



**AGENDA  
PLANNING AND ZONING BOARD MEETING  
CITY OF ST. AUGUSTINE BEACH  
MARCH 22, 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. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF FEBRUARY 16, 2016
- V. PUBLIC COMMENT
- VI. NEW BUSINESS
  - A. Conditional Use File No. CU 2016-03, for proposed new construction of two (2) single-family residences on Lots 15 and 17, Block 38, Coquina Gables Subdivision, in a commercial land use district at 14 F Street and 16 F Street, 810 Beach Inc., Rich O'Brien, Applicant
- VII. OLD BUSINESS
- VIII. BOARD COMMENT
- IX. 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@cityofsub.org](mailto:sabadmin@cityofsub.org)*

*or 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.staughch.com](http://www.staughch.com)*



**MINUTES  
CITY OF ST. AUGUSTINE BEACH  
PLANNING AND ZONING BOARD  
REGULAR MONTHLY MEETING  
TUESDAY, FEBRUARY 16, 2016, 7 P.M.**

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

**I. CALL TO ORDER**

Chairperson Jane West called the meeting to order at 7:00 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**BOARD MEMBERS PRESENT:** Chairperson Jane West, Steve Mitherz, Roberta Odom, Elise Sloan, Zachary Thomas, Junior Alternate Hester Longstreet.

**BOARD MEMBERS ABSENT:** Vice-Chairman David Bradfield, Karen Zander, Senior Alternate Jeffrey Holleran.

**STAFF PRESENT:** Building Official Gary Larson, City Attorney James Whitehouse, City Manager Max Royle, Recording Secretary Bonnie Miller.

**IV. APPROVAL OF MINUTES OF JANUARY 19, 2016 REGULAR MEETING**

**Motion:** to approve the minutes of the January 19, 2016 regular monthly meeting. **Moved by** Roberta Odom, **seconded by** Elise Sloan, **passed 6-0** by unanimous voice-vote.

**V. PUBLIC COMMENT**

There was no public comment regarding any issue not on the agenda.

**VI. NEW BUSINESS**

- A. Vacating Alley File No. V 2016-01, for vacation of the 15-foot-wide alley in Block 46, Coquina Gables Subdivision, lying north of D Street, south of C Street, east of 3<sup>rd</sup> Avenue, and west of 2<sup>nd</sup> Avenue, to incorporate said alley into the square footage of the property owners adjacent to and abutting or adjoining the alley, Barbara J. Feldman, Applicant

Mr. Larson said the applicant requests the vacation of the 15-foot-wide alley in Block 46, Coquina Gables Subdivision, which lies between C Street and D Street and 2<sup>nd</sup> Avenue and 3<sup>rd</sup> Avenue. The application lists the justifications for vacating the alley, and per Ordinance No. 15-05, which is attached, the written consent of a minimum of 70 percent of the property owners

bounding and abutting the alley is required. The applicant has obtained the written consent of 10 out of 11 property owners, which is 90 percent. The concerns the City normally has regarding vacating an alley have to do with drainage issues, and whether the City will ever have to utilize the alley for an easement. In his comments, Public Works Director Joe Howell states he supports the application to vacate the alley, as he's looked at it and there are no unforeseen water run-off or standing water issues, and the City is not planning to utilize the easement in any way. Traffic also will not be affected by the vacating of the alley, thus, staff recommendation is for approval.

Barbara Feldman, 5516 Sunset Landing Circle, St. Augustine, Florida, 32080, applicant, said her parents owned lots in this block since the mid-1960s, and now her nephew, her sister, and she each own one. Many blocks in Coquina Gables have already vacated the alleys, giving property owners abutting them the added square footage. Lots adjacent to alleys that haven't been vacated are 93-feet-by-50-feet, while lots incorporating vacated alleys are 100-feet-by-50-feet, so it's a matter of simplification to vacate the alley, as right now, this land really belongs to no one, and nobody cares about it. They started this process of vacating the alley in 2013, but there was one hold-out who wouldn't sign. This person wasn't very communicative, and basically said he didn't want to talk to them about this, as he'd asked their mother to sign something once, and she wouldn't sign, so he wasn't ever going to sign. Without this property owner's signature, they had to walk away from vacating the alley when 100 percent of signatures of adjacent property owners was required, but now that the ordinance has been changed and only requires a minimum of 70 percent of signatures of adjacent property owners, they were able to move forward with it.

Ms. West asked if the additional square footage that will be added to each adjacent property owner's lot allows for the expansion of building footprints, and also if adjacent property owners will be able to fence this additional square footage and if it can be used for setback requirements.

Mr. Larson said if the alley is vacated, adjacent property owners can use the additional square footage for setback requirements, but they're still held to the 35 percent lot coverage maximum. Property owners are allowed to fence in the additional square footage of a vacated alley.

Ms. West asked the applicant if it is her intention to expand the building footprint on her lot.

Ms. Feldman said no, not really, because as she understands it, with the 35 percent lot coverage maximum, the building footprint can't really be changed. Putting the house further back on the lot so a permeable driveway could be put in front is about all vacating the alley would allow.

Ms. Odom asked if the applicant and adjoining property owners understand they will now be responsible for maintaining the alley and paying any additional taxes on the extra square footage.

Ms. Feldman said they currently maintain and mow the alleyway now. Vacating the alley really won't change anything except the legal description of the adjacent properties, which will include, if the alley is vacated, the incorporation of the additional square footage of the alley.

Ms. Sloan said she has an ex parte communication to disclose, as she talked to Glenn Brown in the Building & Zoning Department about this alley today. Mr. Brown pulled up a map from the County's website of a bird's-eye view of the alley, which shows fences as well as some sheds

and other small buildings already encroaching into the alley. She thinks vacating the alley is a good idea, as homeowners would probably run into problems if they tried to sell their properties but there are fences and other structures encroaching into an alley that hasn't been vacated.

Ms. West asked for public comment. There was none.

**Motion:** to recommend the City Commission approve the vacation of the alley as submitted in the application for Vacating Alley File No. V 2016-01. **Moved** by Hester Longstreet, **seconded** by Zachary Thomas, **passed 6-0** by unanimous voice-vote.

- B. Conditional Use File No. CU 2016-02, for renewal of a conditional use permit granted for outside seating for food and/or beverage service and consumption outside of an enclosed building on the premises of an existing restaurant, Coquina Beach Surf Club, in a commercial land use district at 451 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, filed by Barnacle Bill's Inc., Christopher Way, Applicant

Mr. Larson said the information pertaining to the renewal of the applicant's existing conditional use permit is in the Board members' packets. Staff recommends removal of condition number four, which prohibits any outdoor music, in the existing conditional use order, as the City Attorney has determined outdoor music is allowed, as long as the music is in conformance with the City's noise ordinance. He received two complaints about noise coming from Coquina Beach Surf Club in the past year, which resulted in letters sent to the applicant, Mr. Way, to which he responded and addressed the noise issues. Since then, there have been no further complaints. Staff recommendation is to recommend the City Commission renew the conditional use permit for outside seating for five years, with the removal of condition number four.

Ms. Longstreet asked if Mr. Way should redo his application to ask that this condition be removed, as his application doesn't specifically say he's asking that it be removed.

Mr. Larson said staff recommendation is for removal of condition number four because the City Attorney ruled this condition basically doesn't exist, as the City's noise ordinance addresses it.

Mr. Whitehouse said the interpretation was that you can't have an across-the-board prohibition on outdoor music, because the City has a noise ordinance to regulate that. In this particular case, as the City has allowed outdoor music at a number of other places in the same general vicinity, the ruling was it may not be appropriate to have this condition prohibiting outdoor music, unless there is a specific reason, which would require testimony and evidence on the record as to that.

Ms. West said she actually thinks Ms. Longstreet's question was a lot simpler, as she just wanted to know if it would be appropriate, procedurally, for the Board to vote on a recommendation to the Commission regarding something that is not technically in the actual application.

Mr. Whitehouse said his answer to this would be that the Board, as well as the City Commission, has the ability to put conditions on conditional use permits, whether the conditions are in the application or not. Any conditions that are added or deleted from the current conditional use will

be in the final order granting renewal of the conditional use, so there will be new documentation.

Ms. Longstreet said that's actually all she wanted to know, that if this conditional use permit renewal is granted, there will be updated paperwork as to the order granting the use.

Mr. Mitherz asked if the applicant is willing to abide by all of the conditions in the existing order granting the conditional use, with the exception of number four, pertaining to outdoor music. He pointed out that condition number seven says the south side of the building shall be repainted.

Chris Way, 39 Avista Circle, St. Augustine, Florida, 32080, applicant, said he didn't ask for condition number four to be included five years ago, when the conditional use permit for outside seating at Coquina Beach Surf Club was previously granted. Obviously, if outdoor music doesn't comply with the City's noise ordinance, there's a remedy for that. As for painting the south side of the building, that was a condition put in the order granted five years ago, so this has already been done. Also, the existing order granting the conditional use refers to the application of Barnacle Bill's Inc., which is his parent company, but he'd like it to reference Barnacle Bill's Inc. doing business as (DBA) Coquina Beach Surf Club, to avoid confusion between Coquina Beach Surf Club and Barnacle Bill's, which is his restaurant in downtown St. Augustine.

Ms. Odom asked if condition number 11 in the existing conditional use order, which says the use shall be non-transferable, is still acceptable to Mr. Way, or if he'd like to change this.

Mr. Way said if the conditional use could be granted as transferable, that would be fine. The City has laws and regulations in place if he, or a new owner, were to break any ordinances.

Mr. Mitherz said he'd like to keep the condition that the use shall be non-transferable.

Ms. West asked for public comment. There was none.

Ms. Odom said five years ago, when Mr. Way first applied for this conditional use permit, it was a very lengthy discussion, but as Mr. Way has proven, with only two complaints over the last five years, he can comply with the conditions in the existing order, so she'd like to compliment him on that, and also on his restaurant, as it's a very nice place to dine and spend an evening.

Ms. Longstreet said she's a music teacher and loves music, and can hear the music playing at Coquina Beach Surf Club from her house. For the most part, she enjoys the bands that play there, and likes the fact that the restaurant closes at 9:00 p.m., so she also hears when the music stops.

**Motion:** to recommend the City Commission approve the application submitted for Conditional Use File No. CU 2016-02, subject to amendment of the current conditional use order granted by the City Commission on March 7, 2011, with the removal of conditions four and seven. **Moved** by Mr. Thomas, **seconded** by Mr. Mitherz, **passed 6-0** by unanimous voice-vote.

## VII. OLD BUSINESS

There was no old business.

## VIII. BOARD COMMENT

Ms. Sloan said she went to the last City Commission meeting, and wanted to comment on something former Board chairmen Mr. Mitherz and Mr. Guido used to state frequently, which is that often, the Board works hard on something, and they don't always feel the Commission has read or looked at what they've done. At the Board's last meeting, they spent a lengthy amount of time on an issue that was then forwarded to the Commission, but the Board's recommendation wasn't even mentioned until Vice-Mayor George finally read part of it aloud. She'd simply like to express her dismay that the Board spent a lot of time on this item, and thinks what the Board forwarded, in terms of the conditions and restrictions they recommended, which she felt addressed a lot of the community's concerns, should have been read at the Commission meeting.

Ms. West said she's glad Ms. Sloan brought this up, as the Board members were given copies of a letter dated February 2, 2016, from Tom and Linda Ringwood, 8 F Street, St. Augustine Beach, Florida, 32080, which was really complimentary about the process. The Ringwoods seemed grateful for all of the consideration the Board gave the application referred to by Ms. Sloan. Also, she'd like Mr. Larson to know she really appreciates him taking the time to put together a staff presentation for each application that comes before the Board, as she thinks this provides a sense of clarity not only to the Board, but to members of the public who attend meetings but don't necessarily have copies of the packet information the Board is provided with. If Mr. Larson is making a similar staff presentation at City Commission meetings, she'd echo Ms. Sloan's sentiments and ask that part of this presentation include a quick blurb on all the angst, agony and hours the Board spent on a particular item, as a sort of thumbnail sketch as to what the Board, as the Commission's advisory board, has considered and ultimately recommended. She thinks this would be helpful and instructive to the Commissioners, because it's possible they may not know how much time the Board spent on an application or issue forwarded to them.

Mr. Mitherz said he concurs with these comments. He knows the Board's recommendations are usually in the Commission's agenda information, but they're not always verbalized at meetings.

## X. ADJOURNMENT

The meeting was adjourned at 7:34 p.m.

---

Jane West, 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

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, Director of Building and Zoning  
DATE: March 17, 2016  
RE: Conditional Use File No. CU 2016-03

The subject property is located on the northeast corner of the intersection of F Street and A1A Beach Boulevard. The former use of the property was commercial and later converted to rentals. Each of the two lots in this parcel measure 100-feet-by-93 feet.

Along the Boulevard, there are numerous residential units located within the commercial land use districts, the majority of which are allowed by conditional use. In considering this request, the Board needs to evaluate the use of this parcel. The overall size does not warrant a positive use for commercial businesses due to sizes of structures and parking requirements, this being based on issues that have come before the Board in past years.

If it is the consensus of the Board that the best use of this property is residential, recommend approval to the Commission. If it is the Board's consensus that the best use is commercial, recommend denial to the Commission.

If the conditional use is approved, the residential units will be constructed in accordance with the current Land Development Regulations.

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): 15 & 17 BLOCK: 38 SUBDIVISION: Coquina Gables

STREET ADDRESS: 14 F Street (A & B)

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

BETWEEN E Street and Ringhaver Road  
(Street Name) (Street Name)

3. REAL ESTATE PARCEL NUMBER: 170570-0000

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

PUBLIC RECORD: 810 Beach Inc., PMB 196, 1093 A1A Beach Boulevard,  
St. Augustine Beach, Florida, 32080-6733

5. DESCRIPTION OF CONDITIONAL USE: Change use to residential

6. LAND USE CLASSIFICATION: Commercial

7. SECTION OF THE LAND USE CODE FROM WHICH THE PERMIT IS BEING SOUGHT: 3.02.02 and 10.03.00-10.03.03

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

Two lots directly behind these two lots, on the southeast corner of E Street and A1A Beach Boulevard, were granted a conditional use permit in 2001 for two residential homes. The proposed residential use would be consistent with other lots in this area east of A1A Beach Boulevard.



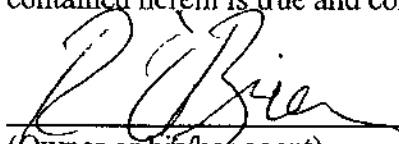
9. HAS AN APPLICATION FOR CONDITIONAL USE PERMIT BEEN SUBMITTED DURING THE PAST YEAR? Yes ( ) or No (X)

IF YES, WHAT WAS THE FINAL RESULT? \_\_\_\_\_

PLEASE CHECK IF THE FOLLOWING INFORMATION HAS BEEN INCLUDED:

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

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)

PMB 196, 1093 A1A Beach Boulevard, St. Augustine Beach, FL  
(Owner/agent address)

\_\_\_\_\_  
(Applicant/agent address)

(904) 814-2080  
(Owner/agent phone number)

\_\_\_\_\_  
(Applicant/agent phone number)

February 22, 2016  
(Date)

\_\_\_\_\_  
(Date)

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

THE CITY OF ST. AUGUSTINE BEACH  
BUILDING AND ZONING DEPARTMENT

PERMIT NO. CU 2016-03 RECEIPT NO. 25181 DATE February 22, 2016

NAME OF APPLICANT 810 Beach Inc./Rich O'Brien

ADDRESS PMB 196, 1093 A1A Beach Boulevard, St. Augustine Beach, Florida 32080-6733

FOR PERMIT ADVERTISING LOCATED AT: 14 F Street Units A & B, St. Augustine Beach,  
Florida, 32080

CHARGES

PERMIT FEE: \$200.00 (Account #34120)

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

DATE PAID: February 22, 2016

CHECK NO: 18440/18441

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 property owners within a

radius of 300 feet of the parcel under consideration in the conditional use 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.)

5. 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.
6. 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.

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.



## 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

### Owner's Authorization Form

Cora Johnston is hereby authorized TO ACT ON BEHALF OF

810 Beach Inc., the owners(s) of the property described in the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Augustine Beach, Florida, for an application related to a development, land use, zoning or conditional or special use permit or other action pursuant to an application for:

Conditional use permit

By signing, I affirm that the legal owner(s), as listed on the recorded warranty deed on file with the St. Johns County Clerk of Courts, have been notified of the above application.

I further understand incomplete or false information provided on this form may lead to revocation of permits and/or termination of development activity.

Signature of Owner(s)

Rich O'Brien

Printed Name(s)

810 Beach Inc, Rich O'Brien, President

Address of Owner(s)

812 A1A Beach Blvd, St. Aug. Beach, FL

Telephone Number of Owner(s)

904-471-2220

State of Florida

County of St. Johns

The foregoing instrument was acknowledged before me this 15 day of March, 2016.

by Richard O'Brien, who is personally known or who has produced identification (type of identification produced) DL Id.

Signature of Notary Public—State of Florida

Donna Vogel

Notary Stamp/Seal/Commission Expiration Date:





# Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpa.us

email: sjcpa@sjcpa.us

## Parcel Information

Strap: 1705700000

Mailing Address: PMB 196 1093 A1A BEACH BLVD SAINT AUGUSTINE FL 32080-6733

Site Address: 14 F ST UNIT A&B SAINT AUGUSTINE FL 32080-0000

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

Tax District: 551

Neighborhood Code: 717.02

Use Code/Description: 0800/Multi-Family (Less than 10 Units)

Sec-Town-Range: 3 - 8 - 30

Acreage: 0.23

## Valuation Information

Total Land Value: \$ 206,000

Total Extra Features Value: \$ 670

Total Building Value: \$ 67,861

Total Market(Just) Value: \$ 274,531

Assessed Value: \$ 274,531

Homestead Exemption: \$ 0

Taxable Value: \$ 274,531

## Legal Information

## Owner Information

## Exemptions

3-30 COQUINA GABLES LOTS 15 &  
17 BLK 38 & S7.5FT VACATED  
ALLEY LYING N OR2569/1813

810 BEACH INC

## Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
10/20/2005	\$ 730,000	37.61	2569 & 1813	WD	Q	I	01
09/24/2001	\$ 210,000	130.73	1658 & 590	TR	Q	I	01
06/26/1995	\$ 0	0.00	1115 & 244	QC	U	I	11
03/01/1991	\$ 112,000	245.12	888 & 238		Q	I	01
01/01/1979	\$ 45,000	0.00	418 & 722		U	I	11

## Building Information

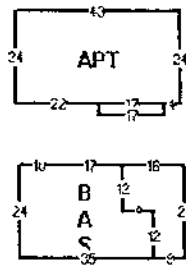
### Building Details

Building Number: 1  
Building Type/Desc: 1101/Stores (Retail)  
Building Model/Desc: 04 /Commercial Buildings  
Site address: 14 F ST UNIT A&B SAINT AUGUSTINE FL 32080-0000

Year Built: 1978  
Gross Area: 2115  
Heated/Cooled Area: 2064  
Building Value: \$ 67,861

### Structural Elements

Element:	Element Desc:	Type:	Type Desc:
EW	Exterior Wall	32	Wood
RS	Roofing Structure	13	Wood Truss
RC	Roofing Cover	7	Composite Shingle
IW	Interior Walls	3	Drywall
IF	Interior Flooring	5	Carpet
IF	Interior Flooring	20	Sheet Vinyl
HT	Heating Type	1	Air Duct



PL	Plumbing	15	15 Fixtures
EL	Electrical	2	Average
CN	Condition	4	Average
FN	Foundation	5	Concrete Perimeter Footing
IN	Insulation	23	2" Fiberglass
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
CONC	CONC PAV 4	1990	294	\$2.68	\$2.68	85.0 %	\$ 670

[Previous Parcel \(1705650000\)](#)

[Next Parcel \(1705700180\)](#)



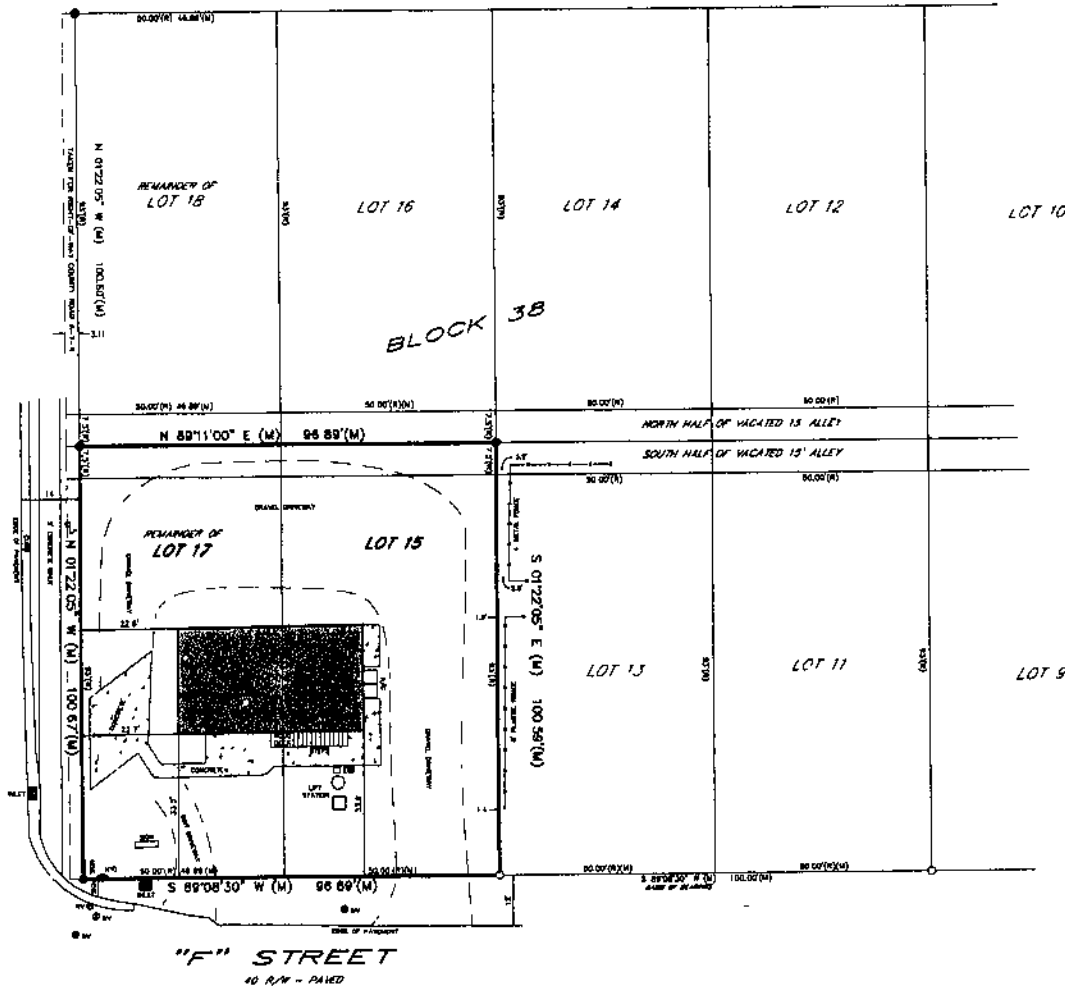
# MAP OF SURVEY

LOTS 15 AND 17, BLOCK 38, COQUINA GABLES, AS RECORDED IN MAP BOOK 3, PAGE 30, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND THE SOUTH 7.5 FEET OF THE CLOSED ALLEY LYING NORTH OF LOTS 15 AND 17, LESS AND EXCEPT THAT PART OF SAID LOT 17 AND VACATED ALLEY LYING WITHIN THE RIGHT-OF-WAY OF STATE ROAD A-1-A AS NOW ESTABLISHED.

"E" STREET  
40 R/W - PAVED



COUNTY ROAD A-1-A  
60' W R/W



"F" STREET  
40 R/W - PAVED

0 20 40 60  
SCALE: 1 INCH = 20 FEET

## LEGEND

- R/W = RIGHT OF WAY
- LB = LICENSED BUSINESS
- (R) = RECORD
- (M) = MEASURED
- LP = LIGHT POLE
- GWA = OVERHEAD WIRE(S)
- WV = WATER VALVE
- HVO = FIRE HYDRANT
- EM = ELECTRIC METER
- ESB = ELECTRIC SERVICE BOX
- = FOUND 5/8" IRON ROD - # 4690
- = FOUND 1/2" IRON ROD - NO IDENTIFICATION
- = FOUND 5/8" IRON PIPE - NO IDENTIFICATION

## NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE "X" (AREA IN 0.2% ANNUAL CHANCE OF FLOOD) AND FLOOD ZONE "AE" (BASE FLOOD ELEVATION 9 FEET NGVD 1929) AS DEPICTED ON FLOOD INSURANCE RATE MAP No. 12109C-0384-H COMMUNITY No. 123148 FOR THE CITY OF ST. AUGUSTINE BEACH, ST. JOHNS COUNTY, FLORIDA, AS REVISED 09/02/04. <http://www2.gis.bccc.co.at-johns.fl.us/mde/>

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTH RIGHT-OF-WAY LINE OF "F" STREET HAVING AN ASSUMED BEARING OF S 89°08'30" W.

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL ELEVATIONS AS SHOWN HEREON ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD - 1929).

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVEGROUND VISIBLE OBJECTS OBSERVED BY THE SURVEYOR.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMBOSSED WITH THE SURVEYOR'S SEAL.

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF 810 BEACH INC.

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTIONS SJ-17.031 SJ-17.032 OF THE FLORIDA ADMINISTRATIVE CODE.

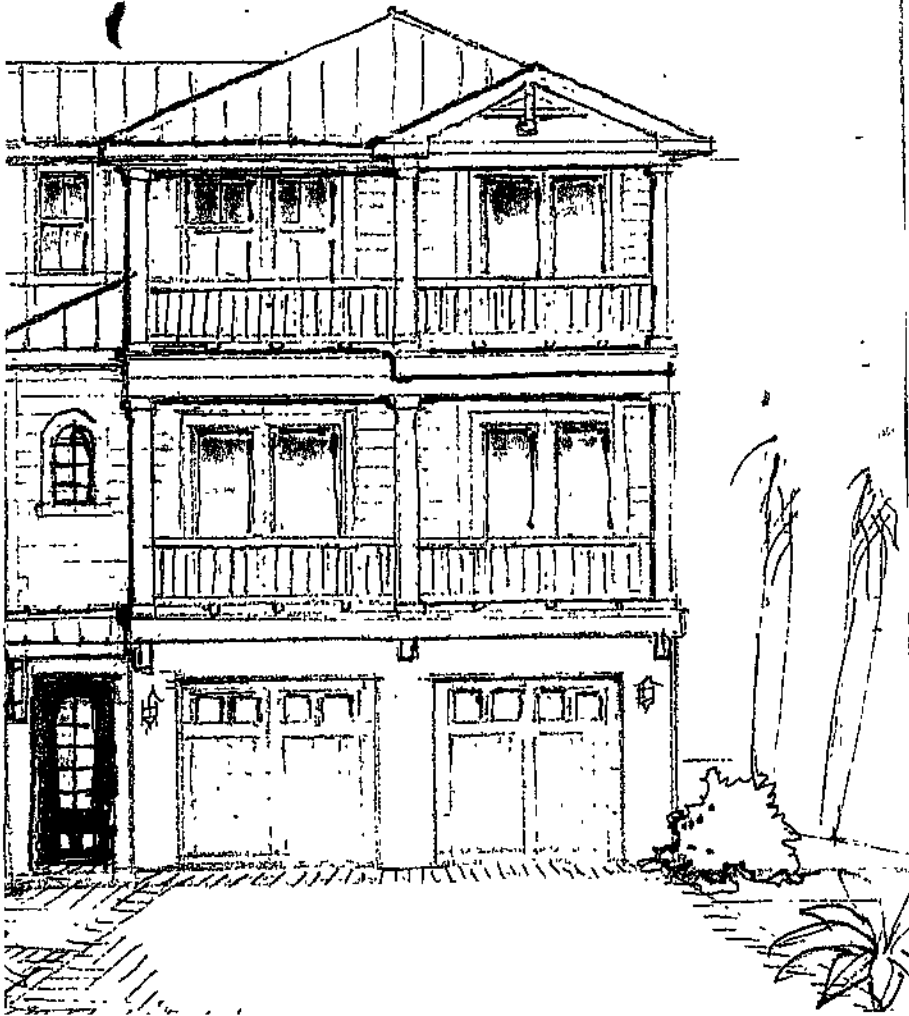
REVISIONS	

BOUNDARY SURVEY  
ST. AUGUSTINE BEACH, FLORIDA 32080  
#14 "F" STREET

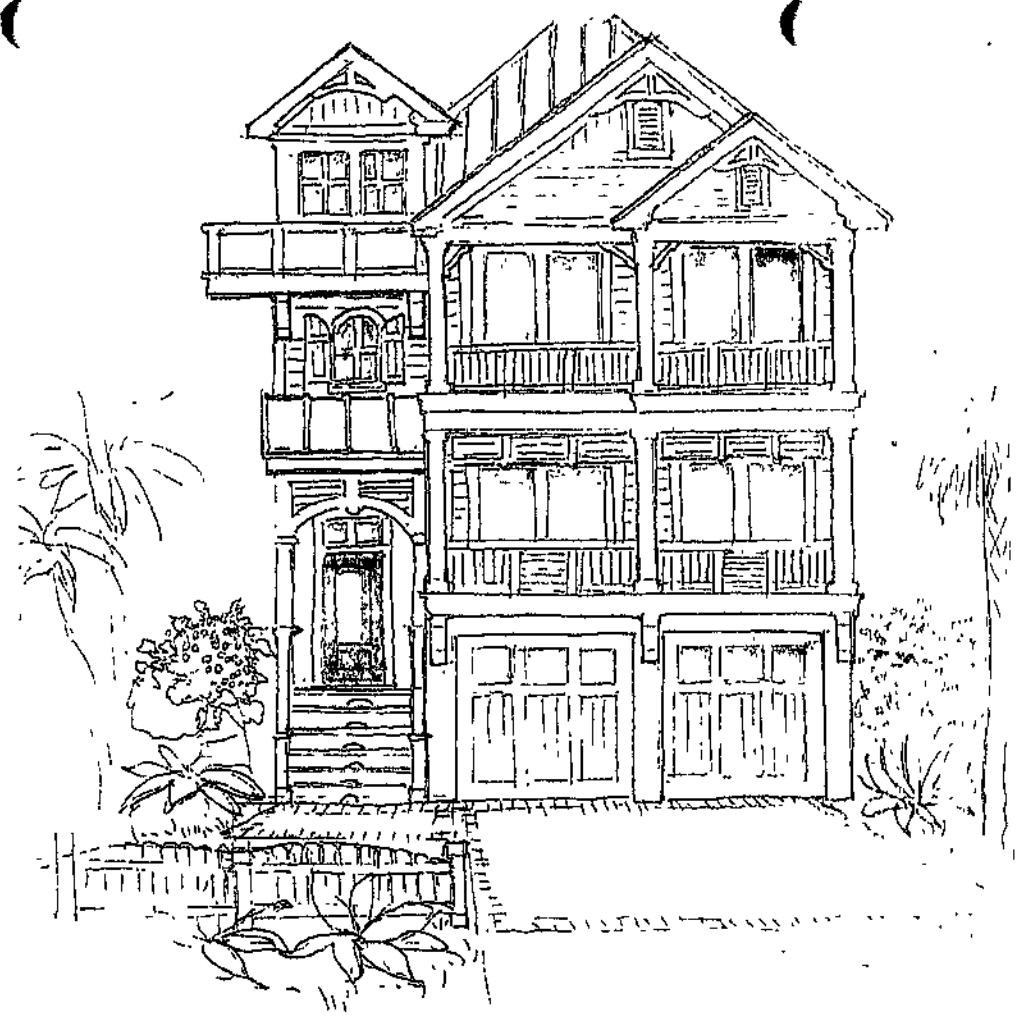
ANCIENT CITY SURVEYING  
ACS  
SURVEYORS & ENGINEERS  
LAND PLANNERS  
1001 U.S. HIGHWAY No. 1, SUITE 200  
ST. AUGUSTINE, FLORIDA 32080  
PHONE: 904-787-9887 FAX: 904-787-8027

MICHAEL A. PIERCE PLS  
Professional Land Surveyor #1798

SEAL  
BAC 9/04/04



Lot 17



Lot 15

Architectural Renderings-Not to Scale

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</i>	<i>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
<b>Offices</b>								
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
<b>Retail Sales</b>								
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
<b>Services, Hotels, and Restaurants</b>								
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

<i>Uses</i>	<i>Land Use District</i>							
	<i>L</i>	<i>ML</i>	<i>M</i>	<i>H</i>	<i>CO</i>	<i>I</i>	<i>R</i>	<i>CN</i>
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 XI. 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.