

**CITY OF ATLANTIC BEACH
CITY COMMISSION
STAFF REPORT**

AGENDA ITEM: Ordinance No. 90-25-258 (Amending the Land Development Code to Section 24-161 to add regulations addressing shared parking on single parcels.)

SUBMITTED BY: Amanda L. Askew, Neighborhoods Department Director 

TODAY'S DATE September 10, 2025

MEETING DATE: September 22, 2025

BACKGROUND:

In May 2025, the CDB reviewed the on-site parking requirements resulting in a recommendation to Commission to introduce provisions in Chapter 24 that allow for shared parking arrangements within the same parcel or development, provided that the businesses involved operate during different hours. For example, a bar could share parking spaces with an office if their operating hours do not overlap.

This recommendation was brought to Commission on June 9th, where they directed the City Manager to prepare an ordinance incorporating the recommendation into Section 24-161. .

The following language was proposed at the June 23rd Commission meeting:

Section 24-161(g)(3)

(3) Offsite and Onsite Shared parking. Required parking spaces may be permitted to be utilized for meeting the parking requirements of two or more separate permitted uses on the same parcel or development or offsite when it is clearly established by the applicant that the two or more uses will utilize the spaces at different times of the day, week, month, or year. A recordable covenant, with the correct legal description, shall be submitted by the owners of the property and the two or more businesses or tenants involved in a form acceptable to the office of the City Attorney. The covenant shall be recorded in the clerk of courts at the Applicant 's expense, and shall run with the land. The covenant shall provide that the use or portion of a use that requires the shared parking in order to obtain the necessary permits or licenses shall cease and terminate upon any change in their respective schedules of operation that results in conflicting or overlapping usage of the parking facilities, and no nonresidential use may be made of that portion of the property until the required parking facilities are available and provided. The covenant shall also provide that the City may collect attorneys' fees if litigation is necessary to enforce the requirements of this Section.

Commission directed the City Manager to bring the proposed language to them through Ordinance format. Section 24-62 requires the Community Development Board to review proposed amendments to the zoning code and provide a recommendation to Commission.

ANALYSIS & REVIEW

Per Section 24-62(f) of the Land Development Code, the Community Development Board shall evaluate applications for a zoning code amendment based on the following factors:

- (1) Consistency with the comprehensive plan;
- (2) Consistency with the intent of the land development regulations;
- (3) Consistency with other professional planning principles, standards, information and more detailed plans and studies considered relevant;
- (4) Whether the proposed amendment and development permitted thereunder is premature or otherwise creates or contributes to an urban sprawl pattern of development;
- (5) Whether the proposed amendment will constitute "spot zoning," that is an isolated zoning district unrelated to adjacent and nearby districts;
- (6) Whether the uses permitted under the proposed rezoning will be consistent or compatible with the existing and proposed land uses and zoning of adjacent and nearby properties or the general area; or will deviate from an established or developing logical and orderly development pattern;
- (7) Whether the uses permitted under the proposed rezoning will deviate from an established or developing development pattern that is logical and orderly;
- (8) Whether the proposed rezoning and development permitted thereunder will result in significant adverse impacts upon property values of adjacent or nearby properties or in the general area more than the types of uses currently permitted; and
- (9) Whether the proposed rezoning and development permitted thereunder will detract from the character and quality of life in the general area or neighborhood by creating excessive traffic, noise, lights, vibration, fumes, odors, dust, physical activities or other detrimental effects or nuisances.

Relevant and applicable language from the City's Comprehensive Plan is listed below.

Policy A.1.5.1 The City shall review all applications for development permits to determine compliance with the Land Development Regulations, particularly with regard to provision of open space, required parking, on-site traffic flow, appropriate signage, impervious surface area limits, landscaping and tree protection so as to avoid traffic congestion, hazardous public safety conditions and inefficient land use, which may also result in harmful environmental or aesthetic effects.

Policy A.1.5.2 The City shall consider, in conjunction with the issuance of all development permits within its boundaries, the impacts of development upon adjacent jurisdictions, regional service entities, regional planning policies, and hurricane evacuation plans. Further, the City shall cooperate with such entities to ensure equitable, timely, and coordinated urban development activities.

Policy A.1.5.6 Commercial and light industrial development shall be located and designed so as to minimize adverse effects on residential areas, traffic facilities and the aesthetic character of the City.

Policy B.2.2.5 The City shall continue to enforce land use and subdivision regulations to provide for the safe and convenient on-site traffic flow, considering motorized and non-motorized traffic movements and parking requirements.

The Community Development Board reviewed the proposed text change at its August 26 meeting. A motion to recommend approval to Commission passed with a 6-1 vote.

REQUIRED ACTION

The City Commission shall review the Community Development Board's recommendation and hold two public hearings to consider Ordinance 90-25-258. These two hearings are scheduled for September 22nd and October 13th.

Following these public hearings, the city commission, by ordinance, may amend the Land Development Regulations Text, or it may deny the request.

BUDGET: None

RECOMMENDATION: Consideration of Ordinance No. 90-25-258

ATTACHMENTS:

Ordinance No. 90-25-258
Exhibit A
Draft CDB Meeting Minutes

REVIEWED BY CITY MANAGER:



ORDINANCE NO. 90-25-258

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, COUNTY OF DUVAL, STATE OF FLORIDA, HEREBY AMENDING THE LAND DEVELOPMENT REGULATIONS AS ADOPTED BY ORDINANCE NUMBER 90-24-253, INCLUDING ALL AMMENDMENTS THERETO; THIS ORDINANCE SPECIFICALLY AMENDING SECTION 24-161, OFF-STREET PARKING AND LOADING, PROVIDING FOR RECORDATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 14, 2024 the City Commission of the City of Atlantic Beach enacted Ordinance No. 90-24-253 amending and restating the City of Atlantic Beach Land Development Regulations, Chapter 24 of the City's Code of Ordinances, and

WHEREAS, the City of Atlantic Beach recognizes that said Chapter 24, Land Development Regulations, requires comprehensive revisions periodically to meet the community's needs to update content, standards, and administrative guidance; and

WHEREAS, the City of Atlantic Beach desires to have Land Development Regulations that are clear, concise, and streamlined; and

WHEREAS, Section 163.3174(1), Florida Statutes, requires that the governing body of each local government in Florida shall designate and by ordinance establish a "local planning agency;" and

WHEREAS, the City of Atlantic Beach Community Development Board has been duly designated as the Local Planning Agency of the City; and

WHEREAS, Section 163.3174(4)(c), Florida Statutes, provides that the land planning agency shall review all proposed text amendments to land development regulations and make recommendations to the governing body as to the consistency of the proposed revisions with the adopted comprehensive plan; and

WHEREAS, the Community Development Board acting in its capacity as Local Planning Agency, held a duly advertised public hearing on August 26th, to receive public comments on the proposed amendment to Chapter 24, Land Development Regulations and, finding the proposed amendment to said Chapter 24 consistent with the City's adopted 2045 Comprehensive Plan, voted to recommend adoption of said update and revisions to Chapter 24, Land Development Regulations; and

WHEREAS, after due notice and publication, the City Commission held two (2) public hearings to receive public comments and receive the recommendation of the Community Development Board; and

WHEREAS, the City Commission has found and determined that the proposed update and revisions to Chapter 24, Land Development Regulations will foster and preserve the public health,

safety and welfare and aid in the harmonious, orderly and progress development of the City of Atlantic Beach and thus will serve a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:

SECTION 1. Regulation Amended. Section 24-161 of Chapter 24, Land Development Regulations of the Code of Ordinances of the City of Atlantic Beach, Florida, is hereby revised, as more fully set forth and described in Exhibit A, attached hereto and made part hereof, and hereby adopted to read as shows in said Exhibit A

SECTION 2. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, as codified in the applicable portions of Chapter 163, Part II, Florida Statutes.

SECTION 3. Findings. The City Commission hereby finds and determines that:

- (a) The findings set forth in the recitals to this Ordinance are true and correct.
- (b) The Community Development Board, acting in its capacity as the Local Planning Agency for the City held a public hearing on August 26th, to consider the proposed amendment to Chapter 24, Land Development Regulations of the City's Code of Ordinances, and found them to be consistent with the Comprehensive Plan, and recommended that the City Commission adopt said amendment to Chapter 24, Land Development Regulations.
- (c) The amendment to Chapter 24, Land Development Regulations, of the City's Code of Ordinances, is consistent with the City's adopted 2045 Comprehensive Plan.

SECTION 4. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 5. Codification and Scrivener's Errors. The publisher of the City of Atlantic Beach's Code of Ordinances, the Municipal Code Corporation, is hereby directed to incorporate the Land Development Regulations Update as Chapter 24 into the City's Code of Ordinances. Sections of the Land Development Regulations Update may be renumbered or re-lettered and scrivener's errors, formatting and typographical errors and other minor, inadvertent graphical errors in Chapter 24 which do not affect the intent may be authorized by the City Manager and City Attorney without the need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 6. Applicability. The provisions of the Land Development Regulations amendment shall apply to all applications, decisions or controversies pending before the City of Atlantic Beach upon the effective date hereof or filed or initiated thereafter, provided that certain development, land use or construction, if qualified, may have vested rights to continue or be completed under the terms of the repealed ordinances or provisions therein.

SECTION 7. Severability. If any section, sentence, clause, or other provision of this Ordinance, or any provision of the Land Development Regulations amendment shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding of invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance, or of the Land Development Regulations Update.

SECTION 8. Effective Date. This Ordinance shall take effect upon final review and approval.

PASSED by the City Commission on first read ____ day of ____, 2025

PASSED by the City Commission on second and final reading this ____ day of ____, 2025.

CITY OF ATLANTIC BEACH

Curtis Ford, Mayor

Attest:

Donna L. Bartle, City Clerk

Approved as to form and correctness:

Jason Gabriel, City Attorney

EXHIBIT A

Sec. 24-161. Off-street parking and loading.

- (a) *Purpose and intent.* Off-street vehicular parking spaces required by this section shall be provided at the time of the construction or expansion of any building for the uses listed in this section. This section is intended to specify appropriate design and location for parking, support the creation of walkable communities, and lessen unnecessary conflicts between vehicles and pedestrians. Parking areas shall be arranged for convenient access and the safety of pedestrians and vehicles; shall provide barriers when located at the perimeter of a lot to prevent encroachment on to adjacent properties; and when lighted, lights shall be directed away from adjacent properties. Table 4 depicts the minimum parking required by use.
- (b) *General requirements and limitations for parking areas.*
 - (1) Adequate drainage shall be provided, and parking areas shall be maintained in a dustproof condition kept free of litter and debris.
 - (2) All parking areas shall be paved unless an alternative surface is approved by the director of public works. Any such alternative surface shall be maintained as installed and shall be converted to a paved surface if a failure to maintain results in adverse drainage or aesthetic impacts.
 - (3) All parking areas are subject to the landscape requirements set forth in section 24-176.
 - (4) Parking for residential uses shall be located within paved or stabilized driveways, private garages or carports or such areas intended for the day-to-day parking of vehicles. Vehicles shall not be routinely parked within grassed or landscaped areas of a residential lot.
 - (5) There shall be no sales, service or business activity of any kind within any parking area.
 - (6) Parking, stacking, and loading space areas shall not be used for any other purpose, including, but not limited to the storage of equipment, materials, boats, or recreational vehicles.
 - (7) Applications to vary from the requirements of this section shall follow the procedures set forth in subsections 24-65(a) and (b). The community development board may approve such application only upon finding that the intent of this section as set forth in preceding subsection (a) is met.
 - (8) Parking areas and driveways shall not obstruct stormwater facilities, drainage swales or clear vehicular sight distances.
 - (9) Excess parking is discouraged, and in no case shall the number of extra surface parking spaces exceed ten (10) spaces or ten (10) percent, whichever is greater.
 - (10) Required parking shall be maintained for the duration of the use it serves.
- (c) *Plans required.* A composite site plan depicting the arrangement and dimensions of required parking and loading spaces, access aisles and driveways in relationship to the buildings or uses to be served shall be included on all plans submitted for review. Parking calculations

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demonstrating provision of required parking shall be provided with all building permit applications submitted for review.

- (d) *Measurement.* Where floor area determines the amount of off-street parking and loading required, the floor area of a building shall be the sum of the horizontal area of every floor of the building. In places of public assembly in which occupants utilize benches, pews or similar seating, each twenty-four (24) lineal inches of such seating, or seven (7) square feet of floor area where no seating is provided, shall be considered one (1) seat. When computations result in requirement of a fractional space, a fraction equal to or more than one-half (½) shall require a full space.
- (e) *Uses not specifically mentioned.* Requirements for off-street parking and loading for uses not specifically mentioned in this section shall be the same as required for the use most similar to the one (1) sought, it being the intent of this section to require all uses to provide adequate off-street parking and loading.
- (f) *Location of required off-street parking spaces.*
 - (1) Parking spaces for residential uses shall be located on the same property with principal building(s) to be served.
 - (2) Parking spaces for uses other than residential uses shall be provided ~~on the same lot~~ onsite or not more than four hundred (400) feet away, provided that such required off-street parking shall in no case be separated from the use it serves by arterial streets or major collector streets, or other similar barriers to safe access between parking and the use, and if necessary shall require a shared parking agreement in accordance with this section.
 - (3) Off-street parking for all uses other than single and two-family residential shall be designed and constructed such that vehicles will not back into public rights-of-way, unless approved as onstreet parking. Parking spaces shall not extend across any public or private sidewalk or other pedestrian thoroughfare.
 - (4) Off-street parking spaces for any use shall not be located where, in the determination of the director of public safety, an obstruction to safe and clear vehicular sight distance would be created when vehicles are parked in such spaces.
 - (5) Parking lots shall be accessed from a side street or alley unless no such access is available.
- (g) *Parking reductions.* Allowable parking reductions in parking space requirements. This section provides procedures and criteria for the reduction of the off-street parking requirements of this chapter, except for residential and lodging uses.
 - (1) *Tree protection.* Required vehicle parking may be reduced by a maximum of ten (10) percent when necessary to preserve legacy trees, as defined in chapter 23. Required vehicle parking may be reduced by a maximum of five (5) percent when necessary to preserve regulated trees, as defined in chapter 23. These reductions cannot be combined.
 - ~~(2) *Shared parking.* A shared parking agreement subject to review and approval by administrator and city attorney shall be required where offsite parking is used to meet parking requirements and shall be recorded with the clerk of courts between~~

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~~cooperating property owners as a deed restriction on both properties and shall not be modified without the consent of the administrator and city attorney. When shared parking is implemented the uses sharing parking must demonstrate different peak hour parking needs.~~

(3) Offsite and Onsite Shared parking. Required parking spaces may be permitted to be utilized for meeting the parking requirements of two or more separate permitted uses on the same parcel or development or offsite when it is clearly established by the applicant that the two or more uses will utilize the spaces at different times of the day, week, month, or year. A recordable covenant, with the correct legal description, shall be submitted by the owners of the property and the two or more businesses or tenants involved in a form acceptable to the office of the City Attorney. The covenant shall be recorded in the clerk of courts at the Applicant's expense, and shall run with the land. The covenant shall provide that the use or portion of a use that requires the shared parking in order to obtain the necessary permits or licenses shall cease and terminate upon any change in their respective schedules of operation that results in conflicting or overlapping usage of the parking facilities, and no nonresidential use may be made of that portion of the property until the required parking facilities are available and provided. The covenant shall also provide that the City may collect attorneys' fees if litigation is necessary to enforce the requirements of this Section.

(43) *Motorcycle parking.* For every two (2) motorcycle parking spaces provided, the required vehicle parking may be reduced by one (1) space, up to five (5) percent of required parking. Each motorcycle parking space must have dimensions of at least four and one-half (4½) feet by eight (8) feet per space.

(54) *Bicycle parking.* For each additional four (4) bicycle parking spaces provided, the provision of vehicular parking spaces required by this Code may be reduced by one (1) space, up to a maximum of twenty (20) percent of the total number of vehicular parking spaces required.

(65) *Transportation network company.* Developments within the central business district (CBD) and traditional marketplace (TM) district which provide preferred parking spaces or drop-off zones (e.g., covered, shaded, or near building entrance) for TNCs may reduce their parking requirement by two (2) vehicle spaces for every one (1) space which is marked and reserved for TNCs at a preferred location, up to a maximum of ten (10) percent of the total number of vehicular parking spaces required or four (4) vehicle parking spaces, whichever is less. Drop-off zones shall be located so as to minimize impediments to traffic flow.

(76) *On-street parking.* Developments shall receive credit for on-street parking. This reduction shall be limited to the number of parking spaces provided along the street frontage directly adjacent to the site.

(h) *Design requirements.*

(1) Parking space dimensions shall meet the following standards.

(a) Each off-street parking space shall be a minimum of nine (9) feet by eighteen (18) feet, except that smaller dimensions may be provided for single family residential

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lots, provided that adequate onsite parking is provided to accommodate two (2) vehicles.

- (b) No more than thirty (30) percent of the required parking spaces may be reduced to eight (8) feet by sixteen (16) feet and specifically designated for compact-size automobiles.
- (c) Parallel parking spaces shall be a minimum of eight (8) feet by twenty (20) feet.
- (2) Accessible parking spaces shall comply with the accessibility guidelines for buildings and facilities (ADAAG), and shall have a minimum width of twelve (12) feet.
- (3) Within parking lots, the minimum width for a one-way drive aisle shall be twelve (12) feet, and the minimum width for a two-way drive aisle shall be twenty-two (22) feet. The aisle width may be reduced to ten (10) feet for one-way traffic and eighteen (18) feet for two-way traffic where no parking occurs or where necessary to provide sufficient landscape area around a preserved tree.
- (4) Parking lots containing more than five (5) rows of parking in any configuration shall provide a row identification system to assist patrons with the location of vehicles, and internal circulation shall be designed to minimize potential for conflicts between vehicles and pedestrians.
- (5) Tandem parking configurations are only permitted on residential properties, unless approved as part of a valet parking plan or for a change of use within an existing building.
- (6) Curbs, wheel stops, or parking stops shall be provided next to sidewalks.
 - (i) *Parking space requirements.* Where existing uses, which do not provide the required number of off-street parking spaces as set forth within this paragraph are replaced with similar uses (such as a restaurant replacing a restaurant), with no expansion in size or increase in number of seats, additional parking shall not be required. Any increase in floor area or expansion in building size, including the addition of seats shall require provision of additional parking for such increase or expansion.

CITY OF ATLANTIC BEACH\OFF-STREET PARKING REQUIREMENTS

USE	MINIMUM PARKING REQUIRED
RESIDENTIAL USES	
Multi-family residential uses within commercial zoning districts	
Studio/one-bedroom	One (1) space per unit
Two-bedroom	One and one-half (1½) space per unit
Three-bedroom or more	Two (2) spaces per unit
Rooming and boardinghouses	One (1) space for each guest bedroom
All other residential uses	Two (2) spaces per dwelling unit
COMMERCIAL/OFFICE USES	
Auditoriums, theaters or other places of assembly	One (1) space for every four (4) seats or seating places

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Bowling alleys	Four (4) spaces for each alley
Hotels and motels	One (1) space for each sleeping unit plus spaces required for accessory uses such as restaurants, lounges, etc., plus one (1) employee space per each twenty (20) sleeping units or portion thereof
Medical office or dental clinic	One (1) space for each two hundred (200) square feet of gross floor area
Marinas	One (1) space per boat slip plus spaces required for parking accessory uses such as office
Restaurants, bars, nightclubs	One (1) space for each four (4) seats. Any outdoor seating where service occurs shall be included
Financial institutions	One (1) space for each three hundred (300) square feet
Truck/trailer rental	One (1) space for each two hundred (200) square feet, five (5) spaces minimum
Minor automotive service, major automotive repair	Two (2) spaces for each service bay (service bay is not a parking spot)
Retail, office, or service uses not otherwise specified	One (1) space for each four hundred (400) square feet of gross floor area
INDUSTRIAL USES	
Light assembly and fabrication, manufacturing - heavy, printing, engravings and related reproductive services	One (1) space for each five hundred (500) square feet
Mini-warehouse	Three (3) spaces, plus one (1) for each one hundred (100) units
Outside storage	One (1) space for each two thousand (2,000) square feet of designated site area
Warehouse/storage (inside)	One (1) space for each one thousand (1,000) square feet
INSTITUTIONAL AND COMMUNITY SERVICE USES	
Assisted living, senior care and similar housing for the elderly where residents do not routinely drive or maintain vehicles on the property	One (1) space for each four (4) occupant accommodations
Churches, temples or places of worship	One (1) space for each four (4) seats or seating places
Clubs or lodges	One (1) space for each four (4) seats or seating places or one (1) space for each two hundred (200) square feet of gross floor area, whichever is greater
Hospitals, clinics and similar institutional uses	One and one-half (1½) spaces for each hospital bed

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Libraries and museums	One (1) space for each five hundred (500) square feet of <u>gross floor area</u>
Mortuaries, funeral homes	One (1) space for each four (4) seats or seating spaces in chapel plus one (1) space for each three (3) employees
Schools and educational uses	a. Elementary and middle high schools: Two (2) spaces for each classroom, office and kitchen
	b. Senior high schools: Six (6) spaces for each classroom plus one (1) space for each staff member
Vocational, trade and business schools	One (1) space for each three hundred (300) square feet of <u>gross floor area</u>
Child care facilities	One (1) space for each four hundred (400) square feet of <u>gross floor area</u> , plus one (1) paved off-street pedestrian loading and unloading space for an automobile on a through, "circular" drive for each ten (10) students cared for (excluding child care in a residence). An additional lane shall also be required to allow pass by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas.
Spa, gym, health club and school for the fine or performing arts or martial arts	One (1) space for each three (3) seats or one (1) space for each one hundred (100) square feet, <u>whichever is greater</u>
Community center, government uses, building, or facility	One (1) space for each three hundred (300) square feet
Hospice	One (1) space for each six (6) beds, and one (1) space for each employee on the largest shift
Emergency ambulance service	One (1) space for each three hundred (300) square feet and one (1) space for each seven hundred and fifty (750) square feet of site area
* Please refer to section 24-161(g) for parking reductions	
** Please refer to section 24-161(e) for uses not specifically mentioned.	

Table 4 Off-Street Parking Requirements

- (j) *Off-street loading spaces.* Off-street loading and delivery spaces shall be provided that are adequate to serve the use such that interference with routine parking, pedestrian activity and daily business operations is avoided. Where possible, loading and delivery areas should be located at the rear of a site and shall not be required to back into a public right-of-way.

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These off-street loading spaces shall be not less than ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The length of one (1) or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated.

- (k) *Additional requirements for multi-family residential uses.* New multi-family residential development shall provide adequate area designated for parking of routine service vehicles such as used by repair, contractor and lawn service companies. For new multi-family development located east of Seminole Road, three (3) spaces per dwelling unit shall be required in order to accommodate increased parking needs resulting from beach-going visitors.
- (l) *Bicycle parking.* All new development including any redevelopment or expansion that requires any change or reconfiguration of parking areas, except for single- and two-family residential uses, shall provide bicycle parking facilities on the same site, in accordance with the following:
 - (1) Bicycle parking facilities shall be separated from vehicular parking areas by the use of a fence, curb or other such barrier so to protect parked bicycles from damage by cars.
 - (2) Bicycle parking facilities shall provide the ability to lock or secure bicycles in a stable position without damage to wheels, frames or components.
 - (3) Bicycle parking shall be located in areas of high visibility that are well-lighted.
 - (4) Required bicycle parking shall be located no more than fifty (50) feet from the doors and entryways typically used by residents or customers for access to a building, not to include doors intended to be used solely as delivery doors or emergency exits.
 - (5) Bicycle parking shall be provided at a rate of one (1) bicycle parking space for every ten (10) required vehicle parking spaces plus two (2) additional bicycle parking spaces. When computations result in requirement of a fractional space, a fraction equal to or more than one-half ($\frac{1}{2}$) shall require a full space.
 - (6) All required bicycle parking for multi-family residential uses shall be located under or within a covered structure or structures.
 - (7) Bicycle parking shall be located so as to not interfere with pedestrian movement and with adequate clearance to give cyclists room to maneuver. An unobstructed pedestrian aisle at least four (4) feet wide shall be provided.
 - (8) Each bicycle parking space shall be sufficient to accommodate a bicycle at least six (6) feet in length and two (2) feet wide.
 - (9) Each bicycle rack shall be located at least three (3) feet from another bicycle rack or from a wall.
- (m) *Illumination values for parking areas.* Illumination values at the property line of a new commercial or industrial development or redevelopment shall not be more than 0.2 fc at any point when a project is located next to any residential use or residentially zoned property. The illumination values at the property line of a project adjacent to any other use shall not be more than 1.0 fc. Compliance with these criteria shall not be required between two (2)

EXHIBIT A

adjacent nonresidential properties of like zoning or use classification provided that the properties are under the same ownership or have common parking areas or driveways.

At canopied areas, such as those found at drive-through facilities, gas stations, convenience centers, and car-washes, lighting under the canopy, awning, porte cochere, or similar structure shall be either recessed or cut-off fixtures.

The city may require a lighting plan in order to determine compliance with this section.

- (n) *Valet parking.* Valet parking does not require individual striping and may take into account the tandem or mass storage of vehicles. Non-residential developments may utilize valet parking subject to the following:
- (1) Submission and approval of a site plan that includes the layout and dimensions of the parking spaces and drive aisles showing sufficient parking and maneuverability for a variety of passenger automobiles, motor vehicles, and light trucks.
 - (2) The dimensions of valet parking spaces may be reduced to seven and one-half (7 ½) feet stall width by eighteen (18) feet stall length.
 - (3) Valet parking spaces shall be provided on-site, unless included in a shared parking agreement approved by the city.
 - (4) An on-site drop off area that does not block public right-of-way for vehicles using the valet parking service shall be provided.
 - (5) If the valet parking plan includes parking spaces that are required to meet the applicable minimum parking requirements, the valet parking service must be provided for those parking spaces during all operating hours of the use.
 - (6) The valet parking service shall not utilize public parking spaces.
 - (7) Changes to a parking lot or facility with valet parking that are changed to be self-parking shall require a revised site plan and shall meet the minimum parking requirements of this section.

(Ord. No. 90-24-253, § 3(Exh. A), 10-14-24)



MINUTES
Community Development Board (CDB) Meeting
Tuesday, August 26, 2025 - 6:00 PM
City Hall, Commission Chamber
800 Seminole Road, Atlantic Beach, FL 32233

Present: Kirk Hansen, Chair
Ellen Golombek, Vice Chair
Angela Farford, Member
Harold Gear, Member
Richard Arthur, Member
Jeff Haynie, Member
Gregory (Greg) Beliles, Alternate Member

Absent: Jennifer Lagner, Member

Also Present: Amanda Askew, Neighborhoods Department Dir. (NDD)
Abrielle Genest, Principal Planner (PP)
Valerie Jones, Recording Clerk
Rob Graham, City Attorney (CA)

1. CALL TO ORDER AND ROLL CALL

Chair Hansen called the meeting to order at 6:00 p.m.

2. APPROVAL OF MINUTES

A. Approve minutes of the July 15, 2025 regular meeting of the Community Development Board.

The minutes were approved.

3. OLD BUSINESS

There was no new business.

4. NEW BUSINESS

A. 2127 Beach Avenue ZVAR25-0015 (Stephanie Gallagher and Kevin Partel)
Request for a variance to Section 24-151(a) to build an accessory use prior to having a principal use and Section 24-157(b)(5) to exceed the maximum height for a retaining wall and the minimum 40 feet separation between retaining walls at 2127 Beach Avenue.

Principal Planner Abrielle Genest presented the request for a variance from Section 24-151(a) to build an accessory use prior to having a principal use and Section 24-157(b)(5) to exceed the maximum height for a retaining wall and the minimum 40 feet separation between retaining walls at 2127 Beach Avenue.

Community Development Board (CDB)
August 26, 2025

Genest explained that the property is located on the north end of Beach Avenue in the residential multifamily general zoning district. It is oceanfront, 75 feet wide and 182 feet deep. She noted "the previous home was demolished in 2018. It has since sat vacant." The applicant is proposing to reconstruct the existing bulkhead and build a new wood deck cantilevered over the bulkhead before constructing the single-family home.

The existing bulkhead was built in the early 2000s and permitted through DEP, though a variance was not obtained at that time. Genest explained the first request relates to Section 24-151(a), which states "accessory uses and structures are permitted within any zoning district where the accessory uses or structures are clearly ancillary in connection with and incidental to the principal use allowed within that zoning district." Since the deck would be constructed before the single-family home, a variance is required.

The second request involves the bulkhead height. The code limits retaining walls to 4 feet with a minimum 40-foot separation between walls. The existing bulkhead is 7 feet high, and there's a buried seawall 9 feet away from it. Genest stated: "So the applicant is requesting to reduce that separation from 40 feet to 9 feet."

Richard Arthur inquired about what it would look like to meet code requirements. Genest responded that "if they had to come into compliance with the code, we would only allow maximum retaining wall height of 4 feet, so that would require some additional grading of the lot."

When asked if replacement calls for sheet pile metal, Genest indicated she believed the engineering plans in the application would show those details.

The Chair declared no ex parte communications from board members.

Applicant representative Stephanie Gallagher, a planner representing the Fergusons, explained that the homeowners purchased the property at the end of last year with plans to build a new home. She stated: "First thing they thought they should do is replace that wall and deck. It's a little dilapidated."

Gallagher argued that starting with the bulkhead made logical sense from a building standpoint, noting "the rules were there. It was interpreted differently." She explained that when municipalities "lump walls and fences together with bulkheads and retaining walls, you're almost always going to have a huge drop off on the other side or at least some sort of grade variation."

Regarding the deck, Gallagher said: "I mean, we don't have to do the deck now. It kinda made sense to do it with the wall, so that's something we could, you know, do later. I think we were surprised that a deck is seen as an accessory use." She emphasized that the lots in the area "slope up to about 20 feet" and they're trying to maintain the existing grade.

When asked why build the deck before the principal structure, Gallagher explained: "From the builder's perspective, starting at the back of the lot and getting this replaced

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first and then building the house farther back made sense." She also noted concerns about knowing the site layout and grading before planning the home.

On the height variance, a board member asked why not grade down when excavating. Gallagher responded that there's a code requirement not to significantly change the grade, and that lowering would make this property lower than adjacent properties which are also at about 20 feet elevation. She emphasized that Atlantic Beach stormwater regulations would require them to "retain all the runoff on-site, likely in some sort of underground containment."

During the courtesy of the floor, several neighbors spoke in opposition:

Brent Swindle stated: "I'm not trying to shut anybody down. Someone just paid \$6 million for a lot. Like, I get it. You wanna build your house by all means. All I'm asking is can there's a reason for the code. Can we bring it to code?" He expressed concerns about the property already sitting "significantly higher than ours" with existing runoff issues, asking "if there's a code and I know Atlantic Beach is very stringent on code. If there's a code, why aren't we sticking to it?"

Jennifer Moreno, who lives directly behind the property, described having to spend "over 6 figures in our backyard" due to drainage issues from the higher elevation. She stated: "that property that is all the same height dropped right down into our property, which is 6 feet lower. And so we're just sitting there waiting to drown." She noted ongoing erosion issues because the property "was left unkempt. Everything's overgrown, and it's constantly blowing and damaging our backyard."

Megan Timke of Seminole Road raised concerns about precedent, stormwater runoff, erosion to the beach, and habitat for gopher tortoises. She stated: "We have our rules in place for a reason, and we need our citizens to follow those rules. We grant the severity, what's next? Who else is gonna come for what reason?"

Andrew Thomas from Ocean Village condos stated: "Building codes exist so that all residents can enjoy Atlantic Beach equally. Granting variances to those codes restricts others' rights to that mutual enjoyment." He described his small 10x30 foot backyard immediately adjacent to the property, noting the overgrown foliage has caused his fence to nearly fall. He asked the city to "postpone the approval of variances until a study can be done to look at the consequences of the requested changes."

Board discussion was extensive. One member struggled with the fact that the bulkhead was previously approved in 2002 and 2006, asking "how can you physically meet that code?" Another member expressed similar concerns about conflicting evidence regarding property elevations and potential impacts to neighbors.

A board member noted: "If they're sitting up with it, effectively, a 7 foot wall today, and the variance is not granted and they have to drop it to 4, and then the DEP says you can't do that, then the homeowner's stuck."

Angela Farford stated: "I have no problem with those variances. I understand these

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concerns, but those are not concerns for us today."

Ellen Golombek suggested the applicant withdraw and resolve outstanding issues, saying: "Stormwater retention doesn't resolve all the issues. There's still runoff that goes into neighbors' yards no matter how much retention what kind of a retention pond you put in."

Chair Hansen weighed in: "There's a 7 foot wall there right now, and they're what they wanna do is retain that wall. So they're not changing topographically anything." He noted seeing a berm between properties and stated: "I feel like if we say they can't do that, it's a little bit ex post facto here. You're changing the law and saying you can't do this because we changed the law on you."

MOTION: After extensive debate, the board voted on the requests separately:

For the retaining wall variance:

To **approve ZVAR 25-0015** with regards to the retaining walls based on "onerous effects of regulations enacted after platting or after development of the property or after construction of improvements upon the property."

Motion: *Richard Arthur*

Second: *Harold Gear*

Kirk Hansen

For

Ellen Golombek

Against

Angela Farford

For

Harold Gear (Seconded By)

For

Richard Arthur (Moved By)

For

Jeff Haynie

For

Gregory (Greg) Beliles

For

Motion passed 6 to 1.

MOTION: For the accessory use (deck) variance:

To **deny ZVAR25-0015** for the request for variance of 24-151(a) to build an accessory use prior to having a principal use.

Motion: *Harold Gear*

Second: *Richard Arthur*

Kirk Hansen

Against

Ellen Golombek

For

Angela Farford

For

Harold Gear (Moved By)

For

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Richard Arthur (Seconded By)
Jeff Haynie
Gregory (Greg) Beliles

For
Against
For

Motion passed 5 to 2.

B. 644 Beach Avenue ZVAR25-0014 (Michael Sittner)

Request for a variance from Section 24-108(e)(1) to exceed the front yard setback and Section 24-82(b)(1) to exceed the maximum front yard projection to build a new single-family home at 644 Beach Avenue.

Principal Planner Abrielle Genest presented a request for a variance from Section 24-82(b)(1) to exceed the maximum front yard projection to build an open porch at 644 Beach Avenue.

Genest explained the property is located on the west side of Beach Avenue in the residential general two-family zoning district with a single-family home currently on the property. The lot is 50 feet wide by 78 feet deep. She noted: "This property was developed in 1923, and this was prior to the adoption of the land development regulations." The current first floor setback is 5 feet from the front property line, and the second-floor setback is 0 feet with an enclosed sunroom projection. The required front yard setback is currently 20 feet.

Originally, the applicant proposed to completely demolish the structure, but Genest explained: "They have since revised their scope of work, and now they're planning to preserve the first floor, take it down to the framing, demolish the second floor, and do additions." Since they're keeping the first floor, they're not abandoning the nonconformity and remain legal nonconforming with their setbacks.

The request is to construct a second-story porch that projects beyond the maximum allowable 4-foot projection. The applicant is requesting to build this second story projection to the front of the first story, 5 feet from the front property line. Genest showed graphics indicating the existing second story in red, proposed additions in blue (meeting the 20-foot setback), and the variance area in green where they want the open balcony at 5 feet instead of the allowed 16 feet.

Board member Richard disclosed ex parte communication: "The agent reached out to me before the packet went out and just asked if I was aware of this. I hadn't seen it yet, and we just discussed the year built and the size of the lot."

Applicant Michael Sittner explained they decided to keep the main framing for the first floor "because we wanted a stronger application, really trying to abide by the zoning code as best as we can." He emphasized the property was built in 1923 on a 0.09-acre lot that's only 80 feet deep and 50 feet wide. He argued they meet criteria 4 and 5 for the variance: "onerous effect of regulations adopted after platting or development" and "substandard size of a lot of record." He noted: "The 20-foot setback as in current code is based on a minimum hundred foot depth lot. We're at 80 feet."

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When asked about expanding the first floor, Sittner clarified: "We're not expanding the first-floor footprint." Regarding the pool, he confirmed it would be removed but they would abide by rear setback requirements.

During public comment, Jamie Buckland of 327 Fifth Street spoke in favor, sharing memories of sitting on front porches in his hometown in Virginia. He stated: "It appears to me that what the applicant is simply trying to do is take an enclosed, albeit not compliant in today's standards with the setbacks, but take an enclosed room and turning it into a front porch, which is, I think, lovely and exactly what we need to be promoting in this neighborhood."

Matthew Bruce of 525 Beach Avenue, who lived next door to the property for 4 years, also spoke in favor: "It's really been a bunker. So we closed in the ugly, never been taken care of." He explained they're trying to "get rid of the ugly porch in the front, get rid of the parking that you see right now where the car can park out over the actually, the driveway and the walkway areas, and then to make it look like a better place."

Board discussion was brief and supportive. One member noted: "I think it's a less intense use ask. I think if you look at trying to tear down a 50 by 80 or try to build new on a 50 by 80, there'd be a lot more variance requests to meet setbacks." Another agreed it was "making it better, not worse. It's open air. It's not enclosed."

MOTION: To approve ZVAR25-0014 on the grounds of substandard size of lot of record warranting a variance in order to provide for the reasonable use of property.

Motion: *Harold Gear*

Second: *Jeff Haynie*

Kirk Hansen

For

Ellen Golombek

For

Angela Farford

For

Harold Gear (Moved By)

For

Richard Arthur

For

Jeff Haynie (Seconded By)

For

Gregory (Greg) Beliles

For

Motion passed 7 to 0.

C. 1804 Selva Grande Drive ZVAR25-0017 (Katherine Cole)

Request for a variance to Section 23-51 and 23-52 to reduce the required tree mitigation for an after the fact permit at 1804 Selva Grande Drive based on an inaccurate arborist letter.

Principal Planner Abrielle Genest presented a request for variance from Sections 23-51 and 23-52 to reduce the required tree mitigation for an after-the-fact permit at 1804 Selva Grande Drive based on an inaccurate arborist letter.

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The property is located on the corner of Saturiba Drive and Selva Grande Drive in the residential Selva Marina zoning district. The lot is 110 feet wide by 130 feet deep. Genest explained that Chapter 23 was created "with the purpose of enhancing, conserving, restoring, protecting, and preserving the natural environment."

The code requires a permit for removal of any tree 8 inches or greater in diameter at breast height. The property owner hired a company in 2024 that produced two letters stating trees were diseased and removed them without a permit - one 25-inch water oak and one 9-inch hickory. Genest explained: "When we looked at the letters that were provided by the tree company, we did find that it did not meet the state statute exempting it from a permit. Additionally, we did reach out to the arborist named on the report, and he did confirm with staff that he did not write the letter."

Because regulated trees removed in violation require double mitigation, the 25-inch water oak requires 59 inches of mitigation and the 9-inch hickory requires 9 inches, totaling 68 inches or \$10,200. The applicant is requesting to reduce this to the standard ratio of 29.5 inches or \$4,425.

Jeff Haynie asked about the timeline and process. Genest confirmed staff was on the property the day trees were being removed after likely receiving a neighbor complaint about an out-of-town tree service.

Another member asked: "Do you know when that letter was produced, this RP Arbor reports that were found to be fraudulent?" Genest indicated it was produced within the same week of removal, with dates around March 29, 2024.

Applicant representative Stella, who owns a pool company hired by the Coles to build a pool, explained Mrs. Cole couldn't attend with her three young children and Mr. Cole is a pilot out of town. She stated: "They assumed that their arborist letter was accepted." She noted the original issue came back to light when filing for permits to remove trees for the pool project.

Stella emphasized: "The Coles were not trying to pull a fast one. Someone came out and gave them an arborist letter and told them that if you had an arborist letter, a permit wasn't required." She described the tree company as fraudulent, noting they "totally disappeared" when the Coles tried to contact them. With the pool project requiring removal of 8 cabbage palms, the total mitigation would be \$21,000. She argued: "To plant more trees on their yard is a little bit of the hardship because if you notice the picture of their yard, they have 62 trees on their property."

Board discussion focused on the limited grounds for granting tree variances. One member stated: "None of the criteria meet. They want to get their money back. They need to go talk to the politicians."

Jeff Haynie expressed sympathy but noted: "I don't think there are grounds to grant this. I also think this is not the result that the commission intended or that the code, you know, is there for. I don't think it's the goal to punish somebody like this." He wished the commission would consider adding broader variance grounds, noting these grounds "are very, very limited and are not gonna apply to people like this and probably

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others."

Ellen Golombek suggested: "I would recommend the applicant withdraw the application and go back and resolve some of these outstanding issues."

Chair Hansen offered a different perspective: "These people aren't trying to get out of paying any mitigation. They're prepared to pay the mitigation for the trees... somebody did them wrong... When somebody comes up from South Daytona and starts preying on our citizens here, I wanna protect them."

MOTION: To deny ZVAR 25-0017 as there are no criteria met.

Motion: *Harold Gear*

Second: *Jeff Haynie*

Kirk Hansen

Ellen Golombek

Angela Farford

Harold Gear (Moved By)

Richard Arthur

Jeff Haynie (Seconded By)

Gregory (Greg) Beliles

Against

For

For

For

Against

For

For

Motion passed 5 to 2.

D. Stormwater Text Amendment Change

ORDINANCE NO. 90-25-257: An Ordinance of the City of Atlantic Beach, County of Duval, State of Florida, Hereby amending the Land Development Regulations as adopted by Ordinance Number 90-24-253, including all amendments thereto; this ordinance specifically amending Section 24-89, Stormwater, Drainage, Storage and Treatment requirements, providing recordation and providing an effective date.

Director Amanda Askew presented proposed changes to stormwater regulations. She explained the Community Development Board had previously recommended different language, but the Commission felt removing on-site stormwater requirements entirely before the stormwater study was completed was premature. The proposed compromise would delete the 400 square foot trigger and add a trigger for anything over 35% impervious requiring on-site stormwater for the difference between 35% and 45%.

Askew noted a potential issue: "If you come in and you have you're wanting to add a shed and the shed is a hundred square feet, you technically would have to have storm water requirements for that hundred square feet."

Board discussion was critical of the proposed language. Richard Arthur asked about the level 3 alteration definition, concerned it could trigger stormwater requirements for interior renovations. One member worried: "If you put in new flooring in the house,

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would that be a hundred percent of the house?"

Jeff Haynie stated: "I mean, I would say 3 times this board has recommended removal of the entire ordinance and, you know, 2 from this board and 1 from a completely different board makeup." He noted staff wanted to keep requirements while acknowledging the 35% came from "legend and folklore" of original city maximums. He emphasized: "You know, as the planner set out here, we're the only city, which I think there's 7 out of 411 that have this for residential."

Chair Hansen expressed frustration: "Do we have to say this at all? We've got 45 percent impervious surface ratio. As long as we're 45 percent, why don't we just get on with life?" He added: "All we're doing is making it more difficult and saying, if you wanna add on, we're not even gonna let you have 45 percent. We're not even gonna let you have 35 percent. It's like, come on. That's just silly."

Jeff Haynie warned: "I'm afraid it's becoming kind of a Frankenstein if we just keep on adding." Another member agreed: "Basically, you've got a trigger at 35 now where before you could have been at 35. And you added 400, and it put it into 40. But now all of a sudden, with this one, it's making it more over."

MOTION: To recommend to the City Commission that they remove Section (c)1 in its entirety.

Motion: *Harold Gear*

Second: *Jeff Haynie*

Kirk Hansen

For

Ellen Golombek

Against

Angela Farford

Against

Harold Gear (Moved By)

For

Richard Arthur

For

Jeff Haynie (Seconded By)

For

Gregory (Greg) Beliles

For

Motion passed 5 to 2.

E. Shared Parking Text Amendment Change

ORDINANCE NO. 90-25-258: An Ordinance of the City of Atlantic Beach, County of Duval, State of Florida, Hereby amending the Land Development Regulations as adopted by Ordinance Number 90-24-253, including all amendments thereto; this ordinance specifically amending Section 24-161, Off-street Parking and Loading, providing recordation and providing an effective date.

Director Amanda Askew presented proposed language to allow on-site shared parking, noting this arose from the 42 East Coast variance request. The proposed text would establish procedures for on-site shared parking when two or more uses on the same

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parcel would utilize spaces at different times.

Chair Hansen questioned why not simply add "on-site" to the existing off-site shared parking provisions. Discussion revealed the off-site provisions were minimal - just stating parking may be permitted on property other than where the use is located.

Board members debated whether to combine on-site and off-site provisions. Richard noted the language refers to "the same parcel" which wouldn't work for off-site. The attorney explained: "The whole purpose of this language is to allow for on-site shared parking, and this is what this accomplishes."

One member expressed concern about the provision that businesses must stop operating if shared parking is lost, asking "What about a 30 day grace period?" Askew suggested most agreements would have termination clauses built in.

Another member worried: "This says that they could also use those spaces. Am I reading that incorrectly?" regarding multiple businesses sharing the same spaces. She suggested limiting on-site shared parking to just two businesses rather than multiple.

Director Askew warned: "Staff has grave concerns, and that would be tracking this over time. And as businesses ebb and flow, I mean, it would be difficult to track." She noted it would be challenging to monitor when businesses change or new tenants arrive.

After extensive debate about enforcement challenges and potential for abuse, one member stated: "As much as I hate to have resources wasted, which I think our resources are wasted when you have an opportunity for temporally sharing things, I see the Pandora's box of trying to manage this."

MOTION: To recommend adoption of the suggested language for Section 24-161(g)(3) as presented.

Motion: Jeff Haynie
Second: Richard Arthur

<i>Kirk Hansen</i>	<i>For</i>
<i>Ellen Golombek</i>	<i>For</i>
<i>Angela Farford</i>	<i>For</i>
<i>Harold Gear</i>	<i>Against</i>
<i>Richard Arthur (Seconded By)</i>	<i>For</i>
<i>Jeff Haynie (Moved By)</i>	<i>For</i>
<i>Gregory (Greg) Beliles</i>	<i>For</i>

Motion passed 6 to 1.

5. REPORTS

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A. Backyard Hen Discussion

Director Amanda Askew explained that Commissioner Ring asked the city manager to look at potentially allowing backyard hens on duplexes and townhomes. Currently, code only allows them on single-family homes. Research showed most municipalities require single-family homes and/or minimum lot sizes.

When asked about current permits, Director Askew confirmed there are 5 permits for hens in the city. There is no lot size minimum currently, though other cities like Neptune Beach and Jacksonville Beach require 5,000 square feet minimum.

Richard Arthur disclosed he has permit number 3. Board consensus was to keep regulations as-is. One member stated: "I don't think multifamily dwellings or duplexes or townhomes, that's infringing on... There's no setbacks with those homes." Another agreed about West Atlantic Beach having "small lots, duplexes."

The board reached consensus to report back to the City Commission that they don't think the regulations should be extended to townhouses and that the code should remain as is, restricting hens to single-family homes, due to concerns about space limitations and potential conflicts with neighbors on smaller lots and in multi-family settings.

6. PUBLIC COMMENT

Their was no public comment.

7. ADJOURNMENT

There being no further discussion, Chair Hansen declared the meeting adjourned at 7:53 p.m.

Attest:

Amanda Askew

Kirk Hansen, Chair

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