AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
MARCH 13, 2024
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 Review and Approve Amended and Draft Meeting Minutes from December 13, 2023 meeting, February 14, 2024 meeting, and Feburary 28, 2024 workshop.

4. OLD BUSINESS

4.1 **PAB 2024-0001 - LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENTS TO ADDRESS REDEVELOPMENT OF SUBSTANDARD LOTS OF RECORD**
CITY OF FERNANDINA BEACH REQUESTS LAND DEVELOPMENT CODE TEXT AMENDMENTS TO ADD DEFINITIONS AND TO CLARIFY PROCESSES FOR DEMOLITION OF STRUCTURES ON COMBINED LOTS AND CONSTRUCTION OF STRUCTURES ON COMBINED LOTS BY ALLOWING FOR PROPERTY SEPARATION WHEN SUCH RESULTING LOT IS 50 FEET OR GREATER. REQUESTED LDC TEXT AMENDMENTS SPECIFICALLY ADD DEFINITIONS IN SECTION 1.07.00 (ACRONYMS AND DEFINITIONS), AMENDS LANGUAGE IN SECTION 1.03.04 DEMOLITION OF STRUCTURES ON SUBSTANDARD LOTS, AND AMENDS LANGUAGE SECTION 1.03.05 CONSTRUCTION OR DEMOLITION OF STRUCTURES ON COMBINED LOTS.

5. BOARD BUSINESS

5.1 Density Discussion as directed by City Commission - 18 dwelling units per acre for Central Business District
Consideration of Comprehensive Plan and Land Development Code Amendments on April 10, 2024 PAB Agenda.

6. STAFF REPORT

7. PUBLIC COMMENT

8. ADJOURNMENT

THE NEXT PAB REGULAR MEETING IS SCHEDULED FOR WEDNESDAY, APRIL 10, 2024.

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 AMENDED 02-14-2024
PLANNING ADVISORY BOARD
REGULAR MEETING
DECEMBER 13, 2023
CITY HALL CHAMBERS

1. CALL TO ORDER 5:02

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

Victoria Robas (Chair)	Peter Stevenson (Vice-chair)
Barbara Gingher	John Boylan
Richard Doster	Nick Gillette
Mark Bennett	

MEMBERS ABSENT:
None

OTHERS PRESENT:
Tammi Bach, City Attorney
Daphne Forehand, City Planner
Taylor Hartmann, Recording Secretary

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 Approval of Minutes from the City Commission + Planning Advisory Board Joint Workshop from October 25, 2023.

Chair Robas noted 4 corrections in item 4.

ACTION TAKEN: A motion was made by Member Gingher, seconded by member Stevenson, to approve the minutes with the noted amendments.

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

3.2 Approval of Minutes from the Regular Meeting of September 13, 2023.

Member Stevenson noted that under item 5.1 PAB 2023-0047, clarification is needed that Member Gillette recused himself from voting.

ACTION TAKEN: A motion was made by Member Stevenson seconded by Member Gillette to approve the minutes with the noted amendments.

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

4. OLD BUSINESS

4.1 PAB 2023-0043 - ELIZABETH MOORE, AGENT FOR PLLUMI INVESTMENTS LLC, 766 KENNETH COURT

Request for annexation and re-assignment of the Nassau County future land use map category and zoning district from Medium Density Residential, Residential Mixed to City of Fernandina Beach Medium Density Residential (MDR) and Residential Low Medium (RLM) zoning district for property totaling approximately 0.92 acres of land.

Ms. Forehand presented the Staff Report analysis and recommended approval of the voluntary annexation with an assignment of the Low Density Residential (LDR) FLUM category, and R-1 Zoning District.

Elizabeth Moore, 1617 San Marco Blvd., agent for the applicant, explained the specifics of the principal properties and the neighboring parcels. She spoke of the neighboring parcels Land Use and Zoning maps from Nassau County and City of Fernandina Beach and provided some comparisons. She noted that the character of the street is slowly changing. She summarized by stating that this is a unique property in a unique situation and voiced concern about the replat process and its requirements regarding infrastructure, streetlights, and waste management.

Member Doster spoke about the impact this project would have on the imminent change of character of the neighborhood.

Members discussed the low-density zoning of R-1 impacting the existing neighborhood. Ms. Moore noted that the R-1 zoning would help the transition with existing adjacent commercial zoning. Member Gillette disagreed and commented that this may introduce a land use that is not compatible to the southern commercial zoning.

Public Hearing was opened.

Laurie Hemke, 751 Barrington Drive, spoke in favor of a low-density zoning designation.

Vanneza Stubbs, 744 Kenneth Court, spoke in support of Staff's recommendation, of stormwater issues, and of the potential loss of green space.

William Zielinsky, 786 Barrington Drive, spoke of the traffic currently affecting the area, and spoke against increasing the density of the neighborhood.

Jack Ember, 1003 Broome Street, spoke in favor of Staff's recommendation.

Margaret Kirkland, 1377 Plantation Point Drive, spoke on behalf of Conserve Nassau and in support of Staff's analysis and recommendations. She provided a presentation touching on density, impervious surface levels, loss of tree canopy, and wetlands.

*Member Gillette asked Ms. Bach about how to proceed if the Board differed on the applicant's request. Chair Robas Provided some text from the LDC stating that the Board is given 3 options: the first is to recommend approval, the second is to recommend denial, and lastly the third is to recommend approval with conditions. She then added that with option 3, the Board can provide a different outcome suggested by the Board or by Staff. Ms. Bach agreed and added that in the case of this Board, the Board recommendation would be made to the City Commission where it would be heard in a quasi-judicial hearing for the zoning part. She also opined on the role of the Board.

Public Hearing was closed.

*At this time, the Board first voted on a motion regarding the Developer's FLUM and Zoning District request, which was denied by the Board 6-1. Subsequently, a second motion was made by the Board to approve Staff's recommendation of FLUM and Zoning District, which was approved by the Board 6-1.

ACTION TAKEN: A motion was made by Member Stevenson, seconded by Member Doster, to recommend DENIAL of PAB case 2023-0043 as written to the City Commission; AND that PAB case 2023-0043 as presented is NOT sufficiently compliant with the Comprehensive Plan and Land Development Code and applicable Florida Statutes to be approved at this time.

***Vote upon passage of the motion was taken by ayes and nays, as follow:**

Member Bennett	**Aye**
Member Gingher	**Aye**
Member Boylan	**Aye**
Member Doster	**Aye**
***Member Gillette**	**Nay**
Vice-Chair Stevenson	**Aye**
Chair Robas	**Aye**

+ACTION TAKEN: A motion was made by Member Bennett, seconded by Member Stevenson, to recommend approval of Staff's recommendation to PAB case 2023-0043 to the City Commission regarding a voluntary annexation into the City of Fernandina Beach with a FLUM category of Low Density and R-1 Zoning District; AND that PAB case 2023-0043 as presented is sufficiently compliant with the Comprehensive Plan and Land Development Code and applicable Florida Statutes to be approved at this time.

*Member Gillette commented that the proposed single-family use was uncomplimentary to the existing Commercial use behind it.

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

Member Bennett	**Aye**
Member Gingher	**Aye**
Member Boylan	**Aye**
Member Doster	**Aye**
Member Gillette	**Nay**
Vice-Chair Stevenson	**Aye**
Chair Robas	**Aye**

Motion carried.

5. NEW BUSINESS

There were no New Business items to discuss.

6. BOARD BUSINESS

6.1 *Board discussion: Minimum acreage requirements to establish a PUD.

*Members discussed the advantage of possibly making changes to the Comprehensive Plan regarding the minimum acreage required to create a PUD. Member Gillette suggested changing the minimum to 2 acres.

Member Doster suggested that a look at architectural designs could be added to the review of the PUD decision-making process. Ms. Forehand stated that there is a Florida Statute that prohibits Boards to regulate architectural designs, except in historic districts. She added that there are many other ways to balance the final approved result aside from regulating the architectural design.

Members suggested that Staff prepare a list of existing parcels of up to 2 acres in size in order for the Board to assess possible density of those parcels upon development.

Chair Robas noted that a PAB staff report from the October 11, 2023 meeting, and presented to the City

Commission, had incorrect Comprehensive Plan references. She is inquiring whether the staff report template could have some sections modified and customized by Staff, depending on cases being presented.

Chip Ross, Commissioner, 210 N. 3rd Street, stated that when he reads application for annexation packets, referred by the PAB, his primary concern is the cumulative impact of additional annexations.

Members continued speaking about density and suggested that this may be the time to really look at concurrency and provide an analysis of the impact of a development, by departments, and include that information within the Staff Report. Staff welcomed the idea.

Margaret Kirkland, 1377 Plantation Point Drive, spoke on creating outreach to the residents of the island in order to open discussions and allow them the opportunity to voice their concerns and provide suggestions in regarding to capacity and development on the island.

Chair Robas suggested that there could be more discussions on the possible impact of the Live Local act on future new development applications. Ms. Forehand commented that this legislative act is fairly new and she could include analysis on potential impact it may have on any commercial or mixed use properties. She also noted that they are still in the learning process.

Chair Robas suggested that she would like to see annexation applications being presented in three separate cases, Annexation, FLUM, and Zoning, and that the board would vote in 3 separate recommendations. Lastly, she suggested that at the next meeting there could be a Live Local Act discussion item.

7. STAFF REPORT

Ms. Forehand noted that discussions regarding the review of text amendments recommended by the City Commission would take place at the next meeting.

8. PUBLIC COMMENT

No parties wished to speak.

9. ADJOURNMENT 7:15 PM

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Taylor Hartmann, Recording Secretary Victoria Robas, Chair

MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
FEBRUARY 14, 2024
5:00 PM
CITY HALL COMMISSION CHAMBERS

1. CALL TO ORDER 5:00 PM

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:
Victoria Robas (Chair)
Peter Stevenson (Vice-chair)
Richard Doster
Nick Gillette
Mark Bennett (joined in at 5:22 pm)

MEMBERS ABSENT:
John Boylan
Barbara Gingher

OTHERS PRESENT:
Tammi Bach, City Attorney
Kelly Gibson, Planning & Conservation Deputy Director
Sylvie McCann, Recording Secretary

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 Approval of Minutes of the Regular Meeting of November 8, 2023.

Chair Robas reiterated the motion made on item 5.2 to recommend approval that the City donate the property located at Block 169 Lots 1, 2, 31, 32, and asked that this recommendation be added to the next available City Commission agenda for consideration.

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

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

3.2 Approval of the Minutes for the Regular Meeting of December 13, 2023

Members provided a number of amendments and clarification.

Ms. Gibson provided insight regarding the process of future Annexation applications. The application includes reviews for annexation, FLUM amendment, and Zoning Map amendment. These future PAB cases would appear as one case on the agenda and would be voted on by the Board in three individual stand-alone motions. Ms. Gibson saw no problem in installing that procedure.

Member Gillette also noted that Ms. Bach provided some procedural insight regarding motion of denials and wanted these comments to be included in the record.

ACTION TAKEN: A motion was made by Member Stevenson, seconded by member Doster, to approve the minutes with the noted amendments.

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

4. OLD BUSINESS

No old business case was presented.

Member Stevenson brought up the request for Staff to provide example of parcels that could hold possible PUD.

5. NEW BUSINESS

5.1 PAB 2024-0001 - LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENTS TO ADDRESS REDEVELOPMENT OF SUBSTANDARD LOTS OF RECORD

CITY OF FERNANDINA BEACH REQUESTS LAND DEVELOPMENT CODE TEXT AMENDMENTS TO ADD DEFINITIONS AND TO CLARIFY PROCESSES FOR DEMOLITION OF STRUCTURES ON COMBINED LOTS AND CONSTRUCTION OF STRUCTURES ON COMBINED LOTS BY ALLOWING FOR PROPERTY SEPARATION WHEN SUCH RESULTING LOT IS 50 FEET OR GREATER. REQUESTED LDC TEXT AMENDMENTS SPECIFICALLY ADD DEFINITIONS IN SECTION 1.07.00 (ACRONYMS AND DEFINITIONS), AMENDS LANGUAGE IN SECTION 1.03.04 DEMOLITION OF STRUCTURES ON SUBSTANDARD LOTS, AND AMENDS LANGUAGE SECTION 1.03.05 CONSTRUCTION OR DEMOLITION OF STRUCTURES ON COMBINED LOTS.

Ms. Gibson presented the Staff Report analysis regarding LDC Text amendments suggested by both the City Commission and the Planning Advisory Board.

She emphasized that all of the proposed changes only apply for Residential zoning districts. She provided 10 examples of residentially zoned property and compared the current and proposed processes to restore underlined lots of records. She noted that actions to restore underlying lot of records currently do not require public notice and also noted that some of these actions would at times also require variances. She strongly advocated for public notice and recommended approval.

Member Doster asked how the public would be able to appeal any action if the request meets the new updated code. Ms. Bach said that there is an appeal process through the BOA for any Administrative Review approval to be initiated within 30 days. Ms. Bach also stated that the addition of a public notice process could be added at the Board's discretion.

Member Stevenson spoke of the 3 alternatives presented to the Board. First alternative is to leave the code as it is; the 2nd alternative is the one suggested by Staff, and a 3rd unknown alternative. He suggested that the Board should work with an update that would be clear enough that a judge would not need to review, and that the Board should then provide the City Commission with changes that are clear and concise. Member Stevenson also spoke of stormwater impact and that the BOA should really be part of this process. What happens to county properties. Ms. Bach said the effect would be the same as City property and would have to follow the code and that some non-conforming lots would need to follow the rules if they are re-developed. Ms. Gibson then added that our current code addresses rebuilding non-conforming structures damaged during storms.

Member Doster brought up instances where vacant lots would be divided and could possibly create issues with open space and visibility corridor. He also voiced concern about making decisions without knowing how many parcels would be affected. He voiced some concerns about the notion that there are opinions that the City is "overbuilt" and that there is "no parking issues". Chair Robas concurred. She also noted that she wished that the rewrite would be simplified and easier to understand.

Member Bennett said he doesn't think that LDC section 1.03.05 should be totally stricken out. He expressed that this should be vetted and discussed further. He also spoke of the definition of "a neighborhood" and what impact these changes can bring on a neighborhood. He didn't see any problems with LDC section 1.03.05 and noted that the variance process was created for owners to submit their requests of modification from the code.

Member Gillette suggested that there should be more discussion and added language regarding the platting process. Ms. Gibson said that these proposed changes do not include new subdivision plats, subdivision re-plats, minor subdivisions, lot land adjustments, and other specific regulations.

Member Bennett voiced that the 200-year-old Yulee Plat is outdated, and that the environment and the needs are totally different than back in the 1800 era where the goal was to build at capacity.

Member Gillette asked for clarification about substandard lot. Ms. Gibson provided clarification.

Chair Robas asked why MU zoning districts are not included in this consideration since they are also residential. She then summarized that there is a lot of information that needs to be analyzed regarding the different proposals, the impact of this change on the community, and that she is not ready to vote on this at this meeting.

Member Stevenson again questioned the impact of stormwater with any code changes.

Member Bennett said that additional workshops are needed to discuss this further and look at more data. Member Gillette spoke of an old case at S. 6th and Gum Street where there was a structure demolished previously with a remnant of a slab and had to present a variance request to pursue development of the underlaying lots.

Ms. Bach provided an opinion regarding Mr. Bennett's comment on whether there is a real need to make any change to LDC section 1.03.05 at all. She said that there have been 3 interpretations of LDC section 1.03.05 recently and that this is why there may be a need to clarify that section. She also commented on Mr. Bennett's comment about the Yulee Plat and that the Comprehensive Plan requires that we honor the Yulee Plat, but that the Board can amend the Comprehensive Plan regarding its relevance.

Ms. Gibson spoke of a 2020 email sent to board members providing some background information on property rights regarding issues with substandard lots. She will share this email again with Board members.

Chair Robas proposed that a workshop be scheduled for Wednesday February 28, 2024, at 3:00 PM.

Member Bennett asked about the definition of a vacant lot. Ms. Gibson answered that if the property had a structure at one point it is deemed previously disturbed and not labelled as a vacant lot.

Public Hearing was opened.

Jack Ember, 1003 Broome Street, commented that there is nothing wrong with the current LDC section 1.03.05. He noted that all the examples provided by Staff increased density.

Margaret Kirkland, 1377 Plantation Point Drive, representing Conserve Nassau, spoke of the impact of these potential changes on the community and opined that the purpose of this update is to increase density. She also expanded on the impact on the community's quality of life and the environment.

Taina Christner, 406 Beech Street, thanked the Board and emphasized the fact that this was a great discussion. She also opined that the LDC section 1.03.05 is clear and quoted the Judge's verdict on the recent case that "there is no plausible explanation for the City erroneous interpretation". She commented on the 25' lot location compared to the areas prone to flooding. Lastly, she also suggested hiring legal counsel to review any proposed language to avoid potential legal challenges.

Mike Lednovich, 1586 Canopy Drive, on behalf of Fernandina Observer, suggested that the 3rd alternative mentioned earlier in the meeting be disclosed within the meeting agenda packet. Member Doster voiced his opinion that this 3rd option was not an official alternative. Chair Robas stated that this document was received late the day before and will be part of the discussion during the next workshop.

Chip Ross, 210 N. 3rd Street, explained the intent of his last minute "alternative proposal" document and apologized to the Board for the confusion created in presenting this at the last minute. He suggested that definitions should be a priority for the Board to work on.

Ms. Bach welcomed the comment from Ms. Christner regarding legal counsel and encouraged comments and insight with any changes in language and modification.

The consensus was that this case should be continued to a date certain for March 13, 2024.

ACTION TAKEN: A motion was made by Member Stevenson, seconded by Member Gillette, to continue this item to a date certain of March 13, 2024.

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

6. BOARD BUSINESS

6.1 Election of Chair and Vice Chair (Annually Required LDC Section 9.01.03)

ACTION TAKEN: A motion was made by Member Doster, seconded by member Bennett, to approve the re-elections of Chair Robas and Vice Chair Stevenson.

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

7. STAFF REPORT

7.1 Projects Update

Ms. Gibson provided updates on current projects and spoke of upcoming events.

Upon request, CIP info will be sent to Mr. Gillette

7.2 Staffing Update

Ms. Gibson provided updates on the current staffing needs of the Planning & Conservation Department and the job openings for summer interns.

7.3 2023 Administrative Reviews Report

Ms. Gibson presented a report regarding Administrative Reviews performed in 2023.

7.4 Annual Sunshine Law and Ethics Training - Friday, March 15, 2024 - 2 times available 8am-noon or 1:00pm - 5:00pm. Please attend one.

Ms. Gibson encouraged all members to attend the annual Sunshine Law & Ethics Training.

8. PUBLIC COMMENT

No parties from the public wished to speak.

9. ADJOURNMENT 7:26 PM

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Sylvie McCann, Recording Secretary Victoria Robas, Chair

AGENDA
PLANNING ADVISORY BOARD WORKSHOP
FEBRUARY 28, 2024
3:00 PM
CITY HALL COMMISSION CHAMBERS

1. CALL TO ORDER

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

Victoria Robas (Chair)	Peter Stevenson (Vice-chair)
Barbara Gingher	Richard Doster (joined in at 3:08)
Mark Bennett	John Boylan

MEMBERS ABSENT:
Nick Gillette

OTHERS PRESENT:
Tammi Bach, City Attorney
Kelly Gibson, Planning & Conservation Deputy Director
Sylvie McCann, Recording Secretary

2. PLEDGE OF ALLEGIANCE

Member Bennett suggested that the public may be involved with the conversation.

3. OLD BUSINESS

3.1 PAB 2024-0001 - LAND DEVELOPMENT CODE (LDC) TEXT AMENDMENTS TO ADDRESS REDEVELOPMENT OF SUBSTANDARD LOTS OF RECORD

CITY OF FERNANDINA BEACH REQUESTS LAND DEVELOPMENT CODE TEXT AMENDMENTS TO ADD DEFINITIONS AND TO CLARIFY PROCESSES FOR DEMOLITION OF STRUCTURES ON COMBINED LOTS AND CONSTRUCTION OF STRUCTURES ON COMBINED LOTS BY ALLOWING FOR PROPERTY SEPARATION WHEN SUCH RESULTING LOT IS 50 FEET OR GREATER. REQUESTED LDC TEXT AMENDMENTS SPECIFICALLY ADD DEFINITIONS IN SECTION 1.07.00 (ACRONYMS AND DEFINITIONS), AMENDS LANGUAGE IN SECTION 1.03.04 DEMOLITION OF STRUCTURES ON SUBSTANDARD LOTS, AND AMENDS LANGUAGE SECTION 1.03.05 CONSTRUCTION OR DEMOLITION OF STRUCTURES ON COMBINED LOTS.

Chair Robas provided an introduction to the workshop and its goal being one to allow members to discuss further their concern regarding potential changes to the Land Development Code and Comprehensive Plan.

Mr. Bennett started the conversation with discussion on what constitutes a parcel and its definition and the reasoning behind having instituted this code within the Comprehensive Plan and LDC code in 2004. He voiced the fact that the current proposal will only allow an increase of density.

Member Gingher asked Member Bennett about the history of the discussion back in then in 2004. Member Bennett commented that the public at that time voiced a consensus of limiting density and the desire of establishing

sizeable lots.

Len Kreger, 1313 Hickory Street, noted he was not on the Planning board back in 2004. He also suggested to the Board to reject the proposed changes, and that we do not have the responsibility to provide housing to people who want to move to this area.

Member Doster agreed with Member Bennett and with Mr. Kreger's opinion. Member Stevenson asked if the role of the board is being about a clarification or a change of the code and provided the definition for both terms. He also asked about what happens if the Board takes no action. He also voiced frustration because of not knowing the impact of this change or clarification.

Member Bennett stated that the remedy is really for any applicant who disagrees with the code is to go to the Board of Adjustment. There was also talk about property rights for the owner and for the neighbors.

Chair Robas asked Ms. Gibson for the steps after an action is taken by the Board. She stated that the recommendations would be provided as a "whereas clause" with supplemental documents, presented in two readings in front of the City Commission.

Chair Robas clarified that there are 3 options for the Board, according to 11.03.03, recommendation to the City Commission being either, 1- Approved as is, 2- Approved with conditions, or 3- Denied.

Members spoke about the root cause of this request to the Board.

Chip Ross, 210 N. 3rd Street, addressed the issue of why the Planning Advisory Board has been giving this task, according to item 5.2 of the September 13, 2023, PAB meeting. He noted that the request stems from a City Commission wanting clarification about the code. He summarized that the intent was really about how the language can make it easier for parcels to be subdivided. He suggested some uniformity about the words or terms used throughout the code.

Len Kreger, 1313 Hickory Street, noted that this is more complicated than it should and that if the Board is confused about the clarity of the request and that it would be the City Commission's responsibility to clarify this for the Board.

(4:00 pm) Chair Robas spoke of 1.03.04 and the issue stemming from the Tringali case which should really have been presented to the Board of Adjustment. She suggested that 2 motions should be done, one would be to deny the current proposal and the 2nd would be to recommendation of striking the first sentence of 1.03.04 and adding that "any application coming in front of staff should be relayed to the Boad of adjustment."

Jack Ember, 1003 Broome Street, voiced that the intent really is to remove the need for a variance within the code. He also voiced that this is a fight against the City Commission.

Member Stevenson suggested that the Board could first look at definitions.

Debra , 227 N. 11th Street, resident for 27 years, spoke of the impact this code change could bring to neighborhoods.

Taina Christner, voiced concerns about the proposed language creating unintended consequences if not reviewed efficiently. She suggested that a legal counsel should be hired to review the Board's recommendation to the City Commission to avoid any loopholes.

Charlie George, Interim City Manager, voiced that the Board needs to take the time it needs to make the best decision.

Member Stevenson noted that he'd like to get legal opinions about any changes and definitions.

Member Bennett suggested that definitions could be worked on as a subcommittee before the next PAB meeting. After some discussion, the consensus from Board Members is to meet at the regular meeting of March 13, 2024, and discuss definitions. Members Gillette, Bennett, and Stevenson were chosen to be on a future subcommittee.

Member Bennett asked Mr. Ross to provide a source for definition. Mr. Ross will provide a book. He also suggested that someone from the public could be part of the subcommittee. Ms. Taina Christner was available to join the subcommittee.

4. PUBLIC COMMENT

5. ADJOURNMENT 4:47 PM

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Sylvie McCann, Recording Secretary Victoria Robas, Chair

1.07.00 Definitions and Acronyms

Building site means a piece of land, either currently in use or allocated for development, intended to host main structures, accessory structures, and associated allowable uses.

Parcel means a tract of land described by meets and bounds or plat.

Platted Lot of Record means a lot that is part of a recorded subdivision.

Principal Residential Structure refers to the main dwelling unit on a residential or mixed-use parcel. It serves as the primary structure housing individuals or families and is distinguished from permissible accessory structures. Principal residential structures must be established before constructing any permissible accessory structures.

Substandard lot means any lot lawfully existing at the time of adoption of this code, but not in conformance with the current dimensional and/or area provisions.

1.03.03 Lots of Record

One dwelling unit may be constructed on a substandard, platted lot of record in a residential or mixed-use zoning district.

NO CHANGES- reference only, see also Comp Plan policy 1.05.04

~~1.03.04 Demolition of Structures on Substandard Lots~~

~~A. Applicability. Except as may be provided hereinafter to the contrary, in connection with replats, subdivisions, specific regulations, and specifically described lots or parcels of land, all buildings or structures located in the R-1, R-2, RLM, and R-3 zoning districts shall be constructed or erected upon a building site containing at least one (1) platted lot. Such building site shall have a minimum street frontage of fifty (50) feet.~~

~~B. Building site requirements. Wherever there may exist a single-family residence(s), duplex building(s), or any lawful accessory building(s) or structure(s) which was heretofore constructed on property containing one (1) or more substandard platted lots or portions thereof, such substandard lot or lots shall thereafter constitute only one (1) building site. No permit shall be issued for the construction of more than one (1) single-family residence. Such structures shall include, but not be limited to, swimming pools, tennis courts, walls, fences, or other at-grade or aboveground improvements.~~

~~C. Removal of buildings. If a single-family residence or duplex building which exists on more than one (1) substandard lot is voluntarily demolished or removed, no permit shall be issued for the construction of more than one (1) building on the building site.~~

~~1.03.05 Construction or Demolition of Structures on Combined Lots~~

~~A. In order to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, wherever there may exist a single-family detached residential unit or, a duplex structure or any auxiliary building or structure, including but not limited to, swimming pools, or any other improvement which was heretofore constructed on~~

~~property containing one or more platted lots or portions thereof (excluding walls or fences), such lots thereafter constitute one building site and must be considered the "lot of record", and no permit will be issued for the construction of more than one residential dwelling unit on the site. All construction on the building site must comply with all existing zoning and density requirements.~~

~~B. The demolition or removal of any residence or structure, whether voluntary or involuntary, does not have the effect of changing the establishment of the building site.~~

~~C. A change from the foregoing provisions for the purpose of establishing building sites, or separation of building sites requires supermajority approval by the Board of Adjustment in accordance with the variance approval process contained in Section 10.02.00 in a quasi-judicial hearing at which all interested persons will be afforded an opportunity to be heard.~~

1.03.04 Redevelopment of Residential Substandard Lots of Record

A. Applicability. These regulations aim to preserve open space, visual corridors, neighborhood character, property values, and the visual appeal of residential areas within the R-1, R-1G, R-2, RLM, and R-3 zoning districts. The following regulations do not apply to new subdivision plats, subdivision replats, minor subdivisions, lot line adjustments, or other specific regulations. Substandard platted lots of record and/or portions of platted lots totaling less than 50 feet in width are consolidated into a single building site under the following conditions:

1. A principal residential structure (such as a single family detached home, townhome, duplex, triplex, or multi-family structure) is constructed to extend across one or more platted lots and/or portions of platted lots totaling less than 50 feet in width as measured from the adjoining public or private right-of-way frontage.
   a. Only the principal residential structure combines substandard lots of record into a single building site. Ancillary improvements on the same building site, such as detached accessory structures, detached accessory dwellings, open air decks, balconies, staircases, swimming pools, tennis courts, walls, fences, stormwater improvements, or other at-grade or aboveground improvements do not combine substandard lots into a single building site.
   b. Non-residential structure(s) do not combine substandard lots into a single building site.
   c. Pie-shaped lots are considered compliant if the average distance from up to five equally spaced horizontal lines, running parallel to the right-of-way frontage and extending across the property boundaries, is 50 feet or more.

B. Removal of buildings. If a principal residential structure existing on more than one substandard lot with a total width of less than 50 feet is voluntarily demolished or removed, no permit will be issued for the construction of more than one (1) dwelling unit on the building site. Nonconforming structures may be reconstructed in accordance with Section 10.01.00.

C. Separation of a building site. The demolition or removal of any principal residential structure, whether voluntary or involuntary, does not have the effect of changing the established building site without supermajority approval of a variance granted by the Board of Adjustment or Historic District Council as defined in Section 10.02.00.

1. Exceptions from the requirement to obtain a variance from resulting lot separation exist when:

a. the resulting lot combines substandard platted lots which total 50 ft or greater building sites, or
b. the resulting lot reverts to a 50 ft or greater platted lot of record, or
c. the resulting lot fully conforms to current density and zoning regulations and contains a total lot width of 50 feet or greater.

STAFF REPORT
PAB CASE 2024-0001 (Substandard Lot Separation)
February 14, 2024

APPLICATION FOR LAND DEVELOPMENT CODE TEXT AMENDMENTS

BACKGROUND AND SUMMARY

On September 5, 2023, during the City Commission Regular meeting, guidance was provided for the Planning Advisory Board (PAB) and Planning Staff to consider Land Development Code Text Amendments to Sections 1.03.04 and 1.03.05. The objective was to clarify actions that combine originally platted lots of record as a single development site. Subsequently, the Planning Advisory Board engaged in discussions at their regular meetings on September 13, 2023, and October 11, 2023, and a special meeting on September 27, 2023. A joint public meeting on this topic involving the PAB and City Commission occurred on October 25, 2023. Further direction and clarification were provided to staff during a Commission workshop on November 21, 2023 and discussed as part of the City Attorney Comments on December 19, 2023. The proposed amendments are intended to clarify existing regulations while fostering a responsible and efficient development environment within the R-1, R-1G, R-2, RLM, and R-3 zoning districts. The new regulation changes regarding the redevelopment of residential substandard lots of record by consolidating sections and introducing a more detailed and modernized framework compared to the old language. Here are the key differences:

1. **Terminology and Scope:**

Old Language: Refers to "Demolition of Structures on Substandard Lots" 1.03.04 and “Construction or Demolition of Structures on Combined Lots” 1.03.05 and applies to R-1, R-2, RLM, and R-3 zoning districts.

New Language: Combines the two code sections 1.03.04 and 1.03.05, introduces "Redevelopment of Residential Substandard Lots of Record," and specifies that the regulations do not apply to new subdivision plats, replats, minor subdivisions, or other specific regulations. It continues to apply regulations to the R-1, R-2, RLM, and R-3 zoning districts while adding in the R-1G zoning district. Additionally, new terms have been established as requested by the PAB and City Commission. Where definitions were requested but presently provided in the LDC, they remained unchanged.

2. **Treatment of Accessory Structures**:

Old Language: Any ancillary improvements (except walls or fences) combine lots of record.

New Language: Clarifies that only the principal residential structure combines substandard lots into a single building site. Ancillary improvements, “Accessory Structures or Uses”, do not consolidate lots.

3. **Non-Residential Structures**:

Old Language: Does not specifically address treatment of any non-residential structures.

New Language: Explicitly states that non-residential structures do not combine substandard lots into a single building site.

4. **Pie-Shaped Lots**:

Old Language: Does not provide criteria for compliance for pie-shaped lots.

New Language: Specifies criteria for compliance of pie-shaped lots based on the average distance from equally spaced horizontal lines.

5. **Removal of Buildings**:

Old Language: Restricts the issuance of a permit for more than one dwelling unit if a single-family residence or duplex on multiple substandard lots is demolished.

New Language: Restricts the issuance of a permit for more than one dwelling unit if a principal residential structure on multiple substandard lots with a total width of less than 50 feet is demolished. Allows reconstruction of nonconforming structures in certain situations with reference provided to Chapter 10.

6. **Separation of a Building Site**:

Old Language: Requires supermajority approval by the Board of Adjustment for a change in the establishment of a building site.

New Language: Requires supermajority approval for the separation of a building site when the resulting lots is less than 50 feet in width. Introduces specific exceptions and clarifications to this requirement.

7. **Exceptions to Obtaining a Variance**:

New Language introduces exceptions from the requirement to obtain a variance when the resulting lot combines substandard platted lots with a 50 feet or greater building site; or the resulting lot reverts to a 50 feet or greater platted lot of record; or the resulting lot fully conforms to current density and zoning regulations containing a total lot width of 50 feet or greater.

CONCLUSION AND RECOMMENDATION:
The proposed regulation changes seek to strike a balance between responsible development and the preservation of open space, visual corridors, and neighborhood character. The staff believes that these changes will contribute significantly to the visual appeal of residential areas while ensuring strict adherence to zoning requirements. Overall, the changes, shaped by the City Commission through Commissioner Ayscue's suggestions. align with modern urban planning principles, expressly acknowledged community concern for separation of substandard lots under 50 feet and provides clarity while facilitating a streamlined development process.

In consideration of the proposed regulation changes, Planning Staff extends a recommendation for approval with the condition that a public notice process be incorporated when lot separation takes place. To uphold transparency and promote public engagement, Staff strongly advocates for the inclusion of a public notice process when the defined "Exceptions" to obtaining a variance are requested. A public notice process should be established to follow existing procedures for Context Sensitive Setback Reviews and Minor Subdivisions/Lot Line Adjustments.

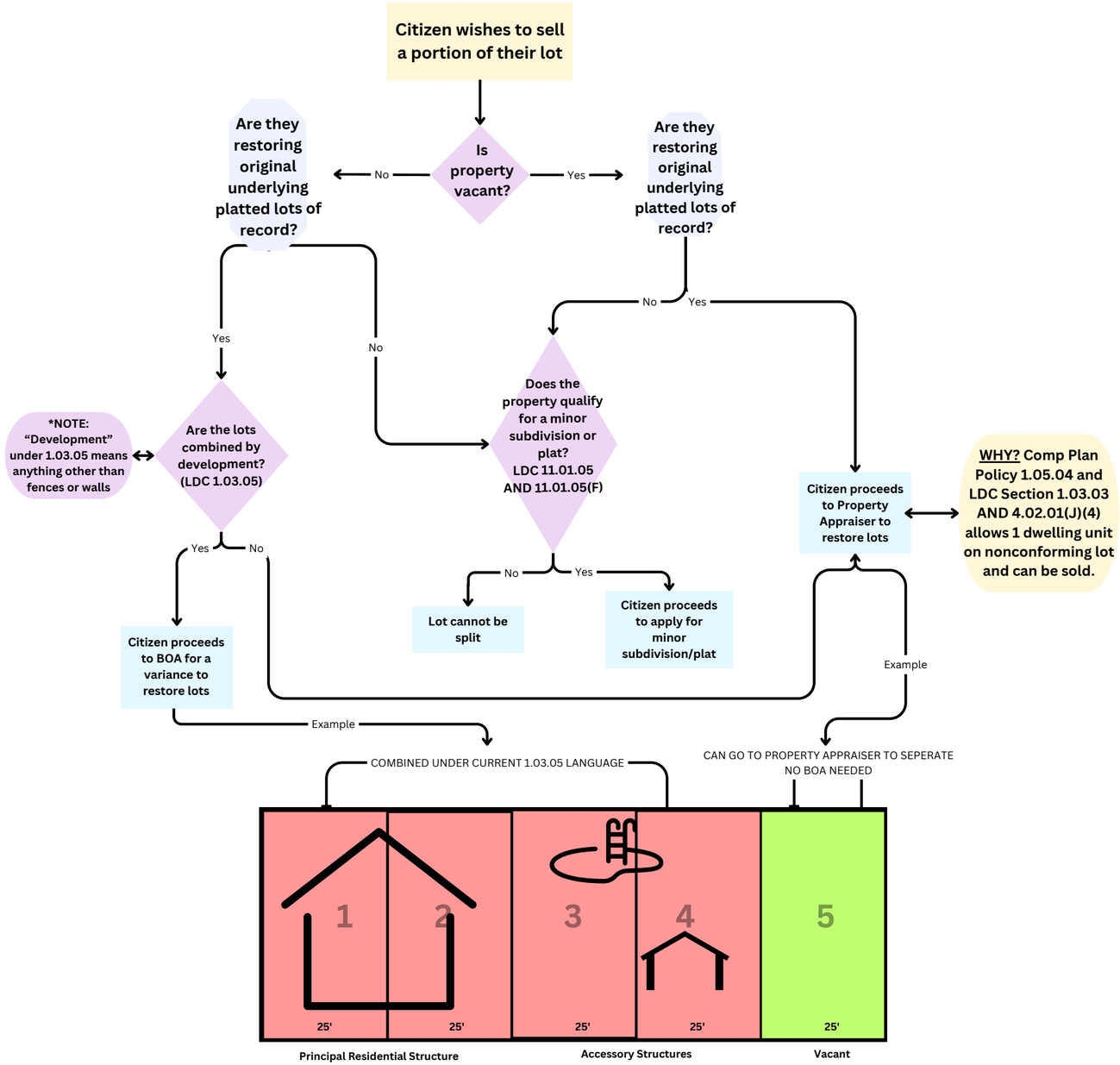
The community is accustomed to notice procedures associated with Board of Adjustment cases when lots are separated. Introducing an administrative procedure to consistently provide notice through the placement of a posted sign will ensure awareness of impending changes on a specific property. This approach affords an opportunity for meaningful engagement with Planning staff, enabling the community to be better informed about the pending changes and fostering a collaborative approach to the development process.

EXHIBIT 1: Current Process Flow Chart
EXHIBIT 2: Commissioner Ayscue Plan Flow Chart
EXHIBIT 3: Example Properties (To be provided as part of staff presentation on 2/14/24)

Respectfully submitted by,

Kelly N. Gibson, AICP

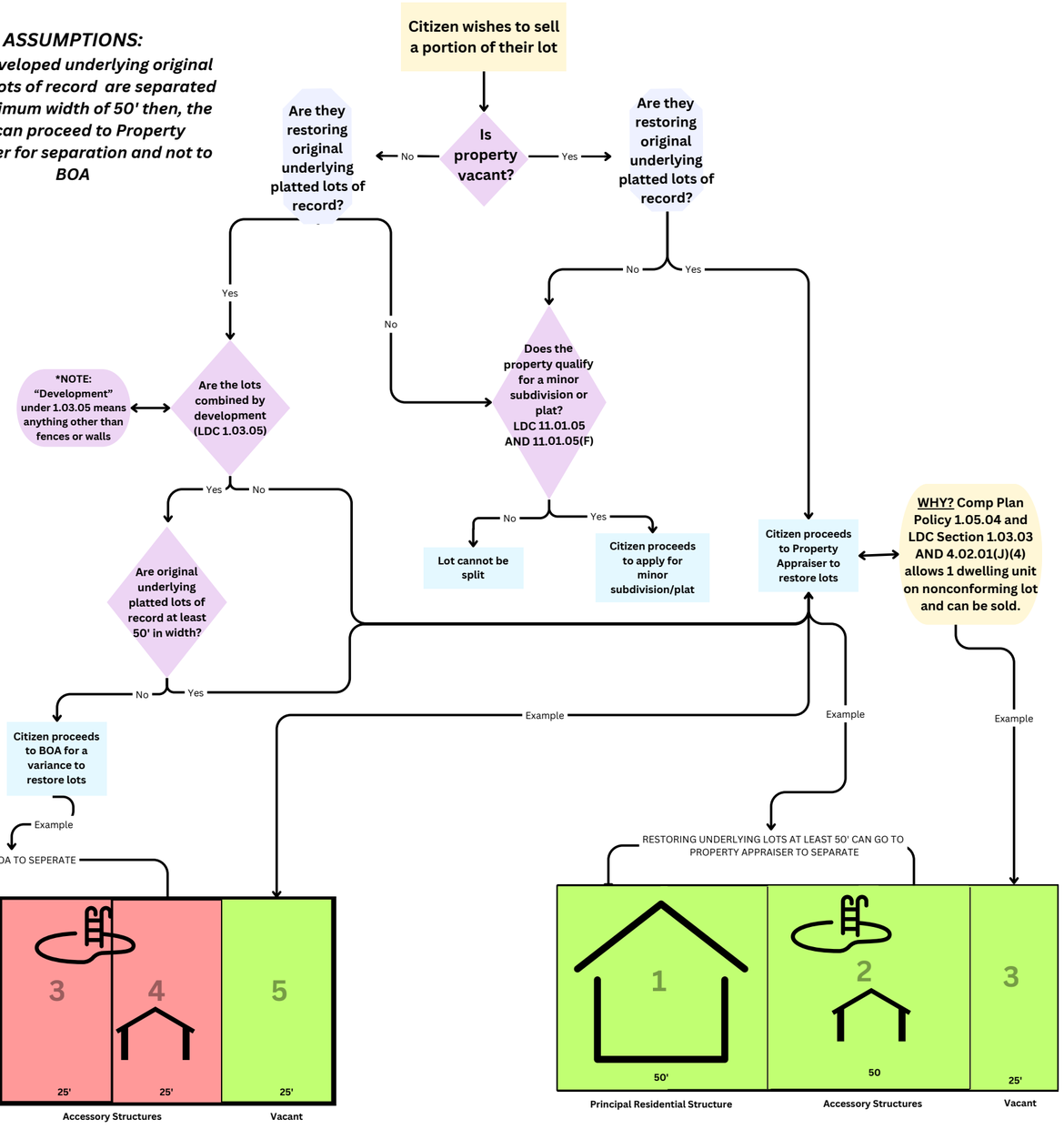
CURRENT PROCESS



PROPOSED LOT SEPERATION PROCESS
COMMISSIONER AYSCUE

ASSUMPTIONS:

If the developed underlying original platted lots of record are separated to a minimum width of 50' then, the lots can proceed to Property Appraiser for separation and not to BOA



Print

Planning Advisory Board (PAB) - Submission #13201

Date Submitted: 2/5/2024

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)
- [x] 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 ($2,500)
- [ ] Revision to each PAB Application $400

2024 Submission Deadlines + Meetings Calendar

PAB 2024

IMPORTANT NOTES

Pre-Application Meeting

To guide you through the process and ensure that your application is understood and properly processed, you'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:

- [x] 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?*

12/5/2023

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.*

mm/dd/yyyy hh:mm am/p

PROPERTY INFORMATION

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

Site Address*

Not Applicable

City*

NA

State*

NA

Zip*

32034

Parcel ID #(s)*

NA

Lot*

NA

Block*

NA

Subdivision*

NA

Zoning District*

R-2

Future Land Use Designation*

Medium Density Residential

REVIEW TYPE*

- [ ] Zoning Map Amendment ≤ 10 acres
- [ ] Zoning Map Amendment > 10 acres
- [x] 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*

City of Fernandina Beach

Last Name*

COFB

Company (if applicable)

Mailing Address*

204 ASH STREET

City*

FERNANDINA BEACH

State*

FL

Zip*

32034

Telephone Number*

904-310-3100

Email Address*

kgibson@fbfl.org

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

Last Name

Mailing Address

City

State

Zip

Telephone Number

E-mail Address

PROJECT INFORMATION

Previous Planning/Zoning Approvals

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

On September 5, 2023, during the City Commission Regular meeting, guidance was provided for the Planning Advisory Board (PAB) and Planning Staff to consider Land Development Code Text Amendments to Sections 1.03.04 and 1.03.05. The objective was to clarify actions that combine originally platted lots of record as a single development site. Subsequently, the Planning Advisory Board engaged in discussions at their regular meetings on September 13, 2023, and October 11, 2023, and a special meeting on September 27, 2023. A joint public meeting on this topic involving the PAB and City Commission occurred on October 25, 2023. Further direction and clarification were provided to staff during a Commission workshop on November 21, 2023 and discussed as part of the City Attorney Comments on December 19, 2023. See Staff Report

Certification*

- [x] 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.
- [x] I acknowledge that I understand and have complied with all of the submittal requirements and procedures.
- [x] I AGREE THAT A POSTING NOTICE WILL BE INSTALLED ON THE PROPERTY(IES) IN QUESTION AND THAT SAID SIGN WILL ONLY BE REMOVED BY STAFF AFTER THE MEETING OR BROUGHT BACK TO CITY HALL BY APPLICANT.

I/We understand that the City Staff may install a Notice of Hearing sign on the property 14 days before the scheduled heating and that the sign must only be removed after the hearing by City Staff, unless, the applicant or property owner brings the Notice of Hearing back to City Hall.

Applicant First Name*

City of Fernandina Beach

Applicant Last Name*

COFB

Today's Date*

12/20/2023

Upload Supporting Documentation*

2024-0001_Proposed LDC Text Amendments.docx

City of FB logo NEW Reflex

Upload 2

020124_Staff Report.docx

Upload 3

Choose File No…en

Upload 4

Choose File No…en

DEPARTMENT OF PLANNING & CONSERVATION

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

PAB Regular Meeting

February 14, 2024
5:00 PM

PAB 2024-0001

LAND DEVELOPMENT CODE TEXT AMENDMENTS COMMISSION DIRECTED

Changes serve to:

1. Add new definitions (Section 1.00.07)
2. Clarifies existing regulations (1.03.04 and 1.03.05)
3. Specifies improvements which combine lots (1.03.04 and 1.03.05)
4. Allows development of 50 ft lot widths when combining substandard lots(1.03.04 and 1.03.05)
5. Continues to require variances when restoring substandard lots (1.03.04 and 1.03.05)

Proposed language is consistent with directed use of "Ayscue Proposal"

** All required application materials have been received, all fees have been paid and all required notices have been made.*

LAND DEVELOPMENT CODE TEXT AMENDMENTS COMMISSION DIRECTED

Keep in Mind the following:

1. Sections of code only apply to residential zoning districts
2. If vacant/unimproved, regardless of size, honored for one building site (Reference LDC Section 1.03.03)

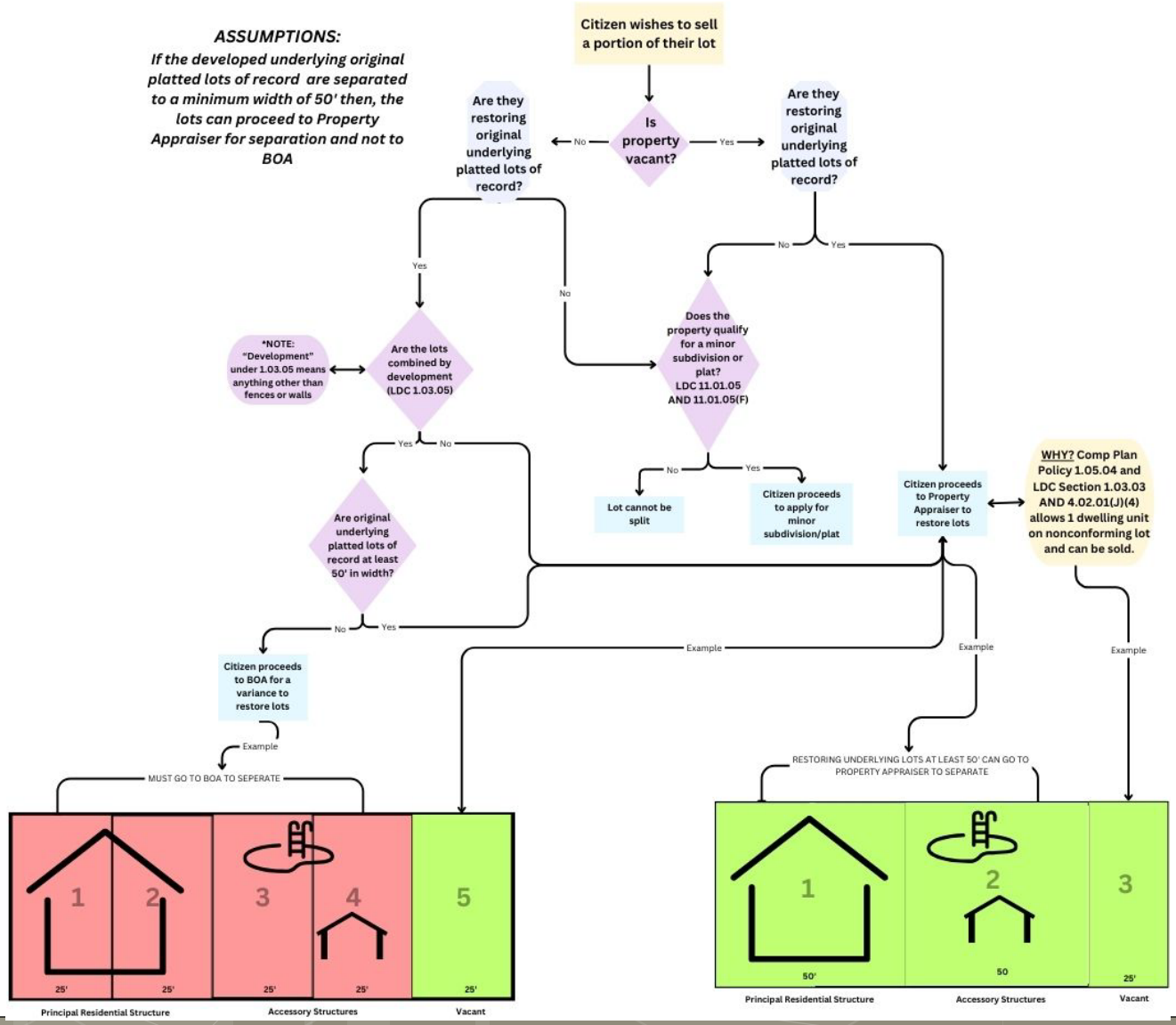
Directed Action:

1. Allow development if resulting in 50ft+
2. Accessory Improvements do not combine lots
3. Require variance if seeking to restore lots less than 50ft wide
4. Clarify Applicability
5. Provide Definitions

PAB 2024-0001

PROPOSED LOT SEPERATION PROCESS
COMMISSIONER AYSCUE

ASSUMPTIONS:
If the developed underlying original platted lots of record are separated to a minimum width of 50' then, the lots can proceed to Property Appraiser for separation and not to BOA



PAB 2024-0001

1.07.00 Definitions and Acronyms

Building site means a piece of land, either currently in use or allocated for development, intended to host main structures, accessory structures, and associated allowable uses.

Parcel means a tract of land described by meets and bounds or plat.

Platted Lot of Record means a lot that is part of a recorded subdivision.

Principal Residential Structure refers to the main dwelling unit on a residential or mixed-use parcel. It serves as the primary structure housing individuals or families and is distinguished from permissible accessory structures. Principal residential structures must be established before constructing any permissible accessory structures.

Substandard lot means any lot lawfully existing at the time of adoption of this code, but not in conformance with the current dimensional and/or area provisions.

PAB 2024-0001

1.03.04 Redevelopment of Residential Substandard Lots of Record

A. Applicability. These regulations aim to preserve open space, visual corridors, neighborhood character, property values, and the visual appeal of residential areas within the R-1, R-1G, R-2, RLM, and R-3 zoning districts. The following regulations do not apply to new subdivision plats, subdivision replats, minor subdivisions, lot line adjustments, or other specific regulations. Substandard platted lots of record and/or portions of platted lots totaling less than 50 feet in width are consolidated into a single building site under the following conditions:

1. A principal residential structure (such as a single family detached home, townhome, duplex, triplex, or multi-family structure) is constructed to extend across one or more platted lots and/or portions of platted lots totaling less than 50 feet in width as measured from the adjoining public or private right-of-way frontage.
   a. Only the principal residential structure combines substandard lots of record into a single building site. Ancillary improvements on the same building site, such as detached accessory structures, detached accessory dwellings, open air decks, balconies, staircases, swimming pools, tennis courts, walls, fences, stormwater improvements, or other at-grade or aboveground improvements do not combine substandard lots into a single building site.
   b. Non-residential structure(s) do not combine substandard lots into a single building site.
   c. Pie-shaped lots are considered compliant if the average distance from up to five equally spaced horizontal lines, running parallel to the right-of-way frontage and extending across the property boundaries, is 50 feet or more.

B. Removal of buildings. If a principal residential structure existing on more than one substandard lot with a total width of less than 50 feet is voluntarily demolished or removed, no permit will be issued for the construction of more than one (1) dwelling unit on the building site. Nonconforming structures may be reconstructed in accordance with Section 10.01.00.

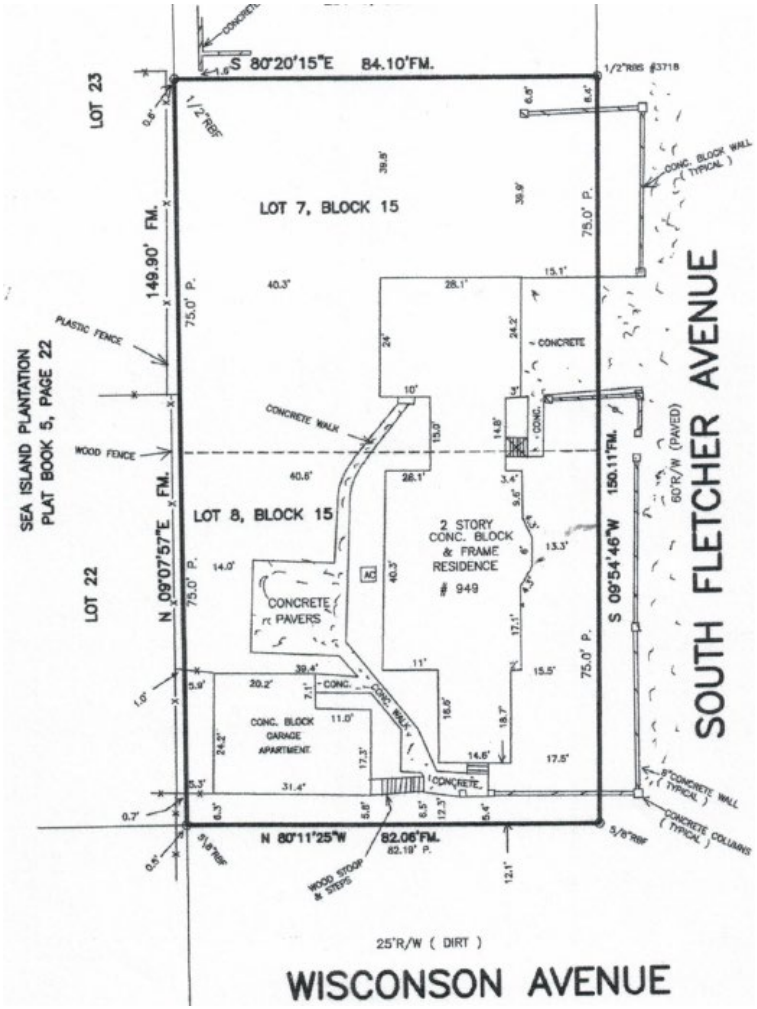
C. Separation of a building site. The demolition or removal of any principal residential structure, whether voluntary or involuntary, does not have the effect of changing the established building site without supermajority approval of a variance granted by the Board of Adjustment or Historic District Council as defined in Section 10.02.00.

1. Exceptions from the requirement to obtain a variance from resulting lot separation exist when:

Exceptions, continued

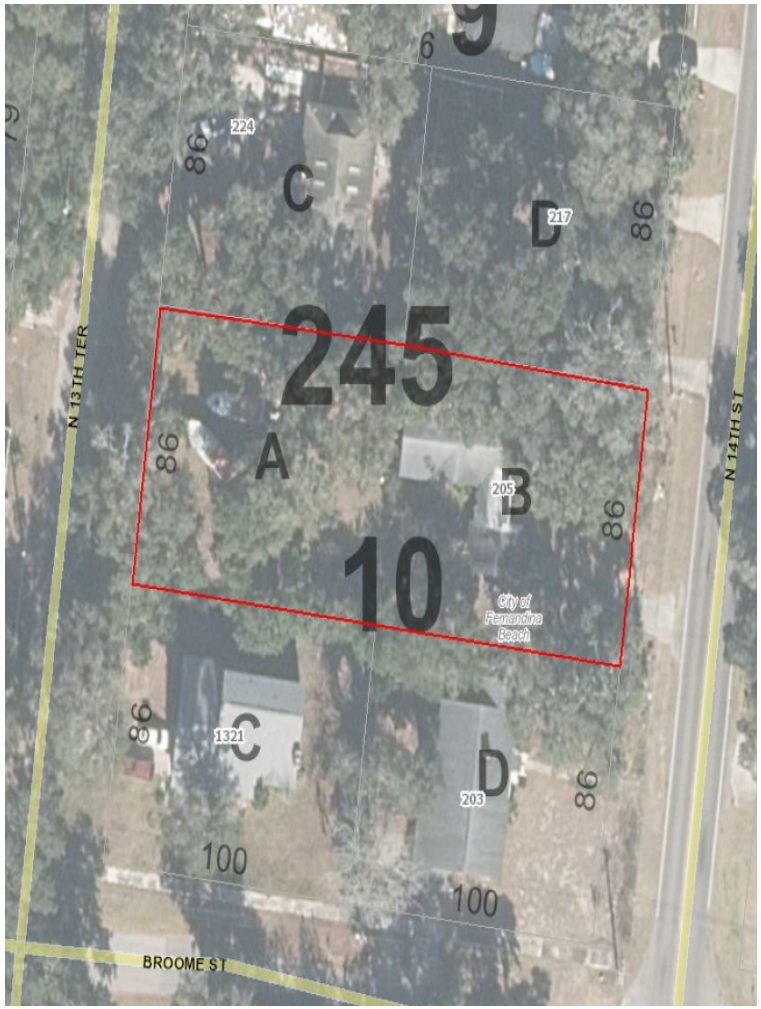
a. the resulting lot combines substandard platted lots which total 50 ft or greater building sites, or
b. the resulting lot reverts to a 50 ft or greater platted lot of record, or
c. the resulting lot fully conforms to current density and zoning regulations and contains a total lot width of 50 feet or greater.

Example 1:



- Single Family Home over two 75 x 100 ft lots.
- Allows original lots to be restored because they are 50ft +

Example 2:



- Single Family Home deck improvement only extends to adjoining lot
- Deck would not be qualified as unifying improvement

PAB 2024-0001

Example 3:

- Single Family Home combines original lots 27-31 *(approximate only –requires survey to verify)*
- Lots 23-26, Lots 1-3, Lots 32-34 remain open and available
- Requires variance to restore lots 27-31 if resulting lot combination is less than 50 ft. May not require variance if lots are combined to 50+ ft.
- Demolition of Structure requires COA from HDC

Example 4:

- Single Family Home combines original lots 10-11 and 5 *(approximate only – requires survey to verify)*
- Lots 9 and 4 are available under current regulations (50 x 100)
- Lot 8 becomes available since it is a detached accessory structure
- Demolition of Structures requires COA from HDC
- Prior variances approved for this site (Now expired).

Example 5:

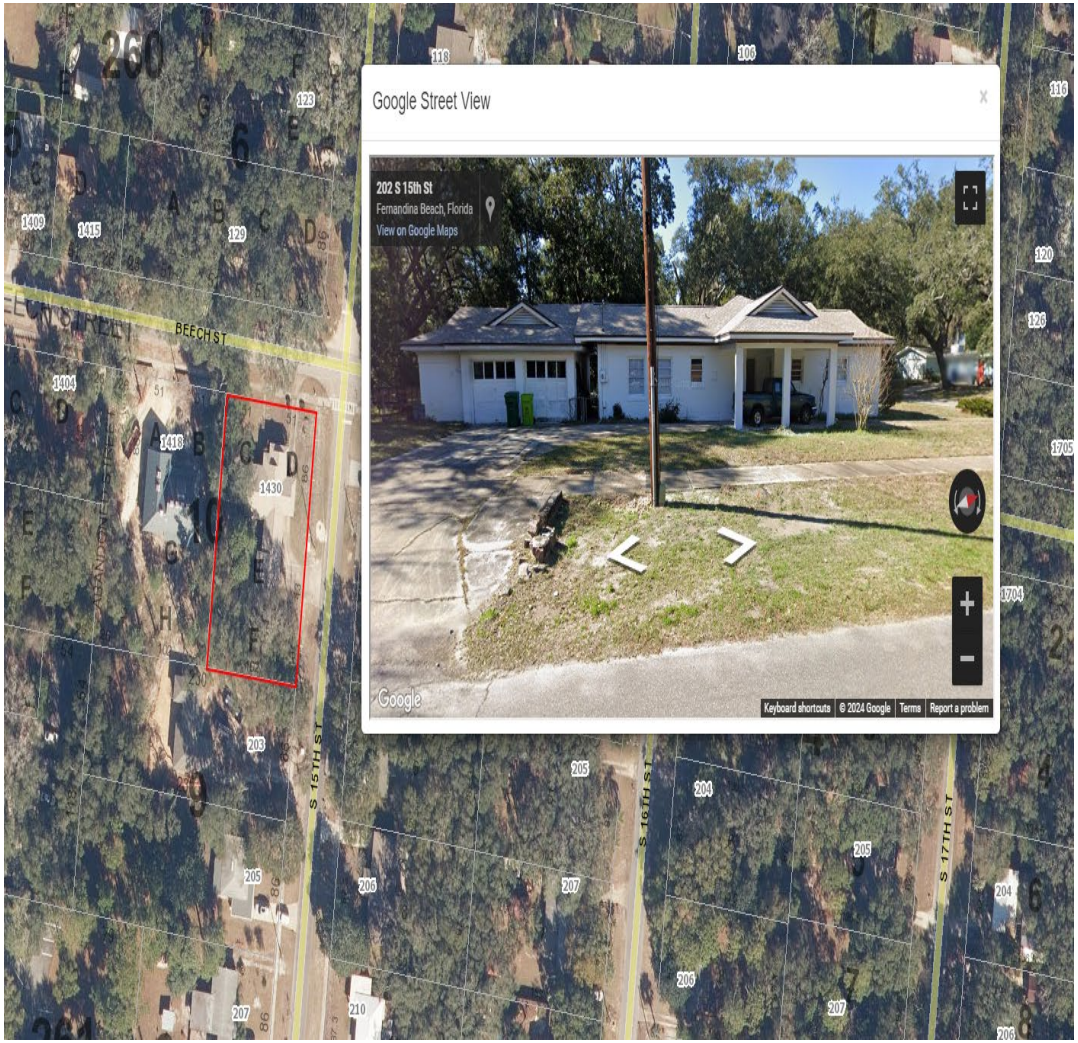
- Single Family Home combines prior 43 ft wide lots to 86 ft lot width
- Requires variance to separate if demolished

Example 6:

- Single Family Home combines lots 10 + 11
- No variance required to separate if demolished as resulting restoration is greater than zoning district requires and 81.1 ft wide

PAB 2024-0001

Example 7:



- Single Family Home combines lots C + D (51 ft)
- Lot E Accessory Structure Only (43 ft)
- Lot F is open/ vacant(43 ft)
- Allows demo and reconstruction of 4 total single family homes

PAB 2024-0001

Example 8:

- Single Family Home on Lot 1
- Accessory Structure on Lot 3
- Original lots are greater than 50 ft and larger than R-1 requirements
- Allows demo of accessory structure and replacement with a single family home

PAB 2024-0001

Example 9:

- Single Family Home on Lot 64
- Shed extends on lot 20
- Allows demo of accessory structure and replacement with a single family home

PAB 2024-0001

Example 10:

- 7 – 25x 100 ft lots
- Single Family Home across lots 27-29
- Lot 3 and lot 26 open/ vacant
- Accessory Structures on Lots 24 and 25
- Variance Required to separate lots 27-29 and 24-25 if wanting to restore to less than 50 ft

STAFF REPORT

UPDATES

- Impact Fee Study – Stantec (January Kick-off)
- Downtown and CRA Design Guidelines Update
- Land Dedications
- MuniCode Integration of LDC and Comp Plan
- Bosque Bello Trees and Canopy Maintenance – Arbor Day 4/26
- New Heritage Tree Designations (10 trees in April)
- Conservation Website Updates
- New Conservation Lands Signage
- BEBR Small Area Population Model Update *(including Seasonal Population Projections)*
- KNB Arboretum Designations – Gardens of Amelia – 3/5 CC Presentation
- 3rd Reading Comp Plan Amendment – State Direction
- Tracking prior FLUM and Zoning Cases for Recreation Lands

EVENTS

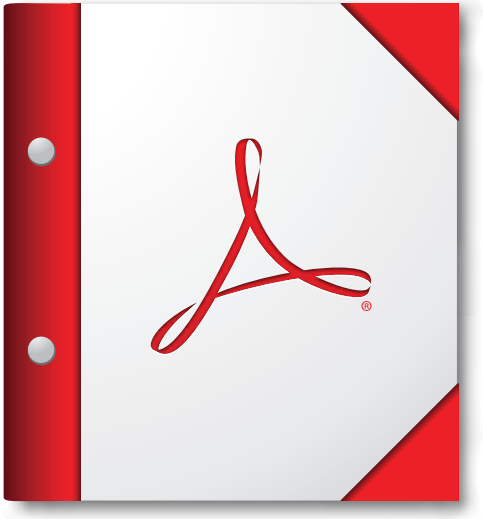
- JTA Steering Committee – Outreach Meeting 2/15 at Peck Center 4-6pm
- Greenway Clean Up Events 2/17 and 2/24 (Invasive Removal)
- Vulnerability Assessment Completed – CC Presentation on 2/20 (Next Steps: Adaptation Action Plan)
- 200 Bicentennial Celebrations – Lots of great events!
- Preservation Month in May – Main Street
- Wild Amelia and Opening of Beaches 5/18

STAFFING

- Advertising for 2 planning positions
- Advertising for 3 interns (1 planning, 2 conservation)
- Assistance from Lorelei Jacobs
- Make an appointment or send email, please!

- ~~No March Cases for PAB~~

HAPPY VALENTINES DAY!



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Get Adobe Reader Now!

ALTERNATE PROPOSAL - DEFINITIONS

Building site means a piece of land, either currently in use or allocated for development, intended to host main structures, accessory structures, and associated allowable uses.

City Plat means the plat lithographed and issued by the Florida Railroad Company in 1857 and enlarge, revised, and re-issued by the Florida Improvement Company in 1887 and 1901 and recorded in Nassau County Property Appraisers office

~~**Parcel** means a tract of land described by meets and bounds or plat.~~

Parcel means a tract of land that is contiguous, under the same ownership interest and identified by the Nassau County property appraiser parcel number.

A parcel may be a single tract or a combination of lots, portions of lots and / or substandard lots.

"Plat or replat" means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of this part and of any local ordinances.

DRAFT

Subdivision ~~means the division of a parcel of land into three (3) or more lots or parcels either by plat into lots and blocks or by metes and bounds description for the purpose of transfer of ownership or development or use~~ or subdivided lands means a piece of land that is divided into smaller parcels.

Subdivide means dividing a parcel of land into two(2) or more parcels either by plat into lots and blocks or by metes and bounds description for the purpose of transfer of ownership or development or use.

~~**lot** Lot means a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purpose of transfer of title, use, or improvement~~

Lot means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified. FS 177.031(11)

~~**lot of record** means a lot which is a part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of the County, as of the effective date of this Land Development Code.~~

lot of record means a lot that is shown on the City Plat and/ or which is a part of a subdivision, the plat of which has been recorded in the office of the Clerk of the Circuit Court of ~~the~~ Nassau County, as of April 1, 2024.

DRAFT

platted lot – means lot of record

~~**platted lot of record** means a lot that is part of a recorded subdivision~~

platted lot record – means lot of record

Substandard lot ~~means any lot lawfully existing at the time of adoption of this code, but not in conformance with the current dimensional and/or area provisions.~~

Substandard lot means a lot of record which has less than the required minimum area or width as established by the zoning district in which it is located; and provided, that such lot was of record as a legally created lot of record before 1 April 2024.

++

DRAFT

ALTERNATE PROPOSAL – 1.03.03

Current

1.03.03 Lots of Record

One dwelling unit may be constructed on a substandard, platted lot of record in a residential or mixed-use zoning district.

Proposed

1.03.03 ~~Lots of Record~~ Buildable Non-conforming Lot(s)

~~A. One dwelling unit may be constructed on a substandard, platted lot of record in a residential or mixed-use zoning district.~~

In a residential or mixed-use zoning district, one dwelling unit may be constructed on a parcel created prior to the passage of this ordinance, that is;

- comprised of a single, existing substandard lot of record,

  or

- portions of lots of record which have been previously combined,
  - totaling less than 50 feet in width, and / or
  - do not meet the area requirement of the underlying zoning district.

++

ALTERNATE PROPOSAL – 1.03.04

Current

1.03.04 Demolition of Structures on Substandard Lots

A. Applicability. Except as may be provided hereinafter to the contrary, in connection with replats, subdivisions, specific regulations, and specifically described lots or parcels of land, all buildings or structures located in the R-1, R-2, RLM, and R-3 zoning districts shall be constructed or erected upon a building site containing at least one (1) platted lot. Such building site shall have a minimum street frontage of fifty (50) feet.

B. Building site requirements. Wherever there may exist a single-family residence(s), duplex building(s), or any lawful accessory building(s) or structure(s) which was heretofore constructed on property containing one (1) or more substandard platted lots or portions thereof, such substandard lot or lots shall thereafter constitute only one (1) building site. No permit shall be issued for the construction of more than one (1) single-family residence. Such structures shall include, but not be limited to, swimming pools, tennis courts, walls, fences, or other at-grade or aboveground improvements.

C. Removal of buildings. If a single-family residence or duplex building which exists on more than one (1) substandard lot is voluntarily demolished or removed, no permit shall be issued for the construction of more than one (1) building on the building site.

DRAFT

Proposed

1.03.04 Subdividing Residential Parcels

A. Applicability. These regulations aim to preserve open space, visual corridors, neighborhood character, property values, and the visual appeal of residential areas within the:

- R-1,
- R-1G,
- R-2,
- RLM, and
- R-3 zoning districts.

The following regulations do not apply to:

- new subdivision plats,
- subdivision replats,
- minor subdivisions,
- lot line adjustments, or
- other specific regulations.[??? – list regulations]

A parcel that contains lots of record, portions of lots of record and substandard lots of record can be subdivided from the original parcel, to create a new parcel if:

- no previous structures with the exception of walls and fences have been built on the subject lot(s),
- the new parcel has a minimum street frontage of fifty (50) feet and meets the area requirement of the underlying zoning, and
- approval of a variance granted by a supermajority of the Board of Adjustment or Historic District Council as defined in Section 10.02.00.

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ALTERNATE PROPOSAL – 1.03.05

Current

1.03.05 Construction or Demolition of Structures on Combined Lots

A. In order to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, wherever there may exist a single-family detached residential unit or, a duplex structure or any auxiliary building or structure, including but not limited to, swimming pools, or any other improvement which was heretofore constructed on property containing one or more platted lots or portions thereof (excluding walls or fences), such lots thereafter constitute one building site and must be considered the "lot of record", and no permit will be issued for the construction of more than one residential dwelling unit on the site. All construction on the building site must comply with all existing zoning and density requirements.

B. The demolition or removal of any residence or structure, whether voluntary or involuntary, does not have the effect of changing the establishment of the building site.

C. A change from the foregoing provisions for the purpose of establishing building sites, or separation of building sites requires supermajority approval by the Board of Adjustment in accordance with the variance approval process contained in Section 10.02.00 in a quasi-judicial hearing at which all interested persons will be afforded an opportunity to be heard

DRAFT

Proposed

1.03.05 Construction or Demolition of Structures on Combined Lots

A. ~~In order to~~ To maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, ~~wherever there may exist~~ the following will be required;

- when a single-family detached residential unit or, a duplex structure or any auxiliary building or structure, including but not limited to, swimming pools, or any other improvements which ~~was heretofore~~ were previously constructed on ~~property~~ a parcel containing one or more ~~platted~~ lots of record or portions thereof (excluding walls or fences), ~~such lots thereafter~~ the parcel constitutes one building site, and ~~and must be considered the "lot of record", and~~

- no permit will be issued for the construction of more than one residential dwelling unit on the site.

- All construction on the building site must comply with all existing zoning and density requirements.

B. The demolition or removal of any residence or structure, whether voluntary or involuntary, does not have the effect of changing the establishment of the building site.

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C. A change from the foregoing provisions for the purpose of establishing additional building sites, ~~or separation of building sites~~ requires supermajority approval by the Board of Adjustment in accordance with the variance approval process contained in Section 10.02.00 in a quasi-judicial hearing at which all interested persons will be afforded an opportunity to be heard.

DRAFT

ALTERNATE PROPOSAL - DEFINITIONS

Building site means a piece of land, either currently in use or allocated for development, intended to host main structures, accessory structures, and associated allowable uses.

City Plat means the plat lithographed and issued by the Florida Railroad Company in 1857 and enlarge, revised, and re-issued by the Florida Improvement Company in 1887 and 1901 and recorded in Nassau County Property Appraisers office

~~**Parcel** means a tract of land described by meets and bounds or plat.~~

Parcel means a tract of land that is contiguous, under the same ownership interest and identified by the Nassau County property appraiser parcel number.

A parcel may be a single tract or a combination of lots, portions of lots and / or substandard lots.

"Plat or replat" means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of this part and of any local ordinances.

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Subdivision ~~means the division of a parcel of land into three (3) or more lots or parcels either by plat into lots and blocks or by metes and bounds description for the purpose of transfer of ownership or development or use~~ or subdivided lands means a piece of land that is divided into smaller parcels.

Subdivide means dividing a parcel of land into two(2) or more parcels either by plat into lots and blocks or by metes and bounds description for the purpose of transfer of ownership or development or use.

~~**lot** Lot means a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purpose of transfer of title, use, or improvement~~

Lot means the least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter, or other name through which it may be identified. FS 177.031(11)

~~**lot of record** means a lot which is a part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of the County, as of the effective date of this Land Development Code.~~

lot of record means a lot that is shown on the City Plat and/ or which is a part of a subdivision, the plat of which has been recorded in the office of the Clerk of the Circuit Court of ~~the~~ Nassau County, as of April 1, 2024.

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platted lot – means lot of record

~~**platted lot of record** means a lot that is part of a recorded subdivision~~

platted lot record – means lot of record

Substandard lot ~~means any lot lawfully existing at the time of adoption of this code, but not in conformance with the current dimensional and/or area provisions.~~

Substandard lot means a lot of record which has less than the required minimum area or width as established by the zoning district in which it is located; and provided, that such lot was of record as a legally created lot of record before 1 April 2024.

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ALTERNATE PROPOSAL – 1.03.03

Current

1.03.03 Lots of Record

One dwelling unit may be constructed on a substandard, platted lot of record in a residential or mixed-use zoning district.

Proposed

1.03.03 ~~Lots of Record~~ Buildable Non-conforming Lot(s)

~~A. One dwelling unit may be constructed on a substandard, platted lot of record in a residential or mixed-use zoning district.~~

In a residential or mixed-use zoning district, one dwelling unit may be constructed on a parcel created prior to the passage of this ordinance, that is;

- comprised of a single, existing substandard lot of record,

  or

- portions of lots of record which have been previously combined,
  - totaling less than 50 feet in width, and / or
  - do not meet the area requirement of the underlying zoning district.

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ALTERNATE PROPOSAL – 1.03.04

Current

1.03.04 Demolition of Structures on Substandard Lots

A. Applicability. Except as may be provided hereinafter to the contrary, in connection with replats, subdivisions, specific regulations, and specifically described lots or parcels of land, all buildings or structures located in the R-1, R-2, RLM, and R-3 zoning districts shall be constructed or erected upon a building site containing at least one (1) platted lot. Such building site shall have a minimum street frontage of fifty (50) feet.

B. Building site requirements. Wherever there may exist a single-family residence(s), duplex building(s), or any lawful accessory building(s) or structure(s) which was heretofore constructed on property containing one (1) or more substandard platted lots or portions thereof, such substandard lot or lots shall thereafter constitute only one (1) building site. No permit shall be issued for the construction of more than one (1) single-family residence. Such structures shall include, but not be limited to, swimming pools, tennis courts, walls, fences, or other at-grade or aboveground improvements.

C. Removal of buildings. If a single-family residence or duplex building which exists on more than one (1) substandard lot is voluntarily demolished or removed, no permit shall be issued for the construction of more than one (1) building on the building site.

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Proposed

1.03.04 Subdividing Residential Parcels

A. Applicability. These regulations aim to preserve open space, visual corridors, neighborhood character, property values, and the visual appeal of residential areas within the:

- R-1,
- R-1G,
- R-2,
- RLM, and
- R-3 zoning districts.

The following regulations do not apply to:

- new subdivision plats,
- subdivision replats,
- minor subdivisions,
- lot line adjustments, or
- other specific regulations.[??? – list regulations]

A parcel that contains lots of record, portions of lots of record and substandard lots of record can be subdivided from the original parcel, to create a new parcel if:

- no previous structures with the exception of walls and fences have been built on the subject lot(s),
- the new parcel has a minimum street frontage of fifty (50) feet and meets the area requirement of the underlying zoning, and
- approval of a variance granted by a supermajority of the Board of Adjustment or Historic District Council as defined in Section 10.02.00.

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ALTERNATE PROPOSAL – 1.03.05

Current

1.03.05 Construction or Demolition of Structures on Combined Lots

A. In order to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, wherever there may exist a single-family detached residential unit or, a duplex structure or any auxiliary building or structure, including but not limited to, swimming pools, or any other improvement which was heretofore constructed on property containing one or more platted lots or portions thereof (excluding walls or fences), such lots thereafter constitute one building site and must be considered the "lot of record", and no permit will be issued for the construction of more than one residential dwelling unit on the site. All construction on the building site must comply with all existing zoning and density requirements.

B. The demolition or removal of any residence or structure, whether voluntary or involuntary, does not have the effect of changing the establishment of the building site.

C. A change from the foregoing provisions for the purpose of establishing building sites, or separation of building sites requires supermajority approval by the Board of Adjustment in accordance with the variance approval process contained in Section 10.02.00 in a quasi-judicial hearing at which all interested persons will be afforded an opportunity to be heard

DRAFT

Proposed

1.03.05 Construction or Demolition of Structures on Combined Lots

A. ~~In order to~~ To maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, ~~wherever there may exist~~ the following will be required;

- when a single-family detached residential unit or, a duplex structure or any auxiliary building or structure, including but not limited to, swimming pools, or any other improvements which ~~was heretofore~~ were previously constructed on ~~property~~ a parcel containing one or more ~~platted~~ lots of record or portions thereof (excluding walls or fences), ~~such lots thereafter~~ the parcel constitutes one building site, and ~~and must be considered the "lot of record", and~~

- no permit will be issued for the construction of more than one residential dwelling unit on the site.

- All construction on the building site must comply with all existing zoning and density requirements.

B. The demolition or removal of any residence or structure, whether voluntary or involuntary, does not have the effect of changing the establishment of the building site.

DRAFT

C. A change from the foregoing provisions for the purpose of establishing additional building sites, ~~or separation of building sites~~ requires supermajority approval by the Board of Adjustment in accordance with the variance approval process contained in Section 10.02.00 in a quasi-judicial hearing at which all interested persons will be afforded an opportunity to be heard.

DRAFT

How do the current rules and the proposed LDC rules apply to these two lots?

Schedule A

ALL OF THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATE LYING, AND BEING IN THE CITY OF FERNANDINA BEACH, FORMERLY NAMED FERNANDINA, IN THE COUNTY OF NASSAU AND STATE OF FLORIDA, AND KNOWN AND DESCRIBED UPON AND ACCORDING TO THE OFFICIAL RECORDS MAP OR 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 1991 AS: LOTS NUMBERED ONE (1), TWO (2), THREE (3) AND TWENTY-THREE (23) TO THIRTY-FOUR (34) INCLUSIVE IN BLOCK NUMBERED FIFTEEN (15).

The land referred to herein below is situated in the County of Nassau, State of Florida, and described as follows:

Lots 4, 5, 8, 9, 10 and 11, Block 31, CITY OF FERNANDINA, of Nassau County and the State of Florida and known and described upon and according to the Official Plat of said City of Fernandina (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).

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: **00-00-31-1800-0031-0040**

PLANNING ADVISORY BOARD AGENDA ITEM
City of Fernandina Beach

SUBJECT:

ITEM TYPE: Comprehensive Plan Amendment

REQUESTED ACTION:

SYNOPSIS:

CITY ATTORNEY COMMENTS:

Daphne Forehand, Planner I

Kelly Gibson, Planning Deputy Director

Katie Newton, Paralegal

Submitted By: Kelly Gibson, Planning Deputy Director

Date: March 06, 2024