



**MINUTES
SPECIAL CITY COMMISSION MEETING
CITY OF ST. AUGUSTINE BEACH
MONDAY, FEBRUARY 6, 2017
12:00 P.M.**

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

I. CALL TO ORDER

Mayor O'Brien called the meeting to order at 12:00 p.m.

II. PLEDGE OF ALLEGIANCE

Mayor O'Brien led the Pledge of Allegiance.

III. ROLL CALL

Present: Commissioner England, Commissioner George, Commissioner Kostka, Commissioner O'Brien, and Commissioner Snodgrass.

Also Present: City Manager Royle, City Attorney Wilson, Police Commander Parker, City Clerk Raddatz, Building Official Larson and Public Works Director Howell.

IV. CHANGES TO LAND DEVELOPMENT REGULATIONS

A. Final Review of Changes with Consultant Land Planner, Lindsay Haga

Mayor O'Brien opened Item IV.A by saying that the meeting would be broken into five subject matters: 1) Building Height 2) Impervious Surfaces 3) Setbacks 4) Trees and 5) Other Subjects. Mayor O'Brien advised that there will be a Public Comment section after each of the five topics.

Mr. Teeple gave an overview of the process up to this point. He explained that he put the Commission and the boards' recommendations in ordinance form. He commented that the sign ordinance or flood elevations would not be discussed at this meeting. He explained that Mr. Stauffer was here to answer questions about the drawings on the building height. He then turned the meeting over to Lindsay Haga.

1. Building Height

Ms. Lindsay Haga, Sr. Planner, advised that the building height codes start on page 207. She explained that previous discussions were regarding how to measure the building height. She advised that Michael Stauffer has submitted drawings, which would be in the Land Development Regulations (LDR's). She explained that this gives a description of what the Commission approved regarding the height measurement and where to start measuring it from.

Architect Michael Stauffer, 622 Bowers Lane, St. Augustine Beach, FL, advised that the drawings are based on measurements from one foot above the crown of the road and the drawings show to the ridge of the building. He explained that these drawings do not reflect buildings in the overlay districts.

Commissioner Snodgrass thanked Mr. Stauffer for his continued efforts on this matter. He asked if the Commission moved forward with the draft LDR's, how would that apply to the City Charter.

Mr. Stauffer advised that the residents' perception when they were voting on the 35-foot amendment, was visualizing a building from the street not being over 35-feet.

Commissioner Snodgrass asked if we moved forward with the information, would the City encounter another Embassy Suites situation.

Mr. Stauffer advised that there would be variables on different lots, but for the most part, it would keep lots to a definable point.

Commissioner Snodgrass asked Building Official Larson to what extent would the City encounter in the future what happened at Embassy Suites.

Building Official Larson advised that there would be approximately ten percent future structures depending on the new VE Zones from the Federal Emergency Management Agency (FEMA) map in the City. He explained that he believed it would be less than ten coastal residential lots in the City.

Mayor O'Brien asked within the VE Zone, would the Coastal Construction Line move.

Building Official Larson advised Coastal Construction Line is set and will not move.

Commissioner Snodgrass asked City Manager Royle what his interpretation was for the descriptions on page 207.

City Manager Royle advised that he felt the descriptions were explained very adequately and he would support the definitions.

Building Official Larson advised that he will be coming back to the Commission with a better International Organization for Standardization (ISO) rating, which should give residents a 30 percent decrease in their flood insurance. He commented that with this drafted code description, there would be a cost to homeowners by not allowing them to have 10-foot ceilings to meet the 35-foot building height limit. He advised that there would be a limit on the amount of fill for new construction in order to keep the building one-foot above the crown of the road.

Discussion ensued regarding the homeowners having a penalty in their ceiling height, but benefiting the community as a whole; the current draft code verbiage represents the more conservative view by allowing the measurement from the crown of the road, but limiting the height of the building to 35 feet; the draft LDR's reference what would be required if there was a catastrophic event and homes needed to be rebuilt; and when a building would have to be rebuilt, the 35 foot limit would have to be adhered to, but the homeowner would be allowed to stay within the same footprint.

Vice Mayor George advised that the Commission agreed to keep the replacement structure within the same three dimensional envelope of the pre-disaster structure.

Mayor O'Brien asked Mr. Stauffer if he sees any unintended consequences.

Mr. Stauffer advised no.

Commissioner Snodgrass advised that the Commission wants to adhere to the Charter language by keeping the 35-foot height limit, but at the same time provide lower flood insurance for the residents.

Discussion ensued regarding residents with hardships or other issues could apply for a variance if needed; encouraging not to do flat-roof homes due to the height restrictions; and having more discussions from the Commission on architectural designs in the future.

Ms. Haga asked for clarification on getting credit for the ISO elevation. She advised that the draft LDR's do not have language that the finished floor elevation does not have to be at 11 feet and wanted to know if she should address it in the drafted codes.

Building Official Larson advised no, that it would be done with a separate flood ordinance.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Steve Mitherz, 17 Sea Oaks Drive, St. Augustine Beach, FL; Jane West, 660 Sun Down Circle, St. Augustine Beach, FL; Dr. Michel Pawlowski, 216 10th Street, St. Augustine Beach, FL; Richard Galantowicz, 49 Ocean Court, St. Augustine Beach, FL.

Discussion ensued regarding parapet walls being already addressed in the mixed use ordinance for commercial properties and parapet walls not common for residential homes; Building Official Larson developing a flow chart to simplify the VE Zones for the Comprehensive Planning and Zoning Board; creating restrictive criteria language in the LDR's for variances to be submitted to the Comprehensive Planning and Zoning Board; and keeping the Charter amendment regarding the parapets being 10 feet high.

Vice Mayor George requested information in a flow chart regarding parapet walls in the mixed use ordinance.

Ms. Haga advised that the parapet walls are addressed in the mixed use ordinance, but not in the Overlay District. She commented that it could be if the Commission would like to include that language. She advised that there is a Mixed Use District that has been codified and provides for a vertical mix of homes and commercial properties, which is on pages 78-79, Article III. She explained that Article III defines the height and further measurements within the Mixed Use District.

Ms. Haga asked whether the Mixed Use District has language that the property owners are mandated to have a vertical mix of residential and commercial uses and would a single use residential home apply to the structure height regulations and setbacks.

Building Official Larson advised no. He explained that in that situation, the property owners would have to go to the Comprehensive Planning and Zoning Board.

Commissioner Snodgrass suggested that this language should be reviewed and that Building Official Larson should create a flow chart, drawings and commentaries in simple language to help the members of the Comprehensive Planning and Zoning Board.

Mayor O'Brien asked if there were any mixed only boundaries for the Mixed Use District.

Building Official Larson advised that there is language only for commercial zone boundaries, which were 150 feet on the east side of A1A Beach Boulevard and 300 feet on the west side of A1A Beach Boulevard.

Mayor O'Brien requested Ms. Haga to give a recap of what was discussed.

Ms. Haga advised that the Commission wants to retain the draft on the suggested measurement, utilizing the graphics from Mr. Stauffer. She commented that the flood plain ordinance will be coming before the Commission addressing the finished floor height, which would be a separate element and that staff would need to create a diagram for different types of lots (i.e. flat lots) and locations within the City. She advised that in the Mixed Use District there needed to be language of a cap for the percentage of the 10 feet, which the Commission needs to see before the ordinance is passed or adopted.

Discussion ensued regarding when the flood maps would be ready for review.

Building Official Larson advised that FEMA is 95 percent finished with their review, but there will be some items added because of Hurricane Matthew.

Ms. Haga advised that the flood plain map and the draft LDR's should coincide.

Vice Mayor George asked to clarify language on page 77 regarding conditional dwellings above the ground floor.

Ms. Haga advised that she would.

2. Impervious Surfaces

Ms. Haga advised that she discussed with staff Article II on page 58 and Article VI on page 205 in regards to the definitions for impervious surface coverages. She advised that the language on them has been modified per their discussion. She explained that on page 205, it cross-references the total impervious surface area and on page 58, it gives the definitions of impervious surfaces. She commented that on page 50, it explains the alternative porous paving definition. She explained that alternative porous paving materials do not count in the calculations of impervious ratio. She remarked that the consensus with staff was to leave the current method.

Public Works Director Howell advised that he agrees with the language currently and was glad that Ms. Haga provided more definition in Article II. He suggested to the Commission to have a stand-alone engineering design manual to deal with issues such as alternative porous payment, paving stones, pavers, etc., but have the manual referenced in the LDR's. He explained that the Commission has received some bulletin points from him of what could be put in the LDR's, if the Commission would whether do that.

Discussion ensued regarding the amount of space between the joints of pavers; having to be Americans with Disabilities Act (ADA) compliant on the joints of pavers, so people with canes and wheelchairs will not have a problem; whether the language should be changed from "shall" to "recommended" on the size of the joints between the pavers on single-family residential properties but not on commercial properties; whether a five percent slope on driveways to the crest of the road would be applicable to all properties; how the engineering design manual would be incorporated into the ordinance and how could it be enforced; developing the engineering design manual would take approximately three months; a typical paver not being more porous than concrete, but the paver has joints where the water goes through; artificial turf being porous, but depending on what type of material was under the turf would determine how fast water could be absorbed; and identifying the sections where the engineering design manual would be referenced in the LDR's.

The Commission agreed to have Public Works Director Howell develop an engineering design manual for the Commission's review.

Mayor O'Brien asked Building Official Larson how he feels about the current percentages for impervious surfaces.

Building Official Larson advised that the percentages are working and encourages the use of pavers for driveways, sidewalks, and pool decks. He remarked that in his recent training class, building officials were encouraged to use pavers.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Michael Stauffer, 622 Bowers Lane, St. Augustine Beach, FL and Jane West, 660 Sun Down Circle, St. Augustine Beach, FL.

Commission agreed to have Public Works Director Howell and Building Official Larson to develop a flow chart for impervious materials for the Comprehensive Planning and Zoning Board.

Mayor O'Brien asked Ms. Haga for a recap of this section.

Ms. Haga advised that the draft LDR's did not require any changes and staff would develop an engineering design manual, which would move certain elements from the LDR sections to the manual.

3. Setbacks

Ms. Haga explained that most of the changes were on pages 101-103; however, on pages 205, Article VI, it discusses setback requirements by land use categories. She commented that on page 101, the Overlay District east of A1A Beach Boulevard has small and standard private lots. She explained that for the small private lots, the dimensions would be 20 feet in the front and rear of the building and 7.5 feet on the sides of the building. She further explained that the standard private lots would have the dimensions of 25 feet in the front and rear of the building and 15 feet for the sides of the building. She advised that on page 103, it addresses another Overlay District for some private lots that are in the City's center, depending on the size of the lot.

Discussion ensued regarding corrections on side setbacks on page 105, line 20, and page 102, line 21, to 10-feet not 20-feet; changing those lots with dedicated alleyways from 93 feet to 100 feet; whether there was a minimum lot depth of 50 feet or less; any lots greater than 50 x 100 feet was not intended to have 7.5 side setbacks; whether to change the code to reflect the 50 x 100 feet to a maximum lot size of 5,000 square feet; changing the footprint definition to show that it applies to the main building; removing the word "above" on page 101, last paragraph before Section 4, Setbacks; the code treating lots west of A1A Beach Boulevard differently due to Zoning Overlay Districts in that area; keeping a 35 percent floor area in all districts; how many lots were smaller than 50 x 93 square feet; having a design requirement on lots east side of A1A Beach Boulevard; west of A1A Beach Boulevard has a modified Beachside Medium Density Overlay District to address the small and larger lot sizes for building homes; homeowners wanting to maximize the space of their lots; setbacks not changing the 35 percent building requirements; whether the setbacks should be consistent east and west of A1A Beach Boulevard; the community vision having more greenery in the City west of A1A Beach Boulevard than east of A1A Beach Boulevard; having larger

footprints in the higher density areas and transitioning to smaller footprints; correcting page 102, line 18, to reflect 100 x 50 size lot to 5,000 square feet; making the verbiage clearer on the vacating alleyway setbacks; having no permanent structures on dedicated alleyways or easements; providing a list or examples of architectural styling on page 103, line 2; and creating a design code for the City.

Commissioner Snodgrass asked Building Official Larson to explain his recommendations to the Commission from his memo.

Building Official Larson advised that there are too many lot variables. He explained that he would like a consistent standard to be applied to all the lots west or east of A1A Beach Boulevard. He explained that the way the draft code is written, he would have to go to the Planning and Zoning Board in order to save a tree.

Commissioner Snodgrass asked what the downside would be if this was changed.

Building Official Larson advised that there wasn't any as long as the City allows the porches on the front and rear of the building. He advised that the homeowners cannot build a bigger home because of the 35 percent rule. He explained that the lot size dictates what the size of the first floor of the house would be.

Discussion ensued regarding whether to make a 50 x 100 lot have side setbacks of 7.5 feet and anything over that size lot be 10-foot side setbacks with 25-foot front and rear setbacks; whether to use 5,000 square feet verbiage instead of 50 x 100-foot size lot; new construction must be connected to St. Johns County utilities due to the flood zone in St. Augustine Beach; and whether verbiage on page 102, lines 11 and 39, regarding the front of the home should say to face east of A1A Beach Boulevard.

Commission agreed to change the setbacks to any lot 50 x 100 feet to have side setbacks of 7.5-feet and any lot over 50 x 100 feet should be 10 foot setbacks.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Michael Stauffer, 622 Bowers Lane, St. Augustine Beach, FL; Sandra Krempasky, 7 C Street, St. Augustine Beach, FL; Jane West, 660 Sun Down Circle, St. Augustine Beach, FL; Steve Mitherz, 17 Sea Oak Drive, St. Augustine Beach, FL; Dick Galantowicz, 49 Ocean Court, St. Augustine Beach, FL.

Discussion ensued regarding corner lot setbacks; whether to change verbiage on setback encroachments to cantilever only; the new code having no provision for the reduced footprint for the second or third floor; trying to get away from the box style homes; whether it would affect property rights if the code limits the style of the home; having flexibility on the porches; and putting in the code that 70 percent reduction from the footprint must be on the third floor.

Commissioner England asked to change corner lots to have a setback of 15 feet on the street for visibility. She advised that there should be landscaping on the street side as well.

Commission agreed to small lots being 12 feet and larger lots being 15 feet.

Commissioner Snodgrass asked if the draft code would affect property owner rights.

City Attorney Wilson asked if this drafted code is adopted, how many lots in the City would be non-conforming. He explained that the City doesn't want every property owner to need a land development permit or variance. He commented that variances are only permitted in rare circumstances.

Vice Mayor George advised that there are not many three-story boxed homes in the City.

Commissioner Kostka asked to provide a list of what xeriscaping plants are on page 146.

Mayor O'Brien asked for the list to be in the design code manual.

Discussion ensued regarding having a landscaping manual from St. Johns River Water Management District and pruning needed for xeriscaping plants.

Commissioner Snodgrass asked Building Official Larson and Public Works Director Howell if they have any concerns about setbacks.

Building Official Larson and Public Works Director Howell advised that they were comfortable with the drafted codes.

Vice Mayor George advised that the drafted code says that landscaping is at the owner's discretion. She advised that in the prior code there were minimal requirements for landscaping. She asked if that was changed.

Ms. Haga advised no, that this was a cross-over for the site plan that the Planning and Zoning Board would see. She explained that there would still be tree mitigation in Article V.

Vice Mayor George advised that on page 233 – 234 commercial properties only are required to use native plants, but on Article III it says discretionary.

Ms. Haga advised that Article VI applies to the larger development plan or subdivision plan. She explained that on page 233, if a commercial property owner goes through a review with the Beautification Advisory Committee and uses their recommendations, the owner get credit on their mitigation.

Vice Mayor George remarked that improvement standards should be applied to every development, not just commercial. She asked Ms. Haga to make sure of consistency.

Commissioner Kostka remarked that on page 107, would this language allow 16 year olds to rent a transient rental with no supervision.

Vice Mayor George suggested to change to the definition of the family because it doesn't address the totals.

Ms. Haga advised that she would review it.

Mayor O'Brien asked to recap on setbacks.

Ms. Haga recapped as follows: setbacks would be based on lot size and whether the lot was a small private lot or standard private lot, architectural styles would be applied to all lots east or west of A1A Beach Boulevard, changes regarding small private lots would have a maximum depth of 100 feet, corner lots would have a 12-foot street yard requirement, clarification on cantilevered porches on the second and third level of a building would be reviewed, beachside overlay district would be removed, and all lots measuring 5,000 square feet would have 7.5 foot setbacks and lots with 5,001 square feet would have 10 foot setbacks.

The meeting was recessed at 2:20 p.m. and reconvened at 2:25 p.m.

4. Tree Mitigation

Ms. Haga explained that she defined in the draft code what was coastal hammock and what was allowed in a coastal hammock. She advised that in the draft codes on page 126 it shows land clearing cannot be more than 20 percent, unless approved by the Planning and Zoning Board.

Commissioner Snodgrass asked how swimming pools were incorporated.

Vice Mayor George asked on what page is the newer version of the code.

Ms. Haga advised that the newer version was on page 165.

Discussion ensued regarding deleting Florida licensed landscape architect to a certified Arborist; whether limited the clearing to coastal hammocks would have allowed the tree at Marriott Hotel to be cut down; using mitigation when saving trees like at the Marriott Hotel; having the removal of coastal hammock be approved by the City Manager or his/her designee instead of the Planning and Zoning Board; and how the draft codes would affect Ocean Ridge subdivision.

Ms. Haga explained the mitigation process.

Commissioner Snodgrass asked how Section 501.2.A. is different than what is in the current codes.

Ms. Haga advised that the drafted code consolidates what your permitting rule is. She advised that the drafted code shows how to file for a permit.

Vice Mayor George asked if on page 126, line 11, E, removal of coastal hammocks, would have to come before the Planning and Zoning Board or by the City Manager or his/her designee.

Discussion ensued regarding whether the removal of coastal hammocks should be brought in front of the Planning and Zoning Board or the City Manager or his/her designee.

Commissioner Snodgrass advised that he wants to reflect on this issue.

Discussion ensued regarding whether a certified arborist or biologist should identify what was a coastal hammock; St. Johns River Water Management District did not identify Ocean Ridge as a coastal hammock; who would identify if a tree was diseased; what was a definition of diseased; and having the City Attorney approve the policy regarding coastal hammocks because it is part of the Comprehensive Plan.

Commissioner Snodgrass advised that this section needs more work on who would identify coastal hammock.

Discussion ensued regarding removing “shall” to “may” on page 126 for diseased trees; whether the disease trees that were cut down were photographed; mitigating to plant the same size trees that were removed; and whether a tree could be treated for termites.

Ms. Haga explained that a tree could be removed, but would have to be mitigated on an inch per inch basis or pay for the same size tree. She advised that the protected trees are index trees, which was not defined, so she made the requirement a six-inch tree. She commented that the Commission could change it if they would like to.

Commissioner Snodgrass asked what about trees approved by a development plan regardless of protective trees.

Ms. Haga advised that it would be mitigated and if the protected tree is taken down, then they would have to plant the same size tree or pay to plant the same size tree elsewhere.

Mayor O'Brien advised that there was a conflict on page 127, number 8. He advised that it conflicts with what the Commission already agreed upon. He advised that on page 128, line 24, that paragraph needs to be removed.

Ms. Haga advised that she would remove the paragraph on page 128, Sec. 5.01.03.c. She then explained that mitigation fund and how funds would be allocated.

Vice Mayor George asked if the drafted codes allow for some property owners to pay into the mitigation fund and other property owners who say they can't afford it not pay into the mitigation fund. She asked who would be responsible to decide who would get a grant from the mitigation fund and who would do the financial review. She advised that this process would be very cumbersome.

Ms. Haga advised that she didn't disagree that it would be cumbersome. She also advised that on page 128, Sec. 5.01.03.B.5 would be cumbersome as well. She advised that Sec. 5.01.03.B.4 and 5 would have the potential to fund public dollars to private owners.

Vice Mayor George advised it would be wiser to use the funds for City projects, beautification of City property and conservation and to remove Sec. 5.01.03.B.4 and 5.

Commission agreed.

Ms. Haga explained the credit and debit based program on page 167. She advised that property owners get credit by retaining existing trees and property owners are debited for those trees that are removed. She commented that if there was a deficient, the property owner could plant or pay the mitigation fund. She explained the fee costs.

Commissioner Snodgrass asked who would administer the deficient.

Ms. Haga advised that Building Official Larson would administer it.

Commissioner England asked if this was for all trees on the property or just for the ones that are protected.

Ms. Haga advised that this applies to the protected trees, which also applies to any tree that is six inches or more.

Commissioner Snodgrass said that the Commission agreed to eight-inches at the last meeting.

Commissioner England advised that she would like to look at the site as a whole instead of tree by tree.

Vice Mayor George agreed with Commissioner England.

City Manager Royle advised that on page 171, Sec. 5.01.08, it states that the Public Works Department would have to go back to the Commission to take down a tree that has fallen or dead or diseased on public property.

Commissioner Snodgrass said it could be the City Manager or his/her designee.

Ms. Haga explained that this section was to take care of a tree that was in a potential driveway for a new building being put up.

Commission agree to have Ms. Haga review and change this language so it would not have to go to the Commission.

Public Works Director Howell requested that on pages 167-168 the language be clarified by the caliber of the tree. He explained that diameter is not specific.

Mayor O'Brien opened the Public Comment section. The following addressed the Commission: Jane West, 660 Sun Down Circle, St. Augustine Beach, FL; Steve Mitherz, 17 Sea Oaks Drive, St. Augustine Beach, FL; Sandra Krempasky, 7 C Street, St. Augustine Beach, FL; and Ed Slavin, P.O. Box 3084, St. Augustine, FL.

Ms. Haga advised that both drafts show what comes in front of the Planning and Zoning Board and it would be up to the Commission to decide which mitigation method they want.

Vice Mayor George asked if all 30-inch trees go in front of the Planning and Zoning Board for review.

Ms. Haga advised that all trees require a permit for removal. She explained that the cases that are allowed for Building Official Larson are less than 30-inches. She deferred to the Commission on how they would like the language on diseased trees or trees in danger of falling.

Vice Mayor George asked Building Official Larson if there have been any trees removed last year that were diseased or falling.

Building Official Larson advised no. He advised that he did bring to the Planning and Zoning Board five trees that tipped over due to Hurricane Matthew. He asked if that should be mitigated.

Commissioner England asked about acts of God and the mitigation rule.

Ms. Haga advised that if no permits are required, then no mitigation is required. She advised that there are exemptions for acts of God. She advised that she would advocate to use some fee schedule, whether it was inch for inch or not.

Discussion ensued regarding whether the Building Department should mitigate for every tree being removed on new or existing development; enforcement of illegal tree removal; not charging for diseased trees that have been inspected by a certified arborist or trees that the insurance company tells the property owner to remove the tree or their insurance would be cancelled; allowing to remove a tree

for a swimming pool for new development with no mitigation according to Sec. 5.01.01; and whether to place in the code to mitigate when a tree is in the way of a swimming pool.

Ms. Haga advised that whether to mitigate for a swimming pool would be depending on mitigation credit and debit calculations of the lot. She advised that if there are enough trees are saved on a lot, the property owner could remove a tree for a swimming pool with no mitigation.

Commission agreed that mitigation should be dependent on the credit and debit method of what trees are on the lot.

Building Official Larson explained the site plan process.

Commissioner England asked what if the property owner decides to maximize everything on the lot and all the trees are gone.

Ms. Haga advised that the property owner would either have to plant or pay to the mitigation fund. She explained to the Commission that the codes should be clear what exempts mitigation. She advised that she would discuss this further with Building Official Larson to see what was being exempted now to clarify the language.

Commissioner Snodgrass asked Ms. Haga to explained what the process is now and what the implications would be if any, if the draft code is adopted.

Ms. Haga advised that she would review and advise.

City Manager Royle advised that Mr. Galantowicz requested to speak and handed out an email copy from Mr. Galantowicz (Exhibit 1) to the Commission.

Mr. Galantowicz, 49 Ocean Court, St. Augustine Beach, FL, addressed the Commission.

Discussion ensued regarding the calculations for the floor area ratio were determined by the amount of concrete on the first floor of the home; the lot size and what controls the size of the house.

Vice Mayor George advised that on pages 53 and 54 there are two definitions, development or development activity. She asked there were two definitions and why clearing was not part of development or development activity. She further asked why mobile homes were referenced when the City doesn't allow them.

Ms. Haga advised that she consolidated definitions and placed them in Article II so that the user would know where all the definitions were. She explained that the Article V definition deals with the flood plain definitions and so there are two definitions.

Discussion ensued regarding substantial improvement definition being stated twice and could be consolidated and flood plain ordinance being from the State of Florida Building Codes, which will override the definitions that are in the drafted codes.

Vice Mayor George advised that on page 66, under Structure, she explained that there should be size limit to a gas or storage tank. She commented that on page 68, the definition of a variance does not impact the variance criteria for the Planning and Zoning Board. She explained that hardship is not the only criteria for a variance.

Commissioner Kostka asked to remove on page 56, line 21, the "Floodplain Administrator" and identify that as the building official. She also advised that on page 56, line 23-26, to remove "community" and replace it with "City". She commented that on page 69, lines 23 and 24, should be reversed. She asked that on page 83, table 3.02.04, should recreation be left blank.

Ms. Haga advised yes. She advised that Recreation should be a header and will make that clearer.

Public Works Director Howell advised that on page 76, line 17, and on page 95, line 20 to 98, could be placed in Article II. He advised that the reference sea level for NGVD should be changed to NAVD 1988.

Ms. Haga advised that it would depend on when the flood plain ordinance is passed whether she could consolidate the language in the drafted codes.

Mayor O'Brien reopened the Public Comment section. The following addressed the Commission: Sandra Krempasky, 7 C Street, St. Augustine Beach, FL.

Mayor O'Brien closed the Public Comment section.

B. Direction to City Attorney to Prepare Ordinance(s)

Ms. Haga advised City Attorney Wilson that she would send the ordinance title for publication.

Vice Mayor George asked if a citizen sued regarding one part of the ordinance, would that make the entire ordinance ineffective.

City Attorney Wilson advised that there would be a severability clause, so that it would not affect the other parts of the codes.

Vice Mayor George asked if any due process would be challenged if the public only received three minutes to speak on the ordinance.

City Attorney Wilson advised no, that the citizens could have a spokesman for a group to speak in which case they would have more time.

V. ADJOURNMENT

Mayor O'Brien asked for a motion to adjourn.

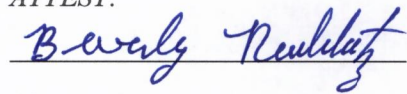
Motion: to adjourn. **Moved by** Vice Mayor George, **Seconded by** Commissioner Kostka. Motion passed unanimously.

Mayor O'Brien adjourned the meeting at 3:50 p.m.

A handwritten signature in blue ink, appearing to read "Rich O'Brien", written over a horizontal line.

Rich O'Brien, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Beverly Neulitz", written over a horizontal line.

City Clerk