

**ORDINANCE NO: 21-15**

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO SHEDS, PATIOS, STAIRS, AND ENCLOSURES; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF ST. AUGUSTINE BEACH, SECTION 2, DEFINITIONS, SECTION 6, SETBACK REQUIREMENTS, SECTION 7 GENERAL STANDARDS AND REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WITNESSETH:**

**WHEREAS**, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

**WHEREAS**, the City Commission for the City of St. Augustine Beach finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021 (4), Florida Statutes.

**BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST.**

**AUGUSTINE BEACH, FLORIDA:**

**SECTION 1.** The foregoing recitals are incorporated as legislative findings of fact.

**SECTION 2.** Add the following definitions to **Section 2.00.00 Definitions as used in this Appendix** of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach be, and the same is, hereby amended, revised and restated to read:

Fence – a barrier or structure that encloses an area to mark a boundary, control access, or prevent escape.

Patio Cover – A single-story shade structure covering a patio or deck area consisting of a

solid roof and structural supports, attached to the primary dwelling, which is used only for recreational, outdoor purposes and which is not used as a carport, garage, storage room, or habitable living space.

Screen Enclosure – A building or part thereof, in whole or in part self-supporting, and having walls and a roof of insect screening.

Shed – An accessory structure used for storage.

Stair – A change in elevation, consisting of one or more risers.

Stairway – One or more flights of stairs, either interior or exterior, with the necessary landings and connecting platforms to form a continuous and uninterrupted passage from one level to another within or attached to a building, porch, or deck.

**SECTION 3.** Amend Section 6.01.03 Definitions as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach, and the same is, hereby amended, revised and restated to read:

**Sec. 6.01.03. Building setback requirements.**

- A. Subject to paragraph B. and any other provisions of this section, no portion of any building may be located on any lot closer to any lot line or to the street right-of-way line than authorized in the table set forth in this section. This will apply to any subdivision that does not have setback modifications approved by the City Commission, and by approval of respective Homeowner's Associations.

Land Use	Front Yard	Side Yard	Rear Yard	Street Side
Single-family	25 ft.	10 ft.	20 ft.	12 ft.
Single-family on 50' by 93' platted lots	20 ft.	7.5 ft.	20 ft.	12 ft.
Multifamily (2 to 8 units)	25 ft.	10 ft.	20 ft.	15 ft.
Multifamily (8 units or more)	35 ft.	15 ft.	20 ft.	15 ft.
Commercial	20 ft.	10 ft.	20 ft.	15 ft.
Other uses (same as commercial)	20 ft.	10 ft.	20 ft.	15 ft.

1. Roof overhangs for single family land use may project past the setbacks up to 18 inches.
2. Flexible setback to save trees for single family land use:
  - a. In all cases, the justification for a change in a setback requirement must be to save a significant tree, which per the Board's motion to approve this Application is defined as being eight (8) inches in diameter at breast height (DBH) or greater, as demonstrated on a site plan with a tree and topography survey.
  - b. Flexible setbacks shall be as per the table below:

	Setbacks as per section 6.01.03	Flexible Adjustment	Combined Total
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Front/Rear Yard	25 ft./20 ft.	7.5 ft./2.5 ft.	Front and Rear = 45 ft.
Front/Rear Yard	20 ft./20 ft.	2.5 ft./2.5 ft.	Front and Rear = 40 ft.
Side/Side Yard	10 ft./10 ft.	5 ft./5 ft.	Combined side = 20 ft.
Side/Side yard	7.5 ft./7.5 ft.	2.5 ft./2.5 ft.	Combined side = 15 ft.

- c. All requests for flexible setbacks to save trees must have the approval of the City's Building Official, the applicable Homeowners Association (if required) and the Comprehensive Planning and Zoning Board.
3. Certain architectural features, such as roofs over exterior doors, bump outs, bay windows, etc. may project no more than 2.5 feet including overhangs into the required minimum setbacks as prescribed in section 6.01.03.A. These architectural features shall not exceed 25% of the wall that they are serving, nor shall they be supported by the earth.
4. Any lot with a width of fifty (50) feet or less shall have a 7.5-foot side setback.
5. Exterior stairs shall be required to have the same setbacks as decks.
6. Setbacks for equipment such as pool equipment, AC units, generators, etc., shall be placed a minimum of three (3) feet from the side and rear property lines. No equipment shall be placed in the front of a main structure.

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

1. *Decks:* Any deck less than twelve (12) inches above finished grade is not subject to setbacks requirements. However, this type of deck is not allowed within two (2) feet of an adjacent property line.

a. Any deck exceeding thirty (30) inches in height is subject to the setback requirements as specified in the table and is required to be permitted by the Building Department. If the main structure is built to the twenty (20') foot setback line, a deck over twelve (12) inches and less than thirty (30) inches is exempt from permitting and may encroach into the rear yard setback a distance not to exceed eight (8) feet from the principal structure and may encroach into the front setback a distance of five (5) feet from the principal structure. If the main structure is built to the twenty-five (25') foot setback line, a deck may extend twelve (12') feet into the rear setback and for the front, the deck may extend ten (10') feet into the front setback.

b. For second and third level decks, the allowable extension from the main structure built at the twenty (20') foot setback is five (5) feet into the front or rear setback from the main structure. For a structure built at the twenty-five (25') foot setback, the allowable extension is ten (10') feet into the front or rear setback.

2. *Auxiliary structures:*

a. This applies to features such as open air arbors, trellises and free standing tiki bars that do not exceed twelve (12) feet in height. These structures shall have

a minimum setback of five (5) feet from the rear and side lot lines. Tiki bars are not allowed in front yards.

- b. Screen rooms and patio covers are allowed to encroach a maximum of ten (10) feet into the rear yard setback providing the roof line for the enclosure does not exceed twelve (12) feet in height and the addition to new or existing construction does not exceed the allowed impervious surface coverage as specified in the city's land development regulations. The screen room shall comply with the allowed side setbacks as established by these land development regulations.
- c. Swimming pools and screen enclosures (regardless of whether or not enclosing a pool) shall be, at a minimum five (5) feet from the rear and side setbacks. This applies to the water line or the screen enclosure.
- d. Storage sheds not exceeding eight (8) feet in width and twelve (12) feet in length shall be allowed a five (5) foot rear and side setback. Any storage shed exceeding ninety-six (96) square feet shall meet the same setbacks as specified in the table for new and existing construction. Storage sheds are not allowed in the front setback area, nor shall a shed be placed forward of the existing main structure.

3. *Minimum setbacks between buildings:*

- a. The minimum setback between adjacent structures shall be ten (10) feet except that no setback is required where an attachment easement has been created.

- b. Distance shall be measured at the narrowest point between structures of the main living unit, principal structure, an allowable attachment or an accessory use or to the ordinary projections of chimneys or flues, not exceeding two feet (2) feet. The measurement shall be taken from the structure's walls, not including overhangs.
  - c. Dry cleaning establishments must meet the required commercial setbacks and cannot be located in a shopping center where zero (0) setbacks are allowed between adjacent stores. The exception shall be where a facility is for pick-up only with no actual dry-cleaning performed within the facility.
4. Variances to section 6.01.03.B of the city's Land Development Code require a hardship which may not be self-created and must comply with all the requirements of section 1002.00 of the city's Land Development Code.

(Ord. No. 18-08 , § 1(Exh. 1), 7-2-18; Ord. No. 20-02 , § 6(Exh. 1), 3-2-20; Ord. No. 21-04 , § 2, 6-7-21; Ord. No. 21-15 , § 3)

**SECTION 4.** Amend Section 7.01.01 Definitions as used in this Appendix of Appendix A – LAND DEVELOPMENT REGULATIONS, of the City of St. Augustine Beach be, and the same is, hereby amended, revised and restated to read:

**Sec. 7.01.01. General standards and requirements.**

Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

- A. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
- B. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- C. Accessory structures shall not be located in a required buffer, landscape area, front yard or minimum building setback area in the side or rear yard, or in the front of the structure, beyond the front building wall of the main structure.
- D. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
- E. Accessory structures shall be shown on any concept development plan with full supporting documentation as required in Article XII of this Code.

(Ord. No. 91-7, § 2; Ord. No. 95-1, § 7 Ord. No. 21-\_\_\_, § 4)

**SECTION 5.** All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

**SECTION 6.** If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

**SECTION 7.** This Ordinance shall take effect thirty (30) days after passage, pursuant to Section 166.041(4), Florida Statutes

**PASSED, APPROVED AND ADOPTED** at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this 3<sup>rd</sup> day of January 2022.

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Don Samora, Mayor

ATTEST:

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Max Royle, City Manager