

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH RELATING TO THE LAND DEVELOPMENT REGULATIONS AND ZONING; ESTABLISHING AN OVERLAY DISTRICT FOR MEDIUM DENSITY PROPERTIES LOCATED EAST OF A1A BEACH BOULEVARD FROM 16TH STREET TO F STREET; PROVIDING STATEMENT OF PURPOSE; CONSTRUCTION REQUIREMENTS, ARCHITECTURAL STANDARDS AND SITE REQUIREMENTS; PROVIDING FOR CLUSTERING; PROVIDING FOR APPLICATIONS AND APPROVALS AND PROVIDING AN EFFECTIVE DATE

BE IT ENACTED BY THE CITY COMMISSION AS FOLLOWS:

Section 1. Article III of the Land Development Regulations of the City, be and the same is hereby amended by the addition of a new section to be known as Section 3.08. to read as follows:

"Section 3.08. Overlay Districts.

A. Beachside Medium Density Overlay District. There is hereby created an overlay district within that portion of medium density land use districts located east of A1A Beach Boulevard and lying between 16th Street and F Street.

1. Purpose. The overlay will provide for the enhancement or replacement of existing non-conforming structures located within the medium density land use district located east of A1A Beach Boulevard between 16th Street and F Street. Owners / buyers will be allowed to re-model or replace the existing unit / units on a lot / lots based on existing setbacks. Structures deemed currently as non-conforming in accordance with the current Land Development regulations will lose the non-conforming designation by the overlay.

2. Construction requirements. All applicable Code requirements from the Department of Environmental Protection, the Florida Building Code and FEMA requirements per the adopted Flood Ordinance for the City of St. Augustine Beach, Florida will mandate re-construction, re-modeling or new construction. A separate section within this ordinance will be established to allow for Velocity Zone (VE Zone) construction and Coastal Construction Line requirements.

3. Architectural requirements.

a. The maximum allowable roof height from any structure is thirty-five (35) feet to the roof ridge line. This height applies to any part of a structure located within the existing setbacks or the setbacks as established by the City's Land Development Regulations.

b. Any increase in height within a non-conforming side setback can not exceed the height of the adjacent structure. Height increase will be allowed at the ten (10) foot side setback and twenty-five (25) front and rear setback.

c. A third level added to any structure within the Overlay can not exceed seventy (70) percent of the second level.

d. Structures shall be allowed a fifteen (15) foot front setback proving that the structure is one level with a roof ridge not exceeding sixteen (16) feet in height to the twenty-five (25) foot setback.

e. Cantilevered front and rear porches will be allowed to extend the width of engineered design but can not exceed eight (8) feet in width from the main structure or to the fifteen (15) foot front setback and to an allowed ten (10) foot rear setback. This shall apply to second and third levels of a structure. The use of "gingerbread" effects shall be encouraged by the City for architectural styling.

f. All new structures shall be required to have at a minimum, a one car garage located within the front area or the rear area of a structure, or if located in the rear, the garage may be detached with a five (5) foot setback from the existing alleyway.

g. Structures will be allowed a screen porch providing that a wood deck or a floor constructed with brick pavers is provided to ensure a pervious surface for water drainage. The screened porch shall have a minimum setback in the rear of fifteen (15) feet and a ten (10) foot side setback.

h. Exterior colors shall be in accordance with the approved color palates adopted by ordinance for Community Appearance Standards. These color charts shall be located within the Building Department Office for the City.

4. Site requirements.

a. Landscaping plans shall be at an owner's discretion. The City shall require that the landscaping enhances the aesthetics of the streets. An inter-mixing of

trees, grasses, xeriscape plant materials and groundcovers such as mulch, pine bark, rock, etc. is required, and the landscape plan shall be reviewed and approved by the City's Planning and zoning Board.

b. No parking shall be allowed in a front yard except on an established driveway. For those structures located on an open alleyway, parking shall be provided for within the rear yard setback area.

c. Applicants for a property modification using the overlay requirements shall be required to create one off-street parking space within the right-of-way in front of the structure. Brick pavers or any pervious material shall be used for creation of this parking space.

d. Each lot shall also provide a thirty-six (36) inch fence with the design of the fence being at the owner's discretion.

5. VE and Coastal Construction Line requirements. Structures located forward of the Coastal Construction Line or within a designated Velocity Zone (VE) as identified on the National Flood Insurance Maps for the City shall be subject to the following.

a. The existing non-conforming setbacks may be utilized by approval from the City's Planning and Zoning Board.

b. The lower level shall be used for only storage or a garage. No restroom fixtures, mechanical components or laundry facilities will be allowed within the lower level. The lower level will be used for access to an elevator when installed.

c. The allowable fifteen (15) foot front setback will apply to a structure. The area between the fifteen (15) foot and twenty-five (25) foot front setback area shall be limited to two levels with the roof ridge not exceeding twenty-seven (27) feet. At the twenty-five (25) foot front setback, a third level shall be allowed, not exceeding the seventy (70) per-cent of the second level. The aforementioned shall apply to a fifteen (15) foot rear setback also.

d. All requirements for pier or pile construction shall apply and all lower level walls shall be designed by an engineer as break-away walls.

e. Any fill applied to any lot within a Velocity Zone shall be subject to approval by the City and the Department of Environmental Protection. A

professional engineer shall prepare a site plan for any fill procedures. Retaining walls and fences shall be subject to Department of Environmental Protection and City approval.

f. Connection to the St. Johns County Utility System shall be required.

6. Clustering. Clustering in the Overlay District will be permitted upon application to the Comprehensive Planning and Zoning Board for Clustering Approval. The burden of proving that clustering shall be beneficial and not detrimental to a neighborhood shall be upon the applicant and provided further that it shall provide for creation of public green space and provided further that the proposed clustering plan shall meet the following standards:

a. A one to one allowance will be provided when the lot / lots purchased contained more than one structure. Clustering or replacement of existing structures will be allowed to use one non-conforming setback for the existing property. The roof heights of any new structure shall not exceed that of an adjoining property within a non-conforming setback. The overlay shall also require an additional five (5) foot setback for each level added to any structure when clustering or multiple units are constructed as replacements. The seventy (70) per-cent requirement for a third level shall also apply. The one level requirement from a fifteen (15) foot front setback will apply to structures landward of the Coastal Construction line and twenty-seven (27) feet for those structures located seaward of the Coastal Construction Line. Velocity (VE) Zone requirements shall also apply to new construction.

b. The clustering will allow for interior lots a minimum of thirty-five (35) feet in width. An interior lot is defined as a second lot from any lot under different ownership.

c. Creation of the green space area is subject to approval by the City's Planning and Zoning Board.

d. The total impervious surface on existing units can not be exceeded by construction of new units unless otherwise approved by the Planning and Zoning Board.

e. Connection to the St. Johns County Utility System shall be required.

f. The approval process for clustering approval shall be as follows:

(1.) Application shall be made to the City on forms as from time to time approved by the City Manager.

(2.) A current survey within sixty (60) days of the application date shall be provided.

(3.) Ten sets of plans shall be required on 11 x 17 inch paper.

(4.) The application shall be placed on the Comprehensive Planning and Zoning Board agenda in accordance with the current City policy for advertisement and public hearing for consideration by the Comprehensive Planning and Zoning Board for final development approval .

(5.) A fee of \$207.50 will be charged for the overlay application.

(6.) Following approval by the Planning and Zoning board for any properties forward of the Coastal Construction Line, the City will provide notification to the Department of Environmental Protection for their permitting consideration.

(7.) A hearing on an application for clustering approval may be heard by the Comprehensive Planning and Zoning Board in conjunction with an application for Final Development Approval.

(8.) Appeals to the City Commission shall be in the same manner as appeals from approvals or denials of Final Development Approval.”

Section 2. This Ordinance shall take effect immediately.

Passed by the City Commission of the City of St. Augustine Beach, Florida

this 2nd day of July A.D., 2007

CITY COMMISSION OF THE
CITY OF ST. AUGUSTINE BEACH

ATTEST: _____
City Manager

BY: _____
Mayor-Commissioner

Passed on first reading: June 2, 2007

Passed on Second reading as amended: July 2, 2007