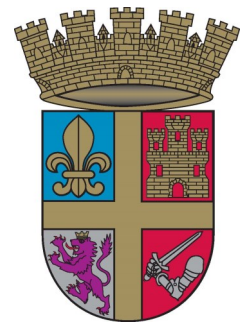


THE NELMAR TERRACE NEIGHBORHOOD ZONING WORKBOOK

A Guide to Creating Zoning Overlay Districts

The City of St. Augustine
Planning and Building Department



INSTRUCTIONS

This workbook is an educational resource regarding zoning, zoning overlay districts, and overlay adoption procedures. Each neighborhood can use this workbook as a toolbox to design their own zoning overlay district. This is an opportunity to express your concerns and desires for improvement in your neighborhood.

At the end of the document, you will see several **“Neighborhood Worksheets.”** Using the information provided in this workbook, as well as your own observations, answer the questions on these sheets to the best of your ability. Your answers will help your neighborhood, as well as city staff determine the specific characteristics of your neighborhood that should be encouraged through various planning tools, such as zoning overlay district.

Please contact Erin Minnigan with the City of St. Augustine at 904-209-4283 or eminnigan@citystaug.com, if you have any questions.

INTRODUCTION

St. Augustine's Zoning Code was adopted in April of 1975 and has not changed significantly since that time. Today, the City's zoning policies tend to be reactionary to new development and do not address existing land use issues. A new methodology could be created in which neighborhoods assess their unique character and specific needs, and then zoning is used to support those individual needs. This could potentially be accomplished through zoning overlay districts, which allow for the application of specific regulations to geographic areas. This workbook explains the concepts of zoning and zoning overlay districts, as well as the processes required to adopt and enforce district regulations. While the workbook does not include everything an overlay district needs in its final form, it acts as a starting point for St. Augustine's neighborhoods to outline the specifics they would want in a zoning overlay. The goal is for each neighborhood to use this document as a toolbox to reflect on their unique character, current concerns and desires, and design a solution that addresses their specific needs.

Workbook Goals:

- ♦ Define the neighborhood's characteristics
- ♦ Define the concerns and needs of the neighborhood
- ♦ Decide if a "zoning overlay district" is the correct solution to the neighborhood's issues
- ♦ Decide what types of boundaries and regulations the neighborhood would want for its zoning overlay district
- ♦ Suggest a timeline for the neighborhood's zoning overlay district adoption

GLOSSARY OF TERMS

- ◆ *Future Land Use:*

The Future Land Use Element of St. Augustine's Comprehensive Plan sets forth goals, objectives and policies to guide physical development. It states:

"To create an environment within the City and adjacent areas in which its residents have the opportunity to maximize the potential for economic benefit, and the enjoyment of natural resources, while minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation." (St. Augustine Future Land Use Goal)

- ◆ *Zoning:*

The division of a municipality into districts (zones) with certain uses that are designated by the local government. These uses typically include a range of residential, commercial, and industrial properties. In addition, zoning stipulates other characteristics of development, such as building height, bulk, layout and setback.

- ◆ *Overlay District:*

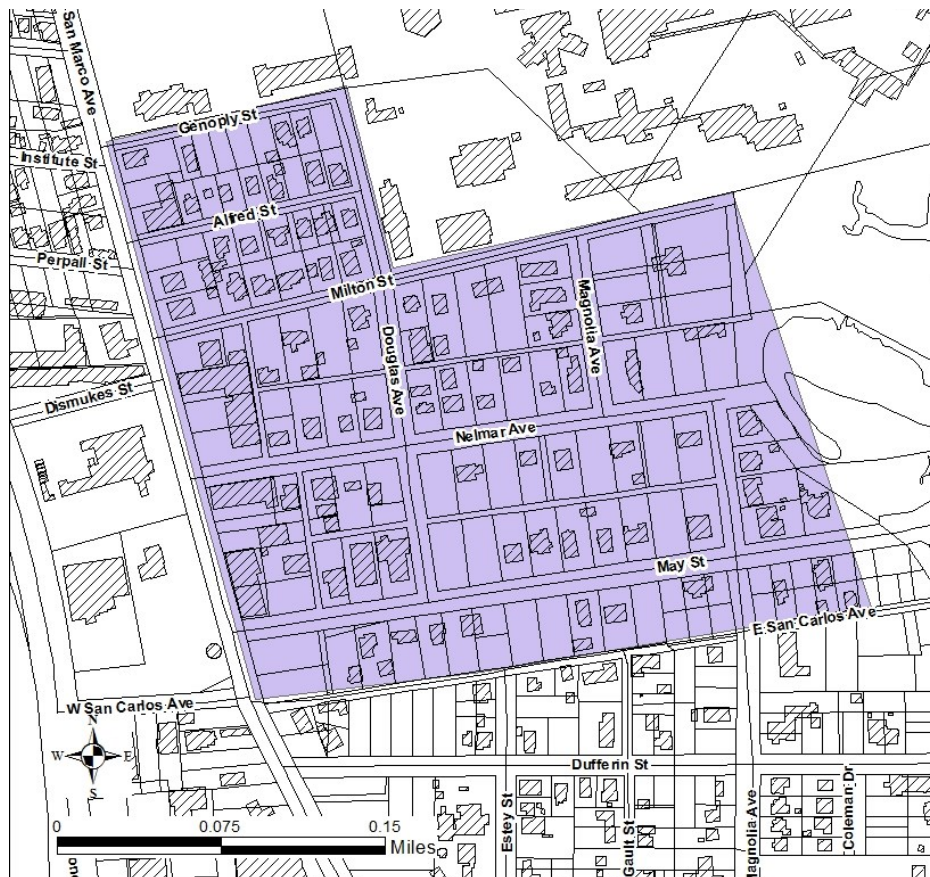
A special zone that is placed over the base zoning and provides additional regulations that supplements or supersedes the existing regulations. Overlay boundaries are not required to coincide with other zoning district boundaries and tend to encompass specific areas, such as a neighborhood or commercial corridor.

- ◆ *Non-Conforming Land Use:*

The use of a property that does not conform to the uses outlined in its zoning designation. If it was developed before our zoning was adopted in 1975, but has been used continuously since then, it is considered a *legal* non-conforming land use. If the property remains vacant at any time for 12 months it becomes an *illegal* non-conforming use. The City discourages the existence of non-conformities.

OVERVIEW OF THE NELMAR TERRACE NEIGHBORHOOD

Nelmar Terrace is a historically significant residential neighborhood that is located north of downtown St. Augustine. In the early 18th century, the northeastern corner of the neighborhood was the site of the Macaris Indian Village. During the first decade of the 19th century, the Spanish government issued three land grants in this area, two of which formed the northern border of the colonial defense perimeter known as the *Mil y Quinientos* (The Fifteen Hundred). This boundary served as St. Augustine's northern city limits until 1923, and later became San Marco Avenue. During the 1830s and early 1840s, Thomas Douglas, a justice of the Florida Supreme Court, acquired a large tract of land that encompassed the present-day Nelmar Terrace neighborhood and developed a plantation complex in its eastern section. C.M. Fuller, a local real estate developer purchased the Nelmar Terrace Tract in 1913, when he platted out a new subdivision and began selling lots and constructing houses.



The neighborhood is roughly bounded by the marshes of Hospital Creek on the east, San Marco Avenue on the west, San Carlos Avenue on the south, and Milton and Alfred Streets on the north. With the exception of the commercial area along San Marco Avenue, the neighborhood boundaries correspond to the boundaries of the historic Nelmar Terrace Subdivision Plat from the early 20th century. The landscaping and layout of the neighborhood still exhibit the upscale origins of the subdivision: the uniform lot sizes, the architect-designed homes and many of the planned community features are still present. The neighborhood covers approximately twenty-nine acres and encompasses all or parts of a nine-block area.

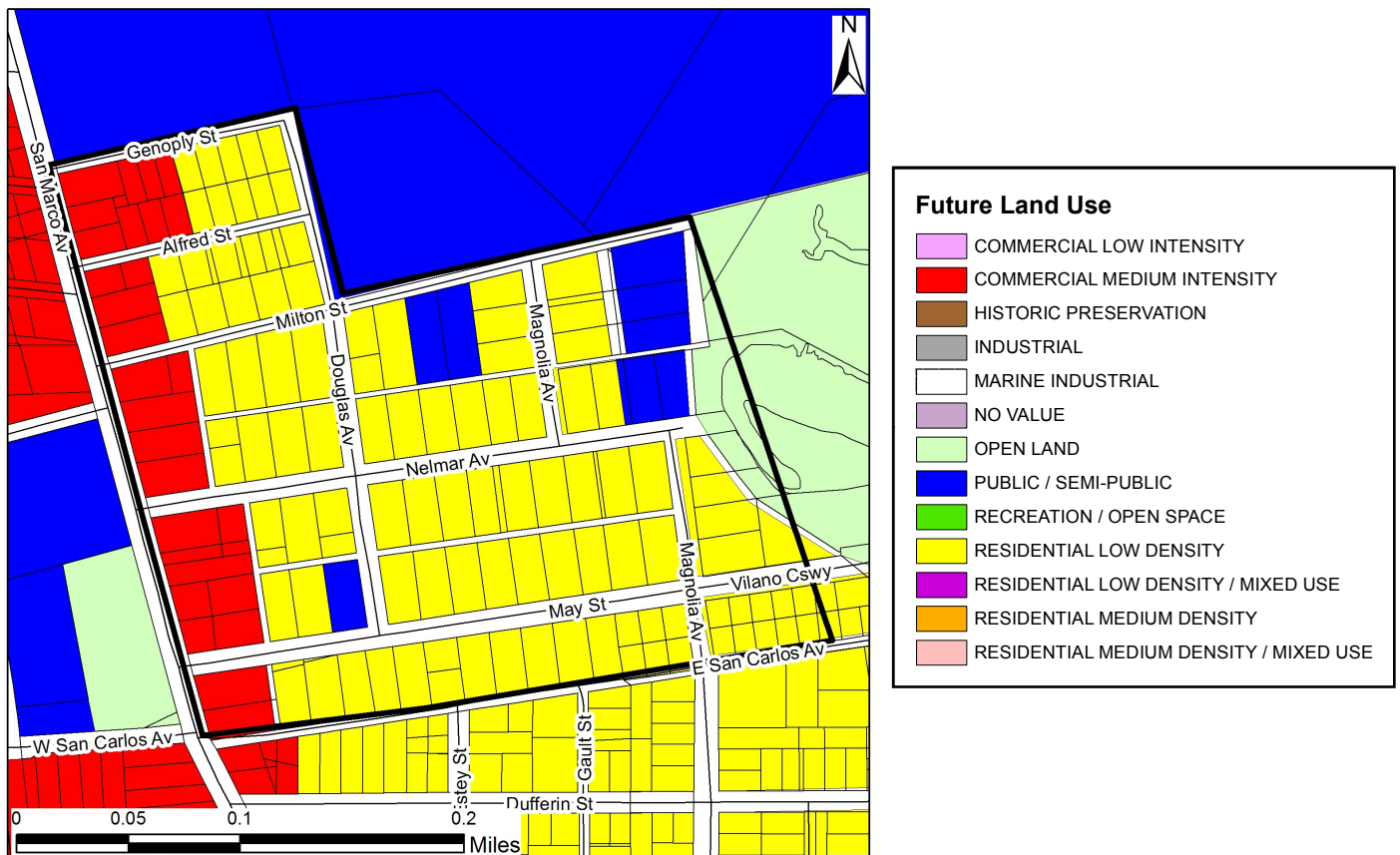
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FUTURE LAND USE ANALYSIS

Definition of Future Land Use:

The Future Land Use Element of St. Augustine's Comprehensive Plan sets forth goals, objectives and policies to guide physical development. Zoning lies on top of future land use and must be consistent with that future use. While zoning stipulates the specific uses and extent of development allowed, future land use generally outlines the character of each zone, including the intended intensities and densities of developable land. The purpose of designating future land uses is to create an environment in which the City's residents have the opportunity to maximize the potential for economic benefit and the enjoyment of natural resources, while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.

Future Land Use Map of Nelmar Terrace



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ANALYSIS OF COMPREHENSIVE PLAN COMPLIANCE

Changes to the City's zoning, including the establishment of zoning overlay districts, are adopted by ordinance as an amendment to Chapter 28 (Zoning) of St. Augustine's Code of Ordinances. An ordinance is an official legislative action by a governing body, which action is a regulation of a general and permanent nature and enforceable as a law. This legislation must be consistent with the City's comprehensive plan, and should specifically address and support future land use.

Here is an overview of the relevant Comprehensive Plan Policies and Future Land Uses that exist in Nelmar Terrace:

- ◆ **Future Land Use Policy 1.3:** The City shall maintain the following densities and intensities of land use for the Future Land Use classifications indicated. These densities and intensities shall be implemented by zoning district regulations adopted in the City Code and shall apply to all new development and all redevelopment in the City. Calculations of densities and intensities of use are based on net developable land, not gross acreage. Developable land includes all land contained within the boundaries of a parcel except lands within a public right-of-way; marshlands, swamps, or other environmentally sensitive lands where local, State, or Federal regulations otherwise prohibit development; and natural or man-made bodies of water such as ponds, lakes and reservoirs.

⇒ **Residential Low Density:**

This district is intended to apply to those neighborhoods designated for single-family dwellings and single-family type uses, as well as those uses compatible with low density single-family uses such as churches, child care centers, etc., so as to create and maintain a stable low intensity residential character. Schools may be permitted in this district if it is determined via public hearing that they are compatible with the existing neighborhood and adequate ingress and egress exists. In addition, the City shall encourage, to the maximum extent possible, the location of schools in conjunction with public facilities such as parks, libraries and community centers; however, the actual location of schools will be based on a collaborative effort by the School Board and the City based on principles and guidelines.

⇒ **Residential Medium Density**

This district is intended to apply to those neighborhoods designated for multiple-family dwellings and uses, as well as those nonresidential uses compatible and complementary with medium density residential uses, so as to create and maintain a diverse medium intensity residential character.

⇒ **Commercial Low Intensity**

This district is intended to apply to areas where small groups of low intensity commercial uses may be appropriately located to serve within convenient traveling distance from one (1) or several neighborhoods. The district is not intended for use by medium intensity commercial uses such as service stations, vehicle repair and sales, etc. but low traffic generating commercial uses are encouraged. In addition, professional and business offices, compatible tourist accommodations and similar uses are encouraged.

⇒ **Commercial Medium Intensity**

This district is intended to apply where adequate traffic circulation capacity is available to provide medium intensity automotive oriented commercial and service uses and related facilities, and to areas where adequate lot depth is available to provide meaningful development for service-oriented automotive uses, tourist accommodations, attractions and supporting facilities. It is not intended that this district become or be used for strip commercial purposes.

ANALYSIS OF COMPREHENSIVE PLAN COMPLIANCE

◆ **Future Land Use Policy 1.3 (continued):**

⇒ **Open Land (Very Low Density Residential)**

This district is intended to apply to areas which are sparsely developed and including uses as normally found in environmentally sensitive areas away from urban activity. It is intended that substantial residential, commercial or industrial development shall not be permitted in the district.

⇒ **Public/Semi-Public**

It is the intent of this district that certain lands, which are owned by federal, state or local government or are associated with the government and are used for a purpose which is particularly and peculiarly related to governmental functions, shall be designated Public/Semi-Public.

◆ **Future Land Use Objective 3:** Reduce uses which are inconsistent with the Future Land Use plan. The measureable target for this objective is the number of nonconforming uses citywide as measured by the land use and building condition survey.

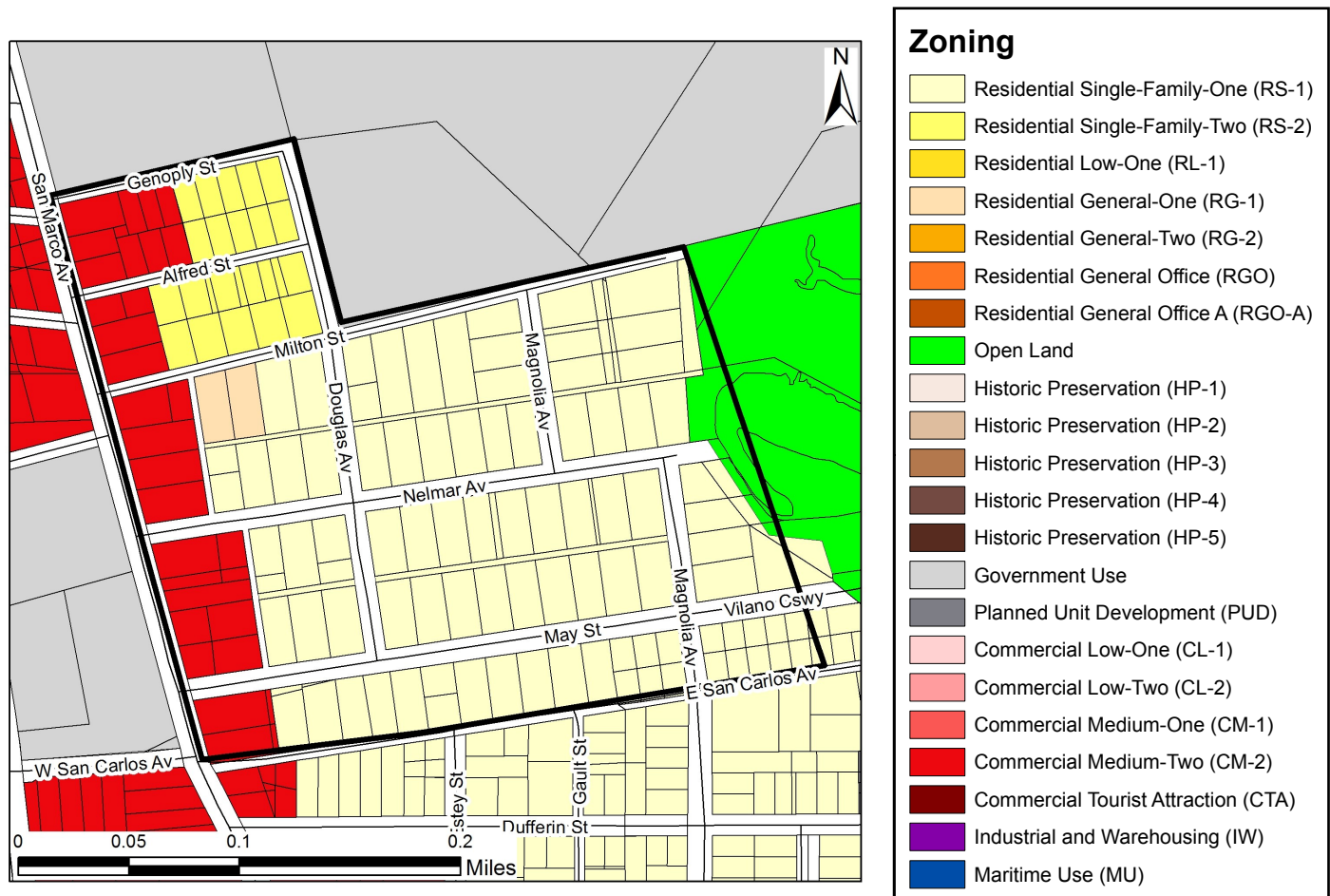
⇒ **Future Land Use Policy 3.1:** Identify existing nonconforming land uses in all areas of the city, including the coastal high hazard area and coastal planning area, during the land use and building condition survey conducted every five years. Continue to enforce the existing provisions of the City Code related to discouraging and phasing out existing nonconforming uses.

ZONING ANALYSIS

Definition of Zoning:

Zoning is the division of a municipality into districts (zones) with certain permitted uses that are designated by the local government. These uses typically include a range of residential, commercial, and industrial properties, which for the most part are separate from each other, but are uniform within each zone. In addition, zoning stipulates other characteristics of development, such as building height, bulk, layout, and setback. The philosophy behind zoning is to separate different, incompatible property uses, so that the health, safety and welfare of the public may be protected.

Zoning Map of Nelmar Terrace



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STREETS AND ZONING DESIGNATIONS IN NELMAR TERRACE

The following tables outline the types of uses that are already permitted in some form in the Nelmar Terrace area. The question remains whether these are the types of uses the neighborhood wants to continue promoting and encouraging, or if other regulations, such as parking, landscaping, or architectural guidelines should be applied to these uses if development is proposed in Nelmar Terrace.

Street	Designated Zoning	Permitted Uses
Alfred Street	Residential Single-Family Two (RS-2)	<ul style="list-style-type: none"> • Single-family dwellings • Home offices, private
Douglas Avenue	Residential Single-Family Two (RS-2)	<ul style="list-style-type: none"> • Single-family dwellings • Home offices, private
	Residential Single-Family One (RS-1)	<ul style="list-style-type: none"> • Single-family dwellings • Home offices, private
E. San Carlos Avenue	Residential Single-Family One (RS-1)	<ul style="list-style-type: none"> • Single-family dwellings • Home offices, private
Genoply Street	Residential Single-Family Two (RS-2)	<ul style="list-style-type: none"> • Single-family dwellings • Home offices, private
Magnolia Avenue	Residential Single-Family One (RS-1)	<ul style="list-style-type: none"> • Single-family dwellings • Home offices, private
May Street	Residential Single-Family One (RS-1)	<ul style="list-style-type: none"> • Single-family dwellings • Home offices, private
Milton Street	Residential Single Family One (RS-1)	<ul style="list-style-type: none"> • Single-family dwellings • Home offices, private
	Residential General One (RG-1)	<ul style="list-style-type: none"> • Single-family dwellings • Multiple-family dwellings • Housing for the elderly • Roominghouses and boardinghouses • Home office, private • Tourist homes and bed and breakfasts • Neighborhood recreational facility • Accessory Apartments

See St. Augustine's Code of Ordinances, Chapter 28: Zoning, Article III: Zoning Districts and District Regulations for more information about permitted uses, including uses by exception.

Streets and Zoning Designations in Nelmar Terrace:

Street	Designated Zoning	Permitted Uses
San Marco Avenue	Commercial Medium Two (CM-2)	<ul style="list-style-type: none">• Retail Outlets• Service establishments• Establishments or facilities for the sale or service of alcoholic beverages• Any type of wholesale, jobber or distributor business (under 4,000 sqft)• Hotels or motels• Building trades contractor• Multifamily dwellings• Colleges• Shopping plaza or center• Intermediate care facilities• Home office, private• Agricultural market, outdoor or indoor

POSSIBLE ZONING ISSUES IN NELMAR TERRACE

The neighborhood should take this opportunity to identify existing zoning issues, such as nonconforming land uses. A zoning overlay district may provide a solution to these issues by including regulations that prevent their occurrence in future development.

Below is a list of potential items that the neighborhood may want to discuss as part of their evaluation. These issues as well as others may be addressed by this workbook process.

- ♦ Deteriorated building or infrastructure conditions
- ♦ Nonconforming lots, structures or land uses
- ♦ Conversion of single-family into multi-family residences
- ♦ Intensity and density of appropriate development
- ♦ Appropriate neighborhood commercial uses and intrusion of uses along the commercial corridor into the neighborhood
- ♦ Increases of traffic volume and cut-through traffic for San Marco Avenue and US 1 North
- ♦ Amount of street trees and canopy
- ♦ Conservation of surrounding natural areas
- ♦ Location and types of institutional buildings (such as churches, schools, government buildings, etc.)
- ♦ Infrastructure for pedestrians and bicycles

ZONING OVERLAY DISTRICTS

Definition of Zoning Overlay Districts:

A zoning overlay district is a special zone that is placed over a base zoning and provides additional regulations that supplements or supersedes the existing regulations. They may provide a higher level of regulation than what is required by the existing zoning or allow for more permitted uses and less-restrictive development guidelines. The overlay boundaries are not required to coincide with other zoning district boundaries and tend to encompass specific areas of the community, such as a neighborhood or commercial corridor.

Overlay districts are particularly useful to communities because they allow a specific areas issues and needs to be addressed without doing any major rezoning; an overlay district can be implemented by amending the City's current zoning ordinance without having to go through the process of rewriting the underlying zoning regulations. The community can modify the overlay district without difficulty, should they decide to change the requirements or coverage area.

It is important to understand that overlay regulations would only apply to changes to private property or new development going forward. Existing conditions would be allowed to remain until which time a property initiates the building permit process and required to comply with the overlay regulations.

Types of Zoning Overlay Districts:

A community may implement a zoning overlay district for a variety of reasons. Here are a few examples of common zoning overlay districts:

- ♦ **Conservation Overlay:** Regulates significant character-defining features of a neighborhood through demolition prevention and restrictions on the scale and design of allowable construction.
- ♦ **Architectural/Design Overlay:** Regulates aesthetic characteristics of a district, such as building height, fenestration, form, orientation, materials, color, etc.
- ♦ **Commercial Corridor Overlay:** Regulates land use and aesthetics to create a more pedestrian-friendly and mixed-use corridor environment.
- ♦ **Commercial Core Overlay:** Regulates aesthetics and land use in a central commercial area to promote consistent design and economic development.
- ♦ **Natural Resource Overlay:** Regulates certain activity and development to protect significant habitats and natural resources.

ZONING OVERLAY OPTIONS

Options for zoning overlay regulations:

A zoning overlay district is able to regulate a variety of elements of the built and natural environment. The neighborhood should identify what its current concerns and needs are, and use this information to build the specific requirements for its zoning overlay district.

Here is a list of possible regulatory tools/topics to include in your zoning overlay:

- ♦ **Conservation/Preservation:** provisions for the protection of historic or natural resources in the community.

- ♦ **Architectural Guidelines:** design guidelines that help create/maintain a particular look and feel of an area.

- ♦ **Landscaping:** certain landscaping and screening requirements for new construction and parking areas.

- ♦ **Development :** requirements for building height, size, and placement.

- ♦ **Land Use:** additional uses not permitted under current zoning.

- ♦ **Parking:** requirements for amount of parking, and placement and design of parking areas.

No Change

Alternatively, the neighborhood may choose to not adopt a zoning overlay district, but instead continue with the existing zoning regulations that the City currently has in place.

HOW TO ADOPT A ZONING OVERLAY DISTRICT

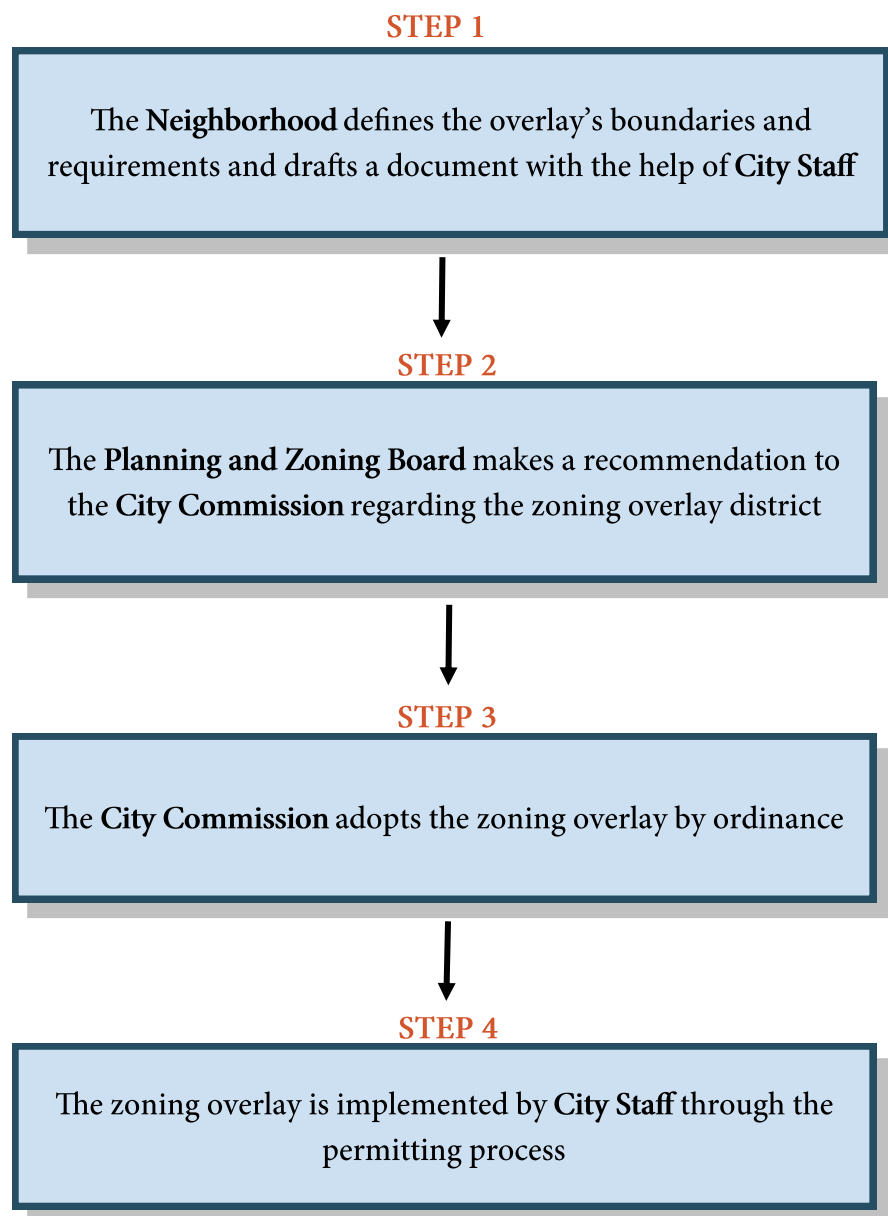
There are four main steps involved with creating and adopting a zoning overlay district:

Step 1: The neighborhood defines what it wants the zoning overlay to accomplish and then members of that neighborhood work with city staff to draft a document outlining the overlay's boundaries and specific requirements.

Step 2: The Planning and Zoning Board reviews this document at a public hearing and makes a recommendation to the City Commission.

Step 3: The City Commission then adopts the zoning overlay district by ordinance into the City's Zoning Code.

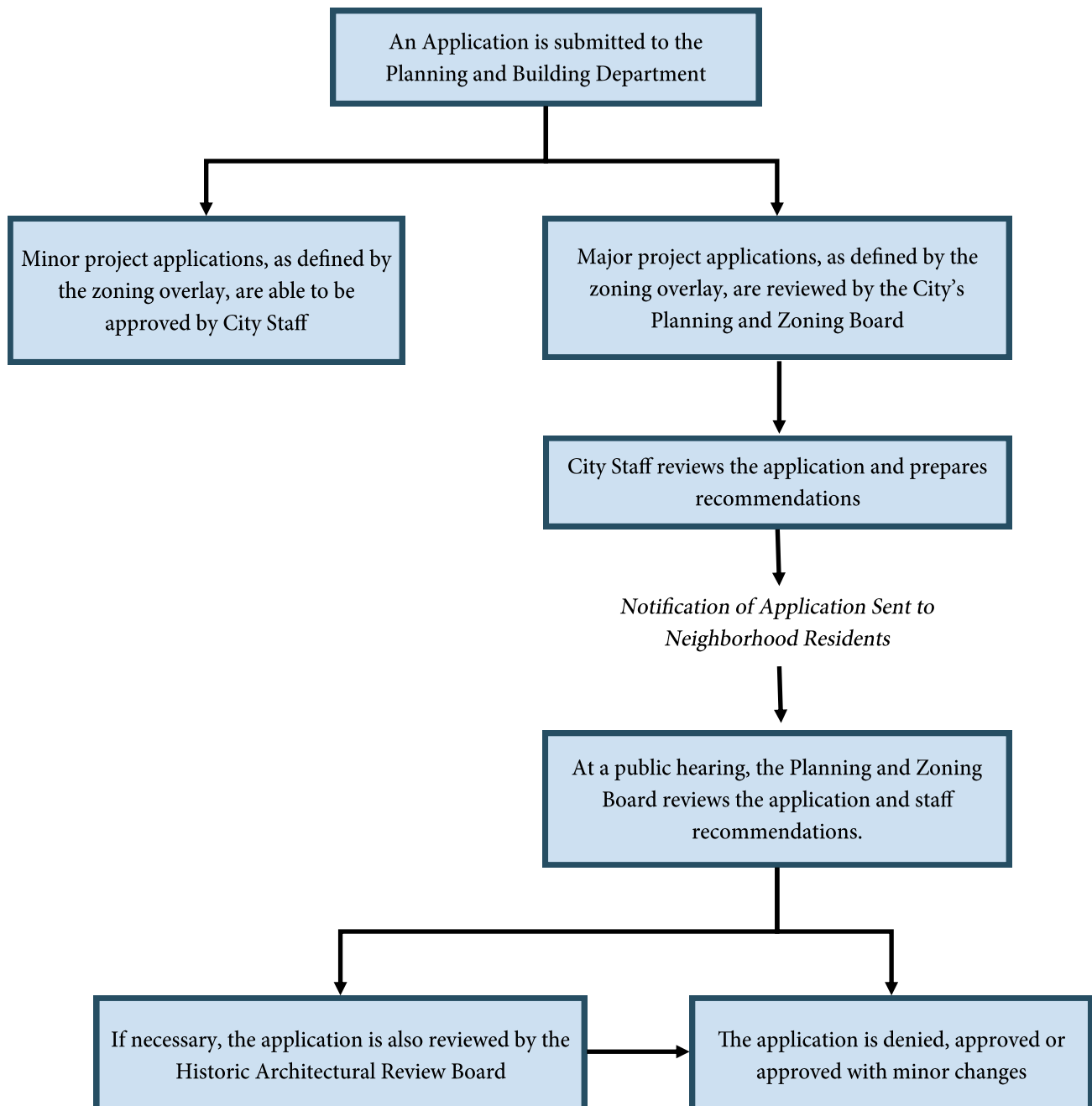
Step 4: The zoning overlay is enforced by city staff through the permitting process



HOW TO IMPLEMENT A ZONING OVERLAY DISTRICT

Once the zoning overlay district ordinance is adopted: City Staff will enforce the overlay requirements through the permitting process. When applications from the overlay district are submitted to the Planning and Building Department they will be reviewed for compliance with the overlay's specific requirements. Minor applications, as defined in the overlay district ordinance, will be able to be approved administratively by staff, while major applications will need to be reviewed by the Planning and Zoning Board, and if necessary the Historic Architectural Review Board as well, at public hearings.

The flowchart below outlines the potential processes for an application within a zoning overlay district:



OUTREACH AND COMMUNICATION

Options for gathering input from the neighborhood:

The zoning overlay district requirements should ideally reflect the views of all neighborhood residents and business owners. An important first step is to begin communicating with the various individuals and groups in the neighborhood to understand what their concerns and needs are. It will be necessary to conduct significant public outreach and engagement, in order to include as many citizens as possible in the planning process to build a consensus.

Here are some options for gathering input from neighborhood residents and business owners:

- ♦ **Neighborhood Association Meetings:** Use your neighborhood association's meetings as an opportunity to discuss concerns about the neighborhood and whether a zoning overlay district could be a solution to these issues. Make sure to get the word out about the meeting dates and times, and get creative in how you approach decision making. These meetings should include open discussions and interactive activities to ensure that everyone gets involved.
- ♦ **Public Workshops:** Special workshops could be scheduled during a time that is convenient for most residents, during which city staff conducts an interactive workshop that further explains the concept of zoning overlay districts and gathers feedback from the residents regarding what they would like to have included in their specific overlay requirements.
- ♦ **Surveys:** Open-ended questionnaires could be distributed to each resident of the neighborhood to gather information regarding their opinions on issues in the neighborhood, desires for changes in land use, building types, etc.
 - ♦ This survey could be distributed in a variety of ways: electronically, via mail, or during one of the meetings or workshops mentioned above
 - ♦ A sample survey is shown on the following page

SAMPLE SURVEY

1. What Best Describes You?

- A. Nelmar Terrace Resident
- B. Nelmar Terrace Business Owner
- C. Nelmar Terrace Property Owner
- D. Other _____

2. How long have you lived in St. Augustine/Nelmar Terrace ?

- A. Less than 5 Years
- B. 5-10 years
- C. 10 or More Years
- D. I don't live in St. Augustine

3. What types of land uses do you associate with Nelmar Terrace ?

(Choose all that apply)

- A. Single-Family Residential
- B. Multi-Family Residential
- C. Commercial (ex. retail, restaurant)
- D. Business (ex. office)
- E. Industrial
- F. Institutional (ex. church, school, government)

4. How would you describe Nelmar Terrace's unique character?

5. Do you have any concerns for Nelmar Terrace ?

- A. Yes
- B. No

If yes, what are your concerns?:

6. What do you think could improve Nelmar Terrace ?

(Choose all that apply)

- A. Better preservation of historic resources
- B. Better appearance of buildings
- C. Better placement and size of buildings
- D. The addition of more types of buildings
- E. Better landscaping and screening of properties
- F. Better appearance and size of parking areas

Explain your selection:

7. A zoning overlay district is a special zone that is placed over a base zoning and provides additional regulations that supplements or supersedes the existing regulations. Do you think a zoning overlay district would benefit Nelmar Terrace ?

- A. Yes
- B. No

If no, is there another alternative you think would better serve your neighborhood's needs and concerns?

8. What types of regulations should be included in Nelmar Terrace's zoning overlay, if one is considered?

- A. Conservation/Preservation: Specifications for the protection of valuable resources in the community
- B. Architectural Guidelines: Design guidelines that help create/maintain a particular look and feel of an area
- C. Landscaping: Certain landscaping and screening requirements for new construction or parking areas
- D. Development: Specific requirements for building height, bulk, mass, scale, placement, setback, etc.
- E. Land Use: Additional uses not permitted under current zoning.
- F. Parking: Specific requirements for amount of parking allowed, placement of parking, guidelines for parking area design and materials, etc.

9. Are you willing to have your property subject to additional regulations under a zoning overlay district?

- A. Yes
- B. No

10. Are you willing to participate in the process to create and adopt a zoning overlay district in Nelmar Terrace?

- A. Yes
- B. No

If Yes, how can we best contact you?

NEIGHBORHOOD WORKSHEET

1. What are the most important features/characteristics of your neighborhood?

2. What do you feel are the greatest concerns and needs for your neighborhood?

NEIGHBORHOOD WORKSHEET

3. Would a zoning overlay district be an appropriate solution to these concerns?

4. What types of requirements should be included in your neighborhood's zoning overlay?

NEIGHBORHOOD WORKSHEET

5. What city entity should administer your neighborhood's zoning overlay district?
(i.e. Planning and Zoning Board, Historic Architectural Review Board, City Staff)

6. If you believe a zoning overlay is not the best solution for your neighborhood, what alternative(s) would you suggest to address your neighborhood's concerns and needs?

NEIGHBORHOOD MILESTONE AND TIMELINE WORKSHEET

In the worksheet below, suggest a timeline for your neighborhood's zoning overlay adoption:

MILESTONE 1

Items to accomplish:

- ◆ Assemble neighborhood stakeholders and groups
- ◆ Identify the concerns and needs of the neighborhood
- ◆ Decide whether an overlay district is the right solution
- ◆ Decide specific overlay boundaries

Suggested Deadline for Milestone 1:

MILESTONE 2

Item to accomplish:

- ◆ Draft the zoning overlay district document, with the help of city staff

Suggested Deadline for Milestone 2:

MILESTONE 3

Items to accomplish:

- ◆ Present the zoning overlay district to the Planning and Zoning Board at a public hearing
- ◆ The Planning and Zoning Board makes a recommendation to the City Commission regarding the overlay district
- ◆ The City Commission adopts the zoning overlay district by ordinance

Suggested Deadline for Milestone 3:

**Planning and Zoning Board and City Commission meeting dates, as well as application deadlines are available online at the City of St. Augustine's website: www.staugustinegovernment.com