

**MEMORANDUM**

**TO:** Mayor England  
Vice Mayor Kostka  
Commissioner George  
Commissioner Samora  
Commissioner Rumrell

**FROM:** Max Royle, City Manager *er df*

**DATE:** January 22, 2020

**SUBJECT:** Ordinance 20-02, First Public Hearing and Second Reading: to Adopt Changes to the Land Development Regulations

You reviewed the proposed changes at your January 14<sup>th</sup> continuation meeting when you passed Ordinance 20-02 on first reading. At that meeting there were no public comments about the changes, and no questions or suggestions from the Commission.

The Comprehensive Planning & Zoning Board reviewed the Ordinance at its January 21, 2020, meeting, and recommended by a 7-0 vote that it be approved. The Board's motion and vote is stated in the attached memo from the Building Department's Executive Assistant, Ms. Bonnie Miller.

Ordinance 20-02 has now been scheduled for its first public hearing and second reading at your February 3<sup>rd</sup> meeting.

# MEMO

**To:** Max Royle, City Manager  
**From:** Bonnie Miller, Executive Assistant  
**Subject:** Ordinance No. 20-02  
**Date:** Wednesday, January 22, 2020

Please be advised at its regular monthly meeting held Tuesday, January 21, 2020, the City of St. Augustine Beach Comprehensive Planning and Zoning Board voted unanimously to recommend the City Commission approve passage of Ordinance No. 20-02 on final reading.

Passed on first reading by the City Commission at the continuation of its regular monthly meeting of January 6, 2020 continued to January 14, 2020, Ordinance No. 20-02 amends Section 3.02.02.01, Mixed Use Districts; Section 3.09.00, Transient Lodging Establishments Within Medium Density Land Use Districts; Section 4.00.06, Annual Report; Section 5.01.03, Replacement and Mitigation; Section 6.01.02, Impervious Surface Coverage; and Section 6.01.03.B, Building Setback Requirements, of the City of St. Augustine Beach Land Development Regulations (LDRs).

The motion to recommend the City Commission approve passage of Ordinance No. 20-02 as drafted was made by Ms. Odom, seconded by Mr. Einheuser, and passed 7-0 by the Board by unanimous voice-vote.

# City of St. Augustine Beach Building and Zoning Department

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BLDG. & ZONING (904) 471-8758 FAX (904) 471-4470

To: Max Royle  
From: Brian Law  
CC:  
Date: 12-23-2019  
Re: Proposed Code Changes and Ordinance

Max

Please see the attached code changes that the City Commission reviewed at the December 2 meeting, included is the proposed ordinance. The code changes are still displaying the strike throughs for the Commissions review.

Sincerely

*Brian Law*

Brian Law CBO, CFM, MCP  
Director of Building and Zoning

8. Changes to the Land Development Regulations: Continuation of Discussion (Presenter: Brian Law, Building Official)

Mayor George introduced Item 9 and asked Building Official Law for a staff report.

Building Official Law advised the setbacks are not included in this draft and explained the proposed changes to the Commission.

Mayor George asked if the language on paragraph A regarding the trellis should be increased to the height.

Building Official Law suggested getting rid of that language and just say "not to exceed the height of the primary structure" and the same thing on paragraph B.

After discussion, the Commission agreed to paragraph A and B suggested language changes proposed by Building Official Law.

Discussion ensued regarding the calculations for Impervious Surfaces Ratio (ISR) regarding a pool or pool decking in the City's Low Density District.

Mayor George asked Building Official Law if the property owners would automatically receive 465 square feet without any consideration of the ISR.

Building Official Law said only for a pool and pool decking; however, if the property owner wanted a larger pool, they could take away from the driveway to meet the ISR.

Mayor George asked how they calculate the pool decking.

Building Official Law advised that it is shown on the drawings with the pool. He advised that the Comprehensive Planning and Zoning Board did recommend decreasing low density ISR to 50% and this would be more restrictive than what they recommended.

Discussion ensued regarding whether the Commission would need an annual building report; what items the new building system can track; whether the City tracks flood damage; and whether the new system started tracking this year or was previous years inputted.

It was the consensus of the Commission that an annual report would not have to be done for the Commission, but if the Commission wants any report that the Building Department is tracking, he would be able to supply it to them.

Mayor George opened the Public Comments section. Being none, Mayor George closed the Public Comments section and asked for any further Commission discussion.

Building Official Law asked if the Commission would direct City Attorney Wilson to update this ordinance and bring it back to the Commission on January 6, 2020, regular Commission meeting.

Mayor George advised that on the conditional use permits the City should track how many were granted, have better controls in the code on how many transient rentals are being built on commercial lots, whether the City needs restrictive language or criteria that gives the Commission more protection if the Commission turns down an application for residential structures being built on commercial lots. She asked City Attorney Wilson if a numbered cap could be put on residential structures on commercial lots.

Building Official Law advised that the Building Department can do reports on conditional

use permits that are single-family structures and outside food consumption or seating, and list when the expiration dates will be so the property owner could be called to renew their conditional use permit. He explained that the Commission will be able to make better decisions, if they have more information.

Vice Mayor England suggested having a workshop to discuss where residential lots could be considered on A1A Beach Boulevard or where commercial lots should be maintained as commercial. She would like to have clear criteria that the Commission can follow in order to protect the Commission if any are denied.

Building Official Law commented that he can research all the vacate properties on St. Johns County GIS system that are zoned commercial and can get that to the Commission.

Vice Mayor England asked to bring the setback issue regarding small lots back to the Commission for a future agenda.

Building Official Law advised that his recommendation would be that the 50 x 73 size lots would have 7.5 feet setbacks for more flexibility. He explained that rear setbacks should be 20 feet City wide because it gives the designers more flexibility to move the house around trees.

Vice Mayor England advised that the property owner would still have to go for a variance in order to save trees.

Building Official Law advised that there is a flexible setback that the property owner can go to the Comprehensive Planning and Zoning Board for a variance at no charge in order to save trees.

Commissioner Kostka agreed with a workshop and requested to discuss transient rentals at the same time.

Mayor George asked City Manager Royle to include it in his memo and when to consider this to come back up to the Commission.

Commissioner Samora suggested a joint workshop with the Comprehensive Planning and Zoning Board on these items.

Building Official Law advised that the mixed-use district is not defined in the Comprehensive Plan and he would have to define it anyways. He explained that the Vision Plan may have discussed it, but he would like the Boulevard from Pope Road to F Street. He advised that he will start working on that to bring back to the Commission in February and it will be on both sides of A1A Beach Boulevard.

Mayor George asked by defining the mixed-use district, what would it do to those lots.

Building Official Law advised the mixed-use district has its own set of codes. He explained that a mixed-use property could be a residential house in a commercial sector or a business in a commercial sector or a business and residence in a commercial sector, so it has its own set of rules. The construction of any single-family residence, regardless of what the mixed-use requirements say, still needs a conditional use permit in the commercial sector.

Mayor George asked if it would apply to the overlay district and advised that it could be done several ways depending on what the property owner wants to accomplish.

Building Official Law advised yes. The Overlay District proposes a more pedestrian friendly front. He explained that the concept is good but was never finished.

Vice Mayor England said that it sounds like the Commission wants to update the Vision Plan. Building Official Law advised that he will bring information back to the Commission in February 2020.

Mayor George opened the Public Comments section. Being none, Mayor George closed the Public Comments section.

Mayor George requested City Attorney Wilson to prepare a proposed ordinance and bring back in January 2020.



Sec. 3.02.02.01. - Mixed use districts.

- D. ~~Mixed use size limits. The minimum lot area for mixed use is eight thousand five hundred (8,500) square feet unless approved by variance after application to the City of St. Augustine Beach Planning and Zoning Board.~~ The minimum floor area for a mixed use structure is eight hundred (800) square feet or twenty-five (25) percent of the lot area (whichever is greater) for lots with street frontage of fifty (50) feet width or more. For fifty (50) feet or less, street frontage, the minimum floor area is twenty (20) percent of the lot area.
- K. ~~Signage. All signage, ground and wall signs shall be subject to the City of St. Augustine Beach Land Development Regulations Article VIII, approval from the planning and zoning board within the mixed use districts. Ground signs shall have ground lighting illumination or back lit illumination, wall signs will be allowed to be back lit with the proposed intensity of the illumination being subject to approval by the planning and zoning board. No exposed neon shall be allowed. The use of metal supports is discouraged with wood or masonry products being encouraged.~~
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Sec. 3.09.00. - Transient lodging establishments within medium density land use districts.

- F. Inspections, noncompliance inspection fee. Complaint driven or inspector initiated inspections of properties subject to this ordinance shall be conducted by the city each year to ensure that such properties are in compliance with provisions of adopted codes. However, this provision shall not be interpreted as authorizing the city to conduct inspections of property without the consent of the owner or the occupant or without a warrant.

~~The City Manager or designee shall assess a fee of forty dollars (\$40.00) (included with the application fee) for the initial inspection and the follow-up inspection if required. If the inspection reflects three (3) or more violations at the time of follow-up inspection, an additional fee of fifty dollars (\$50.00) shall be made for any required reinspection, as per the City Fee Schedule.~~

Sec. 4.00.06. - ~~Annual report. Reserved~~

~~A. Contents. The city shall prepare an annual report that includes:~~

- ~~1. A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.~~
- ~~2. A summary of building permit activity, indicating:~~
  - ~~a. Those that expired without commencing construction;~~
  - ~~b. Those that are active at the time of the report;~~
  - ~~c. The quantity of development represented by the outstanding building permits;~~
  - ~~d. Those that result from final development orders issued prior to the adoption of this Code; and~~
  - ~~e. Those that result from final development orders issued pursuant to the requirements of this Code.~~
- ~~3. A summary of preliminary development orders issued, indicating:~~
  - ~~a. Those that expired without subsequent final development orders;~~
  - ~~b. Those that are valid at the time of the report; and~~
  - ~~c. The phases and quantity of development represented by the outstanding preliminary development orders.~~
- ~~4. A summary of final development orders issued, indicating:~~



- ~~a. Those that expired without subsequent building permits;~~
- ~~b. Those that were completed during the reporting period;~~
- ~~c. Those that are valid at the time of the report but do have associated building permits or construction activity; and~~
- ~~d. The phases and quantity of development represented by the outstanding final development orders.~~
- ~~5. An evaluation of each facility and service indicating:~~
  - ~~a. The capacity available for each at the beginning of the reporting period and the end of the reporting period;~~
  - ~~b. The portion of the available capacity held for valid preliminary and final development orders;~~
  - ~~c. A comparison of the actual capacity to calculated capacity resulting from approved preliminary development orders and final development orders;~~
  - ~~d. The status of all interlocal agreements with St. Johns County concerning provision of public facilities and services.~~
  - ~~e. A comparison of actual capacity and levels of service to adopted levels of service from the St. Augustine Beach Comprehensive Plan.~~
  - ~~f. A forecast of the capacity for each based upon the most recently updated schedule of proposed improvements.~~
- ~~B. Use of the annual report. The annual report shall propose capacity and levels of service of public facilities for the purpose of issuing development orders during the twelve (12) months following completion of the annual report.~~

~~(Ord. No. 91-7, § 2)~~

#### Sec. 5.01.03. – Replacement and mitigation

- B. City Tree and Landscape Fund. A dedicated financial fund shall be created under the authority of this Code to receive payments described above when Protected Trees are not replaced after removal. The funds paid as a result of tree removal shall be distributed as follows: 75% to the Tree and Landscape Fund with the remaining 25% to the Building and Zoning Department. Expenditures of the Tree and Landscape Fund occur after recommendation from the Public Works Director and approval by the City Commissioners in advance of the expenditure for the following projects:
  - 1. City construction and capital improvements limited to Tree and landscaping costs including equipment, installation, and irrigation.
  - 2. Beautification limited to the cost of Trees, landscaping requirement and installation of the beautification project. Where funds are used to plant trees in the plazas or City road right of way, funds may also be used to fund design by a Registered Landscape Architect.
  - 3. Conservation or natural preserve protection.
  - 4. The construction and maintenance of structures and landscaping in city owned parks.



Sec. 6.01.02. - Impervious surface coverage.

D. Table of impervious surface ratios.

Land Use District	Maximum Impervious Surface Ratio <sup>1</sup>
Low density residential	0.40*
Medium density residential	0.50
High density residential	0.70
Commercial	0.70

<sup>1</sup> The maximum impervious surface ratio is given for each district, regardless of the type of use proposed and allowable pursuant to Article III.

\* In Low Density Residential land use district a 465 square feet allowance shall be provided for the construction and installation of a pool and pool decking only.

Sec. 6.01.03. - Building setback requirements.

B. Minimum setbacks for non-structural components of a structure.

2. Auxiliary structures:

- a. This applies to features such as open air arbors, trellises and free standing tiki bars that do not exceed ~~twelve~~eight (128) feet in height. These structures ~~can be placed within five (5) feet of the rear and side setbacks. Tiki Bars are not allowed in front yards. Open air arbors and trellises are allowed in the front setback not exceeding five (5) feet from the main structure setback area shall have a minimum setback of five (5) feet from the rear and side lot lines. Tiki bars are not allowed in front yards.~~
- b. Screen rooms and patio covers are allowed to encroach a maximum of ten (10) feet into the rear yard setback providing the roof line for the enclosure does not exceed ~~twelve~~nine (129) feet in height and the addition to new or existing construction does not exceed the allowed impervious surface coverage as specified in the City's Land Development Regulations. The screen room shall comply with the allowed side setbacks as established by these Land Development Regulations.

ORDINANCE NO. 20 - 02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODES OF THE CITY AS CONTAINED WITHIN ARTICLE III, LAND USE TYPE, DENSITY, INTENSITY; ARTICLE IV, CONSISTENCY AND CONCURRENCY DETERMINATIONS; ARTICLE V, RESOURCE PROTECTION; ARTICLE VI, RELATING TO DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS; BUILDING SETBACK REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH FLORIDA:

Section 1 Article III of the Land Development Regulations of the City of St. Augustine Beach, Land Use Type, Density, Intensity, Section 3.02.02.01, Mixed Use Districts, is hereby amended as set forth in Exhibit 1, as attached hereto and incorporated into the Land Development Code herein by reference.

Section 2 Article III of the Land Development Regulations of the City of St. Augustine Beach, Land Use Type, Density, Intensity, Section 3.09.00, Transient lodging establishments within medium density land use districts, is hereby amended as set forth in Exhibit 1, as attached hereto and incorporated into the Land Development Code herein by reference.

Section 3 Article IV of the Land Development Regulations of the City of St. Augustine Beach, Consistency and Concurrence Determinations, Section 4.00.06 Annual Report, is hereby amended as set forth in Exhibit 1, as attached hereto and incorporated into the Land Development Code herein by reference.

Section 4 Article V, Resource Protection, of the Land Development Regulations of the City of St. Augustine Beach, Section 5.01.03, Replacement and Mitigation, is hereby amended as set forth in Exhibit 1 and incorporated into the Land Development Code herein by reference.

Section 5 Article VI of the Land Development Regulations of the City of St. Augustine Beach, Florida, Development Design and Improvement Standards, Sections 6.01.02, Impervious Surface Coverage and Sections 6.01.03 B., Building Setback Requirements are hereby amended as set forth in Exhibit 1, and incorporated into the Land Development Code herein by reference.

1  
2 Section 6 SEVERABILITY. It is the intent of the City Commission of the City  
3 of St. Augustine Beach, and is hereby provided, that if any section, subsection,  
4 sentence, clause, phrase or provision of this Ordinance is held to be invalid or  
5 unconstitutional by a court of competent jurisdiction, such invalidity or  
6 unconstitutionality shall not be construed as to render invalid or  
7 unconstitutional the remaining provisions of this Ordinance.  
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9 Section 7 CODIFICATION. This ordinance shall be incorporated into the  
10 Code of the City of St. Augustine Beach and a copy hereof shall be maintained  
11 in the office of the City Clerk.  
12

13 Section 8 EFFECTIVE DATE. This ordinance shall take effect upon adoption.  
14

15 PASSED by the City Commission of the City of St. Augustine Beach, Florida upon  
16 Second Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2020.  
17

18 CITY COMMISSION OF THE  
19 CITY OF ST. AUGUSTINE BEACH  
20

21 ATTEST: \_\_\_\_\_

BY: \_\_\_\_\_

22 City Manager, Max Royle

Margaret England, Mayor

23  
24 First Reading: January 14, 2020

25 Second Reading: \_\_\_\_\_  
26  
27  
28