



**AGENDA**  
**CITY OF FERNANDINA BEACH**  
**SPECIAL MAGISTRATE HEARING**  
**APRIL 22, 2025**  
**9:00 AM**  
**CITY HALL COMMISSION CHAMBERS**  
**204 ASH STREET**  
**FERNANDINA BEACH, FL 32034**

**1. CALL TO ORDER**

**2. CASES TO BE HEARD**

- 2.1 OCEAN HIGHWAY PORT AUTHORITY, NASSAU TERMINALS, LLC, AND COAST TO COAST CONTRACTING LLC, PETITIONERS, v. CITY OF FERNANDINA BEACH.** *Amended petition for Relief pursuant to Section 70.51 of the Florida Statutes, requesting Special Magistrate facilitation of a resolution between the City and Property Owners or a determination as to the City's actions on a development order, specifically seeking relief from the landscape buffer requirement in Policy 5P.03.02 of the City's Comprehensive Plan.*

**3. ADJOURNMENT**

Quasi-Judicial – Denotes that the item must be conducted as a Quasi -Judicial hearing in accordance with City Commission established procedure and Florida Statutes.

If any person decides to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

Persons with disabilities requiring accommodations in order to participate in this program or activity should contact (904) 310-3115, TDD/TTY 711, at least 24 hours in advance to request such accommodations.

For information regarding this matter, please contact the Legal Department (904) 310-3275.

IN AND BEFORE A SPECIAL  
MAGISTRATE, THE CITY OF  
FERNANDINA BEACH, FLORIDA

**OCEAN HIGHWAY AND PORT  
AUTHORITY**, an independent special  
district of the State of Florida, and  
**NASSAU TERMINALS, LLC**, a Delaware  
limited liability company, and **COAST TO  
COAST CONTRACTING LLC**, a Florida  
limited liability company,

Petitioners,

v.

**CITY OF FERNANDINA BEACH**, a  
political subdivision of the State of Florida,

Respondents.

**AMENDED PETITION FOR RELIEF**

Petitioners, **OCEAN HIGHWAY AND PORT AUTHORITY**, an independent special district of the State of Florida (“OHPA”), **NASSAU TERMINALS, LLC**, a Delaware limited liability company, a subsidiary of Transportation Infrastructure Partners, LLC and d/b/a Nasau Marine Terminals (“NMT”), and **COAST TO COAST CONTRACTING LLC**, a Florida limited liability company (the “Contractor” and together with OHPA and NMT, the “Petitioners”), by and through NMT’s<sup>1</sup> and Contractor’s undersigned attorneys, files this Petition with the City of Fernandina Beach (the “City”) for relief pursuant to Section 70.51, Florida Statutes.

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<sup>1</sup> This Amended Petition is filed by Rogers Towers, P.A. on behalf of NMT as its counsel and on behalf of OHPA as an authorized agent. Rogers Towers, P.A. exclusively represents NMT and does not represent OHPA in any legal capacity, it being intended that OHPA will be separately represented at any special magistrate proceeding as a result of the filing of this Petition pursuant to Section 70.51, Florida Statutes.

### **The Property**

1. This is a petition for relief pursuant to Section 70.51, Florida Statutes, known as the Florida Land Use and Environmental Dispute Resolution Act (the “Act”).
2. NMT is the port operator for the OHPA. OHPA owns certain real property located at 315 N. 2<sup>nd</sup> Street, Fernandina Beach, Florida 32034 (the “Port Facility”).
3. NMT is an OHPA agent and affiliate.
4. NMT operates a marine transload facility known as Nassau Marine Terminal at the Port Facility which handles and transports bulk, breakbulk, and containerized cargo into and out of the Port of Fernandina (the “Port”), including but not limited to stevedoring, drayage, warehousing, loadout, and delivery of cargo.
5. NMT owns or controls property located at 501 N. 3<sup>rd</sup> Street, Fernandina Beach, Florida 32034, immediately adjacent to the Port Facility, which is used as an office by NMT related to the operation of the Port (the “Port Office”).
6. The Port Office was constructed circa 1900 and is within the boundary of the Historic District of the City of Fernandina Beach (the “Historic District”). A map reflecting the Historic District and the location of the Port Office is shown at Exhibit “B” attached hereto.
7. For purposes herein, the Port Office, the Port Facility and that parcel located at 403 North 3<sup>rd</sup> Street, Fernandina Beach, Florida 32034, owned by OHPA, together constitute the “Property” which is shown at Exhibit “A” attached hereto.
8. The Property is located entirely within the City boundaries.
9. As more fully set forth below, OHPA engaged Contractor, to secure the permit, the denial of which is the basis of the development order at issue in this Petition. Given its substantial

interest in the outcome of this proceeding, Contractor has agreed to be an active participant in any special magistrate proceeding under the Act as a necessary party.

**The City of Fernandina Beach 2030 Comprehensive Plan**

10. The Property, as defined above, has been assigned a land use designation of Industrial Waterfront (“IW”) on the Future Land Use Map (the “FLUM”) of the City of Fernandina Beach 2030 Comprehensive Plan (the “Comp Plan”). A map depicting the Property on the FLUM is labeled Exhibit “C” attached hereto.

11. For properties within the IW designation Policy 1.07.13 of the Future Land Use Element (the “FLUE”) of the Comp Plan provides that: “[T]he following uses may be permissible, and shall be directly related to port activities: truck terminals; distribution centers; offices to support allowable uses; *warehousing*; manufacturing and processing; green technologies, and support services, which are an integral part of a port-related activity, such as parking facilities, restaurants, or clinics.” (Emphasis added.)

12. Policy 5P.01.02 of the Comp Plan’s Ocean Highway & Port Authority, Port of Fernandina Facilities Element, provides, “The Port will not expand any ancillary operations including parking lots into the historic district or any other residentially or mixed-use zoned land (as depicted on the Future Land Use Map in effect on December 7<sup>th</sup>, 2021), *with the exception of 501 North 3<sup>rd</sup> Street* and the adjacent parking lot east of the property.” (Emphasis added.)

13. Policy 5P.01.02 acknowledges that the Port Office, *i.e.*, 501 N. 3<sup>rd</sup> Street, is part of the Port Property, regardless of the fact that it is within the Historic District under the LDC, and specifically authorizes the expansion of the Port’s ancillary operations onto and over the Port Office property.

14. Policy 5P.03.02 states: “The Port must continue to coordinate with the Fernandina Beach Historic District Council to ensure preservation and restoration of significant historical sites that fall within the jurisdiction of the Port facility. Where Port property is adjacent to the Historic District, a 30-foot landscaped buffer must be maintained.”

**The City of Fernandina Beach Land Development Code**

15. The Property, as defined above, is zoned Waterfront Industrial (“I-W”) pursuant to the Fernandina Beach Land Development Code (the “LDC”). A map depicting the zoning district for the Property is labeled Exhibit “D” attached hereto.

16. Section 2.01.16 of the LDC provides that I-W zoning allows, in part, for “water dependent and water-related manufacturing, assemblage, *storage*, distribution, sales, and port operations that are generally high intensity.” (Emphasis added.)

17. “Warehouse, not including Mini-Storage” is a “Permissible” use in the I-W zoning district according to the Table of Land Uses known as Table 2.03.02 of the LDC.

18. Section 2.01.16 of the LDC further provides that: “The designation of land for the I-W District *shall be based on compatibility with surrounding land uses, considering environmental sensitivity, intensity of use, hours of operation, heat, glare, fumes, noise , and visual impacts.*” (Emphasis added.)

19. Table 4.02.03(E) of the LDC reflects that the Front, Side, Rear, and Corner Lot Minimum Setbacks are “None” with a Maximum Building Height of 35 feet for I-W zoned property.

### **The Warehouse**

20. OHPA, with NMT acting as its representative, engaged Contractor to construct a 22,000 sq. ft. metal frame and fabric warehouse (the “Warehouse”) at the Port Facility for the purpose of storing cargo for transportation through the Port Facility.

21. The Warehouse was located on the site approximately as shown at Exhibit “E” attached hereto.

22. Following construction of the Warehouse, it was subsequently determined that the City had not yet issued a building permit for construction of the Warehouse.

23. On December 6, 2024, the City denied the building permit application (“failed”), in whole or in part, because of the Warehouse encroachment into the required thirty (30) foot wide landscaped buffer area (the “Landscape Buffer”) from the Historic District (the “Denial”). A copy of the Denial is labeled Exhibit “F” and attached hereto.

24. The Denial included an overall comment that the Warehouse be constructed in accordance with Chapter 5 of American Society of Civil Engineers, Reston, VA (“ASCE”) 7 and with ASCE 24 as it is located in a flood hazard area (the “Warehouse Specification Request”).

25. The Denial is the subject matter of this Petition.

### **Section 70.51, Florida Statutes**

26. Section (2)(a) of the Act defines a “development order” as “...any order, or notice of proposed state or regional governmental agency action, which is or will have the effect of granting, denying, or granting with conditions an application for a development permit...” (Emphasis added.)

27. Section (2)(b) of the Act defines a “development permit” as meaning “...any building permit, zoning permit, subdivision approval, certification, special exception, variance, or

any other similar action of local government, as well as any permit authorized to be issued under state law by state, regional, or local government which has the effect of authorizing the development of real property...” (Emphasis added.)

28. Section (3) of the Act provides, “[a]ny owner who believes that a development order, either separately or in conjunction with other development orders, or an enforcement action of a governmental entity, is unreasonable or unfairly burdens the use of the owner’s real property, may apply within 30 days after receipt of the order or notice of the governmental action for relief under this section. (Emphasis added.)

29. The Denial is a development order pursuant to the Act.

**The Denial Constitutes a Development Order that Unreasonably and Unfairly Burdens the Use of the Property**

30. Although the Comp Plan requires the Landscape Buffer between Port property and the Historic District, it also specifically provides that the Port Facility may expand ancillary port operations into the Historic District at the Port Office and recognizes and acknowledges that the Port Office is part of the Port Facility.

31. 403 N. 2<sup>nd</sup> Street, which is owned by OHPA, is within the Historic District and is utilized by OHPA, similar to NMT’s use of the Port Office.

32. There is no Landscape Buffer provided between the Port and 403 N. 3<sup>rd</sup> Street.

33. Any encroachments into the Landscape Buffer exists only as between the Port Facility and the Port Office or 403 N. 3<sup>rd</sup> Street, i.e., between portions of the same Property.

34. All of the Property, which, as defined above includes both the Port Facility and the Port Office, is designated as IW on the FLUM.

35. The Warehouse is a permitted use under the IW Comp Plan category.

36. The Comp Plan provisions must be read “*in pari materia*” in order to harmonize the various policies and give effect to the underlying intent.

37. Harmonizing the applicable Comp Plan policies leads to the conclusion that the Landscape Buffer is not required between uses on the Property by OHPA and NMT.

38. This conclusion is further supported by the LDC.

39. All of the Property, which, as defined above includes both the Port Facility and the Port Office, is zoned I-W.

40. Although included within the bounds of the Historic District, the Port Office could have been, but was not zoned something other than I-W by the City.

41. The Warehouse is a permitted use under the I-W zoning designation pursuant to the LDC.

42. The Warehouse has been deemed compatible with the surrounding and adjacent uses given the fact that the City has zoned the Property I-W and “warehouse” is listed as a permitted use under that zoning.

43. There are no Front, Side, Rear, or Corner Lot setbacks within the I-W zoning district.

44. The thirty (30) foot wide area between the Port Office and the Port Facility has never included a landscaped buffer. In fact, it has been used for decades as part of the overall port operations, i.e., for the movement of shipping containers and cargo, for the storage of port related equipment and for the stacking and storage of shipping containers, prior to the construction of the Warehouse without ever having been issued a notice of violation or citation by the City. Aerial photographs reflecting this historical use are labeled Exhibit “G” attached hereto.

45. NMT maintains a thirty (30) foot wide landscaped buffer between the Port Facility and all properties within the Historic District that are not otherwise owned by OHPA or NMT.

46. The Warehouse does not encroach upon the existing thirty (30) foot wide landscaped buffer adjacent to any properties within the Historic District that are not otherwise owned by OHPA or NMT.

47. Taking into account the fact that the Comp Plan policies authorize the expansion of ancillary port operations onto the Port Office property, that all of the Property, including the Port Office, is zoned I-W, that I-W permits a warehouse by right, that I-W has zero (0) foot setbacks which are applicable to all of the Property, that the thirty (30) foot wide area in question has historically been used for port operations, and that thirty (30) foot buffers have been maintained adjacent to all parcels not owned or operated by OHPA or NMT, it was unreasonable to deny the building permit.

48. As it relates to the Warehouse Specification Request, this comment is inapplicable as the FEMA – NFIP Technical Bulletin dated March 2020 provides the requirements for flood openings in foundation walls and walls of enclosures applicable to the Warehouse's building materials. The flood flap requirement for non-engineered flood flap openings is 1 square inch of flow area for every 1 square foot of area enclosed. Here, the Warehouse includes 25,000 square feet of enclosed area, requiring 25,000 square inches of flood flap area, and the Warehouse's building flood flap area exceeds the applicable requirement, providing both sides of cover at 27,625 square inches of flow area.

**Strict Application of the Landscape Buffer Undermines Safety, Operational Efficiency, Existing Infrastructure, and Environmental Resilience of the Port**

49. In addition to the Landscape Buffer being unnecessary as applied to the Warehouse, it would also be contrary to the overarching goals of safety, operational efficiency, and environmental resilience of the Port. Compelling compliance with this requirement would jeopardize critical Port operations, expose its infrastructure to increased environmental risks, and directly contradict the objectives outlined in the 2023 OHPA Port of Fernandina Strategic Master Plan (“2023 Master Plan”) and the Port’s 2024 Seaport Enhancement, Adaptation, and Resilience Implementation Plan (“2024 SEARIP”).

50. The 2023 Master Plan highlights safety as its number one goal, focusing on reducing accidents and improving operational safety. Strict application of the Landscape Buffer would position the Warehouse into an area that is an existing internal roadway between the equipment parking/storage areas and container and general cargo storage areas. A map showing the existing conditions at the Port, as demonstrated as Figure 6 of the 2024 SEARIP is labeled Exhibit “H” attached hereto.

51. Given that the Port operates as a 24-hour continuous facility, repositioning the Warehouse in this way would create significant safety hazards by disrupting critical traffic flows and increasing the risk of accidents in this high-activity area. Accordingly, the location of the Warehouse enhances the terminal’s ability to function seamlessly and contributes to its manufactured advantages. Forcing relocation to the Landscape Buffer would disrupt these advantages, undermining the Port’s ability to meet its operational goals.

52. Further, the location of the Warehouse was selected to comply with the Port’s existing, overall master drainage system. Relocation would disrupt the drainage infrastructure, potentially impacting the functionality and effectiveness of the system. A map showing the Port’s

master drainage system including outfalls and outflow is demonstrated as Figures 21 and 29 of the 2024 SEARIP and is labelled Composite Exhibit “I” attached hereto.

53. The Warehouse is also situated near the eastern boundary of the Port along North 3<sup>rd</sup> Street, away from areas more waterward that are vulnerable to flooding as a result of king tides, storm surges, hurricanes, flooding, and rainfall. These environmental events, which frequently inundate the northern port berth area and backlands, halt critical operations such as cargo handling and crane services, as documented in the 2024 SEARIP.

54. According to NOAA projections, the East coast will be the most affected in the United States by 2050, with projections of nearly 14 to 18 inches (1.17 to 1.50 feet) of additional water level impact. These forecasted changes can be seen in relation to the Port’s infrastructure in the map, demonstrated as Figure 23, of the 2024 SEARIP, which is labelled as Exhibit “J” attached hereto.

55. Relocating the Warehouse closer to more environmentally vulnerable areas would expose it to significant risks from rising water levels, storm events, and other challenges. Such a decision would directly contradict the 2023 Master Plan and the 2024 SEARIP’s emphasis on resilience.

### **Demand for Relief**

56. The Denial has the effect of stopping the development of real property and is a development order as defined in the Act.

57. The Denial is unreasonable and unfairly burdens the use of NMT’s real property.

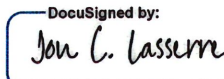
58. The Denial undermines the safety, operational efficiency, and environmental resilience of the Port.

59. The Warehouse Specification Request, as part of the Denial, is inapplicable to the Warehouse.

WHEREFORE, Petitioners, **OCEAN HIGHWAY AND PORT AUTHORITY, NASSAU TERMINALS, LLC, and COAST TO COAST CONTRACTING LLC** respectfully apply for the appointment of a Special Magistrate pursuant to the Act together with such further relief as is just and proper.

DATED this 27<sup>th</sup> day of February 2025.

**ROGERS TOWERS, P.A**

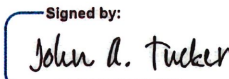
By:   
**EMILY G. PIERCE, ESQ.**  
Florida Bar No.: 88139  
**JON C. LASSERRE, ESQ.**  
Florida Bar No.: 88690  
**COURTNEY P. GAVER, ESQ.**  
Florida Bar No.: 121847  
960185 Gateway Blvd., Suite 203  
Fernandina Beach, Florida 32082  
(904) 261-5618(telephone)  
(904) 396-0663(facsimile)

**ATTORNEYS FOR PETITIONER  
NASSAU TERMINALS, LLC**

**Primary and Secondary E-mail Addresses:**

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sacosta@rtlaw.com  
jlasserre@rtlaw.com  
jathavale@rtlaw.com

**FOLEY & LARDNER LLP**

By:   
**JOHN A. TUCKER, ESQ.**  
Florida Bar No.: 356123  
Foley & Lardner LLP  
One Independent Drive, Suite 1300  
Jacksonville, FL 32202-5017  
Office 904-633-8924

**ATTORNEYS FOR PETITIONER  
COAST TO COAST CONTRACTING  
LLC**

**Primary and Secondary E-mail Addresses:**  
jtucker@foley.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been delivered by electronic mail to jglisson@fbfl.org the 4<sup>th</sup> day of March 2025, with a copy served via email to Nikki Day, Esq. ([Nikki.Day@gray-robinson.com](mailto:Nikki.Day@gray-robinson.com)) and Reese J. Henderson, Jr., Esq. ([Reese.Henderson@gray-robinson.com](mailto:Reese.Henderson@gray-robinson.com)).

/s/ [Signature]  
Attorney

**EXHIBIT "A"**

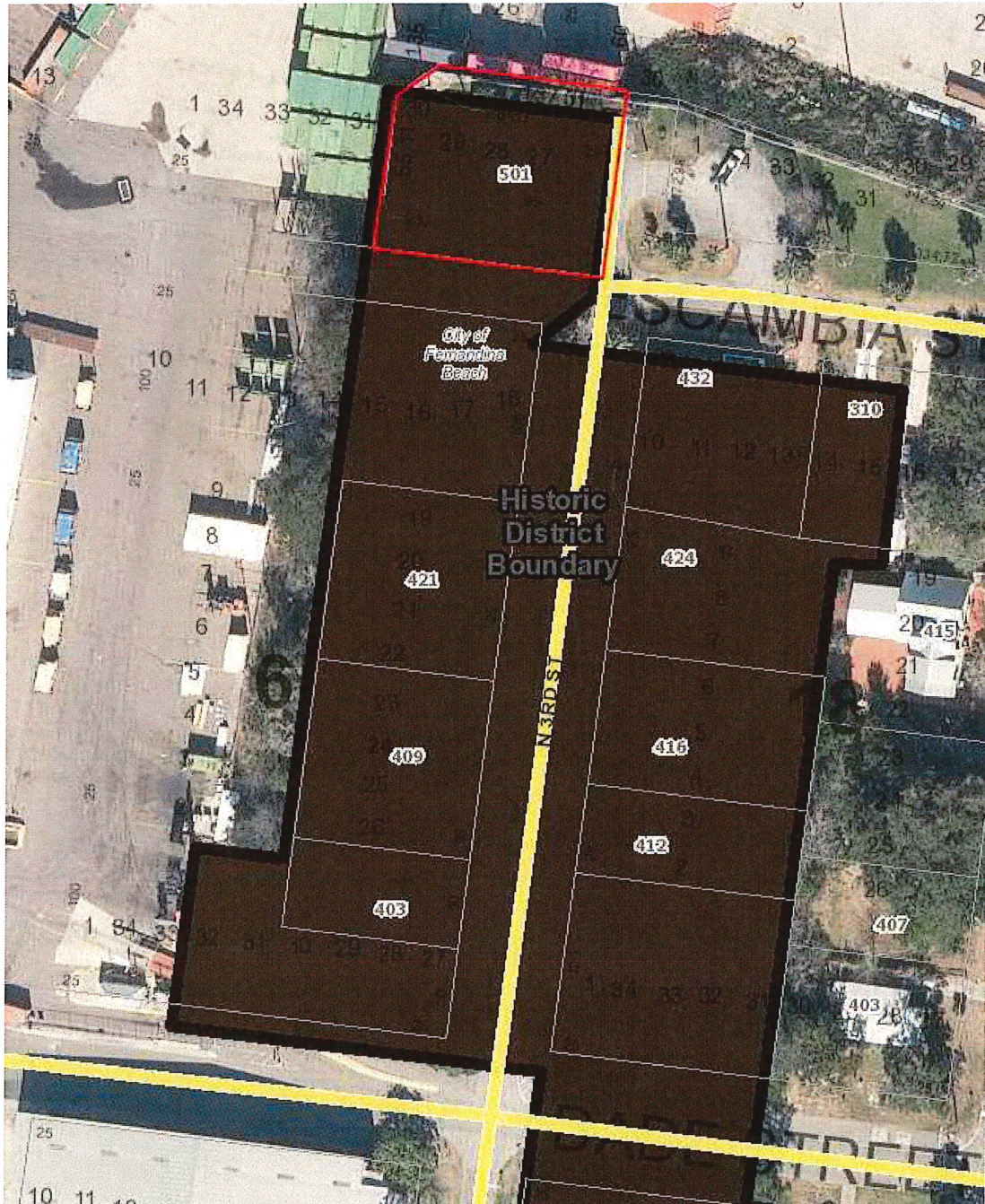
The Property





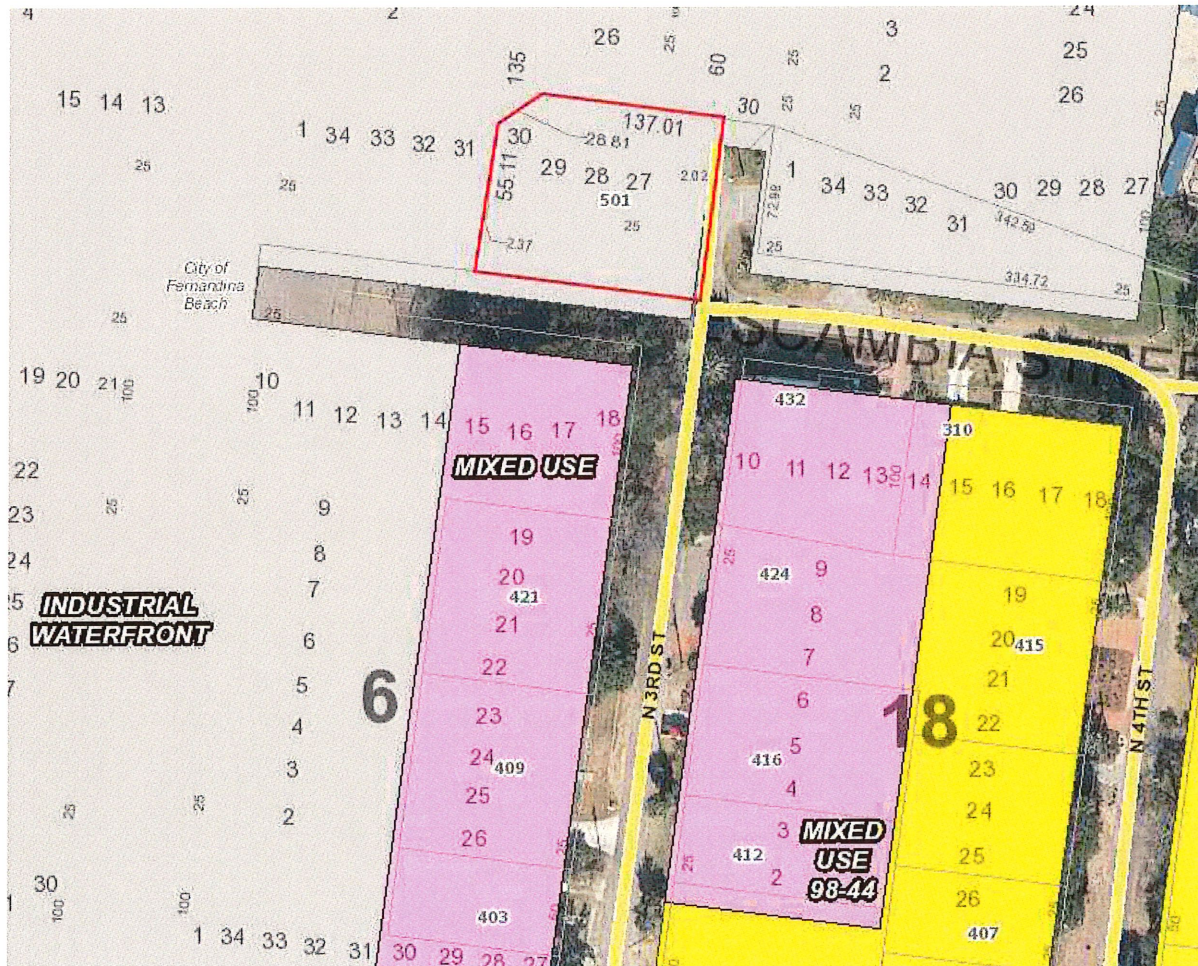
**EXHIBIT "B"**

**Port Office and Historic District**



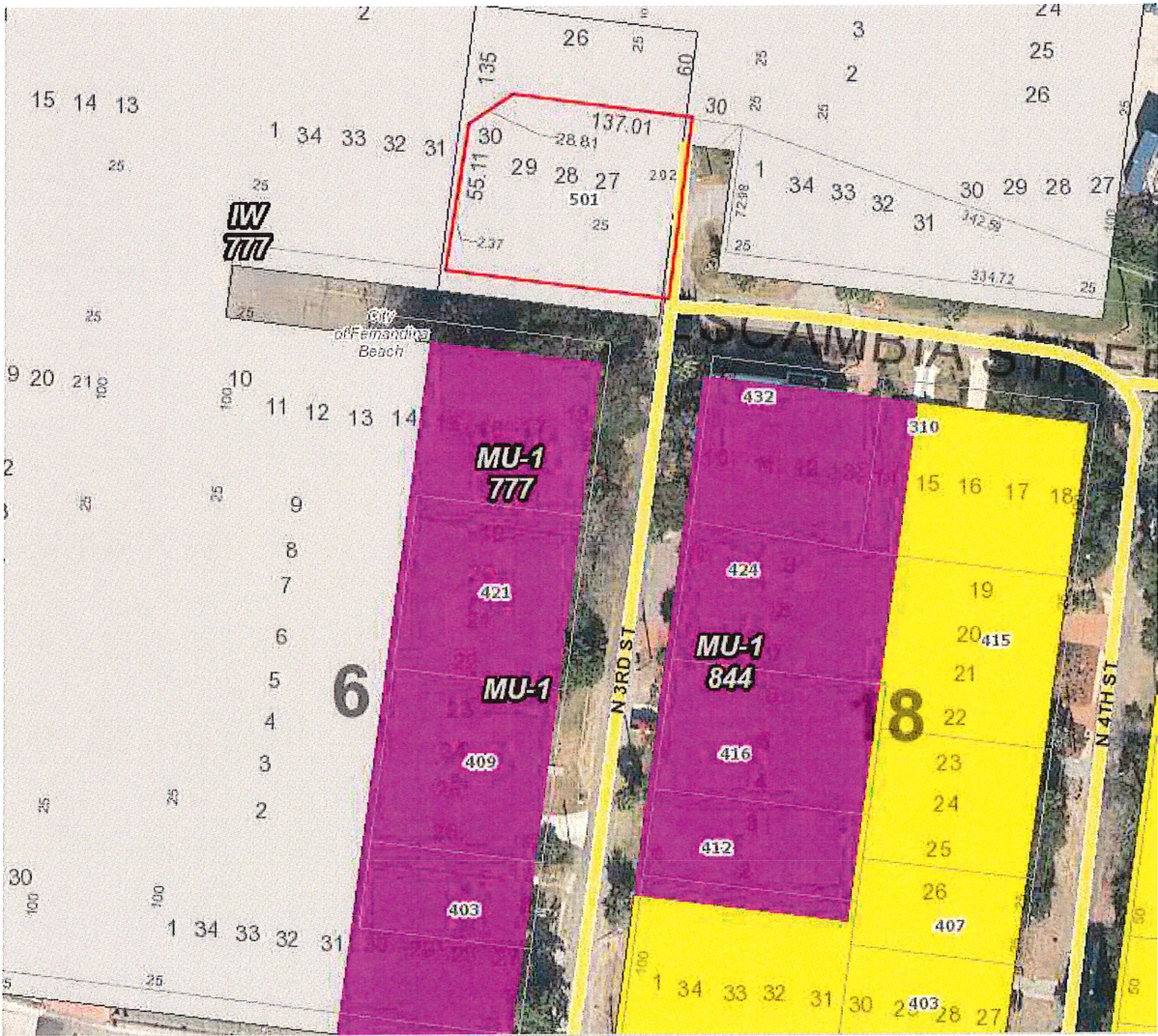
**EXHIBIT "C"**

**Future Land Use Designation for the Property and Port Office**

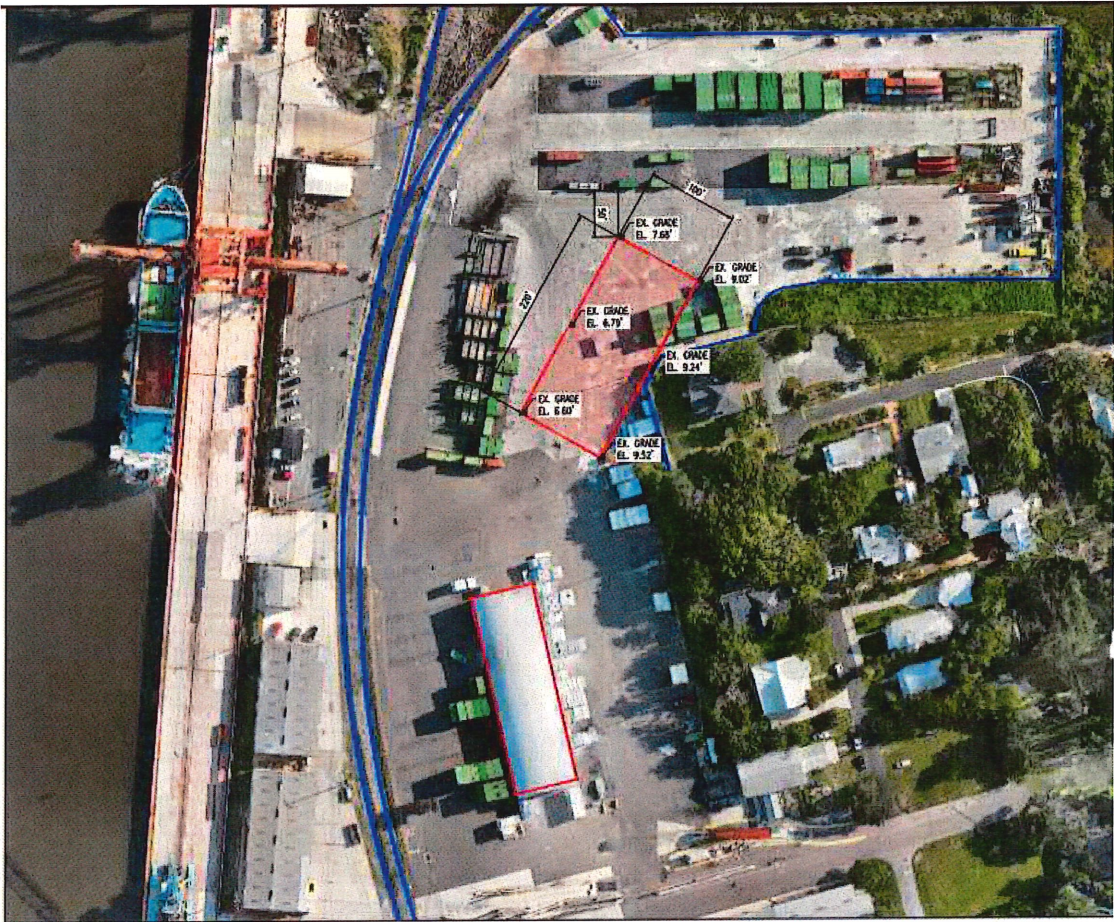


**EXHIBIT "D"**

Zoning District for the Property and Port Office



**EXHIBIT “E”**  
Location of the Warehouse



STORAGE BUILDING LAYOUT PLAN  
1"=20'





## EXHIBIT "F"

### The Denial

From: [loreilly@fbfl.org](mailto:loreilly@fbfl.org) <[loreilly@fbfl.org](mailto:loreilly@fbfl.org)>  
Sent: Friday, December 6, 2024 8:32 AM  
To: Ben Perry <[benp@ctccdc.com](mailto:benp@ctccdc.com)>; [chpanc@gmail.com](mailto:chpanc@gmail.com)  
Subject: Permit BLDC-2024-0064

- \* Please do not reply to Laura O'Reilly about this email.
- \* Please see review note(s) from the department(s) and reviewer(s) for the permit applied for with the City of Fernandina Beach below.
- \* If there are questions, please reach out to that reviewer from that department with their attached contact information.

Flood Zone • Jacob Platt • Requires Re-submit

Overall Comments:

FBC 1612.4 The design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas and Coastal A Zones, shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24  
[JPlatt@fbfl.org](mailto:JPlatt@fbfl.org) (904) 310-3102

Planning/Zoning • Kelly Gibson • Denied

Overall Comments:

CP Policy 5P.03.02 requires 30 ft landscaped buffer from property adjoining the historic district

[KGibson@fbfl.org](mailto:KGibson@fbfl.org) (904) 310-3481

[Access your record online here](#)



Laura O'Reilly  
Permit Specialist  
City of Fernandina Beach  
204 Ash Street  
Fernandina Beach, Florida 32034  
(904) 310-3138 | [loreilly@fbfl.org](mailto:loreilly@fbfl.org)  
[www.fbfl.us](http://www.fbfl.us)

EXHIBIT "G"

Historic Pictures of 30' Landscape Buffer

2009



2017



2021

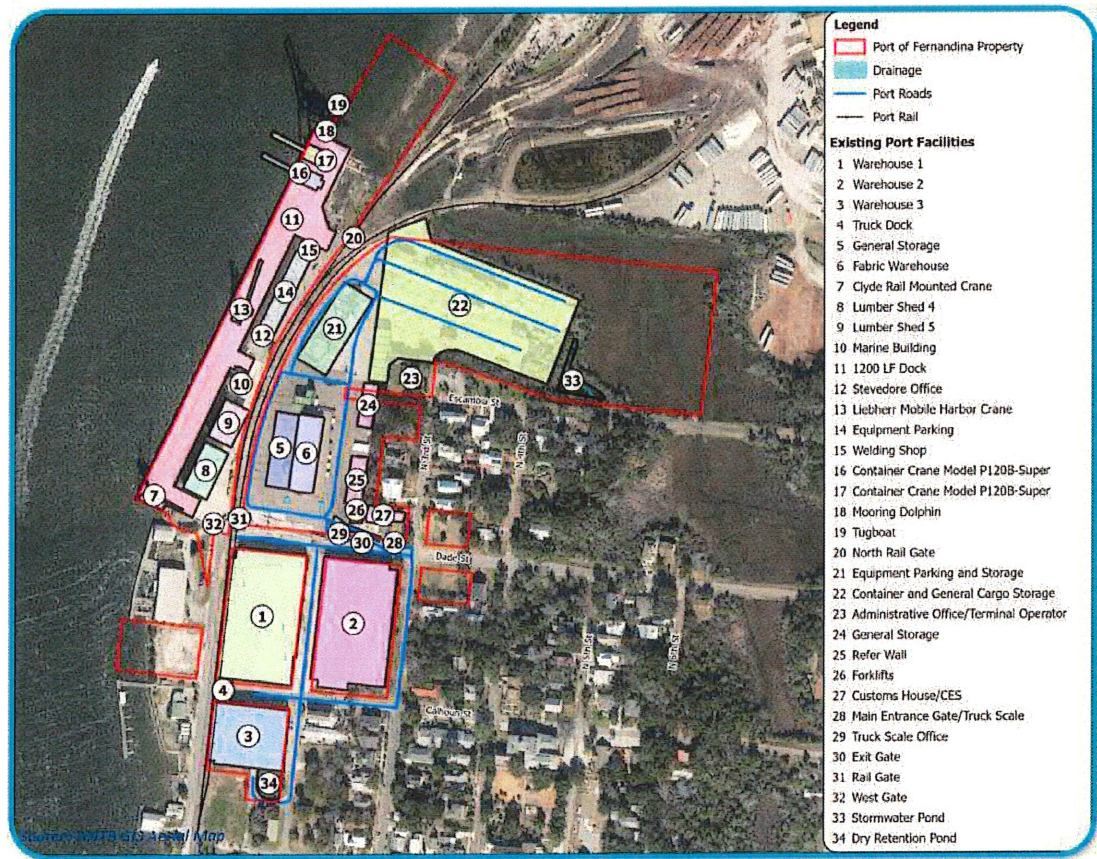


2023



EXHIBIT “H”

Figure 6 - Existing Conditions at the Port of Fernandina, Source: HNTB, Nassau County Property Appraiser



COMPOSITE EXHIBIT “I”

Figure 21 – OHPA Master Plan – Drainage System, Outfalls, and Site Map from Appendix A



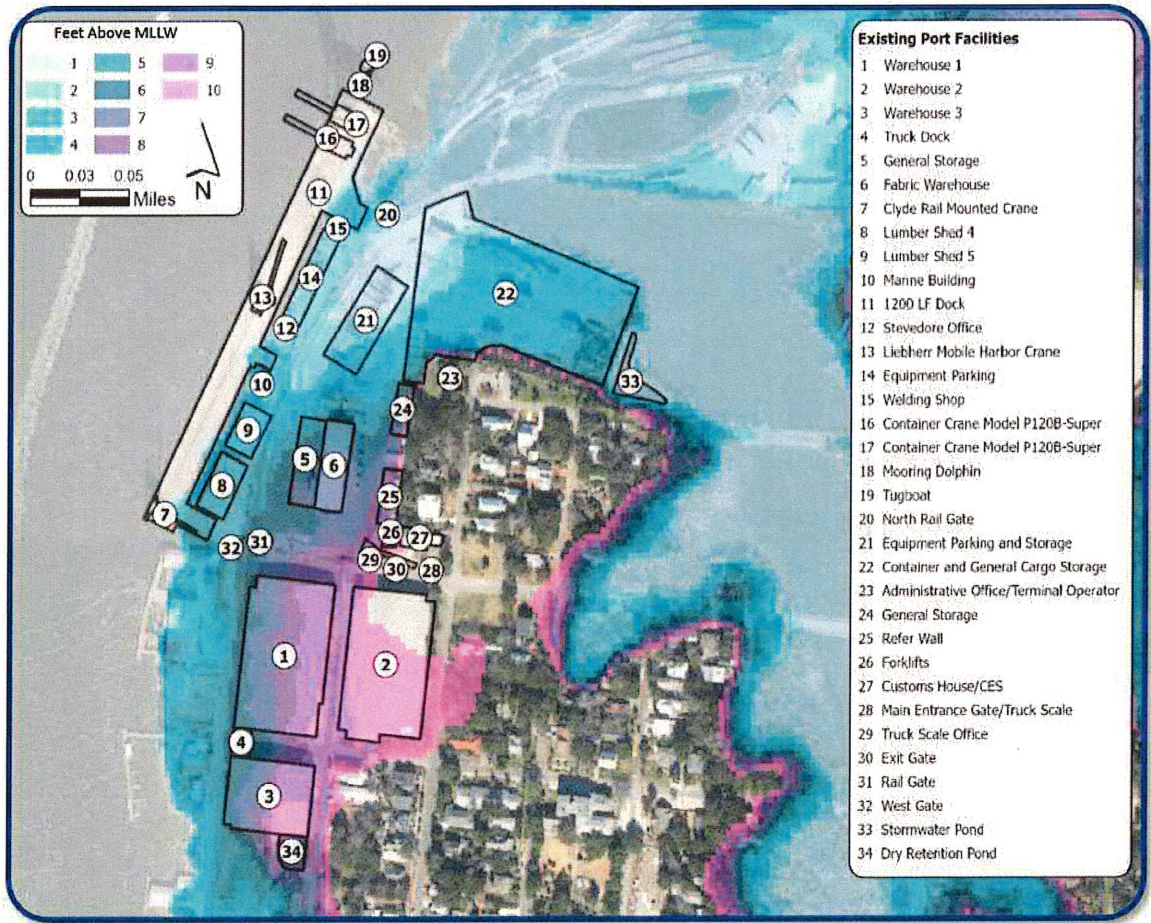
Figure 29 - Improved Drainage and Water Management System



Source: HNTB Staff and DHPA Staff 2023

EXHIBIT “J”

Figure 23 – Port Existing Conditions and Infrastructure shown in Feet of Water above MLLW



Source: NOAA, Nassau Marine Terminals, OHPA, Nassau County Property Appraiser, 2023

Nikki Day | Nikki.Day@gray-robinson.com | D 813.273.5036  
101 East Kennedy Boulevard, Suite 4000, Tampa, Florida 33602 | T 813.273.5000 | F 813.273.5145

March 28, 2025

## VIA PDF EMAIL ONLY

Scott Steady, Esq.  
Special Magistrate  
Burr & Forman LLP  
201 North Franklin Street, Suite 3200  
Tampa, FL 33602  
ssteady@burr.com

**Re: Petition for Relief filed by Ocean Highway Port Authority, Nassau Terminals, LLC, and Coast to Coast Contracting LLC (Petitioners) v. the City of Fernandina Beach (the City), as amended**

Dear Scott:

Please accept this correspondence as the City's response to the request for relief referenced above. Because **these matters are in all respects designed to be informal**, the City does not need to respond to the request in the same manner as a complaint or lawsuit filed in court. As required by section 70.51(16)(a), this response sets forth the City's position in reasonable detail and provides a brief statement explaining the public purpose of the regulations at issue. However, nothing contained herein shall be construed as a limitation or waiver of any claims, defenses, or arguments of the City.

An **after-the-fact building permit** was denied by the City's Planning and Conservation Department because the warehouse at issue does not comply with the City's Comprehensive Plan Policy 5P.03.02, which requires a 30-foot landscape buffer for development adjacent to the historic district. The City's Planning and Conservation Department further noted that any resubmittal would need to comply with coastal high hazard flood regulations (Chapter 5, ASCE 7 and ASCE 24).

**It is undisputed that the warehouse is in a coastal flood hazard area, was constructed without a permit, and that its location abuts property within the historic district:** 501 N 3<sup>rd</sup> Street. Petitioners suggest that the 30' landscape buffer should not apply because its operator (Nassau Terminals LLC) uses the 501 N. 3<sup>rd</sup> Street property as an administrative office. However, neither the City's Comprehensive Plan nor its implementing land development code provide an exception for properties under "common operation." There is an existing distinction in the City's land development code for buffering by the Ocean Highway and Port Authority between port property lines and adjacent historic district properties (see Table 4.05.12(E) FERNANDINA BEACH LAND DEVELOPMENT CODE; *see also* Resolution No. 962 Condition #41 approving the port DRI).

However, **the property at 501 N. 3<sup>rd</sup> Street is not owned by the Ocean Highway Port Authority or Nassau Terminals LLC, but by Fernandina Port Development, Inc.,** a Delaware corporation. (Official Records, Nassau County OR Book 0624, Page 0450.) More importantly, what is commonly operated today, may be further repurposed tomorrow. There would be nothing to prevent someone from subverting the public policies achieved by the required landscape buffer by constructing an improvement without a landscape buffer and then repurposing property.

The City's Comprehensive Plan and land development code require **buffering between adjoining land uses to serve important public policy concerns between properties of varying intensities** - including industrial land uses abutting a historic district of mixed use and residential properties. Specifically, the City's regulations are provided to meet the following public purposes:

1. Improving the appearance of the City;
2. Providing shade for the ground surfaces and reducing heat island effects;
3. Buffering and protection from wind and storm damage;
4. Buffering adjacent potentially incompatible land uses;
5. Screening vehicular movement from pedestrian and public view;
6. Providing for the protection and preservation of trees and native vegetation;
7. Ensuring the local stock of native trees and vegetation is replenished;
8. Improving ground and surface water quality through reduced run-off and decreased use of fertilizers and pesticides; and
9. Encouraging Florida-Friendly landscaping principles into landscape design.

(See Section 4.05.01(B), FERNANDINA BEACH LAND DEVELOPMENT CODE).

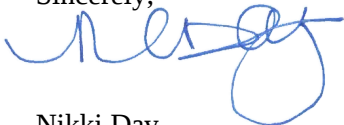
The American Planning Association has long recognized the role of landscape buffering as a tool to ameliorate impacts between land uses by providing space and obstructing undesirable views. (Information Report No. 133, April 1960, AMERICAN SOCIETY OF PLANNING OFFICIALS.)

The City's Comprehensive Plan further includes the following **public policy objectives specific to historic districts**:

- A. To encourage compatible design and planning surrounding historic districts (Objective 11.06); and
- B. To ensure that new and infill development adjacent to historic districts complements the patterns, character, and scale of those districts (Policy 11.06.01).

While these matters present challenges, the City further recognizes that section 70.51, Florida Statutes, is to be liberally construed to resolve land use disputes and is committed to mediate and proceed in good faith.

Sincerely,



Nikki Day

ND