

ARTICLE III SPECIAL DISTRICTS

PART 3.00.00 GENERALLY

The following Special District standards are to be applied to the mapped zoning districts as overlay regulations in the manner prescribed in each Special District below. The purpose of each special district is to regulate Development within each district in a manner that is in keeping with the special circumstances of the district.

PART 3.01.00 CULTURAL RESOURCES PRESERVATION

Sec. 3.01.01 Generally

A. Purpose

1. The purpose of these Cultural Resources regulations is to establish procedures, consistent with the Florida Historical Resources Act (Chapter 267, F.S., as amended), related to the identification and protection of Cultural Resources within unincorporated St. Johns County. These regulations are to be read in harmony and consistently with the intent and powers established by the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 *et seq.*), and Chapter 267, F.S. as it is the express intent that these regulations locally implement the Florida Statutes. These procedures shall provide for the establishment of a Cultural Resource Review Board in accordance with Federal Regulations 36 CFR 61.5 (c) (2), as amended, and for the identification and documentation of Cultural Resources within the County; the subsequent designation of certain Cultural Resources as Significant Cultural Resources or as St. Johns County Landmarks; the review of plans and Development projects for effects to Cultural Resources, and the protection to the maximum extent practicable of Cultural Resources in St. Johns County.
2. The Cultural Resources of St. Johns County are important community assets that enrich the lives of citizens and visitors alike. Certain Structures, Buildings, objects and sites within St. Johns County possess a special public interest and are important resources to understanding the heritage and historical development of the area. As such, these Cultural Resources, and in some cases their environs, should be designated as Significant Cultural Resources. Such Significant Cultural Resources should, to the extent possible, be maintained and protected in order to benefit the educational, cultural, economic and general welfare of the public. It is also recognized that harm or reasonably preventable deterioration of Cultural Resources on any property located within unincorporated St. Johns County constitutes harm to the public welfare.

B. Intent

It is the intent of these regulations to:

1. Protect against the unwarranted and unnecessary degradation, destruction or encroachment upon, or addition of features that are likely to have adverse effects on the historic, architectural, archaeological, or cultural character of Cultural Resources in St. Johns County.
2. Maintain the integrity and distinct character of Cultural Resources.
3. Encourage Uses of Cultural Resources that will lead to their continuance, conservation and improvement in a manner appropriate to the preservation of the cultural, architectural, archaeological, and historical heritage of St. Johns County.
4. Protect views to and from Cultural Resources by encouraging new Development to occur in a manner that will not degrade or detract from an adjacent Cultural Resource, or a Cultural Resource within the view-shed of new Development.
5. Encourage new Construction or modification to Cultural Resources which maintains the special character of the resource.
6. Discourage destruction of Buildings, Structures, objects, and sites of special cultural, architectural, archaeological, and historical importance that qualify as Significant Cultural Resources.
7. Encourage the continued use and adaptive re-use of Buildings and Structures that have been identified as Significant Cultural Resources.
8. Provide a framework for the continued identification and active preservation of Cultural Resources by the County.

C. Regulatory Framework

These regulations support the Intent of this Part through a four-step process.

1. The regulations establish a Cultural Resource Review Board (CRRB) made up of interested citizens and individuals with professional expertise or a demonstrated interest in fields related to Cultural Resources preservation, and establish duties of the CRRB.
2. The regulations provide a process whereby the Board of County Commissioners shall direct an inventory of the Cultural Resources within the County to be performed and maintained. Such inventory shall provide for the identification, evaluation, documentation, interpretation and mapping of Cultural Resources.
3. The regulations provide a process whereby the Board of County Commissioners may designate certain Cultural Resources as St. Johns County Landmarks and St. Johns County Landmark Districts pursuant to recommendations submitted by the CRRB.
4. The regulations establish guidelines for the continued identification, assessment, treatment, and management of Cultural Resources in St. Johns County.

Sec. 3.01.02 Cultural Resource Review Board (CRRB)

A. Membership and Procedures

1. The CRRB shall consist of five (5) regular members appointed by the Board of County Commissioners to include representation from each County Commission District, if possible. Additionally, two (2) at-large alternates may be appointed. Members shall be appointed for four (4) year, staggered terms. An appointment to fill an unexpired term shall be for the remainder of the unexpired term only. The Board of County Commissioners shall fill vacancies, including expired terms.
2. Appointees to the CRRB shall be residents of the county, and shall be qualified through the demonstration of special interest, experience, or education in the preservation of Cultural Resources. Members shall, when possible, have practical and professional experience in one or more of the following fields: archaeology, architecture or architectural history, curation or conservation, planning, professional engineering, real estate, history, historic preservation, or related disciplines.
3. The CRRB shall establish and adopt operating procedures that shall be in compliance with all applicable local, State and Federal laws. Such procedures shall be adopted by resolution and may be amended, as appropriate. The actions of the CRRB shall be in accordance with the guidelines and responsibilities of the State Historic Preservation Office.
4. The CRRB shall meet as needed in order to fulfill its functions in a timely manner. No less than four meetings shall be held each year. Reasonable public notice pursuant to the requirements contained in Section 9.06.00 of this Code shall be provided for all meetings of the CRRB, and all meetings shall be open to the public. The CRRB shall keep minutes of its proceedings and other official actions. A majority vote shall be required in order to provide any affirmative recommendation or action pursuant to this Section.
5. If any member fails to attend three (3) successive meetings or fails to attend four (4) total meetings during the calendar year, the CRRB may declare the member's office vacant and notify the Board of County Commissioners.

B. Functions

The Board of County Commissioners shall direct the CRRB to perform the functions assigned in this Section, as well as any other functions assigned by the Board of County Commissioners or otherwise undertaken by the County Administrator.

1. The CRRB shall establish priorities for the identification, nomination, protection, preservation and potential acquisition of Cultural Resources.
2. The CRRB shall review public and staff requests to designate certain Cultural Resources as Significant Cultural Resources, and establish such designations by majority vote of the Board. Such designations shall be reported to the County Administrator for inclusion in the Cultural Resources Inventory.

3. The CRRB may review and comment related to any Cultural Resource Management Plan required pursuant to proposed alterations, relocations, demolitions, and new construction or other activities where the Project affects a Significant Cultural Resource. Such review will occur within the established Development Review Process.
4. The CRRB, with the assistance of the County Administrator, shall establish application procedures and application forms for County Landmark and County Landmark District designations. The CRRB shall receive and evaluate applications for potential Landmarks from the general public, historic preservation professionals, and other interested parties. Applications shall be evaluated in consideration of the Criteria for Landmark Designation as set forth in subsection 3.01.03.C. The CRRB shall make recommendations to the St. Johns County Board of County Commissioners for approval or disapproval of designations. The CRRB shall also review National Register nominations within St. Johns County and provide recommendations on the nominations to the State Historic Preservation Office, in accordance with the National Historic Preservation Act of 1966, as amended, and with 36 CFR 60, as amended.
5. The CRRB shall review applications for Certificates of Appropriateness as set forth in Section 3.01.03.F for projects affecting County Landmarks and Landmark Districts and issue Certificates of Appropriateness based upon the review.

Sec. 3.01.03 Designation of a St. Johns County Landmark

A. General

Certain sites, buildings, structures, objects, or districts, may be considered to have particularly unique or special significance related to the cultural, architectural, archaeological and historical heritage of St. Johns County. Such Cultural Resources may be designated as Landmarks or Landmark Districts (hereinafter referred to generally as Landmarks) following the criteria and procedures outlined in this subsection.

B. Procedures for Landmark Designation

1. Applications for Landmark status may be initiated by the CRRB, the Board of County Commissioners, the County Administrator, or the property owner(s). Nominations for Landmark District status may be initiated by the CRRB, the County Commission, or fifteen (15) percent of property owners in a proposed Landmark District. Any county resident may make a recommendation for Landmark nomination, and submit the recommendation to the CRRB for consideration.
 - a. The application shall be filed with the County Administrator and shall contain: (1) a statement in evidence of the criteria for Landmark designation(s) as contained in Section 3.01.03.C, (2) a legal boundary description clearly establishing the exact boundaries of the property or district, (3) an architectural or archaeological description, (4) a statement of significance related to the local community, and (5) the justification by which the potential Landmark is considered worthy of designation. When appropriate, site plans, photographs, and floor plans may be required.

- b. A Landmark District shall have an accompanying Overlay with criteria and guidelines that provide protection against inappropriate Development within the District. The overlay document shall be developed by the County Administrator in association with the District landowners prior to designation review and shall be included in the Landmark application.
 - c. The County Administrator shall review the application for completeness and accuracy, and once accepted the application will be placed on the agenda of a scheduled meeting of the CRRB.
2. The CRRB shall vote to recommend or not recommend Landmark status.
3. The Board of County Commissioners shall hold a public hearing on the proposed Landmark designation(s) upon the recommendation of the CRRB. Notice shall be given pursuant to the notice requirements contained in Section 9.06.02, including notification to the property owner(s) and adjacent property owners.
4. At the public hearing, the County Administrator shall present the proposed designation(s) and the recommendation of the CRRB to the Board of County Commissioners, which shall review each potential Landmark considering: the recommendation from the CRRB, the criteria for Landmark designations contained in subsection 3.01.03.C below, and public testimony and evidence submitted for the record at the public hearing. The Board of County Commissioners shall move to approve, approve with modifications or conditions, or deny the proposed Landmark designation(s). The decision of the Board of County Commissioners shall constitute final action for the County and may, thereafter, be appealed to circuit court in accordance with Florida law.
5. Within fifteen (15) working days of a Landmark designation, the Board of County Commissioners shall notify the property owner(s) and the adjacent property owner(s) of the designation.
6. The Landmark designation shall be recorded in the official record books of St. Johns County, and noted in the Cultural Resources Inventory.

C. Criteria for Landmark Designation

Any site, building, structure, object or district listed on the National Register of Historic Places shall be nominated for Landmark designation by the CRRB. For a site, building, structure, object, or group thereof not listed on the National Register to be designated a Landmark, it shall have achieved significance within the time period established by the National Register of Historic Places, which is fifty (50) years old or older, and may be considered eligible for designation if it meets at least three of the following attributes of Integrity: location, design, setting, materials, workmanship, feeling and association; and one or more of the following criteria:

1. Associated in a significant way with the life of a person of recognized importance.
2. The site of an historic event with significant effect upon St. Johns County, the State of Florida, or the nation.

3. Exemplifies an historic, cultural, political, economic, or social trend of St. Johns County, the State of Florida, or the nation.
4. Embodies distinguishing characteristics of an architectural style, period or method of Construction.
5. Is the work of an architect or builder whose work has significantly influenced the development of St. Johns County, the State of Florida, or the nation.
6. Contains elements of design, detail, materials or craftsmanship of outstanding quality or represents a significant innovation or adaptation to the Florida environment.
7. Has value as a Building that is recognized for the quality of its architecture and that retains sufficient features showing its architectural significance.
8. Has yielded, or is likely to yield, archaeological information or artifacts important in prehistory or history.
9. Is a geographically definable area or neighborhood united by culture, architectural styles or physical development, which has historic or cultural significance in the community.

D. Effect of Landmark Designation

1. Landmark status confers the rights and privileges of a qualifying historic property as recognized by the State and Federal governments for the purposes of available tax exemption programs and other programs and exemptions designed to aid in the preservation of such qualifying properties. All Landmarks shall be listed on the Cultural Resources Inventory as a Significant Cultural Resource with Landmark Designation.
2. A design for official St. Johns County Landmark plaques shall be maintained by the County Administrator and may be installed on the property.
3. Cultural Resources that are designated Landmarks are entitled to certain Local, State, and Federal programs which are available as incentives for historic preservation. A descriptive listing of all incentives available in St. Johns County for Landmarks shall be maintained by the County Administrator.
4. A Landmark District shall have an accompanying Overlay District with criteria and guidelines that provide protection against inappropriate Development within the District. The overlay document shall be developed by the County Administrator in association with the District landowners prior to Landmark District designation review and shall be included in the Landmark District application. The CRRB shall review the overlay document and make a recommendation to the Board of County Commissioners. Approval by the Board of County Commissioners is required prior to the overlay document taking affect.

E. Certificate of Appropriateness

1. No demolition, Alteration, relocation, or new Construction may take place on a designated Landmark or a contributing property to a Landmark District without the issuance of a Certificate of Appropriateness by the CRRB whether or not a building permit is required for such work. Minor projects, as defined in the Development Review Manual, may be reviewed and approved by the County Administrator without issuance of a Certificate of Appropriateness.
2. The County Administrator shall create and maintain the appropriate applications and create guidelines to assist applicants and the CRRB in its assessment of the suitability of work involving Landmarks. Applications and procedures for Certificate of Appropriateness review shall be maintained in the County's Development Review Manual. A Certificate of Appropriateness shall be issued in accordance with the *Secretary of Interior's Standards for the Treatment of Historic Properties*, and the principles of *Treatment of Archaeological Properties*, as maintained by the Department of the Interior's Advisory Council on Historic Preservation, as well as with local design guidelines or Overlay criteria pertaining to the property or the District.

F. Initiation of Certificate of Appropriateness Review Procedures

1. The County Administrator shall refer to the CRRB any project affecting a designated Landmark requiring CRRB review. An application for a Certificate of Appropriateness must be filed with the County Administrator in accordance with the Development Review Manual. The County Administrator shall review the application and provide recommendations to the CRRB.
2. The CRRB shall take action at a public meeting on each application for Certificate of Appropriateness.
3. The CRRB shall provide findings of fact to be included with the Development Order or Permit. Certificates of Appropriateness for demolitions may be delayed for a period of no more than one (1) year from the date that action is taken by the CRRB on the Certificate of Appropriateness in order to explore alternatives to the demolition. Guidelines for decisions on demolition delays shall be maintained in the County's Development Review Manual.
4. Development related to a Project may commence and proceed prior to final issuance of a Certificate of Appropriateness provided no activity which may cause any Adverse Effect to the Landmark or its environs shall occur. Such condition shall be noted on any Development Order or Permit.
5. Applicants may appeal a decision by the CRRB to the Board of County Commissioners following the processes set forth in section 9.07.00 of this code.
6. Landmark Districts

Within the Development Review process of the County, as established by the County Administrator, the CRRB must issue a Certificate of Approval for proposal of new Construction, and major changes or Alterations to contributing and non-contributing properties or vacant land within a Landmark District. The review shall be based upon the approved Overlay design criteria and guidelines for the District, and shall be in

accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, as amended.

Sec. 3.01.04 Cultural Resources Protection and Management

A. General

The provisions of this section shall govern the County management of Cultural Resources and the review of proposed action or Development for Adverse Effects on Cultural Resources, or potential Cultural Resources, in St. Johns County. When applications are filed for Development Permits, Development Orders, demolitions, rezoning, or other approvals that may affect Cultural Resources or are in areas that are likely to contain such resources, the Cultural Resources staff shall review these applications for effects to Cultural Resources following procedures outlined in the County's Development Review Manual.

B. St. Johns County Cultural Resources Inventory

The County Administrator, in coordination with the CRRB, shall survey, create and maintain an inventory of known and potential Cultural Resources located within unincorporated St. Johns County. The inventory shall be known as the "St. Johns County Cultural Resources Inventory" and shall provide for identification, evaluation, recordation and documentation of known or potential Cultural Resources. In the case of subsurface resources, the Inventory shall indicate a low, medium or high probability of occurrence. The Inventory shall also indicate those resources deemed Significant Cultural Resources, Landmarks, and Landmark Districts. The inventory shall be maintained by the County Administrator in a manner consistent in format and data as the Florida Master Site File as maintained by the Division of Historical Resources of the Department of State. The Cultural Resources Inventory shall be mapped and updated so as to remain current.

C. Significant Cultural Resources

1. Significant Cultural Resources may be designated by the County Administrator, the CRRB, or by the Florida Division of Historical Resources. Resources listed on the National Register of Historic Places, and those listed as County Landmarks shall also be designated as Significant Cultural Resources.
2. In assessing the significance of a Cultural Resource, the Administrator and the CRRB shall use the following criteria, as provided by the National Register of Historic Places. A Cultural Resource must be fifty (50) years old or older, and it must meet at least three (3) of these seven (7) recognized qualities of Integrity: location, design, setting, materials, workmanship, feeling and association. In addition to Integrity, the Cultural Resource must meet one or more of these criteria:
 - a. Associated in a significant way with the life of a person of recognized importance.
 - b. The site of an historic event with significant effect upon St. Johns County, the State of Florida, or the nation.
 - c. Exemplifies an historic, cultural, political, economic, or social trend of St. Johns County, the State of Florida, or the nation.

- d. Embodies distinguishing characteristics of an architectural style, period or method of Construction.
 - e. Is the work of an architect or builder whose work has significantly influenced the development of St. Johns County, the State of Florida, or the nation.
 - f. Contains elements of design, detail, materials or craftsmanship of outstanding quality or represents a significant innovation or adaptation to the Florida environment.
 - g. Has value as a Building that is recognized for the quality of its architecture and that retains sufficient features showing its architectural significance.
 - h. Has yielded, or is likely to yield, archaeological information or artifacts important in prehistory or history.
 - i. Is a geographically definable area or neighborhood united by culture, architectural styles or physical development, which has historic or cultural significance in the community.
- 3. If a Cultural Resource is found upon County Administrator or CRRB review or through cultural resource consultants' recommendations to retain Integrity and meet one or more of the stated criteria, the County Administrator or the CRRB shall make a Determination of Significance. The County Administrator shall maintain a list of all sites determined Significant and shall update Florida Master Site File forms associated with Significant Cultural Resources to reflect this determination.
 - 4. Potentially Significant

If the County Administrator establishes that the Cultural Resource has Integrity and appears likely to satisfy at least one (1) of the criteria listed in section 3.01.04(C), but insufficient data exists for a final Determination of Significance, then the County Administrator shall declare the resource to be Potentially Significant. All resources designated Potentially Significant shall be afforded the same protections as those determined Significant. The resource will remain Potentially Significant until the owner presents sufficient research to allow staff to make a final Determination of Significance.

D. Protection Requirements

- 1. When the County Administrator determines that Cultural Resources are likely to be present on a Development site, or where insufficient information exists to make a determination, the applicant shall cause to be performed a Cultural Resource Assessment Survey. Determining the likelihood of the presence of Cultural Resources on a Development site shall be based upon: proximity of project areas to known Cultural Resources and to the county's defined archaeological probability zones which incorporate proximity to water sources, topographic data, and soil type; an evaluation of current and past site conditions including land disturbances; an evaluation of the known history of the area; a review of the County's Cultural Resources inventory; and common observation.

2. The survey shall be designed to locate all Cultural Resources and assess their significance. The survey should be consistent with the guidelines for Cultural Resource Assessment Surveys (Phase I) in Module 3, Chapter 2 of the *Cultural Resource Management Standards and Operational Manual*, as amended, of the Florida Division of Historical Resources. The County Administrator has the authority to require additional information or fieldwork depending upon the nature of the project area.
3. All survey reports must be reviewed and approved in writing by the County Administrator prior to issuance of any Construction or Development permits. The report shall be reviewed for completeness and sufficiency and the findings considered. The County reserves the right to request a concurrent review of survey reports by the State Historic Preservation Office in lieu of or in addition to County review.
4. In the event that the Phase I investigation provides substantial evidence of a Significant Cultural Resource or a Potentially Significant Cultural Resource but insufficient data exists to make a determination, the County Administrator shall require further research be performed. For archaeological sites, a Phase II investigation of the site shall be required. The Phase II investigation must be consistent with the requirements in Module 3, Chapter 3 of the *Cultural Resource Management Standards and Operational Manual* of the Florida Division of Historical Resources. For standing structures, objects, or other features, additional work may include further historic research, architectural assessments, and other measures appropriate to generate sufficient information to assess significance.

A report of the additional work must be reviewed and approved in writing by the County Administrator prior to issuance of demolition permits, Land Clearing, and Construction or Development permits. In the event the additional work further substantiates that a Significant Cultural Resource is present, a Determination of Significance shall be made by the County Administrator.

E. Review of Projects affecting Significant Cultural Resources

1. In reviewing projects affecting Significant Cultural Resources, the County Administrator shall make a determination of "No Adverse Effect" or "Adverse Effect" to the resource.
 - a. A Project is considered to have an effect when the characteristics of the Cultural Resource that qualified the resource as significant are proposed to be altered. Alteration of features in the surrounding environs may also have an effect.
 - b. A Project is considered to have an Adverse Effect when the effect may reasonably be foreseen to diminish or degrade the integrity of the location, design, setting, materials or workmanship of the historic property or the general integrity of an archaeological site. Adverse effects on historic properties include, but are not limited to:

- (1) Physical destruction, damage, or alteration of significant elements of all or part of the property or Archaeological Site.
 - (2) Isolation of the property from its setting, or alteration of the character of the property's setting, when that setting contributes to the property's qualification as a Significant Cultural Resource.
 - (3) Introduction of visual, audible, or atmospheric elements that are out of character with the property or adversely alter its setting.
2. If the County Administrator makes a determination of "No Adverse Effect", then the project may proceed without alteration. This determination may be reconsidered if substantive changes in project design or if new information is made known.
3. If the County Administrator makes a determination that the proposed Development will have an "Adverse Effect", the applicant must submit a Cultural Resource Management Plan to be reviewed and approved by the County Administrator. The Plan should be developed with input from the County Administrator, and shall establish alternatives to avoid, minimize, or mitigate the effect. The County Administrator reserves the right to request a concurrent review by the CRRB and the State Historic Preservation Office to aid in assessing the plan for approval. The Plan may also be subject to approval by the CRRB and the State Historic Preservation Office.

F. Adverse Effects Occurring as a Result of Proposed Development - Requirement for a Cultural Resource Management Plan

1. Where evidence of likely Adverse Effect has been further substantiated pursuant to the findings of the Phase I or Phase II survey, or where evidence of likely Adverse Effect is apparent through common observation, the Applicant shall provide a Cultural Resource Management Plan related to the Significant Cultural Resource.

The information required shall be dependent upon the nature, context and significance of the resource. The Management Plan shall at a minimum, provide the following:

- a. Potential impacts to the Significant Cultural Resource citing any irreversible or irretrievable commitment of resources.
- b. Alternatives to any proposed demolition and options to mitigate adverse effects. Possible options may include but are not limited to: establishment of an historic conservation easement, relocation of an historic structure or object, data recovery (Phase III) excavation of a significant archaeological site, documentation of significant historic buildings following the Historic American Buildings Survey/Historic American Engineering Record standards, and other preservation or mitigation alternatives.
- c. Schedule of any demolition, excavation, or any activity causing alteration to the Significant Cultural Resource.

- d. Provision of an adequate time to create additional recordation and documentation, and if appropriate, relocation of the resource. In the event that relocation of a resource is required, a minimum of ninety (90) days shall be allowed for such relocation to occur but no longer than one (1) year.
2. Criteria to be considered when establishing alternatives for the Management Plan include:
 - a. The archaeological, historic or architectural significance of the building, structure, site or object;
 - b. The importance of the building, structure, or object to the ambience of a district;
 - c. The likelihood of the site to yield information important in prehistory or history;
 - d. The difficulty or impossibility of reproducing such a building, structure, or object because of its design, texture, material, detail, or unique location;
 - e. Whether the resource is one of the last remaining examples of its kind in the neighborhood, the County, or the region;
 - f. Whether there are definite plans for the reuse of the property and the effect of those plans on the character of the surrounding properties;
 - g. Whether reasonable measures can be taken to save the building, structure, object, or site from collapse or other destruction;
 - h. If relocation of a structure or object is proposed, consideration shall be given as to whether the proposed relocation area is compatible with the historical and architectural character of the structure or object, and whether the structure or object can be moved without significant damage to its physical integrity.
3. If a part or all of a Significant Cultural Resource is to be destroyed the County shall have the option to salvage significant features and data to ensure their preservation.

G. Review and Approval of Cultural Resource Management Plan

1. When required, a Cultural Resource Management Plan shall be submitted to the County Administrator and reviewed pursuant to the established Development Review Process. The County Administrator may approve, approve with conditions, or disapprove the Cultural Resources Management Plan. In the event disagreement about the terms of the Management Plan arises, the CRRB shall review the Management Plan at their next scheduled public meeting, and make a ruling on its appropriateness.
2. The Management Plan shall be attached to any Development Order or Permit, and shall remain in effect as prescribed within the Management Plan.

3. Development related to a Project may commence and proceed prior to final approval of a Management Plan provided no activity which may cause any effect to the Significant Cultural Resource or its environs shall occur. Such condition shall be noted on any Development Order or Permit. Violations of the Management Plan are subject to penalties and enforcement pursuant to Part 10.05.00 of this Code.

Sec. 3.01.05 Properties Listed or Determined to be Eligible for Listing on the National Register of Historic Places

For all properties listed or determined to be eligible for listing on the National Register of Historic Place, the County shall support the responsibilities, requirements and protocols of the Division of Historical Resources. The CRRB shall pursue County Landmark designation for all properties listed on the National Register.

Sec. 3.01.06 Emergency Action Involving a Threat to a Cultural Resource or Landmark

A. Request for Emergency Action

The County Administrator may take emergency action to review and consider a threat to a Cultural Resource or Landmark. A threat is considered to be any activity which may have an Adverse Effect upon a Cultural Resource or Landmark. Notice related to a potential threat may be submitted to the County Administrator by any interested party or Agency. In the case of a Development application which may pose a threat, the County department receiving such application concerning a Cultural Resource or Landmark shall immediately notify the County Administrator.

1. In support of the request for emergency action, written information describing the potential threat shall be submitted to the County Administrator. Such information shall provide evidence that an Adverse Effect may occur to the Cultural Resource or Landmark if demolition, alteration or construction is allowed to occur thereon.
2. The County Administrator shall have the authority to order the County Building Official to immediately suspend all demolition, or alteration, or construction activity on the property, in which event the County Administrator shall determine if a potential threat exists.
3. The County Administrator shall notify the Applicant for the Permit of the request for emergency action. All demolition, alteration, or Construction activity requiring Building Permits or the processing of Permit applications relating to the property shall be held in abeyance until action is completed with regard to the threatened property. The County Building Official shall have the authority to suspend any Permit issued for any threatened Significant Cultural Resource during which time the Applicant or Property Owner shall provide a Cultural Resource Management Plan as described in Section 3.01.05.
4. Upon approval of a Cultural Resource Management Plan by the Board of County Commissioners, the County Building Official shall authorize release of the Permits, with any conditions attached and to remain in force as set forth in the Management Plan.

Sec. 3.01.07 Maintenance and Protection of Cultural Resources and Landmarks

A. Generally

1. No provision of this Section shall be interpreted to require a property owner to undertake an alteration or to restore a Significant Cultural Resource or Landmark to its original appearance.
2. No person shall instigate or cause the demolition or destruction of a Significant Cultural Resource or Landmark eligible for review under the provisions of this code through purposeful neglect or intentional damage.
3. No person shall knowingly disturb, damage, or destroy a Cultural Resource on county owned, or managed, property.

B. Compliant Inspections, Penalties, and Enforcement

Staff shall conduct inspections in order to insure compliance with this Code. Individuals or companies whose activities adversely affect a Cultural Resource eligible for review under the provisions of this Code are subject to penalties and enforcement procedures pursuant to Part 10.05.00 of this Code.

C. Emergency Conditions

When the County Administrator determines that there are emergency conditions which pose a threat to the safety or general welfare of the public, affecting a Cultural Resource or Landmark, the County Administrator may order the correction of these conditions. When the emergency conditions require demolition or destruction of a Cultural Resource or Landmark, the County Administrator shall make every effort to provide adequate time for a resource assessment or a Cultural Resources Management Plan to be prepared.

PART 3.02.00 WELLHEAD PROTECTION

Sec. 3.02.01 Purpose

- A. The purpose of this Part is to ensure the protection of the existing and future public potable water supplies in St. Johns County, Florida, through the establishment of Wellhead Resource Protection Areas (RPA) around public potable water supply wells, and the prohibition or regulation of specific activities and facilities in these areas.
- B. The St. Johns County Board of County Commissioners hereby declares that in order to ensure an adequate and safe future supply of potable water that certain land Uses and associated activities, which are deemed by the County to be potential sources of degradation of the drinking water in St. Johns County, may be regulated or prohibited within defined areas. This Part sets forth regulations and prohibitions deemed necessary by the St. Johns County Board of County Commissioners to ensure protection of the present and future public potable water supply wells for the residents of unincorporated St. Johns County, Florida.
- C. It is recognized that public water supply Development occurs within two (2) separate and distinct aquifer systems, those being the shallow, discontinuous, semi-confined Surficial Aquifer and the deeper, continuous, confined Floridan Aquifer. Further, it is recognized that the Surficial Aquifer requires a higher degree of protection than does the Floridan Aquifer.
- D. As an interim measure, Wellhead Resource Protection Area refers to all Public Water Supply Utilities within St. Johns County. For the Surficial Aquifer only, maps, travel times, drawdown rates, capture zones, location, and all other attributes of identified Public Water Supply Utilities shall be found in "Wellhead Protection Area Delineation For Public Supply Utilities Located In St. Johns County, Florida" produced by the St. Johns River Water Management District, 1993. All regulations within this Part shall follow amendments or revisions made to the above referenced document.
- E. New public water supply wells developed by a Public Water Supply Utility after the effective date of this Code shall prepare a Wellhead Protection Area Study with a professional geologist and submit the findings to St. Johns County in both hard copy and digital format.

Sec. 3.02.02 Wellhead Resource Protection Area Map

- A. Designation of Wellhead Resource Protection Areas

Wellhead Resource Protection Areas (RPA) are hereby established for the Surficial Aquifer and the Floridan Aquifer.

For the Surficial Aquifer, a one thousand (1,000) foot Zone or the five (5) year travel time rate as illustrated in Table 2 of the wellhead study referred to in Section 3.02.01.C., whichever is greater, around public potable water supply wells is designated as a Wellhead Resource Protection Area (RPA) to protect existing and future potable water resources for the people of unincorporated St. Johns County. For the Floridan Aquifer, a fixed one thousand (1,000) foot zone around public potable water supply wells is designated as a Wellhead RPA. For the Surficial Aquifer, the County Administrator in coordination with St. Johns River Water Management District and the specific Public Water Supply Utility shall determine as to whether or not the well is pumping at its normal or full capacity rate in

deciding the five (5) year travel time buffer for new Development or activities which may occur in the area. This Wellhead Resource Protection Area is further divided in two zones for the two Aquifer systems as follows:

1. Primary Zone, Surficial Aquifer

The inner boundary of the Wellhead Resource Protection Area shall be defined by a two hundred (200) foot radius, or the one (1) year travel time as defined in Table 2 of the wellhead study referred to in Section 3.03.01.C., whichever is greater, from the wellhead. In accordance with Section 3.03.02.A. above, the County Administrator in coordination with St. Johns River Water Management District and the Public Water Supply Utility shall determine the pumping capacity rate of the well from the wellhead.

2. Secondary Zone, Surficial Aquifer

The outer boundary of the Wellhead Resource Protection Area shall be defined by a one thousand (1,000) foot radius, or the five (5) year travel time, whichever is greater, from the wellhead.

3. Primary Zone, Floridan Aquifer

The inner boundary of the RPA shall be a fixed two hundred (200) foot radius from the wellhead.

4. Secondary Zone, Floridan Aquifer

The outer boundary of the RPA shall be a fixed one thousand (1,000) foot radius from the wellhead.

B. Interpretation of Wellhead Resource Protection Area Designations

To determine the location of properties and facilities within the Wellhead Resource Protection Areas, the following general rules shall apply:

1. Map boundaries

Provisions of this regulation shall apply if a contiguous parcel of land lies wholly or in part within a Wellhead Resource Protection Area, to the extent of the boundary delimitation.

2. Changes to map boundaries

Wellhead Resource Protection Area designations may be changed by the Board of County Commissioners, on the basis of defined criteria, including but not limited to changes in the technical knowledge concerning the aquifers of St. Johns County, changes in pumping rates for public potable water supply wells in wellfields, wellfield reconfiguration, the addition of new public potable water supply wells to a wellfield, or approval by the Board of County Commissioners of additional wellfields.

Sec. 3.02.03 Regulation Of Activities In The Wellhead Resource Protection Areas

A. Prohibited Activities, Primary Zone, Surficial and Floridan Aquifer

The following activities are prohibited in the Primary Zones of Wellhead Resource Protection Areas:

1. The Primary Zone shall be a zone of exclusion for all Uses except existing residential Uses, Uses functionally related to the water supply system, open space, parks, and playgrounds. For the Surficial Aquifer only, no parking areas, Structures, or other impervious surfaces, other than those surfaces that are accessory to existing residential Uses, will be permitted in this zone except for playing courts, open-air shelters, and other similar recreation facilities. An exemption shall be allowed for one single family dwelling unit per Parcel or Lot that may be within this zone of exclusion, provided that Parcel or Lot was created on or before the adoption of the St. Johns County Comprehensive Plan.
2. New sanitary landfills, including new phosphogypsum piles, and any other disposal of a solid waste, or solid waste transfer facility, as permitted under Rule 17-701.020, F.A.C.
3. New Industrial Land Use designations.
4. New Interim wastewater treatment plants, unless Advanced Wastewater Treatment (AWT) standards and other regulatory requirements for Community Wastewater Treatment Plants are met.
5. New concentrated animal feeding operations as defined in Rule 17-670.200, F.A.C.
6. New dairy farm storage and treatment facilities, high intensity areas and land application areas as defined in Rule 17-670.200, F.A.C.
7. Discharge of stormwater into depressions with direct or demonstrated hydrologic connection to the Surficial Aquifer.
8. Any new land applications of sludge and septage.
9. New underground storage facilities.
10. Stormwater management ponds.

B. Prohibited Activities, Secondary Zone, Surficial Aquifer

The following activities are prohibited in the Wellhead Resource Protection Areas (RPA) for the Surficial Aquifer, Secondary Zone:

1. New sanitary landfills, including new phosphogypsum piles, and any other disposal of a solid waste, or solid waste transfer facility, as permitted under Rule 17-701.020, F.A.C.
2. New concentrated animal feeding operations as defined in Rule 17-670.200, F.A.C.

3. New dairy farm storage and treatment facilities, high intensity areas and land application areas as defined in Rule 17-670.200, F.A.C.
4. Any new land applications of sludge and septage.
5. New underground storage facilities.
6. Any surface drainage modifications which would reduce recharge to the Surficial Aquifer.

C. Restricted Activities, Secondary Zone, Floridan Aquifer

The following activities are restricted in the Wellhead Resource Protection Areas (RPA), for the Secondary Zone, Floridan Aquifer: These activities may be allowed, subject to review and approval of a Special Use Permit. These activities may also require a Development Permit from the County in accordance with Part 9.01.00.

1. Sludges

Existing sludge spreading activities in an RPA must be permitted by and meet the requirements of state and local environmental permitting agencies and this Part.

2. Septages

Existing septage spreading activities in an RPA must be permitted by and meet the requirements of state and local environmental permitting agencies and this Part.

3. Hazardous Wastes

Any new facility that uses, handles, stores, or generates hazardous wastes in an RPA above thirty (30) gallons in a liquid form, or six (6) pounds of solid, must be permitted by and meet the requirements of the Florida Department of Environmental Protection and this Part.

4. New sanitary landfills, including new phosphogypsum piles, and any other disposal of a solid waste, or solid waste transfer facility, as permitted under Rule 17-701.020, F.A.C.

5. New concentrated animal feeding operations as defined in Rule 17-670.200, F.A.C.

6. New dairy farm storage and treatment facilities, high intensity areas and land application areas as defined in Rule 17-670.200, F.A.C.

7. New underground storage facilities.

D. Expansion or Modification of an Existing Facility

Expansion or modification of an existing facility identified in Section 3.02.03.A., 3.02.03.B., or 3.02.03C above shall only be approved by the Planning and Zoning Agency by Special Use Permit in accordance with Section 3.02.05 below.

Sec. 3.02.04 General Exemptions

The following legally existing activities and facilities are deemed by the County to be generally exempt from the requirements of this Part.

A. General Exemption for Continuous Transit

The transportation of any hazardous waste through an RPA shall be exempt from the provisions of this Part provided that the transporting motor vehicle is in continuous transit. The transport of any hazardous waste through existing permanent pipelines shall also be exempt provided that the currently authorized Use or Uses are not changed.

B. General Exemption for Vehicular Fuel and Lubricant Use

The use of any petroleum product solely as a fuel in a vehicle's fuel tank or as a lubricant in a vehicle shall exempt the vehicle from the provisions of this Part.

C. General Exemption for the Use of Nitrates Contained in Fertilizers

The use of fertilizers containing nitrates shall be generally exempt from this Part.

D. General Exemption for Janitorial Uses

The use of hazardous waste for the maintenance and cleaning of residential, commercial and office Buildings is generally exempt from the provisions of this Part.

E. General Exemption for Construction Activities

The activities of constructing, repairing or maintaining any facility or improvement on land within an RPA shall be generally exempt from the provisions of this Part provided that all contractors, subcontractors, laborers, material men and their employees or agents, when using, handling, storing, producing, transporting or disposing of hazardous wastes use applicable Best Management Practices.

F. General Exemption for Laboratory or Instrument Use

Professional laboratories shall not be required to obtain a Special Use Permit for the handling, storage, use, generation, transport or disposal of hazardous wastes, if and only if, these substances are stored, generated, transported, handled, used or disposed of in the normal course of business of the laboratory.

G. General Exemption for Retail Sales Activity

Retail sales establishments which store and handle, for resale, hazardous wastes in the substance's original and unopened containers shall not be required to obtain a Special Use Permit, when using, handling, storing, producing, transporting or disposing of hazardous wastes, use applicable Best Management Practices, and are generally exempt from the provisions of this Part.

H. General Exemption for Application of Pesticides, Herbicides, Fungicides, and Rodenticides

The application of those hazardous wastes used as pesticides, herbicides, fungicides, and rodenticides in recreation, agriculture, pest control, and aquatic weed control activities shall be exempt from the provisions of this Part provided that:

1. Application of the substance is in strict conformity with the use requirements as set forth in the EPA registry for that substance and as indicated on the containers in which the substances are sold.
2. The application is in strict conformity with the requirements as set forth in Chapters 482 and 487 F.S., and the Florida Administrative Code.
3. The application of any of the pesticides, herbicides, fungicides, and rodenticides shall be highlighted in the records of the certified operator supervising its use. The certified operator shall provide specific notification in writing to the applicators under his or her supervision that they are working at a site located in a potable water Wellhead Resource Protection Area for which particular care is required. Records shall be kept of the date and amount of those substances applied at each location and said records shall be available for inspection by the County.

I. General Exemption for Office Uses

Office Uses, except for the storage, handling or use of hazardous wastes as provided for in this Part, shall be generally exempt from the provisions of this Part.

J. General Exemption for Residential Uses

Residential Uses shall be generally exempt from this Part. However, notwithstanding the minimum lot size requirements of Section 6.01.01 and Section 6.01.05 of this Code, a minimum lot size of one (1) acre is required for the use of a septic system within an RPA, except for existing lots of record as of the adoption of this Code.

Sec. 3.02.05 Special Use

A. Generally

A property owner in an RPA may make a request to the Planning and Zoning Agency under Part 9.03.00, Special Use procedures, for a Special Use under Section 3.02.03.D, Expansion or Modification of an Existing Facility.

B. Duration

A Special Use for a particular activity or facility shall expire automatically five (5) years after issuance.

C. Conditions and Safeguards

In granting the Special Use Permit, additional conditions and safeguards may be prescribed which are deemed necessary to protect the existing impacted well(s), future identified well(s) or future potable water supply resources. The Applicant for a Special Use Permit shall in addition to the standards of Part 9.03.00, demonstrate by the preponderance of competent

substantial evidence of:

1. Unique circumstances exist which are peculiar to the particular non-residential activity or facility and which are different than any other prohibited or allowed non-residential activity or facility.

2. Best Possible Technology

Best possible technology exists which will isolate the activity or facility from the existing or future potable water supply resources.

3. Hydrogeologic data and analysis

Site-specific hydrogeologic data and analysis establish that the activity or facility will not elevate water quality parameters above the limits set forth in Rule 17-3, F.A.C., at the point of discharge.

PART 3.03.00 FLOOD DAMAGE CONTROL REGULATIONS

Sec. 3.03.01 General Provisions

A. Short Title

These regulations shall be known as the Flood Damage Control Regulations of St. Johns County, hereinafter referred to as “these regulations.”

B. Scope

The provisions of these regulations shall apply to all Development that is wholly within or partially within any Flood Hazard Area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities including those that are exempt from the Florida Building Code; placement, installation, or replacement of Manufactured Homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

C. Purpose

The purpose of these regulations and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in Flood Hazard Areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of Flood Hazard Areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of Flood Hazard Areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

D. Coordination with the Florida Building Code

These regulations are intended to be administered and enforced in conjunction with the Florida Building Code. Where cited herein, “ASCE 24” refers to the edition of the standard that is referenced by the Florida Building Code.

E. Warning

The degree of flood protection required by these regulations and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of mapped special Flood Hazard Areas, or that uses permitted within such Flood Hazard Areas, will be free from flooding or flood damage. The Flood Hazard Areas and base flood elevations contained in the Flood Insurance Study and shown on FIRMs and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guarantee of vested use, existing use, or future use is implied or expressed by compliance with these regulations.

F. Disclaimer of Liability

These regulations shall not be deemed or construed to in any way create liability on the part of the Board or any official, officer or employee thereof, including but not limited to the Floodplain Administrator, for any flood damage that may result, directly or indirectly, from reliance on these regulations or any administrative decision lawfully made thereunder.

Sec. 3.03.02 Applicability

A. General

Where there is a conflict between a general requirement and a specific requirement of these regulations, the specific requirement shall be applicable.

B. Areas to Which These Regulations Apply

These regulations shall apply to all Flood Hazard Areas within St. Johns County, as established in Section 3.03.02.C, below.

C. Basis for Establishing Flood Hazard Areas

The FIS for St. Johns County, Florida and Incorporate Areas dated December 7, 2018, and all subsequent amendments and revisions, and the accompanying FIRM, and all subsequent amendments and revisions to such maps, are adopted by reference as a part of these regulations and shall serve as the minimum basis for establishing Flood Hazard Areas. Studies and maps that establish Flood Hazard Areas are on file at the Building Department, 4040 Lewis Speedway, St. Augustine, Florida 32084.

1. Submission of Additional data to Establish Flood Hazard Areas

To establish Flood Hazard Areas and base flood elevations, pursuant to Section 3.03.05, below, the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- a. Are below the closest applicable base flood elevation, even in areas not delineated as a special Flood Hazard Area on a FIRM, the area shall be considered as Flood Hazard Area and subject to the requirements of these regulations and, as applicable, the requirements of the Florida Building Code.
 - b. Are above the closest applicable base flood elevation, the area shall be regulated as special Flood Hazard Area unless the applicant obtains a Letter of Map Change that removes the area from the special Flood Hazard Area.
2. The Floodplain Administrator may accept the use of best available data providing it is more stringent than that provided on the FIRM.

D. Other laws

The provisions of these regulations shall not be deemed or construed to nullify any provisions of local, state or federal law.

E. Abrogation and Greater Restrictions

These regulations shall supersede any ordinance in effect for management of Development in Flood Hazard Areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, storm water management regulations or the Florida Building Code. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by these regulations.

F. Definitions

The definitions set forth in Part XII of this Code shall apply to this Part. Where terms pertaining to flood damage control regulation are not defined in Part XII and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in Part XII of this Code or the Florida Building Code, such terms shall have the meanings such as the context implies.

G. Interpretation

In the interpretation and application of these regulations, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 3.03.03 Duties and Powers of the Floodplain Administrator

A. Designation

The Floodplain Administrator is an authorized position in the Department of Growth Management. The Floodplain Administrator may delegate performance of certain duties to other employees.

B. General

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and may establish policies and procedures in order to clarify the application of their provisions. Such interpretations, policies and procedures shall not have the effect of waiving requirements specifically provided in these regulations without the granting of a variance pursuant to Section 3.03.07, below.

C. Applications and Permits

The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new Development will be located in Flood Hazard Areas;
2. Review applications for modification of any existing Development in Flood Hazard Areas for compliance with the requirements of these regulations;
3. Interpret Flood Hazard Area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed Development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for Development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with these regulations is demonstrated, or disapprove the same in the event of noncompliance; and

8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews and inspections for buildings and structures in Flood Hazard Areas comply with the applicable provisions of these regulations.

D. Substantial Improvement and Substantial Damage Determinations

For applications for Building Permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, Substantial Improvements, repairs of Substantial Damage and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes Substantial Improvement or repair of Substantial Damage; the determination requires evaluation of previous permits issued for repairs as specified in the definition of Substantial Damage; and
4. Notify the applicant if it is determined that the work constitutes Substantial Improvement or repair of Substantial Damage and that compliance with the flood resistant construction requirements of the Florida Building Code and these regulations is required.

E. Modifications of the Strict Application of the Requirements of the Florida Building Code

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 3.03.07, below.

F. Notices and Orders

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with these regulations.

G. Inspections

The Floodplain Administrator shall make the required inspections as specified in Section 3.03.06, below, for Development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect Flood Hazard Areas to determine if Development is undertaken without issuance of a permit.

H. Other Duties of the Floodplain Administrator

The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of Substantial Improvement and Substantial Damage made pursuant to Section 3.03.03.D, above;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to FEMA;
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the FIRMs if the analyses propose to change base flood elevations, Flood Hazard Area boundaries or Floodway designations; such submissions shall be made within 6 months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by these regulations and the Florida Building Code to determine that such certifications and documentations are complete;
5. Notify FEMA when the corporate boundaries of St. Johns County are modified; and
6. Advise applicants for new buildings and structures, including Substantial Improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on FIRMs as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

I. Floodplain Management Records

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood resistant construction requirements of the Florida Building Code, including FIRMs; LOMCs; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes Substantial Improvement or repair of Substantial Damage; required design certifications and documentation of elevations specified by the Florida Building Code and these regulations; notifications to adjacent communities, FEMA and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Building Department, 4040 Lewis Speedway, St. Augustine, Florida 32084.

Sec. 3.03.04 Permits

A. Permits Required

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of these regulations, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any Flood Hazard Area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of these regulations and all other applicable codes and regulations has been satisfied.

B. Floodplain Development Permits or Approvals

Floodplain Development Permits or Approvals shall be issued pursuant to these regulations for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a Floodplain Development Permit or Approval is required in addition to a Building Permit.

1. Buildings, Structures and Facilities Exempt from the Florida Building Code

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), Floodplain Development Permits or Approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of these regulations:

- a. Railroads and ancillary facilities associated with the railroad.
- b. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
- c. Temporary buildings or sheds used exclusively for construction purposes.
- d. Mobile or modular structures used as temporary offices.
- e. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
- f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
- g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site

and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

- h. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
- i. Structures identified in section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures are located in Flood Hazard Areas established on Flood Insurance Rate Maps.

C. Application for Permit or Approval

To obtain a Floodplain Development Permit or Approval the applicant shall first file an application in writing on a form furnished by the County. The information provided shall:

- 1. Identify and describe the Development to be covered by the permit or approval.
- 2. Describe the land on which the proposed Development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- 3. Indicate the use and occupancy for which the proposed Development is intended.
- 4. Be accompanied by a site plan or construction documents as specified in Section 3.03.05, below.
- 5. For projects proposing to enclose areas under elevated buildings, a signed Declaration of Land Restriction (Non-conversion Agreement); the agreement shall be recorded on the property prior to issuance of the Certificate of Occupancy.
- 6. State the valuation of the proposed work.
- 7. Be signed by the applicant or the applicant's authorized agent.
- 8. Give such other data and information as required by the Floodplain Administrator.

D. Validity of Permit or Approval

The issuance of a Floodplain Development Permit or Approval pursuant to these regulations shall not be construed to be a permit for, or approval of, any violation of these regulations, the Florida Building Code, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

E. Expiration

A Floodplain Development Permit or Approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

F. Suspension or Revocation

The Floodplain Administrator is authorized to suspend or revoke a Floodplain Development Permit or Approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of these regulations or any other ordinance, regulation or requirement of this community.

G. Other Permits Required

Floodplain Development Permits or Approvals and Building Permits shall include a disclaimer that issuance of a Floodplain Permit or Approval or a Building Permit does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law, as well as a condition that all other applicable state or federal permits be obtained before commencement of the permitted Development, including but not limited to the following:

1. The St. Johns River Water Management District; section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. FDEP for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the Coastal Construction Control Line; section 161.141, F.S.
4. FDEP for activities subject to the Joint Coastal Permit; section 161.055, F.S.
5. FDEP for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

Sec. 3.03.05 Site Plans and Construction Documents

A. Information for Development in Flood Hazard Areas

The site plan or construction documents for any Development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of Flood Hazard Areas, Floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where Base Flood Elevations, or Floodway data are not included on the FIRM or in the FIS, they shall be established in accordance with Section 3.03.05.B.2 or 3.03.05.B.3, below.

3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the FIS, such elevations shall be established in accordance with Section 3.03.05.B.1, below.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in Coastal High Hazard Areas and Coastal A Zones, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount and proposed final grades of any filling, grading or excavation.
6. Where the placement of fill is proposed, the amount, type and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the Coastal Construction Control Line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by FDEP.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents and other data that are required by these regulations but that are not required to be prepared by a Registered Professional if it is found that the nature of the proposed Development is such that the review of such submissions is not necessary to ascertain compliance with these regulations.

B. Information in Flood Hazard Areas without Base Flood Elevations (Approximate Zone A)

Where Flood Hazard Areas are delineated on the FIRM and Base Flood Elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include Base Flood Elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants Base Flood Elevation and Floodway data available from a federal or state agency or other source or require the applicant to obtain and use Base Flood Elevation and Floodway data available from a federal or state agency or other source.
3. Where Base Flood Elevation and Floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate, require the applicant to include Base Flood Elevation data prepared in accordance with currently accepted engineering practices.

4. Where the base flood elevation data are to be used to support a LOMC from FEMA, advise the applicant that the analyses shall be prepared by a Professional Engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

C. Additional Analyses and Certifications

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this Section 3.03.05, the applicant shall have the following analyses signed and sealed by a Professional Engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a Regulatory Floodway, a Floodway Encroachment Analysis that demonstrates that the encroachment of the proposed development will not cause any increase in Base Flood Elevations; where the applicant proposes to undertake development activities that do increase Base Flood Elevations, the applicant shall submit such analysis to FEMA as specified in Section 3.03.05.D, below, and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine Flood Hazard Area for which Base Flood Elevations are included in the FIS or on the FIRM and Floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated Flood Hazard Area encroachments, will not increase the Base Flood Elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated Flood Hazard Areas not connected to a riverine Flood Hazard Area or in Flood Hazard Areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with currently accepted engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 3.03.05.D, below.
4. For activities that propose to alter sand dunes or mangrove stands in Coastal High Hazard Areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

D. Submission of Additional Data

When additional hydrologic, hydraulic or other engineering data, studies and additional analyses are submitted to support an application, the applicant has the right to seek a LOMC from FEMA to change the Base Flood Elevations, change Floodway boundaries or change boundaries of Flood Hazard Areas shown on FIRMs and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Professional Engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 3.03.06 Inspections

A. General

Development for which a Floodplain Development Permit or Approval is required shall be subject to inspection.

1. Development Other than Buildings and Structures

The Floodplain Administrator shall inspect all Development to determine compliance with the requirements of these regulations and the conditions of issued Floodplain Development Permits or Approvals.

2. Buildings, Structures and Facilities Exempt from the Florida Building Code

The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of these regulations and the conditions of issued Floodplain Development Permits or Approvals.

B. Buildings, Structures and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection

Upon placement of the Lowest Floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the Lowest Floor must be prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the Lowest Floor was determined in accordance with Section 3.03.05.B.3.(b), above, the documentation of height of the Lowest Floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

C. Buildings, Structures and Facilities Exempt from the Florida Building Code, Final Inspection

As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the Lowest Floor or final documentation of the height of the Lowest Floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 3.03.06.B, above.

D. Manufactured Homes

The Building Official shall inspect Manufactured Homes that are installed or replaced in Flood Hazard Areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a Manufactured Home, certification of the elevation of the Lowest Floor shall be submitted to the Building Official.

Sec. 3.03.07 Floodplain Variances and Appeals

A. General

The Board of County Commissioners shall hear and decide on requests for appeals and requests for Floodplain Variances from the strict application of these regulations. Pursuant to section 553.73(5), F.S., the Board of County Commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, *Building*.

B. Appeals

The Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the administration and enforcement of these regulations. Any person aggrieved by the decision of Board of County Commissioners may appeal such decision to the Circuit Court, as provided by Florida Statutes.

C. Limitations on Authority to Grant Floodplain Variances

The Board of County Commissioners shall base its decisions on Floodplain Variances on technical justifications submitted by applicants, the considerations for issuance in Section 3.03.07.H, below, the requirements for issuance set forth in Section 3.03.07.I, below, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of County Commissioners has the right to attach such conditions as it deems necessary to further the purposes and objectives of these regulations.

D. Restrictions in Floodways

Notwithstanding any other provision of this Part, a Floodplain Variance shall not be issued for any proposed development in a Floodway if any increase in Base Flood Elevations would result, as evidenced by the applicable analyses and certifications required in Section 3.03.05.C, above.

F. Historic Buildings

A Floodplain Variance with approval of the St. Johns County's Cultural Resources Review Board and the Floodplain Administrator is authorized to be issued for the repair, improvement or rehabilitation of an historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, *Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as an historic building and the Floodplain Variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as an historic building, a Floodplain Variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

G. Functionally Dependent Uses

A Floodplain Variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a Functionally Dependent Use, as defined in Part XII, provided the Floodplain Variance meets the requirements of Section 3.03.07.D, above, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the Base Flood.

H. Considerations for Issuance of Floodplain Variances

In reviewing requests for Floodplain Variances, the Board of County Commissioners shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, these regulations and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed Development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed Development to the community;
5. The availability of alternate locations for the proposed Development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed Development with existing and anticipated Development;
7. The relationship of the proposed Development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

I. Requirements for Issuance of Floodplain Variances

Floodplain Variances shall be issued only upon:

1. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit

compliance with any provision of these regulations or the required elevation standards;

2. Determination by the Board of County Commissioners that:
 - a. Failure to grant the Floodplain Variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a Floodplain Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The Floodplain Variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the Floodplain Variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a Floodplain Variance to allow construction of the Lowest Floor of a new building, or Substantial Improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the Floodplain Variance, specifying the difference between the Base Flood Elevation and the proposed elevation of the Lowest Floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the Base Flood Elevation increases risks to life and property.

Sec. 3.03.08 Violations

A. Violations

Any Development that is not within the scope of the Florida Building Code but that is regulated by these regulations that is performed without an issued Floodplain Development Permit or Approval, that is in conflict with an issued Floodplain Development Permit or Approval or that does not fully comply with these regulations, shall be deemed a violation of these regulations. A building or structure without the documentation of elevation of the Lowest Floor, other required design certifications or other evidence of compliance required by these regulations or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

B. Authority

For Development that is not within the scope of the Florida Building Code but that is regulated by these regulations and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

C. Unlawful Continuance

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Sec. 3.03.09 Reserved

Sec. 3.03.10 Flood Resistant Development

A. Buildings and Structures

1. Design and construction of Buildings, Structures and Facilities Exempt from the Florida Building Code.

Pursuant to Sec 3.03.04.B.1, above, buildings, structures, and facilities that are exempt from the Florida Building Code, including Substantial Improvement or repair of Substantial Damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 3.03.10.G, below.

2. Buildings and Structures Seaward of the Coastal Construction Control Line

If extending, in whole or in part, seaward of the Coastal Construction Control Line and also located, in whole or in part, in a Flood Hazard Area:

- a. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, *Building* Section 3109 and Section 1612 or Florida Building Code, *Residential* Section R322.
- b. Minor structures and non-habitable major structures, as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of these regulations and ASCE 24.

B. Subdivisions

1. Minimum Requirements

Subdivision proposals, including proposals for Manufactured Home Parks and Subdivisions, shall be reviewed to determine that:

- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

- c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. Subdivision Plats

Where any portion of proposed Subdivisions, including Manufactured Home Parks and Subdivisions, lies within a Flood Hazard Area, the following shall be required:

- a. Delineation of Flood Hazard Areas, Floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- b. In residential Subdivisions, no buildable portion of any lot is permitted in a Regulatory Floodway;
- c. Where the Subdivision has more than 50 lots or is larger than 5 acres and Base Flood Elevations are not included on the FIRM, the Base Flood Elevations determined in accordance with Section 3.03.05.B.1, above; and
- d. Compliance with the site improvement and utilities requirements of Section 3.03.10.C, below.

C. Site Improvements, Utilities and Limitations

1. Minimum Requirements

All proposed new Development shall be reviewed to determine that:

- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- b. All public utilities and facilities such as sewer, gas, electric, communications and water systems are located and constructed to minimize or eliminate flood damage; and
- c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. Sanitary Sewage Facilities

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

3. Water Supply Facilities

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

4. Limitations on Sites in Regulatory Floodways

No Development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the Regulatory Floodway unless the Floodway Encroachment Analysis required in Section 3.03.05.C.1, above, demonstrates that the proposed development or land disturbing activity will not result in any increase in the Base Flood Elevation.

5. Limitations on Placement of Fill

- a. Fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour.
- b. If intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
- c. Compensatory storage shall be provided above the normal high groundwater table elevation and below the Base Flood Elevation; alternatively, site-specific data shall be provided to demonstrate the proposed fill will not raise the Base Flood Elevation on adjacent or downstream properties, such data shall be derived from technical information that is submitted to and subject to the approval of the County, such applicability of this provision shall be determined by the County Engineer. Compensatory storage volumes shall be in addition to stormwater detention or retention volumes otherwise required to reduce peak runoff rates from the development pursuant to Article VI of this Code.
- d. Compensatory storage shall not be required if the development is within a landlocked Flood Hazard Area that is under one ownership and may not be subdivided.

6. Limitations on Sites in Coastal High Hazard Areas (Zone V) and Coastal A Zones

In Coastal High Hazard Areas and Coastal A Zones, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by FDEP and only if the engineering analysis required by Section 3.03.05.C.4, above, demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 3.03.10.G.8(c), below.

D. Manufactured Homes

1. General

All Manufactured Homes installed in Flood Hazard Areas shall be installed by an

installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of these regulations. All Manufactured Homes located seaward of the Coastal Construction Control Line shall comply with the more restrictive of the applicable requirements.

2. Foundations

All new Manufactured Homes and replacement Manufactured Homes installed in Flood Hazard Areas shall be installed on permanent, reinforced foundations that:

- a. In Flood Hazard Areas (Zone A) other than coastal high hazard areas and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, *Residential* Section R322.2 and these regulations.
- b. In Coastal High Hazard Areas (Zone V) and Coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, *Residential* Section R322.3 and these regulations.

3. Anchoring

All new Manufactured Homes and replacement Manufactured Homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

4. Elevation

Manufactured Homes that are placed, replaced, or substantially improved shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the Flood Hazard Area, in the Florida Building Code, *Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zones).

5. Enclosures

Enclosed areas below elevated Manufactured Homes shall comply with the requirements of the Florida Building Code, *Residential* Section R322 for such enclosed areas, as applicable to the Flood Hazard Area.

6. Utility Equipment

Utility equipment that serves Manufactured Homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, *Residential* Section R322, as applicable to the Flood Hazard Area.

E. Recreational Vehicles and Park Trailers

1. Temporary Placement

Recreational Vehicles and Park Trailers placed temporarily in Flood Hazard Areas shall:

- a. Be on the site for fewer than 180 consecutive days; or
- b. Be fully licensed and ready for highway use, which means the Recreational Vehicle or Park Trailer is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks or porches.

2. Permanent Placement

Recreational Vehicles and Park Trailers that do not meet the limitations for temporary placement in Section 3.03.10.E.1, above, shall meet the requirements of Section 3.03.10.D, above, for Manufactured Homes.

F. Tanks

1. Underground Tanks

Underground tanks in Flood Hazard Areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

2. Above-ground Tanks, Not Elevated

Above-ground tanks that do not meet the elevation requirements of Section 3.03.10.F.3, below, shall:

- a. Be permitted in Flood Hazard Areas (Zone A) other than coastal high hazard areas and Coastal A Zones, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
- b. Not be permitted in coastal high hazard areas (Zone V) and Coastal A Zones.

3. Above-ground Tanks, Elevated

Above-ground tanks in Flood Hazard Areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable Flood Hazard Area.

4. Tank Inlets and Vents

Tank inlets, fill openings, outlets and vents shall be:

- a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

G. Other Development

1. General Requirements for Other Development

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Florida Building Code, shall:

- a. Be located and constructed to minimize flood damage;
- b. Meet the limitations of Section 3.03.10.C.4, above, if located in a Regulated Floodway;
- c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
- d. Be constructed of flood damage-resistant materials; and
- e. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

2. Fences in Regulated Floodways

Fences in Regulated Floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 3.03.10.C.4, above.

3. Retaining Walls, Sidewalks and Driveways in Regulated Floodways

Retaining walls and sidewalks and driveways that involve the placement of fill in Regulated Floodways shall meet the limitations of Section 3.03.10.C.4, above.

4. Roads and Watercourse Crossings in Regulated Floodways

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into Regulated Floodways shall meet

the limitations of Section 3.03.10.C.4, above. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 3.03.05.C.3, above.

5. Concrete Slabs Used as Parking Pads, Enclosure Floors, Landings, Decks, Walkways, Patios and Similar Nonstructural Uses

In Coastal High Hazard Areas and Coastal A Zones, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios, and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

- a. Structurally independent of the foundation system of the building or structure;
- b. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
- c. Have a maximum slab thickness of not more than four (4) inches.

6. Decks and Patios

In addition to the requirements of the Florida Building Code, in Coastal High Hazard Areas and Coastal A Zones, decks and patios shall be located, designed, and constructed in compliance with the following:

- a. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- b. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- c. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a Registered Professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
- d. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

7. Other Development

In Coastal High Hazard Areas and Coastal A Zones, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by Registered Professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
- b. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
- c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

8. Nonstructural Fill

In Coastal High Hazard Areas and Coastal A Zones:

- a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- b. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a Registered Professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- c. Where authorized by FDEP or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering or analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

PART 3.04.00 AIRPORT OVERLAY DISTRICT

Sec. 3.04.01 Intent

It is the intent of this overlay district to promote the health, safety and general welfare of the inhabitants of the County by preventing the creation, establishment or maintenance of hazards to aircraft, preventing the destruction or impairment of the utility of an airport and the public investment therein and protecting the lives and properties of owners or occupants of lands in the vicinity of any public use airport as well as the users of the airport; and to aid and implement the overriding Federal and State interest in safe operation of airports and the security of land surrounding them.

Sec. 3.04.02 District Boundary

There are four (4) criteria to be used in establishing the limits of the Airport Overlay District for airports. They are the property map, the most recent version of the airport layout plan (ALP) showing the twenty (20) year future growth projections, airport noise contour map, and the airport airspace surfaces map. The Airport Overlay District shall encompass all property owned by the airport, all property not owned by the airport in the shadow of the future airport property line shown on the ALP, and all property within the shadow of the imaginary line defined as two hundred (200) feet outside the sixty-five (65) db noise level contour identified on the airport noise contour map. These maps are further defined in paragraph 3.04.03 of this Section.

Sec. 3.04.03 Airport Overlay District Maps

Each airport in the County shall create and maintain maps related to the airport in accordance with Federal Aviation Administration (FAA) and Florida Department of Transportation (FDOT) requirements. These maps shall be coordinated with and incorporated into the planning and zoning maps maintained by the County Planning and Zoning Departments. These maps shall include the following specific maps and any other maps as required and directed by the County.

A. Airport Property Map

This map shall show all properties owned by the airport and their relation to the major runways. In addition, the map shall show areas affected by the airport as included in any state charter or other authorizing agency documentation.

B. Airport Layout Plan

The FAA and FDOT require this plan as part of the airport Master Planning process. It identifies twenty (20) year future growth projections and property that the airport plans to acquire to accommodate future expansion of airside facilities. This plan also identifies clear zones, Building restriction lines, and other like requirements to facilitate the safe operation of aircraft.

C. Airport Noise Contour Map

Similar to the airport layout plan, the noise contour map is required by the FAA and FDOT as part of the airport Master Planning process. It identifies twenty (20) year future growth projections and the impacts this growth will have on the surrounding area relative to noise

increases. This map shows, as a minimum, the sixty-five (65) db noise contour for both the existing and future airside facilities.

D. Airport Airspace Surfaces Map

The FAA and FDOT also require this map as part of the Airport Master Plan. It provides clear definition of all imaginary surfaces required for the safe operation of aircraft on and around the airport. The imaginary surfaces are defined by the FAA in Federal Aviation Regulation Part 77, and are surfaces through which fixed Structures can not penetrate. These airspace limitations extend well beyond the limits of airport property and the Airport Overlay District, and form a height limitation on property that falls under them. These height limitations are generically defined in paragraph 3.04.05, and are more precisely defined in FAA FAR Part 77.

Sec 3.04.04 Existing Uses In Airport Overlay District

Properties within the Airport Overlay District in addition to their zoning requirements, are further limited as follows:

- A. All existing Uses as of the effective date of this Land Development Code shall be allowed to remain.
- B. All existing zoning districts shall remain with additional limitations as outlined below:
 - 1. In addition to a recommendation by the Planning and Zoning Agency, changes to any zoning district shall be reviewed by the Airport Authority and a recommendation forwarded prior to being presented to the Board of County Commissioners.
 - 2. In addition to approval by the Planning and Zoning Agency, request for Variances and Special Uses to existing zoning districts shall be reviewed by the Airport Authority and a recommendation forwarded to the Planning and Zoning Agency.
- C. Existing nonconforming Uses and Structures will be allowed to remain and the owner will be allowed to make minor repairs and perform normal maintenance. However, replacement of or major renovation to existing nonconforming Uses will be required to comply with the new requirements established for this district.

Sec 3.04.05 Airport Overlay Height Limitations

Activities within the Airport Overlay District shall be limited in their use of the airspace as defined by the FAA in Federal Aviation Regulation Part 77. These limitations define the height of Structures or other obstructions allowable within each zone, and are generally defined below and are shown on the Airport Airspace Surface Map. For properties within two thousand (2,000) feet of any runway or under any airport flight pattern, maximum height determination requires coordinated review with the affected airport and the FAA.

A. Primary Zone

The area longitudinally centered on a runway, extending two hundred (200) feet beyond each end of that runway, with a width so specified for the most precise approach type

existing or planned for either end of the runway. No Structure will be permitted within the primary zone, except those required to assist the take off and landing of aircraft, that is higher than the nearest point on the runway centerline. The width of the primary zone for each runway at County airports is as follows:

St. Augustine - St. Johns County Airport:

Runway	Zone Width (feet)	Remarks
Runway 13/31	1000	Existing Precision Approach
Runway 13R/31L	1000	Future Precision Approach
Runway 6/24	250	Existing Non-Precision Approach
Runway 2/20	250	Existing Non-Precision Approach

B. Horizontal Zone

The area encompassing the runways, primary zones, approach zones, and transitional zones of the airport defined by swinging ten thousand (10,000) foot radii arcs from the intersection of the primary zone and the runway centerline at each runway end and connecting these arcs by tangent lines to form an enclosed shape. No Structure higher than one hundred fifty (150) feet above the airport elevation will be allowed within the horizontal zone without prior approval of the FAA and the Airport Authority. The airport elevations are as follows:

<u>Airport</u>	<u>Elevation (feet above mean sea level)</u>
St. Augustine - St. Johns County Airport	11.00 feet

C. Conical Zone

The area extending from the horizontal zone four thousand (4,000) feet. Height limitations vary within this zone from one hundred fifty (150) feet at the horizontal zone to three hundred fifty (350) feet at the outer edge of the conical zone. Height increase within the zone is one (1) foot vertically for every twenty (20) feet horizontally measured from the horizontal zone. Heights are measured from the official airport elevation.

D. Approach Zone

The area longitudinally centered on the extended runway centerline and proceeding outward from each end of the primary surface for a specified distance and slope. The width of the approach zone shall match the width of the primary zone at each runway end and shall expand uniformly to the stated width at the outer boundary. Maximum Structure or object height shall be calculated using the approach zone slopes listed below. The maximum height calculation shall be based on the closest horizontal distance between the primary surface and the Structure or object. The distance, slopes, and widths for each runway are as follows:

St. Augustine B St. Johns County Airport:

<u>Runway</u>	<u>Distance (feet)</u>	<u>Slope</u>	<u>Width (feet)</u>
Runway 13/31	10,000	50:1	
	10,000 to 50,000	40:1	16,000
Runway 13R/31L	10,000	50:1	
	10,000 to 50,000	40:1	16,000
Runway 6/24	5,000	20:1	1,200
Runway 2/20	5,000	20:1	1,200

E. Transitional Zone

The area extending outward from the sides of the primary zones and approach zones and connecting to the horizontal zones and conical zones. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins, and increase at a rate of one (1) foot vertically for every seven (7) feet of horizontal distance measured at right angles from the runway centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of five thousand (5,000) feet from the side of the approach zone that extends beyond the conical zone.

F. Other Zones

Height limitations on properties beyond the zones indicated above are defined based on nautical miles from the airport reference point as defined on the ALP. No Structure shall be erected, to a height of two hundred (200) feet above the airport elevation within three (3) nautical miles; to a height of three hundred (300) feet between three (3) and four (4) nautical miles; to a height of four hundred (400) feet between four (4) and five (5) nautical miles; and to a height of five hundred (500) feet beyond five (5) nautical miles, unless it can be shown to meet all of the following tests:

1. That notice of proposed Construction or alteration has been given to the affected airport and the FAA as required by Part 77 of the Federal Aviation Regulations,
2. That the proposed Structure will not raise the Federal Aviation Administration's established minimum descent altitude or decision height for approach to any runway, or cause minimum obstruction clearance altitude or minimum en route altitude to be increased, and
3. That the Structure does not otherwise constitute an obstruction to air navigation.

Sec 3.04.06 Land Use Restrictions

A. Use Restrictions

Notwithstanding any other provision of this Code, no use may be made of land or water within St. Johns County in such a manner as to interfere with the safe operation of an airborne aircraft. The following special requirements shall apply to each permitted or Special Use:

1. All lights or illuminations used in conjunction with street, parking, Signs, or use of land and Structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public use airport or in vicinity thereof.
2. No operation or Use shall produce smoke, glare, or other visual hazards within three nautical miles of any usable runway of a public use airport.
3. No operation or Use shall produce electrical interference with navigation signals or radio communication between the airport and aircraft.
4. Use of land within the accident potential hazard area, defined in FAR Part 77, shall prohibit residential Use, schools, hospitals, explosive material storage, assembly of large groups of people, or any other Use that could produce a major catastrophe as a result of an aircraft crash.

B. Lighting

Notwithstanding the proceeding provision of this Section, the owner of any Structure over two hundred (200) feet above ground level within the County must install on that Structure lighting in accordance with Federal Aviation Administration (FAA) Advisory Circular (AC) 70-7460-ID, as amended from time to time. Additionally, any Structure within the County exceeding seven hundred forty-nine (749) feet above mean sea level must install on the Structure high intensity white obstruction lights in accordance with FAA AC 70-7460-ID.

C. Variances

Any person desiring to erect or increase the height of any Structure (exceeding the height restrictions herein), or use his property not in accordance with the regulations prescribed in this Section, may apply for a Variance from such regulations in accordance with Part 9.03.00. No application for Variance to the requirements of this Code may be considered unless a copy of the application has also been furnished to the affected airport personnel.

D. Hazard Marking and Lighting

Any Permit or Variance granted shall require the owner to mark and light the Structure in accordance with FAA AC 70-7460-ID, as amended from time to time, and may be conditioned to require the installation, operation, and maintenance of any additional markers and lights as may be necessary to indicate to pilots the presence of the airspace hazard.

E. Trees

No person shall allow the natural growth of Trees to interfere with any of the FAA FAR Part 77 surfaces established for existing or proposed runways at any public use airport. In order to promote the safe operation of aircraft in accordance with Florida Statute, Chapter 333, the County shall request the property owner remove any Tree or vegetation deemed to interfere with FAA FAR Part 77. If the property owner does not remedy the violation within thirty (30) days, the County has the right to remove any Tree or vegetation required to meet FAA FAR 77 requirements without compensation to the property owner. The cost of removing Trees or vegetation by the County shall be billed to the property owner.

F. Disclosure Statement

No person shall sell, lease or offer to sell or lease a Structure or land within the airport horizontal or conical zone boundaries as defined above, unless the prospective buyer or lessee has been given adequate notice in writing, at the time of contract of sale or lease, which notice shall be recorded in the public records of St. Johns County, Florida, as a part of the legal instrument that conveys the real property interest in the lands lying within the aforereferenced Airport Overlay District, horizontal or conical zones.

PART 3.05.00 PONTE VEDRA ZONING DISTRICT

Sec. 3.05.01 Purpose

The Ponte Vedra Zoning District has zoning regulations in addition to the St. Johns County Land Development Code. St. Johns County Ordinance 2003-05 provides the zoning regulations for the Ponte Vedra Zoning District. The provisions of this Code which are not in conflict with the provisions of the Ponte Vedra Zoning Ordinance shall apply to the Ponte Vedra Zoning District.

PART 3.06.00 PALM VALLEY OVERLAY DISTRICT

Sec. 3.06.01 Purpose and Intent

The purpose and intent of establishing this overlay district is to enhance property Development within the Palm Valley Overlay District and achieve specific goals and objectives of the St. Johns County Comprehensive Plan. Objectives to be attained through the establishment of this Palm Valley Overlay District include protection of adjacent residential Uses; reduction of visual distraction through uniform Sign criteria; enhancement of physical appearance through increased landscaping of public and private property; clustering of complementary Uses throughout the various locations throughout the Palm Valley Overlay District; provision of architectural design guidelines within specific locations throughout the Palm Valley Overlay District; encouraging pedestrian facilities; and enhancing the appearance of Development through landscaping. These goals shall be accomplished through the establishment of special Development standards for the Palm Valley Overlay District and the review of the impact upon the safe use of the roads of this Palm Valley Overlay District; the location, character, compatibility and appearance of all proposed commercial and multi-family land Uses; and the compliance with the standards, criteria, and application requirements of this Part. The review shall be performed with the goal of determining whether a proposed plan of Development meets the goals, objectives and policies set forth in the Comprehensive Plan and the standards and criteria of this Part.

Sec 3.06.02 Delineation Of The Palm Valley Overlay District

- A. The Palm Valley Overlay District, delineated herein, is a special district in the form of an overlay superimposed upon the various zoning districts. This Palm Valley Overlay District encompasses all that land situated within St. Johns County within six hundred (600) feet of the outer edges of the right-of-way of the following roads as listed below:
1. Palm Valley Road (CR 210) from the Intracoastal Waterway to SR A1A.
 2. Roscoe Boulevard (CR 210A) from Palm Valley Road (CR 210) to Solana Road.
 3. Canal Boulevard from Palm Valley Road (CR 210) to Roscoe Boulevard (CR 210A).
 4. Mickler Road from Palm Valley Road (CR 210) to SR A1A.
 5. State Road A1A North from Mickler Road to Mosquito Control Road.
 6. Solana Road from Roscoe Boulevard (CR 210A) to the west edge of the Ponte Vedra Zoning District.

7. Landrum Lane from Roscoe Boulevard (CR210A) to Palm Valley Road (CR210).
 8. Palm Valley Road (CR210) from the Intracoastal Waterway to the intersection of Nocatee Parkway (CR210) and Davis Park Road, including the intersection.
 9. Palm Valley Road from the intersection of Nocatee Parkway (CR210) and Davis Park Road to the intersection of Crosswater Parkway and Valley Ridge Boulevard.
- B. In such cases where a proposed Development Parcel extends beyond six hundred (600) feet from the outer edges of the right-of-way, the entire Parcel shall be subject to the Palm Valley Overlay District, except any portion outside the boundaries of St. Johns County. Measurements from the right-of-way will be made generally in a perpendicular direction from the right-of-way line and, where there is curvature, perpendicular to the chord of such curvature.

Sec. 3.06.03 Application Of District Regulations

- A. All standards prescribed in this Part shall apply to all Uses contained within all zoning categories (including PUD's, PSD's and PRD's) excluding single-family dwellings; Two Family Dwellings; mobile homes; roadside stands; plant nurseries, barns, corrals, greenhouses and other substantially similar Structures; temporary uses; and boarding stables and riding academies. These requirements shall apply to property proposed for Development as a permitted Use, as well as to additions, exterior remodeling and renovations hereafter undertaken within the Palm Valley Overlay District.
1. Exterior remodeling and renovation shall be defined as any activity changing the exterior of a Structure that requires a County Building Permit, as well as to Construction or alteration of fences or decks.
 2. These regulations shall apply to only that portion being added, remodeled, renovated or changed.
 3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired, Buildings re-painted using the same colors, and roofs repaired and replaced with the same materials and colors, without a review by the Architectural Review Committee (ARC).
 4. Any non-conforming Uses or Structures impacted by this Part shall follow Part 10.03.00 of this Code concerning non-conforming regulations.
- B. Permitted Uses

The Uses for the property contained within the Palm Valley Overlay District shall be as prescribed in the various zoning districts underlying the Palm Valley Overlay District, except where such Use or site design is not permitted by the St. Johns County Comprehensive Plan, as may be amended from time to time.

C. Exemptions

The following activities shall be exempt from ARC review.

1. Repainting of Structures in existing colors.
2. Additions to the rear of a Structure not exceeding two-hundred and fifty (250) square feet which are of similar architectural style as the existing structure, and consist of like exterior finishes and colors including window and doors.
3. Replacement of roofing with like roofing materials.
4. Replacement of existing windows, doors, porches, patio overhangs, porte cocheres or carports which are replaced in a similar style as the existing Structure or main portion of the existing Structure and consist of like exterior finishes and colors.
5. Replacement of landscaping consistent with a previously approved Landscape Plan, or replacement of existing landscaping with like landscaping material.
6. Non substantive changes, which do not change the character, design, or commonly observed appearance of a site or structure.

Sec. 3.06.04 Development Standards and Criteria

A. The following general criteria shall apply within the Palm Valley Overlay District:

1. Flat roof lines, or the appearance of flat roof lines, are not allowed. Pitched roofs, or the appearance of pitched roofs, with a minimum slope of 5/12 are required.
2. Work areas or storage doors and open bays shall not open toward, face or otherwise be visible from any Palm Valley Overlay District Delineated Roadway as described in Section 3.06.02. The ARC may consider alternative screening and design concepts to shield work areas, storage doors and open bays from delineated roadway or any adjacent residential properties.
3. Heating, ventilation and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be either screened from view with fencing or vegetation, or located so that such items are not visible from any Palm Valley Overlay District Delineated Roadway, adjacent residential properties or intersecting Streets. Trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes (except as provided by Florida law), Antenna, and other such Structures shall be similarly screened or made not visible.
4. Chain link, barbed wire and similar fencing materials shall not be allowed in any required Front Yard, and where such Fencing can be viewed from any roadway, landscaping and/or berming shall be provided to prohibit visibility from any Ponte Vedra/Palm Valley Overlay District Delineated Roadway.
5. Exterior lighting for safety and security shall be kept to a minimum consistent with reasonable safety requirements of the particular business or Structure. Safety and

security lights, other than low-wattage lights or ground-area lights, shall not be directly visible from adjacent residential properties. See additional lighting criteria in 3.06.13. Lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly. The use of solar power should be explored to supply electricity to fixtures.

6. The maximum amount of impervious surface coverage of any site proposed for Development, excluding any jurisdictional wetlands and pervious parking areas, shall not exceed sixty-five percent (65%).
7. Commercial Uses shall have a maximum Gross Floor Area (GFA) of ten thousand (10,000) square feet per acre (pro rata), excluding any jurisdictional wetlands.
8. The maximum length of Buildings parallel, or within 45 degrees parallel, to any Palm Valley Overlay District Delineated Roadway shall be one hundred twenty (120) feet.
9. The maximum vertical clearance of Canopies provided over the pump islands at gas stations, service stations and convenience stores shall not exceed seventeen (17) feet in height from established grade to the underside of the canopy. The maximum height of a canopy shall not exceed twenty-four (24) feet from established grade.

Sec. 3.06.05 Minimum Yard Requirements

A. Minimum yard requirements shall be as follows:

1. Front along State Road A1A North right-of-way: Forty (40) feet for a Building up to and including twenty (20) feet in height; sixty (60) feet for a Building above twenty (20) feet in height.
2. Front along any other collector or local roadway: Thirty (30) feet for a Building up to and including twenty (20) feet in height; fifty (50) feet for a Building above twenty (20) feet in height.
3. Side: Twenty (20) feet.
4. Rear: Ten (10) feet if adjoining rear of existing commercial Uses, twenty (20) feet if adjoining the side of commercial uses.
5. For Buildings proposed on sites which adjoin an existing residential land Use or residentially-zoned Lands, the minimum adjoining Side or Rear Yard, or both is: thirty (30) feet for a Building up to and including twenty (20) feet in height; fifty (50) feet for a Building above twenty (20) feet in height.
6. Required separation: Minimum twenty (20) feet between Buildings.
7. Accessory Uses and Structures:
 - a. Accessory Uses and Structures including parking lots, shall be adequately screened from any Palm Valley Overlay District delineated roadway.

- b. Accessory Uses and Structures (excluding parking lots), shall not be allowed closer to the Palm Valley Overlay District Delineated Roadway than any Building on the site.

Sec. 3.06.06 Buffers

A. Buffering Requirements

The minimum buffering requirements are as follows:

1. A minimum twenty (20) foot buffer from the right-of-way of the Palm Valley Overlay District Delineated Roadway except Scenic Highway A1A as described in Sec. 6.06.02.F.2.b.
2. A minimum ten (10) foot buffer from side property boundaries. Side Yard buffers shall begin not more than fifty (50) feet from the right-of-way of the Palm Valley Overlay District Delineated Roadway and shall continue to the front or rear property line most distant from said right-of-way.
3. A minimum ten (10) foot buffer from rear property boundaries.
4. Where a Building up to and including twenty (20) feet in height is to be constructed within sixty (60) feet of residentially-zoned property, or where a Building above twenty (20) feet in height is to be constructed within one hundred (100) feet of residentially-zoned property, an eight (8) foot high masonry wall shall be provided and maintained between the Building and the residentially-zoned property, or alternatively, landscaping and fencing which provides one-hundred percent (100%) opacity to an eight (8) foot height shall be provided and maintained.

B. Buffers may be placed within required Yards and shall, where reasonably possible, contain native vegetation existing on the site proposed for Development. Where native vegetation does not exist or cannot reasonably be retained, buffers shall be landscaped as follows:

1. The minimum twenty (20) foot landscaped buffer from the right-of-way of any Palm Valley Overlay District Delineated Roadway shall contain existing or installed evergreen species Trees which are not less than four (4) inches DBH and twelve (12) feet in height, with a six (6) feet spread, placed not more than twenty (20) feet apart. Shrubbery is also required in this area and shall be not less than three (3) feet above the Established Grade at time of planting. The Established Grade includes the height of any berm on which shrubbery is planted. **(Note: The established grade is defined herein to mean the planned elevation of the surface of the ground, driveway or walkway after Construction and landscaping are completed. It does not, however, include any earthen berm placed on top of the ground surface to act as a visual barrier.)**
2. Where commercial or multi-family Development adjoins single-family residential property, a ten (10) foot buffer from the residential property lines shall contain a visual screen consisting of existing or installed evergreen species Trees which are not less than six (6) inches DBH and twenty (20) feet in height with an eight (8) feet spread, and not more than fifteen (15) feet apart.

C. Buffer areas

Buffer areas are landscaped strips along parcel boundaries which separate incompatible Uses or serve as boundaries of Parcels or Uses and may serve as protective or safety barrier.

D. Buffer areas required shall be included in plans submitted for review. Buffer areas may be located between the Building restriction lines and the property lines and shall not be located in an existing or dedicated public or private street right-of-way. However, the continuation of buffer landscaping into the right-of-way, where feasible and permitted, is encouraged. **(Note: Building restriction line is defined herein as a line offset by a prescribed distance within a property line beyond which Construction is not permitted unless authorized herein.)**

E. The design of buffer areas may utilize three features: (1) distance, (2) plant material and (3) structural elements, such as walls or berms. One or more of these features shall be required depending on adjacent existing or zoned Uses. They shall be continuous except for driveway and walk entrances and of prescribed height except within sight triangles at street or roadway intersections, see Section 3.06.06.G. below.

F. Plant material used for buffers shall be natural or landscaped. In either case, this shall create a minimum sixty (60) percent visual screen at least five (5) feet in height above the Established Grade adjacent to the buffer, to be installed at the time of inspection and to be achieved within one (1) year of installation. The use of landscaped berms is encouraged. Walls shall be of appropriate design and no higher than six (6) feet above established grade, except as prescribed for Section 3.06.07.A. below. Adequate distance shall be maintained between the Structure and the exterior property line for plant material and access for its maintenance. The plant material may be natural or landscaped to create a softening effect on the Structure. All elements of buffer areas shall be maintained in good condition.

Sec. 3.06.07 Fences And Walls

A. Within the Palm Valley Overlay District the maximum allowable height for fences or walls, including posts/columns, gates, lights, etc. outside Building restriction lines shall have a maximum height of four (4) feet except:

1. On rear Lot lines which coincide with the right-of-way line of any Palm Valley Overlay District Delineated Roadway, the maximum height may be eight (8) feet.
2. For property adjacent to a borrow pit or drainage pond, the maximum height may be six (6) feet.
3. Properties in a commercial zoning district are allowed fences only in the Rear and Side Yard with a maximum height of six (6) feet and a maximum height of any posts/columns, gates, lights, etc. of eight (8) feet, except as provided in Section 3.06.06.A.4.
4. The height shall be measured from the established grade on the exterior side of the fence or wall. They are allowed anywhere on the Lot except as prohibited on corner lots and because of sight triangles (see Section 3.06.06.G.).

5. Retaining Walls

Maximum height of a retaining wall on a Lot or Parcel is four (4) feet. A minimum of forty (40) feet shall separate retaining walls designed to add cumulative height.

6. When a greater height is needed to meet the minimum criteria as mandated by federal, state, or local rule, requirement, or regulation. However, such fence or wall must be reviewed pursuant to this Part for consistency and compliance, including architectural treatment, materials, and landscaping.

Sec. 3.06.08 Parking

- A. All parking in the Palm Valley Overlay District shall be governed by this Land Development Code, with the addition of the following:

1. Space Required Between Parking Area and Building

A minimum distance of eight (8) feet will be maintained between any Building and its parking area. This space is to be reserved and utilized for walkways and/or vegetation. Within this eight (8) feet wide distance, a minimum three (3) feet wide strip for vegetation is required. No such space is required at the rear of the Building, unless there is an adjoining residential Use.

2. Lighting

Adequate lighting shall be provided if off-Street parking or loading facilities are to be used at night. The lighting shall be designed and installed to minimize glare on adjacent property. The parking area illumination shall be confined to the parking area, not extending beyond the property line. Bulbs shall be concealed from adjacent properties. See additional criteria in Sec. 3.06.13

Sec. 3.06.09 Signage

All multi-family and commercial Signs shall be permitted in the Palm Valley Overlay District only in accordance with the provisions of this Section.

- A. General provisions applying to all subject signage in the Palm Valley Overlay District

1. All ground signs shall be a wide-based monument style. Pylon signs are only permitted when monument styles cannot be adequately located due to site constraints as determined by the ARC. The tops of ground Signs shall not be more than twelve (12) feet above the adjacent highway grade or eight (8) feet above the site grade, whichever is less.
2. Where a single Building, or group of related Buildings contains more than one (1) store or business front, all wall Signs shall be of similar style and shall be compatible and uniform in terms of size, color and any lighting.
3. The color and materials of Signs shall be compatible with the architectural style, color and materials of the related commercial or multi-family Building. Any icons that are not similar to and compatible with the architectural style, color, and materials of

the related commercial and multi-family building shall be restricted to a maximum fifteen percent (15%) of the advertising display area of the sign, unless additional area is approved by the ARC.

4. The location and dimensions of Wall Signs shall maintain compatibility with architectural materials, finishes and features of the Building.
5. New Ground Signs and alterations to existing Ground Signs requiring an ARC review shall be externally illuminated with downward facing fixtures and hours of illumination must cease no later than 30 minutes after business closing, unless additional time is approved by the ARC.
6. In construing the provisions of this Section, messages not exceeding six (6) inches in height erected within or upon doors and windows shall not be counted in computing the number of Signs.
7. Exterior exposed neon tubing in any fashion shall be prohibited. All other interior Window Signs shall be subject to the provisions set forth in Section 3.06.09.C.12 of this Code.
8. Wall Signs shall be mounted directly upon wall surfaces, and shall not be mounted upon raceways or other protrusions from the wall surface.
9. Where feasible, as determined by the approval authority, all ground signs shall use shrubs that are twenty-four (24) inches in height at the time of planting around the base of the sign. These shall be planted within thirty (30) days of sign installation approval by the County.
10. Any lighting shall be white in color for all signs, unless different lighting is required by the County for purposes of protecting turtles. Signs using external lighting must conceal and shield the lighting.
11. Unified Sign Plan (USP)

The USP is an elective master plan for all Project (wall, ground, awning, and window) identification signs located for multi-family and commercial properties. The purpose of the USP is to develop a cohesive sign strategy/design that meets code, expresses the desire of the ARC, and allows an expedited approach to review signage. The USP shall follow the below requirements:

- a. All signage must adhere to the overlay district code.
- b. The USP shall provide information relating, but not limited, to the size of the advertising display area (minimum and maximum), type of sign (i.e. box or individual letter), mounting procedures, lighting, colors, font, materials, icons, and any other relevant information required by the County.
- c. The ARC must consider the USP prior to approval of the USP and may require any conditions it desires to meet the purpose and intent of the overlay code.

12. Administrative Approval of Specific Signage

- a. Any ground sign reface thirty-two (32) square feet in size or portion thereof, provided the colors closely match any colors associated with the building and text type/sizes are similar to other ARC approved signage located on the ground sign face.
- b. Any Wall, Awning or Window Sign reface up to twenty-four (24) square feet or any Hanging sign up to eight (8) square feet or portion thereof in size provided the colors closely match any colors associated with the Building and text type and sizes are similar to other ARC approved signage located on existing Wall Signs on the same Building.
- c. Any Directional ground sign two (2) square feet or less in size.
- d. Any wall, awning, ground, hanging, and/or window identification sign within a Unified Sign Plan that is approved by the ARC.

B. Number and size of Signs permitted for Multi-family properties

- 1. Shall be limited to one (1) permanent wall Sign in painted or molded letters. The face area of such a Sign shall not exceed twenty-four (24) square feet.
- 2. One (1) permanent ground Sign, in addition to a wall Sign, may be installed in painted or molded letters and shall be on-site. The total ground Sign face area shall not exceed thirty-two (32) square feet. Such Sign may be double faced.
- 3. In construing the provisions of this Section, messages not exceeding six (6) inches in height erected within or upon doors and windows shall not be counted in computing the number of signs.
- 4. During a special event, such as sale or construction of a project, only one (1) additional Temporary Sign shall be permitted on any one Lot or Parcel of land in addition to any exempt Signs covered in this regulation.
 - a. The face surface of such Sign shall not be larger than six (6) square feet.
 - b. The Sign shall be constructed only of metal, plastic, wood or pressed wood and shall be fastened to a supporting member constructed of angle iron not exceeding one (1) inch by one (1) inch or a four (4) by four (4) inch post.
 - c. The supporting member shall be driven into the ground to provide that the top of the face of such Sign shall not be more than four (4) feet above the established grade of the ground.
 - d. All such Signs shall be lettered professionally.
 - e. Such Sign shall be erected or placed so that its center line is parallel or perpendicular to the front property line.
 - f. Nothing contained herein shall be construed as prohibiting the same wording

from being on both the front and back of the Sign.

- g. Where such Sign is suspended from an arm of the support, such arm shall not exceed a length of twenty (20) inches.
 - h. Such Sign shall be kept in good repair and shall not be illuminated, animated, or constructed of a reflective material and shall not contain any flags, streamers, movable items or like devices.
 - i. Any such Sign shall be removed within five (5) days from the date the event or project has ended.
- 5. For a multi-family subdivision of homes, one permanent (1) on-site project identification Sign not to exceed sixty (60) square feet of face area.
 - 6. Banner signs shall be allowed as special event signage between the timeframe of overlay application submittal and up to a period of sixty (60) days after permanent sign approval by the ARC. This shall consist of no more than three (3) signs at a maximum advertising display area of twenty-four (24) square feet each. This requirement shall only apply to parcels that have frontage along A1A. All other parcels are limited to one (1) banner sign at a maximum advertising display area of twenty-four (24) square feet.

C. Number and size of Signs permitted for Commercial properties

- 1. For all Uses permitted in the Multi-family Zoning Districts the same regulations as in the Multi-family Zoning Districts shall apply in the Commercial Zoning Districts of the Palm Valley Overlay District.
- 2. In addition to the above Signs, a commercial use is allowed one permanent wall Sign not to exceed twenty-four (24) square feet and may be allowed on each street side of the Building.
- 3. Where a Building is divided into units for several businesses, one permanent (1) wall Sign as specified above is authorized for each such business, not to exceed twenty-four (24) square feet in advertising display area. In addition, each business located therein may have one double-faced hanging Sign under covered walkways with maximum dimensions two (2) feet vertical by four (4) feet horizontal.
- 4. One (1) awning Sign may be substituted, on the front elevation of the Building, for a wall Sign. A window identification Sign may be substituted for a wall Sign. Either sign shall not exceed twenty-four (24) square feet in advertising display area.
- 5. One (1) on-site ground Sign of the following maximum sizes, in addition to wall Signs, may be installed when used in connection with a business conducted on the premises, and shall be on-site. Said Sign may be double-faced and shall not create a traffic hazard or endanger the public safety.
 - a. For Uses occupying five (5) acres or less, one (1) On-Site Sign, not to exceed thirty-two (32) square feet per Sign face, may be located on each street frontage.

- b. For shopping/office centers occupying more than five (5) acres, one (1) On-Site Sign not to exceed sixty (60) square feet per Sign Face, may be located on each street frontage.
- 6. For office and professional Buildings with multiple tenants, one (1) additional sign which may be used for directory purposes not exceeding fifteen (15) square feet per face area.
- 7. Signs installed with molded letters shall be measured at the most extreme limits of length and width and the area shall be computed from these measurements for conformance to the face area limitations.
- 8. On-premise Temporary Signs may be installed in addition to the above limits provided the face surface of the Sign shall not be greater than sixteen (16) square feet and limited to one (1) Sign per Parcel of land, store or office Building. Temporary Signs must be removed within 5 days from the date the event or project has ended.
- 9. Signs may be supported by foundations, the height of which may not exceed four (4) feet. Use of dirt, sand or other material to elevate the height of the Sign on a mound is prohibited. The maximum height to the top of the Sign or mounting surface for molded letters shall be eight (8) feet.
- 10. For traffic safety purposes on-site Directional ground Signs within property lines shall be limited to two (2) square feet per Sign.
- 11. Temporary Window Signs

Signs for the purpose of advertising a particular type of services, products, or events shall be regulated as follows:

 - a. The Sign or Signs shall be temporary and may be attached or applied to the inside surface of the window. Any Sign within two (2) feet of the glass is considered a window Sign.
 - b. The total window Sign coverage is limited to fifteen percent (15%) of the total window space.
 - c. A temporary window Sign must be removed within thirty (30) days of installation.
- 12. When Construction or modification of a Building commences, one (1) Sign may be erected on the street side of the property, but shall be a temporary Sign and shall be removed when the Building has been completed. Such Sign shall not exceed one (1) square foot of face area.

Warning Signs for safety are to be temporary and removed once the danger period has passed. Such Signs shall not exceed one (1) square foot of face area.

Sec. 3.06.10 Landscape Criteria

- A. Applications for rezonings shall provide schematic and textual information which describes existing vegetation including any Specimen, Historic or Protected Trees. Specimen, Historic and Protected Trees shall be as defined in Article XII of this Code. The rezoning application shall also address proposed Tree protection, proposed landscaping, and required buffering.

B. Landscape Plan

At the time of Construction Plan review, in accordance with the County's Development Review Committee (DRC) process, and prior to issuance of any Land Clearing or Construction Permits, the following detailed information shall be provided (this requirement shall apply to all Development, that which is pursuant to a rezoning or otherwise, to which the established DRC process is applicable). A detailed landscape plan, which depicts and describes the following items, shall address or reference each item numerically in the following order on the plan drawings or by attached text.

1. A survey of all Specimen, Historic and Protected Trees shall be submitted in conjunction with the Development site layout. The Tree survey shall also depict any Protected Trees as defined in Article XII of this Code. All Trees proposed for removal shall be clearly noted. The Tree survey shall note sizes, locations, species identification, and spacing, and shall be certified by either a registered land surveyor, registered engineer, registered landscape architect or certified arborist.
2. All proposed Trees and plant materials, with sizes, locations, species identification, existing and proposed contours and spacing.
3. All existing and proposed Structures and vehicular use areas, with sizes, square footage, materials, and circulation noted.
4. Proposed irrigation system layout (if required).
5. Parking Lot islands which include one shade Tree, existing or planted, not less than fourteen (14) feet in height and four (4) inch caliper, for each island. Shrubbery in each island shall include a minimum of three (3) three-gallon container stock for each forty (40) square feet of planting area.
6. Retention and protection of Specimen and valuable native Protected Trees and use of native and drought-resistant plant materials (see following Section 3.06.10.C.).
7. Buffering and screening requirements as described in Section 3.06.06 and landscaped as follows:
 - a. The minimum twenty (20) feet landscaped buffer from any Palm Valley Overlay District Delineated Roadway right-of-way shall contain existing or installed evergreen species Trees which are not less than four (4) inches DBH and twelve (12) feet in height, with a six (6) feet spread, placed not more than twenty (20) feet apart. Shrubbery is also required in this area and shall be not less than three (3) feet above the established grade at time of planting. The established grade includes the height of any berm on which shrubbery is planted.

- b. Where commercial or multi-family Development adjoins single-family residential property, a ten (10) feet buffer from the residential property lines shall contain a visual screen consisting of existing or installed evergreen species Trees which are not less than six (6) inches DBH and twenty (20) feet in height with an eight (8) feet spread, and not more than fifteen (15) feet apart
- c. Maintenance plan for Trees and plant materials during Construction and after Development is completed.

C. Tree Protection

Development of land for different Uses and intensity often necessitates the removal of Trees to accommodate roads, parking, Buildings, and facilities. It is the intent of this Palm Valley Overlay District that every effort be made through the design, layout, and Construction of Development projects to incorporate and save as many Trees as possible. All Development pursuant to this Part shall comply with the St. Johns County Land Clearing and Tree Protection in Section 4.01.05, and the following standards shall also apply within the Palm Valley Overlay District. Where applicable, the following information shall also be addressed or referenced numerically in the following order on the landscape plan drawings or by attached text.

1. No person shall cut, destroy, move, or remove any living, disease-free Tree of any species having a trunk of eight (8) inches DBH or larger, in conjunction with any Development of land governed by this Code unless and until such removal or destruction has been approved under the provisions of this Code, as well as the St. Johns County Land Clearing and Tree Protection pursuant to Section 4.01.05.
2. No person shall cut or clear land of Trees for the sole purpose of offering land for sale.
3. The clear-cutting of Trees shall be avoided where reasonably possible. The term "clear-cutting" as used herein shall mean the cutting of more than seventy-five percent (75%) of the Trees four (4) inches DBH or greater. Clear-cutting pursuant to an approved Development Plan shall require the planting of replacement Trees as indicated in the detailed landscape plan accompanying the Construction Permit application.
4. The requirement for a Tree survey, as required by Section 3.06.10.A., shall be waived when the Applicant demonstrates the ability to accomplish the proposed project without removal of any Trees eight (8) inches DBH or greater. The Applicant shall submit to the County Administrator, a written statement prior to obtaining any Land Clearing or Construction Permits which provides that no such Trees shall be removed, and subsequent Permit will indicate "No Tree Removal" as a condition thereof.
5. Removal of Protected Trees shall be strongly discouraged. Where removal of such Trees is required, replacement of such species shall be required on an inch for inch basis. Relocation (spading) of such Trees, where reasonably possible, shall be required.

6. Considerable damage to or the death of Trees may result if more than six (6) inches of soil is added around the base of a Tree, more than thirty percent (30%) of circumferential bark is removed, or more than thirty percent (30%) of the root system is removed. In addition, asphalt paving, Building Construction, and soil compaction too close to Trees may cause their destruction. Accordingly, it shall be the responsibility of the Applicant to institute alternative site designs to assure the best chance of Tree survival whenever these criteria cannot be adhered to. The use of alternative pervious surfaces such as "Turf-Block" may be required in Tree drip line areas within parking areas only.
7. Where there are Specimen or Historic Trees, as defined in Article XII of this Code, preservation of such Trees shall be required, where reasonably possible. When such Trees exist where greater than six (6) inches of fill is required, tree wells shall be utilized and constructed within the drip line area.
8. Those Trees designated for preservation in accordance with the provisions of this Code, and as shown on the approved landscape plan, shall be marked with bright blue ribbons encircling the Tree trunk at a four (4) feet DBH, and a four (4) feet high structural barricade shall be constructed around the Tree at the drip line prior to the start of Construction. It shall be the responsibility of the Applicant to insure that markings and barricades remain in place until completion of all Construction or improvements.

Sec. 3.06.11 Architectural Design Standards

The pleasing and compatible relationship of architecture along Palm Valley Overlay District Delineated Roadways is of important public concern. The architectural design of Structures and their materials and colors must be visually harmonious with the overall appearance, history and cultural heritage of St. Johns County, and also with natural Land forms and existing vegetation. Compatibility with existing adjacent Structures and other approved Development Plans must also be considered. The intent of these standards is not to restrain diversity or innovative architecture, but to reduce incompatible and adverse impacts, and to insure an aesthetically pleasing environment. To accomplish this, the following standards shall apply to the review of proposed Buildings, renovations, and related site improvements.

- A. Proposed Development shall be located and configured in a visually complementary manner with the existing terrain and vegetation of the Parcel and surrounding parcels. Structures shall obstruct as little as reasonably practical scenic views from the main road or from existing Structures and the natural environment. Structures shall not dominate, in an incompatible manner, any general Development or adjacent Building which is substantially in compliance with this Code. This may be accomplished by the use of architectural features and/or siting of proposed Structures to reduce the appearance of excessive and inappropriate height or mass of proposed Structures.
- B. The proposed Building or Structure shall be of such design that it contributes to the image of the Palm Valley Overlay District as a place of beauty, spaciousness, and high quality.
- C. The proposed Building or Structure shall not, in its exterior design and appearance, be of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance or value.

Sec. 3.06.12 Design Elements and Materials

The following specific design criteria shall apply to Development regulated under the conditions of the Palm Valley Overlay District:

- A. Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or design elements, or by unbroken extension of line shall be avoided.
- B. Architectural grade shingles, metal standing seam, tile or other non-reflective roof materials with similar nature-blending texture and appearance shall be considered appropriate.
- C. Stucco, tabby, wood siding or wood shingle siding, brick or other materials with similar texture and appearance shall be considered appropriate.
- D. Exterior colors of paints and stains shall be nature-blending with no more than three (3) colors per Building, excluding roof color. The ARC may allow up to two (2) additional colors for building accents (e.g. trim, awnings, columns, and shutters). Semi-transparent stains are recommended for application on natural wood finishes. All exterior color hues shall be subdued, consistent and compatible with those on existing adjacent properties as well as those throughout the Palm Valley Overlay District. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural may not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless additional area is approved by the ARC.
- E. Roof and exterior wall surfaces, with the exception of glass doors and windows shall be non-reflective. Any glass coating shall not reflect outward and shall be limited in color to gray or green. No more than forty (40%) percent of the facade facing any of the Palm Valley Overlay District Delineated Roadways shall be glass or reflective material.
- F. Administrative Approval of Design Elements, Materials, and Exterior Finishes
 - 1. The Architectural Review Committee, shall, with assistance of the County, develop architectural design guidelines in accordance with Section 3.06.01 of this Part. Such guidelines shall be adopted by the Board of County Commissioners and shall, at a minimum, include color palettes for exterior materials and finishes.
 - 2. Upon the adoption of color palettes for exterior materials and finishes, exterior painting of existing Structures and Buildings with a selection from the preferred color palette may be approved by the County Administrator. However, if in the determination of the County Administrator, any proposed exterior painting appears to be in conflict with the Purpose and Intent of the Palm Valley Overlay District or with the preferred color palette, a review by the Architectural Review Committee may be required.

Sec. 3.06.13 Lighting Criteria

Architectural lighting shall be recessed under roof overhangs or generated from a concealed light source, or low level light fixtures. Site lighting shall be of low-intensity, shall be of white light which does not distort colors and shall not spill over into adjoining properties, roadways or in any way

interfere with the vision of oncoming motorists. Specifically, lighting shall be downward facing full cut-off, no higher than twenty (20) feet and shall have a maximum illumination level of 0.30 footcandles at ground level at the lot line.

Sec. 3.06.14 Administrative Requirements

The following requirements shall apply to all projects and provisions defined in Section 3.06.03 of this Palm Valley Overlay District. For those projects subject to ARC review that do not require a County Building Permit, a Minor ARC Review shall be allowed. For those projects subject to ARC review, that do require a County Building Permit, a Regular ARC Review shall be required.

A. Functions

The St. Johns County Board of County Commissioners shall direct the following functions to determine compliance with the Palm Valley Overlay District:

1. The St. Johns County Board of County Commissioners shall establish by appointment an Architectural Review Committee (ARC) which shall be the same ARC established in the Ponte Vedra Overlay District. The ARC shall establish and adopt operating procedures which shall be in compliance with all applicable St. Johns County Land Development Codes and State and Federal laws.
2. The ARC shall meet as needed, at the request of the County Administrator or his designee, in order to fulfill its functions in a timely manner. Reasonable public notice shall be provided for all meetings of the ARC, and all meetings shall be open to the public. The ARC shall keep minutes of its proceedings and other official actions. A majority vote shall be required in order to provide an affirmative determination of compliance with this Part.

B. Application and Permitting Requirements

1. The ARC shall, with the assistance of the County, develop submittal requirements and review procedures in accordance with Sections 3.06.04 through 3.06.14 of this Part to determine compliance with this Code. Such procedures shall be adopted by Resolution of the St. Johns County Board of County Commissioners, and may be amended by the Board of County Commissioners from time to time, as appropriate. Pursuant to this adopted process, the ARC shall, in a timely manner, provide a written determination to the Applicant that the Development complies, complies with conditions, or does not comply with Sections 3.06.04 through 3.06.13 of this Code.
2. The Applicant must provide proof of the above written determination of compliance in order to obtain Land Clearing Permits, any Permit authorizing Construction, or any other Development Order as defined in Part II of Chapter 163, F.S.

C. Vested Rights Determinations

1. As an alternative to a determination that a proposed Development complies with the standards contained herein, the Applicant may demonstrate to the St. Johns County Board of County Commissioners, that vested rights to proceed with the proposed Construction or Development have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.06.00 of this Code to the

subject Construction or Development. Upon a determination of vested rights or estoppel by the St. Johns County Board of County Commissioners, the provisions of Part 3.06.00 of this Code in conflict with such rights shall not be applied to the Applicant. The legal requisites for such determinations and burdens of proof, therefore, shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.

2. A Planned Unit Development (PUD) may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PUD. The more restrictive standards and criteria of the existing PUD or the Palm Valley Overlay District shall apply to the expansion.

D. Variances and Appeals

An Applicant may apply to the St. Johns County Architectural Review Committee of Ponte Vedra and Palm Valley for, and be granted or denied, a Variance from one or more standards of the Palm Valley Overlay District.

Variances, or modifications to these requirements within PUD's, in the Palm Valley Overlay District shall be governed as follows:

1. Any Variance, or modification within PUD's, to Palm Valley Overlay District requirements may be granted by the Architectural Review Committee of Ponte Vedra and Palm Valley. Such requests shall be considered by the Architectural Review Committee of Ponte Vedra and Palm Valley pursuant to requirements of Section 10.04.03.
2. Any affected or aggrieved person may Appeal a determination of the Architectural Review Committee to the Board of County Commissioners, made under the authority of this Section, by filing such Appeal in writing to the County Administrator within thirty (30) days of any such determination.

E. Management of Applications among Multiple Boards

1. When a board or agency has made a decision or finding on an application, and the application or a companion application will later appear before the Planning and Zoning Agency or Board of County Commissioners, its approval or approval with conditions shall constitute a recommendation to that body. The Planning and Zoning Agency or Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the lower board or agency for a decision consistent with its findings or suggestions.
2. This section does not impose any additional review standards on applications or board or agency decisions as set forth in this Code.

PART 3.07.00 SOUTH ANASTASIA OVERLAY DISTRICT

Sec. 3.07.01 Purpose and Intent

The purpose and intent of establishing this Overlay District is to protect and preserve the “Old Florida” style, rural beach community in the South Anastasia Overlay District and achieve specific goals and objectives of the St. Johns County Comprehensive Plan. Objectives to be attained through the establishment of this South Anastasia Overlay District include protection of adjacent residential Uses; reduction of visual distraction through uniform Sign criteria; enhancement of physical appearance through increased landscaping of public and private property; clustering of complementary Uses throughout the various locations in the South Anastasia Overlay District; provision of architectural design guidelines within specific locations throughout the South Anastasia Overlay District; encouraging pedestrian oriented and non-urban scale to future Development; and enhancing the appearance of Development through landscaping. These goals shall be accomplished through the establishment of special Development standards for the South Anastasia Overlay District and the review of the impact upon the safe use of the roads of this South Anastasia Overlay District; the location, character, compatibility and appearance of all proposed commercial and multi-family land Uses; and the compliance with the standards, criteria, and application requirements of this Part. The review shall be performed with the goal of determining whether a proposed plan of Development meets the goals, objectives and policies set forth in the Comprehensive Plan and the standards and criteria of this Part.

Sec. 3.07.02 Delineation Of The South Anastasia Overlay District

- A. The South Anastasia Overlay District delineated herein, is a special district in the form of an overlay superimposed upon the various zoning districts. This South Anastasia Overlay District encompasses all that land situated within unincorporated St. Johns County within the boundaries indicated as follows:
 - 1. On the North by Owens Avenue;
 - 2. On the East by the Atlantic Ocean;
 - 3. On the South by the Flagler County line; and
 - 4. On the West by the Matanzas River (Intracoastal Waterway).
- B. In such cases where a proposed Development Parcel extends beyond the boundaries delineated above, the entire Parcel shall be subject to the South Anastasia Overlay District, except any portion outside the boundaries of St. Johns County. Measurements from the South Anastasia Overlay District boundaries will be made generally in a perpendicular direction from the right-of-way line and, where there is curvature, perpendicular to the chord of such curvature.

Sec. 3.07.03 Application Of District Regulations

- A. All standards prescribed in this Part shall apply to all Uses contained within all zoning categories (including PUD's, PSD's, and PRD's) excluding Single-Family Dwellings; Two-Family Dwellings; mobile homes; roadside stands; plant nurseries, barns, corrals, greenhouses and other substantially similar structures; temporary uses; boarding stables;

and riding academies. These requirements shall apply to property proposed for Development as a permitted Use, as well as to additions, exterior remodeling and renovations hereafter undertaken within the South Anastasia Overlay District.

1. Exterior remodeling and renovation shall be defined as any activity changing the exterior of a Structure that requires a County Building Permit.
2. These regulations shall apply to only that portion being added, remodeled, renovated or changed.
3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired (i.e. Buildings repainted using the same colors and roofs repaired and replaced with the same materials and colors), without a review by the Design Review Board (DRB).
4. Any non-conforming Uses or Structures impacted by this Part shall follow Part 10.03.00 of this Code concerning non-conforming regulations.

B. Permitted Uses

The Uses for the property contained within the South Anastasia Overlay District shall be as prescribed in the various zoning districts underlying the South Anastasia Overlay District, except where such Use or site design is not permitted by the St. Johns County Comprehensive Plan, or this Part as may be amended from time to time.

C. Exemptions

The following activities shall be exempt from DRB review:

1. Repainting of structures in existing colors.
2. Additions to the rear of the structure not exceeding two hundred and fifty (250) square feet which are of similar architectural style as the existing structure, and consist of like exterior finishes and colors including windows and doors.
3. Replacement of roofing with like roofing materials.
4. Replacement of windows, doors, existing porches, patio overhangs, porte cocheres, or carports which are replaced in a similar style as the existing structure or main portion of the existing structure and consist of like exterior finishes and colors.
5. Replacement of landscaping consistent with a previously approved landscaping plan or replacement of existing landscaping with like landscaping material.
6. Non-substantive changes, which do not change the character, design, or commonly observed appearance of a site or structure.

Sec. 3.07.04 Development Standards and Criteria

- A. The following general criteria shall apply within the South Anastasia Overlay District:

1. Roof design should generally be of hipped, shed or gable types unless the specific recognized architectural character of the Building suggests a flat roof. Mansard roofs shall be allowed provided they are on all visually exposed sides and the slope does not exceed one to one (1:1).
2. Work areas or storage doors and open bays shall not open toward, face or otherwise be visible from State Road A1A South or any adjacent residential properties. The DRB may consider alternative screening and design concepts to shield work areas, storage doors and open bays from delineated roadways or any adjacent residential properties. No drive-through facilities shall be allowed as part of any commercial Structure, unless screened from view along public streets and adjacent properties by landscaping, walls, fences, canopies and other similar design elements.
3. Heating, ventilation and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be either screened from view with fencing architecturally consistent with the Building or vegetation, or located so that such items are not visible from State Road A1A South, adjacent residential properties or intersecting Streets. Trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes (except as provided by Florida law), Antenna, and other such Structures shall be similarly screened or made not visible.
4. Chain link, barbed wire and similar fencing materials shall not be allowed in any required Front Yard, and where such fencing can be viewed from any roadway, landscaping and/or berming shall be provided to prohibit visibility from State Road A1A South or any adjacent residential properties.
5. Exterior lighting for safety and security shall be kept to a minimum consistent with reasonable safety requirements of the particular business or Structure. Safety and security lights, other than low-wattage lights or ground-area lights, shall not be directly visible from adjacent residential properties. See additional lighting criteria in Sec. 3.06.13. Lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly. The use of solar power should be explored to supply electricity to fixtures.
6. The maximum amount of impervious surface coverage of any site proposed for Development, excluding any jurisdictional Wetlands, shall not exceed sixty-five percent (65%).
7. Commercial Uses shall have a maximum Gross Floor Area (GFA) of ten thousand (10,000) square feet per acre (pro rata), excluding any jurisdictional wetlands.
8. For properties adjacent to State Road A1A South, the maximum length of Buildings parallel, or within 45 degrees of parallel, to State Road A1A South shall be one hundred twenty (120) feet.
9. The maximum vertical clearance of Canopies provided over the pump islands at gas stations, service stations, and convenience stores shall not exceed seventeen (17) feet in height from established grade to the underside of the canopy. The maximum height of a canopy shall not exceed twenty-four (24) feet from established grade.

Sec. 3.07.05 Minimum Yard Requirements

A. Minimum yard requirements shall be as follows:

1. Front along State Road A1A South right-of-way: Twenty (20) feet for a Building up to and including twenty (20) feet in height; thirty (30) feet for a Building above twenty (20) feet in height.
2. Front along any other Collector: Fifteen (15) feet for Building up to and including twenty (20) feet in height; twenty-five (25) feet for a Building above twenty (20) feet in height.
3. Side: Ten (10) feet
4. Rear: Ten (10) feet if adjoining rear of existing commercial Uses, twenty (20) feet if adjoining the side of commercial uses.
5. For Buildings proposed on sites which adjoin an existing residential land Use or residentially-zoned Lands, the minimum adjoining Side or Rear Yard, or both is thirty (30) feet for a Building up to and including twenty (20) feet in height; fifty (50) feet for a Building above twenty (20) feet in height.
6. Required separation: Minimum twenty (20) feet between Buildings.
7. Accessory Uses and Structures
 - a. Accessory uses and structure and parking lots, shall be adequately screened from any Palm Valley Overlay District Delineated Roadway.
 - b. Accessory Uses and Structures (excluding parking lots), shall not be allowed closer to the Palm Valley Overlay District Delineated Roadway than any Building on the site.

Sec. 3.07.06 Buffers

A. Buffering Requirements

The minimum buffering requirements are as follows:

1. A minimum ten (10) foot buffer from the right-of-way of State Road A1A South except Scenic Highway A1A as described in 6.06.02.F.2.b.
2. A minimum ten (10) foot buffer from side property boundaries. Side Yard buffers shall begin not more than fifty (50) feet from the right-of-way of State Road A1A South and shall continue to the front or rear property line most distant from said right-of-way.
3. A minimum ten (10) foot buffer from rear property boundaries.
4. Where a Building up to and including twenty (20) feet in height is to be constructed within sixty (60) feet of residentially-zoned property, or where a Building above

twenty (20) feet is to be constructed within one hundred (100) feet of residentially-zoned property, a landscaped visual screen shall be provided and maintained between the Building and the residentially-zoned property, which provides seventy-five percent (75%) or greater opacity to a six (6) foot height.

- B. Buffers within required Yards and landscaped visual screens shall, where reasonably possible, contain native vegetation existing on the site proposed for Development.

- C. Buffer areas

Buffer areas are landscaped strips or existing native vegetation along parcel boundaries which separate incompatible Uses or serve as boundaries of parcels or Uses and may serve as a protective or safety barrier.

- D. Buffer areas required shall be included in plans submitted for review. Buffer areas may be located between the Building restriction lines and the property lines and shall not be located in an existing or dedicated public or private street right-of-way. However, the continuation of buffer landscaping into the right-of-way, where feasible and permitted, is encouraged. **(Note: Building restriction line is defined herein as a line offset by a prescribed distance within a property line beyond which Construction is not permitted unless authorized herein.)**

Sec. 3.07.07 Fences And Walls

- A. Within the South Anastasia Overlay District the maximum allowable height for fences or walls, including posts/columns, gates, lights, etc. outside Building restriction lines shall have a maximum height of four (4) feet except:

1. On rear Lot lines which coincide with the Right-of-Way line of State Road A1A South, the maximum height may be eight (8) feet.
2. For property adjacent to a borrow pit or drainage pond, the maximum height may be six (6) feet.
3. Properties in a commercial zoning district are allowed fences only in the Rear and Side Yard with a maximum height of six (6) feet and a maximum height of any posts/columns, gates, lights, etc. of eight (8) feet, except as provided in Section 3.07.06.A.4.
4. The height shall be measured from the established grade on the exterior side of the fence or wall. They are allowed anywhere on the Lot except as prohibited on corner lots and because of sight triangles.

5. Retaining Walls

Maximum height of a retaining wall on a Lot or parcel is four (4) feet. A minimum of forty (40) feet shall separate retaining walls designed to add cumulative height.

6. A greater height is needed to meet the minimum criteria as mandated by federal, state, or local rule, requirement, or regulation. However, such fence or wall must be

reviewed pursuant to this Part for consistency and compliance, including architectural treatment, materials, and landscaping.

Sec. 3.07.08 Parking

- A. All parking in the South Anastasia Overlay District shall be governed by the appropriate Land Development Code requirements. Where the nature of a particular business would indicate the need for fewer than the minimum required number of parking spaces, businesses are encouraged to utilize Section 6.05.02.G Determination for Alternative Parking, to demonstrate that the required spaces are not needed. Alternative parking concepts should include, enhanced buffers, landscaping and other pervious surfaces to offset the proposed reduction, where appropriate.
- B. Adequate lighting shall be provided if off-Street parking or loading facilities are to be used at night. The lighting shall be designed and installed to minimize glare on adjacent property. The parking area illumination shall be confined to the parking area, not extending beyond the property line. Bulbs shall be concealed from adjacent properties. See additional criteria in 3.07.13.

Sec. 3.07.09 Signage

All multi-family and commercial Signs, including new, replacement or modified existing Signs, shall be governed as set forth in this Code, except as provided below:

- A. All Ground Signs shall be of a wide-based monument style. Pylon Signs are only permitted when monument style signs cannot be adequately located due to site constraints as determined by the DRB. Signs may be double-faced and shall not create a traffic hazard or endanger the public safety. Where feasible, as determined by the approval authority, all ground signs shall use shrubs that are twenty-four (24) inches at the time of planting around the base of the sign. This must be planted within thirty (30) days of sign permit approval.
- B. Sign composition shall be consistent with the architectural materials, finishes and features of the Building. Any icon that is not similar to and compatible with the architectural styles, colors, and materials of the related building shall be restricted to a maximum fifteen percent (15%) of the advertising display area, unless additional area is approved by the DRB.
- C. For Uses occupying five (5) acres or less, the total ground Sign face area shall not exceed thirty-two (32) square feet per Sign face. One (1) sign shall be allowed for each arterial and collector street frontage. The Sign should include the numerical address.
- D. For Uses occupying more than five (5) acres, the total area per Sign face shall not exceed sixty (60) square feet per sign face. One (1) such sign shall be allowed for each arterial and collector street frontage. The Sign should include the numerical address.
- E. Signs may be supported by foundations the height of which shall not exceed four (4) feet. Use of dirt, sand, or other materials to elevate the height of the Sign on a mound is prohibited. The maximum height to the top of the Sign or the mounting surface for molded letters shall be eight (8) feet where the ground Sign face is permitted to be up to thirty-two (32) square feet, and twelve (12) feet where the ground Sign face is permitted to be up to sixty (60) square feet.

- F. New ground signs and alterations to existing ground signs requiring a DRB review shall be externally illuminated with downward facing fixtures and hours of illumination to cease no later than 30 minutes after business closing, unless additional time is approved by the DRB.
- G. In addition to the above Signs, a commercial use is allowed one wall Sign not to exceed twenty-four (24) square feet and may be allowed on each street side of the Building.
- H. Where a Building is divided into units for several businesses, one (1) wall Sign as specified above may be allowed for each such business, not to exceed twenty-four (24) square feet in advertising display area. In addition, each business located therein may have one double-faced hanging Sign under covered walkways with maximum dimensions of two (2) feet by four (4) horizontal.
- I. One (1) awning or window identification Sign may be substituted, for a wall Sign. Either sign shall not exceed twenty-four (24) square feet in area.
- J. In construing the provisions of this Section, messages not exceeding six (6) inches in height erected within or upon doors and windows shall not be counted in computing the number of Signs.
- K. Temporary window Signs, for the purpose of advertising a particular type of service, products, or events may be attached or applied to the inside of a window. Any Sign within two (2) feet of the glass is considered a window Sign. The total window Sign coverage is limited to twenty-five percent (25%) of the window space. Temporary window Signs shall be removed within thirty (30) days.
- L. The following provisions apply to temporary signage:
 - 1. Banner signs shall be allowed as special event signage between the timeframe of overlay application submittal and up to a period of sixty (60) days after permanent sign approval by the DRB. This shall consist of no more than three (3) signs at a maximum advertising display area of twenty-four (24) square feet each. This requirement shall only apply to parcels that have frontage along A1A. All other parcels are limited to one (1) banner sign at a maximum advertising display area of twenty-four (24) square feet.
 - 2. Banner signs shall also be allowed in accordance with Section 7.05.00 and 7.07.01.A for a period of sixty (60) days per calendar year, not to exceed one (1) time in one (1) month and not to exceed ten (10) days per each event. This shall consist of no more than three (3) signs at a maximum advertising display area of sixty (60) square feet each.
- M. Directional ground signs are limited to two (2) square feet per sign. The maximum allowable height is three (3) feet.
- N. Any lighting shall be white in color, unless different lighting is required by the County for purposes of protecting turtles. External lighting must conceal and shield the lighting.
- O. The location and dimensions of wall signs shall maintain compatibility with architectural materials, finishes, and features of the Building.

P. Wall Signs shall be mounted directly upon wall surfaces, and shall not be mounted upon raceways or other protrusions from the wall surface.

Q. The following signage is prohibited:

1. Roof, spectacular, portable and animated Signs and billboards;
2. Signs painted on the roof of a Building;
3. Statues, flags, banners, pennants or inflatable Signs, except as may be allowed by Article VII and Section 3.07.09.M of this Code;
4. Exterior electric Signs;
5. Exterior neon Signs;
6. Interior neon Signs which exceed more than thirty percent (30%) of a window area or is larger than twelve (12) square feet and visible from the outside;
7. Fluorescent lighting for any purposes other than overhead lighting;
8. Any Sign prohibited by Article VII of this Code.

R. Administrative Approval of Specific Signage

1. Any ground sign reface thirty-two (32) square feet in size or portion thereof, provided the colors closely match any color associated with the building and type text/sizes are similar to other DRB approved signage located on the ground sign face.
2. Any Wall, Awning, or Window Sign reface twenty-four (24) square feet or any Hanging sign up to eight (8) square feet or portion thereof in size provided the colors closely match any colors associated with the Building and text type and sizes are similar to other DRB approved signage located on existing Wall Signs on the same building.
3. Any Directional Sign two (2) square feet or less in size.
4. Any wall, awning, ground, hanging, and/or window identification sign within a Unified Sign Plan (USP) that is approved by the DRB.

S. Unified Sign Plan

The USP is an elective master plan for all Project (wall, ground, awning, and window) identification signs located for multi-family and commercial properties. The purpose of the USP is to develop a cohesive sign strategy/design that meets code, expresses the desire of the ARC, and allows an expedited approach to review signage. The USP shall follow the below requirements:

1. All signage must adhere to the overlay district code.

2. The USP shall provide information relating, but not limited, to the size of the advertising display area (minimum and maximum), type of sign (i.e. box or individual letter), mounting procedures, lighting, colors, font, materials, icons, and any other information required by the County.
3. The ARC must consider the USP prior to approval of the USP and may require any conditions it desires to meet the purpose and intent of the overlay code.

Sec. 3.07.10 Landscape Criteria

- A. Applications for rezonings shall provide schematic and textual information which describes existing vegetation including any Specimen, Historic or Protected Trees. Specimen, Historic and Protected Trees shall be those as defined within Article XII of this Code. The rezoning application shall also address proposed Tree protection, proposed landscaping, and required buffering.

- B. Landscape Plan

At the time of Construction Plan review, in accordance with the County's Development Review Committee (DRC) process, and prior to issuance of any Land Clearing or Construction Permits, the following detailed information shall be provided (this requirement shall apply to all Development, that which is pursuant to a rezoning or otherwise to which the established DRC process is applicable). A detailed landscape plan, which depicts and describes the following items, shall address or reference each item numerically in the following order on the plan drawings or by attached text.

1. A survey of all Specimen, Historic and Protected Trees shall be submitted in conjunction with the Development site layout. The Tree survey shall also depict any Protected Trees as defined in Article XII of this Code. All Trees proposed for removal shall be clearly noted. The Tree survey shall note sizes, locations, species identification, and spacing, and shall be certified by either a registered land surveyor, registered engineer, registered landscape architect or certified arborist.
2. All proposed Trees and plant materials, with sizes, locations, species identification, existing and proposed contours and spacing.
3. All existing and proposed Structures and vehicular use areas, with sizes, square footage, materials, and circulation noted.
4. Proposed irrigation system layout (if required).
5. Parking lot islands which include one shade Tree, existing or planted, not less than fourteen (14) feet in height and four (4) inch caliper, for each island. Shrubbery in each island shall include a minimum of three (3) three-gallon container stock for each forty (40) square feet of planting area.
6. Retention and protection of Specimen and valuable native Protected Trees and use of native and drought-resistant plant materials (see following Section 3.07.10.C.).
7. Buffering and screening requirements as described in Section 3.07.06 and landscaped as follows:

- a. The minimum ten (10) feet landscaped buffer from State Road A1A South right-of-way shall contain existing or installed evergreen or native palm species Trees which, where reasonably possible, are native and are not less than four (4) inches DBH, with a six (6) feet spread, placed not more than twenty (20) feet apart. Shrubbery is also required in this area and shall be not less than three (3) feet above the established grade at time of planting and where reasonably possible, shall be native. The established grade includes the height of any berm on which shrubbery is planted.
- b. Where commercial or multi-family Development adjoins single-family residential property, a ten (10) feet buffer from the residential property lines shall contain a visual screen consisting of existing or installed evergreen species Trees which, where reasonably possible, are native and are not less than four (4) inches DBH placed not more than fifteen (15) feet apart.
- c. Maintenance plan for Trees and plant materials during Construction and after Development is completed.

C. Tree Protection

Development of land for different Uses and intensity often necessitates the removal of Trees to accommodate roads, parking, Buildings, and facilities. It is the intent of this South Anastasia Overlay District that every effort be made through the design, layout, and Construction of Development projects to incorporate and save as many Trees as possible. All Development pursuant to this Part shall comply with the St. Johns County Land Clearing and Tree Protection in Section 4.01.05, and the following standards shall also apply within the South Anastasia Overlay District. Where applicable, the following information shall also be addressed or referenced numerically in the following order on the landscape plan drawings or by attached text.

1. No person shall cut, destroy, move, or remove any living, disease-free Tree of any species having a trunk of eight (8) inches DBH or larger, in conjunction with any Development of land governed by this Code unless and until such removal or destruction has been approved under the provisions of this Code, as well as the St. Johns County Land Clearing and Tree Protection pursuant to Section 4.01.05.
2. No person shall cut or clear land of Trees for the sole purpose of offering land for sale.
3. The clear-cutting of Trees shall be avoided where reasonably possible. The term "clear-cutting" as used herein shall mean the cutting of more than seventy-five percent (75%) of the Trees four (4) inches DBH or greater. Clear-cutting pursuant to an approved Development Plan shall require the planting of replacement Trees as indicated in the detailed landscape plan accompanying the Construction Permit application.
4. The requirement for a Tree survey, as required by Section 3.07.10.A., shall be waived when the Applicant demonstrates the ability to accomplish the proposed project without removal of any Trees eight (8) inches DBH or greater. The Applicant shall submit to the County Administrator, a written statement prior to obtaining any

Land Clearing or Construction Permits which provides that no such Trees shall be removed, and subsequent Permit will indicate “No Tree Removal” as a condition thereof.

5. Removal of Protected Trees shall be strongly discouraged. Where removal of such Trees is required, replacement of such species shall be required on an inch for inch basis. Relocation (spading) of such Trees, where reasonably possible, shall be required.
6. Considerable damage to or the death of Trees may result if more than six (6) inches of soil is added around the base of a Tree, more than thirty percent (30%) of circumferential bark is removed, or more than thirty percent (30%) of the root system is removed. In addition, asphalt paving, Building Construction, and soil compaction too close to Trees may cause their destruction. Accordingly, it shall be the responsibility of the Applicant to institute alternative site designs to assure the best chance of Tree survival whenever these criteria cannot be adhered to. The use of alternative pervious surfaces such as “Turf-Block” may be required in tree drip line areas within parking areas only.
7. Where there are Specimen or Historic Trees, as defined in this Code, preservation of such Trees shall be required, where reasonably possible. When such Trees exist where greater than six (6) inches of fill is required, tree wells shall be utilized and constructed within the drip line area.
8. Those Trees designated for preservation in accordance with the provisions of this Code, and as shown on the approved landscape plan, shall be marked with bright blue ribbons encircling the Tree trunk at a four (4) feet DBH, and a four (4) feet high structural barricade shall be constructed around the Tree at the drip line prior to the start of Construction. It shall be the responsibility of the Applicant to insure that markings and barricades remain in place until completion of all Construction or improvements.

Sec. 3.07.11 Architectural Design Standards

The pleasing and compatible relationship of architecture along the South Anastasia Overlay District is of important public concern. The architectural design of Structures and their materials and colors must be visually harmonious with the overall appearance, history and cultural heritage of the communities within the South Anastasia Overlay District, and also with natural land forms and existing vegetation. Compatibility with existing adjacent Structures and other approved development plans must also be considered. The intent of these standards is not to restrain diversity or innovative architecture, but to reduce incompatible and adverse impacts, and to insure an aesthetically pleasing environment. To accomplish this, the following standards shall apply to the review of proposed Buildings, renovations, and related site improvements.

- A. Proposed Development shall be located and configured in a visually complementary manner with the existing terrain and vegetation of the Parcel and surrounding Parcels. Structures shall obstruct as little as reasonably practical scenic views from the main road or from existing Structures and the natural environment. Structures shall not dominate, in an incompatible manner, any general Development or adjacent Building which is substantially in compliance with this Code. This may be accomplished by the use of architectural features

and/or siting of proposed Structures to reduce the appearance of excessive and inappropriate height or mass of proposed Structures.

- B. The proposed Building or Structure shall be of such design that it contributes to the image of the South Anastasia Overlay District as an “Old Florida” style, rural beach community with a pedestrian oriented, non-urban scale to the built environment preserving where possible the native beach and estuarine environments of the area.

Sec. 3.07.12 Design Elements and Materials

The following specific design criteria shall apply to Development regulated under the conditions of the South Anastasia Overlay District:

- A. Roofs, see Section 3.07.04.A.1.
- B. Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or design elements, or by unbroken extension of line shall be avoided.
- C. Roof shall consist of wood or asphalt composition shingles, barrel tile, clay tile or similar non-reflective finished material having a natural texture and appearance. Metal roofs shall only be allowed where they are characteristic of a recognized architectural style.
- D. Exterior walls on all sides shall be stucco, tabby, wood siding or wood shingle siding, brick, exterior insulation-and-finish systems (EIFS) or other materials with similar texture and appearance; unless approved by the DRB.
- E. Exterior colors of paints and stains for new Construction or Development which are subdued and nature-blending are preferred with no more than three (3) colors per Building, excluding roof color, unless approved by the DRB. The DRB may also allow up to two (2) additional colors for building accents (i.e. trim, awnings, columns, and shutters). Semi-transparent stains are recommended for application on natural wood finishes. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural will not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless otherwise approved by the DRB.
- F. Roof and exterior wall surfaces, with the exception of glass doors and windows shall be non-reflective. Any glass coating shall not reflect outward and shall be limited in color to gray or green. No more than forty percent (40%) of the facade facing State Road A1A South shall be glass or reflective material.
- G. Administrative Approval of Design Elements, Materials, and Exterior Finishes
 - 1. The Design Review Board, shall, with assistance of the County, develop architectural design guidelines in accordance with Section 3.07.01 of this Part. Such guidelines shall be adopted by the Board of County Commissioners and shall, at a minimum, include color palettes for exterior materials and finishes.
 - 2. Upon the adoption of color palettes for exterior materials and finishes, exterior painting of existing Structures and Buildings with a selection from the preferred color palette may be approved by the County Administrator. However, if in the

determination of the County Administrator, any proposed exterior painting appears to be in conflict with the Purpose and Intent of the South Anastasia Overlay District or with the preferred color palette, a review by the Design Review Board may be required.

Sec. 3.07.13 Lighting Criteria

Architectural lighting shall be recessed under roof overhangs or generated from a concealed light source, or low level light fixtures. Site lighting shall be of low-intensity, shall be of white light which does not distort colors and shall not spill over into adjoining properties, roadways or in any way interfere with the vision of oncoming motorists. Specifically, lighting shall be downward facing full cut-off, no higher than twenty (20) feet and shall have a maximum illumination level of 0.30 foot-candles at ground level at the lot line.

Sec. 3.07.14 Administrative Requirements

The following requirements shall apply to all projects and provisions defined in Section 3.07.03 of this South Anastasia Overlay District. For those projects subject to Design Review Board (DRB) review that do not require a County Building Permit, a minor DRB review shall be allowed. For those projects subject to DRB review that require a County Building Permit, a regular DRB review shall be required.

A. Functions and Establishment of the Design Review Board

The St. Johns County Board of County Commissioners shall direct the following functions to determine compliance with the South Anastasia Overlay District:

1. The St. Johns County Board of County Commissioners shall establish by appointment a Design Review Board (DRB). Except as otherwise provided in this Code, it shall be the role of the DRB to determine compliance with this part.
2. The DRB shall consist of five (5) members and two (2) alternates. Membership qualifications and the initial membership terms shall be set by resolution of the Board of County Commissioners. The initial terms shall be staggered in 1, 2, 3, and 4 year terms. Except for the initial term, members shall be appointed to a four (4) year term, with an additional term of four (4) years as may be approved by the Board of County Commissioners. All members shall serve at the pleasure of the Board of County Commissioners.
3. The Board of County Commissioners shall establish and adopt by resolution bylaws, operating procedures, and membership criteria of the DRB which shall be in compliance with all applicable St. Johns County regulations and State and Federal Laws. The DRB may recommend changes to its bylaws, operating procedures, and membership criteria, to be approved by the Board of County Commissioners.
4. The DRB shall meet as needed, at the request of the County Administrator or his designee, in order to fulfill its functions in a timely manner. Reasonable public notice shall be provided for all meetings of the DRB, and all meetings shall be open to the public. The DRB shall keep minutes of its proceedings and other official actions. A majority vote of a present quorum shall be required in order to provide an affirmative determination of compliance with this Part.

5. Any previous citizen appointed to the DRB shall have the opportunity to reapply and have the same term limits as prescribed in subsection A.2, provided they have not been excluded by the Board of County Commissioners because of longevity on the DRB. If longevity is an issue, the citizen must wait a period of two (2) years from the date of their original expiration before reapplying to the DRB.

B. Application and Permitting Requirements

1. The County Administrator shall develop application forms and review procedures to assist the Design Review Board in determining compliance with the South Anastasia Overlay District Requirements.
2. Pursuant to this adopted process, the DRB or its authorized staff shall, in a timely manner, provide a written determination to the Applicant that the Development complies, complies with conditions, or does not comply, with Sections 3.07.04 through 3.07.13 of this Code. Any determination by the Design Review Board shall be supported by appropriate findings of fact.
3. The Applicant must provide proof of the above written determination of compliance in order to obtain Land Clearing Permits, any Permit authorizing Construction, or any other Development Order as defined in Part II of Chapter 163, F.S.
4. In general, all applications that are subject to the County's established development review process shall proceed through a first submittal development review prior to being scheduled for the Design Review Board. Any development review comments that have not been addressed at the time of Design Review Board meeting shall be noted by the Applicant. If appropriate, the Design Review Board may attach conditions to its determinations related to outstanding development review comments. The Design Review Board shall not request modifications that are not in compliance with other land development regulations.

C. Vested Rights Determinations

1. As an alternative to a determination that a proposed Development complies with this Part, the Applicant may demonstrate, that vested rights to proceed with the proposed Construction or Development have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.07.00 of this Code to the subject Construction or Development. Vested rights determinations shall be made in accordance with Part 10.02.00 of this Code. Upon a determination of vested rights or estoppel, the provisions of Part 3.07.00 of this Code in conflict with such rights shall not be applied to the Applicant. The legal requisites for such determinations and burdens of proof, therefore, shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.
2. A Planned Unit Development (PUD) may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PUD. The more restrictive standards and criteria of the existing PUD or the South Anastasia Overlay District shall apply to the expansion.

D. Variances and Appeals

An Applicant may apply to the St. Johns County South Anastasia Design Review Board for, and be granted or denied, a Variance from one or more standards of the South Anastasia Overlay District. Variances, or modifications to these requirements within PUD's or PSD's, in the South Anastasia Overlay District shall be governed as follows:

1. Any Variance, or modification within PUD's or PSD's to South Anastasia Overlay District requirements may be granted by the South Anastasia Design Review Board. Such requests shall be considered pursuant to the requirements of Section 10.04.03.
2. Any affected or aggrieved person may Appeal a written determination of the Design Review Board to the Board of County Commissioners, made under the authority of this Section, by filing such Appeal in writing to the County Administrator within thirty (30) days of any such written determination.

E. Management of Applications among Multiple Boards

1. When a board or agency has made a decision or finding on an application, and the application or companion application will later appear before the Planning and Zoning Agency of Board of County Commissioners, its approval or approval with conditions shall constitute a recommendation to that body. The Planning and Zoning Agency or Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the lower board or agency for a decision consistent with its findings or suggestions.
2. This section does not impose any additional review standards on applications or board or agency decisions as set forth in this Code.

F. Administrative Approval

1. Delegation of Signing Authority. In the event that the Design Review Board has determined compliance with this Part, the DRB may authorize its support staff to sign and render an Order or written determination approved by the DRB in lieu of the Chair or Vice-Chair.
2. Failure to Hold a Quorum. In the event that the Design Review Board is unable to gather a Quorum to render a decision on an application scheduled for a hearing before the DRB and is unable to gather another quorum within ten (10) days of the scheduled hearing, the County Administrator shall determine compliance with the provisions of the South Anastasia Overlay District.
3. Failure to Establish a Design Review Board. In the event that the St. Johns County Board of County Commissioners is unable to establish a Design Review Board, as defined by this Part, it shall be the responsibility of the County Administrator to determine compliance with the provisions of this Part. Failure to establish shall mean that at any time there are less than three (3) regular members appointed to the DRB.

Part 3.08.00 Mid-Anastasia Overlay District

Sec. 3.08.01 Purpose and Intent

The purpose and intent of this Special District is to achieve specific goals and objectives of the St. Johns County Comprehensive Plan and establish additional requirements which regulate development in a manner that protects natural resources and further supports the provisions of Article IV of this Code, and maintains and enhances the diverse and unique character of the Mid-Anastasia Overlay District.

The objective of these requirements is to protect surrounding residential Uses; cluster complementary Uses; protect scenic views; enhance physical appearance through design and signage controls; protect community character and encourage pedestrian activity. These objectives shall be accomplished through the establishment and implementation of special guidelines, standards and criteria which shall apply to the location, character, compatibility and appearance of proposed cultural, institutional, commercial and multi-family land Uses, and to certain changes or renovations to such existing land Uses. The implementation of this Part shall be assisted by a Design Review Board, which shall be established in accordance with the administrative procedures of this Part. The review of activities which are subject to these additional requirements shall be performed with the goal of determining whether a proposed activity meets the goals, objectives and policies set forth in the Comprehensive Plan and the guidelines, standards and criteria of this Part.

Sec. 3.08.02 Delineation of the Mid-Anastasia Overlay District

- A. The Mid-Anastasia Overlay District, as delineated herein, is a special district in the form of an overlay superimposed upon the various zoning districts. This special district encompasses all that land situated within unincorporated St. Johns County extending from the entrance of Anastasia State Park on the North, extending to Owens Avenue on the South, and the Matanzas River on the West and the Atlantic Ocean on the East.
- B. Delineated roadways within the Mid-Anastasia Overlay District shall include State Road A1A South, State Road 312, Mizell Road, West Pope Road and West 16th Street.

Sec. 3.08.03 Uses and Activities Subject to Mid-Anastasia Overlay District Standards

- A. All standards prescribed in this Part shall apply to all Uses contained within all zoning categories (including PUD's, PSD's, and PRD's) excluding single-family dwellings; Two-Family Dwellings; mobile homes; roadside stands; temporary uses; plant nurseries, barns, corrals, greenhouses and other substantially similar Structures; and boarding stables and riding academies. These requirements shall apply to property proposed for Development as a permitted Use, as well as to additions, exterior remodeling and renovations hereafter undertaken within the Mid-Anastasia Overlay District.
 - 1. Exterior remodeling and renovation shall be defined as any activity changing the exterior of a Structure that requires a County Building Permit, and also the repainting of any Structure to a color other than the existing color, as well as to Construction or alteration of fences or decks.
 - 2. These regulations shall apply to only that portion being added, remodeled, renovated or changed.

3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired, Buildings re-painted using the same colors, and roofs repaired and replaced with the same materials and colors, without a review by the Design Review Board (DRB)
4. Any non-conforming Uses or Structures impacted by this Part shall follow Part 10.03.00 of this Code concerning non-conforming regulations.

B. Allowable Uses

The Uses for the property contained within the Mid-Anastasia Overlay District shall be as prescribed in the various zoning districts underlying the Mid-Anastasia Overlay District, except where such Use is not permitted by the St. Johns County Comprehensive Plan.

C. Exemptions

The following activities shall be exempt from review as otherwise required by this Part. In the event of any conflict related to an exempt activity, it shall be the responsibility of the County Administrator to determine that a proposed exempt activity is in compliance with this Part.

1. Repainting of Structures in existing colors.
2. Additions to the rear of a Structure not exceeding two-hundred and fifty (250) square feet which are of similar architectural style as the existing Structure, and consist of like exterior finishes and colors including windows and doors.
3. Replacement of roofing with like roofing materials.
4. Replacement of windows and doors, and existing porches, patio overhangs, porte cocheres or carports which are replaced in a similar style as the existing Structure or main portion of the existing Structure and consist of like exterior finishes and colors.
5. Replacement of landscaping consistent with a previously approved landscape plan or replacement of existing landscaping with like landscaping material.
6. Non-substantive changes, which do not change the character, design or commonly observed appearance of a site or Structure.

Sec. 3.08.04 Development Standards

The following general development standards shall apply within the Mid-Anastasia Overlay District:

- A. Roof design shall be hipped, shed or gable unless otherwise approved by the Design Review Board. Horizontal roofs, which give the appearance of flat roofs, shall not be allowed.

Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or design elements, or by unbroken extension of line shall be avoided. The maximum length of any Building parallel to a roadway shall be 120 feet.

- B. Work areas, storage doors and open bays shall not open toward, face or otherwise be visible from any delineated roadway or any adjacent residential properties. The DRB may consider alternative screening and design concepts to shield work areas, storage doors and open bays from delineated roadway or any adjacent residential properties.
- C. Heating, ventilation and air conditioning equipment, duct work, air compressors, and other fixed operating machinery shall be either screened from view with fencing architecturally compatible with the Building; or vegetation; or located so that such items are not visible from any roadway or adjacent residential properties. Trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes (except as provided by Florida law), Antenna, and other such Structures shall be similarly screened or made not visible.
- D. Chain link, barbed wire and similar fencing materials shall not be allowed in any required Front Yard, and where such fencing can be viewed from any delineated roadway, landscaping or berming shall be provided to prohibit visibility from such roadway or any adjacent residential properties. The fencing and screening provisions of Articles 2.02.04.C and 6.06.04 shall also apply.
- E. Architectural lighting shall be recessed under roof overhangs or generated from a concealed light source, or low level light fixtures. Site lighting shall be of low-intensity, shall be of white light which does not distort colors and shall not spill over into adjoining properties, roadways or in any way interfere with the vision of oncoming motorists. Specifically, lighting shall be downward facing full cut-off, no higher than 20 feet and shall have a maximum illumination level of 0.30 foot-candles at ground level at the lot line.
- F. The maximum vertical clearance of Canopies provided over the pump islands at gas stations, service stations and convenience stores shall not exceed seventeen (17) feet in height from established grade to the underside of the canopy. The maximum height of a canopy shall not exceed twenty-four (24) feet from established grade.

Sec. 3.08.05 Minimum Yard Requirements

- A. Front along State Road AIA South: Twenty (20) feet for a Building up to and including twenty (20) feet in height; thirty (30) feet for a Building Above twenty (20) feet in height.
- B. Front along any other delineated roadway: Fifteen (15) feet for a Building up to and including twenty (20) feet in height; twenty (20) feet for a Building above twenty (20) feet in height.
- C. Side: Ten (10) feet.
- D. For Buildings proposed on sites which adjoin an existing residential Use or residentially-zoned Lands, the minimum adjoining a Side or Rear Yard, or both is thirty (30) feet for a Building up to and including twenty (20) feet in height; fifty (50) feet for a Building above twenty (20) feet in height.
- E. Accessory Uses and Structures
 - 1. Accessory Uses and Structures, and parking lots, shall be adequately screened from any Palm Valley Overlay District Delineated Roadway.

2. Accessory Uses and Structures (excluding parking lots), shall not be allowed closer to the Palm Valley Overlay District Delineated Roadway than any Building on the site.
- F. A distance of eight (8) feet shall separate parking areas and Buildings. This area shall be measured from the exterior wall and shall be used for landscaping and walkways, of which a minimum of three (3) feet shall be used for landscaping.

Sec. 3.08.06 Additional Buffering Requirements

- A. Buffers may be placed within required Yards, and where reasonably possible, shall contain native vegetation existing on the site proposed for Development. In addition to the Buffering and Screening Requirements of Section 6.06.04, the following requirements shall apply in the Mid-Anastasia Overlay District.
1. A minimum twenty (20) foot buffer from the right-of-way of State Road A1A South except Scenic Highway A1A as described in 6.06.02.F.2.b.
 2. A minimum fifteen (15) foot buffer from the right-of-way of any other delineated roadway.
- B. The above buffers shall be landscaped in accordance with Section 6.06.04, paragraphs a. and c. of Screening Standards "C", which state:
1. A row of evergreen Canopy Trees which are not less than ten (10) feet high at the time of planting, a minimum of two (2) inch caliper, and are spaced not more than twenty (20) feet apart. The Trees are to be planted within ten (10) feet of the property line; and
 2. Lawn, low growing evergreen plants, evergreen ground cover, or mulch covering the balance of the buffer.
- C. The width of a required Buffer shall be measured beginning at the property line. Continuation of landscaping into the right-of-way, where feasible and not otherwise prohibited by these regulations is encouraged. Required buffers shall be included in all plans submitted for review.
- D. Sidewalks and pedestrian seating may be placed in required buffers.
- E. The Design Review Board may request the use of certain vegetation and plant species where an established or preferred species exists on a site or within adjacent development.

Sec. 3.08.07 Additional Signage Requirements

All multi-family and commercial Signs, including new Signs and replacement of existing Signs, shall be governed as set forth in Article VII of this Code, and the following additional requirements shall apply.

- A. General provisions applying to multi-family and commercial Signs in the Mid-Anastasia Overlay District:

1. All Ground Signs shall be wide-based monument style. Pylon Signs are only permitted when monument style signs cannot be adequately located due to site constraints as determined by the DRB.
2. The overall height of a Sign Structure shall be twelve (12) feet including any foundation supporting the Sign. A foundation used to support a Sign shall not exceed four (4) feet in height. The use of dirt, sand or other material to elevate the height of a Sign on a mound is prohibited.
3. The colors and materials of Signs shall be similar to and compatible with the architectural style and colors and materials of the related commercial or multi-family Building. Any icons that is not similar to and compatible with the architectural styles, colors, and materials of the related building shall be restricted to a maximum fifteen percent (15%) of the advertising display area, unless additional area is approved by the DRB.
4. Signs should be oriented to pedestrians and scaled appropriately.
5. Signs must be professionally designed, lettered and constructed.
6. Signs may be double faced.
7. Wall Signs shall be mounted directly upon wall surfaces, and shall not be mounted upon raceways or other protrusions from the wall surface.
8. All ground or pylon Signs shall include the street number in a size and manner that is clear and visible. Street numbers should also be visible on the front of buildings.
9. In construing the provisions of this Section, messages not exceeding six (6) inches in height erected within or upon doors and windows shall not be counted in computing the number of Signs.
10. Any lighting shall be white in color for all signs, unless different lighting is required by the County for purposes of protecting turtles. External lighting must conceal and shield the light.
11. Molded vinyl or plastic internally illuminated wall Signs shall not be allowed.
12. For Signs that contain federally registered trademarks or service marks, documentation of such registration shall be provided with the application for review.
13. Where feasible, as determined by the approval authority, all Ground Signs shall use shrubs that are twenty-four (24) inches at the time of planting around the base of the sign. These must be planted within 30 days of the sign installation.

B. Ground or Pylon Signs: Number and size of Signs permitted for the street frontage

1. For Sites five (5) acres or less: One (1) on-site Sign, not to exceed thirty-two (32) square feet for each Sign Face, may be located on each arterial or collector street frontage.

2. For Sites more than five (5) acres: One (1) on-site Sign, not to exceed sixty (60) square feet for each Sign Face, may be located on each arterial or collector street frontage.
3. New Ground Signs and alterations to existing Ground Signs requiring a DRB review shall be externally illuminated with downward facing fixtures and hours of illumination to cease no later than 30 minutes after business closing, unless additional time is approved by the DRB.

C. Additional Directional Signs Allowed

In addition to the above Signs, two directional Ground Signs limited to two (2) square feet per Sign are allowed. The maximum allowable height shall be three (3) feet.

D. Commercial Wall, Hanging and Awning Signs: **Single-Story Buildings**

1. In addition to the above Signs, a commercial use is allowed one wall Sign not to exceed twenty-four (24) square feet and may be allowed on each street side of the Building.
2. Where a single-story Building is divided into units for several businesses, with separate entrances, one wall Sign as specified above is authorized for each business entrance, not to exceed twenty-four (24) square feet in advertising display area. In addition, each business entrance may have one double-faced hanging Sign under covered walkways with maximum dimensions of two (2) feet vertical by four (4) feet horizontal.
3. One awning Sign or one window identification Sign may be substituted for a wall Sign, with sign display area not to exceed twenty-four (24) square feet in area.

E. Commercial Wall, Hanging and Awning Signs: **Multi-Story Buildings**

1. Where a multi-Story Building is divided into units or floors for several businesses, one wall Sign, not exceeding twenty-four (24) square feet of area, may be allowed on each street side of the Building.
2. In addition to the above Wall Sign, where a multi-Story Building is divided into units or floors for several businesses, one awning Sign, not exceeding twenty-four (24) square feet of display area, may be allowed over each first story entrance, provided that any such awning sign is an integral and unified part of the architectural design of the entire building.
3. One double-faced hanging Sign under covered walkways with maximum dimensions of two (2) feet vertical by four (4) feet horizontal is allowed for each business entrance.

F. Multiple Tenant Directory Signs

For office and professional Buildings with multiple tenants, one directory Sign containing only the suite number, the names of individuals, organizations or businesses occupying the Building not exceeding fifteen (15) square feet of face area is allowed. Such signs may be

wall signs or ground signs. Such signs are permitted in addition to any other allowed signs.

G. Prohibited Signs

In addition to those Signs prohibited within Section 7.08.01, the following Signs are prohibited in the Mid-Anastasia Overlay District.

1. Flashing or animated Signs with any moving parts.
2. Signs painted on, or displayed from the roof of any Building or Structure.
3. Statues, flags, banners, pennants, and inflatables used for advertising purposes, except as may be allowed by Article VII and Section 3.08.07.I of this Part.
4. Exterior Signs containing exposed neon, except those specifically approved by the Design Review Board and found consistent with the Purpose and Intent of this Part.
5. Interior neon window Signs, which exceed more than thirty percent (30%) of window area. In no case shall an interior neon sign exceed twelve (12) square feet.

H. The following provisions apply to temporary signage:

1. Banner signs shall be allowed between the timeframe of overlay application submittal and up to a period of sixty (60) days after permanent sign approval by the DRB. This shall consist of no more than three (3) signs at a maximum advertising display area of twenty-four (24) square feet each.
2. Banner signs shall be allowed in accordance with Section 7.05.00 and 7.07.01.A for a period of sixty (60) days per calendar year, not to exceed one (1) time in one (1) month and not to exceed ten (10) days per each event. This shall consist of no more than three (3) signs at a maximum advertising display area of sixty (60) square feet each.

I. Administrative Approval of Specific Signage

1. Any ground sign reface thirty-two (32) square feet or portion thereof in size provided the colors closely match any colors associated with the building and text type/sizes are similar to other DRB approved signage located on the ground sign face.
2. Any Wall, Awning or Window Sign reface twenty-four (24) square feet or any Hanging Sign up to eight (8) square feet portion thereof in size provided the colors closely match any colors associated with the Building and text type and sizes are similar to other DRB approved signage located on existing Wall Signs on the same Building.
3. Any Directional Sign that is two (2) square feet or less in size.
4. Any wall, awning, ground, hanging and/or window identification signage within a Unified Sign Plan that is approved by the DRB.

J. Unified Signage Plan (USP)

The USP is an elective master plan for all Project (wall, ground, awning, and window) identification signs located for multi-family and commercial properties. The purpose of the USP is to develop a cohesive sign strategy/design that meets code, expresses the desire of the DRB, and allows an expedited approach to review signage. The USP shall follow the below requirements:

1. All signage must adhere to the overlay district code.
2. The USP shall provide information relating, but not limited, to the size of the advertising display area (minimum and maximum), type of sign (i.e. box or individual letter), mounting procedures, lighting, colors, font, materials, icons, and any other relevant information required by the County.
3. The DRB must consider the USP prior to approval of the USP and may require any conditions it finds necessary to meet the purpose and intent of the overlay code.

K. Signs Exempt from this Part

Real Estate for Sale or Lease, Contractor Identification Signs, trespass and alarm warning Signs, which are in compliance with the requirements of this Section are Exempt from this Part. However, if in the determination of the County Administrator, any Signs may be in conflict with the Purpose and Intent of the Mid-Anastasia Overlay District, a review by the Design Review Board may be required and appropriate modifications ordered.

Sec. 3.08.08 Design Review Guidelines

The pleasing and compatible relationship of architecture and design elements within the Mid-Anastasia Overlay District is of important public concern. The design of Structures and their materials and colors must be visually harmonious with the overall appearance, history and cultural heritage of the Mid-Anastasia Overlay District. Development must also be compatible with the natural landforms, existing coastal vegetation, dune systems and native beach and estuarine environments. Compatibility with existing adjacent Structures and approved development plans must also be considered. The intent of these standards is not to restrain diversity or innovative architecture, but to reduce incompatible and adverse impacts, and to insure an aesthetically pleasing environment. To accomplish this, the following guidelines shall apply to new Buildings, certain exterior renovations, and related site improvements.

- A. Proposed Development shall be located and configured in a visually complementary manner with the existing terrain and vegetation of the Parcel and surrounding Parcels. Structures shall obstruct as little as reasonably practical scenic views from the main road or from existing Structures and the natural environment. Structures shall not dominate any general Development or adjacent Building that is substantially in compliance with this Code. This may be accomplished by the use of architectural features and/or siting of proposed Structures to reduce the appearance of excessive and inappropriate height or mass of proposed Structures.
- B. New Buildings shall be designed to contribute to the image of the Mid-Anastasia Overlay District as a beach community with a pedestrian-oriented, non-urban scale and character.
- C. Buildings that are reflective of Florida's wood-frame vernacular architectural styles such as

“Florida Cracker”, shingle and low-country, Spanish Eclectic, Craftsman and Bungalow styles shall be considered appropriate.

- D. To encourage pedestrian activity, buildings should where possible incorporate the following design patterns and details:
 - 1. A Building’s main entrance should face the main roadway. Buildings located at street corners should have entrances at the corner.
 - 2. Blank walls facing the main roadway should be avoided. The use of entrance ways and display windows should be used to create business and store fronts that are inviting to the pedestrian.
- E. Outdoor pedestrian seating areas are encouraged, and similarly, outdoor cafe-type seating is encouraged.

Sec. 3.08.09 Design Elements and Materials

The following specific design criteria shall apply to Development regulated by the Mid-Anastasia Overlay District:

- A. Roofs shall consist of wood or asphalt composition shingles, barrel tile, clay tile or similar non-reflective material having a natural texture and appearance. Metal roofs shall be allowed where they are characteristic of a recognized architectural style.
- B. Exterior walls on all sides shall be stucco, tabby, shingle, wood siding, exterior insulation-and-finish systems (EIFS), brick or other materials with similar texture and appearance. The DRB may consider other materials which are similar to the finishes listed above and provide for a cohesive building concept.
- C. Exterior colors of paints and stains of new Construction or Development shall be subdued and nature-blending with no more than three (3) colors per Building, excluding roof color. The DRB may allow up to two (2) additional colors for building accents (e.g. trim, awnings, columns, and shutters). Such hues of green, brown, blue, grey, tan and beige shall be considered appropriate. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural will not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless additional area is approved by the DRB.
- D. Roof and exterior wall surfaces, with the exception of glass doors and windows shall be non-reflective. Any glass coating shall not reflect outward and shall be limited in color to gray or green.
- E. Administrative Approval of Design Elements, Materials, and Exterior Finishes
 - 1. The Design Review Board, shall, with assistance of the County, develop architectural design guidelines in accordance with Section 3.08.01 of this Part. Such guidelines shall be adopted by the Board of County Commissioners and shall, at a minimum, include color palettes for exterior materials and finishes.
 - 2. Upon the adoption of color palettes for exterior materials and finishes, exterior

painting of existing Structures and Buildings with a selection from the preferred color palette may be approved by the County Administrator. However, if in the determination of the County Administrator, any proposed exterior painting appears to be in conflict with the Purpose and Intent of the Mid Anastasia Overlay District or with the preferred color palette, a review by the Design Review Board may be required.

Sec. 3.08.10 Administrative Requirements

The following requirements shall apply to all projects and activities that are subject to the Mid-Anastasia Overlay District. For those projects involving Signs less than fifteen (15) square feet in size, Ground and Wall Sign re-faces, re-painting, or other activities not requiring a County building permit, a minor review application shall be allowed. Additionally, a minor review shall be allowed for those other projects, which are determined by the County Administrator to be minor in nature. For all other projects, a regular review application shall be required.

A. Functions and Establishment of the Design Review Board

The St. Johns County Board of County Commissioners shall direct the following functions to determine compliance with the Mid-Anastasia Overlay District:

1. The St. Johns County Board of County Commissioners shall establish by appointment a Design Review Board. Except as otherwise provided in this Code, it shall be the role of the Design Review Board to determine compliance with this Part.
2. The Design Review Board shall consist of five (5) members and two (2) alternates. Membership qualifications and the initial membership term shall be set by resolution of the Board of County Commissioners. The initial terms shall be staggered in 1, 2, 3, and 4 year terms. Except for the initial term, members shall be appointed to a four (4) year term, with an additional four (4) year term as approved by the Board of County Commissioners. Members shall serve at the pleasure of the Board of County Commissioners.
3. The Board of County Commissioners shall adopt by Resolution bylaws, operating procedures, and membership requirements of the DRB which shall be in accordance with all applicable St. Johns regulations Codes and State and Federal laws. The DRB may recommend changes to its bylaws, operating procedures, and membership criteria, to be approved by the Board of County Commissioners.
4. The Design Review Board shall meet as needed in order to fulfill its functions in a timely manner. Reasonable public notice shall be provided for all meetings of the Design Review Board, and all meetings shall be open to the public. The Design Review Board shall appoint a member or support staff to keep minutes of its proceedings and other official actions. A majority vote of a present quorum shall be required in order to take final action on an application.
5. Any previous citizen appointed to the DRB shall have the opportunity to reapply and have the same term limits as prescribe in subsection A.2, provided they have not been excluded by the Board of County Commissioners because of longevity on the DRB. If longevity is an issue, the citizen must wait a period of two (2) years from the date of their original expiration before reapplying to the DRB.

B. Application and Permitting Requirements

1. The County Administrator shall develop application forms and review procedures to assist the Design Review Board in determining compliance with the Mid-Anastasia Overlay District requirements. The Design Review Board shall meet as required to review applications and take action in a timely manner on all applications submitted for review.
2. Following any final action, the Design Review Board or its authorized support staff shall provide a written order to the Applicant stating that the request complies, complies with conditions, or does not comply, with the Mid-Anastasia Overlay District requirements. Any determination by the Design Review Board shall be supported by appropriate findings of fact.
3. The Applicant shall provide a copy of the final order of approval prior to obtaining construction permits as required for the proposed project or activity.
4. In general, all applications that are subject to the County's established development review process shall proceed through a first submittal development review prior to being scheduled for the Design Review Board. Any DRC comments that have not been addressed at the time of Design Review Board meeting shall be noted by the Applicant. If appropriate, the Design Review Board may attach conditions to its determinations related to outstanding development review comments. The Design Review Board shall not request modifications that are not in compliance with other land development regulations.

C. Vested Rights Determinations

1. As an alternative to a determination that a Project or activity complies with this Part, the Applicant may demonstrate that vested rights to proceed with the proposed Project or activity have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.08.00 of this Code. Vested rights determinations shall be made in accordance with Part 10.02.00 of this Code. The legal requisites for such determinations and burdens of proof shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.
2. A Planned Unit Development (PUD) may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PUD. The more restrictive standards and criteria of the existing PUD or the Mid-Anastasia Overlay District shall apply to the expansion.

D. Variances and Appeals

An Applicant may apply and be granted or denied a Variance from one or more standards of this Part. Variances or modifications to these requirements shall be governed as follows:

1. Any Variance or modification within existing PSD/PUDs to these requirements may be granted only by the Board of County Commissioners. Such requests shall be considered by the Board of County Commissioners pursuant to the requirements of Section 10.04 of this Code.

2. Any affected or aggrieved person may Appeal a written determination of the Design Review Board to the Board of County Commissioners, in accordance with Section 9.07.04.

E. Management of Applications among Multiple Boards

1. When a board or agency has made a decision or finding on an application, and the application or companion application will later appear before the Board of County Commissioners, its approval or approval with conditions shall constitute a recommendation to the Board of County Commissioners. The Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the board or agency for a decision consistent with the Board of County Commissioners findings or suggestions.
2. This section does not impose any additional review standards on applications or board or agency decisions as set forth in this Code.

F. Administrative Approval

1. Delegation of Signing Authority. In the event that the Design Review Board has determined compliance with this Part, the DRB may authorize its support staff to sign and render and Order approved by the DRB in lieu of the Chair or Vice-Chair.
2. Failure to Hold a Quorum. In the event that the Design Review Board is unable to gather a quorum to render a decision on an application scheduled for a hearing before the DRB and is unable to gather another quorum within ten (10) days of the scheduled hearing, the County Administrator shall determine compliance with the provisions of the Mid-Anastasia Overlay District.
3. Failure to Establish a Design Review Board. Failure in the event that the St. Johns County Board of County Commissioners are unable to establish a Design Review Board as defined by this Part, it shall be the responsibility of the County Administrator to determine compliance with the provisions of this Part. Failure to establish shall mean that at any time there are less than three (3) regular members appointed to the DRB.

Part 3.09.00 North Coastal Overlay District

Section 3.09.01 Purpose and Intent

The purpose and intent of this Special District is to achieve specific goals and objectives of the St. Johns County Comprehensive Plan and establish additional requirements which regulate development in a manner that maintains, protects and enhances the diverse and unique character of the North Coastal Corridor, an area of northeast St. Johns County that includes Vilano Beach, Usina's Beach (North Beach), Surfside and South Ponte Vedra Beach. This area has been an established beach community for some time and typifies coastal development along Florida's beaches. The architectural history of the area is well documented by the St. Augustine Historical Society, indicating a blend of the vernacular cottages of the 1920's and the Art Deco style of the 1930's and 1940's. The purpose and intent of this Special District is to encourage a respect for the history of the area, by establishing standards and guidelines that reflect this history, while sustaining and supporting a "sense of place" in this unique beach community.

It is also the purpose and intent to protect surrounding residential uses, encourage the protections of scenic views, and enhance the physical appearance of the area through site and building design guidelines and signage controls.

These objectives shall be accomplished through the establishment and implementation of special guidelines, standards and criteria which shall apply to the location, character, compatibility and appearance of proposed commercial and multi-family land uses, and to certain changes or renovations to such existing land uses, relevant to the particular described area.

The implementation of this Part shall be assisted by a Design Review Board, which shall be established in accordance with the administrative procedures of this Part. The review of activities that are subject to these additional requirements shall be performed with the goal of determining whether a proposed activity meets the goals, objectives and policies set forth in the Comprehensive Plan and the guidelines, standards and criteria of this Part.

Sec. 3.09.02 Delineation of the North Coastal Overlay District

The North Coastal Overlay District, as delineated herein, is a Special District in the form of an overlay superimposed upon the various zoning districts. This Special District encompasses all those lands within unincorporated St. Johns County bounded by the Atlantic Ocean on the east; the Intracoastal Waterway on the west; and the St. Augustine Inlet on the south; and the northern boundary shall be defined as the Township line that divides Township 4 South and Township 5 South, Range 29 East of said County. This does not include the area bounded within Section 3.10 (Vilano Beach Town Center), which exists within the boundaries of this overlay district.

Sec. 3.09.03 Uses and Activities Subject to the requirements of the North Coastal Overlay District

- A. **Applicability:** The standards prescribed in this Part shall apply to all commercial and multifamily uses contained within all zoning categories, including such Uses contained within PUDs. Single-family dwellings, two-family dwellings, Manufactured/Modular Homes or Manufactured/Mobile Homes, roadside stands, plant nurseries, boarding stables, riding academies, barns, corrals, greenhouses and other substantially similar Structures or temporary uses as may be otherwise allowed by these regulations shall be excluded from the requirements of this Part. Unless otherwise exempted, the requirements of this Part shall

apply to property proposed for Development as an Allowable Use or as a Special Use, as well as to signage and certain exterior renovations hereafter undertaken within the North Coastal Overlay District.

1. Exterior renovation shall be defined as any activity changing the exterior of a structure that requires a County Building Permit, and also exterior repainting not otherwise exempted by this Part.
 2. The requirements of this Part shall apply to only that portion being added, remodeled, renovated or changed.
 3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired (i.e. Buildings repainted using the same colors and roofs repaired and replaced with the same materials and colors), without a review by the Design Review Board, provided that such repair or maintenance does not substantially alter the appearance of that which is being repaired or maintained.
 4. Any Non-conforming uses or Structures impacted by this Part, shall follow Part 10.03.00 of this Code concerning non-conforming regulations.
- B. **Allowable Uses:** The uses for the property contained within the North Coastal Overlay District shall be as prescribed in the various Zoning Districts underlying the Overlay District, except where such use is not permitted by the St. Johns County Comprehensive Plan.
- C. **Exemptions:** The following activities shall be exempt from review as otherwise required by this Part. In the event of any conflict related to an exempt activity, it shall be the responsibility of the County Administrator to determine that a proposed exempt activity is in compliance with this Part.
1. Repainting of Structures in existing colors.
 2. Additions to the rear of a Structure not exceeding two-hundred and fifty (250) square feet which are of similar architectural style to the existing Structure, and consist of like exterior finishes and colors including windows and doors.
 3. Replacement of roofing with like roofing materials.
 4. Replacement of windows and doors, and existing porches, patio overhangs, porte cocheres or carports which are replaced in a similar style as the existing Structure or main portion of the existing Structure and consist of like exterior finishes and colors.
 5. Replacement of landscaping consistent with a previously approved Landscape Plan or replacement of existing landscaping with like landscaping material.
 6. Non-substantive changes, which do not change the character, design or commonly observed appearance of a site or Structure.

Sec. 3.09.04 Design Guidelines and Development Standards

The pleasing and compatible relationship of structures in the North Coastal Overlay District is of important public concern. The architectural design of structures and their materials and colors

should be visually harmonious with the overall appearance, history and cultural heritage of St. Johns County, the South Ponte Vedra and Vilano Beach area. The intent of these standards is to encourage architectural diversity and innovative architecture, which supports the intent of this Part and insures an aesthetically pleasing environment that preserves the integrity of this small town area. Site design and architectural features, such as differentiation of floors and providing for the appearance of separate but connected buildings, should be used to reduce the appearance of excessively large or massive buildings. New buildings shall be designed to contribute to the image of the North Coastal Overlay District community with a pedestrian-oriented, non-urban scale and character. To accomplish these objectives, the following guidelines and standards shall apply to the review of proposed buildings, renovations, and related site improvements, which are subject to the requirements of this Part.

- A. Architectural styles of new buildings should be reflective of one of the following historical styles: Art Deco, Florida Vernacular, Spanish or Mediterranean, and Northeast Vernacular. These styles are generally described in Section 3.09.07 of this Part. Elements from these styles should be incorporated into building mass and height, signage, exterior colors, exterior lighting, building materials, rooflines, and any porches, awnings or parapets. Structures should be designed to capture breezes, provide shaded porches and cafes, encourage pedestrian and bicycle use and relate to the character of the area.
- B. Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or design elements, or by unbroken extension of line shall be avoided. The maximum length of any building parallel to the roadway shall be 120 feet.
- C. Commercial Buildings should where possible incorporate the following design patterns and details, to encourage pedestrian activity:
 - 1. The main Commercial Building entrance should face the main roadway. Buildings located at street corners should have entrances at the corner. All outside walls of the building shall be finished with the same materials and chosen style as the front.
 - 2. Unless approved by the Design Review Board, blank walls facing the main roadway shall be avoided and walls facing State Road A1A shall not be used for service entrances. The use of entranceways and display windows should be used to create business and storefronts that are festive and inviting to the pedestrian.
 - 3. Building finishes, design and architectural detailing shall be consistent and of the same quality for all sides of the building. The Design Review Board may consider differences in exterior refinishes for existing Structures providing a cohesive design.
 - 4. Outdoor pedestrian seating areas are strongly encouraged, and similarly, outdoor cafe-type seating is encouraged.
- D. Work areas, storage doors and open bays shall not open toward any delineated roadway or any adjacent residential properties. The DRB may consider alternative screening and design concepts to shield work areas, storage doors and open bays from delineated roadways or any adjacent residential properties. This shall not be construed to prohibit outdoor seating and restaurant or bar areas or open display areas.
- E. Heating, ventilation and air conditioning equipment (excluding roof vents), duct work, air compressors, and other fixed operating machinery shall be either screened from view with

fencing architecturally compatible with the Building; or vegetation; or located so that such items are not visible from any roadway or adjacent residential properties. Trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes (except as provided by Florida law), antenna, and other such structures shall be similarly screened or concealed from sight. Chain link, barbed wire and similar fencing materials shall not be allowed in any required Front Yard, and where such fencing can be viewed from any delineated roadway, landscaping or berming shall be provided to prohibit visibility from such roadway or any adjacent residential properties.

- F. Exterior lighting for safety and security shall be kept to a minimum consistent with reasonable safety requirements of the particular business or Structure. Safety and security lights, other than low-wattage lights or ground-area lights, shall be downward facing and shall not be directly visible at ground level more than one hundred (100) yards from the light location. Parking area lights shall be no higher than the eave of the adjacent buildings. See additional lighting criteria in 3.06.13. Lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly. The use of solar power should be explored to supply electricity to fixtures.
- G. The maximum vertical clearance of Canopies provided over the pump islands at gas stations, service stations and convenience stores shall not exceed seventeen (17) feet in height from established grade to the underside of the canopy. The maximum height of a canopy shall not exceed twenty-four (24) feet from established grade.

Sec. 3.09.05 Lighting Criteria

Architectural lighting shall be recessed under roof overhangs or generated from a concealed light source, or low level light fixtures. Site lighting shall be of low-intensity, shall be of white light which does not distort colors and shall not spill over into adjoining properties, roadways or in any way interfere with the vision of oncoming motorists. Specifically, lighting shall be downward facing full cut-off, no higher than 20 feet and shall have a maximum illumination level of 0.30 foot-candles at ground level at the lot line.

Sec. 3.09.06 Architectural Styles and Design Elements

Proposed Structures and exterior renovations shall not be required to strictly adhere to any particular architectural form or style, but should contain features and elements which contribute to the overall styles described herein and found throughout the North Coastal Overlay District. To assist in defining styles for the District, the following general descriptions and guidelines should be considered in the design of proposed Structures and exterior renovations.

- A. **Art Deco** – Building forms of the Art Deco style are typically angular and clean, with stepped back facades, symmetrical or asymmetrical massing and vertical accentuation and may include modern design. Florida Art Deco decorations include nautical themes as well as tropical flora and fauna motifs. Ocean liner, palm trees, flamingos and numerous related elements on the exterior and interior of the building. Representative examples include South Beach (Miami). The following materials and features shall be considered appropriate.
 - 1. Finish materials typically used within Art Deco styles may include stucco, etched glass, block glass, and a variety of metals, cast concrete, patterned terrazzo and mosaic tile.

2. Exterior colors for new Building or Structure Construction or Development should include pastel tropical colors with contrasting colors to define different features of the building shall be considered appropriate. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural will not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless additional area is approved by the DRB.
3. Building materials and exterior finish surfaces that include exterior insulation-and-finish systems (EIFS), stucco, tile, articulated concrete and cement, wood siding, with glass and metallic embellishments shall be considered appropriate.
4. Exterior lighting should be designed and constructed to contribute to a festive and tropical character. Lighting elements may incorporate the use of neon, block glass and other similar Art Deco ornamentation.

B. Florida Vernacular – Florida Vernacular style may include styles commonly referred to as Florida Cracker, Old Florida Beach, and Gulf Coast. Vernacular architecture is not a clearly defined architectural style, but rather a method of construction that develops particular to a geographic area over time. Vernacular styles historically utilized raw materials that were commonly available in a region and contain functional forms and features appropriate to the physical characteristics of an area, such as climate and topography. Vernacular architecture also commonly contains elements that have derived and evolved from the ancestry of a region's settlers. In Northern Florida, vernacular structures were generally simple, modest structures, rectangular in form with little elaboration. Horizontal wood siding, wood shingles and board and batten with gable or hipped roofs of metal or composition shingles were common. Wide wrap-around porches and large windows with shutters were common. Wide overhanging eaves and breezeways were typically incorporated to provide shade and maximum ventilation. Representative examples include Seaside (Florida Panhandle), Celebration (Orlando), Tides Edge (South Ponte Vedra) and Haile Plantation (Gainesville). The following materials and features shall be considered appropriate.

1. Horizontal wood siding, wood shingles and board and batten with gable or hipped roofs of metal or composition shingles.
2. Wide wrap-around porches and large windows with shutters.
3. Wide overhanging eaves and breezeways were typically incorporated to provide shade and maximum ventilation.
4. Exterior colors of paints and stains for new Building or Structure Construction or Development may be nature-blending or pastel colors, with no more than three colors per building, excluding roof color, unless approved by the Design Review Board. All exterior color hues should be subdued, consistent. In general, such hues of greens, yellows, corals, browns, blues, grays, tans and beiges shall be considered appropriate. Building materials and exterior finish surfaces include stucco, cement composite, wood siding or wood shingle, brick, exterior insulation-and-finish systems (EIFS), or other materials with similar texture and appearance shall be considered appropriate. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural will not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless additional area is approved by the DRB.

5. Architectural grade shingles, metal standing seam, 5 V Crimp metal roofing, tile or other non-reflective roof materials with similar nature-blending texture and appearance shall be considered appropriate. Roof angles should be a minimum of twenty (20) degrees and may incorporate dormer windows.

C. Northeast Vernacular Style – Northeast Vernacular Style includes shingle style, Cape Cod and Colonial. Representative examples include Villages of Vilano (North Beach area). The following materials and features shall be considered appropriate.

1. Exterior materials and construction methods such as wood shingles or lapboard for siding of either wood or cement composite style wood should be used.
2. Roof design should be either gable or hip with a minimum angle of twenty-five (25) degrees or greater and may incorporate dormer windows. Wood shingles or asphalt shingles (with the appearance of wood shingles) are appropriate for roofing material.
3. The style of window or door openings may be either square or round with divided panes of glass.
4. Small porches and small windows with shutters are common. Designs can include narrow overhanging eaves, with breezeways connecting separate buildings.
5. Exterior colors for new Building or Structure Construction or Development (excluding roofs) should be pastel variations of gray, blue/gray, white, green and yellow or natural wood. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural will not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless additional area is approved by the DRB.
6. Roof designs in gable or hip and may include dormer windows.

D. Spanish / Mediterranean Style – Although diverse in scope, Spanish influenced architecture is clearly part of the history of the area and may include Spanish, Italian, Italianate, Moorish, Palladian and Greek Revival. Structures may include Spanish influence, which are generally modest structures, simple in construction with clean lines, and rectangular with little elaboration. The Mediterranean influence is more complex, and involves masonry or stone construction with archways, turrets and courtyards. Representative examples include The Lodge (Ponte Vedra), Village of San Jose (Jacksonville), the Casa Monica Hotel, Lightner Museum and Flagler College (St. Augustine). The following materials and features shall be considered appropriate.

1. Exterior materials for new Building or Structure Construction or Development should include masonry and stone with heavy timber, stucco or plaster walls or similar type finishes applied in earth tone colors of brown, crème, beige, gold, yellow and/or white. Public art such as murals will not be applicable to the color standards in this paragraph. The design of the mural will not exceed a maximum of fifteen percent (15%) of the façade in which it is located unless additional area is approved by the DRB.
2. Window and door openings should be square or round and glass areas should have divided panes.

3. Roof materials should include wood shingles and barrel tile or slate.
4. The use of porticos, cantilevered decks or balconies, archways, courtyards, trellises, arbors, wrought iron and tile decoration are all typical of the styles and appropriate.
5. Wide wrap-around porches and large windows with shutters are also appropriate.
6. Wide overhanging eaves and breezeways may be typically incorporated to provide shade and maximum ventilation. Roof designs should generally be gable or hip with a minimum roof angle of 20 degrees or greater and may include dormer windows.

E. Administrative Approval of Design Elements, Materials, and Exterior Finishes

1. The Design Review Board, shall, with assistance of the County, develop architectural design guidelines in accordance with Section 3.09.01 of this Part. Such guidelines shall be adopted by the Board of County Commissioners and shall, at a minimum, include color palettes for exterior materials and finishes.
2. Upon the adoption of color palettes for exterior materials and finishes, exterior painting of existing Structures and Buildings with a selection from the preferred color palette may be approved by the County Administrator. However, if in the determination of the County Administrator, any proposed exterior painting appears to be in conflict with the Purpose and Intent of the North Coastal Overlay District or with the preferred color palette, a review by the Design Review Board may be required.

Sec. 3.09.07 Signage Requirements

The following requirements, in addition to those as set forth in Article VII of this Code, shall apply to all multi-family and commercial Signs, including new Signs and the replacement of existing Signs.

A. General Signage Provisions: The following design requirements shall apply to the entire North Coastal Overlay District.

1. The colors and materials of Signs shall be similar to and compatible with the architectural style and colors and materials of the related commercial or multi-family Building. Any icons that is not similar to and compatible with the architectural style and colors and materials of the related commercial or multi-family Building shall be restricted to a maximum 15% of the advertising display area, unless additional area is approved by the DRB.
2. Signs should be oriented to vehicular traffic as well as pedestrians and scaled appropriately. Street numbers should be visible on Signs or the front of buildings, as appropriate.
3. Signs must be professionally designed, lettered and constructed.
4. Signs may be double faced.
5. Wall Signs shall be mounted directly upon wall surfaces, and shall not be mounted upon raceways or other protrusions from the wall surface.

6. Messages upon doors or windows, which do not exceed six (6) inches in height, shall not be counted as a Sign and shall not be subject to review.
7. Any lighting shall be white in color for all signs. External lighting must conceal and shield the light.
8. Molded vinyl or plastic internally illuminated Signs shall not be allowed.
9. For Signs that contain federally registered trademarks or service marks, documentation of such registration shall be provided with the application for review.
10. New Ground Signs and alterations to existing Ground Signs requiring a DRB review shall be externally illuminated with downward facing fixtures and hours of illumination to cease no later than 30 minutes after business closing, unless additional time is approved by the DRB.
11. Signs shall be of wide-based monument style design. Pylon Signs are only permitted when monument style signs cannot be adequately located due to site constraints as determined by the DRB.
12. The maximum allowable height of a Sign structure shall be twelve (12) feet including any foundation supporting the Sign. A foundation used to support a Sign shall not exceed four (4) feet in height. The use of dirt, sand or other material to elevate the height of a Sign on a mound is prohibited.

B. Ground or Pylon Signs: Number and Size of Signs permitted for the street frontage

The maximum number and size of Ground Signs for each street frontage shall be as follows:

1. For sites five (5) acres or less: One (1) on-site Sign not to exceed thirty-two (32) square feet for each Sign Face, may be located on each collector and arterial roadway.
2. For sites more than five (5) acres: One (1) on-site Sign, not to exceed sixty (60) square feet for each Sign Face, may be located on each collector and arterial roadway.
3. All ground Signs shall include the street number in a size and manner that is clear and visible.
4. Where feasible, as determined by the approval authority, all ground signs shall use shrubs that are twenty-four (24) inches at the time of planting at the base of the sign. These must be planted within 30 days of the sign installation.

C. Additional Directional Ground Signs Allowed:

In addition to the above Signs, Directional Ground Signs shall be limited to two (2) square feet per Sign. The maximum allowable height shall be three (3) feet.

D. Commercial Wall, Hanging and Awning Signs Multi-Story Buildings

1. Where a multi-story building is divided into units or floors for several businesses, one wall Sign, not exceeding twenty-four (24) square feet of area, may be allowed on each street side of the building.
2. In addition to the above wall Sign, where a multi-story building is divided into units or floors for several businesses, one awning Sign, not exceeding twenty-four (24) square feet of display area, may be allowed over each first story entrance, provided that any such awning Sign is an integral and unified part of the architectural design of the entire building.
3. One (1) double-faced hanging Sign under covered walkways with maximum dimensions of two (2) feet vertical by four (4) feet horizontal is allowed for each business entrance.

E. Multiple Tenant Directory Signs:

For buildings with multiple tenants, one (1) directory Sign for businesses occupying the building not exceeding fifteen (15) square feet of face area is allowed. Such Signs are permitted in addition to any other allowed Signs.

F. On-premise Temporary Signs:

On-premise Temporary Signs may be installed in addition to the above Signs provided the Sign area shall not exceed twelve (12) square feet and shall be limited to one (1) Sign per parcel of land. Temporary signs must be removed within 5 days from the date the event or project has ended.

- G. Banner signs shall be allowed in accordance with Section 7.05.00 and 7.07.01.A. and shall be allowed as special event signage between the timeframe of overlay application submittal and up to a period of sixty (60) days after permanent sign approval by the DRB. This shall consist of no more than three (3) signs at a maximum advertising display area of twenty-four (24) square feet each for parcels that have frontage along A1A. All other parcels are limited to one (1) sign at a maximum advertising display area of twenty-four (24) square feet.

H. **Prohibited Signs:** In addition to those Signs prohibited within Section 7.08.01, the following Signs are prohibited in the North Coastal Corridor Overlay District.

1. Animated Signs with any moving parts.
2. Exterior Neon Signs, except those specifically related to the Art Deco building style or those approved by the Design Review Board and found to be consistent with the Purpose and Intent of this Part.
3. Interior Neon window Signs which exceed more than thirty percent (30%) of the window area. No interior neon Sign may exceed twelve (12) square feet.

- I. **Signs Exempt from Review:** Temporary Signs, which are in compliance with the requirements of this section, are exempt from review. However, if in the determination of the County Administrator, any Signs may be in conflict with the Purpose and Intent of the North Coastal Overlay District, a review by the Design Review Board may be required and appropriate modifications ordered.

J. Administrative Approval of Specific Signage

1. Any ground sign reface under thirty-two (32) square feet or a portion thereof in size and any hanging signs up to eight (8) square feet provided the colors closely match any colors associated with the building and text type/sizes are similar to other DRB approved signage located on the ground sign face.
2. Any Wall Sign reface twenty-four (24) square feet or portion thereof in size and any hanging signs up to eight (8) square feet, provided the colors closely match any colors associated with the Building and text type and sizes are similar to other DRB approved signage located on existing Wall Signs on the same Building.
3. Any Directional Sign two (2) square feet or less in size.
4. Any wall, awning, hanging, ground, and/or window identification signage within a Unified Sign Plan that is approved by the DRB.

K. Unified Signage Plan

The USP is an elective master plan for all Project (wall, ground, awning, and window) identification signs located for multi-family and commercial properties. The purpose of the USP is to develop a cohesive sign strategy/design that meets code, expresses the desire of the DRB, and allows an expedited approach to review signage. The USP shall follow the below requirements:

1. All signage must adhere to the overlay district code.
2. The USP shall provide information relating, but not limited, to the size of the advertising display area (minimum and maximum), type of sign (i.e. box or individual letter), mounting procedures, lighting, colors, font, materials, icons, and any other information required by the County.
3. The DRB must consider the USP prior to approval of the USP and may require any conditions it finds necessary to meet the purpose and intent of the overlay code.

Sec. 3.09.08 Administrative Requirements

The following requirements shall apply to all projects and activities that are subject to the North Coastal Overlay District. For those projects involving Signs less than fifteen (15) square feet in size, re-painting, or other activities not requiring a County building permit, a Minor Review shall be allowed. Additionally, a Minor Review shall be allowed for those other projects, which are determined by the County Administrator to be minor in nature. For all other projects, a Regular Review shall be required.

- A. **Functions and Establishment of the Design Review Board** – The North Coastal Design Review Board shall be established as prescribed in Section 3.10.08. Except as otherwise provided in this Code, the same board established in Section 3.10.08 shall determine compliance with this Part.
- B. **Optional Preliminary Review** – It is the intent of these regulations to encourage development that conforms with the requirements stated herein. In an effort to provide

guidance and information to applicants prior to the preparation of site plans and formal submittals, a preliminary informal review shall be available to any property owner subject to these regulations. Such review may be scheduled for the next regularly scheduled meeting of the Design Review Board. Applicants are requested to bring to the meeting, a general survey indicating the property boundaries, with relevant topographic and/or jurisdictional information, preliminary site plan or plans (this may include one or more site plan alternatives to be considered) and/or photographs or drawings of proposed building styles, for discussion. No formal determination of consistency shall be made or construed from this preliminary review. Such meetings shall be reasonably noticed and shall be open to the public.

C. Application and Permitting Requirements

1. The County Administrator shall develop application forms and review procedures to assist the Design Review Board in determining compliance with the North Coastal Corridor Overlay District requirements. The Design Review Board shall meet as required to review applications and take action in a timely manner on all applications submitted for review.
2. Following any final action, the Design Review Board shall provide a written order to the Applicant stating that the request complies, complies with conditions, or does not comply, with North Coastal Corridor Overlay District requirements. Any determination by the Design Review Board shall be supported by appropriate findings of fact.
3. The Applicant shall provide a copy of the final order of approval prior to obtaining construction permits as required for the proposed project or activity.
4. In general, all applications that are subject to the County's established development review process shall proceed through a first submittal review prior to being scheduled for the Design Review Board. Any development review comments that have not been addressed at the time of the Design Review Board meeting shall be noted by the Applicant. If appropriate, the Design Review Board may attach conditions to its determinations related to outstanding development review comments. The Design Review Board shall not request modifications that are not in compliance with other land development regulations.

D. Vested Rights Determinations

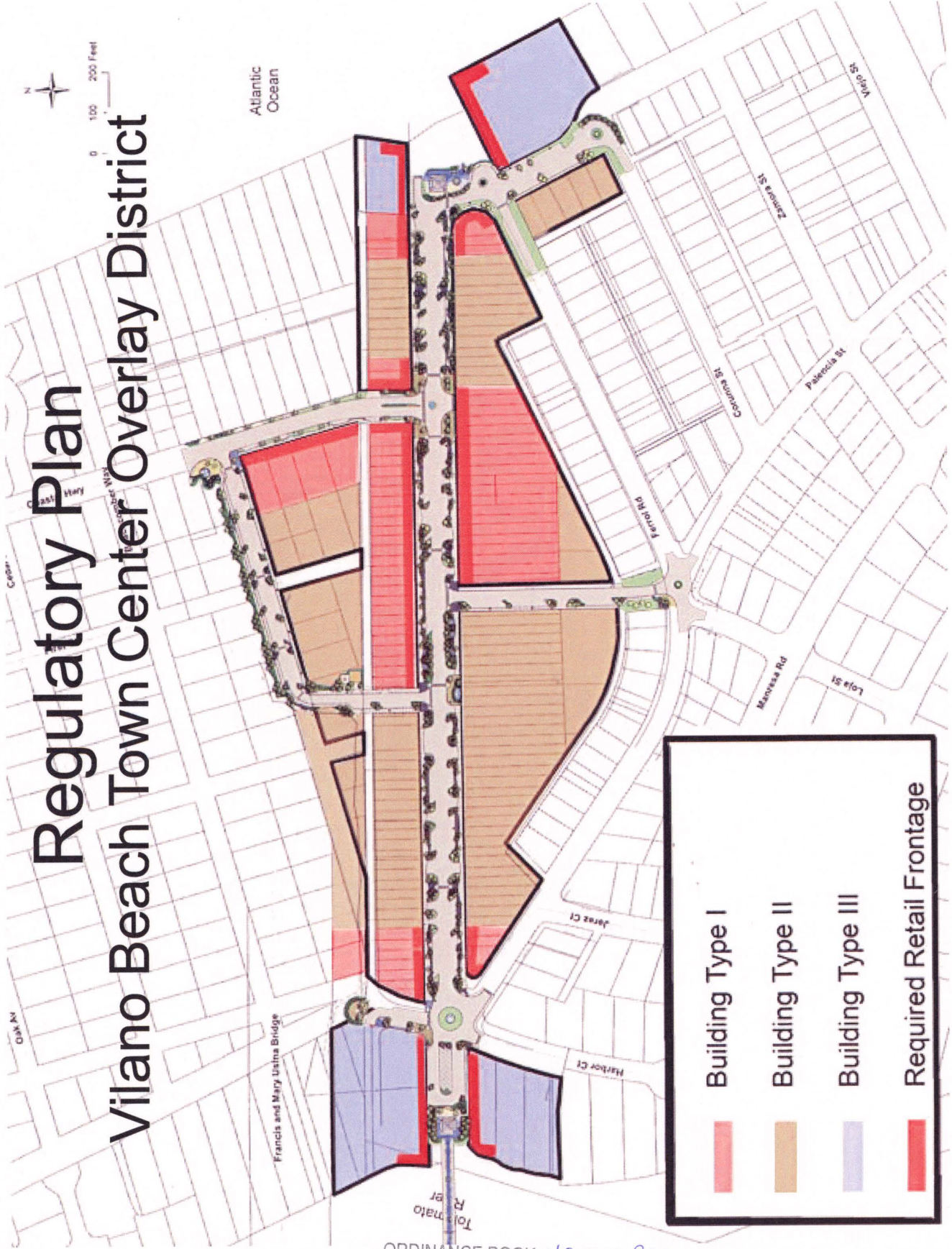
1. As an alternative to a determination that a Project or activity complies with this Part, the Applicant may demonstrate that vested rights to proceed with the proposed Project or activity have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.09.00 of this Code. Vested rights determinations shall be made in accordance with Part 10.02 of this Code. The legal requisites for such determinations and burdens of proof shall be those provided by applicable Federal and State Law. Applicants shall have the burden demonstrating vested rights or equitable estoppel.
2. A Planned Unit Development (PUD) may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PUD. The more restrictive standards and criteria of the existing PUD or the North Coastal Overlay District shall apply to the expansion.

- E. **Variances and Appeals** – An Applicant may apply to the St. Johns County North Coastal Design Review Board and be granted or denied a Variance from one or more standards of the North Coastal Overlay District. Variances or modifications to these requirements shall be further governed as follows:
1. Any Variance, or modification within PUDs to these requirements may be granted by the North Coastal Design Review Board. Such requests shall be considered pursuant to requirements of Section 10.04.03.
 2. Any affected or aggrieved person may Appeal a determination of the Design Review Board to the Board of County Commissioners, made under the authority of this Section, by filing such Appeal in writing to the County Administrator within thirty (30) days of any such determination.
- F. **Failure to Establish a Design Review Board:** In the event that the St. Johns County Board of County Commissioners is unable to establish a Design Review Board as defined by this Part, it shall be the responsibility of the County Administrator to determine compliance with the provisions of the North Coastal Overlay District.
- G. **Management of Applications among Multiple Boards**
1. When a board or agency has made a decision or finding on an application, and the application or companion application will later appear before the Planning and Zoning Agency or Board of County Commissioners, its approval or approval with conditions shall constitute a recommendation to that body. The Planning and Zoning Agency or Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the board or agency for a decision consistent with findings or suggestions.
 2. This section does not impose any additional review standards on applications or board or agency decisions as set forth in this Code.
- H. **Administrative Approval**
1. Delegation of Signing Authority. In the event that the Design Review Board has determined compliance with this Part, the DRB may authorize its support staff to sign and render an Order or written determination approved by the DRB in lieu of the Chair or Vice-Chair.
 2. Failure to Hold a Quorum. In the event that the Design Review Board is unable to gather a quorum to render a decision on an application scheduled for a hearing before the DRB and is unable to gather another quorum within ten (10) days of the scheduled hearing, the County Administrator shall determine compliance with the provisions of the North Coastal Overlay District.
 3. Failure to Establish a Design Review Board. In the event that the St. Johns County Board of County Commissioners is unable to establish a Design Review Board as defined by this Part, it shall be the responsibility of the County Administrator to determine compliance with the provisions of this Part. Failure to establish shall mean

that at any time there are less than three (3) regular members appointed to the DRB.

Regulatory Plan

Vilano Beach Town Center Overlay District



ORDINANCE BOOK 40 PAGE 923

PART 3.10.00 North Coastal Overlay District: Vilano Beach Town Center Overlay

Sec. 3.10.01 Purpose and Intent

The Vilano Beach Town Center (VBTC) is envisioned as a compact, pedestrian-oriented, mixed-use district that serves Vilano Beach and surrounding areas. Unlike suburban residential and shopping areas, this type of mixed-use district requires urban types of development regulations concerning setbacks, parking requirements, height limitations and permitted uses.

The Vilano Beach Town Center is a designated Community Redevelopment Area (CRA) with the goal to foster economic redevelopment of the area. The intent of the development standards for the Vilano Beach Town Center District is to encourage redevelopment and new development that results in a diverse mixture of compatible uses which create a lively community with daytime and evening activities. Anticipated uses within the Vilano Beach Town Center include community oriented commercial uses and services, residential, and recreational and leisure uses related to the waterfront and beach.

These regulations are intended to support the creation of a downtown area that has buildings designed to reflect the unique local flavor and character of this small beach town generally reflected in the existing historic and public buildings.

Sec. 3.10.02 District Boundaries

The development standards contained within Part 3.10.00 shall be utilized for properties located within the Vilano Beach Town Center District as shown on the St. Johns County Future Land Use Map in the adopted St. Johns County Comprehensive Plan.

Sec. 3.10.03 Uses and Activities Subject to the requirements of Vilano Beach Town Center Overlay District

- A. Applicability: The standards prescribed in this Part shall apply to all use categories contained within the TCMU zoning district, including such uses contained within PUDs. Unless otherwise exempted, the requirements of this Part shall apply to property proposed for Development as an Allowable Use or as a Special Use, as well as to signage and certain exterior renovations hereafter undertaken within the North Coastal Overlay District.
1. Exterior renovation shall be defined as any activity changing the exterior of a structure that requires a County Building Permit, and also exterior repainting not otherwise exempted by this Part.
 2. The requirements of this Part shall apply to only that portion being added, remodeled, renovated or changed.
 3. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired, without a review by the Design Review Board, provided that such repair or maintenance does not substantially alter the appearance of that which is being repaired or maintained.
 4. Any Non-conforming uses or Structures impacted by this Part, shall follow Part

10.03.00 of this Code concerning non-conforming regulations.

- B. Allowable Uses: The uses for the property contained within the Vilano Beach Town Center Overlay shall be as prescribed in the Town Center Mixed Use Zoning Districts underlying the Overlay District, except where such use is not permitted by the St. Johns County Comprehensive Plan.
- C. Exemptions: The following activities shall be exempt from review as required by this Part. In the event of any conflict related to an exempt activity, it shall be the responsibility of the County Administrator to determine that a proposed exempt activity is in compliance with this Part.
 - 1. Repainting of Structures in existing colors.
 - 2. Repainting of Structures with the suggested color palette of one of the three preferred Architectural Styles as designated in the Town Center Design Guidelines.
 - 3. Additions to the rear of a Structure not exceeding two-hundred and fifty (250) square feet which are of similar architectural style to the existing Structure, and consist of like exterior finishes and colors including windows and doors.
 - 4. Replacement of roofing with like roofing materials.
 - 5. Replacement of windows and doors, and existing porches, patio overhangs, porte cocheres or carports which are replaced in a similar style as the existing Structure or main portion of the existing Structure and consist of like exterior finishes and colors.
 - 6. Landscaping, buffers, signage, parking lots and Structures may be maintained and repaired, without a review by the Design Review Board, provided that such repair or maintenance does not substantially alter the appearance of that which is being repaired or maintained.
 - 7. Non-substantive changes, which do not change the character, design or commonly observed appearance of a site or Structure.

Sec. 3.10.04 General Development Standards and Design Guidelines

The Development Standards and Design Guidelines included in this section shall apply to the entire Vilano Beach Town Center District.

- A. General Standards
 - 1. The Vilano Beach Town Center (VBTC) Overlay consists of the Regulatory Plan, the Town Center Design Guidelines and these mixed-use regulations.
 - 2. The provisions of the VBTC Overlay, when in conflict, shall take precedence over the existing zoning and land development code. Compliance with the VBTC Overlay regulations shall not require a Variance from other Land Development Regulations.
 - 3. The provisions of the Building Code, Fire Code, and other associated safety codes when in conflict, shall take precedence over the provisions of the VBTC Overlay.

4. The Regulating Plan designates the locations of Building types I, II, and III, as described in Sec. 3.10.05.
5. The Town Center Design Guidelines, made part of the Development Review Manual, incorporates the three preferred Architectural Styles: Florida Vernacular, Art Moderne, and Art Deco for the Vilano Town Center. Each style definition includes a Suggested Color Palette and scheme.
6. New structures and redeveloped structures exceeding 50% of the current just value shall be developed according to the Vilano Beach Mixed Use regulations set forth in this Section.
7. Vending machines must be located inside buildings.
8. Heating, ventilation and air conditioning equipment (excluding roof vents), duct work, air compressors, and other fixed operating machinery shall be screened from view with walls or fencing architecturally compatible with the building; and/or vegetation. Such equipment shall be located or screened so as not to be visible from any roads, any adjacent residential properties, intersecting streets or the Vilano Bridge. Trash receptacles, dumpsters, utility meters, above ground tanks, satellite dishes (except as provided by Florida or federal law), antennas, and other such Structures shall be similarly located. The location and screening of all such equipment noted here shall be subject to the review and approval of the Design Review Board.
9. Individual transmission, phone and cable boxes shall be placed to the rear of new development or screened or decorated in a manner compatible with the architectural style of the structure.
10. Chain link, barbed wire and similar fencing materials shall not be allowed within the District.
11. Exterior lighting shall be downward facing and designed to encourage outdoor activity during evening hours, although exterior lighting of parking areas shall be kept to a minimum consistent with reasonable safety requirements of the particular business or Structure. Lighting shall not be directly seen at ground level more than one hundred (100) yards from the light location. See additional lighting criteria in 3.06.13. Lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly. The use of solar power should be explored to supply electricity to fixtures.
12. Where possible, pedestrian access through Development sites shall be provided for the purpose of providing access to the rear of the buildings and connectivity between the beachfront, the fishing pier, businesses, alleys and parking areas and adjacent residential uses.
13. All new development is encouraged to include streetscape elements that provide for bicycle and pedestrian activity, such as outdoor seating, bicycle racks, fountains, and public art. These elements should facilitate an increased level of activity during daytime and evening hours.

14. Balconies and or porches are intended as outdoor extensions of living space or commercial space for seating and shall not be utilized for storage.
15. Drive-In Facilities are prohibited within the Vilano Beach Town Center, except those Drive-In Facilities that are accessory to a neighborhood serving financial institution located within the block of the Vilano Beach Town Center Mixed Use District bounded by Vilano Road, Coastal Highway and Poplar Road may be allowed subject to the following site design standards:
 - a. Drive-In Facility windows may not be visible from Vilano Road or Coastal Highway and shall be located to the rear or interior of a parking area with access from an alley or the interior of a parking space.
 - b. Drive-In Facility and windows shall be screened from view along public streets and adjacent properties by enhanced landscaping, roof-top coverage, walls, fences, canopies or similar design elements.
 - c. Drive-In Facility shall be developed with an urban pedestrian oriented design.
 - d. Any financial institution containing a Drive-In Facility shall locate the building's main entrance fronting Poplar Avenue with a direct pedestrian connection to the sidewalk.
 - e. Drive-In Facilities shall have no more than three (3) drive-in lanes, one of which may be a drive-up window. Stacking for each drive-in lane may not be closer than 100 feet from Vilano Road. Drive-In lanes and associated stacking areas shall be screened from view of public streets through landscaping, screening, walls, fences or other design elements. Driveway entrance and exit areas and associated line-of-sight areas may be visible as needed to ensure safe ingress and egress.
 - f. If the financial institution use is vacated for more than one (1) year the drive-in/up lanes must be removed or converted to a compatible use including but not limited to, patios, outdoor seating, gardens, art, fountains, or open space.
16. For any building with a rear entry from a parking lot one (1) external sign will be allowed over each unit or business doorway no greater than 6 square feet in size and meeting the standards this Article Section H.
17. The use of combined driveways to provide access to Vilano Road, Coastal Highway or Poplar Avenue is permitted and encouraged for adjacent properties. This shall encourage a limited number of access points to the roadways.
18. The maximum vertical clearance of Canopies provided over the pump islands at gas stations, service stations and convenience stores shall not exceed seventeen (17) feet in height from established grade to the underside of the canopy. The maximum height of a canopy shall not exceed twenty-four (24) feet from established grade.

Sec. 3.10.05 Site Development Criteria

A. Building Types

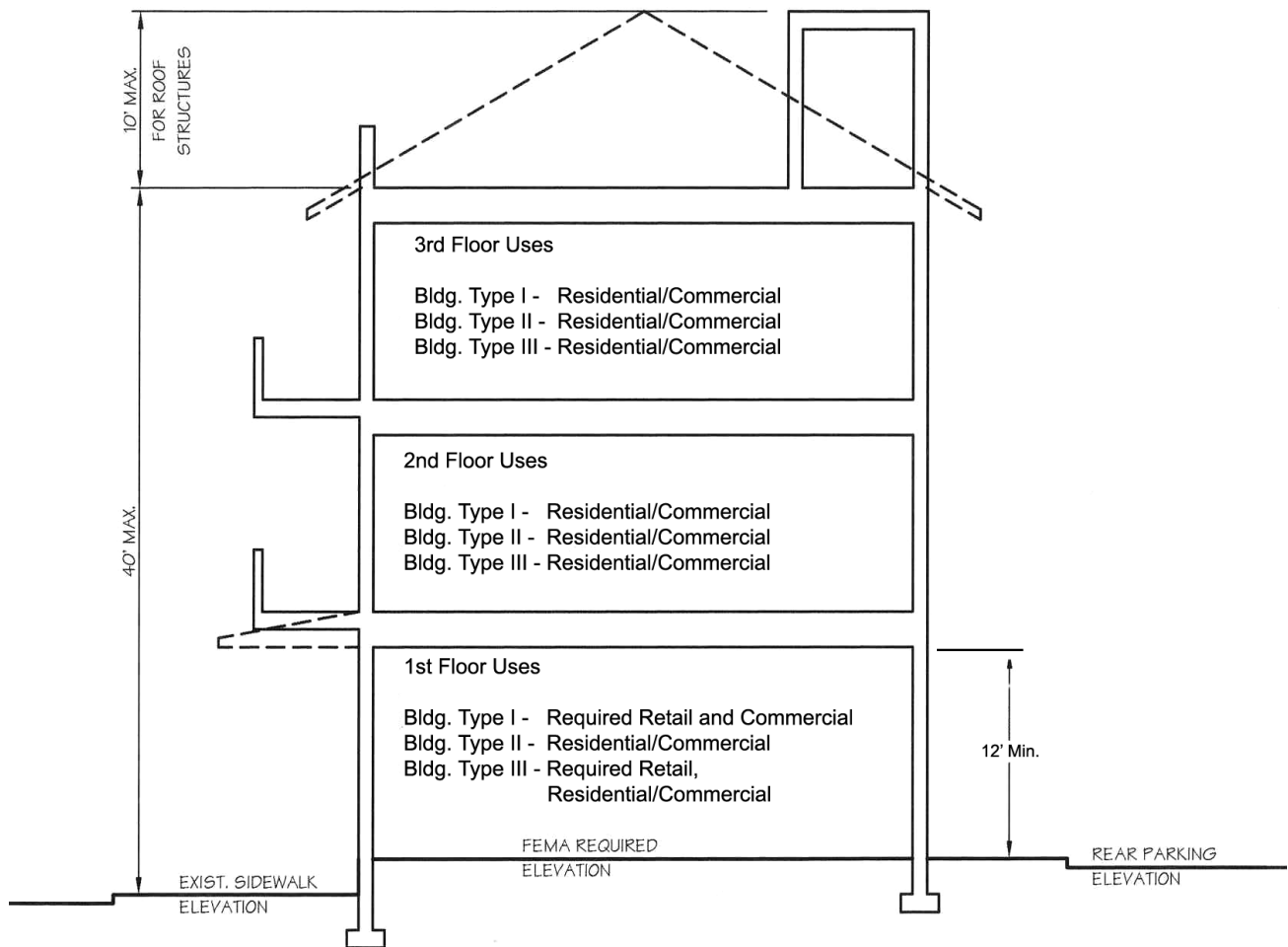
Three building types are provided for within the Vilano Beach Town Center Overlay District. These differ primarily in their required or permitted ground floor uses, their placement on lots and in the setbacks required, all of which are described in the subsections that follow.

Professional Uses may be permitted within the Vilano Beach Town Center Mixed Use District in the Building Type I Required Retail Areas on the Regulatory Map Vilano Beach Town Center Overlay District, as defined in Section 2.03.01, subject to the following conditions and limitations:

1. The percentage of overall professional office space does not exceed 30% of the overall retail square footage required area.
2. Provided no single property or assembled property shall exceed one third of the allowable office space for each specified required retail frontage.
3. The allowed professional offices include a range of professional office types and will not be limited to only one type.
4. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
5. The use and value of the area adjacent to the property subject to the special use request will not be affected in a substantially adverse manner.

B. Building Height

1. Buildings shall be a maximum of three (3) stories above grade, and have a maximum height of 40 feet.
2. Buildings shall be a minimum of two stories above grade at the frontage line.
3. Where first floor residential uses are allowed and proposed, the first floor shall be raised above grade a minimum of 18", with the building entrance accessed by a stoop, raised porch or raised or raised arcade.



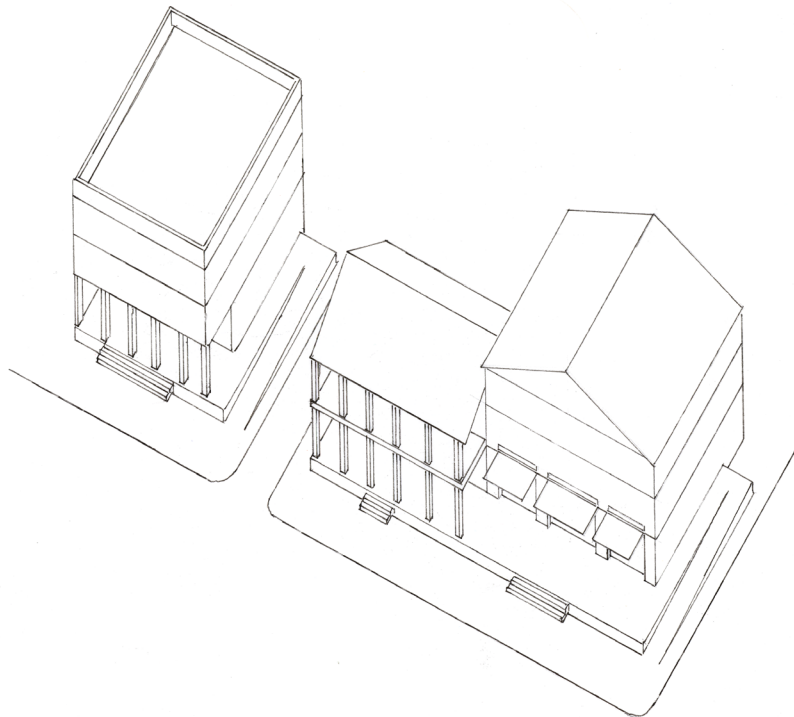
BUILDING HEIGHTS AND USES - N.T.S. / for illustration purposes only / © 2005 John R. Barrow

4. The maximum height of a building shall be measured as the vertical distance from the lowest point of the established grade surrounding the perimeter of the building up to the top plate for the Florida Vernacular design structure or the roofline for Art deco design structures.
5. The height limitations for Art Deco and Art Moderne design structures do not apply to parapet walls provided that such walls do not exceed 10 feet above the roof.
6. For Florida vernacular design structures, the peak of the highest point of the roof shall not exceed 10 feet above the eave of the roof without approval of the Design Review Board.
7. Height limitations shall not apply to any roof structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors or similar equipment required to operate and maintain the building (provided that such structures shall not cover more than twenty percent (20%) of roof area or extend over ten (10) feet in height. Height limitations shall not apply to decorative vertical projections such as

monuments, spires, cupolas, clock towers and observation towers as long as the tower is appropriately proportioned to the scale of the building, less than 225 sq. ft. in area, and the highest point of the tower does not exceed 60 feet above grade.

8. Structures for rooftop uses shall be exempt from the height limit provided however that such structures do not extend over ten (10) feet in height above the roof nor cover more than twenty-five (25%) of the roof area.
9. The ground floor story shall be no less than 12 feet in height from finished floor to finished ceiling.
10. Parking garages shall be measured in levels, with each level being counted as a story. Any parking garage levels that are fully concealed by a habitable story and use for a minimum depth of 20 feet from the frontage line are not restricted in the number of levels, provided that the overall height of the garage does not exceed the overall height of the habitable stories at the frontage line.

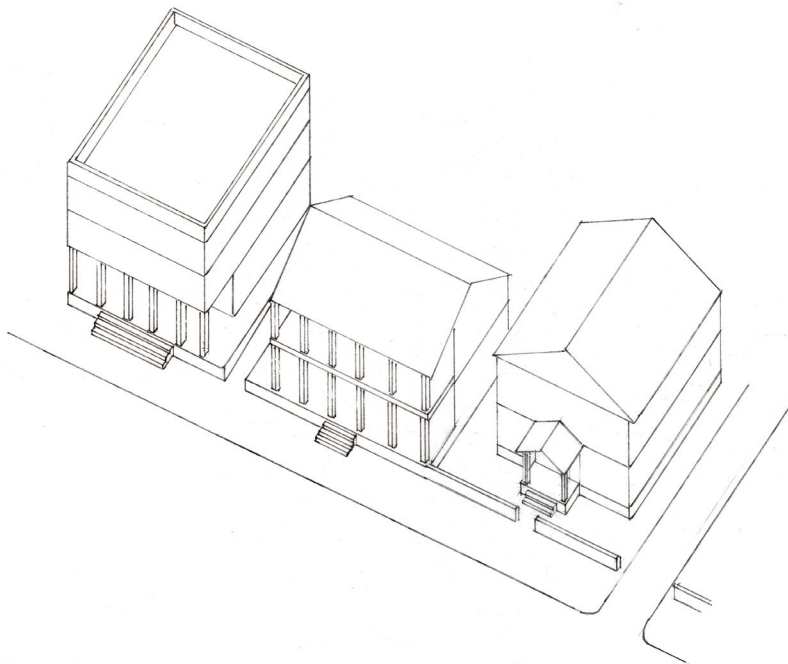
C. Building Placement



Type I Buildings

1. Building Type I - buildings with required retail frontages.
 - a. Buildings noted as having required retail frontages on the Regulatory Plan, shall have facades of no less than two stories, and shall be built on the frontage line along a minimum of 70 percent of the lot width, with a required setback of 0 or 12 feet. Buildings designed with a 0 foot setback shall include an elevated porch or raised arcade 12 feet deep.

- b. In order to assure a consistent and viable relationship between retail storefronts and the sidewalk, a raised plaza, porch or arcade shall be provided between the backside of the sidewalk (the frontage line) and the first floor retail face of the building. The plaza, porch or arcade shall have a floor elevation of no less than 3" below the required finished floor elevation of the building. To the maximum extent possible, consistent with good building design, the required raised plazas, porches, or arcades of neighboring parcels are encouraged to interconnect, so as to facilitate pedestrian movement between buildings.
- c. Stairs to accommodate the elevation change between the sidewalk and the raised plaza, porch or arcade may extend into the public right of way occupied by the sidewalk a maximum of 4 feet, providing such an intrusion leaves a minimum of 6 feet of undisrupted sidewalk space.
- d. Side setbacks are required only when abutting a property with a building that exists as of the effective date of this ordinance, which has side or rear windows. Then, any new abutting development, or newly added stories to an existing development shall provide at least 10 feet of separation between the existing and new building. New development, where no building exists on the adjacent property, as of the effective date of this ordinance, may build without side setbacks, but shall provide light and air shafts within their own property.
- e. Rear setbacks shall not be required where a public alley has been provided at the rear property line that connects to a public street and provides for vehicle access to the property. Where such a public alley has not been provided, a rear setback of 20 feet shall be required.

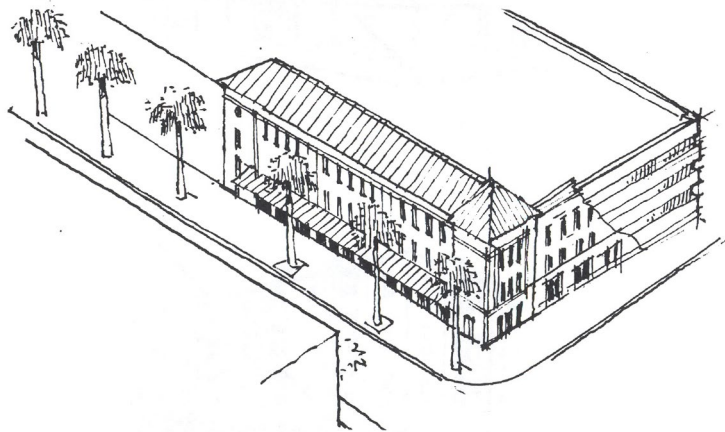


Type II Buildings

2. Building Type II - buildings not having required retail frontages.
 - a. Buildings noted as not having required retail frontages on the Regulatory Plan, shall have facades of no less than two stories, and shall be built on the frontage line along a minimum of 50 percent of the lot width, with a required setback of 0 or 12 feet.
 - b. Buildings noted as not having required retail frontages on the Regulating Plan, and designed with a 0 foot setback, shall include an elevated porch or raised arcade 12 feet deep. The elevated porch or arcade shall have an elevation no less than 3" below the required finished floor elevation of the building.
 - c. Stairs to accommodate the elevation change between the sidewalk and the raised plaza, porch or arcade may extend into the public right of way occupied by the sidewalk a maximum of 4 feet, providing such an intrusion leaves a minimum of 6 feet of undisrupted sidewalk space.
 - d. Buildings noted as not having required retail frontages on the Regulating Plan, and designed with a 12 foot setback, may have open porches, stairs and ramps that encroach within the 12 foot setback, but in all cases shall have a finished floor elevation of at least 18" above grade, and 3" above the porch elevation where it abuts the building façade. Portions of the setback not required for porches, stairs or ramps shall be landscaped. A street wall of sitting height shall be provided along the frontage line.
 - e. Buildings noted as not having required retail frontages on the Regulating Plan shall have side setbacks that total 20 feet of the lot width, with a minimum of 5 feet to each side.
 - f. Rear setbacks shall not be required where a public alley has been provided at the rear property line that connects to a public street and provides for vehicle access to the property. Where such a public alley has not been provided, a rear setback of 20 feet shall be required.
3. Building Type III - special building types, facing the water.
 - a. Building Type III, facing the water and noted as having required retail frontages on the Regulatory Plan, shall have facades of no less than two stories, and shall be built on the street frontage line along a minimum of 70 percent of the lot width, with a required setback of 0 or 12 feet. Buildings designed with a 0 foot setback shall include an elevated porch or raised arcade 12 feet deep. Buildings designed with a 12 foot setback shall include a raised plaza or porch 12 feet deep, running from sidewalk to the building face and having an elevation no less than 3" below the required first floor elevation. The required raised porch, arcade or plaza shall turn the corner

and face the water for a minimum of 50 feet along the water side of the building.

- b. Stairs to accommodate the elevation change between the sidewalk and the raised plaza, porch or arcade may extend into the public right of way occupied by the sidewalk a maximum of 4 feet, providing such an intrusion leaves a minimum of 6 feet of undisrupted sidewalk space.
- c. Side setbacks are required only when abutting a property with a building that exists as of the effective date of this ordinance, which has side or rear windows. Then, any new abutting development, or newly added stories to an existing development shall provide at least 10 feet of separation between the existing and new building. New development, where no building exists on the adjacent property, as of the effective date of this ordinance, may build without side setbacks, but shall provide light and air shafts within their own property.
- d. A rear setback of 10 feet shall be required.



Parking Garage with Required Liner Building Fronting the Street

- 4. Parking Garages
 - a. Parking garages shall be prohibited from fronting on Coastal Highway, Poplar Avenue, or Vilano Road, and must be separated from the frontage line and front setback by occupied space at least 20 feet deep, such that the garage is not visible from these streets.
- D. Building Uses
 - 1. Building Type I - buildings with required retail frontages.

- a. Building Type I is required to have retail uses on the ground floor, for a minimum depth of 50 feet, on the frontages indicated on the Regulating Plan. Remaining ground floor area may include any of the uses permitted for the second and third story, except residential uses.
 - b. Allowable uses will be in compliance with Section 2.02.01.F. Multifamily Residential Uses are permitted on the second and third floors.
2. Building Type II - buildings not having required retail frontages.
 - a. The first, second and third stories shall be all allowable uses provided for in Section 2.02.01.F.
 - b. Where the first floor is used for Residential uses, the entire building shall be residential.
3. Building Type III - special building types, facing the water.
 - a. The first floor of the building, for a minimum depth of 50 feet from the building façade facing Vilano Road, shall be required to be retail uses, including restaurants. The required retail uses shall front on Vilano Road and continue along the waterfront face of the building for a minimum of 50 feet.
 - b. Allowable uses will be in compliance with Section 2.02.01.F. General Business and Commercial Uses (CG), Neighborhood Business and Commercial Uses (CN) and Office and Professional Services (OP) as set forth in Section 2.02.01 D., E., and L., or Multifamily Residential Uses are permitted on the second and third floors and those portions of the first floor not required to have a retail use.
 - c. Where the first floor includes residential uses, the entire building shall be residential, except for those portions required to be retail.

E. Lot size

1. There are no minimum lot size requirements within the VBTC Overlay District.

F. Residential Density

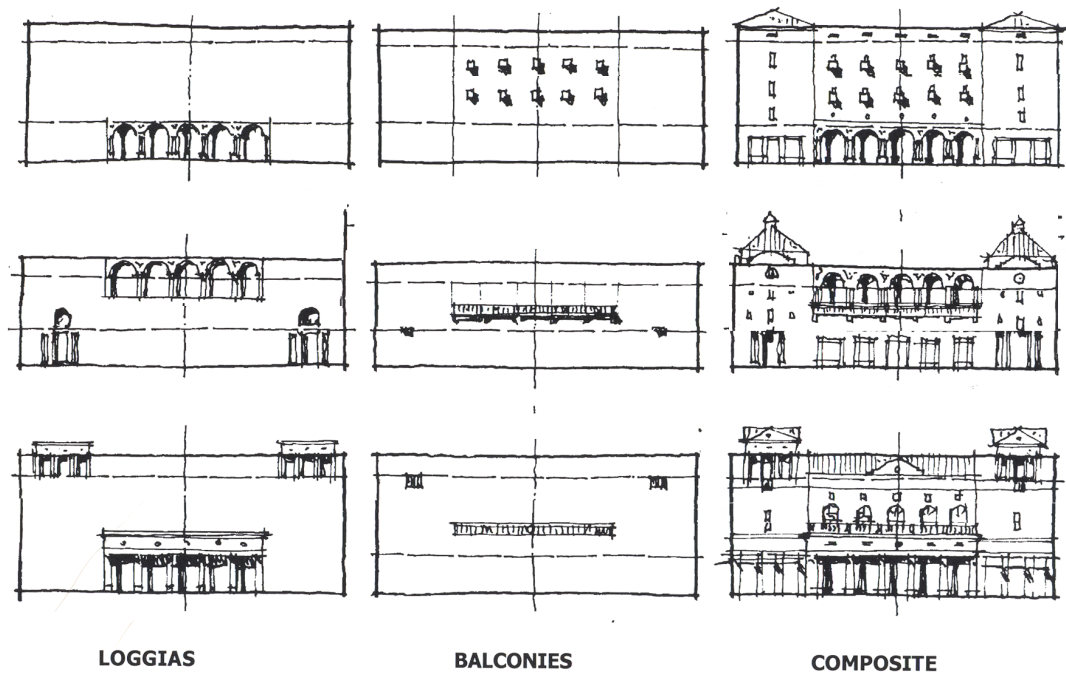
1. A residential density of eight units per acre is permitted within the VBTC Overlay District. When calculating the number of units that are permitted to be built on a particular parcel, the value of acreage X 8 units per acre shall be rounded, so that a unit is added for decimal remainders of units of .50 or greater.

Examples: A 1.3 acre parcel X 8 units per acre = 10.4 units,
allowing only 10 units to be built.

A 1.19 acre parcel X 8 units per acre = 9.52 units,
allowing 10 units to be built.

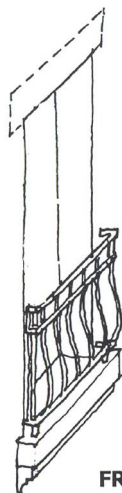
G. Architectural Standards

1. The architectural styles of new buildings within the VBTC shall be authentic representations of one of three styles: Art Deco, Art Moderne, or “Florida Vernacular”, also known as, “Old Florida Beach”. The proposed architectural style of all new buildings and renovations to existing buildings must be approved by the Design Review Board. The Design Review Board shall base its determination of conformance to accepted style standards on: 1.) expert testimony regarding the authenticity of the proposed architectural design, 2.) documented patterns for Art Deco, Art Moderne or Florida Vernacular, 3.) the aesthetics of the proposed building or renovation, and 4.) its contribution to the objectives of the VBTC Overlay District.
2. Additions or expansions to existing buildings which are of a Spanish/Mediterranean architectural style will not be required to be reflective of Art Deco, Art Moderne or Florida Vernacular, but must be architecturally compatible with the existing building style, be authentic representations of the documented Spanish/Mediterranean architectural style and be approved by the Design Review Board.
3. All buildings constructed within Town Center Mixed Use District shall have a minimum ground floor, floor to ceiling height of 12 feet.
4. A building’s main entrance shall face the main roadway. Buildings located at street corners shall have entrances at the corner or one entrance on each street frontage.
5. Exterior finish materials shall be appropriate for the style of the building, and shall be limited to light colored, stone, brick, stucco, pre-cast concrete, clear glass, clapboard siding, or wood shingles. Walls shall be of no more than two materials, and shall change material along a horizontal line, with the heavier material below the lighter material.
6. Building finishes, design and architectural detailing shall be consistent and of the same quality for all sides of the building, whereby all outside walls of the building shall be finished with the same materials and chosen style as the front.
7. The void to solid ratio of the frontage includes fenestration (windows, porches, arcades, loggias and balconies). The minimum requirement for fenestration on facades shall be 25 percent.
8. Porches, arcades and loggias may have high localized void to solid ratios, however a continuous series of these elements can undermine the solidity of a façade and should be avoided.

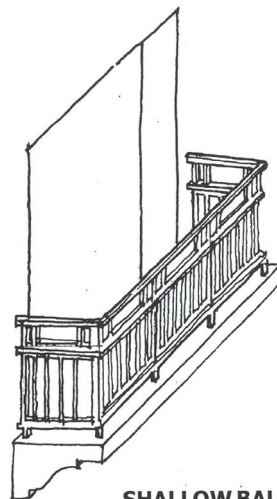


Balconies and Loggias Should be Used in Moderation

9. Balconies shall be used in moderation and shall be integrated into the overall composition of the façade. Balconies shall not be implemented in a monotonous or repetitive configuration. This pertains to both indented balconies (loggias) and to cantilevered ones.

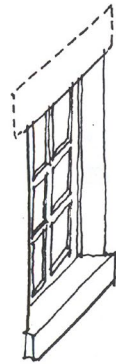


FRENCH BALCONY

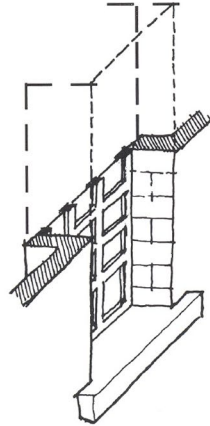


SHALLOW BALCONY

10. Balconies and porches may be of decorative metal, wood, carved stone, concrete or stucco, and shall extend no more than 3 feet from the facade of the building.
11. Pitched roofs are allowed and where used shall be of silver colored metal. Flat roofs shall be enclosed by parapets no less than forty two (42) inches high, or as required to enclose equipment.

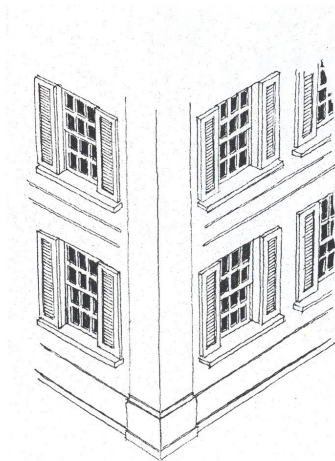


MINIMUM WINDOW DEPTH

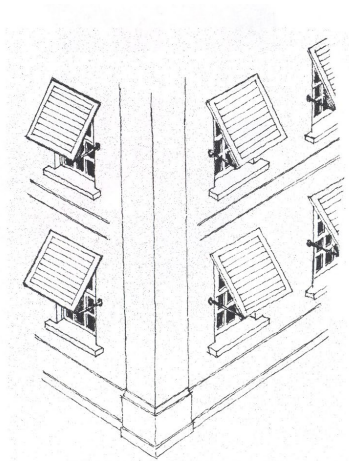


STRONG WINDOW DEPTH

12. Windows shall be recessed a minimum of two (2) inches and shall be vertical or square in proportions.
13. The glazed area and all other openings of a façade shall be at least 25 percent and shall not exceed 45 percent of the total area of each façade, with each façade calculated separately.
14. Openings in upper stories shall be centered directly above openings in the first story. Openings on the gable ends must be centered. Openings shall be a minimum of two (2) feet from building corners unless building has rounded corners as appropriate to style.

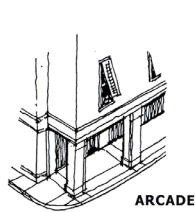


VERTICALLY HINGED SHUTTERS

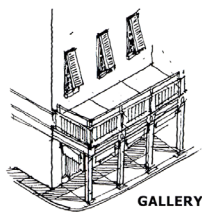


BAHAMAS SHUTTERS

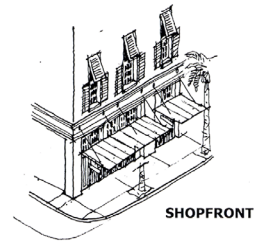
15. If shutters are used, they must be operable, sized to match the opening, and provided for all windows on a given wall.
16. All exterior doors, except garage doors, shall be hinged. All windows, except storefront windows shall be operable.



ARCADE

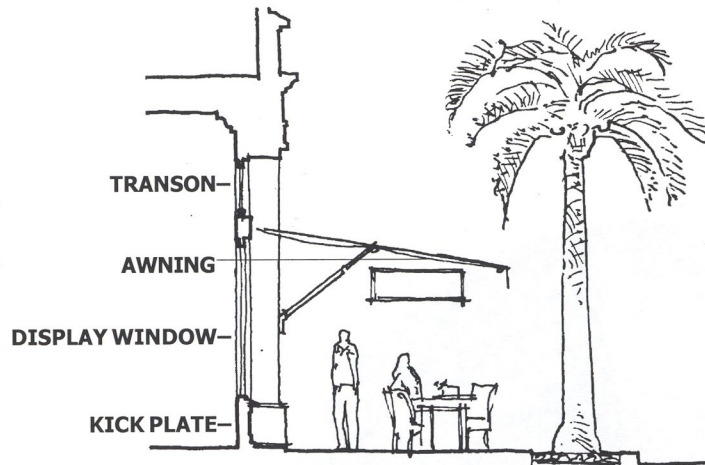


GALLERY

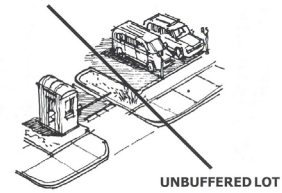
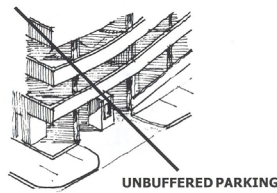
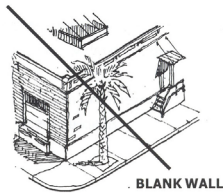


SHOPFRONT

17. Storefronts, retail and office uses are required to face the frontage line, and shall be directly accessible from the sidewalk, or raised porch, arcade or plaza. Each storefront, and all Building Type I structures, must have clear glazed areas, equal to a minimum of seventy (70) percent of its first floor street facing façade length, between two (2) and eight (8) feet from the ground.



18. All awnings shall be sympathetic to the buildings architecture and designed as an integral component of the overall signage package. All awnings on the street level shall project a minimum of four (4) feet from the building façade. All awnings on stories above the first floor shall project a minimum of three (3) feet from the building façade. Variances may be granted administratively in the event that existing site features, such as, but not limited to, narrow sidewalks, utility line poles, and street trees restrict the applicant from full compliance with these regulations. All awnings shall be sloped 30 degrees from horizontal and shed awnings shall have both ends open.
19. All awnings at street level shall have an eight (8) inch vertical valance along the front of the awning. The valance must be provided with concealed weight to prevent excessive movement in high winds. Internally illuminated or vinyl awnings are prohibited.



20. Blank walls facing Vilano Road, Coastal Way or Poplar Avenue shall not be permitted. No parking garages shall be allowed to face Vilano Road or Coastal Highway. No off-street parking lots shall front on Vilano Road or Coastal Highway. No Street facing walls within the VBTC boundaries shall be used as service entrances. The use of entranceways and display windows shall be used to create business and storefronts that are festive and inviting to the pedestrian and customers.
21. Long monotonous façade designs including, but not limited to, those characterized by unrelieved repetition of shape, form, design, or by unbroken extension of line, shall be avoided.

22. Outdoor pedestrian seating areas are strongly encouraged, and similarly outdoor cafes, rooftop uses, balconies and porches for seating are encouraged.
23. Roof top uses consistent with or compatible with interior uses shall be allowed. Any structures located on the rooftop to support roof top uses shall not exceed 25 percent of the roof top area of the building.

H. Special Exception

Variations to the Standards and Criteria of Section 3.10.05.G Architectural Standards may be allowed by the Design Review Board upon showing of good cause, and where the Owner/Applicant proposes an alternative which conforms to the general intent and spirit of these regulations, and where the objectives of this Article have been substantially met. Notwithstanding the above, DRB Special Exceptions to the following provisions of this Code shall not be allowed:

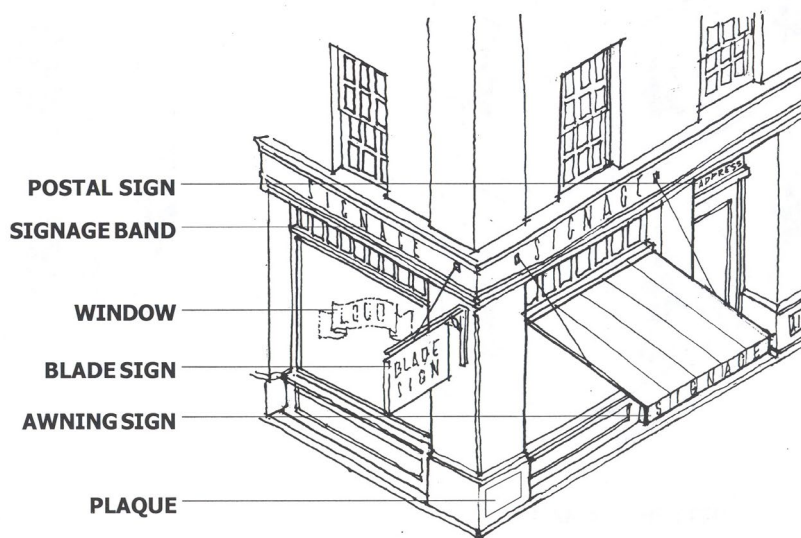
1. Density
2. Building or Structure Height

I. Signage Standards

1. General Standards

- a. The colors and materials of Signs shall be similar to and compatible with the architectural style and colors and materials of the related commercial or multi-family building.
- b. Signs must be professionally designed, lettered and constructed.
- c. Wall Signs shall be mounted directly upon wall surfaces, and shall not be mounted upon raceways or other protrusions from the wall surface.
- d. In construing the provisions of this Section, messages upon doors or windows, which do not exceed six (6) inches in height, and do not occupy more than 20 percent of the window area shall not be counted as a sign and shall not be subject to review.
- e. Signs may be illuminated as provided by Article VII of this Code, however when Signs use exterior lighting, such lighting must be concealed and shielded with hours of illumination to cease no later than 30 minutes after business closing, unless additional time is approved by the DRB.
- f. Molded vinyl or plastic internally illuminated signs, iridescent signs, audible, flashing action, paper signs, and internally illuminated box signs are prohibited. No signs with visible backs are permitted. Exposed raceways, transformers, ballasts and electrical wiring are not allowed.
- g. LED and neon signs shall be allowed if approved by the Design Review Board.

- h. All installation components or hanging devices such as, but not limited to, fasteners, clips, bolts, etc. shall be of a non-corrosive, stainless steel, aluminum, brass or bronze; carbon bearing steel shall be of non-ferrous metal of quality material and finish. All fasteners shall be concealed. All black iron materials shall be finished to withstand corrosion. All penetrations to the fascia shall be neatly sealed in a watertight manner using a single component silicon sealant. All signage shall have an individual circuit and be controlled by a time clock. Exposed conduit or electrical wiring is prohibited.
- i. For Signs that contain Federally registered trademarks or service marks, documentation of such registration shall be provided with the application for review.
- j. In addition to approved business signs indicated below, the sidewalk café may have the following advertising signs: menu boards on the tables and logos upon table umbrellas.
- k. Signage other than the types provided for in this section shall not be allowed within the Vilano Beach Town Center Overlay District. However, signage shall be allowed in accordance with Article VII Special Use Signs, and Special Event Signs.



2. Signage for Building Type I - buildings with required retail frontages.

- a. A single external sign band may be applied on the façade of each Building Type I, providing that it shall not exceed thirty-six (36) inches in height or 60 percent of the storefront width. The sign band shall be located within the first two stories of the building. If the storefront uses awnings, the copy or logo on the valance shall be considered as square footage against the allowable building signage.

- b. Additional pedestrian blade signs may be attached perpendicular to the façade extending up to four (4) feet from the frontage line and not exceeding three (3) feet in vertical dimension, including all mounting brackets and hardware, and shall be setback a minimum of two (2) feet from the corner of the building or storefront.
 - c. Up to two (2) building identity signs, with the same identity, shall be allowed on buildings of 3 stories, regardless of the number of tenants in the building or the number of facades. Only one building identity sign shall be allowed per facade. Such a sign shall not be internally illuminated and shall not exceed a total sign face area of forty (40) square feet. The building identity sign shall be located within the façade with respect to the architecture of the building or be centered over the primary entrance facing the street.
 - d. Signage in addition to the items specifically allowed here for Building Type I, shall require approval of the Design Review Board.
- 3. Signage for Building Type II - buildings not having required retail frontages.
 - a. Except where the building includes entirely residential uses, a single external sign band may be applied on the façade of each Building Type II, providing that it shall not exceed thirty-six (36) inches in height or 60 percent of the storefront width. The sign band shall be located within the first two stories of the building. If the storefront uses awnings, the copy or logo on the valance shall be considered as square footage against the allowable building signage.
 - b. Except where the building includes entirely residential uses additional pedestrian blade signs may be attached perpendicular to the façade extending up to four (4) feet from the frontage line and not exceeding three (3) feet in vertical dimension, including all mounting brackets and hardware, and shall be setback a minimum of two (2) feet from the corner of the building or storefront.
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 - d. Where the Building Type II is entirely residential in use, identity signs are permitted for buildings of three stories, and all buildings, regardless of height are permitted address numbers.
 - e. Signage in addition to the items specifically allowed here for Building Type II, shall require approval of the Design Review Board.

4. Signage for Building Type III - special building types, facing the water.
 - a. A single external sign band may be applied on the façade of each Building Type III, providing that it shall not exceed thirty-six (36) inches in height or 60 percent of the storefront width. The sign band shall be located within the first two stories of the building. If the storefront uses awnings, the copy or logo on the valance shall be considered as square footage against the allowable building signage.
 - b. Additional pedestrian blade signs may be attached perpendicular to the façade extending up to four (4) feet from the frontage line and not exceeding three (3) feet in vertical dimension, including all mounting brackets and hardware, and shall be setback a minimum of two (2) feet from the corner of the building or storefront.
 - c. Up to two (2) building identity signs, with the same identity, shall be allowed on buildings of 3 stories, regardless of the number of tenants in the building or the number of facades. Only one building identity sign shall be allowed per facade. Such a sign shall not be internally illuminated and shall not exceed a total sign face area of forty (40) square feet. The building identity sign shall be located within the façade with respect to the architecture of the building or be centered over the primary entrance facing the street.
 - d. Signage in addition to the items specifically allowed here for Building Type III, shall require approval of the Design Review Board.
5. Signage for Existing Structures – Transitional Signs

Recognizing existing Uses and historic Structures create the foundation for the Town Center sense of place, and to promote economic sustainability, transitional Ground Signs may be permitted by the Design Review Board, subject to the following provisions:

- a. Monument based Ground Signs may be permitted on private property that has not been redeveloped consistent with the Vilano Town Center Overlay. The total Ground Sign shall not exceed twenty-four (24) square feet per Sign Face and may be double faced. One Sign shall be allowed for each collector street frontage. Maximum Sign Structure height shall not exceed six (6) feet.
- b. Decorative pole based Ground Signs or Ground mounted hanging Blade Signs may be permitted on private property. The total Sign shall not exceed twenty-four (24) square feet per Sign Face and may be double faced. One Sign shall be allowed for each collector street frontage. Maximum Sign Structure height shall not exceed six (6) feet.
- c. Such Transitional Signs shall be removed or brought into compliance with this Code upon redevelopment of the Site to the Vilano Beach Mixed Use regulations.

J. Parking Standards

1. There shall be a minimum of 2 off street parking spaces per each 1,000 square feet of non-residential space and 1 parking space per each residential unit, and each hotel room.
2. Available on street parking along the corresponding frontage lines may not be counted towards the off street-parking requirement.
3. Off-site parking spaces can be located anywhere within the Vilano Town Center Overlay boundaries for purposes of meeting the Off-street parking requirements of any structure subject to approval of a Special Use Permit and certification by County Administrator as required for shared parking.
4. New surface parking lots are not permitted on existing vacant lots. Surface parking is permitted behind buildings that are consistent with the Vilano Beach Town Center Overlay requirements.
5. Off-street surface parking lots shall be located behind buildings, and may not front on Vilano Road or Coastal Highway.
6. Off-street parking lots located on all other streets shall be located behind building or along a maximum of 25% of the development frontage, screened architectural features that, such as walls with public art or a screen, e.g. pergola, garden walls that architecturally blends with the associated building and the streetscape.
7. All off-street surface parking areas shall be concealed from view from the direction of the sidewalk along Vilano Road, Coastal Highway and Poplar Avenue by buildings, architectural features such as pergolas, or a continuous hedge.
8. Enclosed parking garages for a maximum of two cars shall be located a minimum of twenty (20) feet behind the principal building façade.
9. Structured or enclosed parking garages for more than two cars shall be lined by occupied space for a minimum depth of twenty (20) feet at frontage lines on Vilano Road or Coastal Highway. Parking garages shall be disguised with normal facades on all sides.
10. Joint use or shared parking is encouraged within the Vilano Beach Town Center. Shared parking shall be subject to Section 6.05.02.B.
11. Parking requirements may be adjusted by the County Administrator or designee based on existing supply in the VBTC overlay district, or upon the demonstration demand for the use, in accordance with Section 6.5.02.G.
12. Parking lots and parking structures shall be designed to ensure that pedestrians enter and exit directly from an adjacent frontage line. On-site parking structures may also be entered directly from a building.
13. Vehicular entries on a building façade or street wall shall not exceed twenty (20) feet in width and driveway/curb cut openings shall not exceed thirty (30) feet in width.

14. Loading docks and service areas shall not be permitted on the frontage line of Coastal Highway, Vilano Road or the north side of Poplar. For other roadways docks shall be limited to 15% of the development frontage road and be screened with complementary architectural features, such as walls with public art, garden walls, and pergolas with a continuous hedge.
15. Elevated Parking structures shall not be visible from the Usina Bridge and shall either be shielded by architectural features such as parapet walls, pergolas, and roofs designed to complement the associated structure or structures.

K. Use of the Public Right-of-Way

1. Sidewalk Café: A sidewalk café is a group of tables and chairs and permitted decorative and accessory devices situated and maintained upon the sidewalk and used for the consumption of food and beverages sold to the public from an adjoining business. A sidewalk café is allowed only when in compliance with this Section.
2. A sidewalk café shall only be established in conjunction with a legally established restaurant and/or takeout food store, where the food product is prepared processed, or assembled on the premises (for example: deli, ice cream store, sandwich shop, coffee shop).
3. A sidewalk café may be established in front of the business with which the sidewalk is associated (except provided for in Section 3.10.05J (4) below).
4. A sidewalk café may only be established in front of the business and such businesses immediately adjacent to the business with which the sidewalk café is associated. The sidewalk café operator must receive the permission, in a form acceptable to the County, from adjacent businesses before establishing the sidewalk café in front of such adjacent businesses.
5. Alcoholic beverages may be consumed at a sidewalk café, if properly permitted by the State and County.
6. A clear pathway, parallel with the street, with a minimum width of 5 feet shall be provided for the comfortable movement of pedestrians.
7. A clear distance with a minimum of five feet (5') shall be provided from any alley, crosswalk, fire hydrant, or similar use.
8. Use area and/or seating capacity realized through a sidewalk café use and contiguous outdoor dining areas shall not invoke provisions of the zoning code as they pertain to parking or other matters.
9. Hours of operation may be the same as the associated businesses.
10. Tables, chairs, umbrellas, and any other objects provided within a sidewalk café shall be maintained in a clean and attractive manner and shall be in good repair at all times, ensuring a tidy appearance.

11. The sidewalk area shall be maintained in a neat and orderly manner at all times and the area shall be cleaned of all debris and stains on a periodic basis during the day and again at the closing of each business day, ensuring a tidy appearance.
12. No tables, chairs or any other part of sidewalk cafes shall be attached, chained, or in any manner affixed to any tree, post, sign or other fixtures, curb or sidewalk.
13. All outdoor furniture including but not limited to tables, chairs, table signs and similar loose objects associated with the sidewalk café use must be safely secured indoors during any time designated by the United States Weather Service as being a tropical storm warning or hurricane warning, or when sustained winds are anticipated to exceed 30 mph.

L. Landscaping Standards

1. Part 6.06.00 – Landscaping & Buffering Requirements - of the St. John's County Land Development Code shall apply unless otherwise provided in this chapter.
2. Where referenced, Article IV, Natural Resources, Part 4.01.00, Section 4.01.05 – Trees and Other Vegetation - of the St. Johns County Land Development Code shall apply unless otherwise provided in this chapter.
3. Applicability and Exemptions:
 - a. In St. Johns County, with the following exceptions, it shall be unlawful for any Person, firm, or corporation either individually or through Agents, employees or independent contractors, to construct any Building or off-street Parking Area on land within the unincorporated areas of St. Johns County without first having obtained a Development Permit from St. Johns County. The terms and provisions of this Part shall apply to all Development within the unincorporated areas of St. Johns County except for the following exceptions:
 - (1) Land which is used for and has the corresponding property assessment as Bona Fide agricultural operations.
 - (2) Land within the boundaries of an airport, heliport, helistop or ultralight flight park, determined by the Federal Aviation Administration or the Florida Department of Transportation to be required for the ground or aerial maneuvering of aircraft.
 - (3) Construction of an addition to an existing Building or Construction of a minor or ancillary Building or off-street Vehicular Use Area with less than five (5) Parking Spaces.
4. General Standards and Guidelines:
 - a. Plant Species:
 - (1) These standards and guidelines shall be in accordance with Section 4.01.05 Trees and Other Vegetation. Section 4.01.05 contains

regulations on the minimum number of Trees, Tree Inches, Historic and Specimen Trees, exemptions, Protected Trees, Land Clearing, Tree replacement requirements, Tree Permits, Permit application procedures, along with other regulations about Trees and vegetation in unincorporated St. Johns County. Plant species shall be appropriate for their designated use and environment.

- (2) The use of Xeriscape landscaping techniques and the use of native plants as part of the overall landscaping plan shall be required, as specified in these regulations.
 - (3) A minimum of fifty (50) percent of the required Trees shall be native species, or hybrids or cultivars of native species. No species excluded from the Protected Tree definition (except slash pines) may be used to meet this standard.
 - (4) Vegetation that exceeds twenty-five (25) feet in height at maturity should not be planted closer than ten (10) feet of the vertical plane of an existing power line, excluding service wires.
 - (5) Non-living ground cover, such as rocks, gravel, and mulch, may be used in combination with living plant material. The use of artificial plants shall not be permitted to meet any of the landscaping requirements.
- b. Minimum Number of Trees: There shall be a requirement of at least eighty (80) Tree Inches per acre, unless technically infeasible as determined by the County Administrator. Additional regulations are required in Section 4.01.05.
- c. Tree Inch requirements and scoring procedures are in Section 4.01.05.E.
- d. Landscaping Material: The following plant material standards shall be considered the minimum requirements for complying with the Landscaping Regulations, unless specified differently elsewhere in these regulations.
- (1) Plant material shall conform to the standards for Grade #1 or better as given in the latest "Grades and Standards for Nursery Plants, Parts I and II," Florida Department of Agriculture and Consumer Services or to the standards as given in the latest "American Standard for Nursery Stock," American National Standards Institute. They shall be appropriate for St. Johns County annual weather and temperature patterns.
- e. Installation: All landscaping shall be installed according to sound nursery practices. Plants grown in containers prior to installation shall be removed from their containers before they are planted in the ground. Balled and burlapped strapping wire, and any synthetic material shall be removed at time of final inspection.
- (1) Mulch shall be provided a minimum of three (3) inches in depth around all newly planted landscaping.

- (2) A mulch ring for all newly planted Trees shall be provided at least five (5) feet in diameter and spaced at least six (6) inches away from the tree trunk.

f. Trees:

- (1) At the time of planting, a Tree shall have a minimum height of eight (8) to ten (10) feet and three (3) inch of caliper. The use of exempted Tree species to meet the requirements of the landscaping regulations shall be prohibited with the exception of slash pines.
- (2) No more than 50% of the required Trees may be comprised of trees of the same genus and species.

g. Palms:

- (1) Where palms are used, only palms up to sixty percent (60%) of total required Trees will receive Tree Inches and credit towards these requirements, unless otherwise reasonably determined by the County Administrator based upon Site conditions.
- (2) Palms may be substituted for required Trees, including Canopy Trees, provided that each required Tree is replaced by a cluster of three (3) or more palms in an area not exceeding fifteen (15) lineal feet.
- (3) Palms of the genus *Phoenix* may replace required Trees on a one-for-one basis, provided the palm meets all other minimum requirements in this Section and in Section 4.01.05.

h. Street Trees:

- (1) Where required by this ordinance, a Street Tree shall be a Cabbage Palm (*Sabal palmetto*) with a clear trunk dimension of between twelve (12) feet and eighteen (18) feet when measured from the finished street elevation directly below the Street Tree.
- (2) Street Trees required in a sidewalk area shall be planted in a random pattern within the required planting area on average twenty (20) feet on center. Required Street Trees not in a sidewalk area may be planted closer together, provided all other requirements of this section are satisfied.
- (3) When planted in a sidewalk area, the Street Tree shall be planted in a metal tree grate matching the existing tree grates.
 - Tree grates shall equal or exceed Ironsmith Starburst Series 2 60" (model #6019-2) cast aluminum with 18" tree opening and two bolted lightwell covers, and shall be installed with an associated frame.

- Finish for tree grates shall match the existing in type and color(s).
- (4) When planted in a landscaped area within the required planting area, the Street Tree shall be planted in an area not less than one hundred (100) square feet, with a dimension of not less than five (5) in any direction.
- (5) Each Street Tree shall be irrigated with not less than one (1) bubbler type irrigation head supplying a minimum of .25 gallons per minute (gpm), and connected to the main irrigation system.
- i. Shrubs: When used for screening purposes, shrubs shall be cold tolerant and non-deciduous and have a minimum height of twenty-four (24) inches at the time of planting and shall be spaced a maximum of three (3) feet on center.
- j. Ground Cover Plants: Ground cover plants shall be spaced so as to present a finished appearance and have reasonably complete coverage within one (1) year after planting. The use of any non-living ground cover such as mulch, gravel, rocks, etc. shall be in conjunction with living plants so as to cover exposed soil.

5. Maintenance and Protection of Landscaping:

- a. The property Owner shall be responsible for the maintenance of all landscaped areas which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, free of refuse, debris and weeds.
- b. Irrigation in Site Development Projects:
- (1) To maintain the landscaping in a healthy condition, all landscaped areas shall be provided with an irrigation system that supplies one hundred percent (100%) coverage to all newly required landscaping plant material. The irrigation system may consist of an automatic or manual underground system, drip system, quick coupling valves, or hose bibs located within fifty (50) feet of all landscaping plant material.
- (2) A low volume irrigation system should be used wherever possible to minimize evaporation.
- (3) The irrigation system shall use the lowest quality water available.
- (4) The irrigation system shall be designed to minimize adverse impacts to existing Trees and other vegetation to be preserved on the site. No irrigation shall be required within areas where existing vegetation is preserved. Where appropriate native plants are used to meet all the landscaping requirements, the County Administrator may waive the

requirement for a permanent irrigation system as long as establishment of the planted materials is provided.

- c. Where necessary to prevent encroachment by parked or moving Vehicles into landscaped areas, wheel stops or curbs shall be used and shall measure a minimum of six (6) inches in height and six (6) inches in width.
- d. Paving, treating or covering a required landscaped area in a way that renders it impervious is prohibited.

6. Road Right-of-Way:

- a. Public and private road Right-of-Way may only contain Trees and other landscaping material after approved by the County Administrator in accordance with Part 6.04.00 Roadway, Drainage, & Utilities Standards. Provided their location does not present a traffic hazard, impede drainage, or adversely interfere with the use of the Right-of-Way by Utilities.
- b. Written approval from the Florida Department of Transportation shall be required for all landscaping materials proposed for placement on State Highway System Rights-of-Way.

7. Off-Street Parking Areas:

- a. Canopy Trees: Fifty percent (50%) of the required Trees shall be Canopy Trees. This provision does not exclude the use of existing Tree species for which Tree Inches is received in accordance with Section 4.01.05.E.
- b. Existing Trees: Existing Trees shall be credited toward the number of required Tree Inches in accordance with Section 4.01.05.E, if the reduction does not subvert the intent of Section K.9 to provide shaded areas throughout a parking lot.
- c. Perimeter Buffer Adjacent to Road Right-of-Way: On any Parcel of land providing an off-street Vehicular Use Area, where such area is not entirely screened from an abutting Right-of-Way by an intervening Building or other Structure, a landscaped buffer a minimum of eight (8) feet in width and containing an opaque screen of living landscape at least three (3) feet in height, of which the three (3) foot height may be obtained in one (1) year, and shall be twenty-four (24) inches at the time of planting, shall be provided between the off-street Vehicular Use Area and the Right-of-Way, unless the buffer or screening requirements of Section K.13 are more stringent, in which case the more stringent requirements shall apply. The landscape buffer shall be planted within eight (8) feet of the Parking Area.
- d. Other Perimeter Buffer: A landscaped buffer shall not be required between the off-street Vehicular Use Area and any property boundary not fronted by a road Right-of-Way, unless the buffer or screening requirements of Section K.13 are more stringent, in which case the more stringent requirements shall apply.

8. Perimeter Landscaping:

- a. At least one (1) Canopy Tree and two (2) Trees shall be planted for each forty (40) linear feet, or portion thereof, of property perimeter adjacent to Road Right-of-Way. Trees shall be located within the buffer so as to maximize shading of the Parking Area.
- b. Wherever Off-Street Parking Spaces for ten or more automobiles are located closer than forty (40) feet to a Lot zoned residential and when such Parking Spaces are not entirely screened visually from such a Lot by an intervening Building or Structure, there shall be provided along the Lot line, a continuous buffer in compliance with Section K.13. At least one (1) Canopy Tree and two (2) Trees shall be planted for each forty (40) linear feet, or portion thereof, of property perimeter within the required buffer. Landscaping in such required buffer shall be in compliance with Section K.13 - Screening Standard.
- c. The remainder of a perimeter buffer shall be landscaped; and the landscaping material may include grass, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand or pavement.

9. Interior Requirements:

- a. Terminal Islands: A row of Parking Spaces not abutting perimeter landscaped areas shall be terminated on each end by a terminal island no less than five (5) feet in width, measured from back of curbs, and extending the required length of the Parking Space shall be provided. At least one (1) Tree shall be planted in the island. Terminal islands shall be landscaped with vegetative ground cover, shrubs, or other living landscaping treatment, excluding grass, sand or pavement. The soil in the islands shall have at least twelve (12) inches of suitable soil for tree plantings, and be void of any construction debris or unsuitable materials.
- b. Interior Landscape Areas: All Parking Areas and other paved ground surface areas used shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.
 - (1) Within each Parking Area of five thousand (5,000) square feet or more, there shall be a minimum of ten percent (10%) of landscape area which shall be reasonably distributed within each five thousand (5,000) square feet area. Interior landscape areas shall be dispersed so as to define aisles and other circulation, and may be added to required buffers around the perimeter. Unless technically infeasible as reasonably determined by the County Administrator. At least one (1) Tree for each two hundred (200) square feet of required landscape area shall be planted. The soil in the islands shall have at least twelve (12) inches of suitable soil for tree plantings, and be void of construction debris.
 - (2) Divider Medians: As an alternative to providing the minimum required ten percent (10%) of landscape area throughout the Parking Area, a

landscaped divider median between abutting rows of Parking Spaces may be provided. The minimum width of a divider median shall be six (6) feet measured from inside of curb to inside of curb. At least one (1) Tree for each two hundred (200) square feet of landscape area placed in the divider median shall be planted in the median with Trees located along the median to maximize shading of the Parking Area. The remainder of the divider median shall be landscaped; and the landscaping material may include grass, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand or pavement, provided that grass cover does not exceed thirty percent (30%) of this requirement.

10. Building Perimeter Landscaping: Where a Building or Structure abuts a Parking Area, an area equal to at least ten percent (10%) of the Building or Structure's first floor footprint square footage shall be landscaped and placed between the Building or Structure and the Parking Area, and shall serve to accent the entry area(s). Circulation pavement within this area shall not be included in the required landscape area calculation. Such area must have a minimum dimension of five (5) feet in any direction and shall at least equal the length of the building side facing the Parking Area. At least one (1) Tree for each two hundred (200) square feet of required landscape area shall be planted. The remainder of the landscape area shall be landscaped; and the landscaping material may include grass, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand, provided that grass cover does not exceed thirty percent (30%) of this requirement. Pavement shall be prohibited unless it can be shown that such pavement's use is for structural display of ornament or sculpture, and is minimally sized for such display.
11. Variations: Alternative interior parking lot landscaping designs in lieu of Interior Requirements above may be considered for irregularly shaped parking lots, and parking lots utilizing existing Trees or other vegetation, provided shaded areas are distributed throughout the Parking Area and provided the area of interior landscaping is comparable to that furnished by the above requirements. For example, where Inches are received for the retention of existing Trees in accordance with Section 4.01.05.E, approval shall be given for reducing the number or width of shade Tree islands or relocating the shade Tree islands, provided the alternative does not subvert the intent to provide shaded areas throughout the parking lot.
12. Public Takings:
 - a. Where a lawful public taking or an action pursuant to court order results in a reduction of the required perimeter buffer and associated landscaping, this reduction shall not result in a violation of the landscaping requirements of this Code, provided the property Owner clearly demonstrates that reasonable alternatives are not available to retain or provide the buffer and landscaping material in a manner consistent with County regulations and zoning conditions if applicable.
 - b. In the event Improvements are made to the property subsequent to a lawful public taking or an action pursuant to court order, only those areas within the limits of the improved area shall be required to meet the current perimeter buffer and landscaping requirements.

13. Buffering and Screening Requirements:

Buffers Between Incompatible Land Uses: The minimum required buffer distance between proposed land Uses and the zoning Lot line for the perimeter parcels of the Regulatory Plan Area shall be established in accordance with Section 6.06.04.

14. Solid Waste Storage: All new Buildings and Uses, except for Single Family and Two Family Dwellings, shall provide facilities for the central storage of solid waste within the Lot in accordance with Section 6.06.04

15. Mechanical Equipment: All non-residential and non-Agricultural Uses shall screen all mechanical equipment, including rooftop equipment, such as but not limited to air conditioners, or pumps, from view from public places and neighboring properties. Ground level equipment shall be screened through the use of features such as berms, fences, false facades or dense landscaping. Rooftop equipment shall be screened through the use of a parapet wall or false facade that is an integral part of the Structure.

16. Relocation of Existing Landscaping for New Driveway: Where an existing driveway through the County Right-of-Way must be relocated for an approved use, all associated landscaping and site features including paving, signs and other site furnishings must be relocated in similar fashion as the existing, with no net loss in landscaped area square footage or reduction in quantity of other site furnishings. Existing trees must be transplanted or replaced with similar size, quantity and species. Existing irrigation must be repaired so as to provide complete coverage for new plantings after new driveway construction, and shall be repaired to ensure one hundred (100%) coverage during the installation of the new driveway.

17. Review, Permitting, and Compliance Procedures:

a. Landscape Plan:

(1) Whenever the provisions in accordance with this Part apply, a Landscaping Plan prepared by a Landscape Architect registered to practice in the State of Florida, or other authorized individuals as set forth in Chapter 481, Part II, F.S. shall be submitted to the County Administrator for review upon application for Site Plan review.

(2) The Landscape Plan shall include information as set forth in the Development Review Manual.

b. General Procedure: Except as modified below, a Landscape Plan or Master Subdivision Landscape Plan shall be submitted and reviewed in accord with the procedures for issuance of Development Permits contained in Part 9.01.00.

c. Modifications to General Procedure:

(1) A copy of the Landscape Plan shall be available onsite during installation of the landscaping.

- (2) No Certificate of Occupancy or Certificate of Completion shall be issued until the County Administrator has performed a final inspection and determined compliance with the minimum landscaping requirements according to the approved plan and the Construction Permit, if required.
- (3) Periodic reinspections may be performed by the County Administrator to ensure the healthy survival of required landscaping material according to the approved plan. Landscaping material identified as deficient shall be replaced by the Owner of the property within thirty (30) days of written notification by the County Administrator.

M. Public Pavilions & Fishing Pier Vendors

1. Vendors may be allowed at the Fishing Pier, Fishing Pier Pavilion & Beach Pavilion as a temporary use with appropriate permits.
2. The Design Review Board shall evaluate the initial application for vendors through a Regular Review. The Regular Review application shall include a general site plan depicting the location within the Public Pavilions or Pier, a maximum number of vendors; style, size and dimensions of vendor stalls; signage; and duration of each event consistent with Section 2.02.05.

N. Outdoor sales, market and special event vendors, All Other Areas

1. Outdoor sales, market, special event vendors, and other temporary uses may be allowed within the Vilano Beach Town Center as designated by the Design Review Board through a Regular Review. The Regular Review may be granted upon a determination that the request will not impose a burden or substantial negative impact, the request is consistent with Section 2.02.05 and the request is consistent with the following minimum standards:
 - a. Outdoor sales adjacent to retail uses may be permitted on sidewalks. The location of outdoor sales shall provide for continuous pedestrian movement.
 - b. Markets, bazaars, and substantially similar activities, which primarily sell arts, crafts, and local food products along with other goods, may be permitted on unimproved property.
 - c. Special event vendors may be distributed throughout the Town Center on improved, unimproved and public areas, such as sidewalks or parking areas for the duration of the registered Special Event (such as sunset celebrations, sport/race events, charitable concerts or similar community events).
 - d. Other Temporary Uses as may be permitted under Section 2.02.05.

Sec. 3.10.06 Administrative Approval of Specific Signage

- A. Any Wall, awning, or hanging Sign reface provided the colors closely match any colors associated with the Building and text type and sizes are similar to other DRB approved signage located on existing Wall Signs on the same Building.
- B. Any Directional Sign two (2) square feet or less in size.

Sec. 3.10.07 Administrative Approval of Design Elements Materials and Exterior Finishes

Exterior painting of existing Structures and Buildings with one of the three preferred Architectural Styles color palettes in the Town Center Design Guidelines may be approved by the County Administrator. However, if in the determination of the County Administrator, any proposed exterior painting appears to be in conflict with the Purpose and Intent of the Vilano Beach Town Center Overlay District or with the preferred color palette, a review by the Design Review Board may be required.

Sec. 3.10.08 Administrative Requirements

The following requirements shall apply to all projects and activities that are subject to the Vilano Beach Town Center Mixed Use Overlay District. For those projects involving Signs less than fifteen (15) square feet in size, re-painting, or other activities not requiring a County building permit, a Minor Review shall be allowed. Additionally, a Minor Review shall be allowed for those other projects, which are determined by the County Administrator to be minor in nature. For all other projects, a Regular Review shall be required.

- A. Design Review Board – The St. Johns County Board of County Commissioners shall direct the following functions to determine compliance with the North Coastal Overlay District:
 - 1. The St. Johns County Board of County Commissioners shall establish by appointment a North Coastal Design Review Board. Except as otherwise provided in this Code, it shall be the role of the Design Review Board to determine compliance with the requirements and standards set forth in Part 3.10.00. Except as otherwise provided in this Code, this Design Review Board shall also determine compliance with the requirements and standards set forth in Part 3.09.00
 - 2. The North Coastal Design Review Board shall consist of five (5) members and two (2) alternates appointed by the Board of County Commissioners. Membership requirements and initial membership terms shall be by resolution of the Board of County Commissioners. The initial terms shall be staggered in 1, 2, 3, and 4 year terms. Except for the initial term, members shall be appointed to four (4) year terms, and may be re-appointed at the discretion of the Board of County Commissioners. Members shall serve at the pleasure of the Board of County Commissioners.
 - 3. The Board of County Commissioners shall adopt by Resolution by laws, operating procedures, and membership requirements which shall be in accordance with all applicable St. Johns County Regulations and State and Federal laws. The DRB may recommend changes to its bylaws, operating procedures, and membership criteria, to be approved by the Board of County Commissioners.

4. The Design Review Board shall meet as needed in order to fulfill its functions in a timely manner. Reasonable public notice shall be provided for all meetings of the Design Review Board, and all meetings shall be open to the public. The Design Review Board shall appoint a member or support staff to keep minutes of its proceedings and other official actions. A quorum and a majority vote of members present at meetings shall be required in order to take final action on an application.
5. Review Fees shall be assessed to applicants of development proposals within the Vilano Beach Town Center to offset cost of review of development plans. The review fees shall be \$1,000.00. Any modification to this fee shall be by the Resolution amending The Schedule of Fees for certain County Departments. The fees will support expenses associated with the review of development and architectural plans by a licensed architect hired by St. Johns County to support and provide recommendations to the Design Review Board on consistency with this section of the Code. The review fees will not be used to compensate members of the Design Review Board.
6. Any previous citizen appointed to the DRB shall have the opportunity to reapply and have the same term limits as prescribe in subsection A.2, provided they have not been excluded by the Board of County Commissioners because of longevity on the DRB. If longevity is an issue, the citizen must wait a period of two (2) years from the date of their original expiration before reapplying to the DRB.

B. Required Pre-application Meeting

In an effort to provide guidance and information to applicants early in the planning process and prior to the preparation of final site plans and formal submittals, prospective developers and builders are required to meet with the St. John's County Planning Department to discuss proposed projects within the Vilano Beach Town Center Overlay District prior to submission of any plans for review. Applicants are requested to bring to the meeting, a general survey indicating the property boundaries, with relevant topographic and/or jurisdictional information, any preliminary site plan or plans (this may include one or more site plan alternatives to be considered) and/or photographs or drawings of proposed building styles, for discussion.

C. Application and Permitting Requirements

1. The County Administrator shall develop application forms and review procedures to assist the Design Review Board in determining compliance with the North Coastal Corridor Overlay District requirements and the requirements of any specific areas within the Overlay District. The Design Review Board shall meet as required to review applications and take action in a timely manner on all applications submitted for review. Such meetings shall be reasonably noticed and shall be open to the public.

As part of the application form for the Vilano Beach Town Center the following information will be included to assist the Design Review Board in the review of applications:

- a. Architectural drawings and renderings that show:

- (1) Details of structure showing at the minimum the major features, which meet the design styles of the Florida Vernacular or Art Deco Moderne architectural styles.
 - (2) Building Elevations (4 sides) with color scheme for each exterior side.
 - (3) Incorporation of structures located immediately adjacent to site as well as components of streetscape immediately adjacent to the site.
 - (4) Exterior finish materials.
 - (5) Proposed color scheme for exterior of structure Floor plan;
 - (6) And other information requested by the County.
2. Following any final action, The Design Review Board or its authorized support staff shall provide a written order to the Applicant stating that the request complies, complies with conditions, or does not comply, with VBTC Overlay requirements. Any determination by the Design Review Board shall be supported by appropriate findings of fact.
3. The Applicant shall provide a copy of the final order of approval prior to obtaining construction permits as required for the proposed project or activity.
4. In general, all applications that are subject to the County's established development review process shall proceed through a first submittal review prior to being scheduled for the Design Review Board. Any development review comments that have not been addressed at the time of the Design Review Board meeting shall be noted by the Applicant. If appropriate, the Design Review Board may attach conditions to its determinations related to outstanding development review comments. The Design Review Board shall not request modifications that are not in compliance with other land development regulations.

D. Vested Rights Determinations

1. As an alternative to a determination that a Project or activity complies with this Part, the Applicant may demonstrate that vested rights to proceed with the proposed Project, the Applicant may demonstrate that vested rights to proceed with the proposed Project or activity have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.10.00 of this Code. Vested Rights determinations shall be made in accordance with Part 10.02.00 of this Code. The legal requisites for such determinations and burdens of proof shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.
2. A Planned Unit Development (PUD) may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PUD. The more restrictive standards and criteria of the existing PUD or the Vilano Beach Town Center Overlay District shall apply to the expansion.

- E. Variances and Appeals – An Applicant may apply to the St Johns County North Coastal Design Review Board for, and be granted or denied a Variance from one or more standards of the Vilano Beach Town Center Overlay District. Variances or modifications to these requirements shall be further governed as follows:
1. Any Variance or modification within PUDs to these requirements may be granted only by the North Coastal Design Review Board. Such requests shall be considered pursuant to requirements of Section 10.04.03.
 2. When a variance is granted the North Coastal Design Review Board may require a placemaking element(s) to enhance and maintain the downtown urban design of the area and promote cultural and unique design elements within the Town Center.
 3. Any affected or aggrieved person may Appeal a determination of the Design Review Board to the Board of County Commissioners, made under the authority of this Section, by filing such Appeal in writing to the County Administrator within thirty (30) days of any such determination.
- F. Management of Applications among Multiple Boards
1. When a board or agency has made a decision or finding on an application, and the application or companion application will later appear before the Planning and Zoning Agency or Board of County Commissioners, its approval or approval with conditions shall constitute a recommendation to that body. The Planning and Zoning Agency or Board of County Commissioners may choose to accept the decision or finding of the board or agency, make a binding decision or finding of its own, or send the application back to the board or agency for a decision consistent with its findings or suggestions.
 2. This section does not impose any additional review standards on applications or board or agency decisions as set forth in this Code.
- G. Administrative Approval
1. Delegation of Signing Authority. In the event that the Design Review Board has made a determination of compliance with this Part, the DRB may authorize its support staff to sign and render an Order approved by the DRB in lieu of the Chair or Vice-Chair.
 2. Failure to Hold a Quorum. In the event that the Design Review Board is unable to gather a quorum to render a decision on an application scheduled for a hearing before the DRB and is unable to gather another quorum within ten (10) days of the scheduled hearing, the County Administrator shall determine compliance with the provisions of the Vilano Beach Town Center Mixed-Used Overlay District.
 3. Failure to Establish a Design Review Board. In the event that the St. Johns County Board of County Commissioners is unable to establish a Design Review Board as defined by this Part, it shall be the responsibility of the County Administrator to determine compliance with the provisions of this Part. Failure to establish shall mean that any time there are less than three (3) regular members appointed to the DRB.

Section 3.10.09 Economic Redevelopment Residential Units Exchange Program

A. Purpose

It is the purpose of this Article to establish standards and approval procedures for the transfer of residential dwelling units in the Town Center Mixed Use District (TCMUD) future land use designation within the VBTC for the specific purpose of promoting economic redevelopment within the Vilano Beach area; and to provide for the keeping of records of available development rights within the Town Center.

Economic Redevelopment Residential Units Exchange units are also intended to help achieve the goals, objectives and policies of the St. Johns County's Comprehensive Plan.

The provisions of this section allow landowners who own TCMUD designated properties within the VBTC district, called sending properties, to sell their rights to develop all or a portion of their allowable residential units (residential density rights) to other TCMUD land owners within the VBTC district. For the purposes of qualifying as a sending site, the property shall have been designated with a Town Center Mixed Use District future land use as adopted in 2015 as shown in Exhibit 3.2.5.E of the Future Land Use Element of the Comprehensive Plan.

When a landowner sells their residential density rights, they must deed restrict the sending properties to ensure the rights to develop the transferred residential units are severed.

Deed restrictions imposed on the sending property will not affect the landowner's ability to sell the property after the development rights have been severed. The deed restrictions on the property from which development rights have been severed shall run in favor of the County or an appropriate organization designated by the County.

The owner of a sending property from which the density rights are severed, or any subsequent purchaser of the density rights, may hold the density rights or may resell the density rights. The only use which may be made of the density rights is the ultimate transfer of residential units to a receiving property. The County shall have no obligation to purchase density rights which have been severed from a sending property.

1. Process

a. Sending Properties

Sending properties shall be within the Town Center Mixed Use District (TCMUD) future land use designation as adopted in 2015 as shown in exhibit 3.2.5.E of the Future Land Use Element of the Comprehensive Plan, and designated through the process as set forth below.

(1) Initiation

A land owner who wishes to avail themselves of the Vilano Beach Economic Redevelopment Residential Units Exchange program must receive a determination from St. Johns County that the site has eligible residential rights for transfer based upon survey specific information.

- (2) Upon identification of the residential rights to be severed by St. Johns County pursuant to the provisions of this Section, the sending properties shall be eligible for transfer of development rights if the land's development rights or development capacity have not been constructed, sold, transferred, or limited by easements, deed restrictions, equitable servitudes, or similar measures.

b. Receiving Property

- (1) Eligible properties

The properties eligible to use development rights transferred from the sending properties, referred to as Receiving Properties, shall be properties located within the TCMUD land use designation in the VBTC district

- c. Prior to approval of Construction Plans, the Receiving Property owner/developer must demonstrate that the Economic Redevelopment Residential Units Exchange program purchase is of record and that such Economic Redevelopment Residential Units Exchange units are available for transfer.

d. Granting and Measuring Development Rights

- (1) Issuance of Exchange Program Development Rights:

Exchange Program development rights shall be issued in dwelling units based upon the amount of dwelling units permitted under the current zoning on the sending property.

- (2) The total available residential development rights from a lot or property is based upon net acreage.
- (3) For each fraction of net acre of land that meets the requirements for residential development the owner shall receive a fraction of the development rights in the same portion that the fraction of an acre of land makes up net acre of land.
- (4) Eligible property owners choosing to sell/transfer residential development rights must sign and record a restrictive covenant or easement in favor of the County ensuring the perpetual severance of the transferred residential rights from the sending property.
- (5) Disqualifying Land. In the computation of any development rights under this section, no exchange program development rights shall be computed for any land in a right-of-way or easement which precludes its occupation by dwellings or where operation of private restrictions or state or federal law prohibits development of the land.
- (6) All residential units developed on a receiving site, including units

allowed under current zoning as well as units obtained through a transfer under the Economic Redevelopment Residential Units Exchange program, shall have a minimum livable floor area of 1,000 square feet. For the purpose of this Section, up to 20% or 200 square feet of livable floor area may include uncovered outdoor living areas directly accessible to the unit.

2. Procedure

Prior to or concurrent with development rights being offered for sale or transfer, properties with Economic Redevelopment Residential Units Exchange Program development rights shall have a certificate of development rights issued. Upon receipt of the certificate of development rights, the property owner may transfer the development rights to any person or legal entity holding Receiving Property with a TCMUD land use designation within the boundaries of the VBTC.

Prior to the transfer of Development Rights, the seller shall record an Economic Redevelopment Residential Units Exchange Program Easement on the property from which the development rights are being sold. The Economic Redevelopment Residential Units Exchange Program Easement shall include a legal description of the property from which the development rights will be transferred, meet the requirements of this Part, be approved by the County Administrator or his designee and the County Attorney, and executed by the owner of the eligible sending property. The approved Economic Redevelopment Residential Units Exchange Program Easement shall be recorded with St. Johns County.

After granting and recordation of the Economic Redevelopment Residential Units Exchange Program Easement to the County, the development use of the property on which the Program Easement is recorded shall comply with the Economic Redevelopment Residential Units Exchange program easement.

a. Application

A property owner desiring to obtain permission to transfer Economic Redevelopment Residential Units development rights from a particular property designated as a sending property through the process set forth in this Section shall apply for issuance of a Certificate of Development Rights. Such application shall be filed with the County Administrator on a form requesting information as the Administrator may reasonably require which shall include the following:

- (1) Name address and telephone number of applicant and the applicant's agent, if any.
- (2) Legal description of the property and evidence of title.
- (3) The proposed grant of easement to St. Johns County creating the development limitations for the property.
- (4) The process for conveying and recording development rights includes:

- i. The issuance of certificates of development rights
- ii. The approval and recording of an Economic Redevelopment Residential Units Exchange Program easement
- iii. The recording of a deed transferring ownership of the development rights

b. Certificate

The Administrator, upon request of the sending property owner by application, shall issue a certificate of development rights to the landowners for the eligible land.

c. Quantity

The issuance of the certificate of development rights shall establish the quantity of development rights for the property. The development rights quantity will be based upon the formula in A.1.d of this section –Granting and Measuring Development Rights.

d. Sale/Transfer

When an agreement has been reached between the seller and buyer of the development rights, the seller shall inform the County Administrator in writing of the pending sale.

3. Deed of Economic Redevelopment Residential Units Exchange Program Development Rights.

The deed transferring development rights shall be executed by the selling and purchasing parties and duly recorded with St. Johns County, and a copy of the deed shall be provided to the County Administrator.

Section 3.10.10 Incentives for Owners Who Restore and Preserve A Qualified Historic Structure

The County may provide development incentives for property owners who restore and preserve a qualified historic structure which is 50 years or older within the Vilano Beach Town Center.

The development incentives are available with approval by the Board of County Commissioners through the Landmark Designation procedure under Section 3.01.03 Designation of a St. Johns County Landmark. The Board of County Commissioners shall review the Landmark Designation request and render a decision on the potential Landmark and the public benefit of the development incentives. Should the Board deny the incentive request, a site may still receive a Landmark Designation.

The development incentives may also be considered and applied for after approval as a Landmark Designation under Section 3.01.03. A petition for development incentives shall be submitted to the County. The development incentives form and required submittal materials shall be established by

the County Administrator.

A. Development Incentives:

For the purposes of this section, the term 'buildable property' means Buildable Area as defined in Article 12 of the LDC. Development incentives may include the following:

1. Increase in the Floor Area Ratio (FAR) of the buildable property from 0.80 to 1.5, excluding the floor area of the historic structure.
2. Increase in the Impervious Surface Area (ISR) of the buildable property from 0.75 to 0.90, excluding the historic footprint.
3. Elimination of parking requirements for Commercial/Retail/Office uses, if buildable property is under 30,000 square feet.
4. A fifty percent (50%) reduction of parking requirements for Commercial/Retail/Office uses, if buildable property is over 30,000 square feet.

B. Action by the Board of County Commissioners

All development incentives for qualified historic structures shall be approved, approved with conditions, or denied by the Board of County Commissioners.

PART 3.11.00 West Augustine Overlay District

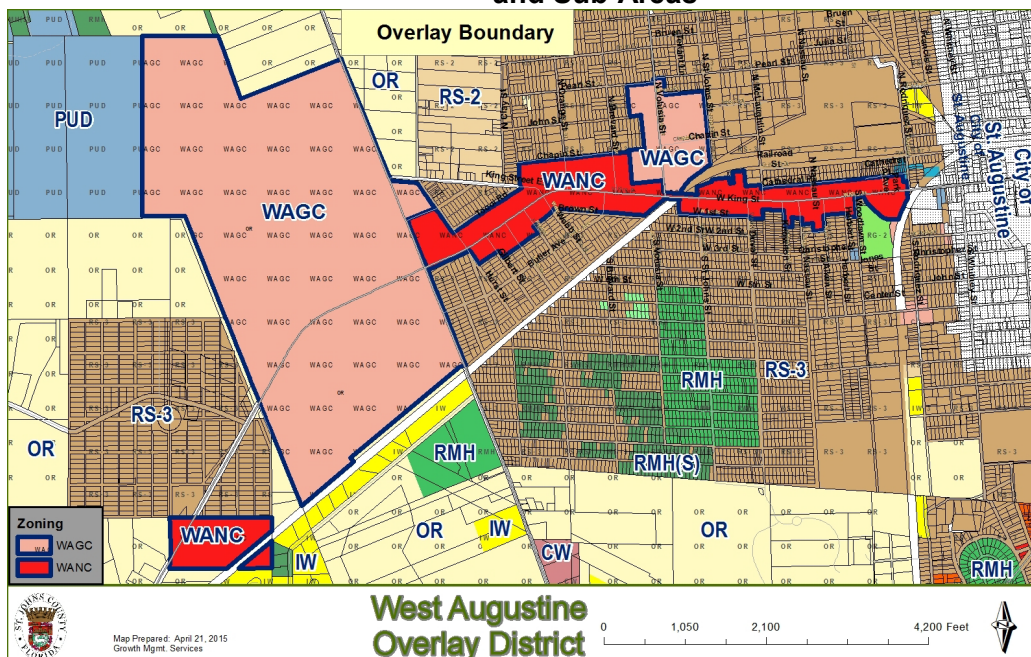
Sec. 3.11.01 Purpose

The West Augustine Community Redevelopment Agency (the “WACRA”) was created pursuant to F.S. § 163 Part III, “Community Redevelopment” to remove blighted conditions, enhance St. Johns County’s tax base, improve living conditions, encourage property development within the West Augustine CRA and achieve specific goals and objectives of the St. Johns County Comprehensive Plan. Within the WACRA, West King Street was identified as a strong focal point for neighborhood revitalization and should contain a major commercial center for the neighborhood, with multiple uses that will allow the preservation of the historical development patterns. Anticipated uses within the West Augustine Overlay District incorporate mixed use development to achieve infill, residential, and commercial redevelopment. In addition to the uses allowed by base zoning, properties within the district are permitted uses as provided in Section 3.11.05.

Sec. 3.11.02 District Boundaries

The West Augustine Overlay District delineated herein, is a special district in the form of an overlay, superimposed upon various zoning districts as applied by the map in Figure 3.11.02. This West Augustine Overlay District encompasses all that land situated within unincorporated St. Johns County within the boundaries indicated in Figure 3.11.02 – Map of the West Augustine Overlay District and sub-areas, as indicated below (reference legal description on file with the Growth Management Department and in Ordinance 2015-42, as amended):

Figure 3.11.02. - Map of the Proposed West Augustine Overlay District and Sub-Areas



Sec. 3.11.03 Application of District Regulations

All standards and uses prescribed in this Part shall apply to all Uses within all zoning categories (including PUD's and PSD's) excluding single-family dwellings, mobile homes, temporary uses, roadside stands, church/synagogues, historic structures and all publicly owned properties developed to serve a public use; however, such Uses are entitled to utilize the Site Development Criteria in Sections 3.11.06 and 3.11.07.B.1. These requirements shall apply to all other proposed Development as a permitted Use or Special Use; hereafter undertaken within the West Augustine Overlay District. Notwithstanding any provisions of the Land Development Code (the "LDC") to the contrary, the provisions of the West Augustine Overlay District including Uses prescribed within Table 3.11.05., when in conflict, shall take precedence over the existing zoning and Land Development Code regulations. Special Uses and Uses allowed by right in the West Augustine Overlay District shall be subject to the site development criteria in the referenced Special Use Permit section and Supplemental Design Standards in Section 6.08.00, unless specifically addressed in this Part.

Sec. 3.11.04 Sub Area Boundaries and Descriptions

Sub-Areas are hereby established to identify additional Uses and Use regulations, property development regulations, and supplemental standards that may differentiate from the standard regulations within the Land Development Code. Unless expressly stated herein, development must comply with the requirements of both the Sub-Area and Future Land Use Map designation. Sub-Area boundaries are based on the need for appropriate economic development incentives and special protective measures. See figure 3.11.02 – Map of the West Augustine Overlay District boundaries for the location of each subarea (reference Sub-Areas on file with the Growth Management Department and in Ordinance 2015-42, as amended)

- A. **WANC**, West Augustine Neighborhood Commercial:
Intended to be the key focal point of the development area and encourage mixed use development, including Neighborhood Business and Commercial Uses with townhouse and multifamily development.
- B. **WAGC**, West Augustine General Commercial:
Intended to encourage mixed use development, including General Business Commercial Uses with townhouse and multifamily development.

Sec. 3.11.05 Uses and Activities subject to the requirements of the West Augustine Overlay District

In the West Augustine Overlay District, mixed use means a single development consisting of the combination of residential and nonresidential uses collocated within the same building, or collocated on the same lot or on contiguous lots. Within the District, mixed use and commercial development are permitted in both Sub-Areas.

- A. **WANC and WAGC Sub-Areas: Allowable and Special Uses.** Notwithstanding any other provision in the Land Development Code, the uses for the property contained within the WANC and WAGC Sub-Areas in the West Augustine Overlay District shall be as prescribed in Table 3.11.05, except where such use is not permitted by the St. Johns County Comprehensive Plan. This table is interpreted to allow uses by right and by

Special Use approval. Those uses listed within the table that are not “Approved by right” or as a “Special Use”, shall be prohibited. Where a use is allowed in the underlying zoning district but not listed in Table 3.11.05, the use shall be allowed as in the underlying zoning district.

Table 3.11.05

A	Approved by right	West Augustine Neighborhood Commercial WANC	West Augustine General Commercial WAGC
S	Special Use		
*	Must adhere to Section 3.11.07.B.		
**	Gas Pumps Prohibited		
***	No outdoor boarding facilities/enclosed within a sound proofed building		
Residential Use		√	√
Single Family Detached (Ref. LDC Sec. 2.03.39)		A	A
Multi Family		A	A
Manufactured/Mobile home (Ref. LDC Sec. 2.03.08)		S	S
Condominium ownership		A	A
Cooperatives and other ownership arrangements		A	A
Special Care Housing (Ref. LDC Sec. 2.03.23)		S	S
Cemeteries (Ref. LDC Sec. 2.03.13)		S	S
Private Schools (Ref. LDC Sec. 2.03.17)		S	S
Schools (with conventional academic curriculum)		S	S
Community Marinas		S	A
Model homes with or without sales office/construction trailer		A	A
Home Occupation (Ref. LDC Sec. 2.03.07)		A	A
Horse and Ponies (Ref. LDC Sec. 2.03.05)		S	S
Other animals (Ref. LDC Sec. 2.03.06)		S	S
Household Animals (Ref. LDC Sec. 2.02.04.B.1.)		A	A
Two family dwellings (Ref. LDC Sec. 2.03.18)		A	A
More than one main use structure on residential lot (Ref. LDC Sec. 2.03.28)		A	A
Cultural/Institutional Use		√	√
Child and Adult care (Ref. LDC Sec. 2.03.04)		A	A
Museum		A	A
Library		A	A
Art Gallery		A	A
Private clubs (Ref. LDC Sec. 2.03.38)		S	A
Neighborhood Business		√	√
Commercial indoor recreation		A	A

Archery	A	A
Hospitality	A	A
Retail Good Store	A	A
Financial Institutions with or without drive-through facilities	A	A
Funeral homes	A	A
Neighborhood Convenience Stores	A**	A
Grocery stores	A	A
Specialty food stores	A	A
Take Out Restaurant	A	A
Pharmacies	A	A
Pharmacies w/Drive-thru	S	A
Billiards	A	A
Spas/gyms	A	A
Trade schools	A	A
Mini warehouse / personal property (Ref. LDC Sec. 2.03.16)	S	S
Service businesses (catering, printing, mail & package, laundries)	A	A
Veterinary Offices (Ref. LDC Sec. 2.03.41)	A***	A***
Beauty shops	A	A
Barbers	A	A
Photography studios	A	A
Psychics (Ref. LDC Sec. 2.03.22)	S	A
Medical/professional offices	A	A
Schools for Fine Arts	A	A
General Business / Commercial Use		√
Commercial recreation (Ref. Sec. 2.03.43)	A	A
Free standing ATMS	A	A
Indoor Farm and Garden Supply Centers		A
Outdoor Plant Sales	A	A
Gas Station		A
Car Wash facilities (Ref. LDC Sec. 2.03.50)		A
Auto Oil Change Facilities (Ref. LDC Sec. 2.03.51)		S
Tire Service Centers (Ref. LDC Sec. 2.03.52)		S
Small Car Rental Offices with Fleet		A
General Store (Ref. LDC Sec. 2.03.29)	A	A
Supermarkets		A
Bowling Alleys		A
Community Hospitals		A
Bed and breakfast (Ref. LDC Sec. 2.03.24)	S	A
Small Appliance Repair Shops		S
Upholstery Service	A	A
Employment Services		A
Bail Bonds		A
Psychiatric Care and Treatment Facilities with or without housing		A

Alcohol Rehabilitation Centers with/without housing	S	S
Social Assistance Center (Ref. LDC Sec. 2.03.53)		S
Restaurants	A	A
Restaurants w/Drive-thru	S	A
Veterinary Office (no more than 10 outside runs not to exceed 640 SF)		A***
Government Offices	S	A
Golf Driving Ranges		A
Movie Theaters with three or less screens		A
Commercial/Vocational/Business/Trade School		A
RV and Boat Storage (Ref. LDC Sec. 2.03.42)	S	S
Other uses		
Hotel/Motel	A	A
Offsite Parking and Unpaved Parking Lots (Ref. LDC Sec. 2.03.15)	A*	A*
Alcoholic Beverages (Ref. LDC Sec. 2.03.02)	S	S
Water / Wastewater Treatment Facility	S	S
Antennae Towers	S	S
Electric Substations	S	S
Outdoor Storage (Ref. LDC Sec. 2.03.54)	S	A
Large Places of Assembly (Ref. LDC Sec. 2.03.55)	S	S
Warehouse (less than 10,000 sf)		A
Urban Agriculture (Ref. LDC Sec. 3.11.11)	A	A

B. Exemptions

The following activities shall be exempt from Overlay regulations review as required by this Part. In the event of any conflict related to an exempt activity, it shall be the responsibility of the County Administrator to determine that a proposed exempt activity is in compliance with this Part:

1. The development of a single or two-family home, and associated accessory structures, when allowed by right in the underlying zoning district.
2. Additions to the Structure not exceeding one-thousand (1000) square feet.
3. Non-substantive changes, which do not change the character, design or commonly observed appearance of a site or Structure.
4. Refacing or a change of copy on existing signage previously approved by a building permit or development order.

Section 3.11.06 Site Development Criteria

This section addresses the relationship with the site and general features. The development standards included in this section shall apply to all nonexempt development within the West Augustine Overlay District. Unless otherwise specified in this Section, all other provisions of the Land Development Code apply.

A. WANC and WAGC Sub-Area Development Criteria

1. Minimum Yard requirements:

- a. WANC Sub-Area
 - (1) Front - 0' feet with no permitted projections within the front yard.
 - (2) Side – 5 feet;
 - (3) Rear – 10 feet.
- b. WAGC Sub-Area
 - (1) Front - 0' feet with no permitted projections within the front yard.
 - (2) Side – 5 feet
 - (3) Rear – 10 feet

2. Height Requirements:

- a. Building heights within the WANC and WAGC Sub-Area shall be no more than 40 feet measured from finished grade to the apex of the sloped roof or top of parapet, except as permitted by Section 6.07.00. Any non-single family residential building over thirty-five (35) feet in height must be protected with an automatic sprinkler system designed and installed in accordance with the latest edition adopted by the Florida Fire Prevention Code and NFPA 13.

3. Lot Size

- a. Notwithstanding any other provision in the Land Development Code, there are no minimum lot size requirements within the West Augustine Overlay District.

4. Housing Type

Permitted Housing types within the West Augustine Overlay District are as indicated in the Table below:

HOUSING TYPES							
SUB-AREAS	SINGLE-FAMILY	DUPLEX	MULTI-FAMILY	TOWNHOME	MANUFACTURED/MOBILE HOME	MANUFACTURED/MODULAR HOME	MANUFACTURED/MOBILE HOME PARK
WANC	A	A	A	A	S	S	
WAGC	A	A	A	A	S	S	

5. Density Bonus

Density Bonus – All development within the West Augustine Overlay District in the Residential-D future land use shall be allotted a variable density factor of an additional four (4) dwelling units per acre pursuant to Comprehensive Plan Policy A.1.11.1. (m) (1).

6. Floor to Area Ratio

Maximum Floor to Area ratio for nonresidential development is 50% (.50)

7. **Impervious Surface Ratio (ISR)**

The maximum Impervious Surface Ratio is 70% (.70)

Section 3.11.07 Access and Parking Requirements

A. Access:

1. **WANC:** To provide better pedestrian access, driveways and curb cuts shall not be encouraged along W. King Street. If access to an alternative street does not exist, one curb cut is permitted onto West King Street.
2. **WAGC:** Access provided along Volusia Street and Holmes Boulevard within the WACG sub-area shall comply with Section 6.04.05.
3. Cross access easements shall be promoted to link abutting rear and side parking areas.

B. Parking and Loading:

1. There shall be a minimum of two (2) off-street parking spaces per each 1,000 square feet of non-residential space and 1 parking space per each residential unit.
2. A landscaped buffer shall not be required between the required off-street Vehicular Use Area of any nonresidential development and any adjacent property that maintains a commercial use.
3. All nonresidential developments with parking requirements of ten (10) spaces or more, racks for parking bicycles may substitute for up to ten (10) percent of vehicular parking spaces required. For every bicycle rack capable of parking more than three bicycles, the number of required vehicular parking spaces shall be reduced by one space, up to a maximum of ten (10) vehicular parking spaces. Bicycle parking shall not be substituted for ADA accessible spaces or loading spaces. Existing vehicular parking spaces may be converted to take advantage of this provision. The bicycle parking credit may be utilized in combination with shared parking, in order to further reduce the amount of required parking without the need for a variance.
4. Within the WANC Sub-Area on-site vehicular use areas are limited to one row of parking in the front of structures with frontage along West King Street. All vehicular use areas along West King Street are to be screened from public view by a building or landscaping as required in Section 3.11.07.B.5 below.
5. Along West King Street, where parking is located within the front or side of a structure and within view of a public street, a five (5) foot wide landscape buffer shall run the entire length of where the parking area is visible from the sidewalk/street. The landscape buffer shall consist of a knee wall with a decorative cap or decorative

solid opaque fence 18 to 30 inches in height in combination with a single row of hedge material on the street side of the knee wall. The street wall shall be designed with the same building materials as the principal building.

6. When parking is located to both the front and the side property line, the edge of parking areas shall be setback a minimum of eight (8) feet from the front property line.
7. Within the WAGC Sub-Area, unless otherwise specified in this Section, all Off-street vehicular use areas located along Volusia Street and Holmes Boulevard shall comply with the provisions within Section 6.05.00 of the LDC.

Section 3.11.08 Landscaping and Screening Buffers

- A. Section 4.01.05 “Trees and Other Vegetation” and Section Part 6.06.02 “Landscaping and Buffering requirements” of the St. Johns County Land Development Code shall apply unless otherwise provided within this chapter.

Buffers shall not be required for side lot lines if no buffer is required pursuant to Table 6.19. Where buffers and screening are required between Groups 1, 2 and 3 (Residential – Single Family and Multi-Family) and Group 4 (Neighborhood Business and Commercial and General Business and Commercial) Land Use Classifications in Table 6.19, the buffer and screening standards in Table 6.20 shall be replaced with the following standards:

1. **Buffer Width:** Five (5) feet wide
2. **Landscaping Requirements:** Shall meet the landscaping requirements of Screening Standard “A” per Section 6.06.04 in the LDC.

B. Gas Stations and Drive-in Facilities

Where the use abuts a property developed with Residential Uses the following landscaping measures shall apply:

1. A minimum ten (10) foot wide landscape buffer with Screening Standard “B” shall be provided where the Use abuts property within the Overlay Boundaries. Where a six (6) foot high masonry wall or solid fence is utilized within the buffer, the width of the buffer may be reduced to five (5) feet.
2. A minimum twenty (20) foot wide landscape buffer with Screening Standard “B” shall be provided where the Use abuts property outside the boundaries of the Overlay District. Where a six (6) foot high masonry wall or solid fence is utilized within the buffer, the width of the buffer may be reduced to ten (10) feet.
3. No more than 50% of the width of the buffer shall be utilized for stormwater retention area.

C. Parking Lot Landscaping:

1. Terminal and interior landscape islands shall follow the standards provided in Sec. 6.06 except that terminal and interior landscape islands may be reduced to nine (9) feet in width measured from the back of curbs
2. Divider Median Island: As an alternative to providing interior landscape islands, a divider median between abutting rows of parking may be provided with a minimum width of nine (9) feet measured from inside of curb to inside of curb. One (1) native canopy tree planted every 25 foot on-center to maximize shading of the Parking Area. The remainder of the divider median shall be landscaped; and the landscaping material may include native grasses, ground cover, mulch, shrubs, Trees or other landscaping treatment, excluding sand or pavement
3. Off-street Parking adjacent to Residential: Wherever Off-street Parking spaces for ten or more automobiles are located closer than forty (40) feet to a Lot zoned residential and when such Parking Spaces are not entirely screened visually from such a Lot by an intervening Building or Structure, there shall be provided five (5) foot wide Screening Standard A.

Section 3.11.09 Architectural Screening and Lighting

- A. All trash and garbage disposal systems, dumpsters, recycling areas, utility equipment, air conditioning units, vending machines, and wastewater treatment plants shall have screening to minimize their view from all Right of Ways and sidewalks. Screening may be accomplished by site design, building orientation, or a solid opaque screen wall or enclosure (with gate if necessary) painted to match the principal structure. Chain link fencing may not be used to meet this standard.
- B. Exterior lighting for safety and security shall be allowable and encouraged to meet reasonable safety requirements of the particular business or Structure. However, the light source from safety and security lights, other than low-wattage lights or ground-area lights, shall not be directly visible from adjacent residential properties.
- C. Adequate lighting shall be provided if off-street parking or loading facilities are to be used in the evening. The lighting shall be designed and installed to minimize glare on adjacent properties and the parking area illumination shall be confined to the parking area, not extending beyond the property line.

Section 3.11.10 Design Standards

A. General Requirements

1. Street Facing Facades shall have articulations such as bays, insets and cornices. Long uninterrupted exterior surfaces, including blank walls, are prohibited. Buildings should use horizontal bands between the first two floors such as projecting material, shift in plane, change in building material, or other treatment to clearly define the top, middle and bottom zone of each building façade as shown in Figure 3.11.10.C.1.b.
2. Awnings, Canopies and Shutters: When used, awnings and canopies shall be placed at the top of window or doorway openings. Awnings must be self-supporting from the wall. No supports shall rest on or interfere with the use of pedestrian walkways, streets, or public utilities.

- a. The use of closed shutters, three (3) sided fabric awnings, or other appropriate architectural features are encouraged to achieve the style architecture prevalent in West Augustine
- b. Stretch awnings on curved aluminum frames are prohibited.
- c. Backlit awnings are prohibited.
- d. Both awning and flat canopy treatments are acceptable when they are uniformly applied to the same building.
- e. A ten (10) foot vertical clearance is required at the street level for all balconies and porches.

Figure 3.11.10.C.1.b.



3. **Roofs:** Pitched roofs are encouraged and where used should be 5v crimp metal and the gable ended side facing to the side property line. Flat roofs shall be enclosed by decorative parapets no less than thirty-six (36) inches in height.
4. **Rooftop Dining:** Unenclosed rooftop dining shall be allowed on all non-residential structures and shall not account towards floor area ratio standards.
5. **Fenestration:** At least fifty (50%) percent of street level facades of commercial units shall be transparent. Taller windows are encouraged. Mirrored or reflective glass, sliding glass doors and glass blocks shall be prohibited.
6. **Outdoor Seating Areas:** Outdoor pedestrian seating areas, including outdoor cafés, balconies and porches for seating are encouraged.
7. **Fences:** Chain link, barbed wire and similar fencing shall not be allowed in any required Front Yard and shall be placed at least twenty five (25) feet from West King Street, Volusia Street, or Holmes Boulevard.

B. Drive-In Facilities

1. Drive-In Facilities within the WACN or WAGC Sub-Area are subject to the following design standards:

- a. If an order box is used in the ordering of food or beverages from a drive-through window or other device is located within one hundred (100) feet of any residential structure, a six (6) foot high masonry wall shall be erected along the boundary of the site that abuts the residential structure. In addition, a noise study may be required to detail any additional noise attenuation measures necessary to reduce impacts on residential structures.
- b. Prior to operation, or to mitigate unwanted noise after commencement of a drive-through operation, the County Administrator may require additional noise attenuation to be installed on any site with an exterior loudspeaker if volumes cannot be reduced below those plainly audible at the property line, or if buffers are inadequate to mitigate noise from the exterior loudspeaker.
- c. Drive-in facilities shall have a minimum of three (3) stacking spaces that will be provided from the order box to ensure that any public Right-of-Way or common Vehicular Use Area will not be blocked by or utilized for vehicular stacking.

C. Gas Stations

Gas stations are permitted along Volusia Street, Holmes Boulevard, State Road 313, and the intersection of State Road 313 and West King Street within the WAGC Sub-Area, subject to the following design standards:

1. A ten (10) foot wide landscape buffer running the entire length of the front property line shall be provided consisting of native evergreen trees planted every 20 – 30 feet, low growing evergreen plants, evergreen ground cover, or mulch covering the balance of the buffer. The buffer may be reduced to 5' if a masonry wall or fence is used as provided in 3.11.08.B.21.b. If a wall or solid fence is used, the landscape buffer shall be planted on the outside of the wall and fence.
2. Canopies provided over the pump islands shall provide side (side street and side interior) setbacks of ten (10) feet.

Section 3.11.11 Signs

Sign provisions not addressed in this section shall adhere to those provisions within Article VII of the Land Development Code. Contents of all other signs shall be regulated by Article VII of the Land Development Code, as may be applicable.

A. General Standards:

1. Building signs shall conform to Section 7.02 of this Code except as provided herein.
2. Back lit plastic signs are not permitted.
3. The style of the lettering should be compatible with the building as well as the business and should be in proportion with the building. The letter size should likewise be in proportion to the sign.

B. Hanging Signs:

1. A hanging sign is only permitted when it is perpendicular to the building. Only one hanging sign may be used per storefront.
2. When a canopy is present, the hanging sign(s) shall conform to the eight (8) foot minimum vertical clearance as measured to the bottom of the sign from finished grade. The maximum height of the sign shall not exceed two (2) feet.
3. When an awning is present, the hanging sign(s) shall fit within the area beneath the awning.



C. Ground Mounted Signs

1. In the WANC Sub-Area, Ground mounted signs may not be greater than fifteen (15) feet in height and no greater than four (4) feet in width. Ground mounted signs within the WAGC Sub-Area shall comply with Part 7.02.00 of the LDC.

D. Awning or Canopy Sign

1. Signs on awnings or canopies must occur within, and not exceed 50% of the vertical face (or near vertical part) of the awning or canopy.
2. Logo and text elements of a sign for awnings may be either silkscreened or appliqué stitched.

Section 3.11.12 Urban Agriculture

- A. Purpose and Intent: Urban Agriculture is the growing, washing, packaging and storage of fruits, vegetables and other plant products for sale to local sellers and consumers doing business within St. Johns County. The purpose of permitting Urban Agriculture is to promote local food production for local consumption and promote the health, environmental and economic benefits of having such uses. The Urban Agriculture Use is created and allowed by right within the West Augustine Overlay District.

- B. Types of operations permitted are as follows:

1. Typical operations include greenhouses, vertical farming, hydroponic systems, aquaponic systems, growing beds, growing fields, hoop houses and orchards. Such activities can be conducted in unenclosed areas or partially enclosed structures, within completely enclosed buildings, or a combination of both. Rooftop gardens are permitted on the roof of a principal building as a principal use or accessory use. Operations for rooftop gardens are limited to growing beds and growing trays or other similar uses.
 - a. Composting is limited only to the materials generated on site unless within a completely enclosed structure.
 - b. Compost sites located outside of an enclosed structure shall be screened from view with a fence or decorative wall four (4) feet in height or a continuous cold tolerant shrub at least twenty-four (24) inches at the time of planting.
 - c. Chemicals, pesticides and fertilizers shall be stored within an enclosed structure located a minimum of ten (10) feet from all property lines. This provision is not applicable to those chemicals, pesticides and fertilizers stored within the principal structure.
 - d. Hours of operation shall be limited from dawn to dusk with no machinery operated before 7:00 A.M. or beyond 7:00 P.M., seven (7) days a week.

Section 3.11.13 Administrative Procedures

A. Administrative Approval

The County Administrator or his designee shall approve design criteria, determine compliance, and enforce development within the West Augustine Overlay in conformance with this Part.

B. Vested Rights Determinations

1. As an alternative to a determination that a proposed Development complies with the standards contained herein, the Applicant may demonstrate to the St. Johns County Board of County Commissioners, that vested rights to proceed with the proposed Construction or Development have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.11.00 of this Code to the subject Construction or Development. Upon a determination of vested rights or estoppel by the St. Johns County Board of County Commissioners, the provisions of Part 3.11.00 of this Code, when in conflict with such rights shall not be applied to the Applicant. The legal requisites for such determinations and burdens of proof, therefore, shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.

C. Variances

Variances to the provisions of this Part shall be processed as a Non-Zoning Variance under Section 10.04.03.

Any Variance or waiver within existing PUD's or PSD's to the West Augustine Overlay District requirements may be granted only by the Board of County Commissioners. Notwithstanding any other provision of the Land Development Code, variance requests shall be considered by the Board of County Commissioners pursuant to the Non-Zoning Variance requirements of Section 10.04.03 of the Land Development Code in lieu of the procedures set forth in Section 5.03.05. Requests to change specific provisions not pertaining to the District requirements within PUDs or PSDs shall be processed pursuant to Section 5.03.05.

For adaptive re-use projects of qualified historic structures, many non-compliant site conditions such as impervious surface, floor area, parking, and setbacks, may be permitted without requiring a variance.

D. Nonconformities

Any Non-Conforming Structure, or Use existing on the date a particular requirement of the Regulations became effective may continue in existence subject to Part 10.03.00 of the Land Development Code unless specified otherwise in this Part. Such Non-Conforming Structures or uses include, but are not limited to, those, which would otherwise be violations of the parking capacity and buffer requirements. A Non-Conforming Structure may be extended or enlarged without a Variance if the changes or modifications are in compliance with the requirements of these Regulations. A Non-Conforming Use shall not be enlarged, extended, or intensified, and if the use is discontinued for 365 days it shall not be restored.

Any Structure that does not meet the requirements and limitations of these Regulations, and is not considered non-conforming, is in violation of these Regulations and shall not be extended or enlarged without a Variance except as described in the subparagraph below.

Because of the improved accuracy of survey equipment many older Structures are found to have minor intrusions into minimum yards. In these cases, the Structure may be extended or enlarged without a Variance if (a) the Structure was constructed prior to October 8, 1990, (b) any intrusion is not greater than twelve (12) inches, (c) the intrusion is not extended or enlarged, (d) there are no other zoning violations, and (e) the changes or modifications are in compliance with the requirements of these Regulations.

E. Appeals

Appeals to decisions of the County Administrator shall be pursuant to Section 9.07.02.

PART 3.12.00 Hastings Overlay District

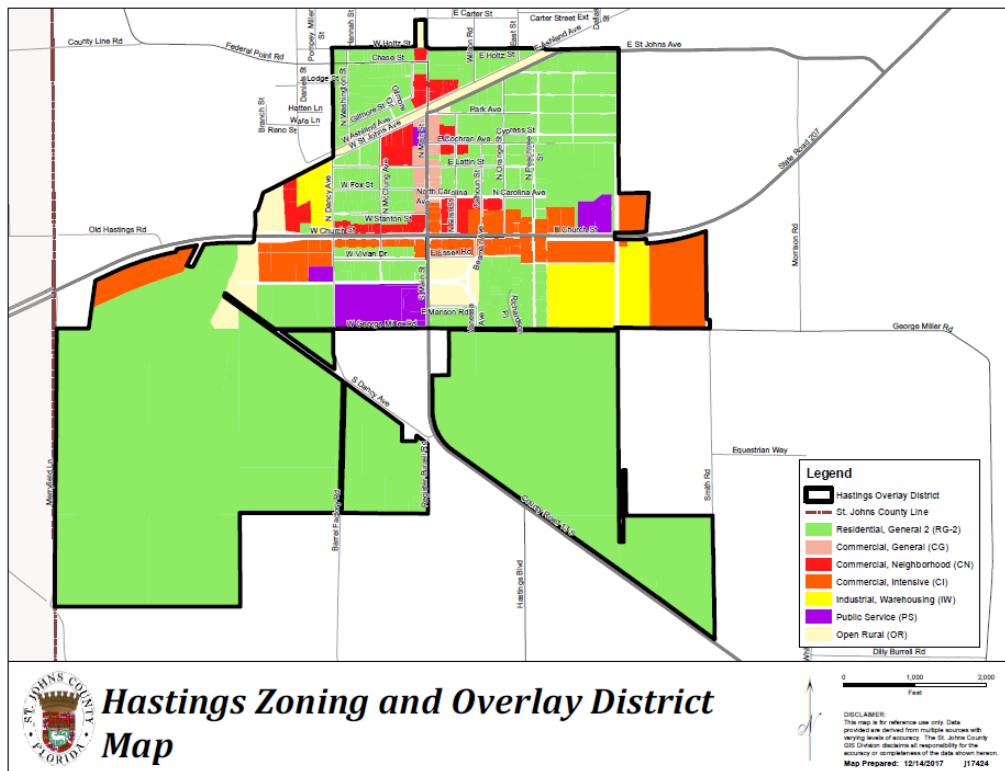
Sec. 3.12.01 Purpose

The purpose and intent of establishing this Overlay District is to reasonably retain the specific Land Uses and design guidelines enjoyed by property owners from the area of lands formerly known as the Town of Hastings (the “Town”) and to regulate development in a manner unique to the Town. Certain Land Uses that existed within the Town are incorporated into the Hastings Overlay District and include residential, commercial, industrial, and public service/government land uses. Analysis and interpretation of uses within this Overlay will be based on historical administrative practice and construction in the unincorporated areas of St. Johns County. This Overlay maintains reasonable property rights and Land Uses specific to the Town that existed within the community prior to the dissolution of the Town. Nothing herein prevents the filing of a Vested Rights Determination pursuant to Part 10.02.00.

Sec. 3.12.02 District Boundaries

The Hastings Overlay District is a special district in the form of an overlay, superimposed upon various zoning districts as applied by the map in Figure 3.12.02. The Hastings Overlay District is coterminous with the town limits of the former Town of Hastings. This Hastings Overlay District encompasses all that land situated within unincorporated St. Johns County within the boundaries indicated in Figure 3.12.02 – Map of the Hastings Overlay District, as indicated below (reference legal description on file with the Growth Management Department and in Ordinance 2018-5, as amended):

Figure 3.12.02. - Map of the Proposed Hastings Overlay District



Sec. 3.12.03 Application of District Regulations

All standards and uses prescribed in this Part shall apply to all Uses within all listed zoning categories; however, such Uses are entitled to utilize the Site Development Criteria in Sections 3.12.04.B. These requirements shall apply to all proposed Development as a permitted Use or Special Use undertaken within the Hastings Overlay District. Notwithstanding any provisions of the Land Development Code (the "LDC") to the contrary, the provisions of the Hastings Overlay District, when in conflict, shall take precedence over the existing zoning and Land Development Code regulations. Special Uses and Uses allowed by right in the Hastings Overlay District shall be subject to the site development criteria in the referenced Special Use Permit section in Part 2.03.00 and to Supplemental Design Standards in Part 6.08.00.

Sec. 3.12.04 Uses and Activities subject to the requirements of the Hastings Overlay District

- A. **Allowable and Special Uses** Notwithstanding any other provision in the Land Development Code, the uses for property contained within the Hastings Overlay District shall be as prescribed in this section and Table 3.12.04, except where such use is not permitted by the St. Johns County Comprehensive Plan. This table is interpreted to identify special treatment of uses within the Overlay District and to allow uses by right and by Special Use approval. Those uses specifically listed within the table that are not "Approved by right" or as a "Special Use", shall be prohibited in this Overlay, regardless of its allowance in the underlying Zoning District. Where a use is allowed in the underlying zoning district but not specifically listed in Table 3.12.04, the use shall be allowed as in the underlying zoning district. Properties rezoned to other zoning districts unaddressed by this Part shall comply with all other applicable Land Development Code requirements. Uses are subject to applicable Supplemental Design Standards in Part 6.08.00.

Table 3.12.04

PERMITTED USES BY ZONING DISTRICT

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
Residential							
Single Family	A	A	A	S	A	A	A
Mobile Home (1)	S	S	S	S	A	S	A
Multi-Family Dwelling	A						
Special Care Housing Level I	A					A	
Special Care Housing Level II	A					S	
Child Care (In the Home)	S	A	A	A		A	S
Bed and Breakfast	S	A	A	A	S	S	
Temporary Residences (Construction, model home, etc.)	S	S	S	S	S	S	S
Home Occupations (Ref. LDC Section 2,03,07)	A					A	

PERMITTED USES BY ZONING DISTRICT

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
Guest Cottage (Ref. LDC Sec. 2.02.04.B.2.)	A					A	
Residences Above Businesses (Ref. LDC Sec. 2.02.04.C)		A	A	A			A
Offices							
Professional Offices	S	A	A	A	S		A
Business Offices	S	A	A	A	S		A
Bank		A*	A	A			
Medical Office	S	A	A	A	A		
Hospital			A		A		
Retail/Sales/Service							
Personal Services	S	A	A	A			
Day Care Center	S	A	A	A	A		S
Beauty/Barber	S	A	A	A			
Drug Store/ Apothecary		A*	A	A	S		
Repair Shops			A	A			A
Restaurants (Ref. LDC Sec. 6.08.16)		A*	A	A			S
Funeral Home	S	A	A	A	S		
Service Station (Ref. LDC Sec. 6.08.19)			A	A			A
Specialty Shops	S	A	A	A			
Retail Sales (No outdoor storage)		A	A	A			A
Retail Sales (Outdoor storage)			A	S			A
Theaters (3 or less screens) (Ref 2.02.01.E.2)			A	A			
Convenience Stores		A**	A	A			S
Dry Cleaners, Laundromat		A*	A	A			
Restaurants (with on-site alcohol consumption)		S*	S	S			
Nightclub/Bar/Saloon (with on-site alcohol consumption)			S	S			
Nursing Homes and/or Special Care Housing Level III		A	A	A		S***	
Equipment Rental (some outside storage)			A	S			A
Personal Storage (Mini warehouse)		S	A	S			A
Veterinarian (Ref. LDC Sec. 2.03.41)		A	A	A			A

PERMITTED USES BY ZONING DISTRICT

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
Motel/Hotel			A				
Shopping Center		A	A	A			
Wholesale Sales (No outdoor storage or display) (Ref. LDC Sec. 2.02.04.D)		S	A	S			A
Wholesale Sales (Outdoor storage or display)			A				A
Nurseries/Greenhouses (with retail sales)			A				A
Manufacturing (No outdoor storage or display)		S	A	S			A
Manufacturing (Outdoor storage or display)			A				A
Educational, Cultural, Religious Uses							
Elementary, Middle, & High Schools	A	A	A	A	A	S	A
Trade & Vocational Schools		A	A	A	A		A
Churches, Synagogues, Temples, etc.	A	A	A	A	A	A	A
Libraries, Art Museums, etc.	S	A	A	A	A	A	A
Social, Fraternal Clubs, Lodges	A	A	A	A	S	A	A
Recreation, Amusement, Entertainment							
Uses where activity is conducted entirely within building (Bowling alleys, skating rinks, exercise facilities, etc.)		S	A	A		A	S
Drive-in Movie (Ref. LDC Sec. 6.08.15)			A				S
Privately owned recreational facilities such as golf courses, country clubs, swimming pools, tennis courts, etc.	A	A	A	A	S	A	
Publicly owned and operated recreational facilities such as athletic fields, parks, swimming pool, tennis courts, etc.				A	A	A	
Golf driving range not accessory to golf course, par 3 golf, miniature golf, water slides, skate board parks and similar commercial ventures			A		S	S	S

PERMITTED USES BY ZONING DISTRICT

USES	ZONING DISTRICT						
	RG-2	CN	CI	CG	PS	OR	IW
Horseback Riding Stables			S			A	
Motor Vehicle-related Sales & Services							
Sales with installation of motor vehicle parts			A				A
Motor vehicle maintenance, repair, painting or body work			A				A
Gas Sales		S	A	A			A
Car Wash		S	A	S			A
Miscellaneous Facilities							
Utility facility	S	S	A	S	S	S	A
Post Office	S	S*	A	A	P		S
Open Air Markets, Flea Markets, Crafts, etc.		S	A	S			S

Explanation of Table 3.12.04

- A - Use is allowable by right
- S - Use is allowable by Special Use
- * - Drive-through not permitted
- ** - Gas pumps not permitted
- *** - Nursing Homes not permissible in Open Rural (OR) zoning designation

- B. Per Comprehensive Plan policy A.1.11.1.J., Agricultural Uses are permissible within the lands designated with an Industrial Land Use and having an Industrial Warehouse or Open Rural zoning district.

Section 3.12.05 Density within Residential Land Use categories

This Section addresses the residential density within the Residential-C and Residential-D Land Use categories within the boundary of the Hastings Overlay District per Comprehensive Plan policy A.1.11.1.m.(1). Efforts were made to maintain development rights within the former Town of Hastings prior to the dissolution of the Town's charter. Therefore, limits were placed on density in both the Residential-C and Residential-D Land Use categories. Another purpose of this section is to differentiate between the two categories within the Residential-D in regards to the Hastings Manor High Density area outlined in Comprehensive Plan policy A.1.11.1.m.(8).(cc).

- A. All residential development within the Residential-C Land Use category shall have a maximum density of four (4) dwelling units per acre.

- B. All residential development within the Residential-D Land Use category shall have a maximum density of eight (8) dwelling units per acre, except within the High Density Hastings Manor.
- C. All residential development within the Residential-D Land Use category within the High Density Hastings Manor shall have a maximum density of twelve (12) dwelling units per acre.

Section 3.12.06 Site Development Criteria

This section addresses the relationship with the site and general features. Notwithstanding any other provision in the Land Development Code to the contrary, the specific development standards included in this section shall apply to all development within the Hastings Overlay District, where applicable. Unless otherwise specified in this Section, all other provisions of the Land Development Code apply.

A. Residential Development

1. Minimum Lot Width and Lot Area Requirements:

No minimum lot size or lot width; however all development and improvements shall have a total land area sufficient to meet all development design standards in the Land Development Code, including any applicable provision in Article VI.

2. Multi-Family Building Setbacks

Two-Family (Duplex) Dwelling units: 8' side setback

Measurements are taken from the exterior wall to the property line.

3. Single Family Minimum Setbacks on Side and Rear Yards

Single Family Dwelling units: 5' side setback

Measurements are taken from the exterior wall to the property line.

B. Non-Residential Development:

1. Setbacks

a. Industrial Warehouse (IW): 10' side setback

Measurements taken from the exterior wall to the property line

2. Per Comprehensive Plan Policy A.1.11.3. Note 14, the maximum Floor to Area Ratio (FAR) in Commercial, General (CG) Zoning is 1.00.

C. Lesser Setbacks on Side and Rear Yards

Lesser setbacks may be granted provided that the following requirements are met:

1. If the distance from the exterior wall to the property line is less than five (5) feet, the applicant must provide certification in writing that an access and maintenance easement has been granted by adjacent property owners.
2. All structures shall have a minimum separation of 10 feet measured from the furthest projection on the structure to the furthest projection of any other structure. If this separation cannot be maintained, then all structures must be protected with an automatic fire sprinkler system in accordance with NFPA 13, 13R or 13D OR the required fire hydrants shall be capable of providing an additional 500 gpm for two hours. Such fire flow shall be an addition to that already required. (LDC 6.03.01 and NFPA 1, chp 18)

Section 3.12.07 Administrative Procedures

A. Administrative Approval

The County Administrator or his designee shall approve design criteria, determine compliance, and enforce development within the Hastings Overlay District in conformance with this Part.

B. Vested Rights Determinations

1. As an alternative to a determination that a proposed Development complies with the standards contained herein, the Applicant may demonstrate to Administration that vested rights to proceed with the proposed Construction or Development have been legally established, and/or demonstrate that the County is equitably estopped from applying Part 3.12.00 of this Code to the subject Construction or Development. Upon a determination of vested rights or estoppel by the Administration the provisions of Part 3.12.00 of this Code, when in conflict with such rights shall not be applied to the Applicant. The legal requisites for such determinations and burdens of proof, therefore, shall be those provided by applicable Federal and State Law. Applicants shall have the burden of demonstrating vested rights or equitable estoppel.

C. Variances

Variances to the provisions of this Part shall be processed as a Non-Zoning Variance under Section 10.04.03. Variances to other applicable sections of the Land Development Code shall be processed as either a zoning or non-zoning variance pursuant to Section 10.04.02 or 10.04.03. Any Variance or waiver within existing PUD's or PSD's to the Hastings Overlay District requirements may be granted only by the Board of County Commissioners. Notwithstanding any other provision of the Land Development Code, variance requests shall be considered by the Board of County Commissioners pursuant to the Non-Zoning Variance requirements of Section 10.04.03 of the Land Development Code in lieu of the procedures set forth in Section 5.03.05. Requests to change specific provisions not pertaining to the District requirements within PUDs or PSDs shall be processed pursuant to Section 5.03.05.

For adaptive re-use projects of qualified historic structures, many non-compliant site conditions such as impervious surface, floor area, parking, and setbacks, may be permitted without requiring a variance.

D. Nonconformities

Any Non-Conforming Structure, or Use legally existing on the date a particular requirement of the Regulations became effective may continue in existence subject to Part 10.03.00 of the Land Development Code unless specified otherwise in this Part. Such Non-Conforming Structures or uses include, but are not limited to, those, which would otherwise be violations of the parking capacity and buffer requirements. A Non-Conforming Structure may be extended or enlarged without a Variance if the changes or modifications are in compliance with the requirements of these Regulations. A Non-Conforming Use shall not be enlarged, extended, or intensified, and if the use is discontinued for 365 days it shall not be restored.

Any Structure that does not meet the requirements and limitations of these Regulations, and is not considered non-conforming, is in violation of these Regulations and shall not be extended or enlarged without a Variance except as described in the subparagraph below.

Because of the improved accuracy of survey equipment many older Structures are found to have minor intrusions into minimum yards. In these cases, the Structure may be extended or enlarged without a Variance if (a) the Structure was constructed prior to October 8, 1990, (b) any intrusion is not greater than twelve (12) inches, (c) the intrusion is not extended or enlarged, (d) there are no other zoning violations, and (e) the changes or modifications are in compliance with the requirements of these Regulations.

E. Appeals

Appeals to decisions of the County Administrator shall be pursuant to Section 9.07.02.

History: Ord. 2000-58; Ord. 2001-01; Ord. 2001-22; Ord. 2002-59; Ord. 2003-63; Ord. 2004-71; Ord. 2006-66; Ord. 2006-124; Ord. 2009-28; Ord. 2010-23; Ord. 2010-53; Ord. 2011-15; Ord. 2011-24; Ord. 2012-23; Ord. 2013-26; Ord. 2015-9; Ord. 2015-14; 2015-42; Ord. 2015-48; Ord. 2018-5; Ord. 2018-24; Ord. 2018-51; Ord. 2022-32; Ord. 2024-26