

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: July 29, 2026

RE: **ORDINANCE 2026-20 REQUIRING A UNANIMOUS VOTE FOR CHANGES TO CONSERVATION LANDS**

Enclosed please find Ordinance 2026-20 requiring a unanimous vote for intensification of uses on city-owned conservation lands, or when removing lands from conservation designation. This proposed ordinance was requested by Vice-Mayor Blonder at the July 27th, 2026 meeting with consensus of the Commission. A map showing possible properties that would come under these new provisions is included.

This item should be placed on the agenda for August 10, 2026, under item 9A Ordinances for First Reading.

Thank you.

_____/ICL_____
Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Darlene Galambos, City Clerk

Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of section 166.041(4), Florida Statutes. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by section 166.041(4), Florida Statute will be provided in the “Business Impact Estimate” section below.

Proposed Ordinance Title/Reference:

ORDINANCE NO. 2026-20

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, CREATING ARTICLE V, DIVISION 2, SECTION 5.24, OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR A UNANIMOUS VOTE OF THE CITY COMMISSION FOR ANY PROPOSITION TO INTENSIFY THE USES OF CITY OWNED CONSERVATION LANDS OR TO REDUCE THE SIZE OF CITY OWNED CONSERVATION LANDS; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

Applicable Exemptions:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in s. 163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243, Florida Statutes;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
 - c. Sections 190.005 and 190.046, relating to statutory Community Development Districts;
 - d. Section 553.73, relating to the Florida Building Code; or
 - e. Section 633.202, relating to the Florida Fire Prevention Code.

Note: The City's provision of information in the Business Impact Estimate section below, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions above shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Section 166.041(4), Florida Statute, Sec. 166.0411, Fla. Stat., or any other relevant provision of law.

Business Impact Estimate:

1. **Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

THE PROPOSED ORDINANCE CREATES A HIGHER THRESHOLD OF SUPPORT FOR CHANGES TO THE INTENSITY OF USES ALLOWED ON CITY-OWNED CONSERVATION LANDS OR CHANGES TO THE SIZE OF THE PROPERTY DEDICATED TO CONSERVATION. THE CITY COMMISSION MUST APPROVE SUCH A MEASURE BY A UNANIMOUS VOTE. THIS PROPOSED ORDINANCE SERVES A PUBLIC PURPOSE BY PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS AND WELFARE OF RESIDENTS OF THE CITY BY PRESERVING CONSERVATION LANDS.

2. **An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of St. Augustine, if any:**

- (a) **An estimate of direct compliance costs that businesses may reasonably incur;**
- (b) **Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and**
- (c) **An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.**

THIS PROPOSED ORDINANCE HAS NO IMPACT ON PRIVATE BUSINESSES IN THE CITY AS IT ONLY APPLIES TO CITY-OWNED CONSERVATION LANDS.

3. **Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:**

NONE.

4. **Additional information the governing body determines may be useful (if any):**

SEE THE RECORD OF THE HEARING.

ORDINANCE NO. 2026-20

AN ORDINANCE OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, CREATING ARTICLE V, DIVISION 2, SECTION 5.24, OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR A UNANIMOUS VOTE OF THE CITY COMMISSION FOR ANY PROPOSITION TO INTENSIFY THE USES OF CITY OWNED CONSERVATION LANDS OR TO REDUCE THE SIZE OF CITY OWNED CONSERVATION LANDS; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City of St. Augustine has acquired parcels of property through a conservation land acquisition program, or through other means over time; and,

WHEREAS, the citizens of the City of St. Augustine have voiced support for the perpetual preservation of park or conservation lands at public meetings; and,

WHEREAS, the City of St. Augustine is limited in size and mostly developed through its long history, therefore wilderness or conservation areas are at a premium and difficult to replace; and,

WHEREAS, the provision for a supramajority vote achieves the appropriate balance of preservation of conservation lands while maintaining local control; and,

WHEREAS, the City Commission 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 § 166.021(4), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Charter Article V., Division 2, Section 5.24 is hereby created, as follows:

“ Sec. 5.24.-- Unanimous vote requirement. A proposition affecting municipal property designated for conservation purposes must be approved by a unanimous vote of the city commission if the proposition would have the effect of intensifying the uses allowed on the conservation property or reducing the area of land designated for conservation. Municipal conservation property that is already encumbered by a recorded covenant and restriction, reservation, reverter, conservation easement, or other similar terms and conditions, is exempt from this provision. Activities and improvements consistent with public lands conservation best management practices such as, but not limited to, eradication of invasive species, restoration of ecosystems, re-vegetation and tree planting, trails and elevated boardwalks, wayfinding and interpretative signage or kiosks, benches,

receptacles, restrooms, fencing, and stabilized parking are not considered intensification of uses as described in this section.”

Section 2. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. 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 5. Effective Date. This Ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(5), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2026.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

COSA-OWNED PROPERTIES – POSSIBLE CONSERVATION PROPERTIES FOR PROPOSED CHARTER AMENDMENT

Avery Street/Theodore Street – City has applied for Florida Communities Trust Funding. If awarded, this property will be encumbered by a Dedication to Public Use and a Declaration of Restrictive Covenants.
11.39 ac.

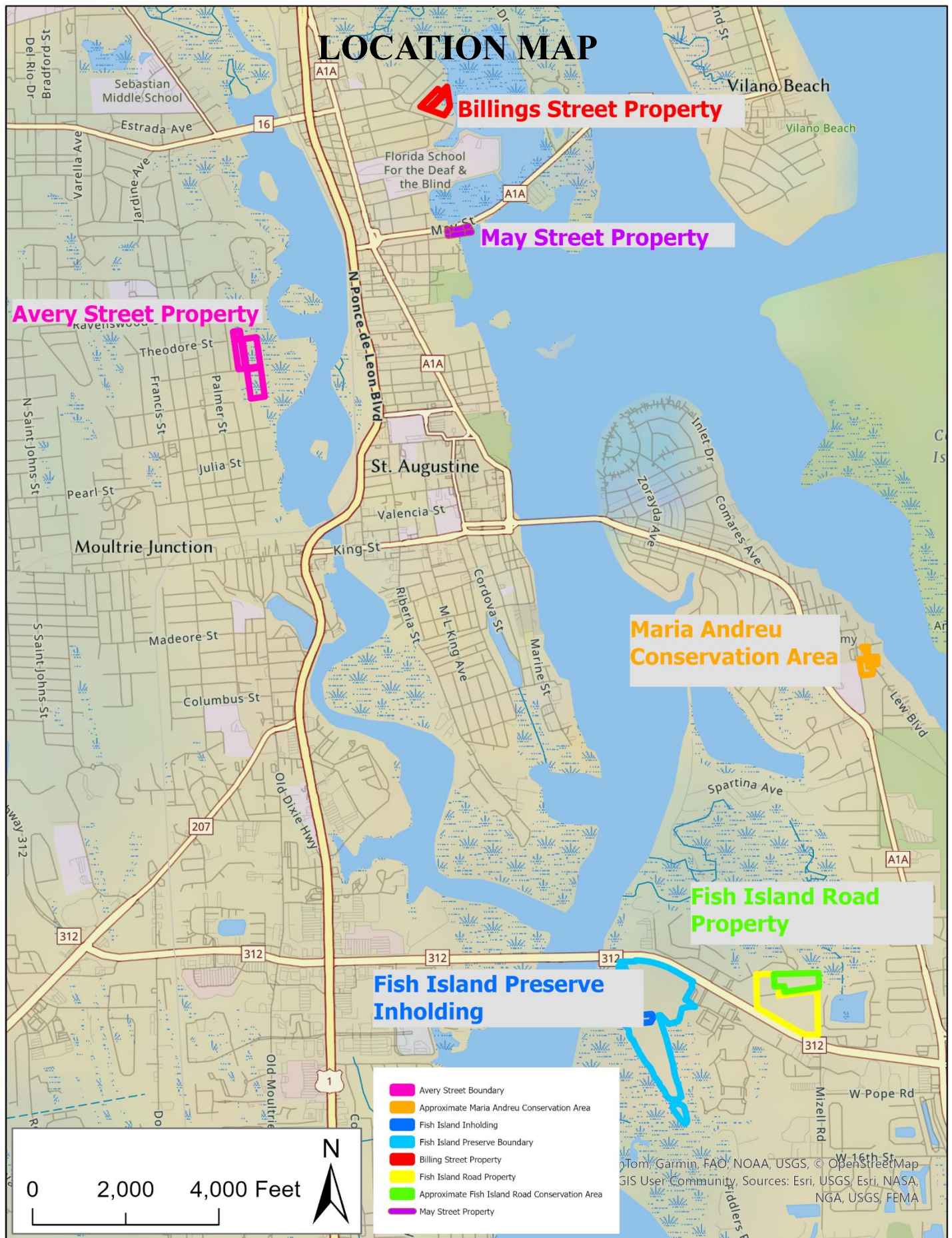
Fish Island Preserve Inholding
2.67 ac.

Billings St. Property (100 Acre Marsh Property)
4.56 ac.

Maria Andreu Conservation Area at Lighthouse Park – portions of the maritime hammock that are of good quality.
Approximately 2.2 ac. – There should be some title work done to ensure exactly what the city owns.

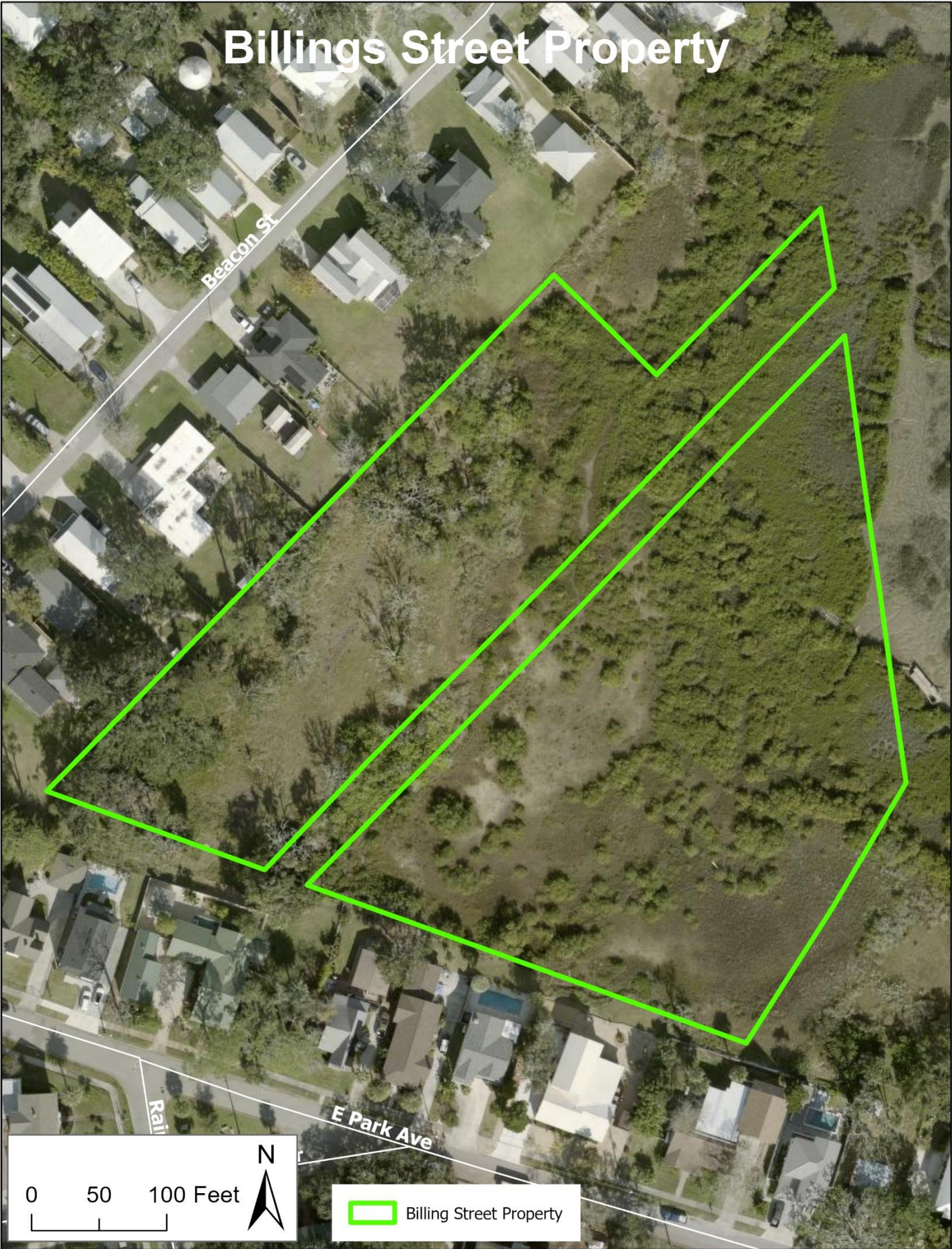
Fish Island Road Property (Stone Cutters Creek Park) – Part of property that wasn't part of the municipal dump and wastewater treatment plant #2.
Approximately 7.2 ac. without ponds and 15.8 ac. with ponds.

May Street at Hospital Creek – High value, deep water shoreline
1.18 ac.

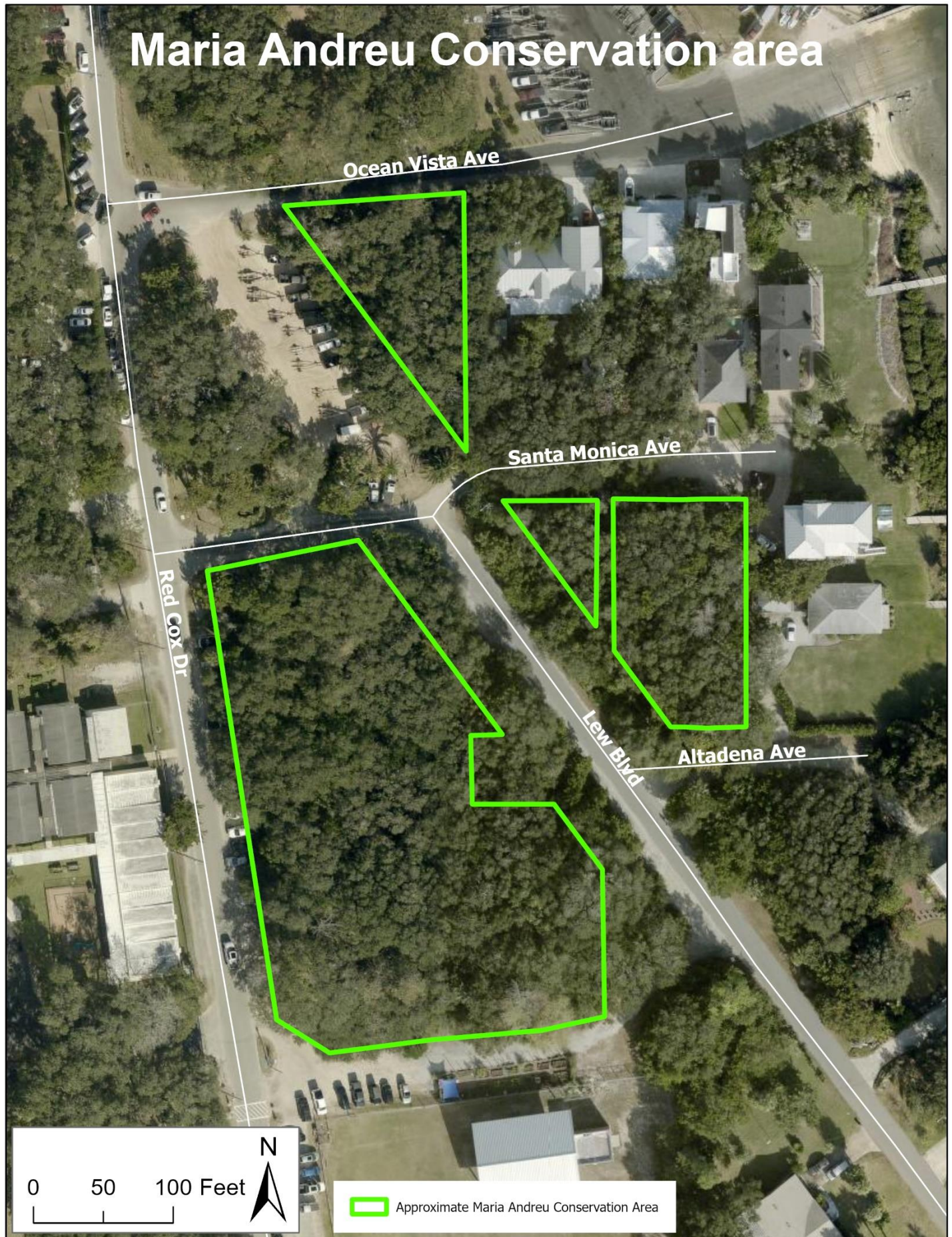




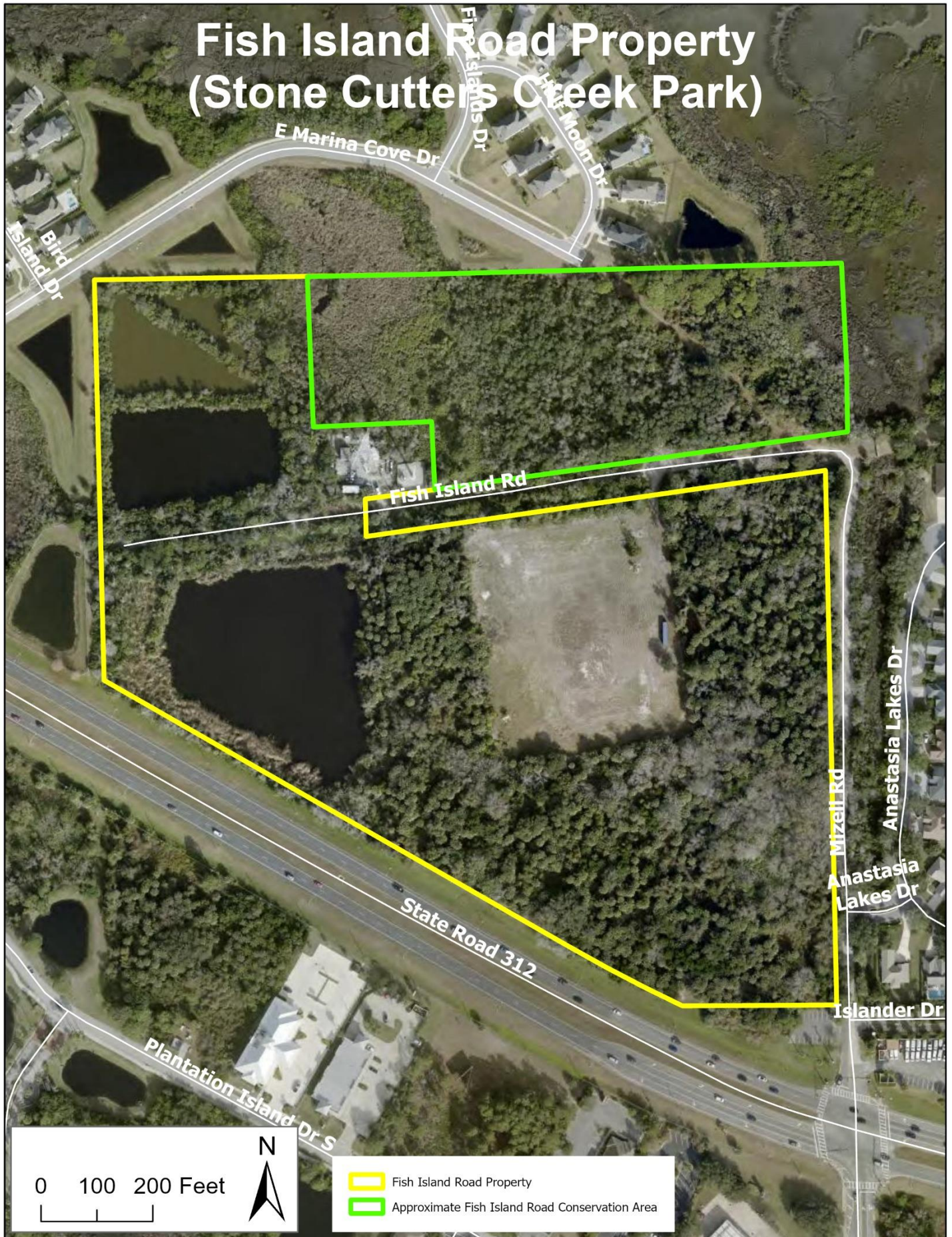




Maria Andreu Conservation area



Fish Island Road Property (Stone Cutters Creek Park)



May Street Property

