



**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, JULY 24, 2023 - 5:00 PM
ALCAZAR ROOM**

1. CALL TO ORDER

- ◆ Roll Call
- ◆ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- ◆ Modification and Approval of REGULAR AGENDA

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

- 3.A.** Certificates of Recognition presented to Aviles, Spain participants of the Sister Cities Student Exchange Program. (*J. Springfield, Commissioner*)

- Alejandro Suarez Junquera
- Ana Patricia Moran Fernandez
- Ramon Ponga Alvarez
- Fernando Martinez Miranda

- 3.B.** **Certificate of Recognition 2023-10CR**: Recognizes and joins in celebrating the opening of the Camino del Mestizaje. (*N. Sikes-Kline, Mayor*)

4. PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING

- ◆ 3 minutes per individual

5. CONSENT AGENDA

6. APPEALS

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

(PRESENTATIONS (MAXIMUM OF **10** MINUTES PER PRESENTATION)). PRESENTATIONS FOR COMMISSION MEETINGS MUST BE PRESENTED TO THE CITY MANAGER FOR APPROVAL NO LATER THAN TEN (10) WORKING DAYS PRIOR TO THE NEXT CITY COMMISSION MEETING. A PRESENTATION SUPPORT SERVICES REQUEST (AVAILABLE ON THE CITY'S WEBSITE) MUST ACCOMPANY ALL PRESENTATIONS.

7.A. General Public Presentations

- 7.A.1.** Presentation from Wayne Sims, former Public Affairs director, of a plaque given to him for the City as a thank you for the gift of the Atocha treasure ship anchor. *(D. Birchim, City Manager)*

7.B. Items of Great Public Importance

7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

- 8.A.1. Ordinance 2023-18:** Annexation of 0.90 acres west of the existing Cat's Paw Marina, which is a portion of 200 Nix Boat Yard Road (PID 1248320000) and contiguous to the city limits. *(A. Skinner, Director Planning and Building)*
- 8.A.2. Ordinance 2023-19:** Amends the future land use designation of the annexed 0.90 acres west of the existing Cat's Paw Marina, which is a portion of 200 Nix Boat Yard Road (PID 1248320000) from St. Johns County Mixed-Use District to City Marine Industrial. *(A. Skinner, Director Planning and Building)*
- 8.A.3. Ordinance 2023-20:** Amends the zoning designation of the annexed 0.90 acres west of the existing Cat's Paw Marina, which is a portion of 200 Nix Boat Yard Road (PID 1248320000) from St. Johns County Residential, Manufactured/Mobile Home (RMH) to City Planned Unit Development (PUD) and including amending the existing Cat's Paw Marina PUD at 220 Nix Boat Yard Road (PID 1348300000). *(A. Skinner, Director Planning and Building)*
- 8.A.4. Ordinance 2023-22:** Amends Chapter 17 of the City Code regarding voluntary certified guides and examination. *(I. Lopez, City Attorney)*

8.B. Ordinances - First Reading (only if required by law)

8.C. Resolutions - Public Hearing (only if required by law)

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

- 9.A.1. Ordinance 2021-18:** Establishes regulations and procedures requiring business establishments that are serving alcohol to participate in certain programs, meet certain requirements and to obtain a "permit" to sell alcohol after midnight. *(A. Skinner, Director Planning and Building)*

9.B. Resolutions

- 9.B.1. Resolution 2023-16:** Establishes the estimated rates for fire protection assessments for the fiscal year beginning October 1, 2023. *(M. Simpson, Director Finance)*

10. STAFF REPORTS AND PRESENTATIONS

- 10.A.** Request for the establishment of a third Community Redevelopment Area to be referred to as West City Community Redevelopment Area. *(J. Perkins, Neighborhood Services and CRA Manager)*
- 10.B.** Approval of the Land Exchange Agreement exchanging 800 Plantation Island Drive (City land) for 90 and 92 South Dixie Highway (Spadaro Holdings, LLC) for a homeless day center.
and
Resolution 2023- 22: Authorizes the entering into of the Land Exchange Agreement between 800 Plantation Island Drive and 90 and 92 South Dixie Highway and authorizes David Birchim, City Manager as agent for the transaction. *(D. Birchim, City Manager)*

11. ITEMS BY CITY ATTORNEY

- 11.A.** Third quarter legal department update. *(Information Only - No Presentation) (I. Lopez, City Attorney)*

12. ITEMS BY CITY CLERK

- 12.A.** Notification of two term expirations on the Planning and Zoning Board. *(D. Galambos, City Clerk)*
- 12.B.** Request for one appointment to the St. Augustine Audit Review Committee. *(D. Galambos, City Clerk)*

13. ITEMS BY CITY MANAGER

- 13.A.** Discussion of legislative priority items for the upcoming legislative session. *(D. Birchim, City Manager)*

14. ITEMS BY MAYOR AND COMMISSIONERS

15. ADJOURN

NOTICES: In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." ***In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. ***The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk's office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission. The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

CONSENT AGENDA - JULY 24, 2023

- CA.1.** Preview of upcoming Commission meetings.
- CA.2.** **THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON AUGUST 14, 2023: NONE.**
- CA.3.** **Reminder of Upcoming Meetings:**
- August 14, 2023, 3:00pm, Special Commission Meeting (2024 Budget Assumptions and 5-Year Capital Improvement Plan discussion)
 - August 14, 2023, 5:00pm, Regular City Commission Meeting
 - August 24, 2023, 9:00am, Special City Commission Meeting, (2024 tentative budget and action items)
 - August 25, 2023, 9:00am, Special City Commission Meeting (if needed) to further discuss 2024 tentative budget and action items)
- CA.4.** **APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:**
- June 23, 2023, regular City Commission meeting
- CA.5.** **RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):**
- 678 Julia Street - Joycelyn Martin
- CA.6.** **PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.**
- CA.7.** **NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.**
- CA.8.** Approval of the nomination of Dr. Susan Richbourg Parker as a recipient of the 2023 Order of La Florida award. *(R. Horvath, Vice-Mayor)*
- CA.9.** Approval of the nomination of Kay Burtin as a recipient of the 2023 Order of La Florida award. *(N. Sikes-Kline, Mayor)*
- CA.10.** Approval of St. Augustine Public Art Advisory Committee members. *(R. Horvath, Commissioner)*

End Consent Agenda

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim
City Manager

DATE: July 11, 2023

RE: Special Presentation for Sister Cities Student Exchange Program

City Commissioner Jim Springfield would like to present Certificates of Recognitions to the following participants of the Sister Cities Student Exchange Program between the City of St. Augustine, Florida and Aviles, Spain:

- Alejandro Suárez Junquera
- Ana Patricia Morán Fernández
- Ramón Ponga Álvarez
- Fernando Martínez Miranda

Please place this item on the July 24, 2023, agenda under special presentations.

Respectfully,



Melissa Wissel
Communications Director

City of St. Augustine
City Commission

Certificate of Recognition

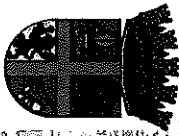
In Acknowledgement of and

Presented In Honor to

Alexandro Suarez Junquera

For Outstanding Participation in
The St. Augustine, Florida/Orlco, Spain,
Student Exchange Program

Nancy Oakes-Rine, Mayor



City of St. Augustine
City Commission

Certificate of Recognition

In Acknowledgement of and

Presented In Honor to

Ana Patricia Morán Fernández

For Outstanding Participation in
The St. Augustine, Florida/Cuba, Spain,
Student Exchange Program

Nancy Dikes-Kline, Mayor



City of St. Augustine
City Commission

Certificate of Recognition

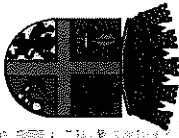
In Acknowledgement of and

Presented In Honor to

Ramón Ponga Olivares

For Outstanding Participation in
The St. Augustine, Florida/Cuba, Spain,
Student Exchange Program

Nancy Dikes Kline, Mayor



City of St. Augustine
City Commission

Certificate of Recognition

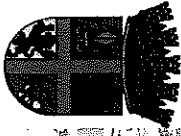
In Acknowledgement of and

Presented In Honor to

Fernando Martinez Miranda

For Outstanding Participation in
The St. Augustine, Florida/Cuba, Spain,
Student Exchange Program

Nancy Dikes-Kline, Mayor





Est. 1565

City of St. Augustine

La Lealísima y Valerosa Ciudad de San Agustín de la Florida

❧ CERTIFICATE OF RECOGNITION *❧*

Whereas, the Cathedral of Santiago de Compostela, as the Founding Cathedral of the Cathedral Alliance, endorses and supports the Camino del Mestizaje project; and

Whereas, the Camino del Mestizaje is the fusion of different historical and pilgrimage routes that traverse the Americas, connecting Santiago de Chile with Santiago de Compostela; and

Whereas, the Cathedral of Santiago de Compostela acknowledges and designates the Cathedral Basilica of St. Augustine in Florida as the Connector of the Camino trail network in the Americas with the Camino de Santiago; and

Whereas, the kilometers walked in the Americas, within the framework of the Camino del Mestizaje, hold the same value and significance as the kilometers walked in Europe on the Camino de Santiago; and

Whereas, the Nauta Institute, Cathedral of Santiago de Compostela and the Cathedral Basilica of St. Augustine in Florida have worked since 2010 to designate St. Augustine in Florida as the official connector of the Camino trail network in the Americas with the Camino de Santiago; and

Whereas, the Cathedral Alliance is willing to collaborate within its scope to contribute to a better understanding of the historical legacy of the Catholic Church and mutual appreciation and recognition among American and Spanish civil societies.

NOW THEREFORE, the City Commission of the City of St. Augustine does hereby recognize and joins in celebrating the opening of the Camino del Mestizaje on the Feast of St. James with Cathedral of Santiago de Compostela, the Cathedral Basilica of St. Augustine in Florida, the Cathedral Alliance and the Nauta Institute.

IN WITNESS WHEREOF I hereunto set my hand and do cause the Seal of the City of St. Augustine, Florida, to be affixed this 1st day of June in the year of our Lord two thousand and twenty-three, in the four hundred and fifty-seventh year of the founding of St. Augustine, the Nation's Oldest City.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

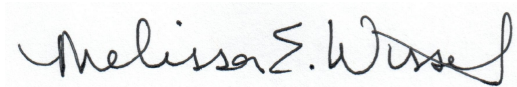
RE: Plaque presentation from Aviles, Spain

DATE: July 24, 2022

Mr. Wayne Sims, former Public Affairs Director for the City of St. Augustine, will be in attendance to present a plaque to the City Commission on behalf of the City of Aviles from a delegation visit that took place in 1999.

Please place this on the July 24, 2023, agenda under General Public Presentations. Mr. Sims will provide a brief history of the plaque before presenting it to the City Commission.

Thank you,

A handwritten signature in black ink that reads "Melissa E. Wissel". The signature is written in a cursive style with a large, stylized 'M' and 'W'.

Melissa Wissel
Communications Director

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: July 12, 2023

RE: **Ordinance 2023-18 – Annexation of Land West of the Existing Cat's Paw Marina PUD Development and North of Nix Boatyard Road Containing Approximately 0.90 Acres which is a portion of 200 Nix Boat Yard Road (PID 1248320000) and contiguous to the city limits – Second Reading and Public Hearing**

Please place the attached Annexation Ordinance 2023-18 on the July 24, 2023, City Commission agenda for Second Reading and Public Hearing.

The property is approximately 0.90 acres in size and is contiguous to the city limits. This property is contiguous to the City of St. Augustine city limits on its east and south boundaries. This property is an eastern piece of a parcel that was purchased by the owners of the Cat's Paw Marina. If annexed this piece would be incorporated into the existing Cat's Paw Marina Planned Unit Development (PUD). It would allow the project to be developed as an overall interconnected project, including the proposed construction of a second dry storage boat facility on the site.

St. Johns County has assigned a future land use designation for the property of Mixed-Use District and the current county zoning is Residential, Manufactured/Mobile Home (RMH).

After the petition was accepted by the City Commission in March the applicant applied to the City Planning and Zoning Board (PZB) for recommendations regarding the requested land use and zoning for the property. These items were reviewed and recommended at the PZB meeting on June 6, 2023, and approved on First Reading by the City Commission on June 26, 2023.

Please find attached the annexation ordinance and map, as well as the Petition to annex and the Pre-annexation agreement accepted by the City Commission at the March 27, 2023, meeting. If you have any questions or require additional information, please let me know.



Amy McClure Skinner, AICP
Director, Planning and Building Department

**PETITION FOR VOLUNTARY
ANNEXATION**

Pursuant to Section 171.044, Florida Statutes, the following identified owner of real property in the unincorporated area of St. Johns County ("County"), Florida: BDEP CAT'S PAW LLC, whose address is 4230 Ortega Blvd., Jacksonville, FL 32210 ("Petitioner") here now, respectfully petitions the City Commission for the City of St. Augustine ("City"), Florida, to annex certain real property into the City and in support states:

1. Petitioner is the fee simple owner, as evidenced by that certain Trustees Deed recorded in Official Records Book 3541, page 912 of the public records of St. Johns of that certain property (the "Annex Property") in the unincorporated area of the County, and as more particularly described on Exhibit "A" (the "Annex Property Legal Description") and graphically depicted in Exhibit "B" attached hereto and incorporated herein by reference ("Graphic Depiction of Annex Property").
2. The Annex Property is contiguous to the City and reasonably compact, and the annexation of the Annex Property into the City will not result in the creation of an enclave or enclaves.
3. The Annex Property is presently improved with manufactured (mobile) homes and related utility facilities. The proposed use of the Annex Property is the incorporation of the Annex Property into the Genovar Annexation Planned Unit Development approved under Ordinance 2005-02, as modified by Ordinance 2017-34 (the "Cat's Paw PUD") as graphically depicted on Exhibit "C" (the "Cat's Paw Property"). The Annex Property and the Cat's Paw Property are graphically depicted together on Exhibit "D" (the Graphic Depiction of the Annex Property and the Cat's Paw Property").
4. The Annex Property is proposed to be annexed into the City to allow for an expansion of the existing Cat's Paw boat storage and marina facilities as shown

on the conceptual site plan depicted in Exhibit "E" (the "Conceptual Site Plan and Aerial").

5. Petitioner understands that upon annexation into the City, a future land use designation and zoning category will be established by the City for the Annex Property, and further understands that any future land use designation adopted by the City may be subject to the approval of the State of Florida. However, prior to the establishment of a future land use designation and zoning category by the City, Petitioner shall be entitled to use of the property under the future land use designation(s) and zoning in effect in the County immediately prior to the annexation, which will continue to be in effect as provided for in Section 171.062(2), Florida Statutes. The existing County future land use designation of the Annex Property is "Mixed Use District (Md)" and the existing County zoning classification is "Residential, Manufactured/Mobile Home (RMH)". Until such time as the City establishes a future land use designation and zoning category, Petitioner shall be allowed to develop the Annex Property pursuant to any land development order or land development permit and is entitled to the benefit of any impact fees paid or certificate of concurrency issued by the County and in effect at the time the annexation becomes final, provided said development order or development permit does not expire.
6. The Petitioner hereby consents to any non-ad valorem assessments adopted by the City.
7. Petitioner proposes the following agreement as the basis for the processing, consideration and approval of this Petition:

Petitioner is the owner of the Annex Property that is contiguous to the property that is subject to the Cat's Paw PUD, already within the City Limits, as depicted on Exhibit "D" attached hereto and incorporated herein by reference (the "Graphic Depiction of Annex Property and Cat's Paw Property".) The Cat's Paw Property has a Marine Industrial future land use

designation and is zoned Planned Unit Development. The Cat's Paw Property is improved with boat storage and marina facilities. If this Petition for Annexation is granted, Petitioner agrees:

On the first to occur of a change of ownership of the Annex Property or commencement of construction on the Annex Property, or one (1) year from the effective date of the annexation sought by this petition, the leases for all manufactured/mobile homes on the Annex Property will be terminated and all such uses removed and discontinued.

In the Processing of this Petition, the City agrees:

The City acknowledges that adequate capacity exists for the proposed development of the Annex Property to be added to the existing development on the Cat's Paw Property at this time as calculated under the City's Concurrency Management Ordinance based upon the addition of approximately 24,750 square feet to the existing Cat's Paw facilities on the Cat's Paw Property.

NOW, THEREFORE, Petitioner requests the City Commission for the City of St. Augustine, Florida, to:

- A. Adopt a non-emergency ordinance at a regular meeting to annex the Annex Property into the City and re-define the boundaries of the City to include the Annex Property and approve the Pre-Annexation Agreement.
- B. Prior to adoption of said ordinance, publish notice of the annexation, at Petitioner's expense, at least once each week for two consecutive weeks as required by Section 171.044(2), Florida Statutes, and to provide notice to the County pursuant to the Annexation Interlocal Agreement and Section 171.044(6) legal notice, map and County notice attached hereto and incorporated herein as composite Exhibit "F").

- C. Approve the agreements set forth herein.
- D. Initiate proceedings within ninety (90) days, at Petitioner's expense, to designate the Annex Property as Marine Industrial under the Future Land Use Element of the City Comprehensive Plan and to designate the zoning classification of the Annex Property as Planned Unit Development under the Code of the City. City does not warrant any particular outcome of the public hearings.
- E. Upon adoption of said ordinance, file the annexation ordinance with the Clerk of the Circuit Court of St. Johns County, Florida; the Chief Administrative Officer of the County; and the Department of State of the State of Florida, within seven (7) days after the adoption of the annexation ordinance as required by Section 171.044(3), Florida Statutes.

DATED this 14th day of February, 2023.

Respectfully submitted,

BDEP CAT'S PAW LLC, a Florida limited liability company

By: On Board B LLC, a Florida limited liability company

Its: Manager

By: Gayle Bulls Dixon

Name: Gayle Bulls Dixon,

Its: Manager

STATE OF FLORIDA

COUNTY OF Duval

The foregoing instrument is hereby acknowledged before me by means of ☒ physical presence or online notarization this 14th day of February, 2023, by Gayle Bulls Dixon, as the Manager of On Board B LLC, as the Manager of BDEP CAT'S PAW LLC, who is ☒ personally known to me or ☐ has produced _____ as identification and (did/did not) take an oath.

NOTARY PUBLIC, State of Florida

Name: Carrie Anne Kissinger

My Commission Expires: August 28, 2026

My Commission Number is: HH 302491

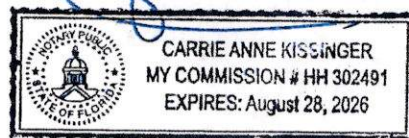


EXHIBIT "A"

(Annex Property Legal Description)

A parcel of land situated in the G.W. Perpall Grant, Section 41, Township 7 South, Range 30 East, St. Johns County, Florida and being more particularly bounded and described as follows: Begin at a concrete monument at the Southwest corner of those lands described in Deed Book 126, Page 146 of the Public Records of St. Johns County, Florida; thence N 24° 05'59" W along the East line of those lands described in Official Records Book 121, Page 72 of said public records 200.00 feet; thence N 62 ° 31'18" E, 185.81 feet; thence N 77° 31 '30" E, a distance of 134.97 feet to the West line of those lands described in Official Records Book 1890, Pages 271 of said public records; thence South 03°42'03" East, along the East line of last said lands, a distance of 178.34 feet; thence South 09° 07'29"E East, continuing along said East line, a distance of 121.02 feet to the South line of said lands described in Deed Book 126, Page 146; thence West, along said South line, a Distance of 245.67 feet to the Point of Beginning.

EXHIBIT "B"

(Graphic Depiction of Annex Property)



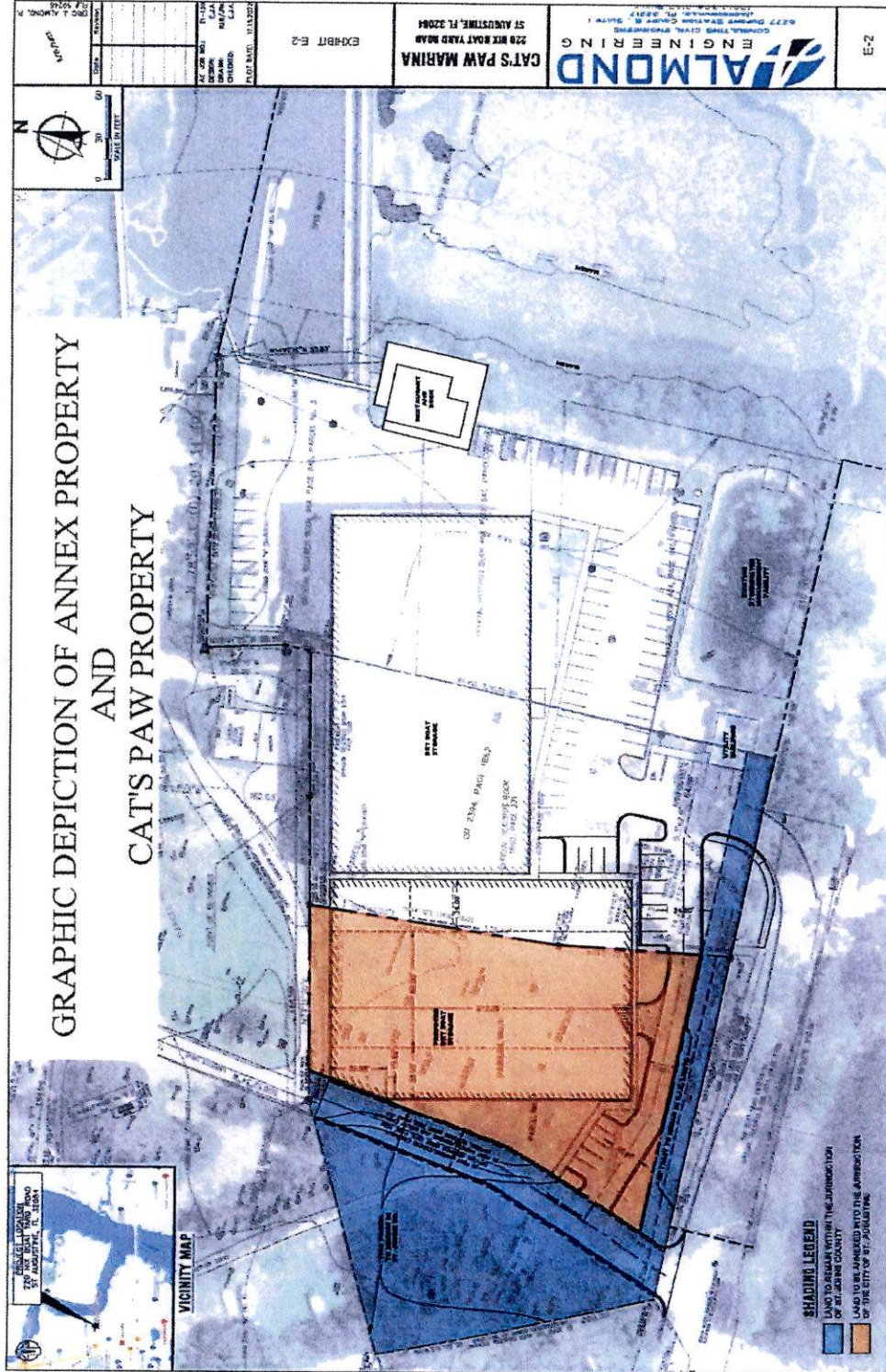
EXHIBIT "C"

(Graphic Depiction of Cat's Paw Property)



EXHIBIT "D"

(Graphic Depiction of Annex Property and Cat's Paw Property)



Petition for Voluntary Annexation
 January 30, 2023

(Conceptual Site Plan and Aerial)

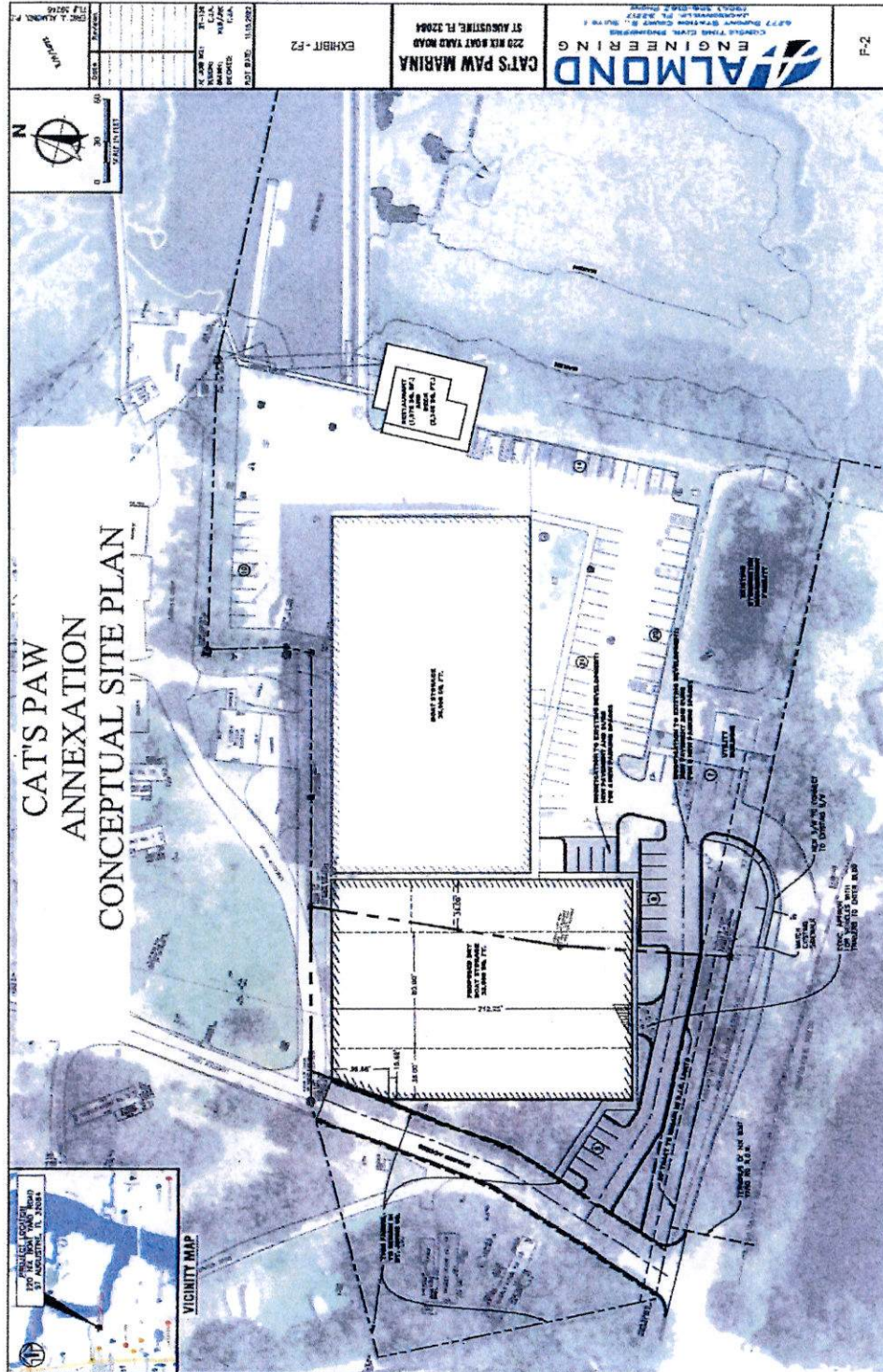


EXHIBIT "F"

(Composite Legal Notice, Map and County Notice)

To remain blank at this time

PRE-ANNEXATION AGREEMENT

THIS AGREEMENT made an entered into this 15th day of June 2023 between the CITY OF ST. AUGUSTINE, FLORIDA (the "City"), a municipal corporation, Post Office Drawer 210, St. Augustine, Florida 32085-0120, and BDEP CAT'S PAW LLC, a Florida limited liability company, 4230 Ortega Blvd., Jacksonville, FL 32210 ("Owner").

RECITALS

1. Owner is the fee simple owner of certain real property described on Exhibit "A", located in St. Johns County, Florida, contiguous to, but outside of, the corporate limits of the City (the "Property").
2. Owner has filed a petition with the City seeking to have the Property voluntarily annexed to the City.
3. Owner has or will file an application for a Comprehensive Plan Amendment (the "CPA Application") to change the land use designation of the Property to Marine Industrial (MI) or a comparable designation and a companion application to rezone the Property to Planned Unit Development (the "PUD Application") to allow the Property to be incorporated into the Genovar Annexation Planned Unit Development approved under Ordinance 2005-02, as modified by Ordinance 2017-34 (the "Cat's Paw PUD") upon annexation.
4. As a condition to such annexation, Owner requests the City diligently and expeditiously process the CPA Application and the PUD Application to incorporate the Property into the Cat's Paw PUD and to facilitate the expansion of the existing Cat's Paw boat storage and marina facilities (the "Project"), and Owner shall provide for payment of water/sewer connection fees and stormwater fees at the time of issuance of a building permit.
5. Owner understands and agrees the Property shall be subject to all laws, ordinances, and regulations in force in the City and that any existing or proposed uses or structures on the Property shall be

*Pre-Annex Agreement
January 30, 2023*

lawfully permissible use and/or structure upon the effective date of annexation.

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein set forth, the parties mutually agree as follows:

1. **Recitals.** The foregoing recitals are true and correct in all respects.
2. **Zoning Application.** City shall diligently and expeditiously process, to conclusion, at the Owner's expense, the Owner's PUD Application for the zoning classification applicable to the Property. City does not warrant any particular outcome of the public hearing.
3. **Payment of Water/Sewer Connection/Stormwater Fees and other Permit Fees and Costs of Infrastructure.** The Owner or developer of the property shall pay water/sewer connection/tap and stormwater fees for lots, units or structures within the Project at the time of issuance of a building permit for the particular improvement. Any cost incurred to extend municipal services to the Project will be paid for by the Owner or developer. Owner/developer shall be responsible for payment of all other fees and costs at the time of permitting. Owner may contribute in-kind improvements, as approved in advance and found compliant for acceptance by the City's Public Works Department, in lieu of payment for fees and costs of infrastructure improvements. Each request for contribution of in-kind improvements shall be reviewed and approved or disapproved on a case-by-case basis by the City. Owner/developer may be required to provide supplemental documentation, to include but not limited to, performance and maintenance bonds for any in kind contribution in a form acceptable to the City.
4. **Comprehensive Plan Amendments.** City will diligently and expeditiously process, to conclusion, at the Owner's expense, the CPA Application to establish a future land use designation(s) for any undeveloped land within the Property which would allow development consistent with the Project. City shall also process at the Owner's expense, additional future Comprehensive Plan amendments as necessary, to permit the relocation of uses within the Property as may be permitted. City does not warrant any particular outcome of the public hearing.
5. **Assessment.** The Owner/developer will comply with and pay any non-ad valorem assessment

adopted by the City for this Property.

6. **Applicable Law.** This agreement shall be governed and construed under the laws of the State of Florida.
7. **Effective Agreement.** This agreement shall run with the Property and all of its terms and conditions shall be binding upon the respective successors and assigns of the parties hereto and this agreement shall be recorded in the public records of St. Johns County, Florida.
8. **Entire Agreement.** No prior or present agreements or representations shall be binding upon the parties unless included in this agreement. No modification or change in this agreement shall be valid or binding upon the parties unless in writing and executed by the party or parties to be bound thereby.
9. **Waiver.** The failure of either party to take any action with respect to any breach of any term, covenant or condition contained therein, or any instance of default shall not be deemed to be a waiver of any default or breach.
10. **Notices.** Any notice necessary under this agreement shall be in writing and sent by U.S. or express mail or hand delivered to the parties at the following addresses and shall be deemed given upon receipt:

CITY:	John P. Regan, P.E City Manager P.O. Box 210 St. Augustine, FL 32085-0210
OWNER:	BDEP CAT'S PAW LLC 4230 Ortega Blvd. Jacksonville, FL 32210

11. **Binding Effect.** This agreement shall be binding upon and inure to the benefit of the heirs, successors and assigns of the respective parties.
12. **Section Headings.** The Section Headings in this agreement are intended for convenience only and shall not be taken into consideration in any construction or interpretation of this agreement or any of its provisions.
13. **Judicial Interpretation.** Should any of the provisions of this agreement require judicial interpretation, the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself through its agents prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the dates set forth below.

OWNER:

BDEP CAT'S PAW LLC, A Florida limited liability company

By: On Board B LLC, a Florida limited liability company

Its: Manager

Gayle Bulls Dixon
Gayle Bulls Dixon

Its: Manager

DATE: February 14, 2023

CITY OF ST. AUGUSTINE, FLORIDA, a municipal corporation

By: Mendith Breidenste
for City Manager JOHN REGAN

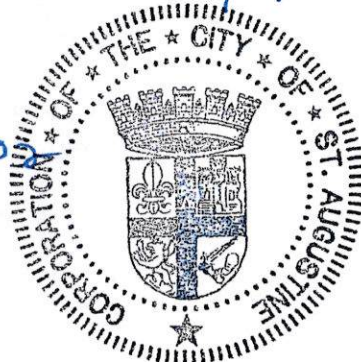
Date: 6/15/2023

ATTEST:

Garlen Salambor

City Clerk

[SEAL]



Approved as to Form and Content:

ACR

City Attorney

Exhibit A
Legal Description

A parcel of land situated in the G.W. Perpall Grant, Section 41, Township 7 South, Range 30 East, St. Johns County, Florida and being more particularly bounded and described as follows: Begin at a concrete monument at the Southwest corner of those lands described in Deed Book 126, Page 146 of the Public Records of St. Johns County, Florida; thence N 24° 05'59" W along the East line of those lands described in Official Records Book 121, Page 72 of said public records 200.00 feet; thence N 62 ° 31'18" E, 185.81 feet; thence N 77° 31 '30" E, a distance of 134.97 feet to the West line of those lands described in Official Records Book 1890, Pages 271 of said public records; thence South 03°42'03" East, along the East line of last said lands, a distance of 178.34 feet; thence South 09° 07'29"E East, continuing along said East line, a distance of 121.02 feet to the South line of said lands described in Deed Book 126, Page 146; thence West, along said South line, a Distance of 245.67 feet to the Point of Beginning.

ORDINANCE NO. 2023-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ANNEXING APPROXIMATELY 0.90 ACRES OF PROPERTY NOW LOCATED IN ST. JOHNS COUNTY, FLORIDA, LYING WEST OF THE EXISTING DEVELOPMENT REFERRED TO AS THE CAT'S PAW MARINA, NORTH OF NIX BOATYARD ROAD, SOUTH AND WEST OF THE SAN SEBASTIAN RIVERINE ENVIRONMENT AS DESCRIBED HEREIN; REDEFINING THE BOUNDARY LINES OF THE CITY OF ST. AUGUSTINE TO INCLUDE SAID PROPERTY; AMENDING SECTION 1.04 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA AND WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, an owner of real property has presented to the City Commission of the City of St. Augustine, Florida a Petition for Voluntary Annexation of property, described more particularly on Exhibit "A," attached hereto and made a part hereof, and depicted on the map attached hereto and made a part hereof as Exhibit "B;" and

WHEREAS, said real property lies in an unincorporated area of St. Johns County, is contiguous to the City of St. Augustine, Florida and is reasonably compact in configuration; and

WHEREAS, the City Commission of the City of St. Augustine, Florida has determined that the Petition has been properly executed by the owner of the subject real property;

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

Section 1. Annexation of Property. The following described property that is currently located outside the incorporated area of the City of St. Augustine, Florida is hereby annexed to the City of St. Augustine, Florida:

**SEE EXHIBIT “A,” AND EXHIBIT “B,” ATTACHED
HERETO AND MADE A PART HEREOF.**

Section 2. Amendment of Charter. Section 1.04 of the Charter Laws of the City of St. Augustine, Florida is hereby amended by the addition of a new subsection “(vvvv)” to read as described in Exhibit “A,” attached hereto and made a part hereof.

Section 3. Filing of Ordinance. Upon passage of this ordinance, the City Clerk shall file a certified copy hereof with the Clerk of the Circuit Court of St. Johns County, Florida, the Florida Department of State and the Chief Administrative Officer of St. Johns County, Florida, all within seven (7) days after the date of adoption of this ordinance.

Section 4. Inclusion in Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine and that the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 5. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 7. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2023.

ATTEST:

Nancy Sikes-Kline, Mayor-
Commissioner

Darlene Galambos, City Clerk

(SEAL)

EXHIBIT A
Comprehensive Plan Amendment
Cat's Paw Annex Parcel

A PARCEL OF LAND SITUATED IN THE G.W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK 126, PAGE 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 25°21'48" WEST ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 121, PAGE 72 OF SAID PUBLIC RECORDS A DISTANCE OF 200.00 FEET; THENCE NORTH 61° 15'29" EAST, A DISTANCE OF 185.81 FEET; THENCE NORTH 76°15'41" EAST, A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 07°36'45" WEST, ALONG THE EASTERLY LINE OF A 30 FOOT INGRESS AND INGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3512, PAGE 317 OF SAID PUBLIC RECORDS, A DISTANCE OF 151.17 FEET; THENCE SOUTH 18°49'01" WEST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 110.29 FEET, TO A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN 5424, PAGE 1337 OF SAID PUBLIC RECORDS; THENCE NORTH 88°44'11" EAST, ALONG LAST SAID LINE, A DISTANCE OF 199.49 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1890, PAGE 271 OF SAID PUBLIC RECORDS; THENCE NORTH 09°07'29" WEST, ALONG LAST SAID LINE, A DISTANCE OF 100.76 FEET; THENCE NORTH 04°57'52" WEST, CONTINUING ALONG LAST SAID WESTERLY LINE, A DISTANCE OF 178.34 FEET, TO THE NORTH LINE OF AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5424, PAGE 1337; THENCE SOUTH 76°15'41" WEST, ALONG LAST SAID LINE, A DISTANCE OF 113.49 FEET TO, THE POINT OF BEGINNING.

CONTAINING 38,470.7 SQUARE FEET OR 0.9 ACRES, MORE OR LESS.

MAP SHOWING
SKETCH AND DESCRIPTION

PARCEL A BEING A PORTION OF SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST,
ST. JOHNS COUNTY, FLORIDA.

[illegible]

GENERAL NOTES:

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT OR REPORT, INFORMATION THEREIN MAY BE ECONOMIC, LITIGANT OR RECORDS NOT SHOWN HEREON THIS DATE. IT IS ONE OF THE CONFIDENTIAL PUBLIC AFFAIRS OF THE GOVERNMENT OF ALABAMA.

2. THIS IS A SURVEY AND DESCRIPTION ONLY AND DOES NOT PURPORT TO BE A BOUNDARY SURVEY.

3. BOUNDARY INFORMATION SHOWN HEREON PROVIDED BY CLIENT FOR INFORMATION—ILLUS & ASSOC., INC. PROJECT# 718-001 DATED 04/24/2016.

[illegible]

SA [redacted] 7108
FLORIDA REGISTERED PROFESSIONAL LAND SURVEYOR NO. 56119
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL REGISTERED
SIDE OF A FLORIDA LICENSED SURVEYOR AND LICENSE



10250 Normandy Blvd, Suite 604
Jacksonville, FL 32221
Ofc: 904.619.6630
email: info@sam.biz
Certificate of Authorization LB7908

PROJECT: CATS PAW MARINA
JOB NUMBER: 1022073427
DATE: 12/1/2022
SCALE: 1"=40'
SURVEYOR: DMJ
TECHNICIAN: H
DRAWING: CATS - PAW_MARINA
TRACT ID:
PARTY(IES):
FIELD BOOK(S):

CAT'S PAW MARINA
ST. JOHNS COUNTY, FLORIDA

SHEET 1
OF 1

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: July 12, 2023

RE: **Ordinance 2023-19 – Amending the Future Land Use Designation of 0.90 acres of Annexed Property which is a portion of 200 Nix Boat Yard Road (PID 1248320000) and contiguous to the city limits from St. Johns County Mixed-Use District to City Marine Industrial – Second Reading and Public Hearing**

The 0.90-acre property west of the existing Cat's Paw Marina PUD development and is highlighted in the attached map. This property is contiguous to the City of St. Augustine city limits on its east and south boundaries. The owner of the property petitioned to annex it into the City in March. This property is an eastern piece of a parcel that was purchased by the owners of the Cat's Paw Marina. If annexed this piece would be incorporated into the existing Cat's Paw Marina Planned Unit Development (PUD).

The county's Future Land Use Map (FLUM) identifies Mixed-Use District as the current land use category for the property. The owner has requested to change the land use to the City Marine Industrial land use category. An application to rezone the property to Planned Unit Development (PUD), incorporating it into the existing Cat's Paw Marina PUD which is consistent with the proposed land use category has also been submitted. The owner is proposing that this property be incorporated into the overall Cat's Paw Marina project.

On June 6, 2023, the Planning and Zoning Board (PZB) made a positive recommendation to amend the future land use of this property from the county designation to Marine Industrial. Attached you will find the Ordinance, and legal description, a map illustrating the requested change, and the packet of information regarding this application and the compatible rezoning provided to the PZB.

On June 26, 2023, the City Commission passed this ordinance on First Reading. Please place Ordinance 2023-19 on the City Commission agenda for Second Reading and Public Hearing.

If you have any questions, please let me know.



Amy McClure Skinner, AICP
Director, Planning and Building Department

ORDINANCE NO. 2023-19

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF APPROXIMATELY 0.90 ACRES OF PROPERTY LOCATED NORTH OF NIX BOATYARD ROAD AS A PORTION OF THE G.W. PERPALL GRANT ADJACENT TO THE CAT'S PAW MARINA DEVELOPMENT IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT DESIGNATION OF ST. JOHNS COUNTY MIXED USE DISTRICT TO A CITY DESIGNATION OF MARINE INDUSTRIAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that parcels of property containing approximately 0.90 acres of land, located north of Nix Boatyard Road as a portion of the G.W. Perpall Grant being more fully described herein, that the property's Future Land Use Map (FLUM) designation should be amended from St. Johns County Mixed-Use District to City Marine Industrial;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amending Comprehensive Plan, Future Land Use Map. The following described property, containing approximately 0.90 acres commonly known as a portion of the G.W. Perpall Grant, and identified on the Future Land Use Map (FLUM) of St. Johns County as Mixed-Use District, is hereby amended to the city classification of Marine Industrial. This property is more fully described in the attached legal description.

Section 2 Authorization. The City Planning and Building Director is hereby authorized and directed to amend the Future Land Use Map (FLUM) of the City's Comprehensive Plan for the City of St. Augustine, Florida to reflect the FLUM amendment of the above-described land.

Section 3 Repeal of Conflicting Ordinances and Provisions of Comprehensive Plan. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The remaining portions of said Comprehensive Plan for the City of St. Augustine, Florida and any associated ordinances which are not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4 Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall be effective thirty-one (31) days after adoption or, if challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration Commission.

PASSED by the City Commission of the City of St. Augustine, Florida, this
_____ day of _____, 2023.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

EXHIBIT A

Comprehensive Plan Amendment

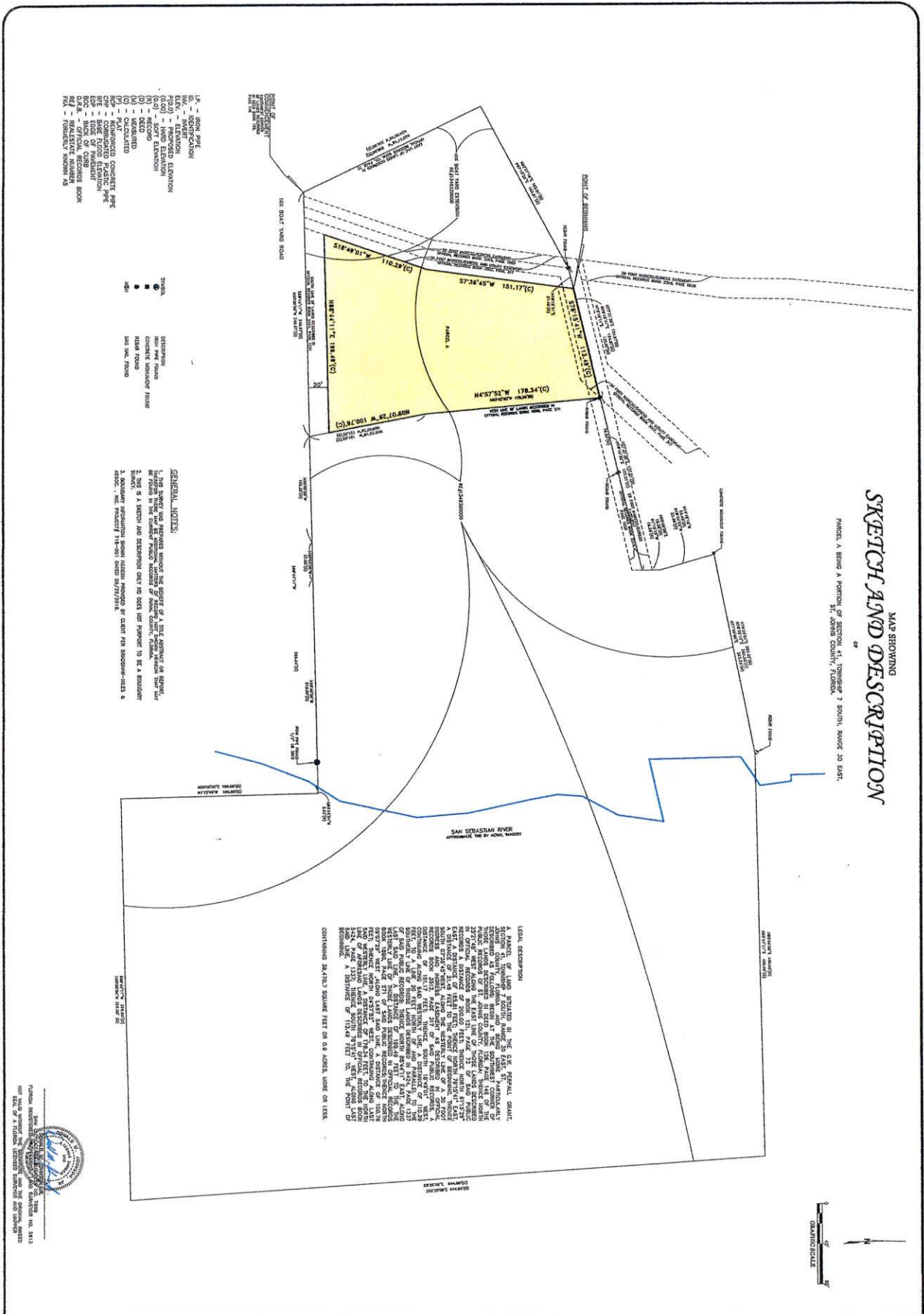
Cat's Paw Annex Parcel

A PARCEL OF LAND SITUATED IN THE G.W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 38,470.7 SQUARE FEET OR 0.9 ACRES, MORE OR LESS.



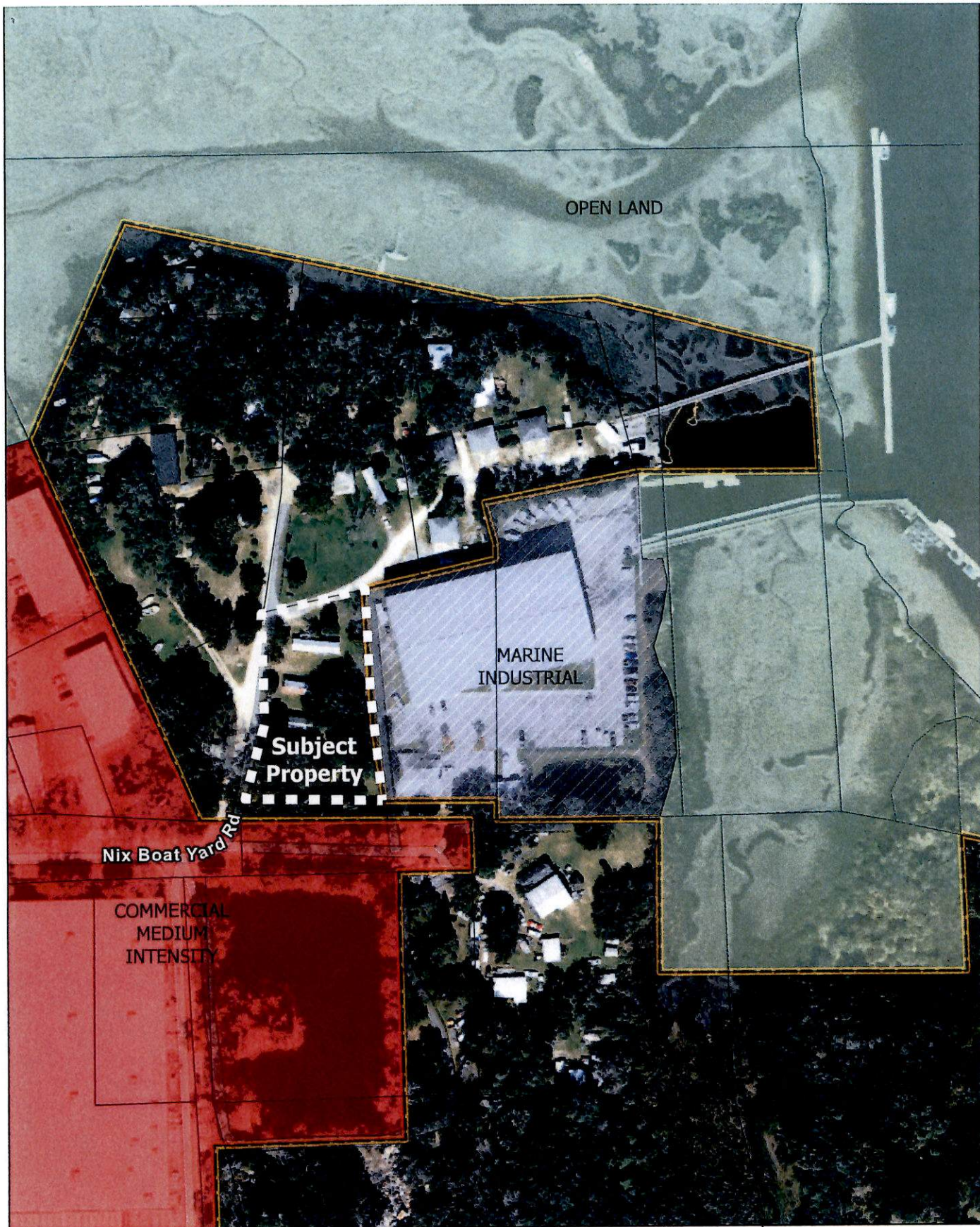
SAO GEORGETOWN, ST. GEORGE, 1905
FLORIDA REGISTERED PHOTOGRAPH AND SURVEYOR NO. 5613
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SAMTM

PROJECT: CAT'S PAW MARINA
JOB NUMBER: 1827073607
DATE: 11/1/2022
SCALE: 1"=40'
SURVEYOR: DMJ
TECHNICIAN: [redacted]
DRAWING: CATS-PAW_MARINA
TRACT ID:
PARTY/CHIEF:
FIELDBOOK:

CAT'S PAW MARINA
ST. JOHNS COUNTY, FLORIDA

SHEET 1
OF 1



Current Land Use

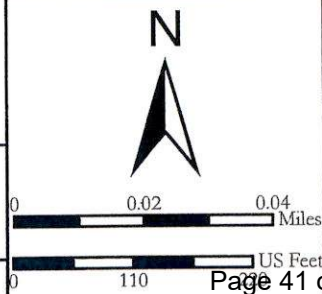
200 Nix Boat Yard Road has a current land use designation of Mixed-Use District (St. Johns County)

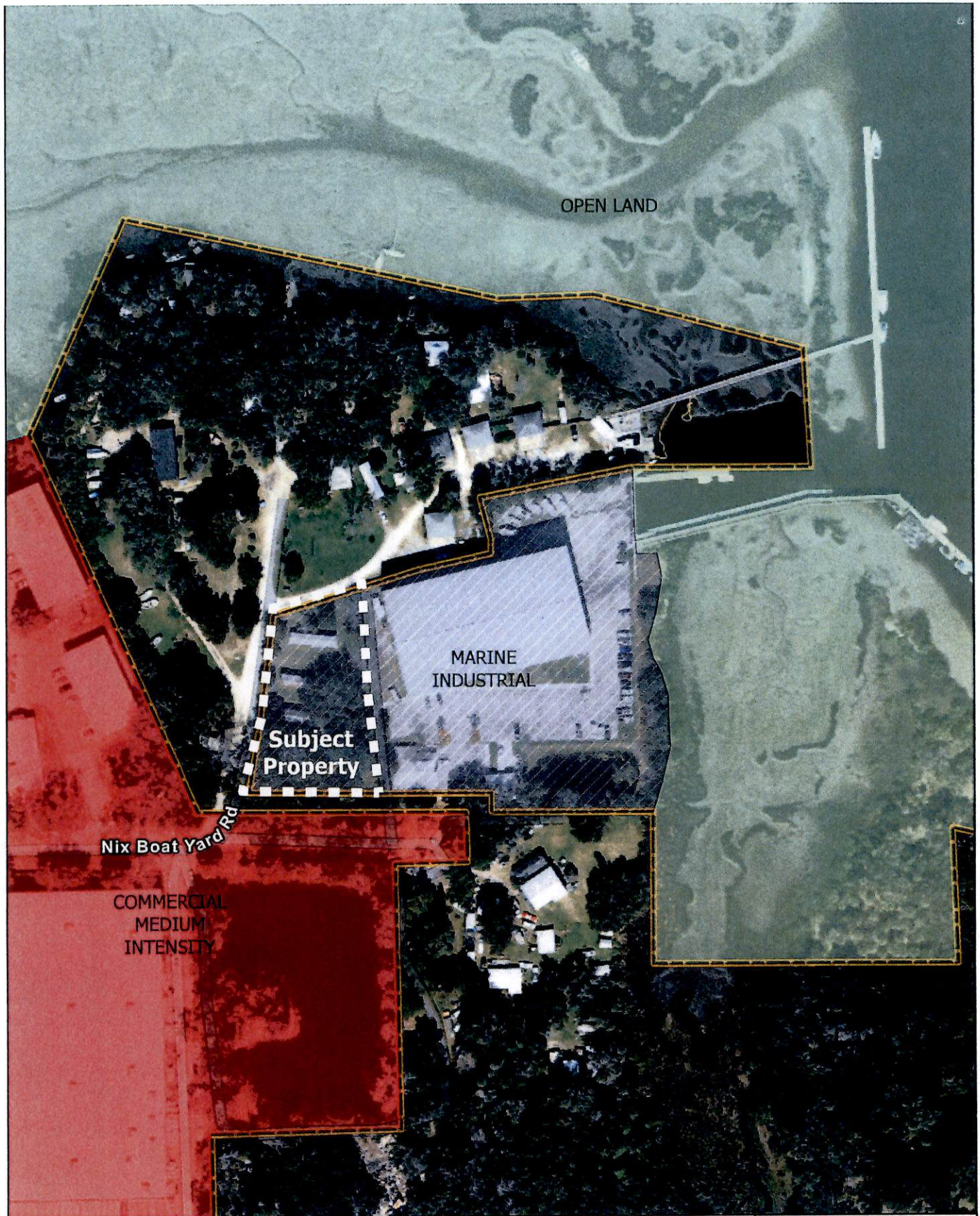


St Johns County, Maxar, Microsoft, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

2023

Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet





Proposed Land Use

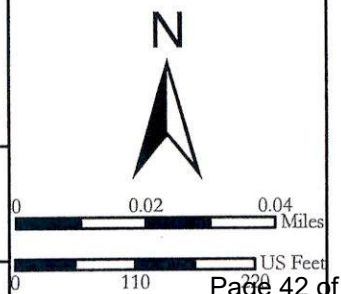
200 Nix Boat Yard Road is proposed to have a land use designation of Marine Industrial



St Johns County, Maxar, Microsoft, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

2023

Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet



CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

TO: Planning and Zoning Board

DATE: June 6, 2023

RE: **COMPREHENSIVE PLAN AMENDMENT AND REZONING 2023-0034**

AGENDA ITEM 7(a)

APPLICANT Brad Wester
c/o Driver McAfee Hawthorne & Diebenow, PLLC

OWNER BDEP Cat's Paw, LLC
c/o Cat's Paw Marina

LOCATION 200 Nix Boat Yard Road / PID 134832-0000
220 Nix Boat Yard Road / PID 134830-0000

REQUEST To amend the current land use of Mixed-Use District (County) to Marine Industrial (City), to rezone the approximately 0.9-acre property from a Residential, Manufactured/Mobile Home (RMH) (County) to Planned Unit Development (PUD) (City), and removal of significant trees within Conservation Overlay Zone 3 all subject to a Voluntary Petition for Annexation and Pre-annexation Agreement approved by the City Commission. To amend an existing PUD adopted on November 13, 2017 at 220 Nix Boat Yard Road.

CURRENT ZONING 200 Nix Boat Yard Road
- Residential, Manufactured/Mobile Home (RMH) (County)
220 Nix Boat Yard Road
- The Genovar Annexation PUD (City)

PROPOSED CITY OF ST. AUGUSTINE LAND USE 200 Nix Boat Yard Road
- Marine Industrial

PROPOSED CITY OF ST. AUGUSTINE ZONING 200 & 220 Nix Boat Yard Road
- Cat's Paw Marina Planned Unit Development (PUD)

CITY OF ST. AUGUSTINE COMPREHENSIVE PLAN 2040

Future Land Use Element Goals, Objectives and Policies

FLUE Policy 1.1.4

It is the intent of the City of St. Augustine to ensure that adequate open space is provided through the following:

- active or passive recreation sites;
- landscaped buffers;
- protected natural resource lands;
- protected environmentally sensitive lands;
- areas devoted to drainage and stormwater retention; and
- landscaping requirements.

FLUE Objective 5.2

New development in the City shall encourage principles that minimize the emission of greenhouse gases and reduce vehicle miles of travel as opposed to conventional development standards that encourage urban sprawl.

FLUE Policy 5.5.1

All wetlands are identified as carbon sequestration areas and should help alleviate concentrations of greenhouse gas emissions by acting as carbon sinks and facilitating the net removal of carbon emissions.

FLUE Policy 5.5.2

The City's mobility plan encourages alternative forms of transportation including public, and other lower emissions forms of mobility by encouraging the development of bicycle and pedestrian ways.

FLUE Policy 6.1.5

The City shall maintain in the land development code procedures and standards for planned developments to encourage mixed-use projects, to encourage traditional neighborhood development, and to encourage and allow innovative site design and development approaches.

FLUE Policy 6.6.2

Marine Industrial

This district is intended to allow light manufacturing and related service, storage and commercial uses. This district is also intended to allow marine related industrial and business activities to

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

facilitate the continuation of the historic marina industry and encourage the creation and maintenance of working waterfronts within the City.

Maximum lot coverage of 80%; maximum height restriction of 35 feet. Marine related uses approved as a Planned Unit Development (PUD): maximum lot coverage 50%; maximum height restriction of 50 feet, and two (2) dwelling units per acre.

Conservation and Coastal Management Element Goals, Objectives and Policies

Overall Goal

Conserve, protect and appropriately manage the natural resources of the City of St. Augustine to ensure the highest environmental quality possible.

Conservation Goal
Chapter 163.3177(6)(d) F.S.

Protect and conserve natural areas, environmentally sensitive areas, natural vegetative communities, wildlife habitats, marine resources, federal and state listed species, and other renewable and non-renewable natural resources. (Adopted June 2011 Ord #2011-02)

CCM Policy 1.1.3

The City shall promote the reduction of fossil fuel emissions by considering adoption of the following concepts:

- a. Encourage developments such as infill, redevelopment, clustered and mixed-use developments;
- b. Require vegetative and landscape buffers, and where appropriate, street trees along transportation corridors to buffer land uses;
- c. Encourage non-motorized, and alternative forms of transportation by establishing and maintaining a multi-modal Mobility Plan including bicycle paths, trails, sidewalks and pedestrian ways, and alternative forms of transportation where feasible; and
- d. Establish policies that promote interconnectivity via safe pedestrian crossings, bicycle and walkable complete streets, including encouraging grid patterns, multiuse paths and trails in existing and new development.

CCM Policy 1.1.5

The City of St. Augustine shall require that industrial and commercial businesses in the City meet or exceed applicable federal and state air quality standards.

CCM Policy 1.5.2

The City shall require the use of silt curtains, grass swales and other techniques during construction to prevent soil erosion and sedimentation of area waterways.

CCM Policy 1.5.4

Whenever possible, native trees, shrubs and ground cover will be maintained on development sites to prevent soil erosion.

CCM Policy 1.7.5

The City shall monitor the following activities in areas identified as being environmentally sensitive and in areas containing endangered and/or threatened wildlife:

- The removal or excavation of soil, sand, gravel, minerals, organic matter or materials of any kind;
- The changing of existing drainage characteristics, sedimentation patterns, flow patterns or flood retention characteristics;
- The disturbance of the environmentally sensitive area's water level or water table by drainage, impoundment or other means;
- The dumping or discharging of material, or the filling of an environmentally sensitive area with material;
- The placing of fill or the grading or removal of material that would alter topography;
- The destruction or removal of plant life that would alter the character of an environmentally sensitive area or wildlife habitat; and
- The undertaking of an activity that results in a significant change of water temperature, a significant change of physical or chemical characteristics of environmentally sensitive area water sources, or the introduction of pollutants.

CCM Policy 1.7.6

The City shall encourage new developments to protect existing native vegetation in common areas and buffer zones and shall encourage additional planting of native plant species to enhance sparse vegetation in common areas and buffer zones.

CCM Policy 1.8.6

Removal, encroachment and alteration of wetlands pursuant to the "no net loss" requirements of the City Comprehensive Plan, and shall be in compliance with the following:

1. Appropriate justification for the proposed alteration is provided to the City;
2. Adequate mitigation of any adverse hydrological and physical alterations is provided in accordance with the requirements of the agencies claiming jurisdiction over the wetland;
3. Setbacks shall be 25 feet. Setbacks of less than 25 feet must be consistent with the Conservation Overlay Zone development section of the Comprehensive Plan;
4. The following activities are permitted in wetland setback areas provided:
 - (a) Construction of boardwalks/catwalks, docks, for direct access to water bodies; construction of wildlife management shelters; discharge structures from upland developments; utility crossings; foot bridges; observation decks and similar structures not requiring dredging and/or filling for their placement and maintenance;

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

- (b) The City shall include in its land development regulations provisions for mandatory site plan review for all development proposed in State jurisdictional wetlands. The regulations include appropriate standards for mitigation of adverse impacts to wetlands values and the provision that reasonable use of property, restoration of the disturbed wetlands and/or creation of new wetlands will be required in accordance with the rules and criteria of FDEP and SJRWMD.

CCM Policy 1.8.7

The purpose of mitigation is to offset environmental impacts for the public good. Mitigation activities approved by federal, state or regional agencies are supported by the City. Mitigation shall be as permitted by the SJRWMD. Prioritization of mitigation shall be as determined by SJRWMD current policies or as amended.

CCM Policy 2.1.1

The City maintains three (3) Conservation Overlay Zones. The boundaries of the Conservation Overlay Zones shall be determined on a site specific basis during site plan review of each development proposal.

Conservation Overlay Zone 1 Passive recreation, wildlife preservation and conservation areas, green space, and fishing piers, boat docks, and other water dependent uses, including boat ramps and marinas, shall be the primary uses within this Conservation Overlay Zone.

Conservation Overlay Zone 2 This Conservation Overlay Zone allows for all of the uses within Zone 1, as well as specialized, scenic or linear parks and boardwalks, off street parking areas and residential and commercial development, providing that they are (1) located so as to minimize impacts to Conservation Overlay Zone 1 vistas and scenic areas, and (2) densities are limited to those defined by the underlying Future Land Use Category.

Conservation Overlay Zone 3 The restrictions on uses and other development and performance standard requirements within this zone including tree canopy and tree removal are governed by the City's Comprehensive Plan, including the underlying Future Land Use Category, and the City's land development regulations.

CCM Objective 2.6

The City shall commit to preservation of community trees and the urban forest to improve air quality, community health, quality of life, aesthetics, and energy conservation.

CCM Policy 2.16.7

The City shall discourage the disturbance of natural shorelines to improve and continue the shoreline stabilization, protection and habitat benefits natural shorelines provide by continuing to enforce the City's no net loss of wetlands policies, Conservation Overlay Zone 1 review

requirements, and coordinating with the SJRWMD and other state agencies to preserve natural shorelines and jurisdictional wetlands through the ERP program.

Transportation and Mobility Element Goals, Objectives and Policies

TME Policy 1.3.6

The City may require new development and redevelopment to support alternative modes of transportation through such measures including, but not limited to, the provision of sidewalks, bikeways, transit stops or other facilities that support alternative modes of transportation, such as parking management systems and park-and-ride facilities.

TME Policy 1.3.9

The City shall ensure that all new development and redevelopment is designed and required to: safely promote increased walking, bicycling, low speed alternative vehicles and a circulator or community transit use while reducing vehicle trip lengths and vehicle miles of travel, as outlined in the Future Land Use and Transportation and Mobility Elements of the Comprehensive Plan. This will also be implemented in the Land Development Code, and potentially funded through either collection of fees or improvements to the multi-modal transportation system that further the achievement of multi-modal performance measures established by the City's Mobility Plan.

TME Policy 1.3.10

The city shall further support pedestrian, bicycle, and a community circulator or transit use by:

- Considering an increase in residential density and non-residential intensity in locations that serve to help meet the goals of the Comprehensive Plan;
- Planning for an appropriate mix of residential, commercial, educational, recreational, institutional and other complimentary uses allowing residents and visitors to meet their daily needs more efficiently while minimizing travel distances;
- Requiring that sites be designed in a manner that provide safe, and convenient access for pedestrians, cyclists and circulator or transit users;
- Increasing sidewalk connectivity to reduce trip lengths and create a more walkable system of short blocks; and
- Providing complete streets that foster neighborhood connectivity to nearby commercial retail areas.

TME Policy 1.4.8

Future development or redevelopment shall make provisions for safe, convenient on-site traffic flow, adequate parking shall be provided and designed so as not to be a detriment to pedestrian, bicycle and circulator or transit access.

TME Objective 1.6

The City recognizes that the use of gasoline creates a large portion of the greenhouse gas emissions and shall incorporate transportation strategies to address the reduction of these greenhouse gas emissions. The City shall identify and pursue strategies to reduce the vehicle miles traveled.

- A) Establish locations for compact mixed-use development.
- B) Increase opportunities for job creation proximate to higher density residential.
- C) Facilitate future opportunities for transit-oriented developments.
- D) The City shall encourage existing and new developments to be connected by roadways, bikeways, and pedestrian systems that encourage travel between neighborhoods and access to transit without requiring use of the major thoroughfare system. (Adopted June 2011 Ord. #201102

TME Policy 3.1.17

The City shall require all comprehensive plan amendments, rezonings, final development engineering plans and changes of land uses evaluate the impacts to and opportunities to coordinate with the Mobility Plan, Complete Street, safety, and parking management multimodal projects.

APPLICABLE CODES/ORDINANCES

Sec. 11-26. - Purpose and intent.

The purpose of this article is to establish criteria for the review of development proposals and to manage, regulate and direct development within Conservation Overlay Zones 1, 2 and 3 following the goals, objectives and policies contained in the conservation and coastal management element of the comprehensive plan. Further, this article shall serve to preserve and protect environmentally sensitive areas within the city; to promote an understanding of the importance of these areas through passive or scenic recreational opportunities; to protect and conserve endangered, threatened or unique plant and animal life; and to minimize the dangers of natural disasters by discouraging unsuitable development in areas where such growth could impair natural systems or result in loss of life or property.

Sec. 11-27. – Definitions.

Conservation Overlay Zone 1 comprises the most environmentally sensitive and valuable natural resources within the city. It includes all beaches, shores and dunes seaward of the state's coastal construction control line (F.S. ch. 161), all wetlands within the state's wetlands jurisdiction line (F.S. ch. 403), brackish water, and some habitat areas for species recognized as endangered, threatened, of special concern, or unique by federal, state and local agencies. This zone includes the estuarine/riverine environments created by the San Sebastian and Matanzas Rivers and their tributaries.

Conservation Overlay Zone 2 includes all property one hundred (100) feet landward from the most restrictive boundary line establishing Conservation Overlay Zone 1. Zone 2 is the transition zone or buffer area between Zone 1 and Zone 3, and may include areas recognized as habitat for species considered endangered, threatened, of special concern, or unique by federal state and local

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agencies. The primary purpose of Zone 2 is to protect the functional integrity of Zone 1, and to protect Zone 3 from extreme high water conditions.

Conservation Overlay Zone 3 is comprised of uplands and urban/residential areas which are inland from Zones 1 and 2, and which require special environmental consideration. Zone 3 is comprised of those undeveloped areas considered to be special flood hazard areas and significant tree canopy areas.

Conservation overlay zone development means any construction or use which requires a permit from the city, physically located or taking place within a conservation overlay zone.

Significant tree means a tree described in the following list:

Latin Name	Common Name	Minimum dbh (to Maximum dbh)
<i>Magnolia grandiflora</i>	magnolia, southern	18
<i>Magnolia grandiflora</i> var	magnolia, southern v. "Little Gem"	10
<i>Magnolia virginiana</i>	magnolia, sweetbay	10
<i>Quercus virginiana</i>	oak, live (southern live oak)	18
<i>Carya illinoensis</i>	pecan	18
<i>uniperus virginiana</i>	red cedar, eastern	8
<i>Juniperus silicicola</i>	red cedar, southern	8

The complete list of significant trees may be found in Sec. 11-27. – Definitions. of the City of St. Augustine's Code of Ordinances.

Significant tree canopy areas are defined as clusters of trees which form at least twenty-five (25) percent cover and include a variety of oak species and softwood species.

Sec. 11-28. – Issuance of building permits.

- (a) The planning and zoning board shall review all applications for development in Conservation Overlay Zone 1; all applications for development in Conservation Overlay Zone 2, except as specified in subsection (b); and all applications for development in Conservation Overlay Zone 3, except as specified in subsection (c). Such approval by the planning and zoning board shall be after a public hearing as required by [chapter 28](#).
- (b) The planning and building division may issue permits for additions to existing structures, for construction of new secondary structures, such as fences, driveways, decks, patios, greenhouses, garages and sheds, and use permits for uses otherwise permitted to be conducted in these structures located in Conservation Overlay Zone 2 when no drainage into the marsh is proposed, no significant alteration of surface water hydrology will occur and native plant materials are preserved or replaced. The planning and building division may issue permits for the construction of new primary structures located in Conservation Overlay Zone 2 when the above conditions are met and when the subject property contains a seawall, bulkhead or rip rap shoreline, or is located within one hundred fifty (150) feet of

existing development and the primary structure is located no closer to the marsh edge or to the mean high water line than are adjacent primary structures. In addition, such additions and new structures may not exceed the lesser of seventy-five (75) feet or seventy-five (75) percent of the lot width.

- (c) The planning and building division may issue permits for structures and uses otherwise permitted and located within Conservation Overlay Zone 3 provided that all healthy significant trees are retained on the site.
- (d) Removal of a significant tree shall be approved by the planning and zoning board. All significant trees removed shall be replaced in accordance with the requirements of [chapter 25](#).

(Code 1964, § 7-114; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 09-17, § 1, 5-11-09; Ord. No. 19-03, § 1, 1-28-19)

Sec. 11-29. – Standards for review.

- (a) Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for such structures and uses which have received permits under provisions of applicable federal and state regulations and will be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas, and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. The planning and zoning board is authorized to impose limitations in the nature and manner of construction and/or use so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to the animal, fish or shellfish contained therein, to avoid blocking or disrupting vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public as a whole.
- (b) Permits for structures and uses located within Conservation Overlay Zone 2 shall be issued only for those structures and related uses which are determined as having no significant negative impact on adjacent natural systems by either individual or cumulative effect and consistent with the purpose of Conservation Overlay Zone 2 to protect the functional integrity of Zone 1 and to protect Zone 3 from extreme high-water conditions. At no time shall the impervious area in Conservation Overlay Zone 2 exceed twenty-five (25) percent without that area receiving treatment equivalent to the St. Johns River Water Management District water quality treatment provisions required when new development is proposed along an unaltered shoreline. The first (landward of the most restrictive jurisdictional line, which may be the mean high-water line or wetlands jurisdictional line) twenty-five (25) feet, measured in width perpendicular to the most restrictive jurisdictional line, in Conservation Overlay Zone 2 shall remain undeveloped except as provided in subsections (1)–(4) of this subsection. If the area is already disturbed, a restoration plan is required. The planning and zoning board is authorized to impose limitations in the following manner so as to avoid damage to adjacent salt marshes and the vegetative communities contained therein, to eliminate any harm to any animal, fish or shellfish life contained therein, to avoid blocking Conservation Overlay Zone 1 vistas and scenic opportunities, and to enhance those vistas and scenic opportunities which are determined to benefit the public

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as a whole. Rear or side lot drainage from grassed or altered areas of new development along an altered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland; however, the area not treated must be compensated elsewhere in the system. This may be accomplished by providing additional water quality treatment in the system equivalent to that which will be discharged untreated. Water discharged shall be at non-erosive velocities. Rear or side lot drainage from grassed or altered areas of new development along an unaltered shoreline not directed to a water management system may be discharged to an adjacent water body/wetland through the twenty-five (25) feet buffer (water discharged shall be at non-erosive velocities), with the following permitted activities:

- (1) Pruning vegetation to retain or create a reasonable view. Ground cover and shrub vegetation to a height of thirty-six (36) inches should be retained.
- (2) A maximum of fifty (50) percent of the basal area of trees, and a maximum of fifty (50) percent of the total number of saplings, may be removed for any purpose in a twenty-year period. A healthy, well-distributed strand of trees, saplings, shrubs and ground covers and their living, undamaged root systems shall be left in place. Replacement planting with native, low maintenance vegetation is permitted to maintain the fifty (50) percent level.
- (3) Dead, diseased, unsafe, or fallen trees may be removed.
- (4) Bridges, paths, walkways, gazebos, docks and decks, bulkheads, seawalls, and retaining walls, and accessways to such amenities are permitted across the buffer provided such activities have minimal impact to the wetlands and are scaled to preserve the integrity of the buffer (less than ten (10) percent of the total area calculation of the buffer). These structures must demonstrate that they are of a reasonable, compatible scale to similar structures in the neighboring area. Structures in Conservation Overlay Zone 2 that are connected to adjacent structures in Zones 1 or 3 shall be sized relative to that adjacent structure and be designed so as to minimize off-site visual and environmental impacts. The applicant will present any mitigating design and environmental elements as part of the review of the structure in Conservation Overlay Zone 2.

Restoration plan(s) shall be developed to achieve the fifty (50) percent criteria above for those sites already disturbed. If the altered shoreline is bulk-headed, softening of this hardened shoreline with riprap, environmentally engineered materials or other techniques to soften wave energies and promote vegetation is encouraged. Should a softening effort be employed, a reduction in the twenty-five (25) feet buffer may be permitted.

- (c) Applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria:

THIS LANGUAGE MAY BE FOUND UNDER THE STAFF SUMMARY AND ANALYSIS SECTION OF THIS REPORT

- (d) Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover, or cause the removal of significant trees. The planning and

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zoning board is authorized to impose limitations on the nature and manner of construction and/or so as to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation.

- (1) In determining whether or not a permit required by this section should be issued, the city planning and zoning board shall consider and base all decisions on the following:
 - a. The condition of the tree with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interferences with utility services.
 - b. The necessity of removing a tree to construct proposed improvements in order to allow reasonable economic use of the property.
 - c. The relief of the land where the tree is located and the effect removal of the tree would have on erosion, soil moisture retention, diversion, increased or decreased flow of surface waters and the city master drainage plan or similar plan adopted by the city commission.
 - d. The number and density of trees existing in the neighborhood on improved or unimproved property. The planning and building division shall also be guided by the effect removal of a tree would have on property values in the neighborhood where the property is located and on other vegetation in the neighborhood.
 - e. Whether the tree has been designated a significant tree.
 - f. Impact upon the urban and natural environment, including:
 1. Ground and surface water stabilization.
 2. Water quality and aquifer recharge.
 3. Ecological impacts.
 4. Noise pollution.
 5. Air movement.
 6. Air quality.
 7. Wildlife habitat.
 - g. The ease with which the property owner or agent can alter or revise the proposed development or improvements to accommodate existing trees, including the tree or trees proposed to be removed.
- (e) Issuance of permit. The planning and building division shall issue the removal permit for trees not identified as significant trees under [section 11-27](#) unless, upon consideration of the criteria set forth above, it finds any of the following will result:
 - (1) That the property owner or agent will not be unreasonably affected in shifting the location of the proposed structure, building or improvement, which shift will maintain the existence of the subject trees and still permit construction of such building or improvement on the site.
 - (2) That the property owner or agent will not be unreasonably affected in modifying the design of the proposed structure, building or other improvement, which modification will maintain the existence of the trees proposed to be removed and still permit construction substantially similar to that originally proposed.
 - (3) That the removal of the subject trees will have a substantial adverse impact on the urban and natural environment.
 - (4) That the subject trees are significant trees and removal must be reviewed by the planning and zoning board.

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(Code 1964, § 7-115; Ord. No. 96-02, § 1, 2-26-96; Ord. No. 00-34, § 1, 10-9-00; Ord. No. 01-14, § 1, 7-23-01; Ord. No. 04-01, § 1, 1-26-04; Ord. No. 14-14, § 1, 9-22-14; Ord. No. 19-03, § 1, 1-28-19; Ord. No. 21-13, § 1, 8-23-21)

Sec. 25-52. – Definitions.

Dbh. means diameter breast height or the diameter of a tree measured, in inches unless otherwise specified, four and one-half (4½) feet above the ground level. If the tree splits into multiple trunks below four and one-half (4½) feet above the ground, the trunk is measured at its narrowest point beneath the split.

Native vegetation means plant species native to north Florida which are capable of sustaining growth and reproducing under local climatic conditions, without supplemental watering, such as those species identified in the St. Johns River Management District Xeriscape Plant Guide.

Sec. 25-53. – General landscape requirements.

(d) Tree mitigation.

- (1) Preservation and removal of trees on a site to be developed may result in the need for tree mitigation. Mitigation requirement is determined by the following calculation:
Tree saved credit—Trees removed deficit = Excess Tree Credits/Deficits
- (2) A negative number resulting from this equation is the number of deficit points the applicant must mitigate. A positive number resulting from this equation requires no mitigation by the applicant. However, other landscape requirements still apply even if mitigation is not required (i.e. bufferyard and parking landscapes).
- (3) Tree planting associated with internal landscaping requirements counts toward mitigation requirements. Tree planting associated with the required bufferyard planting does not count toward mitigation requirements.
- (4) Credits and deficits are determined by the schedules presented in subparagraphs a. through c. below.
 - a. *Existing trees retained or preserved.* Existing trees which are retained and preserved shall receive credit points according to the following schedule:

Three (3) inches or more but less than seven (7) inches d.b.h.1 credit
Seven (7) inches or more but less than twelve (12) inches d.b.h.2 credits
Twelve (12) inches or more but less than twenty (20) inches d.b.h.3 credits
Twenty (20) inches or more d.b.h.4 credits
Trees relocated and retained on site over six (6) inches dbh. shall receive a fifty (50) percent bonus credit
Southern Red Cedar tree (*juniperus silicicola*) more than two (2) feet tall or having a trunk diameter at a point three (3) inches above ground level of more than one (1) inch
.....1 credit
Native vegetation1 credit

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- b. *Existing trees removed.* Existing trees which are proposed for removal shall receive deficit points according to the following schedule:

Three (3) inches or more but less than seven (7) inches d.b.h.0.5 deficit
Seven (7) inches or more but less than twelve (12) inches d.b.h.1 deficit
Twelve (12) inches or more but less than twenty (20) inches d.b.h.1.5 deficits
Twenty (20) inches or more d.b.h.2 deficits
Southern Red Cedar tree (*juniperus silicicola*) more than two (2) feet tall or having a trunk diameter at a point three (3) inches above ground level of more than one (1) inch
.....1 additional deficit
Cabbage Palm tree (*sabal palmetto*) measuring more than 12 feet in height1 additional deficit

- c. *New trees planted for mitigation credit.* Each new tree planted to satisfy a mitigation requirement must be planted in an internal planting area as required by this chapter. Trees receive credit points as indicated in the schedule below:

Tree with diameter of two (2) inches but less than three (3) inches1 credit
Tree with diameter of three (3) inches but less than four (4) inches1.5 credits
Tree with diameter of four (4) inches but less than five (5) inches2 credits
Tree with diameter of five (5) inches but less than six (6) inches3 credits
Tree with diameter of six (6) inches but less than twelve (12) inches4 credits
Tree with diameter of twelve (12) inches or greater5 credits

1. To ensure the proper development of the tree's crown, no shade tree counted as credit shall be planted closer than fifteen (15) feet on center. Chinese Fan, Washingtonia and Cabbage (Sabal) palms counted as credit shall be planted with a minimum of two (2) plants to an area and in such proximity to one another that together they will develop a crown spread of fifteen (15) feet. A credit of one (1) tree shall be allowed for each group of palms whose center is at least fifteen (15) feet from the center of any other tree or palm group counted as credit.
2. See (c)(9) of this chapter for prohibited trees.
3. Trees planted in bufferyards are a separate requirement and do not count toward deficit mitigation.

Sec. 25-58. - Variances and conservation overlay zone development review.

The city planning and zoning board may grant a variance to the requirements of this article where compliance would be a practical impossibility or would cause unnecessary hardship or where the owner proposes an alternative which conforms to the general intent and spirit of these regulations. When reviewing applications and site plans associated with applications for variances or conservation overlay zone developments or for the removal of significant trees involved with a site plan for new development, the planning and zoning board shall have the authority to locate structures, parking areas and other improvements to retain significant trees when possible and practical. The planning and zoning board shall approve or deny the site plan and may impose conditions as required, such as specific tree species and sizes for the required replacement trees. Under no circumstances may the board deny fair and reasonable use of the property, but the granting of a variance or conservation overlay zone development may be contingent upon retaining

significant trees. Procedures for variances and conservation overlay zone development review shall be in accordance with [chapter 28](#). Standards and criteria for conservation overlay zone development review shall be in accordance with [chapter 11](#).

(Ord. No. 04-17, § 1, 10-25-04; Ord. No. 19-03, § 3, 1-28-19)

Sec. 28-30. Comprehensive plan amendments, rezonings and amendment of chapter.

- (a) *General.* This chapter may from time to time be amended, supplemented or changed; the land use plan and land use map established by the comprehensive plan may also be amended and the zoning atlas may from time to time be revised by the rezoning of land as provided in this section.
- (b) *Initiation of proposals.* An ordinance for the rezoning of land may be proposed only by the city commission or any member thereof, by the planning and zoning board or by the owner of subject property, its attorney or duly authorized agent. An amendment to this chapter may be proposed for adoption only by the city commission or any member thereof, or by the planning and zoning board. Proposals to amend this chapter shall be submitted in writing, accompanied by all pertinent information which may be required for proper consideration of the matter.
- (c) *Nature and requirements of board report.* The report and recommendations to the city commission as required by subsection (d) below shall show that the board has studied and considered:
 - (1) The need and justification for the change.
 - (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans as may from time to time be adopted by the city commission.
 - (3) Consistency with the Comprehensive Plan.
- (d) *Board report to commission.* If the board recommends approval of the amendment or rezoning, the board shall forward its recommendation and report to the city commission. The report and recommendation of the board shall be advisory only and shall not be construed to be binding upon the city commission. If the board recommends denial of the amendment or rezoning, the property owner or other person aggrieved may proceed with an appeal to the city commission pursuant to section 28-29(g) of the City Code.
- (e) *Limitations on rezoning of land:*
 - (a) No ordinance to rezone land shall contain conditions, limitations or requirements not applicable to all other land in the zoning district to which the particular land is rezoned, except as provided in article III, division 8.
 - (b) Whenever the city commission has, by ordinance, changed the zoning classification of land, the board shall not then consider any application for rezoning of any part or all of the same land for a period of one (1) year from the effective date of such ordinance.
 - (c) Whenever the city commission has denied an application for the rezoning of land, no further application shall be filed for the same rezoning of any part or all of the same land for a period of six (6) months from the date of such action. In the event that two (2) or more applications for the same rezoning for any part or all of the same land has been denied, no further application shall be filed for the same rezoning or any part or all of the same land for a period of one (1) year from the date of such action denying the last application filed.

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- (d) Land use plan amendments shall be made consistent with the State of Florida's Community Planning Act F.S. ch. 163, as may be amended from time to time.
- (f) *Waiver of time limits.* The time limits of subsection (e) may be waived by three (3) affirmative votes of the city commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the city.
- (g) *City commission action.* Upon receipt of a favorable report of the board as required by subsection (d) hereof, the city manager shall set the date for a public hearing before the city commission. The date of such public hearing to be set by the city manager shall be the first regular meeting of the city commission after ten (10) days following receipt of a report. At the conclusion of the public hearing, the city commission shall either deny the proposed amendment or rezoning or by ordinance adopt such amendment or rezoning.
- (h) *Process, public hearings and notification for amendments to this chapter or rezoning of land (city commission public hearing).* The amendment process, including public hearings and notification regarding amendments to this chapter which change the actual list of permitted, conditional or prohibited uses within a zoning category or which change the actual zoning map designation of land in the city shall be as required by F.S. [chapter] 166. Public hearings for ordinances initiated by other than the city that change the actual zoning map designation of a parcel or parcels of land, required to be enacted pursuant to F.S. 166.041(3)(a) shall be noticed in accordance with section 28-59(a) of the City Code.
- (i) *Process, public hearings and notification for comprehensive plan amendments (city commission public hearing).* The amendment process, including public hearings and notification for comprehensive plan amendments, shall be consistent with the State of Florida's Community Planning Act, F.S. ch. 163, as may be amended from time to time.

(Code 1964, § 33-164; Ord. No. 94-01, §§ 1, 2, 1-24-94; Ord. No. 96-17, § 2, 4-8-96; Ord. No. 01-24, § 1, 8-13-01; Ord. No. 17-03, § 1, 2-23-17)

DIVISION 9. - PLANNED UNIT DEVELOPMENT: PUD

Sec. 28-286. - Purpose and intent.

The purpose of the planned unit development (PUD) zoning district is to provide an option, and process for the provision of unique, individually planned developments that are consistent with the Comprehensive Plan and the categories outlined in the Comprehensive Plan, but may allow for more creative, flexible, and innovative designs for projects than the regular zoning districts allow. The PUD process is a voluntary process initiated by an applicant to provide flexibility for their project, while at the same time providing an opportunity for the city planning and zoning board (PZB) and city commission to integrate potential benefits, limitations and regulations as it deems necessary to protect the public health, safety and general welfare.

The PUD process is designed to:

- (a) Promote more efficient and economic uses of land, including bypassed lands, land ripe for urban infill, and potential redevelopment projects;
- (b) Encourage a more compatible and harmonious development of contiguous lands;
- (c) Provide flexibility to meet changing needs, technologies, economics, and consumer preferences;

- (d) Provide a process to assess a development's impact on the proposed site, the surrounding neighborhoods or areas, and the city as a whole;
- (e) Demonstrate the coordinating of architectural styles, building forms, and building relationships within a planned development, as well as, the planned developments relationship with the existing and preferred architectural context surrounding the project;
- (f) Provide an environment of consistent character compatible with the surrounding areas; and,
- (g) Permit specific limitations and requirements in excess of those included in other zoning districts, based on the unique characteristics of the individual site, where necessary to the public health, safety, or welfare, or for the protection or preservation of lands, neighborhoods or areas of the city deemed unique or historic based on the proposed location of the planned development.

The intent of a planned unit development (PUD) is to permit this flexibility from the strict application of traditional zoning district regulations by identifying each waiver, variance or exception to such regulation and providing an alternative development condition for that specific PUD. A PUD is a zoning category that can be beneficially utilized in order to create site-specific regulations to address specific development or topographic conditions, historic or architectural features, existing structures, neighborhood patterns or transitioning uses of land. PUDs may be created as in-fill development or redevelopment, or may be developed as traditional residential subdivisions of vacant land. The regulations found in this section may be generally applicable to all PUDs, while others, such as [section 28-291](#), are intended for traditional residential or mixed use subdivisions of vacant land. Amendments to existing PUDs shall comply with the same requirements as found herein for PUD rezoning.

(Code 1964, § 33-70; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 13-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-287. - Defined.

A planned unit development (PUD) shall mean the zoning district for the development of a particular parcel of land under unified control which is planned and developed as a whole in a single or programmed series of operations and conditions, with uses and structures substantially related to the character of the entire development. A PUD, established pursuant to ordinance of the city commission, must also include an attached final development plan, and project narrative with specified development conditions and a program for the provision, maintenance and operation of all areas, improvements, facilities and necessary services for the common use of all occupants thereof. **As a zoning district, the terms and conditions of a PUD shall be enforceable in the same manner as enforcement of all other city code provisions. All city rules, codes and regulations shall remain in full force and effect, and shall apply to the PUD unless a specific exemption, waiver or alternative condition is included in the approved PUD text and site development plan.**

(Code 1964, § 33-71; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-288. - Permissible uses.

Any use which is permitted by the comprehensive plan may be included and approved in a PUD. Those uses allowed may be allowed in a PUD, but must be specifically identified in the PUD development narrative text, and must be compatible with the property's identified comprehensive plan future land use designation. Such uses approved in conjunction with a PUD must provide a justification for the requested use and include defined development criteria in the PUD to mitigate any potential negative impacts of the uses. Additionally, certain desired benefits to the community must be outlined. The benefits to the community may include, but are not limited to those provided on-site, but benefits related to the proposed planned development off-site as well, such as, public parking provisions, enhanced landscaping or street tree planting, architectural or historic preservation benefits, benefits of certain uses in certain areas and/or alternative transportation benefits, and maintenance, improvement or encouragement of public access to waterways, conservation areas and/or vistas and scenic opportunities.

(Code 1964, § 33-72; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-289. - Procedures, application requirements and narrative PUD text.

(a) *Application for rezoning to PUD.* Each application shall identify and address applicable criteria to its specific plan of development. An application for rezoning to PUD shall proceed in general as for other applications for rezoning of land; and, in addition to the information usually required for such applications, the following shall be required:

- (1) Plats, surveys, and metes and bounds description of the area within the PUD.
- (2) The name and address of the owner and, if applicable, evidence of the assignment of an agent who represents the owner.
- (3) Evidence of unified control of the entire area within the PUD with all owners within the area of same identified.
- (4) An agreement by all owners within the PUD which includes their commitment to:
 - a. Proceed with the proposed development in accordance with the PUD ordinance and such conditions and safeguards as may be set by the city commission in such ordinance; and,
 - b. Provide a written narrative PUD text that clearly identifies by corresponding numbered and lettered paragraphs responses to the following criteria:
 1. Consistency with every relevant goal, policy and objective of the Comprehensive Plan, including but not limited to density and intensity limitations of the Future Land Use Map category for the property; and,
 2. For properties currently in the HP-1, HP-2, HP-3, HP-4 and HP-5 districts requesting rezoning to PUD, identification of the specific proposed benefits or enhancements to the property that promote the goals of these historic districts; and,
 3. The need and justification for a rezoning to PUD or PUD amendment, including identification of each proposed development condition that would otherwise not be allowed under the existing zoning, including,

- but not limited to, maximum lot coverage, signage, setbacks, allowable zoning uses and uses by exception; and,
4. Compliance with the purpose and intent and criteria in [section 28-286](#); and,
 5. Compliance with [section 28-288](#) and justification for any zoning uses; and,
 6. The phasing of the PUD or PUD amendment, including all sub-phases; each phase addressing the types of approval required or obtained (i.e.: entry corridor, HARB, building plan, landscaping, etc.) and the proposed commencement and completion of such development according to the plans approved by such ordinance or other related permit; and,
 7. Identification of the legally responsible entity or entities for continuing operations and maintenance to such areas, functions and facilities as are not to be provided, operated or maintained by the city pursuant to written agreement; and,
 8. A termination date after which the PZB shall be required to evaluate whether all or part of the PUD has been abandoned by failure to timely commence and complete development of all or part of the phases of the PUD as identified pursuant to subsection (6) or other circumstances have contributed to the development delay, if so, one (1) year extension(s) may be granted by the PZB at an advertised public hearing, after two (2) such extensions if no activity has been initiated the city commission shall deem the PUD abandoned which shall act as a reversion of the zoning to its pre-PUD zoning district for the areas not in compliance with the phasing schedule; and,
 9. If a reversion to pre-PUD zoning district pursuant to subsection (8) would otherwise be inconsistent with the Comprehensive Plan in effect at the time of the reversion, said reversion shall not become effective unless a Comprehensive Plan amendment is duly adopted; and,
 10. An infrastructure impact analysis or equivalent impact analysis to clearly outline the project's potential impact on transportation networks, circulation patterns, and infrastructure of the city; and
 11. A signed statement voluntarily acknowledging and binding the applicant(s), property owner(s), and each of their successors in title, to every commitment made in their application and at hearing relating to the rights, terms, conditions and limitations of the PUD text narrative and final site development plan, including but not limited to the phasing, termination and reversion clauses.
- (b) *Materials to accompany applications.* An application for rezoning to PUD shall be accompanied by the following, in sufficient copies as deemed necessary by the planning and zoning board for referrals and recommendations. The planning and building department will maintain a checklist of materials to accompany an application to help clarify the submittal requirements:
- (1) Plans, maps, studies and reports, including an infrastructure impact analysis, as may reasonably be required by the city commission and the planning and

zoning board in order to make the findings and determinations called for in the particular case. The infrastructure impact analysis shall include site specific design improvements related to traffic circulation, and the movement of pedestrians, bicycles, and vehicles on and off-site, and water, sewer, stormwater improvements, and public utility improvements and impacts.

- (2) For proposed PUDs currently zoned HP-1, HP-2, HP-3, HP-4 and HP-5, a streetscape demonstrating the size and scale of the project in context with the adjacent properties and existing historic district development patterns. The streetscape shall include at a minimum the subject block and facing block to illustrate how the proposed project meets the scale of the surrounding context. This streetscape requirement is not mandatory for projects that create no visual impact to the exterior of an existing structure. Structural changes in roof lines, exterior facades and elevations and any exterior additions or reconfigurations may require a streetscape, as deemed necessary by staff or the historic architectural review board concurrent with project details.
- (3) Infill and redevelopment projects shall also be required to provide a streetscape analysis similar to that required in the historic districts as per (b) (2) above, as deemed necessary by staff to allow the PZB and/or HARB, for projects in the city's entry corridors, to evaluate the projects impact on the neighborhood or area, as a defined community in [section 28-289\(b\) \(9\)](#) and the projects ability to contribute to and enhance the existing streetscape.
- (4) A written PUD text narrative compliant with all parts of sections [28-286](#) through [28-292](#), as applicable. Such PUD text narrative shall also include as an exhibit a final site development plan at an appropriate scale and consistent with the terms of the PUD text narrative, an introductory statement explaining the intended plan of development, clearly indicating where approval of the rezoning to PUD or PUD amendment will benefit the future occupants of the proposed development, will be compatible with the adjacent neighborhood, and will forward the goals, policies and objectives of the city in general, and including any specific benefits to the community as a whole. Such justification shall be based on the intent of the PUD, consistency with the Comprehensive Plan, and compliance with all requirements of rezoning to PUD or PUD amendment as found herein.
- (5) The final site development plan included at an appropriate scale supporting the above statement illustrating:
 - a. The location, grouping and height of all uses and facilities.
 - b. In the case of residential development, the number of residential units, their location and number of stories.
 - c. A multi-modal circulation system including any vehicular, public transit, pedestrian and bicycle access points, driveways, walkways or crosswalks, parking areas, transit shelters or bus stop loading areas, bicycle racks, and rights-of-way, streets or sidewalks to be dedicated in support of the infrastructure impact analysis.
 - d. A system of open space and recreational uses, with the acreage to be dedicated and that to be retained in common ownership.

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- e. A topographic map at an appropriate scale showing contour lines, including all existing buildings and wooded areas.
 - f. An illustration, outline or discussion describing any community benefits incorporated into the planned development or provided off-site, such as, public parking, enhanced landscaping or street trees, public park facilities, architectural or historic resource benefits, the encouragement of beneficial uses or alternative forms of transportation, maintenance, improvement or encouraging public access to waterways, conservation areas and/or vistas and scenic opportunities.
 - g. Elevations, specific architectural elements, and contextual drawings, as deemed necessary by staff and the PZB and/or HARB to illustrate the details of the project, which may include a sun, shadow or shade study.
 - h. Full signage and hardscape plans, as well as, landscape and tree preservation or replacement plans in sufficient detail to allow PZB to review and make a recommendation concerning the project.
 - i. The site plan must describe and show any buffers or setbacks required from any jurisdictional areas for review to include details for conservation overlay zone development, as well as, locations of any proposed docks or water features, and/or impacts to existing tree canopy areas.
- (6) Statements indicating how the problems of maintenance and ownership of common facilities will be resolved.
- (7) A schedule of development, including the staging and phasing of:
- a. Areas to be developed, in order of priority;
 - b. The construction of streets, utilities and other improvements necessary to serve the proposed development; and
 - c. The dedication of land to public use, if any.
- (8) Each of the above elements shall be listed as to their relative order of improvement with an estimated time schedule for their accomplishment. It is, among other things, the intent of this requirement that the schedule of development be such that a staged implementation of the PUD would not result in land use conditions which would establish a precedent for the use of adjoining undeveloped property for purposes other than that shown on the approved PUD.
- (9) Developer neighborhood notice. At the time of filing a PUD or PUD amendment application, the applicant must submit to the city's planning department a copy of the developer neighborhood notice mailed to the Neighborhood Council of St. Augustine, Inc., or its successor, by regular U.S. mail at the current mailing address provided to the Florida Department of State, Division of Corporations, as made available on that agency's website. If the property is not included in a defined neighborhood area the boundaries of a "community" area will be defined as those properties within a five hundred-foot radius of the project boundaries to be notified by mail postmarked no less than fifteen (15) days prior to the first scheduled PZB meeting, and shall be notified individually by the same neighborhood notice process below. The developer neighborhood notice shall include the following information:
- a. The project name, property owner(s) and applicant(s); and

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- b. The existing zoning and requested rezoning, the physical address or location of the project, and a brief description of the application request; and
 - c. The developer's project coordinator contact information, including name, mailing address, telephone number and email address; and
 - d. The following statement in prominent font:

"Please contact the developer's project coordinator directly if a courtesy neighborhood informational meeting is requested of the developer. The courtesy neighborhood informational meeting will be presented by the developer, not by City staff. It is not an official City meeting or hearing on the project application. The developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City's neighborhoods or defined communities and PUD development applicants. This document was prepared by the developer and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours."
 - e. In addition to the developer neighborhood notice, the city planning and building department may provide additional courtesy information regarding pending applications to individuals and organizations that request it or as part of the city's public information outreach initiative. Such additional courtesy information may be provided in person, by U.S. regular mail, electronic mail or posting on the city's website, as reasonably practicable. This additional courtesy information is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing.
- (c) *Action by the planning and zoning board and the city commission.* Following the public hearing as required for all applications for rezoning, the planning and zoning board may recommend and the city commission may enact an ordinance establishing a PUD, including any special conditions related thereto, based upon findings that:
- (1) No adverse effect finding. The proposed PUD does not adversely affect the orderly development of the city, the health and safety of residents in the area, the natural environment, the use and development of adjacent properties or the general neighborhood.
 - (2) Consistency with the Comprehensive Plan and PUD regulations finding. The proposed PUD is consistent with the comprehensive plan and meets the intent and criteria of sections 28-286 through 28-292, as applicable.
 - (3) Need and justification finding. In order to permit the use of more flexible land use regulations and the most advantageous techniques of land development, the PUD must affirmatively comply with each applicable PUD regulation found in this section and clearly identify the need and justification for rezoning to PUD. The objective of a PUD is to encourage ingenuity, imagination and design efforts on the part of builders, architects, site planners and developers to produce residential, commercial, industrial or institutional developments, or

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combinations thereof, that effectively integrate existing historic and neighborhood patterns, or effectively transition between adjacent development uses.

- (4) Site-specific conditions and mitigation finding. The site-specific development conditions for the proposed PUD:
 - a. Permit a creative approach to the development of land; and
 - b. Accomplish a more desirable environment than would be possible through the strict application of the existing zoning district requirements; and
 - c. Provide for an efficient use of land; and
 - d. Improves the appearance of the area through the preservation and enhancement of historic and natural features, recreation areas and open space, and effectively transition from existing development patterns to the PUD; and
 - e. Provide an environment of consistent character compatible with surrounding areas; and
 - f. Retain property values over the years.
- (d) A PUD or PUD amendment shall first be reviewed by the planning and zoning board, followed by the historic and architectural review board if such review is required. The city commission may remand a PUD application for further review by its planning and zoning board or historic architectural review board, such review shall be limited to the scope of review as expressed by the city commission. The city commission may expressly limit the additional review to only one such agency, after which the PUD application shall be promptly scheduled for further action by the city commission. Nothing in these regulations is intended to remove the historic and architectural review board's reviewing authority after a property has been rezoned to PUD.
- (e) *Deviations from ordinance creating PUD.* In order to facilitate minor adjustments to the plans approved as part of the ordinance creating a PUD, the city commission may approve changes in such plans, without the review and recommendation of the PZB, and without the adoption of an ordinance to modify the PUD ordinance, if as a result of such changes:
 - (1) There are the same or fewer number of dwelling units and/or floor area;
 - (2) The open space is in the same general location and in the same general amount, or a greater amount;
 - (3) The buildings have the same or less number of stories and/or floor area; and
 - (4) The roads and drives follow approximately the same course and have the same public or private rights therein.
- (f) Given the scale and complicated nature of PUDs the PZB shall require review of a planned unit development final development plan, and narrative requirements with at least two (2) public hearing(s) in an effort to garner as much information and public input as possible, as well as, to finalize any recommendations to the city commission. The PZB reserves the right to require only one (1) public hearing, if deemed appropriate by the PZB, the project may move straight to the city commission for rezoning.
- (g) Because of the nature of PUD's with regard to potential size and the level of detail required of projects, and unless a longer time shall be agreed upon by the applicant

and the board in the particular case, a public hearing shall be held by the board to consider any application for a PUD rezoning within not more than sixty (60) days from the date of filing of the complete application. Any revisions or amendment to the PUD rezoning application must be submitted to the planning and building department at least fifteen (15) days prior to the scheduled meeting date. Notice of public hearing shall be made as provided in [section 28-59\(a\)](#) and (b).

- (h) *Expiration of time limits provided in ordinance creating a PUD.* If development actions required by the ordinance creating a PUD are not taken within the timeline established in the PUD from the date of approval by the city commission actions consistent with [section 28-289](#) (a)(4)b.8. shall be taken.

(Code 1964, § 33-73; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-290. - Implementation of a PUD.

- (a) *Development plan.* The final development plan, and project narrative shall be attached to the PUD ordinance as an exhibit and shall be the only development plan associated with the PUD unless and until an amendment to the PUD is pursued via amendment to the PUD ordinance or via minor amendment procedures.
- (b) *Record plats.* If the PUD ordinance requires the recording of record plats, such plats shall be submitted to the city commission for final approval.
- (c) *Approval of development plans.* The planning and building department shall review all development plans; and, if found in compliance with this Code, and the PUD ordinance shall approve same.
- (d) *Permits required.* All construction in the development of a PUD shall proceed only under applicable permits issued by the planning and building department; and no building permit, certificate or other document authorizing construction or occupancy within a PUD shall be issued, except in accordance with the approved PUD ordinance and all regulatory provisions in existence at the time of the permit except as otherwise exempted or waived in the PUD text.

(Code 1964, § 33-74; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-291. - Standards and criteria for stand-alone residential and mixed use PUD subdivisions.

The following performance standards are intended for standalone residential and mixed use PUD subdivisions. These projects typically include exclusively residential uses or mixed use projects developed on vacant parcels with defined boundaries and a self-contained subdivision identity separated from adjacent properties through a visible perimeter break.

- (1) *Density of developments.* The total ground occupied by buildings and structures for area devoted to residential use in mixed use PUD subdivisions shall not exceed thirty-five (35) percent of the total ground area of that portion of the PUD devoted to residential use. The density and intensity of development within a PUD shall be

consistent with the density and intensity allowed within the City of St. Augustine Comprehensive Plan.

- (2) *Open space.* The PUD may include residential lots of smaller size than would be permitted by the zoning regulations otherwise applicable to the site, provided the overall density is not increased. The excess land shall be utilized as open space. The open space shall be utilized as a park, for either passive or active recreation or as a conservation area. The open space shall either be dedicated to the City of St. Augustine or be maintained by a community association composed of residents of the PUD. Land recorded as open shall not be encroached upon by any residential, commercial or industrial, primary or accessory use.
- (3) *Waiver of yard, dwelling unit, frontage criteria and use restriction.* Minimum yard, lot size, type of dwelling unit, height and frontage requirements and use restrictions are waived for the PUD, provided the spirit and intent of this chapter is complied with in the total development of the PUD. However, the City Commission of St. Augustine may, at its discretion, require adherence to minimum zone requirements within certain portions of the site if deemed necessary in order to maintain the spirit and intent of this chapter.
- (4) *Support legal documents for open space.* Legal documents which assure adequate management and maintenance of the open space area must be provided by the developer for all areas proposed for common ownership by the residents of the PUD. Legal instruments provided for dedications, covenants, community associations and subdivision controls shall:
 - a. Place title of common property in a form of common ownership by the residents of the PUD; e.g., a duly constituted and legally responsible community association, cooperative, etc.
 - b. Appropriately limit the use of common property.
 - c. Place responsibility for management and maintenance of common property. The St. Augustine City Commission, at its discretion, may require the applicant to enter into a contract with St. Augustine for maintenance of commonly held properties.
 - d. Place responsibility for enforcement of covenants.
 - e. Permit the subjection of each lot to assessment for its proportionate share of maintenance costs.
- (5) *Access.* Access to each single family dwelling unit shall be provided via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership with the residents of the PUD.
- (6) *Privacy.* Each dwelling unit within the PUD shall be provided visual and acoustical privacy. Fences, walks and landscaping shall be provided for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.
- (7) *Community facilities:*
 - a. All utility facilities proposed for dedication to St. Augustine must be acceptable by the city as to the size, shape and location, and shown by the applicant to be of benefit to the general public.
 - b. All requirements for off-street parking and loading (article IV, division 2) shall apply to the PUD unless otherwise waived or modified.

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- c. Access and circulation shall adequately provide for firefighting equipment, furniture moving vans, fuel trucks, refuse collection, deliveries and debris removal.
 - d. These PUD's shall provide for underground installation of utilities, including telephone, power and cable television in both public and private rights-of-way. Provisions shall be made for acceptable design and construction of storm sewer facilities, including grading, gutters, piping and treatment of turf to handle stormwaters and prevent erosion and formation of dust.
 - e. Specifications for street design, publicly used driving and access aisles, sidewalks and pedestrian walkways, including those providing interconnectivity between phases of the PUD or between the PUD and adjacent properties, shall conform to the rules and regulations adopted by the City of St. Augustine.
- (8) *General development patterns.* Residential subdivisions and mixed use subdivisions shall provide a master tree plan, a master stormwater plan, an overall signage plan, any applicable overall design standards, descriptions of interconnectivity between areas within the PUD and connections to areas outside of the PUD proper, and general descriptions of how the PUD will create a sense of place.
- (9) *Mixed Use PUD subdivisions.* A subdivision PUD that also includes a mixed use component shall also provide a description of the potential other uses allowed besides residential single family uses. This description shall provide enough information to evaluate its proposed consistency with the Comprehensive Plan, potential benefits to the overall PUD community, and the neighborhoods outside of the PUD community, the types of uses proposed, such as, multifamily units, commercial, civic or other uses, and establish the parameters of how these uses are integrated into the development plan.

(Code 1964, § 33-75; Ord. No. 05-37, § 1, 12-12-05; Ord. No. 2013-08, § 1, 5-13-13; Ord. No. 16-07, § 1, 2-8-16)

Sec. 28-292. - Standards and criteria for redevelopment and infill PUD developments.

The following performance standards are intended for redevelopment and infill PUD developments. These projects typically involve property currently developed where the proposed PUD includes razing the existing development and building new or renovating the existing development to the extent that it is a redevelopment project which introduces new uses or combination of uses and a new design changing the character of the existing. Infill projects typically involve vacant property within an existing developed area where it is important for the proposed PUD to be compatible with the existing surrounding development. These standards and criteria are in addition to other PUD requirements outlined above.

- (1) *General development patterns.* Redevelopment and infill projects within the city shall take into consideration pedestrian oriented design, the human scale and sense of place of the surrounding area, and shall respect existing development patterns and provide for compatibility, quality and integrity of the existing area and neighborhoods. They should provide a unique sense of place through architectural

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design and a mixture of compatible uses in a compact setting with sensitivity to the context of the surrounding neighborhood. The PUD should be an addition to the area and neighborhood which contributes to the area and increases the value of the surrounding area.

- (2) *Contributions to the existing community.* Redevelopment and infill projects shall also demonstrate consideration for the existing neighborhoods and street patterns within the city by describing the project's impact on existing community patterns, the environment, the economy, the transportation networks or circulation patterns as described in an infrastructure impact analysis, as well as, natural features, and vistas and scenic opportunities. The project narrative shall include a statement of how the PUD is consistent with the character, history, and cultural and natural features that help create a sense of place. The project shall be compatible by demonstrating appropriate design, massing, screening, and architectural techniques.
- (3) *Redevelopment and infill PUD projects.* Additionally, redevelopment and infill projects shall include a description evaluating the existing building(s) condition, potential demolition issues, and the extent of renovation of the existing building(s), if applicable. A clear description of the site design evaluating existing issues, such as, access, driveways, parking, maneuverability, landscaping, including tree removal is also required if necessary. A description with detailed drawings that show the existing streetscape, and the new streetscape to demonstrate compatibility, proportion, form, and rhythm with the surrounding area is required. Details of colors, materials, and design themes may also be required, and compatibility with applicable Design Standards for Entry Corridors must be demonstrated.

(Ord. No. 16-07, § 1, 2-8-16)

Secs. 28-293—28-310. - Reserved.

Sec. 28-332. - Modification and height regulations.

The height limitations contained in article III, district regulations, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator shafts or other appurtenances usually required to be placed above the roof level and not intended for human occupancy; provided, however, that notwithstanding the permitted maximum height limitations allowed in the various zoning districts, no structure (including appurtenances and structures normally erected above roof level) shall be erected to a height above adjacent ground level exceeding the most restrictive of the following:

- (1) Fifty-five (55) feet; or
- (2) Elevations as may be prescribed by the Federal Aviation Administration; or
- (3) Elevations as may be prescribed by the State of Florida unless the applicable permit has been issued.

(Code 1964, § 33-88)

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STAFF SUMMARY AND ANALYSIS

The request for a rezoning from St. Johns County's Residential, Manufactured/Mobile Home (RMH) zoning district to a Planned Unit Development (PUD) is an effort to expand the existing marina located at 220 Nix Boat Yard Road, which will also be included in this new Cat's Paw Marina PUD. An additional request at 200 Nix Boat Yard Road is for a future land use designation of Marine Industrial to allow for the City's historic marina industry and collection of working waterfronts to continue.

A voluntary annexation and pre-annexation agreement for a parcel of land adjacent to the existing Cat's Paw Marina, 200 Nix Boat Yard Road, on Nix Boat Yard Road was heard at the March 27, 2023, City Commission meeting. During the meeting the City Commission expressed concerns related to traffic and tree mitigation.

The request being made is for a portion of 200 Nix Boat Yard Road, everything east of Boathouse Road (approximately 0.9 acres), to be annexed into the City of St. Augustine.

The existing marina and structures at 220 Nix Boat Yard Road, developed under the Genovar Annexation PUD, will be rezoned as well to incorporate the proposed annexed land and to change the use(s) of the property which are different than what was approved in 2017.

The proposed Cat's Paw Marina PUD will in sum be the zoning designation for the approximately nine and nine tenths (9.9) acres of property between 200 and 220 Nix Boat Yard Road. Incorporating all of the property and modifying the conditions of the 1,975 square foot waterfront marina office and retail store to now be a 2,700 square foot restaurant are the changes from the 2017 modification approval of the Genovar Annexation PUD.

Parcel ID Number	Proposed Land Use	Proposed Zoning
134832-0000 (Portion east of Boathouse Road at 200 Nix Boat Yard Road)	Marine Industrial	Cat's Paw Marina Planned Unit Development (PUD)
134830-0000 (220 Nix Boat Yard Road)	No changes proposed	Cat's Paw Marina Planned Unit Development (PUD) as amended

Additionally, the applicant has provided a tree survey and notes from Arborist Solutions at Almond Engineering performed by Gene Washington on June 30, 2022. The notes mention 12 trees on-site that are either "dead" or in "extreme decline" and consist of Camphor, Live Oak, Magnolia, and Hickory trees. Camphor trees are categorized by the city as an invasive species.

The applicant stated during the March 27th City Commission meeting for pre-annexation that "an aggressive tree replanting" will be part of development. Landscaping plans illustrate the applicant meeting the City's required landscaping code as well as holding over 100 credits in tree mitigation.

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Trees to be Removed (Significant Trees are in Bold)			Trees to Remain		
ID	Tree & Size (dbh)	Debit	ID	Tree & Size (dbh)	Credit
	27" Live Oak	2		19" Live Oak	3
	18" Pecan	1.5		26" Live Oak	4
	10" Cedar	1		28" Magnolia	4
	26" Pecan	2		15" Oak	3
	30" Magnolia	2		10" Oak	2
	26" Live Oak	2		10" Oak	2
	18" Magnolia	1.5		15" Oak	3
	35" Magnolia	2		13" Oak	3
	22" Magnolia	2		12" Oak	3
	27" Live Oak	2		30" Cedar	4
	24" Live Oak	2		12" Oak	3
	28" Live Oak	2		8" Oak	2
	63" Live Oak	2		10" Oak	2
	12" Palm	1.5		15" Cedar	3
	15" Pecan	1.5		18" Sabal Palm	3
				8" Fan Palm	2
				8" Cedar	2
				17" Live Oak	3
				10" Live Oak	2
				12" Cedar	3
				15" Cedar	3
				10" Live Oak	2
				5" Live Oak	1
				11" Live Oak	2
				5" Live Oak	1
				14" Hackberry	3
				7" Live Oak	2
				14" Cedar	3
				6" Live Oak	1
				26" Live Oak	4
				12" Live Oak	3
				15" Cedar	3
				20" Oak	4
				36" Oak	4
				36" Oak	4
				15" Cedar	3

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			48" Oak	4
			12" Crape Myrtle	3
			12" Palm	3
	1 Southern Red Cedar additional deficit	1	8 Southern Red Cedars over 1 inch in trunk diameter additional credit	8
	1 Cabbage Palm over 12 feet in height additional deficit	1	38 native vegetation trees additional credit	38
Total	29 debits		155 credits	

This proposed tree removal plan does save numerous significant trees and holds over one hundred (100) credits in tree mitigation.

In addition to a proposed second dry boat storage building at 200 Nix Boat Yard Road, an additional proposal is for a restaurant and deck included in the master development plan. The PUD documents include an outline for Conservation Overlay Zone development on pages 5 through 9 in the proposed PUD. The PUD text/narrative does include an analysis of Sec. 11-29(c) of the City's code, therefore the Planning and Zoning Board (PZB) can review the analysis provided and approve the conservation zone development as part of the PUD rezoning recommendation.

Under Sec. 11-29. – Standards for review, applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria, the applicant's responses are italicized and may be found in the PUD language. Staff comments are in bold.

(1) Site specific conditions.

- *As indicated, this is the redevelopment of a former mobile home park on the "annex" Property as part of this PUD request. The development plan will provide for a new enclosed boat storage building, access, parking, and associated infrastructure. The site development standards will be updated in accordance with current stormwater management standards, providing for treatment and storage of stormwater in accordance with current permitting regulations. The site and building elevations will be in conformance with current FEMA flood zone standards.*

(2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.

- *As previously stated, the development will be a water dependent and water related in conformance with the existing Marine Industrial land uses, and will be compatible with the character, mass, and scale of the area, including the immediately adjacent commercial/industrial warehouse buildings associated with the Fishbites Trading company and the Home Depot. All development will adhere to the standards for development within the Conservation Overlay Zones and will not impact any adjacent development within these zones.*

(3) Natural and proposed drainage patterns.

- *Specific details of the drainage and storm water management system to be utilized will be provided within the engineering and construction plan documents required for local and State permitting.*

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- (4) Effect of point and nonpoint discharge in the marine environment.
 - *Specifics of the stormwater management system will provide analysis of the point and non-point discharge and provide for protection of the marine environment.*
- (5) Proposed soil stabilization and erosion control methods.
 - *Details for soil suitability, geotechnical engineering and measures for construction will be provided within the engineering and construction plan documents required for local and State permitting.*
- (6) Impact on floodplain.
 - *Due to the location of the annex Property, which is mostly outside of the 100-Year Floodplain, the stormwater management facilities will be able to eliminate the potential for off-site impacts to the neighboring community and environmentally sensitive areas, often associated with the increase in flood zone elevation requirements.*
- (7) Impact of development on vegetative and animal communities.
 - *The site has been previously developed and impacted for some time as a mobile home park. All existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.*
- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
 - *The current development standards to be followed, as well as the parking will reduce the potential for contaminated drainage associated with automobile parking lots. The current and proposed uses will not provide for the use of poisonous chemicals or materials with any direct discharge or overland drainage flow to adjacent lands, waterways or stormwater infrastructure. Any use chemicals or materials on the Property will adhere to strict standards applicable to use, cleanup and disposal in keeping with local, State and Federal guidelines and regulations.*
- (9) Effect of shade on vegetation and shellfish.
 - *No construction is planned which would cause shading.*
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
 - *The increase in marine vessel related traffic on the waterway will conform to the existing slips, channel and ramps and should be minimal and adhere to local, State and Federal guidelines and regulations.*
- (11) Impact of development on shoreline by linear feet and percent of site.
 - *As previously stated, the redevelopment of the mobile home park with a new enclosed boat storage building is in the same general location and should not significantly change any vistas or scenic opportunities customarily known based on the adjacent uses and buildings. The building will adhere to the height and coverage limitations, which will be consistent with that allowable in the area.*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
 - *Same as response for number 11 above.*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
 - *As the site has been developed for some time, no existing native plant materials exist. However, the applicant will use native plant and tree species within the overall landscape plan to reduce the irrigation requirements.*

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- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- *All existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.*
- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- *The PUD is located adjacent to Class III waters, which are deemed by the State for recreational use and do not support shellfish harvesting. The location of the project will have no impact on the navigational channel of the Intracoastal Waterway other than the use by boating traffic for access to the marina site. The site abutting the waterway is already developed and there will be no removal of any plant material that would offer or impact habitat for nesting waterfowl.*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- *Same as response for number 15 above.*
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low-profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.
- *N/A*

STAFF RECOMMENDATION

Staff do not make recommendations concerning comprehensive plan amendments or the rezoning of land. The Board is responsible for making a recommendation based on the following;

- (1) The need and justification for the change.
- (2) The relationship of the proposed amendment or rezoning to the city's general planning program and such comprehensive plans may from time to time be adopted by the city commission.
- (3) Consistency with the Comprehensive Plan.

CITY OF ST. AUGUSTINE
STAFF REPORT & RECOMMENDATION

The PUD section of the Zoning Code requires two (2) public hearings for PUD rezoning applications before the PZB unless the PZB waives this requirement.

The PZB will need to make a motion to recommend the Comprehensive Plan Land Use Plan amendment to change the land use on the proposed annexed portion of the property (approximately 0.9 acres) from the St. Johns County designation of Mixed-Use District to City Marine Industrial; and

The PZB will need to decide whether to waive the second PZB public hearing for the proposed rezoning and amend and reconstitute the existing Cat's Paw Marina PUD.

If the PZB determines that a second public hearing is warranted this item will be advertised and placed on a future Agenda.

If the PZB determines that a second public hearing is not warranted. The PZB will need to make a recommendation to rezone the proposed annexed portion of the property (approximately 0.9 acres) from St. Johns County Residential, Manufactured/Mobile Home (RMH) to City PUD including recommending the amended PUD incorporating the annexed portion, changing the new waterfront building use to a restaurant use from the 2017 marina office and retail use and including the Conservation Overlay Zone 3 development for the tree removal.



Jacob Fredriksson
Senior Planner
Planning and Building Department



City of St. Augustine



St. Augustine, Florida
Nation's Oldest City

Planning/Building

October 3, 2017

Cat's Paw Marina, LLC
St. Johns Law Group
104 Sea Grove Main Street
St. Augustine, FL 32080

Re: Planned Unit Development Modification/Amendment –
220 Nix Boat Yard Road – 2017-0110

To Whom It May Concern:

On Tuesday, October 3, 2017, the Planning and Zoning Board (PZB) met and discussed your application to amend the existing Planned Unit Development (PUD) known as The Genovar Annexation PUD to allow the construction of an office including decking in Conservation Overlay Zone for property located at 220 Nix Boat Yard Road.

Specifically, the PZB recommended **approval** of the Planned Unit Development Modification to the City Commission as described in the attached copy of the executed Order.

Should you have questions regarding this matter, please contact the Planning and Building Department at 825-1065.

Sincerely,

David Birchim, AICP
Director, Planning & Building

DB:sp
Attachment

cc: John P. Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
BOAC File

ORDER:

Based upon the evidence presented, the Planning and Zoning Board determined that the requested action ~~MEETS~~ **DOES NOT MEET** the requirements of Section 28-30, City of St. Augustine Code, and ~~APPROVES~~ / **DENIES** / **CONTINUES** the Applicant's request to amend the existing Planned Unit Development (PUD) known as The Genovar Annexation PUD to allow the construction of an office including decking in a Conservation Overlay Zone.

Subject to the following conditions:

- RECOMMEND APPROVAL FOR PUD AMENDMENT
- CONSTRUCT ONE STORY, ± 1900 SQ BUILDING WITH ± 2500 SQ
- DECKING
- USES FOR NEW BUILDING LIMITED TO OFFICE, RESTROOMS
- AND SALE OF INCIDENTALS ASSOCIATED WITH THE
- MARINA AND NOT USED AS A RESTAURANT OR BAR.

DONE AND ORDERED, at a public hearing on the 3 day of OCTOBER, A.D.,
2017, in the Alcazar Room, 75 King Street, St. Augustine, Florida.

2017-0110

REQUEST APPROVED / DENIED / CONTINUED

Sign Name

MATTHEW SHAFFER

Print Name

PLANNING AND ZONING BOARD

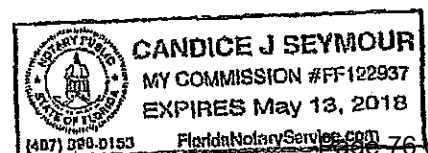
CITY OF ST. AUGUSTINE, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Matthew Shaffer who is personally known to me and who is the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purposes therein expressed.

Witness my hand and official seal, this 3rd day of OCTOBER, A.D.,
2017.

Candice J Seymour
Notary Public, State of Florida





CITY OF ST AUGUSTINE
APPLICATION TO PLANNING AND ZONING BOARD

Application Fee: \$400 (plus advertising costs) Project Number: 2023-0034
Receipt Number: 862329 Meeting Date: 6/6/23
Advertising Costs: \$ _____ Paid On: _____ Receipt Number: _____

1. NAME OF APPLICANT: Brad Wester Contact Number: 904-294-3768
Business (if applicable): Driver McAfee Hawthorne & Diebenow, PLLC
Address: 1 Independent Drive, Suite 1200 City: Jacksonville State: FL Zip: 32202
E-Mail Address: 904-294-3768

2. NAME OF PROPERTY OWNER: BDEP CAT'S PAW, LLC Contact Number: N/A
Business (if applicable): Cat's Paw Marina
Address: 4230 Ortega Boulevard City: Jacksonville State: FL Zip: 32210
E-Mail Address: gayle@bdep.us

3. LEGAL DESCRIPTION OF PROJECT PROPERTY:
Lot: See attached. Block: See attached.
Subdivision: See attached. Parcel Number: See attached.

4. PROJECT STREET ADDRESS: 220 Nix Boat Yard Road, St. Augustine, FL 32084

5. SPECIFIC PROPOSED USE: New enclosed boat storage building & related infrastructure

6. ACTION REQUESTED:
☒ Conservation Zone Development ☐ Appeal of Staff Determination
☐ Exception ☒ Land Use Plan Amendment
☐ Variance ☒ Rezoning
☐ Other: _____

7. DESCRIPTION OF ACTION REQUESTED: Conservation overlay development and comprehensive plan amendment to change the land use designation to Marine Industrial on the annex property and rezoning to modify the Cat's Paw PUD on the annex property and the existing Cat's Paw property in the City of St. Augustine as a condition of the annexation approved on March 27, 2023.

8. JUSTIFICATION FOR ACTION REQUESTED: Condition of the annexation.

04/18/2019

9. IF APPLYING FOR A VARIANCE, PLEASE COMPLETE THE FOLLOWING AND EXPLAIN THE SITUATION FULLY ALONG WITH PROVIDING DOCUMENTATION:

- (a) Does the property because of size, shape, topography or other physical conditions, suffer singular disadvantage, which disadvantage does not apply to other properties in the vicinity: N/A
- (b) Can you establish that this disadvantage causes the owner to be unable to make reasonable use of the affected property: N/A
- (c) Can you establish that this disadvantage does not exist because of conditions created by the owner or applicant: N/A
- (d) Can you establish that granting of the variance will not be contrary to the public interest; will not adversely affect other property in the vicinity; and will be in harmony with the spirit, intent and purpose of this Section: N/A

10. PREVIOUS APPLICATIONS:

Has any application been submitted to the Planning & Zoning Board concerning any part of the subject property within the past year?

☐ Yes ☒ No If yes, please give date and final disposition below.

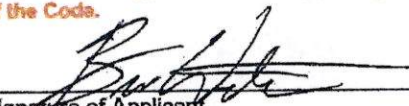
11. AGREEMENT:

In filing this application, I understand that it becomes a part of Public Record of the City of St. Augustine and hereby certify that all information contained herein is accurate to the best of my knowledge.

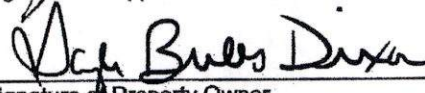
Application must be signed by both applicant and property owner if different. Letter of authorization must be submitted in absence of the property owner's signature or where an authorized agent signs in lieu of either property owner or applicant.

Florida Statute 286.0105 states that a person appealing any decision by this board at any meeting regarding this application may need a verbatim record of the proceedings which includes testimony and evidence upon which the appeal is to be based.

IMPORTANT NOTICE: When the hearing date has been set and a legal notice has been published or posted, the applicant must be prepared to present the request at the scheduled hearing date. If the applicant requests a continuance, the decision to grant or deny the request for continuance will be decided by a vote of the Board at the scheduled hearing date. The applicant, or a duly authorized representative with authority to bind, should be present at the scheduled hearing date to answer questions from the board regarding the application. If the board votes to deny the request for a continuance, the hearing on the application will go forward, whether or not the applicant is present, and could result in a denial of the application if the Board finds that the application and supporting documents submitted prior to the meeting do not meet the criteria of the Code.


Signature of Applicant

4/10/23
Date


Signature of Property Owner

4/11/23
Date

04/18/2019



Owner's Authorization For Agent

Brad Wester & Staci Rewis of
Driver McAfee Hawthorne & Diebenow, PLLC is/are hereby authorized TO ACT ON BEHALF
OF BDEP CAT'S PAW, LLC, the owner(s) of those lands described within
☒ the attached application, or ☐ described within the previously filed
Annexation, Comprehensive Plan Amendment
Application number & Rezoning, and as described in the attached deed or
other such proof of ownership as may be required, in applying to the City
of St. Augustine's Planning & Zoning Board, located at:
75 King Street, St. Augustine, FL 32085

BY: Gayle Bulls Dixon, Manager
Signature of Owner
Gayle Bulls Dixon
Print Name of Owner
415-407-3453
Telephone Number

State of Florida
County of Duval

Signed and sworn before me on this 30th day of January, 2023
By Gayle Bulls Dixon

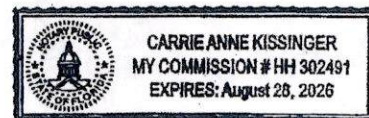
Identification verified:

Oath sworn: X Yes No

Notary Signature:

My Commission expires:

August 28, 2026



Cat's Paw Comprehensive Plan Amendment

EXHIBIT A

Comprehensive Plan Amendment

Cat's Paw Annex Parcel

A PARCEL OF LAND SITUATED IN THE G.W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK 126, PAGE 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 25°21'48" WEST ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 121, PAGE 72 OF SAID PUBLIC RECORDS A DISTANCE OF 200.00 FEET; THENCE NORTH 61°15'29" EAST, A DISTANCE OF 185.81 FEET; THENCE NORTH 76°15'41" EAST, A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 07°36'45" WEST, ALONG THE EASTERLY LINE OF A 30 FOOT INGRESS AND INGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3512, PAGE 317 OF SAID PUBLIC RECORDS, A DISTANCE OF 151.17 FEET; THENCE SOUTH 18°49'01" WEST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 110.29 FEET, TO A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN 5424, PAGE 1337 OF SAID PUBLIC RECORDS; THENCE NORTH 88°44'11" EAST, ALONG LAST SAID LINE, A DISTANCE OF 199.49 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1890, PAGE 271 OF SAID PUBLIC RECORDS; THENCE NORTH 09°07'29" WEST, ALONG LAST SAID LINE, A DISTANCE OF 100.76 FEET; THENCE NORTH 04°57'52" WEST, CONTINUING ALONG LAST SAID WESTERLY LINE, A DISTANCE OF 178.34 FEET, TO THE NORTH LINE OF AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5424, PAGE 1337; THENCE SOUTH 76°15'41" WEST, ALONG LAST SAID LINE, A DISTANCE OF 113.49 FEET TO, THE POINT OF BEGINNING.

CONTAINING 38,470.7 SQUARE FEET OR 0.9 ACRES, MORE OR LESS.



St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

[Clicking Image Opens Cyclomedia Viewer in a New Tab](#)



Parcel ID	1348300000
Location Address	220 A NIX BOAT YARD RD UNIT A 220 B NIX BOAT YARD RD UNIT B SAINT AUGUSTINE 32084-0000
Neighborhood	St. Augustine Shipyards (681.15)
Tax Description*	(1-1) PERPALL GRANT SUB PT OF LOTS 1 2 5 & 11 OF SEC 41 & PT SEC30 LYING E OF NIX BOAT YARD RD TO MARSH LANDS OF CITY - ANNEXATION PARCEL OR5144/250 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Transit Terminals (2000)
Subdivision	N/A
Sec/Twp/Rng	41-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	8.390
Homestead	N

Owner Information

Owner Name	Bdep Cat's Paw LLC 100%
Mailing Address	4446-1A HENDRICKS AVE STE 120 JACKSONVILLE, FL 32207-0000

Map



Valuation Information

	2023
Building Value	\$2,310,290
Extra Features Value	\$396,383
Total Land Value	\$2,647,712
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$5,354,385
Total Deferred	\$924,575
Assessed Value	\$4,429,810
Total Exemptions	\$0
Taxable Value	\$4,429,810

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$1,997,488	\$274,574	\$2,650,750	\$0	\$0	\$4,922,812	\$4,027,100	\$895,712	\$4,027,100
2021	\$1,453,298	\$224,724	\$617,516	\$0	\$0	\$3,661,000	\$3,661,000	\$0	\$3,661,000
2020	\$1,322,347	\$201,626	\$260,814	\$0	\$0	\$1,784,787	\$1,625,379	\$159,408	\$1,625,379
2019	\$1,166,491	\$190,477	\$260,814	\$0	\$0	\$1,617,782	\$1,477,617	\$140,165	\$1,477,617
2018	\$1,181,220	\$190,477	\$260,814	\$0	\$0	\$1,632,511	\$1,343,288	\$289,223	\$1,343,288
2017	\$742,981	\$166,419	\$311,771	\$0	\$0	\$1,221,171	\$1,221,171	\$0	\$1,221,171
2016	\$743,208	\$165,355	\$311,771	\$0	\$0	\$1,220,334	\$1,220,334	\$0	\$1,220,334
2015	\$751,308	\$165,355	\$311,771	\$0	\$0	\$1,228,434	\$1,228,434	\$0	\$1,228,434
2014	\$714,739	\$149,643	\$311,771	\$0	\$0	\$1,176,153	\$1,176,153	\$0	\$1,176,153
2013	\$722,364	\$152,651	\$311,771	\$0	\$0	\$1,186,786	\$1,186,786	\$0	\$1,186,786
2012	\$724,554	\$165,481	\$306,219	\$0	\$0	\$1,196,254	\$1,196,254	\$0	\$1,196,254
2011	\$732,178	\$174,540	\$332,065	\$0	\$0	\$1,238,783	\$1,238,783	\$0	\$1,238,783
2010	\$779,461	\$183,055	\$381,373	\$0	\$0	\$1,343,889	\$1,343,889	\$0	\$1,343,889

Building Information

Building	1	Roof Cover	Modular Metal
Year Built	2007	Roof Structure	Steel Frame
Actual Area	35060	Interior Flooring	Concrete 6-8"
Conditioned Area	0	Interior Wall	N/A
Use	Exceptional Storage	Heating Type	None
Style	06	Air Conditioning	N/A
Class	N	Bedrooms	
Exterior Wall	Aluminum Vinyl	Baths	

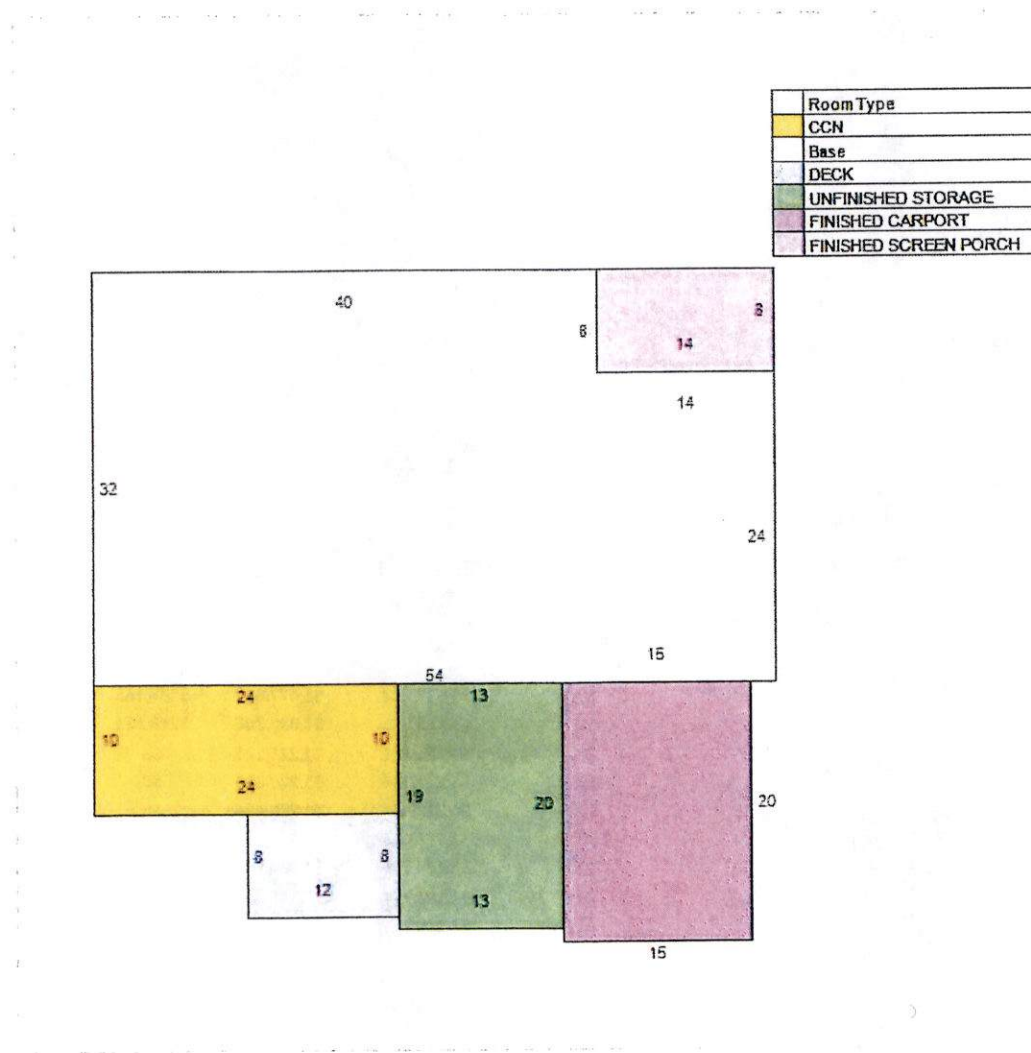
Description	Square Footage
WAREHOUSE	34860
FINISHED STORAGE/UTILITY	200
Total SqFt	35060

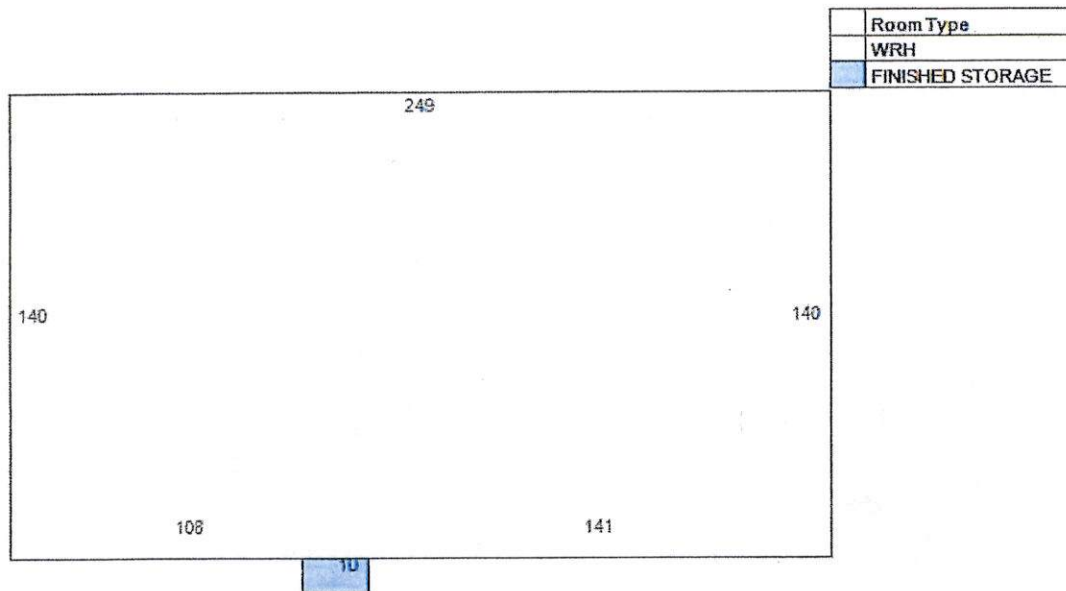
Building 2
 Year Built 1950
 Actual Area 2611
 Conditioned Area 1616
 Use Office Class C
 Style 04
 Class N
 Exterior Wall Aluminum Vinyl

Roof Cover Metal
 Roof Structure Wood Truss
 Interior Flooring Carpet, Wood Laminate
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms
 Baths

Description	Square Footage
FINISHED SCREEN PORCH	112
FINISHED CARPORT	300
UNFINISHED STORAGE/UTILITY	247
FINISHED DECK	96
BASE AREA	1616
FINISHED CANOPY	240
Total SqFt	2611

Sketch Information





Extra Feature Information

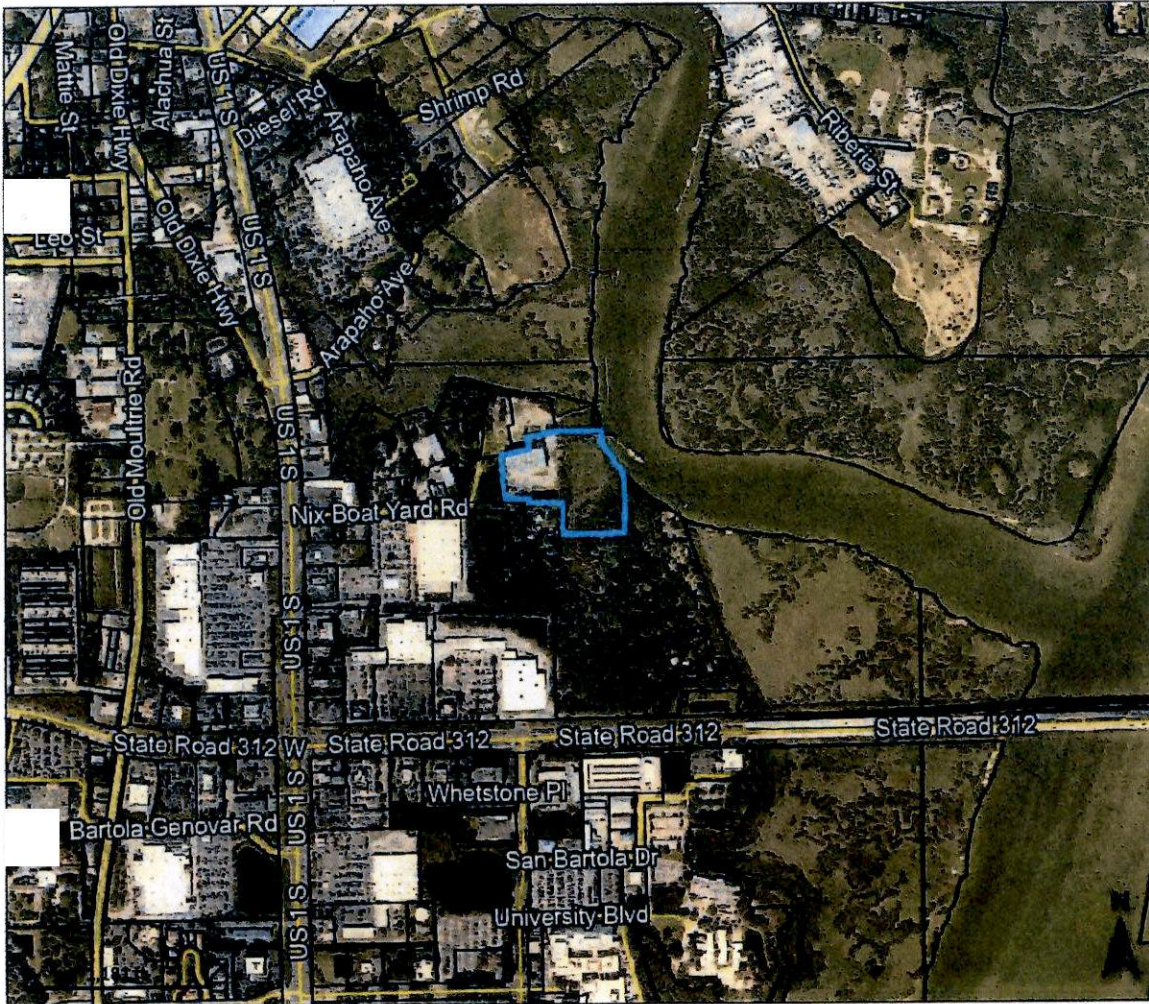
Code Description	Status	Value
Bulkhead - Excellent (Mix)		28560
Metal Fence - 6' (COM)		6194
Metal Fence - 4' (COM)		2430
Concrete Paving - Under 8" (COM)		112465
Asphalt Paving (COM)		45155
Curb (COM)		7034
Handicap Ramp (COM)		2132
Garage - Average (Mix)		30240
Sprinkler Wet (COM)		62225
Hanger Door (COM)		3294
Hanger Door (COM)		6588
Boat Dock - Average (Mix)		90066

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Transit Terminals	0	0	189050	SF	\$2,646,700
Marshes & Tidal Lands	0	0	4.05	AC	\$1,012

Sale Information

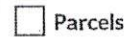
Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
1/6/2021	12/30/2020	\$6,000,000.00	WARRANTY DEED	5144	250	U	I	CAT'S PAW MARINA LLC	BDEP CAT'S PAW LLC
	12/19/2005	\$100.00	WARRANTY DEED	2611	1138	U	I	GENOVAR PHILIP B & JENSEN SONYA G	CAT'S PAW MARINA LLC
	3/14/2005	\$295,000.00	WARRANTY DEED	2394	1862	U	I	PELLICER JONATHAN M	JENSEN SONYA G & GENOVAR PHILIP B
	2/14/2005	\$100.00	ANNEXATION	2376	914	U	I	PELLICER JONATHAN M	CITY ANNEXATION ORD 2004-12
	2/17/2000	\$100.00	QUIT CLAIM DEED	1475	44	U	I	GRADY MINA M ETAL	GENOVAR PHILIP B
	2/17/2000	\$375,000.00	WARRANTY DEED	1475	40	U	I	GRADY MINA M ETAL	GENOVAR PHILIP B
	2/2/2000	\$100.00	QUIT CLAIM DEED	1475	35	U	I	PELLICER FAMILY IRREVOCABLE TRUST	GRADY MINA M & MELANCON PHILIP J, IRENE C
	4/1/1988	\$0.00		786	619	U	I		GENOVAR PHILIP B
	3/1/1988	\$0.00		777	938	U	I		GRADY MINA M
	1/1/1980	\$0.00		464	645	U	I		



Overview



Legend



Parcel ID	1348300000	Physical Address	220 B NIX BOAT YARD RD	Building Value	\$2,310,290	Last 2 Sales			
Property Class	2000 - Transit Terminals	Address	UNIT B	Extra Feature Value	\$396,383	Date	12/30/2020	Price	\$6000000
Taxing District	City of St Augustine	Mailing Address	SAINT AUGUSTINE BDEP CAT'S PAW LLC	Total Land Value	\$2,647,712	3/14/2005	\$295000	Reason	35 U
Acres	8.39		STE 120	Just Value	\$5,354,385				11 U
			JACKSONVILLE FL 32207-0000	Total Deferred Assessed Value	\$924,575				
				Total	\$4,429,810				
				Exemptions	N/A				
				Taxable Value	\$4,429,810				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Date created: 5/5/2023

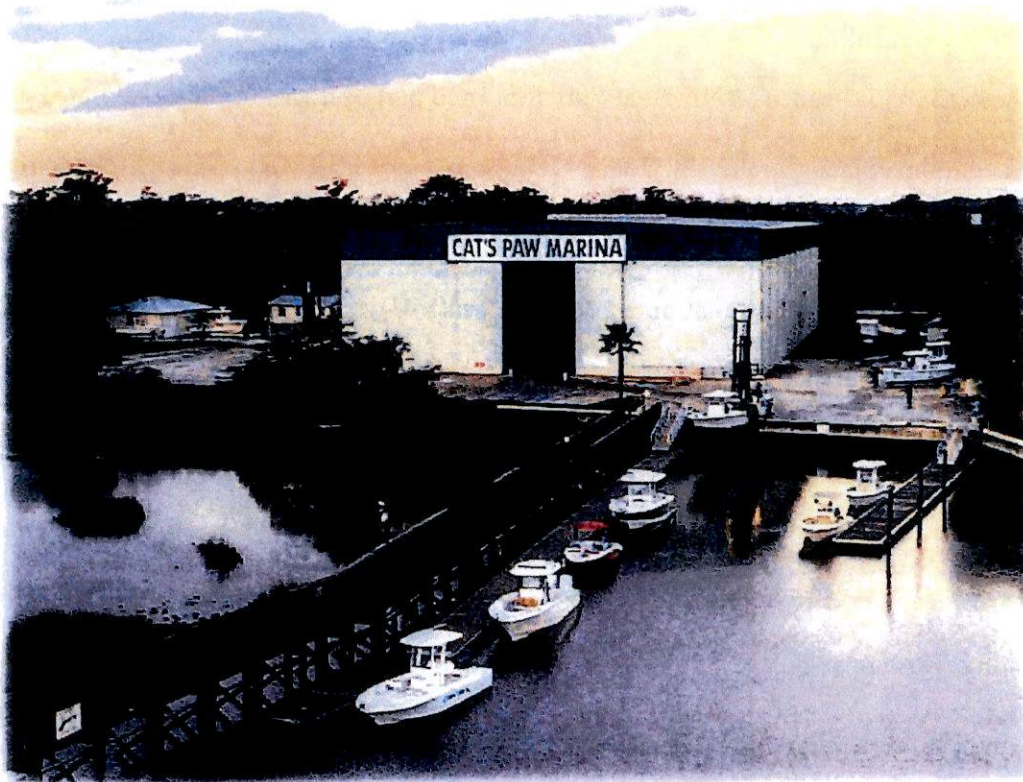
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Developed by  Schneider
GEOSPATIAL

PLANNED UNIT DEVELOPMENT (PUD) MODIFICATION
NARRATIVE PUD TEXT

May 22, 2023

Cat's Paw Marina
220 Nix Boat Yard Road
St. Augustine, Florida 32084
Parcel ID: 1348320000 & 1348300000



Submitted on behalf of:
BEDP Cat's Paw, LLC.

Authorized Agent:
Driver McAfee Hawthorne & Diebenow, PLLC.

SECTION 1
INTRODUCTION AND APPLICATION

This narrative Planned Unit Development ("PUD") text is a modification to the original PUD (Ordinance 2005-02) and successive PUD modification (Ordinance 2017-34), described as approximately 9.9 acres in "Exhibit A" Legal Description ("Property") for the annex parcel and original PUD parcel. The Property is owned by BDEP Cat's Paw, LLC, as shown by the Proof of Ownership attached hereto as Exhibit "B".

The Property is located on Nix Boat Yard Road and part of it was formerly operated as a mobile home park within unincorporated St. Johns County and zoned RMH. This PUD modification is companion to a Comprehensive Plan Amendment on the annex parcel that requests a change from the St. Johns County land use designation of Mixed-Use (MU) to the City of St. Augustine land use designation of Marine Industrial (MI).

The Applicant hereby stipulates and agrees to proceed with the proposed development in accordance with the PUD Ordinance as adopted by the City Commission of the City of St. Augustine. The Applicant also agrees to comply with all conditions and safeguards established by the City Commission regarding said PUD.

Except to the extent that they conflict with this narrative PUD text and site plan approved pursuant to this PUD request on the Property, all building codes, zoning ordinances and other land use and development regulations of the City, including, without limitation, the Sign Ordinance and Building Code, as may be amended from time to time, shall be applicable to this development. The provisions of this narrative PUD text and site plan shall take precedence over any contrary provision of the land use codes, zoning codes, and development regulations.

SECTION 2

PHYSICAL SITE CHARACTERISTICS

The annex portion of the Property currently is operating as an unimproved gravel parking lot with railroad ties and a walkway for existing marina operations since the removal of the dilapidated and abandoned mobile homes. The survey is included as Exhibit "C" to this narrative PUD text.

In accordance with the City of St. Augustine Comprehensive Plan Soils Map, and supported by the Soil Survey of St. Johns County, Florida prepared by the United States Department of Agriculture Soil Conservation Service, the site has three (3) soil types, 57 Adamsville fine sand, 13 St. Johns fine sand and 24 Pellicer silty clay.

The Property has been developed for some time, as further described with improvements and inventoried on the tree survey included as Exhibit "D".

No historical or archeological resources are anticipated on the Property because of its condition being developed for many decades. The owner will follow all required local and State procedures regarding future redevelopment of the Property.

SECTION 3

INTENDED PLAN OF DEVELOPMENT

Cat's Paw business activities and improvements include water dependent and water related type marina-based uses associated with the Marine Industrial and Open Land land use, including, but not limited to sales, rentals and service of marine vessels, motors, parts and equipment; marine dockage and mooring operations; fueling; enclosed storage and outdoor storage of marine vessels and trailers; a waterfront restaurant with indoor and outdoor seating and on-premise consumption of beer, wine and liquor; a marine related retail store for supplies and provisions; restroom and shower facilities;

administrative offices, clubhouse and accessory structures/uses related to marine operations.

Currently, approximately 43,238 square feet is approved for the existing improvements such as the enclosed boat storage building, utility building, retail/office building, accessory storage buildings, and restaurant/decking structures. The proposed addition of approximately 30,062 square feet of buildings is proposed as part of the annexation parcel and overall Property and is planned to include a new enclosed boat storage building, increased space in the restaurant building to accommodate new bathroom facilities for patrons of the restaurant and marina including decking and walkways for waterway observation and seating; increased square footage to accommodate future needs for the utility and service building and accessory storage buildings for a combined total of existing and proposed improvements up to 73,300 square feet as further described and depicted on the PUD site plan. Additionally, new vehicle parking and access, drainage and utility infrastructure, sidewalks, and landscaping will complement the Cat's Paw Marina facilities.

SECTION 4

RESTRICTIONS AND GUIDELINES

The development will be constructed in an orderly manner and allowable uses will include Marine Industrial water related/water dependent and ancillary uses and amenities. This PUD shall not release the applicant, its successors and assigns, of their obligation to comply with all Federal, State and local applicable laws and does not otherwise limit nor expand the authority of the City of St. Augustine to Enforce such laws nor limit nor expand defenses available to the property owner.

The following standards must be indicated on the site development plan as part of this PUD and approved by the City Commission:

1. Minimum Lot Area: No minimum lot area or lot width is applicable.
2. Maximum lot coverage: Fifty percent (50%).

3. Minimum yard requirements: No minimum yard requirements are applicable.
4. Maximum building height: Fifty feet (50').
5. Setbacks: Provided as described and depicted on the PUD site plan.
6. Vehicle Parking: 90 spaces, including 3 ADA spaces.
7. Signage: Per Code.
8. Potable Water: Provided by the City of St. Augustine via existing connections.
9. Fire Protection: Provided by City of St. Augustine via existing hydrant connections.
10. Sanitary Sewer: Provided by City of St. Augustine via existing connections.

SECTION 5

CONSERVATION OVERLAY ZONE

The Property is in Conservation Overlay Zone 1 and Conservation Overlay Zone 2 as identified within the City of St. Augustine Code. Redevelopment of the site will conform to all applicable regulations for development within these zones, including obtaining all relevant permits.

Pursuant to the requirements of Conservation Overlay Zone 2, improvements to the portion of the PUD known as the annex Property will include redevelopment of the former mobile home park and current gravel parking lot area.

In accordance with the St. Augustine Code, these site improvements will have "no significant negative impact on adjacent natural systems by either individual or cumulative effect," will conform to the permitting requirements regarding water quality treatment provisions for the marshes and the vegetative communities contained therein, as well as eliminating harm to any animal, fish or shellfish life contained therein. No improvements within Conservation Overlay Zone 2

will significantly change or block the Conservation Overlay Zone 1 vistas and scenic opportunities and placement of the buildings in the same general location as the previous building will protect the scenic attributes of Conservation Overlay Zone 2.

The PUD will comply with the criteria established for development in the Conservation Overlay Zones according to the following criteria:

1. Site Specific Conditions: As indicated, this is the redevelopment of a former mobile home park on the annex Property as part of this PUD request. The development plan will provide for a new enclosed boat storage building, access, parking and associated infrastructure. The site development standards will be updated in accordance with current stormwater management standards, providing for treatment and storage of stormwater in accordance with current permitting regulations. The site and building elevations will be in conformance with current FEMA flood zone standards.

2. The Site's Relationship to Adjacent Properties, Bodies of Water and Surrounding Conservation Overlay Zones: As previously stated, the development will be a water dependent and water related in conformance with the existing Marine Industrial land uses, and will be compatible with the character, mass and scale of the area, including the immediately adjacent commercial/industrial warehouse buildings associated with the Fishbites Trading company and the Home Depot. All development will adhere to the standards for development within the Conservation Overlay Zones and will not impact any adjacent development within these zones.

3. Natural and Proposed Drainage Patterns: Specific details of the drainage and storm water management system to be utilized will be provided within the engineering and construction plan documents required for local and State permitting.

4. Effect of Point and Non-point Discharge in the Marine Environment: Specifics of the stormwater management system will provide analysis of the point and non-point discharge and provide

for protection of the marine environment.

5. Proposed Soil Stabilization and Erosion Control Measures: Details for soil suitability, geotechnical engineering and measures for construction will be provided within the engineering and construction plan documents required for local and State permitting.

6. Impact on Floodplain: Due to the location of the annex Property, which is mostly outside of the 100-Year Floodplain, the stormwater management facilities will be able to eliminate the potential for off-site impacts to the neighboring community and environmentally sensitive areas, often associated with the increase in flood zone elevation requirements.

7. Impact of Development on Vegetative and Animal Communities: The site has been previously developed and impacted for some time as a mobile home park. All existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.

8. Potential for Contamination Drainage, Storage of Pollutants and the Use of Poisonous Chemicals and Materials: The current development standards to be followed, as well as the parking will reduce the potential for contaminated drainage associated with automobile parking lots. The current and proposed uses will not provide for the use of poisonous chemicals or materials with any direct discharge or overland drainage flow to adjacent lands, waterways or stormwater infrastructure. Any use chemicals or materials on the Property will adhere to strict standards applicable to use, cleanup and disposal in keeping with local, State and Federal guidelines and regulations.

9. Effect of Shade on Vegetation and Shellfish: No construction is planned which would cause shading.

10. Effect of Boat Wake and Boat Traffic on Manatees, Vegetation, Shellfish and

Wildlife, as well as Shoreline Erosion: The increase in marine vessel related traffic on the waterway will conform to the existing slips, channel and ramps and should be minimal and adhere to local, State and Federal guidelines and regulations.

11. Impact of Development on Vistas and Scenic Opportunities by Linear Feet, Height, Mass and Percent of Site: As previously stated, the redevelopment of the mobile home park with a new enclosed boat storage building is in the same general location and should not significantly change any vistas or scenic opportunities customarily known based on the adjacent uses and buildings. The building will adhere to the height and coverage limitations, which will be consistent with that allowable in the area.

12. Existing Amounts of Native Plants and Proposed Retention and Use of Native Plants for Landscape and Open Space Purposes: As the site has been developed for some time, no existing native plant materials exist. However, the applicant will use native plant and tree species within the overall landscape plan to reduce the irrigation requirements.

13. Impact of Development on Plant and Animal Habitat and Potential Loss in Acres and Percent of Site: All existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.

14. Impact of Development on Water Quality: Specifics of the stormwater management system will be provided within the engineering and construction Plans with an analysis of any potential for impacts to water quality within the adjacent waterways. No impacts are anticipated. Impact of Development on Shellfish and On Commercial Sport Fish and Waterfowl: The PUD is located adjacent to Class III waters, which are deemed by the State for recreational use and do not support shellfish harvesting. The location of the project will have no impact on the navigational channel of the

Intracoastal Waterway other than the use by boating traffic for access to the marina site. The site abutting the waterway is already developed and there will be no removal of any plant material that would offer or impact habitat for nesting waterfowl.

15. Pursuit of no net loss of wetlands by both amount and type of community: The proposed redevelopment area does not contain any wetlands therefore there is no net loss.

16. Wildlife habitat survey for large developments for the purpose of restricting activities known to adversely affect the survival of endangered and threatened species and protecting native vegetative communities from destruction by development activities: As previously stated, all existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.

SECTION 6

SCHEDULE OF DEVELOPMENT

The Development of the project will proceed in a single phase and will not require the dedication of land for public use. The anticipated date for substantial completion of the project for all improvements is 2026.

SECTION 7

OWNERSHIP AND MAINTENANCE

BDEP Cat's Paw, LLC and its successors and assigns will retain sole fee simple ownership of the lands in the PUD, thus eliminating concerns over the maintenance and ownership of common facilities.

SECTION 8

SUMMARY AND CONCLUSION

BDEP Cat's Paw, LLC applied for annexation of the annex portion of the Property into the City and requested a Future Land Use Map designation of Marine Industrial, as well as a PUD, which modifies the existing PUD. The proposed use and development plan is consistent with character and in harmony with customary use and history of the working waterfront and marina development in the area, as well as adjacent commercial/industrial uses and improvements. The annex Property and site plan represents an extension of an existing use but creates a more desirable environment by dramatically upgrading the Property as an economically productive and appropriate use with benefits to the City of St. Augustine and its residents.

This PUD request meets all the above listed City requirements and is consistent with the Comprehensive Plan as further described below.

Future Land Use

Overall Goal: Ensure that the character, density, intensity and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment to enhance the quality of life for all residents of the City of St. Augustine.

FLUE Goal 1 Natural Resources: Preserve and protect the City's natural resources by establishing a pattern of development that is harmonious with the City's natural environment.

FLUE Objective 1.1: The City shall coordinate future land uses with the appropriate topography and soil conditions to conserve, appropriately use and protect the land and

resources.

FLUE Policy 1.1.1: The City shall use the latest version of the Flood Insurance Rate Maps (FIRM) promulgated by the Federal Emergency Management Agency (FEMA) to determine the location of the 1% or 100-year floodplain and flood prone areas in the City. The City shall provide specifications for regulating development and land use activities within these areas within the Land Development Code (LDC). These specifications will include: • Development within the FEMA 1% or 100-year flood hazard zone is to be constructed so that the lowest floor elevation is at least one foot above the base flood elevation as established by the FEMA Flood Insurance Rate Maps; • Any development within a flood prone area should strive to maintain the natural topography and hydrology of the development site.

FLUE Policy 1.1.2: During the review of requests for plan amendments, topography, vegetation, wildlife habitat, flood hazard, the 1% or 100-year flood plain and soils for the areas to be amended should be considered as part of the plan amendment process.

FLUE Policy 1.1.6: Any development, including development within a flood prone area, will strive to maintain the natural topography and hydrology of the development site as much as possible and provide for drainage and stormwater management identified in the Infrastructure Element, open space requirements as addressed in the Recreation and Open Space Element, and safe and convenient on-site traffic flow, considering the needed vehicular parking as addressed in the Transportation and Mobility Element. • Open space requirements will meet the LOS adopted in the Recreation and Open Space Element; • On-site traffic will consider that adjacent properties provide interconnections to reduce requirements for road trips; and, • Parking requirements shall be specified in terms of the number of parking spaces

outlined in the land development code (LDC).

FLUE Policy 1.1.7: The City shall maintain and enhance the safety and efficiency of the arterial and collector road system and minimize transportation conflicts associated with development by coordinating the driveway permitting process increasing interconnection between adjacent developments and encouraging implementation of the City's mobility plan.

FLUE Policy 1.1.8: Development regulations shall encourage street, pedestrian and open space designs that discourage nonresidential through-traffic in residential neighborhoods, but that encourage energy and time-efficient access points and interconnections between residential areas.

FLUE Policy 1.1.9: All development shall provide for safe, convenient, and appropriately designed traffic circulation on the site, including provisions for needed parking.

FLUE Policy 1.1.10: The development approval process shall ensure that new development and redevelopment is consistent with natural drainage patterns. The approval process shall require appropriate stormwater management systems consistent with the adopted drainage levels of service, natural drainage patterns and soil conditions.

FLUE Policy 1.1.11: The developer/owner of any site shall be responsible for the on-site management of stormwater in a manner so that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.

FLUE Objective 1.2: The City of St. Augustine shall ensure the protection of natural

resources through implementing the following policies, and the protection program outlined in the Conservation and Coastal Management Element.

FLUE Policy 1.2.1: The protection of natural resources shall be accomplished by one or more of the following techniques, based on the degree of protection required: • Limitations on development density and intensity; • Limitations on building placement, such as required clustering of allowable development on non-sensitive portions of a site; Limitations on building coverage or impervious surface coverage; • Requirements for setbacks and landscaped buffers sufficient to mitigate or eliminate impacts; • Evaluation of proposed plan amendments to ensure that they do not contribute to urban sprawl and fail to protect natural resources; • Minimize land use conflicts; • Achieve flexibility, efficiency, and cost reduction in the provision of services and infrastructure; and • Reduce natural hazard risks to life and property.

FLUE Objective 2.1: The City shall coordinate future land uses with the availability of facilities and services.

FLUE Policy 2.1.1: As part of the City's permitting process, facilities and services shall meet the established level of service standards and shall be available to serve the impacts of development, or development orders and permits shall be specifically conditioned on the availability of the facilities and services necessary to serve the proposed development.

FLUE Policy 2.1.3: The City shall encourage the development of undeveloped pockets and enclaves within developed areas to utilize existing facilities efficiently and reduce urban sprawl.

FLUE Objective 2.2: Development, redevelopment, land use plan amendments and changes to the zoning of a site shall be coordinated with the availability of adequate facilities and services.

FLUE Policy 2.2.1: The City's land use plan shall prioritize infill, redevelopment and mixed-use developments, as well as compact and contiguous developments within the City of St. Augustine.

FLUE Objective 3.2: The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable.

FLUE Policy 3.2.3: The City shall actively pursue and participate in redevelopment projects that will add to the City's quality of life and economic vitality while balancing the city's character and authenticity.

FLUE Goal 5 Urban Sprawl: Discourage urban sprawl by encouraging innovative strategies to promote infill and compact development or redevelopment and establishing

energy efficient land use patterns.

FLUE Policy 5.1.2: The City shall encourage infill and redevelopment through the use of higher density and intensity land use designations and mixed-use designations in appropriate locations.

FLUE Objective 6.6: Industrial Categories: The industrial category is established to provide sufficient land for existing and anticipated future industrial needs, including working waterfronts and requisite support services.

FLUE Policy 6.6.2 Marine Industrial: This district is intended to allow light manufacturing and related service, storage and commercial uses. This district is also intended to allow marine related industrial and business activities to facilitate the continuation of the historic marina industry and encourage the creation and maintenance of working waterfronts within the City. Maximum lot coverage of 80%; maximum height restriction of 35 feet. Marine related uses approved as a Planned Unit Development (PUD): maximum lot coverage 50%; maximum height restriction of 50 feet, and two (2) dwelling units per acre.

FLUE Goal 9: Economic Development Promote economic development in an effort to provide a variety of employment opportunities, create a sustainable future, and encourage a positive business climate.

FLUE Policy 9.1.2: The City shall work towards a variety of policies within the Comprehensive Plan and land development code that support and encourage commercial and industrial development within the City and surrounding area. • This includes encouraging a

mix of uses in the city to promote accessibility to a variety of uses. • This includes strengthening and diversifying the local economy. • This includes redevelopment and revitalization efforts, including aesthetic improvements to encourage commercial and industrial investment within the City of St. Augustine. • This includes the promotion of uses that are commercial or industrial that support, promote or are compatible with the urban character of the city.

Conservation and Coastal Management

CCM Policy 2.1.1: The City maintains three (3) Conservation Overlay Zones. The boundaries of the Conservation Overlay Zones shall be determined on a site-specific basis during site plan review of each development proposal. Conservation Overlay Zone 1 allows passive recreation, wildlife preservation and conservation areas, green space, and fishing piers, boat docks, and other water dependent uses, including boat ramps and marinas, shall be the primary uses within this Conservation Overlay Zone. Conservation Overlay Zone 2 allows for all the uses within Zone 1, as well as specialized, scenic or linear parks and boardwalks, off street parking areas and residential and commercial development, providing that they are (1) located so as to minimize impacts to Conservation Overlay Zone 1 vistas and scenic areas, and (2) densities are limited to those defined by the underlying Future Land Use Category. Conservation Overlay Zone 3 restricts uses and other development and performance standard requirements within this zone including tree canopy and tree removal governed by the City's Comprehensive Plan, including the underlying Future Land Use Category, and the City's land development regulations.

CCM Policy 2.1.2: The City shall continue to implement the adopted Comprehensive Plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Permits for structures and uses located within Conservation Overlay Zone 1 shall be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover or cause the removal of significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and use to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation. Development in Conservation Overlay Zone 3 must retain either: (1) at least twenty-five (25) percent of the trees on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh); or (2) fifty (50) percent of the trees on the site, unless approved via a public hearing.

CCM Policy 2.1.3: Development in Conservation Overlay Zones shall conform to all requirements of the Federal Emergency Management Agency (FEMA) relating to flood control and prevention. Finish floors must be constructed at or above the base flood elevation plus any defined freeboard established prior to a Certificate of Occupancy being issued for the structure, the City shall continue to require an Elevation Certificate signed by a licensed engineer or surveyor certifying that the lowest floor of the structure has been constructed at or

above the established base flood elevation plus any defined freeboard. The City shall continue to maintain three (3) conservation overlay zones: Conservation Overlay Zone 1 for the protection of habitat waterward of the most restrictive jurisdictional line; Conservation Overlay Zone 2 for the protection of natural habitat one hundred feet (100') landward of the most restrictive jurisdictional line; and Conservation Overlay Zone 3 for the protection of natural habitat beyond one hundred feet (100') landward of the most restrictive jurisdictional line. Applications for development in any of the Conservation Overlay Zones shall be evaluated according to the following criteria: (1) Site specific conditions. (2) The relationship of the site to adjacent properties, bodies of water and surrounding conservation zones. (3) Natural and proposed drainage patterns. (4) Effect of point and nonpoint discharge in the marine environment. (5) Proposed soil stabilization and erosion control methods. (6) Impact on floodplain. (7) Impact of development on vegetative and animal communities. (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials. (9) Effect of shade on vegetation and shellfish. (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion. (11) Impact of development on shoreline by linear feet and percent of site. (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site. (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes. (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site. (15) Impact of development on water quality. (16) Impact of development on shellfish and on commercial and sport fish and waterfowl. (17) The City shall pursue no net loss in wetlands by both amount and type of community. (18) Require a wildlife habitat survey for large developments for the purpose of restricting activities known to adversely affect the survival of endangered and threatened species and

protecting native vegetative communities from destruction by development activities.

CCM Objective 2.7: Permitted uses for shoreline and waterfront property will continue to give priority to water dependent uses and increase safe public access to Salt Run, the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The City Code will continue to allow water-dependent uses as permitted uses in all the zoning districts associated with land adjacent to the riverine environments.

CCM Policy 2.7.1: New marinas must meet all applicable requirements of state and federal permitting agencies, including the manatee protection guidelines established by the Department of Environmental Protection. In addition: 1. marinas should be located within one statute mile of passes or inlets; 2. marinas must be located in areas designated for such use by the Future Land Use Plan; 3. all marina basins shall be designated idle speed zones; 4. marinas must be constructed in naturally deep water to minimize dredging, and basins should be of sufficient depth to prevent stirring up of bottom sediments by boat propellers; 5. marinas should be constructed adjacent to upland high bluffs or in areas where the salt marsh has been subject to extensive past disturbance; 6. marina entrances should be located such that maximum tidal flushing and circulation occurs; 7. marina construction should include linear development, and docking space should be designed to minimize or avoid impacts on salt marsh or other native vegetation; and marinas should be served by municipal waste water systems and should have adequate solid waste collection facilities with frequent collection.

CCM Policy 2.7.2: The following performance standards shall apply to development of water dependent and water related uses: (1) compliance with all of the conditions of any

regulatory agency permits required for the development; (2) compliance with any conditions established by the Planning and Zoning Board for development in a Conservation Overlay Zone discussed in this element; and (3) compliance with the Future Land Use Plan and all of the implementing development regulations contained in the City Code. Priorities for shoreline land uses and siting for water dependent and water-related uses are as established by the Future Land Use Plan and implemented by the City Code. Water-dependent and water-related uses shall continue to be permitted uses or permissible uses by exception in all of the zoning districts in the city.

CCM Policy 2.15.2: Development and redevelopment in the City will be consistent with or more stringent than the flood-resistant constructions in the Florida Building Code and applicable floodplain management regulations set forth in 44 C.F.R. part 60.

Infrastructure Element

INFRA Objective 6.3: The City shall encourage the use of sustainable, low impact development (LID) strategies to address stormwater management for developments ranging from individual building sites to subdivisions to large, planned developments.

PACEL A BEING A PORTION OF SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST,
ST. JOHNS COUNTY, FLORIDA.



DATE _____
BY _____
FOR _____
RECEIVED _____
FBI _____
JAN 1968

GENERAL NOTES

[illegible][illegible]

Salvador M. Lopez, Jr. 7000
Luzerna Boulevard, Westchester, Ohio 43081-0000
not valid without the SIGNATURE AND DATE OF THE
FED or a SIGNATURE VERIFIED AND DATED



10250 Normandy Blvd. Suite 50A
Jacksonville, FL 32221
Off: 904.619.6630
email: info@scs.biz
Certificate of Authorization LB708

PROJECT: CATS P&W MARINA

JCR NUMBER: 1872673833
 DATE: 11/12/2008
 SCALE: 1.040
 SUBJECT NAME:
 (CIVIC AN.)
 ORIGIN: CATS-PAN. VERBS
 TRACT ID:
 PART: CREP

CAT'S PAW MARINA
ST. JOHNS COUNTY, FLORIDA

SHEET 1
OF 1

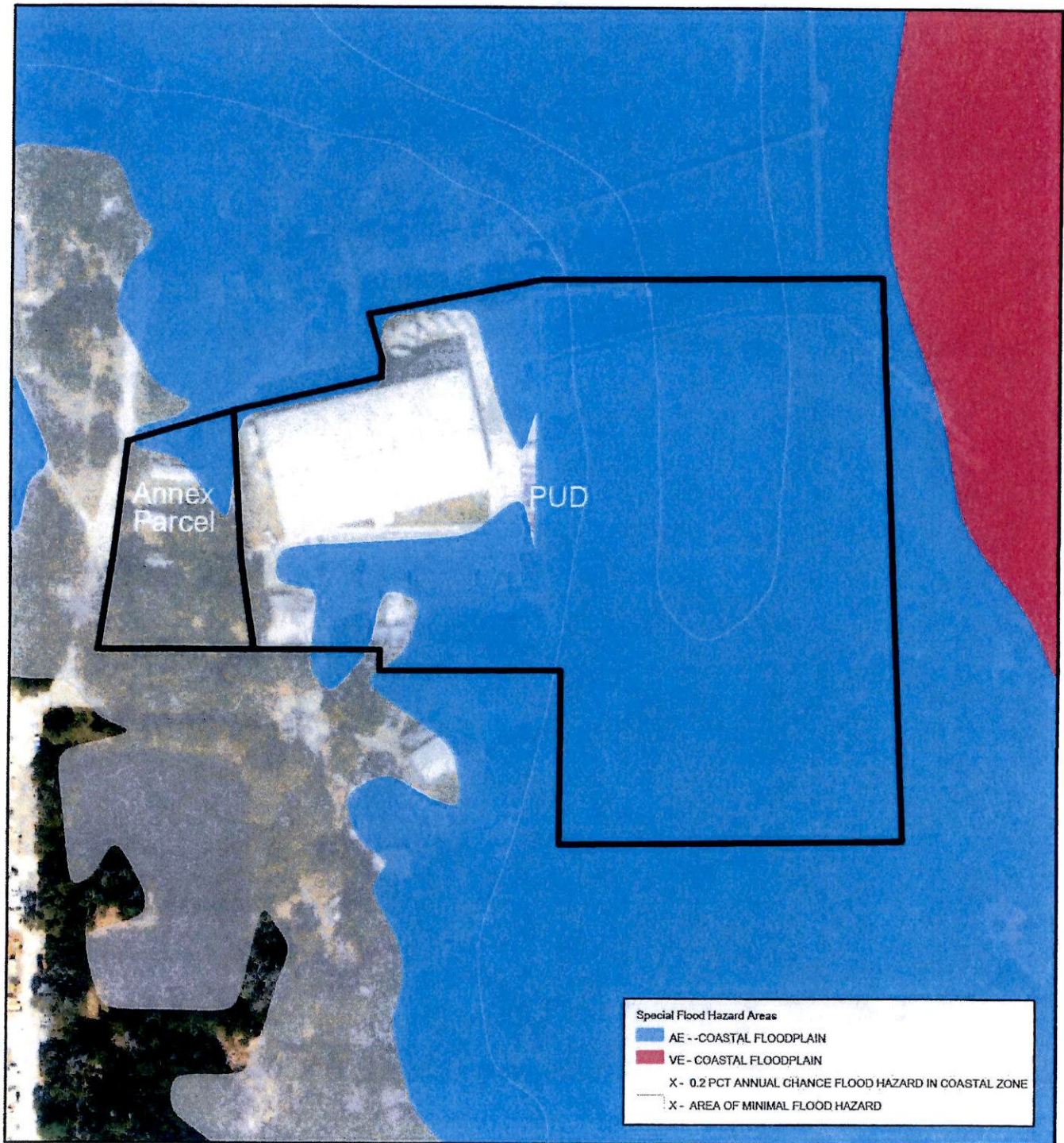
Aerial Map



FUTURE LAND USE MAP



FEMA Map

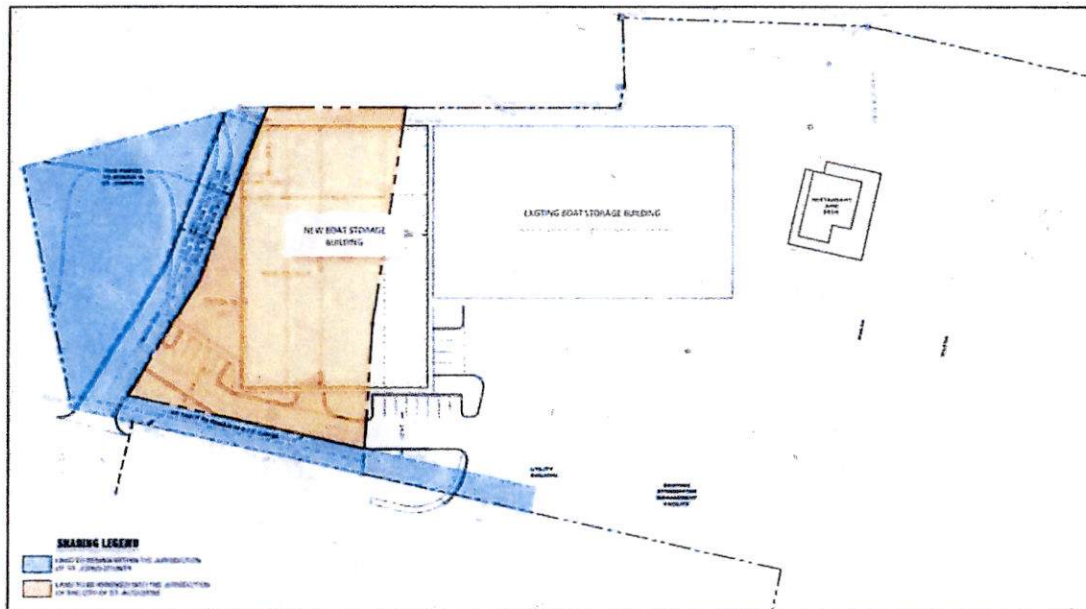


MAY 15 2023

DEVELOPER NEIGHBORHOOD NOTICE

Planning/Building Dept.

The Cat's Paw Marina is proposing a project to include a new boat storage building, new amenities and facilities, and infrastructure as depicted herein, located at 220 Nix Boat Yard Road. See map below.



Recently, a voluntary annexation petition was approved by the City Commission to annex a portion of the Cat's Paw Marina from St. Johns County into the City of St. Augustine. As a result, applications for a land use amendment from Mixed-Use (MU) to Marine Industrial (MI) and rezoning from Rural Mobile Home (RMH) to modify the existing Cat's Paw Planned Unit Development (PUD) were submitted as part of the annexation to the City of St. Augustine, respectively.

The City of St. Augustine will host a Planning and Zoning Board (PZB) public hearing on June 6, 2023, on the matter.

Please contact the developer's project coordinator directly if a courtesy neighborhood informational meeting is requested of the developer. The courtesy neighborhood informational meeting will be presented by the developer, not by City staff. It is not an official City meeting or hearing on the project application. The developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City's neighborhoods or defined communities and PUD development applicants. This document was prepared by the developer and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours.

The owner/manager of BDEP Cat's Paw, LLC (Cat's Paw Marina) is Gayle Bulls Dixon. The project coordinator and agent is Brad Wester. Contact the project coordinator for questions or requests to meet by phone or email at 904-294-3768, bwester@drivermcafee.com or by mail at Brad Wester, c/o Cat's Paw Marina Rezoning, One Independent Drive, Suite 1200, Jacksonville, FL 32202.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: July 13, 2023

RE: **Ordinance 2023-20 – Amending the Zoning Designation of 0.90 Acres of Annexed Property which is a portion of 200 Nix Boat Yard Road (PID 1248320000) and contiguous to the city limits from St. Johns County Residential, Manufactured/Mobile Home (RMH) to City Planned Unit Development (PUD) and to amend and reconstitute the existing Cat’s Paw Marina PUD at 220 Nix Boat Yard Road (PID 1348300000) – Second Reading and Public Hearing**

The 0.90-acre property west of the existing Cat’s Paw Marina PUD development and north of Nix Boatyard Road is proposed to be annexed and incorporated into the existing PUD. This property is contiguous to the City of St. Augustine city limits on its east and south boundaries. The owner of the property petitioned to annex it into the City in March. This property is an eastern piece of a parcel that was purchased by the owners of the Cat’s Paw Marina.

The county’s Future Land Use Map (FLUM) identified Mixed-Use District as the current land use category for the 0.90-acre piece of property. The owner has requested to change the land use to the City Marine Industrial land use category. **The application is to rezone the annexed portion from the county zoning district of Residential, Manufactured/Mobile Home to Planned Unit Development (PUD), which is consistent with the proposed land use category. The owner is also proposing to amend the existing Cat’s Paw Marina PUD incorporating this property, changing the building currently under construction on the waterfront from an office and retail use to a restaurant use and to approve the Conservation Overlay Zone 3 removal of significant trees embedded in the PUD in an effort to build a second boat dry storage building on the site.**

On June 6, 2023, the Planning and Zoning Board (PZB) held its first public hearing regarding the proposed PUD. The PZB considered the application, held a public hearing and discussed concerns regarding the Conservation Overlay Development portion of the PUD. The packet of information provided to the PZB for this June PZB meeting is included with the land use plan amendment material.

On June 26, 2023, the City Commission reviewed this material for First Reading of the rezoning ordinance and had some specific questions and comments related to stormwater and potential noise at the proposed restaurant. Based on these comments the applicant has amended the PUD language. The proposed amended language is attached highlighted in yellow and blue and has been incorporated into the revised PUD text attached to the ordinance. The City Commission passed the item on First Reading pending these revisions.

The PZB waived the requirement for a second public hearing regarding the PUD rezoning and recommended the changes to the annexed property and the existing Cat's Paw Marina PUD to the City Commission. Since the PZB meeting the applicant did edit the PUD text to reference native landscaping.

The request for a rezoning from St. Johns County's Residential, Manufactured/Mobile Home (RMH) zoning district to a Planned Unit Development (PUD) is an effort to expand the existing marina located at 220 Nix Boat Yard Road, which will also be included in this new Cat's Paw Marina PUD. An additional request at 200 Nix Boat Yard Road is for a future land use designation of Marine Industrial to allow for the City's historic marina industry and collection of working waterfronts to continue.

A voluntary annexation and pre-annexation agreement for a parcel of land adjacent to the existing Cat's Paw Marina, 200 Nix Boat Yard Road, on Nix Boat Yard Road was heard at the March 27, 2023, City Commission meeting. During the meeting the City Commission expressed concerns related to traffic and tree mitigation.

The request being made is for a portion of 200 Nix Boat Yard Road, everything east of Nix Boatyard Road (approximately 0.9 acres), to be annexed into the City of St. Augustine.

The existing marina and structures at 220 Nix Boat Yard Road, developed under the Genovar Annexation PUD, will be rezoned as well to incorporate the proposed annexed land and to change the use(s) of the property which are different than what was approved in 2017.

The proposed Cat's Paw Marina PUD will in sum be the zoning designation for the approximately nine and nine tenths (9.9) acres of property between 200 and 220 Nix Boat Yard Road. Incorporating all of the property and the use of a restaurant in a larger building than what was approved in 2017.

Parcel ID Number	Proposed Land Use	Proposed Zoning
134832-0000 (Portion east of Boathouse Road at 200 Nix Boat Yard Road)	Marine Industrial	Cat's Paw Marina Planned Unit Development (PUD)
134830-0000 (220 Nix Boat Yard Road)	No changes proposed	Cat's Paw Marina Planned Unit Development (PUD) as amended

Additionally, the applicant has provided a tree survey and notes from Arborist Solutions at Almond Engineering performed by Gene Washington on June 30, 2022. The notes mention 12 trees on-site that are either "dead" or in "extreme decline" and consist of Camphor, Live Oak, Magnolia, and Hickory trees. Camphor trees are categorized by the city as an invasive species.

Trees to be Removed (Significant Trees are in Bold)			Trees to Remain		
<i>ID</i>	<i>Tree & Size (dbh)</i>	<i>Debit</i>	<i>ID</i>	<i>Tree & Size (dbh)</i>	<i>Credit</i>
	27" Live Oak	2		19" Live Oak	3
	18" Pecan	1.5		26" Live Oak	4
	10" Cedar	1		28" Magnolia	4
	26" Pecan	2		15" Oak	3
	30" Magnolia	2		10" Oak	2
	26" Live Oak	2		10" Oak	2
	18" Magnolia	1.5		15" Oak	3
	35" Magnolia	2		13" Oak	3
	22" Magnolia	2		12" Oak	3
	27" Live Oak	2		30" Cedar	4
	24" Live Oak	2		12" Oak	3
	28" Live Oak	2		8" Oak	2
	63" Live Oak	2		10" Oak	2
	12" Palm	1.5		15" Cedar	3
	15" Pecan	1.5		18" Sabal Palm	3
				8" Fan Palm	2
				8" Cedar	2
				17" Live Oak	3
				10" Live Oak	2

			12" Cedar	3
			15" Cedar	3
			10" Live Oak	2
			5" Live Oak	1
			11" Live Oak	2
			5" Live Oak	1
			14" Hackberry	3
			7" Live Oak	2
			14" Cedar	3
			6" Live Oak	1
			26" Live Oak	4
			12" Live Oak	3
			15" Cedar	3
			20" Oak	4
			36" Oak	4
			36" Oak	4
			15" Cedar	3
			48" Oak	4
			12" Crape Myrtle	3
			12" Palm	3
	1 Southern Red Cedar additional deficit	1	8 Southern Red Cedars over 1 inch in trunk diameter additional credit	8
	1 Cabbage Palm over 12 feet in height additional deficit	1	native vegetation trees additional credit	
Total	29 debits		117 credits	

This proposed tree removal plan does save numerous significant trees and holds over one hundred (100) credits in tree mitigation.

In addition to a proposed second dry boat storage building at 200 Nix Boat Yard Road, an additional proposal is for a restaurant and deck included in the master development plan. The PUD documents include an outline for Conservation Overlay Zone development on pages 5 through 9 in the proposed PUD. The PUD text/narrative does include an analysis of Sec. 11-29(c) of the City's code, therefore the Planning and Zoning Board (PZB) can review the analysis provided and approve the conservation zone development as part of the PUD rezoning recommendation.

Under Sec. 11-29. – Standards for review, applications for development in Conservation Overlay Zones shall be evaluated according to the following criteria, the applicant's responses are italicized and may be found in the PUD language. Staff comments are in bold.

- (1) Site specific conditions.
 - *As indicated, this is the redevelopment of a former mobile home park on the “annex” Property as part of this PUD request. The development plan will provide for a new enclosed boat storage building, access, parking, and associated infrastructure. The site development standards will be updated in accordance with current stormwater management standards, providing for treatment and storage of stormwater in accordance with current permitting regulations. The site and building elevations will be in conformance with current FEMA flood zone standards.*
- (2) The site's relationship to adjacent properties, bodies of water and surrounding conservation zones.
 - *As previously stated, the development will be a water dependent and water related in conformance with the existing Marine Industrial land uses, and will be compatible with the character, mass, and scale of the area, including the immediately adjacent commercial/industrial warehouse buildings associated with the Fishbites Trading company and the Home Depot. All development will adhere to the standards for development within the Conservation Overlay Zones and will not impact any adjacent development within these zones.*
- (3) Natural and proposed drainage patterns.
 - *Specific details of the drainage and storm water management system to be utilized will be provided within the engineering and construction plan documents required for local and State permitting.*
- (4) Effect of point and nonpoint discharge in the marine environment.
 - *Specifics of the stormwater management system will provide analysis of the point and non-point discharge and provide for protection of the marine environment.*
- (5) Proposed soil stabilization and erosion control methods.
 - *Details for soil suitability, geotechnical engineering and measures for construction will be provided within the engineering and construction plan documents required for local and State permitting.*
- (6) Impact on floodplain.
 - *Due to the location of the annex Property, which is mostly outside of the 100-Year Floodplain, the stormwater management facilities will be able to eliminate the potential for off-site impacts to the neighboring community and environmentally sensitive areas, often associated with the increase in flood zone elevation requirements.*
- (7) Impact of development on vegetative and animal communities.
 - *The site has been previously developed and impacted for some time as a mobile home park. All existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.*

- (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials.
- *The current development standards to be followed, as well as the parking will reduce the potential for contaminated drainage associated with automobile parking lots. The current and proposed uses will not provide for the use of poisonous chemicals or materials with any direct discharge or overland drainage flow to adjacent lands, waterways or stormwater infrastructure. Any use chemicals or materials on the Property will adhere to strict standards applicable to use, cleanup and disposal in keeping with local, State and Federal guidelines and regulations.*
- (9) Effect of shade on vegetation and shellfish.
- *No construction is planned which would cause shading.*
- (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion.
- *The increase in marine vessel related traffic on the waterway will conform to the existing slips, channel and ramps and should be minimal and adhere to local, State and Federal guidelines and regulations.*
- (11) Impact of development on shoreline by linear feet and percent of site.
- *As previously stated, the redevelopment of the mobile home park with a new enclosed boat storage building is in the same general location and should not significantly change any vistas or scenic opportunities customarily known based on the adjacent uses and buildings. The building will adhere to the height and coverage limitations, which will be consistent with that allowable in the area.*
- (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site.
- *Same as response for number 11 above.*
- (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes.
- *As the site has been developed for some time, no existing native plant materials exist. However, the applicant will use native plant and tree species within the overall landscape plan to reduce the irrigation requirements.*
- (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site.
- *All existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.*

- (15) Impact of development on water quality. Water quality objectives will be presumed to have been met if runoff water is routed to a surface water management system permitted by the St. Johns River Water Management District or to a treatment facility that is equivalent to the water quality treatment criteria (water retention/detention) of the water management district. (An engineer or landscape architect licensed in the State of Florida is required to certify that the treatment facility is equivalent to the district's criteria.)
- *The PUD is located adjacent to Class III waters, which are deemed by the State for recreational use and do not support shellfish harvesting. The location of the project will have no impact on the navigational channel of the Intracoastal Waterway other than the use by boating traffic for access to the marina site. The site abutting the waterway is already developed and there will be no removal of any plant material that would offer or impact habitat for nesting waterfowl.*
- (16) Impact of development on shellfish and on commercial and sport fish and waterfowl.
- *Same as response for number 15 above.*
- (17) Specific conditions applicable to docks. In addition to the considerations listed in subsections (1) through (16) herein, no boathouse, roofed structure or wall shall be constructed on any dock. This section shall not prohibit the use of bumpers or similar structures built at or near the water line and below deck elevation to protect the dock from damage caused by moored vessels. The deck of any private boat dock shall not exceed six (6) feet in height above mean high water. Boatlifts mounted on docks, or constructed on or adjacent to a dock, shall be limited to a capacity of twelve thousand (12,000) pounds or less. All boatlifts shall be low profile boatlifts or no profile boatlifts, and no boats in excess of thirty-two (32) feet in length shall be allowed on a boatlift. In addition, the maximum height, excluding masts, antennas and other non-occupiable features, of a boat suspended in a boatlift shall not exceed six (6) feet above the gunwale (gunnel); whereby, the gunwale (gunnel) is defined as the upper edge of the side of the ship or boat. A low-profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall exceed three (3) feet above the deck. A no profile boatlift is a boatlift for a single watercraft in which no part of the boatlift shall protrude above the deck.
- *N/A*

Attached you will find the Ordinance, and legal description, the revised PUD text attached to the ordinance, a PUD exhibit, and a map illustrating the requested change.

Please place Ordinance 2023-20 on the City Commission agenda for Second Reading and Public Hearing. If you have any questions or require additional information, please let me know.



Amy McClure Skinner, AICP
Director, Planning and Building Department

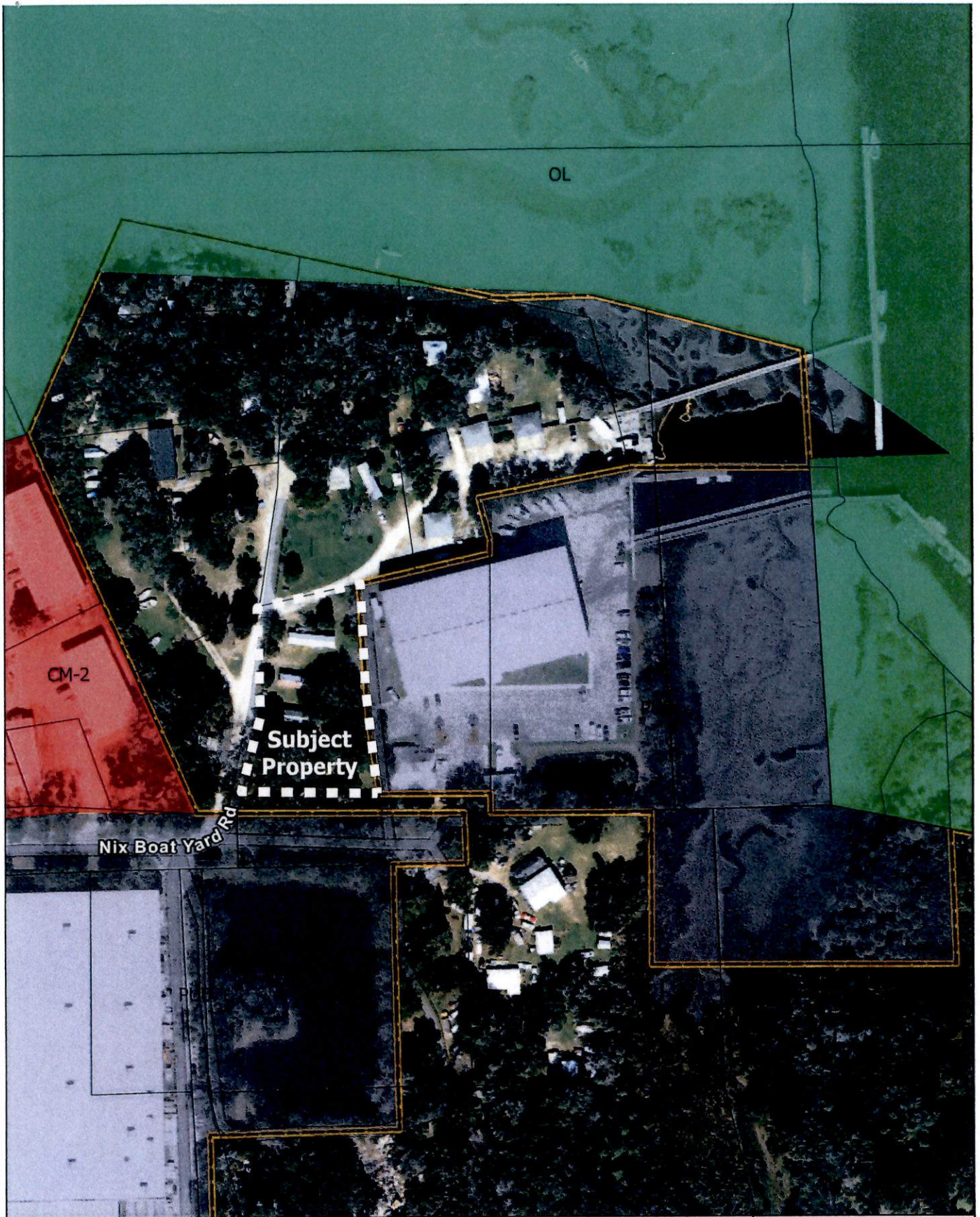
Revised text for Cat's Paw Marina PUD, included in attached Ordinance 2023-20 PUD Narrative:

3. Natural and Proposed Drainage Patterns: Stormwater collection, conveyance and treatment will be provided by an underground dry detention system as part of the improvements and new development in the PUD. The dry detention system will provide a higher pollutant removal efficiency as compared to traditional wet detention systems, thus ultimately providing a cleaner stormwater effluent as compared to a wet detention pond. Site-specific engineering and construction details, engineering stormwater modeling and drainage calculations for the proposed dry detention facility will be provided within the engineering and construction plans to the City of St. Augustine and St. Johns River Water Management District. Adverse, detrimental, or negative water quality impacts on site or to adjacent waterways are not anticipated with this project.

Overlay Zones and will not impact any adjacent development within these zones. With respect to any sound that may carry on to adjacent property and across the waterway from emanating music associated with the restaurant, whether provided by fixed or mobile amplified sound reproduction devices and or speakers from live or recorded music, said music shall comply with sound level limits of 60 dBA for receiving residential land uses, 65 dBA for receiving commercial land uses and 75 dBA for receiving industrial land uses. Additionally, said music shall be limited to hours of operation of the restaurant,

Page 6 of 20
Cat's Paw PUD

but no later than 9pm on weeknights and no later than 11pm on Fridays, Saturdays, and/or Holidays. All other sound or noise associated with the Cat's Paw Marina operations shall adhere to Article IV of the City of St. Augustine.



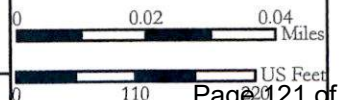
Current Zoning

200 Nix Boat Yard Road has a current zoning designation of Residential, Manufactured/Mobile Home (St. Johns County)

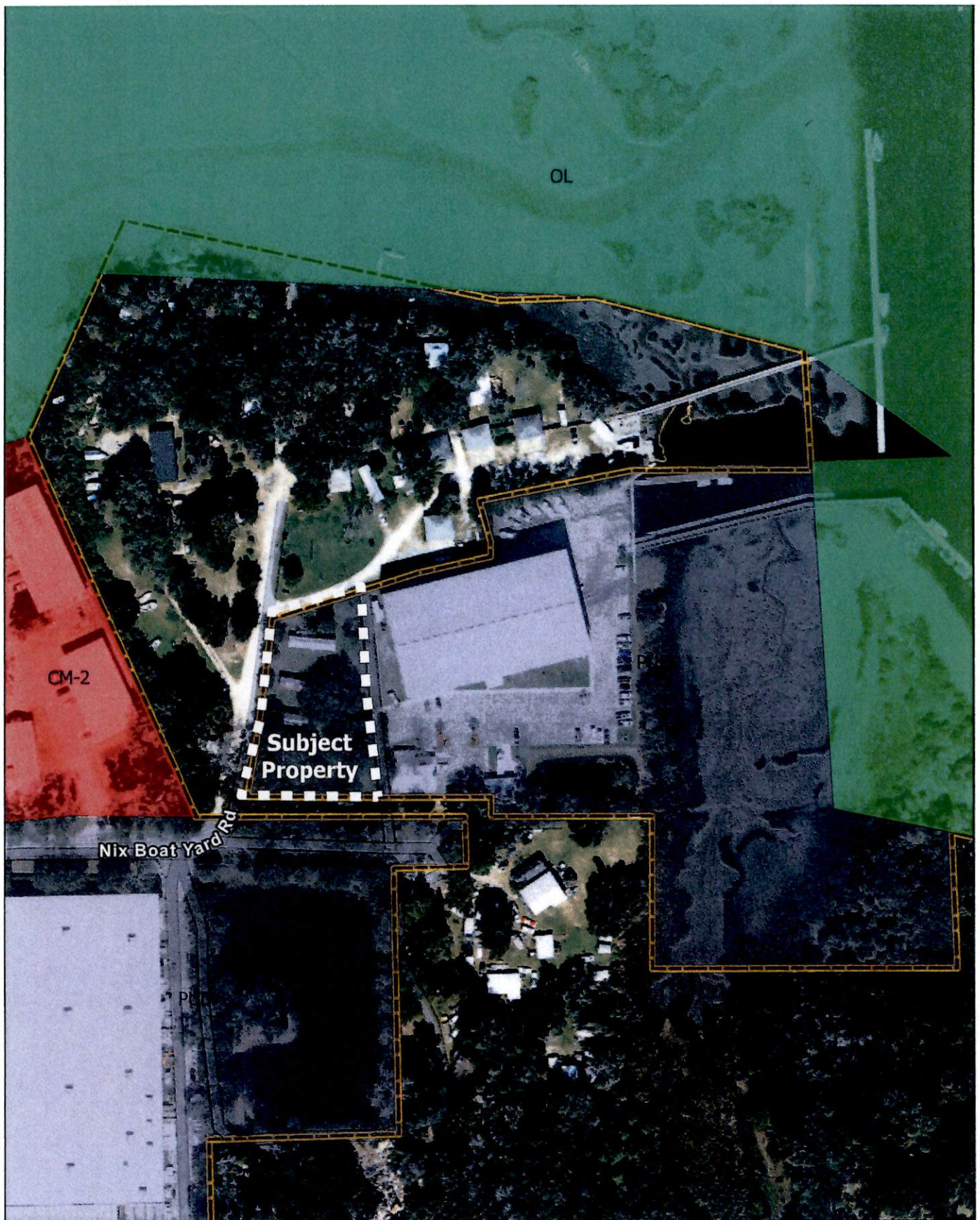
St Johns County, Maxar, Microsoft, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



2023



Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet



Proposed Zoning

200 & 220 Nix Boat Yard Road are proposed to be under the Cat's Paw Marina PUD

St Johns County, Maxar, Microsoft, Esri Community Maps Contributors, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA



2023



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Coordinate System: NAD 1983 StatePlane Florida East FIPS 0901 Feet

ORDINANCE NO. 2023-20

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 0.90 ACRES OF PROPERTY LOCATED NORTH OF NIX BOATYARD ROAD AS A PORTION OF THE G.W. PERPALL GRANT ADJACENT TO THE CAT'S PAW MARINA DEVELOPMENT IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF ST. JOHNS COUNTY RESIDENTIAL MANUFACTURED/MOBILE HOME (RMH) TO THE CITY CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD); THIS INCLUDES THE AMENDING AND RECONSTITUTING OF THE EXISTING CAT'S PAW MARINA PUD INCORPORATING THE PROPERTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Augustine, Florida finds that all legal requirements have been met, a public hearing has been held and the Planning and Zoning Board has recommended that property identified by the attached legal description as containing approximately 0.90 acres of land, located north of Nix Boatyard Road as a portion of the G.W. Perpall Grant being more fully described herein, should be rezoned. This also includes the amending and reconstituting of the existing Cat's Paw Marina PUD incorporating the property by the attached narrative;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. The following described property, containing approximately 0.90 acres of land, located north of Nix Boatyard Road as a portion of the G.W. Perpall Grant within the City of St. Augustine, and identified by the attached legal description, is hereby rezoned from the classification of St. Johns County Residential,

Manufactured/Mobile Home (RMH) to the City of St. Augustine classification of Planned Unit Development (PUD), this includes the amending and reconstituting the existing Cat's Paw Marina PUD.

Section 2. The City Planning and Building Director is hereby authorized and directed to change the Zoning Atlas for the City of St. Augustine, Florida to reflect the rezoning of the above-described land.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4 Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall be effective thirty-one (31) days after adoption in conjunction with Ordinance No. 2023-19 or, if Ordinance No. 2023-19 is challenged within thirty (30) days after adoption, effective upon issuance of a final order by the Department of Economic Opportunity or the Administration Commission.

PASSED by the City Commission of the City of St. Augustine, Florida, this
_____ day of _____, 2023.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk

(SEAL)

EXHIBIT A

PUD Legal Description

ANNEX PARCEL

A PARCEL OF LAND SITUATED IN THE G.W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK 126, PAGE 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 25°21'48" WEST ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 121, PAGE 72 OF SAID PUBLIC RECORDS A DISTANCE OF 200.00 FEET; THENCE NORTH 61°15'29" EAST, A DISTANCE OF 185.61 FEET; THENCE NORTH 76°15'41" EAST, A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 07°36'45" WEST, ALONG THE EASTERLY LINE OF A 30 FOOT INGRESS AND INGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3512, PAGE 317 OF SAID PUBLIC RECORDS, A DISTANCE OF 151.17 FEET; THENCE SOUTH 18°49'01" WEST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 110.29 FEET, TO A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN 5424, PAGE 1337 OF SAID PUBLIC RECORDS; THENCE NORTH 88°44'11" EAST, ALONG LAST SAID LINE, A DISTANCE OF 199.49 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1890, PAGE 271 OF SAID PUBLIC RECORDS; THENCE NORTH 09°07'29" WEST, ALONG LAST SAID LINE, A DISTANCE OF 100.76 FEET; THENCE NORTH 04°37'52" WEST, CONTINUING ALONG LAST SAID WESTERLY LINE, A DISTANCE OF 178.34 FEET, TO THE NORTH LINE OF AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5424, PAGE 1337; THENCE SOUTH 76°15'41" WEST, ALONG LAST SAID LINE, A DISTANCE OF 113.49 FEET TO, THE POINT OF BEGINNING.

CONTAINING 38,470.7 SQUARE FEET OR 0.9 ACRES, MORE OR LESS.

ORIGINAL PROPERTY (O.R. 5144 PG 250)

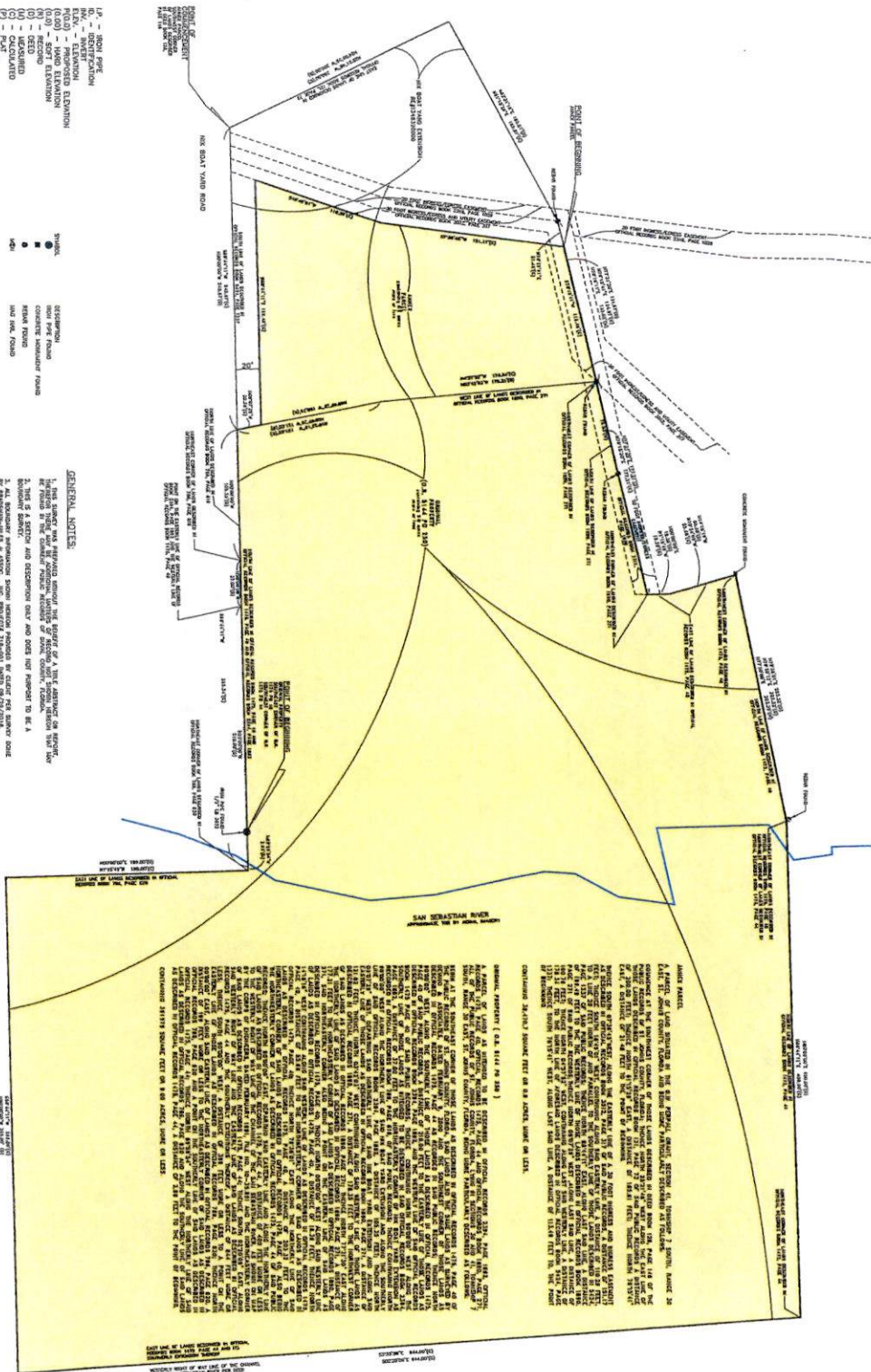
A PARCEL OF LANDS AS INTENDED TO BE DESCRIBED IN OFFICIAL RECORDS 2394, PAGE 1862, OFFICIAL RECORDS 1475, PAGE 40, OFFICIAL RECORDS 1475, PAGE 44 AND OFFICIAL RECORDS BOOK 1890, PAGE 271, ALL OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, LYING IN SECTIONS 30 AND 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID LANDS ALSO THE SAME LANDS AS SURVEYED BY DEVINO & ASSOCIATES, DATED FEBRUARY 9, 2000 AND THE SOUTHWEST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44 AS RECORDED IN SAID PUBLIC RECORDS; THENCE NORTH 90°00'00" WEST, ALONG THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40 OF SAID PUBLIC RECORDS, A DISTANCE OF 210.00 FEET TO THE EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2394, PAGE 1862, AND THE WESTERLY LINE OF SAID OFFICIAL RECORDS BOOK 1475 PAGE 40 OF SAID PUBLIC RECORDS; THENCE CONTINUING NORTH 90°00'00" WEST ALONG THE SOUTHERLY LINE OF THOSE LANDS AS INTENDED TO BE DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2394, PAGE 1862, A DISTANCE OF 37.00 FEET TO THE NORTHEASTERLY CORNER OF NIX BOAT YARD EXTENSION AS RECORDED IN OFFICIAL RECORDS BOOK 786, PAGE 619, OF SAID PUBLIC RECORDS; THENCE CONTINUING NORTH 90°00'00" WEST ALONG THE NORTHERLY LINE OF SAID NIX BOAT YARD EXTENSION AND ALONG THE SOUTHERLY LINE OF SAID OFFICIAL RECORDS BOOK 2394, PAGE 1862, A DISTANCE OF 105.35 FEET; THENCE NORTH 09°07'29" WEST, DEPARTING SAID NORTHERLY LINE OF SAID NIX BOAT YARD EXTENSION AND ALONG SAID EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1890, PAGE 271, A DISTANCE OF 121.02 FEET; THENCE NORTH 03°42'03" WEST CONTINUING ALONG SAID WESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271, A DISTANCE OF 178.35 FEET TO THE NORTHWEST CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271; THENCE NORTH 77°31'30" EAST ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271, A DISTANCE OF 177.21 FEET TO THE NORTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271, SAID NORTHEASTERLY CORNER ALSO BEING A POINT ON THE EASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40; THENCE NORTH 00°00'00" WEST ALONG SAID WESTERLY LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, A DISTANCE OF 18.36 FEET; THENCE NORTH 14°18'16" WEST CONTINUING ALONG SAID WESTERLY LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, A DISTANCE OF 55.68 FEET TO THE NORTHWESTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40; THENCE NORTH 79°36'01" EAST ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, A DISTANCE OF 203.32 FEET TO THE NORTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, ALSO BEING THE NORTHWESTERLY CORNER OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44 OF SAID PUBLIC RECORDS; THENCE NORTH 90°00'00" EAST, DEPARTING SAID EASTERLY LINE AND ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44, A DISTANCE OF 400 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY LINE OF THE CHANNEL OF THE SAN SEBASTIAN RIVER, AS SHOWN ON MAP BY THE CORPS OF ENGINEERS, DATED FEBRUARY 1991, FILE NO. 10-35.691 AND THE NORTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44; THENCE SOUTH 02°20'09" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE EASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44 AND THE SOUTHERLY EXTENTIONS THEREOF, A DISTANCE OF 644 FEET MORE OR LESS; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 399 FEET MORE OR LESS TO A POINT ON THE EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620; THENCE NORTH 00°00'00" EAST, ALONG SAID EASTERLY LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620, A DISTANCE OF 199 FEET MORE OR LESS TO THE NORTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620 AND A POINT ON THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44; THENCE NORTH 89°59'54" WEST ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620 AND ALONG THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44, A DISTANCE OF 2.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 391979 SQUARE FEET OR 9.00 ACRES, MORE OR LESS.

EXHIBIT C MAP SHEETING SKETCH AND DESCRIPTION

A PORTION OF SECTION 41, TOWNSHIP 2 SOUTH, RANGE 30 EAST,
ST. JOHNS COUNTY, FLORIDA AS REQUESTED BY CLIENT.



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GENERAL NOTES:

1. THIS MAP WAS PREPARED BY THE SURVEYOR OF A UNIT DISTRICT OF THE FLORIDA SURVEYOR'S ASSOCIATION, INC. (FSA) AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
2. THIS MAP WAS PREPARED BY THE SURVEYOR OF A UNIT DISTRICT OF THE FLORIDA SURVEYOR'S ASSOCIATION, INC. (FSA) AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
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FLORIDA SURVEYOR'S ASSOCIATION, INC.
10250 Normandy Blvd., Suite 604
Jacksonville, FL 32222
Office: 904.619.6630
email: info@fsa.org
Certificate of Authorization LB7905

PROJECT: CAT'S PAW MARINA

200 MINIMUM RESOLUTION
DATE: 4/21/2003
SCALE: 1"=40'
SURVEYOR: JAMES P. WILSON
TECHNICIAN: JAMES P. WILSON
TRACE TO: JAMES P. WILSON
FOLLOWING: JAMES P. WILSON

CAT'S PAW MARINA
ST. JOHNS COUNTY, FLORIDA

SHEET 1
OF 1



10250 Normandy Blvd., Suite 604
Jacksonville, FL 32222
Office: 904.619.6630
email: info@fsa.org
Certificate of Authorization LB7905

PLANNED UNIT DEVELOPMENT (PUD) MODIFICATION
NARRATIVE PUD TEXT

July 13, 2023

Cat's Paw Marina
220 Nix Boat Yard Road
St. Augustine, Florida 32084
Parcel ID: 1348320000 & 1348300000



Submitted on behalf of:
BEDP Cat's Paw, LLC.

Authorized Agent:
Driver McAfee Hawthorne & Diebenow, PLLC.

SECTION 1
INTRODUCTION AND APPLICATION

This narrative Planned Unit Development (“PUD”) text is a modification to the original PUD (Ordinance 2005-02) and successive PUD modification (Ordinance 2017-34), described as approximately 9.9 acres in “Exhibit A” Legal Description (“Property”) for the annex parcel and original PUD parcel. The Property is owned by BDEP Cat’s Paw, LLC, as shown by the Proof of Ownership attached hereto as Exhibit “B”.

The Property is located on Nix Boat Yard Road and part of it was formerly operated as a mobile home park within unincorporated St. Johns County and zoned RMH. This PUD modification is companion to a Comprehensive Plan Amendment on the annex parcel that requests a change from the St. Johns County land use designation of Mixed-Use (MU) to the City of St. Augustine land use designation of Marine Industrial (MI).

The Applicant hereby stipulates and agrees to proceed with the proposed development in accordance with the PUD Ordinance as adopted by the City Commission of the City of St. Augustine. The Applicant also agrees to comply with all conditions and safeguards established by the City Commission regarding said PUD.

Except to the extent that they conflict with this narrative PUD text and site plan approved pursuant to this PUD request on the Property, all building codes, zoning ordinances and other land use and development regulations of the City, including, without limitation, the Sign Ordinance and Building Code, as may be amended from time to time, shall be applicable to this development. The provisions of this narrative PUD text and site plan shall take precedence over any contrary provision of the land use codes, zoning codes, and development regulations.

SECTION 2

PHYSICAL SITE CHARACTERISTICS

The annex portion of the Property currently is operating as an unimproved gravel parking lot with railroad ties and a walkway for existing marina operations since the removal of the dilapidated and abandoned mobile homes. The survey is included as Exhibit "C" to this narrative PUD text.

In accordance with the City of St. Augustine Comprehensive Plan Soils Map, and supported by the Soil Survey of St. Johns County, Florida prepared by the United States Department of Agriculture Soil Conservation Service, the site has three (3) soil types, 57 Adamsville fine sand, 13 St. Johns fine sand and 24 Pellicer silty clay.

The Property has been developed for some time, as further described with improvements and inventoried on the tree survey included as Exhibit "D".

No historical or archeological resources are anticipated on the Property because of its condition being developed for many decades. The owner will follow all required local and State procedures regarding future redevelopment of the Property.

SECTION 3

INTENDED PLAN OF DEVELOPMENT

Cat's Paw business activities and improvements include water dependent and water related type marina-based uses associated with the Marine Industrial and Open Land land use, including, but not limited to sales, rentals and service of marine vessels, motors, parts and equipment; marine dockage and mooring operations; fueling; enclosed storage and outdoor storage of marine vessels and trailers; a waterfront restaurant with indoor and outdoor seating and on-premise consumption of beer, wine and liquor; a marine related retail store for supplies and provisions; restroom and shower facilities;

administrative offices, clubhouse and accessory structures/uses related to marine operations.

Currently, approximately 43,238 square feet is approved for the existing improvements such as the enclosed boat storage building, utility building, retail/office building, accessory storage buildings, and restaurant/decking structures. The proposed addition of approximately 30,062 square feet of buildings is proposed as part of the annexation parcel and overall Property and is planned to include a new enclosed boat storage building, increased space in the restaurant building to accommodate new bathroom facilities for patrons of the restaurant and marina including decking and walkways for waterway observation and seating; increased square footage to accommodate future needs for the utility and service building and accessory storage buildings for a combined total of existing and proposed improvements up to 73,300 square feet as further described and depicted on the PUD site plan. Additionally, new vehicle parking and access, drainage and utility infrastructure, sidewalks, and native landscaping and low impact design elements will complement the Cat's Paw Marina facilities.

SECTION 4

RESTRICTIONS AND GUIDELINES

The development will be constructed in an orderly manner and allowable uses will include Marine Industrial water related/water dependent and ancillary uses and amenities. This PUD shall not release the applicant, its successors and assigns, of their obligation to comply with all Federal, State and local applicable laws and does not otherwise limit nor expand the authority of the City of St. Augustine to Enforce such laws nor limit nor expand defenses available to the property owner.

The following standards must be indicated on the site development plan as part of this PUD and approved by the City Commission:

1. Minimum Lot Area: No minimum lot area or lot width is applicable.
2. Maximum lot coverage: Fifty percent (50%).

3. Minimum yard requirements: No minimum yard requirements are applicable.
4. Maximum building height: Fifty feet (50').
5. Setbacks: Provided as described and depicted on the PUD site plan.
6. Vehicle Parking: 90 spaces, including 3 ADA spaces.
7. Signage: Per Code.
8. Potable Water: Provided by the City of St. Augustine via existing connections.
9. Fire Protection: Provided by City of St. Augustine via existing hydrant connections.
10. Sanitary Sewer: Provided by City of St. Augustine via existing connections.

SECTION 5

CONSERVATION OVERLAY ZONE

The Property is in Conservation Overlay Zones 1, 2 and 3 as identified within the City of St. Augustine Code. Redevelopment of the site will conform to all applicable regulations for development within these zones, including obtaining all relevant permits.

Pursuant to the requirements of Conservation Overlay Zones, improvements to the portion of the PUD known as the annex Property will include redevelopment of the former mobile home park and current gravel parking lot area.

In accordance with the St. Augustine Code, these site improvements will have "no significant negative impact on adjacent natural systems by either individual or cumulative effect," will conform to the permitting requirements regarding water quality treatment provisions for the marshes and the vegetative communities contained therein, as well as eliminating harm to any animal, fish or shellfish life contained therein. Improvements within Conservation Overlay Zones 2 and 3 will not significantly

change or block the Conservation Overlay Zone 1 vistas and scenic opportunities and placement of the buildings in the same general location as the previous building will protect the scenic attributes of Conservation Overlay Zones 2 and 3.

The PUD will comply with the criteria established for development in the Conservation Overlay Zones according to the following criteria:

1. **Site Specific Conditions:** As indicated, this is the redevelopment of a former mobile home park on the annex Property as part of this PUD request. The development plan will provide for a new enclosed boat storage building, access, parking and associated infrastructure. The site development standards will be updated in accordance with modern stormwater management standards in accordance with current regulations and best management practices. The site and building elevations will be in conformance with current FEMA flood zone standards.

2. **The Site's Relationship to Adjacent Properties, Bodies of Water and Surrounding Conservation Overlay Zones:** As previously stated, the development will be a water dependent and water related in conformance with the existing Marine Industrial land uses, and will be compatible with the character, mass and scale of the area, including the immediately adjacent commercial/industrial warehouse buildings associated with the Fishbites Trading company and the Home Depot. All development will adhere to the standards for development within the Conservation Overlay Zones and will not impact any adjacent development within these zones. With respect to any sound that may carry on to adjacent property and across the waterway from emanating music associated with the restaurant, whether provided by fixed or mobile amplified sound reproduction devices and or speakers from live or recorded music, said music shall comply with sound level limits of 60 dBA for receiving residential land uses, 65 dBA for receiving commercial land uses and 75 dBA for receiving industrial land uses. Additionally, said music shall be limited to hours of operation of the restaurant,

but no later than 9pm on weeknights and no later than 11pm on Fridays, Saturdays, and/or Holidays. All other sound or noise associated with the Cat's Paw Marina operations shall adhere to Article IV of the City of St. Augustine.

3. Natural and Proposed Drainage Patterns: Stormwater collection, conveyance and treatment will be provided by an underground dry detention system as part of the improvements and new development in the PUD. The dry detention system will provide a higher pollutant removal efficiency as compared to traditional wet detention systems, thus ultimately providing a cleaner stormwater effluent as compared to a wet detention pond. Site-specific engineering and construction details, engineering stormwater modeling and drainage calculations for the proposed dry detention facility will be provided within the engineering and construction plans to the City of St. Augustine and St. Johns River Water Management District. Adverse, detrimental, or negative water quality impacts on site or to adjacent waterways are not anticipated with this project.

4. Effect of Point and Non-point Discharge in the Marine Environment: Specifics of the stormwater management system will provide analysis of the point and non-point discharge and provide for protection of the marine environment.

5. Proposed Soil Stabilization and Erosion Control Measures: Details for soil suitability, geotechnical engineering and measures for construction will be provided within the engineering and construction plan documents required for local and State permitting.

6. Impact on Floodplain: Due to the location of the annex Property, which is mostly outside of the 100-Year Floodplain, the stormwater management facilities will be able to eliminate the potential for off-site impacts to the neighboring community and environmentally sensitive areas, often associated with the increase in flood zone elevation requirements.

7. Impact of Development on Vegetative and Animal Communities: The site has been

previously developed and impacted for some time as a mobile home park. All existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.

8. Potential for Contamination Drainage, Storage of Pollutants and the Use of Poisonous Chemicals and Materials: The current development standards to be followed, as well as the new underground dry detention stormwater system will reduce the potential for contaminated runoff associated with drainage from the parking lot. The current and proposed uses will not provide for the use of poisonous chemicals or materials with any direct discharge or overland drainage flow to adjacent lands, waterways or stormwater infrastructure. Any use chemicals or materials on the Property will adhere to strict standards applicable to use, cleanup and disposal in keeping with local, State and Federal guidelines and regulations.

9. Effect of Shade on Vegetation and Shellfish: No construction is planned which would cause shading.

10. Effect of Boat Wake and Boat Traffic on Manatees, Vegetation, Shellfish and Wildlife, as well as Shoreline Erosion: The increase in marine vessel related traffic on the waterway will conform to the existing slips, channel and ramps and should be minimal and adhere to local, State and Federal guidelines and regulations.

11. Impact of Development on Vistas and Scenic Opportunities by Linear Feet, Height, Mass and Percent of Site: As previously stated, the redevelopment of the mobile home park with a new enclosed boat storage building is in the same general location and should not significantly change any vistas or scenic opportunities customarily known based on the adjacent uses and buildings. The building will adhere to the height and coverage limitations, which will be consistent with that allowable

in the area.

12. Existing Amounts of Native Plants and Proposed Retention and Use of Native Plants for Landscape and Open Space Purposes: As the site has been developed for some time, no existing native plant materials exist. However, the applicant will use native plant and tree species within the overall landscape plan to reduce the irrigation requirements.

13. Impact of Development on Plant and Animal Habitat and Potential Loss in Acres and Percent of Site: All existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.

14. Impact of Development on Water Quality: Stormwater collection, conveyance and treatment will be provided by an underground dry detention system as part of the improvements and new development in the PUD. The dry detention system will provide a higher pollutant removal efficiency as compared to traditional wet detention systems, thus ultimately providing a cleaner stormwater effluent as compared to a wet detention pond. Site-specific engineering and construction details, engineering stormwater modeling and drainage calculations for the proposed dry detention facility will be provided within the engineering and construction plans to the City of St. Augustine and St. Johns River Water Management District. Adverse, detrimental, or negative water quality impacts on site or to adjacent waterways are not anticipated with this project.

15. Impact of Development on Shellfish and On Commercial Sport Fish and Waterfowl: The PUD is located adjacent to Class III waters, which are deemed by the State for recreational use and do not support shellfish harvesting. The location of the project will have no impact on the navigational channel of the Intracoastal Waterway other than the use by boating traffic for access to the marina site. The site abutting the waterway is already developed and there will be no removal of any plant material that

would offer or impact habitat for nesting waterfowl.

16. Pursuit of no net loss of wetlands by both amount and type of community: The proposed redevelopment area does not contain any wetlands therefore there is no net loss.

17. Wildlife habitat survey for large developments for the purpose of restricting activities known to adversely affect the survival of endangered and threatened species and protecting native vegetative communities from destruction by development activities: As previously stated, all existing natural vegetative and animal communities have been identified and accounted for regarding proposed impacts and mitigative strategies pursuant to replacement and protections associated with the proposed redevelopment of the annex Property.

SECTION 6

SCHEDULE OF DEVELOPMENT

The Development of the project will proceed in a single phase and will not require the dedication of land for public use. The anticipated date for substantial completion of the project for all improvements is 2026.

SECTION 7

OWNERSHIP AND MAINTENANCE

BDEP Cat's Paw, LLC and its successors and assigns will retain sole fee simple ownership of the lands in the PUD, thus eliminating concerns over the maintenance and ownership of common facilities.

SECTION 8

SUMMARY AND CONCLUSION

BDEP Cat's Paw, LLC applied for annexation of the annex portion of the Property into the City and requested a Future Land Use Map designation of Marine Industrial, as well as a PUD, which

modifies the existing PUD. The proposed use and development plan is consistent with character and in harmony with customary use and history of the working waterfront and marina development in the area, as well as adjacent commercial/industrial uses and improvements. The annex Property and site plan represents an extension of an existing use but creates a more desirable environment by dramatically upgrading the Property as an economically productive and appropriate use with benefits to the City of St. Augustine and its residents.

This PUD request meets all the above listed City requirements and is consistent with the Comprehensive Plan as further described below.

Future Land Use

Overall Goal: Ensure that the character, density, intensity and location of all land uses provide a system for orderly growth and development that achieves a balanced natural, physical and economic environment to enhance the quality of life for all residents of the City of St. Augustine.

FLUE Goal 1 Natural Resources: Preserve and protect the City's natural resources by establishing a pattern of development that is harmonious with the City's natural environment.

FLUE Objective 1.1: The City shall coordinate future land uses with the appropriate topography and soil conditions to conserve, appropriately use and protect the land and resources.

FLUE Policy 1.1.1: The City shall use the latest version of the Flood Insurance Rate Maps (FIRM) promulgated by the Federal Emergency Management Agency (FEMA) to determine

the location of the 1% or 100-year floodplain and flood prone areas in the City. The City shall provide specifications for regulating development and land use activities within these areas within the Land Development Code (LDC). These specifications will include: • Development within the FEMA 1% or 100-year flood hazard zone is to be constructed so that the lowest floor elevation is at least one foot above the base flood elevation as established by the FEMA Flood Insurance Rate Maps; • Any development within a flood prone area should strive to maintain the natural topography and hydrology of the development site.

FLUE Policy 1.1.2: During the review of requests for plan amendments, topography, vegetation, wildlife habitat, flood hazard, the 1% or 100-year flood plain and soils for the areas to be amended should be considered as part of the plan amendment process.

FLUE Policy 1.1.6: Any development, including development within a flood prone area, will strive to maintain the natural topography and hydrology of the development site as much as possible and provide for drainage and stormwater management identified in the Infrastructure Element, open space requirements as addressed in the Recreation and Open Space Element, and safe and convenient on-site traffic flow, considering the needed vehicular parking as addressed in the Transportation and Mobility Element. • Open space requirements will meet the LOS adopted in the Recreation and Open Space Element; • On-site traffic will consider that adjacent properties provide interconnections to reduce requirements for road trips; and, • Parking requirements shall be specified in terms of the number of parking spaces outlined in the land development code (LDC).

FLUE Policy 1.1.7: The City shall maintain and enhance the safety and efficiency of the arterial and collector road system and minimize transportation conflicts associated with

development by coordinating the driveway permitting process increasing interconnection between adjacent developments and encouraging implementation of the City's mobility plan.

FLUE Policy 1.1.8: Development regulations shall encourage street, pedestrian and open space designs that discourage nonresidential through-traffic in residential neighborhoods, but that encourage energy and time-efficient access points and interconnections between residential areas.

FLUE Policy 1.1.9: All development shall provide for safe, convenient, and appropriately designed traffic circulation on the site, including provisions for needed parking.

FLUE Policy 1.1.10: The development approval process shall ensure that new development and redevelopment is consistent with natural drainage patterns. The approval process shall require appropriate stormwater management systems consistent with the adopted drainage levels of service, natural drainage patterns and soil conditions.

FLUE Policy 1.1.11: The developer/owner of any site shall be responsible for the on-site management of stormwater in a manner so that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.

FLUE Objective 1.2: The City of St. Augustine shall ensure the protection of natural resources through implementing the following policies, and the protection program outlined in the Conservation and Coastal Management Element.

FLUE Policy 1.2.1: The protection of natural resources shall be accomplished by one or more of the following techniques, based on the degree of protection required: • Limitations on development density and intensity; • Limitations on building placement, such as required clustering of allowable development on non-sensitive portions of a site; Limitations on building coverage or impervious surface coverage; • Requirements for setbacks and landscaped buffers sufficient to mitigate or eliminate impacts; • Evaluation of proposed plan amendments to ensure that they do not contribute to urban sprawl and fail to protect natural resources; • Minimize land use conflicts; • Achieve flexibility, efficiency, and cost reduction in the provision of services and infrastructure; and • Reduce natural hazard risks to life and property.

FLUE Objective 2.1: The City shall coordinate future land uses with the availability of facilities and services.

FLUE Policy 2.1.1: As part of the City's permitting process, facilities and services shall meet the established level of service standards and shall be available to serve the impacts of development, or development orders and permits shall be specifically conditioned on the availability of the facilities and services necessary to serve the proposed development.

FLUE Policy 2.1.3: The City shall encourage the development of undeveloped pockets and enclaves within developed areas to utilize existing facilities efficiently and reduce urban sprawl.

FLUE Objective 2.2: Development, redevelopment, land use plan amendments and changes to the zoning of a site shall be coordinated with the availability of adequate facilities and services.

FLUE Policy 2.2.1: The City's land use plan shall prioritize infill, redevelopment and mixed-use developments, as well as compact and contiguous developments within the City of St. Augustine.

FLUE Objective 3.2: The City shall encourage redevelopment and renewal of areas that are exhibiting evidence of decline (i.e., disproportionate number of vacant, dilapidated and/or substandard structures) or blight through redevelopment programs and through maintaining land development codes that contain standards and procedures to encourage redevelopment where desirable.

FLUE Policy 3.2.3: The City shall actively pursue and participate in redevelopment projects that will add to the City's quality of life and economic vitality while balancing the city's character and authenticity.

FLUE Goal 5 Urban Sprawl: Discourage urban sprawl by encouraging innovative strategies to promote infill and compact development or redevelopment and establishing energy efficient land use patterns.

FLUE Policy 5.1.2: The City shall encourage infill and redevelopment through the use of higher density and intensity land use designations and mixed-use designations in appropriate

locations.

FLUE Objective 6.6: Industrial Categories: The industrial category is established to provide sufficient land for existing and anticipated future industrial needs, including working waterfronts and requisite support services.

FLUE Policy 6.6.2 Marine Industrial: This district is intended to allow light manufacturing and related service, storage and commercial uses. This district is also intended to allow marine related industrial and business activities to facilitate the continuation of the historic marina industry and encourage the creation and maintenance of working waterfronts within the City. Maximum lot coverage of 80%; maximum height restriction of 35 feet. Marine related uses approved as a Planned Unit Development (PUD): maximum lot coverage 50%; maximum height restriction of 50 feet, and two (2) dwelling units per acre.

FLUE Goal 9: Economic Development Promote economic development in an effort to provide a variety of employment opportunities, create a sustainable future, and encourage a positive business climate.

FLUE Policy 9.1.2: The City shall work towards a variety of policies within the Comprehensive Plan and land development code that support and encourage commercial and industrial development within the City and surrounding area. • This includes encouraging a mix of uses in the city to promote accessibility to a variety of uses. • This includes strengthening and diversifying the local economy. • This includes redevelopment and revitalization efforts, including aesthetic improvements to encourage commercial and

industrial investment within the City of St. Augustine. • This includes the promotion of uses that are commercial or industrial that support, promote or are compatible with the urban character of the city.

Conservation and Coastal Management

CCM Policy 2.1.1: The City maintains three (3) Conservation Overlay Zones. The boundaries of the Conservation Overlay Zones shall be determined on a site-specific basis during site plan review of each development proposal. Conservation Overlay Zone 1 allows passive recreation, wildlife preservation and conservation areas, green space, and fishing piers, boat docks, and other water dependent uses, including boat ramps and marinas, shall be the primary uses within this Conservation Overlay Zone. Conservation Overlay Zone 2 allows for all the uses within Zone 1, as well as specialized, scenic or linear parks and boardwalks, off street parking areas and residential and commercial development, providing that they are (1) located so as to minimize impacts to Conservation Overlay Zone 1 vistas and scenic areas, and (2) densities are limited to those defined by the underlying Future Land Use Category. Conservation Overlay Zone 3 restricts uses and other development and performance standard requirements within this zone including tree canopy and tree removal governed by the City's Comprehensive Plan, including the underlying Future Land Use Category, and the City's land development regulations.

CCM Policy 2.1.2: The City shall continue to implement the adopted Comprehensive Plan by including all land development regulations governing the use of land in the City Code. All applications for development shall be subject to site plan review by the City. Permits for

structures and uses located within Conservation Overlay Zone 1 shall be issued only for those structures and related uses such as fishing piers and catwalks, boardwalks, boat docks, boathouses, boat ramps, marinas and marine railways, as well as dredging and filling, which are determined to be to the benefit of the public as a whole and which are determined as having no significant negative impact on natural systems, by either individual or cumulative effect. Permits for structures and uses located within Conservation Overlay Zone 3 shall be issued only for those structures and uses which do not significantly alter the surface water hydrology or tree canopy cover or cause the removal of significant trees. The planning and zoning board is authorized to impose limitations on the nature and manner of construction and use to avoid alteration of surface water hydrology which would increase the flood hazard potential and to minimize the impact on existing trees and native vegetation. Development in Conservation Overlay Zone 3 must retain either: (1) at least twenty-five (25) percent of the trees on the site and all healthy trees larger than twelve (12) inches diameter breast height (dbh); or (2) fifty (50) percent of the trees on the site, unless approved via a public hearing.

CCM Policy 2.1.3: Development in Conservation Overlay Zones shall conform to all requirements of the Federal Emergency Management Agency (FEMA) relating to flood control and prevention. Finish floors must be constructed at or above the base flood elevation plus any defined freeboard established prior to a Certificate of Occupancy being issued for the structure, the City shall continue to require an Elevation Certificate signed by a licensed engineer or surveyor certifying that the lowest floor of the structure has been constructed at or above the established base flood elevation plus any defined freeboard. The City shall continue to maintain three (3) conservation overlay zones: Conservation Overlay Zone 1 for the protection of habitat waterward of the most restrictive jurisdictional line; Conservation

Overlay Zone 2 for the protection of natural habitat one hundred feet (100') landward of the most restrictive jurisdictional line; and Conservation Overlay Zone 3 for the protection of natural habitat beyond one hundred feet (100') landward of the most restrictive jurisdictional line. Applications for development in any of the Conservation Overlay Zones shall be evaluated according to the following criteria: (1) Site specific conditions. (2) The relationship of the site to adjacent properties, bodies of water and surrounding conservation zones. (3) Natural and proposed drainage patterns. (4) Effect of point and nonpoint discharge in the marine environment. (5) Proposed soil stabilization and erosion control methods. (6) Impact on floodplain. (7) Impact of development on vegetative and animal communities. (8) Potential for contaminated drainage, storage of pollutants and the use of poisonous chemicals and materials. (9) Effect of shade on vegetation and shellfish. (10) Effect of boat wake and boat traffic on manatees, vegetation, shellfish and wildlife, as well as shoreline erosion. (11) Impact of development on shoreline by linear feet and percent of site. (12) Impact of development on vistas and scenic opportunities by linear feet, height, mass and percent of site. (13) Existing amounts of native plants and proposed retention and use of native plants for landscape and open space purposes. (14) Impact of development on plant and animal habitat and potential loss in acres and percent of site. (15) Impact of development on water quality. (16) Impact of development on shellfish and on commercial and sport fish and waterfowl. (17) The City shall pursue no net loss in wetlands by both amount and type of community. (18) Require a wildlife habitat survey for large developments for the purpose of restricting activities known to adversely affect the survival of endangered and threatened species and protecting native vegetative communities from destruction by development activities.

CCM Objective 2.7: Permitted uses for shoreline and waterfront property will continue to

give priority to water dependent uses and increase safe public access to Salt Run, the Matanzas River, the San Sebastian River and the beaches contained in the Anastasia State Recreation Area. The City Code will continue to allow water-dependent uses as permitted uses in all the zoning districts associated with land adjacent to the riverine environments.

CCM Policy 2.7.1: New marinas must meet all applicable requirements of state and federal permitting agencies, including the manatee protection guidelines established by the Department of Environmental Protection. In addition: 1. marinas should be located within one statute mile of passes or inlets; 2. marinas must be located in areas designated for such use by the Future Land Use Plan; 3. all marina basins shall be designated idle speed zones; 4. marinas must be constructed in naturally deep water to minimize dredging, and basins should be of sufficient depth to prevent stirring up of bottom sediments by boat propellers; 5. marinas should be constructed adjacent to upland high bluffs or in areas where the salt marsh has been subject to extensive past disturbance; 6. marina entrances should be located such that maximum tidal flushing and circulation occurs; 7. marina construction should include linear development, and docking space should be designed to minimize or avoid impacts on salt marsh or other native vegetation; and marinas should be served by municipal waste water systems and should have adequate solid waste collection facilities with frequent collection.

CCM Policy 2.7.2: The following performance standards shall apply to development of water dependent and water related uses: (1) compliance with all of the conditions of any regulatory agency permits required for the development; (2) compliance with any conditions established by the Planning and Zoning Board for development in a Conservation Overlay Zone discussed in this element; and (3) compliance with the Future Land Use Plan and all of

the implementing development regulations contained in the City Code. Priorities for shoreline land uses and siting for water dependent and water-related uses are as established by the Future Land Use Plan and implemented by the City Code. Water-dependent and water-related uses shall continue to be permitted uses or permissible uses by exception in all of the zoning districts in the city.

CCM Policy 2.15.2: Development and redevelopment in the City will be consistent with or more stringent than the flood-resistant constructions in the Florida Building Code and applicable floodplain management regulations set forth in 44 C.F.R part 60.

Infrastructure Element

INFRA Objective 6.3: The City shall encourage the use of sustainable, low impact development (LID) strategies to address stormwater management for developments ranging from individual building sites to subdivisions to large, planned developments.

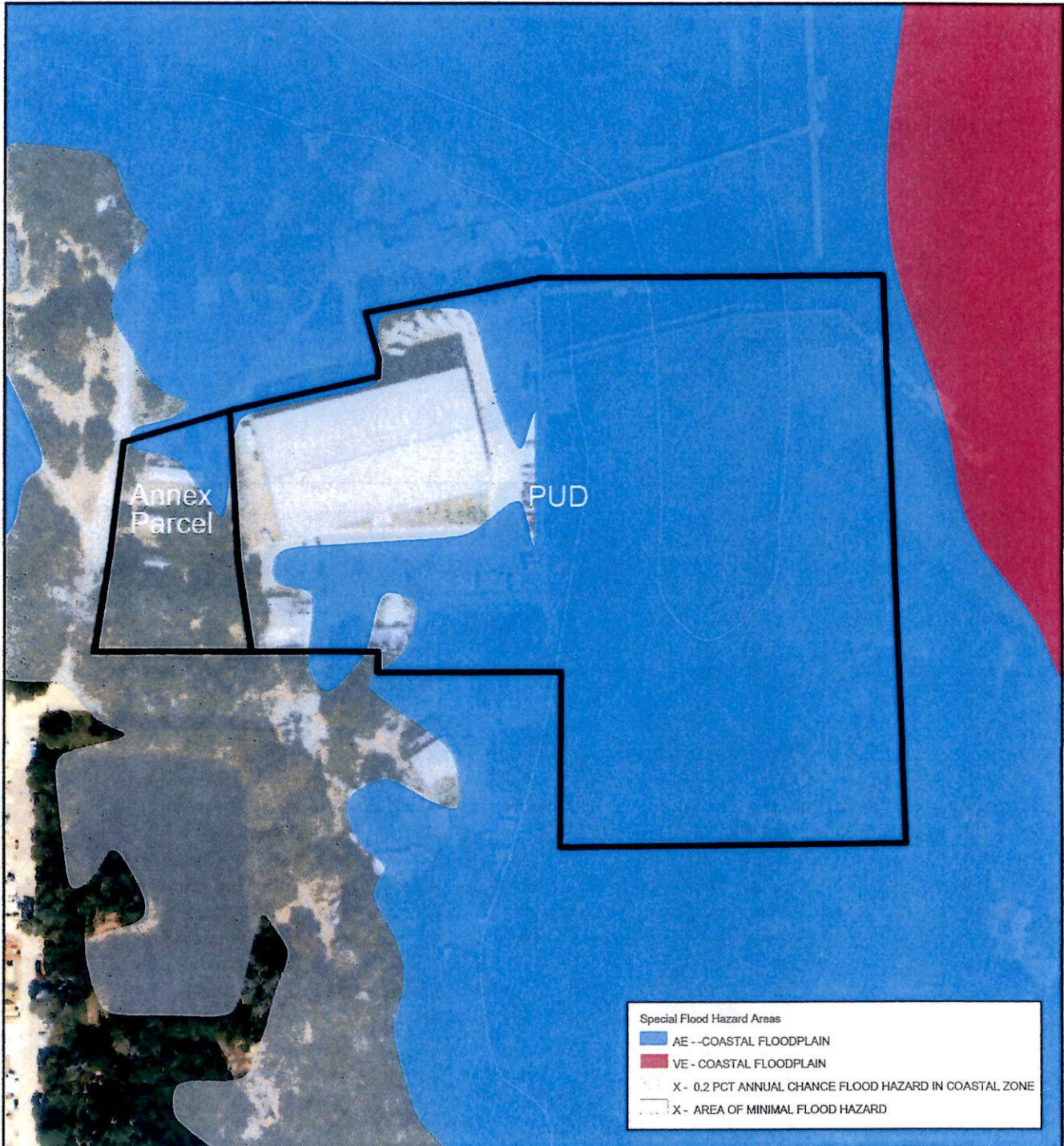
Aerial Map



FUTURE LAND USE MAP



FEMA Map



MAY 15 2023

DEVELOPER NEIGHBORHOOD NOTICE

Planning/Building Dept.

The Cat's Paw Marina is proposing a project to include a new boat storage building, new amenities and facilities, and infrastructure as depicted herein, located at 220 Nix Boat Yard Road. See map below.



Recently, a voluntary annexation petition was approved by the City Commission to annex a portion of the Cat's Paw Marina from St. Johns County into the City of St. Augustine. As a result, applications for a land use amendment from Mixed-Use (MU) to Marine Industrial (MI) and rezoning from Rural Mobile Home (RMH) to modify the existing Cat's Paw Planned Unit Development (PUD) were submitted as part of the annexation to the City of St. Augustine, respectively.

The City of St. Augustine will host a Planning and Zoning Board (PZB) public hearing on June 6, 2023, on the matter.

Please contact the developer's project coordinator directly if a courtesy neighborhood informational meeting is requested of the developer. The courtesy neighborhood informational meeting will be presented by the developer, not by City staff. It is not an official City meeting or hearing on the project application. The developer neighborhood notice is not intended to be a legal notice, nor should it be relied upon to provide affected party status or standing. The developer neighborhood notice is an additional, courtesy informational tool provided to the public to facilitate early, voluntary and direct communication between the City's neighborhoods or defined communities and PUD development applicants. This document was prepared by the developer and the City does not warrant its accuracy. The official complete application public record will be available for review after filing at the City of St. Augustine Planning and Building Department, 75 King Street, St. Augustine, Florida, during regular office hours.

The owner/manager of BDEP Cat's Paw, LLC (Cat's Paw Marina) is Gayle Bulls Dixon. The project coordinator and agent is Brad Wester. Contact the project coordinator for questions or requests to meet by phone or email at 904-294-3768, bwester@drivermcafee.com or by mail at Brad Wester, c/o Cat's Paw Marina Rezoning, One Independent Drive, Suite 1200, Jacksonville, FL 32202.

EXHIBIT A
PUD Legal Description

ANNEX PARCEL

A PARCEL OF LAND SITUATED IN THE G.W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK 126, PAGE 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 25°21'46" WEST ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 121, PAGE 72 OF SAID PUBLIC RECORDS A DISTANCE OF 200.00 FEET; THENCE NORTH 61°15'29" EAST, A DISTANCE OF 185.61 FEET; THENCE NORTH 76°15'41" EAST, A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 07°36'45" WEST, ALONG THE EASTERLY LINE OF A 30 FOOT INGRESS AND INGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3512, PAGE 317 OF SAID PUBLIC RECORDS, A DISTANCE OF 151.17 FEET; THENCE SOUTH 18°49'01" WEST, CONTINUING ALONG SAID EASTERLY LINE, A DISTANCE OF 110.29 FEET, TO A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN 5424, PAGE 1337 OF SAID PUBLIC RECORDS; THENCE NORTH 88°44'11" EAST, ALONG LAST SAID LINE, A DISTANCE OF 199.49 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1890, PAGE 271 OF SAID PUBLIC RECORDS; THENCE NORTH 09°07'29" WEST, ALONG LAST SAID LINE, A DISTANCE OF 100.76 FEET; THENCE NORTH 04°57'52" WEST, CONTINUING ALONG LAST SAID WESTERLY LINE, A DISTANCE OF 178.34 FEET, TO THE NORTH LINE OF AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5424, PAGE 1337; THENCE SOUTH 76°15'41" WEST, ALONG LAST SAID LINE, A DISTANCE OF 113.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 38,470.7 SQUARE FEET OR 0.9 ACRES, MORE OR LESS.

ORIGINAL PROPERTY (O.R. 5144 PG 250)

A PARCEL OF LANDS AS INTENDED TO BE DESCRIBED IN OFFICIAL RECORDS 2394, PAGE 1862, OFFICIAL RECORDS 1475, PAGE 40, OFFICIAL RECORDS 1475, PAGE 44 AND OFFICIAL RECORDS BOOK 1890, PAGE 271, ALL OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, LYING IN SECTIONS 30 AND 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID LANDS ALSO THE SAME LANDS AS SURVEYED BY DEVINO & ASSOCIATES, DATED FEBRUARY 9, 2000 AND THE SOUTHWEST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44 AS RECORDED IN SAID PUBLIC RECORDS; THENCE NORTH 90°00'00" WEST, ALONG THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40 OF SAID PUBLIC RECORDS, A DISTANCE OF 210.00 FEET TO THE EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2394, PAGE 1862, AND THE WESTERLY LINE OF SAID OFFICIAL RECORDS BOOK 1475 PAGE 40 OF SAID PUBLIC RECORDS; THENCE CONTINUING NORTH 90°00'00" WEST ALONG THE SOUTHERLY LINE OF THOSE LANDS AS INTENDED TO BE DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2394, PAGE 1862, A DISTANCE OF 37.00 FEET TO THE NORTHEASTERLY CORNER OF NIX BOAT YARD EXTENSION AS RECORDED IN OFFICIAL RECORDS BOOK 786, PAGE 619, OF SAID PUBLIC RECORDS; THENCE CONTINUING NORTH 90°00'00" WEST ALONG THE NORTHERLY LINE OF SAID NIX BOAT YARD EXTENSION AND ALONG THE SOUTHERLY LINE OF SAID OFFICIAL RECORDS BOOK 2394, PAGE 1862, A DISTANCE OF 105.35 FEET; THENCE NORTH 09°07'29" WEST, DEPARTING SAID NORTHERLY LINE OF SAID NIX BOAT YARD EXTENSION AND ALONG SAID EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1890, PAGE 271, A DISTANCE OF 121.02 FEET; THENCE NORTH 03°42'03" WEST CONTINUING ALONG SAID WESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271, A DISTANCE OF 178.35 FEET TO THE NORTHWEST CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271; THENCE NORTH 77°31'30" EAST ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271, A DISTANCE OF 177.21 FEET TO THE NORTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271, SAID NORTHEASTERLY CORNER ALSO BEING A POINT ON THE EASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40; THENCE NORTH 00°00'00" WEST ALONG SAID WESTERLY LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, A DISTANCE OF 18.35 FEET; THENCE NORTH 14°18'16" WEST CONTINUING ALONG SAID WESTERLY LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, A DISTANCE OF 55.68 FEET TO THE NORTHWESTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40; THENCE NORTH 79°36'01" EAST ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, A DISTANCE OF 203.32 FEET TO THE NORTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, ALSO BEING THE NORTHWESTERLY CORNER OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44 OF SAID PUBLIC RECORDS; THENCE NORTH 90°00'00" EAST, DEPARTING SAID EASTERLY LINE AND ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44, A DISTANCE OF 400 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY LINE OF THE CHANNEL OF THE SAN SEBASTIAN RIVER, AS SHOWN ON MAP BY THE CORPS OF ENGINEERS, DATED FEBRUARY 1991, FILE NO. 10-35.891 AND THE NORTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44; THENCE SOUTH 02°20'09" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE EASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44 AND THE SOUTHERLY EXTENSIONS THEREOF, A DISTANCE OF 644 FEET MORE OR LESS; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 399 FEET MORE OR LESS TO A POINT ON THE EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620; THENCE NORTH 00°00'00" EAST, ALONG SAID EASTERLY LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620, A DISTANCE OF 199 FEET MORE OR LESS TO THE NORTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620 AND A POINT ON THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44; THENCE NORTH 89°59'54" WEST ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620 AND ALONG THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44, A DISTANCE OF 2.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 391979 SQUARE FEET OR 9.00 ACRES, MORE OR LESS.

A PORTION OF SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST,
ST. JOHNS COUNTY, FLORIDA AS REQUESTED BY CLIENT.

A PORTION OF SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST,
ST. JOHNS COUNTY, FLORIDA AS REQUESTED BY CLIENT.



GENERAL NOTES:

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT OR REPORT, BECAUSE THERE WAS AN APPROPRIATE LISTING OF RECORD NOT SHOWING PERSONS THAT MAY BE FOUND IN THE CURRENT PUBLIC RECORDS OF DADE COUNTY, FLORIDA.
2. THIS IS A SKETCH AND DESCRIPTION ONLY AND DOES NOT PURPORT TO BE A BOUNDARY SURVEY.
3. ALL BOUNDARY INFORMATION SHOWN HEREON PROVIDED BY CLIENT PER SURVEY DONE BY BRADSHAW-HILES & ASSOC., INC. PROJECT# 718-001 DATED 09/20/2018.
4. BOUNDARIES CALCULATED AND MEASURED HEREON WERE OBTAINED USING GPS UTILITY HAZARD FLORIDA STATE PLASTER, EAST ZONE, US FOOT COORDINATE SYSTEM AND TRIANGLE VUE.

SHEET 1
OF 1

CATSPAW MARINA
ST. JOHNS COUNTY, FLORIDA

PROJECT: _____

10250 Normandy Blvd., Suite 504
Jacksonville, FL 32221
Off: 904.619.6630
email: info@som.biz
Certificate of Authorization LB7908

SALE



St. Johns County, FL

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Summary

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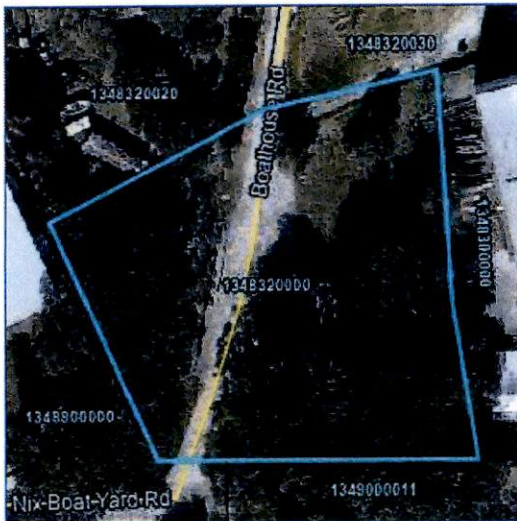


Parcel ID 1348320000
 Location Address 200 NIX BOAT YARD RD
 SAINT AUGUSTINE 32084-0000
 Neighborhood Nix Boatyard Rd (COM) (692.01)
 Tax Description* (1-2) PERPALL GRANT SUBD PT OF LOT 2 - DEED PARCEL 1 (EX E'LY PT IN OR1699/1 & 1710/227) OR5424/1337
 *The Description above is not to be used on legal documents.
 Property Use Code Vacant Commercial (1000)
 Subdivision N/A
 Sec/Twp/Rng 41-7-30
 District South Ponte Vedra & US 1 North Area (District 450)
 Millage Rate 12.8576
 Acreage 1.620
 Homestead N

Owner Information

Owner Name [Bdep Cat's Paw LLC](#) 100%
 Mailing Address 4230 ORTEGA BLVD
 JACKSONVILLE, FL 32210-0000

Map



Valuation Information

	2023
Building Value	\$0
Extra Features Value	\$0
Total Land Value	\$987,420
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$987,420
Total Deferred	\$366,756
Assessed Value	\$620,664
Total Exemptions	\$0
Taxable Value	\$620,664

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$10,833	\$42,000	\$564,240	\$0	\$0	\$617,073	\$617,073	\$0	\$617,073
2021	\$11,648	\$42,000	\$88,162	\$0	\$0	\$141,810	\$135,054	\$6,756	\$135,054
2020	\$12,283	\$42,000	\$88,162	\$0	\$0	\$142,445	\$122,776	\$19,669	\$122,776
2019	\$5,953	\$17,500	\$88,162	\$0	\$0	\$111,615	\$111,615	\$0	\$111,615
2018	\$6,169	\$17,500	\$88,162	\$0	\$0	\$111,831	\$111,831	\$0	\$111,831
2017	\$6,494	\$14,000	\$88,162	\$0	\$0	\$108,656	\$108,656	\$0	\$108,656
2016	\$4,330	\$14,000	\$88,162	\$0	\$0	\$106,492	\$106,492	\$0	\$106,492
2015	\$4,330	\$18,000	\$88,162	\$0	\$0	\$110,492	\$110,492	\$0	\$110,492
2014	\$4,381	\$18,000	\$88,162	\$0	\$0	\$110,543	\$110,543	\$0	\$110,543
2013	\$4,450	\$18,000	\$88,162	\$0	\$0	\$110,612	\$110,612	\$0	\$110,612
2012	\$4,740	\$18,000	\$88,162	\$0	\$0	\$110,902	\$110,902	\$0	\$110,902
2011	\$39,748	\$21,668	\$199,287	\$0	\$0	\$260,703	\$260,703	\$0	\$260,703
2010	\$41,298	\$21,668	\$232,502	\$0	\$0	\$295,468	\$295,468	\$0	\$295,468

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Vacant Commercial	0	0	70530	SF	\$987,420

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
11/19/2021	11/4/2021	\$1,200,000.00	WARRANTY DEED	5424	1337	U	I	PELLICER JONATHAN MARK	BDEP CAT'S PAW LLC
3/28/2012	3/20/2012	\$0.00	TRUSTEES DEED	3541	912	U	I	BERNHARD JUDITH A ET AL	PELLICER JONATHAN MARK
3/28/2012	3/20/2012	\$0.00	PERSONAL REP	3541	908	U	I	BERNHARD JUDITH A ET AL	PELLICER JONATHAN MARK
	12/27/1999	\$100.00	WARRANTY DEED	1464	1104	U	I	PELLICER DOROTHEA L (ADDL 15% INT)	PELLICER FAMILY IRREVOCABLE TRUST
	12/30/1996	\$100.00	WARRANTY DEED	1220	642	U	I	PELLICER DOROTHEA L	PELLICER FAMILY IRREVOCABLE TRUST
	1/1/1977	\$0.00		324	261	U	I		PELLICER DOROTHEA L

No data available for the following modules: Exemption Information, Building Information, Sketch Information, Extra Feature Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

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Summary

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Parcel ID	1348300000
Location Address	220 A NIX BOAT YARD RD UNIT A 220 B NIX BOAT YARD RD UNIT B SAINT AUGUSTINE 32084-0000
Neighborhood	St. Augustine Shipyards (681.15)
Tax Description*	(1-1) PERPALL GRANT SUB PT OF LOTS 1 2 5 & 11 OF SEC 41 & PT SEC30 LYING E OF NIX BOAT YARD RD TO MARSH LANDS OF CITY - ANNEXATION PARCEL OR5144/250 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Transit Terminals (2000)
Subdivision	N/A
Sec/Twp/Rng	41-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	8.390
Homestead	N

Owner Information

Owner Name	Bdep Cat's Paw LLC 100%
Mailing Address	4446-1A HENDRICKS AVE STE 120 JACKSONVILLE, FL 32207-0000

Map



Valuation Information

	2023
Building Value	\$2,310,290
Extra Features Value	\$396,383
Total Land Value	\$2,647,712
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$5,354,385
Total Deferred	\$924,575
Assessed Value	\$4,429,810
Total Exemptions	\$0
Taxable Value	\$4,429,810

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$1,997,488	\$274,574	\$2,650,750	\$0	\$0	\$4,922,812	\$4,027,100	\$895,712	\$4,027,100
2021	\$1,453,298	\$224,724	\$617,516	\$0	\$0	\$3,661,000	\$3,661,000	\$0	\$3,661,000
2020	\$1,322,347	\$201,626	\$260,814	\$0	\$0	\$1,784,787	\$1,625,379	\$159,408	\$1,625,379
2019	\$1,166,491	\$190,477	\$260,814	\$0	\$0	\$1,617,782	\$1,477,617	\$140,165	\$1,477,617
2018	\$1,181,220	\$190,477	\$260,814	\$0	\$0	\$1,632,511	\$1,343,288	\$289,223	\$1,343,288
2017	\$742,981	\$166,419	\$311,771	\$0	\$0	\$1,221,171	\$1,221,171	\$0	\$1,221,171
2016	\$743,208	\$165,355	\$311,771	\$0	\$0	\$1,220,334	\$1,220,334	\$0	\$1,220,334
2015	\$751,308	\$165,355	\$311,771	\$0	\$0	\$1,228,434	\$1,228,434	\$0	\$1,228,434
2014	\$714,739	\$149,643	\$311,771	\$0	\$0	\$1,176,153	\$1,176,153	\$0	\$1,176,153
2013	\$722,364	\$152,651	\$311,771	\$0	\$0	\$1,186,786	\$1,186,786	\$0	\$1,186,786
2012	\$724,554	\$165,481	\$306,219	\$0	\$0	\$1,196,254	\$1,196,254	\$0	\$1,196,254
2011	\$732,178	\$174,540	\$332,065	\$0	\$0	\$1,238,783	\$1,238,783	\$0	\$1,238,783
2010	\$779,461	\$183,055	\$381,373	\$0	\$0	\$1,343,889	\$1,343,889	\$0	\$1,343,889

Building Information

Building	1	Roof Cover	Modular Metal
Year Built	2007	Roof Structure	Steel Frame
Actual Area	35060	Interior Flooring	Concrete 6-8"
Conditioned Area	0	Interior Wall	N/A
Use	Exceptional Storage	Heating Type	None
Style	06	Air Conditioning	N/A
Class	N	Bedrooms	
Exterior Wall	Aluminum Vinyl	Baths	

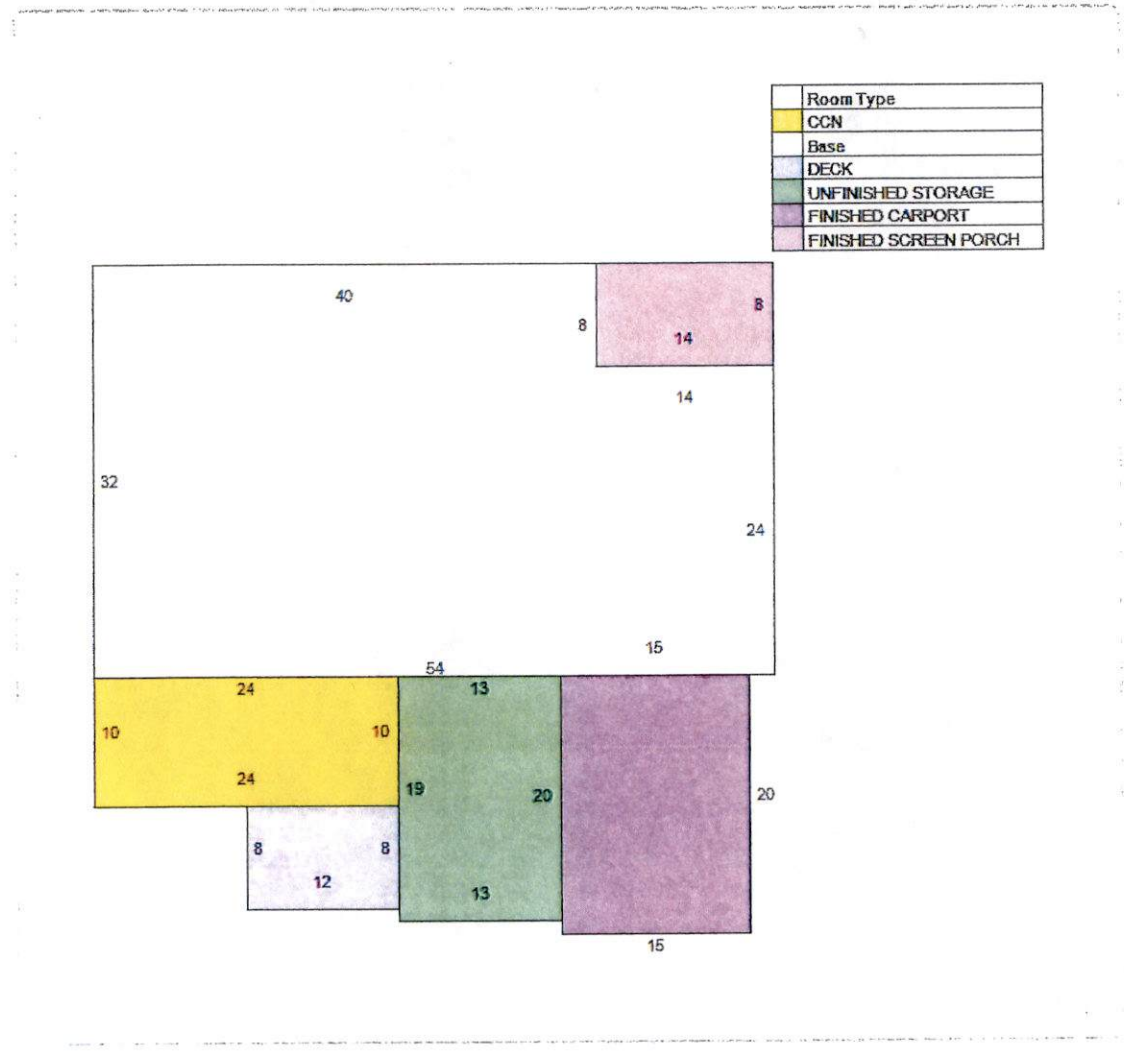
Description	Square Footage
WAREHOUSE	34860
FINISHED STORAGE/UTILITY	200
Total SqFt	35060

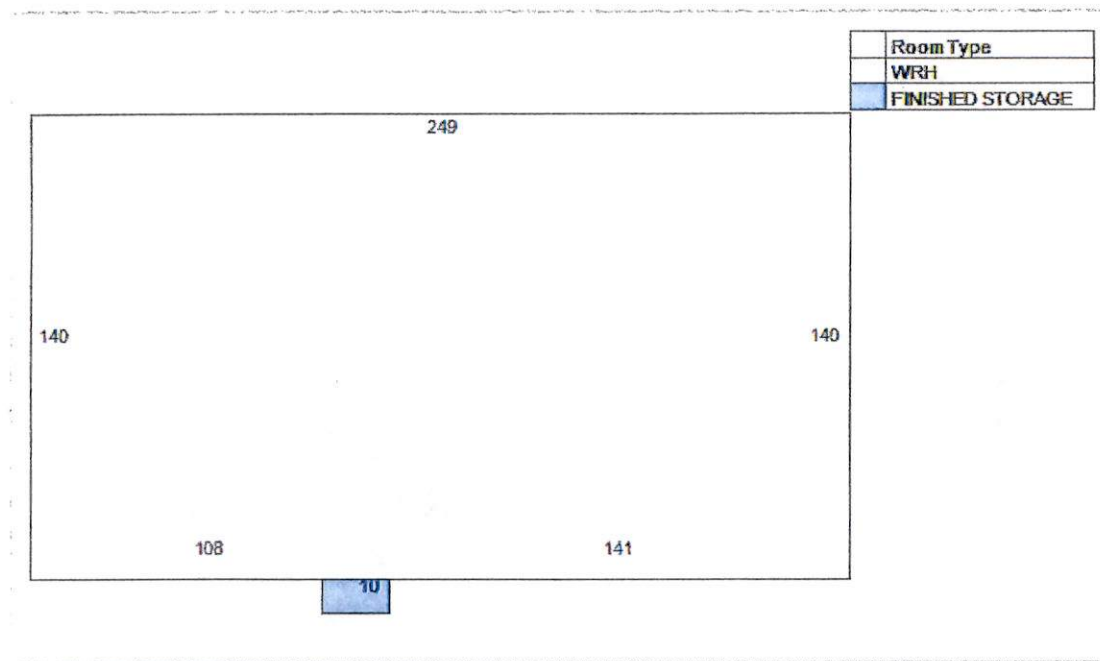
Building	2
Year Built	1950
Actual Area	2611
Conditioned Area	1616
Use	Office Class C
Style	04
Class	N
Exterior Wall	Aluminum Vinyl

Roof Cover	Metal
Roof Structure	Wood Truss
Interior Flooring	Carpet, Wood Laminate
Interior Wall	Drywall
Heating Type	Air Duct
Air Conditioning	Central
Bedrooms	
Baths	

Description	Square Footage
FINISHED SCREEN PORCH	112
FINISHED CARPORT	300
UNFINISHED STORAGE/UTILITY	247
FINISHED DECK	96
BASE AREA	1616
FINISHED CANOPY	240
Total SqFt	2611

Sketch Information





Extra Feature Information

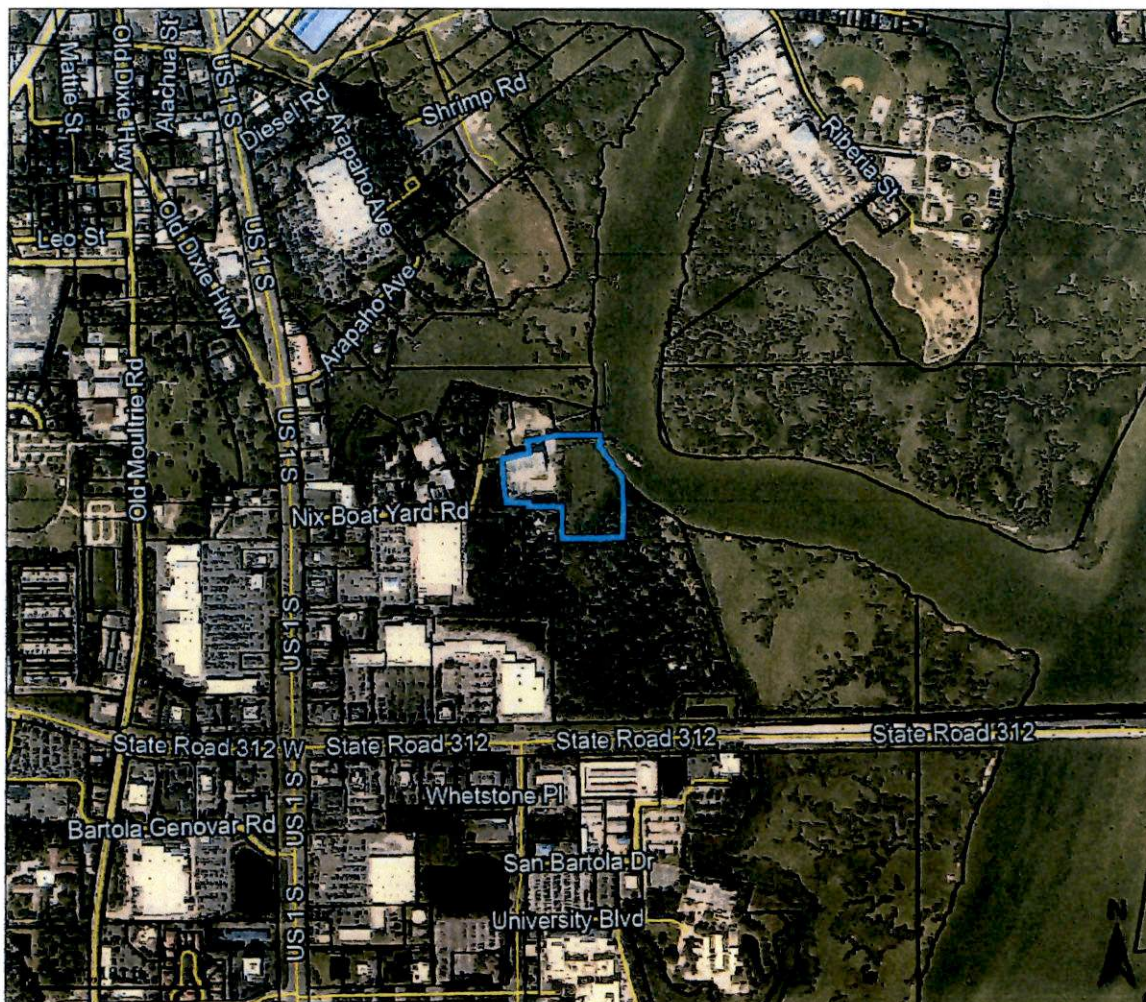
Code Description	Status	Value
Bulkhead - Excellent (Mix)		28560
Metal Fence - 6' (COM)		6194
Metal Fence - 4' (COM)		2430
Concrete Paving - Under 8" (COM)		112465
Asphalt Paving (COM)		45155
Curb (COM)		7034
Handicap Ramp (COM)		2132
Garage - Average (Mix)		30240
Sprinkler Wet (COM)		62225
Hanger Door (COM)		3294
Hanger Door (COM)		6588
Boat Dock - Average (Mix)		90066

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Transit Terminals	0	0	189050	SF	\$2,646,700
Marshes & Tidal Lands	0	0	4.05	AC	\$1,012

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
1/6/2021	12/30/2020	\$6,000,000.00	WARRANTY DEED	5144	250	U	I	CAT'S PAW MARINA LLC	BDEP CAT'S PAW LLC
	12/19/2005	\$100.00	WARRANTY DEED	2611	1138	U	I	GENOVAR PHILIP B & JENSEN SONYA G	CAT'S PAW MARINA LLC
	3/14/2005	\$295,000.00	WARRANTY DEED	2394	1862	U	I	PELLICER JONATHAN M	JENSEN SONYA G & GENOVAR PHILIP B
	2/14/2005	\$100.00	ANNEXATION	2376	914	U	I	PELLICER JONATHAN M	CITY ANNEXATION ORD 2004-12
	2/17/2000	\$100.00	QUIT CLAIM DEED	1475	44	U	I	GRADY MINA M ETAL	GENOVAR PHILIP B
	2/17/2000	\$375,000.00	WARRANTY DEED	1475	40	U	I	GRADY MINA M ETAL	GENOVAR PHILIP B
	2/2/2000	\$100.00	QUIT CLAIM DEED	1475	35	U	I	PELLICER FAMILY IRREVOCABLE TRUST	GRADY MINA M & MELANCON PHILIP J,IRENE C
	4/1/1988	\$0.00		786	619	U	I		GENOVAR PHILIP B
	3/1/1988	\$0.00		777	938	U	I		GRADY MINA M
	1/1/1980	\$0.00		464	645	U	I		



Overview



Legend



Parcel ID	1348300000	Physical	220 B NIX BOAT YARD RD	Building Value	\$2,310,290	Last 2 Sales			
Property	2000 - Transit	Address	UNIT B	Extra Feature	\$396,383	Date	Price	Reason	Qual
Class	Terminals		SAINT AUGUSTINE	Value		12/30/2020	\$6000000	35	U
Taxing	City of St	Mailing	BDEP CAT'S PAW LLC	Total Land	\$2,647,712	3/14/2005	\$295000	11	U
District	Augustine	Address	4446-1A HENDRICKS AVE	Value					
Acres	8.39		STE 120	Just Value	\$5,354,385				
			JACKSONVILLE FL 32207-0000	Total Deferred	\$924,575				
				Assessed	\$4,429,810				
				Value					
				Total	N/A				
				Exemptions					
				Taxable Value	\$4,429,810				

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

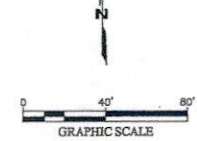
Date created: 5/5/2023

Last Data Uploaded: 5/4/2023 11:44:53 PM

Developed by  **Schneider**
GEOSPATIAL

EXHIBIT C
MAP SHOWING
SKETCH AND DESCRIPTION

OF
A PORTION OF SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST,
ST. JOHNS COUNTY, FLORIDA AS REQUESTED BY CLIENT.



SHEET 1
OF 1

CAT'S PAW MARINA
ST. JOHNS COUNTY, FLORIDA

PROJECT: CAT'S PAW MARINA
JOB NUMBER: 10250/2507
DATE: 4/21/2016
SURVEYOR: D.M. JOHNSON
TECHNICIAN: D.M. JOHNSON
DRAWING: CAT'S PAW MARINA
PAINTER: D.M. JOHNSON
FIELDBOOKS:

10250 Normandy Blvd., Suite 604
Jacksonville, FL 32221
Tel: 804.619.6630
Email: info@sam.biz
Certificate of Authorization LB7908

SAM

LP - IRON PIPE
ID - IDENTIFICATION
INV - INVERT
ELEV - ELEVATION
P(0.0) - PROPOSED ELEVATION
(0.00) - HARD ELEVATION
(0.0) - SOFT ELEVATION
(R) - RECORD
(D) - DEED
(M) - MEASURED
(C) - CALCULATED
(P) - PLAT
RCP - REINFORCED CONCRETE PIPE
CPP - CORRUGATED PLASTIC PIPE
BFE - BASE FLOOD ELEVATION
EDP - EDGE OF PAVEMENT
BOC - BACK OF CURB
O.R.B. - OFFICIAL RECORDS BOOK
R.E.# - REAL ESTATE NUMBER
FKA - FORMERLY KNOWN AS

SYMBOL
DESCRIPTION
IRON PIPE FOUND
CONCRETE MONUMENT FOUND
REBAR FOUND
MAG NAIL FOUND

GENERAL NOTES:

1. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT OR REPORT, THEREFORE THERE MAY BE ADDITIONAL MATTERS OF RECORD NOT SHOWN HEREON THAT MAY BE FOUND IN THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.
2. THIS IS A SKETCH AND DESCRIPTION ONLY AND DOES NOT PURPORT TO BE A BOUNDARY SURVEY.
3. ALL BOUNDARY INFORMATION SHOWN HEREON PROVIDED BY CLIENT PER SURVEY DONE BY BRADSHAW-NILES & ASSOC., INC. PROJECT# 718-001 DATED 09/29/2016.
4. BEARINGS CALCULATED AND MEASURED HEREON WERE OBTAINED USING GPS UTILIZING NAD83 FLORIDA STATE PLANE, EAST ZONE, US FOOT COORDINATE SYSTEM AND TRIMBLE VRS.

ANNEX PARCEL
A PARCEL OF LAND SITUATED IN THE G.W. PERPALL GRANT, SECTION 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN DEED BOOK 126, PAGE 146 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 25°21'48" WEST ALONG THE EAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 121, PAGE 72 OF SAID PUBLIC RECORDS A DISTANCE OF 200.00 FEET; THENCE NORTH 61°15'29" EAST, A DISTANCE OF 185.81 FEET; THENCE NORTH 76°15'41" EAST, A DISTANCE OF 21.48 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 07°35'45" WEST, ALONG THE EASTERLY LINE OF A 30 FOOT INGRESS AND EGRESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 3512, PAGE 317 OF SAID PUBLIC RECORDS, A DISTANCE OF 151.17 FEET; THENCE SOUTH 18°49'01" WEST, CONTINUING ALONG SAID EASTERLY LINE OF 110.28 FEET, TO A LINE 20 FEET NORTH OF AND PARALLEL TO THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN 5424, PAGE 1337 OF SAID PUBLIC RECORDS; THENCE NORTH 88°44'11" EAST, ALONG SAID LINE, A DISTANCE OF 199.49 FEET TO THE WESTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1890, PAGE 271 OF SAID PUBLIC RECORDS; THENCE NORTH 07°07'29" WEST, ALONG SAID LINE, A DISTANCE OF 100.76 FEET; THENCE NORTH 04°57'52" WEST, CONTINUING ALONG SAID WESTERLY LINE, A DISTANCE OF 178.34 FEET, TO THE NORTH LINE OF AFORESAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5424, PAGE 1337; THENCE SOUTH 76°15'41" WEST, ALONG SAID LINE, A DISTANCE OF 113.49 FEET, TO THE POINT OF BEGINNING.

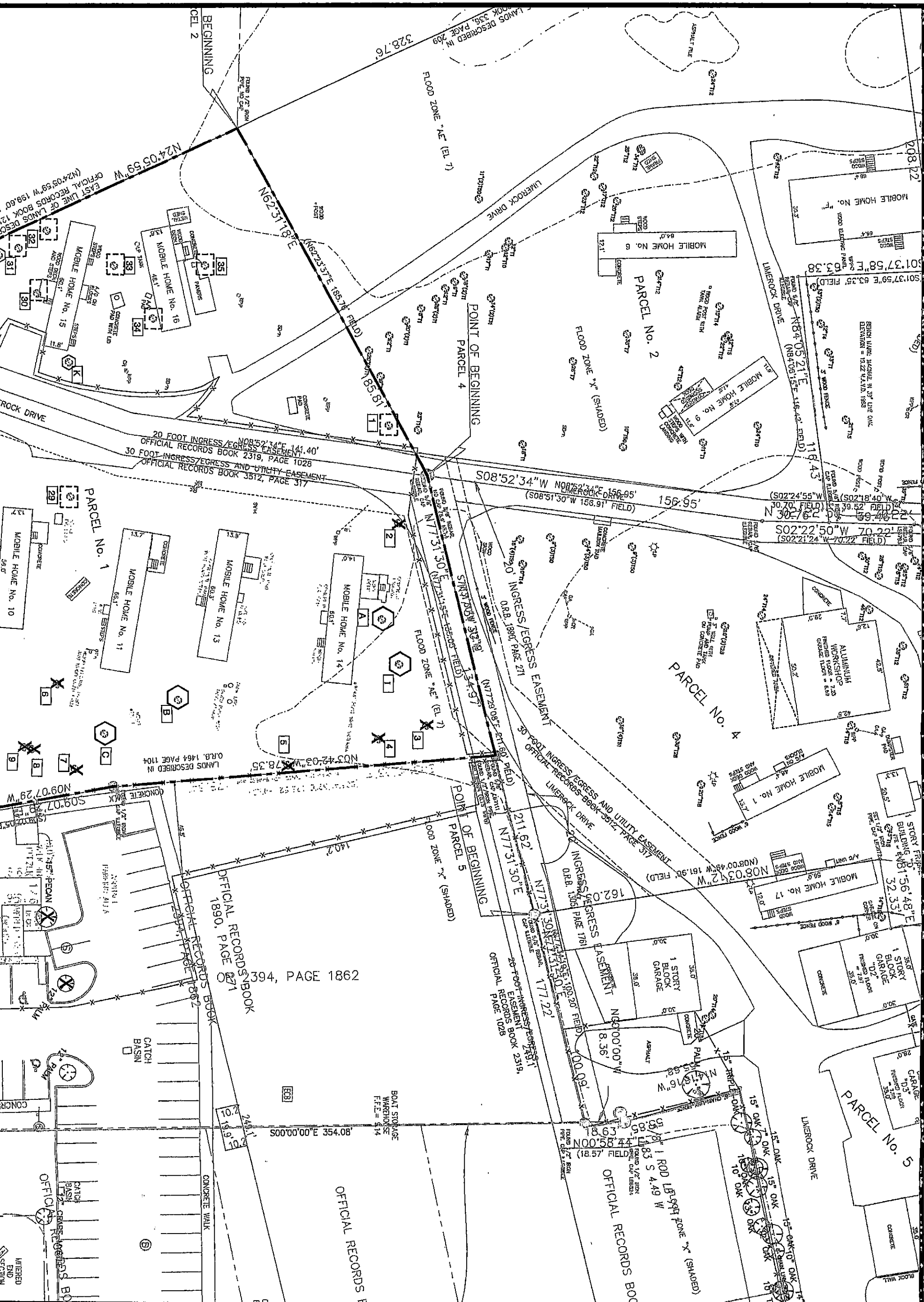
CONTAINING 38,470.7 SQUARE FEET OR 0.9 ACRES, MORE OR LESS.

ORIGINAL PROPERTY (O.R. 5144 PG 250)
A PARCEL OF LANDS AS INTENDED TO BE DESCRIBED IN OFFICIAL RECORDS 2394, PAGE 1862, OFFICIAL RECORDS 1475, PAGE 40, OFFICIAL RECORDS 1475, PAGE 44 AND OFFICIAL RECORDS BOOK 1890, PAGE 271, ALL OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, LYING IN SECTIONS 30 AND 41, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGIN AT THE SOUTHWEST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID LANDS ALSO THE SAME LANDS AS SURVEYED BY DEVINO & ASSOCIATES, DATED FEBRUARY 9, 2000 AND THE SOUTHWEST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44 AS RECORDED IN SAID PUBLIC RECORDS; THENCE NORTH 90°00'00" WEST, ALONG THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40 OF SAID PUBLIC RECORDS, A DISTANCE OF 210.00 FEET TO THE EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 2394, PAGE 1862, AND THE WESTERLY LINE OF SAID OFFICIAL RECORDS BOOK 1475, PAGE 40 OF SAID PUBLIC RECORDS; THENCE CONTINUING NORTH 90°00'00" WEST ALONG THE SOUTHERLY LINE OF THOSE LANDS AS INTENDED TO BE DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2394, PAGE 1862, A DISTANCE OF 37.00 FEET TO THE NORTHEASTERLY CORNER OF NIX BOAT YARD EXTENSION AS RECORDED IN OFFICIAL RECORDS BOOK 786, PAGE 618, OF SAID PUBLIC RECORDS; THENCE CONTINUING NORTH 90°00'00" WEST ALONG THE NORTHERLY LINE OF SAID NIX BOAT YARD EXTENSION AND ALONG THE SOUTHERLY LINE OF SAID OFFICIAL RECORDS BOOK 2394, PAGE 1862, A DISTANCE OF 105.35 FEET; THENCE NORTH 07°07'29" WEST, DEPARTING SAID NORTHERLY LINE OF SAID NIX BOAT YARD EXTENSION AND ALONG SAID EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1890, PAGE 271, A DISTANCE OF 121.02 FEET; THENCE NORTH 03°42'03" WEST CONTINUING ALONG SAID WESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271, A DISTANCE OF 178.35 FEET TO THE NORTHWEST CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271; THENCE NORTH 77°31'30" EAST ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271, A DISTANCE OF 177.21 FEET TO THE NORTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1890, PAGE 271, SAID NORTHEASTERLY CORNER ALSO BEING A POINT ON THE EASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40; THENCE NORTH 00°00'00" WEST ALONG SAID WESTERLY LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, A DISTANCE OF 18.36 FEET; THENCE NORTH 14°18'16" WEST CONTINUING ALONG SAID WESTERLY LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, A DISTANCE OF 85.68 FEET TO THE NORTHWESTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, A DISTANCE OF 203.32 FEET TO THE NORTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 40, ALSO BEING THE NORTHWESTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44 OF SAID PUBLIC RECORDS; THENCE NORTH 90°00'00" EAST, DEPARTING SAID EASTERLY LINE AND ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44, A DISTANCE OF 400 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY LINE OF THE CHANNEL OF THE SAN SEBASTIAN RIVER, AS SHOWN ON MAP BY THE CORPS OF ENGINEERS, DATED FEBRUARY 1991, FILE NO. 10-35.891 AND THE NORTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44; THENCE SOUTH 02°20'09" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE AND THE EASTERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44 AND THE SOUTHERLY EXTENSIONS THEREOF, A DISTANCE OF 844 FEET MORE OR LESS; THENCE SOUTH 00°00'00" WEST, A DISTANCE OF 399 FEET MORE OR LESS TO A POINT ON THE EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620; THENCE NORTH 00°00'00" EAST, ALONG SAID EASTERLY LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620, A DISTANCE OF 199 FEET MORE OR LESS TO THE NORTHEASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620 AND A POINT ON THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44; THENCE NORTH 89°59'54" WEST ALONG THE NORTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 786, PAGE 620 AND ALONG THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS 1475, PAGE 44, A DISTANCE OF 2.99 FEET TO THE POINT OF BEGINNING.

CONTAINING 391979 SQUARE FEET OR 9.00 ACRES, MORE OR LESS.



FLORIDA REGISTERED PROFESSIONAL SURVEYOR NO. 5613
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL, RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER



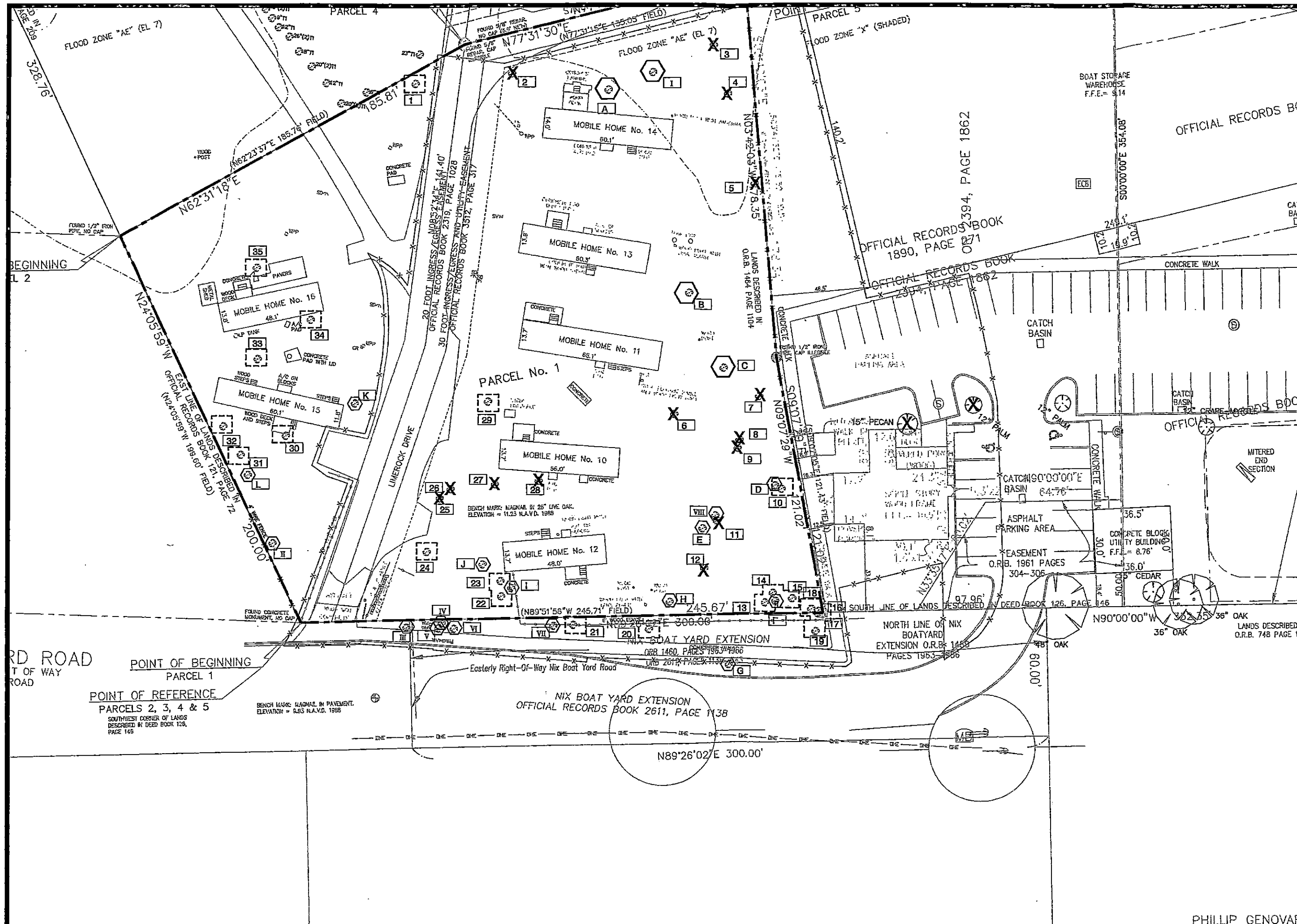
TR-1
SHEET

DATE: October 4, 2022
PROJECT NO.: 202201
DESIGNED BY: JES
DRAWN BY: JES
CHECKED BY: JES
SCALE: 1" = 20'

REVISIONS:
1
EXHIBIT D

CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

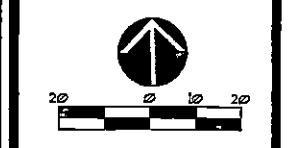
**A & K LAND PLANNING & DESIGN
Inc.**
415 SOUTH BRIDGE STREET, SUITE 200, ST. AUGUSTINE, FLORIDA 32080
TEL: 321.281.1234 FAX: 321.281.1235
WWW.AKLANDPLANNING.COM



CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

REVISIONS:

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DATE: October 4, 2022
 PROJECT NO.: 2022221
 DESIGNED BY: KSR
 DRAWN BY: KSR
 CHECKED BY: KSR
 SCALE: 1" = 20'

SHEET TITLE
TREE REMOVAL / PROTECTION PLAN

TR-3
 Page 168 of 448

Arborist Solutions Tree Table - Cats Paw Marina - Almond Engineering

Diameter	Breast	Common	
Tree #	Height	Name	Comments / Notes
Protected Trees			
A	32	Camphor	Dead - Hazardous/Dangerous (Invasive)
B	39	Live Oak	Extreme Decline - Massive Cavity from Ground to 8 ft - Hazardous/Dangerous
C	30	Magnolia	Extreme Decline - Dead Top - Massive Cavity from 4 ft to 10 ft - Hazardous/Dangerous
D	23	Live Oak	Extreme Decline - Missing Top @ 15 ft - Hazardous/Dangerous
E	25	Magnolia	Extreme Decline - Missing Top @ 18 ft - Hazardous/Dangerous
F	14	Magnolia	Extreme Decline - Missing Top @ 12 ft - Hazardous/Dangerous
G	15	Magnolia	Extreme Decline - Massive Cavity from Ground to 5 ft - Hazardous/Dangerous
H	40	Live Oak	Extreme Decline - Massive Cavity from Ground to 8 ft - Hazardous/Dangerous
I	28	Live Oak	Extreme Decline - Dead/Dying Top - Tip Dieback - Major Dead Limbs - Hazardous/Dangerous
J	12	Magnolia	Extreme Decline - Large Cavity in CoDom Union @ 6 ft - Hazardous/Dangerous
K	30	Hickory	Extreme Decline - Massive Cavity from Ground to 6 ft - Hollow Under Root Flare - Hazardous/Dangerous
L	32	Live Oak	Extreme Decline - 1 Side Dead - Large Cavity with Mushrooms @ 12 ft - Hazardous/Dangerous
Total			320 inches

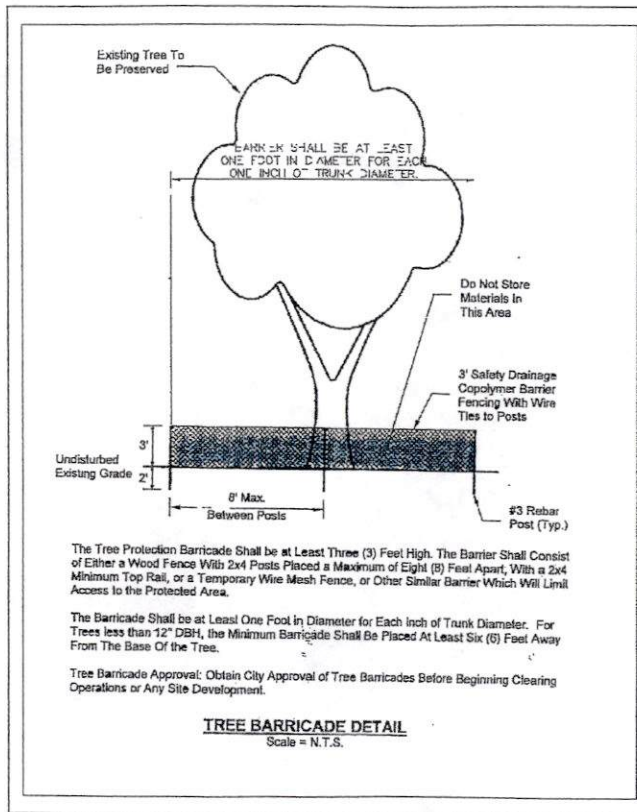
Arborist Solutions Tree Table - Cats Paw Marina - Almond Engineering

Diameter	Breast	Common	
Tree #	Height	Name	Comments / Notes
Protected Trees			
A	32	Camphor	Dead - Hazardous/Dangerous (Invasive)
B	39	Live Oak	Extreme Decline - Massive Cavity from Ground to 8 ft - Hazardous/Dangerous
C	30	Magnolia	Extreme Decline - Dead Top - Massive Cavity from 4 ft to 10 ft - Hazardous/Dangerous
D	23	Live Oak	Extreme Decline - Missing Top @ 15 ft - Hazardous/Dangerous
E	25	Magnolia	Extreme Decline - Missing Top @ 18 ft - Hazardous/Dangerous
F	14	Magnolia	Extreme Decline - Missing Top @ 12 ft - Hazardous/Dangerous
G	15	Magnolia	Extreme Decline - Massive Cavity from Ground to 5 ft - Hazardous/Dangerous
H	40	Live Oak	Extreme Decline - Massive Cavity from Ground to 8 ft - Hazardous/Dangerous
I	28	Live Oak	Extreme Decline - Dead/Dying Top - Tip Dieback - Major Dead Limbs - Hazardous/Dangerous
J	12	Magnolia	Extreme Decline - Large Cavity in CoDom Union @ 6 ft - Hazardous/Dangerous
K	30	Hickory	Extreme Decline - Massive Cavity from Ground to 6 ft - Hollow Under Root Flare - Hazardous/Dangerous
L	32	Live Oak	Extreme Decline - 1 Side Dead - Large Cavity with Mushrooms @ 12 ft - Hazardous/Dangerous
Total			320 inches

Gene Washington 904-610-1130 Certified Arborist - FL5623-A June 30, 2022

Arborist Solutions Tree Table - Cats Paw Marina - Almond Engineering

Diameter	Breast	Common	
Tree #	Height	Name	Comments / Notes
Invasive Species			
I	12	Camphor	Invasive
II	35	Camphor	Invasive
III	8	Camphor	Invasive
IV	11	Camphor	Invasive
V	8	Camphor	Invasive
VI	11	Camphor	Invasive
VII	9	Camphor	Invasive
VIII	10	Camphor	Invasive
Total			104 inches



ON SITE TREES PRESERVED:
TREE TYPE CREDITS NATIVE BONUS CREDIT TOTAL CREDIT

19" LIVE OAK	3	1	4
26" LIVE OAK	4	1	5
28" MAGNOLIA	4	1	5
15" OAK	3	1	4
10" OAK	2	1	3
10" OAK	2	1	3
15" OAK	3	1	4
13" OAK	3	1	4
12" OAK	3	1	4
30" CEDAR	5	1	6
12" OAK	3	1	4
8" OAK	2	1	3
10" OAK	2	1	3
15" CEDAR	4	1	5
18" SABAL	5	1	15
8" FAN PALM	5	1	5
8" CEDAR	3	1	4
17" LIVE OAK	3	1	4
10" LIVE OAK	2	1	3
12" CEDAR	4	1	5
15" CEDAR	4	1	5
10" LIVE OAK	2	1	3
5" LIVE OAK	1	1	2
11" LIVE OAK	2	1	3
5" LIVE OAK	1	1	2
14" HACKBERRY	3	1	4
7" LIVE OAK	2	1	3
14" CEDAR	4	1	5
6" LIVE OAK	1	1	2
26" LIVE OAK	4	1	5
12" LIVE OAK	3	1	4
15" CEDAR	4	1	5
20" OAK	4	1	5
36" OAK	4	1	5
36" OAK	4	1	5
15" CEDAR	4	1	5
48" OAK	4	1	5
12" Crape Myr	3	1	3
12" PALM	5	1	15

TOTAL PRESERVED CREDITS = 141.5 CREDITS

ON SITE TREES REMOVED	DEFICIT
27" LIVE OAK	2
18" PECAN	15
10" CEDAR	2
26" PECAN	2
30" MAGNOLIA	2
26" LIVE OAK	2
18" MAGNOLIA	15
35" MAGNOLIA	2
22" MAGNOLIA	2
27" LIVE OAK	2
24" LIVE OAK	2
28" LIVE OAK	2
63" LIVE OAK	2
12" PALM	1
15" PECAN	15

TOTAL DEFICIT = 215

TOTAL REQUIRED ON SITE MITIGATION = 215
TOTAL MITIGATION PROVIDED BY PRESERVED TREES = 141.5 CREDITS
TOTAL MITIGATION PROVIDED BY PLANTING = 67 CREDITS

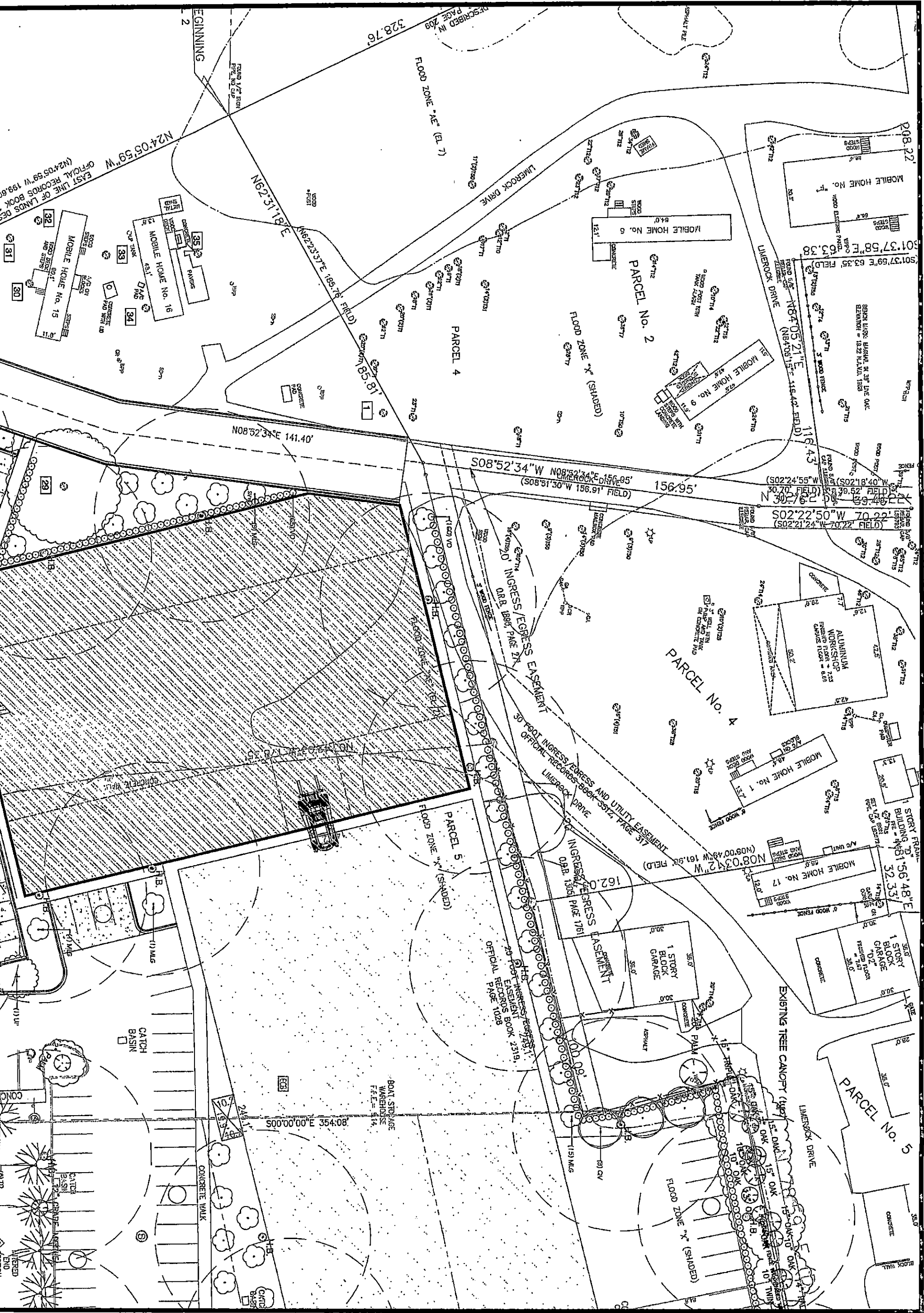


CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

REVISIONS	DATE	BY	DESCRIPTION
1			

DATE	October 4 2022
PROJECT NO.	2022.01
DESIGNED BY	K&R
DRAWN BY	K&R
CHECKED BY	K&R
SCALE	N.T.S.

SHEET TITLE
ARBORIST REPORT /
MITIGATION CALCS.



DATE: October 4, 2022
PROJECT NO.: 202201
DESIGNED BY: J.S.R.
DRAWN BY: J.S.R.
CHECKED BY: J.S.R.
SCALE: 1" = 20'

REVISIONS:
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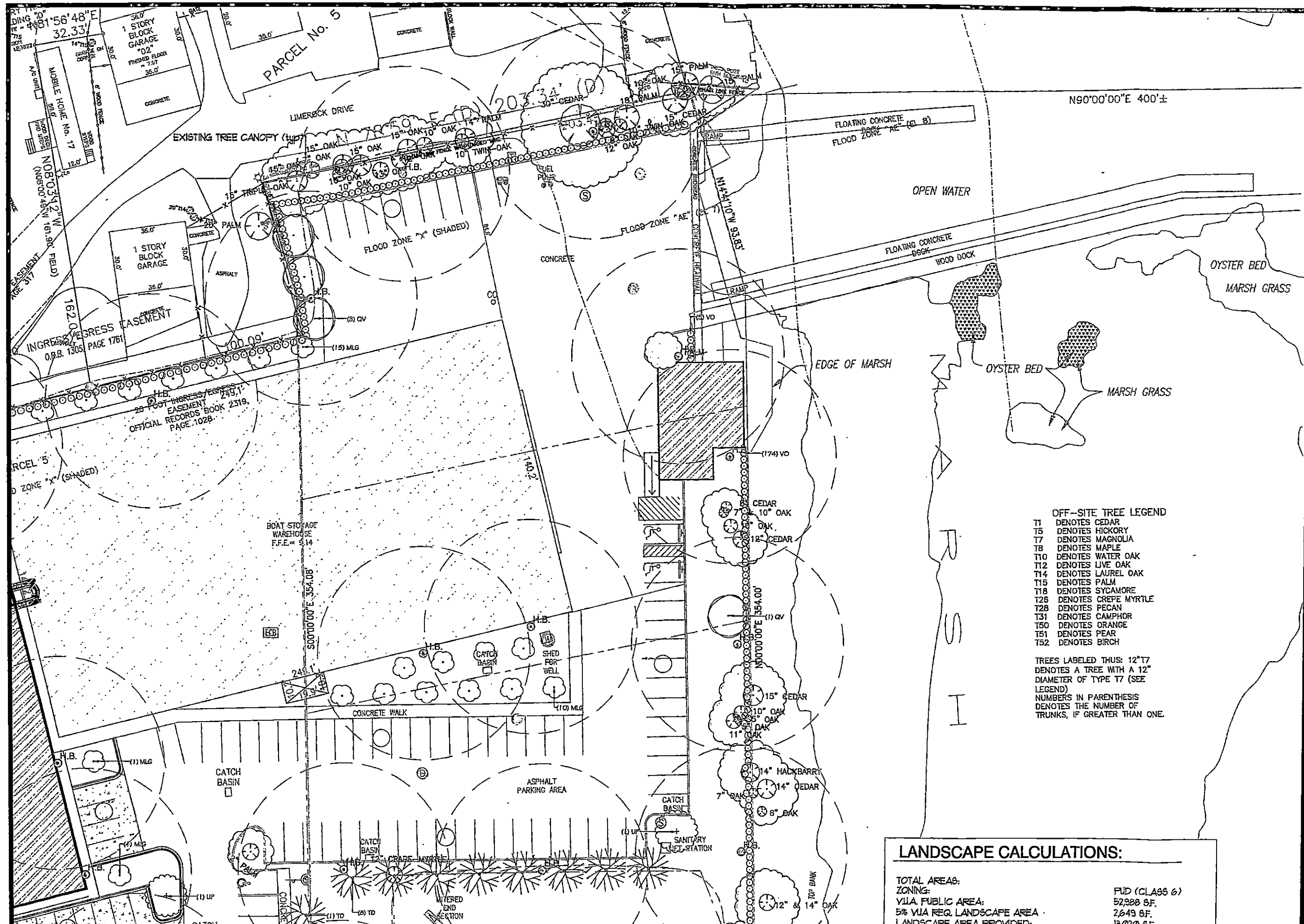
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LANDSCAPE PLAN

L-1
SHEET

CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

A & K LAND PLANNING & DESIGN
Inc.
10000 US Highway 1, Suite 100, St. Augustine, FL 32080
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- OFF-SITE TREE LEGEND
- T1 DENOTES CEDAR
 - T5 DENOTES HICKORY
 - T7 DENOTES MAGNOLIA
 - T8 DENOTES MAPLE
 - T10 DENOTES WATER OAK
 - T12 DENOTES LIVE OAK
 - T14 DENOTES LAUREL OAK
 - T15 DENOTES PALM
 - T18 DENOTES SYCAMORE
 - T26 DENOTES CREPE MYRTLE
 - T28 DENOTES PECAN
 - T31 DENOTES CAMPHOR
 - T50 DENOTES ORANGE
 - T51 DENOTES PEAR
 - T52 DENOTES BIRCH

TREES LABELED THUS: 12" T7
DENOTES A TREE WITH A 12"
DIAMETER OF TYPE T7 (SEE
LEGEND)
NUMBERS IN PARENTHESIS
DENOTES THE NUMBER OF
TRUNKS, IF GREATER THAN ONE.

LANDSCAPE CALCULATIONS:

TOTAL AREAS:
ZONING:
VIA PUBLIC AREA:
5% VIA REQ. LANDSCAPE AREA
LANDSCAPE AREA PROVIDED:

FUD (CLASS 6)
52,988 SF.
2,643 SF.
15,000 SF.



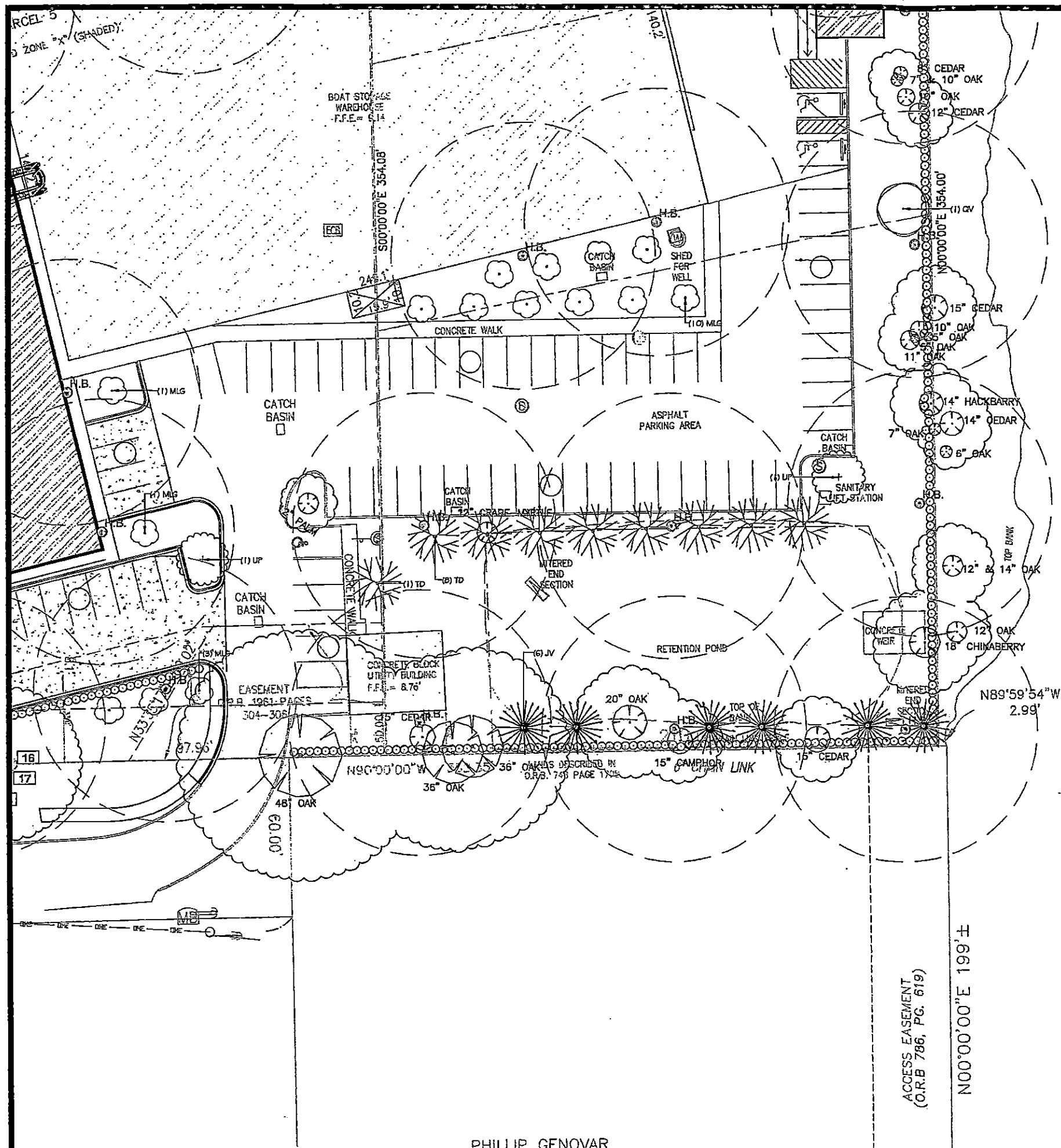
CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

REVISIONS :



DATE : October 4, 2022
PROJECT NO. : 2022-01
DESIGNED BY : KSR
DRAWN BY : KSR
CHECKED BY : KSR
SCALE : 1" = 20'

SHEET TITLE
LANDSCAPE
PLAN



- OFF-SITE TREE LEGEND
- T1 DENOTES CEDAR
 - T5 DENOTES HICKORY
 - T7 DENOTES MAGNOLIA
 - T8 DENOTES MAPLE
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 NUMBERS IN PARENTHESIS
 DENOTES THE NUMBER OF
 TRUNKS, IF GREATER THAN ONE.

LANDSCAPE CALCULATIONS:

TOTAL AREAS:	
ZONING:	FUD (CLASS 6)
VIA PUBLIC AREA:	52,988 SF.
5% VIA REQ. LANDSCAPE AREA	2,649 SF.
LANDSCAPE AREA PROVIDED:	13,020 SF.

PERIMETER AND INTERIOR TREE REQUIREMENT BREAKDOWN

VIA PUBLIC AREA:	
INTERNAL LANDSCAPE:	
1 TREE / 100 SF. = 2,649 SF. / 100 SF.	
TREES REQUIRED:	27
TREES PROVIDED:	27

PERIMETER TREES/SHRUBS NORTH SIDE:	568 LF.
5 TREES & 25 SHRUB / 100 LF. (-10% NATIVE) (type G)	
TREES REQUIRED:	26 T & 128 S
TREES PROVIDED:	26 T & 133 S

PERIMETER TREES SOUTH SIDE:	541 LF.
5 TREES & 25 SHRUB / 100 LF. (-10% NATIVE) (type G)	
TREES REQUIRED:	24 T & 122 S
TREES PROVIDED:	24 T & 116 S

PERIMETER TREES EAST SIDE:	340 LF.
5 TREES & 25 SHRUB / 100 LF. (-10% NATIVE) (type G)	
TREES REQUIRED:	16 T & 71 S
TREES PROVIDED:	16 T & 90 S

PERIMETER TREES WEST SIDE:	185 LF.
5 TREES & 30 SHRUB / 100 LF. (-10% NATIVE) (type H)	
TREES REQUIRED:	9 T & 50 S
TREES PROVIDED:	9 T & 65 S

H.B. 70 HOSEBIB WITH 50' RADIUS PER CITY OF ST. AUGUSTINE CODE



A & K LAND PLANNING & DESIGN
INCORPORATED
 401 SOUTH FLORIDA AVE. SUITE 200, ST. AUGUSTINE, FLORIDA 32080
 PHONE: 321.281.1111 FAX: 321.281.1112

CAT'S PAW MARINA
220 NIX BOAT YARD ROAD
ST. AUGUSTINE, FLORIDA

REVISIONS :

NO.	DATE	DESCRIPTION
1		



20' 0' 20'

DATE : October 4, 2022
 PROJECT NO. : 202201
 DESIGNED BY : KSR
 DRAWN BY : KSR
 CHECKED BY : KSR
 SCALE : 1" = 20'

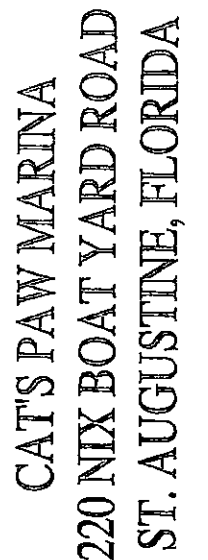
SHEET TITLE
LANDSCAPE PLAN

L-4
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1. Prior to construction the landscape contractor shall be responsible for locating all underground utilities and shall avoid damage to all utilities during the course of the work. The landscape contractor is responsible for repairing any and all damage to utilities, structures, etc. opportunities, etc., which occurs as a result of the landscape construction.
2. When conditions detrimental to plant growth are encountered, such as rubble fill, adverse drainage conditions or obstructions, notify owner's representative before planting.
3. All plants must be healthy, vigorous material, free of pests and diseases.
4. All trees, palms, and shrubs shall be grade "Florida Fancy" per Grades and Standards for Nursery Plants (parts one and two), available through Florida Dept. of Agriculture and Consumer Services.
5. All plant material must be approved by the Landscape Architect before the plant material is installed.
6. Any changes to the plant material (size, type, etc.), irrigation or any other deviations from the plans must be approved by the Landscape Architect prior to the change being implemented by the contractor. The contractor must provide written proof of authorization for any changes.
7. All plants to be grown or cultivated must be indicated on plant list. Store plants in shade and protect from weather. If plants cannot be planted immediately upon delivery, properly protect them with soil, wet peat moss, or in a manner acceptable to owner's rep. Do not remove container grown stock from containers until planting time. Protect roots of plant from drying or other possible injury. Keep plant ball moist at all times.
8. All plants shall be triangular spread.
9. Obtain agronomist soils test for all planting areas and tree pits prior to installation of tree pits. Tests shall be performed by an approved soils testing laboratory and shall include fertility and salinity analysis with written recommendations for soil amendments, fertilizer and chemical conditioner application rates for soil preparation, planting backfill mix, and post maintenance fertilization program. Submit a copy of soils report to owner's rep. and landscape architect.
10. Add soil amendments as recommended by soil test in quantities necessary to bring soil moisture to the level of the best soil. Minerals used for pH correction shall be commercially produced for this purpose.
11. All plants and planting areas must be completely mulched as specified with three (3) inches of organic mulch. Provide 4" minimum clearance of mulch from all shrub trunks and 6" minimum clearance from all tree trunks.
12. The landscape contractor is responsible for verifying all quantities shown on these plans, before pricing the work.
13. The planting to be done in accordance with acceptable horticultural practices. This is to include proper planting mix, plant and tree pit preparation, pruning, staking or guying, wrapping, spraying, fertilization, planting, and adequate maintenance throughout the required maintenance period.
14. The landscape contractor is responsible for fully maintaining all planting (including but not limited to) until the plants are fully established. This includes weeding, mowing, mulching, fertilizing and repotting of guys, resealing plants to proper grade or upright position, restoration of plant source, and furnishing and applying such sprays as necessary to keep free of insects and diseases. The landscape contractor's responsibility for maintenance (exclusive of replacement within the guarantee period) shall terminate one year from the date of final acceptance by owner and landscape architect.
15. All trees, palms, shrubs and plant material shall be warranted for a period of one year after date of completion and acceptance of the entire project. Final acceptance of all landscaping under this contract shall constitute the beginning of the guarantee period. Replace, in accordance with the drawings and specifications, all plants that are dead or, as determined by the owner's representative, are in an unhealthy or unsatisfactory condition at the time of written notice due to dead branches, or the cause due to the contractor's negligence. Furnish and plant replacements which comply with requirements shown and specified. Warrant all replacement plants for year after installation. The cost of such replacement(s) is at the contractor's expense.
16. All plants are subject to approval by the owner's representative. Prior to planting, all trees and palms must be approved by the owner or owner's rep.
17. Standards for tree and shrub material shall be Florida Fancy as per recent guideline specifications only and shall constitute minimum quality requirements for plant material.
18. At the conclusion of this planting, if the owner's rep. or owner has reason to believe that the plants are not of the specified grade, he will request a re-grading or inspection, and such inspection shall be subject to the agreement on the part of the contractor and for the action according to law, should this become necessary.
19. All planting beds to be treated with pre-emergent weed control prior to planting.
20. Contractor is to check the site weekly to insure all plant material is healthy and well watered.
21. All disturbed areas to be seeded or seeded with Paspalum notatum as noted.

PLANT SCHEDULE CAT'S PAW							
TREES	QTY	COMMON / BOTANICAL NAME	SPACING	SPECIFICATIONS	% NATIVE	POINTS PROVIDED	
JV	6	Eastern Red Cedar / <i>Juniperus virginiana</i>	AS SHOWN	10' - 12' Ht. x 5'-6' spd, 2" caliper, standard, 5' c.t. minimum	95% native	6	
MLG	46	Little Gero Dwarf Southern Magnolia / <i>Magnolia grandiflora</i> Little Gero	AS SHOWN	10' - 12' Ht. x 5'-6' spd, 2" caliper, standard, 5' c.t. minimum	60% native	46	
QV	4	Southern Live Oak / <i>Quercus virginiana</i>	AS SHOWN	10' - 12' Ht. x 5'-6' spd, 2" caliper, standard, 5' c.t. minimum	6% native	4	
TD	1	Bald Cypress / <i>Taxodium distichum</i>	AS SHOWN	10' - 12' Ht. x 5'-6' spd, 2" caliper, standard, 5' c.t. minimum	15% native	9	
UP	2	Drake Elm / <i>Ulmus parvifolia</i> Drake	AS SHOWN	10' - 12' Ht. x 5'-6' spd, 2" caliper, standard, 5' c.t. minimum	3% native	2	
					100% total native	67 points total	
SHRUBS	QTY	COMMON / BOTANICAL NAME	SPACING				
VO	444	Dwarf Nailer's Viburnum / <i>Viburnum coccineum</i> Dwarf Nailer's	36" o.c.	36" Ht. x 24" spd. minimum full c. clones	Native % = 100%		

1. MULCH ALL PLANTING BEDS WITH 3" ORGANIC MULCH.
2. ALL DISTURBED AREAS NOT OTHERWISE LANDSCAPED SHALL BE SODDED WITH BAHIA SOD.
3. ALL PLANT MATERIAL TO BE FLORIDA NO. 1 QUALITY OR BETTER.
4. NO SUBSTITUTIONS WITHOUT PRIOR WRITTEN CONSENT OF THE LANDSCAPE ARCHITECT.
5. ALL TREES AND PLANTS SHALL MEET MINIMUM SPECIFIED SIZES IN INCHES AND FEET, REGARDLESS OF CONTAINER SIZE INDICATED. WHERE DIFFERENCES OCCUR, THE LARGER SPECIFICATION SHALL PREVAIL.
6. CONTRACTOR TO VERIFY ALL QUANTITIES



REVISIONS :

DATE : October 4 2022
PROJECT NO. : 2022.B1
DESIGNED BY : KSR
DRAWN BY : KSR
CHECKED BY : KSR
SCALE : NTS

SHEET TITLE

PLANTING
DETAILS

L-5

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

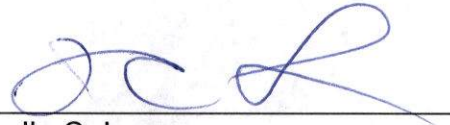
DATE: July 11, 2023

RE: **ORDINANCE 2023-22: VOLUNTARY CERTIFIED GUIDES**

Due to state preemption and at the direction of the City Commission during its June 21, 2023 special meeting, please find enclosed Ord. 2023-22 amending Chapter 17 of the City Code regarding voluntary certified guides and examination for same.

Please place Ordinance 2023-22 on the July 24, 2023 regular City Commission agenda for second reading.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Ord 2023-22: Amending Chapter 17 of the City Code regarding voluntary certified guides and examination.

ORDINANCE NO. 2023-22

AN ORDINANCE OF THE COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 17 ARTICLE V SECTION 17-121 OF THE CODE OF THE CITY OF ST. AUGUSTINE PROVIDING THE DEFINITION OF "VOLUNTARY CERTIFIED GUIDE"; AMENDING SECTION 17-122 "EXAMINATION-RULES GOVERNING"; CREATING SECTION 17-123 ESTABLISHING THE VOLUNTARY CERTIFIED GUIDE AND EXAMINATION; REMOVING SECTION 17-124 REQUIRING EXAMINATION FOR GUIDES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Augustine has previously required an examination for individuals to become tour guides in the City; and,

WHEREAS, the City Commission of the City of St. Augustine has determined that it serves the best interests of the City to promote a quality tour guide experience to accurately interpret and preserve the history of the City; and,

WHEREAS, the Florida legislature adopted Session Law 2021-214, codified under section 163.211, Florida Statutes, providing for preemption of future local regulations, and sunseting of current local testing and licensing of occupations to July 1, 2023; and,

WHEREAS, the City Commission of the City of St. Augustine has determined that tour guides may become certified through the City of St. Augustine upon taking a voluntary examination; and,

WHEREAS, the City Commission of the City of St. Augustine finds it necessary to adopt reasonable regulations that allow for guides to be certified; and,

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted.

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

Section 1. Amending Chapter 17, Article V, Section 17-121. Chapter 17, Article V, Section 17-121 of the Code of the City of St. Augustine is hereby amended, as follows:

“Sec. 17-121 Definitions.

The term “guide” as used in this article shall be taken to mean and include any person who for compensation offers to show and describe the points of interest and historical places in the city.

The term “St. Augustine certified guide” shall mean and include any guide that has successfully passed a voluntary examination for certification administered by the City of St. Augustine and complied with all other requirements of the voluntary program.”

Section 2. Amending Chapter 17, Article V, Section 17-122. Chapter 17, Article V, Section 17-122 of the Code of the City of St. Augustine is hereby amended, as follows:

“Sec. 17-122. - Examination—Rules governing.

The city manager of the city shall have authority to promulgate rules governing the voluntary examination of applicants for license as St. Augustine certified guides. The examination shall be administered at the direction of the city manager, who will determine the qualifications of applicants for the position of St. Augustine certified guide in accordance with the provisions set forth in this chapter.”

Section 3. Creating Chapter 17, Article V, Section 17-123. Chapter 17, Article V, Section 17-123 of the Code of the City of St. Augustine is hereby created, as follows:

“Sec. 17-123. St. Augustine Certified Guide and examination.

- (a) The City Manager is delegated the authority to promulgate and publish reasonable administrative rules for the health, safety and welfare of the public and administer the St. Augustine certified guide program pursuant to this Chapter. The City may publish and collect fees not to exceed the reasonable administrative costs associated with the certification of guides.
- (b) The City will issue a certificate of completion to applicants who have satisfied all the requirements of the St. Augustine certified guide program, including but not limited to, successfully passing an examination regarding their knowledge of the history of the city. This certification is valid for five (5) years, and may be renewed for successive five (5) year terms.
- (c) Guides who held a current and active guide license under the City's regulations prior to July 1, 2023 will be considered a St. Augustine certified guide under the program, but must apply for renewal of their St. Augustine

certified guide license no later than July 1, 2028, and thereafter every five (5) years. Renewals of St. Augustine certified guide licensing may include administrative requirements but will not include the requirement to take the examination again. Failure to timely renew their license will result in the applicant having to qualify under all the administrative requirements of the program as well as pass the examination.

(a)(d) Any individual who did not hold a guide license from the City prior to July 1, 2023 and seeks to become a St. Augustine certified guide must comply with all the administrative requirements of the program and pass the City's certified guide examination in order to be licensed as a St. Augustine certified guide. Renewals of the St. Augustine certified guide licensing may include administrative requirements but will not include the requirement to take the examination again.

(e) The City may publish at City hall and on its website the names of individuals who have successfully completed the St. Augustine certified guide program for the benefit of public health, safety, and welfare. It is a violation of this section for an individual who has not successfully completed the terms of the St. Augustine certified guide program, and any renewals, to hold themselves out to be a St. Augustine certified guide.

(b)(f) All guides, whether holding the St. Augustine certified guide designation or not, must pay the business tax receipt fee on an annual basis pursuant to Sec. 17-126.

(e)(g) Offenses under this section shall be punishable by a civil penalty as provided in Section 1-8 of this code.

Section 4. Repealing Chapter 17, Article V, Section 17-124. Chapter 17, Article V, Section 17-124 of the Code of the City of St. Augustine is hereby repealed in its entirety, as follows:

~~"Sec. 17-124. -- Same -- Nature of examination; requirements generally.~~

~~Licenses shall be issued only to persons eighteen (18) years of age or older who otherwise meet the standards established within this chapter. Licenses for guides will only be issued when applicants therefor have passed satisfactorily the examination as to their knowledge of the history of the city; the names and location of streets and highways; and the locations, proper designations and history of the various points of historical and general interest within the city and its vicinity. Successful applicants shall not be required to retake the examination provided they comply with all the provisions of this article and their licenses are not revoked."~~

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of

competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 6. Inclusion in Code. It is the intention of the City Commission that the provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine, and that the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 7. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of St. Augustine, Florida, this _____ day of _____, 2023.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, AICP
City Manager

DATE: July 12, 2023

RE: **Ordinance 2021-18 – City of St. Augustine Responsible Alcohol Beverage Service Regulations – First Reading**

Please place the attached Ordinance 2021-18 on the July 24, 2023, City Commission agenda for First Reading.

This ordinance was originally developed in 2021 to establish regulations and procedures to require business establishments that are serving alcohol to participate in certain programs, meet certain requirements and obtain a “permit” to sell alcohol after 12:00 am. An initial first reading on this ordinance was held on August 9, 2021.

It was determined that it was in the city’s interest to maintain and preserve a safe, healthy, vibrant, and balanced atmosphere within the city especially between the hours of 12:00 am and 2:00 am. This is in an interest to balance residential uses and neighborhoods and other safety concerns in the city. The city determined that there had been a noticeable increase in costs to services such as police response and maintaining sanitary conditions as a result of the sale and consumption of alcoholic beverages by individuals who consume to the point of intoxication, particularly after 12:00 am.

The city engaged a firm, Responsible Hospitality Institute, to look at the situation and conditions especially in the downtown area, and develop recommendations based on community engagement. This report was completed in June of 2022.

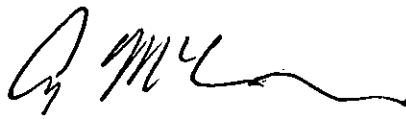
After further consideration the city has revised the original proposed ordinance, eliminating some regulations that seemed beyond the city’s objectives or purview, and to focus more on setting protocols for alcoholic beverage establishments and the establishment of a required “extended hours of operation permit” for those alcoholic beverage establishments choosing to operate and sell alcoholic beverages for consumption on the premises between the hours of 12:00 am and 2:00 am.

Some time has passed since the original first reading therefore staff intends to hold another First Reading on July 24th, a workshop to present the proposed ordinance to interested citizens and business entities potentially impacted, and then bring the ordinance back to the City Commission for a Second Reading and Public Hearing. This, of course, is dependent on the City Commission action at first reading on July 24, 2023.

This item has been reviewed by the City Attorney. The City Attorney has made additional edits including removing any changes to Section 4-5 previously included in the ordinance. This section pertains to State law; therefore no changes are necessary.

Please find attached the revised ordinance proposed for First Reading, the original ordinance in redline format including minutes from the August 9, 2021, City Commission meeting, and the *Sociable City Assessment* Summary and full reports dated June 1, 2022.

If you have any questions or require additional information, please let me know.

A handwritten signature in black ink, appearing to read 'Amy McClure Skinner', written over a horizontal line.

Amy McClure Skinner, AICP
Director
Planning and Building Department

**Ordinance 2021-18 City of St. Augustine “Nightlife” Ordinance -
First Reading**

ORDINANCE NO. 2021-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 4-1 PROVIDING DEFINITIONS; AMENDING SECTION 4-3 PROVIDING FOR RESTRICTED HOURS OF SALE AND OPERATION; PROVIDING FOR EXTENDED HOURS OF OPERATION PERMITS; ESTABLISHING PERMIT REQUIREMENTS; ESTABLISHING VIOLATIONS; PROVIDING FOR HEARINGS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City has received a number of complaints concerning certain alcohol beverage establishments operating after midnight and the impact that they have on the public health and safety of city residents; and

WHEREAS, the City of St. Augustine adopted a Strategic Plan Initiative, September 2020, to initiate planning to preserve a safe, healthy, vibrant, and balanced historic downtown character; and

WHEREAS, the City of St. Augustine benchmarked comparable municipalities policies, procedures and sought the input of the Responsible Hospitality Institute on the proper oversight required to maintain a livable, vibrant, and sociable city; and

WHEREAS, the City of St. Augustine has engaged in multiple meetings with affected stakeholders and residents of the city; and

WHEREAS, the City of St. Augustine has experienced increased law enforcement costs as a result of the sale and consumption of alcoholic beverages by individuals who consume to the point of intoxication, and particularly after 12:00 a.m.; and

WHEREAS, the City's law enforcement personnel must respond to a greater number of calls for service directly resulting from the need to keep the peace after 12:00 a.m.; and

WHEREAS, Chapter 562.14 of Florida Statutes authorizes a municipality to regulate the hours of operation, ; and

WHEREAS, the City of St. Augustine has experienced increased trash, public littering, and inebriated public bodily functions from late night bar patrons, increasing the burden on public works and its ability to maintain the cleanliness of public streets, sidewalks, and rights-of-way; and

WHEREAS, the City Commission for the City of St. Augustine finds it is in the best interest of the residents, visitors, and business community of the City to encourage responsible alcohol beverage establishments by providing for regulation of alcohol beverage establishments after 12:00 a.m.; and

WHEREAS, the City Commission for the City of St. Augustine finds that an Extended Hours of Operation Permit and regulations related thereto are the exercise of its police power and legislative function to regulate the hours of operations for alcohol beverage establishments; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 4, Section 4-1. Chapter 4, Section 4-1 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 4-1. - Definitions.

- (1) Alcoholic Beverage for purposes of this section shall mean distilled spirits and all beverages containing one-half of one percent or more alcohol by volume or as provided in F.S. § 561.01, as amended. For the purposes of this chapter, the definition of Alcoholic Beverage includes beer, wine, or liquor.
- (2) Alcoholic Beverage Establishment shall mean any place of business, and its owners, located in the city which allows for Alcoholic Beverages to be sold for consumption on the premises.
- (3) Curfew shall mean a regulation requiring people to generally remain indoors between specified hours, typically at night. Curfews may be issued during public health or weather emergencies, crises, or civil unrest by a competent authority.

- (4) Establishment shall have the same meaning as Alcoholic Beverage Establishment.
- (5) Extended Hours of Operation Permit shall mean a permit issued by the City of St. Augustine that allows an Alcoholic Beverage Establishment to operate and sell Alcoholic Beverages for purposes of consumption on the premises between the hours of 12:00 a.m. and 2:00 a.m.
- (6) Last Call shall mean the time when customers in an Alcoholic Beverage Establishment are told that they may order only one more Alcoholic Beverage before the Establishment closes.
- (7) Mandatory Evacuation shall mean a situation where emergency management officials put maximum emphasis on encouraging evacuation and limiting ingress to potentially affected areas.
- (8) Mandatory Evacuation Zone shall mean an area that may be inundated by an abnormal rise of water pushed onto shore by a hurricane or storm event or other natural or manmade disaster.
- (9) Restaurant shall mean any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared before being delivered to another location for consumption as defined in F.S. § 509.013(5)(a), as amended. For the purposes of this chapter, the definition of a restaurant shall include any business with a special food service establishment license issued by the Division of Alcohol and Tobacco of the Florida Department of Business and Professional Regulation.
- (10) Sale and Sell shall mean and include not only selling but also consuming, serving, and/or permitting to be served or consumed, any alcoholic beverages.
- (11) Special Magistrate shall mean a person designated as the Special Magistrate by the City Commission under the authority of section 2-340 of this Code. In the event that a Special Magistrate is unavailable or has a conflict in a particular case, the city may elect to prosecute a violation utilizing all available legal avenues.
- (12) Transfer of Ownership shall mean a transfer of a license, change of officers or directors, or transfer of interest as defined and regulated under the provisions F.S. § 561.32, as amended.

Section 2. Amendment to Chapter 4, Section 4-3. Chapter 4, Section 4-3 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 4-3 – Hours of sale.

- (a) Applicability. The provisions of this section shall apply to any place of business holding a license allowing for consumption on premises of Alcoholic Beverages under the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation within the corporate limits of the city.

(b) *Restricted hours of sale and operation.* Except as provided in section 4-3(c), no Alcoholic Beverage Establishment licensed under the state alcoholic beverage laws to sell Alcoholic Beverages, shall Sell or offer for Sale, or serve or offer to serve, any Alcoholic Beverages of any kind, regardless of alcoholic content, or be open for operation, on any day of the week between the hours of 12:00 a.m. and 7:00 a.m.

- (1) *Last Call procedures:* All Establishments that sell or serve Alcoholic Beverages will have a "Last Call" for the sale of alcohol, but there will no further Sale of Alcoholic Beverages one-half hour prior to the applicable closing time of the Establishment, whether the closing time is set by city code, by a use by exception permit granted by the Planning and Zoning Board, or an Extended Hours of Operation Permit. All Alcoholic Beverage Establishments shall have a Last Call policy for the final consumption of Alcoholic Beverages and patron egress. At the time of Last Call, only one Alcoholic Beverage per person may be purchased.
- (2) *Staff:* All Alcoholic Beverage Establishments shall prohibit staff drinking or shift drinking of Alcoholic Beverages by servers and bartenders while they are on duty.
- (3) Alcoholic Beverage Establishments whose hours are restricted by a use by exception permit granted by the Planning and Zoning Board are not eligible for an extended hours permit, to the extent that the extended hours period conflicts with the use by exception-limited hours and must adhere to the conditions established by the use by exception permit.
- (4) Alcoholic Beverage Establishments residing within a Mandatory Evacuation Zone shall cease the sale of Alcoholic Beverages during the duration of any Mandatory Evacuation issued by any local, state, or federal authority until such time as the order is lifted.
- (5) All Alcoholic Beverage Establishments shall abide by Curfew hours, as ordered by a local, state, or federal official that is legally authorized to establish a Curfew.
- (6) *Sound:* All Alcoholic Beverage Establishments shall ensure that sound derived from entertainers for entertainment purposes, not to include non-amplified conversations by patrons, are encapsulated within the walls of their Establishment with all doors and windows closed, or directed towards OSHA-certified sound barrier devices if it is not possible or feasible to encapsulate the sound within the Establishment's walls, beginning at 10:00 p.m., Sunday through Thursday, and 12:00 a.m., Friday and Saturday. Likewise, amplified and reproduced sound by way of speaker or electronic means is not permitted in the exterior/open air venue of the Establishment after 10:00 p.m., Sunday through Thursday, and 12:00 a.m., Friday and Saturday. All Alcoholic Beverage Establishments shall remain compliant with noise control ordinances as published in Chapter 11, Article IV of the Code.

(c) *Extended Hours of Operation Permit* is required for Alcoholic Beverage Establishments to sell Alcoholic Beverages between the hours of 12:00 a.m. and 2:00 a.m.

- (1) *Permit required.* Any Alcoholic Beverage Establishment licensed under the state alcoholic beverage laws to sell, offer for sale, or deliver Alcoholic

Beverages, for purposes of consumption on the premises desiring to remain open to sell, offer for sale, or deliver Alcoholic Beverages for the purpose of consumption on the premises between the hours of 12:00 a.m. and 2:00 a.m., but in any case no later than 2:00 a.m., on any day of the week, shall make application with the Planning and Building Department for an Extended Hours of Operation Permit.

- (2) The Alcoholic Beverage Establishment shall complete an application form provided by the city, including, but not limited to, the name and street address where notices related to this section are to be mailed. An annual fee, in an amount set by resolution of the city commission and payable upon issuance, shall be charged for the permit. The application form shall include, but not be limited to, the following information.
 - a. Name and street address of the owner of the Alcoholic Beverage Establishment.
 - b. Valid business tax receipt for the Alcoholic Beverage Establishment.
 - c. Verification of compliance by the Alcoholic Beverage Establishment with city zoning regulations.
 - d. Specific type of state alcoholic beverage license held by the Alcoholic Beverage Establishment.
 - e. If the Establishment holds a state alcoholic beverage license other than a 4-COP Quota License, or its equivalent, the Establishment shall submit a copy of the proposed seating diagram, to include any proposed dining area.
- (3) The city manager or designee shall review the application and, if the application is complete, and the Alcoholic Beverage Establishment is in compliance with the Code of Ordinances, a permit shall be issued allowing the Alcoholic Beverage Establishment to sell Alcoholic Beverages, as restricted by the alcoholic beverage establishment's state beverage license, for purposes of consumption on the premises, between the hours of 12:00 a.m. and 2:00 a.m. on every day of the week.
- (4) Extended Hours of Operation Permit requirements. In addition to the permit application the following requirements must be shown by the Alcohol Beverage Establishment.
 - a. Responsible Beverage Service Program: All permit applicants will provide at least one proof that a member of staff has completed a Responsible Beverage Service Training Program within the previous 12 months. All permit applicants must provide a certification of completion at the time of application/renewal and within 5 business days of a request to provide the certification by the City. The standards and curriculum of alcohol server education courses shall include but not be limited to the following:
 1. Alcohol as a drug and its effects on the body and behavior, especially driving ability.
 2. Effects of alcohol in combination with commonly used legal, prescription or nonprescription, drugs and illegal drugs.
 3. Recognizing the problem drinker and community treatment programs and agencies.

4. State alcohol beverage laws such as prohibition of sale to minors and sale to intoxicated persons, sale for on-premises or off-premises consumption, hours of operation and penalties for violation of the laws.
 5. Drunk driving laws and liquor liability statutes.
 6. Intervention with the problem customer including ways to cut off service, ways to deal with the belligerent customer and alternative means of transportation to get the customer safely home.
 7. Advertising and marketing for safe and responsible drinking patterns and standard operating procedures for dealing with customers.
 - b. Security: All Alcoholic Beverage Establishments shall provide appropriate security coverage based upon the nature of each night's events. Security coverage can be met by the human element of security officers or the presence of security cameras.
 - c. Last Call Procedures: All Alcoholic Beverage Establishments with an Extended Hours of Operation Permit will have Last Call at 1:30 a.m. for the sale of Alcoholic Beverages. The period between 1:30 a.m. and 2:00 a.m. will be for the final consumption of Alcoholic Beverages only.
 - d. Daylight Savings Time: All Extended Hours of Operation Permit holders shall cease the sale of Alcoholic Beverages at 2:00 a.m. and shall not operate during the additional hour due to the cessation of Daylight Savings Time.
- (5) Such permit shall be renewed with the city annually, corresponding with the renewal of the establishment's Business Tax Receipt renewal, unless any of the following occur:
- a. The permit is under suspension at the time of renewal.
 - b. The Alcoholic Beverage Establishment's state beverage license has been revoked or suspended; or
 - c. A Transfer of Ownership or a change in location of the establishment has occurred, and this information was not provided to the city through a new permit as described in subsection (6) below.
- (6) The city shall be notified immediately, and the Alcoholic Beverage Establishment shall apply for a new permit if a Transfer of Ownership or a change in location of the Establishment has occurred. Until such time as the Alcoholic Beverage Establishment makes application, is approved, and receives a new permit, the privilege of extended hours for the sale of Alcoholic Beverages shall be suspended. Failure to renew the Extended Hours of Operation Permit on or before the 30th day of September of each year, or to pay the annual fee as set by resolution of the city commission, shall be cause for the immediate suspension of extended hours privileges pursuant to section 4-3(d), including any penalties described therein.
- (7) No Alcoholic Beverage Establishment is authorized to sell or serve Alcoholic Beverages for purposes of consumption on the premises after 12:00 a.m. unless it possesses a valid Extended Hours of Operation Permit from the city. No Alcoholic Beverage Establishment is authorized to sell or serve Alcoholic Beverages, or be open for operation, after 2:00 a.m. and before 7:00 a.m. on any day of the week.

(8) The provisions of this section shall not impair or affect the right of an Alcoholic Beverage Establishment with a state alcoholic beverage license to remain open and Sell Alcoholic Beverages between the hours of 7:00 a.m. and 12:00 a.m.

(d) *Notice of violations, hearings, and penalties.* The ability of an Alcoholic Beverage Establishment to Sell, offer for Sale, deliver, or permit to be consumed upon the premises any Alcoholic Beverage Establishment between the hours of 12:00 a.m. and 2:00 a.m. on any day of the week is hereby declared to be and is a privilege subject to suspension, and no person may reasonably rely upon a continuation of that privilege. As a condition of the continuation of the privilege, Alcoholic Beverage Establishments are required to take all necessary steps to minimize negative impacts of their activities and by their patrons and staff on surrounding residential and commercial properties and illegal activities.

(1) *Illegal activities included.* The following is a representative, but not all-inclusive, list of activities that may result in suspension of the privilege of extended hours of operation for authorized Alcoholic Beverage Establishments to sell Alcoholic Beverages for purposes of consumption on the premises:

- a. Activities requiring a police response that occur on or adjacent to the premises of an Alcoholic Beverage Establishment. Particular emphasis will be given to illegal activities of the owner, employees, patrons of the Establishment, or others associated with the Establishment; including, but not limited to, the use, Sale, or delivery of controlled substances, allowing underage drinking, continuing to sell Alcoholic Beverages after closing time, violation of open container or drinking in public laws of the state or city ordinances, serving Alcoholic Beverages to intoxicated persons, violations of the Florida Fire Prevention Code, any violations of this chapter, or other violations of law during all hours of operation. The city shall consider whether the need for police services is the result of the Establishment's failure or inability to maintain proper order and control during all hours of operation.
- b. Failure to maintain the elements meeting the definition of a Restaurant which possesses a Special Food Service (SFS) license for consumption on premises state alcoholic beverage license as addressed under the provisions of section F.S. § 561.20 and 565.045, as amended.
- c. Complaints verified and documented by a police officer, code enforcement officer, or fire department official arising from adverse effects of extended hours of operation upon neighboring properties, including, but not limited to, excessive noise, illegal parking, vandalism, public urination, defecation, or vomiting, generation of trash or garbage on or adjacent to the Alcoholic Beverage Establishment, disruptive behavior affecting the public's quiet enjoyment by intoxicated persons served at the Alcoholic Beverage Establishment, or exterior lighting on neighboring residential properties.
- d. Violations of any provisions of the City of St. Augustine Code of Ordinances; including, but not limited to, Chapter 11, Article IV, relating to noise and sound limitations.

- e. Failure to obtain an Extended Hours of Operation Permit, or failure to renew the permit as required.
 - f. Violations of state statutes and/or fire codes related to the maximum permissible occupancy at the Alcoholic Beverage Establishment location.
 - g. Sales by employees during prohibited hours. No person, or any agent, servant, or employee of any person licensed under the state alcoholic beverage laws shall Sell, or offer for Sale, any Alcoholic Beverage of any kind during prohibited hours.
 - h. Gifts. It is a violation of this section for any person, or any agent, servant or employee of any person licensed under the state alcoholic beverage laws, during prohibited hours as set forth in this section, to gratuitously give any kind of Alcoholic Beverage, whether conditioned upon the purchase of any kind of Alcoholic Beverage or product of any nature, at any inflated price or otherwise, or in the form of a so-called bonus predicated upon another purchase, or as a gift.
- (2) Successive violations. In order to invoke the enforcement provisions of this section, a violation must be traceable to the particular Alcoholic Beverage Establishment against which action is taken and must be verified and documented by a police officer, code enforcement officer, or fire department official.
- a. 1st notice of violation. Except as provided, a 1st notice of violation by an Alcoholic Beverage Establishment and/or its employee of any section of this Chapter or state statutes shall result in a written notice of violation that will not require an appearance before the Special Magistrate. The Establishment must cure the violation as identified in the 1st notice of violation as directed in the written notice of violation. Issuance of a written 1st notice of violation for a violation of this section shall not prevent the prosecution of a violation against the Alcoholic Beverage Establishment or any person with any other violation of state statutes or city code. The 1st notice of violation shall be issued by a police officer, code enforcement officer, or fire department official. The 1st notice of violation shall be sent certified mail to the property owner at the address listed in the tax collector's office or property appraiser's database and may be left with the owner, proprietor, manager, or highest-ranking employee then on the premises of the Alcoholic Beverage Establishment. If the 1st notice of violation is the result of a felony criminal offense being committed on the premises, or the incident resulting in a felony criminal offense being committed began on the premises of the Establishment, the 1st notice of violation may be presented to the Special Magistrate for consideration of the suspension of the Extended Hours of Operation Permit.
 - b. 2nd or subsequent notice of violation. Any subsequent violation of this chapter or state statutes by an Alcoholic Beverage Establishment and/or its employee shall result in a written 2nd or subsequent numbered notice of violation. Subsequent notices of violation shall be issued by a police officer, code enforcement officer, or fire department official. All subsequent notices of violation will result in hearing before the city's Special Magistrate. All notices of violation and notices of hearing shall be in accordance with code enforcement notification Issuance of a 2nd or subsequent notice of violation

for a violation of this section shall not prevent the prosecution of violations against the Alcoholic Beverage Establishment or any person with any other violation of state statutes or city code..

- c. Special Magistrate. All 2nd and subsequent notices of violation shall be taken before the city's Special Magistrate for consideration of suspension of the Alcoholic Beverage Establishment's Extended Hours of Operation Permit. The Special Magistrate shall exercise jurisdiction over such matters as set forth in chapter 2, article VI of the Code of Ordinances of the City of St. Augustine. The city may also prosecute code violations in any other legally available procedure.
- d. Action by the Special Magistrate. Upon completion of the hearing, the Special Magistrate shall enter an order that either no action shall be taken against the Alcoholic Beverage Establishment's Extended Hours of Operation Permit, or that the Extended Hours of Operation Permit is be suspended due to a violation of the terms of use.
 1. A suspension of the Extended Hours of Operation Permit for a first finding of violation by the Special Magistrate shall be for up to sixty (60) consecutive calendar days based on the severity of the violation(s).
 2. A second finding of violation of the Extended Hours of Operation Permit by the Special Magistrate within one hundred eighty (180) days of issuance of the first notice of violation regardless of whether the first notice of violation was heard by the Special Magistrate and regardless of findings shall be suspended for no less than thirty (30) days nor more than (90) consecutive calendar days based on the severity of the violation(s).
 3. A third and any subsequent finding of violations occurring within one-year (365 days) of the date of completion of the most recent suspension period shall result in revocation of the Extended Hours of Operation Permit.
 4. In addition to any suspension of the Extended Hours of Operation Permit, the matter may be referred to prosecution pursuant to chapter 162, Florida Statutes.

The Special Magistrate shall base his/her ruling upon substantial, competent evidence presented. The Special Magistrate's written order of suspension of the Extended Hours of Operation Permit shall state the effective date of suspension and shall give the Alcoholic Beverage Establishment at least (10) ten calendar days' notice of the suspension. (e) Failure of alleged violator to appear. If an Alcoholic Beverage Establishment served with a notice of violation fails to appear at the hearing after having received proper notice, the Special Magistrate shall take testimony from city staff, and other relevant testimony, as available, and shall enter an order either that no action shall be taken against the Alcoholic Beverage Establishment's Extended Hours of Operation Permit, or that the Extended Hours of Operation Permit shall be suspended for a period of time as set forth in this chapter. A order that the Extended Hours of Operation Permit be suspended or revoked shall take effect on the eleventh calendar day after the order is issued and mailed to the Alcoholic Beverage Establishment. The enforcement of such

order issued after failure of Alcoholic Beverage Establishment to appear shall be stayed if the Alcoholic Beverage Establishment files a request for an appeal with the COSA within 30 calendar days of the order.

(f) *Suspension.* Any Alcoholic Beverage Establishment that has had an Extended Hours of Operation Permit suspended cannot avoid the consequences of the Special Magistrate's action by changing its business name or corporate status, as set forth in section 561.32, Florida Statutes.

(g) *Enforcement procedures.* The enforcement procedures contained herein are alternative procedures, and the city reserves the right to arrest, prosecute, or take action utilizing alternative procedures authorized by law.

Section 3. Inclusion in Code. The City Commission intends that the provisions of this Ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this Ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 4. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Severance of Invalid Provisions. In the event that any section, subsection, sentence, clause, phrase, word, term or provision of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid, unconstitutional or unenforceable or involved for any reason whatsoever, any such invalidity, unconstitutionality, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2023.

ATTEST:

Nancy Sikes-Kline, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

Redline Previously Proposed Ordinance

ORDINANCE NO. 2021-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 4-1 PROVIDING DEFINITIONS; AMENDING SECTION 4-3 PROVIDING FOR RESTRICTED HOURS OF SALE AND OPERATION; PROVIDING FOR EXTENDED HOURS OF OPERATION PERMITS; ESTABLISHING PERMIT REQUIREMENTS; ESTABLISHING VIOLATIONS; PROVIDING FOR HEARINGS; AMENDING SECTION 4-5 PROVIDING FOR CONSISTENT TERMINOLOGY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the City has received a number of complaints concerning certain alcohol beverage establishments licensed under the state beverage laws which operate as de-facto bars or lounges by operating in violation of applicable state beverage laws; and

WHEREAS, the City of St. Augustine adopted a Strategic Plan Initiative, ~~February 6, 2019~~ **September ??, 2020**, to initiate planning to preserve a safe, healthy, vibrant, and balanced historic downtown character; and

WHEREAS, benchmarked comparable municipalities policies, procedures and sought the input of the Responsible Hospitality Institute on the proper oversight required to maintain a livable, vibrant, and sociable city; and

WHEREAS, the City of St. Augustine has engaged in multiple meetings with affected stakeholders and residents of the city; and

WHEREAS, the City of St. Augustine has experienced increased law enforcement costs as a result of the sale and consumption of alcoholic beverages by individuals who consume to the point of intoxication, and particularly after 12:00 a.m.; and

WHEREAS, the City's law enforcement personnel must respond to a greater number of calls for service directly resulting from the need to keep the peace after 12:00 a.m.; and

WHEREAS, Chapter 562.14 of Florida Statutes authorizes a municipality to regulate the hours of operation, the sanitary conditions, and the conduct related to an alcohol beverage establishment; and

WHEREAS, the City of St. Augustine has experienced increased trash and debris, increasing the burden on public works and its ability to maintain the cleanliness of public streets, sidewalks, and rights-of-way; and

WHEREAS, the City Commission for the City of St. Augustine finds it is in the best interest of the residents, visitors, and business community of the City to encourage responsible alcohol beverage establishments by providing for regulation of alcohol beverage establishments after 12:00 a.m.; and

WHEREAS, the City Commission for the City of St. Augustine finds that an Extended Hours of Operation Permit and regulations related thereto are the exercise of its quasi-legislative function to regulate the hours of operations for alcohol beverage establishments; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 4, Section 4-1. Chapter 4, Section 4-1 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 4-1. - Definitions.

(a) In this chapter the terms "beer," "malt beverages," "wine," "liquor," "distilled spirits" and "intoxicating beverages" have the meanings assigned to them by The Beverage Law [F.S. chs. 561—568]. Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alcoholic Beverage* shall mean distilled spirits and all beverages containing one-half of one percent or more alcohol by volume or as provided in F.S. § 561.01, as amended. For the purposes of this chapter, the definition of Alcoholic Beverage includes beer, wine, or liquor.
- (2) *Alcoholic Beverage Establishment* shall mean any place of business located in the city which allows for Alcoholic Beverages to be sold for consumption on the premises.
- (3) *Curfew* shall mean a regulation requiring people to generally remain indoors between specified hours, typically at night. Curfews may be issued during public health or weather emergencies, crises, or civil unrest by a competent authority.
- (4) *Establishment* shall have the same meaning as Alcoholic Beverage Establishment.

- (5) Extended Hours of Operation Permit shall mean a permit issued by the City of St. Augustine that allows an Alcoholic Beverage Establishment to operate and sell Alcoholic Beverages for purposes of consumption on the premises between the hours of 12:00 a.m. and 2:00 a.m.
- (6) Last Call shall mean the time when customers in an Alcoholic Beverage Establishment are told that they may order only one more drink before the Establishment closes.
- (7) Mandatory Evacuation shall mean a situation where emergency management officials put maximum emphasis on encouraging evacuation and limiting ingress to potentially affected areas.
- (8) Mandatory Evacuation Zone shall mean an area that may be inundated by an abnormal rise of water pushed onto shore by a hurricane or storm event or other natural or manmade disaster.
- (9) Restaurant shall mean any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared before being delivered to another location for consumption as defined in F.S. § 509.013(5)(a), as amended. For the purposes of this chapter, the definition of a restaurant shall include any business with a special food service establishment license issued by the Division of Alcohol and Tobacco of the Florida Department of Business and Professional Regulation.
- (10) Sale and Sell shall mean and include not only selling but also consuming, serving, and/or permitting to be served or consumed, any alcoholic beverages.
- (11) Special Magistrate shall mean a person designated as the Special Magistrate by the City Commission under the authority of section 2-340 of this Code. In the event that a Special Magistrate is unavailable or has a conflict in a particular case, the city may elect to send cases to the Code Enforcement Board, at its discretion.
- (12) Transfer of Ownership shall mean a transfer of a license, change of officers or directors, or transfer of interest as defined and regulated under the provisions F.S. § 561.32, as amended.

Section 2. Amendment to Chapter 4, Section 4-3. Chapter 4, Section 4-3 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 4-3 – Hours of sale.

- (a) ~~Beer and wine may be sold, consumed or served or permitted to be served or consumed in any place holding a license under the division of beverages of the department of business regulation of the state, within the corporate limits of the city between the hours of 6:00 a.m. and 2:00 a.m. the following day on each day of the week, including Sunday.~~ Applicability. The provisions of this section shall apply to any place of business holding a license allowing for consumption on premises of Alcoholic Beverages under the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation within the corporate limits of the city.

(b) Liquor may be sold, consumed or served or permitted to be served or consumed in any place holding a license under the division of beverages of the department of business regulation of the state, within the corporate limits of the city between the hours of 6:00 a.m. and 2:00 a.m. the following day on every Monday, Tuesday, Wednesday, Thursday and Friday of each week; between the hours of 6:00 a.m. Saturday and 2:00 a.m. Sunday of each week; and between the hours of 1:00 p.m. Sunday and 2:00 a.m. Monday of each week. *Restricted hours of sale and operation.* Except as provided in section 4-3(c), no Alcoholic Beverage Establishment licensed under the state alcoholic beverage laws to sell Alcoholic Beverages, shall Sell or offer for Sale, or serve or offer to serve, any Alcoholic Beverages of any kind, regardless of alcoholic content, or be open for operation, on any day of the week between the hours of 12:00 a.m. and 7:00 a.m.

- (1) *Last Call procedures:* All Establishments that sell or serve Alcoholic Beverages will have a "Last Call" for the sale of alcohol, but there will be no further Sale of Alcoholic Beverages one-half hour prior to the applicable closing time of the Establishment, whether the closing time is set by city code, by a use by exception permit granted by the Planning and Zoning Board, or an Extended Hours of Operation Permit. All Alcoholic Beverage Establishments shall have a Last Call policy for the final consumption of Alcoholic Beverages and patron egress. At the time of Last Call, only one Alcoholic Beverage per person may be purchased.
- (2) *Staff:* All Alcoholic Beverage Establishments shall prohibit staff drinking or shift drinking of Alcoholic Beverages by servers and bartenders while they are on duty.
- (3) Alcoholic Beverage Establishments whose hours are restricted by a use by exception permit granted by the Planning and Zoning Board are not eligible for an extended hours permit, to the extent that the extended hours period conflicts with the use by exception-limited hours and must adhere to the conditions established by the use by exception permit.
- (4) Alcoholic Beverage Establishments residing within a Mandatory Evacuation Zone shall cease the sale of Alcoholic Beverages during the duration of any Mandatory Evacuation issued by any local, state, or federal authority until such time as the order is lifted.
- (5) All Alcoholic Beverage Establishments shall abide by Curfew hours, as ordered by a local, state, or federal official that is legally authorized to establish a Curfew.
- (6) *Sound:* All Alcoholic Beverage Establishments shall ensure that sound derived from entertainers for entertainment purposes, not to include non-amplified conversations by patrons, are encapsulated within the walls of their Establishment with all doors and windows closed, or directed towards OSHA-certified sound barrier devices if it is not possible or feasible to encapsulate the sound within the Establishment's walls, beginning at 10:00 p.m., Sunday through Thursday, and 12:00 a.m., Friday and Saturday. Likewise, amplified and reproduced sound by way of speaker or electronic means is not permitted in the exterior/open air venue of the Establishment after 10:00 p.m., Sunday through Thursday, and 12:00 a.m., Friday and Saturday. All Alcoholic Beverage Establishments shall remain compliant with noise control ordinances as published in Chapter 11, Article IV of the Code.

(c) Intoxicating beverages may be sold, consumed or served or permitted to be served or consumed in any place holding a license under the division of beverages of the department of business regulation of the state within the corporate limits of the city until 2:00 a.m. on the holiday traditionally known as New Year's Eve, notwithstanding the closing hours provided for in subsections (a) and (b) above. *Extended Hours of Operation Permit* is required for Alcoholic Beverage Establishments to sell Alcoholic Beverages between the hours of 12:00 a.m. and 2:00 a.m.

(1) *Permit required.* Any Alcoholic Beverage Establishment licensed under the state alcoholic beverage laws to sell, offer for sale, or deliver Alcoholic Beverages, for purposes of consumption on the premises desiring to remain open to sell, offer for sale, or deliver Alcoholic Beverages for the purpose of consumption on the premises between the hours of 12:00 a.m. and 2:00 a.m., but in any case no later than 2:00 a.m., on any day of the week, shall make application with the city clerk **Planning and Building Department** for an Extended Hours of Operation Permit.

(2) The Alcoholic Beverage Establishment shall complete an application form provided by the city, including, but not limited to, the name and street address where notices related to this section are to be mailed. An annual fee, in an amount set by resolution of the city commission and payable upon issuance, shall be charged for the permit. The application form shall include, but not be limited to, the following information.

- a. Name and street address of the owner of the Alcoholic Beverage Establishment.
- b. Valid business tax receipt for the Alcoholic Beverage Establishment.
- c. Verification of compliance by the Alcoholic Beverage Establishment with city zoning regulations.
- d. Specific type of state alcoholic beverage license held by the Alcoholic Beverage Establishment.
- e. If the Establishment holds a state alcoholic beverage license other than a 4-COP Quota License, the Establishment shall submit a copy of the proposed seating diagram, to include any proposed dining area.

(3) The city manager or designee shall review the application and, if the application is complete, and the Alcoholic Beverage Establishment is in compliance with the Code of Ordinances and state alcoholic beverage laws, a permit shall be issued allowing the Alcoholic Beverage Establishment to sell Alcoholic Beverages, as restricted by the alcoholic beverage establishment's state beverage license, for purposes of consumption on the premises, between the hours of 12:00 a.m. and 2:00 a.m. on every day of the week.

(4) *Extended Hours of Operation Permit* requirements. In addition to the permit application the following requirements must be shown by the Alcohol Beverage Establishment.

- a. *Responsible Beverage Service Program:* All permit applicants will provide **at least one** proof that all owners, managers, servicing staff, and bartenders have a member of staff has completed a *Responsible Beverage Service Training Program* including training in server liability laws **within the**

previous 12 months. All permit applicants must provide a certification of completion at the time of application/renewal and within 5 business days of a request to provide the certification by the City. The standards and curriculum of alcohol server education courses shall include but not be limited to the following:

1. Alcohol as a drug and its effects on the body and behavior, especially driving ability.
2. Effects of alcohol in combination with commonly used legal, prescription or nonprescription, drugs and illegal drugs.
3. Recognizing the problem drinker and community treatment programs and agencies.
4. State alcohol beverage laws such as prohibition of sale to minors and sale to intoxicated persons, sale for on-premises or off-premises consumption, hours of operation and penalties for violation of the laws.
5. Drunk driving laws and liquor liability statutes.
6. Intervention with the problem customer including ways to cut off service, ways to deal with the belligerent customer and alternative means of transportation to get the customer safely home.
7. Advertising and marketing for safe and responsible drinking patterns and standard operating procedures for dealing with customers.

b. Security: On Friday and Saturday nights the Establishment shall provide interior security personnel of a number equaling one security officer per each occupancy level of 150 occupants or any portion thereof. For example, if the occupancy level of an Establishment is 500, four interior security personnel are required. If the occupancy level is 150, one interior security personnel is required. All persons acting as security personnel shall wear an identification badge, at all times in a prominent location, visible to patrons, staff, and law enforcement officials. Additionally, all Establishments shall maintain a log showing the security personnel working each night. This list shall be made available to any law enforcement officer upon request to confirm the number of security personnel staffed. All Alcoholic Beverage Establishments shall provide appropriate security coverage based upon the nature of each night's events. Security coverage can be met by the human element of security officers or the presence of security cameras.

c. Last Call Procedures: All Alcoholic Beverage Establishments with an Extended Hours of Operation Permit will have Last Call at 1:30 a.m. for the sale of Alcoholic Beverages. The period between 1:30 a.m. and 2:00 a.m. will be for the final consumption of Alcoholic Beverages only.

d. Daylight Savings Time: All Extended Hours of Operation Permit holders shall cease the sale of Alcoholic Beverages at 2:00 a.m. and shall not operate during the additional hour due to the cessation of Daylight Savings Time.

(5) Such permit shall be renewed by with the city annually, on or before the 30th day of September upon payment of any fee that is imposed for such a permit corresponding with the renewal of the establishment's Business Tax Receipt renewal, unless any of the following occur:

- a. The permit is under suspension at the time of renewal.
 - b. The Alcoholic Beverage Establishment's state beverage license has been revoked or suspended; or
 - c. A Transfer of Ownership or a change in location of the establishment has occurred, and this information was not provided to the city through a new permit as described in subsection (6) below.
- (6) The city shall be notified immediately, and the Alcoholic Beverage Establishment shall apply for a new permit if a Transfer of Ownership or a change in location of the Establishment has occurred. Until such time as the Alcoholic Beverage Establishment makes application, is approved, and receives a new permit, the privilege of extended hours for the sale of Alcoholic Beverages shall be suspended. Failure to renew the Extended Hours of Operation Permit on or before the 30th day of September of each year, or to pay the annual fee as set by resolution of the city commission, shall be cause for the immediate suspension of extended hours privileges pursuant to section 4-3(d), including any penalties described therein.
- (7) No Alcoholic Beverage Establishment is authorized to sell or serve Alcoholic Beverages for purposes of consumption on the premises after 12:00 a.m. unless it possesses a valid Extended Hours of Operation Permit from the city. No Alcoholic Beverage Establishment is authorized to sell or serve Alcoholic Beverages, or be open for operation, after 2:00 a.m. and before 7:00 a.m. on any day of the week.
- (8) The provisions of this section shall not impair or affect the right of an Alcoholic Beverage Establishment with a state alcoholic beverage license to remain open and Sell Alcoholic Beverages between the hours of 7:00 a.m. and 12:00 a.m.
- ~~(d) No intoxicating beverages may be sold, consumed or served or permitted to be served or consumed in any place holding a license under the division of beverage of the department of business regulation of the state within the corporate limits of the city except during the hours specified in this section. *Notice of violations, hearings, and penalties.* The ability of an Alcoholic Beverage Establishment to Sell, offer for Sale, deliver, or permit to be consumed upon the premises any Alcoholic Beverage Establishment between the hours of 12:00 a.m. and 2:00 a.m. on any day of the week is hereby declared to be and is a privilege subject to suspension, and no person may reasonably rely upon a continuation of that privilege. As a condition of the continuation of the privilege, Alcoholic Beverage Establishments are required to take all necessary steps to minimize negative impacts on surrounding residential and commercial properties and illegal activities.~~
- (1) *Illegal activities included.* The following is a representative, but not all-inclusive, list of activities that may result in suspension of the privilege of extended hours of operation for authorized Alcoholic Beverage Establishments to sell Alcoholic Beverages for purposes of consumption on the premises:
- a. Activities requiring a police response that occur on or adjacent to the premises of an Alcoholic Beverage Establishment. Particular emphasis will be given to illegal activities of the owner, employees, patrons of the

Establishment, or others associated with the Establishment; including, but not limited to, the use, Sale, or delivery of controlled substances, allowing underage drinking, continuing to sell Alcoholic Beverages after closing time, violation of open container or drinking in public laws of the state or city ordinances, serving Alcoholic Beverages to intoxicated persons, disturbances, batteries, driving under the influence (DUI), disorderly intoxication, violations of the Florida Fire Prevention Code, any violations of this chapter, or other violations of law during all hours of operation. The city shall consider whether the need for police services is the result of the Establishment's failure or inability to maintain proper order and control during all hours of operation.

b. Failure of any to maintain the elements meeting the definition of a Restaurant which possesses a Special Food Service (SFS) license for consumption on premises state alcoholic beverage license as addressed under the provisions of section F.S. § 561.20(2)(a)4 and 565.045, as amended:

1. To maintain at least 2,500 square feet of service area;
2. To be equipped to serve 150 persons full course meals from a menu, at tables at all times during all hours of operation;
3. To keep the kitchen open and capable of preparing food and filling customers' orders up to 30 minutes before time of closing;
4. To keep all tables and chairs upright and in place during all hours of operation as per diagram submitted to the city during the permitting process; and
5. To derive at least fifty-one (51%) percent of its gross revenue from the sale of food and nonalcoholic beverages. Failure to derive at least fifty-one (51%) percent of its gross revenue from the sale of food and nonalcoholic beverages shall be based on the findings of an audit of the SFS licensee by the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation, irrespective of any sanctions or penalties imposed by said division pursuant to that audit.
6. To sell or deliver alcoholic beverages for off-premises consumption not securely sealed and with a food order in violation of Florida Statutes Ch. 561.20 or Ch. 565.045, or any violation of Florida Beverage Laws (Florida Statutes Chapters 561—565).

c. Complaints verified and documented by a police officer, code enforcement officer, or fire department official arising from adverse effects of extended hours of operation upon neighboring properties, including, but not limited to, excessive noise, illegal parking, vandalism, generation of trash or garbage on or adjacent to the Establishment, loitering by intoxicated persons, or exterior lighting on neighboring residential properties.

d. Violations of any provisions of the City of St. Augustine Code of Ordinances; including, but not limited to, Chapter 11, Article IV, relating to noise and sound limitations.

- e. Failure to obtain an Extended Hours of Operation Permit, or failure to renew the permit as required.
 - f. Violations of state statutes and/or fire codes related to the maximum permissible occupancy at the Alcoholic Beverage Establishment location.
 - g. Sales by employees during prohibited hours. No person, or any agent, servant, or employee of any person licensed under the state alcoholic beverage laws shall Sell, or offer for Sale, any Alcoholic Beverage of any kind during prohibited hours.
 - h. Gifts. It is a violation of this section for any person, or any agent, servant or employee of any person licensed under the state alcoholic beverage laws, during prohibited hours as set forth in this section, to gratuitously give any kind of Alcoholic Beverage, whether conditioned upon the purchase of any kind of Alcoholic Beverage or product of any nature, at any inflated price or otherwise, or in the form of a so-called bonus predicated upon another purchase, or as a gift.
- (2) Successive violations. In order to invoke the enforcement provisions of this section, a violation must be traceable to the particular Alcoholic Beverage Establishment against which action is taken and must be verified and documented by a police officer, code enforcement officer, or fire department official.
- a. 1st notice of violation. Except as provided, a 1st notice of violation by an Alcoholic Beverage Establishment **and/or an employee** of any section of this Chapter, ~~the Code of Ordinances of the City of St. Augustine,~~ or state statutes shall result in a written notice of violation that will not require an appearance before the Special Magistrate. The Establishment must cure the violation as identified in the 1st notice of violation as directed in the written notice of violation. Issuance of a written 1st notice of violation for a violation of this section shall not prevent the filing of charges against the Alcoholic Beverage Establishment or any person with any other violation of the Code of Ordinances or state statutes. The 1st notice of violation shall be issued by a police officer, code enforcement officer, or fire department official. The 1st notice of violation shall be sent certified mail to the property owner at the address listed in the tax collector's office or property appraiser's database and may be left with the owner, proprietor, manager, or highest-ranking employee then on the premises of the Alcoholic Beverage Establishment. If the 1st notice of violation is the result of a felony criminal offense being committed on the premises, or the incident resulting in a felony criminal offense being committed began on the premises of the Establishment, the 1st notice of violation may be presented to the Special Magistrate for consideration of the suspension of the Extended Hours of Operation Permit.
 - b. 2nd or subsequent notice of violation. Any subsequent violation of this chapter, ~~any section of the Code of Ordinances,~~ or state statutes by an Alcoholic Beverage Establishment **and/or an employee** shall result in a written 2nd or subsequent numbered notice of violation. Subsequent notices of violation shall be issued by a police officer, code enforcement officer, or fire department official. All subsequent notices of violation will result in hearing before the city's Special Magistrate. All notices of violation and

notices of hearing shall be sent certified mail to the property owner at the address listed in the tax collector's office or property appraiser's database and may be left with the owner, proprietor, manager, or highest-ranking employee then on the premises of the Alcoholic Beverage Establishment in accordance with FSS 162. Issuance of a 2nd or subsequent notice of violation for a violation of this section shall not prevent the filing of charges against the Alcoholic Beverage Establishment or any person with any other violation of the Code of Ordinances or state statutes.

c. *Special Magistrate.* All 2nd and subsequent notices of violation shall be taken before the city's Special Magistrate for consideration of suspension of the Alcoholic Beverage Establishment's Extended Hours of Operation Permit. The Special Magistrate shall exercise jurisdiction over such matters as set forth in chapter 2, article VI of the Code of Ordinances of the City of St. Augustine.

d. *Action by the Special Magistrate.* Upon completion of the hearing, the Special Magistrate shall deliver a ruling that either no action shall be taken against the Alcoholic Beverage Establishment's Extended Hours of Operation Permit, or that the Extended Hours of Operation Permit shall be suspended.

1. A suspension of the Extended Hours of Operation Permit for a first finding of violation by the Special Magistrate shall be for up to sixty (60) consecutive calendar days based on the severity of the violation(s).

2. A second finding of violation of the Extended Hours of Operation Permit by the Special Magistrate within one hundred eighty (180) days of issuance of the first notice of violation regardless of whether the first notice of violation was heard by the Special Magistrate and regardless of findings shall be suspended for no less than thirty (30) days nor more than (90) consecutive calendar days based on the severity of the violation(s).

3. A third and any subsequent finding of violations occurring within one-year (365 days) of the date of completion of the most recent suspension period shall result in revocation of the Extended Hours of Operation Permit.

3. In addition to any suspension of the Extended Hours of Operation Permit, the Special Magistrate may issue a fine of not more than two hundred and fifty dollars (\$250.00) for a first violation or five hundred dollars (\$500.00) for any subsequent violation of this section.

The Special Magistrate shall base his/her ruling upon substantial, competent evidence presented that supports a finding of non-compliance with this section. The Special Magistrate's written order of suspension of the Extended Hours of Operation Permit shall state the effective date of suspension and shall give the Alcoholic Beverage Establishment at least ten calendar days' notice of the suspension.

(e) *Failure of alleged violator to appear.* If an Alcoholic Beverage Establishment served with a notice of violation fails to appear at the hearing after having received proper notice, the Special Magistrate shall take testimony from city staff, and other

relevant testimony, as available, and shall deliver a ruling either that no action shall be taken against the Alcoholic Beverage Establishment's Extended Hours of Operation Permit, or that the Extended Hours of Operation Permit shall be suspended for a period of time as set forth in this chapter. A ruling that the Extended Hours of Operation Permit be suspended or revoked shall take effect on the eleventh calendar day after the order is issued and provided to the Alcoholic Beverage Establishment. The enforcement of such order issued after failure of Alcoholic Beverage Establishment to appear shall be stayed if the Alcoholic Beverage Establishment files a request for an appeal with the city clerk's office City of St. Augustine within 30 calendar days of the order, before the date the order is scheduled to take effect. In such case, the Alcoholic Beverage Establishment shall be rescheduled for a hearing before the Special Magistrate at the soonest practical meeting. At that hearing, the Special Magistrate shall take testimony from the Alcoholic Beverage Establishment, and other relevant testimony, as available, and shall deliver a ruling upholding the order suspending the Extended Hours of Operation Permit, amending the order suspending the Extended Hours of Operation Permit, or rescinding the order suspending the Extended Hours of Operation Permit. If the Special Magistrate upholds a suspension of the Extended Hours of Operation Permit, such suspension shall take effect the next calendar day after the ruling is issued.

- (f) *Suspension.* Any Alcoholic Beverage Establishment that has had an Extended Hours of Operation Permit suspended cannot avoid the consequences of the Special Magistrate's action by changing its business name or corporate status, as set forth in section 561.32, Florida Statutes.
- (g) *Enforcement procedures.* The enforcement procedures contained herein are alternative procedures, and the city reserves the right to arrest, prosecute, or take action utilizing alternative procedures authorized by law.

Section 3. Amendment to Chapter 4, Section 4-5. Chapter 4, Section 4-5 of the Code of the City of St. Augustine is hereby amended, as follows:

Sec. 4-5. - Drinking in public.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - (1) *Beer, wine or other ~~intoxicating Alcoholic beverage Beverage~~* has those meanings ~~described by state law~~defined in Section 4-1 of this chapter, and there shall be exempt therefrom those wines, vinous spirits or vinous liquors defined and provided for in F.S. § 564.03(5).
- ...
- (b) It shall be unlawful for any person to consume or drink any beer, wine or other ~~intoxicating Alcoholic beverage Beverage~~ within the boundaries of Anastasia State Park or on any public street, highway, sidewalk, parking lot or public parking lot, athletic fields, parks, playgrounds or other public places not duly licensed to permit consumption of such beverages on the premises in the city, other than the City Hall-Lightner Museum complex, Dr. Peck House, Llambias House, the building located at the Lighthouse Boat Ramp, the Visitor Information Center or any specifically controlled area to be designated by the city manager within that

certain tract located at the south end of Iberia Street and more specifically known as Eddie Vickers Park for use during special events as permitted by the city manager, within that certain area known as the Municipal Marina and Carpet Golf Facilities and within the right-of-way of any city street or alleyway, but only in the area designated for the approved events, during city manager approved special events occurring on said street or alleyway or on property directly adjacent to said street or alleyway. Additionally, this section shall not be applicable to areas of Frances Field, the greenspace located south of the Visitor Information Center between the Canos de San Francisco Fountain and the Zero Mile Marker and the Vilano Boat Ramp Park designated by the city commission for special events as permitted by the city manager.

- (c) It is unlawful for any person to be in actual or constructive possession of any unsealed bottle, can or other container that contains beer, wine, whiskey or other Alcoholic beverage-Beverage or liquid containing alcohol when such unsealed container and person is within the boundaries of Anastasia State Park or on any public street, highway, sidewalk, parking lot or public parking lot, athletic fields, parks, playgrounds or other public places not duly licensed to permit consumption of such beverages on the premises in the city, other than the City Hall-Lightner Museum complex, Dr. Peck House, Llambias House, the building located at the Lighthouse Boat Ramp, the Visitor Information Center or any specifically controlled area to be designated by the city manager within that certain tract located at the south end of Iberia Street and more specifically known as Eddie Vickers Park for use during special events as permitted by the city manager, within that certain area known as the Municipal Marina and Carpet Golf Facilities and within the right-of-way of any city street or alleyway, but only in the area designated for approved events, during city manager approved special events occurring on said street or alleyway or on property directly adjacent to said street or alleyway. Additionally, this section shall not be applicable to areas of Frances Field, the greenspace located south of the Visitor Information Center between the Canos de San Francisco Fountain and the Zero Milestone Marker and the Vilano Boat Ramp Park designated by the city commission for special events as permitted by the city manager.
- (d) It is unlawful for the owner, driver, possessor or occupant of any vehicle to have in such vehicle any unsealed bottle, can or other container that contains beer, wine, whiskey or other Alcoholic beverage-Beverage or liquid containing alcohol within the boundaries of Anastasia State Park or on any public street, highway, sidewalk, parking lot or public parking lot, athletic fields, parks, playgrounds or other public places not duly licensed to permit consumption of such beverages on the premises in the city, other than the City Hall-Lightner Museum complex, Dr. Peck House and the Llambias House.
- (e) Possession of an open or an unsealed container containing an ~~aleoholic~~ Alcoholic beverage-Beverage by any person in the areas prohibited by this section shall be prima facie evidence of violation of subsection (b) of this section.

...

Section 4. Inclusion in Code. The City Commission intends that the provisions of this Ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this Ordinance may be re-numbered or re-lettered and that the word ordinance

may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 5. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 6. Severance of Invalid Provisions. In the event that any section, subsection, sentence, clause, phrase, word, term or provision of this Ordinance shall be held by a court of competent jurisdiction to be partially or wholly invalid, unconstitutional or unenforceable or involved for any reason whatsoever, any such invalidity, unconstitutionality, illegality, or unenforceability shall not affect any of the other or remaining terms, provisions, clauses, sentences, or sections of this Ordinance, and this Ordinance shall be read and/or applied as if the invalid, unconstitutional, illegal, or unenforceable section, subsection, sentence, clause, phrase, word, term or provision did not exist.

Section 7. Effective Date. This Ordinance shall become effective ten (10) days after passage, pursuant to § 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, August 9, 2021

The City Commission met in formal session Monday, August 9, 2021 at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Nancy Sikes-Kline, Vice Mayor/City Commissioner
Roxanne Horvath, City Commissioner
John Valdes, City Commissioner
Barbara Blonder, City Commissioner

John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Mark Simpson, Director, Finance
David Birchim, Director, Planning and Building
Reuben Franklin, Director, Public Works
Todd Grant, Director, Utilities
Melissa Wissel, Communications Manager
Jennifer Michaux, Police Chief
Laura Morse, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Matt Marino, Trinity Parish, delivered the invocation, and Commissioner Sikes-Kline led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Mayor Upchurch requested to remove the Proclamation from the Consent Agenda and bring it back at a later date.

John Regan, City Manager, requested the following changes to the Agenda:

- Addition of Item 7.A.1. 'Open a drive-through COVID testing site at the Visitor Information Center (VIC)' in partnership with Flagler Hospital, which required a

Resolution adoption. He noted existing Item 7.A.1. would become Item 7.A.2.

- Mr. Regan requested removal of Item 9.A.4. Resolution 2021-17
- Addition of Item 11.C. to provide a brief update on the opioid lawsuit

MOTION

Commissioner Sikes-Kline **MOVED** to approve the Agenda as modified. The motion was **SECONDED** by Commissioner Horvath.

VOTE ON MOTION

AYES: Sikes-Kline, Horvath, Blonder, Valdes, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

3. SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS

SEVERANCE OF INVALID PROVISIONS;
AND PROVIDING FOR AN EFFECTIVE
DATE.

VOTE ON MOTION

AYES: Blonder, Sikes-Kline, Valdes,
Horvath, Upchurch

NAYES: None

MOTION APPROVED UNANIMOUSLY

**9.A.2. Ordinance 2021-15: Amends
Section 20-219 of the City Code to
correct a scrivener's error.**

Mayor Upchurch reviewed the Ordinance.

MOTION

**Mayor Upchurch MOVED to pass
Ordinance 2021-15 on first reading, place
on second reading read by title only. The
motion was SECONDED by
Commissioner Horvath.**

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-15

AN ORDINANCE OF THE CITY OF ST.
AUGUSTINE, FLORIDA, AMENDING
SECTION 20-219 OF THE CODE OF THE
CITY OF ST. AUGUSTINE TO CORRECT
A SCRIVENER'S ERROR IN ORDINANCE
NO. 2020-33 RELATING TO THE
FIREFIGHTERS' PENSION TRUST FUND;
PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE
CODE OF THE CITY OF ST. AUGUSTINE;
AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION²

AYES: Upchurch, Horvath, Blonder,
Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

² Commissioner Valdes stepped away and was absent for
the vote

**9.A.3. Ordinance 2021-16: Defines craft
alcohol industry.**

Ms. Lopez, City Attorney, reviewed the
Ordinance which created a definition for
craft alcohol industry which was
manufacturing of cider, wine, beer, or
spirits. She noted it had not been defined
specifically and was zoned over time in a
case-by-case manner.

MOTION

**Commissioner Sikes-Kline MOVED to
pass Ordinance 2021-16 on first reading,
place on second reading read by title
only. The motion was SECONDED by
Mayor Upchurch.**

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-16

AN ORDINANCE OF THE CITY
COMMISSION OF ST. AUGUSTINE,
FLORIDA, AMENDING CHAPTER 28,
SECTION 28-2 TO INCLUDE THE
DEFINITION OF CRAFT ALCOHOL
INDUSTRY; PROVIDING FOR INCLUSION
IN THE CODE OF THE CITY OF ST.
AUGUSTINE; AND PROVIDING FOR AN
EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Valdes,
Horvath, Blonder

NAYES: None

MOTION APPROVED UNANIMOUSLY

**9.A.4. Ordinance 2021-17: Amends
Chapter 28 to allow for craft alcohol
industries as a permitted use.**

Item administratively removed due to this
modification requiring a public hearing on
first reading.

**9.A.5. Ordinance 2021-18: Update on the
City's "Quality of Nightlife" policy and
first reading of an Ordinance which**

defines hours of sale allowing the consumption on premises of alcoholic beverages and requires a permit be obtained by businesses for extended hours of operation.

Mr. Regan reviewed the Ordinance and the policy update elements which included:

- Increased police presence
- Cleanliness (Litter and Surfaces)
- Urban design improvements
- Ride-share hub and drop-off locations
- Proposed Responsible Hospitality Institute Study
- Updated alcohol ordinance

Mr. Regan advised that during the negotiation of the King Street takeover, the Florida Department of Transportation (FDOT) offered the City \$700,000 in financial assistance to provide local transit, the City worked on a plan to bring the circulator system back with improvements, and FDOT made multi-year commitments at one million.

Mr. Regan noted the following regarding the updated Alcohol Ordinance:

- Significant public outreach done prior to COVID
- Alcohol sales between 7:00 and 11:00 p.m. were State regulated and selling past 11:00 required an extended hours operation permit; the Ordinance's key matter
- Operations permit required industry accountability to apply for a City permit that provided the privilege to sell alcohol between 11:00 p.m. and 2:00 a.m. with the following requirements:
 - Staff training and responsibility
 - No 'on the job' drinking
 - One security personnel for every 150 occupants
 - Last call procedures
 - Definitions of illegal activities

- Progressive discipline for violations, which led to a special magistrate
- Standards for sound containment during week after 10:00 p.m., and on weekends past 11:00 p.m.
- Language addressing 'to-go' cocktails

The Commission and Mr. Regan discussed:

- State law cutoff time for alcohol sales was 12:00 a.m.; however, local municipalities could address their own standard, and City's was 11:00 p.m.
- Definitions Section 1 (9) did not address interior or exterior and there were restaurants who served alcohol outside
- Noise levels becoming more prevalent for certain businesses downtown which affected peaceful cohabitation
- Specificity needed regarding security officers and training; whether off duty police officers or private security
- Proof of staff trained to serve alcohol
- Increase program from 12:00 a.m. to 2:00 a.m.
- 'Undesirable' alcohol sales occurred after dining stopped which would turn restaurants into bars
- Jacksonville Beach, Tampa, Melbourne, and West Palm Beach ordinances were reviewed with many provisions edited; however, context substance existed throughout Florida
- Companion resolution would be adopted (with a fee) to recover some of the costs, but not intended to recover all expenses
- Community was aware of these provisions, with numerous opportunities for discussion among groups
- Program was not self-supporting and most cities with these style permits were low level permits
- City was shifting to more code enforcement at night with staff in place to handle
- Provide minimum of 45-day window to conduct public outreach meetings

- Objective was to give the industry a concrete document to read

Mayor Upchurch noted his appreciation for Commissioner Sikes-Kline's leadership on the topic.

MOTION

Mayor Upchurch MOVED to amend the starting time to midnight as opposed to 11:00 in Ordinance 2021-18. The motion was SECONDED by Commissioner Horvath.

Commissioner Sikes-Kline asked Mayor Upchurch to reconsider his motion and allow reaction from the community for the 11:00 cutoff time.

Commissioner Valdes stated the Ordinance could be passed to second reading and amended after hearing public comment.

VOTE ON MOTION

AYES: Upchurch, Horvath, Valdes, Blonder

NAYES: Sikes-Kline

MOTION APPROVED 4/1

Ms. Lopez advised a motion was required for the Ordinance to proceed to second reading, and she asked the Commission to set a date so the City Clerk could advertise the Ordinance.

Mayor Upchurch advised the second reading would occur at the October 11th Commission meeting.

MOTION

Commissioner Sikes-Kline MOVED to pass Ordinance 2021-18 on first reading as amended, place on second reading read by title only. The motion was SECONDED by Mayor Upchurch.

Commissioner Blonder requested more than 45 days to provide the community

information, based on the current Delta variant situation.

Mayor Upchurch asked Commissioner Sikes-Kline to discuss the Responsible Hospitality Institute (RHI) assessment program.³

Commissioner Sikes-Kline reviewed her endeavors with the RHI program:

- Attended multiple community gatherings
- Gathered information from other cities with different nighttime economies
- RHI process was about having a safe and well managed nighttime economy which should be understood before understanding what RHI did in their assessment
- The product was the process, the engagement of stakeholders, and the key element of a social city assessment
- Started with establishment of a public website with focus on constructive collaboration and focus team
- Required a designated City staff coordinator
- Concern with world issues with guns, alcohol, and tourism

Mr. Regan indicated his support for the RHI program as he had witnessed the result of other communities coming together to determine their downtown nightlife. He stated the City's downtown economy was food and beverage (FNB) and there was no sense of organization, vision, or working together. He noted the recent two shootings and the change in downtown after midnight, and the RHI program advanced the 2014 vision principles. He provided an example of Clematis Street in West Palm Beach, which had positive impacts from collaborative things brought in which welcomed more families with fountains, music, and the establishment of a downtown improvement district. He noted it would require budgeting at \$80,000, there was much work to be

³ Provided to Commission at meeting

done, and Barry Fox, Code Enforcement Manager, was ready for the challenge.

Ms. Lopez read the title as follows:

ORDINANCE NO. 2021-18

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 4 OF THE CODE OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 4-1 PROVIDING DEFINITIONS; AMENDING SECTION 4-3 PROVIDING FOR RESTRICTED HOURS OF SALE AND OPERATION; PROVIDING FOR EXTENDED HOURS OF OPERATION PERMITS; ESTABLISHING PERMIT REQUIREMENTS; ESTABLISHING VIOLATIONS; PROVIDING FOR HEARINGS; AMENDING SECTION 4-5 PROVIDING FOR CONSISTENT TERMINOLOGY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Blonder, Valdes, Horvath

NAYES: None

MOTION APPROVED UNANIMOUSLY

The Commission discussed the return of the Ordinance for second reading, the establishment of the assessment, community education and input, and issues with alcohol use-by-exception permit requests.

Mayor Upchurch expressed concerns the Ordinance would grow out of the assessment.

There was Commission consensus to hear the Ordinance's second reading at the October 11th meeting.

MOTION

Commissioner Sikes-Kline MOVED to approve the RHI assessment process. The motion was SECONDED by Mayor Upchurch.

VOTE ON MOTION

AYES: Sikes-Kline, Upchurch, Valdes, Horvath, Blonder

NAYES: None

MOTION APPROVED UNANIMOUSLY

Mayor Upchurch requested to leave the assessment open ended since this was a six-month process and would not be scheduled without direction from the Commission.

9.B. Resolutions

9.B.1. Resolution 2021-30: Authorizes the execution of a State Highway Lighting Maintenance and Compensation Agreement between the Florida Department of Transportation and the City for Fiscal Year 2021-2022.

Reuben Franklin, Director, Public Works, reviewed the Resolution and stated it was an annual agreement which allowed the City to maintain traffic and street lights with compensation from FDOT.

MOTION

Mayor Upchurch MOVED to approve Resolution 2021-30. The motion was SECONDED by Commissioner Sikes-Kline.

VOTE ON MOTION

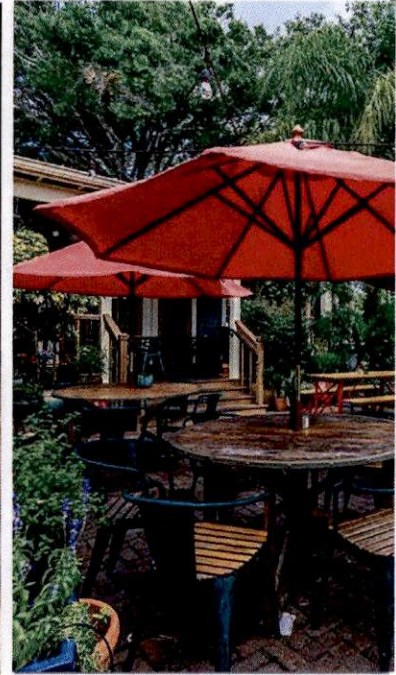
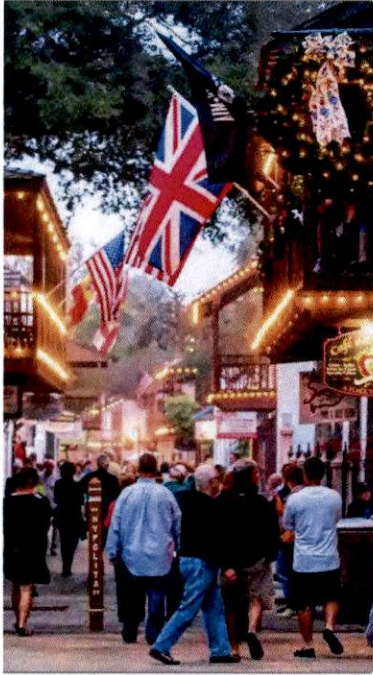
AYES: Upchurch, Sikes-Kline, Valdes, Horvath, Blonder

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B.2. Resolution 2021-31: Authorizes utility work between the Florida

***Sociable City Assessment* Summary Report developed by RHI – June 1, 2022**



SOCIABLE CITY ASSESSMENT

Summary Report

June 1, 2022

PREPARED FOR:

St. Augustine, Florida

PREPARED BY:

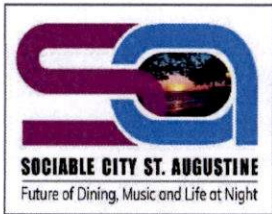
Responsible Hospitality Institute

Alicia Scholer

831.201.4117

Alicia@RHIweb.org





ST. AUGUSTINE, FLORIDA SOCIABLE CITY PLAN
PREPARED BY: RESPONSIBLE HOSPITALITY INSTITUTE
JUNE 2022

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EXECUTIVE SUMMARY

Project Overview

The Responsible Hospitality Institute (RHI) was invited to work with the City of St. Augustine to help facilitate safe and vibrant growth in the “social economy.”¹ The focus of the report’s analysis and recommendations is on the Historic Downtown. However, some findings and actions may address systemic challenges citywide.

Between November 2021 and March 2022, nearly 130 individuals representing 81 organizations/companies participated in twenty-four meetings hosted by RHI both on-site and virtually. Participants represented a diverse cross-section of public, private and government stakeholders, recruited by a Transformation Team (Sunshine Committee). RHI staff made three on-site visits to St. Augustine to conduct engagement meetings, information-gathering, observational tours of the city, and facilitate six roundtable focus groups. A final summary presentation will be July 2022.

Analysis of the Social Economy

RHI analyzed eight key content areas for this study:

Market Forces that have led to current trends driving change in the downtown social economy.

Governance: systems and policies that exist or are needed to ensure sustainable nighttime economy management.

Six Core Measures of a Sociable City: strengths, challenges and opportunities.



Action Plan

The Action Plan was primarily generated by Roundtable participants. Supplemental actions were created by RHI based on priorities identified during interviews and meetings that took place prior to the Roundtables. The Foundation section’s action plan is based on RHI’s research and experience with social economy governance systems worldwide.

TO LAY A FOUNDATION FOR THE SOCIAL ECONOMY 1: Form a Social Economy Alliance 2: Conduct an Economic Analysis of the Social Economy	TO ASSURE SAFETY IN THE SOCIAL ECONOMY 1: Facilitate Easier Access by Emergency Vehicles 2: Improve Lighting In “Dead Zones” 3: Form a Nighttime Social Venue Alliance 4: Educate Visitors to Not Carry Open Containers
TO PLAN FOR PEOPLE IN THE SOCIAL ECONOMY 1: Formalize and Raise Awareness of Rideshare Hubs 2: Provide Safe, Efficient Parking for Nighttime Employees 3: Bring Residents Back to Downtown 4: Refine Sound Management Process	TO ENHANCE VIBRANCY IN THE SOCIAL ECONOMY 1: Educate Visitors About Not Giving to Panhandlers 2: Create More Opportunities for Original Live Music 3: Update Event Procedures and Coordination

Report Organization

A **summary version of the report** is available to review a brief snapshot of each area of analysis, as well as a synopsis of the action plan. **Access short version:** https://sociablecity.info/st_augustine/short_report_2022.pdf.

A **complete version of the report** provides the full analysis of each content area, including in-depth background and a step-by-step implementation plan for each proposed action.

Access full version: https://sociablecity.info/st_augustine/full_report_2022.pdf

¹ RHI defines the social economy as the venues and events that facilitate sociability in the form of dining, entertainment, events and nightlife.

SUMMARY OF TRENDS AND MARKET FORCES

FROM A HIDDEN GEM TO A DESTINATION STRAINED BY TOURISTS



St. Augustine was once known as a “hidden gem” and a “sleepy town.” But, word got out. Full of historical landmarks in walking distance to downtown, balconies overlook narrow cobblestone streets and mini oases of nature are interspersed with Spanish moss. St. Augustine strives to be a modern city within the confines of Spanish colonial design—horse-drawn carriages share the road with cars, quads, pedestrians and trolleys. The city is marketed as an opportunity to “travel internationally without going abroad,” where visitors can experience “old-world charm, art, culture,” and romance (Smithsonian, 2022). Indeed, there is a jarring mix of the old and the new, classy and tawdry, in shops, social spaces and services that provide a unique atmosphere downtown.

Two turning points are identified as critical “before” and “after” moments that raised national awareness of the city. In 2013, the Gentlemen of the Road tour featured Mumford and Sons at Francis Field, giving new markets their first taste of the city. Then, in 2015, the 450th anniversary of the city’s founding in 1565 celebrated St. Augustine as the “oldest continuously-occupied European settlement in the continental United States” (Visit St. Augustine, 2022). An estimated 100,000 people visited downtown during 5-days of activities (Reynolds, 2015).



Five years later, in 2020, no one could have predicted how well Florida would fare during a global health crisis. While most of the country locked down, restricting “non-essential” businesses (which forced bars and restaurants to close except for take-out), and enacting mask mandates, Florida remained open and relatively “normal.” Tourism skyrocketed. Visit Florida announced that the state welcomed 31.4 million travelers in the second quarter of 2021 and that the state hosted nearly as many tourists as prior to the pandemic (Florida Trend, 2021; Durkee, 2021).



George Street was so filled with people that you could hardly move. Per the VCB, 2021 beat the record-breaking year of 2019 in bed tax collections by 20%.

68%+ of tourists have been to the city before. 35%+ of tourists have been to the city more than 10 times before.

Tourist = someone who lives outside the county

(Visitors & Convention Bureau)

St. Augustine similarly saw an influx in tourism in 2021.

Digital nomads and remote workers, staycationers and daytrippers, East coast snowbirds and families—they all flocked to the city. Weddings were not only limited to weekends—newlyweds could be seen nearly every day of the week. Day and night, St.

Although Florida remained open, St. Augustine was not immune to the national challenges caused by COVID-19 and, in the years prior, climate change.

Severe weather events wreaked havoc on this coastal city—from hurricanes to flooding, which damaged businesses, displaced the unsheltered and threatened downtown's fragile infrastructure. Two+ years into the pandemic, hospitality businesses still face supply shortages and difficulty hiring enough employees. Some businesses still close temporarily due to outbreaks or reduce hours due to insufficient staff. The pandemic also changed tourism patterns—no longer is there a predictable “peak” season with lows and highs; the city adapted to an all-season market with even greater demands.

Downtown is a finite resource with a carrying capacity that may already be maxed out. Insufficient affordable housing forces students and employees to live farther away and commute in, perpetuating traffic congestion. The rise in short-term rentals continues to drive up costs of housing, leading to gentrification, especially of the once predominantly African American neighborhood of Lincolnville. Parking is difficult to find and cited as a top barrier to attracting residents for a night out, as well as employees, who need safe access to and from work.



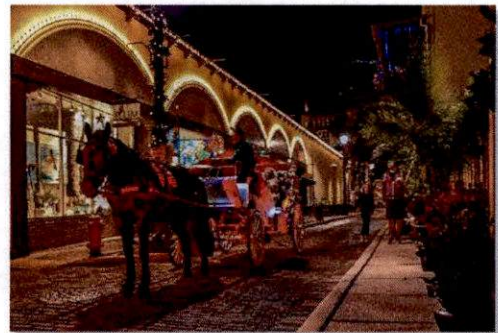
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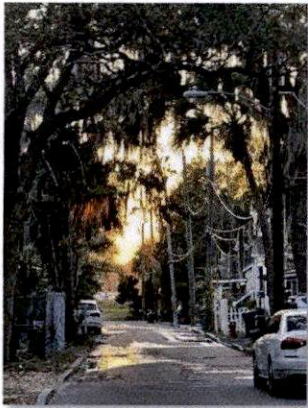
resources, growth continues. Planned hospitality developments will infill the remaining gaps in real estate downtown and in the periphery. Retail shops are being converted into food and beverage establishments, one of the few remaining business models that can succeed in the era of online shopping. New hotels are also under development, which will bring more patrons. Businesses will need more staff. Where will they park? Where will they live? Where will new businesses store their trash, when standard size dumpsters don't fit on narrow streets?

St. Johns County

- 10th fastest-growing county in U.S.
- Est. 265,512 population
- 6.3 million tourists visit annually
- Est. 12,600 short-term rentable units (incl. vacation rentals e.g. hotels, B&Bs, sharing economy accommodations i.e. Airbnb, VRBO, Home Away)

Sources: St. Johns County Gov't, 2022; TDC, 2017; Smith Travel Resources and All the Rooms (2022)





The growing pains of the city can no longer be ignored. There is already dramatic stress on infrastructure and human resources. Historic buildings have needed additional support structures to sustain visitation. Police resources are insufficient to maintain zone integrity, much less fulfill event security requirements.

The funding structure for the City (based on the residential population) may no longer be viable. The city's population has remained relatively stable since 1930, estimating between 12,000-14,000 people (Wikipedia, 2022). Yet St. Johns County has grown tremendously. There is growing tension between the city and county due to the perception that the county brings more tourists yet doesn't support the City with matching resources for management. Yet the Visitors & Convention Bureau (VCB)'s allocation of bed tax funds is restricted by state statute.

Has the "tipping point" already been reached? Is it already too late? In 2019, there were fears that this was indeed the case. City leaders expressed concern about violence downtown becoming a continuing trend. Although incidents were devastating to the community (i.e. stabbing on Spanish street, two impaired driving crashes, shots fired outside a social venue), they would not prove to be part of a trend (White, 2021). Violence and public safety incidents have remained rare and mostly isolated incidents. In fact, crime in 2020 was at a 25-year low (Clark, 2021). Managing continued growth in business development and increased visitation is the broader challenge.

Maintaining quality of life, facilitating coexistence of uses, and enhancing accessibility to downtown are the pervasive issues impacting downtown. Presence of unsheltered, panhandlers and transients (not a homogenous group) negatively impact the perception of safety, especially for women. Sound from amplified music and people leaving social venues disturb neighbors even as far as Davis Shores and Anastasia Island. Disturbances from intoxicated persons are nuisances, but also potential safety risks for impaired driving. Clearing the district quickly and efficiently after bar closing was identified as a solution to multiple challenges. After all, the faster people return home, the less problems they may cause.

A push and pull dynamic underlie many of the existential debates in the city. How can the city retain legacy residents while appealing to visitors? How can the city preserve authenticity while providing convenience and modern amenities? The fear of losing the city's charm, history and authenticity pervaded many discussions with stakeholders.

St. Augustine played a pivotal role in the Civil Rights movement. In fact, the Civil Rights Act in 1964 may not have been passed if Martin Luther King, Jr. had not stopped in St. Augustine to bolster the local protest movement prior to going to DC. Lincolnville's live music venues were also once part of the Chitlin' Circuit, which hosted prominent African American musicians. This history is not widely publicized outside of the Lincolnville Museum & Cultural Center. As the City explores how best to chart the future of the social economy, city leaders can both commemorate the past and strive to create an inclusive destination where all feel welcome.

Now is the time to capitalize on St. Augustine's many assets in preparation for the 250th anniversary of the nation's founding. In 2026, the city will be showcased in national celebrations. This is an opportunity for the City to polish the gem it has always been so it shines as a beacon of hope and resilience, where authenticity and adaption to the future are seamlessly melded together.



PROJECT OVERVIEW

RHI's Sociable City Project in St. Augustine, Florida

The Responsible Hospitality Institute (RHI) was invited to work with the City of St. Augustine to help facilitate safe and vibrant growth in the “social economy.” The focus of the report’s analysis and recommendations is on the social economy contained within the Historic Downtown. However, some findings and actions may address systemic challenges and issues that affect social venues citywide.

Information presented in this report was generated from a variety of sources, including RHI staff observations; virtual and on-site interviews and meetings; online research; and background reports.

Timeline

Between November 2021 and March 2022, RHI staff made three on-site visits to St. Augustine, including facilitation of engagement and information-gathering meetings, as well as nighttime observational tours of the city. Twenty-four meetings were hosted by RHI both on-site and virtually, including six roundtable focus groups and a dozen interviews. A final summary presentation will be made July 2022.

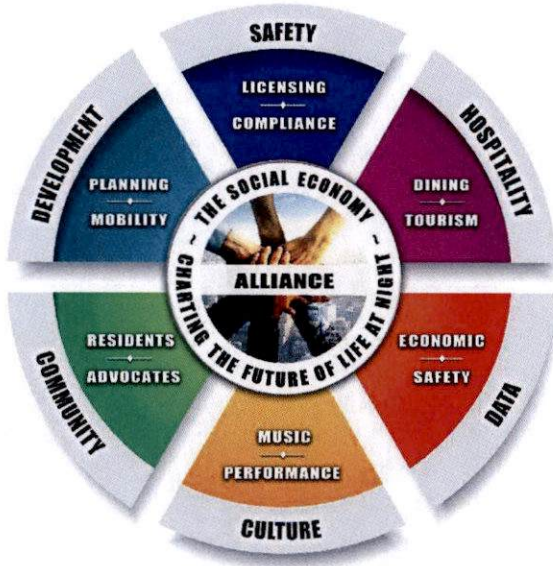
Stakeholder Engagement

Nearly 130 individuals representing 81 organizations/companies, including multiple city departments, were involved in virtual and on-site meetings. They represent a diverse cross-section of public, private and government stakeholders.



Steering Committee: The Sociable City Transformation Team

Stakeholder recruitment and outreach was provided by a steering group (formally a Sunshine Committee, per Florida statute) that strove to achieve a balance of perspectives.



The Transformation Team is a steering group of 12 Project Leaders who recognize the need for change, can mobilize stakeholders and leverage resources to ensure the project's success. Members are representative of diverse stakeholder perspectives to ensure broad input.

Beth Sweeny, Director of External and Governmental Functions, Flagler College

Jayson Befort, General Manager, No Name Bar

Troy Blevins, Consultant, Walking Man Consulting

Jeanetta Cebollero, Performer, Ancient City Entertainment Group

Jon DePreter, Retired, Planning and Zoning Board

Tom Dolan, Owner, Meehans

Reuben Franklin, Director, COSA Public Works

Phil McDaniel, Owner, St. Augustine Distillery

Jennifer Michaux, Chief of Police, St. Augustine Police Department

Gabe Pellicer, General Manager, St. Augustine Amphitheater

Bob Porter, Vice President, St. Johns County Chamber of Commerce

Support for the Project by City Leaders

The express support, participation and endorsement of key city leaders was vital to the Sociable City Project. During a virtual project orientation open to all project participants, Troy Blevins, Walking Man Consulting, welcomed the following stakeholders who provided opening remarks:



PHIL MCDANIEL
Owner
St. Augustine Distillery



JOHN P. REGAN, P.E.
City Manager
City of St. Augustine

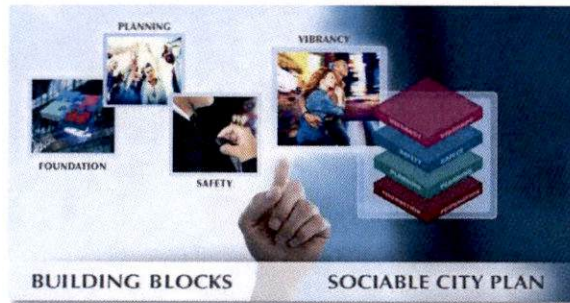


NANCY SIKES-KLINE
Commissioner
City of St. Augustine



JENNIFER MICHAUX
Chief Of Police
City of St. Augustine

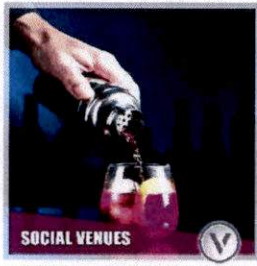
Analysis Framework: Building Blocks of a Sociable City



Project participants received e-learning trainings to learn how to evaluate a city's nighttime economy based upon "Four Building Blocks" and "Six Core Measures" of a sociable city. RHI used this framework to analyze Downtown St. Augustine to generate an action plan.

CORE MEASURE DEFINITIONS

SOCIAL VENUES



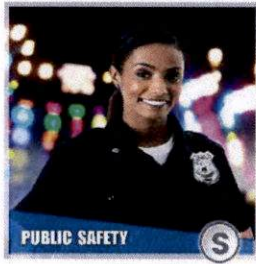
Social venues are defined as dining, dancing, live entertainment, theater, etc. in the city at night and the systems to recruit and retain talent. Entertainment is also measured by mix of clientele, systems for promotion, and retention of talent.

PUBLIC SPACE



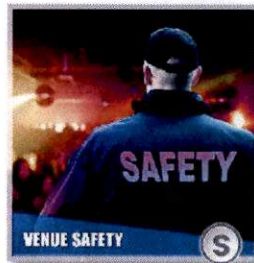
Public space vibrancy offers a continuum of outdoor activities such as sidewalk dining, outdoor seating, street performers, markets, food vendors, festivals, and art walks. Truly vibrant cities maintain social activity during day and night.

PUBLIC SAFETY



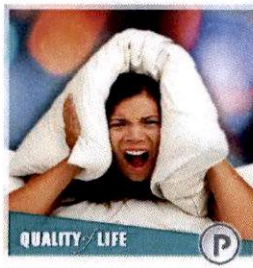
Public safety in the nighttime economy requires an interagency collaboration to identify risks and coordinate intervention and education with the objective of improving compliance by nightlife venues and efficiently responding to nighttime incidents.

VENUE SAFETY



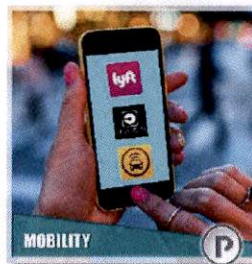
Venue safety is comprised of the initiatives that venue operators and event organizers undertake to protect the health and safety of their patrons and staff at night. Collaboration with regulatory and enforcement agencies increase industry safety and compliance.

QUALITY OF LIFE



Quality of life in mixed-use social districts entails a balance of social amenities and requires effective management of sound, litter, trash, bio-waste and patron behavior. Updated policies, consistent enforcement and conflict resolution systems help facilitate high standards.

MOBILITY



Patrons and staff need safe and convenient transport to / from social districts at night. Providing nighttime mobility options can enhance the visitor experience; ensure safety of employees who work night shifts; prevent impaired driving and alcohol-related accidents.

ABOUT RHI

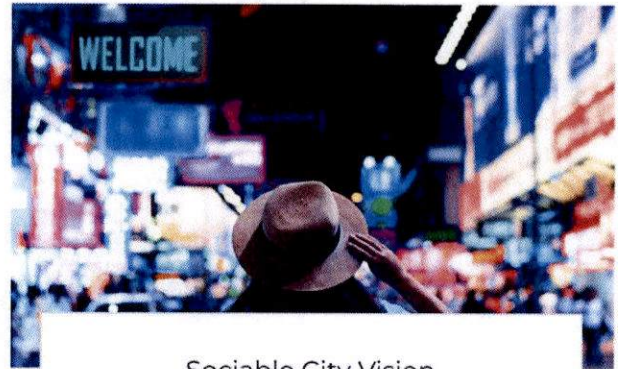
The City of St. Augustine commissioned the Responsible Hospitality Institute (RHI) with facilitation of a plan for the future of the historic downtown's social economy.

RHI brings decades of experience of nightlife and social economy management. A private non-profit organization founded in 1983, RHI is the leading source for events, resources and consultation services.

We help cities plan safe and inclusive places to socialize by convening diverse stakeholders to achieve a common vision.

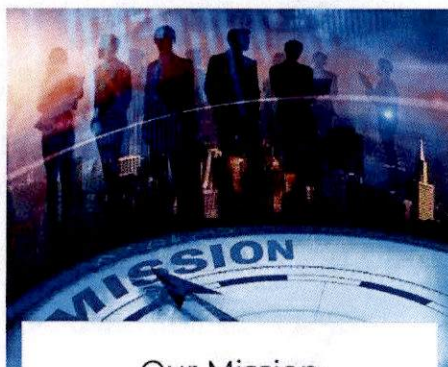
Aims of the Sociable City Project

- To preserve and advocate for the social, cultural and economic value of dining and entertainment
- To examine risk factors for crime, harm and disorder in social districts
- To sustain peaceful coexistence of residents and businesses in mixed-use areas
- To enhance communication between government and businesses regarding policy, procedures and resource allocation



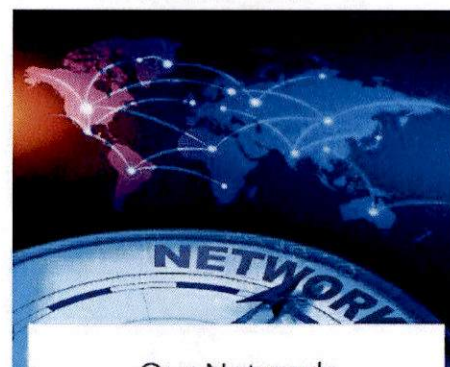
Sociable City Vision

We believe all people should have access to safe, vibrant places to socialize—regardless of age, life stage, race, ethnicity, sexual identity or disability. We help communities create diverse, welcoming social venues and districts where people have an opportunity to connect and lead more enriching lives.



Our Mission

RHI's mission is to provide technical assistance that builds local capacity; incubate and share cutting-edge information and proven strategies; and link a broad-based network of professionals who plan, manage and police nightlife districts



Our Network

RHI's influence extends throughout the world. Our services, media and events advance the professional development of nighttime managers and facilitates creation of collaborative alliances to guide the social economy

GOVERNANCE ANALYSIS: SNAPSHOT



Downtown St. Augustine has a large number of social venues, mostly serving the large tourism economy. Local government has tried to respond to this growth but has limited tools or consistent systems for oversight. Alcohol licenses are issued by the state, and local zoning and definitions have created what appears to be an uneven playing field for bars and restaurants in terms of operating requirements.

Bars and restaurants are defined in the historic core in ways that create incentives for operators to be less than forthcoming about their businesses plans. Permit costs and process reviews often push

operators to become restaurants; changes to operations are not reviewed by a renewal process, as outlined below:

St. Augustine's Historic Core: "Bar" vs. "Restaurant"		
	"Bar"	"Restaurant"
Definition	Any place that serves/sells alcohol on-premise that is NOT a restaurant	Any place that sells, dispenses prepares and serves food, refreshments or beverages from a menu
State alcohol licenses allowed	2COP: \$300-400 4COP "Quota": \$300,000-500,000	2COP: \$300-400 4COP "Quota" 4COP-SFS: \$20,000-30,000 If 150 occupancy; 2,500 sq. ft; 51% food sales
Alcohol Sales, Service, Consumption Ends	2:00 AM	2:00 AM
Live Music Allowed	Yes, with potential restrictions on amplified sound by PZB	Yes, potentially 24/hours (no mechanism to set hours of operation)
Use by Exception Permit	Yes	No
Planning & Zoning Board Review & Community Input	Yes	No
Conditions	Yes	No
Remediation & re-review if violations	Yes	No

Enforcement of any locally placed conditions, or state level requirements, tend to happen reactively by complaint.

Based on RHI's requests for data, the City seems to lack a consistently updated database by which to track and manage licensed venues. This also can lead to uneven enforcement. In addition, the state agency in charge of alcohol license enforcement, Alcoholic Beverages and Tobacco, is understaffed for the area, so little oversight is done. There is also a lack of clarity between police and Code Compliance regarding responsibility for sound complaints, overservice, and underage drinking. Therefore, some establishments are not taken to task on violations.

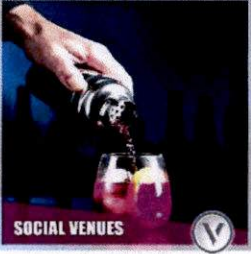
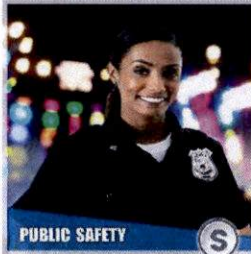
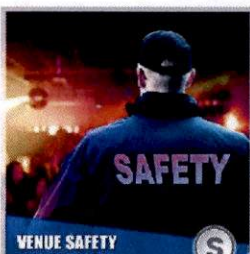
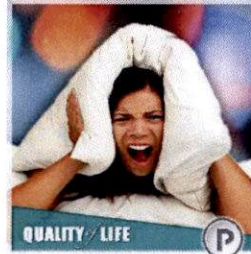
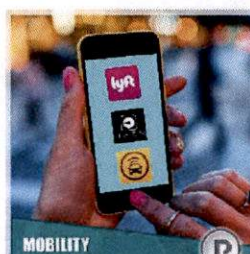
City officials identified these deficiencies pre-COVID and introduced legislation to address the lack of compliance and enforcement regimens.

However, based on RHI's interviews, the process did not seem to include enough outreach to licensed operators, creating a situation of mistrust. RHI's work identified this oversight and arranged a meeting between City Manager John Regan and venue operators. As a result, the City is engaging venue operators to re-evaluate the initial legislation.



CORE MEASURES ANALYSIS: SNAPSHOT

RHI analyzed downtown St. Augustine's social economy using Six Core Measures of a Sociable City.

SOCIAL VENUES: ST. AUGUSTINE  SOCIAL VENUES V St. Augustine is a destination for fine dining, historic architecture and heritage sites. Weddings and tourism are now an all-season market. Annual events have grown exponentially, but they are becoming difficult for police to staff. There is a disconnect between residents and downtown. Many venues offer live entertainment throughout the week, but it is limited to mostly top 40 cover bands that appeal to visitors. Original music is hard to find, though local talent exists.	PUBLIC SPACE: ST. AUGUSTINE  PUBLIC SPACE V St. George Street is a popular attraction, which leads to congestion, while other public spaces and parks are under-utilized. The street (and public space) itself has become a destination for people watching. Presence of unsheltered, transients and panhandlers (each a distinct population with unique service needs) generate negative perceptions of safety downtown. St. Augustine has become a destination for transients due to the climate and culture of giving.
PUBLIC SAFETY: ST. AUGUSTINE  PUBLIC SAFETY S Violent crime is rare, but when incidents do occur downtown, they result in a void of safety presence in other city zones. Downtown officers are described as "gracious" and "helpful" with a customer-service approach. Police are the "catch all"—responsible for crime, sound compliance, homelessness, nightlife safety AND event security. More officers are desired to increase the safety presence downtown. The PD has struggled to fill positions for nightlife that are fully funded, as well as meet event security requests.	VENUE SAFETY: ST. AUGUSTINE  VENUE SAFETY S Downtown St. Augustine is generally a safe community to go out at night to socialize. Some businesses have excellent approaches to manage crowds and public safety and can serve as a model for other businesses. Yet standards for safety and service are inconsistent due to a gap in standardization for door security and server training. The lack of formal organization among venue operators poses a challenge to improved coordination with the City, which would benefit from an industry point person to coordinate City initiatives.
QUALITY OF LIFE: ST. AUGUSTINE  QUALITY OF LIFE P Residents feel disconnected from downtown's social amenities and attribute the decline in quality of life to the influx of tourists. The rise of short-term rentals has driven housing prices up, making it unaffordable to live in the city. Business owners are concerned about the comfort and safety of their employees, patrons and visitors. Finding safe parking for employees and access to restrooms at night are key amenities. Concern was also expressed about meeting the sound ordinance.	MOBILITY: ST. AUGUSTINE  MOBILITY P Highly walkable and compact, downtown was designed with historic, narrow streets. Different modes of transport are competing for limited space at different times of day. Parking is hard to find at peak times and traffic is congested day and night. Rideshare services (e.g. Uber, Lyft) are a key mode of transport for nightlife patrons, especially at closing time. Yet there are no current systems of coordination or designated locations for pick-up and drop-off.

WOMEN'S PERSPECTIVE ON THE SOCIAL ECONOMY: SNAPSHOT

RHI conducted a focus group among women of different ages to analyze St. Augustine's downtown social economy.

Social Venues

St. Augustine has a variety of social assets downtown. Among the attractions ranked as “excellent” by the women's focus group include high quality food and beverage, engagement with art and the “street as a venue” (where walking downtown is the attraction, especially on St. George Street). Events, festivals and sporting events (e.g. hosted by Flagler College) are key attractions, which draw a wide range of ages and life stages. Colonial Oak is particularly family friendly. Downtown has room for improvement in social options after 10:00 p.m. that appeal to a 30+ mature audience.



Inclusion

The City of St. Augustine has a complicated dynamic with current and historical diversity, equity and inclusion. There is a notable lack of racial and ethnic diversity in pedestrians, patrons and owners of social venues downtown. Musical diversity is limited and there is a gap in LGBT+ social venues. Wedding planners noted that while they do have diverse wedding parties, there are few social spaces where e.g. African Americans or LGBT+ community members would feel comfortable bringing their post-wedding “after party” downtown.



Public Safety



Women are often a key barometer of safety. In fact, social preferences by women often coincide with best practices for safety in nightlife venues and social districts. The physical environment of a downtown social district has a large impact on whether women feel safe at night. Environmental cues such as good lighting, cleanliness and presence of multi-generational eyes on the street contribute to a positive perception of safety. Areas that women's focus group participants felt safest were: Plaza, Bayfront, St. George St and Hypolita St. However, participants commented that they intentionally avoid areas that are consistently dark (e.g. side

streets, alleys, parking lots) and are intimidated by groups of transients and panhandlers, especially if they are drinking in public.

Venue Safety

What makes women feel safe within social venues? Among ambience and design preferences include quiet spaces and lounges. Bathroom cleanliness and well-lit passageways are critical to a safe, comfortable social experience. Cues that an environment may be unsafe are when intoxicated people are allowed entry and served more alcohol, and where staff are seen drinking on the job.



Safety Resources for Women

- **Women Against Violent Encounters (WAVE)** class taught by PD to high school and college students about staying safe at house parties and venues through situational awareness.
- **Bathroom posters in DIY house party network**, Underwire Collective, a potential model for licensed venues.

WEDDING INDUSTRY AND THE SOCIAL ECONOMY: SNAPSHOT



The wedding industry has a significant impact on the social economy year-round. Despite the boon to the local economy, weddings contribute to challenges in the social economy. There are concerns about the continuum of when and where drinking takes place, and the disruptions it causes to the quality of life and public safety of downtown.

Weddings comprise the majority of private events that take place downtown, but quantitative data is unknown. There are about a dozen formal wedding venues located in/around downtown, as well as several informal venues (e.g. short-term rentals for “backyard weddings”) nearby. Weddings anecdotally take place during the week and weekends year-round; one venue can even host multiple weddings simultaneously on multiple floors. Alcohol licensing, and therefore server training and security, varies, depending on the venue. Some venues have their own alcohol license associated with the property, while others rely on catering licenses. Over-consumption of alcohol has been reported at open bars. Standardization of policies for weddings (e.g. last call, refusal of service) is unknown. As part of this study, RHI worked to collect data on weddings, but only received partial data.

When weddings end (usually between 11:00 p.m.-12:00 a.m.), a crowd surge similar to bar closing time descends upon downtown social venues—potentially hundreds of people eager to continue to socialize, despite varying levels of intoxication upon arrival. Venue operators expressed concern about pre-loading among wedding guests. Anecdotal reports from venue staff indicated that some wedding guests are disruptive, demanding entry to venues or alcohol service despite already being intoxicated. Some try to occupy an entire venue for their after-party, but venue operators typically refuse due to concerns about disorderly behavior and passing of drinks to minors. Wedding attendees have also been seen to openly carry drinks; champagne bottles are often found littered downtown.

Events such as weddings contribute to impacts in the social economy that require planning, coordination, and resource management, especially for police as event security. But, there is a disconnect between the wedding industry and the City in terms of reporting, tracking and coordination of resources. Police department’s knowledge of weddings is limited to when off-duty officers are requested as event security. There is an opportunity to include wedding venue stakeholders in a broader plan for the social economy downtown.



SOCIAL ASSET INVENTORY: SNAPSHOT

Data Summary

This is a summary of available data on the mix of businesses in the Historic District. Social venues are defined as cafes, restaurants, bars, music venues and wedding venues.

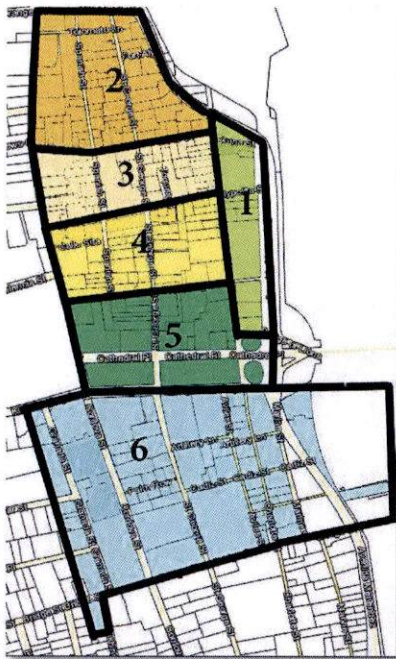
Social Venues in the Historic District

108 social venues (32.24%) of 335 total businesses

81 venues (75%) of 108 have an alcohol license

21 venues (19.44%) offer live entertainment

Total seating/occupancy: 6,470 seats



Why Should Social Venues be Analyzed?

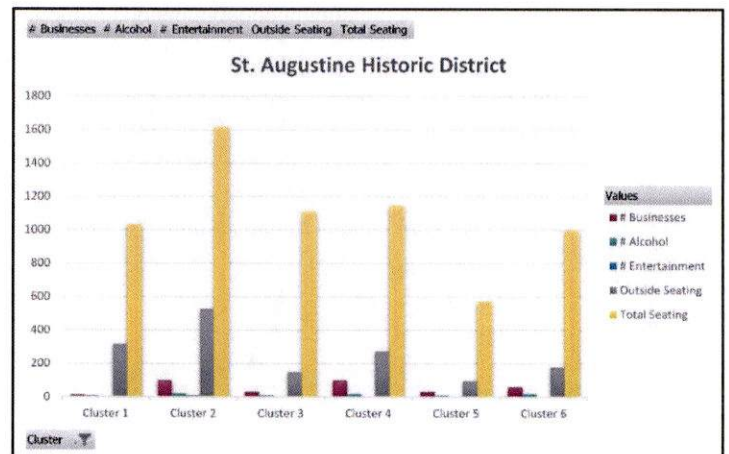
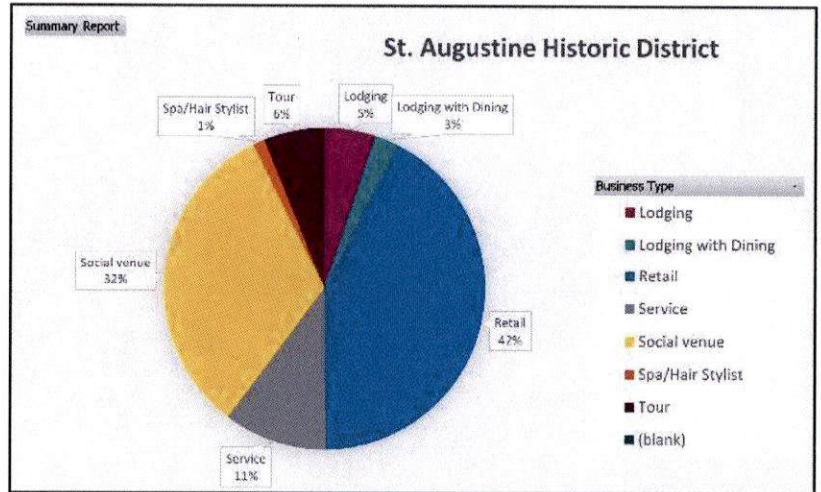
Many market forces are driving change. The loss of storefront retail is placing pressure to transition these spaces to social venues. However, social venues have a much greater occupancy for the same square footage as retail or office space. With each new social venue comes more employees and the need for parking with numbers greater than the existing use. This business use can also generate more impacts to quality of life and public safety due to nighttime hours of operation and potential patron intoxication

Cluster Organization of Historic District

The Historic District has been divided into six clusters of businesses (as pictured). The evolution of several concentrated “clusters” of social venues within the Historic District has led to perceived and real shortages of parking in several blocks, as well challenges with closing time management in certain clusters.

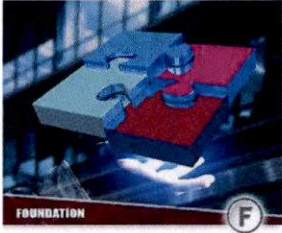
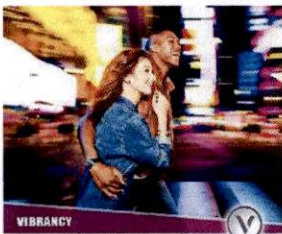
How can this Methodology be Used?

By dividing a district into social clusters, improvements can be planned and monitored in a more focused way. The model helps identify areas in most need of lighting, where most social venues and/or greatest occupancy are located, etc. Calls for service and last drink data can also help pinpoint response for increased compliance training of venues located in particular clusters.



ACTION PLAN: SNAPSHOT

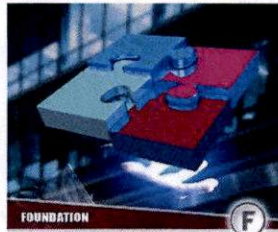
This is a one-page snapshot of all action items.

ACTIONS TO LAY A FOUNDATION FOR A SUSTAINABLE SOCIAL ECONOMY	
 FOUNDATION	■ Action 1: Form a Social Economy Alliance ■ Action 2: Conduct an Economic Analysis of the Social Economy
ACTIONS TO ASSURE SAFETY IN THE SOCIAL ECONOMY	
 SAFETY	■ ACTION 1: Facilitate Easier Access by Emergency Vehicles ■ ACTION 2: Improve Lighting In “Dead Zones” ■ ACTION 3: Form a Nighttime Social Venue Alliance ■ ACTION 4: Educate Visitors to Not Carry Open Containers
ACTIONS TO ENHANCE VIBRANCY IN THE SOCIAL ECONOMY	
 VIBRANCY	■ ACTION 1: Educate Visitors About Not Giving to Panhandlers ■ ACTION 2: Create More Opportunities for Original Live Music ■ ACTION 3: Update Event Procedures and Coordination
ACTIONS TO PLAN FOR PEOPLE IN THE SOCIAL ECONOMY	
 PLANNING	■ ACTION 1: Formalize and Raise Awareness of Rideshare Hubs ■ ACTION 2: Provide Safe, Efficient Parking for Nighttime Employees ■ ACTION 3: Bring Residents Back Downtown ■ ACTION 4: Refine Sound Management Process

ACTION PLAN: SYNOPSIS

The Action Plan was primarily generated by Roundtables input. On occasion, more than one Roundtable identified the same action. Some actions were created by RHI based on priorities identified during interviews and meetings that took place prior to the Roundtables. The Foundation section's action plan is based on RHI's research and experience with the governance systems that help sustain a nighttime economy management system in sociable cities worldwide.

ACTIONS TO LAY A FOUNDATION FOR A SUSTAINABLE SOCIAL ECONOMY



1) Form a Social Economy Alliance

Progressive cities recognize the need for a sustainable system of social economy governance. This can be accomplished in a variety of structures, such as an Office of Nightlife and Advisory Board. Dedicated staff ("Night Manager") are critical to maintain momentum and coordinate programming.

2) Conduct an Economic Analysis

Conducting an economic analysis can achieve heightened recognition and legitimacy for the social economy. Compiling and analyzing information about the fiscal, economic and employment impacts of the social economy can help establish a baseline measure to better understand patterns of growth, decline and renewal in downtown St. Augustine.

ACTIONS TO ASSURE SAFETY IN THE SOCIAL ECONOMY



1) Facilitate Easier Access by Emergency Vehicles

Emergency vehicles (e.g. fire trucks, ambulances, police cars) need to efficiently access locations when called for service. Closing strategic streets to public car access will help alleviate the challenge by removing traffic congestion and other barriers in key service areas to reduce response time.

2) Improve Lighting in "Dead Zones"

There are pockets of "dead zones" devoid of light or people in downtown's side streets and alleys. Consistent lighting can improve the perception of safety and deter crime and nuisance activities. Stakeholders will have to engage in the Historic Architectural Review Board process to ensure historic preservation standards are met.

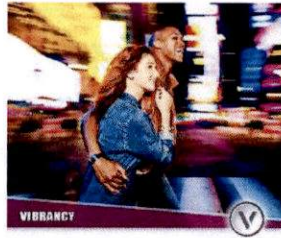
3) Form a Nighttime Social Venue Alliance

Starting a WhatsApp phone group among venues' general managers and security is one small step towards creation of a more formal Nighttime Social Venue Alliance. The Alliance can develop self-regulation standards in a guide for operation, schedule quarterly meetings with police, and coordinate training.

4) Educate Visitors to Not Carry Open Containers

Educating visitors that they're not allowed to drink from open containers downtown can reduce pre-loading and assist licensed venues from having to intervene with patrons. A marketing campaign with a video for tourists and brochure for wedding parties will be key.

ACTIONS TO ENHANCE VIBRANCY IN THE SOCIAL ECONOMY



1) Educate Visitors About Not Giving to Panhandlers

St. Augustine can break the cycle of panhandling by addressing their source of income: visitor donations. Educating visitors on how to redirect their donations to social services can make long-lasting change. An educational campaign will include brochures on existing social service agency initiatives.

2) Create More Opportunities for Original Live Music

Elevate the caliber of nighttime social experiences by offering authentic, experiential options. An ecosystem of support is critical through better connectivity between event/festival planners and local musician networks, as well as dedicated loading zones. Fostering a robust live music scene also requires a local support base and higher wages.

3) Update Event Procedures and Coordination

Enhancement of current systems that track upcoming events held on private property, especially weddings, will help the City and venue operators know when additional staff resources are needed. There is an opportunity to continue to supplement police with private security but with vetting and approval standards for public events.

ACTIONS TO PLAN FOR PEOPLE IN THE SOCIAL ECONOMY



1) Formalize and Raise Awareness of Rideshare Hubs

Rideshare services are a key mode of transport for nightlife patrons, yet there are no current systems of coordination. Rideshare hubs create designated areas for pick-up and drop-off of passengers. They help reduce traffic congestion and expedite district egress. Three locations have already been selected, but there was limited awareness, nor signage.

2) Provide Safe, Efficient Parking for Employees

Provision of safe, efficient parking for employees who work downtown at night is key to supporting and expanding the current workforce. Explore options such as a Park and Ride location with a circulator/shuttle to pick up employees and drop them off at start and end of shift.

3) Bring Residents Back Downtown

Residents want to patronize local dining and entertainment businesses but feel disconnected from downtown. Facilitate a meeting among hospitality operators and residents to discuss amenities such as resident discounts and reservations to help restore a sense of community.

4) Refine Sound Management Process

There is a need to close loopholes in the sound management process. Revisiting the sound ordinance to set realistic sound standards for businesses, training noise control officers, creating a more robust tracking mechanism for complaints and ensuring follow-through in the judicial process will be critical.



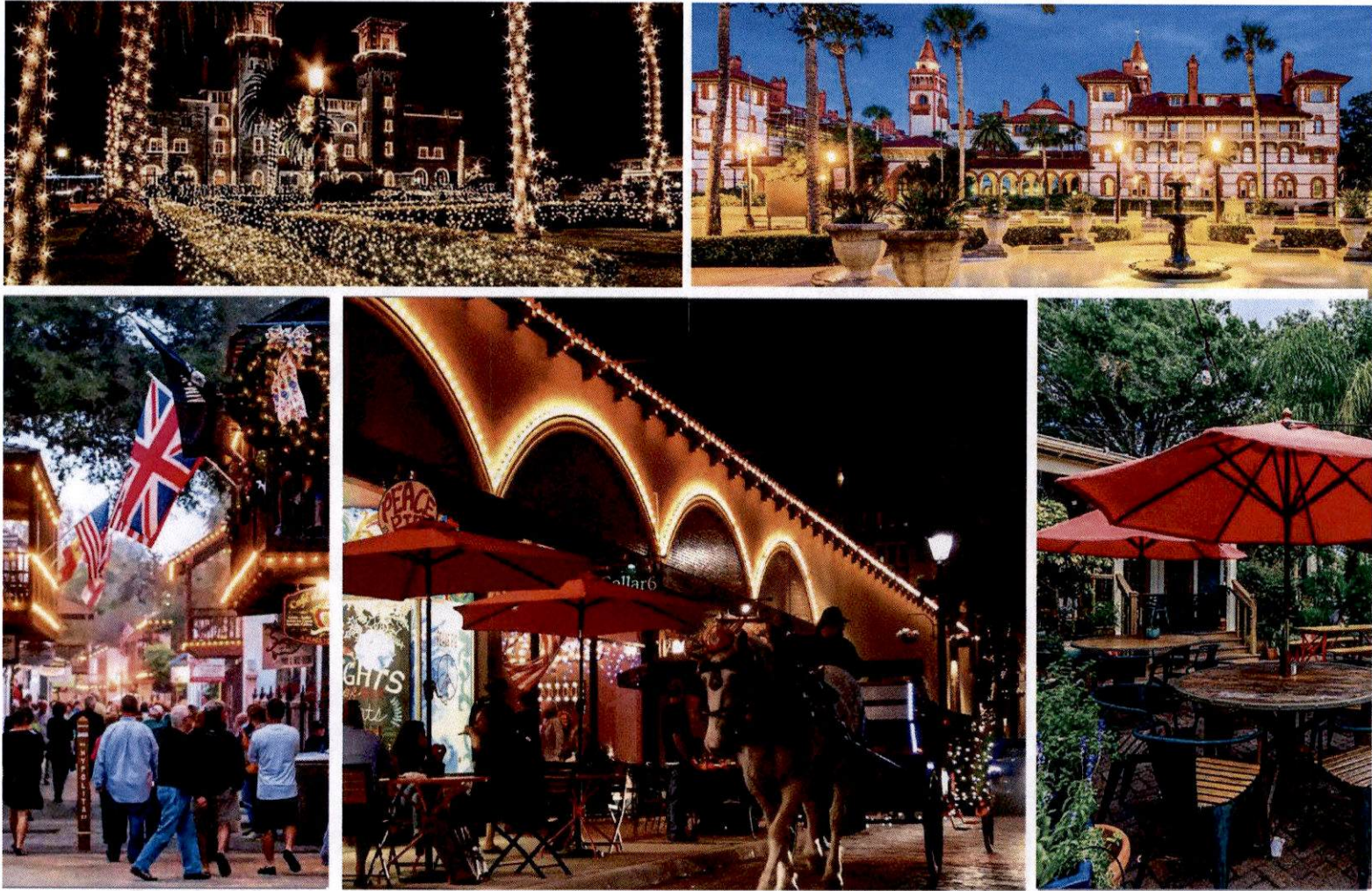
RESPONSIBLE HOSPITALITY INSTITUTE

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www.SociableCity.org

***Sociable City Assessment* Full Report developed by RHI – June 1, 2022**



SOCIABLE CITY ASSESSMENT

Summary Report

June 1, 2022

PREPARED FOR:

St. Augustine, Florida

PREPARED BY:

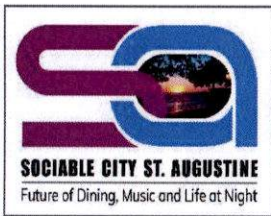
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ST. AUGUSTINE, FLORIDA SOCIABLE CITY PLAN
PREPARED BY: RESPONSIBLE HOSPITALITY INSTITUTE
JUNE 2022

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EXECUTIVE SUMMARY

Project Overview

The Responsible Hospitality Institute (RHI) was invited to work with the City of St. Augustine to help facilitate safe and vibrant growth in the “social economy.”¹ The focus of the report’s analysis and recommendations is on the Historic Downtown. However, some findings and actions may address systemic challenges citywide.

Between November 2021 and March 2022, nearly 130 individuals representing 81 organizations/companies participated in twenty-four meetings hosted by RHI both on-site and virtually. Participants represented a diverse cross-section of public, private and government stakeholders, recruited by a Transformation Team (Sunshine Committee). RHI staff made three on-site visits to St. Augustine to conduct engagement meetings, information-gathering, observational tours of the city, and facilitate six roundtable focus groups. A final summary presentation will be July 2022.

Analysis of the Social Economy

RHI analyzed eight key content areas for this study:

Market Forces that have led to current trends driving change in the downtown social economy.

Governance: systems and policies that exist or are needed to ensure sustainable nighttime economy management.

Six Core Measures of a Sociable City: strengths, challenges and opportunities.



Action Plan

The Action Plan was primarily generated by Roundtable participants. Supplemental actions were created by RHI based on priorities identified during interviews and meetings that took place prior to the Roundtables. The Foundation section’s action plan is based on RHI’s research and experience with social economy governance systems worldwide.

TO LAY A FOUNDATION FOR THE SOCIAL ECONOMY 1: Form a Social Economy Alliance 2: Conduct an Economic Analysis of the Social Economy	TO ASSURE SAFETY IN THE SOCIAL ECONOMY 1: Facilitate Easier Access by Emergency Vehicles 2: Improve Lighting In “Dead Zones” 3: Form a Nighttime Social Venue Alliance 4: Educate Visitors to Not Carry Open Containers
TO PLAN FOR PEOPLE IN THE SOCIAL ECONOMY 1: Formalize and Raise Awareness of Rideshare Hubs 2: Provide Safe, Efficient Parking for Nighttime Employees 3: Bring Residents Back to Downtown 4: Refine Sound Management Process	TO ENHANCE VIBRANCY IN THE SOCIAL ECONOMY 1: Educate Visitors About Not Giving to Panhandlers 2: Create More Opportunities for Original Live Music 3: Update Event Procedures and Coordination

Report Organization

A **summary version of the report** is available to review a brief snapshot of each area of analysis, as well as a synopsis of the action plan. **Access short version:** https://sociablecity.info/st_augustine/short_report_2022.pdf.

A **complete version of the report** provides the full analysis of each content area, including in-depth background and a step-by-step implementation plan for each proposed action.

Access full version: https://sociablecity.info/st_augustine/full_report_2022.pdf

¹ RHI defines the social economy as the venues and events that facilitate sociability in the form of dining, entertainment, events and nightlife.

SUMMARY OF TRENDS AND MARKET FORCES

FROM A HIDDEN GEM TO A DESTINATION STRAINED BY TOURISTS

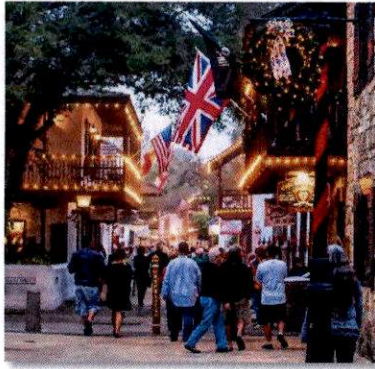


St. Augustine was once known as a “hidden gem” and a “sleepy town.” But, word got out. Full of historical landmarks in walking distance to downtown, balconies overlook narrow cobblestone streets and mini oases of nature are interspersed with Spanish moss. St. Augustine strives to be a modern city within the confines of Spanish colonial design—horse-drawn carriages share the road with cars, quads, pedestrians and trolleys. The city is marketed as an opportunity to “travel internationally without going abroad,” where visitors can experience “old-world charm, art, culture,” and romance (Smithsonian, 2022). Indeed, there is a jarring mix of the old and the new, classy and tawdry, in shops, social spaces and services that provide a unique atmosphere downtown.

Two turning points are identified as critical “before” and “after” moments that raised national awareness of the city. In 2013, the Gentlemen of the Road tour featured Mumford and Sons at Francis Field, giving new markets their first taste of the city. Then, in 2015, the 450th anniversary of the city’s founding in 1565 celebrated St. Augustine as the “oldest continuously-occupied European settlement in the continental United States” (Visit St. Augustine, 2022). An estimated 100,000 people visited downtown during 5-days of activities (Reynolds, 2015).



Five years later, in 2020, no one could have predicted how well Florida would fare during a global health crisis. While most of the country locked down, restricting “non-essential” businesses (which forced bars and restaurants to close except for take-out), and enacting mask mandates, Florida remained open and relatively “normal.” Tourism skyrocketed. Visit Florida announced that the state welcomed 31.4 million travelers in the second quarter of 2021 and that the state hosted nearly as many tourists as prior to the pandemic (Florida Trend, 2021; Durkee, 2021).



George Street was so filled with people that you could hardly move. Per the VCB, 2021 beat the record-breaking year of 2019 in bed tax collections by 20%.

68%+ of tourists have been to the city before. 35%+ of tourists have been to the city more than 10 times before.

Tourist = someone who lives outside the county

(Visitors & Convention Bureau)

St. Augustine similarly saw an influx in tourism in 2021.

Digital nomads and remote workers, staycationers and daytrippers, East coast snowbirds and families—they all flocked to the city. Weddings were not only limited to weekends—newlyweds could be seen nearly every day of the week. Day and night, St.

Although Florida remained open, St. Augustine was not immune to the national challenges caused by COVID-19 and, in the years prior, climate change.

Severe weather events wreaked havoc on this coastal city—from hurricanes to flooding, which damaged businesses, displaced the unsheltered and threatened downtown's fragile infrastructure. Two+ years into the pandemic, hospitality businesses still face supply shortages and difficulty hiring enough employees. Some businesses still close temporarily due to outbreaks or reduce hours due to insufficient staff. The pandemic also changed tourism patterns—no longer is there a predictable “peak” season with lows and highs; the city adapted to an all-season market with even greater demands.

Downtown is a finite resource with a carrying capacity that may already be maxed out. Insufficient affordable housing forces students and employees to live farther away and commute in, perpetuating traffic congestion. The rise in short-term rentals continues to drive up costs of housing, leading to gentrification, especially of the once predominantly African American neighborhood of Lincolnville. Parking is difficult to find and cited as a top barrier to attracting residents for a night out, as well as employees, who need safe access to and from work.



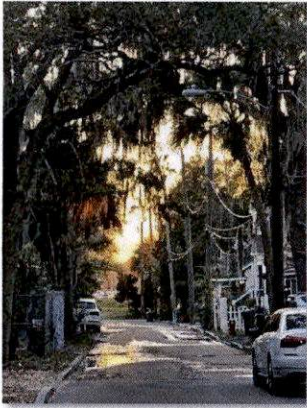
Despite limited

resources, growth continues. Planned hospitality developments will infill the remaining gaps in real estate downtown and in the periphery. Retail shops are being converted into food and beverage establishments, one of the few remaining business models that can succeed in the era of online shopping. New hotels are also under development, which will bring more patrons. Businesses will need more staff. Where will they park? Where will they live? Where will new businesses store their trash, when standard size dumpsters don't fit on narrow streets?

St. Johns County

- **10th fastest-growing county in U.S.**
- **Est. 265,512 population**
- **6.3 million tourists** visit annually
- **Est. 12,600 short-term rentable units** (incl. vacation rentals e.g. hotels, B&Bs, sharing economy accommodations i.e. Airbnb, VRBO, Home Away)

Sources: St. Johns County Gov't, 2022; TDC, 2017; Smith Travel Resources and All the Rooms (2022)



The growing pains of the city can no longer be ignored. There is already dramatic stress on infrastructure and human resources. Historic buildings have needed additional support structures to sustain visitation. Police resources are insufficient to maintain zone integrity, much less fulfill event security requirements.

The funding structure for the City (based on the residential population) may no longer be viable. The city's population has remained relatively stable since 1930, estimating between 12,000-14,000 people (Wikipedia, 2022). Yet St. Johns County has grown tremendously. There is growing tension between the city and county due to the perception that the county brings more tourists yet doesn't support the City with matching resources for management. Yet the Visitors & Convention Bureau (VCB)'s allocation of bed tax funds is restricted by state statute.

Has the "tipping point" already been reached? Is it already too late? In 2019, there were fears that this was indeed the case. City leaders expressed concern about violence downtown becoming a continuing trend. Although incidents were devastating to the community (i.e. stabbing on Spanish street, two impaired driving crashes, shots fired outside a social venue), they would not prove to be part of a trend (White, 2021). Violence and public safety incidents have remained rare and mostly isolated incidents. In fact, crime in 2020 was at a 25-year low (Clark, 2021). Managing continued growth in business development and increased visitation is the broader challenge.

Maintaining quality of life, facilitating coexistence of uses, and enhancing accessibility to downtown are the pervasive issues impacting downtown. Presence of unsheltered, panhandlers and transients (not a homogenous group) negatively impact the perception of safety, especially for women. Sound from amplified music and people leaving social venues disturb neighbors even as far as Davis Shores and Anastasia Island. Disturbances from intoxicated persons are nuisances, but also potential safety risks for impaired driving. Clearing the district quickly and efficiently after bar closing was identified as a solution to multiple challenges. After all, the faster people return home, the less problems they may cause.

A push and pull dynamic underlie many of the existential debates in the city. How can the city retain legacy residents while appealing to visitors? How can the city preserve authenticity while providing convenience and modern amenities? The fear of losing the city's charm, history and authenticity pervaded many discussions with stakeholders.

St. Augustine played a pivotal role in the Civil Rights movement. In fact, the Civil Rights Act in 1964 may not have been passed if Martin Luther King, Jr. had not stopped in St. Augustine to bolster the local protest movement prior to going to DC. Lincolnville's live music venues were also once part of the Chitlin' Circuit, which hosted prominent African American musicians. This history is not widely publicized outside of the Lincolnville Museum & Cultural Center. As the City explores how best to chart the future of the social economy, city leaders can both commemorate the past and strive to create an inclusive destination where all feel welcome.

Now is the time to capitalize on St. Augustine's many assets in preparation for the 250th anniversary of the nation's founding. In 2026, the city will be showcased in national celebrations. This is an opportunity for the City to polish the gem it has always been so it shines as a beacon of hope and resilience, where authenticity and adaption to the future are seamlessly melded together.



PROJECT OVERVIEW

RHI's Sociable City Project in St. Augustine, Florida

The Responsible Hospitality Institute (RHI) was invited to work with the City of St. Augustine to help facilitate safe and vibrant growth in the "social economy." The focus of the report's analysis and recommendations is on the social economy contained within the Historic Downtown. However, some findings and actions may address systemic challenges and issues that affect social venues citywide.

Information presented in this report was generated from a variety of sources, including RHI staff observations; virtual and on-site interviews and meetings; online research; and background reports.

Timeline

Between November 2021 and March 2022, RHI staff made three on-site visits to St. Augustine, including facilitation of engagement and information-gathering meetings, as well as nighttime observational tours of the city. Twenty-four meetings were hosted by RHI both on-site and virtually, including six roundtable focus groups and a dozen interviews. A final summary presentation will be made July 2022.

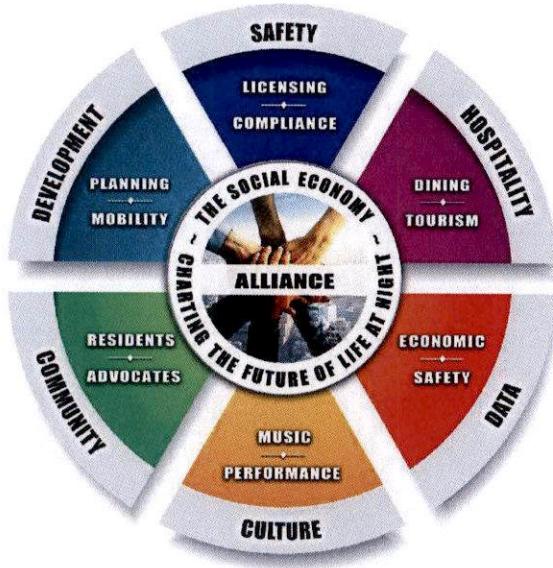
Stakeholder Engagement

Nearly 130 individuals representing 81 organizations/companies, including multiple city departments, were involved in virtual and on-site meetings. They represent a diverse cross-section of public, private and government stakeholders.



Steering Committee: The Sociable City Transformation Team

Stakeholder recruitment and outreach was provided by a steering group (formally a Sunshine Committee, per Florida statute) that strove to achieve a balance of perspectives.



The Transformation Team is a steering group of 12 Project Leaders who recognize the need for change, can mobilize stakeholders and leverage resources to ensure the project's success. Members are representative of diverse stakeholder perspectives to ensure broad input.

Beth Sweeny, Director of External and Governmental Functions, Flagler College

Jayson Befort, General Manager, No Name Bar

Troy Blevins, Consultant, Walking Man Consulting

Jeanetta Cebollero, Performer, Ancient City Entertainment Group

Jon Depreter, Retired, Planning and Zoning Board

Tom Dolan, Owner, Meehans

Reuben Franklin, Director, COSA Public Works

Phil McDaniel, Owner, St. Augustine Distillery

Jennifer Michaux, Chief of Police, St. Augustine Police Department

Gabe Pellicer, General Manager, St. Augustine Amphitheater

Bob Porter, Vice President, St. Johns County Chamber of Commerce

Support for the Project by City Leaders

The express support, participation and endorsement of key city leaders was vital to the Sociable City Project. During a virtual project orientation open to all project participants, Troy Blevins, Walking Man Consulting, welcomed the following stakeholders who provided opening remarks:



PHIL MCDANIEL
Owner
St. Augustine Distillery



JOHN P. REGAN, P.E.
City Manager
City of St. Augustine

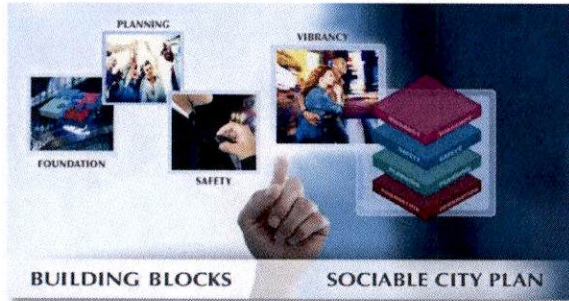


NANCY SIKES-KLINE
Commissioner
City of St. Augustine



JENNIFER MICHAUX
Chief Of Police
City of St. Augustine

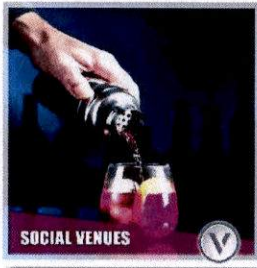
Analysis Framework: Building Blocks of a Sociable City



Project participants received e-learning trainings to learn how to evaluate a city's nighttime economy based upon "Four Building Blocks" and "Six Core Measures" of a sociable city. RHI used this framework to analyze Downtown St. Augustine to generate an action plan.

CORE MEASURE DEFINITIONS

SOCIAL VENUES



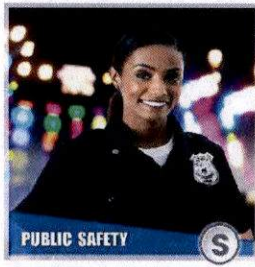
Social venues are defined as dining, dancing, live entertainment, theater, etc. in the city at night and the systems to recruit and retain talent. Entertainment is also measured by mix of clientele, systems for promotion, and retention of talent.

PUBLIC SPACE



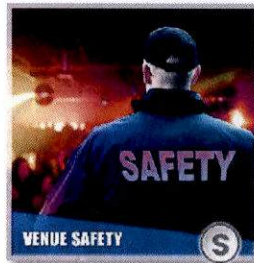
Public space vibrancy offers a continuum of outdoor activities such as sidewalk dining, outdoor seating, street performers, markets, food vendors, festivals, and art walks. Truly vibrant cities maintain social activity during day and night.

PUBLIC SAFETY



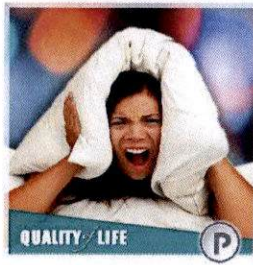
Public safety in the nighttime economy requires an interagency collaboration to identify risks and coordinate intervention and education with the objective of improving compliance by nightlife venues and efficiently responding to nighttime incidents.

VENUE SAFETY



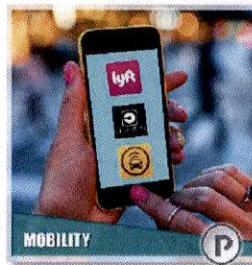
Venue safety is comprised of the initiatives that venue operators and event organizers undertake to protect the health and safety of their patrons and staff at night. Collaboration with regulatory and enforcement agencies increase industry safety and compliance.

QUALITY OF LIFE



Quality of life in mixed-use social districts entails a balance of social amenities and requires effective management of sound, litter, trash, bio-waste and patron behavior. Updated policies, consistent enforcement and conflict resolution systems help facilitate high standards.

MOBILITY



Patrons and staff need safe and convenient transport to / from social districts at night. Providing nighttime mobility options can enhance the visitor experience; ensure safety of employees who work night shifts; prevent impaired driving and alcohol-related accidents.

ABOUT RHI

The City of St. Augustine commissioned the Responsible Hospitality Institute (RHI) with facilitation of a plan for the future of the historic downtown's social economy.

RHI brings decades of experience of nightlife and social economy management. A private non-profit organization founded in 1983, RHI is the leading source for events, resources and consultation services.

We help cities plan safe and inclusive places to socialize by convening diverse stakeholders to achieve a common vision.

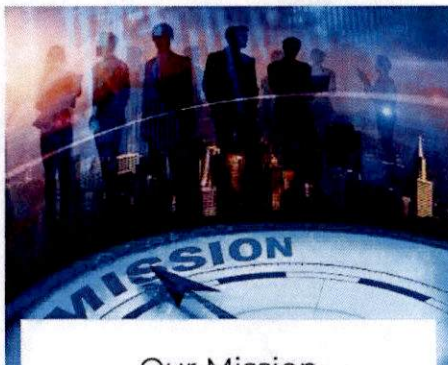
Aims of the Sociable City Project

- To preserve and advocate for the social, cultural and economic value of dining and entertainment
- To examine risk factors for crime, harm and disorder in social districts
- To sustain peaceful coexistence of residents and businesses in mixed-use areas
- To enhance communication between government and businesses regarding policy, procedures and resource allocation



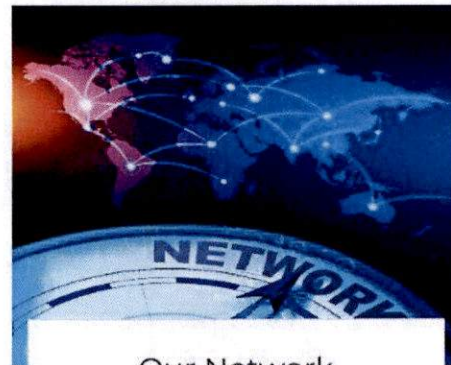
Sociable City Vision

We believe all people should have access to safe, vibrant places to socialize—regardless of age, life stage, race, ethnicity, sexual identity or disability. We help communities create diverse, welcoming social venues and districts where people have an opportunity to connect and lead more enriching lives.



Our Mission

RHI's mission is to provide technical assistance that builds local capacity; incubate and share cutting-edge information and proven strategies; and link a broad-based network of professionals who plan, manage and police nightlife districts



Our Network

RHI's influence extends throughout the world. Our services, media and events advance the professional development of nighttime managers and facilitates creation of collaborative alliances to guide the social economy

GOVERNANCE ANALYSIS: SNAPSHOT



Downtown St. Augustine has a large number of social venues, mostly serving the large tourism economy. Local government has tried to respond to this growth but has limited tools or consistent systems for oversight. Alcohol licenses are issued by the state, and local zoning and definitions have created what appears to be an uneven playing field for bars and restaurants in terms of operating requirements.

Bars and restaurants are defined in the historic core in ways that create incentives for operators to be less than forthcoming about their businesses plans. Permit costs and process reviews often push

operators to become restaurants; changes to operations are not reviewed by a renewal process, as outlined below:

St. Augustine's Historic Core: "Bar" vs. "Restaurant"		
	"Bar"	"Restaurant"
Definition	Any place that serves/sells alcohol on-premise that is NOT a restaurant	Any place that sells, dispenses prepares and serves food, refreshments or beverages from a menu
State alcohol licenses allowed	2COP: \$300-400 4COP "Quota": \$300,000-500,000	2COP: \$300-400 4COP "Quota" 4COP-SFS: \$20,000-30,000 If 150 occupancy; 2,500 sq. ft; 51% food sales
Alcohol Sales, Service, Consumption Ends	2:00 AM	2:00 AM
Live Music Allowed	Yes, with potential restrictions on amplified sound by PZB	Yes, potentially 24/hours (no mechanism to set hours of operation)
Use by Exception Permit	Yes	No
Planning & Zoning Board Review & Community Input	Yes	No
Conditions	Yes	No
Remediation & re-review if violations	Yes	No

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Enforcement of any locally placed conditions, or state level requirements, tend to happen reactively by complaint.

Based on RHI's requests for data, the City seems to lack a consistently updated database by which to track and manage licensed venues. This also can lead to uneven enforcement. In addition, the state agency in charge of alcohol license enforcement, Alcoholic Beverages and Tobacco, is understaffed for the area, so little oversight is done. There is also a lack of clarity between police and Code Compliance regarding responsibility for sound complaints, overservice, and underage drinking. Therefore, some establishments are not taken to task on violations.

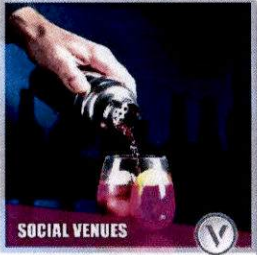
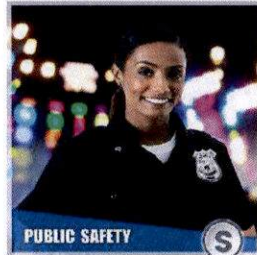
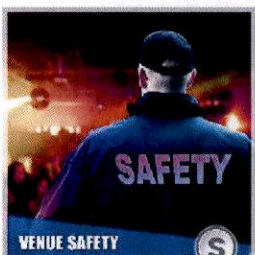
City officials identified these deficiencies pre-COVID and introduced legislation to address the lack of compliance and enforcement regimens.

However, based on RHI's interviews, the process did not seem to include enough outreach to licensed operators, creating a situation of mistrust. RHI's work identified this oversight and arranged a meeting between City Manager John Regan and venue operators. As a result, the City is engaging venue operators to re-evaluate the initial legislation.



CORE MEASURES ANALYSIS: SNAPSHOT

RHI analyzed downtown St. Augustine's social economy using Six Core Measures of a Sociable City.

SOCIAL VENUES: ST. AUGUSTINE  SOCIAL VENUES V St. Augustine is a destination for fine dining, historic architecture and heritage sites. Weddings and tourism are now an all-season market. Annual events have grown exponentially, but they are becoming difficult for police to staff. There is a disconnect between residents and downtown. Many venues offer live entertainment throughout the week, but it is limited to mostly top 40 cover bands that appeal to visitors. Original music is hard to find, though local talent exists.	PUBLIC SPACE: ST. AUGUSTINE  PUBLIC SPACE V St. George Street is a popular attraction, which leads to congestion, while other public spaces and parks are under-utilized. The street (and public space) itself has become a destination for people watching. Presence of unsheltered, transients and panhandlers (each a distinct population with unique service needs) generate negative perceptions of safety downtown. St. Augustine has become a destination for transients due to the climate and culture of giving.
PUBLIC SAFETY: ST. AUGUSTINE  PUBLIC SAFETY S Violent crime is rare, but when incidents do occur downtown, they result in a void of safety presence in other city zones. Downtown officers are described as "gracious" and "helpful" with a customer-service approach. Police are the "catch all" — responsible for crime, sound compliance, homelessness, nightlife safety AND event security. More officers are desired to increase the safety presence downtown. The PD has struggled to fill positions for nightlife that are fully funded, as well as meet event security requests.	VENUE SAFETY: ST. AUGUSTINE  VENUE SAFETY S Downtown St. Augustine is generally a safe community to go out at night to socialize. Some businesses have excellent approaches to manage crowds and public safety and can serve as a model for other businesses. Yet standards for safety and service are inconsistent due to a gap in standardization for door security and server training. The lack of formal organization among venue operators poses a challenge to improved coordination with the City, which would benefit from an industry point person to coordinate City initiatives.
QUALITY OF LIFE: ST. AUGUSTINE  QUALITY OF LIFE P Residents feel disconnected from downtown's social amenities and attribute the decline in quality of life to the influx of tourists. The rise of short-term rentals has driven housing prices up, making it unaffordable to live in the city. Business owners are concerned about the comfort and safety of their employees, patrons and visitors. Finding safe parking for employees and access to restrooms at night are key amenities. Concern was also expressed about meeting the sound ordinance.	MOBILITY: ST. AUGUSTINE  MOBILITY P Highly walkable and compact, downtown was designed with historic, narrow streets. Different modes of transport are competing for limited space at different times of day. Parking is hard to find at peak times and traffic is congested day and night. Rideshare services (e.g. Uber, Lyft) are a key mode of transport for nightlife patrons, especially at closing time. Yet there are no current systems of coordination or designated locations for pick-up and drop-off.

WOMEN'S PERSPECTIVE ON THE SOCIAL ECONOMY: SNAPSHOT

RHI conducted a focus group among women of different ages to analyze St. Augustine's downtown social economy.

Social Venues

St. Augustine has a variety of social assets downtown. Among the attractions ranked as “excellent” by the women’s focus group include high quality food and beverage, engagement with art and the “street as a venue” (where walking downtown is the attraction, especially on St. George Street). Events, festivals and sporting events (e.g. hosted by Flagler College) are key attractions, which draw a wide range of ages and life stages. Colonial Oak is particularly family friendly. Downtown has room for improvement in social options after 10:00 p.m. that appeal to a 30+ mature audience.



Inclusion

The City of St. Augustine has a complicated dynamic with current and historical diversity, equity and inclusion. There is a notable lack of racial and ethnic diversity in pedestrians, patrons and owners of social venues downtown. Musical diversity is limited and there is a gap in LGBT+ social venues. Wedding planners noted that while they do have diverse wedding parties, there are few social spaces where e.g. African Americans or LGBT+ community members would feel comfortable bringing their post-wedding “after party” downtown.



Public Safety



Women are often a key barometer of safety. In fact, social preferences by women often coincide with best practices for safety in nightlife venues and social districts. The physical environment of a downtown social district has a large impact on whether women feel safe at night. Environmental cues such as good lighting, cleanliness and presence of multi-generational eyes on the street contribute to a positive perception of safety. Areas that women’s focus group participants felt safest were: Plaza, Bayfront, St. George St and Hypolita St. However, participants commented that they intentionally avoid areas that are consistently dark (e.g. side

streets, alleys, parking lots) and are intimidated by groups of transients and panhandlers, especially if they are drinking in public.

Venue Safety

What makes women feel safe within social venues? Among ambience and design preferences include quiet spaces and lounges. Bathroom cleanliness and well-lit passageways are critical to a safe, comfortable social experience. Cues that an environment may be unsafe are when intoxicated people are allowed entry and served more alcohol, and where staff are seen drinking on the job.



Safety Resources for Women

- **Women Against Violent Encounters (WAVE)** class taught by PD to high school and college students about staying safe at house parties and venues through situational awareness.
- **Bathroom posters in DIY house party network**, Underwire Collective, a potential model for licensed venues.

WEDDING INDUSTRY AND THE SOCIAL ECONOMY: SNAPSHOT



The wedding industry has a significant impact on the social economy year-round. Despite the boon to the local economy, weddings contribute to challenges in the social economy. There are concerns about the continuum of when and where drinking takes place, and the disruptions it causes to the quality of life and public safety of downtown.

Weddings comprise the majority of private events that take place downtown, but quantitative data is unknown. There are about a dozen formal wedding venues located in/around downtown, as well as several informal venues (e.g. short-term rentals for “backyard weddings”) nearby. Weddings anecdotally take place during the week and weekends year-round; one venue can even host multiple weddings simultaneously on multiple floors. Alcohol licensing, and therefore server training and security, varies, depending on the venue. Some venues have their own alcohol license associated with the property, while others rely on catering licenses. Over-consumption of alcohol has been reported at open bars. Standardization of policies for weddings (e.g. last call, refusal of service) is unknown. As part of this study, RHI worked to collect data on weddings, but only received partial data.

When weddings end (usually between 11:00 p.m.-12:00 a.m.), a crowd surge similar to bar closing time descends upon downtown social venues—potentially hundreds of people eager to continue to socialize, despite varying levels of intoxication upon arrival. Venue operators expressed concern about pre-loading among wedding guests. Anecdotal reports from venue staff indicated that some wedding guests are disruptive, demanding entry to venues or alcohol service despite already being intoxicated. Some try to occupy an entire venue for their after-party, but venue operators typically refuse due to concerns about disorderly behavior and passing of drinks to minors. Wedding attendees have also been seen to openly carry drinks; champagne bottles are often found littered downtown.

Events such as weddings contribute to impacts in the social economy that require planning, coordination, and resource management, especially for police as event security. But, there is a disconnect between the wedding industry and the City in terms of reporting, tracking and coordination of resources. Police department’s knowledge of weddings is limited to when off-duty officers are requested as event security. There is an opportunity to include wedding venue stakeholders in a broader plan for the social economy downtown.



SOCIAL ASSET INVENTORY: SNAPSHOT

Data Summary

This is a summary of available data on the mix of businesses in the Historic District. Social venues are defined as cafes, restaurants, bars, music venues and wedding venues.

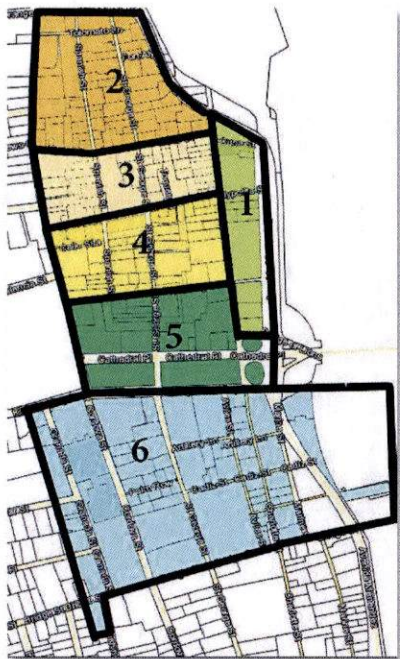
Social Venues in the Historic District

108 social venues (32.24%) of 335 total businesses

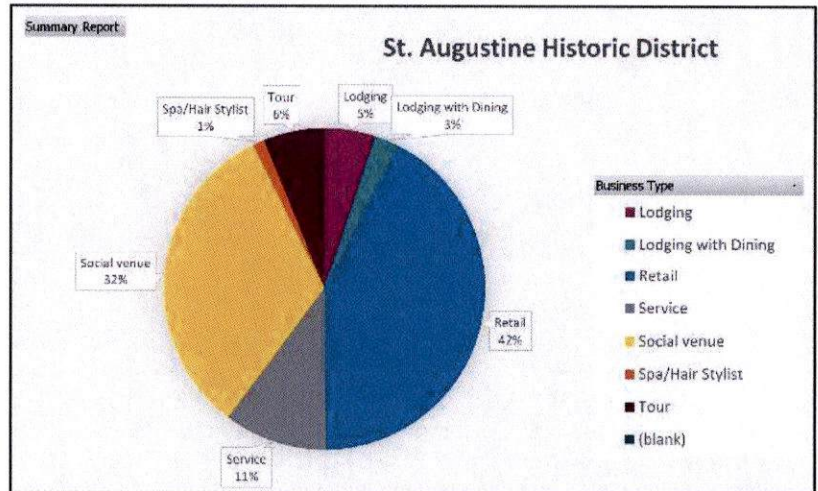
81 venues (75%) of 108 have an alcohol license

21 venues (19.44%) offer live entertainment

Total seating/occupancy: 6,470 seats



By dividing a district into social clusters, improvements can be planned and monitored in a more focused way. The model helps identify areas in most need of lighting, where most social venues and/or greatest occupancy are located, etc. Calls for service and last drink data can also help pinpoint response for increased compliance training of venues located in particular clusters.



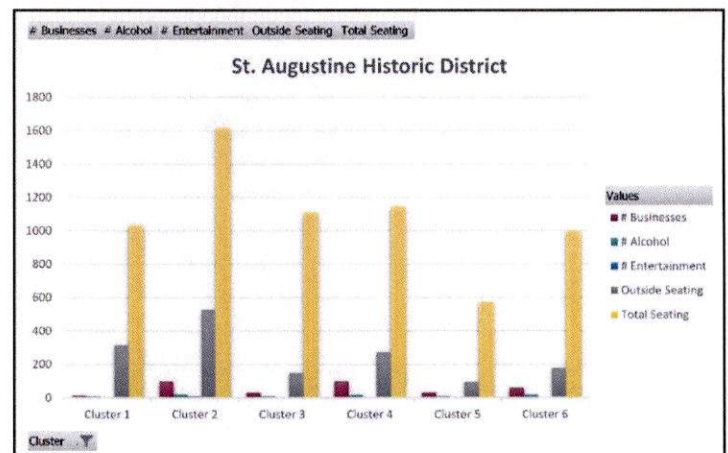
Why Should Social Venues be Analyzed?

Many market forces are driving change. The loss of storefront retail is placing pressure to transition these spaces to social venues. However, social venues have a much greater occupancy for the same square footage as retail or office space. With each new social venue comes more employees and the need for parking with numbers greater than the existing use. This business use can also generate more impacts to quality of life and public safety due to nighttime hours of operation and potential patron intoxication

Cluster Organization of Historic District

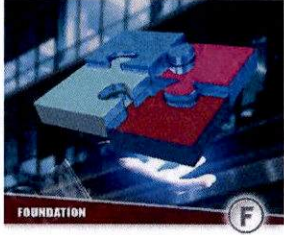
The Historic District has been divided into six clusters of businesses (as pictured). The evolution of several concentrated “clusters” of social venues within the Historic District has led to perceived and real shortages of parking in several blocks, as well challenges with closing time management in certain clusters.

How can this Methodology be Used?



ACTION PLAN: SNAPSHOT

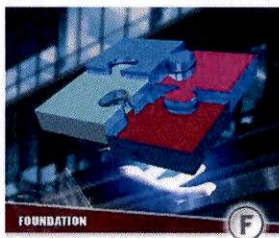
This is a one-page snapshot of all action items.

ACTIONS TO LAY A FOUNDATION FOR A SUSTAINABLE SOCIAL ECONOMY	
 FOUNDATION F	■ Action 1: Form a Social Economy Alliance ■ Action 2: Conduct an Economic Analysis of the Social Economy
ACTIONS TO ASSURE SAFETY IN THE SOCIAL ECONOMY	
 SAFETY S	■ ACTION 1: Facilitate Easier Access by Emergency Vehicles ■ ACTION 2: Improve Lighting In “Dead Zones” ■ ACTION 3: Form a Nighttime Social Venue Alliance ■ ACTION 4: Educate Visitors to Not Carry Open Containers
ACTIONS TO ENHANCE VIBRANCY IN THE SOCIAL ECONOMY	
 VIBRANCY V	■ ACTION 1: Educate Visitors About Not Giving to Panhandlers ■ ACTION 2: Create More Opportunities for Original Live Music ■ ACTION 3: Update Event Procedures and Coordination
ACTIONS TO PLAN FOR PEOPLE IN THE SOCIAL ECONOMY	
 PLANNING P	■ ACTION 1: Formalize and Raise Awareness of Rideshare Hubs ■ ACTION 2: Provide Safe, Efficient Parking for Nighttime Employees ■ ACTION 3: Bring Residents Back Downtown ■ ACTION 4: Refine Sound Management Process

ACTION PLAN: SYNOPSIS

The Action Plan was primarily generated by Roundtables input. On occasion, more than one Roundtable identified the same action. Some actions were created by RHI based on priorities identified during interviews and meetings that took place prior to the Roundtables. The Foundation section's action plan is based on RHI's research and experience with the governance systems that help sustain a nighttime economy management system in sociable cities worldwide.

ACTIONS TO LAY A FOUNDATION FOR A SUSTAINABLE SOCIAL ECONOMY



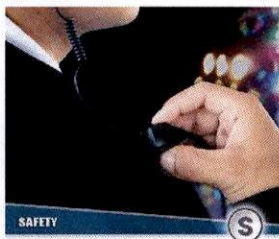
1) Form a Social Economy Alliance

Progressive cities recognize the need for a sustainable system of social economy governance. This can be accomplished in a variety of structures, such as an Office of Nightlife and Advisory Board. Dedicated staff ("Night Manager") are critical to maintain momentum and coordinate programming.

2) Conduct an Economic Analysis

Conducting an economic analysis can achieve heightened recognition and legitimacy for the social economy. Compiling and analyzing information about the fiscal, economic and employment impacts of the social economy can help establish a baseline measure to better understand patterns of growth, decline and renewal in downtown St. Augustine.

ACTIONS TO ASSURE SAFETY IN THE SOCIAL ECONOMY



1) Facilitate Easier Access by Emergency Vehicles

Emergency vehicles (e.g. fire trucks, ambulances, police cars) need to efficiently access locations when called for service. Closing strategic streets to public car access will help alleviate the challenge by removing traffic congestion and other barriers in key service areas to reduce response time.

2) Improve Lighting in "Dead Zones"

There are pockets of "dead zones" devoid of light or people in downtown's side streets and alleys. Consistent lighting can improve the perception of safety and deter crime and nuisance activities. Stakeholders will have to engage in the Historic Architectural Review Board process to ensure historic preservation standards are met.

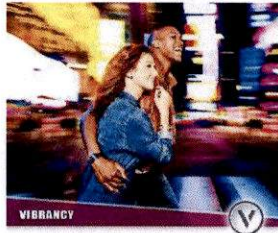
3) Form a Nighttime Social Venue Alliance

Starting a WhatsApp phone group among venues' general managers and security is one small step towards creation of a more formal Nighttime Social Venue Alliance. The Alliance can develop self-regulation standards in a guide for operation, schedule quarterly meetings with police, and coordinate training.

4) Educate Visitors to Not Carry Open Containers

Educating visitors that they're not allowed to drink from open containers downtown can reduce pre-loading and assist licensed venues from having to intervene with patrons. A marketing campaign with a video for tourists and brochure for wedding parties will be key.

ACTIONS TO ENHANCE VIBRANCY IN THE SOCIAL ECONOMY



1) Educate Visitors About Not Giving to Panhandlers

St. Augustine can break the cycle of panhandling by addressing their source of income: visitor donations. Educating visitors on how to redirect their donations to social services can make long-lasting change. An educational campaign will include brochures on existing social service agency initiatives.

2) Create More Opportunities for Original Live Music

Elevate the caliber of nighttime social experiences by offering authentic, experiential options. An ecosystem of support is critical through better connectivity between event/festival planners and local musician networks, as well as dedicated loading zones. Fostering a robust live music scene also requires a local support base and higher wages.

3) Update Event Procedures and Coordination

Enhancement of current systems that track upcoming events held on private property, especially weddings, will help the City and venue operators know when additional staff resources are needed. There is an opportunity to continue to supplement police with private security but with vetting and approval standards for public events.

ACTIONS TO PLAN FOR PEOPLE IN THE SOCIAL ECONOMY



1) Formalize and Raise Awareness of Rideshare Hubs

Rideshare services are a key mode of transport for nightlife patrons, yet there are no current systems of coordination. Rideshare hubs create designated areas for pick-up and drop-off of passengers. They help reduce traffic congestion and expedite district egress. Three locations have already been selected, but there was limited awareness, nor signage.

2) Provide Safe, Efficient Parking for Employees

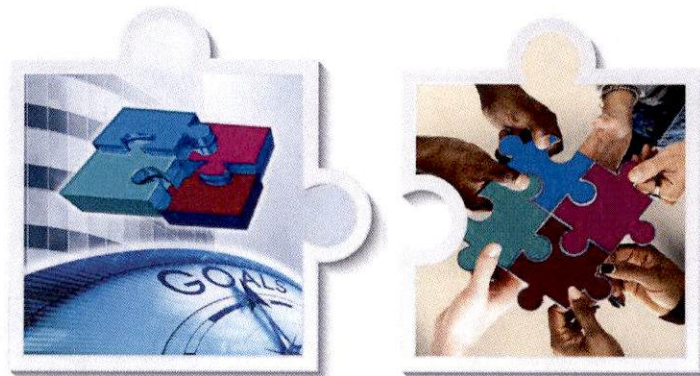
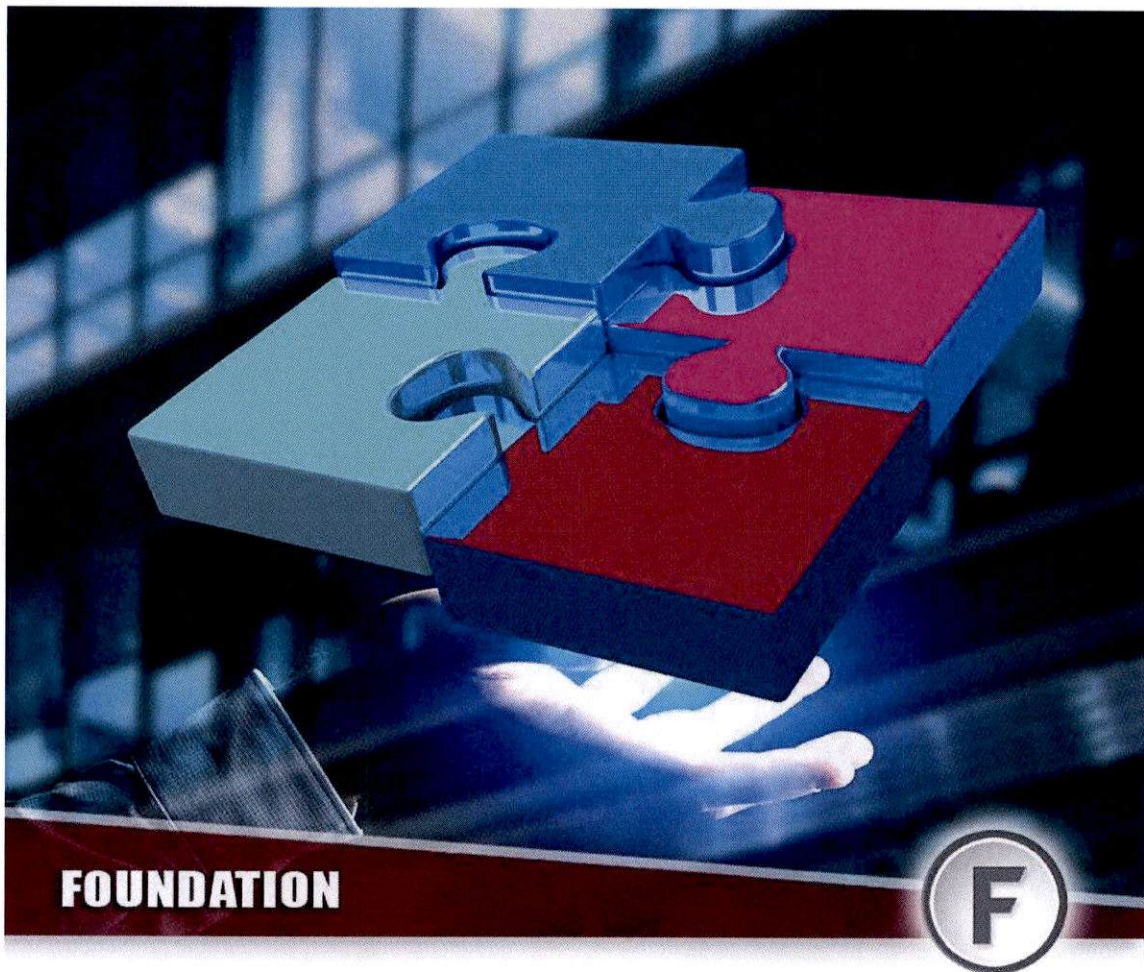
Provision of safe, efficient parking for employees who work downtown at night is key to supporting and expanding the current workforce. Explore options such as a Park and Ride location with a circulator/shuttle to pick up employees and drop them off at start and end of shift.

3) Bring Residents Back Downtown

Residents want to patronize local dining and entertainment businesses but feel disconnected from downtown. Facilitate a meeting among hospitality operators and residents to discuss amenities such as resident discounts and reservations to help restore a sense of community.

4) Refine Sound Management Process

There is a need to close loopholes in the sound management process. Revisiting the sound ordinance to set realistic sound standards for businesses, training noise control officers, creating a more robust tracking mechanism for complaints and ensuring follow-through in the judicial process will be critical.



ACTIONS TO LAY A FOUNDATION FOR A SUSTAINABLE SOCIAL ECONOMY

- Action 1: Form a Social Economy Alliance
- Action 2: Conduct an Economic Analysis of the Social Economy

ACTION 1: FORM A SOCIAL ECONOMY ALLIANCE

OVERVIEW

Cities throughout the world have recognized the need for a sustainable system of social economy governance, oversight and advocacy. This can be accomplished in a variety of structures, such as an Office of Nightlife and multi-disciplinary Advisory Board. Dedicated staff are critical to maintain momentum and coordinate programming, demonstrated in creation of “Night Manager” positions. Successful implementation will require a group of dedicated individuals working on a common vision of St. Augustine’s future as a destination for dining, entertainment and events.

NEEDS STATEMENT

St. Augustine does not currently have an organized body that represents different perspectives to examine the unique challenges and needs of a safe, vibrant social economy.

GOALS AND OBJECTIVES

The Social Economy Resource Alliance is proposed to achieve the following objectives:

- ☐ Guide government and business leaders on decision-making.
- ☐ Identify issues and remove barriers that inhibit the operation of safe, vibrant places to socialize.
- ☐ Streamline business opening and event applications to be simple and intuitive.
- ☐ Advocate for legislative changes and resource reallocation for public health and safety.
- ☐ Represent the perspective of the social economy on boards and committees.
- ☐ Facilitate implementation of priority actions.

IMPLEMENTATION

- ☐ **Identify proposed members** of the **Social Economy Alliance**. RHI suggests a total of 12 members with 2 stakeholders representing 6 perspectives:



ROLE	NAME	ORGANIZATION
SAFETY: Licensing		
SAFETY: Compliance		
HOSPITALITY: Dining		
HOSPITALITY: Tourism		
DATA: Economic		
DATA: Safety		
CULTURE: Music		
CULTURE: Performance		
COMMUNITY: Residents		
COMMUNITY: Advocates		
DEVELOPMENT: Planning		
DEVELOPMENT: Mobility		

- ☐ **Identify permanent staff to coordinate** and convene the Alliance.
- ☐ **Explore how to formalize the** Social Economy Resource Alliance through either legislation, commission appointments or as an advisory group.

RESOURCES

- ☐ NITECAP Alliance is a professional organization of nighttime economy management professionals.

ACTION 2: CONDUCT AN ECONOMIC ANALYSIS OF THE SOCIAL ECONOMY

OVERVIEW

Conducting an economic analysis can achieve heightened recognition and legitimacy for the social economy. Compiling and analyzing information about the fiscal, economic and employment impacts of the social economy can help establish a baseline measure to better understand patterns of growth, decline and renewal in downtown St. Augustine.

Needs Statement

The value of downtown St. Augustine's social economy is not fully recognized, therefore opportunities may not be fully developed or supported with sufficient resources.

Goals and Objectives

The study's results can be used in a variety of ways, including:

- ▣ **Identify appropriate allocation of resources** and public safety services to better manage social activity as a continued source of economic vitality.
- ▣ **Raise public awareness about nightlife** and the social economy as a legitimate economic sector and viable economic engine by promoting their fiscal, economic and employment contributions.
- ▣ **Elevate the professional status and communication** of social venues.
- ▣ **Propel greater coordination between government and nightlife representatives** to collaborate on sustaining vitality, while also reducing safety and quality of life impacts.
- ▣ **Track industry growth and change** by conducting assessments on a regular basis.

IMPLEMENTATION

- ▣ **Determine objectives and impact types** (e.g. arts and culture, economics, fiscal revenue, community, real estate, tourism).
- ▣ **Adjust study design based on needs** (e.g. geography, industry focus, time parameters, available data, capacity of local partners and budget).
- ▣ **Collect data:** Assign roles; Create a work plan; Collect data through 3rd party data, business surveys and visitor surveys.
- ▣ **Analyze data** and create a user-friendly report geared to a range of audiences and expertise.
 - Explain methodology for analyzing data.
 - Explain how to communicate findings and list target audiences.
 - Identify policy implications.
- ▣ **Communicate findings** to key stakeholders and decision makers.

RESOURCES

- ▣ **Visitors and Conventions Bureau (VCB):** This study may be supported by the VCB if an official proposal is submitted.
- ▣ **Flagler College** may also be able to provide possible support.



ACTIONS TO ASSURE SAFETY IN THE SOCIAL ECONOMY

- ACTION 1: Facilitate Easier Access by Emergency Vehicles
- ACTION 2: Improve Lighting In “Dead Zones”
- ACTION 3: Form a Nighttime Social Venue Alliance
- ACTION 4: Educate Visitors to Not Carry Open Containers

ACTION 1: FACILITATE EASIER ACCESS BY EMERGENCY VEHICLES

This action emerged from the Public Safety roundtable.

OVERVIEW

Emergency vehicles (e.g. fire trucks, ambulances, police cars) need to efficiently access locations within downtown when called for service. Closing strategic streets to public car access will help alleviate the challenge.

NEEDS STATEMENT

According to our research, emergency vehicles have a delayed response time to access people in need due to traffic congestion, limited road space and multiple obstacles in the roadway—including improperly parked cars, pedestrians and rideshare vehicles stopping to pick up or drop off passengers.

GOALS AND OBJECTIVES

- ▣ **Reduce response time** by emergency services.
- ▣ **Improve access** by emergency vehicles by removing traffic congestion and other barriers in key areas.

BARRIERS

- ▣ **Narrow historic roads.**
- ▣ **Improperly parked cars** (over the line).
- ▣ **Pedestrians** trying to share the road with cars (pedestrian safety risk).
- ▣ **Rideshare vehicles** stopping to pick up and drop off passengers.
- ▣ **No dedicated lane** for emergency vehicles.
- ▣ **Residents live downtown**, so can't close streets completely to public access.



IMPLEMENTATION

Steps

- ▣ **Identify strategic streets to close to public vehicles at night** (making them accessible only to pedestrians and emergency vehicles).
 - Determine exact times and days.
 - Start with closing Hypolita Street.
 - Create a special pass for residents to access homes.
- ▣ **Develop signage to educate visitors of closed streets during certain hrs**
- ▣ **Research mobile emergency services** e.g. paramedics on bike.

Stakeholders

- ▣ **Parking enforcement**
- ▣ **DPW**
- ▣ **Residents** (note: Quality of Life roundtable participants expressed support for some street closures.)
- ▣ **Fire and Police** Departments

ACTION 2: IMPROVE LIGHTING IN “DEAD ZONES”

This action emerged from the Public Safety roundtable, Women’s Focus Group and multiple interviews with venues.

OVERVIEW

Consistent lighting can improve the perception of safety and deter crime and nuisance activities. To improve lighting downtown, stakeholders must engage in the Historic Architectural Review Board process to ensure historic preservation standards are met. This process can require multiple meetings over several months, but will yield long-term dividends.

NEEDS STATEMENT

There are pockets of “dead zones” devoid of light or people downtown. While St. George Street is well lit, lighting on side streets and alleys are inconsistent, with some being very dim, presenting a safety hazard for pedestrians.

GOALS AND OBJECTIVES

- ▣ **Improve lighting on strategic pathways** downtown.
- ▣ **Improve perceptions of safety** at night.
- ▣ **Reduce incidence of crime**, in part attributed to dim lighting (e.g. robberies, physical assaults).

BARRIERS

- ▣ **Lighting upgrades require review and approval** by the Historic Architectural Review Board to ensure historic preservation standards for light fixtures.
- ▣ **Architecture and design of each building determines what types of light fixtures are allowed.**
e.g. a colonial light fixture would not be allowed on a Victorian style building.

LIGHTING IMPROVEMENTS ALREADY COMPLETED AND/OR UNDERWAY

In 2014 the City reconstructed Hypolita St, Treasury St and a portion of Spanish St. The project included lighting for the streets. The City is working on reconstructing Cuna St, the remainder of Spanish St, Tolomato Ln and the Tolomato Lot. The project includes lighting and is expected to start construction the summer of 2022. When completed, a total of 66 new streetlights will be added to the downtown area. Future projects in the downtown area that will incorporate lighting will be Cordova St, Granada St, Cathedral Pl, Charlotte St. These are in the 5-10 year capital improvement window.

IMPLEMENTATION

Steps

- ▣ **Review Lighting Inventory** conducted by Code Enforcement Division as a resource.
- ▣ **Supplement and enhance** current projects already underway/planned.
- ▣ **Designate strategic pathways** to prioritize for improved lighting e.g. to parking lots and the garage.
 - **Charlotte Street** was identified by project participants for lighting improvements.
- ▣ **Engage with Historic Architectural Review Board about lighting fixtures pre-approved for different building design and materials** to create a pre-approved fixtures list. (Note: a pre-approved list exists for streetlight fixtures.)
- ▣ **Apply Crime Prevention through Environmental Design (CPTED)** principles.
- ▣ **Identify additional strategies for activation** e.g. River and Fort’s outdoor dining provides natural surveillance.

Resources

- ▣ **Lighting Inventory** completed by Code Enforcement Division.
- ▣ **Florida Power and Light** is in the process of upgrading all street light fixtures to LED fixtures.

Stakeholders

- ▣ **Code Enforcement Division** (conducted lighting inventory)
- ▣ **Venue operators**
- ▣ **Property owners**
- ▣ **Historic Architectural Review Board**

ACTION 3: FORM A NIGHTTIME SOCIAL VENUE ALLIANCE

This action emerged from the Venue Safety roundtable.

OVERVIEW

There is an opportunity to lay the groundwork for formation of a formal Nighttime Social Venue Alliance. Small steps include starting a WhatsApp phone group among general managers and security. Next steps will be development of a self-regulation standards guide for operation, scheduling quarterly meetings with police, and coordinating training. Formalizing a group will also help provide a way for the City to coordinate with the industry on new initiatives and services to benefit the industry (e.g. employee parking plan).

BACKGROUND

Proposed legislation, which will create new systems of regulation, oversight and safety management of the hospitality industry, served as the catalyst for convening venue operators. A recent meeting held March 3, 2022, convened by RHI, was the first official meeting that gathered a group of 30+ venue operators and property owners of social venues. This group has the potential to continue to meet and develop a more formal association.

NEEDS STATEMENT

Nighttime social venues are operating in isolation but dealing with many of the same challenges. In some cases, they need to forcibly remove a disorderly patron, but there isn't any way to notify other security in case this patron attempts to enter another business.

Several different groups want to better connect with the hospitality industry but don't know how. The City wants to develop an employee workforce parking program, but needs to better understand the nighttime hospitality industry's needs. The Chief Resilience Officer wants to connect to partner on flooding mitigation strategies. Residents want to connect with businesses to develop incentives for bringing back residents to downtown.

GOALS AND OBJECTIVES

- ▣ **High standards for venue operation** and safety of both employees and patrons.
- ▣ **Unified voice to advocate for changes** in policy and compliance.
- ▣ **Self-regulation, peer mentorship and education** prior to enforcement action.
- ▣ **Coordination and cooperation** of general managers and security staff.
- ▣ **Sharing of resources.**
- ▣ **Increase professionalization** of the industry.

BARRIERS

- ▣ **Privacy concerns about the WhatsApp phone group** content being used against venues.
- ▣ **Police used to organize meetings with hospitality businesses thru the County Chamber.** But, they were not well attended by late-night venues due to the early morning time.
- ▣ **Venue owners are concerned that their staff will be too busy** to constantly monitor their phones.

IMPLEMENTATION

Steps

- ▣ **FRLA (Nicole Chapman)** volunteered to set up and run the WhatsApp group as the admin. Venues need to join the FRLA to be admitted.
 - (FRLA currently helps run a WhatsApp group for hotel general managers in Duval County.)
 - Identify 1 to 2 staff per venue.
 - Provide a list of contacts to Nicole.
 - Develop guidelines of what info should vs. shouldn't be shared.
 - Send invitation to general managers and security staff.
- ▣ **Schedule monthly or quarterly meetings** to discuss common challenges and concerns and for police to explain current deployment model. Initiate exchange of cell phone numbers between venue security and police officers deployed downtown at night.
- ▣ **Create a regular schedule for collaborative trainings.** Examples:
 - **Active shooter training by police** for venues (right now it's on-demand, but there's limited awareness about it).
 - **Women Against Violent Encounters (WAVE)** about situational awareness for female nightlife patrons. The Amphitheatre is currently having all staff take this training.
- ▣ **Create a best practices guide** outlining self-regulation standards.
- ▣ **Workforce survey developed by RHI can be replicated locally and distributed to nighttime social venues.** Information to be compiled and provided to Reuben Franklin regarding data on parking needs for the nighttime hospitality industry employees. <https://www.surveymonkey.com/r/R3P2RKZ>

Resources

- ▣ **Use FRLA's Model of a WhatsApp group for the general managers of hotels.**
- ▣ **Draft of a Best Practices Guide exists** (written by a roundtable participant).

ACTION 4: EDUCATE VISITORS TO NOT CARRY OPEN CONTAINERS

This action emerged from the Venue Safety roundtable.

OVERVIEW

Educating visitors that they're not allowed to drink from open containers can go a long way in reducing the perception of a permissive environment downtown, reduce pre-loading and assist licensed venues from having to intervene with patrons when they try to enter establishments with open containers.

NEEDS STATEMENT

Open containers have been observed among downtown visitors and transients. Evidence (empty cups, glass bottles) ends up as litter downtown. Many people assume St. Augustine is similar to New Orleans, where open containers can be carried from place to place and consumed on the street; they're unaware of city ordinance banning them. There are too few officers downtown to enforce the ordinance, except in the case of transients and unsheltered populations, whom they prioritize.

GOALS AND OBJECTIVES

- ▣ **Reduce open containers** in historic core.
- ▣ **Reduce opportunities for pre-drinking** prior to patrons arriving to licensed venues.
- ▣ **Don't allow intoxicated people in to social venues** who have "pre-gamed."

BARRIERS

- ▣ **Due to the limited number of officers (and time it takes to process a citation, arrest), transients and/or unsheltered are prioritized for open container citations** as they are more likely to stay in one place and become aggressive towards visitors. It's a \$100 citation or arrestable (misdemeanor). But, if an arrest takes place, the officer will be taken off the streets for hours if not the whole night. Visitors are asked to throw their containers away.
- ▣ **Gap in community outreach officers**, who used to go to court to advocate for police officers' citation reports for things like open container violations. They played a critical role in filtering out who needed social services.
- ▣ **Not all social venues have "security staff" at the door** because many are licensed as restaurants. They may just have a host/hostess, who may be intimidated and not have the training to intervene.

IMPLEMENTATION

Steps

- ▣ **Educate venue staff** about not letting people enter or leave the premises with open cups.
- ▣ **Create a marketing video by VCB, TDC:** have fun, but stay safe (1 min video on safety rules). Display a QR code to watch. Connect with DISCUS and responsibility.org for a grant to assist in the video production.
- ▣ **Education campaign:** hotels, airbnbs, b&bs, Lyft and Uber drivers: don't carry open drinks
- ▣ **Create and distribute a guide for wedding parties** that wedding venues can distribute re: after-partying in the city (conveying community standards; rules of community e.g. no open containers, no entry to venues if people are intoxicated).
- ▣ **If ambassadors are hired**, they can be an additional way to spread the message.
- ▣ **Convene a meeting between licensed bars and restaurants with the Wedding Alliance (an association of wedding venues)** to discuss how they're part of the full continuum of social economy, and how wedding guests impact venues.

Resources

- ▣ **FRLA**
- ▣ **Wedding Alliance** (a professional association of wedding venues for the city)



ACTIONS TO ENHANCE VIBRANCY IN THE SOCIAL ECONOMY

- **ACTION 1:** Educate Visitors About Not Giving to Panhandlers
- **ACTION 2:** Create More Opportunities for Original Live Music
- **ACTION 3:** Update Event Procedures and Coordination

ACTION 1: EDUCATE VISITORS ABOUT NOT GIVING TO PANHANDLERS

This action emerged from both the Public Space and Quality of Life roundtables; presence of panhandlers was identified as a challenge in multiple meetings and interviews.

OVERVIEW

St. Augustine can break the cycle of panhandling by addressing their source of income: visitor donations. Educating visitors on how to redirect their donations to social services can make long-lasting change that can potentially help deter panhandlers from coming to downtown.

NEEDS STATEMENT

Downtown St. Augustine has become a destination for unsheltered, transients and panhandlers. Their presence creates safety concerns for employees, students and visitors. Although most are not aggressive, they contribute to negative perceptions of safety, especially for women. A panhandling ordinance is in place, but it doesn't deter their presence.

Unsheltered, transients and panhandlers are part of distinct communities with unique needs. Panhandlers are not always homeless; some have chosen panhandling in lieu of traditional work, yet have homes. Of the homeless population, only about 5% choose to live "home-free" and off the grid. Many have substance abuse issues; others need transitional housing.

When visitors give money to panhandlers, they continue a cycle of downtown St. Augustine as a destination for begging.

GOALS AND OBJECTIVES

- ▣ **Maintain the Compassionate City status** but direct funds to create change long-term.
- ▣ **Educate visitors about how to donate their money to social services** for longer-lasting change and positive impact on the lives of people in need.
- ▣ **Cut off the supply of donations to panhandlers** to make downtown a less desirable place for begging.

BARRIERS

- ▣ **Lack of awareness** among residents, businesses and employees about local social services and initiatives to address homelessness, transients and panhandlers.
- ▣ **Panhandlers are mistaken for being homeless.**
- ▣ **Police deploy homeless outreach officers, but they are limited in what they are able to do.** Being homeless and panhandling are not crimes. There are restrictions in place for the time, place and manner for panhandling.
- ▣ **Visitors** have compassion for homeless.
- ▣ **Concern over people breaking into** parking meters for the money.
- ▣ **Concern over drawing visitor attention** to the challenge the city is trying to address.

IMPLEMENTATION

Steps

- ▣ **Create educational materials for businesses and residents** about current initiatives and social services that address homelessness.
- ▣ **Create educational materials for visitors** e.g. flyers that can be distributed at hotels, airbnbs, and bed and breakfasts to educate visitors that not all panhandlers are homeless. Give info on how if they want to help, how to provide to social services.
- ▣ **Develop educational pamphlets about** what homeless are able to do vs. not do; what police are able to do vs. not do.
- ▣ **Educate residents about who are actually homeless** (St. Francis House data says 93% from the last quarter of 2021 were residents from the city of St. Augustine, many of whom are seniors on fixed incomes who cannot afford higher rents; many are working.)
- ▣ **Communicate to school groups** about panhandlers and how to donate to social services.
- ▣ **Install signage downtown** with information on how to donate to social services.
- ▣ **Create positive signage** with positive messaging e.g. Your dollar will go 15x farther if you donate to social services; keep our community beautiful.
- ▣ **Provide Homeless Outreach Team** pamphlets to distribute.
- ▣ **Create a QR code to venmo or paypal a central social service agency** e.g. Continuum of Care.
 - **Determine how funds should be distributed and by whom** e.g. should funds go to Continuum of Care?
- ▣ **Recycle old parking meters** to be used as change collectors. Station them inside hotels.

Stakeholders

- ▣ Continuum of Care
- ▣ Homeless outreach teams
- ▣ VCB
- ▣ TDC
- ▣ Hotels

Resources

- ▣ **Model:** Tampa has stone dolphins to put money into

ACTION 2: CREATE MORE OPPORTUNITIES FOR ORIGINAL LIVE MUSIC

This action emerged from the Social Venue roundtable.

OVERVIEW

Elevate the caliber of nighttime social experiences by offering authentic, experiential options that support the local talent pool. An ecosystem of support through better connectivity between event/festival planners and local musician networks, as well as facilitating logistical needs such as dedicated loading zones. Fostering a robust live music scene also requires a market base of support from local residents and a cultural standard for paying higher wages to performers.

NEEDS STATEMENT

Current live entertainment is oriented to tourists with cover bands that perform mainstream hits. There are minimal opportunities for local artists to showcase original music. Participants cited surveys that indicate tourists' desire an authentic experience. Fostering a strong local resident support base is also critical.

GOALS AND OBJECTIVES

- ▣ **Retain and support** local talent.
- ▣ **Attract a broader range of musicians and artists.**
- ▣ **Connect local community** with local artists.

BARRIERS

- ▣ **Live music scene** described as “tourism music, cover music and mainstream pop” catering to tourists with few gigs for original artists. The same bands have played for years and have become “saturated.”
- ▣ **No clear music signature/brand of local music** in St. Augustine.
- ▣ **Lack of local support base:** Locals don't come downtown to socialize or listen to music. Musicians expressed a need to change locals' expectations of accessing downtown.
- ▣ **Low wages paid to musicians.** Musicians don't feel valued.
- ▣ **Mass exodus of creative talent** because cost of entry is too high.
- ▣ **Hobbyist musicians** willing to perform for less; lower quality music compared to professional musicians.
- ▣ **Limited # of dedicated live music venues** (most venues are restaurants where bands perform).
- ▣ **Misperception among musicians that restaurants can't charge a cover fee.** There is no code that prohibits restaurants from charging a cover fee, but this is a common misperception. Most social venues are licensed as restaurants, even though many feature live music. Because restaurants believe they can't (or choose not to) charge a cover fee, the ability to hire high quality musicians is inhibited. Cover fees are often used to support musician costs.
- ▣ **Loading zones:** Musicians have been ticketed for unloading equipment in loading zones. The VIC parking garage is too far to unload equipment. Bands have said they get harassed while unloading equipment. This contributes to a perception that the city is “anti-musician.”
- ▣ **St. Johns Cultural Council** has limited connections with local artists and musicians.

IMPLEMENTATION

Steps

- ▣ **Book local talent for annual events** (e.g. Music in the Square, Nights of Lights, 4th of July). Connect event producers with local talent brokers i.e. Ancient City Entertainment.
- ▣ **Data Collection:** Map venues by music markets. Conduct a survey of venues and festivals **for the purposes of planning and promotion.**
- ▣ **Create a designated “musician parking pass/placard”** to identify legitimate musicians unloading equipment so they aren't ticketed by parking enforcement.
- ▣ **Create connections between event producers** and St. Johns Cultural Council to promote artists from within the region.

Resources

- ▣ **St. Augustine Cultural Council** has Arts and Tourism Grants
- ▣ **St. Augustine Music Guild**
- ▣ **ACE Alliance: A non-profit 501C(3)** that evolved from Ancient City Entertainment. Goal is to help professionalize the music industry by offering training on taxes, contracts, creation of LLCs, etc.
- ▣ **(Past Resource): Musicians Guild of St. Augustine:** In about 2016, a networking group was formed with musicians and venue owners. It was well attended, but the group lasted less than a year.

ACTION 3: UPDATE EVENT PROCEDURES AND COORDINATION

This action emerged from interviews with police and city staff.

OVERVIEW

Enhancement of current systems that track events held on private property, especially weddings, will help key city agencies and hospitality venue operators to be aware of anticipated crowd surges downtown and better coordinate staffing needs. Revisiting city guidelines to expand event security to private security (and not just police) for events with alcohol service on public property can potentially help event planners successfully meet security needs and address officer shortage.

NEEDS STATEMENT

Events contribute to impacts in the social economy that require planning, coordination, and resource management.

Robust systems of tracking, inter-departmental coordination, risk management and operational review exist for events held on public property, but the same is not true for private events. Although private events may be smaller in occupancy than public events and festivals, the large number of events contribute to a combined potential attendance number comparable to a small-scale public event.

Weddings comprise the majority of private events that take place downtown, but quantitative data is unknown. There are about a dozen formal wedding venues located in/around downtown, as well as several informal venues (e.g. short-term rentals for “backyard weddings”) nearby. Weddings anecdotally take place during the week and weekends year-round; one venue can even host multiple weddings simultaneously on multiple floors.

When weddings end (usually between 11:00 p.m.-12:00 a.m.), a crowd surge similar to bar closing time descends upon downtown social venues—potentially hundreds of people eager to continue to socialize, despite varying levels of intoxication upon arrival. Social venues are already understaffed; knowing when to anticipate such crowd surges would be helpful for resource management.

Events (both public and private) are straining police department resources to provide sufficient staffing for both on-duty zone assignments and off-duty event requests. Certain events and concerts have required ratios for patrons to security, while some wedding venues proactively hire off-duty officers to provide security (despite the lack of security requirement for weddings held on private property). Police are required to provide security for events held on public property with alcohol service, according to the City’s Guidelines for Events Held on Public Property (2020).

The City’s Event Coordinator and the Police Department’s Special Events Scheduler both noted that certain events are becoming more difficult to staff with police. While weddings are easy to fill with police sign-ups, concerts at the Amphitheatre and some events/festivals that are city-permitted are more difficult to staff. Further, there are occasions where events have proceeded, despite not meeting required security presence, due to lack of available police officers. On rare occasions, the police chief may deem an event a public safety risk, and therefore order police to do overtime to staff the event if no one has voluntarily signed up.

GOALS AND OBJECTIVES

- ▣ **Create systems of connectivity, communication and transparency** between the City, wedding venues, and venue operators.
- ▣ **Facilitate coordinated planning of staff resources** (e.g. police, venue operations staff, etc.).
- ▣ **Update event policy to explore alternative options to police** for event security.
- ▣ **Reduce strain on the police department** from event security requests.
- ▣ **Address underlying issues for why police** may not choose to voluntarily sign up for events.
- ▣ **Ensure high standards for private security companies** if their use is expanded for events.

BARRIERS

- ▣ **Lack of data on the number of private events, especially weddings**, that take place in the City, and their approximate attendance due to a gap in a central tracking system. Further, there is no driving force (or required City touchpoint) to have event organizers report about private events.

- **Minimal touchpoints between the City and private events.** Wedding venues and private event organizers are not required to report upcoming events to the City, nor be part of the monthly event review meetings that convene multiple city agencies. *(This is not to say that there is a need, but rather to illustrate their exclusion from current systems where data is collected.)*
- **Wedding industry is difficult to define, organize and provide data.** (As part of this project, RHI requested data from venues dedicated to hosting weddings). But, it's difficult to analyze the full scope of the industry, as there are also unofficial/informal venues for hosting weddings e.g. renting a house for a "backyard wedding."
- **Guidelines for events with alcohol service held on public property require police** as the provider of event security. (Private security are only allowed to supplement the minimum required number of police.)
- **No City vetting process to approve private security** that event planners hire to supplement police for city-permitted events and/or events on public property (potential liability risk to the City).
- **Police as event security are based on voluntary sign-ups for off-duty work.** Despite city requirement for police to provide minimum security (and permits issued by the City for events that expect police to provide staffing), working off-duty at events is at the discretion of officers. (The only exception is for the two city-sponsored events, Fourth of July and Nights of Lights' kick off.) Some events are more preferable than others. Types of events:
 - **Weddings are highly desired and easy for police to fill requests** because they usually just require one officer, they're inside with AC, meals are served, and each wedding party is considered the employer (not the venue itself), so police don't have to submit a 1099 if paid less than \$600.
 - **St. Augustine Amphitheatre hosts 60-80 events annually** with each event requiring 4-7 officers, depending on the crowd. These are difficult to fill with requested police because after working about two concerts, officers will have made about \$600, so any further work would require submission of a 1099 form for taxes; payment takes 2-4 weeks.
 - **City-Permitted Events (e.g. 5k runs, parades, festivals on Francis Field),** which may require 2+ officers depending on crowd size. Some private event organizers are notorious for paying later than the requested 2-3 week time period. If events are for a few hours, some officers prefer not to break up their day to make a small amount of money.

IMPLEMENTATION

Steps

- **Request that dedicated wedding venues add their upcoming weddings with an approximate # of attendees to the existing Google Calendar** (maintained by the city's Events Coordinator).
- **Create a communication system for hospitality operators to be notified about upcoming weddings** for the next month with potential combined occupancy from multiple venues.
- **Consider revisions to city's event guidelines to expand security providers to include private security** for events held on public property that serve alcohol.
- **Set minimum standards for private security providers** that are hired by event planners to supplement police for events that require city permits and/or on public property. The purpose is to ensure safety standards are met for private security companies and to mitigate potential liability to the city if an incident occurs involving private security companies for events.
- **Explore how to address barriers** to working events identified by police.

Resources

- **City's Events Review Committee** convenes multiple city agencies every Wednesday to review upcoming city-sponsored events or private events that will take place on city property. The committee meets with the event organizer to review the operations plan for mobility, crowd management and risk mitigation. City-permitted events must be approved 6 months in advance to ensure sufficient management resources are planned for.
- **City's Event Coordinator** (Cori Niles).
- **Police Department's Special Events Coordination staff** (Jeff Truncellito).
- **Google Calendar exists for City-permitted events and some weddings on public property.** The City's Events Coordinator maintains a calendar outlining all public events, private events on public property and some partial data on weddings (if, say, a wedding party needs approval to host part of the wedding on public property e.g. Lightner Museum's courtyard).
- **Wedding Alliance.**
- **VCB** (a resource for event information and calendar hosting).



ACTIONS TO PLAN FOR PEOPLE IN THE SOCIAL ECONOMY

- ACTION 1: Formalize and Raise Awareness of Rideshare Hubs
- ACTION 2: Provide Safe, Efficient Parking for Nighttime Employees
- ACTION 3: Bring Residents Back Downtown
- ACTION 4: Refine Sound Management Process

ACTION 1: FORMALIZE AND RAISE AWARENESS OF RIDESHARE HUBS

This action was identified in both the Public Safety and Mobility roundtables.

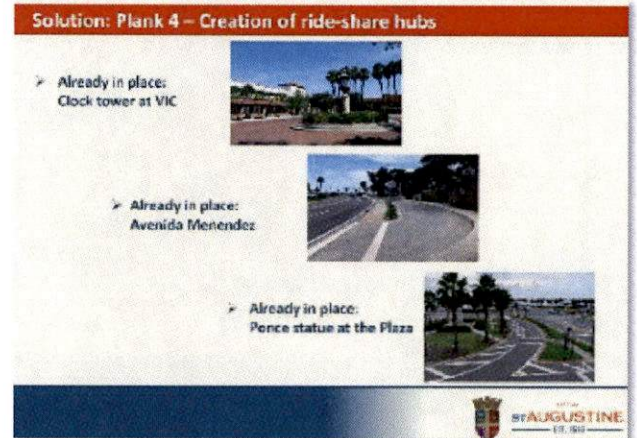
OVERVIEW

Rideshare hubs create designated areas for pick-up and drop-off of passengers. They help reduce traffic congestion and expedite district egress for nightlife patrons to return to their residence safely.

NEEDS STATEMENT

Rideshare services (e.g. Uber, Lyft) are a key mode of transport for nightlife patrons to access and leave downtown. Yet there are no current systems of coordination for pick-up and drop-off. Narrow roads lead to traffic congestion from cars and waiting passengers, delays in pick-up and pedestrian safety challenges when trying to access vehicles. Emergency vehicles cannot access the area. The longer that crowds linger, there are more opportunities for fights and sound disturbances to occur.

Three rideshare hub locations have already been selected, per a presentation by City Manager John Regan²: (1) Clock Tower at Visitor Information Center (VIC); (2) Avenida Menendez; (3) Ponce Statue at the Plaza. However, only one is being used informally. There was limited awareness about the hubs' locations, nor signage to designate their authorized use as rideshare hubs.



GOALS AND OBJECTIVES

- ▣ **Expedite district egress** at closing time by improving efficiency for passenger pick-up.
- ▣ **Decrease impacts** generated by sound disturbances, fights and disorder from lingering crowds.
- ▣ **Prevent impaired driving** and reduce alcohol-related accidents and injuries; increase pedestrian safety.
- ▣ **Reduce traffic congestion** associated with ride-share services; provide access by emergency vehicles.
- ▣ **Increase natural surveillance** in strategic areas, thus enhancing public safety.

BARRIERS

- ▣ **Limited awareness** among participants about city's intention to use the three selected locations as rideshare hubs.
- ▣ **Signage:** No signage authorizing locations for ride-share vehicle use; no wayfinding signage to direct passengers.
- ▣ **Taxi Stand Locations:** Rideshare vehicles aren't allowed to use taxi stand locations per code.
- ▣ **Lighting:** Some of the three selected ride-share hub locations have dim lighting, which could be a barrier to use.
- ▣ **Perceived inconvenience** by patrons to walk to a new location when they are accustomed to being picked up directly in front of businesses.
- ▣ **Process of engaging rideshare services** to update their apps to direct passengers to the designated hubs and communicate with drivers about new procedures for nighttime pick-ups downtown.
- ▣ **Surge pricing for rideshare services** on weekend nights and during events make them expensive to use.
- ▣ **Cell phone reception** is limited to call for rideshare services when there are large numbers of people downtown.

² Quality of Nightlife Strategic Plan presented to the City Commission on August 12, 2019 by City Manager John Regan

IMPLEMENTATION

Rideshare Hub Locations: Challenges to Overcome

Each of the three selected locations have unique barriers/challenges to be overcome for them to succeed.

Clocktower at VIC 	Challenge: Dim Lighting at Night 	Current Signage 	Current/Future Use Proposed staging area for horse carriages. Current staging area for trolleys, trains and holly jolly trains during Nights of Lights.
Avenida Menendez 	Challenge: No Coordination The area is congested with rideshare vehicles trying to access passengers and vice versa. No coordination of line queues.	Current Signage Authorizes trolleys to use the area.	Current Use Being used informally as a rideshare hub (because located in front of No Name Bar and White Lion).
Ponce Statue at the Plaza (In Front of Market) 	Challenge: Dim Lighting at Night While technically lit, lighting is somewhat dim. When vendors set up in the Market, there is enhanced lighting.	Current Signage Authorizes sightseeing vehicle and taxis to park there. 	Current Use Trolleys use it to turn around; Uber Eats parks there for pick-up; Nightlife patrons and employees illegally park there.

Steps

- 1. Conduct research:**
 - Review RHI's case study on Orlando's rideshare hubs.
https://sociablecity.info/resources/case_studies/orlando_hub.pdf
 - Contact other cities with rideshare hubs e.g. DC, Pittsburgh, Orlando
- 2. Convene stakeholders (listed below) to re-confirm the 3 locations selected are the most appropriate:**
 - Identify each location's unique needs and how to remove barriers to improve use.
- 3. Determine hours of operation** for the rideshare hubs (i.e. at what time, days will they operate?)
- 4. Begin engagement with Uber and Lyft** to discuss the process of updating their apps to direct downtown passengers to be picked up and dropped off at the rideshare hubs.³
- 5. Review and update current signage to:**
 - Designate locations as rideshare hubs with hours of operation
 - Authorize rideshare vehicles to use the locations
 - Provide wayfinding to direct passengers to their locations
- 6. Review and upgrade lighting** for the rideshare locations' use at night.
- 7. Create a public education and marketing campaign.**
 - Create radio, newspaper, print and social media ads
 - Distribute materials to hospitality venues open at night
 - Educate business operators and staff
- 8. Launch rideshare hubs and determine additional amenities.**
 - Determine public safety staffing needs to monitor area.
 - Determine if public restrooms can be provided/opened e.g. at the Clocktower VIC.
- 9. Provide an education and notification period** for violators.
 - Notify Ubers, Lyfts they must use the rideshare hubs.
 - Notify illegally parked cars that they will be towed starting on a certain date.
- 10. Begin enforcement:**
 - Ticket rideshare vehicles that are operating in non-designated areas.
 - Ticket parked cars that are illegally parked in rideshare hub locations.

Stakeholders

- ▣ Reuben Franklin, DPW (Rideshare hubs are an action item in the comprehensive mobility plan.)
- ▣ Police Department's Community Affairs Officer, nighttime beat patrol officers , traffic control officers
- ▣ Planning Department
- ▣ Rideshare service providers: Uber, Lyft
- ▣ Venue Operators to communicate to patrons
- ▣ Mobility operators (who will share rideshare hub locations): trolley service providers, taxi companies
- ▣ Parking Department (for enforcement at night)
- ▣ Code Compliance Division (for enforcement)

³ St. Augustine Police Department's Community Affairs Officer, Dee Brown announced on 2/28/22 he would initiate contact.

ACTION 2: PROVIDE SAFE, EFFICIENT PARKING FOR NIGHTTIME EMPLOYEES

This action emerged from both the Mobility roundtable and interviews with venue operators.

OVERVIEW

Provide safe, efficient parking for employees who work downtown at night. Explore options such as a Park and Ride location with a circulator/shuttle to pick up employees and drop them off.

NEEDS STATEMENT

Employee parking is a significant concern for downtown business owners. When garages and lots fill up, especially during night shifts and during events, employees find DIY places to park: in residential neighborhoods, on side streets and in “hidey holes” near their place of employment.

Residents are frustrated by employees parking in neighborhoods. **Employees are frustrated** by parking tickets, which may be almost as much as the money they made that day. **Employers identified parking availability as a barrier** to hiring workers.

Safe passage to parking is a concern for employees who may be carrying cash tips. Some businesses have a policy of walking female staff to cars to ensure their safety. Employees have reportedly quit due to safety concerns around parking.

GOALS AND OBJECTIVES

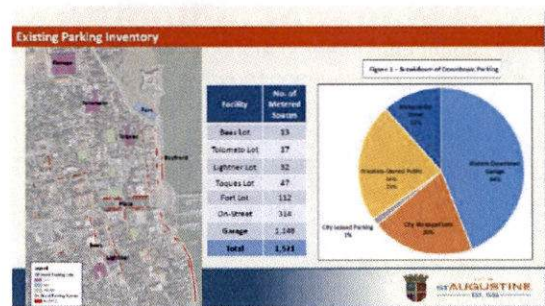
- **Ensure sufficient parking availability** in designated locations for employees
- **Reduce illegal parking** by employees.
- **Provide safe passage for employees** to parking areas.
- **Provide incentives to business owners** to help employees access safe parking (instead of penalizing them).

BARRIERS

- **No organized data on the downtown workforce or their parking needs**, especially nighttime hospitality employees.
- **Parking Cost:** A parking pass in the 1 Cordova Street garage is \$30-33/month for residents who are employees, but this discounted rate doesn't apply to employees who are not residents of the city (e.g. if they're a resident of St. Johns County). Some employers cannot afford to purchase parking passes for all employees.
- **Parking Supply:** The parking garage on 1 Cordova St is sometimes full on weekends between 4:00 p.m. – 2:00 a.m., as well as during events. Parking is typically available starting at 9:00 p.m. (but hospitality employees arrive earlier).
- **New Parking Garages are Contentious:** Community pushback against City's proposal to build more parking garages downtown due to the concern that it would bring even more visitors.
- **Lack of alternative transportation to access downtown:** There are no alternative mobility options for employees to access downtown and return home at night (rideshare is expensive), especially if they live outside the city.

Current Parking Inventory

There are a total of 1,571 parking spots available in lots, the garage and on the street.⁴



⁴ Parking Rate Analysis & Revenue Discussion Presentation (June 24, 2019)

IMPLEMENTATION

Steps

- **Data Collection** (see survey image)
 - How many employees are there downtown? (Or are we just focusing on nighttime employees)?
 - If fully staffed, how many employees would businesses have? How many do they have currently?
 - When do their shifts begin and end? Where do they live?
- **Workforce survey developed by RHI** to be replicated locally and distributed to nighttime social venues. Information to be compiled and provided to the Mobility Coordinator to provide needed data on parking needs for the nighttime hospitality industry employees.
<https://www.surveymonkey.com/r/R3P2RKZ>
 - Convene a meeting between City's Mobility stakeholders (see list below) and hospitality venue operators to discuss: | x Employee parking needs.
 - Explore potential options for employee parking to determine strategies that will be most used.
 - Identify location for a dedicated Park N Ride with a circulator/shuttle to provide safe transport.
 - Explore a resident permit parking program to ensure sufficient parking for residents.
- **Begin education and marketing campaign**
 - Provide information to hospitality venue operators. **Move forward with strategies:**
 - Track usage numbers.
- **Conduct check-in with venue operators**
 - Find out how the program is working; what are the barriers to expanding use.
- **Begin education process** (notices of violation for parking in residential permitted areas)
- **Begin enforcement process** for violators who park in residential permitted areas.

STAKEHOLDERS

- **Reuben Franklin**, DPW (Rideshare hubs are an action item in the comprehensive mobility plan.)
- **Xavier Pellicer**, Mobility Manager
- **Denise Medrano**, City's Parking and Garage Supervisor
- **Tarra Bennie**, City's Parking Supervisor
- **Hospitality venue operators** and staff.

* 1. Business Name:

* 2. Business Street Address:

* 3. Your name (First, Last):

4. How many employees does your business currently employ?

How many employees are full-time?

How many employees are part-time?

5. If your business was fully staffed, what is your ideal number of employees?

How many employees would be full-time?

How many employees would be part-time?

6. When do your employees...

Begin their shifts:

End their shifts:

7. How do your employees commute to work?

☐ Car

☐ Public Transportation

☐ Walking

☐ Small Vehicles (bike, scooter, etc.)

Other (please specify):

8. Where do your employees live? Where are they coming from?

9. On an average day, how many employees (full-time and part-time) drive to work and require parking?

10. On an average day from Monday to Thursday, how many employees (full-time and part-time) are working during the following time periods?

Day (before 5 PM):

Evening (from 5 PM to 10 PM):

Night (from 10 PM to closing):

11. On an average day from Friday to Sunday, how many employees (full-time and part-time) are working during the following time periods?

Day (before 5 PM):

Evening (from 5 PM to 10 PM):

Night (from 10 PM to closing):

Done

ACTION 3: BRING RESIDENTS BACK DOWNTOWN

This action emerged from the Quality of Life roundtable.

OVERVIEW

Residents feel disconnected from downtown and want to patronize local businesses, but need special incentives and barriers removed.

NEEDS STATEMENT

Residents don't often engage in downtown's assets. They live near dining and entertainment options but don't have an opportunity to participate in them due to the overwhelming presence of tourists.

September is considered "Resident/Reduced Month" due to the decline in tourism (because it's hurricane season). Unofficially, historic sites offer residents free access to attractions. But, some of the promos offered don't align with residents' interests (e.g. not interested in a discount on trolleys).

GOALS AND OBJECTIVES

- ▣ **Connect residents with downtown** to restore a sense of community.
- ▣ **Create a local resident patron base.**

BARRIERS

- ▣ **Factors that contribute to inconvenience:** difficulty finding parking, long wait times, restaurants don't take reservations. Addressing mobility in accessing downtown amenities is the primary barrier to be removed.
- ▣ **Resident Month (September) targeted by TDC** to bring in more tourists because it's known as a slow tourism month.

IMPLEMENTATION

Steps

- ▣ **Convene a meeting of hospitality operators with residents.** Discuss what residents want and how hospitality operators could realistically provide opportunities for residents.
- ▣ **Explore incentives for patronage** e.g. limited reservation system to hold 10% seats, 10% discount for residents.
- ▣ **Engage young new residents** (average age of new residents per TDC is mid-30s with families).
- ▣ **Partner businesses with neighborhood groups** so residents host social events and meetings downtown.
- ▣ **Gather data:** How many permanent residents are still living downtown? Compare utility bills of the resident population from 2010 to 2020 to see how many people live in the downtown core vs. migrated outside the city.

Resources

- ▣ **Key West a model.**
- ▣ **Neighborhood Council** of St. Augustine

ACTION 4: REFINE SOUND MANAGEMENT PROCESS

This action emerged from interviews with Venue operators and City Staff.

OVERVIEW

Sound is a complex and challenging topic. No other issue is quite as contentious as sound, especially when it prevents residents from sleeping. There is a continuum of needs from the measurement of sound, enforcement to legal processing. A snag in one part of the system will create loopholes and dissatisfaction.

NEEDS STATEMENT

The City of St Augustine's noise control ordinance is, in general, fairly robust. It defines both A and C weighted measures and uses measurements in relation to ambient. It also defines a sound meter and requires ANSI standards be used when measuring sound. However, while it defines a "Noise Control Officer," it's unclear who or under what supervision these officers exist (i.e. police, code enforcement, other). Also, it charts allowable dB levels through the city only in A weight. Testing procedures are outlined well throughout, and in particular spells out testing at the receiver's dwelling and C weight measurements are mentioned relative to ambient sound. Overall, it seems the tools exist but are not being used as well as they could be. Improvements would include a procedure to set sound levels for social venues when they begin operations, thresholds set for violation related to ambient sound, regardless of time of day.

Sound enforcement is a process rife with frustration on the part of the enforcers, the enforced upon, and complainants. Business owners feel the current sound ordinance impedes their ability to play live music, as the ordinance doesn't adjust for ambient sound. Residents are frustrated by the lack of relief in being able to identify and mitigate the source of sound, especially when sound travels across water. Police are stymied by a difficult measurement process, which requires measurements from a complainant's location (at the receiving end). Data systems are unable to track frequent sound violators and there are no consequences against the venue itself. Meanwhile, even when a sound violation does reach legal processing, judges dismiss the case, making it a perceived "waste of time" to begin with.

GOALS AND OBJECTIVES

- ▣ **Create realistic sound standards** for businesses to abide including a sound level for A and C weights when in operation. This could apply to both indoor and outdoor venues.
- ▣ **Achieve a balance** of business operations with residential quality of life.
- ▣ **Ensure legal follow-through** for violations.
- ▣ **Designate Noise Control Officers to work under one agency**, and train them with sound meters as described in the ordinance.
- ▣ **Create data systems to track all complaints (not just sound)**, like 311, to track frequent violators and complainants.

BARRIERS

- ▣ **Sound travels across the water**, so residents as far as Anastasia Island and Davis Shores may be impacted by amplified music and other nighttime sound disturbances that originate in the downtown historic core.
- ▣ **Ambient sound on St. George Street** can sometimes be higher than the sound ordinance allows inside a business for amplified sound.
- ▣ **Process for Sound Readings:** It can take about 30 minutes to do a proper sound reading (after police retrieve their sound meters from the police station). One officer is deployed to where the complainant is located (at the property line) and another is deployed to venue where the source of the sound is suspected. The two officers coordinate identification of the venue based on the lyrics heard. But, the most common complaint is about bass sound, so the officer must go inside the home to take a reading.
- ▣ **Police are the only agency** certified to do sound measurement and enforcement. Code Enforcement Division plans to have officers certified, but it requires a Rutgers University expert to be paid to provide the class.
- ▣ **Sound ordinance:**
 - **Doesn't adjust for ambient sound** (when determining acceptable DB limit for businesses' amplified music).
 - **Measures sound from the complainant's/receiver's property line.** If a complainant is in e.g. Davis Shores, no visible sight line can be established for the source of the sound. The complainant must be willing to be listed in the report; they can't be anonymous.

- ▣ **Citation for the sound violation goes to the bar manager or bartender on duty.** There is no consequence to the actual venue, venue owner or landlord, even for frequent violations.
- ▣ **Legal Processing of Sound Violations:** Judges reportedly either drop the charges or waive the fine (so there are minimal consequences. Some police are frustrated, as sound enforcement is viewed by some as a “time waster.”
- ▣ **Data Collection Process for Sound Complaints:** Noise complaints compiled by police only show the dispatch location (to the complainant’s location), which doesn’t necessarily correlate to the originating source of the sound (e.g. business location).

IMPLEMENTATION

Steps

- ▣ **Review and upgrade sound ordinance:**
 - Enforce sound from the source of sound’s property line, as opposed to the receiver’s location.
 - Adjust for ambient sound based on the time of day or night. (Make allowances for businesses to operate music a certain # decibels above ambient.)
 - Create a procedure to set sound levels for social venues when they begin operations so that they are aware if they are in compliance or not.
- ▣ **Identify funding source to bring the Rutgers University** sound class to the Code Enforcement Division.
- ▣ **Move forward with plan to have Code Enforcement Division supplement police resources with sound enforcement at night.** The division will be able to issue a “code notice” which deems a property a nuisance after a certain number of violations.

STAKEHOLDERS

- ▣ **Residents**
- ▣ **Social venues**
- ▣ **Police**
- ▣ **Code Enforcement Division**

GOVERNANCE ANALYSIS: DETAILED SUMMARY

Management of Alcohol Licenses

In St Augustine, social venues are a large and important part of the tourist economy. Local government has tried to respond to this growth but has limited tools or consistent systems for oversight. Alcohol licensing is handled primarily by the State of Florida, with some local control related to hours of service. Local municipal code struggles to provide adequate and useful distinctions between bars and restaurants, and as such, business owners are incentivized to be less forthcoming with operating plans to obtain permissions without scrutiny.

Distinctions between a “Bar” and “Restaurant”

The chart below illustrates how the definitions of “bar” and “restaurant,” and the associated costs, can drive decisions by business owners who want to pay less money and avoid more scrutiny via a public hearing process. The definitions below are city defined, which differs somewhat from the state.

St. Augustine's Historic Core: “Bar” vs. “Restaurant”		
	“Bar”	“Restaurant”
Definition	Any place that serves/sells alcohol on-premise that is NOT a restaurant	Any place that sells, dispenses prepares and serves food, refreshments or beverages from a menu
State alcohol licenses allowed	2COP: \$300-400 4COP “Quota”: \$300,000-500,000	2COP: \$300-400 4COP “Quota” 4COP-SFS: \$20,000-30,000 If 150 occupancy; 2,500 sq. ft; 51% food sales
Alcohol Sales, Service, Consumption Ends	2:00 AM	2:00 AM
Live Music Allowed	Yes, with potential restrictions on amplified sound by PZB	Yes, potentially 24/hours (no mechanism to set hours of operation)
Use by Exception Permit	Yes	No
Planning & Zoning Board Review & Community Input	Yes	No
Conditions	Yes	No
Remediation & re-review if violations	Yes	No

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Perception of an Uneven Playing Field

Overall, there are systems in place that create what appears to be an uneven playing field from the standpoint of nightlife operators.

Restaurants in the historic core are not required to obtain a “use by exception” permit (as are bars), are exempt from a Planning and Zoning Board review and community input. There is little, if any, enforcement of the requirements regarding percentage of food sales versus alcohol. The state definition of restaurant does include a size requirement (minimum square footage), which potentially limits the development of smaller dining options. The cost of an alcohol license for a restaurant is substantially less than the cost of the same for a bar.

Consequently, there are a small number of “bars” in the downtown core, and those owners may feel as if they spent more money and time and have conditions placed on their licenses via the Planning and Zoning Board that others don't have. Additionally, conditions are placed on a case by case basis based on a set of criteria, but the result is

inconsistency between similar businesses., and a lack of institutional memory, presumably by the Board members or staff. The lack of enforcement tools by City Departments means that neither bars nor restaurants are taken to task very often for violations.

It is our view that improving the definition of bars or restaurants is not likely to solve issues. What is more important is the mixture of people, alcohol, and other activities (eating, dancing, music, etc.). Risk factors increase over time, so regulation should not be as concerned with the definition of a venue, but how it handles these risk factors, particularly if a venue operates at night.

Government Tracking of Licensed Venues



Many businesses (non-hospitality) in the city open and operate without many touches to government. Not so with alcohol licensed establishments. However, RHI's process did not identify a robust, shared database accessible to different city agencies or a tracking system to be able to quickly review state alcohol licenses and local conditions for each business. The data may certainly be available, but improvement on its location and shareability is indicated.

Locally, the city requires a Business Tax Receipt, which indicates payment of the local business tax each year. Renewals are required annually. However, it was clear

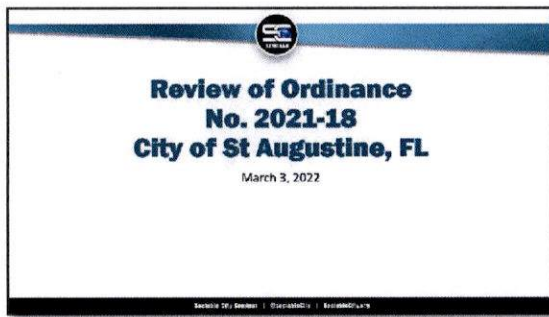
based on RHI's request for a list of businesses by type of alcohol license and operating conditions set locally or otherwise, that the city may not retain this information in an easily accessible manner. This fact implies a disconnect between departments that issue licenses (P&Z Board and also Tax Collector) and those that enforce code and conditions (Police and Code Enforcement).

The businesses themselves are often unclear on what they are expected to be doing (and not doing) and this flows directly from the lack of process at the City level.

Gaps in Enforcement and Compliance Tools

Alcoholic Beverages & Tobacco (ABT) is understaffed and not able to regularly monitor the venues they license. St. Johns County is part of a region with 8-10 counties and only about 8 officers. The police are therefore expected to enforce the businesses that operate at night, but they are understaffed and see code compliance as a lower priority compared to other safety concerns. There is a plan to staff up Code Enforcement in the City, and the City Manager has appointed the retired police chief to head up Code Enforcement and make necessary changes. Code Enforcement's work will benefit from a current list of businesses that have any type of city and state licenses, as well as any conditions that may have been placed on those licenses.





Proposed Legislation

City departments that handle only parts of the permit and licensing process are frustrated by the lack of tools to ensure compliance from businesses.

In recognition of this, local legislation was introduced in 2019 to provide those tools, including a local permit that provides operating conditions, and a scheme for code enforcement.

However, city staff unintentionally did not conduct what RHI would consider sufficient outreach to those impacted

businesses, and as such, an air of mistrust was created and uncovered through our work.

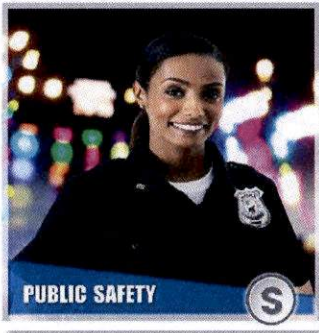
Additionally, COVID changed the landscape for many business owners, so the legislation also needed to be adapted to current issues and market forces post-COVID.

RHI convened impacted business owners on March 3, 2022 regarding the proposed legislation. With the help of the City Manager, those operators (now loosely organized) are working with the city on modifications to the ordinance in a timeframe that is deemed appropriate. In the meantime, Police and Code Enforcement respond to complaints regarding over-service and quality of life issues without much power to make change.

(For a summary of the March 2022 meeting, See APPENDIX II: VENUE LEGISLATION MEETING SUMMARY.)



CORE MEASURE 1: PUBLIC SAFETY



St. Augustine is notable for a positive view of the police expressed by diverse stakeholders interviewed for this project—from venue operators to community members. Officers out at night are described as “gracious, helpful, approachable, and highly responsive to calls.” They have a tourism-oriented approach with emphasis on customer service. The primary goal is to help visitors safely reunite with friends to get home safely. There is a disincentive to arrest people, given the time and resources required, which removes officers from the field.

However, there are too few officers out at night given the large number of downtown visitors. In part, this is due to the funding structure of the county and state (based on residential population, which has remained steady despite exponential growth in the county and a dramatic increase in visitors). The City has

struggled to fill positions dedicated to nightlife that are fully funded. Like police departments nationwide, the City is affected by a national hiring shortage of police officers.

Police have become the “catch all”—responsible for both crime and quality of life issues. Officers are deployed to monitor safety in four zones in the city; they are also responsible for providing event security (e.g. weddings, concerts), sound compliance/enforcement, addressing issues with the unsheltered, traffic control and nightlife safety. At any given time, there may be more officers working off-duty than on-duty, reducing ability to maintain zone integrity.

Desire was expressed for greater visibility of a safety presence downtown. In lieu of more police officers, other cities use a combination of safety ambassadors with other safety agencies to form an inter-agency collaboration deployed at night. These approaches are not currently being employed downtown. Violent crime is rare, but when incidents do occur downtown, they result in a void of safety presence in other city zones.

STRENGTHS	CHALLENGES
- Low crime rate (in 2020 it was at a 25-year low). - Less fights at closing time since COVID began. - Positive working relationship between police and sheriff's department. - Joint inspections between police and ABT (1x/yr). - Two new dedicated nighttime bike positions funded (will be nightlife liaisons), but not yet filled. - Fire marshal does occupancy checks on holiday weekends (e.g. St. Patrick's Day, Bike Week). - On-demand active shooter training available for venues, taught by police. - Plans for Code Enforcement Division to supplement PD with sound enforcement. - Real-time crime data monitored via security camera. - Women Against Violent Encounters (WAVE) class taught by PD to high school and college students about staying safe at house parties and venues through situational awareness. This training will be introduced to Amphitheatre staff.	- Insufficient # of officers (4-5) deployed at night to downtown: 2 bikes, 1 foot, 1 car, 1 corporal.⁵ - Booking process for arrests means an officer will be gone for 2hrs or potentially for the rest of the night. “Protective custody” process requires 2 staff monitors in jail or 1 at the hospital, per BAC. - Gap in non-police safety presence at night. - Events aren't meeting safety officer requirements but are proceeding anyway. - Limited formal coordination between police and venue operators. - Code Enforcement Division is complaint-driven. - St. George St. generates 20% calls to service for FD. - Environmental contributors impede safety: dim lighting; traffic congestion increases response time of emergency vehicles. - Presence of homeless, transients and panhandlers downtown generate negative perceptions of safety.

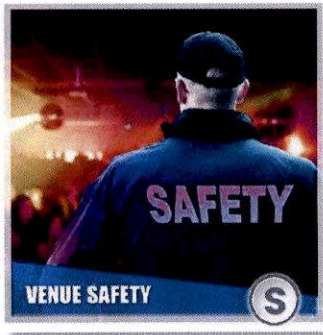
⁵ 1 foot officer deployed during the day Tues-Sat 5pm-1am; 2 bike officers deployed Thu-Sat 3pm-3am and Sun-Wed 12pm-12am; 1 corporal for supervision (when available); 1 patrol car officer for zone 1 (i.e. not dedicated to Downtown). Depending on sick time, PTO, etc., there may be only one officer out past 12am downtown.

Public Safety Models to Consider

This section outlines challenges that were identified during roundtable discussions, but were not prioritized for the action plan. Here are resources and models that may be considered to address these challenges.

Topic	Challenge in St. Augustine	Resources and Models to Consider
Difficulty Filling Open Nightlife Police Positions	There are two dedicated bike positions funded in the PD, but they're not yet filled. The vision is to have these officers serve as a liaison to the community and a consistent contact for venues. Officers report that nighttime downtown positions are undesirable positions due to the perception that they will have to be "the transient police" and have to "break up bar fights."	Nightlife district assignment should be considered a "special assignment" within the department's policy and procedures. This designation and the additional opportunities for leadership development, career enhancement and training offers the opportunity to expand the pool of candidates. Incentives for Hiring & Broadening Candidate Pool: ▣ Training opportunities associated with their position ▣ Opportunities to serve on citywide teams ▣ Key roles in planning and program development ▣ Leadership roles that broaden their career advancement ▣ Specialty assignment pay ▣ Assignment rotation timelines Washington, DC; Virginia Beach, VA; Charlotte and Raleigh, NC: Nightlife district officers get priority for motorcycle and bicycle training, which is key to effective deployment. More Tips Available in the free publication, <i>Public Safety and Policing in Nightlife Districts</i> authored by RHI and Former Charleston PD Chief Gregory Mullen. Access PDF: www.sociablecity.org/sociable-city-resources/public-safety-and-policing-in-nightlife-districts-2018
Gap in Safety Visibility, Especially Non-Police Presence at Night	No other eyes on the street regularly out at night besides police (no safety ambassadors, no other city departments). ABT is understaffed and is not able to regularly monitor venues they license. (St. Johns County is part of a region with 8-10 counties and only 8 officers).	INTER-AGENCY TEAMS Public Safety Teams facilitate a holistic process to assess and intervene with public safety challenges in nightlife districts with a continuum of compliance and enforcement agencies. A policy team meets to discuss collective issues and concerns, then a field team conducts joint monitoring and inspections. The purpose is to work first with venue operators to gain voluntary compliance and remedy concerns. Composition: police, fire, code enforcement, parking enforcement, health department, planning, transportation, ABT control and legal, elected officials, Night Mayor. Examples: Seattle, WA's Joint Enforcement Team (JET); Edmonton, AB's Public Safety Compliance Team. SAFETY AMBASSADORS Safety ambassadors provide a consistent presence of natural surveillance to supplement police as a deterrent to crime and assist with visitor inquiries. Examples: Santa Cruz, CA; Norfolk, VA; Milwaukee, WI

CORE MEASURE 2: VENUE SAFETY



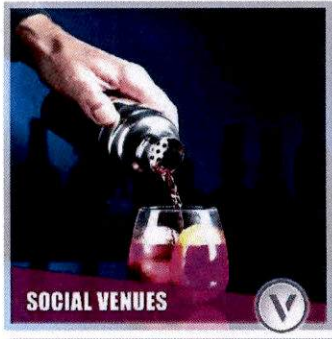
Downtown St. Augustine is generally a safe community to go out at night to socialize. Violent crime is rare in/around social venues. Venue operators engaged in this process have expressed a willingness to step up to help make the community safer. Some businesses have excellent approaches to manage crowds and public safety and can serve as a model for other businesses. Yet standards for safety and service are inconsistent due to lack of standardization for door security and server training.

The lack of formal organization among venue operators poses a challenge to improved coordination with the City. Government employees are stymied by not knowing how to reach a central contact who can serve as a unifying voice to the rest of the industry. There are several City initiatives underway in which hospitality industry input is sought.

Another type of “social venue” is wedding venues. A major industry in the city, wedding guests comprise a significant portion of patrons at downtown nightlife venues. Some have been described as disruptive and entitled, demanding entry or service of alcohol despite being already intoxicated. Operators report that wedding parties try to take over an entire venue for their after-party, but many venue operators resist due to concerns about disruptive behavior.

STRENGTHS	CHALLENGES
- Overall, social venues are safe environments, where violence is rare. Quarterly staff trainings: Some venues host mandatory Alcohol to Clients training (thru FRLA). Security Cameras: Some venues have security cameras, which are accessible to police. Best Practices Guide drafted for venues (needs to be finalized and vetted by industry representatives). Venue staff have a positive relationship with police on-duty at night. Informal communication with police: venue security flash a light to summon them for help. FRLA a resource for venues to help produce resources and host a phone group. St. Augustine Amphitheatre represents the highest level of security protocols for licensed security, security to patron ratios, etc. Potential model that could be used on a smaller scale for downtown venues.	Challenges for Dining & Entertainment Venues Labor Shortage: Difficult to recruit enough employees. Parking cited as a barrier to hiring. Employee safety at night: when employees need to walk to cars carrying cash tips. No clear best practices for security or servers. Sound Ordinance cited as a challenge to providing live and amplified music downtown. Fake IDs from underage customers. Open Containers: Patrons try to enter and leave venues with open containers. Pre-loading/“Gaming”: People drink throughout the day at hotels, airbnbs, b&bs, weddings, boats, cruises—prior to going out to venues. Gap in formal association & communication. Concern re: insufficient police presence at night. Business owners liable for security incidents, unless they use a licensed security company. Concerns re: Venues from Patrons, Police, City Over-service; server training not required. Some servers reportedly drink on the job. Gap in Consistent Door Security: Usually just Fri, Sat nights and holiday weekends. Gap in posted signage about code of conduct, sexual violence policy, consent, etc. No training required for security staff; some involved in physical assault of patrons.

CORE MEASURE 3: SOCIAL VENUES



St. Augustine is a destination with numerous assets. Heralded a dining destination full of culinary delights, the city hosts annual events like Nights of Lights and the Fourth of July, which have grown exponentially in popularity. Historic architecture and heritage sites make it a year-round destination for visitors and wedding parties. Upwards of 35% of tourists have been to the city more than 10 times (TDC, 2019). Many restaurants and bars offer live entertainment throughout the week. **While visitors are charmed by the City, residents seem disenchanted.**

There is a chasm of disconnect between the local community and the dining and entertainment assets of downtown. “Locals don’t go downtown” is a popular refrain. The live music performed has limited connection to the local culture, due to the preference for “crowd pleasers” like top 40 cover bands that appeal to

visitors.

Original music is difficult to find, in part because of the lack of vocal support or demand for it from locals. Talent may be educated locally, but then move on to other cities where they will be more valued. There are notable opportunities for local bands to be showcased, but these are exceptions to the rule. One roundtable participant noted, “In the 90s, we catered to locals and put up with tourists. Now we’re a town that caters to tourists and puts up with locals.”

The City’s Lincolnville neighborhood once hosted numerous live music venues that were part of the Chitlin’ Circuit, where African American artists came to perform during the time of racial segregation. Gentrification have since erased the existence of such rich history from the collective memory of the City, though it is still preserved in photographs and displays at the Lincolnville Museum & Cultural Center.

STRENGTHS	CHALLENGES
▪ Fine dining and foodie destination. ▪ Live music offered throughout week, day & night. ▪ Colonial Oak and Amphitheatre are dedicated performance venues for bands and comedy. ▪ Heritage tourism for tours of the Fort, night tours. ▪ Arts & culture: museums, galleries, opera, ballet. ▪ Natural assets: boat tours, beach nearby. ▪ Annual events and festivals e.g. Nights of Lights, 4th of July, Music in the Plaza draw visitors. ▪ Sing Out Loud Festival: National acts and local bands perform in different venues in the City. ▪ Fort Mose Festival, Blues Festival, Porch Fest and Jazz at the Excelsior Music Series showcase diverse local, regional and national talent and celebrate the history of the city’s diversity, attracting a diverse audience. ▪ St. Augustine Tonight Show showcases local bands on TV to a live audience (YouTube). ▪ Underwire Collective showcases talent by POC and sub-genres in a DIY house party network. ▪ Special Events Committee Meetings every Wednesday to review city-sponsored events and private events on city property.	▪ “Locals avoid going downtown,” especially on weekends and during events due to crowds. ▪ POC and LGBT+ have limited representation in downtown patronage and business ownership. ▪ Tourist-Oriented Music: Cover bands play mainstream hits; original music is hard to find. ▪ Lack of diversity in performers and music genres. ▪ No clear music signature for the City. ▪ Exodus of creative talent due to low wages paid and perception that musicians aren’t valued. ▪ Confusion about whether restaurants can legally charge cover fees for ticketed events (contributing to low wages paid to performers). ▪ Limited # of dedicated live music venues (most are restaurants and bars where bands perform). ▪ Gap in Loading Zones for Musicians: bands have been ticketed and harassed while unloading. ▪ Large # of events overwhelm city’s resources, especially for off-duty officers for security. ▪ No central calendar with all events (both those permitted by City AND private events e.g. weddings, concerts, church events) to help City coordinate resources.

CORE MEASURE 4: PUBLIC SPACE



Popular destinations for public space such as St. George Street are congested, while other public spaces and parks are under-utilized e.g. North City and Uptown. The street (and public space) itself has become a destination for people watching.

Due to the temperate climate, St. Augustine already had ample opportunities for outdoor dining (pre-COVID). With the exception of specific development projects e.g. River and Fort, there was no need to reconfigure entire streets for an Active Streets program.

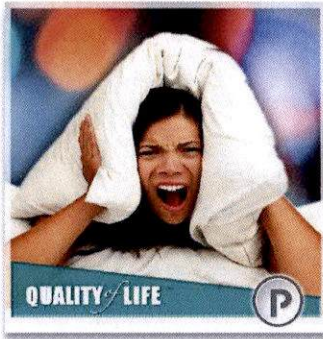
Roundtable participants cited the presence of unsheltered, transients and panhandlers as a significant challenge. In 2021, 1,348 people in the county were identified as homeless when requesting assistance from the Care Connect Information Network.⁶ St.

Augustine has become a destination for transients and panhandlers (not the same as unsheltered) due to the warm climate and culture of giving. Each population has unique services needs and strategies. Though most are peaceful, some contribute to negative perceptions of safety, especially for women, when drinking in public. This is a complex, challenging issues with no easy solutions.

STRENGTHS	CHALLENGES
Street Activation - Walking around downtown is an experience in of itself (St. George Street has become a venue). - Ample outdoor dining options. - River and Fort Complex: allows a parklet for outdoor dining adjacent to the sidewalk. - Street Performer Ordinance addressed nuisance activities e.g. stopped traffic, no retail visitors. Addressing Homeless, Transients, Panhandlers - Mostly peaceful, non-aggressive unsheltered and transient population; crime is rare among them. - Homeless Outreach Officers (2 budgeted; just 1 now) deployed Mon-Fri 8am-5pm to connect unsheltered with social services and housing, arrange reunions with family and pay for bus. - Continuum of Care: Community of stakeholders united to end homelessness. Flagler Hospital is the lead agency to coordinate services. - HUD funds Homeless Programs e.g. St. Francis House, street outreach, shelter, rapid rehousing, Betty Griffin, ESH (housing). - Camping Ordinance: Police enforce a camping ordinance 10pm-6am to prevent sleeping downtown. - Panhandling Ordinance Exists: Passed in 2018 and at the time heralded as a model for other cities in Florida, the ordinance bans panhandling via time, place and manner restrictions. - Cold Weather Shelters by Churches: Provide safe places for unsheltered to sleep when temp is <40°. (Potential resource year-round.)	Street Activation and Public Space Uses - Popular Public Space Destinations are congested (i.e. St. George Street). - Under-Utilized Public Spaces: Lack of awareness and wayfinding to direct visitors to Uptown, North City, Fort Mose and Francis Field. - Street performers: Currently banned from within 50' of St. George or Hypolita St. But, if managed well, could serve as positive activation in under-used areas. - Mobile vendors sell timeshares, knickknacks. - Open containers consumed downtown: People are seen drinking from glassware, beer bottles, and champagne bottles; litter is left on the streets. Presence of Homeless, Transients, Panhandlers - Nuisance Activities: Drinking from open containers, trespassing and behaving in lewd ways. Some accost passersby. - Visitors give to panhandlers, incentivizing their presence. Social service agencies clarify that most panhandlers are not unsheltered. - Lack of awareness among residents, venue operators about social services' programs and current initiatives to address homelessness. - Police are limited in their ability to address unsheltered, transients due to constitutional rights. - Police can't enforce camping ordinance if 8 beds at St. Francis House are full or if homeless are laying down in plaza and market but not sleeping. - Effectiveness of panhandling ordinance in question. - Gap in permanent supportive housing.

⁶ Flagler Hospital serves as the Continuum of Care Lead Agency, which operates the Homeless Management Information System a.k.a. Care Connect Information Network, utilized by over 100 partner agencies.

CORE MEASURE 5: QUALITY OF LIFE



Priorities for “quality of life” are divided into two main groups: residents and businesses (the latter encompassing employee and visitor needs). This challenging dynamic has made it difficult to achieve balance and peaceful coexistence.

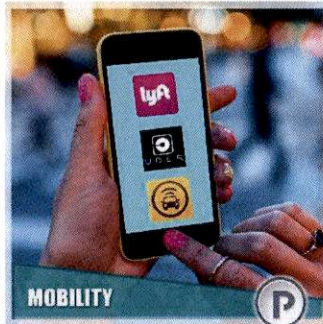
The influx of tourism has led to a significant decline in the quality of life of residents, who chose to live in St. Augustine for its many assets—historic beauty, excellent dining, mild weather, special events etc. The changes in the resident population (prioritizing short-term rentals) has driven housing prices up, making it unaffordable to live downtown and even the city. Many residents expressed frustration at having lost their downtown to tourists. Short-term rentals comprise 10% (630 residences mostly on Water Street and Lincolnville) of the 6,600 single family residences in the city.

Residents are impacted by the social economy in numerous ways—their yards are littered with bio-waste and alcohol containers, they have difficulty parking, and sound from a variety of sources keep them from achieving quality sleep. The more that long-term residents feel disconnected from their community, the more likely they are to convert their house into a short-term rental and live somewhere else, perpetuating the cycle of rising costs.

Yet business owners also have quality of life needs to assure the comfort and safety of their employees, patrons and visitors. For them, the presence of unsheltered and transient populations is of highest concern, as well as finding safe parking for employees. Limited wayfinding to public restrooms at night contributes to biowaste at closing time.

Strengths	Challenges
- Small, but passionate base of long-term residents. - St. Augustine is Florida’s first “Compassionate City.” - Flagler College has a Town & Gown Committee that meets quarterly on parking, sound, and other issues. - Student engagement in the community through programs like Dining with Dignity. - Student-related issues reduced since COVID-19 (less house parties, so less disturbances). - Public restrooms are well lit (inside) and clean. - Sound ordinance is fairly robust: contains both A and C weighted measures, uses measurements in relation to ambient sound, and requires ANSI standards be used when measuring sound. But, this tool is not being used as well as it could be.	For Residents - Inability to access social amenities and events downtown due to traffic, difficulty finding parking, long wait times, lack of reservations, etc. - Loss of community due to changes in resident pop. - Short-term rentals in proximity to downtown create parking impacts, sound disturbances from parties. - Gentrification: Loss of historically African American community in Lincolnville. - Disconnect between Downtown and people of color, who mostly live in West Augustine. - Influx of tourism negatively impacts residents’ quality of life. - Bio-waste (vomit, urination) in neighbors’ yards. - Litter in yards: empty alcohol containers, glassware. - Sources of Sound: Music from venues, people walking, engine revving and loud stereos on trucks. - Water transmits sound: Sound carries miles away. For Businesses, Employees and Visitors - Presence of unsheltered, transients, panhandlers, especially if drinking, as they become more aggressive. - Bio-waste in front of businesses (vomit, urination), requiring extra clean-up services by the City. - No access to public restrooms > 10pm. - Wayfinding to public restrooms difficult; dark paths. - Men (esp. transients) using women’s restrooms (public and private). - Limited space for trash from commercial uses.

CORE MEASURE 6: MOBILITY



Part of the charm and historic authenticity of downtown is the Spanish colonial design. Highly walkable and compact, downtown was designed with European standards. Yet the city has evolved in America, where car culture reigns supreme. Few resident amenities are in walking distance (e.g. grocery store, pharmacy), making cars a necessity.

Different modes of transport are competing for limited space: cars, trolleys, horses and carriages, buses, shuttles, commercial delivery trucks, ride-share services, food delivery/takeout, bikes, musicians and emergency vehicles. Diverse users need access to downtown at different times of day: visitors, residents, employees and students. This has led to an increase in traffic and frustration as different entities try

to park, load/unload and move throughout the city.

Parking is a contentious challenge. Employers say parking (cost, supply, safety) is a barrier to hiring more workers. When garages and lots fill up at employees' start of shift, they find DIY places to park: in neighborhoods, on side streets and in "hidey holes." Residents are frustrated by employees and patrons parking in front of homes, but push back against construction of new lots. Employees' parking tickets may cost as much as the money they made that day.

Rideshare services (e.g. Uber, Lyft) are a key mode of transport for nightlife patrons, especially at closing time. Yet there are no current systems of coordination or designated locations for pick-up and drop-off. Narrow roads lead to traffic congestion from cars, delays in pick-up and pedestrian safety challenges when accessing vehicles. The longer crowds linger, the more opportunities for fights and sound disturbances to occur. Clearing the district quickly and efficiently will aid in both traffic congestion and public safety.

Strengths	Challenges
▣ Walkable, dense downtown. ▣ Tourism-oriented transport: trolleys, horses & carriages. ▣ Micro-Transit Options: Pedicabs, quads, bikeshare, etc. ▣ Scooters being explored (but city is concerned about dockless scooters being littered on narrow sidewalks). ▣ Water taxis ("scenic shuttles) and boats are assets to be explored for hydraulic mobility. ▣ Some employers provide escorts to female employees back to parked cars. ▣ Police provide traffic control to help nightlife patrons safely cross A1A to access Fort Parking Lot. ▣ Multi-Modal Mobility Vision Plan of 2017 formally adopted by the city and will begin implementation. ▣ Park Once plan exists to provide access from the periphery to the core in the future. ▣ Circulator planned for downtown workforce (but will end at 10:00 p.m.—before hospitality employees end work). ▣ Monthly Parking Pass for employees is \$30/month. ▣ Free Park and Ride Shuttle during Nights of Lights: City transports passengers between 11am-11pm to/from downtown to remote parking locations. ▣ Lighting improvements underway and are planned.	▣ Limited space or coordination of modes of transport. ▣ Increase in traffic to/from downtown day and night. ▣ ADA accessibility standards difficult to adhere to. ▣ Street upkeep difficult due to historic infrastructure. ▣ "Last Mile" Access to Downtown. ▣ Pedestrian safety risks: Walking on narrow streets shared by cars; crossing A1A to Fort Parking Lot at closing time; trying to find ride-share vehicles. ▣ Upgrades to lighting and wayfinding require historic preservation review and approval process. ▣ Parking supply is limited (1,571 parking spots). ▣ Parking Spillover: employees, patrons, visitors park in neighborhoods when lots, garages are full. ▣ Rideshare services operate without coordination or designated pick-up locations, causing pick-up delays and traffic congestion. ▣ Emergency vehicles cannot access key locations due to traffic congestion at night. ▣ Safety concerns for employees returning to cars after closing time (i.e. 2:30 a.m.) carrying cash tips. ▣ 79% increase in DUIs (84 total) as of July 2019 compared to July 2018 (per Police Dept).

APPENDIX I: WOMEN'S PERSPECTIVE ON THE SOCIAL ECONOMY



Photos provided by FloridasHistoricCoast.com

There is a growing movement to integrate the perspective of women into downtown planning. RHI used this critical lens to analyze St. Augustine's downtown social economy through insights generated by a focus group among women of different ages and life stages.

Social Venues

St. Augustine has a variety of social assets downtown. Among the attractions ranked as "excellent" by the women's focus group include high quality food and beverage, engagement with art and the "street as a venue" (where walking downtown is the attraction, especially on St. George Street). Events, festivals and sporting events (e.g. hosted by Flagler College) are key attractions, which draw a wide range of ages and life stages. Colonial Oak is particularly family friendly. Downtown has room for improvement in social options after 10:00 p.m. that appeal to a 30+ mature audience.



Downtown has room for improvement in social options after 10:00 p.m. that appeal to a 30+ audience by offering low-key, quiet lounge-type spaces and more experiential nightlife (where the focus isn't on alcohol consumption as

entertainment.)

Diversity, Equity and Inclusion

The City of St. Augustine has a complicated dynamic with current and historical diversity, equity and inclusion. There is a notable lack of racial and ethnic diversity in pedestrians, patrons and owners of social venues downtown. Musical diversity is limited, with few venues playing either recorded or live Latin music in Spanish or hip-hop. Similarly, there are no LGBT+ social venues, though there are a few rainbow flags flown from buildings. Wedding planners noted that while they do have diverse wedding parties, there are few social spaces where e.g. African Americans or LGBT+ community members would feel comfortable bringing their post-wedding "after party" downtown.

Part of the journey to making social spaces more diverse, inclusive and equitable will be to acknowledge stigmas and conscientiously work to provide greater opportunities for healing, training and diverse entrepreneurship.



Public Safety

Women are often a key barometer of safety. In fact, social preferences by women often coincide with best practices for safety in nightlife venues and social districts. Women make a series of decisions prior to going out and while they're in a social district at night to monitor and maintain their personal safety. From planning how to arrive and safely return home after a night out to constant vigilance while on foot, female patrons are noted for their conscientious diligence in safety.

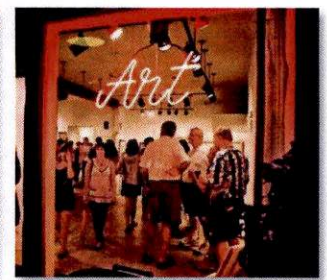
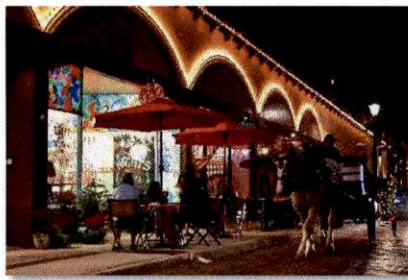


The physical environment of a downtown social district has a large impact on whether women feel safe at night. Environmental cues such as good lighting, cleanliness and presence of multi-generational eyes on the street contribute to a positive perception of safety. Areas that women's focus group participants felt safest were: Plaza, Bayfront, St. George St and Hypolita St. However, participants commented that they intentionally avoid areas that are consistently dark and are intimidated by groups of unsheltered, transients and panhandlers, especially if they are drinking in public.

Venue Safety

A variety of factors were discussed about what makes women feel safe within nightlife and hospitality venues. Among ambience and design preferences are factors that facilitate social interaction, including lower music volume so patrons can have a conversation and lounge-oriented seating. Bathroom cleanliness and well-lit passageways are critical to a safe, comfortable social experience. Cues that an environment may be unsafe or facilitate inappropriate behavior are when rowdiness is tolerated, when intoxicated people are allowed entry and served more alcohol, and where staff are seen drinking on the job.





Photos provided by FloridasHistoricCoast.com

Ranking of Social Experiences in Downtown St. Augustine

	Poor	Ok	Excellent
High Quality F&B			X
Experiential social venues & competitive socializing	X		
Gamification (Arcade bars, board game cafes)	X		
Engagement w Art			X
Social Dancing	X		
Comedy & Improv		X (Colonial Oak)	
Street as a Venue (Walking around is the experience)			X

Social Offerings Downtown

Participants agreed that downtown does offer unique social options for a wide range of ages, yet there is an opportunity to expand offerings to broader, more diverse markets.

Strengths	Gaps and Challenges
■ Compact and walkable ■ Variety of restaurants ■ Always something going on. ■ Sporting events (Flagler College's sporting events are free for residents). ■ Colonial Oak in particular is family friendly and senior-friendly ■ Feels safe, especially in the presence of families. ■ Events and festivals e.g. Porch Fest, Blues Fest, Fort Mose, Jazz Fest, 1st Friday Art Walk, ■ Art galleries ■ Lectures on historical topics (hosted by Flagler College)	■ Social options after 10:00 p.m. for 30+ audience ■ Dance opportunities ■ LGBT+ spaces/bars/clubs ■ Diversity of patrons' race and ethnicity in social venues ■ Diversity of music styles ■ Low-key, quiet lounge atmosphere ■ Distinct music signature ■ Music venues you can pop into (not ticketed) ■ Highlighting local Florida folk singer Gamble Rogers ■ Showcasing civil rights history of the city ■ Black history and music tours ■ Opportunities for POC to connect and socialize ■ Lack of social options for LGBT+ community, especially after weddings take place. ■ Limited marketing of blues concerts, jazz events and other events that would draw a broader audience.



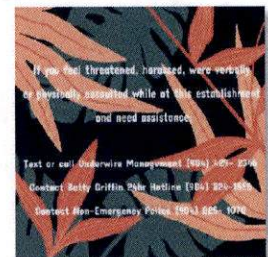
Women's Insights on Venue Safety & Public Safety in the Social Economy

Women are often a key barometer of safety. In fact, social preferences by women often coincide with best practices for safety in nightlife venues and social districts. The physical environment of a downtown social district has a large impact on whether women feel safe at night. Environmental cues such as good lighting, cleanliness and presence of uniformed ambassadors contribute to a positive perception of safety.

What makes women feel safe and comfortable	What makes women feel unsafe and uncomfortable?
INSIDE NIGHTLIFE VENUES ■ Security staff don't let drunk people in. ■ Staff actively manages unruly, unsafe patrons to remove them from the venue. ■ Zero tolerance for patrons who are rude to people based on sexual orientation, race or ethnicity. ■ Servers cut off people who are intoxicated. ■ Restrooms are well lit and clean. ■ Venue is clean. ■ Signs in the bathroom e.g. "If you feel unsafe, who to contact."	INSIDE NIGHTLIFE VENUES ■ Too crowded and loud. ■ Server continues to serve visibly intoxicated people ■ Servers who drink on the job. ■ Dark pathways to the restrooms ■ Unclean restroom. ■ Hidey holes and alcoves where people can corner you.
IN THE SOCIAL DISTRICT ■ Well lit streets ■ Eyes on the street (but not too many people) ■ Police monitoring parking lots. ■ Quick response time and follow-up from police. ■ Safe places: Plaza, Bayfront, St. George, Hypolita St	IN THE SOCIAL DISTRICT ■ Homeless and transient men using women's restrooms. ■ Catcalling and accosting men. ■ Presence of homeless and transients drinking (tend to be more aggressive). ■ Dark areas, streets, parking lots.

Safety Resources for Women

- **Women Against Violent Encounters (WAVE)** class taught by PD to high school and college students about staying safe at house parties and venues through situational awareness.
- **Bathroom posters in DIY house party network**, Underwire Collective (see right).



APPENDIX II: VENUE LEGISLATION MEETING SUMMARY

Thursday, March 3, 2022 at 3:00-5:00 p.m. EST

Location: Roosevelt Room



City Manager John Regan addresses meeting participants.

Overview

City Manager John Regan was invited by the Responsible Hospitality Institute (RHI) to address a group of thirty-three (33) people on Thursday, March 3, 2022 between 3:00-5:00 p.m. at the Roosevelt Room to discuss proposed ordinance No 2021-18 regarding an Extended Hours Premises Permit.

The meeting was convened by RHI, which was conducting roundtable focus groups on-site in St. Augustine during the week of February 28-March 2, 2022. *This meeting was not an official part of RHI's Sociable City Assessment but was provided as an add-on to the project's scope, after RHI learned of the existence of the ordinance when the project began in 2021.*

Regan reported that this was the first time he had addressed a group of this size since the COVID-19 pandemic had begun. Participants were comprised of venue owners, operators, staff and property owners of bars, restaurants, and other venues that serve alcohol, which would be affected by the proposed ordinance. Regan reviewed and elaborated on the PowerPoint slide summary produced by RHI to explain the ordinance's key components.

This summary outlines the key discussion points, concerns raised, and requested amendments to be considered to the ordinance.

Attendee List: https://sociablecity.info/st_augustine/venue_ordinance/attendees.xlsx

Ordinance Contents

RHI produced a summary of the ordinance's contents in PowerPoint.

Presentation Slides: https://sociablecity.info/st_augustine/venue_ordinance/slides.pdf

Next Steps

Regan suggested that there be a charette to allow opportunity for industry engagement and revisions to the ordinance. He requested that the hospitality industry select (or elect by vote) seven (7) representatives to be part of the charette as a working group.

Background on Why the Ordinance was Drafted

Attendees asked City Manager Regan to explain why the ordinance was drafted and what the goals are. Regan stated the goal is to “create a safe, vibrant nightlife with consistent adherence to industry best practices, and for economic prosperity.” He said the ordinance’s goal is to have a mechanism to steer the direction of nightlife in the city and to create a level playing field, regardless of state alcohol license.

Regan elaborated that the City was motivated by the following trends:

- **National and International Trends**
 - Shift to food and beverage (F&B) establishments instead of retail
 - U.S. is over-built on retail space than for F&B
 - Cultural shift to buy online for retail goods; spending has increased for F&B
- **Downtown Trends**
 - Increase in violent crime. There was concern that it may have been part of a trend.
- **Research**
 - Conducted research on other cities with regulatory schemes for nightlife venues e.g. West Palm Beach, FL.
 - Attended RHI’s 2020 Sociable City Summit in Seattle, where Barry Fox and Nancy Sikes-Kline learned about how cities manage their nightlife.

Timeline for Ordinance’s Development

- **Late 2020:** Drafting of the ordinance began.
- **August 2021:** Ordinance was introduced with a “first reading.”
- **2021:** Ordinance was paused to allow for industry outreach and possible amendments.
- **TBD:** Ordinance will be considered for a “second read.”

Reason for the Pause

Regan said the ordinance was paused because it would have been inappropriate to have a new ordinance during the start of the COVID-19 pandemic due to the focus on business survival. There was no opportunity to conduct an in-person engagement process during this time. He commented that the work to be done prior to the second reading is critical for making updates and amendments.

Does the City have a Desired Timeframe for the Second Reading?

Concern was expressed about whether a second reading was being rushed due to upcoming elections or the proposed state law that would require an economic impact study. Regan responded that he’s willing to take the time necessary to do a proper rewrite with venue engagement. He also said he wasn’t concerned about the state law requiring an economic impact study of new local ordinances.

Audience Response

Participants commented that the ordinance seemed to have been written from an enforcement point of view, rather than from a business operations point of view. Some attendees suggested that the process be started over to rewrite the ordinance from scratch. They also suggested that they wait for the results of RHI’s study. Regan suggested that the group move forward with revisions and updates, and that this could be done concurrently with development of RHI’s summary.

Concerns Raised by the Hospitality Industry

Representatives of the hospitality industry raised the following concerns about the ordinance and about downtown’s social economy:

- **Labor shortages:** Many businesses are unable to hire sufficient staff to be fully operational. There are concerns about the cost and ability to hire a security guard.

- **Business Hours Reduced:** Some businesses are closed two days/week or close early due to lack of employees.
- **Security at the Door Sending a Negative Perception about Safety:** What if the very presence of security personnel signals to patrons that an establishment is not safe?
- **Presence of Unsheltered and Transient Populations on the Street:** There was a discussion of the how unsheltered and transient populations affect perceptions of downtown, and how social services can be better connected to those in need.
- **Open Containers:** Participants commented that they have seen open containers being consumed by people walking on the street, as well as empty containers littered throughout downtown. They commented that they can only police “inside their venues” but not outside.
- **Sound Ordinance:** Concerns were brought up about the current sound ordinance impacting venues’ livelihood. It was suggested that the sound ordinance be recrafted to adjust for ambient sound. There was also discussion of setting up a special magistrate process for sound violations.
- **Cleanliness and Maintenance:** Participants requested that this ordinance be part of a full package that includes upgraded lighting, sidewalk maintenance and cleanliness.

Updates to the Ordinance

- **11pm to 12am:** Anywhere in which the time was originally noted as 11:00 p.m. in the original ordinance will be changed to 12:00 a.m. (midnight), per Regan.

Q&A Discussion

This section captures the main topic areas during Q&A discussion.

Intentions

- **Is there an intention to treat everyone the same, regardless of their state alcohol license?**
 - Yes, the qualifying criteria are having a state alcohol license (of any type) and serving alcohol after midnight.

Minimum Thresholds to Trigger the Ordinance

- **How many days out of the year must a venue operate (i.e. serving alcohol after midnight) to trigger the ordinance?**
- **Do special events count, like Halloween and St. Patrick’s Day?** What if a business only wants to do this on a few nights?

Ordinance Fee and Renewal

- **Fee:** Regan commented that he was considering a fee of \$250 but is willing to consider a different amount.
- **Renewal period:** It was suggested that renewal be for a longer period of time than one year, unless ownership changes.
- **Rules re: transfer of ownership:** Would this require a new permit?
- **Can the regulatory model used by ASCAP and BMI** be used as a model for determining the ordinance’s fee (on a sliding scale)?

Venue Occupancy

- **Is there a minimum occupancy** that triggers the security staff requirement? What if you have less than 150-person occupancy but stay open past midnight?
- **What if you have slightly more than a 150-person occupancy (e.g. 155 people)?** Would you have to hire a second security guard? Would anyone be counting occupancy to confirm the security to patron ratio?
- **What if a large wedding party shows up at midnight on a weekday e.g. Tuesday night.** Would a business have to provide security?

Security

- **What qualifies as a legitimate “security” guard?**
 - Can the designated “security” staff be someone already on staff e.g. manager, server?
 - Do they need to be licensed?

- Do they need to wear a uniform? What counts as a uniform?
 - Should they be armed? (Regan made a point to say that it would not be ideal for security to be armed.)
- **Badge:** Regan commented he didn't like the language around "badge." This may need to be updated to a particular style shirt labeled with e.g. "security."

Sound and Music

- **Do businesses have to stop playing music at midnight?**
 - No, but "businesses have to have proper controls," per Regan.
- **What about businesses that have the majority of their operations take place outside?**
 - Doesn't that mean that they would not be allowed to have music after midnight if windows and doors have to be closed at 12am?

Tables and Chairs

- **What if you have a special event e.g. costume contest on Halloween:** Can tables and chairs be moved out for patron safety?

Food Service

- **Menu:** Clarify what "full menu" means.

Compliance and Enforcement

- **What does it look like if you commit a crime under this ordinance?**
 - Regan corrected that it would not be a criminal offense, but rather, a civil penalty.
- **Who would enforce this ordinance?**
 - Code Enforcement department, which is being supplemented with additional staff to provide services into the night.

Incentives for Compliance

- **What would be rewards and incentives for venues that serve alcohol?**
 - Instead of just penalties, what carrots would the industry like to balance out the "sticks"?

APPENDIX III: IMPACT OF CLIMATE CHANGE ON THE SOCIAL ECONOMY

RHI interviewed Jessica Beach, St. Augustine's Chief Resilience Officer in February & March 2022, about the impact of climate change and sea level rise on the social economy and heritage tourism.

Precedent for Extreme Weather Events

Like many coastal communities in Florida, the state is considered "America's 'ground zero' for climate change, global warming and sea level rise, because 'the majority of its population and economy is concentrated along low-elevation oceanfront.'" (Wikipedia, 2022).

St. Augustine has experienced a series of extreme weather events, including Hurricane Matthew in 2016 and Hurricane Irma in 2017. On November 4, 2021, an unnamed storm or event equivalent to Hurricane Dorian's level of flooding (due to a combination of rainfall coinciding with a king tide and 30+ mph Nor'easter) resulted in citywide flooding.

Risks to Downtown's Historic Core

Per a study co-published by *The Guardian* and *Adapt*, a climate change publication from WJCT Public Media in Jacksonville, Florida: "Properties in the city's historic districts are overwhelmingly at risk of flooding: 76% of land parcels are expected to be underwater during a 100-year flood" (Rivers, 2020). Jessica Beach defines a 100-year flood as "a flood event that has a 1 in 100 chance (1% probability) of being equaled or exceeded in any given year." "And though historic districts make up just 7% of the land area in St Augustine—less than a square mile—more than a quarter of the city's population lives in them." (Rivers, 2020).

Impacts to the Social Economy

The risk of extreme weather events is an existential threat to the future sustainability of downtown.

The November 2021 compound flooding concretely demonstrated the impacts to the social economy:

Mobility	Roads and bridges were closed or flooded, making it difficult to access the historic district. The City functioned on emergency access only, restricting some tourism-oriented services and deliveries. Bridge of Lions drawbridge was closed to cars and pedestrians due to the depth of flooding. The Sebastian Bridge was also flooded and impassible at the base of the bridge. The lasting impact is that flooding has compromised the Capital Infrastructure Plan, which makes resurfacing and paving more difficult.
Quality of Life	Residents were trapped: stuck or stalled in cars. Access was limited and, in some cases, restricted to schools and churches.
Public Space	Downtown properties and streets were flooded south of King Street (Cordova, South Street, Washington Street). Plaza Park/Market Place were also flooded. Unsheltered populations were displaced by flooding of inland rivers, forced to find high ground. Anecdotally, some project participants attribute the rise in downtown's unsheltered population to this displacement.
Social Venues	Events were cancelled or rescheduled. Some businesses and tour services were able to continue operating, but on a limited basis and with few tourists.
Venue Safety	Some social venues had to close temporarily to address flooding damage. The lasting effect is that flooding impacts underground archaeology of historic buildings, but property realtors are not required to disclose this fact.
Public Safety	City operated under emergency management.

St. Augustine's Approach to Resilience

"St Augustine lives on its heritage tourism. It is the bread and butter of the St Augustine economy," comments Steven Roberts, Castillo de San Marcos Fort.

The City of St. Augustine has a lot at stake: "Heritage resources (are) worth an estimated \$2.9bn. The city's history is closely tied to its economy." (Rivers, 2020). Luckily, St. Augustine is notable for centuries of efforts to address "sea level rise" before the term was even invented (Inclán, 2021).

The City of St. Augustine has implemented a series of projects to proactively prepare for and address the impacts of flooding. The City appointed its first chief resilience officers in 2019 and a citizens advisory committee was formed in 2020 to amend building

codes to help address flooding risk (Rivers, 2020). Unfortunately, options are limited: elevating/replacing bridges and walls and raising streets are potential options. Yet, historic sites cannot be moved, just protected.

"St Augustine is too valuable. We can't afford not to be addressing resiliency," said John Regan, City Manager (Inclán, 2021).

Resilience Projects Underway

FEMA-Funded Project for 13 City Lift Stations (Halfway Completed)

If high water floods lift stations (which move sewage from toilets to the City's Wastewater Treatment Plant and electricity has been shut down, then sewage can back up into the streets. To address this risk, the City is installing backup generators, flood proofing measures, and elevating 13 of the most vulnerable lift stations.

The Future of Resilience in St. Augustine

"Local, state, and federal agencies, officials and conservators are working together through a cobbled-together historic preservation and resiliency system to hold back the water. There are financial limits to what they can do" (Horn-Muller et al., 2021).

Resilience Officer Jessica Beach commented that a partnership between the City and businesses needs to be established in order to proactively plan for and address climate change impacts.

Definitions

Resilience	The ability to recover from shock or stress
Shock	Examples: hurricanes, sink holes or fire.
Stress	Traffic congestion, nuisance flooding
Nuisance flooding	Examples: rainfall, flooding from inadequate drainage systems, sunny day flooding, intracoastal storm drains backing up to the streets, King tides, Nor'easter, rainfall flooding
Compound Flooding	When rainfall flooding and sunny day flooding occur simultaneously

Resources

City of St. Augustine Vulnerability Study (2016): <https://www.staugbch.com/publicworks/page/vulnerability-study-0>

2020 Resilient Heritage Study: <https://www.citystaug.com/863/Resiliency>

SOCIAL ASSET INVENTORY: DETAILED ANALYSIS

Data Summary

This is a summary of available data on the mix of businesses in the Historic District. Social venues are defined as cafes, restaurants, bars, music venues and wedding venues.

Why Should Social Venues be Analyzed?

Many market forces are driving change. The loss of storefront retail is placing pressure to transition these spaces to social venues. However, social venues have a much greater occupancy for the same square footage as retail or office space. With each new social venue comes more employees and the need for parking with numbers greater than the existing use. This business use can also generate more impacts to quality of life and public safety due to nighttime hours of operation and potential patron intoxication.

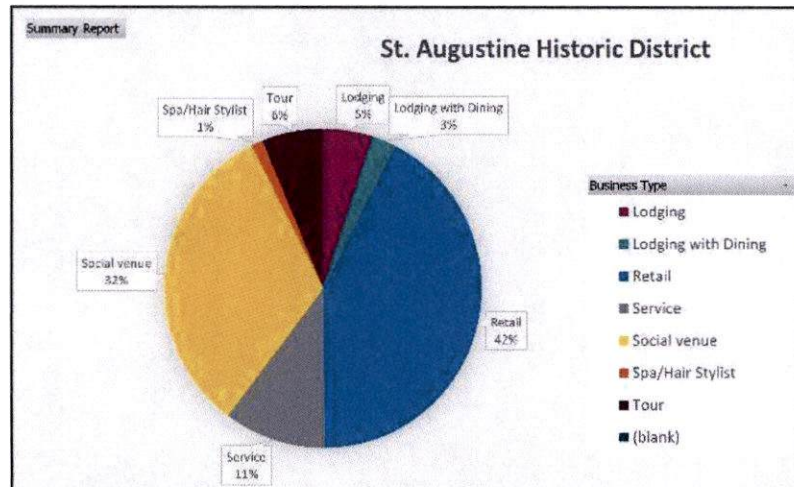
Social Venues in the Historic District

- 108 social venues (32.24%) of 335 total businesses
- 81 (75%) of 108 have an alcohol license
- 21 offer live entertainment (19.44%)
- Total seating/occupancy 6,470

Business Categories

Social Venue	Café, restaurant, bars, music venues and wedding venues
Lodging	Bed and Breakfast, Motel
Lodging with Dining	Hotel with restaurant
Retail	Gifts, clothes, books, etc.
Tour	Tour company or services
Service	Realtor, attorney, insurance, banking
Spa/Hair Stylist	Personal health services

Historic District Summary



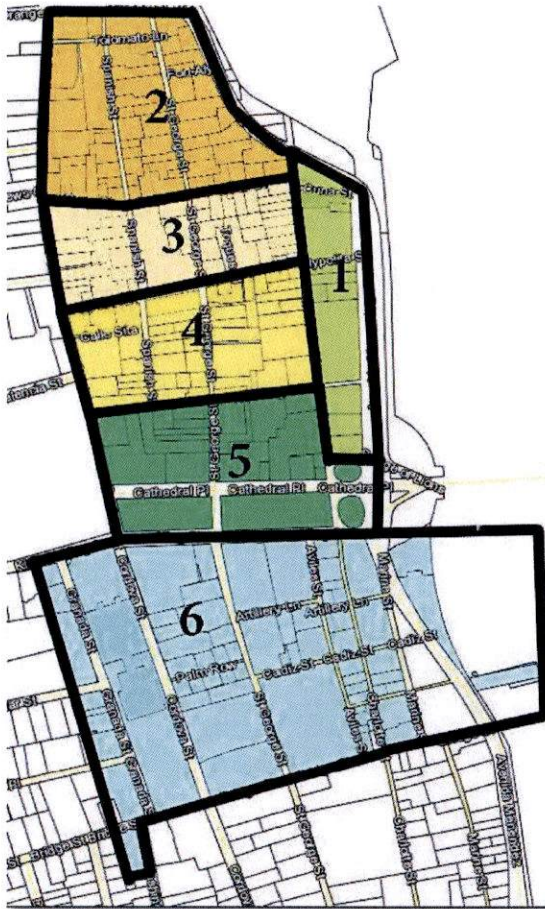
This chart shows the total number of businesses in the historic district, by number and percentage. It also shows the breakdown of alcohol licenses and entertainment.

Category	#	%	Alcohol License	% of Total with Alcohol
Lodging	17	5%		
Lodging with Dining	8	2%	8	2%
Retail	142	42%	4	1%
Service	35	10%		
Social venue	108	32%	69	21%
Spa/Hair Stylist	4	1%		
Tour	21	6%		
Grand Total	335	100%	81	24%

Cluster Organization of Historic District

The Historic District has been divided into six clusters of businesses (as pictured). The evolution of several concentrated “clusters” of social venues within the Historic District has led to perceived and real shortages of parking in several blocks, as well challenges with closing time management in certain clusters.

Cluster Breakdown



Cluster 1 is located along Avenida Menendez from Bridge of Lions to Castillo Drive and Charlotte Street. Limited metered parking spaces along the bayfront and along Charlotte Street. Hotels accommodate their guest parking.

Cluster 2 is located from Orange Street, along Cordova Street, Cuna Street and Castillo Drive. This cluster includes the Colonial District (many of these properties are owned by the University of Florida). It is near the Visitor Information Center, Public Parking Garage, and the Castillo De San Marcos. Parking is accommodated in Public Parking Lot (1,148 spaces) in the Fort Lot (112 spaces), the Tolomato Lot (17 spaces), Asta Parking at 50 Spanish Street. Limited metered parking spaces along the Bayfront.

Cluster 3 is located along Charlotte Street, Cuna Street, Cordova Street and Hypolita Street.

Cluster 4 is located along Charlotte Street, Hypolita Street, Cordova Street and Treasury Street.

Cluster 5 is located along Charlotte Street, Treasury Street, Cordova Street and King Street. The Plaza de la Constitución is in this cluster. The largest special event, Night of Lights is presented here. Limited metered parking is accommodated along the plaza, and in privately owned parking lots.

Cluster 6 is located along King Street, Avenida Menendez, St. Francis Street and Granada Street. This cluster is located adjacent to Lincolnville Historic District. Parking is accommodated in the Lightner Lot (32 spaces) and Baas Lot (13 spaces).

Cluster Analysis

The chart below shows the number of businesses in each of the designated clusters, by number and percentage. It also shows the breakdown of alcohol licenses and entertainment by cluster, and the percentage of licenses in each cluster. Finally, there is a breakdown of outdoor seating and total seating based on a visual inspection.

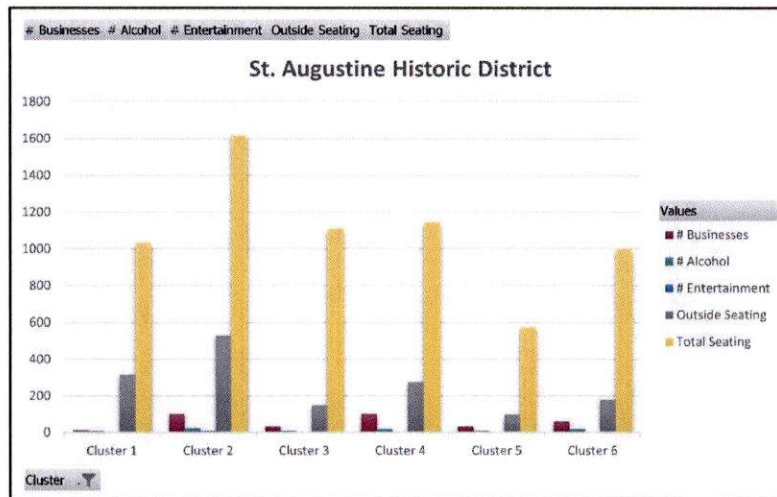
How can a Cluster Analysis be Used?

By dividing a district into social clusters, improvements can be planned and monitored in a more focused way. The model helps identify areas in most need of lighting, where most social venues and/or greatest occupancy are located, etc. Calls for service and last drink data can also help pinpoint response for increased compliance training of venues located in particular clusters.

Monitoring of outdoor seating, especially for venues open after 10 pm, can help mitigate potential impacts from late-night sound disturbances. Approval for expanded outdoor and rooftop seating can be determined by reviewing proximity to residential or hotel properties.

Monitoring total occupancies, especially with a follow-up employee survey, can be used to match parking availability. While adding new social venues might be a positive use, if the parking and mobility capacity is exceeded, then businesses may be unable to attract customers to maintain sustainable operations.

	# Businesses		# Alcohol		# Entertainment		Outdoor Seating		Total Seating	
Cluster 1	12	4%	7	9%	2	10%	314	20%	1,033	16%
Cluster 2	100	30%	20	25%	7	33%	527	34%	1,615	25%
Cluster 3	31	9%	10	12%	4	19%	148	10%	1,108	17%
Cluster 4	101	30%	17	21%	4	19%	273	18%	1,144	18%
Cluster 5	31	9%	8	10%	2	10%	96	6%	573	9%
Cluster 6	60	18%	19	23%	2	10%	178	12%	997	15%
Total	335		81		21		1,536		6,470	



Methodology

As part of the Sociable City Assessment for St. Augustine, RHI gathered available information between November 2021 – March 2022 to document a baseline of data. Sources of data included an exports of business names from City of St. Augustine and occupancy data from the fire department. This data was combined, then enhanced with observational data to distinguish indoor vs. outdoor occupancy, as well as web research to determine presence or lack of live entertainment.

However, the combined indoor and outdoor occupancy (based on observational data) did not correlate with the fire department's records because the department only maintains records on indoor occupancy. Therefore, outdoor occupancy cannot be officially confirmed. In the future, RHI recommends maintaining a record of all businesses' indoor AND outdoor seating occupancy to better estimate combined occupancy in a cluster.

Future Application

This should be considered a preliminary start rather than a complete analysis, which would require gathering of additional information and maintenance and updates to the data on an ongoing basis. Future analysis can include further breakdown of the social venues, including those providing wedding services and large events.

APPENDIX V: PROJECT TIMELINE

November 12-17, 2021 On-Site Meetings

- **On-site meetings** held with city leadership, residents, and venue operators.

December 2021 - January 2022 Virtual Interviews

- **Virtual interviews** held with Transformation Team members and additional stakeholders e.g. David Birchim.

January 11-14, 2022 On-Site Meetings

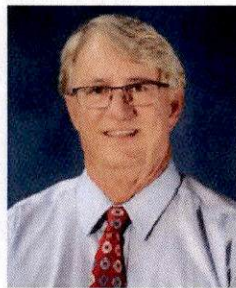
- **On-site meetings** held as follows:
 - Presented Evaluation summary to Transformation Team (Sunshine Committee mtg)
 - Venue operators
 - City leadership
 - Wedding venue representative
- **Nighttime tour conducted.**

February 16, 2022 Virtual Orientation

During a virtual project orientation open to all project participants, Troy Blevins, Walking Man Consulting, welcomed the following stakeholders who provided opening remarks:



PHIL MCDANIEL
Owner
St. Augustine Distillery



JOHN P. REGAN, P.E.
City Manager
City of St. Augustine



NANCY SIKES-KLINE
Commissioner
City of St. Augustine



JENNIFER MICHAUX
Chief Of Police
City of St. Augustine

Special guest speaker: Dominique Greco, former Nighttime Economy Manager of Orlando and Founder/Executive Director of the Orlando Hospitality Alliance



February 28-March 2, 2022 Roundtable Focus Groups and Stakeholder Meetings

6 roundtables on the core measures of a Sociable City: Public Safety, Venue Safety, Social Venue, Public Space, Mobility and Quality of Life.



March 3, 2022 Women's focus group



March 3, 2022 venue legislation review & input meeting



Leadership Summit: July 2022

Summary findings will be presented to the Transformation Team and project participants.

APPENDIX VI: PARTICIPANTS

Nearly 130 people representing 81 organizations and companies participated in one or more sessions (in person and/or virtually). *Participation does not imply an endorsement of recommendations in this report.*

Project Coordination was provided by: Barry Fox, Code Enforcement Manager, and Morganne Pratten, Administrative Coordinator, City of St. Augustine

Event Symbol: E = November Engagement Meetings | T = Transformation Team | O = Virtual Orientation | R = Roundtables | W = Women's Focus Group | V = Venue Meeting about Legislation | I = Interview

97 Park & St. Augustine Business Coalition

Karen Zander
Event: E

ABC Fine Wine / St. Augustine Business Coalition

Carole Everitt
Event: E

Adventure Boat Tours

Jimmy Hill | Owner
Event: O R

Agustin Inn / SAHI

Audra Hull
Event: E

Amore Chaple and The Wedding Authority

Carla Young
Event: V

Ancient City Entertainment Group

Jeanetta Cebollero | Performer / Owner / Operator
Event: E T R

Blackfly the Restaurant

Vaughn Cochran | Co Owner
Event: R

Boat Drinks

Rob Crabtree | Owner
Event: R V

Casa Maya

Marco A
Event: V

Hayley Williams
Event: V

City of St. Augustine

Jessica Beach | Chief Resilience Officer
Event: I

David Birchim | Assistant City Manager
Event: E R

Jerry Blalock | Police Officer
Event: O R

Meredith Breidenstein | City Manager's Office
Event: E

Barry Fox | Code Enforcement Manager
Event: O R

Reuben Franklin | Director of Public Works
Event: E T O R

Darlene Galambos | City Clerk

Event: E

Todd Grant | Utilities Director
Event: E R

Donna Hayes | HR
Event: E

Cori Niles | Event and Venue Coordinator
Event: E O R W

Charles Pappas | P&Z Board Member
Event: O R

Xavier Pellicer | Mobility Manager
Event: E R

Jaime D. Perkins | CRA Admin
Event: O R

Jim Piggott | Director of General Services
Event: E

Morganne Pratten | Administrative Coordinator, Code Enforcement
Event: R W

John Regan
Event: V

Nancy Sikes-Kline | Vice Mayor
Event: I W

Amy Skinner | Director of Planning and Building
Event:

Melissa Wissel | Communications Director
Event: E O R W

City of St. Augustine: St. Augustine Municipal Marina

Eric Mauldin | Harbormaster
Event: O R

Classic Blends

Hugh Ward | Owner
Event: R

Colonial Quarter LLC

Jason Pilacek | Director of F&B, Booking Manager
Event: O R V

Dog Rose Brewing Co

Courtney Murr
Event: E

Doug Murr
Event: V

First Coast TV LLC / St Aug Tonight Show

Jorge Rivera | Owner/Director/Producer
Event: O R

Flagler College

Dirk Hibler | Dean of Students
Event: O

Jess Kobryn | Title IX Coordinator & Equity Investigator
Event: O

Tara Stevenson | Dean of Student Engagement & Career Development Center
Event: O

Beth Sweeny | Director of External and Governmental Functions
Event: T O R W

Flagler College Student Government Association

Rachel Hill | President
Event: O

Flagler Health

Lindsey Rodea | Team of Care
Event: O R

Flagler Model Land Co

Karen Valachovic
Event: E

Florida Restaurant & Lodging Associaton

Nicole Chapman | Northeast Regional Director
Event: O R V

Gwanda, LLC

Matt Hartley | Business Development Manager
Event: O

Harrahs Casa Rosa

Jeff Jaboo
Event: E V

Harry's

Justin Griffin
Event: V

Hilton Hotel

Kanti Patel
Event: E

Historic Tours of America

Dave Chatterton | City Manager
Event: O R

Home Again St Johns

Ellen Walden | Executive Director
Event: O R

Ice Plant and Stogies

Zach Ramsey

Event: V
Ippolito Christon & Co.
 Jenai Master | Executive Assistant
Event: O
Jimi Hula's
 Charles Bernard
Event: V
Len Weeks Construction Design Development
 Len Weeks | Owner
Event: E O R V
 Schaffer Weeks
Event: E
Lincolnville Museum and Cultural Center
 Floyd Phillips | President
Event: O R
 Regina Gayle Phillips | Executive Director
Event: O R
Lions Bridge Community Development Alliance Group Inc.
 James Miletello | Community Organization
Event: O
 Joseph Scott Bebry | President / Founder
Event: O R
 JB Ziegler | MGMT
Event: O R
Marco's Piano Bar
 Marco Barrea
Event: V
Marine Holdings
 John Arbizzani | President
Event: O R V
 Christopher Clarke | Accountant
Event: O R
Meehan's Irish Pub
 Tom Dolan | Owner
Event: O R V
 Reggie Maggs
Event: V
Milltop Tavern
 Ron Cervelli | Owner
Event: E O V
 James Franklin
Event: E
No Name Bar
 Jayson Befort | General Manager
Event: E O
 Warren Merrill | Owner
Event: E R V
OC Whites
 Cathy White
Event: V
Overwatch Security Group
 Sterling Dutton | Trainer
Event: R

Lenny Whetsel | President
Event: O R
Planning and Zoning Board
 Jon Depreter | Retired
Event: O R
Prohibition Kitchen
 Shane Sheltra | Owner
Event: O R
RCS Training
 Jessica Tyree | Trainer, food and guest safety
Event: O
Refoundsound
 JoJo Mafia | Owner/Artist
Event: O
Rendezvous Barefoot Bills
 William Smith | Owner
Event: E R V
Residents
 BJ Khalaidi | Resident
Event: R W
Richardson's Museum
 Gigi Best | owner merchant
Event: W
Ripley Entertainment
 Kim Kiff | Regional Manager
Event: O R W
River and Fort
 Bob Fleckenstein
Event: E V
 Jeff McCusker | Restaurant Management
Event: E R V
Sailor Jane Productions and Prohibition Kitchen
 Rachael Miller | Talent Booker
Event: E
Sherif's Department
 Rob Hardwick | Sheriff
Event: R
Spanish Quarter Residents
 Martha Mickler | Resident
Event: E O R W
 N. Pellicer
Event: E
St Johns Cultural Council
 Christina Parish Stone | Executive Dir
Event: R
St. Augustine Amphitheatre
 Cari Baker | Program Manager
Event: O R
 Gabe Pellicer | General Manager
Event: T R
St. Augustine Distillery
 Lara Doolan
Event: W
 Phil McDaniel | Owner
Event: T R V

St. Augustine Fire Department
 Carlos Aviles | Fire Chief
Event: E
 Abby Pedigo | Fire Safety Inspector
Event: R
St. Augustine Neighborhood Council
 Melinda Rakoncay | President
Event: R W
St. Augustine Pirate & Treasure Museum
 Cindy Stavelly | Executive Director
Event: E W
St. Augustine Police Department
 Dee Brown | Public Information Officer
Event: R
 Mike Castaing | Sergeant
Event: R
 Caroline Drouin
Event: W
 Brian Frasca | Sgt Community Resources
Event: O R
 Brittney Garmon | Sergeant
Event: W
 Jacob Godfrey | Patrol Officer
Event: O R
 Jennifer Michaux | Chief of Police
Event: E T R W
 Ezul Salifu | Police Officer
Event: R
 Jeff Truncellito | Sergeant
Event: O R
St. Augustine Society, Inc.
 Judith Dembowski | Executive Director
Event: O R
St. Augustine, Ponte Vedra & The Beaches VCB
 Richard Goldman | President/CEO
Event: O R
St. Augustine Yacht Club
 David Patrick
Event: V
St. Francis Inn / Casa de Suenas
 Joe Finnegan
Event: E
St. George Inn
 Irving Kass
Event: E
St. Johns County Chamber of Commerce
 Bob Porter | Vice President
Event: O R
St Johns County - Cultural Events Division
 Carl Liberatore | Production Manager
Event: R

St. Johns County Library

Harold George | Extension
Services Manager
Event: O R

St. Johns County Tourist Development Council

Tera Meeks | Executive Director
Event: O R

State of Florida/Recreation and Park

Michael Watkins | Anastasia State
Park Manager
Event: O

Sunshine Bus

Rachel Garvey | Transit Grant
Planner
Event: R

Superior Real Estate Services, LLC

Samuel Hale | Owner
Event: E O R V

The Treasury Collection

Brandy Boulette | Operations
Manager Weddings
Event: E O

Brenda Bushell
Event: V

The White Room

Julie Afford
Event: V

Thibault Law

Richard Thibault
Event: E

Trade Winds Lounge

Julie Leonard | Co-Owner
Event: V

Underwire Collective

Bianca Dawson | Co-Founder
Event: W

Venditio Group, LLC

Jen Hand | Stakeholder
Event: O R W

Victorian House B&B

Anthony Sexton
Event: E V

Walking Man Consulting

Troy Blevins | Consultant
Event: E T R V

White Lion

James Alexander | Owner
Event: O

Wild Concoctions

Fond Kiser | Musician/Entertainer
Event: O

Works/Scarletts

Jillian Smothers
Event: E

Organization/Company Unknown

Rob Gowen
Event: V

APPENDIX VI: REFERENCES

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RESPONSIBLE HOSPITALITY INSTITUTE

Additional information:

Alicia Scholer | 831.201.4117 | Alicia@rhiweb.org

www.SociableCity.org

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: July 17, 2023,

RE: Proposed Resolution No. 2023-16 setting the Fire Assessment Fee rates for Residential and Non-Residential properties

Attached is proposed Resolution No. 2023-16 which will set the Fire Assessment Fee Residential rate at \$0.0773 per square foot and the Non-Residential rate at \$0.1391 per square foot. These rates will generate revenue to offset approximately 50% of the Fire Department budget.

Please place this Resolution on the agenda for the City Commission meeting of July 24, 2023.

If you have any questions about the attached Resolution and rates, please do not hesitate to contact me.

Thank you,



Mark E. Simpson
Director, Financial Services

RESOLUTION 2023-16

A RESOLUTION OF THE CITY OF ST. AUGUSTINE, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF ST. AUGUSTINE, FLORIDA; ESTABLISHING THE ESTIMATED RATES FOR FIRE PROTECTION ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA:

SECTION 1. AUTHORITY.

This resolution is adopted pursuant to the provisions of Ordinance No. 2016-20, (the "Ordinance"), the Initial Assessment Resolution (Resolution No. 2016-25), the Final Assessment Resolution (Resolution No. 2016-29), sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS.

This resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance which initiates the annual process for updating the Assessment Roll and directs the reimposition of Fire Protection Assessments for the Fiscal Year beginning October 1, 2023. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa.

SECTION 3. PROVISION AND FUNDING OF FIRE PROTECTION SERVICES.

(A) Upon the reimposition of a Fire Protection Assessment for fire protection

services facilities, or programs against Assessed Property located within the City, the City shall provide fire protection services to such Assessed Property. All or a portion of the cost to provide such fire protection services, facilities, or programs shall be funded from proceeds of the Fire Protection Assessments. The remaining cost required to provide fire protection services, facilities, and programs shall be funded by legally available City revenues other than Fire Protection Assessment proceeds.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City will be benefited by the City's provision of fire protection services, facilities, and programs in an amount not less than the Fire Protection Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 4. IMPOSITION AND COMPUTATION OF FIRE PROTECTION ASSESSMENTS.

Fire Protection Assessments shall be imposed against all Tax Parcels within the Property Use Categories. Fire Protection Assessments shall be computed in the manner set forth in this Preliminary Rate Resolution.

SECTION 5. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.

The legislative determinations of special benefit and fair apportionment embodied in the Ordinance, the Initial Assessment Resolution, and the Final Assessment Resolution are affirmed and incorporated herein by reference.

SECTION 6. COST APPORTIONMENT METHODOLOGY.

The Cost Apportionment Methodology embodied in Section 6 of the Initial Assessment Resolution is hereby affirmed and incorporated herein by reference.

SECTION 7. COST FACTOR CALCULATION.

The Cost Factor Calculation embodied in Section 7 of the Initial Assessment Resolution is hereby affirmed and incorporated herein by reference.

SECTION 8. PARCEL APPORTIONMENT METHODOLOGY.

(A) The Parcel Apportionment Methodology embodied in Section 8 of the Initial Assessment Resolution is hereby affirmed and incorporated herein by reference.

(B) It is hereby determined that the Parcel Apportionment methodology described and determined in the Initial Assessment Resolution is to be applied in the calculation of the estimated Fire Protection Assessment rates established in Section 9 of this Preliminary Rate Resolution.

SECTION 9. DETERMINATION OF FIRE PROTECTION ASSESSED COSTS; ESTABLISHMENT OF ANNUAL FIRE PROTECTION ASSESSMENTS.

(A) The Fire Protection Assessed Costs to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year beginning October 1, 2023, is \$2,149,470.99

(B) The estimated Fire Protection Assessments to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Fire Protection Assessed Cost for the Fiscal Year commencing October 1, 2023, are hereby established as follows for the purpose of this Preliminary Rate Resolution:

**FIRE PROTECTION ASSESSMENTS
FISCAL YEAR 2023-2024**

<u>Residential Property Use Categories</u>	<u>Rate Per Square Foot</u>
Residential	\$0.0776
<u>Non-Residential Property Use Categories</u>	<u>Rate Per Square Foot</u>
Non-Residential	\$0.1391

(C) The estimated Maximum Fire Protection Assessment Rates to be assessed and apportioned among benefitted parcels in future Fiscal Years without further notice pursuant to the Cost Apportionment and Parcel Apportionment are hereby established as follows for the purpose of this Preliminary Rate Resolution:

MAXIMUM FIRE PROTECTION ASSESSMENTS

<u>Residential Property Use Categories</u>	<u>Rate Per Square Foot</u>
Residential	\$0.1053
<u>Non-Residential Property Use Categories</u>	<u>Rate Per Square Foot</u>
Non-Residential	\$0.1921

(D) Any shortfall in the expected Fire Protection proceeds due to any reduction or exemption from payment of the Fire Protection Assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Protection Assessments. In the event a court of competent jurisdiction determines any exemption or reduction by the City Commission is improper or otherwise adversely affects the validity of the Fire Protection Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Protection Assessment upon each affected Tax Parcel in the amount of the Fire Protection Assessment that would have been otherwise imposed save for such reduction or exemption afforded to such Tax Parcel by the City Commission.

(E) The approval of the Estimated Fire Protection Assessment Rate Schedule by the adoption of this Preliminary Rate Resolution determines the amount of the Fire Protection Assessed Costs. The remainder of such Fiscal Year budget for fire protection services, facilities, and programs shall be funded from legally available

City revenue other than Fire Protection Assessment proceeds.

(F) The estimated Fire Protection Assessments specified in the Estimated Fire Protection Assessment Rate Schedule are hereby established to fund the specified Fire Protection Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 2023.

(G) The estimated Fire Protection Assessments established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the City Manager in the preparation of the updated Fire Protection Assessment Roll for the Fiscal Year beginning October 1, 2023, as provided in Section 10 of this Preliminary Rate Resolution.

SECTION 10. ASSESSMENT ROLL.

(A) The City Manager is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year beginning October 1, 2023, in the manner provided in the Ordinance. The updated Assessment Roll shall include all Tax Parcels within the Property Use Categories. The City Manager shall apportion the estimated Fire Protection Assessed Cost to be recovered through Fire Protection Assessments in the manner set forth in this Preliminary Assessment Resolution.

(B) A copy of the Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, this Preliminary Rate Resolution, documentation related to the estimated amount of the Fire Protection Assessed Cost to be recovered through the imposition of Fire Protection Assessments, and the updated Assessment Roll shall be maintained on file in the office of the City Manager and open to public inspection. The foregoing shall not be construed to require that the updated Fire Protection Assessment Roll be in printed form if the amount of the Fire Protection

Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(C) It is hereby ascertained, determined, and declared that the method of determining the Fire Protection Assessments for fire protection services as set forth in this Preliminary Rate Resolution is a fair and reasonable method of apportioning the Fire Protection Assessed Cost among parcels of Assessed Property located within the City.

SECTION 11. AUTHORIZATION OF PUBLIC HEARING.

There is hereby established a public hearing to be held at 5:00 p.m. on August 14, 2023, in City Commission Chambers, Alcazar Room, of City Hall, 75 King Street, St. Augustine, Florida, at which time the City Commission will receive and consider any comments on the Fire Protection Assessments from the public and affected property owners and consider reimposing Fire Protection Assessments and collecting such assessments on the same bill as ad valorem taxes.

SECTION 12. EXTRAORDINARY VACANCY ADJUSTMENT.

Mobile Home Parks

(A) As a consequence of the transient use and potential extraordinary vacancies within Mobile Home Parks, as compared to other Residential Property with permanent structures affixed thereto, and the potential sustained lack of demand for fire protection service for unoccupied spaces, each Owner of Mobile Home Park property shall be afforded the opportunity to demonstrate a historical extraordinary vacancy in space occupancy within such Assessed Property as defined herein and receive an extraordinary vacancy adjustment to the Fire Protection Assessment imposed upon such Assessed Property.

(B) Notwithstanding the definition of "Dwelling Units" vacant lots in Mobile Home Park property shall not be considered units of Dwelling Units of Residential Property and shall not be subject to the Fire Protection Assessments.

(C) Vacant lots shall be those determined by the City Manager based on evidence of a historical extraordinary vacancy rate provided by the Owner on or before June 1 of each year. An extraordinary vacancy rate shall be defined as the percentage of available mobile home spaces within a Mobile Home Park that were vacant for each and every day of the time between January 1 through and including December 31 of the calendar year preceding the applicable deadline for the Owner's submittal of vacancy rate evidence for each year and shall be calculated as follows:

Exact Number of Permitted Sites within the Mobile Home Park (not including overflow areas)	<u> A </u>
Times (x) Days in Reporting Period	(x 365) B
Total Possible Space Nights A x B = C (Example: 100 sites x 365 days = 36,500)	<u> C </u>
Actual Space Nights Sum of Number of Actual Occupied Spaces for Each Day in Calendar Year	<u> D </u>
Occupancy Percentage D/C = E (Example: 12,500/36,500 = 34.2%)	<u> E </u>
Vacancy Rate Subtract E from 100% (Example: 100% – 34.2% = 65.8%)	<u> F </u>

The Owner shall certify by affidavit to the City, on a form provided by the City Manager, the vacancy rate for the respective time period; such certification shall be subject to verification and audit. At a minimum, such affidavit shall conclusively identify and affirm (1) the tax parcel, (2) the number of spaces and type of improvements in the Mobile Home Park, and (3) the vacancy rate.

(D) The City Manager is directed and authorized to adjust, or cause to be adjusted, any Fire Protection Assessment imposed for the Fiscal Year beginning October 1, 2023, upon a parcel of Mobile Home Park property whose Owner timely and satisfactorily demonstrates by affidavit that such parcel has experienced an extraordinary vacancy by multiplying the vacancy rate by the portion of the Fire Protection Assessment attributable to Mobile Home Park spaces and reducing the Fire Protection Assessment by an equivalent amount.

(E) For the Fiscal Year beginning October 1, 2023, any shortfall in the expected Fire Protection Assessment proceeds due to any adjustment for extraordinary vacancy shall be supplemented by any legally available funds and shall not be paid for by proceeds or funds derived from Fire Protection Assessments.

Recreational Vehicle Parks

(F) As a consequence of the transient use and potential extraordinary vacancies within Recreational Vehicle Parks, as compared to other Commercial Property and the potential sustained lack of demand for fire protection service for unoccupied spaces, each Owner of Recreational Vehicle Park property shall be afforded the opportunity to demonstrate a historical extraordinary vacancy in space occupancy within such Assessable Property as defined herein and receive an extraordinary vacancy adjustment to the Fire Protection Assessment imposed upon such Assessable Property.

(G) Notwithstanding the definition of "Commercial Property" herein vacant spaces in Recreational Vehicle Park property shall not be considered "Commercial Property" and shall not be subject to the Fire Protection Assessments.

(H) Vacant lots shall be those determined by the City Manager based on

evidence of a historical extraordinary vacancy rate provided by the Owner on or before on or before June 1 of each year. An extraordinary vacancy rate shall be defined as the percentage of available recreational vehicle spaces within a Recreational Vehicle Park that were vacant for each and every day of the time between January 1 through and including December 31 of the calendar year preceding the applicable deadline for the Owner's submittal of vacancy rate evidence for each year and shall be calculated as follows:

Exact Number of Permitted Sites within the Mobile Home Park (not including overflow areas)	<u> A </u>
Times (x) Days in Reporting Period	(x 365) B
Total Possible Space Nights A x B = C (Example: 100 sites x 365 days = 36,500)	<u> C </u>
Actual Space Nights Sum of Number of Actual Occupied Spaces for Each Day in Calendar Year	<u> D </u>
Occupancy Percentage D/C = E (Example: 12,500/36,500 = 34.2%)	<u> E </u>
Vacancy Rate Subtract E from 100% (Example: 100% – 34.2% = 65.8%)	<u> F </u>

The Owner shall certify by affidavit to the City, on a form provided by the City Manager, the vacancy rate for the respective time period; such certification shall be subject to verification and audit. At a minimum, such affidavit shall conclusively identify and affirm (1) the tax parcel, (2) the number of spaces and type of improvements in the Mobile Home Park, and (3) the vacancy rate.

(l) The City Manager is directed and authorized to adjust, or cause to be adjusted, any Fire Protection Assessment imposed for the Fiscal Year beginning October 1, 2023, upon a parcel of Recreational Vehicle Park property whose Owner timely and satisfactorily demonstrates by affidavit that such parcel has experienced an

extraordinary vacancy by multiplying the vacancy rate by the portion of the Fire Protection Assessment attributable to Recreational Vehicle Park spaces and reducing the Fire Protection Assessment by an equivalent amount.

(J) For the Fiscal Year beginning October 1, 2023, any shortfall in the expected Fire Protection Assessment proceeds due to any adjustment for extraordinary vacancy shall be supplemented by any legally available funds and shall not be paid for by proceeds derived from Fire Protection Assessments.

SECTION 13. NOTICE BY PUBLICATION.

The City Manager shall publish a notice of the public hearing authorized by Section 11 hereof in the manner and time provided in Section 2.04 of the Ordinance. The notice shall be published no later than July 21, 2023, in substantially the form attached hereto as Appendix A.

SECTION 14. NOTICE BY MAIL.

The City Manager shall also provide notice by first class mail to the Owner of each parcel of Assessed Property, as required by Section 2.05 of the Ordinance, in substantially the form attached hereto as Appendix B. Such notices shall be mailed no later than July 21, 2023.

SECTION 15. APPLICATION OF ASSESSMENT PROCEEDS.

The revenue derived by the City from Fire Protection Assessments shall be utilized for the provision of fire protection services, facilities, and programs within the City. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire protection services, facilities, and programs.

SECTION 16. EFFECTIVE DATE.

This Initial Assessment Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 24th day of July 2023.

Nancy Sikes-Kline Mayor-Commissioner

ATTEST:

Darlene Galambos, City Clerk

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, A.I.C.P.
City Manager

DATE: July 12, 2023

RE: Agenda Item for July 24, 2023, Commission Meeting;
Proposal for Establishment of West City Community Redevelopment Area

The Neighborhood Services and Community Redevelopment Agency Manager is asking that this item be placed on the July 24, 2023, City Commission Meeting Agenda under Staff Presentations and Reports.

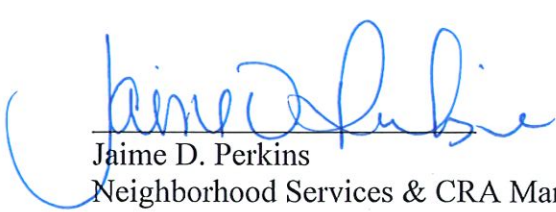
Attached please find the formal CRA presentation outlining the Community Redevelopment Area Proposal, the proposed boundary area, CRA Statutes, and staff recommendation. I am also enclosing the initial Findings of Necessity Study, which was completed in May 2022, to evaluate the opportunity to expand the boundaries of the current Historic Area Community Redevelopment Area (HACRA). This information is useful because the initial FON was proposing to include what is now recommended to be its own exclusive CRA and provided data that reflects the need to establish a CRA in the western area of the City of St. Augustine.

Recommendation | Action Item:

Staff recommends that the Commission grant authorization for staff to allocate funds in the upcoming FY 24 General Fund Budget totaling \$100,000. This will provide staff with the ability to hire a consultant to complete an updated FON study to determine the need to eradicate slum and blight, evaluate potential areas for inclusion, develop framework for a community redevelopment plan, develop a final redevelopment plan, notice taxing authorities, and other elements related to establishing the City's third Community Redevelopment Area.

City Staff is asking the Commission to:

1. Make a motion to formally authorize staff to proceed with the internal staff process to allocate budget funds for the hiring of a consultant to evaluate the establishment of the city's third CRA; to be formally referred to as West City Community Redevelopment Area.



Jaime D. Perkins
Neighborhood Services & CRA Manager

cc: Assistant City Managers, City Attorney & Department Directors

Agenda Item for June 24, 2019
City Commission Meeting;
Cuna Street Beautification Presentation
Page 2 of 2

Attachments:

West City CRA Proposal Presentation, Draft Findings of Necessity Study, April 2022



CITY OF
ST. AUGUSTINE
— EST. 1585 —

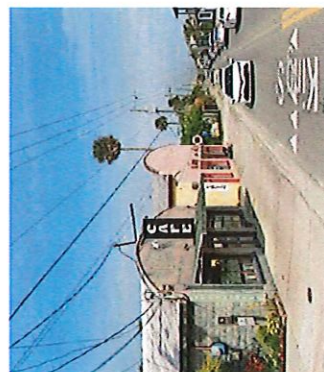
City Commission

Community Redevelopment Agency Proposed New Area

“West City Community Redevelopment Area”

July 24, 2023

Jaime D. Perkins, MPA, PMP Neighborhood Services & CRA Manager
Reuben C. Franklin, Jr., P.E. Assistant City Manager





CITY OF
ST AUGUSTINE.
— EST. 1565 —

Presentation Outline

- ❖ Proposal Introduction
- ❖ Proposed Area to Consider for Establishing the CRA
- ❖ Draft Findings of Necessity (FON) from May 2022
- ❖ Staff Recommendation with Reasoning
- ❖ Florida Statutes Relative to CRA Statutes
- ❖ Next Steps



CITY OF
STAUGUSTINE
— EST. 1565 —

Proposal Introduction

❖ April 24, 2023

During the April 24, 2023, City Commission Meeting, Commissioner Garris requested that staff proceed with steps to identify an opportunity to establish a third CRA in the western area of the city.

❖ Purpose of CRA Establishments

Community Redevelopment Areas (CRAs) are established as a means of addressing slum and blight conditions present within a distinct geographic location.

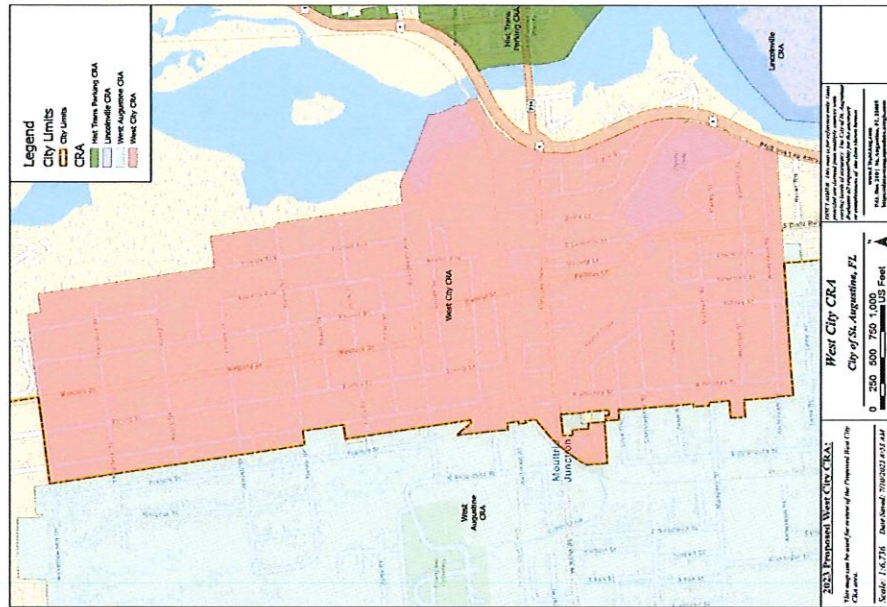
❖ Proposed Redevelopment Area/Study Area Boundaries

Staff is proposing that the study will include the western area of the city.



❖ Proposed Area to Include

- ❖ West King Corridor (Business District/Broudy Property)
- ❖ Ravenswood Neighborhood
- ❖ Oyster Creek Neighborhood
- ❖ North- Ravenwood Drive as Boundary Street
- ❖ West- City Municipality Line
- ❖ South- Anderson Street as a Boundary Street

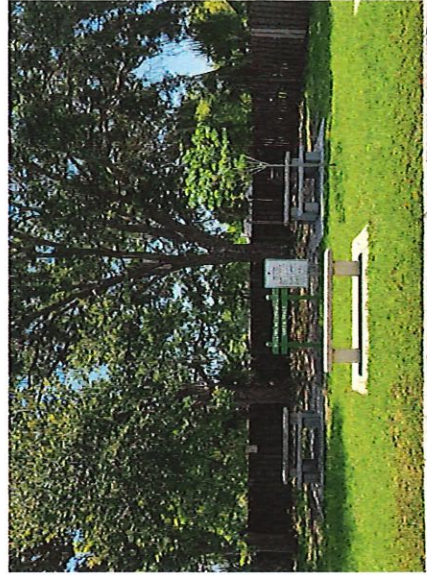
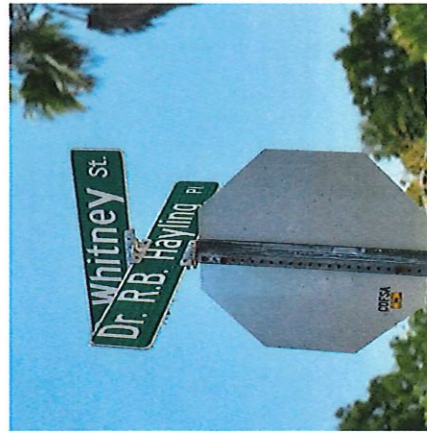
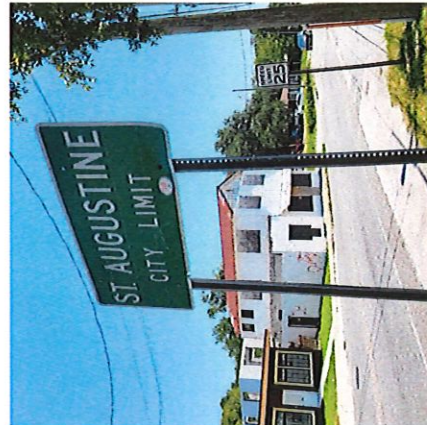




CITY OF
ST. AUGUSTINE
EST. 1585

Proposed Boundary Area

- ❖ West King Corridor
 - ❖ Blighted/Vacant Structures
 - ❖ Business Corridor Initiatives/Partnerships
 - ❖ Improve Pedestrian Connectivity (Mobility Plan)
 - ❖ Opportunity for Home Repair Initiatives
 - ❖ Opportunity to Preserve Historic Elements





CITY OF
ST AUGUSTINE
— EST. 1585 —

Proposed Boundary Area

- ❖ **Ravenswood Neighborhood**
 - ❖ **Blighted/Vacant Structures**
 - ❖ **Property acquisition Opportunities**
 - ❖ **Improve Pedestrian Connectivity (Mobility Plan)**
 - ❖ **Opportunity for Home Repair Initiatives**
 - ❖ **Opportunity to Preserve Historic Elements**

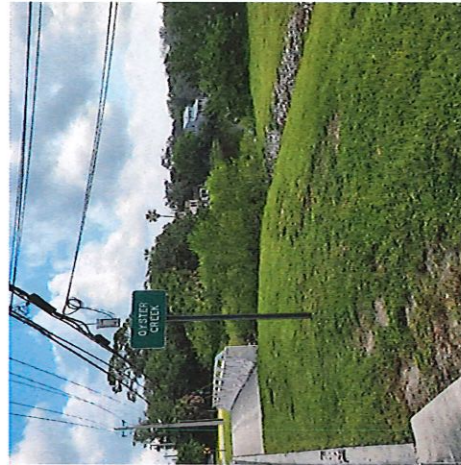




CITY OF
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—EST. 1585—

Proposed Boundary Area

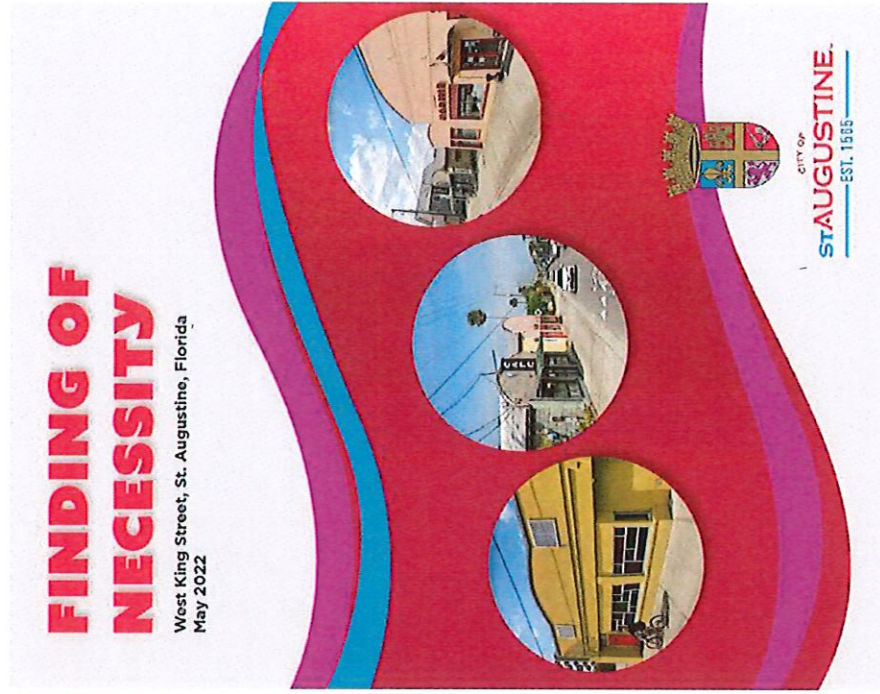
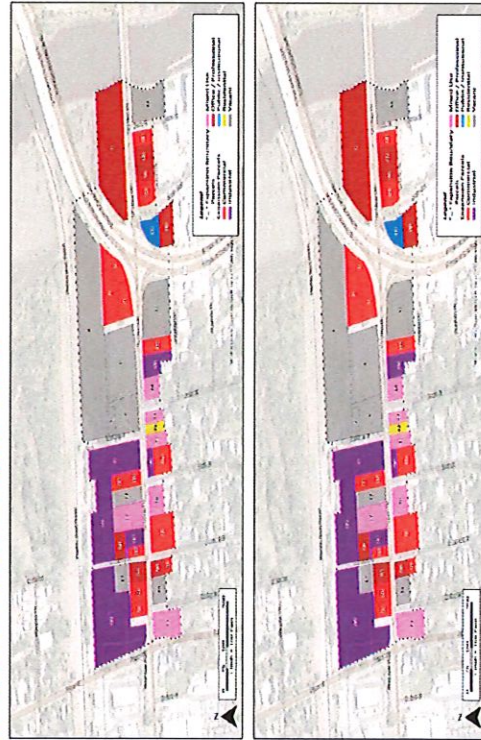
- ❖ Oyster Creek Neighborhood
 - ❖ Blighted/Vacant Structures
 - ❖ Opportunity to Improve the Pedestrian Connectivity
 - ❖ Opportunity for Residential Repair Initiatives
 - ❖ Recreational Space Improvement Opportunities





2022 Findings of Necessity Study

- ❖ Findings of Necessity (FON)
 - ❖ Evaluates the Condition of the Proposed Area
 - ❖ Draft Version of FON did indicate “slum” and “blight” in area
 - ❖ Staff Recommended an alternative
- ❖ Study area captured industrial, commercial, mixed used, professional, public, residential, and vacant parcels.





CITY OF
ST. AUGUSTINE
EST. 1565

Staff Recommendation

❖ Staff Recommends

Authorize staff to hire a consultant to review and analyze the specific proposed boundary area for the future establishment of the West City Community Redevelopment Area.

❖ Proposed Cost Recommendation

It is projected that the cost associated with this recommendation would be \$100,000. This cost should be allocated in the FY 24 General Fund Budget

❖ Anticipated Scope of Work

The expectation is that the consultant complete a Findings of Necessity (FON) Study in the specified boundary area, document existing conditions, schedule and lead the public involvement process, produce a Community Redevelopment Plan related to the findings of the FON, provide TIF revenue projections, and taxing authority notifications.



Florida Statutes

❖ Chapter 163 Part III (Section 163.340)

Community Redevelopment Areas (CRAs) are established as a means to address slum and blighted conditions in a distinct boundary area.

Under the Community Redevelopment Act, if an area is deemed blighted, a resolution must be adopted by the local governing body, or municipal subdivision, finding that blight conditions are present within the defined Study Area and that the repair, rehabilitation and/or the redevelopment of said areas are in the interest of public health, safety, and welfare. If an area has such blighted conditions, the governing body would be empowered to establish a Community Redevelopment Agency (CRA) or expand an existing Community Redevelopment Area to include the blighted area(s).



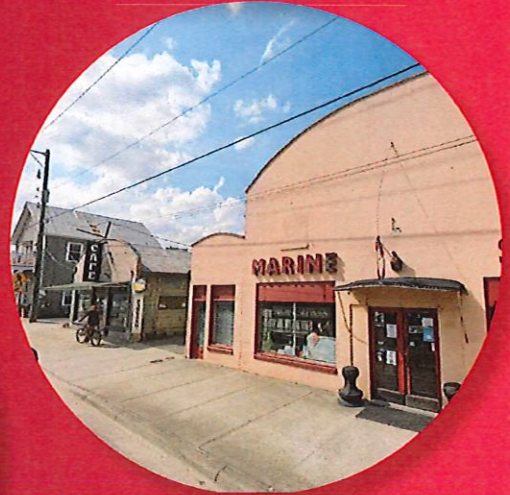
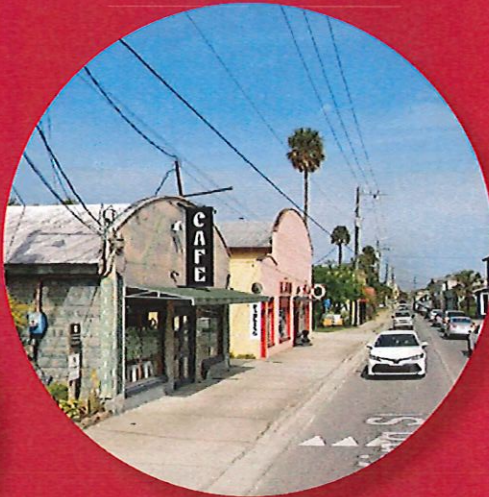
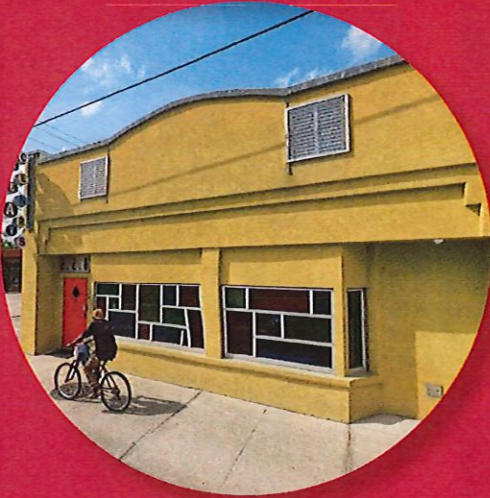
Next Steps

❖ What Happens Next?

- ❖ If the Commission approves this proposal and recommendation, staff should work with the finance department to allocate funds to the upcoming FY 24 budget.
- ❖ Once budget is approved, staff will initiate a solicitation packet to begin the hiring process of a qualified consultant.
- ❖ Staff will coordinate with the selected consultant to complete the process of establishing a CRA.

FINDING OF NECESSITY

West King Street, St. Augustine, Florida
May 2022



CITY OF
ST AUGUSTINE
— EST. 1565 —

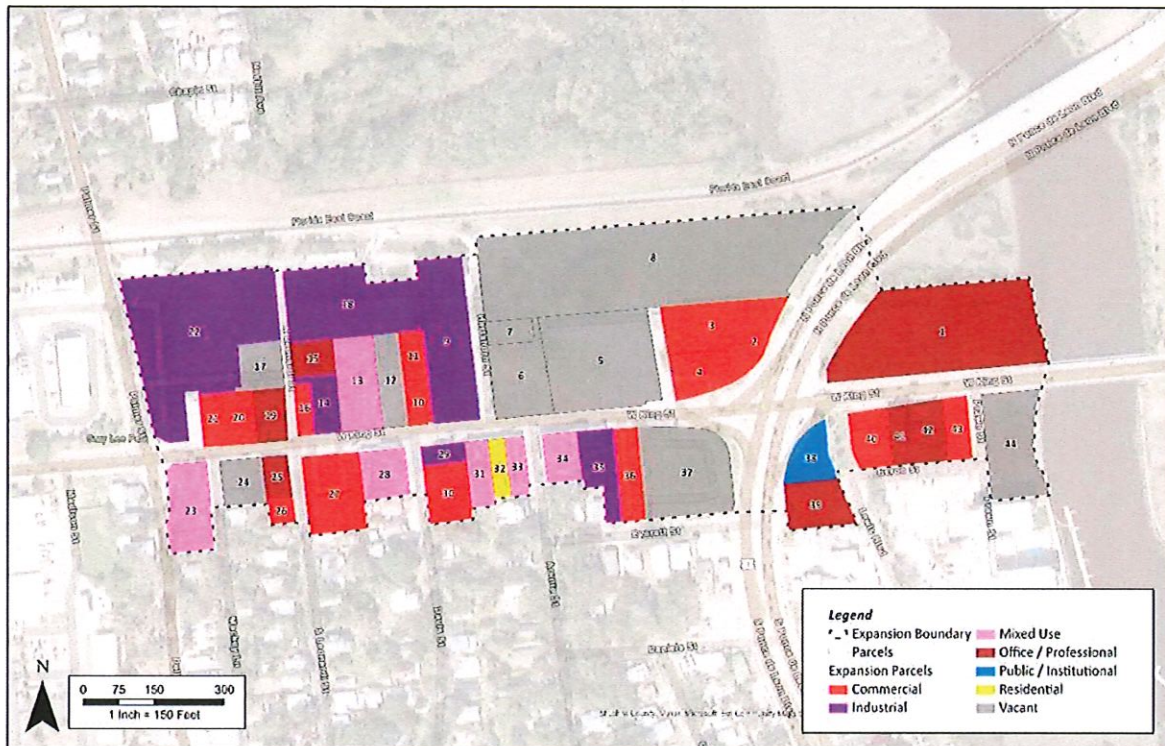
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1.0 Introduction

This Finding of Necessity (FON) Study evaluates the conditions of the proposed expansion to the St. Augustine Historic Area Community Redevelopment Area (HA CRA). The evaluation of the Study Area is to determine if conditions satisfy the definitions of “slum and blight” per Section 163.340(7), Florida Statutes and if the affected Study Area land can be added to St. Augustine’s existing Historic Area CRA.

Figure 1 Expansion Study Area



Source(s): St. Johns County Property Appraiser, City of St. Augustine, S&ME, 2022

Community Redevelopment Areas (CRAs) are established as a means of addressing slum and blight conditions present within a distinct geographic location. S&ME, Inc. was retained in 2022 by the City of St. Augustine to conduct the Finding of Necessity (FON) study to determine if the properties within the Study Area satisfy the criteria for inclusion into the City’s Historic Area CRA district.

The assessment of the properties within this Study Area was conducted through on-site field surveying, tax valuation data (years 2016 and 2021), desktop assessments of existing conditions and utilizing data provided by the St. Johns County Property Appraiser’s Office, St. Augustine city staff, and Geographic Information System (GIS) data supplied by St. Johns County..

The predominant land use classifications within the Expansion Study Area are Vacant (36.6%), Industrial (22.1%), Commercial (16.1%), and Office/Professional (15.5%). Further detail regarding these land uses is

presented in the **Land Use** section of the companion document *St. Augustine Historic Area Community Redevelopment Plan Update (2022)*.

2.0 Study Area Boundaries

The boundaries of the Expansion Study Area are shown in **Figure 1**. The Expansion Study Area is a map of the boundaries for the area being studied in this *Finding of Necessity* (FON) report. This Expansion Study Area consists of 23.6 acres and is directly west of the Historic Area CRA boundaries at the San Sebastian River, south of the Florida East Coast railroad and north of Everett Street. The primary roadway transportation corridors within the Study Area include County Road 214/West King Street, North Ponce de Leon Boulevard, and South Old Dixie Highway/Palmer Street/Pellicer Lane.

3.0 Historical Context

Established on December 11, 2000 by the City of St. Augustine City Commission (Ordinance No. 2000-46), the Historic Area Transportation and Parking Community Redevelopment Area (aka Historic Area Community Redevelopment Area) had a centralized goal of addressing transportation and parking blight. The CRA's formal name in the ordinance is "Historic Area Transportation and Parking Community Redevelopment Area" but it's referred to as the "Historic Area CRA" within this FON report. The needs of the land parcels incorporated into the Historic Area CRA included outdated street patterns, a poor relationship between the CRA streets with those of the other parts of the City, inadequate parking facilities, and a transportation network that does not have the capacity to accommodate the area's traffic flow.

The focus of this CRA district is to improve wayfinding and the overall experience for all users. The outcome of CRA initiatives is expected to accommodate vehicular traffic while also emphasizing and encouraging automobile alternatives and a more walkable downtown. In addition, some culture and history initiatives within the Historic Area CRA addressed through the 2000 CRA Plan recommend the increase use of Heritage Tourism signage installations throughout the CRA's streets. The Historic Area CRA is located on the northern border of the Lincolnville CRA. The Lincolnville CRA contains an extensive number of historical and contributing historical structures that are recorded on the National Register of Historic Places.

4.0 Purpose & Objectives

4.1 Redevelopment Area Expansion / Creation Procedures

Declaration and Process

The first step in assessing whether the Study Area meets the criteria for inclusion into the St. Augustine Historic Area Community Redevelopment Area (HA CRA)'s borders is determining the presence of "slum and blight" conditions within the Study Area. A record of the documentation and analysis is provided in this *Finding of Necessity* (FON) Report.

Finding of Necessity Report
West King Street, St. Augustine, FL

This report describes the physical, economic, and regulatory conditions within the Study Area that are associated with blight or its causes and whether or not the Study Area qualifies for inclusion within the Historic Area CRA.

Adoption of Finding of Necessity (FON) Report ("Slum & Blight Study")

Under the Community Redevelopment Act, if an area is deemed blighted, a resolution must be adopted by the local governing body, or municipal subdivision, finding that blight conditions are present within the defined Study Area and that the repair, rehabilitation and/or the redevelopment of said areas are in the interest of public health, safety, and welfare. If an area has such blighted conditions, the governing body would be empowered to establish a Community Redevelopment Agency (CRA) or expand an existing Community Redevelopment Area to include the blighted area(s). After the *adoption of a Resolution* by the St. Augustine Community Redevelopment Agency acknowledging the documented conditions of blight and expanding the Historic Area Community Redevelopment Area boundaries, the St. Augustine City Commission *will adopt an Ordinance formally acknowledging the expanded Historic Area Community Redevelopment Area boundaries.*

The ordinance will also establish the taxable-value base-year for the calculation of tax-increment fund (TIF) revenue, the duration of the expansion area within the Historic Area CRA, and also authorize the contribution of the TIF revenue collected from participating taxing authorities from the expanded area's participating parcels for placement in the St. Augustine Community Redevelopment Agency's Tax-Increment trust fund. The most recent real property certified tax roll, prior to the effective year of the ordinance, shall be used to establish the "base year." These taxable values within the expanded redevelopment area will be used to calculate the future tax increment. For the St. Augustine Historic Area CRA, the assumed timetable to move forward implies that the calculation of the tax increment will utilize the 2022 certified tax rolls for the proposed expansion area.

Redevelopment Plan Update

The St. Augustine City Commission serves as the Community Redevelopment Agency's governing body. The St. Augustine Community Redevelopment Agency has authorized the subsequent preparation of the Community Redevelopment Plan update which will reflect the Expansion Area's addition to the existing Historic Area CRA's boundaries. The updated Historic Area Community Redevelopment Plan will provide physical information on the expanded redevelopment area and identify potential programs and projects to address the specified conditions of "slum" and "blight."

The Community Redevelopment Act requires that redevelopment plans be subjected to a compliance review that is conducted by the Planning Board before it may be submitted to the City Council for approval. The Planning Board has sixty (60) days to review the redevelopment plan for its conformity with the City's Comprehensive Development Plan, addressing the development of the City as a whole and provide comments to the Community Redevelopment Agency. After receiving comments and recommendations from the Planning Board, the local governing body shall hold a public hearing on the approval of the Community Redevelopment Plan after appropriate public notice has been provided and appropriate advertisements placed within the accepted general circulation newspaper of the area.

Prior to the City adopting any resolution or ordinance to approve an updated community redevelopment plan or establish a redevelopment trust fund, the governing body must provide public notice of the proposed actions to each of the taxing authorities that have the power to levy ad-valorem taxes within the redevelopment area. Such notices serve as an alert to these taxing authorities to any possible changes in their budgets that may occur as a result of the redevelopment action. As a policy matter, it is assumed

that the following entities with ties and relationships to the City of St. Augustine government will receive notice of any actions arising from either the findings of necessity (FON) analysis or subsequent programs or initiatives should they be authorized under the terms of the Redevelopment Act:

- St. Johns Board of County Commissioners
- St. Johns County Tax Collector
- St. Johns River Water Management District
- St. Johns County School District
- St. Johns County Property Appraisers Office

4.2 Criteria for Determining Slum and Blight

The Community Redevelopment Act establishes two similar, but discrete, pathways to determine if an area of study is considered to be a "slum" or "blighted," sufficient to warrant the full application of the redevelopment powers conveyed by such a designation.

- *Alternative One* involves the layering of two tests. The first test is broadly conditional, and the second test is criteria specific. Both tests must conclude that the described conditions exist affirmatively.
- *Alternative Two* involves a specific agreement among parties subject to a prospective trust fund agreement. Where such an agreement exists, the jurisdiction seeking to designate a redevelopment area will be allowed to pass a less rigorous test. As in the first alternative, this test relates to specific criteria, and it must conclude affirmatively.

4.2.1 *Alternative One*

The *first test* for Alternative One requires that a study area identified as a "slum" or "blighted" area contain a "substantial number of deteriorated or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property."

The *second test* for Alternative One must prove that the area must be one in which "two or more of the following factors are present" (Section 163.340(7), F.S.):

- a. Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.
- b. Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.
- c. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
- d. Unsanitary or unsafe conditions.
- e. Deterioration of site or other improvements.
- f. Inadequate and outdated building density patterns.
- g. Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality.
- h. Tax or special assessment delinquency exceeding the fair value of the land.
- i. Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality.
- j. Incidence of crime in the area higher than in the remainder of the county or municipality.

Finding of Necessity Report
West King Street, St. Augustine, FL

- k. Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality.
- l. A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality.
- m. Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area.
- n. Governmentally owned property with adverse environmental conditions caused by a public or private entity.
- o. A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.¹

4.2.2 *Alternative Two*

The Redevelopment Act also allows that a slum or blighted area may be “any area in which at least one of the factors identified in paragraphs (a) through (o) of Section 163.340 (8), F.S. are present and all taxing authorities (as such term is defined in the Redevelopment Act) subject to Section 163.387 (2)(a), F.S. agree, either by interlocal agreement or agreements with the CRA or by resolution, that the area is blighted.”

“Slum Area”

Slum Area conditions largely focus on quality-of-life, economic, and physical safety challenges that pose threats to human life. Many of the existing structures within the FON Study Area were built more than 70 years ago and are near the end or have passed the building’s lifespan. Due to their historic construction standards, some do not meet modern construction best practices, building setback (physical placement) standards, and Americans with Disabilities Act (ADA) accessibility standards. It is suspected that there is also a risk of fire safety hazards internally, within structures due to aging electrical wiring systems. However, the verification of internal fire risk is beyond the scope of this analysis. Due to the structures’ location within a commercial area with medium-intensity traffic circulation, constrained roadways and lack of comprehensive multimodal infrastructure, conditions are also hazardous for pedestrians, cyclists, and challenging for automobile drivers. Danger to pedestrians and cyclists is elevated due to the deterioration of physical transportation infrastructure conditions or the complete lack of adequate infrastructure (no sidewalk, no bike lane/path, no shoulder, etc.). Further detail regarding the Study Area’s observed slum conditions are found in the following section, **5.0 Slum & Blight Conditions Observed**.

“Blight Area”

Blight Area conditions are mostly recognized by their presence in physical structure deterioration, significant downturns in economic valuation and activity, parking and transportation defects or inadequacies, and unsanitary or unsafe conditions. Regarding the parking and transportation facilities, the roadways around the FON Study Area’s central corridor are degraded to varying levels of severity, presenting potential hazards to vehicles and pedestrians. In addition, connecting sidewalks, buildings, and vacant lots have deteriorated, presenting additional lack of safety, accumulation of garbage and refuse and an overall deteriorated, unmaintained area. Much of the roadways lack any distinguishable traffic safety paint, lane or directional markings. Driveway areas, parking lots, curbs and streetwalls are deteriorated exhibiting cracking, delamination, potholes, spalling, uneven surfaces, and pavement surfaces that have been eroded by stormwater flooding and traffic wear.

¹ Florida Statutes, Section 163.340 (8).

5.0 Slum & Blight Conditions Observed

Observed slum and blight conditions were gathered through on-site inspections of the Study Area, interviews with the CRA and City staff, desktop evaluations of available data sets and a review of the changes in tax valuations (based on St. John's County Property Appraiser data). Evaluation of the Study Area's condition is with respect to the physical resources and built environment that determine the ability of the City to manage its economic positioning and responsiveness. As physical conditions decline within an area, the local jurisdiction faces significant challenges in maintaining their ability to be competitive within the economic development market attracting and maintaining private investment. Over time, deterioration of one area impacts the City's overall financial condition and level of services it is able to provide to all residents, visitors, and users.

Local governments that are highly dependent upon ad-valorem tax revenues are the most vulnerable in these situations. Real property assets that are physically or functionally deteriorated or that do not meet today's contemporary development requirements are limited in their ability to generate their full potential (ad-valorem) of taxes. The physical character and utility of these real property assets, along with the services required to sustain them, are key factors in determining a community's economic health. The following sections summarize and assess slum and blight conditions determined to be present within the Study Area (the proposed expansion area).

5.1 Conditions of Slum Observed

5.1.1 *Conditions that endanger life or property by fire or other causes*

Conditions of slum observed within the Study Area are present as conditions that endanger life or property by fire or other means. Such conditions were primarily observed as buildings that do not conform with minimum setback (distance) requirements for buildings within this area, according to standards set by the City of St. Augustine in its Code of Ordinances. Other hazardous conditions are largely based upon the deterioration and obsolescence of the transportation infrastructure within the Study Area.

Most of the Study Area is zoned as CM-2 (Commercial Medium-two), which is a district for medium-intensity auto-oriented commercial and service uses and related facilities. Safe and sufficient traffic circulation is the main consideration for this district. Buildings that do not meet minimum setback requirements increase the risk of unsafe travel conditions for automobile users and pedestrians. They also increase fire safety risk as buildings too close together can spread fire to other buildings easily and are also closer to power lines during storms, such as hurricanes which are common on the coast of Florida where St. Augustine is located. Within the CM-2, the minimum side and rear setbacks (the distance between the building and the property line) are five (5) feet. Several buildings within the Study Area do not meet this minimum.

Within the Study Area, the transportation infrastructure primarily consists of the roadways, sidewalks, and supporting accessories, signage, and painted markings. The infrastructure within the Study Area suffers from both deterioration and being outdated. Sidewalks are not comprehensively present throughout the Study Area, creating a lack of safe space for pedestrians. In addition, some of the existing sidewalks are laid out in narrow, outdated form. Moreover, the narrow sidewalks have signage poles installed in the middle of the walkway leaving very little room for pedestrians and a lack of a pathway for users with

disabilities. Historic sidewalks within the area have crumbling bricks, concrete, and holes, thereby increasing the hazard of pedestrian passage. The layout, narrow width, and condition of the sidewalks forces pedestrians to travel in the street at times and endanger those using wheelchairs, baby strollers, attachments to bikes, and any other wide mobility equipment.



5.2 Conditions of Blight Observed

5.2.1 Taxable Value Change

The 2021 tax assessments by the St. Johns County Property Appraiser show that the change of average assessed taxable value of parcels within the proposed CRA expansion area were significantly lower (24% less) than the percentage changes in the taxable value of parcels in the County.

Table 1 compares the historic changes in taxable values for the parcels located within the CRA expansion Study Area and St. Johns County. From 2016 to 2021, the taxable values of the parcels within the Study Area increased by 33.2%, while the taxable values of the parcels within St. Johns County increased by 57.2%

This disparity in property value change reflects a comparative underutilization of and disinvestment in the parcels within the proposed CRA expansion area, compared to investment in and utilization of parcels in the unincorporated County. Underutilized parcels with the Study Area (CRA expansion area) may result in negative effects to the community and may prevent development and reinvestment in the area.

Table 1 Comparative Changes in Taxable Value (2016 & 2021)

	2016 Total Taxable Value	2021 Total Taxable Value	Percent Change
Proposed CRA Expansion Area	\$8,898,239	\$11,850,413	33.18%
St Johns County	\$22,065,974,488	\$34,682,973,006	57.18%

Source(s): Florida Department of Revenue, St Johns Property Appraiser, S&ME, 2022

5.2.2 *Defective/Inadequate Street Layout and Transportation Facilities*

Defective or inadequate street layout and transportation facilities conditions observed include narrow sidewalks, signage poles within the middle of sidewalks, a lack of center turning lanes, and poor connectivity from side streets.

The lack of center turning lanes disadvantages business within the Study Area as west-bound or east-bound automobile travelers cannot access businesses on the opposite side of the road without making an illegal turn across double solid lines or traveling to another area in order to change their direction of travel. Many of the side streets that bound the Study Area's lots are dead ends, with no circulation around buildings, thereby provide no traffic congestion relief – this is particularly prevalent on the north side of the CRA nearby the railroad. The defective transportation facilities, regarding pedestrian use, contribute to both slum and blight conditions, and have therefore been discussed in **5.1 Conditions of Slum Observed**.



5.2.3 *Faulty Lot Layout*

The presence of faulty lot layout within the Study Area primarily consists of many lots with side access streets that are not connected to other parts of the study area, lack of traffic circulation ability within lots (containing a building) due to size, and difficulty of access from the main roadway due to a lack of center turning lanes nearby lot entrances.



5.2.4 *Unsanitary/Unsafe Conditions*

Through the study area, particularly near vacant lots, construction, and access blocking materials (temporary fencing, chains, safety cones, and sandbags) are unsecured, deteriorated, and create hazards within the travel ways. Other unsafe conditions include the lack of crosswalks, loose material from crumbling sites, cracked sidewalks, or sidewalks with uneven repairs that do not match the material or height of the surrounding sidewalk segments.



5.2.5 *Deterioration of site or other improvements*

Observed deterioration within the Study Area includes the transportation facilities, buildings, and other site conditions. As the conditions are hazardous to human life, the deterioration of the sidewalks was discussed in the preceding section, **5.1 Conditions of Slum Observed**. While many buildings facing West King Street have undergone recent rehabilitations, others have remained in disrepair and under maintenance. Roadways, primarily side streets, display significant damage and disrepair. West King Street, the Study Area's main corridor, is in need of roadway repainting, repaving, and crosswalk repair.



6.0 Summary of Study Area Conditions (per Florida Statutes)

The Study Area's existing conditions include examples of "slum" and "blight" as defined by Florida Statutes. A field study and GIS data analysis of the Study Area revealed the following conditions of slum and blight within the expansion Study Area:

Slum Conditions:

- (1) The existence of conditions that endanger life or property by fire or other causes

Blight Conditions:

- (1) The predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.
- (2) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.
- (3) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
- (4) Unsanitary or unsafe conditions.

- (5) Deterioration of site or other improvements

These observed conditions have had the demonstrated and regressive effect of discouraging private sector investment and depressing taxable values in a major commercial area that should have seen increases in value, when compared to the City of St. Augustine and St. Johns County as a whole. This lack of private sector investment, declining taxable values, coupled with other observed conditions of blight has had a deleterious effect on the economic development activity and redevelopment activity within Study Area. The presence of these conditions within the Study Area qualifies its parcels for inclusion within the Historic Area St. Augustine Community Redevelopment Area.

7.0 Conclusion of Alternative Tests

The findings of the evaluation of the Study Area satisfy the two tests of Alternative One to determine if an area is qualified for inclusion in a Community Redevelopment Area.

Alternative One - First Test

The evaluation identified the presence of "slum" conditions that endanger life or property by fire or other causes due to fire and travel safety hazards in the area. These findings satisfy the first test of Alternative One.

Alternative One - Second Test

The evaluation also identified the presence of five (5) conditions of "blight" as defined by Florida Statutes. These include:

- (1) The predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities.
- (2) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions.
- (3) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness.
- (4) Unsanitary or unsafe conditions.
- (5) Deterioration of site or other improvements

8.0 Legal Description

The following narrative summarizes the parcels contained within the proposed CRA expansion area and their associated legal descriptions. Taken in total, the following narrative comprises all the individual parcels' legal descriptions for the proposed expansion area. Please note that this does not constitute an official survey legal description of the proposed expansion area boundaries as may be prepared by a licensed surveyor but represents a summary of the individual TIF-Contributing participating parcels' legal descriptions as provided by the St. Johns County's Property Appraiser's Office and used verbatim.

RENUM	LEGAL DESCRIPTION
1113600000	DANCY TRACT BLK 1 RE-SUB W35
1185500050	1-133 WILDWOOD PARK LOTS 5 &
1197700000	1-111 DANIELS SUB W35 OF N125
1196900000	5-26 WORLEY SUB LOT 6 E26.8FT
1113300000	DANCY TRACT RESUB BLK 1 LOT 1
1113700000	(1) DANCY TRACT BLK 1 RESUB
1114000000	(4) DANCY TRACT BLK 1 RE-SUB
1196800000	5-26 WORLEY SUB LOT 5 (EX R/W
1113200000	DANCY TRACT BLK 1 RE-SUB LOT 8
1205200000	1-7 BROADWELL SUB LOT 29 (EX
1112250120	(12) DANCY TRACT ALL LOT 1-A
1185700000	1-133 WILDWOOD PARK LOTS 7
1111100000	3-5 (5) DANCY TRACT PARTS OF
1113800000	2 DANCY TRACT BLK 1 RE-SUB E60
1198600010	1-43 BRAVO PARK N41.24FT OF
1198600030	1-43 BRAVO PARK LOTS 3 & 4
1112250000	3-5 (11-1) DANCY TRACT N50 OF
1201900000	HERNANDEZ SUB N90.5FT OF LOT 1
1192800000	3-15 WILDWOOD PARK LOTS 9 10 &
1111300000	3-5 (6) DANCY TR W220FT OF LOT
1113100010	DANCY TRACT BLK 1 RE-SUB
1198600000	1-43 BRAVO PARK LOTS 1 & 2 (EX
1185100000	2-74 RHODES SUB RESUB OF SEC A
1114200000	DANCY TRACT BLK 1 RE-SUB LOT 5
1201800000	HERNANDEZ SUB LOT 1 (EX N90.5
1197800000	1-111 DANIELS SUB E40 OF N125
1113500000	DANCY TRACT BLK 1 RESUB N75FT
1113000000	DANCY TRACT BLK 1 RE-SUB LOTS
1196600000	5-26 WORLEY SUB ALL LOTS 1
1200200000	LEONARDY SUB LOTS 1 & 1-A & N50FT
1110300000	(2) DANCY TRACT LOT A-2 BLK A
1197100000	5-26 WORLEY SUB W34.8FT OF LOT
1197000000	5-26 WORLEY SUB W24FT OF LOT 7
1197500000	1-111 DANIELS SUB N142FT OF
1203300000	1-7 BROADWELL SUB LOTS 1 & 2

Finding of Necessity Report
 West King Street, St. Augustine, FL

RENUM	LEGAL DESCRIPTION
1112200000	3-5 (11) DANCY TRACT W127FT
1112400000	6 DANCY TR PT OF BLKS 1 & 10 &
1113900000	3 DANCY TRACT BLK 1 RESUB E72
1113100000	DANCY TRACT BLK 1 RE-SUB
1185500000	1-133 WILDWOOD PARK N22FT OF
1111900000	3-5 (8) DANCY TR W125 OF S100
1113400000	DANCY TRACT BLK 1 RE-SUB LOT
1112000000	3-5 (9) DANCY TRACT PT OF LOTS
1192600000	3-15 WILDWOOD PK LOT 2 3 7 (EX

9.0 Matrix of Slum & Blight Conditions

Florida Statute Reference and Definition	Observation of Conditions		
	Observed	Not Observed	Suspected
"Slum Area"			
<i>Inadequate provision for ventilation, light, air, sanitation, or open spaces</i>		X	
<i>High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code</i>		X	
<i>The existence of conditions that endanger life or property by fire or other causes</i>	X		
"Blight Area"			
<i>Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities</i>	X		
<i>Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions</i>	X		
<i>Faulty lot layout in relation to size, adequacy, accessibility, or usefulness</i>	X		
<i>Unsanitary or unsafe conditions</i>	X		
<i>Deterioration of site or other improvements</i>	X		
<i>Inadequate and outdated building density patterns</i>		X	
<i>Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality</i>		X	
<i>Tax or special assessment delinquency exceeding the fair value of the land</i>		X	
<i>Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality</i>		X	

Finding of Necessity Report
West King Street, St. Augustine, FL

Florida Statute Reference and Definition	Observation of Conditions		
	Observed	Not Observed	Suspected
"Blight Area"			
<i>Incidence of crime in the area higher than in the remainder of the county or municipality</i>		X	
<i>Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality</i>		X	
<i>A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality</i>			X
<i>Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area</i>		X	
<i>Governmentally owned property with adverse environmental conditions caused by a public or private entity</i>		X	
<i>A substantial number or percentage of properties damaged by sinkhole activity which have not been adequately repaired or stabilized.</i>		X	

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice Mayor and City Commissioners

DATE: July 24, 2023

RE: **Consideration and Approval of a Land Exchange Agreement between the City of St. Augustine and Spadaro Holdings LLC to Exchange 800 Plantation Island Drive (City's Property) for 90-92 S. Dixie Highway, PID (Spadaro Holdings LLC's Property)**

On May 23, 2022, the City Commission identified 800 Plantation Island Drive (a 2.3 acre portion of PID #161930 0000) as surplus city-owned land and instructed city staff to sell this vacant lot. The property was put on the real estate market on October 1, 2022 with a sales price of \$1,900,000. The sales price was based on an appraised value of \$1,860,000. (see attached appraisal letter) The city has not received any offers to purchase this property. The property is constrained by the presence of landfill materials that will have to be removed for development of the site. The appraisal does not take the costs to clean up the landfill material into consideration.

While the city has not received an offer to purchase our property, it has received an offer to swap the city property for 90-92 S. Dixie Highway. 90 and 92 S. Dixie Highway is a 1.25 acre parcel of commercial property with two buildings at the intersection of State Road 207 and South Dixie Highway. It has previously been used as a trailer park, a beauty salon and a thrift store/furniture store. The St. Johns County Property Appraiser (SCJPA) identifies the market value of 90 S. Dixie Hwy as \$307,499 and 92 S. Dixie Hwy as \$632,116 for a combined market value of \$939,615. The market value of real estate that is identified by the SJCPA is generally considered to be lower than the true market value.

The city has been interested in starting a program to provide services to the homeless community, particularly in the downtown area. The first step in this program is the creation of a drop-in day center where homeless citizens can eat, shower, do laundry, receive mail, obtain employment and housing information, schedule health care appointments, etc. This facility will not offer overnight accommodations. The city's property at 800 Plantation Island Drive is not within a reasonable distance from the downtown area for development of a drop-in day center, but the property at 90-92 S. Dixie Hwy appears to be suitable.

Attached is a land exchange agreement between the city and Spadaro Holdings LLC to exchange 800 Plantation Island Drive for 90-92 S. Dixie Hwy. for development of a drop-in day center for homeless citizens. The lands will be exchanged in "as-is" condition using special warranty deeds and a 50/50 split on the brokers commission for the land exchange. A resolution of the city commission approving the land exchange and authorizing the city

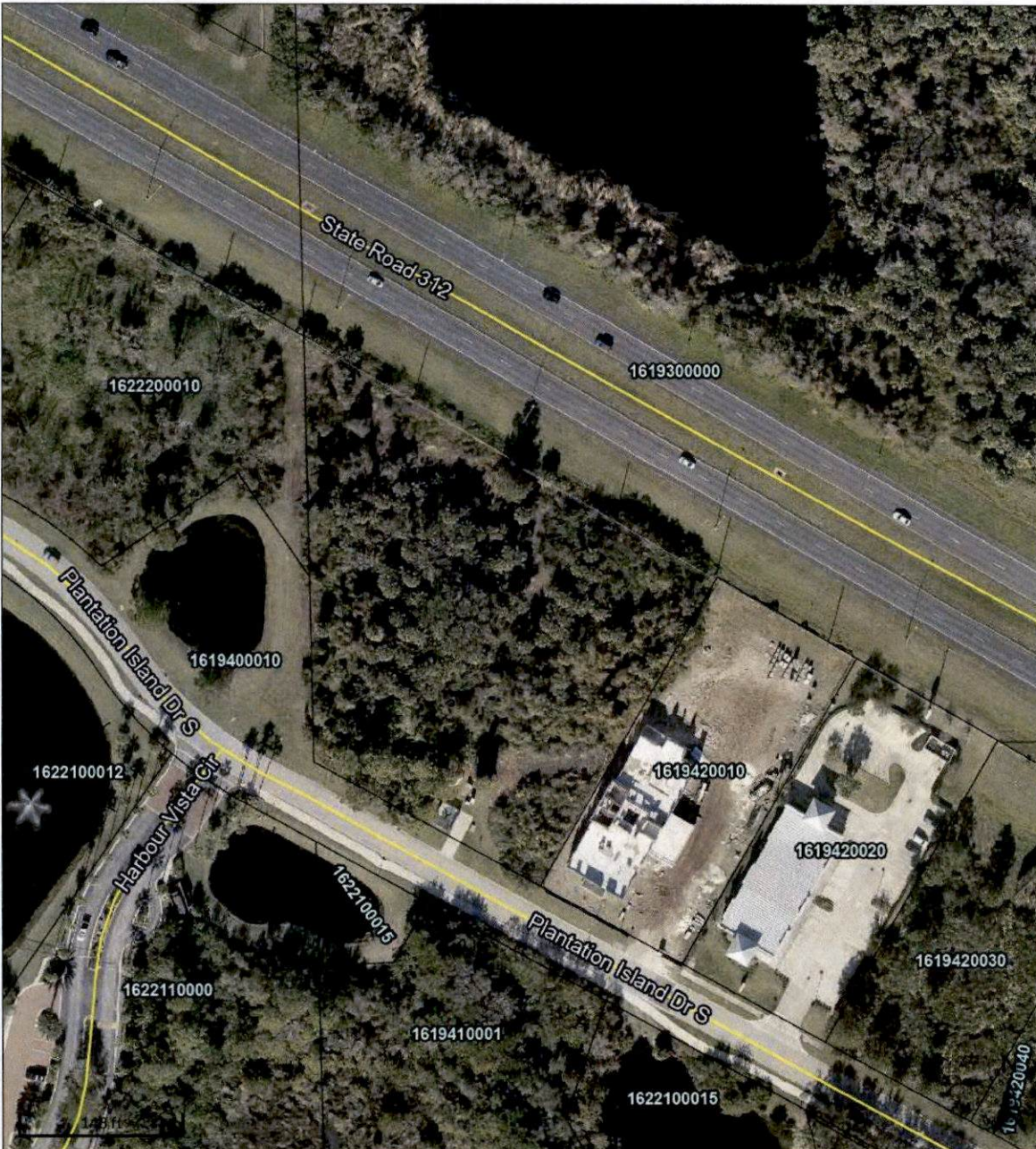
manager to act as the city's agent for the real estate transaction is also necessary for the title company to obtain title insurance.

If the City Commission approves this land exchange agreement, the real estate closing will be scheduled at the earliest opportunity and improvements to 90-92 S. Dixie Hwy for a homeless drop-in day center will be included in the upcoming budget hearings.

If you have any questions, please let me know.



David Birchim, AICP
City Manager



Overview

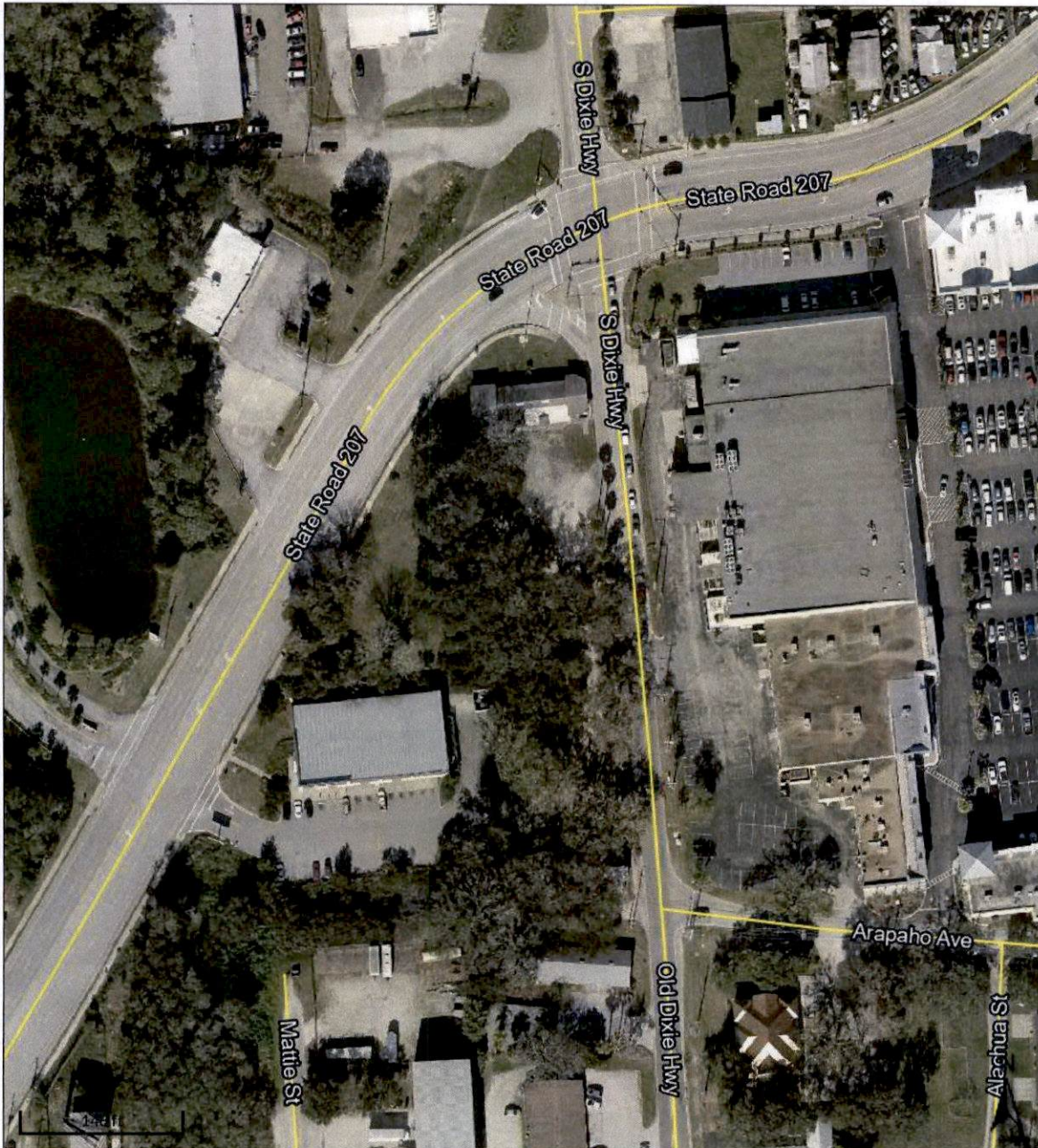


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Date created: 7/17/2023
Last Data Uploaded: 7/14/2023 11:42:12 PM

Developed by  **Schneider**
GEOSPATIAL

800 PLANTATION ISLAND DRIVE



Overview



Legend

Date created: 7/17/2023
Last Data Uploaded: 7/14/2023 11:42:12 PM

Developed by  Schneider
GEOSPATIAL

90 and 92 SOUTH DIXIE HIGHWAY

LAND EXCHANGE AGREEMENT

THIS LAND EXCHANGE AGREEMENT (this "Agreement"), dated as of the date entered below, is made and entered into by and between the CITY OF SAINT AUGUSTINE, Florida, a municipality (the "City"), and SPADARO HOLDINGS, LLC, a Florida limited liability company ("Spadaro").

RECITALS

WHEREAS, Spadaro is the owner of a tract of land containing approximately 1.25 acres located in St. Augustine, Florida (the "Spadaro Tract"), which Spadaro Tract is more particularly described at **Exhibit A** attached hereto, and

WHEREAS, the City is the owner of a tract of land containing approximately 2.30 acres located in St. Augustine, Florida (the "City Tract"), which City Tract is more particularly described at **Exhibit B** attached hereto, and

WHEREAS, pursuant to the terms and provisions contained herein, Spadaro and the City desire to exchange the Spadaro Tract (as more fully described at Exhibit A hereto) for the City Tract (as more fully described at Exhibit B hereto).

NOW, THEREFORE, for and in consideration of the premises and mutual covenants and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Spadaro agree as follows:

ARTICLE I CLOSING

Section 1.1. Closing. The exchange of tracts provided for in this Agreement shall be effected by simultaneous exchange of executed written deeds, in forms specified in Article II, next, at a Closing to be organized at the office location of the following title company selected by the parties: Estate Title of St. Augustine, Title Agent, 71 Carrera Street, St. Augustine, FL 32084 (the "Title Company"), which Closing shall be held not later than _____ 2023.

Section 1.2. Deliveries by Spadaro. At the Closing, Spadaro will deliver to the City the following:

- (a) A special warranty deed conveying the Spadaro Tract to the City, in the form of the exemplar instrument at **Exhibit C** hereto (the “Spadaro Tract Deed”);
- (b) An Owner’s Title Policy insuring the Spadaro Tract in an amount equal to the value of the land conveyed, as determined by the City, and issued by the underwriter for the Title Company pursuant to the Title Commitment described at Section 3.2 below;
- (c) A Non-Foreign Affidavit as required under Section 1445 of the Internal Revenue Code;
- (d) Paid all property taxes for the Spadaro Tract have been paid as required in the Title Commitment (as defined herein) for each tax period prior to the Closing;
- (e) Possession of the Spadaro Tract and contemporaneous access for the City to the Spadaro Tract; and
- (f) Any and all such further documents and instruments as may be reasonably necessary to effectuate the transfer of the Spadaro Tract as provided herein.

Section 1.3. Deliveries by City. At the Closing, City will deliver to the Spadaro the following:

- (a) A quitclaim deed conveying the City Tract to Spadaro, in the form of the exemplar instrument at **Exhibit D** hereto (the “City Tract Deed”);
- (b) An Owner’s Title Policy insuring the City Tract in an amount equal to the value of the land conveyed, as determined by Spadaro, and issued by the underwriter for the Title Company pursuant to the Title Commitment described at Section 3.2 below;
- (c) A Non-Foreign Affidavit as required under Section 1445 of the Internal Revenue Code;
- (d) Possession of the City Tract and contemporaneous access for Spadaro to the City Tract; and

- (e) Any and all such further documents and instruments as may be reasonably necessary to effectuate the transfer of the City Tract as provided herein.

ARTICLE II

THE PROPERTIES AND THE EXCHANGE

Section 2.1. Spadaro Tract. The Spadaro Tract is a tract of land owned by Spadaro containing approximately 1.25 acres located in St. Augustine, Florida, and is more particularly described at **Exhibit A** attached hereto. Spadaro shall convey the Spadaro Tract to the City by special warranty deed, in the form of special warranty deed attached hereto as **Exhibit C**, together with any easements or restrictions existing in the Official Records as of January 1, 2023, free and clear of all liens, delinquent taxes, currently owed taxes, and special assessments.

Section 2.2. City Tract. The City Tract is a tract of land owned by the City containing approximately 2.30 acres located in St. Augustine, Florida, and is more particularly described at **Exhibit B** attached hereto. The City shall convey the City Tract to Spadaro by special warranty deed, in the form of special warranty deed attached hereto as **Exhibit D**, together with any easements or restrictions existing in the Official Records as of January 1, 2023, free and clear of all liens, delinquent taxes, currently owed taxes, and special assessments. The parties acknowledge that the City does not accrue property taxes on real property it holds, and that after this conveyance of the City Tract to Spadaro, the taxable nature of the City Tract once owned by Spadaro will be under the jurisdiction of St. Johns County, Florida (the "County"), and the County's property tax assessor and collector.

Section 2.3. Differences in Value. Neither party hereto shall pay any money or any consideration to the other party to adjust or settle any difference in value between the Spadaro Tract and the City Tract.

Section 2.4. AS-IS Condition. Both parties hereto accept the tract to be conveyed to them pursuant to this Agreement in their present AS-IS physical condition. Neither party hereto extends any representations or warranties concerning the physical condition of the tracts.

Section 2.5. Representation of No Dedications or Easements. Spadaro and the City each represent and warrant that they have not made any dedication, gift, transfer, mortgage, or conveyance of any interest in the tract they convey pursuant to this Agreement between January 1, 2023 and the date of the Closing described at Section 1.1 above.

ARTICLE III

SURVEY, TITLE COMMITMENT AND DUE DILIGENCE

Section 3.1. Exchange of Surveys. The parties agree and represent that each party hereto has delivered to the other prior to the execution of this Agreement a true and complete copy of a current on-the-ground survey by a duly-licensed Florida surveyor of the tract that delivering party is to convey pursuant to this Agreement.

Section 3.2. Exchange of Title Commitments. Spadaro and the City each shall, within fifteen (15) days after the date of execution of this Agreement, at each party's cost and expense, will request the Title Company to deliver the following: (i) a title commitment covering the tract the delivering party is conveying pursuant to this Agreement binding the issuing title company to issue to the receiving party, at the Closing, a Florida Owner's Policy of Title Insurance on the ALTA Form B standard format of Florida owner's title policies (the "Title Commitment(s)"), and (ii) true, complete, and legible copies of of any and all instruments referred to in the Title Commitment as constituting exceptions, restrictions, or reservations upon or matters affecting the tract depicted in the commitment.

Section 3.3. Review of Title Commitments and Objections. In the event any exceptions, restrictions, or reservations that appear in a Title Commitment are unacceptable to the receiving party as to the tract that party is to receive pursuant to this Agreement, that receiving party may object to the delivering party but only within ten (10) calendar days of the delivery to them of the Title Commitment, time being of the essence, which timely objection shall amount to a voluntary termination of this Agreement for cause, after which the parties shall bear their own expenses up to the date of Termination, and after which no Closing will occur, unless the parties, following the objection, make further written agreements between them in the manner of cure or accommodation of the objection. If, on the other hand, the receiving party fails to object to the delivering party within the ten (10) calendar day period, the receiving party shall have waived any objections to the contents of the Title Commitment for the tract they are receiving pursuant to this Agreement.

Section 3.4. Due Diligence and Inspections. Spadaro and the City each represent and agree that prior to Closing each has been afforded the full opportunity to inspect the tract to be conveyed to them pursuant to this Agreement, and each confirm that they have not exercised their right to notify the other party of any

condition of unsuitability for exchange as to, or any other objection to proceeding to the Closing of this Agreement for any reason owing to, the condition of the tract to be conveyed to them pursuant to this Agreement.

Section 3.5. Ingress and Egress. Both parties hereto have determined that there is legal and practical ingress and egress for the tract to be conveyed to them pursuant to this Agreement.

ARTICLE IV REPRESENTATIONS, WARRANTIES, AND COVENANTS

Section 4.1. Representations and Warranties of Each Party. To induce the other party to enter into this Agreement and to exchange their respective tract, each party hereto represents and warrants to the other party the following:

- (a) Subject to the formal approval of this Agreement as must be voted and recorded by the City Commission of the City of Saint Augustine as to the City, the party has full power and authority to enter into this Agreement and to consummate the transactions provided for in this Agreement;
- (b) Following the formal approval described at subsection (a), above, this Agreement, when executed and delivered, will constitute the valid and binding agreement of such party, enforceable against such party in accordance with its terms, subject however, only to such statutory or regulatory limitations which exist at law;
- (c) The parties make no representation or warranty with respect to the accuracy or the completeness of any information furnished by either party prior to, in connection with, or at the execution of this Agreement. Each party agrees that any information provided between them is provided on an AS-IS basis, with the providing party having no obligation to compile or verify any of the contents of the information;
- (d) At Closing, each Party will execute such other and further instruments as are required by applicable regulation, including but not limited to a Non-Foreign Affidavit required under Section 1445 of the Internal Revenue Code of 1986, as amended; and
- (e) These representations and warranties given at this Section 4.1 shall survive the Closing and shall not merge into the Deeds to be delivered at Closing.

ARTICLE V

CONDITIONS OF EACH PARTY'S OBLIGATION

Section 5.1 Conditions of Each Party's Obligation. The obligation of each party hereto to convey their respective tract in exchange for the other party's tract is subject to the satisfaction, prior to Closing, of the following conditions:

- (a) The parties must be the owners of the tracts that are the subject of this Agreement; and
- (b) Each party will have delivered, performed, observed, and complied with all of the items, deliveries, instruments, documents, covenants, agreements, and conditions required by the whole of this Agreement prior to, and as of, Closing.
- (c) Approval from the bank holding the mortgage and note on the Spadaro Tract.

ARTICLE VI

DEFAULT AND TERMINATION AFTER DEFAULT

Section 6.1. Default by Either Party and the Remedy of Termination accruing to the Non-Defaulting Party. In the event either party to this Agreement fails to fulfill any of its obligations owed to the other party under this Agreement, either prior to or at Closing, the party failing to so fulfill its obligation shall be in simple default of this Agreement, and in that case the non-defaulting party may at its option terminate this Agreement by providing written notice of termination within five (5) calendar days of notice of the default, time being of the essence, and following any such timely optional termination for default, neither party shall have any further obligation or liabilities to the other under this Agreement.

ARTICLE VII

COMMISSION AND CO-BROKERS

Section 7.1. Commission and Co-Brokers. The City and Spadaro represent and agree that other than a commission payable to the co-brokers Berkshire Hathaway Home Services Florida Network Realty and ONE Sotheby's Realty, which co-brokers are being paid a shared commission at closing, which shared commission sum was disclosed to and agreed to by the co-brokers and by the parties

hereto prior to the execution of this Agreement, and which shared commission sum shall be funded equally, 50-50, by the City and Spadaro, there are no other brokers and no other commissions or swap-related fees due to or expected by any other person or entity, in relation to the exchange of tracts accomplished in this Agreement.

ARTICLE VIII MISCELLANEOUS TERMS

Section 8.1. Assignment. This Agreement may not be assigned by either party without the other party's advance written approval.

Section 8.2. Severability. If any of the provisions of this Agreement are deemed to be unenforceable and the unenforceability of said provisions does not adversely affect the purpose and intent of this Agreement, the enforceability of the remaining provisions shall not be affected.

Section 8.3. Entire Agreement. This Agreement contains the entire agreement between the parties pertaining to the subject matter contained herein and hereof and supersedes all prior and contemporaneous agreement, representations, and understandings between the parties. No supplement, modification or amendment to this Agreement shall be binding unless it is executed in writing by the parties.

Section 8.4. Notice. Whenever a party desires or is required to give notice unto the other party, such notice must be by written notice, delivered either by electronic mail to the receiving party's and counsel's known and verified electronic mail address, or sent as a document by first class United States Mail or overnight courier to the receiving party's and counsel's physical mailing address.

Section 8.5. Relationship of the Parties. Nothing in this Agreement places the parties into any relationship or legal status beyond prospective grantors and grantees of the tracts exchanged by this Agreement, and neither party is a partner, joint venturer, agent, principal, or fiduciary of or to the other, and neither party intends that this Agreement create any such relationships or statuses.

Section 8.6. Governing Law, Venue, Jury and Damages Waivers. This Agreement is made at Saint Augustine, St. Johns County, Florida, and shall be governed by the laws of the State of Florida. In any dispute arising under or relating to this agreement, the parties agree that the exclusive venue for such dispute will be the state court situated in St. Augustine, St. Johns County, Florida. In the event of

any such dispute both parties hereby expressly waive any rights to trial by jury and any rights to seek enhanced, exemplary, or punitive damages from the other party and their affiliates.

Section 8.7. Section 6045 Certification and Reporting Person Designation. The parties direct the Title Company conducting the Closing to timely file returns with the Internal Revenue Service to ensure that the parties' conveyances are in compliance with Section 6045(e) of the Internal Revenue Code of 1986, as amended, and any regulations enforcing the same and promulgated under the same. The parties also direct the Title Company to act as the Reporting Person for purposes of complying with the reporting obligations of 26 C.F.R. Section 1.6045-4(e)(5). Spadaro agrees to obtain records from the Title Company of the completion of these requirements, and to furnish copies of those records to the City, in a timely manner.

Section 8.8. Certification Regarding Terrorism. The parties certify that to the best of their knowledge, after making all appropriate inquiries, they are in compliance with and shall use the tract they receive pursuant to this Agreement, as well as any funds they may derive from the same, all applicable anti-terrorism laws, regulations, rules, and executive orders, including but not limited to, the USA Patriot Act of 2001 18 U.S.C. § 2239A-C, and United States Presidential Executive Orders 12947 and 13224.

[signatures follow]

EXECUTED on the dates stated below:

CITY OF SAINT AUGUSTINE

By: _____

Name: _____

Title: _____

Date: _____

Approved as to Form:

Counsel for City of St. Augustine

SPADARO HOLDINGS, LLC

By: _____

Name: _____

Title: _____

Date: _____

EXECUTED on the dates stated below:

EXECUTED on the dates stated below:

CITY OF SAINT AUGUSTINE

By: _____
Name: _____
Title: _____
Date: _____

Approved as to Form:

Counsel for City of St. Augustine

SPADARO HOLDINGS, LLC

By: Cari
Name: CARI SPADARO
Title: DIRECTOR
Date: 7/11/2023

EXHIBIT A

**SPADARO TRACT
LEGAL DESCRIPTION**

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: Estate Title of St. Augustine, Inc.
Issuing Office: 71 Carrera Street, St Augustine, FL 32084
Issuing Office's ALTA® Registry ID:
Loan ID Number:
Commitment Number: 64655
Issuing Office File Number: 64655
Property Address: 92 S DIXIE HIGHWAY, ST. AUGUSTINE, FL 32084
90 S DIXIE HIGHWAY, ST. AUGUSTINE, FL 32084
Revision Number:

SCHEDULE A

COMMITMENT

1. Commitment Date: June 19, 2023 at 5:00 PM

2. Policy to be issued:

Proposed Amount of Insurance

a. 2021 ALTA® Owner's Policy with Florida Modifications

\$1,150,000.00 ✓

Proposed Insured: City of St. Augustine, A Florida Municipal Corporation

b. 2021 ALTA® Loan Policy with Florida Modifications

Proposed Insured: None

3. The estate or interest in the Land at the Commitment Date is:

Fee Simple

4. The Title is, at the Commitment Date, vested in:

Spadaro Holdings, LLC, a Florida Limited Liability Company by virtue of a deed recorded in Official Records Book 5279, Page 1629 of the Public Records of St. Johns County, Florida. ✓
and, as disclosed in the Public Records, has been since June 01, 2021.

5. The Land is described as follows:

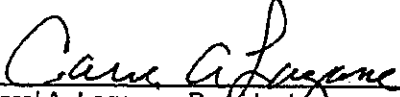
Parcel 1: Lot(s) 8 and 9, Block 3, together with all of Harper Avenue (a 50 foot wide County Road, vacated July 19, 1969 as recorded in Official Records Book 152, Page 40), all lying South of State Road 207, San Juan, according to the map or plat thereof, as recorded in Map Book 6, Page 15, of the Public Records of St. Johns County, Florida, less and except those parcels of land described in those instruments recorded in Official Records Book 1117, Page 763 and Official Records Book 3858, Page 608, Public Records of St. Johns County, Florida.

Parcel 2: Lot(s) 9, 11, 12, 13, 14, 15, 16, 17, 18, 20 and 22, Block 4, San Juan, according to the map or plat thereof, as recorded in Map Book 6, Page 15, of the Public Records of St. Johns County, Florida, less and except portion lying within right-of-way of State Road No. 207 as set forth in Special Warranty Deed recorded in Deed Book 228, Page 175.

Parcel 3: Lot 10, Block 4, San Juan, according to the map or plat thereof, as recorded in Map Book 6, Page 15, of the Public Records of St. Johns County, Florida.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Old Republic National Title Insurance Company



Carol A. Lagasse, President
Estate Title of St. Augustine, Inc. issuing office

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

SCHEDULE B I COMMITMENT

REQUIREMENTS

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - a. **Valid release of that certain mortgage executed by Spadaro Holdings I, LLC, a Florida Limited Liability Company and Spadaro Holdings, LLC, a Florida Limited Liability Company in favor of Synovus Bank securing the sum of \$960,000.00 dated July 12, 2016 and recorded in Official Records Book 17635, Page 1273 of the Public Records of Duval County, Florida; together with Spreader Agreement recorded in Official Records Book 5279, Page 1655 of the Public Records of St. Johns County, Florida.** ✓
 - b. **Valid release of that certain mortgage executed by Spadaro Holdings, LLC, a Florida Limited Liability Company and Spadaro Holdings I, LLC, a Florida Limited Liability Company in favor of Synovus Bank securing the sum of \$1,730,000.00 dated May 24, 2021 and recorded in Official Records Book 5279, Page 1633; together with Assignment of Rents recorded in Official Records Book 5279, Page 1650 of the Public Records of St. Johns County, Florida.** ✓
 - c. **Managing Members Affidavit RE: Spadaro Holdings, LLC, a Florida Limited Liability Company** ✓
 - d. **Warranty Deed executed by Spadaro Holdings, LLC, a Florida Limited Liability Company conveying subject property to the City of St. Augustine, a Florida Municipal Corporation** ✓
5. Affidavit from the seller and borrower stating:
 - a. That there are no matters pending against them that could give rise to a lien that would attach to the subject property between the effective date of the Commitment and the recording of instruments giving rise to the interest to be insured.
 - b. That the affiants have not executed and will not execute any instruments that would be adversely affect the title to the subject property or the lien of any mortgage to be insured pursuant to the Commitment.
6. The closing funds pertaining to the transaction must be disbursed by or at the direction of the insurer or its agent.
7. An updated title examination, commencing as of the effective date of this Commitment, which shall be performed at or shortly prior to the closing of the transaction, should not reveal any title defects or other adverse matters appearing should be disposed of prior to closing to the satisfaction of the insurer or its agent.

This page is only a part of a 2021 ALTA Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

SCHEDULE B II COMMITMENT

EXCEPTIONS FROM COVERAGE

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Standard Exceptions:
 - A. Rights or claims of parties in possession not shown by the public records.
 - B. Easements, or claims of easements, not shown by the public records.
 - C. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
 - D. Any lien, or right to a lien, for services, labor, or material hereto or hereafter furnished, imposed by law and not shown by the public records.
 - E. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled, and artificially exposed lands and lands accreted to such lands.

Special Exceptions:

3. Taxes for the year 2023 and subsequent years, which are not yet due and payable.
4. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of San Juan, recorded in Map Book 6, Page 15, of the Public Records of St. Johns County, Florida. ✓
5. Restrictions, covenants, conditions and other matters as set forth in those instruments recorded in Official Records Book 3858, Page 611, as may be subsequently amended, of the Public Records of St. Johns County, Florida. ✓
6. Easement(s) as set forth in instrument(s) recorded in Official Records Book 1273, Page 741, of the Public Records of St. Johns County, Florida. ✓
7. Terms, conditions and other matters as set forth by the City of St. Augustine Ordinance No. 2013-19 recorded in Official Records Book 3803, Page 249, of the Public Records of St. Johns County, Florida. ✓
8. Terms, conditions and other matters as set forth by the City of St. Augustine Ordinance No. 2013-25 recorded in Official Records Book 3803, Page 254, of the Public Records of St. Johns County, Florida. ✓
9. Terms, conditions and other matters as set forth by the City of St. Augustine Ordinance No. 2013-26 recorded in Official Records Book 3803, Page 257, of the Public Records of St. Johns County, Florida. ✓
10. Rights of tenants and/or parties in possession, and any parties claiming, by through or under said tenants or parties in possession, as to any unrecorded leases or rental agreements. ✓

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EXHIBIT B
CITY TRACT
LEGAL DESCRIPTION

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

Issuing Agent: Estate Title of St. Augustine, Inc.
Issuing Office: 71 Carrera Street, St Augustine, FL 32084
Issuing Office's ALTA® Registry ID:
Loan ID Number:
Commitment Number: 64656
Issuing Office File Number: 64656
Property Address: 865 FISH ISLAND Road, ST. AUGUSTINE, FL 32080
Revision Number:

SCHEDULE A

COMMITMENT

1. Commitment Date: June 19, 2023 at 5:00 PM

2. Policy to be issued: **Proposed Amount of Insurance**

a. 2021 ALTA® Owner's Policy with Florida Modifications **\$1,860,000.00** ✓

Proposed Insured: Spadaro Holdings, LLC, a Florida Limited Liability Company

b. 2021 ALTA® Loan Policy with Florida Modifications

Proposed Insured: None

3. The estate or interest in the Land at the Commitment Date is:

Fee Simple

4. The Title is, at the Commitment Date, vested in:

City of St. Augustine, A Florida Municipal Corporation, by virtue of deeds recorded in Official Records Book 1460, Page 1211 and Official Records Book 1669, Page 1060 and in Ordinance No. 2002-23 recoded in Official Records Book 1841, Page 282 all of the Public Records of St. Johns County, Florida ✓
and, as disclosed in the Public Records, has been since December 10, 1999.

5. The Land is described as follows:

Parcel 1:

A PARCEL OF LAND SITUATED IN THE CITY OF ST AUGUSTINE, SECTION 28 TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST, JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE RUN N 01°23'09" W, A DISTANCE OF 1319.27 FEET TO THE POINT OF BEGINNING ALSO KNOWN AS THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF PLANTATION ISLAND DRIVE SOUTH; THENCE N 01°23'09" W, A DISTANCE OF 370.22 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 312 (A 200' RIGHT OF WAY); THENCE S 60°01'34" E, A DISTANCE OF 418.24 FEET ALONG SAID STATE ROAD 312 TO A FOUND CONCRETE MONUMENT LB#7111; THENCE S 29°58'26" W, A DISTANCE OF 310.46 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF PLANTATION ISLAND DRIVE SOUTH; THENCE N 61°28'04" W A DISTANCE OF 71.32 FEET; THENCE N 28°32'41" E, A DISTANCE OF 55.00 FEET; THENCE N 61°27'19" W, A DISTANCE OF 45.00 FEET; THENCE S 28°32'41" W, A DISTANCE OF 55.00 FEET, TO THE NORTHERLY RIGHT OF WAY LINE OF PLANTATION ISLAND DRIVE SOUTH; THENCE N 61°28'04" W, A DISTANCE OF 109.33 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF PLANTATION ISLAND DRIVE SOUTH, TO THE POINT OR BEGINNING AND TO CLOSE.

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Parcel 2:

NW 1/4 of the SW 1/4 Section 28, Township 7 South, Range 30 East.

Less and except That part recorded in O.R. Book 1201, Page 1343; O.R. Book 1513, Page 807 and O.R. Book 4618, Page 151.

Less and except That part recorded in O.R. Book 1460, Page 1214.

Less and except any part lying in any road right of way including State Road 312; Fish Island Road and Mizell Road as now established.

Old Republic National Title Insurance Company



Carol A. Lagasse, President
Estate Title of St. Augustine, Inc. issuing office

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**SCHEDULE B II
COMMITMENT
EXCEPTIONS FROM COVERAGE**

2022 Taxes are paid in the amount of \$1,352.29. No Exemption was/were allowed. Assessed value was \$74,232.00. RE #128260-0090. **(Affects Parcel 1)** ✓

2022 Taxes are paid in the amount of \$11,254.99. No Exemption was/were allowed. Assessed value was \$612,575.00. RE #128290-0000. **(Affects Parcel 2)** ✓

2022 Taxes are paid in the amount of \$4,940.40. No Exemption was/were allowed. Assessed value was \$246,381.00. RE #128310-0000. **(Affects Parcel 3)** ✓

Taxing Authority: Dennis W. Hollingsworth, St. Johns County Tax Collector. Taxes are paid in arrears and collected annually in November becoming delinquent April 1 of the following year. The 2023 tax bill has not been rendered.

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ORT Form 4757FL B II
Schedule B II - ALTA Commitment 2021 v 01.00 with Florida Modifications
07/01/2021

File No.: 64655
Page 2

SCHEDULE B I COMMITMENT

REQUIREMENTS

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
 - a. Resolution from the City of St. Augustine to be recorded among the public records of St. Johns County Florida authorization the sale of subject property stating who is authorized to sign said deed. ✓
 - b. Warranty deed to be executed by The City of St. Augustine, a Florida Municipal Corporation conveying subject property to Spadaro Holdings, LLC, a Florida Limited Liability Company ✓
5. Affidavit from the seller and borrower stating:
 - a. That there are no matters pending against them that could give rise to a lien that would attach to the subject property between the effective date of the Commitment and the recording of instruments giving rise to the interest to be insured.
 - b. That the affiants have not executed and will not execute any instruments that would be adversely affect the title to the subject property or the lien of any mortgage to be insured pursuant to the Commitment.
6. The closing funds pertaining to the transaction must be disbursed by or at the direction of the insurer or its agent.
7. An updated title examination, commencing as of the effective date of this Commitment, which shall be performed at or shortly prior to the closing of the transaction, should not reveal any title defects or other adverse matters appearing should be disposed of prior to closing to the satisfaction of the insurer or its agent.

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SCHEDULE B II COMMITMENT

EXCEPTIONS FROM COVERAGE

Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
2. Standard Exceptions:
 - A. Rights or claims of parties in possession not shown by the public records.
 - B. Easements, or claims of easements, not shown by the public records.
 - C. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
 - D. Any lien, or right to a lien, for services, labor, or material hereto or hereafter furnished, imposed by law and not shown by the public records.
 - E. Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the lands insured hereunder, including submerged, filled, and artificially exposed lands and lands accreted to such lands.

Special Exceptions:

3. Taxes for the year 2023 and subsequent years, which are not yet due and payable. ✓
4. Ordinance No. 95-30 recorded in Official Records Book 1133, page 628, of the Public Records of St. Johns County, Florida. ✓
5. Municipal Services Agreement, Pre-Annexation Agreement and Petition for Voluntary Annexation Agreement recorded in Official Records Book 1134, Page 197, of the Public Records of St. Johns County, Florida. ✓
6. Perpetual Easement, Terms, Conditions and other matters as set forth by the City of St. Augustine Ordinance No. 2002-23 recorded in Official Records Book 1841, Page 282, of the Public Records of St. Johns County, Florida. ✓
7. Easement recorded in Official Records Book 228, page 113, of the Public Records of St. Johns County, Florida. ✓
8. Easement recorded in Official Records Book 1326, page 1001, of the Public Records of St. Johns County, Florida. ✓
9. Easement for Sewer Force Main recorded in Official Records Book 1763, page 47, of the Public Records of St. Johns County, Florida. ✓
10. Riparian and littoral rights are not insured. ✓
11. Rights of others to use that portion of the insured land lying within any body of water. ✓

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SCHEDULE B II COMMITMENT

EXCEPTIONS FROM COVERAGE

12. Subject to automatic phosphate, metals, minerals and petroleum reservations in favor of the City of St Augustine by virtue of Sec. 270.11(1), F.S., unless expressly stated otherwise in the insured deed.

2022 Taxes are exempt. Non AD Valorem Assessments are paid in the amount of \$40.22. Assessed value was \$962,601.00. RE #161930-0000. Taxing Authority: Dennis W. Hollingsworth, St. Johns County Tax Collector. Taxes are paid in arrears and collected annually in November becoming delinquent April 1 of the following year. The 2023 tax bill has not been rendered. ✓

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ORT Form 4757FL B II
Schedule B II - ALTA Commitment 2021 v 01.00 with Florida Modifications
07/01/2021

File No.: 64656
Page 2

EXHIBIT C

**FORM OF
SPADARO SPECIAL WARRANTY DEED
TO CITY
FOR CONVEYANCE OF SPADARO TRACT**

Prepared By: _____

SPECIAL WARRANTY DEED

Property Appraiser's Parcel Identification No. _____

This Warranty Deed, Executed this _____ day of _____, 20____,

By _____, whose address is

_____ hereinafter called the
GRANTOR:

To _____, whose address is

_____ hereinafter called the
GRANTEE:

(wherever used herein the terms "Grantor" and "Grantee" shall include all the parties of this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, That the said Grantor, for and in consideration of the sum of \$_____,
and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants,
bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain
land situate in the County of _____, State of
_____, viz:

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To have and to hold , the same in fee simple forever.

And the Grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under such Grantor; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 20_____.

EXCEPTIONS TO WARRANTY: validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments dated prior to the year 1999, that affect the Property.

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered in the presence of :

Witness Signature as to Grantor

Printed Name

Witness Signature as to Grantor

Printed Name

Witness Signature as to Co-Grantor (if any)

Printed Name

Witness Signature as to Co-Grantor (if any)

Printed Name

Signature of Grantor

Printed Name

Post Office Address

Signature of Co-First Party (if any)

Printed Name

Post Office Address

STATE OF FLORIDA-COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who is personally known to me or has produced _____ as identification and who did/did not take an oath.

Signature of Notary/Deputy Clerk

Printed Name

EXHIBIT D

FORM OF
CITY SPECIAL WARRANTY DEED
TO SPADARO
FOR CONVEYANCE OF CITY TRACT

Prepared By: _____

SPECIAL WARRANTY DEED

Property Appraiser's Parcel Identification No. _____

This Warranty Deed, Executed this _____ day of _____, 20____,

By _____, whose address is

_____ hereinafter called the
GRANTOR:

To _____, whose address is

_____ hereinafter called the
GRANTEE:

(wherever used herein the terms "Grantor" and "Grantee" shall include all the parties of this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, That the said Grantor, for and in consideration of the sum of \$_____, and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in the County of _____, State of _____, viz:

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To have and to hold, the same in fee simple forever.

And the Grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful

claims of all persons claiming by, through or under the Grantor; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 20_____.

EXCEPTIONS TO WARRANTY: validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments dated prior to the year 1999, that affect the Property.

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed, and delivered in the presence of :

Witness Signature as to Grantor

Printed Name

Witness Signature as to Grantor

Printed Name

Witness Signature as to Co-Grantor (if any)

Printed Name

Witness Signature as to Co-Grantor (if any)

Printed Name

Signature of Grantor

Printed Name

Post Office Address

Signature of Co-First Party (if any)

Printed Name

Post Office Address

STATE OF FLORIDA-COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who is

personally known to me or has produced _____ as identification and
who did/did not take an oath.

Signature of Notary/Deputy Clerk

Printed Name

APPRAISAL REPORT
OF THE
VACANT 2.30± GROSS ACRE SITE
LOCATED ALONG SOUTH SIDE OF SR 312 AND
THE NORTH SIDE OF PLANTATION ISLAND DRIVE S.,
JUST WEST OF MIZELL ROAD
ST. AUGUSTINE, ST. JOHNS COUNTY, FL 32080



PREPARED FOR:

DAVID BIRCHIM, AICP
ASSISTANT CITY MANAGER OF THE CITY OF ST. AUGUSTINE

PREPARED BY:

RONALD N. PACETTI, MAI
State-Certified General Real Estate Appraiser RZ 677
Pacetti Appraisal Services Inc.

PACETTI APPRAISAL SERVICES INC.

Real Estate Appraisers and Consultants

Ronald N. Pacetti, MAI
State-Certified General Real Estate Appraiser
RZ 677

April 20, 2022

Mr. David Birchim, AICP
Assistant City Manager
City of St. Augustine
P.O. Box 210
City of St. Augustine, 32085

Property Desc. : 2.30± acre vacant site that is zoned for commercial use.
Property Location : South side of State Road 312 and the North side of
Plantation Island Drive S., 1,250± feet west of Mizell Road,
St. Augustine, FL 32080.

Dear Mr. Birchim:

At your request, we have made an investigation and analysis of the above mentioned property. The purpose of this investigation and analysis was to provide the following opinions of value for the Subject Property:

- Market Value As-Is

The interest appraised is the Fee Simple Interest.

The Subject Property was inspected on April 18, 2022

The Subject Property consists of a vacant commercial site containing 2.30± gross acres, or 100,188± square feet, and is located along the north side of Plantation Island Drive S. The Subject site is to be a cutout of a larger parcel of land (parent parcel #161930-0000) that contains 36.39± gross acres. Also, there is a City of St. Augustine lift station and AT&T substation located on the south side of the Subject site that encompasses approximately 2,350 square feet. We have assumed that if the Subject were to be developed these improvements would remain, and have therefore removed this area from the total gross square footage leaving approximately 97,838 square feet as usable.

The Subject site has a quadrilateral shape that contains roughly 227± feet of frontage on the north side of Plantation Island Drive S., and 420± feet of frontage along the south side of State Road 312. While the Subject site does contain frontage along the south side of S.R. 312, it should be noted that access to the Subject Property is available only via Plantation Island Drive S. The Subject site appears to be level and at the grade of the adjacent roadway, and is also heavily wooded. All retention will be located off-site. All site sizes and dimensions were taken from the St. Johns County Property Appraisers website, and are subject to a survey.

The Subject Property has a split zoning of CM-2, Commercial Medium Two, and Government Use, by the City of St. Augustine.

1301 Plantation Island Drive South, Suite 303A, Saint Augustine, FL 32080 (904) 461-9810/FAX (904) 461-9967

Mr. Birchim
Page Two,

It should be noted that a trash vein from a former dump runs through portions of the Subject site. Therefore, soil borings are recommended before future construction begins to identify possible encroachments. If trash debris is discovered from the former dump, it can either be dugout and then fill dirt added, or in some instances, built around. Since we were not provided soil borings, we have valued the Subject site assuming it is free of any and all possible environmental contaminants, and any future cost associated with removing the trash vein from this site should be deducted from our value conclusion.

The appraisal is intended to conform with the Uniform Standards of Professional Appraisal Practice (USPAP), the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute and applicable state appraisal regulations. The appraisal is also prepared in accordance with the appraisal regulations issued in connection with the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA).

This appraisal was not made, nor was the appraisal rendered on the basis of a minimum requested valuation, specific valuation, or an amount which would result in the approval of a loan.

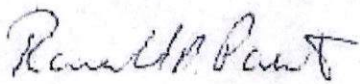
Therefore, subject to the assumptions, limiting conditions, extraordinary assumptions, and to the definition of Market Value as set forth in this report, it is our opinion that the "as is" Market Value of the Fee Simple Interest in the Subject Property, as of April 18, 2022, is:

ONE MILLION EIGHT HUNDRED SIXTY THOUSAND DOLLARS
(\$1,860,000)

Thank you for the opportunity to be of service to you in this matter.

Respectfully submitted,

PACETTI APPRAISAL SERVICES INC.



Ronald N. Pacetti, MAI
State-Certified General Real Estate Appraiser RZ 677



Randall A. Pacetti
State-Certified General Real Estate Appraiser RZ 3911
File #2022-43

St. Johns County, FL

Apply for Exemptions

[Apply for Exemptions](#)

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

[Sales Questionnaire](#)

2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

[Click Here to Open Cyclomedia Viewer in a New Tab](#)



Parcel ID	1283100000
Location Address	90 S DIXIE HWY SAINT AUGUSTINE 32084-0000
Neighborhood	Retail Stores S Dixie & Old Moultrie (COM) (680.35)
Tax Description*	6-15 SAN JUAN SUB LOT 10 BLK 4 OR5279/1629 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Stores (1100)
Subdivision	San Juan
Sec/Twp/Rng	38-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	0.110
Homestead	N

Owner Information

Owner Name	Spadaro Holdings LLC 100%
Mailing Address	6899 PHILLIPS INDUSTRIAL BLVD JACKSONVILLE, FL 32256-0000

Map



Valuation Information

	2023
Building Value	\$247,499
Extra Features Value	\$0
Total Land Value	\$60,000
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$307,499
Total Deferred	\$36,480
Assessed Value	\$271,019
Total Exemptions	\$0
Taxable Value	\$271,019

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$186,381	\$0	\$60,000	\$0	\$0	\$246,381	\$246,381	\$0	\$246,381
2021	\$165,956	\$0	\$45,000	\$0	\$0	\$210,956	\$125,521	\$85,435	\$125,521
2020	\$171,062	\$0	\$45,000	\$0	\$0	\$216,062	\$114,110	\$101,952	\$114,110
2019	\$150,320	\$0	\$45,000	\$0	\$0	\$195,320	\$103,736	\$91,584	\$103,736
2018	\$154,677	\$0	\$37,500	\$0	\$0	\$192,177	\$94,305	\$97,872	\$94,305
2017	\$46,688	\$0	\$50,000	\$0	\$0	\$96,688	\$85,732	\$10,956	\$85,732
2016	\$46,688	\$0	\$31,250	\$0	\$0	\$77,938	\$77,938	\$0	\$77,938
2015	\$46,688	\$0	\$26,250	\$0	\$0	\$72,938	\$72,938	\$0	\$72,938
2014	\$43,942	\$0	\$26,250	\$0	\$0	\$70,192	\$70,192	\$0	\$70,192
2013	\$43,942	\$0	\$26,250	\$0	\$0	\$70,192	\$70,192	\$0	\$70,192
2012	\$43,942	\$0	\$26,250	\$0	\$0	\$70,192	\$70,192	\$0	\$70,192
2011	\$43,942	\$0	\$28,750	\$0	\$0	\$72,692	\$72,692	\$0	\$72,692
2010	\$43,942	\$0	\$32,500	\$0	\$0	\$76,442	\$76,442	\$0	\$76,442

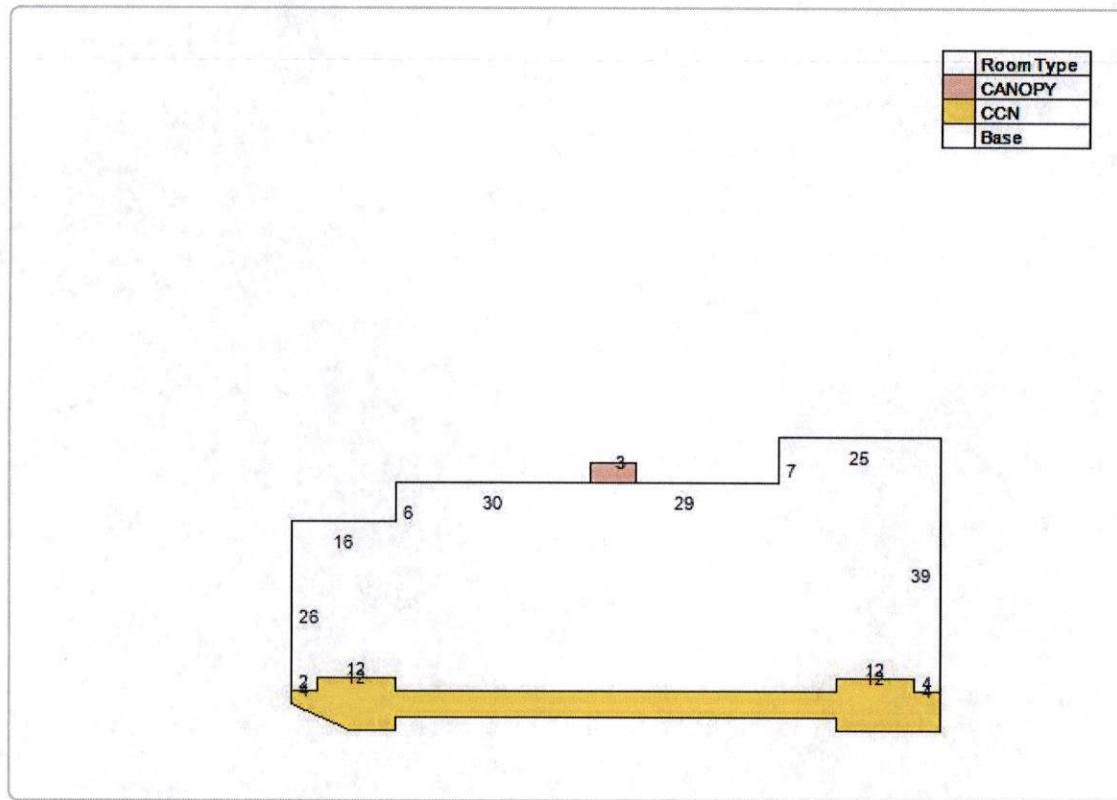
Building Information

Building 1
 Year Built 1967
 Actual Area 3746
 Conditioned Area 3231
 Use Stores (Retail)
 Style 04
 Class N
 Exterior Wall Concrete Block, Jumbo Brick

Roof Cover Composite Shingle
 Roof Structure Wood Truss
 Interior Flooring Carpet
 Interior Wall Drywall
 Heating Type Air Duct
 Air Conditioning Central
 Bedrooms
 Baths

Description	Square Footage
BASE AREA	3231
FINISHED CANOPY	494
UNFINISHED CANOPY	21
Total SqFt	3746

Sketch Information



Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Stores	100	50	5000	SF	\$60,000

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/1/2021	5/24/2021	\$1,130,000.00	WARRANTY DEED	5279	1629	Q	I	J & J MOPAR INC	SPADARO HOLDINGS LLC
	2/4/2000	\$75,000.00	WARRANTY DEED	1473	1840	Q	I	HARVEY ENTERPRISES & CO INC	J & J MOPAR INC
	10/1/1990	\$65,000.00		873	839	Q	I		HARVEY ENTERPRISES & CO INC

No data available for the following modules: Exemption Information, Extra Feature Information.

The St. Johns County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

[User Privacy Policy](#) | [GDPR Privacy Notice](#)
 Last Data Upload: 7/14/2023, 11:42:12 PM

Contact Us

Developed by





Overview



Legend

Parcel ID	1283100000	Physical	90 S DIXIE HWY	Building Value	\$247,499	Last 2 Sales			
Property	1100 - Stores	Address	SAINT AUGUSTINE	Extra Feature	N/A	Date	Price	Reason	Qual
Class		Mailing	SPADARO HOLDINGS LLC	Value		5/24/2021	\$1130000	05	Q
Taxing	City of St	Address	6899 PHILLIPS INDUSTRIAL	Total Land Value	\$60,000	2/4/2000	\$75000	01	Q
District	Augustine		BLVD	Just Value	\$307,499				
Acres	0.11		JACKSONVILLE FL 32256-0000	Total Deferred	\$36,480				
				Assessed Value	\$271,019				
				Total	N/A				
				Exemptions					
				Taxable Value	\$271,019				

Date created: 7/17/2023

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St. Johns County, FL

Apply for Exemptions

Apply for Exemptions

Sales Questionnaire Form

If you are a new owner of this property, please click here to submit a Sales Questionnaire

Sales Questionnaire

2022 TRIM Notice

2022 TRIM Notice (PDF)

Summary

[Click Here to Open Cyclomedia Viewer in a New Tab](#)



Parcel ID	1282900000
Location Address	92 S DIXIE HWY SAINT AUGUSTINE 32084-0000
Neighborhood	Salon Spa Barber Shops Countywide (COM) (680.41)
Tax Description*	6-15 SAN JUAN SUBD LOTS 9 11 & 13 (EX R/W OF RD 207 IN DB 228/175) & LOTS 12 14 15 16 & 17 18 20 & 22 BLK 4 OR5279/1629 <i>*The Description above is not to be used on legal documents.</i>
Property Use Code	Salon/Spa/Barber Shops (2530)
Subdivision	San Juan
Sec/Twp/Rng	38-7-30
District	City of St Augustine (District 452)
Millage Rate	18.9763
Acreage	1.140
Homestead	N

Owner Information

Owner Name	Spadaro Holdings LLC 100%
Mailing Address	6899 PHILLIPS INDUSTRIAL BLVD JACKSONVILLE, FL 32256-0000

Map



Valuation Information

	2023
Building Value	\$34,804
Extra Features Value	\$0
Total Land Value	\$597,312
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$632,116
Total Deferred	\$0
Assessed Value	\$632,116
Total Exemptions	\$0
Taxable Value	\$632,116

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$15,263	\$0	\$597,312	\$0	\$0	\$612,575	\$612,575	\$0	\$612,575
2021	\$24,801	\$0	\$447,984	\$0	\$0	\$472,785	\$126,552	\$346,233	\$126,552
2020	\$0	\$0	\$373,320	\$0	\$0	\$373,320	\$115,047	\$258,273	\$115,047
2019	\$21,752	\$0	\$373,320	\$0	\$0	\$395,072	\$104,588	\$290,484	\$104,588
2018	\$22,383	\$0	\$373,320	\$0	\$0	\$395,703	\$95,080	\$300,623	\$95,080
2017	\$9,007	\$0	\$248,880	\$0	\$0	\$257,887	\$86,436	\$171,451	\$86,436
2016	\$9,215	\$0	\$74,664	\$0	\$0	\$83,879	\$78,578	\$5,301	\$78,578
2015	\$9,215	\$0	\$62,220	\$0	\$0	\$71,435	\$71,435	\$0	\$71,435
2014	\$8,673	\$0	\$62,220	\$0	\$0	\$70,893	\$70,893	\$0	\$70,893
2013	\$8,673	\$0	\$74,720	\$0	\$0	\$83,393	\$83,393	\$0	\$83,393
2012	\$8,890	\$0	\$74,720	\$0	\$0	\$83,610	\$83,610	\$0	\$83,610
2011	\$10,260	\$2,000	\$90,938	\$0	\$0	\$103,198	\$103,198	\$0	\$103,198
2010	\$10,720	\$2,000	\$106,094	\$0	\$0	\$118,814	\$118,814	\$0	\$118,814

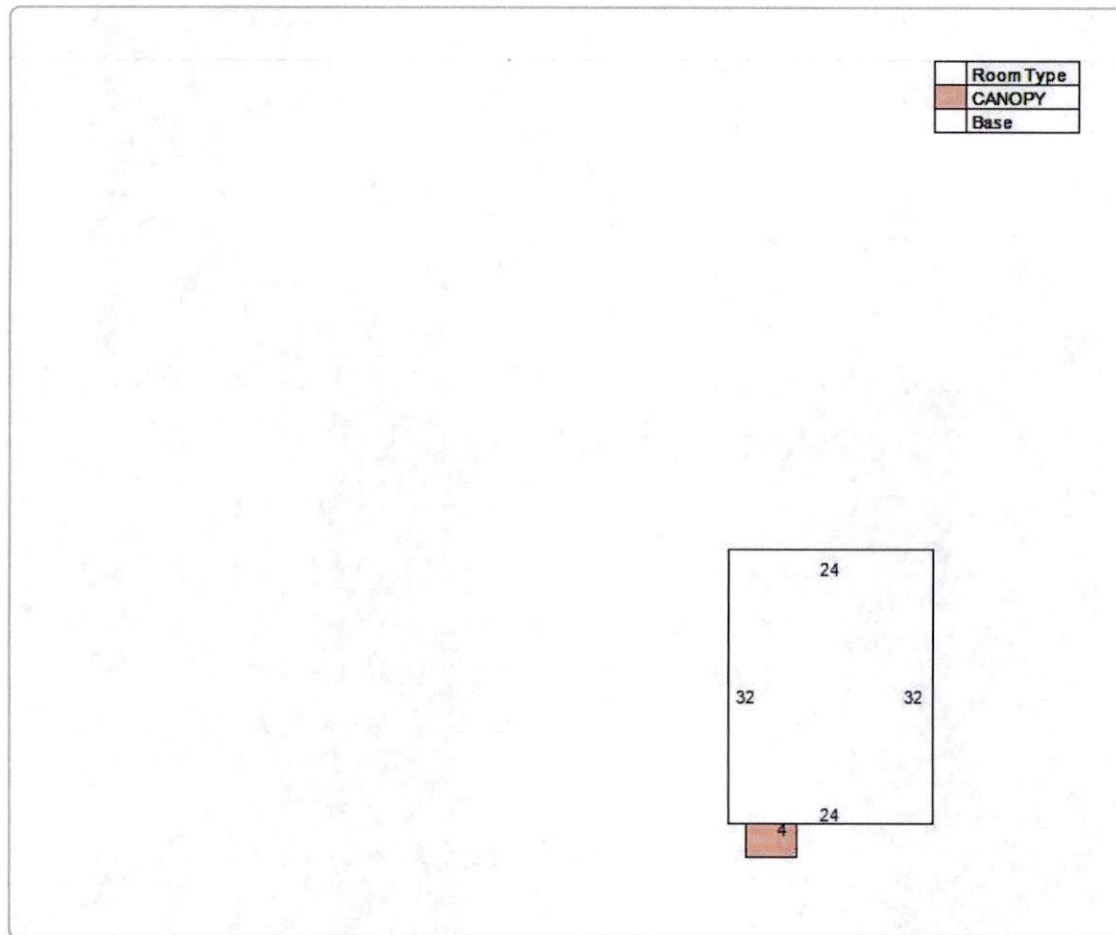
Building Information

Building	1
Year Built	1943
Actual Area	792
Conditioned Area	768
Use	Salon/Spa/Barber Shops
Style	04
Class	N
Exterior Wall	Concrete Stucco, Stucco

Roof Cover	Metal
Roof Structure	Gable Hip
Interior Flooring	Sheet Vinyl
Interior Wall	Plaster
Heating Type	Forced Air
Air Conditioning	Window
Bedrooms	1
Baths	1

Description	Square Footage
BASE AREA	768
UNFINISHED CANOPY	24
Total SqFt	792

Sketch Information



Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Salon/Spa/Barber Shops	75	75	49776	SF	\$597,312

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
6/1/2021	5/24/2021	\$1,130,000.00	WARRANTY DEED	5279	1629	Q	I	J & J MOPAR INC	SPADARO HOLDINGS LLC
10/16/2013	10/14/2013	\$0.00	ANNEXATION	3803	249	U	V	CITY OF ST AUGUSTINE	
	7/1/1999	\$190,000.00	WARRANTY DEED	1423	1244	Q	I	HARPER ROY S & PATRICIA C	J & J MOPAR INC
	11/1/1984	\$0.00		660	1030	U	I		HARPER ROY S
	4/1/1982	\$0.00		538	217	U	I		

No data available for the following modules: Exemption Information, Extra Feature Information.

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Overview



Legend

Parcel ID	1282900000	Physical Address	92 S DIXIE HWY	Building Value	\$34,804	Last 2 Sales			
Property Class	2530 - Salon/Spa/Barber Shops	Mailing Address	SAINT AUGUSTINE SPADARO HOLDINGS LLC	Extra Feature Value	N/A	Date	Price	Reason	Qual
Taxing District	City of St Augustine	Address	6899 PHILLIPS INDUSTRIAL BLVD JACKSONVILLE FL 32256-0000	Total Land Value	\$597,312	5/24/2021	\$1130000	05	Q
Acres	1.14			Just Value	\$632,116	7/1/1999	\$190000	05	Q
				Total Deferred Value	N/A				
				Assessed Value	\$632,116				
				Total Exemptions	N/A				
				Taxable Value	\$632,116				

Date created: 7/17/2023

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Apply for Exemptions

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2022 TRIM Notice

[2022 TRIM Notice \(PDF\)](#)

Summary

[Click Here to Open Cyclomedia Viewer in a New Tab](#)


Parcel ID 1619300000
Location 865 FISH ISLAND RD
Address SAINT AUGUSTINE 32080-0000
Neighborhood Anastasia Island (COM) (2650.01)
Tax 15 NW1/4 OF SW1/4 (EX R/W FISH ISLAND RD & E30FT S OF FISH ISLAND RD IN R/W CO RD & 4.33 AC IN R/W SR 312 IN OR228/113 & EX E'LY TRI PT OF PT LYING S OF SR312 IN OR1460/1214) & TRI PT OF SW1/4 OF SW1/4 & PT OF SEC 29 AS DESCRIBED IN OR1460/1211 (EX PT LEASED IN OR1201/1343 & 1513/807) & 50FT OF R/W ON S R/W LINE OF SR312 & THAT PT OF FISH IS RD IN SEC 28 VACATED BY CITY ORD 2002-23 DB236/174 & OR1669/1060(Q/C) & OR1841/282(CITY ORD)
Description* **The Description above is not to be used on legal documents.*
Property Use Code Utilities (9100)
Subdivision N/A
Sec/Twp/Rng 28-7-30
District City of St Augustine (District 452)
Millage Rate 18.9763
Acreage 36.390
Homestead N

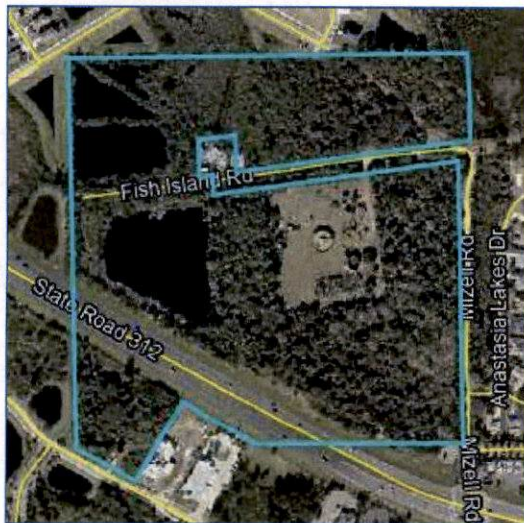
Owner Information

Owner Name [City Of St Augustine](#) 100%
Mailing Address PO BOX 210
 SAINT AUGUSTINE, FL 32085-0210

Exemption Information

Exemption Type	Status	Amount
City		\$967,456

Map



Valuation Information

	2023
Building Value	\$9,882
Extra Features Value	\$6,484
Total Land Value	\$951,090
Agricultural (Assessed) Value	\$0
Agricultural (Market) Value	\$0
Just (Market) Value	\$967,456
Total Deferred	\$0
Assessed Value	\$967,456
Total Exemptions	\$967,456
Taxable Value	\$0

Values listed are from our working tax roll and are subject to change.

Historical Assessment Information

Year	Building Value	Extra Feature Value	Total Land Value	Ag (Market) Value	Ag (Assessed) Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value
2022	\$8,658	\$2,853	\$951,090	\$0	\$0	\$962,601	\$962,601	\$962,601	\$0
2021	\$8,916	\$2,907	\$951,090	\$0	\$0	\$962,913	\$962,913	\$962,913	\$0
2020	\$9,175	\$3,015	\$951,090	\$0	\$0	\$963,280	\$963,280	\$963,280	\$0
2019	\$7,861	\$3,026	\$951,090	\$0	\$0	\$961,977	\$961,977	\$961,977	\$0
2018	\$8,077	\$3,077	\$951,090	\$0	\$0	\$962,244	\$962,244	\$962,244	\$0
2017	\$8,292	\$3,128	\$951,090	\$0	\$0	\$962,510	\$962,510	\$962,510	\$0
2016	\$8,508	\$3,180	\$951,090	\$0	\$0	\$962,778	\$962,778	\$962,778	\$0
2015	\$8,723	\$3,231	\$951,090	\$0	\$0	\$963,044	\$963,044	\$963,044	\$0
2014	\$8,311	\$3,298	\$951,090	\$0	\$0	\$962,699	\$962,699	\$962,699	\$0
2013	\$8,514	\$3,367	\$951,090	\$0	\$0	\$962,971	\$962,971	\$962,971	\$0
2012	\$8,716	\$3,434	\$951,090	\$0	\$0	\$963,240	\$963,240	\$963,240	\$0
2011	\$8,622	\$3,502	\$951,090	\$0	\$0	\$963,214	\$963,214	\$963,214	\$0
2010	\$8,721	\$3,570	\$951,090	\$0	\$0	\$963,381	\$963,381	\$963,381	\$0

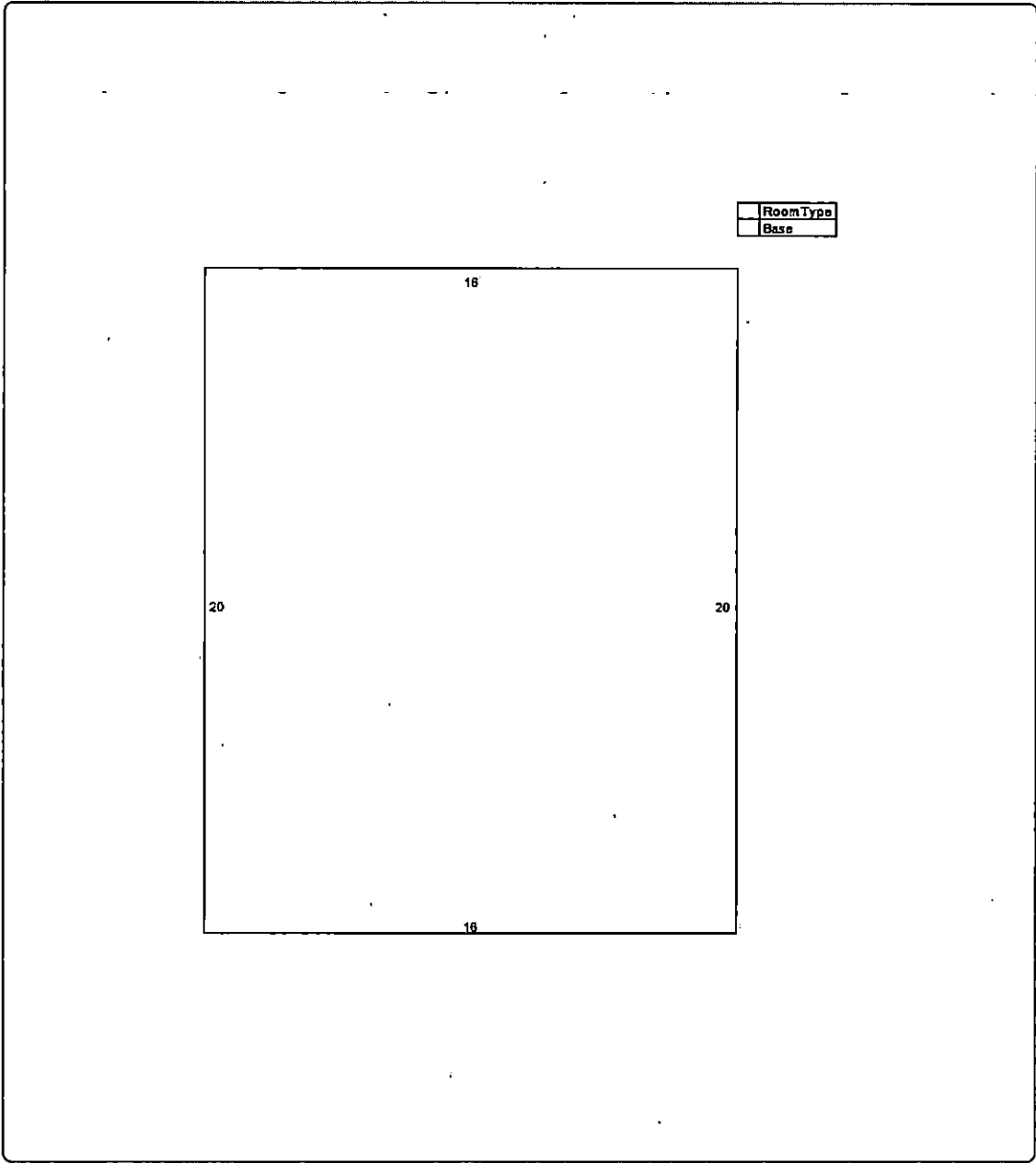
Building Information

Building 1
 Year Built 1997
 Actual Area 320
 Conditioned Area 320
 Use Utility Sheds
 Style 04
 Class N
 Exterior Wall Concrete Block

Roof Cover Composite Shingle
 Roof Structure Gable Hip
 Interior Flooring Concrete Finish
 Interior Wall
 Heating Type
 Air Conditioning Window
 Bedrooms
 Baths

Description	Square Footage
BASE AREA	320
Total SqFt	320

Sketch Information



Extra Feature Information

Code Description	Status	Value
Metal Fence - 6" (COM)		5408
Storage Building (Mix)		660
Storage Building (Mix)		231
Concrete Paving - Under 8" (COM)		185

Land Information

Use Description	Front	Depth	Total Land Units	Unit Type	Land Value
Utilities	0	0	1585150	SF	\$951,090

Sale Information

Recording Date	Sale Date	Sale Price	Instrument Type	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
	10/28/2002	\$0.00	VACATION OF R/W	1841	282	U	V	CITY OF ST AUGUSTINE	CITY OF ST AUGUSTINE
	10/8/2001	\$0.00	QUIT CLAIM DEED	1669	1060	U	V	FLA DEPT OF TRANSPORTATION	CITY OF ST AUGUSTINE
	9/13/1999	\$0.00	WARRANTY DEED	1460	1211	U	V	MIZELL ZANE RYMAN & MIZELL HOWARD	CITY OF ST AUGUSTINE
	4/24/1957	\$0.00	WARRANTY DEED	236	174	U	V	MODEL LAND COMPANY	CITY OF ST AUGUSTINE

No data available for the following modules: Sales Questionnaire Form.

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Land Exchange Agreement Discussion

David Birchim
City Manager

July 24, 2023



CITY OF
ST AUGUSTINE
EST. 1565

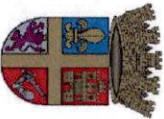
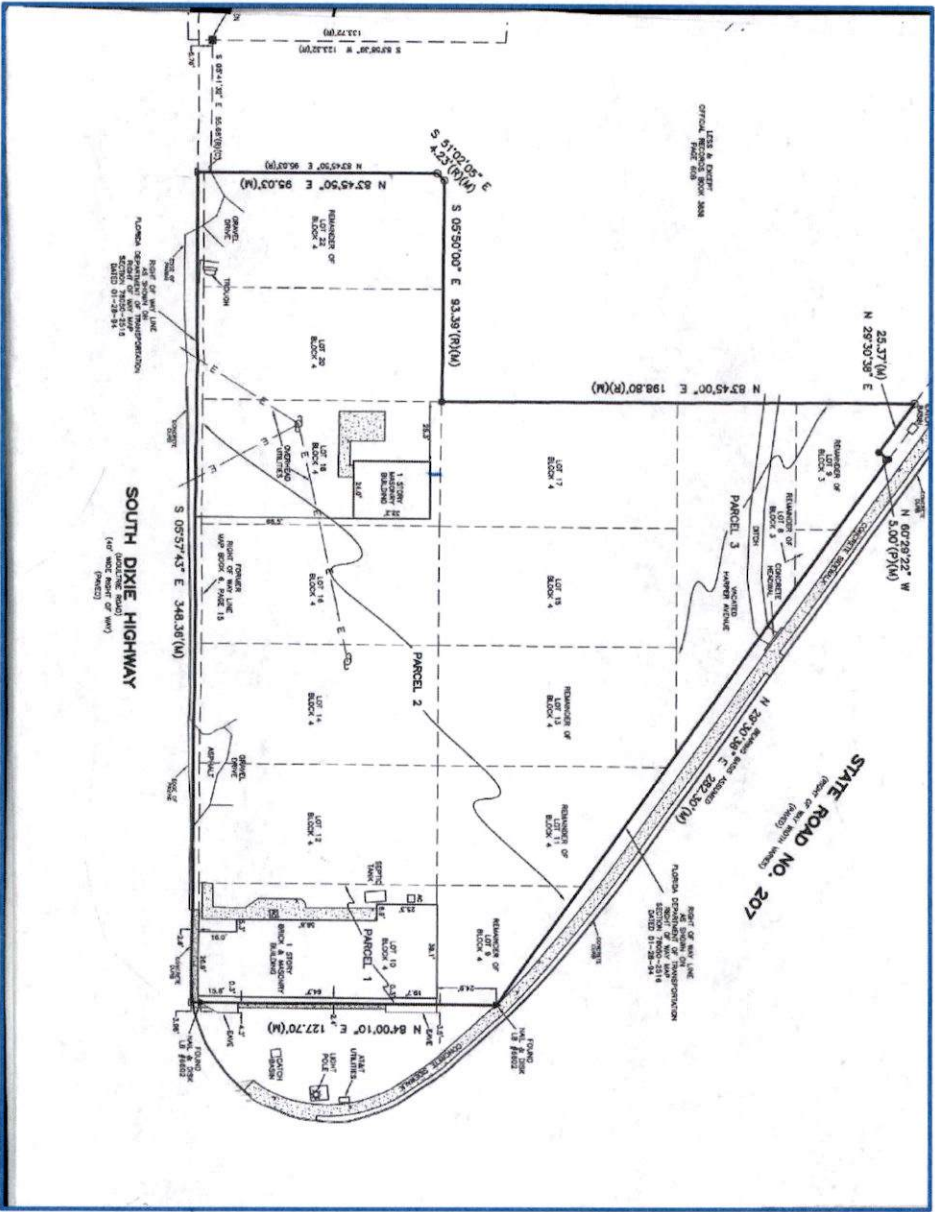
800 Plantation Island Drive



- City Property
- Zoning Commercial Medium-two (CM-2)
- 2.3 acres, utility lift station and AT&T substation will not convey



CITY OF
ST AUGUSTINE
EST. 1565



90-92 S. Dixie Highway



- Spadaro Holdings LLC
- Zoning Commercial Medium-two (CM-2)
- 1.25 acres



CITY OF
ST AUGUSTINE
EST. 1565

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

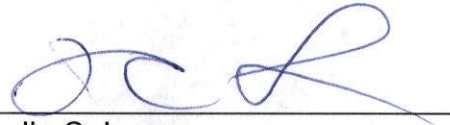
DATE: July 11, 2023

RE: **ORDINANCE 2023-22: VOLUNTARY CERTIFIED GUIDES**

Due to state preemption and at the direction of the City Commission during its June 21, 2023 special meeting, please find enclosed Ord. 2023-22 amending Chapter 17 of the City Code regarding voluntary certified guides and examination for same.

Please place Ordinance 2023-22 on the July 24, 2023 regular City Commission agenda for second reading.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Darlene Galambos, City Clerk (*with original*)

Agenda Title:

Ord 2023-22: Amending Chapter 17 of the City Code regarding voluntary certified guides and examination.

RESOLUTION 2023-22

A RESOLUTION OF THE CITY COMMISSION OF ST. AUGUSTINE, FLORIDA APPROVING THE LAND EXCHANGE AGREEMENT TO EXCHANGE THE CITY OWNED PROPERTY AT 800 PLANTATION ISLAND DRIVE (A 2.3 ACRE PORTION OF PID # 161930 0000) FOR 90 SOUTH DIXIE HIGHWAY AND 92 SOUTH DIXIE HIGHWAY (A 1.25 ACRE PARCEL, PID # 128310 0000 AND PID #128290 0000) AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY REPRESENTATIVE FOR THIS TRANSACTION

WHEREAS, the property at 800 Plantation Island Drive (portion of PID # 161930 0000) is 2.3 acre vacant parcel of city owned land; and

WHEREAS, on May 23, 2022, the City Commission instructed city staff to sell this land; and

WHEREAS, the City Commission was interested in using the proceeds of the sale of this land to fund initiatives to help the homeless; and

WHEREAS, the city has not received an offer to purchase this land, and

WHEREAS, an offer to exchange the city owned land at 800 Plantation Island Drive for 90 South Dixie Highway (PID# 128310 0000) and 92 South Dixie Highway (PID # 128290 0000) has been submitted; and

WHEREAS, the property at 90 South Dixie Highway and 92 South Dixie Highway is a suitable location for a homeless drop-in day center, and

WHEREAS, in order to facilitate a title insurance policy to accompany the exchange of these properties, a formal resolution approving the exchange of these properties and identifying City Manager David Birchim as the city representative for the transaction has been requested by the title company.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of St. Augustine:

Section 1: The City Commission of St. Augustine, Florida hereby approves the land exchange of 800 Plantation Island Drive (a 2.3 acre portion of PID# 161930 0000) for 90 South Dixie Highway (PID # 128310 0000) and 92 South Dixie Highway (PID#

~~-----128290-0000)-according to the terms of the land exchange agreement and authorizes-----~~
City Manager David Birchim as the city representative for this transaction.

ADOPTED in Regular Session of the City Commission for the City of St.
Augustine, Florida, this 24nd day of July, 2023.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA

Darlene Galambos, City Clerk
(Seal)

Nancy Sikes-Kline, Mayor-Commissioner

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: July 17, 2023

RE: QUARTERLY REPORT: 3RD QUARTER FY 2022-2023

Please find enclosed the following documents reflecting the fiscal year 2022-2023 3rd quarter in review for the City Attorney's office:

- ❖ **WORK LOG DRAFTING & REVIEW CHART (165 ITEMS)**
- ❖ **PUBLIC MEETINGS ATTENDANCE CHART (76.25 HOURS)**
- ❖ **CITY ORDINANCE VIOLATION DISPOSITION CHART (83 CASES)**
- ❖ **STAFF & NEW BOARD MEMBER TRAINING CHART (3 HOURS)**
- ❖ **ORDINANCE & RESOLUTION CHART (27 ITEMS)**

This quarterly report mirrors the same categories as our annual report. As always, should you wish to meet with me individually to discuss any of this information, or the specifics of a particular matter, please do not hesitate to let me know.

Matters of ongoing civil litigation with retained outside counsel appropriated from General Fund Reserves, invoiced monthly and approved on consent agenda are:

- 1) Marlowe v. City (*Docks and the City's submerged lands and riparian ownership*). Appellate Court overturned the lower Court's summary judgement and returned the case to the lower Court for further trial.
- 2) Stampedes v. City (*Dispute regarding expansion of an existing beer and wine dancehall to a requested full alcoholic State license in vicinity of a school*). This case was dismissed per Plaintiff's request on April 8, 2023.

Matters of ongoing bankruptcy and civil litigation being handled in house are:

- 1) J. C. Penney Company, Inc. (*Unpaid utilities - Bankruptcy*)
- 2) NPC International, Inc. (*Unpaid utilities - Bankruptcy*)
- 3) Estate of Tony Emile Yanni (*Unpaid utilities - Probate*)
- 4) Bank of America v. Maypray (*Mortgage foreclosure in which the City has a CRA rehabilitation lien*)
- 5) Jerk & Curry Festival (*Small claims for unpaid fees for use of Francis Field and Police services*)

In addition, the Florida League of Cities provides coverage on some damages-based litigation.

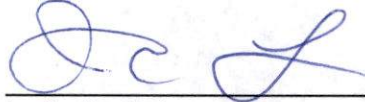
Other litigation matters of note are:

- 1) Shafer v. City (*Writ of Certiorari*); defense provided by City Attorney: On November 14, 2022, Jessica Shafer filed a Petition for Writ of Certiorari seeking the Court's review of a final order issued by the City Commission denying her application for a conservation overlay zone development permit

for a wall. An Order to Show Cause was issued by the Court on March 27, 2023 providing the City with thirty (30) days to file its Response Brief. The City filed its response on April 21, 2023. Petitioner filed her Reply Brief on May 17, 2023. The parties are currently awaiting the Court to issue its Order.

Please place this quarterly report on the consent agenda for the July 24, 2023 City Commission meeting. The attached charts are included for the Commission's information, and I am available for a presentation if the Commission requests one.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Isabelle C. Lopez', written over a horizontal line.

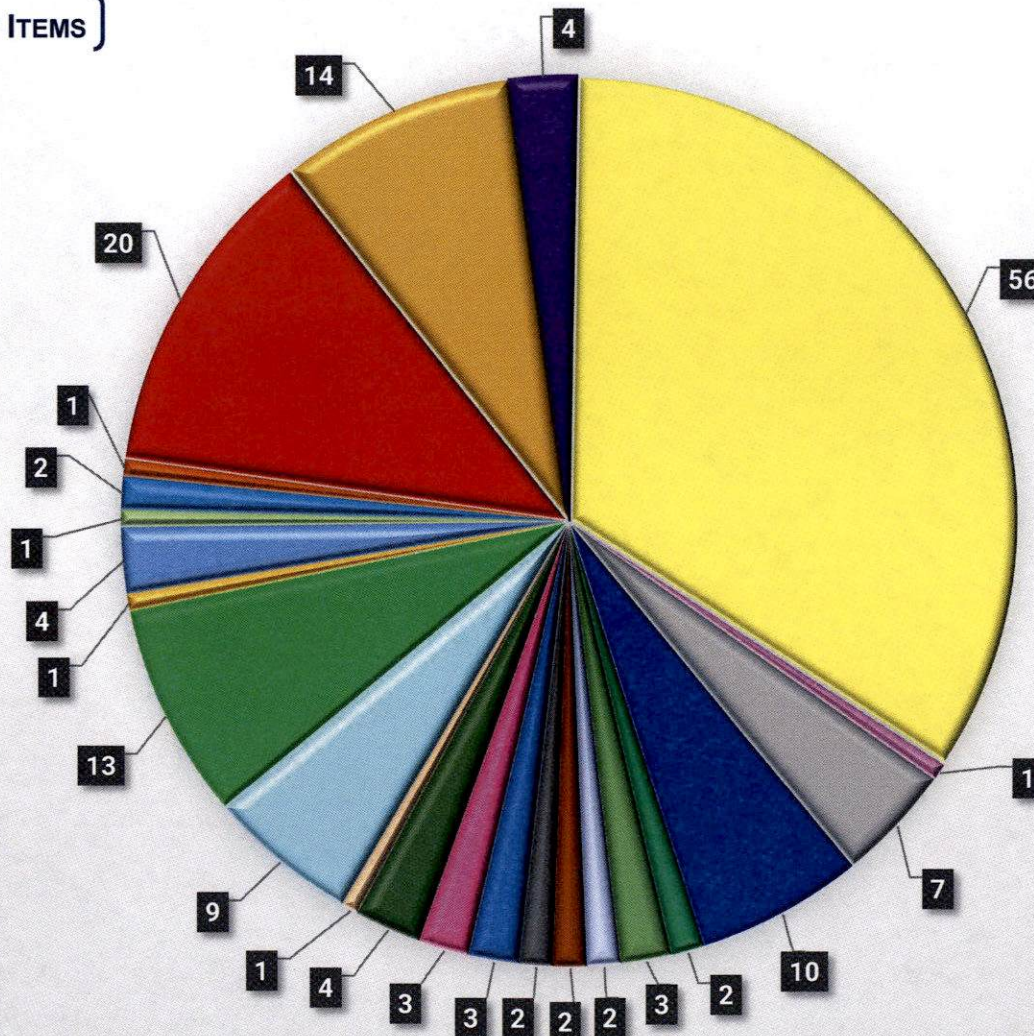
Isabelle C. Lopez
City Attorney

Attachments

WORK LOG DRAFTING & REVIEW: 3RD QUARTER FY 2022-2023

(BY NUMBER OF ITEMS)

(TOTAL: 165 ITEMS)

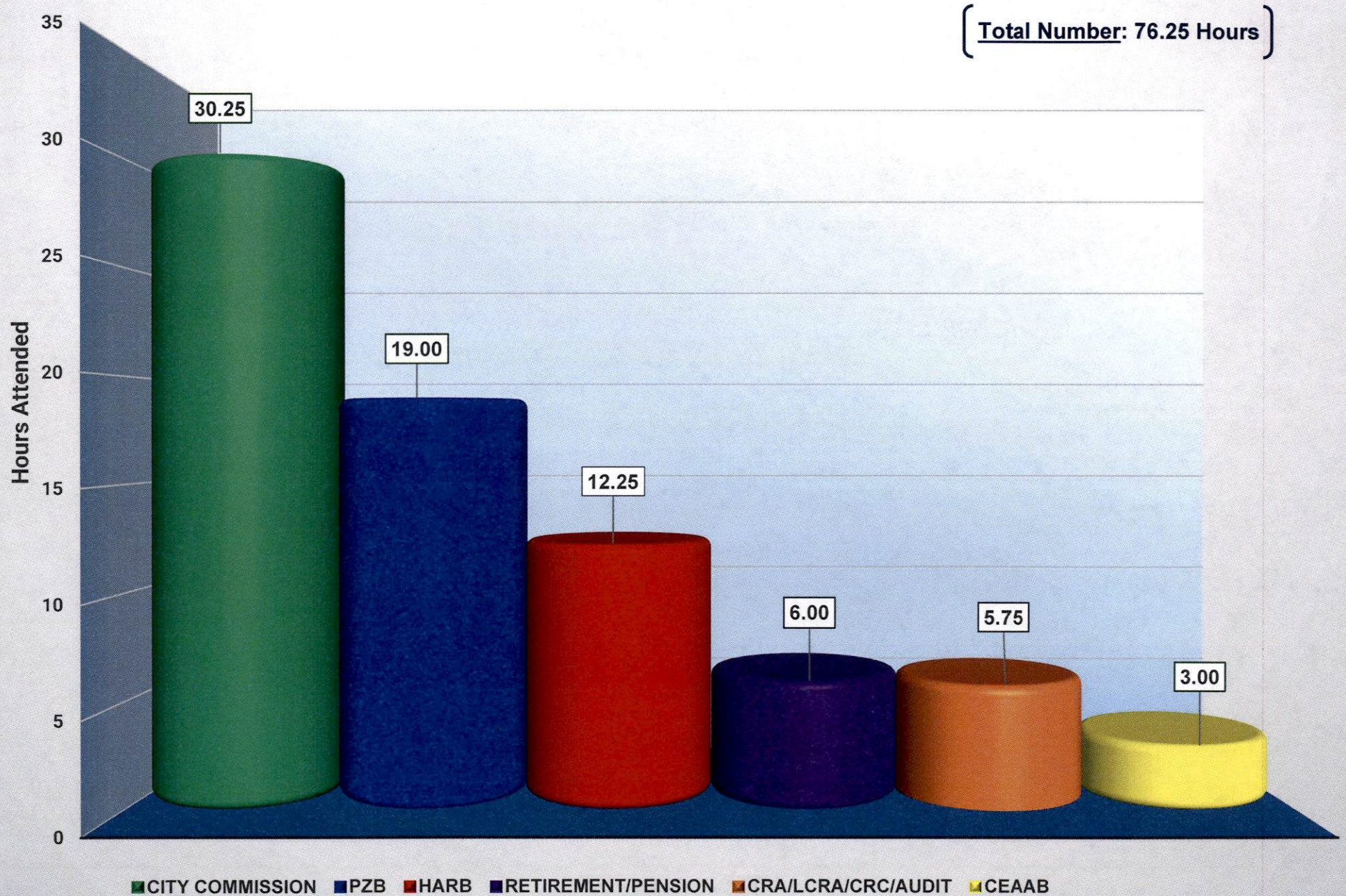


Agreement - 56
 Contract - 10
 Form - 2
 Lease - 3
 Memorandum of Understanding - 1
 Performance Bond - 1
 Release & Waiver - 2
 Resolution - 14

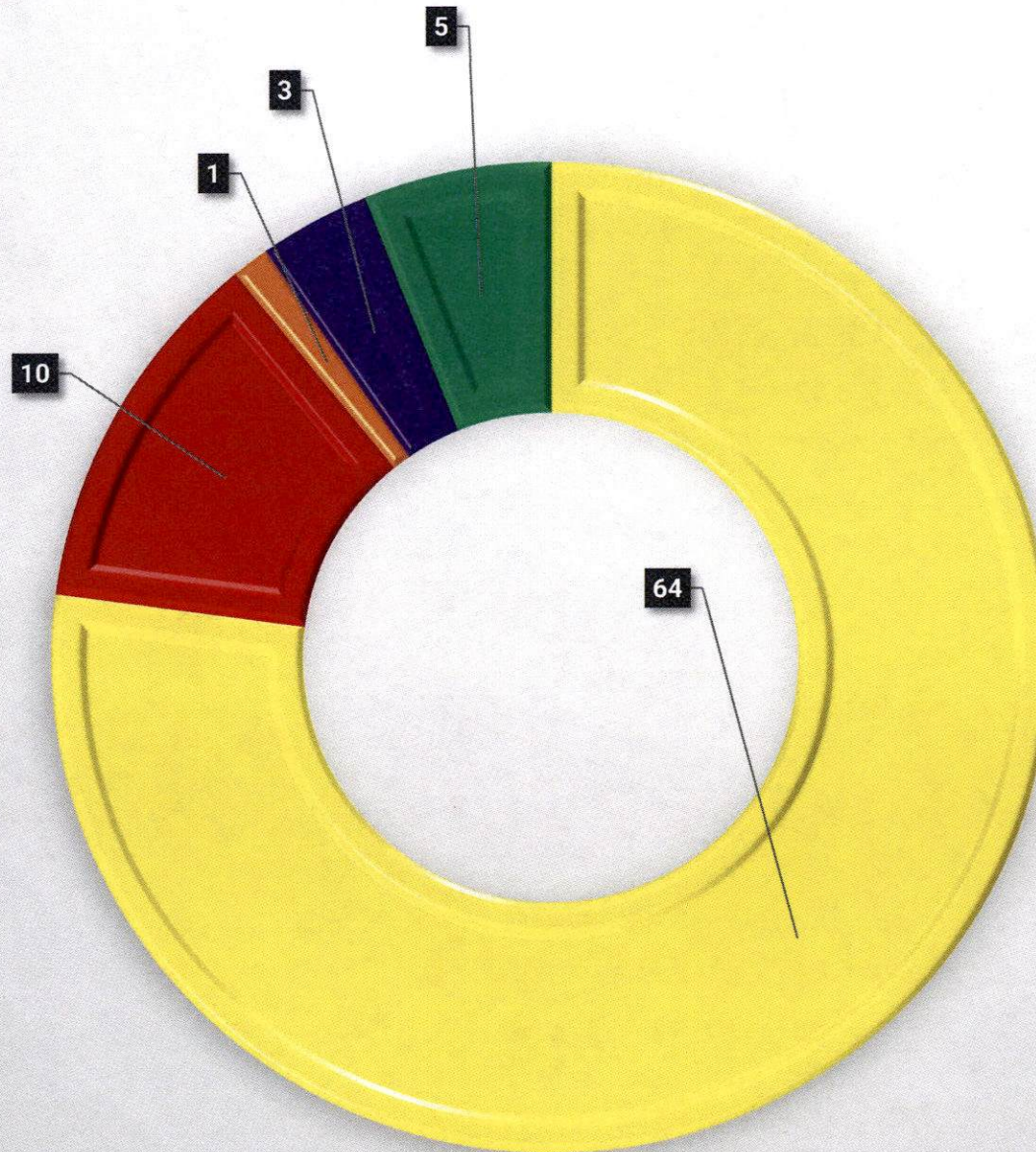
Application - 1
 Deed - 2
 Franchise - 2
 Lien Release - 3
 Order - 9
 Personal Guaranty - 4
 Report - 1
 Submerged Lands Lease - 4

Bill of Sale - 7
 Easement - 3
 Interlocal Agreement - 2
 Maintenance Bond - 4
 Ordinance - 13
 Petition - 1
 Research - 20

PUBLIC MEETING ATTENDANCE: 3RD QUARTER FY 2022-2023



CITY ORDINANCE VIOLATIONS: 3RD QUARTER FY 2022-2023



(BY NUMBER OF CASES)

(TOTAL: 83 CASES)

■ Adjudicated Guilty - 64

■ Adjudication Withheld - 10

■ Dismissed - 1

■ Paid Fine - 3

■ Nolle Prossed - 5

*Two (2) offenders requested and completed community service hours in lieu of payment or a court hearing for their citations.

STAFF & NEW BOARD MEMBER TRAINING: 3RD QUARTER FY 2022-2023

(BY NUMBER OF HOURS)

(TOTAL: 3 HOURS)



ORDINANCES & RESOLUTIONS – 3RD QUARTER FY 2022-2023

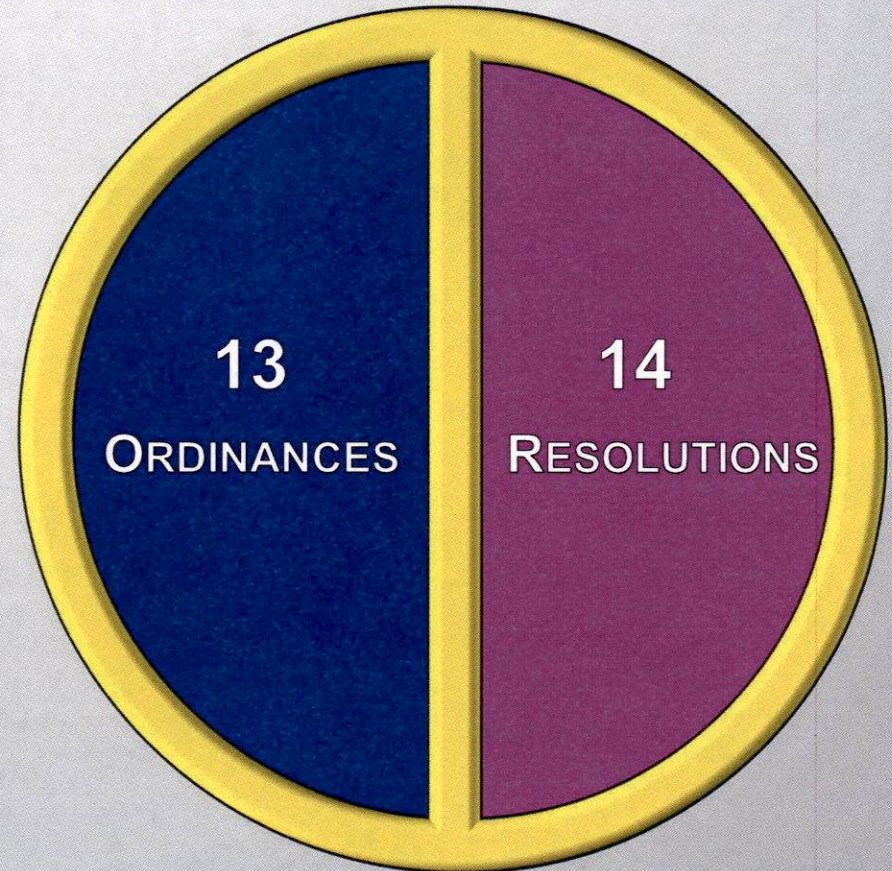
ORDINANCES

- 2023-10:** Shipyards South Annexation
- 2023-11:** FLUM Amendment for Shipyards South
- 2023-12:** RGO Rezoning for Shipyards South
- 2023-13:** Low Density Residential FLUM Amendment for Shipyards South
- 2023-14:** PUD Rezoning for Shipyards South
- 2023-15:** City Manager Residency Requirement
- 2023-16:** Mobile Food Truck Regulations
- 2023-17:** Cancer Disability in the Line of Duty for Firefighters
- 2023-18:** Cat's Paw Marina Annexation
- 2023-19:** FLUM Amendment for Cat's Paw Marina
- 2023-20:** PUD Rezoning for Cat's Paw Marina
- 2023-21:** Naming Unnamed Alley Love Lane
- 2023-22:** Tour Guide Regulations

RESOLUTIONS

- 2023-07:** CDBG Development Block Grant for Housing Rehabilitation
- 2023-08:** City Manager Authority for FMA Grant Program
- 2023-09:** Special Category Grant for Ingraham House Rehabilitation
- 2023-10:** Authorizing Bond Issuance
- 2023-11:** Bond Supplement
- 2023-12:** Amendment to Historic Tours of America Trolley Route
- 2023-13:** Approving the Sale of 13 Dolphin Drive
- 2023-14:** Supporting Survey Grant
- 2023-15:** Supporting Heritage Education Project Grant
- 2023-16:** Initial Rates for Fire Protection Assessment
- 2023-18:** Setting the End Date for Nights of Lights
- 2023-19:** Opposing Offshore Drilling
- 2023-20:** Proposed Millage Rate
- 2023-21:** FDOT Traffic Signal Maintenance & Compensation Agreement

(TOTAL: 27 ITEMS)



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: July 12, 2023

RE: Notification of two (2) upcoming term expirations – PLANNING & ZONING BOARD (PZB)

Notification is being made to the Commission relevant to two (2) term expirations on the PZB. The terms are currently held by Jon DePreter and Christina Tucker and will expire September 30, 2023. Both members are eligible for reappointment.

Requests for applications will be placed in the St. Augustine Record, in accordance with Board advertising policies, and posted on the City's website.

Attached is the current Board roster, along with a profile of the qualifications, duties, and responsibilities.



Darlene Galambos
City Clerk

xc: Clerk's Office

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor and City Commissioners

DATE: July 12, 2023

RE: Request for **ONE (1)** appointment to the ST. AUGUSTINE AUDIT REVIEW COMMITTEE

Notification was previously given regarding one (1) term expiration on the Audit Review Committee, which will expire July 31, 2023.

Advertising requesting applications was placed in the St. Augustine Record and posted on the City's website.

Attached is an application received from Thomas V. Gilboy, who is a current member and eligible for re-appointment, in addition to the current roster, Board profile and responsibilities.

I respectfully request that consideration be given to appointing this applicant.



Darlene Galambos
City Clerk

Attachments: Application

xc: City Clerk Files

**126 MOORE STREET
ST AUGUSTINE FL 32084**

23 May 2023

Ms. Darlene Galambos
City Clerk
City of Saint Augustine
PO Box 210
St Augustine FL 32085

Reappointment to Audit Review Committee

I wish to volunteer to serve on the city's Audit Committee. I was appointed to the Board on January 13, 2023, to fill a vacancy and I am eligible for reappointment to a renewing term of two years.

All the facts surrounding my original application remain the same. I have updated the application form and signed it.

I feel quite fortunate to have landed in Saint Augustine and I am interested in doing what I can to help my community. If you believe I could continue to probably ~~leave a little earlier~~ add some value in the case of the City's Audit Committee, I would be honored to serve.

Thank you for your consideration, and I look forward to hearing back from you.

Sincerely



Thomas V Gilboy

CITY OF ST. AUGUSTINE
APPLICATION REQUESTING APPOINTMENT TO CITY BOARD/COMMITTEE

The undersigned wishes to apply for City Commission appointment to serve in a voluntary capacity on a City of St. Augustine board or committee. In accordance with Ordinance 2003-14 citizen boards that assist in the governing of the City of St. Augustine shall be made up of persons who reside within the City Limits. Exceptions to this City Commission policy may be made for members of ad-hoc committees on a case-by-case basis by the City Commission. All applications must include a cover letter and resume.

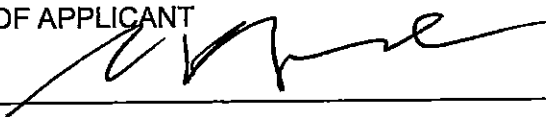
1. APPLICANT Thomas V Gilboy
2. RESIDENCE
(address) 126 Moore Street, St Augustine FL 32084 PHONE 917-331-4383
3. BUSINESS OWNED (Address) _____ PHONE _____
4. PROPERTY OWNED (Address) 165 Twine Street, St Augustine FL 32084
5. MAILING ADDRESS PREFERRED Residence
6. E-mail Address tom.gilboy@outlook.com
7. BOARD DESIRED Audit
8. OCCUPATION (include resume) retired finance executive
9. PROFESSIONAL QUALIFICATIONS: (Attach additional information or Cover Letter)
CPA (license expired); MBA Finance Columbia University; retired Chief Financial Officer

10. OTHER COMMENTS OR INFORMATION

11. "Ethnicity and race information is requested under the authority of 42 U.S.C. Section 2000e-16 and in compliance with the Office of Management and Budget's 1997 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Providing this information is voluntary and has no impact on your employment status, but in the instance of missing information, your employing agency will attempt to identify your race and ethnicity by visual observation."

Specific Instructions: The two questions below are designed to identify your ethnicity and race. Regardless of your answer to question 1, go to question 2.	
Question 1. Are You Hispanic or Latino? (A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.) ☐ Yes ☒ No	
Question 2. Please select the racial category or categories with which you most closely identify by placing an "X" in the appropriate box. Check as many as apply.	
RACIAL CATEGORY (Check as many as apply)	
☐ American Indian or Alaska Native	
☐ Asian	
☐ Black or African American	
☒ White	

12. SIGNATURE OF APPLICANT



DATE

5/23/2023

12. AGREEMENT: In filing this application, the undersigned understands that it becomes a part of the public records of the City of St. Augustine and does hereby certify that all information contained herein is true to the best of his/her knowledge. It is also understood that, if appointed, it is required by the State of Florida to file a financial disclosure Form 1 with the Supervisor of Elections, St. Johns County, within thirty (30) days of appointment, and each year thereafter, covering the term of appointment and to file Form 1-F upon departure from the board. Submit applications to Darlene Galambos, City Clerk, P.O. Box 210, St. Augustine, FL 32085.



Initial

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice Mayor and City Commissioners

DATE: July 24, 2023

RE: **2024 Legislative Action Plan**

Every year in the month of July, the city sends a list of the city's legislative priorities to St. Johns County for inclusion in the county's Legislative Action Plan. The city was very successful during the last legislative session in obtaining over \$16,000,000 in state appropriations for historic building rehabilitations, a sewer line extension to serve affordable housing, resiliency funding for the Lake Maria Sanchez drainage improvements project and funding for design and engineering a new fire station on Anastasia Island.

I have included some potential legislative requests for your review, these include requests from previous years that are still on-going concerns as well as new requests for conservation land acquisitions and funding for a museum exhibit at the Visitor's Information Center.

Please review this list and provide any additional items or remove any suggested items that I have provided.

If you have any questions, please let me know.



David Birchim, AICP
City Manager

SUBJECT: Support for Home Rule

1. PURPOSE: Support Home Rule for Local Governments

2. DISCUSSION/FACTS:

- a) Home Rule powers ensure that cities are effectively and efficiently providing for the needs and wishes of their residents.
- b) Home Rule ensures that cities can address the unique needs of its residents with local solutions.
- c) As State legislation is passed that limits the Home Rule powers of cities, local needs may no longer be able to be met by local government.

3. CONCLUSION / RECOMMENDATION:

The City of St. Augustine supports the repeal of any legislation that limits Home Rule powers for local government.

SUBJECT: Legislative Appropriation for Construction of Museum Exhibit Displays in the City of St. Augustine Visitor's Information Center

- 1. PURPOSE:** Appropriate \$800,000 dollars for construction of museum exhibit display cases in the Visitor's Information Center in support of the City and State of Florida's commitment to maintain Cultural Heritage ties to Spain.
- 2. DISCUSSION/FACTS:**
 - a) The City of St. Augustine is committed to an underwater archaeological exchange with the State of Florida, Department of State and Spain.
 - b) This will include a museum exhibit and interpretive video and materials being produced by the Minister of Culture in Spain and archaeological artifacts being loaned by the State of Florida, Department of State.
 - c) These archaeological artifacts and museum exhibits will be located in the City of St. Augustine Visitor's Information Center.
 - d) The Visitor's Information Center is host to millions of visitors to St. Augustine and the State of Florida every year, making this an ideal venue to showcase our commitment to underwater archaeology and cultural ties to Spain.
- 3. CONCLLUSION / RECOMMENDATION:**

A legislative appropriation of \$800,00 million would expedite the construction of a modern, museum quality exhibitions space for a cultural exchange between the City, State of Florida and Spain.

SUBJECT: Legislative Appropriation for Conservation Land Acquisition

1. **PURPOSE:** Purchase of environmentally sensitive lands for conservation and flood mitigation purposes.
2. **DISCUSSION/FACTS:**
 - a) There are privately owned wetlands and forested uplands that have the potential for being developed.
 - b) Development of these sensitive lands has a negative impact on the environment and can put adjacent homes and businesses at risk for flooding and storm surge by eliminating natural drainage patterns in the community.
 - c) These sensitive lands have never been developed because of the expense and complexity of wetland mitigation and tree removal.
 - d) The value of land in St. Augustine has dramatically increased, making the filling of wetlands and clearing of natural areas for development financially feasible.
 - e) The loss of these few remaining conservation areas will permanently alter the local ecology and eliminate any appreciation for the environment for future generations.
3. **CONCLUSIONS/ RECOMMENDATIONS:**
 - a) The City requests a legislative appropriation of \$1,000,000 as start up funding for a Conservation Land Acquisition Fund to purchase undeveloped, environmentally sensitive lands.

SUBJECT: Transportation Infrastructure

1. PURPOSE: Support for the continued construction of State Road 313.

2. DISCUSSION/FACTS:

- a) The State Road 313 Bypass will create a half-loop around St. Augustine to relieve excessive congestion along U.S. 1 and provide an improved non-local travel route that bypasses the core City.
- b) Rerouting the non-local traffic will assist in easing the congestion issues presently experienced along U.S. 1.
- c) The North Florida Transportation Planning Organization fully supports this project and has included it in their Transportation Improvement Program.
- d) The Florida Department of Transportation, in Fiscal Years 2020 and 2021, will continue working on right-of-way acquisition for State Road 313 from State Road 207 to State Road 16.
- e) Funding was provided in Fiscal Year 2020 for improvements at the U.S. 1 and State Road 313 interchange.
- f) The Florida Department of Transportation has been working on preliminary engineering to extend State Road 313 from State Road 207 to Holmes Blvd. to be let for construction in future years.

3. CONCLUSIONS / RECOMMENDATIONS:

- a) The City of St. Augustine requests the State provide necessary funding to complete the initial phase of connecting State Road 207 with State Road 16.
- b) The City of St. Augustine requests the State provide necessary funding to continue the State Road 313 extension from State Road 16 to U.S. 1 North.

SUBJECT: Commuter Rail Between Jacksonville and St. Augustine

- 1. PURPOSE:** Legislative appropriation to the FDOT for commuter rail design and construction.
- 2. DISCUSSION/FACTS:**
 - a) The Jacksonville Transportation Authority (JTA) has proposed and provided conceptual design to construct a commuter rail service between downtown Jacksonville to downtown St. Augustine.
 - b) The rail would reduce trips on I-95 which is about to begin a capacity expansion plan and construction.
 - c) The I-95 construction will exacerbate travel times on I-95.
 - d) The commuter rail will provide an alternative and predictable alternative to I-95 thereby relieving the amount of congestion.
 - e) The commuter rail will result in transportation capacity which will benefit the economic health of Northeast Florida.
 - f) The City of St. Augustine will invest in construction of a parking garage at the St. Augustine commuter train stop.
- 3. CONCLUSIONS / RECOMMENDATIONS:**
 - a) The legislator appropriation phased funding to the FDOT in a financing plan recommended by the JTA.
 - b) Create legislation that requires the expediting of comprehensive planning requests for approval of transit-oriented development zoning to encourage development around train stops.

SUBJECT: Tree Pruning, Trimming, or Removal on Residential Property

- 1. PURPOSE:** Support the repeal of the 2019 statute regarding tree pruning, trimming, or removal on residential property.
- 2. DISCUSSION/FACTS:**
 - a) The City of St. Augustine tree canopy is held in high regards by residents.
 - b) Statute 163.045, passed in 2019, is detrimental to the City's tree canopy.
 - c) The statute does not allow local government to require any notice, application, approval permit or mitigation for tree removal if an arborist or licensed landscape architect provides the property owner with documentation stating that the tree presents a danger to persons or property.
 - d) The statute does not allow local government to require a replanting if a tree is removed in this manner.
 - e) This bill is an erosion of Home Rule.
- 3. CONCLUSION / RECOMMENDATION:**

The City of St. Augustine supports the repeal of the 2019 statue regarding tree pruning, trimming, or removal on residential property.

CITY OF ST. AUGUSTINE

Regular City Commission Meeting
Monday, June 26, 2023

The City Commission met in formal session Monday, June 26, 2023, at 5:00 P.M. in the Alcazar Room at City Hall. The meeting was called to order by Mayor Nancy Sikes-Kline, and the following were present:

1. Roll Call: Nancy Sikes-Kline, Mayor/City Commissioner
Roxanne Horvath, Vice Mayor/City Commissioner
Barbara Blonder, City Commissioner
Cynthia Garris, City Commissioner
Jim Springfield, City Commissioner

Also Present: David Birchim, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Reuben Franklin, Assistant City Manager
Amy Skinner, Director, Planning and Building
Melissa Wissel, Director, Communications
Brandon Miller, Information and Technology Department
Jennifer Michaux, Police Chief
Elyse Wiemann, Recording Secretary

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Dan Ott, from Anastasia 16 Church, delivered the invocation, and Commissioner Horvath led the Pledge of Allegiance.

2. ADMINISTRATIVE ITEMS

2.A. Modification and Approval of Regular Agenda

Commissioner Blonder requested a to add Resolution 2023-19 as a modification to the agenda under item 9(b).

MOTION

Commissioner Blonder MOVED to approve the Regular Agenda with the above modifications. The motion was SECONDED by Commissioner Horvath

and APPROVED BY UNANIMOUS VOICE VOTE.

3. Special Presentations, Recognitions and Proclamations

3. A. Certificate of Recognition: 2023-05CR: Celebrating the 30th anniversary of the Tale Tellers of Saint Augustine. (R. Horvath, Commissioner)

4. General Public Comments (3 minutes per individual)

The Commission heard from the following members of the public:

- Doug Russo
- Rhonda Brennan
- Nancy Murray
- Chris Fulmer
- John Miller
- Scott Robinson
- Vicki Pepper

- BJ Kalaidi

5. Consent Agenda

David Birchim, City Manager, read the Consent Agenda.

CA.1. Preview of upcoming Commission meetings.

CA.2. THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON JULY 10, 2023:

- Ordinance 2023-21 - Naming alley "Love Lane"

CA.3. Reminder of Upcoming Meetings:

- July 10, 2023 - 3:00pm - Special City Commission Meeting (Discussion of 2023 Budget Assumptions - Revenues)
- July 10, 2023 - 5:00pm - Regular City Commission Meeting - (Adoption of Resolution of proposed millage rate and other budget related resolutions)
- July 24, 2023 - 5:00pm - Regular City Commission Meeting
- August 14, 2023 - 3:00pm - Special City Commission Meeting (Discussion of 2024 Budget Assumptions and 5-year Capital Improvement Plan)
- August 14, 2023 - 5:00pm - Regular City Commission Meeting

CA.4. APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS:

- May 22, 2023, Special City Commission Meeting
- May 22, 2023, Regular City Commission Meeting

CA.5. RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):

- 48 North Holmes Boulevard - Andrew Ambrose

CA.6. PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED).

(TO BE READ AT A SUBSEQUENT MEETING).

NONE.

CA.7. NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED:

NONE.

CA.8. May 2023 financial update. (M. Simpson, Director Finance)

CA.9. Consideration of the nomination of Dr. Susan Parker for the 2023 Order of La Florida award. (R. Horvath, Commissioner)

CA.10. Approval of a petition to vacate Depot Street which is a remnant right-of-way between 194 West King Street (PID 1111900000), 198 West King Street (PID 1112000000) and 35 North Ponce de Leon Boulevard (PID 1111300000) in order for it to be incorporated into the adjacent future development. (A. Skinner, Director Planning and Building)

CA.11.

- Invoice in 68 Anderson Street Quiet Title matter to Cavendish Partners, P.A. in the amount of \$2,981.00. (K. Traynor, Assistant City Attorney)
- Invoice in Spradaro Parcel Swap matter to Cavendish Partners, P.A. in the amount of \$4,044.00. (K. Traynor, Assistant City Attorney)
- Invoice in Ponce Associates/Madeira matter to Baker & Hostetler LLP in the amount of \$165.00. (S. Slaughter, Director Public Works)

End Consent Agenda

5.A. Additions, deletions or modifications to Consent Agenda

(None)

5.B. Approval of Consent Agenda MOTION

Commissioner Horvath MOVED to approve the Consent Agenda. The motion was SECONDED by Mayor Sikes-Kline and APPROVED BY UNANIMOUS VOICE VOTE.

6. Appeals

(None)

7. General Public Presentations, Items of Great Public Importance, and Other Items Requiring Public Hearings

7.A. General Public Presentations

(None)

7.B. Items of Great Public Importance

(None)

7.C. Other Items Requiring Public Hearing

(None)

8. Ordinances and Resolutions – Public Hearing Required.

8.A. Ordinances – Second Reading

(None)

8.B. Ordinances – First Reading (only if required by law)

(None)

8.C. Resolutions – Public Hearing (only if required by law)

(None)

9. Ordinances and Resolutions - No Public Hearing Required

9.A. Ordinances – First Reading

9. A.1 Ordinance 2023-18: Annexation of 0.90 acres west of the existing Cat's Paw Marina, which is a portion of 200 Nix Boat Yard Road (PID 1248320000)

and contiguous to the city limits. (A. Skinner, Director Planning and Building)

Amy Skinner, Planning and Building Director reviewed the three Ordinances.

The Commission provided their ex parte communication.

Brad Wester introduced and reviewed the project.

Mayor Sikes-Kline asked where the restaurant would be located.

Mr. Wester replied it was located on the waterfront and under construction. He said the decking area and outdoor area increased in square footage and was noted in the PUD.

Mayor Sikes-Kline asked if outdoor dining was included in the plan, and if there was a provision for outdoor music. She noted there was a lot of residential neighborhoods in the area and asked if they were amenable to having that provision.

Mr. Wester replied there was outdoor and indoor dining to accommodate everyone. He said currently there was not a noise provision; however, they would adhere to the City Code. He said they were on the water's edge and the restaurant orientation was towards water. He said there was not a threat of residential encroachment.

Mayor Sikes-Kline requested that limitations be added to the PUD prior to the Second Reading.

Board Discussion:

- St. Johns County Parks and Recs Department purchased property adjacent to this and noted it could be a busy area for boats and boat trailers
- County property would have a park, boat ramp, and parking

- In favor of having native plants in the design
- Reluctant of having asphalt parking and recommended permeable parking instead

MOTION

Commissioner Springfield MOVED to pass Ordinance 2022-18 on first reading and moved to second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez, City Attorney, read the Ordinance.

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA ANNEXING APPROXIMATELY 0.90 ACRES OF PROPERTY NOW LOCATED IN ST. JOHNS COUNTY, FLORIDA, LYING WEST OF THE EXISTING DEVELOPMENT REFERRED TO AS THE CAT'S PAW MARINA, NORTH OF NIX BOATYARD ROAD, SOUTH AND WEST OF THE SAN SEBASTIAN RIVERINE ENVIRONMENT AS DESCRIBED HEREIN; REDEFINING THE BOUNDARY LINES OF THE CITY OF ST. AUGUSTINE TO INCLUDE SAID PROPERTY; AMENDING SECTION 1.04 OF THE CHARTER LAWS OF THE CITY OF ST. AUGUSTINE, FLORIDA; PROVIDING FOR FILING OF A COPY HEREOF WITH THE CLERK OF THE CIRCUIT COURT OF ST. JOHNS COUNTY, FLORIDA, WITH THE CHIEF ADMINISTRATIVE OFFICER OF ST. JOHNS COUNTY, FLORIDA AND WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Springfield, Horvath, Garris, Blonder, Sikes-Kline
NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.2. Ordinance 2023-19: Amends the future land use designation of the annexed 0.90 acres west of the existing Cat's Paw Marina, which is a portion of 200 Nix Boat Yard Road (PID 1248320000) from St. Johns County Mixed-Use District to City Marine Industrial. (A. Skinner, Director Planning and Building)

MOTION

Commissioner Horvath MOVED to pass Ordinance 2022-19 on first reading and moved to second reading. The motion was SECONDED by Commissioner Springfield.

Isabelle Lopez, City Attorney, read the Ordinance.

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING THE FUTURE LAND USE MAP (FLUM) DESIGNATION OF APPROXIMATELY 0.90 ACRES OF PROPERTY LOCATED NORTH OF NIX BOATYARD ROAD AS A PORTION OF THE G.W. PERPALL GRANT ADJACENT TO THE CAT'S PAW MARINA DEVELOPMENT IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT DESIGNATION OF ST. JOHNS COUNTY MIXED USE DISTRICT TO A CITY DESIGNATION OF MARINE INDUSTRIAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Horvath, Springfield, Garris, Blonder, Sikes-Kline
NAYES: None
MOTION APPROVED UNANIMOUSLY

9.A.3 Ordinance 2023-20: Amends the zoning designation of the annexed 0.90

acres west of the existing Cat's Paw Marina, which is a portion of 200 Nix Boat Yard Road (PID 1248320000) from St. Johns County Residential, Manufactured/Mobile Home (RMH) to City Planned Unit Development (PUD) and including amending the existing Cat's Paw Marina PUD at 220 Nix Boat Yard Road (PID 1348300000). (A. Skinner, Director Planning and Building)

MOTION

Commissioner Springfield MOVED to pass Ordinance 2022-20 on first reading and moved to second reading. The motion was SECONDED by Commissioner Horvath.

Isabelle Lopez, City Attorney, read the Ordinance.

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA REZONING APPROXIMATELY 0.90 ACRES OF PROPERTY LOCATED NORTH OF NIX BOATYARD ROAD AS A PORTION OF THE G.W. PERPALL GRANT ADJACENT TO THE CAT'S PAW MARINA DEVELOPMENT IN THE CITY OF ST. AUGUSTINE, AS MORE PARTICULARLY DESCRIBED HEREINAFTER, FROM ITS CURRENT CLASSIFICATION OF ST. JOHNS COUNTY RESIDENTIAL MANUFACTURED/MOBILE HOME (RMH) TO THE CITY CLASSIFICATION OF PLANNED UNIT DEVELOPMENT (PUD); THIS INCLUDES THE AMENDING AND RECONSTITUTING OF THE EXISTING CAT'S PAW MARINA PUD INCORPORATING THE PROPERTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

VOTE ON MOTION:

AYES: Springfield, Horvath, Garris, Blonder, Sikes-Kline
NAYES: None

MOTION APPROVED UNANIMOUSLY

9.A.4 Ordinance 2023-21: Names a presently unnamed alley near Cincinnati Avenue and Rohde Avenue to "Love Lane". (R. Franklin, Assistant City Manager)

Mr. Franklin, Assistant City Manager, reviewed the Ordinance.

Board Discussion:

- Disappointed with the number of responses returned
- If more information was needed, in favor of a continuance
- Felt there was no justification for the name of the lane
- Did not mind naming the street but thought the name should be more historic
- Questioned if complaints were received

Mr. Franklin replied the complaints received were more focused on Airbnb's and the name being out of place.

Mayor Sikes-Kline thought the Comprehensive Plan suggested using historic names when naming streets; however, she was not opposed to the name Love Lane.

Commissioner Springfield advised he would research the issue more and provide his findings.

Commissioner Blonder noted it was troublesome that other road signs had been added as it could hinder emergency services and set a precedence that was not appropriate.

Mayor Sikes-Kline said the offer was to withdraw and continue the Ordinance.

Mr. Birchim advised it could be continued to a time uncertain and first reading would be rescheduled after more research was completed.

MOTION

Commissioner Springfield MOVED to CONTINUE Ordinance 2022-21. The motion was SECONDED by Commissioner Horvath.

VOTE ON MOTION:

AYES: Springfield, Horvath, Garris, Blonder, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

9.B. Resolutions 2023-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA OPPOSITION TO OFFSHORE DRILLING ACTIVITIES AND EXPANSION OF OFFSHORE DRILLING IN THE GULF OF MEXICO.

Commissioner Blonder reviewed the Resolution and noted Hunter Miller from the Oceana Organization a non-profit for protecting ocean environments. She supported his request to have a letter from the Commission to oppose offshore oil drilling which was in tandem with the letter to President Biden. She asked the Ms. Galambos to provide the letter from Mr. Miller; however, she developed a resolution in opposition of the offshore drilling.

Ms. Galambos advised in 2010, a resolution was passed in opposition of offshore drilling and in 2015, a resolution was adopted against anti-fracking. She said this outlined the same position but opposed any new offshore drilling in the five-year plan.

Mayor Sikes-Kline noted Mr. Miller had asked her to sign a petition in opposition of the offshore drilling. She felt both the petition and resolution were beneficial.

Commissioner Blonder said she was grateful for the environment that was shared in St. Augustine.

MOTION

Commissioner Blonder MOVED to SUPPORT Resolution 2023-19 Florida opposition to offshore drilling. The motion was seconded by Commissioner Horvath.

VOTE ON MOTION:

AYES: Blonder, Horvath, Garris, Springfield, Sikes-Kline

NAYES: None

MOTION APPROVED UNANIMOUSLY

10. Staff Reports and Presentations

10.A. Final report by consultants, Brooks and Scarpa, on 450 North Holmes Boulevard. (R. Franklin, Assistant City Manager)

Mr. Franklin introduced Mr. Hubert and Mr. Berk consultants from Brooks and Scarpa provided the Commission with a brief presentation regarding 450 Holmes Boulevard.

Commissioner Horvath questioned if there were other examples from around the state.

Mr. Hubert replied there were not many developments that had inclusionary zoning; however, there were some programs immersing nationally especially through the Mayors Institute on City Design. He said there was precedence of this happening more and more.

Commissioner Blonder commented that the team captured the reality and the other components as to why this was needed. She appreciated the sustainability elements that were incorporated and thought it was forward thinking.

Board Discussion:

- Wanted to have the dollar value for the people that would qualify

- Felt it would take a lot of investigation to understand how and who this could affect
- Was giving the County a gift due to the property location
- Unsure if safeguards could be built in
- Questioned how this would be a value to the people of the City
- Would lose a staging area and mineral rights potentially

Mayor Sikes-Kline asked Mr. Birchim if he wanted to discuss the appraisal and the recommendations.

Mr. Birchim replied no decision needed to be made at the moment; however, there were options which were as follows:

- Could remain the Public Works and Utility Department staging area and conservation land
- Sell property and use the proceeds to help incentivize affordable housing projects within the City
- Lastly, site could be developed into affordable housing

He noted the appraised value was \$2.180 million dollars with all its current entitlements. He said the proceeds could not be used to find another staging area for the Public Works and Utility Departments; however, questioned where that could be established on owned City property. He said to start development of the property, they would have to have development review by St. Johns County. He said St. Johns County had their own development review committee and once reviewed, comments of the site plan would be received. He said those comments could result in a change to the site plan. He said before this could be sent out for an RFP, the County's comments were needed to clearly understand what it would take to develop the site as affordable housing. He said the City wanted to keep some of the mineral rights on the property to mine coquina in the future if necessary. He said St. Johns County development process was longer than the City's and could take

up to a year of work before an RFP could be sent out. He said this would be an open discussion during that period. He advised Reuben Franklin would be the point of contact for the City. He said they were meeting with mobility housing in the coming weeks.

Mayor Sikes-Kline commented fact-finding trips could help with site design, architecture, and development, and hearing from people who help develop these types of projects could assist with the concept. She noted she was not a member of the Mayor's Institute; however, wanted to have more information regarding that provided. She said she would like for this project to stay on track as a commitment had been made for the water and sewage for the site and monies were received from the State. She said this could be a catalysis to the community that the City was serious in investing in West Augustine. She said she was in favor of option five but was open to hearing from the rest of the Commission.

Commissioner Blonder thought this was an opportunity to expand the septic to sewer conversion. She was in favor of continuing the process and thought the time frame would help answer the questions and concerns. She asked if there was space at the end of Fish Island Road for the staging area.

Mr. Birchim replied that was the site they were looking at. He clarified the appropriation from the state was for a sewer expansion and force main extension, which was served by City water but would serve the neighbors outside the community and would be a spinoff benefit to the neighborhood.

Commissioner Horvath felt this site should be built out for affordable housing. She said after more research they understood it was good to have a mix of housing was good to help offset low-income housing, and they thought they could earmark some units for the City; however, after further

research, that did not seem feasible. She said the City was small and this seemed to be a gift to the County who would benefit most. She felt the appraisal was not realistic since it came back at \$2.180 million dollars for twenty-seven buildable acres due to wetland buffers and parking. She agreed the staging area should be moved and felt the county should waive the impact and traffic fees associated with the project and the City and County should work together.

Commissioner Garris felt the County was not concerned with affordable housing and did not feel they would be accessible with helping even though it would benefit them. She said this entire property would not be affordable housing but mixed income, which would address some of the issues but not all. She agreed that the value of the land should be known before moving forward with development as this was an asset and benefit to the City. She thought more discussion was needed.

Commissioner Horvath replied the property was always perceived to be mixed housing as the higher cost housing helped to offset the lower cost housing.

Commissioner Springfield agreed with moving ahead but asked if the property were rezoned, would that increase the value.

Mr. Birchim said it could; however, a Planned Unit Development (PUD) was the vision for the location and those entitlements would be specific and would have to be sold.

Commissioner Springfield noted he was in favor of moving forward, doing more research, and continuing the discussion.

Mayor Sikes-Kline thought the appraisal was sound; however, thought it could be reviewed. She said they needed to consider the special appropriation from the state, which was a significant investment

that was specifically tied to this being affordable housing.

Mr. Birchim said if the site were not developed for affordable housing, they could go back to state and use the money in the utility service area elsewhere to benefit low-income housing.

Mayor Sikes-Kline said it was not a unanimous agreement; however, three commissioners wanted to move forward with item five and the county.

Mr. Birchim said that process could begin, and a report would be annually or quarterly.

Mayor Sikes-Kline replied reports preferably should be provided quarterly.

Commissioner Blonder felt this was a time to develop relationships with the County Commissioner in the hopes of working together.

11. ITEMS BY CITY ATTORNEY

11.A. Statutory notice of proposed Madeira CDD budget for Fiscal Year 2023-2024. No Action Required - For Information Only. (K. Traynor, Assistant City Attorney)

11.B. Proposed St. Johns County Ordinance prohibiting floating structures. No Action Required - For Information Only. (I. Lopez, City Attorney)

12. ITEMS BY CITY CLERK

(None)

13. ITEMS BY CITY MANAGER

Mr. Birchim asked the Board if they would confirm Reuben Franklin as the Co-Assistant City Manager.

MOTION

Commissioner Horvath MOVED to confirm Reuben Franklin as the Co-Assistant City Manager. The motion was SECONDED by Commissioner Blonder and was approved by UNANIMOUS VOICE VOTE

14. Items by Mayor and Commissioners

14.A. Review of proposed letter to President Biden supporting the prevention of new offshore oil leasing. (N. Sikes-Kline, Mayor)

Mayor Sikes-Kline said this was the signing of a letter of what was approved as Resolution 2023-19.

There was consensus for the proposed letter to President Biden supporting the prevention of new offshore oil leasing

Commissioner Springfield noted the oil spill in the gulf and said it had been long enough to forget but it was a disaster. He thanked the Commission for the support.

Commissioner Garrjs received an email from resident Kimberly Boyer whose daughter passed from a heart condition. Ms. Boyer asked for the alley behind her home to be named Kelly's Alley. She said from the information provided from Ms. Boyer, Kelly was a great human. She noted she would provide the information and once done the process could begin.

Commissioner Garrjs mentioned having an after-school program at the Galimore Center. She noted Greg White had a successful program for the past twenty-four years and was willing to be involved. She advised she spoke to the Mr. Birchim about the use of the Galimore Center and this could be beneficial. She said the hours would be from 2:00p.m.-6:00p.m, and the children would be safe and supervised. She felt the Galimore Center was not being utilized enough and thought this would be great for the community. She said they

would have a meeting and she could bring the specifics back for review.

Commissioner Horvath noted she liked the idea but was unsure if it was similar to the Boys and Girls Club.

Commissioner Garrjs replied this was not similar as they offered different activities and the fees were higher.

Commissioner Horvath reminded the Commissioners about their F1 forms as they were due by July 3, 2023.

Mayor Sikes-Kline noted they may want to consider having a joint meeting with the County Commission as affordable housing would be a topic of discussion; however, she was unsure how that would affect going before them for review of the Holmes project.

15. Adjournment

There being no further business, the meeting was adjourned at 7:14 P.M.¹

Nancy Sikes-Kline, MAYOR

Darlene Galambos, CITY CLERK

¹ Transcribed by Elyse Wiemann

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

DATE: July 7, 2023

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 678 JULIA STREET**

Enclosed is a Satisfaction and Release of Mortgage for 678 Julia Street, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and Joycelyn Martin. The mortgage was recorded in the Public Records of St. Johns County on September 27, 2013. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the July 24, 2023 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

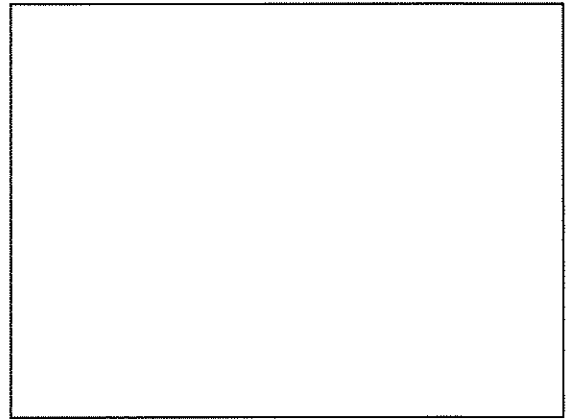


Isabelle C. Lopez
City Attorney

/s/
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision
and direction of Isabelle C. Lopez, City Attorney,
P.O. Box 210, St. Augustine, Florida 32085



**SATISFACTION AND
RELEASE OF MORTGAGE**

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **JOYCELYN MARTIN**, whose address is 678 Julia Street, St. Augustine, Florida 32084, her heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated September 16, 2013, recorded at Official Records Book 3795, Page 958, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagor from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 3795, Page 958, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this ____ day of _____, 2023.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk
(S E A L)

By: _____
Nancy Sikes-Kline, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of ☐ physical presence or ☐ online notarization, **Nancy Sikes-Kline**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that she executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2023.

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: 1-13 DANCY TRACT, BLK 50-1 RE-SUB LOTS 5-7 & 18 THRU 20 OR BLK 50 (COMMONLY KNOWN AS 678 JULIA STREET, ST. AUGUSTINE, FL 32084).

THE ABOVE DESCRIPTION IS SUBJECT TO THE ESTABLISHED LINES AS THEY NOW EXIST.

PARCEL ID NUMBER: 114080-0000

LOCATION ADDRESS: 678 JULIA STREET, ST. AUGUSTINE, FLORIDA 32084

**UNIT CONNECTION FEE
MORTGAGE**

THIS MORTGAGE, by and between **Joycelyn Martin**, whose address is 678 Julia Street, hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Department, St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity may be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee may foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

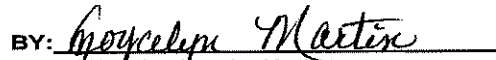
3. That the Mortgagee will make monthly payments in the amount of \$42.69 for 120 months.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this 16th day of September 2013.

Signed, sealed and delivered
in the presence of:


Witness
Printed Name: Barbara J Muench


Witness
Printed Name: Debra O. Martin

BY: 
(Printed Name) Joycelyn Martin
(Address) 678 Julia Street
(Telephone) 904-874-4696

* * * NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE * * *

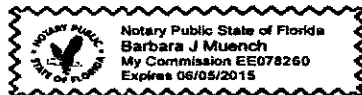
FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

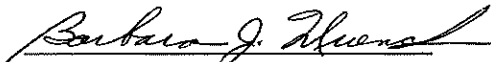
STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Joycelyn Martin**, who is personally known to me or who has produced FLA. DRIVER'S LICENSE as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 16th day of September 2013.




Notary Public, State of Florida

LEGAL DESCRIPTION

1-13 DANCY TRACT, Blk 50-1 RE-SUB LOT S 5-7 & 18 thru 20 or Blk 50 (commonly known as 678 Julia Street, St. Augustine, FL 32084).

The above description is subject to the established lines as they now exist.

Parcel No. 114080-0000

Exhibit "A"

**UNIT CONNECTION FEE
PROMISSORY NOTE**

APPLICANT(S) NAME: Joycelyn Martin
ADDRESS: 678 Julia Street
St. Augustine, FL 32084

\$4,383.00

St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at **678 Julia Street**, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require, the principal sum of **4,383 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **3.18 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **42.69 Dollars** each, commencing on the date hereof and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered Dated as of: **September 16, 2013**, in the presence of:

Barbara J. Muench
Witness
Printed Name: Barbara J Muench

BY: Joycelyn Martin
(Printed Name) Joycelyn Martin
(Address) 678 Julia Street
(Telephone) 904-874-4696

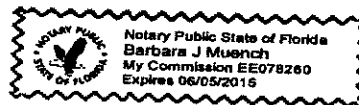
Debra O. Martin
Witness
Printed Name: Debra O. Martin

STATE OF FLORIDA
COUNTY OF ST. JOHNS

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Joycelyn Martin, who is personally known to me or who has produced FLA. DRIVER'S LICENSE as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 16th day of September 2013.

Barbara J. Muench
Notary Public, State of Florida



CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

RE: Selection for the 2023 Order of La Florida Award

DATE: July 24, 2023

In accordance with the process outlined in Resolution 2017-08, I request that the nomination of Dr. Susan Richbourg Parker be advanced for selection as a recipient of the 2023 Order of La Florida Award.

Please place this on the consent agenda for the July 24 City Commission meeting for approval. The presentation shall be scheduled prior to a regularly scheduled City Commission meeting in September.

Thank you,

A handwritten signature in black ink, appearing to read 'Roxanne Horvath', followed by a long horizontal flourish.

Roxanne Horvath, Vice Mayor

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: David Birchim, City Manager

RE: Selection for the 2023 Order of La Florida Award

DATE: July 24, 2023

In accordance with the process outlined in Resolution 2017-08, I request that the nomination of Kay Burtin be advanced for selection as a recipient of the 2023 Order of La Florida Award.

Please place this on the consent agenda for the July 24 City Commission meeting for approval. The presentation shall be scheduled prior to a regularly scheduled City Commission meeting in September.

Thank you,

A handwritten signature in black ink, appearing to be 'NS' with a long horizontal flourish extending to the right.

Nancy Sikes-Kline, Mayor

Lucy Fountain

Subject: FW: May Street Art Selection Team

From: ROXANNE HORVATH <duoarch@comcast.net>
Sent: Monday, July 17, 2023 2:26 PM
To: David Birchim <dbirchim@citystaug.com>
Subject: May Street Art Selection Team

David,

I have been working to develop the subject matter experts for the "Call to Artists" for the May Street Roundabout Artwork.

The individuals that I have asked to serve are:

Christina Parrish Stone: Executive Director of the St. Johns County Cultural Council
David Bagnall: Executive Director of the Lightner Museum
Julie Dickover: Executive Director of the Chrisp-Ellert Art Museum
Diane Mataraza: President of Mataraza Consulting

I am happy to report they have all accepted and are looking forward to helping the City find the right artist to create this important signature piece of art for this prominent location.

Because this is summer, many have previous commitments for vacations and conventions. I have secured our first meeting for 11:00 on September 1, 2023 at the Cultural Council. In order to get ready for their input and to make the meeting productive, I will be developing items that will be used in the graphics for the advertising, in order to speed up the process.

After speaking with Isabelle and Darlene, I think I might have misunderstood the requested process. I would like to ask you to put these names forward on the consent agenda for the review and I hope approval by my fellow commissioners.

Please feel free to call me if you would like to discuss further.

Thank you,

Roxanne Horvath