



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

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

NOTICE TO THE PUBLIC

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

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. APPROVAL OF MINUTES OF REGULAR PLANNING AND ZONING BOARD MEETING OF MARCH 22, 2016
- V. PUBLIC COMMENT
- VI. NEW BUSINESS
 - A. Conditional Use File No. CU 2016-04, for renewal of a conditional use permit granted for outside seating and food and/or beverage service and consumption outside of an enclosed building on the premises of an existing restaurant, Sunset Grille, in a commercial land use district on Lots 103-105, Atlantic Beach Subdivision, at 421 A1A Beach Boulevard, Parrot Heads Inc., Peter Darios, Michael Rosa, Applicants
 - B. Conditional Use File No. CU 2016-05, for a conditional use permit for a home occupation for massage therapy on the premises of an existing single-family residence in a low density residential land use district on Lot 1, Block 65, Coquina Gables Estates Unit A Subdivision, at 502 C Street, Anne Bobrowski, Applicant
 - C. Preliminary Plat Approval File No. PPA 2016-01, for a replat of Kings Quarry, Lots 1 and 2, 617 and 613 Old Beach Road, for Lake Sienna 3, consisting of Lots 1, 2, and 3, in a low density residential land use district on the southeast corner of Old Beach Road and Ron Parker Road, Jerry W. Smith, 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 sabadm@cityofsa.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



**MINUTES
CITY OF ST. AUGUSTINE BEACH
PLANNING AND ZONING BOARD
REGULAR MONTHLY MEETING
TUESDAY, MARCH 22, 2016, 7:00 P.M.**

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

I. CALL TO ORDER

Vice-Chairman David Bradfield called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

BOARD MEMBERS PRESENT: Vice-Chairman David Bradfield, Steve Mitherz, Roberta Odom, Elise Sloan, Zachary Thomas, Karen Zander.

BOARD MEMBERS ABSENT: Chairman Jane West, Senior Alternate Jeffrey Holleran, Junior Alternate Hester Longstreet.

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

IV. APPROVAL OF MINUTES OF FEBRUARY 16, 2016 REGULAR MEETING

Motion: to approve the minutes of the February 16, 2016 regular monthly meeting. **Moved** by Elise Sloan, **seconded** by Roberta Odom, **passed 6-0** by unanimous voice-vote.

V. PUBLIC COMMENT

Tom Reynolds, 880 A1A Beach Boulevard, Unit 1106, St. Augustine Beach, Florida, 32080, thanked the Board members for all the hard work they do.

Craig Thomson, 6 D Street, Unit A, St. Augustine Beach, Florida, 32080, said he noticed survey stakes were up on the Runk property, the last large undeveloped tract of land in St. Augustine Beach, which is being developed as Ocean Ridge Subdivision. He looked at the final development order and plans for this 72-lot subdivision, and received a copy of the clearing permit issued by the Building Department. It says in the final development order that clearing and/or tree removal permits will not be issued prior to the acceptance of a substantially complete application for a building permit. Mr. Larson said only the roads are being built at this time, and there is a partial tree survey which shows the layout of the roads. His concern is that this not a development like Sea Colony, Sea Grove, or even Island Hammock, but the type of development found in the County, where the density of the property is calculated based on the acreage to determine the number of units, a loop road is built, and a big retention pond is put in the middle.

with the excavated dirt used to fill the lower lots. As the City's Tree Board and Comprehensive Plan try to discourage clear-cutting and fill, he and other citizens have objected to, and even asked for a code enforcement review, of the property on the east side of the Boulevard between 5th Street and 6th Street, where this has been done. He asked the Board members to speak to Mr. Larson about the Ocean Ridge development, and try to use the Codes available to preserve what they can of the tree canopy, as Mr. Larson indicated he was going to bring this development plan back before the Board, even though it has already been issued some previous approvals.

Ed Slavin, P. O. Box 3084, St. Augustine, Florida, 32085, thanked the Board members for their service, and called their attention to something he hopes can be done in the next couple of years to solve a lot of the problems the Board deals with. There's a website for the St. Augustine National Historical Park and National Seashore, staugustgreen.com, which has information on protecting and preserving approximately 130,000 acres of existing government lands in two counties, Flagler and St. Johns, consisting of water management district lands, state parks and forests, and places that are holy and pretty much as they were when Menendez marched through here and the Spanish came in 1565. These places are now at risk, but legislation this website promotes will protect and preserve these lands, including the tree canopy and beaches in St. Augustine, forever. He asked everyone to check it out, talk to him or call him, and get involved.

Jan Brown, 24 Lockhart Lane, St. Augustine Beach, Florida, 32080, said there is organization going on right now to put in a skate park at Ron Parker Park, but there are a number of people greatly opposed to this, especially in her neighborhood, which is right across the street from the park. She submitted a letter in opposition to the proposed skate park, and said she and others in opposition to it are currently in the process of getting signed petitions to oppose it and consulting with lawyers, as they don't want to lose the quiet they currently enjoy in their neighborhood.

VI. NEW BUSINESS

- A. Conditional Use File No. CU 2016-03, for a conditional use permit for proposed new construction of two (2) single-family residential units in a commercial land use district on Lots 15 and 17, Block 38, Coquina Gables Subdivision, at 14 F Street and 16 F Street, respectively, 810 Beach Inc., Rich O'Brien, Applicant

Mr. Larson said this is a request for a conditional use permit to allow residential structures on a commercially-zoned parcel on the northeast corner of F Street and A1A Beach Boulevard. The subject parcel, which is approximately 100-feet-by-93-feet, consists of two lots. As the Board is aware, they've had numerous problems with commercial businesses on some of the smaller lots in the City, due to parking and other issues. Based on what's been approved in the past, staff recommends the Board provide a recommendation of approval to the Commission to allow the construction of two residential units, as this will be the best use of the property due to its size.

Ms. Zander said she believes there's an error in the packet information provided to the Board, as Mr. Larson's staff memo says each of the two lots in this parcel measure 100-feet-by-93-feet, but the maps she pulled from the County's web page show the lots are approximately 50-feet-by-93-feet each, for a combined total of 100-feet-by-93-feet.

Mr. Larson said that's his error, as Ms. Zander is correct, each of the lots is 50-feet-by-93-feet, for an overall parcel size of 100-feet-by-93-feet.

Cora Johnston, 740 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, said she's the owner and contractor of Generation Homes, and represents Rich O'Brien and Lauren Ringhaver, the owners of the property for which this application is submitted. They're seeking a conditional use permit to build two private, single-family residences on a commercially-zoned parcel. She displayed aerial views of the site on the overhead projector, which currently has a 2,064-square-foot heated-and-cooled building on it being used as a single-family residence, showing that all of the lots around the two lots owned by the applicants, with the exception of one lot across the street, are currently single-family residences. Their plan is to demolish the existing building, which was built in 1978 and basically has no architectural value, and build a new single-family home on each of the two lots. The goal of building two new homes is to create a very lovely presence to the entrance of F Street, which will complement the existing homes on the street. The house proposed on Lot 17, at 16 F Street, has 3,062 square feet of heated-and-cooled space, and a total of 4,392 square feet under roof, which includes two porches in front and two porches in back, and a two-car garage. The house proposed on Lot 15, at 14 F Street, has 2,674 square feet of heated-and-cooled space, and a total of 4,285 square feet under roof, including porches and garage. In addition, she submitted a petition in support of the conditional use application to build two single-family homes in commercial zoning, signed by 26 neighboring residents. Basically, they're requesting the Board's recommendation of approval of this conditional use application, to build two single-family residences on commercially-zoned property which is currently being used for residential purposes, and because there is construction and development involved, they'd also like to request the conditional use permit be granted as transferable, and run with the land, as part of the Board's recommendation of approval to the City Commission.

Mr. Mitherz asked if approving house plans is part of the Board's recommendation to the Commission regarding the zoning.

Mr. Larson said no, the Board is only considering a recommendation to the Commission as to the proposed residential use of a commercially-zoned property.

Ms. Zander asked if the applicants have a site plan for the Board.

Ms. Johnston said they have not developed a site plan at this time.

Ms. Zander said so if the conditional use application is approved, the site plan doesn't come back to the Board.

Mr. Larson said no, it does not.

Mr. Bradfield asked if the building parameters, setbacks, etc. that apply are those in the current Code, not the old setbacks or regulations, and also if staff's recommendation to approve this is based on what the adjacent properties have been approved for in the past.

Mr. Larson said current the Code applies, and yes, staff recommends approval based on the use

of the adjacent properties, and also because it's the best use of the property, as the parcel is too small for commercial use. The commercial zoning runs east 150 feet from the centerline of A1A Beach Boulevard, so the parcel for which the conditional use is requested is zoned commercial.

Ms. Sloan said what she doesn't understand is that Mr. Larson's staff memo asks the Board to determine the best use of the property, but she's not sure that this is within the Board's purview.

Mr. Whitehouse advised the Board members that what they're determining is a recommendation to the Commission as to whether or not the requested use is an appropriate use in this location.

Ms. Odom asked if the driveways to both proposed residences will be from F Street, and not A1A Beach Boulevard.

Ms. Johnston said the driveways will access F Street, not A1A Beach Boulevard, or the alleyway behind the lots.

Mr. Bradfield asked if, like the residential property on the southeast corner of E Street and the Boulevard which abuts this parcel, there will be palm trees and landscaping planted along the western side of Lot 17, which is the lot on the northeast corner of F Street and the Boulevard.

Mr. Larson said yes, palm trees will be planted in line with the "Avenue of Palms" ordinance, which applies to the right-of-way along the Boulevard.

Ms. Johnston said particular attention has been given to the architecture and articulation on that side of the house, so there's not just a solid wall, along the Boulevard. The applicants are very concerned about creating a nice architectural presence, façade, and view from the Boulevard.

Mr. Bradfield asked for public comment.

Tom Reynolds, 880 A1A Beach Boulevard, Unit 1106, St. Augustine Beach, Florida, 32080, urged the Board to vote yes to this application, for two reasons. First, the final outcome will enhance this whole area, as anyone who knows the owners know they keep their other properties extremely beautiful, and they add a lot of class to the surrounding neighborhoods. Second, he's someone who likes to allow property owners to do what they want with their properties.

John Carvellas, 4 F Street, St. Augustine Beach, Florida, 32080, said from what he's seen of the plans, the proposed houses seem like an upgrade, and are consistent with the rest of the street.

Lauren Ringhaver, 812 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, applicant, said the building currently on the property she and her husband own is very old, and was a hair salon when she came here as a little girl. Trying to make it something else is like trying to make a chicken a cow, so in demolishing it they'll add two new lovely homes to the area, build up the neighborhood, and keep the consistency of proper landscaping and screening along the Boulevard. The size and square footage of the existing building really doesn't matter, and the Board really isn't involved in making decisions on the design of what they want to build. Their contractor, Generation Homes, has a great reputation and they're great people to work with.

Craig Thomson, 6 D Street, Unit A, St. Augustine Beach, Florida, 32080, said quality of life and tree canopy preservation involve a community, interested citizens, informed volunteer boards and committees, who know the Codes and City regulations, and supportive City staff and responsible Commissioners. This is what's needed to preserve and maintain the natural beauty of the City, and avoid the syndrome of becoming yet another anywhere U.S.A. He wants to compliment the mayor and his wife for trying to improve their property, which he thinks has a lot of potential, but his concern, as he's voiced before, is that there are a lot of new buildings and overdevelopment on small lots, and there's also the issue that this proposed development is on the Boulevard. The City has a Vision Plan as to how the Boulevard should be developed, so he thinks they need to consider appropriate use based on the Boulevard as a whole. Going back to basics, this parcel consists of two 50-foot-wide lots, and abuts an adjacent two-story residence immediately to the north, on the corner of A1A Beach Boulevard and E Street, and this residence has 15 palm trees planted in front of it, so the building is basically camouflaged. He suggested the applicants get a side elevation for the lot adjacent to the Boulevard and have a site plan done, and also look at the "Avenue of Palms" ordinance, as he thinks everyone could use some more information. The current building setbacks are allowing overdevelopment, eliminating any landscaping, and not counting pools and driveways in impervious surface coverage ratios, all of which are creating parking problems and other issues, and so should be taken into consideration.

Ed Slavin, P. O. Box 3084, St. Augustine, Florida, 32085, said he agrees with Mr. Thomson, as there is no principal reason why the Board has to approve this conditional use permit request tonight. The problem is, the application has been submitted by the Mayor, so it shouldn't be rubber-stamped just because the Mayor is the applicant. Mr. Thomson made some very good points, as "McMansions" are being built that are way too tall, way too big, and cover way too much of the lots they're built on. The people of this community voted 60-70 percent to have a 35-foot height limit, so anything that's too big or too much should be questioned. He also has a problem with staff, because staff always comes up to make a recommendation for the applicant/developer. Staff should make recommendations with pros and cons, and for each of the cons, the applicant/developer should have to come up with a resolution if the application is to be approved.

Ms. Odom said a couple of months ago, the Board heard an application for outdoor seating on a deck at "The Kookaburra," the coffee shop across the Boulevard from the two lots on F Street owned by the current applicants. There was a lot of talk about the traffic on F Street and the Boulevard, and parking issues, and these were the main concerns behind the Commission not giving the "The Kookaburra" applicants what they wanted. The Board heard testimony from a gentleman who built his home on a commercial lot next door to the coffee shop, and that's how it all started. Also, the Board doesn't have a site plan, which she doesn't feel comfortable about, as they've approved things in the past that everyone agreed to, but then later, they were changed.

Mr. Thomas said he tends to agree that residential properties are slammed right up against existing commercial properties, but that being said, the two lots in question haven't been used as commercial properties for a long time. Looking at the proposed designs of the houses the applicants are asking to build, he thinks they're an improvement, though he worries about some of the height regulations in the City Charter, and thinks the Board needs to be more sensitive to grade than they've been asked to be in the past. Also, there are some questions that need to be asked, and which they need answers to, for the Board to do its due diligence.

Ms. Sloan said the deed is for one parcel that includes two lots, and what's before them is the potential to build two houses, so again, to clarify, as Mr. Whitehouse said, the Board is just being asked to provide a recommendation to the Commission for a conditional use to allow a commercial parcel to be used as residential. She has no objection to that, but she understands what her colleagues are saying, as they're concerned about what will then go up on the two lots. However, she doesn't think this is what is before the Board at the moment.

Mr. Bradfield said the Board has been given information on the heated-and-cooled square footage and total square footage under roof of the two proposed residences, which means there are footprints for these two homes, so to figure out what the lot coverage is, you simply site the footprints of the houses on the lots. It's clear to him the intent to build these two homes is there, and he thinks the applicants have every right to build residential properties on these lots, under an allowable conditional use permit. His concern is that an existing 2,000-plus-square-foot structure will be replaced with two single-family homes with a combined total of over 8,000 square feet, which more than triples the volume of mass that is currently there. The precedent that this sets is where he really gets concerned, as it's clear by examples in the past that the City wants to move away from residential structures on the Boulevard, and he's also concerned with the mass, volume, size and scope of what can be built on these lots, given the new setbacks and regulations, which allow three times as much structure in the same space.

Mr. Mitherz said he thinks the Board's consideration is just on the zoning of the parcel, and on that score, he really has no problem with allowing what's proposed. The houses are a little large, and the setbacks are the new setbacks, not the old ones, as they haven't been changed back yet.

Ms. Zander said she has a number of concerns about this request. First, she thinks what's been submitted is an inadequate package, and that the Board should have a very detailed site plan. This is a conditional use, meaning the City can set the requirements, and can put any and all requirements they want on it, as there's no right to build residences on this site. The commercial zoning, in fact, prohibits this, as it would be a nonconforming use, and the applicants are before the Board asking to build what would be nonconforming structures. A site plan should be in the packet with lot coverage, impervious surface coverage, and buffer requirements between commercial and residential uses, so in her mind, this is an inadequate package, and she can't support it as is, because she has no idea what will be built on these lots. She also has a problem with this request being submitted as a conditional use, as she doesn't think a conditional use is the appropriate way to approach this. She's a stickler for upholding the Land Development Regulations, as she doesn't like to just make things up, and she's also a stickler for consistency. The section of the Land Development Regulations that addresses conditional uses says a conditional use shouldn't be permanent, but obviously, if you're going to build nonconforming structures on these lots, they're going to be permanent, as once they're there, they're there, so approval of the conditional use will change the use of these lots. She asked how long the existing structure has been a residential, nonconforming use, on a commercial zoning parcel.

Mr. Larson said he cannot give an exact date on that.

Ms. Zander said that's another of her concerns, as to how there is a residential, nonconforming use in commercial zoning. When Obi's came before the Board for an expansion of a commercial

use, staff gave a recommendation in the packet for approval, because there were no concerns with parking and parcel size, and this is a .17-acre parcel. The parcel under consideration now is bigger than the Obi's parcel, so she has an issue with consistency, as the staff memo to the Board for this conditional use application states that the overall size of the parcel does not warrant a positive use for commercial businesses due to sizes of structures and parking requirements. This, to her, is a very inconsistent way to apply the Land Development Regulations. She agrees with a previous speaker who said usage as a whole along A1A Beach Boulevard is what needs to be taken into consideration, not the immediate surrounding parcels. However, kitty-corner across the street from these two lots, there is a commercial usage, and the owner of this building was here before the Board and the Commission a month or two ago asking for a conditional use permit to put up a deck. That commercial usage on a commercial parcel met the Code for zoning, and Mayor O'Brien made a motion to deny the conditional use requested, as according to him, the neighborhoods matter in this community. One of the problems with the conditional use application filed by the owner of "The Kookaburra" was that there was a residence allowed to be built on a commercially-zoned parcel right next door to it. So "The Kookaburra" was in compliance with its commercial zoning, but the residence was allowed to be constructed next door on a commercially-zoned lot, and now the owner of this residence doesn't like the commercial usage that's right next door to his home. She's just flabbergasted that the Mayor is now asking to do exactly the same thing, build residential structures on commercial property, when as Mayor he made the motion and voted to deny the approval of a conditional use permit for the business right across the street. Page one of the Land Development Regulations states, "Nothing in this section shall be construed to authorize development that is inconsistent with the St. Augustine Beach Comprehensive Plan." A nonconforming use is inconsistent with the Comprehensive Plan, and Section 10.01.01 of the Land Development Regulations, which addresses nonconforming uses, states, "It is the intent of this Code to permit these nonconformities to continue until they are removed, but not to encourage their survival," and also that nonconforming uses are declared to be incompatible with permitted uses in the districts involved and shall not be extended or enlarged. She doesn't think the Code supports making a recommendation of approval of this application to the Commission. The Code also states in Section 10.03.02 that conditional use permits shall be nontransferable and granted to the applicant only, and that conditional use permits 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. Her main concern is that the City has a problem that has been created by allowing a residence to be constructed on a commercially-zoned parcel right next to a commercial use that complies with the commercial zoning it is on, and the residents in the home allowed to be built in commercial zoning don't like the commercial use next door. By approving this conditional use application before the Board tonight, they'd be adding to this problem, so she can't support this.

Ms. Sloan said the part of Section 10.03.02 referenced by Ms. Zander, which says a 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, kind of comes back to what was said earlier, that they need to see more of what's proposed in order to approve this.

Ms. Zander said she believes the conditions to allow conditional use permits to be transferable and run with the land are just exceptions, as the section on conditional use permits starts out by saying conditional use permits shall be nontransferable and granted to the applicant only. With a

conditional use, she believes they need every single piece of information they can get, including lot coverage and impervious surface coverage, and required buffers between uses.

Mr. Bradfield said on the conditional use application, under supporting data that should be considered by the Board and Commission, the applicants reference two lots directly behind their property, on the southeast corner of E Street and A1A Beach Boulevard, which were granted a conditional use permit in 2001 for two residential homes. He asked what the requirements were when this conditional use permit was granted for residences in commercial zoning, as the size, scope and volume of the two homes built on these lots is a fraction of what's currently proposed to be built on the two lots for which the current conditional use application has been submitted.

Mr. Larson said elevations of the proposed residential structures were required. Size, scope, and volume of construction are determined, per the Land Development Regulations, in the permitting process. For the conditional use application before the Board, elevations of the proposed residences have been submitted for the Board's information, and the Board is asked to make a recommendation to the Commission as to what the best use of the property is.

Rich O'Brien, 812 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080, applicant, said as everyone knows, he's the Mayor of this City, and he did not intend to come up here and speak tonight for that specific reason. Cora Johnston, whom he and his wife have been working with on the beautiful homes they'd like to build on their lots, offered to speak on their behalf, just for that reason, to which they agreed. As they haven't made a final decision on the design of either of the homes, the elevations submitted with their application aren't their specific designs, but file copies of designs they're interested in. These are only three-bedroom, three-and-a-half-bath homes, they're not hotels, or grand "McMansions," but are very fitting for this neighborhood. Their neighbors are absolutely thrilled with what they're proposing to build, as the existing building is the "ugly duckling" on the block, something he and his wife don't like. They could build something in compliance with the commercial zoning, which allows up to 70 percent impervious surface coverage, but this would be totally incompatible with the neighborhood, as the properties behind their lots are residential, all the way down the block. The homes they're proposing to build will comply with all of the setbacks, and all of their properties are beautifully landscaped. The model home they're looking at for the lot on the corner of A1A Beach Boulevard and F Street will be stunning from the Boulevard, he can't think of anything else that could be built there that would look nearly as attractive, and they feel they've done an excellent job presenting something that would be extremely compatible to the neighborhood. In taking the petition in support of their application to the neighbors, everyone asked who would be against these beautiful, small homes, not "McMansions," being added to the neighborhood. Yes, the property is zoned commercial, so he went to Mr. Royle and Mr. Larson and asked them how he should approach this, and they told him to get a survey done, but it is not about what he plans to build on these lots, it's about whether or not the Board will recommend, and the Commission will approve, residential construction on them, like the properties behind his lots and those across the Boulevard on F Street, and a number of other commercial lots. If there was a legitimate, reasonable, realistic commercial use of this parcel, he thinks he would know this, as he's been in the City for 14 years now. What they've presented is the most compatible use of the property.

Ms. Zander said first off, she thinks Mr. O'Brien has so far done an excellent job as Mayor, and

she looks forward to him being Mayor, as he's extremely well-qualified. She also thinks it's clear that what he's proposing to build and the properties he has along the Boulevard absolutely look great, and if she remembers correctly, he's won beautification awards in the past, and takes excellent care of his properties. But this is a conditional use, so it really is about what he's going to build, by its nature, so therefore, having more information is always good. She disagrees when Mr. O'Brien says it's not about what he's going to build, as she believes it actually is, as with a conditional use permit, the usage he's asking for frankly isn't compatible, because the zoning doesn't allow it. If it were compatible, the zoning would allow it, so she thinks by the very nature of Mr. O'Brien having to come here to ask to rezone the property, this makes it incompatible. That's not to say it can't be done, but it's not compatible with the zoning of the property as it stands right now. The zoning along the Boulevard was the choice of the City and the residents, as they got to choose, at some point, how they wanted it zoned, and the zoning for Mr. O'Brien's parcel is commercial. She has a concern with the fact that the designs that have been submitted in the application aren't the specific designs of the houses that will be built, as again, Mr. O'Brien is asking for a conditional use that will be permanent, as it's for structures, so it can't be nontransferable, but the Board doesn't have the exact designs of what will be built.

Mr. O'Brien said the designs aren't final, they're in CAD (computer-aided design) right now, but they're not big houses, they're 2,600 and 3,100 square feet of heated-and-cooled space.

Ms. Zander said the Board should have the finalized designs and site plans for these houses, as well as impervious surface coverage and how buffer requirements will be addressed, as any and all requirements they want can be put on a conditional use, which by its very nature, has conditions. Again, she doesn't think this is the appropriate use of a conditional use, or that the application packet is complete, and she frankly doesn't understand how they can increase the residential use on a commercial parcel and then have an issue with the commercial property across the street, which complies with its commercial zoning.

Mr. O'Brien said in response, things change, and there are pockets in the City that have become more residential. He thinks this would complete that section of F Street, and pretty much all the neighbors on F Street agree, on both the east and west sides of the Boulevard. Every single person on the east side of F Street, with the exception of one, who was out-of-town, said they were in favor of this. He and his wife really worked hard to come up with something that would improve their City, as they don't like having what's known as the "ugly duckling" on the block. They're sort of known for having attractive properties, and have worked very hard and spent a lot of money doing this, so they really feel that this is exactly just the right thing to do.

Ms. Zander said again, staff told the Board that Obi's, which has .17 acres, has plenty of room for its usage, and actually recommended approval of expansion of that commercial use. So clearly, they have a precedent for the fact that a smaller commercial parcel is appropriate for commercial usage, and actually, a lot more commercial usage, according to staff. . . .

Mr. O'Brien said he thinks Ms. Zander is comparing apples to oranges, as he's asking for residences with two-car garages and driveways that can hold four more cars, while Obi's created a nightmare when it first opened, as the Board well knows, and had to lease the lot next door to alleviate the parking problems. This application is for two residences, not a hamburger stand.

Ms. Zander said she understands that, but part of the packet information says Mr. O'Brien's parcel doesn't warrant a positive use for commercial businesses, due to size of structures and parking requirements. So when you look at precedent, and at what was approved on a smaller lot, where staff recommended increasing the coverage on that lot and expand the commercial use of that lot, and now they're being told Mr. O'Brien's parcel is clearly too small for commercial usage, to her, that's extremely inconsistent. Frankly, she thinks Mr. O'Brien, as the Mayor, should be worried about that, because inconsistency in applying the Code always concerns her.

Mr. O'Brien said he tried to make it clear he's not here as the Mayor. The two lots directly behind his lots were given the same conditional use permit he's asking for, to allow residences to be built in commercial zoning, with no conditions attached, so when you talk about precedent, that's what you're talking about. He's asking to build two small, nice houses in an appropriate area on an appropriate scale. They'll be about 34-35 feet high, but they have to be small, because the lots are small, and the setbacks will be greater than what the current Code requires.

Ms. Zander said the use of a commercial building right across the Boulevard from Mr. O'Brien's lots, on the southwest corner of F Street and the Boulevard, where the commercial usage complies with Code, has proven problematic to the residents who built residential structures on commercially-zoned property. So the fact that the nonconforming use of residential structures built on commercial properties next to a commercial structure, right across the Boulevard from Mr. O'Brien's lots, is an issue for residents, is something that concerns her, because Mr. O'Brien is asking to do the very same thing, and allowing residential structures on commercially-zoned property is what caused the problem for the business owner across the street.

Mr. O'Brien said his property, however, is adjacent to the Boulevard, and there's nothing around it to create any conflict.

Ms. Zander said there may be nothing to create conflict now, but Mr. O'Brien doesn't know what's going to go in there in the future. By asking for a conditional use and making it permanent, which is what would happen here, as it would be transferable and run with the land, Mr. O'Brien is asking for a permanent, nonconforming use.

Mr. O'Brien said yes, based on his information from staff, as to how to proceed to build two small, beautiful houses in that small enclave on F Street, with the precedent of the two houses directly behind his lots which were granted a conditional use to build residential in commercial.

Mr. Bradfield said he thinks the precedent that was set some 15 years ago was a bad precedent, and set a bad example of bad zoning and a bad conditional use. That being said, it is what it is, and it exists where it is, so the consideration to allow residential use for current commercial zoning that abuts up against it certainly should be considered. The long-term disposition of this conditional use is absolutely certain, as this isn't a temporary condition, but a permanent change forever. He thinks the fact that it is a permanent change and it is a conditional use on this property, and that it has conflicts within the written Code as it's scripted, commands the Board to exert a little more control if they're going to allow the change of use from commercial to residential, as they need to understand what's going to be built. Mr. O'Brien says these aren't big houses, but they are the absolute maximum-size homes allowed to be built on these lots, so

he doesn't understand Mr. O'Brien saying they're not large homes while in the same breath saying they're three-bedroom, three-and-a-half bath, three-story, 35-foot-tall houses.

Mr. O'Brien said no, they're not to the full extent that could be built on these lots.

Mr. Bradfield said because they have the ability to control the size, scope and scale of what goes on the Boulevard, they can't be built to the maximum extent. Most of them have agreed the new Code regulations have let homes get too large, and allowed too much massing and percentage of volume of lot coverage, so that scope and setbacks have been manipulated to where the average size of homes being built in the last two to three years is too big for the size of the lots they're being built on. Going back some 15 years ago to 2001, when the rules apparently seem to have been somewhat haphazardly applied, he's only aware of two circumstances where residences have been allowed to abut the Boulevard, and that's at F Street and then one block north of Obi's. Both of these have been problematic, as there have been complaints, issues and consideration to revise the Land Development Regulations and plan for the Boulevard to not allow residential structures to be built on commercial lots because of those complaints and issues. The example that's been set on F Street puts them in a position where they must consider Mr. O'Brien's application, because it's clearly been done right behind his lots, but he thinks it certainly should also be considered with more information, including a site plan and specific setbacks for each individual home. It's been stated that a commercial structure can have up to 70 percent lot coverage, but that's for one building, not two residential buildings. He thinks it's a bad example to set the precedent to approve residential structures in commercial locations along the Boulevard, so if this is approved, it shouldn't be an example of what they continue to do, but should only be considered because of the circumstances of F Street being what they are.

Ms. Sloan said going back to Section 10.03.02 of the Land Development Regulations, this Board has to rule based on the regulations, not based on what they necessarily like or don't like. As Ms. Zander pointed out, it does say conditional use permits are nontransferable, and granted to the applicant only, but they can be granted as transferable to run with the land, where construction or land development is included as part of the permit. She asked if they need to have that information in order to grant the conditional use as transferable.

Mr. Whitehouse said clearly, this is an application asking for land development or construction, there's no question about that, so the point of the Code is that if there's going to be a permanent structure attached to the land, the conditional use should be transferable, so you don't put somebody in a position where you build a permanent structure on a piece of property and grant the conditional use permit as nontransferable, as that doesn't make sense. This is why the Code provides for allowing conditional use permits to be granted as transferable, under these circumstances. As to what kinds of things the Board can ask for or require, obviously, every applicant is required to meet the standards and regulations of the Code. He's heard a lot of talk about parking, setbacks, lot coverage, and things like that. Clearly, this applicant is not coming forward, at least not at this time, asking for any type of variances or exceptions other than for this use. That's why he told the Board earlier, that what they were considering is whether or not this use is appropriate in this location. This Board makes a recommendation to the City Commission, and the Commission makes the decision whether or not to approve the conditional use permit, so any kinds of recommendations the Board may have pertaining to conditions on the granting of

the conditional use can be forwarded to the Commission. Per some of the comments he's heard, he needs to caution the Board that they need to stick to the Code, as they can't just force somebody to do something smaller because they feel that's what is appropriate there. The main consideration is whether or not the proposed use is appropriate in this location. Once the Board gets beyond the use there may be some other conditions they'd like to recommend, such as landscaping, or certain setback requirements, or whatever, but the applicant has to meet the requirements of the Code, regardless, so that's where they need to bring the discussion back to.

Ms. Zander said again, with a conditional use, the applicant is asking to change the zoning.

Mr. Whitehouse said no, he's heard the term "rezoning" used a few times, but this is not a rezoning, it's a request for a conditional use permit to build residential structures in commercial zoning. As the Code provides for this, the applicant has submitted an application and brought it to the Board. They can discuss all the things they're discussing, but he cautioned that they should keep the discussion within the Code, as that's what the Board's consideration is constrained by.

Ms. Zander said the applicant is asking to change the use of this parcel from commercial to residential in asking for a conditional use permit to build residential structures, which would be nonconforming uses on a commercially-zoned parcel as it stands right now. She understands the setbacks and other regulations must be followed, but when someone comes before them with a conditional use, she wants to see the lot coverage, impervious surface coverage, and huffers. The City Commission cracked down on this Board and wasn't happy with them for approving some big projects in the past year, so perhaps they didn't have enough information, and she doesn't want to make that mistake again. She thinks this is the incorrect use of a conditional use permit, and as Mr. O'Brien has a history of doing an incredible job on his properties, she wondered if he'd perhaps consider doing something that really follows the Vision Plan, which encourages structures with commercial use on the bottom and residential use on top.

Mr. O'Brien said he thinks that would be totally incompatible with F Street on the east side of the Boulevard, and not one of the people who signed the petition in support of his application to build two residences would be in favor of this. The east side of F Street is a small enclave of residential structures, so he doesn't think what Ms. Zander suggested would fit, as he looked into this, and to him, this would be an incompatible use. If you look at all the lots up and down F Street on the east side of the Boulevard, they're 50-feet-by-93-feet, with the alley behind his lots vacated, as shown on the survey he submitted with his application, and they're platted for homes.

Mr. Whitehouse said he's heard it mentioned a few times as to whether or not commercial is appropriate in this location or whether staff said anything to the effect that commercial couldn't be done in this location, but this is not a competition as to whether or not this should be commercial. The application is for a conditional use permit for residential use in a commercially-zoned land use category, so this is what the Board's consideration should focus on, not whether commercial is appropriate here. Whether or not commercial is appropriate is not what the applicant is asking for, he's asking for residential use in a commercially-zoned land use category.

Mr. Bradfield said he wants it to be clear the applicant is asking to build two large, single-family

homes where there's currently one small, commercial structure. It's fully allowable, as he sees it, but there's no question that when it's a conditional use, the ability to control what is built, above and beyond the standard setbacks and application requirements, is there, for good reason, because without this control, people could be recklessly building commercial or residential structures with three-stories of hardboard plank and only one or two windows staring at the Boulevard. He doesn't think anyone wants to see that as an example of what the City has up and down its main thoroughfare. Again, he believes if it wasn't for the erroneous decision to allow two residential homes to be built on commercially-zoned property directly behind Mr. O'Brien's lots, this wouldn't even be a consideration, and he'd say absolutely not, these lots are zoned commercial, so they should be used as commercial. The two lots abutting up to Mr. O'Brien's lots on F Street both have single-family homes on them, but they both are two-story, not three-story, homes, and they're both probably 1,500-2,000 square feet less in size than the two homes Mr. O'Brien is proposing to build, so Mr. O'Brien's homes will be dominant in size in comparison to the houses behind his lots, in both scale and height. That's going to look a little disproportionately uneven up and down the Boulevard, so unless the City implements specific setbacks and minimizes third-floor volumes, the mass, scope and scale will be a bit much. Given that the conditional use is the only way you can build residential on commercially-zoned property, he thinks they should reserve the right to have some scrutiny as to what gets built there.

Mr. O'Brien said if he were to build a commercial structure, it could go up to 35 feet in height, and it could be bigger. The existing building probably underutilizes the property, and if a commercial structure was built on this parcel today, it would be much larger, and probably have to be built with parking at least partially under the building. The houses he's asking to build will meet Code, and are planned to have some amazing articulation. These are the first two houses he and his wife have ever built, and they've put a lot of time and effort into designing something that will not only be attractive, but complimentary to the City and the neighborhood. They're approximately the same height as the houses to the east, but they're smaller. One house has 3,050-square feet of heated-and-cooled space, and the other has 2,600-square-feet. The rest of the square footage consists of outside decks, porches, and balconies, like most homes have today.

Mr. Bradfield said he has no doubt the homes will be beautiful, but as this is not an acceptable use without the granting of a conditional use permit, they have the right to scrutinize what will be built, beyond the general scope, as the Board, as well as the Commission, has to protect the public's view along the Boulevard. As this conditional use involves a property that abuts the Boulevard, with an entire side of some 60 linear feet three stories high facing the Boulevard, they have the right to scrutinize it above and beyond the normal conditions, to be certain what's built isn't just one big straight wall, with no windows, porches, or any relief, and that the only landscaping isn't simply the palm trees planted in the right-of-way along the Boulevard. If a conditional use to build two large, single-family homes on two commercial lots that are only 5,000-square-feet each is approved, first of all, this should never be allowed again, as it should not set a precedent, and second, they should retain the right to see what will be built there.

Ms. Zander said granting the conditional use permit actually would set a precedent.

Mr. Bradfield said the precedent has already been set on F Street, so he thinks the way they allow this to move forward needs to be clear that the only reason it's being allowed is because it backs

up to the two commercial lots that were granted a conditional use to build residential in 2001. If Mr. O'Brien's property didn't back up to these two lots, he'd be very clear that he'd say no.

Ms. Zander said she appreciates Mr. O'Brien's role in the City government, as he's been a longtime volunteer for the City, but that also means they have to be very sure they make smart decisions, as he well knows, because of his role in the City government.

Motion: to recommend the City Commission deny the application submitted for Conditional Use File No. CU 2016-03, based on the fact that it does not meet the conditional use guidelines in the Land Development Regulations. **Moved** by Ms. Zander, **seconded** by Roberta Odom, **passed 4-2** by roll-call vote, with Mr. Bradfield, Ms. Odom, Mr. Thomas, and Ms. Zander assenting, and Ms. Sloan and Mr. Mitherz dissenting.

VII. OLD BUSINESS

There was no old business.

VIII. BOARD COMMENT

Mr. Mitherz asked if Jay McGarvey, the developer of the new 72-unit Ocean Ridge Subdivision, will be coming back before the Board.

Mr. Larson said yes, this will be coming before the Board for review again, possibly at the Board's May meeting. St. Johns County Utility Department has come up with some changes to the diagonal boring lines under Mickler Boulevard and how they enter into the subdivision.

Ms. Zander said as she wasn't on the Board when this new development first came before the Board, she asked if the Board had a site plan that showed trees that would be removed for the construction of roads, and if so, if this is what is currently happening at the development site.

Mr. Larson said he'll gladly get together with Ms. Zander to go over that.

Mr. Whitehouse said he'd like to introduce Mr. James Wilson, who has been appointed as the new City attorney, and will be taking over as of April 1, so he'll be at the Board's next regular monthly meeting. Obviously, it's been a pleasure serving the City and working with the Board, and he thanked the City for letting him and Mr. Burnett be here for them. He knows Mr. Wilson very well, as he worked with him at the City of St. Augustine as Mr. Wilson's assistant City attorney. Mr. Wilson is very knowledgeable in this area of the law, and he'll serve the City well.

Ms. Sloan thanked Mr. Whitehouse for his service, as he's been very helpful.

Mr. Bradfield said he'd like to remind everyone that there is a joint workshop meeting tomorrow, with the City Commission and all City boards, including this Board, and the Northeast Florida Regional Planning Council (NFRPC), which has been hired to guide the City as to how to amend the Land Development Regulations to make them more consistent with the A1A Corridor Vision Plan, the Comprehensive Plan, and the City Charter, which apparently don't all read the same.

Leonard Lyons, 10 E Street, St. Augustine Beach, Florida, 32080, asked why a vote would even be taken if an applicant comes before the Board, and he's not talking about the applicant who came before the Board tonight, but about any applicant who comes before the Board for a change in zoning or a modification in zoning, etc., and the Board expresses that more information is needed. He asked if it wouldn't be more appropriate for the Board to tell an applicant what specific information is needed, and defer a decision or recommendation to approve or deny until such time the Board is provided with that material. Tonight, they sent an applicant away without giving him a chance to defend his position or to accommodate the Board with the information to make the decision, which he thinks is a mistake, but he doesn't know what the Board is bound to.

Mr. Bradfield said per past example, the Board's recommendation will probably get reversed, as basically, most of the things the Board decides and makes recommendations to the Commission on get changed and reversed. He's guessing the Board's recommendation on the application heard tonight will probably get reversed, and the applicant will be building his houses. Procedurally, however, the course suggested by Mr. Lyons probably should have been taken.

Mr. Whitehouse said as the hearing on the application that came before the Board tonight is closed, he thinks it's better not to talk about it, but to move forward on the agenda.

Ed Slavin, P. O. Box 3084, St. Augustine, Florida, 32085, thanked the Board for the vote on the application heard tonight, and for listening to people, and doing the right thing.

X. ADJOURNMENT

The meeting was adjourned at 8:35 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.)

Memorandum

TO: Members of the Comprehensive Planning and Zoning Board
FROM: Gary Larson, Director of Building and Zoning
DATE: April 12, 2016
RE: Sunset Grille Conditional Use File No. CU 2016-04

The applicants for Sunset Grille request the renewal of the conditional use permit they were granted for outside seating, which was approved by the City Commission in May 2011, for a five-year period. To date, there have been no complaints against their operation and they have continued with the enhancement of the restaurant. Thus, staff recommends the Board forward a recommendation of approval to the Commission for renewal of this conditional use permit for no less than a 10-year time period.

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): 103-105 BLOCK: _____ SUBDIVISION: Atlantic Beach

STREET ADDRESS: 421 A1A Beach Boulevard

2. LOCATION: West SIDE OF A1A Beach Boulevard Boulevard
(North, South, East, or West) (Street Name)

BETWEEN 14th Street and 15th Street
(Street Name) (Street Name)

3. REAL ESTATE PARCEL NUMBER(S): 167600-0000, 167610-0000

4. NAME AND ADDRESS OF OWNER AS SHOWN IN THE ST. JOHNS COUNTY PUBLIC RECORD: Parrot Heads Inc., 421 A1A Beach Boulevard,
St. Augustine Beach, Florida 32080

5. DESCRIPTION OF CONDITIONAL USE: Renewal of order approving conditional use permit granted May 2, 2011, for outdoor seating with food and beverage service and consumption outside of an enclosed building at Sunset Grille Restaurant, 421 A1A Beach Boulevard, St. Augustine Beach, Florida, 32080

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:
Several other restaurants along A1A Beach Boulevard have been granted conditional permits for outdoor seating. The owners of Sunset Grille have continually improved the restaurant property and provided additional offsite parking for customers.

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

IF YES, WHAT WAS THE FINAL RESULT? _____

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

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

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

Michael Rosa / Pete Darios
(Owner or his/her agent)

(Applicant or his/her agent)

421 AIA Beach Blvd
(Owner/agent address)

(Applicant/agent address)

904-687-8743
(Owner/agent phone number)

(Applicant/agent phone number)

3/11/16
(Date)

(Date)

CITY OF ST. AUGUSTINE BEACH
BUILDING DEPARTMENT

PERMIT NO. CU2016-04 RECEIPT NO. 25267 DATE March 11, 2016

NAME OF APPLICANT(S) Peter Darios, Michael Rosa, Parrot Heads Inc.

ADDRESS 421 A1A Beach Boulevard, St. Augustine Beach, Florida 32080

FOR PERMIT ADVERTISING LOCATED AT: Sunset Grille Restaurant, 421 A1A Beach
Boulevard, St. Augustine Beach, Florida 32080

CHARGES

PERMIT FEE: \$200.00 (Account #34120)

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

DATE PAID: March 11, 2016

CHECK #: 22207

SIGNED BY: 

DEFINITION - CONDITIONAL USE PERMIT

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

INSTRUCTIONS FOR APPLYING FOR A CONDITIONAL USE PERMIT

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

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

DOCUMENTATION NEEDED FOR CONDITIONAL USE PERMIT APPLICATION

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

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

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

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

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

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

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

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

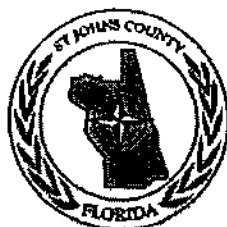
Appeal of decisions on conditional use permits made by the City Commission shall be made to the Circuit Court of St. Johns County.

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

LIMITATIONS ON GRANTING CONDITIONAL USE PERMITS

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

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



Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpa.us

email: sjcpa@sjcpa.us

Parcel Information

Strap: 1676000000

Mailing Address: 421 A1A BEACH BLVD SAINT AUGUSTINE FL 32080-6315

Site Address: 105 15TH ST SAINT AUGUSTINE FL 32080-0000

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

Tax District: 551

Neighborhood Code: 717.02

Use Code/Description: 2815/Owner Occupied Parking Lots

Sec-Town-Range: 34 - 7 - 30

Acreage: 0.23

Valuation Information

Total Land Value: \$ 155,000

Total Extra Features Value: \$ 3,740

Total Building Value: \$ 0

Total Market(Just) Value: \$ 158,740

Assessed Value: \$ 158,740

Homestead Exemption: \$ 0

Taxable Value: \$ 158,740

Legal Information

Owner Information

Exemptions

2-50 ATLANTIC BEACH LOT 103 &
ALL LOT 104 (EX E10FT) &
N7.5FT OF ALLEY LYING S
OR1050/1362

PARROT HEADS INC

Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
04/25/1994	\$ 75,000	0.00	1050 & 1362	WD	U	I	11
11/01/1990	\$ 69,000	230.06	877 & 372		Q	I	01
06/01/1989	\$ 0	0.00	825 & 1253		U	I	11

Building Information

Building Details

Structural Elements

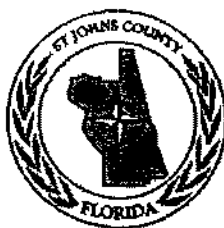
This property is Vacant

Extra Feature Information

Code	Description	Year Built	Units	Unit Price	Adj Unit Price	Condition	Depreciated Value
ASP	2 ASPH 2BS	2000	6720	\$1.09	\$1.09	50.0 %	\$ 3,662
STOPS	STOPS	2000	12	\$18.00	\$18.00	36.0 %	\$ 78

[Previous Parcel \(1675900000\)](#)

[Next Parcel \(1676100000\)](#)



Historic St. Johns County

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

Parcel Information

Strap:	1676100000	Tax District:	551
Mailing Address:	421 A1A BEACH BLVD SAINT AUGUSTINE FL 32080-6315	Neighborhood Code:	675.03
		Use Code/Description:	2105/Owner Occupied Restaurants & Cafeterias
Site Address:	421 A1A BEACH BLVD SAINT AUGUSTINE FL 32080-0000	Sec-Town-Range:	34 - 7 - 30
		Acreage:	0.31
Property Map:	Click here for Map		

Valuation Information

Total Land Value:	\$ 264,622	Total Market(Just) Value:	\$ 671,745
Total Extra Features Value:	\$ 12,334	Assessed Value:	\$ 671,745
Total Building Value:	\$ 394,789	Homestead Exemption:	\$ 0
		Taxable Value:	\$ 671,745

Legal Information

2-50 ATLANTIC BEACH E10FT OF
 LOT 104 & ALL LOT 105 & N7.5FT
 OF ALLEY LYING S & OCEAN AVE
 TO RD A1A OR848/1580

Owner Information

PARROT HEADS INC

Exemptions

Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
03/01/1990	\$ 0	0.00	848 & 1580		U	I	11
12/01/1988	\$ 0	0.00	804 & 1390		U	I	11
02/01/1988	\$ 0	0.00	775 & 1193		Q	I	01
09/01/1987	\$ 0	0.00	757 & 399		U	I	11
12/01/1986	\$ 0	0.00	730 & 1		U	I	11
01/01/1979	\$ 150,000	0.00	427 & 522		U	I	11

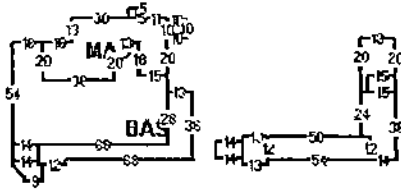
Building Information

Building Details

Building Number:	1	Year Built:	1946
Building Type/Desc:	2100/Restaurants & Cafeterias	Gross Area:	8566
Building Model/Desc:	04 /Commercial Buildings	Heated/Cooled Area:	5322
		Building Value:	\$ 394,789
Site address:	421 A1A BEACH BLVD SAINT AUGUSTINE FL 32080-0000		

Structural Elements

Element:	Element Desc:	Type:	Type Desc:
EW	Exterior Wall	11	Concrete Block
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	10	Hardwood
HT	Heating Type	1	Air Duct
AC	Air Conditioning	1	Central
FR	Frame	3	Masonry
PL	Plumbing	25	25 Fixtures
EL	Electrical	2	Average
FN	Foundation	5	Concrete Perimeter Footing
IN	Insulation	22	1" Fiberglass
CN	Condition	5	Good
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
MSWALL	MS/CB WALL	2007	410	\$8.53	\$8.53	70.0 %	\$ 2,448
WDFNCE	WOOD FENCE	1997	117	\$9.87	\$9.87	70.0 %	\$ 808
ASP	2 ASPH 2BS	1997	1378	\$1.32	\$1.32	75.0 %	\$ 1,364
WDFNC2	COMM WOOD FENCE	2015	104	\$9.87	\$9.87	93.3 %	\$ 958
BKPVA	BRICK PAV 500-1000	2015	1020	\$6.90	\$6.90	96.0 %	\$ 6,756

[Previous Parcel \(1676000000\)](#)

[Next Parcel \(1676200000\)](#)

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

In re:

**APPLICATION OF PARROT HEADS, INC., D/B/A
SUNSET GRILLE FOR MIXED USE DEVELOPMENT
TO ALLOW THE OUTDOOR SEATING WITH FOOD
AND BEVERAGE SERVICE AND CONSUMPTION
ON THE SECOND FLOOR COVERED DECK
ADDITION IN A COMMERCIAL LAND USE DISTRICT
LOCATED AT 421 A1A BEACH BOULEVARD,
ST. AUGUSTINE BEACH, FLORIDA 32080**

Public Records of
St. Johns County, FL
Clerk # 2011024011,
O.R. 3436 PG 472-472
05/11/2011 at 03:56 PM,
REC. \$5.00 SUR. \$5.00

ORDER APPROVING CONDITIONAL USE PERMIT (2011-02)

This CAUSE came on for public hearing before the City Commission on May 2, 2011, after being recommended for approval by the Comprehensive Planning and Zoning Board of the City of St. Augustine Beach, Florida, on April 11, 2011, upon Application (2011-02) by Parrot Heads, Inc., d/b/a Sunset Grille, for a conditional use permit to allow for outdoor seating with food and beverage consumption on the second floor covered deck addition in a commercial land use district at 421 A1A Beach Boulevard, St. Augustine Beach, Florida 32080. The City Commission having considered the recommendation of the Comprehensive Planning and Zoning Board, having reviewed the Application, received public comments, and upon motion duly made, seconded and passed, the Application was approved subject to the following conditions:

1. The outdoor seating with food and beverage service and consumption on the second floor covered roof addition is approved for the area depicted on plan sheet P-1 dated September 20, 2010, "Sunset Grille - 2nd Floor Deck Addition".
2. No exterior sound system of any type and no live or recorded music whether amplified or not shall be allowed in the outside seating area approved by this Conditional Use Permit. No outside televisions shall be allowed on the second floor deck.
3. The use shall expire five (5) years after the approval hereof, and the Applicant shall be required to apply to extend the Conditional Use beyond May 2, 2016.

Any appeal of this decision may be made by filing an application for appeal to the St. Augustine Beach City Commission within thirty (30) days of the date of this Order.

DONE AND ORDERED this 2nd day of May, 2011, at St. Augustine Beach, St. Johns County, Florida.

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

Attest:


City Manager

By:


Mayor - Commissioner

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

Uses	Land Use District							
	L	ML	M	H	CO	I	R	CN
<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	X

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

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

*Uses**Land Use District*

	<i>L</i>	<i>ML</i>	<i>M</i>	<i>H</i>	<i>CO</i>	<i>I</i>	<i>R</i>	<i>CN</i>
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

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.

1. 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 conditional use permits for home occupations,

except that any reference to the "city commission" or "commission" shall be read as the "comprehensive planning and zoning board."
(Ord. No. 93-14, § 7)

Secs. 10.04.00--10.04.02. Reserved.

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

ARTICLE XL. BOARDS AND AGENCIES

Sec. 11.00.00. Generally.

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

(Ord. No. 91-7, § 2)

Sec. 11.01.00. Building and zoning department.

Sec. 11.01.01. Creation.

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

(Ord. No. 91-7, § 2)

Sec. 11.01.02. Building official.

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

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

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

Memorandum

TO: Members of the Comprehensive Planning and Zoning Board
FROM: Gary Larson, Director of Building and Zoning
DATE: April 12, 2016
RE: Conditional Use for Home Occupation File No. CU 2016-05

The applicant resides at 502 C Street, and requests a conditional use permit for a home occupation for massage therapy. Please note that the City has approved a previous request for the same use on 13th Street, with the condition that only one car is allowed at a time for patient care. To date, there have been no issues with this condition at the massage therapy home occupation on 13th Street

The applicant can address the Board regarding the business use, then a determination can be made by the Board.

THE CITY OF ST. AUGUSTINE BEACH
CONDITIONAL USE/HOME OCCUPATION
PERMIT APPLICATION

THE UNDERSIGNED PARTY REQUESTS A CONDITIONAL USE/HOME OCCUPATION PERMIT:

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

LOT(S): 1 BLOCK: 65 SUBDIVISION: Coquina Gables Estates Unit A

STREET ADDRESS: 502 C Street

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

BETWEEN 5th Avenue and Coquina Boulevard

3. REAL ESTATE PARCEL NUMBER: 172070-0000

4. NAME AND ADDRESS OF OWNER AS SHOWN IN THE ST. JOHNS COUNTY PUBLIC RECORD: Anne Bobrowski, 502 C Street, St. Augustine Beach, Florida, 32080

5. DESCRIPTION OF HOME OCCUPATION: Massage therapist

6. LAND USE CLASSIFICATION: Low density residential

7. SECTION OF THE LAND USE CODE FROM WHICH THE PERMIT IS BEING SOUGHT: Land Development Regulations Sections 3.02.02, 7.02.01, 10.03.00-10.03.04

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

The Board has previously approved a similar request therapy home office on 13th Street.

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

- ☒ LEGAL DESCRIPTION OF PARCEL
- ☒ LIST OF ALL PROPERTY OWNERS WITHIN 300' RADIUS
- ☒ OTHER DOCUMENTS OR INFORMATION TO BE CONSIDERED
- ☒ STAMPED AND ADDRESSED LEGAL SIZE ENVELOPES OF PROPERTY OWNERS WITHIN 300 FEET OF CONDITIONAL USE LOCATION
- ☒ SURVEY

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

Anne Bobrowski
(Owner or his/her agent) _____ (Applicant or his/her agent) _____

502 C Street, St. Augustine
(Owner/agent address) Beach, Florida 32080 (Applicant/agent address) _____

904-460-5237 (a) 904-461-3188 (h)
(Owner/agent phone number) _____ (Applicant/agent phone number) _____

3/11/16
(Date) _____

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

THE CITY OF ST. AUGUSTINE BEACH
BUILDING AND ZONING DEPARTMENT

PERMIT NO. CU2016-05 RECEIPT NO. 25290 DATE March 15, 2016

NAME OF APPLICANT Anne Bobrowski

ADDRESS 502 C Street, St. Augustine Beach, Florida 32080

FOR PERMIT ADVERTISING LOCATED AT: Same as above


CHARGES

PERMIT FEE: \$50.00 (Account #34120)

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

DATE PAID: March 15, 2016

CHECK #: 1130

SIGNED BY: 

INSTRUCTIONS FOR APPLYING FOR A CONDITIONAL USE PERMIT **HOME OCCUPATION**

The following requirements must be adhered to in applying for a conditional use permit for a home occupation. 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.

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

DOCUMENTATION NEEDED FOR CONDITIONAL USE/HOME OCCUPATION **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 is (are) mandated by law to notify all property owners within a radius of 300 feet of the parcel under consideration in the conditional use permit application. The St. Johns County Real Estate and Survey Department, telephone number 904-209-0760, will provide a list of the names and addresses of all property owners within a 300-foot radius of the parcel for which the conditional use permit application is submitted. The list of names and addresses, along with stamped, addressed legal-size envelopes are to be included with the application. (NOTE: Do not fill in a return address on the envelopes. The Building and Zoning Department will stamp the return address and mail the legal notices to the property owners.) Signatures and approvals of those within 300 feet are not necessary, but their names and addresses must be provided. The person seeking the permit may provide a separate petition containing the signatures of adjoining property owners, but these persons should not sign the application itself. Be sure to provide correct names and addresses, as incorrect information will delay or nullify any action on the application.

5. Provide the section of the Land Use Code from which the permit is being sought. Personnel in the Building Department will assist you in this matter.
6. A home occupation shall be allowed in a bonafide dwelling unit subject to the following requirements per Section 7.02.01 of the City of St. Augustine Beach Land Development Regulations:
 - A) No person other than members of the family residing on the premises shall be engaged in such occupation.
 - B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.
 - C) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, unless a sign is required by state law. Such sign shall not exceed minimum state requirements.
 - D) No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence. No accessory building, freestanding or attached, shall be used for a home occupation.
 - E) No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a front yard required pursuant to this Code.
 - F) No equipment, tools or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.
 - G) Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition, and providing no retail sales are made at the home.
 - H) Outdoor storage of materials shall not be permitted.
 - I) A home occupation shall be subject to all applicable city occupational licensing requirements, fees, and other business taxes.

A fee of \$57.50 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, at least 15 (fifteen) days before meeting date at which such application will be heard by the Comprehensive Planning and Zoning Board.

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

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 Comprehensive Planning and Zoning Board may adopt certain conditions to an permit, per Section 10.03.02 of the City's Land Development Regulations.

Appeal of decisions on conditional use permits granted for home occupations made by the Comprehensive Planning and Zoning Board shall be made to the City Commission, per Section 10.03.03 of the City's Land Development Regulations.

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.



Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpa.us

email: sjcpa@sjcpa.us

Parcel Information

Strap: 1720700000

Mailing Address: 502 C ST SAINT AUGUSTINE FL 32080-6830

Address:

Site Address: 502 C ST SAINT AUGUSTINE FL 32080-0000

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

Tax District: 551

Neighborhood Code: 778 00

Use Code/Description: 0100/Single Family

Sec-Town-Range: 3 - 8 - 30

Acreage: 0.23

Valuation Information

Total Land Value: \$ 90,000

Total Extra Features Value: \$ 126

Total Building Value: \$ 90,087

Total Market(Just) Value: \$ 180,213

Assessed Value: \$ 116,429

Homestead Exemption: \$ 50,000

Taxable Value: \$ 66,429

Legal Information

10-97 COQUINA GABLES ESTATES
UNIT A LOT 1 BLK 65 OR1212/545

Owner Information

BOBROWSKI ANNE

Exemptions

HB Homestead Band
HX Homestead

Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
12/13/1996	\$ 94,000	191.72	1212 & 545	WD	Q	I	01
05/21/1992	\$ 100	0.00	942 & 1751	WD	U	I	11
05/20/1992	\$ 69,500	259.30	942 & 1752	WD	Q	I	01
06/01/1987	\$ 0	0.00	749 & 1475		U	I	11
06/01/1987	\$ 0	0.00	749 & 1475		U	I	11

Building Information

Building Details

Building Number: 1
Building Type/Desc: 0100/Single Family Residence

Building Model/Desc: 01 /Residential

Site address: 502 C ST SAINT AUGUSTINE FL 32080-0000

Year Built: 1966

Gross Area: 1934

Heated/Cooled Area: 1694

Building Value: \$ 90,087

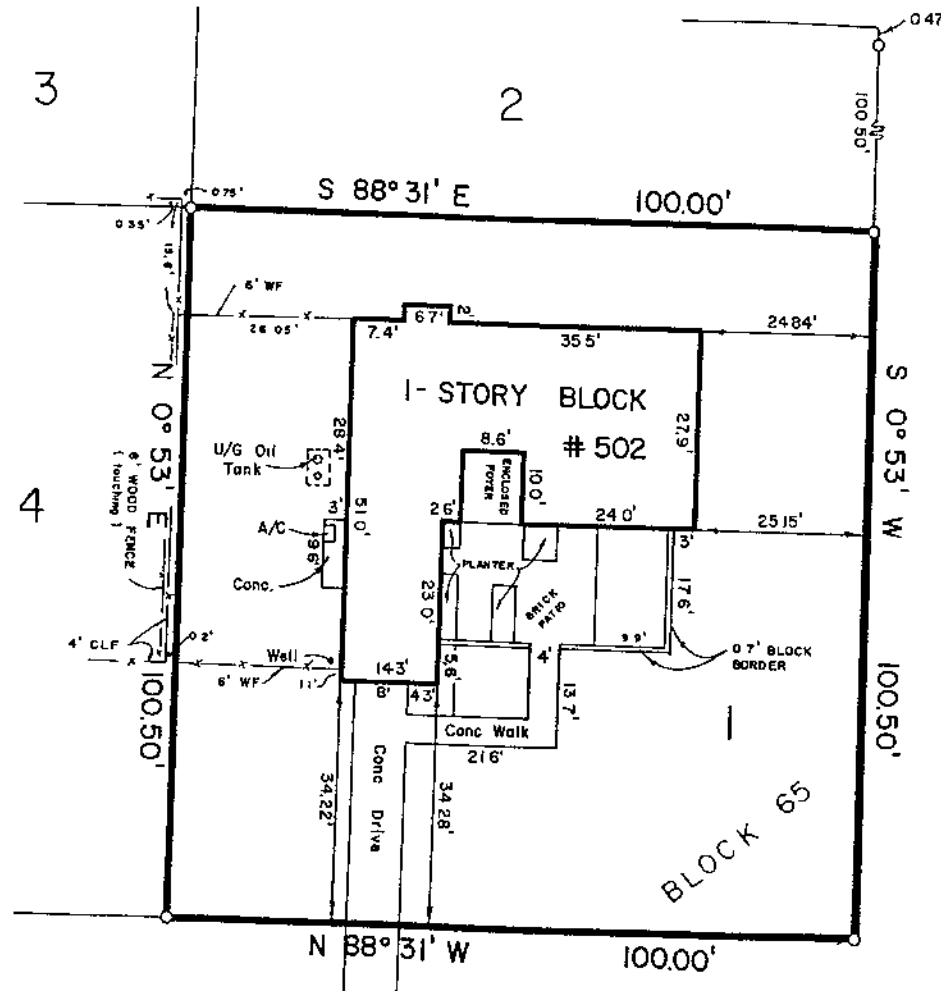
Structural Elements

Element	Element Desc:	Type:	Type Desc:
EW	Exterior Wall	11	Concrete Block
RS	Roofing Structure	4	Gable Hip
RC	Roofing Cover	7	Composite Shingle
IW	Interior Walls	3	Drywall
IF	Interior Flooring	5	Carpet
IF	Interior Flooring	7	Ceramic Tile
HT	Heating Type	1	Air Duct
AC	Air Conditioning	1	Central
FR	Frame	3	Masonry
PL	Plumbing	8	8 Fixtures

MAP OF SURVEY

LOT 1, BLOCK 65, UNIT A COQUINA GABLES ESTATES AS RECORDED IN MAP
BOOK 10, PAGE 97 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

"B" STREET



LEGEND

- RAW = RIGHT OF WAY
- CONC = CONCRETE
- CLF = CHAIN LINK FENCE
- WF = WOOD FENCE
- UG = UNDERGROUND
- O = FOUND 1/2" IRON PIPE - NO IDENTIFICATION

NOTES

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE X AREA OF 500 YEAR FLOOD AS DEPICTED ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 125145-0002C FOR THE TOWN OF ST. AUGUSTINE BEACH, FLORIDA AS REVISED 6/12/98

THE BASIS OF BEARING AS SHOWN HEREON IS THE NORTH RIGHT OF WAY LINE OF "C" STREET WHOSE ASSUMED BEARING BEARS N 88°31'00" W

ALL ELEVATIONS AS SHOWN HEREON ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929 (N.G.V.D. - 1929)

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY

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 SIGNING SURVEYORS SEAL

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF ANNE BOBROSKI, FIRST UNION NATIONAL BANK OF FLORIDA, SOUTHEAST TITLE GROUP, INC. AND AMERICAN PIONEER TITLE INSURANCE COMPANY

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS (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 SECTION 472.027 OF THE FLORIDA STATUTES AS AMENDED AND 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE.

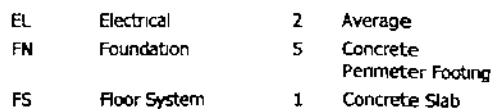
FIELD BOOK 52-12
FIELD WORK 12/05/95
SCALE 1" = 20'
JOB NO. 05-608
TYPE SURVEY BOUNDARY

ANCIENT CITY SURVEYING
3433 U.S. 1 SOUTH
ST. AUGUSTINE, FL 32086
(904) 797-4867

Michael A. Piesco
MICHAEL A. PIESCO P.S.M.
PROFESSIONAL SURVEYOR & MAPPER #4793

5th AVENUE (60' R/W)

"C" STREET (40' R/W)



Structural Elements Classifications

Building Sketch Descriptions

Code	Description	Year Built	Units	Unit Price	Adj Unit Price	Condition	Depreciated Value
WDFNCE	WOOD FENCE	2000	32	\$9.87	\$9.87	40.0 %	\$ 126

Next Parcel (1720800000)

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

Uses	Land Use District							
	L	M	H	CO	I	R	CN	
Residential								
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	M	L	M	H	C	O	I	R	C	N
Bed and breakfast	X	X	C	C	P	X	X	X			
Rooming house	X	X	X	C	C	X	X	X			
Temporary residences (construction; model home)	C	C	C	C	X	X	X	X			
Home occupations	C	C	C	C	C	X	X	X			
Offices											
Professional offices	X	X	X	X	P	X	X	X			
Business offices	X	X	X	X	P	X	X	X			
Banks (drive-up facilities allowed)	X	X	X	X	P	X	X	X			
Post offices, including mailing, and customer services such as mes- senger answering services	X	X	X	X	P	X	X	X			
Government offices (other than city offices)	X	X	X	X	P	P	X	X			
Retail Sales											
Retail outlets for sale of antiques, art, artist supplies, arts and crafts supplies, bait and tackle, bicycles, books, clothing, confec- tionery, 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 re- cords	X	X	X	X	P	X	X	X			
Farmer's market (as defined by section 12-51(f) of the City of St. Augustine Beach Code) Operated by organizations exempt from City Licensure pursuant to section 12-51(f) of such code	X	X	X	X	X	P	X	X			
Garage sale (no more than two (2) per year)	P	P	P	P	X	X	X	X			
Garage sale by charitable, civic or religious organization (no more than two (2) per year)	X	X	X	X	P	P	P	X			
Grocery stores, delicatessens, meat markets (no live poultry or stock), and convenience type stores (beer and wine to be sold and carried off premises only, and as an integral part of grocery item displays and sales)	X	X	X	X	P	X	X	X			
Pet shop (but not animal kennel)	X	X	X	X	C	X	X	X			
Shopping centers	X	X	X	X	P	X	X	X			
Services, Hotels, and Restaurants											
Service establishments: barber and beauty shops, bakery (but not wholesale), bicycle rentals, costuming shops, dry cleaner (using nonflammable solvents only), electronic and light mechanical re- pair 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			

	Land Use District							
	L	M	H	CO	I	R	CN	
Live theaters, satellite presentations, and motion pictures (not drive-in)	X	X	X	X	P	X	X	X
Mini-storage warehouses	X	X	X	X	C	X	X	X
Pest control	X	X	X	X	C	X	X	X
Pharmacy	X	X	X	X	P	C	X	X
Restaurant operated wholly within an enclosed building including servicing of alcoholic beverages incidental to the restaurant business only (no drive-up facility)	X	X	X	X	P	X	X	X
Restaurant operated wholly within an enclosed building with drive-up facilities (including serving of alcoholic beverage incidental to the restaurant business only within the restaurant, but not at the drive-up facility)	X	X	X	X	C	X	X	X
Services, hotels (but not hotels in a condominium form of ownership), and restaurants	X	X	X	X	P	X	X	X
Veterinarian and animal hospital (without an outside kennel)	X	X	X	X	C	X	X	X
<i>Educational, Cultural, Religious Uses</i>								
Elementary, middle and high schools	X	X	X	X	P	P	P	X
Vocational schools	X	X	X	X	C	X	X	X
Churches, synagogues, and temples	X	X	X	X	P	P	P	X
Libraries, art museums	X	X	X	X	P	P	P	X
Social, fraternal clubs, lodges	X	X	X	X	P	X	X	X
Auditoriums	X	X	X	X	P	P	X	X
<i>Recreational, Amusement, and Entertainment</i>								
Amusement parks	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*

	<i>L</i>	<i>ML</i>	<i>M</i>	<i>H</i>	<i>CO</i>	<i>I</i>	<i>R</i>	<i>CN</i>
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. 7.01.02. Swimming pools, hot tubs, and similar structures.

A. Swimming pools shall be permitted only in side and rear yards, and shall not encroach into any required building setback except as provided in Article VI of this Appendix.

B. Screen enclosures for pools shall not be considered a part of the principal structure. Screen pool enclosures must maintain a minimum setback requirement of five (5) feet from the side and rear yard.

(Ord. No. 91-7, § 2; Ord. No. 92-7, § 8)

Sec. 7.01.03. Fences and retaining walls.

A. The posts of each fence must be resistant to decay, corrosion and termite infestation.

B. The finished side of all fences shall be installed to face the outside of the fenced in area except where necessary in a case where a structure, fence, or tree makes installation of the finished side facing outside impracticable.

C. Fences may be located in all side and rear yard areas. Fences shall not exceed eight (8) feet in height.

D. In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence shall be located in the vision triangle.

E. Fences shall be allowed in the front yard setback area. Chain link fencing shall not be allowed. The allowed type of fence shall be picket style, not exceeding forty-two (42) inches in height.

F. A fence required for safety and protection of a hazard by another public agency may not be subject to the height limitations above. Approval to exceed the minimum height standards may be given by the Building Official upon review of satisfactory evidence of the need to exceed height standards.

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

(Ord. No. 91-7, § 2; Ord. No. 95-18, § 6; Ord. No. 01-02, § 2, 5-7-01; Ord. No. 04-11, § 1, 8-2-04; Ord. No. 08-24, § 1, 9-8-08; Ord. No. 13-16, § 1, 11-4-13)

Sec. 7.02.00. Accessory uses.

Sec. 7.02.01. Home occupations.

A home occupation shall be allowed in a bona fide dwelling unit, subject to the following requirements:

A. No person other than members of the family residing on the premises shall be engaged in such occupation.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, unless a sign is required by state law. Said sign shall not exceed minimum state requirements.

D. No home occupation shall occupy more than twenty (20) percent of the first floor area of the residence. No accessory building, freestanding or attached, shall be used for a home occupation.

E. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a front yard required pursuant to this Code.

F. No equipment, tools or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, tele-

phone, or television receivers off the premises or causes fluctuations in line voltage off the premises.

G. Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition, and providing no retail sales are made at the home.

H. Outdoor storage of materials shall not be permitted.

I. A home occupation shall be subject to all applicable city occupational licensing requirements, fees, and other business taxes.
(Ord. No. 91-7, § 2)

Sec. 7.02.02. Recreation centers, and other amenities.

A. *Generally.* Residential development projects may provide amenities for the exclusive use of the residents of the project. Such amenities shall be allowed only as provided below.

B. *Community centers / recreation centers.* Residential projects may provide a central facility to provide a meeting place and indoor recreation opportunities for residents subject to the following restrictions:

1. Such facilities shall not be available to the general public.
2. Parking to serve the building shall be provided as required by Article VI of this Code.
3. There shall be no identification signs, other than directional signs pursuant to Article VIII of this Code.

(Ord. No. 91-7, § 2)

Sec. 7.03.00. Supplemental uses.

Sec. 7.03.01. Temporary construction trailers.

A. A temporary construction trailer is allowed upon receipt of a permit from the building official. As used herein, the term 'construction trailer' shall refer to a manufactured structure, upon wheels which may be removed after entering the construction site, in good repair and condition,

designed and intended to be utilized as office space on a temporary basis on construction sites. The building official may issue no more than two (2) permits outstanding at any one time in any one subdivision. The permits shall specify the lot upon which the temporary construction trailers are to be placed and the lots for which the temporary construction trailers are to be utilized. A permit is to be issued for a period of two (2) years. The trailer is to be removed at the earlier of the expiration of the permit or completion of construction. No more than fifty (50) percent of the total floor space of a trailer may be used as a sales office. No signage shall be permitted indicating that the trailer is a sales office. At all times, the primary usage of the trailer shall be as a construction trailer utilized by contractors and subcontractors actually engaged in construction upon the lots for which the permit indicates it has been issued. Temporary construction trailers in excess of the numbers herein may be authorized by the comprehensive planning and zoning board as a conditional use.

B. Paragraph A. of this section shall not apply to any temporary construction trailer or sales office for which a permit was issued by the building official prior to the adoption of this section. Such trailer or sales office shall be used in accordance with the permit and located within the project boundaries. The trailer shall be removed immediately upon completion of the project.

C. A trailer upon public works projects being constructed under contract to a governmental entity may be permitted for the use of contractors, subcontractors, and engineers and architects for so long as the public works project is under construction.

(Ord. No. 91-7, § 2; Ord. No. 93-15, § 4; Ord. No. 97-41, §§ 1, 2, 1-5-97)

ARTICLE VIII. SIGNS

Sec. 8.00.00. General provisions.

This Code establishes regulations for the fabrication, erection and use of signs and other outdoor advertising displays within the City of St. Augustine Beach. Every sign or outdoor advertising display shall be classified and conform to

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.

Memorandum

TO: Members of the Comprehensive Planning and Zoning Board

FROM: Gary Larson, Director of Building and Zoning

DATE: April 12, 2016

RE: Preliminary Plat Approval File No. PPA 2016-01

This request is to review and approve the replat for Tract C within Lake Sienna Subdivision from the current two lots, with Tract C going back to the three lots approved by the City as reflected in the mediation agreement that is attached for your review.

Within your packet information, you will find a sheet reflecting the two lots provided under the modified Final Development Order File No. FD 2006-02, recorded May 6, 2014. Exhibit B attached to the mediation agreement reflects the three lots that the applicant wishes to return to. Each lot exceeds the 7,500-square-foot minimum lot required by the City's Land Development Regulations. Please be aware that the conditions as presented in the agreement still apply to the referenced property, Tract C.

The purpose for this being presented to the Board is that the two lots were allowed by a City Order that was recorded. Had the document not been recorded, it would have been approved in-house per the mediation agreement. With the agreement being approved by all parties involved, staff recommends allowing Mr. Jerry Smith, the applicant and owner of Tract C, to refile the plat for the development reflecting three lots.

THE CITY OF ST. AUGUSTINE BEACH
APPLICATION FOR PRELIMINARY PLAT APPROVAL/
FINAL PLAT APPROVAL REVIEW

Estimated Cost: \$ 5700.00

To be located on Lot(s): 1 and 2 Block: _____

Subdivision: Kings Quarry

Real Estate Parcel Number(s): 162820-0007 and 162820-0006

Address(es): 617 and 613 Old Beach Road, St. Augustine Beach, Florida, 32080

Land Use District Classification: Low Density Residential

Owner(s) Name and Address: Jerry W. Smith, 1 Dondanville Road #217, St. Augustine,
Florida 32080

Phone: 404-735-5064

Architect: N/A

Address: _____

Phone: _____

Contractor: N/A

Contractor's State and/or City Certification Number: _____

Address: _____

Phone: _____

Legal Description of Parcel according to Survey and Warranty Deed (both must be submitted):
A replat of Lots 1 and 2, Kings Quarry Subdivision, 617 and 613 Old Beach Road,
respectively, as recorded in Map Book 71, Pages 1 and 2, of the Public Records of St. Johns
County, Florida, to Lots 1, 2, and 3, Lake Sienna 3, on the above-described property on the
southeast corner of Old Beach Road and Ron Parker Road

PLEASE CHECK IF THE FOLLOWING INFORMATION HAS BEEN INCLUDED:

- (☒) LEGAL DESCRIPTION OF PARCEL
- (☒) LIST OF ALL PROPERTY OWNERS WITHIN RADIUS OF 300 FEET OF PROPERTY FOR WHICH PLAT REVIEW AND APPROVAL IS REQUESTED
- (☒) STAMPED AND ADDRESSED LEGAL SIZE ENVELOPES OF PROPERTY OWNERS WITHIN 300 FEET OF LOCATION OF PROPERTY SUBMITTED FOR PLAT REVIEW AND APPROVAL
- (☒) SURVEY (Not over two years old)
- (☒) COPY OF WARRANTY DEED

In filing this application for Preliminary Plat Review and Final Plat Approval, the undersigned understands it 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.

Jerry W Smith
(Owner or his/her agent)

(Applicant or his/her agent)

1 Dondanville Rd. #217, St. Augustine, FL
(Owner/agent address) 32080

(Applicant/agent address)

404-735-5064
(Owner/agent phone number)

(Applicant/agent phone number)

March 10, 2016
(Date)

(Date)

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

FEE SCHEDULE FOR PRELIMINARY/FINAL PLAT APPROVAL APPLICATIONS

REVIEW PRELIMINARY PLAT	\$150.00 PLUS \$2.00 PER LOT
FINAL PLAT APPROVAL	\$5.00 PER LOT
ZONING NOTICE SIGN	\$7.50

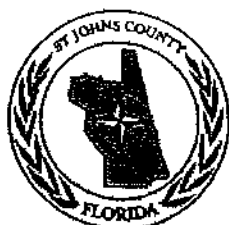
FEE RECEIVED: \$164 50 CHECK #: 1716 DATE: March 10, 2016

NAME OF APPLICANT: Jerry W. Smith

ADDRESS: 1 Dondanville Road, #217, St. Augustine, Florida 32080

FOR PERMIT ADVERTISING LOCATED AT: 613 and 617 Old Beach Road, St. Augustine
Beach, Florida 32080

Notice of Comprehensive Planning and Zoning Board and/or City Commission public hearings for concept review, final development plan review, and preliminary and final plat applications shall be mailed by the Building and Zoning Department to the applicant/developer and all persons who, according to the most recent tax rolls, own property within 300 feet of the property proposed for development. IT IS THE APPLICANT/DEVELOPER'S RESPONSIBILITY TO OBTAIN A LIST OF ALL PROPERTY OWNERS WITHIN 300 FEET OF THE PROPERTY PROPOSED FOR DEVELOPMENT, WHICH CAN BE OBTAINED BY CALLING THE ST. JOHNS COUNTY REAL ESTATE/SURVEY DEPARTMENT AT 904-209-0760. THIS LIST MUST BE SUBMITTED WITH THE APPLICATION, ALONG WITH ONE SET OF STAMPED, ADDRESSED ENVELOPES OF ALL PROPERTY OWNERS WITHIN 300 FEET. (NOTE: Do not fill in the return address on the stamped, addressed envelopes. The Building & Zoning Department will stamp the return address and mail the legal notice of the public hearing to the property owners. The notice shall be mailed at least fifteen (15) days before the date of the Comprehensive Planning and Zoning Board meeting.)



Historic St. Johns County

Sharon Outland, Property Appraiser

www.sjcpa.us

email: sjcpa@sjcpa.us

Parcel Information

Strap: 1628200006

Mailing Address: 1 DONDANYILLE RD #217 SAINT AUGUSTINE FL 32080-0000

Site Address: 617 OLD BEACH RD SAINT AUGUSTINE FL 32080-0000

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

Tax District: 551
 Neighborhood Code: 2295.02
 Use Code/Description: 0000/Vacant Residential
 Sec-Town-Range: 33 - 7 - 30
 Acreage: 0.35

Valuation Information

Total Land Value: \$ 105,000
 Total Extra Features Value: \$ 0
 Total Building Value: \$ 0

Total Market(Just) Value: \$ 105,000
 Assessed Value: \$ 105,000
 Homestead Exemption: \$ 0
 Taxable Value: \$ 105,000

Legal Information

71/1-2 KINGS QUARRY
 LOT 1 OR3892/996

Owner Information

SMITH JERRY W

Exemptions

Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
06/17/2014	\$ 100	0.00	3892 & 996	WD	U	V	11

Building Information

Building Details

This property is Vacant

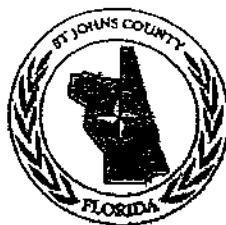
Extra Features

There are no Extra Features

Structural Elements

[Previous Parcel \(1628200005\)](#)

[Next Parcel \(1628200007\)](#)



Historic St. Johns County

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

Parcel Information

Strap:	1628200007	Tax District:	551
Mailing Address:	1 DONDANVILLE RD #217 SAINT AUGUSTINE FL 32080-0000	Neighborhood Code:	2295.02
		Use Code/Description:	0000/Vacant Residential
Site Address:	613 OLD BEACH RD SAINT AUGUSTINE FL 32080-0000	Sec-Town-Range:	33 - 7 - 30
		Acreage:	0.44

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

Valuation Information

Total Land Value:	\$ 105,000	Total Market(Just) Value:	\$ 105,000
Total Extra Features Value:	\$ 0	Assessed Value:	\$ 105,000
Total Building Value:	\$ 0	Homestead Exemption:	\$ 0
		Taxable Value:	\$ 105,000

Legal Information

71/1-2 KINGS QUARRY
 LOT 2 OR3892/996

Owner Information

SMITH JERRY W

Exemptions

Sales Information

Date of Sale	Sales Price	Sales Ratio	Book & Page	Instrument Code	Qualified	Vacant or Improved	Reason Code
06/11/2014	\$ 100	0.00	3892 & 996	WD	U	V	11

Building Information

Building Details

This property is Vacant

Extra Features

There are no Extra Features

Structural Elements

[Previous Parcel \(1628200006\)](#)

[Next Parcel \(1628201010\)](#)

This instrument was prepared by:
JOHN D. MUSSOLINE, P.A.
Attorney at Law
415A St. Johns Avenue
Palatka, Florida 32177

WARRANTY DEED
Stamps: \$.70
Recording \$ 5.00
Trust: \$ 1.00
Copies: \$
Total: \$ 6.70

Public Records of
St. Johns County, FL
Clerk# 03-086770
O.R. 2093 PG 1582
09:41AM 11/24/2003
REC \$5.00 SUR \$1.00
Doc Stamps \$0.70

RETURN TO: Grantee

PARCEL I.D. #
162820-0002

Last 4 digits of Grantee SSN

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED,

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

Made this 19 day of November, 2003, Between

Edward Farley and Aleta Anderson,

of 5413 A1A South, St. Augustine, Florida 32080, GRANTOR,

AND

Jerry W. Smith,

whose post-office address is 1963 Rock Chapel Road, Lithonia, Georgia 30058, GRANTEE,

Witnesseth: That said grantor, for and in consideration of the sum of Ten Dollars, 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, successors and assigns forever, the following described land, situate, lying and being in St. Johns County, Florida, to-wit:

Tract "C", Lake Sienna, according to plat thereof recorded in Map Book 36, pages 107 and 108 of the public records of St. Johns County, Florida also described as: Kings Quarry Lane, Parcel "C" as described in Book 5E, page 33N, Parcel I.D. No. 162820-0002 in the public records of St. Johns County, Florida. Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2003.

Grantors certify they are conveying unimproved real property that is not their protected homestead.

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

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:

John D. Mussoline

Patsy V. Glisson

Edward Farley (Seal)
Edward Farley

Aleta Anderson (Seal)
Aleta Anderson

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 19th day of November, 2003, by Edward Farley and Aleta Anderson, to me personally known or who produced a driver's license or voter's registration as identification and who executed the foregoing instrument under oath.

Notary Public - Patsy V. Glisson
Serial # (if any) CC62976



Patsy V. Glisson
MY COMMISSION # CC62976 EXPIRES
October 18, 2004
BONDED THRU TROY FARM INSURANCE, INC.

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA

CASE NO.: CA07-0338
DIVISION: 55

JERRY W. SMITH,

Plaintiff/Petitioner,

vs.

CITY COMMISSION OF THE CITY OF
ST. AUGUSTINE BEACH, and
LAKE SIENNA HOMEOWNERS' ASSOCIATION, INC.,
a Florida corporation,

Defendants/Respondents.

MEDIATED SETTLEMENT AGREEMENT

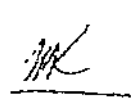
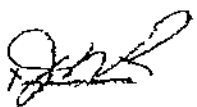
On July 7, 2008 the parties participated in a mediation of this matter. At the mediation an agreement as to all issues occurred as described below:

1. This dispute relates to a tract of land designated as a "Conservation Parcel" and depicted as Tract "C" (hereinafter "Tract C"), on the Lake Sienna Plat, record at Map Book 36, Page 107-108, of the official public records of St. Johns County (hereinafter the "Lake Sienna Plat"). A copy of the Lake Sienna Plat is attached hereto as Exhibit "A".

2. JERRY W. SMITH (hereinafter "Smith"), has caused a survey (hereinafter the "Survey") to be performed of the entirety of Tract "C" and said Survey contains legal descriptions and depicts Tract "C" as being subdivided/redefined to contain the following: (1) three single family lots (hereinafter the "Lots"); (2) a new and redefined/reduced Tract "C" (hereinafter the "New Tract C"); and (3) a fifteen foot vegetative buffer to be provided next to the existing Lot 1 of Block 3 in the Lake Sienna Plat. A copy of the Survey is attached hereto as Exhibit "B".

3. Smith agrees and shall convey by way of a warranty deed to the LAKE SIENNA HOMEOWNERS' ASSOCIATION, INC. (hereinafter "Lake Sienna") the New Tract "C," as defined and depicted in the Survey. *Lake Sienna shall forever maintain the property conveyed to them by Smith as a drainage and utility area and shall not construct any improvements inconsistent with such use.*

4. Lake Sienna agrees and shall convey by way of a quitclaim deed the Lots, as defined and depicted in the Survey.



5. Lake Sienna agrees and consents to Smith replatting the Lake Sienna Plat to reflect the subdivision/redefining depicted in the Survey.

6. The Lots shall not be further subdivided or replatted inconsistent with the Survey or used for any use other than single family.

7. The Lots and any structures constructed thereon shall be subject to the Documents of the Lake Sienna Homeowners' Association (hereinafter the "Documents"), as recorded at O.R. Book 1453, Page 1734-1752, of the Official Public Records of St. Johns County, Florida as amended, including as amended at O.R. Book 1532, Page 908-910, O.R. Book 1625, Page 32, and O.R. Book 1644, Page 1944. Smith shall execute and record an appropriate acknowledgement that the Lots will be subject to the Documents in perpetuity.

8. The Lots shall be subject to the Documents, including the privileges and liabilities of any other lot owner thereunder. The Lots shall be subject to the homeowners' association dues required by the Documents, including assessments and special assessments. However, the Lots will not be subject to any special assessment under the Documents related to the sewage lift station located on the New Tract "C" and maintained by Lake Sienna.

9. The Lots will not be required to be subject to the payment of Lake Sienna homeowners' association dues and assessments until the approval by both the City Commission of the City of St. Augustine Beach and the St. Johns River Water Management District of Smith's application to replat the Lake Sienna Plat to reflect the subdivision and redefining depicted in the Survey.

10. Within ten (10) days of the approval by both the City Commission of the City of St. Augustine Beach and the St. Johns River Water Management District of Smith's application to replat the Lake Sienna Plat to reflect the subdivision and redefining depicted in the Survey, Smith shall pay unto Lake Sienna the amount of \$5,000. However, the \$5,000 - must be paid to Lake Sienna no later than August 30, 2009.

11. Upon the sale of any one of the Lots, whether individually or as part of any group sale of the Lots, Smith shall pay unto Lake Sienna \$7,500. Upon the sale of any second lot within the Lots, whether individually or as part of any group sale of the Lots, Smith shall pay unto Lake Sienna \$7,500.

12. Smith shall execute and record an easement for the benefit of Lake Sienna and the adjoining property owner a fifteen foot (15) vegetative buffer over that portion of the Lots abutting the existing Lot 1 of Block 3 in the Lake Sienna Plat

13. None of the Lots may have access to Kings Quarry Lane or any other internal roadways within Lake Sienna. The Lots shall have access solely by way of Old Beach Road.

14. None of the Lots may connect to Lake Sienna's existing water and/or sewer systems, including the sewage lift station located on the New Tract "C" and Smith will be required to secure water and sewer connections for the Lots from outside of Lake Sienna.

15. Smith will properly permit and obtain any required approvals by any governmental agencies having jurisdiction for the subdivision and development of the Lots,

including but not limited to any replatting through the City of St. Augustine Beach and any permitting or permit modification required by the St. Johns River Water Management District. As part of Smith's permitting and approval process, Smith shall resolve any and all issues that arise as a part of Smith's proposed development of the Lots, including any negative permitting impacts on Lake Sienna's existing permit. To the extent Smith's development of the Lots may impact the existing drainage system and other utilities and infrastructure serving Lake Sienna, Smith shall undertake whatever measures or efforts are required to mitigate and prevent any such negative impact, which may include relocation of same.

16. Each party will bear any and all costs and fees from the acts of their own attorneys in connection with this lawsuit.

17. The litigation will be dismissed with prejudice once the agreement is fully executed. However, Smith may maintain any future action against the City of St. Augustine Beach, Florida in order to secure approval of the replatting contemplated herein to establish the Lots.

18. If any action at law or equity is necessary to enforce or interpret the terms of this agreement, the prevailing party shall be entitled to costs and necessary disbursements including reasonable attorney's fees, including fees on appeal, in addition to any other relief that may be available at both trial and appellate levels.

19. The Court shall retain jurisdiction for enforcing the terms of this agreement.

20. Time is of the essence.



21. This agreement states all understandings and obligations of the parties with respect to the subject matter hereof. No amendment or modification of this agreement shall be valid or binding unless made in writing and signed on behalf of each of the parties by their respective, duly authorized officers. Additionally, any and all prior negotiations or agreements by any agent representative of the parties are merged into this agreement and so such prior negotiations or agreements shall be binding on the parties or have any force or effect.

22. The parties hereby separately and together agree to be fully bound by this Mediated Settlement Agreement.

23. The parties agree to execute such additional documents as may be necessary to carry out the spirit and intent of this agreement.

[SIGNATURES ON FOLLOWING PAGE]

24. Should Smith be unable, by (31 December 2016), to replat the property subject of this agreement, he will donate the parcel to an appropriate entity such that he receive a favorable and/or charitable tax benefit subject to or with an easement for drainage purposes to Lake Sienna HOA.



Witness: [Signature]
Robert L. McLeod.
(type or print name)

Witness: [Signature]
DOUGLAS N. BURNETT
(type or print name)

SMITH:

[Signature]
Jerry W. Smith

STATE OF Florida
COUNTY OF St. Johns

The foregoing instrument was acknowledged before me this 25 day of March ~~August~~, 2009, by Jerry W. Smith, who is personally known to me or who has produced _____ as identification.

[Signature]
Notary Public, State of Florida
Name: _____

My Commission Expires _____
My Commission Number is: _____

Witness: DOUGLAS N. BURNETT
[Signature]
(type or print name)

Witness: Tony Cubbage
[Signature]
(type or print name)

LAKE SIENNA HOMEOWNERS' ASSOCIATION, INC.

[Signature]
William A. Keefe, President

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 25 day of March ~~August~~, 2009, by William A. Keefe, the President of Lake Sienna Homeowners' Association, Inc., a Florida corporation, on behalf of the corporation. William A. Keefe is personally known to me or who has produced _____ as identification.

[Signature]
Notary Public, State of Florida
Name: _____

My Commission Expires _____
My Commission Number is: _____

LAKE SIENNA

PART OF THE NORTHEAST QUARTER OF
THE NORTHEAST QUARTER SECTION 33,
TOWNSHIP 7 SOUTH, RANGE 30 EAST,
CITY OF ST. AUGUSTINE BEACH
ST. JOHNS COUNTY, FLORIDA

CAPTION

PARCEL 1
THAT PART OF SECTION 33, TOWNSHIP 7 SOUTH, RANGE 30 EAST,
ST. JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:
THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER
OF SECTION 33, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS
COUNTY, FLORIDA, LYING EAST OF OLD BEACH ROAD AND EXCEPTING
THE NORTH 82.4 FEET AND THE SOUTH 30 FEET THEREOF.

PARCEL 2
THAT PART OF SECTION 33, TOWNSHIP 7 SOUTH, RANGE 30 EAST,
ST. JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

SOUTH 430 FEET OF THE NORTH 82.4 FEET OF THE NORTHEAST
QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 7
SOUTH, RANGE 30 EAST, LYING EAST OF THE "COUNTY ROAD" KNOWN AS
OLD BEACH ROAD.

ADOPTION AND DEDICATION

IN WITNESS WHEREOF THE UNDERSIGNED, EDWARD FARLEY,
HOLDING TO BE HIS HAND THIS 10th DAY OF NOVEMBER, 1989 A.D.

IN WITNESS WHEREOF THE UNDERSIGNED, EDWARD FARLEY,
HOLDING TO BE HIS HAND THIS 10th DAY OF NOVEMBER, 1989 A.D.

Edward Farley
EDWARD FARLEY
WITNESS
James J. Taylor
JAMES J. TAYLOR

STATE OF FLORIDA
COUNTY OF ST. JOHNS

THE FOREGOING ADOPTION AND DEDICATION WAS ACKNOWLEDGED
BEFORE ME THIS 10th DAY OF NOVEMBER, 1989 A.D., BY
ED FARLEY, PERSONALLY KNOWN BY ME.

MY COMMISSION EXPIRES
5/15/2001

James J. Taylor
JAMES J. TAYLOR
NOTARY PUBLIC
STATE OF FLORIDA

CERTIFICATE OF APPROVAL AND ACCEPTANCE

THIS IS TO CERTIFY THAT ON THIS 10th DAY OF NOVEMBER,
1989 THE FOREGOING PLAT WAS APPROVED AND ACCEPTED BY THE
CITY OF ST. AUGUSTINE BEACH, ST. JOHNS COUNTY,
FLORIDA. THIS ACCEPTANCE OF DEDICATED AREAS SHALL NOT BE
DEEMED AS RESOLVING THE CONSTRUCTION OR MAINTENANCE BY
THE CITY OF SAID AREAS.

CITY COMMISSION OF ST. AUGUSTINE BEACH, FLORIDA

BY *Emmett G. Foster*
MAYOR - COMMISSIONER
ATTENT *James J. Taylor*
CITY CLERK

CERTIFICATE OF APPROVAL BY THE COMPREHENSIVE PLANNING AND ZONING DEPARTMENT

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND
APPROVED BY THE ST. AUGUSTINE BEACH PLANNING AND ZONING
DEPARTMENT THIS 10th DAY OF NOVEMBER, 1989 A.D.

James J. Taylor
CHAIRMAN OF THE PLANNING AND ZONING DEPARTMENT

CERTIFICATE OF DEVELOPMENT REVIEW

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY
TO FLORIDA STATUTES CHAPTER 177 BY THE DEVELOPMENT REVIEW PROGRAM
FOR THE CITY OF ST. AUGUSTINE BEACH, ST. JOHNS COUNTY, FLORIDA

THIS 10th DAY OF NOVEMBER, 1989 A.D.

Brandy Wilson
BRANDY WILSON
PROFESSIONAL LAND SURVEYOR # 12 4690

CERTIFICATE OF THE CITY MANAGER

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND
APPROVED BY THE CITY MANAGER FOR ST. AUGUSTINE BEACH,
FLORIDA THIS 10th DAY OF NOVEMBER, 1989 A.D.

BY *James J. Taylor*
CITY MANAGER

CERTIFICATE OF THE CLERK OF THE CIRCUIT COURT

THIS IS TO CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND
APPROVED, AND THAT IT COMPLIES IN FORM WITH THE
REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND IS
RECORDED IN MAP BOOK 36, PAGES 107 & 108 OF THE
PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA THIS 10th
DAY OF NOVEMBER, 1989 A.D.

Charles J. Taylor
CLERK OF THE CIRCUIT COURT

CERTIFICATE OF THE SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED,
BEING CURRENTLY LICENSED AND REGISTERED BY THE STATE OF
FLORIDA, AS A LAND SURVEYOR, DOES HEREBY CERTIFY THAT HE
HAS COMPLETED THE SURVEY OF LANCES AS SHOWN IN THE
FOREGOING PLAT, THAT SAID PLAT IS A TRUE AND CORRECT
REPRESENTATION OF THE LANDS SURVEYED, THAT THE SURVEY WAS
MADE UNDER HIS RESPONSIBLE DIRECTION AND SUPERVISION, AND
THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS
OF CHAPTER 177, FLORIDA STATUTES AS AMENDED.

SIGNED AND SEALED THIS 10th DAY OF NOVEMBER, 1989 A.D.

Brandy Wilson
BRANDY WILSON, P.L.S.
PROFESSIONAL LAND SURVEYOR, FLA. CERTIFICATION # 124135
FLORIDA COASTAL SURVEYORS, INC.

FLORIDA COASTAL SURVEYORS, INC.

1797 OLD MOULTREE ROAD
SUITE 106
ST. AUGUSTINE, FL 32086
(904) 824-0080

Exhibit "A"

page 1 of 2

PART OF THE NORTHEAST QUARTER OF
THE NORTHEAST QUARTER SECTION 33,
TOWNSHIP 7 SOUTH, RANGE 30 EAST,
CITY OF ST. AUGUSTINE BEACH
ST. JOHNS COUNTY, FLORIDA



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PLAYED RIGHT OF WAY INCLUDES
EASEMENTS FOR UTILITIES INCLUDING
WATER MAIN, SANITARY SEWER AND
CABLE TELEVISION SERVICE.

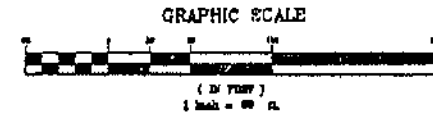
BOUND OF REARER, THE WEST LINE
OF WOODLANDS UNIT "A" BEARS
N 89° 00' 00" E (POB PLAT)

THE FIRST 16.75 ACRES OF ALL LOTS
ADJACENT TO HINDS QUARRY LANE
IS RESERVED FOR AN EASEMENT FOR
FLORIDA POWER & LIGHT COMPANY.

ALL TYPE LIST NAMES ARE RACIAL,
UNLESS MARKED WITH "NR".

NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL EVIDENCE OF THE UNDEVELOPED LANDS DESCRIBED HEREON AND WILL IN NO CIRCUMSTANCES BE SUPERSEDED IN WHOLE OR IN ANY OTHER GRAPHIC OR USUAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL REFORMATION THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF SAN JOAQUIN COUNTY.

LOT 1, BLOCK 1, LOT 12, BLOCK 3 AND LOT 1, BLOCK 3
MAY ONLY GAIN ACCESS FROM JAMES DUNN LANE.



FLORIDA COASTAL SURVEYORS, INC.

1787 OLD MOUNTAIN ROAD
SUITE 100
ST. AUGUSTINE, FL 32086
(804) 825-0060

$\Delta = 077.435^\circ$
 $B = 2087.41''$
 $L = 364.00'$

36.34
W 0170'27" W -

OLD BLANCHARD WAY
65 WEST OF

UNFLATTED LAND

15TH STREET
100' FRONT OF WAY

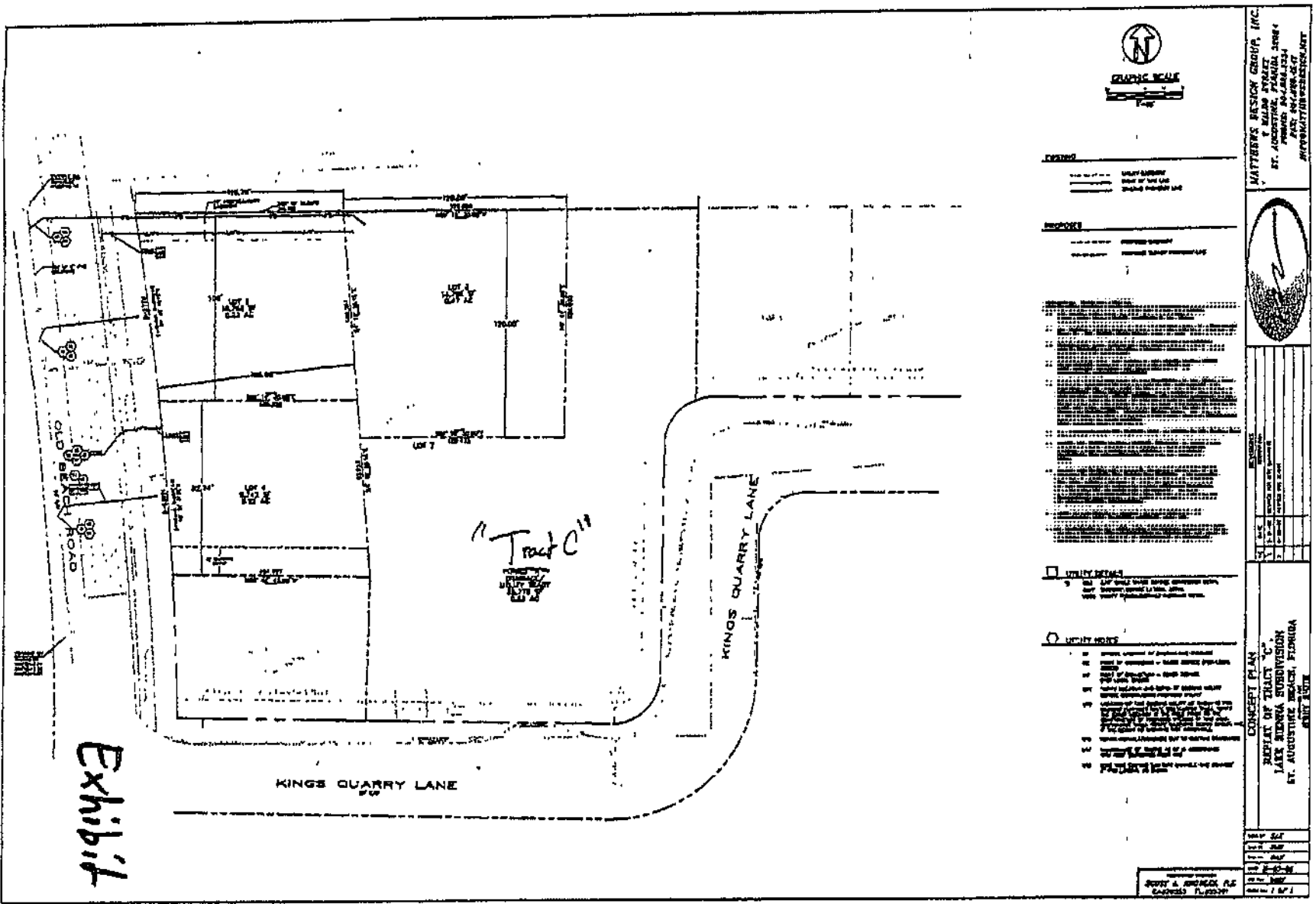
Exhibit A

Page 2 of 2

[illegible]

10

Exhibit "B"



LAKE SENNA 3

A REPLAT OF KINGS QUARRY
AS RECORDED IN MAP BOOK 71, PAGES 1 AND 2
OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

MAP BOOK _____ PAGE _____

SHEET 2 OF 2

0 30 60 90
SCALE: 1 INCH = 50 FEET

GRID N 2008235.500
GRID E 347633.816
LATITUDE: N 28°31'27.17" E
LONGITUDE: W 81°18'41.823"

NORTH LINE OF PLAT, LAKE SENNA
MAP BOOK 36, PAGES 107 & 108

POB

GRID N 2008235.500
GRID E 347633.816
LATITUDE: N 28°31'27.17" E
LONGITUDE: W 81°18'41.823"

NORTHWEST CORNER OF PLAT
LAKE SENNA
MAP BOOK 36, PAGES 107-108

S 89°18'30" E (NR) 299.59'

S 89°18'30" E 64.89'

NOT A PART OF THIS PLAT

LOT 1, BLOCK 2, LAKE SENNA
MAP BOOK 36, PAGES 107 & 108

LOT 2, BLOCK 2, LAKE SENNA
MAP BOOK 36, PAGES 107 & 108

10' FLORIDA POWER & LIGHT COMPANY EASEMENT

KINGS QUARRY LANE
50' R/W

KINGS QUARRY LANE
50' R/W

TRACT "A"
DRAINAGE AND UTILITY PARCEL

OLD BEACH ROAD
50' R/W

- LEGEND**
- CI - CURVE TABLE IDENTIFICATION NUMBER
 - LI - LINE TABLE IDENTIFICATION NUMBER
 - R/W - RIGHT OF WAY
 - (R) - RADIAL
 - RP - RADIUS POINT
 - PC - POINT OF CURVATURE
 - PRC - POINT OF REVERSE CURVATURE
 - PI - POINT OF INTERSECTION
 - PT - POINT OF TANGENCY
 - POB - POINT OF BEGINNING
 - UB - UNLICENSED BUSINESS
 - ORB - OFFICIAL RECORDS BOOK
 - Sq.Ft. - SQUARE FEET
 - FPL - FLORIDA POWER AND LIGHT COMPANY
 - PERM - PERMANENT REFERENCE MONUMENT
 - SET 4" X 4" CONCRETE MONUMENT - LB # 2111

NOTE

BASES OF BEARINGS - THE NORTH LINE OF THE PLAT, OF LAKE SENNA, AS RECORDED IN MAP BOOK 36, PAGES 107 & 108 HAVING AN ASSUMED BEARING OF S 89°18'30" E.

STATE PLANE COORDINATES AS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983/80 - UNITED STATES FEET - FLORIDA ZONE EAST, AND WERE OBTAINED USING ASHTACH PROMARK 2 RECEIVERS AND ASHTACH SOLUTIONS SOFTWARE VERSION 2.40 AS REFERENCED FROM THE NATIONAL GEODETIC SURVEY'S CONTINUOUSLY OPERATING REFERENCE STATIONS JACKSONVILLE CORS ARP (JNKA), ORLANDO BEACH CORS ARP (ORND) AND PALATKA CORS ARP (PLTK).

PUBLISHED COORDINATES:

JNKA: NORTING 2234446.08, EASTING 438805.08
ORND: NORTING 1804732.53, EASTING 631458.22
PLTK: NORTING 1638161.30, EASTING 677338.25

PLAT PREPARED BY:
ANCIENT CITY SURVEYING
187111

ACS
SURVEYORS - ENGINEERS

4425 U.S. HIGHWAY No. 1 SOUTH - SUITE 401
ST. AUGUSTINE, FLORIDA 32084
PHONE: 904-797-0047 FAX: 904-797-5087
E-MAIL: acs-surveys@aol.com

Reviewed
and
Signed
Surveyor

ARTICLE VI. DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

Sec. 6.00.00. General provisions.

Sec. 6.00.01. Purpose.

The purpose of this article is to provide development design and improvement standards applicable to all development activity within the municipal limits of St. Augustine Beach.
(Ord. No. 91-7, § 2)

Sec. 6.00.02. Responsibility for improvements.

All improvement required by this article shall be designed, installed, and paid for by the developer, owner, or successors in title.
(Ord. No. 91-7, § 2)

Sec. 6.00.03. Principles of development design.

The provisions of this article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article V of this Code. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.
(Ord. No. 91-7, § 2)

Sec. 6.01.00. Lot area, lot coverage, floor area and setbacks.

Sec. 6.01.01. Minimum lot area requirements.

A. Requirements for all developments. All developments and improvements shall have a total land area sufficient to meet all development design standards in this Code.

B. Specific requirements for residential development. There is a minimum lot area for individual lots within a residential development as listed in paragraphs C. and D. Those lots platted before the adoption of this Code that will be served by

both central water and central sewer or an approved septic system, will have a minimum lot area of four thousand one hundred (4,100) square feet, provided that all of the following requirements are met:

1. The land area for the total project is sufficient to meet standards of this Code as stated in paragraph A. of this section.
2. A single family residence may be constructed on any lot four thousand one hundred (4,100) square feet or greater. In all other cases, the gross density of the area shall not exceed that specified in the section 3.02.04.
3. Land, exclusive of individual lots to be conveyed in fee simple ownership, shall be controlled and maintained through a condominium association, property owners' association, or other similar provision, or may be conveyed to governmental or not-for-profit organizations.
4. The minimum lot depth in subdivisions platted prior to the adoption of this Code shall be ninety-three (93) feet, and after the adoption of this Code shall be one hundred (100) feet.

C. Specific requirements for low density residential.

1. Single-family lots shall have a minimum area of seven thousand five hundred (7,500) square feet.
2. The minimum floor area for a building on a lot platted after the adoption of this Code shall be one thousand four hundred (1,400) square feet excluding porches, attached garages, carports and breezeways.
3. For a two (2) story building, the minimum enclosed floor area of at least one (1) story shall be one thousand (1,000) square feet, excluding porches, garages, carports, and breezeways.
4. The minimum floor area for a building on lots platted prior to the adoption of this Code shall be one thousand (1,000) square feet for a one-story building.

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

D. Specific requirements for medium density residents.

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

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

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

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

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

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

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

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

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

Sec. 6.01.02. Impervious surface coverage.

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

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

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

D. Table of impervious surface ratios.

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

Sec. 12.02.13. Administrative hearing.

Each administrative hearing shall conform to the following procedures, as supplemented by law, rule or decision.

A. Burden and nature of proof. The applicant for any development permit must prove that the proposal satisfies the applicable requirements and standards of this Code.

B. Order of proceedings.

1. The comprehensive planning and zoning board shall:
 - a. Determine whether it has jurisdiction over the matter.
 - b. Determine whether any member must abstain or is disqualified. Abstaining from voting or disqualification because of conflict of interest must be declared in accordance with Part III of Chapter 112, Florida Statutes.
2. The board may take official notice of known information related to the issue, including:
 - a. State law and applicable ordinances, resolutions, rules and official policies of St. Augustine Beach.
 - b. Other public records and facts judicially noticeable by law.
3. Matters officially noticed need not be established by evidence and are binding to the extent that they are relevant and material. Requests that official notice be taken shall be made on the record and an opportunity for rebuttal shall be given to opposing parties. The board may take notice without prompting or suggestion of matters listed in paragraph 2. above and shall state all matters officially noticed for the record.
4. Individual board members may view the site of the proposed development with or without notification to the parties, but after the visit, shall place the time, manner and circumstances of the view in the record with the building and zoning department secretary.

5. Staff, the developer, and interested persons may present information.
6. Before the hearing has concluded, the board shall restate the issues and comment upon the law and facts pertaining to the decision, and if opportunity for rebuttal is provided, may ask additional questions of any person who has testified or presented information.

C. Findings and order. Unless the board and the developer agree to an extension, the board shall, within ten (10) working days of the hearing, prepare an order including:

1. A statement of the applicable criteria and standards against which the proposal was tested.
2. Findings of facts which established compliance or noncompliance with the applicable criteria and standards of this Code.
3. The reasons for a conclusion to approve, conditionally approve, or deny.

D. Record of proceedings.

1. All proceedings shall be recorded.
2. The findings and order shall be included in the record.

(Ord. No. 91-7, § 2)

Sec. 12.02.14. Platting.

A. Generally. Where proposed minor or major development includes the subdivision of land, the final approval of the development plan by the comprehensive planning and zoning board shall be made contingent upon approval by the St. Augustine Beach Commission of a plat conforming to the development plan.

B. Filing with department. After receiving plat-contingent final development plan approval, the developer shall submit to the department a plat conforming to the development plan and the requirements of Chapter 177, Florida Statutes. Alternatively, the developer may submit a plat at any point in the development review process.

C. Review by building official. The building official shall, within ten (10) working days of receiving the plat, review the plat with the city

attorney to see whether the plat conforms to the approved development plan, and the requirements of Chapter 177, Florida Statutes. If the plat does conform, then the building official shall ask the city manager to place the plat on the next available agenda of the St. Augustine Beach Commission. If the plat does not conform, the building official shall explain the deficiency in the plat to the developer and inform him that a corrected plat may be resubmitted prior to review by the city commission.

D. Review by St. Augustine Beach Commission. Review of the plat by the city commission shall be strictly limited to whether the plat conforms to the requirements of Chapter 177, Florida Statutes and this Code. A conforming plat shall be approved and the department shall forthwith issue the development order allowing development to proceed.

E. Development activity. Development activity in any subdivision shall be performed in compliance with the plat and any development order.

F. Change in utility plans. When a governmental agency requires drainage or other utility improvements at variance with a plat or development order, a revised plan for utilities may be approved by order of the comprehensive planning and zoning board with appropriate conditions. Development at variance with the plan for utilities shown on the plat or development order may be performed in accordance with the board's order. A copy of the board's order shall be recorded in the public records for St. Johns County maintained by the clerk of the circuit court. (Ord. No. 91-7, § 2; Ord. No. 93-14, § 12)

Sec. 12.02.15. Guarantees and sureties.

A. Applicability.

1. The provisions of this section 12.02.00 to all proposed developments in St. Augustine Beach, including private road subdivisions.
2. Nothing in this section 12.02.00 shall be construed as relieving a developer of any requirement relating to concurrency in Article IV of this Code.

3. This section 12.02.00 does not modify existing agreements between a developer and St. Augustine Beach for subdivisions platted and final development orders granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.

B. Improvements agreements required. The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved development plan. The following information shall be provided:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) years from the recording of the plat or thirty (30) percent occupancy of the development, whichever comes first.
3. The projected total cost for each improvement. Cost for construction shall be determined by either of the following:
 - a. Estimate prepared and provided by the applicant's engineer.
 - b. A copy of the executed construction contract provided.
4. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, St. Augustine Beach shall utilize the security provided in connection with the agreement.

**BEFORE THE COMPREHENSIVE PLANNING
AND ZONING BOARD OF THE
CITY OF ST. AUGUSTINE BEACH, FLORIDA**

In re:

**APPLICATION FOR FINAL DEVELOPMENT
APPROVAL FOR LAKE SIENNA REPLAT
ST. AUGUSTINE BEACH, FLORIDA 32080**

**MR. JERRY W. SMITH, APPLICANT
700 RUSKIN DRIVE
FOREST PARK, GEORGIA 30297**

Public Records of
St. Johns County, FL.
Check # 201402555A
O.D. 3/17/14 PG 501-505
05/06/2014 at 10:44 AM
Rpt. \$13.00 Ctr. \$14.00

MODIFICATION TO FINAL DEVELOPMENT ORDER FILE NO. FD 2006-02

This CAUSE, pertaining to the property described in Exhibit A, Pages 1 and 2, came before the City of St. Augustine Beach Comprehensive Planning and Zoning Board (the BOARD) for public hearing on the 18th day of March 2014, for final development approval, per Sections 12.02.05--12.02.07 of the City of St. Augustine Beach Land Development Regulations, for proposed construction of two (2) single-family residential units in a low density residential land use district and amending the current plat for Lake Sienna Subdivision, previously approved by the City of St. Augustine Beach, Florida. The Board having reviewed and considered the application, the report of the Building and Zoning Department, the testimony, statements, and evidence presented before the Board by the applicant and other persons speaking at the public hearing, including public comments, and the Board finding it has jurisdiction over this proceeding and that the required notices have been provided and were afforded to all parties, upon motion duly made, seconded and passed, the application was approved and determined as follows.

FINDINGS OF FACT

The Board finds that the Final Development Plan for Lake Sienna Subdivision Replat, consisting of two (2) single-family residential units, conforms to all applicable provisions of the City of St. Augustine Beach Comprehensive Plan, and, except as may be required to be cured herein, with all applicable City of St. Augustine Beach Land Development Regulations.

The application and accompanying documents submitted demonstrate the Final Development Plan for the above-referenced property does not degrade the prescribed Levels of Service for the City of St. Augustine Beach and/or any interlocal agreement with St. Johns County concerning services or capacities which affect consistency and concurrency determinations.

Subject to the conditions hereinafter set forth, it is determined that this modification to Final Development Order File No. FD 2006-02 is approved for the parcel of land as described in Exhibit A, Pages 1 and 2, and shall not be effective except upon ratification of each and every one of the following conditions.

ORDERED as follows:

1. This development must conform to all applicable provisions of the City of St. Augustine Beach Comprehensive Plan, and all applicable City of St. Augustine Beach Land Development Regulations.
2. Production of evidence satisfactory to the Building Official of receipt by the applicant of permits deemed necessary allowing development in accordance with the Final Development Plan and accompanying drawings, if required, from the St. Johns River Water Management District and the St. Johns County Utility Department.
3. Essential services such as electricity, telephone, cable and other communication lines and street lighting must be in place prior to issuance of any Certificate of Occupancy. Water and sewer connections must be paid and in place prior to the issuance of any building permits. Screening of any utility apparatus placed above ground shall be required. Fire hydrants shall also be in place prior to issuance of any building permits.
4. Applicant shall undertake measures to protect trees and environmentally sensitive areas by providing protective barriers prior to and during all development activities immediately adjacent to the right-of-way and/or utility easements and the issuance of any infrastructure or utility permit. Clearing and/or tree removal permits will not be issued prior to acceptance of a substantially complete application for a building permit for site work.
5. The applicant shall provide the required Title Opinion to the City Attorney prior to application for replat of the Lake Sienna Subdivision to determine any interests of the Lake Sienna Homeowners Association regarding stormwater system maintenance responsibility, as the current and proposed retention area is located within Tract C. In the event that it should be determined the St. Johns River Water Management District or the Homeowners Association should have an easement on the property, these entities will be required to join in the plat.
6. The requirement for posting a performance bond is waived due to the scope of the work required for the additional two (2) lots.
7. No building permits shall be issued for sewer and water infrastructure construction until approvals are provided by the St. Johns County Utility Department.
8. Nothing contained herein shall be deemed to waive the requirement that the applicant provides lots for construction of two (2) single-family residential units that comply with the Building Codes, Comprehensive Plan and Land Development Regulations of the City of St. Augustine Beach, Florida, or the provisions of all other applicable agencies.
9. This Final Development Order shall be effective for a period of three (3) years from its effective date, at which time the applicant/developer shall have completed one-hundred (100%) percent of all development construction on the site.

10. Successors and assigns of the applicant/owner shall be bound by the terms and conditions of this Final Development Order.

ORDERED and executed at the City of St. Augustine Beach, St. Johns County, Florida, this 18th day of March, A.D., 2014.

**COMPREHENSIVE PLANNING AND ZONING
BOARD
OF THE CITY OF ST. AUGUSTINE BEACH,
FLORIDA**

By: 
Alfred Guido, Chairman

**STATE OF FLORIDA
COUNTY OF ST. JOHNS**

The foregoing instrument was acknowledged before me this 18th day of March, A.D., 2014, by Alfred Guido, who is personally known to me.



BONNIE J. MILLER
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE161917
Expires 3/30/2016


Signature of Notary Public—State of Florida

THIS ORDER IS SUBJECT TO APPEAL PER THE PROVISIONS OF SECTION 12.06.02 OF THE CITY OF ST. AUGUSTINE BEACH LAND DEVELOPMENT REGULATIONS.

Sec. 12.06.02. Appeals from decisions of the Comprehensive Planning and Zoning Board.

"A developer, an adversely affected party, or any person who appeared orally or in writing before the Comprehensive Planning and Zoning Board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision on a development plan, variance, conditional use permit for a home occupation, or an appeal under Section 12.06.01 reached at the conclusion of an administrative hearing to the City Commission by filing a notice to appeal with the Department within thirty (30) days of the date of the decision."