



**AGENDA
PLANNING ADVISORY BOARD
SPECIAL MEETING
DECEMBER 14, 2022
3:00 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**
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - 5.1 PAB CASE 2022-28 LAND DEVELOPMENT CODE TEXT AMENDMENTS RELATING TO WATERFRONT DEVELOPMENT AND MARINAS:** AMENDING SECTION 1.07.00 ACRONYMS AND DEFINITIONS TO ADD DEFINITIONS FOR MARINA AND SURFACE WATER; AND AMENDING SECTION 3.03.03(B)(1) TO INCLUDE WATER ENHANCED USES AS EXEMPT FROM THE REQUIRED BUFFERS; AND ADDING MARINAS AS A PERMISSIBLE PRINCIPAL USE WITHIN RECREATIONAL (REC) ZONING DISTRICT IN SECTION 2.03.02 TABLE OF LAND USES
 - 5.2 PAB CASE 2022-29 LAND DEVELOPMENT CODE TEXT AMENDMENTS RELATED TO ACCESSORY STRUCTURES AND ACCESSORY DWELLING UNITS:** AMENDING SECTION 1.07.00 ACRONYMS AND DEFINITIONS TO ADD DEFINITIONS FOR BUILDING AREA AND FRONT FACADE; AND AMENDING LDC 5.01.03(H) CLARIFYING PLACEMENT OF DETACHED ACCESSORY BUILDINGS BEHIND THE FRONT FACADE OF A PRINCIPAL STRUCTURE; AND REVISING SECTION 5.01.03. (H) TO ALLOW 16 INCH EAVE ENCROACHMENTS INTO SIDE OR REAR SETBACKS FOR ACCESSORY STRUCTURES; AND ADDING SECTION 5.01.03 (H)(1) INCORPORATING BUILDING HEIGHT MEASUREMENTS FROM AVERAGE NATURAL GRADE TO THE ROOF PEAK UNLESS LOCATED IN A SPECIAL FLOOD HAZARD AREA; AND AMENDING SECTION 5.01.03(I) CLARIFYING THE MAXIMUM BUILDING AREA FOR DETACHED ACCESSORY BUILDINGS; AND AMENDING SECTION 5.01.04 (A)(3) TO CLARIFY ACCESSORY DWELLING UNIT BUILDING HEIGHT MEASUREMENT FROM AVERAGE NATURAL GRADE TO THE ROOF PEAK UNLESS LOCATED IN A SPECIAL FLOOD HAZARD AREA; AND AMENDING SECTION 5.01.04 (A)(4) DIRECTING ACCESSORY DWELLING UNIT PLACEMENT BEHIND the FRONT FACADE OF A

PRINCIPAL STRUCTURE; AND AMENDING SECTION 8.01.01.02 (6) TO CLARIFY ACCESSORY STRUCTURE HEIGHT CALCULATION WITH THE OT-1 AND OT-2 ZONING DISTRICTS.

- 5.3 **PAB CASE 2022-30 LAND DEVELOPMENT CODE TEXT AMENDMENTS RELATED TO SEASONAL SALES OVERNIGHT PARKING AND TEMPORARY PORTABLE STRUCTURES:** AMENDING SECTION 5.02.02 (D) TO ALLOW AN EXEMPTION FOR OVERNIGHT PARKING WITHIN A PERMITTED SEASONAL SALES SITE; AND AMENDING SECTION 5.02.06 TO ADD ROLL OFF DUMPSTER AS A PERMITTED TEMPORARY PORTABLE STRUCTURE; AND EXTENDING THE DURATION OF TEMPORARY USE PERMITS TO THIRTY (30) DAYS PER LOT PER YEAR, UNLESS MADE PART OF AN ACTIVE BUILDING PERMIT.
- 5.4 **PAB CASE 2022-31 LAND DEVELOPMENT CODE TEXT AMENDMENTS TO CREATE CANOPY ROAD DESIGNATION PROGRAM:** CREATING A NEW SECTION 4.05.17 FOR CANOPY ROAD DESIGNATION; INCORPORATING CERTAIN DEVELOPMENT RESTRICTIONS FOR PROTECTION OF ANY DESIGNATED CANOPY ROADS; ESTABLISHING CANOPY ROAD PROTECTION ZONES; AND RESTRICTING TREE REMOVAL ON DESIGNATED CANOPY ROADS; AND PROVIDING FOR APPEALS; AND ESTABLISHING A PROCESS FOR VIOLATIONS

- 6. **BOARD BUSINESS**
- 7. **STAFF REPORT**
- 8. **PUBLIC COMMENT**
- 9. **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 Planning Department (904) 310-3135.

Print

Planning Advisory Board (PAB) - Submission #10253

Date Submitted: 11/21/2022

Planning Advisory Board (PAB) Application

USE THIS FORM TO Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

Fees

Once application is submitted it will be reviewed for completeness. Once verified complete, an invoice will be emailed to the applicant.

☐

Zoning Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)

☐

Land Use Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)

☒

LDC Text Amendment (\$1,500)

☐

Comp Plan Amendment (\$5,000)

☐

Subdivision Plat " Preliminary (≤ 20 units \$3,000 / > 20 units \$5,000)

☐

Subdivision Plat " Final (\$1,500)

☐

Vacation of R.O.W. (\$3,500)

☐

Small Cell Outside R.O.W. (per application) (\$500)

☐

Voluntary Annexation (\$2,000)

☐

Development of Regional Impact: Amend Development Order (\$1,500)

☐

New Telecommunications Structure (\$2,000)

☐

Revision to each PAB Application - 1/2 cost of original application fee (To offset additional display ad fee)

pab 2022



IMPORTANT NOTES

Pre-Application Meeting

To guide you through the process and ensure that your application is understood and properly processed, youâ€™ll need to meet with a City Planner prior to submitting your application. Completed applications are due 30 days prior to the Planning Advisory Board meeting date.

Please see the Land Development Code (LDC) for detailed information:



LDC Text Amendment “ see LDC Section 11.01.08.



Preliminary Subdivision Plat “ see LDC Section 11.01.05.



Final Subdivision Plat “ LDC Section 11.01.05.



Zoning Map Changes “ See LDC Section 11.01.07.

The LDC is available for review at

www.fbfl.us/LDC

Application Requirements



A complete application filed at least forty-five (45) days before the date of the Planning Advisory Board’s public hearing;



Proof of Ownership (copy of deed or tax statement);



A current survey of the property (no older than two years);



If applying as an agent, Owner’s Authorization for Agent Representation form needs to be signed/ notarized and included in application;



A detailed letter of intent stating the following:



o The consistency of the proposed amendment(s) or action(s) with the City’s Comprehensive Plan.



o A justification for the proposed amendment(s) or action(s).

Have you met with a planner for a pre-application meeting?*

Yes

What was the date of your pre-application meeting?*

11/21/2022

If you have yet to have a pre-application meeting, please choose a date and time to schedule your meeting now. Every Tuesdays are reserved for pre-application appointments.*

11/18/2022

hh:mm am/pm

PROPERTY INFORMATION

Property information can be found at the Nassau County Property Appraiser’s Website’s Map Search

Site Address*

204 Ash Street

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

0

Lot*

0

Block*

0

Subdivision*

0

Zoning District*

C-1

Future Land Use Designation*

8th St Mixed Use

REVIEW TYPE*

☐ Zoning Map Amendment ≤ 10 acres

☐ Zoning Map Amendment > 10 acres

☒ LDC Text Amendment

☐ Comp Plan Amendment

☐ Subdivision Plat “ Preliminary ≤ 20 units

☐ Subdivision Plat “ Preliminary > 20 units

☐ Subdivision Plat “ Final

☐ Vacation of R.O.W.

☐ Voluntary Annexation

☐ Revision to PAB Application

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Dale

Last Name*

Martin

Company (if applicable)

City of Fernandina Beach

Mailing Address*

204 Ash Street

City*

Fernandina Beach

State*

FL

Zip*

32034

Telephone Number*

904-310-3480

Email Address*

dmartin@fbfl.city

OWNER'S AGENT

If other than owner. If an agent will be representing the owner, an Owner’s Authorization For Agent Representation form must be included

First Name

Dale

Last Name

Martin

Mailing Address

204 Ash Street

City

Fernandina Beach

State

FL

Zip

32034

Telephone Number

904-310-3480

E-mail Address

dmartin@fbfl.city

PROJECT INFORMATION

Previous Planning/Zoning Approvals

Summary of Request (more detailed information to be provided in required letter of intent)*

Various LDC Text Amendments - MINOR AMENDMENTS TO ADDRESS ERRORS, OMISSIONS AND CORRECTIONS INCLUDING SECTION 1.07.00 ACRONYMS AND DEFINITIONS TO ADD DEFINITIONS FOR BUILDING AREA, FRONT FAÇADE, MARINA, AND SURFACE WATER; AND AMENDING SECTION 3.0.3.03(B)(1) TO INCLUDE WATER ENHANCED USES AS EXEMPT FROM THE REQUIRED BUFFERS; AND SECTION 2.03.02 ADDING MARINAS AS PERMISSIBLE WITHIN REC ZONING DISTRICT.

Certification*



By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application.



I acknowledge that I understand and have complied with all of the submittal requirements and procedures.

Applicant First Name*

Applicant Last Name*

Dale

Martin

Today's Date*

11/21/2022

Upload Supporting Documentation*

Display Ad 113022.docx



Upload 2

Choose File

No file selected

Upload 3

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No file selected

Upload 4

Choose File

No file selected

DEPARTMENT OF PLANNING & CONSERVATION

204 Ash Street | Fernandina Beach, Florida 32034 | 904 310-3480 | www.fbfl.us/planning

PROPOSED LAND DEVELOPMENT CODE AMENDMENTS
PAB CASE 2022-28 Waterfront Development and Marinas
December 2022

CHANGES TO CHAPTER 1

1.07.00 DEFINITIONS

Marina means a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis. A commercial establishment authorized by a licensed vessel manufacturer as a dealership is considered a marina for nonjudicial sale purposes.

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.

STAFF OVERVIEW: Addition of definitions for building area and front façade to address changes to chapter 5 as it relates to accessory structures and accessory dwellings. Additional Commission directed definitions for marina and surface water.

CHANGES TO CHAPTER 3

3.03.03 Development Within Wetlands

Except as expressly provided in this section, no development activity shall be permitted in a wetlands area, as defined 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, **water enhanced**, or water related use within the CRA and I-W zoning is exempt from 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 and are compliant with standards found in section 3.01.03

8.01.02 Amelia River Waterfront Community Redevelopment Area

Purpose

- A. 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, as amended. 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, **water enhanced**, or water related use is exempt from Section 3.01.03(J) and Section 3.03.03(B) 1.

STAFF OVERVIEW: Commission directed changes. Add water enhanced to Section 3.03.03 (B) (1) to make it consistent with Section 8.01.02 (D) (1) (highlighted in blue).

PROPOSED LAND DEVELOPMENT CODE AMENDMENTS
PAB CASE 2022-28 Waterfront Development and Marinas
December 2022

CHANGES TO CHAPTER 2

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:																					
Laundry																					
Laundry and Dry Cleaning, Pick-Up Only *Note 5								P	P	P	P	P		P							
Light Indoor Manufacturing Uses, including Packaging and Fabricating														P	P	P					
Liquor Store, Lounge, and Bar (without drive-through window) *Note 5									S	P	S	P	S	P	P		P	P			
Lodging Accommodations										S	S	P	P	P		S					
Lumber and Building Supply												S		P	P		P				
Manufacturing and/or Assembly -Heavy															P						
Manufacturing and/or Assembly -Light										P				P	P	P					
Manufacturing and/or Assembly – Water Related														P	P		P				
Manufacturing and/or Assembly - Artisan								P	P	P	P	P	P	P	P		P				
Marina																	S	S	S		P
Marine recreation, such as kayak or boat rentals, sailing schools, etc.										P				P			P	P			P

PROPOSED LAND DEVELOPMENT CODE AMENDMENTS
PAB CASE 2022-28 Waterfront Development and Marinas
December 2022

Medical and Dental Clinics										P	P	P		P	P				P		
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STAFF OVERVIEW: Commission directed change. Addition of Marina as a permissible use subject to supplemental standards in REC zoning district as discussed at 10/18/22 Commission/CRAB workshop.

DRAFT

Print

Planning Advisory Board (PAB) - Submission #10254

Date Submitted: 11/21/2022

Planning Advisory Board (PAB) Application

USE THIS FORM TO Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

Fees

Once application is submitted it will be reviewed for completeness. Once verified complete, an invoice will be emailed to the applicant.

☐

Zoning Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)

☐

Land Use Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)

☒

LDC Text Amendment (\$1,500)

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Comp Plan Amendment (\$5,000)

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Subdivision Plat " Preliminary (≤ 20 units \$3,000 / > 20 units \$5,000)

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Subdivision Plat " Final (\$1,500)

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Vacation of R.O.W. (\$3,500)

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New Telecommunications Structure (\$2,000)

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Revision to each PAB Application - 1/2 cost of original application fee (To offset additional display ad fee)

pab 2022



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Pre-Application Meeting

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Please see the Land Development Code (LDC) for detailed information:



LDC Text Amendment “ see LDC Section 11.01.08.



Preliminary Subdivision Plat “ see LDC Section 11.01.05.



Final Subdivision Plat “ LDC Section 11.01.05.



Zoning Map Changes “ See LDC Section 11.01.07.

The LDC is available for review at

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Application Requirements



A complete application filed at least forty-five (45) days before the date of the Planning Advisory Board’s public hearing;



Proof of Ownership (copy of deed or tax statement);



A current survey of the property (no older than two years);



If applying as an agent, Owner’s Authorization for Agent Representation form needs to be signed/ notarized and included in application;



A detailed letter of intent stating the following:



o The consistency of the proposed amendment(s) or action(s) with the City’s Comprehensive Plan.



o A justification for the proposed amendment(s) or action(s).

Have you met with a planner for a pre-application meeting?*

Yes

What was the date of your pre-application meeting?*

11/18/2022

If you have yet to have a pre-application meeting, please choose a date and time to schedule your meeting now. Every Tuesdays are reserved for pre-application appointments.*

PROPERTY INFORMATION

[Property information can be found at the Nassau County Property Appraiser’s Website’s Map Search](#)

Site Address*

204 Ash Street

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

0

Lot*

0

Block*

0

Subdivision*

0

Zoning District*

C-1

Future Land Use Designation*

8th St Mixed Use

REVIEW TYPE*

☐ Zoning Map Amendment ≤ 10 acres

☐ Zoning Map Amendment > 10 acres

☒ LDC Text Amendment

☐ Comp Plan Amendment

☐ Subdivision Plat “ Preliminary ≤ 20 units

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☐ Vacation of R.O.W.

☐ Voluntary Annexation

☐ Revision to PAB Application

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State

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E-mail Address

dmartin@fbfl.city

PROJECT INFORMATION

Previous Planning/Zoning Approvals

Summary of Request (more detailed information to be provided in required letter of intent)*

LDC Text Amendment - AMENDING LDC 5.01.03(H) CLARIFYING PLACEMENT OF DETACHED ACCESSORY BUILDINGS BEHIND FRONT FAÇADE OF PRINCIPAL STRUCTURE, ADDITION OF 16 INCH EAVE ENCROACHMENT ALLOWANCE INTO SIDE OR REAR SETBACK, ADDITION OF BUILDING HEIGHT MEASUREMENT FROM AVERAGE NATURAL GRADE; AND SECTION 5.01.03(I) CLARIFYING THE MAXIMUM BUILDING AREA FOR DETACHED ACCESSORY BUILDINGS; AND AMENDING SECTUION 5.01.04 TO CLARIFY BUILDING HEIGH MEASUREMENT AND PLACEMENT OF ACCESSORY STRUCTURES BEHIND FRONT FAÇADE OF PRINCIPAL STRUCTURE; AND AMENDING SECTION 8.01.01.02 TO CLARIFY ACCESSORY STRUCTURE HEIGHT CALCULATION WITH OT-1 AND OT-2 ZONING DISTRICTS; AND AMENDING 5.02.02 TO ALLOW EXEMPTIONS FOR OVERNIGHT PARKING WITHIN PERMITTED SEASONAL SALES SITE; AND AMENDING 5.02.06 TO ADD ROLL OFF DUMPSTER AS A PERMITTED TEMPORARY STRUCTURE AND EXTENDING DURATION OF TEMPORARY USE PERMIT TO THIRTY (30) DAYS PER LOT PER YEAR, UNLESS PART OF AN ACTIVE BUILDING PERMIT.

Certification*

☒

By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application.

☒

I acknowledge that I understand and have complied with all of the submittal requirements and procedures.

Applicant First Name*

Applicant Last Name*

Dale

Martin

Today's Date*

Upload Supporting Documentation*

11/21/2022

Display Ad 113022.docx



Upload 2

Choose File No file selecte

Upload 3

Choose File No file selecte

Upload 4

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DEPARTMENT OF PLANNING & CONSERVATION

204 Ash Street | Fernandina Beach, Florida 32034 | 904 310-3480 | www.fbfl.us/planning

PROPOSED LAND DEVELOPMENT CODE AMENDMENTS
PAB CASE 2022-29 Accessory Structures and Accessory Dwelling Units
December 2022

CHANGES TO CHAPTER 1

1.07.00 DEFINITIONS

Area, Building means the area included within surrounding exterior walls. Areas of the building not provided with surrounding walls (for example eave overhangs, stairwells, balconies, or front entry steps) are not included in the building area.

Suggested revised definition received 11/8/22 James Pozetta, Architect: Area, Building: the area included within surrounding exterior walls. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above

- Exceptions: Areas of the building not provided with surrounding walls such as; eave overhangs, uncovered stairwells, uncovered balconies, or uncovered front entry steps are not included in the building area.

Why this expanded definition is important: counting an element that has a roof form within the 'building area calculation' will prevent a situation where someone proposes a massive, covered porch, or a large carport as a feature of their accessory building. Under the current language such features would not be counted towards the building area. Examples of this exact situation have already appeared in the city.

Façade, Front means the exterior side of a building which faces and is most closely parallel to the front lot line.

CHANGES TO CHAPTER 5

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 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.**

- 1. A detached accessory building must not exceed twenty-five (25) feet in height. **Building height must be measured from the average natural grade to the highest point on the structure.** Properties located within a flood hazard area must measure building height to the highest point on the structure from:

- a. **The higher of the base flood elevation or approved finished grade for buildings and structures in a special flood hazard area and 0.2 percent annual chance of flood hazard area.**
- b. **The approved finished grade for buildings and structures in coastal high hazard areas (Zone V) and Coastal A zones.**

- I. **A detached accessory building must not** exceed a maximum building ~~footprint~~ **area** of 625ft².

PROPOSED LAND DEVELOPMENT CODE AMENDMENTS
PAB CASE 2022-29 Accessory Structures and Accessory Dwelling Units
December 2022

- 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.

Suggested Revisions received 11/8/22 – James Pozetta, Architect

5.01.03.I Accessory Building total Building Area Calculation

The current proposed language does not seem to allow for a two-story accessory building with 625 square feet at each floor. Is this the intent? If not, I think the language needs to be revised to allow for such a situation. One option is to mirror the language you have created for OT, or craft something specific for the typical lot:

A detached accessory building must not exceed a maximum building area of 1,250ft², no single floor of which can exceed 625ft².

- Exceptions: A Detached Accessory Dwelling must not exceed a maximum building area of 625ft². Note, a detached accessory dwelling may be part of detached accessory building, however the total building area of the combined structure cannot exceed 1,250ft².

Why this expanded definition is important: the new proposed language seems to dis-allow a two-story detached accessory building that has an area of 625 at the first floor and 625 at the second floor. This does not match what has been previously allowed in the city.

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:
2. ~~The total floor area of~~ the detached accessory dwelling unit ~~shall~~ **must** not exceed 625 square feet;
 3. The maximum height for a detached accessory dwelling unit located as a freestanding building or an apartment over a detached garage ~~shall~~ **must** not exceed twenty-five (25) feet, measured from the ~~approved finished grade~~ **average natural grade** to the highest point on the structure. **Properties located within a flood hazard area must measure building height to the highest point on the structure from:**
 - a. **The higher of the base flood elevation or approved finished grade for buildings and structures in a special flood hazard area and 0.2 percent annual chance of flood hazard area.**
 - b. **The approved finished grade for buildings and structures in coastal high hazard areas (Zone V) and Coastal A zones.**
 4. 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
 5. 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~~ **must** 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;
 3. The accessory dwelling ~~shall~~ **must** 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;

PROPOSED LAND DEVELOPMENT CODE AMENDMENTS
PAB CASE 2022-29 Accessory Structures and Accessory Dwelling Units
December 2022

5. The accessory dwelling ~~shall~~ **must** not have a separate exterior entrance from the business entrance.

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

Suggested Revisions received 11/8/22 – James Pozetta, Architect

5.01.04(A)(2)

There is an opportunity here to keep the way words are used to describe rules in the LDC consistent:

- Proposed change to language: The Building Area of the ADU must not exceed 625ft².

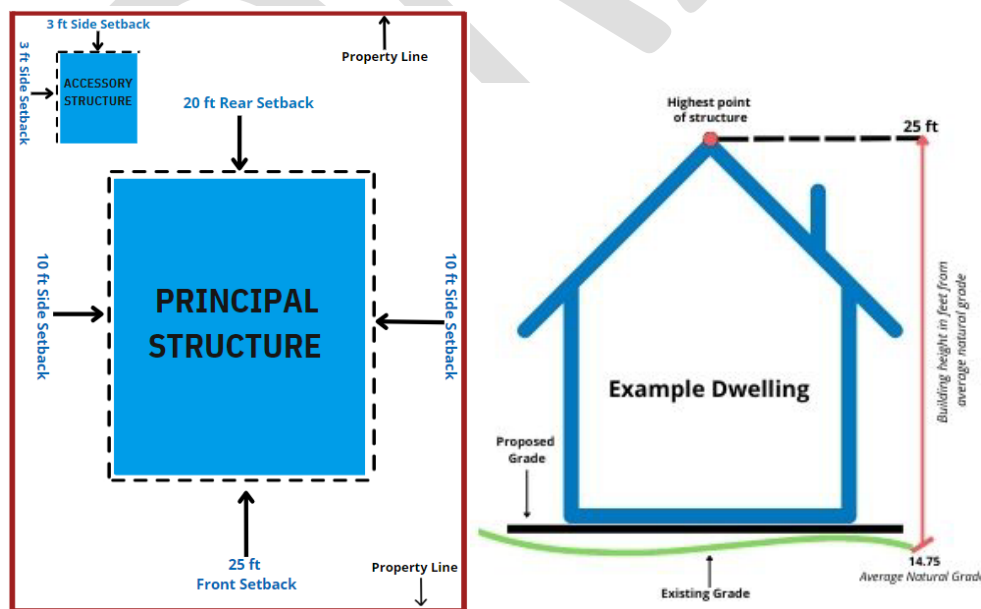
CHANGES TO CHAPTER 8

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

6. Garages and outbuildings that house more permanent types of occupancy, such as an accessory dwelling, ~~shall~~ **must** 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~~ **must** not contain a kitchen, and ~~shall~~ **must** not be rented out. The area of all other outbuildings is limited to 350 square feet and ~~shall~~ **must** not exceed 16 feet in height **measured from the average natural grade to the highest point on the structure**. **Properties located within a flood hazard area must measure building height to the highest point on the structure from:**
- a. **The higher of the base flood elevation or approved finished grade for buildings and structures in a special flood hazard area and 0.2 percent annual chance of flood hazard area.**
 - b. **The approved finished grade for buildings and structures in coastal high hazard areas (Zone V) and Coastal A zones.**

STAFF OVERVIEW: Continuation of requested revisions to address eave encroachments and correcting building height measurement. Addition of guidelines for properties within a flood hazard area to provide consistency with section 4.02.03(C)(1)(a) and (b).

ILLUSTRATIONS



Print

Planning Advisory Board (PAB) - Submission #10255

Date Submitted: 11/21/2022

Planning Advisory Board (PAB) Application

USE THIS FORM TO Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

Fees

Once application is submitted it will be reviewed for completeness. Once verified complete, an invoice will be emailed to the applicant.

☐

Zoning Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)

☐

Land Use Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)

☒

LDC Text Amendment (\$1,500)

☐

Comp Plan Amendment (\$5,000)

☐

Subdivision Plat " Preliminary (≤ 20 units \$3,000 / > 20 units \$5,000)

☐

Subdivision Plat " Final (\$1,500)

☐

Vacation of R.O.W. (\$3,500)

☐

Small Cell Outside R.O.W. (per application) (\$500)

☐

Voluntary Annexation (\$2,000)

☐

Development of Regional Impact: Amend Development Order (\$1,500)

☐

New Telecommunications Structure (\$2,000)

☐

Revision to each PAB Application - 1/2 cost of original application fee (To offset additional display ad fee)

pab 2022



IMPORTANT NOTES

Pre-Application Meeting

To guide you through the process and ensure that your application is understood and properly processed, youâ€™ll need to meet with a City Planner prior to submitting your application. Completed applications are due 30 days prior to the Planning Advisory Board meeting date.

Please see the Land Development Code (LDC) for detailed information:



LDC Text Amendment “ see LDC Section 11.01.08.



Preliminary Subdivision Plat “ see LDC Section 11.01.05.



Final Subdivision Plat “ LDC Section 11.01.05.



Zoning Map Changes “ See LDC Section 11.01.07.

The LDC is available for review at

www.fbfl.us/LDC

Application Requirements



A complete application filed at least forty-five (45) days before the date of the Planning Advisory Board’s public hearing;



Proof of Ownership (copy of deed or tax statement);



A current survey of the property (no older than two years);



If applying as an agent, Owner’s Authorization for Agent Representation form needs to be signed/ notarized and included in application;



A detailed letter of intent stating the following:



o The consistency of the proposed amendment(s) or action(s) with the City’s Comprehensive Plan.



o A justification for the proposed amendment(s) or action(s).

Have you met with a planner for a pre-application meeting?*

Yes

What was the date of your pre-application meeting?*

11/19/2021

If you have yet to have a pre-application meeting, please choose a date and time to schedule your meeting now. Every Tuesdays are reserved for pre-application appointments.*

PROPERTY INFORMATION

[Property information can be found at the Nassau County Property Appraiser’s Website’s Map Search](#)

Site Address*

City*

State*

Zip*

Parcel ID #(s)*

Lot*

Block*

Subdivision*

Zoning District*

C-1

Future Land Use Designation*

8th St Mixed Use

REVIEW TYPE*

☐

Zoning Map Amendment ≤ 10 acres

☐

Zoning Map Amendment > 10 acres

☒

LDC Text Amendment

☐

Comp Plan Amendment

☐

Subdivision Plat “ Preliminary ≤ 20 units

☐

Subdivision Plat “ Preliminary > 20 units

☐

Subdivision Plat “ Final

☐

Vacation of R.O.W.

☐

Voluntary Annexation

☐

Revision to PAB Application

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Last Name*

Company (if applicable)

City of Fernandina Beach

Mailing Address*

204 Ash Street

City*

Fernandina Beach

State*

FL

Zip*

32034

Telephone Number*

904-310-3480

Email Address*

dmartin@fbfl.city

OWNER'S AGENT

If other than owner. If an agent will be representing the owner, an Owner’s Authorization For Agent Representation form must be included

First Name

Dale

Last Name

Dale Martin

Mailing Address

204 Ash Street

City

Fernandina Beach

State

FL

Zip

32034

Telephone Number

904-310-3480

E-mail Address

dmartin@fbfl.city

PROJECT INFORMATION

Previous Planning/Zoning Approvals

Summary of Request (more detailed information to be provided in required letter of intent)*

LDC Text Amendments - AMENDING LDC CHAPTER 4 BY CREATING SECTION 4.05.17 CANOPY/SCENIC ROADS; PROVIDING FOR DESIGNATION OF CANOPY TREE ROADS; PROVIDING FOR RESTRICTIONS ON CANOPY ROADS; PROVIDING FOR CANOPY ROAD ZONES; PROVIDING FOR RESTRICTIONS ON TREE REMOVAL ON CANOPY ROADS.

Certification*



By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application.



I acknowledge that I understand and have complied with all of the submittal requirements and procedures.

Applicant First Name*

Dale

Applicant Last Name*

Martin

Today's Date*

11/22/2021

Upload Supporting Documentation*

Display Ad 113022.docx



Upload 2

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Upload 3

Choose File

No file selected

Upload 4

Choose File

No file selected

DEPARTMENT OF PLANNING & CONSERVATION

204 Ash Street | Fernandina Beach, Florida 32034 | 904 310-3480 | www.fbfl.us/planning

PROPOSED LAND DEVELOPMENT CODE AMENDMENTS
PAB 2022-30 SEASONAL SALES, OVERNIGHT PARKING AND TEMPORARY PORTABLE STRUCTURES
DECEMBER 2022

CHANGES TO CHAPTER 5

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~~ **must** 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~~ **must** 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. The length of overnight vehicle use is limited to only the active sales dates indicated on the temporary use permit. (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:

- A. A temporary use permit ~~shall~~ **must** be obtained as set forth in Chapter 11. **Properties within the I-2, Heavy Industrial and I-A, Industrial Airport Zoning District are exempt from these requirements.**
- B. The duration of the temporary use permit ~~shall be is~~ limited to ~~fourteen (14)~~ **thirty (30)** days per lot per year. One (1) renewal of the temporary use permit may be granted for an additional ~~fourteen (14)~~ **thirty (30)** days. **While under an active building permit, the POD or roll off dumpster may remain for the duration of the building permit.**
- 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~~ **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.

PROPOSED LAND DEVELOPMENT CODE AMENDMENTS
PAB 2022-30 SEASONAL SALES, OVERNIGHT PARKING AND TEMPORARY PORTABLE STRUCTURES
DECEMBER 2022

- 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.

STAFF OVERVIEW: Changes to address recommendations from PAB RM 10/12/22. Addition of exempted zoning district. I-2 Heavy Industrial and the addition of clarifying language for pods/roll off dumpsters associated with active building permits.

DRAFT

Print

Planning Advisory Board (PAB) - Submission #10256

Date Submitted: 11/21/2022

Planning Advisory Board (PAB) Application

USE THIS FORM TO Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

Fees

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☐

Zoning Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)

☐

Land Use Map Amendment (≤ 10 acres \$2,500 / > 10acres \$5,000)

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LDC Text Amendment (\$1,500)

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Vacation of R.O.W. (\$3,500)

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New Telecommunications Structure (\$2,000)

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pab 2022



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Yes

What was the date of your pre-application meeting?*

11/18/2022

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Parcel ID #(s)*

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Block*

Subdivision*

Zoning District*

C-1

Future Land Use Designation*

8th St Mixed Use

REVIEW TYPE*

☐

Zoning Map Amendment ≤ 10 acres

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Zoning Map Amendment > 10 acres

☒

LDC Text Amendment

☐

Comp Plan Amendment

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Subdivision Plat “ Final

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Vacation of R.O.W.

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Voluntary Annexation

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Revision to PAB Application

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Martin

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City

Fernandina Beach

State

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Zip

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E-mail Address

dmartin@fbfl.city

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Applicant Last Name*

Martin

Today's Date*

11/21/2022

Upload Supporting Documentation*

Display Ad 113022.docx



Upload 2

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DEPARTMENT OF PLANNING & CONSERVATION

204 Ash Street | Fernandina Beach, Florida 32034 | 904 310-3480 | www.fbfl.us/planning

**PROPOSED LAND DEVELOPMENT CODE AMENDMENTS
PAB CASE 2022-31 CREATION OF A CANOPY ROAD DESIGNATION PROGRAM
DECEMBER 2022**

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 will 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 will 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.

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 E.
7. Overhead obstructions can be removed to provide minimum clearance of 14 feet 6 inches (14.5') as required by federal and state guidelines.

D. Canopy Road Protection Zone.

**PROPOSED LAND DEVELOPMENT CODE AMENDMENTS
PAB CASE 2022-31 CREATION OF A CANOPY ROAD DESIGNATION PROGRAM
DECEMBER 2022**

The Canopy Road Protection Zone will be designated 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.

E. 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 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 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 will 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 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;
 - 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. 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. 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.

PROPOSED LAND DEVELOPMENT CODE AMENDMENTS
PAB CASE 2022-31 CREATION OF A CANOPY ROAD DESIGNATION PROGRAM
DECEMBER 2022

3. A replanting and management plan designed to mitigate the visual and vegetation impacts.
- C. Prior to determination on a permit application, the City Manager or designee, must conduct an on-site inspection.
- D. The City Commission must approve or deny a tree removal permit by resolution request at a regularly scheduled meeting of the City Commission.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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 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.