

**AGENDA
COMPREHENSIVE PLANNING AND ZONING BOARD
OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA
REGULAR MONTHLY MEETING
TUESDAY, MARCH 19, 2013, 7:00 P.M.
CITY HALL, 2200 STATE ROAD A1A SOUTH
ST. AUGUSTINE BEACH, FLORIDA 32080**

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. APPROVAL OF MINUTES OF TUESDAY, FEBRUARY 19, 2013 REGULAR MONTHLY MEETING**
- V. PUBLIC COMMENT**
- VI. NEW BUSINESS**

1. OVERLAY DISTRICT FILE NO. 2013-04

Applicant seeks overlay district allowances for front and rear yard setback reductions from 25 feet to 23 feet for proposed new construction of a one-story, 1,887-square-foot-heated-and-cooled single-family residence with an 885-square-foot attached garage and storage area and 885-square-foot-heated-and-cooled carriage house above the garage and storage area; and a west side yard setback reduction from 10 feet to 5.5 feet for a second-story cantilevered porch extending from the carriage house above the garage and storage area, on Lots 12 and 14, Block 10, Chautauqua Beach Subdivision, at 11 2nd Street.

John N. O'Brien, Applicant
58 Douglas Avenue
St. Augustine, Florida 32084

VII. OLD BUSINESS

1. CONSIDERATION OF CRITERIA FOR DETERMINATION OF HISTORIC BUILDINGS/SITES IN THE CITY

Continued from the Board's regular monthly meeting held on Tuesday, February 19, 2013, the Board shall consider and discuss developing criteria to define and preserve historic buildings and sites within the City.

2. PROPOSED REVISIONS TO ORDINANCE NO. 08-30

The Board shall review the latest draft of proposed revisions to Ordinance No. 08-30, which provides architectural and site criteria for new and remodel construction within the overlay district, consisting of that portion of medium density residential land use districts located east of A1A Beach Boulevard and lying between the north property boundaries of 16th Street and the south property boundaries of F Street.

VIII. BOARD COMMENT AND DISCUSSION

IX. ADJOURNMENT

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. Persons requiring special assistance should call this number at least 24 hours in advance of the meeting date and time.

MINUTES OF THE REGULAR MONTHLY MEETING OF THE COMPREHENSIVE PLANNING AND ZONING BOARD of the City of St. Augustine Beach, Florida, held Tuesday, February 19, 2013, at 7:00 p.m. in the City Commission Meeting Room, City Hall, 2200 State Road A1A South, St. Augustine Beach, Florida, 32080.

I. CALL TO ORDER

Chairman Greg Crum called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Chairman Greg Crum, Vice-Chairman Alfred Guido, Patricia Gill, Michael Hale, Steve Mitherz, Roberta Odom, Daniel Stewart, Senior Alternate David Bradfield, Junior Alternate Elise Sloan.

BOARD MEMBERS ABSENT: None.

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

IV. APPROVAL OF MINUTES OF TUESDAY, JANUARY 15, 2013 REGULAR MONTHLY MEETING

Mr. Stewart **MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MONTHLY MEETING OF TUESDAY, JANUARY 15, 2013.**
The motion was seconded by Mr. Mitherz and passed 7-0 by unanimous voice-vote.

V. PUBLIC COMMENT AND DISCUSSION

Mr. Crum asked for public comment on any issue not on the agenda. There was none.

VI. NEW BUSINESS

1. VACATING ALLEY FILE NO. V, filed by David A. Florence, 2769 Weisenberger Mill Road, Midway, Kentucky, 40347, applicant, and Amber Patteson, 103 10th Street, St. Augustine Beach, Florida, 32080, agent for applicant, for vacation of the 15-foot-wide alley, per Article III, Sections 18-50-18-56 of the St. Augustine Beach Code, and City of St. Augustine Beach Ordinance No. 00-11, lying in Block 13, Chautauqua Beach Subdivision, north of 9th Street, south of 10th Street, east of 2nd Avenue and west of A1A Beach Boulevard, to incorporate said alley right-of-way into the square footage of the owners of Lots 1-16, Block 13, Chautauqua Beach Subdivision, adjacent to and/or

abutting or adjoining said alley, PERTAINING TO A STRIP OF LAND 15 (FIFTEEN) FEET IN WIDTH IN BLOCK 13, CHAUTAUQUA BEACH SUBDIVISION, BEING ALL THAT STRIP OF LAND LYING EAST OF THE WEST LINE OF SAID BLOCK 13, WEST OF THE EAST LINE OF SAID BLOCK 13, NORTH OF THE NORTH LINE OF LOTS 1, 3, 5, 7, 9, 11, 13, AND 15 OF SAID BLOCK 13, AND SOUTH OF THE SOUTH LINE OF LOTS 2, 4, 6, 8, 10, 12, 14, AND 16 OF SAID BLOCK 13, ALL IN SECTION 34, TOWNSHIP 7, RANGE 30, AS RECORDED IN MAP BOOK 2, PAGE 5, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Amber Patteson, 103 10th Street, St. Augustine Beach, Florida, 32080, said she is the agent for the applicant, David Florence, and for all the property owners on 9th Street and 10th Street with lots in the block abutting the alley.

Ms. Gill said she has to claim ex parte communication with someone who lives on the next block. This person's comments pertain to concern about fire trucks and ambulances coming down from A1A Beach Boulevard and not being able to get through, with all the parking on both sides of the street on this block. This person also said some of the City's parking problems could be solved if some of the alleyways that have not been closed could be opened and used for extra parking. She asked if the names of all the owners of the 16 lots adjacent to the alley have been checked out, as there are 16 lots, and only 14 signatures agreeing to the proposed vacation of the alley.

Ms. Patteson said yes, the signatures of all the adjoining lot owners have been submitted.

Ms. Miller said two of the adjacent property owners each own two lots, which is why there are 14 signatures for the 16 lots adjacent to the alley.

Mr. Crum asked for public comment. There was none.

Mr. Stewart asked if the vacated alley is added into each of the individual properties adjacent to it, are the property owners then taxed for it, and will their taxes go up?

Ms. Gill said yes.

Mr. Crum said all of the adjoining property owners have signed a letter agreeing to this.

Mr. Stewart said in reading these letters, he sees where the application fee to vacate the alley is addressed, but there is nothing in the letters mentioning the taxes.

Mr. Larson said upon notification of the alley vacation being approved by the City Commission, the records go to the Property Appraiser's Office, which adds 7.5 feet from the centerline of the alley to each lot abutting it. The tax increase is very minimal.

Mr. Crum said there's time, if the Board so chooses, to recommend the City Commission approve or deny this application pending notification to all the adjacent property owners of the potential tax increase to their properties once the alley is vacated.

Ms. Gill said she doesn't think this is necessary.

Mr. Mitherz said he would hope all the adjoining property owners understood, beforehand, what they were doing, so they won't be surprised when their property taxes go up. He agreed with Ms. Gill and doesn't think any further notification is necessary.

Mr. Burnett said if the vacation of the alley is approved, all the adjoining property owners will automatically get additional square footage, and marginally, this will increase the value of their properties, if the property appraiser raises the value of the property. If there is an increase in value, it won't be on this year's tax bill, but on next year's tax bill.

Mr. Stewart said it seems to him there should be some kind of notification. They can assume the adjacent property owners have speculated a tax increase, but as their signatures are required to vacate the alley, notification could be part of the application process.

Ms. Patteson said most of the adjoining property owners are personally known and were contacted in person, but several live out-of-town, so they were contacted by phone or email. She thinks everyone understands that their property taxes could increase slightly.

Ms. Gill asked Ms. Patteson if she has any suggestions for the person who complained to her about the parking on the streets blocking traffic trying to get through.

Ms. Patteson said she's lived on this block for 10 years, and there's never been an issue with parking, emergency vehicles, or anyone not being able to get up and down the street. It may be an issue on the block to the east, between A1A Beach Boulevard and the beach, as people park up and down this block to go to the beach, but it's never been a problem on her block, as two cars can pass by even with cars parked on both sides of the street.

Mr. Larson said Ms. Gill needs to advise whoever the person was who spoke to her to notify the Chief of Police regarding any parking or traffic problems.

Ms. Odom MADE A MOTION TO RECOMMEND THE CITY COMMISSION APPROVE VACATING ALLEY FILE NO. V 2013-01. The motion was seconded by Mr. Hale and passed 6-1 by roll-call vote.

Mr. Guido	Yes
Mr. Stewart	No
Mr. Crum	Yes
Mr. Mitherz	Yes
Mr. Hale	Yes
Ms. Gill	Yes
Ms. Odom	Yes

3. OVERLAY DISTRICT FILE NO. 2013-02, filed by Michael Stauffer, 303 Lions

Gate Drive, St. Augustine, Florida, 32080, agent for Joel S. Darack, 1 Holly Lane, St. Augustine, Florida, 32080, applicant, for overlay district allowances, per City of St. Augustine Beach Ordinance No. 08-30, for proposed additions to an existing one-story, 1,104-square-foot heated-and-cooled single-family residence consisting of a front yard setback reduction to 18 feet, two inches for a front-entry feature bump-out addition; an east side yard setback reduction to five feet, nine inches for an exterior stairwell extending from a 225-square-foot heated-and-cooled second-story loft addition and a 224-square-foot second-story open terrace addition; and a rear yard setback reduction to 24 feet for said exterior stairwell extending from the second-story additions to the ground floor, on Lot 4, Block 34, Coquina Gables Subdivision, at 3 A Street, PERTAINING TO LOT 4, BLOCK 34, COQUINA GABLES SUBDIVISION, SECTION 3, TOWNSHIP 8, RANGE 30, REAL ESTATE PARCEL NUMBER 170070-0000, AKA 3 A STREET, AS RECORDED IN MAP BOOK 3, PAGE 30, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

Michael Stauffer, 303 Lions Gate Drive, St. Augustine, Florida, 32080, said he's the agent and architect for the applicant, Joel Darack, who owns the existing house at 3 A Street, for which this application has been submitted. The proposed second-floor addition is essentially on top of the existing first floor exterior wall on the east side, and then over the existing house to the west. The front setback encroachment is simply an architectural feature in the front, to make a little tower entry, as shown on the front elevation drawing, and it extends two feet from the existing front setback, to 18 feet, two inches from the front property line. On the east side, the only encroachment is a stairwell extending from the second-story terrace addition, which will be over the existing first-floor living room, to five feet, nine inches from the east side property line. The existing exterior wall on the east side will not change at all, this setback reduction is only for the proposed stairwell, which will also encroach about one foot into the rear yard setback.

Mr. Crum asked if the stairs will be constructed of wood, and be completely open.

Mr. Stauffer said yes, they will be wood stairs, with nothing over them. The stairs will extend from an open second-story terrace, which will have no roof over it.

Mr. Mitherz asked if the staircase on the east wall will be from the second-story outside deck, or if it will have access from the totally new, enclosed second-story loft addition.

Mr. Stauffer said the staircase accesses, and starts from, the second-story outside terrace.

Mr. Guido asked if the application meets all the criteria of the overlay ordinance, with the exception of the encroachment of the stairs on the east side property line.

Mr. Stauffer said to his knowledge, yes.

Mr. Larson said he agrees, with the exception of the stairwell, which is a safety issue.

Mr. Crum asked for public comment.

Lyudmila Hodges, 7 A Street, St. Augustine Beach, Florida, 32080, asked what is proposed in front of the house, as moving forward with a second-floor addition over the first floor will affect her ocean view, tremendously.

Mr. Stauffer said the only thing proposed in the front is the front entry feature, which extends two feet from the existing front wall, with a height lower than the existing roof ridge. The second-floor addition is about 10 feet back from the existing front wall and has a height of 25 feet, measured from one foot above the crown of the road to the roof ridge.

David Bradfield, 3 4th Street, St. Augustine Beach, Florida, 32080, senior alternate for the Planning and Zoning Board, asked if the proposed addition will be new construction built over the existing structure, and if the existing foundation will be reinforced. He also asked if this property is seaward of the Coastal Construction Control Line (CCCL).

Mr. Stauffer said yes, the property is seaward of the CCCL, and as the proposed second-story addition will be built over the existing foundation and existing walls, some amount of structural work will be done to shore them up where needed.

Mr. Mitherz said his understanding and interpretation of the overlay ordinance is that bumping out the footprint of the house in the front is going beyond what the overlay allows. Also, he doesn't see why the staircase that accesses the second-story deck couldn't come off the back of the house, and not protrude into the east side yard setback.

Mr. Stewart said he concurs with Mr. Mitherz, as he can't quite understand why the stairs are on the east side, instead of on the back, or the west side, of the house.

Mr. Crum said regarding the front bump-out, the way the overlay ordinance is currently written, a 15-foot front setback is allowed, as long as what is proposed doesn't exceed 16 feet in height. The Board can't go by the overlay revisions that have been proposed, as they haven't been approved yet, so they have to adhere to the current overlay ordinance.

Mr. Guido said he doesn't think the proposed staircase, which as shown encroaches into the east side setback, conforms to the overlay ordinance. Once the Board opens this door and allows something that doesn't conform, what they are basically doing is granting a variance, and if they use the criteria considered for a variance, they've got a problem. Until they can get the overlay ordinance revised to the way they, and the City Commission, think it ought to be, he thinks they should adhere strictly to the verbiage in the current ordinance, which this application does not conform to.

Mr. Stauffer said if somebody would tell him the specific criteria to which the application does not conform, he'd be happy to rebut this. In regard to front and rear yard setbacks, the language in the ordinance is very plain, so he's assuming what's being addressed, regarding nonconformance, is simply and solely the stairs. Section 3.08.A.3.d on page two of the current overlay ordinance specifically says a 15-foot front and rear yard setback is allowed as long as the structure does not exceed 16 feet in height, which would allow the stairs in the front and rear to the 15-foot setback line. He thought stairs were

allowed to cantilever three feet into side yard setbacks, if he's not mistaken from previous applications he's done, including one that was approved by this Board last month, which had a very similar staircase extending from balconies right down to the ground.

Mr. Crum said Section 3.08.A.5.c states, "Second- and third-level bump-outs for cantilevered decks and porches and architectural design features are allowed to extend three feet into allowable setbacks on sides of structures in the overlay district." He asked what the current allowable side yard setbacks are.

Mr. Larson said current allowable side setbacks are 10 feet. This lot is skewed, however, so the side setback for the house on the east side is about nine feet, five inches. As he's pointed out, the stairs are a safety issue, so he asked the Board to keep this in mind.

Mr. Crum asked if the stairs would comply with the rear yard setbacks allowed per the overlay ordinance, if they could be put in the back.

Mr. Larson said yes, if Mr. Stauffer could redesign them as such.

Mr. Guido said the section in the ordinance stated by Mr. Crum refers to bump-outs for decks and porches. The staircase is neither a deck nor a porch.

Mr. Stauffer said at last month's meeting, he represented an overlay district application for a property owner on B Street, which was approved by the Board with a stairway that went from a third-floor balcony to a second-floor balcony to the ground and encroached three feet into the side yard setback, so the side setback effectively became seven feet.

Mr. Crum said yes, he does recall that these stairs were allowed for egress purposes.

Mr. Stauffer said the house is currently designed with existing living space at the back, with doors that open from the house to the backyard, which is landscaped with a patio and a lot of outdoor living space. Putting the stairs across the back of the house would keep the occupants from going out the back door to the patio and the backyard, which is why the stairs were designed to egress on the east side of the property instead of the back.

Joel Darack, 1 Holly Lane, St. Augustine, Florida, 32080, said he owns the house at 3 A Street, which is currently a vacation rental, but he hopes to sell the home he lives in now on Salt Run and move here, and make it very efficient and a good use of space. He understands the Board's concerns about the stairway encroaching into the side yard setback, as it's a shaky issue, but they're trying to be logical in their design, so if they moved the exterior stairway to any other spot, it would encroach into the livability and overall quality of the improvements they're trying to make. The front entry bump-out feature will add architectural interest and the improvements will add to the neighborhood.

Mr. Guido said he thinks Mr. Darack and Mr. Stauffer have done a very good job in their design, and what they are proposing is exactly what the Board was looking for when they first started putting together the criteria for the concept of the overlay district. The

houses in this area were principally rentals, and the overlay was created to help the owners of these properties upgrade them. However, you have to keep in mind, and understand, that the purpose of setback requirements is to protect adjacent neighbors, so if the stairway is a significant safety issue, Mr. Darack may have to give up a little bit of either the proposed second-story terrace addition or the existing backyard patio, in order to put the stairs coming off the back of the house to keep the proposed additions in conformity with the overlay district ordinance, rather than putting the stairs on the side.

Mr. Darack said he understands the logic and issues the Board is dealing with, as it's a problem trying to do something cohesive, but there's also a problem living here today with the current regulations, in homes built prior to the adoption of these regulations, on lot sizes not up to today's codes, so it's the Board's responsibility to balance this with the quality of life of the residents. He thinks everyone would agree the ultimate mission is not to have houses five feet away from each other, but they do have to live reasonably and logically with what they've got, so he asked the Board to think of this in considering a setback issue for a stairway, and look at the whole project here, and think about what the highest and best use of the property is, and what the most reasonable use is, in terms of design, function, and livability. Conceivably, they could knock the existing house down, and rebuild it on pilings and max it out, and there's nothing anybody could do about it, but this isn't what would be best for this lot or the neighborhood.

Ms. Gill said she's the one who fights most of the time about five-foot setbacks between properties, which she definitely disapproves of, and usually votes against. However, in this case they're looking at a stairwell, not living space, five feet, nine inches off the property line, which abuts the parking lot of the adjacent structure. She made a motion for the Board to approve this overlay application.

Mr. Hale seconded the motion.

Mr. Crum called for discussion on the motion.

Mr. Guido said they have to remember the Board is the final approval on this, so just making a motion to approve the application is not acceptable, as the conditions under which it is approved have to be stated.

Ms. Gill said she'll amend her motion to approve subject to the conditions that the project is built exactly to the plans that were submitted with the application and reviewed by the Board, and that no changes be made to them as the project moves forward.

Mr. Burnett said Ms. Gill may also want to include, as part of her motion, the fact that the area where the stairs are located appears to be the rear yard of the adjacent property, and not necessarily the typical side yard, as the adjacent structure faces the ocean. This would put a distinguishing fact into the record should the Board decide to make a distinction between this overlay approval and future applications that may come before the Board.

Ms. Gill said okay, she'll again amend her motion to state that approval is given with the

caveat that the stairwell which will encroach on the east side setback to five feet, nine-inches from the east side property line is on the back side of the adjacent property.

Mr. Hale seconded the amended motion.

Mr. Crum asked for any further discussion.

Mr. Guido said his only concern is whether or not this stairwell will be covered.

Ms. Gill said if the stairwell is built the way it has been depicted on the plans, it can't be.

Ms. Odom said on east elevation drawing submitted with the application, it appears the stairwell is covered, so she asked for clarification on this.

Mr. Stauffer said the plans are designed with an open second-floor terrace and an open, uncovered stairwell. What Ms. Odom sees as a roof over the stairwell on the east elevation drawing is just the stairwell, which is L-shaped, extending from the open second-story terrace and wrapping around the house as it extends down on the east side.

Ms. Gill MADE A MOTION TO APPROVE OVERLAY DISTRICT FILE NO.2013-02 SUBJECT TO THE CONDITIONS THAT THE PROPOSED IMPROVEMENTS CONFORM TO ALL MATERIALS SUBMITTED WITH THE APPLICATION, INCLUDING ALL RENDERINGS, DRAWINGS AND TESTIMONY SPECIFICALLY SUBMITTED AS PART OF THE RECORD OF THE APPLICATION; AND WITH THE CAVEAT THAT THE EXTERIOR STAIRWAY WHICH EN-CROACHES TO FIVE FEET, NINE INCHES FROM THE EAST SIDE PROPERTY LINE ABUTS THE REAR YARD OF THE ADJACENT OCEANFRONT STRUCTURE TO THE EAST, AS THIS STRUCTURE FACES THE OCEAN. The motion was seconded by Mr. Hale and passed 5-2 by roll-call vote.

Mr. Hale	Yes
Mr. Mitherz	No
Ms. Odom	Yes
Ms. Gill	Yes
Mr. Guido	Yes
Mr. Stewart	No
Mr. Crum	Yes

3. OVERLAY DISTRICT FILE NO. 2013-03, filed by David A. Mancino, 2450 Old Moultrie Road, Suite 301, St. Augustine, Florida, 32086, agent for Virginia A. O'Donoghue and Christopher C. Minich, 7504 New Market Drive, Bethesda, Maryland,

20817, applicants, for overlay district allowances, per City of St. Augustine Beach Ordinance No. 08-30, for front and rear yard setback reductions from 25 feet to 15 feet for proposed new construction of a three-story, 2,383-square-foot heated-and-cooled single-family residence on the east 45 feet of Lot 7, Block 9, Chautauqua Beach Subdivision, at 8 2nd Street, PERTAINING TO THE EAST 45 (FORTY-FIVE) FEET OF LOT 7, BLOCK 9, CHAUTAUQUA BEACH SUBDIVISION, SECTION 34, TOWNSHIP 7, RANGE 30, REAL ESTATE PARCEL NUMBER 168825-0070, AKA 8 2ND STREET, AS RECORDED IN MAP BOOK 2, PAGE 5, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

David Mancino, 2450 Old Moultrie Road, Suite 301, St. Augustine, Florida, 32086, said he is the agent and architect for the applicants, Virginia O'Donoghue and Christopher Minich. They withdrew their previous application to revise it to do everything the Board asked to bring it into compliance with the overlay ordinance. The biggest change is that the top level has been reduced so it is no more than 70 percent of the level below it, and the footprint of the second floor has been extended to the 15-foot front and rear setback lines. The outside building walls of the top floor have 25-foot front and rear yard setbacks, and the structure has no encroachments into the 10-foot side yard setbacks. As the Board may recall, this particular site has a disadvantage in that the flood elevation is nine feet above street level, so the ground floor area is fairly limited in regard to habitable space. Because of this, they're applying for overlay district setback reductions to make reasonable use of the property for a modest house. He passed out to the Board members copies of a letter written to the Board from the owners of the property.

Mr. Crum read aloud the letter dated February 5, 2013, signed by Chris Minich and Virginia O'Donoghue, which states they were under the impression their original design submittal was in compliance with the rules and regulations, and their hope that the revised design meets all the zoning requirements. Mr. Crum asked if the height of the house, from ground level to the roof, is less than 35 feet.

Mr. Mancino said yes. From flood elevation level, the height of the structure is less than 26 feet, to the peak of the roof.

Ms. Gill said looking at page 14 of the application information, which has the landscaping plan on it, the pool in the backyard looks quite large, but on the revised plans, the pool is much smaller.

Mr. Mancino said he apologizes for this, as he didn't revise the footprint on the landscaping plan from their last submittal. The pool deck will still go along the entire back of the house, but it had to shrink, because the pier pilings for the level above it will extend further into the backyard, so the pool will just be a plunge pool, and very compact.

Ms. Gill said it's her understanding there are to be no bathroom or water facilities on the ground floor, which is required to have break-away walls. She asked if this is correct.

Mr. Larson said no, that only applies to properties in the velocity zone. This lot is located

seaward of the CCCL, but it is in an AE-9 flood zone, not a velocity zone, thus the bathroom and laundry facilities are allowed on the ground floor.

Mr. Mitherz said the site plan sheet showing the north, south and east elevations has an arrow pointing to the east side of the site plan next to a caption that says, "Maximum 80 cubic yards compatible fill seaward of control line." He asked what this means.

Mr. Mancino said they have to get a permit from the Department of Environmental Protection (DEP) for construction seaward of the CCCL, and per the DEP's requirements, they have to state what the maximum quantity of fill anticipated from this construction is, seaward of the CCCL, so 80 cubic yards of fill is what they anticipate.

Mr. Mitherz said on that same sheet, the total impervious area is listed as 42 percent. He asked Mr. Larson what the rule is for total impervious surface coverage.

Mr. Larson said the lot is in medium density zoning, which allows a maximum of 50 percent impervious surface coverage.

Mr. Crum asked for public comment. There was none. The Board received copies of letters from a couple of neighboring property owners, one from the owner of 10 2nd Street, immediately to the west, who asked that this overlay application not be approved, as changing the front setback on the street side of the property from the standard 25 feet to 15 feet would adversely affect the view looking towards the beach and negatively affect the beauty of the street by adding too large of a structure too close to the street. The other letter was written by the owners of the vacant lot at 7 3rd Street, immediately to the north, who say they plan one day to construct a home on their lot and don't oppose the requested front yard setback reduction, but do object to the requested rear yard setback reduction, as the rear yard of the applicant's lot abuts their lot, and they say a three-story house built 15 feet from their rear property line will block sunlight to their back yard at certain times of the year, interfere with prevailing breezes across their yard, infringe on their privacy, and reduce their property values. There is a 15-foot-wide alley to the rear, and between, their lot at 7 3rd Street and the applicant's lot at 8 2nd Street, which they may or not be aware of, so there is an additional buffer between the two properties. He briefly went over Section 3.08.A.5.b of Ordinance No. 08-30, which applies to new construction for structures located seaward of the CCCL or within a designated velocity zone, and asked Mr. Larson if the application meets all of the conditions of the ordinance.

Mr. Larson said as far as he can see, from his review of the plans, yes, it does.

Mr. Stewart made a motion to approve the application, subject to conformance to all plans as submitted.

Ms. Odom seconded Mr. Stewart's motion.

Mr. Crum called for any further discussion. While he sympathizes with the neighbors who oppose the application, it does conform to the code and all parameters of the overlay

district ordinance, so he doesn't think it would be fair to deny it at this point.

Mr. Stewart **MADE A MOTION TO APPROVE
OVERLAY DISTRICT FILE NO. 2013-03, SUB-
JECT TO CONFORMANCE TO ALL PLANS
AS SUBMITTED WITH THE APPLICATION.**

The motion was seconded by Ms. Odom and passed
unanimously 7-0 by roll-call vote.

VII. OLD BUSINESS

1. CONSIDERATION OF CRITERIA FOR DETERMINATION OF HISTORIC BUILDINGS/SITES IN THE CITY, continued from the Board's regular monthly meeting held on Tuesday, January 15, 2013, for the Board's discussion and consideration of criteria to define and preserve historic buildings and sites within the City limits.

Ms. Gill said she has been busy working on a draft of criteria for historic structures and has taken some photos, but it isn't easy getting all of this information together, so she asked the Board to not give up on her, as she is getting there, albeit slowly.

VIII. BOARD COMMENT AND DISCUSSION

Mr. Guido said at last month's meeting, the Board asked Mr. Larson to work with the City Attorney on the regulations pertaining to building heights, to some find some way to get rid of the verbiage that allows building height to be measured from the wavecrest, so the Board could make a recommendation to the City Commission to revise this.

Mr. Larson said yes, he and Ms. Vo discussed how the actual coastal elevation clause could be taken out, but when this was brought to the Commission, it got nixed, for the time being, pending further discussion. He passed out copies of the latest proposed revisions to the overlay district ordinance to the Board. Regarding building heights, the revised ordinance states the City requires a minimum finished floor elevation of 10 feet, per another City ordinance, so due to the variables found on properties east of the Boulevard, the ordinance revisions provide the following height requirements for proposed construction: For property landward, or west of the CCCL and within an X, shaded X or AE-9 flood zone, building height starts at the existing grade, if higher than the crown of the road, or if the lot requires fill, the height shall still start at one foot above the crown of the road and a fill elevation at a minimum of nine feet. For property seaward, or east, of the CCCL and within a shaded X or AE-9 flood zone, building height starts at the existing grade if higher than the crown of the road, or if the lot requires fill, the height shall still start at one foot above the crown of the road and a fill elevation at a minimum of nine feet. For property seaward, or east, of the CCCL located in the velocity zone (VE), the structural members for the first level of living area shall be one foot above the designated VE zone elevation or the DEP established wavecrest height, whichever is higher. The structure height will be determined from what will be the finished site grade. The building height shall not exceed 35 feet above these requirements, and height is meas-

ured to the roof ridge or roof features such as porch railings.

Mr. Guido asked if it would be appropriate for the Board to recommend that the City Commission consider Mr. Larson's draft of proposed overlay ordinance revisions.

Mr. Larson said the draft first has to be put into ordinance form by Mr. Burnett, who also has to add the severability clause and other verbiage referring to the amendment of the current overlay ordinance. The draft is just a basic text revision, but with the Board's approval, he will forward it to Mr. Burnett's office so he can put it into ordinance form.

Ms. Gill said she's concerned about building height for construction that is not done as an application that comes before the Board under the overlay. They've got to straighten out not only the building height regulations in the overlay ordinance, but the section in the Land Development Regulations that pertains to building height for construction that meets the current building codes and does not have to come before the Board.

Mr. Larson said it's going to take some time to get all of this standardized.

Mr. Mitherz said earlier today, he talked to Ms. Miller about something he saw at 2 9th Street, pertaining to an overlay district application that came before the Board in 2011 for the remodel of an oceanfront property. His memory was that the fence and pump house on the south side were supposed to be taken down, and when he drove by, the fence was gone, but the pump house had been painted and was still there. He asked Ms. Miller to check and see if his memory was correct, and it was, as the copy she gave him of the overlay order approved by the Board does say that the pump house shall be removed.

Mr. Burnett said Mr. Larson can put the property owners on notice, maybe kindly, to start, but beyond that, it's a code enforcement matter if it becomes a problem.

Mr. Larson said he went by this property today also, and the pump house is actually open, but the last time he went by the property, which was probably about October of last year, no work had been completed on it, and no second-story has been built on top of it.

Ms. Gill said it's disconcerting that the owners painted the pump house, if it was supposed to be taken down. She asked if the City has someone doing code enforcement.

Mr. Larson said yes, his office handles code enforcement.

IX. ADJOURNMENT

The meeting was adjourned at 8:20 p.m.

Chairman

Recording Secretary

Memorandum

TO: Members of the Comprehensive Planning and Zoning Board

FROM: Gary R. Larson, Director of Building and Zoning

DATE: March 13, 2013

Re: Overlay District, 11 2nd Street

The subject proposal is for construction on Lots 12 and 14 located on the east side of the Boulevard, addressed as 11 2nd Street. Construction will have one structure on each lot, connected by a breezeway, thus making this one structure as defined by the adopted building code of the State of Florida. The garage will not be considered as being detached.

The side setbacks as shown on the site plan are 10 feet. The requested front and rear setbacks are 23 feet. By your review of the site plan you will note dashed lines that represent the requested exterior wall setbacks.

On the west side of the proposed carriage house, there is a second-level porch that extends roughly 4.5 feet in depth to the west side of the property. Three (3) feet is the allowed encroachment into the side setback area. At the front of the residence, there is a 12-foot, 3-inch blowout for which may possibly be a third bedroom or an office area aligning on the requested 23-foot front setback. The remaining exterior walls are at 24 feet, three inches. At the rear, the porch setback is at 23 feet. The rear wall of the carriage house is roughly at 24 feet and the structural walls of the main house are at 25 feet.

The blow-out has a roof over it that is less than 16 feet in height meeting the allowable height as is in the overlay ordinance. This is a one-story residence with the carriage house being two stories. The plans as submitted appear to be in conformance with the overlay. Staff recommends approval.

CITY OF ST. AUGUSTINE BEACH OVERLAY DISTRICT APPLICATION

REQUIRED INFORMATION FOR NEW OR EXISTING RESIDENCE: The following information is provided for consideration of an Overlay District Application per City of St. Augustine Beach Ordinance No. 08-30 by the City of St. Augustine Beach Comprehensive Planning and Zoning Board.

New Structure ☒ Existing Structure ☐

Lot(s) 14 and 12 Block 10 Subdivision CHAUTAUQUA

Real Estate Parcel Number(s) #168940-0000

Street Address 112nd St, St Augustine Beach

Is the property seaward of the Coastal Construction Line? Yes ☐ No ☒

Name and address of property owner(s) per St. Johns County, Florida Public Records:

Louis Bianchi 3910 Doe Run DR, Powder Springs, GA 30127-3502

REQUESTED MODIFICATIONS IN ACCORDANCE WITH ORDINANCE NO.08-30:

modification of front and Rear setbacks to
23 feet front and Rear

Provide a current survey for the lot and proposed structure. Current means no more than 60 days old from date of application. Reflect: Flood zone AE9'

Front yard setback 23 Rear yard setback 23 Sideyard setbacks 10/10

Number of stories for the adjacent structure(s) 2 on each side ^{*}(IF NONE ENTER N/A)

(10) TEN SETS OF PLANS 11 x 17 INCH SIZE ARE REQUIRED PLUS A CD OF THE PLANS IN PDF FORMAT. THE PLANS SHALL INCLUDE:

☒ EXISTING AND PROPOSED IMPERVIOUS SURFACE COVERAGE

☒ LOCATION OF PROPOSED STRUCTURE WITH SETBACKS

* 3 story building in Rear of property

- ✓ ELEVATIONS FOR EACH SIDE
- ✓ PORCHES ILLUSTRATED ON SURVEY AND ELEVATIONS
- ✓ GARAGE LOCATION
- ✓ LANDSCAPE PLAN
- ✓ FENCE SPECIFICATIONS *White Picket Fence*
- ✓ EXTERIOR COLORS *Light Grey with White Trim*

CLUSTERING OF UNITS FOR COMBINED LOTS OR REPLACEMENT OF EXISTING UNITS IS ALLOWED BY THE OVERLAY, SUBJECT TO CERTAIN REQUIREMENTS.

FOR CLUSTERING OF LOTS OR REPLACEMENT OF UNITS ON LOTS, THE FOLLOWING MUST BE PROVIDED:

- NA 10 (TEN) SETS OF PLANS 11 x 17 INCH SIZE PLUS CD IN PDF FORMAT
- NA IDENTIFY THE ONE NON-CONFORMING SETBACK TO BE USED
- NA SURVEY REFLECTING STRUCTURES ON AGGREGATED LOTS
- NA TOTAL IMPERVIOUS SURFACE COVERAGE OF EXISTING STRUCTURES
- NA SITE PLAN REFLECTING PROPOSED UNITS AND LOT SIZES
- NA TOTAL IMPERVIOUS SURFACE COVERAGE FOR NEW UNITS
- NA ELEVATIONS FOR EACH SIDE OF THE STRUCTURE(S)
- NA PARKING LAYOUT IF MORE THAN SINGLE-FAMILY
- NA ILLUSTRATION AND LOCATION OF THE REQUIRED GREEN SPACE
- NA EXTERIOR COLORS
- NA NUMBER OF STORIES FOR ADJACENT STRUCTURES

PLEASE CHECK THAT THE FOLLOWING INFORMATION IS INCLUDED WITH THE APPLICATION:

- ✓ LEGAL DESCRIPTION OF PROPERTY *ON SURVEY*

✓ WARRANTY DEED

N/A OWNER PERMISSION LETTER FOR AGENT IF APPLICABLE

✓ LIST OF PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY FOR WHICH THIS OVERLAY DISTRICT APPLICATION IS SUBMITTED (List may be obtained from the St. Johns County Real Estate/Survey Department, 904-209-0760)

✓ STAMPED AND ADDRESSED LEGAL SIZE ENVELOPES WITH NAMES AND ADDRESSES OF PROPERTY OWNERS WITHIN 300-FOOT RADIUS LIST (Note: Do not put a return address on the envelopes. The Building and Zoning Department will stamp the return address with the City's address and mail the legal notice to the property owners within 300 feet).

IN FILING THIS APPLICATION FOR AN OVERLAY DISTRICT ALLOWANCE, THE PROPERTY OWNER ACKNOWLEDGES THAT IT BECOMES PART OF THE PERMANENT RECORD OF THE COMPREHENSIVE PLANNING AND ZONING BOARD AND DOES HEREBY CERTIFY THAT ALL OF THE INFORMATION CONTAINED HEREIN IS TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE.

IF APPROVED, THE OVERLAY DISTRICT ALLOWANCE WILL BE EFFECTIVE FOR A PERIOD OF TWO (2) YEARS AND SHALL BE TRANSFERABLE WITH THE PROPERTY BASED ON THE SUBMITTAL TO THE PLANNING AND ZONING BOARD. ANY MODIFICATION TO THAT APPROVED BY THE PLANNING AND ZONING BOARD SHALL BE SUBJECT TO REAPPLICATION TO THE PLANNING AND ZONING BOARD. ALL AGENTS MUST INCLUDE NOTARIZED WRITTEN AUTHORIZATION OR NOTARIZED OWNER PERMISSION LETTER WITH THIS APPLICATION.

John N O'Brien

Printed name of property owner/applicant	Printed name of authorized agent/applicant
--	--

Signature of property owner/applicant	Signature of authorized agent/applicant
---------------------------------------	---

58 Douglas Ave, St Augustine FL 32084	
Address of property owner/applicant	Address of authorized agent/applicant

516-695-7098	
Telephone number	Telephone number

2/12/2013	
Date	Date

APPLICATION FEE: \$207.50 (INCLUDES ZONING SIGN)

CHECKLIST FOR OVERLAY APPLICATIONS

I. ARCHITECTURAL STANDARDS

a. The maximum allowable roof height from any structure is thirty-five (35) feet to the roof ridge line. This height applies to any part of a structure located within the existing setbacks or the setbacks as established by the City's Land Development Regulations.

Meets standard: Yes ✓ No ____ If no, what does the applicant propose?

b. Any increase in height within a con-conforming side setback cannot exceed the height of the adjacent structure. Height increase will be allowed at the ten (10) foot side setback and twenty-five (25) front and rear setback.

Meets standard: Yes ✓ No ____ If no, what does the applicant propose?

c. A third level added to any structure within the Overlay cannot exceed seventy (70) percent of the second level.

Meets standard: Yes ✓ No ____ If no, what does the applicant propose?

d. Structures shall be allowed a fifteen (15) foot front setback proving that the structure is one level with a roof ridge not exceeding sixteen (16) feet in height to the twenty-five (25) foot setback.

Meets standard: Yes ✓ No ____ If no, what does the applicant propose?

e. Cantilevered front and rear porches will be allowed to extend the width of engineered design but cannot exceed eight (8) feet in width from the main structure or to the fifteen (15) foot front setback and to an allowed ten (10) foot rear setback. This shall apply to second and third levels of a structure. The use of "gingerbread" effects shall be encouraged by the City for architectural styling.

Meets standard: Yes ☒ No ☐ If no, what does the applicant propose?

f. All new structures shall be required to have at a minimum, a one car garage located within the front area of a structure, or if located in the rear, the garage may be detached with a five (5) foot setback from the existing alleyway.

Meets standard: Yes ☒ No ☐ If no, what does the applicant propose?

g. Structures will be allowed a screen porch providing that a wood deck or a floor constructed with brick pavers is provided to ensure a pervious surface for water drainage. The screened porch shall have a minimum setback in the rear of fifteen (15) feet and a ten (10) foot side setback.

Meets standard: Yes ☒ No ☐ If no, what does the applicant propose?

h. Exterior colors shall be in accordance with the approved color palates adopted by ordinance for Community Appearance Standards. These color charts shall be located within the Building Department Office for the City.

Meets standard: Yes ☒ No ☐ If no, what does the applicant propose?

II. SITE REQUIREMENTS

a. Landscaping plans shall be at an owner's discretion. The City shall require that the landscaping enhances the aesthetics of the streets. An intermixing of trees, grasses, xeriscape plant materials and groundcovers such as mulch, pine bark, rock, etc. is required, and the landscape plan shall be reviewed and approved by the City's Planning and Zoning Board.

Applicant is to describe proposed landscaping for the project.

*See landscape plan on
attached site plan.*

b. No parking shall be allowed in a front yard except on an established driveway. For those structures located on an open alleyway, parking shall be provided for within the rear yard setback area.

Meets requirement: Yes ✓ No If no, what does the applicant propose?

c. Applicants for a property modification using the overlay requirements shall be required to create one off-street parking space within the right-of-way in front of the structure. Brick pavers or any pervious material shall be used for creation of this parking space.

Meets requirement: Yes ✓ No If no, what does the applicant propose?

d. Each lot shall also provide a thirty-six (36) inch fence with the design of the fence being at the owner's discretion.

Meets requirement: Yes ☒ No ☐ If no, what does the applicant propose?

III. VE and Coastal Construction Line Requirements. Structures located forward of the Coastal Construction Line or within a designated Velocity Zone (VE) as identified on the National Flood Insurance Maps for the City shall be subject to the following requirements.

a. The existing nonconforming setbacks may be utilized by approval from the City's Planning and Zoning Board.

Applicant is utilizing the existing nonconforming setbacks? Yes ☐ No ☐

If no, what setbacks does the applicant propose to use?

b. The lower level shall be used for only storage or a garage. No restroom fixtures, mechanical components or laundry facilities will be allowed within the lower level. The lower level will be used for access to an elevator when installed.

Meets requirement: Yes ☐ No ☐ If no, what does the applicant propose?

c. The allowable fifteen (15) foot front setback will apply to a structure. The area between the fifteen (15) foot and twenty-five (25) foot front setback area shall be limited to two levels with the roof ridge not exceeding twenty-seven (27) feet. At the twenty-five (25) foot front setback, a third level shall be allowed, not exceeding the seventy (70) percent of the second level. The aforementioned shall apply to a fifteen (15) foot rear setback also.

Meets requirement: Yes ☐ No ☐ If no, what does the applicant propose?

d. All requirements for pier or pile construction shall apply, and all lower level walls shall be designed by an engineer as break-away walls.

Meets requirement: Yes _____ No _____ If no, what does the applicant propose?

e. Any fill applied to any lot within a Velocity Zone shall be subject to approval by the City and the Department of Environmental Protection. A profession engineer shall prepare a site plan for any fill procedures. Retaining walls and fences shall be subject to Department of Environmental Protection and City approval.

Meets requirement: Yes _____ No _____ If no, what does the applicant propose?

f. Connection to the St. Johns County Utility System shall be required.

Property Information			
STRAP	168940 0000	Tax District	551
Mailing Address		Neighborhood Code	675.00
165 SW WINGS TER		Use Code/Description	0000/Vacant Residential
LAKE CITY, FL 32025-0020		Sec-Town-Range	34 - 7 - 30
Site Address	11 2ND ST , SAINT AUGUSTINE 32080-0000		
Total Land Value	\$220,275.00	Total Building Value	\$0.00
Total Extra Features	\$0.00	Total Market(Just) Value	\$220,275.00
Assessed Value	\$220,275.00	Taxable Value	\$220,275.00
Homestead Exempt	\$0.00	Property Map	click here
Owner Name(s)	Legal Description		
BIANCHI LOUIS J,DIANE J	2-5 CHAUTAUQUA BEACH LOTS 12 &		
BIANCHI DIANE J	14 BLK 10 OR215/585		

Prepared by and return to:

Sunshine Dillard-Andriano, PL
PO BOX 840259
St. Augustine Beach, FL 32080-0259
904-687-7558
File Number: 2012-026
Will Call No.:

Parcel Identification No. 168940-0000

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 28th day of February, 2013 between Louis J. Bianchi, an unmarried man whose post office address is 165 SW Wings Terrace, Lake City, FL 32025 of the County of Columbia, State of Florida, grantor*, and John N O'Brien, a married man whose post office address is 58 Douglas Ave., Saint Augustine, FL 32084 of the County of Saint Johns, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) 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:

Lot 12 and 14, Block 10, CHAUTAUQUA BEACH SUBDIVISION of the Anastasia Methodist Assembly Incorporated, according to the map or plat thereof as recorded in Plat Book 2, Page 5, Public Records of St. Johns County, Florida.

Subject to taxes for 2013 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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.

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:

Witness Name:

Franklyn D. O'Brien

Louis J. Bianchi (Seal)

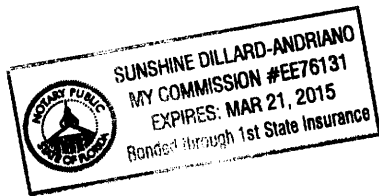
Witness Name:

Sunshine Dillard-Andriano

State of Florida
County of Saint Johns

The foregoing instrument was acknowledged before me this 28th day of February, 2013 by Louis J Bianchi, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]




Notary Public

Printed Name:

Sunshine Dillard-Andriano

My Commission Expires:

3/21/15

Ordinance 08-30

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH RELATING TO THE LAND DEVELOPMENT REGULATIONS AND ZONING; AMENDING SECTION 3.08 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY TO PROVIDE THAT ADDITIONAL OFF-STREET PARKING SPACES WITHIN PUBLIC-RIGHT-OF-WAY IS REQUIRED ONLY IF FEASIBLE IN THE OPINION OF THE CHIEF OF POLICE, THE PUBLIC WORKS DIRECTOR, AND THE BUILDING OFFICIAL; PROVIDING THAT LIVING SPACE ON THE FIRST LEVEL OF A STRUCTURE IS SUBJECT TO COMPLIANCE WITH SECTION 5.03.06 OF THE LAND DEVELOPMENT REGULATIONS, DEPARTMENT OF ENVIRONMENTAL PROTECTION APPROVAL AND BUILDING DEPARTMENT APPROVAL IN ACCORDANCE WITH FLOODPLAIN REQUIREMENTS OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING AN EXEMPTION UNDER SPECIFIED CIRCUMSTANCES FOR SETBACKS FOR GARAGES; PROVIDING SETBACK AND IMPERVIOUS REQUIREMENTS FOR OCEANFRONT LOTS AND EXCEPTIONS THERETO; PROVIDING AN EXCEPTION TO GREENSPACE REQUIREMENTS FOR SINGLE LOTS NOT AGGREGATED IN OWNERSHIP WITH ANOTHER LOT; PROVIDING AN EFFECTIVE DATE

BE IT ENACTED BY THE CITY COMMISSION AS FOLLOWS:

Section 1. Section 3.08 of the Land Development Regulations of the City be, and the same is, amended to read as follows:

"Section 3.08. Overlay Districts.

A. Beachside Medium Density Overlay District. There is hereby created an overlay district within that portion of medium density land use districts located east of A1A Beach Boulevard and lying between 16th Street and F. Street.

1. Purpose. The overlay will provide for the enhancement or replacement of existing non-conforming structures located within the medium density land use district located east of A1A Beach Boulevard between 16th Street and F Street. Owners / buyers will be allowed to re-model or replace the existing unit / units on a lot / lots based on existing setbacks. Structures deemed currently as non-conforming in accordance with the current Land Development regulations will lose the non-conforming designation by the overlay.

2. Construction requirements. All applicable Code requirements from the Department of Environmental Protection, the Florida Building Code and FEMA requirements per the adopted Flood Ordinance for the City of St. Augustine Beach, Florida will mandate re-construction, re-modeling or new construction. A separate section within this ordinance will be established to allow for Velocity Zone (VE Zone) construction and Coastal Construction Line requirements.

3. Architectural requirements.

a. The maximum allowable roof height from any structure is thirty-five (35) feet to the roof ridge line. This height applies to any part of a structure located within the existing setbacks or the setbacks as established by the City's Land Development Regulations.

b. Any increase in height within a non-conforming side setback can not exceed the height of the adjacent structure. Height increase will be allowed at the ten (10) foot side setback and twenty-five (25) front and rear setback.

c. A third level added to any structure within the Overlay can not exceed seventy (70) percent of the second level.

d. Structures shall be allowed a fifteen (15) foot front and rear setback proving that the structure is one level with a roof ridge not exceeding sixteen (16) feet in height to the twenty-five (25) foot setback.

e. Cantilevered front and rear porches will be allowed to extend the width of engineered design but can not exceed eight (8) feet in width from the main structure or to the fifteen (15) foot front setback and to an allowed ten (10) foot rear setback. This shall apply to second and third levels of a structure. The use of "gingerbread" effects shall be encouraged by the City for architectural styling.

f. All new structures shall be required to have at a minimum, a one car garage located within the front area or the rear area of a structure, or if located in the rear, the garage may be detached with a five (5) foot setback from the existing alleyway. An addition to a structure may be exempt from this requirement if the setback requirements will not allow for a garage.

g. Structures will be allowed a screen porch providing that a wood deck or a floor constructed with brick pavers is provided to ensure a pervious surface for water drainage. The screened porch shall have a minimum setback in the rear of fifteen (15) feet and a ten (10) foot side setback.

h. Exterior colors shall be in accordance with the approved color palates, adopted by ordinance for Community Appearance Standards. These color charts shall be located within the Building Department Office for the City.

4. Site requirements.

a. Landscaping plans shall be at an owner's discretion. The City shall require that the landscaping enhances the aesthetics of the streets. An inter-mixing of trees, grasses, xeriscape plant materials and groundcovers such as mulch, pine bark, rock, etc., is required and the landscape plan shall be reviewed and approved by the city's Planning and zoning Board.

b. No parking shall be allowed in a front yard except on an established driveway. For those structures located on an open alleyway, parking shall be provided for within the rear yard setback area.

c. Applicants for a property modification using the overlay requirements shall be required to create one off-street parking space within the right-of-way in front of the structure if deemed feasible by the Chief of Police, the Public Works Director and the Building Official. Brick pavers or any pervious material shall be used for creation of this parking space.

d. Each lot shall also provide thirty-six (36) inch fence with the design of the fence being at the owner's discretion.

5. VE and Coastal Construction Line requirements. Structures located forward of the Coastal Construction Line or within a designated Velocity Zone (VE) as identified on the National Flood Insurance Maps for the City shall be subject to the following.

a. The existing non-conforming setbacks may be utilized by approval from the City's Planning and Zoning Board.

b. For new construction, the lower level shall be used for only storage or a garage. Existing construction may have living area on the lower level subject to compliance with Section 5.03.07 of these Land Development Regulations, Department of Environmental Protection approval and Building Department approval in accordance with floodplain requirements. No restroom fixtures, mechanical components or laundry facilities will be allowed within the lower level, subject to compliance with Section 5.03.07 of these Land Development Regulations, unless allowed by the Building Department and Department of Environmental Protection. The lower level will be used for access to an elevator

when installed.

c. The allowable fifteen (15) foot front setback will apply to a structure. The area between the fifteen (15) foot and twenty-five (25) foot front setback area shall be limited to two levels with the roof ridge not exceeding twenty-seven (27) feet. At the twenty-five (25) foot front setback, a third level shall be allowed, not exceeding the seventy (70) per-cent of the second level. The aforementioned shall apply to a fifteen (15) foot rear setback also. Second and third level bump outs for cantilevered decks and porches and architectural design features are allowed to extend three (3) feet into allowable setbacks on sides of structures in the overlay district.

d. All requirements for pier or pile construction shall apply and all lower level walls shall be designed by an engineer as break-away walls. ~~A canvas cover or open beam feature (without roof decking similar to a pergola) to a portion of the building will be exempt as long as the feature does not exceed thirty-five feet in length.~~

An open beam feature to a porch will be exempt as long as the feature does not exceed thirty-five (35) feet.

e. Any fill applied to any lot within a Velocity Zone shall be subject to approval by the City and the Department of Environmental Protection. A professional Engineer shall prepare a site plan for any fill procedures. Retaining walls and fences shall be subject to Department of Environmental Protection and City approval.

f. Connection to the St. Johns County Utility System shall be required.

5.A. Oceanfront residential construction, new or remodel.

a. The maximum roof ridge height is 35 feet; provided, however, that structures constructed with a rear setback of between fifteen and twenty-five feet are allowed a maximum twenty-seven foot roof ridge height. A maximum of seventy percent of heated and cooled space is allowed on the third level of a structure over lower levels. Porches, an unconditioned open space, are not considered as part of the seventy (70) percent.

b. The front setback area is that area facing the ocean. Ocean front lots shall be allowed a maximum thirty-five foot height at the fifteen (15) foot front setback line.

c. Variances for any part of a structure, including permanent roofs constructed in accordance with adopted Building Codes are subject to compliance with subject to compliance with Section

5.03.07, if applicable, of these Land Development Regulations and covered porches, outside the prescribed setbacks may be conditioned to height reductions by the Comprehensive Planning and Zoning Board. In considering height reductions, the Comprehensive Planning and Zoning Board shall balance the following factors: the hardship and necessity for the applied for height to the owner; interference with visibility of the ocean from neighboring properties; and the danger of windblown debris from the planned improvement. Features with ~~canvas covers~~ and open beams without roof decking similar to a pergola will be exempt from height reductions.

d. The minimum setbacks which may be presented to and considered by the Planning and Zoning board are:

(1) Front and rear setbacks are fifteen feet; provided, however, that swimming pools shall be allowed within the front setback provided that there is a minimum five foot setback between the swimming pool and the front and side property lines. A screen enclosure for oceanfront lots when the pool is located in the front setback area is prohibited.

(2) Side setbacks shall be ten feet to a property line or fifteen feet for a side yard facing a street; provided, however that if the side yard is located adjacent to a vacated alleyway or adjacent to a right-of-way designated as a "Lane" on the original plat, the minimum setback shall be five feet from the original right-of-way line of the vacated alleyway or from the right-of-way line of the "Lane;" provided, however, that additions to existing structures shall not be permitted to encroach into setbacks existing as of the date of the adoption of this amendment.

(3) Decorative windows treatments (wood rails) shall be allowed to encroach into prescribed setbacks without approval of the Comprehensive Planning and Zoning Board to a maximum of twelve (12) inches.

e. A maximum of a forty percent (40%) impervious surface shall be allowed. Brick pavers placed on a concrete sub-base shall be considered as impervious. Brink pavers placed on a sand sub-base shall be considered as pervious.

f. Requested variances will be reviewed by the Chief of Police, the Public Works Director and the Building Official for recommendation to the Comprehensive Planning and Zoning Board.

g. Street side landscaping will be required.

6. Clustering. Clustering in the Overlay District will be permitted upon application to the Comprehensive Planning and Zoning Board for

Clustering Approval. The burden of proving that clustering shall be beneficial and not detrimental to a neighborhood shall be upon the applicant and provided further that it shall provide for creation of public green space and provided further that the proposed clustering plan shall meet the following standards:

a. A one to one allowance will be provided when the lot / lots purchased contained more than one structure. Clustering or replacement of existing structures will be allowed to use one non-conforming setback for the existing property. The roof heights of any new structure shall not exceed that of an adjoining property within a non-conforming setback. The overlay shall also require an additional five (5) foot setback for each level added to any structure when clustering or multiple units are constructed as replacements. The seventy (70) per-cent requirement for a third level shall also apply. The one level requirement from a fifteen (15) foot front setback will apply to structures landward of the Coastal Construction line and twenty-seven (27) feet for those structures located seaward of the Coastal Construction Line. Velocity (VE) Zone requirements shall also apply to new construction.

b. The clustering will allow for interior lots a minimum of thirty-five (35) feet in width. An interior lot is defined as a second lot from any lot under different ownership.

c. Creation of the green space area is subject to approval by the City's Planning and Zoning Board; provided, however, that such approval is not required for single lots, not containing more than one unit and not aggregated in ownership with an additional lot.

d. The total impervious surface on existing units can not be exceeded by construction of new units unless otherwise approved by the Planning and Zoning Board.

e. Connection to the St. Johns County Utility System shall be required.

f. The approval process for clustering approval shall be as follows:

(1.) Application shall be made to the City on forms as from time to time approved by the City Manager.

(2.) A current survey within sixty (60) days of the application date shall be provided.

(3.) Ten sets of plans shall be required on 11 x 17 inch paper.

(4.) The application shall be placed on the Comprehensive Planning and

Zoning Board agenda in accordance with the current City policy for advertisement and public hearing for consideration by the Comprehensive Planning and Zoning Board for final development approval.

(5.) A fee of \$207.50 will be charged for the overlay application.

(6.) Following approval by the Planning and Zoning board for any properties forward of the Coastal Construction Line, the City will provide notification to the Department of Environmental Protection for their permitting consideration.

(7) A hearing on an application for clustering approval may be heard by the Comprehensive Planning and Zoning Board in conjunction with an application for Final Development Approval.

(8.) Appeals to the City Commission shall be in the same manner as appeals from approvals or denials of Final Development Approval.”

Section 2. This Ordinance shall take effect immediately.

Passed by the City Commission of the City of St. Augustine Beach,
Florida

this 3rd day of November A.D., 2008

CITY COMMISSION OF
THE CITY OF ST.
ST. AUGUSTINE BEACH

ATTEST: 

City Manager

BY: 

Mayor-Commissioner

Passed on first reading: October 6, 2008

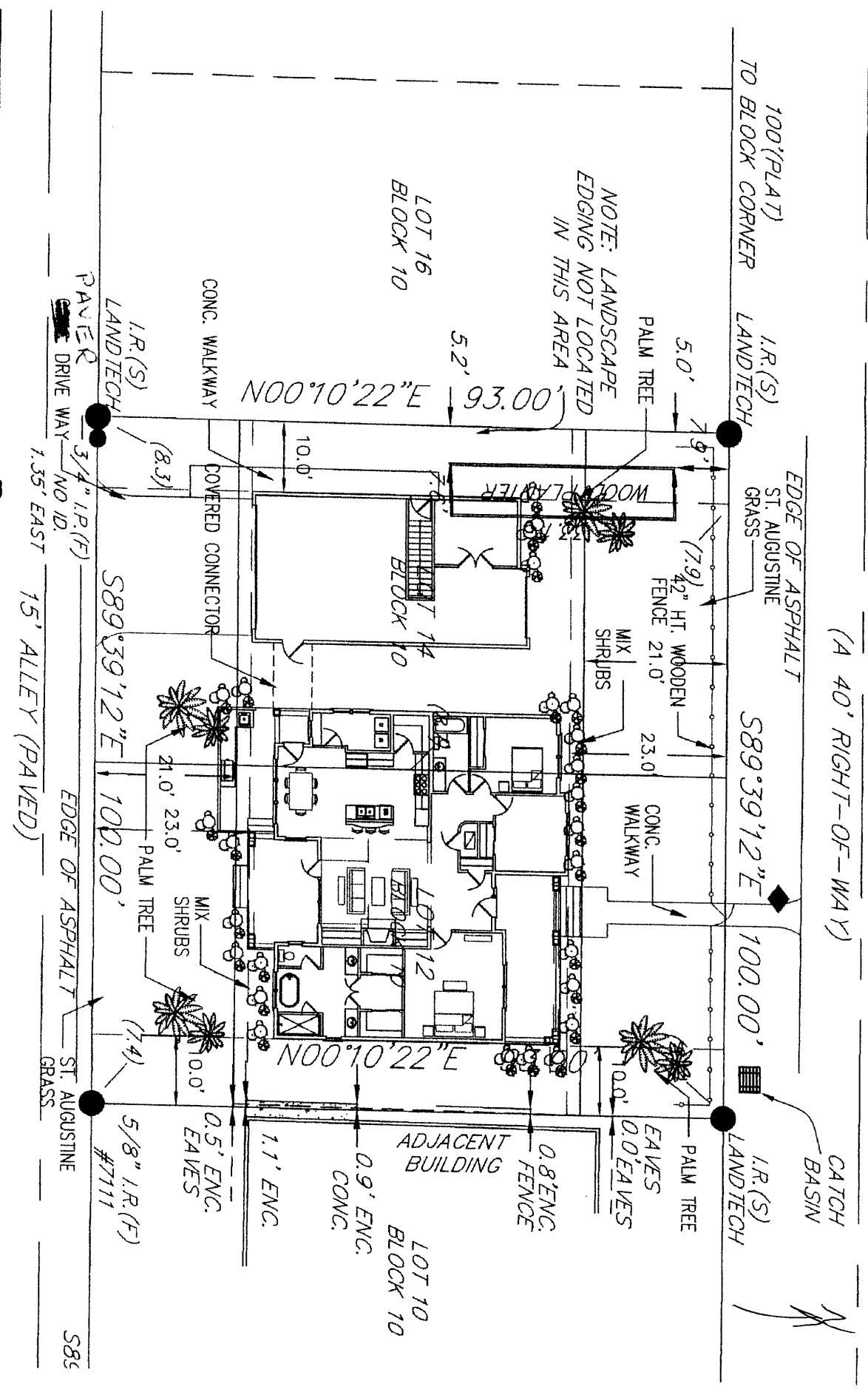
Reviewed by Planning and Zoning Board: October 21, 2008

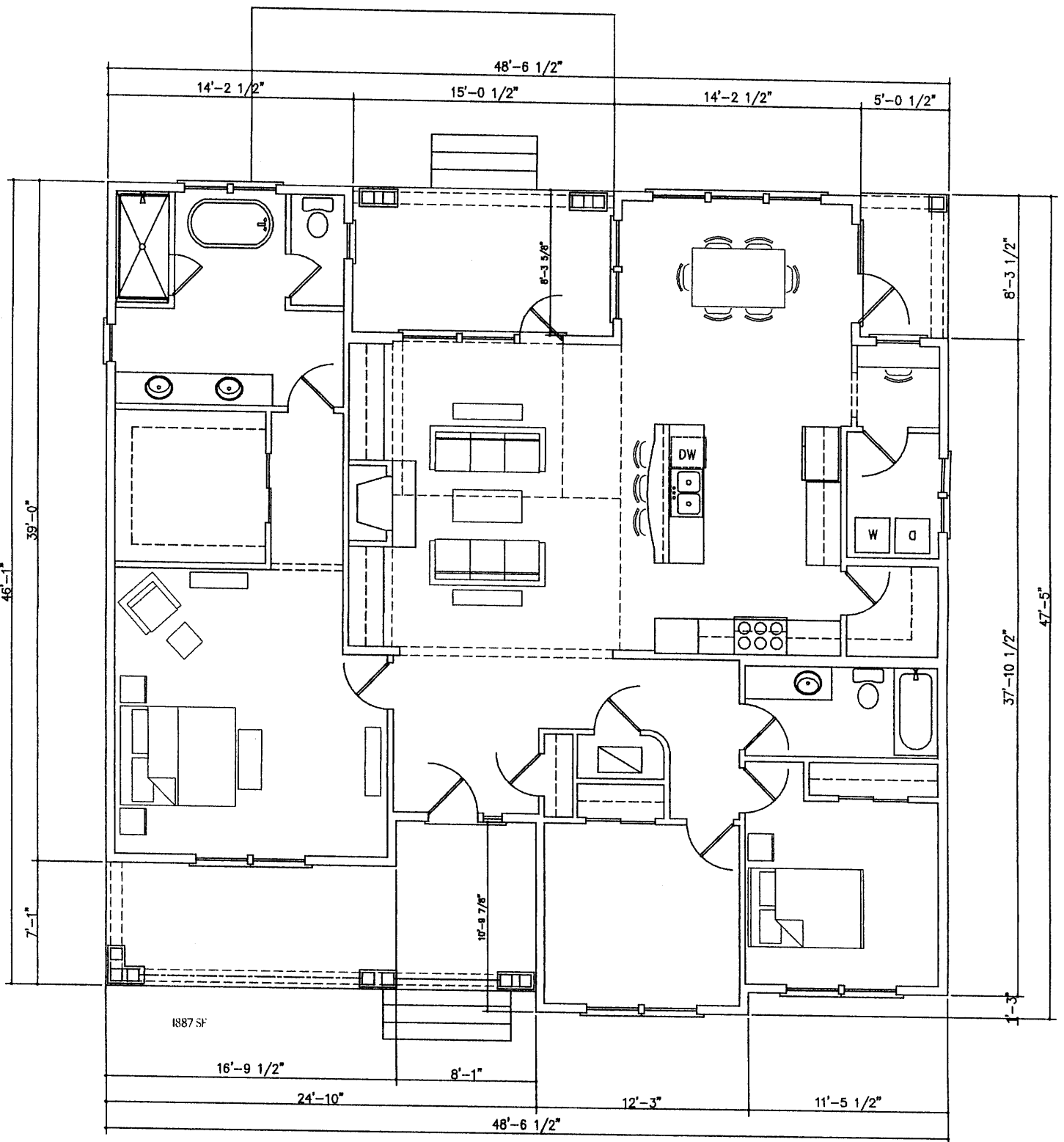
Passed on Second Reading: November 3, 2008

Underlining represents additions to present text. Strikeout represents deletion from present text.

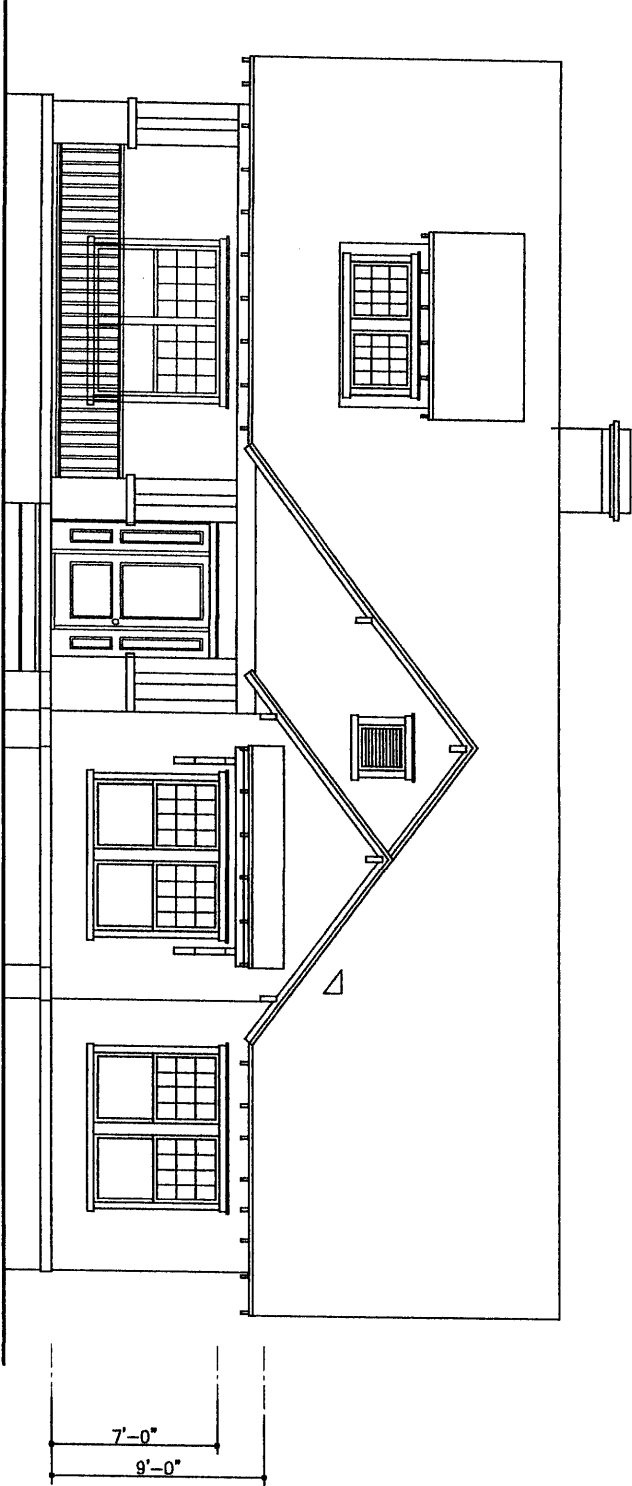
NAIL & DISK #7537
EL. 8.11 N.G.VD29

(A 40' RIGHT-OF-WAY)

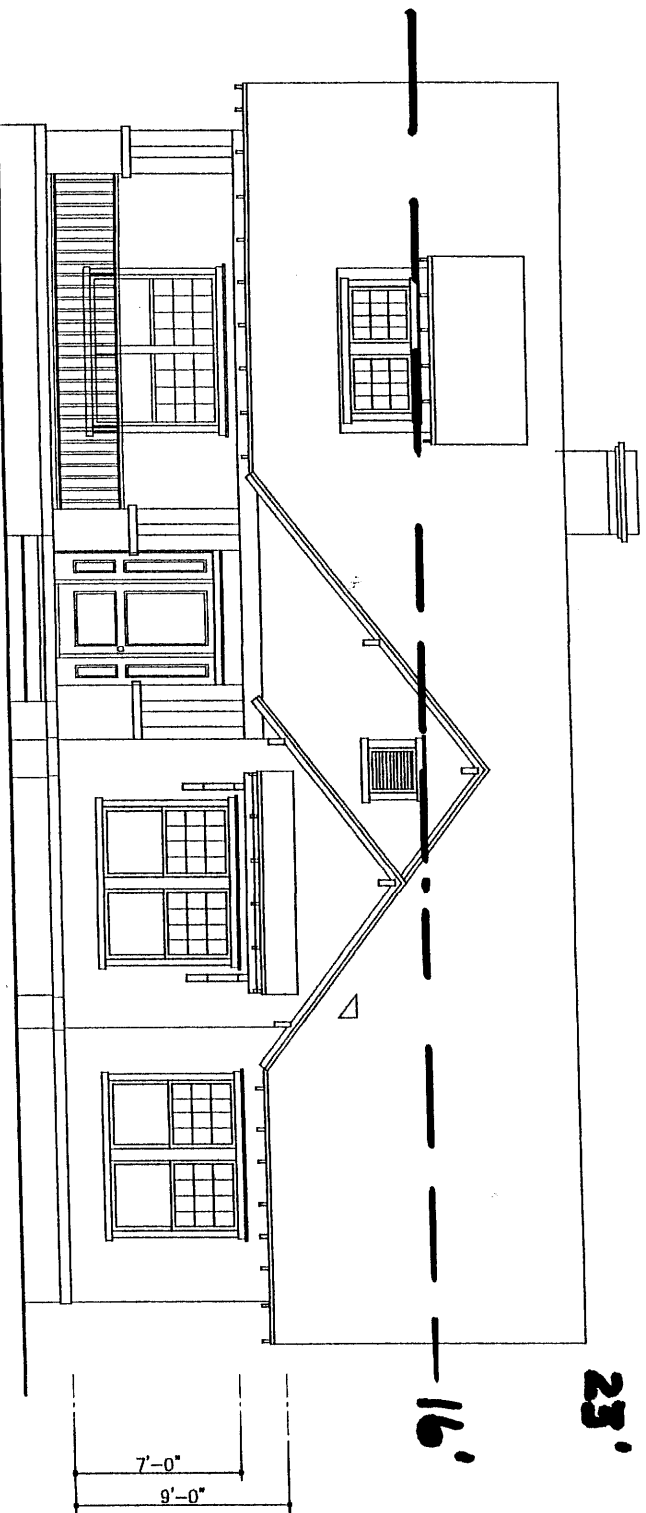




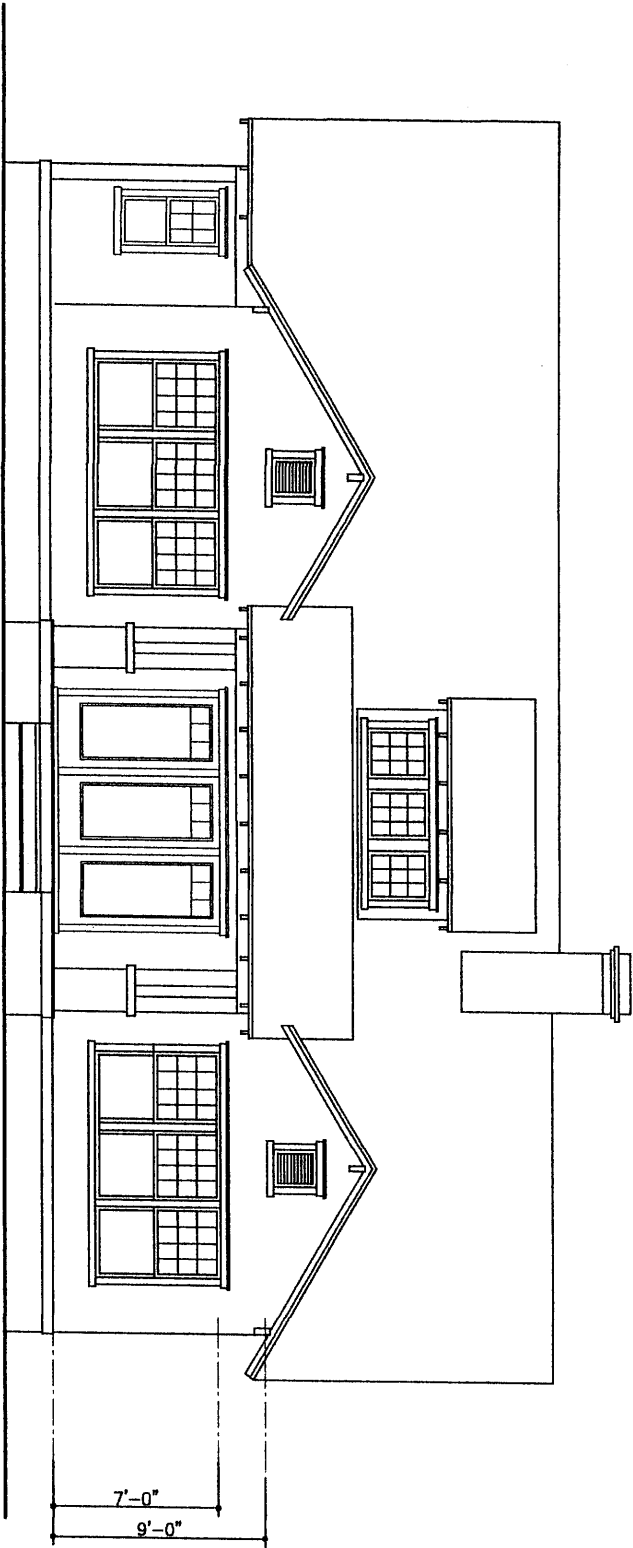
PROPOSED FLOOR PLAN
SCALE 1/4" = 1'-0"



PROPOSED FRONT ELEVATION
SCALE 1/4" = 1'-0"



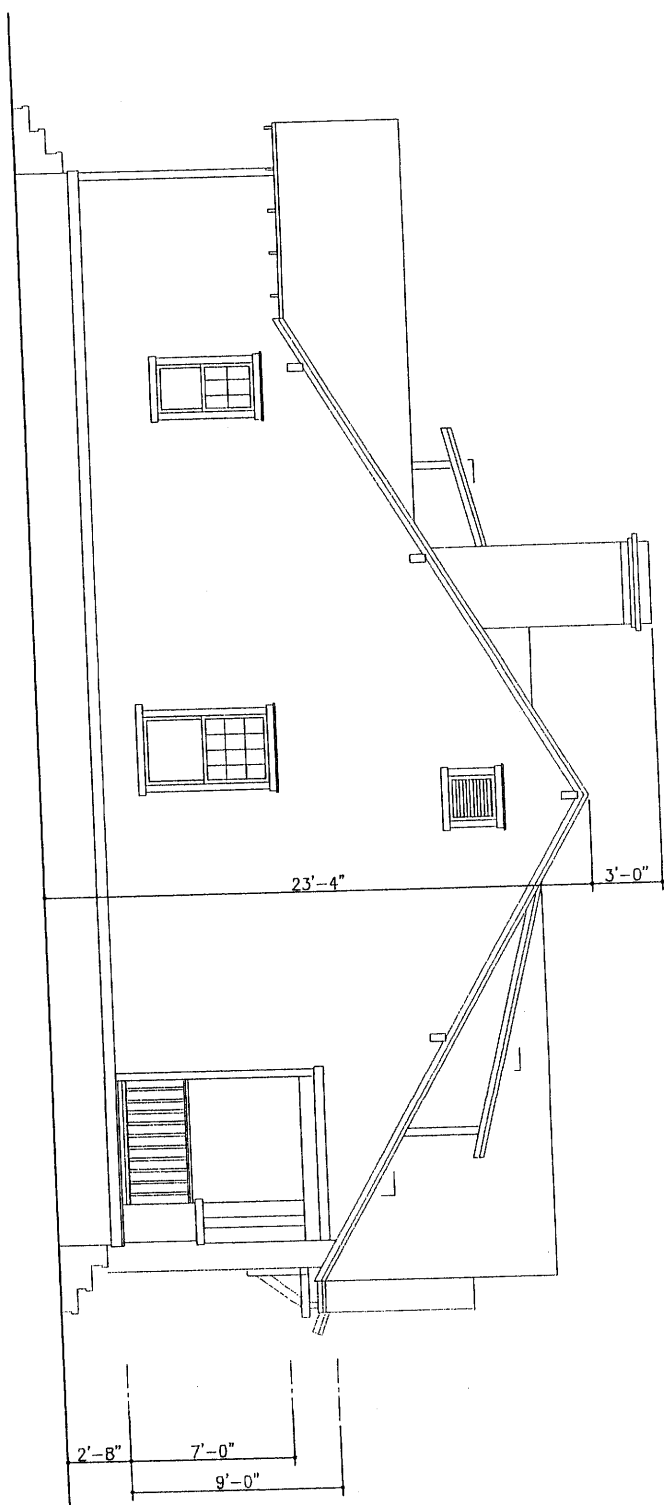
PROPOSED FRONT ELEVATION
SCALE 1/4" = 1'-0"

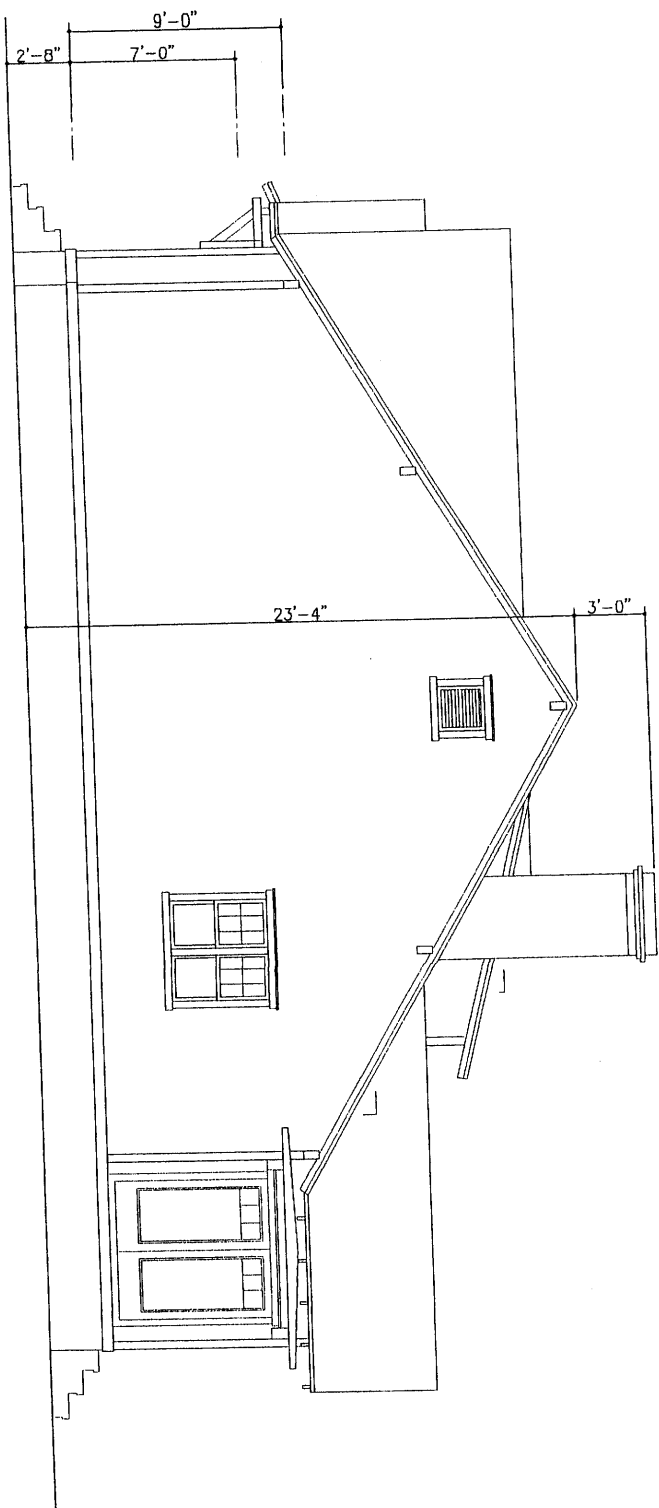


PROPOSED REAR ELEVATION
SCALE 1/4" = 1'-0"

Main House

East PROPOSED SIDE ELEVATION
SCALE 1/4" = 1'-0"





West
PROPOSED SIDE ELEVATION
SCALE 1/4" = 1'-0"
Main House



*Carriage House
Over Garage*

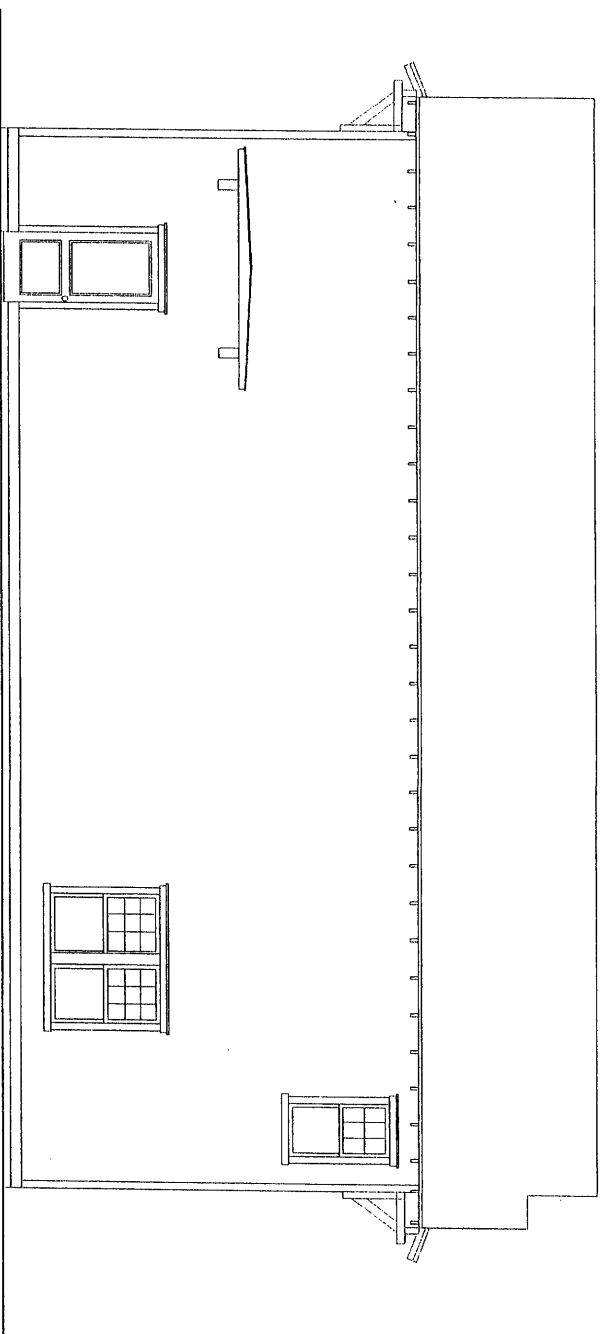
PROPOSED REAR ELEVATION

SCALE 1/4" = 1'-0"



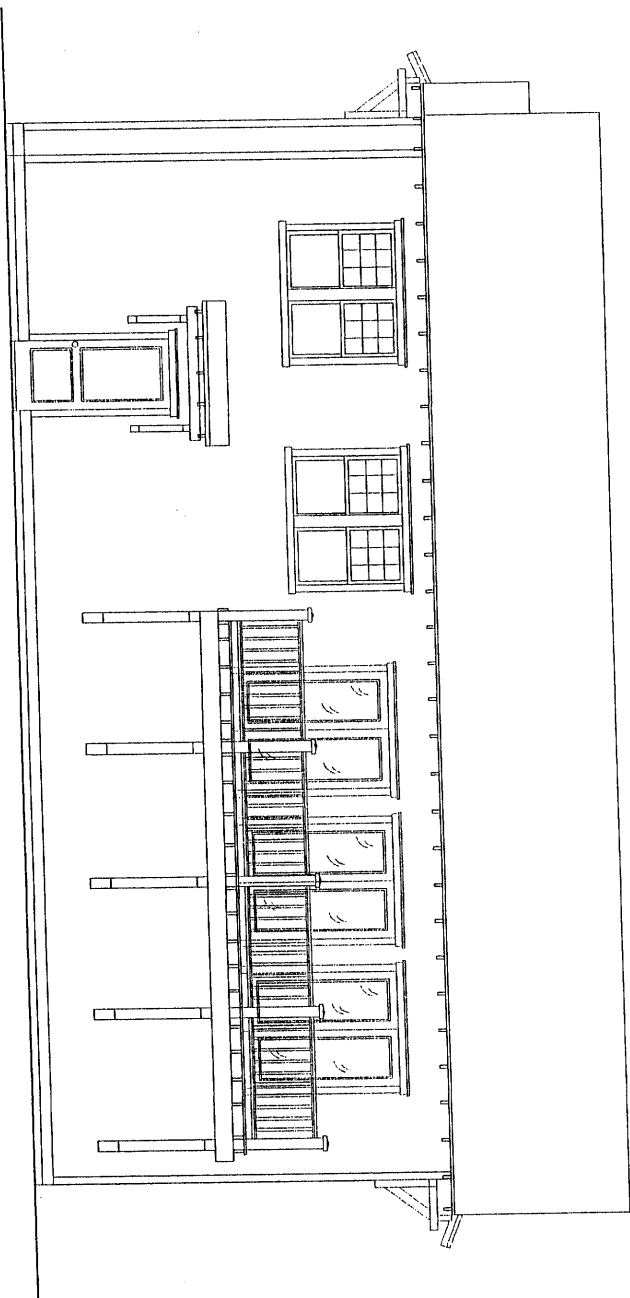
PROPOSED FRONT ELEVATION

SCALE 1/4" = 1'-0"



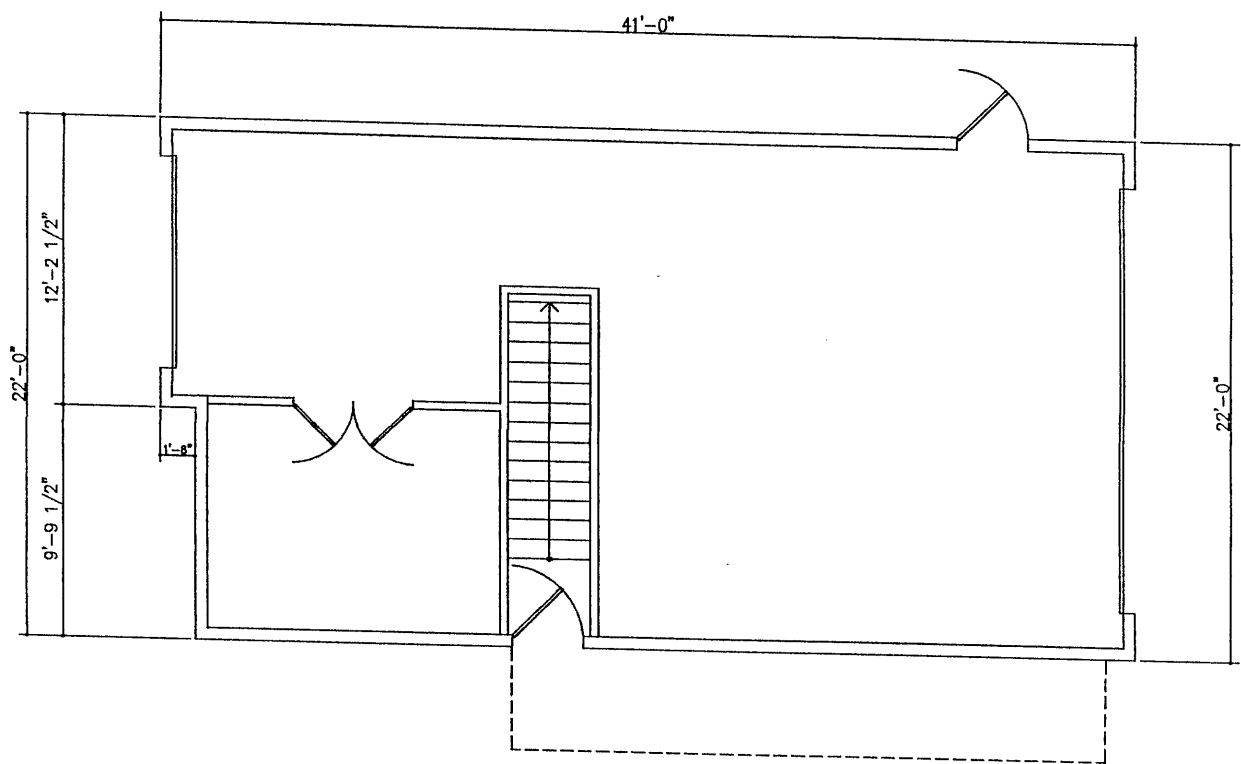
East PROPOSED SIDE ELEVATION
SCALE: 1/4" = 1'-0"

Carriage House



West PROPOSED SIDE ELEVATION
SCALE 1/4" = 1'-0"

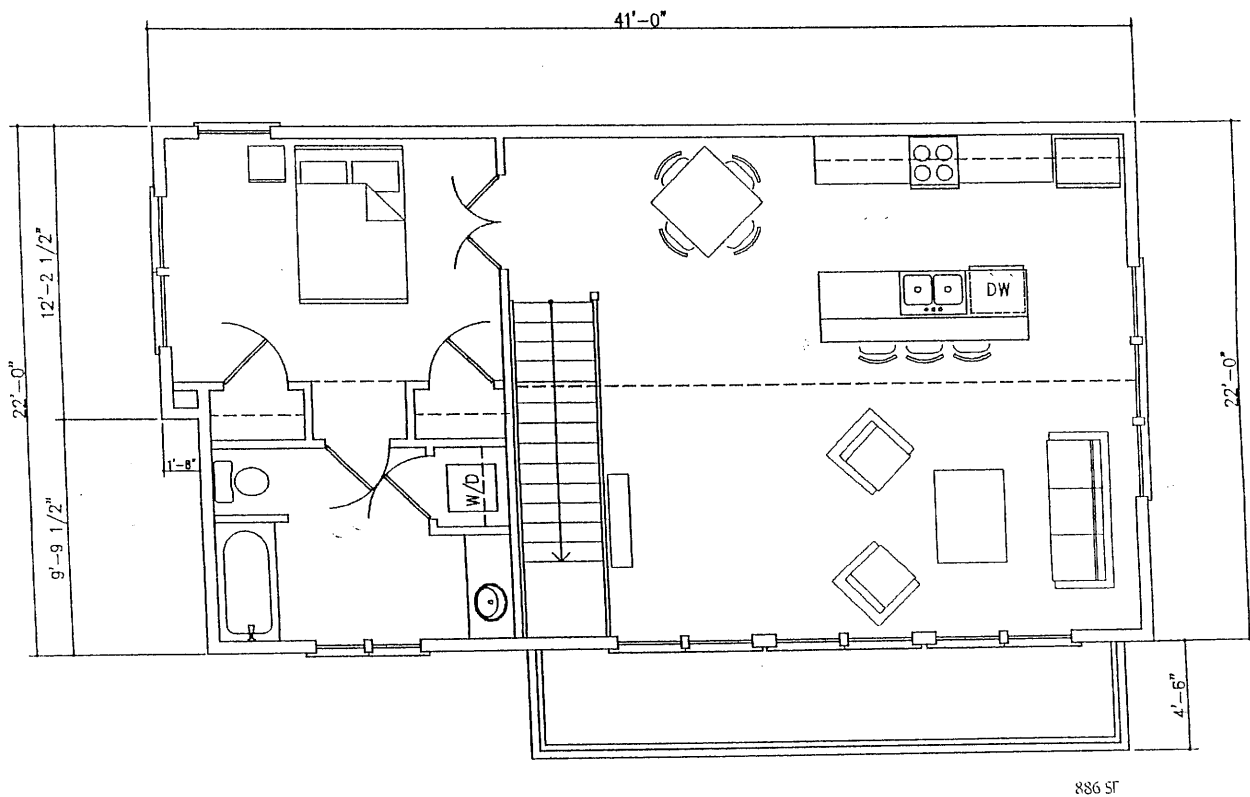
Carriage House



885 SF

*Garage with
Carriage House Above*

PROPOSED FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"



Carriage House over Garage

PROPOSED SECOND FLOOR PLAN
 SCALE 1/4" = 1'-0"

Memorandum

TO: Members of the Comprehensive Planning and Zoning Board

FROM: Gary R. Larson, Director of Building and Zoning

DATE: March 13, 2013

RE: Proposed Overlay District Ordinance Revisions

You are provided with the proposed overlay district ordinance which is easier to read and understand. Please feel free to comment via e-mail to myself or Bonnie following your review.

**AN ORDINANCE OF THE CITY COMMISSION OF
THE CITY OF ST. AUGUSTINE BEACH, FLORIDA,
AMENDING THE LAND DEVELOPMENT
REGULATIONS OF THE CITY OF ST. AUGUSTINE
BEACH, FLORIDA; AMENDING SECTION
3.08.00, ARTICLE III, APPENDIX A, CODE OF
THE CITY OF ST. AUGUSTINE BEACH, FLORIDA.**

WHEREAS, the City Commission of the City of St. Augustine Beach, Florida, enacted Ordinance 07-14 on July 2, 2007, establishing an overlay district, which was amended by Ordinance No. 08-30 on November 3, 2008; and

WHEREAS, the City Commission of the City of St. Augustine Beach, Florida, has determined that amending Section 3.08.00, Article III, Appendix A, Code of the City of St. Augustine Beach, Florida, is necessary and appropriate; and

WHEREAS, the City Commission of the City of St. Augustine Beach, Florida, finds that this ordinance is in the best interests of the health, safety, and welfare of the citizens of St. Augustine Beach.

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

Section 3.08.00, Article III, Appendix A, Code of the City of St. Augustine Beach, Florida, shall be amended and conformed as follows:

1. **Beachside Medium Density Overlay District:** There is hereby created an overlay district within that portion of the medium density land use district located east of A1A Beach Boulevard and lying between the north property boundaries of 16th Street and the south property boundaries of F Street;
2. **Purpose:** The overlay will provide for the enhancement or replacement of existing non-conforming structures located within the medium density land use district. The overlay also provides for new construction on the vacant, platted lots within the district. Structures currently deemed non-conforming in accordance with the current Land Development Regulations will lose non-conforming designation by the overlay.
3. **Approval:** The Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, shall be responsible for reviewing all applications. The Board shall be required to approve any and all applications that

clearly meet the requirements set forth in this ordinance. Consequently, the Board shall be required to deny any and all applications that do not meet the requirements of this ordinance. Applications that do not meet the requirements can be addressed by the variance process or the City's appeal process.

a. Upon review by the Comprehensive Planning and Zoning Board of an overlay application, if the application does not meet the requirements of this ordinance, the Board shall advise the applicant which items are found to be non-conforming and the applicant shall be provided the opportunity to correct the non-conformities and schedule a second hearing before the Board. There shall be no additional fees for the second hearing.

b. If the second review is not approved, the Board shall advise the applicant of the non-conformities and of the applicant's right to appeal the Board's decision, as well as the applicant's right to apply for a variance if the non-conformities can not be corrected. Any appeal by the applicant shall be in the same manner as appeals from approvals or denials of a final development approval. Any and all fees shall apply to the appeal and shall be paid by the applicant.

4. **Situations that conform to the overlay:**

a. New construction is allowable using the setback requirements within this ordinance with the caveat that construction shall conform to applicable building codes set forth by local, State and Federal agencies that dictate construction in this geographical area.

b. The rebuilding or remodeling of structures located within the overlay district on the footprint of the existing structure.

c. Expansion defined by the City is any increase in square footage of a structure and must meet all applicable building codes and shall be within the setback allowances set forth by this ordinance.

5. **Situations that do not conform to the overlay:** Situations that cannot meet the requirements of this ordinance will require the owner/applicant to use the City's variance procedure with applicable fees paid by the applicant.

6. **Construction requirements:**

a. **Code:** All applicable requirements within the current edition of the State-adopted building codes and Federal flood requirements and Florida Department

of Environmental Protection requirements will mandate new, reconstruction or remodeling work. This ordinance also sets specific requirements for property seaward of the Coastal Construction Control Line (CCCL) and specific requirements based on the Flood Insurance Maps for the City.

b. **Footprint definition:** For purposes of reconstruction or remodeling proposals that involve additional square footage being added to a structure, "building footprint" means the total foundation area for an existing structure, not including decks, patios or stairways outside the living area. Non-living space such as detached garages, carports and storage sheds shall not be given consideration for expansion of an existing structure in the overlay district. Should an applicant request from the Board approval to construct over a questionable space, the applicant must have evidence that a roof existed over the floor space that is in question in order to rebuild over that footprint.

c. **Building height:** The City has requirements that the minimum finished floor elevation shall be ten (10) feet. Due to variables found on the properties east of the Boulevard, the following provides height requirements for proposed construction:

1. Property landward, or west, of the CCCL and within an X, shaded X or AE-9 flood zone. Building height starts at the existing grade if higher than the crown of the road or if the lot requires fill, the height still starts at one (1) foot above the crown of the road and a fill elevation at a minimum of nine (9) feet.

2. Property seaward, or east, of the CCCL and within a shaded X or AE-9 flood zone. Building height starts at the existing grade if higher than the crown of the road or if the lot requires fill, the height still starts at one (1) foot above the crown of the road and a fill elevation at a minimum of nine (9) feet.

3. Property seaward, or east, of the CCCL located in the Velocity Zone (VE). The structural members for the first level of living area shall be one (1) foot above the designated VE zone elevation or the Florida Department of Environmental Protection established wavecrest height, whichever is higher. The structure height will be determined from what will be the finished site grade.

The building height shall not exceed thirty-five (35) feet above the requirements of 1, 2, and 3. Height is measured to the roof ridge or roof features such as porch railings.

7. **Setbacks:**

- a. Setbacks for all lots shall be twenty (20) front and rear and sides ten (10) feet on each side for new construction.
- b. For an existing structure, the existing footprint shall be considered acceptable and its location referred to as "deemed acceptable" for renovation and rebuilding.
- c. Second and third level decks will be allowed to extend to the engineered width of a structure and encroach five (5) feet into the front and rear setback. Second and third level articulations will be allowed to encroach into side setbacks three (3) feet.
- d. Screened porches will be allowed a five (5)-foot rear setback and a ten (10)-foot side setback providing impervious surface coverage does not exceed fifty (50) percent of the total lot square footage.
- e. Swimming pools will be allowed a five (5)-foot rear and side setback.
- f. For oceanfront homes, the east side of a property is considered the front.
- g. Vacated alleyways will be considered part of the property but no construction shall be allowed in this vacated portion of the lot.

8. Architectural Requirements:

- a. The use of detail will be encouraged by the City to assist in architectural styling.
- b. Exterior colors shall be in accordance with the color palettes adopted by the City for Community Appearance Standards.
- c. All structures exceeding two levels are required to reduce the third level living space to seventy (70) percent of the second level living space. Porches are not included in the calculation of living space nor are porches included in the third level seventy (70) percent calculation.
- d. The adjacent housing structures determine the number of levels allowed in the overlay. The higher of the two elevations will be used to determine a two-story or a three-story new residence.

9. Site Requirements:

a. Landscaping shall be at the owner's discretion. The City shall require that landscaping enhances the aesthetics of the streets and neighborhoods. The City recommends the use of Florida-friendly plants. An intermixing of grasses, xeriscape plants and ground cover such as mulches, gravel, and pine straw is required.

b. Connection to St. Johns County Utility is required.

c. For lots located in the Velocity Zones, any fill added to the lot will require a professional engineer to design the fill procedure and materials. The procedure will be acceptable to the City and approved by the Florida Department of Environmental Protection.

10. **Severability.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance is severable.

11. **Effective Date.** This ordinance takes effect immediately upon final passage.

PASSED by the City Commission of the City of St. Augustine Beach, Florida upon second reading this ____ day of _____, 2013.

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

By: _____
Mayor-Commissioner

Attest: _____
City Manager

First Reading: _____

Second Reading: _____