

CONSERVATION & COASTAL MANAGEMENT

City of St. Augustine Comprehensive Plan
EAR-Based Amendments

Conservation and Coastal Management Element

Conservation Goal

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources.

Coastal Management Goal

To prevent loss of life and damage to property in the coastal areas from the effects of natural disasters, while encouraging appropriate public access to and use of coastal areas.

CCM Objective 1

As Salt Run and Robinson Creek have been designated as Class II Waters by the Department of Environmental Protection, the City will insure that these water bodies remain open for shellfish propagation and harvesting. The measurable target for this objective is whether Salt Run and Robinson Creek remain open for shellfish propagation and harvesting.

CCM Policy 1.1

The City maintains three (3) "Conservation Overlay Zones. The boundaries of the Conservation Overlay Zones, generally indicated on the Conservation Overlay Zone Map adopted as part of the Future Land Use Map series, shall be determined on a site specific basis during site plan review of each development proposal.

Conservation Overlay Zone 1

Passive recreation, wildlife preservation and conservation areas, green space, and fishing piers and other water dependent uses, including boat ramps and marinas, shall be the primary uses within this Conservation Overlay Zone. Locally, these uses are more fully governed by other elements of the Comprehensive Plan and the City's land development regulations.

Conservation Overlay Zone 2

This Conservation Overlay Zone allows for all of the uses within Zone 1, as well as specialized, scenic or linear parks and boardwalks, off street parking areas providing that they are constructed with pervious materials except as may otherwise be required by the ADA Standards for Accessible Design and Florida Statutes s.553.5041 *Parking Spaces for Persons Who Have Disabilities*; and residential development, providing

that they are (1) located so as to minimize impacts to Conservation Overlay Zone 1 vistas and scenic areas, and (2) densities are limited to those defined by the underlying Future Land Use Category.

Conservation Overlay Zone 3

The restrictions on uses and other development and performance standard requirements within this zone are governed by the City's Comprehensive Plan, including the underlying Future Land Use Category, and the City's land development regulations.

CCM Policy 1.2

Reserved.

CCM Policy 1.3

Reserved.

CCM Policy 1.4

Reserved.

CCM Policy 1.5

The City shall continue to implement the adopted Comprehensive Plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City.

In addition, applications for building permits for development in Conservation Overlay Zones 1, 2 and 3 shall be accompanied by a copy of any permits required by the U. S. Army Corps of Engineers, the St. Johns River Water Management District and the Florida Department of Environmental Protection.

Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and, will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction or use so as to: avoid damage to adjacent salt marshes and the associated vegetative communities; eliminate any harm to the animal, fish or shellfish contained therein; avoid blocking or disrupting vistas and scenic opportunities and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. Only water

dependent structures and uses shall be permitted in Conservation Overlay Zone 1; all other structures and uses shall be prohibited.

Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and use so as to: avoid damage to adjacent salt marshes and the associated vegetative communities; eliminate any harm to any animal, fish or shellfish life contained therein; avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole. In those cases where proposed development will occur near an altered shoreline or will be within 150 feet of existing development (development landward of the most restrictive jurisdictional line and along the existing shoreline but not more than 150 feet away), development may not occur waterward of the existing line of development or the most restrictive jurisdictional line, whichever is more landward. In those cases where proposed development will occur near a natural shoreline and there is no existing development within 150 feet, development must occur at least 20 feet landward of the most restrictive jurisdictional line. High density development such as residential development in excess of thirteen (13) units per acre shall be prohibited in Conservation Overlay Zone 2 (100 feet landward of the most restrictive jurisdictional line) when there exists a natural shoreline.

Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of preserved or protected trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and use so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

Development in Conservation Overlay Zone 3 must retain either: (1) at least twenty five (25) percent of the trees on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh); or (2) fifty (50) percent of the trees on the site, unless approved via a public hearing.

Development in Conservation Overlay Zones shall conform to all requirement of the Federal Emergency Management Agency (FEMA) relating to flood control and prevention. Finish floors must be constructed at or above the base flood elevation established by FEMA. Prior to a Certificate of Occupancy being issued for the structure, the City shall

continue to require an Elevation Certificate signed by a licensed engineer or surveyor certifying that the lowest floor of the structure has been constructed at or above the established base flood elevation.

The City shall continue to maintain three (3) conservation overlay zones: Conservation Overlay Zone 1 for the protection of habitat waterward of the most restrictive jurisdictional line; Conservation Overlay Zone 2 for the protection of natural habitat one hundred feet (100') landward of the most restrictive jurisdictional line; and Conservation Overlay Zone 3 for the protection of natural habitat beyond one hundred feet (100') landward of the most restrictive jurisdictional line.

Applications for development in any of the Conservation Overlay Zones shall be evaluated according to the following criteria:

- (1) Site specific conditions.
- (2) The relationship of the site to adjacent properties, bodies of water and surrounding conservation zones.
- (3) Natural and proposed drainage patterns.
- (4) Effect of point and nonpoint discharge in the marine environment.
- (5) Proposed soil stabilization and erosion control methods.
- (6) Impact on floodplain.
- (7) Impact of development on vegetative and animal communities.
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- (9) Effect of shade on vegetation and shellfish.
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- (11) Impact of development on shoreline by linear feet and percent of site.
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.

- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- (15) Impact of development on water quality.
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- (17) The City shall pursue no net loss in wetlands by both amount and type of community.
- (18) Require a wildlife habitat survey for large developments for the purpose of restricting activities known to adversely affect the survival of endangered and threatened species, and protecting native vegetative communities from destruction by development activities. This policy implements CCM Objectives 1.3, 1.4, 1.7 and 3.4.

CCM Policy 1.6

No landfills or dumps shall be permitted in Conservation Overlay Zones 1 or 2.

CCM Policy 1.7

The City shall continue to enforce the City Code which prohibits the discharge of any sewage or other polluted waters except where suitable treatment has been provided by the City. Tertiary treatment shall be considered a suitable treatment.

CCM Policy 1.8

Require the use of silt curtains, grass swales and other techniques during construction to prevent soil erosion and sedimentation of area waterways.

CCM Policy 1.9

No additional waterways shall be impounded or altered to restrict or interfere with the natural tidal flow.

CCM Policy 1.10

The City will continue to enforce the City Code which requires development to connect to the city's sanitary sewer system if available if sewer is not available to the property, and cannot be made available in conjunction with construction, septic tank permits may be issued by St.

Johns County Health Department as a temporary on-site sewage disposal system.

CCM Policy 1.11

Continue to enforce City Code which prohibits the discharge of any seafood viscera into any city waterway.

CCM Objective 2

Maintain or improve the quality of the water in the city's estuaries. The measurable target for this objective is water quality in the city's estuaries as reported in the Florida Water Quality Assessment 305b Technical Report published by the the Florida Department of Environmental Protection.

CCM Policy 2.1

Coordinate with St. Johns County to identify and eliminate point and non-point discharges outside the city limits that impact city waterways.

CCM Policy 2.2

Continue to cooperate with the Florida Department of Environmental Protection and any other government agency or adjacent local jurisdictions which monitors water quality in the City's estuaries.

CCM Objective 3

Protect and conserve minerals and soils by continuing enforcement of the development regulations.

CCM Policy-3.1

The City shall continue to implement the Future Land Use Plan and enforce the City Code which prohibits all mining activities.

CCM Objective 4

Protect coastal wetlands, coastal barriers, estuaries, tidal marshes, wildlife habitat, marine habitat and living marine resources. The measurable target for this objective is the continued enforcement of all City development regulations related to development in or adjacent to environmentally sensitive areas.

CCM Objective 4.1

The City shall protect wetlands, as defined in Rule 9J-5.002(149), Florida Administrative Code (1999), by adopting land development regulations which establish minimum setbacks, identify minimum buffers in which no development would be permitted, and eliminate direct discharges. The City

shall pursue no net loss of wetlands. The measurable target for this policy is the number of wetlands at the time of adoption minus the number of wetlands at the time of the next Evaluation and Appraisal Report, based on information provided by the St. Johns River Water Management District.

CCM Objective 4.2

The City shall protect native vegetation and wildlife habitat by adopting land development regulations which establish measures for the protection of native vegetation (trees, shrubs and grasses) and wildlife habitat. The City shall pursue retaining 50% of the native vegetation on development sites. The measurable target for this policy is the amount of native vegetation and wildlife habitat at the time of adoption minus the amount of native vegetation and wildlife habitat at the time of the next Evaluation and Appraisal Report, based on information provided by the St. Johns River Water Management District.

CCM Policy 4.1

New marinas must incorporate the manatee protection recommendations of the Department of Environmental Protection (DEP). The City shall support the establishment of no wake zones and posted manatee areas that are not within a new marina's boundaries. New marinas shall be required to have pumpout facilities.

CCM Policy 4.2

The City shall take any action specifically requested by the State Division of Parks and Recreation and the Florida Fish and Wildlife Conservation Commission to protect sea turtles and their nests in the Anastasia State Recreation Area during the nesting season.

CCM Policy 4.3

The City shall take any action specifically requested by the U. S. Army Corps of Engineers to support their periodic beach renourishments in the Anastasia State Recreation Area during the winter and spring to protect sea turtle nesting areas. The City shall also take any action specifically requested by the U.S. Army Corps of Engineers to support their practice of placing beach grade sand from the periodic maintenance dredging of St. Augustine Inlet directly on the beaches of Anastasia State Recreation Area to reverse the effects of erosion.

CCM Policy 4.4

Since there are no existing natural reservations in the City, none are identified in the Recreation and Open Space Element. If, in the future, there are natural reservations in the city, then the City shall develop policies to protect those natural reservations.

CCM Policy 4.5

The City will continue to encourage the retention and installation of native vegetation through the incentives and credits outlined in the City Code. The City shall consider elimination of the requirement for a public hearing in Conservation Overlay Zone 3 if 100% waterwise and Florida-Friendly Landscaping is used for landscaping and replacement trees.

CCM Policy 4.6

Encourage Florida East Coast Railway officials and other property owners not to renew leases for the billboards which are located along Ponce de Leon Boulevard (U. S. 1) and State Road 16 near the marsh when those leases are considered for renewal.

CCM Policy 4.7

The City shall continue to support the established practice of the Anastasia Mosquito Control District not to do aerial spraying within the City limits, and to avoid truck spraying during the mating season in the areas known to be inhabited by the Swadner's Hairstreak Butterfly.

CCM Policy 4.8

As an additional means of protection, the City shall consider public acquisition of lands that contain significant natural resources including environmentally sensitive areas, natural vegetative communities, and wildlife habitats. Such lands, should they be acquired, shall be managed as open space and for passive outdoor recreation in a manner that furthers the protection of the resources occurring on site.

CCM Policy 4.9

The City shall take efforts to enhance degraded natural resources by means such as the removal of non-native and invasive plant species that occur within native vegetative communities, restoration of natural hydrology, and landscaping with indigenous, drought tolerant plant species.

CCM Objective 5

Meet or exceed the minimum air quality standards established by the Florida Department of Environmental Protection. The measurable target for this objective is continuing to meet the DEP air quality standards.

CCM Policy 5.1

The City shall continue to allow the Department of Environmental Protection (DEP) to maintain an air quality monitoring station at the City Public Works Complex in the West Sector or other locations if deemed appropriate by the DEP. Should this monitoring show that air quality

standards are not being met, the City will take appropriate action through the direction of DEP to resolve the air quality deficiency.

CCM Objective 6

Protect the quality and quantity of St. Augustine's ground water resources through the participation in the Florida WaterStar program and the use of waterwise and Florida-Friendly Landscaping practices. The measurable target for this objective is water quality and quantity measured by the monitoring well at the City's wellfield. This monitoring well is required by the St. Johns River Water Management District's Consumptive Use Permit.

CCM Policy 6.1

The City will maintain the existing 1,500 feet protective easements around the potable water well fields.

CCM Policy 6.2

Cooperate with St. Johns County and Putnam County to protect water recharge areas.

CCM Policy 6.3

The Consumptive Use Permit issued to the City by the St. Johns River Water Management District requires the City to comply with District directives for conservation during times of water emergency. In the event that the District declares a water emergency, the City shall follow directives issued by the District which may include customer water restrictions, bans on outdoor water use and system wide pressure reduction.

CCM Policy 6.4

The City shall continue to use effluent for irrigation and process water at both Waste Water Treatment Plants to conserve potable water.

CCM Objective 7

Permitted uses for shoreline and waterfront property will continue to give priority to water-dependent uses and increase safe public access to the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The measurable target for this objective is that the City Code will continue to allow water-dependent uses as permitted uses in all of the zoning districts associated with the land use classifications in the coastal planning area.

CCM Policy 7.1

New marinas must meet all applicable requirements of state and federal permitting agencies, including the manatee protection guidelines established by the Department of Environmental Protection. In addition:

1. marinas must be located within one statute mile of passes or inlets;
2. marinas must be located in areas designated for such use by the Future Land Use Plan;
3. all marina basins shall be designated idle speed zones;
4. marinas must be constructed in naturally deep water to minimize dredging, and basins should be of sufficient depth to prevent stirring up of bottom sediments by boat propellers;
5. marinas should be constructed adjacent to upland high bluffs or in areas where the salt marsh has been subject to extensive past disturbance;
6. marina entrances should be located such that maximum tidal flushing and circulation occurs;
7. marina construction should include linear development, and docking space should be designed to minimize or avoid impacts on salt marsh or other native vegetation; and

marinas should be served by municipal waste water systems and should have adequate solid waste collection facilities with frequent collection.

CCM Policy 7.2

The following performance standards shall apply to development of water-dependent and water-related uses: (1) compliance with all of the conditions of any regulatory agency permits required for the development; (2) compliance with any conditions established by the Planning and Zoning Board for development in a Conservation Overlay Zone discussed in Policy 5 of this element; and (3) compliance with the Future Land Use Plan and all of the implementing development regulations contained in the City Code.

Priorities for shoreline land uses and siting for water-dependent and water-related uses are as established by the Future Land Use Plan and implemented by the City Code. Water-dependent and water-related uses shall continue to be permitted uses or permissible uses by exception in all of the zoning districts in the city.

CCM Objective 8

As the only beaches and dunes within the city limits are in the Anastasia State Recreation Area, over which the City has no regulatory jurisdiction, the City will continue to support the efforts of the State Division of Parks and Recreation to protect the beaches and dunes, and restore the altered or degraded beaches and dunes.

CCM Objective 9

Ensure that a total evacuation of the city in the event of a Category 3 storm can be accomplished in a time period determined to be safe as provided for in the St. Johns County Comprehensive Emergency Management Plan. The measurable target for this objective is a safe evacuation of the City in the event of a natural disaster.

CCM Policy 9.1

The St. Johns County Comprehensive Emergency Management Plan addresses County action before, during and after any natural disaster (including hurricanes); and County interaction with other governmental and non-governmental agencies related to disaster preparation and response.

The decision to activate the Emergency Operations Center is made by St. Johns County. The decision to evacuate all or part of the City shall be coordinated with the County Emergency Operations Center. Residents living in areas to be evacuated shall be notified to evacuate via radio and television, and by the police and fire departments. Notice to evacuate shall be given as soon as the expected time and location of landfall is known, and shall not be less than 12 hours prior to the expected landfall. When the evacuation order is issued, the locations of open evacuation shelters will be publicized.

The decision to evacuate the Florida School for the Deaf and the Blind is made by school officials. The decision to evacuate county-operated nursing homes is made by St. Johns County.

CCM Policy 9.2

The City shall maintain a current list of all evacuation shelters in St. Johns County, including the location and capacity of each shelter. This list shall be included in the St. Johns County Comprehensive Emergency Management Plan. This list shall be updated as necessary to reflect current conditions.

CCM Objective 10

In the event that public or private property in the City is damaged by a natural disaster, the post-disaster redevelopment will reduce or eliminate the risk of human life and property damage by natural hazards. The measurable target for this objective is that, in the event property is damaged or destroyed by a natural disaster, post-disaster redevelopment will be in accordance with: (1) the densities and intensities of land use established by the Future Land Use Plan; (2) the criteria for developing in the Conservation Overlay Zones implemented by the City Code; and (3) requirements of the Building Code.

CCM Policy 10.1

New development, alterations to existing structures and repairs to existing structures that sustain damage greater than 50% of their structural value located in the coastal high hazard areas as depicted in the Coastal High Hazard Area Map adopted as part of the Future Land Use Map series shall be constructed or repaired to comply with the current building code of the City, as required by the State of Florida. Seawalls located in the coastal high hazard areas as depicted in the Coastal High Hazard Area Map that sustain damage greater than 50% of the seawall area due to a tropical storm or hurricane shall be rebuilt as revetments or rip-rap, or be replaced with native vegetation.

The City will prepare, by the year 2012, and maintain a post-disaster redevelopment plan. The post-disaster redevelopment plan shall differentiate between post-disaster redevelopment and post-disaster repair. The City shall continue to enforce and adopt land development regulations that incorporate:

1. building practices, to include structural integrity requirements and use of hazard protection devices;
2. floodplain management, to assure maximum drainage of floodwaters;
3. beach and dune preservation, to maintain protection from velocity waters;
4. stormwater management;
5. sanitary sewer construction and location, including backflow prevention and minimum elevations; and
6. land use, including location of institutions, docks, and buildings and distribution of densities and intensities.

CCM Objective 11

The City shall limit population densities in coastal high hazard areas as depicted in the Coastal High Hazard Areas Map adopted as part of the Future Land Use Map series. The coastal high hazard area for the City shall be considered the evacuation zone for a category 1 hurricane.

CCM Objective 12

Within the City there are two public access, permitted marine navigation channels: the San Sebastian River Channel and the Salt Run Navigation Channel. The San Sebastian Channel serves the City's "Working Waterfront". The Salt Run Channel serves the City's only public boat ramp and it serves one of the City's public mooring fields. Both the San Sebastian Channel and the Salt Run Channel provide both commercial and recreational boater access to the Atlantic Intracoastal Waterway and the Atlantic Ocean. The City, in partnership with other governmental agencies will work to maintain these public navigation channels as permitted by State and Federal agencies.

CCM Policy 12.1

The St Augustine Inlet Navigation Channel provides the City marine access to the Atlantic Ocean. The US Army Corps of Engineers with their local sponsor the St Augustine Port Waterway & Beach District are responsible for maintaining the inlet navigation channel. This ocean access navigation channel is an important economic asset to the City's marine and tourist industries. The City will support the efforts of the USACOE and the SAPW&BD to maintain this ocean access navigation channel.