

ORDINANCE 2022-31

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A FUTURE LAND USE MAP CATEGORY OF LOW DENSITY RESIDENTIAL (LDR) FOR 0.90 ACRES OF LAND LOCATED AT 2753 AMELIA ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Fernandina Beach requested assignment of the City's Low Density Residential (LDR) Future Land Use Map from Nassau County Residential Single Family 2 as part of its application request for annexation into the City of Fernandina Beach; and

WHEREAS, City Planning Staff and the Planning Advisory Board (PAB) acting as the designated Local Planning Agency, have reviewed and held a public hearing on August 10, 2022, and issued a recommendation of approval; and

WHEREAS, notice of public hearing on such amendments was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on July 27, 2022.

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

SECTION 1. PROPERTIES INVOLVED. The City Commission intends to approve the future land use map changes. The property identified for this change of the Future Land Use Map to the City of Fernandina Beach Low Density Residential for properties located and identified by map exhibit attached hereto as Exhibit "A".

SECTION 2. FUTURE LAND USE MAP CHANGE. For the property in question, the City's Future Land Use Map is hereby changed as follows and attached hereto as Exhibit "A":

- From Nassau County Medium Density to City of Fernandina Beach Low Density Residential (LDR)

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall become effective December 20, 2022, or on the date the City of Fernandina Beach 2022 General Election is certified, whichever is earlier.

ENACTED this day 1 of November 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: October 4, 2022

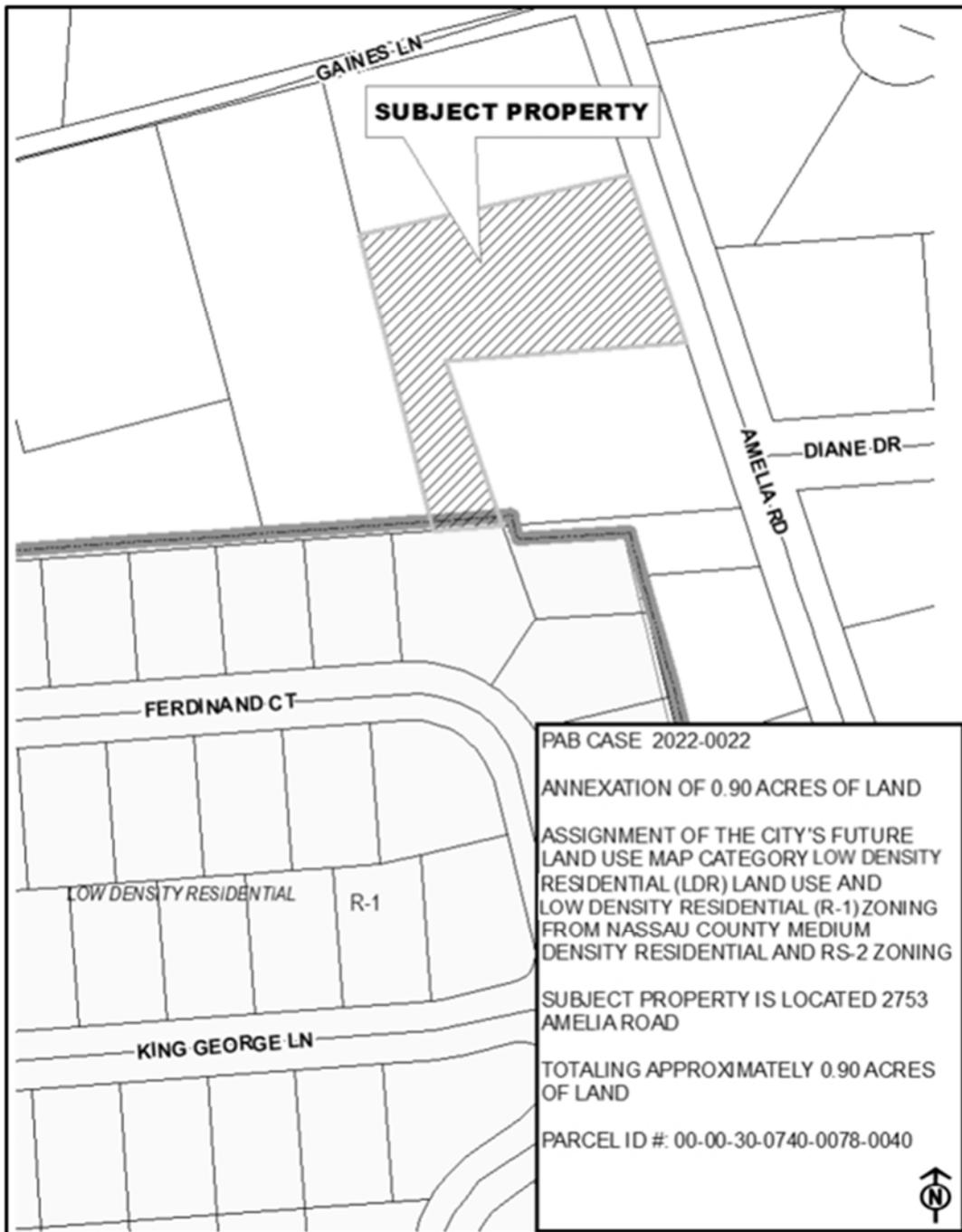
Date of Second Reading/Final Hearing: November 1, 2022

Date of Publication: October 19, 2022

ORDINANCE 2022- 31

EXHIBIT A

PROPERTY LOCATED AT 2753 AMELIA ROAD TOTALING 0.90 ACRES OF LAND
ASSIGNMENT OF THE FUTURE LAND USE CATEGORY OF LOW DENSITY
RESIDENTIAL (LDR) AND ZONING DISTRICT OF LOW DENSITY RESIDENTIAL (R-1)



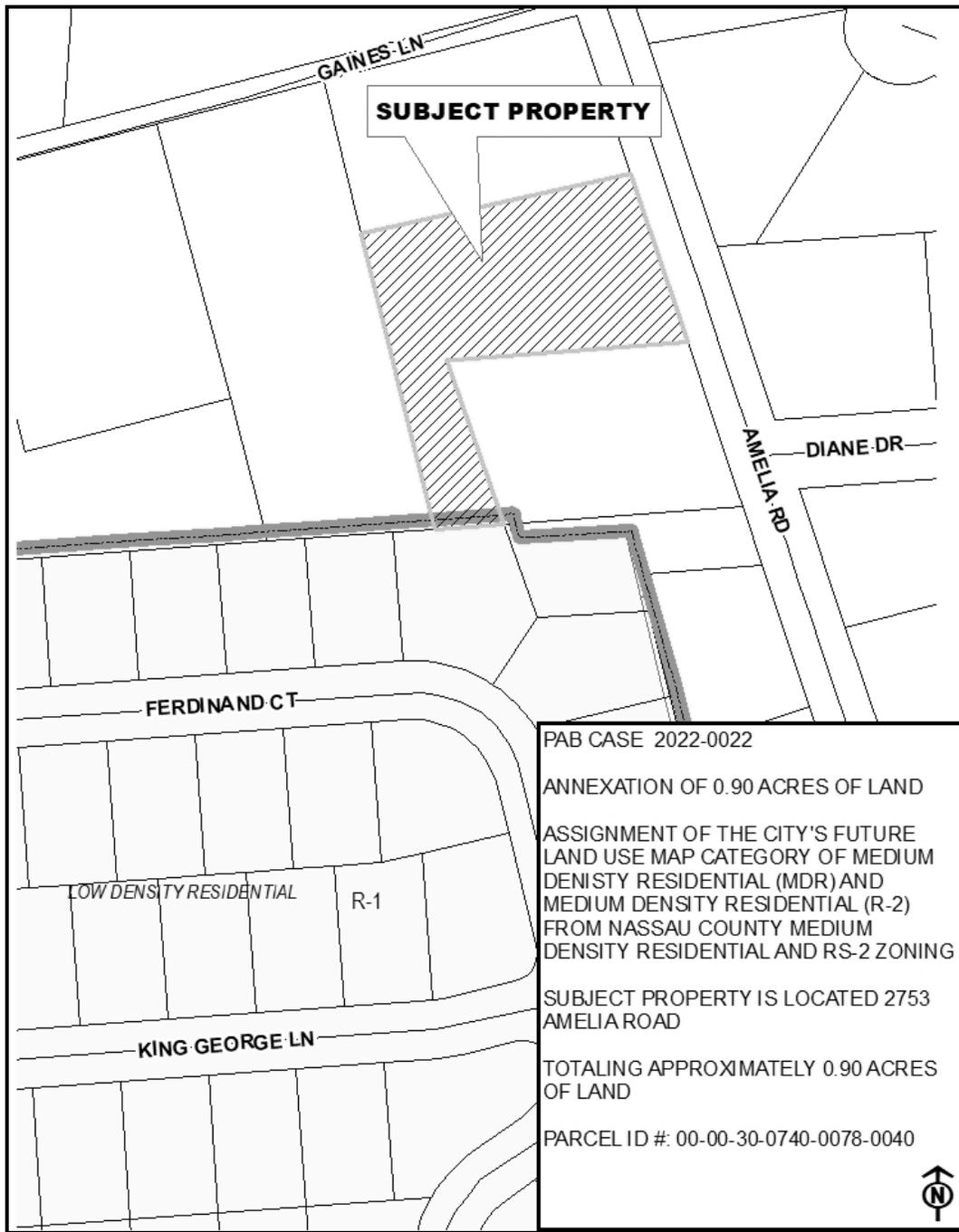


APPLICATION FOR VOLUNTARY ANNEXATION, LAND USE AND ZONING
2753 AMELIA ROAD

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Charles Hinton Gaines & Barbara G. Harper				
AGENT:	City of Fernandina Beach				
REQUESTED ACTION:	Voluntary Annexation, Assignment of a Future Land Use Map Category of Medium Density Residential (MDR) and Medium Density Residential (R-2) Zoning District				
LOCATION:	2753 Amelia Road				
CURRENT ZONING:	Nassau County Residential Single Family 2				
CURRENT LAND USE:	Medium Density				
EXISTING USES ON SITE:	Single Family Home				
PROPERTY SIZE	Approximately 0.90 Acres of Land				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
NASSAU COUNTY	North	Single family home	2014	NC Residential Single Family 2	Medium Density
WITHIN CITY LIMITS	South	Single family home	2012	R-1	Low Density Residential
NASSAU COUNTY	East	Single family home	1953	NC Residential Single Family 2	Medium Density
NASSAU COUNTY	West	Vacant	-	NC Residential Single Family 2	Medium Density

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City’s website, the City Clerk’s Office and at the Community Development Department Office. ***





SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The City of Fernandina Beach requests voluntary annexation, assignment of City Future Land Use Map Category of Medium Density Residential and corresponding Zoning District of R-2. Resolution 2022-98 approved the extension of water and sewer services for 2753 Amelia Road. This property is contiguous to the municipal boundary along the southern side of the parcel. The requested FLUM and zoning categories are consistent with the properties' existing Nassau County land use and zoning assignments.

CONSISTENCY WITH THE COMPREHENSIVE PLAN / LAND DEVELOPMENT CODE:

This is a voluntary annexation of property as compliant with all applicable Florida Statutes and the City's Municipal Code. The annexation area is compact, does not create an "enclave", and represents a logical extension of the City boundary. The area is a logical extension of urban development, and any development or redevelopment is capable of achieving full compliance with the City's Land Development Code and Comprehensive Plan. The City is able to serve this property and meet or exceed all levels of service required by Comprehensive Plan policies referenced herein.

<i>Applicable Policy Reference</i>	<i>Determination of Consistency</i>
CP 1.02.02	✓
CP 1.02.03	✓
CP 1.02.04	✓
CP 1.02.10	✓
CP 1.03.01	✓
CP 1.04.03	✓
CP 1.07.09	✓
CP 4.01.01	✓
CP 4.01.02	✓
LDC 2.01.12	✓
LDC11.01.07	✓

CONCLUSION AND STAFF RECOMMENDATIONS:

The requested action is consistent with the City's Comprehensive Plan and the Land Development Code. Staff recommends approval of the voluntary annexation, assignment of the **Medium Density Residential (MDR) FLUM** category, and **Medium Density Residential (R-2) Zoning District**. Following the recommendation of the Planning Advisory Board (PAB), the application will move forward to the City Commission in the form of three separate ordinances at a public hearing anticipated for September 6, 2022.



STAFF REPORT
PAB 2022-0022 (AX, LU, CZ)
Planning Advisory Board Hearing
August 10, 2022

Daphne Forehand
Planner I

MOTION TO CONSIDER:

I move to recommend **(approval or denial)** of PAB case number 2022-0022 to the City Commission requesting that a Voluntary Annexation, Assignment of the Medium Density Residential (MDR) land use category, and Medium Density Residential (R-2) zoning district for property located at 2753 Amelia Road be **(approved or denied)** and that PAB case 2022-0022, as presented, **(is or is not)** sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time.

Respectfully submitted,

Daphne Forehand
Planner I

Print

Planning Advisory Board (PAB) - Submission #9562

Date Submitted: 7/14/2022

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)

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?*

5/11/2022

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*



Zoning Map Amendment \leq 10 acres



Zoning Map Amendment > 10 acres



LDC Text Amendment



Comp Plan Amendment



Subdivision Plat \leq Preliminary \leq 20 units



Subdivision Plat \leq Preliminary > 20 units



Subdivision Plat \leq Final



Vacation of R.O.W.



Voluntary Annexation



Revision to PAB Application

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Last Name*

Company (if applicable)

Mailing Address*

City*

State*

Zip*

Telephone Number*

Email Address*

OWNER'S AGENT

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

First Name

Last Name

Mailing Address

City

State

Zip

Telephone Number

E-mail Address

PROJECT INFORMATION

Previous Planning/Zoning Approvals

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

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*

Dale

Applicant Last Name*

Martin

Today's Date*

7/14/2022

Upload Supporting Documentation*

2022-98 Voluntary Annexation Agreement Charles Hinton Gaines and Barbara G Harper 2753 Amelia Road.pdf



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



**MINUTES
PLANNING ADVISORY BOARD
REGULAR MEETING
AUGUST 10, 2022**

1. CALL TO ORDER 5:00

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

Victoria Robas (Chair) Peter Stevenson
Genece Minshew (Vice-chair) Mark Bennett
John Boylan

MEMBERS ABSENT:

Barbara Gingher

OTHERS PRESENT:

Kelly Gibson, Planning & Conservation Director
Tammi Bach, City Attorney
Daphne Forehand, City Planner
Taylor Hartmann, Recording Secretary

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 Approval of Minutes from the Regular Meeting of June 8, 2022.

Member Stevenson noted that under item 4.1 he voted no, he did not abstain from voting.

ACTION TAKEN: A motion was made by Member Stevenson, seconded by Member Minshew to approve the Minutes with the noted amendment.

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

3.2 Approval of Minutes for the PAB Special Meeting of June 22, 2022.

Member Stevenson noted that under item 4.1 last line, change the word "reapproved" to "reaffirmed".

ACTION TAKEN: A motion was made by Member Stevenson, seconded by Member Minshew to approve the Minutes with the noted amendment.

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

Chair Robas and Members agreed to hear Public Comment prior to the New Business items.

8. PUBLIC COMMENT

Jose Miranda, 309 ½ Centre Street, spoke about the current LDC definition for building footprint, as it relates to accessory dwellings and accessory structures, and requested that the Board consider amending the definition to achieve consistency and accuracy.

Michael Stauffer, 422 S. 6th Street, echoed Mr. Miranda's concern and thanked Staff for working to issue a Memorandum and addressing this concern so quickly.

James Pozzetta, 103 S. 18th Street, first disclosed that he sits on the Historic District Council as a member, spoke of the importance of this issue within the Historic District Council review process.

Judy Fitzwater, 927 S. 7th Street, spoke in favor of PAB case 2022-0024 regarding re-zoning to conservation land.

4. OLD BUSINESS

There were no Old Business items to discuss.

5. NEW BUSINESS

5.1 PAB 2022-0023 - FUTURE LAND USE MAP AND ZONING CHANGES FOR PROPERTIES LOCATED AT 1060 JEAN LAFITTE BLVD AND ON THIRD STREET TOTALING APPROXIMATELY 3.17 ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (LDR / R-1) TO CONSERVATION (CON)

Ms. Forehand provided a summary of the requested action. She noted that the City would be closing on the property on 3rd Street by the end of this month of August. She also mentioned that this property is mostly wetland. Staff recommended approval.

Member Stevenson asked about if future budget allocations were in place for the maintenance of acquired properties.

ACTION TAKEN: A motion was made by Member Stevenson, seconded by Member Minsheu to recommend approval of PAB case 2022-0023 to the City Commission; AND that PAB case 2022-0023 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.

5.2 PAB 2022-0024 - FUTURE LAND USE AND ZONING MAP CHANGES FOR FLORIDA STATE LANDS LOCATED ON LOTS 8 + 9 S. 7TH STREET AND LOTS 3 + 4 INDIGO/S. 6TH STREET TOTALING 0.24 ACRES OF LAND FROM MEDIUM DENSITY RESIDENTIAL (MDR)/ R-2 TO CONSERVATION/CON

Ms. Forehand provided a summary of the requested action and staff recommended approval.

Judy Fitzwater, 923 S. 7th Street, spoke in favor of re-zoning to conservation land.

Breanna Pajevic, 917 S. 7th Street, voice some concerns about development near her property and would like to keep as much conservation as possible.

DRAFT

John Holbrook, 2009 Beech Street, spoke about the ownership of vacant parcels adjacent to the subject properties.

Margaret Kirkland, 1377 Plantation Point Drive, spoke of the importance of the conservation zoning designation on this parcel.

Judy Fitzwater, 923 S. 7th Street, noted that there is a creek close to these lots.

ACTION TAKEN: A motion was made by Member Stevenson, seconded by Member Boylan to recommend approval of PAB case 2022-0024 to the City Commission; AND that PAB case 2022-0024 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.

5.3 PAB 2022-0025 - PRELIMINARY PLAT - FOR 2754 + 2766 BAILEY ROAD, FOR 12 SINGLE FAMILY LOTS

Ms. Forehand provided a summary of the requested action. She noted that this request has been reviewed by the Technical Review Committee and are awaiting the result from this review to acquire their Local Development Order. Staff recommended approval.

Margaret Kirkland, 1377 Plantation Point Drive, expressed concern regarding higher ground water levels in that area and the amount of tree and vegetation removal.

Asa Gillette, 20 S. 4th Street, was present to answer any questions and addressed the higher ground water level comment.

ACTION TAKEN: A motion was made by Member Minshew, seconded by Member Bennett to recommend approval of PAB case 2022-0025 to the City Commission; AND that PAB case 2022-0025 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.

5.4 PAB 2022-0022 - VOLUNTARY ANNEXATION + ZONING + LAND USE MAP AMENDMENTS - 2753 AMELIA ROAD - CHARLES HINTON GAINES + BARBARA G. HARPER
REQUEST FOR VOLUNTARY ANNEXATION FOR A PARCEL OF LAND TOTALING 0.90 ACRES OF LAND, ASSIGNMENT OF THE CITY'S FUTURE LAND USE MAP CATEGORY OF MEDIUM DENSITY RESIDENTIAL (MDR), AND ZONING DISTRICT OF MEDIUM DENSITY RESIDENTIAL (R-2) FROM NASSAU COUNTY RESIDENTIAL SINGLE-FAMILY 2 ZONING DISTRICT AND MEDIUM DENSITY LAND USE.

Ms. Forehand provided a summary of the requested action and staff recommended approval.

Members expressed concern with the R-2 and would rather see this parcel zoned R1.

Barbara Harper, 2069 Clinch Drive, owner of the parcel, stated that they would be happy with an R-1 zoning district.

Marsha Christopher, 667 Ferdinand Court, voiced a concern regarding potential development of adjacent properties.

Barbara Harper, 2069 Clinch Drive, spoke about a neighbor's request for an easement.

ACTION TAKEN: A motion was made by Member Minshew, seconded by Member Bennett to recommend approval of PAB case 2022-0022 to the City Commission; requesting a Voluntary Annexation assignment of Low Density Residential Land Use and Low Density Residential R-1 Zoning District for property located at 2753 Amelia Road be approved; AND that PAB case 2022-0022 as presented with the proposed change is sufficiently compliant with the Comprehensive Plan and Land Development Code to be approved at this time.

Rachel Taylor, 2649 Robert Oliver Avenue, asked for clarification of the different zoning densities.

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

6. BOARD BUSINESS

6.1

- a. Discussion of Commission Directed LDC Text Amendments: *Impervious Surface, Gross Site Area, Defining "Marina", "Surface Water"*
- b. *Consistency of LDC Sections 8.01.02 (D) (1) and 3.03.03 (B)(1) "Water-Enhanced Uses" to be exempt from wetland buffers.*

Ms. Forehand provided a summary of the requested action and Staff's analysis.

Margaret Kirkland, 1377 Plantation Point Drive, spoke of concerns regarding the development of land located on the Amelia River.

6.2 Member Bennett requested discussion of historically platted lots of record.

Member Bennett indicated that Ms. Gibson has provided substantial information to the Board via email.

6.3 Vision 2045 Update: City Commission consideration of Vision 2045 at its regular meeting on **August 16, 2022**. Documents can be obtained from the City Commission agenda packet or the City's website at www.fbfl.us/vision2045.

The City Commission Agenda with this item is expected to be published on Tuesday, August 9, 2022.

7. STAFF REPORT

Margaret Kirkland, 1377 Plantation Point Drive, spoke of concerns about the smaller platted lots of record and tree loss.

8. ADJOURNMENT 7:19

Taylor Hartmann, Recording Secretary

Victoria Robas, Chair

October 14, 2022
News Leader Edition



**NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH**

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, November 1, 2022, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2022-30

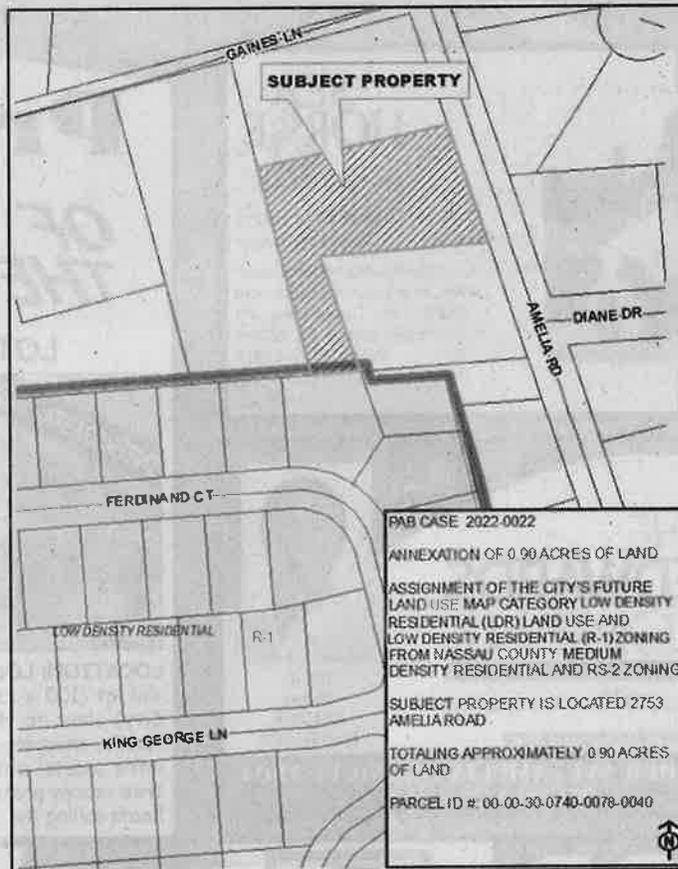
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ORDINANCE 2022-32

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ASSIGNING A ZONING CATEGORY OF LOW DENSITY RESIDENTIAL (R-1) FOR 0.90 ACRES OF LAND LOCATED AT 2753 AMELIA ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.



Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY/TDD 711 or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD/COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING, S/HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Copies of the applications with description by metes and bounds and the ordinance can be obtained in the office of the City Clerk, City Hall, 204 Ash Street, between the hours of 8:00 AM - 5:00 PM, Monday through Friday. For information on the application, please contact the Staff of the City Clerk's Office at 310-3115.

October 19, 2022
NewsLeader Edition



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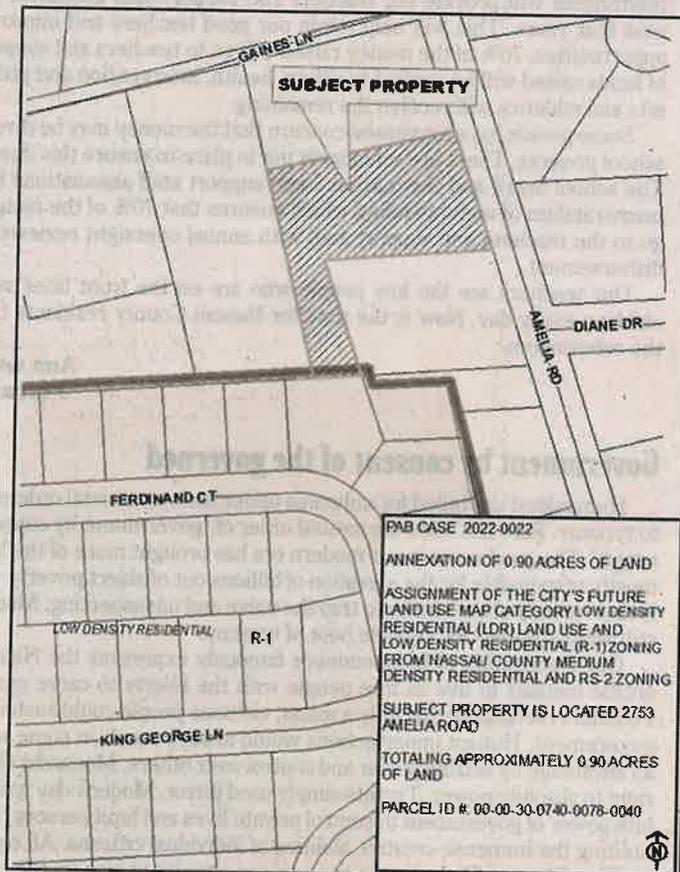
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