

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 nine (9) members appointed by the Board of County Commissioners including representation from each County Commission District. Four (4) at-large alternates shall 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, within sixty (60) calendar days, if possible.
2. The CRRB shall include two (2) Ex-Officio, non-voting members from each of the following organizations: the St. Augustine Historical Society, and the City of St. Augustine. These organizations shall appoint their representative members.
3. 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.
4. 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.
5. 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.
6. 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 a 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 a 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 a historic conservation easement, relocation of a 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.
- C. 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

This Part shall be known and may be cited as the "St. Johns County Flood Damage Control Regulations."

B. Purpose

The purposes of the Flood Damage Control regulations are:

1. Restrict or prohibit Uses which are dangerous to health, safety, property, and general welfare which result in damaging increases in erosion or in Flood heights or velocity of surface waters.
2. Require that Uses vulnerable to Floods, including facilities which serve such Uses, be protected against Flood damages at the time of initial Construction.
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, and others which are involved in the accommodation of Flood.
4. Control filling, grading, dredging and other Development which may increase erosion, Flooding or Flood damage on other lands.
5. Prevent or regulate the Construction of Flood barriers which will unnaturally divert floodwaters or which may increase Flood hazards or adverse Flooding impacts to other lands.
6. Protect human life and health.
7. Minimize expenditure of public money for costly Flood control projects.
8. Minimize the need for rescue and relief efforts associated with Flooding and generally undertaken at the expense of the general public.
9. Minimize prolonged business interruptions.
10. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains.
11. Help maintain a stable tax base by providing for the land Use and Development of Flood prone areas in such a manner as to minimize Flood blight areas.
12. Insure that potential home buyers are notified that property is in Flood area.

C. Designation of Floodplain Administrator

The St. Johns County Board of County Commissioners hereby appoints the County Administrator or designees to administer and implement the provisions of this ordinance and

is herein referred to as the Floodplain Administrator.

D. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Board of County Commissioners of St. Johns County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 3.03.02 Standards and Criteria

A. Basis for Establishing the Areas of Special Hazard

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency (FEMA) in its St. Johns County Flood Insurance Study dated September 2, 2004 and any supporting documentation, and any revisions thereto are adopted by reference and declared to be a part of the Flood Damage Control regulations.

B. Use of Other Base Flood Data

When base Flood elevation data have not been provided in accordance with Section 3.03.02.A., Basis for Establishing the Areas of Special Hazard, then the Flood Damage Control Administrator shall obtain, review, and reasonably utilize any base Flood elevation data available from a Federal, State, or other source, in order to administer Section 3.03.02.A. The best available information shall be used in all cases in the administration of the Flood Damage Control regulations.

The Floodplain Administrator shall notify FEMA within six months when new technical or scientific data becomes available to the community concerning physical changes affecting flooding conditions so that risk premium rates and flood plain management requirements will be based on current data.

C. General Standards

In all Areas of Special Flood Hazards, all of the following provisions are required:

1. All new Construction and substantial improvements shall be anchored to prevent flotation collapse, or lateral movement of the Structure.
2. All new Construction and substantial improvements shall be constructed by methods and practices that minimize Flood damage.
3. All new and replacement utility supply systems shall be designed to prevent contamination or damage by floodwaters.
4. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the

systems into floodwaters and to prevent damage to treatment plant equipment by floodwaters, and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during Flooding.

5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of Flooding.
6. Mobile homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

D. Specific Standards

The Federal Emergency Management Agency (FEMA) shall provide the data upon which floodplain management regulations shall be based. Minimum standards are as follows:

1. When FEMA has not defined the Special Flood Hazard Areas within the County, has not provided water surface elevation data, and has not provided sufficient data to identify the Floodway or Coastal High Hazard Area, but the County has indicated the presence of such hazards by submitting an application to participate in the National Flood Insurance Program (NFIP), the County shall:
 - a. Require Permits for all proposed Construction or other Development in the community, including the placement of Manufactured/Mobile Homes, so that it may determine whether such Construction or other Development is proposed within Flood-prone areas.
 - b. Review proposed Development to assure that all necessary Permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, prior to commencement of construction.
 - c. Review all Permit applications to determine whether proposed Building sites will be reasonably safe from Flooding. If a proposed Building site is in a Flood-prone area, all new Construction and substantial improvements shall:
 - (1) Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the Structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
 - (2) Be constructed with materials resistant to Flood damage,
 - (3) Be constructed by methods and practices that minimize Flood damages, and
 - (4) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed

and/or located so as to prevent water from entering or accumulating within the components during conditions of Flooding.

- d. Review subdivision proposals and other proposed new Development, including Manufactured/Mobile Home Parks or Subdivisions, to determine whether such proposals will be reasonably safe from Flooding. If a subdivision proposal or other proposed new Development is in a Flood-prone area, any such proposals shall be reviewed to assure that:
 - (1) All such proposals are consistent with the need to minimize Flood damage within the Flood-prone area,
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate Flood damage, and
 - (3) Adequate drainage is provided to reduce exposure to Flood hazards.
 - e. Require within Flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of floodwaters into the systems.
 - f. Require within Flood-prone areas:
 - (1) New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and
 - (2) Onsite waste disposal systems to be located to avoid impairment to them or contamination from them during Flooding.
2. When FEMA has designated Areas of Special Flood Hazards (A Zones) by the publication of a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) for the County, but has neither produced water surface elevation data nor identified a Floodway or Coastal High Hazard Area, the County shall:
- a. Require Permits for all proposed Construction and other Developments including the placement of Manufactured/Mobile Homes, within Zone A on the FHBM or FIRM.
 - b. Require the application of the standards in paragraphs 1.b.c.d.e. and f. above to Development within Zone A on the FHBM or FIRM.
 - c. Require that all new subdivision proposals and other proposed Developments (including proposals for Manufactured/Mobile Home Parks and Subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base Flood elevation data.
 - d. Obtain, review and reasonably utilize any base Flood elevation and Floodway data available from a Federal, State, or other source, including

data developed pursuant to paragraph 2.c. above, as criteria for requiring that new Construction, substantial improvements, or other Development in Zone A on the FHBM or FIRM meet the standards in paragraphs 3.b.c.e. f. l. n. and 4.b. and c. of this Section.

- e. Where base Flood elevation data are utilized, within Zone A on the FHBM or FIRM:
 - (1) Obtain the elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved Structures,
 - (2) Obtain, if the Structure has been floodproofed in accordance with paragraph 3.c.(2) of this Section, the elevation (in relation to mean sea level) to which the Structure was floodproofed, and
 - (3) Maintain a record of all such information with the County Administrator.
 - f. Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
 - g. Assure that the Flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - h. Require that all Manufactured/Mobile Homes to be placed within Zone A on the FHBM or FIRM shall be installed using methods and practices which minimize Flood damage. For the purposes of this requirement, Manufactured/Mobile Homes must be elevated and anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
3. When FEMA has provided a notice of final Flood elevations for one or more Special Flood Hazard Areas on the FIRM for the County and, if appropriate, has designated other Special Flood Hazard Areas without base Flood elevations on the FIRM, but has not identified a regulatory Floodway or Coastal High Hazard Area, the County shall:
- a. Require the standards of paragraph 2. above within all A1-30 Zones, AE Zones, A Zones, AH Zones, and AO Zones, on the FIRM.
 - b. Require that all new Construction and substantial improvements of residential Structures within Zones A1-30, AE and AH Zones on the FIRM have the lowest floor elevated to one (1) foot above the base Floor level.
 - c. Require that all new Construction and substantial improvements of nonresidential Structures within Zones A1-30, AE and AH Zones on the FIRM:

- (1) Have the lowest floor elevated to or above the base Flood level, or
 - (2) Together with attendant utility and sanitary facilities, be designed so that below the base Flood level the Structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- d. Provide that where a nonresidential Structure is intended to be made watertight below the base Flood level:
- (1) A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the Construction, and shall certify that the design and methods of Construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraphs 3.c.(2) or 3.h.(2) of this Section, and
 - (2) A record of such certification which includes the specific elevation (in relation to mean sea level) to which such Structures are floodproofed shall be maintained with the County Administrator.
- e. Require, for all new Construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, Building access, or storage in an area other than a basement and which are subject to Flooding shall be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to Flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- f. Require that Manufactured/Mobile Homes that are placed or substantially improved within Zones 1-30, AH, and AE Zones on the FIRM on sites:
- (1) Outside of a Manufactured/Mobile Home Park or Subdivision,
 - (2) In a new Manufactured/Mobile Home Park or Subdivision,
 - (3) In an expansion to an existing Manufactured/Mobile Home Park or Subdivision, or
 - (4) In an existing Manufactured/Mobile Home Park or Subdivision on which a Manufactured/Mobile Home has incurred "substantial damage" as the result of a Flood, be elevated on a permanent foundation such that the lowest floor of the Manufactured/Mobile Home is elevated to or above the base Flood elevation and be

securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

- g. Require within any AO or A Zone on the FIRM that all new Construction and substantial improvements of residential Structures have the lowest floor elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least three (3) feet if no depth number is specified).
- h. Require within any AO or A Zone on the FIRM that all new Construction and substantial improvements of nonresidential Structures:
 - (1) Have the lowest floor elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least three (3) feet if no depth number is specified), or
 - (2) Together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in paragraph 3.c.(2) of this Section.
- i. Require within any A99 Zones on the FIRM the standards of paragraphs 1.a. through 1.d.(1) and 2.e. through 2.i. of this Section.
- j. Require until a regulatory Floodway is designated, that no new Construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed Development, when combined with all other existing and anticipated Development, will not increase the water surface elevation of the base Flood more than one (1) foot at any point within the community.
- k. Require within Zones AH and AO, adequate drainage paths around Structures on slopes, to guide floodwaters around and away from proposed Structures.
- l. Require that Manufactured/Mobile Homes to be placed or substantially improved on sites in an existing Manufactured/Mobile Home Park or Subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph 3.f. above be elevated so that either:
 - (1) The lowest floor of the Manufactured/Mobile Home is one (1) foot above the base floor elevation, or
 - (2) The Manufactured/Mobile Home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than forty-eight (48) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
- m. Notwithstanding any other provisions, the County may approve certain

Developments in Zones A1-30, AE, and AH, on the FIRM which increase the water surface elevation of the base Flood by more than one (1) foot, provided that the County first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of 44 CFR Chapter 1, Section 65.12 (10-1-96 Edition), and receives the approval of FEMA.

- n. Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the FIRM either:
 - (1) Be on the site for fewer than one hundred eighty (180) consecutive days,
 - (1) Be fully licensed and ready for highway use, or
 - (3) Meet the Permit requirements of paragraph 2.a. above and the elevation and anchoring requirements for Manufactured/Mobile Homes in paragraph 3.f. of this Section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- 4. When FEMA has provided a notice of final base Flood elevations within Zones A1-30 and/or AE on the FIRM for the County and, if appropriate, has designated AO Zones, AH Zones, A99 Zones, and A Zones on the FIRM, and has provided data from which the County shall designate its regulatory Floodway, the County shall:
 - a. Meet the requirements of paragraphs 3.a. through 3n. of this Section.
 - b. Select and adopt a regulatory Floodway based on the principle that the area chosen for the regulatory Floodway must be designed to carry the waters of the base Flood, without increasing the water surface elevation of that Flood more than one (1) foot at any point.
 - c. Prohibit encroachments, including fill, new Construction, substantial improvements, and other Development within the adopted regulatory Floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in Flood levels within the community during the occurrence of the base Flood discharge.
 - a. Notwithstanding any other provision of this Section, the County may permit encroachments within the adopted regulatory Floodway that would result in an increase in base Flood elevations, provided that the community first applies for a conditional FIRM and Floodway revision, fulfills the requirements for such revisions as established under the provisions of 44 CFR Chapter 1, Section 65.12 (10-1-96 Edition), and receives approval of FEMA.
- 5. When FEMA has provided a notice of final base Flood elevations within Zones A1-30 and/or AE on the FIRM for the County and, if appropriate, has designated AH

Zones, AO Zones, A99 Zones, and A Zones on the FIRM, and has identified on the FIRM Coastal High Hazard Areas by designating Zones V1-40, VE, and/or V, the County shall:

- a. Meet the requirements of paragraphs 3.a. through 3n. of this Section.
- b. Within Zones V1-30, VE, and V on the FIRM:
 - (1) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved Structures, and whether or not such Structures contain a basement, and
 - (2) Maintain a record of all such information with the County Administrator.
- c. Provide that all new Construction within Zones V1-30, VE, and V on the FIRM is located landward of the reach of mean high tide.
- d. Provide that all new Construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base Flood elevation data is available, on the FIRM, are elevated on pilings and columns so that:
 - (1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base Flood level, and
 - (2) The pile or column foundation and Structure attached thereto is anchored to resist floatation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all Building components. Water loading values used shall be those associated with the base Flood. Wind loading values used shall be those required by applicable State or local Building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the Construction, and shall certify that the design and methods of Construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs 5.d.(1) and (2) of this Section.
- e. Provide that all new Construction and substantial improvements within Zones 1-30, VE, and V on the FIRM have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood latticework, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the Building or supporting foundation system. For the purposes of this Section, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that

the designs proposed meet the following conditions:

- (1) Breakaway wall collapse shall result from a water load less than that which would occur during base Flood, and
 - (2) The elevated portion of the Building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all Building components (structural and nonstructural). Water loading values used shall be those associated with the base Flood. Wind loading values used shall be those required by applicable State or local Building standards. Such enclosed space shall be useable solely for parking of vehicles, Building access, or storage.
- f. Prohibit the use of fill for structural support of Buildings within Zones V1-30, VE, and V on the FIRM.
- g. Prohibit man-made alterations of sand dunes and mangrove strands within Zones V1-30, VE, and V on the FIRM which would increase potential Flood damage.
- h. Require that Manufactured/Mobile Homes placed or substantially improved within Zones V1-30, V, and VE on the FIRM on sites:
- (1) Outside of a Manufactured/Mobile Home Park or Subdivision,
 - (2) In a new Manufactured/Mobile Home Park or Subdivision,
 - (3) In an expansion to an existing Manufactured/Mobile Home Park or Subdivision, or
 - (4) In an existing Manufactured/Mobile Home Park or Subdivision on which a Manufactured/Mobile Home has incurred "substantial damage" as the result of a Flood, meet the standards of paragraphs 5.b. through 5g. of this Section and that Manufactured/Mobile Homes placed or substantially improved on other sites in an existing Manufactured/Mobile Home Park or Subdivision within Zones V1-30, V, and VE on the FIRM meet the requirements of paragraph 3.I. of this Section.
- i. Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the FIRM either:
- (1) Be on the site for fewer than 180 consecutive days,
 - (2) Be fully licensed and ready for highway use, or
 - (3) Meet the requirements in paragraphs 2.a. and 5.b through 5g. of this Section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

6. When FEMA has provided a notice of final base Flood elevations within Zones A1-30 or AE on the FIRM for the County, and, if appropriate, has designated AH Zones, AO Zones, A99 Zones, and A Zones on the FIRM, and has identified Flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the County shall:
 - a. Meet the requirements of paragraphs 3.a. through 3n. and 4.a. through 4d. of this Section.
 - b. Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in Section 59.1 and in accordance with the eligibility procedures under Section 65.14 of 44 CFR, Chapter 1 (10-1-96 Edition).
 - c. For all new Construction of Structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR Flood depth is five (5) feet or less:
 - (1) Determine the lower of either the AR base Flood elevation or the elevation that is three (3) feet above highest adjacent grade, and
 - (2) Using this elevation, require the standards of paragraphs 3.a. through 3n. above.
 - d. For all new Construction of Structures in those areas within Zone AR that are not designated as developed areas where the AR Flood depth is greater than five (5) feet:
 - (1) Determine the AR base Flood elevation, and
 - (2) Using that elevation, require the standards of paragraphs 3.a. through 3n. above.
 - e. For all new Construction of Structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:
 - (1) Determine the applicable elevation for Zone AR from paragraphs c. and d. above,
 - (2) Determine the base Flood elevation or Flood depth for the underlying A1-30, AE, AH, AO, and A Zone, and
 - (3) Using the higher elevation from (1) and (2), require the standards of paragraphs 3.a. through 3n. above.
 - f. For all substantial improvements to existing Construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

- (1) Determine the A1-30 or AE, AH, AO, or A Zone base Flood elevation, and
 - (2) Using this elevation apply the requirements of paragraphs 3.a. through 3n. above.
- g. Notify the Permit Applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the Structure will be elevated or protected to or above the AR base Flood elevation.
- h. Standards for Subdivision Proposals:
- (1) All subdivision proposals shall be consistent with the need to minimize Flood damage.
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize Flood damage.
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to Flood hazards.
 - (4) Base Flood elevation data shall be provided by the developers for subdivision proposals and other proposed Development.
 - (5) All subdivision proposals must comply with all pertinent provisions of the Subdivision design standards and any other Development regulations.

Sec. 3.03.03 Additional Standards For Developments In Regulatory Floodways

A. Criteria

The criteria for Development in floodplains shall pertain to all floodplains and not be limited to those floodplains identified on FEMA maps. The County Administrator shall be responsible for determining the on-site one hundred (100) year Flood elevations if not determined by a FEMA study. The County Administrator is required to submit a Letter of Map Amendment or Map Revision to FEMA for any changes in Flood zone designations as determined by a detailed study of the area.

B. One Hundred (100) Year Frequency Floodplain

No Development (Structures or fill) shall be allowed in the Floodway conveyance portion of any one hundred (100) year frequency floodplain associated with a freshwater stream, channel, lake, or waterway, unless provisions are made to compensate for any reduction in conveyance caused by the Development.

C. One Hundred (100) Year Frequency Floodplain Non-Tidal

No Development (Structures or fill) shall be allowed in any one hundred (100) year frequency non-tidal floodplain, unless provisions are made to compensate for the reduction in storage volume due to the proposed Development.

D. Compensation Storage Volumes

Any compensation storage volumes shall be provided in addition to stormwater detention or retention volumes otherwise required to reduce peak runoff rates from the Development.

E. Earthen Fill

No earthen fill shall be placed within a one hundred (100) year floodplain area unless an equal amount of Flood storage volume is created by excavation below the one hundred (100) year Flood elevation and above the seasonal high ground water table elevations, whichever is appropriate.

F. Exceptions

Exceptions shall be allowed if the floodplain is associated with a landlocked water body and is under one ownership.

G. Encroachment

No encroachment shall be allowed in a regulatory Floodway, as designated on the FEMA Floodway Maps (and listed in the S&D Manual), unless approved by FEMA and subsequently accepted by St. Johns County.

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 the CN, CG, CHI, CHT, CI, CW, OP, RG-1, and RG-2 zoning categories (including those Uses when contained in PUD's, PSD's, or PRD's) excluding single-family dwellings, two family dwellings, mobile homes, roadside stands, nurseries, temporary uses and boarding stables and riding academies. These requirements shall apply to property proposed for Development as a permitted Use, and to all proposed Development subsequent to any Rezoning, 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, and also the re-painting 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 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.
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.
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 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. Additional lighting criteria for the

protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly.

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.

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 one-Story Building; sixty (60) feet for a two-Story Building.
2. Front along any other collector or local roadway
Thirty (30) feet for one-Story Building; fifty (50) feet for a two-Story Building.
3. Side
Twenty (20) feet.
4. Rear
Ten (10) feet if adjoining rear of existing commercial Uses.
5. For Buildings proposed on sites which adjoin an existing residential land Use or residentially-zoned Lands, the minimum adjoining Yard requirement (whether it be a Side or Rear Yard, or both) is thirty (30) feet for a one Story Building. For a two Story Building, the minimum adjoining Yard requirement (whether it be a Side or Rear Yard, or both) is fifty (50) feet.
6. Required separation
Minimum twenty (20) feet between Buildings.
7. Accessory Uses and Structures shall be adequately screened from any Palm Valley Overlay District delineated roadway. Accessory Uses and Structures shall not be allowed closer to the Palm Valley Overlay District Delineated Roadway than any Building on the site. The ARC may consider exceptions for incidental structure (i.e. ponds and guard shacks); this shall not include parking lots.

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.
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 one (1) Story Building is to be constructed within sixty (60) feet of residentially-zoned property, or where a two (2) Story Building 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 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. 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 Development 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.

G. Sight Triangle

Where any public or private right-of-way or drive intersects another public or private right-of-way or drive an adequate line of sight is necessary to allow for the safe merging of vehicular and/or pedestrian traffic. A sight triangle exists in the corners of where the outer edges of two (2) rights-of-way or drives intersect, one on each side of the intersecting right-of-way or drive. For reasons of safety, no mature plantings or Structures greater than two (2) feet in height shall be allowed within a sight triangle, except Trees with lower canopy heights at least six (6) feet above street grade and spaced so as not to substantially interrupt line of sight. For the purposes of this regulation a sight triangle shall be determined as follows:

Where the outer edges of the two rights-of-way or drives meet is the intersecting point. Twenty-five (25) feet distance from the intersecting point measured along the outer edge of the first right-of-way or drive is the first point, and twenty-five (25) feet distance from the intersecting point measured along the outer edge of the second right-of-way or drive is the second point. The area within the triangle formed by all three points connected shall be a sight triangle. A sight triangle does not extend into the right-of-way or drive at the intersection. In the case of unpaved drives, the approximate edge of the road where no vegetation exists may be used. In cases

where at least one of the rights-of-way is SR A1A, the sight triangle distances measured above shall be thirty-five (35) feet in length.

Landscape islands at intersections or in access ways shall have the same restrictions as above. For all corner Lots the sight triangle described above shall be drawn from the intersection of the corner property lines.

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.

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.

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.
 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. New Ground Signs and alterations to existing Ground Signs requiring an ARC review shall be externally illuminated.
 5. 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.
 6. Wall signs mounted upon raceways shall be prohibited.
 7. 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.
 8. 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.
 9. 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 and may require any conditions it desires to meet the purpose and intent of the overlay code.

10. Administrative Approval of Specific Signage

- a. Any ground sign reface under eight (8) square feet in size provided the colors closely match any colors associated with the building and text type/sizes are similar to other approved signage located on the ground sign face.
- b. Any ground sign two (2) square feet or less in size.
- c. Any wall, awning, ground 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) 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) 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, Signs containing letters, numbers, symbols, and icons 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. Real Estate for Sale, Lease or Rental Signs, including "OPEN HOUSE" Signs, pertaining to the sale, lease or rental of property or Buildings may be installed in addition to the above limits subject to the following regulations:
 - a. Only one (1) additional Sign shall be permitted on any one Lot or Parcel of land in addition to any exempt Signs covered in this regulation.
 - b. The face surface of such Sign shall not be larger than six (6) square feet.
 - c. 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.
 - d. 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.

- e. All such Signs shall be lettered professionally.
 - f. Such Sign shall be erected or placed so that its center line is parallel or perpendicular to the front property line.
 - g. Nothing contained herein shall be construed as prohibiting the same wording from being on both the front and back of the Sign.
 - h. Where such Sign is suspended from an arm of the support, such arm shall not exceed a length of twenty (20) inches.
 - i. 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.
 - j. Any such Sign shall be removed within five (5) days from the date a binding agreement is entered into for the sale, lease or rental of the property or immediately upon the removal of the property from the market, whichever occurs first.
- 5. One (1) on-site "Garage Sale" Sign to be installed on a temporary basis not exceeding forty-eight (48) hours in duration and not to exceed one (1) square foot in size.
 - 6. One (1) on-site Sign identifying a Subdivision of homes with the name only of the Subdivision not to exceed sixty (60) square feet of face area.
 - 7. When Construction or modification of a Building commences, one (1) Sign denoting the owner's name or general contractor's name, phone number, and street number may be erected on the street side of the property, but shall be a temporary Sign only to identify the job site and shall be removed when the Building has been completed. Such Sign shall not exceed one (1) square foot of face area.
 - 8. Warning Signs stating pesticide has been sprayed on lawns or gases have been used to fumigate Buildings. Said Signs to be temporary and removed once the danger period of inhalation has passed. The exterminator's trade name, address and phone number may be shown on these warning Signs.
 - 9. Signs prohibiting trespassing on property, and alarm warning Signs. Such Signs shall not exceed one (1) square foot of face area.
 - 10. 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 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.

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. Shall be limited to one (1) wall Sign upon the front elevation of the Building. When such Building abuts both on front and side streets, one (1) wall Sign may also be located upon the side street elevation of the Building. The total wall Sign area for each Building establishment shall not exceed twenty-four (24) square feet per face.
3. Where a Building is divided into units for several businesses, one (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. In construing the provisions of this Section, Signs containing letters, numbers, symbols, and icons not exceeding six (6) inches in height erected within or upon windows or doors shall not be counted in computing the number of signs.
6. One (1) 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, the total ground Sign face area shall not exceed thirty-two (32) square feet per Sign face. One such Sign is authorized for each street frontage.
 - b. For shopping/office centers occupying more than five (5) acres, the total area per face shall not exceed sixty (60) square feet, and one such Sign is authorized for each street frontage.
7. For office and professional Buildings with multiple tenants, one (1) directory Sign containing the names of individuals, organizations or businesses occupying the Building not exceeding fifteen (15) square feet per face area.
8. 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.
9. Real estate for sale, lease or rental 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.
10. 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.

11. Directional ground Signs within property lines shall be limited to two (2) square feet per Sign. Logos on directional Signs shall be included in the overall advertising display area allowed.

12. 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. See Section 3.06.09.C.1.
 - d. A temporary window Sign must be removed within thirty (30) days of installation.
13. When Construction or modification of a Building commences, one (1) Sign denoting the owner's name or general contractor's name, phone number, and street number may be erected on the street side of the property, but shall be a temporary Sign only to identify the job site and shall be removed when the Building has been completed. Such Sign shall not exceed one (1) square foot of face area.
 14. Warning Signs stating pesticide has been sprayed on lawns or gases have been used to fumigate Buildings. Said Signs to be temporary and removed once the danger period of inhalation has passed. The exterminator's trade name, address and phone number may be shown on these warning Signs.
 15. Signs prohibiting trespassing on property, and alarm warning Signs. Such Signs shall not exceed one (1) square foot of face area.
 16. 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 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.

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 that 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. Flat roofs, or the appearance of flat roofs, shall not be allowed. Pitched roofs, or the appearance of pitched roofs, with a minimum slope of 5/12 are required.
- 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. Architectural grade shingles, metal standing seam, tile or other non-reflective roof materials with similar nature-blending texture and appearance shall be considered appropriate.
- D. Stucco, tabby, wood siding or wood shingle siding, brick or other materials with similar texture and appearance shall be considered appropriate.
- E. 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.
- 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 (40%) percent of the facade facing any of the Palm Valley Overlay District Delineated Roadways shall be glass or reflective material.
- G. The location and dimensions of wall Signs shall maintain compatibility with architectural materials, finishes and features of the Building.

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, lights without cutoff-type luminaire shall be no higher than ten (10) feet and shall have a minimum illumination measured at the Lot line ground level of 0.20 candlepower. Lights with a cutoff-type luminaire shall be no higher than twenty (20) feet, with a maximum illumination measured at the Lot line at ground level of 0.30 candlepower.

Lights with a luminaire of less than a ninety (90) degree cutoff shall be no higher than twenty (20) feet with a maximum illumination measured at the Lot line at ground level of 0.50 candlepower. All lighting which may impact sea turtles that nest on the sand beaches fronting the Atlantic Ocean shall be further regulated through the provisions of Section 4.01.09 of this Code.

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 Board of County Commissioners 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 only by the Board of County Commissioners. Such requests shall be considered by the Board of County Commissioners 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.

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 the CN, CG, CHI, CHT, CI, CW, OP, RG-1, and RG-2 zoning categories (including those Uses when contained in PUD's, PSD's, or PRD's) excluding Single-Family Dwellings, Two Family Dwellings, mobile homes, roadside stands, nurseries, temporary uses, boarding stables,

and riding academies. These requirements shall apply to property proposed for Development as a permitted Use, and to all proposed Development subsequent to any rezoning, 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, 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. No drive-through facilities shall be allowed as part of any commercial Structure.
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 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. Additional lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly.
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 height of Structures shall not exceed thirty-five (35) feet measured from 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 one-Story Building; thirty (30) feet for a two-Story Building.

2. Front along any other Collector
Fifteen (15) feet for one-Story Building; twenty-five (25) feet for a two-Story Building.
3. Side
Ten (10) feet.
4. Rear
Ten (10) feet if adjoining rear of existing commercial Uses.
5. For Buildings proposed on sites which adjoin an existing residential land Use or residentially-zoned Lands, the minimum adjoining Yard requirement (whether it be a Side or Rear Yard, or both) is thirty (30) feet for a one Story Building. For a two Story Building, the minimum adjoining Yard requirement (whether it be a Side or Rear Yard, or both) is fifty (50) feet.
6. Required separation
Minimum twenty (20) feet between Buildings.
7. Accessory Uses and Structures shall be adequately screened from State Road A1A. Accessory Uses and Structures shall not be allowed closer to State Road A1A South than any Building on the site. The DRB may consider exceptions for incidental structures (i.e. ponds and guard shacks); this shall not include parking lots.

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.
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 one (1) Story Building is to be constructed within sixty (60) feet of residentially-zoned property, or where a two (2) Story Building 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.

Sec. 3.07.08 Parking

A. All parking in the South Anastasia Overlay District shall be governed by the appropriate Land Development Code requirements, except as indicated below. However, where the nature of a particular business would indicate the need for less than the minimum required number of parking spaces, businesses are encouraged to seek Variances from parking requirements, upon demonstration that the required spaces are not needed, in exchange for enhanced buffers, landscaping and other pervious surfaces.

- 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.

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. 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 eighty (80) square feet.
- F. New ground signs and alterations to existing ground signs requiring a DRB review shall be externally illuminated.
- G. Signs on Buildings shall be limited to one (1) wall Sign on the front elevation of the Building. When such Building abuts both on the front and side streets, one (1) wall Sign may also be located upon the side street elevation of the Building. The total wall Signage for each Building establishment shall not exceed twenty-four (24) square feet per face. Wall signs mounted on raceways shall be prohibited.
- H. Where a Building is divided into units for several businesses, one wall Sign as specified above may be allowed for each such business. In addition, each business located therein may have one double-faced hanging Sign under covered walkways with maximum dimension of two (2) feet by four (4) horizontal.

- I. One (1) awning Sign may be substituted, on the front elevation of a Building, for a wall Sign. A window identification Sign may be substituted for a wall Sign. Either sign is limited to a maximum advertising display area of twenty-four (24) square feet.
- J. In construing the provisions of this Section, Signs erected within or upon show window, display window or doors containing letters, numbers, symbols, and icons not exceeding six (6) inches in height, shall not be counted in computing the number of Signs.
- K. Real estate, for sale or rental Signs may be installed in addition to the above limits provided the face of the Sign shall not be greater than sixteen (16) square feet and limited to one (1) Sign per parcel of land, business, or office Building.
- L. 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.
- M. 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.
- N. Directional ground signs are limited to two (2) square feet per sign. The maximum allowable height is three (3) feet.
- O. 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.
- P. 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.

Q. Administrative Approval of Specific Signage

1. Any ground sign reface under eight (8) square feet in size provided the colors closely match any color associated with the building and type text/sizes are similar to other approved signage located on the ground sign face.
2. Any ground sign two (2) square feet or less in size.
3. Any wall, awning, ground, and/or window identification sign within a Unified Sign Plan (USP) that is approved by the DRB.

R. 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 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, barred 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 or other materials with similar texture and appearance.
- E. Exterior colors of paints and stains which are subdued and nature-blending are preferred 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 (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. The location and dimensions of wall Signs shall maintain compatibility with architectural materials, finishes and features of the Building.

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, lights without cutoff-type luminaire shall be no higher than ten (10) feet and shall have a minimum illumination measured at the Lot line ground level of 0.20 candlepower. Lights with a cutoff-type luminaire shall be no higher than twenty (20) feet, with a maximum illumination measured at the Lot line at ground level of 0.30 candlepower.

Lights with a luminaire of less than a ninety (90) degree cutoff shall be no higher than twenty (20) feet with a maximum illumination measured at the Lot line at ground level of 0.50 candlepower. All lighting which may impact sea turtles that nest on the sand beaches fronting the Atlantic Ocean shall be further regulated through the provisions of Section 4.01.09 of this Code.

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 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 do require a County Building Permit, a Regular DRB Review shall be required.

A. Functions

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). The DRB 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. The DRB shall consist of five (5) members. Appointees to the Design Review Board shall be qualified through the demonstration of special interest, experience, or education in design, architecture or history of the South Anastasia Overlay District. Members shall reside within the South Anastasia Overlay District. Members shall be appointed to four (4) year terms, with an additional term of four (4) years as may be approved by the Board of County Commissioners.
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.

3. Any previous citizen appointed to the DRB shall have the opportunity to reapply and have the same term limits as prescribed in subsection A.1, 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 DRB shall, with the assistance of the County develop submittal requirements and review procedures in accordance with Sections 3.07.04 through 3.07.14 of this Article 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 DRB 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.
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 3.07.00 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 3.07.00 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 Board of County Commissioners 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 only by the Board of County Commissioners. Such requests shall be considered by the Board of County Commissioners 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.

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 the CN, CG, CHI, CHT, CI, CW, OP, RG-1, and RG-2 zoning categories (including those Uses when contained in PUD's, PSD's, or PRD's) excluding single-family dwellings, two-family dwellings, mobile homes, roadside stands, temporary uses, nurseries, and boarding stables and riding academies. These requirements shall apply to property proposed for Development as a permitted Use, and to all proposed Development subsequent to any Rezoning, 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.
 - a. 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.
- 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 a roadway shall be 120

feet.

- C. Buildings shall be limited to two (2) stories and thirty-five (35) feet in height. An interior mezzanine shall not be considered a story.
- D. 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.
- E. 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.
- F. Chain link, barbed wire and similar fencing 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.
- G. Exterior site lighting shall be clear white light and shall be the minimum wattage necessary to provide security. Light sources shall be recessed or concealed so as not to create harsh lighting and shall not excessively spill over to adjacent residential properties.

Sec. 3.08.05 Minimum Yard Requirements

- A. Front along State Road AIA South: Twenty (20) feet for a one-Story Building; thirty (30) feet for a two-Story Building.
- B. Front along any other delineated roadway: Fifteen (15) feet for one-Story Building; twenty (20) feet for a two-Story Building.
- C. Side: Ten (10) feet.
- D. For Buildings proposed on sites which adjoin an existing residential Use or residentially-zoned Lands, the minimum adjoining Yard requirement (whether it be a Side or Rear Yard, or both) is thirty (30) feet for a one-Story Building. For a two-Story Building, the minimum adjoining Yard requirement (whether it is a Side or Rear Yard, or both) is fifty (50) feet.
- E. Accessory Uses and Structures shall not be closer to any delineated roadway than any other main Building on the site. The DRB may consider exceptions for incidental structures (i.e. ponds and guard sheds); this shall not include parking lots. Accessory uses and structures shall be adequately screened from a Mid-Anastasia Overlay delineated roadway.
- 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 AIA South.
 - 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. Wall Signs shall not be mounted upon raceways.
 7. 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.
 8. Lettering, numbers, icons, and symbols upon doors or windows, which does not exceed six (6) inches in height, shall not be counted as a Sign and shall not be subject to review.
 9. 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.
 10. Molded vinyl or plastic internally illuminated wall Signs shall not be allowed.
 11. For Signs that contain Federally registered trademarks or service marks, documentation of such registration shall be provided with the application for review.
 12. 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 less than five (5) acres:** One (1) on-site Sign not exceed thirty-two (32) square feet for 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 arterial or collector street frontage.
 3. New Ground Signs and alterations to existing Ground Signs requiring a DRB review shall be externally illuminated.
- 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. (Display area for such Signs is measured by creating a "box" from the extreme limits of the image to be placed on the Sign.)

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. Real Estate for Sale, Lease or Rental Signs may be installed in addition to the above signs provided the Sign area shall not exceed sixteen (16) square feet and shall be limited to one Sign per Parcel of land. Such Signs shall be removed upon sale, lease or rental, and shall not be permitted to remain as permanent Signs.

H. 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.
 4. Signs located in a required landscape buffer except those specifically approved by the Design Review Board.
 5. Signs advertising “future businesses” or similar messages on Land being developed.
 6. Exterior Signs containing exposed neon, except those specifically approved by the Design Review Board and found to consistent with the Purpose and Intent of this Part.
 7. 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.
- I. 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 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.
- J. Administrative Approval of Specific Signage
1. Any ground sign reface under eight (8) square feet in size provided the colors closely match any colors associated with the building and text type/sizes are similar to other approved signage located on the ground sign face.
 2. Any ground sign that is two (2) square feet or less in size.
 3. Any wall, awning, ground, and/or window identification signage within a Unified Sign Plan that is approved by the DRB.
- K. 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 and may require any conditions it finds necessary to meet the purpose and intent of the overlay code.

L. 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. Exposed concrete block and corrugated metal shall not be permitted.
- C. Exterior colors of paints and stains 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.

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, 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 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. It shall be the role of the Design Review Board to determine compliance with Part 3.08.07 through 3.08.09 of these regulations.
2. The Design Review Board shall consist of five (5) members. Appointees to the Design Review Board shall be qualified through the demonstration of special interest, experience, or education in design, architecture or history of the Mid-Anastasia community. Members shall reside within the Mid-Anastasia Overlay District. Members shall be appointed to four (4) year terms, and may be reappointed at the discretion of the Board of County Commissioners.

3. The Design Review Board shall adopt by Resolution operating procedures shall be in accordance with all applicable St. Johns County Land Development Codes and State and Federal laws.
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 to keep minutes of its proceedings and other official actions. A majority vote of members present at meetings 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.1, 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 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 DRC process shall proceed through a first submittal DRC 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 DRC comments. The Design Review Board shall not request modifications that are not in compliance with other land development regulations.

C. Vested Rights Determinations

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 of this Code.

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 PSD/PUD's 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 requirements of Section 10.04. of this Code.
2. Any affected or aggrieved person may Appeal a determination of the Design Review Board to the Board of County Commissioners, in accordance with Section 9.07.04.

E. 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 Mid-Anastasia Overlay District.

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 polices 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 the CN, CG, CHI, CHT, CI, CW, OP, RG-1, and RG-2 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, 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, 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. Commercial Building's main 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. Blank walls facing the main roadway shall be avoided. 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.
 - 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. 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 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 site lighting shall be the minimum necessary to provide security. Light sources shall be recessed or concealed so as not to create harsh lighting, with lights shielded from adjacent properties and focused downward, so that the light source (the filament) may not be directly seen 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. Additional lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly.

Sec. 3.09.05 Reserved

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 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 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 may be nature-blending or pastel colors, with no more than three colors per building, excluding roof color. 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 (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 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.

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. Wall Signs shall be mounted directly upon wall surfaces, and shall not be mounted upon raceways or other protrusions from the wall surface.
5. Lettering, numbers, icons, and symbols upon doors or windows, which does not exceed six (6) inches in height, shall not be counted as a Sign and shall not be subject to review.
6. Any lighting shall be white in color for all signs. External lighting must conceal and shield the light. Additional lighting criteria for the protection of marine turtles and their hatchlings defined in Section IV of this Code shall be followed accordingly.
7. Molded vinyl or plastic internally illuminated Signs shall not be allowed.
8. For Signs that contain Federally registered trademarks or service marks, documentation of such registration shall be provided with the application for review.
9. New Ground Signs and alterations to existing Ground Signs requiring a DRB review shall be externally illuminated.
10. 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.
11. 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.
12. The maximum number and size of Ground Signs for each street frontage shall be as follows:
 - a. For sites less than five (5) acres: One (1) on-site Sign not to exceed thirty-two (32) square feet for each collector and arterial roadway.
 - b. For sites more than five (5) acres: One (1) on-site Sign not to exceed sixty (60) square feet for each collector and arterial roadway.

13. All ground Signs shall include the street number in a size and manner that is clear and visible.
14. Directional Signs Allowed: In addition to the above Signs, directional ground Signs limited to two (2) square feet per Sign face are allowed. The maximum allowable height shall be three (3) feet. Directional Signs shall contain directional information only.
15. 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.
16. Multi-Story Buildings
 - a. 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.
 - b. 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.
 - c. 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.
17. Multiple Tenant Directory Signs: For buildings with multiple tenants, one (1) 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 are permitted in addition to any other allowed Signs.
18. Temporary Development Signs: Temporary development 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. Such Signs shall be removed upon completion of construction.
19. Real Estate for Sale, Lease or Rental Signs: Real Estate for Sale, Lease or Rental 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.
20. 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 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.

B. 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. Signs advertising “future businesses” or similar messages on land being developed shall not be allowed until Construction Plans have received final approval by St. Johns County. Such Signs may be allowed upon existing buildings, provided a building permit has been issued to commence construction or renovation.
3. 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.
4. Interior Neon window Signs which exceed more than thirty percent (30%) of the window area. In no case shall an interior neon Sign exceed twelve (12) square feet.

C. **Signs Exempt from Review** – Real Estate for Sale, Lease or Rental Signs, or Open House Signs, Temporary Window Signs, Contractor Identification Signs, trespass and alarm warning 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.

D. Administrative Approval of Specific Signage.

1. Any ground sign reface under eight (8) square feet in size provided the colors closely match any colors associated with the building and text type/sizes are similar to other approved signage located on the ground sign face.
2. Any ground sign two (2) square feet or less in size.
3. Any wall, awning, ground, and/or window identification signage within a Unified Sign Plan that is approved by the DRB.

E. 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 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. **Design Review Board** – Shall be established as prescribed in Section 3.10.08.
- 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 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** – 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.

- E. **Variations and Appeals** – An Applicant may apply and be granted or denied a Variance from one or more standards of this Part in accordance with the provisions of Part 10.04 of this Code. Variations 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 Board of County Commissioners. Such requests shall be considered by the Board of County Commissioners pursuant to requirements of Section 10.04. of this Code.
 2. Any affected or aggrieved person may Appeal a determination of the Design Review Board to the Board of County Commissioners, in accordance with Section 9.07.04.
- 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.

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 uses contained within the TCMU zoning categories, 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. 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. 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.
 6. 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 Regulating Plan, 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.
 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. New structures and redeveloped structures shall be developed according to the Vilano Beach Mixed Use regulations set forth in this Section.
6. Vending machines must be located inside buildings.
7. Heating, ventilation and air conditioning equipment (excluding roof vents), duct work, air compressors, and other fixed operating machinery shall be located at the rear of buildings and screened from view with walls or fencing architecturally compatible with the building; and/or vegetation. Such equipment shall be located so as not to be visible from any roads, any adjacent residential properties, intersecting streets or the Vilano Bridge. Trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes (except as provided by Florida or federal law), antenna, 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.
8. 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.
9. Chain link, barbed wire and similar fencing shall not be allowed within the District.
10. Exterior lighting shall be designed to encourage outdoor activity during evening hours, although exterior lighting of parking areas shall be kept to the minimum necessary to provide safety. Lighting shall be recessed or concealed with light sources shielded so as not to excessively spill over or light adjacent properties and focused downward, so that the light source (the filament) may not be directly seen at ground level more than one hundred (100) yards from the light location. Additional lighting criteria for the protection of marine turtles and their hatchlings defined in Section 4.01.09 shall be followed accordingly.
11. 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.
12. 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.
13. Balconies and or porches are intended as outdoor extensions of living space or commercial space for seating and shall not be utilized for storage.
14. Drive through uses and drive-up windows will be prohibited within the Vilano Beach Town Center.
15. 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.

16. 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.

Sec. 3.10.05 Site Development Criteria

A. Building Types

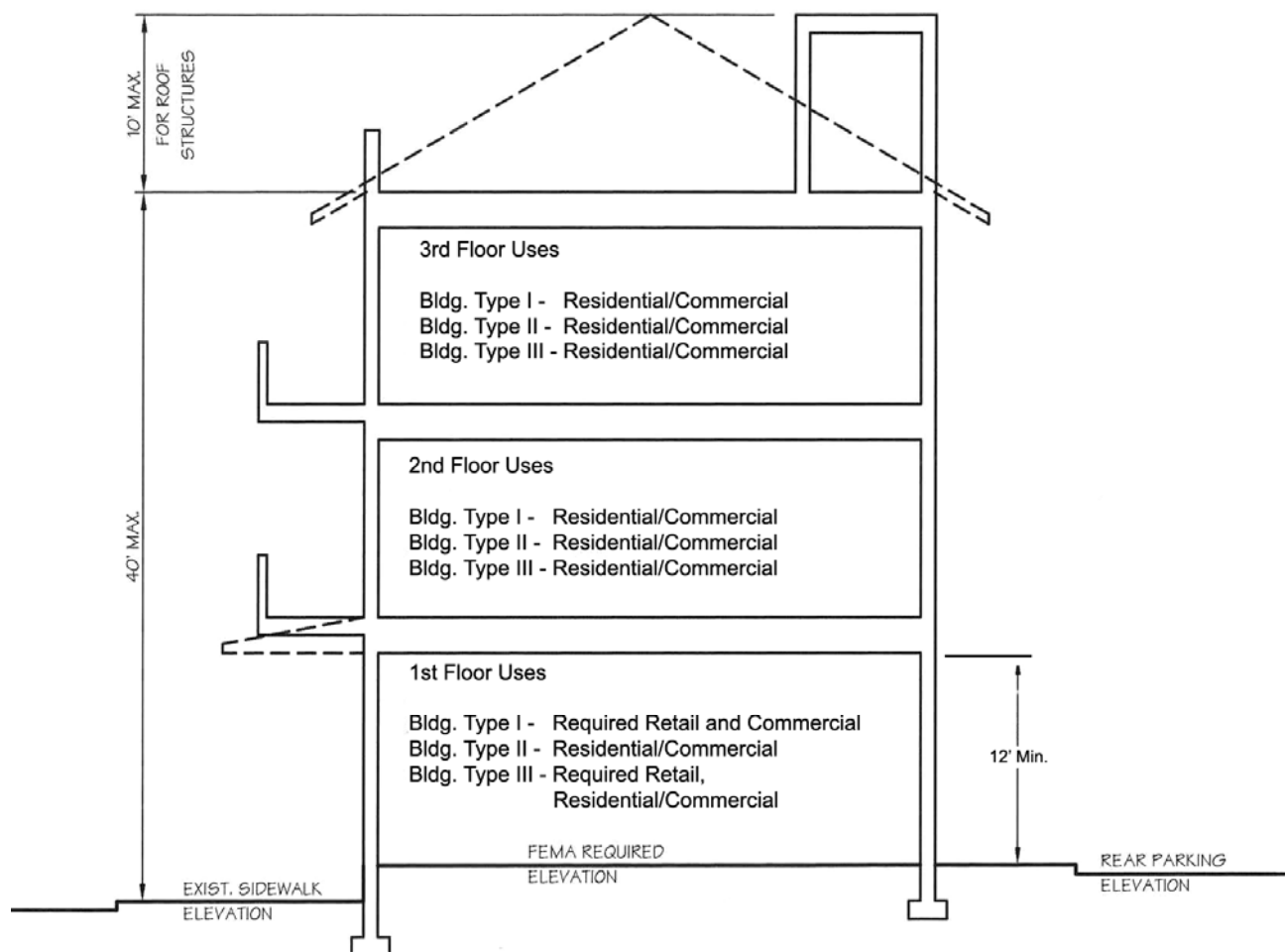
Three building types are provided for within the Vilano Beach Town Center Overlay District. These differ primarily in their required or permitted ground floor uses, their placement on lots, and in the setbacks required, all of which are described in the subsections that follow.

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.



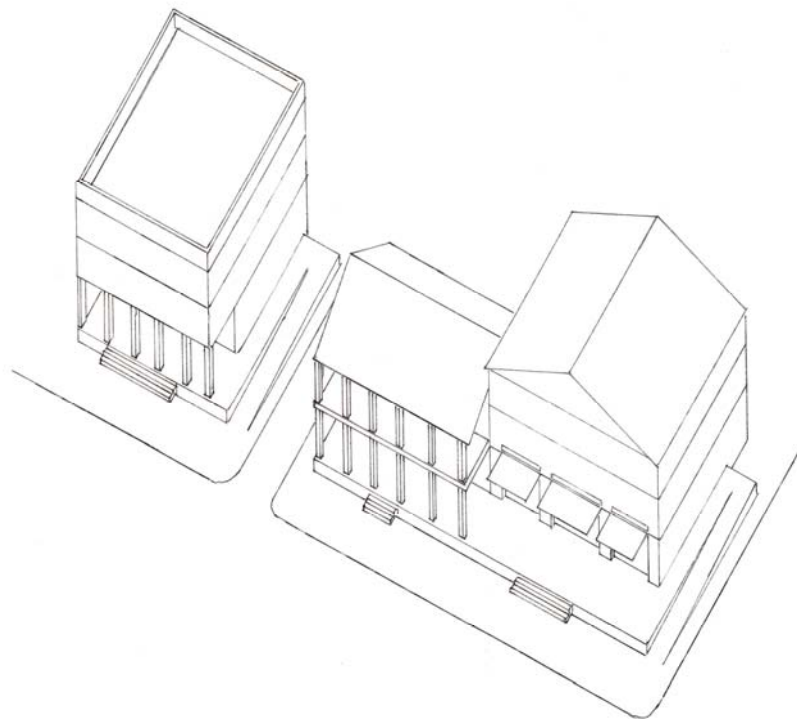
BUILDING HEIGHTS AND USES - N.T.S. / for illustration purposes only / © 2005 John R. Barrow

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.

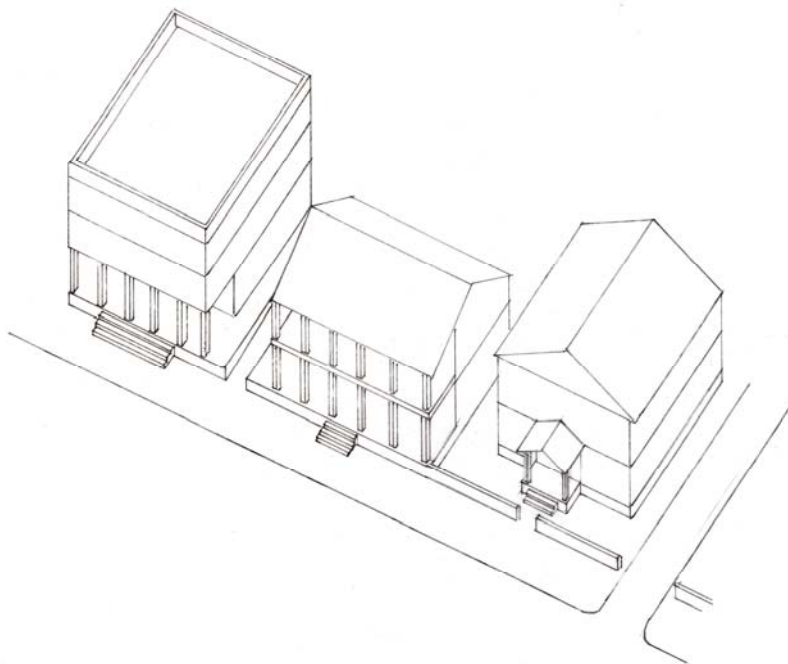
C. Building Placement



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.

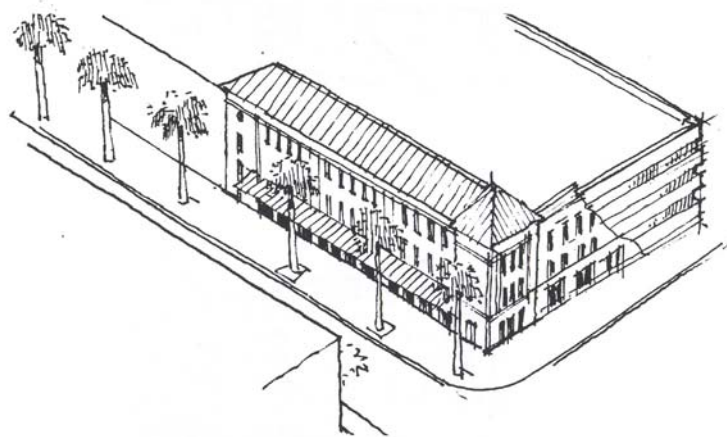


Type II Buildings

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

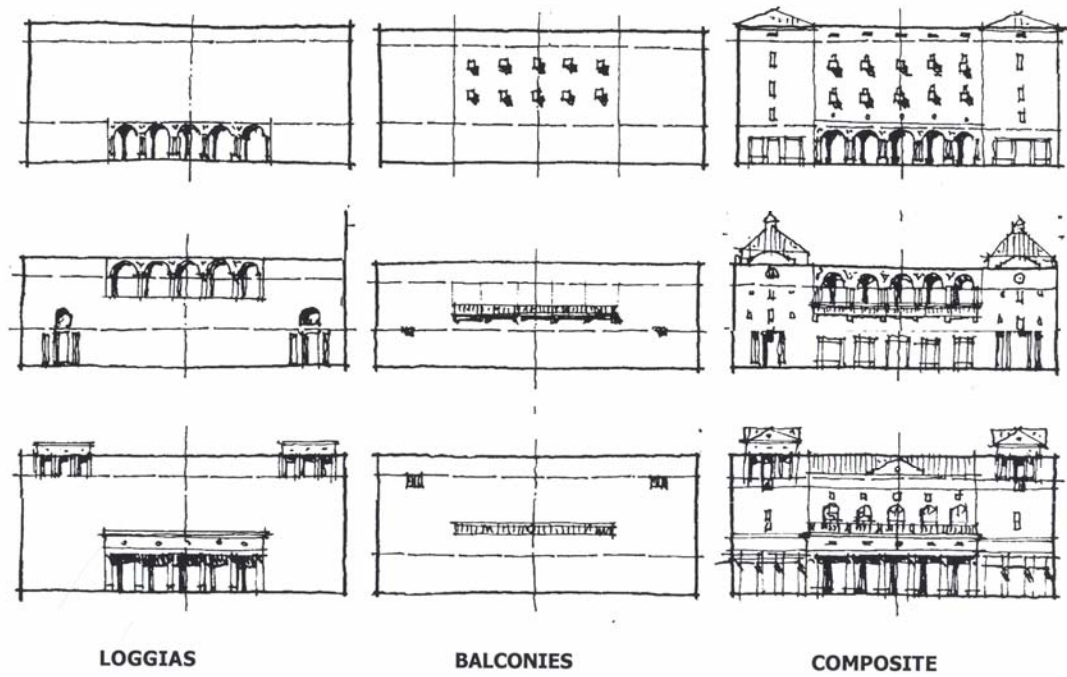
- 4. Parking Garages
 - a. Parking garages shall be prohibited from fronting on Coastal Highway, Poplar Avenue, or Vilano Road, and must be separated from the frontage line and front setback by occupied space at least 20 feet deep, such that the garage is not visible from these streets.
- D. Building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

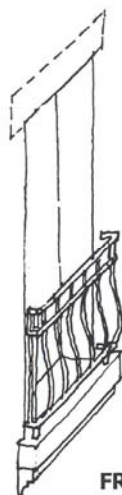
G. Architectural Standards

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.

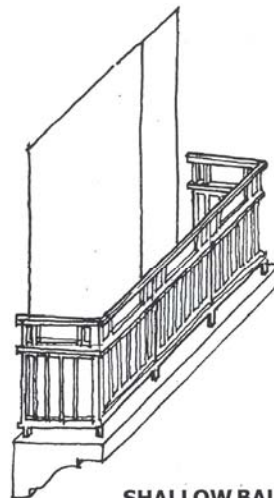


Balconies and Loggias Should be Used in Moderation

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.



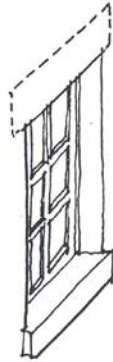
FRENCH BALCONY



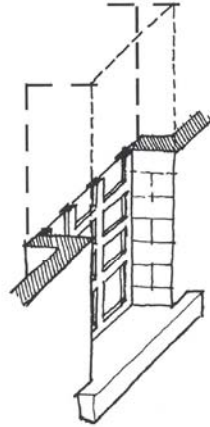
SHALLOW BALCONY

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.

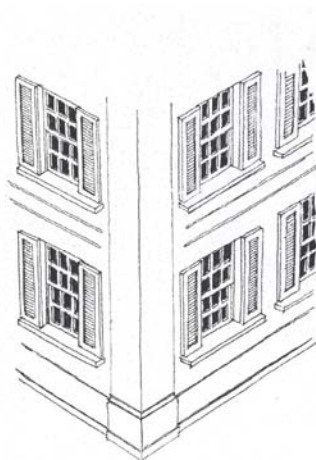


MINIMUM WINDOW DEPTH

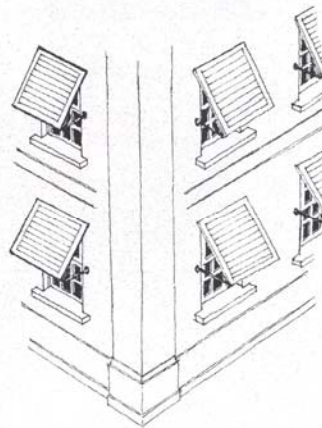


STRONG WINDOW DEPTH

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.

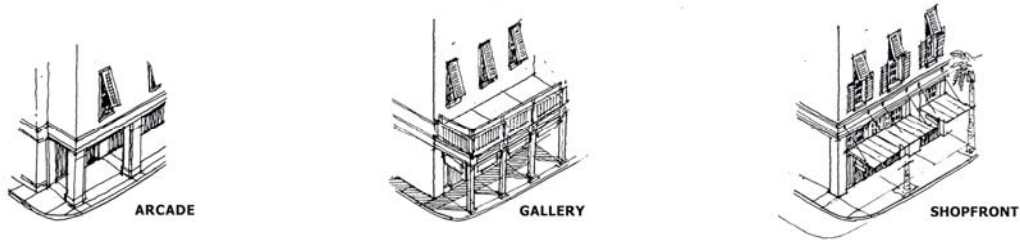


VERTICALLY HINGED SHUTTERS

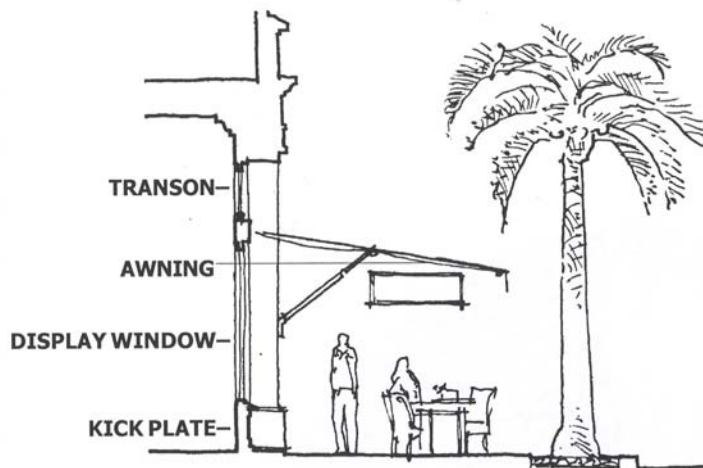


BAHAMAS SHUTTERS

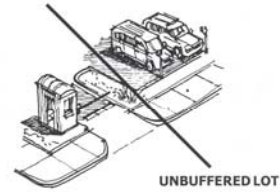
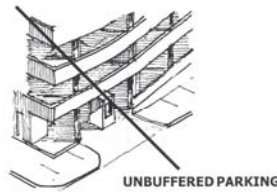
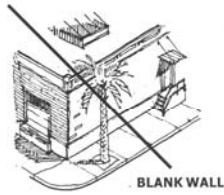
15. If shutters are used, they must be operable, sized to match the opening, and provided for all windows on a given wall.
16. All exterior doors, except garage doors, shall be hinged. All windows, except storefront windows shall be operable.



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.



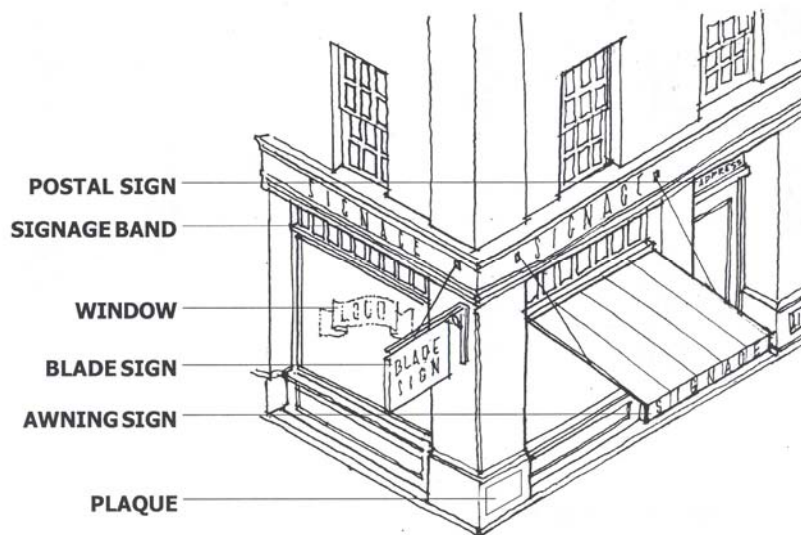
20. Blank walls facing Vilano Road, Coastal Way or Poplar Avenue shall not be permitted. No parking garages shall be allowed to face Vilano Road or Coastal Highway. No off-street parking lots shall front on Vilano Road or Coastal Highway. No Street facing walls within the VBTC boundaries shall be used 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. 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. Permanent lettering upon doors or windows, which does not exceed six (6) inches in height, and does 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. Additional lighting criteria for the protection of marine turtles and their hatchlings defined in Section IV of this Code shall be followed accordingly.

- 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 Part 7.03.00 Special Use Signs, Part 7.04.00 Political Campaign Signs and Part 7.05.00 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.
 - 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. 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.

I. 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 6.05.06 B.
11. Parking requirements may be adjusted by the St. Johns County Planning and Zoning Agency based on existing supply in the VBTC overlay district, or upon the demonstration demand for the use.
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.

J. 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.

K. 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:
 - a. Buffers Between Incompatible Land Uses: The minimum required buffer distance between proposed land Uses and the zoning Lot line is set forth in the tables below. If the land next to the proposed Development is vacant, the buffer required shall be determined by the existing zoning on the adjacent vacant Parcel. If the adjacent Parcel is vacant but is zoned for a more intensive zoning district, no buffer area shall be required of the less intensive Use. The nature of surrounding Land Uses shall be considered in order to mitigate incompatibilities. Buffer widths and screening standards represent minimum required details which may be expanded, averaged, modified and/or increased to minimize external impacts. The relative degree of intensity shall be determined as follows:

TABLE K.1

Table of Intensity for Buffers and Screening	
Group	Land Use Classification
1	Residential - Single-Family
2	Residential - Multi-Family less than or equal to six (6) units/acre (u/a)
3	Residential - Multi-Family greater than or equal to six (6) u/a Cultural/Institutional Office and Professional Services
4	Neighborhood Business and Commercial General Business and Commercial Rural Commercial
5	High Intensity Commercial Highway Commercial Public Service/Emergency Service
6	Light Industrial Heavy Industrial Mining and Extractive Regional Business and Commercial Regional Cultural and Entertainment Solid Waste & Correctional Facilities Correctional Institutions
7	Outdoor/Passive Agricultural (Except Bona Fide Agricultural and Silvicultural Uses)

TABLE K.2

Minimum Buffer Screening Matrix							
Proposed Use Intensity Group	Abutting Use Intensity Group						
	1	2	3	4	5	6	7
1	None	5	20	10	20	30	10
2	5	None	5	10	20	30	10
3	20	5	None	10	20	30	20
4	10	10	10	None	10	20	15
5	20	20	20	10	None	10	25
6	30	30	30	20	10	None	30
7	10	10	20	15	25	30	None

*Legend**Buffer Width in Feet/Screening Standard*

b. Screening:

- (1) Screening shall be installed within the buffers required above. Screening shall meet specified height requirements except in those Front Yard areas that are Street access frontages, and except those areas for which the intersection sight distance requirements contained in Section 6.04.04.G. supersede. In Front yard areas that are Street access frontages, screening shall not exceed four (4) feet in height. In meeting the screening standards, it is recommended that staggered hedge row plantings be installed on three (3) foot centers to achieve the opacity indicated.
- (2) The required height of screening material is an effective height as measured from the property line.

c. Screening Standard: Required screening shall consist of the following:

- (1) Evergreen plants, at the time of planting, shall be six (6) feet in height and provide an overall screening opacity of seventy-five percent (75%); or
- (2) A masonry wall six (6) feet in height, located within the required buffer; architecturally finished on all sides, and if a block wall, shall be painted on all sides; or
- (3) A solid wooden fence six (6) feet in height (finished side out); or
- (4) A berm not steeper than two to one (3:1) in combination with 1, 2, or 3 above, to achieve a minimum height of six (6) feet and seventy-five percent (75%) opacity at the time of installation; and
- (5) Lawn, low growing evergreen plants, evergreen ground cover, or rock mulch covering the balance of the buffer.

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. Where such facilities are provided outside of a Building, they shall be screened from public Rights-of-Way and adjacent property by an enclosure constructed of materials compatible with the materials on the front Building wall of the main Building.

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.

L. 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.

M. 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 Reserved

Sec. 3.10.07 Reserved

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 Design Review Board. 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.
 2. The North Coastal Design Review Board shall consist of five (5) members appointed by the Board of County Commissioners. Appointees to the Design Review Board

shall be qualified through the demonstration of special interest, experience, or education in design, architecture or history of the North Coastal Overlay community of the area encompassing the North Coastal Corridor Overlay District. At least one member will be required to be a registered architect, unless, there are no applicants are received with these qualifications after a reasonable search and at least one member will be required to have expertise in historic preservation and/or the architectural history of Florida, unless there are no applicants with these qualifications after a reasonable search is done. At least one member will own an active business within the District, and at least 2 members must live in or within one mile of the North Coastal District. Members shall be appointed to four (4) year terms, and may be re-appointed at the discretion of the Board of County Commissioners, but shall serve at the pleasure of the Board of County Commissioners.

3. The Design Review Board shall adopt by Resolution operating procedures. The operating procedures shall be in accordance with all applicable St. Johns County Land Development Codes and State and Federal laws.
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 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.

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.

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 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. Variances and Appeals – An Applicant may apply and be granted or denied a Variance from one or more standards of this Part in accordance with the provisions of Part 10.04 of this Code. 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 Board of County Commissioners. Such requests shall be considered by

the Board of County Commissioners pursuant to requirements of Section 10.04. of this Code.

2. When a variance is granted the Board of County Commissioners 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, in accordance with Section 9.07.04.
- E. 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 VBTC District.

Section 3.10.09 Transferable Development Rights

A. Purpose

It is the purpose of this Article to establish standards and approval procedures for the transfer of residential dwelling units within the VBTC for the specific purpose of protecting structures and portions of structures deemed historically significant to the Vilano Beach area; to provide for the keeping of records of available development rights within the Town Center; and to facilitate transfer of residential units which provide for the long term preservation of historically significant structures and maintain the Town Center's unique historic character.

The transfer of development rights (TDRs) within the VBTC is available for the protection of historic structures or historic significant portions of structures within the Town Center boundaries. TDRs 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 qualified, historically significant 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 land owners within the VBTC district.

When a landowner sells their residential density rights, they must deed restrict the historic properties to ensure the structure's permanent preservation and agree to maintain the properties to established preservation standards.

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 VBTC district, and designated through the process as set forth below.

(1) Initiation

A land owner who wishes to avail themselves of the Vilano Beach TDR program must receive a determination from the St. Johns County Historical Resources Review Board (HRRB) that the structure(s) or portion of the structure(s) on their property is of unique or special significance related to the cultural, architectural and/or historical heritage of St. Johns County and/or Vilano Beach. This determination is in the form of granting County Landmark designation to the property. The landowner will petition the St. Johns County Historic Resources Board for County Landmark designation.

(2) Criteria for Designation

- i. Associated in a significant way in the life of a person of recognized importance.
- ii. The site of historic event with significant effect upon St. Johns County, the State of Florida, or the nation.
- iii. Exemplifies a historic, cultural, political, economic, or social trend of the Vilano Beach area, St. Johns County, the State of Florida, or the nation.
- iv. Embodies distinguishing characteristics of an architectural style, period or method of construction.
- v. 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.
- vi. Contains elements of design, detail, materials or craftsmanship of outstanding quality or represents a significant innovation or adaptation to the Florida environment.
- vii. Has value as a building that is recognized for the quality of its architecture and that retains sufficient features showing its architectural significance.
- viii. Has yielded or is likely to yield, archeological information or artifacts important to prehistory or history.

- ix. 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) Upon designation of County Landmark status, the landowner may voluntarily participate in the Vilano beach TDR program as well as the St. Johns County Historic Preservation Property Tax Exemption as provided in county ordinance 97-61. Sending properties shall be eligible for transfer of development rights if the land's development rights or development capacity have not been 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 VBTC district. However, development rights may not be transferred to another lot within the VBTC which has been identified as a sending property within the VBTC.
- c. When the first building permit is issued, the Receiving Property owner/developer must demonstrate that the TDR purchase is of record and that such TDRs are available for transfer.
- d. Granting and Measuring Development Rights
- (1) Issuance of Transferable Development Rights.
- Transferable 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 a restrictive covenant ensuring the perpetual preservation of the historic structure, or the historically significant portion of the structure, and binding the sending property to the historic preservation standards and guidelines utilized by the National Register of Historic Places. All future restoration and additional construction plans for these structures must be approved in accordance with these standards by the St. Johns County Historic

Resources Review Board as set forth in Sec. 301.05 of the St. Johns County Land Development.

- (5) Disqualifying Land. In the computation of any transferable development rights under this section, no transferable 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.

2. Procedure

Prior to or concurrent with development rights being offered for sale or transfer, properties with transferable 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.

Prior to the transfer of Development Rights, the seller shall record a TDR Conversion Easement on the property from which the development rights are being sold. The TDR easement shall include a legal description of the property from which the development rights will be transferred, meet the requirements of this division, be approved by the County Planning Director and the County Attorney, and executed by the owner of the eligible sending property. The approved TDR easement shall be recorded with St. Johns County.

After granting of the TDR easement to the County the development use of the property on which the TDR easement is recorded shall comply with the TDR easement.

a. Application

A property owner desiring to obtain permission to transfer development right from a particular property designated as a sending property through the process set forth in Section 3.10.09 A.1. 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, and certification of County Landmark status.
- (4) The process for conveying and recording development rights includes:
 - i. The issuance of certificates of development rights

- ii. The approval and recording of a TDR easement
- iii. The recording of a deed transferring ownership of the development rights
- iv. The recording of an extinguish

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 Planning Director of the pending sale.

3. Deed of Transfer of Development Rights

The deed transferring development rights, as approved by the County Planning Director, shall be executed by the selling and purchasing parties and duly recorded with St. Johns County.

4. Preservation of Sending Properties

Properties designated sending properties under this section of the Code shall not be considered non-conforming uses, and must be rebuilt and maintained as originally agreed by this designation and in the granting of the one time only TDR's.