issue if buildings are going up that violate the code. It was pointed out that a structure goes through a series of inspections prior to receiving a Certificate of Occupancy and the final inspection signs off on the setbacks, building heights, etc. Chair Condit commented that when he went by the Marriott project on Sadler it looked a little high. There was some discussion about cases that have had to go to the Board of Adjustment and the pressures on that board.

Chair Condit announced that the new Fire Chief was having an open house at Fire Station #1 until 7:00 p.m. tonight.

VI. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 6:30 p.m.

Paul Condit, Chairman

Richard Bradford, Vice Chair



City of Fernandina Beach
PLANNING DEPARTMENT

November 18, 2008

Mr. David Cook
500 South Front Street
Fernandina Beach, FL 32034

RE: LU & CZ 2008-52
Proposed Land Use Designation and Zoning Category Change

Dear Mr. Cook:

This letter is to inform you that on November 12th, 2008, the Planning Advisory Board recommended approval of your application for a change in Future Land Use Designation and Zoning Category for the following:

500 South Front Street (Property # 00-00-31-1760-0039-0000)
Industrial Waterfront Land Use /I-W Zoning to Waterfront Mixed Use Land Use/ W-1 Zoning

The proposed text amendment is pending issuance of an ordinance to amend the City's Future Land Use Map and Zoning Map and adoption of this change by the City Commission. The amendment will also require an accompanying Development Agreement to allow this project to move forward through Site Plan Review and permitting without first addressing necessary Coastal High Hazard Area mitigation options. However, mitigation must be paid prior to receiving a Certificate of Occupancy.

The City Commission will hear the proposed text amendment for 1st Reading on January 6th, 2009 with an anticipated 2nd Reading date of February 3rd 2009. If adopted the Ordinance will become effective 30 days after the date of the 2nd Reading (March 5th, 2009).

If you have any questions regarding this case please contact myself at (904)277-7325 ext. 227.

Sincerely,


Kelly N. Gibson

Enclosure: Findings of Fact

**CITY OF FERNANDINA BEACH, FLORIDA
PLANNING ADVISORY BOARD**

TO: Fernandina Beach City Commission
Fernandina Beach, FL 32034

RE: REPORT ON APPLICATION FOR LAND USE AND ZONING CHANGE

On November 12th, 2008, the Planning Advisory Board reviewed and considered a Land Use and Zoning Change Request application: LU/CZ 2008-52

- a. Applicant: Mr. David Cook
Property: 00-00-31-1760-0039-0000
Address: 500 South Front Street
- b. Request: Land Use Change From Industrial Waterfront to Waterfront Mixed Use
- c. Request: Zoning Category Change from I-W to W-1

Having reviewed and considered the Application and attachments thereto and the testimony from those present at the public hearing as well as the City Staff Report on this Application, the Board considered the following factors in Policies 1.01.02, 1.01.03, 1.01.04, *1.06.09(e), 1.06.09(f), 5.07.03, 5.07.04 and 5.07.06 of the Comprehensive Plan, as well as the general criteria in the Comprehensive Plan attached hereto, in evaluating this proposed Land Development Code text amendment:

AFTER DISCUSSION, motion was:

Made by Board Member: Bennett
Seconded by Board Member: Bradford to recommend:
Future Land Use Map Designation Change LU & CZ 2008-52 be:

 Approved with Conditions for the following reasons:

Compliance with Comprehensive Plan policies 1.01.02, 1.01.03, 1.01.04, 1.06.09(f), 5.07.03, 5.07.04 and 5.07.06; the approval is conditioned that requirements of policy 1.06.09(e) are met. In order to satisfy the requirements of policy *1.06.09(e), the applicant must enter into a Development Agreement to address required Coastal High Hazard Area mitigation once mitigation strategies are determined by the City/ County. Mitigation requirements must be met/paid prior to receiving a Certificate of Occupancy.

 Disapproved as presented.

The Motion **[PASSED]** **[FAILED]** by a vote of 5 YES 0 NO.

The Planning Advisory Board respectfully recommends to the City Commission that requested Land Use and Zoning Change LU & CZ 2008-52 are:

[APPROVED] pending an accompanying Development Agreement

[DISAPPROVED].

Chair

Vice-Chair

Date

Date

STAFF REPORT
LU/CZ 2008-52
Small Scale Amendment to Future Land Use Map
Change of Zoning
Planning Advisory Board Hearing
November 12, 2008

Application Information

Applicant: David E. Cook Jr.
Owner(s): David E. Cook Jr.
Agent: Self
Requested action: Small Scale Land Use and Zoning Map Amendment from
Industrial Waterfront / I-W to Waterfront Mixed Use/ W-1
Location: 500 South Front Street
Zoning: I-W, Industrial Waterfront
Future Land Use Map category: Industrial Waterfront
Size: 3 acres (approximately)
Existing uses on the site: Vacant (Docks/ Warehousing)

All required application materials have been received. All required notices have been made.

Surrounding Area Information

	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Future Land Use</u> <u>Map category</u>
North	Vacant	I-W	Industrial Waterfront
South	Heavy Industry	I-1	Industrial
East	Railroad	ROW	Railroad ROW
West	Water	Water	Waterfront

Summary of Request and Background Information

The applicant has applied for a change in land use and zoning from Industrial Waterfront/I-W to Waterfront Mixed Use/ W-1. The subject property, known as 500 South Front Street, is comprised of the block which is bounded by the waterfront and Front Street. The survey supplied by the applicant indicates this property totals approximately 3 acres (including submerged lands).

The current I-W zoning does not permit residential development and limits permissible industrial uses to a 0.75 Floor Area Ratio (FAR). This results in a maximum current development potential of 98,010 square feet of industrial use. Uses permissible under the current zoning are provided in Table 2.03.02 of the Land Development Code and range from professional offices and retail stores to warehousing and manufacturing activities.

The proposed W-1 zoning would introduce residential uses in a mixed use form to the subject property and reduce the range of allowable non-residential uses. The residential density associated with W-1 is 2.0 dwelling units per acre or up to 6 dwelling units for the subject property; these units are required to be located above a commercial or office use. W-1 is a mixed-use district, and the subject property would therefore be eligible for up to 12.0 residential units, if the terms of the density bonus are met (Policy 1.06.09(f.)). Density calculations are based on "Net Buildable Land Area" and excludes existing rights-of-way, undevelopable environmentally sensitive lands, including wetlands, transitional wetlands, floodplains, and waters of the state. The survey provided by the applicant appears to indicate that about ½ of the property is classified as waters of the state. The exact number of units would depend on the amount of upland acreage achieved by permit through DEP. W-1 zoning also provides a Floor Area Ratio of 0.75, resulting in a maximum of 98,010 square feet of commercial development.

Consistency with the Comprehensive Plan

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

The City has five public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, and Solid Waste. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential.

The applicant has not conducted a traffic study at this time. Traffic Concurrency determination will need to be made prior to any plan submittal for Technical Review Committee Site Plan Review. Currently, the property has an estimated 67.62 PM peak hour trips. Additional PM peak hour trips could be introduced with the inclusion of a residential use on the property.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day. The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate the proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has a contract with Stateline to dispose of solid waste, therefore the impact is irrelevant. Drainage will be reviewed in Technical Review by the City's engineering consultant. The City requires stormwater to be retained on-site.

1.01.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective land development patterns, as described below.

- a. No areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;
- b. No areas of urban development or uses which fail to maximize the use of existing public facilities;
- c. No areas of urban development or uses which fail to use areas within which public services are currently provided; and
- d. No leapfrog/scattered development or ribbon/strip commercial development patterns.

The lots to the south and north of the subject property are zoned for industrial uses. Properties to the south are zoned and developed under I-1 (Rayonier), and properties to the north are zoned I-W, are currently vacant and are located adjacent to the City's marina. The mixed-use, W-1 zoning proposed for the subject property would provide an appropriate transition between the industrial properties to the north and south and the commercial / mixed use zones to east.

Since any proposed project represents infill development, no leapfrog development is occurring, and public facilities are generally available to the area.

1.01.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;
- b. Zoning districts in the surrounding area;
- c. Appropriateness of the size of the parcel compared to the proposed use;
- d. Physical condition of the site, and the suitability of soils and topography for the proposed use;
- e. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive areas, flood zones, or historic resources;
- f. Compatibility factors;
- g. Impact on adopted levels of service; and
- h. Location in a Coastal upland protection zone.

The uses in the general vicinity vary from industrial to the mixed use category. Limited residential development exists in the immediate area and lies to the east. The sizes of the parcels are consistent with the historic platted lot configuration. The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, the site is not a greenfield. The site is located in a Coastal Upland Protection Zone, and the levels of service are discussed above.

1.06.09 (e) Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with Fla. Stat. 163.3178(9)(a) (2006) as follows:

- 1. A 16-hour level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
- 2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
- 3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1, or subparagraph 2. Appropriate mitigation shall include,

without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan. (1.06.09(e) amended 7/17/2007 by Ordinance 2007-25)

The property does lie within the CHHA and the applicant is required to demonstrate compliance with Fla. Stat. 163.3178(9)(a) (2006). Currently, the City does not have a local mitigation plan in place for developments along the waterfront and therefore has no means of collecting monies, receiving land or constructing shelters or transportation facilities for mitigation purposes. However, since at this time the City/County have not finalized mitigation strategies it will be necessary to enter into a contingent developer's agreement in order for the WMU category to be placed on the FLUM. This approach is consistent with other WMU re-classifications within the CRA.

1.06.09 (f) Amendments to the FLUM that change the land use to WMU within the Community Redevelopment Area (CRA) may be awarded a 100 % density bonus based on the following criteria: Dedication and acceptance of an easement to the City in order to build a public waterfront boardwalk along the river; and Dedication and acceptance of an easement for mid-lot or mid-block corridors in order to maintain view corridors to the river and to be used as pedestrian access. (Amended 12/19/2006 by Ordinance 2006-28)

The property is eligible to receive a 100% density bonus of residential units, if the developer chooses to provide both of the above options. The density bonus would result in an increase of allowable residential units.

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

The City's Comprehensive Plan identifies this property as lying within the CHHA. The change in land use does increase the allowable density to allow residential units; however it does not change the amount of allowable square footage that may be achieved. The proposed addition of residential density is supported by the CRA plan.

5.07.04. The City shall prohibit amendments to the FLUM which result in a net increase in residential density in the CHHA except within the Community Redevelopment Area. Density increases are permitted within the CHHA for parcels in the WMU Future Land Use category if the criteria in Policy 1.06.09(e) are met.

The proposed zoning change does represent a potential increase in residential density on this property. As stated above, however, this property is located within the CRA.

5.07.06. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from the CHHA. Development and/or redevelopment in the CHHA shall not increase the intensity currently allowed by the Comprehensive Plan.

The capacity would result in the same FAR of 0.75 and allowable residential density would be 2.0 units per acre. Because the property lies within the CHHA, the requested zoning and land use is not consistent with this policy without mitigation measures in place for any residential units as provided by Policy 1.06.09(e).

Consistency with the Land Development Code

The requested zoning is W-1, a mixed-use district which supports a variety of residential and commercial land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

Section 2.01.12 of the Land Development Code states the intent of the W-1, Waterfront Mixed Use, zoning classification.

The Waterfront Mixed Use category is intended for the re-development of waterfront land fronting the Amelia River within the CRA only. Uses include: Residential, commercial, retail stores, professional offices, water related uses such as piers, docks, wharves, and marinas and uses related to the shrimping and fishing industry.

The range of uses permitted under W-1 does provide for consistency with existing zoning and will help to foster redevelopment to the north, south and east. Additionally, the property is well-situated to provide an appropriate transition to the industrial uses to the south.

The City has endorsed redevelopment of this property as a part of the Community Redevelopment Area. A land use and zoning conversion to W-1 will work to support and facilitate this needed redevelopment. As all surrounding properties are also located within the CRA, it can be expected that future requests for conversion from Industrial to mixed use will be forthcoming. In addition to the new land use pattern which will be evolving in this area, much needed improvements to the supporting infrastructure will occur. The subject property makes an effective starting point for the redevelopment of the southern waterfront area.

Conclusion

The requested zoning and land use change is consistent with the Comprehensive Plan and Land Development Code and provides a mechanism for the redevelopment which is fostered by the Community Redevelopment Area. The City staff is working with the County Growth Management and Emergency Management departments to establish appropriate mitigation strategies for development within the CHHA to be compliant with Section 1.06.09(e) of the Comprehensive Plan. Final adoption of the Land Use and Zoning changes may not be permitted, however, until either appropriate mitigation is provided or a legally binding agreement with the City acknowledging mitigation obligations is completed. Additionally, without final DEP

permitting, the actual amount of uplands and therefore, the number of residential units can not be calculated for mitigation purposes.

Recommendation

Staff recommends approval of the change from I-W to W-1. Staff further advises that this application may not be considered for adoption by the City Commission without an accompanying development agreement to address required mitigation strategies.

Submitted by:


Kelly N. Gibson
Planner II

										
RECENT SALES IN THIS AREA			PREVIOUS PARCEL NEXT PARCEL		RETURN TO MAIN SEARCH PAGE			NASSAU HOME		
OWNER NAME		COOK DAVID EMMETT JR		TODAY'S DATE		October 28, 2008				
MAILING ADDRESS		PO BOX 30		PARCEL NUMBER		00-00-31-1760-0039-0000				
		FERNANDINA BEACH, FL 320350030		MILLAGE GROUP		Fernandina Beach City (Includes Voter Approved Millage .3726) (District 2)				
				TOTAL MILLAGE		17.3985				
				PROPERTY USAGE		MISCELLANE (000700)				
LOCATION ADDRESS		500 S FRONT ST		GIS CALCULATED ACREAGE		5.532 ACRES				
RECORD CARD		Card View Print		PARCEL MAP		Show Parcel Map				
SHORT LEGAL		LOTS 37,38,39,40, & PT OF LOT 41 PT L/E OR 479/482 & Show Complete Legal Description								
2008 TAX ROLL PRELIMINARY VALUES										
JUST VALUE OF LAND	LAND VALUE AGRICULTURAL	BUILDING VALUE	TOTAL MISC VALUE	JUST OR CLASSIFIED TOTAL VALUE	ASSESSED VALUE	EXEMPT VALUE	TAXABLE VALUE	HOME STEAD		
442,660	0	0	98,236	540,896	540,896	0	540,896	N		
LAND INFORMATION										
LAND USE		NUMBER OF UNITS			UNIT TYPE		SEC-TWN-RNG			
TRANS TERM		424.370			FF					
BUILDING DATA										
BUILDING #	TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT
No buildings associated with this parcel.										
MISCELLANEOUS DATA										
DESCRIPTION		DIMENSIONS LxWxH		UNITS				YEAR BUILT		
DOCK MD WD		10 x 48 x 0		480 SQUARE FEET				1964		
DOCK MD WD		11 x 329 x 0		3,619 SQUARE FEET				2000		
BOAT DCK W		16 x 17 x 0		272 SQUARE FEET				1990		
AL GANG WY		0 x 0 x 0		22 LF				2000		
UTILTY POD		0 x 0 x 0		1 UNITS				2000		
CONCRETE C		0 x 0 x 0		1,600 SQUARE FEET				2000		
CONCRETE C		0 x 0 x 0		273 SQUARE FEET				2000		
CONC BUMPR		0 x 0 x 0		76 UNITS				2000		
STK FNC 6		0 x 0 x 0		140 LF				2000		
SALES DATA										
SALE DATE	BOOK	PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE		
03-18-2005	1303	1	111,200	Warranty Deed	UNQUALIFIED	YES	COOK NELL A	COOK DAVID EMMETT JR (1/4%INT)		
03-18-2005	1303	9	100	Quit Claim Deed	UNQUALIFIED	YES	AMELIA CRUISES INC	COOK DAVID EMMETT JR		

03-18-2005	1303	7	414,900	Warranty Deed	UNQUALIFIED	YES	AMELIA CRUISES INC	COOK DAVID EMMETT JR
04-23-1998	830	1936	155,000	Warranty Deed	UNQUALIFIED	YES	COOK EDWIN ALBERT	AMELIA CRUISES INC
07-29-1997	801	507	20,000	Quit Claim Deed	UNQUALIFIED	YES	COOK C HILTON	COOK DAVID EMMETT
04-01-1985	451	399	500	MULTI SALE	UNQUALIFIED	YES		
05-01-1984	420	363	500	MULTI SALE	UNQUALIFIED	YES		

Generate Owner List By Radius

The Nassau County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. Website updated: September 2, 2008

RECENT SALES IN THIS AREA	PREVIOUS PARCEL NEXT PARCEL	RETURN TO MAIN SEARCH PAGE	NASSAU HOME
---------------------------	--------------------------------	----------------------------	-------------

Nassau County Property Appraiser Record Card 00-00-31-1760-0039-0000

The Nassau County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

LOTS 37,38,39,40, &
 PT OF LOT 41
 PT L/E OR 479/492 &
 PT CR 1303/1 & OR 1303/7
 COOK DAVID EMMETT JR
 PO BOX 30
 FERNANDINA BEACH, FL 32035-0030
 00-00-31-1760-0035-0000
 Nassau County 2007 R
 PRINTED 12/05/2007 11:28
 APPR 1/30/2004 JHGH
 CARD 001 of 002
 BY TAMMY

[illegible]

	A-AREA	E-AREA	SUB VALUE		
COND SUB	%	%			
----- PERMITS -----					
	NUMBER	DESC	AMT	ISSUED	
	200352	XFOB	10,000	6/28/2000	
	2002610	XFOB	10,000	3/30/2000	
----- SALE -----					

BOOK	PAGE	DATE	PRICE
1303	9	3/18/2005	100
GRANTOR AMELIA CRUISES INC			
GRANTEE COOK DAVID EMMETT JR			

TOTAL	-----	414900
GRANTOR AMELIA CRUISES INC	-----	
GRANTEE COOK DAVID EMMETT JR	-----	
1303	7	3/18/2005 U I

EXTRA FEATURES		FIELD CK:				PRICE				SPCD		KFOB VALUE		
AE BN	CODE	DESC	LEN	WID	HGHT	QTY	QL	YR	ADJ	UT	PR	SPCD	%GOOD	KFOB VALUE
Y	0304	DOCK MD WD	10	48		1		1964	1.00		28.0000	28.0000	20.00	2,688
Y	0304	DOCK MD WD	11	329		1		2000	1.00		28.0000	28.0000	84.00	85,119
Y	0300	BOAT DCK W	16	17		1		1990	1.00		10.250	10.250	48.00	1,338
Y	0310	AL GANG WY				1		2000	1.25		130.0000	162.529	78.00	2,789
Y	0315	UTILITY POD				1		2000	1.00		600.0000	600.0000	78.00	468
Y	0812	CONCRETE C				1		2000	1.00		2.200	2.200	97.00	3,414

LAND	DESC	ZONE	ROAD	{UD1	{UD3	FRONT	DEPTH	FIELD	CK:										
AE	CODE		TOPO	UTIL	{UD2	{UD4	BACK	DT	ADJUSTMENTS	UNITS	UT	PRICE	ADJ	UT	PR	LAND	VALUE		
N	002001	TRANS TERM					424	564	1.00	1.00	.40	1.22				2250.000	1098.00	485,958	

NEWS LEADER

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

STATE OF FLORIDA
COUNTY OF NASSAU:

Before the undersigned authority personally appeared

Michael B. Hankins

Who on oath says that he is the Advertising Director of the Fernandina Beach News-Leader, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

CITY OF FERNANDINA BEACH
Notice of Public Hearing

Was published in said newspaper in the issues of

10/29/08

Legal Display

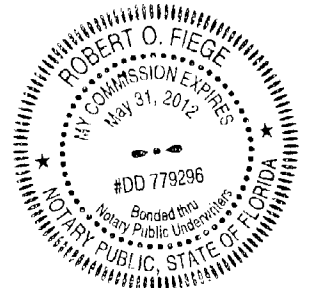
Affiant further says that the said Fernandina Beach News-Leader is a newspaper published at Fernandina Beach, in said Nassau County, Florida and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and Affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Michael B. Hankins

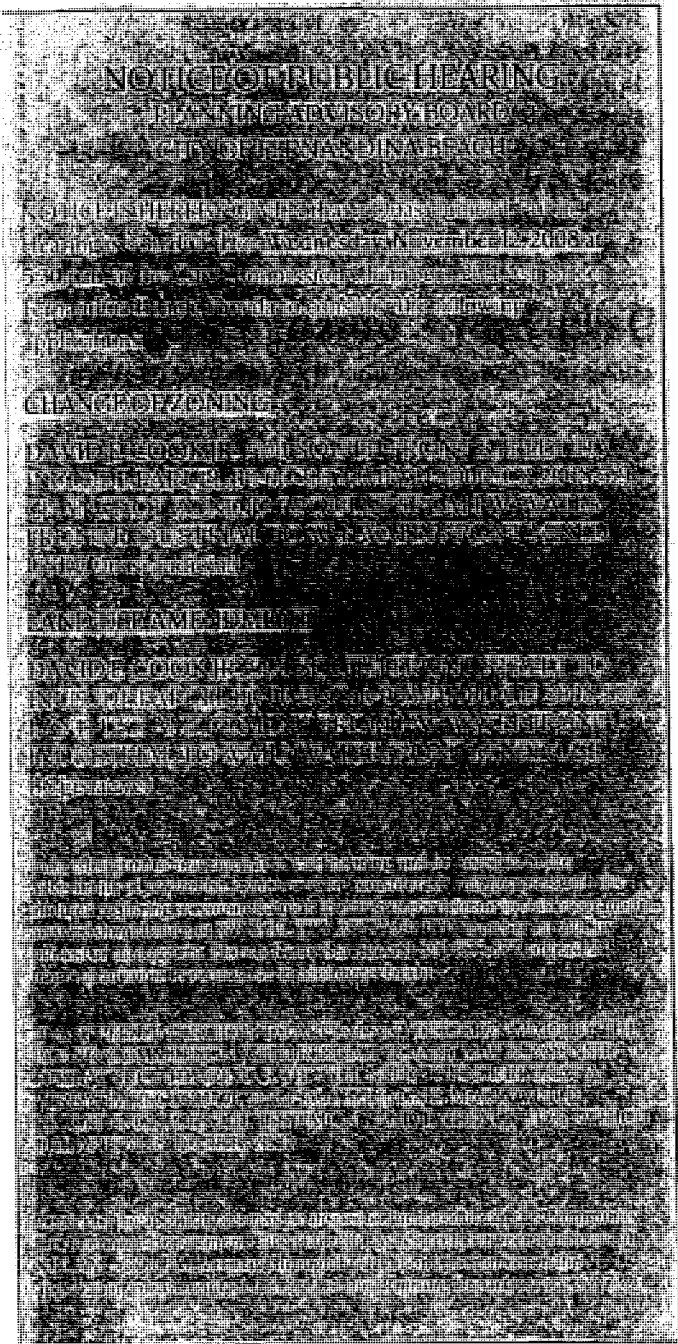
Sworn to and subscribed before me
This 29th day of October A.D. 2008.

Robert O. Fiege
Robert O. Fiege, Notary Public

A Personally Known



*Marshall
261.24*



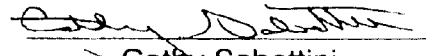
AFFIDAVIT OF POSTING

State of Florida
County of Nassau

I, Cathy Sabattini, being first duly sworn, depose and state as follows:

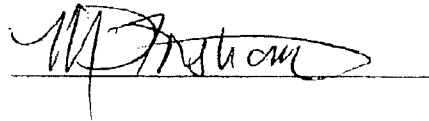
1. That I am an employee of the City of Fernandina Beach as Staff Assistant II for the City Clerks Office; and
2. That part of my duties includes processing applications of all types; and
3. That one of the requirements for processing applications is that the notice be posted on the property; and
4. That on October 29, 2008, I posted the property with the notice of the application and hearing, for Application No: **CZ & LU 2008-52: David Cook, 500 South Front Street.**

FURTHER AFFIANT SAYETH NAUGHT.


Cathy Sabattini

Subscribed and sworn to before me, a notary public in and for the State of Florida this 29th day of October, 2008.

(Seal)





MICHELLE D. FORSTROM
Notary Public, State of Florida
My Comm. Expires Mar. 21, 2010
Comm. No. DD 530981



City of Fernandina Beach
PLANNING DEPARTMENT

October 28, 2008

**NOTICE OF PUBLIC HEARING
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH**

Dear Property Owner:

A Quasi-Judicial, Public Hearing to be held by the Planning Advisory Board on **Wednesday, November 12, 2008 at 5:30 PM** in the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida to consider the following applications:

DAVID E. COOK JR., 500 SOUTH FRONT STREET TO INCLUDE PARCEL 00-00-31-1760-0039-0000

CZ 2008-52: CHANGE OF ZONING REQUEST FROM I-W: WATERFRONT INDUSTRIAL TO W-1: WATERFRONT MIXED USE. (*Quasi-Judicial*)

LU 2008-52: LAND USE AMENDMENT FROM I-W: WATERFRONT INDUSTRIAL TO WMU: WATERFRONT MIXED USE. (*Legislative*)

A copy of the application and information on this application may be inspected in the office of the Planning Department, City Hall, 204 Ash Street, between the hours of **7:30AM – 5:00PM**, Monday through Friday.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

If any person decides to appeal any decision made by the board/commission with respect to any matter considered at such hearing, s/he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Sincerely,

Community Development Department

204 Ash Street • Fernandina Beach, FL 32034-4230 • 904 277-7325 • Fax 904-277-7324 • TDD 904-277-7399
www.fernandinabeachflorida.org
Equal Opportunity Employer

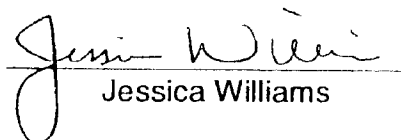
AFFIDAVIT OF MAILING

State of Florida
County of Nassau

I, Jessica Williams, being first duly sworn, depose and state as follows:

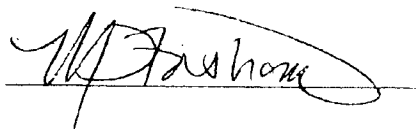
1. That I am an employee of the City of Fernandina Beach as the Administrative Specialist for the Community Development Department; and
2. that part of my duties includes processing applications of all types; and
3. That one of the requirements for processing applications is that notice shall be sent by regular U.S. mail to each property owner as provided by the Nassau County Property Appraiser's Office; and
4. That for **CZ & LU 2008-52: David Cook, 500 South Front Street.**, the list of the adjacent property owners from the Nassau County Property Appraisers Office is attached hereto as Exhibit 1; and
5. That on October 29, 2008, I mailed the letter attached hereto as Exhibit 2 to each of the property owners shown on the list in Exhibit 1, by certified US mail; and
6. That the Affidavit of Publication of the Notice is a separate document, provided by the News Leader.

FURTHER AFFIANT SAYETH NAUGHT.


Jessica Williams

Subscribed and sworn to before me, a notary public in and for the State of Florida this 29th day of October, 2008.

(Seal)





MICHELLE D. FORSTROM
Notary Public, State of Florida
My Comm. Expires Mar. 21, 2010
Comm. No. DD 530981

00-00-31-1760-0029-0010
CITY OF FERNANDINA BEACH
204 ASH STREET
FERNANDINA BEACH, FL 32034

00-00-31-1800-0271-0011
CITY OF FERNANDINA BEACH
204 ASH STREET
FERNANDINA BEACH, FL 32034

00-00-31-1800-0271-0010
CITY OF FERNANDINA BEACH
204 ASH STREET
FERNANDINA BEACH, FL 32034

00-00-31-1800-0271-0070
NEW ENGLAND FLAG BANNER INC
86395 GENE LASSERE BLVD
YULEE, FL 32097

00-00-31-1800-0271-0091
NEW ENGLAND FLAG & BANNER INC
86395 GENE LASSERE BLVD
YULEE, FL 32097-3380

00-00-31-1800-0271-0110
FERNANDINA LUMBER & SUPPLY CO
PO BOX 12267
JACKSONVILLE, FL 32209

00-00-31-1800-0271-0131
JACKSON RITA
D/B/A OLD TOWN CARRIAGE CO
95 WEST LAWRENCE LANE
FERNANDINA BEACH, FL 32034

00-00-31-1760-0031-0020
CITY OF FERNANDINA BEACH
204 ASH STREET
FERNANDINA BEACH, FL 32034

00-00-31-1760-0034-0000
WATTERS JOYCE A
2403 S FLETCHER AV
FERNANDINA BEACH, FL 32034-2360

17-3N-28-0000-0002-0010
CITY OF FERNANDINA BEACH
204 ASH STREET
FERNANDINA BEACH, FL 32034

00-00-31-1760-0035-0000
WATTERS JOYCE A
2403 S FLETCHER AV
FERNANDINA BEACH, FL 32034-2360

00-00-31-1800-0275-0000
CSX TRANSPORTATION INC
TAX DEPARTMENT
500 WATER STREET (C910)
JACKSONVILLE, FL 32202

00-00-31-1800-0278-0000
CSX TRANSPORTATION INC
TAX DEPARTMENT
500 WATER STREET (C910)
JACKSONVILLE, FL 32202

00-00-31-1760-0036-0000
AMELIA CRUISES INC
6 S 14TH ST
FERNANDINA BEACH, FL 32034

00-00-31-1760-0039-0000
COOK DAVID EMMETT JR
PO BOX 30
FERNANDINA BEACH, FL 32035-0030

00-00-31-1840-0000-0000
RAYONIER PERFORMANCE FIBERS
LLC- MILL SITE
PO BOX 2002
FERNANDINA BEACH, FL 32035-2002



DRAFT

City of Fernandina Beach

PLANNING DEPARTMENT

MEMORANDUM

TO: Fernandina Beach City Commission
Michael J. Czymbor, City Manager

FROM: Kelly N. Gibson, Planner II

DATE: December 16, 2008

RE: Proposed Development Agreement – David E. Cook - LU/CZ 2008-52
January 6, 2009 Commission Agenda

The January 6, 2009 regular City Commission agenda includes consideration of Land Use and Zoning applications from Mr. David E. Cook, Jr. These changes propose converting CRA waterfront property identified as 500 S. Front Street from Industrial Waterfront (IW) to Waterfront Mixed Use (WMU). The Commission will recall the WMU Land Use designation was created in conjunction with the CRA to encourage redevelopment along the waterfront. This designation allows for mixed use development and introduces residential density (two (2) up to four (4) dwelling units/acre, if provisions of the density bonus are met) in this previously industrial area.

Properties which are eligible for the WMU designation are limited to CRA properties on the west (waterfront) side of Front Street. All of these properties, however, are located within the Coastal High Hazard Area (CHHA). As a result, both State Statute and the City's Comprehensive Plan require that any increase in residential development shall not increase hurricane evacuation times beyond certain thresholds. Unfortunately, Nassau County's evacuation times already exceed these established thresholds. Any increase in residential density in the CHHA must therefore provide "appropriate mitigation... to accommodate impacts reasonably attributable to [the] development".

City staff has been working with Nassau County's Emergency Management and Growth Management Departments to create a formalized mitigation plan. At this time a methodology for determining appropriate mitigation fees has been agreed upon by the Northeast Florida Regional Planning Council and Nassau County Emergency Management and Growth Management Departments. However, at this time, a formal plan has not been adopted. In the absence of this plan, a legally binding Development Agreement may be utilized to meet the requirements of State Statute and the City's Comprehensive Plan. In order to allow Mr. Cook's application to move forward for City Commission action, planning staff proposes a Development Agreement accompany them. The proposed Development Agreement requires Mr. Cook to abide by the terms of the future mitigation plan and ensures no occupancy of any residential unit until mitigation has been addressed.

Staff endorses this approach in an effort to allow these CRA properties to move forward as anticipated by City redevelopment plans. The City Commission endorsed this strategy on two previous properties, Lane WMU applications (LU 2007-67 & LU 2008-05) by approving Resolution 2008-18 on June 3, 2008 authorizing execution of an amended Development Agreement. Staff endorses this approach in an effort to allow these CRA properties to move forward as anticipated by City redevelopment plans. The attached Development Agreement is proposed as an interim measure to allow final action on the proposed land use and zoning amendments. If approved at 1st reading the Development Agreement will accompany these documents at 2nd reading in Resolution form.

RESOLUTION NUMBER 2009-__**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA APPROVING THE DEVELOPER'S AGREEMENT BETWEEN THE CITY AND DAVID E. COOK, JR.; AUTHORIZING THE CITY MANAGER TO EXECUTE THE DEVELOPMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, David E. Cook Jr., has requested that the Future Land Use designation of certain property be amended from Industrial Waterfront to Waterfront Mixed Use (LU 2008-52, Ordinance 2009-__); and

WHEREAS, David E. Cook, Jr., is the proposed developer of said property described in Ordinance 2009-__; and

WHEREAS the City of Fernandina Beach desires to make certain assurances regarding the Future Land Use amendment described in Ordinance 2009-__, which are represented in the attached Developer's Agreement.

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

Section 1. The City Commission hereby approves the Developer's Agreement with Lane Investment and Development, LLC regarding that certain property described in the Future Land Use amendment Ordinance 2009-__.

Section 2. The attached Developer's Agreement allows the developer to submit development plans and permit applications to City, requires the City to approve a mitigation plan in conjunction with Nassau County and requires that the developer abide by such approved mitigation plan prior to finalizing any residential development in the Coastal High Hazard Area within the City.

Section 3. The City Manager is hereby authorized to execute the Developer's Agreement on behalf of the City of Fernandina Beach.

Section 4. The Developer's Agreement shall be effective upon the final adoption of Ordinance 2009-__ for Future Land Use amendment.

Section 5. The City Clerk is hereby directed to file the Developer's Agreement with the Clerk of the Circuit Court.

Section 6. This Resolution shall become effective immediately upon passage.

ADOPTED this 3rd day of February, 2009.

CITY OF FERNANDINA BEACH

Bruce Malcolm
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM:

Mary L. Mercer
City Clerk

Tammi E. Bach
City Attorney

**CITY OF FERNANDINA BEACH
DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT, dated this _____ day of _____, 2009, by and between the **CITY OF FERNANDINA BEACH**, a municipal corporation, hereinafter referred to as "the City", whose address is 204 Ash Street, Fernandina Beach, FL 32034 and **DAVID E. COOK, JR.**, property owner, hereinafter referred to as "Developer," whose address is 500 South Front Street Fernandina Beach, FL 32034.

WHEREAS, Developer owns and controls lands located in the City, as described in Exhibit "A", attached hereto and made a part hereof as if fully set out in this paragraph and hereinafter referred to as "the Property;" and

WHEREAS, the Property is located within the Coastal High Hazard Area (CHHA), defined by the City's Comprehensive Plan as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model; and

WHEREAS, Developer has made application with the City to change the Future Land Use designation of Property from Industrial Waterfront (IW) to Waterfront Mixed Use (WMU); and

WHEREAS, the City's Comprehensive Plan Policy 1.06.09(e) states prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with Fla. Stat. 163.3178(9)(a) (2006) as follows:

1. A 16-hour level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1, or subparagraph 2. Appropriate mitigation shall include, without limitations, payment of money, contribution of land, and construction of hurricane shelters and transportations facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan; and,

WHEREAS, Nassau County is currently rated at 17.75 hours for out-of-county evacuation and 16-hours evacuation time to shelter, and mitigation must therefore be secured for the land use change proposed by Developer; and

WHEREAS, the City and the Nassau County Department of Emergency Management are obligated to develop, but have not yet developed, a plan to address required mitigation for residential development in the CHHA; and

WHEREAS, the City is desirous of allowing consideration of the proposed change in land use on the Property to proceed without further delay in an effort to support the City's redevelopment efforts within the CRA and waterfront.

NOW, THEREFORE, for and in consideration of these premises, the mutual

undertakings and agreements herein contained and assumed, Developer and the City hereby covenant and agree as follows:

1. The foregoing statements are true and correct.
2. The City hereby agrees:
 - a. to allow the applications for Future Land Use map amendment (LU 2008-52) and (LU 2008-52) to proceed through the standard process for such applications without an approved mitigation plan in place; and
 - b. to allow Developer to submit development plans for technical review and building permit issuance, if the application for amendment is approved; and
 - c. to develop and approve, in conjunction with the Nassau County Department of Emergency Management, a mitigation plan to accommodate developments which increase residential density within the CHHA in accordance with the City's Comprehensive Plan Policy 1.06.09(e).
3. Developer hereby agrees:
 - a. to abide by the terms of the approved mitigation plan as required to accommodate impacts reasonably attributable to residential development on the Property.
4. Both the City and Developer agree that Certificates of Occupancy for any residential units developed on the Property shall not be issued until such time that mitigation in accordance with the approved mitigation plan has been accomplished.

IN WITNESS WHEREOF, the City and Developer have executed or have caused this Agreement, with the named Exhibits attached, if any, to be duly executed in several counterparts, each of which counterpart shall be considered an original executed copy of this Agreement.

ATTEST:

DAVID E. COOK , JR

Name:

Property Owner "Developer"

ATTEST:

CITY OF FERNANDINA BEACH

Mary L. Mercer
City Clerk

Michael J. Czymbor
City Manager

Approved as to form:

Tammi E. Bach
City Attorney

NOTARY CERTIFICATE
STATE OF FLORIDA
COUNTY OF NASSAU

I HEREBY CERTIFY that on this ____ day of _____ 2009, before me personally appeared Mary L. Mercer, City Clerk, and Michael J. Czymbor, City Manager, respectfully of the City of Fernandina Beach, to me known to be the persons who signed the foregoing instrument, as such officers, and each of whom acknowledged the execution thereof to be their free act and deem as such officers for the uses and purposes therein mentioned, and that the said instrument is the act and deed of said corporation, and such execution having been authorized by the governing body thereof.

WITNESS my signature and official seal at said County and State, the Day and Year last aforesaid.

Notary Public – State of Florida
My Commission Expires: _____

WITNESS:

DEVELOPER:

By:
Its: _____
(CORPORATE SEAL)

NOTARY CERTIFICATE
STATE OF FLORIDA
COUNTY OF _____

I HEREBY CERTIFY that on this ____ day of _____ 2009, before me personally appeared _____ respectfully of _____, to me known to be the persons who signed the foregoing instrument, as such officers, and each of whom acknowledged the execution thereof to be their free act and deem as such officers for the uses and purposes therein mentioned, and that the said instrument is the act and deed of said corporation, and such execution having been authorized by the governing body thereof.

WITNESS my signature and official seal at said County and State, the Day and Year last aforesaid.

Notary Public – State of Florida
My Commission Expires: _____

EXHIBIT "A"

Parcel No. 00-00-31-1760-0039-0000

Complete Legal Description:

LOTS 37,38,39,40, & PT OF LOT 41 PT L/E OR 479/482 & PT OR 1303/1 & OR 1303/7 & OR 1303/9 WATER LOTS

DRAFT

CZ & LU 2008-52
Change from Industrial Waterfront (I-W) to Waterfront Mixed Use (W-1)
500 South Front Street

EXHIBIT A





CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: Ordinance 2009- 03
LU 2008-52: Land Use Change, David E. Cook, Jr.

DEPARTMENT: PLANNING DEPARTMENT

ATTACHMENTS: X Ordinance Resolution
 Support Documents Other

SUMMARY: Mr. David E. Cook, Jr. has requested a change of the City's Future Land Use Map for a 5.5 acre parcel of land, known as 500 S. Front Street, located on the Amelia River waterfront in Fernandina Beach, from **(I-W) Industrial Waterfront** to **(WMU) Waterfront Mixed Use**. The Planning staff has issued a recommendation for approval. The Planning Advisory Board recommended approval 5-0 at their November 12, 2008 regular meeting. Staff requests the City Commission consider this item for first reading on January 6, 2009.

A *draft* Development Agreement is included for your review at 1st Reading. The final version will accompany these documents as a separate Resolution item at 2nd reading of the proposed land use amendment. Also, a summary memo regarding why this Development Agreement is necessary has been provided.

RECOMMENDED ACTION: Approve Ordinance 2009- 03

DEPARTMENT HEAD: Submitted: Kelly N. Gibson, Planner II Date: 12/22/2008
Requested Agenda: *[Signature]* Date: 01/06/2009

FINANCE DEPARTMENT: Budgeted Yes No X N/A Date:

CITY ATTORNEY: Approved for Form *[Signature]* Date: 12/22/08

CITY MANAGER: Approved Agenda Item for *[Signature]* Date: 12/23/08

COMMISSION ACTION: X Approved As Recommended Disapproved
 Approved With Modification Tabled To Time Certain
 Other

cc: Marshall McCrany
Sent 1-7-09
[Signature]

Approved at the City Commission Meeting *1st Reading*
Regular
Held on 1-6-09
Voted: 5-0 Initial: *[Signature]*

NEWS LEADER

Published Weekly

 511 Ash Street/P.O. Box 766 (904) 261-3696
 Fernandina Beach, Nassau County, Florida 32034

NOTICE OF PUBLIC HEARING CITY COMMISSION

CITY OF FERNANDINA BEACH
 NOTICE IS HEREBY GIVEN that a Quasi-Judicial Public Hearing is scheduled for Tuesday, February 3, 2009 at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2009-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING CHAPTER 70, ARTICLE 11, DIVISION 3, SPECIAL EVENTS, FACILITY USE AGREEMENTS, FACILITY RENTAL AGREEMENTS, PARADE PERMITS AND BANNERS OF THE CODE OF ORDINANCES; SPECIFICALLY AMENDING SECTION 70-86 PROVIDING FOR ISSUANCE OF FACILITY RENTAL AGREEMENTS; AMENDING SECTION 70-88 TO CLARIFY DEFINITIONS; AMENDING SECTION 70-90 BY DELETING PRIORITY OF PERMIT APPLICATIONS; AMENDING SECTION 70-91 PROVIDING FOR CONFIRMATION OF NON-PROFIT STATUS; AMENDING SECTION 70-92 PROVIDING FOR FACILITY RENTAL LOCATIONS REQUIRING A FACILITY RENTAL AGREEMENT; REPEALING SECTIONS 70-93 THROUGH 70-95 REGARDING APPLICATION PROCEDURES AND TIMETABLES FOR SPECIAL EVENTS; AMENDING SECTION 70-96 BY DELETING REFERENCE TO APPLICATIONS RECEIVED LESS THAN 30 DAYS PRIOR TO EVENT; AMENDING SECTION 70-97 BY PROVIDING FOR FEE EXEMPTION APPLICATIONS REQUESTED THROUGH COMMUNITY DEVELOPMENT DEPARTMENT; AMENDING SECTION 70-103 TO PROVIDE FOR AN APPEAL TO BE SUBMITTED IN WRITING TO THE COMMUNITY DEVELOPMENT DEPARTMENT; AMENDING SECTION 70-108 BY CLARIFYING REQUIREMENTS FOR BANNER PERMITS AND A TIMETABLE FOR BANNER PERMIT APPLICATIONS; AMENDING SECTION 70-109 BY ADDING THE PROHIBITION AGAINST TOSsing OR THROWING ANY OBJECTS FROM MOVING VEHICLES AND/OR PARADE FLOATS; AMENDING SECTION 70-112 BY CLARIFYING THAT A BOND MAY ALSO BE IN THE FORM OF A CASH DEPOSIT; AMENDING SECTION 70-114 BY PROVIDING THAT PERMITTEES SHALL PAY COSTS FOR UTILITIES, TRASH COLLECTION AND REMOVAL AND OTHER CITY COSTS OF THE EVENT AND EXEMPTING NON-PROFIT ORGANIZATIONS FROM SOME OF THE EVENT FEES PAYABLE TO THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

ORDINANCE NUMBER
2009-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE TO THE FUTURE LAND USE MAP (LU 2008-52) FROM INDUSTRIAL WATERFRONT TO WATERFRONT MIXED USE, FOR PROPERTY IDENTIFIED AS 500 S. FRONT STREET, TOTALING APPROXIMATELY 5.5 ACRES, LOCATED ON THE WATERFRONT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NUMBER
2009-04

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY

OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE OF ZONING (CZ 2008-52) FROM I-W (INDUSTRIAL WATERFRONT) TO W-1 (WATERFRONT MIXED USE), FOR PROPERTY IDENTIFIED AS 500 S. FRONT STREET, TOTALING APPROXIMATELY 5.5 ACRES, LOCATED ON THE WATERFRONT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305 TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation. IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the applications may be inspected in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305. 11 01-21-2009 2109

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared **Michael B. Hankins**

who on oath says that he is the Advertising Director of The Fernandina Beach *News-Leader*, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

NOTICE OF PUBLIC HEARING City Commission City of Fernandina Beach Feb. 3, 2009

was published in said newspaper in the issues of **01-21-2009**

ref. No. 7198

Affiant further says that the said Fernandina Beach *News-Leader* is a newspaper published at Fernandina Beach, in said Nassau County, Florida, and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Michael B. Hankins

Sworn to and subscribed before me
this **21st** day of **January**, A.D. 2009.

Robert O. Fiege
Robert O. Fiege, Notary Public

A Personally Known



Marshall #245.35

ORDINANCE NUMBER 2009-04

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING A CHANGE OF ZONING (CZ 2008-52) FROM I-W (INDUSTRIAL WATERFRONT) TO W-1 (WATERFRONT MIXED USE), FOR PROPERTY IDENTIFIED AS 500 S. FRONT STREET, TOTALING APPROXIMATELY 5.5 ACRES, LOCATED ON THE WATERFRONT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Mr. David E. Cook, Jr. has applied for a change to the zoning map; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on October 29, 2008; and

WHEREAS, the Planning Advisory Board voted 5-0 to recommend approval of the change of zoning classification from I-W (Industrial Waterfront) to W-1 (Waterfront Mixed Use) for application CZ 2008-52 on November 12, 2008.

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

SECTION 1. PROPERTY INVOLVED. The property identified for this change of land use (CZ 2008-52), attached hereto as Exhibit A, as 500 N. Front Street, located on the waterfront, Fernandina Beach, Florida totaling approximately 5.5 acres.

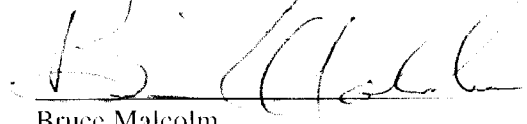
SECTION 2. ZONING CHANGE. For the property in question, the zoning change from I-W (Industrial Waterfront) to W-1 (Waterfront Mixed Use) is hereby approved.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect thirty-one (31) days after its final adoption.

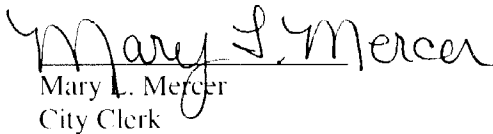
ADOPTED this 6th day of January 2009.

CITY OF FERNANDINA BEACH



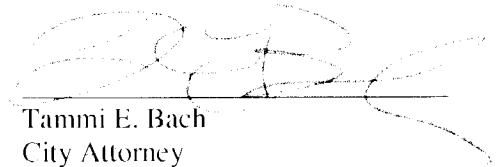
Bruce Malcolm
Commissioner – Mayor

ATTEST:



Mary L. Mercer
City Clerk

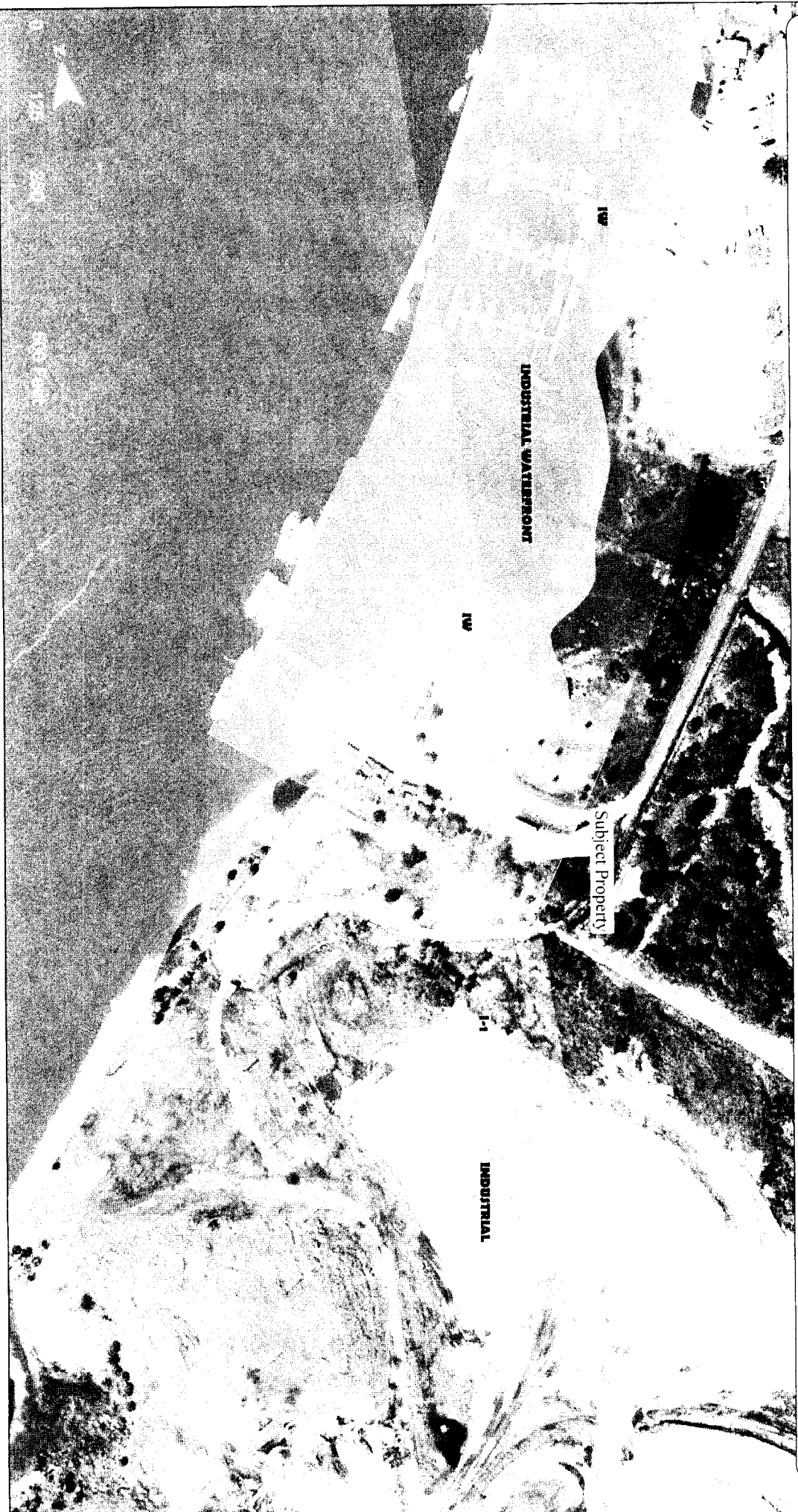
APPROVED AS TO FORM:



Tammi E. Bach
City Attorney

D.O.R. F.R. : JANUARY 3, 2009
D.O.P. Ad : JANUARY 21, 2009
D.O.F. 2 Read : FEBRUARY 3, 2009
D.O.R. P.H. : MARCH 6, 2009

CZ & LU 2008-52
Change from Industrial Waterfront (I-W) to Waterfront Mixed Use (W-1)
500 South Front Street



RECEIVED

DATE STAMP:
SEP 26 2008

COMMUNITY DEVELOPMENT DEPARTMENT
FERNANDINA BEACH, FLORIDA

APPLICATION FOR ZONING CLASSIFICATION
AMENDMENT
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH, FLORIDA

ACCEPTED BY: KG @

APPLICATION NO.: CZ 2008-52

IMS TRACKING NO.: 2008-00001108

APPLICATION FEE: \$ 850.00

1. APPLICANT'S INFORMATION:

Applicant(s): David E Cook Jr Telephone: 904-753-1703
Address: P.O. Box 30 Fax: _____
Address 2: Fernandina Bch Fla 32035 E-mail: _____

2. OWNER'S INFORMATION:

Owner(s): David E. Cook Jr Telephone: 904-753-1703
Address: P.O. Box 30 Fax: _____
Address 2: Fernandina Bch Fla 32035 E-mail: _____

3. APPLICANT'S AGENT INFORMATION:

Name: _____ Telephone: _____
Address: _____ Fax: _____
E-mail: _____

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER INFORMATION:

Name: Manzie & Drake Telephone: _____
Address: Fernandina Bch Fax: _____

5. PROPERTY INFORMATION:

Project Name: N/A
Street Address: 500 South Fern St. Fernandina
Lot Number: 37-38-39-40 Block Number: _____ Subdivision: _____
Section: 17 Township: 3 North Range: 28 East
Nearest Street Intersection: _____
Parcel Identification Number(s): 00-00-31-1760-0039-0000

6. AREA INFORMATION:

Under an acre: Sq. Footage: _____ Over an acre: Acres: 3 Number of Lots/Parcels: 4 & Part 41
Existing Zoning Classification: IW
Existing Future Land Use Classification: FW
Existing Land Use: IW
Previous Planning/Zoning Approvals: _____

7. ZONING CLASSIFICATION
AMENDMENT SOUGHT:

Wmu / WI

The undersigned having been duly sworn on oath states the above information is true and correct as (s) he is informed and believes.

David E. Cook Jr.
Signature of Owner(s) or Agent

Print name of Owner(s) or Agent

David E. Cook Jr.

STATE OF FLORIDA }
COUNTY OF NASSAU } SS:

Subscribed and sworn to before me this 26th day of September, 2008.

Nicole Bednar
Notary Public: Signature

Nicole Bednar
Printed Name

My Commission Expires:

Feb. 2, 2012

Individual making statement is ✓ personally known or _____ produced identification.
Type of identification produced: _____



Nicole Bednar
NICOLE BEDNAR
Notary Public, State of Florida
My Comm. Expires Feb. 2, 2012
Commission No. DD 754273

David E. Cook

September 25, 2008

Department of Community Affairs
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

Attention: Planning Department

The purpose of this letter is to request a change in zoning for my property (waterlots 37, 38, 39, 40 and a portion of lot 41) on South Front Street from Industrial Waterfront (IW) to Waterfront-Mixed Use (W1). The reason for requesting this change to the newly created W1 zoning is to open the possibility for different kinds of land usage than are allowed under the previously limiting industrial rules.

Attached are the following documents required for this zoning change:

1. The notarized application for zoning change along with the application fee of \$850.
2. Two copies of the most recent survey of my property. It is a 1984 survey, but there have been no changes to the property or to the building on it since that date.
3. The tax bill demonstrating my ownership of the land in question. It includes the legal description of the property as does the survey.
4. A location map showing the subject parcel.

Please let me know if you have any additional questions.

Respectfully submitted,



David E. Cook *JD*
P.O. Box 30

751 Wren Drive
Fernandina Beach, Florida 32034

RECEIVED

SEP 26 2008

COMMUNITY DEVELOPMENT DEPARTMENT
FERNANDINA BEACH, FLORIDA



Nassau County Property Appraiser: Greg Wallick, CPA

RECENT SALES IN THIS AREA

PREVIOUS PARCEL
NEXT PARCEL

RETURN TO MAIN SEARCH PAGE

NASSAU HOME

OWNER NAME	COOK DAVID EMMETT JR	TODAY'S DATE	December 19, 2008
MAILING ADDRESS	PO BOX 30	PARCEL NUMBER	00-00-31-1760-0039-0000
	FERNANDINA BEACH, FL 320350030	MILLAGE GROUP	Fernandina Beach City (Includes Voter Approved Millage .3726) (District 2)
		TOTAL MILLAGE	17.8992
		PROPERTY USAGE	MISCELLANE (000700)
LOCATION ADDRESS	500 S FRONT ST	GIS CALCULATED ACREAGE	5.532 ACRES
RECORD CARD	Card View Print	PARCEL MAP	Show Parcel Map

SHORT LEGAL

LOTS 37,38,39,40, & PT OF LOT 41 PT L/E OR 479/482 &
[Show Complete Legal Description](#)

2008 TAX ROLL VALUE INFORMATION

JUST VALUE OF LAND	LAND VALUE AGRICULTURAL	BUILDING VALUE	TOTAL MISC VALUE	JUST OR CLASSIFIED TOTAL VALUE	ASSESSED VALUE	EXEMPT VALUE	TAXABLE VALUE	HOME STEAD
442,660	0	0	98,236	540,896	540,896	0	540,896	N

LAND INFORMATION

LAND USE	NUMBER OF UNITS	UNIT TYPE	SEC-TWN-RNG
TRANS TERM	424.370	FF	--

BUILDING DATA

BUILDING #	TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT
No buildings associated with this parcel.										

MISCELLANEOUS DATA

DESCRIPTION	DIMENSIONS LxWxH	UNITS	YEAR BUILT
DOCK MD WD	10 x 48 x 0	480 SQUARE FEET	1964
DOCK MD WD	11 x 329 x 0	3,619 SQUARE FEET	2000
BOAT DCK W	16 x 17 x 0	272 SQUARE FEET	1990
AL GANG WY	0 x 0 x 0	22 LF	2000
UTILTY POD	0 x 0 x 0	1 UNITS	2000
CONCRETE C	0 x 0 x 0	1,600 SQUARE FEET	2000
CONCRETE C	0 x 0 x 0	273 SQUARE FEET	2000
CONC BUMPR	0 x 0 x 0	76 UNITS	2000
STK FNC 6	0 x 0 x 0	140 LF	2000

SALES DATA

SALE DATE	BOOK	PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
03-18-2005	1303	1	111,200	Warranty Deed	UNQUALIFIED	YES	COOK NELL A	COOK DAVID EMMETT JR (1/4%INT)
03-18-2005	1303	9	100	Quit Claim Deed	UNQUALIFIED	YES	AMELIA CRUISES INC	COOK DAVID EMMETT JR
				Warranty			AMELIA	COOK DAVID EMMETT

03-18-2005	1303	7	414,900	Deed	UNQUALIFIED	YES	CRUISES INC	JR
04-23-1998	830	1936	155,000	Warranty Deed	UNQUALIFIED	YES	COOK EDWIN ALBERT	AMELIA CRUISES INC
07-29-1997	801	507	20,000	Quit Claim Deed	UNQUALIFIED	YES	COOK C HILTON	COOK DAVID EMMETT
04-01-1985	451	399	500	MULTI SALE	UNQUALIFIED	YES		
05-01-1984	420	363	500	MULTI SALE	UNQUALIFIED	YES		

Generate Owner List By Radius

The Nassau County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assesment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. Website updated: October 30, 2008

RECENT SALES IN THIS AREA

PREVIOUS PARCEL
NEXT PARCEL

RETURN TO MAIN SEARCH PAGE

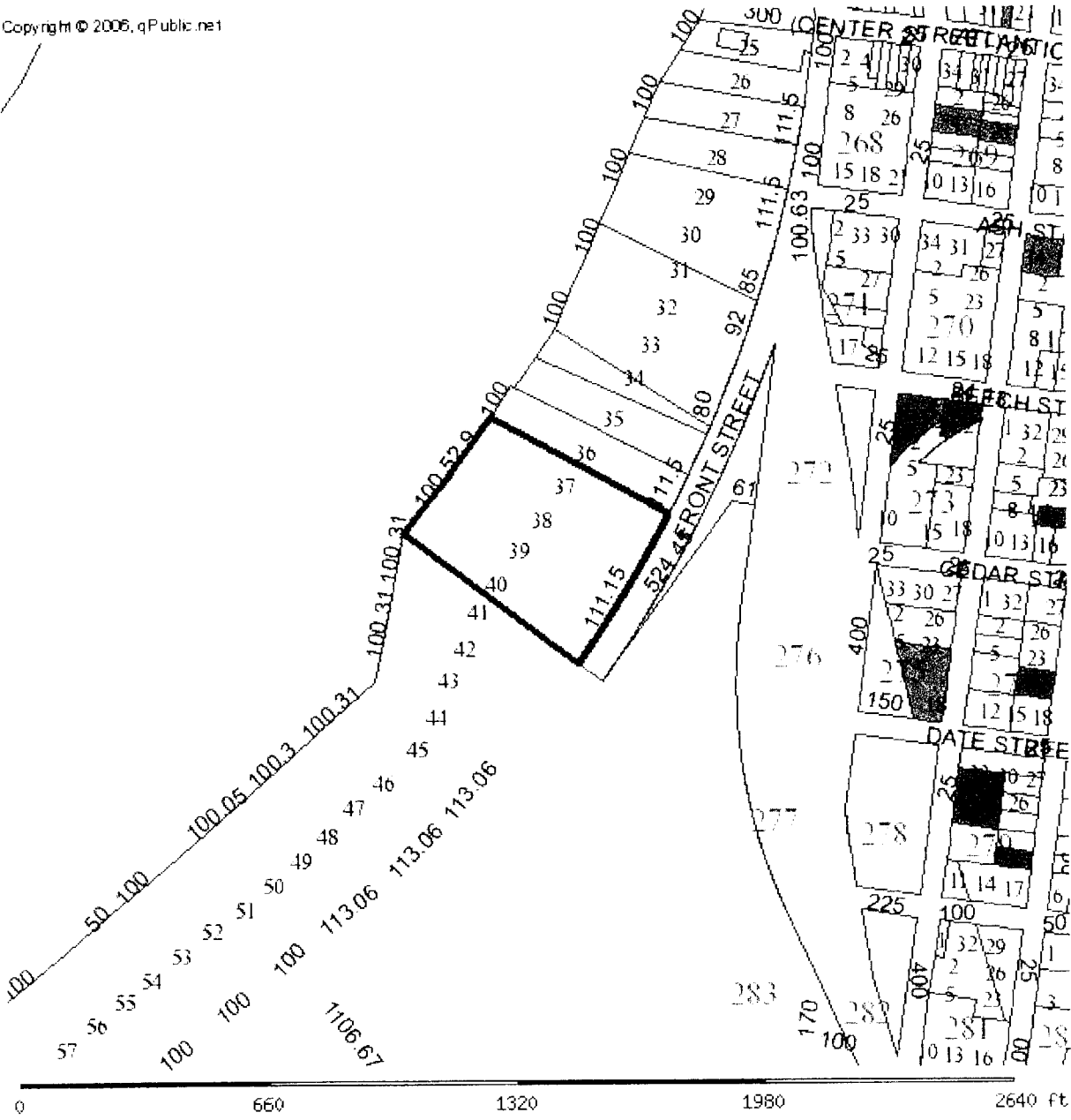
NASSAU HOME

© 2005 by the County of Nassau, FL | Website design by qpublic.net

http://anublic1.anublic.net/cgi-bin/nassau_disnlav.cgi?KEY=00-00-31-1.50-0039-0000

12/19/2008

Copyright © 2006, qPublic.net



PARCEL INFORMATION TABLE	
Selected Parcel	00-00-31-1760-0039-0000
GIS CALCULATED ACREAGE	5.53
Property Use	MISCELLANE
Land Use	TRANS TERM
OWNERSHIP INFORMATION	
Name	COOK DAVID EMMETT JR
Mailing Address	PO BOX 30 FERNANDINA BEACH, FL 320350030
Situs/Physical Address	500 S FRONT ST
VALUES	
Land Value	442,660
Ag Land Value	0

Building Value		0	
Misc Value		98,236	
Just Value		540,896	
Assessed Value		540,896	
Exempt Value		0	
Taxable Value		540,896	
Homestead?		N	
LAST 2 SALES			
Date	Price	Vacant?	Qual
03-2005	111,200	N	U
03-2005	100	N	U

@ CAM110M01	S	CamaUSA Appraisal System	Nassau County
9/23/2008 13:14	Proper	Maintenance	442660 Land 001 *
Year T Property		Sel	AG 000
2008 R 00-00-31-1760-0039-0000			Bldg 000
Owner COOK DAVID EMMETT JR		Conf	98236 Xfea 009
Addr PO BOX 30			540896 TOTAL b
		-Cap?-	Total Acres
		SOH 10% ApYr ERnwl ARnwl S/C Notc	
City, St FERNANDINA BEACH	FL	Zip 32035 0030 N	
Country		(PUD1) 5 (PUD2) (PUD3)	
		pu4 pu5 pu6	
Appr By JHGH	Date 1/30/2004	AppCode	UseCd 000700 MISCELLANEOUS
TxDist Nbhd	MktA	ExCode	Exemption/%
002	1004.00	01	
House#	500	Street S FRONT	MD ST Dir #
		City	
Subd	N/A	Condo	.00 N/A
Sect	Twn	Rnge	Subd Blk Lot
Legals	LOTS 37, 38, 39, 40, &		PT OF LOT 41
	PT L/E OR 479/482 &		PT OR 1303/1 & OR 1303/7 +
Map#	6C/23S		Mnt 11/15/2007 JUDY
F1=Task	F2=ExTx	F3=Exit	F4=Prompt
F11=Docs	F10=GoTo	PgUp/PgDn	F24=More

RECEIVED

SEP 26 2008

COMMUNITY DEVELOPMENT DEPARTMENT
FERNANDINA BEACH, FLORIDA

OWNER'S AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT
CITY OF FERNANDINA BEACH, FLORIDA

EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I /WE David E Cook Jr
(print name of property owner).

hereby authorize: Lynn Williams
(print name of agent)

to represent me/us in processing an application for Zoning change
(type of application)

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

David E. Cook Jr
(Signature of owner)

David E. Cook Jr
(Print name of owner)

(Signature of owner)

(Print name of owner)

State of Florida }
Nassau County } ss

Sworn to and subscribed before me on this 26th day of November, 2008

By: David E. Cook, Jr.
(Name of person making statement)



Nicole Bednar
NICOLE BEDNAR
Notary Public, State of Florida
My Comm. Expires Feb 2, 2012
Commission No. DD 754273

Nicole Bednar
Signature of Notary Public
State of Florida

Nicole Bednar
Print commissioned name of Notary Public

My Commission expires: Feb. 2, 2012

Individual making statement is X personally known or _____ produced identification. Type of
identification produced NIA.

I. Call to Order

Chair Condit called the meeting to order at 5:33pm.

II. Roll Call/Determination of Quorum

Board Members Present

Paul Condit, Chair
Mark Bennett
William A. Conger (was detained)

Richard Bradford, Vice-Chair
David Beal
Robert Howat

Board Members Absent

Eric Bartelt

Others Present

Tammi Bach, City Attorney
Kelly Gibson, Planner
Jessica Williams, Recording Secretary

III. Approval of Minutes

According to the agenda support documents, the Minutes of the September 24, 2008 Regular Meeting and the October 15, 2008 Regular Meeting were presented for approval. **A motion was made by Member Bennett, seconded by Member Bradford, to approve the Minutes of September 24th. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

A motion was made by Member Bennett, seconded by Member Bradford, to approve the Minutes of October 15, 2008. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

IV. New Business

Member Howat disclosed a conversation with Ms. Gibson. Member Bennett disclosed that he talked with Ms. Gibson. Member Bradford also disclosed that he talked with Ms. Gibson. Member Beal disclosed that he visited the site. There were no other ex parte communications to be disclosed by the board. City Attorney Bach briefly described the procedures for the quasi-judicial hearing. Recording Secretary Williams administered the oath to those that were about to present testimony.

Change Of Zoning

David E. Cook Jr., 500 South Front Street to include Parcel 00-00-31-1760-0039-0000 (CZ 2008-52), Change of Zoning request from I-W: Waterfront Industrial to W-1: Waterfront Mixed Use. (Quasi-Judicial)

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 12, 2008
Page 2 of 4

Ms. Gibson presented details of the Change of Zoning and change in Land Use requests as contained in the agenda support documents. She pointed out that all parts of the document were part of the record including the staff report and maps.

A motion was made by Member Bennett, seconded by Member Bradford, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Ms. Christina Parrish, 1901 Island Walkway, explained that she is employed by Rayonier Inc. who owns the property adjacent to and south of the property that is the subject of this hearing. She pointed out that the Rayonier Mill has been in operation 24 hours a day, seven days a week, 365 days a year since 1939. She explained that she was speaking on behalf of Rayonier and its nearly 400 Nassau County based employees. She commented that they work hard to peacefully coexist with their neighbors during their 75 years in Fernandina Beach and they recognize that the community is changing. She stated that they are a strong supporter of the community's continued economic development; however they are concerned about the compatibility of Mr. Cook's proposed development with the heavy industrial activities on Rayonier's adjacent property. She clarified that they were concerned about potential conflicts and expressed their belief that residential development of Mr. Cook's property should be discouraged. She requested that if the board recommends approval of these requests to consider imposing conditions that would minimize the potential for conflict between new residential and existing industrial uses. She explained that at a minimum they would request the City require significant setbacks and a substantial buffer between Rayonier's property and any residential development on Mr. Cook's property.

Member Bradford inquired if a development mitigation agreement had been signed. Ms. Gibson replied no and clarified that it would move forward when it goes to the City Commission. Member Bennett pointed out that there were similar concerns with the Petroleum Company. There was some discussion about the concern of having residential development so close to the existing industrial use of the Rayonier Mill. City Attorney Bach briefly explained what a developer's agreement is. Ms. Gibson provided further clarification of a developer's agreement including that no occupancy certificate could be issued until mitigation requirements are met. There was some discussion about development agreements noting that the City does not currently have a mitigation plan. The board also had some discussion about a prior developer's agreement with the Lane Investment and Development LLC.

Member Bradford inquired why a developer's agreement couldn't come before the PAB for approval to go to the City Commission. City Attorney Bach explained that her understanding is that type of agreement is outside of the purview of this board. There was a brief discussion about this and it was noted that the members could receive a copy of the agreement. Ms. Gibson entered into the record a copy of the agreement that was adopted by the City Commission in 2008 between the City of Fernandina Beach and Lane Investment and Development LLC. It was noted that the agreement was with regard to the mitigation plan.

A motion was made by Member Bennett, seconded by Member Howat, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Member Bennett noted that this was part of the process that started three or four years ago and this was to rezone those properties that have gone through the process. **A motion was**

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 12, 2008
Page 3 of 4

made by Member Bradford, seconded by Member Howat, to approve LU 2008-52 contingent upon the development agreement as it pertains to the required mitigation strategies and based on 1.01.03, 1.01.04, 1.01.05, and 1.01.06. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

A motion was made by Member Bradford, seconded by Member Bennett, to approve CZ 2008-52 predicated on 1.01.03, 1.01.04, 1.01.05, and 1.01.06 and approved Land Use and there was competent evidence to support such action. A motion was made by Member Howat, seconded by Member Bennett, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. There being no comments from the floor, a motion was made by Member Bennett, seconded by Member Howat, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Land Use Amendment

David E. Cook Jr., 500 South Front Street to include Parcel 00-00-31-1760-0039-0000 (LU 2008-52), Land Use Amendment from I-W: Waterfront Industrial to WMU: Waterfront Mixed Use. (Legislative)

This item was heard and voted upon with the previous agenda item.

IV. Staff Report

Member Conger arrived at this time.

Ms. Gibson reported that the Letter of Understanding on the Evaluation and Appraisal Report major issues was sent to the Department of Community Affairs (DCA) Friday. She pointed out that updated zoning and land use maps were in the Commission Chambers as well as on the City's website www.fbfl.us. She explained that staff also has an updated FEMA flood insurance map.

V. Board Business

Member Bennett inquired when the board would start addressing some of these mitigation issues. He suggested working on it on a continuous basis instead of one big meeting to try to resolve the whole thing. Ms. Gibson explained that at this point the County is working with the City in terms of developing the strategies. There was a brief discussion about this noting that it would come before the PAB once it is finalized between the City and County. There was also some discussion about hurricane evacuation.

Member Bennett reminded the board about a prior discussion on plats and allowing replatting of existing plats. He explained that he didn't think it was a reasonable thing to have someone buy a plat in a neighborhood and start cutting it up into smaller pieces when the assumption of the neighbors is a plat is a plat. There was some discussion to clarify Member Bennett's concern of not having a process to see impacts on a neighborhood prior to replatting an existing plat under the minor subdivision. It was noted that staff would place this as a discussion item for the next meeting. **(Switched to side B – discussion continues)**

Member Conger apologized for his tardiness and explained that he had a responsibility at the Ocean Highway and Port Authority Meeting. He requested staff investigate the building height of 425 North

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 12, 2008
Page 4 of 4

Fletcher. He pointed out that Ms. Gibson had been working with him and the building was 33.75' high from the ground level. He explained that if it exceeds 25 feet in R-2 then the setbacks increase ½ foot for every foot above 25 feet so there should be 9 ½ foot setbacks on either side. He commented that he was convinced that there were not 9 ½ foot setbacks. Ms. Gibson inquired if the structure had gone through final inspection. Member Conger stated that he did not know. There was some discussion about this noting that this was an enforcement issue if buildings are going up that violate the code. It was pointed out that a structure goes through a series of inspections prior to receiving a Certificate of Occupancy and the final inspection signs off on the setbacks, building heights, etc. Chair Condit commented that when he went by the Marriott project on Sadler it looked a little high. There was some discussion about cases that have had to go to the Board of Adjustment and the pressures on that board.

Chair Condit announced that the new Fire Chief was having an open house at Fire Station #1 until 7:00 p.m. tonight.

VI. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 6:30 p.m.

Paul Condit, Chairman

Richard Bradford, Vice Chair



City of Fernandina Beach

PLANNING DEPARTMENT

November 18, 2008

Mr. David Cook
500 South Front Street
Fernandina Beach, FL 32034

RE: LU & CZ 2008-52
Proposed Land Use Designation and Zoning Category Change

Dear Mr. Cook:

This letter is to inform you that on November 12th, 2008, the Planning Advisory Board recommended approval of your application for a change in Future Land Use Designation and Zoning Category for the following:

500 South Front Street (Property # 00-00-31-1760-0039-0000)
Industrial Waterfront Land Use /I-W Zoning to Waterfront Mixed Use Land Use/ W-1 Zoning

The proposed text amendment is pending issuance of an ordinance to amend the City's Future Land Use Map and Zoning Map and adoption of this change by the City Commission. The amendment will also require an accompanying Development Agreement to allow this project to move forward through Site Plan Review and permitting without first addressing necessary Coastal High Hazard Area mitigation options. However, mitigation must be paid prior to receiving a Certificate of Occupancy.

The City Commission will hear the proposed text amendment for 1st Reading on January 6th, 2009 with an anticipated 2nd Reading date of February 3rd 2009. If adopted the Ordinance will become effective 30 days after the date of the 2nd Reading (March 5th, 2009).

If you have any questions regarding this case please contact myself at (904)277-7325 ext. 227.

Sincerely,

Kelly N. Gibson

Enclosure: Findings of Fact

**CITY OF FERNANDINA BEACH, FLORIDA
PLANNING ADVISORY BOARD**

TO: Fernandina Beach City Commission
Fernandina Beach, FL 32034

RE: REPORT ON APPLICATION FOR LAND USE AND ZONING CHANGE

On November 12th, 2008, the Planning Advisory Board reviewed and considered a Land Use and Zoning Change Request application: LU/CZ 2008-52

- a. Applicant: Mr. David Cook
Property: 00-00-31-1760-0039-0000
Address: 500 South Front Street
- b. Request: Land Use Change From Industrial Waterfront to Waterfront Mixed Use
- c. Request: Zoning Category Change from I-W to W-1

Having reviewed and considered the Application and attachments thereto and the testimony from those present at the public hearing as well as the City Staff Report on this Application, the Board considered the following factors in Policies 1.01.02, 1.01.03, 1.01.04, *1.06.09(e), 1.06.09(f), 5.07.03, 5.07.04 and 5.07.06 of the Comprehensive Plan, as well as the general criteria in the Comprehensive Plan attached hereto, in evaluating this proposed Land Development Code text amendment:

AFTER DISCUSSION, motion was:

Made by Board Member: Bennett

Seconded by Board Member: Bradford to recommend:

Future Land Use Map Designation Change LU & CZ 2008-52 be:

Approved with Conditions for the following reasons:

Compliance with Comprehensive Plan policies 1.01.02, 1.01.03, 1.01.04, 1.06.09(f), 5.07.03, 5.07.04 and 5.07.06; the approval is conditioned that requirements of policy 1.06.09(e) are met. In order to satisfy the requirements of policy *1.06.09(e), the applicant must enter into a Development Agreement to address required Coastal High Hazard Area mitigation once mitigation strategies are determined by the City/ County. Mitigation requirements must be met/paid prior to receiving a Certificate of Occupancy.

Disapproved as presented.

The Motion **[PASSED]** **[FAILED]** by a vote of 5 YES 0 NO.

The Planning Advisory Board respectfully recommends to the City Commission that requested Land Use and Zoning Change LU & CZ 2008-52 are:

[APPROVED] pending an accompanying Development Agreement

[DISAPPROVED].

Chair

Date

Vice-Chair

Date

STAFF REPORT
LU/CZ 2008-52
Small Scale Amendment to Future Land Use Map
Change of Zoning
Planning Advisory Board Hearing
November 12, 2008

Application Information

Applicant: David E. Cook Jr.
Owner(s): David E. Cook Jr.
Agent: Self
Requested action: Small Scale Land Use and Zoning Map Amendment from
Industrial Waterfront / I-W to Waterfront Mixed Use/ W-1
Location: 500 South Front Street
Zoning: I-W, Industrial Waterfront
Future Land Use Map category: Industrial Waterfront
Size: 3 acres (approximately)
Existing uses on the site: Vacant (Docks/ Warehousing)

All required application materials have been received. All required notices have been made.

Surrounding Area Information

	<u>Adjacent existing uses</u>	<u>Adjacent zoning</u>	<u>Adjacent Future Land Use</u> <u>Map category</u>
North	Vacant	I-W	Industrial Waterfront
South	Heavy Industry	I-1	Industrial
East	Railroad	ROW	Railroad ROW
West	Water	Water	Waterfront

Summary of Request and Background Information

The applicant has applied for a change in land use and zoning from Industrial Waterfront/I-W to Waterfront Mixed Use/ W-1. The subject property, known as 500 South Front Street, is comprised of the block which is bounded by the waterfront and Front Street. The survey supplied by the applicant indicates this property totals approximately 3 acres (including submerged lands).

The current I-W zoning does not permit residential development and limits permissible industrial uses to a 0.75 Floor Area Ratio (FAR). This results in a maximum current development potential of 98,010 square feet of industrial use. Uses permissible under the current zoning are provided in Table 2.03.02 of the Land Development Code and range from professional offices and retail stores to warehousing and manufacturing activities.

The proposed W-1 zoning would introduce residential uses in a mixed use form to the subject property and reduce the range of allowable non-residential uses. The residential density associated with W-1 is 2.0 dwelling units per acre or up to 6 dwelling units for the subject property; these units are required to be located above a commercial or office use. W-1 is a mixed-use district, and the subject property would therefore be eligible for up to 12.0 residential units, if the terms of the density bonus are met (Policy 1.06.09(f.)). Density calculations are based on "Net Buildable Land Area" and excludes existing rights-of-way, undevelopable environmentally sensitive lands, including wetlands, transitional wetlands, floodplains, and waters of the state. The survey provided by the applicant appears to indicate that about ½ of the property is classified as waters of the state. The exact number of units would depend on the amount of upland acreage achieved by permit through DEP. W-1 zoning also provides a Floor Area Ratio of 0.75, resulting in a maximum of 98,010 square feet of commercial development.

Consistency with the Comprehensive Plan

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

The City has five public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, and Solid Waste. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential.

The applicant has not conducted a traffic study at this time. Traffic Concurrency determination will need to be made prior to any plan submittal for Technical Review Committee Site Plan Review. Currently, the property has an estimated 67.62 PM peak hour trips. Additional PM peak hour trips could be introduced with the inclusion of a residential use on the property.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day. The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate the proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has a contract with Stateline to dispose of solid waste, therefore the impact is irrelevant. Drainage will be reviewed in Technical Review by the City's engineering consultant. The City requires stormwater to be retained on-site.

1.01.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective land development patterns, as described below.

- a. No areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;
- b. No areas of urban development or uses which fail to maximize the use of existing public facilities;
- c. No areas of urban development or uses which fail to use areas within which public services are currently provided; and
- d. No leapfrog/scattered development or ribbon/strip commercial development patterns.

The lots to the south and north of the subject property are zoned for industrial uses. Properties to the south are zoned and developed under I-1 (Rayonier), and properties to the north are zoned I-W, are currently vacant and are located adjacent to the City's marina. The mixed-use, W-1 zoning proposed for the subject property would provide an appropriate transition between the industrial properties to the north and south and the commercial / mixed use zones to east.

Since any proposed project represents infill development, no leapfrog development is occurring, and public facilities are generally available to the area.

1.01.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;
- b. Zoning districts in the surrounding area;
- c. Appropriateness of the size of the parcel compared to the proposed use;
- d. Physical condition of the site, and the suitability of soils and topography for the proposed use;
- e. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive areas, flood zones, or historic resources;
- f. Compatibility factors;
- g. Impact on adopted levels of service; and
- h. Location in a Coastal upland protection zone.

The uses in the general vicinity vary from industrial to the mixed use category. Limited residential development exists in the immediate area and lies to the east. The sizes of the parcels are consistent with the historic platted lot configuration. The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, the site is not a greenfield. The site is located in a Coastal Upland Protection Zone, and the levels of service are discussed above.

1.06.09 (e) Prior to approving a change in land use to WMU in the CHHA, the applicant must demonstrate compliance with Fla. Stat. 163.3178(9)(a) (2006) as follows:

- 1. A 16-hour level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale;
- 2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or
- 3. Appropriate mitigation is provided that will satisfy the provisions of subparagraph 1, or subparagraph 2. Appropriate mitigation shall include,

without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation shall not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan. (1.06.09(e) amended 7/17/2007 by Ordinance 2007-25)

The property does lie within the CHHA and the applicant is required to demonstrate compliance with Fla. Stat. 163.3178(9)(a) (2006). Currently, the City does not have a local mitigation plan in place for developments along the waterfront and therefore has no means of collecting monies, receiving land or constructing shelters or transportation facilities for mitigation purposes. However, since at this time the City/County have not finalized mitigation strategies it will be necessary to enter into a contingent developer's agreement in order for the WMU category to be placed on the FLUM. This approach is consistent with other WMU re-classifications within the CRA.

1.06.09 (f) Amendments to the FLUM that change the land use to WMU within the Community Redevelopment Area (CRA) may be awarded a 100 % density bonus based on the following criteria: Dedication and acceptance of an easement to the City in order to build a public waterfront boardwalk along the river; and Dedication and acceptance of an easement for mid-lot or mid-block corridors in order to maintain view corridors to the river and to be used as pedestrian access. (Amended 12/19/2006 by Ordinance 2006-28)

The property is eligible to receive a 100% density bonus of residential units, if the developer chooses to provide both of the above options. The density bonus would result in an increase of allowable residential units.

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

The City's Comprehensive Plan identifies this property as lying within the CHHA. The change in land use does increase the allowable density to allow residential units; however it does not change the amount of allowable square footage that may be achieved. The proposed addition of residential density is supported by the CRA plan.

5.07.04. The City shall prohibit amendments to the FLUM which result in a net increase in residential density in the CHHA except within the Community Redevelopment Area. Density increases are permitted within the CHHA for parcels in the WMU Future Land Use category if the criteria in Policy 1.06.09(e) are met.

The proposed zoning change does represent a potential increase in residential density on this property. As stated above, however, this property is located within the CRA.

5.07.06. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from the CHHA. Development and/or redevelopment in the CHHA shall not increase the intensity currently allowed by the Comprehensive Plan.

The capacity would result in the same FAR of 0.75 and allowable residential density would be 2.0 units per acre. Because the property lies within the CHHA, the requested zoning and land use is not consistent with this policy without mitigation measures in place for any residential units as provided by Policy 1.06.09(e).

Consistency with the Land Development Code

The requested zoning is W-1, a mixed-use district which supports a variety of residential and commercial land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

Section 2.01.12 of the Land Development Code states the intent of the W-1, Waterfront Mixed Use, zoning classification.

The Waterfront Mixed Use category is intended for the re-development of waterfront land fronting the Amelia River within the CRA only. Uses include: Residential, commercial, retail stores, professional offices, water related uses such as piers, docks, wharves, and marinas and uses related to the shrimping and fishing industry.

The range of uses permitted under W-1 does provide for consistency with existing zoning and will help to foster redevelopment to the north, south and east. Additionally, the property is well-situated to provide an appropriate transition to the industrial uses to the south.

The City has endorsed redevelopment of this property as a part of the Community Redevelopment Area. A land use and zoning conversion to W-1 will work to support and facilitate this needed redevelopment. As all surrounding properties are also located within the CRA, it can be expected that future requests for conversion from Industrial to mixed use will be forthcoming. In addition to the new land use pattern which will be evolving in this area, much needed improvements to the supporting infrastructure will occur. The subject property makes an effective starting point for the redevelopment of the southern waterfront area.

Conclusion

The requested zoning and land use change is consistent with the Comprehensive Plan and Land Development Code and provides a mechanism for the redevelopment which is fostered by the Community Redevelopment Area. The City staff is working with the County Growth Management and Emergency Management departments to establish appropriate mitigation strategies for development within the CHHA to be compliant with Section 1.06.09(e) of the Comprehensive Plan. Final adoption of the Land Use and Zoning changes may not be permitted, however, until either appropriate mitigation is provided or a legally binding agreement with the City acknowledging mitigation obligations is completed. Additionally, without final DEP

permitting, the actual amount of uplands and therefore, the number of residential units can not be calculated for mitigation purposes.

Recommendation

Staff recommends approval of the change from I-W to W-1. Staff further advises that this application may not be considered for adoption by the City Commission without an accompanying development agreement to address required mitigation strategies.

Submitted by:


Kelly N. Gibson
Planner II



Nassau County Property Appraiser Greg Haddock, CPA

RECENT SALES IN THIS AREA

PREVIOUS PARCEL
NEXT PARCEL

RETURN TO MAIN SEARCH PAGE

NASSAU HOME

OWNER NAME	COOK DAVID EMMETT JR	TODAY'S DATE	October 28, 2008
MAILING ADDRESS	PO BOX 30	PARCEL NUMBER	00-00-31-1760-0039-0000
	FERNANDINA BEACH, FL 320350030	MILLAGE GROUP	Fernandina Beach City (Includes Voter Approved Millage .3726) (District 2)
		TOTAL MILLAGE	17.3985
		PROPERTY USAGE	MISCELLANE (000700)
LOCATION ADDRESS	500 S FRONT ST	GIS CALCULATED ACREAGE	5.532 ACRES
RECORD CARD	Card View Print	PARCEL MAP	Show Parcel Map

SHORT LEGAL

LOTS 37,38,39,40, & PT OF LOT 41 PT L/E OR 479/482 &
[Show Complete Legal Description](#)

2008 TAX ROLL PRELIMINARY VALUES

JUST VALUE OF LAND	LAND VALUE AGRICULTURAL	BUILDING VALUE	TOTAL MISC VALUE	JUST OR CLASSIFIED TOTAL VALUE	ASSESSED VALUE	EXEMPT VALUE	TAXABLE VALUE	HOME STEAD
442,660	0	0	98,236	540,896	540,896	0	540,896	N

LAND INFORMATION

LAND USE	NUMBER OF UNITS	UNIT TYPE	SEC-TWN-RNG
TRANS TERM	424.370	FF	--

BUILDING DATA

BUILDING #	TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT
No buildings associated with this parcel.										

MISCELLANEOUS DATA

DESCRIPTION	DIMENSIONS LxWxH	UNITS	YEAR BUILT
DOCK MD WD	10 x 48 x 0	480 SQUARE FEET	1964
DOCK MD WD	11 x 329 x 0	3,619 SQUARE FEET	2000
BOAT DCK W	16 x 17 x 0	272 SQUARE FEET	1990
AL GANG WY	0 x 0 x 0	22 LF	2000
UTILTY POD	0 x 0 x 0	1 UNITS	2000
CONCRETE C	0 x 0 x 0	1,600 SQUARE FEET	2000
CONCRETE C	0 x 0 x 0	273 SQUARE FEET	2000
CONC BUMPR	0 x 0 x 0	76 UNITS	2000
STK FNC 6	0 x 0 x 0	140 LF	2000

SALES DATA

SALE DATE	BOOK	PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
03-18-2005	1303	1	111,200	Warranty Deed	UNQUALIFIED	YES	COOK NELL A	COOK DAVID EMMETT JR (1/4%INT)
03-18-2005	1303	9	100	Quit Claim Deed	UNQUALIFIED	YES	AMELIA CRUISES INC	COOK DAVID EMMETT JR

03-18-2005	1303	7	414,900	Warranty Deed	UNQUALIFIED	YES	AMELIA CRUISES INC	COOK DAVID EMMETT JR
04-23-1998	830	1936	155,000	Warranty Deed	UNQUALIFIED	YES	COOK EDWIN ALBERT	AMELIA CRUISES INC
07-29-1997	801	507	20,000	Quit Claim Deed	UNQUALIFIED	YES	COOK C HILTON	COOK DAVID EMMETT
04-01-1985	451	399	500	MULTI SALE	UNQUALIFIED	YES		
05-01-1984	420	363	500	MULTI SALE	UNQUALIFIED	YES		

Generate Owner List By Radius

The Nassau County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assesment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. Website updated: September 2, 2008

RECENT SALES IN THIS AREA	PREVIOUS PARCEL NEXT PARCEL	RETURN TO MAIN SEARCH PAGE	NASSAU HOME
---------------------------	--------------------------------	----------------------------	-------------

Nassau County Property Appraiser Record Card 00-00-31-1760-0039-0000

The Nassau County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

LOTS 37, 38, 39, 40, &
PT OF LOT 41
PT L/E OR 479/482 &
PT OR 1303/1 & OR 1303/7

[illegible]

COND		A-AREA	%	E-AREA	%	SUB VALUE	
SUB							
	NUMBER				DESC	PERMITS	
	2003352				XFOB	AMT	ISSUED
						10,000	6/28/2000
	2002610				XFOB	10,000	3/30/2000
	BOOK	PAGE			DATE	SALE	PRICE
	1303				9 3/18/2005 U I		100
	GRANTOR AMELIA CRUISES INC						
	GRANTEE COOK DAVID EMMETT JR						
	1303				7 3/18/2005 U I		414900
	GRANTOR AMELIA CRUISES INC						
	GRANTEE COOK DAVID EMMETT JR						
							TOTAL

Published Weekly
511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

STATE OF FLORIDA
COUNTY OF NASSAU:

Before the undersigned authority personally appeared
Michael B. Hankins
Who on oath says that he is the Advertising Director of the
Fernandina Beach News-Leader, a weekly newspaper published at
Fernandina Beach in Nassau County, Florida; that the attached
copy of advertisement, being a Legal Notice in the matter of

CITY OF FERNANDINA BEACH
Notice of Public Hearing

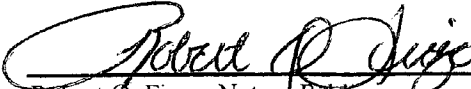
Was published in said newspaper in the issues of

10/29/08
Legal Display

Affiant further says that the said Fernandina Beach News-Leader
is a newspaper published at Fernandina Beach, in said Nassau
County, Florida and that the said newspaper has heretofore been
continuously published in said Nassau County, Florida, each week
and has been entered as second class mail matter at the post office
in Fernandina Beach in said Nassau County, Florida, for a period
of one year next preceding the first publication of the attached
copy of advertisement; and Affiant further says that he has neither
paid nor promised any person, firm or corporation any discount,
rebate, commission or refund for the purpose of securing this
advertisement for publication in the said newspaper.



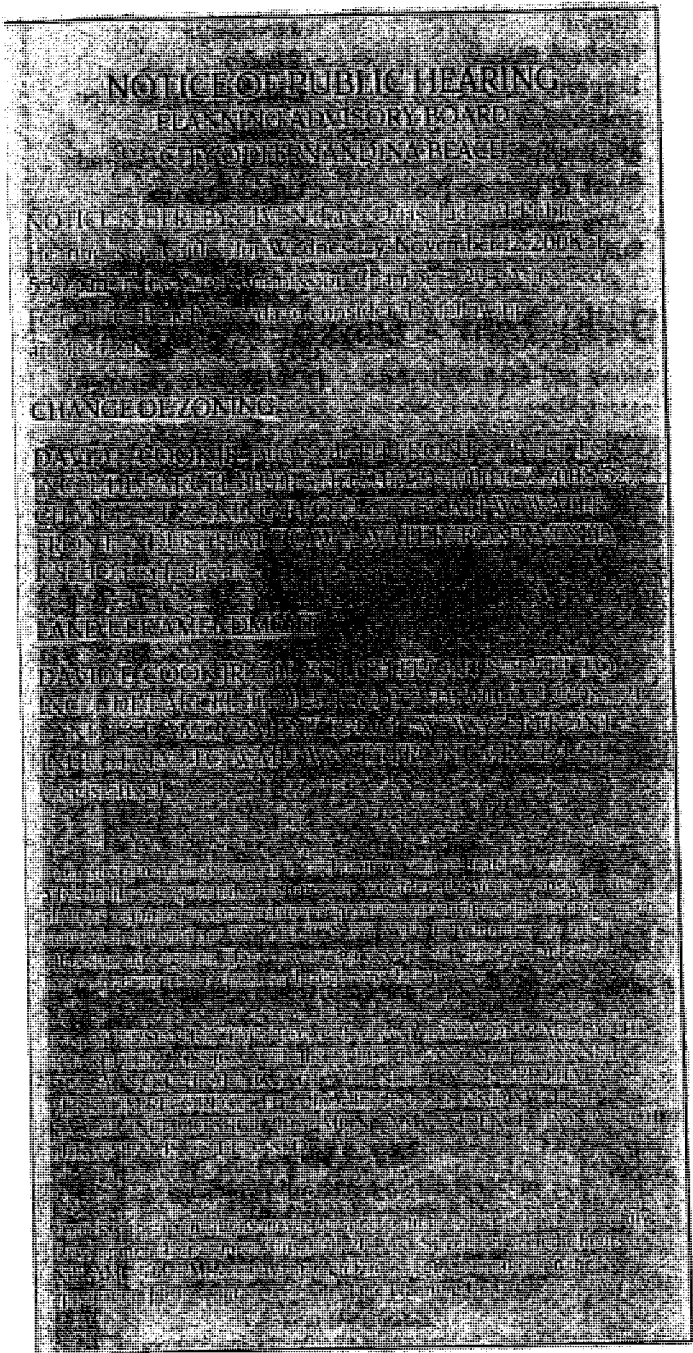
Sworn to and subscribed before me
This 29th day of October A.D. 2008.


Robert O. Fiege, Notary Public

 Personally Known



Marshall
264,24



AFFIDAVIT OF POSTING

State of Florida
County of Nassau

I, Cathy Sabattini, being first duly sworn, depose and state as follows:

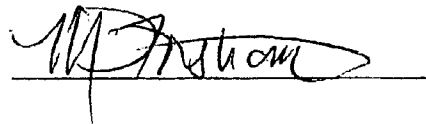
1. That I am an employee of the City of Fernandina Beach as Staff Assistant II for the City Clerks Office; and
2. That part of my duties includes processing applications of all types; and
3. That one of the requirements for processing applications is that the notice be posted on the property; and
4. That on October 29, 2008, I posted the property with the notice of the application and hearing, for Application No: CZ & LU 2008-52: David Cook, 500 South Front Street.

FURTHER AFFIANT SAYETH NAUGHT.


Cathy Sabattini

Subscribed and sworn to before me, a notary public in and for the State of Florida this 29th day of October, 2008.

(Seal)





MICHELLE D. FORSTROM
Notary Public, State of Florida
My Comm. Expires Mar. 21, 2010
Comm. No. DD 530981



City of Fernandina Beach
PLANNING DEPARTMENT

October 28, 2008

**NOTICE OF PUBLIC HEARING
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH**

Dear Property Owner:

A Quasi-Judicial, Public Hearing to be held by the Planning Advisory Board on **Wednesday, November 12, 2008 at 5:30 PM** in the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida to consider the following applications:

DAVID E. COOK JR., 500 SOUTH FRONT STREET TO INCLUDE PARCEL 00-00-31-1760-0039-0000

CZ 2008-52: CHANGE OF ZONING REQUEST FROM I-W: WATERFRONT INDUSTRIAL TO W-1: WATERFRONT MIXED USE. (*Quasi-Judicial*)

LU 2008-52: LAND USE AMENDMENT FROM I-W: WATERFRONT INDUSTRIAL TO WMU: WATERFRONT MIXED USE. (*Legislative*)

A copy of the application and information on this application may be inspected in the office of the Planning Department, City Hall, 204 Ash Street, between the hours of **7:30AM – 5:00PM**, Monday through Friday.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

If any person decides to appeal any decision made by the board/commission with respect to any matter considered at such hearing, s/he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Sincerely,

Community Development Department

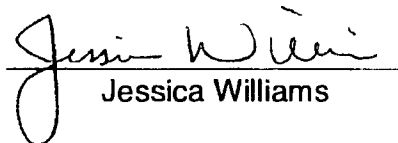
AFFIDAVIT OF MAILING

State of Florida
County of Nassau

I, Jessica Williams, being first duly sworn, depose and state as follows:

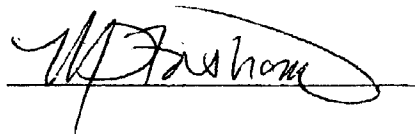
1. That I am an employee of the City of Fernandina Beach as the Administrative Specialist for the Community Development Department; and
2. that part of my duties includes processing applications of all types; and
3. That one of the requirements for processing applications is that notice shall be sent by regular U.S. mail to each property owner as provided by the Nassau County Property Appraiser's Office; and
4. That for CZ & LU 2008-52: David Cook, 500 South Front Street., the list of the adjacent property owners from the Nassau County Property Appraisers Office is attached hereto as Exhibit 1; and
5. That on October 29, 2008, I mailed the letter attached hereto as Exhibit 2 to each of the property owners shown on the list in Exhibit 1, by certified US mail; and
6. That the Affidavit of Publication of the Notice is a separate document, provided by the News Leader.

FURTHER AFFIANT SAYETH NAUGHT.


Jessica Williams

Subscribed and sworn to before me, a notary public in and for the State of Florida this 29th day of October, 2008.

(Seal)





MICHELLE D. FORSTROM
Notary Public, State of Florida
My Comm. Expires Mar. 21, 2010
Comm. No. DD 530981

00-00-31-1760-0029-0010
CITY OF FERNANDINA BEACH
204 ASH STREET
FERNANDINA BEACH, FL 32034

00-00-31-1800-0271-0011
CITY OF FERNANDINA BEACH
204 ASH STREET
FERNANDINA BEACH, FL 32034

00-00-31-1800-0271-0010
CITY OF FERNANDINA BEACH
204 ASH STREET
FERNANDINA BEACH, FL 32034

00-00-31-1800-0271-0070
NEW ENGLAND FLAG BANNER INC
86395 GENE LASSERE BLVD
YULEE, FL 32097

00-00-31-1800-0271-0091
NEW ENGLAND FLAG & BANNER INC
86395 GENE LASSERE BLVD
YULEE, FL 32097-3380

00-00-31-1800-0271-0110
FERNANDINA LUMBER & SUPPLY CO
PO BOX 12267
JACKSONVILLE, FL 32209

00-00-31-1800-0271-0131
JACKSON RITA
D/B/A OLD TOWN CARRIAGE CO
95 WEST LAWRENCE LANE
FERNANDINA BEACH, FL 32034

00-00-31-1760-0031-0020
CITY OF FERNANDINA BEACH
204 ASH STREET
FERNANDINA BEACH, FL 32034

00-00-31-1760-0034-0000
WATTERS JOYCE A
2403 S FLETCHER AV
FERNANDINA BEACH, FL 32034-2360

17-3N-2B-0000-0002-0010
CITY OF FERNANDINA BEACH
204 ASH STREET
FERNANDINA BEACH, FL 32034

00-00-31-1760-0035-0000
WATTERS JOYCE A
2403 S FLETCHER AV
FERNANDINA BEACH, FL 32034-2360

00-00-31-1800-0275-0000
CSX TRANSPORTATION INC
TAX DEPARTMENT
500 WATER STREET (C910)
JACKSONVILLE, FL 32202

00-00-31-1800-0278-0000
CSX TRANSPORTATION INC
TAX DEPARTMENT
500 WATER STREET (C910)
JACKSONVILLE, FL 32202

00-00-31-1760-0036-0000
AMELIA CRUISES INC
6 S 14TH ST
FERNANDINA BEACH, FL 32034

00-00-31-1760-0039-0000
COOK DAVID EMMETT JR
PO BOX 30
FERNANDINA BEACH, FL 32035-0030

00-00-31-1840-0000-0000
RAYONIER PERFORMANCE FIBERS
LLC- MILL SITE
PO BOX 2002
FERNANDINA BEACH, FL 32035-2002



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: Ordinance 2009- 04
CZ 2008-52: Change of Zoning, David E. Cook, Jr.

DEPARTMENT: PLANNING DEPARTMENT

ATTACHMENTS: X Ordinance Resolution
 Support Documents Other

SUMMARY: Mr. David E. Cook, Jr. has requested a change of zoning designation for a 5.5 acre parcel of land, known as 500 S. Front Street, located on the Amelia River waterfront in Fernandina Beach, from **(I-W) Industrial Waterfront** to **(W-1) Waterfront Mixed Use**. The Planning staff has issued a recommendation for approval. The Planning Advisory Board recommended approval 5-0 at their November 12, 2008 regular meeting. Staff requests the City Commission consider this item for first reading on January 6, 2009.

RECOMMENDED ACTION: Approve Ordinance 2009- 04

DEPARTMENT HEAD: Submitted: Kelly N. Gibson, Planner II Date: 12/22/2008
Requested Agenda: DM Date: 01/06/2009

FINANCE DEPARTMENT: Budgeted Yes No X N/A Date:

CITY ATTORNEY: Approved for Form TEB Date: 12/22/08

CITY MANAGER: Approved Agenda Item for CM Date: 12/23/08

COMMISSION ACTION: ✓ Approved As Recommended Disapproved
 Approved With Modification Tabled To Time Certain
 Other

CC: Marshall McCrary
Sent 1-7-09 mm

Approved at the City Commission Meeting Regular 1st Reading
Held on 1-6-09
Voted: 5-0 Initial: mm

ORDINANCE 2017-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the small-scale Future Land Use Map Amendment application numbered PAB 2017-07 at its Regular Meeting on April 12, 2017, and recommended approval of the change to Central Business District (CBD) land use by a vote of 4-1; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 22, 2017; and

WHEREAS, City Planning staff found the applicant's request to be consistent with the direction of the Community Redevelopment Area Plan for eliminating inefficient land use patterns as well as consistency with Comprehensive Plan policies 1.01.02, 1.02.03, 1.02.04, 1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02.

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

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Future Land Use Map is located in the City's Amelia River Waterfront Community Redevelopment Area and identified as Parcel ID 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, and 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010 totaling approximately 0.32 acres, and as shown on the map attached hereto as Exhibit "A".

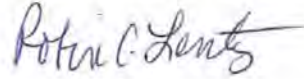
SECTION 2. FUTURE LAND USE MAP CHANGE. For the properties in question, the City's Future Land Use Map is hereby changed to Central Business District (CBD).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH



ROBIN C. LENTZ
Mayor - Commissioner

ATTEST:



CAROLINE BEST
City Clerk

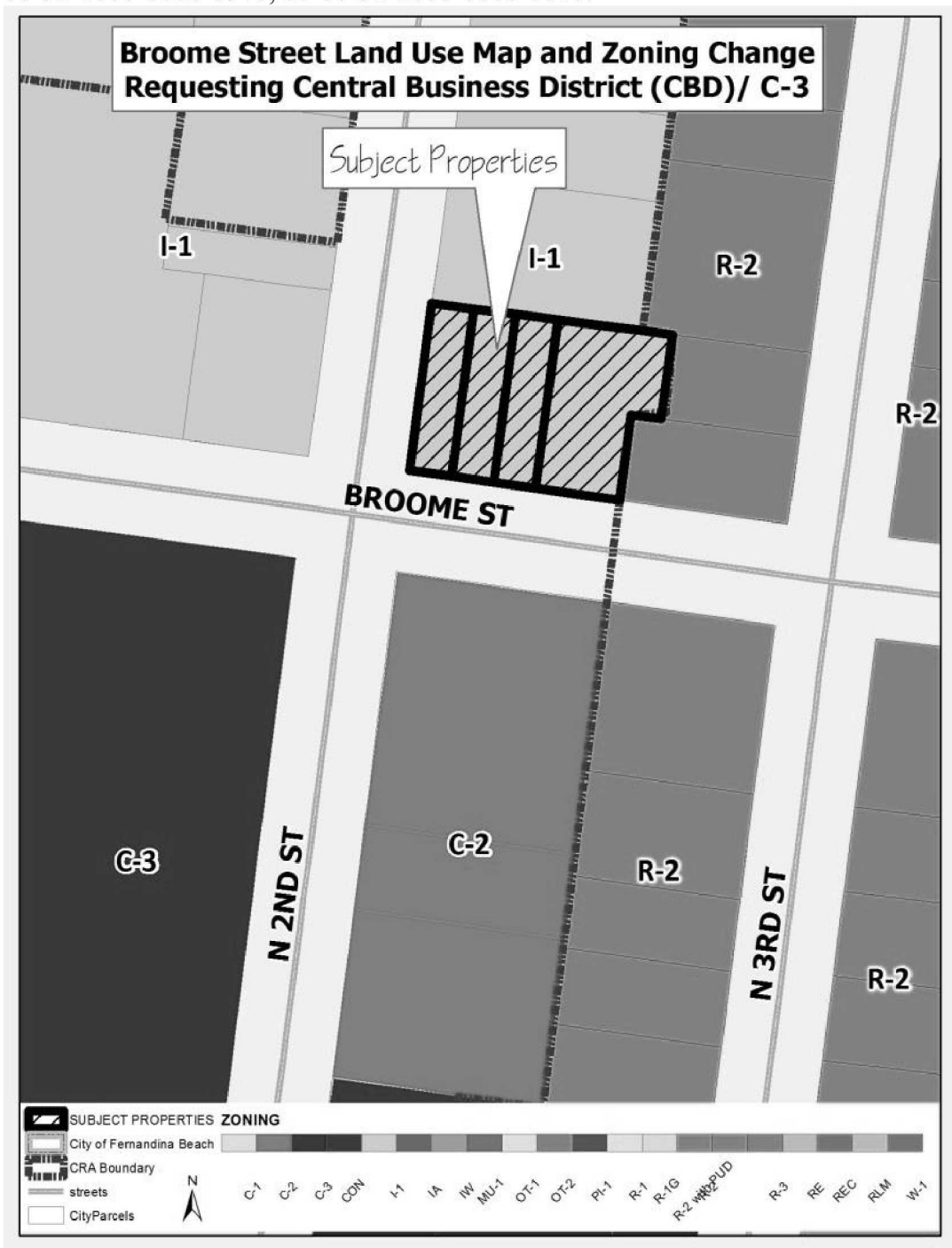
APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH
City Attorney

EXHIBIT "A"

REQUEST FOR A FUTURE LAND USE MAP CHANGE FOR 0.32 ACRES OF LAND FROM INDUSTRIAL (IND) TO CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES LOCATED ON BROOME STREET AS PARCEL ID#S 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, AND 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010.





STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017

**APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP &
ZONING CHANGE REQUEST**

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Robert and Loretta Erickson, James and Kerstin Clayton				
AGENT:	Robert and Loretta Erickson				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	211 Broome Street, 205 Broome Street, and Vacant Properties at corner of N. 2 nd Street and Broome Street – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	211 Broome Street: Existing SF Home totaling approximately 1,487 ft² with an estimated year built of 1900 205 Broome Street: Existing Vacant SF Home totaling approximately 1,188 ft² with an estimated year built of 1900 Vacant Land located at the corner of N. 2nd Street and Broome Street				
PROPERTY SIZE:	Totaling 0.32 Acres Parcel ID #s: 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
CRA PROPERTY	North	Vacant Land	N/A	I-1 Pending C-3 Zoning Request (PAB Case# 2017-05)	Industrial (IND) Pending CBD FLUM Request (PAB Case# 2017-05)
CRA PROPERTY	South	Public Parking	2015	C-2	General Commercial (GC)
HISTORIC DISTRICT	East	Single Family Home	Est. 1900	R-2	Medium Density Residential (MDR)
CRA PROPERTY	West	Warehouse/Storage	Est. 1900	I-1	Industrial (IND)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Robert and Loretta Erickson, and Clayton, Et. Al, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 211 Broome Street, 205 Broome Street, and the vacant properties at N.2nd Street and Broome Street (**Exhibit A**).

The action is requested in order to correct existing non-conforming use of the properties where two (2) single family homes have existed for many years. The property at 211 Broome Street has retained its single family



**STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017**

home use as a grandfathered use. The property located at 205 Broome Street has remained vacant and in a deteriorating state for several years. Under the City's LDC Section 10.01.02 (G), when a non-conforming use has been discontinued for a period greater than 180 days, the property shall be brought into compliance with all sections of the LDC. The current property owners recently acquired the structure in order to restore it. At this time, they are seeking to use the property for residential purposes. In order to make this property conforming, a land use and zoning designation which contains residential density must be applied to the site. The properties to the west of the restored structure are vacant.

All four parcels involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	Policy 4.01.02 <i>All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.</i>
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)
Fire-Rescue Services	240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)



STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017

**Police and Law
Enforcement Services**

Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Medium Density Residential (MDR), 8 dwelling units per acre are supported. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Therefore, if the property is changed to a land use category containing residential density, the vacant properties and 205 Broome Street property would have the benefit of construction a residential unit on each parcel, despite not being able to meet minimum "net density" requirements under the requested change. Under the requested action, a total of up to five (5) residential units could be constructed on the properties.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. The requested CBD land use/ C-3 zoning serves to create a transitional zoning district between the more intensive warehousing permitted in the Industrial (IND)/ I-1 properties to the west and the established residential homes to the east. The request is consistent with the Comprehensive Plan's policy statement 1.02.03, the configuration of the property by lot/block as well as the characteristics of the subject properties are in keeping with other properties found within the CBD.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing public facilities within this area. The CRA established a Finding of Necessity in 2005, one for the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.



**STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017**

The applicant's requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. The applicant's requested for a transitional land use category and zoning district serves to provide a logical step down in the land use patterns from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Sanborn Maps Exhibits**), the most appropriate land use and zoning district assignment under the City's current regulations are the Central Business District (CBD)/ C-3 zoning.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;**
- b. Zoning districts in the surrounding area;**
- c. Demonstration of adequate water supply and water supply facilities;**
- d. Appropriateness of the size of the parcel compared to the proposed use;**
- e. Physical condition of the site, and the suitability of soils and topography for the proposed use;**
- f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
- g. Compatibility factors;**
- h. Impact on adopted levels of service standards and quality of service standards; and**
- i. Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' property are a wide range of existing uses including; a warehouse and storage area serving the port's needs; public parking directly facing the properties; and vacant land within the CRA which historically contained a variety of uses. On the eastern block face are homes located within the City's downtown historic district. The properties existing land use and zoning under Industrial/ I-1 is not compatible with the surrounding area. The applicant's requested action serves to provide a down-zoning or transition from the port's industrial operations to the adjoining residential areas.

The most compatible land use and zoning designation for these properties as well as the properties fronting N. 2nd Street is Central Business District (CBD)/ C-3 zoning. The CBD/C-3 zoning designation exists diagonally from the applicants' properties as part of the former Standard Marine property on North 2nd Street between Alachua and Broome Streets. Staff recognizes the need to assign the appropriate land use and zoning district of Central Business District (CBD)/ C-3 zoning to the public parking lots located at the corners of N. 2nd at Alachua Street and Broome Streets in keeping with the direction to create and extend the urban core through the CRA. Staff intends to file an application to correct the land use and zoning for these properties in 2017.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.

Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.



**STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017**

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. By definition of the land use category requested, Central Business District (CBD) allows for a mixed use urban development pattern. Assignment of this land use category not only corrects the existing non-conformities on the subject properties, but it also permits the historic built pattern of this area to be realized through future redevelopment efforts whereby commercial and residential coexist. **(See Sanborn Maps Exhibits)**

Policy 1.02.09.

The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The existing land use and zoning under Industrial/ I-1 of the subject properties is not compatible with the adjoining residential historic district properties to the east. The requested action provides a down-zoning or transition from the port's industrial operations to the adjoining residential areas. The most compatible land use and zoning designation for these CRA properties as well as the CRA properties fronting North 2nd Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.

Central Business District (CBD)

- a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
- b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
- c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
- d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
- e. The intensity of non-residential development shall not exceed a FAR of 2.0.
- f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
 1. The need for additional land area within the Central Business District land use category;
 2. Consistency of the land area with the characteristics of the Central Business District; and;
 3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face **(See Sanborn Map Exhibits)**.



STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017

Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.



Reference: Johannes, J. (2000). *Yesterday's Reflections II Nassau County, Florida - A Pictorial History*. Fernandina Beach: Lexington Ventures, Inc.



STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.

The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

MOTIONS TO CONSIDER

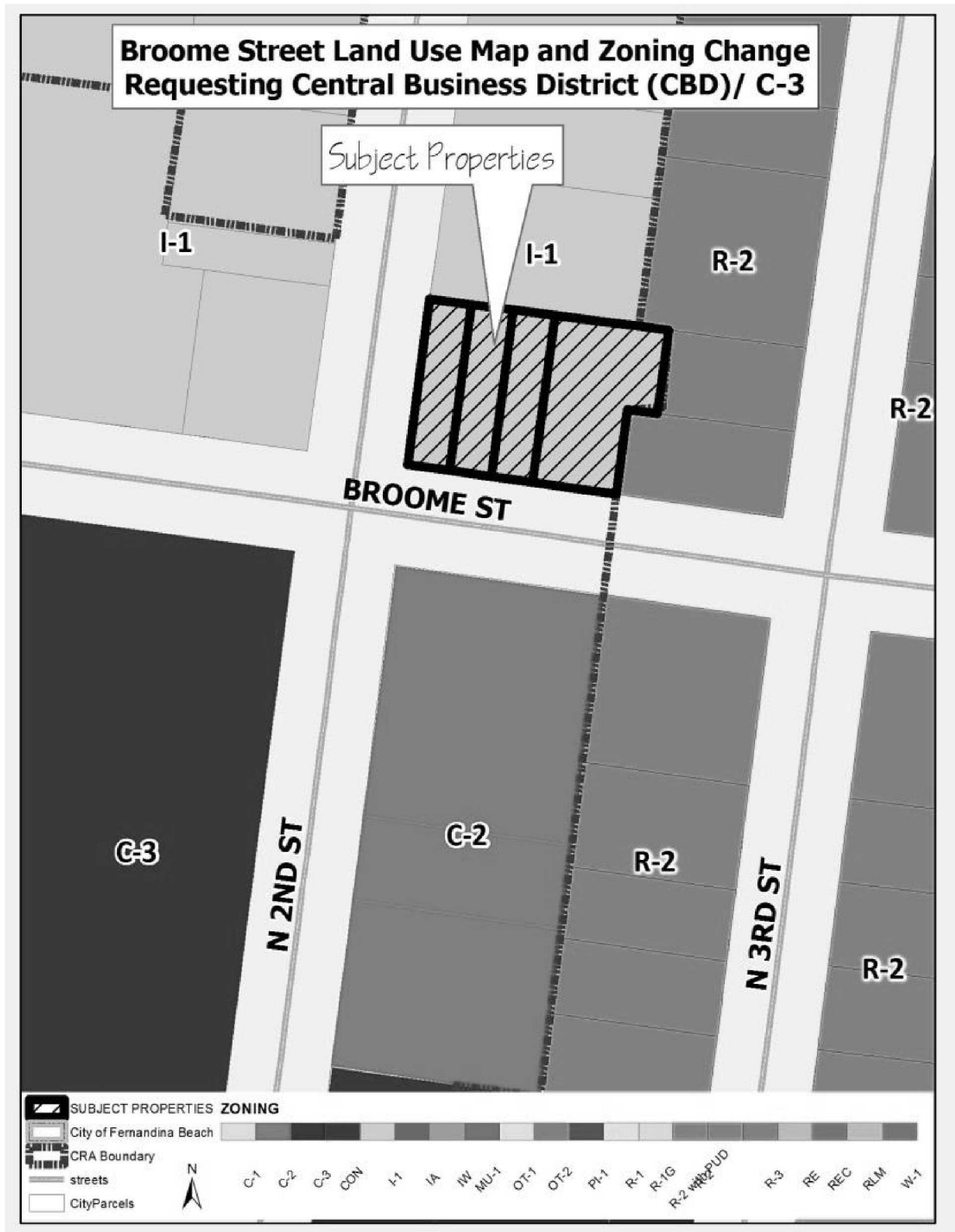
I move to recommend **(approval or denial)** of PAB case number 2017-07 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-07 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson, AICP
Senior Planner



EXHIBIT A



KEY

	Fire proof construction. (OR FIRE RESISTIVE CONSTN)
	Adobe building.
	Stone building.
	Concrete, lime, cinder or cement brick
	Hollow concrete or cement block const'n
	Concrete or reinforced concrete const'n
	Tile building.
	Brick building with frame cornice.
	" " " stone front.
	" " " frame side. (DIVIDED BY FRAME PARTITION)
	Brick veneered building.
	" and frame building.
	Frame building, brick lined.
	" " metal clad.
	Frame building.
	Iron building.
	Tenant building occupied by various manufacturing or occupancies
	Frame building covered with asbestos
	Brick building with brick or metal cornice.

DWELLINGS.

Framed air-shafts are shown but colored over. Brick air-shafts are left white.

CLASSIFICATION OF BUILDINGS
Shown by varying number of dots or circles. Classed by New York Board of Fire Underwriters as follows:

BRICK

1st Class (.) Slate or metal roof, coped walls.
2nd " (..) " " walls not coped.
3rd " (...) Shingle roof.

FRAME

1st Class (.) Slate or metal roof.
2nd " (..) Shingle roof.

Frame Buildings with BRICK FRONTS.

Height of Buildings, in Stories and feet (74 ft. 6 in. and over).

Fronts of marble or other stone.

Iron Fronts.

"Dotted line." Interior brick wall, omitted on one or more floors.

Superior construction. { Built of non-inflammable material "throughout," except flooring and trim.

Communications protected by single fire-proof doors { With designation " " double " " of floors.

Openings exposing Buildings.

Elevators with steam or other power. { Where enclosed with Brick or Fire-proof material a heavy line is drawn around them.

Hatchways or "Dumb-waiters."

Skylights in Roof only.

Smoke-houses. Retorts, and Ovens.

Mansard Roofs. Corrugated Iron. Steam-boilers.

REFERENCE.

SPECIAL HAZARDS.

NAMES of Manufactories, &c., are written on buildings, when there is sufficient space, and their construction classified by the same marks as on Dwellings. Other Specially Hazardous Risks are COLORED GREEN, the varying number of dots (brick) and crosses (frame) showing the comparative danger from fire by occupancy.



BRICK.

A Construction = to 1st class Warehouse.
B " = " 2nd " "
C " = " 3rd " "
D " = " 1st "Store or Dw'g."
E " = " 2nd " "
F " = " 3rd " "



FRAME.

G Construction = to 1st class Store or Dwelling.
H " = to 2nd class Store or Dwelling.

NOTE.—In classifying a building as a Special, its CONSTRUCTION is obliterated, necessitating a series of letters, as follows:

Brick Frame

Bakeries (ovens in building). Breweries. Cooperages. Drug stores (retail, with privilege of compounding). Dyeing establishments. Fur dressers. Glass stainers. Hat finishers. Hay (open stock, loose). Lamp sellers (privilege for kerosene &c.) Laundries. Malt houses. Manufactories of Baskets, Bonnet-frames, Boots and shoes, Caps, Clothing, Combs, Envelopes, Feather dusters, Fringe &c., Gas-fixtures, Gold pens, Hats, Hemp, Jewelry cases, Morocco, Paper bags, Pocket-books, Ruffling and ruches, Segars, Shirts, Tobacco, Umbrellas, Vinegar, Watches, Watch-cases, Writing ink. Map mounting and varnishing. Metal mills. Molasses houses. Photographers. Private stables. Smoke-houses. Tanneries. Tin-shops. Wheelwrights. Wire workers. Wool-pullers.

Brick Frame

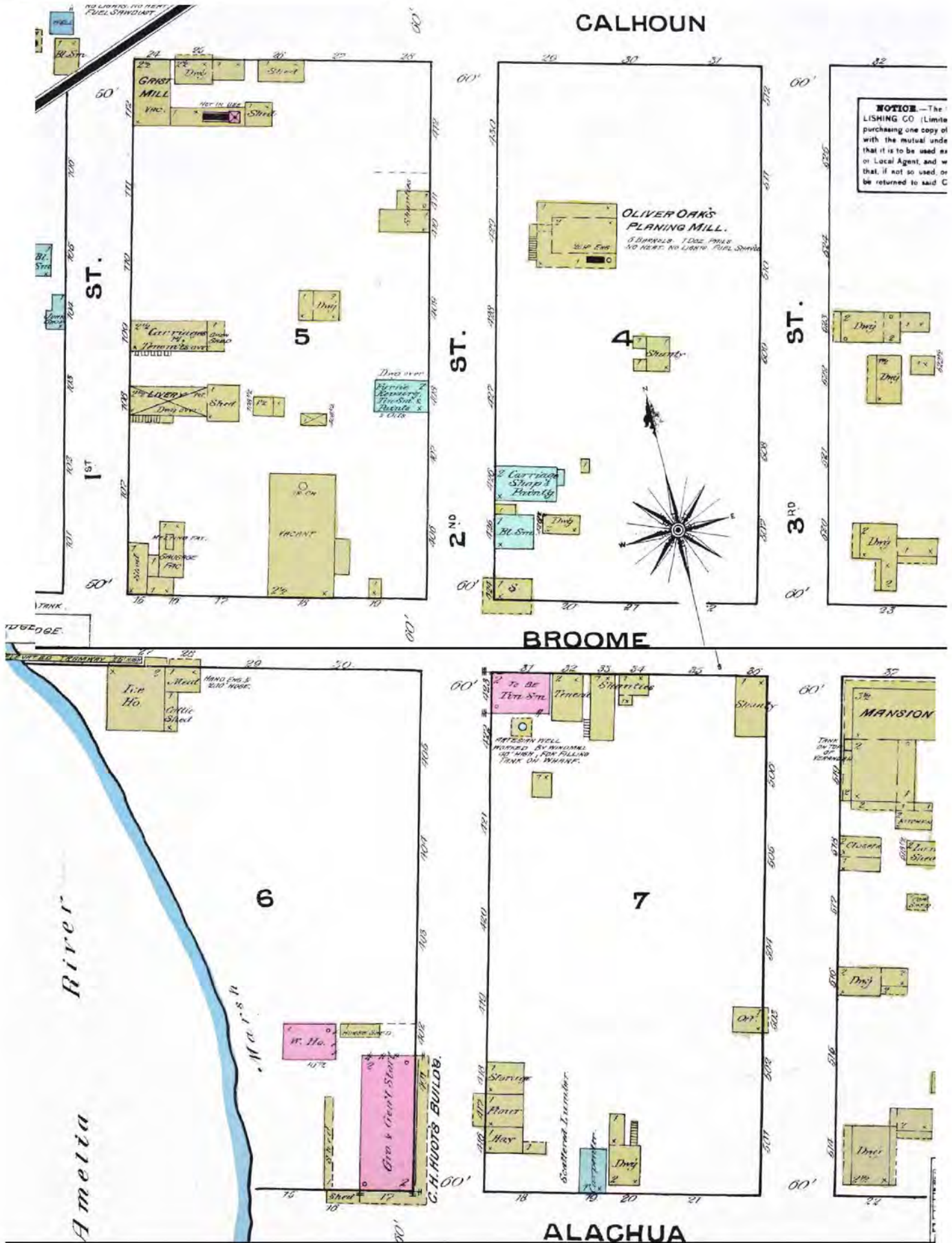
Bleaching works. Book-binders. Brass and iron foundries. Coppersmiths. Cotton presses. Filling mills. Junk shops. Letter-press printers. Lithographers. Livery and Cartmen's stables. Machine shops. Manufactories of Agricultural Implements. Artificial flowers, Brooms, Brushes, Carriages, Cedar-ware, Floor-cloth, Grates, Guns, Hoop-skirts, Jewelry, Lamps, Musical instruments, Oil-cloths, Paper boxes, Paper collars, Paper patterns, Patent Medicines, Plated ware, Rope and cordage, Safes, Silverware, Starch, Stoves, Tin cans, Upholstery. Oil stores (petroleum and products). Print works. Rag stores. Slaughter houses. Snuff mills. Type and stereo-type foundries. (And generally buildings not occupied by workers of light wood).

Brick Frame

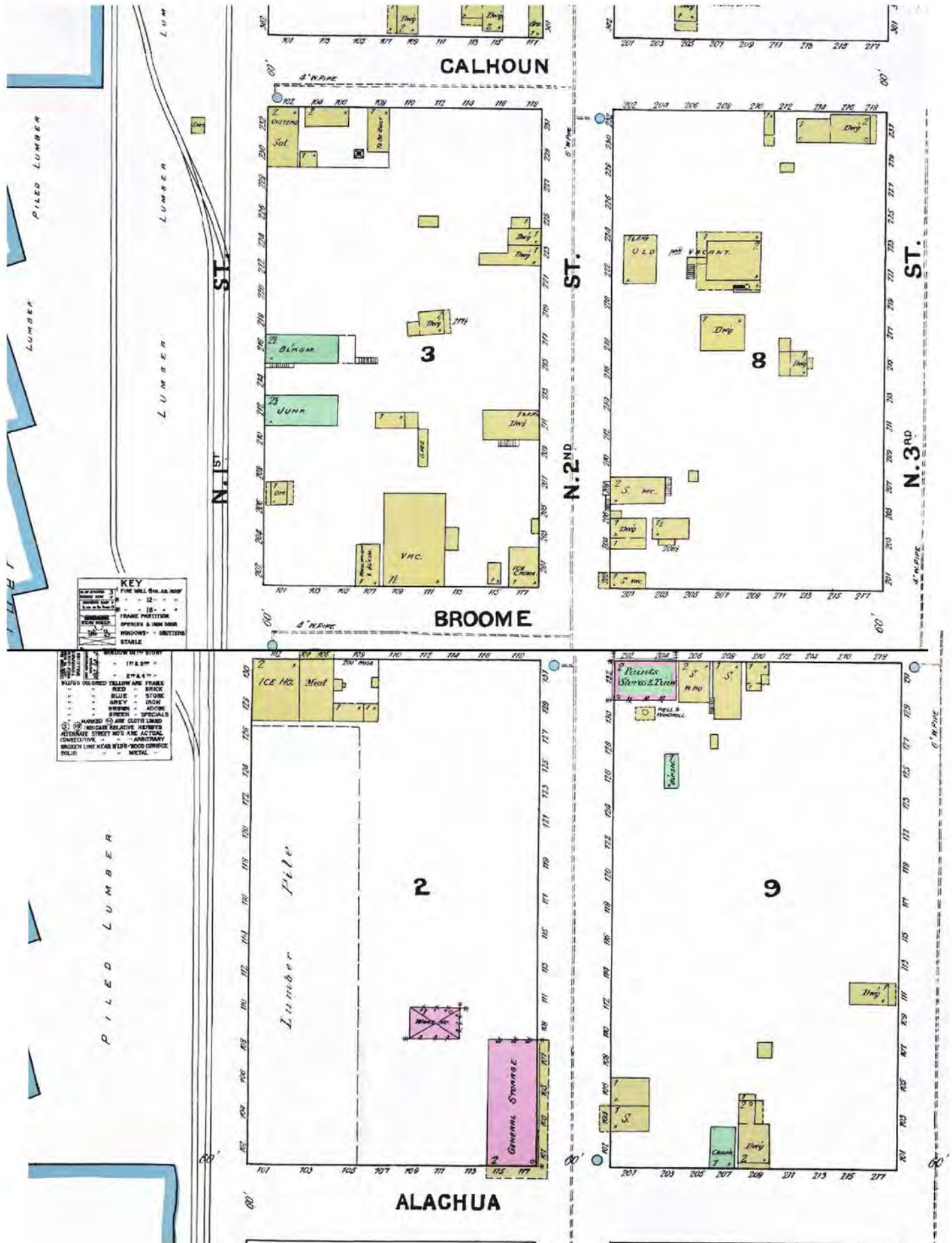
Box repairing. Cabinet-making. Carpenters' shops. Distilleries. Flax mills. Flour or Grist mills. Japaners. Lard refineries. Manufactories of Artificial hair, Bagging, Candles, Chairs, Clocks, Confectionery, India-rubber or gutta-percha, Ivory or lamp-black, Looking-glass and Picture frames, Oiled clothing, Organs, Paper-hangings, Perfumery, Pianos, Soap, Trunks. Oil mills. Paper mills. Rectifying establishments. Sugar refineries. Tallow-melting or chandleries. Wholesale druggists (with compounding). Woolen mills. (And generally risks where much heat or light wood is used.)

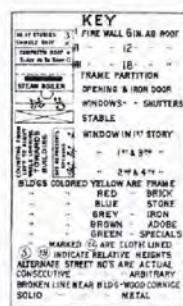
Brick Frame

Chemical laboratories. Coffee and Spice mills. Drug mills. Fireworks on sale. Match factories. Oil-boiling houses. Planing and Moulding mills. Printing-ink factories. Sash, blind and door factories. Saw mills. Tar-boiling houses. Turpentine distilleries. Varnish making. Window-shade factories.



1891 Sanborn Map of N. 2nd Street

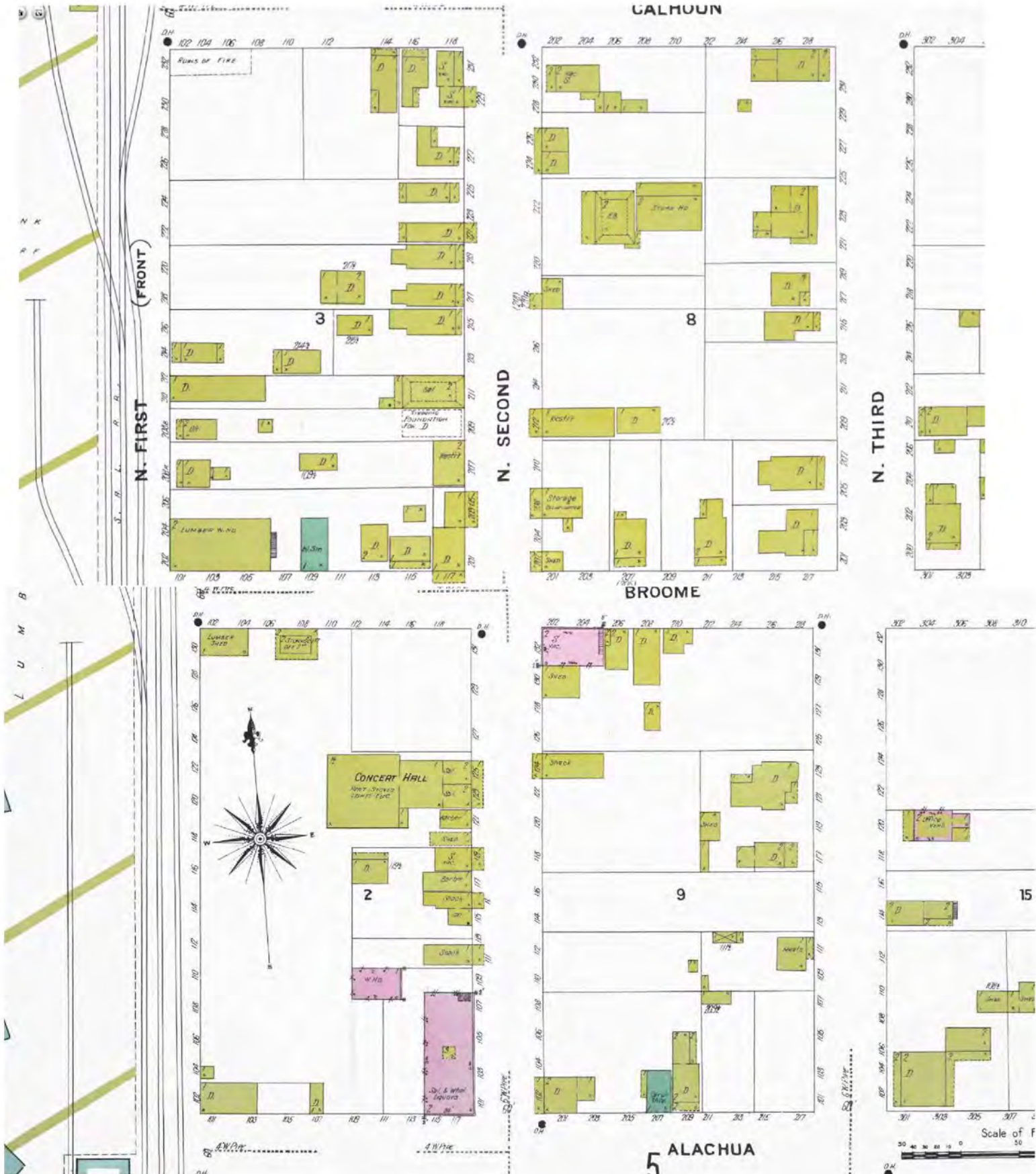




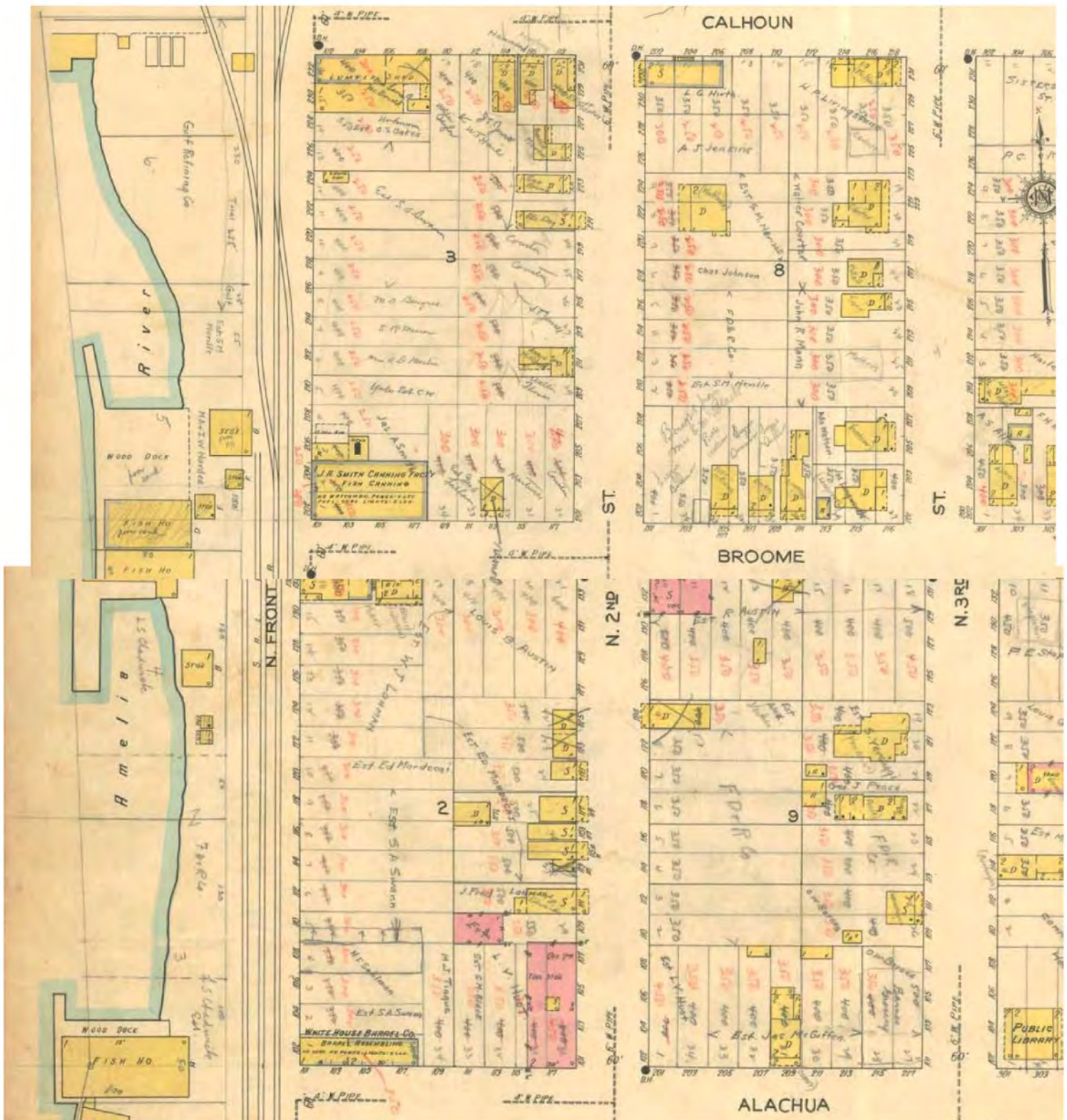
1903 Sanborn Map



1909 Sanborn Map of N. 2nd Street



1926 Sanborn Map of N. 2nd Street



OFFICE USE ONLY

REC'D: 3/1/10 BY: _____
PAYMENT: \$ _____ TYPE: _____
APPLICATION #: 2017-
CASE #: DDB 2017-07
BOARD MEETING DATE: _____



PLANNING ADVISORY BOARD APPLICATION

- | | |
|---|--|
| ☒ ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – PRELIM (\$750) |
| ☒ LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – FINAL (\$850) |
| ☐ LDC TEXT AMENDMENT (\$850) | ☐ VACATION OF R.O.W. (\$850) |
| ☐ COMP PLAN AMENDMENT (\$850) | ☐ VOLUNTARY ANNEXATION (\$1050) |

APPLICANT INFORMATION

Owner Name: Robert And Loretta Erickson
Mailing Address: 30 S. 3rd St Fernandina Beach, FL 32030
Telephone: 479-270-0315 Fax: _____
Email: rettaerickson@aol.com

Agent Name: _____
Mailing Address: _____
Telephone: _____ Fax: _____
Email: _____

PROPERTY INFORMATION

Street Address: 205 Broome St Fernandina Beach, FL 32034
Parcel Identification Number(s): 60-00-31-1800-0008-0330, 0340, 0010, 0310
Lot Number: 1, 34, 33, 32 Block Number: _____ Subdivision: _____
Section: _____ Township: _____ Range: _____

PROJECT INFORMATION

Total Number of Lots/Parcels: 4

Less than One (1) acre Sq. Footage: X One (1) Acre or Greater: _____

Existing Zoning Classification: I-1

Existing Future Land Use Classification: C-3

Previous Planning/Zoning Approvals: _____

Description of Request:

to rezone from I-1 to G3 to allow occupation of houses on 205 E 211
Broome St as residences and flexibility of future development on lots 1 E 34
See Attachment A, reference support statement from PAB 2017-05 Zoning Change
I-1 to G3. See Attachment B reference staff report PAB 2017-05 Zoning Change
from I-1 to C-3. See Attachment C reference staff report PAB 2017-03 Zoning Change
from I-1 to ~~C-3~~ R-2

SIGNATURE/NOTARY

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

3-7-17
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

KAREN M. AUSTIN
Notary Public, State of Florida
My Comm. Expires June 18, 2018
Commission No. FF 126104

Subscribed and sworn to before me this 7 day of March, 2017.

Karen m. Austin
Notary Public: Signature

Karen m. Austin
Printed Name

My Commission Expires _____

Personally Known _____ OR Produced Identification ✓ ID Produced: FLDL



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/WE Kerstin Clayton
(print name of property owner(s))

hereby authorize: ROBERT + LORETTA ERICKSON
(print name of agent)

to represent me/us in processing an application for: Zoning Change I1 TO C3
(type of application)

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

Kerstin W. Cline
(Signature of owner)

(Signature of owner)

Kerstin Clayton
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 7 day of March, 2017.

Karen M. Austin
Notary Public: Signature

Karen M. Austin
Printed Name

My Commission Expires _____

Personally Known _____ OR Produced Identification ☒ ID Produced: FL DL
exp 8/28/18

KAREN M. AUSTIN
Notary Public, State of Florida
My Comm. Expires June 18, 2018
Commission No. FF 126104

NASSAU

A. Michael Hickox, CFA, Cert.Res.RD1941
Nassau County Property Appraiser

Property Search

Sales Search

Nassau Home

OWNER NAME ERICKSON ROBERT & LORETTA
MAILING ADDRESS 30 S 3RD ST

LOCATION ADDRESS FERNANDINA BEACH, FL 32034
205 BROOME ST
FERNANDINA BEACH 32034
SHORT LEGAL BLOCK 8 LOT 33 IN OR 2025/1013 CITY OF
FDNA BEACH

PARCEL NUMBER 00-00-31-1800-0008-0330
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.2467
PROPERTY USAGE SINGLE FAMILY
DEED ACRES 0
HOMESTEAD N
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2016 Certified Values

JUST VALUE OF LAND	\$35,000
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$7,926
TOTAL MISC VALUE	\$0
JUST OR CLASSIFIED TOTAL VALUE	\$42,926
ASSESSED VALUE	\$42,926
EXEMPT VALUE	\$0
TAXABLE VALUE	\$42,926

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
SFR 000100	25	FF	21-3N-28

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
SINGLE FAM	1,188	1,048	2	2	SINGLE SID		NONE	NONE	1900	SHOW SKETCH

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
01/22/2016	2025/1013	2025/1013	40000	WD	U	Y	INGEBRIGTSEN CATHERINE	ERICKSON ROBERT & LORETTA
02/14/2006	1389/290	1389/290	125000	WD	Q	Y	ROWE JASON N & COURTNEY M	INGEBRIGTSEN CATHERINE
10/05/2004	1263/1871	1263/1871	80000	WD	Q	Y	HOLMES JOHN T	ROWE JASON & COURTNEY M
03/19/1992	652/377	652/377	100	PR	U	Y	WILLIAMS SERENA EST	HOLMES JOHN T

NASSAUA. Michael Hickox, CFA, Cert.Res.RD1941
Nassau County Property Appraiser[Property Search](#)[Sales Search](#)[Nassau Home](#)

OWNER NAME CLAYTON JAMES S (3/4%) &
MAILING ADDRESS CLAYTON KEVIN (1/8%) &
 CLAYTON KERSTIN (1/8%)
 211 BROOME STREET
 FERNANDINA BEACH, FL 32034
LOCATION ADDRESS BROOME ST
 FERNANDINA BEACH 32034
SHORT LEGAL BLOCK 8 LOT 34 PT OR 1104/446 & OR
 1172/1741 CITY OF FDNA BEACH

PARCEL NUMBER 00-00-31-1800-0008-0340
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.2467
PROPERTY USAGE VACANT INDUSTRIAL
DEED ACRES 0
HOMESTEAD N
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2016 Certified Values

JUST VALUE OF LAND	\$35,000
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$0
TOTAL MISC VALUE	\$0
JUST OR CLASSIFIED TOTAL VALUE	\$35,000
ASSESSED VALUE	\$35,000
EXEMPT VALUE	\$0
TAXABLE VALUE	\$35,000

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
VAC INDUST 004000	25	FF	21-3N-28

Building Information

There is no Building Information for this record.

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
06/04/2003	1142/1487	1142/1487	100	PR	U	N	HOLMES LAWRENCE P/R FOR RUTH A SIMMONS	CLAYTON JAMES S
08/01/1984	433/345	433/345	100	MS	U	N		

NASSAU**A. Michael Hickox, CFA, Cert. Res. RD1941**
Nassau County Property Appraiser

Property Search

Sales Search

Nassau Home

OWNER NAME CLAYTON JAMES S (3/4%) &
MAILING ADDRESS CLAYTON KEVIN (1/8%) &
 CLAYTON KERSTIN (1/8%)
 211 BROOME STREET
 FERNANDINA BEACH, FL 32034
LOCATION ADDRESS N 2ND & BROOME ST
 FERNANDINA BEACH 32034
SHORT LEGAL BLOCK 8 LOT 1 PT OR 1104/446 & OR
 1172/1741 CITY OF FDNA BEACH

PARCEL NUMBER 00-00-31-1800-0008-0010
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.2467
PROPERTY USAGE VACANT INDUSTRIAL
DEED ACRES 0
HOMESTEAD N
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2016 Certified Values

JUST VALUE OF LAND	\$35,000
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$0
TOTAL MISC VALUE	\$0
JUST OR CLASSIFIED TOTAL VALUE	\$35,000
ASSESSED VALUE	\$35,000
EXEMPT VALUE	\$0
TAXABLE VALUE	\$35,000

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
VAC INDUST 004000	25	FF	21-3N-28

Building Information

There is no Building Information for this record.

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
06/04/2003	1142/1487	1142/1487	100	PR	U	N	HOLMES LAWRENCE P/R FOR RUTH A SIMMONS	CLAYTON JAMES S
09/01/1984	433/345	433/345	100	MS	U	N		

NASSAUA. Michael Hickox, CFA, Cert.Res.RD1941
Nassau County Property Appraiser

Property Search

Sales Search

Nassau Home

OWNER NAME CLAYTON KERSTIN (3/16%) &
MAILING ADDRESS HOLMES WM O & LAWRENCE &
 HOLMES THEODORE ETAL
 211 BROOME ST
 FERNANDINA BEACH, FL 32034
LOCATION ADDRESS 211 BROOME ST
 FERNANDINA BEACH 32034
SHORT LEGAL BLOCK 8 LOTS 31 & 32 & N1/2 OF LOT 30
 (EX E7 FT) PT OR 1172/1741 & OR 1104/446

PARCEL NUMBER 00-00-31-1800-0008-0310
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.2467
PROPERTY USAGE SINGLE FAMILY
DEED ACRES 0
HOMESTEAD Y
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2016 Certified Values

JUST VALUE OF LAND	\$79,329
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$84,966
TOTAL MISC VALUE	\$60
JUST OR CLASSIFIED TOTAL VALUE	\$164,355
ASSESSED VALUE	\$158,525
EXEMPT VALUE	\$25,000
TAXABLE VALUE	\$133,525

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
SFR 000100	50	FF	21-3N-28
SFR 000100	18	FF	21-3N-28

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
SNGL FAM	1,487	1,277	3	2	AVERAGE		AIR DUCTED	FORCED AIR	1900	SHOW SKETCH

Miscellaneous Information

DESCRIPTION	DIMENSIONS L x W	UNITS	YEAR BUILT
CONCRETE A	25 X 3	75	1970
CONCRETE A	0 X 0	0	0

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
09/18/2003	1172/1741	1172/1741	100	PR	U	Y	HOLMES P/R FOR TUH ALBRITTON SIMMONS	HOLMES WILLIAM & LAWRENCE ET AL
01/01/1986	478/313	478/313	100	FS	U	Y		

Kelly Gibson

From: Loretta Erickson <rettaerickson@gmail.com>
Sent: Wednesday, March 08, 2017 2:51 PM
To: Kelly Gibson
Cc: Robert Erickson
Subject: Fwd: Detailed letter of Intent

Hi Kelly
Please let me know you received this.
Thanks
Loretta

Sent from my iPhone

Begin forwarded message:

From: <rettaerickson@gmail.com>
Date: March 7, 2017 at 12:11:45 PM EST
To: <kgibson@fbfl.org>
Cc: "Bob Erickson" <rettaerickson@aol.com>, <kerlos14@gmail.com>
Subject: Detailed letter of Intent

3/7/17

Dear Kelly,

Our request to rezone is to allow for the home at 205 Broome St and at 211 Broome St to be occupy as residences and give the flexibility of future development on Lots 1 and 34.

In support of our zoning change request the following attachments show the consistency of the proposed amendment as well as the justification of the proposed amendment. Attachment A, a reference supporting statement taken form PAB 2017-05 zoning change from I-1 to C-3 . Attachment B referencing staff report PAB 2017-05 zoning change from I-1 to C-3 and Attachment C referencing staff report PAB 2017-03 zoning change from I-1 to R-2. Also included are various maps supporting the proposed zoning change for I-1 to C-3. These show the consistency of the proposed amendments with the City's Comprehensive Plan and a justification for the proposed amendment.

Sincerely,
Bob and Loretta Erickson

Attachment A

Attachment A

OBJECTIVE 101.

Energy Efficient Development

The City shall promote compact, mixed use, and energy efficient development arranged to encourage walkability, bicycle and transit use, which leads to a more sustainable community and a reduction in greenhouse gases (GHGs).

The CBD Future Land Use is designed to promote energy efficient development by promoting a walkable and sustainable environment. This is accomplished by allowing a mixture of residential and commercial uses to be placed within the same structure. In addition, when the subject property is assigned the CBD/C-3 and located amongst other CBD FLU/uses, this places new housing units within walkability of services and employment within the downtown area.

Policy 102.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors: a. Type and density or intensity of surrounding uses; b. Zoning districts in the surrounding area; c. Demonstration of adequate water supply and water supply facilities; d. Appropriateness of the size of the parcel compared to the proposed use; e. Physical condition of the site, and the suitability of soils and topography for the proposed use; f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources; g. Compatibility factors; h. Impact on adopted levels of service standards and quality of service standards; and i. Location in a Coastal Upland Protection Zone (CUPZ).

The type and density and intensity of the surrounding uses are compatible with the CBD/C-3 FLU and Zoning combination as adjacent FLU and zoning is consistent with the proposed change. It is as equally intense as the adjacent industrial uses. Although more intense than the nearby residential, the CBD will act as a transitional use. The proposed change is a transitional use that will be compatible with both residential to the east and industrial to the west. The residential to the east will be buffered from the industrial uses by the CBD/C-3 uses and will be buffered from CBD/C-3 uses by 20' buffer with landscaping. Public water and sewer is available to the subject property and the increase development permitted will promote smart-growth principles by increasing growth where there is existing infrastructure. The area being considered for the change is appropriately sized considering the setback, densities and types of development permitted. Soils and topography are the same as other urban areas that are immediately adjacent. As can be seen from maps included with application, the soils for the subject property, Ortega Fine Sand, is prevalent in the downtown area, is not unique to the subject property, and is developed to urban levels in the city. According to the US Geologic Survey, the Ortega Series of soils are moderately well drained and are located on rises and knolls and is suitable for urban development. As can be seen from the topographic map, a rise of six feet from front to rear will result in a slope over 125 feet of approximately 4.8%. There are no requirements in city code that correlate slope with types of development.

Essentially the lot/block and frontage characteristics of the subject property are very similar to the rest of the historic district CBD/C-3 area. The subject property is not covered by flood zone or other environmentally unsuitable conditions, and the historic structure on the subject property will be made conforming by the proposed amendment.

Policy 102.06. The City shall assure that specific density assigned to new development and redevelopment is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include, but not be limited to, the following: a. Protecting the integrity and stability of established residential areas; b. Assuring smooth transition in residential densities; c. Encouraging commercial and residential mixed use development patterns; d. Recognizing and being sensitive to the character and form of the surrounding neighborhoods; and e. Requiring application of low impact development (LID) principles, native and drought tolerant landscaping and urban design principles and practices; and f. Encouraging connectivity of pedestrian walkways and bicycle paths on and off site.

The City has expressed interest in pursuing a CBD/C-3 on the subject property as a city-sponsored application due to the sound planning criteria stated in Policy 102.06 above. The current situation of exposing residential areas to direct contact with industrial areas is deleterious to the development of industrial areas and the continuation of residential areas. Sound planning principles dictate that a transitional land use be used to buffer these two uses from each other. Such a transitional land use is available in the CBD/C-3 which contains a multi-family element that is both transitional in use and in residential densities. By definition, the CBD/C-3 combination encourages residential and commercial mixed use and is therefore compatible with residential. The proposed CBD/C-3 combination recognizes sensitivity to adjacent neighborhoods as it contains both residential and commercial elements. In addition, the city code contains buffer and setback requirements to residential that will provide additional sensitivity to existing neighborhoods. By definition, development in the CBD will be heavily reliant on pedestrian and bicycle access as these forms of transportation are more practical than auto in the subject area.

Policy 102.08. Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations. Compliance with this policy requires very little elaboration. The CBD/C-3 is a mixed use concept and the policy calls for mixed use transitional areas. The subject property is in between and immediately adjacent to industrial (to the west) and residential (to the east) and therefore, the application to change the subject property to CBD/C-3 is precisely what the city's Comprehensive Plan requires.

Policy 102.09. The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

See above response. Again the City's Comprehensive Plan not only supports the change, it requires it.

OBJECTIVE 104. REDEVELOPMENT AND INFILL DEVELOPMENT The City shall reduce blight and encourage redevelopment of underutilized areas and inefficient land use patterns through redevelopment, reuse, and/or removal and replacement of blighted structures and uses. The City will focus its redevelopment and infill efforts to encourage development in its already urbanized areas that provide housing near job centers, preserve open space, capitalize on existing community assets such as parks, create new community assets such as child-care centers, arts districts and shopping centers and removes the crime associated with vacant, underutilized or abandoned properties. The subject property is adjacent to nearby job centers and valuable historic resources. The current historic structure is nonconforming to the existing Industrial FLU and zoning and it is therefore difficult to improve the property as financing for non-conforming structures is not possible to obtain. If this effort to amend the FLU and zoning is deterred, and the industrial FLU and zoning remains, then blight will be inevitable, in direct conflict with this policy. Although the future of the existing structure is not guaranteed, it has a greater chance of survival if the financing to adaptively reuse is available.

OBJECTIVE 105. NONCONFORMING STRUCTURES, USES AND LOTS To promote re-use of structures that contribute to the character, diversity and sustainability of a neighborhood and to promote economic redevelopment by regulating structures and uses that do not conform to the current Plan or Land Development Code, but were lawfully established and in compliance with all applicable ordinances and laws at the time the structure was constructed and/or the use began, the City shall permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to eliminate nonconforming land uses. As stated in the above response, the decline and eventual removal of the structure on the subject property will be inevitable if there is no way for the current or future owner(s) to obtain financing to repair and/or adaptively re-use the structure. Considering that the use of the land as industrial conflicts with aforementioned policies regarding transitional uses and the protection of residential,

it is clear the solution is to eliminate the industrial zoning, not the use.

OBJECTIVE 5.04. COASTAL HIGH HAZARD AREAS (CHHA) The City shall protect property, residents, and visitors within the Coastal High Hazard Area. Protection shall be provided through appropriate designations on the Future Land Use Map to ensure that population is directed away from the coastal high hazard area, limitations on construction of infrastructure in the Coastal High Hazard Area, and coordination with hazard mitigation and post-disaster plans.

The subject property is not within the CHHA and therefore additional residential development in the area is not in conflict with Objective 5.04

OBJECTIVE 12.05. LAND USE AND INFRASTRUCTURE EXPANSION The City shall protect existing land designated for employment-generating uses, whether vacant or developed, from encroachment of incompatible uses and promote sustainable development and redevelopment of properties within its designated Job Opportunity Areas.

The existing FLU and zoning of Industrial could be considered a "job creating" land use and this policy seeks to limit the loss of job creating land uses. This state of affairs is ameliorated by two factors: 1) the current size of the industrial district (half block) makes use of the

industrial area for creating jobs limited at best and 2) the proposed CBD/C-3 will also have a commercial element that can provide jobs from primary and secondary economic impacts (people directly employed on subject property or economic development associated with subject property that spawns off-site employment).

In addition, I offer the following section from the City's Land Development Code, Community Redevelopment Area (CRA) section:

8.01.02 Amelia River Waterfront Community Redevelopment Area A. Purpose: It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area. In order to promote revitalization of the working waterfront and adjacent area.

In addition to complying with the Comprehensive Plan elements above, the subject property is within the CRA, which has a goal of providing a mix of uses and compatible with the design with the downtown area. The CBD/C-3 combination is tailored made for this use as it is the predominant zoning and land use within the downtown area.

In conclusion it is clear that the proposed Future Land Use and Zoning amendment for the subject property complies with the City's Comprehensive Plan and the CRA.

Attachment B



STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Susan Courtney McCranie, Daniel McCranie Sr., Marilyn Leibman				
AGENT:	Peter J. King, AICP				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	North 2 nd Street Community Redevelopment Area (CRA) properties – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	Parcel ID #: 00-00-31-1800-0008-0080 (Courtney McCranie) – 224 N. 2nd Street, Multifamily Structure (2,905 conditioned square feet) totaling 0.22 acres of land and constructed in the early 1900's- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft. Parcel ID #: 00-00-31-1800-0008-0050 (Daniel McCranie, Sr.) - Vacant totaling 0.15 acres of land , This property contains 2 underlying lots of record and measures approximately 50ft. x 125ft. Parcel ID #: 00-00-31-1800-0008-0020 (Leibman) - Vacant totaling 0.22 acres of land- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft.				
PROPERTY SIZE:	In total 0.59 acres of land are included within the applicant's request.				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
CRA PROPERTY	North	Warehouse	1980	I-1	Industrial (IND)
		Restaurant/Bar	1902		
CRA PROPERTY/ HISTORIC DISTRICT	South	Vacant and Non-Conforming Single Family Homes	Est. 1900	I-1	Industrial (IND)
CRA PROPERTY	West	Warehouse Storage	Est. 1900	I-1	Industrial (IND)
PORT PROPERTY (NOT IN THE CRA)		Warehouse Storage	1990		
CRA PROPERTY	East	Single Family and Multi-Family residential dwellings	Est. 1909- 1925	R-2	Medium Density Residential (MDR)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicants, Courtney McCranie, Daniel McCranie, Sr., and Marilyn Leibman, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 224 N. 2nd Street, and the vacant properties located on N.2nd Street (Exhibit A).

The action is requested in order to correct existing non-conforming use of the properties where a multi-family residential structure has existed for many years at 224 N. 2nd Street. The vacant lots located to the south of the multi-family structure are anticipated for infill development. All three (3) properties involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfll.us/CRA. Design review is handled through the Historic District Council. Although the structure located at 224 N. 2nd Street is not within the City's historic district, its location within the CRA would require that any request for demolition of the structure to be approved by the Historic District Council and follow all established procedures identified in LDC Section 8.03.03.01.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	Policy 4.01.02 All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

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

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Central Business District (CBD), 8 dwelling units per acre are supported at this time. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Under the requested action, a total of up to five (5) residential units could be constructed on the vacant properties. The property located at 224 N. 2nd Street contains a non-conforming multi-use structure with two (2) residential dwelling units at the present time.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

Any requested future land use category and corresponding zoning district containing residential density would serve to address the applicants' immediate need for continuing to occupy the existing structure for residential purposes. The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. Although, the properties located on the east side of the same block contain a future land use category of MDR and R-2 zoning, those properties are not located within the Community Redevelopment Area. The requested CBD land use/ C-3 zoning serves to create a transitional zoning district between the more intensive warehousing permitted in the Industrial (IND)/ I-1 properties to the west and the established residential homes to the east.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing public facilities within this area. The CRA established a



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

Finding of Necessity in 2005, one of the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. The requested Central Business District (CBD) land use category and C-3 zoning district serves to create a transitional step down the land use pattern from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Exhibit B – Sanborn Maps**), the applicant's request is the most appropriate land use and zoning district assignment under the City's current regulations.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;
- b. Zoning districts in the surrounding area;
- c. Demonstration of adequate water supply and water supply facilities;
- d. Appropriateness of the size of the parcel compared to the proposed use;
- e. Physical condition of the site, and the suitability of soils and topography for the proposed use;
- f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;
- g. Compatibility factors;
- h. Impact on adopted levels of service standards and quality of service standards; and
- i. Location in a Coastal Upland Protection Zone (CUPZ).

Within the area surrounding the applicants' properties are a range of existing uses including; a warehouse and storage area serving the port's needs to the west, warehousing for a light manufacturing business to the North, and restaurant/ bar located at the corner of Calhoun Street and N. 2nd Street. On the eastern block face are homes located within the City's downtown historic district.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.

Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement.



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

Policy 1.02.09.

The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The existing land use and zoning under Industrial/ I-1 of the subject properties is not compatible with the adjoining residential historic district properties to the east. The requested action provides a down-zoning or transition from the port's industrial operations to the adjoining residential areas. The most compatible land use and zoning designation for these CRA properties as well as the properties fronting Broome Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.

Central Business District (CBD)

- a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
- b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
- c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
- d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
- e. The intensity of non-residential development shall not exceed a FAR of 2.0.
- f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
 1. The need for additional land area within the Central Business District land use category;
 2. Consistency of the land area with the characteristics of the Central Business District; and;
 3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face (See Sanborn Map Exhibits). Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.



Reference: Johannes, J. (2000). *Yesterday's Reflections II Nassau County, Florida - A Pictorial History*. Fernandina Beach: Lexington Ventures, Inc.



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.

The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the existing residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

MOTIONS TO CONSIDER

I move to recommend (approval or denial) of PAB case number 2017-05 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-05 as presented, (is or is not) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

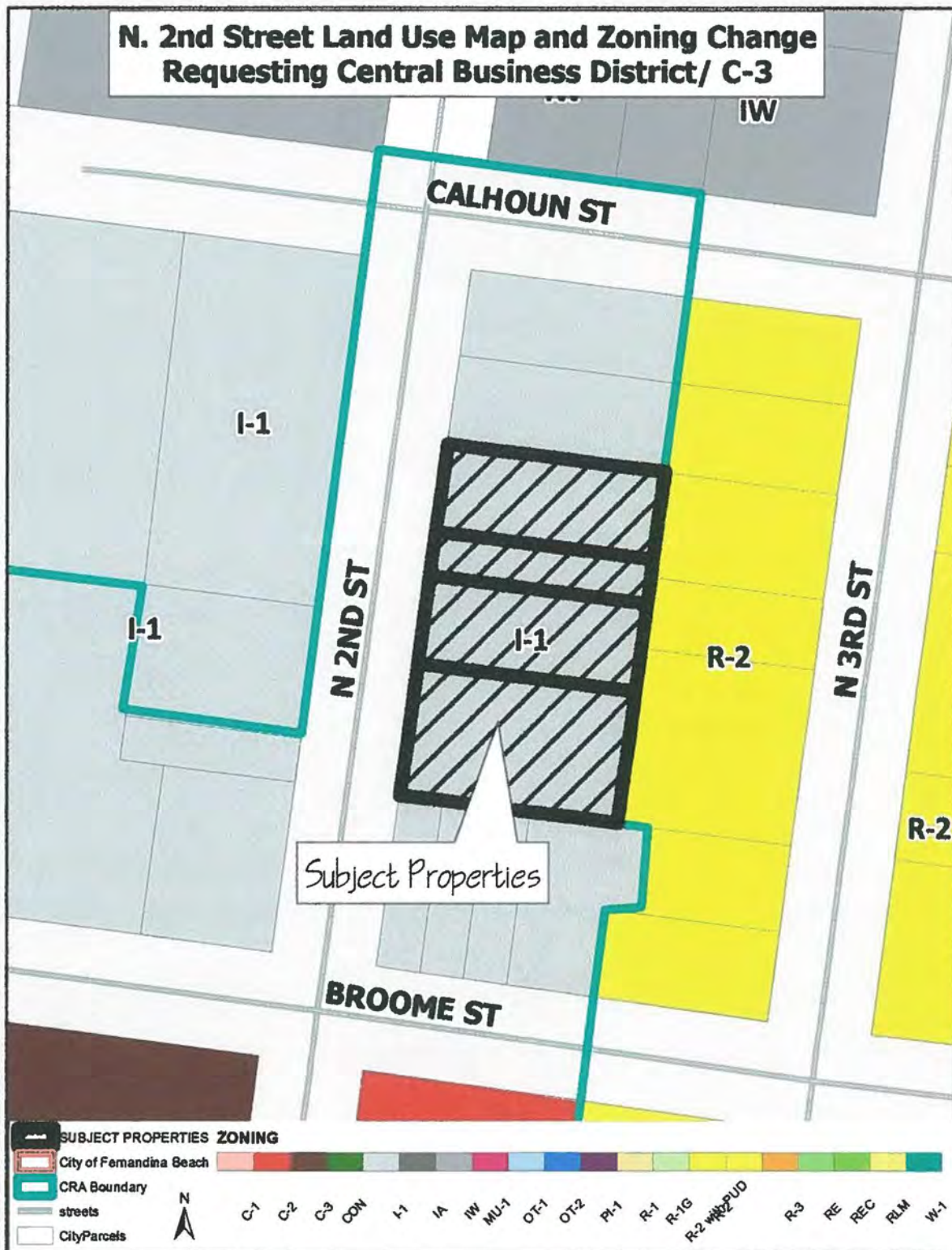
Submitted by:

Kelly N. Gibson
Senior Planner



STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

EXHIBIT A



Attachment C



STAFF REPORT
PAB (LU/CZ) 2017-03
Planning Advisory Board Hearing
February 8, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Robert and Loretta Erickson, James and Kerstin Clayton				
AGENT:	Robert and Loretta Erickson				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	211 Broome Street, 205 Broome Street, and Vacant Properties at corner of N. 2 nd Street and Broome Street – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Medium Density Residential (MDR)/ R-2				
EXISTING USES ON SITE:	211 Broome Street: Existing SF Home totaling approximately 1,487 ft² with an estimated year built of 1900 205 Broome Street: Existing Vacant SF Home totaling approximately 1,188 ft² with an estimated year built of 1900 Vacant Land located at the corner of N. 2nd Street and Broome Street				
PROPERTY SIZE:	Totaling 0.32 Acres Parcel ID #s: 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
CRA PROPERTY	North	Vacant Land	N/A	I-1	Industrial (IND)
CRA PROPERTY	South	Public Parking	2015	C-2	General Commercial (GC)
HISTORIC DISTRICT	East	Single Family Home	Est. 1900	R-2	Medium Density Residential (MDR)
CRA PROPERTY	West	Warehouse/Storage	Est. 1900	I-1	Industrial (IND)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Robert and Loretta Erickson, and Clayton, Et. Al, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Medium Density Residential (MDR) land use, and R-2 (Medium Density Residential) zoning designation for property located at 211 Broome Street, 205 Broome Street, and the vacant properties at N.2nd Street and Broome Street (Exhibit A).

The action is requested in order to correct existing non-conforming use of the properties where two (2) single family homes have existed for many years. The property at 211 Broome Street has retained its single family home use as a grandfathered use. The property located at 205 Broome Street has remained vacant and in a deteriorating state for several years. Under the City's LDC Section 10.01.02 (G), when a non-conforming use has



**STAFF REPORT
PAB (LU/CZ) 2017-03
Planning Advisory Board Hearing
February 8, 2017**

been discontinued for a period greater than 180 days, the property shall be brought into compliance with all sections of the LDC. The current property owners recently acquired the structure in order to restore it. At this time, they are seeking to use the property for residential purposes. In order to make this property conforming, a land use and zoning designation which contains residential density must be applied to the site. The properties to the west of the restored structure are vacant.

All four parcels involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	Policy 4.01.02 All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)
Fire-Rescue Services	240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)
Police and Law Enforcement Services	Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls



**STAFF REPORT
PAB (LU/CZ) 2017-03
Planning Advisory Board Hearing
February 8, 2017**

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Medium Density Residential (MDR), 8 dwelling units per acre are supported. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Therefore, if the property is changed to a land use category containing residential density, the vacant properties and 205 Broome Street property would have the benefit of construction a residential unit on each parcel, despite not being able to meet minimum "net density" requirements under the requested change. Under the requested action, a total of up to five (5) residential units could be constructed on the properties.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

Any requested future land use category and corresponding zoning district containing residential density would serve to address the applicants' immediate need for continuing to occupy the existing structures as single family homes. The applicant's requested land use of Medium Density Residential (MDR) and R-2 zoning fails to achieve the direction provided in policy statement 1.02.03, specifically subsections a and b. Although, the properties located on the east side of the same block contain a future land use category of MDR and R-2 zoning, those properties are not located within the Community Redevelopment Area.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing public facilities within this area. The CRA established a Finding of Necessity in 2005, one for the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action does not serve to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. Staff suggests that the applicant consider use of a transitional land use category and zoning district that



**STAFF REPORT
PAB (LU/CZ) 2017-03
Planning Advisory Board Hearing
February 8, 2017**

serves to step down the land use pattern from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Exhibit B – Sanborn Maps**), the most appropriate land use and zoning district assignment under the City's current regulations are the Central Business District (CBD)/ C-3 zoning.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;
- b. Zoning districts in the surrounding area;
- c. Demonstration of adequate water supply and water supply facilities;
- d. Appropriateness of the size of the parcel compared to the proposed use;
- e. Physical condition of the site, and the suitability of soils and topography for the proposed use;
- f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;
- g. Compatibility factors;
- h. Impact on adopted levels of service standards and quality of service standards; and
- i. Location in a Coastal Upland Protection Zone (CUPZ).

Within the area surrounding the applicants' property are a wide range of existing uses including; a warehouse and storage area serving the port's needs; public parking directly facing the properties; and vacant land within the CRA which historically contained a variety of uses. On the eastern block face are homes located within the City's downtown historic district. The existing land use and zoning under Industrial/ I-1 is certainly not compatible with the surrounding area and staff recognizes that this should be corrected through a land use and zoning change to a district which serves to provide a down-zoning or transition from the port's Industrial operations to the adjoining residential areas.

The most compatible land use and zoning designation for these properties as well as the properties fronting N. 2nd Street is Central Business District (CBD)/ C-3 zoning. The CBD/C-3 zoning designation exists diagonally from the applicants' properties and staff recognizes the need to assign the appropriate land use and zoning district for the public parking lots located on N. 2nd at Alachua Street and Broome Street in keeping with the direction to create and extend the urban core through the CRA.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested zoning is Medium Density Residential R-2, provides for residential land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.05 of the LDC states the intent of the R-2, Medium Density Residential, zoning classification. The R-2 District is intended for the development, redevelopment, or maintenance of stable medium-density residential neighborhoods. The medium-density residential designation includes a mixture of single- and multi-family structure types.



**STAFF REPORT
PAB (LU/CZ) 2017-03
Planning Advisory Board Hearing
February 8, 2017**

The R-2 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of several of the properties involved in the application. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be inconsistent with the Comprehensive Plan and Land Development Code, as it is an inappropriate extension of an exclusively residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends an incompatible zoning district to properties adjoining industrial and commercial land uses, instead a mixed land use and zoning designation should be considered. Further, the requested action does not serve to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a more harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

MOTIONS TO CONSIDER

I move to recommend (approval or denial) of PAB case number 2017-03 to the City Commission requesting a Future Land Use Map assignment of Medium Density Residential land use and R-2 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-03 as presented, (is or is not) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson
Senior Planner

MAP OF BOUNDARY SURVEY

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA AND KNOWN AND DESCRIBED ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS:

LOT THIRTY-ONE (31) AND LOT THIRTY-TWO (32), TOGETHER WITH THE NORTH ONE-HALF (N 1/2) OF LOT THIRTY (30), EXCEPT THE EAST SEVEN (7) FEET, IN BLOCK EIGHT (8), OF THE CITY OF FERNANDINA BEACH, FLORIDA.

PREPARED FOR:
CLAYTON PROPERTIES

LEGEND

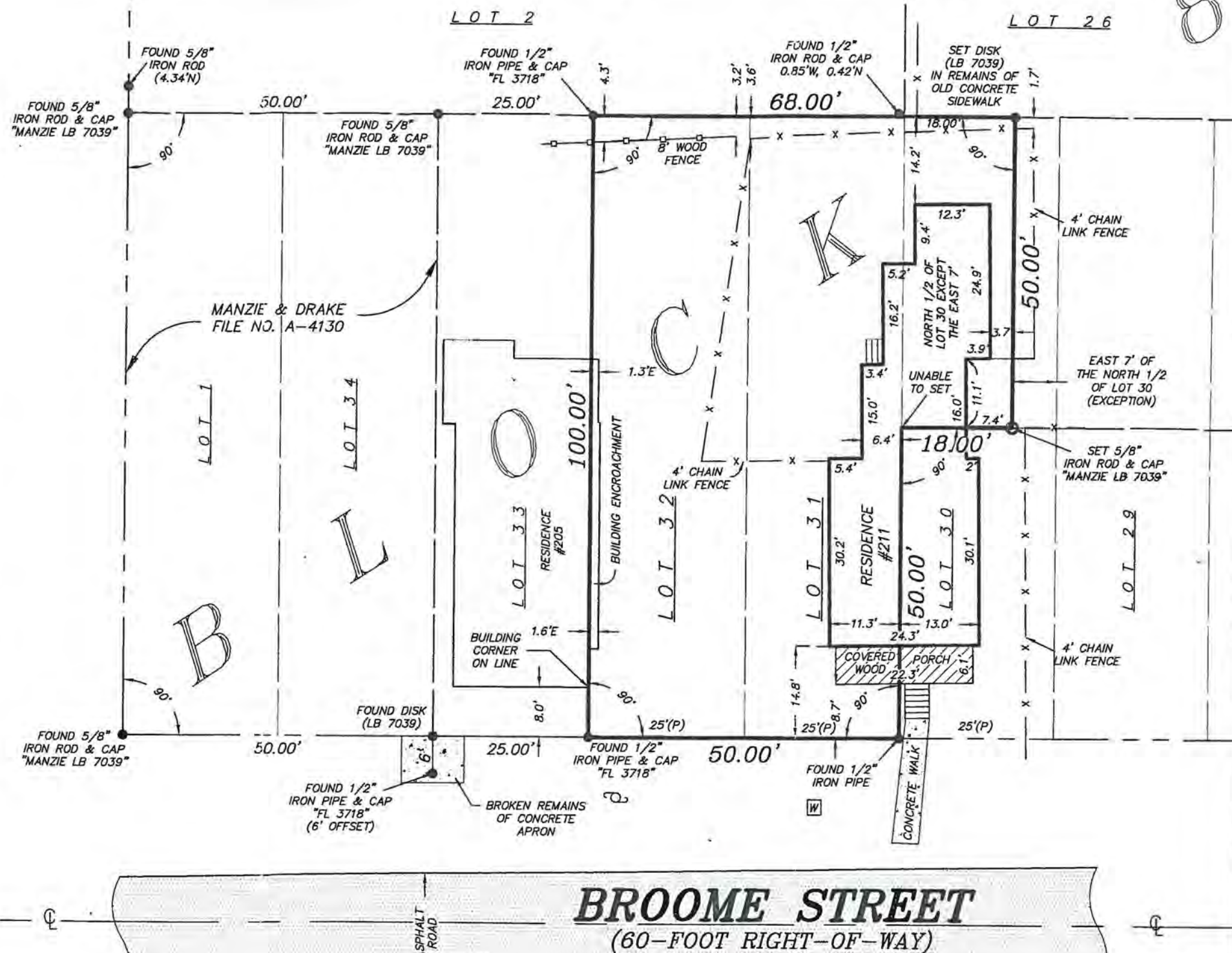
- CL = CENTERLINE
- x-x- = CHAIN LINK FENCE
- CONCRETE FLATWORK
- (P) = PLAT
- WM = WATER METER
- WO = WOOD OR VINYL FENCE
- WO = WOOD FLATWORK
- WP = WOOD POWER POLE
- 5/8" IRON ROD & CAP (LB 7039) SET

SURVEY NOTES:

- 1) The "Legal Description" hereon is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- 4) Internal lot angles shown hereon are based on recovered monumentation.
- 5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- 6) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C 0237 E, Dated 12/17/2010. Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- 7) This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.



NORTH SECOND STREET
(60-FOOT RIGHT-OF-WAY) PAVED



COPYRIGHT © 2016 BY MANZIE AND DRAKE LAND SURVEYING

THE INFORMATION SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

William D. Pinkston

- ☐ MICHAEL A. MANZIE, P.L.S. 4069
☒ WILLIAM D. PINKSTON, P.S.M. 6793



MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034

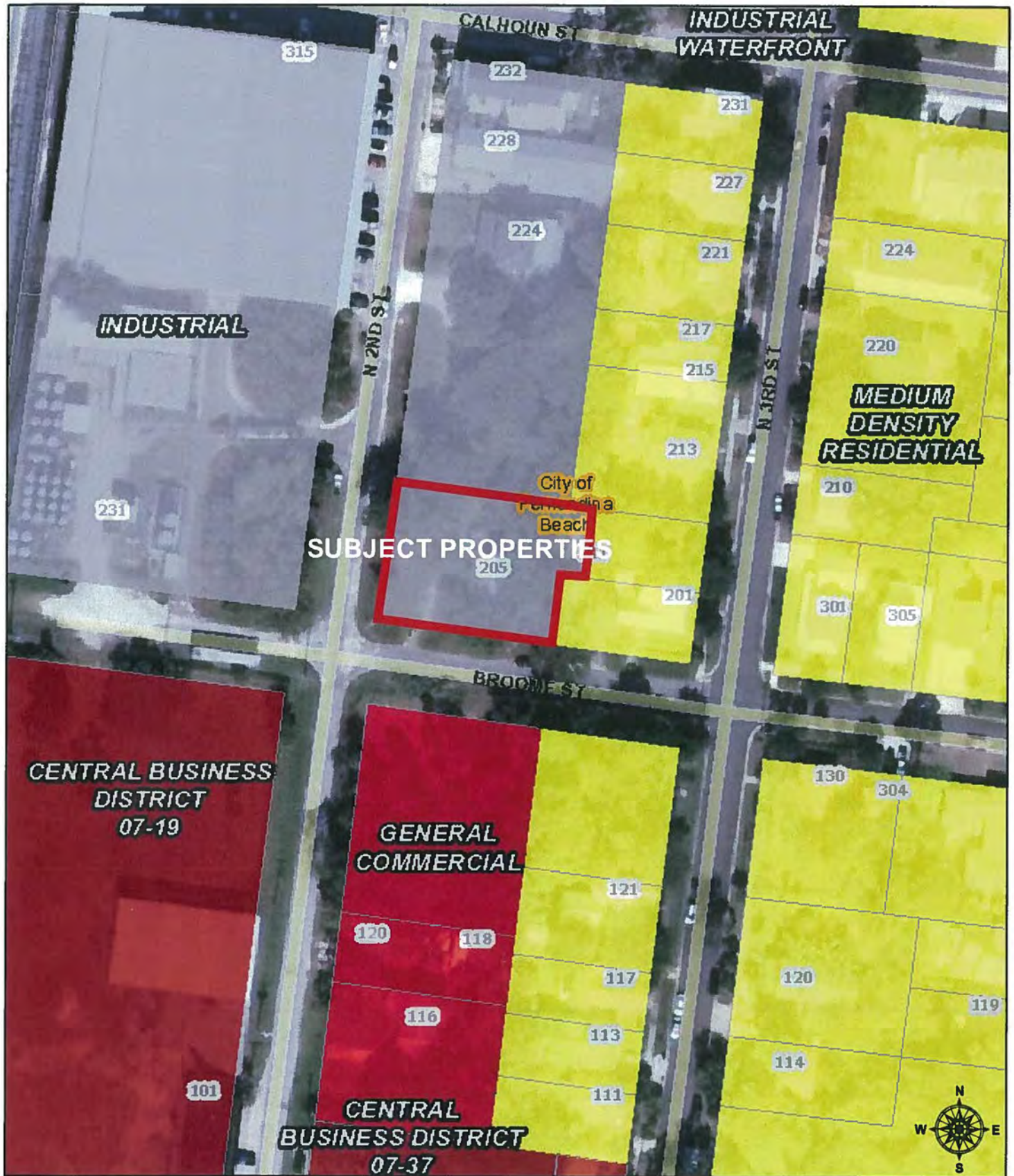
(904) 491-5700 FAX (904) 491-5777

Certificate of Authorization Number "LB 7039"

"OUR SIGHTS ARE ON THE FUTURE,
SET YOUR SITES ON US."

SCALE: 1"=20' JOB NO: 19686 DATE: 7/29/16 CADD: WKD
F.B. NO: X-289 PAGE NO: 34 FIELD CREW: SS FILE NO: A-4131

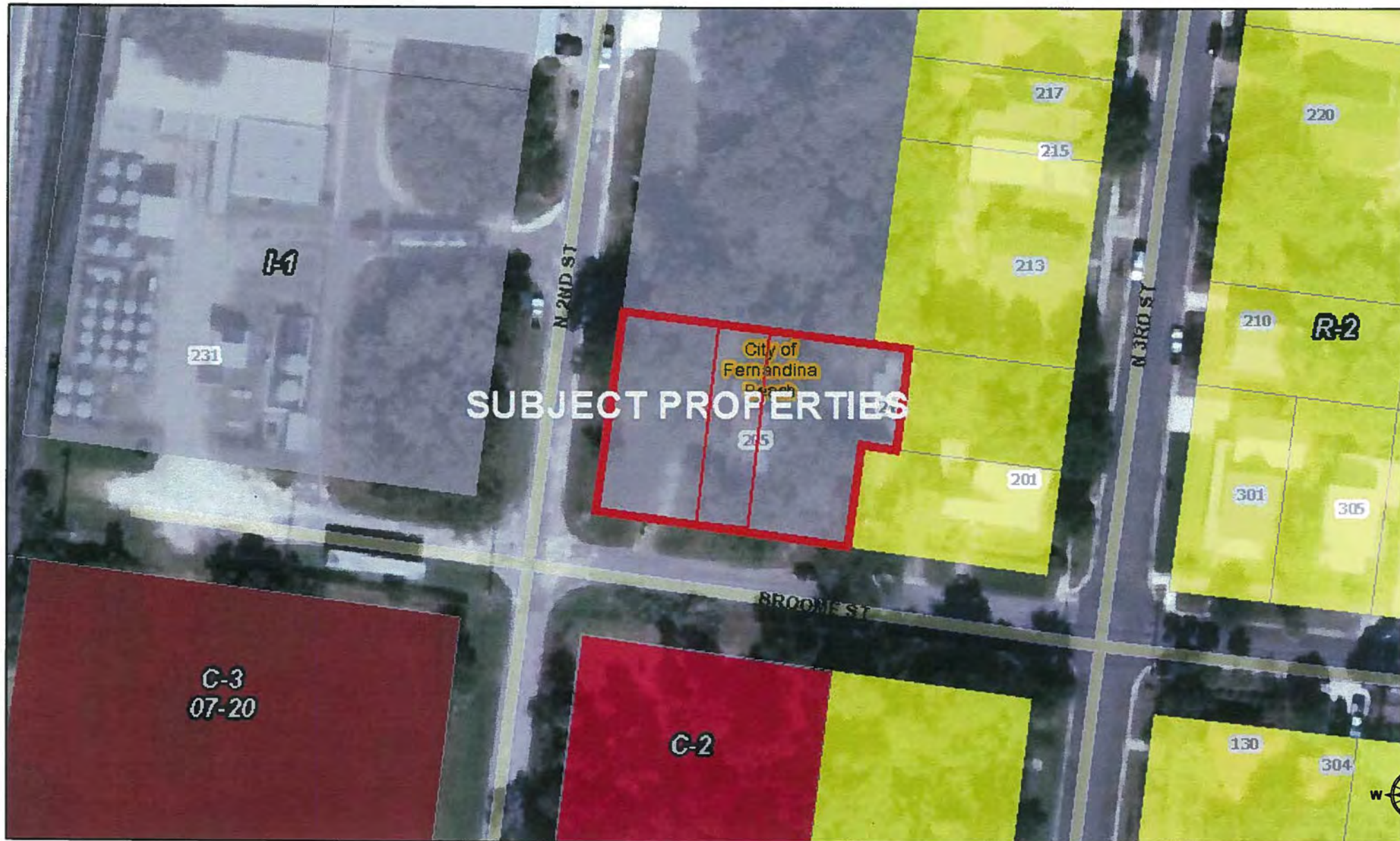
FUTURE LAND USE MAP



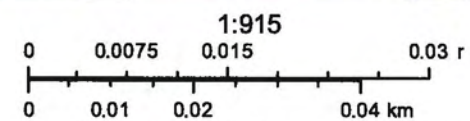
March 6, 2017

Land Parcels

ZONING MAP



March 6, 2017



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M NGCC, © OpenStreetMap contributors, and the GIS User Community

FLOOD MAP (2010 EFFECTIVE)

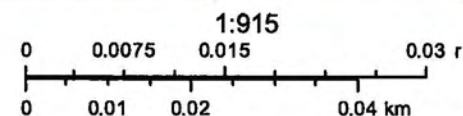


March 6, 2017

Flood Zones -Effective Dec.17th 2010, NAD 1988

-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD
-  A

-  AE
-  VE
-  X



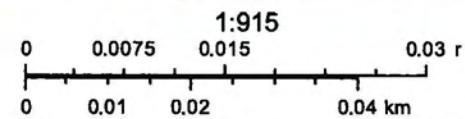
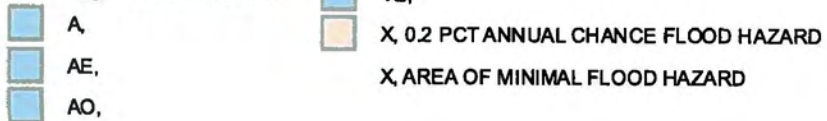
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

FLOOD MAP (2016 PRELIMINARY)



March 6, 2017

Preliminary Flood Zones 2016



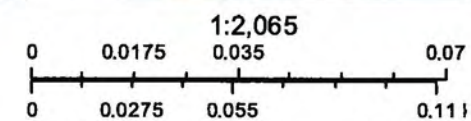
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

SOILS MAP



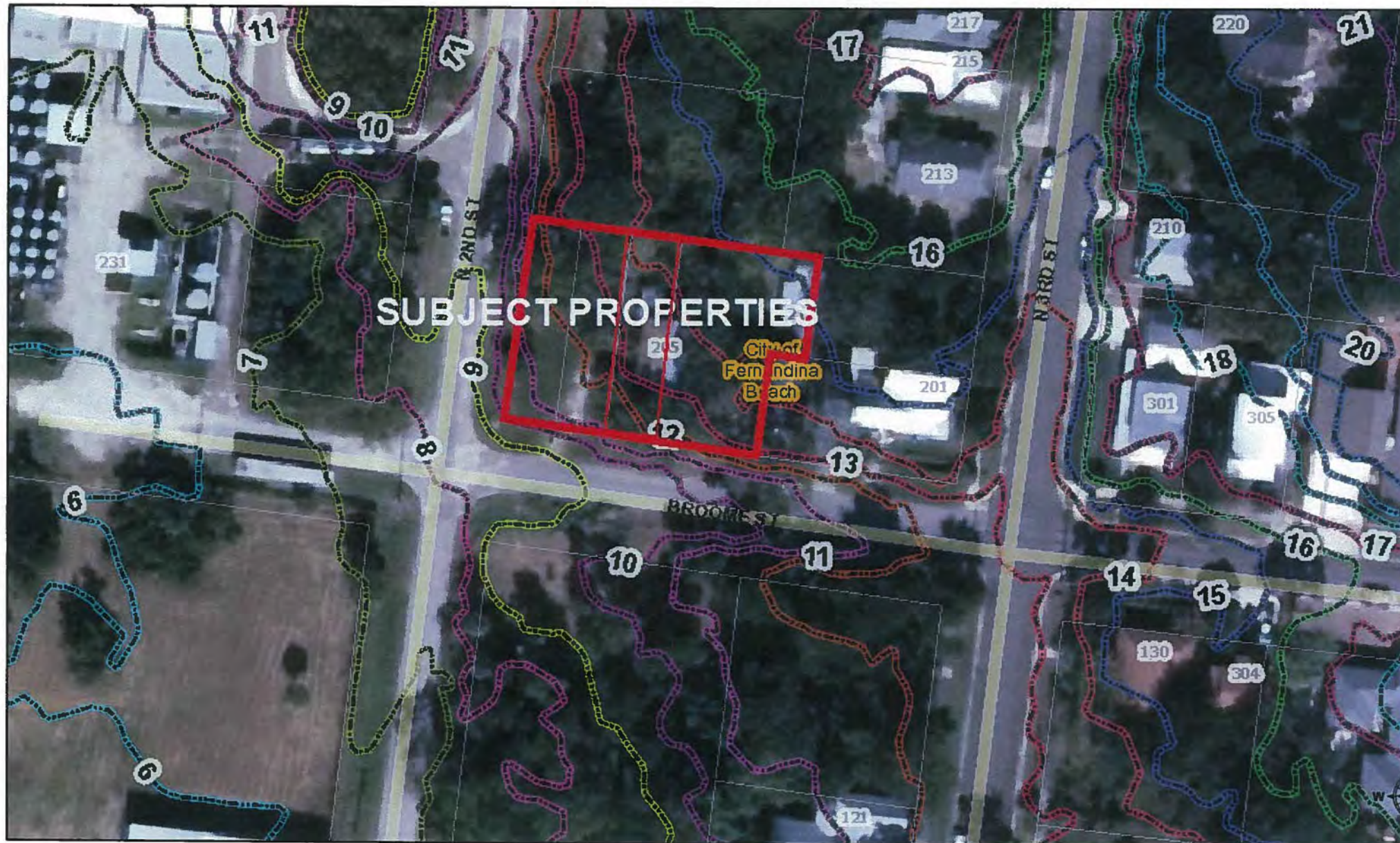
March 6, 2017

- Land Parcels
- Nassau Soils



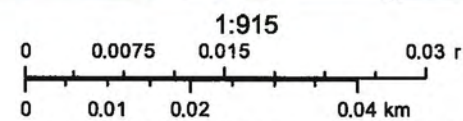
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MNGCC, © OpenStreetMap contributors, and the GIS User Community

TOPOGRAPHICAL MAP



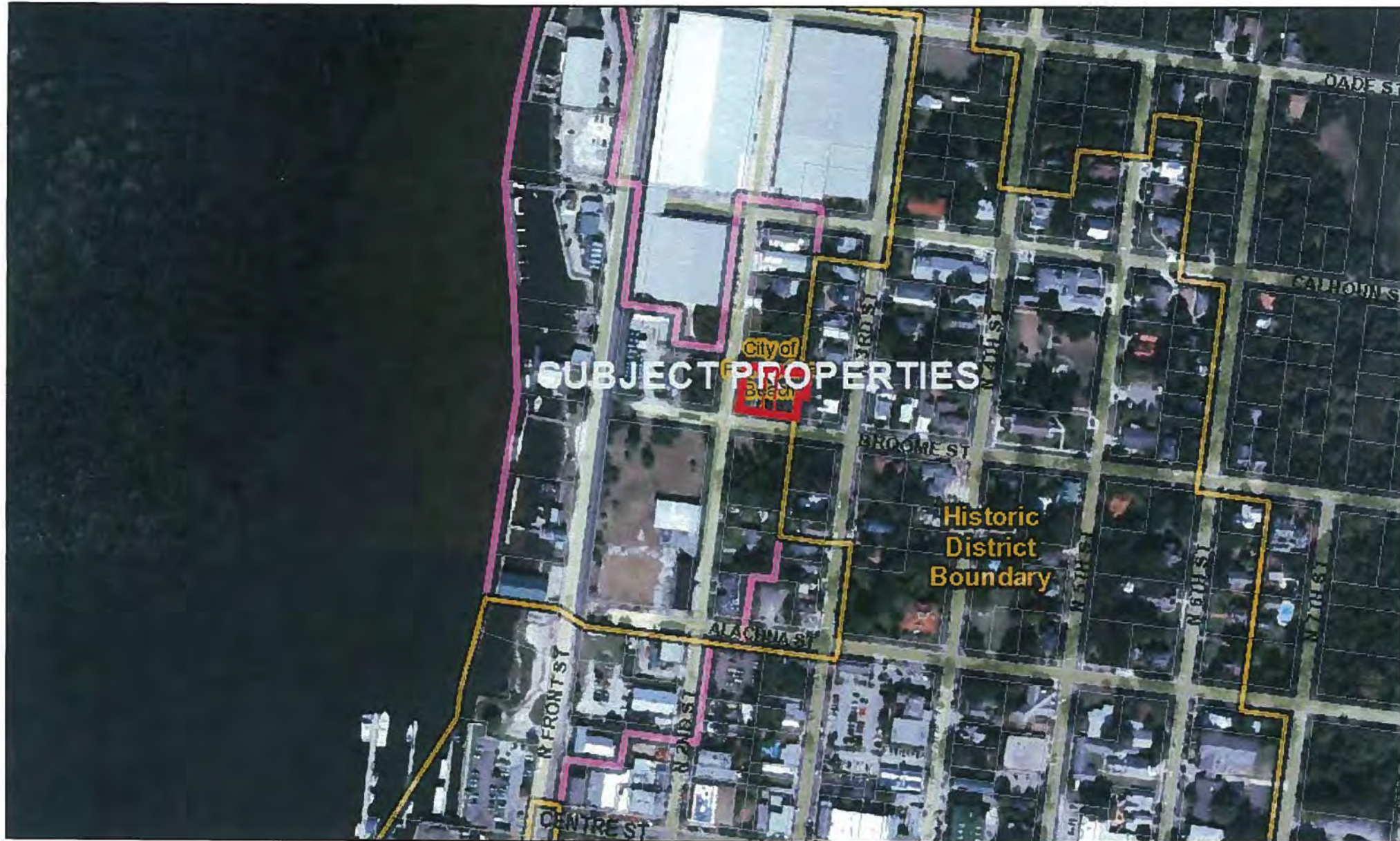
March 6, 2017

□ Land Parcels



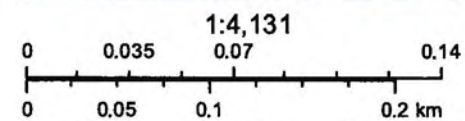
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), M NGCC, © OpenStreetMap contributors, and the GIS User Community

CRA/HDC MAP



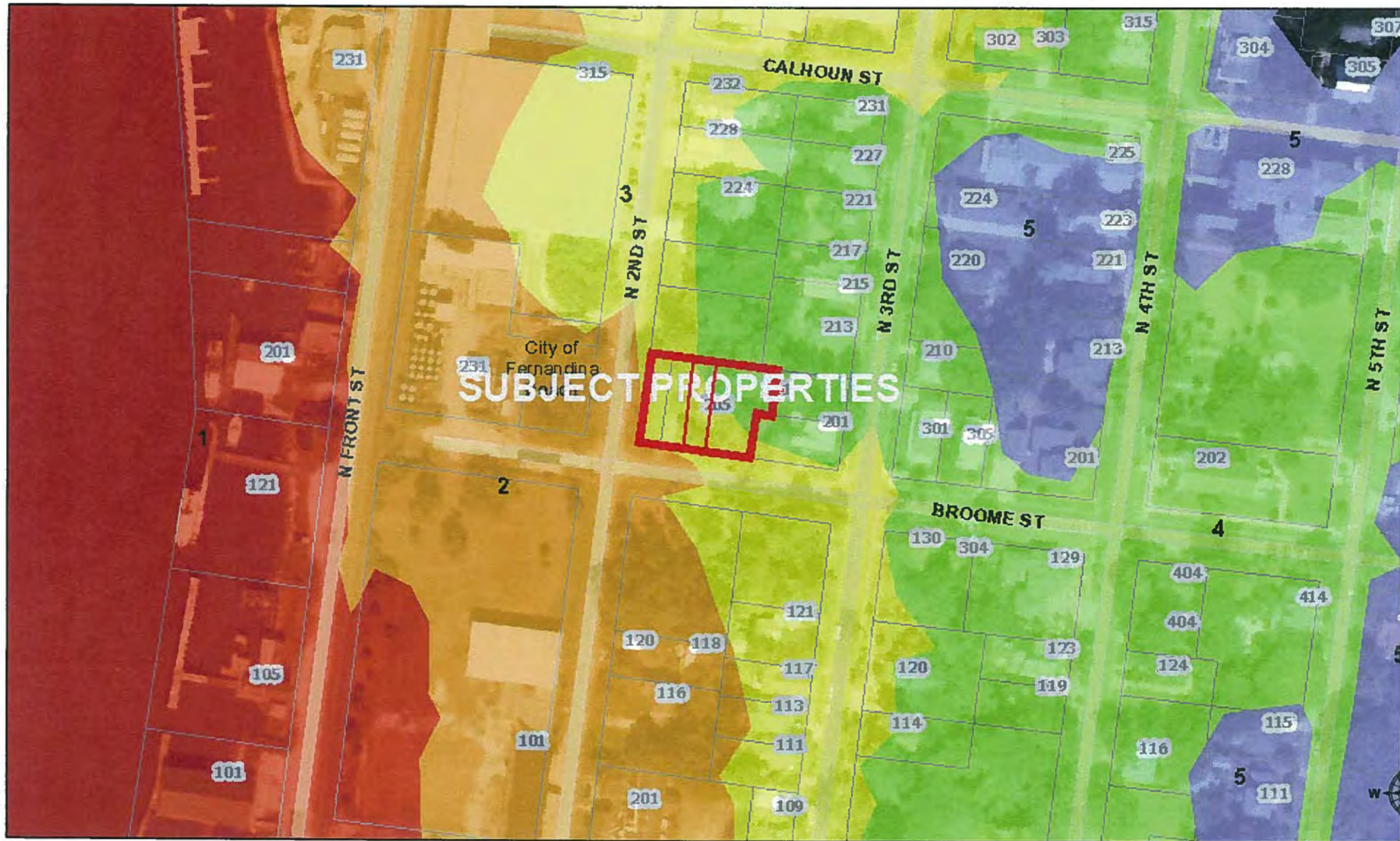
March 6, 2017

- City of F.B. Historic District
- City of F.B. Community Development District

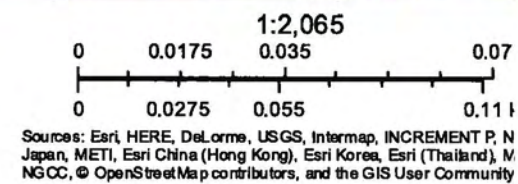


Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

COASTAL HIGH HAZARD MAP (STORM SURGE)



March 6, 2017

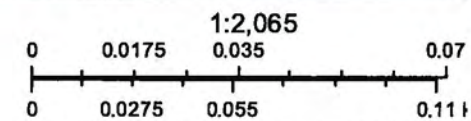


FIRE HYDRANT LOCATION MAP



March 6, 2017

- Land Parcels
- Water Hydrant



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

MAP OF BOUNDARY SURVEY

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA AND KNOWN AND DESCRIBED ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS:

LOT THIRTY-ONE (31) AND LOT THIRTY-TWO (32), TOGETHER WITH THE NORTH ONE-HALF (N 1/2) OF LOT THIRTY (30), EXCEPT THE EAST SEVEN (7) FEET, IN BLOCK EIGHT (8), OF THE CITY OF FERNANDINA BEACH, FLORIDA.

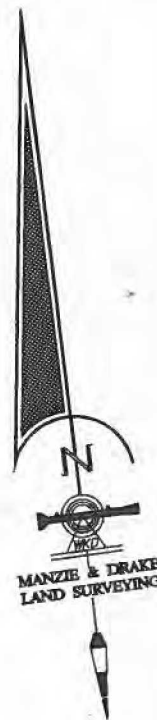
PREPARED FOR:
CLAYTON PROPERTIES

LEGEND

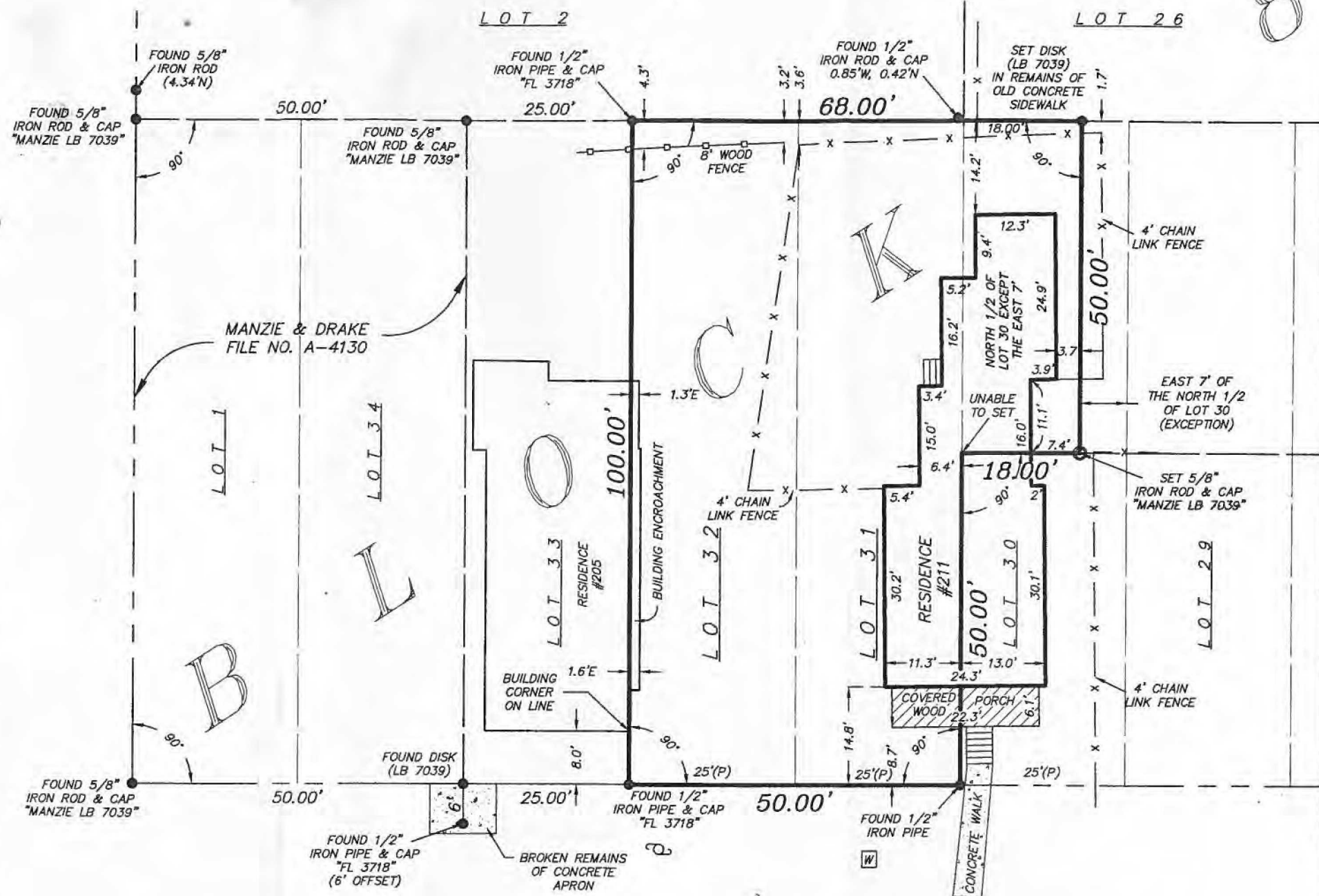
- CL = CENTERLINE
- x-x- = CHAIN LINK FENCE
- ▨ = CONCRETE FLATWORK
- (P) = PLAT
- WM = WATER METER
- = WOOD OR VINYL FENCE
- ▨ = WOOD FLATWORK
- ⊙ = WOOD POWER POLE
- ⊙ = 5/8" IRON ROD & CAP (LB 7039) SET

SURVEY NOTES:

- 1) The "Legal Description" hereon is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- 4) Internal lot angles shown hereon are based on recovered monumentation.
- 5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- 6) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C 0237 E, Dated 12/17/2010. Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- 7) This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.



NORTH SECOND STREET
(60-FOOT RIGHT-OF-WAY) PAVED



BROOME STREET
(60-FOOT RIGHT-OF-WAY)

COPYRIGHT © 2016 BY MANZIE AND DRAKE LAND SURVEYING

THE INFORMATION SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

William D. Pinkston

- ☐ MICHAEL A. MANZIE, P.L.S. 4069
- ☒ WILLIAM D. PINKSTON, P.S.M. 6793



MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034

(904) 491-5700 FAX (904) 491-5777

Certificate of Authorization Number "LB 7039"

"OUR SIGHTS ARE ON THE FUTURE,
SET YOUR SITES ON US."

SCALE: 1"=20' JOB NO: 19686 DATE: 7/29/16 CADD: WKD
F.B. NO: X-289 PAGE NO: 34 FIELD CREW: SS FILE NO: A-4131

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

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
Judith Lane
Wayne L. Peterson
Jenny Schaffer (Alt 2)

David Beal, Vice-Chair
Benjamin Morrison
Donna Lewis (Alt 1)

Others Present

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

Chair Bennett announced that Member Peterson will be leaving the meeting around 6:00 p.m. and Member Lewis will be seated in his place.

2. **Review and Approval of February 11, 2016 Regular Meeting Minutes – A motion was made by Member Beal, seconded by Member Lane to approve as presented. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

4. **New Business**

- 4.1 **PAB 2017-03: 211 BROOME STREET, 205 BROOME STREET, VACANT PROPERTIES AT CORNER OF N. 2ND STREET AND BROOME STREET – REQUEST CHANGES FOR A FUTURE LAND USE MAP AMENDMENTS AND ZONING MAP AMENDMENT.**

Ms. Gibson introduced herself and presented the case. She explained that this case is for a Small Scale Land Use and Zoning Change for the properties located at the corner of Broome Street and N. 2nd Street totaling approximately .32 acres currently containing Industrial (ind) and I-1 zoning to medium density residential (MDR) and R-2 zoning. She also mentioned that 2 of the 4 properties in the applicants request are single family built in the 1900's; one being occupied retaining a grandfathered status under the Industrial Land Use and Zoning, the other being vacant for more than 6 months and in a deteriorating state for several years. Ms. Gibson mentioned that the owner's purpose of the request is for these properties to be used for residential purposes which are not allowed within the Industrial zoning.

Ms. Gibson then explained that these parcels are located within the City's Amelia River Waterfront Community Redevelopment Area (CRA) and that future structures constructed on vacant properties must comply with LDC provisions specific to CRA properties mainly Finding of Necessity and transitional zoning district for the area of N. 2nd Street. Ms. Gibson noted that across from the subject properties there currently is an improved municipal public parking lot which usage is anticipated to increase considering the redevelopment activity in the specific corridor.

Ms. Gibson summarized that because of non-compatibility of the current Industrial/A-1 zoning with the current existing usage surrounding the applicants' properties, she recommended that a move to a transitional mixed use zoning district of Central Business District (CBD) and C-3 zoning be approved.

Member Lane and Chair Bennett asked if these properties were still part of the CRA. Member Morrison asked about the request from the applicant being a zoning change to R-2 and Staff's recommendation of (CBD) C-3 zoning and the Board's recommendation to the City Commission.

Member Lane voiced concerns about the transition from industrial zoning to residential and would support a mixed use zoning. Member Beal asked Staff to explain the benefit between R-2 and C-3. Ms. Gibson explained that the applicants are requesting usage for residential and C-3 provides that usage while the C-3 zoning standards would be achieved much easier than R-2 standards. A short discussion ensued regarding properties within the CRA not necessarily being in the Historic District.

Member Morrison asked if these properties were included in the recent item withdrawn from the last agenda regarding change in zoning to CBD. Staff confirmed that the request was a City initiated application to rezone these properties on the property owner's behalf since they were located in the CRA and avoid separate applications. Ms. Gibson then added that property owners had been notified by mail with no request for formal signatures from owners acknowledging or approving that change.

Member Lane asked Ms. Gibson if Staff explained the benefits of R-2 and C-3.

Robert Erickson, 30 S. 3rd Street, owner of 205 Broome Street, explained his 2 year experience in restoring their present house. He then explained that when they purchased this property on Broome Street he always had intention to use it as a residence. He explained that he approached the adjoining owners to join him with this application and was happy when the City's zoning change request was submitted to only be very disappointed when it was withdrawn. He then explained his decision for applying for the R-2 zoning change and that after speaking with Ms. Gibson he found that C-3 also gives the applicants what they are seeking which is residential use while respecting the transitional zoning required in the CRA; he subsequently made the request to the board to amend his application to a C-3 zoning change request.

James Clayton, 120 N. 10th Street, owner of 211 Broome Street, explained that his objective is to be able to build a residence either with R-2 or C-3.

Lawrence Holmes, partial owner of 211 Broome Street, expressed support for the area in question to allow residential usage. Chair Bennett commented about C-3 zoning impacting on abutting properties. Ms. Gibson clarified that there are additional standards within the CRA for abutting residential non-CRA properties such as recess requirements and design requirements.

Member Lane asked that all applicants clarify with the Board that they understand the difference between R-2 and C-3. All applicants confirmed that they understood.

Member Beal asked about parking requirements and Ms. Gibson clarified that under the CRA there is an obligation to provide for parking.

Public Hearing was then opened.

Mr. Chip Ross, 210 N. 3rd Street, mentioned that as an affected property owners residing 167 feet from this property he has certain rights under the Florida Statutes, presented a power point presentation of

surrounding properties along with covering several points such as, what is the task of the PAB, what standards does the Board go by, the application's request and the sections it affects, requirements of the CBD zoning, Standards of R-2 compared to C-3. He then asked the Board to support residential zoning.

Peter King, representative for 3 property owners of properties fronting N. 2nd Street, disclosed his background as ASEP Planner and Planning Director for Nassau County, he then explained that although he appreciated the previous presentation it only presented the portions of the comprehensive plan that complied with the application and didn't present the portions that didn't comply with the comprehensive plan which includes requirements for transitional use. Mr. King explained his support for the C-3 zoning changed since it meets what the applicant is seeking and that unlike the R-2 zoning, C-3 zoning meets all the requirements of the Comprehensive Plan as the R-2 does not meet the requirements of the Comprehensive Plan nor does it meet the recommendations of Staff.

Public Hearing was then closed.

Robert Erickson, commented on 2 notes from Mr. Ross' presentation.

Lawrence Holmes, asked about the differences between R-2 and C-3. Ms. Gibson explained. Member Morrison then suggested that a motion could be presented and since this would have to be presented to the City Commission for approval, the owner would have time to do its due diligence and seek a clear a concise definition of the C-3 zoning requirements. Member Peterson agreed with Mr. Morrison.

The Board discussed concerns about what was advertised and the amendment done during the meeting. It was then explained by Staff and City Attorney Bach that first reading at the City Commission will be advertised in the newspaper with any updates to this request. Further discussion ensued about historic district guidelines, contributing and non-contributing structures, CRA guidelines the impact of these guidelines with C-3.

Member Beal asked about buffer requirements on these subject properties regarding C-3 zoning and also mentioned that he feels the CBD need to expand. Staff then provided more information about buffer requirements which satisfied Member Beal's concerns.

Chair Bennett voiced his opposition to the C-3 zoning change because of possibility of large scale development to the north. Board members discussed this possibility further.

A motion was made by Member Lane, seconded by Member Peterson, to recommend approval of PAB case number 2017-03 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning as requested by the applicant from Industrial land use and I-1 as described and that PAB case 2017-03 as presented, is sufficiently compliant with modifications applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as followed:

<i>Member Morrison:</i>	<i>Aye</i>
<i>Member Peterson:</i>	<i>Aye</i>
<i>Member Beal:</i>	<i>Aye</i>
<i>Member Lane:</i>	<i>Aye</i>
<i>Chair Bennett:</i>	<i>Nay</i>

Motion carried.

At this point and time, Member Peterson departed.

5. Board Business –

Member Beal addressed 3 points, first he inquired about a metal clad building at the corner of Indigo and S. 7th Street which is zoned MU1 and was permitted as a single family, mentioning that it might be time to revisit a compatibility survey. Ms. Gibson noted that this property is now in a MU8 zoning. Secondly, Member Beal mentioned that the crosswalk at Citrona Drive is now done. Lastly, he inquired about the process to remove a dead tree.

Chair Bennett asked about 2 structures north of Sliders on S. Fletcher which have been connected. Ms. Gibson guessed that it could be an accessory structure that has been connected to the main structure.

6. Staff Report

7. Comments by the public

Chip Ross, 210 N. 3rd Street, asked about changes made to the LDC after repeated changes were presented to an application. City Attorney answered that the PAB and City Commission only changed the LDC to provide for a completeness and sufficiency review process.

8. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 6:38 pm.

Secretary

Mark Bennett, Chair

May 24, 2017 Newsheader. Edition



NOTICE OF PUBLIC HEARING CITY COMMISSION CITY OF FERNANDINA BEACH

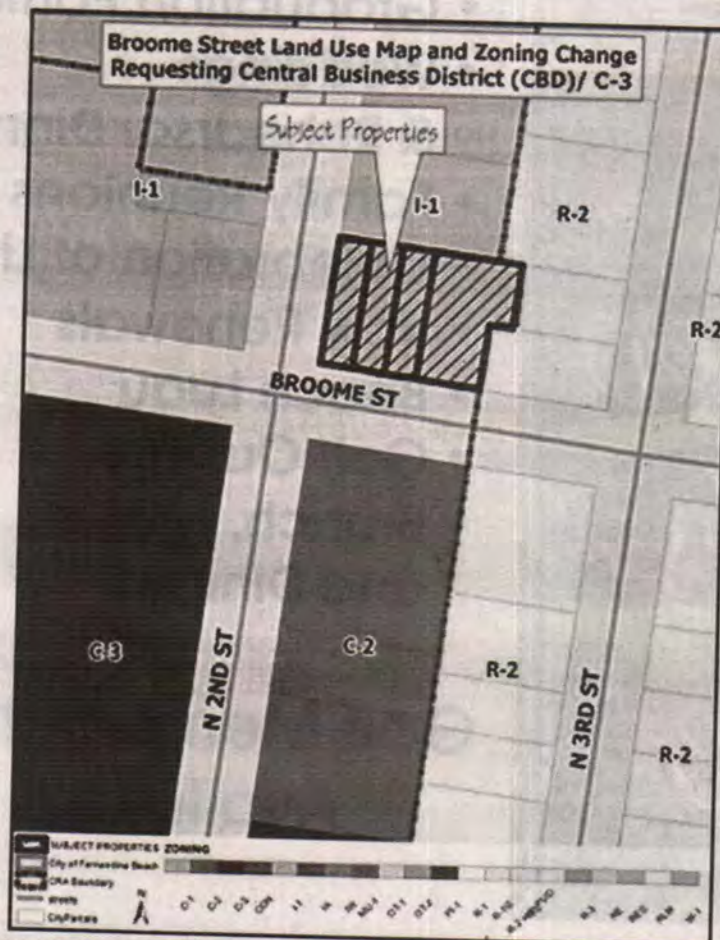
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, June 6, 2017, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2017-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



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

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

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

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Ordinance
Future Land Use Map Amendment - Broome Street

2017-13

ITEM TYPE: Ordinances

REQUESTED ACTION: Enact Ordinance 2017-13 at Second Reading.

SYNOPSIS: The applicant, Robert and Loretta Erickson, and Clayton, Et. Al, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 211 Broome Street, 205 Broome Street, and the vacant properties at North 2nd Street and Broome Street .

The action is requested in order to correct existing non-conforming use of the properties where two single family homes have existed for many years. The property at 211 Broome Street has retained its single family home use as a grandfathered use. The property located at 205 Broome Street has remained vacant and in a deteriorating state for several years. The Planning Advisory Board considered the request at its Regular Meeting on April 12, 2017, and issued a recommendation of approval (4-1).

Staff finds the request consistent with the CRA Plan for eliminating inefficient and outdated land uses as well as Comprehensive Plan policy statements 1.01.02, 1.02.03, 1.02.04, 1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02 and recommends approval.

The City Commission approved this Ordinance at First Reading on May 2, 2017.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2017-13 at Second Reading.

Dale Martin, City Manager

Tammi Bach, City Attorney

Tammi E. Bach, City Attorney

Date: 05/23/2017

COMMISSION ACTION: Enact

ORDINANCE 2017-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Zoning Map Change application numbered PAB 2017-05 at its Regular Meeting on April 12, 2017, and by a vote of 4-1 recommended approval of the change to Central Business District (C-3) zoning; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 22, 2017; and

WHEREAS, City Planning staff found the applicant's request to be consistent with the direction of the Community Redevelopment Area Plan for eliminating inefficient land use patterns as well as consistency with Comprehensive Plan policies 1.01.02, 1.02.03, 1.02.04, 1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02.

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

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Zoning Map is located in the City's Amelia River Waterfront Community Redevelopment Area and identified as Parcel ID numbers 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, and 00-00-31-1800-0008-0010 totaling approximately 0.32 acres, and as shown on the map attached hereto as Exhibit "A".

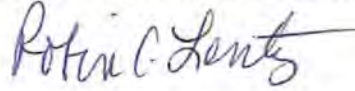
SECTION 2. ZONING MAP CHANGE. For the properties in question, the City's Zoning Map is hereby changed to Central Business District (C-3).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 6th day of June, 2017.

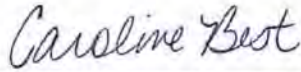
CITY OF FERNANDINA BEACH



ROBIN C. LENTZ
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



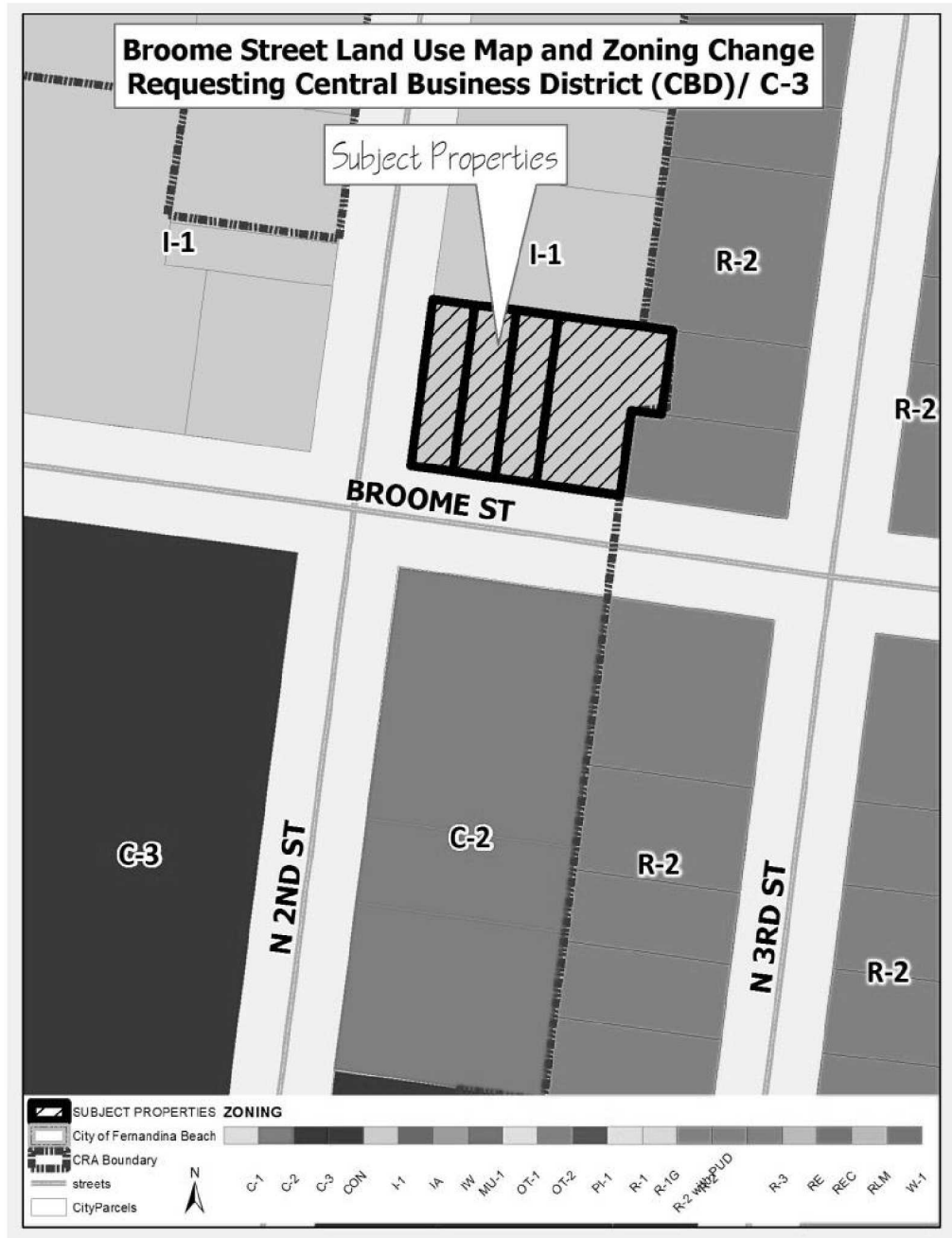
CAROLINE BEST
City Clerk



TAMMI E. BACH
City Attorney

**ORDINANCE 2017-14
EXHIBIT "A"**

REQUEST FOR A ZONING MAP CHANGE FOR 0.32 ACRES OF LAND FROM INDUSTRIAL (I-1) TO CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES LOCATED BROOME STREET AS PARCEL ID#S 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, AND 00-00-31-1800-0008-0010.





STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Robert and Loretta Erickson, James and Kerstin Clayton				
AGENT:	Robert and Loretta Erickson				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	211 Broome Street, 205 Broome Street, and Vacant Properties at corner of N. 2 nd Street and Broome Street – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	211 Broome Street: Existing SF Home totaling approximately 1,487 ft² with an estimated year built of 1900 205 Broome Street: Existing Vacant SF Home totaling approximately 1,188 ft² with an estimated year built of 1900 Vacant Land located at the corner of N. 2nd Street and Broome Street				
PROPERTY SIZE:	Totaling 0.32 Acres Parcel ID #s: 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
CRA PROPERTY	North	Vacant Land	N/A	I-1 Pending C-3 Zoning Request (PAB Case# 2017-05)	Industrial (IND) Pending CBD FLUM Request (PAB Case# 2017-05)
CRA PROPERTY	South	Public Parking	2015	C-2	General Commercial (GC)
HISTORIC DISTRICT	East	Single Family Home	Est. 1900	R-2	Medium Density Residential (MDR)
CRA PROPERTY	West	Warehouse/Storage	Est. 1900	I-1	Industrial (IND)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Robert and Loretta Erickson, and Clayton, Et. Al, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 211 Broome Street, 205 Broome Street, and the vacant properties at N.2nd Street and Broome Street (**Exhibit A**).

The action is requested in order to correct existing non-conforming use of the properties where two (2) single family homes have existed for many years. The property at 211 Broome Street has retained its single family



STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017

home use as a grandfathered use. The property located at 205 Broome Street has remained vacant and in a deteriorating state for several years. Under the City's LDC Section 10.01.02 (G), when a non-conforming use has been discontinued for a period greater than 180 days, the property shall be brought into compliance with all sections of the LDC. The current property owners recently acquired the structure in order to restore it. At this time, they are seeking to use the property for residential purposes. In order to make this property conforming, a land use and zoning designation which contains residential density must be applied to the site. The properties to the west of the restored structure are vacant.

All four parcels involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	Policy 4.01.02 <i>All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.</i>
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)
Fire-Rescue Services	240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)



STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017

**Police and Law
Enforcement Services**

Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Medium Density Residential (MDR), 8 dwelling units per acre are supported. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Therefore, if the property is changed to a land use category containing residential density, the vacant properties and 205 Broome Street property would have the benefit of construction a residential unit on each parcel, despite not being able to meet minimum "net density" requirements under the requested change. Under the requested action, a total of up to five (5) residential units could be constructed on the properties.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. The requested CBD land use/ C-3 zoning serves to create a transitional zoning district between the more intensive warehousing permitted in the Industrial (IND)/ I-1 properties to the west and the established residential homes to the east. The request is consistent with the Comprehensive Plan's policy statement 1.02.03, the configuration of the property by lot/block as well as the characteristics of the subject properties are in keeping with other properties found within the CBD.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing public facilities within this area. The CRA established a Finding of Necessity in 2005, one for the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.



**STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017**

The applicant's requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. The applicant's requested for a transitional land use category and zoning district serves to provide a logical step down in the land use patterns from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Sanborn Maps Exhibits**), the most appropriate land use and zoning district assignment under the City's current regulations are the Central Business District (CBD)/ C-3 zoning.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;**
- b. Zoning districts in the surrounding area;**
- c. Demonstration of adequate water supply and water supply facilities;**
- d. Appropriateness of the size of the parcel compared to the proposed use;**
- e. Physical condition of the site, and the suitability of soils and topography for the proposed use;**
- f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
- g. Compatibility factors;**
- h. Impact on adopted levels of service standards and quality of service standards; and**
- i. Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' property are a wide range of existing uses including; a warehouse and storage area serving the port's needs; public parking directly facing the properties; and vacant land within the CRA which historically contained a variety of uses. On the eastern block face are homes located within the City's downtown historic district. The properties existing land use and zoning under Industrial/ I-1 is not compatible with the surrounding area. The applicant's requested action serves to provide a down-zoning or transition from the port's industrial operations to the adjoining residential areas.

The most compatible land use and zoning designation for these properties as well as the properties fronting N. 2nd Street is Central Business District (CBD)/ C-3 zoning. The CBD/C-3 zoning designation exists diagonally from the applicants' properties as part of the former Standard Marine property on North 2nd Street between Alachua and Broome Streets. Staff recognizes the need to assign the appropriate land use and zoning district of Central Business District (CBD)/ C-3 zoning to the public parking lots located at the corners of N. 2nd at Alachua Street and Broome Streets in keeping with the direction to create and extend the urban core through the CRA. Staff intends to file an application to correct the land use and zoning for these properties in 2017.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.

Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.



**STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017**

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. By definition of the land use category requested, Central Business District (CBD) allows for a mixed use urban development pattern. Assignment of this land use category not only corrects the existing non-conformities on the subject properties, but it also permits the historic built pattern of this area to be realized through future redevelopment efforts whereby commercial and residential coexist. **(See Sanborn Maps Exhibits)**

Policy 1.02.09.

The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The existing land use and zoning under Industrial/ I-1 of the subject properties is not compatible with the adjoining residential historic district properties to the east. The requested action provides a down-zoning or transition from the port's industrial operations to the adjoining residential areas. The most compatible land use and zoning designation for these CRA properties as well as the CRA properties fronting North 2nd Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.

Central Business District (CBD)

- a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
- b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
- c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
- d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
- e. The intensity of non-residential development shall not exceed a FAR of 2.0.
- f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
 1. The need for additional land area within the Central Business District land use category;
 2. Consistency of the land area with the characteristics of the Central Business District; and;
 3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face **(See Sanborn Map Exhibits)**.



STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017

Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.



Reference: Johannes, J. (2000). *Yesterday's Reflections II Nassau County, Florida - A Pictorial History*. Fernandina Beach: Lexington Ventures, Inc.



STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.

The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

MOTIONS TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2017-07 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-07 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

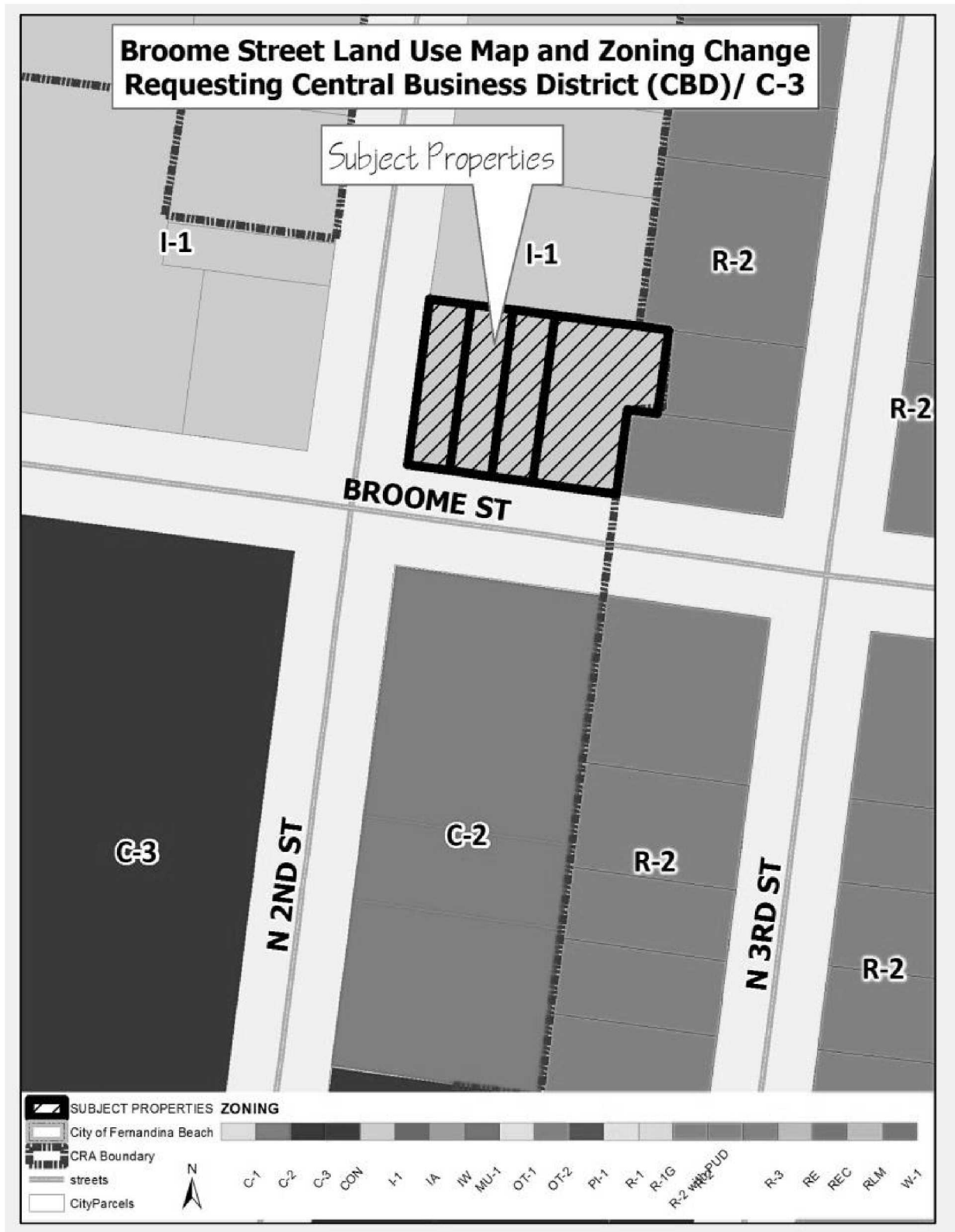
Submitted by:

Kelly N. Gibson, AICP
Senior Planner



STAFF REPORT
PAB (LU/CZ) 2017-07
Planning Advisory Board Hearing
April 12, 2017

EXHIBIT A



KEY

TILE, BRICK OR
FIRE-PROOF CONSTRUCTION

Fire proof construction.
(OR FIRE RESISTIVE CONSTR)

ADOBE

Adobe building.

HEIGHT OF BUILDING IN
FEET FROM GROUND
TO ROOF LINE

Stone building.

(C. BR.)

Concrete, lime, cinder or
cement brick

(C. B.)

Hollow concrete or cement block constr

(CONC.)

Concrete or reinforced concrete constr

(TILE)

Tile building.

NUMBER OF STORIES

Brick building with frame cornice.

TWO STORIES AND EIGHT
COMPOSITION ROOF

" " " stone front.

SHINGLE ROOF

" " " frame side.

(VEND)

Brick veneered building.

BRICK 1ST

" and frame building.

FRAME, BRICK LINED

Frame building, brick lined.

F=FLAT S=STORE

" " metal clad.

D=DWELLING

Frame building.

A=IRON B=STEEL

Iron building.

LOFT

Tenant building occupied by
various manufacturing or occupancies

(ASB. CL.)

Frame building covered with asbestos

NON COMBUSTIBLE ROOF
COVERING OF METAL,
SLATE, TILE OR
ASBESTOS SHINGLES

Brick building with brick or metal cornice.

DWELLINGS.

Framed air shafts are shown but colored
over. Brick air shafts are left white.

CLASSIFICATION OF BUILDINGS

Shown by varying number of dots or cir-
cles. Classified by New York Board of
Fire Underwriters as follows:

DWELLING

DWELLING
STORE

DWELLING

DWELLING
STORE

BRICK

1st Class (.) Slate or metal roof, coped walls.

2nd " (..) " " walls not coped.

3rd " (...) Shingle roof.

FRAME

1st Class (.) Slate or metal roof.

2nd " (..) Shingle roof.

Frame Buildings with BRICK FRONTS.

Height of Buildings, in Stories and feet (74 ft. 6 in. and over).

Fronts of marble or other stone.

Iron Fronts.

" Dotted line." Interior brick wall, omitted on one or more floors.

Superior construction. { Built of non-inflammable
material "throughout,"
except flooring and trim.

Communications protected by single fire-proof doors { With designation
" " double " " of floors.

Openings exposing Buildings.

Elevators with steam or other power. { Where enclosed with Brick or
Fire-proof material a heavy
line is drawn around them.

Sky-lights in Roof only.

" over Opening in floor.

Smoke-houses. Retorts, and Ovens.

Mansard Roofs. Corrugated Iron. Steam-boilers.

REFERENCE.

SPECIAL HAZARDS.

NAMES of Manufactories, &c., are written on buildings, when there is sufficient
space, and their construction classified by the same marks as on Dwellings. Other
Specially Hazardous Risks are COLORED GREEN, the varying number of dots
(brick) and crosses (frame) showing the comparative danger from fire by occupancy.



BRICK.

A Construction = to 1st class Warehouse.
B " = " 2nd " "
C " = " 3rd " "
D " = " 1st " Store or Dw'g.
E " = " 2nd " "
F " = " 3rd " "

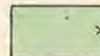
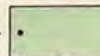


FRAME.

G Construction = to 1st class
Store or Dwelling.
H " = to 2nd class
Store or Dwelling.

NOTE.—In classifying a building
as a Special, its CONSTRUCTION
is obliterated, necessitating a series
of letters, as follows:

Brick.....



.....Frame

Bakeries (ovens in building). Breweries. Cooperages. Drug stores (retail, with
privilege of compounding). Dyeing establishments. Fur dressers. Glass stainers.
Hat finishers. Hay (open stock, loose). Lamp sellers (privilege for kerosene &c.)
Laundries. Malt houses. Manufactories of Baskets, Bonnet-frames, Boots and shoes,
Caps, Clothing, Combs, Envelopes, Feather dusters, Fringe &c., Gas fixtures, Gold
pens, Hats, Hemp, Jewelry cases, Morocco, Paper bags, Pocket-books, Raffling and
ruches, Segars, Shirts, Tobacco, Umbrellas, Vinegar, Watches, Watch-cases, Writing
ink. Map mounting and varnishing. Metal mills. Molasses houses. Photographers.
Private stables. Smoke-houses. Tanneries. Tin shops. Wheelwrights. Wire
workers. Wool-pullers.

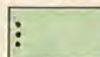
Brick.....



.....Frame

Bleaching works. Book-binders. Brass and iron foundries. Coppersmiths. Cotton
presses. Folling mills. Junk shops. Letter-press printers. Lithographers. Livery
and Cartmen's stables. Machine shops. Manufactories of Agricultural Implements.
Artificial flowers, Brooms, Brushes, Carriages, Cedar-ware, Floor-cloth, Grates, Guns,
Hoop-skirts, Jewelry, Lamps, Musical Instruments, Oil-cloths, Paper boxes, Paper
collars, Paper patterns, Patent Medicines, Plated ware, Rope and cordage, Safes,
Silverware, Starch, Stoves, Tin cans, Upholstery. Oil stores (petroleum and
products). Print works. Rag stores. Slaughter houses. Snuff mills. Type and stereo-
type foundries. (And generally buildings not occupied by workers of light wood).

Brick.....



.....Frame

Box repairing. Cabinet-making. Carpenters' shops. Distilleries. Flax mills. Flour
or Grist mills. Japanners. Lard refineries. Manufactories of Artificial hair, Bagging,
Candles, Chairs, Clocks, Confectionery, India-rubber or gutta-percha, Ivory or lamp-
black, Looking-glass and Picture frames, Oiled clothing, Organs, Paper-hangings,
Perfumery, Pianos, Soap, Trunks. Oil mills. Paper mills. Rectifying establishments.
Sugar refineries. Tallow-melting or chandleries. Wholesale druggists (with com-
pounding). Woolen mills. (And generally risks where much heat or light wood is
used.)

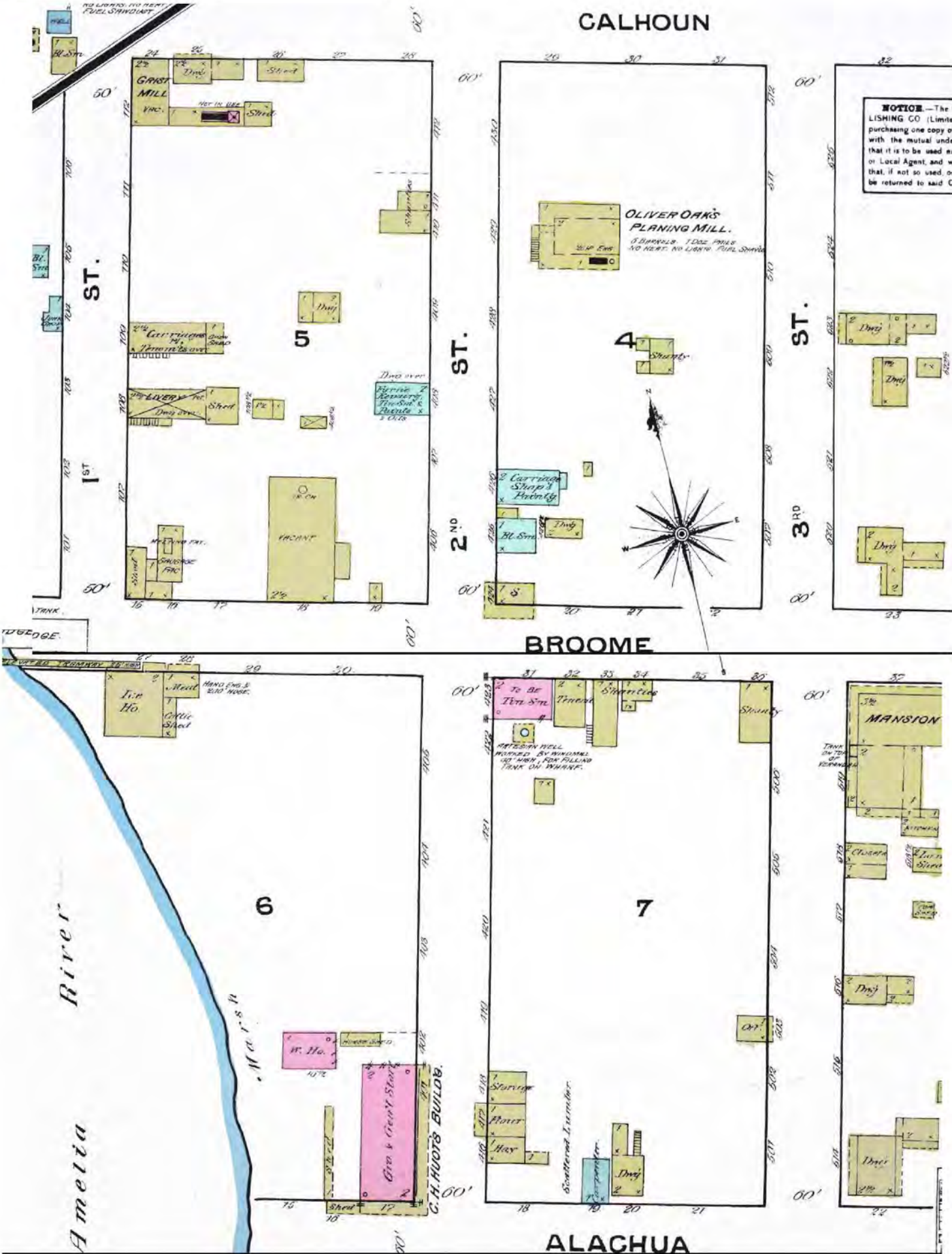
Brick.....



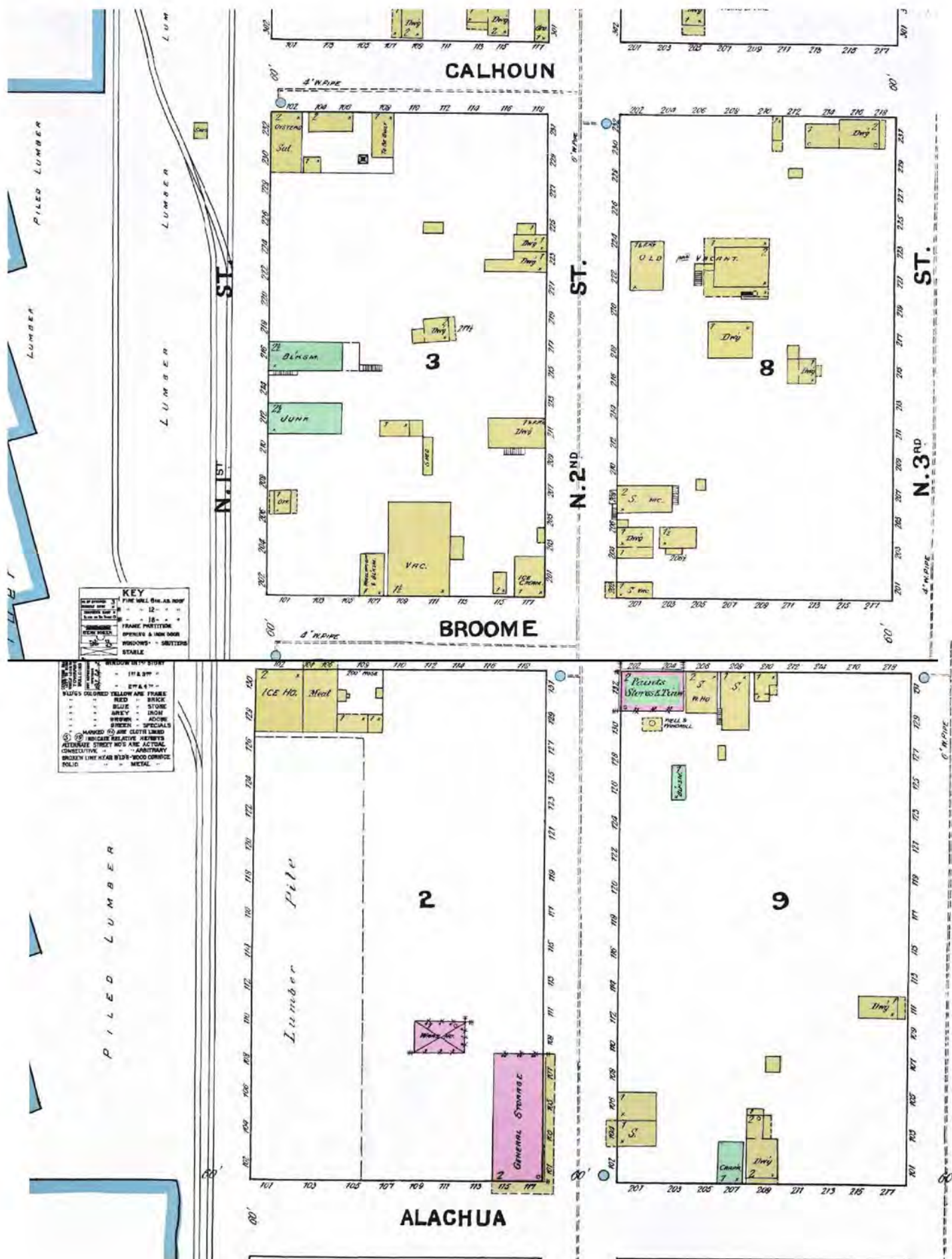
.....Frame

Chemical laboratories. Coffee and Spice mills. Drug mills. Fireworks on sale.
Match factories. Oil-boiling houses. Planing and Moulding mills. Printing-ink
factories. Sash, blind and door factories. Saw mills. Tar-boiling houses. Turpentine
distilleries. Varnish making. Window-shade factories.

1884 Sanborn Map of North 2nd Street



1891 Sanborn Map of N. 2nd Street





[illegible]

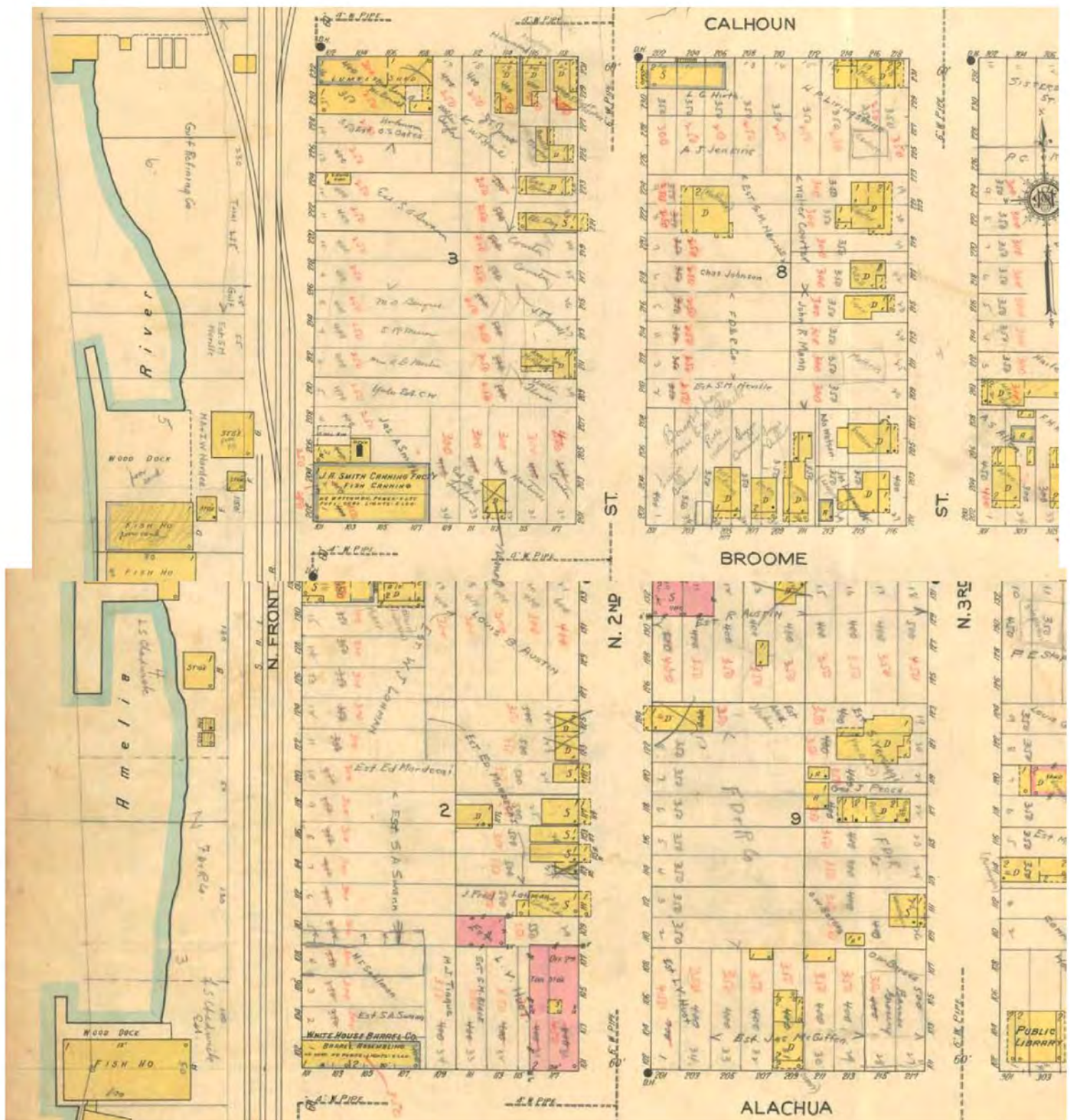
N. THIRD

BROOME

ALACHUA

Scale of 100

1926 Sanborn Map of N. 2nd Street



OFFICE USE ONLY

REC'D: 3/1/10 BY: _____

PAYMENT: \$ _____ TYPE: _____

APPLICATION #: 2017-CASE #: DOB 2017-07

BOARD MEETING DATE: _____



PLANNING ADVISORY BOARD APPLICATION

- | | |
|---|--|
| ☒ ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – PRELIM (\$750) |
| ☒ LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – FINAL (\$850) |
| ☐ LDC TEXT AMENDMENT (\$850) | ☐ VACATION OF R.O.W. (\$850) |
| ☐ COMP PLAN AMENDMENT (\$850) | ☐ VOLUNTARY ANNEXATION (\$1050) |

APPLICANT INFORMATION

Owner Name: Robert And Loretta EricksonMailing Address: 30 S. 3rd St Fernandina Beach, FL 32030Telephone: 479-270-0315 Fax: _____Email: rettaer.ckson@aol.com

Agent Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Email: _____

PROPERTY INFORMATION

Street Address: 205 Broome St Fernandina Beach, FL 32034Parcel Identification Number(s): 60-00-31-1800-0008-0330, 0340, 0010, 0310Lot Number: 1, 34, 33, 32 Block Number: _____ Subdivision: _____

Section: _____ Township: _____ Range: _____

PROJECT INFORMATION

Total Number of Lots/Parcels: 4

Less than One (1) acre Sq. Footage: X One (1) Acre or Greater: _____

Existing Zoning Classification: I-1

Existing Future Land Use Classification: C-3

Previous Planning/Zoning Approvals: _____

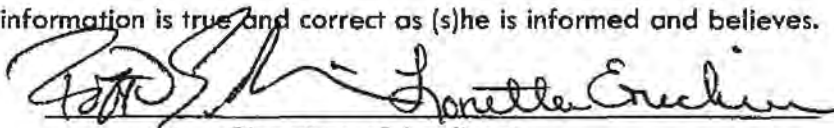
Description of Request:

to rezone from I-1 to G3 to allow occupation of houses on 205 E 211
Broom St as residences and flexibility of future development on lots 1 & 34
See Attachment A, reference support statement from PAB 2017-05 Zoning Change
I-1 to G3. See Attachment B reference staff report PAB 2017-05 Zoning Change
from I-1 to G3. See Attachment C reference staff report PAB 2017-03 Zoning Change
from I-1 to ~~C-3~~ R-2

SIGNATURE/NOTARY

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

3-7-17
Date


Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

KAREN M. AUSTIN
Notary Public, State of Florida
My Comm. Expires June 18, 2018
Commission No. FF 126104

Subscribed and sworn to before me this 7 day of March, 2017.

Karen m. Austin
Notary Public: Signature

Karen m. Austin
Printed Name

My Commission Expires _____

Personally Known _____ OR Produced Identification ✓ ID Produced: FL DL



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/WE Kerstin Clayton
(print name of property owner(s))

hereby authorize: ROBERT + LORETTA ERICKSON
(print name of agent)

to represent me/us in processing an application for: Zoning Change I1 to C3
(type of application)

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

Kerstin W. Olson
(Signature of owner)

(Signature of owner)

Kerstin Clayton
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU }
ss

Subscribed and sworn to before me this 7 day of March, 2017.

Karen M. Austin
Notary Public: Signature

Karen M. Austin
Printed Name

My Commission Expires

Personally Known _____ OR Produced Identification ☒ ID Produced: FL DL
exp 8/28/18

KAREN M. AUSTIN
Notary Public, State of Florida
My Comm. Expires June 18, 2018
Commission No. FF 126104

NASSAU

A. Michael Hickox, CFA, Cert. Res. RD1941
Nassau County Property Appraiser

Property Search Sales Search Nassau Home

OWNER NAME ERICKSON ROBERT & LORETTA
MAILING ADDRESS 30 S 3RD ST

LOCATION ADDRESS FERNANDINA BEACH, FL 32034
205 BROOME ST
FERNANDINA BEACH 32034
SHORT LEGAL BLOCK 8 LDT 33 IN OR 2025/1013 CITY OF
FDNA BEACH

PARCEL NUMBER 00-00-31-1800-0008-0330
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.2467
PROPERTY USAGE SINGLE FAMILY
DEED ACRES 0
HOMESTEAD N
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2016 Certified Values

JUST VALUE OF LAND	\$35,000
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$7,926
TOTAL MISC VALUE	\$0
JUST OR CLASSIFIED TOTAL VALUE	\$42,926
ASSESSED VALUE	\$42,926
EXEMPT VALUE	\$0
TAXABLE VALUE	\$42,926

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RMG
SFR 000100	25	FF	21-3N-28

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
SINGLE FAM	1,188	1,048	2	2	SINGLE SID		NONE	NONE	1900	SHOW SKETCH

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
01/22/2016	2025/1013	2025/1013	40000	WD	U	Y	INGEBRIGTSEN CATHERINE	ERICKSON ROBERT & LORETTA
02/14/2006	1389/290	1389/290	125000	WD	Q	Y	ROWE JASON M & COURTNEY M	INGEBRIGTSEN CATHERINE
10/05/2004	1263/1871	1263/1871	80000	WD	Q	Y	HOLMES JOHN T	ROWE JASON & COURTNEY M
03/19/1992	652/377	652/377	100	PR	U	Y	WILLIAMS SERENA EST	HOLMES JOHN T

NASSAU

A. Michael Hickox, CFA, Cert. Res. RD1941
Nassau County Property Appraiser

Property Search

Sales Search

Nassau Home

OWNER NAME CLAYTON JAMES S (3/4%) &
MAILING ADDRESS CLAYTON KEVIN (1/8%) &
CLAYTON KERSTIN (1/8%)
211 BROOME STREET
FERNANDINA BEACH, FL 32034
LOCATION ADDRESS BROOME ST
FERNANDINA BEACH 32034
SHORT LEGAL BLOCK 8 LOT 34 PT OR 1104/446 & OR
1172/1741 CITY OF FDNA BEACH

PARCEL NUMBER 00-00-31-1800-0008-0340
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.2467
PROPERTY USAGE VACANT INDUSTRIAL
DEED ACRES 0
HOMESTEAD N
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2016 Certified Values

JUST VALUE OF LAND	\$35,000
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$0
TOTAL MISC VALUE	\$0
JUST OR CLASSIFIED TOTAL VALUE	\$35,000
ASSESSED VALUE	\$35,000
EXEMPT VALUE	\$0
TAXABLE VALUE	\$35,000

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
VAC INDUST 004000	25	FF	21-3N-28

Building Information

There is no Building information for this record.

Miscellaneous Information

There is no Miscellaneous information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
06/04/2003	1142/1487	1142/1487	100	PR	U	N	HOLMES LAWRENCE P/R FOR RUTH A SIMMONS	CLAYTON JAMES S
08/01/1984	433/345	433/345	100	MS	U	N		

NASSAU

A. Michael Hickox, CFA, Cert. Res. RD1941
Nassau County Property Appraiser

Property Search

Sales Search

Nassau Home

OWNER NAME CLAYTON JAMES S (3/4%) &
MAILING ADDRESS CLAYTON KEVIN (1/8%) &
CLAYTON KERSTIN (1/8%)
211 BROOME STREET
FERNANDINA BEACH, FL 32034
LOCATION ADDRESS N 2ND & BROOME ST
FERNANDINA BEACH 32034
SHORT LEGAL BLOCK 8 LOT 1 PT OR 1104/448 & OR
1172/1741 CITY OF FDNA BEACH

PARCEL NUMBER 00-00-31-1800-0008-0010
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.2467
PROPERTY USAGE VACANT INDUSTRIAL
DEED ACRES 0
HOMESTEAD N
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2016 Certified Values

JUST VALUE OF LAND	\$35,000
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$0
TOTAL MISC VALUE	\$0
JUST OR CLASSIFIED TOTAL VALUE	\$35,000
ASSESSED VALUE	\$35,000
EXEMPT VALUE	\$0
TAXABLE VALUE	\$35,000

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
VAC INDUST 004000	25	FF	21-3N-28

Building Information

There is no Building Information for this record.

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
06/04/2003	1142/1487	1142/1487	100	PR	U	N	HOLMES LAWRENCE P/R FOR RUTH A SIMMONS	CLAYTON JAMES S
09/01/1984	433/345	433/345	100	MS	U	N		

NASSAUA. Michael Hickox, CFA, Cert. Res. RD1941
Nassau County Property Appraiser

Property Search

Sales Search

Nassau Home

OWNER NAME CLAYTON KERSTIN (3/18%) &
MAILING ADDRESS HOLMES WM O & LAWRENCE &
 HOLMES THEODORE ETAL
 211 BROOME ST
 FERNANDINA BEACH, FL 32034
LOCATION ADDRESS 211 BROOME ST
 FERNANDINA BEACH 32034
SHORT LEGAL BLOCK 8 LOTS 31 & 32 & N1/2 OF LOT 30
 (EX E7 FT) PT OR 1172/1741 & OR 1104/448

PARCEL NUMBER 00-00-31-1800-0008-0310
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.2467
PROPERTY USAGE SINGLE FAMILY
DEED ACRES 0
HOMESTEAD Y
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2016 Certified Values

JUST VALUE OF LAND	\$79,329
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$84,986
TOTAL MISC VALUE	\$60
JUST OR CLASSIFIED TOTAL VALUE	\$164,355
ASSESSED VALUE	\$158,525
EXEMPT VALUE	\$25,000
TAXABLE VALUE	\$133,525

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
SFR 000100	50	FF	21-3N-28
SFR 000100	18	FF	21-3N-28

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
SNGL FAM	1,487	1,277	3	2	AVERAGE		AIR DUCTED	FORCED AIR	1900	SHOW SKETCH

Miscellaneous Information

DESCRIPTION	DIMENSIONS L x W	UNITS	YEAR BUILT
CONCRETE A	25 X 3	75	1970
CONCRETE A	0 X 0	0	0

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
09/18/2003	1172/1741	1172/1741	100	PR	U	Y	HOLMES P/R FOR TUI ALBRITTON SIMMONS	HOLMES WILLIAM & LAWRENCE ETAL
01/01/1986	478/313	478/313	100	FS	U	Y		

Kelly Gibson

From: Loretta Erickson <rettaerickson@gmail.com>
Sent: Wednesday, March 08, 2017 2:51 PM
To: Kelly Gibson
Cc: Robert Erickson
Subject: Fwd: Detailed letter of Intent

Hi Kelly
Please let me know you received this.
Thanks
Loretta

Sent from my iPhone

Begin forwarded message:

From: <rettaerickson@gmail.com>
Date: March 7, 2017 at 12:11:45 PM EST
To: <kgibson@fbfl.org>
Cc: "Bob Erickson" <rettaerickson@aol.com>, <kerlos14@gmail.com>
Subject: Detailed letter of Intent

3/7/17

Dear Kelly,

Our request to rezone is to allow for the home at 205 Broome St and at 211 Broome St to be occupy as residences and give the flexibility of future development on Lots 1 and 34.

In support of our zoning change request the following attachments show the consistency of the proposed amendment as well as the justification of the proposed amendment. Attachment A, a reference supporting statement taken from PAB 2017-05 zoning change from I-1 to C-3. Attachment B referencing staff report PAB 2017-05 zoning change from I-1 to C-3 and Attachment C referencing staff report PAB 2017-03 zoning change from I-1 to R-2. Also included are various maps supporting the proposed zoning change for I-1 to C-3. These show the consistency of the proposed amendments with the City's Comprehensive Plan and a justification for the proposed amendment.

Sincerely,
Bob and Loretta Erickson

Attachment A

Attachment A

OBJECTIVE 101.

Energy Efficient Development

The City shall promote compact, mixed use, and energy efficient development arranged to encourage walkability, bicycle and transit use, which leads to a more sustainable community and a reduction in greenhouse gases (GHGs).

The CBD Future Land Use is designed to promote energy efficient development by promoting a walkable and sustainable environment. This is accomplished by allowing a mixture of residential and commercial uses to be placed within the same structure. In addition, when the subject property is assigned the CBD/C-3 and located amongst other CBD FLU/uses, this places new housing units within walkability of services and employment within the downtown area.

Policy 102.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors: a. Type and density or intensity of surrounding uses; b. Zoning districts in the surrounding area; c. Demonstration of adequate water supply and water supply facilities; d. Appropriateness of the size of the parcel compared to the proposed use; e. Physical condition of the site, and the suitability of soils and topography for the proposed use; f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources; g. Compatibility factors; h. Impact on adopted levels of service standards and quality of service standards; and i. Location in a Coastal Upland Protection Zone (CUPZ).

The type and density and intensity of the surrounding uses are compatible with the CBD/C-3 FLU and Zoning combination as adjacent FLU and zoning is consistent with the proposed change. It is as equally intense as the adjacent industrial uses. Although more intense than the nearby residential, the CBD will act as a transitional use. The proposed change is a transitional use that will be compatible with both residential to the east and industrial to the west. The residential to the east will be buffered from the industrial uses by the CBD/C-3 uses and will be buffered from CBD/C-3 uses by 20' buffer with landscaping. Public water and sewer is available to the subject property and the increase development permitted will promote smart-growth principles by increasing growth where there is existing infrastructure. The area being considered for the change is appropriately sized considering the setback, densities and types of development permitted. Soils and topography are the same as other urban areas that are immediately adjacent. As can be seen from maps included with application, the soils for the subject property, Ortega Fine Sand, is prevalent in the downtown area, is not unique to the subject property, and is developed to urban levels in the city. According to the US Geologic Survey, the Ortega Series of soils are moderately well drained and are located on rises and knolls and is suitable for urban development. As can be seen from the topographic map, a rise of six feet from front to rear will result in a slope over 125 feet of approximately 4.8%. There are no requirements in city code that correlate slope with types of development.

Essentially the lot/block and frontage characteristics of the subject property are very similar to the rest of the historic district CBD/C-3 area. The subject property is not covered by flood zone or other environmentally unsuitable conditions, and the historic structure on the subject property will be made conforming by the proposed amendment.

Policy 102.06. The City shall assure that specific density assigned to new development and redevelopment is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include, but not be limited to, the following: a. Protecting the integrity and stability of established residential areas; b. Assuring smooth transition in residential densities; c. Encouraging commercial and residential mixed use development patterns; d. Recognizing and being sensitive to the character and form of the surrounding neighborhoods; and e. Requiring application of low impact development (LID) principles, native and drought tolerant landscaping and urban design principles and practices; and f. Encouraging connectivity of pedestrian walkways and bicycle paths on and off site.

The City has expressed interest in pursuing a CBD/C-3 on the subject property as a city-sponsored application due to the sound planning criteria stated in Policy 102.06 above. The current situation of exposing residential areas to direct contact with industrial areas is deleterious to the development of industrial areas and the continuation of residential areas. Sound planning principles dictate that a transitional land use be used to buffer these two uses from each other. Such a transitional land use is available in the CBD/C-3 which contains a multi-family element that is both transitional in use and in residential densities. By definition, the CBD/C-3 combination encourages residential and commercial mixed use and is therefore compatible with residential. The proposed CBD/C-3 combination recognizes sensitivity to adjacent neighborhoods as it contains both residential and commercial elements. In addition, the city code contains buffer and setback requirements to residential that will provide additional sensitivity to existing neighborhoods. By definition, development in the CBD will be heavily reliant on pedestrian and bicycle access as these forms of transportation are more practical than auto in the subject area.

Policy 102.08. Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations. Compliance with this policy requires very little elaboration. The CBD/C-3 is a mixed use concept and the policy calls for mixed use transitional areas. The subject property is in between and immediately adjacent to industrial (to the west) and residential (to the east) and therefore, the application to change the subject property to CBD/C-3 is precisely what the city's Comprehensive Plan requires.

Policy 102.09. The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

See above response. Again the City's Comprehensive Plan not only supports the change, it requires it.

OBJECTIVE 104. REDEVELOPMENT AND INFILL DEVELOPMENT The City shall reduce blight and encourage redevelopment of underutilized areas and inefficient land use patterns through redevelopment, reuse, and/or removal and replacement of blighted structures and uses. The City will focus its redevelopment and infill efforts to encourage development in its already urbanized areas that provide housing near job centers, preserve open space, capitalize on existing community assets such as parks, create new community assets such as child-care centers, arts districts and shopping centers and removes the crime associated with vacant, underutilized or abandoned properties. The subject property is adjacent to nearby job centers and valuable historic resources. The current historic structure is nonconforming to the existing Industrial FLU and zoning and it is therefore difficult to improve the property as financing for non-conforming structures is not possible to obtain. If this effort to amend the FLU and zoning is deterred, and the industrial FLU and zoning remains, then blight will be inevitable, in direct conflict with this policy. Although the future of the existing structure is not guaranteed, it has a greater chance of survival if the financing to adaptively reuse is available.

OBJECTIVE 105. NONCONFORMING STRUCTURES, USES AND LOTS To promote re-use of structures that contribute to the character, diversity and sustainability of a neighborhood and to promote economic redevelopment by regulating structures and uses that do not conform to the current Plan or Land Development Code, but were lawfully established and in compliance with all applicable ordinances and laws at the time the structure was constructed and/or the use began, the City shall permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to eliminate nonconforming land uses. As stated in the above response, the decline and eventual removal of the structure on the subject property will be inevitable if there is no way for the current or future owner(s) to obtain financing to repair and/or adaptively re-use the structure. Considering that the use of the land as industrial conflicts with aforementioned policies regarding transitional uses and the protection of residential,

it is clear the solution is to eliminate the industrial zoning, not the use.

OBJECTIVE 5.04. COASTAL HIGH HAZARD AREAS (CHHA) The City shall protect property, residents, and visitors within the Coastal High Hazard Area. Protection shall be provided through appropriate designations on the Future Land Use Map to ensure that population is directed away from the coastal high hazard area, limitations on construction of infrastructure in the Coastal High Hazard Area, and coordination with hazard mitigation and post-disaster plans.

The subject property is not within the CHHA and therefore additional residential development in the area is not in conflict with Objective 5.04

OBJECTIVE 12.05. LAND USE AND INFRASTRUCTURE EXPANSION The City shall protect existing land designated for employment-generating uses, whether vacant or developed, from encroachment of incompatible uses and promote sustainable development and redevelopment of properties within its designated Job Opportunity Areas.

The existing FLU and zoning of Industrial could be considered a "job creating" land use and this policy seeks to limit the loss of job creating land uses. This state of affairs is ameliorated by two factors: 1) the current size of the industrial district (half block) makes use of the

industrial area for creating jobs limited at best and 2) the proposed CBD/C-3 will also have a commercial element that can provide jobs from primary and secondary economic impacts (people directly employed on subject property or economic development associated with subject property that spawns off-site employment).

In addition, I offer the following section from the City's Land Development Code, Community Redevelopment Area (CRA) section:

8.01.02 Amelia River Waterfront Community Redevelopment Area A. Purpose: It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area. In order to promote revitalization of the working waterfront and adjacent area.

In addition to complying with the Comprehensive Plan elements above, the subject property is within the CRA, which has a goal of providing a mix of uses and compatible with the design with the downtown area. The CBD/C-3 combination is tailored made for this use as it is the predominant zoning and land use within the downtown area.

In conclusion it is clear that the proposed Future Land Use and Zoning amendment for the subject property complies with the City's Comprehensive Plan and the CRA.

Attachment B



STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Susan Courtney McCranie, Daniel McCranie Sr., Marilyn Leibman				
AGENT:	Peter J. King, AICP				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	North 2 nd Street Community Redevelopment Area (CRA) properties – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	Parcel ID #: 00-00-31-1800-0008-0080 (Courtney McCranie) – 224 N. 2nd Street, Multifamily Structure (2,905 conditioned square feet) totaling 0.22 acres of land and constructed in the early 1900's- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft. Parcel ID #: 00-00-31-1800-0008-0050 (Daniel McCranie, Sr.) - Vacant totaling 0.15 acres of land , This property contains 2 underlying lots of record and measures approximately 50ft. x 125ft. Parcel ID #: 00-00-31-1800-0008-0020 (Leibman) - Vacant totaling 0.22 acres of land- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft.				
PROPERTY SIZE:	In total 0.59 acres of land are included within the applicant's request.				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
CRA PROPERTY	North	Warehouse	1980	I-1	Industrial (IND)
		Restaurant/Bar	1902		
CRA PROPERTY/ HISTORIC DISTRICT	South	Vacant and Non-Conforming Single Family Homes	Est. 1900	I-1	Industrial (IND)
CRA PROPERTY	West	Warehouse Storage	Est. 1900	I-1	Industrial (IND)
PORT PROPERTY (NOT IN THE CRA)		Warehouse Storage	1990		
CRA PROPERTY	East	Single Family and Multi-Family residential dwellings	Est. 1909- 1925	R-2	Medium Density Residential (MDR)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicants, Courtney McCranie, Daniel McCranie, Sr., and Marilyn Leibman, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 224 N. 2nd Street, and the vacant properties located on N.2nd Street (Exhibit A).

The action is requested in order to correct existing non-conforming use of the properties where a multi-family residential structure has existed for many years at 224 N. 2nd Street. The vacant lots located to the south of the multi-family structure are anticipated for infill development. All three (3) properties involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfll.us/CRA. Design review is handled through the Historic District Council. Although the structure located at 224 N. 2nd Street is not within the City's historic district, its location within the CRA would require that any request for demolition of the structure to be approved by the Historic District Council and follow all established procedures identified in LDC Section 8.03.03.01.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	Policy 4.01.02 All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (ot 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

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

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Central Business District (CBD), 8 dwelling units per acre are supported at this time. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Under the requested action, a total of up to five (5) residential units could be constructed on the vacant properties. The property located at 224 N. 2nd Street contains a non-conforming multi-use structure with two (2) residential dwelling units at the present time.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

Any requested future land use category and corresponding zoning district containing residential density would serve to address the applicants' immediate need for continuing to occupy the existing structure for residential purposes. The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. Although, the properties located on the east side of the same block contain a future land use category of MDR and R-2 zoning, those properties are not located within the Community Redevelopment Area. The requested CBD land use/ C-3 zoning serves to create a transitional zoning district between the more intensive warehousing permitted in the Industrial (IND)/ I-1 properties to the west and the established residential homes to the east.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing public facilities within this area. The CRA established a



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

Finding of Necessity in 2005, one of the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. The requested Central Business District (CBD) land use category and C-3 zoning district serves to create a transitional step down the land use pattern from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Exhibit B – Sanborn Maps**), the applicant's request is the most appropriate land use and zoning district assignment under the City's current regulations.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. **Type and density or intensity of surrounding uses;**
- b. **Zoning districts in the surrounding area;**
- c. **Demonstration of adequate water supply and water supply facilities;**
- d. **Appropriateness of the size of the parcel compared to the proposed use;**
- e. **Physical condition of the site, and the suitability of soils and topography for the proposed use;**
- f. **Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
- g. **Compatibility factors;**
- h. **Impact on adopted levels of service standards and quality of service standards; and**
- i. **Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' properties are a range of existing uses including; a warehouse and storage area serving the port's needs to the west, warehousing for a light manufacturing business to the North, and restaurant/ bar located at the corner of Colhoun Street and N. 2nd Street. On the eastern block face are homes located within the City's downtown historic district.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.

Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement.



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

Policy 1.02.09.

The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The existing land use and zoning under Industrial/ I-1 of the subject properties is not compatible with the adjoining residential historic district properties to the east. The requested action provides a down-zoning or transition from the port's industrial operations to the adjoining residential areas. The most compatible land use and zoning designation for these CRA properties as well as the properties fronting Broome Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.

Central Business District (CBD)

- a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
- b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
- c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
- d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
- e. The intensity of non-residential development shall not exceed a FAR of 2.0.
- f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
 1. The need for additional land area within the Central Business District land use category;
 2. Consistency of the land area with the characteristics of the Central Business District; and;
 3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face (See Sanborn Map Exhibits). Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that



STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.



Reference: Johannes, J. (2000). *Yesterday's Reflections II Nassau County, Florida - A Pictorial History*. Fernandina Beach: Lexington Ventures, Inc.



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.

The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the existing residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

MOTIONS TO CONSIDER

I move to recommend (approval or denial) of PAB case number 2017-05 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-05 as presented, (is or is not) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

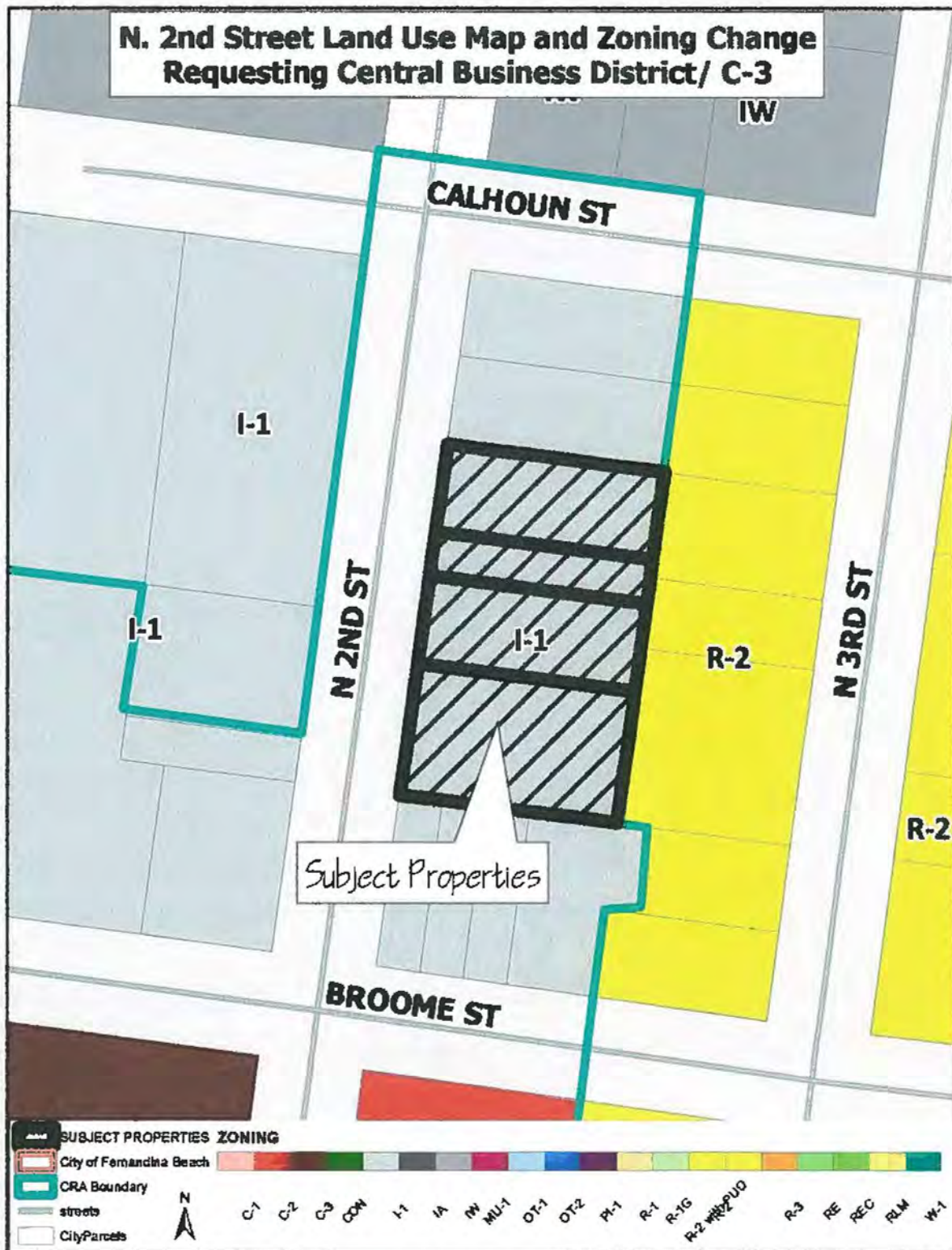
Submitted by:

Kelly N. Gibson
Senior Planner



STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

EXHIBIT A



Attachment C



STAFF REPORT
PAB (LU/CZ) 2017-03
Planning Advisory Board Hearing
February 8, 2017

APPLICATION FOR SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Robert and Loretta Erickson, James and Kerstin Clayton				
AGENT:	Robert and Loretta Erickson				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	211 Broome Street, 205 Broome Street, and Vacant Properties at corner of N. 2 nd Street and Broome Street – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Medium Density Residential (MDR)/ R-2				
EXISTING USES ON SITE:	211 Broome Street: Existing SF Home totaling approximately 1,487 ft² with an estimated year built of 1900 205 Broome Street: Existing Vacant SF Home totaling approximately 1,188 ft² with an estimated year built of 1900 Vacant Land located at the corner of N. 2nd Street and Broome Street				
PROPERTY SIZE:	Totaling 0.32 Acres Parcel ID #s: 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
CRA PROPERTY	North	Vacant Land	N/A	I-1	Industrial (IND)
CRA PROPERTY	South	Public Parking	2015	C-2	General Commercial (GC)
HISTORIC DISTRICT	East	Single Family Home	Est. 1900	R-2	Medium Density Residential (MDR)
CRA PROPERTY	West	Warehouse/Storage	Est. 1900	I-1	Industrial (IND)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Robert and Loretta Erickson, and Clayton, Et. Al, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Medium Density Residential (MDR) land use, and R-2 (Medium Density Residential) zoning designation for property located at 211 Broome Street, 205 Broome Street, and the vacant properties at N.2nd Street and Broome Street (Exhibit A).

The action is requested in order to correct existing non-conforming use of the properties where two (2) single family homes have existed for many years. The property at 211 Broome Street has retained its single family home use as a grandfathered use. The property located at 205 Broome Street has remained vacant and in a deteriorating state for several years. Under the City's LDC Section 10.01.02 (G), when a non-conforming use has



STAFF REPORT
PAB (LU/CZ) 2017-03
Planning Advisory Board Hearing
February 8, 2017

been discontinued for a period greater than 180 days, the property shall be brought into compliance with all sections of the LDC. The current property owners recently acquired the structure in order to restore it. At this time, they are seeking to use the property for residential purposes. In order to make this property conforming, a land use and zoning designation which contains residential density must be applied to the site. The properties to the west of the restored structure are vacant.

All four parcels involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Frant Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	<i>Policy 4.01.02 All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.</i>
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)
Fire-Rescue Services	240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)
Police and Law Enforcement Services	Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls



**STAFF REPORT
PAB (LU/CZ) 2017-03
Planning Advisory Board Hearing
February 8, 2017**

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Medium Density Residential (MDR), 8 dwelling units per acre are supported. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Therefore, if the property is changed to a land use category containing residential density, the vacant properties and 205 Broome Street property would have the benefit of construction a residential unit on each parcel, despite not being able to meet minimum "net density" requirements under the requested change. Under the requested action, a total of up to five (5) residential units could be constructed on the properties.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

Any requested future land use category and corresponding zoning district containing residential density would serve to address the applicants' immediate need for continuing to occupy the existing structures as single family homes. The applicant's requested land use of Medium Density Residential (MDR) and R-2 zoning fails to achieve the direction provided in policy statement 1.02.03, specifically subsections a and b. Although, the properties located on the east side of the same block contain a future land use category of MDR and R-2 zoning, those properties are not located within the Community Redevelopment Area.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing public facilities within this area. The CRA established a Finding of Necessity in 2005, one for the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action does not serve to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. Staff suggests that the applicant consider use of a transitional land use category and zoning district that



**STAFF REPORT
PAB (LU/CZ) 2017-03
Planning Advisory Board Hearing
February 8, 2017**

serves to step down the land use pattern from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Exhibit B – Sanborn Maps**), the most appropriate land use and zoning district assignment under the City's current regulations are the Central Business District (CBD)/ C-3 zoning.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;**
- b. Zoning districts in the surrounding area;**
- c. Demonstration of adequate water supply and water supply facilities;**
- d. Appropriateness of the size of the parcel compared to the proposed use;**
- e. Physical condition of the site, and the suitability of soils and topography for the proposed use;**
- f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
- g. Compatibility factors;**
- h. Impact on adopted levels of service standards and quality of service standards; and**
- i. Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' property are a wide range of existing uses including; a warehouse and storage area serving the port's needs; public parking directly facing the properties; and vacant land within the CRA which historically contained a variety of uses. On the eastern block face are homes located within the City's downtown historic district. The existing land use and zoning under Industrial/ I-1 is certainly not compatible with the surrounding area and staff recognizes that this should be corrected through a land use and zoning change to a district which serves to provide a down-zoning or transition from the port's industrial operations to the adjoining residential areas.

The most compatible land use and zoning designation for these properties as well as the properties fronting N. 2nd Street is Central Business District (CBD)/ C-3 zoning. The CBD/C-3 zoning designation exists diagonally from the applicants' properties and staff recognizes the need to assign the appropriate land use and zoning district for the public parking lots located on N. 2nd at Alachua Street and Broome Street in keeping with the direction to create and extend the urban core through the CRA.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested zoning is Medium Density Residential R-2, provides for residential land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.05 of the LDC states the intent of the R-2, Medium Density Residential, zoning classification. The R-2 District is intended for the development, redevelopment, or maintenance of stable medium-density residential neighborhoods. The medium-density residential designation includes a mixture of single- and multi-family structure types.



**STAFF REPORT
PAB (LU/CZ) 2017-03
Planning Advisory Board Hearing
February 8, 2017**

The R-2 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of several of the properties involved in the application. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be inconsistent with the Comprehensive Plan and Land Development Code, as it is an inappropriate extension of an exclusively residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends an incompatible zoning district to properties adjoining industrial and commercial land uses, instead a mixed land use and zoning designation should be considered. Further, the requested action does not serve to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a more harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the existing residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

MOTIONS TO CONSIDER

I move to recommend (approval or denial) of PAB case number 2017-03 to the City Commission requesting a Future Land Use Map assignment of Medium Density Residential land use and R-2 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-03 as presented, (is or is not) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson
Senior Planner

MAP OF BOUNDARY SURVEY

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA AND KNOWN AND DESCRIBED ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS:

LOT THIRTY-ONE (31) AND LOT THIRTY-TWO (32), TOGETHER WITH THE NORTH ONE-HALF (N 1/2) OF LOT THIRTY (30), EXCEPT THE EAST SEVEN (7) FEET, IN BLOCK EIGHT (8), OF THE CITY OF FERNANDINA BEACH, FLORIDA.

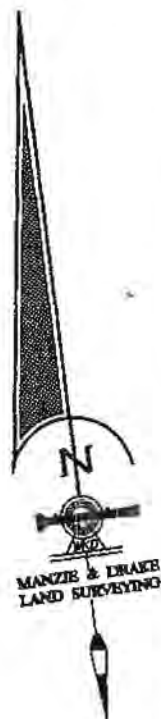
PREPARED FOR:
CLAYTON PROPERTIES

LEGEND

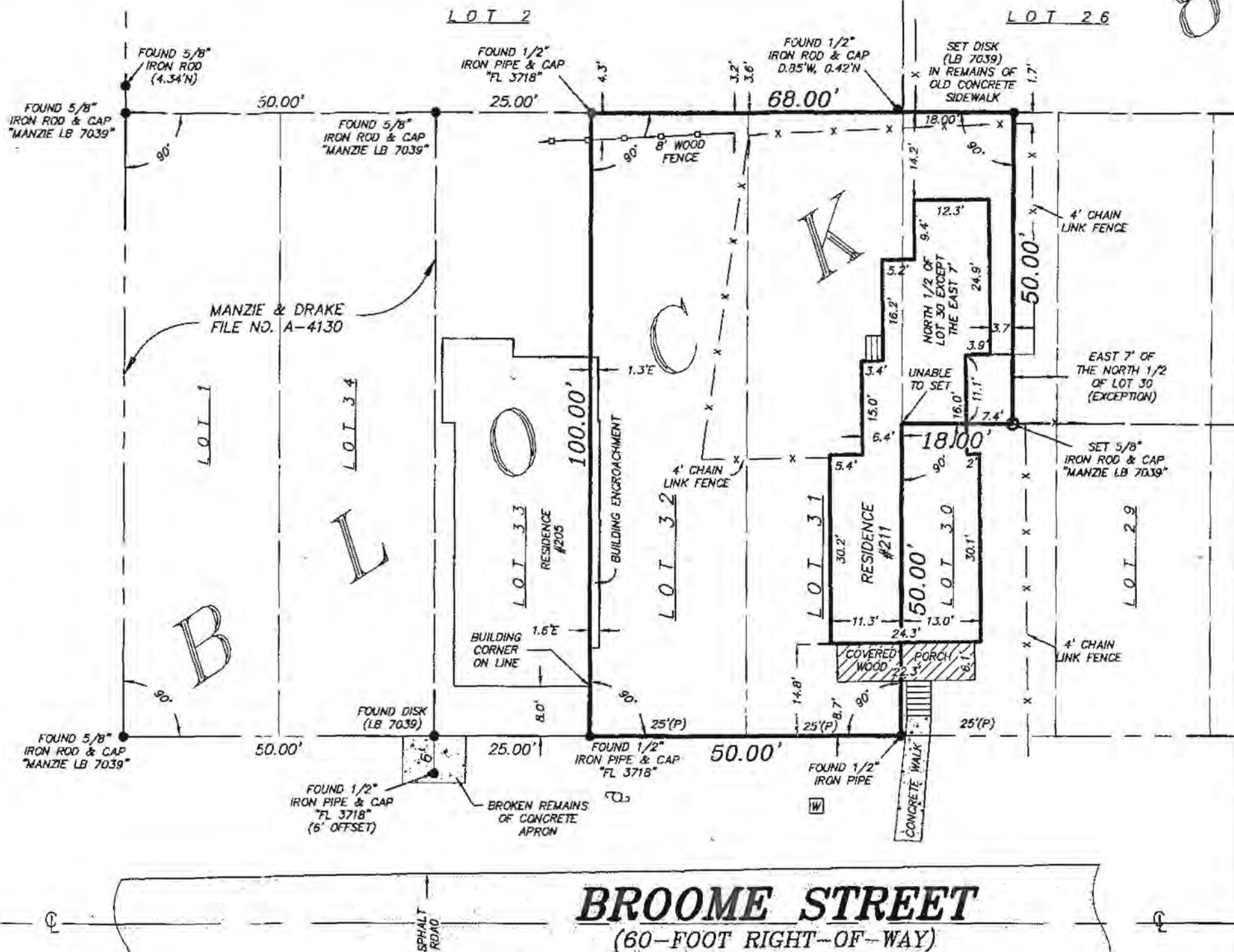
- = CENTERLINE
- x-x- = CHAIN LINK FENCE
- ▨ = CONCRETE FLATWORK
- (P) = PLAT
- ⊞ = WATER METER
- o— = WOOD OR VINYL FENCE
- ▨ = WOOD FLATWORK
- ⊞ = WOOD POWER POLE
- ⊞ = 5/8" IRON ROD & CAP (LB 7039) SET

SURVEY NOTES:

- 1) The "Legal Description" hereon is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- 4) Internal lot angles shown hereon are based on recovered monumentation.
- 5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- 6) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C 0237 E, Dated 12/17/2010. Flood Zone Information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- 7) This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.



NORTH SECOND STREET
(60-FOOT RIGHT-OF-WAY) PAVED



COPYRIGHT © 2016 BY MANZIE AND DRAKE LAND SURVEYING

THE INFORMATION SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

William D. Pinkston

- ☐ MICHAEL A. MANZIE, P.L.S. 4069
- ☒ WILLIAM D. PINKSTON, P.S.M. 6793

MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034

(904) 491-5700 FAX (904) 491-5777

Certificate of Authorization Number "LB 7039"

"OUR SIGHTS ARE ON THE FUTURE,
SET YOUR SITES ON US."

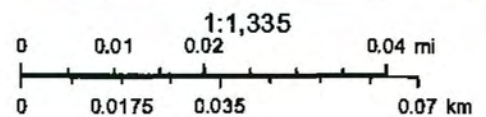
SCALE: 1"=20' JOB NO: 19686 DATE: 7/29/16 CADD: WKD
F.B. NO: X-289 PAGE NO: 34 FIELD CREW: SS FILE NO: A-4131

FUTURE LAND USE MAP

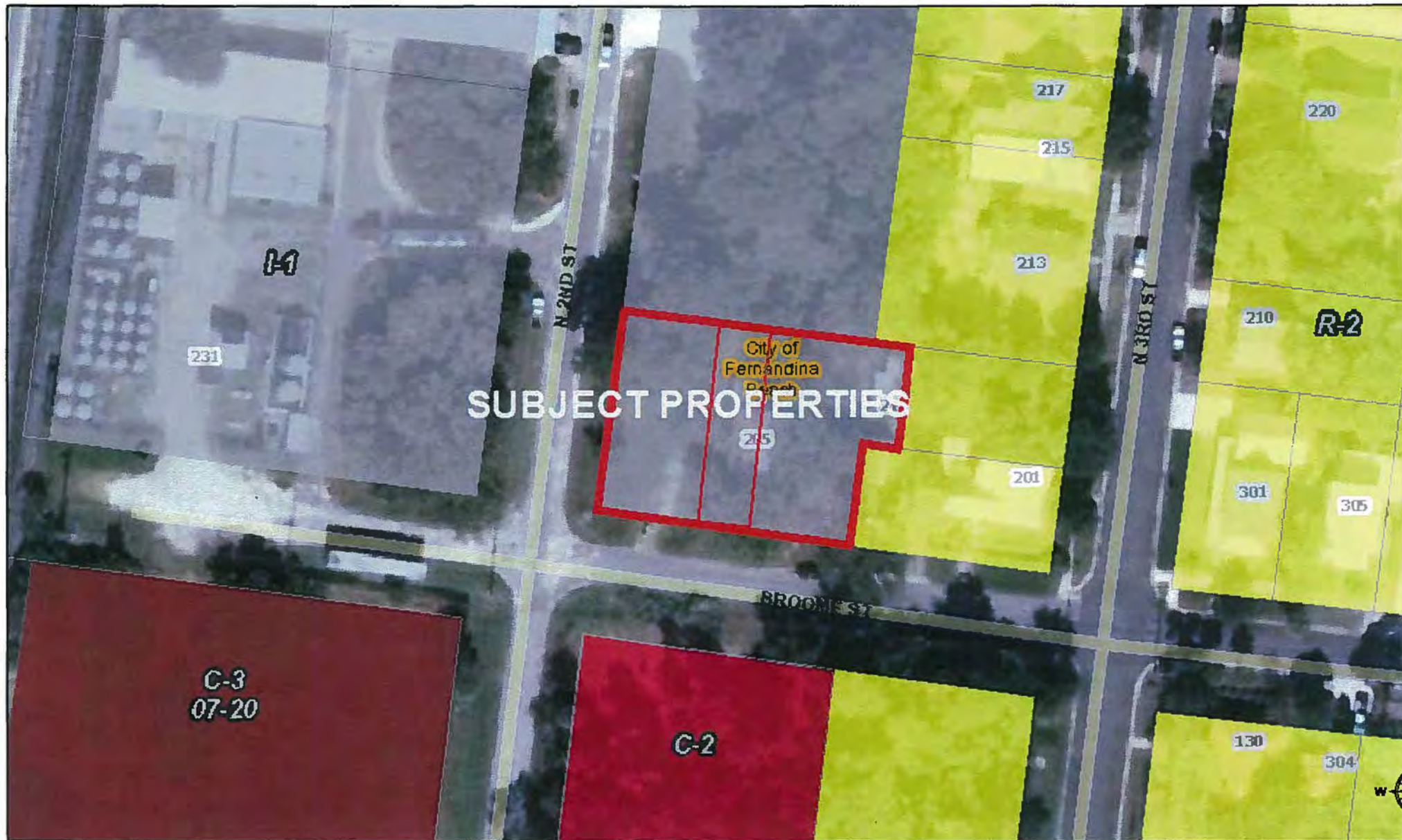


March 6, 2017

Land Parcels



ZONING MAP



March 6, 2017

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N
Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), N
NGCC, © OpenStreetMap contributors, and the GIS User Community

FLOOD MAP (2010 EFFECTIVE)

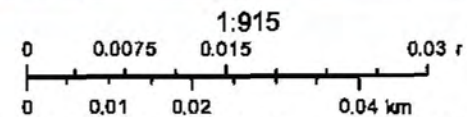


March 6, 2017

Flood Zones -Effective Dec.17th 2010, NAD 1988

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- A

- AE
- VE
- X



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

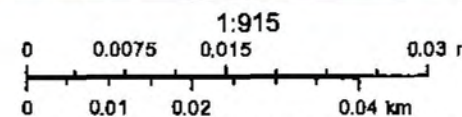
FLOOD MAP (2016 PRELIMINARY)



March 6, 2017

Preliminary Flood Zones 2016

- | | |
|--|---|
|  A, |  VE, |
|  AE, |  X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD |
|  AO, |  X, AREA OF MINIMAL FLOOD HAZARD |



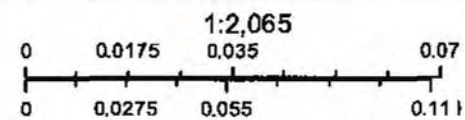
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), N NGCC, © OpenStreetMap contributors, and the GIS User Community

SOILS MAP



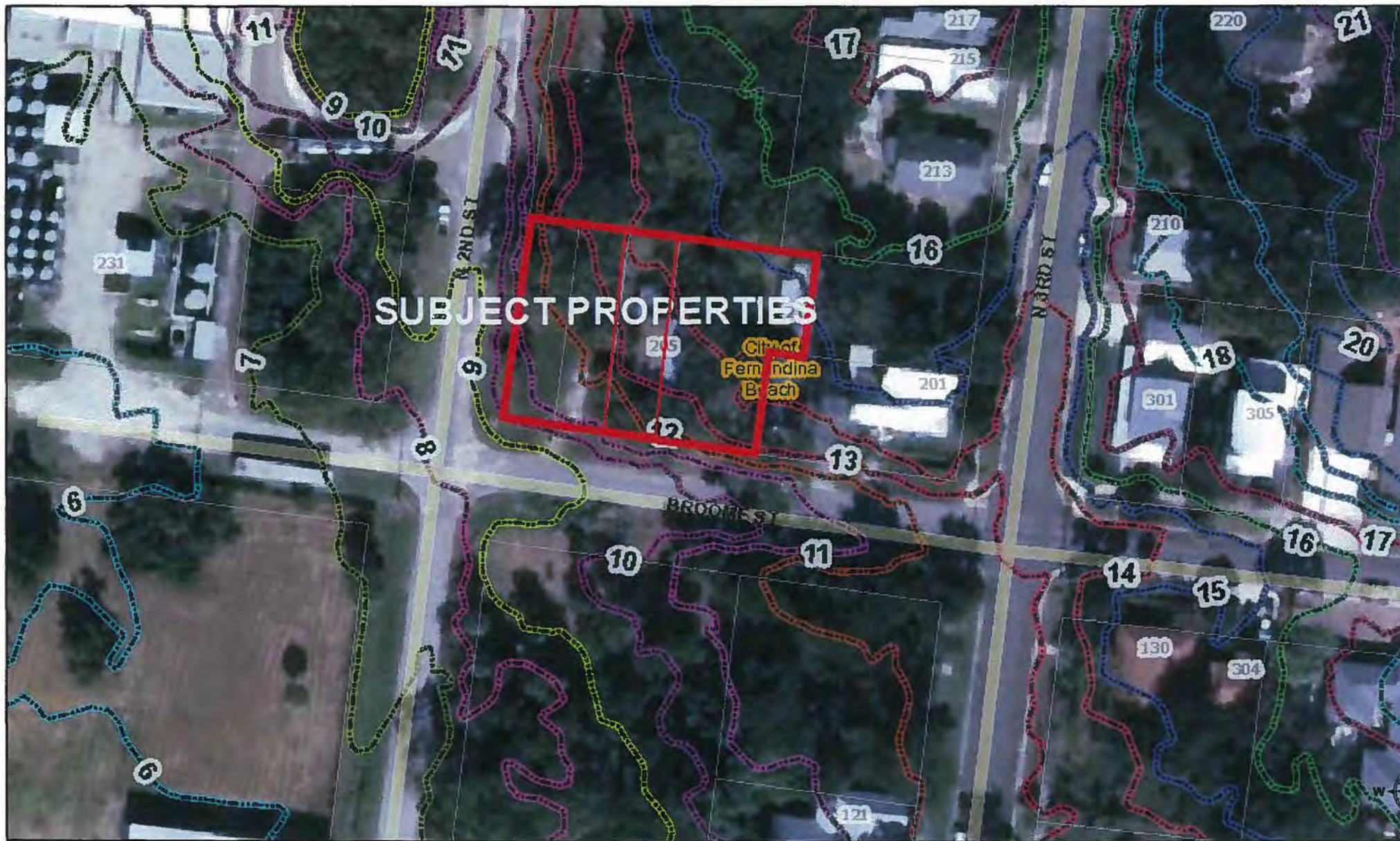
March 6, 2017

- Land Parcels
- Nassau Soils



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

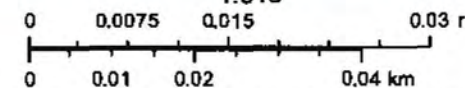
TOPOGRAPHICAL MAP



March 6, 2017

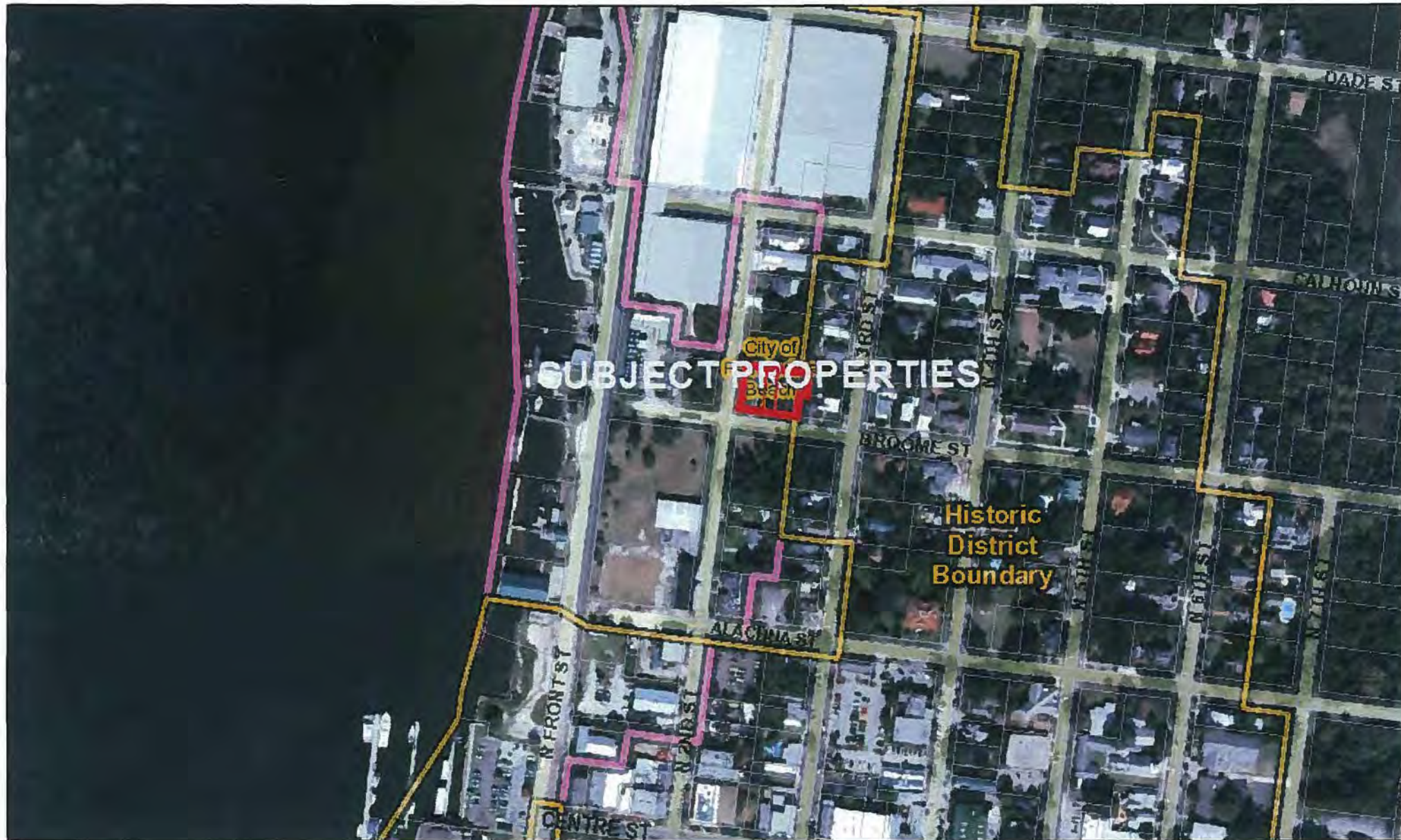
☐ Land Parcels

1:915



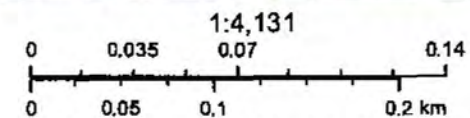
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), N NGCC, © OpenStreetMap contributors, and the GIS User Community

CRA/HDC MAP



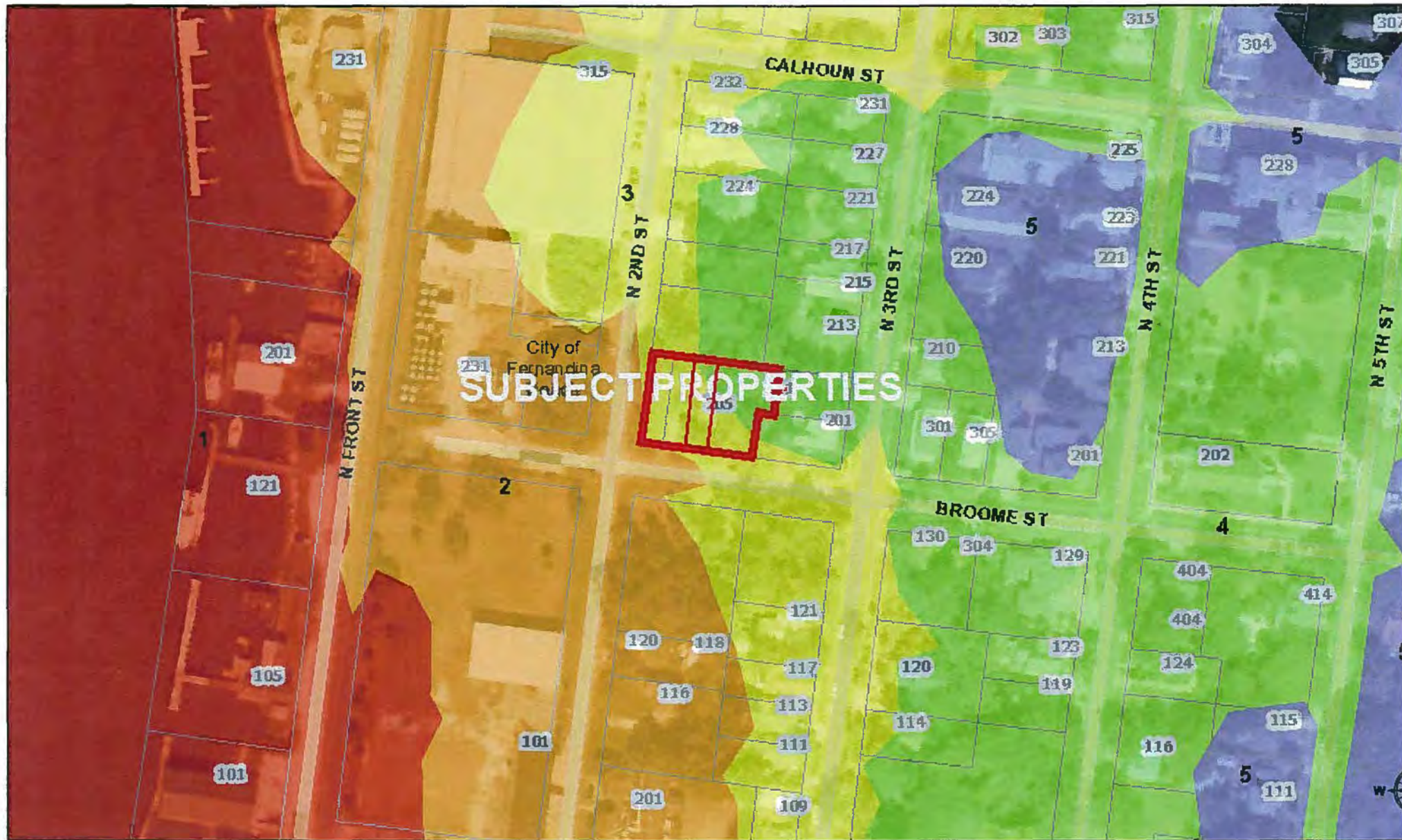
March 6, 2017

- City of F.B. Historic District
- City of F.B. Community Development District

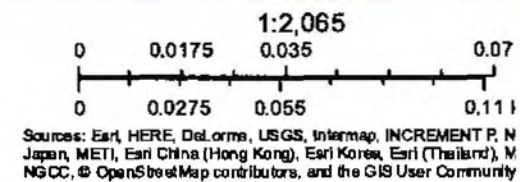


Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), N NGCC, © OpenStreetMap contributors, and the GIS User Community

COASTAL HIGH HAZARD MAP (STORM SURGE)



March 6, 2017

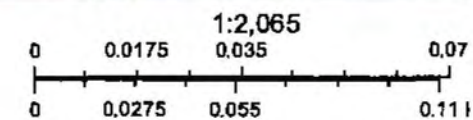


FIRE HYDRANT LOCATION MAP



March 6, 2017

-  Land Parcels
-  Water Hydrant



Sources: Esri HERE, DeLorme, USGS, Intermap, INCREMENT P, N Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), N NGCC, © OpenStreetMap contributors, and the GIS User Community

MAP OF BOUNDARY SURVEY

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA AND KNOWN AND DESCRIBED ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS:

LOT THIRTY-ONE (31) AND LOT THIRTY-TWO (32), TOGETHER WITH THE NORTH ONE-HALF (N 1/2) OF LOT THIRTY (30), EXCEPT THE EAST SEVEN (7) FEET, IN BLOCK EIGHT (8), OF THE CITY OF FERNANDINA BEACH, FLORIDA.

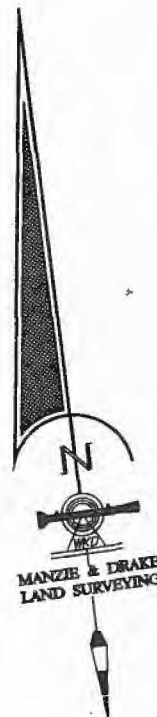
PREPARED FOR:
CLAYTON PROPERTIES

LEGEND

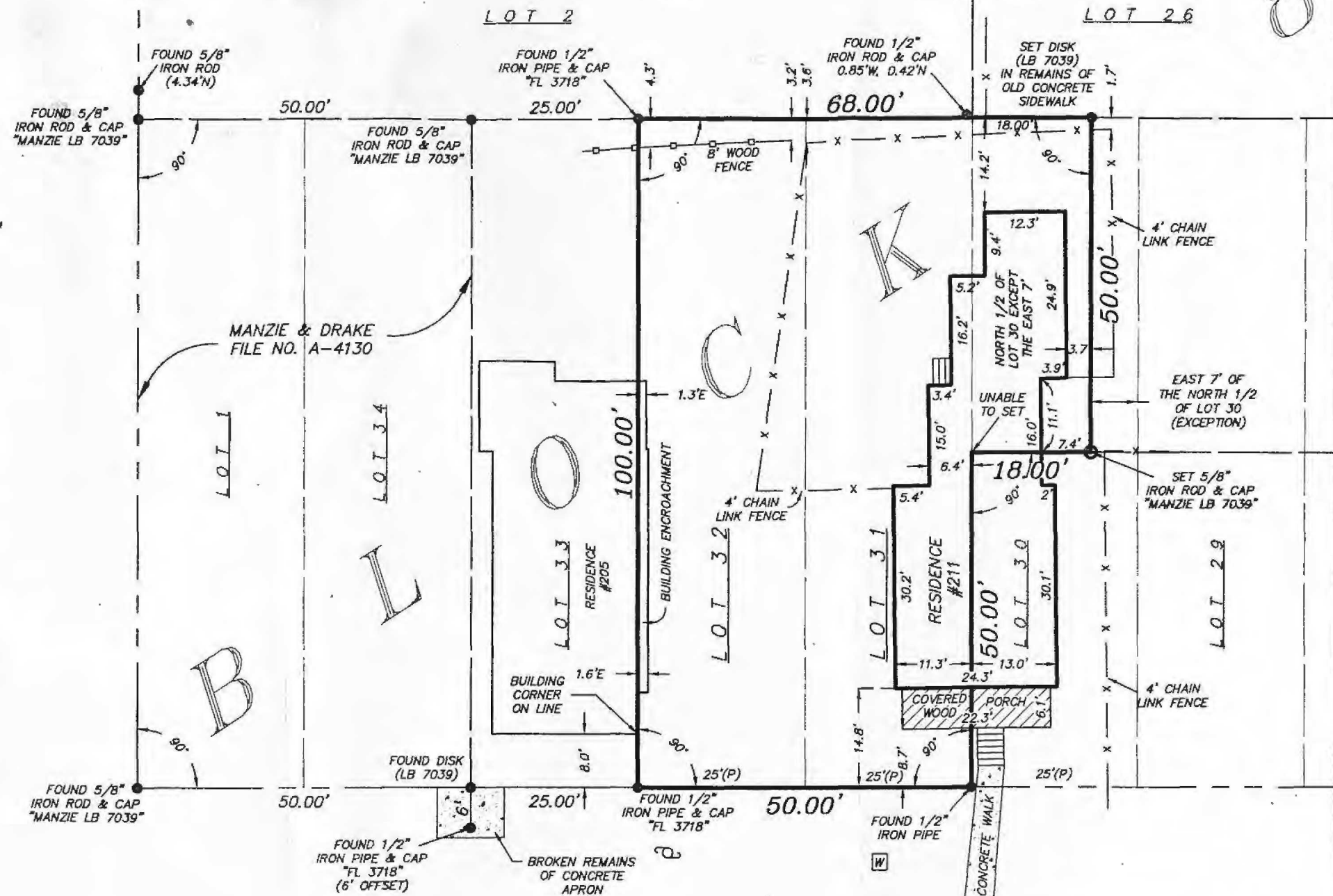
- ⊕ = CENTERLINE
- x-x- = CHAIN LINK FENCE
- ▨ = CONCRETE FLATWORK
- (P) = PLAT
- ⊞ = WATER METER
- = WOOD OR VINYL FENCE
- ▨ = WOOD FLATWORK
- ⊙ = WOOD POWER POLE
- ⊙ = 5/8" IRON ROD & CAP (LB 7039) SET

SURVEY NOTES:

- 1) The "Legal Description" hereon is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- 4) Internal lot angles shown hereon are based on recovered monumentation.
- 5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- 6) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C-0237-E, Dated 12/17/2010. Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- 7) This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.



NORTH SECOND STREET
(60-FOOT RIGHT-OF-WAY) PAVED



COPYRIGHT © 2016 BY MANZIE AND DRAKE LAND SURVEYING

THE INFORMATION SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

William D. Pinkston

- ☐ MICHAEL A. MANZIE, P.L.S. 4069
- ☒ WILLIAM D. PINKSTON, P.S.M. 6793

MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034

(904) 491-5700 FAX (904) 491-5777

Certificate of Authorization Number "LB 7039"

"OUR SIGHTS ARE ON THE FUTURE,
SET YOUR SITES ON US."

SCALE: 1"=20' JOB NO: 19686 DATE: 7/29/16 CADD: WKD
F.B. NO: X-289 PAGE NO: 34 FIELD CREW: SS FILE NO: A-4131

1. Call to Order - The meeting was called to order at 5:03 pm.

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
Judith Lane
Donna Lewis (Alt 1)

David Beal, Vice-Chair
Benjamin Morrison
Jenny Schaffer (Alt 2)

Board Members Absent

Wayne L. Peterson

Others Present

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

Considering the absence of Member Peterson, Chair Bennett seated Member Lewis as a voting member, with all Members approving by voice vote.

2. Approval of Meeting Minutes

2.1 Review and Approval of February 8, 2017 Regular Meeting Minutes – A motion was made by Member Beal, seconded by Member Lane to approve as presented. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

2.2 Review and Approval of March 8, 2017 Regular Meeting Minutes – Chair Bennett asked that the discussion regarding item 4.6 be more detailed and Minutes be presented to the next meeting for approval.

3. New Business

3.1 PAB CASE 2017-07: FUTURE LAND USE MAP AND ZONING CHANGE REQUEST FOR PROPERTY LOCATED ON BROOME STREET AND NORTH 2ND STREET.

PAB case 2017-07: Property owners Erickson and Clayton, et Al. request a small scale Future Land Use Map Amendment and Zoning Map change for properties located along Broome Street and N. 2nd Street totaling approximately 0.32 acres of land from industrial (IND) land use and I-1 zoning to Central Business District future land use and C-3 zoning for parcel ID numbers: 00-00-31-1800-0008-0310, 00-00-31-1800-0008-0330, 00-00-31-1800-0008-0340, 00-00-31-1800-0008-0010.

Ms. Gibson presented the case and summarized the applicants' request to amend zoning from Industrial (IND) land use and I1 zoning to Central Business District future land use and C-3 zoning for properties located at 211 Broome Street, 205 Broome Street, and vacant properties at N. 2nd Street and Broome Street.

She explained that this change would be correcting non-conforming use of properties where there are two (2) single family homes which have existed for many years. This request will also be consistent with the associated Land Development Code policies, the CRA and the historic built pattern of the area. Staff recommended approval of the applicant's request to move forward towards C-3 zoning and Central Business District land use.

Member Morrison asked about the reason why this case is coming back. City Attorney Bach explained that an administrative appeal of Staff's finding of sufficiency and completeness of the application was questioned and was to be presented in front of the Board of Adjustment on March 15th, 2017 and that based on Mr. Ross's arguments and the reason of the appeal, the decision was made that the Board of Adjustment wasn't right outlet for this appeal. Ms. Bach also noted that after meeting with Mr. Ross it was established that if the applicants withdrew their application and re-submitted it with the same amount of details included in a similar case presented by neighboring owners, Mr. Ross would withdraw his appeal, which he has done. Ms. Gibson then confirmed that this latest application is complete and sufficient and that this stretch of the City on N. 2nd Street is consistent with the CRA and is in keeping with what was previously built.

Member Morrison then asked Ms. Gibson to go through the additional documents presented with the most recent application. Ms. Gibson stated that the principal difference is the requested zoning change as the original application requested Medium Density Residential and this most recent application requested a Central Business District zoning. She added that the applicant also provided a more detail statement of justification through attachments and documentation, and relied in resources noted in said additional attachments and documentation.

Robert Erickson, 30 S. 3rd Street, reiterated the difference between the 2 applications and that he provided more documentation and justification. He then asked that the Board consider this request favorably.

Public Hearing was then opened.

John Sauer, 205 Broome Street, future owner of record of this property, is looking forward in moving into the property and has been renovating it for about a year.

Lynn Williams, 1899 S. Fletcher Avenue, voiced his opposition to C3 zoning as oppose as R2 which abuts to the property. He also voiced concerns about the upcoming review to increase the density from 8 to 34 units per acre under this C3 zoning.

Lou Goldman, 23 S. 6th Street, voiced his support for the change in zoning and also explained his positive experience living downtown in a C3 zoning amongst residential and commercial properties.

Public Hearing was then closed.

Member Lane voiced her support for this change and hope that this would bring the vibrancy back in that area. Member Schaffer lives downtown and also voiced her support to this change along with Member Beal and Member Lewis who noted that she feels this is a good transitional change.

Member Morrison asked Ms. Gibson if previously approved zoning changes from this Board had already been presented to the Commission for final approval. Ms. Gibson answered that they would be presented at the same time as this one.

Chair Bennett then commented about his opposition to this change especially about the increase in density and transitional zoning. He then asked Ms. Gibson about funds for sidewalks, water retention, etc. Ms. Gibson answered that through redevelopment efforts a funding mechanism in the TIF account (Tax Increment Financing), would be created to support infrastructure related improvements and that streetscape improvements would be included in and that a minimum sidewalk connection would be established at the front of a new development site. Ms. Gibson then explained the process of TIF and how the tax benefit portion returns to the general fund. Chair Bennett also questioned possible issues with truck traffic and asked about any traffic studies. Ms. Gibson answered that in 2009 a traffic analysis was performed which indicated circulation enhancement was required. She also answered Chair Bennett question about density.

Public Hearing was then closed.

A motion was made by Member Morrison, seconded by Member Lane, to recommend approval of PAB case number 2017-07 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-07 as presented, is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

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

<i>Member Morrison:</i>	<i>Aye</i>
<i>Vice Chair Beal:</i>	<i>Aye</i>
<i>Member Lane:</i>	<i>Aye</i>
<i>Member Lewis:</i>	<i>Aye</i>
<i>Chair Bennett:</i>	<i>Nay</i>

Motion carried.

4. Board Business –

Member Lane asked if a private drive can be designated a City Street to which Ms. Gibson answered that it can if the City accepts it as a Right of Way.

Member Morrison spoke about previous discussions regarding the need for studies such as street lighting, traffic and parking, and also asked if the current RFQ being put together includes some of these studies. Ms. Gibson answered that parking and traffic circulation would be addressed within this RFQ. City Attorney Bach also mentioned that there had was a discussion during a Commission workshop about the scope of this RFQ which includes a Master Plan for the waterfront specifically, but also includes a traffic circulation study. She also mentioned that the Commission has not yet approved the final scope and are questioning the fees.

Member Morrison asked when the density change would be presented in from of the Commission, Ms. Gibson answered April 18, 2017 but only as a Comprehensive Plan change, the Land Development Code amendment would be presented in May 2017 as 1st reading. Chair Bennett then asked if there are changes to be expected to reduce the parking requirements to which Ms. Gibson answered in the negative. She noted that no changes would be made until results of parking studies would be received.

5. Comments by the public –

Mr. Erickson 30 S. 3rd Street commented on the inevitable movement of growth and its impact and shared the story of growth in Bentonville, Arkansas starting with Walmart moving in and noted similarities with our area. He also cautioned Board members not to be complacent and know that growth is coming and to plan carefully and accordingly.

Member Lane commented that although there is a lack of vision regarding growth on the part of the City, caused mainly by changes with the Commission and waves of anti-growth movement, the growth is here and is happening.

6. Staff Report

Ms. Gibson announced that the City was recognized the day before by the American Planning Association for its 2030 Comprehension Plan as a sustained place. She added that communities were reviewed nationally starting with 30, out of thirty (30) five (5) were selected and the City ranked third. She also added that a proclamation and formal award would possibly be issued on the May 2, 2017 Commission meeting. Ms. Gibson also noted that there is not meeting in May 2017 with the next meeting being June 14, 2017.

7. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 5:49 pm.

Secretary

Mark Bennett, Chair

May 24, 2017 Newsheader. Edition



NOTICE OF PUBLIC HEARING CITY COMMISSION CITY OF FERNANDINA BEACH

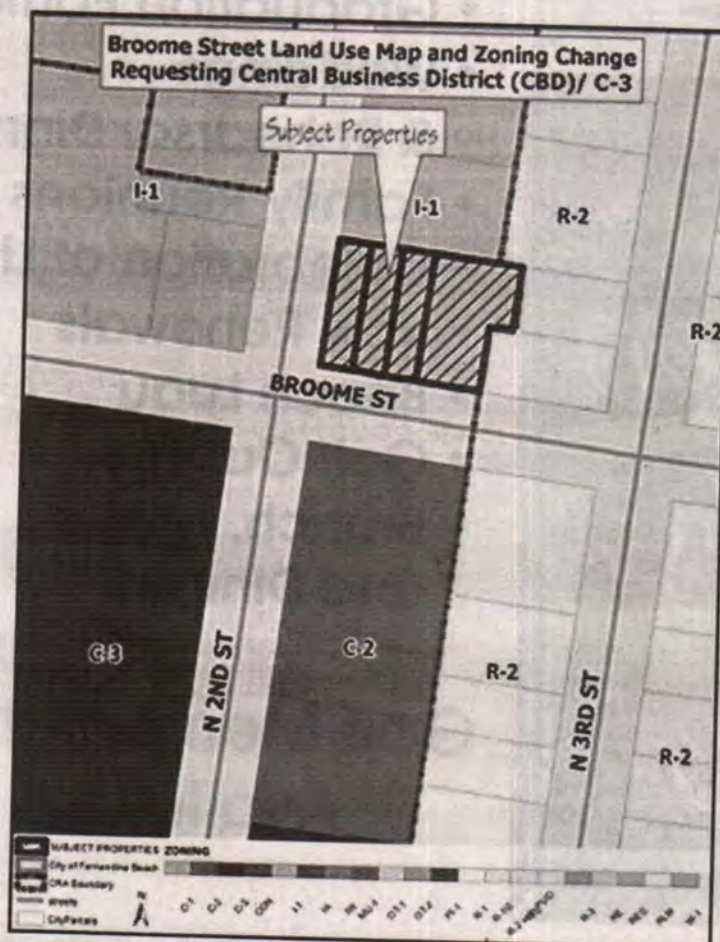
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, June 6, 2017, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2017-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-14

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR FOUR PARCELS TOTALING APPROXIMATELY 0.32 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON BROOME STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



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

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

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

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Ordinance
Zoning Map Amendment - Broome Street

2017-14

ITEM TYPE: Ordinances

REQUESTED ACTION: Enact Ordinance 2017-14 at Second Reading.

SYNOPSIS: The applicants, Robert and Loretta Erickson, and Clayton, Et. Al, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 211 Broome Street, 205 Broome Street, and the vacant properties at North 2nd Street and Broome Street .

The action is requested in order to correct existing non-conforming use of the properties where two single family homes have existed for many years. The property at 211 Broome Street has retained its single family home use as a grandfathered use. The property located at 205 Broome Street has remained vacant and in a deteriorating state for several years.

The Planning Advisory Board considered the request at its Regular Meeting on April 12, 2017, and issued a recommendation of approval (4-1). Staff finds the request consistent with the CRA Plan for eliminating inefficient and outdated land uses as well as Comprehensive Plan policy statements 1.01.02,1.02.03,1.02.04,1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02 and recommends approval.

The City Commission approved this Ordinance at First Reading after a quasi-judicial hearing on May 2, 2017.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2017-14 at Second Reading.

Dale Martin, City Manager

Tammi Bach, City Attorney

Tammi E. Bach, City Attorney

Date:05/23/2017

COMMISSION ACTION: Enact

ORDINANCE 2017-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the small-scale Future Land Use Map Amendment application numbered PAB 2017-05 at its Regular Meeting on March 8, 2017, and by a vote of 4-1 recommended approval of the change to Central Business District (CBD) land use; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on February 22, 2017; and

WHEREAS, City Planning staff found the applicant's request to be consistent with the direction of the Community Redevelopment Area Plan for eliminating inefficient land use patterns as well as consistency with Comprehensive Plan policies 1.01.02, 1.02.03, 1.02.04, 1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02.

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

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Future Land Use Map is located in the City's Amelia River Waterfront Community Redevelopment Area and identified as Parcel ID numbers 00-00-31-1800-0008-0080, 00-00-31-1800-0008-0050, and 00-00-31-1800-0008-0020 totaling approximately 0.59 acres, and as shown on the map attached hereto as Exhibit "A".

SECTION 2. FUTURE LAND USE MAP CHANGE. For the properties in question, the City's Future Land Use Map is hereby changed to Central Business District (CBD).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH



ROBIN C. LENTZ
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



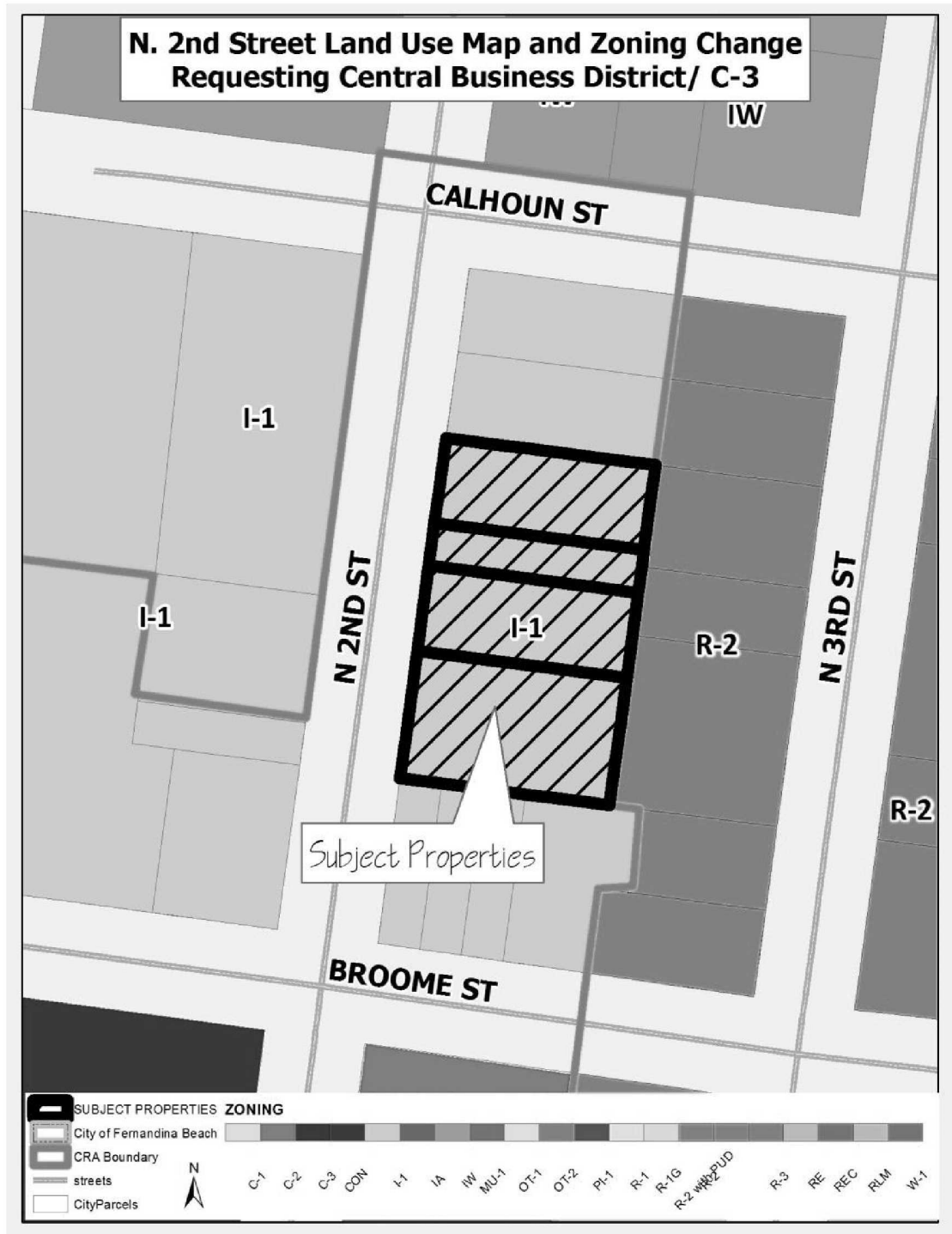
CAROLINE BEST
City Clerk



TAMMI E. BACH
City Attorney

**ORDINANCE 2017-15
EXHIBIT "A"**

REQUEST FOR A FUTURE LAND USE MAP CHANGE FOR 0.59 ACRES OF LAND FROM INDUSTRIAL (IND) TO CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTIES LOCATED ON N. 2ND STREET AS PARCEL ID#S 00-00-31-1800-0008-0080, 00-00-31-1800-0008-0050, AND 00-00-31-1800-0008-0020.





STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Susan Courtney McCranie, Daniel McCranie Sr., Marilyn Leibman				
AGENT:	Peter J. King, AICP				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	North 2 nd Street Community Redevelopment Area (CRA) properties – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	Parcel ID #: 00-00-31-1800-0008-0080 (Courtney McCranie) – 224 N. 2nd Street, Multifamily Structure (2,905 conditioned square feet) totaling 0.22 acres of land and constructed in the early 1900's- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft. Parcel ID #: 00-00-31-1800-0008-0050 (Daniel McCranie, Sr.) - Vacant totaling 0.15 acres of land , This property contains 2 underlying lots of record and measures approximately 50ft. x 125ft. Parcel ID #: 00-00-31-1800-0008-0020 (Leibman) - Vacant totaling 0.22 acres of land- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft.				
PROPERTY SIZE:	In total 0.59 acres of land are included within the applicant's request.				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
CRA PROPERTY	North	Warehouse	1980	I-1	Industrial (IND)
		Restaurant/Bar	1902		
CRA PROPERTY/ HISTORIC DISTRICT	South	Vacant and Non-Conforming Single Family Homes	Est. 1900	I-1	Industrial (IND)
CRA PROPERTY	West	Warehouse Storage	Est. 1900	I-1	Industrial (IND)
PORT PROPERTY (NOT IN THE CRA)		Warehouse Storage	1990		
CRA PROPERTY	East	Single Family and Multi-Family residential dwellings	Est. 1909- 1925	R-2	Medium Density Residential (MDR)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***



STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicants, Courtney McCranie, Daniel McCranie, Sr., and Marilyn Leibman, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 224 N. 2nd Street, and the vacant properties located on N.2nd Street (**Exhibit A**).

The action is requested in order to correct existing non-conforming use of the properties where a multi-family residential structure has existed for many years at 224 N. 2nd Street. The vacant lots located to the south of the multi-family structure are anticipated for infill development. All three (3) properties involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council. Although the structure located at 224 N. 2nd Street is not within the City's historic district, its location within the CRA would require that any request for demolition of the structure to be approved by the Historic District Council and follow all established procedures identified in LDC Section 8.03.03.01.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	Policy 4.01.02 <i>All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.</i>
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

Fire-Rescue Services

**240-second travel time to 90% of the incidents (EMS with AED or BLS) &
480-second travel time to 90% of the incidents (ALS Response)**

**Police and Law
Enforcement Services**

**Response Time: 3 minutes or less for emergency calls and 7 minutes or less for
non-emergency calls**

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Central Business District (CBD), 8 dwelling units per acre are supported at this time. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Under the requested action, a total of up to five (5) residential units could be constructed on the vacant properties. The property located at 224 N. 2nd Street contains a non-conforming multi-use structure with two (2) residential dwelling units at the present time.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

Any requested future land use category and corresponding zoning district containing residential density would serve to address the applicants' immediate need for continuing to occupy the existing structure for residential purposes. The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. Although, the properties located on the east side of the same block contain a future land use category of MDR and R-2 zoning, those properties are not located within the Community Redevelopment Area. The requested CBD land use/ C-3 zoning serves to create a transitional zoning district between the more intensive warehousing permitted in the Industrial (IND)/ I-1 properties to the west and the established residential homes to the east.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing public facilities within this area. The CRA established a



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

Finding of Necessity in 2005, one of the four principal reasons why this area was determined to contain blighted conditions is due to its “inadequate and outdated building density patterns.” It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant’s requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. The requested Central Business District (CBD) land use category and C-3 zoning district serves to create a transitional step down the land use pattern from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Exhibit B – Sanborn Maps**), the applicant’s request is the most appropriate land use and zoning district assignment under the City’s current regulations.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;**
- b. Zoning districts in the surrounding area;**
- c. Demonstration of adequate water supply and water supply facilities;**
- d. Appropriateness of the size of the parcel compared to the proposed use;**
- e. Physical condition of the site, and the suitability of soils and topography for the proposed use;**
- f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
- g. Compatibility factors;**
- h. Impact on adopted levels of service standards and quality of service standards; and**
- i. Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants’ properties are a range of existing uses including; a warehouse and storage area serving the port’s needs to the west, warehousing for a light manufacturing business to the North, and restaurant/ bar located at the corner of Calhoun Street and N. 2nd Street. On the eastern block face are homes located within the City’s downtown historic district.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.

Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City’s comprehensive plan and land development regulations.

The applicant’s request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement.



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

Policy 1.02.09.

The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The existing land use and zoning under Industrial/ I-1 of the subject properties is not compatible with the adjoining residential historic district properties to the east. The requested action provides a down-zoning or transition from the port's industrial operations to the adjoining residential areas. The most compatible land use and zoning designation for these CRA properties as well as the properties fronting Broome Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.

Central Business District (CBD)

- a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
- b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
- c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
- d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
- e. The intensity of non-residential development shall not exceed a FAR of 2.0.
- f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
 1. The need for additional land area within the Central Business District land use category;
 2. Consistency of the land area with the characteristics of the Central Business District; and;
 3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face (**See Sanborn Map Exhibits**). Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that



STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.



Reference: Johannes, J. (2000). *Yesterday's Reflections II Nassau County, Florida - A Pictorial History*. Fernandina Beach: Lexington Ventures, Inc.



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.

The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

MOTIONS TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2017-05 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-05 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

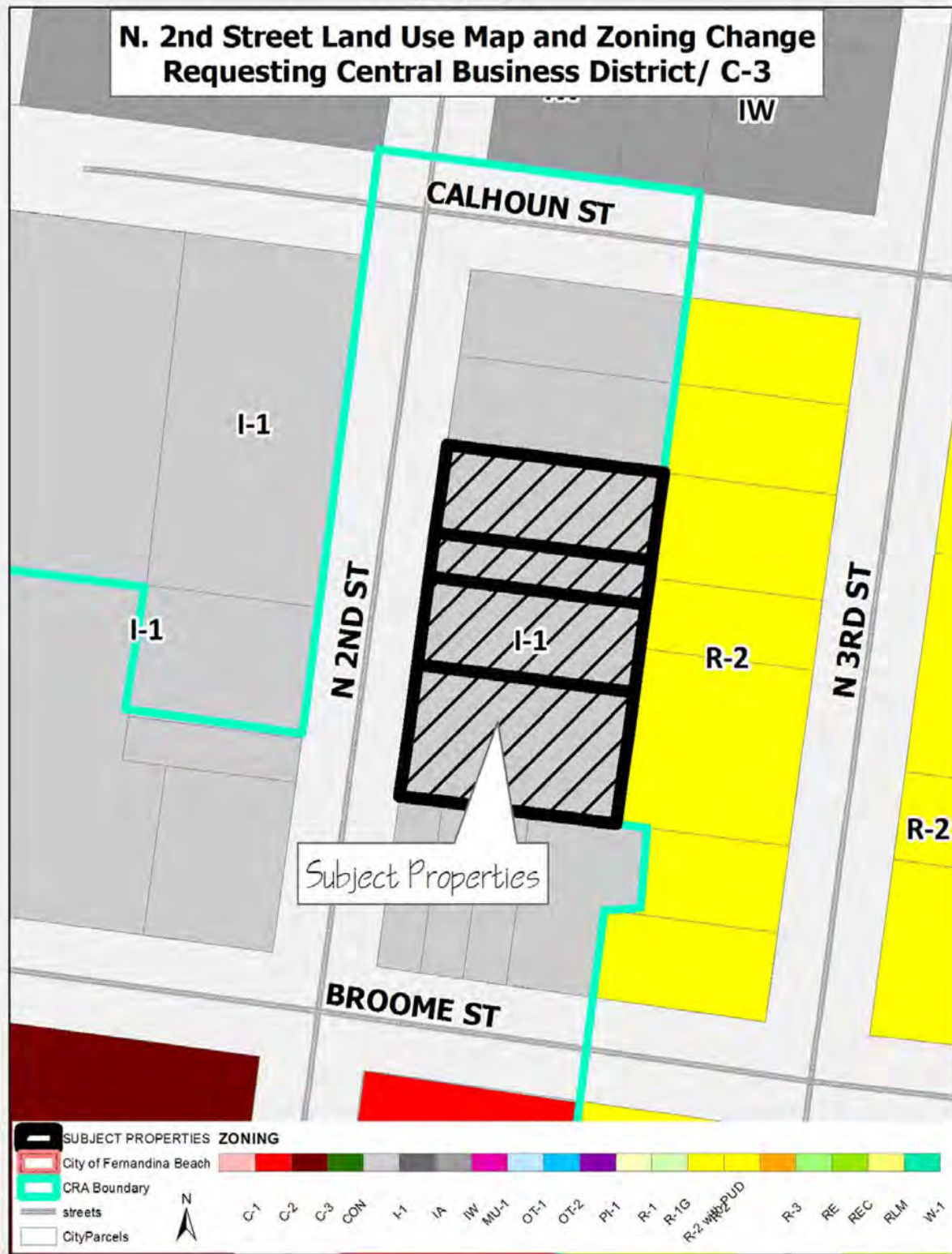
Submitted by:

A handwritten signature in black ink, appearing to read "Kelly N. Gibson".

Kelly N. Gibson
Senior Planner



EXHIBIT A



KEY

FIRE PROOF CONSTRUCTION,
(OR FIRE RESISTIVE CONSTR.)

Adobe building.

STONE BUILDING

Concrete, lime, cinder or
cement brick

HEIGHT OF BUILDING IN
FEET FROM GROUND
TO ROOF LINE

Concrete or reinforced concrete const'n

(C. BR.)

Tile building.

(C. B.)

Brick building with frame cornice.

(CONC.)

" " " " stone front.

(TILE)

" " " " frame side.

NUMBER OF STORIES

(DIVIDED BY FRAME PARTITION)

TWO STORIES AND EIGHT
COMPOSITION ROOF

Brick veneered building.

SHINGLE ROOF

" and frame building.

(VENO.)

Frame building, brick lined.

BRICK LINED

" " metal clad.

FRAME, BRICK LINED

Frame building.

F=FLAT S=STORE

Iron building.

D=DWELLING

Tenant building occupied by
various manufacturing or occupancies

AINB AUTO IN B'HT

Frame building covered with asbestos

LOFT

Brick building with brick or metal cornice.

(ASB. CL.)

NON COMBUSTIBLE ROOF
COVERING OF METAL,
SLATE, TILE OR
ASBESTOS SHINGLES

DWELLINGS.

Framed air shafts are shown but colored
over. Brick air shafts are left white.

CLASSIFICATION OF BUILDINGS

Shown by varying number of dots or cir-
cles. Classed by New York Board of
Fire Underwriters as follows:

BRICK

1st Class (.) Slate or metal roof, coped walls.

2nd " (..) " " walls not coped.

3rd " (...) Shingle roof.

FRAME

1st Class (.) Slate or metal roof.

2nd " (..) Shingle roof.

Frame Buildings with BRICK FRONTS.

Height of Buildings, in Stories and feet (7 1/2 ft. 6 in. and over).

Fronts of marble or other stone.

Iron Fronts.

"Dotted line." Interior brick wall, omitted on one or more floors.

Superior construction. { Built of non-inflammable
material "throughout,"
except flooring and trim.

Communications protected by single fire-proof doors { With designation
" " double " " of floors.

Openings exposing Buildings.

Elevators with steam or other power. { Where enclosed with Brick or
Fire-proof material a heavy
line is drawn around them.

Skylights in Roof only.

" over Opening in floor.

Smoke-houses. Retorts, and Ovens.

Mansard Roofs. Corrugated Iron. Steam-boilers.

REFERENCE.

SPECIAL HAZARDS.

NAMES of Manufactories, &c., are written on buildings, when there is sufficient
space, and their construction classified by the same marks as on Dwellings. Other
Specially Hazardous Risks are COLORED GREEN, the varying number of dots
(brick) and crosses (frame) showing the comparative danger from fire by occupancy.



BRICK.

A Construction = to 1st class Warehouse.

B " = " 2nd " " "

C " = " 3rd " " "

D " = " 1st " Store or Dw'g. "

E " = " 2nd " " " "

F " = " 3rd " " " "

NOTE.—In classifying a building
as a Special, its CONSTRUCTION
is obliterated, necessitating a series
of letters, as follows:



FRAME.

G Construction = to 1st class
Store or Dwelling.

H " = to 2nd class
Store or Dwelling.

Brick Frame

Bakeries (ovens in building). Breweries. Cooperages. Drug stores (retail, with
privilege of compounding). Dyeing establishments. Fur dressers. Glass stainers.
Hat finishers. Hay (open stock, loose). Lamp sellers (privilege for kerosene &c.)
Laundries. Malt houses. Manufactories of Baskets, Bonnet-frames, Boots and shoes,
Caps, Clothing, Combs, Envelopes, Feather dusters, Fringe &c., Gas fixtures, Gold
pens, Hats, Hemp, Jewelry cases, Morocco, Paper bags, Pocket-books, Ruffling and
ruehes, Segars, Shirts, Tobacco, Umbrellas, Vinegar, Watches, Watch-cases, Writing
ink. Map mounting and varnishing. Metal mills. Molasses houses. Photographers.
Private stables. Smoke-houses. Tanneries. Tin shops. Wheelwrights. Wire
workers. Wool-pullers.

Brick Frame

Bleaching works. Book-binders. Brass and iron foundries. Coppersmiths. Cotton
presses. Filling mills. Junk shops. Letter-press printers. Lithographers. Livery
and Cartmen's stables. Machine shops. Manufactories of Agricultural Implements.
Artificial flowers, Brooms, Brushes, Carriages, Cedar-ware, Floor-cloth, Grates, Guns,
Hoop-skirts, Jewelry, Lamps, Musical instruments, Oil-cloths, Paper boxes, Paper
collars, Paper patterns, Patent Medicines, Plated ware, Rope and cordage, Safes,
Silverware, Starch, Stoves, Tin cans, Upholstery. Oil stores (petroleum and pro-
ducts). Print works. Rag stores. Slaughter houses. Snuff mills. Type and stereo-
type foundries. (And generally buildings not occupied by workers of light wood).

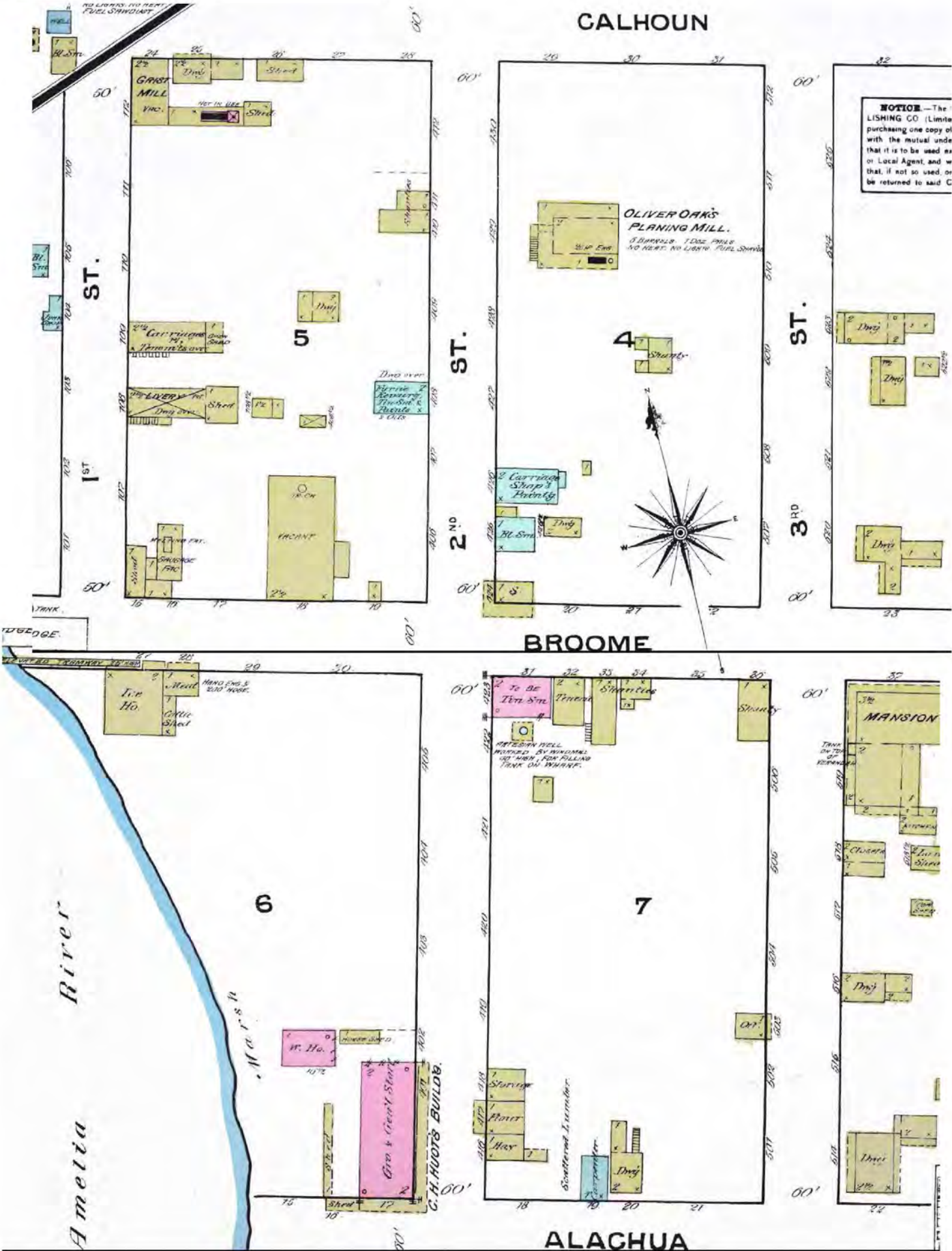
Brick Frame

Box repairing. Cabinet-making. Carpenters' shops. Distilleries. Flax mills. Flour
or Grist mills. Japanners. Lard refineries. Manufactories of Artificial hair, Bagging,
Candles, Chairs, Clocks, Confectionery, India-rubber or gutta-percha, Ivory or lamp-
black, Looking-glass and Picture frames, Oiled clothing, Organs, Paper-hangings,
Perfumery, Pianos, Soap, Trunks. Oil mills. Paper mills. Rectifying establishments.
Sugar refineries. Tallow-melting or chandleries. Wholesale druggists (with com-
pounding). Woolen mills. (And generally risks where much heat or light wood is
used.)

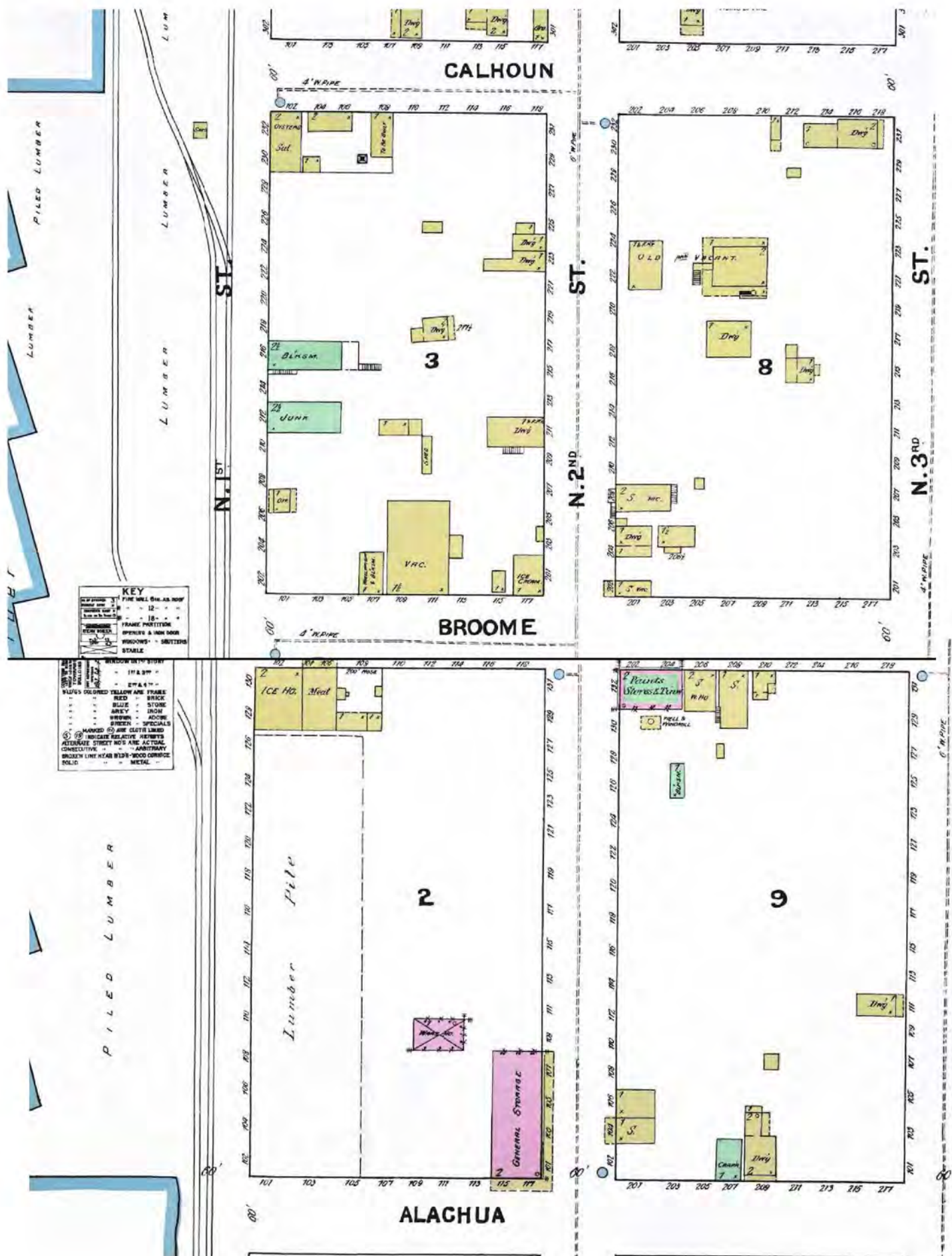
Brick Frame

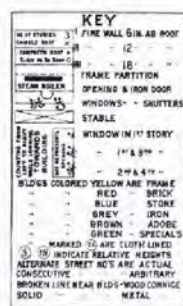
Chemical laboratories. Coffee and Spice mills. Drug mills. Fireworks on sale.
Match factories. Oil-boiling houses. Planing and Moulding mills. Printing-ink
factories. Sash, blind and door factories. Saw mills. Tar-boiling houses. Turpentine
distilleries. Varnish making. Window-shade factories.

1884 Sanborn Map of North 2nd Street



1891 Sanborn Map of N. 2nd Street



1897 Sanborn Map of N. 2nd Street

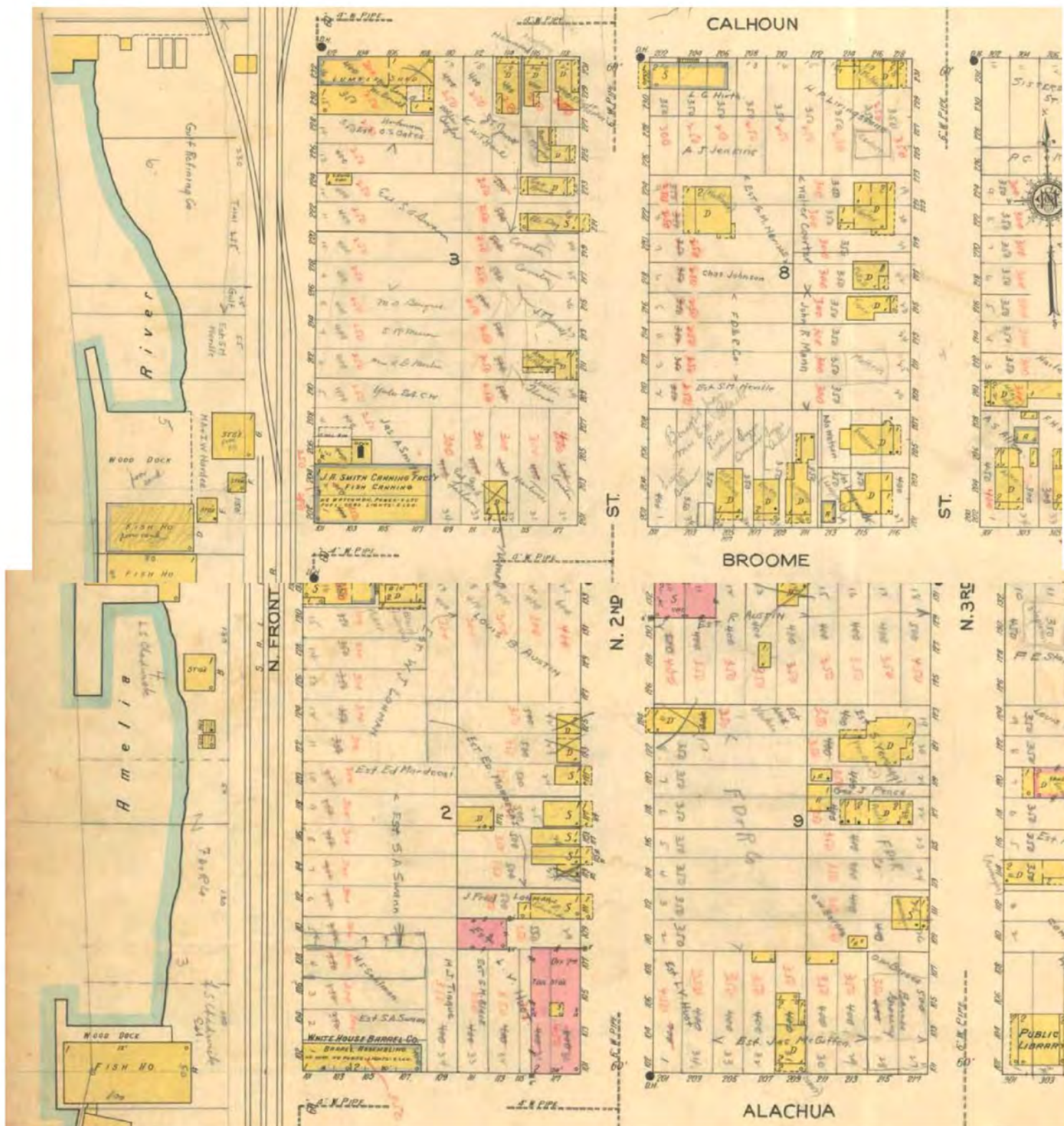
1903 Sanborn Map



1909 Sanborn Map of N. 2nd Street



1926 Sanborn Map of N. 2nd Street



1ms# 2017-0000223

OFFICE USE ONLY
RECTY: 2/10/2017 BY: KG
PAYMENT \$ 1,700 ✓ #460 ✓ #228
APPLICATION #: 2017-05



PLANNING ADVISORY BOARD APPLICATION

BOARD MEETING DATE: _____

- | | |
|---|--|
| ☒ ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – PRELIM (\$750) |
| ☒ LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – FINAL (\$850) |
| ☐ LDC TEXT AMENDMENT (\$850) | ☐ VACATION OF R.O.W. (\$850) |
| ☐ COMP PLAN AMENDMENT (\$850) | ☐ VOLUNTARY ANNEXATION (\$1050) |

APPLICANT INFORMATION

Owner Name: Susan Courtney McCranie and Daniel McCranie, MARILYN LEHRMAN

Mailing Address: 1301 Quattlefield Lane, Fernandina Beach, 32034

Telephone: (904) 321-2222

Fax: N/A

Email: McCranie2222@Gmail.Com

Agent Name: Peter J. King, AICP

Mailing Address: 404 West 70th Street, Jacksonville, FL 32208

Telephone: (904) 710-9375

Fax: N/A

Email: PeterKingJax@Gmail.Com

PROPERTY INFORMATION

Street Address: 224 2nd Street 1 Bx AL

Parcel Identification Number(s):

00-00-31-1800-0008-0080, 00-00-31-1800-0008-0070

00-00-31-1800-0008-0050, 00-00-31-1800-0008-0020

Lot Number: ²5 though 9 Block Number: 8 Subdivision: City of Fernandina Beach

Section: 21 Township: 3N Range: 28E

PROJECT INFORMATION

Total Number of Lots/Parcels: Five platted lots. However, no additional lots are planned

Less than One (1) acre Sq. Footage: .37 acre (One (1) Acre or Greater: N/A)

Existing Zoning Classification: I-1

Existing Future Land Use Classification: Industrial

Previous Planning/Zoning Approvals: Unknown

Description of Request:

Amend Future Land Use Map (FLUM) from "Industrial" to Central Business District (CBD) and a companion application to amend the zoning map from "I-1" to "C-3". This application is an effort to provide a transitional land use between the residential district to the east and the industrial district to the south.

SIGNATURE/NOTARY

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

Date

2/10/17

Signature of Applicant

STATE OF FLORIDA

ss }

COUNTY OF NASSAU

Subscribed and sworn to before me this 10 day of February, 2017

Karen M. Austin

Notary Public: Signature

Karen M. Austin

Printed Name

My Commission Expires

Personally Known ☒ OR Produced Identification _____ ID Produced: _____

KAREN M. AUSTIN
Notary Public, State of Florida
My Comm. Expires June 18, 2018
Commission No. FF 126104



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Susan Courtney McCranie
(print name of property owner(s))

hereby authorize: Peter King
(print name of agent)

to represent me/us in processing an application for: Rezoning & EIR
(type of application)

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

[Signature]
(Signature of owner)

(Signature of owner)

S. Courtney McCranie
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 9 day of February, 2017.

Melanie Liddell
Notary Public: Signature

Melanie Liddell
Printed Name

MELANIE LIDDELL
Notary Public, State of Florida
My Comm. Expires August 31, 2019
Commission No. FF 240149

My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE DANIEL I. McCRAVE, Trustee
(print name of property owner(s))

hereby authorize: PETER KING
(print name of agent)

to represent me/us in processing an application for: REZONING / COMP PLAN MAP
(type of application)

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

Daniel I. McCrave, Trustee
(Signature of owner)

(Signature of owner)

DANIEL I McCRAVE
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU }
ss }

Subscribed and sworn to before me this 8th day of February, 2017.

Donna L. Rowland
Notary Public: Signature

Printed Name

My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____





OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/~~WE~~ MARILYN C. LEIBMAN
(print name of property owner(s))

hereby authorize: PETER KINU
(print name of agent)

to represent me/us in processing an application for: REZONING / PLANNING
(type of application)

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

Marilyn C. Leibman
(Signature of owner)

(Signature of owner)

MARILYN C LEIBMAN
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 10 day of February, 2017.

Cherry Skarpalezos
Notary Public: Signature

Cherry Skarpalezos
Printed Name

10/2/17
My Commission Expires

Personally Known ☒ OR Produced Identification _____ ID Produced: _____





Peter J King, AICP
404 West 70th Street
Jacksonville, FL 32208

February 6, 2017

Kelly Gibson, Senior Planner
City of Fernandina Beach
Community Development Department
204 Ash Street
Fernandina Beach, FL 32034

Re: FLUM amendment and rezoning

Hi Kelly:

In accordance with procedures for submitting an application to the Planning Advisory Board, I am including this Detailed Letter of Intent stating the consistency of the amendment with the City's Comprehensive Plan and a justification for the proposed amendments.

OBJECTIVE 1.01.

Energy Efficient Development

The City shall promote compact, mixed use, and energy efficient development arranged to encourage walkability, bicycle and transit use, which leads to a more sustainable community and a reduction in greenhouse gases (GHGs).

The CBD Future Land Use is designed to promote energy efficient development by promoting a walkable and sustainable environment. This is accomplished by allowing a mixture of residential and commercial uses to be placed within the same structure. In addition, when the subject property is assigned the CBD/C-3 and located amongst other CBD FLU/uses, this places new housing units within walkability of services and employment within the downtown area.

Policy 1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors: a. Type and density or intensity of surrounding uses; b. Zoning districts in the surrounding area; c. Demonstration of adequate water supply and water supply facilities; d. Appropriateness of the size of the parcel compared to the proposed use; e. Physical condition of the site, and the suitability of soils and topography for the proposed use; f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources; g. Compatibility factors; h. Impact on adopted levels of service standards and quality of service standards; and i. Location in a Coastal Upland Protection Zone (CUPZ).

The type and density and intensity of the surrounding uses are compatible with the CBD/C-3 FLU

and Zoning combination as adjacent FLU and zoning is consistent with the proposed change. It is as equally intense as the adjacent industrial uses. Although more intense than the nearby residential, the CBD will act as a transitional use. The proposed change is a transitional use that will be compatible with both residential to the east and industrial to the west. The residential to the east will be buffered from the industrial uses by the CBD/C-3 uses and will be buffered from CBD/C-3 uses by 20' buffer with landscaping. Public water and sewer is available to the subject property and the increase development permitted will promote smart-growth principles by increasing growth where there is existing infrastructure. The area being considered for the change is appropriately sized considering the setback, densities and types of development permitted. Soils and topography are the same as other urban areas that are immediately adjacent. As can be seen from maps included with application, the soils for the subject property, Ortega Fine Sand, is prevalent in the downtown area, is not unique to the subject property, and is developed to urban levels in the city. According to the US Geologic Survey, the Ortega Series of soils are moderately well drained and are located on rises and knolls and is suitable for urban development. As can be seen from the topographic map, a rise of six feet from front to rear will result in a slope over 125 feet of approximately 4.8%. There are no requirements in city code that correlate slope with types of development.

Essentially the lot/block and frontage characteristics of the subject property are very similar to the rest of the historic district CBD/C-3 area. The subject property is not covered by flood zone or other environmentally unsuitable conditions, and the historic structure on the subject property will be made conforming by the proposed amendment.

Policy 1.02.06. The City shall assure that specific density assigned to new development and redevelopment is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include, but not be limited to, the following: a. Protecting the integrity and stability of established residential areas; b. Assuring smooth transition in residential densities; c. Encouraging commercial and residential mixed use development patterns; d. Recognizing and being sensitive to the character and form of the surrounding neighborhoods; and e. Requiring application of low impact development (LID) principles, native and drought tolerant landscaping and urban design principles and practices; and f. Encouraging connectivity of pedestrian walkways and bicycle paths on and off site.

The City has expressed interest in pursuing a CBD/C-3 on the subject property as a city-sponsored application due to the sound planning criteria stated in Policy 1.02.06 above. The current situation of exposing residential areas to direct contact with industrial areas is deleterious to the development of industrial areas and the continuation of residential areas. Sound planning principles dictate that a transitional land use be used to buffer these two uses from each other. Such a transitional land use is available in the CBD/C-3 which contains a multi-family element that is both transitional in use and in residential densities. By definition, the CBD/C-3 combination encourages residential and commercial mixed use and is therefore compatible with residential. The proposed CBD/C-3 combination recognizes sensitivity to adjacent neighborhoods as it contains both residential and commercial elements. In addition, the city code contains buffer and setback requirements to residential that will provide additional sensitivity to existing neighborhoods. By definition, development in the CBD will be heavily reliant on pedestrian and bicycle access as these forms of transportation are more practical than auto in the subject area.

Policy 1.02.08. Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.

Compliance with this policy requires very little elaboration. The CBD/C-3 is a mixed use concept and the policy calls for mixed use transitional areas. The subject property is in between and immediately adjacent to industrial (to the west) and residential (to the east) and therefore, the application to change the subject property to CBD/C-3 is precisely what the city's Comprehensive Plan requires.

Policy 1.02.09. The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

See above response. Again the City's Comprehensive Plan not only supports the change, it requires it.

OBJECTIVE 1.04. REDEVELOPMENT AND INFILL DEVELOPMENT The City shall reduce blight and encourage redevelopment of underutilized areas and inefficient land use patterns through redevelopment, reuse, and/or removal and replacement of blighted structures and uses. The City will focus its redevelopment and infill efforts to encourage development in its already urbanized areas that provide housing near job centers, preserve open space, capitalize on existing community assets such as parks, create new community assets such as child-care centers, arts districts and shopping centers and removes the crime associated with vacant, underutilized or abandoned properties.

The subject property is adjacent to nearby job centers and valuable historic resources. The current historic structure is nonconforming to the existing industrial FLU and zoning and it is therefore difficult to improve the property as financing for non-conforming structures is not possible to obtain. If this effort to amend the FLU and zoning is deterred, and the industrial FLU and zoning remains, then blight will be inevitable, in direct conflict with this policy. Although the future of the existing structure is not guaranteed, it has a greater chance of survival if the financing to adaptively reuse is available.

OBJECTIVE 1.05. NONCONFORMING STRUCTURES, USES AND LOTS To promote re-use of structures that contribute to the character, diversity and sustainability of a neighborhood and to promote economic redevelopment by regulating structures and uses that do not conform to the current Plan or Land Development Code, but were lawfully established and in compliance with all applicable ordinances and laws at the time the structure was constructed and/or the use began, the City shall permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to eliminate nonconforming land uses.

As stated in the above response, the decline and eventual removal of the structure on the subject property will be inevitable if there is no way for the current or future owner(s) to obtain financing to repair and/or adaptively re-use the structure. Considering that the use of the land as industrial conflicts with aforementioned policies regarding transitional uses and the protection of residential,

it is clear the solution is to eliminate the industrial zoning, not the use.

OBJECTIVE 5.04. COASTAL HIGH HAZARD AREAS (CHHA) The City shall protect property, residents, and visitors within the Coastal High Hazard Area. Protection shall be provided through appropriate designations on the Future Land Use Map to ensure that population is directed away from the coastal high hazard area, limitations on construction of infrastructure in the Coastal High Hazard Area, and coordination with hazard mitigation and post-disaster plans.

The subject property is not within the CHHA and therefore additional residential development in the area is not in conflict with Objective 5.04

OBJECTIVE 12.05. LAND USE AND INFRASTRUCTURE EXPANSION The City shall protect existing land designated for employment-generating uses, whether vacant or developed, from encroachment of incompatible uses and promote sustainable development and redevelopment of properties within its designated Job Opportunity Areas.

The existing FLU and zoning of Industrial could be considered a "job creating" land use and this policy seeks to limit the loss of job creating land uses. This state of affairs is ameliorated by two factors: 1) the current size of the industrial district (half block) makes use of the industrial area for creating jobs limited at best and 2) the proposed CBD/C-3 will also have a commercial element that can provide jobs from primary and secondary economic impacts (people directly employed on subject property or economic development associated with subject property that spawns off-site employment).

In addition, I offer the following section from the City's Land Development Code, Community Redevelopment Area (CRA) section:

8.01.02 Amelia River Waterfront Community Redevelopment Area A. Purpose: It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent area.

In addition to complying with the Comprehensive Plan elements above, the subject property is within the CRA, which has a goal of providing a mix of uses and compatible with the design with the downtown area. The CBD/C-3 combination is tailored made for this use as it is the predominant zoning and land use within the downtown area.

In conclusion, it is clear that the proposed Future Land Use and Zoning amendment for the subject property complies with the City's Comprehensive Plan and the CRA.

Professional regards,

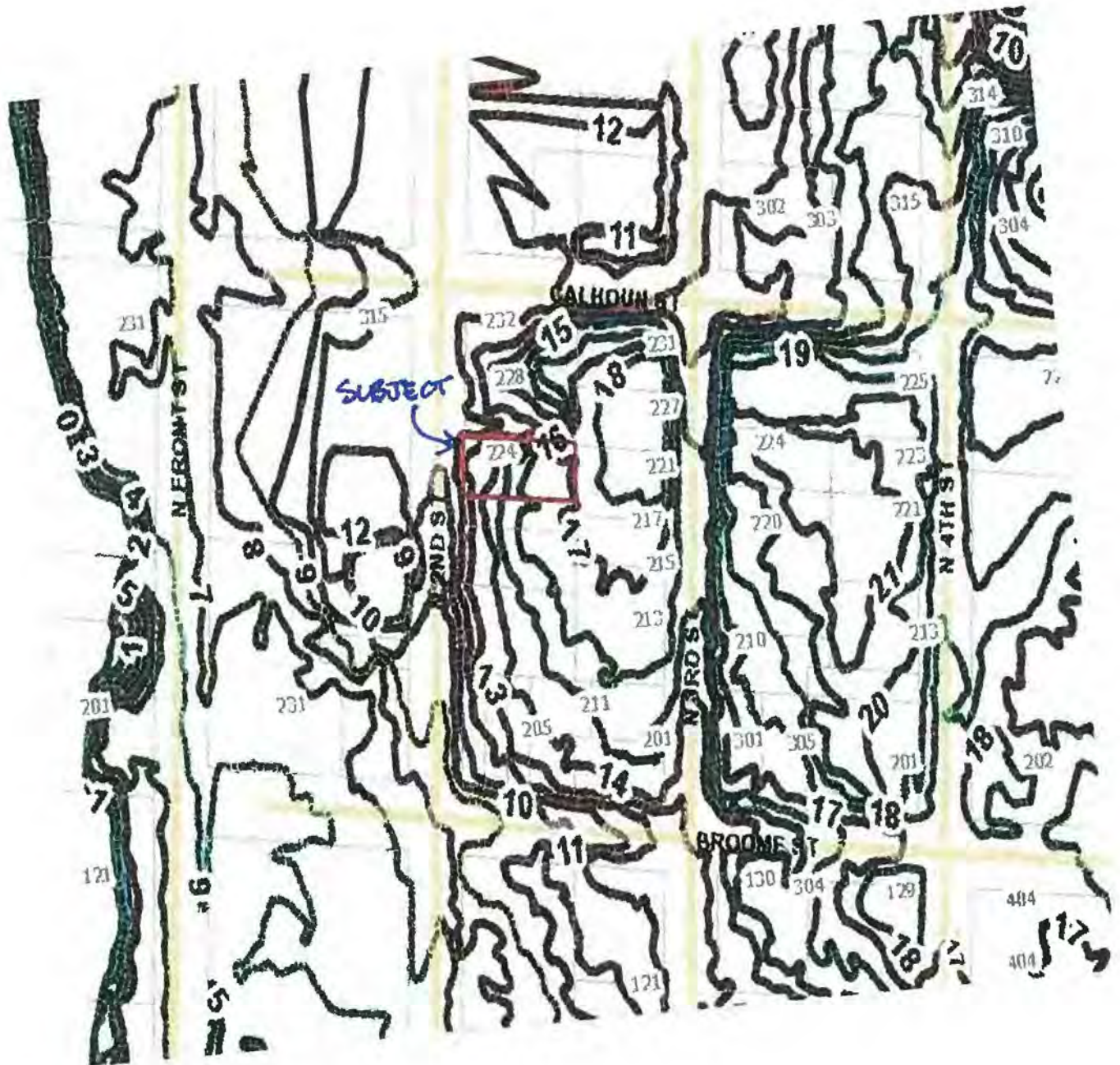


Peter J. King, AICP
Professional city planner
Licensed real estate sales associate

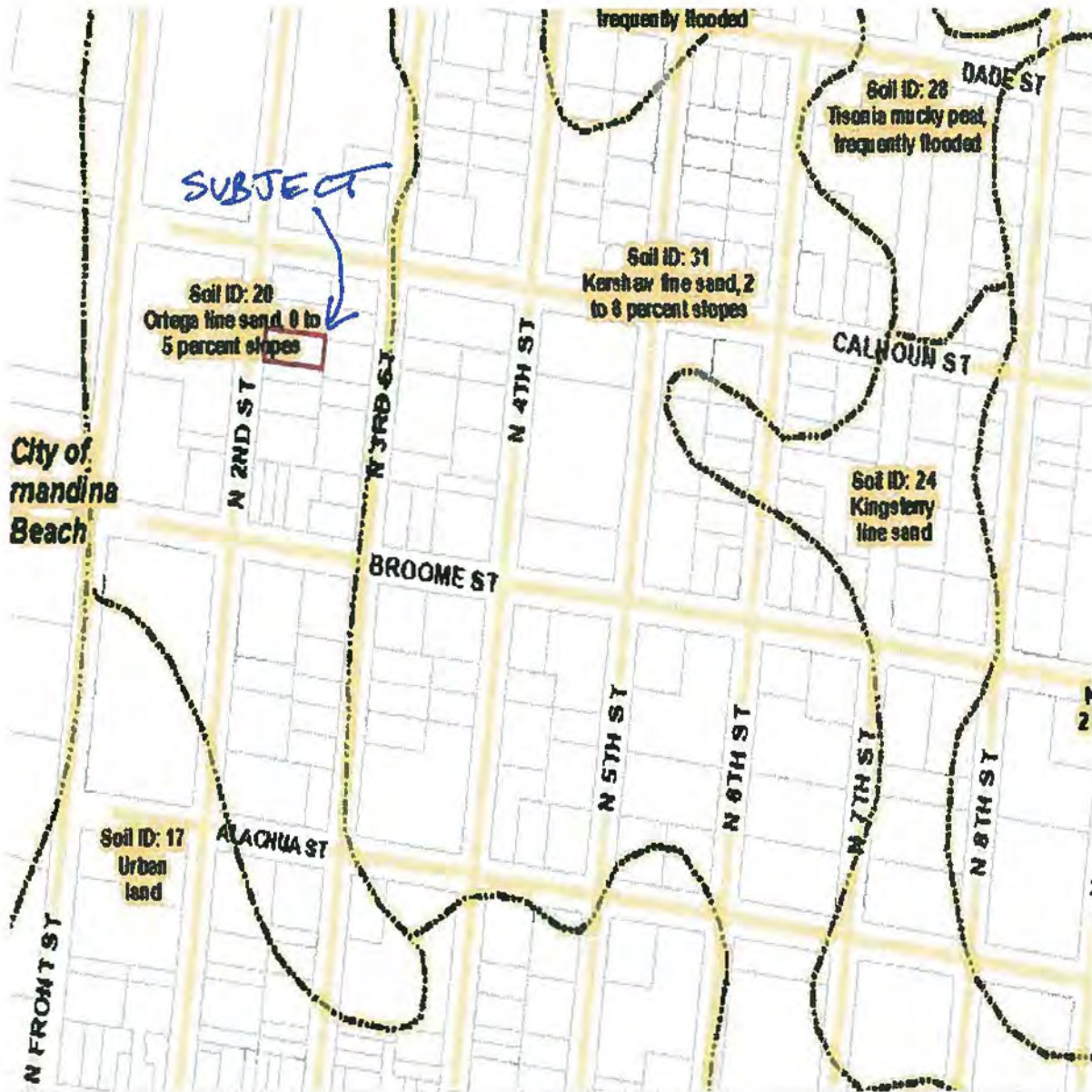
FLUM and ZONING MAP



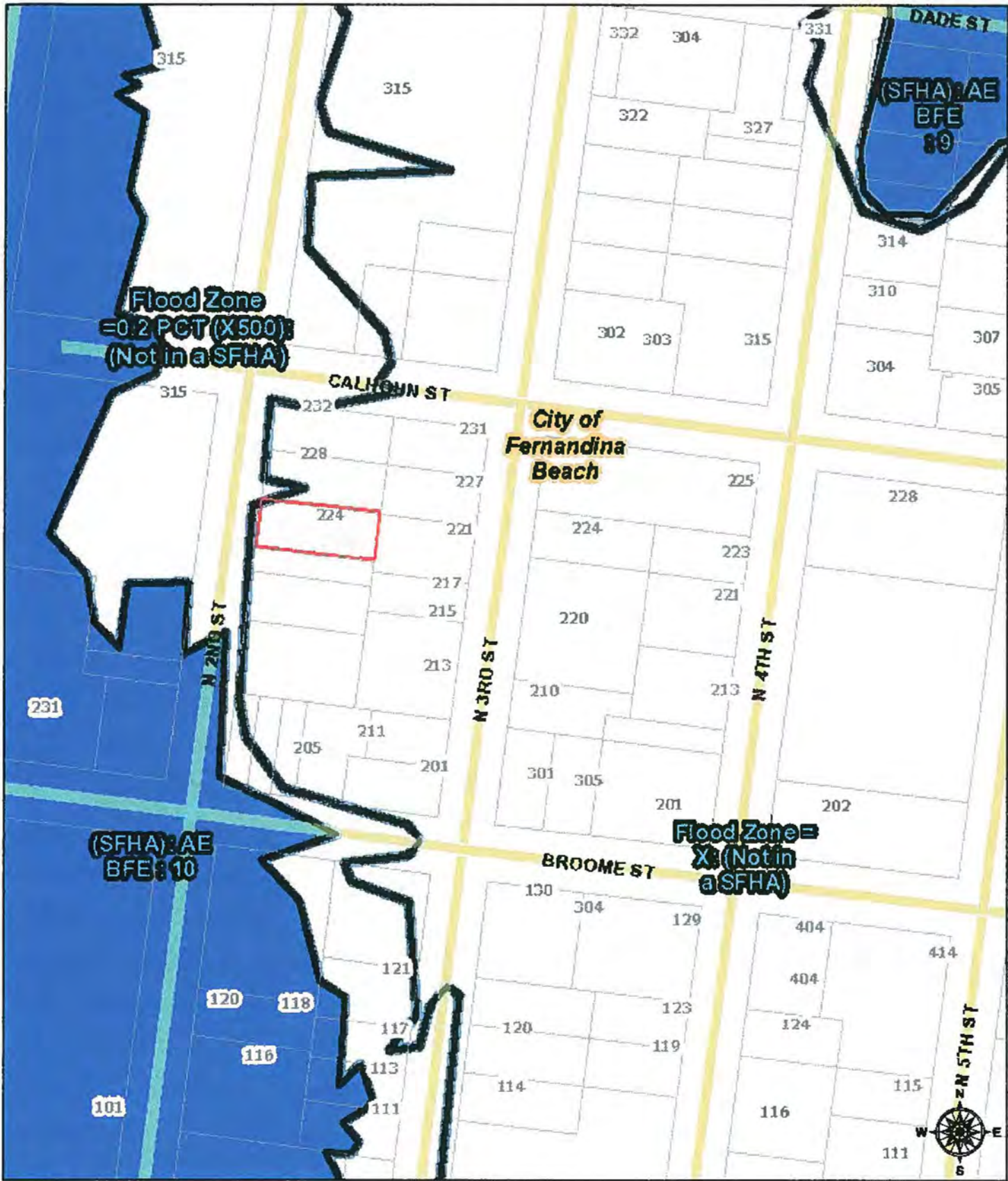
Topographic Map



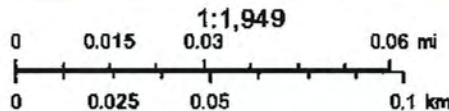
Soils Map



Flood Map



February 9, 2017



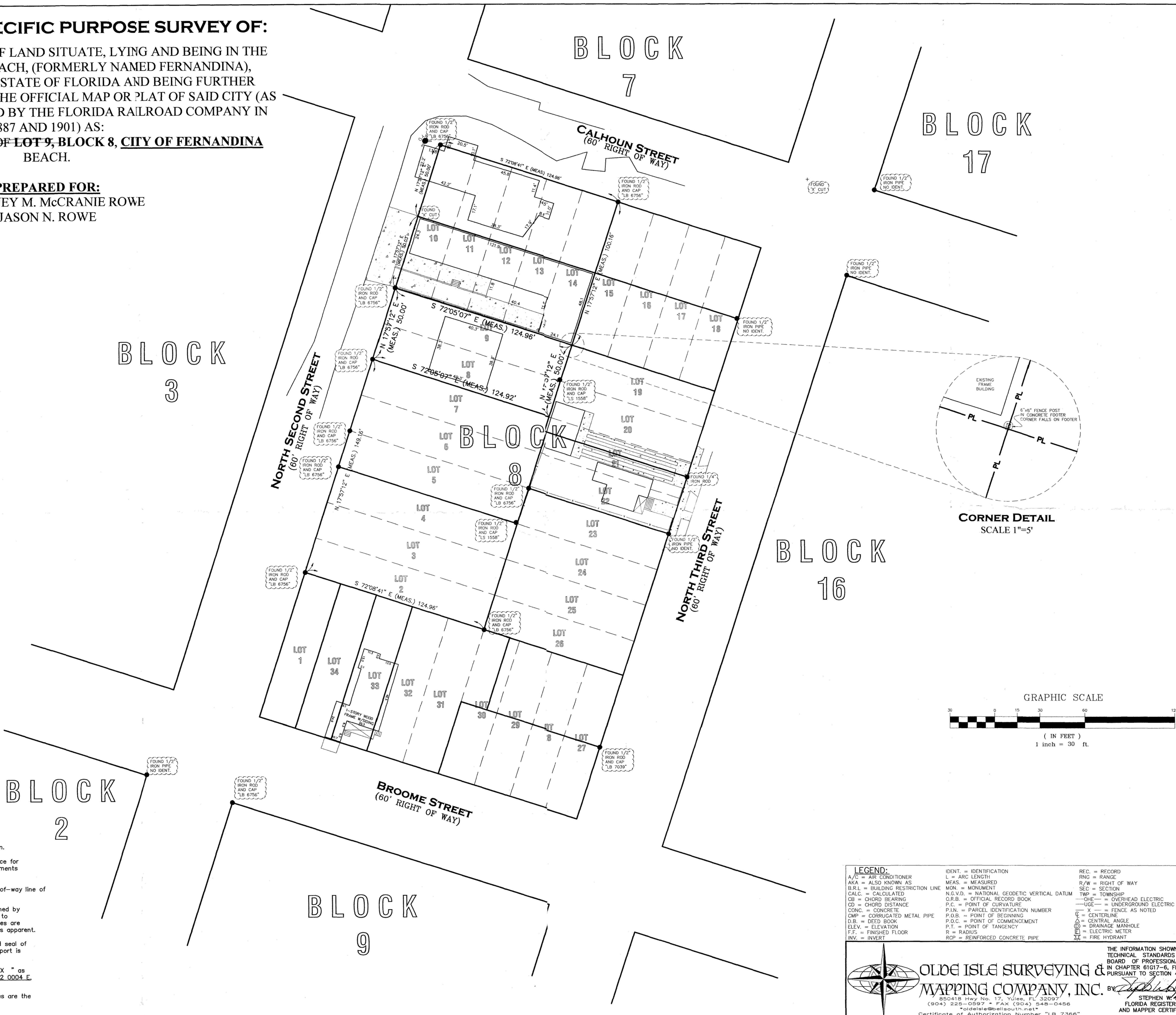
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan,

MAP SHOWING SPECIFIC PURPOSE SURVEY OF:

ALL THAT CERTAIN PIECE OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH, (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA AND BEING FURTHER DESCRIBED ACCORDING TO THE OFFICIAL MAP OR PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1887 AND 1901) AS:

THE NORTHEAST CORNER OF LOT 9, BLOCK 8, CITY OF FERNANDINA BEACH.

PREPARED FOR:
COURTNEY M. McCRANIE ROWE
JASON N. ROWE



SURVEY NOTES:

- 1) The "Legal Description" hereon is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- 4) Bearings based on N 17°57'12" E for the East right-of-way line of North Second Street, (Assumed).
- 5) Fence ownership, if applicable, has not been determined by this office. Fences are drawn out of scale in order to accentuate their relationship to property lines. Fences are not deemed to be encroachments unless ownership is apparent.
- 6) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- 7) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 120172-0004-E, Dated 5/18/03.
- 8) Unless otherwise noted Measured angles and distances are the same as Plat or Deed angles and distances.

LEGEND:
A/C = AIR CONDITIONER
AKA = ALSO KNOWN AS
B.R.L. = BUILDING RESTRICTION LINE
CALC. = CALCULATED
CB = CHORD BEARING
CD = CHORD DISTANCE
CONC. = CONCRETE
CMP = CORRUGATED METAL PIPE
D.B. = DEED BOOK
ELEV. = ELEVATION
F.F. = FINISHED FLOOR
INV. = INVERT
IDENT. = IDENTIFICATION
L = ARC LENGTH
MEAS. = MEASURED
MON. = MONUMENT
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
O.R.B. = OFFICIAL RECORD BOOK
P.C. = POINT OF CURVATURE
P.I.N. = PARCEL IDENTIFICATION NUMBER
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.T. = POINT OF TANGENCY
R = RADIUS
RCP = REINFORCED CONCRETE PIPE
REC. = RECORD
RNG = RANGE
R/W = RIGHT OF WAY
SEC. = SECTION
TWP = TOWNSHIP
OHE = OVERHEAD ELECTRIC
UG = UNDERGROUND ELECTRIC
FENCE = FENCE AS NOTED
C = CENTERLINE
CA = CENTRAL ANGLE
DM = DRAINAGE MANHOLE
E = ELECTRIC METER
F = FIRE HYDRANT
G = GAS METER
L.P. = LIGHT POLE
S.M. = SANITARY MANHOLE
SC = SEWER CLEANOUT
T.P. = TELEPHONE PEDESTAL
T.P. = TELEVISION PEDESTAL
U.P. = UTILITY POLE
W = WELL
W.M. = WATER METER
4x4" CONC. MON. & DISK (LB 7366)
SET 1/2" IRON ROD & CAP (LB 7366)
SET 4x4" CONC. MON. & DISK (LB 7366)
FOUND IRON AS NOTED
FOUND MONUMENT AS NOTED

THE INFORMATION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

OLDE ISLE SURVEYING & MAPPING COMPANY, INC.
850418 Hwy No. 17, Yulee, FL 32097
(904) 225-0597 • FAX (904) 548-0456
"oldeisle@bellsouth.net"
Certificate of Authorization Number "LB 7366"

STEPHEN W. HOFFMAN
FLORIDA REGISTERED SURVEYOR
AND MAPPER CERTIFICATE NO. 5774

SCALE: 1"=30'
DATE: 11/27/01
DRN BY: RCR
CRO BY: SWH
JOB NO. 04308SP
P.B. NO. 167
PAGE NO. 56

1. **Call to Order** - The meeting was called to order at 5:01 pm.

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
Benjamin Morrison
Donna Lewis

Judith Lane
Wayne L. Peterson
Jenny Schaffer (Alt 2)

Board Members Absent

Member Beal

Others Present

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

Member Lewis (Alt 1) was seated as a voting member in place of Member Beal's absence.

2. **New Business**

- 2.1 **PAB 2017-04: FINAL PLAT/ REPLAT OF THE SURF UNIT 2**

FINAL PLAT/ REPLAT REQUEST FOR THE SURF UNIT 2 TO CREATE EIGHT (8) SINGLE FAMILY HOME SITES. THE 2007 APPROVED PLAT ALLOWED FOR 10 SINGLE FAMILY HOME SITES.

Ms. Gibson introduced herself and presented the case. She explained that the property is located on the west side of South Fletcher Avenue between Eventide Court and unimproved Ocklawaha Avenue and accessed from First Avenue. She also noted that the applicant is modifying the original approved plat allowing 10 single family homes sites to 8 single family home sites. Ms. Gibson then stated that she recommended a favorable recommendation of approval to the Board.

Mike Antonopoulos, 115 Solana Road, Ponte Vedra, welcomed questions from the Board.

Member Lane asked where the main access to the community would be located. Mr. Antonopoulos confirmed that the main access would remain the same common driveway as the one already approved off of First Avenue. Member Morrison asked if these would be zero lot line lots to which Mr. Antonopoulos answered in the negative. Member Schaffer asked if these properties would be zoned for short term rental and Ms. Gibson confirmed that these properties are zoned R3 which allows short term rentals.

The Public Hearing was then opened.

James Roach, St. Augustine, representative for the Surf Owner's Association which includes 4 town home owners and 1 single home owner. Mr. Roach presented Power Point slides showing the current driveway and homes and explained that the narrowness of the driveway and materials would not be able to serve and sustain two-way traffic very efficiently. He also commented about the existing recorded

Covenants and Restrictions and its funding mechanism for common infrastructure and storm water management. He also mentioned that the increased density also brings a safety issue pertaining to the visibility triangle. Mr. Roach then suggested that opening Ocklawaha Avenue for access would address the safety concern. He also noted that the current permit from St. John's Water Management is expired and still under the previous owner's name. Mr. Roach addressed some LDC sections 7.03.03 Water Management requirement, 7.01.01 Access and Driveway Requirements and 7.01.08 Visibility Triangle and asked that Board Members to consider denial of this request.

Carlton Tolbert, 3205 Eventide Court, current resident explained the impact this increase in density would have on the current driveway and their concern about drainage with the added development.

Member Morrison asked Staff about point of access requirements exemption. Member Lane then asked Mr. Antonopoulos about construction vehicles and a secondary access to which a discussion ensued. Chair Bennett then asked about the previously approved condition of having no direct access through Fletcher Avenue and First Avenue.

Frank Miller, Gunster, Yoakley & Stewart, 225 Water Street Suite 1715, Jacksonville, representative for the applicant discussed the right of using the existing easement and the possibility of the Surf 2 joining the existing Surf 1 HOA.

Sandra Buice, 3201 Eventide Court, current owner explained that her concern is about safety and presented pictures of the drainage area and the driveway. She commented that the driveway/easement is deeded to her and was only designed for access to 5 residences.

Tim Schremmer, 3215 Eventide Court, current resident discussed his concerns for safety regarding the common driveway being used by additional home owners.

Member Morrison asked Staff whose responsibility it was to review and approve the final plat. Ms. Gibson answered that this proposal was presented to the Technical Review Board and except for some changes to be incorporated was approved by the Planning Dept., Building Dept., Code Enforcement, Emergency Services, Street Department and also noted that it be maintained by a HOA. Members then discussed the issue with the easement, the common driveway and sizes of roadways according to code.

Member Lane asked Ms. Gibson to reiterate the role of the Board in regards to this case. Ms. Gibson reiterated that the Board's role is to review the proposed final plat/replat for the Surf Unit 2 and to look for consistency with what was previously approved through the preliminary plat and with consistency with the City's Land Development Code and Comprehensive Plan justified but Staff's analysis. She also added that it is not the Board's purview to make recommendation regarding maintenance or water management permitting.

Eric Bartell, 3820 S. Fletcher Avenue, commented about the developer considering widening the driveway.

Eddie Buice, 3201 Eventide, current resident commented further about his issue with the driveway's ownership and usage through easement.

Carlton Tolbert, 3205 Eventide Court, current resident and President of the HOA, asked the Board to confirm that their approval recommendation is for a plat that has been reconfigured and changed.

Public Hearing was then closed.

Chair Bennett asked Ms. Gibson about ingress and egress according to the plat and the usage of the southern access to which Board members added comments.

City Attorney Bach then also reconfirmed the role of the Board.

Member Lane suggested to Mr. Antonopoulos to work closely with the residents of the existing homes.

Ms. Gibson then commented that if changes are suggested this Board has the option to table this discussion or continue and make a recommendation to the City Commission.

Public Hearing was then closed.

A motion was made by Member Morrison, seconded by Member Peterson, to recommend denial of PAB case number 2017-04 to the City Commission requesting that a Final Plat/ Replat for The Surf Unit 2 subdivision be denied and that PAB case 2017-04, as presented, is not sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time for the following reason: questions are still not clear pertaining to requirements to vehicle circulation within this property and the Board's responsibility regarding enforcement. Vote upon passage of the motion was taken by ayes and nays and was as followed:

<i>Member Morrison:</i>	<i>Aye</i>
<i>Member Peterson:</i>	<i>Aye</i>
<i>Member Lane:</i>	<i>Nay</i>
<i>Member Lewis:</i>	<i>Aye</i>
<i>Chair Bennett:</i>	<i>Nay</i>

Motion carried.

City Attorney Bach explained that this recommendation will be presented to the City Commission and that all parties should expect the same questions to be presented at that meeting. She also suggested that at that time, Staff be able to provide explanations pertaining the Land Development Code citations associated with this case.

2.2 PAB 2017-05: FUTURE LAND USE MAP AMENDMENT AND ZONING CHANGE FOR CRA PROPERTIES LOCATED ON N. 2ND STREET.

PROPERTY OWNERS MARILYN LEIBMAN, DANIEL MCCRANIE TRUSTEE, AND COURTNEY MCCRANIE REQUEST A SMALL SCALE FUTURE LAND USE MAP AMENDMENT AND ZONING MAP CHANGE FOR PROPERTIES LOCATED ALONG N. 2ND STREET TOTALING APPROXIMATELY 1.22 ACRES OF LAND FROM INDUSTRIAL (IND) LAND USE AND I-1 ZONING TO CENTRAL BUSINESS DISTRICT (CBD) FUTURE LAND USE AND C-3 ZONING FOR PARCEL ID NUMBERS: 00-00-31-1800-0008-0020, 00-00-31-1800-0008-0050, 00-00-31-1800-0008-0070, AND 00-00-31-1800-0008-0080.

Ms. Gibson explained the case, she first stated that the property is zoned Industrial (IND) and Light Industrial (I-1) and that the property is surrounded by a variety of usage including Medium Density

Residential, Industrial Warehousing, General Commercial as well as Central Business District. She added that this request is consistent with the direction of the CRA moving forward with the extension of the Central Business District to this area. She commented that the staff report provides explanation of her findings and is consistent with the intent of the CRA and recommended approval.

Peter King, 404 West 70th Street, Jacksonville, representing the Mr. & Mrs. McCranie and Ms. Leibman, presented slides showing the area and explained the request and the reasons why the Comprehensive Plan needs to be amended. He also referred to the CRA guidelines.

Public Hearing was then opened.

Robert Erickson, 30 S. 3rd Street, owner of property at 205 Broome Street which is adjacent to the subject property, expressed support for this case.

Lynn Williams, 1899 S. Fletcher Avenue, asked about property owned by Mrs. Leibman.

Lawrence Holmes, owner of property on Broome Street, commented about past zoning decisions that destroyed the character of the Historic District and advised the Board to weigh their decisions. He also mentioned that he supported the change of zoning.

Public Hearing was then closed.

Member Morrison commented about his support for this change and suggested that any addition submissions may be presented simultaneously to the Commission.

Chair Bennett voiced that he did not support this change and commented about leap frogging according to section 1.02.03(D). City Attorney expressed that this was not spot zoning. Chair Bennett continued his comments with regards to transitional zoning, step down zoning and density restrictions within the CRA as stated in section 1.07.09. Member Lewis voiced her definition of transitional zoning and Member Lane reiterated her support for this change.

A motion was made by Member Lane, seconded by Member Lewis, to recommend approval of PAB case number 2017-05 the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-05 as presented, is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays, and was as followed:

<i>Member Morrison:</i>	<i>Aye</i>
<i>Member Peterson:</i>	<i>Aye</i>
<i>Member Lane:</i>	<i>Aye</i>
<i>Member Lewis:</i>	<i>Aye</i>
<i>Chair Bennett:</i>	<i>Nay</i>

Motion carried.

At this time, Member Lane departed and Member Schaffer (Alt 2) was seated as a voting member.

2.3. PAB 2017-06: LDC Text Amendments Outdoor Lighting for Wildlife

THE CITY OF FERNANDINA BEACH REQUESTS AMENDMENTS TO LAND DEVELOPMENT CODE SECTION 1.07.00 AND 3.06.00 ADDING DEFINITIONS FOR WILDLIFE LIGHTING (SEA TURTLE), PROVIDING UPDATED STANDARDS, COMPLIANCE PROCEDURES, PENALTIES, AND ESTABLISHING A SEA TURTLE FRIENDLY FUND.

Ms. Gibson presented the request which is a proposal for new wildlife standards for outdoor lighting. She explained that this bundle of changes previously approved by the PAB Board was moved to the City Commission and a request for additional coordination with different stakeholders, agencies and departments was requested by the Commissioners. Ms. Gibson then stated that the coordination had been completed and presented the revisions. She mentioned that all stakeholders have agreed to the changes.

Board Members discussed correcting the description of the area affected and an amendment to that description was made. Board Member then discussed guidelines regarding window tinting, compliance requirements, citations and penalties and a consensus was established by Board Members that a map of the defined area would be created.

Len Kreger, 1739 S. Fletcher Avenue, spoke about the proposal mainly emphasizing that although window tinting requirements are necessary and helpful the main focus should be applied to public education and effective enforcement. Member Morrison asked about street lighting and Mr. Kreger clarified that street lighting posts are excluded but do have some kind of shielding.

City Attorney Bach explained the procedures for citations, penalties and fees from Code Enforcement.

A motion was made by Member Peterson, seconded by Member Morrison, to recommend approval of PAB case number 2017-06 for LDC amendment adding definitions for Wildlife Lighting (sea turtle). Vote upon passage of the motion was taken by ayes and nays, being all ayes, carried.

5. Board Business –

Chair Bennett asked why the TRC Minutes were not available online. Staff explained that this is caused by the agenda system currently used and a new agenda system will be implemented in the very near future.

Members then discussed the time limits of case presentation along with time limit for public input.

7. Comments by the public – There were no comments from the public at this time.

6. Staff Report

8. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 7:47 pm.

Secretary

Mark Bennett, Chair

May 26, 2017 Newsleader Edition



NOTICE OF PUBLIC HEARING CITY COMMISSION CITY OF FERNANDINA BEACH

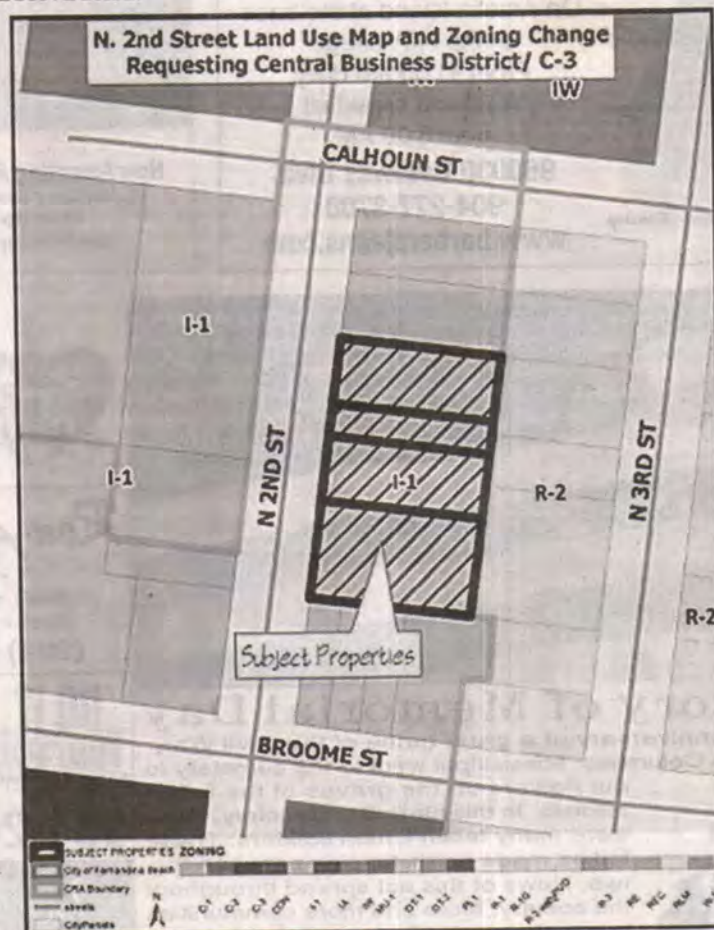
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, June 6, 2017, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2017-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



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

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

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

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Ordinance
Future Land Use Map Amendment - North 2nd Street

2017-15

ITEM TYPE: Ordinances

REQUESTED ACTION: Enact Ordinance 2017-15 at Second Reading.

SYNOPSIS: The applicants, Courtney McCranie, Daniel McCranie, Sr., and Marilyn Leibman, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 224 N. 2nd Street, and the vacant properties located on North 2nd Street.

The action is requested in order to correct existing non-conforming use of the properties where a multi-family residential structure has existed for many years at 224 N. 2nd Street. The vacant lots located to the south of the multi-family structure are anticipated for infill development.

The Planning Advisory Board considered the request at its Regular Meeting on March 8, 2017, and issued a recommendation of approval (4-1). Staff finds the request consistent with the CRA Plan for eliminating inefficient and outdated land uses as well. as Comprehensive Plan policy statements 1.01.02,1.02.03,1.02.04,1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02 and recommends approval.

The City Commission approved this Ordinance at First Reading on May 2, 2017.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2017-15 at Second Reading.

Dale Martin, City Manager

Tammi Bach, City Attorney

Tammi E. Bach, City Attorney

Date:05/23/2017

COMMISSION ACTION: Enact

ORDINANCE 2017-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Zoning Map Change application numbered PAB 2017-05 at its Regular Meeting on March 8, 2017, and by a vote of 4-1 recommended approval of the change to Central Business District (C-3) zoning; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on February 22, 2017; and

WHEREAS, City Planning staff found the applicant's request to be consistent with the direction of the Community Redevelopment Area Plan for eliminating inefficient land use patterns as well as consistency with Comprehensive Plan policies 1.01.02, 1.02.03, 1.02.04, 1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02.

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

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Zoning Map is located in the City's Amelia River Waterfront Community Redevelopment Area and identified as Parcel ID numbers 00-00-31-1800-0008-0080, 00-00-31-1800-0008-0050, and 00-00-31-1800-0008-0020 totaling approximately 0.59 acres, and as shown on the map attached hereto as Exhibit "A".

SECTION 2. ZONING MAP CHANGE. For the properties in question, the City's Zoning Map is hereby changed to Central Business District (C-3).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH



ROBIN C. LENTZ
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



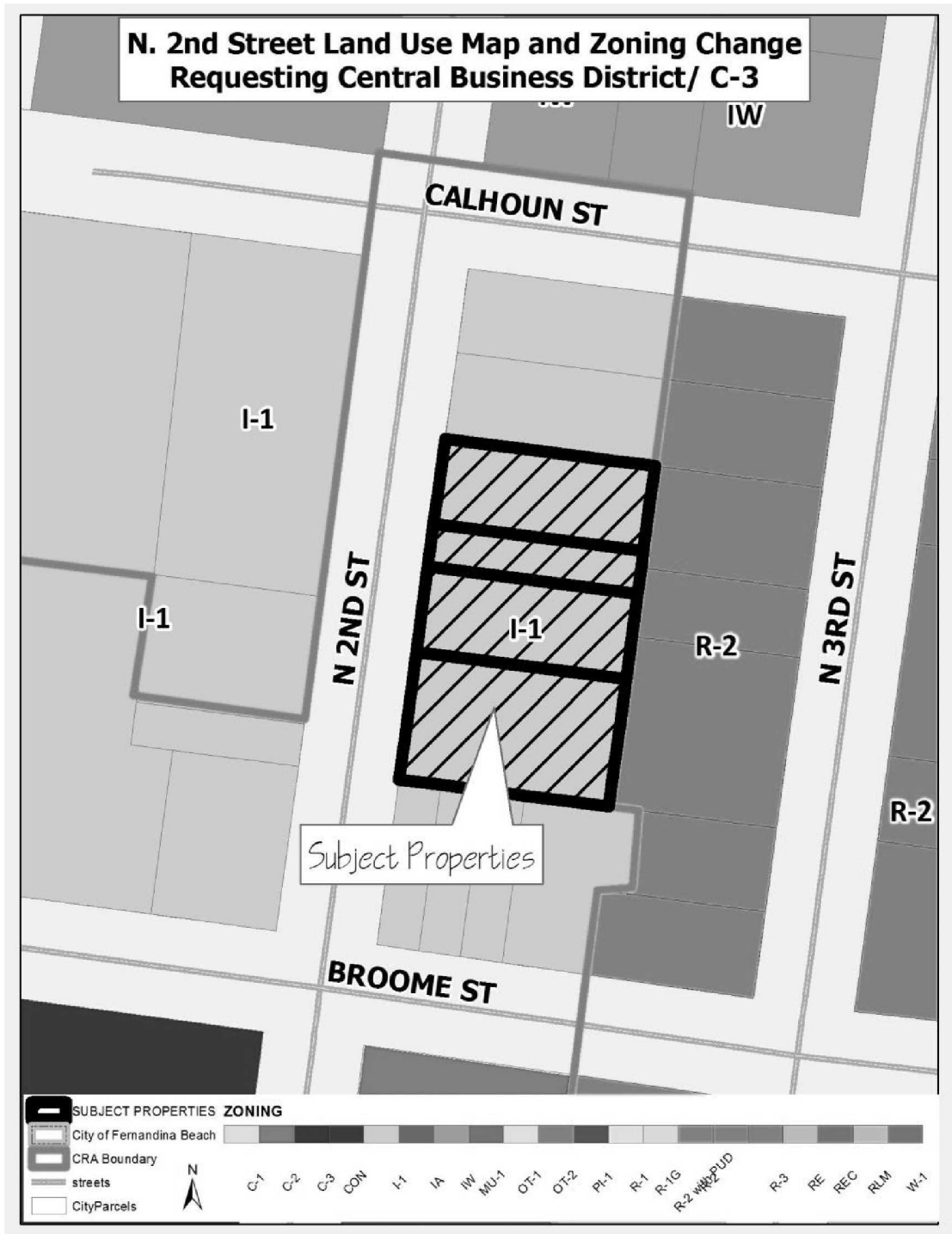
CAROLINE BEST
City Clerk



TAMMI E. BACH
City Attorney

**ORDINANCE 2017-16
EXHIBIT "A"**

REQUEST FOR A ZONING MAP CHANGE FOR 0.59 ACRES OF LAND FROM INDUSTRIAL (I-1) TO CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTIES LOCATED ON N. 2ND STREET AS PARCEL ID#S 00-00-31-1800-0008-0080, 00-00-31-1800-0008-0050, AND 00-00-31-1800-0008-0020.





STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

APPLICATION FOR SMALL- SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Susan Courtney McCranie, Daniel McCranie Sr., Marilyn Leibman				
AGENT:	Peter J. King, AICP				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	North 2 nd Street Community Redevelopment Area (CRA) properties – See Exhibit A				
CURRENT LAND USE + ZONING:	Industrial (IND)/ Light Industrial (I-1)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	Parcel ID #: 00-00-31-1800-0008-0080 (Courtney McCranie) – 224 N. 2nd Street, Multifamily Structure (2,905 conditioned square feet) totaling 0.22 acres of land and constructed in the early 1900's- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft. Parcel ID #: 00-00-31-1800-0008-0050 (Daniel McCranie, Sr.) - Vacant totaling 0.15 acres of land , This property contains 2 underlying lots of record and measures approximately 50ft. x 125ft. Parcel ID #: 00-00-31-1800-0008-0020 (Leibman) - Vacant totaling 0.22 acres of land- This property contains 3 underlying lots of record and measures approximately 75ft. x 125ft.				
PROPERTY SIZE:	In total 0.59 acres of land are included within the applicant's request.				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
CRA PROPERTY	North	Warehouse	1980	I-1	Industrial (IND)
		Restaurant/Bar	1902		
CRA PROPERTY/ HISTORIC DISTRICT	South	Vacant and Non-Conforming Single Family Homes	Est. 1900	I-1	Industrial (IND)
CRA PROPERTY	West	Warehouse Storage	Est. 1900	I-1	Industrial (IND)
PORT PROPERTY (NOT IN THE CRA)		Warehouse Storage	1990		
CRA PROPERTY	East	Single Family and Multi-Family residential dwellings	Est. 1909- 1925	R-2	Medium Density Residential (MDR)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***



STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicants, Courtney McCranie, Daniel McCranie, Sr., and Marilyn Leibman, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 224 N. 2nd Street, and the vacant properties located on N.2nd Street (**Exhibit A**).

The action is requested in order to correct existing non-conforming use of the properties where a multi-family residential structure has existed for many years at 224 N. 2nd Street. The vacant lots located to the south of the multi-family structure are anticipated for infill development. All three (3) properties involved with the applicants' request are within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council. Although the structure located at 224 N. 2nd Street is not within the City's historic district, its location within the CRA would require that any request for demolition of the structure to be approved by the Historic District Council and follow all established procedures identified in LDC Section 8.03.03.01.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	Policy 4.01.02 <i>All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.</i>
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

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

The existing land use and zoning (Industrial/ I-1) of these properties does not permit any residential dwelling units. Under the proposed request of Central Business District (CBD), 8 dwelling units per acre are supported at this time. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. Under the requested action, a total of up to five (5) residential units could be constructed on the vacant properties. The property located at 224 N. 2nd Street contains a non-conforming multi-use structure with two (2) residential dwelling units at the present time.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

Any requested future land use category and corresponding zoning district containing residential density would serve to address the applicants' immediate need for continuing to occupy the existing structure for residential purposes. The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. Although, the properties located on the east side of the same block contain a future land use category of MDR and R-2 zoning, those properties are not located within the Community Redevelopment Area. The requested CBD land use/ C-3 zoning serves to create a transitional zoning district between the more intensive warehousing permitted in the Industrial (IND)/ I-1 properties to the west and the established residential homes to the east.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing public facilities within this area. The CRA established a



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

Finding of Necessity in 2005, one of the four principal reasons why this area was determined to contain blighted conditions is due to its “inadequate and outdated building density patterns.” It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant’s requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the port. The requested Central Business District (CBD) land use category and C-3 zoning district serves to create a transitional step down the land use pattern from General Commercial and Industrial to the adjoining Residential areas. In keeping with the historic pattern for this area which contained a variety of uses (**See Exhibit B – Sanborn Maps**), the applicant’s request is the most appropriate land use and zoning district assignment under the City’s current regulations.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;**
- b. Zoning districts in the surrounding area;**
- c. Demonstration of adequate water supply and water supply facilities;**
- d. Appropriateness of the size of the parcel compared to the proposed use;**
- e. Physical condition of the site, and the suitability of soils and topography for the proposed use;**
- f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
- g. Compatibility factors;**
- h. Impact on adopted levels of service standards and quality of service standards; and**
- i. Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants’ properties are a range of existing uses including; a warehouse and storage area serving the port’s needs to the west, warehousing for a light manufacturing business to the North, and restaurant/ bar located at the corner of Calhoun Street and N. 2nd Street. On the eastern block face are homes located within the City’s downtown historic district.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.

Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City’s comprehensive plan and land development regulations.

The applicant’s request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement.



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

Policy 1.02.09.

The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The existing land use and zoning under Industrial/ I-1 of the subject properties is not compatible with the adjoining residential historic district properties to the east. The requested action provides a down-zoning or transition from the port's industrial operations to the adjoining residential areas. The most compatible land use and zoning designation for these CRA properties as well as the properties fronting Broome Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.

Central Business District (CBD)

- a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
- b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
- c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
- d. The density of residential development in the Central Business District land use category shall not exceed eight (8) units per acre.
- e. The intensity of non-residential development shall not exceed a FAR of 2.0.
- f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
 1. The need for additional land area within the Central Business District land use category;
 2. Consistency of the land area with the characteristics of the Central Business District; and;
 3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face (**See Sanborn Map Exhibits**). Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that



STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017

existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.



Reference: Johannes, J. (2000). *Yesterday's Reflections II Nassau County, Florida - A Pictorial History*. Fernandina Beach: Lexington Ventures, Inc.



**STAFF REPORT
PAB (LU/CZ) 2017-05
Planning Advisory Board Hearing
March 8, 2017**

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.

The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the exiting residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

MOTIONS TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2017-05 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-05 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

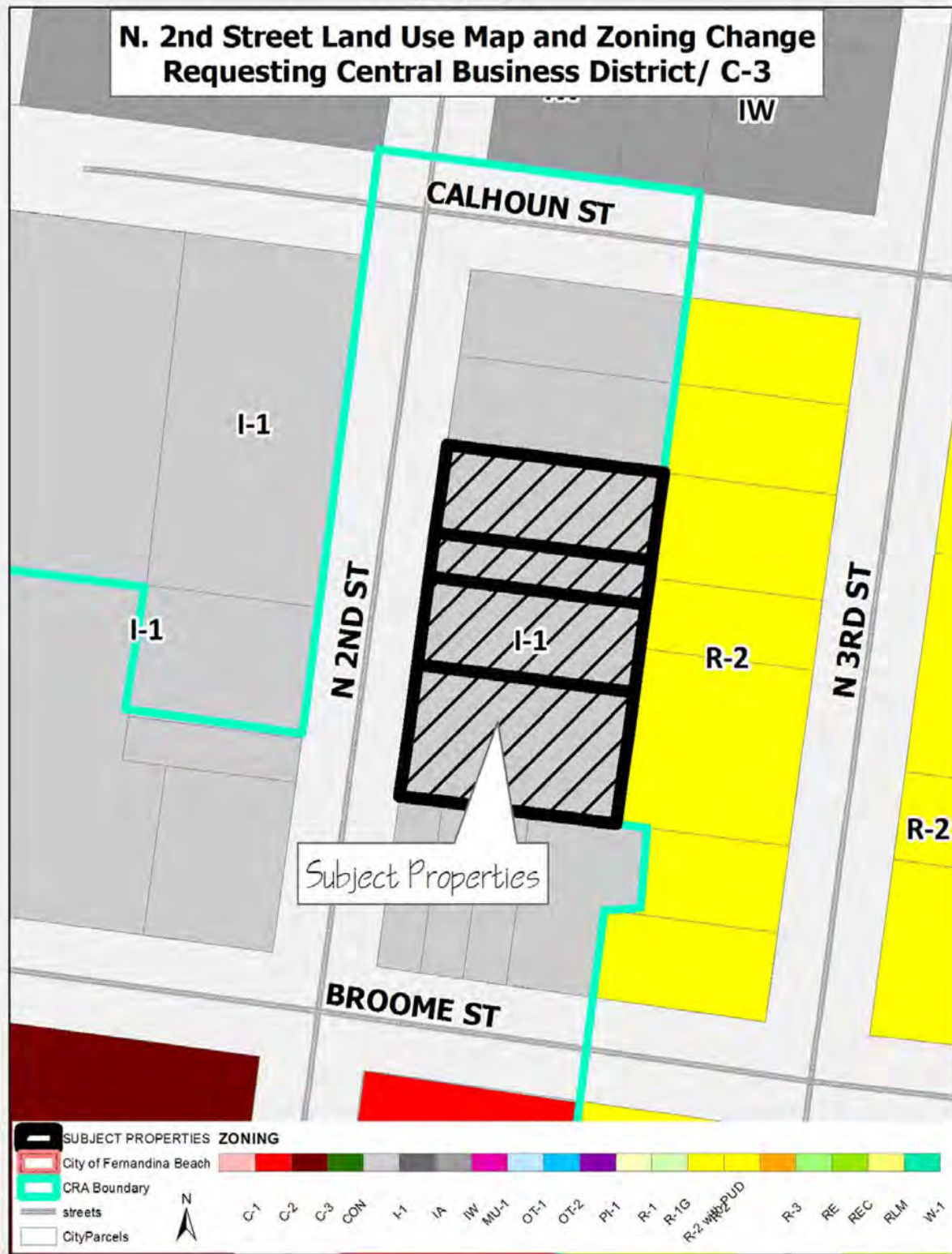
Submitted by:

A handwritten signature in black ink, appearing to read "Kelly N. Gibson".

Kelly N. Gibson
Senior Planner



EXHIBIT A



KEY

TILE, BRICK OR
FIRE-PROOF CONSTRUCTION

Fire proof construction.
(OR FIRE RESISTIVE CONSTR)

ADOBE

Adobe building.

HEIGHT OF BUILDING IN
FEET FROM GROUND
TO ROOF LINE

Stone building.

(C. BR.)

Concrete, lime, cinder or
cement brick

(C. B.)

Hollow concrete or cement block constr

(CONC.)

Concrete or reinforced concrete constr

(TILE)

Tile building.

NUMBER OF STORIES

Brick building with frame cornice.

TWO STORIES AND EIGHT
COMPOSITION ROOF

" " " stone front.

SHINGLE ROOF

" " " frame side.

(VEND)

Brick veneered building.

BRICK 1ST

" and frame building.

FRAME, BRICK LINED

Frame building, brick lined.

F=FLAT S=STORE

" " metal clad.

D=DWELLING

Frame building.

A=IRON B=STEEL

Iron building.

LOFT

Tenant building occupied by
various manufacturing or occupancies

(ASB. CL.)

Frame building covered with asbestos

NON COMBUSTIBLE ROOF
COVERING OF METAL,
SLATE, TILE OR
ASBESTOS SHINGLES

Brick building with brick or metal cornice.

DWELLINGS.

Framed air shafts are shown but colored
over. Brick air shafts are left white.

CLASSIFICATION OF BUILDINGS

Shown by varying number of dots or cir-
cles. Classified by New York Board of
Fire Underwriters as follows:



BRICK

1st Class (.) Slate or metal roof, coped walls.

2nd " (..) " " walls not coped.

3rd " (...) Shingle roof.



FRAME

1st Class (.) Slate or metal roof.

2nd " (..) Shingle roof.

Frame Buildings with BRICK FRONTS.

Height of Buildings, in Stories and feet (74 ft. 6 in. and over).

Fronts of marble or other stone.

Iron Fronts.

" Dotted line." Interior brick wall, omitted on one or more floors.

Superior construction. { Built of non-inflammable
material "throughout,"
except flooring and trim.

Communications protected by single fire-proof doors { With designation
" " double " " of floors.

Openings exposing Buildings.

Elevators with steam or other power. { Where enclosed with Brick or
Fire-proof material a heavy
line is drawn around them.

Sky-lights in Roof only.

" over Opening in floor.

Smoke-houses. Retorts, and Ovens.

Mansard Roofs. Corrugated Iron. Steam-boilers.

REFERENCE.

SPECIAL HAZARDS.

NAMES of Manufactories, &c., are written on buildings, when there is sufficient
space, and their construction classified by the same marks as on Dwellings. Other
Specially Hazardous Risks are COLORED GREEN, the varying number of dots
(brick) and crosses (frame) showing the comparative danger from fire by occupancy.



BRICK.

A Construction = to 1st class Warehouse.

B " = " 2nd " "

C " = " 3rd " "

D " = " 1st " Store or Dw'g.

E " = " 2nd " " "

F " = " 3rd " " "



FRAME.

G Construction = to 1st class
Store or Dwelling.

H " = to 2nd class
Store or Dwelling.

NOTE.—In classifying a building
as a Special, its CONSTRUCTION
is obliterated, necessitating a series
of letters, as follows:

Brick Frame

Bakeries (ovens in building). Breweries. Cooperages. Drug stores (retail, with
privilege of compounding). Dyeing establishments. Fur dressers. Glass stainers.
Hat finishers. Hay (open stock, loose). Lamp sellers (privilege for kerosene &c.)
Laundries. Malt houses. Manufactories of Baskets, Bonnet-frames, Boots and shoes,
Caps, Clothing, Combs, Envelopes, Feather dusters, Fringe &c., Gas fixtures, Gold
pens, Hats, Hemp, Jewelry cases, Morocco, Paper bags, Pocket-books, Raffling and
ruches, Segars, Shirts, Tobacco, Umbrellas, Vinegar, Watches, Watch-cases, Writing
ink. Map mounting and varnishing. Metal mills. Molasses houses. Photographers.
Private stables. Smoke-houses. Tanneries. Tin shops. Wheelwrights. Wire
workers. Wool-pullers.

Brick Frame

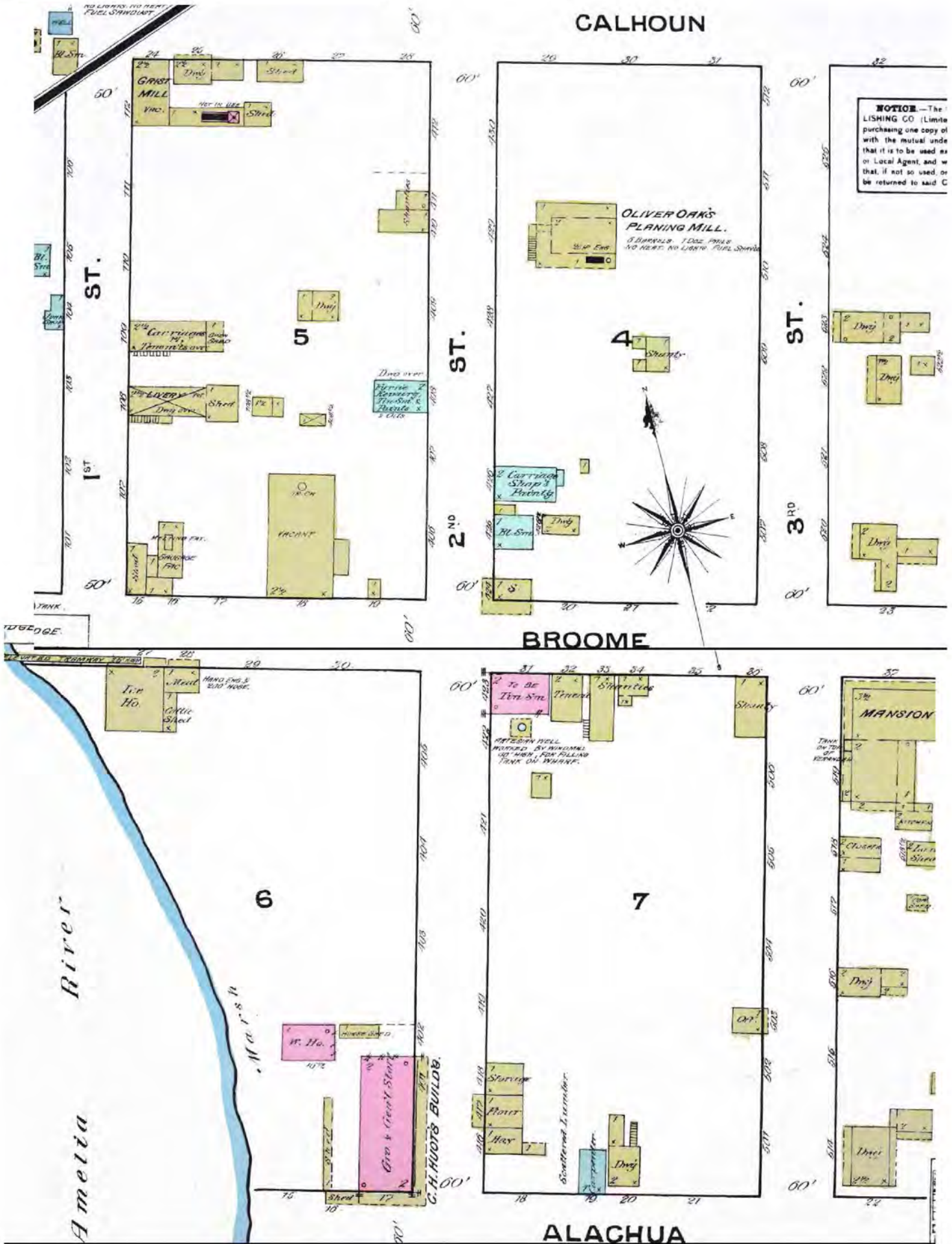
Bleaching works. Book-binders. Brass and iron foundries. Coppersmiths. Cotton
presses. Folling mills. Junk shops. Letter-press printers. Lithographers. Livery
and Cartmen's stables. Machine shops. Manufactories of Agricultural Implements.
Artificial flowers, Brooms, Brushes, Carriages, Cedar-ware, Floor-cloth, Grates, Guns,
Hoop-skirts, Jewelry, Lamps, Musical Instruments, Oil-cloths, Paper boxes, Paper
collars, Paper patterns, Patent Medicines, Plated ware, Rope and cordage, Safes,
Silverware, Starch, Stoves, Tin cans, Upholstery. Oil stores (petroleum and
products). Print works. Rag stores. Slaughter houses. Snuff mills. Type and stereo-
type foundries. (And generally buildings not occupied by workers of light wood).

Brick Frame

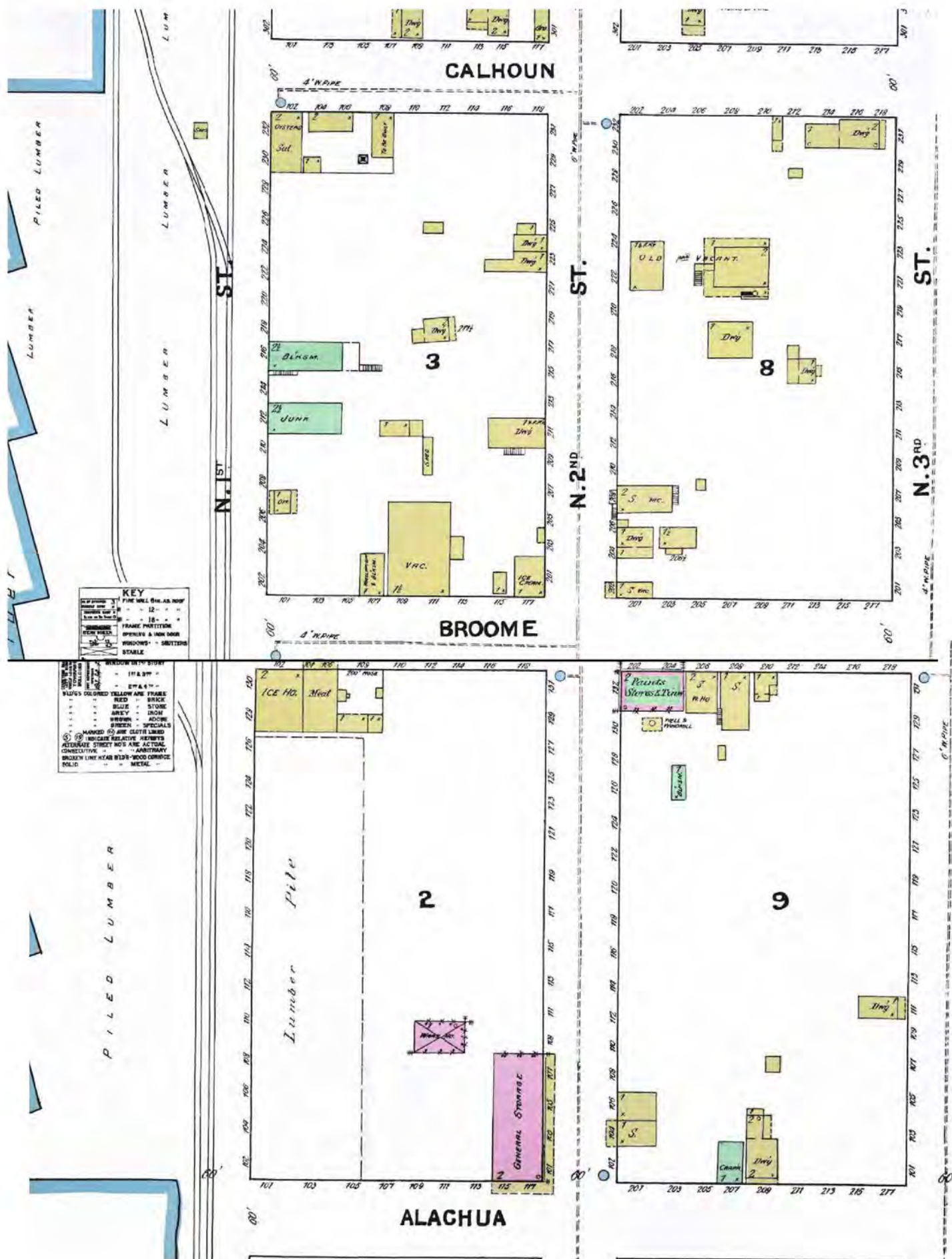
Box repairing. Cabinet-making. Carpenters' shops. Distilleries. Flax mills. Flour
or Grist mills. Japanners. Lard refineries. Manufactories of Artificial hair, Bagging,
Candles, Chairs, Clocks, Confectionery, India-rubber or gutta-percha, Ivory or lamp-
black, Looking-glass and Picture frames, Oiled clothing, Organs, Paper-hangings,
Perfumery, Pianos, Soap, Trunks. Oil mills. Paper mills. Rectifying establishments.
Sugar refineries. Tallow-melting or chandleries. Wholesale druggists (with com-
pounding). Woolen mills. (And generally risks where much heat or light wood is
used.)

Brick Frame

Chemical laboratories. Coffee and Spice mills. Drug mills. Fireworks on sale.
Match factories. Oil-boiling houses. Planing and Moulding mills. Printing-ink
factories. Sash, blind and door factories. Saw mills. Tar-boiling houses. Turpentine
distilleries. Varnish making. Window-shade factories.



1891 Sanborn Map of N. 2nd Street





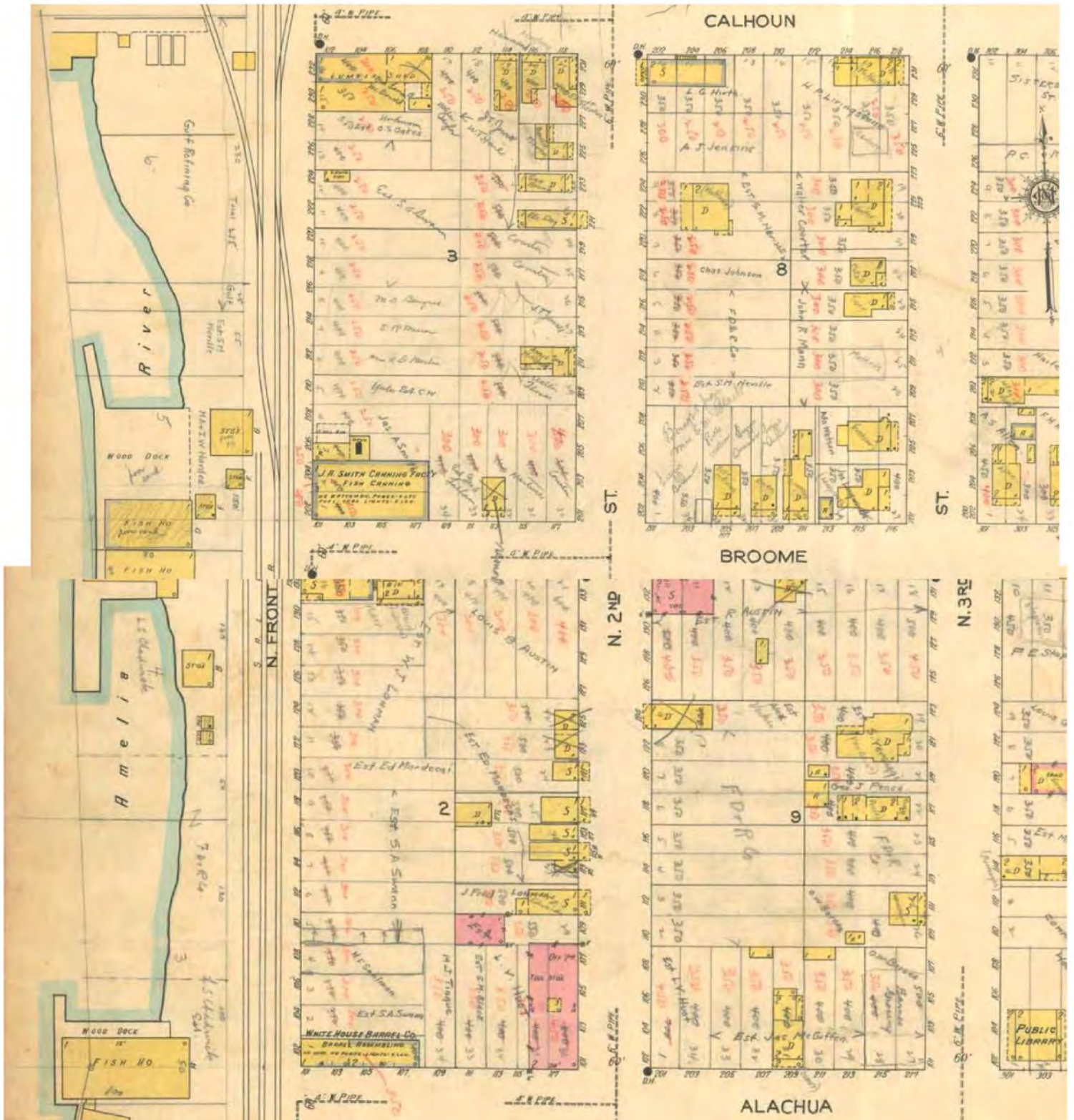
1903 Sanborn Map



1909 Sanborn Map of N. 2nd Street



1926 Sanborn Map of N. 2nd Street



1ms# 2017-0000223

OFFICE USE ONLY
RECTY: 2/10/2017 BY: KG
PAYMENT \$ 460 ✓ # 228
TYPE: 1
APPLICATION #: 2017-05



PLANNING ADVISORY BOARD APPLICATION

BOARD MEETING DATE: _____

- | | |
|---|--|
| ☒ ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – PRELIM (\$750) |
| ☒ LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – FINAL (\$850) |
| ☐ LDC TEXT AMENDMENT (\$850) | ☐ VACATION OF R.O.W. (\$850) |
| ☐ COMP PLAN AMENDMENT (\$850) | ☐ VOLUNTARY ANNEXATION (\$1050) |

APPLICANT INFORMATION

Owner Name: Susan Courtney McCranie and Daniel McCranie, MARILYN LEHRMAN

Mailing Address: 1301 Quattlefield Lane, Fernandina Beach, 32034

Telephone: (904) 321-2222

Fax: N/A

Email: McCranie2222@Gmail.Com

Agent Name: Peter J. King, AICP

Mailing Address: 404 West 70th Street, Jacksonville, FL 32208

Telephone: (904) 710-9375

Fax: N/A

Email: PeterKingJax@Gmail.Com

PROPERTY INFORMATION

Street Address: 224 2nd Street 1 Bx AL

Parcel Identification Number(s):

00-00-31-1800-0008-0080, 00-00-31-1800-0008-0070

00-00-31-1800-0008-0050, 00-00-31-1800-0008-0020

Lot Number: ²5 though 9 Block Number: 8 Subdivision: City of Fernandina Beach

Section: 21 Township: 3N Range: 28E

PROJECT INFORMATION

Total Number of Lots/Parcels: Five platted lots. However, no additional lots are planned

Less than One (1) acre Sq. Footage: .37 acre (One (1) Acre or Greater: N/A)

Existing Zoning Classification: I-1

Existing Future Land Use Classification: Industrial

Previous Planning/Zoning Approvals: Unknown

Description of Request:

Amend Future Land Use Map (FLUM) from "Industrial" to Central Business District (CBD) and a companion application to amend the zoning map from "I-1" to "C-3". This application is an effort to provide a transitional land use between the residential district to the east and the industrial district to the south.

SIGNATURE/NOTARY

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

Date

2/10/17

Signature of Applicant

STATE OF FLORIDA

ss }

COUNTY OF NASSAU

Subscribed and sworn to before me this 10 day of February, 2017

Karen M. Austin

Notary Public: Signature

Karen M. Austin

Printed Name

My Commission Expires

Personally Known ☒ OR Produced Identification _____ ID Produced: _____

KAREN M. AUSTIN
Notary Public, State of Florida
My Comm. Expires June 18, 2018
Commission No. FF 126104



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Susan Courtney McCranie
(print name of property owner(s))

hereby authorize: Peter King
(print name of agent)

to represent me/us in processing an application for: Rezoning & EIR
(type of application)

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

[Signature]
(Signature of owner)

(Signature of owner)

S. Courtney McCranie
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 9 day of February, 2017.

Melanie Liddell
Notary Public: Signature

Melanie Liddell
Printed Name

MELANIE LIDDELL
Notary Public, State of Florida
My Comm. Expires August 31, 2019
Commission No. FF 240149

My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE DANIEL I. McCRAVE, Trustee
(print name of property owner(s))

hereby authorize: PETER KING
(print name of agent)

to represent me/us in processing an application for: REZONING / COMP PLAN MAP
(type of application)

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

Daniel I. McCrave, Trustee
(Signature of owner)

(Signature of owner)

DANIEL I. McCRAVE
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU }
ss }

Subscribed and sworn to before me this 8th day of February, 2017.

Donna L. Rowland
Notary Public: Signature

Printed Name

My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____





OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/~~WE~~ MARILYN C. LEIBMAN
(print name of property owner(s))

hereby authorize: PETER KINU
(print name of agent)

to represent me/us in processing an application for: REZONING / PLANNING
(type of application)

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

Marilyn C. Leibman
(Signature of owner)

(Signature of owner)

MARILYN C LEIBMAN
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 10 day of February, 2017.

Cherry Skarpalezos
Notary Public: Signature

Cherry Skarpalezos
Printed Name

10/2/17
My Commission Expires

Personally Known ☒ OR Produced Identification _____ ID Produced: _____





Peter J King, AICP
404 West 70th Street
Jacksonville, FL 32208

February 6, 2017

Kelly Gibson, Senior Planner
City of Fernandina Beach
Community Development Department
204 Ash Street
Fernandina Beach, FL 32034

Re: FLUM amendment and rezoning

Hi Kelly:

In accordance with procedures for submitting an application to the Planning Advisory Board, I am including this Detailed Letter of Intent stating the consistency of the amendment with the City's Comprehensive Plan and a justification for the proposed amendments.

OBJECTIVE 1.01.

Energy Efficient Development

The City shall promote compact, mixed use, and energy efficient development arranged to encourage walkability, bicycle and transit use, which leads to a more sustainable community and a reduction in greenhouse gases (GHGs).

The CBD Future Land Use is designed to promote energy efficient development by promoting a walkable and sustainable environment. This is accomplished by allowing a mixture of residential and commercial uses to be placed within the same structure. In addition, when the subject property is assigned the CBD/C-3 and located amongst other CBD FLU/uses, this places new housing units within walkability of services and employment within the downtown area.

Policy 1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors: a. Type and density or intensity of surrounding uses; b. Zoning districts in the surrounding area; c. Demonstration of adequate water supply and water supply facilities; d. Appropriateness of the size of the parcel compared to the proposed use; e. Physical condition of the site, and the suitability of soils and topography for the proposed use; f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources; g. Compatibility factors; h. Impact on adopted levels of service standards and quality of service standards; and i. Location in a Coastal Upland Protection Zone (CUPZ).

The type and density and intensity of the surrounding uses are compatible with the CBD/C-3 FLU

and Zoning combination as adjacent FLU and zoning is consistent with the proposed change. It is as equally intense as the adjacent industrial uses. Although more intense than the nearby residential, the CBD will act as a transitional use. The proposed change is a transitional use that will be compatible with both residential to the east and industrial to the west. The residential to the east will be buffered from the industrial uses by the CBD/C-3 uses and will be buffered from CBD/C-3 uses by 20' buffer with landscaping. Public water and sewer is available to the subject property and the increase development permitted will promote smart-growth principles by increasing growth where there is existing infrastructure. The area being considered for the change is appropriately sized considering the setback, densities and types of development permitted. Soils and topography are the same as other urban areas that are immediately adjacent. As can be seen from maps included with application, the soils for the subject property, Ortega Fine Sand, is prevalent in the downtown area, is not unique to the subject property, and is developed to urban levels in the city. According to the US Geologic Survey, the Ortega Series of soils are moderately well drained and are located on rises and knolls and is suitable for urban development. As can be seen from the topographic map, a rise of six feet from front to rear will result in a slope over 125 feet of approximately 4.8%. There are no requirements in city code that correlate slope with types of development.

Essentially the lot/block and frontage characteristics of the subject property are very similar to the rest of the historic district CBD/C-3 area. The subject property is not covered by flood zone or other environmentally unsuitable conditions, and the historic structure on the subject property will be made conforming by the proposed amendment.

Policy 1.02.06. The City shall assure that specific density assigned to new development and redevelopment is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include, but not be limited to, the following: a. Protecting the integrity and stability of established residential areas; b. Assuring smooth transition in residential densities; c. Encouraging commercial and residential mixed use development patterns; d. Recognizing and being sensitive to the character and form of the surrounding neighborhoods; and e. Requiring application of low impact development (LID) principles, native and drought tolerant landscaping and urban design principles and practices; and f. Encouraging connectivity of pedestrian walkways and bicycle paths on and off site.

The City has expressed interest in pursuing a CBD/C-3 on the subject property as a city-sponsored application due to the sound planning criteria stated in Policy 1.02.06 above. The current situation of exposing residential areas to direct contact with industrial areas is deleterious to the development of industrial areas and the continuation of residential areas. Sound planning principles dictate that a transitional land use be used to buffer these two uses from each other. Such a transitional land use is available in the CBD/C-3 which contains a multi-family element that is both transitional in use and in residential densities. By definition, the CBD/C-3 combination encourages residential and commercial mixed use and is therefore compatible with residential. The proposed CBD/C-3 combination recognizes sensitivity to adjacent neighborhoods as it contains both residential and commercial elements. In addition, the city code contains buffer and setback requirements to residential that will provide additional sensitivity to existing neighborhoods. By definition, development in the CBD will be heavily reliant on pedestrian and bicycle access as these forms of transportation are more practical than auto in the subject area.

Policy 1.02.08. Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.

Compliance with this policy requires very little elaboration. The CBD/C-3 is a mixed use concept and the policy calls for mixed use transitional areas. The subject property is in between and immediately adjacent to industrial (to the west) and residential (to the east) and therefore, the application to change the subject property to CBD/C-3 is precisely what the city's Comprehensive Plan requires.

Policy 1.02.09. The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition. Any potential adverse impacts caused by incompatible land uses located adjacent to each other shall be minimized by drought tolerant and native landscaping, low impact development strategies and buffer requirements.

See above response. Again the City's Comprehensive Plan not only supports the change, it requires it.

OBJECTIVE 1.04. REDEVELOPMENT AND INFILL DEVELOPMENT The City shall reduce blight and encourage redevelopment of underutilized areas and inefficient land use patterns through redevelopment, reuse, and/or removal and replacement of blighted structures and uses. The City will focus its redevelopment and infill efforts to encourage development in its already urbanized areas that provide housing near job centers, preserve open space, capitalize on existing community assets such as parks, create new community assets such as child-care centers, arts districts and shopping centers and removes the crime associated with vacant, underutilized or abandoned properties.

The subject property is adjacent to nearby job centers and valuable historic resources. The current historic structure is nonconforming to the existing industrial FLU and zoning and it is therefore difficult to improve the property as financing for non-conforming structures is not possible to obtain. If this effort to amend the FLU and zoning is deterred, and the industrial FLU and zoning remains, then blight will be inevitable, in direct conflict with this policy. Although the future of the existing structure is not guaranteed, it has a greater chance of survival if the financing to adaptively reuse is available.

OBJECTIVE 1.05. NONCONFORMING STRUCTURES, USES AND LOTS To promote re-use of structures that contribute to the character, diversity and sustainability of a neighborhood and to promote economic redevelopment by regulating structures and uses that do not conform to the current Plan or Land Development Code, but were lawfully established and in compliance with all applicable ordinances and laws at the time the structure was constructed and/or the use began, the City shall permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to eliminate nonconforming land uses.

As stated in the above response, the decline and eventual removal of the structure on the subject property will be inevitable if there is no way for the current or future owner(s) to obtain financing to repair and/or adaptively re-use the structure. Considering that the use of the land as industrial conflicts with aforementioned policies regarding transitional uses and the protection of residential,

it is clear the solution is to eliminate the industrial zoning, not the use.

OBJECTIVE 5.04. COASTAL HIGH HAZARD AREAS (CHHA) The City shall protect property, residents, and visitors within the Coastal High Hazard Area. Protection shall be provided through appropriate designations on the Future Land Use Map to ensure that population is directed away from the coastal high hazard area, limitations on construction of infrastructure in the Coastal High Hazard Area, and coordination with hazard mitigation and post-disaster plans.

The subject property is not within the CHHA and therefore additional residential development in the area is not in conflict with Objective 5.04

OBJECTIVE 12.05. LAND USE AND INFRASTRUCTURE EXPANSION The City shall protect existing land designated for employment-generating uses, whether vacant or developed, from encroachment of incompatible uses and promote sustainable development and redevelopment of properties within its designated Job Opportunity Areas.

The existing FLU and zoning of Industrial could be considered a "job creating" land use and this policy seeks to limit the loss of job creating land uses. This state of affairs is ameliorated by two factors: 1) the current size of the industrial district (half block) makes use of the industrial area for creating jobs limited at best and 2) the proposed CBD/C-3 will also have a commercial element that can provide jobs from primary and secondary economic impacts (people directly employed on subject property or economic development associated with subject property that spawns off-site employment).

In addition, I offer the following section from the City's Land Development Code, Community Redevelopment Area (CRA) section:

8.01.02 Amelia River Waterfront Community Redevelopment Area A. Purpose: It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent area.

In addition to complying with the Comprehensive Plan elements above, the subject property is within the CRA, which has a goal of providing a mix of uses and compatible with the design with the downtown area. The CBD/C-3 combination is tailored made for this use as it is the predominant zoning and land use within the downtown area.

In conclusion, it is clear that the proposed Future Land Use and Zoning amendment for the subject property complies with the City's Comprehensive Plan and the CRA.

Professional regards,



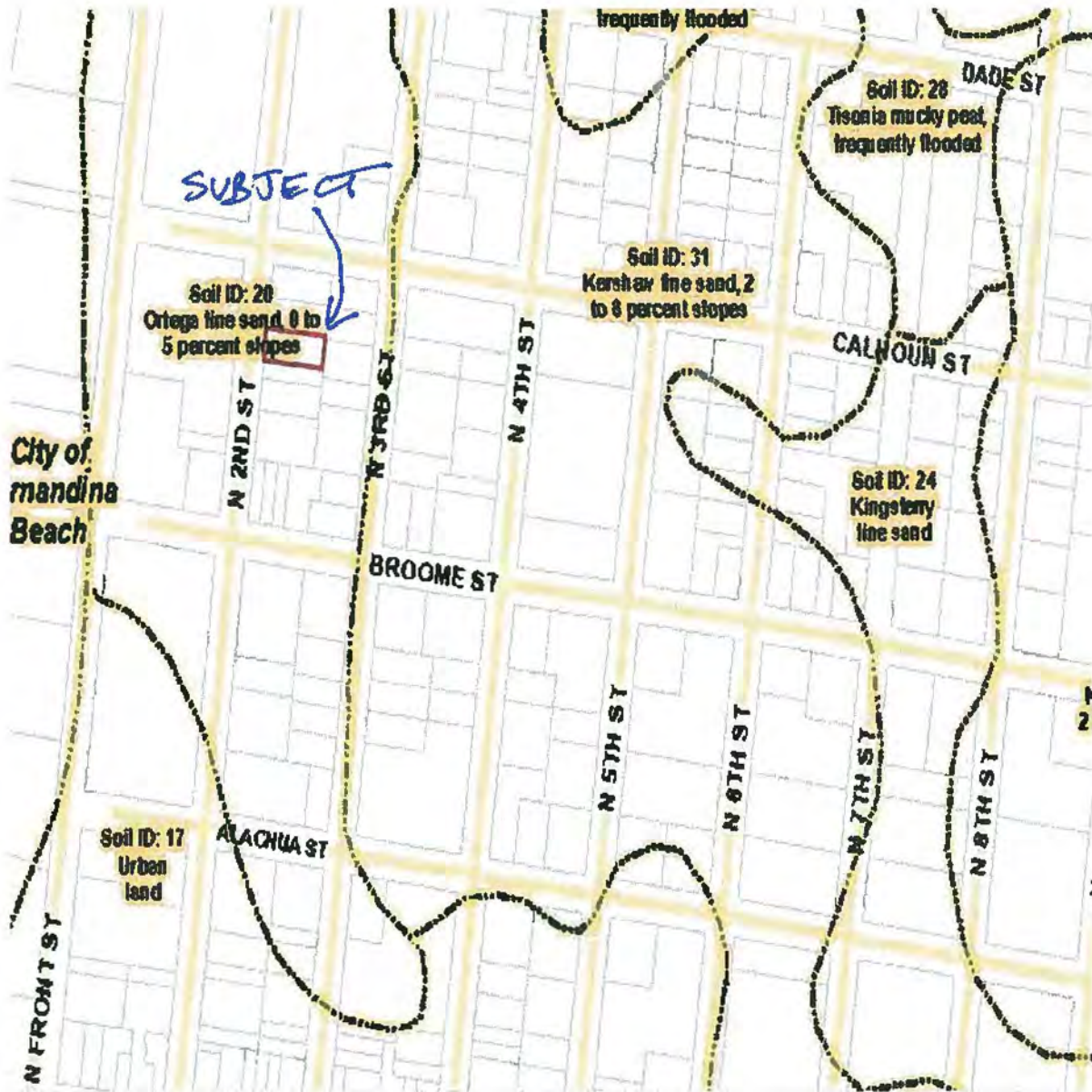
Peter J. King, AICP
Professional city planner
Licensed real estate sales associate

FLUM and ZONING MAP

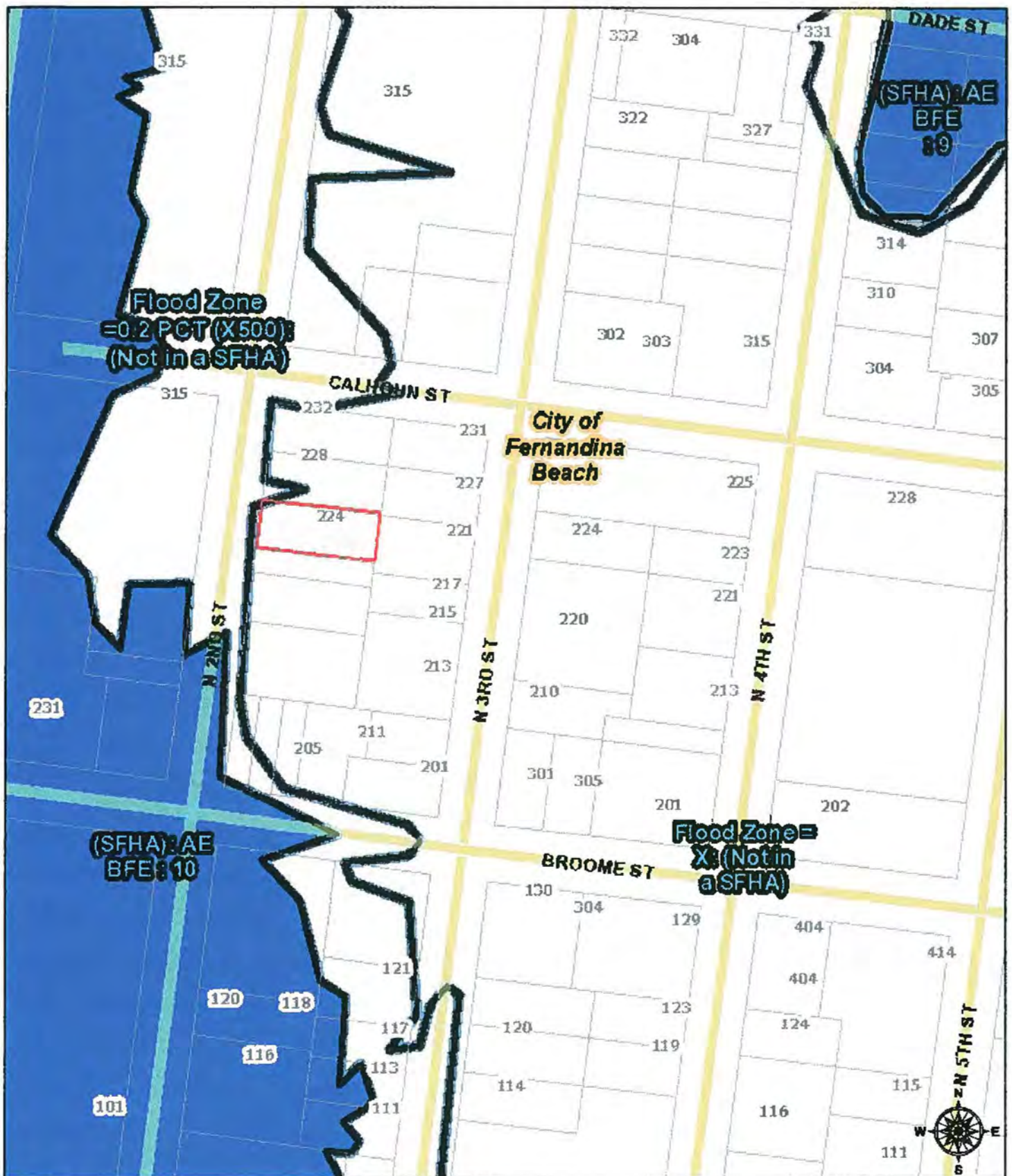


A topographic map of a residential area. The map features numerous contour lines and street names. A red rectangular box highlights a specific property, with a blue arrow pointing to it and the word "SUBJECT" written in blue. The map includes streets such as "N FRONT ST", "N 1ST ST", "N 2ND ST", "N 3RD ST", "N 4TH ST", "N 5TH ST", "N 6TH ST", "N 7TH ST", "N 8TH ST", "N 9TH ST", "N 10TH ST", "N 11TH ST", "N 12TH ST", "N 13TH ST", "N 14TH ST", "N 15TH ST", "N 16TH ST", "N 17TH ST", "N 18TH ST", "N 19TH ST", "N 20TH ST", "N 21ST", "N 22ND", "N 23RD", "N 24TH", "N 25TH", "N 26TH", "N 27TH", "N 28TH", "N 29TH", "N 30TH", "N 31ST", "N 32ND", "N 33RD", "N 34TH", "N 35TH", "N 36TH", "N 37TH", "N 38TH", "N 39TH", "N 40TH", "N 41ST", "N 42ND", "N 43RD", "N 44TH", "N 45TH", "N 46TH", "N 47TH", "N 48TH", "N 49TH", "N 50TH". The map also shows various lot numbers and a grid system. The "SUBJECT" property is located in the center of the map, between "N 10TH ST" and "N 11TH ST", and between "N 15TH ST" and "N 16TH ST". The property is bounded by "N 10TH ST" to the north, "N 11TH ST" to the south, "N 15TH ST" to the west, and "N 16TH ST" to the east. The property is labeled with the number "16" and "224". The map also shows a "SUBJECT" property located in the center of the map, between "N 10TH ST" and "N 11TH ST", and between "N 15TH ST" and "N 16TH ST". The property is bounded by "N 10TH ST" to the north, "N 11TH ST" to the south, "N 15TH ST" to the west, and "N 16TH ST" to the east. The property is labeled with the number "16" and "224".

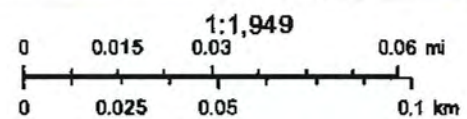
Soils Map



Flood Map



February 9, 2017

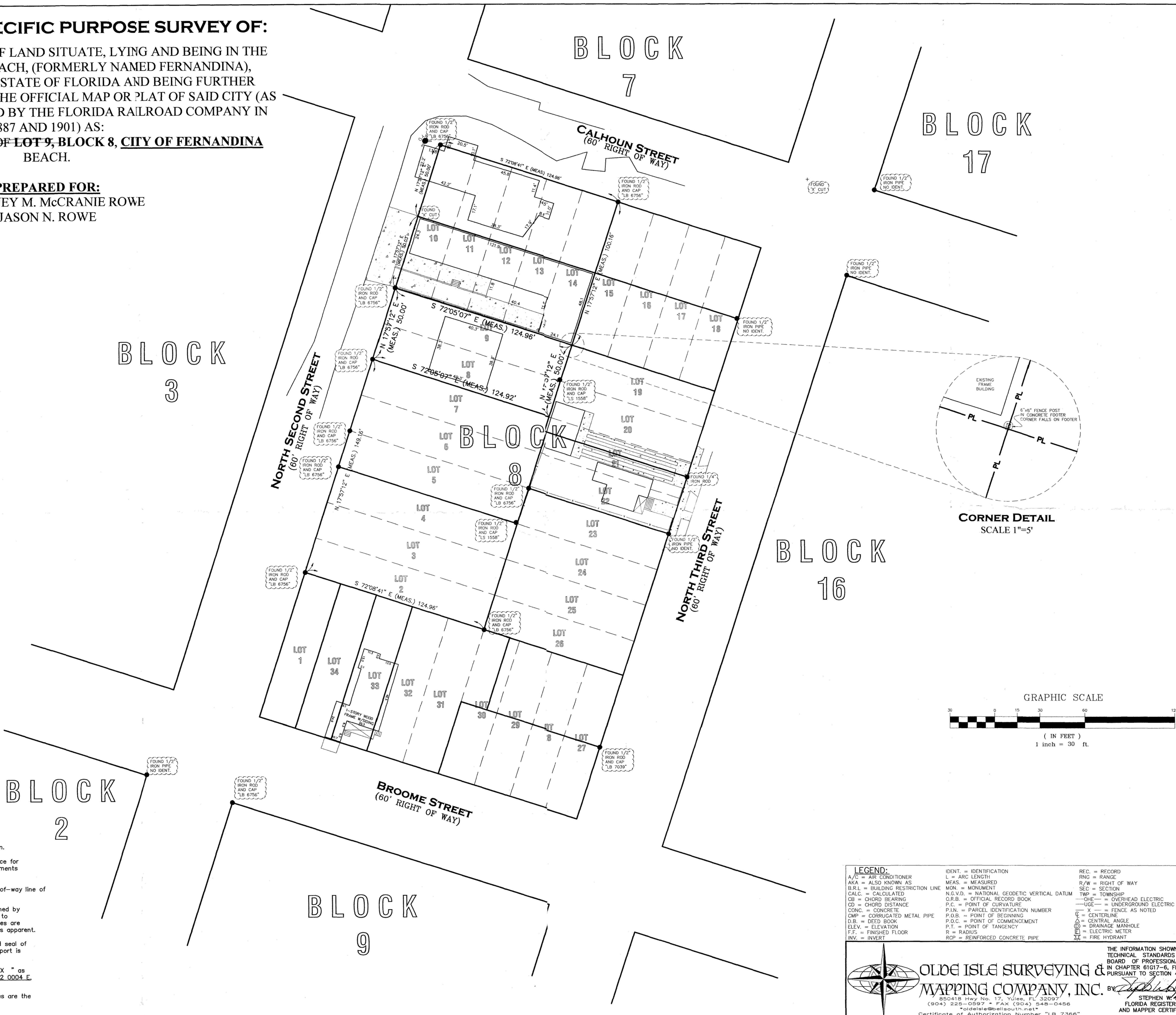


MAP SHOWING SPECIFIC PURPOSE SURVEY OF:

ALL THAT CERTAIN PIECE OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH, (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA AND BEING FURTHER DESCRIBED ACCORDING TO THE OFFICIAL MAP OR PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1887 AND 1901) AS:

THE NORTHEAST CORNER OF LOT 9, BLOCK 8, CITY OF FERNANDINA BEACH.

PREPARED FOR:
COURTNEY M. McCRANIE ROWE
JASON N. ROWE



SURVEY NOTES:

- 1) The "Legal Description" hereon is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- 4) Bearings based on N 17°57'12" E for the East right-of-way line of North Second Street, (Assumed).
- 5) Fence ownership, if applicable, has not been determined by this office. Fences are drawn out of scale in order to accentuate their relationship to property lines. Fences are not deemed to be encroachments unless ownership is apparent.
- 6) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- 7) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 120172-0004-E, Dated 5/18/03.
- 8) Unless otherwise noted Measured angles and distances are the same as Plat or Deed angles and distances.

LEGEND:
A/C = AIR CONDITIONER
AKA = ALSO KNOWN AS
B.R.L. = BUILDING RESTRICTION LINE
CALC. = CALCULATED
CB = CHORD BEARING
CD = CHORD DISTANCE
CONC. = CONCRETE
CMP = CORRUGATED METAL PIPE
D.B. = DEED BOOK
ELEV. = ELEVATION
F.F. = FINISHED FLOOR
INV. = INVERT
IDENT. = IDENTIFICATION
L = ARC LENGTH
MEAS. = MEASURED
MON. = MONUMENT
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
O.R.B. = OFFICIAL RECORD BOOK
P.C. = POINT OF CURVATURE
P.I.N. = PARCEL IDENTIFICATION NUMBER
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.T. = POINT OF TANGENCY
R = RADIUS
RCP = REINFORCED CONCRETE PIPE
REC. = RECORD
RNG. = RANGE
R/W = RIGHT OF WAY
SEC. = SECTION
TWP. = TOWNSHIP
OHE = OVERHEAD ELECTRIC
UG = UNDERGROUND ELECTRIC
C = CENTERLINE
CA = CENTRAL ANGLE
D.M. = DRAINAGE MANHOLE
E.M. = ELECTRIC METER
F. = FIRE HYDRANT
G.M. = GAS METER
L.P. = LIGHT POLE
S.M. = SANITARY MANHOLE
S.C. = SEWER CLEANOUT
T.P. = TELEPHONE PEDESTAL
T.P. = TELEVISION PEDESTAL
U.P. = UTILITY POLE
W. = WELL
W.M. = WATER METER
4x4" CONC. MON. & DISK (LB 7366)
SET 1/2" IRON ROD & CAP (LB 7366)
SET IRON AS NOTED
FOUND MONUMENT AS NOTED

THE INFORMATION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

850418 Hwy No. 17, Yulee, FL 32097
(904) 225-0597 • FAX (904) 548-0456
"oldisle@bellsouth.net"
Certificate of Authorization Number "LB 7366"

OLDE ISLE SURVEYING & MAPPING COMPANY, INC.
STEPHEN W. HOFFMAN
FLORIDA REGISTERED SURVEYOR AND MAPPER CERTIFICATE NO. 5774

SCALE: 1"=30'
DATE: 11/27/07
DRN BY: RCR
CRO BY: SWH
JOB NO. 04308SP
P.B. NO. 167
PAGE NO. 56

1. **Call to Order** - The meeting was called to order at 5:01 pm.

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
Benjamin Morrison
Donna Lewis

Judith Lane
Wayne L. Peterson
Jenny Schaffer (Alt 2)

Board Members Absent

Member Beal

Others Present

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

Member Lewis (Alt 1) was seated as a voting member in place of Member Beal's absence.

2. **New Business**

- 2.1 **PAB 2017-04: FINAL PLAT/ REPLAT OF THE SURF UNIT 2**

FINAL PLAT/ REPLAT REQUEST FOR THE SURF UNIT 2 TO CREATE EIGHT (8) SINGLE FAMILY HOME SITES. THE 2007 APPROVED PLAT ALLOWED FOR 10 SINGLE FAMILY HOME SITES.

Ms. Gibson introduced herself and presented the case. She explained that the property is located on the west side of South Fletcher Avenue between Eventide Court and unimproved Ocklawaha Avenue and accessed from First Avenue. She also noted that the applicant is modifying the original approved plat allowing 10 single family homes sites to 8 single family home sites. Ms. Gibson then stated that she recommended a favorable recommendation of approval to the Board.

Mike Antonopoulos, 115 Solana Road, Ponte Vedra, welcomed questions from the Board.

Member Lane asked where the main access to the community would be located. Mr. Antonopoulos confirmed that the main access would remain the same common driveway as the one already approved off of First Avenue. Member Morrison asked if these would be zero lot line lots to which Mr. Antonopoulos answered in the negative. Member Schaffer asked if these properties would be zoned for short term rental and Ms. Gibson confirmed that these properties are zoned R3 which allows short term rentals.

The Public Hearing was then opened.

James Roach, St. Augustine, representative for the Surf Owner's Association which includes 4 town home owners and 1 single home owner. Mr. Roach presented Power Point slides showing the current driveway and homes and explained that the narrowness of the driveway and materials would not be able to serve and sustain two-way traffic very efficiently. He also commented about the existing recorded

Covenants and Restrictions and its funding mechanism for common infrastructure and storm water management. He also mentioned that the increased density also brings a safety issue pertaining to the visibility triangle. Mr. Roach then suggested that opening Ocklawaha Avenue for access would address the safety concern. He also noted that the current permit from St. John's Water Management is expired and still under the previous owner's name. Mr. Roach addressed some LDC sections 7.03.03 Water Management requirement, 7.01.01 Access and Driveway Requirements and 7.01.08 Visibility Triangle and asked that Board Members to consider denial of this request.

Carlton Tolbert, 3205 Eventide Court, current resident explained the impact this increase in density would have on the current driveway and their concern about drainage with the added development.

Member Morrison asked Staff about point of access requirements exemption. Member Lane then asked Mr. Antonopoulos about construction vehicles and a secondary access to which a discussion ensued. Chair Bennett then asked about the previously approved condition of having no direct access through Fletcher Avenue and First Avenue.

Frank Miller, Gunster, Yoakley & Stewart, 225 Water Street Suite 1715, Jacksonville, representative for the applicant discussed the right of using the existing easement and the possibility of the Surf 2 joining the existing Surf 1 HOA.

Sandra Buice, 3201 Eventide Court, current owner explained that her concern is about safety and presented pictures of the drainage area and the driveway. She commented that the driveway/easement is deeded to her and was only designed for access to 5 residences.

Tim Schremmer, 3215 Eventide Court, current resident discussed his concerns for safety regarding the common driveway being used by additional home owners.

Member Morrison asked Staff whose responsibility it was to review and approve the final plat. Ms. Gibson answered that this proposal was presented to the Technical Review Board and except for some changes to be incorporated was approved by the Planning Dept., Building Dept., Code Enforcement, Emergency Services, Street Department and also noted that it be maintained by a HOA. Members then discussed the issue with the easement, the common driveway and sizes of roadways according to code.

Member Lane asked Ms. Gibson to reiterate the role of the Board in regards to this case. Ms. Gibson reiterated that the Board's role is to review the proposed final plat/replat for the Surf Unit 2 and to look for consistency with what was previously approved through the preliminary plat and with consistency with the City's Land Development Code and Comprehensive Plan justified but Staff's analysis. She also added that it is not the Board's purview to make recommendation regarding maintenance or water management permitting.

Eric Bartell, 3820 S. Fletcher Avenue, commented about the developer considering widening the driveway.

Eddie Buice, 3201 Eventide, current resident commented further about his issue with the driveway's ownership and usage through easement.

Carlton Tolbert, 3205 Eventide Court, current resident and President of the HOA, asked the Board to confirm that their approval recommendation is for a plat that has been reconfigured and changed.

Public Hearing was then closed.

Chair Bennett asked Ms. Gibson about ingress and egress according to the plat and the usage of the southern access to which Board members added comments.

City Attorney Bach then also reconfirmed the role of the Board.

Member Lane suggested to Mr. Antonopoulos to work closely with the residents of the existing homes.

Ms. Gibson then commented that if changes are suggested this Board has the option to table this discussion or continue and make a recommendation to the City Commission.

Public Hearing was then closed.

A motion was made by Member Morrison, seconded by Member Peterson, to recommend denial of PAB case number 2017-04 to the City Commission requesting that a Final Plat/ Replat for The Surf Unit 2 subdivision be denied and that PAB case 2017-04, as presented, is not sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time for the following reason: questions are still not clear pertaining to requirements to vehicle circulation within this property and the Board's responsibility regarding enforcement. Vote upon passage of the motion was taken by ayes and nays and was as followed:

<i>Member Morrison:</i>	<i>Aye</i>
<i>Member Peterson:</i>	<i>Aye</i>
<i>Member Lane:</i>	<i>Nay</i>
<i>Member Lewis:</i>	<i>Aye</i>
<i>Chair Bennett:</i>	<i>Nay</i>

Motion carried.

City Attorney Bach explained that this recommendation will be presented to the City Commission and that all parties should expect the same questions to be presented at that meeting. She also suggested that at that time, Staff be able to provide explanations pertaining the Land Development Code citations associated with this case.

2.2 PAB 2017-05: FUTURE LAND USE MAP AMENDMENT AND ZONING CHANGE FOR CRA PROPERTIES LOCATED ON N. 2ND STREET.

PROPERTY OWNERS MARILYN LEIBMAN, DANIEL MCCRANIE TRUSTEE, AND COURTNEY MCCRANIE REQUEST A SMALL SCALE FUTURE LAND USE MAP AMENDMENT AND ZONING MAP CHANGE FOR PROPERTIES LOCATED ALONG N. 2ND STREET TOTALING APPROXIMATELY 1.22 ACRES OF LAND FROM INDUSTRIAL (IND) LAND USE AND I-1 ZONING TO CENTRAL BUSINESS DISTRICT (CBD) FUTURE LAND USE AND C-3 ZONING FOR PARCEL ID NUMBERS: 00-00-31-1800-0008-0020, 00-00-31-1800-0008-0050, 00-00-31-1800-0008-0070, AND 00-00-31-1800-0008-0080.

Ms. Gibson explained the case, she first stated that the property is zoned Industrial (IND) and Light Industrial (I-1) and that the property is surrounded by a variety of usage including Medium Density

Residential, Industrial Warehousing, General Commercial as well as Central Business District. She added that this request is consistent with the direction of the CRA moving forward with the extension of the Central Business District to this area. She commented that the staff report provides explanation of her findings and is consistent with the intent of the CRA and recommended approval.

Peter King, 404 West 70th Street, Jacksonville, representing the Mr. & Mrs. McCranie and Ms. Leibman, presented slides showing the area and explained the request and the reasons why the Comprehensive Plan needs to be amended. He also referred to the CRA guidelines.

Public Hearing was then opened.

Robert Erickson, 30 S. 3rd Street, owner of property at 205 Broome Street which is adjacent to the subject property, expressed support for this case.

Lynn Williams, 1899 S. Fletcher Avenue, asked about property owned by Mrs. Leibman.

Lawrence Holmes, owner of property on Broome Street, commented about past zoning decisions that destroyed the character of the Historic District and advised the Board to weigh their decisions. He also mentioned that he supported the change of zoning.

Public Hearing was then closed.

Member Morrison commented about his support for this change and suggested that any addition submissions may be presented simultaneously to the Commission.

Chair Bennett voiced that he did not support this change and commented about leap frogging according to section 1.02.03(D). City Attorney expressed that this was not spot zoning. Chair Bennett continued his comments with regards to transitional zoning, step down zoning and density restrictions within the CRA as stated in section 1.07.09. Member Lewis voiced her definition of transitional zoning and Member Lane reiterated her support for this change.

A motion was made by Member Lane, seconded by Member Lewis, to recommend approval of PAB case number 2017-05 the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from Industrial land use and I-1 zoning, as described and that PAB case 2017-05 as presented, is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays, and was as followed:

<i>Member Morrison:</i>	<i>Aye</i>
<i>Member Peterson:</i>	<i>Aye</i>
<i>Member Lane:</i>	<i>Aye</i>
<i>Member Lewis:</i>	<i>Aye</i>
<i>Chair Bennett:</i>	<i>Nay</i>

Motion carried.

At this time, Member Lane departed and Member Schaffer (Alt 2) was seated as a voting member.

2.3. PAB 2017-06: LDC Text Amendments Outdoor Lighting for Wildlife

THE CITY OF FERNANDINA BEACH REQUESTS AMENDMENTS TO LAND DEVELOPMENT CODE SECTION 1.07.00 AND 3.06.00 ADDING DEFINITIONS FOR WILDLIFE LIGHTING (SEA TURTLE), PROVIDING UPDATED STANDARDS, COMPLIANCE PROCEDURES, PENALTIES, AND ESTABLISHING A SEA TURTLE FRIENDLY FUND.

Ms. Gibson presented the request which is a proposal for new wildlife standards for outdoor lighting. She explained that this bundle of changes previously approved by the PAB Board was moved to the City Commission and a request for additional coordination with different stakeholders, agencies and departments was requested by the Commissioners. Ms. Gibson then stated that the coordination had been completed and presented the revisions. She mentioned that all stakeholders have agreed to the changes.

Board Members discussed correcting the description of the area affected and an amendment to that description was made. Board Member then discussed guidelines regarding window tinting, compliance requirements, citations and penalties and a consensus was established by Board Members that a map of the defined area would be created.

Len Kreger, 1739 S. Fletcher Avenue, spoke about the proposal mainly emphasizing that although window tinting requirements are necessary and helpful the main focus should be applied to public education and effective enforcement. Member Morrison asked about street lighting and Mr. Kreger clarified that street lighting posts are excluded but do have some kind of shielding.

City Attorney Bach explained the procedures for citations, penalties and fees from Code Enforcement.

A motion was made by Member Peterson, seconded by Member Morrison, to recommend approval of PAB case number 2017-06 for LDC amendment adding definitions for Wildlife Lighting (sea turtle). Vote upon passage of the motion was taken by ayes and nays, being all ayes, carried.

5. Board Business –

Chair Bennett asked why the TRC Minutes were not available online. Staff explained that this is caused by the agenda system currently used and a new agenda system will be implemented in the very near future.

Members then discussed the time limits of case presentation along with time limit for public input.

7. Comments by the public – There were no comments from the public at this time.

6. Staff Report

8. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 7:47 pm.

Secretary

Mark Bennett, Chair

May 26, 2017 Newsleader Edition



NOTICE OF PUBLIC HEARING CITY COMMISSION CITY OF FERNANDINA BEACH

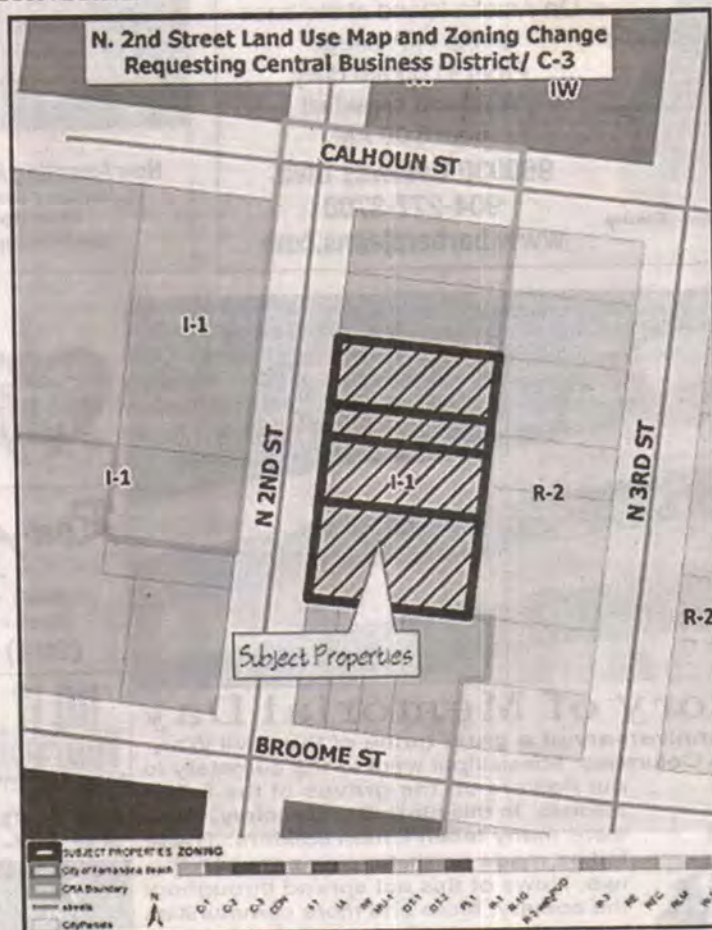
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, June 6, 2017, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2017-15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM INDUSTRIAL (IND) TO ASSIGN A LAND USE DESIGNATION OF CENTRAL BUSINESS DISTRICT (CBD) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2017-16

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM INDUSTRIAL (I-1) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR THREE PARCELS TOTALING APPROXIMATELY 0.59 ACRES OF LAND LOCATED WITHIN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA ON NORTH 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



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

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

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

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Ordinance
Zoning Map Amendment - North 2nd Street

2017-16

ITEM TYPE: Ordinances

REQUESTED ACTION: Enact Ordinance 2017-16 at Second Reading.

SYNOPSIS: The applicants, Courtney McCranie, Daniel McCranie, Sr., and Marilyn Leibman, have requested a small scale Future Land Use Map amendment and zoning change from the Industrial (IND) land use, and I-1 (Light Industrial) zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation for property located at 224 N. 2nd Street, and the vacant properties located on N. 2nd Street

The action is requested in order to correct existing non-conforming use of the properties where a multi-family residential structure has existed for many years at 224 N. 2nd Street. The vacant lots located to the south of the multi-family structure are anticipated for infill development. The Planning Advisory Board considered the request at its Regular Meeting on March 8, 2017, and issued a recommendation of approval (4-1).

Staff finds the request consistent with the CRA Plan for eliminating inefficient and outdated land uses as well as Comprehensive Plan policy statements 1.01.02, 1.02.03, 1.02.04, 1.02.08, 1.02.09, 1.07.09, 4.01.01, and 4.01.02 and recommends approval.

The City Commission approved this Ordinance at First Reading on May 2, 2017.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2017-16 at Second Reading.

Dale Martin, City Manager

Tammi Bach, City Attorney

Tammi E. Bach, City Attorney

Date: 05/23/2017

COMMISSION ACTION: Enact

ORDINANCE 2019-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC) TO ASSIGN A FUTURE LAND USE MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTY TOTALING APPROXIMATELY 0.43 ACRES OF LAND LOCATED AT 116, 118, AND 120 N. 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Zoning Map Amendment request under PAB Case# 2018-27 at its Regular Meeting on January 9, 2019, and by a vote of 4-1 recommended approval; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on December 28, 2018; and

WHEREAS, City Planning staff found the applicant's request to be consistent with the direction of the Comprehensive Plan, specifically policies 1.02.02, 1.02.03, 1.02.04, 1.02.08, 1.02.09, and 1.07.10 and recommends approval of the applicant's request.

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

SECTION 1. PROPERTY INVOLVED. The property identified for this change of the City's Future Land Use Map is identified as Parcel ID numbers 00-00-31-1800-0009-0060 and 00-00-31-1800-0009-0020, totaling approximately 0.43 acres, and is shown on the map, attached hereto as Exhibit "A".

SECTION 2. FUTURE LAND USE MAP CHANGE. For the property in question, the City's Future Land Use Map is hereby changed to Central Business District (CBD).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final enactment.

ORDAINED this 5th day of March, 2019.

CITY OF FERNANDINA BEACH



JOHN A. MILLER
Mayor - Commissioner

ATTEST:



CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH
City Attorney

**ORDINANCE 2019-06
EXHIBIT "A"**

REQUEST FOR A FUTURE LAND USE MAP CHANGE FOR 0.43 ACRES OF LAND FROM GENERAL COMMERCIAL (GC) TO CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTY LOCATED AT 116, 118, AND 120 N. 2ND STREET AND IDENTIFIED AS PARCEL ID#S 00-00-31-1800-0009-0060 AND 00-00-31-1800-0009-0020.





STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018

APPLICATION FOR SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Parcel A: Castilian Properties Inc. (120 N. 2 nd Street) Parcel B: Beverly Freeman Crews, James Kelly Freeman, Angela Karen Morgan, George Thomas Freeman (116 N. 2 nd Street)				
AGENT:	A. Jeffrey Tomasetti, d/b/a Tomasetti & Prince				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	120 N. 2 nd Street and 116 N. 2 nd Street– See Exhibit A				
CURRENT LAND USE + ZONING:	General Commercial (G)/ General Commercial (C-2)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	118 and 120 N. 2nd Street: Mixed Use Office and Residential Built in 1900 and 1970 (Flood Zone AE BFE 9) 116 N. 2nd Street: Single Family Residential Home Built in 1940 (Flood Zone AE BFE 9)				
PROPERTY SIZE:	Totaling 0.43 Acres Parcel ID #s: 00-00-31-1800-0009-0060 and 00-00-31-1800-0009-0020				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
CRA	North	Adjacent Commercial Structure/ Proposed Miniature Golf Course		C-3	Central Business District
CRA	South	City Parking Lot	2016	C-2	General Commercial
HISTORIC DISTRICT	East	Single Family Residential Homes	1930, 2007, 1910	R-2	Medium Density Residential
CRA	West	Former Standard Marine Building		C-3	Central Business District

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant's and property owners of 118, 120 and 116 N. 2nd Street have requested a small scale Future Land Use Map amendment and zoning change from the General Commercial (G) land use and C-2 zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation. (**Exhibit A**).

The action is requested in order to allow for an urban mixed use redevelopment pattern and to correct the existing non-conforming uses of the properties where residential dwelling units have existed in a General Commercial land use and C-2 zoning district for many years. Both properties have maintained grandfather residential units on the respective properties.



STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018

The parcels involved with the applicants' request are located within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council. One of the established criteria of blight for the CRA was inadequate and outdated densities. Through individually initiated private applications, the City has supported the change from General Commercial/ C-2 or Industrial/ I-1 to the Central Business District/ C-3. Support for the conversion has been based on the compatibility with extending the urban development pattern historically witnessed within the area and as demonstrated by the property located at 120 N. 2nd Street.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	Policy 4.01.02 All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)
Fire-Rescue Services	240-second travel time to 90% of the incidents (EMT with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)
Police and Law Enforcement Services	Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls

The existing land use and zoning (General Commercial/ C-2) of these properties does not permit any residential dwelling units. Under the proposed request of Central Business District (C-3), 34 dwelling units per acre are



**STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018**

supported. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. If the property is changed to a land use category containing residential density, the subject properties could either request to utilize existing underlying lots of record totaling 6 lots or configure the properties to achieve eleven (11) dwelling units.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. The request is consistent with the Comprehensive Plan's policy statement 1.02.03, the configuration of the property by lot/block as well as the characteristics of the subject properties are in keeping with other properties found within the CBD.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing public facilities within this area. The CRA established a Finding of Necessity in 2005, one for the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the Port of Fernandina. In keeping with the historic pattern for this area which contained a variety of uses (**See Sanborn Maps Exhibits**), the most appropriate land use and zoning district assignment under the City's current regulations are the Central Business District (CBD)/ C-3 zoning.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:



**STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018**

- a. Type and density or intensity of surrounding uses;
- b. Zoning districts in the surrounding area;
- c. Demonstration of adequate water supply and water supply facilities;
- d. Appropriateness of the size of the parcel compared to the proposed use;
- e. Physical condition of the site, and the suitability of soils and topography for the proposed use;
- f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;
- g. Compatibility factors;
- h. Impact on adopted levels of service standards and quality of service standards; and
- i. Location in a Coastal Upland Protection Zone (CUPZ).

Within the area surrounding the applicants' property are a wide range of existing uses including; a warehouse and storage area serving the port's needs; public parking directly facing the properties; and vacant land within the CRA which historically contained a variety of uses. The properties' existing land use and zoning under General Commercial/ C-2 not compatible with the surrounding area. The applicant's requested action serves to provide a down-zoning or transition from the port's industrial operations to the adjoining residential areas.

The most compatible land use and zoning designation for these properties as well as the properties fronting N. 2nd Street is Central Business District (CBD)/ C-3 zoning. The CBD/C-3 zoning designation exists diagonally from the applicants' properties as part of the former Standard Marine property on North 2nd Street between Alachua and Broome Streets. Staff recognizes the need to assign the appropriate land use and zoning district of Central Business District (CBD)/ C-3 zoning to the public parking lots located at the corners of N. 2nd at Alachua Street and Broome Streets in keeping with the direction to create and extend the urban core through the CRA. Staff intends to file an application to correct the land use and zoning for these properties in order to establish a consistent land use and zoning district pattern for properties on N. 2nd Street.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.

Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. By definition of the land use category requested, Central Business District (CBD) allows for a mixed use urban development pattern. Assignment of this land use category not only corrects the existing non-conformities on the subject properties, but it also permits the historic built pattern of this area to be realized through future redevelopment efforts whereby commercial and residential coexist. (See Sanborn Maps Exhibits)

Policy 1.02.09.

The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth



STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018

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

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The most compatible land use and zoning designation for these CRA properties as well as the CRA properties fronting North 2nd Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.

Central Business District (CBD)

- a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
- b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
- c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
- d. The density of residential development in the Central Business District land use category shall not exceed thirty-four (34) units per acre.
- e. The intensity of non-residential development shall not exceed a FAR of 2.0.
- f. The proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
 1. The need for additional land area within the Central Business District land use category;
 2. Consistency of the land area with the characteristics of the Central Business District; and;
 3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face (**See Sanborn Map Exhibits**). Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.



STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018



Reference: Johannes, J. (2000). *Yesterday's Reflections II Nassau County, Florida - A Pictorial History*. Fernandina Beach: Lexington Ventures, Inc.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.

The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either



STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018

freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the existing residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

MOTIONS TO CONSIDER

I move to recommend (approval or denial) of PAB case number 2018-27 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from General Commercial land use and C-2 zoning, as described and that PAB case 2018-27 as presented, (is or is not) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson, AICP
Director of Planning & Conservation



STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018

EXHIBIT A



OFFICE USE ONLY **Revised from**
 REC'D: **11/04/18** BY: **KG**
 PAYMENT: \$ **2000** TYPE: **#1036**
 APPLICATION #: **2018-0001658**
 CASE #: **PAB 2018-27**
 BOARD MEETING DATE: **11/14/18**



**AMENDED
 PLANNING ADVISORY BOARD APPLICATION**

- | | |
|--|--|
| ☒ ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600) | ☐ SUBDIVISION PLAT – PRELIM (\$750) |
| ☒ LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600) | ☐ SUBDIVISION PLAT – FINAL (\$850) |
| ☐ LDC TEXT AMENDMENT (\$850) | ☐ VACATION OF R.O.W. (\$850) |
| ☐ COMP PLAN AMENDMENT (\$850) | ☐ VOLUNTARY ANNEXATION (\$1050) |

APPLICANT INFORMATION

Owner Name: Parcel A: Castilian Properties, Inc. for 120 N. 2nd Street
 Parcel B: Beverly Freeman Crews, James Kelly Freeman, Angela Karen Morgan, George Thomas Freeman for 116 N. 2nd Street
Mailing Address: Parcel A: 120 N. 2nd Street, Suite A, Fernandina Beach, FL 32034
 Parcel B: 96174 Marantha Road, Yulee, FL 32097
Telephone: _____ **Fax:** _____
Email: _____

Agent Name: A. Jeffrey Tomassetti, PLC, d/b/a Tomassetti & Prince
 406 Ash Street, Fernandina Beach, FL 32034
Mailing Address: _____
Telephone: (904) 261-1833 **Fax:** (904) 212-0350
Email: info@tpislandlaw.com and tprince@tpislandlaw.com

PROPERTY INFORMATION

Street Address: Parcel A: 120 N. 2nd Street and Parcel B: 116 N. 2nd Street
Parcel Identification Number(s): Parcel A: 00-00-31-1800-0009-0060 and Parcel B: 00-00-31-1800-0009-0020
 Parcel A: 6 & 7 9 (both
Lot Number: Parcel B: 2, 3, 4, & 5 **Block Number:** parcels **Subdivision:** _____
Section: _____ **Township:** _____ **Range:** _____

PROJECT INFORMATION

Total Number of Lots/Parcels: 1

Less than One (1) acre Sq. Footage: Parcel B: .29 acres Parcel A: .14 acres One (1) Acre or Greater: _____

Existing Zoning Classification: C-2

Existing Future Land Use Classification: General Commercial

Previous Planning/Zoning Approvals: _____

Description of Request:

This application requests a small scale FLUM amendment from the General Commerical (GC) land use to the Central Business District ("CBD") land use, and from General Commercial (C-2) zoning designation to Central Business District (C-3) zoning designation for the property located at 116 N. 2nd Street, and 120 N. 2nd Street, Fernandina Beach, FL.

SIGNATURE/NOTARY

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

10/31/18 Musa D. Prince
Date Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 31st day of October, 2018.

Jaime Herrmann Jaime Herrmann 9/21/19
Notary Public: Signature Printed Name My Commission Expires

Personally Known X OR Produced Identification _____ ID Produced: _____





OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Beverly F. Crews, James K. Freeman Jr., George T. Freeman, Angela K. Morgan
(print name of property owner(s))

hereby authorize: CMR Island Properties, LLC
(print name of agent)

to represent me/us in processing an application for: Rezoning
(type of application)

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

Beverly F. Crews DocuSigned by:
(Signature of owner) George T. Freeman
1F38D7C0E94C425...

JKF DocuSigned by:
(Signature of owner) James K. Freeman
FA797D0C65EA4E9...

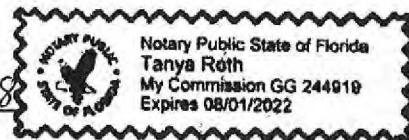
Angela K. Morgan DocuSigned by:
(Signature of owner) Angela K. Morgan
3DE77C0977D44AC...

Beverly F. Crews George T. Freeman
(Print name of owner)

James K. Freeman Angela K. Morgan
(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 12th day of October, 2018



Tanya Roth
Notary Public: Signature

Tanya Roth
Printed Name

8/1/2022
My Commission Expires

Personally Known _____ OR Produced Identification ☒ ID Produced: FL DL # C620-066-49-5080

(Signature of owner)

Beverly F. Crews
(Signature of owner)

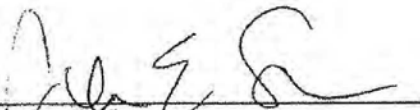
(Print name of owner)

Beverly F. Crews
(Print name of owner)

**BUYER'S AUTHORIZATION
FOR REPRESENTATION FOR APPLICATION**

I, John E. Sasser, an Authorized Member for CMR Island Properties, Inc., a foreign limited liability company, duly licensed to do business in Florida, and the buyer of real property located at 116 N. 2nd Street, Fernandina Beach, FL 32034 (the "Property") hereby authorize our legal counsel, A. Jeffrey Tomassetti, PLC, d/b/a/ Tomassetti and Prince to apply to the City of Fernandina Beach to process an application for Rezoning and FLUM Amendment on our behalf for the Property. In authorizing the agent to represent our entity, I attest that the application is made in good faith and that any information contained in the application is accurate and complete.

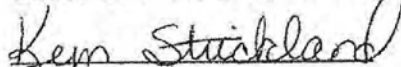
CMR Island Properties, a foreign limited liability company


By: John E. Sasser
Its: Authorized Member

STATE OF GA

COUNTY OF Ware

Subscribed and sworn to before me this 15 day of October, 2018


Notary Public

Kem Strickland
Printed Name

9-8-2020
Commission Expiration



Personally known ✓ OR Produced Identification _____

ID Produced: _____



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Peter O. Mallory, President of Castilian Properties, Inc.
(print name of property owner(s))

hereby authorize: A. Jeffrey Tomassetti, PLC d/b/a Tomassetti & Prince
(print name of agent)

to represent me/us in processing an application for: Rezoning and FLUM Amendment
(type of application)

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

Peter O. Mallory (Signature of owner) _____ (Signature of owner)

Peter O. Mallory, Castilian Properties Inc. (Print name of owner) _____ (Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

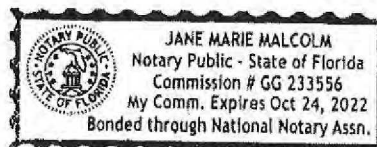
Subscribed and sworn to before me this 31st day of October, 2018.

Jane Marie Malcolm
Notary Public: Signature

Jane Marie Malcolm
Printed Name

10/24/22
My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____





Law Office of

TOMASSETTI & PRINCE

November 1, 2018

A. Jeffrey Tomassetti
Teresa L. Prince

AMENDED LETTER OF INTENT FOR CASTILIAN PROPERTIES, INC. AND CMR ISLAND PROPERTIES, LLC

The Consistency of the Proposed Action with the City's Comprehensive Plan and Justification of Proposed Action

Our office represents Castilian Properties, Inc., a Florida corporation, owner of the real property located at 120 N. 2nd Street, Fernandina Beach, FL 32034 ("Parcel A") and CMR Island Properties, LLC, a foreign limited liability company, duly licensed to do business in Florida, who is the Buyer of real property owned by Beverly Freeman Crews, James Kelly Freeman, Jr., Angela Karen Morgan, and George Thomas Freeman, and located at 116 N. 2nd Street, Fernandina Beach, Florida 32034 (the "Parcel B") (collectively, the "Subject Properties"). In support of redevelopment efforts within the Community Redevelopment Area ("CRA"), this application requests a Future Land Use Map ("FLUM") amendment from the General Commercial ("GC") land use to Central Business District ("CBD") land use, and zoning change from General Commercial ("C-2") to Central Business District ("C-3"), for Parcel B, which is approximately .29 acres, and Parcel A, which is .14 acres.

Pursuant to Section 2.01.13, Land Development Code ("LDC") and Policy 1.07.10, Comprehensive Plan Policy ("Comp Plan"), the CBD FLUM and C-3 zoning designation is a mixed-use category that serves as a logical transition between the industrial activities to the west, and the residential uses to the east of the Subject Properties. This is because the CBD FLUM and C-3 zoning allow for both residential and commercial uses. This transitional land use and zoning pattern is witnessed throughout the City's urban core. Similarly, an extension of the CBD FLUM and C-3 zoning to the Subject Properties provides the opportunity for continuity in urban form and pattern from Centre Street north to Calhoun Street along N. 2nd Street, preventing the proliferation of urban sprawl and supporting cost effective and energy efficient land development patterns in accord with Policy 1.02.03, Comp Plan.

In addition, the Subject Properties are immediately adjacent to CBD FLUM and C-3 zoning on its southern and western borders. There is also an established node of CBD FLUM and C-3 zoning on properties to the north and south of the Subject Properties. Therefore, consistent with Policy 1.02.04, Comp Plan, the proposed use is compatible with the type and intensity of surrounding uses and surrounding zoning districts. See attached Exhibit A for the FLUM map and the attached Exhibit B for the zoning map.

Parcel B is currently occupied by a single-family residential structure which does not conform to the permitted uses in the existing General Commercial (GC) FLUM designation and General Commercial (C-2) zoning classification. Similarly, Parcel A is currently occupied by both a residential structure and commercial office structure, and therefore does not conform to the permitted uses in the existing General Commercial (GC) FLUM designation and the General Commercial (C-2) zoning district. Residential use is not permitted in the General Commercial (C-2) zoning district. In accord with Policy 1.05.03, Comp Plan, an extension of the CBD FLUM and C-3 zoning to the Subject Properties corrects the nonconforming use of

residential dwellings on the (C-2) zoned Subject Properties because the CBD FLUM designation and C-3 zoning permits both residential and commercial uses.

Consistent with Policy 1.02.04, Comp Plan, the size of the Subject Properties, the physical condition of the Subject Properties, the soils and topography, and the "suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources" is appropriate for the proposed use given the Subject Properties are already developed; and therefore, any impact on adopted levels of service standards and quality of service standards would be minimal. See attached Exhibit C for the potential wetlands, the attached Exhibit D for soils, the attached Exhibit E for topography, and the attached Exhibit F for flood zones. As depicted in Exhibit C, there are no potential wetlands impacting the Subject Properties. The topography and soil characteristics of the Subject Properties, as noted in Exhibits D and E, are suitable for development as evidenced by the fact that development currently exist on the Subject Properties. A significant majority of both Subject Parcels are located in a Special Flood Hazard Area designated as AE, which only has a 1 % probability of flooding every year. See attached Exhibit F.

Adequate levels of service, including water and sewage availability by the City of Fernandina Beach Utility Department, already exist to support the extension of the CBD FLUM category to the Subject Properties in compliance with Policies 1.02.02, 4.01.01 and 4.01.02, Comp Plan. See attached letter of availability.

The Subject Properties are also located within the CRA and subject to certain design criteria specific to the CRA. See attached Exhibit G of the CRA Boundary by Resolution 2005-91. Pursuant to Section 8.01.02, LDC, "It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas." An extension of the CBD FLUM and C-3 zoning district to the Subject Properties would provide a more harmonious and beneficial relation among buildings and uses within the area in compliance with Policy 12.05.03, Comp Plan. The mixed-use category would allow for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA in accord with Objective 1.04, Comp Plan. Development review for these properties is provided by the Historic District Council. Section 8.01.02, LDC, sets additional regulatory standards for development of CRA properties. All properties within the CRA, regardless of use, are required to satisfy on-site parking demands. Furthermore, Section 4.05.12, LDC, will require adequate buffers between commercial and residential uses. Therefore, the CRA guidelines and LDC requirements previously discussed, provide standards that will protect the existing residential zoned properties adjacent to the Subject Properties.

Sincerely,
TOMASSETTI & PRINCE



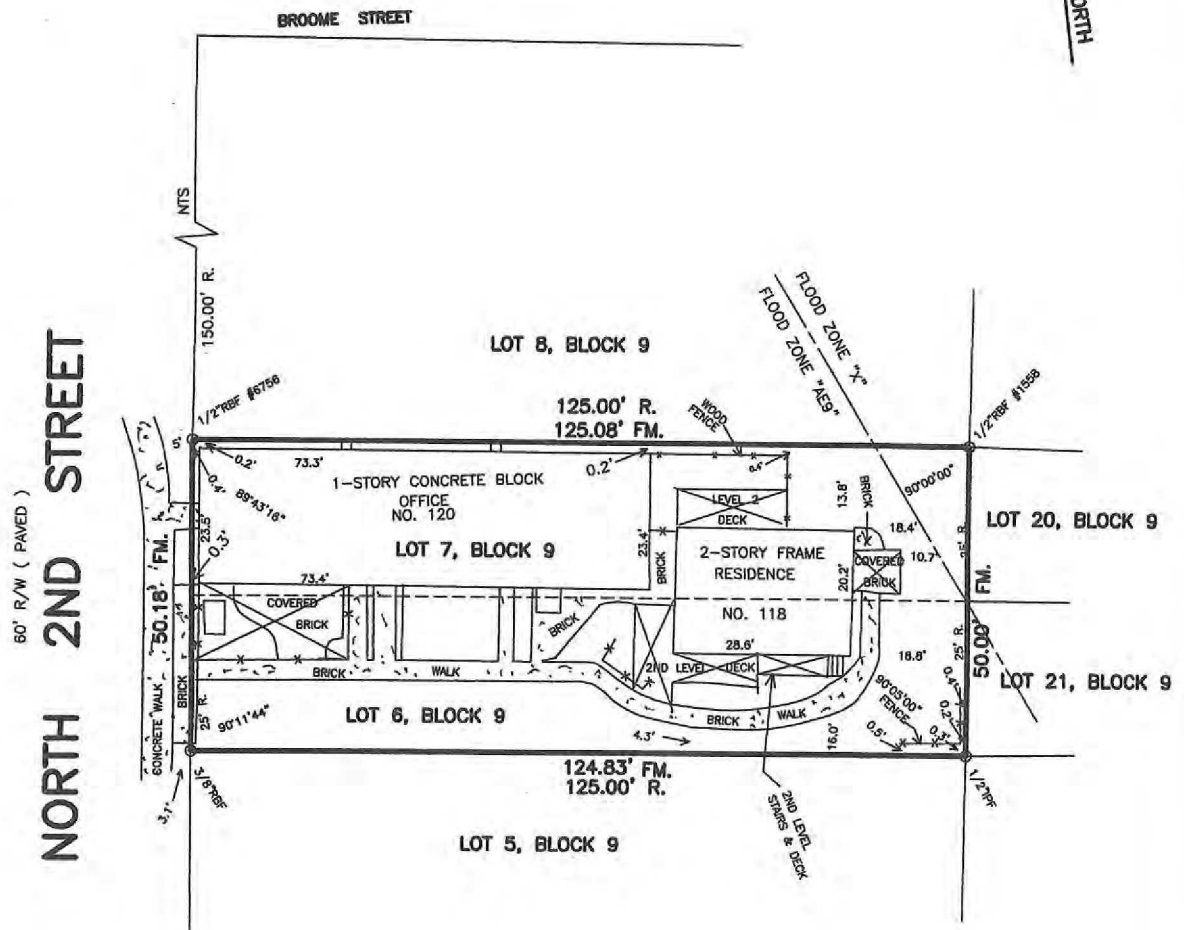
A. Jeffrey Tomassetti, for the firm

AJT/mbm

MAP SHOWING BOUNDARY SURVEY OF
LOTS 6 AND 7, BLOCK 9,

LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED
FERNANDINA), IN THE COUNTY OF NASSAU AND THE STATE OF FLORIDA,
AND KNOWN AND DESCRIBED UPON AND ACCORDING TO THE OFFICIAL
PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA
RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED
BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

FOR: CASTILIAN PROPERTIES, INC.



COASTAL LAND SURVEYORS

& MAPPERS, INC.
34 NORTH FOURTEENTH STREET
FERNANDINA BEACH, FLORIDA 32032
TEL 904-261-8850 FAX 904-277-8850

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON AS
MEETING THE MINIMUM TECHNICAL STANDARDS FOR LAND
SURVEYING, CHAPTER 5J-17.050, FLORIDA ADMIN. CODE, AND/OR
CHAPTER 180-7, GEORGIA STATUTES.

James C. Peacock
JAMES C. PEACOCK, PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3718
GEORGIA CERTIFICATE NO. 2365
NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

BEARINGS BASED ON N/A

PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE X & AE9 AS SHOWN ON

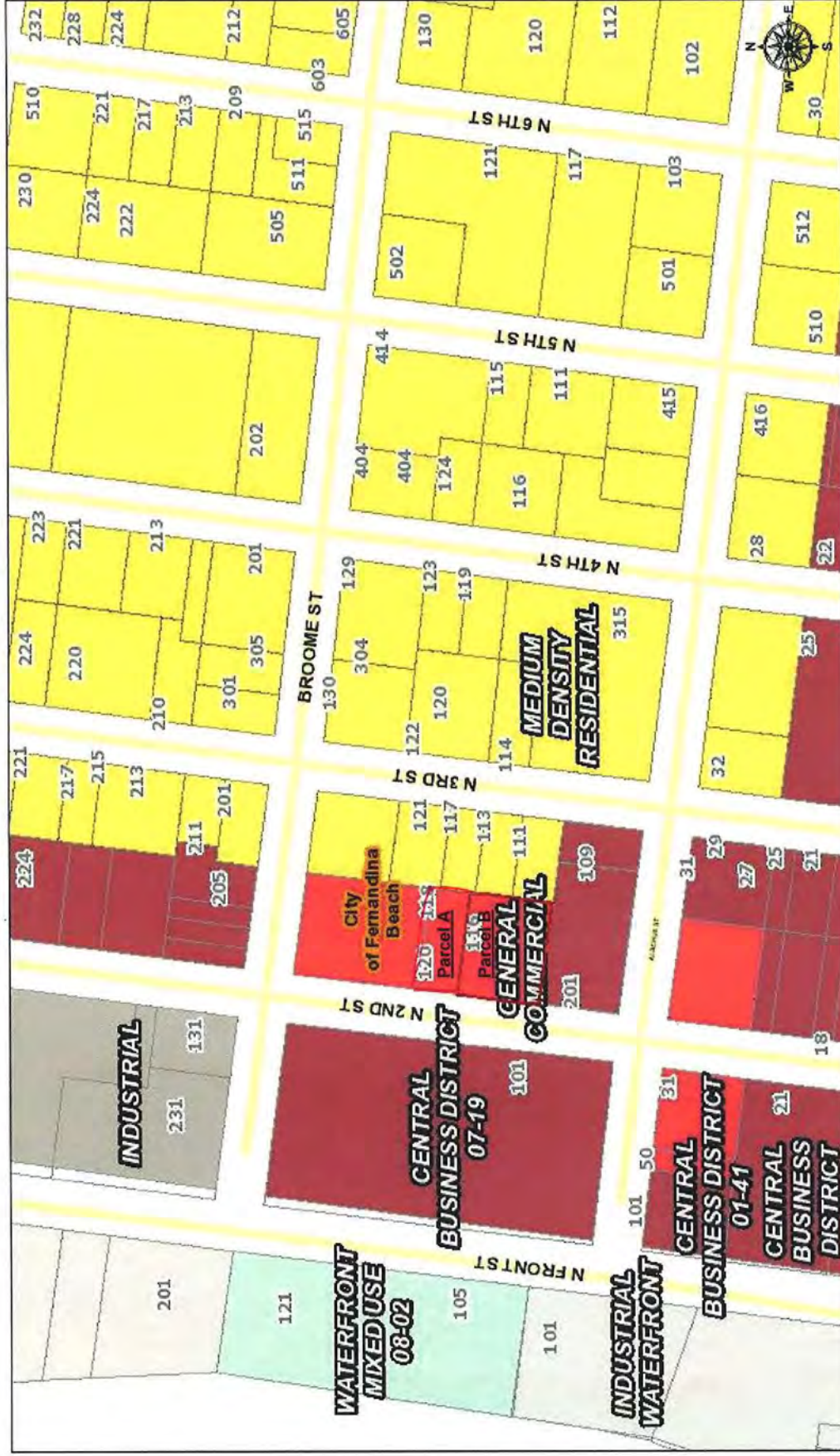
FEMA FLOOD INSURANCE RATE MAP,
COMMUNITY NO. 120172 PANEL NO. 2376
DATED 8/2/17

DATE OF SURVEY: OCTOBER 30, 2018
SCALE 1"=20'
JOB NO. 1610-21 F.B. 347

CORNER MARKERS HAVE NO IDENTIFICATION U.N.O.

LEGEND:
IRON PIPE FOUND - IPF
IRON PIPE SET - IPS
RE/BAR FOUND - RBF
NOT TO SCALE - NTS
BUILDING RESTRICTION LINE - BRL
CONCRETE MONUMENT FOUND - CMF
STAINLESS STEEL PIPE FOUND - SSPF
RIGHT-OF-WAY - R/W
POINT OF CURVE - PC
CENTERLINE - C
POWER LINE - P
PLAY - P
FIELD MEASURED - FM
RECORD - R. DEED - D.
POWER POLE - D
CONCRETE - CONC.
RIGHT-OF-WAY - R/W
POINT OF REVERSE CURVE - PRC
OFFICIAL RECORDS BOOK - O.R.B.

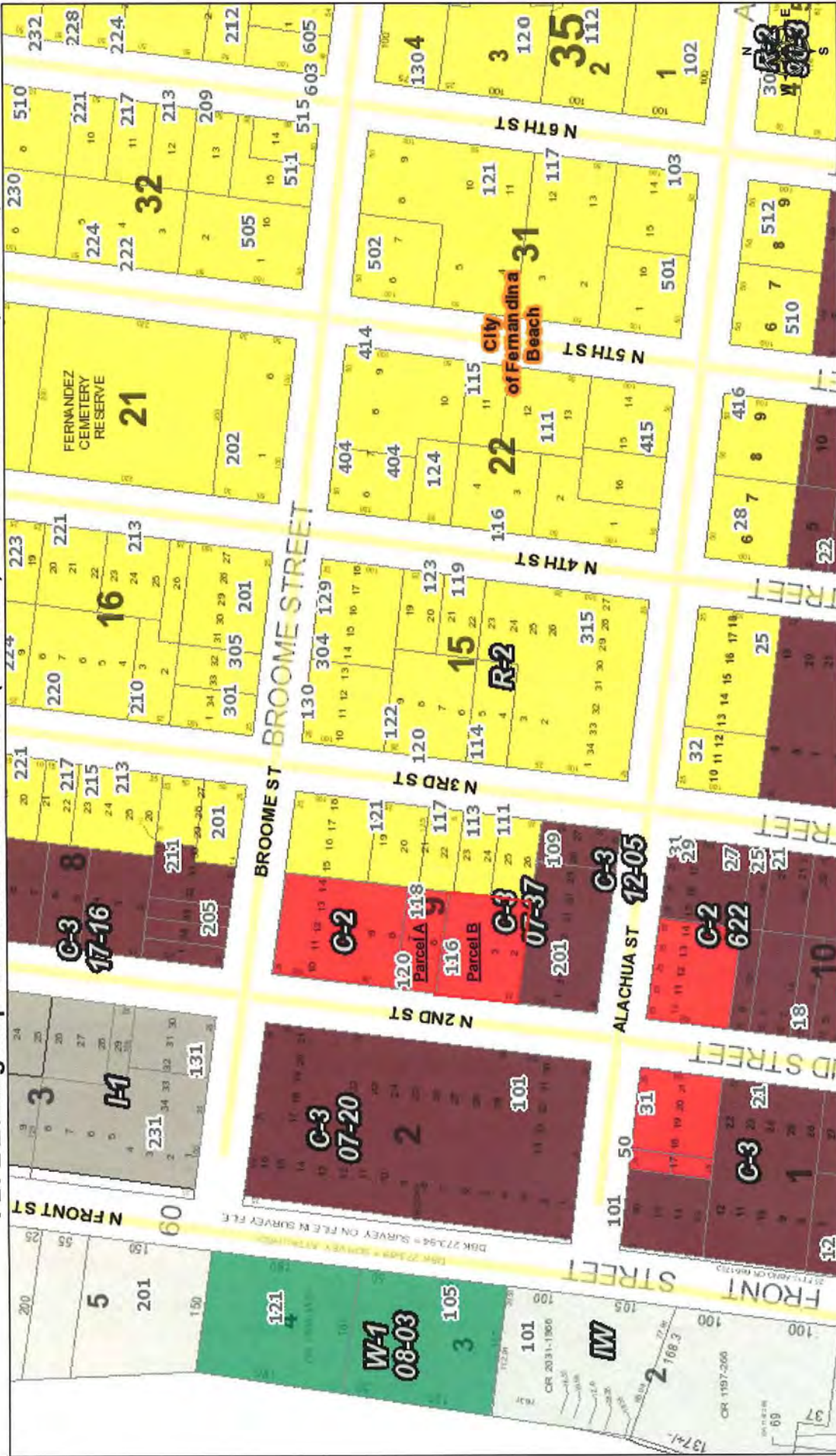
FBFL FLUM Map for 120 N. 2nd Street (Parcel A) & 116 N. 2nd Street (Parcel B)



October 15, 2018

EXHIBIT A

FBFL Zoning Map for 120 N. 2nd Street (Parcel A) & 116 N. 2nd Street (Parcel B)



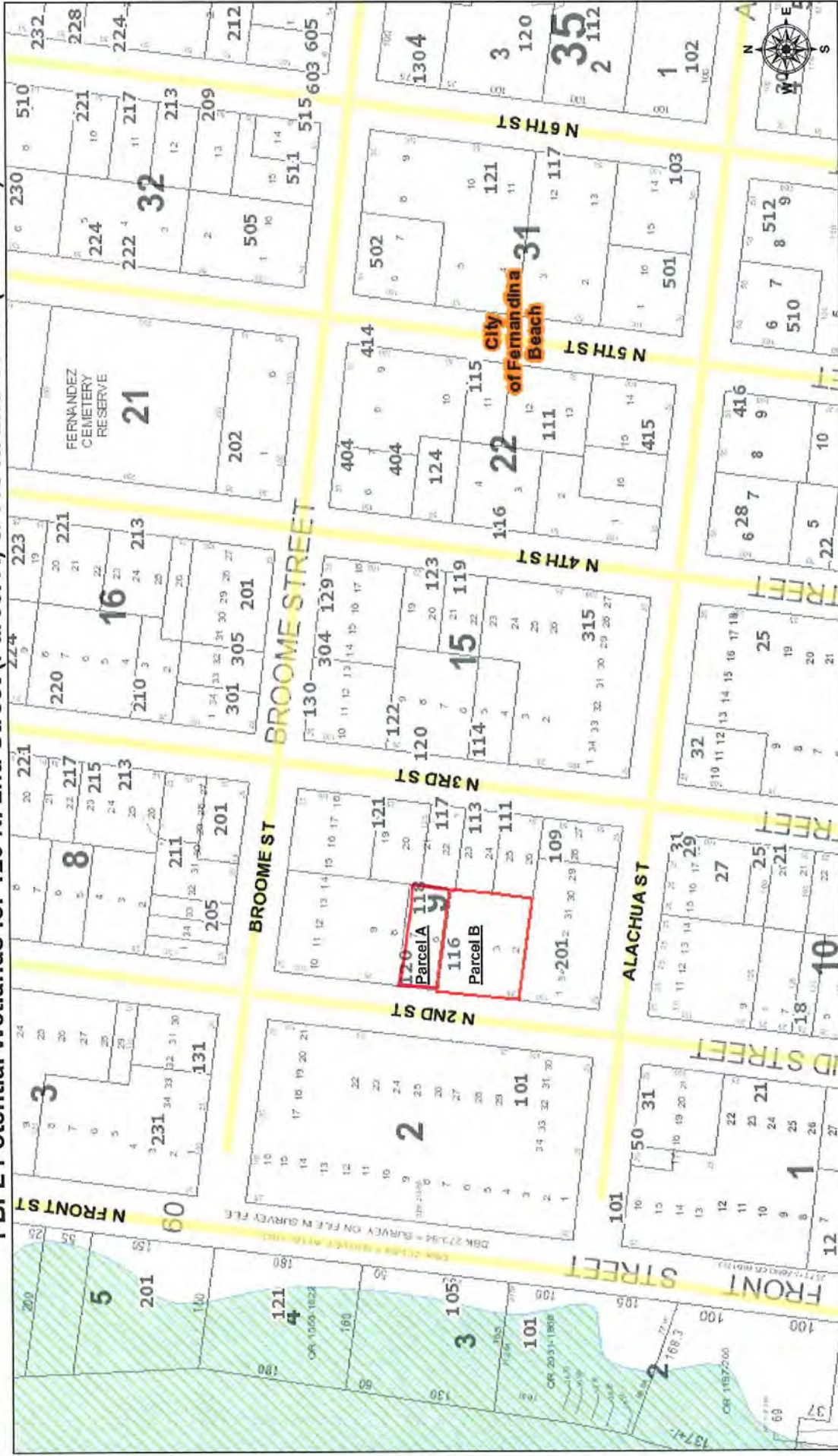
October 14, 2018

1:2,257
0 0.0175 0.035 0.07 mi
0 0.03 0.06 0.12 km

EXHIBIT B

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

FBFL Potential Wetlands for 120 N. 2nd Street (Parcel A) & 116 N. 2nd Street (Parcel B)



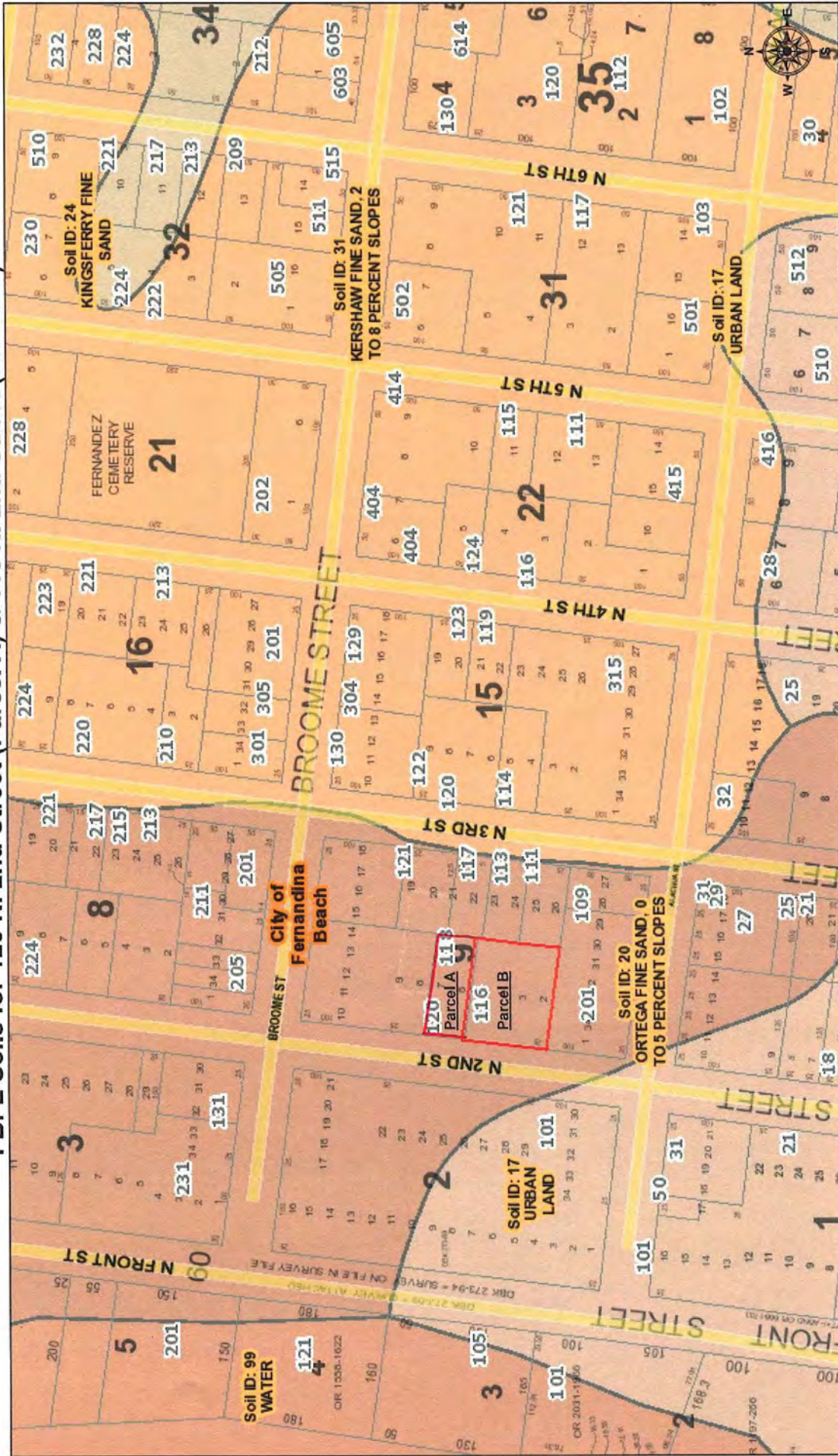
October 14, 2018

Potential Wetlands

EXHIBIT C

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

FBFL Soils for 120 N. 2nd Street (Parcel A) & 116 N. 2nd Street (Parcel B)

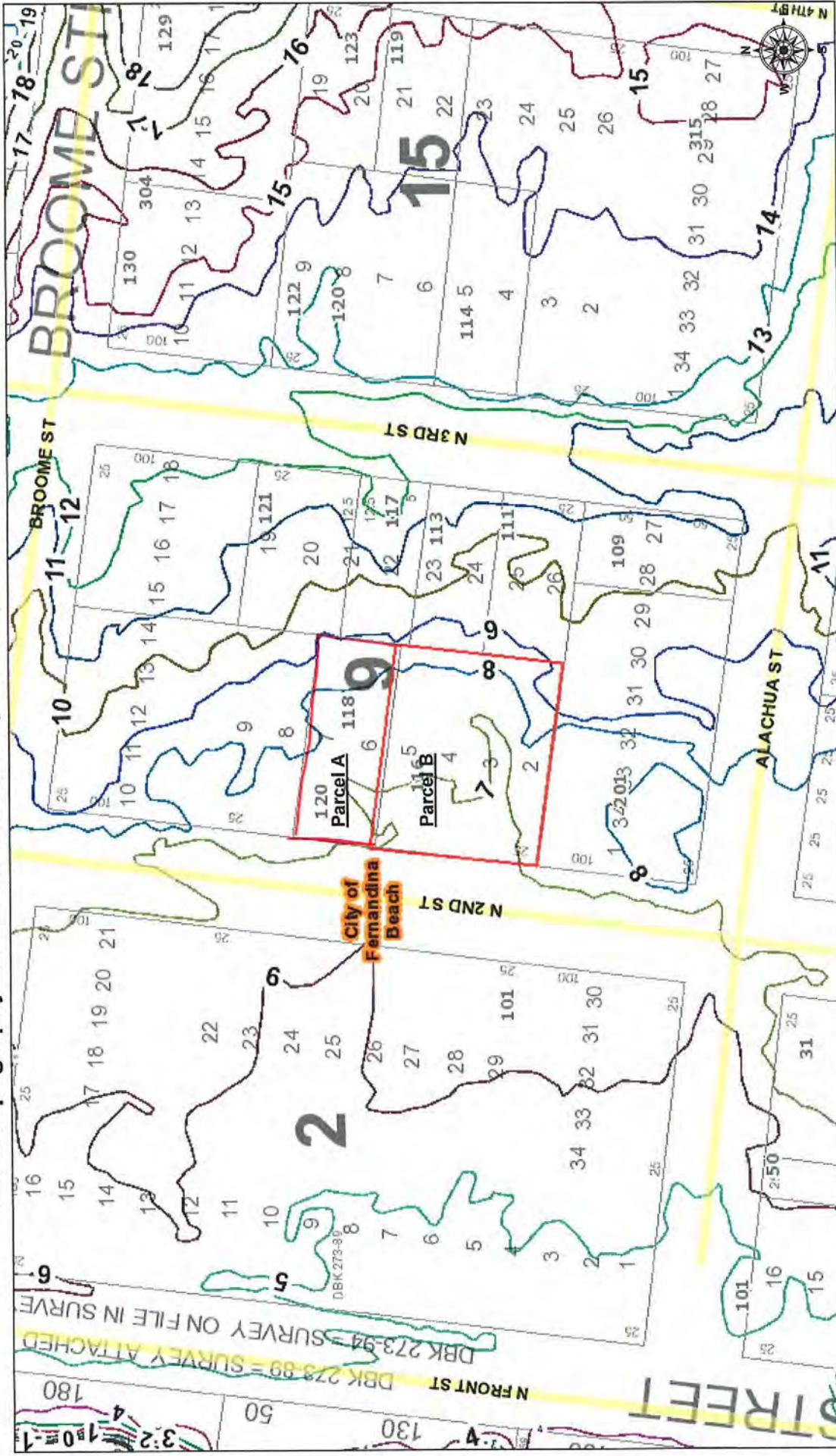


October 14, 2018

EXHIBIT D

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

FBFL Topography for 120 N. 2nd Street (Parcel A) & 116 N. 2nd Street (Parcel B)



October 14, 2018

1:1,128

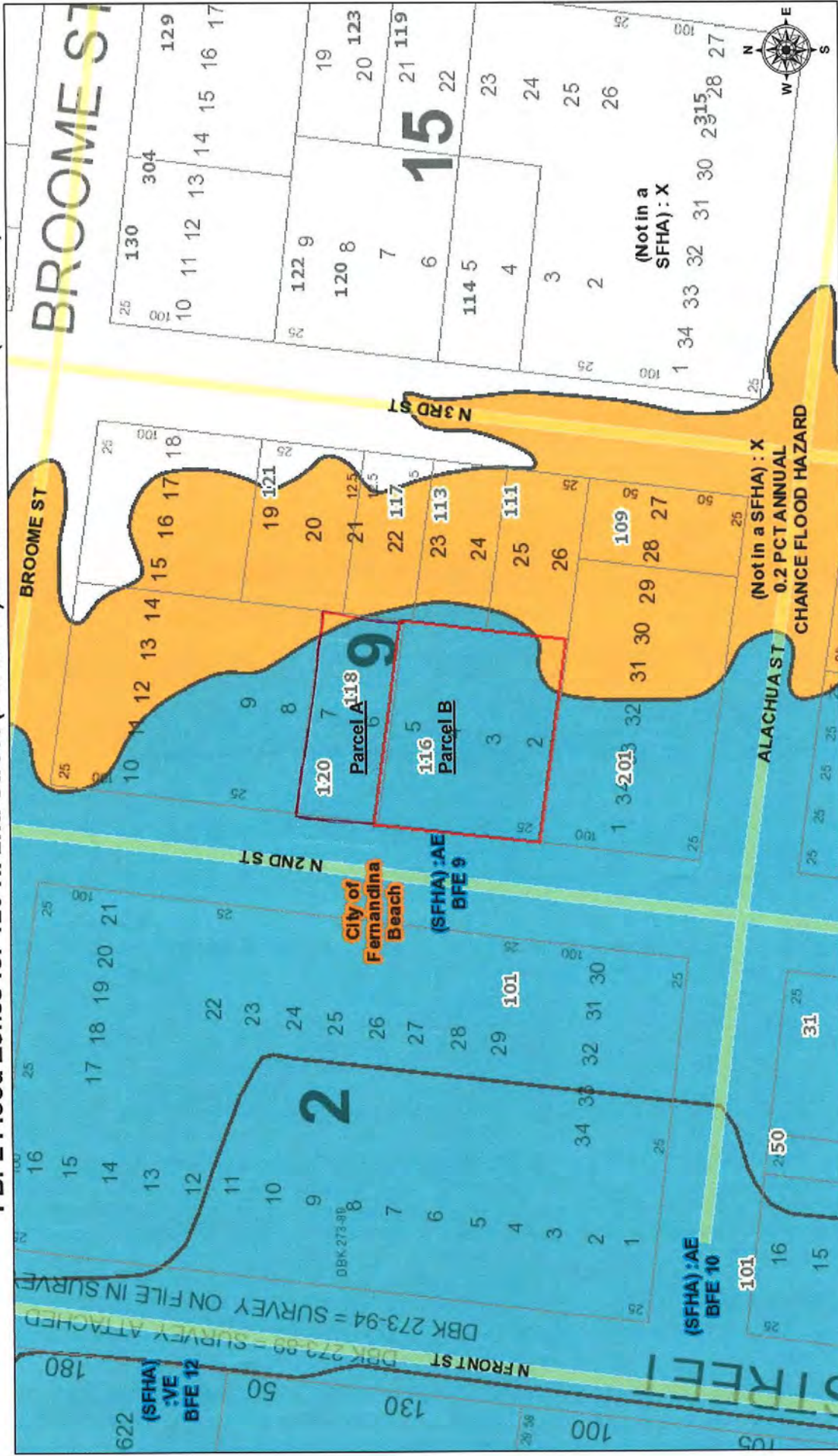
0 0.0075 0.015 0.03 mi

0 0.015 0.03 0.06 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

EXHIBIT E

FBFL Flood Zones for 120 N. 2nd Street (Parcel A) & 116 N. 2nd Street (Parcel B)



October 14, 2018

Flood Zones - Effective Date August 2, 2017



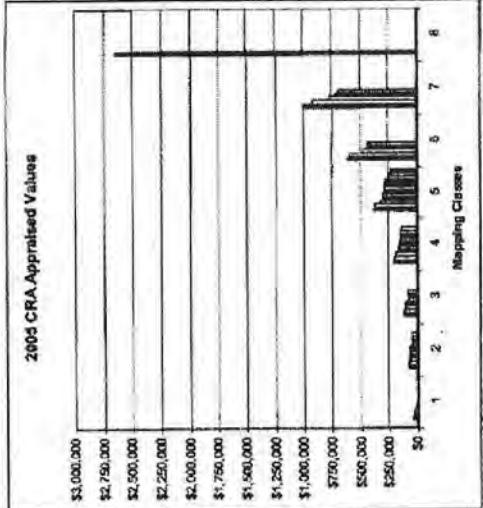
EXHIBIT F

1:1,128

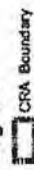
0 0.0075 0.015 0.03 mi

0 0.015 0.03 0.06 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



Legend

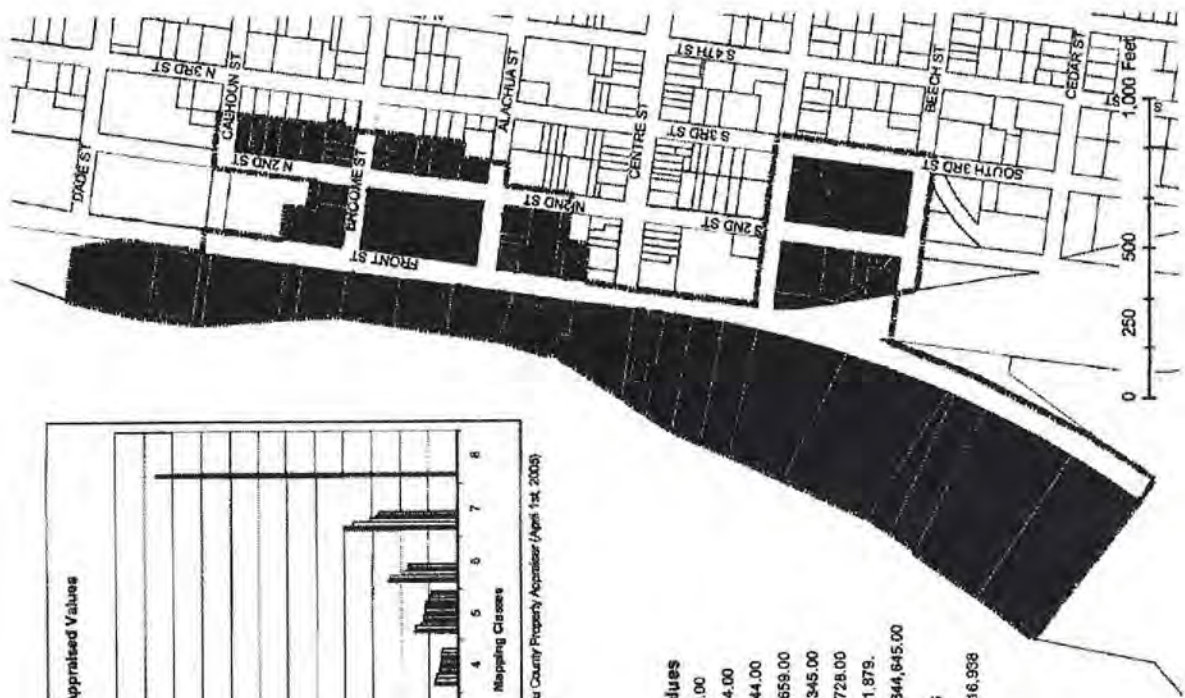


CRA Boundary

2005 CRA Appraised Values

1	\$3,982.00 - \$30,195.00
2	\$30,195.00 - \$71,614.00
3	\$71,614.00 - \$114,144.00
4	\$114,144.00 - \$205,659.00
5	\$205,659.00 - \$379,345.00
6	\$379,345.00 - \$811,728.00
7	\$811,728.00 - \$1,001,879.00
8	\$1,001,879.00 - \$2,844,645.00

Involved Properties: 56
Total Acres: 37.364
Total Assessed Value: \$15,716,938



May 3, 2005

Amended CRA Boundary by Resolution 2005-91

Totaling: 56 Properties

EXHIBIT G



CITY OF FERNANDINA BEACH

Utilities Department

John Mandrick, PE

Utilities Director

October 16, 2018

Subject: Water & Wastewater Availability
116 N 2nd Street (Parcel A)
Fernandina Beach, FL 32034

To Whom It May Concern:

The City of Fernandina Beach Water and Wastewater Division has sufficient capacity to serve the above-mentioned location, provided all applicable permit fees, zoning fees, impact fees or any other requirements of the City are met.

If you have any questions, please contact the undersigned at 904-310-3421.

Sincerely,

A handwritten signature in black ink, appearing to read "John Mandrick", is written over a large, stylized, handwritten "S" or "J" that extends from the left margin.

John Mandrick, P. E.
Utilities Director

/ag



CITY OF FERNANDINA BEACH

Utilities Department

John Mandrick, PE

Utilities Director

November 1, 2018

Subject: Water & Wastewater Availability
120 N 2nd Street (Parcel #: 00-00-31-1800-0009-0060) (Parcel B)
Fernandina Beach, FL 32034

To Whom It May Concern:

The City of Fernandina Beach Water and Wastewater Division has sufficient capacity to serve the above-mentioned location, provided all applicable permit fees, zoning fees, impact fees or any other requirements of the City are met.

If you have any questions, please contact the undersigned at 904-310-3421.

Sincerely,



John Mandrick, P. E.
Utilities Director

/ag



Law Office of

TOMASSETTI & PRINCE

**Addendum to Application PAB 2018-27
for FLUM Amendment and Rezoning of
Parcel #'s: 00-00-31-1800-0009-0060 & 00-00-31-1800-0009-0020
(the "Subject Properties") .**

Teresa L. Prince
A. Jeffrey Tomassetti
M. Bradley Manning

This Addendum is submitted by the Applicants to support the Applicants' position that Application PAB 2018-27 meets the subjective requirement of Comprehensive Plan Policy 1.07.10(1) as follows:

Pursuant to Policy 1.07.10 of the City of Fernandina Beach's 2030 Comprehensive Plan (the "Comp. Plan"), "a proposed amendment to the FLUM to increase the land area within the Central Business District (the "CBD") land use category shall demonstrate the suitability of the proposed site based on:

1. The need for additional land area within the Central Business District land use category;"

As noted in the Staff Report, "Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (the "CRA") and further bolstered by the range of uses which historically existed on this block face." The City's Staff findings are considered competent and substantial evidence that the need for additional land area within the CBD land use category has been demonstrated.

In further support of Staff's determination of the need of additional land area within the CBD land use category, as noted in the Future Land Use Element Highlights, one of the goals of the Future Land Use element is to "provide incentives for businesses to locate and stay in the Central Business District." In addition, Pursuant to Policy 1.02.08, of the Comp. Plan, "[s]table or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas." Pursuant to Section 8.01.02 of the LDC, "[i]t is the purpose of the CRA overlay to provide a broad mix of uses and compatible design in the downtown area in order to promote revitalization of the working waterfront and adjacent areas." Taking these policies into consideration, the CRA overlay is intended to facilitate a mixed use area, which is accommodated in the CBD zoning district. Further, a re-zoning of the subject properties located within the CRA to the CBD zoning designation, which will allow for a mixed-use of commercial and residential development, will provide a logical transition area from the established residential uses to the west.

Pursuant to Policy 1.02.09, of the Comp. Plan, "[t]he City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition." The subject properties are adjacent to the CBD zoning district on their western and southern borders, with an established node of CBD zoning district also being

located just north of the subject properties. (See Exhibit A, B, and C attached hereto.) An expansion of the CBD to the subject properties not only provides for an orderly transition of incompatible uses, but also supplements the established node of the CBD zoning designation along the portion of North 2nd Street that is located within the CRA.

The subject properties are currently employed for residential purposes which is a non-conforming use in the applicable C-2 zoning district. Pursuant to the Comp. Plan Objective 1.05, the City shall seek to eliminate nonconforming uses. Objective 1.05 states:

OBJECTIVE 1.05. "NONCONFORMING STRUCTURES, USES AND LOTS To promote re-use of structures that contribute to the character, diversity and sustainability of a neighborhood and to promote economic redevelopment by regulating structures and uses that do not conform to the current Plan or Land Development Code, but were lawfully established and in compliance with all applicable ordinances and laws at the time the structure was constructed and/or the use began, the City shall permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to eliminate nonconforming land uses."

Comp. Plan (emphasis provided).

The Central Business District permits the residential use of properties as a conforming use. By approving the FLUM amendment and rezoning to the CBD, the City will be in compliance with the Comp. Plan by eliminating the current non-conforming land use of the subject properties. Such amendment will also allow for continued use as residential.

Sincerely,
TOMASSETTI & PRINCE

A handwritten signature in cursive script, appearing to read "Teresa L. Prince".

Teresa L. Prince, for the firm

TLP/mbm

EXHIBIT A

ZONING

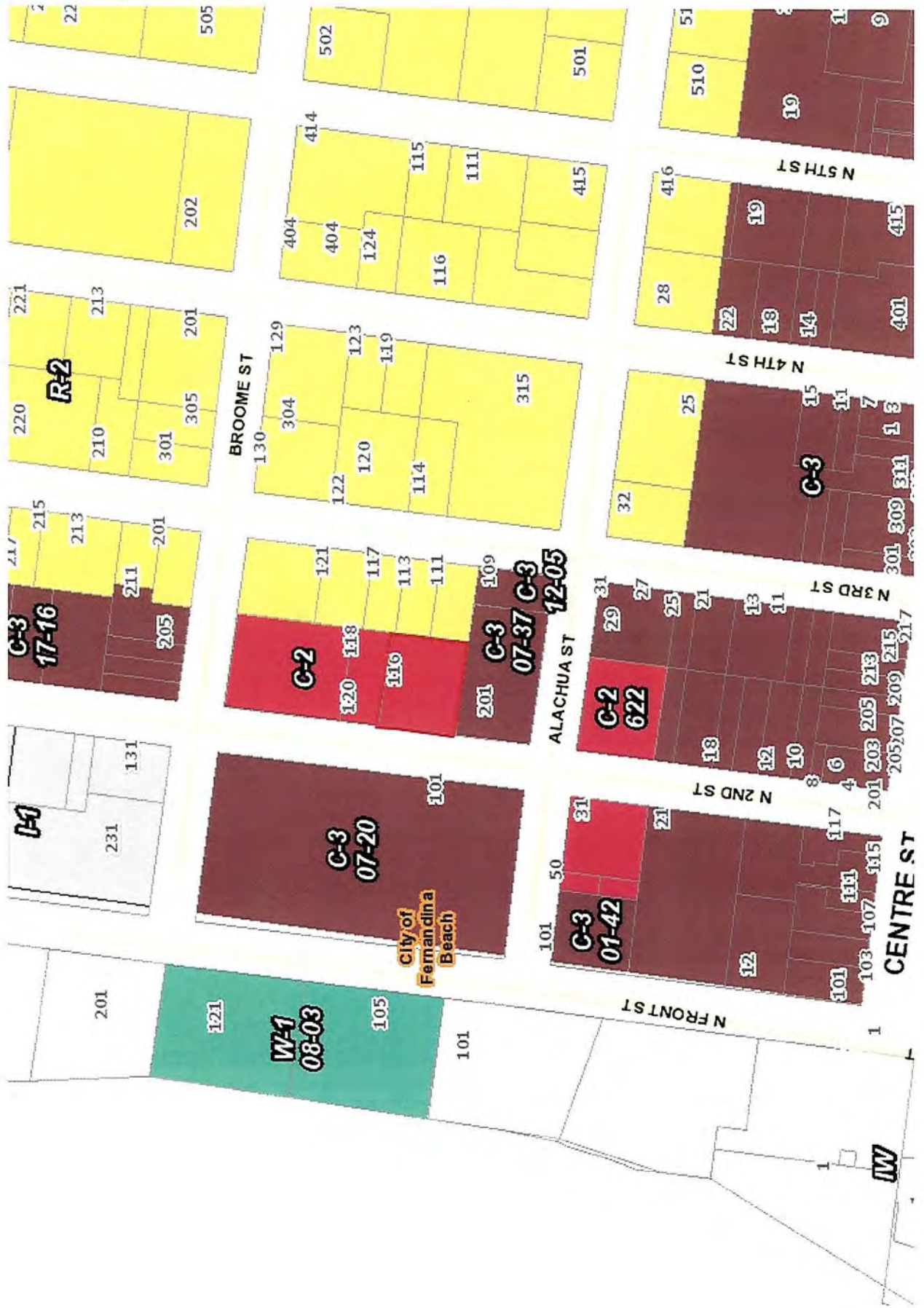
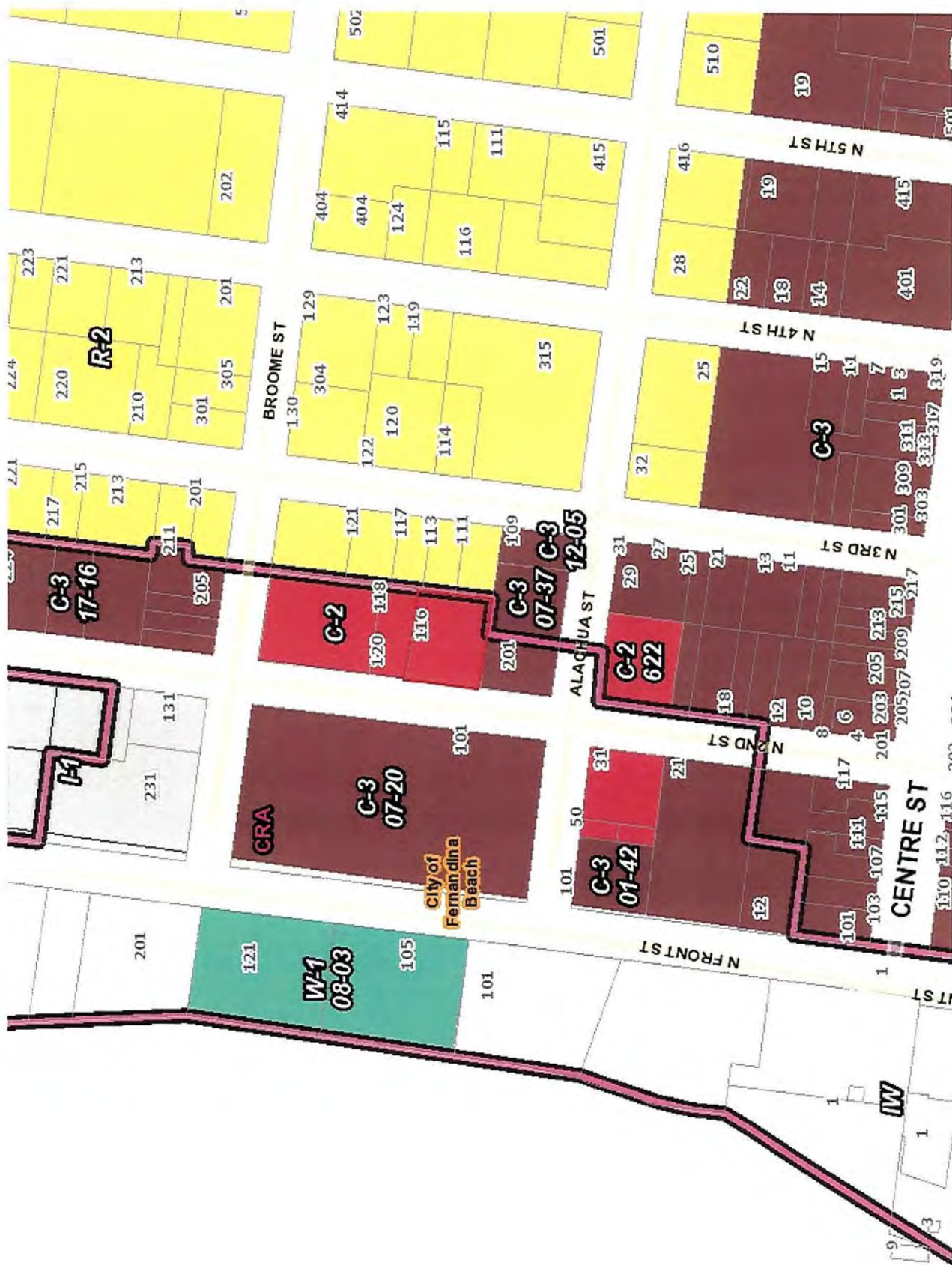
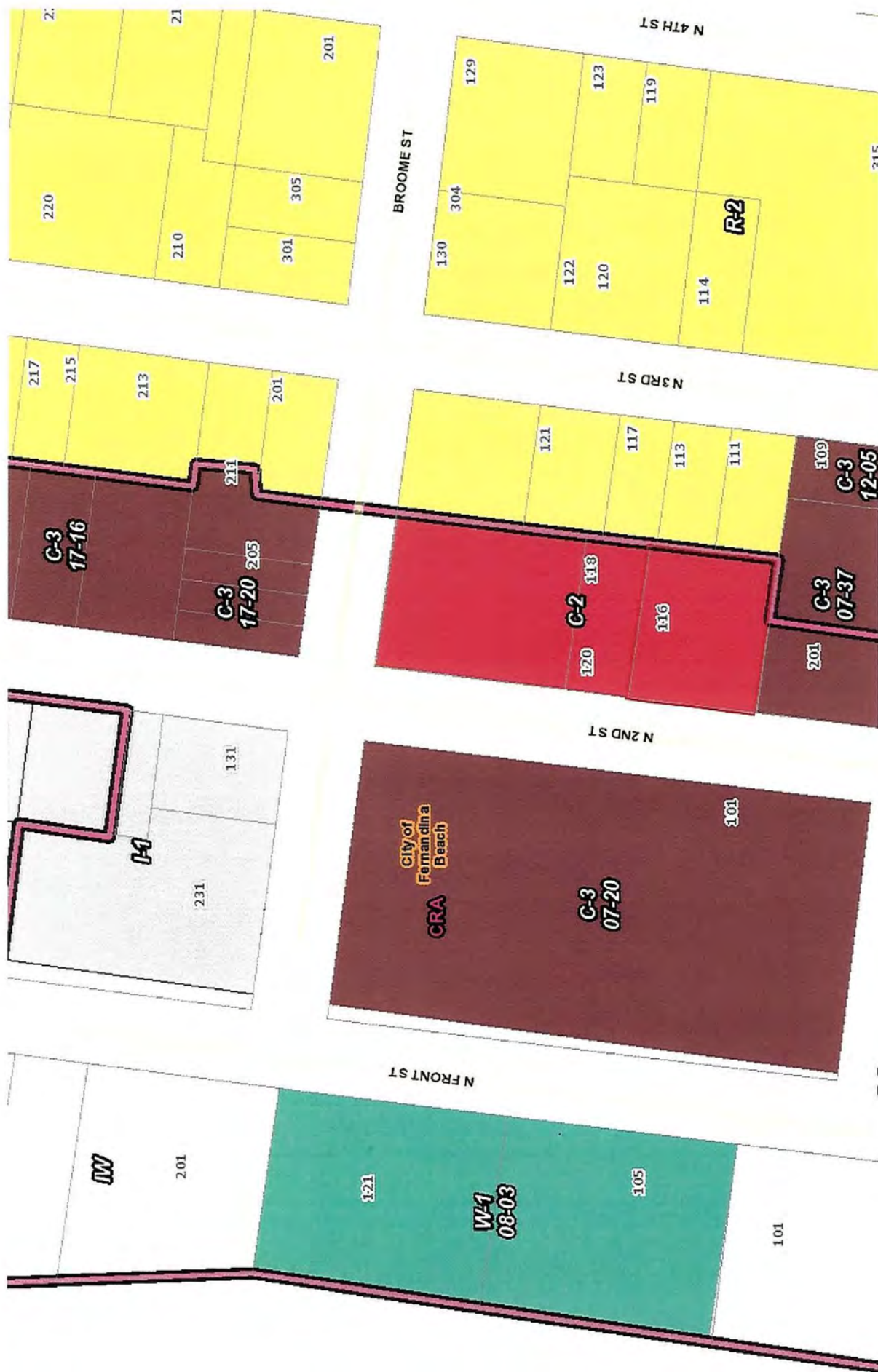


EXHIBIT B

ZONING AND CRA BOUNDARY



ZONING AND CRA BOUNDARY





December 27, 2018

Teresa Prince
Tom Ssetti & Prince
406 Ash Street
Fernandina Beach, FL 32034

Re: Zoning Confirmation for 116 N. 2nd Street

Dear Ms. Prince,

As of the date of this letter, the property referenced above is in the **C-2 zoning district** and classified on the **Future Land Use Map (FLUM) as General Commercial**. Adjacent zonings are depicted on the attached map, *Exhibit A*. The following excerpted Land Development Code sections and tables provide basic information on this zoning district.

2.01.12 General Commercial (C-2)

The C-2 District is intended for the development of land uses to accommodate offices; commercial retail; personal services establishments; restaurants; transient accommodations; uses that provide sales and services for several neighborhoods; repair shops; retail sales and services; and other similar commercial uses. The General Commercial District recognizes existing development with locations that have access to arterial roads.

Table 2.03.02: Table of Land Uses

The following land uses are permissible, subject to compliance with the standards of the C-2 zoning district:

- Book and Stationary Stores
- Bus Terminals and Taxi Stations
- Business Colleges; Commercial, Trade, Vocational, and Arts Schools
- Business Services such as Copying, Mailing, or Printing
- Clubs, Public or Private; Community and Recreation Centers
- Day Care Center
- Drug Store or Pharmacy
- Essential Public Services, such as Transmission Lines and Lift Stations
- Financial Institutions, Banks, and Credit Unions
- Funeral Home and Mortuary
- Gasoline Station, with or without a Convenience Store
- Grocery Store
- Health Clubs and Gym
- Laundry and Dry Cleaning, On-Site, including Self-Service Laundry
- Laundry and Dry Cleaning, Pick-Up Only
- Liquor Store, Lounge, and Bar (without drive-through window)
- Lodging Accommodations



- Manufacturing and/or Assembly – Artisan
- Medical and Dental Clinics
- Music, Dancing, Photography, or Art Studios
- Parking Lots and Parking Garages
- Personal Services, such as beauty/barber shops, tattoo parlor, massage or acupuncture therapy
- Professional Offices
- Religious Facilities
- Research, Education, and Development Facilities
- Restaurant, With or Without Drive-Through Window
- Retail Stores
- Scooter and Motor Vehicle Rentals
- Seasonal Sales
- Small Equipment or Appliance Repair Shops
- Specialty Food Stores, such as Bakeries or Ethnic Grocers
- Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or Stationers
- Storm Water Treatment Park/Facility
- Theaters, Movies or Performing Arts

The following land uses are permissible, subject to compliance with standards of the C-2 zoning district **and** the supplemental standards specified for the use. Supplemental standards are contained in Section 6.02.00 of the Land Development Code.

- Craft Distillery, Small-Scale Brewery or Winery
- Log Dining- Outdoors Only
- Lumber and Building Supply
- Mini-storage or Self-storage Facility
- Outside Sales
- Picnic Areas, Trails, and Nature Facilities
- Recreation, Outdoor Amenities, such as Miniature Golf or Fishing Piers, Excluding Amusement Parks and Drive-in
- Recreation, Indoor Facilities, such as Billiard Parlors, Bowling Alleys, Game Room, and Skating Rinks
- Trades and Repair Services such as Electrical, Heating, and Air, Mechanical, Painting, and Plumbing

Table 2.03.03: Table of Accessory Uses

The following are permitted accessory land uses in the C-2 zoning district:

- Remediation Facility *w/supplemental standards
- Summers
- Yards
- Outside Storage – Equipment, Machinery, and Materials
- Satellite dish antenna
- Storage building, sheds, utility buildings, and greenhouses
- Swimming pool

Any land use that is not identified in Tables 2.03.02 and 2.03.03 is prohibited. A property owner may request an interpretation to determine if a use that is not identified is permissible, based on substantial



CITY OF FERNANDINA BEACH

Department of Planning & Conservation

similarity of the requested use to permissible uses within the zoning district in which the property is located. A requested use shall be considered substantially similar when the characteristics of the requested use are equivalent in type, intensity, degree, or impact when compared to a use named in Table 2.03.02 or 2.03.03.

Please note that the above excerpted sections of the Land Development Code reference general zoning standards for the C-2 zoning category. Other sections of the City of Fernandina Beach Land Development Code or Comprehensive Plan may apply to the property referenced herein.

A complete version of the Land Development Code can be viewed at the Community Development Department located at 204 Ash Street, Fernandina Beach, Florida or online at the following website: www.fbfl.us/LDC. You may view the sections referenced above at that site and print copies. Online searchable GIS information is available at www.fbfl.us/GIS.

To talk with a planner about specific questions or to submit due diligence requests for more detailed information on the property, please contact the Department of Planning & Conservation at 904-310-3480.

Sincerely,

A handwritten signature in dark ink, appearing to read "Salvatore J. Cumilla".

Salvatore J. Cumilla

Attachments: Exhibit A- Identification Maps; Zoning & FLUM

The map displays the Central Business District in Fernandina Beach, Florida, with a grid of numbered lots. The district is divided into three main color-coded zones: a large red area on the left labeled 'CENTRAL BUSINESS DISTRICT 07-19' containing lots 2 through 9; a large yellow area on the right labeled 'MEDIUM DENSITY RESIDENTIAL' containing lots 11 through 26; and a smaller red area in the center labeled 'GENERAL COMMERCIAL' containing lots 1 through 5. A yellow line representing 'N 2ND ST' runs horizontally across the map. A compass rose in the top right corner indicates North, South, East, and West. The text 'City of Fernandina Beach' is visible near the center of the map.

☐ Land Parcels

Sources: Esri, H E G r m n, U G I n t e r m p, I N M N P, N n, Esri Japan, M T I, Esri C i n a (H n g K o n g), Esri K r e a, Esri (Thailand), N O n S t r e e t M p c o n t r i b u t o r s, and the G S U e r C m n i t y

2018



December 27, 2018

Teresa Prince
Tom Ssetti & Prince
406 Ash Street
Fernandina Beach, FL 32034

Re: Zoning Confirmation for 120 N. 2nd Street

Dear Ms. Prince,

As of the date of this letter, the property referenced above is in the **C-2 zoning district** and classified on the **Future Land Use Map (FLUM) as General Commercial**. Adjacent zonings are depicted on the attached map, *Exhibit A*. The following excerpted Land Development Code sections and tables provide basic information on this zoning district.

2.01.12 General Commercial (C-2)

The C-2 District is intended for the development of land uses to accommodate offices; commercial retail; personal services establishments; restaurants; transient accommodations; uses that provide sales and services for several neighborhoods; repair shops; retail sales and services; and other similar commercial uses. The General Commercial District recognizes existing development with locations that have access to arterial roads.

Table 2.03.02: Table of Land Uses

The following land uses are permissible, subject to compliance with the standards of the C-2 zoning district:

- Book and Stationary Stores
- Bus Terminals and Taxi Stations
- Business Colleges; Commercial, Trade, Vocational, and Arts Schools
- Business Services such as Copying, Mailing, or Printing
- Clubs, Public or Private; Community and Recreation Centers
- Day Care Center
- Drug Store or Pharmacy
- Essential Public Services, such as Transmission Lines and Lift Stations
- Financial Institutions, Banks, and Credit Unions
- Funeral Home and Mortuary
- Gasoline Station, with or without a Convenience Store
- Grocery Store
- Health Clubs and Gym
- Laundry and Dry Cleaning, On-Site, including Self-Service Laundry
- Laundry and Dry Cleaning, Pick-Up Only
- Liquor Store, Lounge, and Bar (without drive-through window)
- Lodging Accommodations



- Manufacturing and/or Assembly – Artisan
- Medical and Dental Clinics
- Music, Dancing, Photography, or Art Studios
- Parking Lots and Parking Garages
- Personal Services, such as beauty/barber shops, tattoo parlor, massage or acupuncture therapy
- Professional Offices
- Religious Facilities
- Research, Education, and Development Facilities
- Restaurant, With or Without Drive-Through Window
- Retail Stores
- Scooter and Motor Vehicle Rentals
- Seasonal Sales
- Small Equipment or Appliance Repair Shops
- Specialty Food Stores, such as Bakeries or Ethnic Grocers
- Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or Stationers
- Storm Water Treatment Park/Facility
- Theaters, Movies or Performing Arts

The following land uses are permissible, subject to compliance with standards of the C-2 zoning district **and** the supplemental standards specified for the use. Supplemental standards are contained in Section 6.02.00 of the Land Development Code.

- Craft Distillery, Small-Scale Brewery or Winery
- Log Dining- Outdoors Only
- Lumber and Building Supply
- Mini-storage or Self-storage Facility
- Outside Sales
- Picnic Areas, Trails, and Nature Facilities
- Recreation, Outdoor Assemblies, such as Miniature Golf or Fishing Piers, Excluding Assembly Parks and Drive-in
- Recreation, Indoor Facilities, such as Billiard Parlors, Bowling Alleys, Game Room, and Skating Rinks
- Trades and Repair Services such as Electrical, Heating, and Air, Mechanical, Painting, and Plumbing

Table 2.03.03: Table of Accessory Uses

The following are permitted accessory land uses in the C-2 zoning district:

- Remediation Facility *w/supplemental standards
- Summers
- Yards
- Outside Storage – Equipment, Machinery, and Materials
- Satellite dish antenna
- Storage building, sheds, utility buildings, and greenhouses
- Swimming pool

Any land use that is not identified in Tables 2.03.02 and 2.03.03 is prohibited. A property owner may request an interpretation to determine if a use that is not identified is permissible, based on substantial



CITY OF FERNANDINA BEACH

Department of Planning & Conservation

similarity of the requested use to permissible uses within the zoning district in which the property is located. A requested use shall be considered substantially similar when the characteristics of the requested use are equivalent in type, intensity, degree, or impact when compared to a use named in Table 2.03.02 or 2.03.03.

Please note that the above excerpted sections of the Land Development Code reference general zoning standards for the C-2 zoning category. Other sections of the City of Fernandina Beach Land Development Code or Comprehensive Plan may apply to the property referenced herein.

A complete version of the Land Development Code can be viewed at the Community Development Department located at 204 Ash Street, Fernandina Beach, Florida or online at the following website: www.fbfl.us/LDC. You may view the sections referenced above at that site and print copies. Online searchable GIS information is available at www.fbfl.us/GIS.

To talk with a planner about specific questions or to submit due diligence requests for more detailed information on the property, please contact the Department of Planning & Conservation at 904-310-3480.

Sincerely,

A handwritten signature in cursive script, appearing to read "Salvatore J. Cumilla".

Salvatore J. Cumilla

Attachments: Exhibit A- Identification Map; Zoning & FLUM

[illegible]

☐ Land Parcels

Sources: Esri, H E G r m n, U G I n t e r n p, I N M N P, N n, Esri Japan, M T I, Esri C i n a (H n g K o n g), Esri K r e a, Esri (Thailand), N O n S t r e e t M p c o n t r i b u t o r s, and the G S U e r c m n i t y

The map shows a city block with the following details:

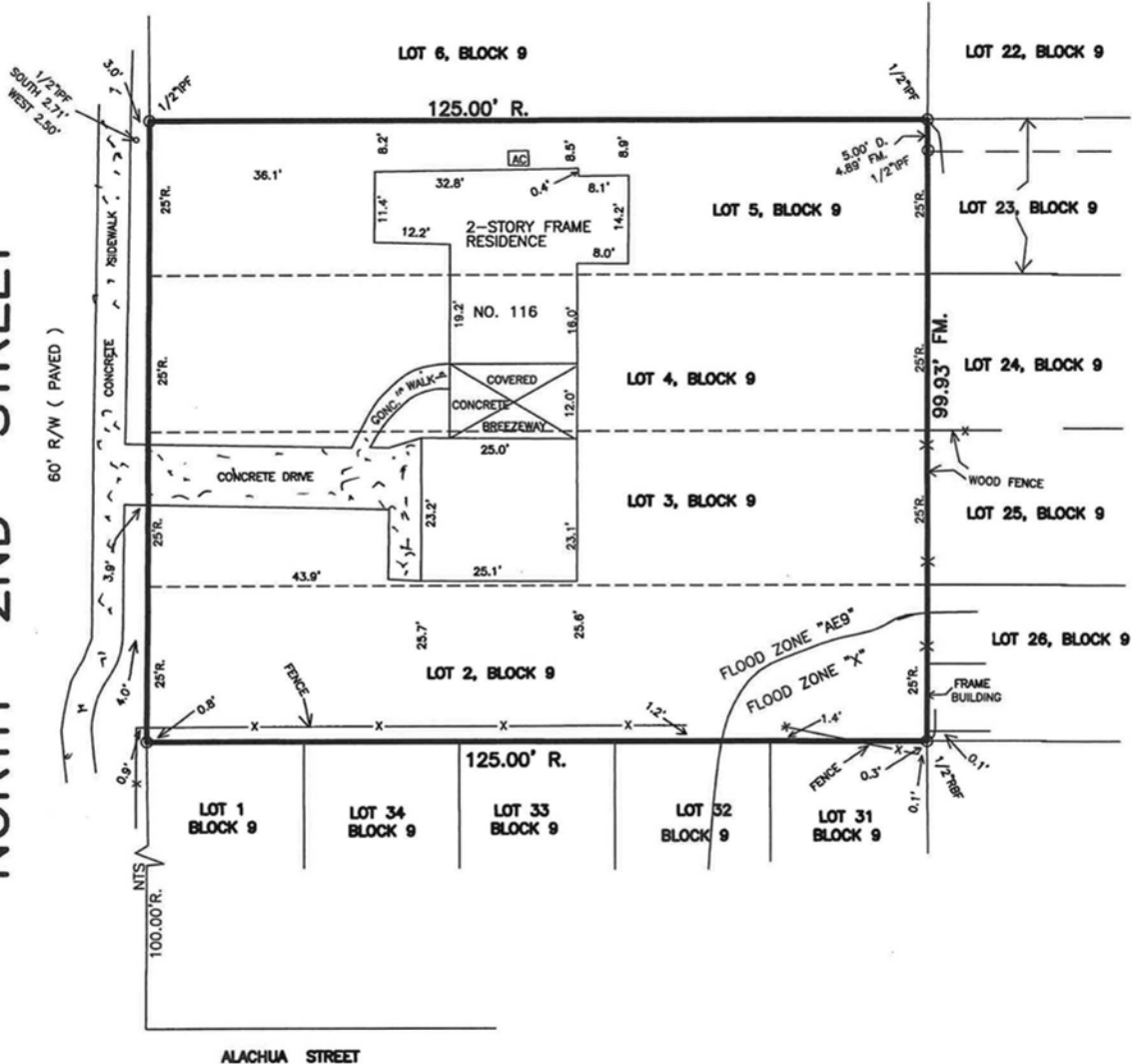
- Central Red Area (Labeled 9):** Contains lots 7, 8, and 9. Lot 7 is labeled '120' and '118'. Lot 8 is labeled '119'. Lot 9 is labeled '117'. A red box highlights the area around lot 7, labeled 'Subject Property'.
- Yellow Area (Labeled R-2):** Contains lots 19 through 26. Lot 19 is labeled '121'. Lot 20 is labeled '119'. Lot 21 is labeled '117'. Lot 22 is labeled '116'. Lot 23 is labeled '113'. Lot 24 is labeled '112'. Lot 25 is labeled '111'. Lot 26 is labeled '110'.
- Brown Area (Labeled 2):** Contains lots 22 through 29. Lot 22 is labeled '101'. Lot 23 is labeled '102'. Lot 24 is labeled '103'. Lot 25 is labeled '104'. Lot 26 is labeled '105'. Lot 27 is labeled '106'. Lot 28 is labeled '107'. Lot 29 is labeled '108'.
- Street:** A street labeled 'N 2ND ST' runs horizontally across the middle of the map.
- Compass Rose:** Located in the top right corner, showing North (N), South (S), East (E), and West (W).
- Other Labels:** 'City of Ferndale Beach' is written vertically along the right edge. 'C-3 07-20' is written near lot 24. 'C-2 116' is written near lot 23. 'C-3 07-37' is written near lot 26.

**MAP SHOWING BOUNDARY SURVEY OF
LOTS 2, 3, 4 AND 5, BLOCK 9,**

LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), IN THE COUNTY OF NASSAU AND THE STATE OF FLORIDA, AND KNOWN AND DESCRIBED UPON AND ACCORDING TO THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

FOR: CMR ISLAND PROPERTIES, L.L.C.

NORTH 2ND STREET



COASTAL LAND SURVEYORS

& MAPPERS, INC.

34 NORTH FOURTEENTH STREET
FERNANDINA BEACH, FLORIDA 32032
TEL. 904-261-8950 FAX 904-277-6850

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON AS MEETING THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 5J-17.050, FLORIDA ADMIN. CODE, AND/OR CHAPTER 180-7, GEORGIA STATUTES.

LICENSED BUSINESS NO. 6412

JAMES C. PEACOCK, PROFESSIONAL SURVEYOR AND MAPPER

FLORIDA CERTIFICATE NO. 3718

GEORGIA CERTIFICATE NO. 2365

NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL.

BEARINGS BASED ON N/A

PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE X & AE9 AS SHOWN ON

FEMA FLOOD INSURANCE RATE MAP,
COMMUNITY NO. 120172 PANEL NO. 237G

DATED 8/2/17

DATE OF SURVEY: OCTOBER 15, 2018

SCALE 1"=20'

JOB NO. 1810-10 F.B. 348

CORNER MARKERS HAVE NO IDENTIFICATION U.N.O.

LEGEND:

IRON PIPE FOUND - IPF
IRON PIPE SET - IPS
REBAR FOUND - RBF
NOT TO SCALE - NTS
BUILDING RESTRICTION LINE - BRL
CONCRETE MONUMENT FOUND - CMF
STAINLESS STEEL PIPE FOUND - SSPF
RIGHT-OF-WAY - R/W
POINT OF CURVE - PC
CENTERLINE - CL

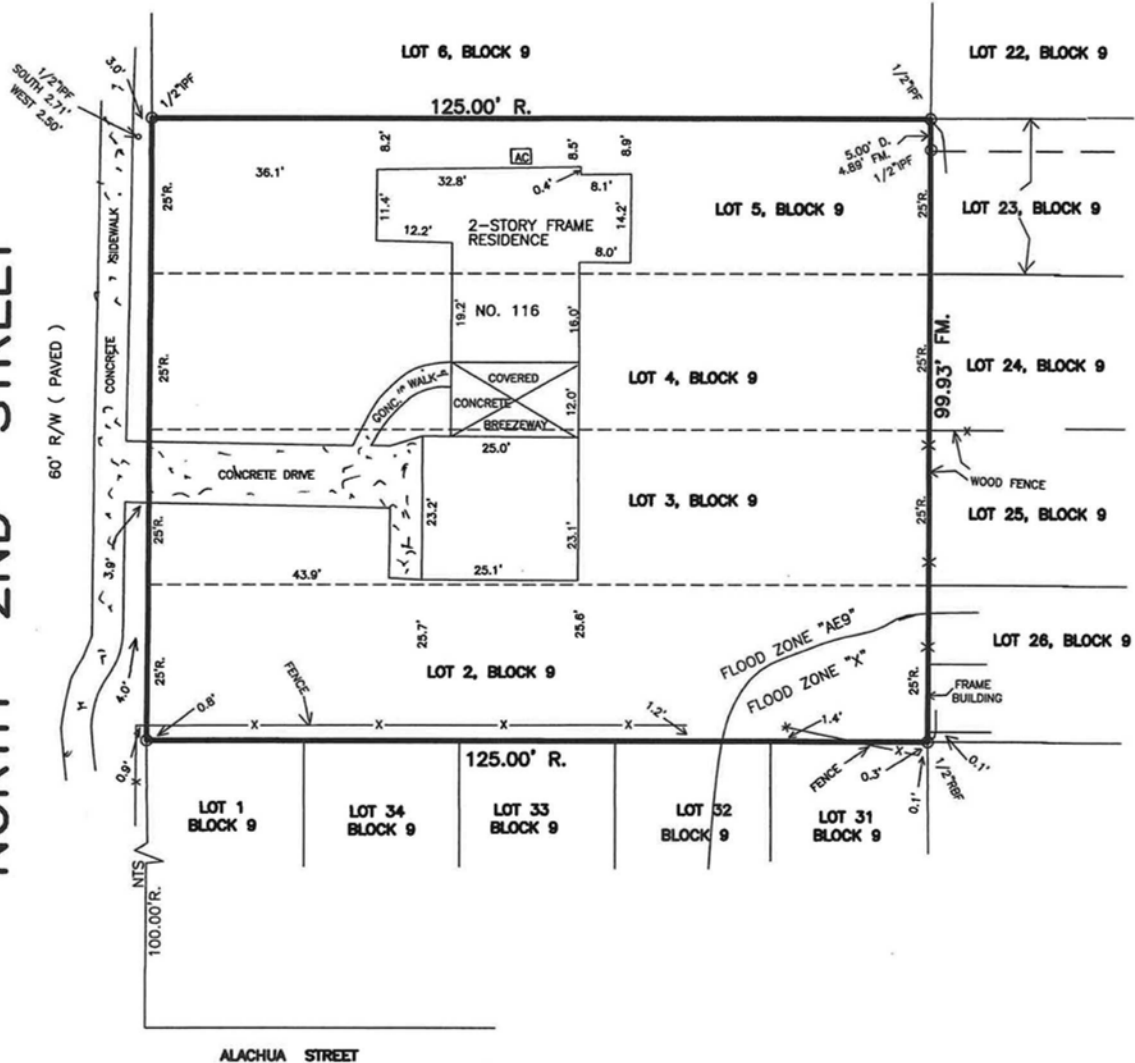
POWER LINE - P-
PLAT - P.
FIELD MEASURED - FM.
RECORD - R. DEED - D.
POWER POLE - O
CONCRETE - CONC.
RIGHT-OF-WAY - R/W
POINT OF REVERSE CURVE - PRC
OFFICIAL RECORDS BOOK - O.R.B.

**MAP SHOWING BOUNDARY SURVEY OF
LOTS 2, 3, 4 AND 5, BLOCK 9,**

LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), IN THE COUNTY OF NASSAU AND THE STATE OF FLORIDA, AND KNOWN AND DESCRIBED UPON AND ACCORDING TO THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

FOR: CMR ISLAND PROPERTIES, LLC.

NORTH 2ND STREET



COASTAL LAND SURVEYORS

& MAPPERS, INC.

34 NORTH FOURTEENTH STREET
FERNANDINA BEACH, FLORIDA 32032
TEL. 904-261-8950 FAX 904-277-6850

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON AS MEETING THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 5J-17.050, FLORIDA ADMIN. CODE, AND/OR CHAPTER 180-7, GEORGIA STATUTES.

LICENSED BUSINESS NO. 6412

JAMES C. PEACOCK, PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3718
GEORGIA CERTIFICATE NO. 2365

NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

BEARINGS BASED ON N/A

PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE X & AE9 AS SHOWN ON

FEMA FLOOD INSURANCE RATE MAP,
COMMUNITY NO. 120172 PANEL NO. 0237G

DATED 8/2/17

DATE OF SURVEY: OCTOBER 15, 2018

SCALE 1"=20'

JOB NO. 1810-10 F.B. 348

CORNER MARKERS HAVE NO IDENTIFICATION U.N.O.

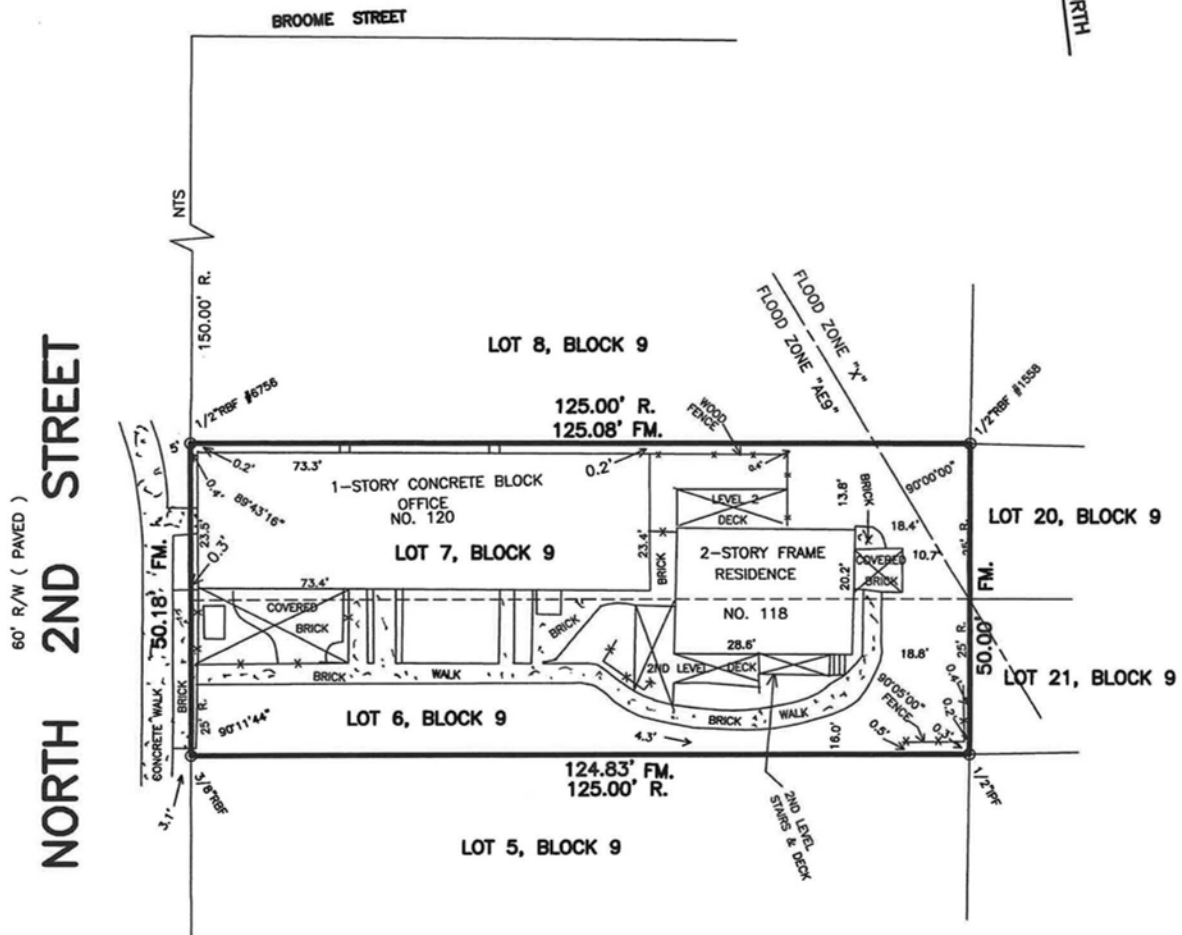
LEGEND:

IRON PIPE FOUND - IPF	POWER LINE - P----
IRON PIPE SET - IPS	PLAT - P.
RE/BAR FOUND - RBF	FIELD MEASURED - FM.
NOT TO SCALE - NTS	RECORD - R. DEED - D.
BUILDING RESTRICTION LINE - BRL	POWER POLE - O
CONCRETE MONUMENT FOUND - CMF	CONCRETE - CONC.
STAINLESS STEEL PIPE FOUND - SSPF	FENCE - X
RIGHT-OF-WAY - R/W	POINT OF REVERSE CURVE - PRC
POINT OF CURVE - PC	POINT OF TANGENCY - PT
CENTERLINE - C	OFFICIAL RECORDS BOOK - O.R.B.

MAP SHOWING BOUNDARY SURVEY OF
LOTS 6 AND 7, BLOCK 9,

LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED
FERNANDINA), IN THE COUNTY OF NASSAU AND THE STATE OF FLORIDA,
AND KNOWN AND DESCRIBED UPON AND ACCORDING TO THE OFFICIAL
PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA
RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED
BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

FOR: CASTILIAN PROPERTIES, INC.



COASTAL LAND SURVEYORS

& MAPPERS, INC.

34 NORTH FOURTEENTH STREET
FERNANDINA BEACH, FLORIDA 32032
TEL. 904-261-8850 FAX 904-277-6650

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON AS
MEETING THE MINIMUM TECHNICAL STANDARDS FOR LAND
SURVEYING, CHAPTER 5J-17.050, FLORIDA ADMIN. CODE, AND/OR
CHAPTER 180-7, GEORGIA STATUTES.

LICENSED BUSINESS NO. 6412

JAMES C. PEACOCK, PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3718
GEORGIA CERTIFICATE NO. 2365
NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

BEARINGS BASED ON N/A

PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE X & AE9 AS SHOWN ON

FEMA FLOOD INSURANCE RATE MAP,
COMMUNITY NO. 120172 PANEL NO. 0237G
DATED 8/2/17

DATE OF SURVEY: OCTOBER 30, 2018

SCALE 1"=20'
JOB NO. 1810-21 F.B. 347

CORNER MARKERS HAVE NO IDENTIFICATION U.N.O.

LEGEND:
IRON PIPE FOUND - IPF
IRON PIPE SET - IPS
RE/BAR FOUND - RBF
NOT TO SCALE - NTS
BUILDING RESTRICTION LINE - BRL
CONCRETE MONUMENT FOUND - CMF
STAINLESS STEEL PIPE FOUND - SSFP
RIGHT-OF-WAY - R/W
POINT OF CURVE - PC
POINT OF TANGENCY - PT
CENTERLINE - C
POWER LINE - P
PLAT - P.
FIELD MEASURED - FM.
RECORD - R. DEED - D.
POWER POLE - O
CONCRETE - CONC.
FENCE - F
RIGHT-OF-WAY - R/W
POINT OF REVERSE CURVE - PRC
OFFICIAL RECORDS BOOK - O.R.B.

(9/12) 288-5880

SCALE	1:250
DATED	12-15-0
DRAWN BY	AGW
CHECK BY	AJ
JOB NO.	0164
P.L. NO.	09
PAGE NO.	01

KEY

TILE JOINT
BRICK JOINT
PYROBAR JOINT

Fire proof construction.
(OR FIRE RESISTIVE CONSTR)

ADOB

Adobe building.

HEIGHT OF BUILDING IN
FEET FROM GROUND
TO ROOF LINE

Stone building.

(C. BR)

Concrete, lime, cinder or
cement brick

(C. B.)

Hollow concrete or cement block const'n

(CONC.)

Concrete or reinforced concrete const'n

(TILE)

Tile building.

NUMBER OF STORIES

Brick building with frame cornice.

TWO STORIES AND 20 FT
COMPOSITION ROOF

" " " stone front.

SHINGLE ROOF

" " " frame side.

(VEND)

(DIVIDED BY FRAME PARTITION)

BRICK 1ST

Brick veneered building.

FRAME, BRICK LINED

" and frame building.

F=FLAT S=STORE

Frame building, brick lined.

D=DWELLING

" " metal clad.

AINB AUTO IN B'SMT

Frame building.

LOFT

Iron building.

(ASB. CL.)

Tenant building occupied by
various manufacturing or occupancies

NON COMBUSTIBLE ROOF
COVERING OF METAL,
SLATE, TILE OR
ASBESTOS SHINGLES

Frame building covered with asbestos

Brick building with brick or metal cornice.

DWELLINGS.

Framed air shafts are shown but colored
over. Brick air shafts are left white.

CLASSIFICATION OF BUILDINGS

Shown by varying number of dots or cir-
cles. Classified by New York Board of
Fire Underwriters as follows:

BRICK

1st Class (.) Slate or metal roof, coped walls.

2nd " (. .) " " walls not coped.

3rd " (. . .) Shingle roof.

FRAME

1st Class (.) Slate or metal roof.

2nd " (. .) Shingle roof.

Frame Buildings with BRICK FRONTS.

Height of Buildings, in Stories and feet (74 ft. 6 in. and over).

Fronts of marble or other stone.

Iron Fronts.

" Dotted line." Interior brick wall, omitted on one or more floors.

Superior construction. { Built of non-inflammable
material "throughout,"
except flooring and trim.

Communications protected by single fire-proof doors { With designation
" " double " " of floors.

Openings exposing Buildings.

Elevators with steam or other power. { Where enclosed with Brick or
Fire-proof material a heavy
line is drawn around them.

Hatchways or "Dumb-waiters."

Sky-lights in Roof only.

" over Opening in floor.

Smoke-houses. Retorts, and Ovens.

Mansard Roofs. Corrugated Iron. Steam-boilers.

REFERENCE.

SPECIAL HAZARDS.

NAMES of Manufactories, &c., are written on buildings, when there is sufficient
space, and their construction classified by the same marks as on Dwellings. Other
Specially Hazardous Risks are COLORED GREEN, the varying number of dots
(brick) and crosses (frame) showing the comparative danger from fire by occupancy.



BRICK.

A Construction = to 1st class Warehouse.

B " = " 2nd " "

C " = " 3rd " "

D " = " 1st " Store or D'w'g.

E " = " 2nd " " "

F " = " 3rd " " "

NOTE.—In classifying a building
as a Special, its CONSTRUCTION
is obliterated, necessitating a series
of letters, as follows:



FRAME.

G Construction = to 1st class
Store or Dwelling.

H " = to 2nd class
Store or Dwelling.

Brick..... Frame

Bakeries (ovens in building). Breweries. Cooperages. Drug stores (retail, with
privilege of compounding). Dyeing establishments. Fur dressers. Glass stainers.
Hat finishers. Hay (open stock, loose). Lamp sellers (privilege for kerosene &c.)
Laundries. Malt houses. Manufactories of Baskets, Bonnet-frames, Boots and shoes,
Caps, Clothing, Combs, Envelopes, Feather dusters, Fringe &c., Gas fixtures, Gold
pens, Hats, Hemp, Jewelry cases, Morocco, Paper bags, Pocket-books, Ruffling and
ruches, Segars, Shirts, Tobacco, Umbrellas, Vinegar, Watches, Watch-cases, Writing
ink. Map mounting and varnishing. Metal mills. Molasses houses. Photographers.
Private stables. Smoke-houses. Tanneries. Tin-shops. Wheelwrights. Wire
workers. Wool-pullers.

Brick..... Frame

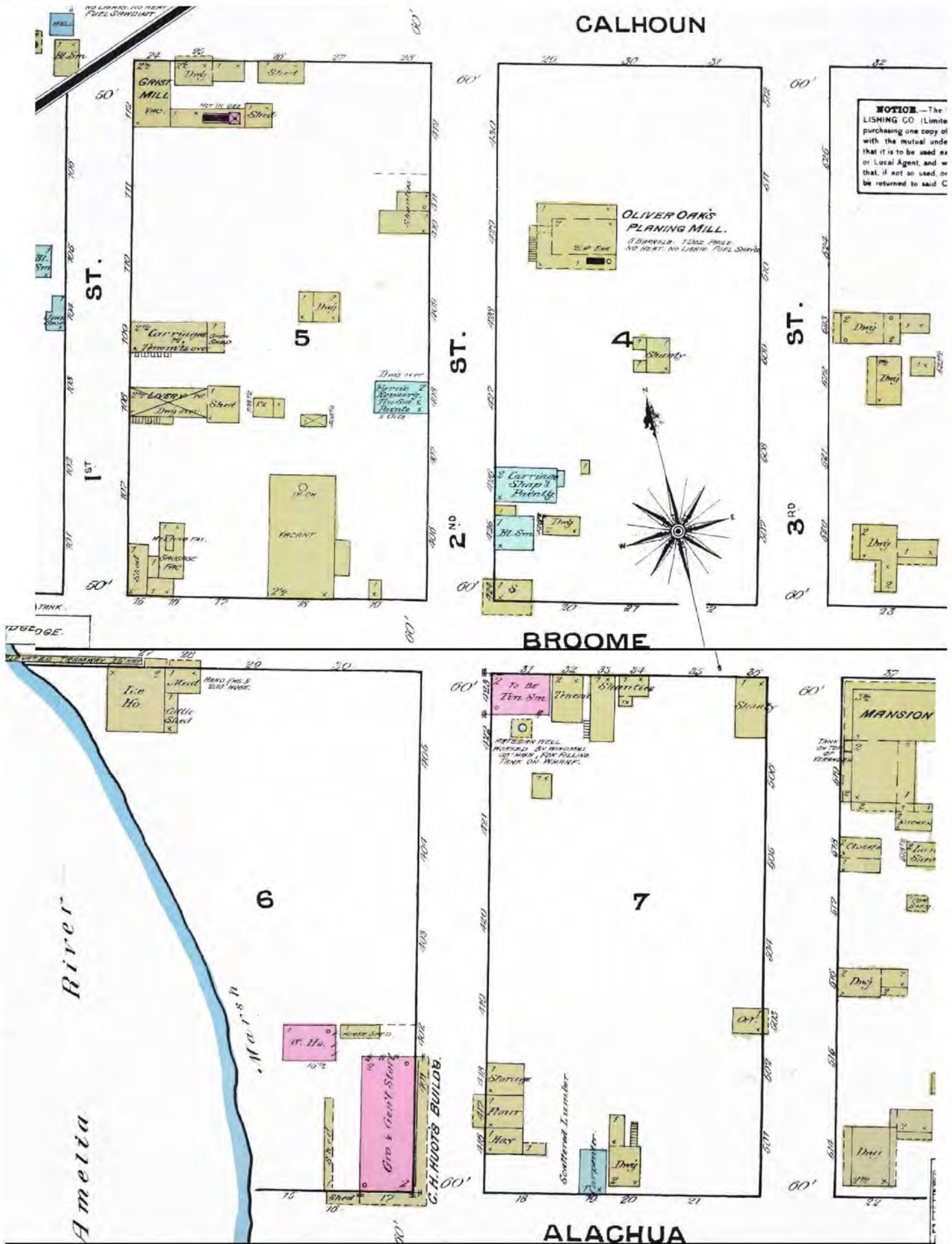
Bleaching works. Book-binders. Brass and iron foundries. Coppersmiths. Cotton
presses. Felling mills. Junk shops. Letter-press printers. Lithographers. Livery
and Cartmen's stables. Machine shops. Manufactories of Agricultural Implements.
Artificial flowers, Brooms, Brushes, Carriages, Cedar-ware, Floor-cloth, Grates, Guns,
Hoop-skirts, Jewelry, Lamps, Musical instruments, Oil-cloths, Paper boxes, Paper
collars, Paper patterns, Patent Medicines, Plated ware, Rope and cordage, Safes,
Silverware, Starch, Stoves, Tin cans, Upholstery. Oil stores (petroleum and pro-
ducts). Print works. Rag stores. Slaughter houses. Snuff mills. Type and stereo-
type foundries. (And generally buildings not occupied by workers of light wood).

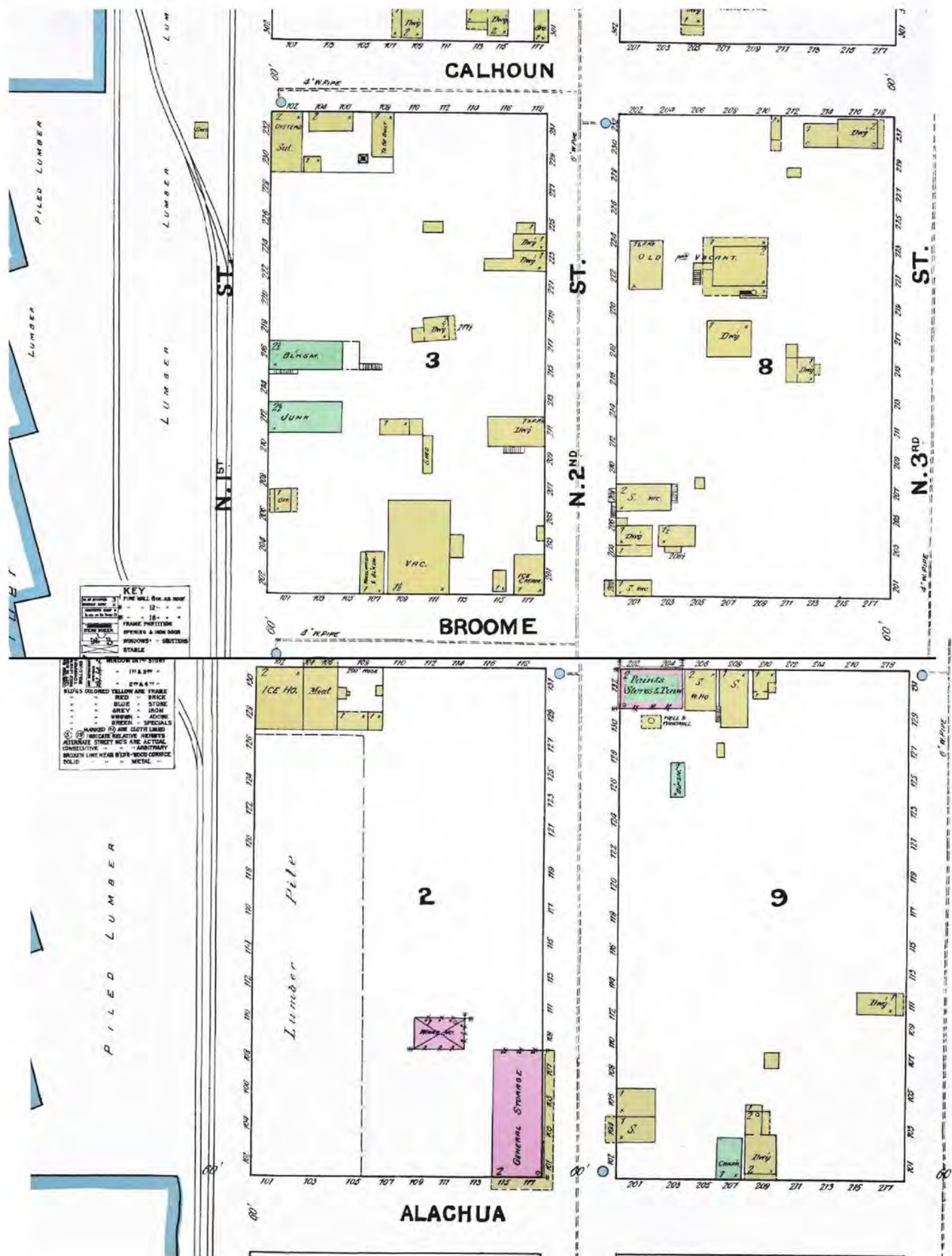
Brick..... Frame

Box repairing. Cabinet-making. Carpenters' shops. Distilleries. Flax mills. Flour
or Grist mills. Japanners. Lard refineries. Manufactories of Artificial hair, Bagging,
Candles, Chairs, Clocks, Confectionery, India-rubber or gutta-percha, Ivory or lamp-
black, Looking-glass and Picture frames, Oiled clothing, Organs, Paper-hangings,
Perfumery, Pianos, Soap, Trunks. Oil mills. Paper mills. Rectifying establishments.
Sagar refineries. Tallow-melting or chandleries. Wholesale druggists (with com-
pounding). Woolen mills. (And generally risks where much heat or light wood is
used.)

Brick..... Frame

Chemical laboratories. Coffee and Spice mills. Drug mills. Fireworks on sale.
Match factories. Oil-boiling houses. Planing and moulding mills. Printing-ink
factories. Sash, blind and door factories. Saw mills. Tar-boiling houses. Turpentine
distilleries. Varnish making. Window-shade factories.

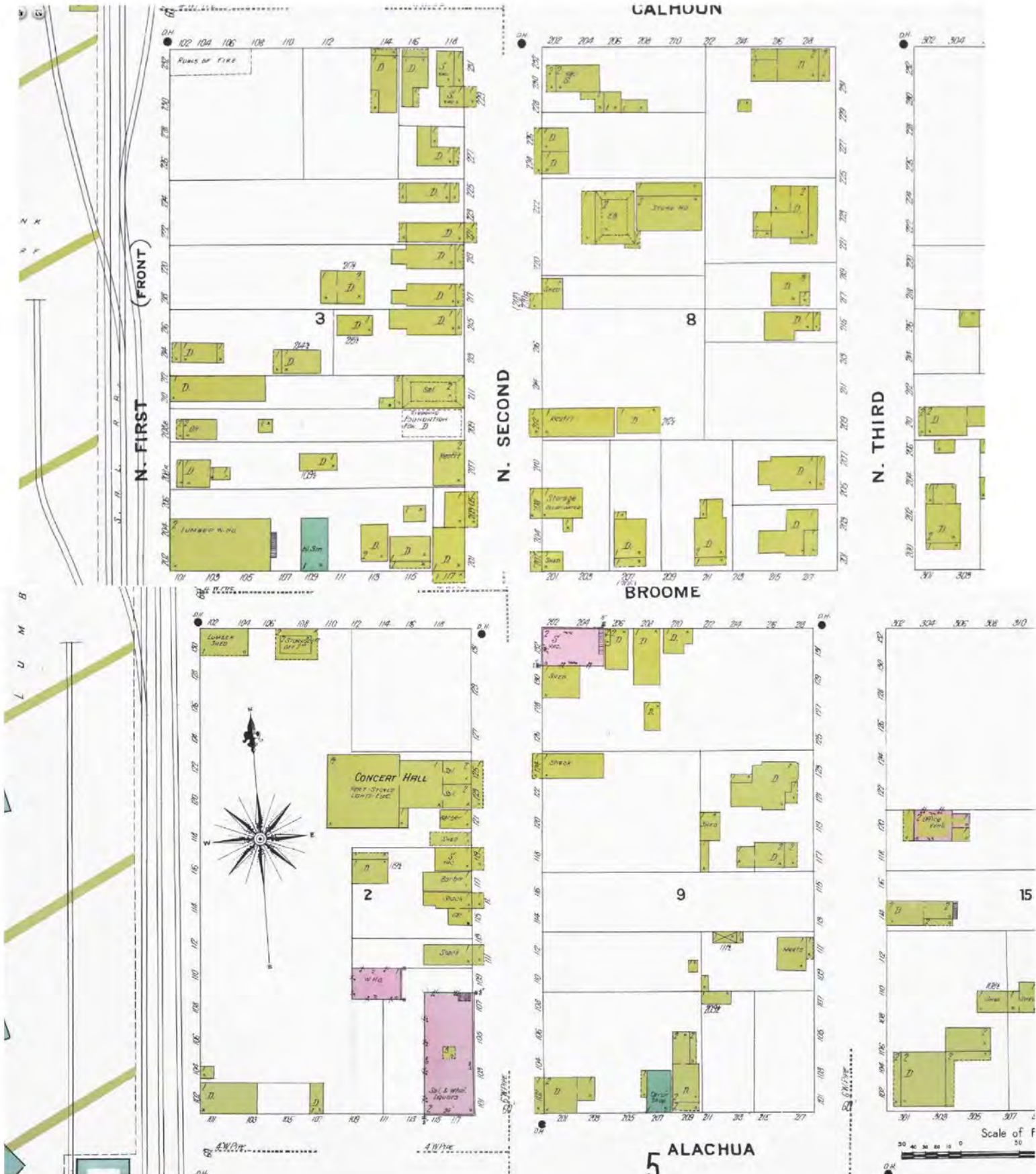


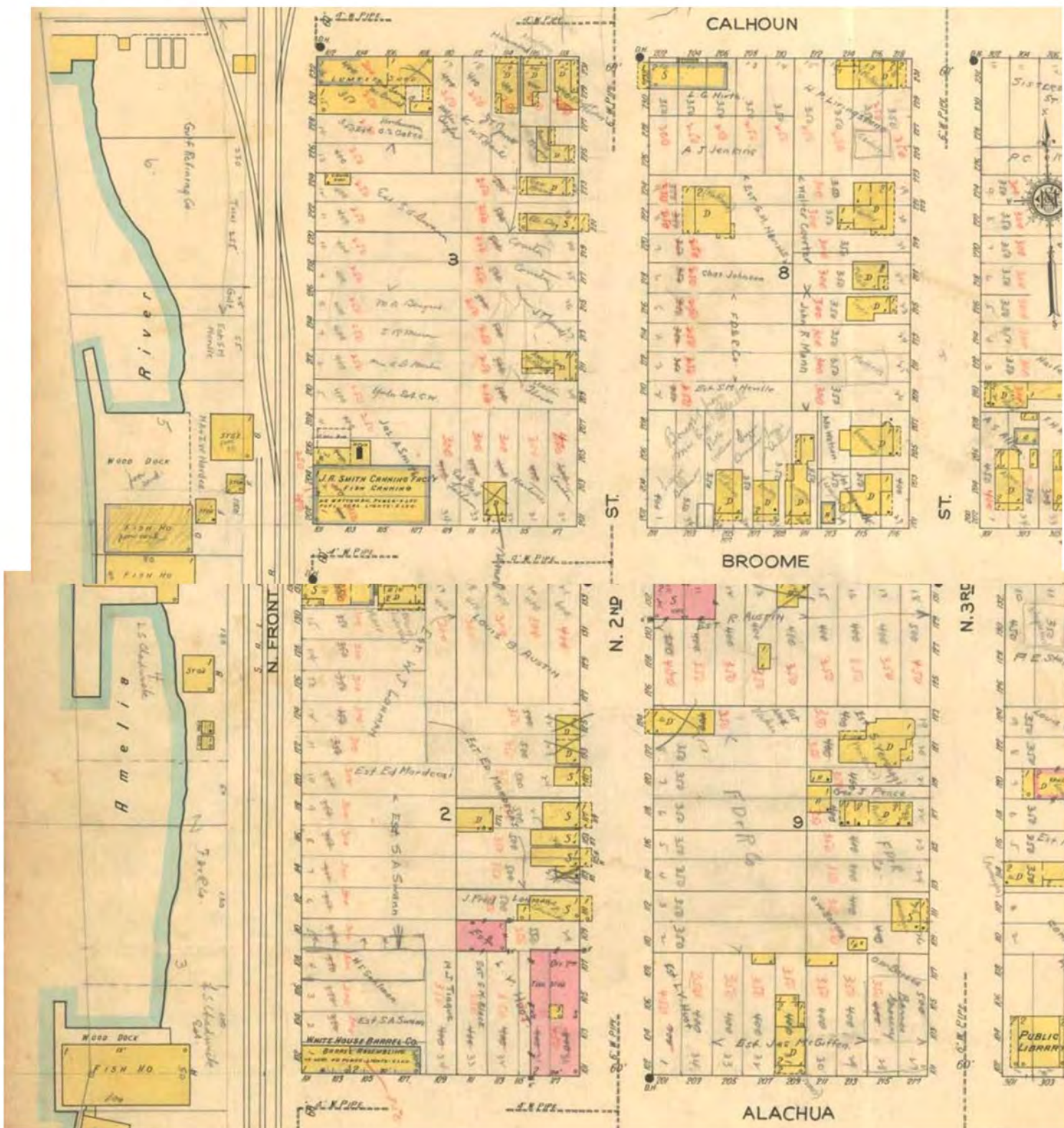






1909 Sanborn Map of N. 2nd Street





NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, March 5, 2019 at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2019-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC) TO ASSIGN A FUTURE LAND USE MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTY TOTALING APPROXIMATELY 0.43 ACRES OF LAND LOCATED AT 116, 118, AND 120 N. 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2019-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM GENERAL COMMERCIAL (C-2) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTY TOTALING APPROXIMATELY 0.43 ACRES OF LAND LOCATED AT 116, 118, AND 120 N. 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE



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

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

Copies of the applications with description by metes and bounds and the ordinance can be obtained in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 310-3115.

Note:

Please run as a DISPLAY in the February 20, 2019 edition of the News Leader.

Please send proof of publication to:

City Clerk's Office

City Hall, 204 Ash Street

Fernandina Beach, FL 32034

904-310-3115

ORDINANCE 2019-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM GENERAL COMMERCIAL (C-2) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTY TOTALING APPROXIMATELY 0.43 ACRES OF LAND LOCATED AT 116, 118, AND 120 N. 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Zoning Map Amendment request under PAB Case# 2018-27 at its Regular Meeting on January 9, 2019, and by a vote of 4-1 recommended approval; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on December 28, 2018; and

WHEREAS, City Planning staff found the applicant's request to be consistent with the direction of the Comprehensive Plan, specifically policies 1.02.02, 1.02.03, 1.02.04, 1.02.08, 1.02.09, and 1.07.10 and recommends approval of the applicant's request.

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

SECTION 1. PROPERTY INVOLVED. The property identified for this change of the City's Zoning Map is identified as Parcel ID numbers 00-00-31-1800-0009-0060 and 00-00-31-1800-0009-0020, totaling approximately 0.43 acres, and is shown on the map, attached hereto as Exhibit "A".

SECTION 2. ZONING MAP CHANGE. For the property in question, the City's Zoning Map is hereby changed to Central Business District (C-3).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final enactment.

ORDAINED this 5th day of March, 2019.

CITY OF FERNANDINA BEACH



JOHN A. MILLER
Mayor - Commissioner

ATTEST:



CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH
City Attorney

**ORDINANCE 2019-07
EXHIBIT "A"**

REQUEST FOR A ZONING MAP CHANGE FOR 0.43 ACRES OF LAND FROM GENERAL COMMERCIAL (C-2) TO CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTY LOCATED AT 116, 118, AND 120 N. 2ND STREET AND IDENTIFIED AS PARCEL ID#S 00-00-31-1800-0009-0060 AND 00-00-31-1800-0009-0020.





STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018

APPLICATION FOR SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP & ZONING CHANGE REQUEST

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Parcel A: Castilian Properties Inc. (120 N. 2 nd Street) Parcel B: Beverly Freeman Crews, James Kelly Freeman, Angela Karen Morgan, George Thomas Freeman (116 N. 2 nd Street)				
AGENT:	A. Jeffrey Tomasetti, d/b/a Tomasetti & Prince				
REQUESTED ACTION:	Small Scale Future Land Use Map Change and Zoning Map Change				
LOCATION:	120 N. 2 nd Street and 116 N. 2 nd Street– See Exhibit A				
CURRENT LAND USE + ZONING:	General Commercial (G)/ General Commercial (C-2)				
PROPOSED LAND USE + ZONING:	Central Business District (CBD)/ Central Business District (C-3)				
EXISTING USES ON SITE:	118 and 120 N. 2nd Street: Mixed Use Office and Residential Built in 1900 and 1970 (Flood Zone AE BFE 9) 116 N. 2nd Street: Single Family Residential Home Built in 1940 (Flood Zone AE BFE 9)				
PROPERTY SIZE:	Totaling 0.43 Acres Parcel ID #s: 00-00-31-1800-0009-0060 and 00-00-31-1800-0009-0020				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
CRA	North	Adjacent Commercial Structure/ Proposed Miniature Golf Course		C-3	Central Business District
CRA	South	City Parking Lot	2016	C-2	General Commercial
HISTORIC DISTRICT	East	Single Family Residential Homes	1930, 2007, 1910	R-2	Medium Density Residential
CRA	West	Former Standard Marine Building		C-3	Central Business District

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant's and property owners of 118, 120 and 116 N. 2nd Street have requested a small scale Future Land Use Map amendment and zoning change from the General Commercial (G) land use and C-2 zoning designation to Central Business District (CBD) land use, and C-3 (Central Business District) zoning designation. (**Exhibit A**).

The action is requested in order to allow for an urban mixed use redevelopment pattern and to correct the existing non-conforming uses of the properties where residential dwelling units have existed in a General Commercial land use and C-2 zoning district for many years. Both properties have maintained grandfather residential units on the respective properties.



STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018

The parcels involved with the applicants' request are located within the City's Amelia River Waterfront Community Redevelopment Area (CRA). As such, any future structures constructed on the vacant properties must comply with LDC provisions specific to CRA properties. LDC Section 8.01.02 addresses criteria for development within the CRA; more specifically 8.01.02 (E) contains standards for CRA properties located east of Front Street. In 2007, City adopted CRA design guidelines to guide the design of future redevelopment of this area. The City's website contains more information about the CRA and its design guidelines at www.fbfl.us/CRA. Design review is handled through the Historic District Council. One of the established criteria of blight for the CRA was inadequate and outdated densities. Through individually initiated private applications, the City has supported the change from General Commercial/ C-2 or Industrial/ I-1 to the Central Business District/ C-3. Support for the conversion has been based on the compatibility with extending the urban development pattern historically witnessed within the area and as demonstrated by the property located at 120 N. 2nd Street.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	Policy 4.01.02 All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)
Fire-Rescue Services	240-second travel time to 90% of the incidents (EMT with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)
Police and Law Enforcement Services	Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls

The existing land use and zoning (General Commercial/ C-2) of these properties does not permit any residential dwelling units. Under the proposed request of Central Business District (C-3), 34 dwelling units per acre are



STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018

supported. Under Comprehensive Plan Section 1.05.04, existing platted lots of record within a residential or mixed use land use category are permitted one (1) residential unit due to nonconforming lot size. If the property is changed to a land use category containing residential density, the subject properties could either request to utilize existing underlying lots of record totaling 6 lots or configure the properties to achieve eleven (11) dwelling units.

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Future Land Use Map change or zoning assignment request. All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02. All levels of service will again be evaluated at the time that a development proposal is made through the Technical Review Committee and/or through a preliminary plat request.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

The applicant's requested land use of Central Business District (CBD) and C-3 zoning achieves compliance with the direction provided in policy statement 1.02.03, specifically subsections a and b. The request is consistent with the Comprehensive Plan's policy statement 1.02.03, the configuration of the property by lot/block as well as the characteristics of the subject properties are in keeping with other properties found within the CBD.

The CRA was created and specific properties targeted for the purpose of realizing compact and energy efficient development which serves to maximize the use of existing public facilities within this area. The CRA established a Finding of Necessity in 2005, one for the four principal reasons why this area was determined to contain blighted conditions is due to its "inadequate and outdated building density patterns." It found that the entire district needed to be assessed for outdated land use patterns in connection with the downtown urban core, waterfront area, and industrial port properties.

The applicant's requested action serves to address the long term redevelopment strategy and for future infill opportunities in the CRA which serve to extend the urban development pattern leading from downtown to the Port of Fernandina. In keeping with the historic pattern for this area which contained a variety of uses (**See Sanborn Maps Exhibits**), the most appropriate land use and zoning district assignment under the City's current regulations are the Central Business District (CBD)/ C-3 zoning.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:



**STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018**

- a. **Type and density or intensity of surrounding uses;**
- b. **Zoning districts in the surrounding area;**
- c. **Demonstration of adequate water supply and water supply facilities;**
- d. **Appropriateness of the size of the parcel compared to the proposed use;**
- e. **Physical condition of the site, and the suitability of soils and topography for the proposed use;**
- f. **Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;**
- g. **Compatibility factors;**
- h. **Impact on adopted levels of service standards and quality of service standards; and**
- i. **Location in a Coastal Upland Protection Zone (CUPZ).**

Within the area surrounding the applicants' property are a wide range of existing uses including; a warehouse and storage area serving the port's needs; public parking directly facing the properties; and vacant land within the CRA which historically contained a variety of uses. The properties' existing land use and zoning under General Commercial/ C-2 not compatible with the surrounding area. The applicant's requested action serves to provide a down-zoning or transition from the port's industrial operations to the adjoining residential areas.

The most compatible land use and zoning designation for these properties as well as the properties fronting N. 2nd Street is Central Business District (CBD)/ C-3 zoning. The CBD/C-3 zoning designation exists diagonally from the applicants' properties as part of the former Standard Marine property on North 2nd Street between Alachua and Broome Streets. Staff recognizes the need to assign the appropriate land use and zoning district of Central Business District (CBD)/ C-3 zoning to the public parking lots located at the corners of N. 2nd at Alachua Street and Broome Streets in keeping with the direction to create and extend the urban core through the CRA. Staff intends to file an application to correct the land use and zoning for these properties in order to establish a consistent land use and zoning district pattern for properties on N. 2nd Street.

The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee, as applicable. Adequate levels of service are discussed in the preceding paragraphs. The applicant has provided some general information within their synopsis letter which describes the type of soil found on the properties.

Policy 1.02.08.

Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas. This policy does not preclude necessary community facilities from locating within residential areas when such activities satisfy the criteria established in the City's comprehensive plan and land development regulations.

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. By definition of the land use category requested, Central Business District (CBD) allows for a mixed use urban development pattern. Assignment of this land use category not only corrects the existing non-conformities on the subject properties, but it also permits the historic built pattern of this area to be realized through future redevelopment efforts whereby commercial and residential coexist. (See Sanborn Maps Exhibits)

Policy 1.02.09.

The City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth



STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018

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

The applicant's request for assignment of the Central Business District (CBD) future land use category for the subject properties serves to accomplish the intent of this policy statement. The most compatible land use and zoning designation for these CRA properties as well as the CRA properties fronting North 2nd Street is Central Business District (CBD)/ C-3 zoning in order to create a smooth land use transition. The City has established policies for buffering and setbacks established in Chapter 4 of the Land Development Code. Further, these properties are bound by even more stringent design criteria found in Chapter 8 of the LDC due to its location within the CRA.

Policy 1.07.09.

Central Business District (CBD)

- a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
- b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
- c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
- d. The density of residential development in the Central Business District land use category shall not exceed thirty-four (34) units per acre.
- e. The intensity of non-residential development shall not exceed a FAR of 2.0.
- f. The proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
 1. The need for additional land area within the Central Business District land use category;
 2. Consistency of the land area with the characteristics of the Central Business District; and;
 3. Consistency of the land area with the characteristics of the downtown.

The applicant clearly articulates the consistency of the proposed CBD land use with the subject properties on the surrounding area. Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (CRA) and further bolstered by the range of uses which historically existed on this block face (**See Sanborn Map Exhibits**). Application of the CBD land use category to these properties serves to correct the current inefficient and inadequate land use pattern which exists within the area. Further, the proposed land use category serves to protect the neighboring residential uses and allows for residential development opportunities within walking distance to the services and employment options in the downtown area. The future infill development of these properties that may be accomplished under the proposed CBD land use enables the downtown streetscape to be extended thereby, making an even clearer connection between this area and the rest of downtown consistent with how the City originally developed. This would make the area more walkable and pedestrian friendly to the adjoining residential neighborhood. Staff found photographic evidence of the urbanized streetscape that existing along N. 2nd Street prior to the 1876 fire which burned the original structures within this area. Previously, the County Courthouse was located along N. 2nd Street in addition to a variety of retail and trade services.



STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018



Reference: Johannes, J. (2000). *Yesterday's Reflections II Nassau County, Florida - A Pictorial History*. Fernandina Beach: Lexington Ventures, Inc.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested Central Business District C-3 zoning provides for a mix of residential and non-residential uses which are typically found within a downtown urban environment. Permissible uses are provided in Table 2.03.02 of the Land Development Code (LDC).

Section 2.01.13 of the LDC states the intent of the C-3, Central Business District, zoning classification.

The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either



STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018

freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The C-3 zoning assignment is requested by the applicants in order to correct the existing non-conforming use aspects of the multi-family structure and allow for development of residential and non-residential use either as stand-alone structures or in a mixed use form. Any future redevelopment of the site will be reviewed by the Technical Review Committee (TRC) and Historic District Council (HDC) and consistency with LDC and design requirements will be addressed at that time.

CONCLUSION:

Staff finds the requested action to be consistent with the Comprehensive Plan and Land Development Code, as it is an appropriate extension of a mixed residential and non-residential land use and zoning district into a historically urbanized area leading to the port. The requested action extends a compatible zoning district to properties adjoining industrial and commercial land uses. Further, the requested action serves to satisfy the goals to eliminate inadequate and inefficient land uses within the Community Redevelopment Area (CRA) Plan and provide for meaningful redevelopment opportunities.

It is recommended that the assignment of Central Business District (CBD) land use and C-3 zoning be approved for these properties. Extension of the CBD/C-3 land use and zoning district provides a harmonious and beneficial relation among buildings and uses within the area. This mixed use category allows for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA. The CRA guidelines and LDC requirements, previously discussed, provide standards intended to protect the existing residential zoned properties on the east side of this block.

Please Note: All properties within the CRA, regardless of the assigned zoning district, are required to satisfy requirements for on-site parking as determined by use and allocated in LDC Section 7.01.04. Non-residential uses within the CRA are able to pay a fee in-lieu of the required parking in order to satisfy their on-site parking demands.

MOTIONS TO CONSIDER

I move to recommend (approval or denial) of PAB case number 2018-27 to the City Commission requesting a Future Land Use Map assignment of Central Business District land use and C-3 zoning from General Commercial land use and C-2 zoning, as described and that PAB case 2018-27 as presented, (is or is not) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson, AICP
Director of Planning & Conservation



STAFF REPORT
PAB (LU/CZ) 2018-27
Planning Advisory Board Hearing
November 14, 2018

EXHIBIT A



OFFICE USE ONLY **Revised from**
 REC'D: **11/04/18** BY: **KG**
 PAYMENT: \$ **2000** TYPE: **#1066**
 APPLICATION #: **2018-0001658**
 CASE #: **PAB 2018-27**
 BOARD MEETING DATE: **11/14/18**



AMENDED
 PLANNING ADVISORY BOARD APPLICATION

- | | |
|---|--|
| ☒ ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – PRELIM (\$750) |
| ☒ LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – FINAL (\$850) |
| ☐ LDC TEXT AMENDMENT (\$850) | ☐ VACATION OF R.O.W. (\$850) |
| ☐ COMP PLAN AMENDMENT (\$850) | ☐ VOLUNTARY ANNEXATION (\$1050) |

APPLICANT INFORMATION

Parcel A: Castilian Properties, Inc. for 120 N. 2nd Street
 Owner Name: Parcel B: Beverly Freeman Crews, James Kelly Freeman, Angela Karen Morgan, George Thomas Freeman for 116 N. 2nd Street
 Mailing Address: Parcel A: 120 N. 2nd Street, Suite A, Fernandina Beach, FL 32034
 Parcel B: 96174 Marantha Road, Yulee, FL 32097
 Telephone: _____ Fax: _____
 Email: _____

Agent Name: A. Jeffrey Tomassetti, PLC, d/b/a Tomassetti & Prince
 406 Ash Street, Fernandina Beach, FL 32034
 Mailing Address: _____
 Telephone: (904) 261-1833 Fax: (904) 212-0350
 Email: info@tpislandlaw.com and tprince@tpislandlaw.com

PROPERTY INFORMATION

Street Address: Parcel A: 120 N. 2nd Street and Parcel B: 116 N. 2nd Street
 Parcel Identification Number(s): Parcel A: 00-00-31-1800-0009-0060 and Parcel B: 00-00-31-1800-0009-0020
 Parcel A: 6 & 7 9 (both
 Lot Number: Parcel B: 2, 3, 4, & 5 Block Number: parcels Subdivision: _____
 Section: _____ Township: _____ Range: _____

PROJECT INFORMATION

Total Number of Lots/Parcels: 1

Less than One (1) acre Sq. Footage: Parcel B: .29 acres Parcel A: .14 acres One (1) Acre or Greater: _____

Existing Zoning Classification: C-2

Existing Future Land Use Classification: General Commercial

Previous Planning/Zoning Approvals: _____

Description of Request:

This application requests a small scale FLUM amendment from the General Commerical (GC) land use to the Central Business District ("CBD") land use, and from General Commercial (C-2) zoning designation to Central Business District (C-3) zoning designation for the property located at 116 N. 2nd Street, and 120 N. 2nd Street, Fernandina Beach, FL.

SIGNATURE/NOTARY

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

10/31/18 Musa D. Prince
Date Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 31st day of October, 2018.

Jaime Herrmann Jaime Herrmann 9/21/19
Notary Public: Signature Printed Name My Commission Expires

Personally Known X OR Produced Identification _____ ID Produced: _____





OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Beverly F. Crews, James K. Freeman Jr., George T. Freeman, Angela K. Morgan
(print name of property owner(s))

hereby authorize: CMR Island Properties, LLC
(print name of agent)

to represent me/us in processing an application for: Rezoning
(type of application)

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

Beverly F. Crews DocuSigned by:
(Signature of owner) George T. Freeman
1F38D7C0E94C425...

JKF DocuSigned by:
(Signature of owner) James K. Freeman
FA797D0C65EA4E9...

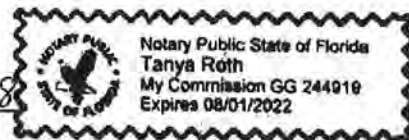
Angela K. Morgan DocuSigned by:
(Signature of owner) Angela K. Morgan
3DE77C0977D44AC...

Beverly F. Crews George T. Freeman
(Print name of owner)

James K. Freeman Angela K. Morgan
(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 12th day of October, 2018



Tanya Roth
Notary Public: Signature

Tanya Roth
Printed Name

8/1/2022
My Commission Expires

Personally Known _____ OR Produced Identification ☒ ID Produced: FDL# C620-066-49-5080

(Signature of owner)

Beverly F. Crews
(Signature of owner)

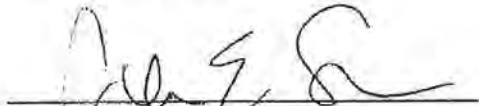
(Print name of owner)

Beverly F. Crews
(Print name of owner)

**BUYER'S AUTHORIZATION
FOR REPRESENTATION FOR APPLICATION**

I, John E. Sasser, an Authorized Member for CMR Island Properties, Inc., a foreign limited liability company, duly licensed to do business in Florida, and the buyer of real property located at 116 N. 2nd Street, Fernandina Beach, FL 32034 (the "Property") hereby authorize our legal counsel, A. Jeffrey Tomassetti, PLC, d/b/a/ Tomassetti and Prince to apply to the City of Fernandina Beach to process an application for Rezoning and FLUM Amendment on our behalf for the Property. In authorizing the agent to represent our entity, I attest that the application is made in good faith and that any information contained in the application is accurate and complete.

CMR Island Properties, a foreign limited liability company

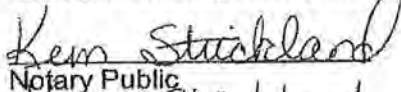


By: John E. Sasser
Its: Authorized Member

STATE OF GA

COUNTY OF Ware

Subscribed and sworn to before me this 15 day of October, 2018



Notary Public

Kem Strickland

Printed Name

9-8-2020

Commission Expiration



Personally known ✓ OR Produced Identification _____

ID Produced: _____



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Peter O. Mallory, President of Castilian Properties, Inc.
(print name of property owner(s))

hereby authorize: A. Jeffrey Tomassetti, PLC d/b/a Tomassetti & Prince
(print name of agent)

to represent me/us in processing an application for: Rezoning and FLUM Amendment
(type of application)

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

Peter O. Mallory
(Signature of owner)

(Signature of owner)

Peter O. Mallory, Castilian Properties Inc.
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

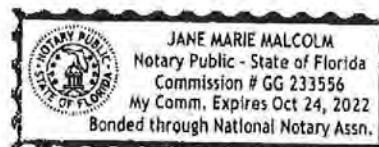
Subscribed and sworn to before me this 31ST day of October, 2018.

Jane Marie Malcolm
Notary Public: Signature

Jane Marie Malcolm
Printed Name

10/24/22
My Commission Expires

Personally Known ☒ OR Produced Identification _____ ID Produced: _____





OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Peter O. Mallory, President of Castilian Properties, Inc.
(print name of property owner(s))

hereby authorize: A. Jeffrey Tomassetti, PLC d/b/a Tomassetti & Prince
(print name of agent)

to represent me/us in processing an application for: Rezoning and FLUM Amendment
(type of application)

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

Peter O. Mallory
(Signature of owner) _____
(Signature of owner)

Peter O. Mallory, Castilian Properties Inc.
(Print name of owner) _____
(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

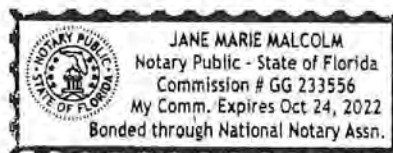
Subscribed and sworn to before me this 31st day of October, 2018.

Jane Marie Malcolm
Notary Public: Signature

Jane Marie Malcolm
Printed Name

10/24/22
My Commission Expires

Personally Known ☒ OR Produced Identification ☐ ID Produced: ☐





Law Office of

TOMASSETTI & PRINCE

November 1, 2018

A. Jeffrey Tomassetti
Teresa L. Prince

AMENDED LETTER OF INTENT FOR CASTILIAN PROPERTIES, INC. AND CMR ISLAND PROPERTIES, LLC

The Consistency of the Proposed Action with the City's Comprehensive Plan and Justification of Proposed Action

Our office represents Castilian Properties, Inc., a Florida corporation, owner of the real property located at 120 N. 2nd Street, Fernandina Beach, FL 32034 ("Parcel A") and CMR Island Properties, LLC, a foreign limited liability company, duly licensed to do business in Florida, who is the Buyer of real property owned by Beverly Freeman Crews, James Kelly Freeman, Jr., Angela Karen Morgan, and George Thomas Freeman, and located at 116 N. 2nd Street, Fernandina Beach, Florida 32034 (the "Parcel B") (collectively, the "Subject Properties"). In support of redevelopment efforts within the Community Redevelopment Area ("CRA"), this application requests a Future Land Use Map ("FLUM") amendment from the General Commercial ("GC") land use to Central Business District ("CBD") land use, and zoning change from General Commercial ("C-2") to Central Business District ("C-3"), for Parcel B, which is approximately .29 acres, and Parcel A, which is .14 acres.

Pursuant to Section 2.01.13, Land Development Code ("LDC") and Policy 1.07.10, Comprehensive Plan Policy ("Comp Plan"), the CBD FLUM and C-3 zoning designation is a mixed-use category that serves as a logical transition between the industrial activities to the west, and the residential uses to the east of the Subject Properties. This is because the CBD FLUM and C-3 zoning allow for both residential and commercial uses. This transitional land use and zoning pattern is witnessed throughout the City's urban core. Similarly, an extension of the CBD FLUM and C-3 zoning to the Subject Properties provides the opportunity for continuity in urban form and pattern from Centre Street north to Calhoun Street along N. 2nd Street, preventing the proliferation of urban sprawl and supporting cost effective and energy efficient land development patterns in accord with Policy 1.02.03, Comp Plan.

In addition, the Subject Properties are immediately adjacent to CBD FLUM and C-3 zoning on its southern and western borders. There is also an established node of CBD FLUM and C-3 zoning on properties to the north and south of the Subject Properties. Therefore, consistent with Policy 1.02.04, Comp Plan, the proposed use is compatible with the type and intensity of surrounding uses and surrounding zoning districts. See attached Exhibit A for the FLUM map and the attached Exhibit B for the zoning map.

Parcel B is currently occupied by a single-family residential structure which does not conform to the permitted uses in the existing General Commercial (GC) FLUM designation and General Commercial (C-2) zoning classification. Similarly, Parcel A is currently occupied by both a residential structure and commercial office structure, and therefore does not conform to the permitted uses in the existing General Commercial (GC) FLUM designation and the General Commercial (C-2) zoning district. Residential use is not permitted in the General Commercial (C-2) zoning district. In accord with Policy 1.05.03, Comp Plan, an extension of the CBD FLUM and C-3 zoning to the Subject Properties corrects the nonconforming use of

residential dwellings on the (C-2) zoned Subject Properties because the CBD FLUM designation and C-3 zoning permits both residential and commercial uses.

Consistent with Policy 1.02.04, Comp Plan, the size of the Subject Properties, the physical condition of the Subject Properties, the soils and topography, and the "suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources" is appropriate for the proposed use given the Subject Properties are already developed; and therefore, any impact on adopted levels of service standards and quality of service standards would be minimal. See attached Exhibit C for the potential wetlands, the attached Exhibit D for soils, the attached Exhibit E for topography, and the attached Exhibit F for flood zones. As depicted in Exhibit C, there are no potential wetlands impacting the Subject Properties. The topography and soil characteristics of the Subject Properties, as noted in Exhibits D and E, are suitable for development as evidenced by the fact that development currently exist on the Subject Properties. A significant majority of both Subject Parcels are located in a Special Flood Hazard Area designated as AE, which only has a 1 % probability of flooding every year. See attached Exhibit F.

Adequate levels of service, including water and sewage availability by the City of Fernandina Beach Utility Department, already exist to support the extension of the CBD FLUM category to the Subject Properties in compliance with Policies 1.02.02, 4.01.01 and 4.01.02, Comp Plan. See attached letter of availability.

The Subject Properties are also located within the CRA and subject to certain design criteria specific to the CRA. See attached Exhibit G of the CRA Boundary by Resolution 2005-91. Pursuant to Section 8.01.02, LDC, "It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas." An extension of the CBD FLUM and C-3 zoning district to the Subject Properties would provide a more harmonious and beneficial relation among buildings and uses within the area in compliance with Policy 12.05.03, Comp Plan. The mixed-use category would allow for redevelopment and infill development opportunities which serve to enhance the City's downtown core while realizing the goals established for the CRA in accord with Objective 1.04, Comp Plan. Development review for these properties is provided by the Historic District Council. Section 8.01.02, LDC, sets additional regulatory standards for development of CRA properties. All properties within the CRA, regardless of use, are required to satisfy on-site parking demands. Furthermore, Section 4.05.12, LDC, will require adequate buffers between commercial and residential uses. Therefore, the CRA guidelines and LDC requirements previously discussed, provide standards that will protect the existing residential zoned properties adjacent to the Subject Properties.

Sincerely,
TOMASSETTI & PRINCE



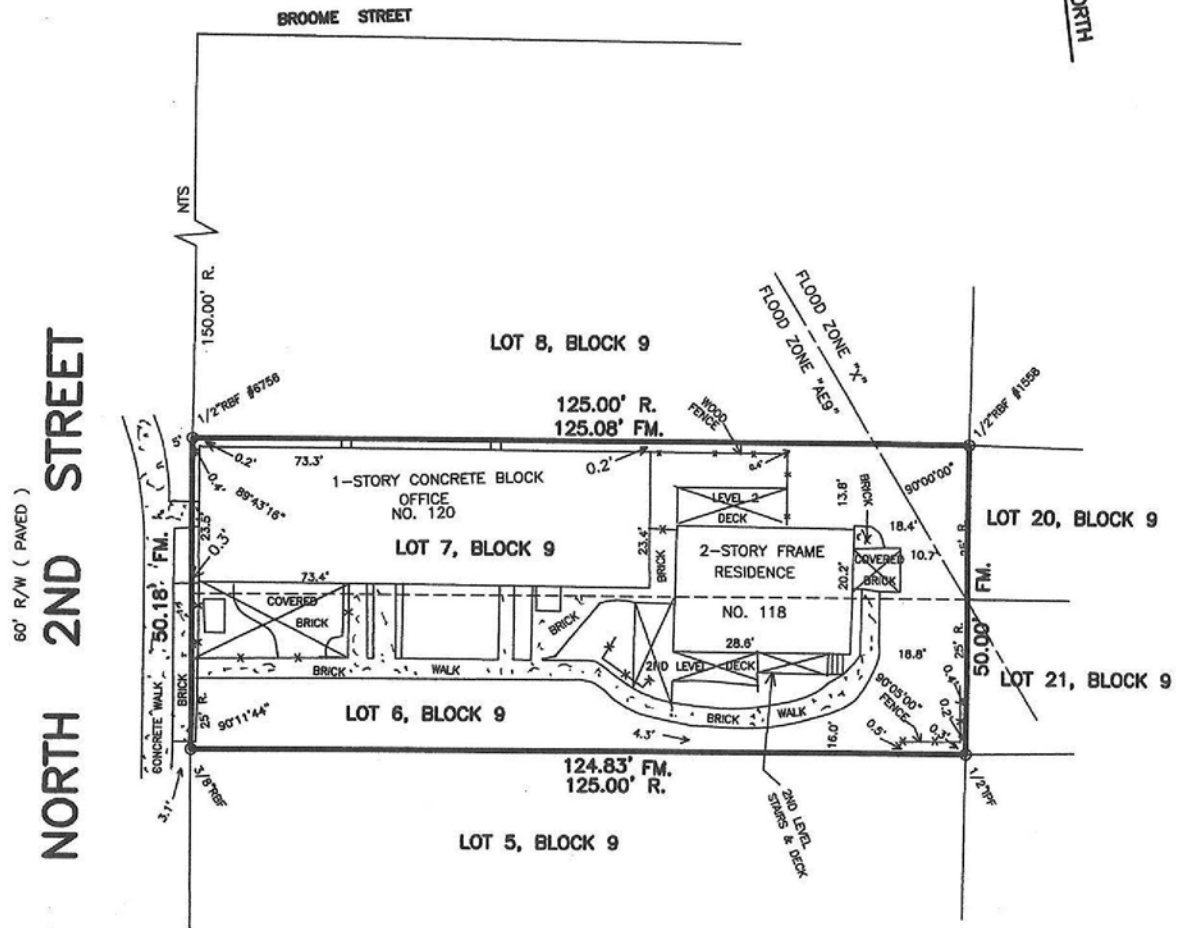
A. Jeffrey Tomassetti, for the firm

AJT/mbm

MAP SHOWING BOUNDARY SURVEY OF
LOTS 6 AND 7, BLOCK 9,

LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED
FERNANDINA), IN THE COUNTY OF NASSAU AND THE STATE OF FLORIDA,
AND KNOWN AND DESCRIBED UPON AND ACCORDING TO THE OFFICIAL
PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA
RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED
BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

FOR: CASTILIAN PROPERTIES, INC.



COASTAL LAND SURVEYORS

& MAPPERS, INC.

34 NORTH FOURTEENTH STREET
FERNANDINA BEACH, FLORIDA 32032
TEL. 904-261-8950 FAX 904-277-8850

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON AS
MEETING THE MINIMUM TECHNICAL STANDARDS FOR LAND
SURVEYING, CHAPTER 5J-17.050, FLORIDA ADMIN. CODE, AND/OR
CHAPTER 180-7, GEORGIA STATUTES.

LICENSED BUSINESS NO. 8412

JAMES C. PEACOCK, PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3718
GEORGIA CERTIFICATE NO. 2365
NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

BEARINGS BASED ON N/A

PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE X & AE9 AS SHOWN ON

FEMA FLOOD INSURANCE RATE MAP,
COMMUNITY NO. 120172 PANEL NO. 2370
DATED 8/2/17

DATE OF SURVEY: OCTOBER 30, 2018

SCALE 1"=20'

JOB NO. 1810-21 F.B.347

CORNER MARKERS HAVE NO IDENTIFICATION U.N.O.

LEGEND:
IRON PIPE FOUND - IPF
IRON PIPE SET - IPS
RE/BAR FOUND - RBF
NOT TO SCALE - NTS
BUILDING RESTRICTION LINE - BRL
CONCRETE MONUMENT FOUND - CMF
STAINLESS STEEL PIPE FOUND - SSPF
RIGHT-OF-WAY - R/W
POINT OF CURVE - PC
POINT OF TANGENCY - PT
CENTERLINE - C
POWER LINE - P
PLAT - P
FIELD MEASURED - FM
RECORD - R. DEED - D.
POWER POLE - O
CONCRETE - CONC.
BRICK - BRK
RIGHT-OF-WAY - R/W
POINT OF REVERSE CURVE - PRC
OFFICIAL RECORDS BOOK - O.R.B.

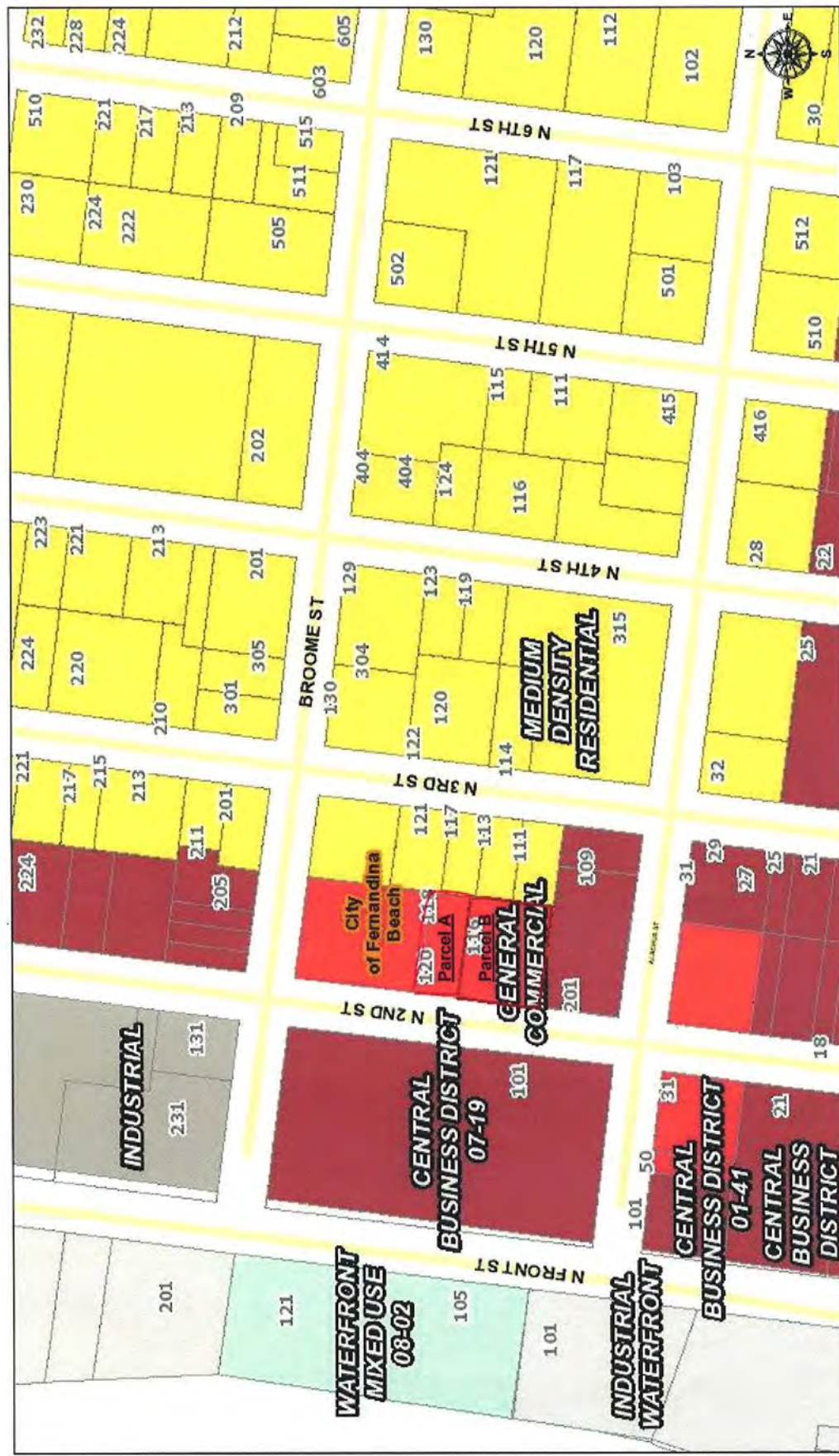


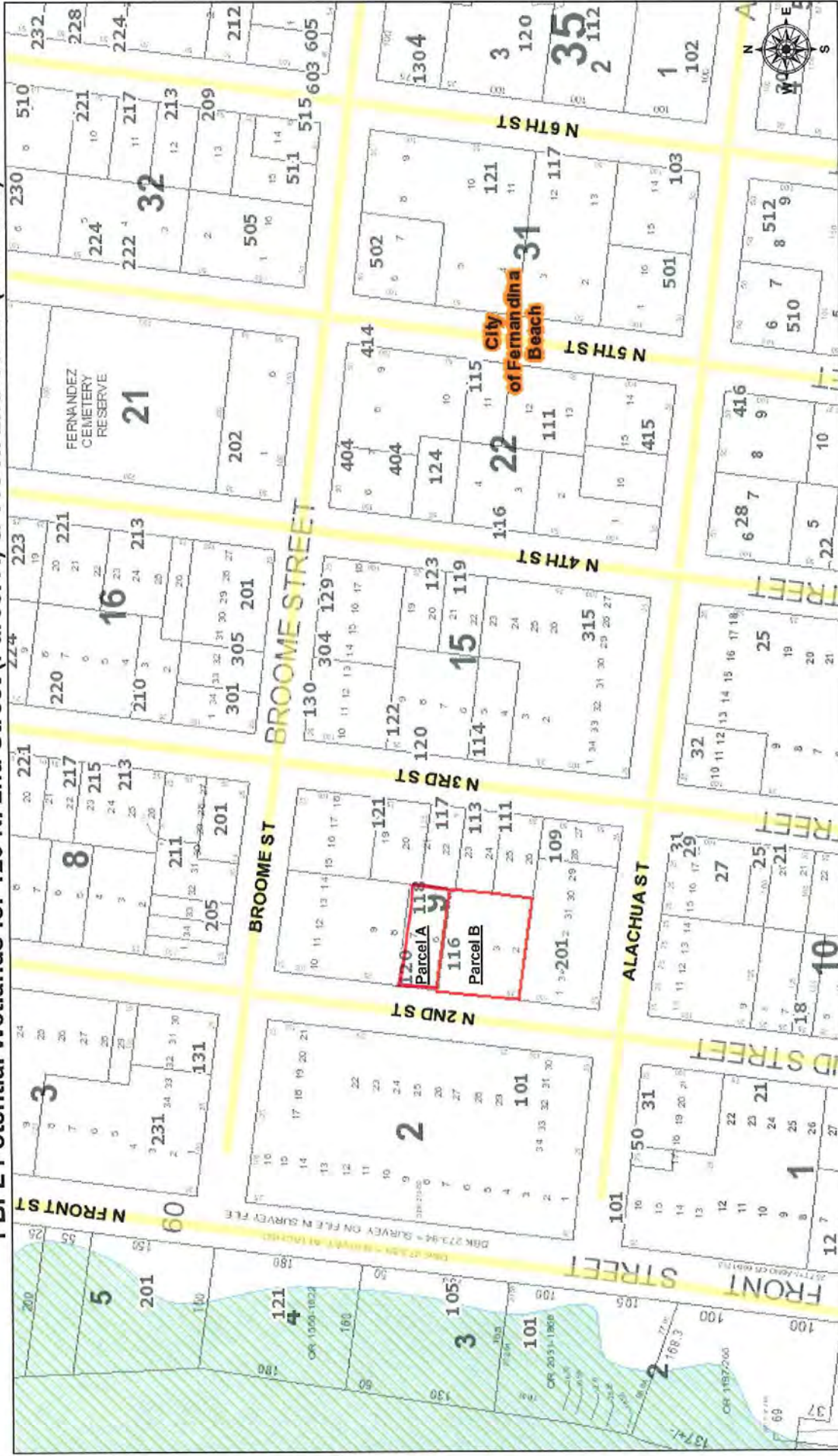
EXHIBIT A

1:2,257
0.035

0.12 km

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

FBFL Potential Wetlands for 120 N. 2nd Street (Parcel A) & 116 N. 2nd Street (Parcel B)



October 14, 2018

Potential Wetlands

EXHIBIT C

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

[illegible]1:2,257
035

0 0.03 0.06 0.12 km

Sources: Esri, HERE, DELTA, Garmin, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

[illegible]

Flood Zones - Effective Date August 2, 2017

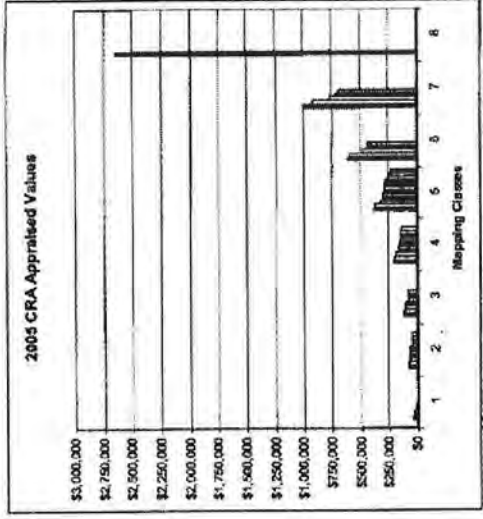


X, AREA OF MINIMAL FLOOD HAZARD

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, MEI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

0	0.0075	0.015	0.03 mi
---	--------	-------	---------

Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



Legend

CRA Boundary

2005 CRA Appraised Values

1	\$3,982.00 - \$30,195.00
2	\$30,195.00 - \$71,614.00
3	\$71,614.00 - \$114,144.00
4	\$114,144.00 - \$205,859.00
5	\$205,859.00 - \$379,345.00
6	\$379,345.00 - \$611,728.00
7	\$611,728.00 - \$1,001,879.00
8	\$1,001,879.00 - \$2,844,645.00

Involved Properties: 56
 Total Acres: 37.364
 Total Assessed Value: \$15,716,938



May 3, 2005

Amended CRA Boundary by Resolution 2005-91

Totaling: 56 Properties



CITY OF FERNANDINA BEACH

Utilities Department

John Mandrick, PE

Utilities Director

October 16, 2018

Subject: Water & Wastewater Availability
116 N 2nd Street (Parcel A)
Fernandina Beach, FL 32034

To Whom It May Concern:

The City of Fernandina Beach Water and Wastewater Division has sufficient capacity to serve the above-mentioned location, provided all applicable permit fees, zoning fees, impact fees or any other requirements of the City are met.

If you have any questions, please contact the undersigned at 904-310-3421.

Sincerely,

A handwritten signature in black ink, appearing to read "John Mandrick", is written over a large, stylized, looping flourish.

John Mandrick, P. E.
Utilities Director

/ag



CITY OF FERNANDINA BEACH

Utilities Department

John Mandrick, PE

Utilities Director

November 1, 2018

Subject: Water & Wastewater Availability
120 N 2nd Street (Parcel #: 00-00-31-1800-0009-0060) (Parcel B)
Fernandina Beach, FL 32034

To Whom It May Concern:

The City of Fernandina Beach Water and Wastewater Division has sufficient capacity to serve the above-mentioned location, provided all applicable permit fees, zoning fees, impact fees or any other requirements of the City are met.

If you have any questions, please contact the undersigned at 904-310-3421.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Mandrick", is written over a horizontal line.

John Mandrick, P. E.
Utilities Director

/ag



Law Office of

TOMASSETTI & PRINCE

**Addendum to Application PAB 2018-27
for FLUM Amendment and Rezoning of
Parcel #'s: 00-00-31-1800-0009-0060 & 00-00-31-1800-0009-0020
(the "Subject Properties") .**

Teresa L. Prince
A. Jeffrey Tomassetti
M. Bradley Manning

This Addendum is submitted by the Applicants to support the Applicants' position that Application PAB 2018-27 meets the subjective requirement of Comprehensive Plan Policy 1.07.10(1) as follows:

Pursuant to Policy 1.07.10 of the City of Fernandina Beach's 2030 Comprehensive Plan (the "Comp. Plan"), "a proposed amendment to the FLUM to increase the land area within the Central Business District (the "CBD") land use category shall demonstrate the suitability of the proposed site based on:

1. The need for additional land area within the Central Business District land use category;"

As noted in the Staff Report, "Staff finds that the need for additional land area within the CBD land use category is demonstrated through the properties' location within the Community Redevelopment Area (the "CRA") and further bolstered by the range of uses which historically existed on this block face." The City's Staff findings are considered competent and substantial evidence that the need for additional land area within the CBD land use category has been demonstrated.

In further support of Staff's determination of the need of additional land area within the CBD land use category, as noted in the Future Land Use Element Highlights, one of the goals of the Future Land Use element is to "provide incentives for businesses to locate and stay in the Central Business District." In addition, Pursuant to Policy 1.02.08, of the Comp. Plan, "[s]table or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas." Pursuant to Section 8.01.02 of the LDC, "[i]t is the purpose of the CRA overlay to provide a broad mix of uses and compatible design in the downtown area in order to promote revitalization of the working waterfront and adjacent areas." Taking these policies into consideration, the CRA overlay is intended to facilitate a mixed use area, which is accommodated in the CBD zoning district. Further, a re-zoning of the subject properties located within the CRA to the CBD zoning designation, which will allow for a mixed-use of commercial and residential development, will provide a logical transition area from the established residential uses to the west.

Pursuant to Policy 1.02.09, of the Comp. Plan, "[t]he City shall provide for the orderly transition of incompatible uses. Where infeasible to separate incompatible uses then, buffering and mixed use transition areas shall be required to promote a smooth land use transition." The subject properties are adjacent to the CBD zoning district on their western and southern borders, with an established node of CBD zoning district also being

located just north of the subject properties. (See Exhibit A, B, and C attached hereto.) An expansion of the CBD to the subject properties not only provides for an orderly transition of incompatible uses, but also supplements the established node of the CBD zoning designation along the portion of North 2nd Street that is located within the CRA.

The subject properties are currently employed for residential purposes which is a non-conforming use in the applicable C-2 zoning district. Pursuant to the Comp. Plan Objective 1.05, the City shall seek to eliminate nonconforming uses. Objective 1.05 states:

OBJECTIVE 1.05. "NONCONFORMING STRUCTURES, USES AND LOTS To promote re-use of structures that contribute to the character, diversity and sustainability of a neighborhood and to promote economic redevelopment by regulating structures and uses that do not conform to the current Plan or Land Development Code, but were lawfully established and in compliance with all applicable ordinances and laws at the time the structure was constructed and/or the use began, the City shall permit the continuation of the structure until such time that it becomes hazardous or dangerous and shall seek to eliminate nonconforming land uses."

Comp. Plan (emphasis provided).

The Central Business District permits the residential use of properties as a conforming use. By approving the FLUM amendment and rezoning to the CBD, the City will be in compliance with the Comp. Plan by eliminating the current non-conforming land use of the subject properties. Such amendment will also allow for continued use as residential.

Sincerely,
TOMASSETTI & PRINCE

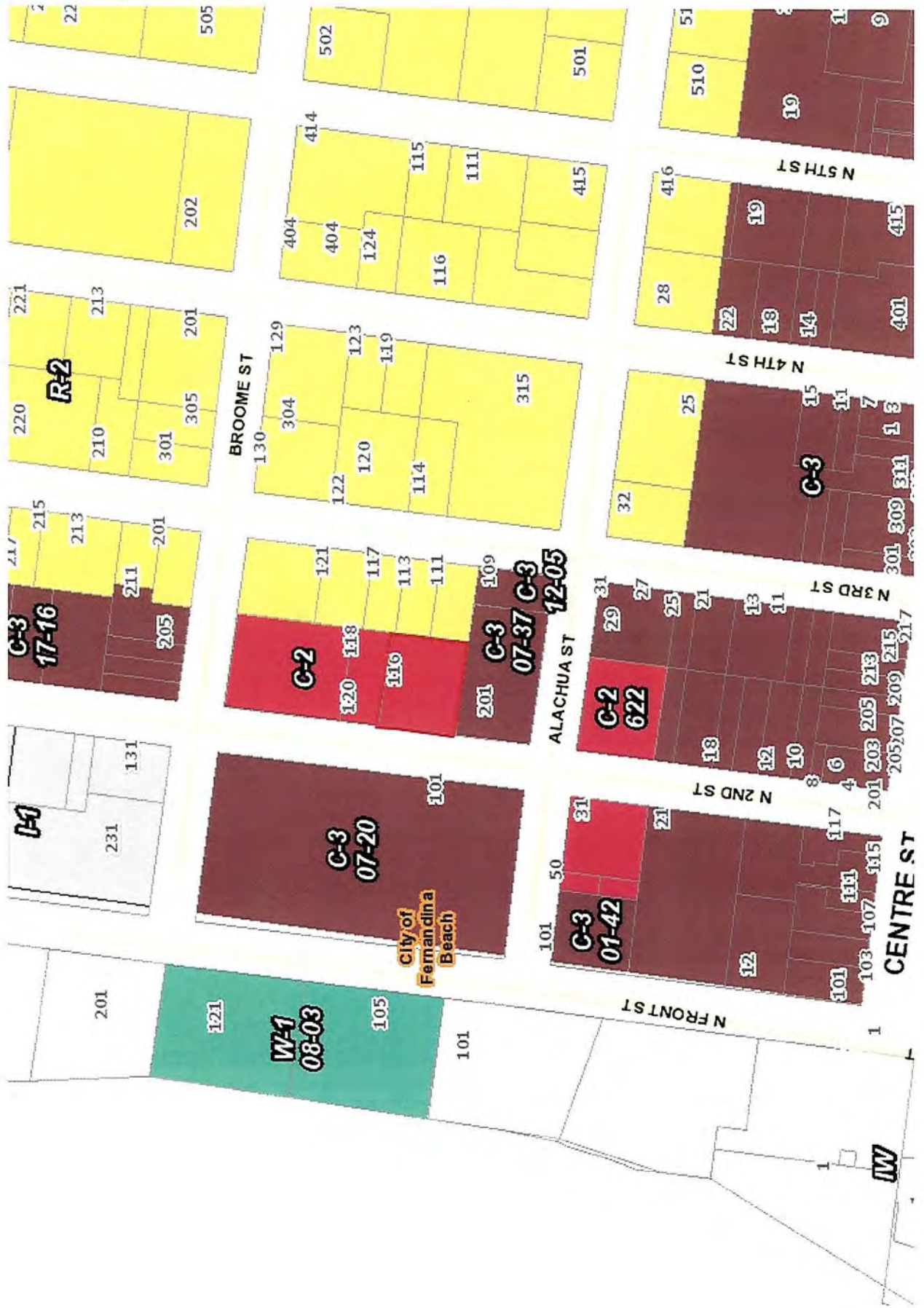
A handwritten signature in cursive script, appearing to read "Teresa L. Prince".

Teresa L. Prince, for the firm

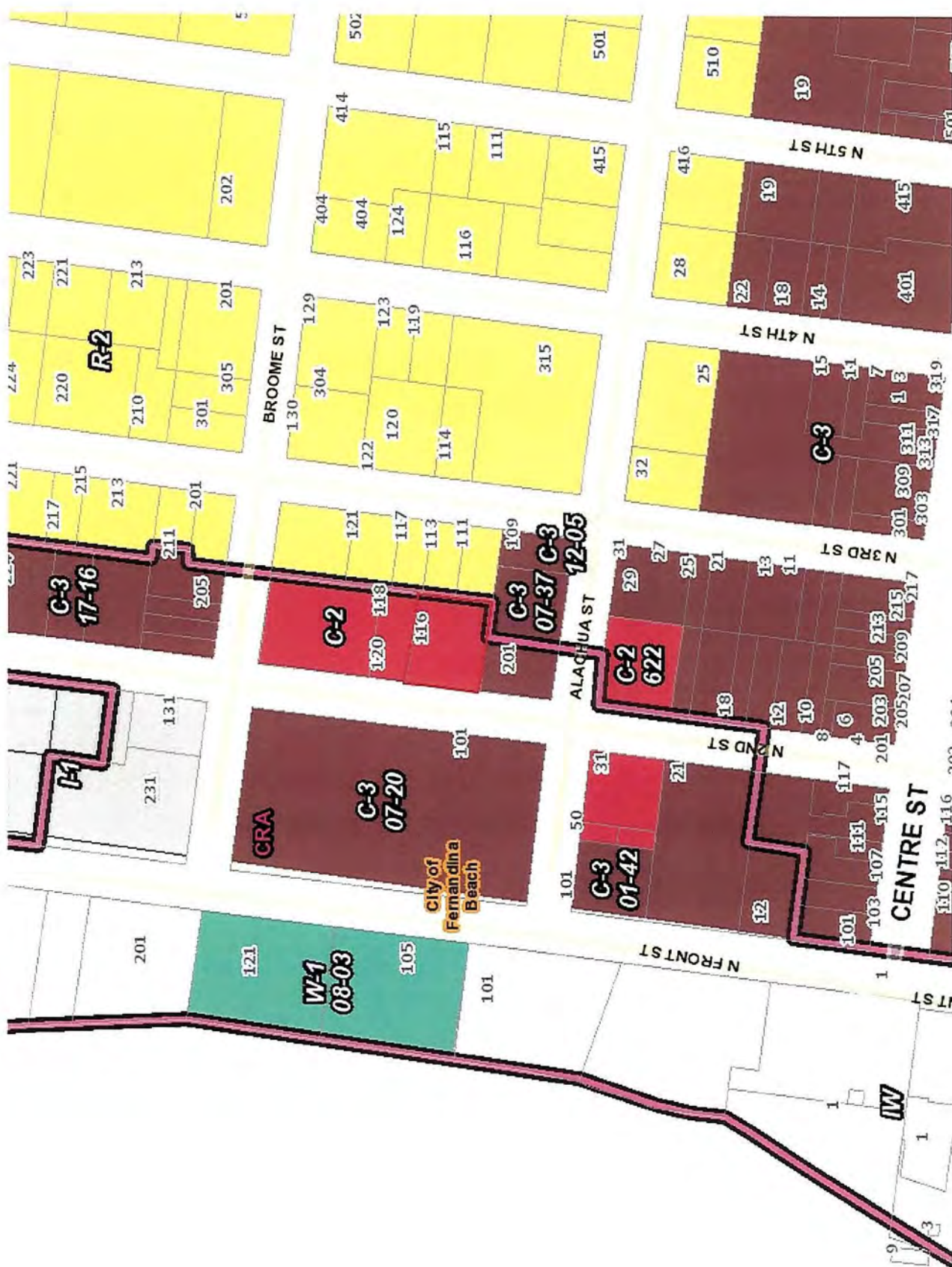
TLP/mbm

EXHIBIT A

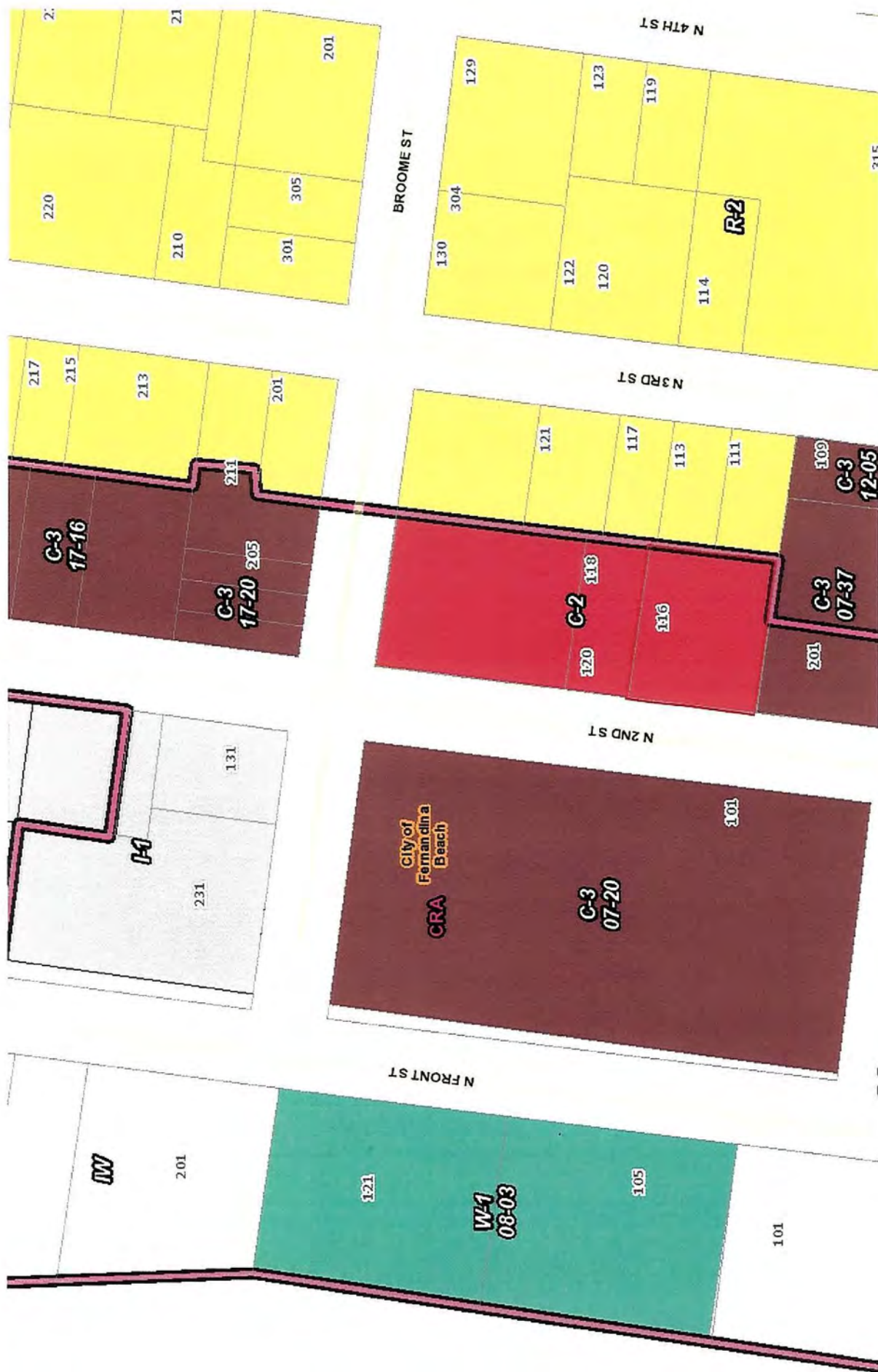
ZONING



ZONING AND CRA BOUNDARY



ZONING AND CRA BOUNDARY





December 27, 2018

Teresa Prince
Tom Ssetti & Prince
406 Ash Street
Fernandina Beach, FL 32034

Re: Zoning Confirmation for 116 N. 2nd Street

Dear Ms. Prince,

As of the date of this letter, the property referenced above is in the **C-2 zoning district** and classified on the **Future Land Use Map (FLUM) as General Commercial**. Adjacent zonings are depicted on the attached map, *Exhibit A*. The following excerpted Land Development Code sections and tables provide basic information on this zoning district.

2.01.12 General Commercial (C-2)

The C-2 District is intended for the development of land uses to accommodate offices; commercial retail; personal services establishments; restaurants; transient accommodations; uses that provide sales and services for several neighborhoods; repair shops; retail sales and services; and other similar commercial uses. The General Commercial District recognizes existing development with locations that have access to arterial roads.

Table 2.03.02: Table of Land Uses

The following land uses are permissible, subject to compliance with the standards of the C-2 zoning district:

- Book and Stationary Stores
- Bus Terminals and Taxi Stations
- Business Colleges; Commercial, Trade, Vocational, and Arts Schools
- Business Services such as Copying, Mailing, or Printing
- Clubs, Public or Private; Community and Recreation Centers
- Day Care Center
- Drug Store or Pharmacy
- Essential Public Services, such as Transmission Lines and Lift Stations
- Financial Institutions, Banks, and Credit Unions
- Funeral Home and Mortuary
- Gasoline Station, with or without a Convenience Store
- Grocery Store
- Health Clubs and Gym
- Laundry and Dry Cleaning, On-Site, including Self-Service Laundry
- Laundry and Dry Cleaning, Pick-Up Only
- Liquor Store, Lounge, and Bar (without drive-through window)
- Lodging Accommodations



- Manufacturing and/or Assembly – Artisan
- Medical and Dental Clinics
- Music, Dancing, Photography, or Art Studios
- Parking Lots and Parking Garages
- Personal Services, such as beauty/barber shops, tattoo parlor, massage or acupuncture therapy
- Professional Offices
- Religious Facilities
- Research, Education, and Development Facilities
- Restaurant, With or Without Drive-Through Window
- Retail Stores
- Scooter and Motor Vehicle Rentals
- Seasonal Sales
- Small Equipment or Appliance Repair Shops
- Specialty Food Stores, such as Bakeries or Ethnic Grocers
- Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or Stationers
- Storm Water Treatment Park/Facility
- Theaters, Movies or Performing Arts

The following land uses are permissible, subject to compliance with standards of the C-2 zoning district **and** the supplemental standards specified for the use. Supplemental standards are contained in Section 6.02.00 of the Land Development Code.

- Craft Distillery, Small-Scale Brewery or Winery
- Log Dining- Outdoors Only
- Lumber and Building Supply
- Mini-storage or Self-storage Facility
- Outside Sales
- Picnic Areas, Trails, and Nature Facilities
- Recreation, Outdoor Assemblies, such as Miniature Golf or Fishing Piers, Excluding Assembly Parks and Drive-in
- Recreation, Indoor Facilities, such as Billiard Parlors, Bowling Alleys, Game Room, and Skating Rinks
- Trades and Repair Services such as Electrical, Heating, and Air, Mechanical, Painting, and Plumbing

Table 2.03.03: Table of Accessory Uses

The following are permitted accessory land uses in the C-2 zoning district:

- Remediation Facility *w/supplemental standards
- Summers
- Yards
- Outside Storage – Equipment, Machinery, and Materials
- Satellite dish antenna
- Storage building, sheds, utility buildings, and greenhouses
- Swimming pool

Any land use that is not identified in Tables 2.03.02 and 2.03.03 is prohibited. A property owner may request an interpretation to determine if a use that is not identified is permissible, based on substantial



CITY OF FERNANDINA BEACH

Department of Planning & Conservation

similarity of the requested use to permissible uses within the zoning district in which the property is located. A requested use shall be considered substantially similar when the characteristics of the requested use are equivalent in type, intensity, degree, or impact when compared to a use named in Table 2.03.02 or 2.03.03.

Please note that the above excerpted sections of the Land Development Code reference general zoning standards for the C-2 zoning category. Other sections of the City of Fernandina Beach Land Development Code or Comprehensive Plan may apply to the property referenced herein.

A complete version of the Land Development Code can be viewed at the Community Development Department located at 204 Ash Street, Fernandina Beach, Florida or online at the following website: www.fbfl.us/LDC. You may view the sections referenced above at that site and print copies. Online searchable GIS information is available at www.fbfl.us/GIS.

To talk with a planner about specific questions or to submit due diligence requests for more detailed information on the property, please contact the Department of Planning & Conservation at 904-310-3480.

Sincerely,

A handwritten signature in cursive script, appearing to read "Salvatore J. Cumilla".

Salvatore J. Cumilla

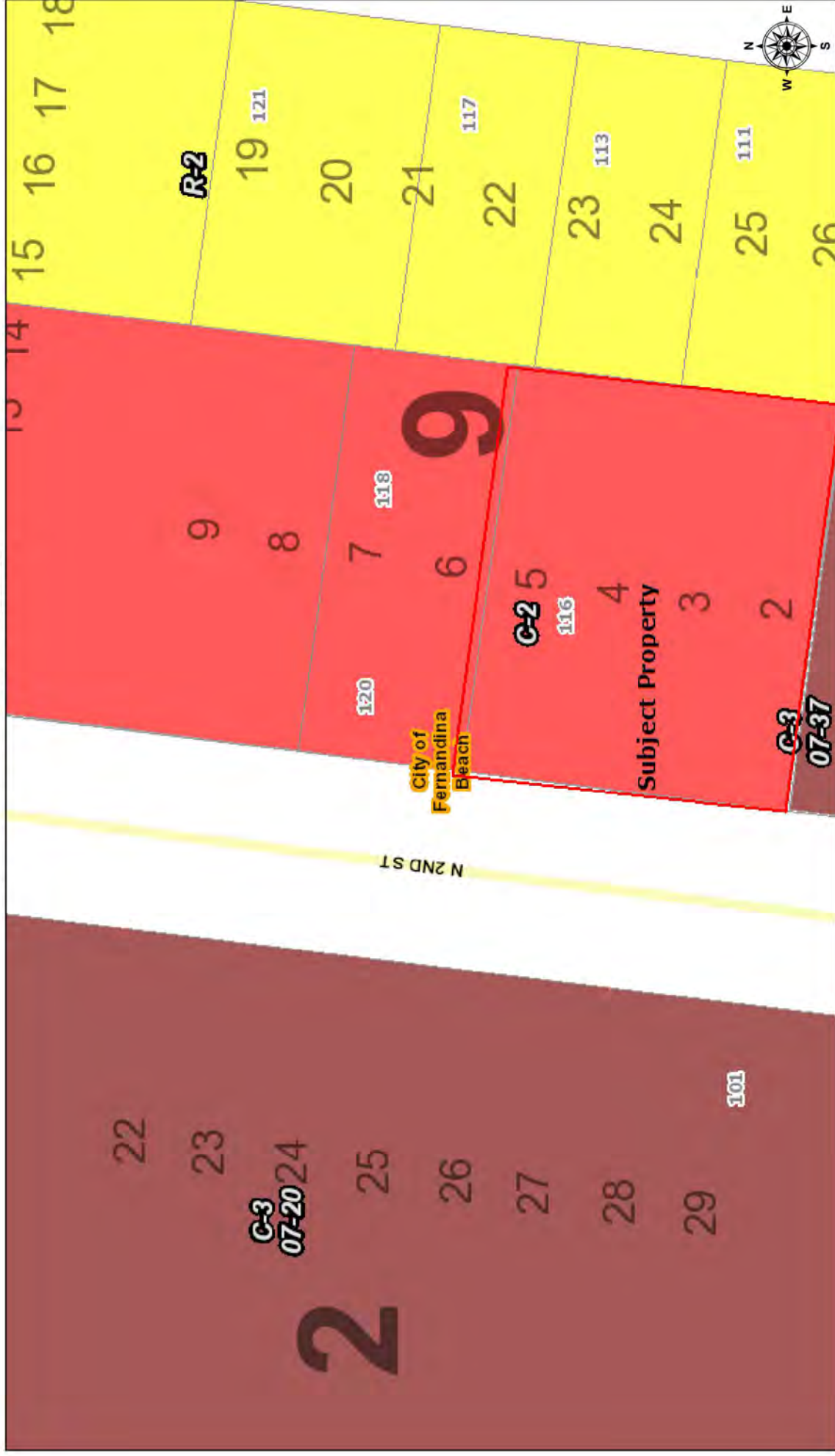
Attachments: Exhibit A- Identification Maps; Zoning & FLUM

The map displays the Central Business District in Fernandina Beach, Florida. It features a grid of numbered lots. A large red area on the left is labeled 'CENTRAL BUSINESS DISTRICT 07-19' and contains lots 2 through 9. A large yellow area on the right is labeled 'MEDIUM DENSITY RESIDENTIAL' and contains lots 11 through 26. A smaller red area in the center is labeled 'GENERAL COMMERCIAL' and contains lots 1 through 5. A yellow line labeled 'N 2ND ST' runs horizontally across the map. A compass rose in the top right corner indicates North, South, East, and West. The text 'City of Fernandina Beach' is visible near the center of the map.

☐ Land Parcels

Sources: Esri, H E G r m n, U G I n t e r m p, I N M N P, N n, Esri Japan, M T I, Esri C i n a (H n g K o n g), Esri K r e a, Esri (Thailand), N O n S t r e e t M p c o n t r i b u t o r s, and the G S U e r C m n i t y

116 N. 2nd Street Zoning



December 27, 2018

911 Address Labels

☐ Land Parcels

Sources: Esri, HERE, DeLorme, Mapbox, Microsoft, Swire, Nippon, Esri, Japan, M.T., Esri, China (Hong Kong), Esri, Korea, Esri (Thailand), N. © OpenStreetMap contributors, and the GIS User Community



December 27, 2018

Teresa Prince
Tom Ssetti & Prince
406 Ash Street
Fernandina Beach, FL 32034

Re: Zoning Confirmation for 120 N. 2nd Street

Dear Ms. Prince,

As of the date of this letter, the property referenced above is in the **C-2 zoning district** and classified on the **Future Land Use Map (FLUM) as General Commercial**. Adjacent zonings are depicted on the attached map, *Exhibit A*. The following excerpted Land Development Code sections and tables provide basic information on this zoning district.

2.01.12 General Commercial (C-2)

The C-2 District is intended for the development of land uses to accommodate offices; commercial retail; personal services establishments; restaurants; transient accommodations; uses that provide sales and services for several neighborhoods; repair shops; retail sales and services; and other similar commercial uses. The General Commercial District recognizes existing development with locations that have access to arterial roads.

Table 2.03.02: Table of Land Uses

The following land uses are permissible, subject to compliance with the standards of the C-2 zoning district:

- Book and Stationary Stores
- Bus Terminals and Taxi Stations
- Business Colleges; Commercial, Trade, Vocational, and Arts Schools
- Business Services such as Copying, Mailing, or Printing
- Clubs, Public or Private; Community and Recreation Centers
- Day Care Center
- Drug Store or Pharmacy
- Essential Public Services, such as Transmission Lines and Lift Stations
- Financial Institutions, Banks, and Credit Unions
- Funeral Home and Mortuary
- Gasoline Station, with or without a Convenience Store
- Grocery Store
- Health Clubs and Gym
- Laundry and Dry Cleaning, On-Site, including Self-Service Laundry
- Laundry and Dry Cleaning, Pick-Up Only
- Liquor Store, Lounge, and Bar (without drive-through window)
- Lodging Accommodations



- Manufacturing and/or Assembly – Artisan
- Medical and Dental Clinics
- Music, Dancing, Photography, or Art Studios
- Parking Lots and Parking Garages
- Personal Services, such as beauty/barber shops, tattoo parlor, massage or acupuncture therapy
- Professional Offices
- Religious Facilities
- Research, Education, and Development Facilities
- Restaurant, With or Without Drive-Through Window
- Retail Stores
- Scooter and Motor Vehicle Rentals
- Seasonal Sales
- Small Equipment or Appliance Repair Shops
- Specialty Food Stores, such as Bakeries or Ethnic Grocers
- Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or Stationers
- Storm Water Treatment Park/Facility
- Theaters, Movies or Performing Arts

The following land uses are permissible, subject to compliance with standards of the C-2 zoning district **and** the supplemental standards specified for the use. Supplemental standards are contained in Section 6.02.00 of the Land Development Code.

- Craft Distillery, Small-Scale Brewery or Winery
- Dog Dining- Outdoors Only
- Furniture and Building Supply
- Mini-storage or Self-storage Facility
- Outside Sales
- Picnic Areas, Trails, and Nature Facilities
- Recreation, Outdoor Assemblies, such as Miniature Golf or Fishing Piers, Excluding Assembly Parks and Drive-in
- Recreation, Indoor Facilities, such as Billiard Parlors, Bowling Alleys, Game Room, and Skating Rinks
- Trades and Repair Services such as Electrical, Heating, and Air, Mechanical, Painting, and Plumbing

Table 2.03.03: Table of Accessory Uses

The following are permitted accessory land uses in the C-2 zoning district:

- Remediation Facility *w/supplemental standards
- Stables
- Yards
- Outside Storage – Equipment, Machinery, and Materials
- Satellite dish antenna
- Storage building, sheds, utility buildings, and greenhouses
- Swimming pool

Any land use that is not identified in Tables 2.03.02 and 2.03.03 is prohibited. A property owner may request an interpretation to determine if a use that is not identified is permissible, based on substantial



CITY OF FERNANDINA BEACH

Department of Planning & Conservation

similarity of the requested use to permissible uses within the zoning district in which the property is located. A requested use shall be considered substantially similar when the characteristics of the requested use are equivalent in type, intensity, degree, or impact when compared to a use named in Table 2.03.02 or 2.03.03.

Please note that the above excerpted sections of the Land Development Code reference general zoning standards for the C-2 zoning category. Other sections of the City of Fernandina Beach Land Development Code or Comprehensive Plan may apply to the property referenced herein.

A complete version of the Land Development Code can be viewed at the Community Development Department located at 204 Ash Street, Fernandina Beach, Florida or online at the following website: www.fbfl.us/LDC. You may view the sections referenced above at that site and print copies. Online searchable GIS information is available at www.fbfl.us/GIS.

To talk with a planner about specific questions or to submit due diligence requests for more detailed information on the property, please contact the Department of Planning & Conservation at 904-310-3480.

Sincerely,

A handwritten signature in cursive script, appearing to read "Salvatore J. Cumilla".

Salvatore J. Cumilla

Attachments: Exhibit A- Identification Map; Zoning & FLUM

Land Parcels

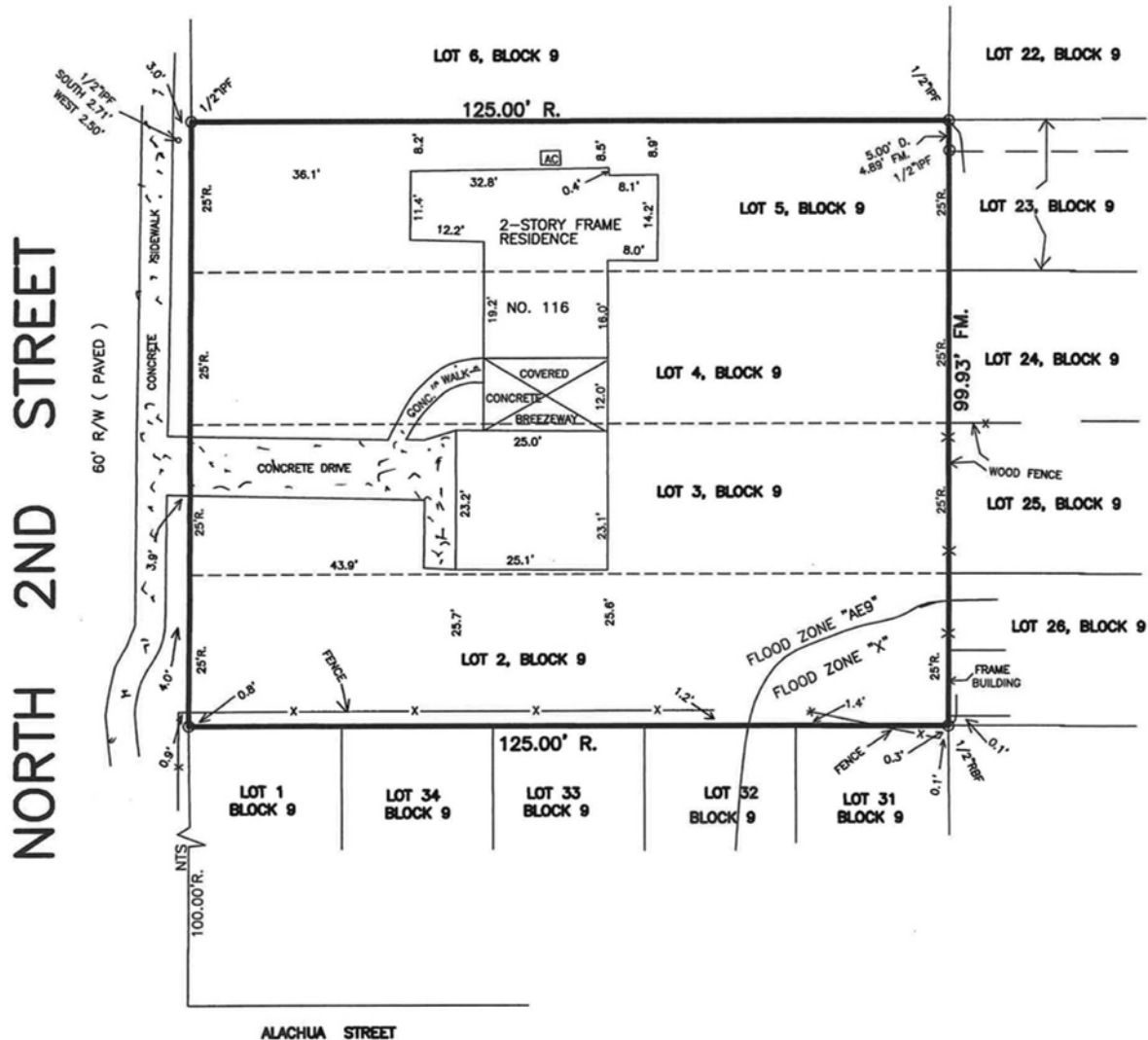
Sources: Esri, H E G r m n, U G I n t e r n p, I N M N P, N n, Esri Japan, M T I, Esri C i n a (H n g K o n g), Esri K r e a, Esri (T h a i l a n d), N O n S t r e e t M p c o n t r i b u t o r s, a n d t h e G S U e r c m n i t y

The map shows a city block with the following details:

- Central Red Area (Labeled 9):** Contains lots 2, 3, 4, 5, 6, 7, 8, and 9. Lot 5 is labeled 'C-2' and lot 2 is labeled 'C-3'. A red rectangle highlights the area around lot 7, which is labeled 'Subject Property'.
- Right Yellow Area (Labeled R-2):** Contains lots 19, 20, 21, 22, 23, 24, 25, and 26. Lot 19 is labeled '121', lot 21 is labeled '117', lot 23 is labeled '113', and lot 25 is labeled '111'.
- Bottom Brown Area (Labeled 2):** Contains lots 22, 23, 24, 25, 26, 27, 28, and 29. Lot 24 is labeled 'C-3' and '07-20', and lot 29 is labeled '101'.
- Streets:** 'N 2ND ST' runs horizontally across the middle. 'Fernandina Beach' is labeled vertically along the right side of the central red area.
- Compass Rose:** Located in the top right corner, showing North (N), South (S), East (E), and West (W).

LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), IN THE COUNTY OF NASSAU AND THE STATE OF FLORIDA, AND KNOWN AND DESCRIBED UPON AND ACCORDING TO THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

NORIT



NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

LEGEND:

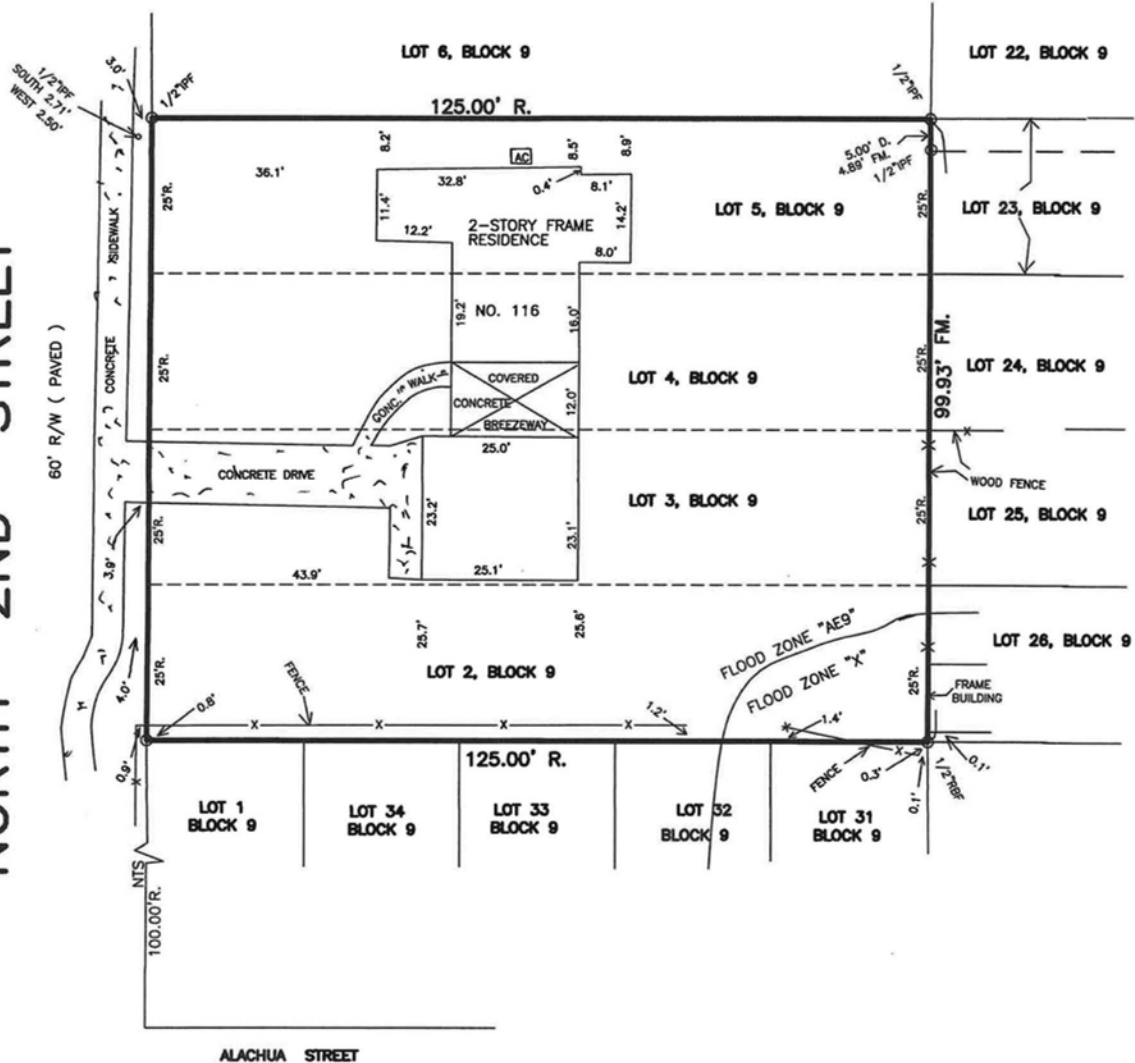
IRON PIPE FOUND - IPF	POWER LINE ---P---
IRON PIPE SET - IPS	PLAT - P.
RE/BAR FOUND - RBF	FIELD MEASURED - FM.
NOT TO SCALE - NTS	RECORD - R. DEED - D.
BUILDING RESTRICTION LINE - BR.	POWER POLE O O
CONCRETE MONUMENT FOUND - CMF	CONCRETE - CONC.
STAINLESS STEEL PIPE FOUND - SSFP	FENCE ---X---
RIGHT-OF-WAY - R/W	RIGHT-OF-WAY - R/W
POINT OF CURVE - PC	POINT OF REVERSE CURVE - PRC
CENTERLINE - C	OFFICIAL RECORDS BOOK - O.R.B.

**MAP SHOWING BOUNDARY SURVEY OF
LOTS 2, 3, 4 AND 5, BLOCK 9,**

LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), IN THE COUNTY OF NASSAU AND THE STATE OF FLORIDA, AND KNOWN AND DESCRIBED UPON AND ACCORDING TO THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

FOR: CMR ISLAND PROPERTIES, LLC.

NORTH 2ND STREET



COASTAL LAND SURVEYORS

& MAPPERS, INC.

34 NORTH FOURTEENTH STREET
FERNANDINA BEACH, FLORIDA 32032
TEL. 904-261-8950 FAX 904-277-6850

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON AS MEETING THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 5J-17.050, FLORIDA ADMIN. CODE, AND/OR CHAPTER 180-7, GEORGIA STATUTES.

LICENSED BUSINESS NO. 6412

JAMES C. PEACOCK, PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3718
GEORGIA CERTIFICATE NO. 2365
NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

BEARINGS BASED ON N/A

PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE X & AE9 AS SHOWN ON

FEMA FLOOD INSURANCE RATE MAP,
COMMUNITY NO. 120172 PANEL NO. 0237G
DATED 8/2/17

DATE OF SURVEY: OCTOBER 15, 2018

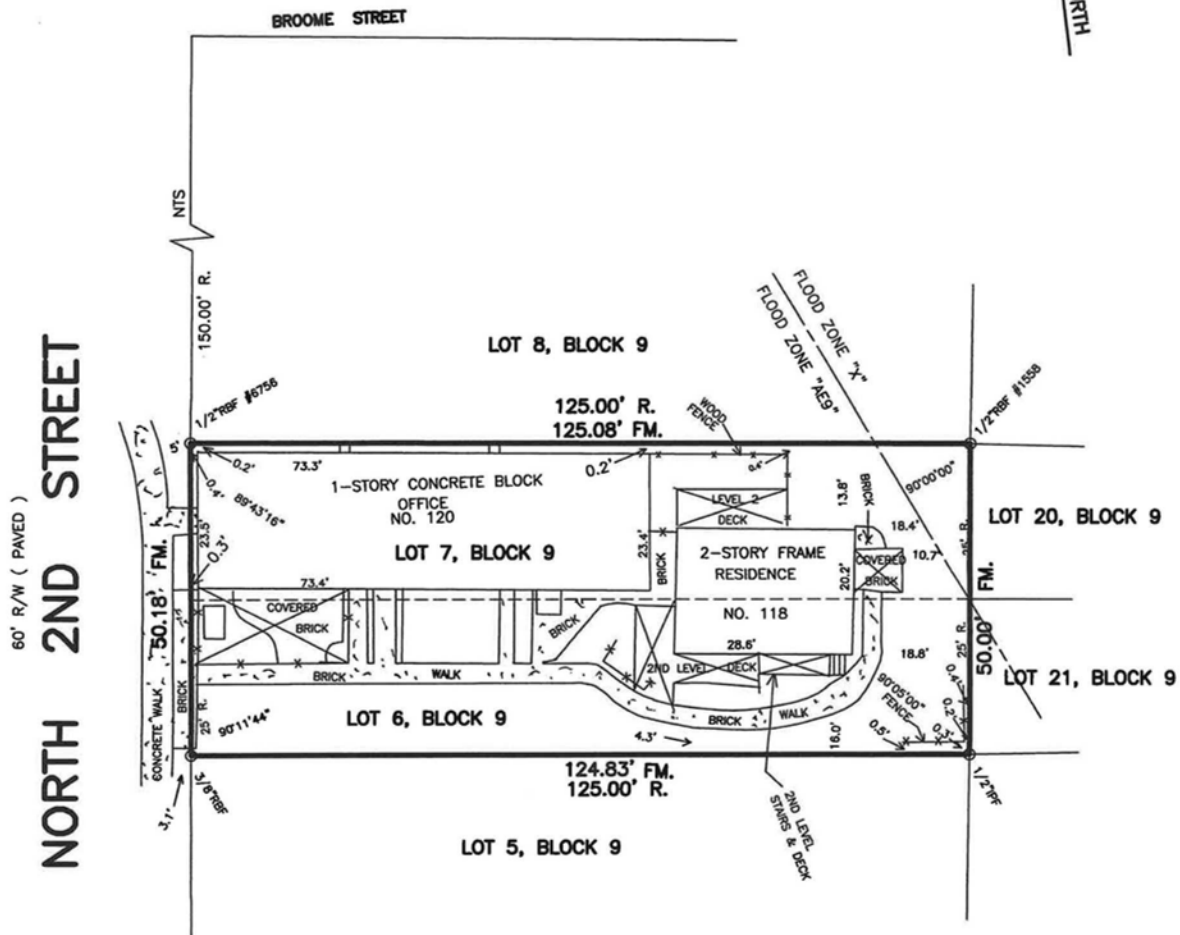
SCALE 1"=20'

JOB NO. 1810-10 F.B. 348

CORNER MARKERS HAVE NO IDENTIFICATION U.N.O.

LEGEND:
IRON PIPE FOUND - IPF
IRON PIPE SET - IPS
RE/BAR FOUND - RBF
NOT TO SCALE - NTS
BUILDING RESTRICTION LINE - BRL
CONCRETE MONUMENT FOUND - CMF
STAINLESS STEEL PIPE FOUND - SSPF
RIGHT-OF-WAY - R/W
POINT OF CURVE - PC
CENTERLINE - C
POWER LINE - P
PLAT - P
FIELD MEASURED - FM.
RECORD - R. DEED - D.
POWER POLE - O
CONCRETE - CONC.
FENCE - F
POINT OF REVERSE CURVE - PRC
OFFICIAL RECORDS BOOK - O.R.B.

LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), IN THE COUNTY OF NASSAU AND THE STATE OF FLORIDA, AND KNOWN AND DESCRIBED UPON AND ACCORDING TO THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).



& MAPPERS, INC.
34 NORTH FOURTEENTH STREET
FERNANDINA BEACH, FLORIDA 32032
TEL 904-261-8950 FAX 904-277-6650

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON AS MEETING THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 5J-17.050, FLORIDA ADMIN. CODE, AND/OR CHAPTER 180-7, GEORGIA STATUTES.

James C. Peacock LICENSED BUSINESS NO. 6412
10-31-12
JAMES C. PEACOCK, PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3718
GEORGIA CERTIFICATE NO. 2365
NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

BEARINGS BASED ON N/A

PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE^X & AE9 AS SHOWN ON

FEMA FLOOD INSURANCE RATE MAP,
COMMUNITY NO. 120172 PANEL NO. 0237G
DATED 8/2/17

DATE OF SURVEY: OCTOBER 30, 2018

SCALE 1"=20'
JOB NO. 1810-21 F.B.347

CORNER MARKERS HAVE NO IDENTIFICATION U.N.O.

LEGEND:

IRON PIPE FOUND - IPF	POWER LINE ---P----
IRON PIPE SET - IPS	PLAT - P.
RE/BAR FOUND - RBF	FIELD MEASURED - FM.
NOT TO SCALE - NTS	RECORD - R. DEED - D.
BUILDING RESTRICTION LINE - BRL	POWER POLE ---P---
CONCRETE MONUMENT FOUND - CMF	CONCRETE - CONC.
STAINLESS STEEL PIPE FOUND - SSFP	FENCE ---X---
RIGHT-OF-WAY - R/W	RIGHT-OF-WAY - R/W
POINT OF CURVE - PC	POINT OF REVERSE CURVE - PRC
CENTERLINE - C	OFFICIAL RECORDS BOOK - O.R.B.

(9/12) 288-5880

1. *Journal of the American Medical Association*, 1997; 277: 1001-1005.

KEY

TILE JOIST
BRICK JOIST
PYROBAR JOIST

Fire proof construction.
(OR FIRE RESISTIVE CONSTR.)

ADOBÉ

Adobe building.

HEIGHT OF BUILDING IN
FEET FROM GROUND
TO ROOF LINE

Stone building.

(C. BR)

Concrete, lime, cinder or
cement brick

(C. B.)

Hollow concrete or cement block const'n

(CONC.)

Concrete or reinforced concrete const'n

(TILE)

Tile building.

NUMBER OF STORIES

Brick building with frame cornice.

TWO STORIES AND 20 FT.
COMPOSITION ROOF

" " " stone front.
" " " frame side.
(DIVIDED BY FRAME PARTITION)

(SHINGLE ROOF)

Brick veneered building.

(VEND)

" and frame building.

BRICK 1ST

Frame building, brick lined.

F=FLAT S=STORE

" " metal clad.

D=DWELLING

Frame building.

A in B AUTO IN B'S MT

Iron building.

LOFT

Tenant building occupied by
various manufacturing or occupancies

(ASB. CL.)

Frame building covered with asbestos

NON COMBUSTIBLE ROOF
COVERING OF METAL,
SLATE, TILE OR
ASBESTOS SHINGLES

Brick building with brick or metal cornice.

DWELLINGS.

Framed air shafts are shown but colored
over. Brick air shafts are left white.

CLASSIFICATION OF BUILDINGS

Shown by varying number of dots or cir-
cles. Classified by New York Board of
Fire Underwriters as follows:

BRICK

1st Class (.) Slate or metal roof, coped walls.

2nd " (...) " " walls not coped.

3rd " (...) Shingle roof.

FRAME

1st Class (.) Slate or metal roof.

2nd " (.) Shingle roof.

Frame Buildings with BRICK FRONTS.

78' Height of Buildings, in Stories and feet (74 ft. 6 in. and over).

Fronts of marble or other stone.

Iron Fronts.

" Dotted line." Interior brick wall, omitted on one or more floors.

Superior construction. { Built of non-inflammable
material "throughout,"
except flooring and trim.

Communications protected by single fire-proof doors { With designation
" " double " " of floors.

Openings exposing Buildings.

Elevators with steam or other power. { Where enclosed with Brick or
Fire-proof material a heavy
line is drawn around them.

Sky-lights in Roof only.

" over Opening in floor.

Smoke-houses. Retorts, and Ovens.

Mansard Roofs. Corrugated Iron. Steam-boilers.

REFERENCE.

SPECIAL HAZARDS.

NAMES of Manufactories, &c., are written on buildings, when there is sufficient
space, and their construction classified by the same marks as on Dwellings. Other
Specially Hazardous Risks are COLORED GREEN, the varying number of dots
(brick) and crosses (frame) showing the comparative danger from fire by occupancy.



BRICK.

A Construction = to 1st class Warehouse.

B " = " 2nd " "

C " = " 3rd " "

D " = " 1st " Store or D'w'g.

E " = " 2nd " " "

F " = " 3rd " " "

NOTE.—In classifying a building
as a Special, its CONSTRUCTION
is obliterated, necessitating a series
of letters, as follows:



FRAME.

G Construction = to 1st class
Store or Dwelling.

H " = to 2nd class
Store or Dwelling.

Brick..... Frame

Bakeries (ovens in building). Breweries. Cooperages. Drug stores (retail, with
privilege of compounding). Dyeing establishments. Fur dressers. Glass stainers.
Hat finishers. Hay (open stock, loose). Lamp sellers (privilege for kerosene &c.)
Laundries. Malt houses. Manufactories of Baskets, Bonnet-frames, Boots and shoes,
Caps, Clothing, Combs, Envelopes, Feather dusters, Fringe &c., Gas fixtures, Gold
pens, Hats, Hemp, Jewelry cases, Morocco, Paper bags, Pocket-books, Ruffling and
ruches, Segars, Shirts, Tobacco, Umbrellas, Vinegar, Watches, Watch-cases, Writing
ink. Map mounting and varnishing. Metal mills. Molasses houses. Photographers.
Private stables. Smoke-houses. Tanneries. Tin-shops. Wheelwrights. Wire
workers. Wool-pullers.

Brick..... Frame

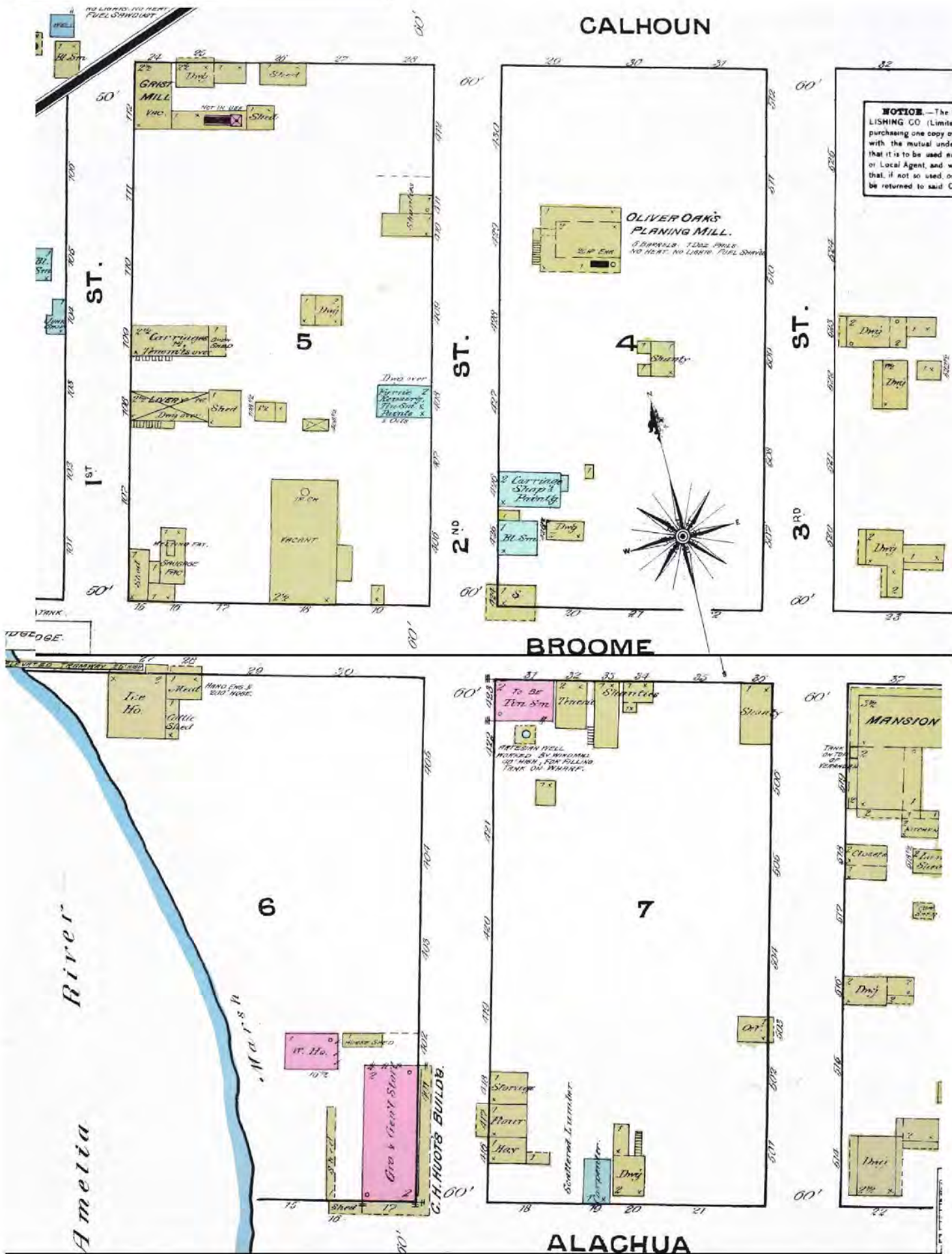
Bleaching works. Book-binders. Brass and iron foundries. Coppersmiths. Cotton
presses. Felling mills. Junk shops. Letter-press printers. Lithographers. Livery
and Cartmen's stables. Machine shops. Manufactories of Agricultural Implements.
Artificial flowers, Brooms, Brushes, Carriages, Cedar-ware, Floor-cloth, Grates, Guns,
Hoop-skirts, Jewelry, Lamps, Musical instruments, Oil-cloths, Paper boxes, Paper
collars, Paper patterns, Patent Medicines, Plated ware, Rope and cordage, Safes,
Silverware, Starch, Stoves, Tin cans, Upholstery. Oil stores (petroleum and pro-
ducts). Print works. Rag stores. Slaughter houses. Snuff mills. Type and stereo-
type foundries. (And generally buildings not occupied by workers of light wood).

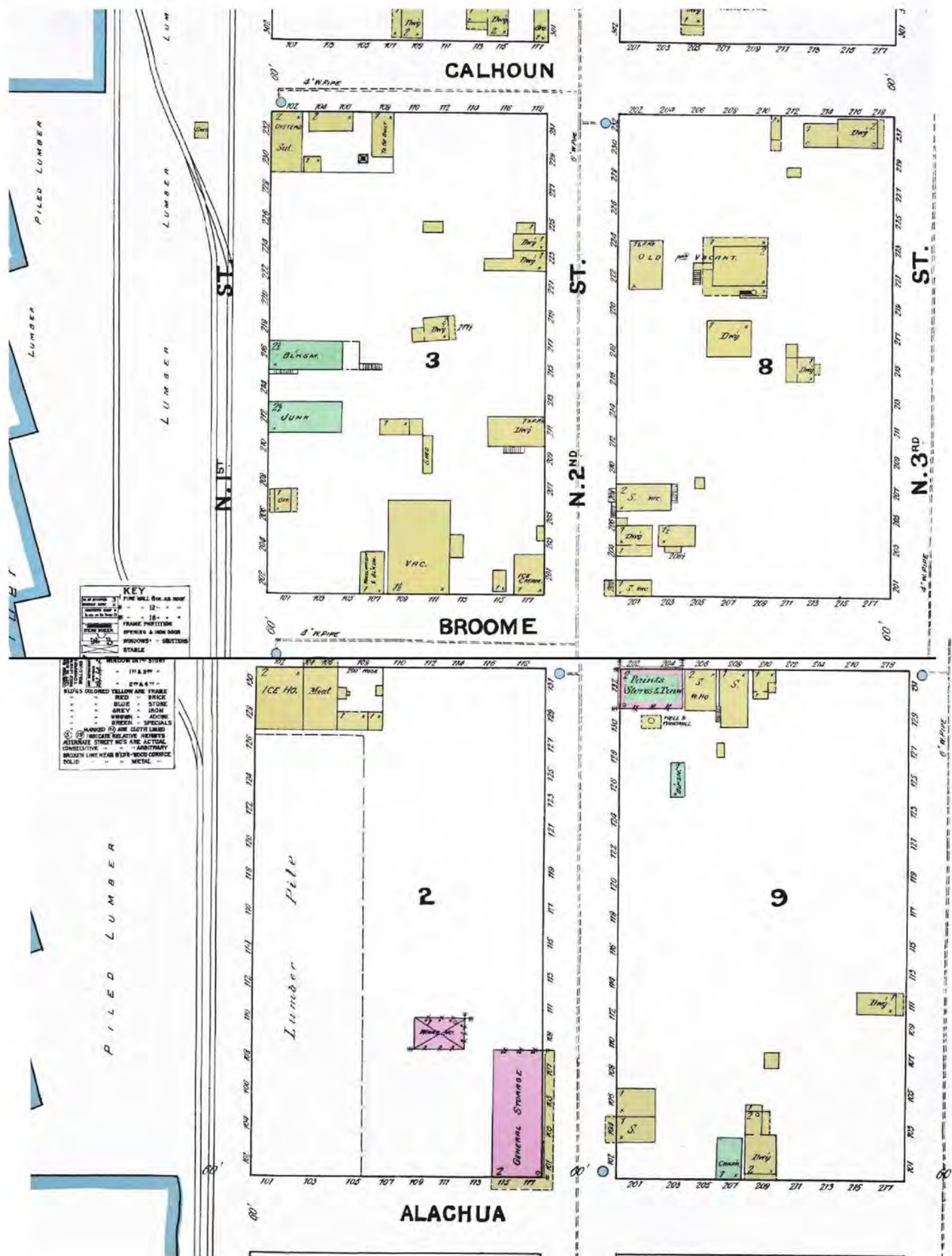
Brick..... Frame

Box repairing. Cabinet-making. Carpenters' shops. Distilleries. Flax mills. Flour
or Grist mills. Japanners. Lard refineries. Manufactories of Artificial hair, Bagging,
Candles, Chairs, Clocks, Confectionery, India-rubber or gutta-percha, Ivory or lamp-
black, Looking-glass and Picture frames, Oiled clothing, Organs, Paper-hangings,
Perfumery, Pianos, Soap, Trunks. Oil mills. Paper mills. Rectifying establishments.
Sagar refineries. Tallow-melting or chandleries. Wholesale druggists (with com-
pounding). Woolen mills. (And generally risks where much heat or light wood is
used.)

Brick..... Frame

Chemical laboratories. Coffee and Spice mills. Drug mills. Fireworks on sale.
Match factories. Oil-boiling houses. Planing and moulding mills. Printing-ink
factories. Sash, blind and door factories. Saw mills. Tar-boiling houses. Turpentine
distilleries. Varnish making. Window-shade factories.

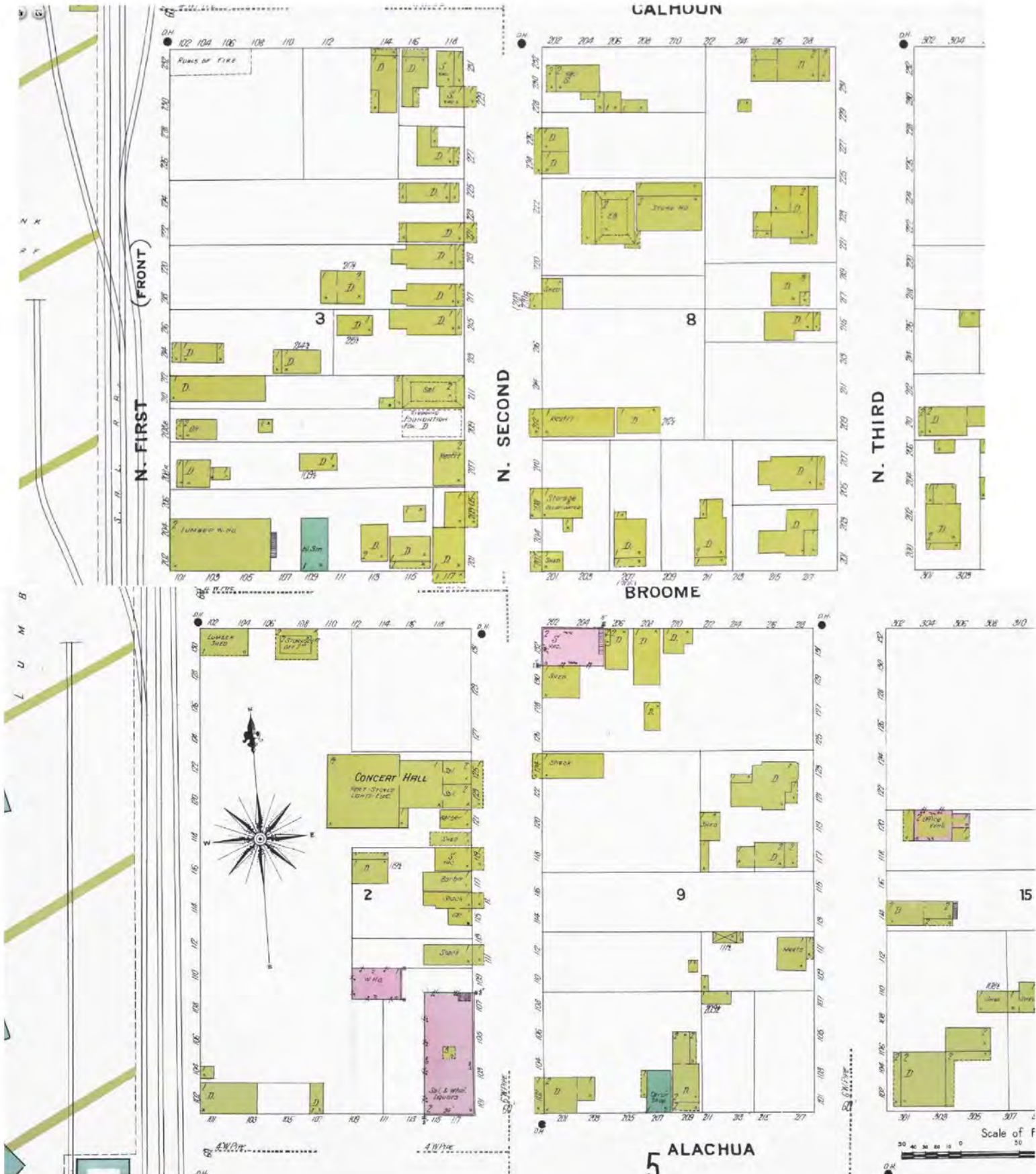


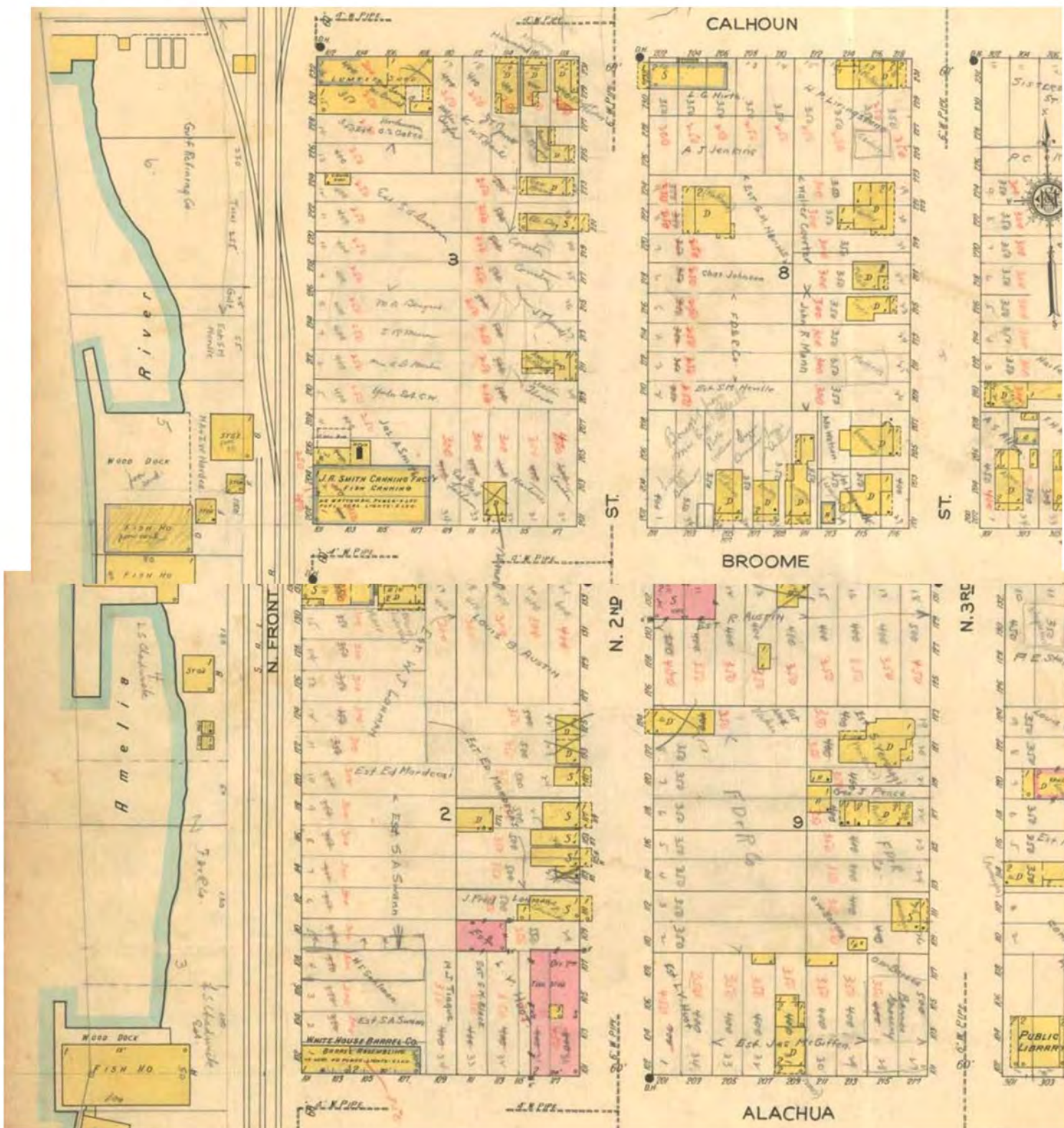






1909 Sanborn Map of N. 2nd Street





NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, March 5, 2019 at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2019-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC) TO ASSIGN A FUTURE LAND USE MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (CBD) FOR PROPERTY TOTALING APPROXIMATELY 0.43 ACRES OF LAND LOCATED AT 116, 118, AND 120 N. 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2019-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE CITY'S ZONING MAP FROM GENERAL COMMERCIAL (C-2) TO ASSIGN A ZONING MAP CATEGORY OF CENTRAL BUSINESS DISTRICT (C-3) FOR PROPERTY TOTALING APPROXIMATELY 0.43 ACRES OF LAND LOCATED AT 116, 118, AND 120 N. 2ND STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE



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

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

Copies of the applications with description by metes and bounds and the ordinance can be obtained in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 310-3115.

Note:

Please run as a DISPLAY in the February 20, 2019 edition of the News Leader.

Please send proof of publication to:

City Clerk's Office

City Hall, 204 Ash Street

Fernandina Beach, FL 32034

904-310-3115

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT:

ITEM TYPE: New Business

REQUESTED ACTION:

SYNOPSIS: Amendments to the Land Development Code.

FISCAL IMPACT:

CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S):

_____ Date: April 27, 2022

Submitted By: Jacob Platt, Senior Planner

COMMISSION ACTION:

ORDINANCE. 2007-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING SECTION 4 OF THE LAND DEVELOPMENT CODE BY ADDING AND ADOPTING A NEW SECTION 4.03.03 CONTAINING STANDARDS FOR DEVELOPMENT IN THE COMMUNITY REDEVELOPMENT AREA OVERLAY; PROVIDING FOR SEVERANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City recently created a Community Redevelopment Area (CRA) to promote revitalization of the working waterfront and adjacent areas; and

WHEREAS, the City, in conjunction with the Waterfronts Committee, has conducted workshops and visioning sessions to gather public input on community desires for development within the CRA; and

WHEREAS, certain objectives for development were established through these efforts which need to be ensured through regulation within the Land Development Code; and

WHEREAS, the City has prepared Section 4.03.03 of the Land Development Code which establishes these objectives as development standards within the CRA; and

WHEREAS, the draft of Section 4.03.03 has been reviewed at various public meetings, including the Waterfronts Committee and the Planning Advisory Board.

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

SECTION 1. The City Commission hereby approves and adopts Section 4.03.03 of the Land Development Code of the City of Fernandina Beach, containing Standards for Development in the Community Redevelopment Area Overlay, attached hereto as Exhibit A.

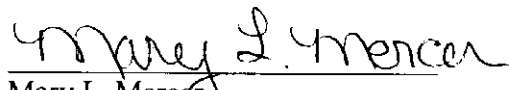
SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

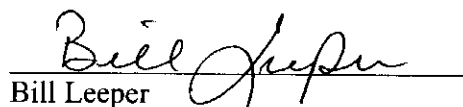
SECTION 3. This Ordinance shall become effective immediately upon adoption.

ADOPTED this 3rd day of April, 2007.

ATTEST:

CITY OF FERNANDINA BEACH


Mary L. Mercer
City Clerk


Bill Leeper
Commissioner – Mayor

ORDINANCE. 2007-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING SECTION 4 OF THE LAND DEVELOPMENT CODE BY ADDING AND ADOPTING A NEW SECTION 4.03.03 CONTAINING STANDARDS FOR DEVELOPMENT IN THE COMMUNITY REDEVELOPMENT AREA OVERLAY; PROVIDING FOR SEVERANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City recently created a Community Redevelopment Area (CRA) to promote revitalization of the working waterfront and adjacent areas; and

WHEREAS, the City, in conjunction with the Waterfronts Committee, has conducted workshops and visioning sessions to gather public input on community desires for development within the CRA; and

WHEREAS, certain objectives for development were established through these efforts which need to be ensured through regulation within the Land Development Code; and

WHEREAS, the City has prepared Section 4.03.03 of the Land Development Code which establishes these objectives as development standards within the CRA; and

WHEREAS, the draft of Section 4.03.03 has been reviewed at various public meetings, including the Waterfronts Committee and the Planning Advisory Board.

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

SECTION 1. The City Commission hereby approves and adopts Section 4.03.03 of the Land Development Code of the City of Fernandina Beach, containing Standards for Development in the Community Redevelopment Area Overlay, attached hereto as Exhibit A.

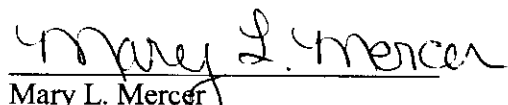
SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

ADOPTED this 3rd day of April, 2007.

ATTEST:

CITY OF FERNANDINA BEACH


Mary L. Mercer
City Clerk

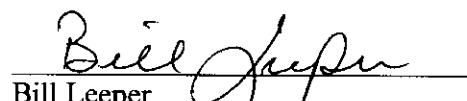

Bill Leeper
Commissioner – Mayor

EXHIBIT A

4.03.03 Standards for Development in the Community Redevelopment Area Overlay

A. Purpose

It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas.

B. The review of proposed development within the CRA Overlay shall be based upon compliance with the CRA Design Guidelines. Those properties within the CRA Overlay which are also located within the Downtown Historic District Overlay shall be reviewed for compliance with the Historic Preservation Design Guidelines, dated December 1999. All plans for development within the CRA Overlay shall be reviewed by the Historic District Council.

C. Site design standards specified in the overlay supersede the requirements for the underlying zoning district. Specific site design requirements that are not covered by the overlay shall follow the standards of the underlying zoning district.

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

1. Due to the nature of water dependent and water related uses, all new construction is exempt from Section 3.01.02(J) as well as the required 50-foot buffer from a natural water body as established in Section 3.03.03(B)1.
2. Building height shall be measured from the Base Flood Elevation (BFE) to the top of the roof, rather than from the finished grade, as established in 4.02.03(C). The maximum height of all structures shall not exceed 30 feet in height above the BFE. Roofs forms shall have a minimum pitch of 6:12. Flat roofs shall not be permitted.
3. Properties that have obtained the Waterfront Mixed Use Future Land Use designation are eligible for land uses in addition to those permitted in the Waterfront Industrial zoning and are specified in Tables 2.03.02 and 2.03.03. Floor area ratio shall not exceed 0.75. The floor area ratio shall be calculated based on the developable land area and shall not include portions of the site which remain submerged. Residential units are permitted if the property has a FLUM category of WMU and the units are located above a non-residential use. Stand alone residential units are prohibited.
4. Developers of Office, Commercial, and/or Waterfront Industrial uses may pay a fee in lieu of providing the required parking, as established in Table 7.01.04A. 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 two spaces per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking.

5. Front and rear yard setbacks are not required. In order to preserve view corridors and pedestrian access to the Amelia River, side yard setbacks and breaks between structures shall be provided as follows:

A. View Corridors

1. A 15-foot side yard setback on each side yard of a platted lot is required for water lots located to the north of Centre Street (water lots 1 through 9) with the exception of the line shared by water lots 2 and 3. These locations provide for alignment with existing east-west rights-of-ways at Broome and Calhoun Streets and also provide for mid-block corridors. The mid-block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.
2. Water lots to the south of Centre Street (water lots 25 through 40) shall provide a 30-foot break between buildings at intervals of no more than 200 feet as measured along Front Street. To be consistent with corridor alignment to the north of Centre Street, these 30-foot breaks shall align with existing east-west rights of way at Ash, Beech, and Cedar Streets and shall also provide for mid-block corridors. The mid-block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.
3. These view corridors shall remain open to the sky and shall not include any parking areas, accessory structures or mechanical equipment. Encroachments as permitted by Section 4.02.03(A) shall not be permitted within these view corridors.

B. Pedestrian Access

1. In addition to the required view corridors, publicly accessible pedestrian access to the water shall be integrated into the project's site design. These accessways shall provide a minimum width of eight (8) feet and shall occur at intervals of no more than 100 feet (plus or minus up to 10 (ten) feet) as measured along Front Street. Accessways may vary in size and design as necessary to complement the overall project design. To encourage architectural variety and visual interest, certain encroachments and structural elements may be permitted within the accessways subject to compliance with the adopted CRA Design Guidelines. These accessways may be dedicated to public use through easements or dedication of right-of-way, or they may be

retained under private ownership. In either case, these accessways shall remain open to and accessible by the public. If deemed necessary for security purposes, accessway closures may be permitted based on the posted operational hours of City beach access parking (exclusive of Main Beach or Seaside Parks).

E. Properties located within the CRA east of Front Street are subject to the following standards:

1. Facades up to 30 feet in height shall have a front yard setback no more than ten feet.
2. Facades up to 45 feet in height shall be recessed from the first 30 feet of façade a minimum of 10 feet. Awnings, pergolas, or covered balconies may encroach into this setback, but shall not extend beyond the first 30 feet of facade. Elements utilized to cover balconies shall not be a part of the main roof structure. Balcony enclosures (i.e., sun rooms, screened enclosures) shall be prohibited.
3. CRA properties located on the east side of North 2nd Street which share a property line with residentially-zoned, non-CRA properties shall meet the following standards:
 - a. Building height shall be limited to 35 feet, including the parapet for flat roofed structures.
 - b. Buildings shall provide a front yard setback of no more than 10 feet. Facade elements above 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 4.05.05(B).
 - d. All projects shall maintain a 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 7.01.04A. 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 two spaces 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.



CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

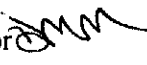
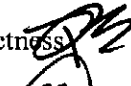
SUBJECT: ORDINANCE 2007-12; Section 4.03.03 of the Land Development Code, Standards for Development in the Community Redevelopment Area Overlay

DEPARTMENT: COMMUNITY DEVELOPMENT

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

SUMMARY: The Community Development Department presented a draft of the CRA Overlay (Section 4.03.03 of the Land Development Code) to the City Commission during a workshop session on December 5, 2006. The Commission directed staff to proceed with the draft to the Planning Advisory Board for consideration. The draft was presented to the Waterfronts Committee on January 8, 2007 and was discussed by the PAB during a workshop on January 9, 2007. After two special meetings (January 11 and February 5, 2007) to discuss the overlay and receive public comment, the PAB finalized a recommended draft for consideration by the City Commission. The City Commission voted 5-0 to approve Ordinance 2007-12 at first reading on March 6, 2007.

RECOMMENDED ACTION: Approve Ordinance 2007-12

DEPARTMENT HEAD	Submitted: Marshall McCrary Interim CDD Director 	Date: 03/15/07
	Requested Agenda:	Date: 04/03/07
FINANCE DEPARTMENT	Budgeted ☐ Yes ☐ No ☐ N/A	Date:
CITY ATTORNEY	Approved for Form and Correctness 	Date: 3/22/07
CITY MANAGER	Approved Agenda Item for 	Date: 3/30/07

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CDD ☐ FIN ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PRD ☐ PWD

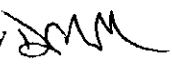


City of Fernandina Beach

PLANNING DEPARTMENT

MEMORANDUM

TO: Fernandina Beach City Commission

FROM: Marshall McCrary 

DATE: March 1, 2007

RE: Proposed CRA Overlay, March 6, 2007 City Commission Agenda
Response to Poole & Poole, P.A. letter dated February 20, 2007

The Planning Staff offers the following comments to the above-referenced correspondence.

The document which Poole & Poole, P.A. (the firm) indicates was only received on the date of the letter was the final draft as recommended by the Planning Advisory Board. Staff had only finalized the draft, incorporating the recommendations from the PAB's February 5, 2007 meeting, the preceding Friday. The original draft by staff has, of course, been available to the public since it was introduced to the City Commission during the December 5 workshop. As is always the case with draft ordinances, once discussion began with the Planning Advisory Board, certain modifications were made. At each meeting of the Planning Advisory Board, the modifications from the previous meeting were incorporated into the latest draft. Anyone who requested copies of these documents was provided them, with the advisement that it was a working draft, still subject to modification until acted on by the PAB.

Public comment was accepted at each PAB meeting, including the initial workshop meeting held on January 9, 2007. This item was further discussed and public comment received during the PAB's Special meetings on January 11, 2007 and February 5, 2007. As the minutes of these meetings (in your agenda packet) reflect, a number of individuals offered comment to the Board, including clients of the firm. Each of these meetings was properly noticed.

The firm further states that their clients were not included in the preparation of the proposed development standards. It is true that staff did not solicit input from any of the various stakeholders when drafting the CRA Overlay standards. This input had already been gathered from a variety of sources during the development of the CRA Plan, the Waterfronts Vision Plan, and meetings with the Waterfronts Committee. This collective input, borne of public participation, provided the basis for the elements of the draft overlay. The draft was then submitted to yet another public process through its consideration by the PAB. Opportunities for public involvement continue as the revised draft is considered by the City Commission.

The stakeholders in the CRA and waterfront redevelopment plan are not just the property owners or the firm's clients - they are the citizens of the City. It is generally considered good planning

practice to solicit overall community input for use in creating regulations which seek to assure certain public benefits through a development plan. Once this input is gathered, it is generally considered inappropriate for Staff to contact individual property owners for assessment of the impact of the proposed regulations on their specific project. Even if Staff had sought direct input from the property owners, the firm's clients could not have been consulted given their pending litigation with the City.

Strategies 2.1, 2.2 and 2.3 of the Community Redevelopment Plan (CRP) are cited as having been violated by this effort to generate the CRA Overlay.

Strategy 2.1: (timeframe - immediate)

The CRA shall work with private property owners to prepare an amendment(s) to the Comprehensive Plan to establish a new land use district(s) for the waterfront and transitional areas.

Strategy 2.2: (timeframe - immediate)

The CRA shall work with private property owners to prepare an amendment to the Zoning Code to establish new zoning district(s) and performance standards for the waterfront and transitional areas.

Strategy 2.3: (timeframe - immediate)

The CRA shall work with private property owners and the Historic District Council to prepare development standards for the waterfront and transitional areas. The intent of the development standards shall be to maintain the character of the area. Development standards should address architectural style, height restrictions, building setbacks, view corridors to the water, building massing, signage, landscaping, and screening of unattractive site elements such as parking and dumpsters.

Strategy 2.1 was certainly honored in the public process through the 2006-02 Comp Plan Amendment package which sought to create the Waterfronts Mixed Use (WMU) and Traditional Neighborhood Development (TND) future land use designations. Many hours were spent with the Waterfronts Committee and the Planning Advisory Board working out the details of these new land use designations.

Strategy 2.2 is the current process for creation of performance standards within the CRA Overlay. As stated above, these discussions have been in the public forum since December 2006.

Strategy 2.3 is about to begin by contracting for development of the CRA Design Guidelines. As this process has yet to begin, neither the firm's clients nor any other stakeholders have had the opportunity to participate in the creation of development standards.

Based on clear consensus among the various stakeholders, view and access corridors are to be required for developments along the waterfront. **The requirement that these openings be provided is not the same as requiring an easement over their property for public access.** The Commission will remember that establishment of an easement dedicated to the public remains an incentive in the WMU designation to receive residential density bonuses.

The firm goes on to mention several elements of the CRP (Objective 4, Strategy 4.3, Strategy 4.5 and Objective 5) which direct the City to coordinate a variety of street improvements, pedestrian accessways, removal of rail lines, and redesign of public lands on the waterfront. Nothing in the current CRA Overlay Standards is involved with these infrastructure elements. While the Design Guidelines will offer some input on the design standards for streetscapes and public spaces,

much work remains to be done on road openings, rail removals and street improvements. The City is moving forward on these items and will provide details for public consideration when they become available.

Parking, as discussed in Objective 7 of the CRP, is identified as a concern due to unimproved parking areas as well as the use of prime waterfront land for parking. The CRP directs the City to consider alternative locations for parking to the east of Front Street. "Primary consideration should be given to City-owned property and rights-of-way." None of this discussion indicates the City would fund necessary parking improvements. In fact, under "Opinion of Costs", the CRP notes that funding for parking may be provided by TIF Funds, proceeds from a land lease or public/private partnerships. The in-lieu fee is certainly an example of a public/private partnership. The fee builds a space, but it does not necessarily provide the land, infrastructure, landscaping, or lighting.

The firm's statements about view corridors attempts to differentiate "setbacks" from structure "breaks". The language in question is in Section 4.03.03(5)A(1) and (2). The language purposely differentiates the lots north of Centre Street from those south of Centre Street due to the significantly different configuration of the platted water lots. The language is designed to result in 30-foot wide openings along the full extent of the waterfront - these openings are to align with existing east-west rights-of-way as well as in the mid-block location. Whether acquired as a setback from a platted lot line or as a 30-foot break between structures, the accomplishment is the same. If the placement of these corridors was modified to address ownership, their locations would become unpredictable and arbitrary.

The firm's final point is the proposed height reduction and buffering requirement for properties along N. 2nd Street which share a property line with residentially zoned, non-CRA properties. The firm states the CRP does not call for this reduction or buffer. The CRP was not developed to serve as a zoning regulation and would not have provided the level of detail necessary to address specific concerns over height or buffering needs. During the course of discussions with the PAB, the draft was modified to provide for these requirements. As the minutes of these discussions indicate, it was deemed appropriate to provide some protection to these adjoining residential properties. This is the basis for distinguishing these properties from others in the CRA - they are the only properties in the CRA which adjoin strictly residential zoning.

The CRP is intended to "identify objectives and strategies for addressing the conditions of blight in a manner appropriate to the community....The Plan is intended to provide not only a vision for waterfront redevelopment but also an implementation strategy that identifies potential funding sources." In light of this intent, the Plan lays out a series of recommendations to act as a basis for future regulation or action. The proposed CRA Overlay is an attempt to add specific land use regulations which uphold recommendations of the plan.

The draft overlay under consideration is that which was recommended by the Planning Advisory Board. The thoughts and justification established by the Board in making this recommendation were conveyed during public session and are reflected in the meeting minutes. Staff requests the Commission review these minutes and note the absence of comment from the firm on any of the items addressed in its correspondence.

POOLE & POOLE, P.A.
Attorneys at Law
SUITE 200, ALLAN BUILDING
303 CENTRE STREET
FERNANDINA BEACH, FLORIDA 32034

WESLEY R. POOLE
H. PRICE POOLE, JR.
PAIGE POOLE POECHMANN *
*Admitted in Florida and Maryland
FRANCES G. BURGESS, C.L.A.

PLEASE REPLY TO:
POST OFFICE BOX 1280
FERNANDINA BEACH, FL 32035
TELEPHONE 904.261.0742
FACSIMILE 904.261.0745

February 20, 2007

Fernandina Beach City Commission
204 Ash Street
Fernandina Beach, FL 32034

RE: Proposed LDR development standards for the
Community Redevelopment Area ("CRA") Overlay

Dear Mayor and Commissioners:

We just today received for the first time the proposed LDR development standards included in your agenda for this afternoon's workshop session.

In our limited review of the Planning Department's proposed development standards for the CRA Overlay District, we observed several standards that are incongruous with the Community Redevelopment Plan ("CRP") adopted by Resolution No. 2005-113. Some of the standards are so blatantly in conflict with the CRP so as to be deemed substantial changes thereto, in violation of Florida Statutes section 164.361. We also believe some of the LDR development restrictions are arbitrary, discriminatory and without any rational basis.

First, Strategies 2.1, 2.2, and 2.3 of the CRP dictate that the CRA **"shall work with private property owners** to prepare an amendment(s) to the Comprehensive Plan..., an amendment to the Zoning Code..." and **"to prepare development standards** for the waterfront and transitional areas." Our clients were not included in the preparation of these proposed development standards.

Section 4.03.03 D. 5. B. of the proposed LDR mandates that pedestrian access to the waterfront **shall** be integrated into project site design, that the access ways be a minimum of 8 feet in

width and placed at intervals no less than 100 feet apart. However, the CRP specifically requires the City to *possibly* coordinate with owners west of Front Street to allow a sidewalk **easement** over their property for water access purposes. Objective 4 of the CRP also contemplates eliminating one of the two railroad tracks for pedestrian facilities and parking and possible coordination. Strategy 4.5 of the CRP mandates that the City shall consider creating a pedestrian crossing at Broome Street. Strategy 4.3 **requires** the City to consider design elements to create stronger pedestrian linkages between Centre Street and the waterfront. Objective 5 of the CRP calls for redesigning **public land** along the waterfront to promote public access to the water and again mentions considering obtaining **easements** across private property.

The CRP contemplates the City providing parking facilities, and not the private property owners in the CRA. However the proposed LDR calls for a fee in lieu of providing off street parking to be paid by the private CRA landowners.

Objective 6 says that the City should make efforts to maintain view corridors particularly at the foot of east/west streets. Strategy 6.2 of the CRP provides that the City "should work with private landowners to incorporate water-viewing areas in conjunction with redevelopment efforts, whenever practical." However, Section 4.03.03 5A of the proposed LDR requires a 15 foot side yard setback on each side yard for the 9 water lots north of Centre Street; while 30 foot breaks between buildings at 200 foot intervals are required for the 15 water lots south of Centre Street, no sideyard setbacks are required for the 15 water lots south of Centre Street, or in any other lots in the CRA. The CRP encourages maintaining view corridors; however, the City is not permitted to arbitrarily discriminate against certain property owners in this manner without a legitimate reason. That reason cannot be found in the CRP, nor in any other source.

Finally, Section 4.03.03 E 3 of the proposed LDR applies only to the CRA properties east of North 2nd street sharing a property line with residentially-zoned non-CRA properties. This Section imposes a 35 foot height restriction, requires a buffer along the shared property line, and a 20 foot rear yard setback. The CRP does not call for these restrictions on these or any other specific private property owners as the proposed LDR attempts to do. The LDR requires no buffer in other mixed commercial and residential properties within the CRA. Again, the City has no

legitimate reason for this distinction and imposing these development restrictions would be completely arbitrary and discriminatory.

We therefore request the Commission consider our comments on the proposed LDR and consult with Planning to remedy the above issues. We only received these standards this morning. There may be other issues to be resolved. However, what we have identified above were serious enough in our opinion to warrant sharing them with you for your consideration in today's workshop session.

Sincerely,

Paige P. Poehmann
Paige P. Poehmann
For the firm

Copy: clients

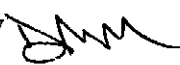


City of Fernandina Beach

PLANNING DEPARTMENT

MEMORANDUM

TO: Fernandina Beach City Commission

FROM: Marshall McCrary 

DATE: February 16, 2007

RE: Standards for Development within the CRA Overlay

On your March 6, 2007 agenda is consideration of the recommended language for Section 4.03.03 of the Land Development Code. This Section is intended to establish specific development parameters which ensure that developments within the CRA address certain community-based objectives.

These standards provide distinct requirements for all CRA properties and differentiate those properties which are located along the waterfront from those which lie to the east of Front Street. Further distinction is provided for the properties east of Front Street to address those CRA properties on N. 2nd Street which adjoin non-CRA, residentially zoned properties. Specific standards address building heights and types, view corridors and pedestrian accessways at the waterfront, and parking. Once adopted, these standards will be applicable to all development and redevelopment activities within the CRA, regardless of the underlying future land use or zoning.

Included in your agenda packets are the original staff proposal for these standards (as presented by Catherine Hartley in the City Commission workshop of December 5, 2006), the revised draft proposal as recommended by the Planning Advisory Board, as well as applicable communications between staff and the PAB.

During the City Commission workshop scheduled for 5pm on Tuesday, February 20, 2007, staff will provide an introduction to these materials and will be available to answer any questions.

Attachments

ORIGINAL STAFF RECOMMENDATION
(as presented to City Commission on 12/5/2006)

4.03.03 Standards for Development in the Community Redevelopment
Area Overlay

A. Purpose

It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas.

B. The review of proposed development within the CRA Overlay shall be based upon compliance with the CRA Design Guidelines, dated _____ and all plans shall be reviewed by the Historic District Council for compliance.

C. Site design standards specified in the overlay supersede the requirements for the underlying zoning district. Specific site design requirements that are not covered by the overlay shall follow the standards of the underlying zoning district.

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

1. Due to the nature of water dependent and water related uses, all new construction is exempt from Section 3.01.02 J as well as the required 50-foot buffer from a natural water body as established in Section 3.03.03 1.
2. Building height shall be measured from the Base Flood Elevation (BFE) to the top of the roof, rather than from the finished grade, as established in 4.02.03 C. The maximum height of all structures shall not exceed 30 feet in height above the BFE. Roofs forms shall have a minimum pitch of 6:12.
3. Properties that have obtained the Waterfront Mixed Use Future Land Use designation are eligible for land uses in addition to those permitted in the Waterfront Industrial zoning and are specified in Tables 2.03.02 and 2.03.03. Floor area ratio shall not exceed 0.75. Residential units are permitted if the property has a FLUM category of WMU and the units are located above a non-residential use. Stand alone residential units are prohibited.
4. Developers of Office, Commercial, and/or Waterfront Industrial uses may pay a fee in lieu of providing the required parking, as established in Table 7.01.04A. 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 the redevelopment trust fund and shall be utilized for parking improvements within the CRA. Residential uses must provide two spaces per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking.

5. Front and rear yard setbacks are not required. In order to preserve view corridors to the Amelia River, a 15 foot side yard setback on each side yard of a platted lot is required.

E. Properties located within the CRA east of Front Street are subject to the following standards:

1. First and second story facades up to 30 feet in height shall have a front yard setback no more than ten feet.
2. Third and forth story facades up to 45 feet in height shall be recessed from the second story façade a minimum of 10 feet. Awnings, pergolas, or covered balconies may encroach into this setback, but shall not extend beyond the second story façade.
3. Flat roofs are permitted but must provide a parapet at least 42 inches high in order to hide mechanical equipment.
4. Floor area ratio and density are established in the underlying zoning district.
5. Only one primary structure is permitted per lot of record.
6. All primary structures must maintain a 20 foot rear yard setback. Parking is permitted in the rear yard.
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 7.01.04A. 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 the redevelopment trust fund and shall be utilized for parking improvements within the CRA. Residential uses must provide two spaces 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.

RECOMMENDATION FROM PLANNING ADVISORY BOARD
(as approved by the PAB on 2/5/2007)

4.03.03 Standards for Development in the Community Redevelopment
Area Overlay

A. Purpose

It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas.

- B. The review of proposed development within the CRA Overlay shall be based upon compliance with the CRA Design Guidelines, ~~dated _____ and all plans shall be reviewed by the Historic District Council for compliance.~~ Those properties within the CRA Overlay which are also located within the Downtown Historic District Overlay shall be reviewed for compliance with the Historic Preservation Design Guidelines, dated December 1999. All plans for development within the CRA Overlay shall be reviewed by the Historic District Council.

- C. Site design standards specified in the overlay supersede the requirements for the underlying zoning district. Specific site design requirements that are not covered by the overlay shall follow the standards of the underlying zoning district.

- D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

1. Due to the nature of water dependent and water related uses, all new construction is exempt from Section 3.01.02(J) as well as the required 50-foot buffer from a natural water body as established in Section 3.03.03(B)1.
2. Building height shall be measured from the Base Flood Elevation (BFE) to the top of the roof, rather than from the finished grade, as established in 4.02.03(C). The maximum height of all structures shall not exceed 30 feet in height above the BFE. Roofs forms shall have a minimum pitch of 6:12. Flat roofs shall not be permitted.
3. Properties that have obtained the Waterfront Mixed Use Future Land Use designation are eligible for land uses in addition to those permitted in the Waterfront Industrial zoning and are specified in Tables 2.03.02 and 2.03.03. Floor area ratio shall not exceed 0.75. The floor area ratio shall be calculated based on the developable land area and shall not include portions of the site which remain submerged. Residential units are permitted if the property has a FLUM category of WMU and the units are located above a non-residential use. Stand alone residential units are prohibited.
4. Developers of Office, Commercial, and/or Waterfront Industrial uses may pay a fee in lieu of providing the required parking, as established in Table 7.01.04A. 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 ~~the redevelopment trust fund and shall be utilized for parking improvements within the CRA~~ a trust fund for downtown parking improvements which serve the CRA properties. Residential uses must provide two spaces per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking.

5. Front and rear yard setbacks are not required. In order to preserve view corridors and pedestrian access to the Amelia River, side yard setbacks and breaks between structures shall be provided as follows:

A. View Corridors

1. A 15-foot side yard setback on each side yard of a platted lot is required for water lots located to the north of Centre Street (water lots 1 through 9). These locations provide for alignment with existing east-west rights-of-ways at Alachua, Broome, and Calhoun Streets and also provide for mid-block corridors. The mid-block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.
2. Water lots to the south of Centre Street (water lots 25 through 40) shall provide a 30-foot break between buildings at intervals of no more than 200 feet as measured along Front Street. To be consistent with corridor alignment to the north of Centre Street, these 30-foot breaks shall align with existing east-west rights of way at Ash, Beech, and Cedar Streets and shall also provide for mid-block corridors. The mid-block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.
3. These view corridors shall remain open to the sky and shall not include any parking areas, accessory structures or mechanical equipment. Encroachments as permitted by Section 4.02.03(A) shall not be permitted within these view corridors.

B. Pedestrian Access

1. In addition to the required view corridors, publicly accessible pedestrian access to the water shall be integrated into the project's site design. These accessways shall provide a minimum width of eight (8) feet and shall occur at intervals of no more than 100 feet (plus or minus up to 10 (ten) feet) as measured along Front Street. Accessways may vary in size and design as necessary to complement the overall project design. To encourage architectural variety and visual interest, certain encroachments and structural elements may be

permitted within the accessways subject to compliance with the adopted CRA Design Guidelines. These accessways may be dedicated to public use through easements or dedication of right-of-way, or they may be retained under private ownership. In either case, these accessways shall remain open to and accessible by the public. If deemed necessary for security purposes, accessway closures may be permitted based on the posted operational hours of City beach access parking (exclusive of Main Beach or Seaside Parks).

E. Properties located within the CRA east of Front Street are subject to the following standards:

1. ~~First and second story~~ Facades up to 30 feet in height shall have a front yard setback no more than ten feet.
2. ~~Third and fourth story~~ Facades up to 45 feet in height shall be recessed from the second story the first 30 feet of facade a minimum of 10 feet. Awnings, pergolas, or covered balconies may encroach into this setback, but shall not extend beyond the second story first 30 feet of facade. Elements utilized to cover balconies shall not be a part of the main roof structure. Balcony enclosures (i.e., sun rooms, screened enclosures) shall be prohibited.
3. CRA properties located on the east side of North 2nd Street which share a property line with residentially-zoned, non-CRA properties shall meet the following standards:
 - a. Building height shall be limited to 35 feet, including the parapet for flat roofed structures.
 - b. Buildings shall provide a front yard setback of no more than 10 feet. Facade elements above 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 4.05.05(B).
 - d. All projects shall maintain a 20 foot rear yard setback for principal structures.
4. Flat roofs are permitted but must provide a parapet ~~at least~~ 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. ~~All primary structures must maintain a 20 foot rear yard setback. Parking is permitted in the rear yard.~~
8. Accessory structures must comply with the standards of the underlying zoning district as well as Section 5.01.00 of this LDC.

9. Side yard setbacks are not required.
10. Developers of Office, Retail, or other Commercial uses may pay a fee in lieu of providing the required parking, as established in Table 7.01.04A. 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 ~~the redevelopment trust fund and shall be utilized for parking improvements within the CRA~~ a trust fund for downtown parking improvements which serve the CRA properties. Residential uses must provide two spaces 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.



City of Fernandina Beach

PLANNING DEPARTMENT

MEMORANDUM

TO: Planning Advisory Board

FROM: Marshall McCrary 

DATE: February 2, 2007

RE: CRA Overlay - Waterfront Lots and View/Access Corridors

Under consideration by the Planning Advisory Board is Section 4.03.03 of the Land Development Code, *Standards for Development in the Community Redevelopment Area Overlay*. The purpose of this Overlay is to establish basic development parameters for CRA properties based on stated goals and objectives of both the CRA Plan and the Waterfronts Vision Plan. Specific directives are established in both of these community based plans which need to be established by Code. These include:

- retaining view corridors to the waterfront;
- increasing public access to the waterfront;
- promoting a mixture of uses which fosters increased activity along the waterfront and encourages redevelopment;
- ensuring the scale and design of development along the waterfront is compatible with and complementary to the historic downtown; and,
- establishing distinct design guidelines for CRA properties which differentiate waterfront properties from those to the east of Front Street.

Regulations associated with development within the CRA must provide a balance between encouraging investment/redevelopment and protecting the waterfront, the historic downtown and surrounding neighborhoods. The CRA Overlay should establish the basic framework for this balance while the accompanying Design Guidelines (being contracted with anticipated completion in May/June 2007) address the specifics of public and private design.

Comments from the Board at our last meeting (January 11, 2007) directed staff to formulate options for the provision of view and access corridors for CRA properties along the waterfront. These corridors are addressed in Section 4.03.03(D)5. Three options are provided; each maintains a requirement for a 30-foot wide view corridor to align with existing east-west street rights-of-way. This requirement is recommended by both the CRA and the Waterfronts Visioning Plans. Two of the options require for an additional 30-foot wide view corridor to fall

at the mid-block locations. Two of the options require smaller scale openings, designed to provide for pedestrian access, at intervals of no more than 100 feet.

It is important to remember that view corridors serve a different purpose than accessways. View corridors should be wide - as proposed at 30', they act as an extension of existing roadways. They are large enough to provide for broad views to the water and to permit an abundance of natural light and air movement. Accessways, however, are designed to facilitate and encourage pedestrian passage to the waterfront. They may be far smaller than a view corridor to accomplish this. These accessways should be visually interesting and should represent an extension of their surroundings. The use of architectural elements, landscape and lighting should be an integral part of their design. While benefiting the general public by enhancing opportunities for access to the river, these accessways should also serve to benefit the development which includes them.

The Overlay's requirement to provide both view corridors and accessways does not conflict with the incentives provided for density bonuses in the new Waterfront Mixed Use (WMU) future land use designation. To be eligible for the bonus, a developer must dedicate these corridors to public use via an easement or public right-of-way; this is not a requirement of the Overlay. Additionally, the Overlay must establish corridor requirement for those properties which opt to redevelop under the existing Industrial Waterfront (IW) future land use designation or those which do not utilize the density bonus available under WMU.

Attached are the three options proposed for view/access corridors and the current draft language proposed for Section 4.03.03. I look forward to our discussion of these items Monday night.

Attachments

Options for the Provision of View and Access Corridors along the Waterfront

Option 1: (same as in current draft) Results in the creation of 30' corridors to provide for views and access at approximately every 200' along Front Street. The 30' corridors align with the east-west rights-of-way of Cedar, Beech, Ash, Alachua, Broome and Calhoun Streets. Additional 30' corridors fall at mid-block points. Additional openings of less than 30' can be expected to serve individual projects but are not specifically required.

5. Front and rear yard setbacks are not required. In order to preserve view corridors and pedestrian access to the Amelia River, side yard setbacks and breaks between structures shall be provided as follows:
 - A 15-foot side yard setback on each side yard of a platted lot is required for water lots located to the north of Centre Street (water lots 1 through 9). These locations provide for alignment with existing east-west rights-of-ways at Alachua, Broome, and Calhoun Streets and also provide for mid-block corridors.
 - Water lots to the south of Centre Street (water lots 25 through 40) shall provide a 30-foot break between buildings at intervals of no more than 200 feet. To be consistent with corridor alignment to the north of Centre Street, these 30-foot breaks shall align with existing east-west rights of way at Ash, Beech, and Cedar Streets and shall also provide for mid-block corridors.
 - These view corridors shall remain open to the sky and shall not include any parking areas, accessory structures or mechanical equipment. Encroachments as permitted by Section 4.02.03(A) shall not be permitted within these view corridors.

Options 2: Results in the creation of 30' corridors to provide for views and access at approximately every 200' along Front Street. The 30' corridors align with the east-west rights-of-way of Cedar, Beech, Ash, Alachua, Broome and Calhoun Streets. Additional 30' corridors fall at mid-block points. Additional openings to provide for pedestrian access are required to occur at intervals of no more than 100 feet.

5. Front and rear yard setbacks are not required. In order to preserve view corridors and pedestrian access to the Amelia River, side yard setbacks and breaks between structures shall be provided as follows:
 - View Corridors
 - A 15-foot side yard setback on each side yard of a platted lot is required for water lots located to the north of Centre Street (water lots 1 through 9). These locations provide for alignment with existing east-west rights-of-ways at Alachua, Broome, and Calhoun Streets and also provide for mid-block corridors.
 - Water lots to the south of Centre Street (water lots 25 through 40) shall provide a 30-foot break between buildings at intervals of no more than 200 feet as measured along Front Street. To be consistent with corridor alignment to the north of Centre Street, these 30-foot breaks shall align

with existing east-west rights of way at Ash, Beech, and Cedar Streets and shall also provide for mid-block corridors.

- These view corridors shall remain open to the sky and shall not include any parking areas, accessory structures or mechanical equipment. Encroachments as permitted by Section 4.02.03(A) shall not be permitted within these view corridors.
- Pedestrian Access
 - In addition to the required view corridors, publicly accessible pedestrian access to the water shall be integrated into the project's site design. These accessways shall provide a minimum width of eight (8) feet and shall occur at intervals of no more than 100 feet as measured along Front Street. Accessways may vary in size and design as necessary to complement the overall project design. To encourage architectural variety and visual interest, certain encroachments and structural elements may be permitted within the accessways subject to compliance with the adopted CRA Design Guidelines. These accessways may be dedicated to public use through easements or dedication of right-of-way, or they may be retained under private ownership. In either case, these accessways shall remain open to and accessible by the public. If deemed necessary for security purposes, accessway closures may be permitted based on the published operational hours of City parks.

Options 3: Results in the creation of 30' corridors to provide for views and access only to align with the east-west rights-of-way of Cedar, Beech, Ash, Alachua, Broome and Calhoun Streets. Additional openings to provide for pedestrian access are required to occur at intervals of no more than 100 feet.

5. Front and rear yard setbacks are not required. In order to preserve view corridors and pedestrian access to the Amelia River, side yard setbacks and breaks between structures shall be provided as follows:

- View Corridors
 - A 15-foot side yard setback on each side of the shared lot line is required for water lots 2 and 3, water lots 4 and 5, and water lots 6 and 7. These locations provide for alignment with existing east-west rights-of-ways at Alachua, Broome, and Calhoun Streets.
 - Water lots to the south of Centre Street (water lots 25 through 40) shall provide a 30-foot break between buildings. To be consistent with corridor alignment to the north of Centre Street, these 30-foot breaks shall align with existing east-west rights of way at Ash, Beech, and Cedar Streets.
 - These view corridors shall remain open to the sky and shall not include any parking areas, accessory structures or mechanical equipment. Encroachments as permitted by Section 4.02.03(A) shall not be permitted within these view corridors.
- Pedestrian Access
 - In addition to the required view corridors, publicly accessible pedestrian access to the water shall be integrated into the project's site design. These

accessways shall provide a minimum width of eight (8) feet and shall occur at intervals of no more than 100 feet as measured along Front Street. Accessways may vary in size and design as necessary to complement the overall project design. To encourage architectural variety and visual interest, certain encroachments and structural elements may be permitted within the accessways subject to compliance with the adopted CRA Design Guidelines. These accessways may be dedicated to public use through easements or dedication of right-of-way, or they may be retained under private ownership. In either case, these accessways shall remain open to and accessible by the public. If deemed necessary for security purposes, accessway closures may be permitted based on the published operational hours of City parks.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission of the City of Fernandina Beach, Florida, will hold a public hearing on Tuesday, April 3, 2007 at 6:00 p.m., in the City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida, on the proposed Ordinance Number 2007-10 entitled as follows:

ORDINANCE NUMBER
2007-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM HIGH DENSITY RESIDENTIAL TO RECREATION FOR SAN CARLOS PLAZA IN OLD TOWN, BOUNDED BY WHITE, ESTRADA, AND SOMERUELUS STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NUMBER
2007-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CHANGING THE FUTURE LAND USE MAP DESIGNATION FROM RECREATION TO HIGH DENSITY RESIDENTIAL FOR LOTS 5, 6, 7, 8, 9, 11, AND 12 OF BLOCK 16 IN OLD TOWN, LOCATED ON WHITE, NEW, AND SOMERUELUS STREETS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NUMBER

2007-12

→ AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING SECTION 4 OF THE LAND DEVELOPMENT CODE BY ADDING AND ADOPTING A NEW SECTION 4.03.03 CONTAINING STANDARDS FOR DEVELOPMENT IN THE COMMUNITY REDEVELOPMENT AREA OVERLAY; PROVIDING FOR SEVERANCE; AND PRO-

VIDING FOR AN EFFECTIVE DATE

A copy of said proposed ordinances may be inspected by the public at the office of the undersigned at 204 Ash Street, Fernandina Beach, Florida. Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered with respect to such ordinance.

ALL MEMBERS OF THE PUBLIC ARE INVITED TO BE PRESENT AND BE HEARD. IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WITH DISABILITIES REQUIRING ACCOMMODATIONS IN ORDER TO PARTICIPATE IN THIS PROGRAM OR ACTIVITY SHOULD CONTACT 277-7305 OR TDD 277-7399 OR FLORIDA RELAY SERVICE 1-800-955-8771, AT LEAST 24 HOURS IN ADVANCE TO REQUEST SUCH ACCOMMODATION.

11 03-21-2007
5745

MINUTES

APPROVED

I. Call to Order

Chair Bennett called the meeting to order at 6:02 pm.

II. Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
David Beal
William A. Conger
Shaun Woleshin
Eric Bartelt (alternate)

Paul Condit, Vice-Chair
Richard Bradford
Marilyn Williamson

Robert Howat (alternate)

Others Present

Debra Braga, City Attorney
Jeff Salter, Community Development Department Director
Marshall McCrary, City Planner
Kevin Sullivan, City Planner
Jessica Williams, Recording Secretary

III. Discussion

Proposed standards for development in the Community Redevelopment Area (CRA) overlay district.

Mr. McCrary referred to the draft language for the CRA overlay and commented that staff reviewed this document last night with the Waterfronts Committee and their discussion items would be brought up during the review of this document. He noted that there were representatives of a specific project present at this meeting and commented that it would be good to see these proposed parameters applied to an actual building and what that might look like. He reported that on December 19th the City Commission considered adoption of the second transmittal for the Comprehensive Plan amendment and they adopted an amended version on the amendment. He pointed out that the Traditional Neighborhood Development (TND) designation was dropped from the transmittal and that staff would revisit the topic of Floor Area Ratio (FAR) for all commercial in one of the cycles for 2007. He briefly explained the process the amendment would go through with the Department of Community Affairs (DCA). He referred to the memorandum dated November 28, 2006 from Ms. Hartley and explained that Mr. Sullivan and himself would take over in carrying this project forward since Ms. Hartley left the City.

Chair Bennett noted that over the last six months to a year there were things that were put off until later and commented that hopefully there was a list of those things to work on. Member Williamson expressed her opinion that the most important item was the zoning categories for the CRA. Mr. McCrary pointed out that this language was a start in that effort in creating an overlay and part of the packet addresses the newly created zoning district that would take over for the Waterfront Mixed Use (WMU) Future Land Use designation. He explained that the overlay was going to apply to all projects within the CRA regardless of their zoning. He clarified that the overlay supersedes and establishes specific requirements and then zoning picks up with the remainder of the pieces that are not addressed by the overlay. Member

Bradford inquired if the WMU category was corrected by December 19th. Mr. McCrary replied yes and explained that the memo of November 28th was written in anticipation that the language would be adopted by the City Commission on December 19th. There was a brief discussion to clarify this noting that TND was removed from the amendment, since the DCA needed some justification for the TND category given the availability of the Central Business District (CBD) designation and the Waterfront Mixed Use (WMU) designation.

Member Williamson inquired if any of the new development would have to be developed at 8 units per acres. Mr. McCrary replied unless the holdings are made up of previously platted lots of record, which entitle the property owner to one dwelling unit per lot of record. Member Williamson questioned where downtown would it not be previously platted. She commented that this puts it back at 17 units per acre where TND had 8 units per acre. She noted that the City Commission's intent was 8 units per acre with a maximum of 16 units per acre. Mr. McCrary pointed out that the density issue had already been addressed by the City Commission with their adoption. He clarified that the Comprehensive Plan grants CBD 8 dwelling units per acre. He noted that there are other provisions that allow people to exceed that based on a preexisting situation with those platted lots of record. There was some further discussion about this topic.

Chair Bennett commented that all this time was put in for the area east of Front Street, because there were objections to including that area as part of the CBD. Mr. McCrary pointed out that the availability of that district didn't necessarily mean that it was going to be utilized for development of these properties. He clarified that there are some properties in the CRA that carry the CBD land use designation so there was no guarantee that those properties would convert over to TND. He pointed out that certain limiting factors could be established through the overlay to address the concerns associated with the CBD (building height, placement of the structure). Member Howat requested clarification of no doubling. Mr. McCrary pointed out that under TND there was a density bonus, but with the loss of TND those incentives are gone. There was some discussion about the objections raised by the DCA. There was some discussion about affordable housing under the Comprehensive Plan. Mr. McCrary pointed out that although the City has not provided incentives to encourage affordable housing there are regulations that try to foster more creative and flexible development that might lead to more affordable housing. There was a discussion about the available land uses for the CRA that included Industrial, General Commercial, and Central Business District and it was noted that only those west of Front Street would be eligible for the new Waterfront Mixed Use.

Chair Bennett inquired which would be quicker for the City to progress with the TND and address those objections or for property owners to ask for a land use amendment. He pointed out that there are people who have been told that the City was going to go through with the amendment so that they could go forward with plans for their projects. Mr. McCrary pointed out that either way the new designation has to be created and pass muster with the DCA. He stated that then the City could make application for a property to convert an area or the property owner could apply for it, but either way the process and timeframe is the same. Chair Bennett explained that he thought the City was going to have a new land use designation for the area east of Front Street north of Centre Street. Mr. McCrary explained that it was to be available, but not applied to the map. There was some discussion about zoning being done at the local level noting that it must be endorsed by the City's Comprehensive Plan and Future Land Use Map.

Member Williamson referred to DCA's objections to TND and noted that part was a documentation issue. Mr. McCrary clarified that they were looking for justification.

Member Williamson noted that there were issues of ability to provide service to that area and transportation issues. She inquired that even if the City was going to control it locally should those same questions be an issue. Mr. McCrary explained that based on the proposed change to the Comprehensive Plan that would have allowed a different development scenario on these properties and therefore the City would have to provide justification as to how the City can support that increase density or intensity. He stated that when the City does a zoning overlay it does not affect density or any of the rights and privileges granted by the Comprehensive Plan. He clarified that anything done with the overlay or zoning has to be upheld by the Comp Plan. He explained that the overlay is establishing development parameters i.e. building height, building placement, setbacks, parking requirements, etc. He pointed out that changing the Future Land Use on a piece of property was still under the DCA's purview. He clarified that if it was under 10 acres it is handled locally, but was still under DCA's authority as a small scale amendment. City Attorney Braga pointed out that with zoning there is no 10 acre rule. Member Williamson questioned if when owners apply for these applications would there be a change to both. City Attorney Braga replied that there could be a change to both.

Mr. McCrary clarified that what was before the PAB was a draft that came about from the City Commission workshop that reviewed the basic parameters. He pointed out that the PAB can make appropriate modifications to foster the kind of development that we want to see in the CRA. He explained that in addition to the overlay there would be design guidelines that would be administered by the Historic District Council (HDC) that would be used in reviewing the architectural design and finish materials for new structures within the CRA. There was some discussion about the boundaries of the CRA.

City Attorney Braga pointed out that there are properties right on the water that are still in the coastal high hazard area and they would not be able to increase density and not be able to get a CBD designation. She explained that the difference between industrial was that it has no residential component, but the CBD does. Mr. McCrary reminded the board that once the Comprehensive Plan amendment goes into effect the City's coastal high hazard area would be greatly redefined. He explained that through WMU and the Comp Plan provides for mitigation of that increase density. He provided clarification of the boundaries of the CRA. He read paragraphs B and C from the memorandum. He clarified that the base flood elevation (BFE) on Front Street was 11 feet, which was 3 to 5 feet above where you are standing. He pointed out that the appearance of the structure would be 35 feet. He explained that staff was looking at allowing waterproofing for the first floor for non-residential construction. He stated that the Building Code allows it and the Federal Government allows it, but the land development code has some specific restrictions against it. There was some discussion about the measurement and building at the BFE along Front Street. It was noted that what was proposed was to maintain visibility to the water and minimize the bulk.

Member Williamson questioned if with a BFE of approximately 11 feet would that space be usable for parking, etc. Mr. McCrary replied that if the City allows flood proofing it could be used for commercial spaces and office space. He commented that this was an opportunity to foster mixed use allowing residential upstairs and getting ground level entry into commercial spaces. He explained that if the City doesn't allow flood proofing then they would be required to build one foot above the base flood elevation so the first floor entry would have to be at 12 feet. He pointed out then the entry would not be in keeping with the retail development pattern that the City has. He commented that if commercial is not allowed to go in below BFE then it gets into the available space for residential units above those, which minimizes the viability and the amount of residential that might result from mixed use.

development along the waterfront. There was an extensive discussion to further clarify this and flood proofing was explained.

Mr. Curt Daniel, President of ODPR Architects, Hollywood Florida, explained that one of his clients asked to illustrate this based on the City's guidelines. He referred to the information handed out and presented a page with a pitched roof with a car at one level and another page. He explained that these two illustrations show the two options for the mysterious 11 feet. He commented that study "A" show typical retail where you walk in off the street and the dashed line shows elevation 11. He explained that for study "B" you would walk up a series of steps to reach the shop, but that doesn't quite work for retail. He pointed out that both buildings are 30 foot tall buildings. He commented that throughout downtown is what is seen in study "A". There was a detailed review and discussion of the information shown. The board discussed the visual impacts of the height, parking concerns, noting that entrances to the building for commercial were better at grade, and concerns of buildings along the waterfront overshadowing what already exists downtown.

Member Williamson questioned why not set a cap for height of 41 feet. Mr. Sullivan explained that one reason was that people would tend to fill below the flood plain. Member Williamson commented that she thought there was an item to prevent that. Mr. Sullivan replied yes, but there are ways for them to design around that if they provide compensating storage in other places. He explained that what was proposed was to provide a level playing field for the CRA waterfront lots. There was further discussion about this.

Mr. McCrary explained that (C)(3) would have a table of uses from the zoning code that was expanded to include the new uses. After a clarification of this, Mr. McCrary pointed out that the Floor Area Ratio (FAR) would be capped at .75 and that residential uses would be permitted above a non-residential use. Member Bartelt noted that there was nothing saying that they can't have commercial on the second story. Mr. McCrary explained that they were capped at the .75 FAR which would limit the amount of commercial. Member Williamson pointed out that the FAR was lowered from what was presented. Mr. McCrary explained that a City wide transportation study would have to be done to support a higher level of development. He clarified that the .75 FAR was reflective of the industrial that exists on the waterfront. Chair Bennett inquired what the other zoning designations on the waterfront were. Mr. McCrary replied he didn't think there was anything other than Industrial Waterfront right now. There was further discussion about the .75 FAR noting that to increase the FAR it would have to pass the limit test with DCA.

Chair Bennett inquired if the FAR for the waterfront lots included the submerged land or just the uplands portion. He commented that most of the waterfront lots are on submerged lands. Mr. McCrary explained that many are not buildable without the benefit of bulkheading and getting that land area increased. He stated that his expectation was this should be based on the buildable land involved on the site. Chair Bennett questioned if there is a bulkhead out there what increase would there be in lot sizes that then would be buildable. There was some further discussion about bulkheading to make properties buildable. The board asked some questions of the architect for the information that they presented and it was noted that his client has made efforts to secure bulkhead rights.

Mr. Ed Monarchic, Lane Company, explained that over the last 14 months they have had discussions with the Department of Environmental Protection (DEP), the Army Corps of Engineers, and the Division of State Lands regarding the entire riverfront and what can be done. He stated that the biggest issue is there is an underlying title dispute that runs up and down the river. He pointed out that there are parcels platted out into the river and the owners

are saying that they own that and the State says they own the land under the water. He explained that they were trying to reestablish the bulkhead line so there wouldn't be silt build up. He stated that they had proposed about 110 feet from the street side property line out and then they would reestablish the bulkhead line. After a clarification of this, Member Williamson inquired if the drawings submitted based on .75 FAR included the submerged land. Mr. Daniel stated that he didn't know there was a .75. He calculated that they had a little over 9,000 square feet and it would probably come down to 8,000. Mr. McCrary explained that once the required visual openings for visibility out to the water and factoring in the dedication of the boardwalk areas chances are that 75% is generally going to work. There was further discussion about the FAR noting that it deals with just the commercial noting that there needed to be a study to know if the City could support a higher FAR.

Chair Bennett questioned if the CRA was going to fund the bulkheads or were the property owners going to fund it and potentially get some pay back. Mr. McCrary replied he didn't think the bulkhead was an element of the CRA funding. He explained that his understanding was for the private property owners to do bulkheading if they so chose and incur that expense themselves. After some further discussion about this, Mr. McCrary presented details from (C)(4) from the memorandum. He pointed out that a specific fee had not been set, but it would be based on the average cost to provide a parking space in the City. He explained that the Waterfront Committee questioned if this was going to be used for parking did it need to be limited to the CRA area or could it be elsewhere in the City if it supports the CRA. City Attorney Braga explained that the only CRA money that is limited is the tax money so the parking funds could be used elsewhere. Mr. McCrary pointed out that residential parking would be required on-site. There was some discussion about the parking requirements noting that the standards were in the land development code.

Mr. McCrary explained that on the waterfront lots staff wanted to acknowledge the limitation on parking in terms of land area, but non-waterfront lots the major concern was addressing those properties that choose CBD and C-3 and there is no parking requirement at all. He stated that staff wanted to make sure that the City was not allowing development within the CRA that doesn't provide for at least the residential element of parking. There was some discussion noting that a parking study would need to be done to evaluate the parking needs of downtown.

Member Bradford inquired if the waterfront frontages would be allowed to build out over the water once they've established a submerged land lease and wouldn't they have parking space in front of their establishment. Mr. McCrary replied that is a possible scenario. It was explained that it would be highly unlikely to build out further than the bulkhead line.

Mr. McCrary read from (C)(5) and explained that this was to address the desire for view corridors out to the river. He commented that the Waterfront Committee discussed this and there was a general consensus to have the corridors at intersecting point with the existing platted roads. He pointed out that the view corridors were for platted lot lines not based on ownership. An example was presented by Mr. Daniel. Chair Bennett inquired about the size of the lots. Mr. Tomassetti pointed out that the view corridors line up with the streets and at mid-block. One of the drawings presented showed a view corridor at mid-block. Mr. McCrary explained that the Waterfront Committee discussed whether the mid-block could be an opening that could have some type of architectural element or habitable space above, but provides path and view corridor under the opening. He pointed out that the intention when the language was written was that the corridors would be open to the sky. Member Williamson referred to the archway idea and commented that an idea like this was rejected by Destin Florida because they wouldn't be able to get emergency vehicles in through the

archways. Mr. Daniel explained that 200 feet was a standard dimension that was allowed with a turn circle to get the fire trucks down and be able to turn around. Member Williamson pointed out that emergency vehicles needed to be able to get to the location and suggested consulting the Fire Chief about this type of design. Member Bartelt commented that if the 200 foot applies then the mid-block view corridors would not need to be accessed by a fire truck. He explained that from a design standpoint consideration needs to be given that mid-block view corridors could be narrower than 30 feet.

Mr. Daniel referred to the overall site plan and noted that it was 45 feet to the height of the roof as measured from grade. He presented some drawings as a section study that shows what could happen with the building. He briefly described one drawing had the garages in the back with two floors up and then the building steps back 10 feet. He pointed out the other drawing had a flat roof that also stepped back. He explained that they discussed with staff allowing the roof to overhang that step back a little bit in order to create a balcony with some shade. He provided some clarification of the site plan presented to the board. There was some discussion about the visual height of 45 feet that was shown in the handout.

Mr. McCrary explained that there was discussion about allowing the roof to fully extend to the front of the façade down to the ground level, which would cover the recessed area as a porch. Member Williamson inquired if that would undo reducing the visual mass. Mr. McCrary replied he was relaying what was discussed by the Waterfront Committee. Mr. Daniel presented an example from Misner Park using arches and other things at the top of the building that breaks down the mass of the building. Member Condit commented that not everybody that develops along this area won't necessarily have the great architectural taste and design. Member Howat inquired how this decision was made and was it from the architect's proposal so that they aren't all flat. Mr. McCrary explained that they would have to meet the zoning regulations and the overlay requirements. He stated that all projects would have to come through the HDC for review based on the new guidelines that will be developed for the CRA. He explained that this would be a detailed aesthetic review taking into account the context with adjoining structures. He pointed out that staff was working out the contract to get those guidelines begun. There was some discussion about the HDC doing the architectural review based on the CRA guidelines.

Member Williamson noted that the Hampton Inn is 45 feet and there is a great sense of mass because of not having the third and fourth story setbacks. She expressed her support of the third and fourth story setbacks. She expressed her opinion that if the roof is allowed to be extended back over then you have brought the mass back. Mr. McCrary agreed that it would be defeating the purpose of trying to scale back the dominance of that building by allowing the roof to come forward. He explained that he believed that the design guidelines would step in and address the aesthetic and design aspects. Chair Bennett questioned not having a front yard setback of more than 10 feet. Mr. McCrary explained that was to give no more than a 10 foot front yard and commented that most are going to opt to build right up to the property line. He stated that this was to make sure they don't pull it back to a suburban type of setback and to maintain the streetscape pattern that is downtown.

Mr. Rowe inquired if someone was only building a three story building would the third floor have to be setback. Mr. McCrary replied that it is based on the height. He clarified that after 30 feet then they are expected to go back 10 feet. There was a brief discussion about this.

Mr. McCrary pointed out that (D)(3) was allowing for flat roofs, which allows for creativity and flexibility for housing design. Member Beal referred to (D)(2) and questioned balconies encroaching into the setback. Mr. McCrary explained that it was intended so the balconies do

not extend beyond the first two floors. It was noted that covered balcony was not the main roof line and that this language needed to be clarified.

Mr. McCrary explained that (D)(4) was deferring to the underlying zoning for FAR and density allocations. Chair Bennett commented that there were discussions that the TND would not be at the same levels as the CBD in terms of FAR. He clarified that the TND would not have the intensity of the CBD. Member Williamson noted that there were concerns about lot line to lot line with 45 foot everywhere. She clarified that the board felt it wasn't appropriate next to existing single-family homes to have a zero lot line. Chair Bennett inquired about the FAR in the CBD. Mr. McCrary replied 2.0 FAR and explained that they could build two floors of office or retail and potentially residential above that. He pointed out from the goals of the TND some of these things were put in the overlay to address the potential of C-3 development in this area to soften the impact and bulk of these buildings by requiring the pull back on the façade. He noted that the CRA abuts R-2 properties on North 3rd Street. He referred to the email from Mr. Dave Lott addressing the issue of buffering these potentially 45 foot structures where they might back up to non-CRA property that supports a single-family home. He suggested establishing a 15 foot buffer requirement in the overlay for those properties that adjoin single-family districts outside of the CRA. He clarified that it would be a 15 foot wide buffer with a more stringent planning requirement that include canopy trees, under story trees, as well as continuous hedge. After some discussion about this, Member Williamson inquired if the 15 feet was in addition to the setback. Mr. McCrary replied that the 15 feet could be contained within the 20 foot setback that is required. Member Williamson pointed out that the board had thought it was inappropriate to have a 45 foot tall building next to a single-family home. She inquired if the buffer was enough to protect the interest of the single-family home. Mr. McCrary explained that he thought the only instances for a potential 45 foot structure abutting a single-family home would be adjoining the backyard. He stated that the softening effect from the front wasn't necessarily enjoyed from the back. He explained that then you physically separate with a setback requirement to try to soften the impact of that height. Member Williamson inquired about having a 35 foot high building next to single-family instead of 45 foot high. Chair Bennett noted that there would need to be a separate category of design criteria if they are adjacent to the existing 2nd and 3rd Street area. There was some discussion about how to have 35 feet instead of 45 feet abutting existing single-family homes. Mr. McCrary requested to come back with language for this and for the buffering as well.

Mr. Dave Lott referred to (D)(6) and questioned if there would be no accessory structures allowed in the 15 foot buffer. Mr. McCrary noted that accessory structures would need to be addressed. Chair Bennett requested clarification of primary structure. Mr. McCrary replied the home on a residential lot or a business on a commercial lot. Chair Bennett inquired if a multi-family structure could be placed across existing property lines. Member Williamson commented that they would have to replat. Mr. McCrary referred to the drawing presented and explained that was town home development with common walls. There was some discussion about this noting that what had been shown to the board were primary structures with common walls on the lot line.

Mr. McCrary clarified that (D)(5) was that there is only one principal structure allowed per lot. He commented that if there is room to split the lot then perhaps they could have two separate homes, but they would have to be on individual lots. Member Williamson pointed out that the CBD category has zero lot lines and allows the common wall to sit on that property line. Chair Bennett inquired if the project that was shown as an example would be allowed to have a garage structure. Mr. McCrary explained that they could have an accessory

structure if it was designed to accommodate it. There was some discussion about this noting that they would have to have a 15 foot buffer.

Mr. McCrary explained that he would verify that (D)(7) doesn't violate what staff was talking about for the buffer. He pointed out that in (D)(8) side yard setbacks are not required. Member Beal inquired about corner properties. Mr. McCrary explained that there was not a required side yard and on a corner because you are dealing with two fronts. He pointed out that a maximum front yard was established. City Attorney Braga inquired if this should refer to the underlying zoning for side yard setbacks so that in the WMU there would be a setback requirement and then for the CBD there would not be. Mr. McCrary explained that just for the CRA there would be no side yards so even if they had mixed use zoning this overlay would supersede it. He pointed out that the CRA's objective was to ensure infrastructure, street improvements, and pedestrians amenities. Member Williamson questioned if side yards would need to be addressed for abutting single-family lots. Mr. Sullivan replied that the buffer would supersede no side yards. There was some further discussion about this and whether there should be setbacks on the corners to be consistent with the surrounding neighborhood.

Mr. Jason Rowe, 232 North 2nd Street, explained that he had a friend that has a 25 foot lot that would be adjacent to residential and the 15 foot buffer would render that lot unbuildable. He questioned if he were to build a three-story home would he have to meet all the criteria as if he were to open up a commercial business or would it be treated as residential and be able to build in the C-3 zone. He stated that he felt the City was setting up these rules for building a gigantic building and he didn't think that was what everyone wanted to do. He commented that there is as much value in using these as single-family and not necessarily a gigantic monolithic structure. Mr. Sullivan explained that the 15 foot buffer was if it was a commercial building. There was some discussion about single-family housing and it was noted that the overlay would supersede any underlying zoning and enhances the opportunity and flexibility for more traditional single-family development on the 25 by 100 lots.

Mr. Tomassetti commented that there is a reason C-3 is zero lot line, because we are a City and the setbacks really don't fit in with these 25 foot lots. He suggested focusing on the interface between the CRA and the existing zones.

Mr. McCrary referred to the suggested 35 foot height limitation for areas that abut non-CRA R-2 properties and commented that could apply to residential and non-residential development. He questioned what the City was buffering the existing single-family from and inquired if it was the height. Member Williamson replied that and the setbacks. She explained that the board wanted that step down next to existing residential. Mr. McCrary noted this and there was a brief discussion about it.

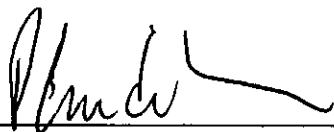
Mr. McCrary referred to (D)(9) and explained that this was language for parking that non-residential uses could be provided onsite or pay a fee in lieu of providing onsite parking. Chair Bennett referred to where parking is not permitted in the front yard and questioned if someone were to build a single-family house wouldn't they be permitted to park in the front. Mr. Sullivan commented that they are probably parking in the right-of-way and a lot of them have side driveways and parking in the rear. Mr. McCrary pointed out that with the maximum front yard setback of 10 feet you are precluded from using the front yard for parking. After some discussion about parking, City Attorney Braga suggested taking out the language that the fees collected should be placed in the redevelopment trust fund. She commented that the City should designate a parking fund and that would allow the City to use it for parking outside of the CRA.

Mr. McCrary referred to the table of permitted land uses and requested the members to review the uses. He pointed out that these are reflective of the uses that were part of the Waterfronts Committee efforts. He briefly explained that staff needed time to get through the code and make sure everyone was comfortable before moving it forward to the City Commission. There was some discussion about what would come before the board Thursday for the CRA Overlay.

IV. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 9:15 p.m.



Mark Bennett, Chairman

Paul Condit, Vice Chair

DRAFT

Planning Advisory Board Minutes
Special Meeting
February 5, 2007
Page 1 of 7

MINUTES

I. Call to Order

Chair Bennett called the meeting to order at 6:00 pm.

II. Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
David Beal
William A. Conger
Shaun Woleshin
Eric Bartelt (alternate)

Paul Condit, Vice-Chair
Richard Bradford
Marilyn Williamson

Robert Howat (was detained)

Others Present

Debra Braga, City Attorney
Jeff Salter, Community Development Department Director
Marshall McCrary, City Planner
Jessica Williams, Recording Secretary

III. Land Development Code Amendment

Amendment to 4.03.03 of the Land Development Code to establish overlay standards for the development in the Community Redevelopment Area (CRA).

Mr. McCrary pointed out that there had been a couple of meetings on the overlay standards for the CRA. He referred to his memorandum dated February 2, 2007 and clarified that it had options based on the previous discussions with the board. He explained that staff looked at 30 foot wide view corridors at the end of each east/west right-of-way and at the mid-block point. He referred to the memorandum and commented that he tried to emphasize the differences between view corridors and access corridors noting that view corridors warrant larger dimensions. He defined both view corridors and access corridors as shown in his PowerPoint presentation. He outlined the three options as shown both in the memorandum and the PowerPoint presentation. He corrected option 3 to reflect that the 30 foot corridors would be every 400 feet at the intersection of blocks. Member Conger inquired what the distance between the right-of-ways going north and south from the existing blocks was. Mr. McCrary replied City blocks are 400 feet so the notion of mid-block openings of 30 feet would fall at 200 feet. He noted that the City wanted to ensure that it doesn't strip creativity, flexibility, and stifle incentives for redevelopment on these properties. He explained that after assessing these options and what the City was trying to accomplish he would prefer option 3, which maintains the goals in common between the CRA and the Waterfronts effort. Member Condit commented that both option 2 and 3 have a break at every 100 feet given the fact that the blocks are 400 feet wide. He noted that option 2 has a 30 foot break in between the two blocks and option 3 one of the mid-blocks is an access corridor instead of a view corridor. City Attorney Braga inquired how wide the existing right-of-way on Calhoun was. Mr. McCrary replied 60 feet. Chair Bennett questioned how the City was going to get a corridor on these properties that are privately owned. He commented that if they are at the end of each of the streets some of those corridors split current ownerships. He pointed out that by splitting ownership the City could be

DRAFT

Planning Advisory Board Minutes
Special Meeting
February 5, 2007
Page 2 of 7

hurting some owners unfairly. He questioned how to have a view corridor if an owner doesn't want it. Mr. McCrary commented that quite often there are regulations that don't always please every property owner. Chair Bennett explained that to make it fair would be to require some side setback on every ownership lot and then everyone would be treated equally. Mr. McCrary pointed out that the City has a justification and basis for the land use regulations that are put in place. He explained that in this case the basis was coming from the visioning process with the Waterfront effort and from the study for the CRA overlay, which provided public input. He commented that this was basically requiring a setback, but it ignores property ownership lines and that may or may not become an issue. He pointed out that the City may end up with unified ownership and control of many of these contiguous properties. After some further clarification, Chair Bennett questioned if the City could impose a different set of standards on one property owner versus another. City Attorney Braga explained that what the City was requiring are reasonable development related issues and she thought the City was fine with this. There was some discussion about the impact to the ownerships of these lots and potentially making a lot unbuildable due to the proposed corridor requirement. It was noted that staff did not know the viability of development on the property, but it currently has side yard setbacks, and front and rear setbacks that reduce the land area associated with that lot.

Mr. McCrary pointed out that regardless of the zoning the property's presence in the CRA was what subjects it to the CRA overlay. He explained that these properties are unified by presence in the CRA. City Attorney Braga clarified that the board was trying to decide what requirements are viable for the waterfront development. Member Williamson explained that she supports option 2 because it provides more access. She questioned how this could be actually accomplished. She noted that the City Commission said they would not use eminent domain beyond its current ability. She inquired if these view corridors would be allowable to be accomplished through eminent domain if the Commission chose to. City Attorney Braga replied no one is talking about eminent domain for anything at this point. Mr. McCrary explained that there is a distinct benefit to any of these lands whether they are only 15 feet wide, because they will help accomplish the requirements of this overlay. He related an example of an adjoining property owner that has to make sure there is a 30 foot view corridor and he can only provide 15 feet he would see tremendous value in that adjoining property that could help fulfill the 30 foot requirement. There was further discussion about the proposed options presented to the board to do what is the best for the Waterfront noting that this was private property.

Mr. McCrary pointed out that the Historic District Council (HDC) would have review authority for all construction that goes on within the CRA by administering the design guidelines. Member Conger inquired if the corridors would be easements. Mr. McCrary replied that they may come in the form of easements. He explained that with Waterfront Mixed Use (WMU) the City had an incentive of a density bonus trying to encourage mixed uses. He clarified that it was established that if they dedicate an easement or right-of-way for pedestrian access through that property and for access along the boardwalk then they are eligible for the density bonus. Member Conger inquired if there is a capability for property owners to use part of this 30 foot corridor in any way (i.e. sidewalk café). Mr. McCrary replied that staff was looking for a wide open 30 feet (no architectural encroachments, no dining areas). He explained that they could incorporate driveways, allow for open space, and have certain elements of landscape there. Member Conger inquired what was wrong with having a side yard setback on all of these lots to make it equitable for everybody. Mr. McCrary replied it is a possibility, but then you end up with a disjointed piecemeal development where every use is fully detached from an adjoining use. There was a discussion about the proposed language for view corridors and access corridors.

DRAFT

Planning Advisory Board Minutes
Special Meeting
February 5, 2007
Page 3 of 7

Member Williamson questioned if the CRA design guidelines would be brought to the PAB for input. Mr. McCrary explained that they would not be reviewed by the PAB, but they would be brought to the PAB as part of the process of public dissemination of the information. He pointed out that the City Commission would ultimately have to adopt the guidelines. There was further discussion about the proposed language for view corridors and access corridors.

There was a visual clarification of the options presented by staff and it was noted that along the Waterfront the buildings could be built out to the front property line. Member Conger expressed his opinion that the last page of the PowerPoint presentation was too much. He referred to the third from the last page and commented that 30 foot corridors coinciding with the western end of the main thoroughfares wasn't that far to walk. Member Williamson pointed out that the last page would be more equitable to what the City experiences on Fletcher Avenue. Mr. McCrary explained that on Fletcher the breaks in between buildings was so the presence of the beach is clear. He clarified that the pedestrian access ways are to welcome the public. Member Williamson expressed her support for more public access, views, and corridors which would be option 2. Chair Bennett pointed out that some of these would never get built. There was further review of the options presented.

A motion was made by Member Conger, seconded by Member Williamson, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Mr. Jeffrey Tomassetti, 406 Ash Street, on behalf of Lane Development, explained that they were comfortable with all the options presented. He expressed his concern whether on individual sites if they could lay down a pedestrian access way at exactly 100 feet or if a particular view corridor could be exactly in a specific spot. He explained that they would appreciate some flexibility language that is consistent with the goals and objectives so that an individual site is not trapped with some rigid rule. He referred to the pedestrian access and commented that with side access and doors opening it would end up more than 8 feet wide. He expressed concern about security noting that these spaces would be underneath living spaces and that there would have to be quiet after a certain time at night. He suggested having the ability to open and close them during normal business hours. He questioned if the 30 foot corridors would have to fall exactly at the mid-block. Mr. McCrary explained that the mid-block location fall at platted lot lines. Mr. Tomassetti suggested having language to have the 30 foot corridor or the 8 foot access corridor every 100 feet. Chair Bennett questioned if the movement would fall within the design standards and inquired how to offer flexibility. Mr. McCrary explained that north of Centre Street staff used language that references the platted water lots and that does dictate a specific location. He commented that for alignment with the grid that works. He stated that there was no problem with modifying the language to give flexibility for the mid-block, but reference to the platted lot lines had to be removed. There was some discussion about option 2.

Ms. Lupita McClenning, Project Manager for Zev Cohen & Associates, referred to strategy 6.2 of the CRA plan protecting view corridors to the river and commented that considering design along the waterfront the more access to retail and commercial the more pedestrian friendly it really is. She explained that some graphics would be helpful and requested the board to keep in mind that the City was seeking economic redevelopment. She also requested the board to keep the spirit of the CRA and redevelopment with a walkable community in mind while moving forward. She commented that it was also important to keep in mind the existing pattern of development that reflects the character of the waterfront.

DRAFT

Planning Advisory Board Minutes
Special Meeting
February 5, 2007
Page 4 of 7

Mr. Louis Goldman, 20 South 6th Street, commented that looking at the map the corridors south of Centre Street there was only one that was not on Marina property (Cedar Street). He explained that on the north end there are six property owners that are involved from Broome over to Centre Street. He pointed out that Broome was not going to be opened up so the only view corridor would be Alachua Street. He suggested having different sized corridors in different locations to have more interesting buildings instead of making it so rigid. He pointed out that the main problem downtown is the bulkhead and nothing was going to happen until the submerged land is dealt with the State. There was a brief discussion about whether or not the streets across the railroad tracks would be opened.

Ms. Patricia Borns, 314 New Street, noted that the HDC would be the body that would grant a variance to the guidelines to help with the flexibility. She referred to the access corridors and suggested 10 feet to be more usable with the option of having the option for the HDC to review based on architectural merit to grant a variance. Chair Bennett questioned if the HDC would have Board of Adjustment powers in the CRA. Mr. McCrary replied yes and clarified that under the new Land Development Code the HDC was granted variance powers for the areas that they administer design guidelines. There was a brief discussion about this.

Mr. Dave Lott, 993 Ocean Overlook Drive, explained that there needs to be a balance ensuring that there is sufficient space for viable development on the north end keeping in mind the City has approximately 1,000 feet along Front Street that is basically unobstructed. He referred to the view corridors and noted that you can't see down Calhoun Street. He commented that if you are on Front Street you want a view corridor looking out to the river. He referred to the bulkhead and explained that was going to be a requirement for any development in order to get depth on the property. He stated that his understanding was that the bulkhead would be paid for by the owners of the property.

Member Williamson referred to flexibility of the corridors and noted that the HDC would have variance power and could eliminate any of these accesses if they felt it infringed the design too much or was too much of a hardship. She questioned if they could eliminate the corridor down to zero. Mr. McCrary replied that they would have that power, but the HDC recognizes that the City was establishing a framework for an overall scheme. He commented that the burden would be on the applicant to demonstrate why the project would warrant that. Member Williamson noted that the HDC would have the power and flexibility to eliminate anything that would create a hardship to the development. She expressed her opinion that the City should ask for as much as possible understanding that the HDC would have the power to remove the ones that are too much of a hardship. There was further discussion and deliberation about the proposed options and language presented.

Ms. Marilyn Leibman, 1792 Arbor Drive, commented that her Cook & Cook Building has existed for many years. She stated that she didn't know how much flexibility she would have with the existing buildings. She explained that she didn't know how to handle additional corridors. Member Howat questioned staff about this. Mr. McCrary explained that none of the standards would be applicable to the existing structures until such time as those sites are redeveloped. He commented that these regulations may not be imposed for some years for certain pieces of property until that property owner decides to redevelop.

Ms. Julie Ferreira, 501 Date Street, referred to the bulkhead and explained that she believed that the CRA funds were not supposed to benefit individual property owners. She commented that she thought the intention was to have as many accesses along Front Street as possible noting that everyone wanted the development to be interesting. She noted that people might possibly

DRAFT

Planning Advisory Board Minutes
Special Meeting
February 5, 2007
Page 5 of 7

live above these structures and questioned the recommendation to close from sundown to sunrise. A motion was made by Member Condit, seconded by Member Williamson, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

A motion was made by Member Williamson, seconded by Member Condit, to adopt option #2 with the additional language that allows flexibility of the placement of the mid-block corridors. Chair Bennett questioned the flexibility of pedestrian access no more than 100 feet and whether to provide some flexibility to the HDC. Member Williamson pointed out that the HDC has the option to eliminate it entirely. There was a clarification that option #2 coincides with map #3 in the handout. Member Conger referred to the access corridors and commented that he has seen access by an archway. He explained that he would support this if the City would not be opposed to joining two properties together with an archway. Mr. McCrary clarified that the City wants to allow that opportunity for the design guidelines to permit it. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Bradford:	Nay
Member Conger:	Nay
Member Williamson:	Aye
Member Condit:	Aye
Member Beal:	Nay
Member Woleshin:	Aye
Chair Bennett:	Aye

Motion carried.

Mr. McCrary explained that a second draft of 4.03.03 was created that included comments from the first meeting. He read paragraph (B) and pointed out that there were other changes to the Land Development Code that would come forward at the board's February 14th meeting that address CRA related elements throughout the code. He explained that staff would make sure that it specifically allows for a variance provision within the HDC's area of design review. Member Beal questioned if this language would not cover properties within the CRA that are not in the Historic District. Mr. McCrary explained that every property in the CRA is subject to the CRA design guidelines and then those that overlap with the downtown historic district overlay are subject to the downtown historic preservation guidelines. He clarified that (B) was about which guidelines properties are subject to for design elements. After a brief discussion about the language in this paragraph, City Attorney Braga suggested to change the last sentence to reflect that all plans for development within the CRA shall be reviewed by the Historic District Council. There was further clarification about the information presented in paragraph (B) and the HDC having the power to grant a variance.

Member Williamson questioned if the HDC had both the downtown historic preservation guidelines and the CRA overlay guidelines, which would take precedence. Mr. McCrary clarified that when there is that overlap the historic district guidelines are what they design by. He continued his presentation of the language for 4.03.03 and there was a brief discussion about the building height noting that from grade it would range from 33 to 35 feet. He pointed out that flat roofs are disallowed to keep architectural character of the existing waterfront and pitched roofs accomplish this. There was some discussion about this and whether to restrict buildings to two stories.

DRAFT

Planning Advisory Board Minutes
Special Meeting
February 5, 2007
Page 6 of 7

Member Bartelt pointed out that buildings east of Front Street can be 45 feet high and that is measured from grade. He commented that matching up the sight line for someone on the third floor towards the water they would not see the water because the buildings are too high. Mr. McCrary explained that the thought was to utilize pitched roofs to make sure there wasn't a full façade extending up 30 feet above base flood. Member Bartelt stated that the peak could be at 33 to 35 feet. Mr. McCrary pointed out that with the pitch requirement the City was establishing visual openings along the rooflines. Member Bartelt suggested that with a flat roof from the base to the first floor to the second floor could be 15 feet and then they still could have 10 foot ceiling height with a 25 foot height overall from the BFE. He stated then you could see across it to the water. Mr. McCrary explained that he didn't know that 5 foot difference would necessarily guarantee that visibility. After some discussion about this suggestion, Member Bartelt pointed out that during the three waterfront workshops the consensus was very strong for 28 feet, but now this language was talking about a building that could be 35 feet from grade. He questioned the architect about getting closer to that number of 28 feet. Mr. McCrary explained that he reviewed the Minutes of the workshops and the consensus number was 28 feet, but there wasn't any determination of where to begin the measurement of the 28 feet. He pointed out that with these parameters people can get creative with their design. He explained that staff thought this was a realistic dimension to ensure viable redevelopment on these properties. Member Bartelt commented that flat roof buildings would mirror Centre Street. Mr. McCrary stated that the notion behind pitched roofs came from a lot of structures that are currently along the waterfront and the typical architectural style of waterfront buildings.

Member Condit commented that he was comfortable with the paragraph as stated. He explained that he thought changing it to 25 feet would make all the buildings flat roofed. He expressed his opinion that the proposed language gives a lot more architectural flavor and he noted that the board voted for it and discussed it at length. Mr. Curt ODPR Architects, Hollywood Florida, explained that the language staff was proposing establishes a line that everyone can measure from. He stated that 30 feet would allow you to either flood proof the building so they could have the building at grade or allow them to build the building up 3 to 5 feet and still have two habitable floors. He pointed out that you need about 13 to 15 feet to have a nice commercial space on the first floor. He provided further clarification about this to the board. Member Howat inquired if flood proofing is expensive and does it work. He replied it is expensive and it works. He explained that it allows the owner of the shop to get flood insurance for the building. Member Bartelt inquired if the elevations of the east side of Front Street were looked at relative to these. He replied yes.

Mr. McCrary presented the proposed language for 4.03.03 starting with (D)(3). Member Conger inquired if (E)(2) was eliminating the vertical extension out 10 feet. Mr. McCrary replied correct and clarified that these would be usable patio spaces serving the residential uses upstairs. He continued his presentation of the proposed language. There was some discussion about this language noting that it reflects changes based on concerns raised at the last meeting.

Mr. Dave Lott, 993 Ocean Overlook Drive, expressed his concern that even if there is a 6:12 roof if there is a dormer that comes out then they could utilize that attic space and create a true third story. He questioned what harm it would be to put in a restriction that it only be two stories. Member Williamson commented that this was only a 3 to 5 foot difference that does allow additional creativity and the City was requiring a pitched roof. She explained that she didn't see the harm in the possibility of a sleeping loft. There was further discussion about the building height and having flexibility in the language for architectural creativity.

DRAFT

Planning Advisory Board Minutes
Special Meeting
February 5, 2007
Page 7 of 7

Ms. Julie Ferreira, 501 Date Street, commented that she attended every shurette and it was definitive from the public where the measurement was going to start and the BFE was never taken into consideration.

A motion was made by Member Condit, seconded by Member Bradford, to accept the language as corrected. Chair Bennett noted that the correction deals with the HDC. Member Condit pointed out that the City Attorney had the wording. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Member Williamson questioned if this would go before the City Commission. Mr. McCrary replied correct and explained that it would be subject to two readings before the City Commission. It was noted that the first reading would be March 6th.

IV. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:15 p.m.

Mark Bennett, Chairman

Paul Condit, Vice Chair

MINUTES

APPROVED

I. Call to Order

Chair Bennett called the meeting to order at 6:00 pm.

II. Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
David Beal
William A. Conger
Eric Bartelt (alternate)

Paul Condit, Vice-Chair
Richard Bradford
Marilyn Williamson
Robert Howat (was detained)

Board Members Absent

Shaun Woleshin

Others Present

Debra Braga, City Attorney
Marshall McCrary, City Planner
Kevin Sullivan, City Planner
Jessica Williams, Recording Secretary

A motion was made by Member Condit, seconded by Member Bradford, to seat Member Bartelt in the absence of Member Woleshin. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

III. Approval of Minutes

The Minutes of the November 8, 2006 Regular Meeting and the December 6, 2006 Special Meeting were presented for approval. **A motion was made by Member Bradford, seconded by Member Condit, to accept the Minutes of November 8th subject to any additions or deletions. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Member Bartelt referred to board business on the December 6th Minutes and clarified that he was inquiring about a road map that shows the process of getting the waterfront development completed. **A motion was made by Member Bradford, seconded by Member Williamson, to accept the Minutes of December 6th. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

IV. New Business

Chair Bennett disclosed that he had some discussions with Ms. Patricia Borns and referred to the packet from her. He explained that his understanding was that one of the City Commissioners was going to propose that this packet be sent to the PAB for discussion as either an overlay for Old Town or adding language to the land use.

Land Use Amendment

City of Fernandina Beach on Behalf of Timothy & Cathleen Eisler, Peonias LLC, Louis & Susan Goldman and R.E. & Joyce Whitesides, to include lots 5, 6, 7, 8, 9, 11 AND 12 of block 16 in Old Town (LU 2006-95), land use amendment from REC: Recreation to HDR: High Density Residential. (*Legislative*)

Mr. Marshall McCrary presented details of the request as contained in the agenda support documents. Chair Bennett pointed out that he received an email from Mr. Harrison. City Attorney Braga commented that email should be part of the record.

City of Fernandina Beach on Behalf of the State of Florida Department of Environmental Protection, San Carlos Plaza located in Old Town (LU 2006-94), land use amendment from HDR: High Density Residential to REC: Recreation. (*Legislative*)

Mr. Marshall McCrary presented details of the request as contained in the agenda support documents. Member Bradford inquired if passing LU 2006-95 would jeopardize what was going to be coming from the City Commission. Mr. McCrary replied no and explained that LU 2006-95 was correcting the map in the interest of these individual property owners. He stated that the effort if directed by the City Commission would be assessing Old Town in its entirety and the issues that are of concern for property owners in Old Town. A motion was made by Member Bradford, seconded by Member Williamson, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Mr. Mike Harrison, 820 Someruelus Street, expressed his support of both of the proposed land use changes before the PAB. He pointed out that if the change in designation passes for block 16 there is a section of Someruelus Street that physically meanders through trees. He explained that Someruelus Street needed to be curbed and paved as the remainder of Old Town was done in the late 1990's. He questioned whether the cemetery would have to be rezoned too. Mr. McCrary replied no and explained that the cemetery was under Recreation. There was a brief discussion noting that a portion of Someruelus Street was still an unimproved right-of-way.

A motion was made by Member Condit, seconded by Member Williamson, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. After a brief discussion, a motion was made by Member Williamson, seconded by Member Conger, to forward LU 2006-95 to the City Commission with a recommendation for approval. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

A motion was made by Member Condit, seconded by Member Williamson, to forward LU 2006-94 to the City Commission with a recommendation for approval. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Land Development Code Amendment

Amendment to 4.03.03 of the Land Development Code to establish standards for development in the Community Redevelopment Area.

Mr. McCrary referred to the revised draft of the CRA Overlay and explained that this was reflective of the sentiment of the board and items that staff pointed out that needed to be addressed. He reminded the board that staff was requesting not to take action on this item tonight, because staff wanted time to address the impact of this versus the rest of the Code. He explained that staff would be asking to schedule another meeting later this month. Chair Bennett pointed out that he would be out of town January 30th and 31st. There was a brief discussion about scheduling another meeting.

Mr. McCrary provided a brief overview of the CRA Overlay that was being presented to the board. He pointed out that a companion piece to the overlay is the design guidelines for the CRA to address detailed aspects. He explained that the draft before the board anything that was underlined was new and the items stricken through had been removed. Member Williamson pointed out that the PAB worked hard on the Traditional Neighborhood Development (TND) designation and the Commission voted to remove that from the transmittal to the Department of Community Affairs (DCA). She explained that her understanding was that the City was not going to use that method, but now was going to use the overlay method. Mr. McCrary replied that the overlay would have been a component regardless. Member Williamson commented that with the Central Business District (CBD) designation with zero lot lines was now basically spreading Centre Street onto the waterfront with additional restrictions. Mr. McCrary pointed out that a lot of property owners would pursue C-3 and some property owners in the CRA already have C-3. He explained that C-3 would not be available for the waterfront lots, but would be a possible pursuit for properties east of Front Street. Member Williamson inquired what the category on the waterfront would be with zero lot lines. Mr. McCrary replied those that make application would be eligible to apply for the Waterfront Mixed Use (WMU). He explained that the view corridors were proposed on the north side of Centre Street to be along the original platted lot lines of the original water lots, which would fall at each block and mid-block (basically every 200 feet). He commented that on the south side the water lots are far narrower. He explained that staff was recommending equal spacing with 30 foot separation between structures at no more than 200 foot intervals. There was some discussion about the proposed view corridors and being able to have development on the waterfront sites.

Chair Bennett questioned if staff anticipated some legal action because of this language. City Attorney Braga replied no and pointed out that looking at the proposed language there is adequate room to prevent a taking. She noted that front and rear yard setbacks are not required and in order to preserve view corridors to the Amelia River a 15 foot side yard setback on each side yard of a platted lot was required for water lots on the north side of Centre Street. She pointed out that with a platted lot you are not supposed to build over the platted lot lines. There was further discussion about the proposed language for view corridors both north and south of Centre Street. It was noted that the language "whenever possible" was for alignment with the existing east/west rights-of-way.

Member Williamson pointed out that with zero lot lines the common wall can sit on the lot line. City Attorney Braga explained that was not on the waterfront side. Mr. McCrary clarified that the platted lots was where the City was mandating the breaks. Member Williamson inquired if the only requirement of an opening would be every 200 feet. Mr.

McCrary replied at each block and at mid-block. After a brief discussion of an example of a property owner who owns three lots noting that 200 feet was the maximum, Member Williamson requested that advice be obtained from the Fire Chief, since there would be residential units on the second floor. She expressed her concern about this since the City has no way to address fires from the water side. Mr. McCrary replied that staff consulted the Fire Marshall and he conceded that 200 feet was more than adequate to provide a break. He clarified that a 30 foot corridor would allow them to go in on foot and bring hoses through was more than adequate. He pointed out that the Fire Department needs at least a 20 foot wide corridor with 13 ½ feet of clearance for vehicle access. He explained that the proposed language was 30 feet clear open to the sky so there would be no problem pulling an emergency response vehicle in. He commented that they discussed mixed use and the Fire Marshall indicated that sprinklers would be required for commercial above 10,000 square feet, but with mixed use sprinklers would be required (no matter what the square footage was). Member Williamson pointed out that the City went to great lengths so that you could not combine lots along the beach. She explained that those breaks allow views and cooling breezes to come through. She expressed her concern that this doesn't include a step down from residential to commercial to industrial. She stated that she had an issue allowing residential next to gas tanks. She pointed out that concerned property owners felt there should be some sort of buffer between residential and industrial. Mr. McCrary explained that the City was not imposing any designation or zoning on any property owner. He commented that just because of the availability doesn't mean that property owners are going to necessarily use that for a given piece of property. He pointed out that with C-3 and WMU they offer the same range and variety of uses. He noted that with TND there were incentives for affordable housing for those that wanted to maximize their density, but that is one thing that the City does not have. Member Williamson clarified that even though there is industrial on the waterfront today the City does not have residential on the waterfront, and now what the City was being asked was to allow limited residential. She explained that her issue was that residential property does not belong next to fuel tanks. There was some further discussion about this noting that there are various uses available for the property owners to use to develop their property.

Chair Bennett noted that there was a lot of concern from the Port and the Petroleum Company about residential being next door to them and the impacts to them over time. He commented that maybe there needs to be some language imposed upon anyone who wants to build adjacent to these areas that they are aware there are industrial areas there. After some discussion about this, City Attorney Braga commented that something could be put in. She stated that it would be up to the developers to take whatever action to make sure that the buyers are aware. Mr. McCrary expressed his concern about this because the City does not regularly do this for other properties that are adjoining industrial zoning or uses. There was further discussion about the concerns raised by waterfront property owners and the idea of step down zoning.

A motion was made by Member Bradford, seconded by member Williamson, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Mr. McCrary provided an overview of the proposed language and the changes that were made by staff as contained in the handout. There was some discussion about the ability for the Historic District Council (HDC) to review projects within the CRA. It was noted that the HDC did not have the power to reduce height, but within the design guidelines the HDC would have power. Member Howat inquired how much latitude there was with designing roof height and shape. Mr. McCrary explained that the City was establishing some broad parameters, which indicate on waterfront lots a pitched roof 6:12 and the HDC would have power when reviewing plans to grant a variance to someone who provides justification.

He stated that outside the waterfront the City was allowing flat roofs, pitched roofs, and a variety of roofs to foster some creativity. He continued his overview of the proposed language for the overlay and pointed out new language based on previous discussions with the board.

Chair Bennett referred to the area east of Front Street and inquired what the building height was. Mr. McCrary replied 45 feet measured from grade. Chair Bennett noted that the area west of Front Street would have a different measurement. Mr. McCrary clarified that was because that deviates in the code. He pointed out that everything not covered in the overlay was deferred to the code. There was a brief discussion about this and it was pointed out that the TND was dropped due to objections raised by the DCA.

Member Williamson referred to the Base Flood Elevation (BFE) and agreed that it was appropriate to use a water measurement for waterfront. She noted that the building height would be 30 feet above the BFE of 11 feet. Mr. McCrary pointed out that the existing grade of Front Street ranges between 6 and 8 feet and that is taken away from the 11 feet. He clarified that buildings would be 3 to 5 feet above grade. There was some discussion about this to further clarify the appearance of the height along the waterfront.

Member Williamson referred to front and rear yard setbacks not being required and questioned which would be front and back on the waterfront. Mr. McCrary replied street side is considered the front. Member Williamson inquired how the walkway was going to happen. Mr. McCrary explained that it was not being imposed, but making an incentive for the creation of that boardwalk with the density bonus allocation for WMU. There was some discussion about the WMU category and pedestrian amenities.

Member Williamson requested clarification of the funds to be used for parking. Mr. McCrary explained that these are dollars that people would pay rather than use their land area for providing on-site parking. Member Williamson noted that this would be calculated as an actual cost. Mr. McCrary replied that would be updated yearly. Member Bartelt referred to Mr. Lott's email and noted that the consensus from the workshops that were held on Saturdays was a building height of 28 feet along the waterfront. He commented that using the BFE would result in building heights of 35 feet potentially. He questioned if it would be better to have a lower height. Mr. McCrary explained that after going through the waterfront notes and the visioning study the 28 feet was the consensus. He noted that the issue was there was no definitive determination of how to measure that height. He explained that staff was tasked by the City Commission to formulate some recommendations compiling all the input from the variety of sources and that was why staff recommended 30 feet over BFE. He clarified that this height factored in other goals of the CRA and the waterfront redevelopment effort while maintaining the lowest feasible height. He explained that staff wanted to make sure development on these properties was viable with an adequate height to sustain mixed use. He provided further clarification of this height. Member Condit explained that he had reviewed this and he was comfortable with the way it was written.

Mr. Jeffrey Tomassetti, 406 Ash Street, representing the Lane Company, referred to the boardwalk and noted that all ground floors in WMU have to be commercial and then they may be entitled to residential above that level if you provide a boardwalk for the public. He commented that this leaves the question of what to do if they do solely commercial on the site. He explained that everyone wants a continuous boardwalk on the waterfront. He suggested a boardwalk easement of 12 feet be required along the waterfront for all properties in this overlay and that the bonus for residential density is if the landowner pays for and provides a boardwalk itself. He pointed out that the City can provide an environment for the

changes the City desires, but it can not actually require anyone to do anything. He commented that ground floor commercial space could not have 8 foot ceilings so with a 6:12 pitch they need 35 feet to make two-stories work. Chair Bennett questioned the City Attorney with a boardwalk easement was there a method to make sure they all line up and was it possible. City Attorney Braga replied that it could be written so that they line up. She commented that if someone sits there and doesn't do anything then it would have a gap. Board members expressed agreement with adding an easement. Mr. McCrary commented that this was one of the bonus incentives for converting to WMU that is in the Comprehensive Plan. He explained that he would have to look into this because if this is imposed on all property owners what does that do to the incentive aspect of the WMU. He pointed out that the bonus incentive could not be modified without modifying the Comprehensive Plan.

Mr. Jason Rowe, 24 South 5th Street, pointed out that large commercial spaces would need big air ducts in order to keep it comfortable so buildings might need more height in order to accommodate these things. He commented that the new air conditioners are a lot bigger than the old ones were, but a lot of people don't realize it at this point because it is a new Federal Law. There was some discussion about this point.

Ms. Patricia Borns, 314 New Street, commented that when she attended the waterfront workshop the public expressed reluctance to having any residential on the waterfront, but the notion of a boardwalk was extremely important to them. She stated that it may be true that they need a higher building height, but the feeling of the buildings on the waterfront is also affected by their depth, the zero setbacks, and their width. She explained that she would love to see developers work at providing more visibility between the buildings, because she was less bothered by the height.

Ms. Julie Ferreira, 501 Date Street, noted that the City wanted to have incentives for creation and not dictate. She commented that this was completely opposite from the Main Street presentation, because the presenter said that corridors in communities should be chosen by planning agencies and that they should choose exactly what they want to see in that area. She expressed her opinion that by having incentives for creation it was opening the door for a developer to do whatever they want. She commented that it was interesting the TND was dropped because of the vagueness of the language and no traffic study, but now the City was going ahead with no traffic study and moving forward with the CBD. She pointed out that the people at the waterfronts meeting said they didn't want to see CBD. She questioned if the City was going around DCA and the time people put into the waterfront meetings to come up with suggestions or was the City laying the groundwork for exactly what the developers wanted to happen. She inquired why the BFE had to be taken into consideration if the first floor was going to be usable space. Member Williamson explained that the reason for allowing them to begin the structure five or six feet below the 11 foot line was so that they don't have steps going up to these commercial properties. After some discussion about the height, Ms. Ferreira requested the board to think far down the road for what we actually want it to look like and not have general guidelines.

A motion was made by Member Williamson, seconded by Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Member Howat commented that the public has talked about the boardwalk since day one. He stated that the easement was a great idea, but it doesn't mean too much right now. City Attorney Braga pointed out that the City can not guarantee a continuous walkway, because people might not develop. She explained that the issue becomes one of design in her mind where the walkway would have to be designed so that it goes out to the

street for a bit and then go back. Member Condit questioned if it can be put in as an easement when they ask for a zoning change. City Attorney Braga replied correct. There was some further discussion about the boardwalk and that the CRA money can only be spent on projects in the CRA plan. Member Williamson questioned if the City could require that there be both a front and rear entrance so that people could access segments of boardwalk through the business. Mr. McCrary replied certainly or it could go in the design guidelines for commercial spaces. There was discussion about public access and view corridors to be open for the public.

Member Williamson commented that 200 feet of condo on the oceanfront is no longer allowed. She expressed her opinion that it shouldn't be allowed on the waterfront either. Mr. McCrary pointed out that the language mandates visual openings (30 foot wide) and there may be more gaps than the City was asking for, but this was a bare minimum. He explained that by asking for them at block and mid-block points it is basically every 200 feet. Chair Bennett noted that there would not be one at Calhoun, because that is where the Petroleum Company is located. There was extensive discussion about visual openings at the blocks and mid-block points. The board talked about smaller openings at mid-block.

City Attorney Braga pointed out that this language would have to come back to the board at a meeting that has been advertised, since this was a land development issue. Member Bartelt questioned the consensus of the board on 200 feet before a break. He inquired if that was too long before a break then what the consensus of the board was. Chair Bennett noted that most of the ownerships of the waterfront lots are not 200 feet. Member Condit suggested maintaining the concept of having a break at the ends of the streets and let Mr. McCrary look at the ownerships, the lots, whatever and provide some options around breaking it up more with the concept of walkways, arched, etc. Member Williamson expressed her concern with this because the structures could be built with common walls on the property lines and you don't know how the ownership was going to be combined in the future. **A motion was made by Member Williamson, seconded by Member Condit, to ask staff to go back and at least look at the feasibility of requiring public access easement every 100 feet.** Mr. McCrary questioned if that was while still maintaining the full 30 foot at intersections. Member Williamson replied not as well as mid-block. She commented that the 100 feet may end up being mid-block, but she felt there shouldn't be anything in excess of 100 feet before you have a break to the waterfront. Member Bartelt referred to the waterfront meeting and noted that the consensus was that they didn't even want the mid-block ones. He commented that there are property owners on that board and they are concerned about being able to use as much of their property as they can. He suggested that if you don't have a 30 foot mid-block maybe you have two 15 foot mid-blocks or some formula that takes into consideration that the property owners have concerns about taking their property. After some further discussion about every 200 feet being too large and the board wanted other options for access, **an amendment to the motion was made by Member Beal, seconded by Member Williamson, to look at a maximum building width of 100 feet with some footage between multiple buildings on a site that provides access to the proposed boardwalk.** **Vote upon passage of the motion as amended was taken by ayes and nays and being all ayes, carried.**

Member Conger commented that the boardwalk may never extend northward beyond Broome Street. He suggested that the board think in terms of Broome Street south, since everything north of Broome Street was going to remain relatively non-recreational/industrial. There was some further discussion about the proposed overlay language for the boardwalk and public access.

There was some discussion about tentative dates to hold the Special Meeting to consider the overlay language. The consensus was to meet Monday, February 5th at 6:00 pm.

V. Staff Report

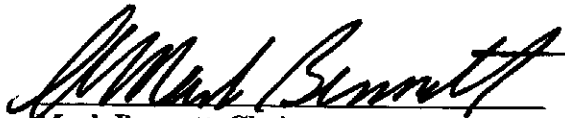
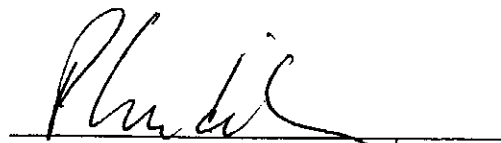
There were no items for discussion under the Staff Report.

VI. Board Business

There were no items for discussion under Board Business.

VII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:40 p.m.


Mark Bennett, Chairman
Paul Condit, Vice Chair

ORDINANCE 2010-39

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE, SPECIFICALLY AMENDING SECTION 4.01.02, DENSITY BONUS PROVISIONS; AMENDING SECTION 4.03.03 STANDARDS FOR DEVELOPMENT IN THE COMMUNITY REDEVELOPMENT AREA OVERLAY; AMENDING SECTION 7.01.04, PARKING STANDARDS AND PARKING LOT DESIGN TO INCLUDE CHANGES AS PART OF THE CITY'S CRA DENSITY BONUS INCENTIVE PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, at the direction of the City Commission in the summer of 2009, staff researched various approaches to provide incentives that may further encourage CRA property owners to develop/ redevelop in their properties; and

WHEREAS, the City Commission adopted a Comprehensive Plan Amendment providing for a CRA Density Bonus Incentive Program by Ordinance 2010-19 on October 5, 2010; and

WHEREAS, Staff has proposed a text amendment to the Land Development Code to include a Density Bonus Incentive Program in the Community Redevelopment Area Overlay by adding new policy statements or making modifications to section 4.01.02 Density Bonus Provisions, section 4.03.03 Standards for Development in the Community Redevelopment Area Overlay, and section 7.01.04 Parking Standards and Parking Lot Design; and

WHEREAS, Staff working with a Planning Advisory Board appointed Density Bonus Incentive Program Subcommittee has held four public meetings on September 28, 2010, October 1, 2010, October 11, 2010 and October 28, 2010 to discuss and modify the proposed language to ensure that it adequately addresses the needs of the community as it pertains to redevelopment within the CRA; and

WHEREAS, the Planning Advisory Board has reviewed the proposed amendment in public session on November 10, 2010, and recommended approval by unanimous vote;

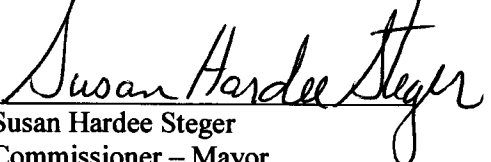
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, specifically amending Land Development Code Sections 4.01.02, 4.03.03 and 7.01.04, attached hereto as Exhibit "A".

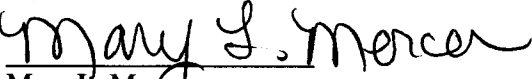
SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

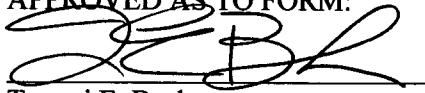
CITY OF FERNANDINA BEACH


Susan Hardee Steger
Commissioner – Mayor

ATTEST:


Mary L. Mercer
City Clerk

APPROVED AS TO FORM:


Tammi E. Bach
City Attorney

Date of First Reading: 12/21/10

Date of Advertisement: 01/05/11

Date of Second Reading and Public Hearing: 01/18/11

Exhibit "A"

4.01.02 Density Bonus Provisions

To be provided:

Fernandina Beach Community Redevelopment Area (CRA) Density Bonus Incentive Program

The CRA Density Bonus Incentive Program is only available to those properties within the Fernandina Beach CRA, as adopted by Resolution 2006-28, which carry the Central Business District (CBD) future land use designation/ C-3 zoning and are not within the Coastal High Hazard Area (CHHA). This program has been developed as a mechanism to encourage additional residential density within the CRA and is not a development requirement. Property owners and developers wishing to take advantage of the potential additional density provided by the bonus program are required to demonstrate full compliance with its requirements through the site design review process. Further, the completed scorecard shall be approved as part of the local development order and recorded with the Nassau County Clerk of Courts in the form of a deed restriction. All committed improvements shall be inspected prior to issuance of a certificate of occupancy. Property dedications are subject to the City's acceptance of the land.

The Density Bonus Scorecard (Table 4.01.02(A)) is a tool created to evaluate a developments' ability to obtain a density bonus. It is composed of five (5) categories: Housing Type Mix, Mixed Use, Community Amenities, Green Building Certification and Sustainable Site Development Practices. Each category contains a maximum number of points within the overall category. Projects that obtain additional points within the category are not permitted to transfer those points to any other category. The total number of points in all five (5) categories combined equals 100 points. The density bonus multiplier is applied to the project's underlying lots of record. Projects are able to obtain a density bonus multiplier if they achieve the required total number of points as follows:

- Eligibility for 1.5 multiplier dwelling units per lot of record bonus requires 40% of the Potential Points
- Eligibility for 2.0 multiplier dwelling units per lot of record bonus requires 55% of the Potential Points
- Eligibility for 2.5 multiplier dwelling units per lot of record bonus requires 70% of the Potential Points
- Eligibility for 3.0 multiplier dwelling units per lot of record bonus requires 85% of the Potential Points

Each of the categories in the Density Bonus Incentive Program are intended to address a community identified need or goal. The Housing Type Mix category encourages a mixture of smaller dwelling units within the overall development scheme which provides an opportunity to achieve more affordable units and workforce housing within the CRA. The Mixed Use category seeks to obtain a development pattern compatible with the existing Central Business District whereby there is a mix of retail, restaurants and professional offices with residential units. A category for Community Amenities is included in order to realize several of the goals of the CRA such as retention of historic structures, maintenance of views, pedestrian corridors and providing for infrastructure improvements. The Green Building Certification category awards points to project that have taken the necessary steps to obtain a nationally recognized green building certification. Points for Sustainable Site Development Practices provide points for achieving certain measurable sustainable building techniques.

Table 4.01.02(A) CRA DENSITY BONUS SCORECARD

CATEGORY	MEASURE	POINTS
<u>HOUSING TYPE MIX</u>	20% and above of total units- 750 sq ft or under	<u>17</u>
	20% through 80% of total units- 751- 1000 sq ft	<u>12</u>
	20% through 60% of total units- 1,001-1,250 sq ft	<u>6</u>
	<u>Housing Type Mix Maximum Points</u>	<u>35</u>
<u>MIXED USE</u>	Minimum 10% of gross floor area contains non-residential use (not including parking)	<u>10</u>
	<u>Mixed Use Maximum Points</u>	<u>10</u>
<u>COMMUNITY AMENITIES</u>	Project Reuses & Restores Existing Contributing or Non-Contributing Historic Structures On-Site	<u>5</u>
	Interconnected Public Spaces: Interconnected public spaces and pedestrian ways internal to the project site- <i>Partial Block</i> OR	<u>5</u>
	Interconnected public spaces and pedestrian ways internal to the project site- <i>Full Block</i>	<u>10</u>
	Project Contains Publicly Accessible Rooftop Amenities (Minimum of 400 sq. ft.)	<u>8</u>
	Project Contains Publicly Accessible Rooftop Green Openspace (50% of rooftop)	<u>8</u>
	Implementing Streetscape Improvements in Accordance with Approved CRA Streetscape (Within Project ROW)	<u>7</u>
	Dedication of Land: City acquisition of 5% of the project site (minimum 2,500 sq. ft) to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition) OR	<u>5</u>
	City acquisition of 10% of the project site to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition)	<u>10</u>
	Public Outdoor Open Space: 2% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace OR	<u>4</u>
	4% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace OR	<u>6</u>
	6% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace	<u>8</u>
	Contribution of monies towards CRA infrastructure improvements above and beyond the costs of development impacts (\$25,000 / point up to a maximum of 10 points)	<u>10</u>
	<u>Community Amenities Maximum Points</u>	<u>35</u>

Table 4.01.02(A) CRA DENSITY BONUS SCORECARD (continued)

CATEGORY	MEASURE	POINTS
<u>GREEN BUILDING CERTIFICATION</u>	<u>Nationally Recognized Sustainable Rating System (LEED, Green Globes, Earth Craft, etc.)</u>	<u>5</u>
	<u>Green Building Certification Maximum Points</u>	<u>5</u>
<u>SUSTAINABLE SITE DEVELOPMENT PRACTICES</u>	<u>HERS Rating OR Other Energy Conservation</u>	
	<u>HERS Rating of 70-61 OR</u>	<u>3</u>
	<u>HERS Rating of 60-51 OR</u>	<u>5</u>
	<u>HERS Rating of 50-16 OR</u>	<u>7</u>
	<u>HERS Rating of 15 or below</u>	<u>10</u>
	<u>OR</u>	
	<u>Project Uses Solar Water Heaters for all Commercial and Residential Units</u>	<u>1</u>
	<u>Project Contains On-site Renewable Energy</u>	<u>1</u>
	<u>Project Contains/ Requires All Energy Star Rated Appliances and Fixtures</u>	<u>1</u>
	<u>ADDITIONAL CREDITS</u>	
	<u>Project Uses Water Efficient Landscaping (Xeriscape & Rain Gardens)- Minimum of 75% of required landscaped area</u>	<u>1</u>
	<u>Florida Water Star Certified Project</u>	<u>2</u>
	<u>Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Parking Areas</u>	<u>1</u>
	<u>Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Tree Planting</u>	<u>1</u>
	<u>Project Diverts a Minimum of 50% of all Construction Waste Away from Landfills (re-use on-site or recycle hauler)</u>	<u>3</u>
	<u>Project Contains On-site Use of Collected Stormwater</u>	<u>2</u>
	<u>Reduced Non-Roof Heat Island Effect to a Minimum of 40% of Hardscape</u>	<u>2</u>
	<u>Reduced Roof Heat Island Effect (Green Roof or Reflective Roof)</u>	<u>3</u>
	<u>Project Provides a Central Storage Facility internal to the Project for the Collection of Recyclable Waste</u>	<u>2</u>
	<u>Sustainable Site Development Practices Maximum Points</u>	<u>15</u>
	<u>TOTAL MAXIMUM POINTS</u>	<u>100</u>

MULTIPLIER	QUALIFYING SCORE RANGE
ELIGIBILITY FOR 1.5 UNITS/ LOT OF RECORD BONUS	Minimum of 40% through 54% of Potential Points
ELIGIBILITY FOR 2.0 UNITS/ LOT OF RECORD BONUS	55% through 69% of Potential Points
ELIGIBILITY FOR 2.5 UNITS/ LOT OF RECORD BONUS	70% through 84% of Potential Points
ELIGIBILITY FOR 3.0 UNITS/ LOT OF RECORD BONUS	85% and above of Potential Points

4.03.03 Standards for Development in the Community Redevelopment Area Overlay

A. Purpose

It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas.

B. The review of proposed development within the CRA Overlay shall be based upon compliance with the CRA Design Guidelines. Those properties within the CRA Overlay which are also located within the Downtown Historic District Overlay shall be reviewed for compliance with the Historic Preservation Design Guidelines, dated December 1999. All plans for development within the CRA Overlay shall be reviewed by the Historic District Council.

C. Site design standards specified in the overlay supersede the requirements for the underlying zoning district. Specific site design requirements that are not covered by the overlay shall follow the standards of the underlying zoning district.

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

1. Due to the nature of water dependent and water related uses, all new construction is exempt from Section 3.01.03(J) as well as the required 50 foot buffer from a natural water body as established in Section 3.03.03(B) 1.
2. Building height shall be measured from the Base Flood Elevation (BFE) to the top of the roof, rather than from the finished grade, as established in 4.02.03(C). The maximum height of all structures shall not exceed 30 feet in height above the BFE. Permissible roof forms shall be in compliance with the adopted CRA Design Guidelines.
3. Properties that have obtained the **Waterfront Mixed Use Future Land Use designation** are eligible for land uses in addition to those permitted in the Waterfront Industrial zoning and are specified in Tables 2.03.02 and 2.03.03. Floor area ratio shall not exceed 0.75. The floor area ratio shall be calculated based on the developable land area and shall include portions of the site which remain submerged. Residential units are permitted if the property has a FLUM category of WMU and the units are located above a non-residential use. Stand alone residential units are prohibited.
4. Developers of Office, Commercial, and/or Waterfront Industrial 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 two spaces per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking.

5. Front and rear yard setbacks are not required. In order to preserve view corridors and pedestrian access to the Amelia River, side yard setbacks and breaks between structures shall be provided as follows:

A. View Corridors

1. A 15-foot side yard setback on each side yard of a platted lot is required for water lots located to the north of Centre Street (water lots 1 through 9). These locations provide for alignment with existing east-west rights-of-ways at Alachua, Broome and Calhoun Streets and also provide for mid-block corridors. The mid-block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.
2. Water lots to the south of Centre Street (water lots 25 through 40) shall provide a 30-foot break between buildings at intervals of no more than 200 feet as measured along Front Street. To be consistent with corridor alignment to the north of Centre Street, these 30-foot breaks shall align with existing east-west rights of way at Ash, Beech, and Cedar Streets and shall also provide for mid-block corridors. The mid-block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.
3. These view corridors shall remain open to the sky and shall not include any parking areas, accessory structures or mechanical equipment. Limited parking area for loading and unloading may be permitted subject to compliance with adopted CRA Design Guidelines relating to the Public Waterfront Design Area. Certain encroachments and structural elements may be permitted within these view corridors subject to compliance with the adopted CRA Design Guidelines.

B. Pedestrian Access

1. In addition to the required view corridors, publicly accessible pedestrian access to the water shall be integrated into the project's site design. These access ways shall provide a minimum width of ten (10) feet and shall occur at intervals of no more than 100 feet (plus or minus up to 10 (ten) feet) as measured along Front Street. Access ways may vary in size and design as necessary to complement the overall project design. To encourage architectural variety and visual interest, certain encroachments and structural elements may be permitted within the access ways subject to compliance with the adopted CRA Design Guidelines. These access ways may be dedicated to public use through easements or dedication of right-of-way, or they may be retained under private ownership. In either case, these access ways shall remain open to and accessible by the public. If deemed necessary for security purposes, access way closures may be permitted based on the posted operational hours of City beach access parking (exclusive of Main Beach or Seaside Parks).

E. Properties located within the CRA east of Front Street are subject to the following standards:

1. Facades up to 30 feet in height shall have a front yard setback no more than ten feet.
2. Facades up to 45 feet in height shall be recessed from the first 30 feet of façade a minimum of 10 feet. Awnings, pergolas, or covered balconies may encroach into this setback, but shall not extend beyond the first 30 feet of facade. Elements utilized to cover balconies shall not be a part of the main roof structure. Balcony enclosures (i.e., sun rooms, screened enclosures) shall be prohibited.
3. CRA properties located on the east side of North 2nd Street which share a property line with residentially-zoned, non-CRA properties shall meet the following standards:
 - a. Building height shall be limited to 35 feet, including the parapet for flat roofed structures.
 - b. Buildings shall provide a front yard setback of no more than 10 feet. Facade elements above 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 4.05.05(B).
 - d. All projects shall maintain a 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 7.01.04A. 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 two (2) spaces per dwelling unit on-site with the following exceptions: all units 1000 sq. ft or under are only required to provide one (1) space per dwelling unit on-site and all units 1,001- 1,250 sq. ft. are only required to provide one and one-half (1.5) spaces per dwelling unit on-site. and Residential parking spaces 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.
10. CRA properties located east of Front Street which carry the Central Business District future land use designation/ C-3 zoning, and are not within the Coastal High Hazard Area (CHHA) are eligible to participate in a Density Bonus Incentive Program as described in Section 4.01.02.

7.01.04 Parking Standards and Parking Lot Design

A. Parking space requirements

1. Minimum off-street vehicular parking spaces shall be provided at the time of the construction of the principal building or at the time of the conversion of a building having a previously existing use to a more intensive use of the same property.
2. The minimum number of parking spaces shall conform to the standards in Table 7.01.04(A).
3. Due to the nature and character of the central business district, the provision of off-street parking will not be required, except for lodging accommodations and bed and breakfast inns. For these uses, the off-street parking requirements shall be satisfied within 1,000 feet of the property involved and as otherwise required under this chapter.
4. Calculation of required parking
 - a. Where floor area determines the amount of off-street parking required, the floor area of a building shall be the sum of the gross horizontal areas of every floor of the building, using exterior wall dimensions.
 - b. For places of public assembly, the number of seats shall be the maximum occupancy load established for the building by the Fire Marshal.
5. Requirements for off-street parking for uses not specifically mentioned in this chapter shall be the same as required for the use most similar to the one sought.
6. Any development adjacent to a public beach access shall be prohibited from interfering in any manner with the public use of the beach access, including but not limited to blocking the parking, removing parking, or interfering with the normal flow of traffic within the beach access area.

Table 7.01.04(A). Parking Space Requirements

Type of Use or Activity	Minimum Number of Spaces
Assembly places (religious facilities, funeral homes, schools, theaters, auditoriums, arenas, civic centers, and facilities with an auditorium, sanctuary, or gathering place, whether fixed seats or open area)	1 space per 4 seats
Business and commercial activities, including retail sales, and business activities not otherwise specified	1 space per 300 ft ² of gross floor area
Clubs and lodges (including fraternities, sororities, and other social or civic membership organizations)	1 space per 4 seats in the largest assembly area
Day-care and child-care centers	1.5 spaces per employee on the largest shift
Drive-in establishments	1 space per 60 ft ² of gross floor area
Gasoline service stations	1 space per 350 ft ² of floor area, plus 3 spaces per repair bay
Hospitals, nursing homes, rest homes, convalescent homes, assisted care facilities, other similar facilities, and other medical facilities providing overnight accommodations	1.5 spaces per bed
Lodging accommodations, <u>without</u> restaurants or lounges	1.1 spaces per sleeping room.
Lodging accommodations, <u>with</u> restaurants or lounges	1.1 spaces per sleeping room, plus parking required by this section for the restaurant or lounge.
Libraries and museums	1 space for each 500 ft ² of gross floor area

Manufacturing, warehousing and industrial uses	1 space for each 2 employees on the largest shift, plus 1 space for each company vehicle operating from the premises
Marinas	1 space for each boat berth, plus 1 space per each 2 employees on the largest shift ¹
Medical offices and clinics	1 space per 200 ft ² of gross floor area
Mortuary and funeral homes	1 space for each 4 seats in the chapel, plus 1 space for each 3 employees
Multi-family dwellings	2 spaces per dwelling unit
Offices (general, professional, or government)	1 space per 200 ft ² of gross floor area
Public parks and recreation facilities	1 space per 1,000 ft ² feet of active use area
Restaurants, eating, drinking, or entertainment establishments (without drive-in facilities)	1 space per 2 seats
Schools and educational uses; Elementary, middle, and junior high schools	2 spaces for each classroom, office, and kitchen
Schools and educational uses; High schools	6 spaces for each classroom, plus 1 space for each staff member
Schools and educational uses; Vocational, trade, and business schools	1 space per 300 ft ² of gross floor area
Single-family dwellings	2 per unit ²

¹If a marina features a boat-launching ramp; at least fifty percent (50%) of the required parking spaces shall be designed to accommodate both a vehicle and boat trailer.

² Single-family dwellings within the CRA must provide two (2) spaces per dwelling unit on-site but are permitted the following exceptions: all units 1000 sq. ft or under are only required to provide one (1) space per dwelling unit on-site and all units 1,001- 1,250 sq. ft. are only required to provide one and one-half (1.5) spaces per dwelling unit on-site.

DATE STAMP:
RECEIVED

APPLICATION FOR TEXT AMENDMENT
PLANNING ADVISORY BOARD



NOV 01 2010

Application #: TA 2010-37
IMS #:

Application Fee: _____
Received by: _____

COMMUNITY DEVELOPMENT DEPARTMENT

1. APPLICANT'S INFORMATION:

Applicant(s): CITY OF FERNANDINA BEACH, FL Telephone: 904-277-7305
Address: 204 ASH STREET Fax: 904-321-5758
Address 2: FERNANDINA BEACH, FL 32034 E-mail: MCZYMBOR@FBFL.ORG

2. APPLICANT'S AGENT:

Name: COMMUNITY DEVELOPMENT DEPT. Telephone: 904-277-7325
Address: 204 ASH STREET Fax: 904-277-7324
Address 2: FERNANDINA BEACH, FL 32034 E-mail: DMCCRARY@FBFL.ORG

3. LAND DEVELOPMENT CODE SECTIONS TO BE AMENDED:

4.01.02 - Density Bonus Provisions, 4.03.03 Standards for Development in the Community Redevelopment Area Overlay, and 7.01.04 Parking Standards and Parking Lot Design

4. LANGUAGE PROPOSED FOR DELETION:

None.

5. LANGUAGE PROPOSED FOR ADDITION:

See Attachment

6. REASON FOR REQUEST: (PLEASE ATTACH NARRATIVE, IF NECESSARY)

Incorporate changes to implement the comprehensive plan amendment which adopted the CRA Density Bonus Incentive Program (Policy 1.03.04).

SIGNATURES:

MICHAEL CZYMBOR
APPLICANT (PRINT)

[Signature]
APPLICANT (SIGNATURE)

D. MARSHALL MCCRARY
AGENT (PRINT)

[Signature]
AGENT (SIGNATURE)

Sworn and subscribed to me on this 3RD day of November 2010, By MICHAEL CZYMBOR
(name of person making statement)

[Signature]
Signature of Notary Public, State of Florida

Expiration Date: _____
Notary Public, State of Florida
My Comm. Expires Dec. 21, 2012
Commission No. DD 847069



**OWNER'S AUTHORIZATION FOR AGENT
PLANNING DEPARTMENT**

EACH AND EVERY OWNER SHOWN ON THE
PROOF OF OWNERSHIP MUST SIGN AN AUTHORIZATION FORM

I /WE Michael J. Czymbor, City Manager on behalf of the City of Fernandina Beach
(print name of property owner).

hereby authorize: D. Marshall McCrary- Community Development Director
(print name of agent)

to represent me/us in processing an application for: Comprehensive Plan Text Amendment
(type of application)

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

(Signature of owner)

[Signature]
(Signature of owner)

(Print name of owner)

MICHAEL J. CZYMBOR
(Print name of owner)

State of Florida }
Nassau County } ss

Sworn to and subscribed before me on this 3rd day of November, 2010.

By: MICHAEL CZYMBOR
(name of person making statement)

[Signature]
Signature of Notary Public
State of Florida



CAROL COPPINGER
Notary Public, State of Florida
My Comm. Expires Dec. 21, 2012
Commission No. DD 847069

Print commissioned name of Notary Public

My Commission expires: _____

Individual making statement is ☒ personally known or ☐ produced identification.

Type of identification produced: _____



STAFF REPORT
TA 2010-37
Planning Advisory Board Hearing
November 10th, 2010

APPLICATION FOR TEXT AMENDMENT TO CHANGE THE COMPREHENSIVE PLAN

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT: City of Fernandina Beach, FL
AGENT: D. Marshall McCrary, CDD Director
REQUESTED ACTION: Land Development Code Text Amendments to implement the CRA Density Bonus Incentive Program (Comprehensive Plan Policy 1.03.04)

All required application materials have been received. All fees have been paid. All required notices have been made.

SUMMARY OF REQUEST:

The applicant requests consideration of a Land Development Code Text Amendment in order to implement the recently adopted Comprehensive Plan text amendment (Ordinance 2010- 19) which created the CRA Density Bonus Incentive Program. The proposed changes take place in LDC section 4.01.02, 4.03.03 and 7.01.04 and read as follows:

4.01.02 Density Bonus Provisions

~~To be provided:~~

Fernandina Beach Community Redevelopment Area (CRA) Density Bonus Incentive Program

The CRA Density Bonus Incentive Program is only available to those properties within the Fernandina Beach CRA, as adopted by Resolution 2006-28, which carry the Central Business District (CBD) future land use designation/ C-3 zoning and are not within the Coastal High Hazard Area (CHHA). This program has been developed as a mechanism to encourage additional residential density within the CRA and is not a development requirement. Property owners and developers wishing to take advantage of the potential additional density provided by the bonus program are required to demonstrate full compliance with its requirements through the site design review process. Further, the completed scorecard shall be approved as part of the local development order and recorded with the Nassau County Clerk of Courts in the form of a deed restriction. All committed improvements shall be inspected prior to issuance of a certificate of occupancy. Property dedications are subject to the City's acceptance of the land.

The Density Bonus Scorecard (Table 4.01.02(A)) is a tool created to evaluate a developments' ability to obtain a density bonus. It is composed of five (5) categories: Housing Type Mix, Mixed Use, Community Amenities, Green Building Certification and Sustainable Site Development Practices. Each category contains a maximum number of points within the overall category. Projects that obtain additional points within the category are not permitted to transfer those points to any other category. The total number of points in all five (5) categories combined equals 100 points. The density bonus multiplier is applied to the project's underlying lots of record. Projects are able to obtain a density bonus multiplier if they achieve the required total number of points as follows:

- Eligibility for 1.5 multiplier dwelling units per lot of record bonus requires 40% of the Potential Points
- Eligibility for 2.0 multiplier dwelling units per lot of record bonus requires 55% of the Potential Points
- Eligibility for 2.5 multiplier dwelling units per lot of record bonus requires 70% of the Potential Points
- Eligibility for 3.0 multiplier dwelling units per lot of record bonus requires 85% of the Potential Points

Each of the categories in the Density Bonus Incentive Program are intended to address a community identified need or goal. The Housing Type Mix category encourages a mixture of smaller dwelling units within the overall development scheme which provides an opportunity to achieve more affordable units and workforce housing within the CRA. The Mixed Use category seeks to obtain a development pattern compatible with the existing Central Business District whereby there is a mix of retail, restaurants and professional offices with residential units. A category for Community Amenities is included in order to realize several of the goals of the CRA such as retention of historic structures.



STAFF REPORT
TA 2010-37
Planning Advisory Board Hearing
November 10th, 2010

maintenance of views, pedestrian corridors and providing for infrastructure improvements. The Green Building Certification category awards points to project that have taken the necessary steps to obtain a nationally recognized green building certification. Points for Sustainable Site Development Practices provide points for achieving certain measurable sustainable building techniques.

Table 4.01.02(A) CRA DENSITY BONUS SCORECARD

CATEGORY	MEASURE	POINTS
HOUSING TYPE MIX	20% and above of total units- 750 sq ft or under	17
	20% through 80% of total units- 751- 1000 sq ft	12
	20% through 60% of total units- 1,001-1,250 sq ft	6
	Housing Type Mix Maximum Points	35
MIXED USE	Minimum 10% of gross floor area contains non-residential use (not including parking)	10
	Mixed Use Maximum Points	10
COMMUNITY AMENITIES	Project Reuses & Restores Existing Contributing or Non-Contributing Historic Structures On-Site	5
	Interconnected Public Spaces: Interconnected public spaces and pedestrian ways internal to the project site- <i>Partial Block</i> OR	5
	Interconnected public spaces and pedestrian ways internal to the project site- <i>Full Block</i>	10
	Project Contains Publicly Accessible Rooftop Amenities (Minimum of 400 sq. ft.)	8
	Project Contains Publicly Accessible Rooftop Green Openspace (50% of rooftop)	8
	Implementing Streetscape Improvements in Accordance with Approved CRA Streetscape (Within Project ROW)	7
	Dedication of Land: City acquisition of 5% of the project site (minimum 2,500 sq. ft) to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition) OR	5
	City acquisition of 10% of the project site to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition)	10
	Public Outdoor Open Space: 2% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace OR	4
	4% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace OR	6
	6% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace	8
	Contribution of monies towards CRA infrastructure improvements above and beyond the costs of development impacts (\$25,000 / point up to a maximum of 10 points)	10
	Community Amenities Maximum Points	35



STAFF REPORT
TA 2010-37
Planning Advisory Board Hearing
November 10th, 2010

Table 4.01.02(A) CRA DENSITY BONUS SCORECARD (continued)

CATEGORY	MEASURE	POINTS
<u>GREEN BUILDING CERTIFICATION</u>	<u>Nationally Recognized Sustainable Rating System (LEED, Green Globes, Earth Craft, etc.)</u>	<u>5</u>
	<u>Green Building Certification Maximum Points</u>	<u>5</u>
<u>SUSTAINABLE SITE DEVELOPMENT PRACTICES</u>	<u>HERS Rating OR Other Energy Conservation</u>	
	<u>HERS Rating of 70-61 OR</u>	<u>3</u>
	<u>HERS Rating of 60-51 OR</u>	<u>5</u>
	<u>HERS Rating of 50-16 OR</u>	<u>7</u>
	<u>HERS Rating of 15 or below</u>	<u>10</u>
	<u>OR</u>	
	<u>Project Uses Solar Water Heaters for all Commercial and Residential Units</u>	<u>1</u>
	<u>Project Contains On-site Renewable Energy</u>	<u>1</u>
	<u>Project Contains/ Requires All Energy Star Rated Appliances and Fixtures</u>	<u>1</u>
	<u>ADDITIONAL CREDITS</u>	
	<u>Project Uses Water Efficient Landscaping (Xeriscape & Rain Gardens)- Minimum of 75% of required landscaped area</u>	<u>1</u>
	<u>Florida Water Star Certified Project</u>	<u>2</u>
	<u>Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Parking Areas</u>	<u>1</u>
	<u>Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Tree Planting</u>	<u>1</u>
	<u>Project Diverts a Minimum of 50% of all Construction Waste Away from Landfills (re-use on-site or recycle hauler)</u>	<u>3</u>
	<u>Project Contains On-site Use of Collected Stormwater</u>	<u>2</u>
	<u>Reduced Non-Roof Heat Island Effect to a Minimum of 40% of Hardscape</u>	<u>2</u>
	<u>Reduced Roof Heat Island Effect (Green Roof or Reflective Roof)</u>	<u>3</u>
	<u>Project Provides a Central Storage Facility internal to the Project for the Collection of Recyclable Waste</u>	<u>2</u>
	<u>Sustainable Site Development Practices Maximum Points</u>	<u>15</u>
	<u>TOTAL MAXIMUM POINTS</u>	<u>100</u>



STAFF REPORT
TA 2010-37
Planning Advisory Board Hearing
November 10th, 2010

MULTIPLIER	QUALIFYING SCORE RANGE
ELIGIBILITY FOR 1.5 UNITS/ LOT OF RECORD BONUS	Minimum of 40% through 54% of Potential Points
ELIGIBILITY FOR 2.0 UNITS/ LOT OF RECORD BONUS	55% through 69% of Potential Points
ELIGIBILITY FOR 2.5 UNITS/ LOT OF RECORD BONUS	70% through 84% of Potential Points
ELIGIBILITY FOR 3.0 UNITS/ LOT OF RECORD BONUS	85% and above of Potential Points

4.03.03 Standards for Development in the Community Redevelopment Area Overlay

A. Purpose

It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas.

B. The review of proposed development within the CRA Overlay shall be based upon compliance with the CRA Design Guidelines. Those properties within the CRA Overlay which are also located within the Downtown Historic District Overlay shall be reviewed for compliance with the Historic Preservation Design Guidelines, dated December 1999. All plans for development within the CRA Overlay shall be reviewed by the Historic District Council.

C. Site design standards specified in the overlay supersede the requirements for the underlying zoning district. Specific site design requirements that are not covered by the overlay shall follow the standards of the underlying zoning district.

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

1. Due to the nature of water dependent and water related uses, all new construction is exempt from Section 3.01.03(J) as well as the required 50 foot buffer from a natural water body as established in Section 3.03.03(B) 1.
2. Building height shall be measured from the Base Flood Elevation (BFE) to the top of the roof, rather than from the finished grade, as established in 4.02.03(C). The maximum height of all structures shall not exceed 30 feet in height above the BFE. Permissible roof forms shall be in compliance with the adopted CRA Design Guidelines.
3. Properties that have obtained the **Waterfront Mixed Use Future Land Use designation** are eligible for land uses in addition to those permitted in the Waterfront Industrial zoning and are specified in Tables 2.03.02 and 2.03.03. Floor area ratio shall not exceed 0.75. The floor area ratio shall be calculated based on the developable land area and shall include portions of the site which remain submerged. Residential units are permitted if the property has a FLUM category of WMU and the units are located above a non-residential use. Stand alone residential units are prohibited.
4. Developers of Office, Commercial, and/or Waterfront Industrial 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 two spaces per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking.
5. Front and rear yard setbacks are not required. In order to preserve view corridors and pedestrian access to the Amelia River, side yard setbacks and breaks between structures shall be provided as follows:



STAFF REPORT
TA 2010-37
Planning Advisory Board Hearing
November 10th, 2010

A. View Corridors

1. A 15-foot side yard setback on each side yard of a platted lot is required for water lots located to the north of Centre Street (water lots 1 through 9). These locations provide for alignment with existing east-west rights-of-ways at Alachua, Broome and Calhoun Streets and also provide for mid-block corridors. The mid-block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.
2. Water lots to the south of Centre Street (water lots 25 through 40) shall provide a 30-foot break between buildings at intervals of no more than 200 feet as measured along Front Street. To be consistent with corridor alignment to the north of Centre Street, these 30-foot breaks shall align with existing east-west rights of way at Ash, Beech, and Cedar Streets and shall also provide for mid-block corridors. The mid-block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.
3. These view corridors shall remain open to the sky and shall not include any parking areas, accessory structures or mechanical equipment. Limited parking area for loading and unloading may be permitted subject to compliance with adopted CRA Design Guidelines relating to the Public Waterfront Design Area. Certain encroachments and structural elements may be permitted within these view corridors subject to compliance with the adopted CRA Design Guidelines.

B. Pedestrian Access

1. In addition to the required view corridors, publicly accessible pedestrian access to the water shall be integrated into the project's site design. These accessways shall provide a minimum width of ten (10) feet and shall occur at intervals of no more than 100 feet (plus or minus up to 10 (ten) feet) as measured along Front Street. Accessways may vary in size and design as necessary to complement the overall project design. To encourage architectural variety and visual interest, certain encroachments and structural elements may be permitted within the accessways subject to compliance with the adopted CRA Design Guidelines. These accessways may be dedicated to public use through easements or dedication of right-of-way, or they may be retained under private ownership. In either case, these accessways shall remain open to and accessible by the public. If deemed necessary for security purposes, accessway closures may be permitted based on the posted operational hours of City beach access parking (exclusive of Main Beach or Seaside Parks).

E. Properties located within the CRA east of Front Street are subject to the following standards:

1. Facades up to 30 feet in height shall have a front yard setback no more than ten feet.
2. Facades up to 45 feet in height shall be recessed from the first 30 feet of façade a minimum of 10 feet. Awnings, pergolas, or covered balconies may encroach into this setback, but shall not extend beyond the first 30 feet of facade. Elements utilized to cover balconies shall not be a part of the main roof structure. Balcony enclosures (i.e., sun rooms, screened enclosures) shall be prohibited.
3. CRA properties located on the east side of North 2nd Street which share a property line with residentially-zoned, non-CRA properties shall meet the following standards:
 - a. Building height shall be limited to 35 feet, including the parapet for flat roofed structures.
 - b. Buildings shall provide a front yard setback of no more than 10 feet. Facade elements above 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 4.05.05(B).
 - d. All projects shall maintain a 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.



STAFF REPORT

TA 2010-37

Planning Advisory Board Hearing

November 10th, 2010

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 7.01.04A. 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 two (2) spaces per dwelling unit on-site with the following exceptions: all units 1000 sq. ft or under are only required to provide one (1) space per dwelling unit on-site and all units 1,001- 1,250 sq. ft. are only required to provide one and one-half (1.5) spaces per dwelling unit on-site. ~~and Residential parking spaces~~ 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.
10. CRA properties located east of Front Street which carry the Central Business District future land use designation/ C-3 zoning, and are not within the Coastal High Hazard Area (CHHA) are eligible to participate in a Density Bonus Incentive Program as described in Section 4.01.02.



STAFF REPORT
TA 2010-37
Planning Advisory Board Hearing
November 10th, 2010

7.01.04 Parking Standards and Parking Lot Design

A. Parking space requirements

1. Minimum off-street vehicular parking spaces shall be provided at the time of the construction of the principal building or at the time of the conversion of a building having a previously existing use to a more intensive use of the same property.
2. The minimum number of parking spaces shall conform to the standards in Table 7.01.04(A).
3. Due to the nature and character of the central business district, the provision of off-street parking will not be required, except for lodging accommodations and bed and breakfast inns. For these uses, the off-street parking requirements shall be satisfied within 1,000 feet of the property involved and as otherwise required under this chapter.
4. Calculation of required parking
 - a. Where floor area determines the amount of off-street parking required, the floor area of a building shall be the sum of the gross horizontal areas of every floor of the building, using exterior wall dimensions.
 - b. For places of public assembly, the number of seats shall be the maximum occupancy load established for the building by the Fire Marshal.
5. Requirements for off-street parking for uses not specifically mentioned in this chapter shall be the same as required for the use most similar to the one sought.
6. Any development adjacent to a public beach access shall be prohibited from interfering in any manner with the public use of the beach access, including but not limited to blocking the parking, removing parking, or interfering with the normal flow of traffic within the beach access area.

Table 7.01.04(A). Parking Space Requirements

Type of Use or Activity	Minimum Number of Spaces
Assembly places (religious facilities, funeral homes, schools, theaters, auditoriums, arenas, civic centers, and facilities with an auditorium, sanctuary, or gathering place, whether fixed seats or open area)	1 space per 4 seats
Business and commercial activities, including retail sales, and business activities not otherwise specified	1 space per 300 ft ² of gross floor area
Clubs and lodges (including fraternities, sororities, and other social or civic membership organizations)	1 space per 4 seats in the largest assembly area
Day-care and child-care centers	1.5 spaces per employee on the largest shift
Drive-in establishments	1 space per 60 ft ² of gross floor area
Gasoline service stations	1 space per 350 ft ² of floor area, plus 3 spaces per repair bay
Hospitals, nursing homes, rest homes, convalescent homes, assisted care facilities, other similar facilities, and other medical facilities providing overnight accommodations	1.5 spaces per bed
Lodging accommodations, <u>without</u> restaurants or lounges	1.1 spaces per sleeping room.
Lodging accommodations, <u>with</u> restaurants or lounges	1.1 spaces per sleeping room, plus parking required by this section for the restaurant or lounge.



STAFF REPORT
TA 2010-37
Planning Advisory Board Hearing
November 10th, 2010

Libraries and museums	1 space for each 500 ft ² of gross floor area
Manufacturing, warehousing and industrial uses	1 space for each 2 employees on the largest shift, plus 1 space for each company vehicle operating from the premises
Marinas	1 space for each boat berth, plus 1 space per each 2 employees on the largest shift ¹
Medical offices and clinics	1 space per 200 ft ² of gross floor area
Mortuary and funeral homes	1 space for each 4 seats in the chapel, plus 1 space for each 3 employees
Multi-family dwellings	2 spaces per dwelling unit
Offices (general, professional, or government)	1 space per 200 ft ² of gross floor area
Public parks and recreation facilities	1 space per 1,000 ft ² feet of active use area
Restaurants, eating, drinking, or entertainment establishments (without drive-in facilities)	1 space per 2 seats
Schools and educational uses; Elementary, middle, and junior high schools	2 spaces for each classroom, office, and kitchen
Schools and educational uses; High schools	6 spaces for each classroom, plus 1 space for each staff member
Schools and educational uses; Vocational, trade, and business schools	1 space per 300 ft ² of gross floor area
Single-family dwellings	2 per unit ²

¹ If a marina features a boat-launching ramp; at least fifty percent (50%) of the required parking spaces shall be designed to accommodate both a vehicle and boat trailer.

² Single-family dwellings within the CRA must provide two (2) spaces per dwelling unit on-site but are permitted the following exceptions: all units 1000 sq. ft or under are only required to provide one (1) space per dwelling unit on-site and all units 1,001- 1,250 sq. ft. are only required to provide one and one-half (1.5) spaces per dwelling unit on-site.



**STAFF REPORT
TA 2010-37
Planning Advisory Board Hearing
November 10th, 2010**

CONSISTENCY WITH COMPREHENSIVE PLAN:

OBJECTIVE 1.03. REDEVELOPMENT

The City shall reduce blight through redevelopment, renewal, and removal and replacement of blighted structures and uses.

- 1.03.01. The City shall encourage needed redevelopment and renewal through incentives such as the following:
- Density or intensity bonuses;
 - Provision of alternative site design requirements in designated redevelopment areas;
 - Provision of overlay districts;
 - Provision of development guidelines in designated historic districts; and
 - Expedited review processes.

- 1.03.04 The City shall implement a Density Bonus Incentive Program to encourage redevelopment within its Community Redevelopment Area (CRA). The CRA boundary is delineated on the City's Future Land Use Map and can not be amended without a Comprehensive Plan amendment. The Density Bonus Incentive Program shall be available only to those properties within the CRA which carry or acquire the Central Business District (CBD) future land use designation and are not within the Coastal High Hazard Area (CHHA). The Density Bonus Incentive Program shall utilize a scoring system as formalized within the Land Development Code by which redeveloping, eligible properties may choose to address categories of Housing Type Mix, Mixed Use, Community Amenities, Green Building Certification and Sustainable Site Development Practices to earn points toward a density increase.

Each category has a maximum number of points (illustrated in Table 1.03.01). Points may be obtained in any combination of the categories with the total number of points not to exceed 100 points.

Table 1.03.01 Density Bonus Incentive Program Maximum Points

CATEGORY	MAXIMUM POINTS
HOUSING TYPE MIX	35
MIXED USE	10
COMMUNITY AMENITIES	35
GREEN BUILDING CERTIFICATION	5
SUSTAINABLE SITE DEVELOPMENT PRACTICES	15
TOTAL	100

Density bonuses may be earned on a site specific basis based on the following minimum thresholds in the scoring system:

- Minimum of 40% of the potential points to achieve 1.5 times the allowable base density;
- Minimum of 55% of the potential points to achieve 2.0 times the allowable base density;
- Minimum of 70% of the potential points to achieve 2.5 times the allowable base density or
- Minimum of 85% of the potential points to achieve 3.0 times the allowable base density.



STAFF REPORT
TA 2010-37
Planning Advisory Board Hearing
November 10th, 2010

- 1.04.03. Existing platted lots of record that are located in Central Business District, Office Residential Mixed Use, Low, Medium, or High density residential land use districts shall not be prohibited from the construction of one residential unit due to a non-conforming lot size. (amended by Ordinance 2005-30, NOI 2006-01)
- 1.06.08. Central Business District (CBD)
- a. The FLUM designation of Central Business District is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
 - b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures, offices, commercial retail, personal services establishments, restaurants, transient accommodations, commercial parking facilities, civic uses and cultural uses.
 - c. Additional uses may be permissible subject to additional standards: automobile service stations, indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
 - d. The density of residential development in the Central Business District land use category **shall not exceed eight (8) units per acre**.
 - e. The intensity of non-residential development **shall not exceed a FAR of 2.0**.
 - f. A proposed amendment to the FLUM to increase the land area within the Central Business District; and land use category shall demonstrate the suitability of the proposed site based on:
 1. The need for additional land area within the Central Business District; and land use category;
 2. Consistency of the land area with the characteristics of the Central Business District; and
 3. Consistency of the land area with the characteristics of the downtown.

*The proposed LDC text amendment is compliant with the Comprehensive Plan's Future Land Use Element Goal as it strives to provide an incentive for future development, within the CRA, that is cost-efficient and environmentally acceptable as well as furthering the viability of the community's economic base. Use of the existing platted lots of record in the Central Business District's CRA for the Density Bonus Incentive Program is an appropriate place for encouraging the type of redevelopment the City seeks. The Central Business District land use category, serves to accommodate a wide range of residential and non-residential uses as a mixed use district. If approved, the text amendment will serve to foster the community desired redevelopment goals and the goals of the Waterfronts Master Plan. It will also provide no impact on the natural environment as the development will serve as infill development. The proposed changes seek to implement policy statement 1.03.04 by providing for the Density Bonus Incentive Program Scorecard. **EXHIBIT A** is an exhibit of the Future Land Use Map with the CRA boundary.*



**STAFF REPORT
TA 2010-37
Planning Advisory Board Hearing
November 10th, 2010**

OBJECTIVE 2.01. LEVEL OF SERVICE (LOS)

The City shall ensure that the roadway network within the City meets the minimum acceptable levels of service for all roadways.

2.01.01 The City shall enforce the minimum acceptable level of service standards, as set forth in the table below. Level of service shall be measured by methodologies outlined in the Level of Service Manual from the Florida DOT.

Minimum Acceptable Peak Hour LOS by Roadway Classification

Minor Arterials	C
Collectors, City Responsibility	C
Collectors, County Responsibility	D

*The City completed a Waterfront CRA Master Plan Traffic Circulation and Parking Study in May 2009. This Study revealed that there is ample capacity available in the existing grid transportation network within the downtown area to accommodate substantial additional development and redevelopment. Further, the study found that because the transportation network consists of numerous, highly connected roadways providing mobility by giving more options for reaching a destination and dispersing traffic; the existing network should be able to handle projected increases in traffic due to even a very aggressive redevelopment program. Based on the September 9, 2009, Traffic Analysis Spreadsheet, prepared by the Nassau County Growth Management Department, all arterials serving the downtown area currently operate a level C LOS. **EXHIBIT B** demonstrates the current traffic analysis with highlighted sections to indicate the downtown arterial links. The CRA Masterplan calls for a vehicular opening of the railroad on Alachua Street. The City has been working with the Railroad Company and FDOT over the past two (2) years to accomplish this goal. At this time the City's application for the opening is under review by FDOT. The Alachua crossing will provide an additional traffic circulation option on the network.*

OBJECTIVE 4.0- LEVEL OF SERVICE (LOS)

The City shall ensure that, at the time a development order is issued, adequate facility capacity for sanitary sewer, potable water, solid waste and stormwater drainage is available or will be available when needed to serve the development. All system improvements for replacement, expansion, or increase in capacity shall comply with the adopted level of service standards for these facilities.

4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

<u>Facility/Service Area</u>	<u>Level of Service Standard</u>
Sanitary Sewer Facilities	Average sewage generation rates: 172 gallons per capita per day with 1.2 peak factor
Solid Waste Facilities	Average solid waste generation rate: 5.9 pounds per capita per day
Drainage Facilities	See Policy 4.01.02
Potable Water Facilities	Water allocation level of service: 350 gallons per day per ERC

*Staff has analyzed the potential impacts on the City's Utilities based on a worst case scenario, assuming total build-out with a 3.0 density bonus. **EXHIBIT C** describes the City's existing utilities levels of service, its 2015 projected levels of service, and the impact of a total build-out of the CRA at 3 times the current density allowance. This analysis shows that the City is currently operating well above the adopted levels of service standards for each utility. It also demonstrates that the utilities will continue to operate well above the adopted*



**STAFF REPORT
TA 2010-37
Planning Advisory Board Hearing
November 10th, 2010**

levels of service based on its 5 year projected population increase and full redevelopment of the CRA at the maximum bonus allowance. The City requires on-site capture and treatment of all stormwater for new and redevelopment projects.

OBJECTIVE 10.06. LEVEL OF SERVICE STANDARDS

The City, in coordination with the School District, Nassau County and the other municipalities, shall implement a concurrency management system to ensure that the capacity of schools is sufficient to support new residential development at the adopted LOS standards within the period covered by the School District's Five-Year Facilities Work Program.

10.06.01. Consistent with the Inter-local Agreement, the uniform, district-wide level-of service standards shall be based upon the Florida Inventory of School Houses (FISH) maintained by the Department of Education (DOE). They are initially set and are hereby adopted as shown in Table 10-1.

TABLE 10-1

Type of School	Max. Permanent FISH Capacity	Level of Service	Minimum Acreage
Elementary	800	95%	25
Middle	1200	100%	40
K-8	1200	100%	50
Combination 6-12	1500	100%	60
High	1500	100%	60

These standards shall be consistent with the Inter-local Agreement agreed upon by the School District, and the local governments within Nassau County.

*The City was provided a statement of capacity from the Nassau County School District regarding School Concurrency for its adopted Comprehensive Plan amendment providing for the Density Bonus Incentive Program. The letter, dated April 5, 2010 (**EXHIBIT D**) provides a capacity analysis for students in the Elementary, Middle, and High Schools within the City. It shows that there is adequate capacity for students in all three levels of schools if the CRA bonus is applied up to 2.5. However, it shows a deficiency of Elementary School capacity when the density bonus reaches 3.0. This analysis assumes a full build out at the 3.0 density increase; however achievement of these increases throughout the CRA is extremely unlikely given the existing site constraints and additional demands of the Density Bonus Incentive Program.*



STAFF REPORT
TA 2010-37
Planning Advisory Board Hearing
November 10th, 2010

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Section 4.01.02 Density Bonus Provisions provides the most suitable location for the placement of the CRA Density Bonus Incentive Program language. This LDC section was initially set-up as a placeholder for language such as the proposed CRA Density Bonus Incentive Program. In the future, this section *could* be expanded to include other density bonus provisions, if first adopted by a Comprehensive Plan amendment that provides for inclusion of additional language. **Section 4.03.03 Standards for Development within the CRA Overlay** contains language changes that reference the Density Bonus Incentive Program in LDC section 4.01.02 and makes changes to the residential parking requirements. **Section 7.01.04 Parking Standards and Parking Lot Design** changes are necessitated in order incorporate recommendations for reduced single family dwelling unit parking requirements as introduced in the CRA Density Bonus Incentive Program. Changes to this section reduce the amount of parking for smaller units from 2 spaces per unit to 1 space for all units under 1,000 sq. ft. and 1.5 spaces for units between 1,001 and 1,250 sq. ft. Discussions of reduced parking requirements for smaller dwelling units have consistently been addressed since the early planning phases of the Comprehensive Plan amendment. Further, these changes were considered by the Density Bonus Incentive Program subcommittee of the PAB and supported by recommendations in the CRA design guidelines.

CONCLUSION:

The Planning Advisory Board appointed a subcommittee consisting of four of its members at their regular meeting on April 14th, 2010. This subcommittee consulted with local architects and appraisers throughout the development of both the Comprehensive Plan amendment and these subsequent LDC changes. They met four times over the past two months to discuss and find consensus on the CRA Density Bonus Incentive Program Scorecard and LDC language (9/28, 10/1, 10/11, 10/28). The PAB also discussed the upcoming LDC amendments and heard public input at their October 13th regular meeting.

The subcommittee remained committed to the approach set out by the PAB in April and worked together to provide thoughtful consideration of concerns raised by the community. Staff feels that the group's work enabled them to create an innovative planning strategy that addresses density in the downtown CRA while balancing the need for obtaining meaningful community improvements. Staff recommends approval of the request as it is consistent with the Comprehensive Plan and Land Development Code.

RECOMMENDED MOTION(S):

- I move to recommend approval to the City Commission PAB case number TA2010-37 a request for Land Development text amendments to sections 4.01.02, 4.03.03 and 7.01.04.

Submitted by:

A handwritten signature in cursive script that reads "Kelly N. Gibson".

Kelly N. Gibson
Senior Planner

**CRA PROPERTIES
ELIGIBLE FOR DENSITY BONUS INCENTIVE PROGRAM
EXISTING FUTURE LAND USE CATEGORIES**

-  CRA Boundary
 CRA PARCELS EAST OF FRONT ST
 Parcels
 Roads
 GENERAL COMMERCIAL
 CENTRAL BUSINESS DISTRICT
 OFFICE & RESIDENTIAL MIXED
 LOW DENSITY RESIDENTIAL
 MEDIUM DENSITY RESIDENTIAL
 HIGH DENSITY RESIDENTIAL
 WATERFRONT MIXED USE
 INDUSTRIAL
 INDUSTRIAL WATERFRONT
 PUBLIC & SEMI PUBLIC
 CONSERVATION
 RECREATION



1 inch = 107 feet



EXHIBIT B

Updated With FDOT Official Traffic Counts and Nassau County Traffic Counts
September 9, 2009

Printed on 10/16/09

(A) LINK ID	(B) Station	(C) ROADWAY	(D) FROM/TO	(E) LANES/ CLASSI- FICATION	(F) SEG. LENG. (MI.)	(G) LOS	(H) LOS STND.	(I) TABLE OR STUDY	(J) MAX. PK HR. CAP. (Veh./Hr.)	(K) Year of Count	(L) Volume (AADT)	(M) LINK K(100) FACTOR	(N) PM PK HR. CURRENT VOLUME	(O) Approved Concurrence Traffic	(P) PROJECTED PM PK HR. (O+Q)	(Q) Percent Capacity Used (R+J)	(R) PROJECTED PM PK HR. (J+R)	(S) Link Status	(T) Link Threshold (J+Q.02)
1	C-005 S R 200/S R A1A		Amelia Island Parkway to Sadler Road	4-MA		D	D	ART-TAB	4200	2007	39,000	0.0870	3393	1671	5,064	121%	864	Deficient	84
2	0102 S 4th Street		Sadler Road to Lime Street	4-MA		D	D	ART-TAB	3950	2008	18,000	0.0934	1681	320	2,001	134%	979	OK	79
3	5002 S 3rd Street		Lime Street to Atlantic Avenue	2-MA		C(FB)	C(FB)	ART-TAB	1860	2008	11,000	0.0934	1027	153	1,180	83%	680	OK	37
4	5003 Atlantic Avenue (S R A1A)		14th Street to 14th Street	2-MA		C(FB)	C(FB)	4-5	1260	2008	5,700	0.0934	532	44	577	46%	683	OK	25
5	5012 Atlantic Avenue (S R A1A)		14th Street to Fletcher Avenue	2-MA		C(FB)	C(FB)	4-5	1260	2008	7,800	0.0934	710	88	798	63%	462	OK	25
6	5005 Fletcher Avenue (S R A1A)		Atlantic Avenue to Sadler Road	2-MA		C(FB)	C(FB)	4-5	1260	2008	5,200	0.0934	486	31	517	41%	743	OK	25
7	5007 Fletcher Avenue (S R A1A)		Sadler Road to Simmons Road	2-MA		C(FB)	C(FB)	4-5	1260	2008	7,800	0.0934	729	25	754	60%	506	OK	25
8	0138 Fletcher Avenue (S R A1A)		Simmons Road to Amelia Island Parkway	2-MA		C(FB)	C(FB)	4-5	1260	2008	5,800	0.0934	542	60	602	48%	658	OK	25
9	0114 Fletcher Avenue (S R A1A)		Amelia Island Parkway to Buccanear Trail (S R 105A)	2-MA		D	D	4-5	1490	2008	4,800	0.0934	448	171	619	42%	871	OK	30
10	C-02 14th Street		Pogy Place to Atlantic Avenue	2-MA	2.200	D	D	4-5	720	2009	3,200	0.0960	310	154	464	64%	256	OK	14
11	C-03 14th Street		Atlantic Avenue to Hickory Street	2-MA	0.700	D	D	ARTPLAN	1750	2009	8,097	0.0960	873	79	953	84.5%	177	OK	23
12	C-04 14th Street		Hickory Street to Jasmine Street	2-MA	0.170	D	D	ARTPLAN	1750	2009	12,247	0.0960	1176	93	1,269	73%	481	OK	35
13	C-05 14th Street		Jasmine Street to Lime Street	2-MA	0.170	D	D	ARTPLAN	2010	2009	12,247	0.0960	1176	167	1,343	67%	667	OK	40
14	C-06 14th Street		Lime Street to Sadler Road	2-MA	1.060	D	D	4-5	2810	2008	15,608	0.0960	1498	301	1,800	64%	1,010	OK	56
15	C-07 Amelia Island Parkway		Sadler Road to Amelia Island Parkway	2-MA	1.110	D	D	4-5	1300	2009	7,405	0.0960	711	152	863	66%	437	OK	26
16	C-08 Amelia Island Parkway		S R 200/S R A1A to 14th Street Extension	2-MA	1.090	D	D	ARTPLAN	1870	2009	9,029	0.0960	867	702	1,568	84%	302	OK	37
17	C-09 Amelia Island Parkway		14th Street Extension to Buccanear Trail (C-105A)	2-MA	1.080	D	D	U2L-TAB	1660	2009	12,895	0.0960	1238	243	1,481	89%	179	OK	33
18	C-10 Amelia Island Parkway		Buccanear Trail (C-105A) to Fletcher Avenue	2-MA	0.950	D	D	4-5	1300	2009	4,326	0.0960	415	135	550	42%	706	OK	26
19	C-11 Amelia Island Parkway		Fletcher Avenue to Scott Road	2-MA	0.950	D	D	4-5	1300	2009	5,226	0.0960	502	92	594	46%	706	OK	26
20	C-12 Amelia Island Parkway		Scott Road to S R A1A/Julia Street	2-MA	0.095	D	D	4-5	1300	2009	3,101	0.0960	296	44	342	26%	958	OK	26
21	C-13 Buccanear Trail (C-105A)		Gerbering Road/South Fletcher Avenue to Canopy Drive	2-MA	0.500	D	D	4-5	720	2009	8,608	0.0960	826	90	916	127%	196	Deficient	14
22	C-14 Buccanear Trail (C-105A)		Canopy Drive to Amelia Island Parkway	2-MA	0.720	D	D	4-5	1300	2009	8,100	0.0960	778	59	837	64%	463	OK	26
23	C-15 Amelia Road		Amelia Island Parkway to S R 200	2-MA	1.420	D	D	4-5	720	2009	1,140	0.0960	109	93	203	28%	517	OK	14
24	C-16 First Coast Highway (S R A1A)		Gerbering RD/S Fletcher Ave to Amelia Island Pkwy/Julia St.	2-MA		D	D	U2L-TAB	1910	2008	10,500	0.0934	981	276	1,257	66%	653	OK	30
25	C-17 First Coast Highway (S R A1A)		Amelia Island Parkway/Julia Street to Beach Lagoon Road	2-MA		D	D	4-5	1490	2004	9,643	0.0960	926	122	1,048	70%	442	OK	27
26	3068 First Coast Highway (S R A1A)		Beach Lagoon Road to Nassau Sound	2-MA		D	D	4-5	1490	2008	3,300	0.0934	308	20	328	22%	1,162	OK	30
27	C-18 Sadler Road		8th Street to 14th Street	2-MA	0.290	D	D	4-5	2810	2008	20,105	0.0960	1930	467	2,397	85%	413	OK	56
28	C-19 Sadler Road		14th Street to Fletcher Avenue	2-MA	0.490	D	D	4-5	2810	2009	10,154	0.0960	975	252	1,227	44%	1,563	OK	56
29	C-20 Sadler Road		8th Street to 14th Street	2-MA	0.480	D	D	4-5	720	2009	2,583	0.0960	248	31	279	39%	441	OK	14
30	C-21 Citrona Drive		Atlantic Avenue to Citrona Drive	2-MA	0.480	D	D	4-5	720	2009	3,665	0.0960	352	26	378	53%	342	OK	14
31	C-22 Citrona Drive		Jasmine Street to Sadler Road	2-MA	1.160	D	D	4-5	900	2009	5,644	0.0960	542	113	351	49%	369	OK	14
32	C-23 Simmons Road		Sadler Road to Simmons Road	2-MA	0.530	D	D	4-5	900	2009	2,170	0.0960	208	54	262	29%	245	OK	18
33	C-24 Simmons Road		Will Hardee Road to Will Hardee Road	2-MA	0.520	D	D	4-5	720	2009	2,236	0.0960	215	37	252	35%	468	OK	14
34	C-25 Jasmine Street		Will Hardee Road to Fletcher Avenue	2-MA	1.200	D	D	4-5	720	2009	2,245	0.0960	216	21	236	33%	464	OK	14
35	C-26 T. J. Goucon Road		14th Street to Citrona Drive	2-MA	0.240	D	D	4-5	720	2009	3,021	0.0960	290	57	347	48%	373	OK	14
36	0103 S R 200/S R A1A		8th Street (S R 200) to 14th Street	2-MA		D	D	ARTPLAN	5090	2008	40,000	0.0934	3736	2509	6,245	123%	298	Deficient	18
37	C-45 C R 200A (Pages Dairy Road)		US 17 to Chester Road	2-MA	3.940	D	D	4-5	1300	2009	3,004	0.0960	288	518	807	62%	483	OK	26
38	C-46 C R 107N (Blackrock Road)		Chester Road to S R 200/S R A1A	2-MA	5.130	D	D	4-5	900	2009	2,700	0.0960	259	562	822	91%	76	Critical	18
39	C-47 C R 107S (Old Nassauville Road)		S R 200/S R A1A to Amelia Concourse	2-MA	1.910	D	D	4-5	1490	2009	6,403	0.0960	615	1545	2,159	145%	(669)	Deficient	30
40	C-50 Barnwell Road		S R 200/S R A1A to Oyster Bay Drive	2-MA	2.250	D	D	4-5	900	2009	3,251	0.0960	312	220	532	59%	368	OK	18
41	7001 8th Street		Alachua Street to Port	2-MA		C	C	4-5	670	2008	5,500	0.0934	514	0	514	77%	156	OK	54
42	F-02 8th Street		Atlantic to Alachua Street	2-MA		C	C	4-5	670	2007	4,500	0.0960	432	0	432	64%	238	OK	13
43	F-03 Alachua Street		Front Street to 8th Street	2-MA		C	C	4-5	670	2001	1,604	0.0960	154	7	161	24%	509	OK	13
44	F-04 Centre Street		Front Street to 8th Street	2-MA		C	C	4-5	670	2006	5,838	0.0960	560	44	804	90%	96	Critical	13
45	F-05 Ash Street		Front Street to 8th Street	2-MA		C	C	4-5	670	2001	1,486	0.0960	143	0	213	32%	457	OK	13
46	F-06 N. Fletcher		1st Street North	2-MA		C	C	4-5	670	2001	1,579	0.0960	152	0	143	21%	527	OK	13
47	F-07 N. Fletcher		Atlantic Avenue to 1st Street	2-MA		C	C	4-5	670	2001	2,239	0.0960	215	7	222	33%	448	OK	13
48	F-08 Beech Street		14th Street to Citrona Drive	2-MA		C	C	4-5	670	2001	1,229	0.0960	118	5	123	18%	547	OK	13
49	F-09 Beech Street		3rd Street to 8th Street	2-MA		C	C	4-5	670	2001	2,027	0.0960	195	0	195	29%	475	OK	13
50	F-10 3rd Street		Gum Street to Ash Street	2-MA		C	C	4-5	670	2001	961	0.0960	92	0	92	14%	578	OK	13
51	F-11 Jasmine Street		Citrona Drive to S. Fletcher Avenue	2-MA		C	C	4-5	670	2004	2,390	0.0960	229	6	235	35%	435	OK	13

EXHIBIT C

Public Facilities Parkland
Level of Service Analysis

Utility	LOS	Existing Capacity	2009 Population	LOS Calculation	2015 Projected Population	5-Year LOS Projection	Potential Population with Density Increase (711.36)	LOS Impact
Sanitary Sewer	172 gallons/ capita/day with 1.2 peak factor	3.5 Million Gallons/ Day (~117, 000 gallons/ capita/ day)	12,209	5,753.28	12,824	6,043.09	13,535.36	6,378.31
Solid Waste	5.9 lbs / capita / day	contract with Advanced Disposal	12,209	197.35	12,824	207.29	13,535.36	218.79
Drainage		Comprehensive Plan Policy 4.01.02- On-site retention required						
Potable Water	350 gallons /day / ERC	18.2 Million Gallons/Day	12,209		12,824		13,535.36	
Parks	7.5 acres of parkland / 1,000 residents	2,730.53 acres of parkland (~223 acres of parkland/ 1000 residents)	12,209	91.50	12,824	96.00	13,535.36	106.43
Public Schools				Separate Assessment				



John L. Ruis, Ed.D.
Superintendent of Schools

The Nassau County School District

**1201 Atlantic Avenue
Fernandina Beach, Florida 32034**

Sharyl Wood
Executive Director
Administrative Services
Phone (904) 491-9905
sharyl.wood@nassau.k12.fl.us

April 5, 2010

Kelly Gibson
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

Dear Ms. Gibson,

In response to your request for the Nassau County School District to comment on the availability of capacity for the proposed Comprehensive Plan changes, I offer the following.

Student generation rates used for calculations of student impact are:

1. Elementary schools at 0.25128489 students per unit
2. Middle schools at 0.147154 students per unit
3. High schools at 0.169998 students per unit

The Concurrency Service Area within which the proposed Comprehensive Plan change is located is Fernandina. Schools located in this CSA are Southside Elementary School (Grades K-2), Emma Love Hardee Elementary School (Grades 3-5), Fernandina Beach Middle School (Grades 6-8), and Fernandina Beach High School (Grades 9-12). In the contiguous Yulee South CSA, there are four schools: Yulee Primary School, Yulee Elementary School, Yulee Middle School, and Yulee High School.

As shown on the attached Table 23: Level of Service Analysis Supplement (July 2009 update), within the Fernandina CSA, all schools are currently operating at less than full capacity with the exception of Emma Love Hardee Elementary. By 2010-11, as shown on Table 23, the levels of service in the Fernandina Schools will be at less than full capacity due to the addition of student stations at Southside Elementary and Emma Love Hardee Elementary.

All schools in the contiguous Yulee South CSA are currently operating at or over capacity except Yulee High School. However, with the addition of student stations recommended in 2013-14, some additional capacity will be created.

The following chart summarizes the increased Dwelling Units that are possible due to the proposed Comprehensive Plan change and the numbers of additional students the increases in Dwelling Units will generate:

*Our mission is to develop each student as an inspired life-long learner and problem-solver
with the strength of character to serve as a productive member of society.*

AN EQUAL OPPORTUNITY EMPLOYER

	Rezoned to C-3	1.5 Lot of Record Bonus	2.0 Lot of Record Bonus	2.5 Lot of Record Bonus	3.0 Lot of Record Bonus
Original Number of DU Under Existing Zoning	110	110	110	110	110
Number of Possible DU With Bonuses Applied	156	234	312	390	468
Number of New DU Available Due to Bonus (Number of Possible DU minus 110)	46	124	202	280	358
Number of Additional Elementary School Students Generated	12	32	51	71	90
Number of Additional Middle School Students Generated	7	19	30	42	53
Number of Additional High School Students Generated	8	22	35	48	61

Based on the numbers of additional students generated as shown in the chart above, the following chart indicates potential availability of capacity within the next 5-year period for each of the bonus categories:

	Rezoned to C-3	1.5 Lot of Record Bonus	2.0 Lot of Record Bonus	2.5 Lot of Record Bonus	3.0 Lot of Record Bonus
Capacity Available for Elementary Students Generated?	Yes	Yes	Yes	Yes	No
Capacity Available for Middle School Students Generated?	Yes	Yes	Yes	Yes	Yes
Capacity Available for High School Students Generated?	Yes	Yes	Yes	Yes	Yes

The proposed Comprehensive Plan change does not represent a reservation of concurrency, and the availability of student capacity in the Fernandina and contiguous Yulee South CSAs may change based on future development in either area. As per the Amended Interlocal Agreement for School Facility Planning, if this Comprehensive Plan change is implemented and if capacity is not available at the time a project application is submitted, a developer will then need to collaborate with the school district to plan for providing student stations to accommodate a proposed increase in student capacity prior to approval of the development. Information regarding the cost per student station to provide additional capacity can be located at:

<http://edr.state.fl.us/conferences/peco/station.htm> .

If you have questions or need additional information, please do not hesitate to contact me.

Sincerely,

Sharyl W. Wood
Executive Director of Administrative Services

cc: Kevin Burnette, Director of Facilities

attachments



NOTICE OF HEARING PLANNING ADVISORY BOARD CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing of the Planning Advisory Board is scheduled for Wednesday, November 10, 2010 at 5:00 p.m. in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following Land Development Code text amendments:

LAND DEVELOPMENT CODE AMENDMENT(S)

AMENDMENTS TO THE CURRENT LAND DEVELOPMENT CODE (ORDINANCE 2006-14 AS AMENDED) TO INCORPORATE THE COMMUNITY REDEVELOPMENT AREA (CRA) DENSITY BONUS INCENTIVE PROGRAM INCLUDING CHANGES TO CHAPTER 4: SITE DESIGN REQUIREMENTS, SPECIFICALLY AMENDING SECTION 4.01.02, DENSITY BONUS PROVISIONS; AMENDING SECTION 4.03.03 STANDARDS FOR DEVELOPMENT IN THE COMMUNITY REDEVELOPMENT AREA OVERLAY AND INCORPORATING CHANGES TO CHAPTER 7: INFRASTRUCTURE AND CONCURRENCY REQUIREMENTS SPECIFICALLY SECTION 7.01.04 PARKING STANDARDS AND PARKING LOT DESIGN AS PART OF THE CRA DENSITY BONUS INCENTIVE PROGRAM.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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

Copies of the applications may be inspected in the office of the Community Development Department, City Hall, 204 Ash Street, between the hours of 7:30 AM – 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the Planning Department at 277-7325.

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 10, 2010
Page 1 of 3

I. Call to Order

Chair Beal called the meeting to order at 5:03 pm.

II. Roll Call/Determination of Quorum

Board Members Present

David Beal, Chair
Richard Bradford
Mark Bennett

Eric Bartelt, Vice-Chair
Len Kreger
Paul Condit

Board Members Absent

William A. Conger (excused)

Others Present

Kelly Gibson, City Planner
Cathy Sabattini, Recording Secretary

III. Minutes

According to the agenda support documents, the Minutes of the Regular Meeting of October 13, 2010 were presented for approval. **A motion was made by Member Bradford, seconded by Member Kreger, to approve the Minutes subject to any deletions or additions. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

IV. New Business

LAND DEVELOPMENT CODE AMENDMENT(S) - (ORDINANCE 2006-14 AS AMENDED) TO INCORPORATE THE COMMUNITY REDEVELOPMENT AREA (CRA) DENSITY BONUS INCENTIVE PROGRAM INCLUDING CHANGES TO CHAPTER 4: SITE DESIGN REQUIREMENTS, SPECIFICALLY AMENDING SECTION 4.01.02, DENSITY BONUS PROVISIONS; AMENDING SECTION 4.03.03 STANDARDS FOR DEVELOPMENT IN THE COMMUNITY REDEVELOPMENT AREA OVERLAY AND INCORPORATING CHANGES TO CHAPTER 7: INFRASTRUCTURE AND CONCURRENCY REQUIREMENTS SPECIFICALLY SECTION 7.01.04 PARKING STANDARDS AND PARKING LOT DESIGN AS PART OF THE CRA DENSITY BONUS INCENTIVE PROGRAM.

Ms. Gibson reminded the board that this was consideration of Land Development Code (LDC) text amendments to implement the CRA Comprehensive Plan text amendment that was approved, and was currently under review by the Department of Community Affairs (DCA). She stated that staff anticipated a Notice of Intent issued December 1st. She pointed out that since early September the subcommittee had been meeting to develop the proposed changes, which included the scorecard. She explained that included density bonus provisions as well as modifications to Section 4.03.03 (reference to density bonus provisions within the CRA overlay) and Section 7.01.04 (reduced single family dwelling unit parking standards).

Chair Beal pointed out that the subcommittee (Member Kreger, Member Bartelt, Member Bennett, and he) put a lot of time into the language. Member Bennett explained that a lot of energy went into

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 10, 2010
Page 2 of 3

the housing type mix as well as discussions on parking. The board had a brief discussion and reviewed the findings of the subcommittee.

The public hearing was opened at this time.

Mr. Dave Lott, 993 Ocean Overlook Drive, stated that he was part of the subcommittee along with Mr. John Cotner, Mr. Randy Rice, and the members of the board. He commented that there was a lot of good discussion back and forth and they came to a consensus to move the City in the right direction to develop multi-use residential areas by providing for density bonuses in the code. He expressed his support of this language.

Chair Beal recognized the input received from other members of the subcommittee as well as input from Ms. Patricia Borns, Mr. Cotner, Mr. Rice, and Ms. Julie Ferreira. Member Bartelt referred to the scorecard housing type mix (20% and above; 750 square feet or under) and suggested it read "20% and above of total units". Chair Beal offered a suggestion to remove the duplicate language "acquisition" from community amenities and change it to "dedication" or remove it completely. **A motion was made by Member Kreger, seconded by Member Condit, to recommend approval to the City Commission of PAB TA 2010-37 a request for Land Development text amendments to Sections 4.01.02, 4.03.03, and 7.01.04. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

V. Staff Report

Ms. Gibson briefly explained the new online computer system to look at agenda packets and suggested a trial for the December meeting, because it is anticipated that as of January there would be no more paper agenda packets. After a brief discussion, Chair Beal suggested that the next meeting have both paper and the new electronic system. There was some general discussion about board members making notes on agenda items as part of the transition for the City going paperless for all boards.

Ms. Gibson reported that the density bonus incentive program was being nominated to the Northeast Regional Council Annual Award in the category of growth management excellence. She stated that the City should hear by December 17th if the City received the award.

VI. Board Business

Member Bartelt referred to residential building heights and questioned whether the board should address that in the near future. Member Bennett commented that there seems to be an issue where approved grade starts and that has been an issue in the past. Member Bartelt suggested having a discussion with expertise from outside the board such as architects. Chair Beal commented that this would be a subcommittee item. The board had an extensive discussion about the implementation of the current code and whether there should be some modifications to the code based on case studies of implementing the code. Included in the discussion were concerns of the start of approved grade being above neighboring property, which can lead to drainage issues. Part of the concern was the appearance including the height of infill houses and pressures architects feel from owners to make the structures as big as they can to fit on a lot.

Ms. Gibson pointed out that part of the Evaluation Appraisal Report (EAR) based amendments staff was looking at neighborhood preservation. She explained that the City received a grant for a reconnaissance level survey to do more neighborhood level planning that looks at design standards including setbacks and heights that are appropriate for the neighborhood as it is defined. She

DRAFT

Planning Advisory Board Minutes
Regular Meeting
November 10, 2010
Page 3 of 3

suggested that this discussion would be more suited when staff was going through the LDC changes associated with the Comprehensive Plan amendments to address situations like building height and fill. She briefly explained to the board specifics from 1534 Lisa Avenue, which brought in 1.8 feet of fill to average out the grade for the slab to be constructed. There was some discussion about this as well as reviewing other potential small changes to the LDC for recurring issues.

Mr. Randy Rice, 961687 Gateway Boulevard, commented that through the process the subcommittee had discussions about what is being required for parking. He suggested considering that if all the parking is built that is required in the code the City was asking for commercial parking to be on the same level as if you had a project on Sadler Road. He reminded the board that to double the parking in a downtown area that has land limitations is not what the City should be communicating to developers. He briefly explained an idea for a sticker system for residents in the CRA that want to park a vehicle. There was some discussion about the points Mr. Rice raised about parking in the CRA to be consistent with parking in the Historic District. It was noted that the CRA parking requirements were based on comments/concerns raised by citizens of additional traffic and parking in front of other residential homes.

Ms. Gibson pointed out that the City Commission directed staff to do research on parking particularly near the beaches. She suggested waiting for direction from the City Commission. Members of the board expressed interest in dealing with the CRA parking issue rather than waiting for a citywide approach to parking. Some members suggested that the subcommittee move on to solve this issue with parking in the CRA, downtown area, and historic district. *The consensus of the board was for staff to communicate to the City Commission the board's desire to investigate the issue of parking in the historic district, downtown, and CRA and come up with some solutions.* There was further discussion about this noting that staff has to be given direction from the City Commission to move forward with work.

City Attorney Bach briefly explained that the City Commission would be having a Workshop Tuesday, November 16th at 5:00 pm on Boards and Committees covered under the Land Development Code. There was some discussion about this noting that members that were unable to attend could send an email expressing their thoughts to the City Commission about retaining the Planning Advisory Board as the Local Planning Agency.

VII. Comments by the public

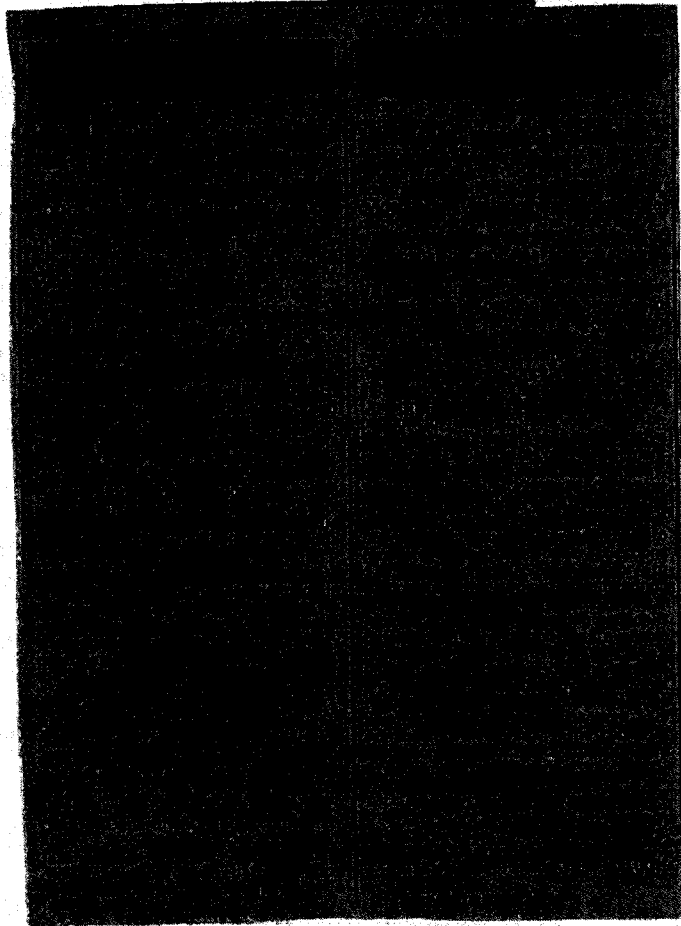
There were no comments by the public at this time.

VIII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 5:59 p.m.

David Beal, Chairman

Eric Bartelt, Vice Chair



Accepted by: _____ Time: _____ Date: _____

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, January 18, 2011 at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2010-39

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE, SPECIFICALLY AMENDING SECTION 4.01.02, DENSITY BONUS PROVISIONS; AMENDING SECTION 4.03.03 STANDARDS FOR DEVELOPMENT IN THE COMMUNITY REDEVELOPMENT AREA OVERLAY; AMENDING SECTION 7.01.04, PARKING STANDARDS AND PARKING LOT DESIGN TO INCLUDE CHANGES AS PART OF THE CITY'S CRA DENSITY BONUS INCENTIVE PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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

Copies of the applications may be inspected in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM – 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305.

Note:

Please run as a Legal in the January 5, 2011 edition of the NewsLeader.

Please send proof of publication to:

City Clerk's Office

City Hall, 204 Ash Street

Fernandina Beach, FL 32034

904-277-7305



**CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH**

SUBJECT: ORDINANCE 2010-39 AN ORDINANCE MODIFYING THE LAND DEVELOPMENT CODE SECTIONS 4.01.02, 4.03.03 AND 7.01.04 TO PROVIDE FOR A CRA DENSITY BONUS INCENTIVE PROGRAM.

DEPARTMENT: PLANNING DEPARTMENT

ATTACHMENTS: X Ordinance Resolution
 Support Documents Other

SUMMARY:

The City seeks to amend the Land Development Code to provide supporting language for the adopted Comprehensive Plan amendment (Ordinance 2010-19) known as the CRA Density Bonus Incentive Program. Staff developed a scorecard approach as the mechanism to allow CRA properties east of Front Street and carrying the land use designation of CBD to obtain a density bonus. In addition to the scorecard in LDC section 4.01.02, changes to section 4.03.03 are requested to reference the density bonus program and additional changes for reduced parking requirements for residential units with smaller square footage are proposed in section 7.01.04.

The Planning Advisory Board appointed a subcommittee consisting of four of its members at their regular meeting on April 14th, 2010. This subcommittee consulted with local architects and appraisers throughout the development of both the Comprehensive Plan amendment and these subsequent LDC changes. They met four times over the past two months to discuss and find consensus on the CRA Density Bonus Incentive Program Scorecard and LDC language (9/28, 10/1, 10/11, 10/28). The PAB also discussed the upcoming LDC amendments and heard public input at their October 13th regular meeting.

The subcommittee remained committed to the approach set out by the PAB in April and worked together to provide thoughtful consideration of concerns raised by the community. Staff feels that the group's work enabled them to create an innovative planning strategy that addresses density in the downtown CRA while balancing the need for obtaining meaningful community improvements. Staff recommends approval of the request as it is consistent with the Comprehensive Plan and Land Development Code. The PAB unanimously voted to recommend approval of the proposed language in a public session on November 10th, 2010.

RECOMMENDED ACTION: Approve Ordinance 2010-39 at 1st Reading

DEPARTMENT HEAD: Submitted by: Kelly N. Gibson, Senior Planner KG Date: 12/2/2010
Requested Agenda: Date: 12/21/2010

FINANCE DEPARTMENT: Budgeted Yes No X N/A Date:

CITY ATTORNEY: Approved for Form TEB Date: 12/13/10

CITY MANAGER: Approved Agenda Item for CM Date: 12/17/10

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

DISTRIBUTION: CA CC CM CD FI FD GC HR MD PD PR PW UD CDD

155 Read
Approved at the City Commission Meeting
Held on 12-21-10
Voted: Initial:



CITY COMMISSION AGENDA ITEM CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2010-39: AN ORDINANCE MODIFYING THE LAND DEVELOPMENT CODE SECTIONS 4.01.02, 4.03.03 AND 7.01.04 TO PROVIDE FOR A CRA DENSITY BONUS INCENTIVE PROGRAM.

DEPARTMENT: PLANNING DEPARTMENT

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

SUMMARY:

The City seeks to amend the Land Development Code to provide supporting language for the adopted Comprehensive Plan amendment (Ordinance 2010-19) known as the CRA Density Bonus Incentive Program. Staff developed a scorecard approach as the mechanism to allow CRA properties east of Front Street and carrying the land use designation of CBD to obtain a density bonus. In addition to the scorecard in LDC section 4.01.02, changes to section 4.03.03 are requested to reference the density bonus program and additional changes for reduced parking requirements for residential units with smaller square footage are proposed in section 7.01.04.

The Planning Advisory Board appointed a subcommittee consisting of four of its members at their regular meeting on April 14th, 2010. This subcommittee consulted with local architects and appraisers throughout the development of both the Comprehensive Plan amendment and these subsequent LDC changes. They met four times over the past two months to discuss and find consensus on the CRA Density Bonus Incentive Program Scorecard and LDC language (9/28, 10/1, 10/11, 10/28). The PAB also discussed the upcoming LDC amendments and heard public input at their October 13th regular meeting.

The subcommittee remained committed to the approach set out by the PAB in April and worked together to provide thoughtful consideration of concerns raised by the community. Staff feels that the group's work enabled them to create an innovative planning strategy that addresses density in the downtown CRA while balancing the need for obtaining meaningful community improvements. Staff recommends approval of the request as it is consistent with the Comprehensive Plan and Land Development Code. The PAB unanimously voted to recommend approval of the proposed language in a public session on November 10th, 2010.

The City Commission considered these amendments at 1st reading on December 21, 2010 and voted to approve the ordinance.

RECOMMENDED ACTION: Approve Ordinance 2010-39 at 2nd Reading

DEPARTMENT HEAD: Submitted by: Kelly N. Gibson, Senior Planner *KG*
Requested Agenda:

Date: 12/22/10
Date: 1/18/11

FINANCE DEPARTMENT: Budgeted ☐ Yes ☐ No ☒ N/A Date:

CITY ATTORNEY: Approved for Form *TEB* Date: 1/6/11

CITY MANAGER: Approved Agenda Item for *(M)* Date: 12/22/10

COMMISSION ACTION: ☒ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Tabled To Time Certain
☐ Other

DISTRIBUTION: ☐ CA ☐ CC ☐ CM ☐ CD ☐ FI ☐ FD ☐ GC ☐ HR ☐ MD ☐ PD ☐ PR ☐ PW ☐ UD ☐ CDD

Approved at the City Commission Meeting

Held on 1.18.11
Voted: 5-0 Initial: *(M)*

NEWS LEADER

AMELIA ISLAND • FERNANDINA BEACH • NASSAU COUNTY

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

NOTICE OF PUBLIC HEARING CITY COMMISSION

CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, January 18, 2011 at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2010-39

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, SPECIFICALLY AMENDING SECTION 4.01.02, DENSITY BONUS PROVISIONS; AMENDING SECTION 4.03.03, STANDARDS FOR DEVELOPMENT IN THE COMMUNITY REDEVELOPMENT AREA OVERLAY; AMENDING SECTION 7.01.04, PARKING STANDARDS AND PARKING LOT DESIGN TO INCLUDE CHANGES AS PART OF THE CITY'S CRA, DENSITY BONUS INCENTIVE PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2010-40

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING SECTION 34-1 OF THE CODE OF ORDINANCES TO CHANGE CITY GENERAL ELECTIONS FROM APRIL TO NOVEMBER; AMENDING SECTION 34-10 TO CHANGE THE DATE OF THE ANNUAL ORGANIZATIONAL MEETING FROM MAY TO DECEMBER TO COINCIDE WITH NOVEMBER CITY GENERAL ELECTION DATE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any person with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Services at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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

Copies of the applications, may be inspected in the office of the City Clerk, City Hall, located at 204 Ash Street, between the hours of 8:30 AM through 5:00 PM Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305. 11-01-05-2011 9580

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared

Michael B. Hankins

Who on oath says that he is the Advertising Director of the Fernandina Beach News-Leader, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

NOTICE OF PUBLIC HEARING

01/18/2011

Was published in said newspaper in the issues of

01/05/2011

Ref# 9580

Affiant further says that the said Fernandina Beach News-Leader is a newspaper published at Fernandina Beach, in said Nassau County, Florida and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and Affiant further says that he has neither paid nor promised any the purpose of securing this advertisement for publication in the said newspaper.

Michael B. Hankins

Sworn to and subscribed before me
This 5th day of January A.D. 2011.

Robert O. Fiege

Robert O. Fiege, Notary Public

GA

Personally Known



#161.29

ORDINANCE 2011-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 2, SECTION 2.02.03 HISTORIC DISTRICT OVERLAYS, SECTION 2.02.04 COMMUNITY REDEVELOPMENT AREA OVERLAY, CHAPTER 4, SECTION 4.03.02 STANDARDS FOR DEVELOPMENT IN THE HISTORIC DISTRICT OVERLAYS, AND CHAPTER 9, SECTION 9.04.00 ELIMINATING AIRPORT ADVISORY COMMISSION AND SECTION 9.06.04 TECHNICAL REVIEW COMMITTEE, RULES OF PROCEDURE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, the City Commission approved Ordinance 2010-24 modifying the downtown historic district boundaries to include the Peck Center on September 7, 2010; and

WHEREAS, changes are necessary in order to incorporate the expansion of the downtown historic district boundaries to include the Peck Center, to provide clarifying language regarding waterfront property downtown and to incorporate the correct references to applicable design guidelines; and

WHEREAS, on November 16, 2010 the City Commission directed staff to make changes to eliminate the Airport Advisory Commission and to reestablish the committee under a separate resolution; and

WHEREAS, the City Commission directed staff to make changes to modify the rules of procedures for the Technical Review Committee to have the City Manager appoint the TRC chair at their November 16, 2010 workshop; and

WHEREAS, a notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on December 29th, 2010; and

WHEREAS, the Planning Advisory Board has reviewed the proposed modifications in a public session on January 12, 2011 and has issued a recommendation of approval.

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

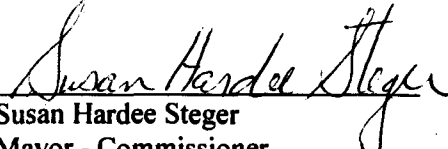
SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, attached hereto as Exhibit "A".

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

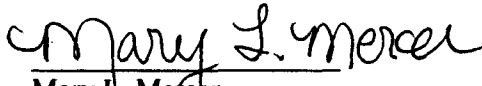
SECTION 3. This Ordinance shall become effective immediately upon adoption.

ADOPTED this ____ day of _____, 2011

CITY OF FERNANDINA BEACH


Susan Hardee Steger
Mayor - Commissioner

ATTEST:


Mary L. Mercer
City Clerk

APPROVED AS TO FORM:


Tammi E. Bach
City Attorney

Date for First Reading:	March 1, 2011
Date of Legal Ad:	March 23, 2011
Date of Second Reading:	
And Public Hearing:	April 5, 2011

ORDINANCE 2011-05
EXHIBIT "A"

2.02.03 Historic District Overlays

The Historic District Overlays are intended to preserve the form, function, image, residential balance, and ambiance of the historic Centre Street and surrounding area as the ceremonial, civic, and cultural center of the City. The Overlays also cover the Old Town Historic Site, as well as the Amelia Island Lighthouse, and Oxley-Heard Funeral Home, and the Peck Center. The Historic District Overlay Boundaries are incorporated by reference through City of Fernandina Beach Ordinances 526, 749, 846, 1995-12, 1997-24, and 2010-24. Areas within the Historic District Overlays shall be planned and managed following the guidelines established for the construction and renovation of buildings and use of land within the Historic Districts. (See Chapter 4 regarding guidelines for development in Historic Districts.)

2.02.04 Community Redevelopment Area Overlay

The Community Redevelopment Area (CRA) Overlay is intended to provide for and identify priority areas for coordinated redevelopment and revitalization activities. The CRA Overlay encourages improvement of infrastructure and commercial development. The CRA Overlay Boundaries are incorporated by reference through City of Fernandina Beach Resolution 2006-28. (See Chapter 4 regarding guidelines for development in the CRA.)

4.03.02 Standards for Development in the Historic District Overlays

B. The review of proposed development within the Downtown Historic District Overlay and for the Amelia Island Lighthouse, the Oxley-Heard Funeral Home, and the Peck Center shall also be based upon compliance with the Downtown Historic District Guidelines, dated December 1999. The review of proposed development within Old Town shall be based upon compliance with the Old Town Preservation and Development Guidelines, dated June 1999.

~~9.04.00 — AIRPORT ADVISORY COMMISSION~~

~~9.04.01 — Establishment~~

~~There is hereby created and established the City of Fernandina Beach Airport Advisory Commission.~~

~~9.04.02 — Membership~~

~~The Airport Advisory Commission shall consist of seven (7) regular members.~~

~~9.04.03 — Roles and Responsibilities~~

~~The Airport Advisory Commission shall provide advice and make recommendations to the City Commission as follows:~~

- ~~A. Prepare and recommend a comprehensive plan for the physical development and betterment of the airport, and revise it from time to time;~~
- ~~B. Prepare and submit periodic reports on the operation of the airport and make recommendations for the improvement of the operation, including, but not limited to, the fixed base operators, as they may exist from time to time;~~
- ~~C. Make recommendations for the sale or lease of City-owned property located adjacent to the airport;~~
- ~~D. Make recommendations regarding the requested or proposed grant of concessions on the airport property;~~
- ~~E. Make recommendations regarding policies and rates to be charged for the use of the airport property, including hangar rentals, landing and parking fees, and other charges to the general public for the use of the airport;~~
- ~~F. Make recommendations for the expenditure of public funds and assist in the preparation of budgets for the expenditures of those funds at or on the airport property;~~

- ~~G. Perform all acts requested by the City Commission to advise and assist in the continued operation and betterment of the airport.~~

9.05.00 9.04.00 BOARD OF ADJUSTMENT (BOA)

9.05.01 9.04.01 Establishment

There is hereby established a Board of Adjustment for the purpose of hearing and deciding on appeals of administrative decisions and hearing and deciding on applications for variances.

9.05.02 9.04.02 Membership

- A.** There shall be five (5) regular members of the BOA.
- B.** There shall be two (2) alternate members of the BOA.

9.05.03 9.04.03 Roles and Responsibilities

The BOA shall have the roles and responsibilities described in this section. The BOA shall conduct public hearings and render decisions in compliance with the requirements of this LDC on the following matters:

- A.** To hear and decide appeals where it is alleged there is error in any order, interpretation, requirement, decision, or determination made by an administrative official in the enforcement of this LDC (See Section 11.07.00 for procedures regarding appeals); and
- B.** To authorize a variance from a provision of the LDC, as set forth in Chapter 10.

9.06.00 9.05.00 TECHNICAL REVIEW COMMITTEE

9.06.01 9.05.01 Establishment

There is hereby created and established a Technical Review Committee (TRC) for the purpose of receiving, reviewing, and rendering decisions on applications subject to administrative review and decision as set forth in Chapter 11.

9.06.02 9.05.02 Membership

Membership of the TRC shall include, at a minimum, a representative from the following City departments:

- A.** Planning and Zoning
- B.** Utility
- C.** Building
- D.** Facilities Maintenance
- E.** Fire Department

9.06.03 9.05.03 Roles and Responsibilities

- A.** The TRC shall review applications and provide compliance reports for site plans, rezoning, amendments to this LDC, preliminary subdivision plats, final subdivision plats, and amendments to previously issued local development orders.
- B.** The TRC shall perform such other duties as may be assigned by the City Commission or City Manager.

9.06.04 9.05.04 Rules of Procedure

- A.** The representative from the Community Development Department shall chair meetings of the TRC. The City Manager shall appoint the chair of the TRC.
- B.** The TRC shall establish and publish a schedule of deadline dates for applications and regular meetings. Meetings may be called by the TRC chairperson.
- C.** The TRC may establish such additional rules of procedure as needed to carry out its roles and responsibilities.

DATE STAMP:

APPLICATION FOR TEXT AMENDMENT
PLANNING ADVISORY BOARD



Application #: TA 2010-38
IMS #:

Application Fee:
Received by:

1. APPLICANT'S INFORMATION:

Applicant(s): CITY OF FERNANDINA BEACH, FL Telephone: 904-277-7305
Address: 204 ASH STREET Fax: 904-321-5758
Address 2: FERNANDINA BEACH, FL 32034 E-mail: MCZYMBOR@FBFL.ORG

2. APPLICANT'S AGENT:

Name: COMMUNITY DEVELOPMENT DEPT. Telephone: 904-277-7325
Address: 204 ASH STREET Fax: 904-277-7324
Address 2: FERNANDINA BEACH, FL 32034 E-mail: DMCCRARY@FBFL.ORG

3. LAND DEVELOPMENT CODE SECTIONS TO BE AMENDED:

2.02.03 Historic District Overlays, 2.02.04 Community Redevelopment Area Overlay, and 4.03.02 Standards for Development in Historic District Overlays

4. LANGUAGE PROPOSED FOR DELETION:

None.

5. LANGUAGE PROPOSED FOR ADDITION:

2.02.03 Historic District Overlays

The Historic District Overlays are intended to preserve the form, function, image, residential balance, and ambiance of the historic Centre Street and surrounding area as the ceremonial, civic, and cultural center of the City. The Overlays also cover the Old Town Historic Site, as well as the Amelia Island Lighthouse, and Oxley-Heard Funeral Home, and the Peck Center. The Historic District Overlay Boundaries are incorporated by reference through City of Fernandina Beach Ordinances 526, 749, 846, 1995-12, 1997-24, and 2010-24. Areas within the Historic District Overlays shall be planned and managed following the guidelines established for the construction and renovation of buildings and use of land within the Historic Districts. (See Chapter 4 regarding guidelines for development in Historic Districts.)

2.02.04 Community Redevelopment Area Overlay

The Community Redevelopment Area (CRA) Overlay is intended to provide for and identify priority areas for coordinated redevelopment and revitalization activities. The CRA Overlay encourages improvement of infrastructure and commercial development. The CRA Overlay Boundaries are incorporated by reference through City of Fernandina Beach Resolution 2006-28. (See Chapter 4 regarding guidelines for development in the CRA.)

4.03.02 Standards for Development in the Historic District Overlays

B. The review of proposed development within the Downtown Historic District Overlay and for the Amelia Island Lighthouse, the Oxley-Heard Funeral Home, and the Peck Center shall also be based upon compliance with the Downtown Historic District Guidelines, dated December 1999. The review of proposed development within Old Town shall be based upon compliance with the Old Town Preservation and Development Guidelines, dated June 1999.

6. REASON FOR REQUEST. (PLEASE ATTACH NARRATIVE, IF NECESSARY)

Incorporate changes to necessary to acknowledge the Peck Center and to include the CRA Boundary enacting resolution.

SIGNATURES:

Michael J. Czymbor
APPLICANT (PRINT)

[Signature]
APPLICANT (SIGNATURE)

Marshall McCrary
AGENT (PRINT)

[Signature]
AGENT (SIGNATURE)

Sworn and subscribed to me on this 17th day of December, 2010, by Michael J. Czymbor and Marshall McCrary
(Name of person making statement)

[Signature]
Signature of Notary Public - State of Florida



KIMBERLY S. ELLIOTT
Notary Public, State of Florida
My Comm. Expires Feb 5, 2012
Print type stamp name of Notary Public
Commission No. BB 74754



**STAFF REPORT
TA 2010-38
Planning Advisory Board Hearing
January 12th, 2011**

APPLICATION FOR TEXT AMENDMENT TO CHANGE THE LAND DEVELOPMENT CODE

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT: City of Fernandina Beach, FL
AGENT: D. Marshall McCrary, CDD Director
REQUESTED ACTION: Land Development Code Text Amendments to incorporate Peck Center into the Historic District Boundaries and amend CRA Overlay boundaries reference

All required application materials have been received. All fees have been paid. All required notices have been made.

SUMMARY OF REQUEST:

The applicant requests consideration of a Land Development Code Text Amendment in order to incorporate the expansion of the Historic District boundaries to include the Peck Center and to amend the CRA overlay resolution reference. The City Commission adopted ordinance 2010-24 (*Exhibit A*) on September 7, 2010 which modified the downtown historic district boundaries to include the Peck Center. [Ordinance 2010-24 also included language (see section titled "Tract D") that was adopted by the City Commission by Ordinance 97-24 regarding waterfront property downtown, but was never formally included with the rest of the historic district boundary language. That addition did not change any boundaries beyond what already exists by ordinance within the district, but was merely a formality to make the legal description consistent with what has been previously approved by the Commission.] Incorporation of the applicable design guidelines to be applied to this property, and the other two freestanding historic districts parcels (the Lighthouse and Oxley-Heard), is also needed.

The proposed changes are necessary in order to properly reference the amended historic district boundary and the CRA overlay resolution, and reference applicable guidelines. These changes are requested for LDC sections 2.02.03, 2.02.04 and 4.03.02 and read as follows:

2.02.03 Historic District Overlays

The Historic District Overlays are intended to preserve the form, function, image, residential balance, and ambiance of the historic Centre Street and surrounding area as the ceremonial, civic, and cultural center of the City. The Overlays also cover the Old Town Historic Site, as well as the Amelia Island Lighthouse, and Oxley-Heard Funeral Home, and the Peck Center. The Historic District Overlay Boundaries are incorporated by reference through City of Fernandina Beach Ordinances 526, 749, 846, 1995-12, 1997-24, and 2010-24. Areas within the Historic District Overlays shall be planned and managed following the guidelines established for the construction and renovation of buildings and use of land within the Historic Districts. (See Chapter 4 regarding guidelines for development in Historic Districts.)

2.02.04 Community Redevelopment Area Overlay

The Community Redevelopment Area (CRA) Overlay is intended to provide for and identify priority areas for coordinated redevelopment and revitalization activities. The CRA Overlay encourages improvement of infrastructure and commercial development. The CRA Overlay Boundaries are incorporated by reference through City of Fernandina Beach Resolution 2006-28. (See Chapter 4 regarding guidelines for development in the CRA.)



**STAFF REPORT
TA 2010-38
Planning Advisory Board Hearing
January 12th, 2011**

4.03.02 Standards for Development in the Historic District Overlays

- B. The review of proposed development within the Downtown Historic District Overlay and for the Amelia Island Lighthouse, the Oxley-Heard Funeral Home, and the Peck Center shall also be based upon compliance with the Downtown Historic District Guidelines, dated December 1999. The review of proposed development within Old Town shall be based upon compliance with the Old Town Preservation and Development Guidelines, dated June 1999.

CONSISTENCY WITH COMPREHENSIVE PLAN:

Objective 1.05. Historic Resources

The City shall preserve and protect designated historic resources, including historically significant housing.

The applicant's request is consistent with the Comprehensive Plan's Objective 1.05 regarding Historic Resources. The proposed amendments to LDC sections 2.02.03 and 4.03.02 which recognize the Peck Center as consistent with the downtown historic district overlay's established period of significance (approx. late 19th century to 1920's.) On September 7th, 2010; the City Commission adopted Ordinance 2010-24 which amended the downtown historic district boundaries to include the Peck Center.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The proposed amendments are internally consistent with LDC Sections: 2.02.03 Historic District Overlays, 2.02.04 Community Redevelopment Overlay, 4.03.02 Standards for Development in Historic District Overlay and 4.03.03 Standards for Development in Community Redevelopment Area.

CONCLUSION:

The Historic District Council recommended inclusion of the Peck Center in the downtown historic district on April 15th, 2010. On April 27th, the Peck Committee also took action to recommend that the City Commission consider the Peck Center in the downtown historic district. Staff brought the item to the Commission as a discussion item on July 6th, 2010 and was directed to draft an ordinance modifying the downtown historic district boundaries. Ordinance 2010-24 was adopted on September 7th, 2010 following two readings and an adoption hearing.

The proposed changes simply reflect the adopted ordinance and also add clarifying information to the CRA overlay section. There are no substantive changes that impact how business is currently conducted. Therefore, staff recommends approval of application TA 2010-38.

RECOMMENDED MOTION(S):

- I move to recommend approval to the City Commission PAB case number TA2010-38 a request for Land Development text amendments to sections 2.02.03, 2.02.04 and 4.03.02.

Submitted by:

A handwritten signature in cursive script, reading "Kelly N. Gibson".

Kelly N. Gibson
Senior Planner

DATE STAMP:
RECEIVED

APPLICATION FOR TEXT AMENDMENT
PLANNING ADVISORY BOARD



DEC 21 2010

Application #: TA 2011-01
IMS #:

Application Fee:
Received by:

COMMUNITY DEVELOPMENT DEPARTMENT

1. APPLICANT INFORMATION:

Applicant(s): CITY OF FERNANDINA BEACH, FL Telephone: 904-277-7305
Address: 204 ASH STREET Fax: 904-321-5758
Address 2: FERNANDINA BEACH, FL 32034 E-mail: MCZYMBOR@FBFL.ORG

2. APPLICANT'S AGENT:

Name: COMMUNITY DEVELOPMENT DEPT. Telephone: 904-277-7325
Address: 204 ASH STREET Fax: 904-277-7324
Address 2: FERNANDINA BEACH, FL 32034 E-mail: DMCCRARY@FBFL.ORG

3. LAND DEVELOPMENT CODE SECTIONS TO BE AMENDED:

9.04.00 AIRPORT ADVISORY COMMISSION AND 9.06.00 TECHNICAL REVIEW COMMITTEE

4. LANGUAGE PROPOSED FOR DELETION:

9.04.00 AIRPORT ADVISORY COMMISSION

9.04.01 Establishment

There is hereby created and established the City of Fernandina Beach Airport Advisory Commission.

9.04.02 Membership

The Airport Advisory Commission shall consist of seven (7) regular members.

9.04.03 Roles and Responsibilities

The Airport Advisory Commission shall provide advice and make recommendations to the City Commission as follows:

- A. Prepare and recommend a comprehensive plan for the physical development and betterment of the airport, and revise it from time to time;
- B. Prepare and submit periodic reports on the operation of the airport and make recommendations for the improvement of the operation, including, but not limited to, the fixed base operators, as they may exist from time to time;
- C. Make recommendations for the sale or lease of City owned property located adjacent to the airport;
- D. Make recommendations regarding the requested or proposed grant of concessions on the airport property;
- E. Make recommendations regarding policies and rates to be charged for the use of the airport property, including hangar rentals, landing and parking fees, and other charges to the general public for the use of the airport;
- F. Make recommendations for the expenditure of public funds and assist in the preparation of budgets for the expenditures of those funds at or on the airport property;
- G. Perform all acts requested by the City Commission to advise and assist in the continued operation and betterment of the airport.

9.06.00 TECHNICAL REVIEW COMMITTEE

9.06.04 Rules of Procedure

The representative from the Community Development Department shall chair meetings of the TRC.

5. LANGUAGE PROPOSED FOR ADDITION:

9.06.00 TECHNICAL REVIEW COMMITTEE

9.06.04 Rules of Procedure

The City Manager shall appoint the chair of the TRC.

6. REASON FOR REQUEST: (PLEASE ATTACH NARRATIVE, IF NECESSARY)

City Commission request based on consensus at November 16, 2010 workshop.

SIGNATURES:

Michael J. Czymbor
APPLICANT (PRINT)

Marshall McCarty
AGENT (PRINT)

[Signature]
APPLICANT (SIGNATURE)

[Signature]
AGENT (SIGNATURE)

Sworn and subscribed to me on this 21st day of December, 2010, by Michael J. Czymbor and Marshall McCarty

[Signature]
Signature of Notary Public - State of Florida



KIMBERLY S. FLOTT making statement)
Notary Public, State of Florida
My Comm. Expires Feb. 5, 2012
Print type stamp of Notary Public



**STAFF REPORT
TA 2011-01
Planning Advisory Board Hearing
January 12th, 2011**

APPLICATION FOR TEXT AMENDMENT TO CHANGE THE LAND DEVELOPMENT CODE

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT: City of Fernandina Beach, FL
AGENT: D. Marshall McCrary, CDD Director
REQUESTED ACTION: Land Development Code Text Amendments to delete the Airport Advisory Committee (AAC) from the LDC and to modify the chair appointment to the Technical Review Committee (TRC)

All required application materials have been received. All fees have been paid. All required notices have been made.

SUMMARY OF REQUEST:

The applicant requests consideration of a Land Development Code Text Amendment that would strike the Airport Advisory Commission from the LDC, specifically section 9.04.00 and renumber sections 9.05.00 Board of Adjustments and 9.06.00 Technical Review Committee. The application also requests a modification to section 9.06.04 (A) Rules of Procedure to have the City Manager appoint the TRC chair rather than have a member of the Community Development Department as chair. These amendments were prepared following the direction of the City Commission at their November 16, 2010 workshop regarding City Boards and Committees. The changes requested for LDC sections 9.04.00 and 9.06.04(A) and read as follows:

9.04.00 — AIRPORT ADVISORY COMMISSION

9.04.01 Establishment

There is hereby created and established the City of Fernandina Beach Airport Advisory Commission.

9.04.02 Membership

The Airport Advisory Commission shall consist of seven (7) regular members.

9.04.03 Roles and Responsibilities

The Airport Advisory Commission shall provide advice and make recommendations to the City Commission as follows:

- A. Prepare and recommend a comprehensive plan for the physical development and betterment of the airport, and revise it from time to time;
- B. Prepare and submit periodic reports on the operation of the airport and make recommendations for the improvement of the operation, including, but not limited to, the fixed base operators, as they may exist from time to time;
- C. Make recommendations for the sale or lease of City owned property located adjacent to the airport;
- D. Make recommendations regarding the requested or proposed grant of concessions on the airport property;
- E. Make recommendations regarding policies and rates to be charged for the use of the airport property, including hangar rentals, landing and parking fees, and other charges to the general public for the use of the airport;
- F. Make recommendations for the expenditure of public funds and assist in the preparation of budgets for the expenditures of those funds at or on the airport property;



**STAFF REPORT
TA 2011-01
Planning Advisory Board Hearing
January 12th, 2011**

- ~~G. Perform all acts requested by the City Commission to advise and assist in the continued operation and betterment of the airport.~~

9.05.00 9.04.00 BOARD OF ADJUSTMENT (BOA)

~~9.05.01~~ 9.04.01 Establishment

There is hereby established a Board of Adjustment for the purpose of hearing and deciding on appeals of administrative decisions and hearing and deciding on applications for variances.

~~9.05.02~~ 9.04.02 Membership

- A. There shall be five (5) regular members of the BOA.
- B. There shall be two (2) alternate members of the BOA.

~~9.05.03~~ 9.04.03 Roles and Responsibilities

The BOA shall have the roles and responsibilities described in this section. The BOA shall conduct public hearings and render decisions in compliance with the requirements of this LDC on the following matters:

- A. To hear and decide appeals where it is alleged there is error in any order, interpretation, requirement, decision, or determination made by an administrative official in the enforcement of this LDC (See Section 11.07.00 for procedures regarding appeals); and
- B. To authorize a variance from a provision of the LDC, as set forth in Chapter 10.

9.06.00 9.05.00 TECHNICAL REVIEW COMMITTEE

~~9.06.01~~ 9.05.01 Establishment

There is hereby created and established a Technical Review Committee (TRC) for the purpose of receiving, reviewing, and rendering decisions on applications subject to administrative review and decision as set forth in Chapter 11.

~~9.06.02~~ 9.05.02 Membership

Membership of the TRC shall include, at a minimum, a representative from the following City departments:

- A. Planning and Zoning
- B. Utility
- C. Building
- D. Facilities Maintenance
- E. Fire Department

~~9.06.03~~ 9.05.03 Roles and Responsibilities

- A. The TRC shall review applications and provide compliance reports for site plans, rezoning, amendments to this LDC, preliminary subdivision plats, final subdivision plats, and amendments to previously issued local development orders.
- B. The TRC shall perform such other duties as may be assigned by the City Commission or City Manager.

~~9.06.04~~ 9.05.04 Rules of Procedure

- A. ~~The representative from the Community Development Department shall chair meetings of the TRC. The City Manager shall appoint the chair of the TRC.~~
- B. The TRC shall establish and publish a schedule of deadline dates for applications and regular meetings. Meetings may be called by the TRC chairperson.
- C. The TRC may establish such additional rules of procedure as needed to carry out its roles and responsibilities.



**STAFF REPORT
TA 2011-01
Planning Advisory Board Hearing
January 12th, 2011**

CONSISTENCY WITH COMPREHENSIVE PLAN:

OBJECTIVE 1.08. AIRPORT FACILITIES AND RELATED LAND USES

The City shall ensure the continued viability of the Fernandina Beach Municipal Airport.

The applicant's request is consistent with the Comprehensive Plan's Objective 1.08 regarding Airport Facilities and Related Land Uses. The proposed amendments to LDC sections 9.04.00 would strike the Airport Advisory Committee from the LDC. All other requirements related to airport facilities as far as land use planning will be maintained within the Comprehensive Plan. There are no changes to how the Airport Advisory Committee is currently treated in City operations. The AAC will be established through a resolution of the City Commission in conjunction with 2nd reading of this amendment.

There are no references to the TRC within the Comprehensive Plan.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The proposed amendment deleting the AAC is internally consistent with LDC Section 4.03.04 Standards for Development in the Airport Overlay as there are no references to the City's Airport Advisory Committee. The changes to the appointment of a TRC chair is also consistent with the remainder of section 9.06.00.

CONCLUSION:

The proposed changes have been prepared following the direction of the City Commission at their November 16th, 2010 workshop. There are no substantive changes that impact how business is currently conducted. Presently, the City Manager has appointed the City Engineer to sit as TRC chair. There are no anticipated changes to the current status of this position. The change does not prevent a member of the Community Development Department from acting as TRC chair. Therefore, staff recommends approval of application TA 2011-01.

RECOMMENDED MOTION(S):

- I move to recommend approval to the City Commission PAB case number TA2011-01 a request for Land Development text amendments to sections 9.04.00 and 9.06.04(A).

Submitted by:

A handwritten signature in cursive script, reading "Kelly N. Gibson", is written over the printed name.

Kelly N. Gibson
Senior Planner

DRAFT

Planning Advisory Board Minutes
Regular Meeting
January 12, 2011
Page 1 of 6

I. Call to Order

Chair Beal called the meeting to order at 5:09 pm.

II. Roll Call/Determination of Quorum

Board Members Present

David Beal, Chair
Richard Bradford
Mark Bennett
Michael Harrison (alternate)

Eric Bartelt, Vice-Chair
Len Kreger
Paul Condit

Board Members Absent

William A. Conger (excused)

Others Present

Kelly Gibson, City Planner
Angie Lester, Recording Secretary

A motion was made by Member Bennett, seconded by Member Kreger, to seat Member Harrison due to the absence of Member Conger. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

III. Minutes

According to the agenda support documents, the Minutes of the Regular Meeting of November 10, 2010 were presented for approval. A motion was made by Member Kreger, seconded by Member Bennett, to approve the Minutes as presented. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

IV. Staff Report

This item was heard after comments by the public.

V. Board Business

5.1 TA 2010-41 AMELIA PARK NORTH, INC., NORTH PARK VILLAGE, NECTARINE STREET, S. 15TH STREET AND NORTHPARK DRIVE TO INCLUDE PARCEL 00-00-31-1600-0162-0020, 00-00-31-1600-0163-0020, 00-00-31-1600-0164-0000, 25-3N-28-0000-0001-0010, 25-3N-28-0000-0001-0020 (CZ 2010-41), CHANGE OF ZONING FROM ZONING DISTRICTS: MU-1, MIXED USE AND R-2, MEDIUM DENSITY RESIDENTIAL TO PUD, PLANNED UNIT DEVELOPMENT TOTALING 17.97 ACRES.

Ms. Gibson clarified that this request was for a Planned Unit Development (PUD) and presented details the request as contained in the agenda support documents. She explained that the primary objective of the PUD request is to achieve flexible building setbacks that would permit enhanced tree preservation throughout the neighborhood. Included in the presentation was that staff suggested that the mixed use maximum front setback set of 10 feet rather than have a minimum, which would allow

DRAFT

Planning Advisory Board Minutes
Regular Meeting
January 12, 2011
Page 2 of 6

for parking to be placed behind a commercial structure as well as enhance the ability for tree preservation. She clarified that staff was recommending approval of the zoning change overlay provided several stipulations including that South 15th Street is extended to connect to North Park Drive; the segment between Nectarine Street and North Park Drive be improved to current City roadway standards; vehicular and pedestrian access included on South 15th Street; sidewalk constructed along the entire segment of South 15th between Nectarine and North Park Drive; and maximum 10 foot front yard setback for the non-residential portion of the development.

Chair Beal commented that he thought the board could not make changes or suggestions to the application. Ms. Gibson explained that the board could include additional recommendations and suggest changes.

Mr. Mike Antonopoulos, 115 Selana Road, explained that initially they came in with a straight Technical Review Committee (TRC) pre-application with a similar site plan trying to find out if they had to do a PUD. He pointed out that the trees on this site are larger than the majority of Amelia Park so tree preservation was one of the primary objectives of the pre-application request. He stated that the site is R-2 and MU, which allows up to 8 units per acre. He explained that with the ability to float the structures around it will allow for tree preservation and more of an organic streetscape. He referred to staff's recommendation of improvements to South 15th and stated that they felt that was punitive given the fact that they were asking to reduce the entitlements not increase them. He pointed out that they were going to meet with the other property owners along South 15th and come to some sort of agreement. 15th Street would meet the swale section and the sidewalk would be built from their entrance on 15th Street down to North Park, but not from the entrance up to Nectarine. Mr. Antonopoulos stated that he had no problem with the maximum setback. He pointed out that everyone in Amelia Park was made aware of what was being proposed with both a notice and information posted on their website. There was some discussion about the sidewalk for 15th Street and the proposed efforts to preserve larger trees as well as clusters of smaller trees if they provide a canopy.

Member Bennett inquired about the standards that would apply to the PUD. Mr. Antonopoulos pointed out 1AP, 2AP, and 3AP would be annexed into the neighborhood association and subject to the same architectural standards as other lots in Amelia Park. Member Bennett noted that the other 64 lots would be subject to the PUD written description that the board was looking at. He questioned whether the lots would be 40 or 50 feet. Mr. Antonopoulos replied that only applied to the three lots (1AP, 2AP, and 3AP). There was some discussion to clarify what standards apply to which lots.

Mr. Trip Stanley, 3675 Pine Street, referred to the site plan and pointed out that originally they designed one ingress/egress on North Park Drive, but the TRC asked for a second ingress/egress. He stated that there will be two forms of ingress/egress with one off of North Park and the main entrance off of 15th. Ms. Gibson inquired if by eliminating the Nectarine Street access would they be able to provide a pedestrian thoroughway out to the area on Nectarine Street. Mr. Stanley replied that they hadn't designed that. Ms. Gibson stated that she would like to see that there is pedestrian access that can get out to Nectarine Street, which enhances making it walkable. It was noted that the site plan would go back to the TRC to work out stormwater, circulation, etc. and then it would come back to the Planning Advisory Board for a preliminary plat. There was some discussion to clarify that the board was just considering the zoning piece at this time, which was approving the use of an overlay. The board also had some discussion about the second ingress/egress that came about from meeting with the TRC. It was noted that the applicant had concerns about being solely responsible for bearing the cost of the improvements to 15th Street when they are not the majority landowner fronting 15th Street. The board reviewed and deliberated about the proposed motion.

DRAFT

Planning Advisory Board Minutes
Regular Meeting
January 12, 2011
Page 3 of 6

The public hearing was opened at this time.

Mr. Bob Ryan, 1810 McArthur Street, explained that the neighbors have met with Mr. Antonopoulos and Mr. Stanley. He stated that overall they are supportive of North Village, but had some concerns and questions. He pointed out that there was a desire that those three lots be annexed into Amelia Park and fall under the review of the architectural review board of Amelia Park. He noted that the TRC recommendation was that 15th Street be the primary access with a secondary access off either North Park or Nectarine. He stated that they would prefer the secondary access to be from Nectarine as opposed to North Park. He referred to the request for a monument sign and questioned the placement of the proposed sign, because they would prefer that the sign be on the 15th Street primary access. Ms. Gibson explained that details about signage and placement of signage would be considered during permitting and construction. She stated that as long as the sign complies with the City's sign requirements then it can be located where is it requested. Mr. Ryan stated that the Amelia Park Neighborhood's preference was that the secondary access be on Nectarine. He pointed out that there is no direct link to Azalea. There was some discussion about this noting that the neighbors didn't want a lot of traffic going through the neighborhood to get into the new area.

Mr. George Haffey, 1640 North Park Drive, expressed his support of Mr. Ryan's comments. He recommended that for the next meeting to expand the map to show all the access roads that go into this area. Staff presented a map showing the access roads into this area. Mr. Haffey questioned if this would be North Village or Amelia Park North. Mr. Stanley stated that the name of the development would be North Village. Mr. Haffey inquired if the board was not only approving the PUD, but also approving the written description. Ms. Gibson clarified that the board was considering approving the use of an overlay district. Mr. Haffey requested definitions for compatible width, compliment, and standards of the existing Amelia Park homes. Ms. Gibson stated that her understanding of these two sentences in the North Village written description is that the residential structures will be designed in a way that will complement the surrounding adjacent area (Amelia Park). It was pointed out that the three lots (1AP, 2AP, and 3AP) would be built to the standards of Amelia Park.

Ms. Sharon Haffey, 1640 North Park Drive, pointed out that an entrance on 15th and Nectarine are preferential. She stated that they were looking at a compatibility factor and the impact on families. She briefly commented about the impact of the proposed sign.

Mr. John Birch, 1755 Burnham Lane, stated that there is a residual benefit of going down 15th Street as a primary entrance. He pointed out this part of Fernandina Beach has been subject to visits by the Police Department for homeless people, etc. He explained that by continuing 15th Street it becomes an aesthetic plus for the City.

A question was raised about the need for ingress/egress from North Park given the concerns of the neighbors. Mr. Antonopoulos stated that the written description is adopted as part of the PUD so they have the right to use that description to supersede City codes. He pointed out that they were willing to add language that they won't have any entrance on North Park. He explained that they were trying to keep the interconnectivity and the opportunity for diverse traffic flows open. After a brief discussion, Mr. Stanley pointed out that they looked forward to working with Amelia Park. He explained that originally this was going to be an extension of Amelia Park, but now they are trying to find the right balance that will work for the neighborhood and the City.

The public hearing was closed at this time. Member Bennett questioned staff if she would change any of her recommendations based on what she heard. Ms. Gibson replied she would not. Mr. Antonopoulos requested the board consider the changes to the recommendations (sidewalk only be

DRAFT

Planning Advisory Board Minutes
Regular Meeting
January 12, 2011
Page 4 of 6

extended from 15th Street connection into Amelia Park at North Park Drive in lieu of the entire lane; to stipulate that the standards for 15th Street is a swale section roadway similar to Nectarine; and to add a stipulation that there would not be a monument sign at the North Park connection). There was some discussion and deliberation about an appropriate motion, included in the discussion was the idea of a pedestrian connection at Nectarine in lieu of a sidewalk at 15th Street. Ms. Gibson briefly explained reasons for keeping the connection to North Park, since the intent of North Village was to be complimentary to Amelia Park. Chair Beal inquired about the board voting on what was presented without stipulations since it does have to go back before TRC and the board. Ms. Gibson replied the board could. There was further discussion and deliberation about whether to include stipulations or not because this would go back before the TRC. There was a review of the following stipulations: extending 15th Street, establishing an entrance at 15th Street, and eliminating the Nectarine ingress/egress but maintain it as a pedestrian access. **A motion was made by Member Bennett, seconded by Member Bradford, to recommend approval of PAB CZ 2010-41 to the City Commission requesting that a change to the zoning map for an overlay category of PUD be permitted provided that South 15th Street is extended to the south to connect with North Park Drive; the segment between Nectarine Street and North Park Drive be improved to current City roadway standard; vehicular and pedestrian access is included off of South 15th Street; a sidewalk is constructed along the entire South 15th Street segment between Nectarine Street and North Park Drive; set a maximum 10 foot front setback requirement for the non-residential portion of the development; and that PAB case CZ 2010-41 as presented is sufficiently compliant with the Comprehensive Plan and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nay and being all ayes, carried.**

The board took a brief recess at this time.

5.2 TA 2010-38 AMENDMENTS TO THE CURRENT LAND DEVELOPMENT CODE (ORDINANCE 2006-14 AS AMENDED) TO INCORPORATE REFERENCES TO THE COMMUNITY REDEVELOPMENT AREA (CRA) AND PECK CENTER WITHIN THE HISTORIC DISTRICT BOUNDARIES, SPECIFICALLY AMENDING SECTION 2.02.03, HISTORIC DISTRICT OVERLAY, AMENDING SECTION 2.02.04 COMMUNITY REDEVELOPMENT OVERLAY AND SECTION 4.03.02 STANDARDS FOR DEVELOPMENT IN THE HISTORIC DISTRICT OVERLAYS.

Ms. Gibson briefly clarified this request for a Land Development Code (LDC) change involving Sections 2.02.03, 2.02.04, and 4.03.02 as contained in the agenda support documents. She explained that this amendment is to modify these Sections to properly reference things that were not in the code before. Member Condit noted that this was cleaning up the language. Ms. Gibson pointed out that it was also acknowledging the inclusion of the Peck Center in the Historic District boundaries. Member Bennett inquired how this would be legally described. Ms. Gibson replied that it was described in the general legal description of the Historic District boundaries. Member Bennett pointed out that the Peck Center was not contiguous to the rest of the Historic District. City Attorney Bach showed the board that it was separated into tracks rather than in the description. She stated that track E is the Peck Center. Member Bennett questioned amending the CRA overlay Resolution reference. Ms. Gibson explained that in Section 2.02.04 it is adding a sentence to read "CRA overlay boundaries are incorporated by reference through the City of Fernandina Beach Resolution 2006-28" and it also references the Chapter 4 guidelines for development within the CRA. There was some discussion to clarify these amendments further.

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 Member Bennett, seconded by Member Kreger, to**

DRAFT

Planning Advisory Board Minutes
Regular Meeting
January 12, 2011
Page 5 of 6

recommend approval to the City Commission of PAB case TA 2010-38 a request for Land Development Code Text Amendments to Sections 2.02.03; 2.02.04; and 4.03.02 as shown in the agenda support documents. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

5.3 TA 2011-01 AMENDMENTS TO THE CURRENT LAND DEVELOPMENT CODE (ORDINANCE 2006-14 AS AMENDED) TO STRIKE SECTION 9.04.00 AIRPORT ADVISORY COMMISSION AND TO MODIFY SECTION 9.06.00, TECHNICAL REVIEW COMMITTEE (TRC), SPECIFICALLY 9.06.04(A), TO STATE THAT THE CITY MANAGER SHALL APPOINT THE TRC CHAIR.

Ms. Gibson briefly clarified this request for a Land Development Code (LDC) change involving the Sections related to the Technical Review Committee and the Airport Advisory Commission as contained in the agenda support documents. Member Bennett questioned if with this change would someone from the Planning Department not be at the meeting. Ms. Gibson replied no and explained that neither the Planning nor Building Departments would be excluded from those meetings. It was noted that under membership it lists the departments that have to have representation during the meetings.

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 Member Bartelt, seconded by Member Kreger, to recommend approval to the City Commission of PAB case TA 2011-01 a request for Land Development Code Text Amendments to Sections 9.04.00 and 9.06.04(A) as shown in the agenda support documents. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

VI. Board Consideration Of Appointment For 2nd Alternate Position

City Attorney Bach inquired if there was only one application for the 2nd alternate position. Ms. Gibson replied yes. It was noted that the City Commission had considered all the previous applications for the 2nd alternate position and had not appointed anyone from those applications. Mr. Ted Kostich, 1525 North Fletcher, explained that he is a builder and land developer. He stated that he wanted to join the board to share some of his knowledge and foresight. He provided further details about his experience as a builder and land developer. After a brief discussion about Mr. Kostich's experience, a motion was made by Member Bradford, seconded by Member Kreger, to forward on Mr. Kostich's application to the City Commission. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

VII. Comments by the public

There were no comments by the public at this time.

Evaluation and Appraisal Report – Ms. Gibson explained that staff has been circulating drafts of the Evaluation and Appraisal Report (EAR) amendments. She pointed out that they were still waiting on a mobility study. She stated that she was hesitant to move forward with the traffic circulation element without getting a bigger picture. She explained that Requests for Proposals (RFP) would go out for a consultant to help staff do some of the work for the mobility study. She commented that she was hopeful to begin the Workshop process with the community no later than March so that everything could get sent off to the Department of Community Affairs (DCA) no later than July. She stated that the City was currently on target for these dates.

DRAFT

Planning Advisory Board Minutes
Regular Meeting
January 12, 2011
Page 6 of 6

First Coast Visioning Meeting – Ms. Gibson stated that there will be a First Coast Visioning Meeting February 3rd at the Betty Cook Auditorium, which was an effort of the North Florida Regional Council to do their strategic planning updates to the year 2060. She explained that she would send details via email.

Member Bennett inquired about the study being done about neighborhoods. Ms. Gibson stated that the City hired consultants to go out to capture information about neighborhoods, but she had not received any information on where they were with that report. Member Bennett questioned when the board would discuss building heights. Ms. Gibson suggested setting up a Workshop for this or the board could plan do it at the February meeting. Chair Beal inquired if that would be a good time to address the little things that Mr. Cotner brought up about the LDC. Ms. Gibson stated that some of the things Mr. Cotner was looking at were encroachments, design requirements for accessory structures, and parking requirements. She pointed out that these were noted in the log that staff was keeping regarding issues in the LDC. She explained that she rather get through the Comprehensive Plan changes and then make changes to the LDC to address things like height, parking, etc. There was some discussion about this noting that staff's estimate to do all the changes in the LDC would be December 2012. Included in the discussion were the issues brought up with parking requirements.

Member Bradford commented that the downtown district was put under the Community Redevelopment Area (CRA), but when it went before the City Commission it was removed from the CRA. He stated that he would like to see the downtown under the CRA. Ms. Gibson commented that expansion would include the Central Business District.

Member Bartelt requested clarification of what last night's City Commission Workshop was for. Ms. Gibson explained that City staff (Mr. McCrary and Ms. Dessy) worked with the Amelia Island Restoration Foundation who is spearheading an effort that follows a goal set by the City Commission to revitalize downtown. She commented that they have worked with the Historic District Council (HDC) and members of the Amelia Island Restoration Foundation to put together a presentation talking about previous strategic planning that has taken place within the City (i.e. Vision 2000, Vision 2020, EAR amendments). She stated that they came up with recurring themes of making changes to 8th Street, waterfront planning, impact on surrounding neighborhoods, and downtown. She explained that the effort was to get the City Commission to start looking at what the priorities are and how to proceed. It was noted that the City Commission agreed to have City staff and the Amelia Island Restoration Foundation to work together. There was some discussion about the City Commission Workshop and it was noted that the Amelia Island Restoration Foundation would solicit public input from town hall meetings.

Chair Beal polled the board about going paperless. There were no concerns raised, but a suggestion was made to insert a blank page or have a summary showing what page number an item starts on. Member Bennett briefly explained that there is a way to type notes on the document.

VIII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned 7:36 p.m.

David Beal, Chairman

Eric Bartelt, Vice Chair

Newsleader

March 23, 2011

ORD 2011-05

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH
NOTICE IS HEREBY GIVEN
that a Public Hearing is sched-
uled for Tuesday, April 5, 2011 at
6:00 PM in the City Commission
Chambers, 204 Ash Street
Fernandina Beach, Florida to
consider the following appli-
cation:

ORDINANCE 2011-04
AN ORDINANCE OF THE
CITY COMMISSION OF THE CITY
OF FERNANDINA BEACH, FLOR-
IDA, CHANGING THE ZONING
MAP FROM MEDIUM DENSITY
RESIDENTIAL (R-2) AND OFFICE
AND RESIDENTIAL MIXED USE
(MU-1) ZONING TO PLANNED
UNIT DEVELOPMENT (PUD),
17.97 ACRES OF LAND LOCAT-
ED AT NECTARINE STREET,
SOUTH 16TH STREET AND
NORTH PARK DRIVE, PARCEL ID
NUMBERS 00-00-31-1600-0162-
0020, 00-00-31-1600-0163-0020,
00-00-31-1600-0164-0000, 25-
3N-28-0000-0001-0010, 25-3N-
28-0000-0001-0020; PROVIDING
FOR SEVERABILITY; PROVIDING
FOR AN EFFECTIVE DATE.

→
ORDINANCE 2011-05
AN ORDINANCE OF THE
CITY COMMISSION OF THE CITY
OF FERNANDINA BEACH
AMENDING THE LAND DEVELOP-
MENT CODE, CHAPTER 2,
SECTION 2.02.03 HISTORIC DIS-
TRICT OVERLAYS, SECTION
2.02.04 COMMUNITY REDEVELOP-
MENT AREA OVERLAY,
CHAPTER 4, SECTION 4.03.02
STANDARDS FOR DEVELOP-
MENT IN THE HISTORIC DISTRICT
OVERLAYS, AND CHAPTER 9,
SECTION 9.04.00 ELIMINATING
AIRPORT ADVISORY COMMISS-
ION AND SECTION 9.06.04
TECHNICAL REVIEW COMMIT-
TEE, RULES OF PROCEDURE;
PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN
EFFECTIVE DATE.

ORDINANCE 2011-06
AN ORDINANCE OF THE
CITY COMMISSION OF THE CITY
OF FERNANDINA BEACH, FLOR-
IDA AMENDING CHAPTER 2,
ARTICLE 1 OF THE CODE OF
ORDINANCES BY CREATING
SECTION 2-1 TITLED CITY SEAL
GENERAL RESTRICTIONS; BY
OFFICIALLY ADOPTING THE
CORPORATE CITY SEAL AND
ESTABLISHING GENERAL RE-
STRICTIONS; PROVIDING FOR
SEVERABILITY; AND PROVIDING
FOR AN EFFECTIVE DATE.

ORDINANCE 2011-07
AN ORDINANCE OF THE
CITY OF FERNANDINA BEACH,
FLORIDA, CREATING CHAPTER
79, ARTICLE 1 TOWING REGU-
LATIONS; BY CREATING SECTION
79-1 PROVIDING FOR
DEFINITIONS; CREATING SECTION
79-2 APPLICATION FOR
TOWING SERVICE AND OPER-
ATOR'S PERMIT; CREATING SECTION
79-3 AUTHORIZED FEES
AND CHARGES; CREATING
SECTION 79-4 VEHICLE NOT
CONNECTED UPON OPERA-
TOR RETURNING; CREATING
SECTION 79-5 VEHICLE NOT
TOWED UPON OPERATOR
RETURNING; CREATING SECTION
79-6 POINT OF TOW TO
POINT OF STORAGE AND TIME-
LY NOTIFICATION OF POLICE
DEPARTMENT; CREATING SECTION
79-7 CIVIL CITATION; CRE-
ATING SECTION 79-8 RECEIPT
TO BE FURNISHED TO OWNER
WHEN VEHICLE IS CLAIMED;
CREATING SECTION 79-9 MIN-
IMUM INSURANCE REQUIRE-
MENTS; CREATING 79-10 REPAIR
OF VEHICLE WITHOUT PRIOR
AUTHORIZATION PROHIBITED;
CREATING SECTION 79-11
PENALTIES; CREATING 79-12
REVOCATION AND APPEAL;
PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN
EFFECTIVE DATE.

Interested parties may appear

at said hearing and be heard
as to the advisability of any
action, which may be consid-
ered. Any persons with dis-
abilities requiring accommoda-
tions in order to participate
in this program or activity
should contact 277-7306, TTY
277-7399, (TTY number for all
City offices) or through the
Florida Relay Service at 1-800-
955-8771 at least 24 hours in
advance to request such
accommodation.

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

Copies of the applications
may be inspected in the office
of the City Clerk, City Hall, 204
Ash Street, between the hours
of 8:00 AM - 5:00 PM, Monday
through Friday. For information
on the application, please
contact the Staff of the City
Clerk's Office at 277-7306,
11 03-23-2011
9706

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH
NOTICE IS HEREBY GIVEN
that a Public Hearing is sched-
uled for Tuesday, April 5, 2011 at
6:00 PM in the City Commission
Chambers, 204 Ash Street
Fernandina Beach, Florida to
consider the following appli-
cation:

ORDINANCE 2011-04

AN ORDINANCE OF THE
CITY COMMISSION OF THE CITY
OF FERNANDINA BEACH, FLO-
RIDA, CHANGING THE ZONING
MAP FROM MEDIUM DENSITY
RESIDENTIAL (R-2) AND OFFICE
AND RESIDENTIAL MIXED USE
(MU-1) ZONING TO PLANNED
UNIT DEVELOPMENT (PUD),
17.97 ACRES OF LAND LOCAT-
ED AT NECTARINE STREET,
SOUTH 15TH STREET AND
NORTH PARK DRIVE PARCEL ID
NUMBERS 00-00-31-1600-0162-
0020, 00-00-31-1600-0163-0020,
00-00-31-1600-0164-0000, 25-
3N-28-0000-0001-0010, 25-3N-
28-0000-0001-0020, PROVIDING
FOR SEVERABILITY; PROVIDING
FOR AN EFFECTIVE DATE.

ORDINANCE 2011-05

AN ORDINANCE OF THE
CITY COMMISSION OF THE CITY
OF FERNANDINA BEACH
AMENDING THE LAND DEVEL-
OPMENT CODE, CHAPTER 2,
SECTION 2.02.03 HISTORIC DIS-
TRICT OVERLAYS, SECTION
2.02.04 COMMUNITY REDE-
VELOPMENT AREA OVERLAY,
CHAPTER 4, SECTION 4.03.02
STANDARDS FOR DEVELOP-
MENT IN THE HISTORIC DISTRICT
OVERLAYS, AND CHAPTER 9,
SECTION 9.04.00 ELIMINATING
AIRPORT ADVISORY COMMISS-
ION AND SECTION 9.06.04
TECHNICAL REVIEW COMMIT-
TEE, RULES OF PROCEDURE;
PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN
EFFECTIVE DATE.

ORDINANCE 2011-06

AN ORDINANCE OF THE
CITY COMMISSION OF THE CITY
OF FERNANDINA BEACH, FLO-
RIDA AMENDING CHAPTER 2,
ARTICLE 1 OF THE CODE OF
ORDINANCES BY CREATING
SECTION 2-1 TITLED CITY SEAL
GENERAL RESTRICTIONS; BY
OFFICIALLY ADOPTING THE
CORPORATE CITY SEAL AND
ESTABLISHING GENERAL RE-
STRICTIONS; PROVIDING FOR
SEVERABILITY; AND PROVIDING
FOR AN EFFECTIVE DATE.

ORDINANCE 2011-07

AN ORDINANCE OF THE
CITY OF FERNANDINA BEACH,
FLORIDA, CREATING CHAPTER
79, ARTICLE 1 TOWING REGU-
LATIONS; BY CREATING SEC-
TION 79-1 PROVIDING FOR
DEFINITIONS; CREATING SEC-
TION 79-2 APPLICATION FOR
TOWING SERVICE AND OPER-
ATOR'S PERMIT; CREATING SEC-
TION 79-3 AUTHORIZED FEES
AND CHARGES; CREATING
SECTION 79-4 VEHICLE NOT
CONNECTED UPON OPERA-
TOR RETURNING; CREATING
SECTION 79-5 VEHICLE NOT
TOWED UPON OPERATOR
RETURNING; CREATING SEC-
TION 79-6 POINT OF TOW TO
POINT OF STORAGE AND TIME-
LY NOTIFICATION OF POLICE
DEPARTMENT; CREATING SEC-
TION 79-7 CIVIL CITATION; CRE-
ATING SECTION 79-8 RECEIPT
TO BE FURNISHED TO OWNER
WHEN VEHICLE IS CLAIMED;
CREATING SECTION 79-9 MIN-
IMUM INSURANCE REQUIRE-
MENTS; CREATING 79-10 REPAIR
OF VEHICLE WITHOUT PRIOR
AUTHORIZATION PROHIBITED;
CREATING SECTION 79-11
PENALTIES; CREATING 79-12
REVOCATION AND APPEAL;
PROVIDING FOR SEVERABILITY;
AND PROVIDING FOR AN
EFFECTIVE DATE.

Interested parties may appear

at said hearing and be heard
as to the advisability of any
action, which may be consid-
ered. Any persons with dis-
abilities requiring accommo-
dations in order to participate
in this program of activity
should contact 277-7305, TTY
277-7399, (TTY number for all
City offices) or through the
Florida Relay Service at 1-800-
955-8771 at least 24 hours in
advance to request such
accommodation.

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

Copies of the applications
may be inspected in the office
of the City Clerk, City Hall, 204
Ash Street, between the hours
of 8:00 AM - 5:00 PM, Monday
through Friday. For information
on the application, please
contact the Staff of the City
Clerk's Office at 277-7305.
11 03-23-2011
9706

FLORIDA'S OLDEST WEEKLY NEWSPAPER

NEWS LEADER

AMELIA ISLAND • FERNANDINA BEACH • NASSAU COUNTY

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared

Michael B. Hankins

Who on oath says that he is the Advertising Director of the
Fernandina Beach News-Leader, a weekly newspaper published at
Fernandina Beach in Nassau County, Florida; that the attached
copy of advertisement, being a Legal Notice in the matter of

NOTICE OF PUBLIC HEARING

Ordinances # 2011-04, 2011-05, 2011-06 & 2011-07

Was published in said newspaper in the issues of

03/23/2011

Ref# 9706

Affiant further says that the said Fernandina Beach News-Leader is
a newspaper published at Fernandina Beach, in said Nassau
County, Florida and that the said newspaper has heretofore been
continuously published in said Nassau County, Florida, each week
and has been entered as second class mail matter at the post office
in Fernandina Beach in said Nassau County, Florida, for a period
of one year next preceding the first publication of the attached copy
of advertisement; and Affiant further says that he has neither paid
nor promised any the purpose of securing this advertisement for
publication in the said newspaper.

Sworn to and subscribed before me
This 23rd day of March A.D. 2011.

Robert O. Fiege, Notary Public

Personally Known



#247.74



CITY COMMISSION AGENDA ITEM CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2011-05 TA 2010-38 & TA 2011-01 LDC Text Amendment Application

DEPARTMENT: PLANNING DEPARTMENT

ATTACHMENTS: X Ordinance Resolution
 Support Documents Other

SUMMARY:

Application TA 2010-38 requests consideration of a Land Development Code Text Amendment as necessary in order to incorporate the expansion of the Historic District boundaries to include the Peck Center and to amend the CRA overlay resolution reference. The City Commission adopted Ordinance 2010-24 on September 7, 2010 which modified the downtown historic district boundaries to include the Peck Center. [Ordinance 2010-24 also included language (see section titled "Tract D") that was adopted by the City Commission by Ordinance 97-24 regarding waterfront property downtown, but was never formally included with the rest of the historic district boundary language. That addition did not change any boundaries beyond what already exists by ordinance within the district, but was merely a formality to make the legal description consistent with what has been previously approved by the Commission.] Incorporation of the applicable design guidelines to be applied to this property, and the other two freestanding historic districts parcels (the Lighthouse and Oxley-Heard), is also needed. The proposed changes are necessary in order to properly reference the amended historic district boundary and the CRA overlay resolution, and reference applicable guidelines. There are no substantive changes that impact how business is currently conducted.

Application TA 2011-11 requests consideration of a Land Development Code Text Amendment that would strike the Airport Advisory Commission from the LDC, specifically section 9.04.00 and renumber sections 9.05.00 Board of Adjustments and 9.06.00 Technical Review Committee. The application also requests a modification to section 9.06.04 (A) Rules of Procedure to have the City Manager appoint the TRC chair rather than have a member of the Community Development Department as chair. These amendments were prepared following the direction of the City Commission at the November 16, 2010 workshop regarding City Boards and Committees. The Airport Advisory Commission shall be reestablished via resolution which will follow the requested amendments at 2nd reading.

The Planning Advisory Board considered the applicants requests at its regular meeting on January 12, 2011 and recommended approval of the requests by a 7-0 vote. Staff will be available to address any questions at the City Commission meeting.

RECOMMENDED ACTION: Approve Ordinance 2011-05 at 1st Reading

DEPARTMENT HEAD: Submitted by: Kelly N. Gibson, Senior Planner KG Date: 2/10/2011
Requested Agenda: Date: 3/1/2011

FINANCE DEPARTMENT: Budgeted Yes No X N/A Date:

CITY ATTORNEY: Approved for Form TEB Date: 2/17/11

CITY MANAGER: Approved Agenda Item for Q Date: 2/10/11

COMMISSION ACTION: ☒ Approved As Recommended Disapproved
 Approved With Modification Tabled To Time Certain
 Other

DISTRIBUTION: CA CC CM CD FI FD GC HR MD PD PR BW UD CDD

KG 1st Reading
Approved at the City Commission Meeting
Held on 3-1-11
Voted: 5-0 Initial: mw



**CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH**

SUBJECT: ORDINANCE 2011-05: TA 2010-38 & TA 2011-01 LDC Text Amendment Application

DEPARTMENT: PLANNING DEPARTMENT

ATTACHMENTS: X Ordinance Resolution
 Support Documents Other

SUMMARY:

Application TA 2010-38 requests consideration of a Land Development Code Text Amendment as necessary in order to incorporate the expansion of the Historic District boundaries to include the Peck Center and to amend the CRA overlay resolution reference. The City Commission adopted Ordinance 2010-24 on September 7, 2010 which modified the downtown historic district boundaries to include the Peck Center. [Ordinance 2010-24 also included language (see section titled "Tract D") that was adopted by the City Commission by Ordinance 97-24 regarding waterfront property downtown, but was never formally included with the rest of the historic district boundary language. That addition did not change any boundaries beyond what already exists by ordinance within the district, but was merely a formality to make the legal description consistent with what has been previously approved by the Commission.] Incorporation of the applicable design guidelines to be applied to this property, and the other two freestanding historic districts parcels (the Lighthouse and Oxley-Heard), is also needed. The proposed changes are necessary in order to properly reference the amended historic district boundary and the CRA overlay resolution, and reference applicable guidelines. There are no substantive changes that impact how business is currently conducted.

Application TA 2011-11 requests consideration of a Land Development Code Text Amendment that would strike the Airport Advisory Commission from the LDC, specifically section 9.04.00 and renumber sections 9.05.00 Board of Adjustments and 9.06.00 Technical Review Committee. The application also requests a modification to section 9.06.04 (A) Rules of Procedure to have the City Manager appoint the TRC chair rather than have a member of the Community Development Department as chair. These amendments were prepared following the direction of the City Commission at the November 16, 2010 workshop regarding City Boards and Committees. The Airport Advisory Commission shall be reestablished via resolution which will follow the requested amendments at 2nd reading.

The Planning Advisory Board considered the applicants requests at its regular meeting on January 12, 2011 and recommended approval of the requests by a 7-0 vote. At 1st reading on March 1, 2011, the City Commission voted to approve the Ordinance with a change to Section 2.02.03 eliminating the word site and replacing it with district. Staff will be available to address any questions at the City Commission meeting.

RECOMMENDED ACTION: Approve Ordinance 2011- 05 at 2nd Reading

DEPARTMENT HEAD: Submitted by: Kelly N. Gibson, Senior Planner *KGB* Date: 3/8/2011
Requested Agenda: Date: 4/5/2011

FINANCE DEPARTMENT: Budgeted Yes No X N/A Date:

CITY ATTORNEY: Approved for Form *TEB* Date: 3/24/11

CITY MANAGER: Approved Agenda Item for *CM* Date: 3/11/11

COMMISSION ACTION: ☒ Approved As Recommended Disapproved
 Approved With Modification Tabled To Time Certain
 Other

DISTRIBUTION: CA CC CM CD FI FD GC HR MD PD PR PW UD CDD
Approved by the City Commission Meeting
Held on: 3-5-11
Voted: 5-0 Initial: *(initials)*

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO ALLOW ROTORCRAFT SIGHTSEEING BUSINESS AS A PERMISSIBLE USE SUBJECT TO SUPPLEMENTAL STANDARDS IN THE W-1, I-W, I-1, AND I-A ZONING DISTRICTS, PROVIDING FOR DEFINITIONS IN CHAPTER 1, SECTION 1.00.07; AND AMENDING CHAPTER 2, SECTION 2.03.02 TABLE OF LAND USES; AND AMENDING CHAPTER 6 BY ADDING SECTION 6.02.27 PROVIDING SUPPLEMENTAL STANDARDS FOR A ROTORCRAFT SIGHTSEEING BUSINESS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, the Applicant has requested a text amendment to the Land Development Code seeking to modify Table 2.03.02 to add "Airports and Heliports" as a permissible use within the W-1 and I-W zoning districts; and

WHEREAS, Planning Staff has researched and developed an alternative use of rotorcraft sightseeing businesses, which is more specific to the type of business the applicant seeks to operate within the requested zoning districts; and

WHEREAS, the Applicant, Planning Staff, and the Planning Advisory Board have reviewed the staff proposed use of "rotorcraft sightseeing business" and all have agreed that the terminology and supplemental standards devised and provided for such use are more appropriate than, regulating the use under the existing category of "airports and heliports;" and

WHEREAS, notice of public session on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 2, 2012; and

WHEREAS, the Planning Advisory Board has reviewed the proposed modifications in public sessions on March 14, 2012 and April 11, 2012 and has issued a recommendation of approval subject to staff identified modifications; and

WHEREAS, the City Commission took action on the proposed Land Development Code amendment at 1st reading on May 1, 2012.

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

SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, Florida, attached hereto as Exhibit "A".

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

ADOPTED this _____ day of _____, 2012

ORDINANCE 2012-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO ALLOW ROTORCRAFT SIGHTSEEING BUSINESS AS A PERMISSIBLE USE SUBJECT TO SUPPLEMENTAL STANDARDS IN THE W-1, I-W, I-1, AND I-A ZONING DISTRICTS, PROVIDING FOR DEFINITIONS IN CHAPTER 1, SECTION 1.00.07; AND AMENDING CHAPTER 2, SECTION 2.03.02 TABLE OF LAND USES; AND AMENDING CHAPTER 6 BY ADDING SECTION 6.02.27 PROVIDING SUPPLEMENTAL STANDARDS FOR A ROTORCRAFT SIGHTSEEING BUSINESS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, the Applicant has requested a text amendment to the Land Development Code seeking to modify Table 2.03.02 to add "Airports and Heliports" as a permissible use within the W-1 and I-W zoning districts; and

WHEREAS, Planning Staff has researched and developed an alternative use of rotorcraft sightseeing businesses, which is more specific to the type of business the applicant seeks to operate within the requested zoning districts; and

WHEREAS, the Applicant, Planning Staff, and the Planning Advisory Board have reviewed the staff proposed use of "rotorcraft sightseeing business" and all have agreed that the terminology and supplemental standards devised and provided for such use are more appropriate than, regulating the use under the existing category of "airports and heliports;" and

WHEREAS, notice of public session on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on March 2, 2012; and

WHEREAS, the Planning Advisory Board has reviewed the proposed modifications in public sessions on March 14, 2012 and April 11, 2012 and has issued a recommendation of approval subject to staff identified modifications; and

WHEREAS, the City Commission took action on the proposed Land Development Code amendment at 1st reading on May 1, 2012.

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

SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, Florida, attached hereto as Exhibit "A".

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

ADOPTED this _____ day of _____, 2012

CITY OF FERNANDINA BEACH

Arlene R. Filkoff
Mayor - Commissioner

ATTEST:

Mary L. Mercer
City Clerk

APPROVED AS TO FORM:



Tammi E. Bach
City Attorney

Date of First Reading: 5/1/2012

Date of Advertisement:

Date of Second Reading and Public Hearing: 6/5/2012

ORDINANCE 2012-____
EXHIBIT "A"

Chapter 1: General Provisions
Section Acronyms and Definitions 1.07.00

Rotorcraft means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

Rotorcraft sightseeing business means a business operated for profit by offering to the public primarily amusement or sightseeing rides in a rotorcraft routinely returning to the point of origin.

AND

Table 2.03.02 as follows:

Chapter 2: Zoning and Land Uses
Table 2.03.02. Table of Land Uses.

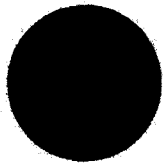
P – Permissible S – Permissible Subject to Supplemental Standards Blank-Prohibited	Zoning Districts																		
	R-F	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC
Land Uses:																			
Restaurant, With or Without Drive- Through Window									P	P	P	P	P	P	P	P			
Retail Stores								P	P	P	P	P	P	P		P			
Schools, Elementary, Junior, or Senior High	S	S	S	S	S	S			S									P	
Scooter and Moped Rentals									P	P	P	P	P	P	P	P			
Seasonal Sales *Note 4										P	P	P	P	P	P				
Small Equipment or Appliance Repair Shops											P	P	P	P					
Specialty Food Stores, such as Bakeries or Ethnic Grocers								P	P	P	P	P	P	P		P			
Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or Stationers								P	P	P	P	P	P	P		P			
Terminals for Freight or Passengers, By Ship													P		P	P			
Theaters, Movie or Performing Arts									P		P	P	P	P		P			
Trades and Repair Services such as Electrical, Heating, and Air, Mechanical, Painting, and Plumbing											S		P	P					
Utility Facilities, such as Electric Substations, Water and Wastewater Treatment Plants												P	P	P	P	P	P		
Warehouse, not Including Mini-Storage													P	P	P				
Welding or Sheet Metal Works													P	P	P				
Wholesale Establishments													P	P	P				

AND

Chapter 6: Supplemental Standards and Special Situations

Section 6.02.27 Rotorcraft Sightseeing Business

- A. A rotorcraft sightseeing business is allowable within the W-1, I-W, and I-1, I-A zoning districts, subject to the standards of the zoning district and the supplemental standards set forth below.
- B. Such business and each rotorcraft utilized therein shall be insured against liability for personal injury in an amount not less than one million dollars (\$1,000,000.00) combined single limit per occurrence, and against liability for property damage in an amount not less than one-hundred thousand dollars (\$100,000.00) per occurrence. Employers' liability shall not be less than one-hundred thousand dollars (\$100,000.00) bodily injury by accident and one-hundred thousand dollars (\$100,000.00) bodily injury by disease, each employee. The city shall be included as an additional insured to receive a minimum of ten (10) days' notice prior to cancellation.
- C. If operations are from the City's airport all applicable rules, guidelines, and permits must be obtained.
- D. Licensing of both pilots and aircrafts and all operations must be in full compliance with Federal Aviation Administration (FAA), all applicable Federal Aviation Regulations (FAR), and Florida Statutes Chapter 329.10.
- E. Rotorcraft sightseeing businesses must obtain a Local Business Tax Receipt (LBTR).
- F. Each pilot flying a rotorcraft in such business shall have, within the immediately preceding year, registered with the City's airport, the following:
 - 1. The pilot's name and address;
 - 2. The pilot's Federal Aviation Administration license;
 - 3. The name of the business for which the pilot is flying;
 - 4. The pilot's driver's license or, if none, another form of photographic identification.
- G. Rotorcraft Sightseeing Businesses are limited to rotorcraft not exceeding seven (7) seats including the pilot.
- H. Each and every flight of such businesses shall follow the safest and most direct route from take-off to the Amelia River, and shall continue over the waters of the intercoastal waterway to the Atlantic Ocean until returning for landing, and shall then follow the safest and most direct route from the intercoastal waterway to the Amelia River for landing. At all times and without exception, in choosing a route between takeoff or landing and the Amelia River and Intercoastal Waterway, safety shall always be given priority over directness.
- I. Businesses and all flights shall adhere to the Helicopter Association International's Fly Neighborly Guide and FAA published guidance for flying near noise-sensitive areas as contained in Advisory Circular AC91.36D. as may be amended from time to time, which directs that pilots make every effort to fly not less than 1,000 feet above the surface, weather permitting.
- J. Operations of rotorcraft sightseeing businesses are limited to daylight hours only. Tours may not begin prior to 9 a.m. and must conclude at least one-half hour (1/2) after sunset.
- K. Tours are limited to equal not less than 15 minutes in length and takeoffs and landings may not exceed four (4) times per hour.
- L. Ground level landing areas are required to be stabilized and may not be constructed of mixed gravel, shells, or other materials that could create dust, debris, or hazards upon takeoff and landing.
- M. Ground level landing areas must be properly marked and contain a windsock.
- N. Ground level landing areas shall have a designated and marked safety area.
- O. Ground level facilities are, at all times, required to have appropriate fire extinguishers.



**STAFF REPORT
LU 2012-14 and CZ 2012-15
Planning Advisory Board Hearing
April 11, 2012**

**APPLICATION FOR A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP &
ZONING CHANGE REQUEST**

APPLICATION & SURROUNDING AREA INFORMATION:

AGENT:	Heidi Cormier				
LOCATION:	229 S. 8 th Street				
CURRENT LAND USE:	General Commercial (GC)				
PROPERTY SIZE:	0.11 acres or 5,000 ft ² Parcel #s: 00-00-31-1800-0040-0052				
	North	Professional Offices	1900	C-2	General Commercial
	East	Car Museum/ Repair Shop	1946	C-2	General Commercial

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website, the City Clerk's Office and at the Community Development Department Office. ***

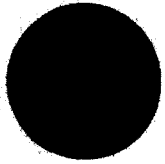
SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant has applied for a change in land use and zoning from General Commercial/C-2 to Central Business District/C-3. The subject property is currently used as a "grandfathered" single family residence within C-2 zoning district. It is comprised of the southern half of lot 5, block 40 and fronts S. 8th Street and Cedar Street. The property totals approximately 0.11 acres (5,000 sq. ft.) and contains ½ of a platted lot of record.

This property is located within the City's Downtown Historic District and is listed as a "contributing" structure, constructed around 1900. The City's 2007 historic re-survey indicates the structure is in good condition. The applicant's letter indicates their intent to utilize the property as a live/work space with a hair salon in the downstairs space and a residential dwelling in the upstairs portion of the property. Also, the application expresses that as a structure fronting 8th Street that the request for Central Business District and C-3 zoning is appropriate.

The current C-2 zoning does not permit residential development and limits permissible commercial uses to a 0.50 Floor Area Ratio. This results in a maximum current development potential of 2,500 square feet of commercial uses. Uses permissible under the current zoning are provided in Table 2.03.02 of the Land Development Code and range from professional offices to retail stores and restaurants. C-3 zoning provides a Floor Area Ratio of 2.00, resulting in a maximum of 10,000 square feet of commercial development.

The proposed C-3 zoning would allow for the existing non-conforming but, grandfathered residential use on the subject property and reduce the range and intensity of allowable non-residential uses. The residential density associated with C-3 is eight (8) dwelling units per acre. Since the property is only half of a platted lot of record a density calculation would be applied to the site to determine the number of permissible residential dwelling units. Net Density as defined by the City's Comprehensive Plan is determined by multiplying the "maximum allowable units per acre" by the "net buildable land area" expressed in acreage. "Net buildable land area" means those contiguous land areas under common ownership proposed for residential development, minus undevelopable environmentally sensitive areas, including wetlands,



**STAFF REPORT
LU 2012-14 and CZ 2012-15
Planning Advisory Board Hearing
April 11, 2012**

transitional wetlands, floodplains, and waters of the state. Lots adjoining an existing right-of-way may calculate half of the width of that right-of-way as part of the "net buildable land area" definition. Based on the City's adopted definition of net density, this property would be entitled to one (1) residential dwelling unit.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

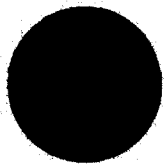
Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	See Policy 4.02.01
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)
Fire-Rescue Services	240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)
Police and Law Enforcement Services	Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls

The City has five public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, and Solid Waste. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential.

As stated above, the establishment of C-3 on the subject property could result in a maximum of one (1) dwelling units and 10,000 square feet of commercial development. Staff estimates that approximately 3 p.m. peak hour trips could be generated under the maximum development scenario. Maximum development under the current zoning could generate approximately 2 p.m. peak hour trips, resulting in a net potential increase of 1 trip through the addition of a single residential dwelling unit. Adequate capacity exists to accommodate this potential increase.¹

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day. At the adopted level of service and the maximum density allowed by the proposed Comprehensive Plan amendments, the residential unit will

¹ ITE Code 715 (Single Tenant Office Building) average PM peak hour trips = 1.73
ITE Code 230 (Residential Condominium/Townhome) average PM peak hour trips is 0.52 for 1 dwelling unit



**STAFF REPORT
LU 2012-14 and CZ 2012-15
Planning Advisory Board Hearing
April 11, 2012**

only consume 3500 gallons of water per day (1 unit x 350 gallons per ERC per day). The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. At the adopted level of service and the maximum density allowed by the Comprehensive Plan, the site will only generate 350 gallons of wastewater per day. The Commercial facilities are calculated by an Equivalent Residential Connection (ERC) standard, which is calculated by the utilities director. The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate any proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has a contract with Advanced Disposal to dispose of solid waste, therefore the impact is irrelevant. Drainage impacts from any proposed additions will be reviewed by the City's Technical Review Committee. The City requires storm water drainage to be retained on-site.

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as: described below.

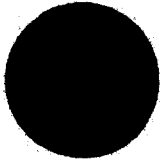
- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.

All surrounding properties are developed as either commercial or residential dwelling units. The mixed-use intent of C-3 zoning proposed for the subject property provides for a logical extension of the Central Business District and is appropriate given the property's existing structure, use and location within the Downtown Historic District. No leapfrog development is occurring, and public facilities are generally available to the area.

1.02.04. Decisions on amendments to the FLUM shall be based on an analysis of the suitability and compatibility of the proposed use, based on the following factors:

- a. Type and density or intensity of surrounding uses;
- b. Zoning districts in the surrounding area;
- c. Demonstration of adequate water supply and water supply facilities;
- d. Appropriateness of the size of the parcel compared to the proposed use;
- e. Physical condition of the site, and the suitability of soils and topography for the proposed use;
- f. Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources;
- g. Compatibility factors;
- h. Impact on adopted levels of service standards and quality of service standards; and
- i. Location in a Coastal Upland Protection Zone (CUPZ).

The uses in the general vicinity vary from commercial to residential. Strict residential development lies primarily to the west. The subject property therefore lies in an area appropriate for transitional zoning provided under the Central Business District land use and C-3 zoning. The mixed use allowance of the C-3 district provides such a transition while the existing C-2 zoning, which only provides for commercial uses, does not.



**STAFF REPORT
LU 2012-14 and CZ 2012-15
Planning Advisory Board Hearing
April 11, 2012**

The size of the parcel is consistent with the historic lot configuration witnessed in this part of the downtown historic district. The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, the site is not a greenfield. It has been developed and retained as a single family residential dwelling unit. The site is not located in a Coastal Upland Protection Zone, and the levels of service are discussed above.

1.07.09. (f) A proposed amendment to the FLUM to increase the land area within the Central Business District land use category shall demonstrate the suitability of the proposed site based on:

- 1. The need for additional land area within the Central Business District land use category;**
- 2. Consistency of the land area with the characteristics of the Central Business District; and;**
- 3. Consistency of the land area with the characteristics of the downtown.**

The applicant has not provided data to support the potential increase in commercial uses. The use of C-3 in this instance, however, is not anticipated to provide for any redevelopment proposals. The property involved is consistent with the characteristics of other properties within the Central Business District and represents a reasonable extension of the urban fabric of downtown Fernandina Beach.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested zoning is C-3, a mixed-use district which supports a variety of residential and commercial land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

Section 2.01.12 of the Land Development Code states the intent of the C-3, Central Business District, zoning classification.

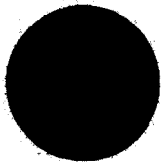
The C-3 district is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

The range of uses permitted under C-3 does provide for consistency with existing zoning and development to its north and south. Additionally, the property is well-situated to provide an appropriate transition for residential uses to the west. A land use and zoning conversion to CBD/C-3 will work to support and facilitate development which is appropriate in this downtown 8th Street location.

CONCLUSION:

The requested zoning and land use change is consistent with the Comprehensive Plan and Land Development Code. Staff finds the proposed mixed use land use and zoning is more appropriate for the subject property than the current, strictly commercial, as a contributing historic district structure on S. 8th Street. Its location within the downtown historic district and abutting residential properties to its west makes the Central Business District (CBD) land use and C-3 zoning designations appropriate.

The intent of the C-2 district is to provide for office and commercial development to serve the needs of several neighborhoods. It also recognizes locations that have access to arterial roads. While the property's configuration off of S. 8th Street meets the requirements for C-2 zoning; the intensity of purely commercial uses and its status as contributing historic structure makes the C-2 zoning and General Commercial land use inappropriate for this site. Further, making a residential dwelling unit permissible on the property removes the existing non-conforming use and preserves the option to retain this contributing structure's historically residential use. While Staff endorses the extension of the Central Business District land use and C-3 zoning to this location, it is not necessarily appropriate for all locations along S. 8th Street. The



STAFF REPORT
LU 2012-14 and CZ 2012-15
Planning Advisory Board Hearing
April 11, 2012

City must carefully consider the effect of extending its CBD to the south along 8th Street and as part of an overall redevelopment strategy. **Without benefit of a broader strategy in place at this time, Staff would recommend that the extension of the CBD be limited to only those properties fronting S. 8th Street and located within the City's downtown historic district boundary.** The City needs to be mindful of the added incentive of the CBD land use/ C-3 zoning in that it now takes on the burden of providing parking for those properties. In this case, the applicant intends to provide parking on-site to meet the needs of the business and residence. However, the City will need to consider alternative parking arrangements permissible along S. 8th Street and develop an overlay as part of its redevelopment strategies for all 8th Street properties regardless of location within the downtown historic district.

RECOMMENDED MOTION(S)

- I move to recommend approval of PAB case number LU2012-14 to the City Commission requesting that a small scale amendment to the Future Land Use Map for a designation to Central Business District be approved that PAB case LU2012-14, as presented, is sufficiently compliant with the Comprehensive Plan to be approved at this time.

AND

- I move to recommend approval of PAB case number CZ 2012-15 to the City Commission requesting that a change to the zoning map for a category of C-3 be permitted; AND that PAB case CZ 2012-15, as presented, is sufficiently compliant with the Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson
Senior Planner



PAB Case: LU 2012-14 & CZ 2012-15
229 S. 8th Street
Parcel ID# 00-00-31-1800-0040-0052



DATE STAMP
RECEIVED
FEB 09 2012

APPLICATION OR TEXT AMENDMENT
PLANNING ADVISORY BOARD



BY: X. Gibson

Application # TA 2012-06 Application Fee \$500 ✓ 113
IMS # 2012-0000138 Received by: KC

1. APPLICANT INFORMATION

Applicant(s): Daniel Simard Telephone: 386 405 7226
Address: 350 N. Causeway Fax: _____
Address 2: New Smyrna Beach FL 32169 E-mail: forestarservice@yahoo.com

2. APPLICANT AGENT

Name: _____ Telephone: _____
Address: _____ Fax: _____
Address 2: _____ E-mail: _____

3. DATE OF TEXT AMENDMENT

2.03.02

4. LANGUAGE PROPOSED FOR DELETION

5. LANGUAGE PROPOSED FOR ADDITION

To add airports & heliports as a permissible use within W-1 and I-W
Zoning categories

6. REASON FOR REQUEST (PLEASE ATTACH NARRATIVE IF NECESSARY)

Letter provided

SIGNATURES:

DANIEL SIMARD
APPLICANT (PRINT)

[Signature]
APPLICANT (SIGNATURE)

APPLICANT (PRINT)

APPLICANT (SIGNATURE)

AGENT (PRINT)

AGENT (SIGNATURE)

Sworn and subscribed to me on this 9 day of Feb, 2012, By Daniel Simard
(name of person making statement)

Caroline Best
Signature of Notary Public - State of Florida

8/18/2012
Expiration Date

Print Name: Caroline Best

2.03.02 Table of Land Uses

Table 2.03.02. Table of Land Uses.

P - Permissible S - Permissible Subject to Supplemental Standards Blank Prohibited	Zoning Districts																		
	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC
Land Uses:																			
Adult Entertainment													S	P	P				
Airports and Heliports														P	P				
Animal Hospital or Veterinary Clinic														P	P				
Asphalt or Concrete Plant														S	S				
Automobile Sales, New and Used														P	P				
Automobile Repair, Garage, Body Shop														P	P				
Automotive Rental Agencies														P	P	P	P		
Bakery Plant															P	P			
Bed and Breakfast Inns						S		S	S			S							
Book and Stationery Stores								P	P	P	P	P	P	P			P		
Bottling Plants													P	P	P				
Bulk Storage Yards													P	P	P	P			
Bus Terminals and Taxi Stations														P		P			
Business Colleges; Commercial, Trade, Vocational, and Arts Schools													P	P	P			P	
Business Services such as Copying, Mailing, or Printing										S	P	S	P	P					
Cemeteries	S	S	S	S	S	S	S	S	S									P	
Clubs, Public or Private; Community and Recreation Centers			S	S	S	S			S	P	P	P	P	P			P	P	
Commercial Fishing Facilities																P	P		
Construction, Sales, and/or Maintenance of Boats and Ships; Marine Supply														P	P	P			
Day Care Center									S	S	P	P	P					P	
Distribution, Packing, and Shipping													P	P	P	P			
Drug Store or Pharmacy									P	P	P	S	P	P		P			
Essential Public Services, such as	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P

establishments with limited inventory of goods; and limited neighborhood commercial uses.

2.01.10 Community Commercial (C-1)

The C-1 District is intended for the development of land uses to accommodate commercial businesses and offices providing goods and services to more than a few neighborhoods, and land uses that are complimentary to low- and medium-density residential areas. The Community Commercial District recognizes the desire for convenience goods and services in close proximity to residential neighborhoods, provided that such uses are limited in intensity as set forth in the design standards in this LDC.

2.01.11 General Commercial (C-2)

The C-2 District is intended for the development of land uses to accommodate offices; commercial retail; personal services establishments; restaurants; transient accommodations; uses that provide sales and services for several neighborhoods; repair shops; retail sales and services; and other similar commercial uses. The General Commercial District recognizes existing development with locations that have access to arterial roads.

2.01.12 Central Business District (C-3)

The C-3 District is intended for the development of land uses within the central business district as the City's center for residential, financial, commercial, governmental, professional, and cultural activities. The Central Business District category is designed to accommodate single-family or duplex residential uses, either freestanding or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.

2.01.13 Industrial (I-1)

The I-1 District is intended for the development of warehousing, fabrication, storage, and commercial services. The Industrial District recognizes existing development with locations that have access to major highways. The designation of land for the I-1 District shall be based on compatibility with surrounding land uses, considering environmental sensitivity, intensity of use, hours of operation, heat, glare, fumes, noise, and visual impacts.

2.01.14 Industrial Airport (I-A)

The Industrial Airport District is intended for the development of property surrounding the airport. The Industrial Airport District recognizes the desire for development of more intensive commercial uses in proximity to the airport and golf courses including lodging accommodations.

2.01.15 Waterfront Industrial (I-W)

The I-W District is intended for the development of water dependent and water-related manufacturing, assembling, storage, distribution, sales, and port operations that are generally high intensity. The Waterfront Industrial District

recognizes existing industrial development with locations that have access to transportation facilities by air, rail, ship, or highway. The designation of land for the I-W District shall be based on compatibility with surrounding land uses, considering environmental sensitivity, intensity of use, hours of operation, heat, glare, fumes, noise, and visual impacts.

2.01.16 Waterfront Mixed Use (W-1)

The W-1 District is intended for the development and/or re-development of waterfront land fronting the Amelia River within the CRA only. The Waterfront Mixed Use District recognizes the desire to maintain existing water related uses while providing a wider range of uses to encourage developments which enhance the public's use of and access to the waterfront.

2.01.17 Public and Institutional (PI-1)

The PI-1 District is intended for the development and maintenance of publicly owned lands and structures, parks and recreation areas, public schools, and buildings used principally for government functions. Federal, State, regional, and local government land uses are permissible.

2.01.18 Conservation (CON)

The CON District is intended to provide for the long-term protection and preservation of environmentally sensitive natural resource systems. Development within the Conservation District is limited to buildings that are supportive of and accessory to the conservation land uses, such as interpretative centers, rest rooms, or covered picnic pavilions. Other uses may include docks, boardwalks, hiking trails, and picnic areas. These uses shall be limited in location and extent, and shall avoid adverse impacts on the hydrologic functions of wetlands, natural systems, habitats, water quality, shorelines, marine life, and coastal resources.

2.01.19 Recreation (REC)

The REC District is intended to provide a location for land devoted to public or private parks and recreation facilities. The types of parks and facilities include passive parks and open spaces, activity-based parks and recreation areas, and publicly-owned recreation facilities.

2.02.00 ESTABLISHMENT AND PURPOSE OF OVERLAY DISTRICTS

2.02.01 Generally

The purpose of overlay districts is to provide a means of modifying the site design requirements that are otherwise applicable to the underlying zoning district(s). The site design standards and other development criteria applicable within an overlay district shall supersede the standards and criteria applicable within the underlying zoning district, but shall not supersede any applicable supplemental standards.

2.02.02 Planned Unit Development Overlay

The Planned Unit Development (PUD) Overlay is intended to provide for more than one (1) land use within a mixed use development; allow more than one (1)

Kelly Gibson

From: Dan Simard <forestairservice@yahoo.com>
Sent: Thursday, February 09, 2012 1:22 PM
To: Kelly Gibson
Subject: Letter of Intent

To whom it may concern,

Canam aviators wants to open a new avenue into the sightseeing industry of the Fernandina Beach region. Sightseeing by air is always appreciated, especially via helicopters. Because of the nature of helicopters, the take off and landing operations are as popular of an attraction as the ride itself. The high visibility of these operations increases the exposure of all the activities offered on Fernandina Beach, making it more enticing for the tourists to participate in. This is a perfect opportunity to offer an exciting and dynamic product in a unique setting.

Thank you,

Daniel Simard
President
Canam Aviators

Kelly Gibson

From: Dan Simard <forestairservice@yahoo.com>
Sent: Sunday, February 26, 2012 7:56 PM
To: Kelly Gibson

Sent from my iPad. Kelly. As to your request regarding what the benefits would be of locating this business downtown, I should mention that locating this business somewhere else would guarantee it's failure. The most successful rotorcraft sightseeing businesses are operated from helipads in the heart of unique settings like L.A., Malibu, Orlando, and Destin Fl. Other than offering new jobs for about half a dozen local people, a professionally run company like ours will reflect positively on the city, adding prestige and value by attracting an upscale clientele in the downtown area.

Kelly Gibson

From: Dan Simard <forestairservice@yahoo.com>
Sent: Sunday, February 26, 2012 3:15 PM
To: Kelly Gibson
Subject: Re: LDC Text Amendment Application to add heliports to I-W and W-1 zoning

Kelly The downtown being the hub for sightseeing activities, being located on the shoreline would greatly increase exposure for the helicopter tour, creating an attraction in itself. Since the flight schedule is made according to flight slots availability, waiting for a slot could take a few hours, allowing the passengers to enjoy the downtown area.

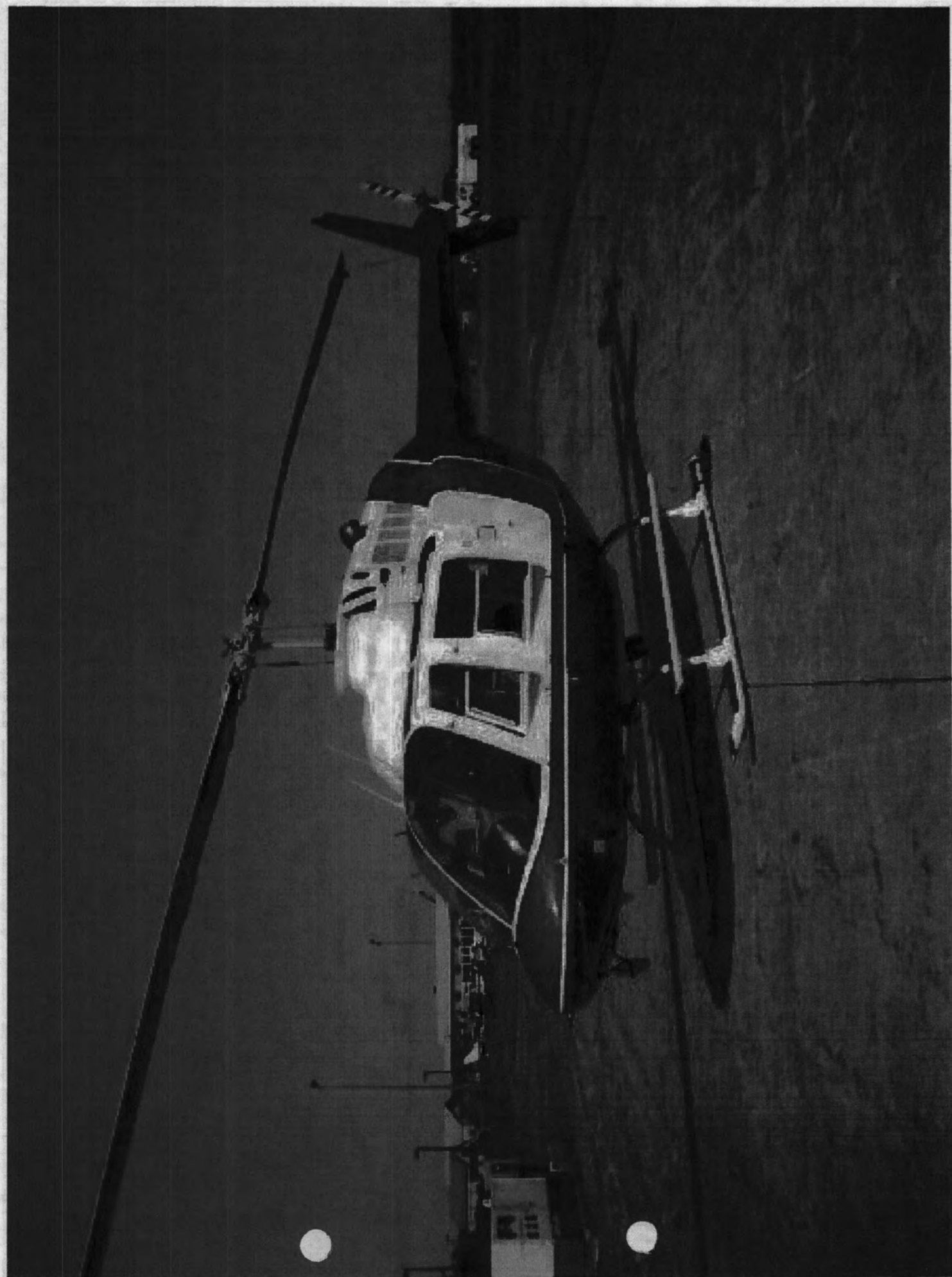
Sent from my iPad. Since the tour is not over Amelia island itself, the helicopter departure and arrival from the shoreline will prevent all traffic over town, thus eliminating possible annoyance complaints. For your information, the noise of a departing helicopter 300 feet away is equal or less than a motorcycle a block away or a lawnmower 3 houses down. More importantly the annoyance factor is considerably less due to the short duration which is 20 to 30 seconds. Concerning the wind created by a departing helicopter, let's just say for example that standing 40 feet away from it will not blow the hat off your head! Simplistic but verifiable!

Dan,

It was nice talking with you again this afternoon. The purpose of this email is to summarize our discussion. After completing some preliminary research on the proposed use, I feel it may be necessary to consider applying supplemental standards. We need to be sensitive to the surrounding residential neighborhood with respect to noise disturbances. Without benefit of understanding the noise and wind effects associated with the use, I don't feel comfortable with how best to draft standards that will balance your business' needs with any community concerns. Would it be possible for you to provide me with a video from the ground of the helicopter taking off and landing? It would be wonderful to be able to see this in person and record it from our location but, if that is not possible then, perhaps you can think of an alternative that serves to help those of us who aren't around helicopters to better understand its impacts and needs. As I stated before, I've completed some preliminary research that I wanted to share with you. Please feel free to forward any other resources or background information you are aware of. Also, if you have any information related to the economic benefits of locating this type of business in a downtown environment I think that would be extremely helpful for the Planning Advisory Board and City Commission to have when considering this case.

Preliminary Research/ Resources:

- 2001 FAA Heliport Design Standards: <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA389735>
- FAA Non-Military Helicopter Urban Noise Study Report to Congress: http://www.faa.gov/regulations_policies/policy_guidance/envir_policy/media/04Nov-30-RTC.pdf





**STAFF REPORT
TA 2012-06
Planning Advisory Board Hearing
March 14, 2012**

APPLICATION FOR TEXT AMENDMENT TO CHANGE THE LAND DEVELOPMENT CODE

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Daniel Simard
AGENT:	Self
REQUESTED ACTION:	Land Development Code Text Amendment specifically amending Table 2.03.02 to allow Airports and Heliports as a permissible use in the W-1 and I-W zoning districts
LOCATION:	W-1 (Waterfront Mixed Use) and I-W (Industrial Waterfront) Zoning District allowance for Airports and Heliports

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website, the City Clerk's Office and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

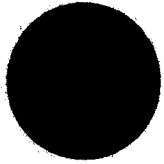
The applicant requests consideration of several LDC changes to make "airports and heliports" permissible within the W-1 (Waterfront Mixed Use) and I-W (Industrial Waterfront) zoning districts. The request has been made in order to allow a new sightseeing opportunity, via helicopter, to be located in Fernandina Beach. As stated in the request letter provided "because of the nature of helicopters, the takeoff and landing operations are as popular of an attraction as the ride itself... the high visibility of these operations increases the exposure of all activities offered on Fernandina Beach, making it more enticing for the tourists to participate in." The applicant later provided further explanation via email that locating this type of business in an alternative location would guarantee its failure stating that "the most successful rotorcraft sightseeing businesses are operated from helipads in the heart of unique settings like Los Angeles, Malibu, Orlando, and Destin. With respect to the noise generation of this type of sightseeing business, the applicant described that "the noise of a departing helicopter 300 feet away is equal to or less than a motorcycle a block away or a lawnmower three houses down."

A text amendment to the LDC is the only path for the applicant to consider in obtaining this as a permissible activity along the Amelia River. The City does not provide a process for special use or conditional uses that would limit this type of activity to a particular property. Instead, the City defines uses as either permissible or permissible subject to defined supplemental standards within its table of land uses and zoning districts (Table 2.03.02). The supplemental standards provided for a given use direct certain additional requirements for the use which serve to ensure community welfare and safety.

CONSISTENCY WITH COMPREHENSIVE PLAN:

OBJECTIVE 1.04. REDEVELOPMENT AND INFILL DEVELOPMENT

"1.04.03. The City shall promote redevelopment of general commercial activities, which fulfill market demands of the City's residents for retail sales and services. The City shall coordinate with private sector interest groups concerned with enhancing the Central Business District, waterfront corridors, and commercial corridors on South 8th Street, Sadler Road, and 14th Street, in order to direct efforts to achieve a public and private partnership in improving the image and function of these districts and corridors. The City shall develop and implement density and/or intensity bonus incentives for properties that demonstrate compliance with the desired form and function of the area. Design strategies shall provide physical themes for development and redevelopment opportunities that are consistent with and reinforce the historic character of architecture, where historic structures are present, as well as the ambiance and urban design amenities in each location."



**STAFF REPORT
TA 2012-06
Planning Advisory Board Hearing
March 14, 2012**

OBJECTIVE 1.06. LAND USE CATEGORIES

"1.07.10. Waterfront Mixed Use (WMU)

- a. *The Waterfront Mixed Use category is intended for the re-development of waterfront land fronting the Amelia River within the CRA only.*
- b. *Uses include: Residential, commercial, retail stores, professional offices, water related uses such as piers, docks, wharves, and marinas and uses related to the shrimping and fishing industry.*
- c. *Net Density is limited to 2 dwelling units per acre and is required to be located above a commercial or office use.*
- d. *Intensity is limited to 0.75 FAR...."*

"1.07.12. Industrial Waterfront (IW)

- a. *The land use category of Industrial Waterfront provides for those industrial activities that require waterfront locations.*
- b. *Permissible uses include: water dependent uses such as piers, docks, and wharves; ship terminals and facilities for construction and maintenance; bulk storage facilities, limited to materials delivered by ship; military installations, excluding residential uses; heliports; and marinas.*
- c. *The intensity of development within the industrial waterfront land use category shall not exceed a FAR of 0.75.*
- d. *The following uses may be permissible, and shall be directly related to port activities: truck terminals; distribution centers; offices to support allowable uses; warehousing; manufacturing and processing; green technologies, and support services, which are an integral part of a port-related activity, such as parking facilities, restaurants, or clinics.*
- e. *New waterfront industrial locations shall ensure protection of shorelines, other environmentally sensitive lands, and protected natural resources. Appropriate buffers and other site design techniques shall be provided to ensure such protection."*

The applicant's request to make "Airports and Heliports" a permissible use within the W-1 and I-W zoning district is somewhat justifiable given the underlying Waterfront Mixed Use and Industrial Waterfront land use categories intent of these land use designations to provide limited industrial activities that establish connections to the City's existing working waterfront area along the Amelia River. The W-1 and I-W zoned properties within the City are limited to locations along the Amelia River (water lots numbered 1-40) with additional Industrial Waterfront zoned properties off of 14th Street adjoining navigable portions of Egans Creek Greenway. **Exhibit A** depicts all W-1 and I-W zoned properties in the City. The nature of a helicopter sightseeing business can be viewed as suitable within these locations as it provides direct access for takeoff and landing over the river without causing neighborhood disturbances. Operations such as this would generate increased interest and activity surrounding the area and most of the W-1 and I-W properties are located within the City's Community Redevelopment Area (CRA). This is an area where the City is looking for renewed energy and revitalization due to its existing condition.

CONSISTENCY WITHIN THE LAND DEVELOPMENT CODE:

"2.01.15 Waterfront Industrial (I-W)

The I-W District is intended for the development of water dependent and water-related manufacturing, assembling, storage, distribution, sales, and port operations that are generally high intensity. The Waterfront Industrial District recognizes existing industrial development with locations that have access to transportation facilities by air, rail, ship, or highway. The designation of land for the I-W District shall be based on compatibility with surrounding land uses, considering environmental sensitivity, intensity of use, hours of operation, heat, glare, fumes, noise, and visual impacts."

"2.01.16 Waterfront Mixed Use (W-1)

The W-1 District is intended for the development and/or re-development of waterfront land fronting the Amelia River within the CRA only. The Waterfront Mixed Use District recognizes the desire to maintain existing water related uses

STAFF REPORT
TA 2012-06
Planning Advisory Board Hearing
March 14, 2012

while providing a wider range of uses to encourage developments which enhance the public's use of and access to the waterfront."

The inclusion of "airports and heliports" within the W-1 and I-W zoning districts generally meets the described intent for Waterfront Mixed Use and Waterfront Industrial activities. The use of W-1 and I-W properties for "airports and heliports" represents a stated water dependent use that serves to "enhance the public's use of and access to the waterfront." However, both zoning districts recognize a need to ensure compatibility with the surrounding area. Within the proximate area of the applicant's request is the City's central business district which provides intense mixed use commercial and residential development including bed and breakfasts and hotels. Any newly allowable activities within the area must be sensitive to the needs of these existing uses. Also, contained within the same area is an active railroad and seaport with two mills that border the sides of the City's downtown presently operating 24 hours a day and 7 days a week and generating noise and odor well in excess of what a helicopter sightseeing business could possibly create.

ANALYSIS & CONCLUSION:

While the applicant's request generally meets the intent of the W-1 and I-W zoning districts staff believes that it is important to ensure that this type of operation is compatible with the surrounding area and would not create unwarranted nuisance concerns. Therefore, staff recommends modification of the applicant's original request to make airports and heliports a permissible use. Staff recommends that a new land use be defined within Table 2.03.02 regulating "Rotorcraft Sightseeing Businesses" permissible subject to Supplemental Standards within the W-1, I-W, and I-A zoning districts, providing definitions within Section 1.07.00, and identifying reasonable Supplemental Standards to Chapter 6 by adding a new Section 6.02.27 Rotorcraft Sightseeing Businesses.

Chapter 1: General Provisions

Section Acronyms and Definitions 1.07.00

Rotorcraft means a heavier-than-air aircraft that depends principally for its support in flight on the lift generated by one or more rotors.

Rotorcraft sightseeing business means a business operated for profit by offering to the public primarily amusement or sightseeing rides in a rotorcraft routinely returning to the point of origin.

AND

Chapter 6: Supplemental Standards and Special Situations

Section 6.02.27 Rotorcraft Sightseeing Business

- A. A rotorcraft sightseeing business is allowable within the W-1, I-W, and I-1, I-A zoning districts, subject to the standards of the zoning district and the supplemental standards set forth below.
- B. Such business and each rotorcraft utilized therein shall be insured against liability for personal injury in an amount not less than one million dollars (\$1,000,000.00) combined single limit per occurrence, and against liability for property damage in an amount not less than one-hundred thousand dollars (\$100,000.00) per occurrence. Employers' liability shall not be less than one-hundred thousand dollars (\$100,000.00) bodily injury by accident and one-hundred thousand dollars (\$100,000.00) bodily injury by disease, each employee. The city shall be included as an additional insured to receive a minimum of ten (10) days' notice prior to cancellation.
- C. If operations are from the City's airport all applicable rules, guidelines, and permits must be obtained.
- D. Licensing of both pilots and aircrafts and all operations must be in full compliance with Federal Aviation Administration (FAA), all applicable Federal Aviation Regulations (FAR), and Florida Statutes Chapter 329.10.
- E. Rotorcraft sightseeing businesses must obtain a Local Business Tax Receipt (LBTR).
- F. Each pilot flying a rotorcraft in such business shall have, within the immediately preceding year, registered with the City's airport, the following:

1. The pilot's name and address;

STAFF REPORT
TA 2012-06
Planning Advisory Board Hearing
March 14, 2012

- 2. The pilot's Federal Aviation Administration license;
 - 3. The name of the business for which the pilot is flying;
 - 4. The pilot's driver's license or, if none, another form of photographic identification.
- G. Rotorcraft Sightseeing Businesses are limited to rotorcraft not exceeding seven (7) seats including the pilot.
- H. Each and every flight of such businesses shall follow the safest and most direct route from take-off to the Amelia River, and shall continue over the waters of the intercoastal waterway to the Atlantic Ocean until returning for landing, and shall then follow the safest and most direct route from the intercoastal waterway to the Amelia River for landing. At all times and without exception, in choosing a route between takeoff or landing and the Amelia River and Intercoastal Waterway, safety shall always be given priority over directness.
- I. Businesses and all flights shall adhere to the Helicopter Association International's Fly Neighborly Guide and FAA published guidance for flying near noise-sensitive areas as contained in Advisory Circular AC91.36D, as may be amended from time to time, which directs that pilots make every effort to fly not less than 1,000 feet above the surface, weather permitting.
- J. Operations of rotorcraft sightseeing businesses are limited to daylight hours only. Tours may not begin prior to 9 a.m. and must conclude at least one-half hour (1/2) after sunset.
- K. Tours are limited to equal not less than 15 minutes in length and takeoffs and landings may not exceed four (4) times per hour.
- L. Ground level landing areas are required to be stabilized and may not be constructed of mixed gravel, shells, or other materials that could create dust, debris, or hazards upon takeoff and landing.
- M. Ground level landing areas must be properly marked and contain a windsock.
- N. Ground level landing areas shall have a designated and marked safety area.
- O. Ground level facilities are, at all times, required to have appropriate fire extinguishers.

AND

Table 2.03.02 as follows:

STAFF REPORT

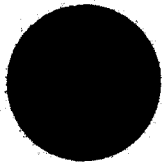
TA 2012-06

Planning Advisory Board Hearing

March 14, 2012

Chapter 2: Zoning and Land Uses
Table 2.03.02. Table of Land Uses.

	Zoning Districts													
	R-E	R1-G	R-1	R1M	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-A
REC	CON	PL-1	W-1	I-W	I-A	I-1	C-3	C-2	C-1	MU-1	OT-2	OT-1	R-3	R-2
Land Uses:	R-E	R1-G	R-1	R1M	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-A
P - Permissible														
S - Permissible Subject to Supplemental Standards														
Blank-Prohibited														
Land Uses:														
Restaurant, With or Without Drive- Through Window									P	P	P	P	P	P
Retail Stores								P	P	P	P	P	P	P
<u>Rotocraft Sightseeing Business</u>														
Schools, Elementary, Junior, or Senior High	S	S	S	S	S	S			S				S	S
Scooter and Moped Rentals														
Seasonal Sales *Note 4									P	P	P	P	P	P
Small Equipment or Appliance Repair Shops														
Specialty Food Stores, such as Bakeries or Ethnic Grocers							P	P	P	P	P	P	P	P
Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or Stationers							P	P	P	P	P	P	P	P
Terminals for Freight or Passengers, By Ship													P	P
Theaters, Movie or Performing Arts									P		P	P	P	P
Trades and Repair Services such as Electrical, Heating, and Air, Mechanical, Painting, and Plumbing											S		P	P
Utility Facilities, such as Electric Substations, Water and Wastewater Treatment Plants												P	P	P
Warehouse, not Including Mini-Storage													P	P
Welding or Sheet Metal Works													P	P
Wholesale Establishments													P	P



STAFF REPORT
TA 2012-06
Planning Advisory Board Hearing
March 14, 2012

In reviewing the application, staff conducted research of other jurisdictions' requirements for rotorcraft sightseeing businesses as well as applicable FAA guidelines and the Helicopter Association International guidelines specific to businesses such as this. Some of the applicable research has been provided as part of the back-up materials for this application.

RECOMMENDED MOTION(S):

I recommend approval of PAB case number TA2012-06, subject to the staff recommended modifications and additions, to amend the Land Development Code (LDC) as follows:

- (1) allow "Rotorcraft Sightseeing Businesses" as a permissible use subject to Supplemental Standards in the W-1, I-W, I-1, and I-A zoning districts in Table 2.03.02;
- (2) add definitions for "rotorcraft" and "rotorcraft sightseeing business" in LDC Section 1.00.07.
- (3) provide for Supplemental Standards of "rotorcraft sightseeing business" to be included in Chapter 6: Supplemental Standards and Special Situations as a new Section 6.02.27.

Submitted by:

Kelly N. Gibson
Senior Planner



HELIPORTS

The 25 Most Asked Questions...
And Answers



Helicopter Association International
1635 Prince Street
Alexandria, VA 22314

INTRODUCTION

This guide has been prepared in response to numerous requests for information on how to begin planning for a heliport and is an excerpt from the Heliport Development Guide, published by the Helicopter Association International (HAI).

A key recommendation of the Government/Industry Vertical Infrastructure Program for the 21st Century (VIP 21) is increased emphasis on heliport development. Each year, rotorcraft in the United States perform 9.6 million takeoffs and landings and fly approximately 2.3 million hours. The value of the fleet, flight hour expenditures, and manufacturer payrolls in the USA's rotorcraft industry exceeds \$6.2 billion. Heliport infrastructure growth is imperative to satisfy the increased demands placed upon the vertical flight industry.

HAI wishes to thank Mr. Raymond A. Syms, a member of the its Heliport Committee and primary author of this publication, for his dedication to the rotorcraft industry.

For information on Helicopter Association International, the HAI Heliport Development Guide, or the Vertical Infrastructure Program for the 21st Century, contact Helicopter Association International at (703) 683-4646 or visit us at www.rotor.com.

NOTICE

It should be noted and understood that the information and material in this guide have been compiled solely for the purpose of assisting planners, heliport proponents, and rotorcraft operators in their development efforts.

It should not be used as a standard with respect to any particular heliport. Every heliport site is unique and must be evaluated on its own merits, considering all applicable factors, the needs of the total community, and federal, state and local regulatory requirements.

No interpretation of this guide relieves any pilot, planner, authority, political entity, or operator from any legal duty he or she might otherwise have with respect to any particular heliport.



Heliports: The 25 Most Frequently Asked Questions (And Answers)

1. What is a “Heliport”?

A heliport is a permanent facility where helicopters take off and land. It can range from a specifically designated area that requires little or no external support to a location that supports scheduled air services with hangars, fuel and aircraft maintenance capabilities. Over 90% of current facilities serve single helicopters and provide no fuel or services.

The existing rotorcraft fleet is substantial. The World Helicopter Civil Fleet Statistics for 2004 shows there were over 25,000 helicopters registered worldwide, with approximately 50% being in the United States. This number does not include those in the U.S. military.

In the United States, there are over 5,500 registered land-based heliports, many of which are on elevated structures. There are thousands of offshore landing facilities worldwide, many of which are on oil platforms in the Gulf of Mexico. Over 75% of the oil platforms in the Gulf of Mexico have heliports. There are also hundreds of mobile drilling rigs with heliports. In addition, many oil tankers, commercial ships, and private yachts have helidecks.

Future heliports may be very sophisticated, encompassing direct intermodal transportation links, more stringent security requirements, allowing direct interlining with scheduled airlines at airports, and the most advanced satellite-based instrument approach procedures facilitating all-weather operations. The end result is ease and convenience never before experienced by the traveling public.

2. What is an “Emergency Landing Zone”?

Such sites can go by many similar terms, but these are not heliports. Basically these are either predetermined or spontaneously designated sites which public safety agencies, in cooperation with emergency heliborne responders, select to evacuate trauma or disaster victims. For example, HAI has published a standard for Emergency Helicopter Landing Facilities (EHLF), that also includes a “Model Ordinance.” This standard has been adopted by the National Association of Fire Chiefs as its policy with regard to establishing emergency helicopter access to rooftops of high-rise buildings.

3. What is a “Helistop”?

Helistop is a generic term that refers to a minimally developed facility for boarding and discharging passengers or cargo. The heliport/helistop relationship is comparable to a bus terminal/bus stop relationship with respect to the extent of services provided or expected.

4. What are STOL and VTOL?

STOL, or short takeoff and landing, applies to certain airplanes, tiltrotor aircraft, and helicopters that can, for the purpose of operating at increased gross weights and performance, use running or rolling takeoffs and landings on short runways or rollways. These distances are significantly shorter than the lengths of runways typically seen at airports for use by airplanes.

VTOL, or vertical takeoff and landing, applies only to helicopters and tiltrotor aircraft and requires a much smaller landing and takeoff area than STOL aircraft or airplanes. Heliports and Vertiports fulfill the needs of VTOL aircraft.

5. What are the sizes of heliports?

All international standards have space requirements (both on land and in the air) for an obstacle-free area in order for the aircraft to take off and land. The standards for the Touchdown/Liftoff (TLOF) area are generally predicated on the size of the aircraft undercarriage or the rotor diameter. The obstacle-free areas surrounding the TLOF are generally determined by a multiplier of the aircraft's overall length and/or rotor system size. The use of the heliport (i.e., private, general aviation, hospital, and transport) may also determine the minimum size. These can vary from an open area of 65 feet by 65 feet for a small helicopter to 100 feet by 100 feet for a medium twin-engine helicopter to up to several acres for facilities serving multiple helicopters. Recommended standards vary by the anticipated use of the facility. Typically, a privately used heliport requires less space than would a facility intended for general aviation or commercial transport use.

6. What are the different types of heliports?

The type of heliport is determined by its intended use. They can be ground level, elevated, rooftop, or floating. As defined in the FAA's Heliport Design Advisory Circular, AC 150/5390-2B, most typical are:

A. Prior Permission Required (PPR), (formerly called "Private") facilities serve corporations, individual operators and their guests and make up the majority of all current heliports. They are typically privately funded, located on private/corporate property, and usually are not open to the general public.

B. General Aviation (GA) facilities are open to the public, and some may charge landing or other fees. They may be a combination of privately and publicly owned properties. If the FAA Airport Improvement Program (AIP) has funded the location, the facility must be public use and committed to operate for a specified period of time. GA facilities may vary from a single-rotorcraft heliport to an elaborate location designed with multiple parking locations and intermodal links to light or heavy rail systems, ferries, highways, and airports. They can form part of a hub-and-spoke system of heliports that serve as feeders from major cities to airports, suburban to urban areas, and city-center to city-center locations.

C. Transport Category facilities are typically publicly owned or controlled, generally utilize scheduled operators, and are designed for accommodating larger rotorcraft and increased numbers of passengers. Transport Category heliports may include intermodal considerations, passenger waiting and ticketing areas, and provisions for the high security associated with direct linking of helicopters to major air carriers at airports.

D. Hospital facilities are located at or near a hospital. Many hospital heliports are elevated or on rooftops. In addition to the normal provisioning for heliport operational requirements, patient handling and care considerations are important factors in the facility design. Proximity to the trauma/emergency areas or ambulance drop-off and pick-up points must be considered. Access to many hospital heliports is generally restricted to Helicopter Emergency Medical Services (HEMS) or medical evacuation helicopters.

E. Emergency Sites are suitable clear and open areas close to or at the scene of an accident, medical emergency, or disaster that meets the criteria set by the HEMS company/operator and the pilot-in-command of the aircraft. While the sites may be part of a preplanned system along highways, at rest areas or in recreational areas, they are not designed for use other than in emergencies. Due to their nature, these sites are typically not subject to formal regulatory review and oversight.

F. Official-Use facilities are for police, fire, and sheriff's departments, as well as various federal, state, and local government agencies, and typically follow PPR criteria. Special permission is generally required for landing at these locations.

G. Emergency Evacuation Facilities are intended to facilitate bringing emergency personnel to a roof and removing building occupants. Local codes may require buildings over a predetermined height to provide a roof area with sufficient size and strength to land a helicopter. Some building owners have constructed private rooftop heliports that service the travel needs of the occupants as well as meet evacuation requirements.

H. Temporary facilities are defined in Federal Aviation Regulation (FAR) Part 157. The FAA does not require notification of intent to construct or activate any intermittent-use, Visual Flight Rules-only site which is used or intended to be used for less than one year. Intermittent use means use or intention to use for no more than three days in any one week and no more than 10 operations in any one day.

State or local jurisdiction regulations will take precedence, which in some areas require permission for any landings (usually excluding medical and emergency situations).

7. Where can heliports be located?

The versatility of the rotorcraft allows heliport locations to be similarly flexible. They may be on ground level; elevated on buildings, parking garages, or bridges, or over or next to freeways and interstates; on airports; on docks, piers, barges, boats, offshore oil/gas rigs, or portable deck systems in jungles/mountains/marshes; and even on water for aircraft equipped with floats.

The location depends predominately on available air space, real estate priorities, and exact departure points/destinations of the passengers, or where services are required. For example, hospitals generally want the heliport as close as possible to the emergency treatment area for incoming patients. Corporate clients are interested in getting to and from meetings and conferences or connecting to longer-range aircraft. Forestry, exploration, and utility crews need to access the area in which they are working.

Heliports can be in cities, suburbs, or rural areas and are only limited by the availability of a suitable open area.

8. What materials are used to construct heliports?

The most common heliport material for a ground level site is turf or reinforced turf (grass pavers, perforated steel planking [PSP], mixed gravel, shells, and coral). For more elaborate sites or for elevated structures, asphalt (not recommended in some cases, especially hotter climates), concrete, concrete with steel supports, aluminum, wood and composites may be used. Composites include fiberglass, Kevlar, carbon, and numerous other fibers that are formed into high-strength structural members.

9. Who regulates heliports?

In the U.S. and its territories and possessions, the FAA regulates airspace, assuring its safe and efficient use. This includes interfacing with current or planned aeronautical uses. Land use issues are controlled by state and local regulation. Transport Canada regulations are in place for all Canadian provinces. International regulations may vary; however, most countries utilize the International Civil Aviation Organization (ICAO) regulations.

10. Do zoning codes include heliports?

Many municipalities make specific reference to heliports in their land-use regulations. Many authorities include and permit these landing areas as accessory uses of a primary land use. An example is a corporate heliport that serves the travel needs of the corporation's executives and clients. A comparison is made to the needs for parking lots, driveways and loading docks as other transportation-related accessories to serve corporate offices.

11. What are the benefits of a heliport?

A. Emergency/Disaster Relief

In addition to the daily business and private sector benefits, a system of strategically placed facilities can provide a means for adequately responding to emergencies. In the event of local or regional disasters (e.g., fire, earthquakes, floods, and industrial accidents), a system of rotorcraft landing/staging areas can be immediately available for saving lives. Nowhere has a lack of such a system been more evident than the hurricane disasters of 2005.

B. Emergency Medical

The use of helicopters as aerial ambulances has made the inclusion of a heliport at acute care and trauma centers a requirement in many states and countries. Hospitals around the world consider a heliport an essential part of the total patient care system, which has resulted in thousands of lives being saved.

C. Public Service

Many public service agencies (e.g., fire, law enforcement, and government wildlife and resource management authorities) use helicopters and heliports. Helicopters enable effective mission accomplishments.

D. Economic

Access to a heliport, and a regulatory environment that accommodates the permitting and development of heliports, will help attract businesses that use helicopters. A number of U.S. and international corporations own, lease or charter helicopters for the transportation of their employees with time-critical functions, clients, and priority cargo.

E. Electronic News Gathering and Traffic Safety

Many network and local television and radio stations use helicopters and heliports for their support to provide up-to-the-second news, traffic reports and, in some cases, lifesaving information to the public.

F. Utility, Forest and Resource Management

Many heliports support helicopters that patrol and enable the repair of critical power transmission lines, fight forest fires, manage national forests, support logging operations, and survey vast areas without the need for disturbing the environment.

G. Energy

The offshore oil industry transports thousands of workers from shore stations to oil platforms around the world. Bases of operations are established in localities that best serve the rapid and efficient transportation needs of the industry and provide significant revenue for local communities. Onshore and offshore exploration for energy sources are dependent on helicopters and heliports

12. What equipment is needed for a heliport?

Equipment requirements are based upon the use of the facility. A simple day-only Visual Flight Rules (VFR) heliport requires only a windsock and appropriate markings. Current National Fire Protection Association standards do not require any fire equipment for an unattended facility. Attended ground-level facilities require portable fire extinguishers. Most elevated locations on occupied structures require specialized foam-dispensing

equipment. Local fire department regulations may dictate the need for additional fire-suppression equipment.

If the location is to be used at night, a lighted windsock and perimeter and obstruction lighting are typically all that are needed. Instrument Flight Rule (IFR) may indicate the need for more extensive lighting and ground equipment, including a means for ascertaining current and forecast weather information, if satellite-based Global Positioning System (GPS) instrument approaches are to be used.

Fueling, servicing and automatic weather reporting would all require equipment as appropriate to the needs of the operator, but are not requirements for the heliport.

13. Can an instrument approach to a heliport be developed and approved?

Yes. Future considerations should be given to IFR operations and the need for instrument approaches. In the U.S., the FAA recently approved satellite-based GPS non-precision point-in-space approaches to heliports. Differential receivers being tested and installed should, in the future, allow for Category I (normally 200' ceiling and ½-mile visibility) precision instrument approaches directly to or in the vicinity of the facility served. Traditional non-precision approaches (e.g., VOR, NDB) can also be incorporated into the heliport design. Many obstacle clearance and airspace standards that differ from normal VFR flight operations would be required.

14. Should the heliport have an instrument approach?

Hospitals are the most predominant recipients of the benefits of instrument approaches. The numbers of hospital heliports with approved instrument approaches are increasing each year. In the case of scheduled operations at transport heliports, an all-weather capability is essential to effectively service the market.

If an IFR demand is present and verified at private, hospital and general aviation facilities, a feasibility analysis for adding that capability should be performed. This analysis should include factoring in the site's obstacles and determining the applicable weather minimums. Other issues to be considered are the interface with the current airspace structure and air traffic control issues, along with the amount of additional equipment that would be required. This includes items such as lights, differential global positioning system (DGPS) transmitters (not required for non-precision approaches) and automated weather observation systems (AWOS) for FAR Part 135 operations.

15. Are heliports expensive?

The majority of domestic U.S. heliports/helistops are simple, inexpensive facilities. A daylight helistop, exclusive of real estate cost, can be established for only a few hundred dollars for markings and a windsock. Cost for hard surfaces will be driven by local construction cost. Night operations will require lighting and can range from a few hundred dollars to several thousand dollars depending upon the source of electricity and

fixture types. Costs of larger facilities are in direct proportion to the real estate costs and outlays for enhancements. Normal construction materials and techniques can be utilized for heliports. A full-service heliport with hangars, fuel, services, and offices would cost about the same as for facilities designed with similar attributes for cars, trucks or other vehicles.

16. Are there lights specifically designed for heliports?

The majority of today's facilities use lights that were designed for airports and adapted to the needs of heliports. The obstruction lights, perimeter lights, windsocks, and floodlights that are available reflect this heritage. Most major aviation lighting manufacturers have heliport lighting packages that meet the guidelines in the FAA Heliport Design Advisory Circulars. There are lighting systems that are conventional incandescent and electro-luminescent. Fiber optic, light bar, LED, laser, and cold cathode tube technologies are currently being developed. There are a number of battery-powered lighting systems for temporary sites or sites isolated from a normal electrical power source.

17. Where are preferred heliport locations?

The facility should be located and designed according to the needs of the users. The locations should be balanced against the likely environmental impact of the heliport. Hospitals generally need to have the heliport as close as practical to the emergency/trauma area for ease of patient transport. Corporate heliports are sometimes within walking distance or actually on the passenger destination buildings. City-center transportation centers and convention centers are natural locations for including a rotorcraft landing facility. Landing facilities at major airports are predominately in the general aviation area, allowing for direct access to corporate/charter aircraft as well as direct interlining with airlines when appropriate security measures are in place.

Strategically located heliports can form a system that provides a link in city-center to city-center transportation, airport links, and service to and from the passenger's origination points and destinations.

18. Aren't heliports noisy?

The sound levels of rotorcraft are similar to those of many items found in our daily lives. Planes, trains, automobiles, lawnmowers, motorcycles, buses, trucks, boats, and cars all regularly produce noise levels higher than those which the average person would hear from a rotorcraft. The relative distance, nature and intensity of the noise generated, height above the ground, model of the aircraft and sound attenuation factors of the terrain between the source and the receptor are all factors in the way sound is perceived. Most of the public are acquainted with helicopters through movies and television, but many of these are either military or early civil helicopters and, thus, are very different from modern and quieter civil helicopters in use today. It is critical to understand that the "Hollywood" depiction of helicopters often creates an adverse reaction by the public.

A typical heliport operation produces an extremely transitory sound. The entire sound event lasts for approximately 45 seconds on landing or takeoff, although ground running can increase the time. At any one point along the flight route, providing the observer is close enough to notice, the helicopter will typically be heard for 20 seconds or less. This is quite unlike other transportation uses such as streets, highways/interstate road systems, commuter/freight railways where sound production is almost constant.

Special attention should be given to siting heliports in areas or corridors where the sound inherently produced by other sources provides a shielding or muffling effect of the sounds of the helicopters. Heavily industrialized areas, especially large industrial and commercial zones, make good sites for potential landing areas due to the relatively high ambient noise.

In essentially all metropolitan transportation systems, there are clearly defined corridors of motor vehicle, train, and waterborne traffic that provide excellent ingress and egress routes for helicopters. In addition to providing ambient noise that can shield aircraft sounds, these freeways, highways, railroads, and waterways, also offer an area of relatively unobstructed airspace that can be considered fairly permanent.

Helicopter operators can also reduce the sounds of the helicopter significantly by the use of noise abatement techniques developed by essentially all of the helicopter manufacturers. This material has been widely distributed and promoted as part of the Helicopter Association International (HAI) "Fly Neighborly" program, which also contains information on noise impact in the community and methods for noise planning and assessment guidelines for heliports.

Extensive research and development programs are leading to the design and manufacture of quieter helicopters. Some results of these programs include a no tail rotor (NOTAR) system, improved main and tail rotor designs, blade-tip speed reductions, and quieter engines.

19. What are the exhaust emissions from helicopters?

Helicopters are predominately powered by gas turbine engines that produce very few pollutants. Much of this is due to the engine's high-combustion temperatures and its ability to burn fuel very efficiently. The type of fuel utilized by these engines is high-quality jet fuel. Properly stored, dispensed and used, it meets the Environmental Protection Agency's (EPA's) high standards for use of such fuels. Gasoline powered helicopters produce emissions comparable to other similarly powered vehicles (e.g., cars, trucks, and boats).

20. How safe are heliports?

Nothing is more important to the residents of any community than their family's safety and their property. The FAA, using its own data and that of the National Transportation Safety Board (NTSB), investigated the relative risk a community has in relation to a helicopter landing area. This information and historical data reveal that typical heliports are extremely safe.

The FAA and many of the state and local governments are highly proactive when it comes to heliport safety. Additionally, FAA regulations are very strict when it comes to any unsafe actions undertaken by pilots.

21. Do heliports affect property values for adjacent or nearby properties?

Historical studies, as well as real estate appraisal guidelines, indicate that property values are not affected due to the proximity of a heliport/helistop. One of the highest per capita income areas in the country, Somerset County, New Jersey, has a large number of private and corporate heliports within some of the finest, and higher valued, estates in the county.

22. Are there any means for obtaining U.S. government funding for a heliport?

If the facility is to be open to the public for general aviation and/or transport operations, the FAA has AIP funding, a small percentage of which may be available for the necessary studies, planning, land purchase and construction of public use heliports. In addition to their own monies, many states have block grant FAA AIP funds for such development and improvements on publicly accessible landing sites. Many economic development agencies are also a source of potential funding. Contact with your local state aviation office or the regional FAA airports office would yield specific information.

23. What steps are necessary to develop a heliport?

HAI's "Guidelines For Establishing a Heliport" checklist provides an overview of the basic process.

Consulting with helicopter operators who have established heliports locally or the regional helicopter operators association, which exists in many locations, will facilitate understanding of the basic process. State aeronautical authorities vary dramatically in the amount of assistance they can and will supply. A telephone call to the appropriate state authority will provide that information.

Consulting the Airports Office at the regional FAA headquarters will provide information on the availability of an FAA heliport specialist in your region. The Airports Office will also verify the currency of the Heliport Design Advisory Circular (AC 150/5390-2B). Additionally, a copy of FAA Form 7480 must be filed if a heliport is being constructed. AC 150/5390-2B is a technical document that covers design elements and assumes a basic understanding of helicopter and heliport operations. The design ACs also list the names, addresses and telephone numbers of the various state aviation offices.

There are also of aeronautical consulting firms that will assist with the process.

The heliport development effort is an endeavor requiring knowledge and understanding of the process and the ability to address the numerous issues presented. A combination of

sound technical planning and effective public involvement is essential for the success of a facility application. Many heliport applications fail due to improper presentation and/or major defects in the design or lack of planning.

24. What developmental issues might I face?

Numerous surveys, extensive field experience, and recent case studies that were performed for the FAA and are outlined in "Heliport/Vertiport Implementation Process-Case Studies" (DOT/FAA/ND-96/1) and "Six Heliport Case Studies" (DOT/FAA/ND-97/1) indicate:

- a. "The critical factor in heliport development is local government approval of the project. Almost all failed applications occur at this level irrespective of the type of heliport (i.e., public, private or hospital)."
- b. "Local governments are highly influenced by voters, and the primary concerns voiced by the citizens are safety, noise, pollution, degradation of property values and quality of life. These issues need to be addressed from the very beginning of any project. The planning, community effect mitigation and public education process needs to be an integral part of the developmental process."
- c. "While there is no guarantee of success for a professionally prepared heliport application, many failed applications had fatal errors in their planning, design and presentation."

25. Where can I turn for assistance?

HAI staff and the HAI Heliport Committee have produced this guide. Information is current as of December 2, 2005, and is intended as informational only. HAI is located at 1635 Prince Street, Alexandria, Virginia 22314-2818; telephone (703) 683-4646; fax (703) 683-4745; heliports@rotor.com; www.rotor.com.

HAI'S GUIDELINES FOR ESTABLISHING A HELIPORT

Since the first production helicopters began landing at facilities other than airports, helicopter operators have been faced with questions of not only where best to land their aircraft and take advantage of the machine's flexibility but also: When is an ad-hoc or temporary helicopter landing area required to become (or when should it become) an established helistop or heliport?

The Federal Aviation Administration's Heliport Design Advisory Circular, AC 150/5390-2-B and HAI's Heliport & Technical Programs Department can provide most of the information necessary for heliport design and development. However, the fact that there is so much information available concerning heliport design and development can often seem overwhelming. Establishing a helicopter landing facility requires dealing with many federal, state and local government agencies. The roles of these agencies may seem confusing or overlapping, but each play an important role in heliport development.

Federal Role: The Federal Aviation Administration (FAA) is responsible for regulating all United States airspace. The FAA determines whether new heliports or expansion projects will have an impact on air traffic or the airspace surrounding existing aircraft landing facilities. For public use facilities, the FAA ranks projects according to the need to relieve capacity constraints and the availability of funds.

State Role: Many states have aviation commissions or aeronautics divisions that fund federal and state public use heliport and airport projects. State heliport guidelines can provide objectivity and standardization to alleviate local concerns with safety.

Local Role: Local authorities are responsible for land use. The city or other political subdivision in which a heliport is to be established is the single most important entity in regulation and jurisdictional authority to ensure compatible land uses. Most towns, cities and counties have plans specifying districts in which helicopter operators may establish and conduct prescribed activities. Particular requirements, such as filing procedures, criteria and zoning approval through public hearings are outlined in ordinances passed by municipalities. This is the level at which you must obtain community approval of your heliport, through both the formal compliance with ordinances as well as educating and convincing your neighbors that you will be a good neighbor. Environmental considerations and community concerns with safety, real or perceived, must be addressed in cooperative spirit or residents are certain to object to any heliport.

The first question in heliport establishment should be: Will the heliport be for private or public use?

For Private Use Heliports:

1. Determine need for one's own helistop or heliport. Consider using an already established helicopter landing facility, including a private use facility. (Other facilities can be located by accessing the HAI Helicopter On-Line or the HAI Heliport Directory.
2. Obtain a copy of FAA Advisory Circular 150/5390-2B Heliport Design Guide and use it as your guide.
3. Determine the helicopter size and weight for which the heliport will be required to support.
4. Determine the frequency of use.
5. Select site, prepare facility layout plan, approach & departure paths, obstructions, and surrounding land uses, including known and potential noise sensitive areas.
6. Prepare and submit three copies of FAA Form 7480-1, Notice of Landing Area Proposal with the nearest Airport District Office. Anyone proposing to activate, construct, or deactivate a heliport is required to submit FAA Form 7480-1 within 90 days of the proposed action. The form is not required for temporary landing sites, medical emergency sites, or emergency evacuation facilities under the provisions of FAR Part 157.
7. Research local ordinances and state laws to determine applicable permits and approvals. Coordinate land use compatibility and zoning approval with local government agencies. Determine and obtain any applicable exemptions or exceptions in accordance with correct procedures.
8. Be fully prepared for any public hearing to determine the fate of your project.
9. Consult with local officials and community leaders, including expected opponents, and address all aspects of anticipated operations and their impact on the community.
10. Comply with state heliport design and site criteria and obtain applicable licensing or certification. Some states with licensing requirements may not enforce licensing when a heliport is established. Operators would obtain and maintain current licensing of their heliports in states with licensing laws to avoid future embarrassments such as violations or heliport closure.

For Public Use Heliports:

1. Establish the legal sponsor or sponsors (state, county, city, or airport authority) who will be responsible for grants and other financial backing.
2. Determine heliport need through review of existing heliport system plan(s) (state, regional, or municipal) or stimulate state and local authorities to prepare a system plan. Some municipal planning departments have incorporated heliports into their development plans to serve local and regional needs. Existing and projected heliports should be coordinated with overall master plans.
3. Coordinate with state and local officials and the FAA to ensure inclusion of the heliport in the National Plan of Integrated Airport Systems (NPIAS).
4. In cooperation with FAA Regional Heliport Coordinators at Airport District Offices, determine a detailed scope of work and cost of performing necessary studies (heliport master plan, site selection and I or environmental assessment).
5. Request federal funding from the FAA through the Airways and Airport Improvement Program (AIP).
6. Establish local technical / advisory committee(s) for the project's duration. Ensure helicopter professionals experienced in dealing with community agencies and leaders (not just helicopter enthusiasts) are included.
7. Comply with steps 2-10 as for private use heliports. (FAA Heliport Design Criteria is mandatory for public use heliports).

Many heliports have been developed with a minimum of effort, funds, or real estate. Overly detailed or expensive studies are not necessarily prerequisites for successful heliport development.

The FAA, HAI, and many other organizations publish reference materials with detailed information on heliport development.

For additional information, contact HAI at 1635 Prince Street, Alexandria, VA 22314-2818, (703) 683-4646; fax (703) 683-4745; mail heliports@rotor.com; or visit our website at www.rotor.com

Helicopter Association International (HAI) is the trade association of the civil helicopter industry worldwide. HAI's Regular members operate more than 4,000 helicopters, flying more than 2,000,000 hours each year. HAI's Associate members manufacture, repair, broker, insure and otherwise support the civil helicopter industry.

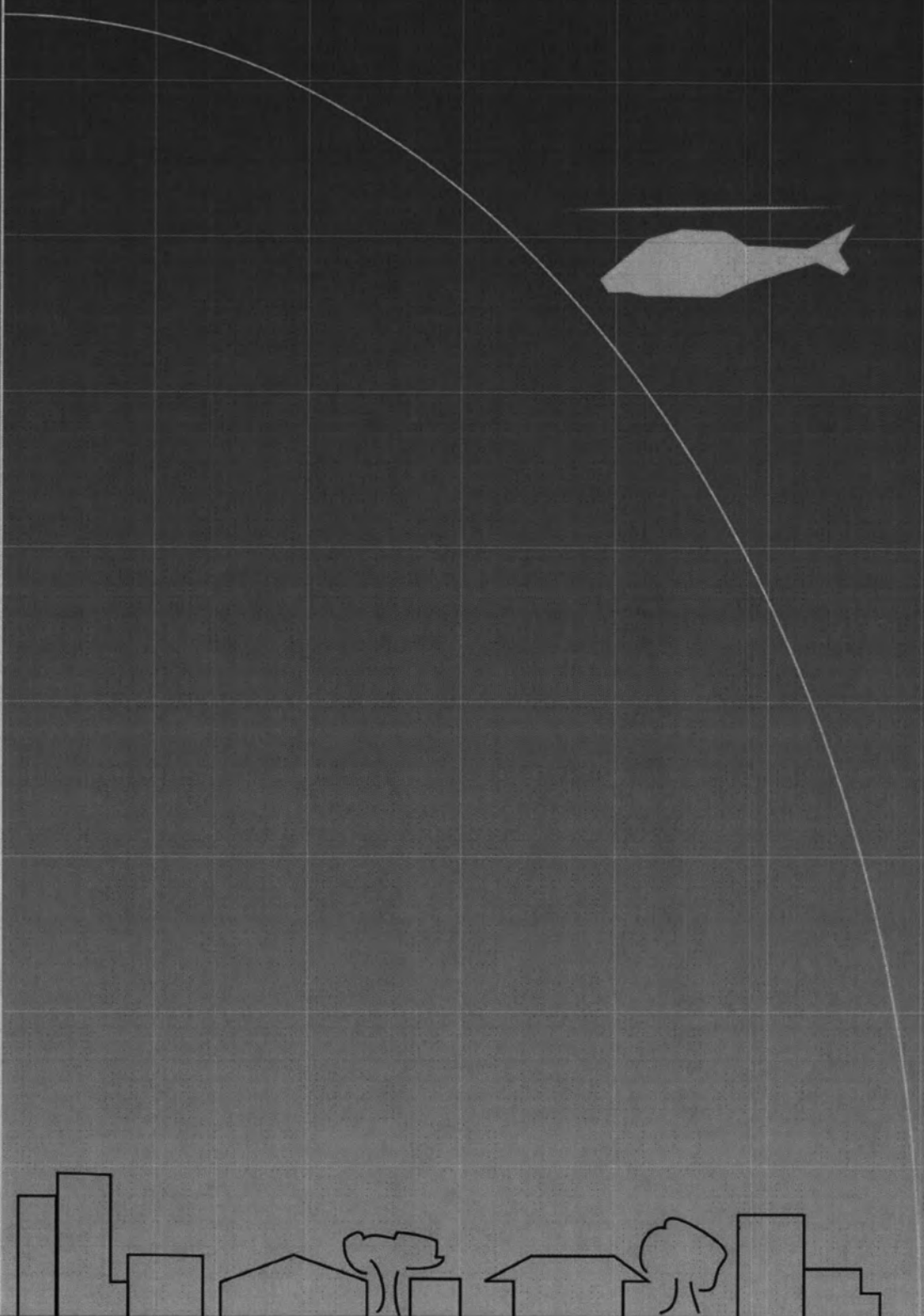
HAI'S MISSION

To provide its members with services which directly benefit their operations and to advance the civil helicopter industry by providing programs which enhance safety, encourage professionalism, facilitate communications and promote the unique contributions made by helicopters to society.

For more information contact:

Helicopter Association International
1635 Prince Street Alexandria, VA 22314
(703) 683-4646, Fax (703) 683-4745
www.rotor.com





Fly Neighborly Guide

produced by the **Helicopter Association International** Fly Neighborly Committee

Preface

This is the third edition of the Helicopter Association International (HAI) *Fly Neighborly Guide*. The initial guide was issued in 1981 and again with a change to the title page in 1983. A second edition was issued in 1993. This guide is based on the second edition and was edited and revised by Charles Cox and Dr. John Leverton on behalf of the HAI Fly Neighborly Committee.

The Fly Neighborly Program is a voluntary noise abatement program developed by the HAI Fly Neighborly Committee. The program is designed to be implemented worldwide by large and small individual helicopter operators. This program applies to all types of civil, military and governmental helicopter operations.

Fly Neighborly Noise Abatement procedures for specific helicopter models are available on the HAI Web site www.rotor.com.

Additional pilot training information, discussion of helicopter noise sources, noise propagation and general information on how to operate helicopters to minimize the noise impact is also available on an associated interactive Noise Abatement Training CD developed for pilots by the HAI Manufacturers Committee. Copies of this CD can be obtained from HAI.

Preface	i
List of Figures	iii
Foreword	iv
1 General Information	1
1.1 Background	1
1.2 Objectives	1
1.3 About This Guide	1
1.4 Purpose	1
1.5 Organization	1
1.6 Administration	2
2 Helicopter Sound Generation	3
2.1 The Source of the Sound	3
2.2 Impact of Operations	4
3 General Guidelines for Noise Abatement Operations	7
3.1 Flyover Height	7
3.2 FAA Guidance - VFR Flight Near Noise Sensitive Areas	8
3.3 Flyover Speed	9
4 How to Operate Helicopters Quietly	10
4.1 General	10
4.2 Ground Operations	10
4.3 Hover / Hover Taxi / Ground Taxi	10
4.4 Takeoff and Climb (Departure)	10
4.5 Enroute and Cruise Flyover	10
4.6 Turns (Maneuvers)	11
4.7 Descent/Approach and Landing	11
4.7.1 Small/light helicopters	11
4.8 Other Factors to be Considered	14
5 Pilot Training	15
5.1 Scope	15
5.2 Basic Guidelines for Pilot Training	15
6 Operator Program	16
6.1 Introduction	16
6.2 Company Policy	16
6.2 Implement Guidelines	17
7 Managing Public Acceptance	18
7.1 Scope	18
7.2 Media Support	18
7.3 Public Relations	18
7.4 Preventing and Responding to Complaints	19
8 Fly Neighborly Program-What Can be Achieved?	22
Appendix 1	23
Appendix 2	26
Appendix 3	27
Glossary	28

Figure 1	High-Noise Flight Operations – Small/Light Helicopter	5
Figure 2	High-Noise Flight Operations – Medium/Heavy Helicopters	5
Figure 3	High-Noise Maneuvers – Medium Helicopters	6
Figure 4	Fly Higher Chart	8
Figure 5	Noise Abatement Approach Techniques for Small/Light Helicopters.....	12
Figure 6	Noise Abatement Approach Technique for Medium and Heavy Helicopters...	13
Figure 7	Ground Noise Exposure Footprint	13
Figure 8	Relationship between Noise Exposure and Annoyance	20
Figure A1	Relationship between Sound Level and Helicopter Weight.....	23
Table A1	Illustrative Noises	24
Figure A2	Comparison of Sounds	25

Foreword

In the late 1970s, concern was being expressed about helicopter noise by the general public and national authorities in a number of nations, including the USA. As a result, a number of Helicopter Association International (HAI) committees, including the Heliport and Airways Committee (now known as the Heliports Committee), started to research how this concern should be addressed. At the same time, the International Civil Aviation Organization (ICAO), with active support of the United States Federal Aviation Administration (FAA) and most European nations, established a working group to develop helicopter noise certification standards. In addition, the FAA issued a Notice of Proposed Rulemaking (NPRM) outlining proposed noise certification procedures and limits.

The industry, and HAI in particular, felt that a better approach would be for the industry to develop voluntary guidelines to control the noise impact by operational means. After a number of FAA/industry meetings, the FAA, in the fall of 1981, agreed to withdraw its initial NPRM related to helicopter noise certification while additional technical data were acquired. This was done with the understanding that the helicopter industry would develop new technology - creating quieter, more advanced equipment, and implement a voluntary noise abatement program. This resulted in the establishment of the HAI Fly Neighborly Program based on an earlier program developed by Bell Helicopter Textron.

ICAO initially issued international noise standards in 1981, as a part of the International Standards and Recommended Practices, "Environmental Protection," Annex 16 to the Convention on International Civil Aviation. These were not adopted by many nations before they were relaxed in 1985. Since that time, the standards have been amended a number of times. The FAA subsequently issued helicopter noise certification standards in 1988. These have been revised over the years. They are defined in 14 CFR Part 36. The Fly Neighborly Program offers the technical information necessary for helicopter operators to fly both current and new advanced helicopters as quietly as practical, and to make helicopter operations compatible with nearly all land uses. The program also discusses how to communicate to the public the gains from using such procedures. In addition, the program provides general information related to helicopter noise and public acceptance.

1 General Information

1.1 Background

HAI's Heliports and Airways Committee (HAC) originally organized the Fly Neighborly Program through its Fly Neighborly Steering Committee. This committee was composed of members of HAI and governmental representatives, including the FAA, members of the military and other associations. Officially launched by HAI in February 1982, the program gained U.S. and international acceptance. Subsequently, the work related to the Fly Neighborly Program was considered sufficiently important by HAI that a separate Fly Neighborly Committee was formed to promote the program and ensure that the *Fly Neighborly Guide* and associated material are updated as appropriate.

In the U.S., the program has gained the full support of helicopter operators, regional associations, manufacturers, pilots and communities throughout the country. Federal, state and local government agencies have embraced the program, and taken an active part in sponsoring Fly Neighborly presentations in conjunction with safety seminars and other activities. Worldwide, the helicopter industry and its related communities are kept informed on the Fly Neighborly Program. Companion programs have been developed in a number of countries including Germany, France, and the United Kingdom.

1.2 Objectives

The Fly Neighborly Program addresses noise abatement and public acceptance objectives with guidelines in the following areas:

- pilot and operator awareness
- pilot training and education
- flight operations planning
- public acceptance and safety
- sensitivity to the concerns of the community

1.3 About This Guide

The *Fly Neighborly Guide* is published under the auspices of HAI to promote helicopter noise abatement operations. It addresses general issues only and is, by no means, comprehensive.

1.4 Purpose

These guidelines are intended to assist pilots, operators, managers, and designated Fly Neighborly officers to establish an effective Fly Neighborly Program. The concepts and flight operations outlined, herein, must be further tailored to suit local needs, and to ensure local or regional organizations cooperate to develop a strong, well-organized and disciplined approach to achieving Fly Neighborly objectives.

1.5 Organization

This guide is divided into seven main sections. Section One covers general information. Section Two addresses helicopter sound generation. Section Three gives guidance for noise abatement operations. Section Four discusses how to operate helicopters quietly. Section Five covers pilot training. Section Six describes the operator program which provides a broad outline of the possible actions helicopter operators can take, including

flight operations planning. Section Seven deals with community concerns and issues of public acceptance and Section Eight answers the question of what the Fly Neighborly Program can achieve. Three appendices present a comparison of sounds, the Advisory Circular (AC) 91.36D, and an example of a public heliport noise abatement program. In addition, a glossary is provided to help define the acronyms used or referred to in this Guide.

1.6 Administration

HAI solicits new ideas, comments, and recommendations to improve the program. HAI's Fly Neighborly, Safety and Heliport Committees are focal points for the development of new technical material in their respective areas. Additional guides can be obtained from HAI.

The Fly Neighborly Committee monitors the Fly Neighborly Program, and distributes new information to participants. Individuals, operators, or agencies desiring additional information should contact the HAI Fly Neighborly Program staff liaison at:

Helicopter Association International
1635 Prince Street
Alexandria, VA 22314 USA

Phone: (703) 683-4646
Fax: (703) 683-4745
Web site: www.rotor.com
Email address: flyneighborly@rotor.com

2 Helicopter Sound Generation

2.1 The Source of the Sound

The external sound produced by a helicopter is made up of acoustical sources from the main rotor, the anti-torque system (tail rotor), the engine(s), and drive systems. For turbine-powered helicopters, the main rotor and anti-torque system dominate the acoustical signature. Engine and gearing noise are generally of significance only when up close to the helicopter. The same is true for piston-powered helicopters, although muffling of the engine is usually necessary.

The most noticeable acoustical characteristic of all helicopters is the modulation of sound by the relatively slow-turning main rotor. This modulation attracts attention, much as a flashing light is more conspicuous than a steady one. The resulting modulated sound can become impulsive in character and is referred to as BVI (Blade Vortex Interaction Noise), *blade slap*, or more generally, as *impulsive noise*. In some flight conditions, the main rotor noise can become quite impulsive in character (*blade slap*, or more generally *impulsive noise*), which can increase the annoyance of the helicopter to people on the ground.

Impulsive noise occurs during high-speed forward flight as a result of blade thickness and compressible-flow on the advancing blade. This latter source causes the blade's airloads to fluctuate rapidly. These fluctuations result in impulsive noise with shock waves that can propagate forward. High tip-speed rotor designs flown at high airspeeds are the worst offenders.

At lower airspeeds, and typically during a descent, rotor impulsive noise can occur when a blade intersects its own vortex system or that of another blade. This type of noise is referred to as Blade Slap or (BVI) noise. When this happens, the blade experiences locally high velocities and rapid angle-of-attack changes. This tends to produce a sound that is loud and very annoying in character.

There are three basic types of anti-torque systems used in current helicopters: the conventional open tail rotor, the ducted tail rotor/fan (e.g., the Fenestron), and the Coanda-effect/ blown-air system (e.g., the NOTAR). Each system has its own unique acoustical characteristics. The conventional open tail rotor generates a fluctuating low pitch whine or drone. The ducted tail rotor/fan produces a high pitch, sometimes fluctuating shrill. The blown-air, directional-vane system generates a broadband, 'compressed-air' hissing.

The noise of both the open tail rotor and the ducted tail rotor/fan increases with airspeed and in high-rate climbs and turns. Interaction between the main rotor and either type of anti-torque system can, and often, exacerbates the anti-torque system's sound output. In addition, the proximity of the vertical fin and tail boom influences the sound output of an open tail rotor. Somewhat similarly, the presence of vanes/stators and support struts, plus inflow/outflow turbulence, exacerbate the sound output of ducted tail rotor/fan systems. Turbulent flows off the pylon and fuselage also tend to increase the level and the sound fluctuations of both these types of anti-torque systems.

The Fenestron has some advantages over an open rotor at distance since it generates a higher frequency sound, which is more easily attenuated by the atmosphere. On many helicopters, the main source of noise heard at distance, particularly if a high tip-speed tail rotor is used, is associated with the tail rotor blade thickness. 'Quiet open tail rotors' tend, therefore, to use lower tip speeds, thinner blade sections and, to provide adequate thrust, an increase in the number of blades.

With regard to the noise generated, the NOTAR has advantages in many respects because it is independent of the increase associated with the other two types of anti-torque systems. The NOTAR is, however, only available at the current time on designs manufactured by one company.

The general relationship between sound level and helicopter weight, and a comparison of the sound generated by a helicopter and other common noise sources are given in Appendix 1.

2.2 Impact of Operations

For a typical small/light helicopter, the most annoying noise mechanism impulsive noise (BVI) occurs during partial power descents and in sharp/high-rate turns. For a typical medium or large/heavy helicopter, they can occur in low-speed level flight, during partial power descents, and in sharp/high-rate turns. Figures 1, 2 and 3 show the flight conditions under which you can expect main rotor impulsive noise to occur.

The impulsive noise boundary for your particular helicopter may be somewhat larger than that shown in Figures 1 and 2 because the main rotor may generate impulsiveness intermittently when it encounters wind gusts, or during a rapid transition from one flight condition to another. Although the sound produced at these descent rates is not extremely loud to crewmembers inside the helicopter, they can, in most cases, recognize it and, thereby, define the impulsive noise boundaries for their particular helicopter. However, in some cases, the impulsive BVI noise cannot be detected in the cockpit. Of course, people on the ground hear impulsive noise grow more intense as the helicopter descends.

Figure 1
High-Noise Flight
Operations – Small/
Light Helicopter

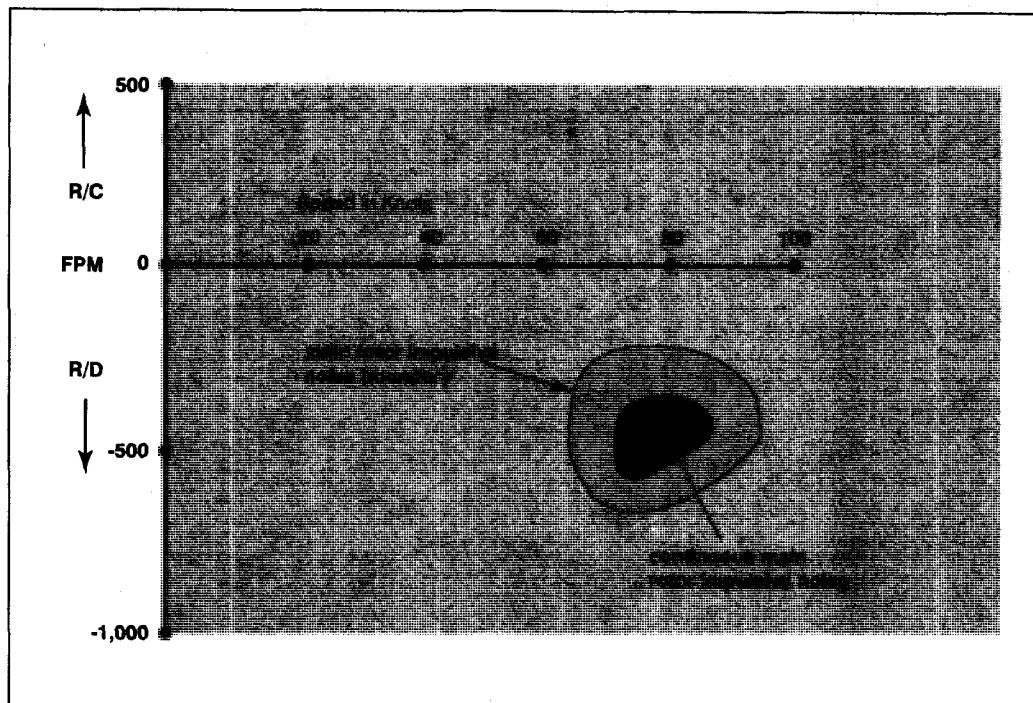
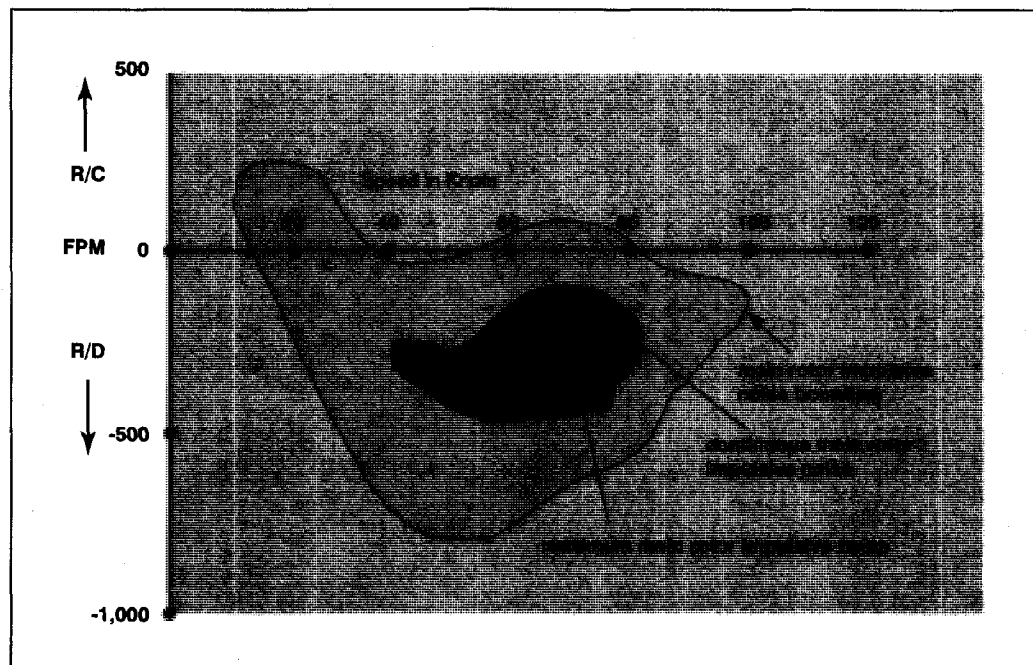


Figure 2
High-Noise Flight
Operations – Medium/
Heavy Helicopters

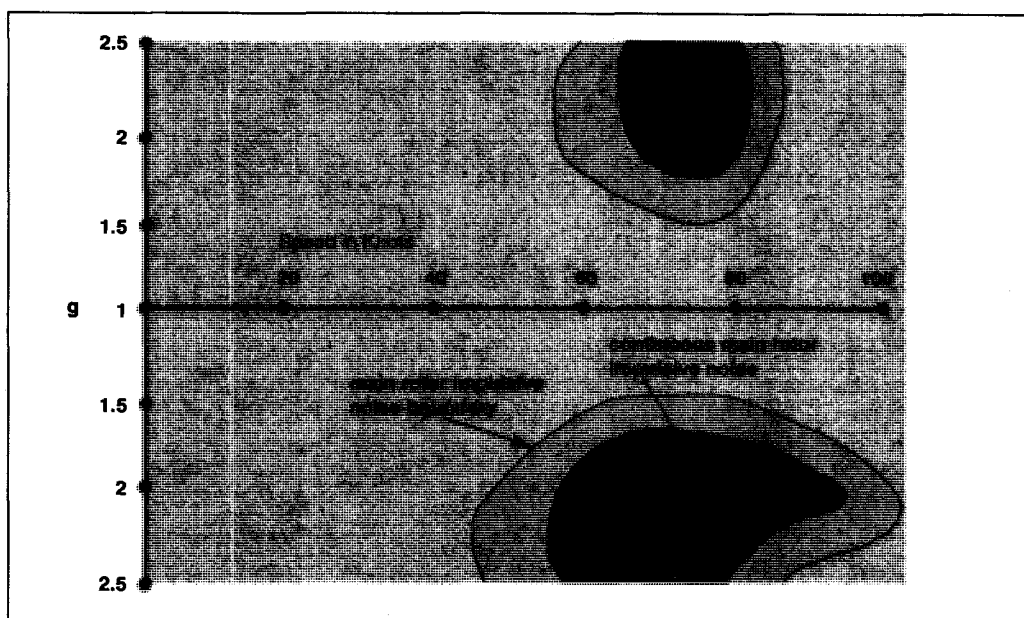


Main rotor impulsive noise also occurs during maneuvers (i.e. in constant speed turns, if turn rates are too high. Here, the main rotor blade and wake interact in much the same manner as in partial power descents. As Figure 3 shows, for a medium helicopter with

a two-bladed main rotor, main rotor impulsive noise occurs in turns that exceed 1.5g, with airspeeds between 50 and 90 knots in a left turn, and between 40 and 100 knots in a right turn. There is little difference in the intensity of the noise in right or left turns once the 'critical g' is reached. The crew can normally hear this impulsiveness. These characteristics also generally apply to other helicopters. Unfortunately, specific information on the increase in the level of impulsive noise, in terms of 'g' or bank angle, is not generally available.

Figure 3

High-Noise
Maneuvers –
Medium
Helicopters



In addition to the general characteristics discussed above, it should be noted that the various sound sources exhibit specific directivity characteristics. These are not discussed in detail in this document, but it is worth noting that, in general, the main rotor sound is focused towards the front and on the advancing blade side of the helicopter. The tail rotor noise is similarly focused forward and it is also radiated downward under the helicopter. As a result, the sound – in particular from the main rotor impulsive sources – is generally detected well in advance of the helicopter flying over. Fortunately, these aspects are normally taken into account when noise abatement procedures are developed by the manufacturer. Even so, they should not be ignored when planning flight operations.

3 General Guidelines for Noise Abatement Operations

This section offers a number of noise abatement techniques for use in daily operations. A few general guidelines are given below.

- Avoid noise-sensitive areas altogether, when possible. Follow:
 - high ambient noise routes such as highways, or
 - unpopulated routes such as waterways.

If it is necessary to fly near noise-sensitive areas:

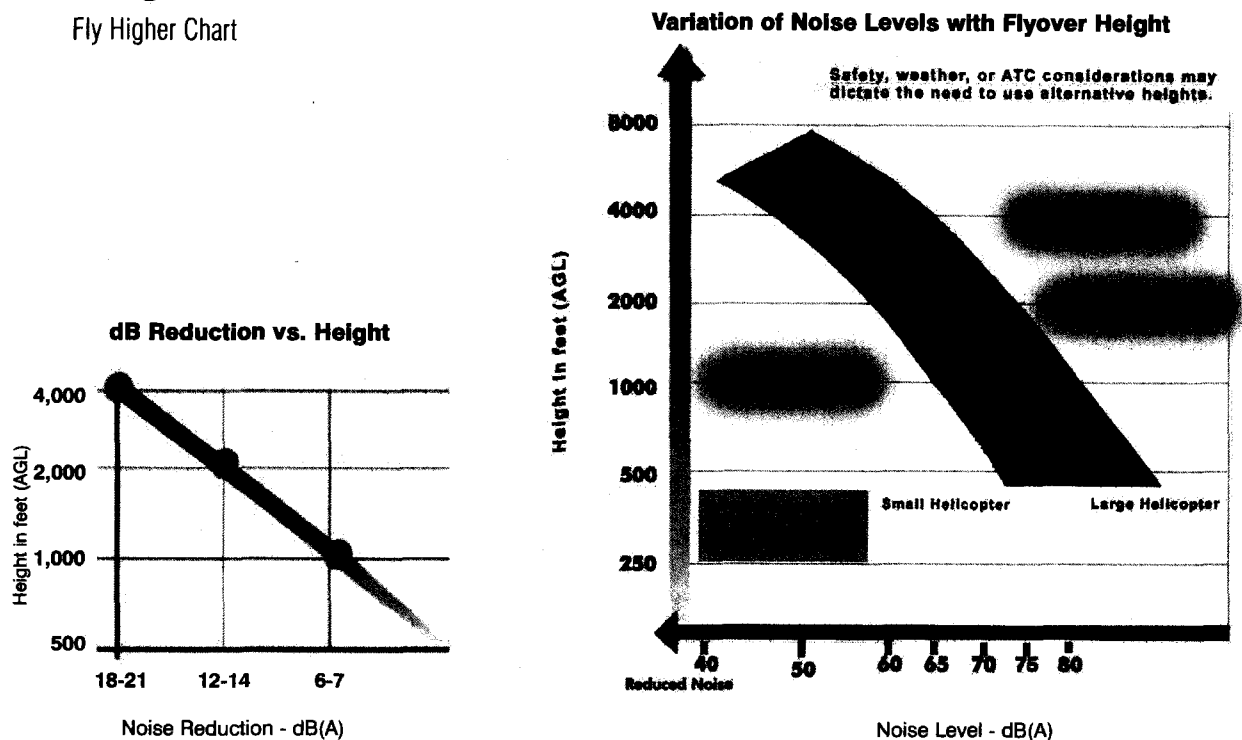
- maintain an altitude as high as possible in line with the HAI *Fly Higher Chart* (Fig. 4)
- fly normal cruising speed or slower
- observe low-noise speed and descent recommendations
- avoid sharp maneuvers
- use steep takeoff and descent profiles, and
- vary the route, since repetition contributes to annoyance

Flights conducted over roads (particularly interstates), railways and rivers in noise-sensitive areas are less likely to generate complaints than routes that acoustically and visually intrude on peoples' privacy, such as those that cross, or can be heard from, residential backyards.

3.1 Flyover Height

Maintaining an altitude as high as possible above the ground and flying at airspeeds consistent with minimum noise output, flight safety and ATC constraints is essential. Height and distance have a major impact on the noise level observed under the helicopter, as illustrated in the HAI *Fly Higher Chart*, shown in Figure 4. It shows the relationship of flyover height and noise exposure at ground level for different-sized helicopters. A doubling of height or distance reduces the level by six to seven dB(A). If the height/distance is increased by a factor of three, the maximum level is decreased by approximately 10 dB(A), which is equivalent to reducing the loudness by half. The chart can be used to decide what height should be flown so that the helicopter's noise output is compatible with community noise exposure criteria. For example, to be compatible with the generally accepted criterion of 65 dB(A) max for flyover of noise-sensitive areas, light/small helicopters should fly at altitudes no less than 1,000 feet AGL. For medium helicopters, the recommended height is 2,000 feet AGL, and, for heavy/large helicopters, 4,000 ft AGL.

Figure 4
Fly Higher Chart



3.2 FAA Guidance - VFR Flight Near Noise Sensitive Areas

The FAA has published guidance when flying near noise-sensitive areas for a number of years. It was updated in 2004 and issued as Advisory Circular AC91.36D. A copy of this document is reproduced in Appendix 2. This voluntary practice recommends:

- the avoidance of flights over noise sensitive areas, if practical.
- When not possible, pilots flying VFR flights over noise-sensitive areas should make every effort to fly at not less than 2,000 feet above the surface, weather permitting, even though flight at a lower level may be consistent with the provisions of FAR 91.79, Minimum Safe Altitudes.

Typical of noise-sensitive areas in this Advisory Circular are defined as: outdoor assemblies of persons, churches, hospitals, schools, nursing homes, residential areas designated as noise-sensitive by airports or by an airport noise compatibility plan or program, and National Park Areas (including Parks, Forest, Primitive Areas, Wilderness Areas, Recreation Areas, National Seashores, National Monuments, National Lakeshores, and National Wildlife Refuge and Range Areas). It is also recommended that, during departure from, or arrival at an airport, climb after takeoff and descent for landing should be made so as to avoid prolonged flight at low altitudes near noise sensitive areas. It should be mentioned, however, that such procedures should not apply where it would conflict with ATC clearances or instructions, or where an altitude of less than 2,000 feet is considered necessary by a pilot in order to adequately exercise his or her primary responsibility for safe flight.

It should be noted that FAA guidance recommends a height of 2,000 ft AGL be used for general over flight of noise-sensitive areas. This is somewhat different than the guidance developed by HAI's Fly Neighborly Committee, discussed previously and illustrated in Figure 4, which recommends 1,000 ft for small helicopters. For medium helicopters, HAI recommends 2,000 ft, the same as the FAA, but for large helicopters, HAI recommends 4,000 ft. Although FAA guidance should be followed when practical, HAI considers use of the heights in Figure 4 will ensure acceptable noise disturbance to persons on the ground.

3.3 Flyover Speed

The airspeed of the helicopter has an important effect on both noise exposure impact and the impulsive character of your helicopter. Generally, it is best to fly at, or somewhat below, normal cruise speeds when over-flying noise-sensitive areas. Airspeeds above normal cruise can dramatically increase your helicopter's noise levels and the impulsive character to the extent that, even if you maintain the suggested minimum flight altitudes, your over-flight is no longer compatible with generally accepted noise exposure criteria.

4 How to Operate Helicopters Quietly

In this section, general information is presented on how to fly a helicopter more quietly. Such information applies to the operation of all helicopters. The flight techniques given in this section are also general in nature and vary somewhat according to the actual helicopter being flown. Manufacturers have developed recommended noise abatement procedures for specific models and, when available, these should be followed. The information on HAI's Web site, www.rotor.com, represents data currently available from the manufacturers. As new data becomes available, HAI will periodically update the Web site. In some cases, the noise abatement information is also available in the specific *Rotorcraft Flight Manual*. When noise abatement information is not available for a specific helicopter model, the flight techniques in the following sections should be followed. This information is also helpful to supplement the information supplied by a manufacturer.

4.1 General

Increasing the distance/separation from noise-sensitive areas is the most effective means of noise abatement.

4.2 Ground Operations

Although startup and shutdown procedures are relatively quiet and are usually shielded from noise-sensitive areas, it is good practice to reduce the amount of time spent on the ground with the rotor turning. This reduces the noise exposure to ground handling crews and heliport/airport personnel.

Minimize the duration of warm-up or cool-down periods (typically two to three minutes, although, on some engines it can be as short as 30 seconds). Do not idle at the heliport for extended periods of time.

When feasible, park with the rotors running with the nose of the helicopter directed into the wind to minimize noise. If the wind speed is above 5 knots, avoid parking with the nose 15 degrees or more from the approaching wind. This will minimize tail rotor noise.

4.3 Hover / Hover Taxi /Ground Taxi

When hover turning, make the turn in the direction of the main rotor rotation. This minimizes the anti-torque thrust required and, therefore, minimizes the level of noise generated by the anti-torque system. Keep the turn rate to as low as practical.

4.4 Takeoff and Climb (Departure)

Takeoffs are reasonably quiet operations, but you can limit the total ground area exposed to helicopter sound by using a high rate-of-climb and making a smooth transition to forward flight. The departure route should be over areas that are least sensitive to noise.

4.5 Enroute and Cruise Flyover

- Fly at least at the heights recommended in the *Fly Higher Chart* (Figure 4).
- Fly at the highest practical altitude when approaching metropolitan areas.

- Select a route into the landing area over the least populated area.
- Follow major thoroughfares or railway tracks.
- Avoid flying low over residential and other densely populated areas.
- If flight over noise-sensitive areas is necessary, maintain a low to moderate airspeed.
- Select the final approach route with due regard to the type of neighborhood surrounding the landing area, and the neighborhood's sensitivity to noise. Assess this sensitivity beforehand for each landing area. Some guidelines are:
 - Keep the landing area between the helicopter and the most noise-sensitive building or area on approach.
 - If the landing area is surrounded by noise-sensitive areas, approach using the recommended noise abatement approach procedure or at the steepest practical glideslope.
 - Avoid flying directly over hospitals, nursing homes, schools, and other highly noise-sensitive facilities.

4.6 Turns (Maneuvers)

As a general rule, avoid rapid, 'high g'/high bank angle turns. When the flight operation requires turns, perform control movements smoothly.

4.7 Descent/Approach and Landing

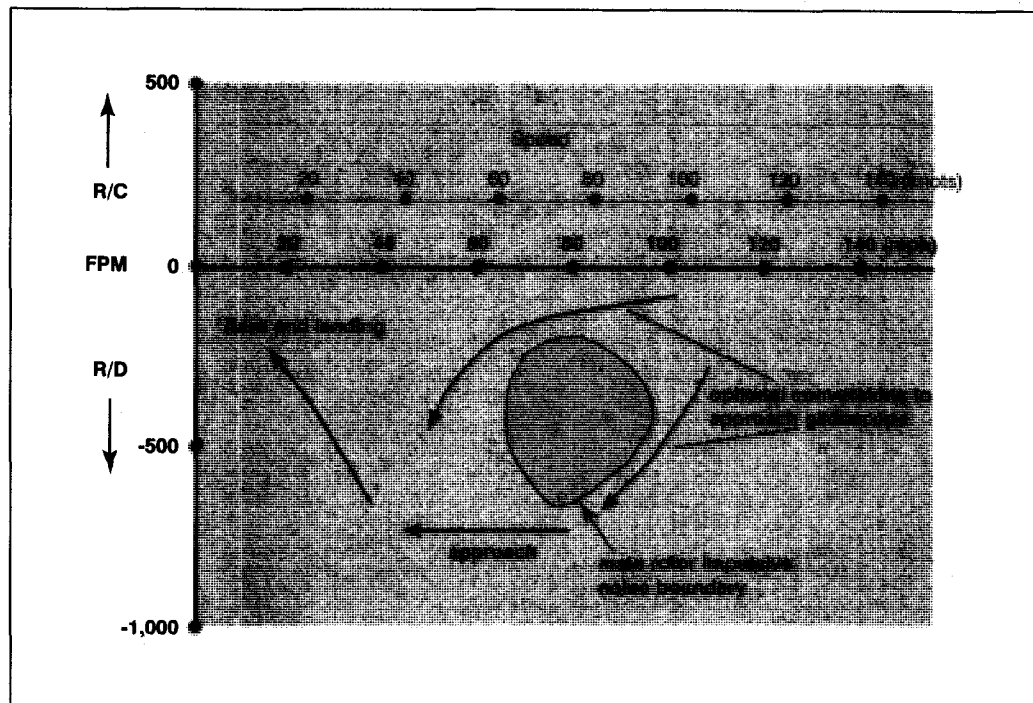
The approach techniques presented below are designed to avoid the impulsive (BVI) noise generated by the main rotor. These techniques typically use a glideslope that is a few degrees steeper than a normal approach. In addition to avoiding high BVI regimes, steep approaches ensure a greater height over the noise-sensitive area. Once the transition from cruise to the approach glideslope has been made, the airspeed and rate of descent can be 'tailored' to fit local conditions, avoid unsafe regimes, and still guarantee minimum noise.

4.7.1 Small/light helicopters

Follow one of the noise abatement flight techniques given below and illustrated in Figure 5.

- When commencing approach, first establish a rate-of-descent of at least 500 fpm, then reduce airspeed while increasing the rate-of-descent to 700-800 fpm.
 - Hold the rate-of-descent to less than 200 fpm while reducing airspeed to 50-60 knots/60-70 mph, then increase the rate-of-descent to 700-800 fpm.
- At a convenient airspeed between 45 and 60 knots/50-70 mph, set up an approach glideslope while maintaining the 700-800 fpm or greater rate-of-descent.
- Increase the rate-of-descent if main rotor BVI noise is heard, or if a steeper glideslope is required.
- Just prior to the 'flare,' reduce the airspeed below 50 knots/60 mph before decreasing the rate-of descent.
- Execute a normal flare and landing, decreasing the rate-of-descent and airspeed appropriately.

Figure 5
Noise Abatement
Approach Techniques
for Small/Light
Helicopters

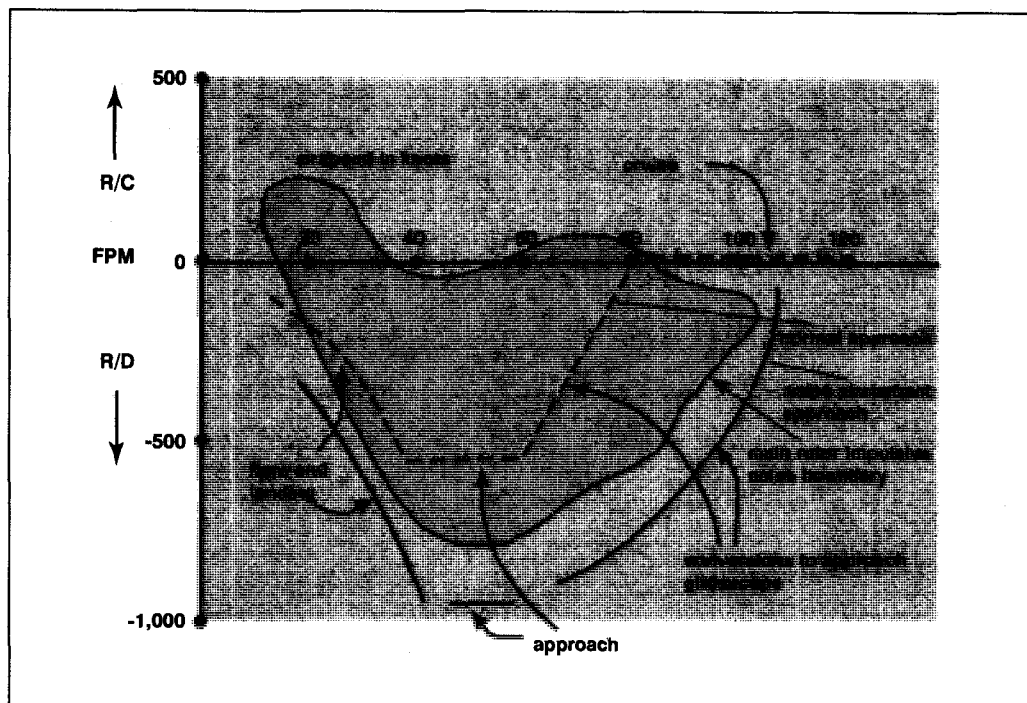


4.7.2 Medium and heavy helicopters.

Follow the noise abatement flight technique given below and illustrated in Figure 6.

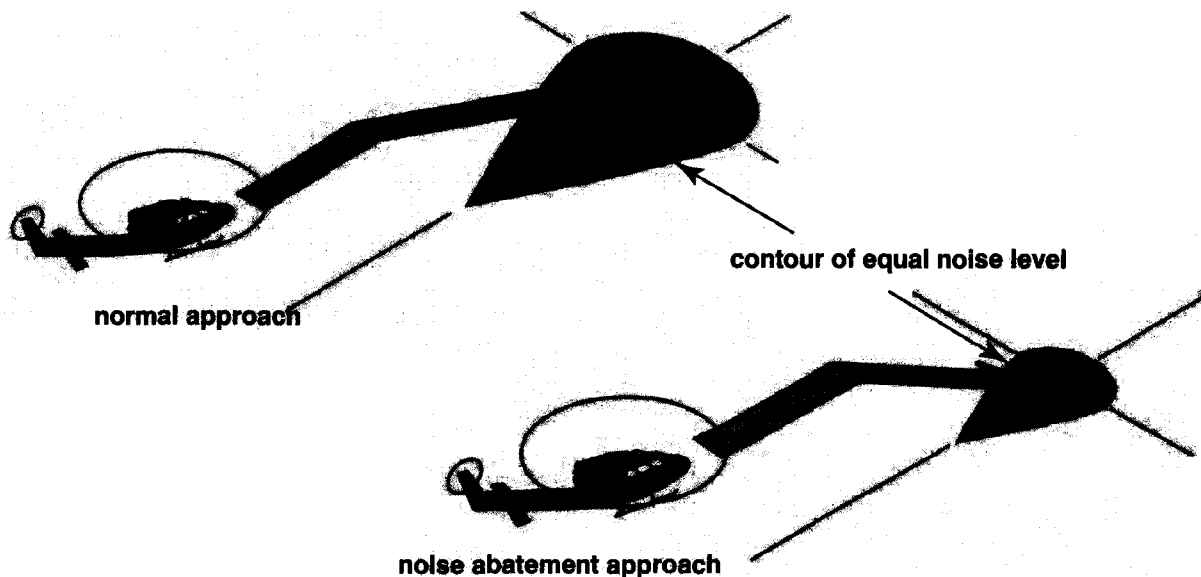
- When commencing approach, begin descent at a rate of at least 200 fpm before reducing airspeed, then reduce airspeed while increasing the rate of descent to 800-1000 fpm.
- At a convenient airspeed between 50 and 80 knots, set up an approach glideslope while maintaining the 800-1000 fpm rate of descent.
- Increase the rate-of-descent if main rotor BVI noise is heard, or a steeper glideslope is required.
- Just prior to the approach to the 'flare,' reduce the airspeed to below 50 knots before decreasing the rate-of-descent.
- Execute a normal flare and landing, decreasing the rate of descent and airspeed appropriately.

Figure 6
Noise Abatement
Approach Technique
for Medium and
Heavy Helicopters



The noise abatement flight techniques discussed above for small/light and medium helicopters reduce the ground area exposed to a given noise level by as much as 80 percent. Figure 7 illustrates the potential noise benefits when compared to a normal approach.

Figure 7
Ground Noise
Exposure Footprint



4.8 Other Factors to be Considered

It is important to mention that the sound environment on the ground and weather have much to do with how offensive helicopter sound is judged. The background noise of residential areas reaches its lowest level between late evening and early morning. In warm weather, people are apt to be relaxing outdoors in the evening and on weekends. At these times, they are most conscious and resentful of noise intrusion. Therefore, flight over or near residential areas should be avoided, if possible.

Although the weather cannot be controlled, it may be possible to adapt the planned flight schedule to take advantage of meteorological conditions to help minimize noise. The two weather factors most useful in this respect are wind and temperature. They are helpful because they affect the propagation of sound, and vary throughout the day, in a more or less predictable manner.

Wind carries sound in the direction towards which it is blowing, and it makes a background noise of its own that, in high winds, tends to reduce the intrusion of helicopter sound. In inland areas, surface winds are generally stronger during the day, reaching a maximum in mid-afternoon and weaker at night. In coastal regions, land and sea breezes give a different diurnal pattern, beginning to blow shortly after sunrise (sea breeze) and sunset (land breeze). These winds can be used to increase the acceptability of the helicopter by flying downwind of densely populated areas and by scheduling the majority of flights after noon near especially noise-sensitive areas.

Temperature has two effects upon sound. One is the tendency of warm air to be more turbulent than cold air, and, therefore, to disperse sound and decrease its nuisance effect. The other is temperature gradient - the change in temperature with altitude. The normal gradient is negative: temperature decreases with altitude. A negative gradient reaches a maximum in the late morning or just after noon, and is more intense during summer months. This means that it is of some value to schedule flights to and from noise-sensitive areas during the warmer parts of the day. Also, lower temperatures lead to higher advancing main rotor and tail rotor tip speeds which increase the magnitude of the impulsive noise.

At certain times, however, there may be an inversion in the atmosphere - a layer of air from a few hundred to a few thousand feet thick in which the temperature increases with altitude. The inversion reverses the normal curvature of sound propagation, turning an abnormally high portion of the sound energy back toward the ground. The most severe inversions usually occur at night and in the early morning. These, then, are times when the sound of the helicopter will have the most adverse effect upon people on the ground.

In terms of helicopter noise, the worst possible combination of atmospheric conditions is a windless, cold, overcast morning. At such times, it is important that even more emphasis is placed on using noise abatement procedures.

NOTE: *The noise abatement flight techniques described above and detailed on the HAI Web site permit flight crews to fly helicopters in the quietest manner possible. They are to be construed as advisory guidelines only. If flying according to these noise abatement flight techniques conflicts with operating the aircraft in a safe manner, then all safety-related procedures take precedence.*

5 Pilot Training

The basic scope of the recommended pilot training program and an outline of the requirements for such a program are outlined in this section. The information embodied in other sections of the Guide is also relevant. In addition, HAI has issued an interactive Noise Abatement Training CD for Pilots which covers all the aspects a pilot should be aware of. This CD, developed by the HAI Manufacturers Committee, and initially issued in 2006, is available from HAI. It is recommended that this CD be used as a part of any pilot noise abatement training program.

5.1 Scope

The scope of a pilot training program should include:

- initial and recurrent flight training for pilots
- preparing and distributing recommended noise abatement procedures
- organizing and holding operator and manufacturer seminars
- providing environmental and supervisory personnel training courses.

5.2 Basic Guidelines for Pilot Training

Public acceptance for helicopter operations can be obtained in several ways. One is noise abatement. Crew training to ensure that pilots are fully familiar with the noise abatement procedures is, therefore, vital. The following guidelines for noise abatement training are suggested:

- Select training teams for ground and flight training, usually two or three people who have extensive metropolitan operations experience.
- Standardize presentations.
- Maintain complete files of all persons trained.
- Circulate comment sheets at all meetings or training sessions, and stress that all suggestions, ideas and comments will be taken into consideration.
- Make the necessary changes in training and publications that result from the feedback.
- Maintain an open-door policy to all participants, flight crews and the public.
- Determine the effect of this training on the public. Has it been positive or negative?
- Record all complaints and include all relevant details, such as the time, date, location, altitude, and weather.
- Follow up with proficiency training every six months. Emphasize the importance of public contacts, and the necessity of good community relations.
- Expand the guidelines given in this document to cover local needs.

6 Operator Program

When operating a helicopter in a new area, a new spectrum of sound is added to the usual noise environment. If that area is a municipality, thousands of people will hear the new sounds and know a helicopter is operating. How they react depends not only on the noise you generate but upon physical, economic, and psychological factors. One thing is certain: they will react strongly, adversely, and actively if the sound is too irritating, if it represents something that seems to threaten their safety and well-being, or if they cannot see how the noisemaker (the helicopter) benefits them. Although it is up to operators to educate the public about the safety and usefulness of the helicopter, pilots can make the public less hostile to the helicopter (and to the operator's arguments about its safety and community service) by flying in such a way as to make the sound of the aircraft as non-intrusive as possible.

6.1 Introduction

The Fly Neighborly Program attacks the problem of helicopter noise on three fronts: pilot training, flight operations planning, and public education and acceptance. These three areas are interrelated. Planning flight operations with an eye to noise abatement can have a major positive impact on both the pilot training program and public acceptance.

The information presented in this section provides only a broad outline of the possible actions helicopter operators can take. Operators are encouraged to expand this outline by applying knowledge of their own geographical area of operations, the nature of their businesses, and the local climate of opinion with regard to helicopter operations.

6.2 Company Policy

Implement a company policy aimed at reducing the sound levels produced by the operation of your aircraft or other equipment. As part of this policy, implement a broad-based complaint prevention program. Such a voluntary program is necessary to preclude the eventual implementation of restrictive and mandatory federal, state or local laws, regulations, or ordinances.

To formulate this policy, identify and evaluate current and anticipated problems. To assure its acceptance and success, make your commitment to your policy clear, in order to generate such change as may be necessary in the attitudes of pilots and other personnel. In order for company policy to have any meaning, companies should formulate and implement specific guidelines.

6.2.1 Formulate Guidelines

Guidelines are intended to assist flight crews and flight operations personnel to formulate responsible mission profiles without infringing on operational reality. They are not, however, provided as a substitute for good judgment on the part of the pilot. They must also not conflict with federal aviation regulations, air traffic control instructions, or aircraft operating limitations. The noise abatement procedures outlined by these guide-

lines should be used when consistent with prudent and necessary mission requirements. The safe conduct of flight and ground operations remains the primary responsibility.

- Enroute operations:
 - Maintain a height above the ground consistent with the HAI *Fly Higher Chart* (see Figure 4), or higher, when possible. Complaints are significantly reduced when operating above these altitudes. The reverse is also true.
 - Vary routes in order to disperse the aircraft sound.
- Heliport (Terminal) operations:
 - Restrict hours or frequency of operations as appropriate. Minimize early or late flights, especially on holidays and weekends.
 - Limit ground idling in noise-sensitive areas.
 - Minimize flashing landing lights in residential areas at night.
- Establish procedures for each sensitive route or terminal.
- Provide flight crews with noise abatement procedures for each model of aircraft.

6.2.2 Implement Guidelines

- Publish all guidelines and procedures in a flight operations manual or similar document.
- Train flight crews and flight operations personnel as appropriate:
 - Educate regarding basic attitudes in ground school.
 - Train in noise abatement procedures for each model of aircraft to be flown.
 - Emphasize awareness and recognition of sensitive routes and terminals.
 - Establish a requirement that noise abatement procedures must be considered in recurrent company flight checks.
- Assign responsibility and authority for the company program to an appropriate person.

6.2.3 Review and Revise

- Establish periodic reviews of company policy and programs to respond to changes in the regulatory climate or operational conditions.
- Revise your policy and programs as necessary.

7 Managing Public Acceptance

7.1 Scope

The scope of the public acceptance program includes:

- engendering media support
- promoting positive public relations
- enacting a program to prevent or resolve complaints from the public

7.2 Media Support

The purposes of engendering media support are to:

- develop favorable and active helicopter-related media coverage
- provide valid information concerning helicopter operations as necessary

Media sometimes concerned with news of helicopter-related activities include general circulation newspapers, television and radio news, trade journals, and the magazines or newsletters of international, national, state, and regional helicopter associations.

To engender awareness and support in these media, a number of actions can be taken:

- Provide press releases to trade journals and local newspaper, radio, and television news editors concerning any Fly Neighborly seminars that may be sponsored by the local helicopter operator association.
- Support a continuing campaign with the trade journals to keep the rotary-wing community aware of the Fly Neighborly Program.
- Support a continuing campaign with the general press to make the public aware of the Fly Neighborly Program, and the benefits of helicopter transport.
- Stage demonstrations and press conferences addressing specific local issues such as heliports, high-rise evacuation, police services, search and rescue services, emergency medical evacuation, fire-fighting, and the benefits of helicopter transportation to the general public.

7.3 Public Relations

The purposes of engaging in public relations activities are to:

- Develop awareness in the community of the benefits of helicopter transportation
- Develop awareness of the Fly Neighborly Program
- Develop support for the voluntary Fly Neighborly Program, as administered by the helicopter community, in lieu of governmental regulation

In order of their general importance and effectiveness, public relations activities can be undertaken in conjunction with:

- governmental agencies concerned with aviation such as federal, state, or local agencies, the FAA, or state aeronautics commissions
- other governmental agencies not particularly concerned with aviation, such as regional planning commissions, economic development commissions, the National League of Cities, or the U.S. Council of Mayors

- local civic and professional organizations such as Rotary or Kiwanis Clubs, the National Association of Aviation Officials, the Airport Operators Council International, or the National Fire Protection Association. Provide speakers for their local meetings. Solicit their sponsorship of heliports based on the Fly Neighborly Program as a civic project to promote public service.
- nongovernmental economic development agencies such as chambers of commerce, regional economic development councils, or merchant associations. Demonstrate to economic development agencies how helicopter transportation benefits the community, and present data to show the economic viability of helicopter transportation.
- direct public contact
- environmental organizations such as Greenpeace, the Sierra Club, or federal or state environmental protection agencies. Provide information. Do not immediately assume they are hostile to the planned operations. Instead, emphasize the positive environmental aspects of helicopter operations, such as the fact that they are involved in search and rescue operations for hikers or workers injured in remote areas, and that they provide access to such areas without the need to pave over ground for landing strips.

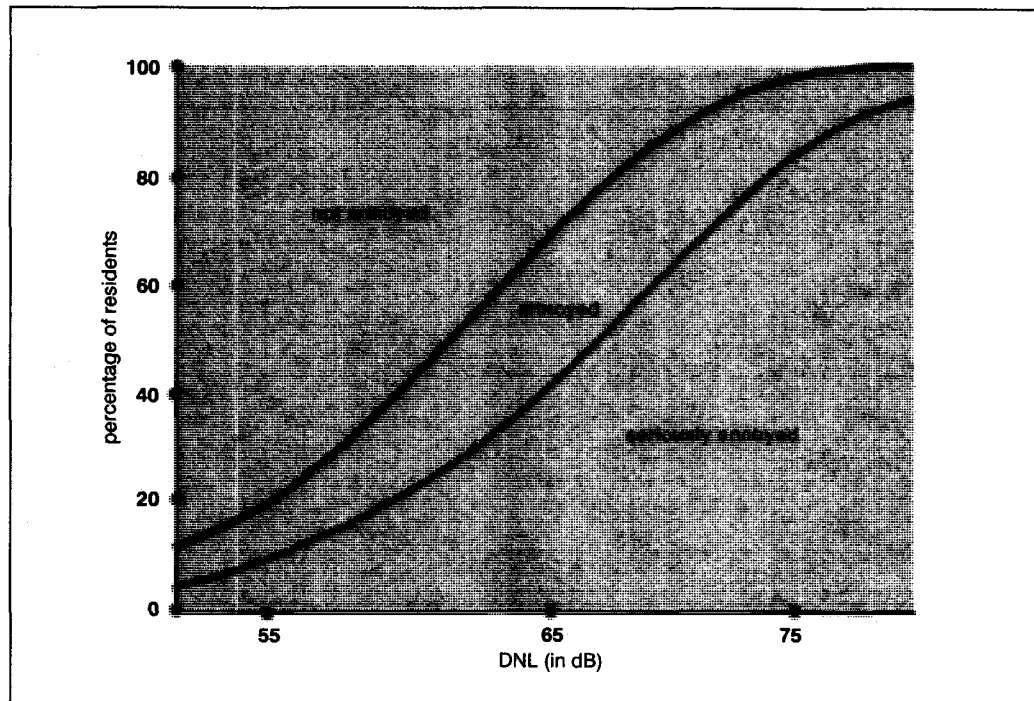
Public relations can be improved by influencing government agencies concerned with aviation in the following ways:

- Participate in public hearings
- Provide professional testimony as appropriate
- Conduct flight demonstrations
- Conduct one-on-one campaigns
- Submit petitions and letters

7.4 Preventing and Responding to Complaints

Helicopter operations are undeniably noisy, and this guide is concerned with a program designed to minimize the problem. Figure 8 shows the relationship between the amount of noise people are exposed to, and how annoyed they are likely to get. In the figure, the amount of noise exposure is expressed as DNL (day-night sound level).

Figure 8
Relationship between
Noise Exposure and
Annoyance



7.4.1 Complaint Prevention

A significant number of noise-related complaints can be prevented in the first place, given a certain degree of sensitivity, foresight, and commitment. Prevent complaints by assessing the environmental compatibility of potential landing facilities. Select those most suitable from a safety, operational, and environmental point of view.

Implement a public acceptance program.

- When contemplating site licensing, identify, contact, and try to influence potential sources of opposition before the hearing.
- Initiate or support presentations, seminars, or displays to educate the public about the value of helicopter transport.

Educate customers about noise abatement procedures, in order to prevent or minimize conflicts between their expectations and company policy.

Coordinate operations personnel and flight crews, so that flights that would unnecessarily violate company policy are not assigned.

7.4.2 Handling Noise Complaints

Although earlier sections of this guide offer information concerning noise abatement techniques, it is unlikely all noise complaints can be avoided. Since some complaints are inevitable, how they are handled is also important to the success of the Fly Neighborly Program.

The resulting problem is not simple. A helicopter can annoy people simply by being over, or too near, certain noise-sensitive areas. If someone calls the FAA, or a state agency, and offers routine information such as the aircraft registration number, colors,

or type, it is likely that he or she will be told the aircraft was not in violation of any regulation, and that, therefore, nothing can be done. The result can be an angry, frustrated member of the community who will probably not be particularly supportive of any current or future helicopter or heliport related issue.

The helicopter user community has a real interest in assuring all complaints are appropriately addressed. Conventional channels for complaints are demonstrably insufficient. Therefore, a number of regional helicopter associations have started to operate their own complaint lines. These lines offer state, federal and local agencies another option when they receive complaint calls about legal and proper operations. The agencies can pass the complaint along to the regional association, or provide the complainant with the telephone number of the complaint line.

Such programs offer a number of benefits:

- Regional associations can often identify an aircraft with much less information than other agencies require.
- Associations can ensure that each issue is addressed and, when possible, satisfy the complainant.

When a complaint is received, how should it be addressed?

- The most effective way to deal with the complaint is to contact the complaining party personally. When you do, avoid being defensive, argumentative, or opinionated. Sincerely try to understand the other person's point of view, and avoid hostile confrontations. Sometimes merely listening politely can improve the situation.
- Furthermore, evaluate the problem thoroughly, and follow through. Was the pilot aware of the problem? Was there something the pilot could have done to avoid it? Is it likely to recur? Contact the pilot or the operator to determine the facts. Consult this guide, and other sources of noise abatement information, to determine how to improve the situation.
- Finally, respond to the caller. Tell him or her what has been learned, and what is being done to prevent the situation from recurring.

Of course, the best way to handle complaints is to avoid them in the first place. If a problem with a certain operation can be anticipated, contact the likely complainant, or members of the public to be impacted, before the operation begins. Explain to him or her, the purpose, timing, and duration of the operation, and its likely impact upon the area. People like to feel they have some control over their lives. Often, just a simple courtesy call in the beginning can save hours of trouble and nuisance later.

An example is given in Appendix 3 of a noise abatement program established at a heliport in a downtown area. The noise abatement program that was put into effect to solve the situation is described.

8 Fly Neighborly Program— What Can be Achieved?

The Fly Neighborly Program outlined in this guide, together with the information on HAI's Noise Abatement Training CD for Pilots, and use of the noise abatement procedures which are available on HAI's Web site, provide the basis for lowering the noise generated by helicopters in day-to-day operations. In addition, the noise abatement procedures offer a way of reducing the impulsive noise characteristic of helicopters which occur during normal operations and often cause complaints. By adopting and following the Fly Neighborly Program, a high level of public acceptance can be obtained.

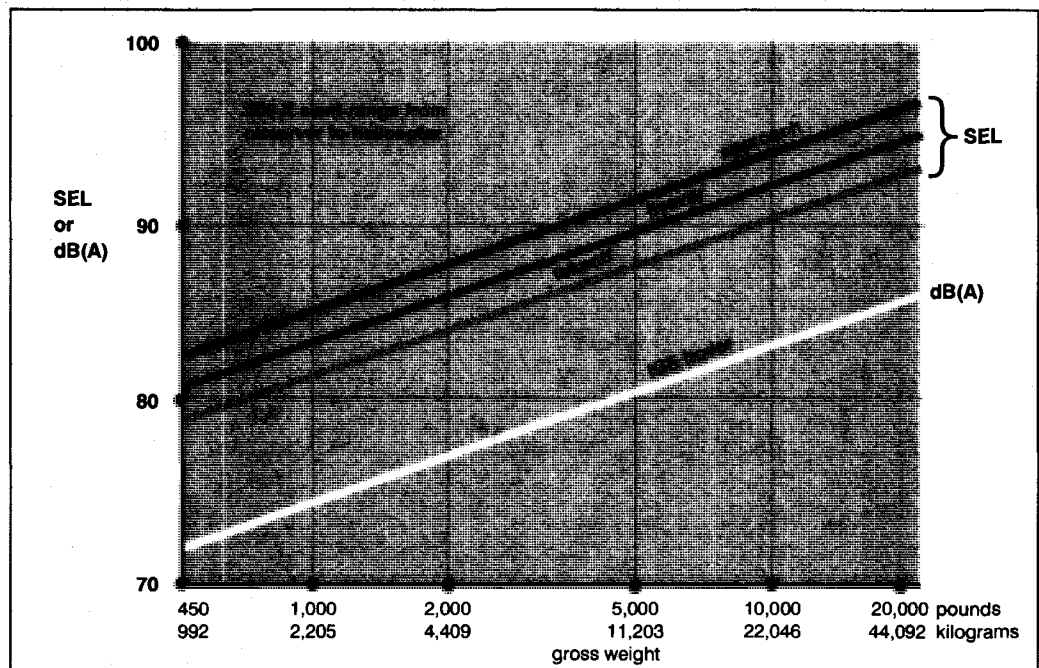
It should also be noted that current public acceptance of helicopters is, in general, poor and, unless the program outlined in this guide is adopted, further international, national, and local regulations will be enacted to limit helicopter operations. Therefore, HAI strongly recommends that its members introduce a Fly Neighborly Program as outlined in this guide.

If the procedures given in this guide are followed, public acceptance will be improved and the rotorcraft segment of the aviation industry will be able to flourish and grow, without being restricted by the burden of new noise regulations and operational restrictions.

Sound Comparisons

The general relationship between sound level and helicopter weight is shown in Figure A1 reproduced from the HAI Helicopter Noise Prediction Method. Smaller helicopters are generally quieter than larger ones and sound levels tend to increase approximately three decibels per doubling of helicopter weight.

Figure A1
Relationship between
Sound Level and
Helicopter Weight



What do these sound levels mean? Table A1 provides sound levels for illustrative noise sources heard both outdoors and indoors. Human judgment of the relative loudness (relative to a reference level of 70 dB(A) of different sound levels is also given.

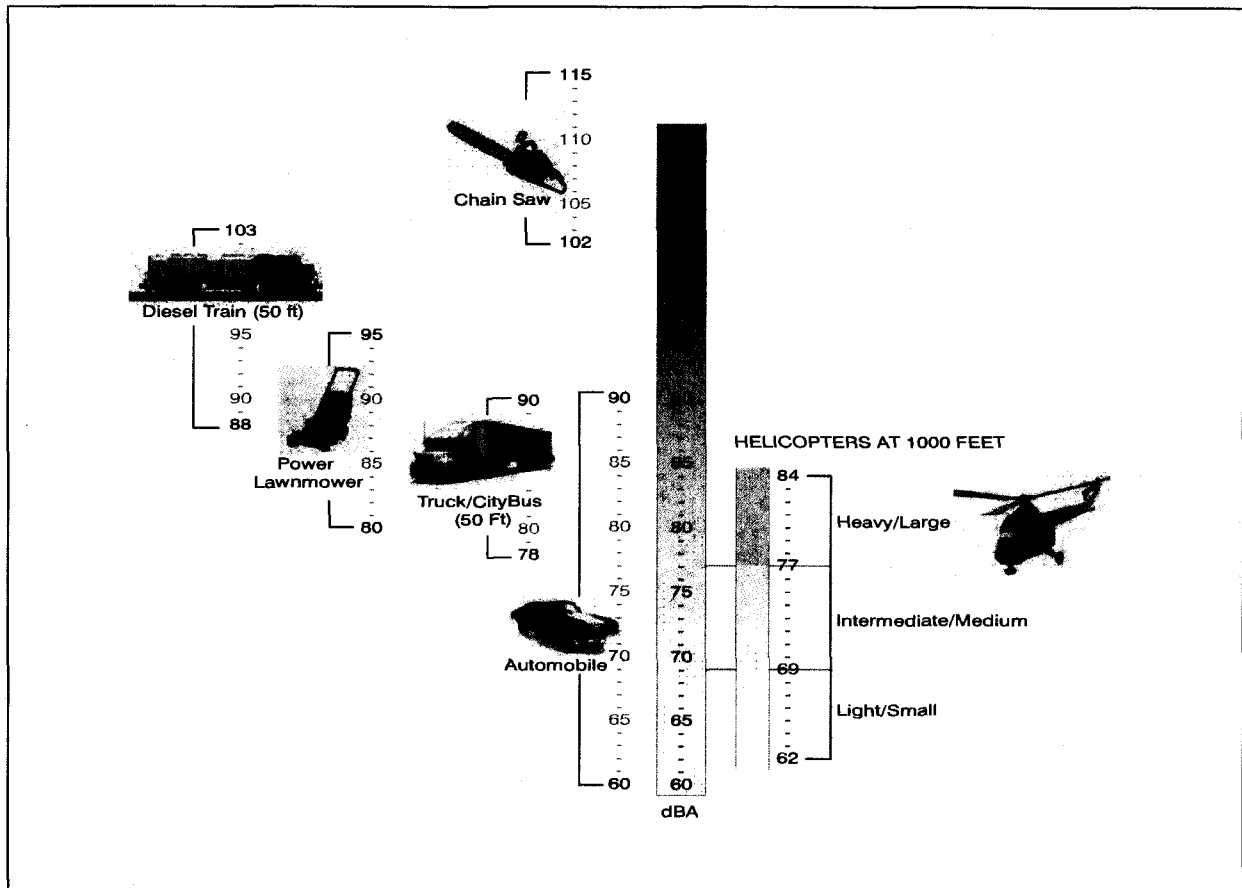
Table A1
Illustrative Noises

dB(A) Sound Level	Sound Level (dB(A))	Range of Human Judgment	Human Judgment of Loudness
70	70	70-80	Reference
75	75	75-85	1.5 times
80	80	80-90	2 times
85	85	85-95	3 times
90	90	90-100	4 times
95	95	95-105	6 times
100	100	100-110	10 times
105	105	105-115	16 times
110	110	110-120	25 times
115	115	115-125	40 times
120	120	120-130	63 times
125	125	125-135	100 times
130	130	130-140	160 times
135	135	135-145	250 times
140	140	140-150	400 times
145	145	145-155	630 times
150	150	150-160	1000 times

Figure A2 provides some basis for comparing helicopter sound levels to other familiar sounds. Comparisons are made at representative distances from each sound source.

Figure A2

Comparison of
Sounds



The sound level is, however, only one of the aspects to be considered since the character of the sound - or the impulsive character of the sound - can be equally important. Fortunately, the impulsive character of the sound, as well as the actual level, can be controlled by using noise abatement procedures.

FAA Advisory Circular AC 91.36D

Date: September 17, 2004 AC No: 91-36D

Subject: VISUAL FLIGHT RULES (VFR) FLIGHT NEAR NOISE-SENSITIVE AREAS

Initiated by: ATO-R

1. **PURPOSE.** This Advisory Circular (AC) encourages pilots making VFR flights near noisesensitive areas to fly at altitudes higher than the minimum permitted by regulation and on flight paths that will reduce aircraft noise in such areas.

2. **EFFECTIVE DATE.** This advisory circular is effective on September 17, 2004.

3. **CANCELLATION.** Advisory Circular 91-36C, Visual Flight Rules (VFR) Flight Near Noise Sensitive Areas, dated October 19, 1984, is cancelled.

4. **AUTHORITY.** The FAA has authority to formulate policy regarding use of the navigable airspace (Title 49 United States Code, Section 40103).

5. **EXPLANATION OF CHANGES.** This AC has been updated to include a definition of "noisesensitive" area and add references to Public Law 100-91; the FAA Noise Policy for Management of Airspace Over Federally Managed Lands, dated November 1996; and the National Parks Air Tour Management Act of 2000, with other minor wording changes.

6. **BACKGROUND.**

a. Excessive aircraft noise can result in annoyance, inconvenience, or interference with the uses and enjoyment of property, and can adversely affect wildlife. It is particularly undesirable in areas where it interferes with normal activities associated with the area's use, including residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute. Moreover, the FAA recognizes that there are locations in National Parks and other federally managed areas that have unique noise-sensitive values. The Noise Policy for Management of Airspace Over Federally Managed Areas, issued November 8, 1996, states that it is the policy of the FAA in its management of the navigable airspace over these locations to exercise leadership in achieving an appropriate balance between efficiency, technological practicability, and environmental concerns, while maintaining the highest level of safety.

b. The Federal Aviation Administration (FAA) receives complaints concerning low flying aircraft over noise sensitive areas such as National Parks, National Wildlife Refuges, Waterfowl Production Areas and Wilderness Areas. Congress addressed aircraft flights over Grand Canyon National Park in Public Law 100-91 and commercial air tour operations over other units of the National Park System (and tribal lands within or abutting such units) in the National Parks Air Tour Management Act of 2000.

c. Increased emphasis on improving the quality of the environment requires a continuing effort to provide relief and protection from low flying aircraft noise.

d. Potential noise impacts to noise-sensitive areas from low altitude aircraft flights can also be addressed through application of the voluntary practices set forth in this AC. Adherence to these practices is a practical indication of pilot concern for the environment, which will build support for aviation and alleviate the need for any additional statutory or regulatory actions.

7. **DEFINITION.** For the purposes of this AC, an area is "noise-sensitive" if noise interferes with normal activities associated with the area's use. Examples of noise-sensitive areas include residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute.

8. **VOLUNTARY PRACTICES.**

a. Avoidance of noise-sensitive areas, if practical, is preferable to overflight at relatively low altitudes.

b. Pilots operating noise producing aircraft (fixed-wing, rotary-wing and hot air balloons) over noisesensitive areas should make every effort to fly not less than 2,000 feet above ground level (AGL), weather permitting. For the purpose of this AC, the ground level of noise-sensitive areas is defined to include the highest terrain within 2,000 feet AGL laterally of the route of flight, or the uppermost rim of a canyon or valley. The intent of the 2,000 feet AGL recommendation is to reduce potential interference with wildlife and complaints of noise disturbances caused by low flying aircraft over noise-sensitive areas.

c. Departure from or arrival to an airport, climb after take-off, and descent for landing should be made so as to avoid prolonged flight at low altitudes near noise-sensitive areas.

d. This advisory does not apply where it would conflict with Federal Aviation Regulations, air traffic control clearances or instructions, or where an altitude of less than 2,000 feet AGL is considered necessary by a pilot to operate safely.

9. **COOPERATIVE ACTIONS.** Aircraft operators, aviation associations, airport managers, and others are asked to assist in voluntary compliance with this AC by publicizing it and distributing information regarding known noise-sensitive areas.

Signed

Sabra W. Kaulia

The Portland Public Heliport Noise Abatement Program

In 1989, the city of Portland, Oregon and the Northwest Rotorcraft Association decided to build a heliport to provide direct air access to downtown Portland. During hearings to approve the facility, concern was expressed about the resulting noise increase in the area surrounding the heliport. In response to this concern, the following noise abatement program was put into effect:

Noise Abatement

Pilots are requested to utilize the following noise abatement procedures, whenever possible. Of course, it is the pilot's responsibility on each flight to determine the actual piloting techniques necessary to maintain safe flight operations.

1. *Flight Paths:* Maintain approach and departure paths over rivers and freeways. Avoid residential neighborhoods, the McCormick Pier Apartments, the convention center towers, and the piers for the Steel Bridge. Approach and depart over the Morrison, Broadway, and Grand Avenue bridges. [A map is provided with those features marked.]
2. *Steep Departure:* Depart at V_y (best rate of climb) when possible.
3. *Steep Approach:* Use steep approach angle when possible (PLASI is set for a 10° approach).
4. *Night Operations:* Avoid night approach from the north, as it passes near the McCormick Pier Apartments.
5. *Minimize Ground Operations:* Minimize the duration of warm-up or cool-down periods (typically two to three minutes). Do not idle at the heliport for prolonged periods.
6. *Avoid High Noise Regime:* Most helicopters have a high noise regime near a descent profile of 70 knots at 300 fpm. Pilots can avoid descending through this area by initiating the descent at a higher speed than normal.
7. *Gradual and Smooth Control Inputs:* Gradual and smooth control inputs result in reduced noise impact.
8. *Avoid Steep Turns:* Avoidance of steep turns result in reduced noise impact.
9. *Enroute Altitude:* Whenever possible, maintain 2,000 feet above ground level over residential neighborhoods and other noise-sensitive properties, as per FAA AC 91-36 "VFR Flight Near Noise-Sensitive Areas."
10. *Fly Neighborly:* Refer to the HAI Fly Neighborly Program for additional information on how to minimize helicopter noise impact.

Citizen concerns about helicopter noise emanating from the Portland Heliport should be brought to the attention of the Northwest Rotorcraft Association by calling 503-286-0927. All noise complaint calls will be logged. If the caller can identify the helicopter involved, follow-up calls will be made to the involved helicopter pilot and then back to the concerned citizen.

The Bureau of General Services maintains a Portland Heliport Noise Abatement Committee. When noise issues at the heliport cannot be easily resolved, the committee will be convened to assist in the resolution process, and the logs reviewed for pertinent information.

As concerns noise abatement of helicopter traffic in other parts of the city, it is noted that the Port of Portland has developed a plan of preferred helicopter flight routes for use in the greater Portland metropolitan area, especially as concerns helicopter traffic to and from Portland International Airport and Portland Hillsboro Airport. This program has been very successful and the heliport is still operating today.

The acronyms used in this Guide are defined below.

AGL Above Ground Level

BVI Blade-Vortex Interaction

dB Decibels, the basic unit for measuring the level of sounds.

dB(A) A-weighted sound level. A sound pressure level that has been weighted to approximate human hearing response to sound of different frequencies. Weighted sound pressure levels, such as the "A" weighting, are currently used for noise certification of light helicopters and small propeller-driven aircraft. In FAA Advisory Circular 36-3C, they are used as the basis for airport access restrictions that discriminate solely on the basis of noise level.

DNL Day-night sound level. A single-number measure of community noise exposure (expressed in the unit Ldn), introduced to help predict the effects on a population of the average long-term exposure to environmental noise. It is based on the equivalent sound level (Leq), but corrects for night-time noise intrusion. A ten-decibel correction is applied to noises heard between 10 P.M. and 7 A.M. to account for the increased annoyance of noises heard at night.

DNL uses the same energy equivalent concept as Leq. The specified time integration period is 24 hours. For assessing long-term exposure, the yearly average DNL is the specified metric in the FAA 14 CFR Part 150 noise compatibility planning process.

EPNL Effective perceived noise level. A measure of complex aircraft noise, expressed in decibels, that approximates human annoyance responses. It corrects for the duration of the noise event and the presence of audible pure tones and discrete frequencies such as the whine of a jet aircraft. The EPNL is used by the FAA as the noise certification metric for large transport and turbojet airplanes, as well as for helicopters.

fpm Feet per minute. A measure of speed used for the rate-of-climb or rate-of-descent of an aircraft.

KIAS Knots indicated airspeed. A measure of the speed of an aircraft.
[1 knot = 1.69 ft/sec = 101.3 ft/min = 1.15 mile/hour]

Leq Equivalent sound level expressed in decibels. The energy average noise level (usually A-weighted) integrated over some specified time. The purpose of Leq is to provide a single-number measure of noise level averaged over a specific period of time. When use for assessing community noise, Leq is normally defined over a 16 or 24 hour period.

mph Miles per hour. A measure of speed. [1 mph = 0.87 Knots]

PNL Perceived noise level. A rating of noisiness used in assessing aircraft noise, expressed in decibels. PNL is computed from sound pressure levels measured in octave or one-third octave frequency bands. An increase of ten decibels in PNL is equivalent to doubling the perceived noisiness. Currently, this measure is used by the FAA and foreign governmental agencies in the noise certification process for all turbojet-powered aircraft, and large propeller-driven transports.

R/C Rate of climb. The speed at which an aircraft is ascending.

R/D Rate of descent. The speed at which an aircraft is descending.

RPM Rotor revolutions per minute. The rotational speed at which an aircraft rotor is turning.

SEL Sound exposure level. A measure, expressed in decibels, of the effect of duration and magnitude for a single event. In typical aircraft noise model calculations, SEL is used in computing aircraft acoustical contribution to the equivalent sound level (Leq) and the day-night sound level (DNL).

Fly Neighborly Guide

Produced by the **Helicopter Association International**
Fly Neighborly Committee

Helicopter Association International
1635 Prince Street
Alexandria, VA 22314 USA

Phone: (703) 683-4646
Fax: (703) 683-4745
Web site: www.rotor.com
Email address: flyneighborly@rotor.com

Select Year:

2011



Go

The 2011 Florida Statutes

[Title XXV](#)[Chapter 329](#)[View Entire Chapter](#)[AVIATION](#)[AIRCRAFT: TITLE; REGISTRATION; LIENS](#)**329.10 Aircraft registration.—**

(1) It is unlawful for any person in this state to knowingly have in his or her possession an aircraft that is not registered in accordance with the regulations of the Federal Aviation Administration contained in Title 14, chapter 1, parts 47-49 of the Code of Federal Regulations.

(2) Any aircraft in or operated in this state that is found to be registered to a nonexistent person, firm, or corporation or to a firm, business, or corporation which is no longer a legal entity is in violation of this section. Any firm, business, or corporation that has no physical location or corporate officers or that has lapsed into an inactive state or been dissolved by order of the Secretary of State for a period of at least 90 days with no documented attempt to reinstate the firm, business, or corporation or to register its aircraft in the name of a real person or legal entity in accordance with Federal Aviation Administration regulations is in violation of this section.

(3) A person who knowingly supplies false information to a governmental entity in regard to the name, address, business name, or business address of the owner of an aircraft in or operated in the state is in violation of this section.

(4) It is a violation of this section for any person or corporate entity to knowingly supply false information to any governmental entity in regard to ownership by it or another firm, business, or corporation of an aircraft in or operated in this state if it is determined that such corporate entity or other firm, business, or corporation:

(a) Is not, or has never been, a legal entity in this state;

(b) Is not, or has never been, a legal entity in any other state; or

(c) Has lapsed into a state of no longer being a legal entity in this state as defined in chapter 607 or s. [865.09](#), and no documented attempt has been made to correct such information with the governmental entity for a period of 90 days after the date on which such lapse took effect with the Secretary of State.

(5) This section does not apply to any aircraft registration or information supplied by a governmental entity in the course and scope of performing its lawful duties.

(6)(a) A violation of this section shall be deemed a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(b) Any violation of this section shall constitute the aircraft to which it relates as contraband, and said aircraft may be seized as contraband by a law enforcement agency and shall be subject to forfeiture pursuant to ss. [932.701-932.704](#).

History.—s. 5, ch. 83-272; s. 2, ch. 84-259; s. 21, ch. 87-243; s. 471, ch. 95-148.

DRAFT

Planning Advisory Board Minutes
Regular Meeting
April 11, 2012
Page 1 of 8

I. Call to Order

Chair Beal called the meeting to order at 5:00 pm.

II. Roll Call/Determination of Quorum

Board Members Present

David Beal, Chair

Mark Bennett

Paul Condit

Len Kreger

Judith Lane (alternate)

Eric Bartelt, Vice-Chair

Richard Bradford

Michael Harrison

Ted Kostich (alternate)

Others Present

Tammi Bach, City Attorney

Kelly Gibson, City Planner

Jessica Williams, Recording Secretary

III. Approval of Minutes

The Minutes of the March 14, 2012 Regular Meeting were presented for approval. A motion was made by Member Bradford, seconded by Member Harrison, to accept the Minutes subject to any changes or deletions. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

IV. Old Business

Land Development Code Text Amendments

—> **4.1 AMENDMENTS TO THE CURRENT LAND DEVELOPMENT CODE (TA 2012-06)** (ORDINANCE 2006-14 AS AMENDED) REQUEST TO MAKE AIRPORTS AND HELIPORTS A PERMISSIBLE USE WITHIN THE I-W (INDUSTRIAL WATERFRONT) AND W-1 (WATERFRONT MIXED USE) ZONING CATEGORIES, SPECIFICALLY AMENDING CHAPTER 2, TABLE 2.03.02. TABLE OF LAND USES.

Ms. Gibson gave a brief overview of her staff report and the reason for the amendment. She explained the board was hearing this again as they requested a demonstration from the helicopter prior to voting on this requested change which would be subject to Supplemental Standards. She suggested considering it be approved as a sightseeing operation not for a heliport and for the board to discuss this request and the demonstration they witnessed.

Member Harrison questioned if there was a revised recommendation. Ms. Gibson clarified it was the same as last month with the same supplemental standards. Member Lane inquired if staff was able to ensure that this doesn't happen in an area that this may be more obtrusive. Ms. Gibson stated that the supplemental standards that were previously developed ensure that the area is safely secured before take-off, during landing, and in between. There was a brief discussion to clarify the supplemental standards and that the business would have to obtain a local business tax receipt.

DRAFT

Planning Advisory Board Minutes
Regular Meeting
February 8, 2012
Page 2 of 8

Member Kreger asked if this could be re-zoned I-1 and do it through a change of zoning request as opposed to a Text Amendment. Ms. Gibson replied that it was possible. Member Kostich inquired about putting a minimum square footage on the upland property. Ms. Gibson stated that you could add an additional supplemental standard to restrict it to an amount of upland acreage.

Mr. Daniel Simand, 350 North Causeway, New Smyrna Beach, provided a recap of what he previously discussed including having a new business that has room for growth in a perfect setting. He briefly spoke regarding the draw of the proposed sightseeing business. Member Lane questioned the location of take-off and landing. Mr. Simand replied from land. Member Kostich inquired if improvements would be made to keep flying debris down. Mr. Simand replied that the best that they can have is grass, which is the safest. He stated that there is enough now and all they have to do is maintain what they have. He commented that there are some obstacles towards the water that have to be cleaned up. It was noted that the minimum size to operate for landing and take-off you would need about 60' x 60' minimum (this was not including the waiting, loading, or ticket area). There was a brief discussion about the noise levels during the demonstration and that the noise level was minimal and the decibels seemed to be fairly low.

The public hearing was opened at this time.

Mr. Sam Lane, 2408 Los Robles, commented that this appears to be attractive and it may attract more visitors to downtown, but there are a lot of things to attract people downtown. He questioned where you draw the line, why this now, and why here.

Ms. Becky Bordman, 309 South 3rd Street, stated that she heard the helicopter. She explained that those that live on 3rd Street hear a lot of noise including the mill, the train, and truck traffic. She pointed out that they don't want to accept this, because it is one more pollutant and something they'll hear all the time they are taking tourists on their trips. She expressed her concern of what will happen to the birds when this is a continuous noise in the area.

Mr. Bruce Morrison, 3033 Riverside Drive, explained that his wife owns property on 3rd Street and the challenges in that area are very steep. He commented that adding another noise pollutant would be a detriment in encouraging people to upgrade their properties in that area. He inquired how often heliports are put into areas that are within a block of residential areas. He asked the board to put it in their mind if they thought about how it would be to live there and evaluate the sound with respect to the heliport.

Mr. Lynn Williams, 1899 South Fletcher Avenue, stated that he was against the notion of having helicopters, but as he started to think about it more this area is more industrial waterfront. He commented that the mill makes more noise 24 hours a day than the helicopter does going up and down occasionally. He pointed out that there are also the diesel engines that rumble up and down the tracks blowing their whistles. He noted that this would be a new industry for the working waterfront and it would be a way to bring people downtown. He commented that we would do well to support a new business for our waterfront.

Ms. Suanne Thamm, 404 Broome Street, expressed her concern that the City is considering it as more of a spot zoning change. She stated that it needs to be considered across the entire area for which it is proposed. She also expressed concern about the environment, since his landings would be directly on the ground and there is the probability of gas leaks and oil causing environmental issues. She pointed out that the last night the City Commission conducted an Airport visioning session and it was concluded that our current Airport is underutilized and there is more than enough room to accommodate an operation like this, which could still take advantage of the waterfront. She

DRAFT

Planning Advisory Board Minutes
Regular Meeting
February 8, 2012
Page 3 of 8

explained that the vision for that area was for traditional waterfront activities (i.e. fishing, recreation, etc.) and she didn't think helicopter sightseeing is in keeping with our waterfront plan.

The public hearing was closed at this time.

Member Bennett noted that this is an industrial area and there are a number of uses that can go into an industrial area that would produce more noise than this would ever produce. He commented that to him the industrial area in an appropriate area to have this kind of use. After some other comments, Member Bradford requested clarification of limiting the area that this could be. Ms. Gibson replied the board could consider an additional supplemental standard limiting this type of use to have a minimum acreage to it. City Attorney Bach stated when putting limitations on this there would need to be a map. She pointed out that we would want to make sure that this isn't the only property in this zoning category, because then it would be spot zoning which can't be done. Ms. Gibson explained that in this case the upland area was roughly 1.5 acres and there are other properties with the same zoning that have at least that amount of acreage.

Member Lane commented that the noise was minimal, especially compared to the leaf blower at the hotel. She pointed out that board has to consider the needs of the community. She suggested that if this is approved, to approve it with additional caveats beside the ones that are in there now to ensure that it is in an area confined away from any possibility of noise pollution if possible. She stated that she couldn't imagine having this anywhere near the proposed waterfront park.

Member Bartelt referred to the "appropriateness" of this use and whether it was an appropriate business in the Historic District, and stated that he can see arguments on both sides. He noted that noise already exists with the mills and the railroad, and maybe the noise isn't huge from Brett's but in the waterfront park that could be annoying on a busy weekend. He commented that to seek the zoning change would be the easiest approach, but if the City said no to this application are there other options such as locating it on Little Tiger Island or putting it on a platform next to Mr. Cook's dock, or other options.

Member Kreger stated that he was opposed to this at the last meeting, but after watching it all he was not so opposed to it. He expressed his concern with the I-W and placing restrictions on it for the rest of the properties. He commented that looking at the waterfront it is blighted and the business there is not a bad thing. He stated that his concern was to not open the door for other areas in IW.

Chair Beal commented that the noise was not an issue to him, and he heard it from three locations. He stated that he felt it was an appropriate use for this area and the waterfront. He explained that with the restrictions it makes it even tougher for someone else to come in. He referred to the environmental concerns and stated that he was sure there were regulations in place to take care of that. **A motion was made by Member Bennett, seconded by Member Bradford, to recommend approval of PAB TA 2012-06 subject to staff recommended modifications and additions to amend the Land Development Code LDC as follows: 1) allow rotorcraft sightseeing businesses as permissible use subject to supplemental standards in the W-1, I-W, I-1, and I-A zoning districts in Table 2.03.02; 2) add definitions for rotorcraft and rotorcraft sightseeing business in LDC Section 1.00.07; 3) provide for supplemental standards of rotorcraft sightseeing businesses to be included in Chapter 6 supplemental standards and special situations as a new Section 6.02.27. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Kreger:	Aye
Member Bennett:	Aye
Member Kostich:	Aye

CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2012-D LDC TEXT AMENDMENT TO ALLOW ROTORCRAFT
SIGHTSEEING BUSINESSES SUBJECT TO SUPPLEMENTAL STANDARDS

DEPARTMENT: Community Development Department

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

SUMMARY: The applicant requests consideration of several LDC changes to make "airports and heliports" permissible within the W-1 (Waterfront Mixed Use) and I-W (Industrial Waterfront) zoning districts. The request has been made in order to allow a new sightseeing opportunity, via helicopter, to be located in Fernandina Beach. As stated in the request letter provided "because of the nature of helicopters, the takeoff and landing operations are as popular of an attraction as the ride itself... the high visibility of these operations increases the exposure of all activities offered on Fernandina Beach, making it more enticing for the tourists to participate in." A text amendment to the LDC is the only path for the applicant to consider in obtaining this as a permissible activity along the Amelia River. The City does not provide a process for special use or conditional uses that would limit this type of activity to a particular property. Instead, the City defines uses as either permissible or permissible subject to defined supplemental standards within its table of land uses and zoning districts (Table 2.03.02). The supplemental standards provided for a given use direct certain additional requirements for the use which serve to ensure community welfare and safety

Planning Staff recommended that the PAB and City Commission consider regulating the applicant's request as a rotorcraft sightseeing business subject to supplemental standards rather than making "airports and heliports" permissible within the desired zoning districts. The PAB considered this request at its March 14, 2012 and April 11, 2012 meetings. Additionally, the board requested an observation of such activities which occurred on April 1, 2012.

~~The PAB recommended approval of the applicant's request with the amendments recommended by planning staff.~~ Staff recommends approval subject the supplemental standards provided and will be available to address any questions of the City Commission.

CITY ATTORNEY COMMENTS: No additional comments

RECOMMENDED ACTION: Approve Ordinance 2012-D at 1st Reading

DEPARTMENT HEAD	Submitted: Kelly N. Gibson	Date: 4/11/2012
	Requested Agenda	Date: 5/1/2012
FINANCE DEPARTMENT	Approved as to Budget Requirements	Date:
CITY ATTORNEY	Approved as to Form <u>TEB</u>	Date: <u>4/19/12</u>
CITY MANAGER	Approved Agenda Item For <u>5/1/12 Don Dew host</u>	Date: <u>4/25/12</u>

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

CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2012-D LDC TEXT AMENDMENT TO ALLOW ROTORCRAFT
SIGHTSEEING BUSINESSES SUBJECT TO SUPPLEMENTAL STANDARDS

DEPARTMENT: Community Development Department

ATTACHMENTS: X Ordinance Resolution
 Support Documents Other

SUMMARY: The applicant requests consideration of several LDC changes to make "airports and heliports" permissible within the W-1 (Waterfront Mixed Use) and I-W (Industrial Waterfront) zoning districts. The request has been made in order to allow a new sightseeing opportunity, via helicopter, to be located in Fernandina Beach. As stated in the request letter provided "because of the nature of helicopters, the takeoff and landing operations are as popular of an attraction as the ride itself... the high visibility of these operations increases the exposure of all activities offered on Fernandina Beach, making it more enticing for the tourists to participate in." A text amendment to the LDC is the only path for the applicant to consider in obtaining this as a permissible activity along the Amelia River. The City does not provide a process for special use or conditional uses that would limit this type of activity to a particular property. Instead, the City defines uses as either permissible or permissible subject to defined supplemental standards within its table of land uses and zoning districts (Table 2.03.02). The supplemental standards provided for a given use direct certain additional requirements for the use which serve to ensure community welfare and safety

Planning Staff recommended that the PAB and City Commission consider regulating the applicant's request as a rotorcraft sightseeing business subject to supplemental standards rather than making "airports and heliports" permissible within the desired zoning districts. The PAB considered this request at its March 14, 2012 and April 11, 2012 meetings. Additionally, the board requested an observation of such activities which occurred on April 1, 2012.

~~The PAB recommended approval of the applicant's request with the amendments recommended by planning staff.~~
Staff recommends approval subject the supplemental standards provided and will be available to address any questions of the City Commission.

CITY ATTORNEY COMMENTS: No additional comments

RECOMMENDED ACTION: Approve Ordinance 2012-D at 1st Reading

DEPARTMENT HEAD	Submitted: Kelly N. Gibson	Date: 4/11/2012
	Requested Agenda	Date: 5/1/2012
FINANCE DEPARTMENT	Approved as to Budget Requirements	Date:
CITY ATTORNEY	Approved as to Form <u>TEB</u>	Date: <u>4/19/12</u>
CITY MANAGER	Approved Agenda Item For <u>5/1/12 Board Meeting</u>	Date: <u>4/25/12</u>

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

*This item was
not approved by
the City Commission.
There was no motion
or 2nd for approval.*

1st Reading
Approved at the City Commission Meeting
Held on 5.1.12
Voted: _____ Initial: _____

ORDINANCE 2012- 27

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, CREATING A NEW HISTORIC PRESERVATION CHAPTER IDENTIFIED AS CHAPTER 8 AND CONSOLIDATING ALL RELEVANT HISTORIC PRESERVATION AND THE COMMUNITY REDEVELOPMENT AREA SECTIONS OF THE LAND DEVELOPMENT CODE INTO CHAPTER 8 SPECIFICALLY MODIFYING CHAPTER 4 (SECTIONS 4.02.07, 4.03.02, 4.03.03), CHAPTER 5 (SECTIONS 5.01.10, 5.03.11), CHAPTER 9 (SECTIONS 9.01.01, 9.03.00), AND CHAPTER 11 (SECTIONS 11.03.09, 11.04.00, 11.07.05, 11.08.05); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, prior to the 2006 unified Land Development Code all sections pertaining to the Historic Districts were contained in one (1) chapter; and

WHEREAS, the Historic District Council has held public meetings over the past four (4) years to discuss the incorporation of all sections of code related to the Historic District and CRA and more recently, in 2011, held a series of monthly public meetings to consider proposed changes; and

WHEREAS, the City's planning staff have reviewed the application for consistency with the City's Comprehensive Plan and Land Development Code and finds the request sufficiently compliant to be approved at this time;

WHEREAS, notice of public hearing on such amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on August 29, 2012; and

WHEREAS, the Planning Advisory Board has reviewed the proposed modifications in a public session on June 6, 2012 and September 12, 2012 and has issued a recommendation of approval; and

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

SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, attached hereto as Exhibit "A".

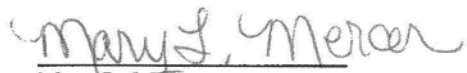
SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

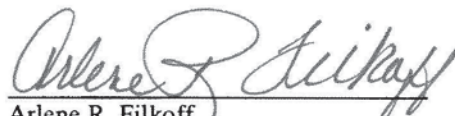
SECTION 3. This Ordinance shall become effective immediately upon adoption.

ADOPTED this 4th day of December, 2012

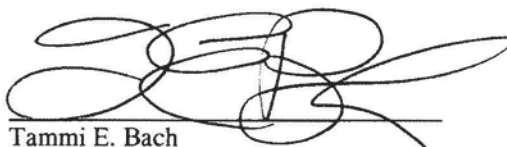
CITY OF FERNANDINA BEACH

ATTEST:

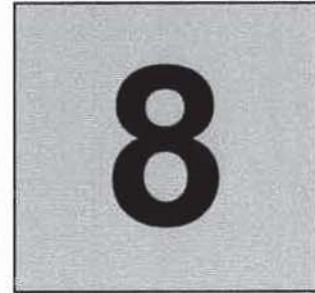

Mary L. Mercer
City Clerk


Arlene R. Filkoff
Mayor – Commissioner

APPROVED AS TO FORM:


Tammi E. Bach
City Attorney

**ORDINANCE 2012-27
EXHIBIT "A"**



CHAPTER 8

HISTORIC DISTRICTS AND THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA

New definitions to insert into Chapter 1:

Certificate of approval → update certificate of “appropriateness” definition

Certified property appraiser A person who develops and communicates real estate appraisal and who holds a current, valid certificate or license issued to him or her for real estate appraisal.

Economic hardship Facts and circumstances which establish that there are no feasible measures that can be taken which will enable the property owner to make a reasonable beneficial use of the property or derive a reasonable economic return from the property.

Emergency An event which causes sudden damage to one or more buildings or structures within a historic district, and is declared emergent by the Building Official or Fire Marshal, or which results in a condition which renders the building(s) or structure(s) unsafe or dangerous, or involves the safety of the buildings’ inhabitants or risk of damage to the architectural elements. Emergencies include situations that result in a condition that is either unsafe or dangerous due to a sudden damage from a declared emergency such as a hurricane, flood, tornado, earthquake, fire, or other unforeseen event.

Emergency Repair Temporary work necessary to insure safety and/or prevent the destruction or dilapidation of buildings and or structures that are immediately threatened or have been damaged by fire, flood, earthquake or other unforeseen circumstances. Typical emergency repairs: covering windows/doors/holes in the roof with plywood, putting tarpaulins over breaks in a structure, putting up temporary supports; removing, marking and storing dangling or loose elements.

Signs

Awning sign A sign that is painted on or applied to an awning or canopy. An awning is a metal and/or cloth structure projecting from a wall.

Changeable copy sign A static, non-electronic sign which allows characters, letters, or illustrations to be manually changed without altering the sign structure.

Easel sign A freestanding sign is mounted on a tripod, often single-sided, is portable and may readily be moved from place to place.

Internally lit sign Any sign where light shines through a transparent or semi-transparent sign face to illuminate the sign’s message.

Legacy sign Signage related to a structure but not to the present occupancy or use. Legacy signage includes extant signage, portions of which may or not be visible but can be documented by historic photographs, and may also include accurately reconstructed or entirely repainted signage based upon such documentation, provided that such signage is not representative of the current occupancy. Legacy signage may be painted or constructed, as in a blade, pylon, or rooftop sign. Painted wall graphics, including accurately replicated/repainted wall graphics related to on or off-site content, are treated as Legacy Signage provided they exactly duplicate an earlier sign on the subject property.

Pixelated LED sign Any sign in which individual light-emitting diode (LED) pixels are individually visible to the naked eye.

Wall graphic Material painted directly on a building exterior. Wall graphics include *all types* of painted materials including signs, murals, artwork, commercial and non-commercial speech.

TABLE OF CONTENTS

8.00.00: General Provisions

8.00.01 Intent

8.00.02 Purpose

8.00.03 Relationship to Comprehensive Plan

8.00.04 Historic District and CRA boundaries

8.01.00: Standards for Development in the Historic Districts and Community Redevelopment Area

8.01.01 Historic District Overlays

8.01.01.01 Standards for Development in the Historic District Overlays

8.01.01.02 Specific Requirements within the OT-1 and OT-2 Zoning Districts

8.01.02 Amelia River Waterfront Community Redevelopment Area

8.01.03 Signage in the Historic Districts and Community Redevelopment Area

8.02.00: Historic District Council

8.02.01 Historic District Council created and established

8.02.02 Historic District Council roles and responsibilities

8.02.03 Historic District Council policy and procedure statements

8.02.04 Historic District Council staff roles and responsibilities

8.02.05 Certified Local Government program

8.03.00: Historic District Council Process and Procedure

8.03.01 General Quasi-Judicial Board requirements

8.03.02 Procedure for designation of historic districts

8.03.03 Application process for Certificate of Approval

8.03.03.01 Requirements for demolition applications

8.03.04 Standards for review of certificate applications

8.03.05 Standards for archaeological work; Discovery of archaeological sites (reserved)

8.03.06 Economic hardship

8.03.07 Demolition by neglect

8.03.08 Emergency actions

8.03.09 Appeals

8.03.10 Enforcement; Penalties; Injunctive relief

8.03.11 Exemptions for historic properties

8.03.12 Severability

8.00.00 General Provisions

8.00.01 Intent

It is declared as a matter of public policy that protection, enhancement, perpetuation and use of sites of aesthetic, archaeological, architectural, cultural, historical and paleontological merit or value is in the interests of the health, prosperity, safety and welfare of the people of Fernandina Beach. The City Commission finds that the irreplaceable loss of these resources to the community would detrimentally affect the community as a whole. It is therefore the intent of this chapter to:

- A. Effect and accomplish the protection, enhancement and perpetuation of buildings, structures, improvements, sites, districts, landscape features, and archaeological and paleontological resources that represent distinctive elements of the City's architectural, cultural, economic, natural, political, prehistoric, religious, scientific, and social history;
- B. Safeguard the City's architectural, cultural, economic, natural, political, prehistoric, religious, scientific and social heritage, as embodied and reflected in such structures, sites, and districts;
- C. Foster awareness and pride in the accomplishments and events of the City's past;
- D. Protect and enhance the City's attraction to residents, tourists, and visitors, and serve as an economic stimulus to business and industry;
- E. Stabilize and improve property values and encourage compatible redevelopment;
- F. Enhance the visual and aesthetic character of the City; and
- G. Promote the use of individual structures, sites, and districts for the education, leisure, and welfare of the people of Fernandina Beach.

8.00.02 Purpose

In addition to protecting and preserving the historic, cultural and archaeological resources of Fernandina Beach, the City Commission declares its intention to maintain the City of Fernandina Beach Certified Local Government status with the Florida Division of Historic Resources. The City shall comply with the rules and regulations of the Division of Historic Resources pursuant to the Certified Local Government program.

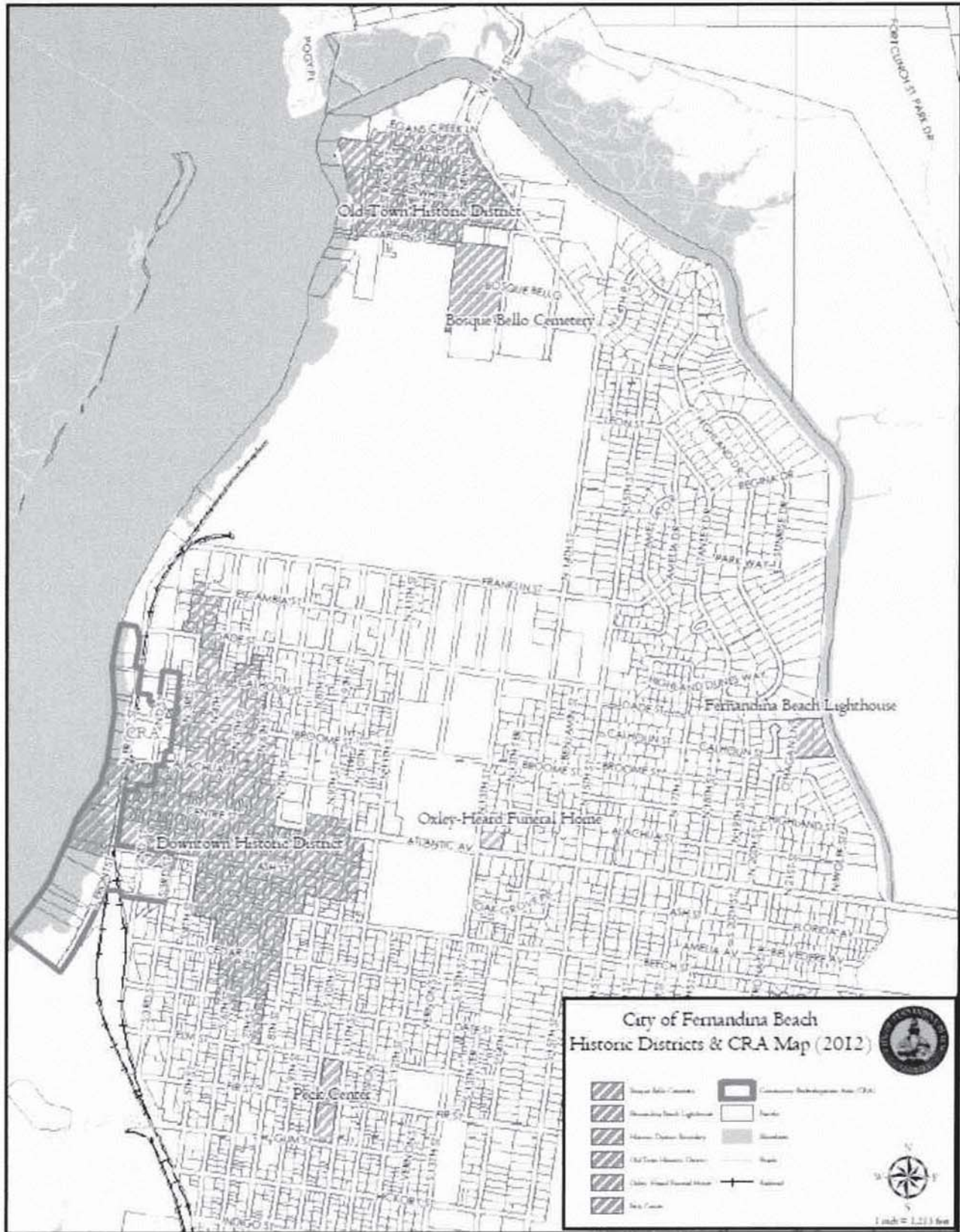
8.00.03 Relationship to Comprehensive Plan

The following standards implement Goal 11: Historic Preservation Element of the Fernandina Beach Comprehensive Plan to identify, preserve, and protect historic and cultural resources within the City.

8.00.04 Historic District and Community Redevelopment Area boundaries.

- A. Historic district boundaries are established in City of Fernandina Beach ordinances 526, 749, 846, 95-12, 97-24, and 2010-24.
- B. Community Redevelopment Area boundaries are established in City of Fernandina Beach ordinances 2004-33, 2004-71, 2004-145, 2005-91, and 2005-113.

Figure 8.00.04: Map of Historic District and CRA Boundaries:



8.01.00 Standards for Development in the Historic Districts and Community Redevelopment Area

8.01.01 Historic District Overlays

8.01.01.01 Standards for Development in the Historic District Overlays *Formerly Section 4.03.02*

- A. The review of proposed development within the Historic District Overlays shall be based upon the latest edition of *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* from the U.S. Secretary of Interior.
- B. The review of proposed development within the Historic District Overlay shall also be based upon compliance with the Downtown Historic District Guidelines, dated December 1999, as amended from time to time. The review of proposed development within Old Town shall be based upon compliance with the Old Town Preservation and Development Guidelines, dated June 1999, as amended from time to time.
- C. In addition to standards applicable to the underlying zoning district, new construction within the Historic District Overlay shall be compatible with the existing character of the landmark or the district. Compatible design means architectural design and construction that will fit harmoniously into the district or the landmark site. New construction shall be compatible in scale, materials, and quality of construction with adjacent buildings and structures that have been designated.
- D. The following features shall be considered by the Historic District Council in the evaluation of proposed new construction, as such features comply with the guidelines referenced in Section ~~4.03.02(A) and (B)~~ 8.01.01.01(A) and (B) above:
 - 1. Scale, including height and width;
 - 2. Setbacks;
 - 3. Orientation and site coverage;
 - 4. Alignment, rhythm, and spacing of buildings;
 - 5. Form and detail, considering the link between old and new buildings;
 - 6. Maintaining materials within the district or on the landmark site;
 - 7. Maintaining quality within the district or on the landmark site;
 - 8. Facade proportions and window patterns;
 - 9. Entrances and porch projections;
 - 10. Roof forms; and
 - 11. Horizontal, vertical, or non-directional emphasis.

~~E. If an applicant wishes to move a historic landmark, building, monument, or structure from its site; move a building or structure from a historic district; move a building or structure to a historic site; or move a building or structure to property in a historic district, the Historic District Council shall consider:~~

- ~~1. The contribution the building or structure makes to its present setting;~~
- ~~2. Whether there are definite plans for the use of the site once vacated;~~
- ~~3. Whether the building or structure can be moved without significant damage to its physical integrity; and~~ *Redundant – Included in new 8.03.03 (formerly 11.03.09)*
- ~~4. The compatibility of the building or structure to its proposed site and adjacent properties.~~

~~F. If an applicant wants to demolish a historic landmark, or a building on a historic site, or property in a historic district, the Historic District Council shall consider:~~

- ~~1. Whether there is economic hardship for the applicant;~~
- ~~2. Whether the applicant will be denied a reasonable return on his investment;~~
- ~~3. Whether the applicant has made a good faith effort to pursue alternatives to demolition;~~
- ~~4. Whether the historic landmark or site, or property in a historic district, qualifies for individual listing on the National Register of Historic Places, or as a state or local historic landmark;~~
- ~~5. Whether the loss of the subject property would deteriorate the quality and continuity of the historic site or district, or the surrounding neighborhood; or~~
- ~~6. If the property is in a historic district, whether it is contributing or noncontributing to the district.~~ *Eliminated – Updated demolition requirements in new 8.03.03*

E. Fences proposed within designated historic districts shall be compatible with the historic style and character of the district, shall not be vinyl, and shall require a certificate of appropriateness, as set forth in Chapter 11. *Former 5.01.10(G)*

8.01.01.02 Specific Requirements within the OT-1 and OT-2 Zoning Districts
Former 4.02.07

- A. A peonia is a lot within the Old Town Historic District. The peonia lot is 46.5 feet by 93 feet or 4,324.5 square feet.
- B. Construction of a dwelling unit on a media (one-half (½) of a peonia) peonia shall require that such media peonia be joined with an abutting media peonia or peonia in order to comply with the maximum density established in Section 4.01.01.
- C. General requirements
 1. Guidelines adopted by reference
 2. The Old Town Preservation and Design Guidelines are hereby adopted by reference and incorporated herein.
 3. Purpose
In the Old Town Historic District, the major emphasis is on building placement according to the historic plan and appropriate scale and construction, rather than architectural styles. Building form is discussed in the context of building typology rather than architectural styles. Typological discussions concentrate on the architectural elements that make a building compatible with the context of Old Town. Variances to the guidelines may be granted based on architectural merit. These regulations do not supersede existing codes covering health and safety issues.
4. Building types
 - a. A primary building is defined as the principal unit of occupancy. While this usually refers to a private dwelling unit, it also applies to appropriate commercial buildings allowed in the OT-2 zoning district.
 - b. Outbuildings are ancillary to the primary building in size and degree of occupancy. Outbuildings may be attached by connecting elements or remain detached. Outbuildings include, but are not limited to, garages, storage sheds, greenhouses, workshops, gazebos, and playhouses.
 - c. Connecting elements are those architectural components that link primary and outbuildings with each other or act as a transition to the landscape. Connecting elements are considered to be enclosed spaces that are not permanently

conditioned. Connecting elements create openness and give human scale to the building elements and allow owners to take advantage of the climate. Connecting elements include, but are not restricted to, porches, pergolas, colonnades, loggias, breezeways, and carports. The design of connecting elements shall be compatible with the typology and scale of the building elements; however, these elements can take on many inventive forms to achieve this result. Additions of connecting elements to registered historic structures must be taken on with great care from both an architectural and technical point of view.

- D. The total lot coverage of all building elements on one (1) peonia shall not exceed forty-five (45) percent.
- E. No more than one (1) primary building shall be placed on one (1) peonia.
- F. The number of outbuildings is limited by the total square footage requirements and the dimensions set out for these buildings but not by number.
- G. The space between an outbuilding and a primary building shall be a usable space of not less than five (5) feet. The use of connecting elements to link primary and outbuildings with indoor-outdoor space is strongly encouraged. Connecting elements and landscape elements are excluded from building separation requirement to encourage the design of spaces that take advantage of the climate. Thus, enclosed square footage may be easily expanded by the precise use of connecting elements such as porches and breezeways.
- H. The area of a tower is included in the calculation of the total allowable area of the primary building. A minimum of twenty-five (25) percent of the tower shall not be permanently conditioned space, typically the upper space opening to the sky and surrounding view.
- I. Garages and outbuildings that house more permanent types of occupancy, such as an accessory dwelling, shall not exceed 500 square feet in area, per level, shall not exceed 24 feet in height, shall not contain a kitchen or kitchenette, and shall not be rented out. The area of all other out buildings is limited to 350 square feet and shall not exceed 16 feet in height.
- J. Nonresidential structures shall have sites of sufficient area for the structures to meet minimum requirements in this section.
- K. Lot visibility corridors

The term "visibility corridor" is used in place of "setbacks" to emphasize the spatial effect of building placement. Careful siting of properly scaled building elements on a lot ensures that the historic lot divisions remain visible regardless of the architectural style or number of buildings that exist within the City at any given time. The visibility corridors are subdivided into frontage corridors, side yard corridors and mid-lot corridors.

1. The frontage corridor is a lot line with minimum setback of five (5) feet. This encourages the use to define the private space of the lot and the public space of the street. Outbuildings shall not be located on the frontage portion of peonias or the corner media peonia lots.

2. For side yard corridors there shall be a required minimum setback of five (5) feet separating lots on the north-south orientation. If two (2) or more adjacent properties are owned, then the corridor dimensions are cumulative. Primary and outbuildings shall not cross lot lines without the use of an open space or connecting element that maintains the dimensions of the side yard corridor.

3. Mid-lot corridors shall have a minimum setback of five (5) feet. This setback makes the historic lot division visible along the east-west orientation. Mid-lot corridors on frontage lots make the media peonia lots visible and are required regardless of ownership. On interior peonia lots, this corridor appears at mid-block. If an aggregate of peonias extends from street to street, a visibility corridor shall be present in the design of the buildings indicating the mid-block dimension. Primary and outbuildings shall not cross lot lines without the use of an open space or connecting element that maintains the dimensions of the mid-lot corridors. For example, if an owner holds an entire row of media peonias along a north-south street and plans to build the maximum allowable percentage of lot coverage, then all building elements shall demonstrate a mid-lot visibility corridor at the lot lines.

4. Every point of the required corridors shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, buttresses, ornamental features, chimneys, and eaves, provided that none of such projections shall project into a side yard any more than twenty-four (24) inches. Connecting elements such as balconies, porches, or bay windows may also be allowed as projections under these dimensional restrictions. Landscape elements are not covered under this restriction.

5. In instances where media-peonias are owned in aggregate or assembled to meet the minimum density or area requirements, the visibility corridor may be crossed by an enclosed primary structure or connecting element which clearly indicates the existence of the visibility corridor (i.e., substantial changes in the roof elevation, substantial indentions or breaks in exterior wall elements and similar architectural features) as may be approved by the Historic District Council (HDC).

8.01.02 Amelia River Waterfront Community Redevelopment Area *Former 4.03.03*

A. Purpose

It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas.

B. The review of proposed development within the CRA Overlay shall be based upon compliance with the CRA Design Guidelines. Those properties within the CRA Overlay which are also located within the Downtown Historic District Overlay shall be reviewed for compliance with the Historic Preservation Design Guidelines, dated December 1999. All plans for development within the CRA Overlay shall be reviewed by the Historic District Council.

C. Site design standards specified in the overlay supersede the requirements for the underlying zoning district. Specific site design requirements that are not covered by the overlay shall follow the standards of the underlying zoning district.

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

1. Due to the nature of water dependent and water related uses, all new construction is exempt from Section 3.01.03(J) as well as the required fifty (50) foot buffer from a natural water body as established in Section 3.03.03(B)(1).
2. Building height shall be measured from the Base Flood Elevation (BFE) to the top of the roof, rather than from the finished grade, as established in 4.02.03(C). The maximum height of all structures shall not exceed thirty (30) feet in height above the

BFE. Permissible roof forms shall be in compliance with the adopted CRA Design Guidelines.

3. Properties that have obtained the Waterfront Mixed Use Future Land Use designation are eligible for land uses in addition to those permitted in the Waterfront Industrial zoning and are specified in Tables 2.03.02 and 2.03.03. Floor area ratio shall not exceed 0.75. The floor area ratio shall be calculated based on the developable land area and shall include portions of the site which remain submerged. Residential units are permitted if the property has a FLUM category of WMU and the units are located above a non-residential use. Stand-alone residential units are prohibited.
4. Developers of Office, Commercial, and/or Waterfront Industrial 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 two spaces per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking.
5. Front and rear yard setbacks are not required. In order to preserve view corridors and pedestrian access to the Amelia River, side yard setbacks and breaks between structures shall be provided as follows:
 - A. View Corridors
 1. A 15-foot side yard setback on each side yard of a platted lot is required for water lots located to the north of Centre Street (water lots 1 through 9). These locations provide for alignment with existing east-west rights-of-ways at Alachua, Broome and Calhoun Streets and also provide for mid-block corridors. The mid-block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.
 2. Water lots to the south of Centre Street (water lots 25 through 40) shall provide a 30-foot break between buildings at intervals of no more than 200 feet as measured along Front Street. To be consistent with corridor alignment to the north of Centre Street, these 30-foot breaks shall align with existing east-west rights of way at Ash, Beech, and Cedar Streets and shall also provide for mid-block corridors. The mid-block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.
 3. These view corridors shall remain open to the sky and shall not include any parking areas, accessory structures or mechanical equipment. Limited parking area for loading and unloading may be permitted subject to compliance with adopted CRA Design Guidelines relating to the Public Waterfront Design Area. Certain encroachments and structural elements may be permitted within these view corridors subject to compliance with the adopted CRA Design Guidelines.
 - B. Pedestrian Access
 1. In addition to the required view corridors, publicly accessible pedestrian access to the water shall be integrated into the project's site design. These accessways shall provide a minimum width of ten (10) feet and shall occur at intervals of no more than 100 feet (plus or minus up to ten (10) feet) as

measured along Front Street. Accessways may vary in size and design as necessary to complement the overall project design. To encourage architectural variety and visual interest, certain encroachments and structural elements may be permitted within the accessways subject to compliance with the adopted CRA Design Guidelines. These accessways may be dedicated to public use through easements or dedication of right-of-way, or they may be retained under private ownership. In either case, these accessways shall remain open to and accessible by the public. If deemed necessary for security purposes, accessway closures may be permitted based on the posted operational hours of City beach access parking (exclusive of Main Beach or Seaside Parks).

- E. Properties located within the CRA east of Front Street are subject to the following standards:
1. Facades up to thirty (30) feet in height shall have a front yard setback no more than ten (10) feet.
 2. Facades up to forty-five (45) feet in height shall be recessed from the first thirty (30) feet of façade a minimum of ten (10) feet. Awnings, pergolas, or covered balconies may encroach into this setback, but shall not extend beyond the first thirty (30) feet of facade. Elements utilized to cover balconies shall not be a part of the main roof structure. Balcony enclosures (i.e., sun rooms, screened enclosures) shall be prohibited.
 3. CRA properties located on the east side of North 2nd Street which share a property line with residentially-zoned, non-CRA properties shall meet the following standards:
 - a. Building height shall be limited to thirty-five (35) feet, including the parapet for flat roofed structures.
 - 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 4.05.05(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 two spaces 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.

10. CRA properties located east of Front Street which carry the Central Business District future land use designation/C-3 zoning, and are not within the Coastal High Hazard Area (CHHA) are eligible to participate in a Density Bonus Incentive Program as described in Section 4.01.02.

8.01.03 Signage in the Historic Districts and Community Redevelopment Area *Formerly 5.03.11*

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. ~~One (1)~~ Two (2) permanent on-site (~~principal use~~) signs per business, ~~is~~ are permissible, limited to projecting, ~~or~~ wall, ~~awning, or freestanding~~ signs, and subject to the following standards:
- ~~1. Signs shall display only the identification or logo symbol of the business or a product sold therein and one (1) tag line or descriptive statement;~~
 2. Signs shall not project more than five (5) feet from the face of the building;
 3. Projecting signs may project over sidewalk or pedestrian areas only at no less than seven and one half (7 ½) feet above sidewalk level;
 4. The top of a projecting sign shall be not more than sixteen (16) feet above the sidewalk level;
 5. A projecting sign shall not be closer than two (2) feet to a vertical line extending upward from the curb;
 6. A projecting sign shall not exceed twelve (12) square feet (ft²) in area.
 7. A wall sign may be horizontal or vertical and shall not exceed twelve (12) square feet (ft²) in area 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. and may be placed on glassed areas.
 8. 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.
 9. 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.
 - ~~8. When a business is so located that the business has more than one principal public entrance, a second permanent on-site (principal use) sign is permissible, subject to the following:~~
 - ~~a. The secondary sign will be limited to projecting or wall signs.~~
 - ~~b. No secondary sign shall exceed six square feet (6 ft²) in area.~~
 - ~~c. Under no circumstances will there be allowed more than three (3) secondary signs at any one location.~~
- B. Permanent window lettering is permissible in addition to permanent signage and sandwich boards/easel signs and subject to the following standards:
- ~~1. Lettering shall display only the identification or logo symbol of the business or a product sold or services offered therein and one (1) tag line or descriptive statement;~~
 - ~~2. The signs shall not exceed an aggregate area equal to twenty-five percent (25%) of the total glassed area of the store front window glass area on which the signage is placed.~~
- C. ~~Temporary window signs are permissible and subject to the following standards:~~
- ~~1. The signs may display or announce any business, civic, cultural, or private sale or event for a period not to exceed forty five (45) days.~~

- ~~2. Temporary signs shall be located wholly within a window and shall not exceed an aggregate area equal to ten percent (10%) twenty five percent (25%) of the total glassed area of the store front.~~

DC. Sandwich boards or easel signs are permissible in addition to window lettering and permanent signage and are subject to the following standards:

- ~~1. Permissible only for businesses located on streets running perpendicular to Centre Street within the Downtown Historic District.~~
2. Limited to one (1) sandwich board or easel sign per business;
3. The sandwich board sign shall comply with standards set forth in 5.03.10(E), and shall not utilize plastic or vinyl changeable copy.
4. 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.
- ~~45.~~ 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.
- ~~56.~~ The sign shall require a Certificate of Approval and the approval of the Historic District Council.

~~E.D. Multi-Tenant Signs (reserved)~~

E. Side Street Business Location Signs, private under public control located within public rights of way at street intersections, are subject to the following:

1. Limited to one directional intersection (1) sign per business where a valid local business tax receipt has been obtained except as exempted by Florida Statute 205.192 and Municipal Code Section 74-92;
2. Must be located at the nearest intersection to the location of the business on existing directional intersection signage posts;
3. Side Street Business Location signs are allocated on a 1st come 1st served basis and may not exceed seven (7) signs located at existing signage posts;
4. Signs are limited to 5 inches tall by 28 inches wide (5"x28");
5. Signs are limited to a green background with white writing;
6. Must apply for a sign permit as set forth in 5.03.03; and
7. Must be removed when business ceases operation and/or closes.

F. ~~All signs shall utilize materials which were generally available in commerce during or prior to 1914, or such materials as are available today to replicate as closely as possible the appearance of materials in general commercial use during or prior to 1914. 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, ~~whether temporary or permanent,~~ 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. Neon signs are permissible only when mounted on a wall at distances greater than ten (10) feet from "frontage glass." Neon signs visible from the right-of-way shall be considered wall signs, and included in the total permitted wall sign area.~~

H. Murals Wall graphics are prohibited in the Downtown Historic District. Murals Legacy signs are permissible. ~~in existence as of the effective date of this LDC shall be permitted in accordance with Section 10.01.01.~~

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 *Also 9.03.00 to 9.03.03*

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.

B. Membership

1. There shall be five (5) regular members of the HDC.
2. There shall be two (2) alternate members of the HDC.
3. Where possible, members shall include, to the extent such individuals are available in the community and willing to serve, one (1) registered architect, and professionals from the disciplines of architecture, construction, design, history, architectural history, archaeology, or other historic-related fields such as urban planning, American studies, cultural geography or cultural anthropology. Persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines such as law, real estate, land development, or construction shall make up the remainder of the HDC membership. Current resumes of HDC members shall be kept by the City as a public record.

C. Authority to Seek Professional Expertise

1. With City Commission approval, the HDC may obtain the services of qualified persons to direct, advise, and assist it.
2. The HDC may request equipment, supplies, and other materials necessary for its effective operation.
3. When the HDC considers National Register nomination proposals and other actions which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the HDC, it may seek professional expertise in this area before rendering a decision. City Commission approval is required for any such professional contracts.

8.02.02 Historic District Council roles and responsibilities *Also 9.03.04*

The HDC shall have the duty and responsibility to:

- A. Identify, study, and recommend sites, structures, buildings, improvements, artifacts, and areas for designation as historic landmarks, historic sites, or historic districts.
- B. Maintain and update the historic properties survey as an inventory of historic landmarks, historic sites, and properties in historic districts. All inventories shall be compatible with the Florida Master Site File, which exemplifies the format used for statewide comprehensive historic preservation planning, and kept current and regularly provided to the state historic preservation officer for incorporation in the Florida Master Site File.
- C. Review and approve or deny applications for a certificate of Approval for construction, alteration, demolition, or removal of historic landmarks, historic sites, archaeological sites, properties in historic districts, or properties in the CRA Overlay.
- D. Review and make recommendations on National Register nominations within its jurisdiction.
- E. Make recommendations to the City Commission concerning the assignment of development rights or facade easements, or the imposition of other restrictions.
- F. Hear applications for variances within the Historic District Overlay or the CRA Overlay.
- G. Increase public awareness of the value of historic, architectural, and cultural preservation by developing and participating in public preservation information programs, and by updating such programs and public information documents.
- H. Make recommendations to the City Commission concerning the solicitation of grants from federal and State agencies, private groups, and individuals, and promote the preservation of historic or architecturally significant landmarks, sites, or properties in historic districts.
- I. Promulgate standards for architectural review.
- J. Evaluate and comment upon proposals pending before other public agencies affecting the physical development and land use patterns in or around historic landmarks, sites, or districts.
- K. Make recommendations to the City Commission on the purchase of historic landmarks, historic sites, or properties in historic districts where private preservation is not feasible.
- L. Perform any other functions which may be designated by resolution or motion by the City Commission.

8.02.03 Historic District Council policy and procedure statements

The HDC may formulate and publish such policy and procedure statements as it deems reasonably necessary and appropriate to:

- 1) Explain the format of information to be provided in the application for a Certificate of Approval.
- 2) Explain the criteria and basis for HDC evaluation and ruling upon applications for a Certificate of Approval.
- 3) Designate items to be subject to final staff approval without need for a hearing before the HDC.

8.02.04 Historic District Council staff roles and responsibilities

- (a) The City Manager shall provide professional staff in the City Planning Department to support the HDC in carrying out its responsibilities under this Chapter. Where possible, staff should have a background in historic preservation or a related field.
- (b) Staff shall not sit as officer or board member of local preservation-related organizations, and shall act in an impartial manner in all matters involving the HDC.

8.02.05 **Certified Local Government program** *Also 9.03.05*

In order to comply with the Department of State, Division of Historic Resources, "certified local government" requirements, the HDC shall take the following actions:

1. A copy of all duplicate inventory materials will be provided to the SHPO. This will include any new or revised resumes of the HDC members or staff.
2. The SHPO shall be provided with thirty (30) days prior notice of all HDC meetings. In the event of a special meeting, reasonable notice shall be given.
3. Minutes of all HDC meetings shall be submitted to the SHPO. These minutes shall include a record of attendance of council members, the public, and any change in council membership.
4. The SHPO shall be notified immediately of all new historic designations or alterations to existing designations.
5. Proposed amendments to the LDC pertaining to the Historic District Overlay shall be sent to the SHPO for review and comment thirty (30) days prior to the scheduled adoption hearing.
6. Objections by property owners that are notarized and filed with the HDC shall be submitted to the SHPO in order to prevent involuntary nomination to the National Register.
7. The HDC shall submit an annual report to the SHPO on or before November 1 of each year covering the previous October 1 through September 30 period. The annual report shall include:
 1. Any changes or amendments to HDC rules of procedure;
 2. The number of proposals and applications reviewed by the HDC;
 3. New historic designations or alterations to existing designations;
 4. Changes to the HDC;
 5. New or revised resumes of HDC members or staff;
 6. Changes or requested changes to the Historic District Overlay regulations;
 7. Review of the survey and inventory activities with a description of the system used; and
 8. A program report on each grant-assisted activity.

8.03.00 **Historic District Council Process and Procedure**

8.03.01 **General quasi-judicial board requirements**

See Section 11.04.00 of the Land Development Code.

8.03.02 **Procedure for designation of historic districts**

- A. No historic district or property proposed for inclusion in a historic district within the city shall be designated by any City agency except as provided in this section.
- B. For purposes of this section, the term "property owner" shall mean the record owner or owners of one or more parcels of property within the boundaries of the proposed historic district. Should an individual, individuals or entity own more than one parcel of property within the boundaries of the proposed historic district according to the latest available tax rolls from the county property appraiser's office, then such individual or entity shall be considered one property owner for purposes of calculating the number of property owners in the proposed historic district regardless of the number of parcels that may be owned by the individual, individuals or entity within the boundaries of the proposed historic district. Should

- a parcel of property be owned by more than one individual for purposes of calculating the number of property owners within the boundaries of the proposed historic district, such co-owners shall be considered cumulatively as one property owner regardless of their number.
- C. Upon the recommendation of the City Commission or the Historic District Council an application may be submitted by a property owner within the proposed district, or his authorized agent, to the Planning Department to prepare or assist in preparation of a designation report. The City shall charge a fee for each application that reflects processing costs for the application, except such fee shall be waived for City-initiated applications. An area or property may be identified as being potentially suitable for designation as an historic district or for inclusion in a historic district. The area or property shall be surveyed and studied for the purpose of determining the age and significance of each building, site, structure, or object within the area. A nomination report shall be prepared based on the results of the survey. Once the district boundaries are determined, the property owners shall be surveyed for their agreement with the designation and the results shall be available and considered during public hearings at meetings of the Historic District Council, Planning Advisory Board, and City Commission.
- D. The applicant shall complete an application form provided by the City which shall, to the extent possible, include:
- (1) A written description of the architectural, historical, or archaeological significance of the structures, sites and building in the proposed historic district specifically addressing and documenting the criteria set forth in subsection (j) of this Section;
 - (2) An identification of all buildings, structures and sites within the proposed historic district and the proposed classification of each as contributing or noncontributing with an explanation of the criteria utilized for the proposed classification;
 - (3) A physical description of the proposed historic district, accompanied by photographs of buildings, structures or sites within the district indicating examples of contributing and noncontributing structures within the district;
 - (4) A statement of recommended boundaries for the proposed historic district and a justification for those boundaries, along with a map showing the recommended boundaries;
 - (5) The names and addresses of all owners of real property within the boundaries of the land upon which the designation of the historic district is requested and the real estate assessment numbers for the property within the boundaries of the land upon which the designation is requested. Requirements (1), (2), (3) and (4) shall be waived with respect to any historic districts listed on the National Register of Historic Places as of January 1, 1990.
- E. The Historic District Council shall hold a public hearing on the proposed designation within 90 days of the filing of a completed application. The Historic District Council shall hold at least one town meeting at which the proposed district will be explained and discussed. A quorum is not necessary to conduct the town meeting. The property owners within the proposed district shall be notified by United States mail at least thirty (30) days in advance of the Planning Advisory Board public hearing date and time. For the purpose of notice requirements to owners, the names and addresses of owners shall be deemed to be those on the current tax records in the Office of the Property Appraiser. All notices required by this section shall state clearly the boundaries of a proposed historic district. The notice required by this section, the cost of which shall be \$2 for each notification, shall be paid by the applicant to the City.
- F. The notice referred to in paragraph (E) of this section shall include the following information and documents:

- (1) The notice shall state that the creation of an historic district will impose design review on certain permitted activities.
- (2) The notice shall state that the ordinance creating the historic district will contain requirements which must be met in order to alter, renovate or demolish a structure or building within the district. These requirements may relate to density, siting, building materials and architectural features as well as other matters.
- (3) The notice shall state that a list of contributing and noncontributing structures has been compiled and that contributing structures will be identified in the ordinance creating the historic district.
- (4) The notice shall state that the owners have the right to vote whether they want the historic district to be created.
- 5) The owners shall be provided a ballot which must be signed and witnessed which will permit the owner to vote whether he approves or disapproves the creation of the historic district. In order for the ballot to be valid it must indicate the name of the owner, the residence address of the owner and the address of the property in the proposed historic district. This ballot must be returned to the Historic District Council not less than twenty-one (21) days after the noticed hearing.
- (6) The notice shall state that at the hearing, the proposed historic district design guidelines for reviewing certain permitted activities will be discussed and voted on by the Historic District Council.
- (7) The notice shall state that if the district is created the owners shall be required to obtain a Certificate of Approval before certain work is done on the property.
- (8) The notice shall state that the application for creating the historic district is on file with the Historic District Council and that the Historic District Council shall have on file all information submitted by the applicant and the Planning Department, including recommendations.
- (9) The notice shall state the time, date, and place of any town meetings scheduled by the Historic District Council. However, nothing herein shall prohibit the Historic District Council from holding other town meetings with published notice.
- G. Notice of a public hearing shall also be published once in a newspaper of general circulation in the City not less than fourteen (14) days in advance of the date of the hearing. The published notice shall be in a form prescribed by the Historic District Council and placed by the applicant at the applicant's expense. The applicant shall file proof of publication with the Historic District Council prior to the public hearing.
- H. The applicant for a proposed designation shall post signs within five working days after filing of a completed application, which signs shall be in the form required by the Historic District Council and shall be posted in full view of the public. The sign or signs shall be posted on the boundaries of the proposed historic district at each public right-of-way intersecting the boundary of the proposed historic district, or at such other locations and at such intervals, as determined by the Planning Department, as will ensure that the signs will be seen by as many persons as possible. The signs shall be maintained by the applicant until such time as the advisory recommendation has been made by the Historic District Council. The signs shall be removed by the applicant within ten days after final action by the City Commission.
- I. At the close of the public hearing, the Historic District Council shall determine whether, based upon the evidence, the proposed historic district does or does not meet the criteria for designation. Such a determination shall be made by a report stating the findings of the Historic District Council concerning the relationship between the proposed historic district and

the National Register of Historic Places criteria for designation set forth below. At least two of the criteria must be met.

(1) Its value as a significant reminder of the cultural, historical, architectural, or archaeological heritage of the City, state or nation.

(2) Its location is the site of a significant local, state or national event.

(3) It is identified with a person or persons who significantly contributed to the development of the City, state or nation.

(4) It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the City, state or nation.

(5) Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance.

(6) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.

(7) Its character is a geographically definable area or neighborhood possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events, or united in culture, architectural style, or aesthetically by plan or physical development.

(8) Its suitability for preservation or restoration.

- J. The Historic District Council shall also determine what proposed historic district design guidelines it would recommend to apply to the historic district and shall identify what actions to be taken on property within the proposed district that would require a certificate of Approval.
- K. The Historic District Council shall inform the public that each owner of real property in the proposed historic district had been sent ballots to vote on the proposed district and that the ballots must be signed, witnessed and delivered to the Historic District Council within 21 days after the hearing.
- L. At the first meeting of the Historic District Council held at least seven days after the owners' votes are due, the Historic District Council shall tabulate the votes. If a majority of the owners' votes cast disapprove the creation of the proposed historic district, the Historic District Council shall take no further action on the proposed historic district and the Historic District Council's files on the district shall be closed. If 50 percent or more of the owners' votes cast approve the creation of the proposed historic district, then the Historic District Council shall adopt an advisory recommendation which shall be accompanied by a report stating the findings of the Historic District Council concerning the relationship between the nominated historic district and the National Register criteria for designation. The Historic District Council shall forward the advisory recommendation and report to the Planning Advisory Board.
- M. The Planning Advisory Board shall consider the nomination request, the findings of the Historic District Council, and the request's consistency with the comprehensive plan, and make a recommendation to the City Commission. The property owners within the proposed district shall be notified by United States mail at least thirty (30) days in advance of the Planning Advisory Board public hearing date and time. For the purpose of notice requirements to owners, the names and addresses of owners shall be deemed to be those on the current tax records in the Office of the Property Appraiser. All notices required by this Section shall state clearly the boundaries of a proposed historic district. The notice required by this Section, the cost of which shall be \$2 for each notification, shall be paid by the applicant to the City.
- N. When a majority of the owners' votes disapprove the creation of the proposed historic district, any City Commission member may request that an ordinance designating the

proposed historic district be drafted, but approval of the designation of such historic district by the City Commission shall require a vote of two-thirds of the City Commission members unless 85 percent of the proposed historic district acreage is already part of an historic district listed on the National Register.

- O. The City Commission shall give notice, follow the publication procedure and sign posting procedure, hold public hearings, and make its determination in the same manner as provided in Section 11.02.00; provided however, there shall be no requirement to notify by United States mail all owners of real property within 350 feet of the boundaries of the proposed historic district. The Council shall consider the same criteria set forth in paragraph (I) of this section. Any ordinance designating an historic district shall set forth the historic district design guidelines that apply to the historic district, which would then become the Historic District Design Regulations for that historic district, and the actions that would require a Certificate of Approval.
- P. The City Clerk shall notify each applicant and each owner of real property within the proposed historic district of the final decision relating to the proposed historic district within seven (7) days of the City Commission's action and shall cause the designation of an historic district to be recorded in the official records of Nassau County, Florida, at the expense of the applicant for the designation. The City Clerk shall also notify the Property Appraiser's office of the designation.
- Q. Boundaries for designated historic districts identified in or by this chapter shall be clearly established through legal descriptions.
- R. When an historic district designation is made, the Director of Planning or his designee shall enter the designation as an overlay on the Zoning Map and Future Land Use Map.
- S. Whenever the City Commission has denied an application for the designation of an historic district no further application shall be filed for the same historic district designation for a period of one year from the date of such City Commission denial.
- T. The designation of any historic district may be amended or rescinded through the same procedure utilized for the original designation, by the filing of an application for rescission or amendment of designation utilizing the procedure hereinabove set forth. Any Historic District Council recommendation to amend or rescind a prior designation shall be based upon new evidence and negative evaluation according to the criteria used for historic district designation in existence at the time of such application for rescission or amendment.
- U. If an updated report shows that there are additional contributing structures outside of the original boundary of an existing district, then the city may consider the expansion of the boundaries of the district to incorporate those properties. A ratio of 50 percent contributing structures within the proposed district expansion is required for the creation of an expanded district.
- V. The expansion of existing historic districts shall be done by ordinance adopted by the City Commission, in accordance with the same procedures required for the creation of new districts, except that the information required shall be applicable to the expansion area only, and not to the entire district.

8.03.03 Application process for Certificate of Appropriateness Approval *Former 11.03.09*

- A. A Certificate of ~~Appropriateness Approval~~ is required before a permit is issued for work on a historic landmark or site, any property in a historic district (either contributing or noncontributing), or any property in the CRA Overlay.
1. Structures are deemed contributing or noncontributing based on the most recent historic structures survey completed by the City.
 2. Properties that are partially within the Historic District Overlay shall only receive HDC approval for projects that fall within the portion of the property in the Historic District Overlay. If the proposed project crosses the History District boundary line, then HDC approval shall be required. Proposed projects on the property wholly outside of the boundary line shall not require HDC approval.
 3. For improvements as listed within the Certificate of ~~Appropriateness Approval~~ Matrix ("Matrix") (~~Table 11.03.09(B)~~) (Table 8.03.03(B)) under staff approval, the City Manager may issue a Certificate of ~~Appropriateness Approval~~ after a review of the application determines the improvement is in compliance with approved guidelines.
 4. For improvements as listed within the Matrix (~~Table 11.03.09(B)~~) (Table 8.03.03(B)) under HDC approval, the HDC may issue a Certificate of ~~Appropriateness Approval~~ after a review of the application and a public hearing determines the improvement is in compliance with approved guidelines.
 5. The City reserves the right to refer specific items to the HDC for its review.
 6. Decisions of the City Manager regarding Certificate of ~~Appropriateness Approval~~ applications may be appealed to the HDC and applicable fees shall apply.
 7. Any applicant may request referral to the HDC rather than staff approval and applicable fees shall apply.
 8. Any application referred by the City Manager or by an applicant will be considered in accordance with the application review schedule contained in this section.
- B. Improvements to properties are subject to either staff or HDC approval as set forth in Table ~~11.03.09(B)~~ 8.03.03(B), the Certificate of ~~Appropriateness Approval~~ Matrix:

Table 11-03.09(B) 8.03.03 (B). Certificate of Appropriateness Approval Matrix

ACTION	CONTRIBUTING		NON-CONTRIBUTING	
	STAFF	HDC	STAFF	HDC
ACCESSORY DWELLINGS		X		X
ADDITIONS				
1. Not visible from the street AND 20% or less of the existing building's square footage		X	X	
2. All other additions		X		X
CANVAS AWNINGS	X		X	
CARPORTS (ADDITION OR ENCLOSURE)		X	X	
CHANGES TO BOARD-APPROVED PLANS		X		X
DECK, PATIOS, PERGOLAS				
1. With a structure		X	X	
2. Without a structure		X	X	
3. Not visible from right-of-way (with or without structure)	X		X	
DEMOLITIONS				
1. 10% or less of non-historic addition	X		X	
2. All other demolitions		X		X
DOORS + GARAGE DOORS				
1. Same materials, style, or size	X		X	
2. Change in materials or style	X		X	
3. Change in openings on main façade		X		X
4. Change in openings on a secondary façade		X	X	
DRIVEWAYS + SIDEWALKS	X		X	
GARAGES (ATTACHED OR DETACHED)		X		X
EXTENSION OF CERTIFICATE OF APPROVAL	X		X	
EXTERIOR WALL FINISH				
1. Removal of non-historic vinyl/aluminum siding (if original surface is salvageable or if replacement material matches structure's original exterior finish)	X		X	
2. All other finishes (including painting of originally unpainted surface)		X	X	
EXISTING DOCKS (WITH OR WITHOUT A STRUCTURE)	X		X	
FENCES + WALLS	X		X	
MECHANICAL SYSTEMS (WITH VISUAL IMPACT)	X		X	
PAINTING	X		X	
POOLS + POOL ENCLOSURES		X		X
PORCHES				
1. Open an enclosed porch		X	X	
2. Enclose a porch on the main façade		X		X
3. Enclose a porch on a secondary façade		X	X	
PUBLIC (GOVERNMENT AGENCY) PROJECTS		X		X
RAIN BARRELS	X		X	
RELOCATION		X		X
REPAIRS + MAINTENANCE (MATCH EXISTING)	X		X	
ROOF				

ACTION	CONTRIBUTING		NON-CONTRIBUTING	
	STAFF	HDC	STAFF	HDC
1. Same material and shape	X		X	
2. Change in material	X		X	
3. Change in shape and/or height		X		X
SCREEN DOORS				
1. Primary Entrance		X	X	
2. Secondary Entrance	X		X	
SIGNAGE	X		X	
SHEDS (up to 150 square feet)				
1. Custom-designed	X		X	
2. Pre-fabricated		X	X	
SHUTTERS				
1. Removable shutters	X		X	
2. Permanent shutters visible from right-of-way		X	X	
3. Permanent shutters not visible from right-of-way	X		X	
SKYLIGHTS		X	X	
SOLAR COLLECTORS		X		X
STORM WINDOWS AND DOORS	X		X	
VARIANCES		X		X
WIND GENERATORS		X		X
WINDOWS				
1. Same materials, style, or size	X		X	
2. Change in materials or style	X		X	
3. Change in openings on main façade		X		X
4. Change in openings on a secondary façade	X		X	
	STAFF		BOARD	
NEW CONSTRUCTION			X	
LANDSCAPING (NEW CONSTRUCTION ONLY)	X			
LIGHTING (NEW CONSTRUCTION ONLY)	X			
PARKING MATERIALS (NEW CONSTRUCTION ONLY)	X			

- C. Prior to undertaking an improvement to any property in a historic district, an application shall be submitted to the City for a Certificate of ~~Appropriateness~~ Approval. A Certificate of ~~Appropriateness~~ Approval shall be obtained even when a building permit is not required for the proposed work, unless the work falls under conditions outlined in Section ~~11.03.09(P)~~ 8.03.03(L). The City Manager shall advise any applicant if the subject property or work will require a Certificate of ~~Appropriateness~~ Approval. If no Certificate of ~~Appropriateness~~ Approval is received prior to beginning the work, the certificate application fees required shall be doubled.
- D. In addition to the application requirements set forth in Section 11.01.03, the applicant shall provide:
1. Scale drawings of the proposed work;
 2. Photographs of the existing structure or site and adjacent properties; and
 3. Information about the building materials to be used;
 4. The HDC or City Manager may request additional information to be included with the application.

- E. An application for a Certificate of ~~Appropriateness~~ Approval shall not be considered complete until all required data has been submitted. An applicant may bring a preliminary proposal for improvements to the City Manager or the HDC for comments. When an application involves new construction, the applicant may present conceptual plans for review and comment before the preparation of construction drawings. The HDC or City Manager's approval of a preliminary or conceptual plan is a courtesy and such approval is not binding.
- F. Posted, mailed, and published notice shall be provided as set forth in Section 11.02.00.
- G. A quasi-judicial hearing shall be conducted as set forth in Section 11.04.00.
- H. Procedures for HDC action:
 - 1. If the application is for a Certificate of ~~Appropriateness~~ Approval for improvements requiring HDC review, the HDC shall take action within forty-five (45) days of the submission of a completed application, to approve, modify, or disapprove the application, in whole or in part. The HDC may extend action for a period of up to thirty (30) additional days. In the case of a demolition application, the HDC may suspend action on it for a period not to exceed 180 days.
 - 2. The decision of the HDC shall be in the form of a written order. Any documents, drawings, plans, or specifications submitted for review by the HDC shall be stamped and signed by the chair, and the same documents shall be submitted to the building department for building permit applications. In cases where the HDC has disapproved the plans, the City shall furnish the applicant with a copy of the HDC written order, including reasons for disapproval, together with a copy of any recommendations the HDC may have for changes necessary to be made before the plans will be reconsidered.
 - 3. Certificates of ~~Appropriateness~~ Approval shall be issued for a period of twelve (12) months, and are renewable for six (6) months without cause, and for an additional six (6) months, upon a showing of good cause by the applicant. The applicant shall submit a written request for extensions, with appropriate support documentation, if required.
- I. All work performed pursuant to the issuance of a Certificate of ~~Appropriateness~~ Approval shall conform to the requirements of the certificate.
 - 1. It shall be the duty of the City to inspect any work performed pursuant to the certificate, in order to ensure its compliance.
 - 2. If work is not performed in accordance with the Certificate of ~~Appropriateness~~ Approval, the City may issue a stop work order so that all work shall cease, or may take such other action as it deems appropriate. No person shall undertake any work on such project as long as such stop work order shall continue in effect.
 - 3. All work not in compliance may be required to be removed, regardless of hardship to the owner.
- J. Any change in the scope of work subsequent to the issuance of a Certificate of ~~Appropriateness~~ Approval shall require a new Certificate of ~~Appropriateness~~ Approval for the changes. Applications for approval of such changes shall be in compliance with all procedures as outlined in this section.

~~Guidelines and criteria for approval.~~ *Former 11.03.09(K) – new 8.03.04*

~~The HDC, in determining the Approval of any improvements or changes, shall consider the following:~~

- ~~1. The purpose of this section;~~
- ~~2. The historical and architectural value and significance of the historic landmark, site, or property in a historic district;~~

- ~~3. The texture, material, and color of the building or structure in question, or its appurtenant fixtures, including signs, and the effect of the proposed work on it;~~
- ~~4. The relationship of such features to similar features of the buildings or structures in relation to the street or public way, and to other buildings and structures in its vicinity.;~~
- ~~5. The Secretary of Interior standards;~~
- ~~6. The adopted guidelines; and~~
- ~~7. Such other evidence as may be considered relevant to the case.~~

~~The City Manager, in considering any application for improvements subject to staff review, shall consider the guidelines adopted as set forth in Section 4.03.02(B).~~

K. If an applicant wishes to move a historic landmark, building, monument, or structure from its site; move a building or structure from a historic district; move a building or structure to a historic site; or move a building or structure to property in a historic district, the HDC shall consider, in addition to the points contained in this section:

1. The contribution the building or structure makes to its present setting;
2. Whether there are definite plans for the use of the site once vacated;
3. Whether the building or structure can be moved without significant damage to its physical integrity; and
4. The compatibility of the building or structure to its proposed site and adjacent properties.

~~Maintenance of historic landmarks, historic sites, and properties in historic districts.~~

- ~~1. The provisions of this section shall be in addition to all other State, County, or City laws and regulations requiring that buildings, structures, and sites be kept in good repair.~~
- ~~2. All historic landmarks, sites, and property in historic districts shall be preserved against decay and deterioration by the owner. The owner shall repair such building if it is found to have any of the following defects:~~
 - ~~a. Parts which are in danger of falling or collapsing and may cause injury to members of the public;~~
 - ~~b. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows, doors, deteriorated roofing, etc; or~~
 - ~~c. Any fault or defect in the building which renders the building structurally unsafe or not properly watertight.~~

~~Eliminated – new 8.03.08~~

L. A Certificate of ~~Appropriateness~~ Approval is not required for work for which a building permit is not required and where the purpose and effect of such work is to correct deterioration, decay, or damage to a structure or any part of it, and where such work will restore the building to the same condition, as nearly as practicable, as its condition prior to the deterioration, decay or damage. Only repairs that will not change the exterior appearance or composition of the building materials shall be exempted.

~~M. Demolition by neglect. The purpose of this subsection is to prevent an owner from forcing or allowing the demolition of a building or structure by neglect and permitting damage by weather, vandalism, or natural causes. The owner of a historic landmark, site, or property in a historic district, shall keep in good repair:~~

- ~~1. All of the exterior portions of such buildings or structures; and~~
- ~~2. All interior portions which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair.~~

~~Eliminated – new 8.03.08~~

8.03.03.01 REQUIREMENTS FOR DEMOLITION APPLICATIONS

- A. Application requirements. Application for a Certificate of Approval for any demolition of a primary building or structure (contributing or noncontributing) located within a locally designated historic district or the CRA shall be submitted by the property owner to the HDC. No building or structure in a locally designated historic district or the CRA shall be demolished without approval by the HDC, unless by a superseding order of a government agency or a court of competent jurisdiction.
- B. Public hearings and notice requirements. Certificate of Approvals for demolition applications are to be heard in accordance with HDC hearing requirements for Certificate of Approval applications and noticed in accordance with City requirements for public hearings.
- C. Review criteria for demolition applications. In evaluating applications for a Certificate of Approval for demolition, the HDC shall consider the following:
 - 1. Whether the structure or site would meet national, state, or local criteria for designation;
 - 2. Whether the structure or site is a contributing structure or site to a locally designated or National Register historic district;
 - 3. Whether loss of the structure or site would deteriorate the quality or continuity of the historic district, or the surrounding neighborhood;
 - 4. Whether the structure or site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense;
 - 5. Whether the structure or site is one of the last remaining examples of its kind in the neighborhood, county or region, or is a distinctive example of an architectural or design style which contributes to the character of the district;
 - 6. Whether removal of the structure or site would destroy the historic relationship between structures or open space;
 - 7. Whether retention of the structure or site promotes the general welfare of the City by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage;
 - 8. Whether the applicant has made good faith efforts to pursue alternatives to demolition;
 - 9. Whether the applicant will be denied a reasonable return on his or her investment;
 - 10. Whether there is economic hardship for the applicant as demonstrated by requirements in Section 8.03.07;
 - 11. Whether the Code Enforcement and Appeals Board has recommended demolition of the structure.
- D. Written evidence. The HDC may request the following written evidence be submitted as part of an application for a Certificate of Approval for demolition:
 - a. A report from a certified property appraiser stating that such structure as it exists will not earn a reasonable economic return for the owner.
 - b. A report from a certified property appraiser as to the estimated market value of the property both in its current condition and after completion of the proposed demolition or removal.
 - c. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation and/or relocation.

- d. An estimate from an architect, developer, real estate consultant, or appraiser experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure in its current location or in any proposed new location.
- E. Demolition delay period. The HDC may grant a Certificate of Approval for demolition as requested by a property owner which may provide for a delayed effective date. The effective date of the certificate will be determined by the HDC based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The HDC may delay the demolition of contributing buildings within locally designated historic districts for up to six months, and for non-contributing buildings within locally designated historic districts for up to three months. During the delay period, the HDC may take such steps as it deems necessary to preserve the structure requested to be demolished and ensure that the structure is secured and stabilized. Such steps may include, but are not limited to, consultation with community groups, public agencies, and interested citizens; recommendations for acquisition of property by public or private bodies or agencies; and exploration of the possibility of moving the structure to a new location.
- F. Special requests precedent to demolition. The HDC may, with the consent of the property owner and at the property owner's expense, request that the owner salvage and preserve building materials, architectural details and ornamentation, fixtures and the like for reuse in the restoration of other historic properties. At the HDC's discretion, and with the property owner's consent, the HDC, Amelia Island Museum of History, or other local historical organizations at their expense, may salvage and preserve building materials, architectural details and ornamentation, fixtures, and the like. The HDC may, with the consent of the property owner and at the property owner's expense, recommend recording the architectural details for archival purposes prior to demolition. This recording may include, but is not limited to, photographs, videotaping, historical background information, and scaled architectural drawings.
- G. Denial of Certificate of Approval for demolition. The HDC's refusal to grant a Certificate of Approval for demolition requested by a property owner shall be supported by a written statement describing the public interest that the HDC seeks to preserve.
- H. Requirement of development plans. No contributing building or structure on a property located within a locally designated historic district or the CRA shall be totally demolished without first receiving at the minimum conceptual approval by the HDC for new construction. The requirement of a certificate of Approval for new construction may be waived by the HDC upon a showing of good cause that such requirement would be unduly harsh or would result in a substantial hardship to the property owner. A showing of good cause may include, but is not limited to, evidence that the property owner is unable to comply with the requirement for new construction due to advanced age, infirmity, physical or other handicap, or economic hardship. In the event economic hardship is claimed, the applicant must demonstrate the requirements in Section 8.03.07. Property owners seeking demolition of an unsafe structure based upon recommendation of the Code Enforcement and Appeals Board or the Building Official are exempt from this requirement. Upon approval by the HDC of a Certificate of Approval for demolition, the demolition permit shall not be issued until all demolition and new construction plans for the property have received all other required governmental approvals.
- I. Structures not in historic districts or the CRA. Upon receipt of a demolition permit application for properties not in the historic districts or the CRA, the Building Department shall notify the

Planning Department. During the permit application review period, the Planning Department shall record the property through photographic documentation for archival purposes. The City may seek permission from the property owner to enter the building to take photographs prior to demolition.

8.03.04 Standards for review of certificate applications

A. In addition to specific criteria referenced in Sections 8.03.03 and 8.03.07 regarding demolition, relocation, and economic hardship, the Historic District Council uses the following criteria for review of projects:

1. The Secretary of the Interior's Standards for Rehabilitation;
2. The applicable Design Guidelines: Historic Preservation Guidelines for the Downtown Historic District, the Old Town Preservation and Development Guidelines, and the Community Redevelopment Area Design Guidelines, all as amended from time to time; and
3. The City Comprehensive Plan; and
4. The City Land Development Code.

B. The City Manager, in considering any application for improvements subject to staff review, shall consider ~~the guidelines adopted as set forth in Section 4.03.02(B)~~ the same criteria in Section 8.03.04(A).

8.03.05 Standards for archaeological work; Discovery of archaeological sites (reserved)

8.03.06 Economic hardship

A. A property owner may demonstrate economic hardship as to demolition, substitution of alternative building materials, or other cases for primary structures by providing the following information as applicable and as may be required by the HDC.

- a. Owner currently receives fixed income benefits;
- b. Owner currently receives assistance through income-indexed program which provides for physical improvements to the property;
- c. An estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would potentially be incurred if the owner were to comply with the recommendations of the Board for the changes necessary to obtain a Certificate of Approval;
- d. Any documentation related to good faith attempts to sell, rehabilitate or reuse the structure or structures within the last three (3) years;
- e. Proof of payment of property taxes within the last three (3) years;
- f. Owner has tax-exempt status as a (501)(c)(3) organization;
- g. A report from a developer, real estate consultant, certified property appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility or viability or rehabilitation or reuse of the existing structure or structures; and/or
- h. A report from an engineer, architect or contractor with experience in rehabilitation as to the soundness of any structures on the property and their suitability or feasibility for rehabilitation or reuse.

B. Property owners are not required to prove economic hardship for accessory structures.

8.03.07 Demolition by neglect

~~A. If a historic landmark, site, or property in a historic district is determined to be in a state of disrepair, or is considered in danger of falling victim to demolition by neglect, the HDC shall direct that a notice be sent to the City. The City shall refer the matter to the Code Enforcement Officer for investigation and action as appropriate. The HDC shall consult with the City to outline the repairs required, and advise as to the possible course of action for repairs, so that the subject property shall be preserved in accordance with the purpose of this chapter. Former 11.08.05(A)~~

A. The following shall apply to maintenance and repair to structures in the locally designated historic districts, as well as any structure or property in the City that has been listed individually or deemed eligible for individual listing in the National Register:

- (1) The owner, lessee, or other person in physical control of the structure shall comply with all applicable codes, laws and regulations governing the maintenance and safety of property including but not limited to City Codes, as applicable. It is the intent of this section to preserve from deliberate or inadvertent neglect of the exterior features of a building designated as a contributing structure to a historic district, and the interior portions therefore when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration and shall be free from structural defects through prompt correction of any of the following defects:
 - a. Facades which may fall and injure members of the public or property;
 - b. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
 - c. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration;
 - d. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
 - e. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.;
 - f. Any fault or defect in the building which renders it not properly watertight or structurally unsafe; and
 - g. Any fault or defect in the building rendering such structure an unsafe structure as defined under the provisions of Chapter 22, City Code of Ordinances.
- (2) Where the property is an archaeological site, the owner shall be required to maintain his property in such a manner so as not to adversely affect the archaeological integrity of the site.
- (3) It shall be the joint responsibility of the Building Department, Planning Department, and Code Enforcement staff to enforce the provisions of this section, and the divisions may refer violations to the Code Enforcement and Appeals Board for enforcement proceedings pursuant to Chapter 2, City Code of Ordinances.

8.03.08 Emergency actions

A. Emergency Repair Procedure

1. When any property within the historic districts or CRA requires immediate repair to preserve its continued habitability and/or the health and safety of its occupants or others, emergency repairs may be performed in accordance with applicable construction codes immediately upon approval of the Building Official, who shall certify that a bona fide emergency of the type referenced

herein exists, without first obtaining a Certificate of Approval from the Historic District Council.

2. The procedures outlined in this section should be strictly limited to those circumstances which, in the opinion of the Building Official, meet the definition of an emergency as defined in Chapter 1 of the Land Development Code. No work in addition to the emergency repairs shall be performed until an appropriate request for approval has been received by the City Manager or his/her designee and the Historic District Council pursuant to the procedures set forth in this article.
3. If the Building Official or Fire Marshal determines that a building or structure in a local historic district or the CRA poses an immediate threat to persons or property, such official may order or conduct emergency repairs necessary to make the building or structure safe without the requirement of a Certificate of Approval. Under such circumstances, the repairs performed shall be only such as are necessary to preserve the continued habitability of the building or structure and/or the health and safety of its occupants or others and to prevent further damage. Where feasible, these temporary measures should be reversible without damage to the building or structure. Once such temporary repairs have been completed, no further work may be done on the building or structure until a Certificate of Approval is obtained.
4. Within 48 hours after the repairs are made, the Building Official making or ordering such authorized temporary repairs shall notify the Historic District Council Chair or staff. If any work intended to be permanent was performed, or is to be performed, the property owner must apply for a Certificate of Approval within 90 days after the emergency work is conducted in accordance with COA procedures, and the Historic District Council action shall supersede the emergency approval.

B. Emergency Demolition Procedures

1. The Building Official shall immediately notify the Community Development Director of cases where there are emergency conditions dangerous to life, health or property affecting a building or structure in a historic district or a building or structure that has been listed individually or deemed eligible for individual listing in the National Register, or a building over 45 years old. Notification to the Community Development Director shall consist of a written report from a Building or Code Enforcement Inspector describing the dangerous conditions, and any other documentation that the Community Development Director shall require.
2. The Community Development Director shall consult with Historic District Council staff and the Historic District Council Chair or HDC designee upon receipt of the statement or as soon as is practicably possible. The Director, staff, and the HDC Chair or HDC designee shall determine whether any additional information or documentation is needed. If so, the documentation or information shall be obtained by the Building Official. If not, or when requested information is received and approved by staff and the HDC Chair or designee, the Building Official may order the dangerous conditions abated without a Certificate of Approval and without approval of the full HDC.

8.03.09 Appeals Former 11.07.05

- A. An applicant aggrieved by any decision of the HDC may appeal to the City Commission.
- B. The petition shall be presented to the City Commission within thirty (30) days after the decision of the HDC; otherwise the decision of the HDC will be final.
- C. The request for an appeal shall be submitted in writing to the City Clerk, and the request shall state the basis for the appeal in clear and precise terms. The record on appeal shall consist of the record of the proceedings below (which shall be the minutes of the meeting, unless the person requesting the appeal provides a verbatim transcript at their cost) including the staff report and all other evidence presented by the City and the applicant. If either the City or the applicant desires to present new evidence, the matter may be referred back to the HDC for their review. When the record is complete, the City Clerk shall send a copy of the record and a notice of the hearing date to both parties. The parties shall receive a minimum of ten (10) days notice of hearing.
- D. An applicant may appeal a decision of the City Manager to the HDC. The applicant shall submit the appeal in writing and shall state the reasons for the appeal.

8.03.10 Enforcement; Penalties; Injunctive relief Former 11.08.05(B) and (C)

- A. Enforcement
 - 1. The City shall promptly stop any work attempted to be done without or contrary to a Certificate of Approval issued under this chapter.
 - 2. Any sign or exterior illumination of walls, exterior roofs, or appurtenances of buildings displayed contrary to the provisions of this LDC shall be removed.
 - 3. If the owner of the structure or building fails to correct the defects as outlined in this section, after knowledge of the existence of such defects has been brought to his attention, the owner shall be found in violation of this LDC, and shall be subject to a fine.
- B. Penalty; restoration of building to former appearance
 - 1. A violation of this LDC shall be a separate offense for each day or portion thereof during which any such violation continues to occur and each offense shall be punishable by a fine.
 - 2. Any person who demolishes, alters or constructs a building or structure in violation of this chapter shall be required to restore the building or structure and its site to its appearance prior to the violation. This civil remedy shall be in addition to and not in lieu of any civil or criminal prosecution and penalty.

8.03.11 Tax exemptions for historic properties

Tax exemptions on City ad valorem taxes for qualifying projects are explained in the City Code of Ordinances, Chapter 74, Article V.

8.03.12 Severability

The provisions of these sections are declared to be severable and if any section, sentence, clause or phrase of these sections 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.

Original: Marshall

CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: ORDINANCE 2012-27: Amending the City's Land Development Code to Activate Chapter 8 and incorporate Historic District and CRA related items into Chapter 8

DEPARTMENT: PLANNING DEPARTMENT

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

RECOMMENDED ACTION: **APPROVE ORDINANCE 2012-27 AT 3RD READING**

SUMMARY: As part of the LDC update process, staff researched preservation ordinances across Florida and across the country to find examples of how other communities address various preservation-related topics. Most recently, in 2011, the HDC held a series of monthly public meetings about specific topics in the preservation sections of the LDC. The resulting document is a compilation of all of these discussions going back to 2008.

The first change you will notice is that all of the sections related to historic preservation, the historic districts, and the Community Redevelopment Area (CRA) have been relocated to Chapter 8. This chapter has long been reserved, and therefore, blank. Based on citizen feedback and staff comments, it is proposed to have everything related to historic preservation, the historic districts, and the CRA in this one chapter. Currently, the sections are scattered throughout the LDC, which makes it hard to locate all applicable information. In prior iterations of the LDC, the preservation sections were contained in one chapter. We propose going back to this format.

For the most part, much of what is contained in this draft is the same as what is in the current code. Standards for development in the historic district overlays and the CRA overlay do not have any changes. HDC board responsibilities and requirements have no substantial changes in this draft. The application process for Certificates of Appropriateness (recommended changing to Certificates of Approval) and the "Matrix" has not changed. In general, the proposed additions fall into one of the following categories: sections that were previously in the LDC, sections that are a basic element of most historic preservation ordinances, sections that provide for a process for issues the City has already dealt with, or sections that enhance existing language based on established preservation practices. The memo provided as back-up discusses the changes in greater detail. Although the memo mentions the inclusion of additional variance criteria for reviews in the HDC; that language has not been included in the proposed changes currently under consideration. The City Commission unanimously approved the changes at 1st reading on October 16, 2012 and on 2nd reading on November 20, 2012. Planning Staff continues to recommend approval of the proposed LDC amendments will be available to answer any questions of the City Commission.

FISCAL IMPACT: N/A

CITY ATTORNEY COMMENTS: No Additional Comments

DEPARTMENT HEAD	Submitted by: Marshall McCrary, CDD Director	Date: 11/29/12
	Requested Agenda <u>Regular Meeting</u>	Date: 12/04/12
FINANCE DEPARTMENT	Approved as to Budget Requirements	Date:
CITY ATTORNEY	Approved as to Form <i>TEB</i>	Date: 11/29/12
CITY MANAGER	Approved Agenda Item for 12/04/12 <i>Joe J</i>	Date: 11/29/12

COMMISSION ACTION:

☒ Approved As Recommended	☐ Disapproved
☐ Approved With Modification	☐ Postponed to Time Certain
☐ Other	☐ Tabled

Approved at the City Commission
Meeting
Held on: 12/12/12
Voted: 5-0 Initial: *MB*

NEWS LEADER

AMELIA ISLAND • FERNANDINA BEACH • NASSAU COUNTY

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

NOTICE OF PUBLIC HEARING CITY COMMISSION

CITY OF FERNANDINA BEACH
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, November 20, 2012 at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2012-27

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, CREATING A NEW HISTORIC PRESERVATION CHAPTER IDENTIFIED AS CHAPTER 8 AND CONSOLIDATING ALL RELEVANT HISTORIC PRESERVATION AND THE COMMUNITY REDEVELOPMENT AREA SECTIONS OF THE LAND DEVELOPMENT CODE INTO CHAPTER 8 SPECIFICALLY MODIFYING CHAPTER 4 (SECTIONS 4.02.07, 4.03.02, 4.03.03), CHAPTER 5 (SECTIONS 5.01.10, 5.03.11), CHAPTER 9 (SECTIONS 9.01.01, 9.03.00), AND CHAPTER 11 (SECTIONS 11.03.09, 11.04.00, 11.07.05, 11.08.05); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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

Copies of the applications may be inspected in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305.
11/11-07-2012
1092

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared

Michael B. Hankins

Who on oath says that he is the Advertising Director of the Fernandina Beach News-Leader, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

NOTICE OF PUBLIC HEARING

ORDINANCE 2012-27

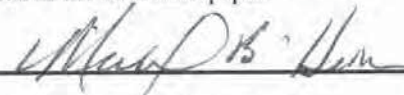
11/20/2012

Was published in said newspaper in the issues of

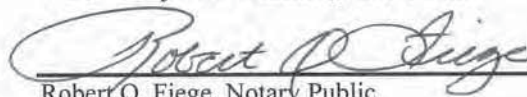
11/07/2012

Ref# 1002

Affiant further says that the said Fernandina Beach News-Leader is a newspaper published at Fernandina Beach, in said Nassau County, Florida and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and Affiant further says that he has neither paid nor promised any the purpose of securing this advertisement for publication in the said newspaper.



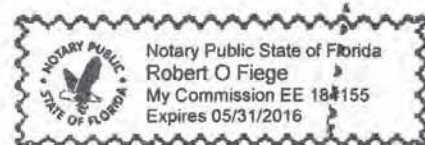
Sworn to and subscribed before me
This 7th day of November, A.D. 2012.



Robert O. Fiege, Notary Public



Personally Known



ORDINANCE 2012-28

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, REVISING CHAPTERS 2 AND 5 ACCESSORY STRUCTURES AND ACCESSORY DWELLINGS, CHAPTER 3 AND 4 TO PROVIDE A WETLANDS EXEMPTION FOR WATER DEPENDENT AND WATER RELATED USES IN THE INDUSTRIAL WATERFRONT ZONING CATEGORY AND COMMUNITY REDEVELOPMENT AREA, CHAPTER 10 VARIANCE PROVISIONS AND ADDING REVIEW CRITERIA FOR HISTORIC DISTRICTS AND THE COMMUNITY REDEVELOPMENT AREA, AND CHAPTER 11 CLARIFYING LOCAL DEVELOPMENT ORDERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development ; and

WHEREAS, Staff has maintained a log of inconsistencies and/or inadequacies encountered during implementation of the Code and proposed changes to correct identified issues; and

WHEREAS, the City's planning staff have reviewed the proposed changes for consistency with the City's Comprehensive Plan and Land Development Code and finds the request sufficiently compliant to be approved at this time; and

WHEREAS, the proposed amendments will specifically modify the following chapters and sections of the Land Development Code including; Chapter 2 (Section 2.03.03); Chapter 5 (Sections 5.01.03 and 5.01.04.); Chapter 3 (Sections 3.03.01 and 3.03.03); Chapter 4 (Section 4.03.03); Chapter 10 (Sections 10.01.03, 10.02.01, 10.02.02, 10.02.03, and 10.02.04); and Chapter 11 (Section 11.00.04); and

WHEREAS, the Planning Advisory Board has reviewed the suggested amendments in a public session on October 10, 2012 and has issued a recommendation of approval subject to identified modifications proposed at the meeting; and

WHEREAS, notice of public hearing on such amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on September 26, 2012;

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

SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, attached hereto as Exhibit "A".

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

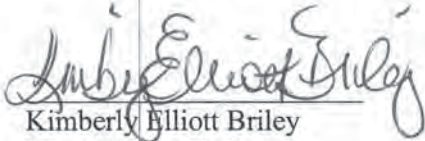
ADOPTED this 15th day of January, 2013.

CITY OF FERNANDINA BEACH



Sarah L. Pelican
Mayor – Commissioner

ATTEST:



Kimberly Elliott Briley
Deputy City Clerk

APPROVED AS TO FORM:



Tammi E. Bach
City Attorney

SUBJECT: Ordinance 2012-28: LDC Amendments Chapters 2-5 and 10-11

DEPARTMENT: Community Development Department

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

RECOMMENDED ACTION: Approve Ordinance 2012-28 at 2nd Reading.

SUMMARY: This Ordinance proposes Land Development Code (LDC) amendments as directed by the City's 2030 Comprehensive Plan and as identified in a staff maintained log of errors and inconsistencies encountered while working with the LDC since 2006. Changes to Chapters 2 and 5 deal with accessory dwelling units and accessory structures. More specifically, the proposed revision expands the allowable districts for accessory dwelling units to all residential districts and modifies the site design regulations for all accessory structures. Changes to Chapters 3 and 4 seek to provide an exemption from wetlands buffer requirements for water dependent or water related uses (as defined in the Comp Plan) and located in the Industrial Waterfront (I-W) zoning district or within the Community Redevelopment Area (CRA). Changes to Chapter 10 are intended to provide clarity for property owners seeking variances from the LDC by revising review criteria and providing additional review criteria for properties located in the historic districts and the CRA. The Chapter 11 change simply codifies an existing standard practice in CDD for the extension of a Local Development Order providing for public transparency.

The Ordinance has been revised to reflect the City Commission's changes made at 1st Reading on November 7, 2012. Upon 2nd Reading on December 4, 2012, the City Commission tabled this item to the January 15, 2013 meeting date. Staff recommends approval of the ordinance and will be available to address questions at the meeting.

FISCAL IMPACT: None.

CITY ATTORNEY COMMENTS: No Additional Comments

DEPARTMENT HEAD	Submitted by: Marshall McCrary, CDD Director	Date: 12/11/12
	Requested Agenda	Date: 1/15/13
FINANCE DEPARTMENT	Approved as to Budget Requirements	Date:
CITY ATTORNEY	Approved as to Form <i>TEB</i>	Date: 12/19/12
CITY MANAGER	Approved Agenda Item for 1/15/13 <i>for H. J.</i>	Date: 12/20/12

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

Remove the word "Sebelly"

Approved at the City Commission Meeting
Held on: *11/15/13*
Voted: *50* Initial: *MB*

ORDINANCE 2012-28

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, REVISING CHAPTERS 2 AND 5 ACCESSORY STRUCTURES AND ACCESSORY DWELLINGS, CHAPTER 3 AND 4 TO PROVIDE A WETLANDS EXEMPTION FOR WATER DEPENDENT AND WATER RELATED USES IN THE INDUSTRIAL WATERFRONT ZONING CATEGORY AND COMMUNITY REDEVELOPMENT AREA, CHAPTER 10 VARIANCE PROVISIONS AND ADDING REVIEW CRITERIA FOR HISTORIC DISTRICTS AND THE COMMUNITY REDEVELOPMENT AREA, AND CHAPTER 11 CLARIFYING LOCAL DEVELOPMENT ORDERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development ; and

WHEREAS, Staff has maintained a log of inconsistencies and/or inadequacies encountered during implementation of the Code and proposed changes to correct identified issues; and

WHEREAS, the City's planning staff have reviewed the proposed changes for consistency with the City's Comprehensive Plan and Land Development Code and finds the request sufficiently compliant to be approved at this time; and

WHEREAS, the proposed amendments will specifically modify the following chapters and sections of the Land Development Code including; Chapter 2 (Section 2.03.03); Chapter 5 (Sections 5.01.03 and 5.01.04.); Chapter 3 (Sections 3.03.01 and 3.03.03); Chapter 4 (Section 4.03.03); Chapter 10 (Sections 10.01.03, 10.02.01, 10.02.02, 10.02.03, and 10.02.04); and Chapter 11 (Section 11.00.04); and

WHEREAS, the Planning Advisory Board has reviewed the suggested amendments in a public session on October 10, 2012 and has issued a recommendation of approval subject to identified modifications proposed at the meeting; and

WHEREAS, notice of public hearing on such amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on September 26, 2012;

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

SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, attached hereto as Exhibit "A".

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

ADOPTED this 4th day of December, 2012

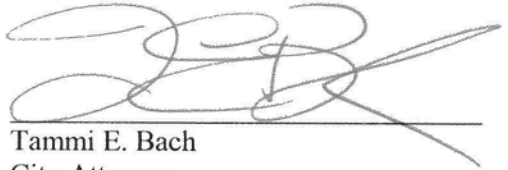
CITY OF FERNANDINA BEACH

Arlene R. Filkoff
Mayor – Commissioner

ATTEST:

APPROVED AS TO FORM:

Mary L. Mercer
City Clerk



Tammi E. Bach
City Attorney

ORDINANCE 2012-28
EXHIBIT "A"

Table 2.03.03. Table of Accessory Uses.

	Zoning Districts																		
	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PI-1	CON	REC
P – Permissible Accessory Use																			
S – Permissible Subject to Supplemental Standards																			
Blank – Prohibited																			
Accessory Land Uses:																			
Home Occupation	P	P	P	P	P	P	P	P	P										
Accessory Dwelling – Freestanding Detached Building	P	P	P	P	P	P	P	P	P			P				P			
Agricultural Support Buildings	P																		
Cremation Facility *Note 2									S		S		S	S					
Detached Garage or Carport	P	P	P	P	P	P	P	P	P										
Docks and Other Waterfront Structures	P	P	P	P	P	P	P	P	P				P		P	P	P	P	P
Dumpsters						P			P	P	P	P	P	P	P	P	P	P	P
Fences	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Outside Storage – Agricultural Equipment and Materials	P												P	P	P				
Outside Storage – Equipment, Machinery, and Materials											P		P ^{Note 1}	P	P	P			
Satellite Dish Antenna	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Storage Buildings, Sheds, Utility Buildings, and Greenhouses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pool	P	P	P	P	P	P	P	P	P	P	P	P		P			P		P

5.01.03 All Accessory Structures

- A. There shall be a permitted principal structure in full compliance with all development standards and requirements of this LDC prior to issuance of a permit for an accessory structure. This provision shall not be construed to prohibit the establishment of an accessory structure simultaneously with the establishment of a permitted principal structure.
- B. Permissible accessory uses by zoning district are identified in Table 2.03.03.
- C. There shall be no more than one (1) ~~freestanding detached~~ accessory dwelling and not more than a total of two (2) other ~~freestanding detached~~ accessory buildings on a lot.
- D. An accessory structure shall not be located within or partially within any public right-of-way.
- E. Accessory structures shall be shown on any site plan with full supporting documents as required by this LDC.
- F. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff requirements.
- G. Accessory structures shall not be located in any required buffer, landscape area, or stormwater management area.
- H. A detached accessory building in a residential zoning district shall be set back from the side lot line a minimum of ~~seven and one-half (7½) feet, three (3) feet, except within the C-3 zoning district whereby the building standards set forth in Section 4.02.03(E) shall apply.~~
- I. A detached accessory building shall not be closer than three (3) feet to the rear lot line ~~and shall not be required to comply with the setback from a rear lot line as set forth in Section 4.02.03(E), except within the C-3 zoning district whereby the building standards set forth in Section 4.02.03(E) shall apply.~~
- J. A detached accessory building, ~~other than a detached garage or detached carport,~~ shall not exceed ~~twelve (12) feet~~ twenty-five (25) feet in height or exceed ~~350 square feet~~ a maximum building footprint of 625ft²
- K. ~~A detached garage or detached car port shall not exceed twelve (12) feet in height or exceed 500 square feet in area.~~

5.01.04 Detached Accessory Dwellings

A. Accessory dwelling units are intended to provide non-remunerated housing for relatives, guests, or domestic helpers. An accessory dwelling unit shall not be considered an apartment, hotel, or other kind of multi-family use. Accessory dwelling units shall not count towards density. Per the City's Comprehensive Plan policy 1.06.05, detached accessory dwelling units shall be permissible in all residential and mixed use zoning districts including R-2, R-3, C-3, and MU-1, in compliance with the following standards:

1. The total floor area of the detached accessory dwelling shall not exceed ~~500~~ 625 square feet;
2. ~~The unit shall not contain a kitchen, but may contain a kitchenette as defined in Section 1.07.00(B);~~
3. The maximum height for ~~an~~ detached accessory dwelling located as a freestanding building or an apartment over a detached garage shall not exceed twenty-five (25) feet, measured from the approved finished grade to the ~~top~~ peak of the roof;
4. ~~An~~ detached accessory dwelling shall be located only within a rear yard as established by Section 4.02.03; and
5. An accessory dwelling shall comply with all standards set forth in Section 5.01.03;
6. The accessory dwelling shall not have a separate water or electric meter.

1. An accessory dwelling is permissible in the I-1 or I-A zoning districts within a building which has as its principal use industrial or commercial uses. The accessory dwelling shall comply with the following standards:
 1. The total floor area shall not exceed ~~500~~ 625 square feet, and only one accessory dwelling is permitted per lot of record or business, whichever is more restrictive;
 - ~~2. The unit shall not contain a kitchen, but may contain a kitchenette as defined in Section 1.07.00(B);~~
 3. The accessory dwelling shall be provided solely for the occupancy by the owner, the manager, or an employee of the business which is the principal use;
 4. The accessory dwelling shall not have a separate water or electric meter from the business it serves;
 5. Parking for the accessory dwelling may be shared with the business it serves;
 6. The accessory dwelling shall not have a separate exterior entrance from the business entrance.
- B. An accessory dwelling is permissible in the OT-1 or OT-2 zoning districts subject to the standards in Section 4.02.07.

3.03.00 WETLAND PROTECTION

3.03.01 Applicability

The requirements of this section shall apply to all of the areas under the jurisdiction of the Florida DEP, the USACOE, and the SJRWMD, as well as those lands identified as "Conservation" on the FLUM and on the adopted zoning map. Exemptions to buffering requirements exist for resource-based recreational facilities such as trails, boardwalks, piers and boat ramps, and components of water-dependent commercial uses such as port facilities, marinas, fish camps, and commercial fishing operations.

3.03.02 Agency Coordination Required

All new development and redevelopment adjacent to jurisdictional wetlands shall be required to include coordination with the agencies with regulatory jurisdiction over wetlands, including the County, representatives of the Florida DEP, the USACOE, and the SJRWMD, for assistance and verification in identifying and delineating wetlands.

3.03.03 Development Within Wetlands

Except as expressly provided in this section, no development activity shall be permitted in a wetlands area, as described in Section 3.03.01.

- A. Wetlands shall be preserved in their natural state. No fill shall be placed in a wetland, and the wetland shall not be altered.
- B. Buffering requirements for development adjacent to wetlands or natural water bodies:
 1. All new development and redevelopment adjacent to jurisdictional wetlands or surface water bodies shall be required to provide a buffer zone of native vegetation at least twenty-five (25) feet wide around wetlands and fifty (50) feet from natural water bodies to prevent erosion, retard runoff, and provide areas for habitat. All new construction that is a water dependent or water related use within the CRA and I-W zoning is exempt from Section 3.01.03(J) as well as the required buffers established by this Section; and
 2. This setback shall be required for any development, except docks or piers which have received a permit from the Florida DEP, SJRWMD, or the USACOE.

C. Permitted activities within areas designated by the City, FDEP, SJRWMD, or the USACOE as wetlands protection zones:

1. Potentially allowable uses adjacent to wetlands protection zones are those uses included in the Conservation land use category on the FLUM;
2. Development is limited to buildings that are supportive of and accessory to the Conservation land use category, such as interpretative centers, rest rooms, or covered picnic pavilions;
3. Developing an area that no longer conforms to the determination of the SJRWMD as wetlands, except former wetlands that have been filled or altered in violation of any rule, regulation, statute, or this LDC. The developer shall demonstrate that the water regime has been permanently altered, either legally or naturally, in a manner so as to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetlands structure and function. Adequate proof shall include statements from federal or State agencies having jurisdiction as well as technical evidence from registered hydraulics engineers or other certified experts;
4. Development of a wetlands stormwater discharge facility or treatment wetlands in accordance with State permits received under currently relevant sections of the *F.A.C.*; and
5. Boardwalks, piers, boathouses, boat shelters, fences, duck blinds, wildlife management shelters, footbridges, observation decks and shelters, and other similar water-related structures, provided that installation does not involve grading, fill, dredging, or draining, and provided that such structures are constructed on pilings so as to permit the unobstructed flow of water and light and preserve the natural contour of the wetlands. All pilings shall be driven into place; no jetting of pilings shall be allowed.

4.03.03 Standards for Development in the Community Redevelopment Area Overlay

A. Purpose

It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas.

B. The review of proposed development within the CRA Overlay shall be based upon compliance with the CRA Design Guidelines. Those properties within the CRA Overlay which are also located within the Downtown Historic District Overlay shall be reviewed for compliance with the Historic Preservation Design Guidelines, dated December 1999. All plans for development within the CRA Overlay shall be reviewed by the Historic District Council.

C. Site design standards specified in the overlay supersede the requirements for the underlying zoning district. Specific site design requirements that are not covered by the overlay shall follow the standards of the underlying zoning district.

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

1. ~~Due to the nature of, All new construction that is a water dependent or water related use is exempt from Section 3.01.03(J) and as well as the required 50 foot buffer from a natural water body as established in Section 3.03.03(B) 1.~~

~~10.01.03 — Exceptions for Affordable Housing and Historic Homes~~

~~In accordance with, and in furtherance of the comprehensive plan, certain lots are exempt from the provision of Section 10.01.00 regarding nonconforming buildings.~~

~~A. Development may be permissible when a lot meets the following conditions:~~

- ~~1. The lot complies with the standards set forth in the LDC except that the lot width is less than the standard required for the zoning district in which the lot is located;~~
- ~~2. The lot is located west of Egans Creek; and~~
- ~~3. Evidence is provided that development will provide affordable housing for very-low, low, or moderate-income persons or families, as the same are defined in Section 420.602, F.S.~~

~~B. Development is permissible where development is necessary for the preservation of historically significant housing, in compliance with the provisions of the comprehensive plan.~~

10.02.00 VARIANCES

10.02.01 Generally

A. Within the Historic District Overlays and the CRA Overlay, the HDC may authorize a variance from the design and improvement standards of the LDC and may issue exceptions from the CRA design guidelines where the required findings of Section 10.02.00 are met.

B. The BOA may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlays or the CRA Overlay, where requirements of Section 10.02.00 are met.

C. Limitations on the grant of a variance (Moved from Former 10.02.03(D))

1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
2. A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.
3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.
4. A variance shall not change the requirements for concurrency.
5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
6. A variance shall not be granted if the evidence submitted by an applicant is a demonstration of financial hardship or economic considerations.
7. A variance shall not be granted for procedure or process components of this Land Development Code.
8. A variance shall not be granted to deviate from LDC section 4.02.02 to combine two (2) or more lots which would result in a lot width greater than 100 feet for lots or parcels that abut Ocean Avenue, North Fletcher Avenue, or South Fletcher Avenue.

10.02.02. Required Findings for a Grant of a Variance

In order for an application for a variance to be approved or approved with conditions, the BOA or the HDC shall find that all of the following criteria apply: ~~make a positive finding with regard to each of the following provisions:~~

1. Special Conditions: Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.
2. Special Privilege: Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.
3. Literal Interpretation: Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
4. Minimum Variance: The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.
5. General Harmony: Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.
6. Public Interest: Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.

~~There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC;~~

- ~~1. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs;~~
 - ~~2. The need for the proposed variance is due to the physical shape, configuration, topographical condition, or environmental conservation of the lot and such conditions distinguishes the lot from other lots in the same zoning district;~~
 - ~~3. The proposed variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of lots in the same zoning district;~~
 - ~~4. The grant of the proposed variance does not confer on the applicant any special privilege that is denied by this LDC to other lands, buildings, or structures in the same zoning district;~~
 - ~~5. The proposed variance does not substantially increase congestion on surrounding streets, does not increase the danger of fire or other hazard, and will not otherwise be detrimental to the health, safety, or general welfare of the public;~~
 - ~~6. The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the surrounding neighborhood;~~
 - ~~7. The variance granted is the minimum variance that results in reasonable use of the land, building, or structure;~~
 - ~~8. The effect of the proposed variance is consistent with the general intent of the LDC and the specific intent of the relevant standards and criteria; and~~
 - ~~9. The effect of the proposed variance is consistent with the comprehensive plan and does not increase density.~~
- B. The applicant for a variance has the burden of proof of demonstrating that the application for a variance complies with each of the requirements of Section 10.02.02(A).

10.02.03 Additional Criteria for Findings for a Grant of a Variance in the Historic Districts or Community Redevelopment Area

In acting on variance requests in the Historic District Overlays or the Community Redevelopment Area Overlay, the Historic District Council may be guided by the following in addition to the criteria in Section 10.02.02(A):

A. That a variance is necessary to maintain the historic character of property through demonstrating that:

1. A variance would not be contrary to the public interest, safety, or welfare.
2. Special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.
3. Literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character, of the historic district or historic site.
4. The variance requested is the minimum necessary to preserve the historic character of a historic site or of a historic district.
5. In the case of the alteration of an existing building, the proposed design would incorporate materials, details, or other elements not permitted by the Land Development Code but which can be documented by photographs, architectural or archaeological research or other suitable evidence to have been used on other buildings of a similar vintage and style in the Historic District in which the building is located, provided that the project will not destroy significant architectural features on the building.
6. In the case of new construction, the proposed design incorporates materials, details, setbacks, massing or other elements that are not permitted by the Land Development Code but which would enhance the quality of the design for the new building or structure, provided that said new building or structure otherwise complies with the criteria for new construction in the Historic District in which the building or structure is proposed to be located and provided further that it would also have a beneficial effect on the historic character of the visually related area.

B. Or, as an alternative to subsection (A), that a variance is necessary to accommodate an appropriate adaptive reuse of a structure within a Historic District or upon a Historic Site through demonstrating that:

1. A variance would not be contrary to the public interest, safety, or welfare.
2. The variance would not significantly diminish the historic character of the Historic District or Site.
3. That the variance requested is the minimum necessary to effect the adaptive reuse of an existing structure or site.
4. The proposed design would incorporate materials, details, or other elements not permitted by the Land Development Code but which can be documented by photographs, architectural or archaeological research or other suitable evidence to have been used on other buildings of a similar vintage and style in the Historic District in which the building is located, provided that the project will not destroy significant architectural features on the building.

~~10.02.03~~ **10.02.04 Procedures for Variances**

A. Applications

1. An application for a variance shall include the information required for all applications, as set forth in Section 11.01.03 and City established policies, as amended from time to time.
2. An application for a variance shall include a statement explaining how the variance request conforms to all requirements listed in Section 10.02.02 (A).
3. An application for a variance for development subject to site plan review and approval shall be decided by the BOA or HDC prior to completion of the site plan review process.

B. Review of applications

1. An application for a variance shall be reviewed by the City Manager for compliance with the requirements set forth in Section 10.02.02(A). The City Manager shall prepare a compliance report to the BOA or HDC.
2. A public hearing shall be scheduled before the BOA or the HDC.
3. Notice shall be provided pursuant to the requirements of Section 11.02.00.
4. The BOA or HDC shall conduct the public hearing in accordance with the procedures set forth in Section 11.04.00.
5. The BOA or HDC shall approve, deny, or approve with conditions the application for variance, based upon findings regarding conditions set forth in Section 10.02.02(A).
6. The City Manager shall issue a written order to the applicant when ~~the variance is approved or approved with conditions~~ final action on the variance is taken by the BOA or HDC.

C. Expiration of variance approval

Any variance authorized by the BOA or HDC, for which ~~construction~~ action has not commenced within one (1) year from the date on which the decision of the BOA or HDC is reduced to a written order, or if appealed, the date on which the order becomes final, shall be deemed abandoned and be void and of no further force and effect. See LDC Section 11.00.04(D) for extension allowances.

~~Limitations on the grant of a variance-~~ Moved to 10.02.01(C)

- ~~1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.~~
- ~~2. A variance shall not be granted which authorizes any use or standard that is expressly prohibited by this LDC the City's Comprehensive Plan.~~
- ~~3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.~~
- ~~4. A variance shall not change the requirements for concurrency.~~
- ~~5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.~~

~~ED. Appeals on a Variance.~~

- ~~1.~~ Any person aggrieved by any decision of the BOA or HDC regarding a variance may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the filing of the decision at the office of the board; otherwise the decision of the board will be final.

11.00.04 Expiration of Local Development Orders and Development Permits

- A. A local development order shall expire twelve (12) months after the date of issuance unless a longer period is specifically provided.

- B. A development permit shall expire six (6) months after the date of issuance, unless work has commenced and is continuing in good faith, pursuant to all provisions of the permit.
- C. Prior to expiration of a local development order or a development permit, the local development order or development permit may be extended for a period not to exceed six (6) months, subject to the following:
 - 1. A written request for an extension shall be submitted to the City.
 - 2. Applicable fees for extension shall be paid.
 - 3. No more than two (2) such six (6) month extensions shall be issued.
- D. Local Development Orders for which subsequent approvals are required (for example, FDEP approval for coastal construction, TRC site plan approval, or HDC design approval) shall be considered valid beyond the twelve (12) month expiration, provided the applicant can demonstrate proof of due diligence to obtain such approvals during the initial approval period. The applicant must provide a request in writing and any extension, if issued, shall be granted in six (6) month increments.

NEWS LEADER

AMELIA ISLAND • FERNANDINA BEACH • NASSAU COUNTY

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

**NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH**
NOTICE IS HEREBY GIVEN
that a Public Hearing is sched-
uled for Tuesday, December 4,
2012 at 6:00 PM in the City
Commission Chambers, 204
Ash Street Fernandina Beach,
Florida to consider the follow-
ing Ordinances:

ORDINANCE NO. 2012-28
ORDINANCE OF THE CITY
COMMISSION OF THE CITY OF
FERNANDINA BEACH AMEND-
ING THE LAND DEVELOPMENT
CODE, REVISING CHAPTERS 2
AND 5 ACCESSORY STRUC-
TURES AND ACCESSORY
DWELLINGS, CHAPTER 3 AND
4 TO PROVIDE A WETLANDS
EXEMPTION FOR WATER
DEPENDENT AND WATER RELAT-
ED USES IN THE INDUSTRIAL
WATERFRONT ZONING CATE-
GORY AND COMMUNITY
REDEVELOPMENT AREA, CHAP-
TER 10 VARIANCE PROVISIONS
AND ADDING REVIEW CRITE-
RIA FOR HISTORIC DISTRICTS
AND THE COMMUNITY REDE-
VELOPMENT AREA, AND CHAP-
TER 11 CLARIFYING LOCAL
DEVELOPMENT ORDERS; PRO-
VIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE
DATE.

Interested parties may
appear at said hearing and
be heard as to the advisabil-
ity of any action, which may
be considered. Any persons
with disabilities requiring
accommodations in order to
participate in this program or
activity should contact 277-
7306, TTY 277-7399, (TTY number
for all City offices) or through
the Florida Relay Service at 1-
800-955-8771 at least 24 hours
in advance to request such
accommodation.

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

Copies of the application
may be inspected in the office
of the City Clerk, City Hall, 204
Ash Street, between the hours
of 8:00 AM - 5:00 PM, Monday
through Friday. For informa-
tion on the application, please
contact the Staff of the City
Clerk's Office at 277-7306,
11-21-2012
1043

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared
Michael B. Hankins

Who on oath says that he is the Advertising Director of the
Fernandina Beach News-Leader, a weekly newspaper published at
Fernandina Beach in Nassau County, Florida; that the attached
copy of advertisement, being a Legal Notice in the matter of

NOTICE OF PUBLIC HEARING

ORDINANCE NO. 2012-28

Was published in said newspaper in the issues of
11/21/2012
Ref# 1043

Affiant further says that the said Fernandina Beach News-Leader is
a newspaper published at Fernandina Beach, in said Nassau
County, Florida and that the said newspaper has heretofore been
continuously published in said Nassau County, Florida, each week
and has been entered as second class mail matter at the post office
in Fernandina Beach in said Nassau County, Florida, for a period
of one year next preceding the first publication of the attached copy
of advertisement; and Affiant further says that he has neither paid
nor promised any the purpose of securing this advertisement for
publication in the said newspaper.

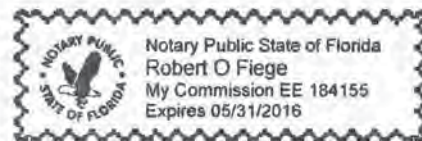
Michael B. Hankins

Sworn to and subscribed before me
This 21st day of November, A.D. 2012.

Robert O. Fiege

Robert O. Fiege, Notary Public

RA Personally Known



NEWS LEADER

AMELIA ISLAND • FERNANDINA BEACH • NASSAU COUNTY

Published Weekly

511 Ash Street/P.O. Box 766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034

**NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH**
NOTICE IS HEREBY GIVEN
that a Public Hearing is sched-
uled for Tuesday, January 15,
2013 at 6:00 PM in the City
Commission Chambers, 204
Ash Street Fernandina Beach,
Florida to consider the follow-
ing Ordinances:

ORDINANCE NO. 2012-28
ORDINANCE OF THE CITY
COMMISSION OF THE CITY OF
FERNANDINA BEACH AMEND-
ING THE LAND DEVELOPMENT
CODE, REVISING CHAPTERS 2
AND 5 ACCESSORY STRUC-
TURES AND ACCESSORY DWEL-
LINGS, CHAPTER 3 AND 4 TO
PROVIDE A WETLANDS EXEMP-
TION FOR WATER DEPENDENT
AND WATER RELATED USES IN
THE INDUSTRIAL WATERFRONT
ZONING CATEGORY AND
COMMUNITY REDEVELOPMENT
AREA, CHAPTER 10 VARIANCE
PROVISIONS AND ADDING
REVIEW CRITERIA FOR HISTORIC
DISTRICTS AND THE COMMU-
NITY REDEVELOPMENT AREA,
AND CHAPTER 11 CLARIFYING
LOCAL DEVELOPMENT
ORDERS; PROVIDING FOR SEV-
ERABILITY; AND PROVIDING
FOR AN EFFECTIVE DATE.

Interested parties may
appear at said hearing and
be heard as to the advisabil-
ity of any action which may

be considered. Any persons
with disabilities requiring
accommodations in order to
participate in this program or
activity should contact 277-
7305 (TTY 277-7399 (TTY number
for all City offices) or through
the Florida Relay Service at 1-
800-955-8771 at least 24 hours
in advance to request such
accommodation.

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

Copies of the application
may be inspected in the office
of the City Clerk, City Hall, 204
Ash Street, between the hours
of 8:00 AM - 5:00 PM, Monday
through Friday. For informa-
tion on the application, please
contact the Staff of the City
Clerk's Office at 277-7305.
11-01-02-2013.

1122

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared

Michael B. Hankins

Who on oath says that he is the Advertising Director of the
Fernandina Beach News-Leader, a weekly newspaper published at
Fernandina Beach in Nassau County, Florida; that the attached
copy of advertisement, being a Legal Notice in the matter of

NOTICE OF PUBLIC HEARING

ORDINANCE NO. 2012-28

Was published in said newspaper in the issues of

01/02/2013

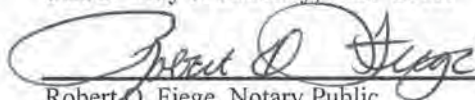
Ref#1122

Affiant further says that the said Fernandina Beach News-Leader is
a newspaper published at Fernandina Beach, in said Nassau
County, Florida and that the said newspaper has heretofore been
continuously published in said Nassau County, Florida, each week
and has been entered as second class mail matter at the post office
in Fernandina Beach in said Nassau County, Florida, for a period
of one year next preceding the first publication of the attached copy
of advertisement; and Affiant further says that he has neither paid
nor promised any the purpose of securing this advertisement for
publication in the said newspaper.



Sworn to and subscribed before me

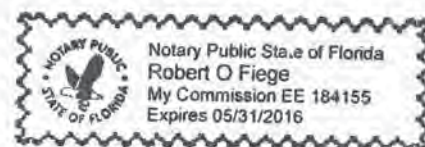
This 2nd day of January, A.D. 2013.



Robert O. Fiege, Notary Public



Personally Known



001-2410-524.4700

FLORIDA'S OLDEST WEEKLY NEWSPAPER

NEWS LEADER

AMELIA ISLAND • FERNANDINA BEACH • NASSAU COUNTY

P. O. Box 766, 511 Ash Street * Fernandina Beach, FL 32035

(904) 261-3696 * (904) 261-3698 Fax

Fed. I.D. # 58-2249820

Attn: Kim Elliot-Briely or Mary Mercer

Fax: 277-7308

Ref# 1043

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

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, December 4, 2012 at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following Ordinances:

ORDINANCE NO. 2012-28

ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, REVISING CHAPTERS 2 AND 5 ACCESSORY STRUCTURES AND ACCESSORY DWELLINGS, CHAPTER 3 AND 4 TO PROVIDE A WETLANDS EXEMPTION FOR WATER DEPENDENT AND WATER RELATED USES IN THE INDUSTRIAL WATERFRONT ZONING CATEGORY AND COMMUNITY

REDEVELOPMENT AREA, CHAPTER 10 VARIANCE PROVISIONS AND ADDING REVIEW CRITERIA FOR HISTORIC DISTRICTS AND THE COMMUNITY REDEVELOPMENT AREA, AND CHAPTER 11 CLARIFYING LOCAL DEVELOPMENT ORDERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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

Copies of the application may be inspected in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305.

11-11-21-2012
1043

November 16th, 2012

Please REVIEW and SIGN below.

**THIS AD WILL RUN AS PRINTED on
11/21/12****Unless notification of errors is received before
2:00 pm, FRIDAY****Fax to: 904-261-3698.****Thank you,****Legal Advertising****APPROVED AS PRINTED****By:****Signature****Print Name****Date**

I. **Call to Order** - The meeting was called to order at 5:03 pm.

II. **Roll Call/Determination of Quorum**

Board Members Present

David Beal, Chair
Richard Bradford
Michael Harrison
Judith Lane (alternate)

Eric Bartelt, Vice-Chair
Mark Bennett
Ted Kostich
Charles Rogers (alternate)

Board Members Absent

Len Kreger

Others Present

Tammi Bach, City Attorney
Kelly Gibson, City Planner
Marshall McCrary, Community Development Department Director

Member Lane was seated as a voting member for this meeting due to the absence of Member Kreger.

III. **Approval of Minutes**

The Minutes of the September 12, 2012 Regular Meeting were presented for approval. A motion was made by Member Harrison, seconded by Member Lane, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

IV. **New Business**

4.1 CHAPTER 10- VARIANCE CRITERIA CHANGES + CHAPTER 11 CLARIFICATION ON LOCAL DEVELOPMENT ORDERS – Ms. Gibson pointed out that these are changes that were discussed previously through the joint board meeting that was held in July with the Board of Adjustment (BOA), the Historic District Council (HDC), and the Planning Advisory (PAB). She explained that there were a number of changes including modifications to the reviewing criteria for looking at variances. She commented that a staff memo was provided on September 20th to identify the changes. Member Bennett noted that at several BOA meetings there has been proposed construction on lots where nothing exists and to his knowledge a house could have been built on any of the lots. He stated that it could have been a smaller house, but variances were granted. He commented that if people buy small lots they should understand what size house can be built there. There was some discussion about Member Bennett's concern with granting variances for new construction when a smaller house could be built on the lot. Chair Beal commented that every time a variance is granted it weakens the Land Development Code (LDC). He suggested raising the fees for a variance application so that people just don't do it for the heck of it. He explained that it should be very hard to get a variance and it has to be a true hardship. There was some discussion about these concerns and having the ability to grant or deny variances.

Member Lane pointed out that the board needed to review the wording and see if it was strong enough. Member Bartelt commented that there seemed to be a consensus that the language was not tough enough in certain circumstances. Member Lane questioned stronger language for what point.

DRAFT

Planning Advisory Board Minutes
Regular Meeting
October 10, 2012
Page 2 of 7

Member Bennett replied buildable vacant lots. He questioned the board if someone can build an economic product on a lot should they be able to come to the BOA and ask for something larger. He explained that if you buy any lot it is your responsibility to understand what you are buying. After some discussion about this, Ms. Gibson referred to the limitations of granting variances, the provisions that staff provided, and the changes that were made and inquired if the BOA and HDC have enough to justify making a decision on those situations. Member Bartelt agreed the proposed wording is strong enough to give good direction to the BOA and HDC in their consideration; however there's too much discretion depending on the membership. He suggested tightening up the parameters. Member Kostich referred to 10.02.01C (3) limitations to granting a variance and suggested adding buildable vacant lots and saying there can be no non-conforming uses there. The board had some discussion about 10.02.01C (6) regarding financial hardship noting that it was moved to a limit on applying for a variance. It was noted that some members wanted the code to be stronger so that some of that discretion is taken away so that it is tougher to get a variance. Ms. Gibson clarified to the board that if an applicant is only demonstrating that they have a financial hardship or an economic consideration and that's all they have then they are not moving forward to the BOA. Member Harrison stated that arguments of financial hardship will have no weight in the variance application. Ms. Gibson explained that it's not even being considered. There was further discussion about the variance procedure and that the board wanted language that a variance shall not be granted for a financial hardship. Staff removed the word "primary" from the draft language.

Mr. McCrary briefly explained that the code offers guidance to staff and potential applicants about what can be considered for a variance. There was a brief discussion about this noting that this section empowers staff to block illegal applications from moving forward. Mr. McCrary commented that the six criteria are easier for the board and the applicant to understand. He pointed out it says that they must meet all of those criteria. He explained that the boards making these decisions need some power to weigh these different criteria and have the ability to say if a criterion is inconsequential to the other criteria. There was some discussion about the criteria noting that cases have to be considered on a case-by-case basis. The board also had discussion citing examples of variances and instances in the City where the code doesn't represent the community.

Ms. Gibson pointed out that both the BOA and the HDC had hearings in September to look at the criteria and there was a question why a section of code was struck (affordable housing and historic structures). She explained that it was struck because it was already provided within other sections of the code.

The public hearing was opened at this time.

Mr. Wyndham Riotte, 230 North 5th Street, member of the BOA, referred to setbacks and commented that is where a lot of the board's business is. He referred to 10.02.02 and noted what was trying to be done with the measurement guidelines, but he expressed his opinion it would make it harder for the BOA to work because they are gray. He requested the board consider whether or not those 6 criteria provide sufficient guidance on BOA decision making.

Mr. Bruce Meger, member of the HDC, explained that he has been an advocate of modifying the criteria for a number of years. He pointed out that property owners in the historic district have a unique need and that he was only speaking to that portion of the community. He commented that the most common variances are from the front setback, the side setback, and the rear setback for accessory structures. He cited instances of building on a historic block where existing build patterns are contrary to current setback requirements. He advocated for the allowance of variances and wanted the criteria changed as proposed. He briefly explained that he wanted to see the context-sensitive administrative process developed as well for the historic districts. He expressed his support

DRAFT

Planning Advisory Board Minutes
Regular Meeting
October 10, 2012
Page 3 of 7

of the HDC having the ability to make a discretionary call when it comes to granting a variance and the new criteria help in that direction. After some comments, Mr. Meger reminded the board of the mix of zoning in downtown where you have C-3 abutting R-2, and there is an inconsistency in building patterns afforded by strict adherence to the LDC. (C-3 requires no setbacks / R-2 supports conventional suburban development pattern.) Member Kostich referred to the joint meeting and questioned if the idea of going block by block went anywhere. Ms. Gibson explained that staff would be bringing forward context sensitive design review standards that would look at setbacks for situations not only in the historic districts. There was a brief discussion about this idea of block by block consideration.

The public hearing was closed at this time.

Member Harrison questioned #7 that a variance shall not be granted for procedure or process component of the LDC. Ms. Gibson explained the purpose behind this was to preclude consideration of changes to the procedural requirements of the LDC. There was some discussion to clarify this further. The board resumed their discussion to address the desire to prevent consideration of a variance for residential vacant lots seeking setback reductions and deliberated about possible language. Paragraph #8 was added to address the concerns raised by the board and it was noted that an administrative process would be coming forward next month for context sensitive design review of setback standards.

Member Bartelt referred to combining of lots and noted that an applicant was coming forward to combine a 75 foot lot and a 50 foot lot along the beach. Mr. McCrary explained that in 2007 this lot received a variance to go from 125 feet to the 75 and 50 foot lots. He stated that there is a section in the LDC that says lots in that area shall not be any larger than 100 feet. Ms. Gibson questioned if the board was asking to limit so that you can't seek a variance exceeding lot widths. Member Lane commented that this case would not be the one to argue, since it went from 125 feet to two lots. There was some discussion about this noting that the lot size was to ensure breaks and visibility options to the beach. Draft language was developed by Ms. Gibson to address this. **A motion was made by Member Bennett, seconded by Member Kostich, to approve the changes to Chapter 10 as submitted and revised during the discussion. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Member Harrison referred to the modification to 11.00.04 (D) and noted that it says that if the applicant has been working on the local development order it may be extended without complying with sections A, B, and C. He expressed his concern about the open-ended nature of the language. He noted that the order would expire after 12 months unless a written request for extension has been submitted along with fees paid and they could have up to two 6 month extensions. He referred to D and commented that if the applicant can show that they've been working on the local development order within the first 12 month period it appears to be made valid for the infinite future. Mr. McCrary explained that this was to recognize a variety of external agency reviews or internal processes that are subsequent to the local development order. Member Harrison suggested the deletion of the word initial approval period. There was an extensive discussion about this noting that additional time is needed for items going before the Department of Environmental Protection (DEP) and other agency review. Staff crafted an additional sentence to add to this section to address this concern and the board was satisfied with the amendment. **A motion was made by Member Harrison, seconded by Member Kostich, to accept the changes to Chapter 11 as submitted and modified during the discussion. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

4.2 WETLAND BUFFER EXEMPTION FOR I-W AND CRA PROPERTIES (WATER DEPENDENT AND WATER RELATED USES) - Ms. Gibson provided an overview of the changes and the thought behind them, which adhere to the Comprehensive Plan directive and adheres to goals of the Waterfronts Florida program in support of working waterfronts. Member Bennett commented that he understood having this for downtown, but he didn't know that he would agree with it for north of here. He pointed out the area west of Old Town and north of Old Town is zoned Industrial Waterfront. He explained that the whole point of having a wetland buffer is to protect from things like oil, gasoline, chemicals, etc. He expressed his concern about the application of this and the potential damage. He commented that some level of buffering is warranted to protect the environment. He also pointed out that Egans Creek and the river are vulnerable and should have greater protection. Ms. Gibson further explained that this was to apply just for I-W zoning to allow for water dependent commercial uses that have historically existed out there. There was some discussion about this language to support this development scenario and its importance in upholding the City and State goals for working waterfront retention. The board had further discussion about this and concerns were raised by board members about the potential for pollutants. It was noted that the exemption would only apply to water-dependent or water-related uses.

The public hearing was opened at this time.

Mr. Bill Kavanaugh, owner of Tiger Point Marina, reminded the board that when they permitted Tiger Point in 1993 they had to go through St. Johns Water Management and any water from their pavement goes into their retention pond. It was noted that the permitting agencies still have to review all horizontal and vertical development in these areas, but the City was deferring to their decision making and permitting authority. There was some discussion about this.

Mr. Riotte pointed out the City's construction projects in the CRA (sun shelters and boardwalk extension) did not use a 25' buffer. He commented that the City has to be careful what it does and follow the regulations.

The public hearing was closed at this time.

Member Bennett noted that if there was no buffer a building could potentially be built right up to the water line. Ms. Gibson clarified that as long as it is water dependent or a water related use. Member Bartelt commented that he didn't agree with treating one area (CRA/downtown) differently from another (Old Town IW zoned properties). The board had further discussion about the unique needs of water dependent uses noting there is a risk of pollutants and that there are limitations imposed on water dependent uses. There was a review of the locations of I-W properties and the CRA boundaries.

Ms. Gibson provided details from the Comprehensive Plan including Policy 5.05.12 that is specific direction in the Comprehensive Plan endorsing this approach of having exemptions for certain properties. After a brief discussion, Member Lane expressed her concern that without requiring buffers we are setting ourselves up for future offensive uses reoccupying these water dependent use facilities. It was pointed out that our current code doesn't even offer an exemption for boat ramps from the buffering requirements. After a brief discussion, City Attorney Bach explained that if the majority of the board decides that you have to have a buffer then she would suggest getting into the types of uses and language. She pointed out that if the board says we have to have a buffer then the LDC would be inconsistent with the Comprehensive Plan. She reminded the board that the Comprehensive Plan says exemptions to keep water dependent and water related uses. She provided the board further clarification about this. **A motion was made by Member Bartelt, seconded by Member Kostich, to approve all of Chapter 4 as it is written (with revisions during discussion).**

DRAFT

Planning Advisory Board Minutes
Regular Meeting
October 10, 2012
Page 5 of 7

After some discussion about the motion on the floor, **vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Bennett:	Nay
Member Kostich:	Aye
Member Lane:	Nay
Member Bradford:	Aye
Member Harrison:	Aye
Member Bartelt:	Aye
Chair Beal:	Aye

Motion carried.

Ms. Gibson pointed out that there are two modified sections in Chapter 3. After a review of the current zoning, Ms. Gibson clarified that the applicability adds one sentence that talks about the exemptions and the actual exemptions are included under the buffering requirements. **A motion was made by Member Bartelt, seconded by Member Harrison, to accept the changes to Chapter 3.03.00 as written. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Bennett:	Nay
Member Kostich:	Aye
Member Lane:	Nay
Member Bradford:	Aye
Member Harrison:	Aye
Member Bartelt:	Aye
Chair Beal:	Aye

Motion carried.

4.3 CHAPTER 2 + CHAPTER 5 ACCESSORY USE AND ACCESSORY STRUCTURE CHANGES - Ms. Gibson provided background on this proposed text amendment, citing applied experiences with variances as well as the direction of the Comprehensive Plan. She summarized the changes proposed for accessory structures, affecting both accessory dwellings and accessory structures/garages. She pointed out that staff sought input and evaluation from local architects about the proposed changes.

Member Bennett pointed out that one of the reasons some of these things were put in place was because people were building essentially duplex units on lots and there was concern about density. He referred to 5.01.03(c) and questioned if you can have three buildings in addition to the house. Mr. McCrary stated that was the existing language in the code.

The board took a brief recess at this time.

Member Bennett noted that you can have up to three accessory buildings per lot, and this was the current allowance. He referred to paragraph J the maximum building footprint of 625 sq. ft. and questioned if buildings could be stacked or was it just the first floor that is 625 sq. ft. Ms. Gibson explained that it was just the footprint of the structure so you can stack (roughly a 25x25 structure). Chair Beal inquired what was prompting this change. Ms. Gibson replied that both the changes to the garage and the carport as well as the accessory dwelling structures were because a number of times there have been design issues. She commented that they have wanted that additional 125 sq. ft. and

DRAFT

Planning Advisory Board Minutes
Regular Meeting
October 10, 2012
Page 6 of 7

looking at the other codes you are seeing 625 sq. ft. or 25 x 25. She explained that staff felt the 625 sq. ft. provided for better design flexibility. After some discussion, Member Bennett expressed his concern about density and opening up to rentals. It was noted that a permit is required to construct an accessory dwelling unit. Mr. McCrary explained that staff was not proposing allowing people to have accessory rentals in this text amendment, but it is something that will be coming later. He stated that at this time the City doesn't have any requirements, permitting, or licensure required for anyone that rents out anything. Member Bennett commented that the City has to have control and this is the first step. Mr. McCrary explained that the change allows people to be able to stay in their homes possibly by generating income and developing diversity within an aging neighborhood by having the allowance for accessories that could be rented. He stated that staff would follow through with the recommendations of the Comprehensive Plan and right now they were addressing the things staff as found are problematic. Member Kostich commented that North Fletcher has nice sized lots, but there is no street parking. Mr. McCrary stated that parking has to be a factor. There was further discussion about this noting that parking, oversight, and monitoring are going to be addressed when the rental aspects occur.

Member Harrison expressed his opposition to the plan in the future that the City would be moving into making accessory dwellings rentable particularly in Old Town. He stated that Old Town doesn't have the infrastructure to support the existing platted homes if they are built out. Mr. McCrary pointed out that Old Town has strict limitations on accessory dwellings and nothing is being proposed for change in this amendment or for the future. He explained that the big issues are the parameters for the placement and design of these structures. He stated that he was advised by Utilities Director Mandrick that it is a violation for the City to require a single meter for the property if it has an accessory dwelling, because the property is obligated to have two meters to make people more aware of their consumption. There was some discussion about this. It was suggested to defer this until a later date, but the board agreed to press forward with the issues.

Member Harrison commented that the single meter is very important and requested to leave it as one meter per dwelling unit. Member Lane inquired about kitchen versus kitchenette. Member Bennett briefly explained that the intent was if you are going to have an accessory dwelling we want to keep it as family or guest so they are not cooking and it isn't a rental unit. There was some discussion about how to move forward, and concerns were raised about parking and the shift from family in the accessory dwelling to a renter in the accessory dwelling.

The board had some discussion and deliberation and agreed on moving forward with:

- Keep the existing metering requirement (no separate utilities - single meter)
- New setbacks of 3 feet and 3 feet
- Change of height to 25 feet for all accessory structures
- Maximum 625 Square foot building footprint for all detached accessory structures
- Accessory dwelling units intended for relatives, guests, or domestic helpers (not for rental income – non-paying guests)
- Allow the change from kitchenette to kitchen

There was some discussion and review of the zoning districts where accessory dwelling units are permitted. **A motion was made by Member Harrison, seconded by Member Bradford, to endorse changes as written and modified during discussion in both Chapters 2 and 5. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

V. **Staff Report** – There were no items for discussion under Staff Report.

VI. **Board Business**

DRAFT

Planning Advisory Board Minutes
Regular Meeting
October 10, 2012
Page 7 of 7

Elect a new Chair and Vice Chair (1 year term) – After a brief discussion, a motion was made by Member Lane, seconded by Member Bradford, for Mr. Kostich to serve as Chair. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

A motion was made by Member Kostich, seconded by Member Harrison, for Mr. Bennett to serve as Vice-Chair. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Member Bartelt inquired about the progress of the 8th Street overlay. Mr. McCrary replied there was nothing to report yet.

VII. Comments by the public – There were no comments by the public.

VIII. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 9:05 p.m.

Ted Kostich, Chairman

Mark Bennett, Vice Chair



City of Fernandina Beach
HISTORIC DISTRICT COUNCIL

October 22, 2012

City Commissioners
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

RE: *Proposed Amendments to LDC Chapter 10.02.00 – Variances*

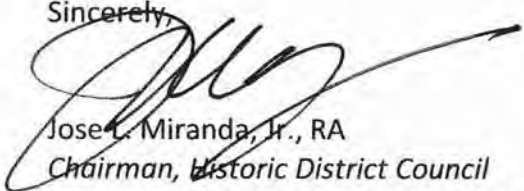
Dear Commissioners,

I am writing on behalf of the entire Historic District Council to express our concern regarding the proposed amendments to the Land Development Code, Chapter 10, Section 10.02.00 VARIANCES, forwarded to you by the Planning Advisory Board. We have met with the PAB in a workshop format to discuss this section of the LDC's and provide the HDC's perspective with regard to preserving the character of our historic districts. Of upmost concern is item C. (8) "A variance from setback requirements as provided in LDC section 4.02.03(E) shall not be granted for new construction on residentially zoned vacant land." At no time during the workshop was the proposed language amendment discussed. This language was added by the PAB without consultation with the Historic District Council.

Our City's historic districts and landmark sites are the foundation of our community and one of the primary economic engines that sustains our City. These districts are predominately zoned residential and have developed over the course of their history. As a result many existing historic properties do not comply with current setback and building height restrictions outlined in the Land Development Code. The HDC is tasked with the goal of preserving and enhancing the City's historic resources. As a result we have occasionally approved variances to setbacks on new construction projects to make these structures more compatible with the historic context in which they are located. The HDC makes each decision on a case-by-case basis with a careful consideration of all relevant facts, but most importantly with the overarching goal of preserving the development character of the historic district.

The proposed change to Item C.(8) of the LDC variance section will effectively prevent any new residentially-zoned construction from blending in or being more compatible with the existing historic context. We strongly urge you to strike out this language and not accept this change.

Sincerely,


Jose L. Miranda, Jr., RA

Chairman, Historic District Council

204 Ash Street • Fernandina Beach, FL 32034-4230 • 904 277-7325 • Fax 904-277-7324 • TDD 904-277-7399

www.fbfl.us/hdc

Equal Opportunity Employer



City of Fernandina Beach

To: Planning Advisory Board (PAB) Members
CC: Tammi Bach, City Attorney
From: Kelly N. Gibson, CDD
Date: September 12, 2012
Re: Proposed Changes to LDC Chapters 2 + 5 – Accessory Structures/Dwellings

At the PAB's October 12, 2012 regular meeting, the board will be considering changes in the way the City regulates its accessory structures and accessory dwellings. The proposed revisions are in response to the direction provided from the joint boards (PAB/HDC/BOA) meeting in July. Further, these changes address direction of the City's 2030 Comprehensive Plan, will serve to correct several outstanding problems that staff and local architects have found in working with the code since 2006, and, hopefully, reduce the number of variances sought from these specific sections of code. The intent of the LDC amendment for accessory dwelling units is to ensure that single family character of the zoning district is preserved while providing for attractive and affordable housing alternatives.

2030 Comprehensive Plan Direction

The board should recall the emphasis placed in the newly adopted Comprehensive Plan which provided direction for policies that "stabilize and preserve neighborhoods and establish urban design standards which protect and promote quality of life, in order to prevent teardowns, encourage re-use, infill, and new development." Specifically policy 1.06.05 states: "The City shall develop land development codes that support and enable its aging population to remain independent and in their own home or in a non-health care environment for as long as their health allows. Development and design strategies that enable older residents to remain in their community as their housing needs change allowing accessory dwelling units, such as garage apartments and "in law" suites in all residential areas and connecting residential neighborhoods to daily commercial needs by allowing mixed-income and mixed housing types to be located close to neighborhood or commercial shopping areas, civic or cultural institutions, and parks and open space areas."

Based on this direction, staff recommends modifying the language contained in Chapter 2 (Section 2.03.03- Table of Accessory Uses) regarding accessory dwelling units to allow for these types of units within all residential and mixed use zoning districts. Staff also recommends language modifications in LDC Section 5.01.02 to clarify the intent of accessory dwelling units to remove requirements which limit accessory dwelling units to only have a "kitchenette," and eliminate an existing conflict with the electrical code which prohibits accessory dwelling units from having a separate meter. Staff has provided two (2) additional documents for the board's review including a September 2007 report to the Florida Legislature on Accessory Dwelling Units and an article from 1000 Friends of Florida titled *Accessory Dwelling Units: A Smart Growth Tool for Providing Affordable Housing*, which support these recommended changes. Please take some time to review the report and article prior to weighing in on these changes at our October meeting.

Reported Conflicts and Variance Requests – Accessory Structure Design Requirements

Since 2006, the City has reviewed 13 cases (equaling ~33% of all variances) requesting deviation for requirements contained in LDC section 5.01.03. These requests dealt with deviations from required setbacks, height, and/or square footage limitations for accessory structures or accessory dwellings. Variance review findings were presented and discussed at the joint PAB/HDC/BOA meeting in July. Since that time, staff has conducted research of other Florida jurisdictions with recent code updates specific to accessory structures/ dwellings and drafted changes which are similar to those jurisdictions while being mindful of the context of Fernandina Beach. Additionally, staff consulted with local architects and received a favorable response on the proposed changes. The proposed changes to all detached accessory structures (regardless if it is a garage, carport, shed, or accessory dwelling) may be summarized as follows:

- Maximum 625ft² footprint limit;
- 25ft height limit; and
- 3ft side and rear yard setbacks except, in C-3 (which allows development to the property line).

Table 2.03.03. Table of Accessory Uses.

P – Permissible Accessory Use S – Permissible Subject to Supplemental Standards Blank – Prohibited	Zoning Districts																		
	R-F	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	C-1	C-2	C-3	I-1	I-A	I-W	W-1	PL-1	CON	REC
Accessory Land Uses:																			
Home Occupation																			
Accessory Dwelling – Freestanding Detached Building																			
Agricultural Support Buildings																			
Cremation Facility *Note 2																			
Detached Garage or Carport																			
Docks and Other Waterfront Structures																			
Dumpsters																			
Fences																			
Outside Storage – Agricultural Equipment and Materials																			
Outside Storage – Equipment, Machinery, and Materials																			
Satellite Dish Antenna																			
Storage Buildings, Sheds, Utility Buildings, and Greenhouses																			
Swimming Pool																			

5.01.03 All Accessory Structures

- A. There shall be a permitted principal structure in full compliance with all development standards and requirements of this LDC prior to issuance of a permit for an accessory structure. This provision shall not be construed to prohibit the establishment of an accessory structure simultaneously with the establishment of a permitted principal structure.
- B. Permissible accessory uses by zoning district are identified in Table 2.03.03.
- C. There shall be no more than one (1) freestanding detached accessory dwelling and not more than a total of two (2) other freestanding detached accessory buildings on a lot.
- D. An accessory structure shall not be located within or partially within any public right-of-way.
- E. Accessory structures shall be shown on any site plan with full supporting documents as required by this LDC.
- F. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff requirements.
- G. Accessory structures shall not be located in any required buffer, landscape area, or stormwater management area.
- H. A detached accessory building in a residential zoning district shall be set back from the side lot line a minimum of ~~seven and one-half (7½) feet~~, three (3) feet, except within the C-3 zoning district whereby the building standards set forth in Section 4.02.03(E) shall apply.
- I. A detached accessory building shall not be closer than three (3) feet to the rear lot line ~~and shall not be required to comply with the setback from a rear lot line as set forth in Section 4.02.03(E), except within the C-3 zoning district whereby the building standards set forth in Section 4.02.03(E) shall apply.~~
- J. A detached accessory building, ~~other than a detached garage or detached carport,~~ shall not exceed ~~twelve (12) feet~~ twenty-five (25) feet in height or exceed ~~350 square feet~~ a maximum building footprint of 625ft²
- K. ~~A detached garage or detached car port shall not exceed twelve (12) feet in height or exceed 500 square feet in area.~~

5.01.04 Detached Accessory Dwellings

A. Accessory dwelling units are intended to provide housing for relatives, guests, or domestic helpers. An accessory dwelling unit shall not be considered an apartment, hotel, or other kind of multi-family use. Accessory dwelling units shall not count towards density. Per the City's Comprehensive Plan policy 1.06.05, detached accessory dwelling units shall be permissible in all residential and mixed use zoning districts including R-2, R-3, C-3, and MU-1, in compliance with the following standards:

- 1. The total floor area of the detached accessory dwelling shall not exceed ~~500~~ 625 square feet;
- 2. ~~The unit shall not contain a kitchen, but may contain a kitchenette as defined in Section 1.07.00(B);~~
- 3. The maximum height for an detached accessory dwelling located as a freestanding building or an apartment over a detached garage shall not exceed twenty-five (25) feet, measured from the approved finished grade to the ~~top~~ peak of the roof;
- 4. An detached accessory dwelling shall be located only within a rear yard as established by Section 4.02.03; and
- 5. An accessory dwelling shall comply with all standards set forth in Section 5.01.03;
- 6. ~~The accessory dwelling shall not have a separate water or electric meter.~~

- A. An accessory dwelling is permissible in the I-1 or I-A zoning districts within a building which has as its principal use industrial or commercial uses. The accessory dwelling shall comply with the following standards:
 - 1. The total floor area shall not exceed ~~500~~ 625 square feet, and only one accessory dwelling is permitted per lot of record or business, whichever is more restrictive;
 - ~~2. The unit shall not contain a kitchen, but may contain a kitchenette as defined in Section 1.07.00(B);~~
 - 3. The accessory dwelling shall be provided solely for the occupancy by the owner, the manager, or an employee of the business which is the principal use;
 - 4. The accessory dwelling shall not have a separate water or electric meter from the business it serves;
 - 5. Parking for the accessory dwelling may be shared with the business it serves;
 - 6. The accessory dwelling shall not have a separate exterior entrance from the business entrance.
- B. An accessory dwelling is permissible in the OT-1 or OT-2 zoning districts subject to the standards in Section 4.02.07.



City of Fernandina Beach

To: Planning Advisory Board (PAB) Members
CC: Tammi Bach, City Attorney
From: Kelly N. Gibson, CDD
Date: September 14, 2012
Re: Proposed Changes to LDC- Wetlands Exemption for Water Dependent Uses

At the PAB's October 12, 2012 regular meeting, the board will consider a change to its regulation of wetlands by providing for an exemption from wetland buffer requirements and construction over water bodies. A similar exemption already exists for properties within the CRA as contained in section LDC 4.03.03(D) (1). The change expands the exemption to include all I-W zoned properties and further exempts CRA properties from complying with the 25ft wetland buffer requirement. Approving this change enables new construction to occur as consistent with the intent of the Industrial Waterfront (IW) land use described in the Comprehensive Plan. Further, the exemption provides a mechanism to promote development, redevelopment and retention of viable traditional waterfront economies in Fernandina Beach. This is a stated goal included in the 2007 Waterfronts Florida Vision Plan for Fernandina Beach. In Florida Statute 345.07, the "Legislature recognizes that there is an important state interest in maintaining viable water-dependent support facilities, such as public lodging establishments and boat hauling and repairing and commercial fishing facilities, and in maintaining the availability of public access to the navigable waters of the state. The Legislature further recognizes that the waterways of the state are important for engaging in commerce and the transportation of goods and people upon such waterways and that such commerce and transportation is not feasible unless there is access to and from the navigable waters of the state through recreational and commercial working waterfronts."

The number of properties containing the I-W zoning district or located within the CRA are limited. Generally, they are previously developed sites with historic water-dependent or water-related uses. All of them are located within the City's urbanized areas.

Applicable Comprehensive Plan Policies

Definitions:

Water-dependent Uses – Activities which must be carried out in or adjacent to water areas because the use requires access to the water body for: waterborne transportation, recreation-access, electrical generating facilities, or water supply. These include, but are not limited to, commercial marinas, boat ramps/docks, electrical generation plants, and fishing piers.

Water-related Uses – Activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses. These include, but are not limited to, commercial resorts, campgrounds, fish camps, seafood processing operations, dive ships, and bait and tackle stores.

Policy 1.07.12.

Industrial Waterfront (IW)

- a. The land use category of Industrial Waterfront provides for those industrial activities that require waterfront locations.

- b. Permissible uses include: water dependent uses such as piers, docks, and wharves; ship terminals and facilities for construction and maintenance; bulk storage facilities, limited to materials delivered by ship; military installations, excluding residential uses; heliports; and marinas.
- c. The intensity of development within the industrial waterfront land use category shall not exceed a FAR of 0.75.
- d. The following uses may be permissible, and shall be directly related to port activities: truck terminals; distribution centers; offices to support allowable uses; warehousing; manufacturing and processing; green technologies, and support services, which are an integral part of a port-related activity, such as parking facilities, restaurants, or clinics.
- e. New waterfront industrial locations shall ensure protection of shorelines, other environmentally sensitive lands, and protected natural resources. Appropriate buffers and other site design techniques shall be provided to ensure such protection.

Coastal and Conservation Management Element Policies

Policy 5.05.11.

The City shall continue to maintain an Industrial Waterfront zoning and future land use designation in order to support water-dependent activities such as commercial fishing and shrimping.

Policy 5.05.12.

The City shall evaluate potential exemptions in the Land Development Code to wetlands buffer requirements for resource-based recreational facilities such as trails, boardwalks, piers and boat ramps, and components of water-dependent commercial uses such as port facilities, marinas, fish camps, and commercial fishing operations.

Policy 5.05.13.

The City shall evaluate land development regulations that incentivize maintaining water-dependent uses such as marinas, fish camps, and commercial fishing operations.

Reported Conflicts and Variance Requests

The City has reviewed a variance request for an I-W zoned property located within the defined Waterfronts Florida area. In 2010, an existing marina was required to obtain a variance for the construction of a new storage building on an existing paved parking lot due to its proposed location, roughly five (5) feet from the jurisdictional wetland line. The variance was approved based on findings that the development was compatible with adjacent development and the existing use of the property as a marina. The BOA also stated in their findings of fact that the request was not detrimental to the public. If unchanged, the City can expect to receive additional variance requests from property owners for construction projects that are otherwise compatible with the existing site.

3.03.00 WETLAND PROTECTION

3.03.01 Applicability

The requirements of this section shall apply to all of the areas under the jurisdiction of the Florida DEP, the USACOE, and the SJRWMD, as well as those lands identified as "Conservation" on the FLUM and on the adopted zoning map. Exemptions to buffering requirements exist for resource-based recreational facilities such as trails, boardwalks, piers and boat ramps, and components of water-dependent commercial uses such as port facilities, marinas, fish camps, and commercial fishing operations.

3.03.02 Agency Coordination Required

All new development and redevelopment adjacent to jurisdictional wetlands shall be required to include coordination with the agencies with regulatory jurisdiction over wetlands, including the County, representatives of the Florida DEP, the USACOE, and the SJRWMD, for assistance and verification in identifying and delineating wetlands.

3.03.03 Development Within Wetlands

Except as expressly provided in this section, no development activity shall be permitted in a wetlands area, as described in Section 3.03.01.

- A. Wetlands shall be preserved in their natural state. No fill shall be placed in a wetland, and the wetland shall not be altered.
- B. Buffering requirements for development adjacent to wetlands or natural water bodies:
 - 1. All new development and redevelopment adjacent to jurisdictional wetlands or surface water bodies shall be required to provide a buffer zone of native vegetation at least twenty-five (25) feet wide around wetlands and fifty (50) feet from natural water bodies to prevent erosion, retard runoff, and provide areas for habitat. Due to the nature of water dependent and water related uses, all new construction on properties within the CRA and I-W zoning is exempt from Section 3.01.03(J) as well as the required buffers established by this Section; and
 - 2. This setback shall be required for any development, except docks or piers which have received a permit from the Florida DEP, SJRWMD, or the USACOE.
- C. Permitted activities within areas designated by the City, FDEP, SJRWMD, or the USACOE as wetlands protection zones:
 - 1. Potentially allowable uses adjacent to wetlands protection zones are those uses included in the Conservation land use category on the FLUM;
 - 2. Development is limited to buildings that are supportive of and accessory to the Conservation land use category, such as interpretative centers, rest rooms, or covered picnic pavilions;
 - 3. Developing an area that no longer conforms to the determination of the SJRWMD as wetlands, except former wetlands that have been filled or altered in violation of any rule, regulation, statute, or this LDC. The developer shall demonstrate that the water regime has been permanently altered, either legally or naturally, in a manner so as to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetlands structure and function. Adequate proof shall include statements from federal or State agencies having jurisdiction as

well as technical evidence from registered hydraulics engineers or other certified experts;

4. Development of a wetlands stormwater discharge facility or treatment wetlands in accordance with State permits received under currently relevant sections of the F.A.C.; and
5. Boardwalks, piers, boathouses, boat shelters, fences, duck blinds, wildlife management shelters, footbridges, observation decks and shelters, and other similar water-related structures, provided that installation does not involve grading, fill, dredging, or draining, and provided that such structures are constructed on pilings so as to permit the unobstructed flow of water and light and preserve the natural contour of the wetlands. All pilings shall be driven into place; no jetting of pilings shall be allowed.

4.03.03 Standards for Development in the Community Redevelopment Area Overlay

A. Purpose

It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas.

B. The review of proposed development within the CRA Overlay shall be based upon compliance with the CRA Design Guidelines. Those properties within the CRA Overlay which are also located within the Downtown Historic District Overlay shall be reviewed for compliance with the Historic Preservation Design Guidelines, dated December 1999. All plans for development within the CRA Overlay shall be reviewed by the Historic District Council.

C. Site design standards specified in the overlay supersede the requirements for the underlying zoning district. Specific site design requirements that are not covered by the overlay shall follow the standards of the underlying zoning district.

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

1. Due to the nature of water dependent and water related uses, all new construction is exempt from Section 3.01.03(J) ~~and as well as the required 50 foot buffer from a natural water body as established in Section 3.03.03(B) 1.~~



To: Planning Advisory Board (PAB) Members
Board of Adjustment (BOA) Members
Historic District Council (HDC) Members
Tammi Bach, City Attorney
Marshall McCrary, CDD
Kelly Gibson, CDD
Jennifer Gooding, CDD

From: Adrienne Burke, CDD

Date: 9/10/12

Re: Proposed Changes to Chapter 10 in the Land Development Code

Revisions to the variance provisions in Chapter 10 of the Land Development Code have been discussed for some time, primarily based on feedback from the Board of Adjustment and the Historic District Council that the variance criteria in particular are difficult to administer and confusing for the Boards and applicants. Applicants have pointed out the challenges with the existing variance criteria. The Historic District Council further has found that the existing criteria do not adequately address properties in the historic districts, which may have unique circumstances due to historic construction or placement. Staff concurs, and presents several changes to Chapter 10 to improve the process and align the process with existing practice.

The PAB, HDC, and Board of Adjustment met in July 2012 to discuss these issues. The consensus of the Historic District and Board of Adjustment members at the meeting was that revisions were needed to make the variance criteria more clear for applicants, staff, and Board members. As part of the update process, staff researched ordinances across Florida and in communities in different parts of the country to find examples of how other communities address variance requests. Staff evaluated Chapter 10 as a whole during this process, and **suggests the following changes as follows:**

- Eliminate existing Section 10.01.03 regarding exceptions for affordable housing and historic homes;
- Revise existing Section 10.02.02 regarding required findings for grant of a variance;
- Add new Section 10.02.03 regarding additional variance criteria for projects in the historic districts or Community Redevelopment Area;
- Change to language in former 10.02.03(B)(6) regarding written orders;
- Change to language and add language to former 10.02.03(C) regarding extensions of variance approval; and
- Move former 10.02.03(D), revise one policy and add new criteria regarding limitations on a variance.

Eliminate existing 10.01.03 – Staff feels that this section is not necessary, as substandard lots of record are already honored, regardless of building type. The section also does not really address affordable housing as it

indicates. It is staff's opinion that provisions for affordable housing and historic homes are better addressed elsewhere in the Code.

Revisions to existing Section 10.02.02 regarding required findings for grant of a variance – The 2006 Code lists ten (10) criteria that must all be met in order to grant a variance. Staff, the BOA, and the HDC have found the ten criteria to be problematic for a variety of reasons; for example, criteria may not apply in a particular case or criteria are difficult to understand in relation to specific requests. The Boards have noted that meeting all ten criteria is a very high burden for applicants and almost impossible given the way the current criteria are written. Staff researched many communities in Florida and found that the majority utilize five to six variance criteria, which are generally the same across the communities. This draft suggests aligning our variance criteria more closely with other communities in Florida. Additionally, these draft criteria capture most of the same concepts as in the existing ten criteria, but in a more succinct and understandable format.

Addition of new section 10.02.03: Variance criteria specific to historic districts and the CRA – The HDC is authorized to hear variance cases in the historic districts and Community Redevelopment Area (CRA). This process has worked very well for applicants, so that they do not have to go to two separate public hearings, and can have their variance application and Certificate of Appropriateness applications heard at the same time. However, from a criteria perspective, the HDC and staff feel that the existing variance criteria do not adequately address specific issues related to historic preservation. Even with revisions to the ten criteria, having criteria that take into account the unique nature of historic properties is important. This draft proposes additional criteria that the HDC can take into account for projects in the historic districts or the Community Redevelopment Area. The Historic District Council (HDC) met in 2011 to discuss proposed variance criteria in the historic districts and the CRA.

Change to former 10.02.03(B)(6) – now 10.02.04(B)(6) – Staff proposes changing the language to address final action on a variance, as opposed to “approved or approved with conditions.” This is to take into account denials as well, since staff also issues written findings of fact for denials of variance applications.

Change and addition of language regarding variance extensions to former 10.02.03(C) – now 10.02.04(C) – The proposed change is to change “construction” to “action” regarding activity under a variance approval. Staff felt the term “construction” was limiting, since sometimes variances are granted for activities or circumstances beyond just construction.

This section also includes addition of a reference to proposed section 11.00.04(D) regarding extensions of variance approvals (attached). Variances are approved for a one year period, with an option for one additional year, per the LDC. It has been CDD practice to allow variance approvals to continue, provided the applicant can demonstrate action to receive other additional approvals, such as Florida Department of Environmental Protection coastal construction permits, St. Johns River Water Management District permits, or City Technical Review Committee or Historic District Council approvals. This simply codifies current CDD practice in the Land Development Code. The language in 10.02.04(C) provides a section reference to the language proposed in 11.00.04(D).

Moving former 10.02.03(D) – now 10.02.01(C) - revision of one policy and addition of new criteria regarding limitations on a variance – Staff recommends moving 10.02.03(D) to Section 10.02.01 regarding variances generally. In staff's opinion, this is a logical location for these provisions, as it states clearly at the beginning of the section what variances cannot be granted. This information was buried in the other section regarding

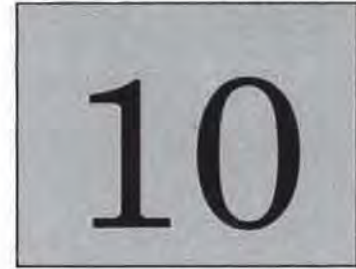
procedures for variances. Placed at the beginning of the section, applicants have better notice as to what is not available for a variance.

The revision is to former policy 10.02.03(D)(2) – new policy 10.02.01(C)(2). Staff agreed that the language was confusing. The better statement is that an applicant cannot apply for a deviation from items in the City's Comprehensive Plan.

In addition, two limitations on a variance are proposed for this section. The first is to eliminate granting a variance based solely on financial hardship arguments. This provision is found throughout the Florida communities that staff researched, and staff recommends including it to be consistent with other Florida communities. The second limitation is to limit variances for procedural or process components of the Land Development Code. Staff has processed at least one variance in the last few years regarding a time limit found in the Land Development Code. Because the variance criteria do not apply to requests of this nature, staff recommends limiting such requests. Staff discussed this issue at the joint meeting in July, and suggested separate criteria for these requests. However, because they are rare, it was suggested that a limitation be placed on procedural/process variances instead of creating a separate process.

Staff will be glad to answer any specific questions you may have, or provide more information if requested.

DRAFT 9/10/12



CHAPTER 10

VARIATIONS FROM CODE REQUIREMENTS

	Page
10.00.00 GENERALLY	10-2
10.01.00 NONCONFORMING SITUATIONS	10-2
10.01.01 Continuation of Nonconforming Uses and Structures	10-2
10.01.02 Expansion or Modification of Nonconforming Uses or Structures	10-2
10.01.03 Exceptions for Affordable Housing and Historic Homes	10-3
10.02.00 VARIANCES	10-4
10.02.01 Generally	10-4
10.02.02 Required Findings for a Grant of a Variance	10-4
<u>10.02.03 Additional Criteria for Findings for a Grant of a Variance in the Historic</u>	<u>10-5</u>
<u>Districts or Community Redevelopment Area</u>	
<u>10.02.04 Procedures for Variances</u>	
10.03.00 ADMINISTRATIVE WAIVERS	10-6
10.03.01 Authority and Limitations	10-6
10.03.02 Procedure	10-6
10.03.03 Annual Report Required	10-7

10.00.00 GENERALLY

The purpose of this chapter is to provide mechanisms for obtaining relief from the provisions of this LDC where hardship would otherwise occur. There are several ways that potential relief from hardship is addressed: relief through requirements regarding nonconforming development; relief through the grant of a variance from the design standards of this LDC; relief through the grant of an administrative waiver in specific situations; and relief through recognition of vested rights regarding use and/or design.

10.01.00 NONCONFORMING SITUATIONS

10.01.01 Continuation of Nonconforming Uses and Structures

- A. Subject to the provisions in Section 10.01.00, the lawful use of land or buildings existing on the date of enactment of this LDC shall be allowed to continue.
- B. Nothing in this chapter shall be construed to prevent the ordinary and routine maintenance and repair of nonconforming structures.
- C. Nothing in this section shall require any change in plans, construction, or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been commenced within six (6) months of the date of that permit.
- D. Dwelling units made available for resort rental housing uses in the R-1 and R-2 districts as of the effective date of Ordinance No. 2000-28 (October 3, 2000), shall be permitted to continue to be used as such, provided that the resort rental permit has not expired.
- E. If a structure located within the city receives storm damage or other structural damage in excess of fifty (50%) of the appraised value of the structure, such structure may be replaced in compliance with current laws and ordinances, including those enacted since the construction of the subject structure. If the structure was nonconforming based on density or zoning, it may be re-constructed at no greater nonconformity than prior to when it was damaged. In no instance may any nonconformity be expanded.

10.01.02 Expansion or Modification of Nonconforming Uses or Structures

- A. Nonconforming structures shall not be expanded except in compliance with this section.
- B. An expansion in square footage shall be permitted where such expansion meets all requirements of this LDC.
- C. Nonconforming Historic Structures. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a nonconforming historic structure may be permissible when authorized by the HDC in the form of a Certificate of Appropriateness, provided:
 - 1. The structure lies within the Historic District Overlay;
 - 2. Any unsafe conditions are corrected;
 - 3. The use(s) therein shall be in conformance with all applicable provisions of this chapter.

- D. An expansion of a nonconforming structure is permissible that is otherwise required by law or ordered by the City Manager to secure the safety of the building.
- E. A nonconforming structure which was lawfully erected on a lot of record may be reconstructed if it is substantially damaged or destroyed, provided that:
 - 1. The reconstruction does not result in an increase in the nonconformity of the lot area, yards, setbacks or density;
 - 2. The number of dwelling units in such reconstructed structure does not exceed the number of units in existence at the time of damage or destruction;
 - 3. The repair or reconstruction is substantially completed within twenty-four months of the date of such damage.
- F. An expansion may be permitted where such expansion is solely to extend an existing use throughout the building in which the use occurs on the date of enactment of this LDC. Such expansion shall not be extended to occupy any land outside the building, including parking and other impervious surfaces.
- G. Any nonconforming use shall be brought into full compliance with all provisions of this Code if any of the following activities occur:
 - 1. When the nonconforming use has been discontinued for a period of 180 days;
 - 2. If a nonconforming structure or portion of any structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official of the City to be an unsafe building, it shall not thereafter be repaired or rebuilt except in conformity with this land development code.

~~10.01.03 Exceptions for Affordable Housing and Historic Homes~~

~~In accordance with, and in furtherance of the comprehensive plan, certain lots are exempt from the provision of Section 10.01.00 regarding nonconforming buildings:~~

- A. ~~Development may be permissible when a lot meets the following conditions:~~
 - 1. ~~The lot complies with the standards set forth in the LDC except that the lot width is less than the standard required for the zoning district in which the lot is located;~~
 - 2. ~~The lot is located west of Egans Creek; and~~
 - 3. ~~Evidence is provided that development will provide affordable housing for very low, low, or moderate income persons or families, as the same are defined in Section 420.602, F.S.~~
- B. ~~Development is permissible where development is necessary for the preservation of historically significant housing, in compliance with the provisions of the comprehensive plan.~~

10.02.00 VARIANCES

10.02.01 Generally

- A. Within the Historic District Overlays and the CRA Overlay, the HDC may authorize a variance from the design and improvement standards of the LDC and may issue exceptions from the CRA design guidelines where the required findings of Section 10.02.00 are met.
- B. The BOA may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlays or the CRA Overlay, where requirements of Section 10.02.00 are met.
- C. Limitations on the grant of a variance (Moved from Former 10.02.03(D))
 - 1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
 - 2. A variance shall not be granted which authorizes any use or standard that is ~~expressly~~ prohibited by ~~this LDC~~ the City's Comprehensive Plan.
 - 3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.
 - 4. A variance shall not change the requirements for concurrency.
 - 5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
 - 6. A variance shall not be granted if the primary evidence submitted by an applicant is a demonstration of financial hardship or economic considerations.
 - 7. A variance shall not be granted for procedure or process components of this Land Development Code.

10.02.02 Required Findings for a Grant of a Variance

- A. In order for an application for a variance to be approved or approved with conditions, the BOA or the HDC shall find that all of the following criteria apply: ~~make a positive finding with regard to each of the following provisions:~~
 - 1. Special Conditions:
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - b. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.
 - 2. Special Privilege: Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.

3. Literal Interpretation: Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
 4. Minimum Variance: The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.
 5. General Harmony: Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.
 6. Public Interest: Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.
-
- ~~1. There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC;~~
 - ~~2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs;~~
 - ~~3. The need for the proposed variance is due to the physical shape, configuration, topographical condition, or environmental conservation of the lot and such conditions distinguishes the lot from other lots in the same zoning district;~~
 - ~~4. The proposed variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of lots in the same zoning district;~~
 - ~~5. The grant of the proposed variance does not confer on the applicant any special privilege that is denied by this LDC to other lands, buildings, or structures in the same zoning district;~~
 - ~~6. The proposed variance does not substantially increase congestion on surrounding streets, does not increase the danger of fire or other hazard, and will not otherwise be detrimental to the health, safety, or general welfare of the public;~~
 - ~~7. The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the surrounding neighborhood;~~
 - ~~8. The variance granted is the minimum variance that results in reasonable use of the land, building, or structure;~~
 - ~~9. The effect of the proposed variance is consistent with the general intent of the LDC and the specific intent of the relevant standards and criteria; and~~
 - ~~10. The effect of the proposed variance is consistent with the comprehensive plan and does not increase density.~~
- B. The applicant for a variance has the burden of proof of demonstrating that the application for a variance complies with each of the requirements of Section 10.02.02(A).

10.02.03 Additional Criteria for Findings for a Grant of a Variance in the Historic Districts or Community Redevelopment Area

In acting on variance requests in the Historic District Overlays or the Community Redevelopment Area Overlay, the Historic District Council may be guided by the following in addition to the criteria in Section 10.02.02(A):

A. That a variance is necessary to maintain the historic character of property through demonstrating that:

1. A variance would not be contrary to the public interest, safety, or welfare.
2. Special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.
3. Literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character, of the historic district or historic site.
4. The variance requested is the minimum necessary to preserve the historic character of a historic site or of a historic district.
5. In the case of the alteration of an existing building, the proposed design would incorporate materials, details, or other elements not permitted by the Land Development Code but which can be documented by photographs, architectural or archaeological research or other suitable evidence to have been used on other buildings of a similar vintage and style in the Historic District in which the building is located, provided that the project will not destroy significant architectural features on the building.
6. In the case of new construction, the proposed design incorporates materials, details, setbacks, massing or other elements that are not permitted by the Land Development Code but which would enhance the quality of the design for the new building or structure, provided that said new building or structure otherwise complies with the criteria for new construction in the Historic District in which the building or structure is proposed to be located and provided further that it would also have a beneficial effect on the historic character of the visually related area.

B. Or, as an alternative to subsection (A), that a variance is necessary to accommodate an appropriate adaptive reuse of a structure within a Historic District or upon a Historic Site through demonstrating that:

1. A variance would not be contrary to the public interest, safety, or welfare.
2. The variance would not significantly diminish the historic character of the Historic District or Site.
3. That the variance requested is the minimum necessary to effect the adaptive reuse of an existing structure or site.
4. The proposed design would incorporate materials, details, or other elements not permitted by the Land Development Code but which can be documented

by photographs, architectural or archaeological research or other suitable evidence to have been used on other buildings of a similar vintage and style in the Historic District in which the building is located, provided that the project will not destroy significant architectural features on the building.

~~10.02.03~~ 10.02.04 Procedures for Variances

A. Applications

1. An application for a variance shall include the information required for all applications, as set forth in Section 11.01.03 and City established policies, as amended from time to time.
2. An application for a variance shall include a statement explaining how the variance request conforms to all requirements listed in Section 10.02.02 (A).
3. An application for a variance for development subject to site plan review and approval shall be decided by the BOA or HDC prior to completion of the site plan review process.

B. Review of applications

1. An application for a variance shall be reviewed by the City Manager for compliance with the requirements set forth in Section 10.02.02(A). The City Manager shall prepare a compliance report to the BOA or HDC.
2. A public hearing shall be scheduled before the BOA or the HDC.
3. Notice shall be provided pursuant to the requirements of Section 11.02.00.
4. The BOA or HDC shall conduct the public hearing in accordance with the procedures set forth in Section 11.04.00.
5. The BOA or HDC shall approve, deny, or approve with conditions the application for variance, based upon findings regarding conditions set forth in Section 10.02.02(A).
6. The City Manager shall issue a written order to the applicant when ~~the variance is approved or approved with conditions~~ final action on the variance is taken by the BOA or HDC.

C. Expiration of variance approval

Any variance authorized by the BOA or HDC, for which ~~construction~~ action has not commenced within one (1) year from the date on which the decision of the BOA or HDC is reduced to a written order, or if appealed, the date on which the order becomes final, shall be deemed abandoned and be void and of no further force and effect. See LDC Section 11.00.04(D) for extension allowances.

~~D. Limitations on the grant of a variance~~ Moved to 10.02.01(C)

- ~~1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.~~

~~2. A variance shall not be granted which authorizes any use or standard that is expressly prohibited by this LDC the City's Comprehensive Plan.~~

~~3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.~~

~~4. A variance shall not change the requirements for concurrency.~~

~~5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.~~

D. Appeals on a Variance.

- Any person aggrieved by any decision of the BOA or HDC regarding a variance may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the filing of the decision at the office of the board; otherwise the decision of the board will be final.

10.03.00 ADMINISTRATIVE WAIVERS

10.03.01 Authority and Limitations

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

- A. A reduction in the minimum front, side, or rear yard setbacks for a single lot, provided the following standards are met:
 1. The reduction is necessary in order to implement tree protection standards of this LDC; and
 2. The reduction is limited to a maximum of ten (10) percent of the minimum standard.
- B. A reduction in the parking requirement, provided the following standards are met:
 1. The reduction is necessary in order to implement tree protection standards of this LDC;
 2. The reduction is limited to either one (1) space or two (2) percent of the parking requirement, whichever is more; and
 3. The reduction does not limit the availability or location of required handicapped parking.
- C. A reduction in a dimensional standard, other than a setback as set forth in Section (A) above, provided that all of the following conditions are met:
 1. A property owner inadvertently fails to comply with the dimensional requirements and such failure is identified after the start of construction;

2. The difference between the required dimensional standard set forth in this LDC and the actual measurement is not more than three (3) inches; and
3. Failure to comply with the required dimensional standard shall not result in an adverse health, safety, or welfare impact.

10.03.02 Procedure

- A. An application for an administrative waiver shall meet the requirements set forth in Section 11.01.03. and City established policies, as amended from time to time.
- B. An application for an administrative waiver shall include a statement explaining how the request conforms to all requirements listed in Section 10.03.02(A), (B), or (C).
- C. The City Manager shall evaluate the application for administrative waiver for compliance with the requirements set forth in Section 10.03.02(A), (B), or (C), and shall issue a notice of intent to approve or deny the application. The notice shall meet the requirements of Section 11.02.00.
- D. When an application is approved, the City Manager shall issue a written order following the notice period. When the application is denied, the City Manager shall notify the applicant in writing.

10.03.03 Annual Report Required

An annual report shall be prepared to summarize the number and type of administrative waivers granted in the previous year. Such reports shall be prepared in January of each year for the previous calendar year. Annual reports shall be presented to the Planning Commission for review and comment. Annual reports, together with recommendations from the Planning Commission, if any, shall be forwarded to the City Commission.

11.00.04 Expiration of Local Development Orders and Development Permits

- A. A local development order shall expire twelve (12) months after the date of issuance unless a longer period is specifically provided.
- B. A development permit shall expire six (6) months after the date of issuance, unless work has commenced and is continuing in good faith, pursuant to all provisions of the permit.
- C. Prior to expiration of a local development order or a development permit, the local development order or development permit may be extended for a period not to exceed six (6) months, subject to the following:
 - 1. A written request for an extension shall be submitted to the City.
 - 2. Applicable fees for extension shall be paid.
 - 3. No more than two (2) such six (6) month extensions shall be issued.
- D. Local Development Orders for which subsequent approvals are required (for example, FDEP approval for coastal construction, TRC site plan approval, or HDC design approval) shall be considered valid beyond the twelve (12) month expiration, provided the applicant can demonstrate proof of due diligence to obtain such approvals during the initial approval period.



City of Fernandina Beach

TO: PAB/HDC/BOA Board Members
Tammi Bach, City Attorney
Marshall McCrary, CDD Director
Adrienne Burke, HDC Staff Planner
Jennifer Gooding, BOA Staff Planner

FROM: Kelly N. Gibson, PAB Staff Planner

DATE: July 19, 2012

RE: Land Development Code Updates Specific to Variances

At the upcoming PAB/HDC/BOA joint boards meeting on July 31, 2012, discussion will focus on upcoming Land Development Code (LDC) changes to the City's existing variance criteria and consideration of an approach towards implementing policies that preserve established neighborhood character. It is our intent that this meeting will serve to bring all board members together to achieve a mutual understanding for the path that planning staff would like to put in place for our upcoming LDC updates. The discussion topics provided to you will require your full participation at this meeting. ***Our goal is to revise the LDC such that it conforms to our neighborhoods rather than forcing our neighborhoods to conform to the code.***

Agenda Items 1.1 - 1.3

The first topic to be discussed will be the existing variance criteria specific to the City's historic districts. Over the past year, Staff has worked with the Historic District Council (HDC) to revise the Land Development Code and consolidate all activities of the HDC within one chapter (Chapter 8). One of their recommendations is a request to consider variance criteria that better relates to historic structures. The HDC is authorized to hear variance cases in the historic districts and Amelia River Waterfront Community Redevelopment Area. This process has worked very well for applicants, so that they do not have to go to two separate public hearings, and can have their variance application and Certificate of Appropriateness applications heard at the same time. However, from a criteria perspective, the HDC and staff feel that the existing 10-variance criteria do not adequately address specific issues related to historic preservation. A draft copy of the proposed changes to these criteria is contained as back-up material for this memo and identified as **Attachment A**. Staff is also interested in discussing modifications to the existing 10 variance criteria used by the Board of Adjustment to determine where any streamlining of criteria or refinements can be made. Further, Staff would like to discuss the creation of variance review criteria related to administrative procedures such as, the extension of a COA.

Agenda Item 1.4

Earlier this year (February), the City completed updates to its Comprehensive Plan based on its 2010 adopted Evaluation and Appraisal Report (EAR). One of the community identified "major issues" of the previous Comprehensive Plan was Neighborhood Preservation. The EAR report found that the existing Comprehensive Plan and Land Development Code did not address the needs of these City's non-designated but unique neighborhoods. These neighborhoods represent building trends from the early twentieth century to the present day. For the most part,

these neighborhoods were built between the 1930's through the 1970's. Over time, American housing has undergone a major change from smaller homes to larger homes; since the 1950's, the average American house size has increased by 138%. Homes in 1950 had an average of 1000 square feet versus 2434 square feet in 2006. The homes in many neighborhoods in Fernandina Beach have less square footage than the typical new home being constructed today. In addition to incompatible or inadequate Land Development Code policies regarding these neighborhoods, they are also subject to development pressure in the form of teardowns. Teardowns can be entire structural demolition with replacement of a new structure, or major reconstruction or renovation that renders the original structure virtually destroyed.

Additionally, strictly conforming to current Land Development Code regulations results in substantial change to the existing character of a structure, encourages demolition, or prevents currently non-conforming structures from retaining or expanding their non-conformities. Existing regulations must be identified then, revised to reflect the varying neighborhoods design characteristics. For example, current zoning regulations that require twenty-five foot front yard setbacks in residential zoned neighborhoods are not necessarily appropriate in neighborhoods built during the 1930s and 1940s that have smaller front yards. Any change a homeowner wishes to create that would violate that setback are deemed to be increasing the "non-conformity" and not allowable absent a variance. This zoning regulation does not adequately take into account the unique development pattern of this neighborhood, and demonstrates only one example of a current regulation that creates a burden on a property owner should they wish to make any changes to their home. To comply with all current zoning, it may be easier for a property owner or developer to demolish the structure and start anew under existing codes.

Staff would like to discuss the creation of *context sensitive design standards* to allow for greater flexibility in setback requirements to encourage retention of existing structures that contribute to the unique characteristics of our established neighborhoods. There are countless examples of context sensitive design standards throughout the country, from large urban cities looking to maintain their traditional main streets to small rural towns trying to retain the agricultural nature of their community. The general approach envisioned to work best for Fernandina Beach would be reviewing properties for setbacks on an individual basis. Fair setback requirements would regulated by the design characteristics of neighboring properties within each block or a pre-defined area. Planning Staff review for compliance would take place at the time of permitting and may result in discussion between property owners and/ or architects, engineers, or contractors prior to submitting an application for a building permit. We would like to get your feedback and agreement on this approach.

Over the past six years, the HDC and BOA have collectively reviewed 40 cases that specifically requested a deviation from setback requirements (LDC section 4.02.03). Of these, 32 cases were approved. Further, the boards considered 13 cases requesting a deviation from setback requirements for accessory structures (LDC section 5.01.03) and all were approved. Together, variances from sections 4.02.03 and 5.01.03 represent nearly 60% of all variance requests received since 2006 of which 85% were granted approval. The development of context sensitive design standards embedded in the LDC and permitted through administrative review will serve to reduce the need to obtain variances from standard setbacks requirements by allowing conformance to the existing neighborhood characteristics. Staff is also interested in developing meaningful design requirements for accessory structures to address the frequent variance requests from setbacks, height, or square footage limitations. Addressing these issues through consideration of a context sensitive design approach will serve to make the City more business and development friendly by eliminating the need for board review for cases such as these – saving both time and money for property owners.

I look forward to seeing you all at the meeting and welcome any advance questions you may have. Please feel free to contact Planning Staff at (904) 277-7325.

Sec. XX-X. Variances.

10.02.00 VARIANCES ~~TO BE DISCUSSED WITH PAB AND BOA IN GROUP MEETING - JULY 2012~~

10.02.01 Generally

- A. Within the Historic District Overlays and the CRA Overlay, the HDC may authorize a variance from the design and improvement standards of the LDC and may issue exceptions from the CRA design guidelines where the required findings of Section 10.02.00 are met.
- ~~B. The BOA HDC may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlay or the CRA Overlay, where requirements of Section 10.02.00 are met.~~

10.02.02 Required Findings for a Grant of a Variance in the Historic Districts ~~or CRA (separate criteria for CRA?)~~

- A. In order for an application for a variance to be approved or approved with conditions, the ~~BOA or~~ the HDC shall make a positive finding with regard to each of the following provisions:
 - 1. There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC;
 - 2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce development costs;
 - 3. The need for the proposed variance is due to the physical shape, configuration, topographical condition, or environmental conservation of the lot and such conditions distinguishes the lot from other lots in the same zoning district;
 - 4. The proposed variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of lots in the same zoning district;
 - 5. The grant of the proposed variance does not confer on the applicant any special privilege that is denied by this LDC to other lands, buildings, or structures in the same zoning district;
 - 6. The proposed variance does not substantially increase congestion on surrounding streets, does not increase the danger of fire or other hazard, and will not otherwise be detrimental to the health, safety, or general welfare of the public;
 - 1. The development following the proposed variance is compatible with adjacent and nearby development and does not alter the essential character of the surrounding neighborhood;
 - 2. The variance granted is the minimum variance that results in reasonable use of the land, building, or structure;
 - 9. The effect of the proposed variance is consistent with the general intent of the LDC and the specific intent of the relevant standards and criteria; and
 - 1. The effect of the proposed variance is consistent with the comprehensive plan and does not increase density.

~~May change depending on language for more broad administrative waivers/context assessments.~~

In acting on variance requests, the HDC may be guided by the following in addition to the criteria normally used by the Board of Adjustment:

(1) That a variance is necessary to maintain the historic character of property through demonstrating that:

(a) A variance would not be contrary to the public interest, safety, or welfare.

(b) Special conditions and circumstances exist, because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.

(c) Literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district, or historic site to such an extent that it would not be feasible to preserve the historic character, of the historic district or historic site.

(d) The variance requested is the minimum necessary to preserve the historic character of a historic site or of a historic district.

(e) In the case of the alteration of an existing building, the proposed design would incorporate materials, details, or other elements not permitted by the Land Development Code but which can be documented by photographs, architectural or archaeological research or other suitable evidence to have been used on other buildings of a similar vintage and style in the Historic District in which the building is located, provided that the project will not destroy significant architectural features on the building.

(f) In the case of new construction, the proposed design incorporates materials, details, setbacks, massing or other elements that are not permitted by the Land Development Code but which would enhance the quality of the design for the new building or structure, provided that said new building or structure otherwise complies with the criteria for new construction in the Historic District in which the building or structure is proposed to be located and provided further that it would also have a beneficial effect on the historic character of the visually related area.

(2) Or, as an alternative to subsection (1), that a variance is necessary to accommodate an appropriate adaptive reuse of a structure within a Historic District or upon a Historic Site through demonstrating that:

(a) A variance would not be contrary to the public interest, safety, or welfare.

(b) The variance would not significantly diminish the historic character of the Historic District or Site.

(c) That the variance requested is the minimum necessary to effect the adaptive reuse of an existing structure or site.

(d) The proposed design would incorporate materials, details, or other elements not permitted by the Land Development Code but which can be documented by photographs, architectural or archaeological research or other suitable evidence to have been used on other buildings of a similar vintage and style in the Historic District in which the building is located, provided that the project will not destroy significant architectural features on the building.

B. The applicant for a variance has the burden of proof of demonstrating that the application for a variance complies with each of the requirements of Section 10.02.02(A).

10.02.03 Procedures for Variances

A. Applications

1. An application for a variance shall include the information required for all applications, as set forth in Section 11.01.03.
3. An application for a variance shall include a statement explaining how the variance request conforms to all requirements listed in Section 10.02.02 (A).
4. An application for a variance for development subject to site plan review and approval shall be decided by the BOA or HDC prior to completion of the site plan review process.

B. Review of applications

2. An application for a variance shall be reviewed by the City Manager for compliance with the requirements set forth in Section 10.02.02(A). The City Manager shall prepare a compliance report to the BOA or HDC.
5. A public hearing shall be scheduled before the BOA or the HDC.
6. Notice shall be provided pursuant to the requirements of Section 11.02.00.
7. The BOA or HDC shall conduct the public hearing in accordance with the procedures set forth in Section 11.04.00.
8. The BOA or HDC shall approve, deny, or approve with conditions the application for variance, based upon findings regarding conditions set forth in Section 10.02.02(A).

9. The City Manager shall issue a written order to the applicant when the variance is approved or approved with conditions by the BOA or HDC.

C. Expiration of variance approval

Any variance authorized by the BOA or HDC, for which construction has not commenced within one (1) year from the date on which the decision of the BOA or HDC is reduced to a written order, or if appealed, the date on which the order becomes final, shall be deemed abandoned and be void and of no further force and effect.

D. Limitations on the grant of a variance

3. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
10. A variance shall not be granted which authorizes any use or standard that is expressly prohibited by this LDC.
11. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.
12. A variance shall not change the requirements for concurrency.
13. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.

E. Appeals on a Variance.

1. Any person aggrieved by any decision of the BOA or HDC regarding a variance may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the filing of the decision at the office of the board; otherwise the decision of the board will be final.

Call to Order

Mr. Marshall McCrary called the meeting to order at 5:05 pm.

Roll Call/Determination of Quorum

Planning Advisory Board Members Present

Eric Bartelt, Vice-Chair	Mark Bennett
Len Kreger	Ted Kostich
Judith Lane (alternate)	Charles Rogers (alternate)

Historic District Council Members Present

Bruce Meger	Jose Miranda (alternate)
George Sheffield (alternate)	

Board of Adjustment Members Present

Pat Gass, Chairperson	Lynn Williams
Charles Burns	

Others Present

Tammi Bach, City Attorney
Marshall McCrary, Community Development Department Director
Jennifer Gooding, City Planner
Kelly Gibson, City Planner
Adrienne Burke, City Planner

1.1 REVIEW PROPOSED VARIANCE CRITERIA FOR PROPERTIES LOCATED WITHIN HISTORIC DISTRICTS - Mr. McCrary briefly explained the background for having this meeting including that the HDC has found that in considering variances in the historic district and the Community Redevelopment Area (CRA) the ten criteria are limiting when dealing with aspects of the historic district. He pointed out that the HDC provided some suggested additional criteria to be used in making a decision. He briefly commented about the other topics that would be discussed at this meeting.

Ms. Burke stated that the HDC doesn't process a lot of variances, but when they do they run into the challenge of evaluating a project solely on the ten criteria when often the request is addressing an issue applies to design in the historic district. She briefly related an example of a variance from the front yard setback. She explained that she researched eleven different communities who have variance criteria specific to historic districts. She pointed out that the proposed changes were included in the agenda supporting documents and they took into account the design factors, which give the board and staff more flexibility to take into account design considerations specific to the historic district. There was some discussion about the proposed changes and examples from recent cases were explained to clarify the need for change.

It was noted that the City can amend the ten criteria to what is most meaningful especially in light of the revised Comprehensive Plan. The PAB would be considering any text amendment prior to it going before the City Commission.

Ms. Burke clarified that within Appendix A provided for the meeting the only proposed changes were the items underlined. She restated that they used other communities as examples that have additional criteria for historic district properties. Member Kostich commented that reading through this it seems fair.

Mr. McCrary referred to the existing ten variance criteria and explained that they have just migrated forward from the past code. He pointed out that the new Comprehensive Plan doesn't say that the City doesn't want to support non-conforming structures. He commented that in fact non-conforming structures may be a great thing, because as an example half of downtown could be considered non-conforming structures. He reminded the boards that variances used to solely go to the BOA, but since the 2006 revision to the Land Development Code the HDC reviews variances for the historic district. He expressed his opinion that there can be different standards for the historic district, since the City already treats the historic district differently. There was some discussion about the changes benefiting the citizens and making it easier to do reasonable things to their property. It was noted that the ten criteria can be confusing to the applicants and the board members as well.

1.2 DISCUSS EXISTING LAND DEVELOPMENT CODE VARIANCE CRITERIA – Mr. McCrary pointed out that the current language says that you shall meet all ten criteria, but that doesn't give any subjective room at the staff level. He explained that a change could be made that would allow decision makers to weigh the impacts, especially since variances are a case-by-case basis. After a brief discussion, Member Lane questioned if this was looking strictly at the historic district. She expressed her concern with substantially changing the ten to other neighborhoods, because some of this could be good. Mr. McCrary clarified that these were the things that staff and the HDC wanted to address.

Member Burns pointed out that the BOA finds itself in the same situation as the HDC, because they have the ten criteria and not every project fits. He stated that then they go to the Comprehensive Plan and the Land Development Code (LDC) to come up with a reason to allow the activity. Mr. McCrary explained that staff was looking for a sense from the group as to whether or not staff should move forward with evaluating these criteria and bring something back for the entire group to assess. He commented that it would be great to have a baseline set of criteria applicable citywide and the HDC has supplemental criteria to factor on top of the other criteria. He pointed out that staff hasn't spent a lot of time yet assessing the ten criteria and evaluating options.

Member Lane requested to weigh in separately at some point on the ten criteria. There was some discussion about the information presented and whether there was a consensus of the boards to proceed. It was noted that the City was in the gradual process of rewriting the LDC and that there were other items staff was working on before the PAB would consider variance criteria.

Member Williams commented that addressing things such as they've seen at the BOA (i.e. setbacks to the water's edge, overlays) then the need for variances might be diminished. Mr. McCrary explained that the City has acknowledged the types of variances it was seeing and they are nominal. He stated they are typically tied to either trying to squeeze more height out of a structure at the beach or validate being able to split a lot or trying to honor what was there before. Member Lane suggested that the language be written to get rid of as much subjectivity as possible, because you need to cut down personal preference. Ms. Burke explained that was why the criteria should allow for flexibility

and be more reflective of the cases that are being seen. She stated that a way to eliminate a lot of subjectivity at the board level is by having a really solid staff report that has specific things to take into account and consider. She pointed out that if the staff has more flexibility into how they can evaluate things that would provide better information to the board.

Member Sheffield commented that the HDC has difficulty getting past the first two criteria, because they can't reach consensus of what constitutes a hardship. Member Lane stated that criteria number four was one of the weirdest to her and questioned what does preserve a substantial property right really mean. Member Kostich commented that staff should be able to pick and choose some of these as to what is applicable in a case. There was further discussion about the idea of giving the ability to say that a certain criteria may not be applicable. It was noted that staff also wanted to eliminate as much subjectivity as possible, and be able to make better connections to things in the Comprehensive Plan.

Ms. Burke briefly explained that a frequent variance request before the HDC is related to setbacks for accessory structures and by fixing the setback requirement would eliminate about half the variances. Member Bennett questioned what a frequent request was outside of the historic district. Mr. McCrary replied setbacks and at the beach side yard setbacks. Ms. Gooding stated that most have been setbacks for either front or rear yard. Mr. McCrary explained that applicants meet with staff prior to applying for a variance and its staff job to validate the request to see if there is another way to do this without having to go through the variance process.

Chair Gass commented that she would like information shared with the board that everything else possible was tried and either it wouldn't work or the applicant wasn't willing to do anything different. There was a brief discussion about this and the idea of having criteria about the applicant evaluating other options. It was noted that some people are impacted by lot size in a subdivision ~~or~~ and changes to the code over the years don't allow what others in the immediate area have already done to their property. A point was brought up that maybe the code would need to be changed for some things rather than having to go through the variance process.

1.3 DISCUSS CREATION OF REVIEW CRITERIA FOR PROCEDURAL VARIANCES – This was discussed after item 1.4.

1.4 DISCUSS THE COMPREHENSIVE PLAN'S DIRECTION FOR NEIGHBORHOOD PRESERVATION AND POTENTIAL CHANGES TO ADDRESS THIS DIRECTION SUCH AS CONTEXT SENSITIVE DESIGN REQUIREMENTS – Mr. McCrary commented that part of looking at redesign and options to avoid going for a variance is recognizing the City's existing built pattern. He stated that within the Comprehensive Plan neighborhood preservation is included and so is trying to discourage regulations that would make it easier for someone to tear down a structure and rebuild it. He explained that this isn't very sustainable and it can destroy the character of the neighborhood.

He pointed out that the City could modify zoning requirements specific to that neighborhood to recognize the fill pattern. He stated that another option is to look at the existing built pattern and allow there to be an administrative waiver aspect to a front yard or rear yard setback based on the surrounding block. He explained that downtown provides a fine example for where that should apply (i.e. to build to R-2 standards would be detrimental and contrary to existing structures within the historic district). He pointed out that the architectural survey that was done identified that the City has certain unique neighborhoods and using that, staff wanted to establish some neighborhood planning areas as well as specific zoning unique to those neighborhoods. There was some discussion about this and having a sound rationale behind any administrative process. It was suggested to

maintain the opportunity for an applicant to come before the board for an appeal if there was a denial at the staff level.

Member Kostich briefly commented that it is important to go to these different neighborhoods and see what is important to the neighbors. Mr. McCrary stated that neighborhood perseverance was among the top four major issues in the Comprehensive Plan. Chair Gass suggested that when developers are creating subdivisions and cutting up the lots that they ~~are~~ be forced to allow room to grow. She explained that if you build a three bedroom house and stay there you may one day need to either build up or out, but if the lot is all being used the owners have nowhere to go. There was a brief discussion about this.

DISCUSS CREATION OF REVIEW CRITERIA FOR PROCEDURAL VARIANCES – Mr. McCrary pointed out as an example that a Certificate of Appropriateness is granted for a period of one year and staff is authorized to extend it for one year. He commented that there are a number of variance criteria that are typically tied to the land and impact to the surrounding area. He questioned if there was any merit to looking at criteria specific for procedural variances versus site specific variances.

Member Burns suggested that once the plans are in the hands of the building department that there is no deadline anymore. Mr. McCrary pointed out that the variance language says that it expires after a year unless you made application for a building permit. He explained that in the instance where the Department of Environmental Protection (DEP) is involved it may take a year and a half to get DEP approval. There was some discussion about having a time limit on the variance to make sure the public is aware while still giving the property owner a reasonable amount of time. The board members suggested having some sort of proof that the applicant was still actively pursuing the DEP permit when they are asking for an extension beyond two years. There was further discussion about whether to have criteria for granting a procedural variance.

Ms. Gibson explained that staff would move forward based on this discussion and prepare some code amendments. Member Miranda inquired about the timeline. Ms. Burke stated that the goal was to bring the PAB the draft Chapter 8 in September. Ms. Gibson explained that the board would see some of the sections towards the end of the year. Member Miranda questioned when to anticipate formal adoption. Ms. Gibson replied probably early next year. She explained that it was being done by special topics that need to be addressed (i.e. variances), then the other pieces are amendments for glitches or recurring issues, and then Comprehensive Plan revisions based on special topics grouped together where they can. There was some general discussion about the topics from this meeting noting the need to take care of existing neighborhoods. It was noted that the Comprehensive Plan was only as good as the ability to implement it.

Adjournment - There being no further business to come before the Planning Advisory Board, the Historic District Council, and the Board of Adjustment the meeting was adjourned 6:16 p.m.

David Beal, Chairman

Eric Bartelt, Vice Chair

SUBJECT: Ordinance 2012-28
2nd Reading - LDC Amendments Chapters 2-5 and 10-11

DEPARTMENT: Community Development Department

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

RECOMMENDED ACTION: Approve Ordinance 2012-28 at 2nd Reading.

SUMMARY: This ordinance proposes Land Development Code (LDC) amendments as directed by the City's 2030 Comprehensive Plan and as identified in a staff maintained log of errors and inconsistencies encountered while working with the LDC since 2006. Changes to Chapters 2 and 5 deal with accessory dwelling units and accessory structures. More specifically, the proposed revision expands the allowable districts for accessory dwelling units to all residential districts and modifies the site design regulations for all accessory structures. Changes to Chapters 3 and 4 seek to provide an exemption from wetlands buffer requirements for water dependent or water related uses (as defined in the Comp Plan) and located in the Industrial Waterfront (I-W) zoning district or within the Community Redevelopment Area (CRA). Changes to Chapter 10 are intended to provide clarity for property owners seeking variances from the LDC by revising review criteria and providing additional review criteria for properties located in the historic districts and the CRA. The Chapter 11 change simply codifies an existing standard practice in CDD for the extension of a Local Development Order providing for public transparency. The ordinance has been revised to reflect the City Commission's changes made at 1st Reading on November 7, 2012. Staff recommends approval of the Ordinance and will be available to address questions at the meeting.

FISCAL IMPACT: None.

CITY ATTORNEY COMMENTS: No Additional Comments

DEPARTMENT HEAD	Submitted by: Marshall McCrary, CDD Director	Date: 11/16/12
	Requested Agenda	Date: 12/4/12
FINANCE DEPARTMENT	Approved as to Budget Requirements N/A	Date: _____
CITY ATTORNEY	Approved as to Form TEB	Date: 11/20/12
CITY MANAGER	Approved Agenda Item for 12/4/12 Joe S	Date: 11/19/12

COMMISSION ACTION: ☐ Approved As Recommended ☐ Disapproved
☐ Approved With Modification ☐ Postponed to Time Certain
☐ Other ☒ Tabled 2nd meeting in January.

FLORIDA'S OLDEST WEEKLY NEWSPAPER

NEWS LEADER

www.fbnewsleader.com

Sponsored By:



72°F

More...

Proudly serving the community over 150 years

Wednesday January 9, 2013

News Sections

- [Front Page](#)
- [Local News](#)
- [Opinion](#)
- [Sports](#)
- [At Your Leisure](#)
- [Around Town](#)
- [Obituaries](#)
- [Legals](#)
- [Classifieds](#)
- [Real Estate](#)
- Special Sections**
- Online Sections**
- [Financial News](#)
- [Health News](#)
- [Online Extras](#)
- [Entertainment](#)
- Services**
- [Advertise](#)
- [Archives](#)
- [Guestbook](#)
- [Submit a Letter](#)
- [Place an Ad](#)
- [Subscribe Online](#)
- [Online Payments](#)
- [Billing Questions](#)
- [Local Links](#)
- [About Us](#)
- Forms**
- [Anniversary](#)
- [Wedding / Engagement](#)
- [Birth](#)
- [Press Release](#)
- Search Classifieds**

Search Archives

Legals

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH
NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, January 15, 2013 at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following Ordinances:
ORDINANCE NO. 2012-28
ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, REVISING CHAPTERS 2 AND 5 ACCESSORY STRUCTURES AND ACCESSORY DWELLINGS, CHAPTER 3 AND 4 TO PROVIDE A WETLANDS EXEMPTION FOR WATER DEPENDENT AND WATER RELATED USES IN THE INDUSTRIAL WATERFRONT ZONING CATEGORY AND COMMUNITY REDEVELOPMENT AREA, CHAPTER 10 VARIANCE PROVISIONS AND ADDING REVIEW CRITERIA FOR HISTORIC DISTRICTS AND THE COMMUNITY REDEVELOPMENT AREA, AND CHAPTER 11 CLARIFYING LOCAL DEVELOPMENT ORDERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
 Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399, (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.
IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
 Copies of the application may be inspected in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305.
 11 01-02-2013
 1122

Notice Under Fictitious Name Law
 Pursuant to Section 865.09, Florida Statutes
NOTICE IS HEREBY GIVEN that the undersigned, desiring to engage in business under the fictitious name of "Go PC" located at 1925 South 14th Street, Suite 1 in the County of Nassau, in the City of Fernandina Beach, Florida, 32034 intends to register the said name with the Division of Corporations of the Florida Department of State, Tallahassee, Florida.
 Dated at Fernandina Beach, Florida, this 1st day of January, 2013.
 Teresa Prince for Heulan N. Simpson, MGR
 Simpson Tech Solutions, LLC
 11 01-02-2013
 1123

Legal Notice
 We will sell or otherwise dispose of the contents of the following units to satisfy the delinquent storage lien placed in accordance with the state of Florida Statue 83.806,
 1008 Michael Petty
 General Household Goods
 1012 Shara Lynn Svoboda
 General Household Goods
 1043 Denise Hill
 General Household Goods
 1045 Aaron Arnold Goodson

FLORIDA PUBLIC NOTICES
 www.FLORIDAPUBLICNOTICES.COM

Real Estate Listings
 In the mountains of North Carolina and Georgia



FLORIDA'S OLDEST WEEKLY NEWSPAPER

NEWS LEADER

AMELIA ISLAND • FERNANDINA BEACH • NASSAU COUNTY

P. O. Box 766, 511 Ash Street * Fernandina Beach, FL 32035
 (904) 261-3696 * (904) 261-3698 Fax
 Fed. I.D. # 58-2249820

Attn: Kim Elliot-Briley

Fax: 277-7308

Ref# 1122

NOTICE OF PUBLIC HEARING CITY COMMISSION

CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for Tuesday, January 15, 2013 at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following Ordinances:

ORDINANCE NO. 2012-28

ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE, REVISING CHAPTERS 2 AND 5 ACCESSORY STRUCTURES AND ACCESSORY DWELLINGS, CHAPTER 3 AND 4 TO PROVIDE A WETLANDS EXEMPTION FOR WATER DEPENDENT AND WATER RELATED USES IN THE INDUSTRIAL WATERFRONT ZONING CATEGORY AND COMMUNITY REDEVELOPMENT AREA, CHAPTER 10 VARIANCE PROVISIONS, AND ADDING REVIEW CRITERIA FOR HISTORIC DISTRICTS AND THE COMMUNITY REDEVELOPMENT AREA, AND CHAPTER 11 CLARIFYING LOCAL DEVELOPMENT ORDERS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action which may

be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 277-7305, TTY 277-7399 (TTY number for all City offices) or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

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

Copies of the application may be inspected in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305, T1 01-02-2013

1122

December 27th, 2012

Please REVIEW and SIGN below.

THIS AD WILL RUN AS PRINTED on
1/2/2013

Unless notification of errors is received before
2:00 pm, FRIDAY.

Fax to: 904-261-3698.

Thank you,

Legal Advertising



APPROVED AS PRINTED

By:

Mary L. Mercer

Signature

Mary L. Mercer

Print Name

12/28/12

Date

Mary Mercer

From: Mary Mercer
Sent: Friday, December 28, 2012 10:35 AM
To: Fernandina Legals (legals@fbnewsleader.com)
Cc: Kim Briley
Subject: FW: Legal Ad Ord 2012-28 for January 2nd Edition Legal Section



Proof Ord.
#2012-28.PDF

Katherine:

Attached is the proof for Ordinance #2012-28 that will be placed in the 1/2/2013 edition of the News-Leader. The proof looks good.

Thanking you in advance,

Mary L. Mercer, C.M.C.

City Clerk

City of Fernandina Beach

204 Ash Street

Fernandina Beach, FL 32034

904/277-7305

904/277-7308 (Fax)

TDD: 277-7399

Email: mmercerc@fbfl.org

Website: www.fbfl.us

Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempt by the Public Records Law. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Katherine Thornton [<mailto:legals@fbnewsleader.com>]
Sent: Thursday, November 29, 2012 10:57 AM
To: Mary Mercer
Subject: Read: Legal Ad Ord 2012-27 for December 5th Edition Legal Section

Your message

To:

Subject: Read: Legal Ad Ord 2012-27 for December 5th Edition Legal Section

Sent: Thursday, November 29, 2012 10:59:08 AM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, November 29, 2012 10:57:19 AM (UTC-05:00) Eastern Time (US & Canada).

ORDINANCE 2013-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA SUBMITTING TO THE CITY ELECTORS A PROPOSED AMENDMENT TO THE CHARTER WHICH REPEALS SECTION 107A REGARDING LIMITATIONS ON COMMUNITY REDEVELOPMENT AREAS; PROVIDING FOR A REFERENDUM ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, THE CITY OF FERNANDINA BEACH HEREBY ORDAINS:

SECTION 1. It is hereby proposed that the amendments to the charter of the City of Fernandina Beach be adopted.

SECTION 2. It is proposed that Section 107A of the City of Fernandina Beach's Charter be hereby repealed as follows:

~~Section 107A. Community Redevelopment Areas.~~

~~The City of Fernandina Beach is prohibited from creating any more than two non-contiguous, community redevelopment areas (CRA), pursuant to F.S. ch. 163, part III. The City of Fernandina Beach is prohibited from creating any such CRA wherein the assessed value for ad valorem tax purposes of the real property contained within such CRA would exceed two percent (2%) of the total assessed value of all real property in the city at the time of creation of such CRA.~~

SECTION 3. A referendum election is hereby called and will be held on the 5th day of November, 2013 at the regular City Election to be held on said date, for the consideration by the voters of the City of Fernandina Beach of the proposed amendments to the City Charter. The questions to appear on the referendum ballot reflecting the proposed amendments to the City Charter at the election scheduled for November 5, 2013 shall be as follows:

Question No. 1

Community Redevelopment Areas

Should the City Charter be amended to repeal Section 107A regarding the limitation on the number of community redevelopment areas that may be created in the City and the 2% limitation on total value of real property contained within community redevelopment areas within the City?

Yes – for Approval

No – for Rejection

SECTION 4. The City Clerk is directed to notify the Nassau County Supervisor of Elections that the referendum items provided above shall be considered at the regular City election to be held on November 5, 2013 by the electors of the City of Fernandina Beach.

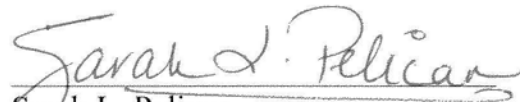
SECTION 5. This ordinance shall be published in accordance with law.

SECTION 6. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

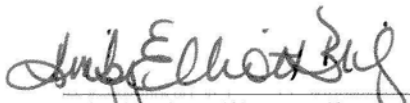
SECTION 7. The provisions of this ordinance shall take effect immediately upon its passage and adoption. The amendments to the Charter shall take effect only upon approval of a majority of the City electors voting at the referendum election on each issue and upon the filing of the amended Charter with all amendments approved by the City electors with the Secretary of State.

ADOPTED this 20th day of August, 2013.

CITY OF FERNANDINA BEACH


Sarah L. Pelican
Commissioner – Mayor

ATTEST:


Kimberly Elliott Briley
City Clerk Pro Tem

APPROVED AS TO FORM AND LEGALITY:


Tammi E. Bach
City Attorney

**NOTICE OF PUBLIC HEARING-
CITY COMMISSION**

CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN

that a Public Hearing is scheduled for Tuesday, August 20, 2013 at 6:00 PM in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following Ordinances:

ORDINANCE 2013-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, SUBMITTING TO THE CITY ELECTORS A PROPOSED AMENDMENT TO THE CHARTER WHICH REPEALS SECTION 107A REGARDING LIMITATIONS ON COMMUNITY REDEVELOPMENT AREAS; PROVIDING FOR A REFERENDUM ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program of activity should contact 277-7305, or TTY/TDD 711 (for the hearing or speech impaired) at least 24 hours in advance to request such accommodation.

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

INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the application may be inspected in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 277-7305.
11 08-07-2013
1664

FLORIDA'S OLDEST WEEKLY NEWSPAPER

NEWS LEADER

AMELIA ISLAND • FERNANDINA BEACH • NASSAU COUNTY

Published Weekly

**511 Ash Street/P.O. Box 16766 (904) 261-3696
Fernandina Beach, Nassau County, Florida 32034**

STATE OF FLORIDA COUNTY OF NASSAU:

Before the undersigned authority personally appeared

Michael B. Hankins

Who on oath says that he is the Advertising Director of the Fernandina Beach News-Leader, a weekly newspaper published at Fernandina Beach in Nassau County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of

NOTICE OF PUBLIC HEARING

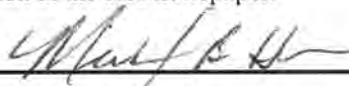
ORDINANCE 2013-20

Was published in said newspaper in the issues of

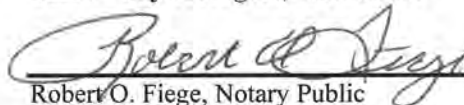
8/07/2013

Ref# 1664

Affiant further says that the said Fernandina Beach News-Leader is a newspaper published at Fernandina Beach, in said Nassau County, Florida and that the said newspaper has heretofore been continuously published in said Nassau County, Florida, each week and has been entered as second class mail matter at the post office in Fernandina Beach in said Nassau County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and Affiant further says that he has neither paid nor promised any the purpose of securing this advertisement for publication in the said newspaper.



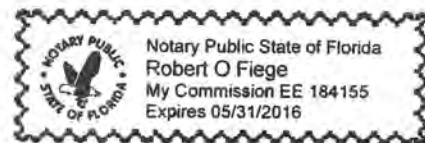
Sworn to and subscribed before me
This 7th day of August, A.D. 2013.



Robert O. Fiege, Notary Public



Personally Known



CCO 001-1600-521-4700

FLORIDA'S OLDEST WEEKLY NEWSPAPER

NEWS LEADER

P. O. Box 16766, 511 Ash Street * Fernandina Beach, FL 32035
(904) 261-3696 * (904) 261-3698 Fax
Fed. I.D. # 58-2249820

EMAIL: kelliott@fbfl.org
alester@fbfl.org

Ref# 1664

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH
NOTICE IS HEREBY GIVEN
that a Public Hearing is sched-
uled for Tuesday, August 20,
2013 at 6:00 PM in the City
Commission Chambers, 204
Ash Street Fernandina Beach,
Florida to consider the follow-
ing Ordinances:

ORDINANCE 2013-20
AN ORDINANCE OF THE
CITY COMMISSION OF THE CITY
OF FERNANDINA BEACH,
FLORIDA SUBMITTING TO THE
CITY ELECTORS A PROPOSED
AMENDMENT TO THE CHARTER
WHICH REPEALS SECTION 107A
REGARDING LIMITATIONS ON
COMMUNITY REDEVELOPMENT
AREAS, PROVIDING FOR A REF-
ERENDUM ELECTION; PROVID-
ING FOR SEVERABILITY, AND
PROVIDING FOR AN EFFECTIVE
DATE

Interested parties may
appear at said hearing and
be heard as to the advisabil-
ity of any action, which may
be considered. Any persons
with disabilities requiring
accommodations in order to
participate in this program or
activity should contact 277-
7305, or TTY/TDD 711 (for the
hearing or speech impaired)
at least 24 hours in advance to
request such accommoda-
tion.

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

Copies of the application
may be inspected in the office
of the City Clerk, City Hall, 204
Ash Street, between the hours
of 8:00 AM - 5:00 PM, Monday
through Friday. For informa-
tion on the application, please
contact the Staff of the City
Clerk's Office at 277-7305.
11-08-07-2013
1664

August 2nd, 2013

Please REVIEW and SIGN below.

THIS AD WILL RUN AS PRINTED on
08/07/2013

Unless notification of errors is received before
2:00 pm, MONDAY.

Fax to: 904-261-3698.

Thank you,

Legal Advertising

APPROVED AS PRINTED

By: _____

Signature

Print Name

Date

August 7, 2013
Newspaper Edition

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH
NOTICE IS HEREBY GIVEN
that a Public Hearing is sched-
uled for Tuesday, August 20,
2013 at 6:00 PM in the City
Commission Chambers, 204
Ash Street Fernandina Beach,
Florida to consider the follow-
ing Ordinances:

ORDINANCE 2013-20

AN ORDINANCE OF THE
CITY COMMISSION OF THE CITY
OF FERNANDINA BEACH,
FLORIDA SUBMITTING TO THE
CITY ELECTORS A PROPOSED
AMENDMENT TO THE CHARTER
WHICH REPEALS SECTION 107A
REGARDING LIMITATIONS ON
COMMUNITY REDEVELOPMENT
AREAS, PROVIDING FOR A REF-
ERENDUM ELECTION, PROVID-
ING FOR SEVERABILITY, AND
PROVIDING FOR AN EFFECTIVE
DATE.

Interested parties may
appear at said hearing and
be heard as to the advisabil-
ity of any action which may
be considered. Any persons
with disabilities requiring
accommodations in order to
participate in this program or
activity should contact 277-
7305, or TTY/TDD 711 (for the
hearing or speech impaired)
at least 24 hours in advance to
request such accommoda-
tion.

IF ANY PERSON DECIDES TO
APPEAL ANY DECISION MADE
BY THE BOARD/COMMISSION
WITH RESPECT TO ANY MATTER
CONSIDERED AT SUCH HEAR-
ING, S/HE WILL NEED TO
ENSURE THAT A VERBATIM
RECORD OF THE PROCEED-
INGS IS MADE WHICH RECORD

INCLUDES THE TESTIMONY AND
EVIDENCE UPON WHICH THE
APPEAL IS TO BE BASED.

Copies of the application
may be inspected in the office
of the City Clerk, City Hall, 204
Ash Street between the hours
of 8:00 AM - 5:00 PM Monday
through Friday. For informa-
tion on the application, please
contact the Staff of the City
Clerk's Office at 277-7305.
11-08-07-2013
1664

CITY COMMISSION AGENDA ITEM
CITY OF FERNANDINA BEACH

SUBJECT: Ordinance 2013-20
Charter Amendment – Repealing Section 107A
Community Redevelopment Areas

DEPARTMENT: City Attorney

ATTACHMENTS: ☒ Ordinance ☐ Resolution
☐ Support Documents ☐ Other

RECOMMENDED ACTION: Approve Ordinance 2013-20 at 2nd reading.

SUMMARY: At the June 18, 2013 City Commission meeting, the Commission directed the City Attorney to draft an ordinance for consideration by the Commission repealing Section 107A of the City Charter regarding limitations on the total taxable value of real property (2% of total value within City) within Community Redevelopment Areas (CRA's) and the number of CRA's that can be created within the City (maximum of 2 non-contiguous CRA's). If approved by the City Commission on first reading, second and final reading would be scheduled for August 20, 2013. The ballot question will be submitted to the City voters at the November 5, 2013 general election should the proposed ordinance be adopted by the City Commission. Ballot language is due to the Supervisor of Elections in late August.

FISCAL IMPACT: Unknown at this time.

CITY ATTORNEY COMMENTS: See above.

DEPARTMENT HEAD	Submitted by: Tammi E. Bach City Attorney	Date: 08/02/13
	Requested Agenda	Date: 08/20/13
FINANCE DEPARTMENT	Approved as to Budget Requirements <i>MA</i>	Date: <i>8/18/13</i>
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: <i>8/18/13</i>
CITY MANAGER	Approved Agenda Item for 08/20/13 <i>Jan</i>	Date: 08/02/13

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

Approved at the City Commission Meeting
Held on *8-20-13*
Voted: *5-0* Initial: *TEB*

ORDINANCE 2015-35

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE SPECIFIC TO PROVISIONS WHICH REGULATE DEVELOPMENT OF THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA, REVISING CHAPTER 4 SECTIONS 4.01.01 AND 4.02.03(E); AND CHAPTER 8, SECTION 8.01.02; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development; and

WHEREAS, the Amelia River Waterfront Community Redevelopment Area (CRA) Advisory Board established a goal to issue recommendations for changes to the Land Development Code which support and foster redevelopment activities; and

WHEREAS, in review of the LDC for opportunities to foster redevelopment of properties within the Amelia River Waterfront CRA the CRA Advisory Board determined it was necessary and appropriate to increase points available for certain actions taken to achieve a density bonus, to eliminate some of the mid-block and mid-lot view corridor requirements imposed on waterfront lots, and to reduce residential parking requirements from two spaces per unit to one space per unit; and

WHEREAS, LDC Section 4.02.03 (E) contains an incorrect reference to a section of code which no longer exists and these amendments seek to replace the references with the proper citations in Chapter 8; and

WHEREAS, the Historic District Council (HDC) was provided an opportunity to review the recommended changes at a Regular Meeting on September 17, 2015 and are in agreement with the revisions; and

WHEREAS, the City's planning staff have reviewed the proposed changes for consistency with the City's Comprehensive Plan and Land Development Code and finds the request sufficiently compliant to be approved at this time; and

WHEREAS, the proposed amendments will specifically modify the following chapters and sections of the Land Development Code including Chapter 4, Sections 4.01.01 and 4.02.03(E); and Chapter 8, Section 8.01.02; and

WHEREAS, the Planning Advisory Board has reviewed the suggested amendments in public meetings held on September 16, 2015 and November 12, 2015 and has issued a recommendation of approval; and

WHEREAS, notice of public hearing on such amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on October 30, 2015.

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

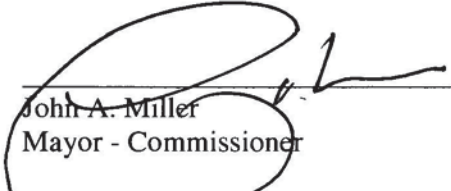
SECTION 1. The City Commission hereby approves and adopts modifications to the Land Development Code of the City of Fernandina Beach, attached hereto as Exhibit "A".

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

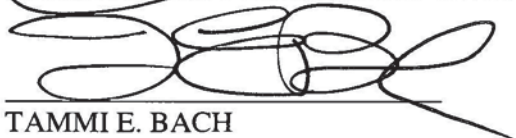
ADOPTED this 19th day of January, 2016.

CITY OF FERNANDINA BEACH



John A. Miller
Mayor - Commissioner

APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH
City Attorney

ATTEST:



CAROLINE BEST
City Clerk

ORDINANCE 2015-35
EXHIBIT "A"

4.01.01 Density Bonus Provisions

Fernandina Beach Community Redevelopment Area (CRA) Density Bonus Incentive Program

The CRA Density Bonus Incentive Program is only available to those properties within the Fernandina Beach CRA, as adopted by Resolution 2006-28, which carry the Central Business District (CBD) future land use designation/ C-3 zoning and are not within the Coastal High Hazard Area (CHHA). This program has been developed as a mechanism to encourage additional residential density within the CRA and is not a development requirement. Property owners and developers wishing to take advantage of the potential additional density provided by the bonus program are required to demonstrate full compliance with its requirements through the site design review process. Further, the completed scorecard shall be approved as part of the local development order and recorded with the Nassau County Clerk of Courts in the form of a deed restriction. All committed improvements shall be inspected prior to issuance of a certificate of occupancy. Property dedications are subject to the City's acceptance of the land.

The Density Bonus Scorecard (Table 4.01.02(A)) is a tool created to evaluate a developments' ability to obtain a density bonus. It is composed of five (5) categories: Housing Type Mix, Mixed Use, Community Amenities, Green Building Certification and Sustainable Site Development Practices. Each category contains a maximum number of points within the overall category. Projects that obtain additional points within the category are not permitted to transfer those points to any other category. The total number of points in all five (5) categories combined equals 100 points. The density bonus multiplier is applied to the project's underlying lots of record. Projects are able to obtain a density bonus multiplier if they achieve the required total number of points as follows:

- Eligibility for 1.5 multiplier dwelling units per lot of record bonus requires 40% of the Potential Points
- Eligibility for 2.0 multiplier dwelling units per lot of record bonus requires 55% of the Potential Points
- Eligibility for 2.5 multiplier dwelling units per lot of record bonus requires 70% of the Potential Points
- Eligibility for 3.0 multiplier dwelling units per lot of record bonus requires 85% of the Potential Points

Each of the categories in the Density Bonus Incentive Program are intended to address a community identified need or goal. The Housing Type Mix category encourages a mixture of smaller dwelling units within the overall development scheme which provides an opportunity to achieve more affordable units and workforce housing within the CRA. The Mixed Use category seeks to obtain a development pattern compatible with the existing Central Business District whereby there is a mix of retail, restaurants and professional offices with residential units. A category for Community Amenities is included in order to realize several of the goals of the CRA such as retention of historic structures, maintenance of views, pedestrian corridors and providing for infrastructure improvements. The Green Building Certification category awards points to project that have taken the necessary steps to obtain a nationally recognized green building certification. Points for Sustainable Site Development Practices provide points for achieving certain measurable sustainable building techniques.

Table 4.01.02(A) CRA DENSITY BONUS SCORECARD

CATEGORY	MEASURE	POINTS
HOUSING TYPE MIX	20% and above of total units- 750 sq ft or under	17 <u>20</u>
	20% through 80% of total units- 751- 1000 sq ft	12 <u>20</u>
	20% through 60% of total units- 1,001-1,250 sq ft	6 <u>10</u>
	Housing Type Mix Maximum Points	35
MIXED USE	Minimum 10% <u>8%</u> of gross floor area contains non-residential use (not including parking)	10
	Mixed Use Maximum Points	10
COMMUNIT Y AMENITIES	Project Reuses & Restores Existing Contributing or Non-Contributing Historic Structures On-Site	5
	Interconnected Public Spaces: Interconnected public spaces and pedestrian ways internal to the project site- <i>Partial Block</i> OR	5
	Interconnected public spaces and pedestrian ways internal to the project site- <i>Full Block</i>	10
	Project Contains Publicly Accessible Rooftop Amenities (Minimum of 400 sq. ft.)	8
	Project Contains Publicly Accessible Rooftop Green Openspace (50% of rooftop)	8
	Implementing Streetscape Improvements in Accordance with Approved CRA Streetscape (Within Project ROW)	7 <u>10</u>
	Dedication of Land: City acquisition of 5% of the project site (minimum 2,500 sq. ft) to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition) OR	5
	City acquisition of 10% of the project site to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition)	10
	Public Outdoor Open Space: 2% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace OR	4 <u>8</u>
	4% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace OR	6 <u>12</u>
	6% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace	8 <u>16</u>
	Contribution of monies towards CRA infrastructure improvements above and beyond the costs of development impacts (\$25,000 / point up to a maximum of 10 <u>35</u> points)	10 <u>35</u>

Table 4.01.02(A) CRA DENSITY BONUS SCORECARD (continued)

CATEGORY	MEASURE	POINTS
GREEN BUILDING CERTIFICATION	Nationally Recognized Sustainable Rating System (LEED, Green Globes, Earth Craft, etc.)	5
	Green Building Certification Maximum Points	5
SUSTAINABLE SITE DEVELOPMENT PRACTICES	HERS Rating OR Other Energy Conservation HERS Rating of 70-61 OR	3 5
	HERS Rating of 60-51 OR	5 7
	HERS Rating of 50-16 OR	7 10
	HERS Rating of 15 or below	10 15
	OR	
	Project Uses Solar Water Heaters for all Commercial and Residential Units	1
	Project Contains On-site Renewable Energy	1
	Project Contains/ Requires All Energy Star Rated Appliances and Fixtures	1
	ADDITIONAL CREDITS	
	Project Uses Water Efficient Landscaping (Xeriscape & Rain Gardens)- Minimum of 75% of required landscaped area	1
	Florida Water Star Certified Project	2
	Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Parking Areas	1
	Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Tree Planting	1
	Project Diverts a Minimum of 50% of all Construction Waste Away from Landfills (re-use on-site or recycle hauler)	3
	Project Contains On-site Use of Collected Stormwater	2
	Reduced Non-Roof Heat Island Effect to a Minimum of 40% of Hardscape	2
	Reduced Roof Heat Island Effect (Green Roof or Reflective Roof)	3
	Project Provides a Central Storage Facility internal to the Project for the Collection of Recyclable Waste	2
	Sustainable Site Development Practices Maximum Points	15
TOTAL MAXIMUM POINTS		100

Table 4.02.03(E). Standards for Building Heights and Setbacks

Zoning District	Maximum Building Height (ft.) ¹	Minimum Setback			
		Front (ft.)	Side ²	Rear (ft.)	Corner Lot (side abutting street) (ft.) ³
RE	35	25	10% of lot width	25	15
R1-G	35	25	10% of lot width	25, 50 feet for fairway lots	15
R-1	35	25	10% of lot width	25	15
RLM	35	25	10% of lot width	25	15
R-2	35	25	10% of lot width	20	15
R-3	45	25	10% of lot width	20	15
OT-1	35	See specific standards in Section 4.02.07 8.01.01.02.			
OT-2	35	See specific standards in Section 4.02.07 8.01.01.02.			
MU-1	35	None	None ⁴	10	10
C-1	45	None	None ⁴	10	10
C-2	45	None	None	None	None
C-3	45	None	None	None	None
I-1	45 ⁵	None	None	None	None
I-A	45	None	None	None	None
I-W	35	None	None	None	None
W-1	See specific standards in Section 4.03.03 8.01.02.				
PI-1	45	25	10	10	10
CON	25	None	None	None	None
REC	25	None	None	None	None

8.01.02 Amelia River Waterfront Community Redevelopment Area

A. Purpose

It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas.

B. The review of proposed development within the CRA Overlay shall be based upon compliance with the CRA Design Guidelines. Those properties within the CRA Overlay which are also located within the Downtown Historic District Overlay shall be reviewed for compliance with the Historic Preservation Design Guidelines, dated December 1999. All plans for development within the CRA Overlay shall be reviewed by the Historic District Council.

C. Site design standards specified in the overlay supersede the requirements for the underlying zoning district. Specific site design requirements that are not covered by the overlay shall follow the standards of the underlying zoning district.

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

1. All new construction that is a water dependent or water related use is exempt from Section 3.01.03(J) and Section 3.03.03(B) 1.
2. Building height shall be measured from the Base Flood Elevation (BFE) to the top of the roof, rather than from the finished grade, as established in 4.02.03(C). The maximum height of all structures shall not exceed thirty (30) feet in height above the BFE. Permissible roof forms shall be in compliance with the adopted CRA Design Guidelines.
3. Properties that have obtained the Waterfront Mixed Use Future Land Use designation are eligible for land uses in addition to those permitted in the Waterfront Industrial zoning and are specified in Tables 2.03.02 and 2.03.03. Floor area ratio shall not exceed 0.75. The floor area ratio shall be calculated based on the developable land area and shall include portions of the site which remain submerged. Residential units are permitted if the property has a FLUM category of WMU and the units are located above a non-residential use. Stand-alone residential units are prohibited.
4. Developers of Office, Commercial, and/or Waterfront Industrial 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 two spaces per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking.
5. Front and rear yard setbacks are not required. In order to preserve view corridors and pedestrian access to the Amelia River, side yard setbacks and breaks between structures shall be provided as follows:

A. View Corridors

1. A 15-foot side yard setback on each side yard ~~of a platted lot~~ is required for water lots located to the north of Centre Street (water lots 1 through 9). These locations provide for alignment with existing east-west rights-of-ways at Alachua, Broome and Calhoun Streets, ~~and also provide for mid block corridors. The mid block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.~~

2. ~~Water lots to the south of Centre Street (water lots 25 through 40) shall provide a 30-foot break minimum view corridor between buildings, at intervals of no more than 200 feet as measured along Front Street. To be consistent with corridor alignment to the north of Centre Street, these 30 foot breaks shall align with existing east west rights of way at Ash, Beech, and Cedar Streets and shall also provide for mid block corridors. The mid block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.~~
3. These view corridors shall remain open to the sky and shall not include any parking areas, accessory structures or mechanical equipment. ~~Limited parking area for loading and unloading may be permitted subject to compliance with adopted CRA Design Guidelines relating to the Public Waterfront Design Area. Certain encroachments and structural elements may be permitted within these view corridors subject to compliance with the adopted CRA Design Guidelines.~~

B. Pedestrian Access

1. ~~In addition to the required view corridors, p~~Publicly accessible pedestrian access to the water shall be integrated into the project's site design. These accessways shall provide a minimum width of ten (10) feet and shall occur ~~at intervals of no more than 100 feet (plus or minus up to ten (10) feet) as measured along Front Street.~~ at the view corridor locations. Accessways may vary in size and design as necessary to complement the overall project design. To encourage architectural variety and visual interest, certain encroachments and structural elements may be permitted within the accessways subject to compliance with the adopted CRA Design Guidelines. These accessways may be dedicated to public use through easements or dedication of right-of-way, or they may be retained under private ownership. In either case, these accessways shall remain open to and accessible by the public. If deemed necessary for security purposes, accessway closures may be permitted based on the posted operational hours of City beach access parking (exclusive of Main Beach or Seaside Parks).

E. Properties located within the CRA east of Front Street are subject to the following standards:

1. Facades up to thirty (30) feet in height shall have a front yard setback no more than ten (10) feet.
2. Facades up to forty-five (45) feet in height shall be recessed from the first thirty (30) feet of façade a minimum of ten (10) feet. Awnings, pergolas, or covered balconies may encroach into this setback, but shall not extend beyond the first thirty (30) feet of facade. Elements utilized to cover balconies shall not be a part of the main roof structure. Balcony enclosures (i.e., sun rooms, screened enclosures) shall be prohibited.
3. CRA properties located on the east side of North 2nd Street which share a property line with residentially-zoned, non-CRA properties shall meet the following standards:
 - a. Building height shall be limited to thirty-five (35) feet, including the parapet for flat roofed structures.

- 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 4.05.05(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 ~~two~~ one spaces 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.
- 10. CRA properties located east of Front Street which carry the Central Business District future land use designation/C-3 zoning, and are not within the Coastal High Hazard Area (CHHA) are eligible to participate in a Density Bonus Incentive Program as described in Section 4.01.02.

OFFICE USE ONLY

REC'D: 10/23/15 BY: RG
PAYMENT: \$ _____ TYPE: _____
APPLICATION #: 2015-0001547
CASE #: PAB 2015-17
BOARD MEETING DATE: 11/12/15

**PLANNING ADVISORY BOARD APPLICATION**

- | | |
|--|--|
| ☐ ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – PRELIM (\$750) |
| ☐ LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600) | ☐ SUBDIVISION PLAT – FINAL (\$850) |
| ☒ LDC TEXT AMENDMENT (\$850) | ☐ VACATION OF R.O.W. (\$850) |
| ☐ COMP PLAN AMENDMENT (\$850) | ☐ VOLUNTARY ANNEXATION (\$1050) |

APPLICANT INFORMATION

Owner Name: City of Fernandina Beach

Mailing Address: 204 Ash Street

Telephone: 904-310-3100 **Fax:** _____

Email: jpgerrity@fbfl.org

Agent Name: Marshall McCrary

Mailing Address: 204 Ash Street

Telephone: 904-310-3100 **Fax:** _____

Email: dmccrary@fbfl.org

PROPERTY INFORMATION

Street Address: N/A

Parcel Identification Number(s): _____

Lot Number: _____ **Block Number:** _____ **Subdivision:** _____

Section: _____ **Township:** _____ **Range:** _____

PROJECT INFORMATION

Total Number of Lots/Parcels: _____

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

Existing Zoning Classification: _____

Existing Future Land Use Classification: _____

Previous Planning/Zoning Approvals: _____

Description of Request:

Amending the CRA Density Bonus Incentive Program contained in LDC Section 4.01.01

and amending table 4.02.03 (E) W-1 zoning category reference to LDC Section 8.01.02 instead of 4.03.03, and modifying LDC Section 8.01.02 specific standards for development within the CRA.

SIGNATURE/NOTARY

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

10/23/2015
Date

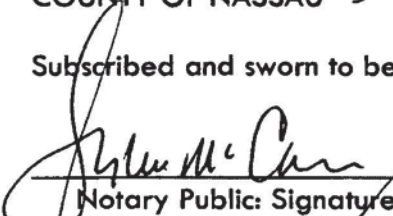

Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss



SYLVIE McCANN
Notary Public, State of Florida
My Comm. Expires Nov. 12, 2016
Commission No. EE 850673

Subscribed and sworn to before me this 23 day of oct, 2015


Notary Public: Signature

SYLVIE McCANN
Printed Name

11/12/16
My Commission Expires

Personally Known ☒ OR Produced Identification _____ ID Produced: _____

4.01.01 Density Bonus Provisions

Fernandina Beach Community Redevelopment Area (CRA) Density Bonus Incentive Program

The CRA Density Bonus Incentive Program is only available to those properties within the Fernandina Beach CRA, as adopted by Resolution 2006-28, which carry the Central Business District (CBD) future land use designation/ C-3 zoning and are not within the Coastal High Hazard Area (CHHA). This program has been developed as a mechanism to encourage additional residential density within the CRA and is not a development requirement. Property owners and developers wishing to take advantage of the potential additional density provided by the bonus program are required to demonstrate full compliance with its requirements through the site design review process. Further, the completed scorecard shall be approved as part of the local development order and recorded with the Nassau County Clerk of Courts in the form of a deed restriction. All committed improvements shall be inspected prior to issuance of a certificate of occupancy. Property dedications are subject to the City's acceptance of the land.

The Density Bonus Scorecard (Table 4.01.02(A)) is a tool created to evaluate a developments' ability to obtain a density bonus. It is composed of five (5) categories: Housing Type Mix, Mixed Use, Community Amenities, Green Building Certification and Sustainable Site Development Practices. Each category contains a maximum number of points within the overall category. Projects that obtain additional points within the category are not permitted to transfer those points to any other category. The total number of points in all five (5) categories combined equals 100 points. The density bonus multiplier is applied to the project's underlying lots of record. Projects are able to obtain a density bonus multiplier if they achieve the required total number of points as follows:

- Eligibility for 1.5 multiplier dwelling units per lot of record bonus requires 40% of the Potential Points
- Eligibility for 2.0 multiplier dwelling units per lot of record bonus requires 55% of the Potential Points
- Eligibility for 2.5 multiplier dwelling units per lot of record bonus requires 70% of the Potential Points
- Eligibility for 3.0 multiplier dwelling units per lot of record bonus requires 85% of the Potential Points

Each of the categories in the Density Bonus Incentive Program are intended to address a community identified need or goal. The Housing Type Mix category encourages a mixture of smaller dwelling units within the overall development scheme which provides an opportunity to achieve more affordable units and workforce housing within the CRA. The Mixed Use category seeks to obtain a development pattern compatible with the existing Central Business District whereby there is a mix of retail, restaurants and professional offices with residential units. A category for Community Amenities is included in order to realize several of the goals of the CRA such as retention of historic structures, maintenance of views, pedestrian corridors and providing for infrastructure improvements. The Green Building Certification category awards points to project that have taken the necessary steps to obtain a nationally recognized green building certification. Points for Sustainable Site Development Practices provide points for achieving certain measurable sustainable building techniques.

Table 4.01.02(A) CRA DENSITY BONUS SCORECARD

CATEGORY	MEASURE	POINTS
HOUSING TYPE MIX	20% and above of total units- 750 sq ft or under	17 <u>20</u>
	20% through 80% of total units- 751- 1000 sq ft	12 <u>20</u>
	20% through 60% of total units- 1,001-1,250 sq ft	6 <u>10</u>
MIXED USE	Minimum 10% <u>8%</u> of gross floor area contains non-residential use (not including parking)	10
	Mixed Use Maximum Points	10
COMMUNITY AMENITIES	Project Reuses & Restores Existing Contributing or Non-Contributing Historic Structures On-Site	5
	Interconnected Public Spaces: Interconnected public spaces and pedestrian ways internal to the	5

	project site- <i>Partial Block</i> OR	
	Interconnected public spaces and pedestrian ways internal to the project site- <i>Full Block</i>	7 10
	Project Contains Publicly Accessible Rooftop Amenities (Minimum of 400 sq. ft.)	8
	Project Contains Publicly Accessible Rooftop Green Openspace (50% of rooftop)	8
	Implementing Streetscape Improvements in Accordance with Approved CRA Streetscape (Within Project ROW)	10
	Dedication of Land: City acquisition of 5% of the project site (minimum 2,500 sq. ft) to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition) OR	5
	City acquisition of 10% of the project site to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition)	10
	Public Outdoor Open Space: 2% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace OR	8
	4% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace OR	12
	6% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace	16
	Contribution of monies towards CRA infrastructure improvements above and beyond the costs of development impacts (\$25,000 / point up to a maximum of 35 points)	35

LDC SECTION 4.02.03

Table 4.02.03(E). Standards for Building Heights and Setbacks

Zoning District	Maximum Building Height (ft.) ¹	Minimum Setback			
		Front (ft.)	Side ²	Rear (ft.)	Corner Lot (side abutting street) (ft.) ³
RE	35	25	10% of lot width	25	15
R1-G	35	25	10% of lot width	25, 50 feet for fairway lots	15
R-1	35	25	10% of lot width	25	15
RLM	35	25	10% of lot width	25	15
R-2	35	25	10% of lot width	20	15
R-3	45	25	10% of lot width	20	15
OT-1	35	See specific standards in Section 4.02.07-8.01.01.02.			
OT-2	35	See specific standards in Section 4.02.07-8.01.01.02.			
MU-1	35	None	None ⁴	10	10
C-1	45	None	None ⁴	10	10
C-2	45	None	None	None	None
C-3	45	None	None	None	None
I-1	45 ⁵	None	None	None	None
I-A	45	None	None	None	None
I-W	35	None	None	None	None
W-1	See specific standards in Section 4.03.03-8.01.02.				
PI-1	45	25	10	10	10
CON	25	None	None	None	None
REC	25	None	None	None	None

8.01.02 Amelia River Waterfront Community Redevelopment Area

A. Purpose

It is the purpose of the CRA overlay to provide a broader mix of uses and compatible design with the downtown area in order to promote revitalization of the working waterfront and adjacent areas.

- B. The review of proposed development within the CRA Overlay shall be based upon compliance with the CRA Design Guidelines. Those properties within the CRA Overlay which are also located within the Downtown Historic District Overlay shall be reviewed for compliance with the Historic Preservation Design Guidelines, dated December 1999. All plans for development within the CRA Overlay shall be reviewed by the Historic District Council.
- C. Site design standards specified in the overlay supersede the requirements for the underlying zoning district. Specific site design requirements that are not covered by the overlay shall follow the standards of the underlying zoning district.
- D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:
1. All new construction that is a water dependent or water related use is exempt from Section 3.01.03(J) and Section 3.03.03(B) 1.
 2. Building height shall be measured from the Base Flood Elevation (BFE) to the top of the roof, rather than from the finished grade, as established in 4.02.03(C). The maximum height of all structures shall not exceed thirty (30) feet in height above the BFE. Permissible roof forms shall be in compliance with the adopted CRA Design Guidelines.
 3. Properties that have obtained the Waterfront Mixed Use Future Land Use designation are eligible for land uses in addition to those permitted in the Waterfront Industrial zoning and are specified in Tables 2.03.02 and 2.03.03. Floor area ratio shall not exceed 0.75. The floor area ratio shall be calculated based on the developable land area and shall include portions of the site which remain submerged. Residential units are permitted if the property has a FLUM category of WMU and the units are located above a non-residential use. Stand-alone residential units are prohibited.
 4. Developers of Office, Commercial, and/or Waterfront Industrial 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 two spaces per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking.
 5. Front and rear yard setbacks are not required. In order to preserve view corridors and pedestrian access to the Amelia River, side yard setbacks and breaks between structures shall be provided as follows:

A. View Corridors

1. A 15-foot side yard setback on each side yard of a ~~platted lot~~ is required for water lots located to the north of Centre Street (water lots 1 through 9). These locations provide for alignment with existing east-west rights-of-ways at Alachua, Broome and Calhoun Streets and also provide for mid-block corridors. ~~The mid-block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.~~
2. Water lots to the south of Centre Street (water lots 25 through 40) shall provide a 30-foot ~~minimum break-view corridor~~ between buildings, ~~at intervals of no more than 200 feet as measured along Front Street. To be consistent with corridor alignment to the north of Centre Street, these 30-foot breaks shall align with existing east-west rights of way at Ash, Beech, and Cedar Streets and shall also provide for mid-block corridors. The mid-block corridors may be shifted up to twenty (20) feet in either direction as may be warranted by the project design.~~
3. These view corridors shall remain open to the sky and shall not include any ~~parking areas, accessory structures or mechanical equipment. Limited parking area for loading and unloading may be permitted subject to compliance with adopted CRA Design~~

~~Guidelines relating to the Public Waterfront Design Area. Certain encroachments and structural elements may be permitted within these view corridors subject to compliance with the adopted CRA Design Guidelines.~~

B. Pedestrian Access

1. ~~In addition to the required view corridors, p~~Publicly accessible pedestrian access to the water shall be integrated into the project's site design. These accessways shall provide a minimum width of ten (10) feet and shall occur ~~at intervals of no more than 100 feet (plus or minus up to ten (10) feet) as measured along Front Street~~at the view corridor locations. Accessways may vary in size and design as necessary to complement the overall project design. To encourage architectural variety and visual interest, certain encroachments and structural elements may be permitted within the accessways subject to compliance with the adopted CRA Design Guidelines. These accessways may be dedicated to public use through easements or dedication of right-of-way, or they may be retained under private ownership. In either case, these accessways shall remain open to and accessible by the public. If deemed necessary for security purposes, accessway closures may be permitted based on the posted operational hours of City beach access parking (exclusive of Main Beach or Seaside Parks).

E. Properties located within the CRA east of Front Street are subject to the following standards:

1. Facades up to thirty (30) feet in height shall have a front yard setback no more than ten (10) feet.
2. Facades up to forty-five (45) feet in height shall be recessed from the first thirty (30) feet of façade a minimum of ten (10) feet. Awnings, pergolas, or covered balconies may encroach into this setback, but shall not extend beyond the first thirty (30) feet of facade. Elements utilized to cover balconies shall not be a part of the main roof structure. Balcony enclosures (i.e., sun rooms, screened enclosures) shall be prohibited.
3. CRA properties located on the east side of North 2nd Street which share a property line with residentially-zoned, non-CRA properties shall meet the following standards:
 - a. Building height shall be limited to thirty-five (35) feet, including the parapet for flat roofed structures.
 - 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 4.05.05(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 ~~two~~one spaces 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. ~~If a developer constructs a parking lot, open to the public, that exceeds the number of spaces required by Table 7.01.04(A.), the developer will be refunded by the City for the number of extra spaces. The amount of the refund shall be the same as the amount the City charges for each parking space.~~

| ~~Working Document – LDC Section 8.01.02~~

10. CRA properties located east of Front Street which carry the Central Business District future land use designation/C-3 zoning, and are not within the Coastal High Hazard Area (CHHA) are eligible to participate in a Density Bonus Incentive Program as described in Section 4.01.02.

1. **ROLL CALL** – Chair Mike Zaffaroni, Lou Goldman, Rick Daniel, Andy Curtin, Arlene Filkoff, Marla McDaniel, and Robin Lentz. Dan McCranie was absent.

2. **OLD BUSINESS**

2.1 **2014 - 2015 CRA ADVISORY BOARD GOALS - MONTHLY STATUS UPDATE**

1. **Implementing quiet zones (Andy Curtin):** Items 1-5 were heard after item 6.
2. **Park development (Marla McDaniel):**
3. **Look at the CRA Plan for amendments (Arlene Filkoff):**
4. **Addressing parking in the CRA (Rick Daniel):**
5. **Encourage Development/ Find a Developer/ Develop Incentives and create package to attract developers (Lou Goldman):**

6. **Review LDC Language to determine deterrents, if any (Dan McCranie):** Ms. Gibson reminded the board that last month they were provided with a copy of the changes Mr. McCranie had put together. She stated the first involved the density bonus provisions, which allow for bonuses east of Front Street and located within the Central Business District zoning. She explained that Mr. McCranie was trying to make it easier to obtain points, and commented this was done so that it doesn't increase the overall category's maximum points. She explained she was comfortable with the changes. Chair Zaffaroni inquired if this was enough. Ms. Gibson replied sticking with these two categories was in the best interest, because it is easier and doesn't involve rethinking the thought process on green building and sustainable site practices. After a brief discussion, Chair Zaffaroni commented he would hate to make a change and not go far enough. He explained it has to be something different so that someone that is looking at this type of development says they can take advantage of these density bonuses and have an economically viable project. Ms. McDaniel inquired if realtors were asked about this to see if there was a demand. There was some discussion about the information presented noting that the developer has to work within the Land Development Code (LDC).

Ms. Gibson pointed out another intent behind the housing mix was to have people that were living and working downtown year-round. Mr. Goldman inquired what is the highest number of units per acre that a developer could build. Ms. Gibson explained it was not applied on a units per acre basis. She stated it allows you to take into account the underlying lots of record, and not the actual density applied at 8 units per acre. She pointed out in one block there are 32 lots. Mr. Goldman questioned the maximum density. Ms. Gibson replied times three, and explained when they went through this they found it was very difficult to get to a 2.5 multiplier and nearly impossible to get to 3. Mr. Goldman commented he sees this whole thing as a hindrance to a developer. Ms. Gibson explained this was developed because the developers indicated they needed more units per acre, and this was to find a balance between community wishes and getting those units. Chair Zaffaroni inquired if the board were to recommend striking 4.01.01 from the LDC then what happens to determine how many units you can build. Ms. Gibson stated you would still have the allowance for density bonus program in the Comprehensive Plan, but you won't have an implementation mechanism. There was further discussion about the objective behind the density bonus. The board discussed that the City was looking for a different mix of housing

and a suggestion was made that rather than defining that they would get a certain number of points if it was 750 square feet, etc. to give the developer the opportunity to come back with different types of layouts. It was noted that the density bonus program was optional.

Chair Zaffaroni suggested a change that 25% and above of total units are one bedroom; and 25% and above of total units are two bedrooms you get 20 density points for either. He commented you can have different ways to get the bonus points, but they can only get a maximum of 35 points (that is in the Comprehensive Plan). He referred to the public outdoor open space and read 2% of conditioned square footage provided for usable public outdoor open space on ground level or raised terrace with a maximum of 8 points instead of 4 points; 4% of conditioned 12 points; and 6% of conditioned 16 points. He noted this makes it easier to get more points. There was some discussion about the points shown including the points shown for money towards CRA infrastructure. The board offered further suggestions about the points shown and to have weights to show what the City really wants to see. *The board deliberated about changing the Mixed Use percentage of the gross floor area contains non-residential use not including parking from 10% to 5%. The members were polled as follows:*

<i>Ms. Filkoff</i>	<i>Nay</i>
<i>Ms. Lentz</i>	<i>Nay</i>
<i>Mr. Goldman</i>	<i>Aye</i>
<i>Ms. McDaniel</i>	<i>Aye</i>
<i>Chair Zaffaroni</i>	<i>Nay</i>
<i>Mr. Curtin</i>	<i>Aye</i>
<i>Mr. Daniel</i>	<i>Aye</i>

The board was then polled to change the Mixed Use percentage of the gross floor area contains non-residential use not including parking from 10% to 8%:

Ms. Filkoff	Nay
Ms. Lentz	Nay
Mr. Goldman	Aye
Ms. McDaniel	Aye
Chair Zaffaroni	Aye
Mr. Curtin	Aye
Mr. Daniel	Aye

The majority of the board concurred with this change and requested staff to write this change in.

The board continued its review of the proposed changes and it was noted that the minimum landscaping per the code is 20% of the project site. Ms. Gibson pointed out if the incentive number is increased then you would be getting less home. She stated it is a balance of whether you want to see more structure or more open space. There was some discussion about this and encouraging the development of energy conservation minded projects. The board reviewed the percentages and points and made some changes.

Chair Zaffaroni suggested discussing the second document at the next meeting.

6. **Review LDC Language to determine deterrents, if any (Dan McCranie):** Chair Zaffaroni commented the board was a little more aggressive with some of the numbers that were discussed last time. He inquired if the handout included the new changes. Ms. Gibson replied they were the changes discussed at the last meeting and she incorporated them. Mr. McCranie was fine with the changes, and commented he was conservative when he proposes something. He stated he was trying to make it easier to get higher densities while the community gets things it wants. Chair Zaffaroni pointed out the board went through the density bonus score card and noted Mr. McCranie also did LDC Section 8.01.02 with changes starting with view corridors. He reviewed the proposed change to strike "of a plotted lot" and also provide for a mid-block corridor being shifted up to 20 feet in either direction as may be warranted by the project design. Mr. McCranie explained he wasn't trying to take away all view corridors he was just saying we don't need so many. Ms. Gibson stated she asked Ms. Adrienne Burke to look at this to whether there were any issues with the design guidelines that are in place. She also requested to send them to Mr. Bill Tilson who developed the City's design guidelines. She commented the view corridors are really important for the ends of the streets and less important for the mid-block. Mr. Eric Bartelt pointed out the mid-block corridors were to increase access to the waterfront. There was some discussion about this noting that the idea behind this in 2005/2006 was to have a balance.

Ms. Filkoff inquired what the board thought the primary reason was that development has not happened in the CRA. She noted there was the terrible recession in the middle of those 10 years. Mr. Bartelt stated there is a relationship between what happens on the east side of Front Street and what happens on the west side of Front Street. He commented you can't really build anything on the west side of Front Street because of all the regulations about building over water and there isn't enough upland. Mr. McCranie explained this makes it is little easier for the waterfront lots to have some kind of building. He pointed out there is also pedestrian access. The board reviewed the changes in part A, which were only referring to water lots 1-9. An aerial map was shown of the lots in question. It was noted when this was written in 2005/2006 the group did not know what the regulations were about what could actually be done with the waterfront lots.

Mr. Williams pointed out people could moor barges on the water and build on top of the barges. He commented it would be interesting to see whether the height restrictions on the land side would apply to something built on the water. After a brief discussion about this, Mr. McCranie referred to water lots 25-40 and explained he was proposing having a 30 foot minimum view corridor between buildings. He stated if you owned 300 feet on the water someone could build a 300 foot less setbacks building over there. Chair Zaffaroni noted for this area there are no streets that runs all the way to the water. The board had some discussion about the properties in this area, and the second change to take away the other view corridors in this area.

Mr. McCranie explained #3 had a restriction about parking and encroachment, and suggested the City should not limit where parking can be put especially in a side yard. He stated he took away the in addition to required view corridors and read the language into the record. He pointed out instead of every 100 feet he was saying they are done at the view corridor locations. Chair Zaffaroni noted this was limiting some of the things that were priorities when Mr. Bartelt and the group were asked to write this. He commented with the park, view corridors, and access corridors that are in this there are enough corridors. He stated he agreed with all of the changes (subparagraph A items 1-3 and subparagraph B), because he thinks it makes it a little easier for someone to develop their property. Ms. Gibson expressed concern with section 3 of the view corridors, and agreed with parking being permissible and

loading zones permissible within that view corridor. She stated she was not sure she would agree with accessory structures or mechanical equipment being allowed, because that would block the view corridor. Mr. McCranie reworded the change that the view corridors shall remain open to the sky and shall not include any accessory structures or mechanical equipment. ***There were no objections from the board to the proposed changes.***

Ms. Filkoff inquired what the next step was for these changes. She questioned if Ms. Burke would review it and then it would come back to this board to determine what if anything goes forward to the City Commission. Ms. Gibson explained when it is ready to go to the City Commission it would go before the Planning Advisory Board (PAB) first. She noted that Chair Zaffaroni would provide an update to the City Commission about these changes that would be forthcoming.

Mr. McCranie pointed out #9 talks about parking and explained his change was one space on site per dwelling unit. He further explained if a developer were to construct a parking lot open to the public that exceeded the number of spaces required by the table the developer can be refunded by the City for that number of extra spaces. Ms. Gibson pointed out this was one of the questions she fielded to Ms. Burke and Mr. McCrary of how the City would handle this. She stated she thought the cost of parking spaces was in place in the CRA plan and that was based on a qualified engineer's estimate for the cost of construction of a parking space in 2006. She noted this should be updated every year. She commented this might be considered to be included in the fee structure, and she thought it was at \$8,000 a space right now for surface parking. Ms. Filkoff inquired how this change would impact the LDC around parking requirements anywhere else downtown. Ms. Gibson replied in the Central Business District there is no required parking. Mr. McCranie pointed out before these properties were in the CRA they didn't have to provide parking. Ms. Gibson clarified C-3 zoned properties require that you pay to provide for parking within the CRA. There was some discussion about the proposed changes with regard to parking. It was noted that if there was a drive corridor to access parking there would be a minimum drive aisle of 12 feet.

Mr. Bartelt explained the subcommittee at that time placed a very high priority of having a walkway the full length of the waterfront. He pointed out that walkway would access the corridors and the water. Chair Zaffaroni commented he would think the proposed change would be a little bit better. Mr. McCranie suggested if the board concurred with this latest version then send it to Ms. Burke for review and any other internal City review. He requested to be able to take a copy of this and talk with Mr. Quattrochi to get his impression. He stated then the board could talk about it at the next meeting and hear the outside opinions and then make a final decision. **A motion was made by Mr. McCranie, seconded by Mr. Curtin, to send the proposed changes to Ms. Burke for internal City review, a copy of this would be shown to Mr. Quattrochi to get his impression, and then the board would talk about it at the next meeting to hear the other opinions and make a final decision about sending it forward to the Planning Advisory Board. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7. Issue specific recommendations to the CC and CM (Mike Zaffaroni): Chair Zaffaroni stated he would encourage the City Commission to continue pursuing the options as it pertains to noise reduction. He concurred with the idea of exploring way finding horns. The board had a brief discussion about having a demonstration of the horns to see how they work. Chair Zaffaroni explained his second recommendation was to pursue concessions from the end users and see if that was a possibility. He

clarified it would be to ask if the number of trains through the area during certain hours could be minimized. There was some discussion about this.

Ms. Filkoff noted from the discussion at the City Commission meeting that the railroad was not pleased about the existing situation. She inquired how the City could come up with a solution without the railroad being a part of it. She stated it would seem it would take less time if the City was working with the railroad and coming up with the solutions for all of it (buffer, parking, noise, etc.). Ms. Lentz commented the City should still work in conjunction with them, because it is not just the wayside horns there are multiple issues. There was some discussion about this and a concern was expressed about not having any cohesiveness.

Ms. Lentz explained that Mr. Tony Crawford spoke with one of the quiet zones companies and the average cost of installing a wayside horn system was about \$70,000. She pointed out the biggest cost is updating the signaling system and that usually runs about \$250,000 per crossing. It was noted there is a yearly cost for maintenance of the system that averages between \$25,000 to \$50,000.

Chair Zaffaroni would provide an update to the City Commission on April 21st. He pointed out he'd also let the City Commission know the board was working on Land Development Code (LDC) changes.

4. **STAFF REPORT** – Staff had no reports at this time.

5. **PUBLIC COMMENT** – Mr. Bartelt noted the board was tasked at figuring out how get development to happen in the CRA. He commented a key thing that affects that is the west side of Front Street, and expressed his opinion if that was solved that would help stimulate development. He suggested the board find out what can and can't be done on the west side of Front Street. Ms. Filkoff reported she recently received communication from Mr. Goodsell saying he was more than willing to do something if he sees any actual movement from the City as opposed to the City saying it was going to do something. After a brief discussion, ***the consensus was to include a discussion item at the next meeting about what can be done on the west side of Front Street.***

The next meeting would be Thursday, May 7th.

8. **ADJOURNMENT** – 4:58 pm.

4.1. Discuss Proposed Community Redevelopment Area Land Development Code (LDC) Changes - This item was tabled from the August 12, 2015 meeting. This is not a formal PAB case at this time.

Member Ross requested the Waterfront Community Redevelopment Area (CRA) redevelopment plan (2004) be distributed to all the board members. Ms. Gibson pointed out it was available online (www.fbfl.us/CRA). She explained this was looking at a couple of sections of the LDC that the CRA Advisory Board (CRAAB) began looking at this past year as part of their overall goals. She clarified they wanted to look at ways to make the language in the LDC clearer for development and more desirable to develop in the CRA. She pointed out the proposed language does change a couple of different sections, and the density bonus program is in the Comprehensive Plan (measure to elevate density for very specific properties in the CRA – east of Front Street). She illustrated the properties on a map that this would apply to, and explained in 2007 these properties were rezoned and given a new land use. She commented a lot of sites in the CRA that are zoned C-2 are City owned properties. She explained the density bonus program was in the Comprehensive Plan and it outlines the maximum number of points you can have, the multiplier, and the location of where this applies. She stated changes made were specific to table 4.01.02(a) – scorecard spreadsheet. She pointed out the housing type mix was to allow for smaller units within the mix of land uses available. She explained the CRAAB wanted to limit it based on one or two bedroom units or studios rather than total number of square footage. She commented it only adds up to 20 points in each section, and it was limited to a maximum number of points of 35 per the Comprehensive Plan. There was some discussion about affordable housing and points associated to number of bedrooms in a unit. The board also had some discussion about having a square footage metric and limitation. It was noted this was to encourage affordability and the availability of workforce housing. It was noted the intent of the bonus was to increase affordability and the purpose of the rewrite was to reduce barriers to development. There was further discussion about what was proposed.

Ms. Gibson pointed out that the person who drafted this was conservative in their approach, because this has been heavily debated in the community in terms of whether or not to allow density. She commented the scorecard is relatively new for the City, and they didn't want to change radically so there wouldn't be a lot of community buy in. She referred to the idea of a larger vision and efforts to accomplish getting a specific developer to build, and explained the CRAAB was looking at revising the whole CRA plan. Member Ross inquired if anyone has talked with the major landowner about these changes. Ms. Gibson stated members of the CRA board have been in conversation with them. Member Beal reminded the board it is about a density bonus, and even without the bonus you can still develop a good amount of units because of the underlying lots of record. The board had further discussion and deliberation about the proposed changes.

Ms. Gibson inquired if it was the board's wish to retain a square footage limitation and elevate the points to get the maximum number of points easier. ***The consensus of the board was yes (leaving it as is with current square footage thresholds and increasing the points).***

Member Beal referred to 8.01.02 and inquired if the view corridors on properties would now just be on property lines. He commented at lot 2 half of water lot 3 and half of water lot 2 there was a view corridor required there. Ms. Gibson said yes that was with the Alachua Street, and this would remove that requirement for a view corridor for the platted lot of record. There was a review of the proposed language related to view corridors.

Member Bennett referred to view corridors and pedestrian access and reminded the board many hours went into this when it was created in 2005/2006. He inquired if lots were combined then the only setbacks would be on the extreme north and south side. He commented so many people talked about maintaining view corridors and pedestrian access to the riverfront. He pointed out people were scared someone would come in and build a wall of condominiums. Member Ross explained he thought this would be moot because laws have change (Magnussen-Stevens Act, Butler Act, and this area is now a shrimp sanctuary), and there was research that most of these lots are unbuildable or would allow very limited building. Member Bennett commented he has a different opinion until he sees the results of that research, because historically there were railroad tracks and docks all the way from north to south for years. He stated historically that was built up over the river. He provided further comments about this. Member Lasserre noted right now the City has something that wasn't working, and the CRAAB was saying to get rid of the view corridors. He commented people that own the property are paying taxes and they can't develop with view corridors like it is. He stated it either needs to be bought and made public land or remove the view corridors as suggested by the CRAAB. There was further discussion about view corridors, the platted water lots, and what is buildable.

Chair Lane referred to mixed-use in the density bonus table where a project reuses and restores existing contributing or non-contributing historic structures on site where they are only given 5 points for that and questioned the rationale. She requested the CRAAB take a look at that again, since the points don't need to add up to 100. There was some discussion about reuse of existing structures and wanting to encourage that. It was noted that not all structures were within the historic district.

Chair Lane inquired if they were aware of any Federal Emergency Management Agency (FEMA) guidelines and how that might impact projects. Ms. Gibson explained under the redevelopment area it discusses the base flood elevation, and the Florida Building Code requires that they build in compliance. City Attorney Bach questioned the next step. Ms. Gibson reported she would bring this up as a discussion item to the CRAAB and they would create a formal application for the PAB to consider in November or December. Member Bennett asked if the CRA has looked at doing a development agreement in this area. City Attorney Bach pointed out even with a development agreement they still have to follow provisions of the City's code.

Member Beal inquired about the refund amount per parking space. Ms. Burke briefly explained the parking in lieu fee, which was based on the cost per parking space. She stated if there were to be a refund it would be the amount charged per space. There was a brief discussion about this noting that the parking in lieu fee was in the City's fee schedule. It was noted the language will go back to CRAAB before coming back to PAB as formal case.

4.2. *Discuss LDC Text Amendment Application Process (put on the agenda by City Attorney Bach) - Discussion of LDC Text Amendment Application Process to include a completeness and sufficiency review prior to acceptance for processing.

City Attorney Bach explained to the PAB that this came as direction from the City Commission where they asked that citizen or business driven text amendments are reviewed for sufficiency. She stated this language comes from looking at the City of Jacksonville, and commented she sent examples from other cities a few weeks ago. Member Occhuzzo requested clarification of sufficiency. City Attorney Bach answered if it is lawful, and legal sufficiency is used in some cities codes. She stated legal sufficiency was whether it is consistent with the Comprehensive Plan, LDC, State Statutes, etc.

6.3. CRA LAND DEVELOPMENT CODE LANGUAGE UPDATE – Ms. Burke reminded the board of language she brought forward because the CRA Advisory Board was looking at changes to the LDC language regarding the CRA. She stated Professor Bill Tilson weighed in on these changes, and his comments were mostly about the density bonus scorecard and thoughts about affordable housing. She pointed out the scorecard was already adopted and they were proposing tweaks for the points and what was required. She explained the major change was eliminating view corridors at required intervals, and Professor Tilson didn't have too much to say about that. She stated after speaking with Mr. Marshall McCrary about this she found out that the view corridors came out of community discussion. Chair Miranda noted this was for the CRA and the language required view corridors at mid-block, which forced anyone developing to cut their building in half. Ms. Burke pointed out this still requires side yard setbacks, which shifts the corridors to the property lines as opposed to the middle of the block. She stated the Planning Advisory Board (PAB) reviewed these changes, but it was mostly related to affordable housing and changes in the scorecard. There was a brief discussion about the proposed changes and there were no concerns raised by the HDC members.

6.4. October 15, 2015 Regular Meeting Moved to October 8, 2015 – It was noted that Member Sheffield was unable to attend the meeting on October 8th.

7. Staff Report – Member Cascone briefly commented about how smoothly the variance went tonight compared to the lengthy one the HDC had in the past. Chair Miranda referred to the question Member Harrison raised about the proper venue for trying to modify accessory building language in terms of size based on zoning classification, and inquired about the appropriate venue. Ms. Burke replied she would look into this and bring something back to the HDC. She commented when looking at the application and consistency with the Comprehensive Plan the City really wants to encourage uses like the churches to stay downtown. She noted that the guidelines and code regulations need to be amenable with that. She explained she would bring options back for square footage and what other communities do for commercial outbuildings.

8. Adjournment - There being no further business to come before the Historic District Council, the meeting was adjourned 6:07 pm.

Sylvie McCann, Clerk

Michael Harrison, Chair

approval of PAB 2015-16 to the City Commission requesting that a preliminary plat creating the Shell Cove Subdivision be approved; and that PAB 2015-16 as presented is sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

3.3. PAB 2015-17 Amelia River Waterfront CRA LDC Text Amendments – Ms. Gibson reminded the board about the discussion at the Special Meeting in September. She explained the requested changes were made with respect to the CRA density bonus scorecard, and it was brought back to the CRA Advisory Board to advise them of the changes. She stated the CRA Advisory Board was comfortable with those changes. She pointed out staff made a change under the standards for CRA development, because under the parking standards there is a maximum number of parking spaces cap of 10%. She commented there was no incentive to provide additional parking unless it was through an outside public/private partnership with the City. She requested that section be eliminated from the proposed changes.

Member Bennett inquired if an applicant meets all the criteria to get the maximum number of points what would the density per acre be. Ms. Gibson replied 54 units per acre depending on the underlying lots of record. It was noted the density bonus program only applies for C-3 zoned properties located east of Front Street. Member Bennett referred to the discussion about the importance of view corridors and noted there has to be a corridor between buildings. He pointed out a building could be built across the entire ownership lot. Ms. Gibson explained there still is the view corridor requirement of 15 feet where you have the lots aligned with a street (Centre, Broome, Calhoun, etc.) She stated what was being eliminated was the mid-block corridor requirements. There was some discussion about view corridors and with different ownerships of lots that don't line up with any street.

Mr. Dan McCranie, 212B Centre Street, engineer on the CRA Advisory Board, explained when he was brought on the board one of his tasks was to read over the specific code for the CRA to try to figure out what hindrances that could be keeping people from developing there. He stated the intent was to make it a little bit easier to get some density bonuses so the cost per unit goes down, and the feasibility is possible. He pointed out to get the density bonus they offer certain things the community wants. He explained proposed was a side setback of 15 feet between lots, which would be 30 feet between buildings.

Member Beal left the meeting at this time.

Mr. McCranie commented we should encourage public accesses for people to both see and walk to the waterfront while allowing the property owner to build a viable building. Member Lasserre referred to Member Goldman's lot that appears to be in the middle of block 3 between Broome and Calhoun, and stated a 15 foot setback on that 65 foot wide lot he would lose 30 feet. Mr. McCranie pointed out the water lots have all sorts other issues beside the viewing corridors. He stated with these changes they were removing a few of the obstacles in an attempt to show the CRA was doing something. He requested to move forward with this knowing there was still work to do. There was further discussion about this and that per the current codes a PUD would require 5 acres.

The public hearing was opened at this time.

Mr. Lynn Williams, 1899 South Fletcher Avenue, pointed out to build on the west side (water side) you have to be 50 feet back from the high water line unless it is for a water dependent or water related purpose. He stated that puts those buildings back to the middle of Front Street or the middle of the railroad tracks. He explained the State will not let you build new things on submerged lands, and then the

Army Corps of Engineers enforces the Magnuson-Stevens Act for fish habitat. He also pointed out the base flood elevation was up 11 feet from sea level, which would make the structure be up on stilts (concrete pilings). He commented the suggested changes for the east side really seem to fit quite well. He provided further comments in support of the proposed changes.

Ms. Arlene Filkoff, 845 Tarpon Avenue, member of the CRA Advisory Board, explained the CRA has languished since the inception of it. She pointed out the board took a step back and asked what the CRA should be, what it should look like, and what could be getting in the way of any sort of development. She noted there are other issues within the CRA, but this was something that could be done in the interim while attempting to get hold of the bigger picture. She stated this area is controlled by so many other things including FEMA requirements that have to be met. She explained these were only the points that did not require Comprehensive Plan changes and don't sacrifice what the community wants on the waterfront.

Chair Lane inquired what staff was seeking from the board. Ms. Gibson explained a recommendation to bring to the City Commission for these changes. **A motion was made by Member Bennett, seconded by Member Lasserre, to recommend approval of the changes (PAB 2015-17) as they exist. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Member Occhuizzo left the meeting at this time.

4. Comments by the public – There were no comments from the public at this time.

5. Staff Report – Ms. Gibson pointed out the definitions subcommittee has just about wrapped up its work and would be bringing forward changes at the December meeting. She referred to the 8th Street subcommittee and requested the board's idea of having a public involvement plan that is larger scale and involves a lot of opportunities for the public to get together. Member Bennett explained they have gone through the language, and their thought was to ask all the people that started this to have a meeting with the board to see what has happened. He stated after that then have an informal community meeting with the subcommittee and everyone involved to answer questions to the issues that come up. He pointed out after that it would come to the board for approval. Chair Lane questioned informal, because there has to be some structure. Member Bennett stated how the meeting is run, because he wanted to hear what the concerns are because there are a lot of little things going on that people are concerned about. Member Morrill commented there has to be a bigger discussion about how to go forward with this. Member Lasserre suggested having the rest of the board review the subcommittee's work and then at the next meeting make a decision of how to present it to the public. Ms. Gibson concurred it was good to get those documents circulating to the board and having them available on the City's website so that everyone could view them. She expressed her opinion that more outreach is better and utilizing various forms of engagement. She commented there was discussion about having a walking tour to show them different things that are being considered. The information would be sent to the board members prior to the next meeting for their review prior to having them available on the City's website.

Member Bennett commented that gas stations came up with regard to 8th Street having a landscape area between the street and the gas station, which he was opposed to. He stated after taking a look at area gas stations he has changed his mind.

CANNED
KB

January 6, 2016
News Leader Edition



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

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, January 19, 2016, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2015-35

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE LAND DEVELOPMENT CODE SPECIFIC TO PROVISIONS WHICH REGULATE DEVELOPMENT OF THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA, REVISING CHAPTER 4 SECTIONS 4.01.01 AND 4.02.03(E); AND CHAPTER 8, SECTION 8.01.02; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

Just Addame

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT:

Ordinance 2015-35

Land Development Code Text Amendment – CRA Updates: Chapter 4,
Section 4.01.01 and 4.02.03(E) and Chapter 8, Section 8.01.02

ITEM TYPE:

☒

Ordinance

☐

Resolution

☐

Other

☐

Proclamation

☐

Presentation

REQUESTED ACTION:

Approve Ordinance 2015-35 at 2nd Reading.

SYNOPSIS: In the 2014-2015 Fiscal Year, the Community Redevelopment Area (CRA) Advisory Board established as one of its primary goals a review of the existing Land Development Code (LDC) sections relative to the Amelia River Waterfront CRA and subsequent recommendations for changes that should be made to further encourage redevelopment of the properties within that area. Mr. Dan McCranie led the Board's efforts to issue recommendations.

The Board's objective was to eliminate LDC obstacles for redeveloping properties. In doing so, the Board identified that the CRA Density Bonus Scorecard (LDC Section 4.01.01) should be revised to increase points within certain categories, making it more likely that a developer would be interested in utilizing the density bonus program. LDC Section 4.02.03 (E) is requested to be modified to properly reference Chapter 8 requirements for design standards within the Amelia River Waterfront CRA. Unrelated to the CRA is a reference correction for the OT-1 and OT-2 standards since the same section is being updated at this time. Finally, changes to LDC Section 8.01.02 relate to the removal of requiring mid-block view corridors, allowing parking areas to locate within view corridors, and clarifying pedestrian access requirements.

The Historic District Council was provided an opportunity to offer comments on the proposed changes at its Regular Meeting on September 17, 2015, and is in agreement with the changes under consideration. The Planning Advisory Board reviewed the changes at its Regular Meeting on November 12, 2015, and issued a recommendation of approval.

This Ordinance was approved by the City Commission at its First Reading on December 15, 2015.

FISCAL IMPACT: None

2015 STRATEGIC PRIORITIES:

☐

Waterfront Funding (Priority 1)

☐

Fire Department (Priority 1)

☐

8th Street (Priority 1)

☐

Department Goals (Priority 1)

☐

Trolley System (Priority 2)

☐

Beach Renourishment (Priority 2)

☐

4 Year Terms (Priority 2)

☐

8th Street Entrance (Priority 2)

☐

Waterfront Park- Lot B (Priority 3)

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve the Second Reading of proposed Ordinance 2015-35, thereby enacting said Ordinance.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



DEPARTMENT DIRECTOR

Submitted by: Adrienne Burke *AB*
Community Development Director

Date: 12/31/15

CONTROLLER

Approved as to Budget Compliance

Date: _____

CITY ATTORNEY

Approved as to Form and Legality *YEB*

Date: *1/7/16*

CITY MANAGER

Approved Agenda Item for 01/19/2016 *DLM*

Date: 1/5/16

COMMISSION ACTION:

- ☒ Approved As Recommended
☐ Approved With Modification
☐ Other

- ☐ Disapproved
☐ Postponed to Time Certain
☐ Tabled

Approved at the City Commission Meeting
Regular
Held on *1/19/16*
Voted: *3-2* Initial: *AB*

ORDINANCE 2017-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY STRIKING SECTION 4.01.02 AND TABLE 4.01.02 (A) COMMUNITY REDEVELOPMENT AREA DENSITY BONUS INCENTIVE PROGRAM AND AMENDING SECTION 4.01.01 TO INCREASE THE BASE DENSITY WITHIN THE CENTRAL BUSINESS DISTRICT AND MODIFY PERMISSIBLE HOUSING TYPES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006, which became effective on October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with state laws and current planning methods for growth and economic development; and

WHEREAS, in January 2016, the City Commission identified increasing downtown density as a priority goal; and

WHEREAS, Planning staff worked in concert with the Fernandina Beach Main Street Program to analyze density within the downtown area; and

WHEREAS, the Planning Advisory Board (PAB), acting as the City's Local Planning Agency, considered the application at its Regular Meeting on December 14, 2016, and unanimously recommended approval with the comment that staff prepare Code-based text amendments to address residential parking needs; and

WHEREAS, the Planning Advisory Board (PAB), at its Regular Meeting on January 11, 2017, discussed whether changes to require residential parking within the Central Business District (CBD) were necessary prior to the adoption of the density increase in the Comprehensive Plan and directed that consideration of any proposed parking changes be delayed until a traffic circulation and parking study was completed; and

WHEREAS, the City Commission adopted Ordinance 2017-02, providing for an increased base density within the Central Business District (CBD) of up to thirty-four units per acre within that future land use map category at Second Reading on April 18, 2017; and

WHEREAS, notice of public hearing on such Land Development Code amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on November 30, 2016.

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

SECTION 1. PURPOSE AND INTENT. The City Commission finds that the amendments, attached hereto as Exhibit "A," amending LDC Section 4.01.01 to address the base density permissible in the Central Business District as consistent with Comprehensive Plan and

to modify permissible housing types, and by striking LDC sections 4.01.02 and Table 4.01.02(A), density bonus scorecard provisions for the Community Redevelopment Area (CRA).

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

SECTION 3. COMPLIANCE. The Land Development Code text amendments adopted by this Ordinance are not effective until a final order is issued by the State Land Planning Agency finding the Comprehensive Plan amendments cited in Ordinance 2017-02 to be "in compliance" in accordance with Section 163.3184, Florida Statutes. If the Agency issues a final order finding the amendments not "in compliance," the amendments may nonetheless be made effective by adoption of a Resolution at a public hearing affirming the effective status of the amendments. No development orders or development permits dependent upon these amendments may be issued, and no development dependent upon these amendments may be undertaken, before the amendments become effective.

SECTION 4. This Ordinance shall become effective immediately upon adoption.

ADOPTED this 6th day of June, 2017.

CITY OF FERNANDINA BEACH



ROBIN C. LENTZ
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



CAROLINE BEST
City Clerk



TAMMI E. BACH
City Attorney

ORDINANCE 2017-12
EXHIBIT "A"

4.01.01 Density and Housing Types

Table 4.01.01. Density and Housing Types in Base Zoning Districts.

Zoning District	Maximum Gross Density (dwelling units per acre)	Permissible Housing Types
RE	1.0	Single-family detached
R1-G	4.0	Single-family detached
R-1	4.0	Single-family detached
RLM	6.0	Single-family detached
R-2	8.0	Single-family detached Duplex structures Triplex structures Townhouses
R-3	10.0	Single-family detached Duplex structures Triplex structures Townhouses Multi-family structures with 4 or more units
OT-1	10.0	Single-family detached
OT-2	10.0	Single-family detached
MU-1	8.0	Single-family detached Duplex structures Triplex structures Townhouses Mixed Use
MU-8	18.0	Single-family detached Duplex structures

		Triplex structures Townhouses Multi-family Structures with 4 or more units Mixed Use
C-1	Prohibited	
C-2	Prohibited	
C-3	<u>34.0</u> <u>8.0</u>	Single-family detached <u>Duplex structures</u> <u>Triplex structures</u> <u>Townhouses</u> Multi-family structures or mixed use
I-1	Not permitted as a principal use ¹	
I-A	Not permitted as a principal use ¹	
I-W	Not permitted as a principal use ¹	
W-1	2.0 with bonus potential to 4.0	Single-family within mixed use
PI-1	Not permitted as a principal use ¹	
CON	Not permitted as a principal use ¹	
REC	Prohibited	

a. ¹An accessory dwelling unit is permissible for caretakers or security personnel. See Section 5.01.04.

4.01.02 Density Bonus Provisions

~~Fernandina Beach Community Redevelopment Area (CRA) Density Bonus Incentive Program~~

~~The CRA Density Bonus Incentive Program is only available to those properties within the Fernandina Beach CRA, as adopted by Resolution 2006-28, which carry the Central Business District (CBD) future land use designation/ C-3 zoning and are not within the Coastal High Hazard Area (CHHA). This program has been developed as a mechanism to encourage additional residential density within the CRA and is not a development requirement. Property owners and developers wishing to take advantage of the potential additional density provided by the bonus program are required to demonstrate full compliance with its requirements through the site design review process. Further, the completed scorecard shall be approved as part of the local development order and recorded with the Nassau County Clerk of Courts in the form of a deed restriction. All committed improvements shall be inspected prior to issuance of a certificate of occupancy. Property dedications are subject to the City's acceptance of the land.~~

~~The Density Bonus Scorecard (Table 4.01.02(A)) is a tool created to evaluate a developments' ability to obtain a density bonus. It is composed of five (5) categories: Housing Type Mix, Mixed Use, Community Amenities, Green Building Certification and Sustainable Site Development Practices. Each category contains a maximum number of points within the overall category. Projects that obtain additional points within the category are not permitted to transfer those points to any other category. The total number of points in all five (5) categories combined equals 100 points. The density bonus multiplier is applied to the project's underlying lots of record. Projects are able to obtain a density bonus multiplier if they achieve the required total number of points as follows:~~

- ~~• Eligibility for 1.5 multiplier dwelling units per lot of record bonus requires 40% of the Potential Points~~
- ~~• Eligibility for 2.0 multiplier dwelling units per lot of record bonus requires 55% of the Potential Points~~
- ~~• Eligibility for 2.5 multiplier dwelling units per lot of record bonus requires 70% of the Potential Points~~
- ~~• Eligibility for 3.0 multiplier dwelling units per lot of record bonus requires 85% of the Potential Points~~

~~Each of the categories in the Density Bonus Incentive Program are intended to address a community identified need or goal. The Housing Type Mix category encourages a mixture of smaller dwelling units within the overall development scheme which provides an opportunity to achieve more affordable units and workforce housing within the CRA. The Mixed Use category seeks to obtain a development pattern compatible with the existing Central Business District whereby there is a mix of retail, restaurants and professional offices with residential units. A category for Community Amenities is included in order to realize several of the goals of the CRA such as retention of historic structures, maintenance of views, pedestrian corridors and providing for infrastructure improvements. The Green Building Certification category awards points to project that have taken the necessary steps to obtain a nationally recognized green building certification. Points for Sustainable Site Development Practices provide points for achieving certain measurable sustainable building techniques.~~

Table 4.01.02(A) CRA DENSITY BONUS SCORECARD

CATEGORY	MEASURE	POINTS
HOUSING TYPE MIX	20% and above of total units- 750 sq ft or under	20
	20% through 80% of total units- 751-1000 sq ft	20
	20% through 60% of total units- 1,001-1,250 sq ft	10
	Housing Type Mix Maximum Points	35
MIXED-USE	Minimum 8% of gross floor area contains non-residential use (not including parking)	10
	Mixed Use Maximum Points	10
COMMUNITY AMENITIES	Project Reuses & Restores Existing Contributing or Non-Contributing Historic Structures On-Site	5
	Interconnected Public Spaces: Interconnected public spaces and pedestrian ways internal to the project site- <i>Partial Block</i> OR	5
	Interconnected public spaces and pedestrian ways internal to the project site- <i>Full Block</i>	10
	Project Contains Publicly Accessible Rooftop Amenities (Minimum of 400 sq. ft.)	8
	Project Contains Publicly Accessible Rooftop Green Open space (50% of rooftop)	8
	Implementing Streetscape Improvements in Accordance with Approved CRA Streetscape (Within Project ROW)	10
	Dedication of Land: City acquisition of 5% of the project site (minimum 2,500 sq. ft) to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition) OR	5
	City acquisition of 10% of the project site to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition)	10

	Public Outdoor Open Space: 2% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace OR	8
	4% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace OR	12
	6% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace	16
	Contribution of monies towards CRA infrastructure improvements above and beyond the costs of development impacts (\$25,000 / point up to a maximum of 35 points)	35
	Community Amenities Maximum Points	35

Table 4.01.02(A) — CRA DENSITY BONUS SCORECARD (continued)

CATEGORY	MEASURE	POINTS
GREEN BUILDING CERTIFICATION	Nationally Recognized Sustainable Rating System (LEED, Green Globes, Earth Craft, etc.)	5
	Green Building Certification Maximum Points	5
SUSTAINABLE SITE DEVELOPMENT PRACTICES	HERS Rating OR Other Energy Conservation HERS Rating of 70-61 OR	5
	HERS Rating of 60-51 OR	7
	HERS Rating of 50-16 OR	10
	HERS Rating of 15 or below	15
	OR	
	Project Uses Solar Water Heaters for all Commercial and Residential Units	1
	Project Contains On-site Renewable Energy	1
	Project Contains/ Requires All Energy Star Rated Appliances and Fixtures	1
	ADDITIONAL CREDITS	

	Project Uses Water Efficient Landscaping (Xeriscape & Rain Gardens)- Minimum of 75% of required landscaped area	1
	Florida Water Star Certified Project	2
	Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Parking Areas	1
	Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Tree Planting	1
	Project Diverts a Minimum of 50% of all Construction Waste Away from Landfills (re-use on-site or recycle hauler)	3
	Project Contains On-site Use of Collected Stormwater	2
	Reduced Non-Roof Heat Island Effect to a Minimum of 40% of Hardscape	2
	Reduced Roof Heat Island Effect (Green Roof or Reflective Roof)	3
	Project Provides a Central Storage Facility internal to the Project for the Collection of Recyclable Waste	2
	Sustainable Site Development Practices	
	Maximum Points	15
	TOTAL MAXIMUM POINTS	100

OFFICE USE ONLY

REC'D: _____ BY: _____

PAYMENT: \$ _____ TYPE: _____

APPLICATION #: 2016-0001722

CASE #: 2016-27

BOARD MEETING DATE: DEC 14, 2016



PLANNING ADVISORY BOARD APPLICATION

☐ ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600)

☐ LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600)

☒ LDC TEXT AMENDMENT (\$850)

☒ COMP PLAN AMENDMENT (\$850)

☐ SUBDIVISION PLAT – PRELIM (\$750)

☐ SUBDIVISION PLAT – FINAL (\$850)

☐ VACATION OF R.O.W. (\$850)

☐ VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: CITY OF FERNANDINA BEACH

Mailing Address: 204 ASH STREET FERNANDINA BEACH, FL 32034

Telephone: 904-310-3135 Fax: _____

Email: DMARTIN@FBFL.ORG

Agent Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Email: _____

PROPERTY INFORMATION

Street Address: _____

Parcel Identification Number(s): _____

Lot Number: _____ Block Number: _____ Subdivision: _____

Section: _____ Township: _____ Range: _____

PROJECT INFORMATION

Total Number of Lots/Parcels: _____

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

Existing Zoning Classification: _____

Existing Future Land Use Classification: _____

Previous Planning/Zoning Approvals: _____

Description of Request:

SEE ATTACHED- COMPREHENSIVE PLAN TEXT AMENDMENT AND LDC CHANGES

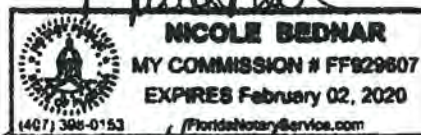
SIGNATURE/NOTARY

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

11/29/16
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } SS



Subscribed and sworn to before me this 29th day of November, 2016.

[Signature]
Notary Public: Signature

Nicole Bednar
Printed Name

Feb. 2, 2020
My Commission Expires

Personally Known X OR Produced Identification _____ ID Produced: _____

COMP PLAN AMENDMENT

Policy 1.07.09.

Central Business District (CBD)

- a. The FLUM designation of central business district is applied to the City's downtown, as the center for residential, financial, commercial, governmental, professional, cultural, and related activities.
- b. The Central Business District category is designed to accommodate single-family or duplex residential uses, either "stand alone" or in mixed residential and business use structures; offices; commercial retail; personal services establishments; restaurants; transient accommodations; commercial parking facilities; civic uses; and cultural uses.
- c. Additional uses may be permissible subject to additional standards: indoor recreation facilities, multi-family dwellings, marinas, day-care centers, and educational facilities.
- d. The density of residential development in the Central Business District land use category shall not exceed ~~eight (8)~~ thirty-four (34) units per acre.
- e. The intensity of non-residential development shall not exceed a FAR of 2.0.
- f. A proposed amendment to the FLUM to increase the land area within the Central Business District; land use category shall demonstrate the suitability of the proposed site based on:
 1. The need for additional land area within the Central Business District; land use category;
 2. Consistency of the land area with the characteristics of the Central Business District; and;
 3. Consistency of the land area with the characteristics of the downtown.

Policy 1.04.05.

~~The City shall implement a Density Bonus Incentive Program to encourage redevelopment within its Community Redevelopment Area (CRA). The CRA boundary is delineated on the City's Future Land Use Map and cannot be amended without a Comprehensive Plan amendment. The Density Bonus Incentive Program shall be available only to those properties within the CRA which carry or acquire the Central Business District (CBD) future land use designation and are not within the Coastal High Hazard Area (CHHA).~~

~~The Density Bonus Incentive Program shall utilize a scoring system as formalized within the Land Development Code by which redeveloping, eligible properties may choose to address categories of Housing Type Mix, Mixed Use, Community Amenities, Green Building Certification and Sustainable Site Development Practices to earn points toward a density increase.~~

~~Each category has a maximum number of points (illustrated in Table 1.03.01). Points may be obtained in any combination of the categories with the total number of points not to exceed 100 points.~~

Table 1.04.01. Density Bonus Incentive Program Maximum Points

CATEGORY	MAXIMUM POINTS
HOUSING TYPE MIX	35
MIXED USE	10
COMMUNITY AMENITIES	35
GREEN BUILDING CERTIFICATION	5
SUSTAINABLE SITE DEVELOPMENT PRACTICES	15
TOTAL	100

~~Density bonuses may be earned on a site specific basis based on the following minimum thresholds in the scoring system:~~

- ~~a. Minimum of 40% of the potential points to achieve 1.5 times the allowable base density;~~
- ~~b. Minimum of 55% of the potential points to achieve 2.0 times the allowable base density;~~
- ~~c. Minimum of 70% of the potential points to achieve 2.5 times the allowable base density; or~~
- ~~d. Minimum of 85% of the potential points to achieve 3.0 times the allowable base density.~~

LAND DEVELOPMENT CODE CHANGES

4.01.01 Density and Housing Types

Table 4.01.01. Density and Housing Types in Base Zoning Districts.

Zoning District	Maximum Gross Density (dwelling units per acre)	Permissible Housing Types
RE	1.0	Single-family detached
R1-G	4.0	Single-family detached
R-1	4.0	Single-family detached
RLM	6.0	Single-family detached
R-2	8.0	Single-family detached Duplex structures Triplex structures Townhouses
R-3	10.0	Single-family detached Duplex structures Triplex structures Townhouses Multi-family structures with 4 or more units
OT-1	10.0	Single-family detached
OT-2	10.0	Single-family detached
MU-1	8.0	Single-family detached Duplex structures Triplex structures Townhouses Mixed Use
MU-8	18.0	Single-family detached Duplex structures Triplex structures Townhouses Multi-family Structures with 4 or more units Mixed Use
C-1		Prohibited
C-2		Prohibited
C-3	<u>34.0</u> 8.0	Single-family detached <u>Duplex structures</u> <u>Triplex structures</u>

		<u>Townhouses</u> Multi-family structures or mixed use
I-1	Not permitted as a principal use ¹	
I-A	Not permitted as a principal use ¹	
I-W	Not permitted as a principal use ¹	
W-1	2.0 with bonus potential to 4.0	Single-family within mixed use
PI-1	Not permitted as a principal use ¹	
CON	Not permitted as a principal use ¹	
REC	Prohibited	

¹An accessory dwelling unit is permissible for caretakers or security personnel. See Section 5.01.04.

~~4.01.02 Density Bonus Provisions~~

~~Fernandina Beach Community Redevelopment Area (CRA) Density Bonus Incentive Program~~

~~The CRA Density Bonus Incentive Program is only available to those properties within the Fernandina Beach CRA, as adopted by Resolution 2006-28, which carry the Central Business District (CBD) future land use designation/ C-3 zoning and are not within the Coastal High Hazard Area (CHHA). This program has been developed as a mechanism to encourage additional residential density within the CRA and is not a development requirement. Property owners and developers wishing to take advantage of the potential additional density provided by the bonus program are required to demonstrate full compliance with its requirements through the site design review process. Further, the completed scorecard shall be approved as part of the local development order and recorded with the Nassau County Clerk of Courts in the form of a deed restriction. All committed improvements shall be inspected prior to issuance of a certificate of occupancy. Property dedications are subject to the City's acceptance of the land.~~

~~The Density Bonus Scorecard (Table 4.01.02(A)) is a tool created to evaluate a development's ability to obtain a density bonus. It is composed of five (5) categories: Housing Type Mix, Mixed Use, Community Amenities, Green Building Certification and Sustainable Site Development Practices. Each category contains a maximum number of points within the overall category. Projects that obtain additional points within the category are not permitted to transfer those points to any other category. The total number of points in all five (5) categories combined equals 100 points. The density bonus multiplier is applied to the project's underlying lots of record. Projects are able to obtain a density bonus multiplier if they achieve the required total number of points as follows:~~

- ~~• Eligibility for 1.5 multiplier dwelling units per lot of record bonus requires 40% of the Potential Points~~
- ~~• Eligibility for 2.0 multiplier dwelling units per lot of record bonus requires 55% of the Potential Points~~
- ~~• Eligibility for 2.5 multiplier dwelling units per lot of record bonus requires 70% of the Potential Points~~
- ~~• Eligibility for 3.0 multiplier dwelling units per lot of record bonus requires 85% of the Potential Points~~

~~Each of the categories in the Density Bonus Incentive Program are intended to address a community identified need or goal. The Housing Type Mix category encourages a mixture of smaller dwelling units within the overall development scheme which provides an opportunity to achieve more affordable units and workforce housing within the CRA. The Mixed Use category seeks to obtain a development pattern compatible with the existing Central Business District whereby there is a mix of retail, restaurants and professional offices with residential units. A category for Community Amenities is included in order to realize several of the goals of the CRA such as retention of historic structures, maintenance of views, pedestrian corridors and providing for infrastructure improvements. The Green Building Certification category awards points to project that have taken the necessary steps to obtain a nationally recognized green building certification. Points for Sustainable Site Development Practices provide points for achieving certain measurable sustainable building techniques.~~

Table 4.01.02(A) CRA DENSITY BONUS SCORECARD

CATEGORY	MEASURE	POINTS
HOUSING TYPE MIX	20% and above of total units 750 sq ft or under	20
	20% through 80% of total units 751-1000 sq ft	20
	20% through 60% of total units 1,001-1,250 sq ft	10
	Housing Type Mix Maximum Points	35
MIXED-USE	Minimum 8% of gross floor area contains non-residential use (not including parking)	10
	Mixed Use Maximum Points	10
COMMUNITY AMENITIES	Project Reuses & Restores Existing Contributing or Non-Contributing Historic Structures On-Site	5
	Interconnected Public Spaces: Interconnected public spaces and pedestrian ways internal to the project site <i>Partial Block</i> OR	5
	Interconnected public spaces and pedestrian ways internal to the project site <i>Full Block</i>	10
	Project Contains Publicly Accessible Rooftop Amenities (Minimum of 400 sq. ft.)	8
	Project Contains Publicly Accessible Rooftop Green Open space (50% of rooftop)	8
	Implementing Streetscape Improvements in Accordance with Approved CRA Streetscape (Within Project ROW)	10
	Dedication of Land: City acquisition of 5% of the project site (minimum 2,500 sq. ft.) to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition) OR	5
	City acquisition of 10% of the project site to the public of land for Stormwater Management, Parking, Parks or Community Gardens within the CRA (fee simple acquisition)	10
	Public Outdoor Open Space: 2% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace OR	8
	4% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace OR	12
	6% of conditioned square footage provided for useable public outdoor open space on ground level or raised terrace	16
	Contribution of monies towards CRA infrastructure improvements above and beyond the costs of development impacts (\$25,000 / point up to a maximum of 35 points)	35
	Community Amenities Maximum Points	35

Table 4.01.02(A) CRA DENSITY BONUS SCORECARD (continued)

CATEGORY	MEASURE	POINTS
GREEN BUILDING CERTIFICATION	Nationally Recognized Sustainable Rating System (LEED, Green Globes, Earth Craft, etc.)	5
	Green Building Certification Maximum Points	5
SUSTAINABLE SITE DEVELOPMENT PRACTICES	HERS Rating OR Other Energy Conservation HERS Rating of 70-61 OR	5
	HERS Rating of 60-51 OR	7
	HERS Rating of 50-16 OR	10
	HERS Rating of 15 or below	15
	OR	
	Project Uses Solar Water Heaters for all Commercial and Residential Units	1
	Project Contains On-site Renewable Energy	1
	Project Contains/ Requires All Energy Star Rated Appliances and Fixtures	1
	ADDITIONAL CREDITS	
	Project Uses Water Efficient Landscaping (Xeriscape & Rain Gardens) Minimum of 75% of required landscaped area	1
	Florida Water Star Certified Project	2
	Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Parking Areas	1
	Project Exceeds Minimum (30%) Landscaping Requirements using Native Plant Materials for Tree Planting	1
	Project Diverts a Minimum of 50% of all Construction Waste Away from Landfills (re-use on-site or recycle hauler)	3
	Project Contains On-site Use of Collected Stormwater	2
	Reduced Non-Roof Heat Island Effect to a Minimum of 40% of Hardscape	2
	Reduced Roof Heat Island Effect (Green Roof or Reflective Roof)	3
	Project Provides a Central Storage Facility internal to the Project for the Collection of Recyclable Waste	2
	Sustainable Site Development Practices Maximum Points	15
	TOTAL MAXIMUM POINTS	100



DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

COMPREHENSIVE PLAN & LDC TEXT AMENDMENTS- CBD DENSITY

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	City of Fernandina Beach/ City Commission as 2016 Priority Action Item
AGENT:	Dale L. Martin, City Manager → Community Development Department Planning Staff
REQUESTED ACTION:	Amending Comprehensive Plan Policies 1.04.05 and 1.07.09 and LDC Sections 4.01.01 and 4.01.02 to remove the density bonus provisions for the CRA and increasing net density within the Central Business District land use/ C-3 zoned properties
LOCATION:	All Central Business District (CBD) FLUMED and C-3 Zoned Properties totaling approximately 47.50 acres of land

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website, the City Clerk's Office and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

In 2016, the City Commission established a priority goal objective of increasing density in the City's downtown. This topic is not unfamiliar to the City and its residents. For over a decade, the issue of increased density in the urban core has been discussed at various boards and committees and even stems from the initial efforts of the City's waterfront visioning exercises in 2004-2005. The Waterfronts Florida Partnership provided an excellent starting point for the City to consider its long term planning as it relates to the riverfront area as well as downtown. The visioning which took place and subsequent follow up meetings pointed to the need to increase the City's capacity to provide additional downtown residential housing opportunities and support its local merchants. Initial efforts were completed to increase downtown density, prior Planning staff considered an Urban Core type land use category in which density could be higher than the CBD. Unfortunately, in 2004 the entire City was considered within a Coastal High Hazard Area, which virtually froze all existing residential densities city-wide. The discussion ceased and efforts were considered in other areas to support downtown. In 2006, the state changed its definition of Coastal High Hazard Area (CHHA) and updated maps were issued. Today, only the western most edges of waterfront property are impacted by the CHHA.

In the years that followed, the City established a Community Redevelopment Area (CRA) along its waterfront properties and immediately adjoining the westernmost portion of the Central Business District. In late 2010, the City created a density bonus system for CRA properties containing the CBD land use designation as a means to address concerns raised by the development community that there was insufficient density in place to create marketable residential structures. However, efforts were too late as the nationwide recession was in full effect and the housing market crashed. The density bonus program and Land Development Code (LDC) based "score card" has never been used.

Although, ten years have passed since the prior discussions, much remains the same. The development community continues to face obstacles in their ability to deliver marketable housing on underutilized and vacant lands located downtown. An additional challenge is the ability to residentially occupy the second and third floors of historic structures due to the financial burden involved with meeting accessibility, fire separation, and Florida building code requirements. Creating these units may be possible, but the rate of return on potential rents makes it difficult to justify the cost of improvements.



DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

Today, the majority of second and third floor units remain vacant as most retail and offices want to be located on the first floor.

The Central Business District (CBD) Future Land Use category is comprised of approximately 47.50 acres. Its current maximum density is at 8 dwelling units per acre, except where a previously platted lot of record exists. Under Comprehensive Plan policy 1.05.04, existing platted lots of record located in the CBD (*and other districts*) are permitted one (1) residential unit.

The City's 1901 plat created lots of record at a scale of 25ft x100ft for properties extending from east of Front Street to 4th Street. Lots gradually become larger as they continue east with 50 ft x 100 ft lots on the 5th and 6th Street blocks and 100 ft. x 100 ft. lots extending east to Central Park.

Exhibits A – C depict the City's CBD land use with 1901 plat lines, current parcel configuration and location of the Downtown Historic District and Community redevelopment area.

Staff has evaluated the entire district from a land use perspective and found that when 8 dwelling units per acre is calculated the City is capable of achieving 380 dwelling units within the Central Business District. That same area contains 383 existing platted lots of record in total, each honored under Policy 1.05.04. From a broad brush approach, the base density is achieved district wide. Staff proposes elevating the base density to 34 dwelling units per acre, which would accommodate a potential maximum build-out of the district at 1,615 residential dwelling units. This quadrupling of density sounds alarming, however, the feasibility of fully achieving it must be considered.



Portion of 1901 Plat of Downtown Fernandina Beach



DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

FEASIBILITY OF A MAXIMUM BUILD-OUT:

Properties located within the City's historic district are regulated by the Historic District Council for any exterior improvements or consideration of demolition. Structures which are "contributing" to the district face additional scrutiny prior to the allowance of demolition. Established procedures are in place to protect the City's historic resources. The proposed density increase is an effort to allow for residential dwellings to occupy existing vacant spaces within the 2nd and 3rd levels of these resources, not to encourage demolition.

The City has in place a forty-five (45) foot height limit for all CBD/C-3 zoned structures, which limits buildings to a maximum of four (4) stories tall. Lots located within the Central Business District are limited to a lot width of no less than 25 feet and each lot is required to have access from an adjoining public right-of-way. The City's LDC directs that 10% of the site be dedicated for landscaping improvements. Additionally, newly developed mixed use and apartment structures require on-site storm water management with permitting through the St. Johns River Water Management District. Due to the high value of the land within this area, staff presumes that new development would rely on subterranean vaults to meet the demands of their storm water impacts.

Within the CBD/C-3 zoning district, the City absorbs parking impacts tied to any commercial operation, so there is NO PARKING required for any commercial use downtown. However, the City does not extend this exemption to on-site parking for residential dwellings. With most of the downtown historic structures, especially those located on Centre Street, achieving parking on site will not be possible. This requirement may force additional changes to the LDC or variance requests to deviate from minimum parking standards.

Collectively, these requirements, along with standards contained in the Florida Building Code and Fire Code erode the ability to fully build out to the maximum build out and create a marketable residential unit.

Strategies for handling parking:

Parking as a topic was not originally addressed in the current staff proposal. This is not something that needs to be addressed immediately for the proposal to continue its progress, but is something that needs to be considered moving forward. It's also a topic that the PAB may wish to provide comment and offer a recommendation to the City Commission.

The City does extend a provision for properties located in the Community Redevelopment Area (CRA) to reduce minimum residential parking standards, dependent on the square footage of each dwelling unit. (LDC Section 7.01.04 (A) - Parking Space Requirements Table, Footnote 2). It may be appropriate to adjust the standard to apply to all C-3 zoned properties and consider if additional adjustments need to be made.

Alternatively, the City could consider allowing a payment in lieu of providing parking for residential for its historic structures. This mechanism is currently in place for non-residential uses within the CRA. A strategy like this would allow property owner to satisfy their parking requirement by paying a set fee for the City to provide parking.

Finally, the City could consider waiving parking requirements for redeveloping historic structures to accommodate residential uses and allow overnight parking within existing City Parking lots. With the latter approaches, staff suggests that a residential overnight parking permit program be established to monitor the number of vehicles that have been legally allowed to park overnight and to ensure compliance with the parking strategy chosen.



DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

DENSITY (EXISTING AND PROPOSED):

The first three examples provide a quick summary of how the proposed change would impact the ability to provide residential units on a given piece of property. It depicts a maximum build out scenario and does not account for compliance with the technical standards of the City's LDC for adherence with historic district guidelines, providing parking, minimum landscape or stormwater requirements as may be necessary under a redevelopment scenario. It's simply for purposes of providing a graphical representation of the calculation and what could be possible.

A previously platted 25 x 100ft lot of record is permitted to construct a single dwelling unit downtown. In this example, like many this is a historic structure constructed in 1900. Creating a residential unit and satisfying code requirements involves a substantial financial burden and the owner is left with a 2,500 square foot apartment, an area that is in keeping with most suburban residential standards, not that of a downtown urban core. Under the proposed change, this property would have sufficient density to establish up to (2) two residential units.

Example Density Calculation:

25 X 100 ft Lot of Record

Add Half of Adjoining ROW (on Centre Street)

2,500 ft²

+1000 ft²

3,500 ft²

With Policy 1.04.05 (honors platted lots of record)

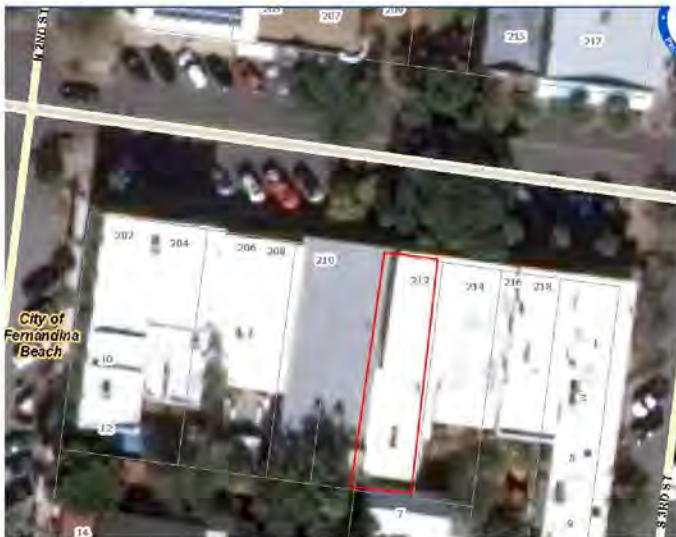
1 unit

Existing CBD Density (8 du/ acre or 5,445 ft²)

0 units

Proposed CBD Density (34 du/ acre or 1,281 ft²)

2 units





DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

A 50 x 100 ft lot is also permitted to construct a single dwelling unit under both policy 1.04.05 and it also satisfies minimum existing density requirements when calculating ½ of the adjoining right-of-way (ROW). Under the proposed change the lot would be able to construct five (5) residential dwelling units.

Example Density Calculation:

50 X 100ft Lot of Record

	5,000 ft ²
Add Half of Adjoining ROW (on Side Numbered Streets = 60 ft)	<u>+1,500 ft²</u>
	6,500 ft ²

With Policy 1.04.05 (honors platted lots of record)	1 unit
Existing CBD Density (8 du/ acre or 5,445 ft ²)	1 unit
Proposed CBD Density (34 du/ acre or 1,281 ft ²)	5 units





DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

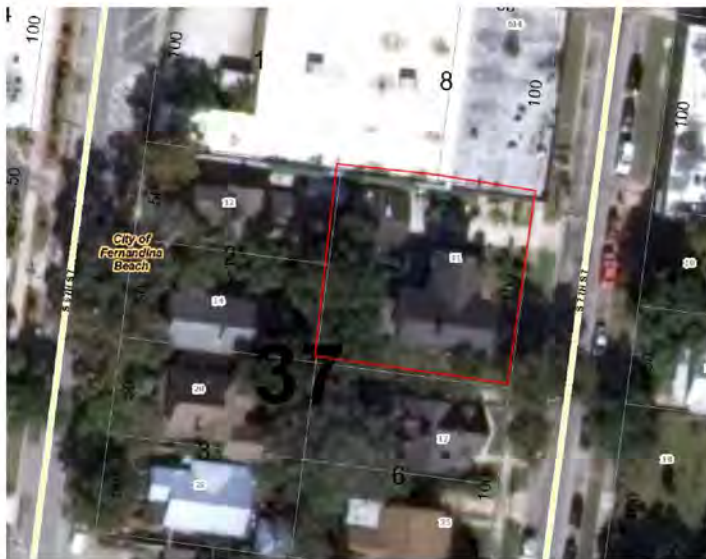
The 1901 platted 100 x 100 ft. lots will go from being able to construct three (3) dwelling units to a maximum of twelve (12) dwelling units.

Example Density Calculation:

100 X 100ft Lot of Record

	10,000 ft ²
Add Half of Adjoining ROW (on Side Numbered Streets = 60 ft)	+ 6,000 ft ²
	16,000 ft ²

With Policy 1.04.05 (honors platted lots of record)	1 unit
Existing CBD Density (8 du/ acre or 5,445 ft ²)	2 units
Proposed CBD Density (34 du/ acre or 1,281 ft ²)	12 units





DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

VACANT OR UNDERUTILIZED SITES AND DENSITY IMPACTS

Within the Central Business District/ C-3 zoning district remains a total of 18 “vacant” properties. These properties are scattered throughout the downtown area and contain a variety of lot configurations. This map depicts the location of remaining vacant lands.



Staff has provided a brief analysis of three (3) potential redevelopment sites. They were chosen because they are either currently vacant or underutilized properties with a high potential for future redevelopment. Calculations are reflective of a maximum build-out scenario and do not account for what may be a marketable residential unit when factoring requirements for adherence with the LDC standards for a 45 foot maximum building height, 10% landscape standard, parking requirements, or stormwater management. Requirements for compliance with the Florida Building Code and Florida Fire Code may also impact the total number of units achievable on a given site.



DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

This 125x100 ft. parcel is a property which is likely to redevelop in the future and may take advantage of the potential for residential density through its redevelopment scheme. Under the proposed change the property would be able to construct up to 15 residential dwelling units.

Example Density Calculation:

125 X 100ft Lot with 5 Platted Lots

Add Half of Adjoining ROW (Approximately = 60 ft)

$$\begin{array}{r} 12,500 \text{ ft}^2 \\ + 6,750 \text{ ft}^2 \\ \hline 19,250 \text{ ft}^2 \end{array}$$

With Policy 1.04.05 (honors platted lots of record)

5 units

Existing CBD Density (8 du/ acre or 5,445 sq ft)

3 units

Proposed CBD Density (34 du/ acre or 1,281 sq ft)

15 units





DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

Although, the property is currently being redeveloped in keeping with its prior use as a retail store, this 400 x 400 ft. parcel is a property which has the potential to redevelop in the future. Under the proposed change the property would be able to construct up to 45 residential dwelling units.

Example Density Calculation:

200 X 200ft Lot with 5 Platted Lots

Add Half of Adjoining ROW (Approximately = 60 ft)

40,000 ft²

+ 18,000 ft²

58,000 ft²

With Policy 1.04.05 (honors platted lots of record)

4 units

Existing CBD Density (8 du/ acre or 5,445 sq ft)

10 units

Proposed CBD Density (34 du/ acre or 1,281 sq ft)

45 units





DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

This property is located within the City's CRA and previously considered a redevelopment scenario that involved mixed use office/retail and apartments prior to the 2009 housing market crash. The site remains vacant and the existing Standard Marine Building is boarded up. Under the proposed density increase, the property has the potential for redevelopment of up to 99 dwelling units.

Example Density Calculation:

2.06 Acres – Full City Block on Front Street

Add Half of Adjoining ROW (on Side Numbered Streets = 60 ft)

89,733 ft²

+ 37,500 ft²

127,233 ft²

With Policy 1.04.05 (honors platted lots of record)

34 units

Existing CBD Density (8 du/ acre or 5,445 sq ft)

23 units

Proposed CBD Density (34 du/ acre or 1,281 sq ft)

99 units





DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

MAIN STREET FERNANDINA SURVEY ANALYSIS

With the support of Main Street Fernandina, the City devised and launched a survey in mid-September 2016. A total of 199 responses were obtained from the survey effort which closed on December 8, 2016. With exception of a few, those who responded to the survey indicated an interest in living downtown, if they were able to secure housing to meet their desired needs. An overwhelmingly (92%) stated that if they lived downtown they would drive less often. 60% of respondents stated they would be willing to park their cars a maximum of two-blocks from their place of residency and would rely on public transportation more frequently.

When it comes to desired housing preferences, most respondents are looking to secure 1,000 to 2,000 square feet of living area with 2-3 bedrooms and 1.5 -3 bathrooms. They would also like to have two (2) available parking spaces either within their place of residency or as a mix of secured parking and on-street parking. One-third (1/3) of respondents indicate a desire to live in a mixed-use building, however, nearly 50% would like either a detached single-family home or townhouse. Although, most respondents are desirous of buying their place downtown, of those willing to rent a 2-bedroom apartment 45% are looking for \$1,000 or less in rent costs each month.

Here is a brief summary of the general demographics of survey respondents:

- 25% of respondents are employed in downtown Fernandina Beach.
- 61% of the respondents live on Amelia Island.
- Almost 70% are looking to buy or rent-to-buy a place downtown.
- Nearly 80% have 2+ people currently living in their household.
- Roughly 50% of respondents were aged 55+, with almost 23% of respondents under the age of 40.

These top three items were tremendously supported as a primary factor to their decision to live in downtown Fernandina Beach

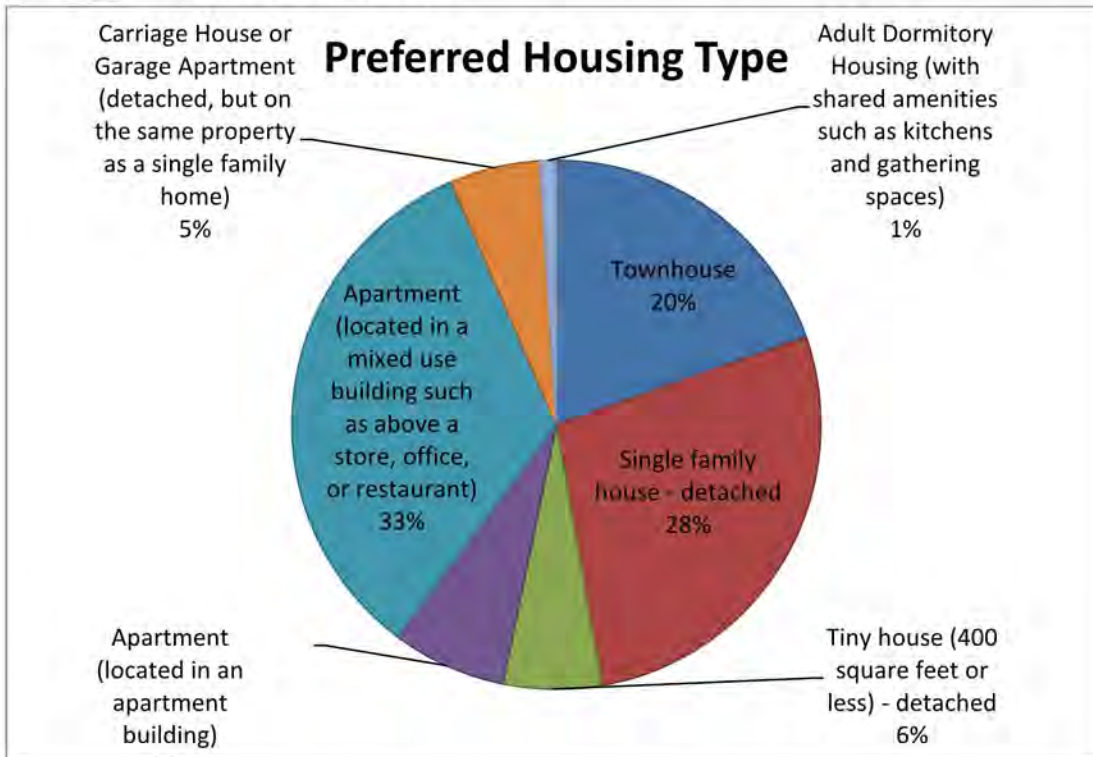
1. Dining, Nightlife, and Entertainment
2. Public Amenities such as the Marina, Library, Post Office, City Hall, Community Theater, Museum, etc.
3. Safe Walking and Biking.

When asked “Why do you want to live downtown?” The primary responses were “Convenience, Walkable, Close to Everything, and Historic Charm.” Responses are summarized in the word cloud, HERE →.



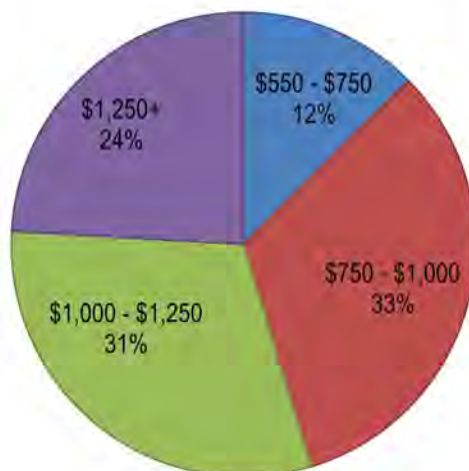


DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016



There is a fairly even split of survey respondents looking for either Single family detached homes, townhouses, or mixed –use living downtown .

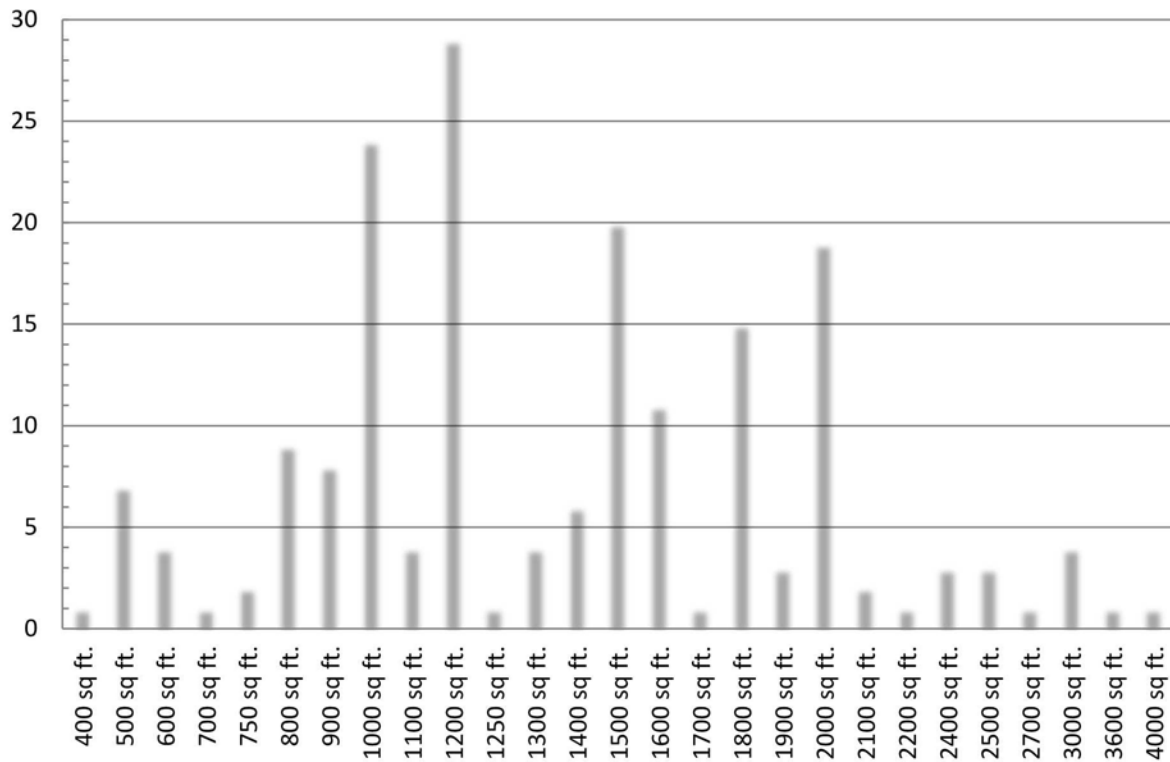
Maximum Rents for 2-Bedroom Apartment



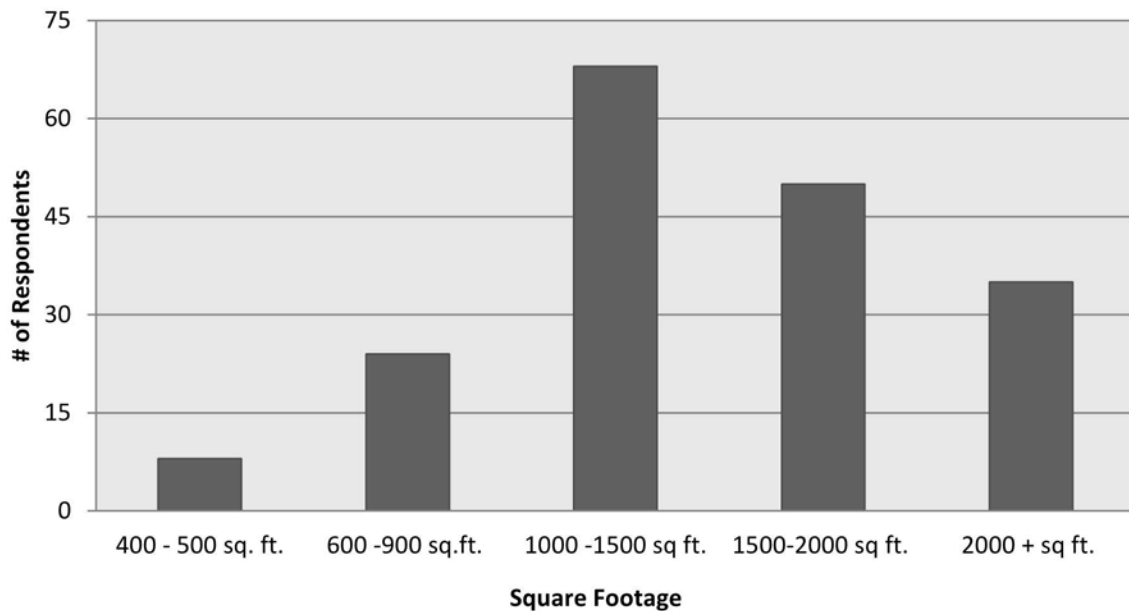
Roughly two-thirds of the respondents are willing to pay up to \$1,250 for a two- bedroom apartment downtown. However, 45% of the respondents are looking to pay \$1,000 or less.



Desired Square Footage



Desired Square Footage

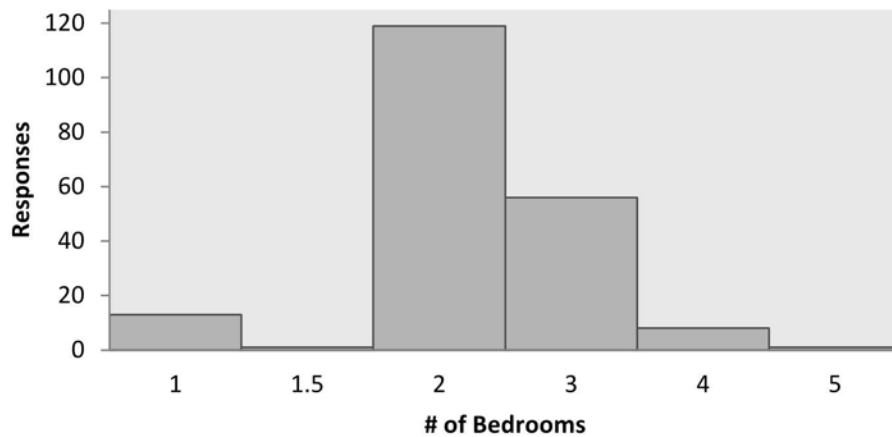


The majority of respondents desire between 1,000 – 2,000 square feet.



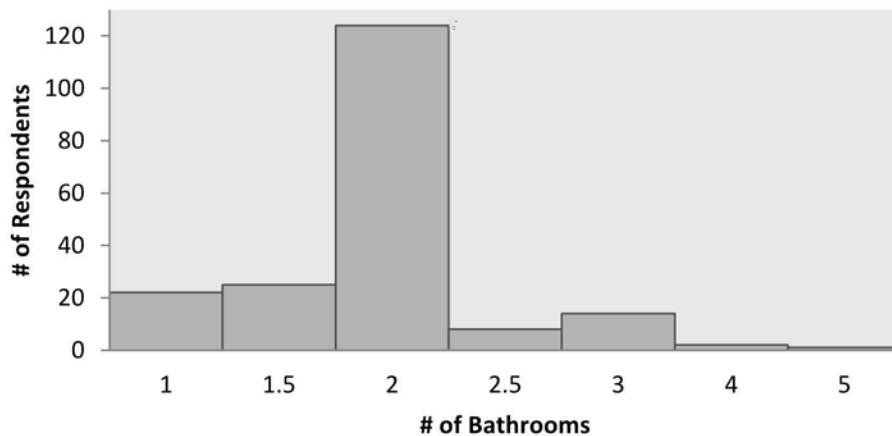
DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

Bedroom Count Preference



88% of respondents are looking for 2-3 bedrooms.

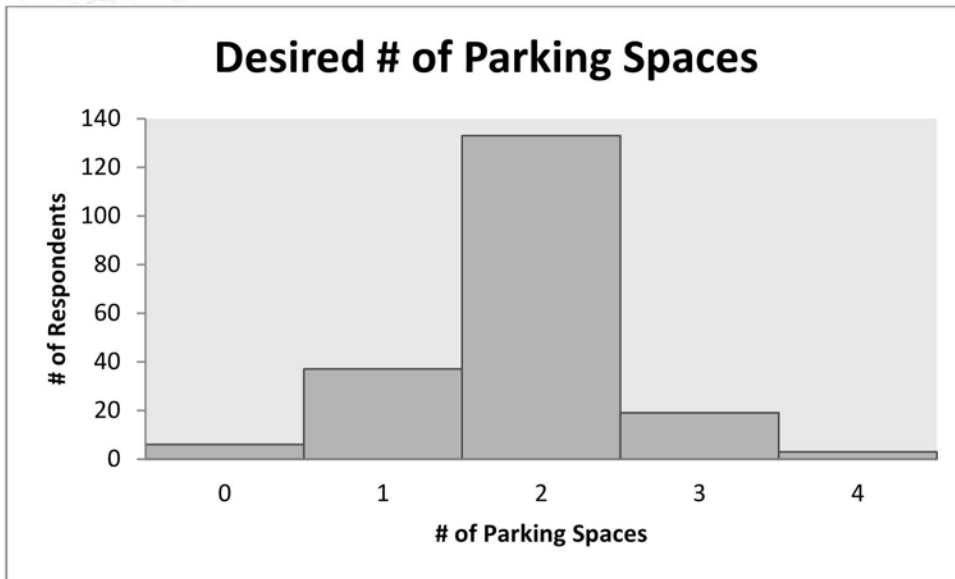
Bathroom Count Preference



86% of respondents are looking for between 1.5 and 3 bathrooms with the majority requesting two (2) bathrooms.



DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016



67% of Respondents desire two (2) parking spaces with just over 20% stating that they would require either zero or one (1) space.



DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

CONCLUSION:

The analysis contained within this report provides information to support a net density increase within the Central Business District (CBD)/ C-3 zoning district from 8 dwelling units per acre to 34 dwelling units per acre. This figure supports the City's ability to obtain residential dwelling units in its existing historic structures. It provides an opportunity to create dwelling units on vacant or underutilized sites which serve to support long term residential living downtown, whether those units support work force housing needs, senior co-housing, tiny houses, or an opportunity for an affordable 2nd home in downtown Fernandina Beach. It is a product which the City's urban core is currently unable to deliver under the existing base density. Increasing the number of residential units within the CBD serves to support existing business merchant's downtown by providing affordable housing options through smaller unit sizes for retail, office, and restaurant employees. It also increases the number of people likely to walk, dine, and shop weekly or even daily at their businesses. This adds vibrancy to the City's downtown core and supports previous long term visioning efforts. Staff fully supports the City Commission's request to increase net density downtown as directed by its 2016 priority action item.

Details regarding parking cannot be ignored, particularly as it will relate to established historic structures. At the present time, there are parking flexibility standards within the LDC which may help those property owners looking to meet minimum parking requirements through off-site parking agreements. A variance opportunity exists for these owners as well. Amendments regarding parking as contained in Chapter 7 of the LDC may be considered by PAB recommendations or addressed as a staff proposal under a separate application.

MOTION(S) TO CONSIDER:

I move to recommend (approval or denial) of PAB case number 2016-27 to the City Commission requesting amendments to Comprehensive Plan Policies 1.04.05 and 1.07.09 and LDC Sections 4.01.01 and 4.01.02 as described and that PAB case 2016-27, as presented, (is or is not) sufficiently compliant with applicable sections of the Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

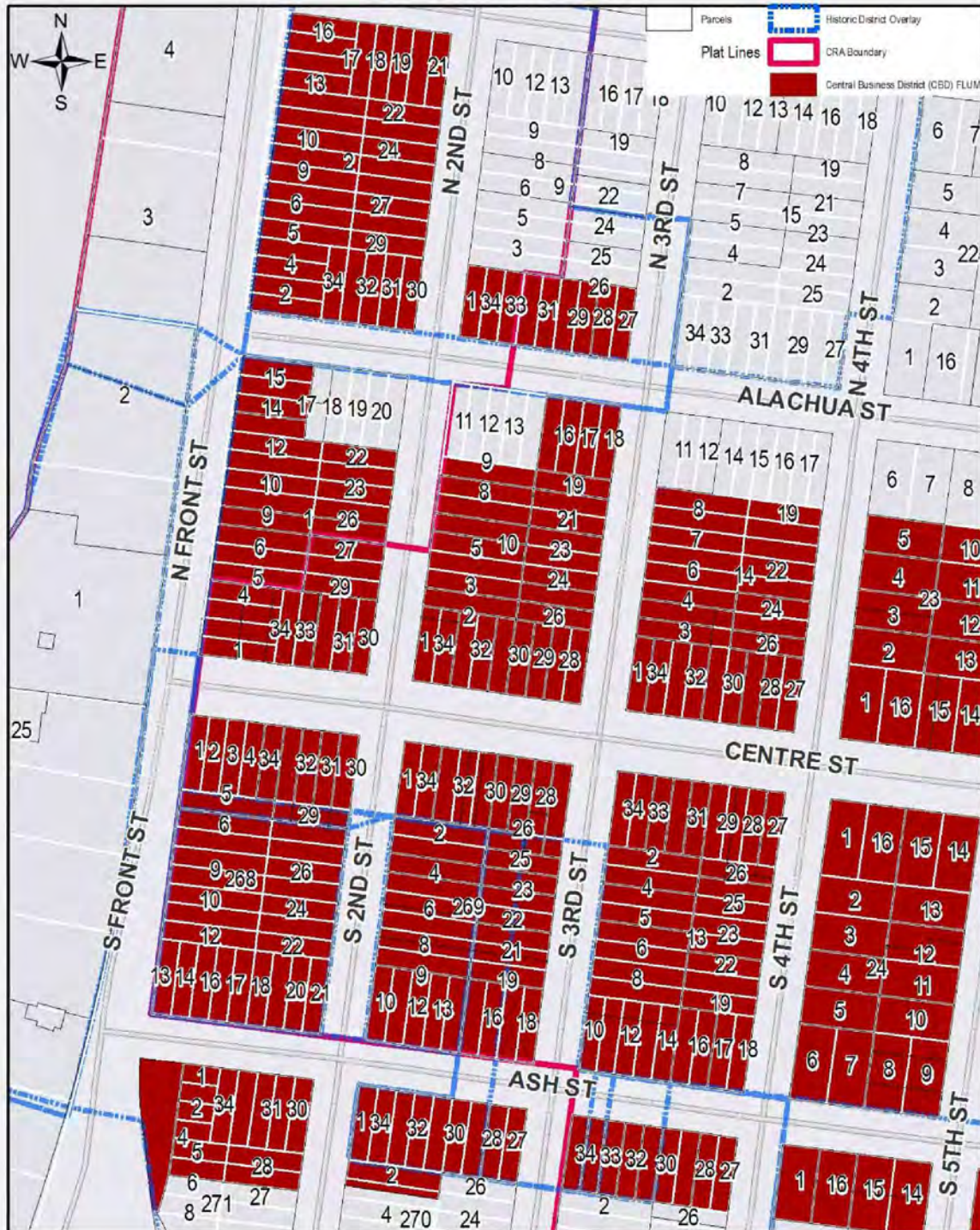
A handwritten signature in cursive script that reads "Kelly N. Gibson".

Kelly N. Gibson, AICP
Senior Planner



EXHIBIT A

**CENTRAL BUSINESS DISTRICT (CBD) PROPERTIES
WEST OF 4TH STREET**





DATA & ANALYSIS
PAB 2016-27: CP + LDC Text Amendments – CBD Density
Planning Advisory Board Hearing
December 14, 2016

EXHIBIT B

**CENTRAL BUSINESS DISTRICT (CBD) PROPERTIES
BETWEEN 4TH AND 6TH STREETS**

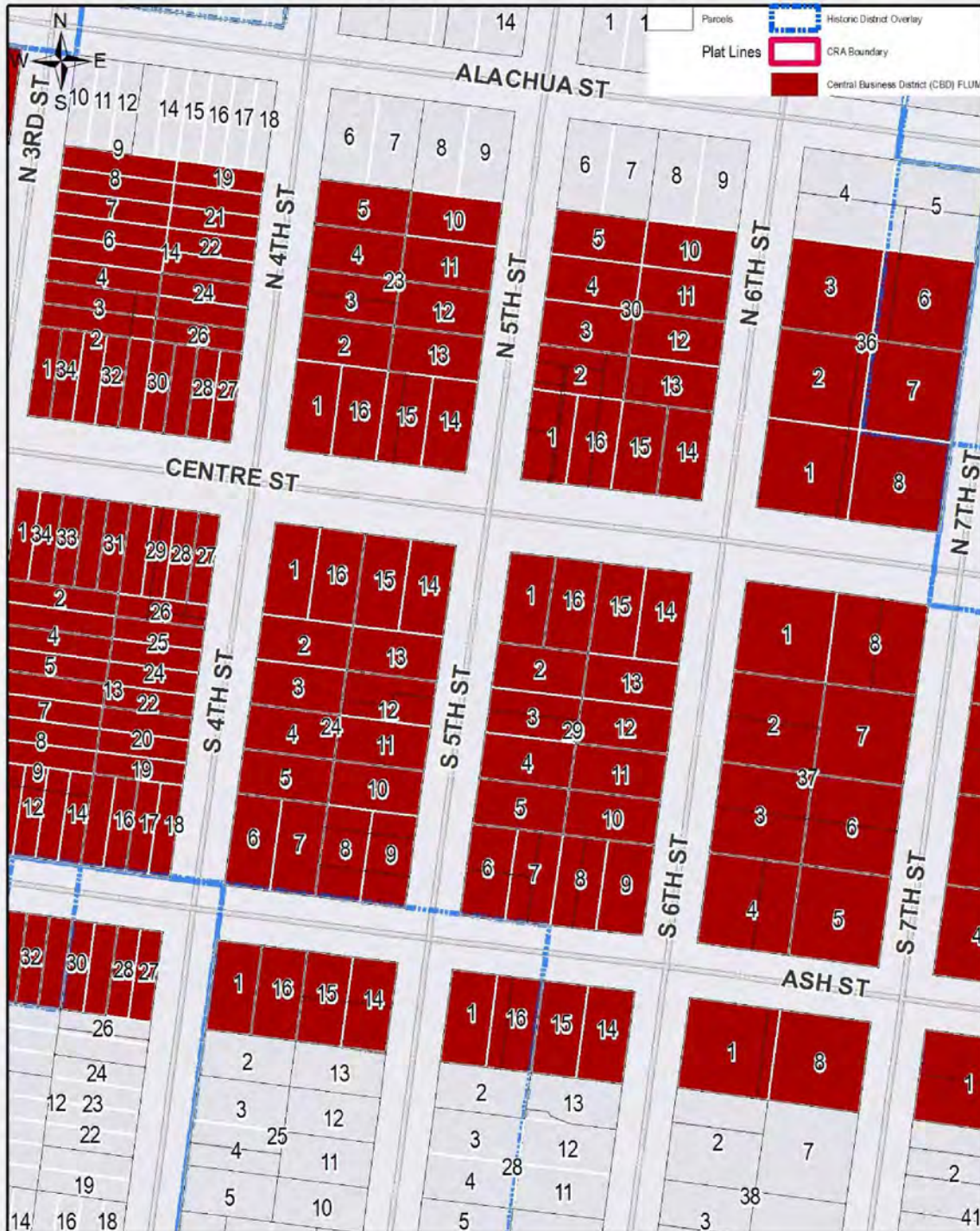
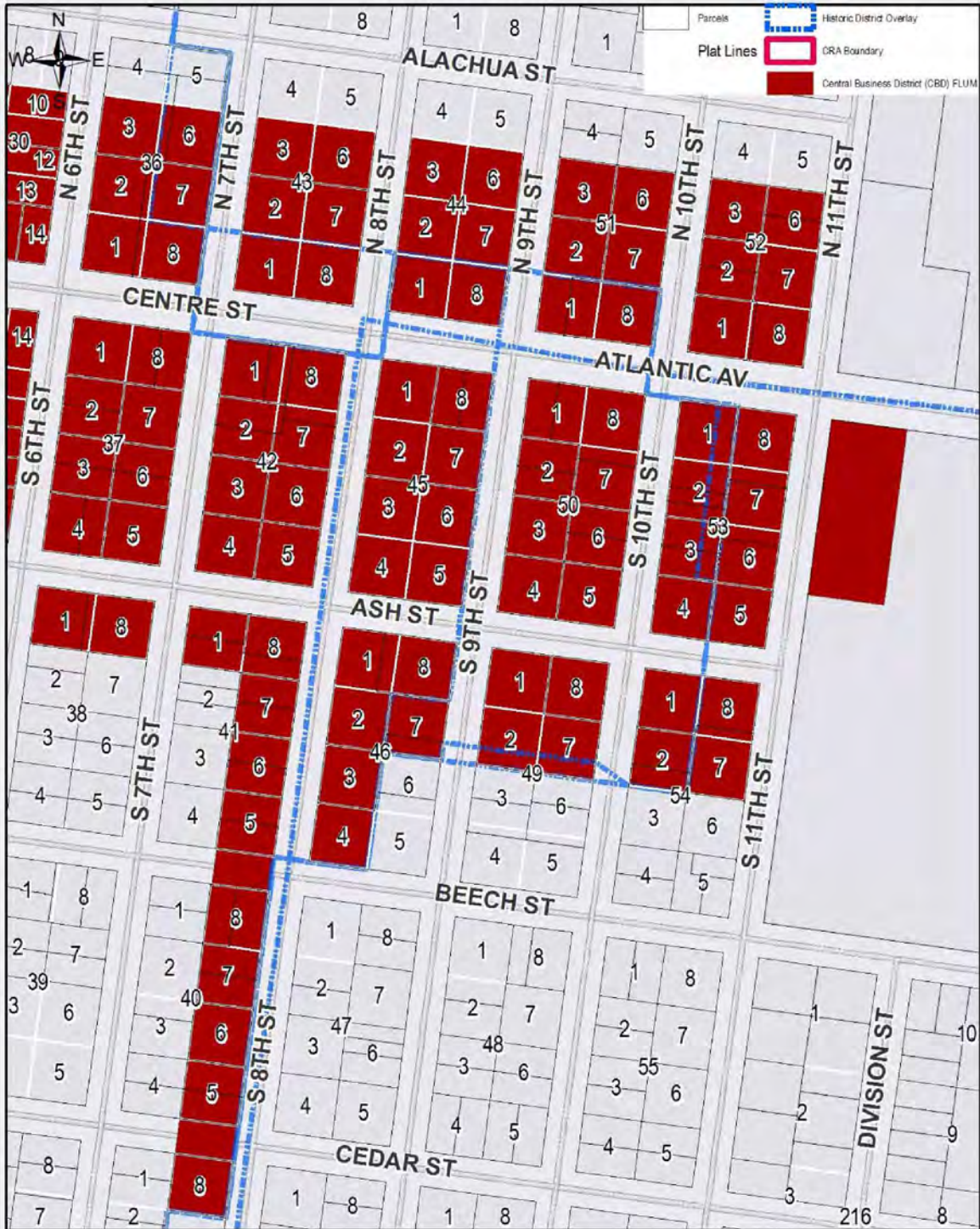




EXHIBIT C

**CENTRAL BUSINESS DISTRICT (CBD) PROPERTIES
EAST OF 6TH STREET**





February 17, 2017

Joseph Addae- Mensa, Ph.D.
Florida Department of Economic Opportunity
Division of Community Development
107 E. Madison Street, MSC 160
Tallahassee, FL 32399
Joseph.addae-mensa@deo.myflorida.com

RE: Request for Additional Analysis of Public Facilities and Services

Mr. Addae-Mensa,

The purpose of this letter is to provide you with additional information as requested for your review of the City's proposed Comprehensive Plan Amendment (ESR 17-01). The data and analysis reflect an approximate land area for the Central Business District of 47.50 on page 2 of the staff report. The Planning Department confirmed that this figure is more accurately 42.43 acres through the Nassau County Property Appraiser's Office on February 14, 2017.

Fernandina Beach has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. All public facilities and services are currently available within the Central Business District and each service is able to maintain or exceed its level of service standards as required by Comprehensive Plan policies 1.01.02, 4.01.01 and 4.01.02, specific to storm water management. The amendments requested provide an opportunity for the City to more effectively utilize the existing services available within its urban core.

Compliance with level of service standards are assessed on a case by case basis for new and redeveloping properties within the Central Business District. Each redevelopment scenario is unique and its impact on public facilities must be determined at the time of technical site plan review application and prior to the issuance of a Local Development Order. The City establishes this process through Land Development Code policy 11.03.02.

The City's transportation network consists of numerous, highly connected roadways that provide mobility by giving more options for reaching a downtown destination and dispersing traffic. In 2009, the City conducted a downtown traffic circulation analysis which found that the existing network should be adequate to handle projected increases in traffic due to even a very aggressive redevelopment program. The Study found that Centre Street, the most heavily traveled roadway downtown was operating at only 36% of its daily capacity under the adopted LOS standard of C. In terms of network connectivity, the degree to which walkways and roadways allow direct pedestrian or vehicle travel between destinations, within the downtown area meets or exceeds standards for pedestrian and vehicular connectivity. The area defined as the Amelia River Waterfront, does not meet minimum standards. The City is actively working to pursue options, while working with FDOT railroad office and First Coast railroad to address vehicular connectivity. As this area is within a CRA, the City anticipates sidewalk connections and extension of the streetscape within deficient network areas as redevelopment activity occurs. The City is working to complete its mobility plan, looking towards adoption of a mobility fee structure. This plan is a phased planning document due to cost constraints which is currently in its second



year. The City's 2009 downtown parking and circulation study may be found at: <http://www.fbfl.us/DocumentCenter/View/5389>

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Existing potable water customers on the average consume approximately 5 million gallons per day. At the adopted level of service and the maximum density allowed by the proposed Comprehensive Plan amendments, the residential units will consume 431,200 gallons of water per day (1,232¹ units x 350 gallons per ERC per day). This scenario is unlikely due to the constraining factors identified within the staff analysis. (Policy 4.01.01)

The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's existing customers currently generate, on average, 1.9 million gallons per day. At the adopted level of service and the maximum density allowed by the Comprehensive Plan, the increased density has the potential to generate 369,600 gallons of wastewater per day (1,232¹ units x 300 gallons per ERC per day). The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate any proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

Footnote 1: This figure is calculated assuming a maximum buildout scenario of residential units within the Central Business District. The existing potential units permissible total 383 dwelling units. The base density elevation to 34 units per acre generates a potential total of 1,611 dwelling units. Therefore, staff analyzed the potential maximum build out scenario of an additional 1,232 dwelling units. The staff report provides detailed rationale behind why this figure is unlikely due to development constraints tied to historic preservation, Florida Building Code requirements, and Fire Code requirements.

As for solid waste and drainage, the City currently has contracted services with Advanced Disposal to dispose of solid waste. The area is presently serviced through the existing contract and is expected to continue to be served through an independent entity. Drainage impacts from any new development or redevelopment will be reviewed by the City's Technical Review Committee. The City requires storm water drainage to be retained on-site and permitting through the St. John's River Water Management District.

The City's Fire-Rescue Department providing services to residents and visitors is an all hazards response system including; fire suppression, advanced life support/emergency medical services, fire prevention and public safety education, ocean rescue, special operations and emergency preparedness. Each member is professionally trained and certified by the State of Florida as a Firefighter/Emergency Medical Technician or a Firefighter/Paramedic and holds many additional specialty certifications. Operating out of two fire stations, the City's Fire-Rescue Department is fully staffed and prepared to respond to emergency and non-emergency calls for service 24 hours a day. This department is capable of delivering services within the Level of Service Standard requiring 240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response). (Policy 4.01.01)



CITY OF FERNANDINA BEACH

Community Development Department

Kelly N. Gibson, AICP

Senior Planner

The Fernandina Beach Police Department operates with the mission to "serve the public in partnership with our community, to protect life and property, to reduce crime through both proactive intervention and competent response, to resolve conflict through creative problem solving strategies, and to respect human dignity at all times." The Police Department has 33 sworn officers and 5 administrative employees in addition to an active police reserve unit and volunteer police auxiliary corps. At present, the Police Department assigns two (2) full time officers and a police service aide which are dedicated to the downtown area of the City. As such, the Department is capable of meeting or exceeding the minimum level of service needs for new and redeveloping downtown properties to deliver response times totaling 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls. (Policy 4.01.01)

The City maintains School Concurrency requirements through Element 10 of its Comprehensive Plan. The policies provided within the element required a determination of concurrency be considered for a specific residential development or phase of development requiring a subdivision plat approval, site plan approval, or functional equivalent. At present, the City has two (2) public elementary schools, one (1) middle school, and one (1) high school. Most of the growth anticipated for Nassau County is not within the City of Fernandina Beach. The City seeks to make efficient use of the existing school infrastructure in place on the Amelia Island. The Nassau County School Districts currently bring children from off the island to support the existing facilities within the City of Fernandina Beach while additional schools are being constructed in the western portions of Nassau County. The City of Fernandina Beach operates under an Interlocal Agreement with Nassau County School District to assess and collect impact fees tied to residential growth.

I look forward to receiving any additional feedback or follow-up questions that you may have regarding ESR 17-01.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kelly N. Gibson".

Kelly N. Gibson, AICP
Senior Planner

PAB Requests to support the drafting for the scope of services for any traffic circulation and parking study completed by the City.

Some initial thoughts on any parking study as provided through the board's discussion on January 11, 2017 are as follows:

- Downtown Traffic Circulation and Parking Study:
 - Is there a parking problem today?
 - Request to create list of parking stakeholders – Not just “the public”
 - Provide a review of the types of existing commercial development in the CBD to determine impact on parking.
 - With the increased number of food and beverage services over the past 24 months, has the parking dynamic shifted?
 - Consideration of additional on-street parking through one-way streets
 - Review of the number and scale of special events within the downtown area and its impact on parking within the district and surrounding neighborhoods. Further, consider the number of events that require the closing of streets.
 - Request to provide the ratio calculation of existing commercial square footage in CBD to # of existing parking spaces
 - Cost of Parking: Evaluate cost to construct structured parking spaces and include the land value
 - Re-evaluate cost to construct surface parking and include the land value – Are we charging enough?
 - Documenting accessibility of ADA spaces
 - How many exist and is it enough?

The board also discussed LDC based regulatory changes. The discussion included the following topics:

- Should new non-residential development pay into parking fund for new parking and parking maintenance?

- Make a distinction between the CBD historic structures where historic structures are being retrofitted constraints vs. New/Infill/Vacant Development
 - Potential Options: Fee In Lieu Option similar to CRA requirements or provide greater flexibility for use of on-street parking as is currently provided in the LDC for up to 10% of parking demand.
- Consider options to allow for a parking reduction where legally defined affordable housing is provided as part of the development project.
- Consider accessible units and location of existing or new ADA Spaces or requirements to provide on-site for these units
- Provide incentives to create residential services (grocery, pharmacy, laundry, etc.)

Other discussion topics included a request to provide the board links to parking studies at www.fbfl.us/CRA and link to CM Presentation given on Tuesday, January 10, 2017. The board also asked about the possibility of including bike rack locations on the Chamber's Map.

APPROVED

Planning Advisory Board Minutes
Regular Meeting
December 14, 2016
Page 1 of 8

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

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
Judith Lane
Wayne L. Peterson

David Beal, Vice-Chair
Benjamin Morrison

Others Present

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

2. **Selection of Board Officers (Chair and Vice Chair)**

Member Bennett stated he would like be the Chairperson of the Planning Advisory Board.

A motion was made by Member Beal, seconded by Member Morrison. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Member Lane motioned that Member Beal be elected as Vice Chair, seconded by Member Morrison. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

3. **Review and Approval of November 9, 2016 Regular Meeting Minutes – A motion was made by Member Beal, seconded by Member Lane to approve as presented. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

For information purposes, Chair Bennett explained that this Board operates by the Robert's Rules of Order.

Member Lane inquired about setting allotted time during the public hearing. Board Members and City attorney discussed what was elected during past Board meetings. **Member Lane motioned for a maximum of 5 minutes during public hearing, seconded by Member Peterson. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

4. **New Business**

4.1 PAB 2016-25: 2700 ATLANTIC AVENUE- LAND USE AND ZONING CHANGE REQUEST - AMELIA ISLAND PROPERTIES, INC. REQUESTS A SMALL SCALE FUTURE LAND USE MAP AMENDMENT AND ZONING CHANGE FOR PROPERTY LOCATED AT 2700 ATLANTIC AVENUE (PARCEL #14-3N-29-0000-0003-0000) TOTALING APPROXIMATELY 4.73

ACRES FROM MEDIUM DENSITY RESIDENTIAL (MDR) LAND USE AND R-2 ZONING TO GENERAL COMMERCIAL (GC) LAND USE AND COMMUNITY COMMERCIAL/ C-1 ZONING.

Ms. Gibson introduced herself and presented the case. She explained that this case is for a zoning change for the property located at 2700 Atlantic Avenue for approximately 4.73 acres from Medium Density Residential (MDR) Land use and R-2 Zoning to General Commercial (GC) Land use and Community Commercial/C-1 Zoning. She also clarified that this was the old adult day care site which structure has now been demolished, across from Fort Clinch State Park and Prince of Peace Lutheran Church, and next to commercial vacant properties that lead up to Fletcher Avenue. Ms. Gibson stated that the request is to support future redevelopment of the property for commercial purposes capable of supporting resort style commercial development. The applicant has not provided an intended use for the property at this time, which makes it difficult to provide an accurate level of analysis, however the application's letter of intent describes that any future use would be consistent with the City's C-1 zoning designation and the goals described for economic development within the Comprehensive Plan noting that disclosure of an intended use is not required at the time of an applicant's request for land use and zoning changes and that if approved, any future uses of the site permissible in the C-1 zoning district would be allowed. There are adequate services in place such as water, sewer, police, fire.

Ms. Gibson explained that this property although surrounded by residential zoned property in Low Density Residential R1 and R3 zoned properties, rests within the Coastal Upland Protection Zone area which extends 1000 feet inland from the Coastal Construction Control Line created by the State which requires Department of Environmental Protection permitting seaward of this line. This area was created in order to protect the topography and vegetation within the existing dune systems. Ms. Gibson explained that future redevelopment of the property will be required to obtain a Local Development Order through the City's Technical Review Committee (TRC) which will review any future projects for consistency with the City's technical standards as found in the Land Development Code, Municipal Code, Florida Building Code, and Fire Code. Ms. Gibson then stated that she recommended a favorable recommendation of approval to the Board.

Member Beal asked what the intensity in C-1. Ms. Gibson answered the level was 2.0 FAR. Member Lane asks if this was part of the Economic Development Plan reviewed previously this year; Ms. Gibson said it was not included in the City's Designated Job Opportunity Area and explained some criteria.

Member Morrison asked Ms. Gibson about the Coastal Upland Protection Zone. Ms. Gibson explained that this designated area acts as an overlay and helps limit grading and filling activity of coastal properties to maintain vegetation and natural topography as much as possible. There being no standards it is used in a case by case basis with cases to be presented through the City's Technical Review Committee (TRC) in commercial site. Member Morrison also asked about buffering minimum between commercial and residential to the south. Ms. Gibson stated that there are no minimum for commercial but a 15 feet width minimum buffering for residential properties with required planting or retention of native vegetation.

Mr. Ron Flick, representative for the applicant explained the purpose of the request. Mr. Flick briefly explained that the intent is to create a pedestrian center and a Job Opportunity area for Main beach. Mr. Flick also stated that they understand the requirement of the Coastal Upland Protection Zone applicant emphasized that the applicant wants to be a good neighbor and will follow all requirements once they determine what the final use is established.

Public Hearing was then opened.

Mr. Chip Wood, 2617 Gregor McGregor Boulevard, commented that Mr. Flick had not mentioned the intended use, noting that C-1 covers a lot of usage.

Stephen Hilker, 1530 Lisa Avenue, comments about permissible zoning use possibilities at proximity to the beach and that the zoning mentioned in the Comprehensive Plan should be followed as it protects the beachfront area against intense commercial development. He also mentioned that there are other intense commercial developed properties that are currently vacant and could offer plenty of job opportunities such as Sadler Road, South 14th Street, South 8th Street.

Lynn Williams, 1899 S. Fletcher Avenue, commented about going too far with commercial development and that other areas have experienced the downside of over developing.

Bridget Murphy, 403 Tarpon Avenue Unit 312, commented that the Comprehensive Plan had already established the zoning for this property and urged the Board to turn this recommend down.

Jamie Morrill, 3030 Robert Oliver Avenue, commented that going from R2 to C1 is a major step. Mr. Morrill also mentioned that the only reason given that this is a good idea by the applicant is the vague promise that they would be good neighbor and hoped that the Board rejects this request.

Diana Herman, 2116 Belvedere, comments that she would need to know what is going there before receiving approval.

Chair Bennett asked City Attorney Bach to explain requirements from applicants to conditioning of zoning approvals. Ms. Bach explained that we cannot condition the approval of zoning changes and retain the flexibility of the permissible usage. Mr. Flick commented on the differences between Commercial zonings C1, C2 and C3 and maintained that they would follow the requirements of C1. He also mentioned that the future use would be tourist focused and that this is one step of many other steps.

James Shroads, 119 S. 7th Street, commented that he lived in Fernandina for 30 years and was on Planning Board and a representative of the Amelia Island Care. He explained the reason of the R2 zoning for this residential care facility for disabled adults.

Philip Chapman, 2120 Florida Avenue, commented on Job Opportunity's traffic impact and the need to have the Board listen to citizens.

Ray Ternes, 403 Tarpon Unit 310, asked about how often do applicants apply for changes without providing information on future usage. Ms. Gibson answered that applicants are not required to do so. Mr. Ternes also addressed concerns about traffic and the need to enlarge streets. Member Lane asked what the previous zoning was before R2 zoning was established.

Chip Wood, 2617 Gregor McGregor Boulevard, commented about C1 permissible usage and its effect on his residential rights.

Chip Ross, 210 N. 3rd Street, commented that there has been no reason for changes of zoning, only an economic reason. He also commented on location of parking areas requirements for commercial projects and thought this should be defeated. Ms. Gibson explained that the City already has parking standards in place to be located in rear or back areas of the principal structure for new and redeveloping properties in order to create a pedestrian focused environment. She also mentioned that parking has to maintain a 10 foot landscape area.

Upon Chair Bennett's request, Ms. Gibson also explained the Main Beach Destination Area criteria in the Comprehensive Plan which includes Main Beach and Seaside.

Betty Kovalcik, 2609 Countess of Egmont Street, shared the fear about growth and density.

Public Hearing was then closed.

Mr. Flick commented about resort options to create pedestrian centered activity.

Member Beal asked about requirements for the mixed use. Ms. Gibson mentioned the 50% max floor ratio; density is restricted to 8 units per acre and no lodging accommodations (hotels). Member Morrison commented that commercial is appropriate zoning for this property and encourage the public to participate to the process. Member Beal asked Mr. Morrison's opinion as to what would be a good permissible use. Board Members then discussed the transitions between zoning with C1, R2, mixed use zoning and surrounding properties.

A motion was made by Member Morrison, seconded by Member Lane, to recommend approval of PAB case number 2016-25 to the City Commission requesting a Future Land Use Map assignment of General Commercial and zoning change to C-1 from Medium Density Residential land use and R-2 zoning, as described and that PAB case 2016-25 as presented, is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as followed:

<i>Member Morrison:</i>	<i>Aye</i>
<i>Member Peterson:</i>	<i>Nay</i>
<i>Member Beal:</i>	<i>Aye</i>
<i>Member Lane:</i>	<i>Aye</i>
<i>Chair Bennett:</i>	<i>Aye</i>

Member Lane recommended to Mr. Flick that developer and applicant should work closely with the Tree Conservancy Group.

4.2 PAB 2016-26: AMELIA PARK FINAL PLAT FOR PARK AVENUE NORTH - FINAL PLAT FOR PROPERTY LOCATED ON THE NORTH SIDE OF PARK AVENUE IN THE AMELIA PARK NEIGHBORHOOD TOTALING 13 NEW SINGLE FAMILY HOME SITES CONSISTENT WITH THE AMELIA PARK PUD.

Ms. Gibson explained the case, she first stated that the City had already approved this property's use under a Planned Unit Development back in late 1990's and that the PUD was most recently modified in August 2015, to remove a restriction for these sites which required first floor retail fronting Park Avenue. The applicant is requesting approval of a Final Plat for a section of Amelia Park along Park Avenue, straddling S. 15th Street and adjoining the Amelia Park Office Suites. The request is for development of 13 single family detached home sites with rear alleys maintained as private roads.

Ms. Gibson stated that this recommendation will be go to the City Commission for final approval via resolution, and Staff recommended approval.

Mike Antonopoulos, 115 Solana Road, Ponte Vedra, representative for the applicant, presented his case with no comments.

Public Hearing was then opened and closed.

Ms. Gibson stated that a Final Plat request for the south side should be presented in the next month or so.

A motion was made by Member Beal, seconded by Member Lane, to recommend approval of PAB case number 2016-26 to the City Commission requesting that a Final Plat of Park Avenue Properties within the Amelia Park neighborhood be (approved or denied) and that PAB case 2016-26, as presented, (is or is not) sufficiently compliant with the Comprehensive Plan, Land Development Code, and terms of the Amelia Park PUD overlay to be approved at this time. Vote upon passage of the motion was taken by ayes and nays being all ayes, carried.

4.3. PAB 2016-27: CENTRAL BUSINESS DISTRICT - COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE TEXT AMENDMENTS

CITY OF FERNANDINA BEACH, REQUESTS AMENDMENTS TO THE COMPREHENSIVE PLAN STRIKING POLICY 1.04.05, PROVISIONS FOR A DENSITY BONUS INCENTIVE PROGRAM, AND MODIFYING POLICY 1.07.09 FOR THE CENTRAL BUSINESS DISTRICT LAND USE CATEGORY DENSITY TO INCREASE THE BASE DENSITY FROM EIGHT (8) DWELLING UNITS PER ACRE TO THIRTY-FOUR (34) DWELLING UNITS PER ACRE AND AMENDING THE LAND DEVELOPMENT CODE, TABLE 4.01.01 DENSITY AND HOUSING TYPES IN THE BASE ZONING DISTRICT, TO ALLOW FOR 34 DWELLING UNITS PER ACRE AND MAKING PERMISSIBLE DUPLEX, TRIPLEX, AND TOWNHOUSE STRUCTURES, AND STRIKING POLICY 4.01.02, DENSITY BONUS PROVISIONS, AND STRIKING TABLE 4.01.02 (A), DENSITY BONUS SCORECARD.

Ms. Gibson presented the case, she explained that increasing density has been presented and discussed many time and that the development community continues to face obstacles and challenges to deliver marketable housing. She stated that the majority of second and third floor units in the downtown district remain vacant as most retail and offices want to be located on the first floor. She also stated that the ability to residentially occupy the second and third floors of historic structures is hindered due to the financial burden involved with meeting accessibility, fire separation, and Florida building code requirements. She explained that while the creation of these units may be possible, the rate of return on potential rents makes it difficult to justify the cost of improvements. She also emphasized that the main goal for this request is to get more people working, shopping and living downtown.

Ms. Gibson continued on explaining that the request which has become one of the City's priority is to increase the number of dwelling units per acre from 8 to 34 within the Central Business District and that this would essentially establish the ability to reduce the rental cost by reducing the square footage of each unit. She offered 2 examples of properties. She emphasized that there are some severed limitations on redeveloping such as being located within the Historic District but also mentioned that this request does not encourage demolition of historic structures but encourages reuse. She stated that for redevelopment and vacant land, there are some current requirements that still would have to be followed such as height, parking requirements, landscaping, storm water and fire and building code requirements.

In working closely with the Main Street Fernandina Beach Group, Ms. Gibson provided information regarding a survey which received 199 responses within 2 month time frame providing the information on the top three primary factors to their decision to live in downtown Fernandina Beach, the three being first, Dining, Nightlife, and Entertainment secondly, Public Amenities such as the Marina, Library, Post Office, City Hall, Community Theater, Museum and thirdly, Safe Walking and Biking.

Ms. Gibson summarized by adding that increasing the net density within the Central Business District/C3 zoning from 8 dwelling units per acres to 34 dwelling units per acre would support the City's ability to obtain residential dwelling units in its existing historic structures. It would also provide an opportunity to create dwelling units on vacant or underutilized sites which serve to support long term residential living downtown, whether those units support work force housing needs, senior co-housing, tiny houses, or an opportunity for an affordable 2nd home in downtown Fernandina Beach. This would also support existing downtown business merchants by providing affordable housing options through smaller unit sizes for retail, office, and restaurant employees while adding vibrancy to the City's downtown core.

Ms. Gibson recommends approval of its own request.

Member Lane comments that she wishes there would be a clearly picture of what the City Commission is looking for but has concerns about parking. Member Morrison agreed considering that the number of parking to be made available has to double the number of units. Member Peterson also is concerned about parking.

Member Morrison asked where the number 34 originated from and Ms. Gibson answered that it came from the ability to get 2 units in a 25ft x 100ft lot of record.

The Board then discussed at length their concerns about the impacts of parking, the necessary square footage size for residential unit to generate rental income, W1 zoning, landscaping requirements within the Historic District and storm water.

Public Hearing was then opened.

Mr. James Shroad, 119 S. 7th Street, lived in Fernandina Beach for 33 years, commented that this location is located 200 feet from the C3 district and stated that he is an affected party in regards to parking according to the State Comprehensive Planning Act which provided him with standing to challenge this in court. He mentioned that his house is R2 and the end of the block is zoned C3. He then commented that as per his experience, previous owners have converted their residence to businesses such as restaurants and offices which were reverted back because of many reasons mainly parking. Mr. Shroad opposed this change.

Jeff Kurtz, representing Fernandina Main Street, 715 Centre Street, commented that the Preservation of Main Street is the main goal along with keeping vacancy to a minimum. He then stated that living space square footage must be minimized even further to be successful. He emphasized on the enforcement of parking restriction to be able to have these parking spaces being utilized accordingly. He voiced support for the request.

Mr. Chip Ross, 210 N. 3rd Street – Mr. Ross first commented on a previously heard case and the fact that citizens came in and voiced their opinions and the Board voted contrary to these opinions. He also commented in the present case the issue is not parking, it is the management of parking. He then voiced that he's not against increasing the density but is asking the Board to defeat or table this request and come up with a Comprehensive Plan on how to maintain Historic building and develop them including parking as residential and commercial parking are different.

Mr. Lynn Williams, 1899 S. Fletcher Avenue, commented on parking issues and the cost of converting a building to multiple units versus the rental income.

Mr. Spurgeon Richardson, developer, 19 Harrison Creek, commented that he supports increasing the density to feed the vibrancy of downtown.

Mr. Mike McCloskey, 26 Belter Kingfisher, CMR Island Properties, commented that their focus is Downtown and that they acquired the Fred's building and supports the density. Member Peterson asked if they had contacted the Church next door about their ability to park in their parking lot.

The Public Hearing was then closed.

Chair Bennett asked Staff about noise and ADA requirements and parking. Ms. Gibson noted that should be addressed to the Building Official and noted that as for parking there were no modification to the current parking standards. She commented on spot zoning for commercial parking, parking agreement with adjacent owner and offsite parking. Ms. Gibson stated some examples.

Member Morrison commented on the density versus affordability and that City should work on getting affordable residential options and make this a priority. He also voiced that parking is an issue and that this request is a good first step but needs more work. Member Lane also commented about parking issues and the survey's statistics. The Board discussed density further and CRA bonus.

Member Beal suggested that denying this request will not help solve these issues and approving it will help solve some of these problems one step at the time.

Member Morrison asked Mr. McCloskey if they would move forward with their projects at Fred's if this request was denied. Mr. McCloskey mentioned that they would not proceed with the residential aspect of his projects only with the commercial side of it.

Member Lane asked Staff if a RFQ (Request for Quote) for an independent increase density design has ever been considered.

Member Morrison summarized that the 2 main issues of concern to address are parking and if the blanket approach of 34 units per acre makes sense or should there be flexibility with either overlays or incentive programs. He then asked Staff how she would address the density issue if this request would be approved.

Ms. Gibson explained that she would address this through the Comprehensive Plan Amendment to keep it moving forward which process requires a State review. The Land Development Code piece that requires parking specifically could be continued to workshops. She also commented further regarding the blanket approach and the complexity of creating overlays which could create pockets and more work.

Further discussion ensued regarding steps to improve parking such as parking enforcement, infrastructure and getting people out of their cars.

Ms. Gibson noted that she is involved with a transit system subcommittee with Nassau County regarding current transit systems such as Island Hopper and Nassau Transit which are very affordable.

A motion was made by Member Morrison, seconded by Member Beal, to recommend approval of PAB case number 2016-27 to the City Commission requesting amendments to Comprehensive Plan Policies 1.04.05 and 1.07.09 and LDC Sections 4.01.01 and 4.01.02 as described and that PAB case 2016-27, as presented, is sufficiently compliant with applicable sections of the Comprehensive Plan and Land Development Code to be approved at this time with the understanding that parking will

continue to be addressed as a priority. Vote upon passage of the motion was taken by ayes and nays being all ayes, carried.

City Attorney Bach noted that this is a Comprehensive Plan Amendment that will come back to the City Commission until late January 2017 at the earliest for 1st reading than to the State and back for 2nd reading in March 2017 to the City Commission. Board asked that Staff continue to work on the parking issue and have an update at the next PAB meeting.

5. Board Business –

5.1. Florida Sunshine Law Review - Brief presentation will be provided by City Attorney Bach

City Attorney Bach gives a brief summary of the Florida Sunshine Law including S L and Public Record, voting conflicts and Code of Ethics.

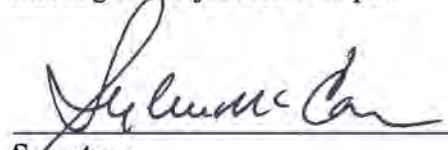
6. Staff Report

Ms. Gibson welcomed new members and Mr. Mark Durham Nassau School District Liaison. She also noted that there will be a meeting in January 2017. Ms. Gibson stated that she's also working on updating the LDC and Comprehensive Plan and asked how many hard copies are needed for Members. Finally Ms. Gibson stated that earlier this summer the City applied for the American Planning Association Designation and Pilot Program to be considered for recognition of our Comprehensive Plan as being a sustaining place and that the application has been accepted in the 2nd phase of their Pilot Program.

Member Beal announced that the ongoing crosswalk at Atlantic Avenue and Citrona Drive will be starting soon.

7. Comments by the public – There were no comments from the public at this time.

8. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:12 pm.


Secretary


Mark Bennett, Chair

APPROVED

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

Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
Judith Lane
Wayne L. Peterson
Jenny Schaffer (Alt 2)

David Beal, Vice-Chair
Benjamin Morrison
Donna Lewis (Alt 1)

Others Present

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

Chair Bennett requested that Item 6. Comments by the Public be moved to first item, the request was approved by all.

Chair Bennett also announced that item **3.2 PAB 2017-02: CENTRAL BUSINESS DISTRICT EXTENSION FOR CRA PROPERTIES AND CITY PARKING LOT** would not be heard this evening as it had been taken off the agenda.

1. Comments by the public

Chip Ross, 210 N. 3rd Street, commented on 3 points. First, Mr. Ross noted that the status of item 3.2 should have been changed to STAYED instead of TABLED or POSTPONED until the Board of Appeals make a decision. City Attorney Bach mentioned that her recommendation of postponed is fine to be used which has the same effect. Secondly, Mr. Ross mentioned his meeting at the Port that evening and asked if the Port Master Plan documents had been forwarded to them for review. Ms. Gibson answered that all documents had been directed to the City Manager and City Attorney asking for direction on how to proceed. Thirdly, Mr. Ross asked that the PAB take a lead in what the City envisions for future projects and ideas such as connectivity including changes to the Land Development Code.

Member Lane commented that although this is an excellent idea and that she would like to be able to undertake some of the projects, the Commission has been straightforward about the Board addressing items presented by Staff and staying away from ones instigated by the Board. Ms. Gibson noted that the local Planning Agency is tasked with reviewing changes to the Comprehensive Plan and Land Development Code as well as Land Use and Zoning Changes. She also mentioned that things tied to that would be appropriate for this Board to consider and discuss and that the attention to other items and projects should first be directed by the Commission. Chair Bennett then suggested that Staff asks the Commission to get a plan for the Board to address issues brought up by citizens. Member Lane mentioned that a bigger picture should be looked at from the Commission's point of view. Ms. Gibson noted that the Commission is now looking at this bigger picture considering the variety of issues currently being addressed. Member Morrison then summarized the process with the number of current issues by reiterating that any issues should be brought up to the attention of the Commission during monthly

meetings so the Commission could in turn consider them and delegate some of them to the Board Agency.

Mr. Ross commented on the amount of time spent on recurring projects, that the approach should differ and that the Board should address one small item at the time and then finalize it. He suggested that members should approach Commissioner Smith who is the City Commission's liaison and propose 5 current items to be looked at. Members discussed how working on different projects is really inefficient considering the need of approval delay is often impacted by second party, change of staff and changes of philosophy.

Public comments was then closed.

2. **Review and Approval of December 14, 2016 Regular Meeting Minutes – A motion was made by Member Beal, seconded by Member Lane to approve as presented. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**
3. **New Business**

3.1 PAB 2017-01: FINAL PLAT FOR RIVERBEND.

City Attorney welcomed the new members and explained the participation and voting process by alternates.

Ms. Gibson presented the item. She explained that the applicant is requesting approval of the Final Plat. She noted that this property was annexed in July 2015, and that this development is for 33 single family detached home sites. She also noted that the proposed developed density is for over 2 units per acre although the current land use is for up to 10 dwellings per acre and that this will be an estate style gated community with privately maintained roads. Ms. Gibson noted that Staff recommended approval.

Kathy Williford, 2955 Hartley Road, representative for the developer had no comments and welcomed questions. Member Lane asked about tree preservation. Mrs. Williford mentioned that they will save as many trees as they can and even try to over compensate. Member Lane suggested that the developer work closely with the Tree Conservancy Group. Ms. Gibson explained the development process which involves developers and then builders. Member Morrison emphasized the positive impact of working closely with the Tree Conservancy Group.

Public Hearing was then opened.

Mrs. Joanne Bean asked where the project is located. Ms. Gibson explained that it is located off the Amelia Island Parkway south of A1A.

Public Hearing was then closed.

Member Lane commented that the City limit expands to a wide area that doesn't always include the downtown area.

A motion was made by Member Beal, seconded by Member Morrison, to recommend approval of PAB case number 2017-01 to the City Commission requesting a Final Plat for Riverbend subdivision be approved and that PAB case 2017-01 as presented is sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

4. Board Business –

4.1. Downtown Residential Parking Follow-up Discussion

Ms. Gibson invited Board Members to start a discussion before Staff starts crafting a code amendment. Chair Bennett started the discussion with questioning the amount of spaces required for residential properties with 2nd level dwellings units along with redevelopment versus historic structures. Staff mentions that one of the strategies could be to reduce requirements depending on square footage. Member Morrison commented that the perceived problem seen by citizens should be discussed which is about available parking versus parking that is really needed. He further commented about the requirements for new development compared to existing dwellings, and the purchasing rights to a parking space.

Member Lewis spoke about the perception of what the need for parking really is. She also commented that amending the signage and maps showing where the parking areas are located could help utilize what parking is already available.

City Attorney addressed and questioned the issue of modifying and reducing the parking requirements before the change in density is addressed and finalized. Member Schaffer noted the possible advantage to streets being one way to allow parking on both sides of the street and Member Lane commented on Centre Street as a pedestrian street.

Ms. Gibson commented that surveys had been done back in 2002 and 2009 revealing that a parking problem is perceived but not realistic. She also mentioned that map updates have been done and blue signs are now in place showing where public parking is available and that enforcement continues to be a concern. She noted that another survey should be done and that this survey should consider higher density and closure of street during special events. She also commented that according to the Main Street survey the market will demand parking and voiced that before the higher density request item is approved, the parking requirement issues will have to be addressed. Ms. Gibson also mentioned that a lot of ratio information is located on www.fbfl.us/CRA. Members discussed the availability of bike racks, ADA requirements and realistic affordable housing possibilities.

Member Lewis cautioned everybody in basing information on a 2009 survey which reflects lean years and encouraged taking a fresh approach on what is happening now in 2017.

Ms. Gibson commented that completing a new parking survey within the timeframe of adoption of the Central District higher density may not be feasible. She added that regulatory changes in the LDC addressing parking outside of the parking study could be possible. A discussion ensued by the Board regarding fee in lieu and the management of its money. Member Morrison noted that any decision about parking and possible strategies is really an important decision that should be made before anything is address regarding the change in density. Member Schaffer asked what information a new survey would

really provide and Board Members then made some suggestions such as parking decks, satellite parking, parking spaces and for the public and stakeholders. Member Morrison asks if Ms. Gibson could create a list of these items for the next meeting.

Ms. Gibson made some clarification stating that parking has been improved since 2009 with new parking lots at Broome Street and N. 2nd Street with the City purchasing this land especially for this usage. She also mentioned that improvements of the property were based on funding from parking fee in-lieu proceeds and that said proceeds do go into a trust fund. Ms. Gibson also mentioned that in 2014 there was an engineering cost estimate done regarding the construction only of a surface parking lot and that she would confirm the fee in-lieu base amount being \$1500 per space. She also noted that the funds could also be used to create on street parking. Ms. Gibson also explained that the Parking Flexibility Standard allows up to 10% allocation of parking requirement to be met through on-site parking. Chair Bennett then commented about transportation alternatives.

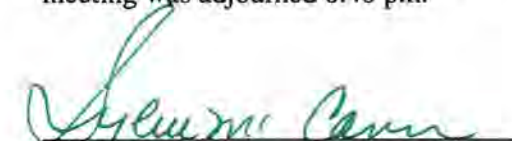
Ms. Gibson summarized that regulatory changes need to be proposed to coincide with the adoption of the increased density. She added that she'll draft a scope of services for a parking study and that areas of increased flexibility need to be looked at, to avoid increase of variance to be heard by the Historic District Council. She also noted that this draft then can be discussed during next meeting.

6. Staff Report

The meeting was closed at 6:43 but reopened at 6:45 to allow a member of the public to speak.

Laura Sweeney, Realtor, 2733 Sea Grove Lane, commented about the ratio of commercial spaces versus the square footage available and asked that this ratio be available before the study is ordered since this would help define the requirements of the study.

8. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 6:48 pm.


Secretary


Mark Bennett, Chair

May 24, 2017
News Leader Edition



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

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, June 6, 2017, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2017-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY STRIKING SECTION 4.01.02 AND TABLE 4.01.02 (A) COMMUNITY REDEVELOPMENT AREA DENSITY BONUS INCENTIVE PROGRAM AND AMENDING SECTION 4.01.01 TO INCREASE THE BASE DENSITY WITHIN THE CENTRAL BUSINESS DISTRICT AND MODIFY PERMISSIBLE HOUSING TYPES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Ordinance
Land Development Code Amendment - Downtown Density

2017-12

ITEM TYPE: Ordinances

REQUESTED ACTION: Enact Ordinance 2017-12 at Second Reading.

SYNOPSIS: The requested Land Development Code (LDC) text amendments follow action by the City Commission at its meeting on April 18, 2017, to adopt a net density increase for Central Business District (CBD) land use properties. The Ordinance strikes sections of the LDC which are now in conflict with the Comprehensive Plan direction provided in policy 1.07.09, and removes references to the previous density bonus scorecard provisions.

The Planning Advisory Board issued a recommendation of approval at its Regular Meeting on December 14, 2016. Planning staff continues to recommended approval of the requested amendments as was previously directed by the City Commission goal setting meetings in 2016.

The City Commission approved this Ordinance at First Reading on May 2, 2017.

FISCAL IMPACT: None.

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission enact proposed Ordinance 2017-12 at Second Reading.

Dale Martin, City Manager

Tammi Bach, City Attorney

Tammi E. Bach, City Attorney

Date:05/23/2017

COMMISSION ACTION: Enact

ORDINANCE 2018-39

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) BY AMENDING SECTIONS 8.02.01 (AMELIA RIVER WATERFRONT CRA); AND 2.03.02 (TABLE OF LAND USES); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach has applied for an LDC text amendment to provide allow for “water enhanced” uses within the Industrial Waterfront (I-W) zoning district; and

WHEREAS, the City Commission adopted a unified Land Development Code (LDC) on September 5, 2006, which became effective on October 1, 2006; and

WHEREAS, the City’s adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development; and

WHEREAS, the Planning Advisory Board (PAB), acting as the City’s Local Planning Agency, considered the application at its regular meeting on Wednesday, August 8, 2018, and issued a recommendation of approval; and

WHEREAS, notice of public hearing on such Land Development Code amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on July 27, 2018.

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

SECTION 1. PURPOSE AND INTENT. The City Commission finds that the amendments, attached hereto as Exhibit “A,” amending LDC Section 8.02.01 (D) (Amelia River Waterfront CRA) and Section 2.03. 02 (Table of Land Uses) to include water enhanced uses as permissible use within the Industrial Waterfront (I-W) zoning district.

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

SECTION 3. This Ordinance shall become effective immediately upon adoption.

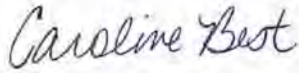
ADOPTED this 18th day of December, 2018.

CITY OF FERNANDINA BEACH



JOHN A. MILLER
Mayor - Commissioner

ATTEST:



CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH
City Attorney

ORDINANCE 2018-39
EXHIBIT “A”

Section 8.01.02 (D) Amelia River Waterfront CRA

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

1. All new construction that is a water dependent, water enhanced or water related use is exempt from Section 3.01.03(J) and Section 3.03.03(B) 1.
2. Building height shall be measured from the Base Flood Elevation (BFE) to the top of the roof, rather than from the finished grade, as established in 4.02.03(C). The maximum height of all structures shall not exceed thirty (30) feet in height above the BFE. Permissible roof forms shall be in compliance with the adopted CRA Design Guidelines.
3. Properties that have obtained the Waterfront Mixed Use Future Land Use designation are eligible for land uses in addition to those permitted in the Waterfront Industrial zoning and are specified in Tables 2.03.02 and 2.03.03. Floor area ratio shall not exceed 0.75. The floor area ratio shall be calculated based on the developable land area and shall include portions of the site which remain submerged. Residential units are permitted if the property has a FLUM category of WMU and the units are located above a non-residential use. Stand-alone residential units are prohibited.

Table 2.03.02. Table of Land Uses

ZONING DISTRICTS																					
_ – Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental Standards	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC
PRINCIPAL LAND USES:																					
Automotive Rental Agencies										P		P		P	P		<u>P</u>	P			
Gasoline Station, with or without a Convenience Store										S	P	P		P	P	P	<u>P</u>				
Government and Civic Buildings, including Library and Museum									P	P			P	P		P	<u>P</u>		P		
Liquor Store, Lounge, and Bar (without drive-through window) *Note 5									S	P	S	P	S	P	P		<u>P</u>	P			
Recreation, Indoor Facilities, such as Billiard Parlors, Bowling Alleys, Game Rooms, and Skating Rinks										S		S	S	S	S		<u>S</u>		S		S
Retail Stores								P	P	P	P	P	P	P	P	P	<u>P</u>	P			
Specialty Food Stores, such as Bakeries or Ethnic Grocers								P	P	P	P	P	P	P	P		<u>P</u>	P			
Specialty and Gift Shops								P	P	P	P	P	P	P	P		<u>P</u>	P			

ZONING DISTRICTS

 – Prohibited (Empty)
P – Permissible
S – Permissible Subject
to Supplemental
Standards

R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	MU-1	MU-8	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W-1	PI-1	CON	REC
								P	P		P	P	P	P		<u>P</u>	P			

PRINCIPAL LAND USES:

such as Art, Antique, or
Jewelry Shops, Books, or
Stationers

Theaters, Movie or
Performing Arts

A P L I C A T I O N F O R L A N D U S E D E V E L O P M E N T C O D E T E X A M P L E S

A P L I C A T I O N & S U B M I S S I O N A P P L I C A T I O N

OWNER/APPLICANT :	City of Fernandina Beach
AGENT :	Self
REQUESTED ACTION :	Land Development Code Text Amendments: • .01.02 Amelia River Waterfront CRA • .03.02 Table of Land Uses (I-W Zoning District)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website, the City Clerk's Office and at the Community Development Department Office. ***

S U B M I S S I O N R E Q U I R E M E N T S:

I N T E R I M W A T E R F R O N T A M E N D M E N T S T O S U P P O R T R E D E V E L O P M E N T W I T H I N T H E C R A W A T E R F R O N T P R O P E R T I E S

A N N O T A T I O N S T O S E C T I O N 8 . 0 1 . 0 2 (D) A M E L I A R I V E R W A T E R F R O N T C R A

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

1. All new construction that is a water dependent, **water enhanced** or water related use is exempt from Section 3.01.03(J) and Section 3.03.03(B) 1.
2. Building height shall be measured from the Base Flood Elevation (BFE) to the top of the roof, rather than from the finished grade, as established in 4.02.03(C). The maximum height of all structures shall not exceed **thirty (30) forty (40)** feet in height above the BFE. Permissible roof form shall be in compliance with the adopted CRA Design Guidelines.
3. Properties that have obtained the Waterfront Mixed Use Future Land Use designation are eligible for land uses in addition to those permitted in the Waterfront Industrial zoning and are specified in Tables 2.03.02 and 2.03.03. Floor area ratio shall not exceed 0.75. The floor area ratio shall be calculated based on the developable land area and shall include portions of the site which remain submerged. Residential units are permitted if the property has a FLU category of W and the units are located above a non-residential use. Stand-alone residential units are prohibited.

Table 2.03.02. Table of Land Uses

ZONING DISTRICTS																						
— Prohibited (Empty) P – Permissible S – Permissible Subject to Supplemental Standards	R-E	R1-G	R-1	RLM	R-2	R-3	OT-1	OT-2	M -1	M -8	C-1	C-2	C-3	I-1	I-2	I-A	I-W	W 1	PI-1	CON	REC	
PRINCIPAL LAND USES:																						
Automotive Rental Agencies										P		P		P	P		<u>P</u>	P				
Grocery Store, with or without a Convenience Store										S	P	P		P	P	P	<u>P</u>					
Government and Civic Buildings, including Library and Museum									P	P			P	P		P	<u>P</u>		P			
Liquor Store, Lounge, and Bar (without drive-through window) *Note 5									S	P	S	P	S	P	P		<u>P</u>	P				
Recreation, Indoor Facilities, such as Billiard Parlors, Bowling Alleys, Game Rooms, and Skating Rinks										S		S	S	S	S		<u>S</u>		S		S	
Retail Stores								P	P	P	P	P	P	P	P	P	<u>P</u>	P				
Specialty Food Stores, such as Bakeries or Ethnic Grocers								P	P	P	P	P	P	P	P		<u>P</u>	P				
Specialty and Gift Shops such as Art, Antique, or Jewelry Shops, Books, or Stationers								P	P	P	P	P	P	P	P		<u>P</u>	P				
Theaters, Movie or Performing Arts									P	P		P	P	P	P		<u>P</u>	P				

Rationale: Amend the table of land uses to enable a range of allowable principal uses appropriate for the I-W zoning district.

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, December 18, 2018, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2018-39

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) BY AMENDING SECTIONS 8.02.01 (AMELIA RIVER WATERFRONT CRA); AND 2.03.02 (TABLE OF LAND USES); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

Note:

Please run as a DISPLAY in the December 5, 2018 edition of the News Leader.

Please send proof of publication to:

City Clerk's Office

City Hall, 204 Ash Street

Fernandina Beach, FL 32034

904-310-3115

Newsleader Dec 5, 2018

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

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, December 18, 2018, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2018-39

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) BY AMENDING SECTIONS 8.02.01 (AMELIA RIVER WATERFRONT CRA); AND 2.03.02 (TABLE OF LAND USES); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

ORDINANCE 2019-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) SECTION(S): 7.01.04 (A) STANDARDS FOR PARKING IN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA (CRA), AND AMENDING SECTION 8.01.02(D)(4) PARKING FEE IN LIEU FOR PROPERTIES ABUTTING THE AMELIA RIVER WITHIN THE CRA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code (LDC) on September 5, 2006 which became effective on October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development; and

WHEREAS, the Planning Advisory Board (PAB), acting as the City's Local Planning Agency, considered the application at its Regular Meeting on Wednesday, October 10, 2018, and issued a recommendation of approval; and

WHEREAS, notice of public hearing on such Land Development Code amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on September 26, 2018.

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

SECTION 1. PURPOSE AND INTENT. The City Commission finds that the amendments, attached hereto as Exhibit "A," amending LDC Sections 7.01.04(A) and 8.01.02(D)(4) serve to remove barriers and obstacles for redevelopment of properties for non-residential uses within the Amelia River Waterfront Community Redevelopment Area (CRA) by removing minimum parking standards or fee in-lieu of the provision of parking.

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

SECTION 3. This Ordinance shall become effective immediately upon adoption.

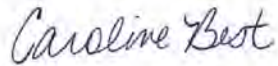
ADOPTED this 19th day of February, 2019.

CITY OF FERNANDINA BEACH



JOHN A. MILLER
Mayor - Commissioner

ATTEST:



CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH
City Attorney

ORDINANCE 2019-03
EXHIBIT "A"

AMENDING Section 7.01.04 (A) FOR AMELIA RIVER WATERFRONT CRA IW AND W1 PROPERTIES

A. Parking space requirements

1. Minimum off-street vehicular parking spaces shall be provided at the time of the construction of the principal building or at the time of the conversion of a building having a previously existing use to a more intensive use of the same property.
2. The minimum number of parking spaces shall conform to the standards in Table 7.01.04(A).
3. Due to the nature and character of properties within the central business district (C-3) and the Amelia River Waterfront Community Redevelopment Area waterfront lots containing industrial waterfront (I-W) or waterfront mixed use (W-1), the provision of off-street parking will not be required, except for triplex and multi-family dwelling units, lodging accommodations and bed and breakfast inns. For Triplex and Multi-family dwellings, off-street parking shall meet the Supplemental Standards in Section 6.02.28. Single Family and Duplex dwelling units shall meet the standards of the underlying zoning districts. For lodging accommodations and bed and breakfast inns the off-street parking requirements shall be satisfied within 1,000 feet of the property involved and as otherwise required under this chapter and any applicable Supplemental Standards.

AMENDING Section 8.01.02 (D) (4) Amelia River Waterfront CRA

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

4. ~~Developers of Office, Commercial, and/or Waterfront Industrial 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 two spaces per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking.

APPLICATION FOR LAND DEVELOPMENT CODE TEXT AMENDMENTS

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	City of Fernandina Beach
AGENT:	n/a
REQUESTED ACTION:	Land Development Code Text Amendments: • 8.01.02 Amelia River Waterfront CRA • 7.01.04 (A) Parking Space Requirements

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website, the City Clerk's Office and at the Community Development Department Office. ***

SUBJECT OF REQUEST: **E**

INDUSTRIAL WATERFRONT AMENDMENTS TO SUPPORT REDEVELOPMENT WITHIN THE CRA WATERFRONT PROPERTIES

AMENDING Section 8.01.02 (D) (4) Amelia River Waterfront CRA

D. Properties located within the CRA abutting the Amelia River Waterfront are subject to the following standards:

4. ~~Developers of Office, Commercial, and/or Waterfront Industrial 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 two spaces per dwelling unit on-site, and are not eligible for the fee in lieu of providing parking.~~

AMENDING Section 7.01.04 (A) FOR AMELIA RIVER WATERFRONT CRA IW AND W1 PROPERTIES

A. Parking space requirements

1. Minimum off-street vehicular parking spaces shall be provided at the time of the construction of the principal building or at the time of the conversion of a building having a previously existing use to a more intensive use of the same property.
2. The minimum number of parking spaces shall conform to the standards in Table 7.01.04(A).
3. Due to the nature and character of properties within the central business district (C-3) and the Amelia River Waterfront Community Redevelopment Area waterfront lots containing industrial waterfront (I-W) or waterfront mixed use (W-1), the provision of off-street parking will not be required, except for triplex and multi-family dwelling units, lodging accommodations and bed and breakfast inns. For Triplex and Multi-family dwellings, off-street parking shall meet the Supplemental Standards in Section 6.02.28. Single Family and Duplex dwelling units shall meet the standards of the underlying zoning districts. For lodging accommodations and bed and breakfast inns the off-street parking requirements shall be satisfied within 1,000 feet of the property involved and as otherwise required under this chapter and any applicable Supplemental Standards.

Table 7.01.04(A). Parking Space Requirements

Type of Use or Activity	Minimum Number of Spaces
Duplex dwellings	2 per unit ²
Multi-family dwellings	2 spaces per dwelling unit ³
Single-family dwellings	2 per unit ²
Triplex dwellings	2 per unit ³

¹If a marina features a boat-launching ramp; at least fifty percent (50%) of the required parking spaces shall be designed to accommodate both a vehicle and boat trailer.

² Dwellings units within the CRA must provide two (2) spaces per dwelling unit on-site but are permitted the following exceptions: all units 1000 sq. ft or under are only required to provide one (1) space per dwelling unit on-site and all units 1,001- 1,250 sq. ft. are only required to provide one and one-half (1.5) spaces per dwelling unit on-site. Non-residential uses shall provide for parking per LDC section 4.03.03.

³ Triplex and Multi-family dwelling units located in the Central Business District/ C-3 zoning and not within the CRA are required to provide parking as consistent with the supplemental standards directed in LDC Section 6.02.28.

Rationale: Waterfront lots fronting the Amelia River have limited upland acreage and have struggled for over thirty years to redevelop. Reuse of existing structures or reconstruction of structures over the water is further stymied by requirements for on-site parking. These requirements force the need to obtain a variance in order to accommodate any redevelopment or reuse.

NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, February 19, 2019, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2019-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) SECTION(S): 7.01.04 (A) STANDARDS FOR PARKING IN THE AMELIA RIVER WATERFRONT COMMUNITY REDEVELOPMENT AREA (CRA), AND AMENDING SECTION 8.01.02(D)(4) PARKING FEE IN LIEU FOR PROPERTIES ABUTTING THE AMELIA RIVER WITHIN THE CRA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

Note:

Please run as a DISPLAY in the February 6, 2019 edition of the News Leader.

Please send proof of publication to:

City Clerk's Office

City Hall, 204 Ash Street

Fernandina Beach, FL 32034

904-310-3115

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT:

ITEM TYPE: New Business

REQUESTED ACTION:

SYNOPSIS: This item is placed on the agenda at the request of Chair Knocke.

FISCAL IMPACT:

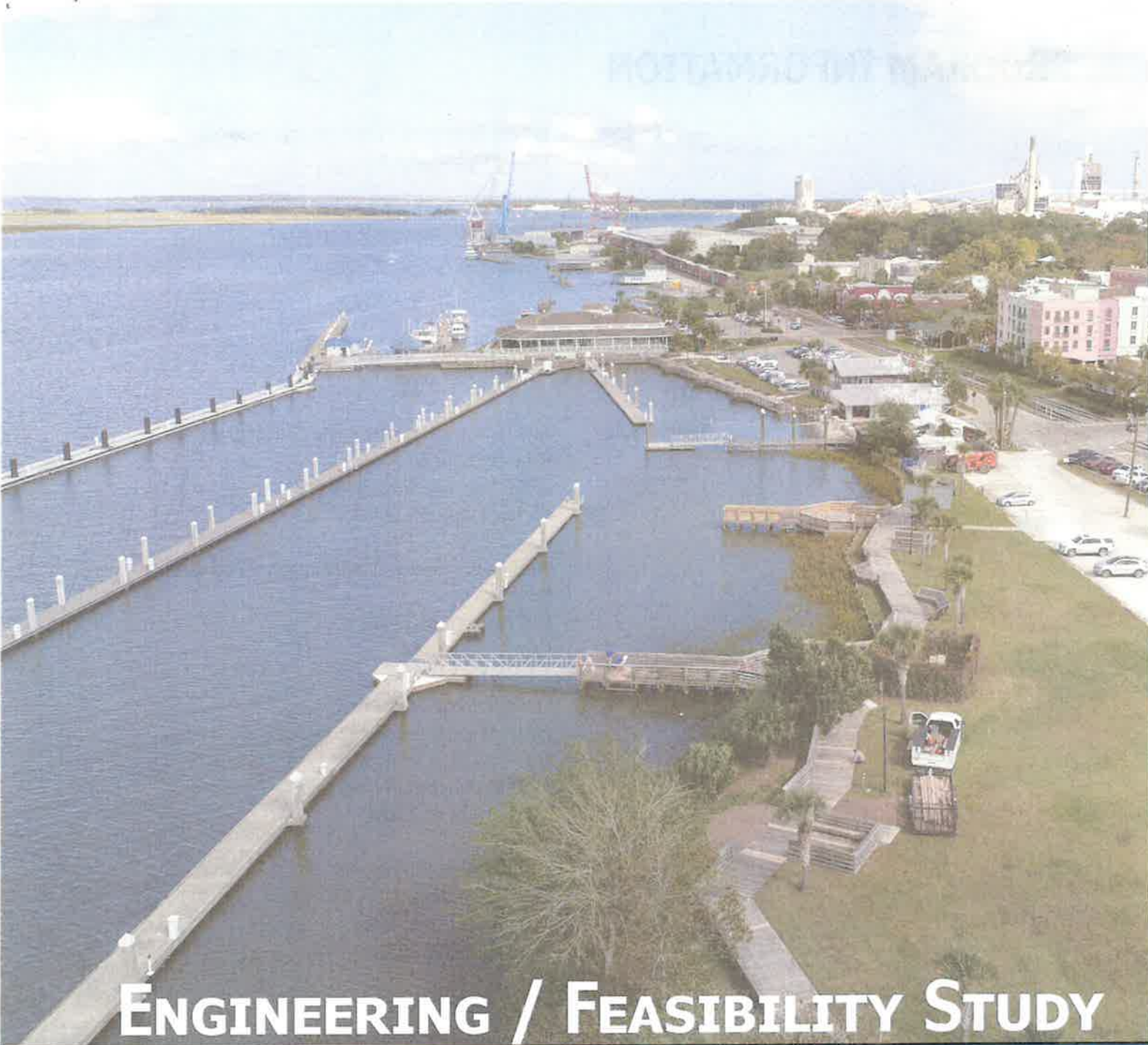
CITY ATTORNEY COMMENTS:

CITY MANAGER RECOMMENDATION(S):

Submitted By: Jacob Platt, Senior Planner

Date: April 27, 2022

COMMISSION ACTION:



ENGINEERING / FEASIBILITY STUDY

Amelia Riverfront Resiliency Phases 1-2

Front Street

Fernandina Beach, FL 32034

Prepared by:

PA PASSERO ASSOCIATES
engineering architecture

DRAFT

October 5, 2020

PROGRAM INFORMATION

Project	Amelia Riverfront - Engineering / Feasibility Resiliency Study
Owner/Client	City of Fernandina Beach, Florida 204 Ash St. Fernandina Beach, FL 32034
Passero Project Numbers	99000047.0090, .0092, .92RR
Design Team	Architectural, Structural and Civil Engineering Passero Associates 4730 Casa Cola Way, Suite 200 St. Augustine, FL 32095 Mechanical, Electrical and Plumbing Engineer: Promus 518 Black Canyon Park Canton, GA 30114 Environmental Permitting: Environmental Resource Solutions <i>a division of SES Energy Services, LLC</i> 3550 St. Johns Bluff Road South Jacksonville, FL 32224 Geo-technical Exploration: ECS Florida, LLC 7064 Davis Creek Road Jacksonville, FL 32256 Topographic Survey: Manzie & Drake Land Surveying 117 South 9th St. Fernandina Beach, FL 32034 Cost Consulting: Thomas May Construction Company 310 College Drive Orange Park, FL 32065 Railway Consultant: Railway Project Consultants, LLC Jacksonville, FL

ACKNOWLEDGMENTS

Core Committee

John Miller, Mayor

Len Kreger, Vice Mayor

Mike Lednovich, City Commissioner

Philip Chapman, City Commissioner

Ronald "Chip" Ross, City Commissioner

Dale Martin, City Manager, City of Fernandina Beach

Consultant Team

Architect: Christopher Nardone, AIA, Passero Associates

Architect: Justin Vollenweider, AIA, CSI-CDT, Passero Associates

Structural Engineer: Patrick Williams, PE, SE, Passero Associates

Civil Engineer: Matt Singletary, PE, Passero Associates

Mechanical, Electrical, Plumbing Engineer: Darin Frick, PE, Promus

Environmental Permitting: Johnathan Summerfield, PWS, ERS

Geo-technical: Robert Clark, PE, ECS Florida, Inc.

Topographic Survey: Michael Manzie, PLS, Manzie & Drake Land Surveying

Cost Consultant: Keith Ward, Thomas May Construction Company

Railway Consultant: Jacob Smith, Railway Project Consultant

TABLE OF CONTENTS

01 RESILIENCY MASTERPLAN ALONG FRONT STREET (PHASE 1)

- 1.1 Introduction
- 1.2 Background
- 1.3 Standards and Resources
- 1.4 Study Findings
- 1.5 Alternatives
- 1.6 Preferred Solution
- 1.7 Cost Summary
- 1.8 Areas for Further Study

02 RESILIENCY AND RAILROAD CROSSINGS AT ASH, CENTRE AND ALACHUA STREETS (PHASE 1A)

- 2.1 Introduction
- 2.2 Study Findings
- 2.3 Preferred Solution
- 2.4 Cost Summary
- 2.5 Areas for Further Study

03 PARKING LOTS C & D (PHASE 2)

- 3.1 Introduction
- 3.2 Updates to Resiliency Masterplan (Phase 1)
- 3.3 Preferred Solution
- 3.4 Alternative Approaches to the Preferred Solution
- 3.5 Cost Summary
- 3.6 Areas for Further Study

04 APPENDIX

- A Opinion of Probable Costs
- B Phase 1 & 2 - Drawings
- C Phase 1a - Railroad Drawings
- D Geo-technical Report
- E Proposal from Giken
- F Proposal from Malcom Drilling Company, Inc.
- G Powerpoint Presentation to City Commissioners
September 15, 2020
- H Geophysical Investigation Report
- I Wetland Flagging Map
- J Composite Sheet Pile Information
- K Platipus Earth Anchor Brochure
- L WASTOP - Inline Check Valve Brochure
- M Red Valve - Check Valve Brochure



Brett's to Front Street (North) (Segments 5-9)



Parking Lots C&D to Brett's (Segments 2-5)



Parking Lots C & D to Rayonier (South) (Segments 1-2)

01 Resiliency Masterplan Along Front Street

1.1 INTRODUCTION

The City of Fernandina Beach is a culturally rich historical city, located on an inland waterway (Amelia River), vulnerable to Storm Surge and Sea-Level Rise experiencing blue-sky flooding several times per year. Recent “near-misses” in 2016 (Hurricane Matthew) and 2017 (Hurricane Irma) caused significant damage to downtown and the marina; solidifying the City’s need to enhance shoreline protection along the Amelia Riverfront.

This report is the culmination of a year-long Resiliency / Hurricane protection study identifying current riverfront protection and proposing a preferred (phase-able) solution to mitigate risk and impact from future natural disasters.



**Above aerial drone image looking south along Front Street*

1.2 BACKGROUND

Prompted by concerns of sea-level rise, blue-sky flooding and recent hurricane near-misses, the City began a resiliency master plan assessing vulnerabilities and developing methodologies to protect the historic downtown area. In 2019, the City of Fernandina Beach hired Passero Associates to lead a Resiliency / Hurricane protection study to further understand the City’s risk, impact and provide viable solutions to improve the City’s resilience to rising waters and future natural disasters. This study is a culmination of previous studies with an intent to provide the City a path forward. The following is a brief overview of some of the previous studies:

- In collaboration with DEO and National Oceanic and Atmospheric Administration (NOAA) office for Coastal Management, a study was conducted utilizing NOAA’s Coastal Flood Exposer Mapper and University of Florida’s GeoPlan Sea Level Scenario Sketch Planning Tool (GIS Data: Sea Level Rise (SLR) Inundation Surfaces). This assessment addressed the City’s vulnerability to sea-level rise and impact on City’s infrastructure, over a long period of time. The report predicted sea-level rise of 7” by 2060, 12” by 2080 and 18” by 2100.
- NOAA Technical Report OAR CPO-1; Global Sea Level Rise Scenarios for the United States National Climate Assessment, Dec. 2, 2012 - Historical trends provide valuable data regarding global Sea Level Rise (SLR), this recent study suggests an increase of the rate and magnitude of SLR. Scenarios do not predict future change but describe potential future conditions in a manner that supports planning. The studies predict with confidence that global mean SLR will rise at least 8 inches, and no more than 6.6 feet by the year 2100. The scenarios presented in this report reflect the range of predictions and the impact on the Fernandina Beach Waterfront.
- Additional References concerning climate change impacting sea-levels:
 - o NESDIS 149 - NOAA State Climate Summaries - <https://statesummaries.ncics.org/chapter/fl/>
 - o U.S. Army Corps of Engineers (USACE) Sea-Level Change Curve Calculator (Version 2019.21) - http://corpsmapu.usace.army.mil/rccinfo/slc/slcc_calc.html

1.4 STUDY FINDINGS

The Resiliency Masterplan addresses areas most susceptible to sunny-day flooding during high-tide (flooding resulting from rising water levels) along the Downtown Waterfront Project Area along Front Street. Current flood protection systems provide varying levels of protection ranging from a low point at approximately 3.0' NAVD 88 (at Simmons property) to high points of 8.0' at South Front Street and 8.8' at North Front Street. Existing systems consist primarily of natural features (existing living shorelines and natural grades) and bulkheads. Bulkhead systems utilize various materials including timber, concrete, and steel. Existing steel sheet pile bulkheads are poor condition with significant signs of corrosion and concrete bulkheads are experiencing water intrusion causing settlement on landside of bulkhead.



**Above aerial drone image of Northern portion of project area*

According to the nearest NOAA Tidal Station (Fernandina Beach, Station No. 8720030), the tidal range for the Downtown Waterfront Project Area is approximately 6 vertical feet, meaning sunny-day water elevations vary, on average, by 6 feet vertically.

The Downtown Waterfront Flooding Assessment assumes a critical flood threshold of +5.0 feet (NAVD88) based on the NOAA Sea-level Rise Viewer tool (Intermediate Scenario). The tool shows that water levels at an approximate elevation of +5.0 feet (NAVD88) lead to significant inundation of the Downtown Waterfront Project Area. This elevation is reported to correspond with a 25 percent annual probability of flood event occurrence (four-year return period). Further, this is the current predicted exposure to the critical flood threshold elevation for the Downtown Waterfront Project Area. Exposure of riverfront Area assets to waters at or above the critical flood threshold of +5.0 feet (NAVD88) will increase with sea-level rise.

**Below image of existing timber bulkhead*



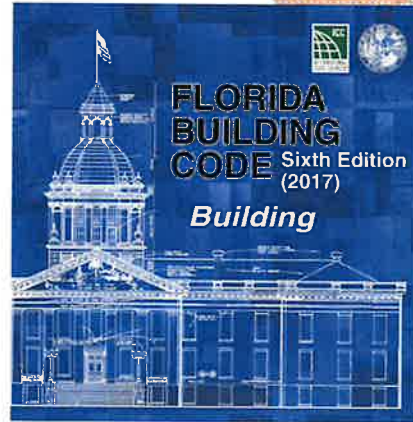
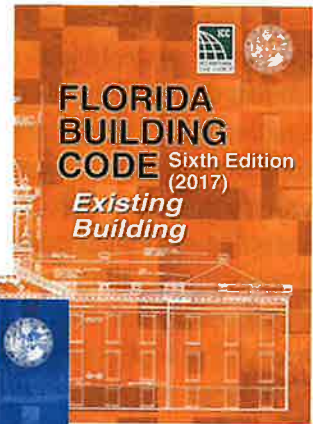
A Shoreline Protection Plan was developed utilizing sea-level rise simulations. These simulations reflect increased flooding due to sea-level rise combined with storm surge and annual high tide events. Each scenario unveiling how downtown Fernandina Beach would be further devastated by rising waters, further reinforcing the need for shoreline resiliency protection.

The Shoreline Protection Plan also provided flood protection methodologies for 7.0' NAVD 88 and 9.0' NAVD 88 through proposed upgrades to Front Street right of ways and City owned property generally consisting of: Living Shorelines, concrete block mat, composite/steel sheet piles with reinforced concrete bulkheads, concrete secant piles, back-flow protection for outflow storm drainage and flood defense systems. The next section (section 1.5) further describes protection methodologies considered.

1.3 STANDARDS AND RESOURCES

Applicable Codes and Reference Standards include:

- Florida Building Code, 6th edition, 2017 (full series)
- NFPA 72 (2019): National Fire Alarm and Signaling Code
- NFPA 1 (2015): Fire Code and NFPA 101: Life Safety Code
- ASCE 7 (2016) - Minimum Design Loads for Buildings and Other Structures
- ASCE 24 (2014) - Flood Resistant Design and Construction
- FEMA (Federal Emergency Management Agency):
 - Using ASCE 24 for Hazard Mitigation Assistance (January 25, 2018)
 - Guidance for Applying ASCE 24 Engineering Standards to HMA Flood Retrofitting and Reconstruction Projects (November, 2013)
 - Integrating Historic Property and Cultural Resource Considerations into Hazard Mitigation Planning (state and local mitigation planning how-to guide, FEMA 386-6, May 2005)
 - Flood Insurance Rate Map (FIRM) August 2, 2017
 - Highlights of ASCE 24-14: Flood Resistant Design and Construction (July, 2015)
 - Flood Insurance Study (FIS) (August 2, 2017)
 - Community Rating System (CRS)
- Fernandina Beach, FL - Municipal Code (March 25, 2020)
- Fernandina Beach, FL - Land Development Code (February 2019)
- Public Project Manual, Engineering ES Services a Genesee & Wyoming Company, Dated: April 2019
- FDOT Standard Plans, Railroad Grade Crossings Traffic Control Devices, Index 509 – 070, Dated: 11/01/17
- US Department of Transportation Federal Highway Administration, Manual on Uniform Traffic Control Devices for Street and Highways, 2009 Edition
- US Department of Transportation Federal Highway Administration, Railroad-Highway Grade Crossing Handbook, Revised Second Edition August 2007
- Florida Administrative Code, Rule Chapter 14-57: Railroad Safety and Clearance Standards, and Public Railroad-Highway Grade Crossings, Effective Date: 10/09/2011
- Florida Statutes (2019)
- Northeast Florida Regional Council (NEFRC)
- National Oceanic and Atmospheric Administration (NOAA)
- U.S. Army Corps of Engineers (USACE) - Hurricane and Storm Damage Risk Reduction System Design Guidelines, New Orleans District Engineering Division with Revisions through June 2012
- Florida Department of Environmental Protection (FDEP)
- Florida Fish and Wildlife Conservation Commission (FWC) - Living Shorelines
- National Park Service (NPS) - Coastal Adaption Strategies Handbook



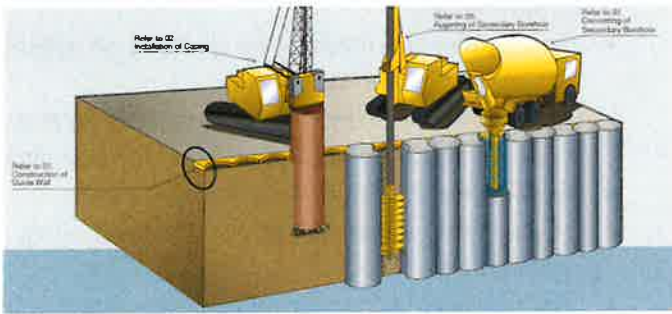
FEMA

ASCE
AMERICAN SOCIETY OF CIVIL ENGINEERS

1.5 ALTERNATIVES

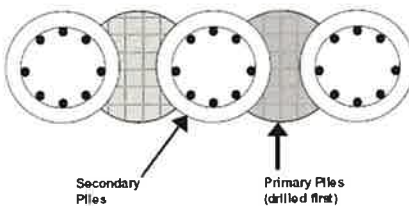
1 Secant Pile Walls

Sources and Images for Secant Wall Systems: railsystem.net



Secant pile walls work by constructing interlocking reinforced concrete piles. Piles are cast-in-situ utilizing steel rebar or beams for reinforcement. Construction begins with female/soft piles followed by male/hard piles intersecting previously cast female/soft piles.

Secant pile walls are usually installed as retaining structures and support systems for deep foundations, retaining elements and load-bearing walls. They can also be designed and constructed to be water resistant and stop water flow.



The primary advantage of secant pile walls is the minimal disturbance they cause to adjacent structures and ability to install in densely populated areas. This would allow existing bulkheads to remain in place and would limit disruptions to existing tidal plants, sidewalks, docks, landscaping and utilities. Other advantages:

- Increased construction alignment flexibility
- Increased wall stiffness compared to sheet piles
- Can be installed in difficult ground (cobbles/ boulders)
- Less noisy construction

The main disadvantage is ability to provide total waterproofing without additional costs. Other disadvantages:

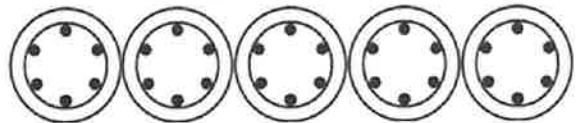
- Vertical tolerances may be hard to achieve for deep piles
- Increased cost compared to sheet pile walls

Secant Pile Wall Variations

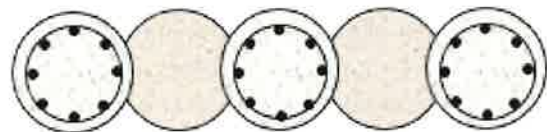
1a Tangent Pile Walls are constructed with no overlap and ideally one pile touches the other. Compared to secant pile walls, tangent pile walls offer the following advantages:

- Increased construction alignment flexibility
- Easier and quicker construction

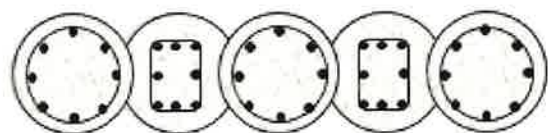
Disadvantage: Can't be used in high groundwater tables without dewatering.



1b Secant Pile Wall - Hard/Soft or Hard/Firm
Where short term water retention is required this system offers the most cost-effective and rapid solution. The wall consists of interlocking bored piles. Primary piles are constructed first using a 'soft' cement-bentonite mix (commonly 1N/mm²) or 'firm' concrete (commonly 10N/mm²). Secondary piles, formed in structural reinforced concrete, are then installed between the primary piles with a typical interlock of 150mm. These walls may need a reinforced concrete lining for permanent works applications, depending on the particular requirements of the project.

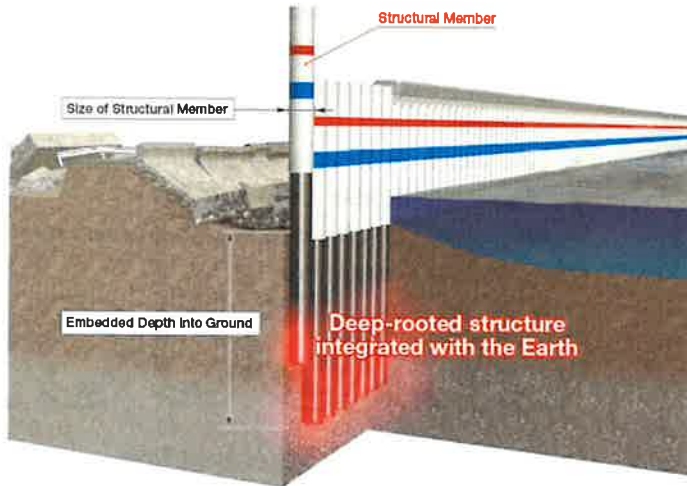


1c Secant Wall - Hard/Hard
Hard/hard wall construction is very similar to a hard/firm wall but in this case the primary piles are constructed in higher strength concrete and may be reinforced. Heavy duty rotary piling rigs, using tools fitted with specially designed cutting heads, are necessary to cut the secondary piles. Since structural concrete is used throughout there may be no need to provide a lining wall. The end product provides a fully concreted face and can be an effective alternative to diaphragm wall construction.



2 Press-in Pile System (Silent Piler by Giken)

Sources and Images: giken.com



Pile penetration methods can be classified as either dynamic penetration or static penetration. Dynamic penetration inevitably generates excessive noise and vibration due to reliance on percussive or vibratory energy. The dynamic penetration method is excluded from this analysis due to the excessive noise and impact to the environment.

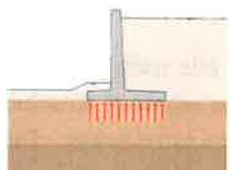
Press-in Method: piles are installed with static load generated from hydraulic rams. The reaction for the press-in force is derived from extraction resistance of previously driven piles. This integration with the Earth is why a small press-in machine can generate greater force not requiring traditional percussive or vibratory energy to drive piles. The reduced equipment size lends this method to work conditions on constrained sites.

There are four typical shapes for press-in piles; however, tubular steel sheet piles are preferred due to their high strength and increased durability. Tubular steel piles are also suitable for protection against floods with tidal waves and countermeasures for rivers.

The primary advantage, of press-in piles, is the non-vibratory (with minimal noise) installation which reduces impact on adjacent structures and the environment.

Other advantages:

- **Environmental Protection:** no construction pollution like noise and vibration.
- **Installation Flexibility:** can be installed in locations where space is limited with no need for excavating.
- **Suitable for difficult underground conditions.**
- **No need for temporary platforms or sheet piling cofferdams.**
- **Soil displacement can be minimized** by employing a rotary cutting mechanism with special cutting bits at the pile toe, allowing more environmentally friendly piling work that is not disruptive to existing tidal plants.
- **Various tubular pile diameter sizes, configurations and combinations** with better piles can be used with the Gyro Piler allowing a wide range of economically optimal structure designs.

Implant Structure	Durability	Resiliency	Footprint
	High	High	Small
	Low	Low	Large

Many of the disadvantages associated with sheet piling are lessened through use of the press-in method; however, some disadvantages remain, as follows:

- **Currently limited to sites** where the static load capacity of the machine is above the maximum expected resistance.
- **Cost, more expensive** than other methods.

3 Living Shoreline

Sources and Images: delawarelivingshorelines.org,
floridalivingshorelines.com

A “living” shoreline is a nature-based structure built on the edge of a shoreline using natural materials. Living shoreline systems are environmentally-friendly alternatives to traditional “hardened” structures like rip-rap or sea walls designed to prevent erosion, limit sediment contamination or improve water quality.

Living shorelines mimic natural conditions and adapt to the environment around them. ‘Hard’ systems (bulkheads, pilings, retaining walls) are static, unchanging, often resulting in scouring, structural damage and shoreline erosion downstream.

There are two basic types of living shorelines.

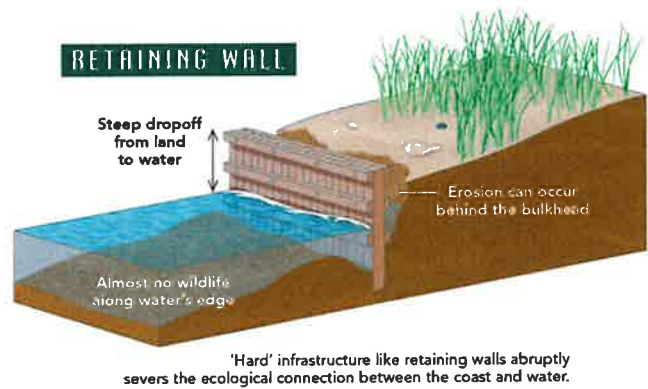
1. Traditional.
2. Hybrid.

Traditional methods utilize only natural materials (logs, and native plants) to stabilize a shoreline. This approach is preferred for quiet areas with little boat traffic and small waves.

Areas exposed to larger waves and winds are best served with a hybrid system that incorporates rock and/or oyster shells with natural materials for additional stabilization.

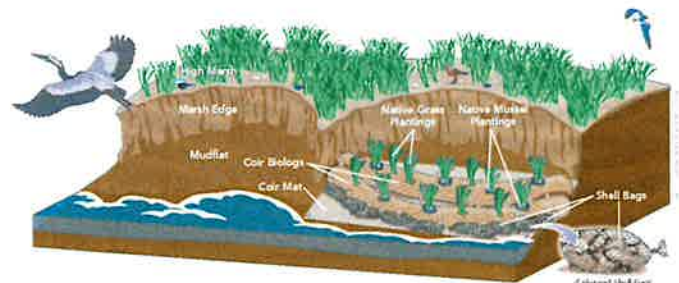
Advantages:

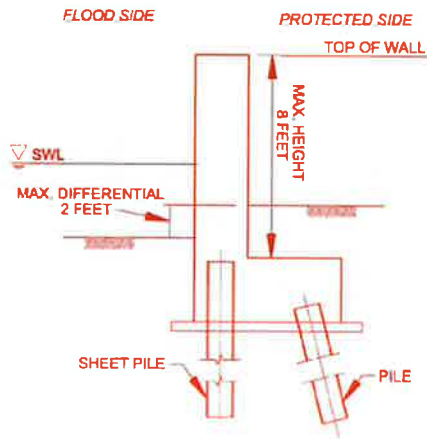
- Tends to cost less than other shoreline stabilization systems.
- Minimal maintenance as living shorelines tend to sustain naturally over time, also help to ensure natural sediment movement along shorelines.
- Improve water quality by filtering pollutants like a living “kidney”.
- Trap carbon to help reduce effects of climate change.
- Improve habitat for animals, fish and birds.
- Enhance waterfront aesthetics compared to ‘hard’ systems.
- The gradual sloping nature of living shorelines help to maintain a plant community that can adapt as sea levels rise.



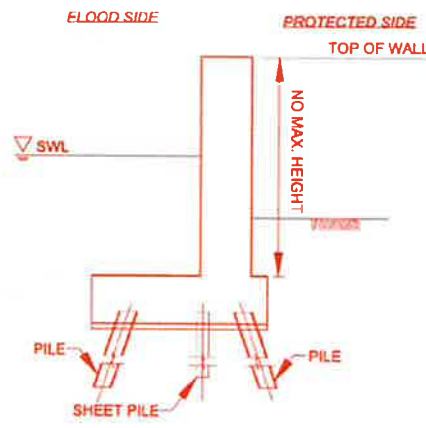
Disadvantages:

- Limited information available on the effectiveness during tropical storm conditions; therefore other hard non-organic structural approaches might be required.
- Gradual sloping profile, inherent in living shoreline design, would require a large footprint to raise flood line to 9.0' NAVD88.
- The existing conditions along the proposed flood line protection, from the Rayonier Plant to the Port, does not allow for a large footprint due to limits in property ownership, Railroad and Front Street Right-of-Ways, wetland delineation and existing Marine structures.

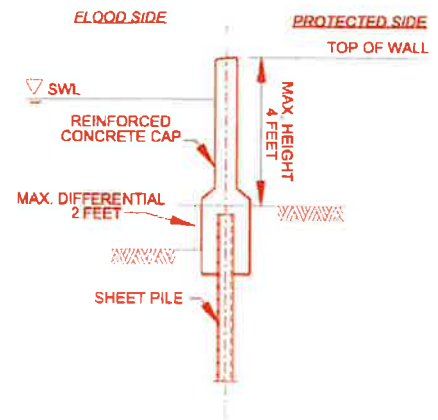




"L"-Wall
Figure 4.1



"T"-Wall
Figure 4.2



"I"-Wall
Figure 4.3

4 "L", "T" and "I"-Wall Configurations

"L", "T" and "I"-Wall (figures 4.1-4.3) configurations are modeled after the "Hurricane and Storm Damage Risk Reduction System Design Guidelines" to provide a comprehensive collection of best practices for hurricane protections by USACE New Orleans District Engineering Division with revisions through June 2012. These walls serve as impact hurricane flood protection, but "T"-Wall system is preferred where there is a potential for boat/barge impact loading. "T"-Walls exhibited the best overall performance during Katrina, being more resilient to over-topping and global instability. All configurations use steel sheet piling to control seepage and provide support.

Advantage:

- One of the preferred designs by the Army Corps of Engineers

Disadvantage:

- Typically the most expensive option
- Requires a large footprint to install
- Installation in front of existing bulkheads would require cofferdams, further disrupting aquatic life, utilities and wood docks, etc.

5 Retaining Walls

For the purposes of this report, Retaining Wall is considered an inland, not waterfront, reinforced concrete wall. Retaining walls would be built along the east-side of Front Street, within the right-of-way and outside required railroad clearances.

As described in the preferred solution (section 1.6), the use of retaining walls could be utilized to provide protection along certain portions of the riverfront to reduce costs and provide necessary protection; however, retaining walls should not be the sole protection measure. Since the retaining wall approach provides protection inland (between Front Street and Railroad), existing riverfront and riverside structures would be left unprotected.

(refer to Appendix B - Drawings, for retaining wall detail)

6 Sheet Piling Seawall

Sources and Images: steelpilinggroup.org

Sheet piles resist soil and water pressures by functioning as a beam spanning vertically between points of support. Sheet piles can help to prevent overtopping, internal seepage, piping of stratum, surface erosion and rodent damage. Basic pile types: Steel, Composite and Vinyl.

Advantages:

- Quick construction compared to reinforced concrete walls.
- Narrow form of construction, which can be installed close to site boundaries, maximizing space.
- Suitable for all soil types.
- No disturbance of existing ground unlike bored concrete pilings.

Disadvantages:

- Increased site disturbances (Noise and Vibration) as compared to other systems.



6b Vinyl Sheet Piles

Vinyl sheet piles offer the same basic advantages in addition to the following:

- UV-Resistant
- Will not corrode
- No toxic coatings or preservatives

Disadvantages:

- Structural limitations compared to Steel and Composite systems

6a Steel Sheet Piles

Steel sheet piles typically come either hot rolled or cold formed. Hot rolled are most common with cold formed primarily used for smaller applications. Advantages are similar to the general advantages listed above.

Disadvantages:

- Eventually corrodes (rust)
- Can be coated with toxic chemicals



*Above corroded steel sheet pile

6c Composite Sheet Piling Seawall

Composite sheet pilings consist of a special marine-grade resin system that locks in thousands of interwoven rovings and mattings to produce a sheet piling that can withstand the harshest marine environments. Composite sheet piling achieves taller wall heights than vinyl sheet piling, even rivaling those designed and constructed with steel.

The composite sheet pile system could be used throughout the proposed flood line protection in lieu of the retaining wall system including the "I"-Wall and "T"-Wall configurations.

Composite sheet piles offer the same basic advantages in addition to the following:

- UV-Resistant
- Will not corrode
- No toxic coatings or preservatives

Disadvantages:

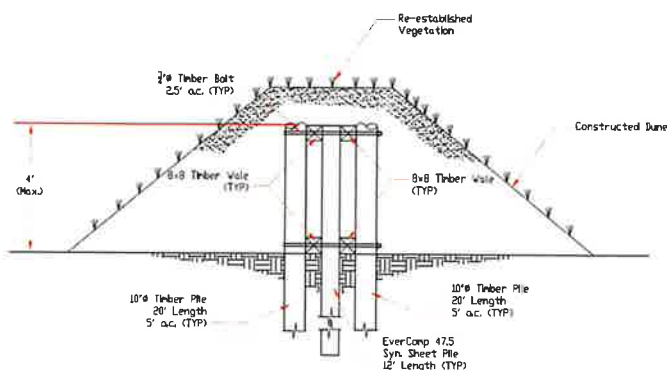
- Structural limitations compared to steel

7 Dune/Berm Systems

Dunes are dynamic structures that are inherently effective at minimizing damage during very large storm events. These systems naturally erode during and recover after severe storm events. Though natural dunes perform well, human modifications strive to enhance the natural features (of dunes) by adding structural components. The following alternatives reflect two basic human modification strategies to enhance dune systems.

7a Earthen Berm (Core Wall)

Source: njseagrant.org



This system is typically utilized to stabilize dunes by incorporating a non-erodible core. The system would generally be landward, not typically exposed to hydro-forces; however, in a storm event would provide necessary flood protection. As part of the masterplan, this approach would be paired with existing living shorelines to combat typical daily forces.

The system would typically be constructed utilizing sheet pilings (at the center) with wale beams and piles on each side of the sheet pile. Refer to image, above.

Advantages:

- Maintains natural environment and appearance.
- Utilizes natural materials to stabilize earth over inner stabilization structure.
- Durable with longevity.
- Suitable for all soil types.

Disadvantages:

- Larger footprint compared to other systems
- Dune/berms must be properly maintained, if not maintained the structural core could accelerate erosion.
- Cost to construct.

7b Earthen Berm (with Revetment Mat)

Sources and Images: landshore.com



This system, also called Articulated Concrete Mats or Flexamat, is used to improve shoreline stability. The system comes in two basic forms: Open-Cell or Closed-Cell.

Open-Cell: Blocks are open to allow vegetation to cover blocks over time. Generally used above design or natural water levels.

Closed-Cell: Heavier than open-cell blocks, the closed-cell blocks are deployed in heavily eroded areas and prone to high volumes of water. Channels and culverts are good examples. Generally used in submerged, below the water level applications.

Advantages:

- Cost effective.
- Maintains natural environment and appearance.
- Utilizes natural materials to stabilize earth over inner stabilization structure.
- Durable with longevity.
- Suitable for all soil types.
- Less maintenance compared to "core walls".

Disadvantages:

- Larger footprint compared to other systems



**Above proposed resiliency protection plan reflecting segments of resiliency masterplan*

1.6 PREFERRED SOLUTION

The preferred solution is based on finding the most economical and feasible mitigation methodology to reduce property damage, business interruption/losses, environmental and historical site damage as a result of rising waters (flooding) and natural disasters. Most importantly the solution must protect against social losses such as death, injury and mitigating impact on first responders, which can be easily overwhelmed in the wake of natural disasters.

The recommendation of the engineering / resiliency study is phased construction approach (identifying 9 potential phases) for responsive mitigation and improvements to the City's waterfront along the Amelia River consisting of living shorelines, new (enhanced) raised bulkheads, improved storm-water systems (with flood protection) and upgrades to boat launch ramp, for a 1.1 mile section, along front street, including the City's historic district. All protection measures are provided to an elevation of +9.0' NAVD 88 to reduce long-term risk to people and property from rising waters and natural disasters. The following provides a brief description of the protection methodologies for each segment.

- 1** STA 09+90 to STA 17+21
 Segment 1, as reflected on Drawing Sheet 2.1, provides protection through use of a retaining wall (or possible berm) along the east side of S. Front Street. This approach accommodates a possible future turn-around to remediate potential deadend. (note: sheet 2 reflects a similar approach minus planned future turn-around)
- 2** STA 17+21 to STA 27+37
 Segment 2, the retaining wall system continues (sheet 2.1), stopping at S. Front Street, where a hydro-defense plank system is utilized to provide protection at the road crossing. This system will remain open, only being closed in preparation of a major storm event. At the west side of S. Front Street, the retaining wall picks back up until it terminates at a trash receptacles. The system then transitions to an earthen berm (with revetment mat) that ties into existing living shorelines (sheet 3.1) at Parking Lots C and D. The last piece of this segment, consists of a composite bulkhead system. (note that this segment is discussed in further detail in Section 3)
- 3** STA 27+37 to STA 27+87
 Segment 3, Boat Launch Ramp (sheet 3.1), consists of several repairs/enhancements while maintaining the existing boat launch ramp elevation and slope. Repairs generally consist of new "I-Wall" at each side of opening with Hydro-defense plank system to protect the actual ramp opening. In addition, new composite bulkhead is proposed in-front of the existing bulkhead.

- 4 STA 27+87 to STA 30+87 Segment 4, between boat launch ramp and Brett's Restaurant Structure (sheet 3.1), generally consists of a new concrete secant pile system in front of existing bulkhead to Parking Lot B. The secant pile wall is proposed to continue above existing grade and future landward boardwalk. Access to existing docks will be maintained through use of hydro-defense plank system.
- 5 STA 30+87 to STA 31+72 Segment 5, Brett's Waterway Cafe, is not currently included in this analysis, but will be included in a future report.
- 6 STA 31+72 to STA 35+40 Segment 6, is similar to Segment 4, consisting of a new concrete secant pile system in front of existing bulkheads to Parking Lot A. Access to existing board walk will be maintained through use of hydro-defense plank systems.
- 7 STA 35+40 to STA 39+15 Segment 7 (sheet 4) generally consists of either bulkhead or living shoreline enhancements protecting to 7.0' NAVD88. A new "I-Wall" retaining wall with sheet pile is provided at the flood protection line to bring protection to 9.0' NAVD 88 from Parking Lot A to City Property at 101 N. Front Street.
- 8 STA 39+15 to STA 45+25 Segment 8 (sheets 4 and 5), begins with a hydro-defense plank system providing opening at 101 N. Front Street. Along the east side of N. Front Street, a retaining wall similar to Segment 1, is utilized to provide flood protection.
- 9 STA 45+25 to STA 52+52 Segment 9 (sheet 5) is a continuation of Segment 8, retaining wall protection system between Front Street and the Railroad tracks, ending just before Dade Street and the Port of Fernandina. At Dade Street proposed minor road modifications increase road elevation to match required flood protection elevation. This allows access to/from N. Front Street after hydro-defense systems are in place.

The proposed preferred shoreline protection plan (above) would increase the city's resilience to major storm events and protect the City's well-preserved historic buildings. Proposed living shorelines, revitalize ecosystem preserving natural resources, non-natural barriers, and modeled after designs provided by the U.S. Army Corps of Engineers (USACE). The riverfront shoreline protection design concepts are based on USACE Hurricane and Storm Damage Risk Reduction System Design Guidelines. These "Design Guidelines" present methods and criteria that shall be used by engineers in the design of hurricane system components and is based on Hurricanes Katrina and Rita that caused tremendous loss of life and destruction of property when they struck coastal Louisiana in 2005.

1.7 COST SUMMARY

The established 1.1 mile flood protection line that makes up the shoreline protection plan is divided into nine logical phased solutions based on existing conditions, site location, property ownership and flood protection methodology types. The riverfront improvements could be completed in phases with a probable total cost of \$16 - \$19 million. *(Refer to Appendix A - Opinion of Probable Costs)*

1.8 AREAS FOR FURTHER STUDY

The preferred solution is based on preliminary information gathered for this study. Each segment will require further review, development and permitting to finalize design. Also refer to Section 3 for further study and development at segment 2.