



## PROPOSED LAND DEVELOPMENT CODE AMENDMENT

### PROPOSED AMENDMENT

INTRODUCED BY:	Planning & Economic Opportunity Dept.
REQUESTED ACTION:	<b>AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, AMENDING ARTICLE 6 OF THE LAND DEVELOPMENT CODE, GENERAL REGULATIONS; TO ADD SECTION 6.04, BUILDING AND STRUCTURE HEIGHT CALCULATION; AMENDING ARTICLE 9 OF THE LAND DEVELOPMENT CODE, RESIDENTIAL SINGLE-FAMILY (RS-1 AND RS-2); SPECIFICALLY SECTION 9.07, SPECIAL REQUIREMENTS (BUILDING HEIGHTS IN THE UNINCORPORATED AREAS OF AMELIA ISLAND); AMENDING ARTICLE 13 OF THE LAND DEVELOPMENT CODE, RESIDENTIAL GENERAL-2 (RG-2); SPECIFICALLY SECTION 13.06, BUILDING RESTRICTIONS; AMENDING ARTICLE 16 OF THE LAND DEVELOPMENT CODE, COMMERCIAL, GENERAL (CG); SPECIFICALLY SECTION 16.07, BUILDING RESTRICTIONS; ARTICLE 17 OF THE LAND DEVELOPMENT CODE, COMMERCIAL INTENSIVE (CI); SPECIFICALLY SECTION 17.07, BUILDING RESTRICTIONS; AMENDING ARTICLE 19 OF THE LAND DEVELOPMENT CODE, COMMERCIAL, PROFESSIONAL OFFICE (CPO); SPECIFICALLY SECTION 19.06, BUILDING RESTRICTIONS; AMENDING ARTICLE 20 OF THE LAND DEVELOPMENT CODE, INDUSTRIAL WAREHOUSE (IW); SPECIFICALLY SECTION 20.07, BUILDING RESTRICTIONS; AMENDING ARTICLE 21 OF THE LAND DEVELOPMENT CODE, INDUSTRIAL HEAVY (IH); SPECIFICALLY SECTION 21.07, BUILDING RESTRICTIONS; AMENDING ARTICLE 22 OF THE LAND DEVELOPMENT CODE, OPEN RURAL (OR); SPECIFICALLY SECTION 22.06, BUILDING RESTRICTIONS; AMENDING ARTICLE 23 OF THE LAND DEVELOPMENT CODE, GOVERNMENT/PUBLIC USE (GPU); SPECIFICALLY SECTION 23.06, BUILDING RESTRICTIONS; AMENDING ARTICLE 24 OF THE LAND DEVELOPMENT CODE, RECREATION AND OPEN SPACE (ROS); SPECIFICALLY SECTION 24.04, DEVELOPMENT RESTRICTIONS; AMENDING ARTICLE 32 OF THE LAND DEVELOPMENT CODE, DEFINITIONS; TO REVISE THE DEFINITIONS FOR <i>BUILDING HEIGHT</i> AND <i>GRADE</i>, AND TO ADD A DEFINITION FOR <i>NATURAL GRADE</i>; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.</b>

\*\*\* All required notices have been made. All copies of required materials are part of the official record and have been made available on the County's website and at the Planning + Economic Opportunity Department Office. \*\*\*

### SUMMARY OF REQUEST AND BACKGROUND INFORMATION

The draft ordinance summarized above revises height limitations in various zoning districts, to generally mirror similar regulations of the City of Fernandina Beach (CoFB). Staff presented height limits as a discussion item at the PZB's August 25, 2020 and December 1, 2020 meetings. At the December 7, 2020 meeting the BoCC directed Staff to bring back an ordinance to amend LDC height restrictions in unincorporated zoning districts on Amelia Island that are similar to the CoFB. Since that time Staff has reviewed CoFB standards and similar requirements in other Florida jurisdictions to propose an approach that emulates CoFB height and adjusts/levels future building height by decreasing condo/multi-family height, slightly increasing commercial building height, and measuring height from the often-lower natural grade/road crown.

#### CoFB and County Height Limits



The following tables provide the current zoning district height limits.

Table 1: Current Unincorporated Nassau County Zoning District Height Limits

Zoning Districts		Max. Height
<i>Open Use (Rural) Districts</i>		
OR	Open Rural	45'
<i>Residential Districts</i>		
RS-E	Residential, Single-Family Estate	35'
RS-1	Residential, Single-Family 1	35'
RS-2	Residential, Single-Family 2	35'
RM	Residential, Mixed	35'
RT	Residential, Townhouses	35'
RG-1	Residential, General 1	35'
RG-2	Residential, General 2	85' or 7 stories
RMH	Residential, Mobile Homes	35'
<i>Commercial Districts</i>		
CPO	Commercial, Professional and Office	35'
CN	Commercial, Neighborhood	35'
CG	Commercial, General	40'
CI	Commercial, Intensive	40'
CHT	Commercial, Highway and Tourist	40'
<i>Industrial Districts</i>		
IW	Industrial, Warehouse	45'
IH	Industrial, Heavy	45'
IP	Industrial Park	No max
<i>Public Use Districts</i>		
GPU	Government/Public Use	60'
ROS	Recreation Open Space	No max
<i>American Beach Zoning Districts</i>		
RS-2AB	Residential, Single-Family 2 American Beach	35'
RG-1AB	Residential, General 1 American Beach	35'
CN-AB	Commercial, Neighborhood American Beach	35'
CG-AB	Commercial, General American Beach	35'
<i>Judicial Center Districts</i>		
RJ	Residential, Judicial	45'
CJ	Commercial, Judicial	40'
<i>William Burgess District Transects</i>		
T-1	Natural Zone	0'
T-1.5	Agriculture & Open Space Zone	3 stories
T-2	Rural Zone	3 stories
T-2.5	Rural Transitional Zone	3 stories
T-3	Suburban Zone	3 stories
T-3.5	Urban Transition Zone	3 stories
T-4	Urban Edge-Urban General Zone	4 stories



Zoning Districts		Max. Height
T-4.5	Urban Corridor Zone	6 stories
T-5	Urban Center Zone	6 stories

Table 2: CoFB Current Zoning District Height Limits

Zoning District			Zoning District		
Maximum Building Height			Maximum Building Height		
Residential & Mixed-Use Zoning			Nonresidential Zoning		
RE	Residential Estate	35'	C-1	Community Commercial	45'
R1-G	Residential Golf	35'	C-2	General Commercial	45'
R-1	Low Density Residential	35'	C-3	Central Business District	45'
RLM	Low-medium Density Residential	35'	I-1	Light Industrial	45'
R-2	Medium Density Residential	35'	I-2	Heavy Industrial	45'
R-3	High Density Residential	45'	I-A	Industrial Airport	45'
OT-1	Old Town Historic District One	35'	I-W	Waterfront Industrial	35'
OT-2	Old Town Historic District Two	35'	W-1	Waterfront Mixed Use	None
MU-1	Mixed Use	35'	PI-1	Public Institutional	45'
MU-8	8 <sup>th</sup> St. Small Area Mixed Use	45'	CON	Conservation	25'
			REC	Recreation	25'

Table 3: Comparison of County and CoFB Zoning Height Regulations

County Zoning Districts	Maximum Height	Equivalent CoFB Zoning Districts	Maximum Height
Open Rural Districts	45'	N/A	N/A
Residential Districts (except RG-2)	35'	35'	35'
RG-2 (Multi-Family)	85 or 7 stories	R-3	45'
"Light" Commercial Districts (CN & CPO)	35'	OT-1, OT-2, MU-1	35'
More Intensive Commercial Districts (CG, CI, & CHT)	40'	C-1, C-2, C-3, MU-8	45'
Industrial Districts	45'	I-1, I-2, I-A, I-W	45'
Industrial Park (IP)	No limit	N/A	N/A
N/A	N/A	I-H	No limit
Gov't/Public Use	60'	PI-1	45'
Recreation Open Space (ROS)	No limit	REC, CON	25'

County residential zoning districts on Amelia Island have a maximum building height of 35', except for RG-2 (Residential, General), which goes up to 85' and 7 stories (only for multi-family uses, which are condominiums and apartment buildings). County nonresidential zoning districts are 35' for the less intensive CPO (Commercial Professional Office) and CN (Commercial Neighborhood) zoning districts and 40' for the more intensive CG (Commercial General), CI (Commercial Intensive), and CHT (Commercial



Highway Tourist) zoning districts. A 45' height limit applies to IW (Industrial Warehouse) and IH (Industrial Heavy) zoning, while IP (Industrial Park) zoning has no height limitation.

The CoFB also has a 35' height limit for residential districts, except the R-3 district allows up to 45' in height (CoFB R-3 zoning is generally comparable with the County's RG-2 zoning). A CoFB zoning standard currently not employed by the County limits building height to 35' within 1,000 feet landward of the Coastal Construction Control Line (CCCL). The CCCL runs parallel to the Atlantic shoreline, generally following the landward edge of the primary dune line.

The following County building height changes are proposed.

*Table 4: Proposed County Zoning Height Changes*

County Zoning District	Current standard	Proposed Standard
RG-2 (multi-family only)	85' max. height	45' max. height
CPO	35' max. height	45' max. height
CG	40' max. height	45' max. height
CI	40' max. height	45' max. height
GPU	60' max. height	45' max. height
ROS	None	25' max. height
All zoning districts: 1,000 of landward of CCCL	N/A	35' max. height
Height measurement	From finished grade	From lower of natural grade or road crown

#### CoFB and County Measurement of Height

The CoFB measures building height from natural grade, except when FEMA requires a higher finished floor elevation (FFE) for properties in flood zones. The County allows the measurement of height from finished/average grade. The finished grade is determined by averaging ground level at each of four corners of the structure, six feet away from the building wall. In areas with elevation changes, fill can be used to rise several feet above the natural grade, with the only limit to fill being a stormwater standard enforced by Engineering Services which requires stormwater to mostly be stored on the property. This ordinance proposes to change the measurement of height from finished grade to the lower of natural grade or adjacent road crown. The method of measuring average grade at the corners of the structure will remain. Enforcement of the grade standard would be by Engineering Services, which will utilize lidar to precisely determine natural grades. <sup>1</sup>Figures 1 and 2 on the next page visually demonstrate current and proposed height measurement.

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<sup>1</sup> Lidar is a remote sensing elevation detection system which works on the principle of radar, but uses light from a laser.

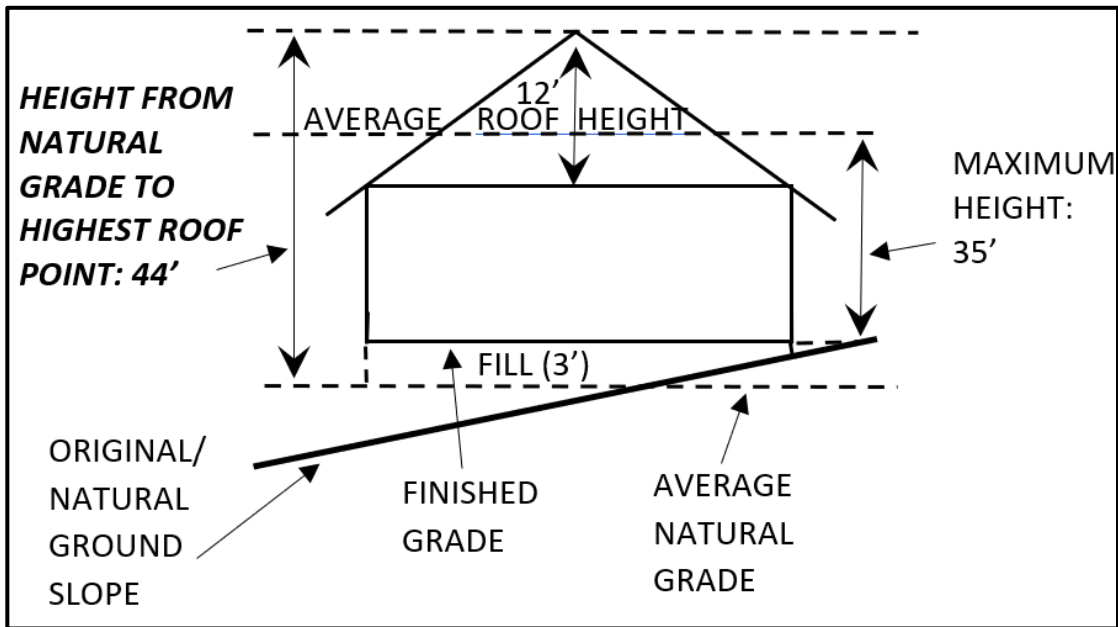


Figure 1: Current height measurement. The addition of fill allows for higher height, and measuring maximum height to the midpoint of the roof allows for roofs to exceed the 35' height limit. The above example assumes a standard 12' roof height.

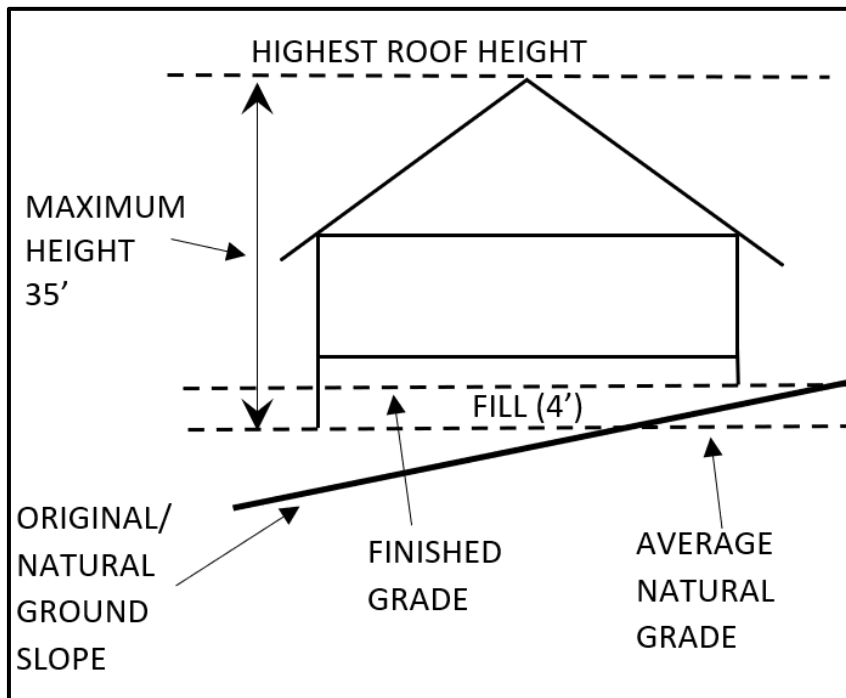


Figure 2: Proposed height measurement. The proposed changes would "tamp down" height by tying height measurement to the natural grade (or the road crown if it is lower).



CoFB and County Increased Setbacks for Taller Buildings

Both the CoFB and County deploy a form of staggered height control that require increased building setbacks as buildings get taller. The CoFB requires increased side setbacks of one foot for every two feet of additional height over 25' *in all zoning districts*. The County utilizes the same standard for side and front oceanfront setbacks in the RG-2, IW, and IH zoning districts, differing from the CoFB in that these increased setbacks kick in over 35', in contrast to the CoFB's 25' threshold. *No changes are proposed to the RG-2, IW, and IH increased setback requirements.*

Application Conformance with Comprehensive Plan

The following objective and policies of the Comprehensive Plan's Future Land Use Element support this amendment.

*Policy FL.07.01: The Land Development Code will include criteria to reduce the intrusion of incompatible commercial, industrial and other land uses into existing residential areas.*

Staff Comment: height restrictions can limit the visual intrusion of future tall buildings near residential areas.

*Policy FL.10.05: The County shall review existing regulations in the Land Development Code and revise as necessary in order to implement the Future Land Use Plan.*

Staff Comment: the proposed changes would implement Policy FL.07.01 above.

*OBJECTIVE FL.11. The County shall ensure the protection of private property rights and recognize the existence of private interests in land use.*

*Policy FL.11.01: Nassau County will regulate the use of land only for valid public purposes and in a reasonable manner, in accordance with the Bert J. Harris, Jr., Private Property Rights Protection Act (Sec. 70.001 F.S.).*

Staff Comment: the proposed changes are consistent with this policy.



## **CONCLUSION**

As previously stated, Staff has been directed by the BoCC to draft an ordinance that better matches unincorporated Amelia Island building height limits to City of Fernandina Beach building height limits.

The amendment is in conformance with applicable objectives and policies of the Comprehensive Plan. The RG-2 height reduction and other changes outlined below would protect the unique character of the barrier island and provide for sustainable shoreline development. The ecology and aesthetics of Amelia Island's unique and fragile barrier island environment would benefit from lower building heights, which would help to retain scenic views enjoyed by residents and visitors. Maintaining open space and keeping building height more in line with tree canopy height will provide a long-term public benefit that will help retain the Island's charm and appealing character, a quality of life factor that will continue to strengthen the Island's economy and culture. Additionally, a better syncing of CoFB and County height limits will provide for more equivalence in the built environment.

This ordinance provides for the following for properties in the unincorporated areas of Amelia Island:

1. reduce RG-2 zoning height limit for multi-family buildings from 85' to 45';
2. increase CPO zoning height limit from 35' to 45';
3. increase CG and CI zoning height limit from 40' to 45';
4. increase ROS zoning height limit from none to 25';
5. limit all building heights to 35' within 1,000 feet of the Coastal Construction Control Line;
6. reduce height limit from 40' to 35' in RS-1 and RS-2 subdivisions which preserve more than 30% of land for open space; and
7. change height measurement from finished grade to the lower of natural grade or the road crown to the highest point of the roof.

Staff recommends APPROVAL of these changes.