

ORDINANCE 97-57

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING PONTE VEDRA ZONING DISTRICT REGULATIONS ORDINANCE 95-59 BY ENACTING AND ESTABLISHING A SPECIAL OVERLAY DISTRICT CONTAINING FINDINGS AND DEVELOPMENT STANDARDS FOR NEW DEVELOPMENT LOCATED WITHIN THE STATE ROAD A1A PONTE VEDRA CORRIDOR; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DELINEATION OF THE SPECIAL OVERLAY DISTRICT; PROVIDING FOR PERMITTED USES AND MINIMUM REQUIREMENTS OF THE SPECIAL OVERLAY DISTRICT; PROVIDING FOR COMPLIANCE; PROVIDING FOR GENERAL SITE DESIGN, BUFFERS, SETBACKS, PARKING, SIGNAGE, ARCHITECTURAL, LIGHTING, NOISE AND LANDSCAPING STANDARDS FOR NEW DEVELOPMENT WITHIN THE SPECIAL OVERLAY DISTRICT; PROVIDING FOR PERMIT APPLICATION REQUIREMENTS; PROVIDING FOR FUNCTION OF THE PONTE VEDRA ZONING AND ADJUSTMENT BOARD; PROVIDING FOR VESTED RIGHTS AND ESTOPPEL; PROVIDING FOR VARIANCES AND APPEALS; PROVIDING FOR SEVERABILITY AND RELATIONSHIP TO OTHER ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, pursuant to Article VIII, Section I (f) of the Constitution of the State of Florida, Chapter 125 of the Florida Statutes, and the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended, (the Act), St. Johns County is authorized and required to adopt a Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of St. Johns County adopted the "St. Johns County Comprehensive Plan Ordinance 90-53, as amended" (the "Plan"), in accordance with the provisions of the Act, including the adoption of goals, objectives and policies which require the review and update of existing land development regulations concerning development design standards; and

WHEREAS, the Act requires St. Johns County to adopt or amend and enforce land development regulations to implement the Comprehensive Plan within one year after submission of its revised Comprehensive Plan for review by the State Land Planning Agency; and

WHEREAS, local land development regulations implemented pursuant to the Act are required to contain provisions which are consistent with and implement their adopted Comprehensive Plan, and shall as a minimum regulate the use of land and ensure compatibility of adjacent uses and provide for open space, ensure the protection of environmentally sensitive lands, ensure safe and convenient onsite traffic flow, regulate signage and encourage the use of innovative land development regulations and provide for maintenance of existing residential areas which are found necessary for a properly balanced and aesthetically pleasing environment; and

WHEREAS, the Board of County Commissioners of St. Johns County hereby deems it necessary to adopt and enforce land development regulations for the State Road A1A Ponte Vedra Corridor (the "Corridor"), as defined herein, for the purpose of achieving the intent of the Florida Legislature as set forth in the Act, such that efficient use of the highway is promoted and the aesthetic and visual character of the lands adjacent to it are protected; and

WHEREAS, the Board of County Commissioners finds it necessary to adopt an Overlay District for said State Road A1A North in Ponte Vedra in order to implement the goals, objectives and policies of the Plan, and to protect the public health, safety and general welfare;

WHEREAS, the purpose of establishing this Overlay District is to promote safe and efficient use of the highway, to protect the aesthetic and visual character of the lands adjacent to it, and promote development in a manner compatible with surrounding land uses.

WHEREAS, the Ponte Vedra Zoning Adjustment Board and the Board of County Commissioners of St. Johns County have reviewed the proposed Ordinance and have found that it is consistent with the Comprehensive Plan.

WHEREAS, it is found that the hereinafter Ordinance provisions are consistent with and restore and implement provisions of the Comprehensive Plan of St. Johns County as adopted and enacted prior to May 11, 1995.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA that St. Johns County Ordinance 95-59 is hereby amended as follows:

Section 1. Short Title. This Ordinance shall be known and may be cited as the "State Road A1A Ponte Vedra Corridor Overlay District," or alternatively the "Overlay District."

Section 2. Authority. The State Road A1A Ponte Vedra Corridor Overlay District is established as a special district under the Ponte Vedra Zoning District Regulations, Ordinance 95-59, pursuant to authority granted by Florida Statutes, Chapters 163 and 125; Florida Administrative Code Rules 9J-5 and 9J-11; and the Constitution of the State of Florida, as may be amended from time to time.

Section 3. Findings. The above Recitals are incorporated herein by reference and are hereby adopted as Findings in support of this Ordinance.

Section 4. Amendment. The Ponte Vedra Zoning District Regulations, Ordinance 95-59, is hereby amended by adding a Section VII.Q under Section VII, General Provisions, as set forth below which is incorporated herein by reference.

Q. STATE ROAD A1A PONTE VEDRA CORRIDOR OVERLAY DISTRICT.

1. Purpose and Intent. The purpose and intent of establishing this Overlay District is to enhance property development within the State Road A1A Ponte Vedra Corridor (the "Corridor") and achieve specific goals and objectives of the St. Johns County Comprehensive Plan. Objectives to be attained through the establishment of this 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 along the Corridor; provision of architectural design guidelines within specific locations along the Corridor; 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 Overlay District and the review of the impact upon the safe use of State Road A1A North; 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 Section. 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 Section.

2. Delineation of the Overlay District. The State Road A1A Ponte Vedra Corridor Overlay District (alternatively the "Overlay District"), delineated herein, is a special district in the form of an overlay superimposed upon the various zoning districts. This Overlay District encompasses all that land situated within six hundred (600) feet of the outer edges of the right-of-way of State Road A1A and located within the Ponte Vedra Zoning District. 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 Overlay District. In no case shall this Overlay District apply to property lying outside of the Ponte Vedra Zoning District. 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.

3. Site Design and Development Standards Applying to the Overlay District. All standards prescribed in this Section shall apply to all commercial and multi-family construction including additions, and exterior remodeling and renovation hereafter undertaken within the State Road A1A Ponte Vedra Corridor Overlay District.

4. **Application of District Regulations.**

- a. **Permitted Uses.** The uses for the property contained within the Overlay District shall be as prescribed in the various zoning districts underlying the 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.
- b. **Rezoning.** Where a rezoning is proposed, the Applicant must demonstrate that the application complies with the reasonable procedural requirements of applicable County ordinances, and further, that the proposed use complies with the stated Intent of the St. Johns County Comprehensive Plan, which is to "provide for the orderly growth of St. Johns County, Florida, and to exercise the authority and perform the duties set forth in Sections 163.3161-163.3215, Florida Statutes." The proposed rezoning must as well be shown to comply with all applicable provisions contained within the St. Johns County Comprehensive Plan.

Upon establishment of compliance with the procedural requirements and with the Comprehensive Plan, the rezoning request may be denied if it is established by evidence that the proposed use is incompatible with surrounding uses to an unreasonable degree. Compatibility shall be determined by consideration of the effect of the following factors, as well as others which may be appropriate, upon surrounding uses.

- (1) Separation and buffering between adjacent uses.
- (2) The safe use of State Road A1A North.
- (3) The visual and aesthetic enhancement of the Corridor.
- (4) Adverse impacts to the natural environment.
- (5) Adverse impacts to surrounding properties.
- (6) The degree to which the proposed use is complementary and supportive of surrounding uses.

For the purposes of the Overlay District, surrounding uses shall be defined as those which adjoin any property boundary of proposed development which is regulated under the conditions of the Overlay District, and in addition, any use which is located within six hundred (600) feet of any property boundary of said proposed development, but located on the same side of State Road A1A North. Any approval or denial of a rezoning application must as well be in compliance with requirements of applicable State and Federal law.

5. **Development Standards and Criteria.**

a. **Development Standards.** The stated Purpose and Intent of this special Overlay District shall be accomplished in part by the following development standards. All commercial and multi-family construction including additions, and exterior remodeling and renovation hereafter undertaken within the State Road A1A Ponte Vedra Corridor Overlay District shall comply with the following general criteria:

- (1) Flat roof lines, or the appearance of flat roof lines, are not permitted.
- (2) Work areas or storage doors and open bays shall not open toward, face or otherwise be visible from State Road A1A North.
- (3) Building heights shall be limited to two (2) stories and thirty-five (35) feet, except that the maximum building height shall be twenty-five (25) feet where a building is located less than one hundred and fifty (150) feet from a residentially-zoned property, and no greater than one story when located less than fifty (50) feet from residentially-zoned property. A mechanical room and/or a non-habitable storage room shall be allowed in the attic. A mezzanine or loft shall be considered a story.
- (4) 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 State Road A1A North, adjacent residential properties or intersecting streets. Trash receptacles, dumpsters, utility meters, above-ground tanks, satellite dishes, antennas, and other such structures shall be similarly treated.
- (5) Satellite dishes shall be subject to Section VII, General Provisions, of the Ponte Vedra Zoning District Regulations, as amended from time to time.
- (6) No temporary structures shall be permitted, except for those used in conjunction with construction projects and special community events, and for which, applicable permits have been obtained. Office-type mobile units when used as such temporary facilities shall be equipped with rigid skirting on all sides. Any towing gear shall be removed, and if not removable, shall be screened with landscaping.
- (7) Chain link, barbed wire and similar fencing shall not be permitted 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 North.

- (8) 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 visible from adjacent residential properties.
- (9) The maximum amount of impervious surface coverage of any site proposed for development, excluding any jurisdictional wetlands, shall not exceed sixty-five (65) percent.
- (10) Commercial uses shall have a maximum Gross Floor Area (GFA) of 10,000 square feet per acre, excluding any jurisdictional wetlands.
- (11) The maximum length of buildings parallel to State Road A1A North shall be 120 feet.

b. Site Design Criteria.

(1) Minimum yard requirements.

- (a) 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.
- (b) Front along any other collector or local roadway: thirty (30) feet for one-story building; fifty (50) feet for a two-story building.
- (c) Side: twenty (20) feet.
- (d) Rear: ten (10) feet if adjoining rear of existing commercial.
- (e) 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.
- (f) Required separation: minimum twenty (20) feet between buildings.
- (g) Accessory uses and structures shall not be visible from the highway, and shall be a minimum distance of ten (10) feet from the side and rear landscape buffers and shall not exceed seven (7) feet in height. Accessory uses and structures are not permitted forward of any building.

- (2) **Buffers.** Buffers may be placed within required yards. Buffers 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 required by Section Q.5.(c)(1)(g), and shall be provided as follows:
- (a) Minimum twenty (20) foot buffer from the State Road A1A North right-of-way.
 - (b) Minimum ten (10) foot buffer from side property boundaries. Side yard buffers shall begin not more than fifty (50) feet from the State Road A1A North right-of-way.
 - (c) Minimum ten (10) foot buffer from rear property boundaries.
 - (d) Where a one-story building is to be constructed within sixty (60) feet of residentially-zoned property, or where a two-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 (100) percent opacity shall be provided and maintained.
- (3) **Parking.** The number and size of parking spaces shall be as required by the Ponte Vedra Zoning District Regulations, Ordinance 95-59, as amended. There shall be a maximum of eight (8) spaces in a single row with a minimum ten (10) feet wide by twenty (20) feet long island separating each eight or fewer space group.
- (a) The pervious area shall include only landscaping and open undeveloped space.
 - (b) A parking area shall not be used as a through way to reach adjacent building sites or replace a roadway.
 - (c) Unbroken parking and drive areas exceeding five thousand (5,000) square feet shall not be permitted. Required separation strips shall contain natural or planted trees and shrubs.

- (4) **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 for walkways and 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.
- (5) **Signage.** All signage, including new, replacement or modified existing signs, shall be governed as set forth in Section IX, Ponte Vedra Zoning Ordinance 95-59, except as noted below.
- (a) Ground signs shall be limited in size to sixty (60) square feet per face.
 - (b) The tops of signs shall be not more than twelve (12) feet above the adjacent highway grade or eight (8) feet above site grade.
 - (c) Where a single building, or group of related buildings contains more than one 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. Any back-lighting, or appearance of lighting, shall be white in color.
 - (d) The color and materials of signs shall be compatible with the architectural style, color and materials of the related commercial or multi-family building.

- c. **Landscape Criteria.** Applications for rezoning shall provide schematic and textual information which describes existing vegetation including any Specimen, Protected or Endangered trees. For the purpose of this Section, Specimen trees shall be defined as any hardwood species twenty-four (24) inches Diameter at Breast Height (DBH) or greater. Protected and endangered trees shall be those as identified within Section Q.5. (c) (2) (e) of the Overlay Ordinance and the St. Johns County Land Clearing and Tree Protection Ordinance 90-11, as amended from time to time. The rezoning application shall also address proposed tree protection, proposed landscaping, and required buffering.

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.)

- (1) **Landscape Plan.** 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.
- (a) A survey of all Specimen, Protected and Endangered trees shall be submitted in conjunction with the development site layout. The tree survey shall also depict significant plant groupings and all hardwoods twelve (12) inches DBH or greater. 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.
 - (b) All proposed trees and plant materials, with sizes, locations, species identification, existing and proposed contours and spacing.
 - (c) All existing and proposed structures and vehicular use areas, with sizes, square footage, materials, and circulation noted.
 - (d) Proposed irrigation system layout (if required).
 - (e) Parking lot islands which include one shade tree, existing or planted, not less than fourteen (14) feet in height and six (6) inches DBH, 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.
 - (f) Retention and protection of endangered and valuable native trees and use of native and drought-resistant plant materials. See following Section (2) (e).
 - (g) Buffering and screening requirements as described in Section Q.5.b.(2), and landscaped as follows:
 - (i) The minimum twenty (20) feet landscaped buffer from the State Road A1A North 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 finished development grade at time of planting. The finished development grade includes the height of any berm on which shrubbery is planted.

(ii) Where commercial or multi-family development adjoins single-family residential property, a ten (10) feet buffer from the residential property lines shall contain a visual screen consisting of existing or installed evergreen species trees which are not less than six (6) inches DBH and twenty (20) feet in height with an eight (8) feet spread, and not more than fifteen (15) feet apart.

(h) Maintenance plan for trees and plant materials during construction and after development is completed.

(2) **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 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 Ordinance shall comply with the St. Johns County Land Clearing and Tree Protection Ordinance 90-11, as amended from time to time, and the following standards shall also apply within the 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.

(a) 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 Ordinance unless and until such removal or destruction has been approved under the provisions of this Ordinance, as well as the St. Johns County Land Clearing and Tree Protection Ordinance 90-11.

(b) No person shall cut or clear land of trees for the sole purpose of offering land for sale.

(c) 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 (75) percent 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.

(d) The requirement for a tree survey, as required by Section 5.c.(1)(a), shall be waived when the Applicant reveals the ability to accomplish the proposed project without removal of any trees eight (8) inches DBH or greater. The applicant shall submit to the Planning Department, 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.

- (e) Removal of Protected or Endangered 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. Trees included in this category, but not limited thereto, are:

American Elm (*Ulmus americana*); American Holly (*Ilex opaca*); Bald Cypress (*Taxodium distichum*); Laurel Oak (*Quercus laurifolia*); Live Oak (*Quercus virginiana*); Loblolly-bay (*Gordonia lasianthus*); Pecan (*Carya illinoensis*); Pond Cypress (*Taxodium dist. car. nutans*); Spruce Pine (*Pinus glabra*); Southern Magnolia (*Magnolia Grandiflora*); Sweet Bay (*Magnolia virginiana*); Yellow Poplar (*Liriodendron tulipifera*); Native Southern Red Cedar (*Juniperous silicicola*); Crape Myrtle (*Lagerstroemia*).

- (f) 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 (30) percent of circumferential bark is removed, or more than thirty (30) percent 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.
- (g) Where there are outstanding Specimen trees, as identified by this and applicable Ordinances, or by the County's Urban Forester or Planning Department Staff, preservation of such trees shall, where reasonably possible, be required. 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.
- (h) Those trees designated for preservation in accordance with the provisions of this Ordinance, 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.

- d. **Architectural Design Standards.** The pleasing and compatible relationship of architecture along roads in the State Road A1A Ponte Vedra Corridor 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 Ponte Vedra, 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.

- (1) 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 Ordinance. 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.
- (2) The proposed building or structure shall be of such design that it contributes to the image of the Corridor as a place of beauty, spaciousness, and high quality.
- (3) 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.

- e. **Design Elements and Materials.** The following specific design criteria shall apply to development regulated under the conditions of the Overlay District.

- (1) Flat roofs, or the appearance of flat roofs, shall not be permitted. Pitched roofs, or the appearance of pitched roofs, with a minimum slope of 5/12 are required.
- (2) 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.
- (3) Architectural grade shingles, metal standing seam, tile or other non-reflective

roof materials with similar nature-blending texture and appearance shall be considered appropriate.

- (4) Stucco, tabby, wood siding or wood shingle siding, brick or other materials with similar texture and appearance shall be considered appropriate.
 - (5) Exterior colors of paints and stains shall be nature-blending with no more than three colors per building, excluding roof color. 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 Corridor.
 - (6) 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 State Road A1A North shall be glass or reflective material.
 - (7) The location and dimensions of wall signs shall maintain compatibility with architectural materials, finishes and features of the building.
- f. **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 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.
- g. **Noise Standards.** St. Johns County Ordinance 88-37, as amended from time to time, shall apply.

6. **Administrative Requirements.** The following requirements shall apply to all commercial and multi-family construction including additions, and exterior remodeling and renovation hereafter undertaken within the State Road A1A Ponte Vedra Corridor Overlay District. These requirements shall apply to property proposed for development as a permitted use in accordance with the Ponte Vedra District Regulations, and to all proposed development subsequent to any rezoning as provided for in Section Q.4.b. of this Overlay District.

a. **Functions.** Notwithstanding applicable procedures as established by Section X of the Ponte Vedra District Regulations, the PVZAB shall direct the following functions to determine compliance with the Overlay District:

- (1) The PVZAB shall establish by appointment, an Architectural Review Committee (ARC), which shall be under the direction of the Ponte Vedra Plan Review Advisor. The ARC shall establish and adopt operating procedures which shall be in compliance with all applicable St. Johns County Ordinances and State and Federal laws.
- (2) The ARC shall be charged with determining compliance with Section Q.5., Development Standards and Criteria. The ARC shall consist of three (3) members who possess, through professional training or experience, competence in the fields of architecture, design, planning, landscape architecture or other relevant expertise. At least one (1) member shall be a registered architect in the State of Florida.
- (3) The ARC shall meet as needed, at the request of the Chairman of the PVZAB, in order to fulfill their 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 Section Q.5.

b. **Application and Permitting Requirements.**

- (1) The ARC shall, with the assistance of the St. Johns County Planning Department, develop submittal requirements and review procedures in accordance with Section Q.5. to determine compliance with this Section. Such procedures shall be adopted by Resolution of the PVZAB, and may be amended 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, or does not comply, with Section Q.5. of the Overlay District.
- (2) The Applicant must provide such 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, Florida Statutes.
- (3) In the case of proposed rezonings and applicable major or minor modifications, the Applicant must provide a written statement that the proposed development will comply with Section Q.5. of the Overlay District. Such written statement, inclusive of that information required prior to any

zoning action, as specified in Section Q.5, shall be presented concurrently with the zoning request at the regularly monthly meeting as established by Section XI.5. of the Ponte Vedra District Regulations.

c. Vested Rights Determinations and Appeals.

- (1) As an alternative to a determination that a proposed development complies with the standards contained herein, the Applicant may demonstrate to the PVZAB, 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 this Ordinance to the subject construction or development. Upon a determination of estoppel or vested rights by the PVZAB, the provisions of this Ordinance 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.
- (2) A PSD may be expanded, without a vested rights or estoppel determination, if the proposed addition(s) adjoins the existing PSD. The more restrictive standards and criteria of the existing PSD or the Overlay District shall apply to the expansion.
- (3) Any affected or aggrieved person may appeal any determination of the Architectural Review Committee to the PVZAB, and any determination of the PVZAB to the Board of County Commissioners, made under the authority of this Ordinance, by filing such appeal in writing with the Planning Department within thirty (30) days of any such determination.

- d. Variances.** An Applicant may apply to the PVZAB for, and be granted or denied, a variance from one or more standards of the Overlay District. Any such request shall be resolved utilizing the same procedures and criteria as applications for variances from other standards as established by the Ponte Vedra District Zoning Regulations.

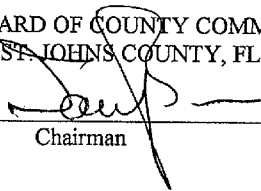
Section 5. Severability. It is declared to be the intent of the Board of County Commissioners that if any provision, paragraph, or section of this Ordinance is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision, paragraph, or section shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

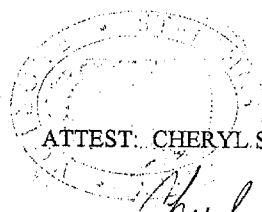
Section 6. Relation to Other Ordinances. The regulations set forth in this Ordinance for the Corridor supersedes all other Ordinances of St. Johns County, except in those cases where the limitations of other Ordinances are more stringent, in which case the more stringent limitations shall apply. All provisions in other Ordinances, as now existing and as later amended, that are not in conflict with this Ordinance as now existing and as later amended shall apply to the Corridor.

Section 7. Effective Date. This Ordinance shall take effect upon its being filed with the Secretary of State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, State of Florida, this 14 day of October, 1997.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHN'S COUNTY, FLORIDA

By: 
Chairman


ATTEST: CHERYL STRICKLAND, CLERK

By: 
Clerk

Effective date: October 23, 1997

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Ordinance Book 20 Page 167

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

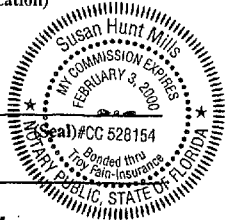
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____
Sandra D. Oliver _____ who on oath says that she is
Accounting Clerk _____ of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida:
that the attached copy of advertisement, being a _____
Display Ad _____
in the matter of _____ Notice of Public Hearing _____
in the _____ Court, was published in said newspaper in the
issues of _____ Sept. 12, 1997 _____

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 12 day of Sept., 19 97,
by Sandra D. Oliver who is personally
known to me or who has produced _____ Personally Known _____ as
(Type of Identification)
identification.

Susan Hunt Mills
(Signature of Notary Public)
Susan Hunt Mills
(Print, Type or Stamp Commissioned Name of Notary Public)



COPY OF ADVERTISEMENT

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____

Sandra D. Oliver _____ who on oath says that she is
Accounting Clerk _____ of the St. Augustine Record, a

daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement, being a _____
Display Ad _____

in the matter of _____ Notice of Public Hearing _____

in the _____ Court, was published in said newspaper in the
issues of _____ Oct 6, 1997 _____

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this _____ 6 _____ day of _____ Oct _____, 19 _____ 97,

by _____ Sandra D. Oliver _____ who is personally

known to me or who has produced _____ Personally Known _____ as
(Type of Identification)

(Signature of Notary Public)



Zoe Ann Moss
MY COMMISSION # GC641814 EXPIRES
August 22, 2001
BONDED THRU TROY FAIR INSURANCE, INC.

(Seal)

Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)

Ordinance Book 20 Page 170

**NOTICE OF PUBLIC HEARINGS OF THE ST. JOHNS COUNTY
BOARD OF COUNTY COMMISSIONERS ON
ESTABLISHMENT OR CHANGE OF A REGULATION
AFFECTING THE USE OF LAND, AMENDING PONTE VEDRA
ZONING DISTRICT REGULATIONS ORDINANCE NO. 95-59**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on Tuesday, September 23, 1997 at 1:30 p.m. and on Tuesday, October 14, 1997 at 5:30 P.M., in the County Auditorium at the County Administrative Complex, 4020 Lewis Speedway (County Road 16-A and U.S. #1 North), St. Augustine, Florida, will hold public hearings to consider passage of the following ordinance:

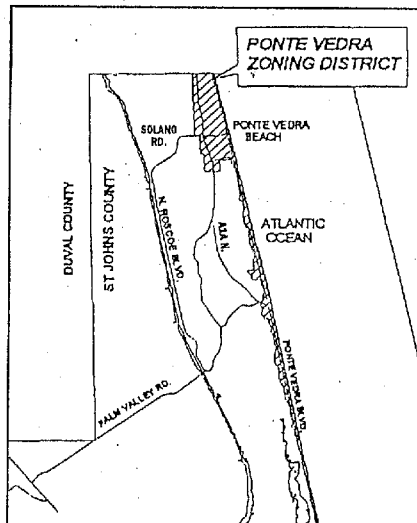
AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING PONTE VEDRA ZONING DISTRICT REGULATIONS ORDINANCE NO. 95-59 BY ENACTING AND ESTABLISHING A SPECIAL OVERLAY DISTRICT CONTAINING DEVELOPMENT STANDARDS FOR NEW DEVELOPMENT LOCATED WITHIN THE STATE ROAD A1A NORTH CORRIDOR; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR FINDINGS AND DELINEATION OF SPECIAL OVERLAY DISTRICT; PROVIDING FOR PERMITTED USES AND MINIMUM REQUIREMENTS OF SPECIAL OVERLAY DISTRICT; PROVIDING FOR COMPLIANCE; PROVIDING FOR GENERAL SITE DESIGN, BUFFERS, SETBACKS, PARKING, SIGNAGE, ARCHITECTURAL, LIGHTING AND LANDSCAPING STANDARDS FOR NEW DEVELOPMENT WITHIN THE SPECIAL OVERLAY DISTRICT; PROVIDING FOR PERMIT APPLICATION REQUIREMENTS; PROVIDING FOR FUNCTIONS OF THE PLANNING DEPARTMENT AND PONTE VEDRA ZONING AND ADJUSTMENT BOARD; PROVIDING FOR VESTED RIGHTS AND ESTOPPEL; PROVIDING FOR VARIANCES AND APPEALS; PROVIDING FOR SEVERABILITY AND RELATIONSHIP TO OTHER ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida, and may be examined by parties interested prior to the said public hearings. Please take note that the ordinance is subject to revision prior to the hearings or adoption of the ordinance.

All parties having any interest in said ordinance will be afforded an opportunity to be heard at the public hearings.

If a person decides to appeal any decision made with respect to any matter considered at these hearings, such person will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in these proceedings should contact ADA Coordinator, at (904) 823-2501 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32095. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): 823-2501 or Florida Relay Service 1-800-955-8770, no later than 5 days prior to the dates of these hearings.



This Overlay District encompasses all that land situated within 600 feet of the outer edges of the right-of-way of State Road A1A and located within the Ponte Vedra Zoning District.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

CHERYL STRICKLAND, ITS CLERK

By: *Irma Pacetti*
Irma Pacetti, Deputy Clerk