

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Ordinance 2022-06
Land Development Code Amendment - Encroachments

ITEM TYPE: Ordinance (w/ fiscal impact)

REQUESTED ACTION: Ordinance 2022-06
Land Development Code Amendment - Encroachments

SYNOPSIS: Land Development Code (LDC) amendments prepared to add a definition.

The Planning Advisory Board (PAB), at its December 8th, 2021 Regular Meeting, issued a recommendation of approval.

FISCAL IMPACT:

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2022-06 at First Reading.

| | |
|--|------------|
| Kelly Gibson, Planning Director | 12/30/2021 |
| Monica Benischeck, Administrative Services Manager | 12/30/2021 |
| Dale Martin, City Manager | 1/10/2022 |
| Tammi E. Bach, City Attorney | 1/10/2022 |

Date: December 15, 2021

Submitted By: Sylvie McCann, Administrative Coordinator

COMMISSION ACTION: Approve

ORDINANCE 2022-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE (LDC) BY AMENDING SECTION 1.07.00 ADDING DEFINITIONS FOR DECKS, BALCONIES, AND PORCHES; AMENDING SECTION 4.02.03 (A), ADDING A REAR YARD PORCH ENCROACHMENT ALLOWANCE AND CLARIFYING DECK SETBACKS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fernandina Beach has applied for a text amendment to modify multiple Land Development Code Sections to add definitions, clarify deck encroachments and create an allowance for rear yard porch encroachment; and

WHEREAS, the City Commission adopted a unified Land Development Code (LDC) on September 5, 2006, which became effective on October 1, 2006; and

WHEREAS, the City's adopted 2030 Comprehensive Plan directs changes to the Land Development Code for consistency with State Laws and current planning methods for growth and economic development; and

WHEREAS, the Planning Advisory Board held public hearings on September 8, 2021, September 22, 2021, October 13, 2021, October 27, 2021, and November 10, 2021, to discuss and consider public comment on the requested LDC Text Amendments;

WHEREAS, the Planning Advisory Board (PAB), acting as the City's Local Planning Agency, considered the application at its Regular Meeting on Wednesday, December 8, 2021, and issued a recommendation of approval for the requested amendments; and

WHEREAS, notice of public hearing on such Land Development Code amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on November 24, 2021.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

SECTION 1. PURPOSE AND INTENT. The City Commission finds that the amendments attached hereto as Exhibit "A," amending multiple LDC Sections to address amendments which add definitions and clarify encroachment standards.

SECTION 2. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall become effective immediately upon enactment.

ENACTED this 15th day of February, 2022.

CITY OF FERNANDINA BEACH

MICHAEL A. LEDNOVICH
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

Date of First Reading: January 18, 2022
Date of Second Reading/Final Hearing: _____
Date of Publication:

ORDINANCE 2022-06
EXHIBIT “A”

Changes to Chapter 1

1.07.00 Acronyms and Definitions

Deck – a structure, without a roof, either freestanding or directly connected to a primary or accessory structure. Generally, constructed of wood or a composite material.

Balcony – an exterior floor system projecting from a structure and supported by the structure, with no additional independent supports

Porch – a covered but unenclosed projection from the main wall of a building that may or may not use columns or post for structural purposes.

Changes to Chapter 4

4.02.03 Standards for Buildings and Building Placement

A. Encroachment

1. A yard created by the setbacks set forth in this section ~~shall~~ will not be considered a yard for any other building.
 1. Every part of a required yard ~~shall~~ must be open and unobstructed from its lowest point to the sky, except as set forth in Section 4.02.03(A) (3), (4), (5) and (6) below.
 2. Front entry steps may encroach into a minimum front yard up to forty-two (42) inches.
 3. The following building features may project into a minimum yard up to twenty-four (24) inches: sills, belt courses, cornices, buttresses, ornamental features, chimneys, and eaves.
 4. The following building features may project into a minimum rear yard up to forty-two (42) inches: open or enclosed fire escapes, outside stairwell, and balconies.
 5. Porches may encroach up to ten (10) feet into the rear yard setback.
 - A. Porches must comply with the front and side yard setbacks.
 6. Decks with a finished floor of 12” or less from grade are permissible encroachments into the side and rear yards up to ten (10) feet from the property line. For installation of a deck on varying topography, the floor level may be allowed to reach a maximum of 36” from grade.
 - A. Decks must comply with the front yard setback.
 6. ~~Wooden decks and porches with a finished floor level of 12” or less from natural grade or non-covered open-air balconies are permissible encroachments into required yard spaces, subject to the following:~~
 - a. ~~A five (5) foot minimum setback is required for all side and rear yards.~~
 - b. ~~For front yards, wooden decks and non-covered open-air balconies shall comply with the front yard setbacks specified for each zoning district.~~
 - c. ~~For installation of a wooden deck on varying topography, the floor level may be allowed to reach a maximum of 24” from natural grade to accommodate stairs and topographical impracticalities.~~
 7. Mechanical equipment may be located within the side or rear yard setback, but not closer than five (5) feet to side or rear yard lot lines and screened by landscaping or opaque fencing.
 8. Specific requirements for fences and signs are outlined in Sections 5.01 and 5.03.
- B. On double-frontage lots, the designated front yard ~~shall~~ will be determined by the City.

Print

Planning Advisory Board (PAB) - Submission #8395

Date Submitted: 12/1/2021

Planning Advisory Board (PAB) Application

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

Fees

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

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

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

LDC Text Amendment (\$1,500)

Comp Plan Amendment (\$5,000)

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

Subdivision Plat " Final (\$1,500)

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

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

Voluntary Annexation (\$2,000)

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

New Telecommunications Structure (\$2,000)

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

2022 Submission Deadlines + Meetings Calendar

pab 2022



IMPORTANT NOTES

Pre-Application Meeting

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

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

- LDC Text Amendment “ see LDC Section 11.01.08.
- Preliminary Subdivision Plat “ see LDC Section 11.01.05.
- Final Subdivision Plat “ LDC Section 11.01.05.
- Zoning Map Changes “ See LDC Section 11.01.07.

The LDC is available for review at

www.fbf.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?*

12/1/2021

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

PROPERTY INFORMATION

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

Site Address*

City*

State*

Zip*

Parcel ID #(s)*

Lot*

Block*

Subdivision*

Zoning District*

Future Land Use Designation*

REVIEW TYPE*

- | | |
|--|--|
| <input type="checkbox"/> Zoning Map Amendment ≤ 10 acres | <input type="checkbox"/> Subdivision Plat " Preliminary > 20 units |
| <input type="checkbox"/> Zoning Map Amendment > 10 acres | <input type="checkbox"/> Subdivision Plat " Final |
| <input checked="" type="checkbox"/> LDC Text Amendment | <input type="checkbox"/> Vacation of R.O.W. |
| <input type="checkbox"/> Comp Plan Amendment | <input type="checkbox"/> Voluntary Annexation |
| <input type="checkbox"/> Subdivision Plat " Preliminary ≤ 20 units | <input type="checkbox"/> Revision to PAB Application |

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Last Name*

Company (if applicable)

City of Fernandina Beach

Mailing Address*

204 Ash Street

City*

Fernandina Beach

State*

FL

Zip*

32034

Telephone Number*

9043103480

Email Address*

planninginfo@fbfl.city

OWNER'S AGENT

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

First Name

Kelly

Last Name

Gibson

Mailing Address

204 Ash Street

City

Fernandina Beach

State

Florida

Zip

32034

Telephone Number

9043103480

E-mail Address

kgibson@fbfl.org

PROJECT INFORMATION

Previous Planning/Zoning Approvals

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

CITY OF FERNANDINA BEACH, LAND DEVELOPMENT CODE TEXT AMENDMENTS (PAB 2021-15): ENCROACHMENTS TO ADD DEFINITIONS IN LDC SECTION 1.07.00 FOR DECKS, BALCONIES, AND PORCHES AND AMENDING SECTION 4.02.03 (a) ADDING A PORCH ENCROACHMENT ALLOWANCE AND CLARIFYING DECK SETBACKS

Certification*

- By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application.
- I acknowledge that I understand and have complied with all of the submittal requirements and procedures.

Applicant First Name*

Applicant Last Name*

Taylor

Hartmann

Today's Date*

12/1/2021

Upload Supporting Documentation*

11 12 21.jpg



Upload 2

Choose File No file selecte

Upload 3

Choose File No file selecte

Upload 4

Choose File No file selecte

DEPARTMENT OF PLANNING & CONSERVATION

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

APPROVED



**MINUTES AMENDED
PLANNING ADVISORY BOARD
REGULAR MEETING
SEPTEMBER 8, 2021**

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

| | |
|------------------------|-----------------|
| Genece Minshew (Chair) | Mark Bennett |
| Victoria Robas | Peter Stevenson |
| Barbara Gingher | John Boylan |

MEMBERS ABSENT:
None

OTHERS PRESENT:
Kelly Gibson, Planning & Conservation Director
Jacob Platt, Senior Planner
Tammi Bach, City Attorney
Daphne Forehand, Planner
Taylor Hartmann, Recording Secretary
Sylvie McCann, Recording Secretary

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

4.1 Approval of Minutes for the August 11, 2021 Workshop.

Member Stevenson asked to add an annotation that an additional review will be held on August 25th, 2021.

ACTION TAKEN: A motion was made by Member Gingher, seconded by Member Robas to approve the minutes as amended.

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

4.2 Approval of Minutes for the August 11, 2021 Regular Meeting.

Member Stevenson noted that in item 4.4, 3 lines from the end of the section, Stevens should be Stevenson.

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

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

5. BOARD BUSINESS

5.1 Presentation of LDC Text Amendments for enhanced tree protection as recommended by the City Tree Committee

Daphne Forehand, Planner and Taylor Hartmann, Planning Technician, presented the LDC Text Amendments proposed by the City Tree Committee during the August 3rd, 2021 City Commission Regular Meeting.

Member Robas suggested increasing plantings on Atlantic Avenue. She also discussed the mortality rate. She noted that this was a well-rounded presentation.

Member Stevenson provided observation about planting trees under power lines. He also commented on a job well done.

Member Gingher asked about yearly tree health assessments.

Chair Minshew congratulated Staff for a great presentation.

Mr. Platt spoke about the Atlantic Avenue corridor. Member Robas brought up Sadler Road and the possibility of planting within the median.

Mr. Platt presented a PowerPoint slideshow outlining the proposed tree protection text amendments and provided the Board with a more detailed explanation of what each code entailed and its goal.

John Hillman, 1001 White Street, stated that he felt that an administrative process would provide greater flexibility for staff and opportunities to save trees.

Member Robas and Member Bennett expressed concerns over the administrative process creating change in the character of neighborhoods.

Members heard all 11 proposed tree protection text amendments and agreed that staff should move forward with developing analyses for each which would then be presented and discussed during PAB meetings through November of this year.

5.2 Discussion on upcoming LDC Text Amendments and next steps.

Mr. Platt provided the Board with 5 extensive proposed LDC text amendments including: Amending the Local Development Order process to be consistent with the 2019 Florida State Statute, establishing supplemental standards for auto sales of alternative vehicles in the 8th street mixed-use district, increase wetland buffer requirement from 25' to 50', create standards for food trucks, and revise the net density definition "Floodplain" to special flood hazard area (SFHA).

Members agreed to have staff move forward with developing a formal analysis of each proposed text amendment to be presented and discussed during PAB meetings through November of this year.

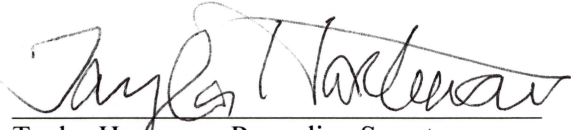
Mr. Platt provided the Board with 10 minor proposed LDC text amendments which include striking outdated language, clarifying definitions and methods of measuring fence height, as well as allowing cemeteries in recreational zoning districts.

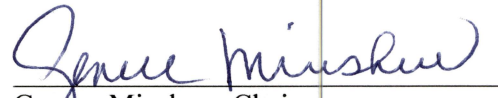
6. STAFF REPORT

7. PUBLIC COMMENT

No parties wished to speak.

8. ADJOURNMENT 7:06


Taylor Harbmann, Recording Secretary


Genece Minshew, Chair

APPROVED



MINUTES AMENDED
PLANNING ADVISORY BOARD
WORKSHOP
SEPTEMBER 22, 2021

1. CALL TO ORDER 5:00

2. ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

| | |
|------------------------|-----------------|
| Genece Minshew (Chair) | Mark Bennett |
| Victoria Robas | Peter Stevenson |
| Barbara Gingher | Brandy Carvalho |

MEMBERS ABSENT:

John Boylan

OTHERS PRESENT:

Kelly Gibson, Planning & Conservation Director
Jacob Platt, Senior Planner
Tammi Bach, City Attorney
Taylor Hartmann, Recording Secretary

3. PLEDGE OF ALLEGIANCE

Chair Minshew introduced and seated Brandy Carvalho as the newest member of the PAB.

4. BOARD BUSINESS

Chair Minshew indicated that Member Stevenson previously emailed Staff regarding concerns over a recent City Commission decision to approve an annexation but deny the requested FLUM assignment of Mixed-Use. She stated that she spoke with Vice-Mayor Kreger and Mayor Lednovich, and said that both of their positions are that they're sending a message to the developers of the property adjacent to Amelia Island Parkway and do not support any more residential development within the city.

Member Stevenson stated that he felt there was a fiduciary responsibility for City staff and the PAB to provide future applicants with a full understanding of what the City Commission's current position is regarding residential and mixed-used FLUM changes.

Members discussed what this message means moving forward and whether this shift should be incorporated into the Comprehensive Plan and Vision 2045.

Chair Minshew stated that she would draft a letter for Ms. Bach to send to all PAB members to edit as they see fit and send to the City Commission.

4.1 DISCUSSION ONLY: Upcoming Land Development Code text amendments

Mr. Platt presented a PowerPoint slideshow that identified 10 minor Land Development Code (LDC) text amendments to be discussed by the Board.

Minor amendment and recommendation: Clarify Fence Height Measurement (LDC Reference 5.01.10 fences should be measured from 2” above the natural topography to the top of the fence panel, picket, or wall with posts not to exceed 6” top of panel, picket, or wall).

Member Stevenson inquired how the recommendation would address citizens who want a straight-line fence versus one that follows the natural topography.

Members agreed to move forward with the recommended amendment.

Minor amendment and recommendation: Add Fencing Requirement for Dumpster Enclosures LDC Section 5.01.07 (Add vinyl as an allowable fence screening material).

Members agreed to move forward with the recommended amendment.

Minor amendment and recommendation: Allow Cemeteries in Recreational Zoning (Add “P” in Table 2.03.02).

Member Robas inquired about the potential for special events to take place in Bosque Bello should cemeteries be allowed in recreational zoning.

Mr. Platt confirmed that this amendment will not allow for special events or other recreational activities in Bosque Bello.

Members agreed to move forward with the recommended amendment.

Minor amendment and recommendation: Make Visibility Triangle calculation consistent with FDOT Standards (Still under review).

Mr. Platt will provide the Board with clear visual examples and bring this amendment back for discussion at a later date.

Minor amendment and recommendation: Establish Front Yard Setback for Accessory Structures (Add statement to require consistency with front yard setbacks).

Members agreed to move forward with the recommended amendment.

Minor amendment and recommendation: Modify Change of Use Process and Outcomes (Starting with internal policy and procedure changes with no LDC changes requested at this time).

Mr. Platt stated that this amendment is a work in progress and will potentially be brought back for discussion at a later date.

Minor amendment and recommendation: Strike outdated reference to parking in CRA (Section 8.01.02(D)(4) add reference back to 7.01.04 footnote 2 or replicate language for consistency AND Modify footnote to reference 8.01.02 (E) (9) for non-residential uses East of Front Street).

Staff provided further clarification that this amendment will create a loop to both references in order to ensure citizens are aware of both LDC sections.

Members agreed to move forward with the recommended amendment.

Minor amendment and recommendation: Implement 30ft Buffer for Port development consistent with Port Sub-element (Add reference in 4.05.12 for Buffer Requirements number as E and modify the following letters).

Member Robas pointed out that Table 4.05.12(B) should also be modified to provide buffer requirement clarification.

Mr. Platt stated that because this is a highly specific situation, all requirements can be included in the new paragraph E.

Members agreed to move forward with the recommended amendment.

Minor amendment and recommendation: Remove Old Town side yard corridor conflicting language (HDC) (Information forthcoming pending HDC consideration. Staff will provide an update at the workshop).

Ms. Gibson stated that the Historic District Council is working to clarify current inconsistencies and more information will be provided to the Board at a future meeting.

Minor amendment and recommendation: Refine Chapter 1 definitions (as needed) (Revisions are dependent upon “Major LDC Revisions” as needed for clarification).

Members can provide feedback on definitions to staff, on a continual basis, until final consideration in December 2021.

Mr. Platt then presented 2 major LDC text amendments and Staff Recommendations for Board discussion.

Major Amendment 1: Establish Supplemental Standards for Auto Sales of Alternative Vehicles in 8th Street Mixed Use District.

Staff recommendation: Make Auto Sales (New and Used) Permissible (P) in Table 2.03.02 Table of Land Uses to follow C-2 zoning as intended prior to enactment of MU-8 zoning restrictions. This change serves to recognize the historic development pattern and auto oriented nature of this corridor as described in 8th Street Small Area Plan.

Mr. Platt provided the Board with a brief history of how 8th Street has always been autocentric.

Members agreed that the designation of “Automobiles and Other Motorized Vehicles” would be more appropriate and inclusive while still acknowledging the historical significance of automobiles.

Members agreed to move forward with the recommended amendment.

Major Amendment 2: Change Net Density Definition “Floodplain” to Special Flood Hazard Area (SFHA). * Comp Plan and LDC Amendment.

Staff recommendation: Strike “floodplain” and replace with Special Flood Hazard Area (SFHA) believed to be original intent, but consistent standard terminology.

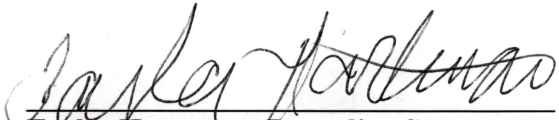
Mr. Platt provided the Board with a brief review of the current definition of Net Density and indicated that the term “floodplain” is too broad to accurately calculate dwelling units per acre in an SFHA.

Members agreed to move forward with the recommended amendment.

5. PUBLIC COMMENT

No parties wished to speak.

6. ADJOURNMENT 6:38


Taylor Hartmann, Recording Secretary


Genece Minshew, Chair

**APPROVED
APPROVED**



**AGENDA
PLANNING ADVISORY BOARD
REGULAR MEETING
OCTOBER 13, 2021**

1. CALL TO ORDER 5:00 P.M.

ROLL CALL / DETERMINATION OF QUORUM

| | |
|------------------------|-----------------|
| Genece Minshew (Chair) | Mark Bennett |
| Victoria Robas | Peter Stevenson |
| John Boylan | Brandy Carvalho |

MEMBERS ABSENT:

Barbara Gingher

OTHERS PRESENT:

Kelly Gibson, Planning & Conservation Director
Jacob Platt, Senior Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 Approval of Minutes for the Special Workshop of August 25, 2021.

ACTION TAKEN: A motion was made by Member Stevenson, seconded by Member Boylan 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 Minutes for the Regular Meeting of September 8, 2021.

Next to last page, 5.2 3rd to the bottom duplicated, remove one out.

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

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

3.3 Approval of Minutes for the Special Workshop of September 22, 2021.

1st page Board business, sent to "Staff" not all members.

ACTION TAKEN: A motion was made by Member Gingher, seconded by Member Robas to approve the minutes as amended.

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

Chair Minshew stated that no letter was forwarded to the Commission regarding the request for direction addressing the recent appeal. City Attorney Bach clarified the position of the City Commission regarding that request. She mentioned that Staff has now modified its approach with potential applicants. Member Bennett commented that Staff should avoid mentioning how the City Commission would respond to applications.

Ms. Robas commented about Staff dealing with applications that hold conflicts between FLUM and Zoning. She also spoke of the issues with Multi-Use properties on 8th Street.

4. OLD BUSINESS

No Old Business.

5. NEW BUSINESS

5.1 PAB 2021-0008 - FLORIDA PUBLIC UTILITIES COMPANY,

Request for voluntary annexation, Future Land Use Map (FLUM) Amendment, and zoning map assignment for parcels: 00-00-31-1800-0186-0010; 00-00-31-1800-0308-0011, and 00-00-31-1800-0183-0000

Mr. Platt presented the case referring to all three subject properties and recommended approval. He spoke of the Florida Public Utilities original franchise agreement. He explained that this agreement required that an office be located within the City limit, that since that office closed a few years ago, and in order to continue to have a presence within the City, the annexation of these properties would meet the agreement's requirement.

Nathalie Jackson, 1251 S. 6th Street, asked if her property would be affected with this annexation. Chair Minshew answered that this would not affect

Felica Foster, Lot 1, 1300 S. 10th Street and Beverly F. Lot 14, asked if anything would change regarding the subject property. Mr. Platt explained that all that would change will be the boundary including these properties within the city boundaries.

Member Stevenson asked Staff to confirm that this would be executing this section of the agreement.

ACTION TAKEN: A motion was made by Member Robas, seconded by Member Stevenson, to recommend approval of PAB case number 2021-0008 to the City Commission requesting that a voluntary annexation, assignment of the Public & Institutional (PI) Future Land Use Map category and Public & Institutional (PI-1) zoning map assignment as described be approved and that PAB case 2021-0008, as presented, is 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 voice vote and being all ayes, carried.

6. BOARD BUSINESS

6.1 Vision 2045 Progress Update

Ms. Gibson explained that the document provided by WGI to the City 3 weeks ago was deemed insufficient to meet the City's needs, did not reflect the direction that Staff felt the documents should be headed towards, and would not be creating a document that would help move the City forward over the next 24 years. She then stated that after meeting with WGI and the City Manager, a decision was made to go back to the drawing board so it can be reframed and reformatted into a more concise and clearer document. She added that additional meetings with WGI would take place before this document would

be reformatted. She mentioned that she hopes to receive some documents to be able to put on the agenda to be discussed at the next Special Meeting of October 27, 2021.

6.2 Discuss Land Development Code Text Amendments (continued from prior workshop)

Mr. Platt said that text amendment changes will be presented at the next meeting of October 27, 2021 at 3:00 p.m.

Members discussed the recent demolition of the structure at 302 Centre Street and what new construction is planned.

Chair Minshew asked for an overview of any upcoming activities for the next 3 months as far as cases and discussions. Mr. Platt noted that Staff will continue to work on LDC corrections. As for application, Mr. Platt said he doesn't have many in the work except one possible application for LDC Text Amendment regarding rentals of accessory dwellings within Old Town area.

Ms. Bach spoke of some legislative bills to be presented, preemption Bill 280, and the request of a business impact statement for all ordinances.

Chair Minshew asked about the status of the two comprehensive plan amendments sent to Tallahassee.

Member Stevenson mentioned that there is chatter about expansion of the CRA. Ms. Bach said that the CRA Board is set to meet next Tuesday October 19, 2021 at 5:00 p.m. She also gave an update regarding Brett's Waterway Restaurant including the appeal, the analysis of the structure, and results of that analysis and plan on presented this analysis at the next Board of Adjustment meeting of October 20, 2021.

Member Robas asked about the slated additional tentative meetings in November and December. Mr. Platt noted he would look at the calendar and provide some alternate dates to lock down.

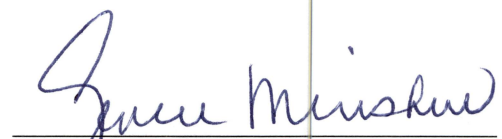
7. **STAFF REPORT**

8. **PUBLIC COMMENT**

9. **ADJOURNMENT 5:53 P.M.**



Sylvie McCann, Recording Secretary



Genece Minshew, Chair

APPROVED



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
NOVEMBER 10, 2021**

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

MEMBERS PRESENT:

| | |
|------------------------|-----------------|
| Genece Minshew (Chair) | Mark Bennett |
| Victoria Robas | Peter Stevenson |
| Barbara Gingher | John Boylan |
| Brandy Carvalho | |

MEMBERS ABSENT:

None

OTHERS PRESENT:

Kelly Gibson, Planning & Conservation Director
Jacob Platt, Senior Planner
Tammi Bach, City Attorney
Taylor Hartmann, Recording Secretary

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

4.1 Approval of Minutes for the Regular Meeting of October 13, 2021.

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

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

5. **BOARD BUSINESS**

5.1 LDC Amendments - Review and Discussion of Draft Amendments (No Final Decision Making)

Mr. Platt recapped the series of proposed LDC text amendments discussed by the Board over the last 4 regular meetings and workshops.

Members all received a document providing the current code language, striking through what would be deleted, and highlighting the proposed changes.

Member Robas pointed out 5.01.10(G) and that typically facilities such as the Port require that razor wire on fences face outward and this should be clarified to ensure consistent changes.

Members discussed the number of accessory structures and accessory dwelling units that are permissible in residential zoning districts as well as the history of the maximum building footprint

allowable.

Ms. Bach provided the Board with a brief background of why there are proposed language amendments to Chapters 1 & 11 with regards to the Board of Adjustment and also stated that the new language will specify that a supermajority vote is required for the granting of a variance.

A 5-minute recess was taken at 6:12 PM.

The meeting resumed at 6:18 PM.

Mr. Platt presented the City Tree Committee's list of proposed LDC text amendments to enhance tree preservation and protection.

Members agreed to wait until the adoption of a full LDC revision to discuss changes to 4.02.01(J).

Ms. Gibson stated that the proposed addition of the new section 4.05.16 would address and re-establish the City's Tree Fund. The former language as established in 2001, was never readopted within the 2006 code update.

Members agreed to amending section 4.05.03(E) Landscape Maintenance Requirements, which would increase the minimum tree health guarantee from 1 year to 3 years.

Section 11.05.03 proposed the following language: *"The City shall require an assessment provided by a certified arborist at the end of the warranty period before remitting funds or releasing the obligation documents."*

Chair Minshew inquired about implementation and enforcement methods for extending the tree health guarantee.

Members discussed the current tree mitigation requirements and the extent to which palm trees would be permissible in lieu of shade trees.

Section 4.05.04 – For Single-family and Two-family Residential Development, the proposed language suggested was as follows: *"Relocation of existing healthy trees on the project site measuring at least 2.5" DBH and at least 8 feet tall may be relocated on the site and utilized as a credit to satisfy minimum landscape requirements."*

Section 4.05.04 – For Multi-family Residential Development, the proposed language was as follows: *"There shall be not less than two (2) shade native trees for each 1,500 square feet, or fraction thereof, of development site. Relocation of existing healthy trees on the project site measuring at least 2.5" DBH and at least 8 feet tall may be relocated on the site and utilized as a credit to satisfy minimum landscape requirements."*

Members all agreed to the increase in minimum native shade tree plantings.

Section 4.05.10 – The proposed language was proposed in a new added section C. *"At a minimum, one water-tolerant native tree per 50 linear feet of pond frontage is required. Trees may be grouped to create clusters to meet minimum requirements. A five (5) foot natural mulch barrier is required around each tree or cluster of trees."*

Members all agreed that the mulch barrier should be replaced with a "natural barrier".

Section 10.03.00 – The proposed recommendation is to add a section C in order to allow for deviation from standard setback requirements, when such a deviation would preserve a protected tree. This would remove the need for a variance making homeowners more likely to pursue this less expensive and less time-consuming process. It would also promote environmentally friendly designs.

Mr. Platt provided the Board with proposed language to define Mobile Food Vending “Food Truck” Park, permissible zoning districts, and supplemental standards.

Chair Minshew proposed that a food truck park should specify “2 or more” instead of the proposed “3 or more” food trucks.

Mr. Platt reviewed a document that was provided to the Board regarding permissible encroachments within the LDC and proposed changes.

Member Robas suggested that the permissible encroachment be changed to 10 FT from the rear property line versus the current 5 FT.

Members agreed that no encroachments should be within 10 FT of the rear property line.

5.2 Vision 2045 Update and Board Discussion

Ms. Gibson provided Board members with the latest overview of WGI’s progress to date.

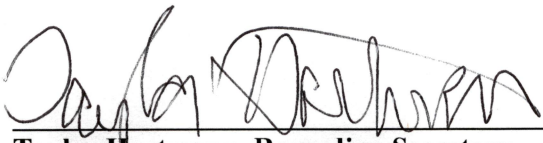
Board members agreed that they will provide feedback on this draft to staff by November 19, 2021

6. STAFF REPORT

7. PUBLIC COMMENT

No parties wished to speak.

8. ADJOURNMENT 7:56


Taylor Hartmann, Recording Secretary


Genece Minshew, Chair



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
DECEMBER 8, 2021**

1. CALL TO ORDER 5:00

2. ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

| | |
|------------------------|-----------------|
| Genece Minshew (Chair) | Mark Bennett |
| Victoria Robas | Peter Stevenson |
| Barbara Gingher | John Boylan |

MEMBERS ABSENT:

Brandy Carvalho

OTHERS PRESENT:

Kelly Gibson, Planning & Conservation Director
Jacob Platt, Senior Planner
Tammi Bach, City Attorney
Taylor Hartmann, Recording Secretary
Andrew Crozier, WGI (Virtual)

3. PLEDGE OF ALLEGIANCE

Chair Minshew reviewed a few housekeeping guidelines and congratulated Member Robas and Member Gingher on their reappointments to the PAB.

4. APPROVAL OF MEETING MINUTES

4.1 Approval of Minutes for the PAB Regular Meeting of November 10, 2021.

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

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

5. OLD BUSINESS

5.1 Vision 2045 Plan Presentation by WGI with Board and Public Discussion

(All draft documents will be uploaded to the Vision 2045 website by December 8, 2021.)

Official kick-off of the 4-week public comment period from December 8, 2021 - January 5, 2022

Ms. Gibson provided the Board a brief overview of the history of the Vision 2045 Plan and introduced WGI Consultant, Andrew Crozier.

Mr. Crozier presented a PowerPoint slideshow of the Vision 2045 Plan format and content. This included a timeline of what activities have taken place since the start of this process in May 2021, a mission statement of the Vision, main themes, implementation methods, and appendices for additional supporting documentation.

Ms. Gibson stated that PDF and text forms of this presentation, as well as a comment box, are available on the City website.

Chair Minshew opened the public comment forum.

Eric Schmidt, virtual, spoke of the opportunity to meet with the consultants and felt that it was a very productive way to provide input.

With no other parties wishing to speak, Chair Minshew closed the public comment forum.

Commissioner Kreger, stated that he had anticipated seeing more individuals and inquired whether there would be an additional opportunity for public outreach.

Members commended staff and WGI on the incredible amount of time and effort that has been put into the Vision Plan.

Julie Ferriera, 501 Date Street, inquired about seeing more of the document and possibly pushing back the public comment and/or workshop until after the holiday.

Betsey Huben, inquired about possibly distributing copies of the document to locations such as the Chamber of Commerce and public library.

Richard Timm, Phone, 2126 Shell Cove Circle, offered the suggestion of providing a brief video that summarizes the document.

Members all agreed that more face-to-face time with the public is necessary.

6. NEW BUSINESS

- 6.1 PAB 2021-0009 - Final Plat: Crane Island - Phase 2E, Scott Borowski, Clary & Associates, Agent for The Range at Crane Island, LLC.

Member Robas inquired about the total number of platted lots on Crane Island.

Mr. Platt confirmed that the Crane Island subdivision will only have 113 platted parcels versus the original proposed 169 platted parcels.

Julie Ferriera, 501 Date St., inquired about whether the property owners are considering the large mature tree canopy and its protection during construction.

Mr. Platt explained that staff works with the contractors and homeowners regularly to ensure maximum tree preservation.

Ted Griffin, 2427 High Rigger Rd., inquired whether there will always be public access. Mr. Platt confirmed that yes, there will always be a 5-acre public park available to all.

ACTION TAKEN: A motion was made by Member Robas, seconded by Member Stevenson to recommend approval of PAB case 2021-0009 to the City Commission; AND that PAB case 2021-0009 as presented is 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 voice vote, and being all ayes, carried.

- 6.2 PAB 2021-0010 - Final Plat: Crane Island - Phase 2C, Scott Borowski, Clary & Associates, Agent for The Range at Crane Island, LLC.

ACTION TAKEN: A motion was made by Member Robas, seconded by Member Stevenson to recommend approval of PAB case 2021-0010 to the City Commission; AND that PAB case 2021-0010 as presented is 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 voice vote, and being all ayes, carried.

6.3 CITY OF FERNANDINA BEACH, AGENT FOR IP HOLDINGS GROUP, LLC, NASSAU TRUST LLC, AND MACEDONIA AME CHURCH.

Expansion of Local Downtown Historic District Boundary to include:

BLOCK 2, LOTS 29-33 & BLOCK 46, LOTS 5 & PT OF LOT 6 IN OR 1892/1458 BEING PARCELS "1","3" & "5" & BLOCK 49 PT OF LOTS 4 & 5 IN OR 1892/1458 BEING PARCELS "2" & "4".

Willing property owners have requested to be included in the City's locally adopted downtown historic district boundary. LDC Section 8.03.02 (M) requires that the Planning Advisory Board make recommendations for the consideration of the Historic District Expansion before proceeding to the City Commission for final decision making through an ordinance. After following all applicable review and notice criteria provided in LDC Section 8.03.02, the Historic District Council (reference HDC 2021-0033) completed its review and issued a recommendation of approval at its regular meeting on October 21, 2021. Staff continues to support the district's expansion.

Sal Cumella, City of Fernandina Beach Preservation Planner, provided the Board with a slideshow presentation of all properties requesting the historic district designation. This included the criteria they each meet in order to qualify as a contributing historic structure.

Public comment was opened

Mike Kegler, 325 St., provided a brief explanation of the corner stone that was recently unearthed at the Macedonia church .

ACTION TAKEN: A motion was made by Member Robas, seconded by Member Stevenson to recommend approval of the Expansion of Local Downtown Historic District Boundary to include: BLOCK 2, LOTS 29-33 & BLOCK 46, LOTS 5 & PT OF LOT 6 IN OR 1892/1458 BEING PARCELS "1","3" & "5" & BLOCK 49 PT OF LOTS 4 & 5 IN OR 1892/1458 BEING PARCELS "2" & "4" to the City Commission; AND that this recommendation as presented is 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 voice vote, and being all ayes, carried.

6.4 LAND DEVELOPMENT CODE TEXT AMENDMENTS (PAB CASES 2021-12, 2021-13, 2021- 14, 2021-15, 2021-16)

The following Land Development Code Text Amendments have been reviewed and discussed over the past several months in noticed public meetings by the Planning Advisory Board. The hearing to be conducted on this agenda is for final recommendations by the PAB before moving the items to the City Commission for decision making through several ordinances. The City Commission will consider items at two public hearings anticipated for January 18, 2022 and February 15, 2022. Draft and final minutes of all prior public meetings conducted in these cases may be obtained by contacting the Department of Planning and Conservation.

Prior meeting dates include: 9/8/21, 9/22/21, 10/13/21, 10/27/21, and 11/10/21.

6.4.1 CITY OF FERNANDINA BEACH, LAND DEVELOPMENT CODE TEXT AMENDMENTS (PAB 2021-12): MINOR AMENDMENTS TO ADDRESS ERRORS, OMISSIONS AND CORRECTIONS INCLUDING SECTION 1.03.05 CONSTRUCTION OR DEMOLITION OF STRUCTURES ON COMBINED LOTS TO ADDRESS PROCEDURAL REQUIREMENTS FOR SEEKING A VARIANCE; AND AMENDING SECTION 1.07.00 DEFINITION OF VARIANCE; AND SECTION 2.03.02 ADDING CEMETERIES AS PERMISSIBLE WITHIN REC ZONING DISTRICT, ADDING HEALTH CLUBS AND GYMS AS PERMISSIBLE IN C-1 ZONING DISTRICT, ADDING MUSIC,

DANCING, PHOTOGRAPHY, OR ART STUDIOS AS PERMISSIBLE IN C-1 ZONING DISTRICT; AND SECTION 4.05.12 TO INCLUDE REFERENCE FOR PORT BUFFER REQUIREMENTS CONSISTENT WITH THE COMPREHENSIVE PLAN; AND SECTION 5.01.03 CLARIFYING ACCESSORY STRUCTURE SETBACKS TO INCLUDE FRONT YARD SETBACK MEASUREMENT; AND SECTION 5.01.05 TO CLARIFY THE MEASUREMENT OF FENCES AND WALLS; AND SECTION 5.01.06 ALLOWING FOR VINYL DUMPSTER ENCLOSURES AND ADDING AN EXEMPTION FOR INDUSTRIAL USES ON I-2 ZONED PROPERTIES; AND SECTION 6.02.04 CLARIFYING SUPPLEMENTAL STANDARDS FOR MOTORIZED VEHICLE SALES WITHIN THE MU-8 ZONING DISTRICT; AND SECTION 8.01.02(D) TO REFERENCE PREVIOUSLY CORRECTED PARKING STANDARDS WITHIN THE COMMUNITY REDEVELOPMENT AREA (CRA); and SECTION 7.01.04(a) FOOTNOTE 2 TO REFERENCE TO CRA PARKING STANDARDS; AND AMENDING SECTION 11.02.01 TO PROVIDE ADDITIONAL NOTICE REQUIREMENTS FOR CERTAIN APPLICATIONS; AND AMENDING 11.02.03 EXPANDING MAILED NOTICE REQUIREMENTS TO 500 FEET; AND AMENDING 11.07.01 CLARIFYING APPEALS OF ADMINISTRATIVE DECISIONS

Members reviewed discussions, held over previous PAB regular meetings and workshops and agreed on the proposed amendments.

ACTION TAKEN: A motion was made by Member Robas, seconded by Member Stevenson to recommend approval of PAB case 2021-0012 to the City Commission; AND that PAB case 2021-0012 as presented is 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 voice vote, and being all ayes, carried.

642 **CITY OF FERNANDINA BEACH, LAND DEVELOPMENT CODE TEXT AMENDMENTS (PAB 2021-13):** CITY COMMISSION DIRECTED TREE ORDINANCE UPDATES INCLUDING AMENDING SECTION 4.05.03 LANDSCAPE REQUIREMENTS, SECTION 4.05.04 MINIMUM REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT, SECTION 4.05.10 STANDARDS FOR RETENTION AND DETENTION PONDS, ADDING SECTION 10.03.01 (c) ADMINISTRATIVE WAIVERS FOR TREE PROTECTION, 11.05.03 INSTALLATION AND MAINTENANCE GUARANTEES FOR LANDSCAPING

Mr. Platt provided a review of the history of the proposed changes.

Member Robas inquired about the potential expansion of a wetland buffer. Mr. Platt confirmed that staff is currently working on updating and expanding the wetland layer in GIS and will use that data to conduct a thorough analysis of this proposed amendment, to be presented at a later date.

Members discussed an email that was submitted by the Amelia Tree Conservancy recommending using the classification of “native shade tree”. Concerns were raised about locations such as Fletcher Avenue and the ability for native shade trees to thrive in high salt environments.

Members reviewed discussions, held over previous PAB regular meetings and workshops and agreed on the proposed amendments.

ACTION TAKEN: A motion was made by Member Robas, seconded by Member Stevenson to recommend approval of PAB case 2021-0013 to the City Commission; AND that PAB case 2021-0013 as presented is 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 voice vote, and being all ayes, carried.

643 **CITY OF FERNANDINA BEACH, LAND DEVELOPMENT CODE TEXT AMENDMENTS (PAB 2021-14):** FLORIDA STATUTE DIRECTED MOBILE FOOD DISPENSING “FOOD TRUCKS” ADDING DEFINITIONS IN LDC SECTION 1.00.07, ADDING MOBILE FOOD TRUCK PARK AS A

USE SUBJECT TO SUPPLEMENTAL STANDARDS IN LDC SECTION 2.03.02 AND PROVIDING SUPPLEMENTAL STANDARDS IN LDC SECTION 6.02.15.

Members reviewed discussions, held over previous PAB regular meetings and workshops and agreed on the proposed amendments.

ACTION TAKEN: A motion was made by Member Bennett, seconded by Member Stevenson to recommend approval of PAB case 2021-0014 to the City Commission; AND that PAB case 2021-0014 as presented is 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 voice vote, and being all ayes, carried.

644 **CITY OF FERNANDINA BEACH, LAND DEVELOPMENT CODE TEXT AMENDMENTS (PAB 2021-15): ENCROACHMENTS TO ADD DEFINITIONS IN LDC SECTION 1.07.00 FOR DECKS, BALCONIES, AND PORCHES AND AMENDING SECTION 4.02.03 (a) ADDING A PORCH ENCROACHMENT ALLOWANCE AND CLARIFYING DECK SETBACKS**

Mr. Platt reviewed discussions held over previous PAB regular meetings and workshops and the Board agreed on the proposed amendments.

ACTION TAKEN: A motion was made by Member Robas, seconded by Member Stevenson to recommend approval of PAB case 2021-0015 to the City Commission; AND that PAB case 2021-0015 as presented is 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 voice vote, and being all ayes, carried.

645 **CITY OF FERNANDINA BEACH, LAND DEVELOPMENT CODE TEXT AMENDMENTS (PAB 2021-16): OLD TOWN DESIGN STANDARDS IN SECTIONS 8.01.01.02 (c)(3) AND (J) TO CLARIFY SPECIFIC ALLOWANCES FOR THE DEVELOPMENT OF CONNECTING ELEMENTS BETWEEN SIDE YARD AND FRONTAGE CORRIDORS**

Mr. Platt provided the Board with a brief overview of the history of Old Town's platted lots of record and why the visibility corridors are such a key design element.

ACTION TAKEN: A motion was made by Member Bennett, seconded by Member Robas to recommend approval of PAB case 2021-0016 to the City Commission; AND that PAB case 2021-0016 as presented is 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 voice vote, and being all ayes, carried.

7. BOARD BUSINESS

7.1 Elect Vice-Chair

ACTION TAKEN: A motion was made by Member Stevenson, seconded by Member Gingher to elect Member Robas as Vice-Chair.

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

Chair Minshew stated that she felt this has been a highly productive year and thanked everyone for their dedication and energy.

8. STAFF REPORT

9. PUBLIC COMMENT

No parties wished to speak.

10. ADJOURNMENT 7:22

Taylor Hartmann, Recording Secretary

Genece Minschew, Chair