



**AGENDA
PLANNING AND ZONING BOARD MEETING
CITY OF ST. AUGUSTINE BEACH
JANUARY 19, 2016 7:00 PM.**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

NOTICE TO THE PUBLIC

THE PLANNING AND ZONING BOARD HAS ADOPTED THE FOLLOWING PROCEDURE. PERSONS WISHING TO SPEAK ABOUT TOPICS THAT ARE ON THE AGENDA MUST FILL OUT A SPEAKER CARD IN ADVANCE AND GIVE IT TO THE RECORDING SECRETARY. THE CARDS ARE AVAILABLE AT THE BACK OF THE MEETING ROOM. THIS PROCEDURE DOES NOT APPLY TO PERSONS WHO WANT TO SPEAK TO THE BOARD UNDER "PUBLIC COMMENTS."

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR 2016

V. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF NOVEMBER 17, 2015

VI. PUBLIC COMMENT

VII. NEW BUSINESS

A. Land Use Variance File No. VAR 2016-01, for proposed construction of a six-foot-high picket-style fence in the front setback area of a single-family residence on an oceanfront lot at 1 E Street, Terence and Bettina Lally, Applicants

B. Conditional Use File No. CU 2016-01, for a conditional use permit for outside seating on the premises of an existing building in a commercial land use district at 101 F Street, 101 F Street LLC/Frank O'Rourke, Applicant

C. Review of proposed amendment to Section 2.00.00 of the City of St. Augustine Beach Land Development Regulations to provide a definition for alternative paving materials

D. Rescheduling of March 15, 2016 regular monthly meeting due to Supervisor of Elections occupying City Hall meeting room for Presidential Preference Primary Election

VIII. OLD BUSINESS

IX. BOARD COMMENT

X. ADJOURNMENT

NOTICES TO THE PUBLIC

In accordance with the Americans with Disabilities Act, persons requiring special accommodations to participate in this proceeding should contact the City Manager's Office at least 24 hours in advance of the meeting date and time at the address listed above, or telephone 904-471-2122, or email sabadmin@cityofsab.org

For more information on any of the above agenda items, please call the City of St Augustine Beach Building & Zoning Department at 904-471-8758. The agenda information may also be accessed from the meeting schedule information on the City's website at: www.staugbch.com



**MINUTES
CITY OF ST. AUGUSTINE BEACH
PLANNING AND ZONING BOARD
REGULAR MONTHLY MEETING
TUESDAY, NOVEMBER 17, 2015, 7 P.M.**

City Hall
2200 A1A South
St. Augustine Beach, FL 32080

I. CALL TO ORDER

Chairman Steve Mitherz called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairman Steve Mitherz, Vice-Chairman Jane West, David Bradfield, Roberta Odom, Elise Sloan, Zachary Thomas, Karen Zander, Junior Alternate Jeffrey Holleran.

BOARD MEMBERS ABSENT: Senior Alternate Mary McCarthy.

STAFF PRESENT: Building Official Gary Larson, City Attorney Doug Burnett, City Manager Max Royle, Recording Secretary Bonnie Miller.

IV. APPROVAL OF MINUTES OF OCTOBER 20, 2015 REGULAR MEETING

Motion: to approve the minutes of the October 20, 2015 regular monthly meeting. **Moved** by Elise Sloan, **seconded** by Roberta Odom, **passed 7-0** by unanimous voice-vote.

V. PUBLIC COMMENT

Bob Kahler, 29 Sunfish Drive, St. Augustine Beach, Florida, 32080, said as he's said before, this is the worst City Commission he's seen in 26 years, so when the Mayor made a very unfriendly statement about this Board, he thought it was grossly unfair. In talking about the Commission throwing stones, some of the current Commission's accomplishments are the community garden failure, excessive wage increases for top management, rejecting the latest hotel project, which is an income source, proposed by Fred Ashdji's company, and Maratea Part II, which is costing them 4.5 million, but 9 million with interest. The Mayor seems to think if the Commission had been in charge of the Embassy Suites hotel project, things would have turned out better, but to be fair, with the City's Building Department, City Charter, and City Attorney, the problem started in the Charter, and just kept going until it was too late, so he felt obliged to defend the Board.

VI. NEW BUSINESS

- A. Review of Comprehensive Plan amendments to adopt by reference the St. Johns

County School Board's Five-Year Facilities Work Plan and additional capital improvements to Ocean Hammock Park and the former City Hall building

Mr. Royle said the City Commission passed Ordinance No. 15-11, to amend the City's Comprehensive Plan by adopting the School Board's Five-Year Facilities Work Plan and additional capital improvements, on first reading at its last meeting. Though there are no schools within the City limits, and probably never will be, State law still requires the City to amend its Comprehensive Plan every year to adopt by reference the School Board's Five-Year Facilities Work Plan. This ordinance accomplishes that, so the Board is tasked with reviewing it and making a recommendation to the Commission as to whether or not it should be adopted on final reading.

Mr. Mitherz said two other projects are included in this ordinance, for an estimated \$250,000.00 in improvements to Ocean Hammock Park, and an estimated \$500,000.00 for reconstruction of the former City Hall building and facilities by the pier, including renovation of the unusable second floor of this building. It says in the ordinance that both of these additional projects are unfunded.

Mr. Royle said yes, these projects were put on the same Comprehensive Plan amendment ordinance adopted last year for the School Board's Five-Year Facilities Work Plan. They are kept in the Comprehensive Plan in case the City ever gets any grant money that can be utilized for improvements to the old City Hall building or Ocean Hammock Park, as usually, grant applications ask if these projects are in the City's Comprehensive Plan, and they want to be able to say yes.

Ms. West said she's just hesitant to make any recommendations for changes to the Comprehensive Plan at this time, without having the input of a land planner first.

Mr. Mitherz said he doesn't agree with that, as he doesn't think this really needs the approval of a land planner, which they don't have at this time. This is something the Commission has done for years and years, and as nine-tenths of the ordinance concerns the St. Johns County School District, he moved to recommend the Commission approve passage of it as drafted on final reading.

Motion: to recommend the City Commission approve passage of Ordinance No. 15-11 on final reading. **Moved** by Steve Mitherz, **seconded** by Roberta Odom, **passed 5-2** by roll-call vote, with Ms. Odom, Ms. Sloan, Mr. Thomas, Ms. Zander, and Mr. Mitherz assenting, and Mr. Bradfield and Ms. West dissenting.

- B. Review of responses to requests for qualifications for land planning services to review and recommend amendments/revisions to the City's Comprehensive Plan, Land Development Regulations, and Vision Plan

Mr. Royle said the City advertised for land planning services and initially received six responses, with another coming in later, for a total of seven. The Board members have been asked to review the seven responses and recommend their top three rankings to the City Commission, based on capabilities, adequacy of personnel, past and present record of projects, and experience.

Ms. Zander asked if the last response was sent in after the deadline for submission. She also asked if the one-page "Request for Qualifications for Planning Services" provided to the Board members

in their packet information was the entirety of what was sent out by the City.

Mr. Royle said the last response was not sent in after the deadline for submission. He believes the one-page request for qualifications (RFQ) for planning services was the entirety of what was sent out. The Board reviewed the original request for planning services, and changed it, as they were looking for requests for qualifications for planning services, not requests for proposals, so all they're looking at right now are what firms are best qualified to do the work that needs to be done.

Ms. Zander said she thinks the City Attorney, whether it was Mr. Whitehouse or Mr. Burnett, did an excellent job of capturing the Board's recommendation for the verbiage to be used in the draft for the request for planning services, as it was very accurate as to what was said at the Board's meeting. This is what the Board forwarded to the Commission, and she watched this Commission meeting, twice, and didn't see the Commission not accept this draft. She asked how they got from what the Board recommended, and what was drafted by the City Attorney's Office, to this one-page document that leaves out the majority of what the Board suggested. If this one page was all that was presented, it lost a lot of what the Board suggested, and she thinks it's indicative of the responses the City received, as clearly, potential firms weren't told what the City was looking for.

Mr. Royle said he'll have to look in the files to see the background on that.

Ms. West said she concurs with Ms. Zander, as the RFQ that was sent out fails to address the actual planning task at hand, which is to fully evaluate Ordinance No. 13-14, as this is the real impetus behind this. She's concerned with the rather vague scope in the RFQ, as she doesn't think it's going to accomplish the mission they originally sought to accomplish by hiring a land use planner.

Ms. Zander said the Board very clearly stated the verbiage they recommended be put in a request for proposals (RFP), but an RFQ was sent out. She doesn't know how they got from an RFP to an RFQ, as the Board was very specific, because if the City gives bad information in a request for services, they're going to get bad feedback, and what they got was information that can very easily be found on a firm's website, and does nothing to help them determine who might be best qualified.

Ms. Sloan said she thought what was sent out was nice and very simple, as it asked for a statement of qualifications to do planning work to review the City's Comprehensive Plan, Vision Plan and Land Development Regulations, to determine where revisions, additions, and/or deletions may be appropriate to ensure completeness and consistency. She felt the focus in reviewing the request for planning services was to simplify what was sent out to get the consistency they were looking for, though she agrees an evaluation of Ordinance No. 13-14 should have been included. What concerns her most about the responses the City got was she felt the firms that replied were just throwing everything at them, saying they had landscape architects, engineers, 38 people in Alabama who are going to help them do this, etc. Of all the responses the City got back, there was only one person who actually addressed the specific statement sent out and showed she'd already done this specific type of work in a beach town, while everybody else just flooded them with stuff.

Ms. Zander said she thinks this falls on the City, though, because they weren't clear as to what they were asking for. She also noticed the RFQ asked for proof of licensure to conduct business in Florida as a planner, but there is no such license, as it doesn't exist, so that's pretty embarrassing.

Ms. Sloan said no, but the firms that responded instead provided business licenses. Based on what was sent out, in looking at the responses the City got back, as a psychologist, she's wondering what happened, as no one addressed what they were asked to produce, except for one person.

Ms. Odom asked if anyone is going to investigate the projects listed in the responses, as a firm could write that they've done 100 projects, but the City needs to know if they were successful.

Mr. Bradfield said he's glad Ms. Odom brought this up, because he personally worked on several projects with firms that submitted responses, one in particular, and found many of them to be riddled with inaccurate facts about the projects these firms did. More concerning is that some of the information shows the extent to which these projects ignored the City's Land Development Regulations and were able to get away with massive variances and large amounts of deviations from the required rules for building on specific types of properties, and in doing so, are the reasons why they have some of the problems they do, and why they'll have more problems down the road.

Ms. Zander asked if anyone has checked the references listed on the responses. The Board has been tasked with ranking the firms that responded, but they don't know how these firms would do in a presentation or what their approach would be, what their timeline or availability is, if their references have been checked, etc., so she doesn't know how she can make a recommendation.

Ms. West said she sent out an inquiry to local land planners including Karen Taylor and Gentile Holloway & Glas, in Jupiter, Florida, as she knows a lot of land planners throughout the state. She sent out the list of the original six responses the Board received, not including the latest addition they just got last week, with the request for feedback on these firms, from people who do the same thing. She basically asked them to advise her as to what their experience, if any, has been with these firms, if they're detail-oriented, up to the task at hand, etc. What she got back was really informative, and she'd be happy to share this information with the Board members, if they'd like.

Mr. Bradfield said he did his own research as well, some of which took him back to correspondence between himself, Jay McGarvey, David Fleeman, and former City Building Official Tim Becza, interpreting the Land Development Regulations in 1997, when they laid out and developed Sea Colony. The Genesis Group prides itself on this subdivision as one of their past projects, although their submittal says it was designed with a community town center, which it doesn't have, so there are some inconsistencies in some of the responses. He thinks they have a strong group of people here to consider, but he's not really happy with the process of ranking them as number one, two, and three, as he thinks they'd be making a blind assessment without being able to collectively interview them, on some level, and do more research on them. The Board and the City Commission should collectively evaluate them, as some have been entwined in projects in this City in a very concerning way, while others shine as being representative of the communities they've worked in. In his personal opinion, the way to go about this would be first, get better information, and second, rank the seven firms from best to worst, with a brief explanation as to how they came up with that.

Jeff Holleran, 12 Lee Drive, St. Augustine Beach, Florida, 32080, said he's also researched land planners, and is familiar with some of the people and firms that responded from Tequesta, Jupiter, and Ponte Vedra. He thought the Board was going to meet and interview these people tonight, ask questions and get answers as to their qualifications and experience, instead of making

recommendations based on looking at pieces of paper. He thinks the Board should interview the firms that submitted responses before making any recommendations to the Commission.

Mr. Mitherz said it's his understanding the request to the Board to rank the top three firms came from Mr. Royle, not the Commission, and that the Board wasn't going to interview any of them. Based on the Board's recommendations and ranking of the top three firms, the Commission would then interview them, discuss what they're asking for in fees, and do all necessary due diligence.

Ms. Zander said she agrees with Mr. Bradfield one-hundred percent that the Board doesn't have the information to make any sort of recommendation to the Commission, as they're being asked to make a completely uninformed opinion. She thinks a key piece in choosing a planning firm is finding out their plan to address the scope of the work, and their cost and timeline to do so. As this is being paid for by taxpayers, she thinks they have to do a better job with this, and moving forward on a job that's faulty from the start will only lead to a bad outcome. She's not comfortable making a decision based on what they have, and she still doesn't have an explanation as to how they got from the Board's request for proposals language to what was sent out and advertised.

Mr. Bradfield said the way this information was assimilated and provided, and the way the Board was asked to participate, feels as though they're basically being asked to have an opinion which will, like many other Board recommendations, be ignored by the Commission, which is going to make its own decision, and probably already has. It feels like the planner has already been picked, and the Commission is just going through the motions, as the Board's recommendations and comments, while asked for, seem to continually fall on deaf ears, and aren't implemented in policy.

Mr. Thomas said the first thing he thought when he opened up the information provided to the Board from the planning firms was that there were a whole lot of resumes, with one firm having nine pages of resumes with no photographs, no ideas, no inspiration, and no vision, so this isn't a company that's showing a level of creativity, which is needed. One company showed some past projects which he thinks have problems the City is still arguing about, so he wasn't sure why these projects were included in their resume. Only one of the companies kind of struck his fancy and showed a little bit of vision, as he recognized their name and looked at some of the projects they'd done in other cities, which he liked. He felt the others just provided a lot of information which wasn't needed, for example, seeing a company's board chart means nothing to him. He doesn't think they need more information, but better information, presented in a creative and clearer way.

Ms. Sloan agreed they don't need more information. Only one applicant addressed the statement of qualifications, listed her experience, and even provided references, which the others didn't do. One firm specifically stated their goal is to update everything, which the City isn't asking them to do, and most of them seem to want to completely rewrite and revise everything the City has, which of course will make them more money. It probably would have narrowed things down immensely if a price range had been put in the RFQ, as many firms seem to think this will be some major two-year project involving engineers, etc., but that's not what any of them were looking at.

Ms. Zander asked if the City requires a bid process when it asks for services

Mr. Burnett said the Florida Statutes require the City to get bid package submittals for things like

construction projects and architectural services, for example, if the City was building a new City Hall. Sealed bid packages are submitted, opened, and the City goes with whichever is the lowest bidder. For the hiring of professional services such as planning consultants, the City is required to send out an RFQ or an RFP, which are slightly different, as an RFP is typically more precise. In seeking professional services, however, a bid process is not required, so it's not a function of who the lowest bidder is, as bids aren't required by the Florida Statutes for this type of work. As the City Attorney for most all recent City Commission meetings, he's heard some urgency expressed by the Commission that the City needs a land use planner to address issues and concerns raised by citizens regarding the City's Land Development Regulations, so his comment to the Board is to try to do the task they've been given, which is to rank the firms that responded to the RFQ sent out. There's nothing to prevent the Board from forwarding to the Commission not only the Board's ranking of the firms, but the Board's comments that they're not happy with the process.

Mr. Bradfield said he thinks the public's concerns and complaints about the inadequacies in the Land Development Regulations have more to do with this Code not being followed, but varied and deviated from, as opposed to being inadequate. It's not that the City doesn't have rules and regulations in place, it's that they're not being applied appropriately, which he thinks is the key thing that needs to be looked at. Certainly there are problems in the Land Development Regulations that need to be addressed, but the complaints he's heard from the public are mainly the result of these regulations not being applied, by allowing developers and builders deviation from the Code.

Ms. West said she knows there are a lot of issues and this isn't a perfect process, but she'd like to point out the City of St. Augustine, with 13,000 residents, has five full-time planners on staff. This City has 6,592 residents, so they might consider having at least one full-time planner on staff to address some of the ongoing issues. As the Board has been asked to make some recommendations, she thinks they should do their job. In her inquiries about land planners, she heard from many people that Brian Teeple is excellent, and also that Cecelia Ward is very good. She doesn't know anything about Terry Clark, but he's from Gainesville, and she has a real admiration for how that city has moved forward with some really difficult planning issues, being a college town, and dealing with a lot of diversity in a really eloquent manner, so these are her three recommendations.

Ms. Sloan said Mr. Clark's application specifically stated he's interested in being a facilitator. She also agreed with the choice of Cecelia Ward, who has the expertise and has done exactly what this City is asking, as in 2011 she reviewed the Town of Lauderdale-By-The Sea's comprehensive plan, zoning code, and land development regulations for consistency, and she also provided references. She liked Brian Teeple of Northeast Florida Regional Council's presentation, but it included resumes of five people, which she doesn't think they need for what the City wants done.

Mr. Mitherz said he doesn't think five people are needed, but he also picked Northeast Florida Regional Council, and thought Cecelia Ward's firm, with a smaller staff, would also be good.

Ms. Zander said she's sticking with her original point that as this involves taxpayers' dollars, she thinks they need to do a better job with this, and what she's seen so far doesn't allow her to do an adequate job. She refuses to do a job on a blind recommendation and an uninformed opinion.

Mr. Bradfield asked if the City Commission will get the same information as the Board, with the

applications of the seven firms that responded, regardless of what the Board recommends.

Mr. Royle said yes, the Commission will be provided with the same information from the seven firms that responded to the RFQ. The particular firms recommended by the Board will certainly be highlighted, in the order of first, second, and third, or the Board may choose to not make any recommendations to the Commission, or postpone making any recommendations.

Mr. Bradfield said he has more concerns, rather than recommendations, about several of the firms which he'd highly recommend the City not hire, for obvious reasons, based on past projects these firms have done here at the beach. A couple of these firms raise major concerns about allowing them to influence this City any more than they already have, particularly as they've showed on their applications that they've been here at this beach for quite a while doing a lot of stuff.

Ms. Sloan agreed and said it almost looks like a conflict of interest.

Mr. Bradfield said it's a clear conflict of interest. A few of the applicants have shown a clear willingness to deviate from the City's Land Development Regulations, and seem to take pride in doing projects that bend the Code. These firms also seem to think their success in being able to manipulate the Code is something the City wants. He used to work for developers here at the beach, and has no doubt as to the intent of many of the things they did, as they wanted what they wanted, and would get it however they needed to get it, oftentimes with a lawyer in tow at the podium, drilling down what they wanted. That didn't make it right, so he wants to be clear that if the Board is going to make recommendations, there should be pros and cons on all seven firms, as opposed to just cherry-picking three while ignoring the others, because at this point, he perceives the Board's recommendations will be ignored by the Commission anyway, like many of the Board's past recommendations. More importantly, the question presented was inaccurate in detail in many ways, so they need better information and additional research. A simple series of questions presented to these seven firms, and their answers to these well-formed questions presented to this Board and the Commission, would greatly reduce this process to the planner they need to hire.

Ms. Zander said she thinks they could ask the applicants what their experience is in solving similar issues addressing inconsistencies among the different documents laid out by the City, along with their recommended approach, timeline and availability, and pricing, and someone should also check their references. The Board and the Commission should have all of this information, and as suggested, she thinks they should have in-person presentations and interviews, as a very important part of this process is how well the people from these firms communicate, listen, grasp the scope of the work and respond, all of which are things she wouldn't know by looking at a piece of paper.

Ms. West said the Board has been tasked with something, so if the City Commission ignores what they're doing, it's because they're not participating in an engaged way. They've been asked to make recommendations, so if they want to include conditions such as asking additional questions, they can tack this onto their motion. By all means, the Board shouldn't punt this, as they've got problems here, so they need to move forward getting a land planner, and not table or continue this.

Ms. Zander said Ms. West makes a good point about the timeliness, but rather than punting or not engaging in this, she'd counter that she's actually engaging much more than the Commission

would like. She'd like more information to make a very informed opinion, which she doesn't think she can do right now, as she thinks it's a disservice to the City to make an opinion based on what they were given. She'd very much like to see all of the applicants come in at the Board's next meeting, so they can make an informed decision and send this on to the Commission.

Mr. Bradfield said he'll rank the applicants, but predicated on the additional statement that all of them should be collectively answering a series of questions presented in the same way, as this would really be the only way to evaluate them all equally. Those questions should be relevant and specific to what the City wants done, and should include pricing, availability, past and present experience, and any other questions they want answered. That being said, he'd rank Cecelia Ward at the top, as her answer was more specific to the agenda at hand; Brian Teeple of Northeast Florida Regional Council as number two; and Kristen Shell of Anderson Shell Consulting as number three.

Ms. Zander asked Mr. Bradfield if he understands what recommending a ranking of the firms will do, based on the action requested. Mr. Royle's staff memo says the Board's ranking of the top three firms will be forwarded to the Commission, which will then interview the firm ranked first. The scope of the work will be discussed in more detail, and the Commission will ask the cost of the firm's services and when the study will be done. If negotiations with the firm ranked first aren't successful, the Commission will then interview the second firm. Her point is, she heard Mr. Bradfield asking for more opportunity to give a really informed opinion, but based on the action requested, if they send a ranking of the firms to the Commission, this will not come back to them.

Ms. Sloan said she'll make a motion, first stating the Board doesn't feel the correct question was sent out to planning firms, but based on the question that was sent, the motion is for the Board to recommend RFQ #3, Cecelia Ward be ranked first; RFQ #6, Brian Teeple, be ranked second; and RFQ #5, Kristen Shell, be ranked third. Lastly, the Board does not feel they could recommend any of the other firms, based on the fact that they did not specifically address the question sent out, and there are some concerns expressed about conflicts of interest and other problems with them.

Ms. West asked Ms. Sloan if she'd be amenable to the condition that in addition to what she proposed, several questions should be asked of the planning firm applicants, including how they'd evaluate Ordinance No. 13-14, and how they'd handle the height interpretation conflicts, impervious surface coverage issues, and controversy with setbacks the City is currently facing.

Ms. Sloan agreed to the suggested amendment made by Ms. West to her motion.

Mr. Thomas said some of the questions Ms. West suggested be asked of the planners makes him think it'd be really nice for the City to have its own full-time planner on staff. He almost feels if the City is going to hire a planner, they need their own representative to deal with all of this.

Ms. Sloan said this was suggested by a member of the community, depending on what the cost of hiring a full-time planner would be.

Motion: as stated above by Ms. Sloan and amended above by Ms. West. **Moved** by Elise Sloan, **seconded** by David Bradfield, **passed 6-1** by roll-call vote, with Ms. Odom, Ms. Sloan, Mr. Thomas, Mr. Mitherz, Ms. West, and Mr. Bradfield assenting, and Ms. Zander dissenting.

Ms. West said Mr. Thomas revisited an issue she'd like to strongly encourage City staff to consider. As the Board isn't going to be privy to making a final decision on the hiring of a planner, financially, she hopes the City Commission makes a prudent decision on hiring a planner loyal to the City on a full-time basis, versus an ad-hoc contractual basis. She moved to recommend the Commission contemplate the hiring of a full-time land use planner, if the finances will bear out.

Mr. Thomas said if you have somebody who works full-time for the City, that person is always accountable, and will have the City's best interests in mind. From a cost perspective, if this person can save the City money by good negotiations and clean practices, it's not just a cost outlay, but an investment in a personal connection to the community that will be compensated in other savings.

Motion: to recommend the City Commission contemplate the hiring of a full-time land use planner, if the finances will bear this out. **Moved** by Ms. West, **seconded** by Ms. Sloan, **passed 6-1** by voice-vote with Ms. Zander opposed and all other Board members in favor.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

Mr. Thomas said he lives behind the new Courtyard by Marriott currently being built, and as there are no shoulders between the adjacent roads and the fencing all around the hotel construction site, people walking by have to walk in the road. He'd like to see more sidewalks around commercial properties, as he thinks this is a small enough community that people should feel safe while walking outside. He asked if this is something that could be done.

Mr. Mitherz suggested Mr. Thomas bring this to the attention of the City Commission by speaking about it under the public comment segment of the Commission's next meeting.

Ms. Zander thanked staff for again putting up all the Christmas decorations, as they look great. When her two girls were young, they had so much fun guessing which decoration, a lantern, starfish, etc., would be up on the next light pole.

Ms. Odom asked if the wavy flag signs in front of Cone Heads Ice Cream and Obi's Fillin' Station have to be approved, as they're very distracting.

Mr. Larson said the wavy flag signs in front of local businesses will be taken down very shortly.

Mr. Bradfield said as Obi's was brought up, there are easily 40-50 seats inside this restaurant today.

Mr. Mitherz said as he thought Obi's had dispensed with the extra seats, he's surprised to hear this.

Mr. Larson said Mr. Obi has more than adequate parking right now.

Ms. Zander said the Board specified the number of seats, and Obi's now has more than that, as she

went in there and counted them.

Mr. Mitherz said the seat issue wasn't predicated on the amount of parking, it was a separate issue, to the best of his memory.

Mr. Larson said he'll tell Mr. Obi to take the extra seats out.

Ms. Zander asked how having a trailer sitting on top of the Obi's building is okay, as she doesn't remember the Board approving this.

Mr. Larson said it's a pick-up truck on top of the building. It was supposed to be on the side of Obi's, but you couldn't see it from there.

Ms. West said if they're going to continue to discuss this, she suggested a motion be made for code enforcement to investigate whether or not Obi's is meeting code requirements and what the Board approved, and if it's not, a violation notice should be issued. Otherwise, she thinks they should drop this discussion.

Ms. Zander asked Mr. Burnett if she could make that motion.

Mr. Burnett said yes, that motion could be made, but the Board can't sit in judgement as to whether or not this is a code violation. If there's something that one business or another in the City is not complying with in regard to an order the Board issued as part of its approval, the applicants can either come back and ask to modify that approval, or it's a code enforcement issue, and it should go to code enforcement. A member of this Board, however, could make a motion for the matter to be looked into by the Building Official, who is also the Code Enforcement Officer for the City.

Ms. West asked if the Board members could then request a report be made back to them at the Board's next meeting as to whether or not there are any violations, or compliance.

Mr. Burnett said a report could be made back to the Board, but it's not something that can be an agenda item for the Board to pass judgement on, as code enforcement isn't something that comes to this Board, and the applicants and/or property owners wouldn't be here to defend themselves.

IX. ADJOURNMENT

The meeting was adjourned at 8:10 p.m.

Steve Mitherz, Chairman

Bonnie Miller, Recording Secretary

(THIS MEETING HAS BEEN RECORDED IN ITS ENTIRETY. THE RECORDING WILL BE KEPT ON FILE FOR THE REQUIRED RETENTION PERIOD. COMPLETE VIDEO CAN BE FOUND AT WWW.STAUGBCH.COM OR BY CONTACTING THE OFFICE OF THE CITY MANAGER AT 904-471-2122)



City of St. Augustine Beach

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Memorandum

TO: Members of the Comprehensive Planning and Zoning Board
FROM: Gary Larson, Building Official
DATE: January 11, 2016
RE: Service Dog Variance Request

The applicants are requesting a variance from the Board to allow for a 6-foot-high fence on their lot facing the ocean at 1 E Street. The City allows up to a 42-inch high fence. The information provided in the application outlines the hardship for the variance.

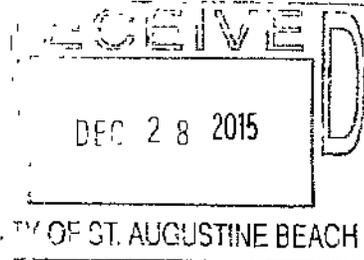
Board members need to review carefully the information provided explaining ADA requirements outlining specific rules related to service animals. There are no Comprehensive Plan issues related to this application. What can be addressed by the Board is outlined in the sub-heading on page two of this information, "Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals," mainly in the first paragraph.

Do to use of the service animal and costs involved for training a service animal, staff recommends approval of this variance request since there is a definite hardship provided to the Board by the applicants. As stated in the application, the dog can jump a 42-inch-high fence, thus the need for the requested 6-foot-high fence.

Attorneys at Law
J. Stephen Alexander
Joshua S. Alexander



www.thealexanderlawfirmllc.com



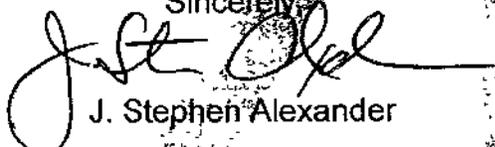
December 22, 2015

Re: File No. VAR 2016-01

Dear Sir or Madam:

My wife, Torree and I, received the attached Notice for Application for Land Use variance no. VAR 2016-01. As the homeowners of 2 F Street, St. Augustine Beach, FL 32080, we object to the application for a variance to exceed the 42 inch height maximum for fences.

Please notify us of the date and time of the zoning variance hearing. I thank you for your time and attention.

Sincerely,

J. Stephen Alexander

Strong Defense. Effective Advocacy.

19 Old Mission Avenue • St. Augustine, FL 32084 • Tel 904-824-9788 • Fax 904-824-6902

CITY OF ST. AUGUSTINE BEACH
VARIANCE APPLICATION

THE UNDERSIGNED HEREBY REQUESTS A LAND USE VARIANCE:

1. LEGAL DESCRIPTION OF THE PARCEL FOR WHICH THE VARIANCE IS BEING SOUGHT:

LOT(S) 2 BLOCK(S) 38 SUBDIVISION COQUINA GABLES

STREET ADDRESS 1 E STREET

2. LOCATION S SIDE OF E STREET
(N, S, E, W) (STREET NAME)

3. IS THIS PROPERTY SEAWARD OF THE COASTAL CONSTRUCTION CONTROL LINE (CCCL)? YES X NO

4. REAL ESTATE PARCEL NUMBER: 170510-0000

5. NAME AND ADDRESS OF OWNER(S) AS SHOWN IN ST. JOHNS COUNTY PUBLIC RECORDS: TERENCE LALLY, BETTINA LALLY

1 E STREET, ST. AUGUSTINE BEACH FL 32080

6. CURRENT LAND USE CLASSIFICATION: MEDIUM DENSITY

7. LAND USE VARIANCE BEING SOUGHT: INCREASE FENCE

HEIGHT ON FRONT YARD FROM 42" TO 6'-0"

8. SECTION OF LAND USE CODE FROM WHICH THE VARIANCE IS BEING SOUGHT: 7.0.03

9. REASONS FOR WHICH THE VARIANCE IS BEING SOUGHT:

TO BUILD A 6'-0" HIGH PICKET RAIL FENCE

TO KEEP SERVICE DOG FROM JUMPING

OVER FENCE

10. SUPPORTING DATA WHICH SHOULD BE CONSIDERED BY THE BOARD: PREVIOUS VARIANCE GRANTED FOR SET BACK
REDUCTIONS FOR SCREENED ROOMS
11. HAS A VARIANCE APPLICATION BEEN SUBMITTED IN THE PAST YEAR? YES _____ NO X IF YES, WHAT WAS THE FINAL RESULT? _____
12. PLEASE CHECK IF THE FOLLOWING INFORMATION HAS BEEN INCLUDED:
- LEGAL DESCRIPTION OF PROPERTY
 - WARRANTY DEED
 - OWNER PERMISSION LETTER (IF APPLICABLE) N/A
 - LIST OF ALL PROPERTY OWNERS WITHIN 300' RADIUS
 - STAMPED AND ADDRESSED LEGAL-SIZE ENVELOPES OF PROPERTY OWNERS WITHIN 300' OF VARIANCE LOCATION
 - SURVEY (MUST SHOW ALL EXISTING STRUCTURES)
 - OTHER DOCUMENTS OR INFORMATION TO BE CONSIDERED

In filing this application for a VARIANCE, the undersigned acknowledges it becomes part of the official records of the Comprehensive Planning and Zoning Board, and does hereby certify that all information contained herein is true and accurate, to the best of his/her knowledge.

If granted, the VARIANCE will expire within one year from the time it was granted, unless more time was requested and granted in the application process. After one year has passed and the requested action has not taken place, the VARIANCE shall be considered null and void. The application must be signed by either the owner or the owner's authorized agent. If an authorized agent's signature is used, a notarized written authorization approving such representation must accompany the application.

Bethina Lally
Print name (owner or his/her agent)

Telence Lally
Print name (applicant or his/her agent)

[Signature]
Signature

[Signature]
Signature

1 E Street, St Augustine Bch
Owner/agent address Fl 32080

1 E St. St. Augustine Bch
Applicant/agent address Fl 32080

310-403-6375
Phone number

12/13/15
Date

201-759-7223
Phone number

12/13/15
Date

****ALL AGENTS MUST HAVE NOTARIZED WRITTEN AUTHORIZATION****

****VARIANCES SHALL BE RECORDED PRIOR TO ISSUANCE OF THE**
****BUILDING/DEVELOPMENT PERMIT******

****PLEASE NOTE**** If you are a resident within a development or subdivision that has covenants and restrictions, please be aware that approval of this application by the Comprehensive Planning and Zoning Board does not constitute approval for variation from the covenants and restrictions.

VARIANCE FILE NO. VAR2016-01 DATE 12/14/2015
APPLICANT'S NAME: Terence & Bettina Lilly
ADDRESS: 1 E Street, St. Augustine Beach, Fl.
FOR LAND USE VARIANCE LOCATED AT: 1 E Street, 32080
St. Augustine Beach, Florida 32080

CHARGES

VARIANCE FEE	\$200.00	Account #34120	Date Paid <u>12/14/2015</u>
LEGAL NOTICE SIGN	\$7.50	Account #50471.515	Date Paid <u>12/14/2015</u>

Received by  Date 12-14-2015
Check No. 126 Receipt No. 24936

INSTRUCTIONS FOR APPLYING FOR A LAND USE VARIANCE

A land use variance seeks to allow for adjustments to the City's Land Development Regulations, such as setbacks or impervious surface requirements.

The City's Comprehensive Planning and Zoning Board decides whether to grant or deny a variance request. The Board's decision **MUST** be based on whether the request meets each of the six conditions listed below.

To help the Board evaluate your variance request, you must provide a reason or reasons for each of the six conditions. If you believe that a condition does not apply to your request, then you are to write "Not Applicable" and give the reason or reasons why the condition is not applicable to your request.

Failure to provide a response to each of the six conditions will require the Building Department to return your application to you. The Building Department staff will gladly provide any assistance should you have questions regarding the listed conditions. You may use extra sheets of paper for your responses if needed. Documentation can consist of pictures or photographs, maps, public records, letters from neighboring property owners or other items you may find to explain the circumstances for the variance request.

1. Describe the hardship that is created by following the current land use codes and regulations. Do the associated Land Development Regulations make it virtually impossible to use the property as zoned unless a variance is granted? If so, please explain.

BETTINA HAS LUPUS AND REQUIRES A SERVICE DOG.
THE DOG IS LARGE AND CAN EASILY JUMP OVER
A 42" HIGH FENCE. NEED A 6'-0" HIGH FENCE
TO PREVENT SERVICE DOG FROM JUMPING OUT.

2. Describe similar variances that have been granted in the vicinity of the property since adoption of the City's Comprehensive Plan and Land Development Regulations.

LAND USE VARIANCE FILE NO. VAR 2013-02

498 A CACIA ST.

VAR 2013-03

202 4TH ST.

3. Was the property acquired after parts of the current Land Development Regulations, which are relevant to the requested variance, were adopted? Please explain factually.

THE PROPERTY WAS ACQUIRED IN 2014, THE HOUSE WAS CONSTRUCTED IN THE 1940'S OR 1950'S PRIOR TO ADOPTION OF ANY BEACH ORDINANCE. REAR AND SIDE SETBACKS ARE PERMITTED TO BE 8'-0" TALL PER SEC 7.01.03 (C). THE FRONT FENCE SHALL BE 42" TALL PER SEC. 7.01.03 (E)

4. Explain how the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

A 6'-0" FENCE WILL PREVENT THE SERVICE DOG FROM JUMPING OUT AND BECOMING A PUBLIC NUISANCE. ST. JOHNS COUNTY ORDINANCE 2001-19 REQUIRES ANIMALS TO BE RESTRAINED. THIS IS TO PROTECT THE LIFE, HEALTH, PROPERTY AND WELFARE OF THE PEOPLE OF ST. JOHNS COUNTY.

5. Explain how the granting of a variance will not alter the character of the neighborhood, diminish property values, or impair the appropriate use or development of adjacent properties.

THE FENCE WILL BE A PICKET RAIL STYLE AS REQUIRED PER SEC. 7.01.03 (E). THIS FENCE IS THE SAME HEIGHT AS OTHER FENCES INSTALLED IN THE NEIGHBORHOOD. THE FENCE IN QUESTION IS ADJACENT TO ROAD R/W AND THE BEACH. NO FURTHER DEVELOPMENT CAN OCCUR AT THOSE LOCATIONS.

6. If the variance were approved, what would the effects be on traffic congestion in nearby streets, danger of fire, and on-site or off-site flooding?

NONE.

DOCUMENTATION NEEDED FOR A LAND USE VARIANCE

1. The legal description of the parcel of land for which the variance is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use the lot and block number. Include street address and location by indicating street boundary and side (north, south, east, west) and nearest intersecting street.
2. If the land is a portion of a lot, indicate what portion of the lot (for example, south one-half, north one-third, east one-fourth, etc.). If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.
3. The name(s) and address of the owner(s) of the property shall be provided, and this information shall agree with the public records of St. Johns County. If the names are different, attach a clarifying statement.
4. Applicant shall provide a detailed description of the land use variance being sought. If this is more extensive than can be described on the form, additional sheets can be used.
5. Notification of all property owners within a radius of 300 feet of the property for which the variance is sought is mandated by law. The St. Johns County Real Estate/Survey Department (telephone number 904-209-0760) will provide variance applicants with a list of the names and addresses of the property owners within 300 feet of the property for which the variance is requested. **This list of names and addresses of all property owners within 300 feet is to include the applicant's name and address. Along with the list of all property owners within 300 feet, applicant shall submit stamped, addressed legal-size envelopes with the variance application. (Note: Do not fill in a return address on the stamped envelopes. The Building and Zoning Department will stamp its address on the envelopes as the return address and mail the legal notices to all property owners).** Signatures and approvals of property owners within 300 feet are not necessary. Variance applicants may provide a separate petition with the signatures of affected property owners who approve or do not object to the granting of the requested variance, but these persons should not sign the application itself. Variance applicants should ensure correct names and addresses are provided, as incorrect information shall delay or nullify any action on the variance application.
6. The section of the City's land use code from which the variance is being sought shall be listed on the application. The Building and Zoning Department staff will gladly assist you with this or any other matter involved in the variance application process.
7. A fee of \$200.00 will be charged for the variance administrative procedure and the legal advertising, and \$7.50 will be charged for the notice sign, provided by the Building and Zoning Department, which shall be posted on the property for which the variance is sought within clear view of the street and not more than 10 feet inside the property line.



Historic St. Johns County

Sharon Outland, Property Appraiser
 www.sjcpa.us email: sjcpa@sjcpa.us

Parcel Information

Strap: 1705100000
 Mailing Address: 1 E ST SAINT AUGUSTINE FL 32080-0000

Tax District: 551
 Neighborhood Code: 717.63
 Use Code/Description: 0100/Single Family
 Sec-Town-Range: 3 - 8 - 30
 Acreage: 0 10

Site Address: 1 E ST SAINT AUGUSTINE FL 32080-0000

Property Map: [Click here for Map](#)

Valuation Information

Total Land Value:	\$ 440,000	Total Market(Just) Value:	\$ 682,787
Total Extra Features Value:	\$ 88	Assessed Value:	\$ 682,787
Total Building Value:	\$ 242,699	Homestead Exemption:	\$ 0
		Taxable Value:	\$ 682,787

Legal Information

3-30 COQUINA GABLES E 90.74FT OF LOT 2 & E 90.74 FT OF NORTH 3.75 FT OF LOT A BLK 38 (EX LAND LYING E TO OCEAN) OR4120/1180

Owner Information

LALLY FAMILY TRUST D: 8-22-2014
 LALLY TERENCE CO-TRUSTEE
 LALLY BETTINA CO-TRUSTEE

Exemptions

Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
12/05/2015	\$ 100	0.00	4120 & 1180	WD	U	I	11
03/27/2015	\$ 863,000	79.12	4009 & 1569	WD	Q	I	01
03/20/2003	\$ 625,000	109.25	1923 & 206	WD	Q	I	01
03/20/2003	\$ 0	0.00	1923 & 208	QC	U	I	11
06/08/2001	\$ 100	0.00	1615 & 468	QC	U	I	11
04/06/1993	\$ 0	0.00	986 & 816	CO	U	I	11
03/01/1983	\$ 0	0.00	575 & 384		U	I	11
03/01/1983	\$ 0	0.00	575 & 381		U	I	11

Building Information

Building Details

Building Number: 1
 Building Type/Desc: 0100/Single Family Residence
 Building Model/Desc: 01 /Residenbal

Year Built: 1983
 Gross Area: 3440
 Heated/Cooled Area: 2688
 Building Value: \$ 242,699

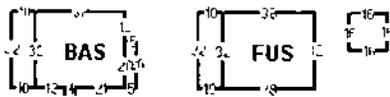
Structural Elements

Element:	Element Desc:	Type:	Type Desc:
EW	Exterior Wall	5	Aluminum Vinyl
RS	Roofing Structure	4	Gable Hip
RC	Roofing Cover	9	Metal
TW	Interior Walls	3	Drywall

Site address: 1 E ST SAINT AUGUSTINE FL 32080-0000

IF	Interior Flooring	10	Hardwood
IF	Interior Flooring	7	Ceramic Tile
HT	Heating Type	1	Air Duct
AC	Air Conditioning	1	Central
FR	Frame	8	Wood Frame
PL	Plumbing	17	17 Fixtures
EL	Electrical	3	Good
FN	Foundation	5	Concrete Perimeter Footing
FS	Floor System	1	Concrete Slab
CN	Condition	5	Good

Structural Elements Classifications



[Click here to enlarge](#)

[Building Sketch Descriptions](#)

Extra Feature Information

Code	Description	Year Built	Units	Unit Price	Adj Unit Price	Condition	Depreciated Value
WFENCE	3'-4' WD FENCE	2005	48	\$5.50	\$5.50	33.3 %	\$ 88

[Previous Parcel \(1705000000\)](#)

[Next Parcel \(1705100010\)](#)

Instr #2015076856 BK: 4120 PG: 1180, Filed & Recorded: 12/8/2015 11:10 AM #Pgs:2
Hunter S. Conrad, Clerk of the Circuit Court St. Johns County FL Recording \$18.50 Doc. D \$0.70

Prepared by and return to:
RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Terence and Bettina Lally
51371 Colleen Ct.
Granger, Indiana 46530

Parcel Identification No. 170510-0000

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED
(STATUTORY FORM - SECTION 689 02, F S.)

This Indenture made this 5 day of December, 2015 between Terence Lally, a married man who post office address is 51371 Colleen Ct., Granger, Indiana 46530 of the County of St Joseph, State of Indiana, grantor*, and Terence Lally and Bettina Lally, Co-Trustees of the Lally Family Trust dated August 22, 2014 whose post office address is 51371 Colleen Ct., Granger, Indiana 46530 of the County of St Joseph, State of Indiana, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of ONE AND NO/100 Dollars (\$1.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Saint Johns County, Florida, to-wit:

THE NORTH 1/2 OF PART OF LOTS 2 & A, BLOCK 38, AND PART OF THE NORTH 1/2 OF VACATED ALLEY, COQUINA GABLES, AS RECORDED IN MAP BOOK 3, PAGE 30, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2, BLOCK 38, FOR THE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES 53 MINUTES 37 SECONDS EAST, ON THE EAST LINE OF SAID LOTS 2 & A, BLOCK 38, 50.25 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 29 SECONDS WEST, 90.61 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 43 SECONDS WEST, 50.25 FEET TO THE NORTH LINE OF SAID LOT 2, BLOCK 38, THENCE NORTH 89 DEGREES 43 MINUTES 29 SECONDS EAST, ALONG SAID NORTH LINE 90.48 FEET TO THE POINT OF BEGINNING.

Parcel Identification: 170510-0000

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

1468873

BK: 4120 PG: 1181

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Richard Sands
Witness Name: Richard Sands

Terence Lally (seal)
Terence Lally

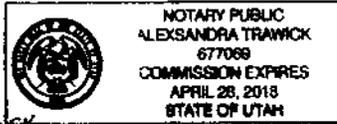
Tyler Papp
Witness Name: Tyler Papp

STATE OF ~~INDIANA~~ UTAH

COUNTY OF SALT LAKE

Before me, the undersigned, a Notary Public, in and for said County and State, this 5th day of December, 2015 personally appeared Terence Lally, said person being over the age of 18 years, and acknowledged the execution of the foregoing instrument.

Alexandra
Notary Public



Print Name: Alexandra Trawick

My commission expires 04.28.2018

COPY

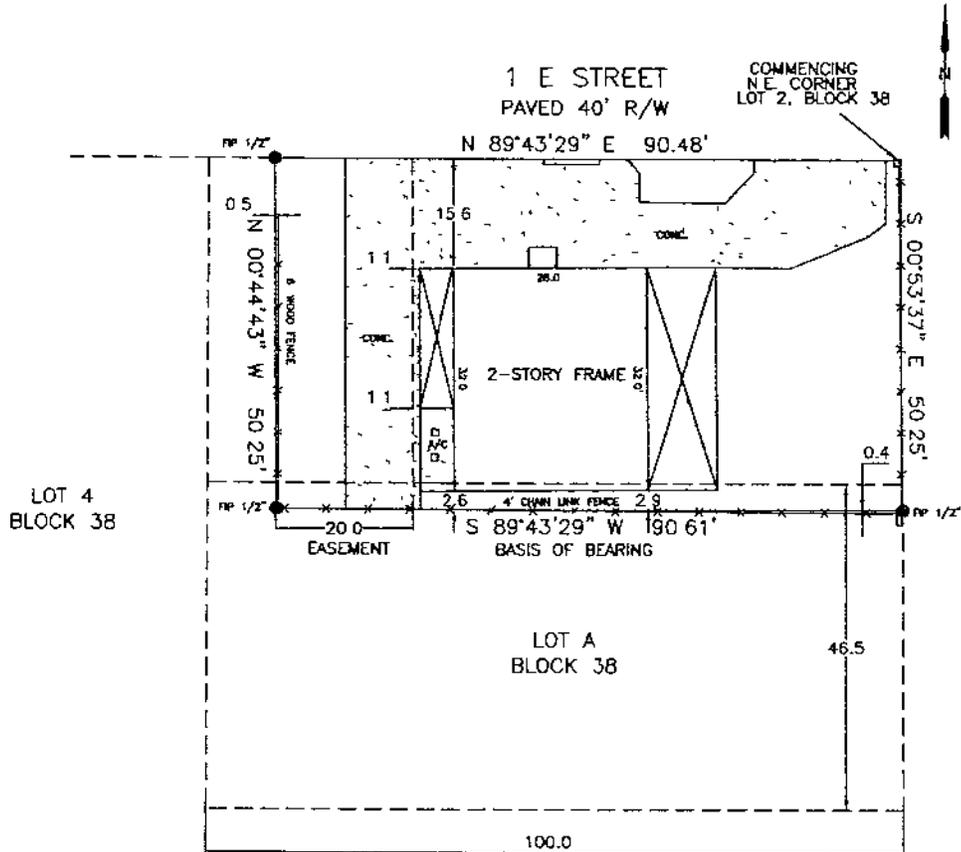
1468873

BOUNDARY SURVEY

A PART OF LOTS 2 & A, BLOCK 38, COQUINA GABLES, AS RECORDED IN MAP BOOK 3, PAGE 30, PUBLIC RECORDS OF ST JOHNS COUNTY, FL BEING MORE FULLY DESCRIBED AS FOLLOWS.

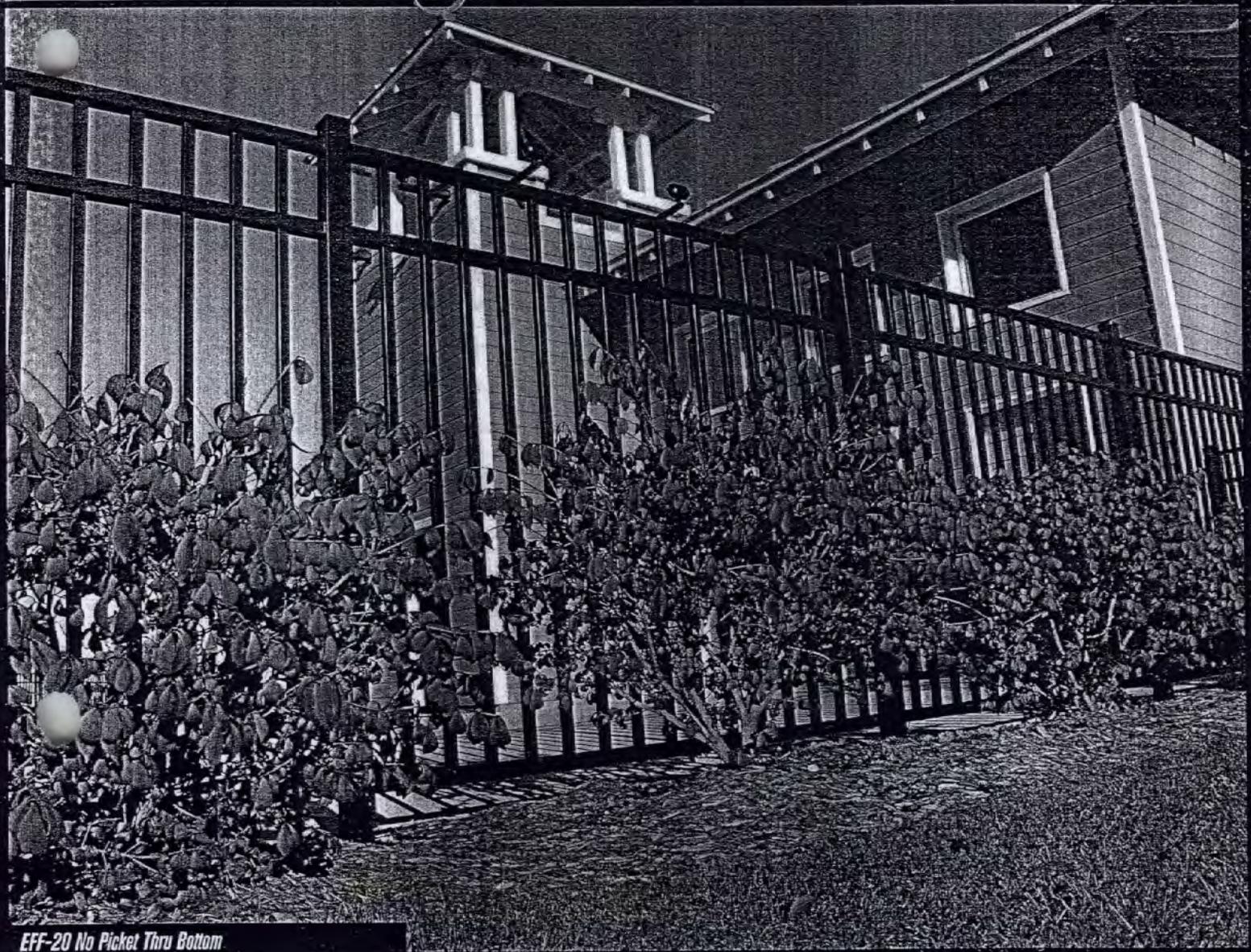
COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2, BLOCK 38, FOR THE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES 53 MINUTES 37 SECONDS EAST, ON THE EAST LINE OF SAID LOTS 2 & A, BLOCK 38, 50.25 FEET, THENCE SOUTH 89 DEGREES 43 MINUTES 29 SECONDS WEST, 90.61 FEET, THENCE NORTH 00 DEGREES 44 MINUTES 43 SECONDS WEST, 50.25 FEET TO THE NORTH LINE OF SAID LOT 2, BLOCK 38, THENCE NORTH 89 DEGREES 43 MINUTES 29 SECONDS EAST, ALONG SAID NORTH LINE 90.48 FEET TO THE POINT OF BEGINNING.

SUBJECT TO A 20 FOOT EASEMENT AS RECORDED IN O.R. 837 PAGE 1427, OF THE PUBLIC RECORDS OF ST JOHNS COUNTY, FLORIDA



<p align="center">SURVEY CERTIFIED TO</p> <p>TERENCE LALLY ANDREA N WRIGHT LLC, D/B/A/ WRIGHT FIRM HARBOR COMMUNITY BANK OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, ISSUED THROUGH ATTORNEY'S TITLE FUND SERVICES, LLC</p>		<p align="center">JAMES D ELSON</p> <p align="center">FLORIDA PROFESSIONAL SURVEYOR & MAPPER # 6270 3624 CRAZY HORSE TRAIL SAINT AUGUSTINE, FLORIDA 32086 OFFICE 904-325-2922 EMAIL JIMELSON@LIVE.COM</p> <p><small>THE SURVEY MAP AND COPIES THEREOF ARE INVALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OR DIGITAL SIGNATURE OF A FLORIDA LICENSED SURVEYOR AND MAPPER</small></p>	
<p align="center">PROPERTY DATA</p> <p>ADDRESS 1 E STREET CITY ST AUGUSTINE COUNTY ST JOHNS STATE FLORIDA ZIP 32080</p>	<p align="center">ABBREVIATION LEGEND</p> <p>FIP - FOUND 1/2" IRON PIPE FIR - FOUND 1/2" IRON ROD SFR - SET 1/2" IRON ROD PSN # 6270</p>	<p align="center">  REGISTERED SURVEYOR & MAPPER JAMES D ELSON LAST FIELD DATE 1/04/15 SIGNATURE DATE 3/23/15 MAP SCALE 1" = 20'</p>	
		<p align="center">JOB NO 15-020</p>	

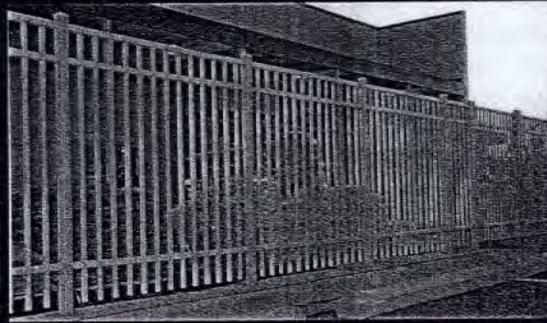
INDUSTRIAL GRADE



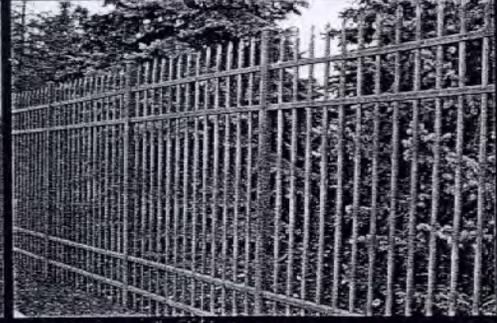
EFF-20 No Picket Thru Bottom



EFF-66



EFF-20



EFF-10



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PROUDLY MADE IN AMERICA



Sec. 10.01.02. Discontinuance of nonconforming land use.

A. A nonconforming use of a building, structure, sign, or land, or portion thereof, shall be considered discontinued under the provisions of this Code if any one (1) of the following conditions is met:

1. Such building, structure, or land, or portion thereof, has been idle or unused for a period of twelve (12) consecutive months; or
2. The nonconforming use has been discontinued for a period of twelve (12) consecutive months; or
3. Electrical or water and sewer service furnished by a public or private utility serving the building has been disconnected for a period of twelve (12) consecutive months; or
4. In the case of a business, an occupational license has not been issued by the city for the nonconforming use for a period of twelve (12) consecutive months.

B. Each condition listed shall be considered to be met whether or not any furniture, fixtures, equipment or signs have been removed.
(Ord. No. 91-7, § 2)

Sec. 10.01.03. Termination of nonconforming structures.

A. *Structures.* Nonconforming structures must be brought into full compliance with the use regulations in Article III of this Code, and the development design and improvement standards in Article VI of this Code, in conjunction with the following activities:

1. The gross floor area of the structure is expanded by more than twenty-five (25) percent, or more than four thousand (4,000) square feet, whichever is less. Repeated expansions of a structure, constructed over any period of time commencing with the effective date of this Code, shall be combined in determining whether this threshold has been reached.

2. Reconstruction of the principal structure after the structure has been substantially destroyed by fire or other calamity. A structure is "substantially destroyed" if the cost of reconstruction is fifty (50) percent or more of the assessed value of the structure before the calamity. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the combined assessed value of all the structures.

B. Nonconforming signs.

1. All nonconforming signs with a replacement cost of less than one hundred dollars (\$100.00), and all signs prohibited by section 8.02.00 (Prohibited signs) of this Code, shall be removed or made to conform within sixty (60) days of the enactment of this Code.
2. All other nonconforming signs shall be removed or altered to be conforming within seven (7) years of the effective date of this Code, unless an earlier removal is required by this section.
3. Billboards existing at the time of the adoption of this Code shall remain for a period not to exceed five (5) years
(Ord. No. 91-7, § 2)

Sec. 10.02.00. Variances.

Sec. 10.02.01. Granted by comprehensive planning and zoning board.

The comprehensive planning and zoning board may grant variances from the strict application of any provision of this Code, except provisions in Articles III (Land Use) and IV (Consistency/Concurrence), that are not contrary to the public interest and will not adversely affect other property in the vicinity.
(Ord. No. 91-7, § 2)

Sec. 10.02.02. Variances to be considered as part of development review.

A. Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with

the application for development review. The variance shall be granted or denied in conjunction with the application for development review.

B. All applications for a variance to this Code shall be in writing and in such form as may be determined by the building official. Applications shall state fully upon what grounds of hardship the request is made. The comprehensive planning and zoning board may vary terms of the Code, providing such conditions and circumstances are:

1. Peculiar to the specific land, structure or building;
2. Do not apply generally to neighboring properties;
3. That the strict application of the provisions of this Code would deprive the applicant of the reasonable use of said land, structure or building;
4. The peculiar conditions and circumstances are not the result of the actions of the applicant.

C. Any variance granted will be the minimum variance that will make possible the reasonable use of such land, structure or building.

D. A nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, or a permitted use in adjacent districts shall not be considered as grounds for issuance of a variance permitting any use not otherwise allowed in the district.

(Ord. No. 91-7, § 2)

Sec. 10.02.03. Limitations on granting variances.

A. *Initial determination.* The comprehensive planning and zoning board shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the board shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be

received, the board shall make the required findings based on the cumulative effect of granting the variance to all who may apply.

B. *Required considerations for the granting of a variance.* The comprehensive planning and zoning board is authorized to grant a variance arising out of the dimensional, topographical, physical, and environmental conditions of the specific property for which the variance is sought, taking into account whether such conditions constitute a hardship precluding the reasonable use of the property. No variance shall be granted which is in violation of the comprehensive plan of the city. In making the determination, the board shall consider the factors enumerated below. The presence of a single factor shall not warrant either the granting or denial of the application. Instead the board shall weigh each factor as to whether the public health, safety and welfare warrant the granting or denial of the application. The burden of demonstrating factually that the granting of the application is warranted is on the applicant:

1. The nature of the hardship, whether it is as a result of an inability to make reasonable economic use of the property consistent with the provisions of these land development regulations, circumstances in common with other property owners, or personal to the applicant, it being the intent of this provision that an inability to make reasonable economic use of the property acts in favor of the granting of the variance and personal hardship and hardship in common with others act against the granting of the variance.
2. The precedential effect of the variance, it being the intent of this provision that the prior granting of similar variances to persons similarly situated shall act in favor of the granting of the variance and the prior denial of similar variances shall act against to the granting of the variance.
3. Whether the granting of the variance will create a precedent. The creation of a precedent shall act against the granting of the variance.
4. Whether the hardship is self-created; that is, whether the applicant acquired the

property following the adoption of the regulation from which the variance is sought or the hardship is as a result of construction or other activities undertaken by the applicant following the adoption of such regulation. Acquisition of the property following the adoption of the regulation shall act against the granting of the variance. Acquisition preceding the adoption of the regulation shall act in favor of the granting of the acquisition.

5. Whether the variance requested is the minimum variance that will permit the reasonable economic use of the property.
6. The effect of the variance on neighboring properties. The absence of an effect on neighboring properties will act in favor of the granting of the application. An adverse impact upon neighboring properties or the immediate neighborhood will act against the granting of the application.
7. Increases in congestion on surrounding streets, increases in the danger of fire or flooding will act against the granting of the application.

C. *Conditions and limitations.*

1. Except as provided in paragraph C.2., variances shall be nontransferable and granted to the applicant only, and variances shall be commenced within one (1) year from the effective date of the final order granting same.
2. The zoning board may attach the following conditions to any variance:
 - a. The variance is transferable and runs with the land when the facts involved warrant same or where construction or land development is included as part of the variance.
 - b. The time within which the variance commences may be extended for a period of time longer than one (1) year. Failure to exercise a variance by commencement of the use or action approved thereby within one (1) year, or such longer time as approved by the board, renders the

variance invalid, and all rights granted thereunder shall terminate. Transfer of the property by the applicant, unless the variance runs with the land, terminates the variance.

- c. Any other conditions and safeguards it deems necessary or reasonable.
3. The violation of any condition when made a part of the terms under which a variance is granted shall be deemed a violation of this Code.
4. Whenever the zoning board has denied an application for a variance, no further application shall be filed for the same variance on any part or all of the same property for a period one (1) year from the date of such action. If two (2) or more applications for the same variance on any part or all of the same property have been denied, no further application shall be filed for the same variance on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.
5. The time limits in paragraph 4. may be waived by the affirmative votes of a majority of a quorum of the zoning board when such action is considered necessary to prevent injustice or to facilitate the proper development of the city.

D. *Form of application.* The city manager shall, from time to time, prescribe the form upon which applications for variances shall be made. The form shall require the applicant to factually demonstrate the impact of the requested variance, if granted, as to each of the factors enumerated in subsection B., hereof. In prescribing the form of application, the city manager shall request the advice of the comprehensive planning and zoning board.

(Ord. No. 91-7, § 2; Ord. No. 92-7, § 9; Ord. No. 04-22, §§ 1, 2, 12-6-04)

ORDINANCE 13-16

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA, RELATING TO THE LAND DEVELOPMENT REGULATIONS; AMENDING SECTION 7.01.03. FENCES AND RETAINING WALLS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA;

Section 1. Section 7.01.03 of the Land Development Regulations for the City of St. Augustine Beach, Florida, be, and the same, is hereby amended to read as follows.

Section 7.01.03 Fences and retaining walls.

- A. The posts of each fence must be resistant to decay, corrosion and termite infestation.
- B. The finished side of all fences shall be installed to face the outside of the fenced in area except where necessary in a case where a structure, fence, or tree makes installation of the finished side facing outside impracticable.
- C. Fences may be located in all side and rear setback areas. Fences shall not exceed eight (8) feet in height.
- D. In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence shall be located in the vision triangle.
- E. Fences shall be allowed in the front yard setback area. Chain link fencing shall not be allowed. The allowed type of fence shall be picket style, not exceeding forty-two (42) inches in height.
- F. A fence required for safety and protection of a hazard by another public agency may not be subject to the height limitations above. Approval to exceed the minimum height standards may be given by the Building Official upon review of satisfactory evidence of the need to exceed height standards.

G. No fence or hedge or wall shall be installed in such a manner as to interfere with drainage on the site.

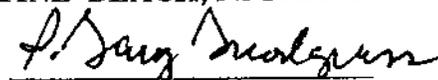
H. Reserved

Section 2. This ordinance shall take effect upon passage.

PASSED by the City Commission of the City of St. Augustine Beach, Florida, this 4th day of November, 2013

**CITY COMMISSION OF THE CITY OF
ST. AUGUSTINE BEACH, FLORIDA**

ATTEST: 
City Manager

BY: 
Mayor-Commissioner

First reading: October 7, 2013

Second Reading: November 4, 2013

U.S. Department of Justice
Civil Rights Division
Disability Rights Section



ADA
Requirements



Service Animals

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements, or rules, clarify and refine issues that have arisen over the past 20 years and contain new, and updated, requirements, including the 2010 Standards for Accessible Design (2010 Standards).

Overview

This publication provides guidance on the term "service animal" and the service animal provisions in the Department's new regulations.

- Beginning on March 15, 2011, only dogs are recognized as service animals under titles II and III of the ADA.
- A service animal is a dog that is individually trained to do work or perform tasks for a person with a disability.
- Generally, title II and title III entities must permit service animals to accompany people with disabilities in all areas where members of the public are allowed to go.

How "Service Animal" Is Defined

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

This definition does not affect or limit the broader definition of "assistance animal" under the Fair Housing Act or the broader definition of "service animal" under the Air Carrier Access Act.

Some State and local laws also define service animal more broadly than the ADA does. Information about such laws can be obtained from the State attorney general's office.

Where Service Animals Are Allowed

Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go. For example, in a hospital it would be inappropriate to exclude a service animal from areas such as patient rooms, clinics, cafeterias, or examination rooms. However, it may be appropriate to exclude a service animal from operating rooms or burn units where the animal's presence may compromise a sterile environment.

Service Animals Must Be Under Control

Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Inquiries, Exclusions, Charges, and Other Specific Rules Related to Service Animals

- When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.
- Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.
- A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.
- Establishments that sell or prepare food must allow service animals in public areas even if state or local health codes prohibit animals on the premises.
- People with disabilities who use service animals cannot be isolated from other patrons, treated less favorably than other patrons, or charged fees that are not charged to other patrons without animals. In addition, if a business requires a deposit or fee to be paid by patrons with pets, it must waive the charge for service animals.
- If a business such as a hotel normally charges guests for damage that they cause, a customer with a disability may also be charged for damage caused by himself or his service animal.
- Staff are not required to provide care or food for a service animal.

Miniature Horses

In addition to the provisions about service dogs, the Department's revised ADA regulations have a new, separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities. (Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.) Entities covered by the ADA must modify their policies to permit miniature horses where reasonable. The regulations set out four assessment factors to assist entities in determining whether miniature horses can be accommodated in their facility. The assessment factors are (1) whether the miniature horse is housebroken; (2) whether the miniature horse is under the owner's control; (3) whether the facility can accommodate the miniature horse's type, size, and weight; and (4) whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

For more information about the ADA, please visit our website or call our toll-free number.

ADA Website

www.ADA.gov

To receive e-mail notifications when new ADA information is available, visit the ADA Website's home page and click the [link](#) near the top of the middle column

[ADA Information Line](#)

800-514-0301 (Voice) and 800-514-0383 (TTY)

24 hours a day to order publications by mail.

M-W, F 9:30 a.m. – 5:30 p.m., Th 12:30 p.m. – 5:30 p.m. (Eastern Time)

to speak with an ADA Specialist. All calls are confidential.

For persons with disabilities, this publication is available in alternate formats.

Duplication of this document is encouraged. July 2011

[PDF Version of this Document](#)

July 12, 2011

This is an archived document.

Please go to [Frequently Asked Questions about Service Animals and the ADA](#) for the current document.

U.S. Department of Justice
Civil Rights Division
Disability Rights Section



COMMONLY ASKED QUESTIONS ABOUT SERVICE ANIMALS IN PLACES OF BUSINESS

1. Q: What are the laws that apply to my business?

A: Under the Americans with Disabilities Act (ADA), privately owned businesses that serve the public, such as restaurants, hotels, retail stores, taxicabs, theaters, concert halls, and sports facilities, are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises in whatever areas customers are generally allowed.

2. Q: What is a service animal?

A: The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. Guide dogs are one type of service animal, used by some individuals who are blind. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples include:

- _ Alerting persons with hearing impairments to sounds.
- _ Pulling wheelchairs or carrying and picking up things for persons with mobility impairments.
- _ Assisting persons with mobility impairments with balance.

A service animal is not a pet.

3. Q: How can I tell if an animal is really a service animal and not just a pet?

A: Some, but not all, service animals wear special collars and harnesses. Some, but not all, are licensed or certified and have identification papers. If you are not certain that an animal is a service animal, you may ask the person who has the animal if it is a service animal required because of a disability. However, an individual who is going to a restaurant or theater is not likely to be carrying documentation of his or her medical condition or disability. Therefore, such documentation generally may not be required as a condition for providing service to an individual accompanied by a service animal. Although a number of states have programs to certify service animals, you may not insist on proof of state certification before permitting the service animal to accompany the person with a disability.

4. Q: What must I do when an individual with a service animal comes to my business?

A: The service animal must be permitted to accompany the individual with a disability to all areas of the facility where customers are normally allowed to go. An individual with a service animal may not be segregated from other customers.

5. Q: I have always had a clearly posted "no pets" policy at my establishment. Do I still have to allow service animals in?

A: Yes. A service animal is not a pet. The ADA requires you to modify your "no pets" policy to allow the use of a service animal by a person with a disability. This does not mean you must abandon your "no pets" policy altogether but simply that you must make an exception to your general rule for service animals.

6. Q: My county health department has told me that only a guide dog has to be admitted. If I follow those regulations, am I violating the ADA?

A: Yes, if you refuse to admit any other type of service animal on the basis of local health department regulations or other state or local laws. The ADA provides greater protection for individuals with disabilities and so it takes priority over the local or state laws or regulations.

7. Q: Can I charge a maintenance or cleaning fee for customers who bring service animals into my business?

A: No. Neither a deposit nor a surcharge may be imposed on an individual with a disability as a condition to allowing a service animal to accompany the individual with a disability, even if deposits are routinely required for pets. However, a public accommodation may charge its customers with disabilities if a service animal causes damage so long as it is the regular practice of the entity to charge non-disabled customers for the same types of damages. For example, a hotel can charge a guest with a disability for the cost of repairing or cleaning furniture damaged by a service animal if it is the hotel's policy to charge when non-disabled guests cause such damage.

8. Q: I operate a private taxicab and I don't want animals in my taxi; they smell, shed hair and sometimes have "accidents." Am I violating the ADA if I refuse to pick up someone with a service animal?

A: Yes. Taxicab companies may not refuse to provide services to individuals with disabilities. Private taxicab companies are also prohibited from charging higher fares or fees for transporting individuals with disabilities and their service animals than they charge to other persons for the same or equivalent service.

9. Q: Am I responsible for the animal while the person with a disability is in my business?

A: No. The care or supervision of a service animal is solely the responsibility of his or her owner. You are not required to provide care or food or a special location for the animal.

10. Q: What if a service animal barks or growls at other people, or otherwise acts out of control?

A: You may exclude any animal, including a service animal, from your facility when that animal's behavior poses a direct threat to the health or safety of others. For example, any service animal that displays vicious behavior towards other guests or customers may be excluded. You may not make assumptions, however, about how a particular animal is likely to behave based on your past experience with other animals. Each situation must be considered individually.

Although a public accommodation may exclude any service animal that is out of control, it should give the individual with a disability who uses the service animal the option of continuing to enjoy its goods and services without having the service animal on the premises.

11. Q: Can I exclude an animal that doesn't really seem dangerous but is disruptive to my business?

A: There may be a few circumstances when a public accommodation is not required to accommodate a service animal—that is, when doing so would result in a fundamental alteration to the nature of the business. Generally, this is not likely to occur in restaurants, hotels, retail stores, theaters, concert halls, and sports

facilities. But when it does, for example, when a dog barks during a movie, the animal can be excluded.

If you have further questions about service animals or other requirements of the ADA, you may call the U.S. Department of Justice's toll-free ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TDD).

July 1996

Reproduction of this document is encouraged.

updated January 14, 2008



City of St. Augustine Beach

2200 A1A SOUTH
ST. AUGUSTINE BEACH, FLORIDA 32080
WWW.STAUGBCH.COM

CITY MGR (904) 471-2122
FAX (904) 471-4108

BLDG & ZONING (904) 471-8758
FAX (904) 471-4470

Memorandum

TO: Members of the Comprehensive Planning and Zoning Board
FROM: Gary Larson, Building Official
DATE: January 11, 2016
Re: Outside Seating Area, 101 F Street

You have been provided with the survey and Property Appraiser's record card for the subject property. The property owner is 101 F Street LLC. The current land use and future land use of this property is commercial. The section of the Land Development Regulations for which this conditional use request applies is Section 3.02.02, which has been provided to you with the application. There are not provisions in the City's Comprehensive Plan that apply to this request.

The new business, The Kookaburra, is replacing Antonia's Gelato Shop. The business is not classified by the State of Florida as a food service facility by their licensing requirements. The current parking meets the requirements of the City's Land Development Regulations. The proposed work is for a wood deck, less than 12 inches above grade, thus not required to meet setbacks. The deck dimensions are 15-feet-by 30-feet. Proposed seating is for 20 people based on take-out service. A combination of picnic tables and individual seating are shown on the plan provided by the applicant.

Conditional use permits are not transferable unless granted by the Commission. The Planning and Zoning Board can recommend a time period for the conditional use to be in effect for the property. This request is a low impact feature for the property, thus staff recommends consideration to approve the request.

THE CITY OF ST. AUGUSTINE BEACH
CONDITIONAL USE PERMIT APPLICATION

THE UNDERSIGNED PARTY REQUESTS A CONDITIONAL USE PERMIT:

1. LEGAL DESCRIPTION OF THE PARCEL OF LAND UPON WHICH THE PERMIT IS SOUGHT:

LOT(S): 1 BLOCK: 60 SUBDIVISION: Coquina Gables Subdivision

STREET ADDRESS: 101 F Street

2. LOCATION: South SIDE OF F Street
(North, South, East, or West) (Street Name)

BETWEEN F Street and Carriage Homes at Makarios Condominiums
(Street Name) (Street Name)

3. REAL ESTATE PARCEL NUMBER(S): 171810-0000

4. NAME AND ADDRESS OF OWNER AS SHOWN IN THE ST. JOHNS COUNTY

PUBLIC RECORD: 101 F Street LLC c/o Frank O'Rourke

5. DESCRIPTION OF CONDITIONAL USE: Conditional use permit for outside seating on east side of building, for carry-out service only.

6. LAND USE CLASSIFICATION: Commercial

7. SECTIONS OF THE LAND USE CODE FROM WHICH THE PERMIT IS BEING SOUGHT: 3.02.02

8. SUPPORTING DATA WHICH SHOULD BE CONSIDERED BY THE BOARDS:

Other restaurants/eating establishments in the City have been granted conditional use permits for outside seating.

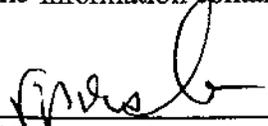
9 HAS AN APPLICATION FOR CONDITIONAL USE PERMIT BEEN SUBMITTED DURING THE PAST YEAR? Yes () or No ()

IF YES, WHAT WAS THE FINAL RESULT? _____

10. PLEASE CHECK IF THE FOLLOWING INFORMATION HAS BEEN INCLUDED:

- LEGAL DESCRIPTION OF PARCEL
- LIST OF ALL PROPERTY OWNERS WITHIN RADIUS OF 300 FEET OF PROPERTY FOR WHICH CONDITIONAL USE PERMIT IS REQUESTED
- STAMPED AND ADDRESSED LEGAL SIZE ENVELOPES OF PROPERTY OWNERS WITHIN 300 FEET OF CONDITIONAL USE PERMIT LOCATION
- SURVEY (Not over two years old)
- OTHER DOCUMENTS OR INFORMATION TO BE CONSIDERED

In filing this application for a Conditional Use Permit, the undersigned understands the application becomes a part of the Official Records of the Comprehensive Planning and Zoning Board and the Board of City Commissioners and does hereby certify that all the information contained herein is true and correct, to the best of his/her knowledge.


(Owner or his/her agent)

(Applicant or his/her agent)

101 F Street
(Owner/agent address)

(Applicant/agent address)

904-806-3063
(Owner/agent phone number)

(Applicant/agent phone number)

12/15/15
(Date)

(Date)

THE CITY OF ST. AUGUSTINE BEACH
BUILDING DEPARTMENT

PERMIT NO. CU2016-01 RECEIPT NO. 24943 DATE December 15, 2015

NAME OF APPLICANT(S) Frank O'Rourke/101 F Street LLC

ADDRESS 101 F Street, St. Augustine Beach, Florida 32080

FOR PERMIT ADVERTISING LOCATED AT: 101 F Street, St. Augustine Beach, Florida,
32080

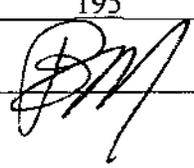
CHARGES

PERMIT FEE: \$200.00 (Account #34120)

ZONING SIGN FEE: \$7.50 (Account #50471)

DATE PAID: December 15, 2015

CHECK NO.: 195

SIGNED BY: 

DEFINITION - CONDITIONAL USE PERMIT

A use that would not be appropriate generally or without restriction throughout a land use district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in a land use district only in accordance with the provisions of this Code, and if the Code allows a conditional use in a particular land use category. The application for a conditional use permit shall be the same as for a concept review, except that the Comprehensive Planning and Zoning Board shall make a recommendation to the City Commission, which has final approval. The Building Official may delete submittals required in the concept application outlined in Article XII that are not applicable.

INSTRUCTIONS FOR APPLYING FOR A CONDITIONAL USE PERMIT

The following requirements must be adhered to in applying for a conditional use permit. It is of the utmost importance that all required information be furnished in detail and accurately. Incorrect information can delay or nullify any action on the application. If there is inadequate space for all the necessary information, attach extra sheets with the question numbers clearly marked.

In accordance with Table 3.02.02, which lists permitted and conditional uses for all land use districts, all conditional use permits must be heard by the Comprehensive Planning and Zoning Board, which will make a recommendation to the City Commission, which has final approval.

DOCUMENTATION NEEDED FOR CONDITIONAL USE PERMIT APPLICATION

1. The legal description of the parcel of land for which the permit is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use lot and block number. Include street address and location by indicating street(s) boundary and side (south, east, etc.) and nearest intersecting street. If the land is a portion of the lot, indicate what portion of the lot: i.e. south 1/2, west 1/3, etc. If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.
2. Provide the name and address of the owner of the property. This person's name should agree with the public records of St. Johns County as they exist on the application. If the names are different, attach a clarifying statement.
3. Indicate the current land use classification of the parcel under consideration. Current

land use maps are on public display in the office of the Building and Zoning Department and the personnel there will assist you in finding the current land use district classification.

4. The person(s) seeking the permit are mandated by law to notify all land and home owners within a radius of 300 feet of the parcel under consideration in the conditional use permit application.

The St. Johns County Real Estate and Survey Department, telephone number 904-209-0760, will provide a list of the names and addresses of all property owners within a 300-foot radius of the parcel for which the conditional use permit application is submitted. The list of names and addresses (which must include the applicant), along with stamped, addressed legal-size envelopes are to be included with the permit application. (NOTE: Do not fill in a return address on the envelopes. The Building and Zoning Department will stamp the return address and mail the legal notices to the property owners.)

Signatures and approvals of those within 300 feet are not necessary, but their names and addresses must be provided. The person seeking the permit may provide a separate petition containing the signatures of adjoining property owners, but these persons should not sign the application itself. Be sure to provide correct names and addresses, as incorrect information will delay or nullify any action on the application.

5. Provide the section of the Land Use Code from which the permit is being sought. Personnel in the Building Department will assist you in this matter.

A fee of \$207.50 will be charged for the conditional use permit administrative procedure, which includes the zoning notice sign, and legal advertising. The applicant will be required to post the zoning notice sign on the property for which the conditional use permit application is submitted within clear view of the street and not more than 10 feet inside the property line, no later than 15 days before the first meeting date at which the conditional use permit application will be heard.

A final order on each request for a conditional use permit shall be made within thirty (30) days of the last hearing at which such request was considered. Each final order shall contain findings upon which the City Commission's order is based, and may include such conditions and safeguards as prescribed by the Commission as appropriate in the matter, including reasonable time limits within which action pursuant to such order shall be begun or completed or both.

Appeal of decisions on conditional use permits made by the City Commission shall be made to the Circuit Court of St. Johns County.

The application must be signed by either the owner or by the owner's authorized agent. If an authorized agent's signature is used, a notarized written authorization approving such representation must accompany the application.

LIMITATIONS ON GRANTING CONDITIONAL USE PERMITS

Conditional use permits shall be nontransferable and granted to the applicant only, and the use shall be commenced within a period of one (1) year from the effective date of the final order granting same; provided, however, that the City Commission may adopt the following conditions to any permit:

1. That the conditional use permit will be transferable and run with the land when the facts involved warrant same, or where construction or land development is included as part of the permit.
2. The time within which the use shall be commenced may be extended for a period of time longer than one (1) year. Failure to exercise the permit by commencement of the use or action approved thereby within one (1) year or such longer time as approved by the City Commission shall render the permit invalid, and all rights granted thereunder shall terminate. Transfer of the property by the applicant, unless the permit runs with the land, shall terminate the permit.
3. Whenever the City Commission denies an application for a conditional use permit, no further application shall be filed for the same use on any part or all of the same property for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same use on any part or all of the same property has been denied, no further application shall be filed for this same use on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.
4. The time limits in paragraph 3 above may be waived by the affirmative votes of a majority of the City Commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the City.



Historic St. Johns County

Sharon Outland, Property Appraiser
 www.sjcpa.us email: sjcpa@sjcpa.us

Parcel Information

Strap: 1718100000
 Mailing Address: 101 F ST SAINT AUGUSTINE FL 32080-6857
 Site Address: 101 F ST SAINT AUGUSTINE FL 32080-0000
 Property Map: [Click here for Map](#)

Tax District: 551
 Neighborhood Code: 610.22
 Use Code/Description: 1700/Office Buildings (1Story)
 Sec-Town-Range: 3 - 8 - 30
 Acreage: 0.13

Valuation Information

Total Land Value:	\$ 113,300	Total Market(Just) Value:	\$ 177,695
Total Extra Features Value:	\$ 8,972	Assessed Value:	\$ 177,695
Total Building Value:	\$ 55,423	Homestead Exemption:	\$ 0
		Taxable Value:	\$ 177,695

Legal Information

Owner Information

Exemptions

3-30 COQUINA GABLES LOT 1 BLK 101FSTREET LLC
 60 (EX R/W OF RD #A1A)
 OR3871/1854

Sales Information

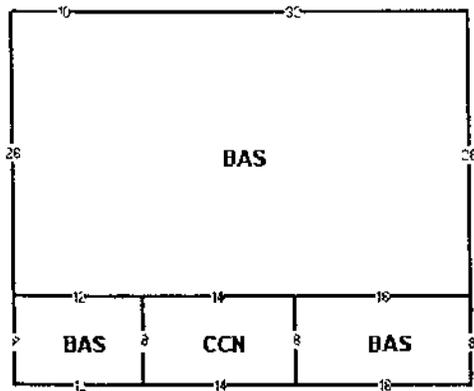
Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
04/24/2014	\$ 235,000	75.61	3871 & 1854	WD	Q	I	01
12/11/2012	\$ 0	0.00	3661 & 177	LP	U	I	86
06/30/2006	\$ 334,117	53.18	2738 & 344	WD	Q	I	01
09/22/2002	\$ 57,600	0.00	1884 & 886	WD	U	I	11
06/17/2002	\$ 148,000	120.06	1772 & 1124	WD	Q	I	01
10/27/1993	\$ 100,000	177.70	1019 & 694	WD	Q	I	01
10/28/1991	\$ 100	0.00	913 & 181	QC	U	I	11
06/01/1990	\$ 0	0.00	860 & 1654		U	I	11
03/01/1982	\$ 20,000	566.50	531 & 526		Q	V	05
01/01/1979	\$ 36,000	314.72	416 & 132		Q	V	05

Building Information

Building Details

Structural Elements

Building Number:	1	Year Built:	1982	Element:	Element Desc:	Type:	Type Desc:
Building Type/Desc:	1700/Office Buildings	Gross Area:	1447	EW	Exterior Wall	32	Wood
Building Model/Desc:	04 /Commercial Buildings	Heated/Cooled Area:	1316	RS	Roofing Structure	13	Wood Truss
		Building Value:	\$ 55,423	RC	Roofing Cover	7	Composite Shingle
Site address:	101 F ST SAINT AUGUSTINE FL 32080-0000			TW	Interior Walls	3	Drywall



IF	Interior Flooring	5	Carpet
HT	Heating Type	1	Air Duct
AC	Air Conditioning	1	Central
FR	Frame	8	Wood Frame
PL	Plumbing	10	10 Fixtures
EL	Electrical	2	Average
FN	Foundation	5	Concrete Perimeter Footing
IN	Insulation	25	6" Fiberglass
CN	Condition	4	Average
FS	Floor System	1	Concrete Slab

Structural Elements Classifications

[Click here to enlarge](#)

[Building Sketch Descriptions](#)

Extra Feature Information

Code	Description	Year Built	Units	Unit Price	Adj Unit Price	Condition	Depreciated Value
BKPVB	BRICK PAV 1001-3000	2003	1794	\$6.21	\$6.21	80.0 %	\$ 8,913
WDFNCE	WOOD FENCE	2003	8	\$9.87	\$9.87	75.0 %	\$ 59

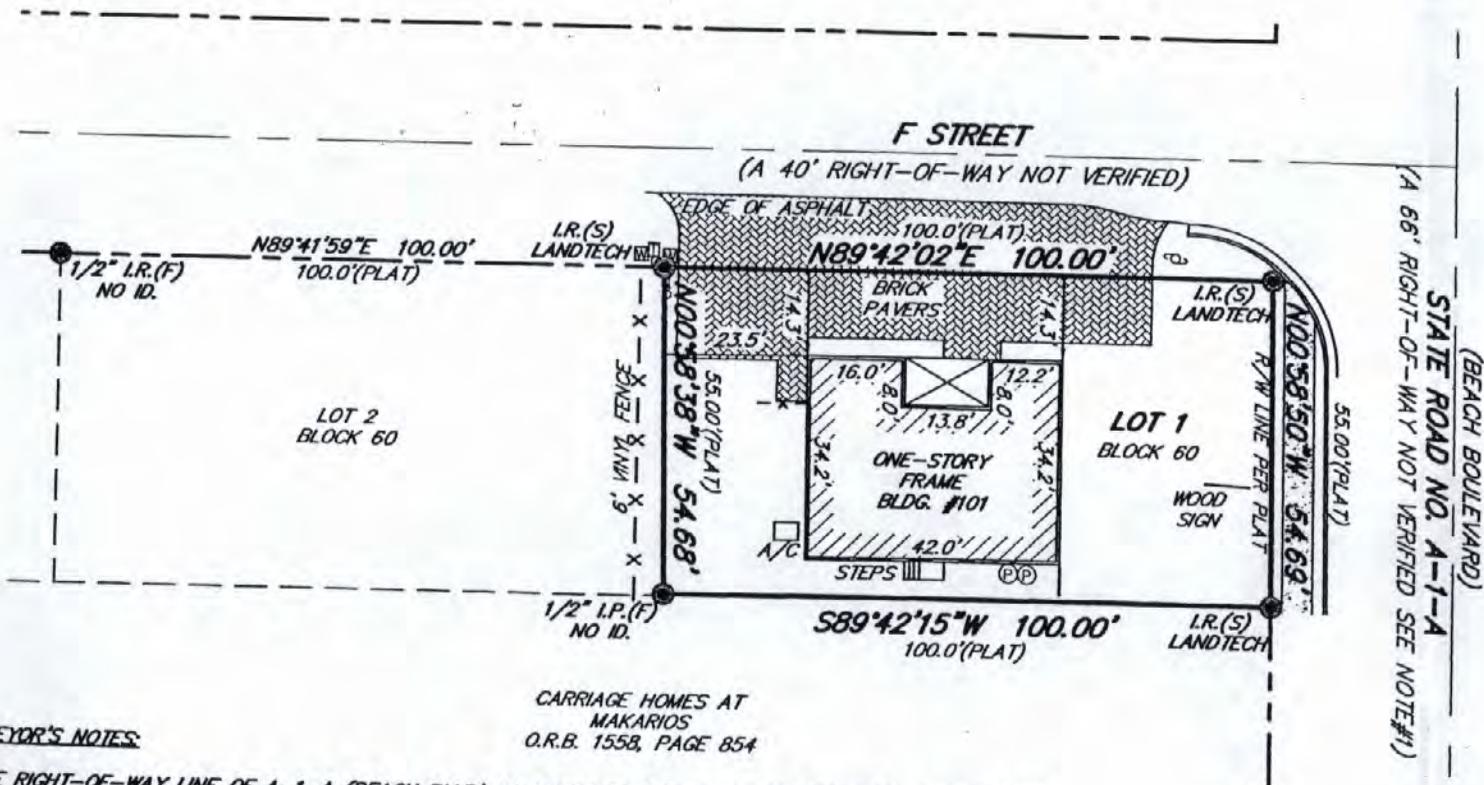
[Previous Parcel \(1718000030\)](#)

[Next Parcel \(1718100040\)](#)

MAP SHOWING SURVEY OF

LOT 1, BLOCK 60, COQUINA GABLES, A SUBDIVISION ACCORDING TO THE PLAT THEREOF AT MAP BOOK 3, PAGE 30, IN THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA. EXCEPT THAT PART LYING IN STATE ROAD A1A.

CERTIFIED TO:
101F STREET LLC
JOHN GRODE
ISLAND TITLE OF ST. AUGUSTINE, LLC.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY



CARRIAGE HOMES AT
MAKARIOS
O.R.B. 1558, PAGE 854

(BEACH BOULEVARD)
STATE ROAD NO. A-1-A
(A 66' RIGHT-OF-WAY NOT VERIFIED SEE NOTE#1)

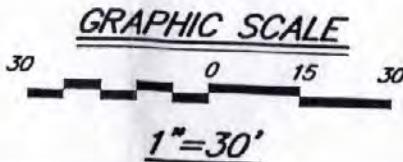
SURVEYOR'S NOTES:

1. THE RIGHT-OF-WAY LINE OF A-1-A (BEACH BLVD) ADJACENT TO THE SURVEYED PROPERTY IS SHOWN AS PER PLAT; INSUFFICIENT CONTROL WAS FOUND TO DETERMINE THE RIGHT-OF-WAY LINE AS IT NOW EXISTS ALONG THE EAST BOUNDARY OF THE SURVEYED PROPERTY.

LEGEND

A/C	- AIR CONDITIONER PAD	RES.	- RESIDENCE
ID.	- IDENTIFICATION	OBFO	- BACK FLOW PREVENTOR
N.G.V.D.	- NATIONAL GEODETIC VERTICAL DATUM	+	- DENOTES NOT TO SCALE
sq. ft.	- SQUARE FEET	⊗	- WATER METER
I.P.(F)	- IRON PIPE FOUND	⊙	- WOOD POWER POLE
I.R.(F)	- IRON ROD FOUND	⊠	- EXPOSED CONCRETE
I.R.(S)	- 5/8" IRON ROD SET (LANDTECH)	⊞	- COVERED AREA

AREA = ±0.13 ACRES
OR ±5,468 sq. ft.



THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

GENERAL NOTES:

- Encroachments as shown hereon are only those above ground, visible objects observed by the surveyor.
- No underground structures, utilities or foundations were located or determined by this survey.
- This survey does not reflect or determine ownership.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's sole risk and without liability to this surveyor.
- Nothing herein shall be intended to give any rights or benefits to anyone other than the surveyor.
- All disputes hereunder shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- This survey is limited to the last field date.
- This surveyor's liability shall not exceed the fee as stated by this surveyor.

NOTES:

- According to the Federal Emergency Management Agency Form Map No. 125145 0384 H effective date: 08/02/04, the property described hereon appears to lie in Zone "AE 9"
- Basis of bearing structure: SEE SURVEY
- SEE SURVEY
- Basis of elevations: N.G.V.D.
- SCALE: 1"=30'
- JOB NO. 14-0242
- LAST FIELD DATE: 04/23/14
- F.B./PAGE: 668/04
- CHK. BY: N.H.F.
- DWS. BY: M.P.F.
- TYPE: BOUNDARY

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LANDTECH
Associates, Inc.
LAND SURVEYOR'S

Not valid without the signature and the original raised seal of a Florida licensed surveyor and measurer. Additions or deletions to survey maps or reports by other than the signing party is prohibited without the written consent of the signing party.

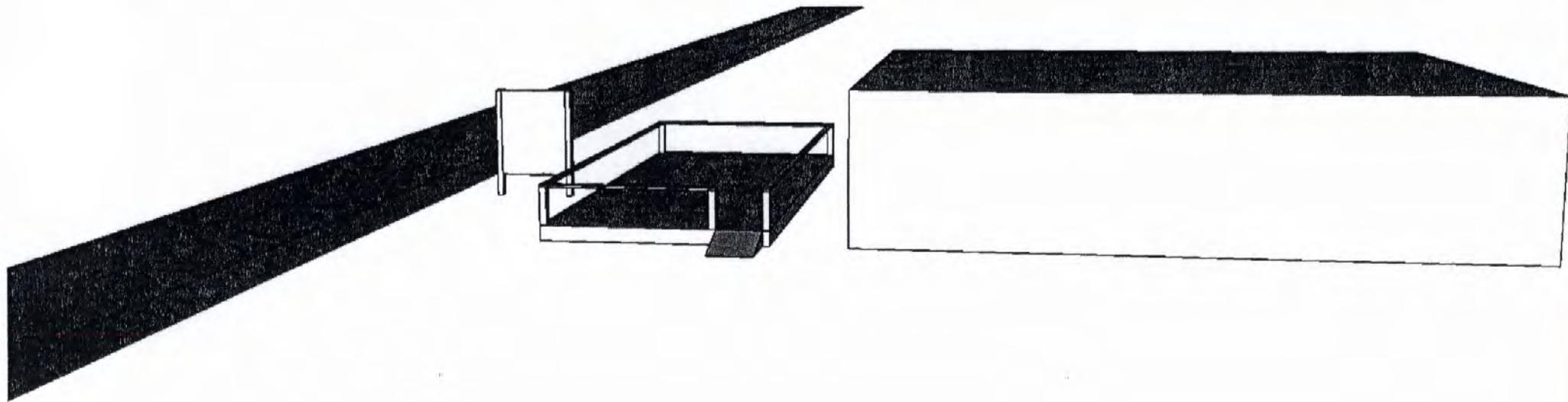
Nicholas H. Franklyn

NICHOLAS H. FRANKLYN, P.L.S. #4620
FOR LANDTECH AND ASSOCIATES L.B. #7537

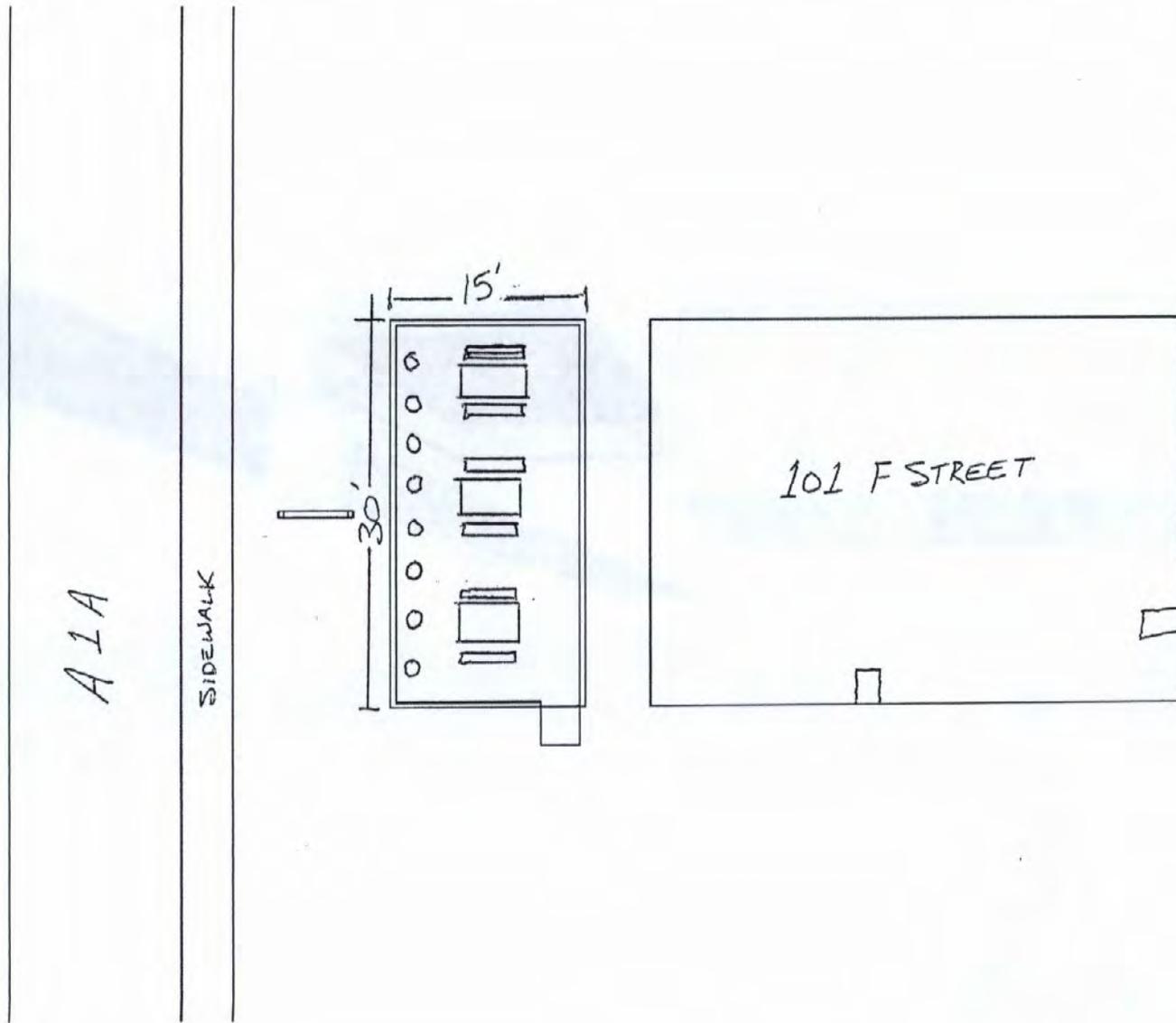
5100 A1A SOUTH, SUITE A
ST. AUGUSTINE, FLORIDA 32080
(904) 471-8877 FAX (904) 471-8876

04/23/14 14-0242-101 F STREET.DWG 17-31 CADP

PROPOSED FRONT DECK FOR 101 F STREET



PROPOSED FRONT DECK FOR 101 F STREET



* FREE FLOATING
DECK, 15' IN WIDTH
BY 30' IN LENGTH

* SEATING FOR 20 PPL

* DECK IS GROUND
LEVEL W/ 12" CLEARANCE

* O - ONE SEAT

 - PICNIC TABLE

Year—See section 1-2 of the Code of Ordinances.

(Ord. No. 91-7, § 2; Ord. No. 92-7, §§ 1, 2; Ord. No. 92-20, §§ 1, 2; Ord. No. 92-22, § 2; Ord. No. 93-14, § 10; Ord. No. 93-15, § 2; Ord. No. 94-1, § 1; Ord. No. 94-11, § 1; Ord. No. 95-1, § 4; Ord. No. 95-2, § 1; Ord. No. 95-12, § 1; Ord. No. 95-18, §§ 8, 9; Ord. No. 96-05, § 1; Ord. No. 96-11, § 1; Ord. No. 97-19, § 1, 9-8-97; Ord. No. 97-46, § 1, 1-5-98; Ord. No. 01-06, § 1, 4-2-01; Ord. No. 03-10, § 1, 7-7-03; Ord. No. 03-17, §§ 1, 2, 7-7-03; Ord. No. 03-24, § 1, 8-4-03; Ord. No. 03-26, § 1, 8-4-03; Ord. No. 04-03, § 1, 5-3-04; Ord. No. 05-07, § 1, 5-2-05; Ord. No. 06-22, § 2, 10-3-06; Ord. No. 12-08, § 1, 6-13-12; Ord. No. 13-10, § 1, 9-9-13)

ARTICLE III. LAND USE: TYPE, DENSITY, INTENSITY

Sec. 3.00.00. Generally.

Sec. 3.00.01. Purpose.

The purpose of this article is to describe the specific uses and restrictions that apply to land use districts consistent with the future land use element of the comprehensive plan. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies in the St. Augustine Beach Comprehensive Plan.

(Ord. No. 91-7, § 2)

Sec. 3.01.00. Land use districts.

Sec. 3.01.01. Generally.

Land use districts for St. Augustine Beach are established in the comprehensive plan, future land use element, including the future land use map (Map L-2 of the St. Augustine Beach Comprehensive Plan). The land use districts and classifications defined in the Future Land Use Element of the St. Augustine Beach Comprehensive Plan and delineated on the future land use map are the general determinant of permissible activities in the jurisdiction. Specific determinations on allowable uses on a parcel by parcel basis is

established in this Land Development Code and delineated on Table 3.02.02. Allowable uses are

shown in section 3.02.03 to correlate individual land use activities with land use classifications included on the future land use map.

The city is divided into the following Land Use districts:

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Institutional
- Recreation
- Conservation

(Ord. No. 91-7, § 2)

Sec. 3.01.02. Particularly.

The city on its land use map has established a medium-low residential density classification, in which duplexes and multifamily dwellings are prohibited. Otherwise, the medium-low residential density classification is identical in all respects to the medium density residential classification.

(Ord. No. 91-7, § 2)

Sec. 3.02.00. Uses allowed in land use districts:

Sec. 3.02.01. General.

This section 3.02.00 defines and describes the specific uses allowed within each land use district described in the comprehensive plan and this Code.

(Ord. No. 91-7, § 2)

Sec. 3.02.02. Uses.

The permitted and conditional uses for all land use districts except mixed use districts are listed in Table 3.02.02. Uses for mixed use districts are listed in section 3.02.02.01. The list of uses contained in said table are exclusive, and any use not included under permitted or conditional uses shall be prohibited in such districts.

(Ord. No. 91-7, § 2; Ord. No. 93-14, § 1; Ord. No. 07-13, § 2, 7-2-07; Ord. No. 08-09, § 2, 7-7-08)

TABLE 3.02.02
TABLE OF USES BY LAND USE DISTRICT

<i>Uses</i>	<i>Land Use District</i>						
	<i>L ML</i>	<i>M</i>	<i>H</i>	<i>CO</i>	<i>I</i>	<i>R</i>	<i>CN</i>
<i>Residential</i>							
Single-family	P	P	P	P	C	X	X X
Mobile home.....	X	X	X	X	X	X	X X
Multifamily, condominiums	X	X	P	P	C	X	X X
Adult congregate living facility (group home).....	C	C	C	C	X	X	X X
Child care (in the home).....	X	X	X	C	C	X	X

Uses	Land Use District						
	L	ML	M	H	CO	I	R CN
Bed and breakfast	X	X	C	C	P	X	X X
Rooming house ..	X	X	X	C	C	X	X X
Temporary residences (construction, model home)	C	C	C	C	X	X	X X
Home occupations	C	C	C	C	C	X	X X
Offices							
Professional offices	X	X	X	X	P	X	X X
Business offices	X	X	X	X	P	X	X X
Banks (drive-up facilities allowed)	X	X	X	X	P	X	X X
Post offices, including mailing, and customer services such as messenger answering services	X	X	X	X	P	X	X X
Government offices (other than city offices)	X	X	X	X	P	P	X X
Retail Sales							
Retail outlets for sale of antiques, art, artist supplies, arts and crafts supplies, bait and tackle, bicycles, books, clothing, confectionery, drug and sundries, gifts, hardware, jewelry, luggage, leather goods, office supplies, optical goods, paint, photography supplies, radios, televisions and electronic equipment, satellite equipment, shoes, souvenirs, sporting goods, and tapes and records	X	X	X	X	P	X	X X
Farmer's market (as defined by section 12-51(f) of the City of St. Augustine Beach Code) Operated by organizations exempt from City Licensure pursuant to section 12-51(f) of such code	X	X	X	X	X	P	X X
Garage sale (no more than two (2) per year)	P	P	P	P	X	X	X X
Garage sale by charitable, civic or religious organization (no more than two (2) per year)	X	X	X	X	P	P	P X
Grocery stores, delicatessens, meat markets (no live poultry or stock), and convenience type stores (beer and wine to be sold and carried off premises only, and as an integral part of grocery item displays and sales)	X	X	X	X	P	X	X X
Pet shop (but not animal kennel)	X	X	X	X	C	X	X X
Shopping centers	X	X	X	X	P	X	X X
Services, Hotels, and Restaurants							
Service establishments: barber and beauty shops, bakery (but not wholesale), bicycle rentals, costuming shops, dry cleaner (using nonflammable solvents only), electronic and light mechanical repair stores, florists, interior decorator, laundromat, photography studio, printing, shoe repair, tailor, travel agency, upholstery shop, and video rentals	X	X	X	X	P	X	X X
Catering	X	X	X	X	C	X	X X
Condominium hotels	X	X	X	X	C	X	X X
Day care center	X	X	X	X	C	X	X X
Equipment rental	X	X	X	X	C	X	X X
Food and/or beverage service or consumption outside of an enclosed building on the premises of a restaurant or hotel/motel	X	X	X	X	C	X	X X
Funeral home	X	X	X	X	C	X	X X
Hotel/motel (including ancillary uses such as restaurants, lounges and night clubs)	X	X	X	X	P	X	X X

Uses	Land Use District							
	L	ML	M	H	CO	I	R	CN
Live theaters, satellite presentations, and motion pictures (not drive-in)	X	X	X	X	P	X	X	X
Mini-storage warehouses	X	X	X	X	C	X	X	X
Pest control	X	X	X	X	C	X	X	X
Pharmacy	X	X	X	X	P	C	X	X
Restaurant operated wholly within an enclosed building including servicing of alcoholic beverages incidental to the restaurant business only (no drive-up facility)	X	X	X	X	P	X	X	X
Restaurant operated wholly within an enclosed building with drive-up facilities (including serving of alcoholic beverage incidental to the restaurant business only within the restaurant, but not at the drive-up facility)	X	X	X	X	C	X	X	X
Services, hotels (but not hotels in a condominium form of ownership), and restaurants	X	X	X	X	P	X	X	X
Veterinarian and animal hospital (without an outside kennel)	X	X	X	X	C	X	X	X
<i>Educational, Cultural, Religious Uses</i>								
Elementary, middle and high schools	X	X	X	X	P	P	P	X
Vocational schools	X	X	X	X	C	X	X	X
Churches, synagogues, and temples	X	X	X	X	P	P	P	X
Libraries, art museums	X	X	X	X	P	P	P	X
Social, fraternal clubs, lodges	X	X	X	X	P	X	X	X
Auditoriums	X	X	X	X	P	P	X	X
<i>Recreational, Amusement, and Entertainment</i>								
Arcades	X	X	X	X	C	X	X	X
Uses where activity is conducted entirely within an enclosed building (bowling alleys, skating rinks, exercise facilities, billiards, pool parlors, dance studios and martial arts studios)	X	X	X	X	P	X	X	X
Privately owned recreational facilities such as golf courses, country clubs, swimming or tennis clubs	C	C	C	C	P	X	P	X
Publicly or privately recreational facilities of any kind and special events not involving amplified noise or sound outside of a structure between the hours of 10:00 p.m. and 9:00 a.m. the following day on land owned by St. Johns County or the city (See section 9.02.15)	X	X	X	C	P	P	P	X
Golf driving range not accessory to golf course, par 3 golf, miniature golf, water slides, skate board parks and similar commercial ventures	X	X	X	X	P	X	P	X
<i>Medical Related Facilities</i>								
Physician offices	X	X	X	X	P	X	X	X
Medical clinics	X	X	X	X	P	P	X	X
Hospital	X	X	X	X	C	P	X	X
<i>Motor Vehicle Related Sales and Service</i>								
Service stations or public mechanical garages including automobile washing as an ancillary use (vehicle repair not allowed outside of an enclosed building)	X	X	X	X	P	X	X	X
<i>Miscellaneous Facilities</i>								
Public utility lines	P	P	P	P	P	P	P	P

Uses	Land Use District							
	L	ML	M	H	CO	I	R	CN
Utility facility	C	C	C	C	P	P	C	X
Minor structures with state required permits on environmentally sensitive land, such as dune walkovers.....	P	P	P	P	P	P	P	P
City-owned or city-operated offices and facilities of any kind	P	P	P	P	P	P	P	X
Construction facilities (such as trailers, vehicles, equipment, and materials) in connection with road or drainage work performed by the State of Florida, St. Johns County, or the city, or by contractors employed by said governmental entities	P	P	P	P	P	P	P	P
Parking lots	X	X	X	X	P	X	X	X

Explanation of Table 3.02.02:

- L - Low density residential
- ML - Medium-low density residential
- M - Medium density residential
- H - High density residential
- CO - Commercial
- I - Institutional
- R - Recreation
- CN - Conservation
- P - Use is permissible with a permit issued by building official
- C - Use is permissible with a conditional use permit
- X - Use is not permitted

(Ord. No. 92-7, § 3; Ord. No. 93-14, § 2; Ord. No. 93-15, § 5; Ord. No. 95-11, § 1; Ord. No. 95-18, § 10; Ord. No. 97-19, § 2, 9-8-97; Ord. No. 97-29, § 1, 11-3-97; Ord. No. 00-22, § 1, 9-11-00; Ord. No. 00-23, § 1, 9-11-00; Ord. No. 04-03, §§ 2, 3, 5-3-04; Ord. No. 04-08, §§ 2, 3, 7-6-04; Ord. No. 09-07, § 1, 7-6-09)

Sec. 3.02.02.01. Mixed use districts.

A. *Purpose.* The purpose of a mixed use district is:

1. To accommodate a mixture of retail, service, residential, and other uses.
2. Encourage development that exhibits the physical design characteristics of pedestrian oriented, store front shopping streets; and
3. Promote the health and well being of residents by encouraging physical activity, alternative transportation and greater social interaction.
4. To site structures so their siting is compatible with the future vision of the city as well as city codes.

5. Ensure that the massing of the structure/structures are compatible with surrounding buildings.
6. Ensure that the proposed projects do not exceed the size and scale of other buildings in the vicinity and that a proportionate scale is maintained between height and width of structures.
7. Ensure that roof forms, detailing, textures, colors, and the rhythm of a structure, wall space and doors and windows are compatible with city codes and the future vision for the city.

B. *Definitions.*

Commercial use: A structure used only for a commercial operation that is allowed by the land development regulations.

Sec. 10.03.00. Conditional use permits.**Sec. 10.03.01. Procedures.**

A. *[Rules]*. The city commission shall make rules for the conduct of hearings for the granting of conditional use permits. These rules shall include at least the right of any party to:

1. Present his case or defense by oral and documentary evidence.
2. Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts.
3. Submit proposed findings and conclusions and supporting reasons therefor.
4. Make offers of compromise or proposals of adjustment.
5. Be accompanied, represented and advised by counsel or represent himself.
6. Be promptly notified of any action taken by the city commission concerning his request for the granting of a conditional use permit, or any decisions concerning procedures for the granting of such a permit.

B. *Evidence*. The city commission shall receive into evidence that which is admissible in civil proceedings in the courts of Florida, but in receiving evidence due regard shall be given to the technical and highly complicated subject matter which must be handled, and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, however, effect shall be given to rules of evidence recognized by the laws of Florida.

C. *Record*. The city commission shall promulgate appropriate rules and regulations providing for the establishment and maintenance of a record of all requests for conditional use permits. A verbatim transcript of the record is not required, but the commission shall establish such record in sufficient degree to disclose the factual basis for its final determination with respect to requests for permits.

D. *Orders*. A final order on each request for a conditional use permit shall be made within thirty (30) calendar days of the last hearing at which such request was considered. Each final order shall contain findings upon which the commission's order is based, and may include such conditions and safeguards as prescribed by the commission as appropriate in the matter, including reasonable time limits within which action pursuant to such order shall be begun or completed or both.

E. *Limitations*. A conditional use permit shall not be granted if the proposed use will not be compatible with other uses existing in the neighborhood or the proposed use will conflict with the public interest.

F. *Violations*. The violation of any condition or safeguard when made a part of the terms under which a conditional use permit is granted shall be deemed a violation of this Code.

(Ord. No. 91-7, § 2; Ord. No. 95-1, § 13)

Sec. 10.03.02. Limitations on granting conditional use permits.

A. Conditional use permits shall be nontransferable and granted to the applicant only, and the use shall be commenced within a period of one (1) year from the effective date of the final order granting same; provided, however, that the city commission may adopt the following conditions to any permit:

1. That the conditional use permit will be transferable and run with the land when the facts involved warrant same, or where construction or land development is included as part of the permit.
2. The time within which the use shall be commenced may be extended for a period of time longer than one (1) year.

Failure to exercise the permit by commencement of the use or action approved thereby within one (1) year or such longer time as approved by the city commission shall render the permit invalid; and all rights granted thereunder shall termi-

nate. Transfer of the property by the applicant, unless the permit runs with the land, shall terminate the permit.

3. Whenever the city commission has denied an application for a conditional use permit, no further application shall be filed for the same use on any part or all of the same property for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same use on any part or all of the same property has been denied, no further application shall be filed for the same use on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.
4. The time limits in paragraphs 3. above may be waived by the affirmative votes of a majority of the city commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the city.

(Ord. No. 91-7, § 2; Ord. No. 92-7, § 10)

Sec. 10.03.03. Appeal of decisions.

A. Appeal of decisions on conditional use permits made by the city commission shall be made to the circuit court of St. Johns County.

B. Appeal of decisions on conditional use permits for home occupations made by the comprehensive planning and zoning board shall be made to the city commission.

(Ord. No. 91-7, § 2; Ord. No. 93-14, § 8)

Sec. 10.03.04. Home occupations.

A. The comprehensive planning and zoning board shall have the authority to grant or deny a conditional use permit for a home occupation. It shall not be necessary for the city commission to approve or confirm the decision of the board in respect to grant or denial of a conditional use permit for a home occupation.

B. The procedures and limitations provided under sections 10.03.01 and 10.03.02 shall apply to conditional use permits for home occupations,

except that any reference to the "city commission" or "commission" shall be read as the "comprehensive planning and zoning board."

(Ord. No. 93-14, § 7)

Secs. 10.04.00—10.04.02. Reserved.

Editor's note—Ord. No. 98-15, § 1, adopted July 6, 1998, repealed §§ 10.04.00—10.04.02. Formerly, these sections pertained to clustering development rights and derived from Ord. No. 91-7, § 2.

ARTICLE XL. BOARDS AND AGENCIES

Sec. 11.00.00. Generally.

The following boards and agencies are created to administer the provisions of this Code under the authority prescribed by this Code and Florida law.

(Ord. No. 91-7, § 2)

Sec. 11.01.00. Building and zoning department.

Sec. 11.01.01. Creation.

There is hereby created a building and zoning department under the direction and control of the city. The department shall perform all administrative functions of the city government relating to the administration of this Code.

(Ord. No. 91-7, § 2)

Sec. 11.01.02. Building official.

A. *Establishment of position.* There is hereby established the position of building official.

B. *Duties.* The building official shall perform duties and responsibilities prescribed by this Code.

1. Receive all applications for development approval.
2. Determine the completeness of development applications.
3. Conduct all pre-application conferences.
4. Schedule all applications before the comprehensive planning and zoning board.
5. Ensure that proper notice is given prior to all hearings on development applications.

MEMORANDUM

TO: Steve Mitherz, Chairman
Berta Odom
Karen Zander
Elisa Sloan
David Bradfield
Zachery Thomas
Jane West
Mary McCarthy (Senior Alternate)
Jeffery Holleran (Junior Alternate)

FROM: Max Royle, City Manager 

DATE: December 14, 2015

SUBJECT: Request for Definition of Alternate Impervious Surface

Attached is an email from three residents, who request that the Land Development Regulations be amended to include a definition of Alternate Impervious Surface.

One or more of the citizens will likely be at your January 19th meeting, to discuss their request in more detail with you.

Max Royle

From: Sandra Krempasky [sandra.krempasky@gmail.com]
Sent: Wednesday, December 02, 2015 4:48 PM
To: Gary Larson; Comm England; Comm George; Steve Mitherz; Jane West; David Bradfield, Elise Sloan; Karen Zander; Roberta Odom; Zachary Thomas; Jeffrey Holleran
Cc: Max Royle; Joe Foster; craig thomson
Subject: Amendment to LDR concerning Impervious Surface Coverage Calculations

Mr. Larson:

We are submitting a definition of Alternative Porous Paving to be added to our Land Development Regulations. This submission is permitted by Section 12.05.00 - 12.05.04 of our zoning code. This issue has been discussed with members of the City Commission, the Planning & Zoning Board, and the Tree Board, and is critical to calculations for Impervious Surface Coverage.

DEFINITION:

Definition of Alternative Porous Paving: A paving system which allows for the absorption of water at the rate of four gallons per minute per square foot of area, thus controlling stormwater runoff comparable to sodded areas of a site. The use of Alternative Porous Paving shall be limited to no more than 25% of the total area of a property.

We would like this LDR amendment to be reviewed at the next Planning & Zoning Board meeting.

BACKGROUND:

The Land Development Regulations limit the percentage of Impervious Surface Coverage, controlling the amount of paved surface areas of a site in both residential and commercial developments. Its purpose is to protect existing trees, and to provide space for lawns and landscaping areas which allow for the on-site absorption of stormwater.

Unfortunately the Impervious Surface Coverage regulations are not being properly enforced. The Building Department has recently allowed concrete pavers on compacted fill to be exempt from Impervious Surface area calculations.

This interpretation does not conform with our zoning codes and subverts the goals of our Comprehensive Plan and Stormwater Management Policy.

REQUEST FOR ACTION:

There is a provision in our zoning regulations which allows for use of Alternative Porous Paving materials (Sec. 6.01.02) not to be counted as Impervious Surface. Unfortunately, there is not a definition under Section 2.00.00 of the LDR for Alternative Porous Paving.

The above definition of Alternative Porous Paving has been researched and drafted in order to meet the intent of our zoning codes and Comprehensive Plan.

Please contact us if you have any questions concerning this definition.

Joe Foster
Sandra Krempasky
Craig Thomson

- 5. A single-family dwelling shall not be supported wholly or partially on stilts if the dwelling is located to the west of the coastal construction control line established under Florida Statute § 161.053.
- 6. The maximum density allowed in the low density residential district is four (4) units per acre.

D. Specific requirements for medium density residents.

- 1. In medium density residential districts, the minimum lot sizes shall be as follows:

Duplex: Seventy-five (75) foot frontage with minimum square footage of twelve thousand four hundred forty-four (12,444) square feet.

Triplex: One hundred (100) foot frontage with minimum square footage of eighteen thousand six hundred sixty-six (18,666) square feet.

Four Plex: One hundred twenty-two and five-tenths (122.5) feet minimum frontage with minimum square footage of twenty-four thousand eight hundred eighty-eight (24,888) square feet.

Townhouses: Townhouses shall be treated, depending upon the number of units, in the same manner as duplexes, triplexes and fourplexes.

- 2. The land area is sufficient to meet all applicable setbacks and height requirements as well as the supplemental requirements of all codes applicable to the development in St. Augustine Beach.
- 3. Gross density of the area shall not exceed seven (7) units per acre in medium density areas and twelve (12) units per acre for high density areas as depicted on the future land use map.
- 4. Land exclusive of individual lots to be conveyed in fee simple ownership, shall be controlled and maintained through a condominium association, property owners' association or other similar provision and recordable instruments. Common own-

ership lands shall be submitted for review with the application for development plan review.

- 5. The minimum floor area for a building within the medium density residential category shall be eight hundred (800) square feet excluding porches, attached garages, carports and breezeways.
- 6. For a two (2) story building, the minimum enclosed floor area of at least one (1) story shall be eight hundred (800) square feet, excluding porches, garages, carports, and breezeways.
- 7. A single family or multifamily dwelling shall not be supported wholly or partially on stilts if the dwelling is located to the west of the coastal construction control line established under Florida Statute § 161.053.

(Ord. No. 91-7, § 2; Ord. No. 92-7, § 4; Ord. No. 93-14, § 4; Ord. No. 94-15, §§ 1, 2; Ord. No. 01-22, § 2, 9-10-01; Ord. No. 03-16, §§ 2, 3, 7-7-03)

Sec. 6.01.02. Impervious surface coverage.

A. *Generally.* Impervious surface on a development site shall not exceed the ratios provided in the table in paragraph D. of this section.

B. *Ratio calculation.* The impervious surface ratio is calculated by dividing the total impervious surface by the gross site area.

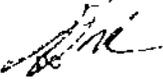
C. *Alternative paving materials.* If porous paving materials are used, then the area covered with porous paving materials shall not be counted as impervious surface.

D. *Table of impervious surface ratios.*

<i>Land Use District</i>	<i>Maximum Impervious Surface Ratio¹</i>
Low density residential	0.40
Medium residential	0.50
High density residential	0.70
Commercial	0.70

MEMORANDUM

TO: Steve Mitherz, Chairman
Berta Odom
Karen Zander
Elisa Sloan
David Bradfield
Zachery Thomas
Jane West
Mary McCarthy (Senior Alternate)
Jeffery Holleran (Junior Alternate)

FROM: Max Royle, City Manager 

DATE: January 11, 2016

SUBJECT: Scheduling Date for March Meeting

The third Tuesday in March, the 15th, the meeting room will be used for the Presidential Preference Primary. If you want, you can discuss an alternative date at your January meeting.

The room will NOT be available on the following dates:

- a. March 1st, Tuesday, City Commission meeting
- b. March 3rd through 16th, set up, early voting, voting day and take down for the Presidential Preference Primary
- c. One of the nights from March 28th to March 31st The City Commission will hold a joint meeting with County Commission on one of those nights. Or, the joint meeting may be held during the day, and you could hold your meeting at night on that day.

Also, Easter is early this year (Sunday, March 27th). Good Friday is March 25th. Your secretary, Ms. Miller, won't be available on Thursday and Friday, March 24th and 25th. However, should you schedule your meeting one of those nights, another City staff member can be the recording secretary.

RECOMMENDATION

It's that you schedule your March meeting on Tuesday, March 22nd

Bonnie Miller

From: Fey Rick (US Partners) <rick.fey@partners mcd.com>
Sent: Tuesday, January 19, 2016 11:56 AM
To: Bonnie Miller
Cc: Fey Rick (US Partners)
Subject: Fw: Var 2016-01
Attachments: IMG_0536.JPG; ATT00001.txt; IMG_0537.JPG; ATT00002.txt

Building Department
City of St. Augustine Beach, Fl.
Re: Request for a variance , 1 E street

We appreciate the opportunity to have our input included in the public records regarding this matter. We have included two pictures to establish our view of the subject property. Our unit is the top floor, SE corner.

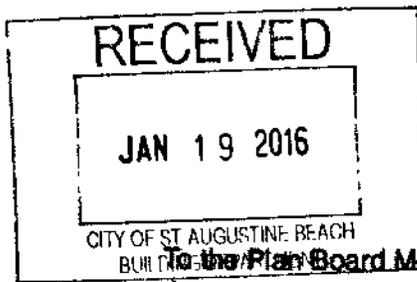
We are pleased with the improvements that have already been made and fully support the proposed removal of the existing white board fencing and the addition of new fencing. When the work is completed our view will be greatly enhanced.

Respectfully,
Rick and Martha Fey
Unit 9 Sea Oats Villas
912 670 0550 Cell

From: Rick Fey <rickfey.mcd@gmail.com>
Sent: Tuesday, January 19, 2016 10:55 AM
To: Fey Rick (US Partners)
Subject: Var 2016-01







To the Plan Board Members and City Commissioners of the City of St. Augustine Beach, Florida
January 18, 2016

Hello and Happy New Year,

We are residents of St. Augustine Beach, living at 8 F Street. We are writing to encourage you to deny the Conditional Use Permit requested for the property at 101 F Street. The City Code defines a Conditional Use Permit as:

A use that would not be appropriate generally or without restriction throughout a land use district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity.

The proposed outside deck would promote none of the above, other than prosperity to the property owner. Neighborhood welfare, order, comfort, and convenience would all be negatively affected by the proposed expansion.

Section E of Appendix A of the Land Development Regulations for the City of St. Augustine Beach states that:

A conditional use permit shall not be granted if the proposed use will not be compatible with other uses existing in the neighborhood or the proposed use will conflict with the public interest.

Other uses existing in the neighborhood are residential. The commercial property in question was a hair salon, then an ice cream parlor/ realty office, then a coffee shop/realty office. The coffee shop has extended operation hours beyond what the previous businesses used, which has been noisy and increased traffic. Now, they are going to add wine and beer to their menu. How can they do that in such a tiny space? Would patrons buy a beer and walk outside to a patio on the opposite end of the building? Is that legal? We are guessing the plan is to open the entire building up as one business, serving coffee, food, wine and beer. This further changes the concept of a tiny coffee shop to a noisy outdoor venue, further conflicting with the public interest.

How is parking adequate? There are 9 parking spaces, including one designated for handicapped patrons. Some patrons and employees of the coffee shop and realty office park in the vacant lot across F Street from the building. That lot is privately owned, and parking spots there should not be considered when calculating the parking for patrons of an expanded restaurant facility.

We see no community benefits from expanding the use of the property in question by adding outdoor seating. The noise and light factors would be disruptive and intrusive in what has been, up to now, a quiet street corner. We have seen the "quiet creep" of the usage of such spaces in nearby venues, starting with outdoor seating, then covered seating, expanded hours, then requests for alcohol, music, etc. Even on F street, we are often disturbed by the music from A Street late at night. There are families with children who live on these "alphabet streets". Late-night noise is not compatible with their well-being, nor that of residents like us who would rather hear the roar of the ocean at night than the roar of a rowdy crowd, especially when alcohol is part of the mix.

As always, thanks for your service to our community. Please consider the well-being of the entire neighborhood and deny this request.

All the best,
Tom and Linda Ringwood
8 F Street
St. Augustine Beach, FL 32080

To: City of St Augustine Beach, Florida
Attn: City Commission
City Manager
City Code Enforcement

From: Leonard Lyons
10 E. Street
St Augustine Beach, FL

Subject: Coffee Shop
101 F. Street
St Augustine Beach, FL

I am presenting this correspondence in opposition to "A Conditional Use Permit for Outside Seating." Requested by Frank O'Rourke pertaining to The Kookaburra coffee shop, 101 F Street St Augustine, FL. 32080.

The negative impact on surrounding streets and properties could include, but not limited to:

- * An increase in Automobile traffic due to the fact that the site has only 9 dedicated parking spots. This could lead to illegal parking. This event will most likely require the attention and expense of City resources (Police, etc) in and around the area of concern.
- * Increased noise, negatively effecting the Peace and Tranquility of others.
- * It will be difficult, if not impossible to increase availability of additional parking.
- * "F" Street from A1A Beach West, is clearly signed "No Parking on Pavement".
- * The Coffee Shop and current Real Estate office currently have only 8 parking slots plus 1 Handicap slot. I am not sure if the Parking Slots are allotted equally or if they are divided between the two business.
- * City designated parking area's are most likely too far from this location for clients to park and walk. The Beach Walk over to the South & "A" Street to the North are the closest.

I am not anti business and certain exceptions can be approved if appropriate for all parties. However I do not feel that a "Conditional Use Permit" as submitted, is appropriate for this business and location.

It is also my opinion that the owner should consider the following. No one would be more **adversely effected** than the business itself if Outdoor Seating were **approved**.

Expansion for additional parking is almost Non Existent, and "F" Street is signed as stated above, "No Parking on the Pavement".

With limited parking, customers parked for extended periods of time, consuming food and drink at an outdoor seating area is a **detriment** to the business.

The **absence** of Outdoor Seating should be looked at as a service to the customer. It speeds up the process of service, so that more clients can purchase and enjoy your goods. The result of this should be a positive for the business, with on site approved Parking Spaces available more frequently, due to shorter Parking times.

Your parking, could be unintentionally monopolized, by a few well intentioned clients, utilizing the space as long term parking, while at the Outdoor Seating area.

Respectfully Submitted by:

Leonard Lyons
1/11/2016