



Growth Management Department

DIVISION REPORT

Amendments to the Ponte Vedra Zoning District Regulations

To: Board of County Commissioners

Through: Ponte Vedra Zoning & Adjustment Board

From: Jacob Smith, Planner
Jan Brewer, Environmental Manager

Date: July 27, 2020

Subject: Public Hearing – Amending Sections I, III, and VIII of the Ponte Vedra Zoning District Regulations

Workshop Date(s): Ponte Vedra Zoning & Adjustment Board – August 6, 2018
Ponte Vedra Zoning & Adjustment Board – November 5, 2018
Ponte Vedra Municipal Service District (MSD) – March 11, 2019
PV Architectural Review Committee (PVARC) – March 27, 2019

Hearing Date(s): Ponte Vedra Zoning & Adjustment Board – May 6, 2019
Ponte Vedra Zoning & Adjustment Board – August 5, 2019
Board of County Commissioners – August 18, 2020

Commissioner District: District 4

AMENDMENT SUMMARY

County staff is proposing amendments to Ponte Vedra Zoning District Regulations, Sections I, III, and VIII in order to address issues that have been identified by Code Enforcement Division, the Ponte Vedra Zoning and Adjustment Board, and members of the Ponte Vedra community. These amendments have been requested by the Ponte Vedra community and were brought before the Ponte Vedra Zoning and Adjustment Board as “workshop items” for discussion at the regular meetings on August 6, 2018 and November 5, 2018. The proposed amendments were also presented to the Ponte Vedra Municipal Service District (MSD) on March 11, 2019 and during the Ponte Vedra Architectural Design Committee (PVARC) regular meeting on March 27, 2019.

The proposed amendments were presented to the Ponte Vedra Zoning and Adjustment Board on May 6, 2019 and received a 7-0 vote to continue the discussion on tree protection regulations with further revisions requested for palm tree exemption and to streamline the language for clarity. In addition, the Board voted 5-2 and 4-3 in favor of adding language to limit the time period to 24 hours in which yard waste could be set out for pick up and to include plastic bags as refuse containers as part of the provision. The Board also voted 7-0 to recommend adoption of the amendment to require zoning setback be measured from the vacated right-of-way of Ponte Vedra Boulevard for adjacent lots without a platted front building restriction line.

The updated language for tree protection was presented to the Ponte Vedra Zoning and Adjustment Board on August 5, 2019 and the proposed amendments received at 6-0 vote to recommend approval to the Board of County Commissioners.

The following sections of the Ponte Vedra Zoning District Regulations are proposed for amendment as follows:

Section I of the PVZDR. Definitions.

- Section I of the PVZDR provides definitions of terms included within the tree protection regulations and clarifies commercial vehicles.

After-the-Fact Compliance and Mitigation Permit: A Protected Tree Removal Permit issued after the unauthorized removal of a Protected Tree(s).

Commercial Vehicle: Any vehicle bearing or required to have commercial license plates, has business advertising or falls into one or more of the following categories: (1) truck tractor; (2) semi-trailer, which include flat beds, dump bodies and box-type enclosures; (3) vehicles used for commercial services or delivery trucks, which include construction oriented contractors; (4) tow trucks; (5) commercial hauling trucks; (6) vehicle repair service trucks; (7) vehicle which has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment.

Diameter at Breast Height (DBH): The standard diameter measure of a single-trunked Tree at four and one-half (4 ½) feet above grade. When a Tree is Multi-Trunked, DBH shall be equal to the aggregate diameters of the individual trunks measured at four and one-half (4 ½) feet above grade. Where the individual stems are less than eight (8) inches in diameter, the largest three (3) trunks will be used.

Exempt Trees: Means species listed by the Florida Exotic Pest Plant Council or Florida Administrative Code section 5B-57.007 “State Noxious Weed List,” all pine tree species and all palm tree species. Exempt Trees may not be used for Tree inch

mitigation value.

Multi-Trunked Tree: Any Tree that grows with two (2) or more trunks. For survey purposes, an existing Multi-Trunked Tree shall branch at a minimum of one (1) foot above grade and the DBH of all trunks shall be added together to obtain the total DBH.

Protected Area: An area surrounding a Protected Tree, a Historic Tree, or a Specimen Tree within which ground disturbance is prohibited in order to prevent damage to the Protected Tree and the roots and soil around the Protected Tree base; the dimensions of which shall be the Drip Line, centered at the Protected Tree.

Protected Tree Removal Permit or Permit: The permit issued by the County prior to removal of a Protected Tree.

Protected Tree: Any Tree having a Diameter at Breast Height of ten (10) inches or greater, excluding Exempt Trees.

Remove or Removal: The actual physical removal of a Tree or the effective removal through damaging, poisoning, excessive pruning or other direct action resulting in, or likely to result in, the death of a Tree.

Specimen Tree: A Specimen Tree is any Protected Tree with a DBH of thirty (30) inches or greater except for Live oaks (*Quercus virginiana*) with a DBH of fifty (50) inches or greater, Sand Live oaks (*Quercus geminata*) with a DBH of eighteen (18) inches or greater and Southern Red cedar (*Juniperus silicicola*) which is a DBH of twelve (12) inches or greater.

Tree: A woody plant with a well-defined stem and crown that meets the definition of Protected, Exempt or Specimen Trees.

Tree Protection Barricade: Any Structure or device which protects preserved Trees and is to be installed at the Protected Area.

Section III - R-1 Single Family Residential Districts.

- Section III.B of the PVZDR provides minimum dimensions and yard requirements for single family development with the R-1-B zoning district.
- The recommended amendment excludes the portion of the land vacated to provide thirty-four (34) feet adjacent to Ponte Vedra Boulevard for the purpose of the front setback to ensure residential redevelopment of the parcels will be consistent with the existing pattern of development pre-dating the right-of-way vacation. For residential development, unplatted lots will measure the required front yard setback from the original parcel line, rather than from the existing right-of-way. The associated code reference (*7) is added to III.B.1 minimum dimension chart.

B. Requirements and Limitations

1. Minimum Dimensions:

Zoning District	R-1-A	R-1-B	R-1-C	R-1-D
Minimum Lot Area	22,500 Sq. Ft.	17,000 Sq. Ft.	7,200 Sq. Ft.	7,200 Sq. Ft.
Lot Width	150 Feet	100 Feet	60 Feet	60 Feet
Front Yard Requirement (See *1, *2, *6 & *7)	40 Feet	40 Feet	25 Feet	25 Feet
Side Yard Requirement (See *3 and *6)	10 Feet	10 Feet	7 ½ Feet	7 ½ Feet
Rear Yard Requirement (See *1 and *6)	40 Feet	40 Feet	25 Feet	25 Feet
Total Building Area (See *4)	1,800 Sq. Ft.	1,800 Sq. Ft.	1,000 Sq. Ft.	1,800 Sq. Ft.
1 st Floor Total Building Area (See *5)	1,200 Sq. Ft.	1,200 Sq. Ft.	700 Sq. Ft.	1,200 Sq. Ft.

*1. Ocean Front Lots – See Section VIII.H

*2. Attached Structures – See Section VIII.K

*3. Corner Lots – See Section VIII.G

*4. Exclusive of Porches, Verandas and garages

*5. For 1 ½ and 2-story dwellings only

*6. Building Restriction Line – See Section VIII.D

***7. Building Restriction Lines on unplatted parcels on Ponte Vedra Blvd between Miranda Rd. and Corona Rd. – See Section VIII.D.**

Section VIII.D General Provisions – Building Restriction Lines.

- Section VIII.D of the PVZDR is also amended for consistency to clarify the front setback requirement for unplatted lots adjacent to Ponte Vedra Boulevard with the vacated 34' right-of-way.

D. Building Restriction Lines.

For Lots or parcels that are platted prior to January 1, 1998, the minimum Yard requirements will be determined by the Building Restriction Lines, if any, shown on the plat. For said Lots or parcels not having Building Restriction Lines recorded on the applicable plat, the Yard requirements will be determined by Section III.B.1, Section III.B.7, Section IV.B.1-2, Section V.B.1-2 and Section VII.B.2, **except for lots fronting the western side of Ponte Vedra Boulevard (County Road 203) between Miranda Rd. and Corona Rd.**

Residential development of lots fronting the western side of Ponte Vedra Blvd. between Miranda Rd. and Corona Rd. shall measure a front yard setback from the western edge of the vacated thirty-four (34) feet of Ponte Vedra Boulevard vacated by the County under St. Johns County Resolution No. 2004-4 and not from the existing western right-of-way of Ponte Vedra Blvd.

Section VIII.S - Prohibited Uses.

- Section VIII.S.7 is revised to clarify the extent of prohibition of refuse, recycling, and yard waste containers to include plastic bags. The Ponte Vedra Zoning and Adjustment Board also requested a 24-hour time limitation be added to clarify the restriction.

7. Refuse, recycling, and yard waste containers, **including plastic bags**, not concealed from view of any person upon any Street or public sidewalk, **except for 24 hours before scheduled day of pickup.**

Add Section VIII.U General Provisions - Tree Protection

- Section VIII.U is proposed to establish the tree preservation regulations for residential lots in the Ponte Vedra Zoning District.
- County staff has finalized proposed tree regulations originally drafted by Mr. Mack McCuller, Ponte Vedra Community Member with assistance from Harry Graham, Ponte Vedra Zoning and Adjustment Board member.

U. Tree Protections

1. Purpose and Intent.

The provisions of this Section are established for the protection and preservation oak, hickory, magnolia and other Protected Trees on residential lots in the Ponte Vedra Zoning District.

2. Applicability.

All existing, proposed and reconfigured residential lots within the Ponte Vedra Zoning District shall be subject to the provisions of this Section.

3. Relationship to Land Development Regulations.

The provisions of this Section of the Ponte Vedra Zoning Regulations shall be in addition to Article IV, St. Johns County Land Development Code, and applicable solely to existing, proposed or reconfigured residential lots within the Ponte Vedra Zoning District. In the case of any conflict between this Section and Article IV, Land Development Code, the provisions of this Section shall prevail. Terms not otherwise defined herein shall have the same definition as given under Article IV and Article XII, Land Development Code.

4. Protected Tree Removal Permit.

a. Permits required. No person shall, directly or indirectly, cut down, destroy, remove, or effectively destroy by damaging, any Protected Tree on existing, proposed or reconfigured residential lots in the Ponte Vedra Zoning District without first obtaining Site Plan approval and a Protected Tree Removal Permit, as provided for herein.

b. Permit application. Application for a Permit required by this Section shall be on a form provided by the County Administrator and submitted with an application fee of two hundred (\$200.00) dollars. The application shall include a Site Plan depicting:

(1) Existing and proposed buildings, structures, pools, fences, walls, driveways, exterior mechanical equipment, sidewalks and other improvements that will result in removal of Protected Trees.

- (2) Location of all Protected Trees to be removed, or planted or preserved for mitigation credit, by species and DBH and distance from existing and proposed improvements.**
- c. Application review. Upon receipt of a complete application a review shall be made in accordance with this Section. A Protected Tree Removal Permit, or as applicable, an After-the-Fact Compliance and Mitigation Permit, will be issued by the County Administrator upon a determination that appropriate mitigation is being provided, as required in accordance with this Section.**
- d. Expiration of Protected Tree Removal Permits. A Protected Tree Removal Permit shall expire six (6) months of the date of issuance.**
- 5. Appeals. When a Protected Tree Removal permit has been denied by the County Administrator, the property owner or agent may appeal this decision to the Ponte Vedra Zoning and Adjustment Board (PVZAB).**
- 6. Variances. Variances from these regulations may be granted by the PVZAB in accordance with the standards and criteria in the Ponte Vedra Zoning District Regulations and the Land Development Code. The PVZAB may impose reasonable conditions on the issuance of variances.**
- 7. Mitigation.**
- a. No mitigation shall be required pursuant to a Protected Tree Removal Permit for removal of Protected Trees due to the health or condition of the Tree indicating likely mortality, as determined necessary or appropriate by a Certified Arborist.**
- b. No mitigation shall be required pursuant to a Protected Tree Removal Permit for removal of Protected Trees whose trunk at ground level is wholly or partially located within five (5) feet of, and including, an existing or proposed Building Footprint of a principal building, driveway less than or equal to eight hundred (800) square feet or along a perimeter fence line.**
- c. Mitigation for Protected Trees removed pursuant to a Protected Tree Removal Permit whose trunk at ground level is wholly or partially located within five (5) feet of, and including, the footprint of a pool, patio, gazebo, sidewalk, driveway, accessory building or structure or other similar improvement shall consist of replacement on-site of one (1) inch DBH for each one (1) inch DBH removed, with a minimum replacement tree size of two (2) inches DBH.**
- d. Mitigation for all other Protected Trees removed pursuant to a Protected Tree Removal Permit shall consist of replacement on-site of two (2) inches DBH for each one (1) inch DBH removed, with a minimum replacement tree size of four (4) inches DBH.**
- e. Mitigation for Protected Trees removed pursuant to an After-the-Fact Compliance and Mitigation Permit that otherwise would not require mitigation for a Protected Tree Removal Permit shall consist of replacement**

on-site of one (1) inch DBH for each one (1) inch DBH removed, with a minimum replacement tree size of two (2) inches DBH.

- f. Mitigation for Protected Trees removed pursuant to an After-the-Fact Compliance and Mitigation Permit that otherwise would require mitigation shall consist of twice the required mitigation for a Protected Tree Removal Permit, as provided for herein, with a minimum replacement tree size of four (4) inches DBH.
 - g. If the site is not of sufficient size to reasonably allow for replacing all the Protected Tree inches lost, as determined by the County Administrator, a one hundred dollar (\$100) per lost Tree inch deficiency charge for mitigation not capable of being performed on-site shall be paid into the St. Johns County Tree Bank Fund.
 - h. Specimen Trees shall not be removed or otherwise impacted unless approved by the County Administrator in accordance with Article IV of the St. Johns County Land Development Code.
 - i. Replacement Trees. The property owner or agent shall be required to replace planted mitigation Trees should the same die within two (2) years from date of planting. Planting of mitigation trees shall not be located within five (5) feet of a property line. Mitigation for Protected Trees that have been removed shall be completed prior to issuance of a Certificate of Occupancy.
 - j. Preservation. Credit for mitigation may be given for preservation of Oak, Hickory, Cedar or Magnolia Trees that are a minimum four (4) inches DBH of one (1) inch DBH for each one (1) inch DBH preserved.
8. Exemptions from the requirement for a Protected Tree Removal Permit or After-the-Fact Compliance and Mitigation Permit. No Protected Tree Removal Permit or After-the-Fact Compliance and Mitigation Permit shall be required for the following activities. Person(s) claiming any exemption shall have the burden of proving entitlement to the exemption after the fact, if requested by the County within six (6) months of completion of the activity.
- a. Emergency situation. The removal of Protected Trees destroyed or severely damaged during or immediately following an emergency (i.e., hurricane, tropical storm, tornado, flood or any other act of nature).
 - b. Safety hazard. Pruning, trimming, or removal of a Protected Tree, if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that a tree presents a danger to persons or property
 - c. The removal of Exempt Trees or dead Protected Trees.
 - d. The County shall have the right to prune, maintain and remove Protected Trees within public rights-of-way, (including for sidewalk construction), within any utility or drainage easements or within the illumination areas of street lights, and other public lands, as may be determined necessary by the County Administrator and provided removal of a Protected Tree cannot be

reasonably avoided, which activities shall not be subject to mitigation assessment.

- e. Routine landscape maintenance such as trimming or pruning of Protected Trees, which is not intended or reasonably likely to result in damage or the eventual death of any Protected Tree. Pruning of Protected Trees shall follow the latest version of the American National Standards Institute (ANSI) A300, part 1 “pruning standards.”

9. General Prohibitions.

- a. Excessive or improper pruning. It shall be unlawful to engage in excessive or improper pruning techniques on Protected Trees that would adversely affect the condition of the tree or prevent reaching their mature canopy spread. This limitation shall not be construed to prohibit the trimming or pruning of trees that create a clear risk of danger to persons or improved property.
- b. Removal of County trees. It shall be unlawful to remove any Protected Tree that is within the County’s rights-of-way adjoining a residential lot without a Protected Tree Removal Permit in accordance with this Section.
- c. Tree spiking. It shall be unlawful to introduce any type of poison or reactive material to a Protected Tree for the purpose of causing the tree to die or become diseased.
- d. Attachments. It shall be unlawful to attach anything, including signs, permits, nails or spikes that may be injurious or cause damage, to a Protected Tree. Exceptions are protective wires, braces or other devices used to support a tree.
- e. Removal of Trees whose trunk at ground level traverses a property line, without the written consent of the adjoining property owner.

10. Enforcement.

- a. No Clearance Sheet and Protect Tree Removal Permit approval shall be issued for any property that is not in compliance with this Section.
- b. Enforcement of this Section shall be in addition to Code Enforcement authority provided by Article 10.05.00 of the Land Development Code or any other enforcement authority permitted by law.
- c. The applicant, permittee, landowner, and person or business authorizing or performing actions in violation of this Section shall be jointly and severally liable and subject to fines and penalties, as provided for hereunder.

11. Penalties.

- a. Unauthorized removal or destruction of a Specimen Tree shall be prima facie evidence of an irreparable or irreversible violation and such violation shall be subject to a fine not to exceed \$15,000 to be determined by the County Administrator, which fine shall be paid to the St. Johns County Tree Bank

Fund. The unauthorized removal or destruction of each Specimen Tree shall be considered a separate violation.

- b. **Penalty for Mass Clearing. If a lot, parcel, site or portion thereof, has been cleared such that the County Administrator is unable to determine with reasonable certainty the number and size of Protected Trees removed in violation of this Section, analysis of aerial photography or other such accepted scientific methodology shall be used to make a determination as to the loss of canopy and/or land cover for the purpose of assessing mitigation. In addition to other fees, fines and penalties that may be assessed under this Section or the Land Development Code, a fine of thirty-five dollars (\$35.00) per square foot of canopy lost shall be assessed by the County Administrator, and shall be payable within seven (7) days of such assessment. No further work or development shall proceed until the County is in receipt of any such assessed fine.**

- c. **After-the-Fact Compliance and Mitigation Permit.**

Protected Trees removed or damaged without a Protected Tree Removal Permit in violation of this Section shall require an After-the-Fact Compliance and Mitigation Permit. Mitigation shall be required for issuance of such Permit. In addition, as a condition of the After-the-Fact Compliance and Mitigation Permit issuance, the applicant shall immediately complete all remedial work as necessary to stabilize the site and mitigate all damage to the site and adjacent properties. The permit application fee for an After-the-Fact Compliance and Mitigation permit shall be four hundred dollars (\$400.00).

CORRESPONDENCE

Staff received a number of phone calls and a few emails in response to the community workshops in Ponte Vedra during March. The Ponte Vedra Community Association (PVCA) surveyed members regarding tree preservation and yard waste for input and provided the results to staff. The view of the PVCA members generally reflect the consensus of the Ponte Vedra community at the public workshops in support of the amendments proposed. A copy of the survey results, workshop packets, and response emails are included in Attachment 3.

ATTACHMENTS

1. Ordinance for Proposed Amendments
2. Redline version of the amended Ponte Vedra Zoning District Regulations
3. Correspondence/Workshop Agendas