



**AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
OCTOBER 12, 2022
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING MINUTES**
 - 3.1 Approval of Minutes for the Regular Meeting of September 14, 2022.
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
- 6. BOARD BUSINESS**
 - 6.1 DISCUSSION OF FUTURE LDC AMENDMENTS
 - a. 1.00.07 Definitions
 - b. 4.05.16 Canopy Roads (as directed by Mayor Lednovich)
 - c. 5.01.03 Accessory Structures
 - d. 5.01.04 Accessory Dwelling Units (ADU)
 - e. 8.01.01.02 Specific Requirements within OT-1 and OT-2 Districts
 - f. 5.02.02 Seasonal Sales
 - g. 5.02.03 Moveable Module Storage Units and Roll-Off Dumpsters
- 7. STAFF REPORT**
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT**

NEXT PAB REGULAR MEETING IS SCHEDULED FOR WEDNESDAY, NOVEMBER 9, 2022.

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



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
SEPTEMBER 14, 2022**

- 1. CALL TO ORDER 5:00**
- 2. ROLL CALL / DETERMINATION OF QUORUM**

MEMBERS PRESENT:

Victoria Robas (Chair)	Peter Stevenson
Genece Minshew (Vice-chair)	Barbara Gingher
John Boylan	

MEMBERS ABSENT:

Mark Bennett

OTHERS PRESENT:

Kelly Gibson, Planning & Conservation Director
Tammi Bach, City Attorney
Daphne Forehand, City Planner
Taylor Hartmann, Recording Secretary

- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MEETING MINUTES**

4.1 Approval of Minutes of the Regular Meeting of August 10, 2022.

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

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

- 5. OLD BUSINESS**

There were no Old Business items to discuss.

- 6. NEW BUSINESS**

There were no New Business items to discuss.

- 7. BOARD BUSINESS**

Board members agreed to discuss the topic of affordable housing prior to the listed items on the agenda.

City Attorney Bach provided the Board with an overview of the Florida Statute regulating the renting of accessory dwelling units.

Member decided to discuss item 7.1 first.

7.1 LDC AMENDMENTS DISCUSSION

- City Commission Recommendation Changes
 - Ms. Forehand provided the Board with an overview of the proposed text amendment options for chapter one definitions including building area, surface water, and marina.
- Accessory Dwelling Unit (ADU) - footprints/overhang
 - James Pozzetta, 103 S. 18th Street, inquired about some of the proposed language relating to permissible building projections on accessory structures.
 - Jose Miranda, Miranda Architects, spoke about the difficulties design professionals are facing.
- Accessory Dwelling Unit (ADU) Memo
 - Ms. Gibson explained that the memo has been issued and clarified that the memo is consistent with the language that has been presented.

7.2 Discussion: Advertising Costs.

Ms. Gibson provided the Board with an overview of the standard and anticipated advertising costs.

7.3 Continuation of discussion on historically platted lots of record.

This item was discussed first.

Members agreed that this item should be postponed until Member Bennett returns in October.

8. STAFF REPORT

Ms. Forehand indicated that she has created a survey to understand how the community is interacting with the LDC.

9. PUBLIC COMMENT

No parties wished to speak.

10. ADJOURNMENT 7:10

Taylor Hartmann, Recording Secretary

Victoria Robas, Chair

**DISCUSSION OF FUTURE LAND DEVELOPMENT CODE AMENDMENTS
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1.07.00 DEFINITIONS

Surface water is any body of water found on the Earth's surface, including both the saltwater in the ocean and the freshwater in rivers, streams, and lakes. A body of surface water can persist all year long or for only part of the year including wetlands, and wet and dry retention ponds.

Florida Statute Definition: (21) "Surface water" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

(22) "Water" or "waters in the state" means any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state.

STAFF OVERVIEW: Continuation of discussion from September PAB meeting.

Chapter 4 Changes

4.05.16 (Renumbering sections which follow) CANOPY ROADS.

- A. Purpose and Intent.** The purpose and intent of a designated Canopy Road is to protect the mature canopy extending over roadways and to avoid utility line clearing actions which would impact the scenic character of the roadway as consistent with Florida Statute 163.3209.
- B. Designation.** The City Commission may designate roads or portion of said roads as Canopy Roads, by ordinance, based upon criteria set forth herein. The City Manager or designee may recommend, based upon the criteria, that roads or portion of said roads be considered or by a petition of fifty-one (51) percent of the property owners abutting the road may request that a road be considered. Said petition must be submitted to the Planning and Conservation Department for review and comment, and a report made to the City Commission. The application criteria must include: (1) historic significance; (2) scenic criteria (including tree canopy); (3) ecological significance; (4) length and current width; (5) land use map designation; (6) zoning of the property within the area; (7) traffic information; (8) tree survey and (9) certified arborist assessment which evaluates the existing health conditions of the trees along the roadway.

The City Manager or designee must ensure that the trees are identified and recorded on the proposed roadway and zone and present the information to the City Commission for its approval. The identification and recordation must be in a form that can be attached to an ordinance.

Designation of a Canopy Road occurs by adoption of an ordinance, which references the exact method by which the trees were identified and recorded and attached as an exhibit Any ordinance proposing to designate a roadway as a Canopy Road must be considered by the Planning Advisory Board after mailed, published, and posted public notice. The Planning Advisory Board will conduct a public hearing and make recommendations to the City Commission. The City Commission will consider the recommendations pursuant to the procedural requirements of this Land Development Code.

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C. Development Restrictions.

1. The City will not widen or increase the number of motorized vehicle lanes on any of the City roads designated as Canopy Roads. Sidewalks or bike lanes may be extended on designated Canopy Roads following an analysis of the road section impacted by the proposed improvement within the Canopy Road Protection Zone. The analysis must include a narrative description of the affected roadway section together with other material helpful in assessing the impact of the intrusion on the existing canopy road effect. Such characteristics as understory density and species composition, tree species and size distribution, high bank areas and opacity should be included as appropriate. A replanting and management plan designed to mitigate the visual and vegetation impacts identified is required.
2. The erection of markers or signage indicating that the road is a Canopy Road will only be accomplished at the direction of the City Manager or designee.
3. The setting and posting of speed limits and warning of restricted roadway shoulders are permissible.
4. The setting of classes of vehicular travel, including weight and height limitations are permissible.
5. If a site has access by roads other than the designated Canopy Road, access from the Canopy Road is prohibited. Where access is permissible, driveway dimensional width requirements may be reduced to reduce impact to protected trees.
6. No trees, except as identified in Florida's Most Invasive Species List, Category I, which have attained a diameter of five (5) inches in diameter at breast height (DBH) may be removed, except as provided in the following subsection D.
7. Overhead obstructions can be removed to provide minimum clearance of 14 feet 6 inches (14.5') as required by federal and state guidelines.

C. Canopy Road Protection Zone.

The Canopy Road Protection Zone will be established by the City Commission to establish the area of the canopy road and necessary adjacent lands where the canopy exists. The zone includes the public or private right-of-way as established by the City Manager or designee and any additional areas of uniform width along the roadway including principal structure setback requirements based upon the zoning classification on private property, trees as depicted on the survey, and location of existing structures. The zone must be set forth in the proposed designation ordinance and depicted in a map exhibit that defines dimensional extent onto any private property. No permanent structures can be placed within the approved zone of the canopy road. Temporary structures or temporary access are permitted if no tree removal or trimming is necessitated by their placement and following a determination of impact and any mitigation measures to protect surrounding trees from a certified arborist.

D. Criteria and Application for Canopy Road Tree Removal.

1. Criteria for Tree Removal.

- A. The City Manager or designee may authorize, without the approval of the City Commission, the removal of trees in the public right-of-way which pose an immediate a safety hazard to pedestrians or other persons, buildings, or other property, or vehicular traffic, or which threatens to cause disruption of public services. Any hazardous trees, including diseased or pest infested trees, must be verified as dead and/or in need of immediate attention by the City Arborist or other certified arborist. If a hazardous condition can be resolved by trimming, only the City arborist or other certified arborist can identify specific portions of the trees to be trimmed.
- B. The City Manager or designee must recommend approval to the City Commission of a permit for removal of a tree within the Canopy Road Zone following an evaluation by the City Arborist and a 3rd party certified arborist determining that no feasible alternative exist to avoid removal and if the applicant demonstrates the presence of one (1) or more of the following conditions:
 1. Good forestry and environmental practices, such as the necessity to reduce competition between trees and deter the spread of invasive non-native plant and tree species;

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2. Tree removal which is essential for reasonable and permissible use of essential improvements, resulting from:

- A. Need for access immediately around the proposed structure for essential construction equipment, limited to a maximum width of twenty (20) feet from the structure.
- B. Limited access to the building site essential for reasonable use of construction equipment.
- C. Essential grade changes. Essential grade changes are those grade changes needed to implement safety standards common to standard engineering or architectural practices, and reference to a text where such standards are found will be required.
- D. Location of driveways, buildings, or other permanent improvements for which no alternative exists to avoid removal.

2. Removal Applications and Process.

- A. Required information. All permits for removal or relocation of trees, or for pruning management, within the canopy road tree protection zone (unless such activity is permitted under an approved general permit, must be obtained by making application to the City Manager or designee and approved by the City Commission.
- B. Mitigation requirements. The permit application for removal of trees or vegetation in the canopy road tree protection zone must be accompanied by a mitigation plan which must include, at a minimum, the following:
 - 1. An analysis documenting the purpose that necessitates the tree removal and explaining why the project cannot be modified to avoid the need for tree removal.
 - 2. An analysis of the canopy road section to be impacted by the proposed activity within the canopy road tree protection zone. The analysis must include a narrative description of the affected roadway section together with other material helpful in assessing the impact of the intrusion of the existing canopy road effect. Such characteristics as under-brush density and species composition, tree species and size distribution, high bank areas, and capacity must be included as appropriate.
 - 3. A replanting and management plan designed to mitigate the visual and vegetation impacts.
- C. Inspection. Prior to determination on a permit application, the City Manager or designee, must conduct an on-site inspection.
- D. Decision. The City Commission must approve or deny a tree removal permit by resolution request at a regularly scheduled meeting of the City Commission.
- E. Appeal. Any permit that is denied may be appealed to the City Commission within thirty (30) days of the date of denial by filing a request with the Department of Planning and Conservation.
- E. Traffic safety regarding canopy road designation.** Traffic safety on the designated Canopy Road must be promoted by the utilization of speed control devices and by limiting truck traffic to local delivery trucks and setting speed limits. The City Manager or designee must provide speed control devices and signage restrictions as deemed necessary.
- F. Traffic directional signs.** The City Manager or designee may recommend to the City Commission that traffic, other than local vehicular traffic, be routed on canopy roads upon providing information that:
 - 1. The road has been previously utilized for non-local traffic.
 - 2. The routing of other than local traffic does not create safety concerns or adversely affect the Canopy Road.
 - 3. There is a need and necessity to route other than local traffic.
 - 4. Said recommendations must be placed on the City Commission's agenda.
- G. Appeal.** Any decision of the City Manager or designee that does not require approval of the City Commission may be appealed to the City Commission. All appeals must be in writing and provided to the City Clerk's office at least thirty (30) days prior to the next regularly scheduled City Commission meeting. Said appeal must be placed on the agenda for consideration by the City Commission.
- H. Violation.** Any person, firm, or corporation who refuses to comply with or violates any provision of this section will be punished according to law, and upon conviction for such offenses, will be punished by a fine amount

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defined in LDC Section 11.08.04. Each day of continued noncompliance or violation will constitute a separate offense.

STAFF OVERVIEW: Additions to chapter 4 at the request of the Mayor.

5.01.03 All Accessory Structures

- A. There must 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~~ will 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 must be no more than one (1) detached accessory dwelling unit and not more than a total of two (2) other detached accessory buildings on a lot.
- D. An accessory structure must not be located within or partially within any public right-of-way.
- E. Accessory structures must be shown on any site plan with full supporting documents as required by this LDC.
- F. Accessory structures must be included in all calculations of impervious surface and stormwater runoff requirements.
- G. Accessory structures ~~must~~ may not be located in any required buffer, landscape area, or stormwater management area.
- H. A detached accessory building in a residential zoning district must be located behind the front façade of the principal structure and set back from the ~~front lot line a minimum of 25 feet from the~~ side lot line a minimum of three (3) feet, and from the rear lot line a minimum of three (3) feet, except within the C-3 zoning district whereby the building standards set forth in Section 4.02.03(E) ~~shall~~ apply. Eaves may encroach up to sixteen (16) inches into the side or rear yard setback.
- I. A detached accessory building must not exceed twenty-five (25) feet in height measured from the average natural grade to the highest point on the structure, or exceed a maximum building ~~footprint~~ area of 625ft².
- J. Connection of an accessory structure to a principal structure may be permissible if the connection is non-conditioned, unenclosed, and meets all principal structure setback requirements. A half wall, knee wall, or railings may be permitted as part of the connection.

5.01.04 Accessory Dwellings Units (ADU)

- A. Accessory dwelling units (ADU) ~~shall do~~ not count towards density. Long-term rental (31 days or more) is permissible when the property upon which the ADU is located receives a homestead exemption from the Nassau County, Florida Property Appraiser. Per the City's Comprehensive Plan policy 1.06.05, detached accessory dwelling units ~~shall be~~ are permissible in all residential areas in compliance with the following standards:
 - 1. The total floor area of the detached accessory dwelling unit ~~shall~~ may not exceed 625 square feet;
 - 2. The maximum height for a detached accessory dwelling unit located as a freestanding building or an apartment over a detached garage ~~shall~~ may not exceed twenty-five (25) feet, measured from the ~~approved finished grade~~ average natural grade to the highest point on the structure;
 - 3. A detached accessory dwelling unit ~~shall must~~ be located behind the front façade of the principal structure ~~only within a rear yard as established by Section 4.02.03~~; and
 - 4. An accessory dwelling unit ~~shall must~~ comply with all standards set forth in Section 5.01.03.
- B. 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~~ must comply with the following standards:
 - 1. The total floor area ~~shall~~ may not exceed 625 square feet, and only one accessory dwelling is permitted per lot of record or business, whichever is more restrictive;
 - 2. The accessory dwelling ~~shall must~~ be provided solely for the occupancy by the owner, the manager, or an employee of the business which is the principal use;

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3. The accessory dwelling ~~shall~~ may not have a separate water or electric meter from the business it serves;
 4. Parking for the accessory dwelling may be shared with the business it serves;
 5. The accessory dwelling ~~shall~~ may not have a separate exterior entrance from the business entrance.
- B. C. An accessory dwelling is permissible in the OT-1 or OT-2 zoning districts subject to the standards in Section 8.01.01.02~~(C)~~.

8.01.01.02 Specific Requirements within the OT-1 and OT-2 Zoning Districts

- H. Garages and outbuildings that house more permanent types of occupancy, such as an accessory dwelling, ~~shall may~~ not exceed 500 square feet in area, per level, ~~shall not nor~~ exceed 25 feet in height, measured from the average natural grade to the highest point on the structure, ~~shall may~~ not contain a kitchen, and ~~shall may~~ not be rented out. The area of all other outbuildings is limited to 350 square feet and ~~shall may~~ not exceed 16 feet in height measured from the average natural grade to the highest point on the structure.

STAFF OVERVIEW: Continuation of requested revisions to address eave encroachments and correcting building height measurement.

5.02.00 TEMPORARY USES AND STRUCTURES

5.02.01 Generally

This section sets forth the regulations regarding temporary uses and structures. Permissible temporary uses and the structures associated with the temporary uses include seasonal sales, special events, temporary structures during construction activities, and model homes and sales centers. Peddlers, food peddlers, and street vendors are prohibited, except as part of an approved special event.

5.02.02 Seasonal Sales

- A. Seasonal sales are periodic events for the sale of materials and goods associated with a holiday or calendar season (such as, but not limited to, Christmas trees or pumpkins in the fall.) A temporary use permit is required according to the procedures set forth in Chapter 11.
- B. The area devoted to seasonal sales ~~shall may~~ not be located on or within any required setbacks, buffers, parking spaces, parking lot aisles, driveways, fire lanes, or other traffic circulation areas.
- C. Goods, tents, equipment, or materials used for the seasonal sales activity ~~shall may~~ not be located within any right-of-way.
- D. Permitted seasonal sales are exempt from the overnight parking limitation provided in Section 7.01.05(C) and are allowed one vehicle for overnight use to secure the sales site. (Re-lettering as follows)
- E. The area devoted to seasonal sales together with the goods, tents, equipment, or materials used for the seasonal sales activity ~~shall may~~ not obstruct access or the clear visibility area established in Section 7.01.08.
- F. Designated parking spaces ~~shall must~~ be provided to support the seasonal sales activity.
- G. The required number of parking spaces is one (1) space for each 200 square feet of sales area.
- H. The applicant ~~shall must~~ ensure the provision of adequate garbage and refuse disposal.
- I. The applicant ~~shall must~~ demonstrate conformance with all applicable building, health, and other federal, State, or local laws.

5.02.06 Movable Module Storage Units and Roll Off Dumpsters

Movable module storage units (called "storage pod") and roll off dumpsters are permissible temporary structures, provided that such structures are located in compliance with the following standards:

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- A. A temporary use permit ~~shall~~ **must** be obtained as set forth in Chapter 11.
- B. The duration of the temporary use permit ~~shall~~ **be is** limited to ~~fourteen (14)~~ **thirty (30)** days per lot per year, **unless made part of an active building permit**. One (1) renewal of the temporary use permit may be granted for an additional ~~fourteen (14)~~ **thirty (30)** days.
- C. The storage pod **or roll off dumpster** may be placed on a paved or unpaved surface. When the temporary use permit authorizes location of the storage pod on an unpaved surface, the permit ~~shall~~ **be is** conditioned upon the requirement that grass, sod, or landscaping ~~shall~~ **will** be restored after removal of the storage pod **or roll off dumpster**.
- D. The storage pod **or roll off dumpster** ~~may~~ must be placed on private property, not within the right-of-way.
- E. The storage pod **or roll off dumpster** ~~shall~~ **must** not be placed within an easement, stormwater area, or required buffer.
- F. The storage pod **or roll off dumpster** ~~shall~~ **must** be placed at least one (1) foot from any property line.
- G. The storage pod **or roll off dumpster** ~~shall~~ **must** not obstruct pedestrian access.
- H. The storage pod ~~shall~~ **may** not be located within the clear visibility area at street intersections as set forth in Section 7.01.08.